

<b>TIME</b>	<b>SPEAKER:</b>	<b>TEXT:</b>
0:00	<u>Chair:</u>	The Chair now recognizes Mr. Perry, for five minutes.
0:03	<b>Rep. Scott Perry</b>	I thank the Chair. Mr. Baker, your testimony raises AOPA’s concerns about Santa Clara County’s decision to ban one hundred low lead (100LL) aviation fuel, and I think – and I’m gonna quote you here by saying, uh quote, required by thousands of general aviation aircraft to fly safely, uh, and that the decision to ban it is again, quote, simply irresponsible. Now, look, if you want to have a private airport and ban airplanes, that’s your business, God bless you. But, if we’re going to be federally funding your airport, then we ought to have something to say about it, and I find it particularly offensive, not only irre - unsafe but irresponsible and offensive, that for some insane Green New Deal ideology you’re going to ban anything. If, if - you know, if your going to have a federally, partially federally funded airport, you’re going provide the fuel necessary. And I don’t know if anybody’s familiar with catastrophic engine failure at – in flight, but I can guarantee you it is an unpleasant experience. Mr. Baker, can you explain the impact on those maybe flying law enforcement missions, disaster relief, search and rescue, understanding that we all would like to fly something that uses jet-A. That’s awesome. But we’re – we’re not all – can’t - we all can’t afford jet-A. Can you explain the impact?
1:24	<b>Mark Baker (AOPA)</b>	<i>Yeah, it’s a huge impact. Thank you for the question. We believe – uh, working with the FAA, and trying to enforce the idea that a federally obligated airport, required to carry the fuel that allows for the safe transportation of all aircraft, not just some of the aircraft. And, we’ve already had one misfueling accident, in Santa Clara today. We’ve had other misfuelings that have gone on, and they’ve had to refuel or defuel the airplane. This ecosystem that goes together with these 5,000 public use airports is so important that they all provide the same level of safety and fuel for these aircraft. We all believe we can get to this transition by 2030, but we need to make sure that we don’t have gaps in that system in the meantime. That’s one of the things that we’re pushing really hard, to make sure that we have a supply of low-lead fuel until there is an alternative fuel in place that can support all aircraft, not just some.</i>
2:12	<b>Rep. Perry</b>	And the alternative needs to be affordable, right? Not just some alternative that meets the specific requirement but nobody can afford to use, again to go after the insane Green New Deal ideology. Could you provide the subcommittee with some details surrounding the accident in question, regarding Santa Clara’s ban of 100LL and the misfueling that took place?
2:34	<b>Mark Baker</b>	<i>As I understand it the uh – high horsepower – high – 300 horsepower engine, uh, got to the airport, needed fuel to get on to the next port, put on some fuel, and I don’t know exactly what happened to the detonation of that engine, but the engine came apart, uh, shortly after takeoff.</i>

<b>TIME</b>	<b>SPEAKER:</b>	<b>TEXT:</b>
2:49	Rep. Perry	And, and what resulted at that point?
2:52	<b>Mark Baker</b>	<i>Fortunately there was no fatalities, but, certainly, anytime you have an aircraft coming out of the space in an urban area, there's high risk.</i>
2:58	Rep. Perry	Yeah, high risk, and I will tell you, the 'pucker factor', if you're sitting in the seat, or anywhere in the aircraft – and that's what we call it when we're in the seat, the pucker factor goes – like you can't pull a fishing line out of your rear end with a tractor, alright? And, uh, and that's not a position to put pilots in for, again, insane Green New Deal woke ideology. Uh, in the past few committee hearings I've raised the issue, and unfortunately concerns - these concerns that I've had, uh, have become reality. Upcom- the upcoming FAA reauthorization bill is something that we're looking forward to, and in your opinion – I know mine but I want to hear yours, cuz you're representing folks that don't get to sit in these seats – what should Congress do to insure these things don't happen?
3:43	<b>Mark Baker</b>	<i>I think there's two things the Congress can do. One is to make sure that we don't lose availability of 100LL until there is a suitable, affordable replacement. The second thing we could do is to try and work with some of these STC holders to try and get it to go faster, try and get the fuel in these markets faster, to get some learnings done and some demonstrations done. I think there should be some money allocated for these STC holders to try and get that fuel in the market faster. But in the meantime, we cannot allow slippage, in any part of this ecosystem, that doesn't keep 100LL available.</i>
4:13	Rep. Perry	So, should there be a penalty of sorts, for airports federally funded that decide to ban it?
4:20	<b>Mark Baker</b>	<i>That's correct.</i>
4:21	Rep. Perry	There should – you would agree there should be?
4:22	<b>Mark Baker</b>	<i>I agree.</i>
4:23	Rep. Perry	Alright. Thank you Mr. Chairman, I yield back.
4:26	<u>Chair:</u>	Thank you, Mr. Perry.



# Aviation Investigation Preliminary Report

<b>Location:</b>	San Jose, CA	<b>Accident Number:</b>	WPR22LA271
<b>Date &amp; Time:</b>	July 22, 2022, 19:11 Local	<b>Registration:</b>	N300BH
<b>Aircraft:</b>	Piper PA-32-301	<b>Injuries:</b>	1 Serious
<b>Flight Conducted Under:</b>	Part 91: General aviation - Other work use		

On July 22, 2022, about 1911 Pacific daylight time, a Piper PA-32-301 airplane, N300BH, was substantially damaged when it was involved in an accident near San Jose, California. The pilot was seriously injured. The airplane was operated as a Title 14 *Code of Federal Regulations* Part 91 business flight.

The accident pilot was in the hospital and not available for an interview. According to the pilot's wife, her husband had planned to fly the airplane in the airport traffic pattern before landing at a nearby airport. Airport operations reported that the airplane was departing to the north at the time of the accident. The pilot's wife reported that her husband experienced a total loss of engine power shortly into his climb from approximately 500 ft mean sea level. Preliminary audio of the accident flight was caught by a nearby surveillance camera located in the accident airplane's route of flight approximately 0.4 nm north of the departure end of runway 31R. The audio captured an increase in engine volume about 1910:41, which was followed by a sudden change in the engine sound about 13 seconds later. A sound that resembled an impact with terrain was captured in the audio about 1911:19.

The airplane subsequently impacted the ground and penetrated a fence before it came to rest about 0.3 nm northwest of the departure end of runway 31R. Photographs provided by law enforcement showed that the airplane came to rest upright. The left wing exhibited a steep upward bend about midspan and the right wing outboard leading edge was crushed. The forward fuselage was damaged and the engine was displaced from its normally mounted position.



## Aircraft and Owner/Operator Information

<b>Aircraft Make:</b>	Piper	<b>Registration:</b>	N300BH
<b>Model/Series:</b>	PA-32-301	<b>Aircraft Category:</b>	Airplane
<b>Amateur Built:</b>			
<b>Operator:</b>		<b>Operating Certificate(s) Held:</b>	None
<b>Operator Designator Code:</b>			

## Meteorological Information and Flight Plan

<b>Conditions at Accident Site:</b>	VMC	<b>Condition of Light:</b>	Dusk
<b>Observation Facility, Elevation:</b>	KRHV,133 ft msl	<b>Observation Time:</b>	18:47 Local
<b>Distance from Accident Site:</b>	0 Nautical Miles	<b>Temperature/Dew Point:</b>	26°C /10°C
<b>Lowest Cloud Condition:</b>	Clear	<b>Wind Speed/Gusts, Direction:</b>	9 knots / , 300°
<b>Lowest Ceiling:</b>	None	<b>Visibility:</b>	10 miles
<b>Altimeter Setting:</b>	29.9 inches Hg	<b>Type of Flight Plan Filed:</b>	
<b>Departure Point:</b>	San Jose, CA	<b>Destination:</b>	San Jose, CA (SJC)

## Wreckage and Impact Information

<b>Crew Injuries:</b>	1 Serious	<b>Aircraft Damage:</b>	Substantial
<b>Passenger Injuries:</b>		<b>Aircraft Fire:</b>	None
<b>Ground Injuries:</b>		<b>Aircraft Explosion:</b>	None
<b>Total Injuries:</b>	1 Serious	<b>Latitude, Longitude:</b>	37.332861,-121.8198 (est)

## Administrative Information

<b>Investigator In Charge (IIC):</b>	Stein, Stephen
<b>Additional Participating Persons:</b>	Jose Fierro; Federal Aviation Administration; San Jose, CA Mark Platt; Lycoming Engines; Williamsport, PA Kathryn Whitaker; Piper Aircraft Company; Vero Beach, FL
<b>Note:</b>	The NTSB did not travel to the scene of this accident.

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION  
WASHINGTON, DC

AIRCRAFT OWNERS AND PILOTS \*  
ASSOCIATION, *et al*, \*

Complainants,  
v.

FAA Docket No. 16-22-08

COUNTY OF SANTA CLARA, \*  
CALIFORNIA \*

Respondent.

\* \* \* \* \*

**DECLARATION OF NIKNAM NICKRAVESH**

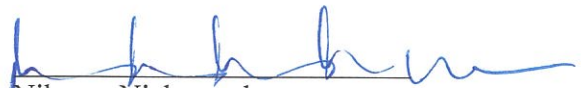
I, Niknam Nickravesh, being over 18 years of age and otherwise fully competent to testify state that:

1. I have personal knowledge of the facts stated herein.
2. I am the owner of multiple businesses that operate at Reid-Hillview Airport (KRHV), including Nik's Aircraft, LLC and Flying S Aviation. I am also the Director of Maintenance for Nice Air Aviation.
3. I am aware of an accident that occurred on July 22, 2022, that involved a Piper PA-32-301 aircraft, registration number N300BH (the "Aircraft"), shortly after it departed from RHV.
4. Prior to this accident, the Aircraft underwent maintenance at Flying S Aviation. When the maintenance on the Aircraft began, I estimated that the Aircraft had approximately 30 gallons of 100LL on board total. The maintenance performed on the Aircraft included engine run-ups. At the conclusion of maintenance on the aircraft, I personally observed the aircraft had little to no fuel remaining as a result of the engine run-ups in the left tank.
5. To the best of my knowledge, the Aircraft requires 100LL.
6. It is my understanding that the operator of the Aircraft was aware of the Aircraft's fuel status but was not able to obtain 100LL fuel at RHV. As a result, the Aircraft departed RHV with little to no fuel remaining. It is my understanding that the operator of the Aircraft intended to fly to San Jose International Airport (KSJC) to obtain 100LL.

7. After the accident occurred, I was told by an NTSB accident investigator that the Aircraft had run out of fuel.
8. I am personally aware of multiple instances involving transient aircraft that arrive at RHV anticipating to fuel with 100LL, unaware that it is not available at RHV. As a result of the lack of availability of 100LL, these aircraft depart without refueling.
9. I am personally aware of a misfuelling incident at a Santa Clara County airport, where the pilot mistakenly self-fueled their Christen Eagle aircraft with 94UL fuel, which cannot safely and legally use 94UL fuel. The error was identified before takeoff.

I **AFFIRM** under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge.

DATED: 1/6/2023



Niknam Nickraves