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REAUTHORIZATION OF THE NATIONAL TRANSPORTATION SAFETY BOARD

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HEARING

BEFORE THE

SUBCOMMITTEE ON AVIATION

OF THE

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
HOUSE OF REPRESENTATIVES

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REAUTHORIZATION OF THE NATIONAL TRANSPORTATION SAFETY BOARD

Wednesday, March 8, 2006

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, SUBCOMMITTEE ON AVIATION, WASHINGTON, D.C.

The committee met, pursuant to call, at 10:00 a.m., in Room 2167, Rayburn House Office Building, Hon. John L. Mica [chairman of the committee] presiding.

Mr. MICA. Good morning. I would like to call this hearing of the House Aviation Subcommittee to order.

This morning's hearing will focus on NTSB reauthorization. Order of business is, we will have opening statements by members. We have one witness in this hearing this morning, and we will hear from the witness, and proceed hopefully in an expeditious manner.

I'll start with my comments and then will yield to other members. Today we will receive testimony on the National Transportation Safety Board reauthorization proposal. The Board's current authorization expires on the 30th of September 2006. The NTSB is a small but important part of our Federal Government. It has an annual budget of $76 million and a staff of just around 400 people.

We all know that the NTSB makes critical contributions to our Nation's safety each year. In the United States, the three year average commercial aviation accident rate is .017 accidents per 100,000 departures, which means that the accident rate is equivalent to one fatal accident for every 15 million passenger carrying flights.

It's an absolutely amazing record by any standard. I believe this unprecedented aviation safety record is in part due to the outstanding work over the years by hundreds of NTSB professionals, as well as the Federal Aviation Administration and our aviation industry.

But even with this outstanding safety record in commercial air transportation, we must continue to work toward making the system even safer, especially as demand and congestion increase. Since its creation in 1967, the NTSB has investigated more than 124,000 aviation accidents and at least 10,000 accidents in other transportation modes. As a result of these investigations, the Board has issued almost 12,000 safety recommendations and over 82 percent of those have been adopted.

The NTSB also serves as the court of appeals for any airman, mechanic, mariner, whenever certificate action is taken by the FAA administrator or by the U.S. Coast Guard Commandant.

I would also like to point out that last year marked the Board's 15th anniversary of its "most wanted list" of transportation safety improvements. I believe this is a tool that has served the public well. In fact, over the past 15 years, 85 percent of the more than 260 recommendations that have been placed on the list have been accepted and implemented.

The Board's three year reauthorization request includes additional funding, additional staff and some statutory changes. The budget request of $79.6 million is $2.8 million above the fiscal year 2006 level. This increase is related to pay raises, some benefit increases, inflation and a proposal to merge the NTSB's $2 million emergency fund into its regular salaries and expense accounts.

The fiscal year 2008 and 2009 authorization levels requested by the NTSB are based on 475 full time equivalents. I understand the Board has determined through a human capital forecast conducted earlier this year that 475 is the minimum number of full time employees needed to effectively and efficiently meet the mission and support efforts that are anticipated by the Board.

Finally, the NTSB has requested three statutory changes. These requests pertain to the Board's contracting authority, its authorization and use of appropriations and payment for the services of the DOT Inspector General.

We look forward to hearing from the Acting Chairman on these issues as well as an update on the NTSB Academy and other relevant matters important to our Subcommittee.

I am pleased now to recognize the Ranking Member of the Subcommittee, Mr. Costello.

Mr. COSTELLO. Mr. Chairman, thank you. Mr. Chairman, I will enter my full statement into the record, but first let me thank you for calling the hearing today. I want to welcome our witness here before us.

As you noted, the NTSB was created during 1966, and its main mission then and as it remains today is to independently investigate accidents in all transportation modes. In 1974, to further ensure the NTSB would retain its independence, Congress re-established the Board as a totally separate entity distinct from the DOT.

Since its inception, Mr. Chairman, as you noted, the NTSB has investigated more than 124,000 aviation accidents and over 10,000 surface transportation accidents, making it one of the world's premier accident investigation agencies.

The NTSB's recommendations and its vigilance on safety issues result in improvements in the way we conduct the business of transportation in all modes. While the NTSB's work in aviation gets all the headlines and the attention of the American people, when a tragedy occurs, it should not overshadow the important work the Agency performs in pipelines, maritime, rail, truck and automotive transportation.

To maintain its position as the preeminent transportation investigative agency, the NTSB must have the resources necessary to handle the increasingly complex accident investigations and also to adequately train its staff. Mr. Chairman, as you know, the President's fiscal year 2007 NTSB budget request of $79.6 million provides for 99 fewer full time equivalent staff positions than requested. In order for the Agency to do its job, they must receive

adequate funding from the Congress of the United States. I want to tell you, Mr. Chairman, I have a deep interest in seeing that the Agency receives an increase in its budget in order to carry out the mandates that the Congress has given to them.

I look forward to hearing from our witness today about not only the current status of the Agency but the budget request and the level of staffing that you feel is important in order to carry out your mission.

With that, Mr. Chairman, I would yield back the balance of my time.

Mr. MICA. I thank the gentleman.

Other opening statements? Mr. Duncan?

Mr. DUNCAN. Thank you, Mr. Chairman.

I simply want to say that I appreciate the work that NTSB has done over the years. A lot of people don't understand what the NTSB does throughout the course of the year, but their work is very, very important and I intend to support them with any reasonable request that they make. I think almost everybody on this Subcommittee feels the same way, and thank you for calling this hearing.

Mr. MICA. Thank you.

Mr. Carnahan.

Mr. CARNAHAN. Thank you, Mr. Chairman, and Ranking Member Costello, for holding this hearing about this reauthorization of NTSB.

The NTSB is charged with the vitally important task of investigating civil aviation and other significant transportation accidents. These investigations provide vital information about the cause of these incidents and hostile actions that can be taken to prevent future accidents and their human and economic costs.

The work of this Agency is critical in the ongoing effort to make all modes of transportation in the U.S. safer. I look forward to the questions and discussion with the witness, Chairman Rosenker. I also look forward to working with my colleagues on this reauthorization to ensure that the NTSB has the resources and the reforms needed to continue to advance the safety in transportation in the United States.

Mr. MICA. I thank the gentleman. Any other opening statements? Ms. Johnson.

Ms. JOHNSON. Thank you very much, Mr. Chairman. I want to thank you and the Ranking Member for holding this important and timely hearing for the reauthorization of the National Transportation Safety Board.

As the primary agency charged with investigating significant transportation accidents amongst our various modes of transportation, the NTSB serves as a vital component of our Nation's transportation system. Since its creation in 1967 as an independent agency, it has investigated over 130,000 accidents across various modes of transportation and issued over 12,000 safety recommendations, of which 82 percent have been adopted by the transportation community. This speaks well for the Board.

Without question, our Nation's transportation system stands as one of the safest in the world, thanks in large part to the diligent efforts of the National Transportation Safety Board. I welcome our

witness and I fully support the three areas of concern. I hope that we will have no difficulty at all in reauthorizing this Board, which will continue to give us insight into their activities and the activities of which we take our safety alerts from.

Thank you and I yield back.

Mr. MICA. Any additional opening statements? No further additional opening statements.

We will turn to our only panel and our only witness today, who is Mark Rosenker, who is the Acting Chairman of the National Transportation Safety Board. Welcome and you are recognized.

TESTIMONY OF MARK V. ROSENKER, ACTING CHAIRMAN, NATIONAL TRANSPORTATION SAFETY BOARD

Mr. ROSENKER. Thank you, Mr. Chairman. And I thank the members for those kind comments on behalf of my entire staff and my colleagues at the Board.

Good morning, Chairman Mica, Ranking Member Costello and distinguished members of the Aviation Subcommittee. As Acting Chairman of the National Transportation Safety Board, I am pleased to appear before you today in support of our request for reauthorization. I have submitted a more comprehensive statement for the record.

I am very proud of the National Transportation Safety Board. For nearly four decades, the NTSB has been at the forefront of transportation safety issues. The Board enjoys a well-earned reputation as the most effective and authoritative independent safety body in the world. The men and women who make up the NTSB very simply are the best in the business.

I am delighted to be serving as the Acting Chairman of the NTSB at such an important time for the Board. Our critical mission, as you know, is to investigate transportation accidents to determine what happened and why, and make safety recommendations so that future accidents can be prevented. Our job is to work with Congress to ensure that the Board maintains the technical staff and investigative tools that are needed to confidently and efficiently conduct the thorough and unbiased investigations that the public deserves and Congress has come to expect.

Since our last reauthorization, we have investigated more than 4,500 aviation accidents and hundreds of surface transportation accidents. During this time, we published more than 5,000 aviation accident briefs, 11 major aviation accident reports, 18 highway accident reports, 31 railroad reports, 10 marine reports, 5 pipeline reports, 4 hazardous material reports and 7 other studies and special reports.

Since the beginning of fiscal year 2003, our laboratories have read out 187 flight data recorders, 203 cockpit voice recorders and performed 458 wreckage examinations. During this time period, the Board has issued more than 450 recommendations.

We have also recently made some significant leadership changes at the Board. In March of 2005, Mr. Joe Osterman began serving as our Board's Managing Director. Mr. Osterman is effectively leading a highly talented professional management team. And since becoming the Acting Chairman, I have focused the Safety

Board's staff priorities on the timely completion of investigations and the production of relevant accident reports.

During the past year, the Board has changed personnel in 14 of the top 24 leadership positions. We are currently actively recruiting a Chief Information Officer, who will join the Agency's management team with the responsibility of managing the Agency's information infrastructure. We are tightening the performance management system throughout the Agency, and have focused our efforts on leadership, communication and the Board's primary mission of investigations.

The Safety Board is asking for authorized resource levels capable of funding 399 full time equivalent positions for fiscal year 2007, and for 475 FTEs in both fiscal years 2008 and 2009. We have also asked for a few other proposals.

The Board's last reauthorization legislation provided the authority for the NTSB to enter into contracts when necessary to expedite an investigation. We are grateful to have been entrusted with this special exemption to competitive contracting rules, and we have judiciously used this authority, mostly for relatively small contracts for investigative services. This important authority expires on September 30th of 2006. We are asking that the sunset provision be deleted so that the special contracting authority becomes a permanent part of our legislation.

The Board also asks to be authorized to handle reimbursements in the same manner it currently handles Academy course fees. Occasionally, we are reimbursed by third parties for accident services those parties are required to provide, such as disaster mortuary services. And we sometimes agree to conduct accident investigations on a reimbursable basis.

Without a legislative change, these reimbursements often must be redeposited into the Treasury, unavailable for the use of the Board. We are asking that we be allowed to treat reimbursements as no-year money, so that these funds can remain available until expended.

The Board also has a proposal that concerns paying for the services of the DOT Inspector General. As you know, the Inspector General is authorized to review the financial management, property management and business operations of the Board. The IG is reimbursed by the Board for the costs associated with carrying out these activities.

We are asking that in lieu of the Board reimbursing the IG, the IG's office be appropriated directly for these activities. This would facilitate better resource management and I am pleased to report that the DOT Inspector General concurs with our proposal.

Our last proposal concerns how to authorize appropriations for our training center as part of the broader authorization for the Agency, rather than as a separate or distinct entity. We are actively working to more fully integrate the center into our overall mission and programs. We believe that a single authorization is consistent with this goal. In addition, we propose incorporating the content of the training academy's annual report into the Board's annual report to Congress.

When we were last authorized, our training academy in Ashburn, Virginia, had not yet been opened. Although it has been oper-

ational for just over two years, we are pleased that the Academy has made great strides in developing and delivering high quality programs for the transportation community.

During fiscal year 2005, we offered 31 programs, 14 of which were designed specifically for NTSB employees. Over 1,600 participants attended these programs and the Board collected over $600,000 in tuition and fees from the attendees. Nonetheless, Safety Board management has significantly revised the philosophy for the Academy and has created an ambitious business plan to develop and sustain programs through partnerships and contracting opportunities that will reduce the demands on NTSB investigative resources. The Academy will rely more heavily on outside instructors and it will provide greater training opportunities for all NTSB staff.

We will also work with and review the operations of other Government training facilities to ensure that we benefit from their experience and best practices. One of our goals is to more tightly integrate the Academy into the Safety Board's operation and ongoing work.

As I close, I want to assure you that we are working hard to ensure that the people and resources of the Board are well managed. In fact, I am particularly pleased to share with you that in each of the last fiscal years, our timely and accurate financial statements have received clean audit opinions. Important things are happening at the Safety Board every day. But we need the continued support of Congress to ensure that we continue to achieve your goals and our goals as well.

I thank you for the opportunity to appear before you today. I am happy to respond to any questions you may have.

Mr. MICA. Thank you, and we'll go through a couple of questions. I'll start out by asking a little bit about this 1999 Rand study. Maybe you could give us an update on what NTSB has done with respect to implementing some of their recommendations. One of them was the need for, I believe, a cost accounting system software analysis, better utilization. You spoke a little bit about some employee training programs for the Academy. Maybe you could cover a couple of their concern items.

Mr. ROSENKER. Yes, Mr. Chairman, certainly. A lot has been done since seven years ago when that report was published and a lot of progress has been made. Specifically in the area of the cost accounting software, there's been changes implemented in cooperation with our partner who does payroll work for us, the Department of Interior. It's something called Quick Time. What that will ultimately do, when we have it fully implemented is to provide specific cost accounting areas so that we understand the amount of time and resources that are being spent on each one of the investigations at which we are looking.

Now, of course, it takes time to do that type of thing. We just implemented Quick Time last year, and of course we have to understand what the capabilities are. We are also working very closely with both management and our labor to make sure that we understand exactly what we need to do as far as parameters to be put into that Quick Time program to get the best bang for the buck. Unfortunately, it is a very costly program, sir.

Mr. MICA. That might raise a question about your ability to do cost accounting of different activities. You talked about accident investigation. The Academy has also raised questions about its operation and finance.

Can you tell now what it does cost to operate the Academy? You spoke of some revenues that were received. What are those figures now, the cost to operate the Academy and then what kind of revenues are coming in?

Mr. ROSENKER. Well, there are fixed costs to the Academy, which is primarily the lease, and that's about $2.5 million a year. From there on we have some very small amount of personnel that are dedicated to it. I've reduced it. When I became the Acting Chairman, we went from nine employees down to five, which significantly reduced—

Mr. MICA. But you testified that you are talking about contracting some of those—

Mr. ROSENKER. Yes, sir.

Mr. MICA. That's also a cost.

Mr. ROSENKER. Yes, sir. But what we want to do is try to make partners out of those contractors at the same time. I'm trying to—

Mr. MICA. So are you going to put a dollar, if we are going to do some cost accounting on the Academy, what's the total figure? You've $2.5 million in lease. What's your total?

Mr. ROSENKER. It's approximately $3.5 million. We've been able to bring down any of what we would call the deficit to something close to $150,000 for this fiscal year by reducing—

Mr. MICA. So what's your revenue?

Mr. ROSENKER. Revenue for fiscal year 2005 was a little over $630,000.

Mr. MICA. Again, trying to get a handle on some of the costs.

And then the question, you said you'd begun some successful employee training efforts through the Academy. So that is another change underway?

Mr. ROSENKER. Yes, sir. What we want to do is try to improve the training capabilities, and this was a recommendation, of course, from the Rand Report as well. They suggested that we need significantly more training programs. We're trying to do this internally, because when we do it internally, it becomes a more reasonable expense. Otherwise, we'd be sending people TDY, and they'd be away from the office. We have the capability because of the infrastructure we have at the Academy to not only learn but at the same time be able to make phone calls back and stay in touch with the office.

The kinds of programs we're looking at are management programs. We're also looking at more advanced technical training in fields of avionics, composites and new aviation technologies. Those of course would be taken care of by finding new, leading edge instruction and curriculum from universities, institutions and the private sector in general.

Mr. MICA. Let me do a couple of quick questions. I want to get to some other members about safety recommendations and investigations.

The number of flights that we've had, the number of passengers in commercial aviation since 1991, without a major accident, it's

been an absolutely phenomenal record. In fact, we're working now against probably just the law of averages.

One of my concerns is if we do see an incident, where we're going to have one, we've seen a number of serious runway incursions, most recently in Los Angeles, Boston. NTSB came out and characterized the FAA's initiative to address runway incursions as "unacceptable." Can you elaborate on this? Eventually our luck is going to run out. This, again, the congestion and incursion seem to be an area where you have some concerns and we have some concerns.

Mr. ROSENKER. Mr. Chairman, you're right on target with that question and I thank you for asking me that. We believe that runway incursions are a significant danger to the flying community today. We have made recommendations to the FAA and yet, again, they continue to believe that there are other methods that they can use to alleviate these incursions, while our recommendation states that a direct communication to the cockpit is the quickest and best way to prevent runway incursions from happening.

Now, in fairness to the FAA, they are testing some of these types of procedures. But we still believe that more needs to be done and more needs to be done in an expeditious way.

Mr. MICA. Just finally, we've seen also a shifting offshore of some of the activities. Someone told me, I think 54 percent of the maintenance is done now overseas. We're seeing more foreign manufactured aircraft in the United States. I guess Airbus has overtaken us. All our RJs are produced just about all out of the country.

Does NTSB have sufficient expertise and also ability to deal with these products that are produced some place else and keeping a handle on, again, what we're seeing emerging?

Mr. ROSENKER. Mr. Chairman, we work very hard to stay on the cutting edge of technology and what's happening in each one of the modes. We work very closely with the manufacturers and the operators to understand the designs, to understand the maintenance programs, to understand where the failures are potentially coming from and when they actually come, understand what happened.

So we work, as I say, very closely with these manufacturers. I'm comfortable with the relationships that we have with them. When in fact accidents occur, the manufacturers and the operators are part of that investigation process.

Mr. MICA. Just one final thing. Maybe you can give me some response, you don't have to do it here. I saw that 90 percent of, well, most of your resources are used in aviation investigations. And I saw a statement that only 13 percent of your staff are working in the highway area.

There are 42,000 deaths, 40,000 plus each of the last three years. I know 120,000 mostly Americans have died. Of course, we've had only a handful of aviation accidents, and we want to keep it that way.

But I'd be interested in any long term ideas to deal with, again, the mounting traffic fatality and injury count.

Mr. ROSENKER. Mr. Chairman, 43,000 Americans die every year, as you say, 3 million are injured, there are 7 million accidents that occur in the United States. This is probably the worst, worst transportation challenge that we look at as a Nation. I believe we can do more.

Now, again, at the NTSB, with a group of only 400 folks, and a very small group that deal in the highway issues, we take a look at the macro issues. Highway investigations are normally done at the State, county and local level. We see reports. When we begin to take a look at trends and we believe we can make a difference in a national trend, that's when we step in.

One of the things we're looking at right now, and where we believe we can make a significant difference, is in young people getting involved in accidents. The issue is restricting cell phones when you're learning how to drive. That is obviously a skill that you must learn and you should not be distracted while you are learning how to drive. We are working very, very closely with the states to get a provision within their graduated driver's license program that will restrict people that are operating in these GDL programs from using a cell phone or other digital text messaging devices, that type of thing, while they're learning how to drive. That will have a national impact on young peoples' deaths, young people's accidents, young people's injuries.

That's the type of thing we are working on.

But if I could go one step further, I personally believe that we're coming into a new era. We're in an era where we can begin the process of preventing the accident, and that is by utilizing technology. Things like electronic stability control becoming features of the automobile, standard equipment, from preventing the rollover, things like short range automotive radar that will actually stop the automobile before it strikes something.

We can get into the business, if we can work hard and advocate with the manufacturers that technology is the way of the future and we can begin to prevent the accident rather than continuing to focus on mitigating the results of the accident.

Thank you, sir.

Mr. MICA. Thank you, and as I said, I hope to continue that dialogue on that issue.

Mr. Costello.

Mr. COSTELLO. Thank you, Mr. Chairman.

Mr. Rosenker, I mentioned in my opening remarks that we want to make certain that you have the resources necessary to have adequate staffing levels to carry out your mission. It's my understanding from your testimony that you currently have 396 full time staff at the Agency, and your authorization request level is based upon staffing at 475 full time staff members.

Is that correct?

Mr. ROSENKER. Yes, sir, that's in the 2008, 2009 request. The 2007 request, of course, brings us to the level we were talking about.

Mr. COSTELLO. Now, tell me, let's assume your request is granted and you get to a staffing level in your 2008 and 2009 request of 475. How will that break down? How many investigators will you have versus support staff and so on?

Mr. ROSENKER. Currently we have approximately 209 what we would call badge-carrying investigators. An additional 74 are what we would characterize as critical mission. Those would include our transportation disaster assistance people. They go out onto the lo-

cation and work with the families in dealing with them after a tragic accident.

It would also include our public affairs, who continues to work with the media to make sure the American people understand this is an accident, and not a tragic issue of criminal intent.

Also, we have a function that includes the administrative law program. That group of people is the appeals court that was described, I believe, in your opening statement. That is a very important mission. When airmen, when mechanics, when seamen lose their licenses, we are the appeals process. That's a critical mission of the NTSB.

In addition to that, we have a number of folks that write the reports. We come to the area where we came up with a probable cause and a determination. But unless these reports are written in a way that in fact conveys the messages, all we have are investigators' notes.

And finally, probably one of the most important aspects of what we do, is the folks that deal with our recommendations and become part of the advocacy team. These are the people that make sure that at the State level, the local level, at the operator's level, at the Federal level, that the recommendations are monitored on a daily basis to make sure that we can get them implemented. Because without implementation, all we have is a probable cause, and we have a severe gap in safety.

Mr. COSTELLO. You mentioned in your testimony that the Agency has significantly revised the philosophy for the Academy and that was in response to Congressional concerns. I wonder if you would elaborate as to what you mean by that.

Mr. ROSENKER. Yes, sir. We depended a great deal on internal staff work. Our folks, as I said earlier in my testimony, I believe are the best in the business. Investigators are unique. And when they teach these basic investigation courses, they impart a lot of their own personal experience and knowledge. Now, that's a valuable thing to impart. But if it was at the cost of being productive and continuing in a timely resolution of an investigation, it may well be too much of a price to pay.

So we have made a philosophical change. We believe that we can still use on a guest lecturer basis, our best and our brightest investigators to go out and maybe lecture for two or three hours at a basic investigation course. But that same basic investigation course could be taught by a partner in this program, a university, a technical training program, and perhaps even industry. We've got the curriculum already developed. So it's now just continually updating it and providing it to an instructor.

So that's one of the philosophical changes we have decided to make. We also, not only have the courses that we are teaching ourselves, but we believe we have an opportunity to teach others in the transportation community, foreign students, people that are from other agencies. We work very closely, for example, with the FBI. We work very, very closely with other Federal agencies as NASA and the FAA. So we have an opportunity to teach those people, as well, about the techniques that we use in an accident investigation. We believe we can also use partners in that program as well.

In the long run, I believe this is going to be a real market change. It will provide additional productivity, and better courses. And also, we need to be able to teach our investigators the leading edge technologies. We will be looking for the best and brightest to come in and help us do that as we move into new issues like composites and avionics, fly by wire.

Mr. COSTELLO. Thank you. Thank you, Mr. Chairman.

Mr. MICA. Thank you.

Mr. Coble.

Mr. COBLE. Thank you, Mr. Chairman.

Mr. Chairman, good to have you with us today. Thank you for the good work you all do.

I wanted to make inquiry regarding the number of investigators, but my friend from Illinois has already touched on that. You said there are 209 investigators, correct?

Mr. ROSENKER. Yes, sir.

Mr. COBLE. Is that group broken down into certain specialty groups, or are they all just rank and file investigators?

Mr. ROSENKER. No, sir, they are specialists. Actually, our group, it's amazing for the size of our organization the number of advanced degrees that we have. Approximately a third of our group have advanced degrees—excuse me, 25 to 30 percent, I'll give you that exact figure. It's a very high number.

Mr. COBLE. The Chairman mentioned very briefly the Academy. What constitutes eligibility for enrollment in the Academy?

Mr. ROSENKER. Although we have capability of giving continuing education credits, I think we may have a misnomer in the using of the word "academy." We're probably a better training center than we are an academy for higher learning, if you will, sir.

People that are enrolling in the programs right now come from industry, and they come from other agencies within the Government. And actually, we have a substantial number of our own people going through the courses themselves. Many of those courses are in the management side of it.

Mr. COBLE. So I guess ongoing, some group may enroll for two weeks, some for a month?

Mr. ROSENKER. Yes, sir, that's exactly right. And foreign students as well. We've taught a significant number of foreign students the accident investigation courses and the techniques that we use specifically so they will understand how we operate if we are invited to participate in an accident investigation in their country.

Mr. COBLE. Mr. Chairman, are the instructors or the professors at the Academy, are they NTSB employees?

Mr. ROSENKER. In some of those courses, they are. What we're trying to do is wean them off of that, because we believe that we can do the work just as well with outside instructors, professional instructors.

Mr. COBLE. How does the NTSB, Mr. Chairman, propose to cover the operating costs, including costs of developing new courses, et cetera?

Mr. ROSENKER. Part of that will be in a partnership process and in our business plan. The other part would be making sure that we've got a fair market value on our product. I believe we could

raise the prices to the tune of 10, 15, 20 percent. Early on, we may have been giving this product away much too inexpensively.

Mr. COBLE. You mean raising prices for enrollment?

Mr. ROSENKER. Of the tuition, yes, sir.

Mr. COBLE. Finally, Mr. Chairman, let me ask you this. I've been advised that there are currently 807 open recommendations with a number of investigations. If you will, tell us what this means? Is it good, bad, indifferent?

Mr. ROSENKER. Yes, sir. What that means is, safety is not being well served with that 800 and some odd recommendations not being implemented. We've been working very hard, but we are not the only people that have been working very hard. I will give credit to my predecessors, beginning with former Chairman Jim Hall, who began an aggressive program to get recommendations implemented.

As I said earlier, the problem is, after we've come up with the probable cause, the real challenge is to get the operator, the manufacturer, the Government entity, to listen to what we've had to say and to implement it. We've done a good job when they are finally implemented. We're up now to 83 percent of our recommendations getting implemented. Matter of fact, our most wanted, which are the most challenging of our recommendations, we're at 85 percent.

The real problem, sir, is how long it takes. So if I could ask for any support, sir, perhaps you may wish to put some time lines into when our recommendations need to be reacted upon in some way, shape or form. That would go a long way. Because unfortunately, too many times our recommendations will be out there for two and three and four and five years, some of which are nine and ten years. And that, sir, is much too long to have a gap in safety.

Mr. COBLE. I thank you.

Thank you, Mr. Chairman, and I yield back.

Mr. MICA. Thank you. We would probably welcome a recommendation on that. It might be difficult, because sometimes you need more time to do a thorough investigation, not interfering with that time required. It might be something you could submit to the Committee.

Mr. Carnahan, you had a question?

Mr. CARNAHAN. Thank you, Mr. Chairman.

I want to focus my questions to a couple of recommendations that came out of the Rand Report regarding the party process. I want to read a bit of their conclusions.

It indicated that in order to leverage NTSB resources, I'll just read it here, "the reliability of the party process has always had the potential to be compromised by the fact that the party most likely to be named to assist in an investigation is also likely to be named defendants in a related civil litigation. The inherent conflict of interest may jeopardize or be perceived to jeopardize the integrity of the NTSB investigation."

It went on further to say, "The NTSB must augment the party process by tapping additional sources of outside expertise needed to resolve the conflict circumstances of a crash case. The NTSB's own resources and facilities must also be enhanced if the Agency's independence is to be assured."

I guess I'd first like to focus on the Agency's own resources where you see shortfalls that we can address through the process here in the Congress.

Mr. ROSENKER. Thank you, sir. Clearly, resources are a challenge for us. We're a small agency. Technology moves very, very quickly. And sometimes, catastrophic accidents will happen right on top of each other. It is amazing how long you can go without an accident and then just by some quirk of fate, one, two, three things will happen within a very short period of time, which does stretch our resources.

But it's the technical end of what we are looking at where I think we need to make our greatest, if you will, strides. And that is in the newest and most advanced sides of technology. We need people that are in the areas, say, for example, of computer tool design. We need them in composites. We need them in electrical engineering that deals with the fly by wire aspects of aircraft. So we need that type of expertise.

Mr. CARNAHAN. You're specifically referring to you need that type of expertise internally?

Mr. ROSENKER. Yes, sir, we do.

Mr. CARNAHAN. Is that involved in any of your requests before the Congress?

Mr. ROSENKER. Well, it certainly would be included in our 2008 and 2009 budget. For the 2007 budget, it's unfortunately the status quo at this time.

Mr. CARNAHAN. The other piece of this is regarding additional sources of outside independent expertise to involve them in the process. Can you tell me what steps are being taken to do that?

Mr. ROSENKER. When there is a specific need for a technical expert that we do not have on our staff, we have funds to be able to contract, to be able to hire that consultant. And we do that, in some very complex cases. For example, American 587 was a very complex case. It was one of the most probably visible and catastrophic accident we had seen to date dealing with a composite material. And was there a question on whether the composite material failed or was it something else.

So we used a significant amount of technical experts on that particular accident, including NASA and a lot of other highly, highly technical and highly competent technical experts to help us with that. That accident was completed, I believe it was last year. We came to a very good conclusion that was agreed to by everyone.

Mr. CARNAHAN. Lastly with regard to these, has there been any discussion about how to better involve family representatives or experts in some appropriate way through the investigative process?

Mr. ROSENKER. We have our family assistance program which deals with, directly, on a day to day basis, with those that have lost loved ones in catastrophic accidents. We have experts, clearly, when we need them, participating in our program and of course the party system, we believe, works very well. It's not perfect, but recognizing that the parties are there to provide technical expertise that we may not have, it's all factual what they deal in. They are not involved in any of the analysis aspect of the investigation, only providing facts.

So we believe it has worked fairly well, the system that has been in place for almost 40 years.

Mr. CARNAHAN. Thank you very much. I would certainly welcome the opportunity to follow up with some written questions we may have at the conclusion of this hearing.

Mr. ROSENKER. Sir, I would be delighted to answer any of those.

Mr. MICA. I thank the gentleman.

Mr. Marchant.

Mr. MARCHANT. Thank you. My question has to do with the fuel vapors and the fuel tanks in the transport category. I represent an area that includes DFW airport. On a recent tour out there, they were expressing some concern about some rules they thought might be deemed promulgated. Could you discuss that whole issue with me, please?

Mr. ROSENKER. Yes, sir. These are recommendations that came as a result of TWA flight 800. Success, unfortunately, is taking too much time. It has been nine years or so since we promulgated these recommendations. The FAA is now about ready to come up with the NPRM and they are doing what we have asked them to do in the long term solution. But they have failed in the short term solution. We believe that more can be done and should be promulgated through operational changes. Relatively simple operational changes would prevent this type of thing from happening. So we're getting half a loaf. That may not be good enough.

Mr. MARCHANT. Okay, thank you.

Mr. MICA. Ms. Millender-McDonald?

Ms. MILLENDER-MCDONALD. Thank you, Mr. Chairman.

Mr. Chairman, I look forward, and Ranking Member, thank you so much. But Mr. Chairman, I look forward to welcoming you again to California and to Long Beach during the district work period.

Mr. MICA. Thank you. You caught me by surprise. We are coming out, I think the 20th, 19th and 20th, to southern California to look at some of the congestion in the aviation.

Ms. MILLENDER-MCDONALD. That is correct.

Mr. MICA. Thank you for your invitation and we hope you will participate.

Ms. MILLENDER-MCDONALD. Thank you so much.

Before I get to the questions, Mr. Chairman, today is International Women's Day. I have two women with me who are shadowing me today, from Afghanistan. We have some from Iraq. I would like to just introduce them. Habiba Danesh was the first woman to attend the University of Tatar. She studied biochemistry. She was also one of President Karzi's campaign managers. Habiba Danesh, will you please stand?

And we have Sharifi Zormati, who is and was a television producer, anchor woman. She serves as an independent member on the transportation committee in Afghanistan. I just wanted to welcome them as they are here looking at us today.

Mr. MICA. Thank you. We would like to welcome you and we hope you enjoy your visit. Today is fortunately a non-controversial hearing. You ought to come back for the lively ones.

Ms. MILLENDER-MCDONALD. Thank you, Mr. Chairman.

Mr. Rosenker, than you so much for your presentation this morning. The Chairman spoke to you about incursions, and certainly we

have those in the Los Angeles area, at LAX as well as in the Long Beach airport. So I am very interested in knowing the different methodologies that you and FAA have and would like to perhaps get a report. We will try to pursue that from your office as well as FAA.

Mr. ROSENKER. Thank you. I can provide that in writing to you if you like.

Ms. MILLENDER-MCDONALD. Thank you very much.

Mr. ROSENKER. Yes, ma'am.

Ms. MILLENDER-MCDONALD. There was a recent article in the Washington Post that implied that NTSB has launched fewer general aviation accident investigations than in the past. In the past you've had more. I say this because the public wants to hear from you in terms of public hearings on these types of accident investigations. We know that you have had in excess of 124,000 aviation accidents sine 1967.

So are you intending to have more hearings so that the public, the flying public will understand what is going on? How are you going to address that given the recent article in the Washington Post?

Mr. ROSENKER. Thank you, ma'am. Let me begin with talking about how we have to steward our resources in getting on-scene to general aviation accidents. There are approximately 1,800 to 1,900 GA accidents that occur every year. We, by law, will take a report, do a report, come up with a probable cause, and then provide that to the public.

We look at approximately, we were looking at say in the beginning of 2001, approximately 75 percent of the fatal accidents. There are only something like 350 of those that occur, thank goodness, of the 1,900. We were going on-scene to approximately 350 of those accidents.

Given the resources that we are dealing in today, and the backlog that we had at that time, at that time we had something close to 2,500 accident reports that were incomplete that were over six months old. That meant that we didn't know what had happened. A report had not been completed and provided a probable cause.

At the same time, we were continuing to launch, so the backlog was growing. We made a conscious decision to begin the process of monitoring accidents where we believed the safety payback would be much more valuable by launching on that accident than one which appeared to us to be not quite as valuable or that we knew for example the answer before we would even go. Remember that somebody is going to that accident. Primarily it is the FAA that will go that accident, and provide us information. We will then follow up with witness interviews. We may, depending upon the character of that accident, ask for an engine tear-down, and look at materials. We will do a host of things even though we may not have been physically at that site to give an accurate final determination. And sometimes, we were able to make recommendations.

We've gone from 75 percent in 2001 to today where we go to 62 percent of the GA accidents, fatals, 62 percent, a reduction of approximately 13 percent. But for that, we have been able to close the 2,500 open investigations that we had in 2001 to today, to less than 400 open investigations. What we're able to do now is make, by vir-

tue of looking at the trends and having our people have more time for analysis, we're able to make recommendations to prevent these kinds of things from being repetitive, from happening again.

We even have plans to automate a system even more which will enable us to go directly to a data base with the descriptions of the kinds of things that we are seeing at the accidents that will then flag us to say, one happened here in Ohio, one happened here in Illinois, one happened here in Pennsylvania. And we can begin to put those together where I believe we will have a higher quality report in a more timely fashion and do more to be able to prevent the accidents from happening again.

Ms. MILLENDER-MCDONALD. That's an excellent account of what you do. The public is not always cognizant of that, though. It would seem to me like the reports you put out, those that aren't fatal, but the others that you seek to report on. Of course, the fatal ones you do come before the public. But the others, if you could just make an announcement, that this is a report from that accident, just a public announcement, it certainly seems to me that it would help the public in understanding the role and the complexity of your job.

Mr. ROSENKER. It's an excellent idea, ma'am. We do publish everything we do on our web site. All of those accident reports are available on the web site. The general aviation community is religious about reading our web site, I can tell you, we get calls every day about them.

Ms. MILLENDER-MCDONALD. The last question that I have, Mr. Chairman and Ranking Member, is does video need to be a standard in the black box technology, and will that video provide the aviation industry with a better understanding of what causes crashes and can it be used to enhance security?

Mr. ROSENKER. Let me speak to the safety issues, which I have more expertise and are clearly within my portfolio. We believe that the video imaging would be a significant help to our investigators and speed the process in coming to a probable cause. It is a piece of evidence which right now is missing. We have been on the record for a long time of how important this would be to solving a lot of mysteries that to date we may not be able to solve as well as we would like to.

So that is an improvement we have been asking the FAA to work on, along with giving us two hour black boxes, along with additional battery life of an additional 10 minutes on these boxes, so that after the power to them stops, they are continuing to gather information for us. So it's up to the FAA. We've told them what we wanted, and it's on our most wanted list.

Ms. MILLENDER-MCDONALD. How close are they to providing this for you, do you know?

Mr. ROSENKER. Unfortunately, I can't give you an exact answer of how close. It does take them a while. They do study, they do read our material, they do take it seriously. They just may not be as responsive as we would like them to be in the time frame that we would like it to be.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I would like to go on record that we perhaps seek the, inquire with the FAA as to how soon this type of technology will be put in place. Of course, we

know that that's a cost incurred. But it is vital, perhaps, for our understanding of crashes and the security nature of it.

Thank you, Mr. Chairman and Ranking Member.

Mr. MICA. I thank the gentlelady.

Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman, Mr. Administrator.

During the last reauthorization, we had lengthy discussion and some controversy over one particular issue which is, NTSB often, as a result of investigating an accident or something that has raised safety concerns, makes proposals to the agencies involved, FAA and others, that actions be taken. Ms. Millender-McDonald was just pointing out one of those.

My recollection is that instead of requiring some sort of mandate that they respond to each and every one, we came up with these so-called hot issues list or something like that.

How many items are, let's say, let's just narrow it down to the FAA. How responsive have they been? How many items are pending on your hot button list or whatever you call it list? What's it called?

Mr. ROSENKER. Sir, it's called our most wanted list. I happen to have a copy for your perusal right here, sir.

Mr. DEFAZIO. Great.

Mr. ROSENKER. You asked how many issues there are, and I'll give you the large issues, as opposed to a specific number of recommendations. There are five major issue areas on our most wanted list that deal with the FAA. One is the reduction of dangers to aircraft flying in icy conditions, that's a large one. Mr. Marchant talked about the elimination of flammable fuel air vapors in fuel tanks on transport category aircraft. Runway incursions, which we also covered a little earlier today. The Congresswoman--

Mr. DEFAZIO. Ms. Millender-McDonald.

Mr. ROSENKER. Thank you. Dealt with the issues of audio and data recorders, and also dealt with the video. And finally, one that the FAA has flat out said they are not going to do, they just flat out said they won't, and that's the required restraint systems for children under the age of two. They told us this last year. We're still going to keep it on our most wanted list, because we believe it's an important, important regulation which would give our most vulnerable the same safety that everybody else has on the airplane.

Mr. DEFAZIO. Do you feel this system is adequate to at least engender some scrutiny and response or time line from the Agency? Is there something we could do to maybe turn up the heat a little bit? Particularly, I agree with you on the restraint systems. We have been trying for years on this Committee to mandate it. They relied upon one lame study that wasn't a study that was actually a proprietary survey of whether people would fly or drive their car, and then sort of the bogus argument that somehow the children would be more endangered in the car, where they would be in a restraint system, by Federal law. I guess maybe it's State by State—I don't know of any States that don't have that.

And I share your frustration. So is there something we could do, or is it, do you think this is about as far as we can take this issue?

Mr. ROSENKER. Sir, I can tell you, there's not much more I can do other than continue to be indignant and pound my hand on the

table and do press conferences and be angry and tell them they are missing the point here. Sir, you have significantly more power than I have.

Mr. DEFAZIO. Well, I'm in the minority. But yes, I certainly would be happy if the Chairman would like to take that issue up again and look at a mandate.

Let me ask another question, and this one is a little more hypothetical. Do you believe, particularly right now, we have a number of airlines that are in financial distress, do you believe that you can draw a line between safety concerns and commercial operations? Do you think such a line exists, or it's a wall, it's impenetrable and we would never see anything happening on the commercial side that could jeopardize safety?

Mr. ROSENKER. Sir, that's a very interesting question. I believe the people that operate the commercial aircraft that we fly on today are very serious about maintenance and very serious about safety. They recognize the cost if in fact something goes wrong. They recognize not only is it a cost in finance but in human costs and in public relations cost.

So they are working very hard, I personally believe, to do everything they can to make sure their aircraft are maintained properly. There are rules and regulations about maintenance that the FAA enforces and promulgates. Thus far we've been very fortunate and I believe we have not seen anything to give us any indication that people on a routine basis at the major carrier level are doing anything to take maintenance shortcuts or safety shortcuts.

Mr. DEFAZIO. Have you applied any scrutiny to the outsourcing? It appears to me that we are about back where we were with Value Jet, that the amount of outsourcing and the anemic FAA oversight of outsourcing has led us back to those days where we're kind of dependent upon, it isn't a really rigorously regulated system. But I suppose you wouldn't get into doing oversight of that until there's an accident that's a result of it, and then we would find out that there are problems with it.

Mr. ROSENKER. You're exactly right, sir.

Mr. DEFAZIO. All right. Thank you, Mr. Chairman.

Mr. MICA. Thank you. Any additional questions?

Well, we want to thank you, Mr. Rosenker, for your testimony. Fortunately, you don't have a very controversial reauthorization, but hopefully there are some improvements we can make into the reauthorization, incorporate into the reauthorization.

We look forward to working with you in that regard. We will keep the hearing record open for a period of two weeks. Without objection, so ordered. We may have some additional questions we will submit for the record.

With that, there being no further business before the Aviation Subcommittee, I'll adjourn this hearing. Thank you.

[Whereupon, at 11:16 a.m., the Subcommittee was adjourned.]

STATEMENT OF
THE HONORABLE JERRY F. COSTELLO

AVIATION SUBCOMMITTEE HEARING
NTSB REAUTHORIZATION
MARCH 8, 2006

- I want to thank Chairman Mica for calling this hearing today on the reauthorization of the National Transportation Safety Board (NTSB).

- The NTSB was created during the 1966 consolidation of various transportation agencies into the Department of Transportation (DOT). Its main mission then – as it is today – is to independently investigate accidents in all transportation modes. In 1974, to further ensure that the NTSB would retain its independence, Congress re-established the Board as a totally separate entity distinct from DOT.

- Since its inception in 1967, the NTSB has investigated more than 124,000 aviation accidents and over 10,000 surface transportation accidents, making it one of the world's premier accident investigation agencies. In the last six years alone, the NTSB has investigated or caused to be investigated approximately 11,000 aviation accidents, 244 highway accidents, 95 railroad accidents, 41 pipeline accidents, 22 maritime accidents; and a total of 977 safety recommendations have been issued. This is not insignificant, given the size of this agency: only 396 employees in 10 regional offices.

- The NTSB's recommendations and its vigilance on safety issues result in improvements in the way we conduct the business of transportation in all modes. While NTSB's work in aviation gets perhaps the greatest attention when a tragedy occurs, it should not overshadow the important work the agency performs in pipelines, maritime, rail, truck, and automotive transportation.

- To maintain its position as the preeminent transportation investigative agency, the NTSB must have the resources necessary to handle increasingly complex accident investigations, as well as to adequately train its staff. Accordingly, the NTSB has requested increased funding over the next three years: $79.6 million in FY 2007; $99.9 million in FY 2008; and $104.8 million in FY 2009.

- According to the NTSB, the President's FY07 NTSB budget request of $79.6 million provides for 99 fewer full-time equivalent staff positions than requested. Moreover, the NTSB states that it needs a minimum of 475 full time equivalent employees to fully, effectively and efficiently meet the NTSB's core mission of accident investigation – which is reflected in its FY08 and FY09 request. We must fully fund the NTSB to ensure that the Agency has the necessary resources to hire additional investigative resources.

- I look forward to hearing the testimony of Acting Chairman Rosenker today to discuss the NTSB's mission and resource needs for a robust and well-trained workforce that will ensure the highest level of safety for our transportation system.

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Eddie Bernice Johnson

Opening Statement for the Honorable Eddie Bernice Johnson
House Subcommittee on Aviation
Reauthorization of the National Transportation Safety Board
Wednesday, March 8, 2006 – 2167 RHOB

Thank you Mr. Chairman.

I want to thank you and Ranking Member Costello for holding this important and timely hearing this morning on the reauthorization of the National Transportation Safety Board.

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As the primary agency charged with investigating significant transportation accidents amongst our various modes of transportation, the NTSB serves as a vital component of our nation's transportation system.

Since its creation in 1967 as an independent agency, the NTSB has investigated over 130,000 accidents across various modes of transportation and issued over 12,000 safety recommendations—of which—82% have been adopted by the transportation community.

Without question, our nation's transportation system stands as one of the safest in the world thanks in large part to the diligent efforts of the National Transportation Safety Board.

I welcome our witness this morning, Mr. Rosenker, and look forward to gaining additional insight into agency's proposed statutory changes as we embark upon the agency's next reauthorization.

Thank you.

STATEMENT OF
THE HONORABLE JAMES L. OBERSTAR

AVIATION SUBCOMMITTEE HEARING
NTSB REAUTHORIZATION
MARCH 8, 2006

- I want to thank Chairman Mica and Ranking Member Costello for calling this hearing today on the reauthorization of the National Transportation Safety Board (NTSB).

- This Agency's roots go back to 1926 when the Air Commerce Act vested the Department of Commerce with the authority to investigative aircraft accidents. During the 1966 consolidation of various transportation agencies into the Department of Transportation (DOT), the NTSB was created as an independent agency within DOT to investigate accidents in all transportation modes. In 1974, in further resolve to ensure that NTSB would retain its independence, Congress re-established the Board as a totally separate entity distinct from DOT.

- Since its inception in 1967, the NTSB has investigated more than 124,000 aviation accidents and over 10,000 surface transportation accidents, making it one of the world's premier accident investigation agencies. In the last six years alone, the NTSB has investigated or caused to be investigated approximately 11,000 aviation accidents, 244 highway accidents, 95 railroad accidents, 41 pipeline accidents, 22 maritime accidents; and a total of 977 safety recommendations have been issued. This is no small feat given the size of this agency: only 396 employees in 10 regional offices.

- We are very fortunate to have a great many Federal Government agencies for which the public gets full value of its tax-dollar investment. But we get more than full value out of the NTSB. Its recommendations and its vigilance on safety issues result in improvements in the way we conduct the business of transportation in all modes. While aviation gets perhaps the greatest visibility for the NTSB when there is a tragedy, that should not overshadow nor cause anyone to forget the very significant and important work the agency performs in pipelines, maritime, rail, truck, and automotive transportation.

- The unique role of the NTSB in its conduct of investigations of transportation accidents, after evaluating the evidence and making findings of fact, is then to make recommendations that are normative, not determined by cost-benefit analyses, not driven by one or another interest group, but based on what, in the best judgment of its seasoned safety professionals, is in the best public interest for safe operation in that particular mode.

- The NTSB's efforts in investigating accidents have led to several recommendations to enhance safety, such as measures to prevent runway incursions, improving railroad brakes and preventing runaway trains, and countermeasures against operator fatigue in all modes of transportation.

- To maintain its position as the world's preeminent investigative agency, it is imperative that the NTSB has the resources necessary to handle the increasingly complex accident investigations. The NTSB needs sufficient funding to sustain budget and personnel for both its Headquarters operations as well as the Academy. Accordingly, the NTSB has requested increased funding over the next three years: $79.6 million in FY 2007; $99.9 million in FY 2008; and $104.8 million in FY 2009.

- According to the NTSB, the President's FY07 NTSB budget request of $79.6 million provides for 99 fewer full-time equivalent staff positions than requested. Moreover, the NTSB states that it needs a minimum of 475 full time equivalent employees to fully, effectively and efficiently meet the NTSB's core mission of accident investigation – which is reflected in its FY08 and FY09 request. We must fully fund the NTSB to ensure that the Agency has the necessary resources to hire additional investigative resources.

- Having a well funded, well-trained NTSB workforce is of the utmost importance for the American traveling public. I look forward to hearing the testimony of Acting Chairman Rosenker today, which will help us perform the most important duty of this committee – ensuring the highest level of safety for our transportation system.

Testimony of
Mark V. Rosenker, Acting Chairman
National Transportation Safety Board
before the
Committee on Transportation and Infrastructure
Subcommittee on Aviation
U.S. House of Representatives
regarding
Reauthorization of the National Transportation Safety Board
March 8, 2006

Good morning, Chairman Mica, Ranking Member Costello, and Members of the Aviation Subcommittee. As Acting Chairman of the National Transportation Safety Board, I am pleased to appear before you today in support of our request for reauthorization. I am delighted to be serving as Acting Chairman of the NTSB at such an important time at the Board. As you know, the Safety Board has a critical mission: We investigate transportation accidents to determine what happened and why – not so that we can assign blame or determine fault. Rather, we do this work so that future accidents can be prevented. The core mission of the Safety Board has remained the same since the Board's inception in 1967. We are, however, reframing our efforts and activities on that core mission by examining all of our programs and activities to ensure that we are diligently focused on conducting accident investigations and issuing safety recommendations. Transportation accidents are increasingly complex, and the tools and technology available for accident investigation are also increasing in sophistication. However, we intend to ensure that despite these changes, our emphasis remains on quality investigations and timely safety recommendations that prevent transportation accidents, and reduce the deaths and injuries resulting from accidents that do occur. Our job is to work with you to ensure that the Board maintains the technical staff and investigative tools that are needed to confidently and efficiently conduct the thorough and unbiased investigations that the public deserves.

Safety Board Activity

Let me give you a brief overview of what the Board has accomplished since our last reauthorization. Since the beginning of fiscal year 2003, the NTSB has held 6 public hearings and 41 Board meetings. We adopted 49 reports at those Board meetings. We also investigated more than 4,500 aviation accidents, and hundreds of surface transportation accidents. During this time, we published more than 5,000 aviation accident brief reports, 11 major aviation accident reports, 18 highway accident reports, 31 railroad reports, 10 marine reports, 5 pipeline reports, 4 hazardous materials reports, and 7 other studies and special reports. Since the beginning of fiscal year 2003, our laboratories read out 187 flight data recorders, 203 cockpit voice recorders, and performed 458 wreckage examinations. During this time period, the Board issued more than 450 safety recommendations (about 45 percent pertain to aviation, and the remaining recommendations pertain to surface transportation). Already, 67 (about 15 percent) of these recommendations have been successfully implemented.

Just yesterday, the Board held a meeting to consider two accident investigation reports: The capsizing of a water taxi in Baltimore, Maryland, and the crash of a Sikorsky S-76 helicopter in the Gulf of Mexico, about 70 nautical miles from Galveston, Texas. Five of the 23 water taxi occupants were killed, and all 10 of those aboard the helicopter died in that accident.

Some of the other investigations that we concluded since our last reauthorization include:

- The January 6, 2005, collision of two Norfolk Southern trains in Graniteville, South Carolina, which resulted in the release of chlorine gas from a breached tank car, and killed 9 people.
- The October 24, 2004, crash of the Beech King Air that was transporting employees of Hendrick Motorsports. The airplane crashed while attempting to land at Martinsville, Virginia. All 10 persons aboard the airplane died.
- The October 19, 2004, crash of Corporate Airlines flight 5966, a British Aerospace "Jetstream" that crashed short of the runway while attempting to land at Kirksville Regional Airport, Missouri. The 2 pilots and 11 of the 13 passengers were killed.
- The October 15, 2003, accident involving the Ferry Andrew J. Barberi, which struck a maintenance pier at the Staten Island Ferry terminal. Eleven passengers died and 70 were injured.
- The October 12, 2003, Chicago, Illinois, Metra commuter derailment that resulted in 3 injuries and more than $5,000,000 dollars in damage.
- The February 14, 2003, accident in which a motorcoach crossed a highway median in a rainstorm striking an SUV and killing 7 in Hewitt, Texas.
- The Beechcraft King Air that crashed near Eveleth, Minnesota, on October 25, 2002, killing all 8 people aboard, including Sen. Paul Wellstone.
- The May 26, 2002, accident that resulted when the towboat Robert Y. Love rammed a pier supporting the Interstate 40 bridge over the Arkansas River near Webbers Falls, Oklahoma. The impact collapsed a 503-foot section of the bridge, which fell into the river and onto the barges below. The accident resulted in 14 fatalities and 5 injuries.
- The November 12, 2001, crash of American Airlines flight 587, an Airbus A300, which crashed into a Queens, New York, neighborhood shortly after taking off from John F. Kennedy International Airport. All 260 people aboard the plane died, as did 5 persons on the ground. This is the second deadliest aviation accident in American history.

The Board also issues special reports and studies. For example, since we were last reauthorized, we issued a safety report on the Rollover Propensity of 15-Passenger Vans. Also, we issued a special report on medical oversight of noncommercial drivers. Late last year, we published a study on liquid pipeline control and data acquisition systems, and we also published a study on general aviation flights in bad weather. In January of this year, the Board issued a special report on emergency medical services (EMS) flights that resulted in a number of safety recommendations to the FAA. We undertook the special report after investigating fifty-five EMS accidents over the three-year span between January 2002 and January 2005.

We also have a number of important accident investigations in progress. These include:

- The February 8, 2006, fire involving a UPS DC-8 cargo airplane at Philadelphia International Airport.
- The December 19, 2005, Chalk's Airlines passenger seaplane accident in Miami, Florida, that killed all 20 on board.
- The December 13, 2005, natural gas explosion in Bergenfield, New Jersey, that killed 3.
- The December 8, 2005 Southwest Airlines runway overrun at Chicago's Midway airport that killed a six-year-old boy who was an automobile passenger.
- The October 2, 2005, tour boat Ethan Allen capsizing in Lake George, New York, which resulted in 20 deaths.
- The September 23, 2005, bus fire near Wilmer, Texas, that killed 23 people who were being evacuated due to Hurricane Rita.
- The February 16, 2005, accident in Pueblo, Colorado involving a Circuit City Cessna Citation 560 corporate jet. The 2 pilots and 6 passengers were killed in the crash.
- The February 2, 2005 accident involving a Canadair CL-600 corporate jet, at Teterboro Airport in New Jersey. The airplane overran the runway during an aborted takeoff resulting in 4 seriously injured persons.
- The November 28, 2004, crash of a Canadair Challenger airplane during takeoff from Montrose Regional Airport, Colorado. There were 6 persons aboard, 3 of whom were killed. Among the passengers were NBC television executive Dick Ebersol and members of his family.
- The October 1, 2003, tractor-trailer collision with a specialty bus that killed 8 elderly passengers in Hampshire, Illinois.

In addition to domestic accidents, the Board often sends investigators to other countries to investigate aviation accidents, and I want to highlight this important responsibility. When a U.S.-manufactured, U.S.-registered, or a U.S.-operated aircraft is involved in an accident overseas, the Safety Board leads the U.S. participation in the investigation. Each year, our investigators participate in about 20 major foreign aviation accidents. For example, in August of last year, the Board sent a team to participate in the investigation of a Sikorsky S-76 helicopter that crashed into the Baltic Sea off the coast of Estonia. Also last year, the Board sent investigators to participate in the investigation of an Airbus A340 runway overrun in Toronto, and Boeing 737 crashes in Indonesia, Nigeria, and Greece. Also, last summer, the State Department asked the Board to send a team to assist in the investigation of the crash of a Russian-built M-172 helicopter near the Sudan/Uganda border. The crash killed 14 people, including Sudan's First Vice President John Garang. Our involvement in this investigation has helped allay fears among the Sudanese people that the aircraft was brought down by a criminal act. Our foreign work is vitally important to aviation safety because some countries may lack the technology and expertise that we possess, and it protects U.S. interests by ensuring that a proper and fair investigation results when American-built and American-registered aircraft are involved in

accidents in other countries. Also, because many of the accidents that happen in other countries could have happened here, our participation in these investigations results in major safety improvements for the domestic fleet.

Each investigation is important, but our goal is preventing future accidents, saving lives, and reducing injuries. That is why we often say that safety recommendations are our most important products. Each year, the Board meets to determine which of its open recommendations should appear on its list of Most Wanted transportation safety improvements. Our 2006 Most Wanted list includes several aviation safety recommendations to the Federal Aviation Administration (FAA) urging them to reduce the dangers of in-flight icing, eliminate flammable vapors in transport category airplane fuel tanks, prevent runway incursions, require restraints for children under age two, and to improve the crashworthiness of recorders. The most important safety improvement needed for our country's railroads is positive train control. If the Federal Railroad Administration (FRA) required positive train control systems, it would prevent collisions and overspeed accidents. The Most Wanted safety improvements for the highway mode include improving motor carrier safety, preventing medically unqualified drivers from operating commercial vehicles, and enhancing the protection of bus passengers. The list also includes recommendations to the Department of Transportation (DOT) modal administrations to update the hours of service rules for transportation workers. In addition, our Most Wanted list includes recommendations to the states to enact laws that promote seatbelt usage, ensure child occupant protection, improve youth highway safety, and to eliminate hard-core drinking driving. The list also includes recommendations to improve school bus safety and make grade crossings and recreational boating safer.

Although open safety recommendations are important, standing alone they do not represent safety improvements. The results that we need are the actions of industry and government representatives to improve safety by implementing the Board's recommendations. When the recipients of the Board's recommendations respond, we carefully consider the actions taken and, if appropriate, close the recommendations by majority vote of the Board Members.

When we appeared before you during our last reauthorization cycle in 2002, the Board had more than 1,100 open safety recommendations and that many had been open for several years. About half of the open recommendations were to the DOT and its modal administrations. We have been working with all of the modal administrations to implement the recommended safety actions and to close the old recommendations. I am pleased to report that our safety recommendation acceptance rate is over 83 percent, and in 2005, the Board reduced the number of open safety recommendations to 810, the lowest number since 1971. We are proud of these numbers, but remain committed to holding our ground on each recommendation, ensuring that the most sensible safety actions are implemented.

Another issue that we pointed out to you when we last came forward for reauthorization was the state of relations between the Safety Board and the Coast Guard. At that time we had been working on a Memorandum of Understanding (MOU) for six years without being able to come to an agreement on investigating marine accidents. There was a need for a closer and more productive working relationship. I am pleased to tell you that the memorandum was finalized and signed in September 2002, and the MOU is working quite well. More importantly, our relations with the Coast Guard have improved tremendously in the last few years, and we look forward to continued partnership in the years to come.

When we were last reauthorized, our Academy in Ashburn, Virginia had not yet opened. In September 2003, the Academy staff took up occupancy in the new building, which has five classrooms,

office space, a large laboratory to house the TWA flight 800 reconstruction, and other laboratory spaces and meeting rooms. The facility is also home to one of our aviation regional offices. Finally, it also serves as the Board's continuity of operations (COOP) site, and as a backup COOP site for two other Federal agencies.

A part of the Academy's mission is to provide training on transportation safety and accident investigation. Since the Academy became operational, its staff has focused primarily on improving and expanding existing programs. In response to Congressional concerns about the use of investigative resources to support Academy courses, in 2006, Safety Board management significantly revised the philosophy for the Academy. We will focus upon developing and sustaining innovative and state-of-the-art training courses and programs. The Board will explore partnership and contracting possibilities that will yield higher returns, with decreased demands on NTSB investigative resources by relying more heavily on instructors from academia, government, and the private sector. This will also provide greater training opportunities for all NTSB staff. We also plan to establish Training and Academic Oversight Board composed of senior NTSB staff. The Oversight Board will oversee the curriculum developed by contractors and other third parties. We will also work with and review the operations of other government training facilities to ensure that we benefit from their experience and best practices. One of our goals is to more tightly integrate the Academy into the Safety Board's operation and ongoing work. To reflect this change in emphasis, we are considering changing the name of the facility to the NTSB Training Center.

Although it has been operational for just over two years, we are pleased that the Academy has made great strides in developing and delivering high quality programs that are highly relevant to the transportation community. During fiscal year 2005, we offered 31 programs, 14 of which were designed primarily for NTSB employees. Over 1,600 participants attended these programs, and the Board collected almost half a million dollars from tuitions and fees from the attendees, which included representatives from organizations like National Aeronautics and Space Administration's Engineering and Safety Center, Federal Bureau of Investigation's Evidence Response Team, and the Civil Aviation Administration of China. This new strategic and management vision will position the training center to move forward and to better serve the needs of the Board and its staff.

I want to take a moment to assure you of our continued commitment to investigating general aviation accidents. There has been some concern that we are not investigating as many general aviation accidents as we should. But I want you to know that we lead an investigation into every one of the nearly 1,800 general aviation accidents that occurs each year; however, our regional aviation investigators cannot travel to every accident site so we rely on some of the FAA's 3,500 inspectors to assist us. We ask these trained aviation inspectors to document the on-site findings and to collect evidence for us. Whether we travel to the accident scene or not, we still conduct the research, necessary interviews, and follow-up examinations required for an appropriate investigation. For each case, we write the report and determine probable cause. That is our mandate and we carry it out.

Reauthorization Request

The Safety Board is asking for authorized resource levels capable of funding 399 full-time equivalent (FTE) positions in fiscal year 2007, and 475 FTEs in both fiscal years 2008 and 2009. The necessary resource levels for fiscal years 2007-2009 are $79.594 million, $99.974 million, and $104.844 million, respectively.

We began fiscal year 2006 with the equivalent of 416 full-time employees on board. This is more than our fiscal year 2006 budget can support, so we have been allowing attrition to shrink this number to a sustainable level. We currently have 396 FTE on board, and we can sustain this number with our current budget. In the last two months, we have initiated some very important human capital planning to help us better prepare the NTSB for the future. Our planning indicates that to carry out the mission of the Board we need 475 full-time staff; consequently, this is the number that we have proposed for fiscal years 2008 and 2009. We recognize that this represents growth, but this staffing level is needed to allow us to investigate accidents appropriately and issue timely and effective safety recommendations.

Our reauthorization request also contains several proposals for specific legislative language that would improve the Board's operation.

The Board's last reauthorization legislation provided the authority for the NTSB to enter into contracts without competition when necessary to expedite an investigation. We are grateful to have been entrusted with this special exemption to competitive contracting rules, and we have judiciously used this authority, mostly for relatively small contracts for investigative services. For example, we have used the authority to contract for non-destructive imaging of aircraft components, as well as for marine vessel stability calculations. It can also be used to retrieve important – perhaps perishable – evidence while it is still available. This important authority expires on September 30, 2006, and we are asking that the sunset provision be deleted so that the special contracting authority becomes a permanent part of our legislation.

The Board also proposes that you authorize appropriations for our training center as part of the broader authorization for the agency, rather than as a distinct entity. As I mentioned, we are actively working to more fully integrate the center into our overall mission and programs, and we believe that a single authorization is consistent with this goal. Also, we propose incorporating the content of the training academy annual report into the Board's annual report to Congress.

The Board also asks to be authorized to credit all reimbursements as offsetting collections that would remain available until expended (this authority already exists for training center course fees). This would help us better manage our funds when we are reimbursed by third parties for accident services that those parties are required to provide. For example, airlines are required to fund disaster mortuary services when these services are needed at crash sites. To ensure the immediate delivery of these important services, the Board may commit its own funds immediately after an accident, and seek reimbursement later when there is time to sort out the financial responsibility. Also, we occasionally agree to conduct accident investigations on a reimbursable basis. For example, the Department of State is reimbursing us for conducting the investigation into the helicopter accident that killed the First Vice President of Sudan. Without a legislative change, these reimbursements may have to be redeposited into the treasury account, unavailable for use by the Board. We need the authority to carry forward reimbursements like these.

Our last proposal concerns paying for the services of the DOT Inspector General (IG). As you know, the Inspector General is authorized to review the financial management, property management, and business operations of the Board. The IG is reimbursed by the Board for the costs associated with carrying out these activities. Instead of the Board reimbursing the IG, we are asking that the IG's office be appropriated directly for its activities. This would facilitate better resource management, and I am pleased to report that the DOT IG concurs with our proposal.

As I close, I want to assure you that we are working hard to ensure that the people and resources of the Board are well managed. In fact, I am proud to tell you that in each of the last three fiscal years, our timely and accurate financial statements have received clean audit opinions from the DOT Inspector General.

There have been significant leadership changes at the Board recently. In March of 2005, Joe Osterman began serving as the Board's Managing Director, its highest-ranking career leader. Mr. Osterman is effectively leading a highly talented management team, and as I mentioned previously, under his leadership, the Safety Board has reinvigorated its focus on the completion of investigations and the production of accident reports.

In fact, over the past year, the Board has changed personnel in 14 of the top 24 leadership positions. These positions have been filled by highly qualified and experienced professionals from both within and outside the Board. Some noteworthy new members of the team are Jack Spencer, the director of our Office of Marine Safety, and Gary Halbert, our General Counsel. Dr. Spencer, an MIT-educated naval architect comes to us from the private sector, and Mr. Halbert – an accomplished attorney – recently retired from the U.S. Air Force. Both have hit the ground running and are already making important contributions to the Board. Also we are currently recruiting for a Chief Information Officer who will join the agency's management team with the responsibility of managing the agency's information infrastructure. We are improving our performance management system throughout the agency, and we have refocused our efforts on leadership, communication, and the Board's mission.

As I said at the beginning of my testimony, there are important things happening at the Safety Board every day. But we need the support of Congress to ensure that we have the resources needed to accomplish our mission. I thank you for the opportunity to appear before you today, and I am happy to respond to any questions you may have.

Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

APR 0 4 2006

Honorable Jerry F. Costello
Ranking Democratic Member
U.S. House of Representatives
Aviation Subcommittee
Transportation and Infrastructure Committee
2251 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Costello:

Thank you for your March 21, 2006, letter attaching questions for the record from Congressman Russ Carnahan to my office for the Subcommittee on Aviation hearing held March 8, 2006, on the "Reauthorization of the National Transportation Safety Board."

Enclosed please find the Safety Board's responses to Congressman Carnahan's questions.

If you have any additional questions or concerns, please do not hesitate to call me at 202-314-6035.

Sincerely,

Mark V. Rosenker
Acting Chairman

Enclosure

cc: Stacie Soumbeniotis

QUESTIONS FOR THE RECORD
AVIATION SUBCOMMITTEE HEARING
REAUTHORIZATION OF THE
NATIONAL TRANSPORTATION SAFETY BOARD
MARCH 8, 2006

1. **Does the NTSB have adequate resources to conduct its investigations in an independent, objective, and unbiased manner?**

The NTSB staunchly defends the independence, objectivity, and impartiality of its investigative process. We carefully protect the Board's investigations from improper influence by outside interests and we ensure our personnel are properly trained to avoid ethical entanglements and conflicts of interest. Nonetheless, the most important resources the NTSB has for conducting investigations are its in-house technical experts. Often, only one or two NTSB investigators has the skills and experience required to lead a particular technical group. Consequently, the key to maintaining the objectivity of the NTSB's work is to ensure that we maintain our highly specialized workforce; however, recent appropriated levels have been insufficient to permit the agency to hire the specialized investigative and technical staff that are needed. Our 2006 Human Capital Forecast determined the minimum staffing level needed for the NTSB to efficiently and effectively fulfill its mission. This number is 475 full time equivalent (FTE) positions, which is 76 FTEs more than the 399 FTEs that we can afford at the proposed budget level for FY 2007; consequently, we have requested authorization levels capable of sustaining 475 FTEs in fiscal years 2008 ($99.974M) and 2009 ($104.844M).

2 **What safeguards has the NTSB put in place to ensure its investigations are conducted in an independent, objective, and unbiased manner?**

Many of the party system safeguards employed by the NTSB appear in Title 49 *Code of Federal Regulations* Part 831. These regulations stipulate that certain entities that were associated with an accident and are capable of providing suitable and qualified technical personnel to assist the NTSB may be named as parties to an investigation. Other than the Federal Aviation Administration in an aviation accident, no entity has a right to party status. NTSB investigators lead and directly supervise each party participant in an investigation, and the regulations require that the entities and persons serving as parties be responsive to the directives of their NTSB leaders. Failure to comply with NTSB instructions and work assignments and/or behavior that is prejudicial to the investigation can result (and has resulted) in the withdrawal of party status by the NTSB. The regulations also stipulate that party participants may not represent claimants or insurers, and party participants may not occupy legal positions within their organizations. Again, failure to comply with these restrictions can also result in loss of party status.

By definition, each entity named as a party to an NTSB investigation played some role in the accident that led to that investigation. Consequently, each party has certain safety responsibilities associated with the facts that arise from our investigations. Our investigative experience suggests that our parties take that responsibility very seriously. Once an accident occurs, transportation industry professionals are highly motivated to work within the investigative system to prevent future accidents. Consequently, party status is quite important to our parties, and the threat of loss of that status is almost always sufficient to promote compliance with NTSB leadership during an investigation. In an extreme case, the agency could refer a matter of party misconduct (*e.g,* lying to a Federal investigator or misappropriating NTSB materials) to the Department of Justice for prosecution.

This process – and strict ethics rules that prohibit Board employees from having a financial interest (*e.g.,* owning stock) in transportation entities – ensures that NTSB investigations are independent, objective, and free from bias.

3. Currently, in accident investigations, the NTSB frequently relies only or excessively on the manufacturers of the aircraft, vehicle, or subject component part for its fact-finding. Do you feel this high level of reliance on manufacturers threatens the integrity of the investigation?

No. We understand the perception that the parties have too great an influence on the NTSB's investigative process, and we recognize that parties to our investigations have an interest in the outcome of the investigation. Consequently, as described in the response to question 2, we make use of an investigative process that maintains the integrity of our investigations. However, the NTSB needs the ability to make time-sensitive requests of and to receive information from the designers, manufacturers, and operators of the vehicles involved in accidents so that we can conduct a thorough investigation. In addition to manufacturers, entities such as transportation operators, employee unions, vendors and other organizations are afforded party status, when these organizations can provide technical expertise. This broad group of parties involved in the investigation ensures that a variety of technical perspectives are available to NTSB investigators as they conduct the fact-finding phase of an investigation. Our investigators do not rely on a single party during an investigation: All of the parties participate in the fact-finding process, and our staff often solicits information from other manufacturers and operators to provide insight into industry practices and techniques. This process helps protect the NTSB from over reliance on a particular entity.

(a) If NTSB were able to more fully utilize independent experts in its investigations, would the quality of the investigation be enhanced? I.e. would the investigation be more likely to be unbiased and objective?

Although the party process includes a wide variety of safeguards to ensure that NTSB investigations remain unbiased and objective, the NTSB frequently makes use of outside experts in the conduct of its investigations. For example,

when there is a need to perform certain laboratory testing or other analytical work that exceeds our in-house capabilities or available staff resources, we make use of private sector companies, universities, or other government resources. For example, we have made use of contractors and other entities to perform engineering calculations, computational systems modeling, and to accomplish other required technical work. Several specific examples of our use of outside entities are provided in our response to question 3(c). Appropriate use of contractors and other outside entities enhances the quality and timeliness of our investigative work, and it allows us to leverage our own limited resources. However, it should be noted that using outside experts or contractors still requires a substantial investment of our limited technical resources because our technical experts must closely monitor and supervise the outside work to keep it on target, on schedule, and make sure that it meets our investigative needs. Further, some outside experts bring their own biases and prejudicial notions to the table, so NTSB experts must remain prepared to address these as well.

(b) What barriers prevent the NTSB from utilizing more outside experts and resources for its investigations?

We are not aware of any regulatory or statutory barrier to using outside experts or other resources, and it is appropriate for us to use such resources to assist us with certain aspects of our investigative work. It is important to note that it is generally impractical to use outside experts to assist with fact-finding. It is unlikely that an outside expert would have access to the types of personnel records and proprietary engineering information frequently required by our investigations, and there are many instances in which the vast engineering knowledge base that manufacturers and operators have concerning their products uniquely qualifies them to conduct the technical work required by the NTSB. On the other hand, there are several aspects of our work that do lend themselves to performance by independent experts and other resources. Several specific examples of our use of outside entities are provided in our response to question 3(c). Subject to our limited resources to fund and properly oversee outside work, we make considerable use of such outside resources.

The use of outside contractors is of particular importance to the NTSB. The NTSB's last reauthorization legislation provided the authority for the NTSB to enter into contracts without competition when necessary to expedite an investigation. We are grateful to have been entrusted with this special exemption to competitive contracting rules, and we have judiciously used this authority, Since the authority was granted, it has been used 11 times, mostly for relatively small contracts for investigative services. For example, in July 2005, we used the authority to award a contract for non-destructive imaging of aircraft components ($9,500), and in December 2005, we issued an order to a private laboratory for aircraft fuel sample testing ($4,134). This important authority expires on September 30, 2006, and we are asking that the sunset provision be deleted so that the special contracting authority becomes a permanent part of our legislation.

(c) In the last 10 years, how often has the NTSB utilized outside experts that do not have a financial or legal interest in the outcome of the investigation?

Unfortunately, our accounting records do not contain the type of information necessary for a comprehensive review of the NTSB's use of outside experts; however, the NTSB has made extensive and appropriate use of such resources during the past 10 years. For example, we have:

- examined electrical components at Wright Lab at Wright-Patterson Air Force Base;
- used the icing tunnel facilities and expertise available at NASA's Glenn Research Center
- worked extensively on composite aircraft structure with engineers at NASA's Langley Research Center;
- tasked contract laboratories with certain laboratory tests such as Fourier transform infrared spectroscopy, chemical residue analysis, and other materials testing;
- relied on experts at the California Institute of Technology to design and perform fuel vapor flammability studies;
- awarded contracts to private marine engineering firms for vessel stability calculations;
- awarded a contract to Bridgestone/Firestone for on-site tire/roadway friction testing;
- made use of a private test track to conduct stability and handling test on 15-passenger vans under tire blow-out conditions;
- used a private laboratory and other outside experts to design and conduct a series of grease studies to determine the effect of mixing grease types on aircraft jackscrew threads;
- contracted with the Gas Research Institute to test a section of pipeline involved in an accident;
- ordered high-resolution, non-destructive computed tomagraphy scans of aircraft hydraulic actuators in advance of destructive physical examinations;
- awarded a contract to a private firm for computational systems modeling;
- used airplane simulator time for investigative purposes at NASA and at private aircraft training facilities; and
- awarded contracts to a fire science expert to augment internal resources.

In fact, several years ago, while investigating the crash of USAir flight 427, the NTSB assembled a panel of eight hydraulic systems experts to assist with that investigation. More recently, the NTSB has awarded an as-yet-unused contract to the National Academies of Science (NAS) Aeronautics and Space Engineering Board (ASEB). This contract will permit the NAS ASEB to assemble an *ad hoc* technical panel of world-renowned experts on any appropriate topic relative to aviation or aerospace engineering, upon request of the NTSB.

(d) What steps is NTSB taking to increase the utilization in its investigations of outside experts that do not have a financial or legal interest in the outcome of the investigation?

As mentioned previously, the use of outside contractors is of particular importance to the NTSB. Over the last several years, the NTSB has diligently worked to improve the technical capabilities or our contracting officers, and to educate the agency's technical staff on government contracting rules and procedures. We have also improved the capabilities of the automated tools available to our contracting officers. The agency is now much better positioned to award such contracts.

The NTSB's last reauthorization legislation provided the authority for the NTSB to enter into contracts without competition when necessary to expedite an investigation. We are grateful to have been entrusted with this special exemption to competitive contracting rules, and we have judiciously used this authority, mostly for relatively small contracts for investigative services. This important authority expires on September 30, 2006, and we are asking that the sunset provision be deleted so that the special contracting authority becomes a permanent part of our legislation.

4. During the investigatory process, do family/victim representatives have access to the same information regarding the investigation as those who have been granted party status?

If not, what are the barriers to allowing family/victim representatives access to this information?

For each investigation, the NTSB compiles a docket containing the factual record of the investigation. By the nature of their participation in the investigation as fact gatherers, parties to the investigation have access to much of this information in advance of victims and their family members; however, in the course of each investigation the entire factual record is made public. As an investigation progresses and information is prepared for public release, our staff ensures that family members receive briefings about the status of the investigation, and that they receive information in advance of the general public.

5. **If family/victim representatives are not allowed party status during the investigation, how does the NTSB propose to counteract the bias of the self-interest of the manufacturers who are granted party status?**

The NTSB is the independent agency that represents the traveling public, and thus the victims and their families, in all of the accident investigations that it conducts. The purpose of an NTSB investigation is to determine the cause of an accident, so that the lessons learned can prevent future accidents. This is in contrast to the goals of an enforcement or criminal investigation in which the intent is to assign blame and assess penalties. Consequently, only those entities capable of providing qualified technical personnel to assist the NTSB's technical experts may serve as parties to an investigation. As demonstrated in many accident investigations, the NTSB's highly qualified and dedicated staff has sufficient expertise and investigative acumen to anticipate, recognize, and address the bias that might be introduced by the parties, and the NTSB ensures that all of the evidence is thoroughly examined and documented. The party process itself is to a great extent self-regulating, because each party generally works to ensure that all of the issues that it views as important are completely addressed. Each party provides information about its own involvement in the accident, and about the involvement of the other parties. It is the job of the NTSB to balance these competing interests and viewpoints to ensure the thoroughness and accuracy of each investigation. The NTSB understands that each party brings certain perspectives, self interests, and a degree of bias to the investigation, but the checks and balances that are built into the investigative process ensure that these biases are counteracted and do not work to the detriment of the investigation.

May 15, 2006

Honorable Juanita Millender-McDonald
U.S. House of Representatives
2445 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Millender-McDonald:

On March 8, 2006, I presented testimony before the Aviation Subcommittee, Transportation and Infrastructure Committee, on the "Reauthorization of the National Transportation Safety Board."

During questioning, you requested a report from the NTSB on the different methodologies on runway incursions we have encountered. I have enclosed a fact sheet on runway incursions as well as a detailed response to our most recent recommendation issued to the Federal Aviation Administration, which is currently open and on our Most Wanted list.

If you have any additional questions or concerns, please call me at (202) 314-6035, or Ms. Cheryl McCullough, Government and Industry Affairs Liaison, at (202) 314-6121.

Sincerely,

/s/

Mark V. Rosenker
Acting Chairman

Enclosures

National Transportation Safety Board

Fact Sheet: Runway Incursions, Accidents and Incidents

A runway incursion is "any occurrence in the airport runway environment involving an aircraft, vehicle, person, or object on the ground that creates a collision hazard or results in a loss of required separation with an aircraft taking off, intending to take off, landing, or intending to land." (FAA definition)

Deadliest Runway Accidents

- The world's deadliest aviation accident was a runway collision between two passenger jumbo jets more than 29 years ago.
  - 583 passengers and crew were killed when a Pan Am 747 and KLM 747 collided on Tenerife, Canary Islands, on March 27, 1977.
  - The Spanish government's 1978 final report said the fundamental causes of the accident were that the captain of the KLM 747 took off without clearance; did not obey the "stand by for takeoff" direction from the tower; did not interrupt takeoff when the Pan Am 747 reported it was still on the runaway; and replied in the affirmative when the flight engineer questioned him as to whether the Pan Am jet had left the runway.

- The deadliest runway accident in the United States was a collision between a USAir 737 and a Skywest Metroliner commuter at Los Angeles on February 1, 1991, killing 34.
  - The NTSB's 1991 final report said the probable cause was the failure of air traffic control management to implement adequate procedures, policy direction and oversight. This led to the failure of the local controller to maintain awareness, culminating in inappropriate clearances and the collision.

- On October 8, 2001, 118 people died when an SAS MD-87 airliner taking off for Copenhagen, Denmark, hit a Cessna private jet that wandered across the runway at Linate Airport, Milan, Italy. The airliner then careened into an airport building in a fiery crash that killed all 114 people on both planes and four people on the ground. It was Italy's worst aviation disaster.
  - Italy's Agenzia Nazionale per la Sicurezza del Volo's 2004 report listed numerous causes including: low visibility; high traffic volume; lack of adequate visual aids; Cessna crew's used the wrong runway and entered it without specific clearance; failure to check Cessna crew qualifications; pressure on Cessna crew to commence flight despite prevailing weather conditions; air traffic control did not realize the Cessna's location; instructions, training and prevailing environmental situation prevented air traffic control personnel from having full control over aircraft movements on the ground; Cessna crew was *not* aided

with correct publications, lights, markings and nonexistent airport signs to enhance situational awareness.

Runway Accidents

- A runway collision between two Northwest jets, a DC-9 and a 727, in Detroit on December 3, 1990, killed 8.
  - The NTSB's 1991 final report said the probable cause was a lack of proper crew coordination, which led to the failure of the DC-9 to stop taxiing and alert the ground controller to their position uncertainty after intruding on an active runway.

- A runway collision between a United Express Beechcraft 1900 commuter and a King Air private aircraft at the uncontrolled airport in Quincy, Illinois, on November 19, 1996, killed all 14 on both planes.
  - The NTSB's 1997 final report said the probable cause was the failure of the King Air pilots to effectively monitor the common frequency advisory radio channel or to properly scan for traffic before commencing its take off roll at the same time the United Express plane was landing on an intersecting runway.

- On March 9, 2000, four people died when two Cessna private aircraft collided on a runway in Sarasota, Florida. One aircraft was cleared for takeoff by the air traffic control tower controller from an intersection in front of another aircraft on its takeoff roll. Both aircraft were destroyed.
  - The NTSB's 2001 report said the probable cause was the failure of the supervisor-ground controller and the local controller to provide effective separation between the accident airplanes on the runway, resulting in a collision during takeoff. Contributing factors were the failure of the pilot and pilot-rated passenger on board one of the aircraft to ensure that the runway was clear of traffic before taxiing onto the runway; and the failure of air traffic control guidance and procedures to incorporate redundant methods of verifying aircraft position for both controllers and pilots.

- On October 31, 2000, 83 people died when a Singapore Airlines 747 struck a concrete barrier and hit a construction site as it mistakenly took off from a closed runway during a storm at Taipei's Chiang Kai-shek International Airport, Taiwan. There were 179 on board the flight to Los Angeles.
  - Taiwan's Aviation Safety Council's 2002 report listed findings related to probable causes, including: heavy rains and strong winds from a typhoon at the time of the accident; previously issued notice about the runway closure; the flightcrew was aware that a portion of the runway was closed, the second and third officers did not question the captain's decision to takeoff; the flight crew did not adequately review the taxi route; moderate time pressure to takeoff influences the flight crews

decision making ability; and the flight crew lost situational awareness and commenced takeoff from the wrong runway.

- On October 12, 2001, two small aircraft were substantially damaged when they collided on a runway at the airport in Van Nuys, CA. A controller cleared a Piper PA-28 into position and hold at midpoint of a 8,000 foot runway, and then cleared a Piper PA-46 to land on same runway. PA-46 collided with PA-28 still holding on the runway. One pilot received minor injuries and the other was not injured.
  - The NTSB's 2003 report said the probable cause was the failure of the air traffic controller to provide effective separation on the runway surface.

Serious Airport Accident on Ramp (not a runway accident)

- NTSB is investigating the May 10, 2005 collision of a Northwest DC-9 and Northwest Airbus A319 on the ramp at the Minneapolis-St. Paul International Airport. Both airplanes were substantially damaged, and the crew of the DC-9 received minor to serious injuries. Preliminary reports indicate that immediately following the precautionary landing, the DC-9 flight crew told air traffic control that they were having difficulty controlling the airplane on the ground, and to keep airplanes away from them. The crew then apparently decided to taxi the crippled airplane back to the gate under its own power, rather than wait for a tug to tow it into the gate. As the airplane taxied into the gate, the airplane's brakes and nose-gear steering systems were rendered inoperable. The DC-9 continued to roll toward the tail of the Airbus, and continued under the tailcone and right wing of the Airbus until the DC-9 cockpit area impacted the aft portion of the Airbus' right wing. Hundreds of gallons of jet fuel spilled from the damaged right wing of the Airbus into the DC-9 cockpit.

Incidents

- In the past few years, there have been several very serious near collisions, including:

- In April 1999, a Korean Airlines 747 took off from Chicago O'Hare and was within 75 feet of hitting a China Airlines 747 that had wandered onto an active runway.

- In June 1999, an Icelandair 757 flew over the top of an Air France 747 at JFK Airport, missing the plane by just 200 feet.

- In November 1999, an Aero Mexico MD-80 taxied onto an active runway at Los Angeles international and was nearly hit by a taking off United 757. The United plane, carrying Bob and Elizabeth Dole as passengers, came within 60 feet of the Aero Mexico airplane.

- In November 1999, an Alaska Airlines 737 touched down and had to swerve to avoid a snowplow traveling on the right side of the runway at Juneau, Alaska. The plane's right wing came within 32 feet of the snowplow. The plane was scheduled to land before the air traffic control tower opened for the day, so airport workers and pilots were communicating by radio with the FAA's flight service station, which is not within sight of the runway. The airport's maintenance crew was training a new employee at the time.
  - The NTSB's 2001 report said the probable cause was the failure of the flight crew to provide a recommended landing traffic advisory, and the failure of flight service station personnel to provide a flight advisory to the arriving airplane concerning men and equipment operating on the runway. Factors in the incident were operations at an airport when the control tower was closed, and the failure of the snowplow driver to verify the eminent arrival of the airplane.

- In February 2000, a Northwest DC-10 was on final approach to Detroit and initiated a go around to avoid a Northwest A-320 cleared for takeoff. Separation was 300 ft. vertical, and less than one-half mile horizontal.

- In May 2000, an American Trans Air 727 went around shortly before landing on a runway Chicago Midway Airport, where a Rockwell Aero Commander was holding in position for takeoff. The 727 pilot saw the Commander on the runway and initiated a go around from very short final, passing about 60 feet over the other aircraft.

- In December 2000, a US Airways A320 was taxiing to a runway at Providence, Rhode Island, and a Southwest Airlines 737 was following. The Southwest flight crew asked to stop to check wings for ice then continued to taxi, but missed the turn onto a taxiway in snow and fog and protruded over the hold short line on the runway. The A320 was on takeoff roll when the crew saw Southwest and aborted. US Airways was traveling about 30-70 knots when it passed in front of Southwest

- In January 2001, a TWA MD-80 flew over an American Airlines MD-80 missing it by an estimated 60 feet at Seattle-Tacoma International Airport. The American plane crossed the active runway as the TWA aircraft was departing on the same runway. There we no injuries to the 176 passengers and crew on both aircraft.

- In March 2001, a Southwest 737 landed on a runway at Fort Lauderdale, Florida, was followed by a Delta Air Lines 767. Delta was cleared to land on the runway while on five-mile final. After Southwest crossed the threshold, the tower controller cleared a US Airways 737 to taxi into position and hold on the same runway Delta landed over the top of US Airways with closest proximity of less than 100 feet.

- In May 2001, an American Airlines F-100 flew over an Amflight Swearingen Metrojet 4, while taking off on a runway at Dallas-Ft. Worth International. Amflight had been told by controllers to cross the runway to a taxiway. After crossing, small aircraft's pilot mistakenly continued back onto the runway. The American crew estimated they were within 10 to 20 feet of hitting the other plane.

- In May 2001, a private twin-engine Piper Pa-27 and a US Airways 737 nearly collided at Washington Reagan National Airport. A tower controller cleared the Piper to land on one runway, then mistakenly gave the passenger jet clearance to take off on an intersecting runway. Nineteen seconds later, the controller caught the error and realized the two planes could meet at the intersection. The controller ordered the Piper pilot to abort his landing. The small plane had already landed and its pilot said he "stood on the brakes" to come to a stop.

- In July 2001, an Alaska Airlines MD-80 was cleared to land on a runway and told to hold short of another runway at Seattle-Tacoma International Airport. A Delta 767 was cleared to land on that runway, but as the Delta jet touched down at approximately 100 knots, the local controller cleared the MD-80 to cross the runway. The 767 applied maximum brakes and stopped 810 feet short of Alaska jet, which was still crossing the runway.

- In August 2001, two passenger aircraft, a Delta 737 and a Continental 737 nearly collided on a runway at Dallas-Fort Worth International Airport. The local controller had cleared the Continental plane to land on runway 18R, and then cleared the Delta jet for take off on runway 18L. About 24 seconds later, the local controller cleared Continental to cross runway 18L. As Delta was departing the flightcrew saw Continental crossing in front of them and pulled up abruptly causing the tail of the airplane to scrape the runway. According to radar data, Delta overflew Continental by approximately 100 feet.
  - The NTSB's 2003 report said the probable cause was the local controller clearing the taxiing aircraft to cross the runway in front of the aircraft on takeoff roll. Contributing factors were the local controller's failure to follow FAA procedures and directives to visually scan the runway prior to issuing the crossing clearance, the local controller's excessive workload, and the tower supervisor's inadequate supervision.

- In March 2002, the left wing of a taxing Eva Airways MD-11with 145 passengers and crew on board struck the rudder of an Alaska Airlines MD-82 with 4 crew at Anchorage International Airport. There was minor damage to MD-11 and substantial damage to the MD-82.
  - The NTSB's 2004 report said the probable cause was the MD-11 flight crew's failure to maintain clearance while taxiing and the MD-82 ground-marshaling personnel's failure to follow procedures/directives when they did not display an emergency stop signal to the crew of the MD-11.

Factors contributing to the accident were heavy snow showers and snow-covered terrain.

- NTSB is investigating an August 2004 incident in which an Asiana Airlines 747 initiated a go-around and flew over a Southwest Airlines 737 by about 2,185 feet at Los Angeles International Airport. The 737 was in position for takeoff. The Asiana jet had been cleared to land and the Southwest plane had been cleared onto the active runway for takeoff. No damage or injuries were reported.

- NTSB is investigating a November 2004 accident in which a Mitsubishi MU-2B-60, operated by Epps Air Service Inc., sustained substantial damage when it collided with an aircraft tug, during takeoff from the Philadelphia International Airport. The airline transport pilot, the tug driver, and two additional ground personnel were not injured.

- NTSB is investigating a June 2005 incident at Boston Logan International Airport in which an Aer Lingus A330 and a US Airways 737 came within 171 feet of each other on an intersecting runway after both were cleared for takeoff. The 737 pilot, who saw the potential hazard, pushed the control column forward keeping the aircraft on the ground while the Airbus passed overhead. The 737 took off farther down the runway.

- NTSB is investigating a July 2005 nighttime near collision between an Israir 767 bound for Tel Aviv and a Airborne Express DC-8 at JFK International Airport, New York. The passenger jet entered a runway on which the cargo plane was on its takeoff roll. It is estimated that the cargo plane cleared the 767 by about 100 feet as it took off over the 767.

- NTSB is investigating a September 2005 near collision between an Air Canada A319, which had just landed, and an America West A320, which was cleared to take off, at Las Vegas International Airport. Controller confused two departure aircraft that resulted in Air Canada being cleared to cross a runway as the other jet was taking off. The America West pilot reported that he was 100 feet above Air Canada jet as he passed over it.

- NTSB is investigating two incidents March 2006 at Chicago O'Hare Airport. One was a near collision between a Delta Connection Embraer 145 and Lufthansa A319. The two airliners were mistakenly instructed to take off on crisscrossing runways. They came within 100 feet of each other before the pilots were alerted and stopped their planes near the runway intersection. The other was a potential collision between a United 737 and a Ted A320. The 737 aborted takeoff when it saw the A320 moving toward the runway. The separation distance was about 600 feet.

Recommendation History

- Since 1973, the NTSB has issued about 100 safety recommendations addressing runway incursions.

- These recommendations addressed the need for improvements in air traffic control operations, training and hardware; pilot training; airport signs, lighting and markings, airplane conspicuity and incident reporting.

- Runway incursion prevention has been on the NTSB's "Most Wanted List" of safety improvements since the list was inaugurated in 1990.

- In November 2004, Board Members voted to keep it on the list but downgraded its color code to red denoting that actions by the FAA were "unacceptable." (http://www.ntsb.gov/Recs/mostwanted/aviation_issues.htm)

- The recommendation on the "Most Wanted List" urges the FAA to: Require, at all airports with scheduled passenger service, a ground movement safety system that will prevent runway incursions. The system should provide a direct warning capability to flight crews. In addition, demonstrate through computer simulations or other means that the system will prevent incursions. *Current classification: open – unacceptable. (A-00-66)*

- This recommendation replaces a previous one on the "Most Wanted List" that was "closed-unacceptable" this year because the software system envisioned by the FAA to take radar data and translate it into alerts to controllers of an impending runway incursion or collision will have substantially fewer capabilities than first envisioned and is many years behind schedule.

Public Meeting on Runway Incursions

- Following a special public meeting on the runway incursion problem, the NTSB issued a series of recommendations in July 2000 to the FAA urging the agency to:

- Require that all runway crossings be authorized only by specific air traffic control clearance, and ensure that all U.S. pilots, foreign pilots flying into the U.S., and ground personnel responsible for the movement of aircraft, receive adequate notification of the change. *Current classification: open – acceptable. (A-00-67)*

- Require that, when aircraft need to cross multiple runways, air traffic controllers issue an explicit crossing instruction for each runway after the previous runway has been crossed. *Current classification: open – acceptable. (A-00-68)*

- Discontinue the practice of allowing departing aircraft to hold on active runways at nighttime or at any time when ceiling and visibility conditions

preclude arriving aircraft from seeing traffic on the runway in time to initiate a safe go-around maneuver. *Current classification: open – unacceptable. (A-00-69)*

- Adopt the landing clearance procedure recommended by International Civil Aviation Organization. *Current classification: open – unacceptable. (A-00-70)*

- Require the use of standard International Civil Aviation Organization phraseology for airport surface operations, and periodically emphasize to controllers the need to use this phraseology and to speak at reasonable rates when communicating with all flight crews, especially those whose primary language is not English. *Current classification: open – acceptable. (A-00-71)*

Florida Runway Collision

- NTSB's most recent runway incursion recommendations were issued in May 2001 as a result of its investigation of the runway collision at Sarasota, Florida, and urged the FAA to:

- Direct air traffic control tower facility managers to include standard procedures in the facility standard operating procedures manual that will assist ground and local controllers in confirming aircraft locations on the airport. *Current classification: closed – acceptable. (A-01-23)*

- Require that, when a combination of intersection and full-length departures are routinely being used at an airport, controllers state the aircraft's location with regard to the takeoff runway. *Current classification: closed – acceptable. (A-01-24)*

- Advise tower controllers and pilots that intersection departure operations may involve a higher level of risk of conflict with other aircraft, vehicles, or objects, and remind them to treat intersection departures with caution. Emphasize to controllers the requirement to "state the runway intersection when authorizing an aircraft to taxi into position to hold or when clearing an aircraft for takeoff from an intersection." *Current classification: closed – acceptable. (A-01-25)*

- Advise pilots operating on an airport that they should state their position whenever making initial contact with any tower or ground controller, regardless of whether they have previously stated their position to a different controller. *Current classification: closed – acceptable. (A-01-26)*

Threat of More Accidents

- The potential is still there for a catastrophic runway collision in the United States.

- In the summer off 1999, the U.S. Department of Transportation Inspector General issued an audit report that called the FAA's efforts "ineffective" in reducing runway incursions.

- NTSB chairmen and staff have testified numerous times before the House and Senate on the issue.

- In March 2001, the NTSB acting chairman testified before a House transportation subcommittee and emphasized: "the possibility for a catastrophic accident only increases with time if the rate of errors is not reduced." *(www.ntsb.gov/speeches/carmody/cc010328.htm)*

- In June 2001, the acting chairman testified before a House aviation subcommittee warned of the potential for more runway incidents and accidents as the number of aircraft operations and passengers continues to increase. *(www.ntsb.gov/speeches/carmody/cc010626.htm*

- In August 2001, the acting chairman sent a letter to 12 members of Congress, who belong to House and Senate transportation committees, urging them to spur the FAA to implement measures other than technology, to lessen the problem.

- In January 2003, an audit by the DOT Inspector General said that while the FAA had made progress in reducing operational errors and runway incursions, the number of these incidents was still too high considering the potentially catastrophic results of a midair collision or a runway accident.

- In November 2004, the NTSB added more immediacy to its call for direct communications to cockpit crews to alert them to potential runway collisions by downgrading the FAA's efforts to "unacceptable."

- A July 2005 *New York Times* editorial, titled *Scary Runways, Scary Skies* supported the NTSB, saying: "It's past time to push everyone – including air traffic controllers, pilots and technicians – toward making these near-collisions a thing of the past."

- In September 2005, Acting Chairman recently told an Runway Incursion Summit, sponsored by AAAE, that the FAA's AMASS is not adequate to prevent serious runway collisions. He cited near-collisions where AMASS did not perform and said that the situations were instead resolved by flight crew actions, sometimes bordering on the heroic, and luck.

- After a downward trend through 1993, runway incursions began an upward trend.

- The number and rate (calculated per 1 million aircraft operations) of incursions increased in 1994 through 1998.

- In 1999 there was a slight dip in the rate and the number of incursions.
- The number and rate of incursions rose in 2000.
- In 2001 (both calendar and fiscal year calculations), the number and rate was the highest since 1988.
- In 2002 and 2003, the number decreased, but the rates were still substantially higher that 1988 through 1999.
- In 2004, the number was 326 and the rate was 5.2, virtually unchanged from 2003.
- The 2005, the number was 327, virtually unchanged from 2004, and the rate was unchanged at 5.2.

FAA Runway Incursion Statistics

(www.faa.gov/runwaysafety)

Calendar Year	Incursion Numbers	Rate per 1 million operations
1988	187	3.0
1989	223	3.6
1990	281	4.3
1991	242	3.9
1992	219	3.5
1993	186	3.0
1994	200	3.2
1995	240	3.9
1996	275	4.4
1997	292	4.5
1998	325	4.9
1999	321	4.7
2000	431	6.4
2001	383	5.9
2002	336	5.2
Fiscal Year*		
2000	405	5.9
2001	407	6.2
2002	339	5.2
2003	323	5.2
2004	326	5.2
2005	327	5.2
2006	121 (thru 2/28/2006 vs. 110 for the same period 2005)	

*** Congress mandated FAA begin collecting RI data by fiscal year instead of calendar year**

Related Websites

- **Airlines Pilots and Owners Association (AOPA) and the AOPA Air Safety Foundation offer an online interactive runway safety course available to all pilots: *www.aopa.org/asf/runway_safety.***
- **FAA's runway safety information, programs and data: *www.faa.gov/runwaysafety.***

Prepared by Pat Cariseo
March 27, 2006

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RECOMMENDATIONS ON RUNWAY INCURSIONS
NATIONAL TRANSPORTATION SAFETY BOARD

Over the years, the National Transportation Safety Board has issued more than 100 recommendations to the Federal Aviation Administration (FAA) on runway incursions. Most have been implemented, but the Safety Board is still very concerned about the potential for a catastrophic accident on our nation's runways.

Our most important runway incursion recommendation is on the NTSB's Most Wanted List and it is one of the toughest to implement. The Safety Board has recommended that the FAA develop and install a system that will give immediate warnings of probable collisions/incursions directly to flight crews in the cockpit. Our investigations have shown that controllers often have only a few seconds to alert crews of impending danger. Several investigations have shown that warnings from controllers came a few seconds too late and crews had already taken action on their own, often without all the information they needed.

The systems the FAA is currently deploying to prevent runway collisions require a controller to determine the nature of the problem, determine the location, identify the aircraft involved, determine what action to take, and issue appropriate warnings or instructions. The flight crew must then respond to the situation and take action. This can be a time-consuming process when an immediate response is often required to prevent a collision.

One of the systems installed at large airports is called the Airport Movement Area Safety System (AMASS). The FAA has also developed and is installing the Airport Surface Detection Equipment Model X (ASDE-X) at medium-sized airports. AMASS is a basic radar-only conflict detection and alerting system. ASDE-X builds on AMASS by adding diverse sensor capability and enhanced-tracking abilities. Both systems provide warnings to controllers of potential ground collisions; neither provides warnings directly to the pilots.

AMASS data from actual incursions show that alerts may occur as little as 8 to 11 seconds before a potential collision—providing no margin for error. In three incidents that occurred last year (Boston, New York City, and Las Vegas), AMASS was ineffective because of the configuration of the system or the delay in relaying the information to the pilots.

In the Boston incident, an Aer Lingus A330 and a US Airways 737 came within 171 feet of each other on an intersecting runway after both were cleared for takeoff by the same air traffic controller. The 737 first officer, who saw the potential conflict, pushed the control column forward keeping the aircraft on the ground while the Airbus passed overhead; the 737 took off soon thereafter. AMASS did not activate because it was not configured to activate on intersecting runways.

In the New York City incident, a near-collision occurred between an Israeli registered Boeing 767 and an Airborne Express DC-8 cargo plane during heavy rain. The 767 entered a runway on which the DC-8 had begun its takeoff roll. Investigators estimated that the DC-8 cleared the 767 by about 100 feet as it took off over the 767. AMASS had been placed in "limited mode" because the radar can mistakenly identify heavy rain as an aircraft or ground vehicle and generate false alerts.

In the Las Vegas incident, a near-collision occurred between an Air Canada A319, which had just landed, and an America West A320, which was cleared to take off, again by the same air traffic controller. The controller confused two departing aircraft; that resulted in the A319 being cleared to cross a runway as the A320 was taking off. The A320 pilot reported that he was about 100 feet above the A319 as he passed over it. Although AMASS alerted the controller, it activated too late to prevent the incursion.

Although the FAA has an active program to reduce runway incursions and prevent ground collisions, the Safety Board is concerned that the current systems primarily rely on the controller to communicate with flight crews to prevent a ground collision. The Board believes that direct warnings to flight crews are critical.

The FAA reports that it is reviewing the technical performance of ground movement safety systems. Two of these systems prevent runway incursions by providing a direct warning to flight crews; the FAA is considering conducting functional and operational tests in an airport environment. One of the systems is a final approach runway occupancy signal that will flash the precision approach path lights to provide warnings to pilots on final approach when a vehicle or airplane is on the runway. The other system under consideration is an enhanced airfield lighting system that will enhance the conspicuity of hold lines and reduce the likelihood of pilots inadvertently entering a runway. Runway status lights would be used to warn pilots and other airport vehicle operators that it is unsafe to enter a runway.

While these technologies may offer added safety benefits by providing information directly to cockpit crews, implementation is many years away and may be further delayed by FAA budget constraints.

Until there is a system in place to positively control ground movements of all aircraft, with direct warning to pilots, the potential for runway incursions and possible collisions will continue to be high.

Opening Statement
Congressman John T. Salazar
Aviation Subcommittee Hearing on the
National Transportation Safety Board Reauthorization Proposal
March 8, 2006

- Thank you Mr. Chairman.
- I will keep my comments brief today.
- First, I would like to express my thanks to the National Transportation Safety Board for the work they do.
- This past year, I have had a number of small aircrafts crash in the mountains of my district.
- The NTSB has always been quick to respond.
- As we look towards the reauthorization of the safety board, I will work closely with my colleagues so we can better support its mission.
- Thank you.

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