



National Transportation Safety Board Aviation Accident Final Report

Location:	Overland Park, KS	Accident Number:	CHI05FA056
Date & Time:	01/21/2005, 0943 CST	Registration:	N844JK
Aircraft:	Cessna 421C Riley Turbine E	Aircraft Damage:	Destroyed
Defining Event:		Injuries:	5 Fatal
Flight Conducted Under:	Part 91: General Aviation - Personal		

Analysis

The airplane received substantial damage on impact with trees, terrain, and a residence about one mile from the departure airport during instrument meteorological conditions. The airport elevation was 1,096 feet mean sea level. The personal flight was operating on an instrument flight rules (IFR) flight plan with a filed equipment suffix designating that the airplane was equipped with a Global Positioning System. Airplane records indicate that the airplane was equipped with a GPS but was not approved for IFR navigation. The pilot was issued a departure clearance to 3,000 feet and heading of 130 degrees. Radar data indicates that the airplane leveled off at an altitude approximately 2,000 feet during a 32 second period while executing a right turn to the assigned heading. Witnesses reported that the airplane impacted terrain in a right wing nose low attitude. Wreckage distribution and ground scarring was indicative of a high-speed impact with terrain. No anomalies that would have precluded normal operation of the airplane were noted. The calculated airplane weight was approximately 597 lbs above the maximum gross weight of the airplane.

Probable Cause and Findings

The National Transportation Safety Board determines the probable cause(s) of this accident to be: The pilot's failure to maintain adequate altitude/clearance during cruise flight, resulting in collision with trees. Contributing factors were the low altitude and low ceiling.

Findings

Occurrence #1: IN FLIGHT COLLISION WITH OBJECT
Phase of Operation: DESCENT

Findings

1. (F) WEATHER CONDITION - LOW CEILING
2. (C) ALTITUDE/CLEARANCE - NOT MAINTAINED - PILOT IN COMMAND
3. OBJECT - TREE(S)
4. (F) ALTITUDE - LOW - PILOT IN COMMAND
5. AIRCRAFT WEIGHT AND BALANCE - EXCEEDED - PILOT IN COMMAND

Occurrence #2: IN FLIGHT COLLISION WITH TERRAIN/WATER
Phase of Operation: DESCENT

Occurrence #3: ON GROUND/WATER COLLISION WITH OBJECT
Phase of Operation: OTHER

Findings

6. OBJECT - RESIDENCE

Factual Information

HISTORY OF FLIGHT

On January 21, 2005, about 0943 central standard time, a Cessna 421C Riley Turbine Eagle, N844JK, piloted by a private pilot, was destroyed on impact with terrain and a house in Overland Park, Kansas, following takeoff from Johnson County Executive Airport (OJC), Olathe, Kansas. Instrument meteorological conditions prevailed at the time of the accident. The Title 14 Code of Federal Regulations (CFR) Part 91 personal flight was operating on an instrument flight rules (IFR) flight plan. The pilot and four passengers were fatally injured. The flight was originating at the time of the accident and was en route to Zephyrhills Municipal Airport (ZPA), Zephyrhills, Florida.

On January 20, 2005, a mechanic stated that , he performed a preflight inspection and replaced the tires on N844JK. He also checked the engine oil, added one quart to each engine, performed a visual inspection through the oil door, and inspected the empennage. The mechanic left the hangar at 1825, and there were no "squawkable" airplane items prior to the accident flight.

At 0925, a caller representing N844JK called Columbia Automated Flight Service Station by telephone and obtained a preflight pilot brief for an IFR flight from OJC to ZPA. The filed flight plan listed "/G," a "Global Positioning System (GPS)/Global Navigation Satellite System (GNSS) equipped aircraft with en route and terminal capability."

At 0937, OJC Tower contacted the Departure West Controller (DW) for release on N844JK. DW released N844JK on a 130 degree heading climbing to 3,000 feet.

N844JK then departed from runway 36.

At 0940:15, N844JK, "kansas city departure eight four four juliet kilo with you off o j c turning right one three zero"

At 0940:19, DW, "twin cessna eight four four juliet kilo kansas city departure uh ident"

At 0940:28, N844JK, "j k roger"

At 0940:29, DW, "twin cessna three four yankee traffic four miles northeast of the executive airport southwest bound is a centurion level at four thousand and your radar contract one mile north of the executive airport"

At 0940:42, N844JK, "that for four j k"

At 0940:44, DW, "four juliet kilo affirmative"

At 0940:51, DW, "twin cessna four juliet kilo you copy that traffic is at your ah two miles east of your position now southwest bound level at four thousand"

At 0940:58, N844JK, "yea i copied but i'm in the i am the i m m c"

At 0941:02, DW, "ah roger just maintain three thousand"

There were no further recorded transmissions from N844JK.

A witness reported that he heard the airplane engine and looked to the east and saw a small airplane traveling north to south about 450 - 500 feet above ground level (AGL) and "well below the fog bank." At that time, the airplane was about 300 yards from the accident site and

fairly level. He stated that the landing gear was not extended, and he did not see any open doors on the airplane. About 200 yards from the accident site, the airplane rolled right wing down. The airplane banked almost 90 degrees and then descended with the right wing and airplane nose in a downward attitude. There was a "tremendous" explosion and fireball.

A second witness reported that he heard an airplane louder than normal probably because it was so low. The airplane was flying north to south, and its right wing was aiming towards the ground. The airplane impacted the ground almost straight up and down.

A third witness stated that he first saw the airplane when it was 75-100 feet AGL and heard a noise, which he said was "like a loud humming noise." He didn't think the engines were running, but he said, "it happened so quick." The airplane descended in a 45-degree nose-down attitude when "it came out of the fog." He did not see the impact because a house blocked his view.

PERSONNEL INFORMATION

The pilot held a private pilot certificate with single-engine land, multiengine land, and instrument airplane ratings. On March 1, 2004, the pilot was issued a third class airman medical certificate with the following limitation: "must wear corrective lenses". The pilot reported a total flight time of 6,000 hours at the date of his last airman medical certificate issuance. Copies of pilot logbooks were provided to the National Transportation Safety Board by the airplane mechanic. The most recent logbook copy ("blue book") had a beginning date of September 24, 2004, and an ending date of January 14. All of the pages in this pilot log were unsigned and subsequent entries after the first page were without a year annotation.

On February 5, 1976, the pilot was issued a private pilot certificate with a single-engine land rating.

On October 3, 1976, the pilot failed the flight examination portion for an instrument airplane rating. He was to be reexamined on the following: VOR, ILS, NDB approaches and holding patterns.

On October 8, 1976, the pilot was issued an instrument airplane rating.

On February 12, 1977, the pilot was issued an airplane multiengine land rating.

On December 8, 1996, the pilot was involved in an aviation accident investigated by the National Transportation Safety Board (NTSB) under accident identification ATL97LA022.

On April 18, 1999, according to Federal Aviation Administration (FAA) records, the pilot was involved in an aviation "incident" in N844JK at Lee's Summit Airport, Lee's Summit, Missouri. After touchdown, the right brake locked and the airplane departed the runway approximately 2/10 mile later. The left main gear struck a raised concrete taxiway causing left engine and propeller damage. The left wing trailing edge and support structure for the left landing gear were damaged.

On April 5, 2004, the pilot completed the FAA's Pilot Proficiency Wings, Phase VII and, according to a document from Recurrent Training Center, Inc., Savoy, Illinois, the pilot completed an instrument proficiency check and flight review.

A pilot, who had flown and attended recurrent flight training with the accident pilot, stated

that the accident pilot always seemed to maintain aircraft control and thought he was very careful. He was a "thorough pilot" and knew how to interpret the "gauges very well." He said that N844JK was "a lot of airplane" for the accident pilot as opposed to the Cessna 310 in which they were partners in. He never saw the accident pilot write down air traffic control clearances. He never saw the accident pilot make mistakes with altitude assignments. He thought that the accident pilot had about 4,500-5,000 hours of flight time, and he did not know how much instrument time he accumulated. He said that the accident pilot would fly in weather that he wouldn't fly in. He heard from other people that the accident pilot would like to use the accident airplane autopilot and was "fairly reliant" on it.

AIRCRAFT INFORMATION

The 1979 Cessna 421C, serial number 421C0681, was registered on May 31, 2002, to Riley Rocket, Inc., of which the pilot was president. On January 26, 1982, under Riley Aircraft Supplemental Type Certificate SA4293WE, dated January 22, 1982, the airplane was equipped with:

Two Lycoming LTP 101-600A-1A (left engine serial number (S/N) LE50045 and the right engine S/N LE50046), turbo propeller engines

Two Hartzell propellers, model HCB3TN-3C/T101T3B-13Q (left propeller S/N BU10008 and right propeller S/N BU10010)

Two 103 gallon main fuel tanks in each wing and two 37.5 gallon aluminum fuel tanks in each Aft Nacelle

Dual Trim System

Air conditioning System

Janitrol Aero Div. Midland Ross Heater Package

Power Distribution, (electrical) Auxilec System

On February 6, 2002, the left wing rear spar was repaired which was accomplished per a structural analysis report 995705. The report states that the aircraft ran off the runway at Lee's Summit, Missouri on April 18, 1999. The off runway excursion drove the left main landing gear strut up and into the upper wing skin. The damage also included front spar web damage and some minor damage to the rear spar lower chord.

Title 49 CFR Part 830 Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation or Aircraft Wreckage, Mail, Cargo, and Records, states, "The operator of any civil aircraft, or any public aircraft not operated by the Armed Forces or an intelligence agency of the United States, or any foreign aircraft shall immediately, and by the most expeditious means available, notify the nearest National Transportation Safety Board (Board) field office when: (a) An aircraft accident or any of the following listed incidents occur... Aircraft accident means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage. ...Substantial damage means

damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered 'substantial damage' for the purpose of this part."

On November 22, 2002, a Garmin 430 VHF Comm/VOR/ILS/GPS was installed in the airplane with a placard stating "GPS NOT APPROVED FOR IFR NAVIGATION"

On January 20, 2005, logbook records show that the airplane accumulated a total time of 2,957.3 hours.

A fuel receipt with a Coffey County Airport address, dated January 14, 2005, shows that the airplane was fueled with 78.1 gallons of Jet A.

According to the mechanic who performed the preflight inspection, the airplane was "topped off" and would have consumed approximately 20-30 gallons of fuel during the return flight from Coffey County to OJC. He said that the cruise fuel consumption was 52 gallons/hour and 60 gallons/hour near airport operations. The mechanic thought that the airplane held 103 gallons of fuel in each wing tank and 37 gallons of fuel in each nacelle tank. He stated that the accident pilot would usually like to use the fuel in the nacelle fuel tanks.

A weight and balance form for N844JK dated January 10, 2003, listed:

Empty weight: 5,196.8 lbs

Arm: 152.7963 inches

Useful load: 2,383.2 lbs

The forward and aft center of gravity limits with the landing gear extended are :

153.1 inches aft of datum at 7,579 lbs

147.1 inches aft of datum at 6,100 lbs or less

157.7 inches aft of datum at 7,579 lbs

158.0 inches aft of datum at 7,050 lbs or less

Department of Motor Vehicle records indicate the pilot and passenger weights as follows:

Left front pilot seat (seat 1): 200 lbs

Right front pilot seat (seat 2): 180 lbs

First row left passenger seat (seat 3): 200 lbs

First row right passenger seat (seat 4): 145 lbs

Second row right passenger seat (seat 5): 240 lbs

Recovered baggage weight was 314.5 lbs.

The weight of Jet A at 60 degrees Fahrenheit is 6.8 lbs/gallon.

METEOROLOGICAL INFORMATION

The OJC Automated Weather Observing System recorded at:

0853: wind 090 at 9 knots; surface visibility 1 statute mile (SM); mist; sky condition overcast 100 feet AGL; temperature -1 degree Celsius (C) and dew point -1 degree C; altimeter 30.05 inches of mercury (Hg); remarks ceiling 100 feet AGL, variable 600 feet AGL.

0924: wind 100 at 10 knots; visibility 1 1/2 SM; mist; sky condition overcast 300 feet AGL; temperature -1 degrees C, dew point -1 degree C; altimeter 30.03 inches of Hg.

0953: wind 110 at 11 knots; visibility 1 3/4 SM; mist; sky condition overcast 300 feet AGL; temperature -1 degrees C, dew point -1 degree C; altimeter 30.04 inches of Hg.

AIRPORT INFORMATION

OJC was a controlled airport served by runway 18-36 (4,099 feet by 75 feet) with an airport elevation of 1,096 feet.

WRECKAGE AND IMPACT INFORMATION

The main wreckage was located at GPS coordinates: 38 degrees 51.65 seconds North and 094 degrees 43.12 seconds West or about 1.2 nautical miles and 48 degrees from OJC. The wreckage path was approximately 1,000 feet long with a magnetic heading of 260 degrees. The northeastern most area of the wreckage path contained broken tree limbs from a tree approximately 45 feet in height. The main wreckage was about 87 feet from the tree and an 18 foot long ground scar was located between the main wreckage and tree. The main wreckage was resting against a fractured concrete retaining wall that belonged to a house. Aircraft debris penetrated the walls of the house and neighboring houses. A smell consistent with Jet A was present at the accident site and in the home with the fractured retaining wall.

Both engines were separated from the airframe and found along the wreckage path. The right engine was located approximately 250 feet from the main wreckage in the driveway of a neighboring house. The right engine and a section of attached right wing were covered with soot. Vehicles and the ground between the main wreckage and right engine exhibited fire damage and soot. The left engine was located approximately 550 feet west of the main wreckage.

Both wings and empennage were attached to the fuselage and contained features consistent with overload.

Fractures in the flight control cables exhibited necking with a 45-degree shear lip consistent with overload throughout the flight control system. The flight controls were connected from the wings and empennage to the cockpit area. The flight control surfaces were attached.

The landing gear was in the retracted position.

The emergency locator transmitter, which was installed in the aft fuselage of the airplane, was found broken apart outside of the fuselage.

MEDICAL AND PATHOLOGICAL INFORMATION

An autopsy of the pilot was conducted by the Johnson County Coroner on January 22, 2006. Autopsy toxicological test results were negative for all substance tested.

Federal Aviation Administration (FAA) Final Forensic Toxicology Fatal Accident Report stated: carbon monoxide not performed, cyanide not performed, volatiles 28 (mg/dL, mg/hg) ethanol detected in muscle, and 37 (mg/dL, mg/hg) ethanol detected in liver.

TESTS AND RESEARCH

Radar data for N844JK shows at:

0940:32, altitude 1,800 feet, heading 348 degrees, speed 126 knots.

0940:36, altitude 1,900 feet, heading 007 degrees, speed 132 knots.

0940:41, altitude 1,900 feet, heading 025 degrees, speed 139 knots.

0940:45, altitude 2,000 feet, heading 032 degrees, speed 132 knots.

0940:50, altitude 2,000 feet, heading 052 degrees, speed 134 knots.

0940:55, altitude 2,100 feet, heading 093 degrees, speed 143 knots.

0940:59, altitude 2,200 feet, heading 111 degrees, speed 150 knots.

0941:04, altitude 2,000 feet, heading 130 degrees, speed 159 knots.

The horizontal situation indicator (HSI) and Integrated Flight Control System (IFCS) mode selector light bulb filaments were examined by the National Transportation Safety Board's Materials Laboratory.

The HSI course cursor was indicating approximately 110 degrees/290 degrees with the arrow pointing to 110 degrees. The pointer tip on the opposite side was missing and the heading bug was approximately 180 degrees.

The rotor was removed freely from the rotor housing and its examination showed that it was minimally damaged. Above the vanes, some scoring marks were noticed, but no damage was noted on the rotor's lower edges, though at the lower chamfer and around the vanes localized paint was removed. The rotor housing was sectioned in half to expose the interior surface. On one half of the housing axial scoring marks were observed almost entirely around that half of the housing. On the opposing half of the housing, circumferential scoring/rubbing marks were observed over more than 90 degrees, and an area of angled scoring marks was also noted. Detailed optical and scanning electron microscope examination of the circumferential scoring/rubbing marks revealed the presence of angled marks on both sides of a central region where the marks were oriented circumferentially. The scanning electron microscope examination revealed that rotor housing material was smeared from the circumferential marks over the angled marks indicating that the circumferential marks followed the angled scoring marks.

Visual examination of the IFCS Mode Selector light bulb filaments were as follows:

FD: highly stretched with areas that were unstretched, highly fractured, unstretched

AP: fractured multiple pieces, unstretched

NAV1: highly stretched

NAV2: fractured in a couple of areas, localized stretching
HDG: highly stretched, shattered in many pieces, unstretched
NAV: fractured in multiple areas, minor stretching
BC: fractured in multiple areas, unstretched
ALT: fractured in multiple areas, unstretched
VOR: fractured in multiple areas, minor stretching
LOC; fractured in multiple areas, unstretched
GA: missing
GS: fractured in 1-2 places, localized stretching

Autopilot components were examined under the supervision of FAA inspectors from the Kansas City Flight Standards District Office (FSDO) and Wichita Manufacturing Inspection District Office (MIDO) at Sigma-Tek Instruments and Avionics. Operational testing of the autopilot system was precluded by the impact damage the system received. Examination of the trim actuator and mount revealed that portions of the mount were broken/missing. The trim actuator was missing the p.c. board and motor from the actuator. The large output gear had one gear tooth in place which was deformed and would not rotate past the mating spur gear. The roll actuator capstan was able to be rotated and the clutch torque was 25 in-lbs listed on the mount nameplate. Examination of the roll actuator and mount revealed that the clutch torque was 26 in-lbs. The roll actuator motor was disassembled from the frame and operated within an applied voltage threshold of 2.5/3.0 volts. The pitch actuator was connected to a test set and was operated with movement in both directions. Examination of the altitude sensor and altitude capsule assembly revealed that the can was bent "severely" and the O-ring would not seal. The motor from within the assembly was removed from the can and applied to a source of power and its movement was noted to be "sticky" and would only run when tapped. The motor's mechanism plates were damaged 0.025 - 0.035 inches out of parallel.

Both propellers were examined under the supervision of an FAA inspector from the Cincinnati FSDO at Hartzell Propeller Inc., located at Piqua, Ohio.

Two of the three blades had rotated in their clamps approximately 10 degrees and 120 degrees toward high pitch. The left propeller piston had four internal witness marks caused by contact with the front end of the cylinder. The marks were 2 29/32, 3 4/32, 4 6/32, and 4 9/32 inches from the aft end of the cylinder. These marks correspond to blades angles of approximately 41, 48, 84, and 86 degrees, respectively.

The left propeller feathering spring assembly revealed that the forward end of the rear spring retainer was from 1 4/32 to 1 11/32 inches from the front side of the hub, which equates to approximately 73 degrees and 66 degrees blade angle, respectively.

Two of the three blades had rotated in their clamps approximately 90 degrees and 120 degrees toward low pitch. The pitch change rod had a witness mark located 1 23/32 inches from the surface of the front spring retainer, which equates to approximately 34 degree blade angle.

The right propeller piston was positioned approximately 15/16 inch from the aft mounting shoulder of the cylinder, which equates to approximately 61 degree blade angle.

Both engines underwent a disassembly examination under the supervision of a Federal Aviation Administration Aviation Safety Inspector from the Scottsdale Flight Standards District Office. The examination was performed at the Honeywell Engine, Systems & Services facility located in Phoenix, Arizona. The FAA inspector reported that both engines exhibited multi-fractured/distorted assemblies/components that resulted from separation/impact during the crash sequence. Both engine fuel and oil filters appeared normal and not contaminated. Both engine axial compressor vanes exhibited black soot coating. Both engines exhibited evidence of metal spray and radial scoring on rotation and nonrotational components.

ADDITIONAL INFORMATION

The wreckage and all retained parts were released to a Kern and Wooley, LLP.

Parties to the investigation were Cessna Aircraft Company, FAA, Hartzell Propeller Inc., Honeywell Aerospace, and Sigma Tek, Inc.

Pilot Information

Certificate:	Private	Age:	60, Male
Airplane Rating(s):	Multi-engine Land; Single-engine Land	Seat Occupied:	Left
Other Aircraft Rating(s):	None	Restraint Used:	
Instrument Rating(s):	Airplane	Second Pilot Present:	No
Instructor Rating(s):	None	Toxicology Performed:	Yes
Medical Certification:	Class 3	Last FAA Medical Exam:	03/01/2004
Occupational Pilot:		Last Flight Review or Equivalent:	04/01/2004
Flight Time:	6064 hours (Total, all aircraft), 54 hours (Last 90 days, all aircraft), 13 hours (Last 30 days, all aircraft), 0 hours (Last 24 hours, all aircraft)		

Aircraft and Owner/Operator Information

Aircraft Make:	Cessna	Registration:	N844JK
Model/Series:	421C Riley Turbine E	Aircraft Category:	Airplane
Year of Manufacture:		Amateur Built:	No
Airworthiness Certificate:	Normal	Serial Number:	421C0681
Landing Gear Type:	Retractable - Tricycle	Seats:	8
Date/Type of Last Inspection:	01/01/2005, Continuous Airworthiness	Certified Max Gross Wt.:	7579 lbs
Time Since Last Inspection:	0.8 Hours	Engines:	2 Turbo Prop
Airframe Total Time:	2957.3 Hours at time of accident	Engine Manufacturer:	Lycoming
ELT:	Installed, not activated	Engine Model/Series:	LTP-101-600A-
Registered Owner:	Riley Rocket, Inc.	Rated Power:	
Operator:	Pilot	Operating Certificate(s) Held:	None

Meteorological Information and Flight Plan

Conditions at Accident Site:	Instrument Conditions	Condition of Light:	Day
Observation Facility, Elevation:	OJC, 1069 ft msl	Distance from Accident Site:	1 Nautical Miles
Observation Time:	0953 CST	Direction from Accident Site:	228°
Lowest Cloud Condition:	Clear	Visibility	1.75 Miles
Lowest Ceiling:	Overcast / 300 ft agl	Visibility (RVR):	
Wind Speed/Gusts:	11 knots /	Turbulence Type Forecast/Actual:	/
Wind Direction:	110°	Turbulence Severity Forecast/Actual:	/
Altimeter Setting:	30.04 inches Hg	Temperature/Dew Point:	-1° C / -1° C
Precipitation and Obscuration:	Mist		
Departure Point:	Olathe, KS (OJC)	Type of Flight Plan Filed:	IFR
Destination:	Zephyrhills, FL (ZPH)	Type of Clearance:	IFR
Departure Time:	0937 CST	Type of Airspace:	

Wreckage and Impact Information

Crew Injuries:	1 Fatal	Aircraft Damage:	Destroyed
Passenger Injuries:	4 Fatal	Aircraft Fire:	On-Ground
Ground Injuries:	N/A	Aircraft Explosion:	On-Ground
Total Injuries:	5 Fatal	Latitude, Longitude:	

Administrative Information

Investigator In Charge (IIC): Mitchell F Gallo **Report Date:** 02/26/2007

Additional Participating Persons: Henry Soderlund; Cessna Aircraft Company; Wichita, KS
Allan Martens; Federal Aviation Administration; Kansas City, MO
Tom McCreary; Hartzell Propeller Inc.; Piqua, OH
Jim Allen; Honeywell Aerospace; Phoenix, AZ
Jerry Wasinger; Sigma Tek, Inc.; Augusta, KS

Publish Date:

Investigation Docket: NTSB accident and incident dockets serve as permanent archival information for the NTSB's investigations. Dockets released prior to June 1, 2009 are publicly available from the NTSB's Record Management Division at pubinquiry@ntsb.gov, or at 800-877-6799. Dockets released after this date are available at <http://dms.ntsbt.gov/pubdms/>.

The National Transportation Safety Board (NTSB), established in 1967, is an independent federal agency mandated by Congress through the Independent Safety Board Act of 1974 to investigate transportation accidents, determine the probable causes of the accidents, issue safety recommendations, study transportation safety issues, and evaluate the safety effectiveness of government agencies involved in transportation. The NTSB makes public its actions and decisions through accident reports, safety studies, special investigation reports, safety recommendations, and statistical reviews.

The Independent Safety Board Act, as codified at 49 U.S.C. Section 1154(b), precludes the admission into evidence or use of any part of an NTSB report related to an incident or accident in a civil action for damages resulting from a matter mentioned in the report. A factual report that may be admissible under 49 U.S.C. § 1154(b) is available [here](#).