

Docket No. SA-539

Exhibit No. 2-C

NATIONAL TRANSPORTATION SAFETY BOARD

Washington, D.C.

Attachment 2 – Witness Statements

(7 Pages)

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¹ For additional witness statements, See Meteorological Group Chairman’s Factual report.

1.0 Margaret Wylie

Margaret B Wylie

Maxwell TX 78656

At 1st pop Dog alerted me to something. He panicked
let him into house. Second Pop caused
me to look for what was happening.
Scanned area from Maxwell as I looked
at the sight I saw the fire blow up
heard a whooshing sound when it went up
8 am the sky was fairly clear. Temp was
raising.

Hot air balloons fly around here all the
time.

Foggy around 7:00 but by 8 it had
dissipated.

Partly Cloudy

No problem seeing the Accident site

Did not have my glasses on but could
easily see the flames

Basket on ground when it exploded

Called 911 at 7:43

Margaret Wylie

2.0 Joseph Reynolds

From: Joseph Reynolds

Sent: Monday, August 15, 2016 7:39 AM

To: Lawrence David

Cc: Joseph Reynolds

Subject: Fwd: NTSB Request for information

David, I'm a balloonist in Austin. I just returned from southern England and have a chance now to effectively run e-mail and correspond on the Lockhart balloon tragedy. I departed for England on the Sunday following the crash.

I had earlier contacted the FAA about Mr Nichols, in Dec 2012 and Jan 2013. I had also contacted Schantz Insurance as my policy is also with them. The issue was unreported DWI. Responding to fraudulent balloon ride offers we looked into his background. The photos from the Missouri Judicial/Prison cases were of the fellow we were 'working'. We found aggrieved folks in St Louis.

Given some time I can likely retrieve records from the computer I used in 2012/2013.

In this recent case, I had run weekend weather forecast models for the benefit of our pilots. I often do a weather summary so we can decide about possibly flying from the same field. I have those records. None of us chose to fly. The forecast for launch points south of Austin, around San Marcos, had limited visibility and I quit looking at it. The area north of Austin had marginal winds. We all have personal wind speed forecast limits, numbers that cause us to sleep-in. I couldn't fly because I was preparing for our trip, and others looked at the forecast summary and didn't make the effort. Each pilot does their own individual weather brief before flight; I just do a 'look' to support any coordination the night before. And, I run models specific to balloon flight that Flight Service doesn't get.

Mr. Nichols isn't a member of our local club and not on our e-mail list; so he didn't get my forecast summary.

I've been involved in all our annual Balloon Safety Seminars - we work with the Houston club to hold an all-day seminar sanctioned by BFA. Mr Nichols never attended any of the seminars.

After learning of the accident I went to the on-line weather for the two nearest airports and copied the recorded conditions around launch time. I can send those if you wish, but as late as 9:30 that morning San Marcos reported fog/mist with winds none of us would consider with good visibility.

This a summary of what I might be able to do to support your investigation.

Joseph Reynolds
[REDACTED]
Austin, Texas 78731
[REDACTED]
[REDACTED]
[REDACTED]

3.0 David Smuck

From: David Smuck [REDACTED]
Sent: Friday, August 05, 2016 1:34 PM
To: Lawrence David [REDACTED] >
Subject: Re: NTSB request for information

Captain Lawrence, On the morning of 30 July, 2016, Austin Aeronauts had four balloons scheduled for flights beginning in Round Rock, on the north side of Austin. The humidity was right at 100%, and the winds aloft at 3,000' were over our cutoff speed of 19 mph. We canceled all flights due to existing and forecast conditions. The decision to meet for the flight is made by 5am and communicated to the passengers by phone. Prior to contacting the passengers, weather conditions were discussed with the other pilots. The days flights were canceled in unanimous agreement and I contacted the passengers.

One of our pilots picked me up at my home in Austin just prior to 7:30am to drive to Maxwell to transfer two of our balloons from individual trailers to a larger trailer for a trip to Longview for annual inspections. We traveled south on Hwy 183 to Lockhart, then Hwy 142 toward Maxwell. There is a large power line that crosses Hwy 142 before reaching Maxwell. At county road 104, I commented to the other pilot that our turn ahead was where the power lines cross Hwy 142 at Church Street, Maxwell. The power lines at Hwy 104 and Hwy 142 were obscured by low clouds and fog. The power lines in the distance at Hwy 142 and Church Street were lost in fog with low clouds. This fact was discussed by us at about 8am, with no knowledge of the accident.

We continued to Church Street and on to Valley View Drive, where we transferred the balloons to the larger trailer. As we finished the transfer, a large van pulling a large trailer, followed by a Suburban sped by on Valley View Drive. It took a moment to realize that they were the ground crew for Heart of Texas Balloons, and had no idea they had flown.

We headed back toward Lockhart and received a call from NBC and the NTSB, back to back, asking about a balloon accident. The next call was from the pilot on Valley View Drive. He had heard from a propane supplier about the accident and knew the location. We turned around and went to the accident location. First responders were already there.

Please feel free to contact me with additional questions.

Best regards, David B. Smuck, Chief Pilot, Austin Aeronauts

Sent from my iPad

4.0 H.C. "Buddy" Miller

19:50 7/30/2016

- Heard 2 explosions, 1st one was extra loud
- 4-5 minutes between explosions
- Didn't see it, hit live or fall to ground
- Just saw fire & heard explosions
- watched approx 15 minutes, then volunteer Fire Department came
- The weather was foggy when son came in at 3am, but when I left to see fire, it wasn't foggy, it was clear, some fog in spots
- No wind, calm.
- Didn't hear any bunnings before explosions
- Seen same balloon often fly over it's recent.

H.C. "Buddy" Miller [REDACTED]
[REDACTED]
[REDACTED]

5.0 Phillip Bryant

From: Phillip Bryant [REDACTED]
Sent: Saturday, August 06, 2016 9:47 AM
To: Lawrence David <[REDACTED]>
Subject: RE: NTSB request for information
Sensitivity: Private

David:

What I suspect you are looking at is a Work Order used as an invoice. The work listed on the work order was done on this balloon, the annual and the repairs were done at separate times. I always scan any endorsement I make and hold it in two locations for back up. Skip was not the best of paying customers. The typed work order was mailed to Skip so he would be reminded of this account balance. He also had a photo copy of the original WO. I have attached the scan copy of his log book so you will see the endorsements clearly state the Annual was done on May 23, 2015, the repairs were done on Aug 09, 2015. I use a label printer so there will never be any ambiguity of my work or records. Skip called me earlier this summer to request a new annual, I was planning to go to Utah, which I did, with my wife, at the time he said he needed the annual. I did not hear from him again. Attached is a copy of the annual endorsement.

Sincerely,
Phillip Bryant
Ballooning Adventures of Texas
[REDACTED]
[REDACTED]



6.0 Previous Incident

-----Original Message-----

From: Bob Brooks Jr [mailto:bb0620620@gmail.com]

Sent: Sunday, July 31, 2016 11:00 AM

To: Lawrence David

Subject: 08/03/2014 H.O.T hot air ballon ride

This "hard landing" (crash) resulted in my wife recieving a broken right leg (tibia/fibula). Another lady in the same compartment of the basket received a concussion. EMS from Kyle and San Marcos responded. My wife and the other lady were taken to Kyle hospital. On the video you can hear the pilot making comments about the upcoming landing... You can also hear the chase crew tell the pilot that they were not ready for him to land. I have more video...This particular pilot never reached a very high altitude. He was maybe 50 feet over the Buda water tank at one point at his highest and then also scrapped some trees. I had a lawsuit that was never fully pursued by the Carlson law firm... This company was very hard to get a hold of. I am heart broken that people died in this accident and hope that your investigation is helpful to the families of the victims. This is the same company we used...and possibly the same balloon as ours also had the same design...not sure if we had the same pilot...but I have pictures of him if you need them...I don't remember his name.