

National Transportation Safety Board

Washington, DC 20594



Response to Petition for Reconsideration

February 19, 2025

Ms. Lori Van Sant

[REDACTED]

Albuquerque, NM 87120

In accordance with Title 49 *Code of Federal Regulations (CFR)* Part 845.32, the National Transportation Safety Board (NTSB) has reviewed your petition for reconsideration and modification of probable cause of the October 8, 2023, aviation accident involving a Cameron Balloons US A-105 balloon near Albuquerque, New Mexico (WPR24LA011). You met the requirements for the NTSB's review of your petition because, as the pilot, you had a direct interest in the investigation and offered claims that our report was erroneous. Based on our review of the petition filed on May 16, 2024, the NTSB grants the petition in its entirety.

On October 8, 2023, about 0815 mountain daylight time, one of two passengers was injured after a Cameron Balloons US A-105 balloon, N105BM, landed in windy conditions near Albuquerque, New Mexico. The pilot and the other passenger were uninjured, and the balloon was undamaged. The balloon was operated as a 14 *CFR* Part 91 personal flight.

The probable cause of the accident, approved on January 10, 2024, was as follows: "The pilot's failure to control the balloon's descent rate during a landing in windy conditions, which resulted in a passenger sustaining a broken ankle."

Background

After the accident, as the pilot of the balloon, you reported that, with wind near the ground about 8 knots, you used your smart vent system to avoid power lines. The balloon landed hard, and one passenger broke her ankle. As the pilot, you reported no mechanical malfunctions or failures that would have precluded normal operation.

Petitioner's Claims

As the petitioner, you assert that the NTSB's findings and probable cause are erroneous and that the passenger injury did not result from your failure, as the pilot,

to control the descent rate. Rather, you state that you performed the landing sequence, including control of the descent rate, in accordance with the instructions provided in the balloon's flight manual for the weather conditions encountered and landing area available during the accident flight. You provided relevant excerpts of the balloon flight manual and an affidavit more specifically describing your actions during the accident landing as new evidence to support your claims.

NTSB's Response

After review of the original case material, the petition, and the new evidence you provided, the NTSB finds your arguments compelling.

As the petitioner, you state in your affidavit that the landing area was adequate but relatively small, with obstacles on the approach path and no alternate fields nearby. With a typical 1-hour duration for balloon flights, our evaluation determined that it would be reasonable for a pilot to become concerned about fuel exhaustion if they were to fly farther to attempt to find another suitable landing area and that this necessitated landing in the constrained area.

You further state in your affidavit that you controlled the balloon's descent rate in accordance with the flight manual's instructions for high-wind landings. You assert that you initiated a descent to land once the balloon was clear of obstacles, used the balloon's burner to slow the descent, and then opened the balloon's smart vent system only once the balloon was 15 ft above ground level.¹

Our review found your description of your actions to be credible and in accordance with the balloon flight manual's procedures for high-wind landings. We find that using high-wind landing procedures was appropriate given the weather conditions and that a high descent rate was required for the balloon to remain within the landing area after clearing obstacles along the approach.

Therefore, the analysis in the original final report has been revised to include a description of the landing area and the conditions under which you used the smart vent system. In addition, "the pilot's failure to control the balloon's descent rate" has been deleted from the probable cause.

Disposition

After review of the evidence, the petition for reconsideration of the NTSB's final report in connection with the aviation accident involving a Cameron Balloons US

¹ A smart vent releases hot air from the balloon's envelope faster than a standard deflation panel or parachute system; when used for landing, it will result in an almost immediate rapid descent and firm landing.

A-105 near Albuquerque, New Mexico, is granted in its entirety. The aviation accident final report has been modified as shown in the attachment.

Chairman HOMENDY, Vice Chairman BROWN, and Members GRAHAM, CHAPMAN, and INMAN concurred in the disposition of this petition for reconsideration.

Attachment

Revised final report