

Liability

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Widow Sues FAA for Wind Turbine Airplane Crash

By Ilyas Akbari of Baum, Hedlund, Aristei & Goldman, P.C. posted in [Plane Crash](#) on Thursday, February 16, 2017.

A woman whose husband was killed in a 2014 [small private airplane crash](#) in South Dakota has now brought a federal lawsuit against the Federal Aviation Administration (FAA), claiming they are to blame for her husband's death.

Natalie Rau, whose husband, Logan Rau, died in the crash, says she believes the administration did not take adequate measures to prevent the crash. Her charges against the FAA center on the wind farm where the airplane crash took place, and allegations that the FAA did not include the wind farm on their aeronautical charts, nor did they ensure the turbines were properly lighted to prevent a crash.

Four Killed in South Dakota Plane Crash

[The piper plane crash in question occurred on April 27, 2014](#) . The four men on board were returning to Gettysburg, South Dakota from a cattle sale in Hereford, Texas. On the trip down to Texas, the men had encountered wind and fog, to the point that they mentioned the weather conditions to colleagues at the cattle sale. On the trip home, they faced more of the same travel conditions.

Piloting the Piper airplane was 30-year-old Donald J. "D.J." Fischer, who lived in Gettysburg, worked as a crop sprayer for Air Kraft Spraying, Inc., and was a fixture of the community. His passengers were Logan Rau, Brent Beitelspacher, and Nick Reimann—all cattlemen. As Fischer fueled up the Piper airplane before the trip back to South Dakota, he commented to a fixed base operator employee at Hereford Airport that the only reason they were leaving then was because one of the passengers was anxious to get home.

Initially, the trip progressed as planned, with Fischer checking in on weather conditions and updating on the plane's position. It wasn't until the plane did not arrive in Gettysburg that a family member raised concern and reported the plane missing. It would not be until 3:30 a.m. on April 28, 2014, that the Hyde County Fire Department and the Hyde County sheriff's department

would discover the wreckage at South Dakota Wind Energy Center, not far from Highmore airport. All four men had perished in the crash.

What's Known About the Piper Crash?

Officials faced several challenges in discerning the details of the South Dakota plane crash.

For one thing, Fischer was not in communication with air traffic control when the crash occurred, nor was there radar data for the plane at the time of the accident. The flight recorder on board, which could store historical position information, was also destroyed in the crash.

Still, officials were able to come up with some facts:

- The plane crash had taken place at about 10:16 p.m. in winds of around 21 miles per hour. The plane broke apart on impact and was scattered around the field below the one of the wind turbines.
- Fischer was current on all his requirements as a pilot and had logged nearly 4,000 hours of flight time between April of 2010 and April of 2014. Furthermore, he was familiar with the area where the crash occurred.
- The Piper airplane, a PA-32R-300, was maintained under an annual inspection program and had last been inspected on April 17, 2013.

A bigger variable for officials to address was the wind farm.

Was the Wind Farm the Cause?

Fischer knew about the presence of South Dakota Wind Energy Center, which is owned by NextEra Energy Resources. In fact, he knew enough about the wind farm to voice concern over it to the FAA Flight Standards District Office in Rapid City (though further details about what he said are unavailable).

The location of the airplane crash, and the damage to wind turbine tower #14 (one of 27 on the wind farm) suggest that a collision was the cause of the crash. A more looming question is why, if Fischer knew the wind farm was there, did the collision happen?

The [official report from the National Transportation Safety Board \(NTSB\) on the airplane crash](#) highlights a couple of factors that may have been responsible.

First, the obstruction light on the tower did not work properly when it was tested after the accident. A witness (who did not see the crash) claimed that the light on that tower was not working at the time of plane crash, and had not been for an unidentified amount of time. Later, however, the witness would not return calls to verify their claims.

Secondly, the NTSB found that the South Dakota Energy Center wind farm was not depicted as such on the charts Fischer was using. The wind farm would not be depicted until the next edition of the chart, which became effective on July 24, 2014.

Those are also the reasons why Natalie Rau believes the FAA is responsible for the death of her husband, who never returned home from his trip to Texas.



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\$6.7 Million Awarded in Previous Wrongful Death Verdict Against Wind Farm

Pilots have long had concerns about the safety of wind farms, and some of those fears were validated in 2011 when Steve Allen, a Northern California agricultural pilot with over 25,000 accident-free flight hours, crashed into a nearly invisible wind observation tower and was killed.

The tower had been set up to see if the location was good for a wind farm, and had been built to be mere inches under 200 feet, because any tower under 200 feet did not have to be lighted or reported to the FAA. While skirting these regulations sped things up for wind energy companies, it created an incredible risk for pilots, who were highly unlikely to know about or see the towers.

[Allen's family was awarded \\$6.7 million](#) in the wrongful death settlement they filed.

Wind Farm Airplane Crash in Germany Reignites Concerns

As Rau takes her case to court, another wind farm airplane crash has occurred, this one in Northwestern Germany.

The cause of that crash has not been determined, but officials have said [the pilot collided with a wind turbine](#) while flying at a height of 40 meters and in relatively clear weather conditions.

Fears from the crash in Germany have been strong enough to [cast doubts on a new wind farm project in Swansea](#), a county in Wales.