



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

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April 21, 2008

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SUMMARY OF SUBJECT MATTER

TO: Members of the Subcommittee on Aviation
FROM: Aviation Subcommittee Staff
SUBJECT: Reauthorization of the National Transportation Safety Board

PURPOSE OF HEARING

On Wednesday, April 23, 2008, at 2:00 p.m., in room 2167 of the Rayburn House Office Building, the Subcommittee on Aviation will hold a hearing to consider the reauthorization of the National Transportation Safety Board (“NTSB” or “Board”). The Board is presently authorized through September 30, 2008. The Subcommittee on Coast Guard and Maritime Transportation plans to hold a subsequent hearing to examine maritime issues related to the NTSB's reauthorization. This memorandum does not address the maritime issues.

BACKGROUND

The NTSB was created in 1967 as an independent agency within the newly-created Department of Transportation (“DOT”), and subsequently established as a completely independent agency in 1975, when it was removed from DOT and all administrative ties between the two agencies were severed. The agency is charged with investigating civil aviation accidents and significant transportation accidents in the surface modes – railroad, highway, marine, and pipeline. The NTSB determines the probable cause of all civil aviation accidents and significant surface transportation accidents, conducts safety studies, and evaluates the effectiveness of other government agencies' programs for preventing transportation accidents.

In addition, in 1996, the Aviation Disaster Family Assistance Act (Title VII of P.L. 104-264) authorized the Board to coordinate Federal assistance to victims and family members affected by major aviation accidents. When resources allow, the NTSB also provides family assistance for accidents in other transportation modes.

The Board also serves as the "court of appeal" for airmen, mechanics, and mariners whenever the Federal Aviation Administration ("FAA") or the U.S. Coast Guard takes a certificate action. The Board's four administrative law judges issue decisions on appeals related to FAA actions, and these decisions may be further appealed to the full five-member Board. Marine certificate actions are heard first by the Coast Guard's administrative law judges, and may be appealed to the Commandant of the Coast Guard. The ruling of the Commandant may then be appealed to the full five-member Board.

Most importantly, the NTSB makes safety recommendations, based on its investigations, to Federal, state, and local government agencies and to the transportation industry regarding actions that should be taken to prevent accidents.

Since 1967, the Board has investigated more than 128,000 aviation accidents, and more than 10,000 accidents in other transportation modes. The Board also investigates accidents involving the transportation of hazardous materials, and is the sole U.S. accredited representative at foreign aviation accident investigations under the Convention on International Civil Aviation.

The NTSB has no authority to issue substantive regulations covering the transportation industry. Therefore, its effectiveness is dependent upon timely accident reports and safety recommendations. According to the NTSB, since its inception in 1967, it has issued more than 12,800 safety recommendations in all modes of transportation. As shown in Attachment A, 37 percent of these recommendations have been in the area of aviation.¹

In general, the NTSB has been successful in achieving adoption of most of its recommendations. More than 82 percent of all recommendations made by the NTSB in all modes of transportation have eventually been adopted by the regulatory and transportation communities. However, the NTSB also states that it often takes an average of five years from the time it issues a recommendation until it is implemented to the Board's satisfaction.

Status of Open Recommendations

| Mode | Open Recommendations as of 4/4/08 |
|------------|-----------------------------------|
| Aviation | 463 |
| Highway | 274 |
| Marine | 50 |
| Railroad | 121 |
| Pipeline | 26 |
| Intermodal | 21 |
| Total | 955 |

¹ Source: National Transportation Safety Board.

I. NTSB Structure

The NTSB is composed of five board members who are nominated by the President and confirmed by the Senate. No more than three members may be from the same political party, and at least three members must be appointed on the basis of technical qualification, professional standing, and demonstrated technical knowledge. All board members serve a five-year term. The president designates, and the Senate confirms, one of the five members to serve as Chairman for a term of two years. The president also designates one of the members to serve as Vice Chairman.

The current Chairman is Mark V. Rosenker (R). Chairman Rosenker's two-year term as Chairman extends until August 2008, and his term as a Member will expire on December 31, 2010. On October 26, 2007, Chairman Rosenker was nominated to a second two-year term as Chairman, but the Senate has not yet acted on this nomination. The current Vice-Chairman is Robert L. Sumwalt. Vice-Chairman Sumwalt's two-year term as Vice-Chairman extends until August 20, 2008, and his term as a Member will expire on December 31, 2011. The other members include:

| Name | Title | Term Expiration |
|-----------------------------|--------|--------------------------------|
| Steven R. Chealander (R) | Member | December 31, 2007 ² |
| Deborah A. P. Hersman (D) | Member | December 31, 2008 |
| Kathryn O'Leary Higgins (D) | Member | December 31, 2009 |

II. NTSB Operations

Each year, the NTSB investigates more than 1,800 aviation accidents and incidents, and about a hundred railroad, highway, maritime, and pipeline transportation accidents. To leverage its limited resources, the Board typically designates other government agencies, organizations, corporations, or foreign authorities (e.g., in the case of investigations involving foreign aircraft) as parties to the investigation. According to the NTSB, the participation of these other parties not only greatly multiplies the Board's resources, it also ensures general agreement on the facts developed during an investigation, and allows first-hand access to information so that the parties can take appropriate and timely corrective actions.

The NTSB has wide discretion over which organizations it designates as parties, except that, by law, the Federal Aviation Administration is a party to each aviation investigation. Only those entities that can provide technical expertise required for the investigation are granted party status, and only those persons who can provide the Board with needed expertise are permitted to serve on the investigative team.

When the NTSB is notified of a major accident, it launches a "go-team" that varies in size depending on the severity of the accident and the complexity of the issues involved. Go-teams consist of Board investigators who are experts in appropriate technical specialties, based on the mode of transportation and the nature of the accident. Each Board expert manages an investigative

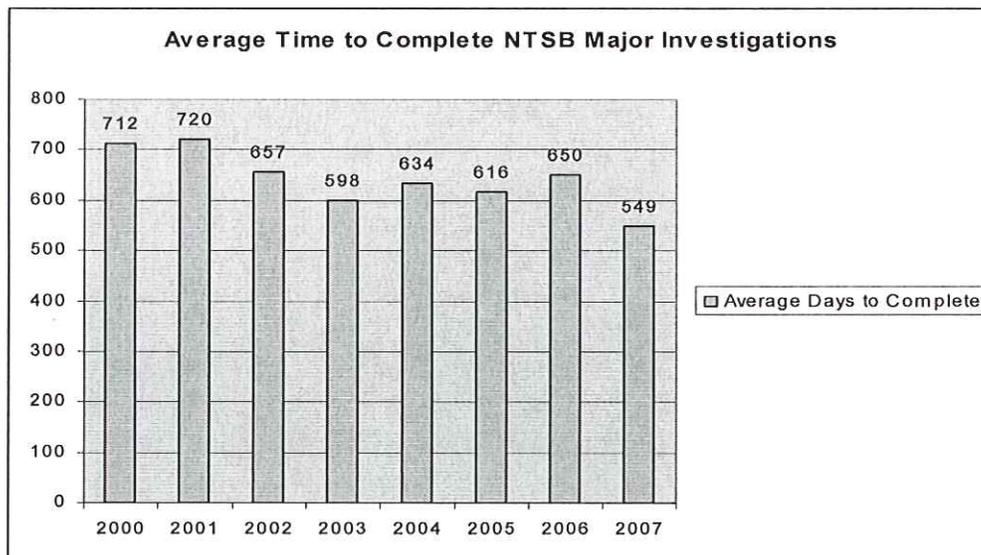
² Member Chealander was originally confirmed to an unexpired term of a previous Board Member. Board Members are allowed to remain on the Board after their term expires until someone else is nominated and confirmed. On October 26, 2007, Member Chealander was nominated to another term, but the Senate has not yet acted on this nomination.

group made up of other experts from industry and government organizations that are parties to the investigation. Each Board expert prepares a factual report that is verified for accuracy by the party representatives in the group. The factual reports are placed in the publicly accessible docket and, after the completion of a formal technical review by the entire team, they constitute the factual record of the investigation.

After investigating an accident, the NTSB determines the probable cause and issues a formal report. Parties do not participate in the analytical or report-writing phases of NTSB investigations, although they may submit their proposed findings of probable cause, contributing factors, and proposed safety recommendations directly to the Board.

The NTSB is statutorily required to determine the probable cause of all civil aviation accidents. The Board asks the FAA to send inspectors to document the facts of certain aviation accidents, and the Board uses this information to make a determination of probable cause. In general, the Board relies on the FAA to conduct the on-scene investigation on its behalf for most non-fatal aviation accidents and for some fatal aviation accidents in which the cause is obvious and there is little chance of deriving a safety benefit from the investigation.

The average number of days taken by the NTSB to complete major investigations is shown in the chart below. For the eight-year period from 2000-2007, the average completion time is 642 days per major investigation.



II. NTSB Training Center

The NTSB Training Center provides training in transportation safety and accident investigation techniques to the NTSB's own investigators and the transportation community. The NTSB Academy opened in Ashburn, Virginia, in September 2003. In 2006, the name was changed to the NTSB Training Center. The building houses the forward portion of the TWA flight 800 aircraft fuselage, laboratory spaces, meeting rooms, student and teacher work areas, and various offices including one of the Board's aviation regional offices.

During consideration of the National Transportation Safety Board Reauthorization Act of 2006 ("2006 Act") (P.L. 109-443), which was signed into law on December 21, 2006, concerns about the level of investigative resources being used to support the Academy resulted in the inclusion of several provisions related to the Academy. Specifically, the 2006 Act required the NTSB to: (1) develop a plan to achieve, to the maximum extent feasible, the self-sufficient operation of the Academy; (2) submit a draft of the plan to the Government Accountability Office ("GAO") for review and comment; and (3) submit a draft of the plan to the House Committee on Transportation and Infrastructure and the Senate Commerce on Commerce, Science and Transportation.

As required, the NTSB provided a draft business plan for the Training Center to GAO on March 28, 2007. According to GAO, the draft plan provided an overall strategy to outsource to a vendor: (1) the management and operations of the training center; and (2) development of new courses. Under this plan, the vendor would be responsible for managing the facility and courses, and renting out unused space under a revenue-sharing arrangement with NTSB. The plan projected yearly increases in the percentage of operating expenses (excluding rental costs) covered by revenue, with 100 percent coverage by the end of FY 2010.

On April 18, 2007, the NTSB issued a Request for Proposals ("RFP") for the Management and Operation of the NTSB Training Center. The scope of the work was divided into three primary functional areas: Facility Management, NTSB course and event management, and NTSB-sponsored course development.

On June 5, 2007, GAO provided comments to NTSB on the draft business plan. GAO concluded that the overall strategy presented in the plan -- to hire a vendor to operate the training center -- was reasonable. However, the draft plan provided too little rationale for its marketing and financial assumptions for GAO to assess the viability of this strategy. In particular, GAO noted that the draft business plan lacked sufficient data or analysis to determine whether it was likely to achieve its goal of recovering 100 percent of the Training Center's operating expenses by the end of FY 2010. Furthermore, GAO noted that even if the draft business plan achieved its goal of self-sufficient operations, more than \$2 million each year would still have to be covered by annual appropriations because the plan's definition of "self-sufficiency" excluded lease payments from expenses.

In July 2007, the NTSB evaluated the only two proposals it received from vendors in response to the April RFP and determined that both proposals were unacceptable. Subsequent inquiries of organizations that chose not to respond to the RFP revealed that many of those groups chose not to make a proposal because they considered the revenue sharing concept to carry excessive business risk. As a result, the NTSB reevaluated the management approach to the Training Center. It considered an array of other actions, including those recommended by Congress and the GAO, and began to look for other Federal agency partners to share space at the Training Center.

In a revised Business Plan issued in March 2008, the NTSB reported that it has subleased the majority of the ground floor of the Training Center to the Federal Air Marshals Service ("FAMS"), a component of the Department of Homeland Security ("DHS"), for \$478,748 per year. In addition, the NTSB is in the process of finalizing an agreement with the DHS Office of Intelligence and Analysis, Training, and Professional Development to sublease approximately one-third of the

second floor classroom space for \$275,000 per year. According to the NTSB, these revenue recovery (sublease) efforts have been sufficient to allow NTSB to fund five more full-time-equivalent investigative staff.

GAO has reviewed the March 2008 Business Plan and believes that, while the NTSB has taken steps to increase the utilization of the Training Center and to decrease the Center's overall deficit, the classroom space is still underutilized.

IV. Reauthorization Request

A. Funding

The NTSB's three-year reauthorization request includes additional funding, additional staff, and statutory changes. The table below shows the NTSB's FY 2008 appropriation level, the FY 2009 President's budget request, and the authorization levels that are requested by the NTSB for FYs 2009-2011.

| (dollars in millions) | | | | | |
|---------------------------|------------------|--------------------|--------------------|--------------------|-----------------------|
| | 2008 Enacted* | 2009 Pres. Bud. | 2009 Auth. Req. | 2010 Auth. Req. | 2011 Auth. Req. |
| Salaries & Expenses: | | | | | |
| Funding | \$84.499 | \$87.891 | \$87.891 | \$107.208 | \$113.026 |
| Full-Time Equivalents | 399 | 399 | 399 | 475 | 475 |
| Yr.-to-Yr. Funds Increase | | 4.0% | 4.0% | 22.0% | 5.4% |

*The 2008 figure is the appropriated level, not the authorized funding level, which was \$92.625 million.

The FY 2009 President's budget requests \$87.9 million for the NTSB, \$3.392 million above the FY 2008 enacted level. The increase is related to pay raises, benefit cost increases, and inflation. No new program initiatives or new staff would be funded in the President's request level. The FY 2010 and FY 2011 authorization levels requested by the NTSB are based on increasing the number of NTSB staff to 475 full-time-equivalent employees. The NTSB has determined through a human capital forecast conducted in 2006 that 475 is the minimum number of full time employees needed to effectively and efficiently meet the mission and support efforts that are expected of the Board.

B. Aviation-Related Statutory Changes Proposed by NTSB

1. Authority to Investigate Incidents

The Board requests explicit statutory authority to investigate incidents, as well as accidents. NTSB regulations currently define an "incident" as "an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations."³ An

³ 49 CFR 830.2. Although the NTSB's regulations currently define an "incident" as an occurrence involving an aircraft, the NTSB states that, if it receives explicit statutory authority to investigate incidents, it will likely amend its regulations to define the term "incident" to apply to modes of transportation other than aviation, as well.

example of an incident is if an unmanned aerial vehicle temporarily loses connectivity with the ground and strays into unauthorized airspace, but is eventually recovered without damage or fatalities. Although that is not an accident, the NTSB states that investigating its cause could yield useful safety information. The Board has operated for years with an understanding that it could investigate incidents such as this, even though it does not have clear statutory authority to do so. Therefore, this proposed statutory change would not substantially alter the Board's current practices. However, the NTSB argues that the proposed change would avoid efforts by other entities to thwart such an "incident" investigation by the Board, and permit the Board to amend its rules to bring it into compliance with the Chicago Convention and standards now imposed by the International Civil Aviation Organization.

2. Subpoena Authority

The Board requests explicit statutory authority to subpoena witnesses or evidence outside of a public hearing proceeding. The Board states that, on some occasions, attorneys have resisted its subpoenas for their clients' testimony or records, arguing that 49 U.S.C. §1113(a)(2) only permits the NTSB to subpoena such testimony or things to a "hearing." For example, the NTSB states that, during its investigation of the November 7, 2007 collision of the *Cosco Busan* with the San Francisco-Oakland Bay Bridge, it was reluctant to seek enforcement in Federal court of its subpoena of the pilot's medical records because of the risk a Federal judge would read the Board's subpoena authority as not extending beyond a public hearing. Therefore, the Board's collection of medical records was delayed for over three weeks while it "negotiated" consent from the pilot of the *Cosco Busan* through his counsel.

3. Access to Financial Records

The Board requests explicit authority to subpoena financial records, under the same conditions and protections as apply to law enforcement agencies under the Right to Financial Privacy Act. Occasionally in an accident investigation, primarily those addressing an aspect of human factors or human performance, Board investigators wish to review the credit card charges of an operator for the preceding 24-36 hours in formulating a 72-hour history on the operator. Currently, it may lack authority to do so without a Federal court order. For example, in the Lexington, Kentucky, Comair 5191 accident, the Board concluded it lacked the authority to subpoena the financial (credit card) records of the two pilots to examine whether the pilots took full advantage of their opportunity for adequate rest the night prior to the accident. (In short, the Board wanted to see if charge activity indicated the pilots had stayed up later than they should have.) Therefore, the investigators' access to such information was limited.

The Board is also concerned that it might not be able to access the financial records, and thus trace the financial trail, of an operator violating the terms of an operating certificate by "selling or renting" his operating certificate to other entities acting under his name.

According to the NTSB, the Right to Financial Privacy Act does not address accident investigations at all, and therefore does not provide NTSB with the same access granted "law enforcement" entities under the Act. The statutory change proposed by the Board would make clear it has access to such records, under the same conditions and protections law enforcement agencies are expected to follow under the Act.

4. Access to Medical Records

The Board requests authority to receive medical information upon request and as necessary to further an accident investigation, under the same conditions and protections as a public health authority receives such information under the Health Insurance Portability and Accountability Act (“HIPAA”).

The NTSB states that it has numerous examples where hospitals with in-house or retained legal counsel refused NTSB subpoenas for medical records of operators, crew or maintenance personnel because they disputed the NTSB's assertion that it is a public health authority “authorized by law” under HIPAA to request and receive medical records. The NTSB is not named as a public health authority in the statute or in the final implementing regulations. Instead, the “public health authority” acknowledgement for NTSB is only obliquely referenced in the preamble of proposed Department of Health and Human Services (“HHS”) rules implementing HIPAA. Specifically, the HHS stated it proposed to interpret the term broadly and then named the NTSB specifically as an entity that would fall within its definition. Because the final regulation did not mention the NTSB, the NTSB states that it has frequently had difficulty persuading counsel for holders of medical records with this non-statutory, non-regulatory reference.⁴

For example, the NTSB states that its attempt to demand the medical records of the pilot of the *Cosco Busan* was resisted by the pilot's counsel. Because the doctor in possession of the records was being threatened with suit by the pilot's counsel if he provided the records to the NTSB, legal counsel for the doctor would not release the records unless NTSB either obtained a release from the pilot or obtained a Federal Court order for the records, both options potentially time consuming. According to NTSB, taking these additional steps would place an individual on notice that the NTSB was attempting to obtain his medical records and could provide such an individual with an opportunity to obtain and possibly secret such records.

As discussed above, contributing to the problem is the language addressing the NTSB's subpoena authority in section 1113(a)(2) which, as now written, can be interpreted to tie the Board's subpoena authority to NTSB “hearings” alone.

The language proposed by the NTSB is, therefore, an effort to clarify that the NTSB has full authority to demand production of all medical records that could shed light on the cause of a transportation accident, and to use that information in explaining the cause or probable cause of an accident where the medical condition of an operator was the cause of or contributed to the accident.

5. Disclosure of Information

The Board requests enhanced protections for trade secrets and similar commercial or financial information from release under the Freedom of Information Act (“FOIA”). Also, the Board proposes the creation of a (b)(3) exemption (i.e., release protected by statute) under FOIA for requests directed at records of an ongoing investigation. In addition, the Board proposes to clarify that voice and/or video recordings obtained from externally mounted recorders (as opposed to those mounted in the cockpit or cabin) may be disclosed. According to the Board, it has

⁴ 64 Federal Register 59956 (November 3, 1999).

encountered externally mounted recorders and associated recordings that would have been useful in Board reports, dockets, and/or meetings, but it felt constrained from using video from them in Board hearings and meetings because of existing statutory language prohibiting the disclosure of cockpit voice or video recordings.

6. Multi-Year Leasing Authority

The NTSB requests authority to enter into multi-year capital leases without obligating the budget authority for the entire cost of the lease up-front. According to the NTSB, this authority would be of assistance as it transitions to a new lease for its Headquarters functions during the next three-year reauthorization period. The Board states that it desires to stay in the D.C. area and wishes to procure the lease directly to avoid the added cost associated with procuring such a lease through the General Services Administration. According to the NTSB, the requested authority would also permit leases for accident wreckage storage that span a fiscal year.

7. Accident Investigations in Foreign Countries

The Board requests authority to expend appropriated funds to conduct an accident investigation in a foreign country, under certain circumstances. According to the Board, this provision is intended to address those situations in which the Board agrees to accept the delegation of an investigation from another State under an international convention such as the Chicago Convention for aviation. Such an event arose in the delegation of investigatory authority by the interim Afghanistan government to the U.S. for the Blackwater 61 fatal aircraft crash on Afghan soil.⁵ The language proposed by the NTSB would permit it to expend appropriated funds to perform such an investigation, but only after the request and acceptance was properly coordinated through the State Department.

8. Commercial Space Accident Investigations

In anticipation of commercial space tourist flights/launches, the Board requests explicit authority to investigate "commercial space launch accidents".

9. Delegation of Authority

The Board requests explicit authority to delegate to all on-scene accident investigators, acting with Board authority, the same powers of access and entry as the Board. This would provide to FAA and Coast Guard inspectors, when delegated authority by the Board to undertake on-scene fact-gathering for the Board, clear authority to access accident sites.

10. Access to New Data Recording Media

The Board requests express authority to download information from new data recording technology and media in modern aircraft and surface transportation vehicles that store performance and navigation parameters. The data are frequently unreadable without access to proprietary

⁵ Blackwater 61 was a private civil aircraft owned by Presidential Airways being operated under a contract with the U.S. Air Force to support military operations in Afghanistan.

information for downloading, reading and/or interpreting the data. To fully utilize the data for accident investigation purposes, the Board would require the authority to obtain such technical information for accident investigation purposes. Such information would be protected as proprietary information.

11. Penalty for Unlawful Solicitations Following Aviation Accidents

Under current law, no unsolicited communications concerning a potential action for personal injury or wrongful death may be made by an attorney, a representative of an attorney, or any potential party to the litigation, to an individual injured in a commercial aviation accident or to a relative of an individual involved in such an accident, before the 45th day following the date of the accident.

As a result of solicitations that occurred following the Comair 5191 accident in Lexington, Kentucky, the Board requests an enhanced penalty for unlawful solicitations following commercial aviation accidents.⁶ Specifically, the Board proposes to grant to the presiding Federal judge the authority to order disgorgement of attorneys' fees and contingency fee recoveries that an attorney or firm collects when the fees are garnered by virtue of an unlawful solicitation. According to the NTSB, the way in which judges seem disposed to interpret the existing \$1,000 per day penalty provision means they assess the \$1,000 penalty for the duration of an actual "solicitation", usually meaning the one day it is received by telephone, mail, or e-mail, and not each day of any subsequent representation. The Board's proposal is intended to provide a greater deterrent to unlawful solicitations.

12. Notification Prior to Destruction of Personal Effects

The Board proposes that air carriers be required to develop a process to notify family members of passengers prior to the destruction of unclaimed and unassociated personal effects as part of their family assistance plans.

V. Selected Provisions of NTSB Reauthorization Act of 2006 (P.L. 109-443)

A. Reporting Requirements

The 2006 Act consolidated a separate report on the activities and operations of the National Transportation Safety Board Academy into the annual report required under 49 U.S.C. §1117. In addition, it required the annual report to include the following new information: (1) a description of the activities and operations of the Board Academy during the prior calendar year; (2) a list of accidents, during the prior calendar year, which the Board was required to investigate under §1131 but did not investigate and an explanation of why they were not investigated; and (3) a list of ongoing investigations that have exceeded the expected time allotted for completion by Board order and an explanation for the additional time required to complete each such investigation. According to the NTSB, the 2006 Annual Report was already in progress by the time the 2006 Act was signed

⁶ According to the NTSB, within the 45 days following the Comair 5191 accident, an individual began directly soliciting numerous family member groups, purportedly for a Florida law firm. The solicitations were made via letter and delivery of copies of the law firm's brochure. The individual is facing civil prosecution in Federal court in the State of Kentucky. The law firm denied that the individual had authority to solicit on their behalf.

into law in December 2006, so it was decided that the 2007 Annual Report would be the first report to include the new information. The 2007 Annual Report is due by July 1, 2008.

B. Academy Business Plan

As discussed above, the 2006 Act also required the NTSB to develop a plan to achieve, to the maximum extent feasible, the self-sufficient operation of the Academy, to include subleasing the facility to another entity.

C. Report on Status of "Most Wanted" Safety Recommendations

The Secretary of Transportation is required to submit, on February 1 of each year, a report to Congress and the NTSB containing the regulatory status of each recommendation made by the Board to the Secretary that is on the Board's "most wanted" list of safety improvements. The 2006 Act required the NTSB, within 90 days after the date on which the Secretary submits such report, to review the Secretary's report and transmit comments on it to the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation.

D. Investigation Services

The National Transportation Safety Board Reauthorization Act of 2003 (P.L. 108-168) authorized the NTSB to enter into agreements or contracts without competition when necessary to expedite an investigation. This authority was to sunset on September 30, 2006. The 2006 Act made this authority permanent. In addition, the disclosure and reporting requirements associated with this authority were continued and strengthened, and consolidated with the annual report required under 49 U.S.C. §1117. Specifically, the 2006 Act required the Board to report annually each instance in which a contract of any amount was executed by the Board using the expedited contracting authority.

E. Expenses of Inspector General

As part of the National Transportation Safety Board Amendments Act of 2000, the Inspector General of the Department of Transportation ("DOT IG") was authorized to review the financial management, property management, and business operations of the Board. That legislation also provided that the DOT IG would be reimbursed by the Board for the costs associated with carrying out these activities. The 2006 Act authorized the appropriation of funds directly to the DOT IG to cover expenses associated with its review of NTSB operations. The 2006 Act also provided that, in the absence of such an appropriation, the DOT IG and the NTSB shall have a reimbursable agreement to cover such expenses.

F. Annual GAO Audit of NTSB

The 2006 Act required the GAO to evaluate and audit the programs and expenditures of the NTSB at least annually. The annual GAO audit was to evaluate at least the following items: (1) information management and security; (2) resource management; (3) workforce development; (4) procurement and contracting planning, practices and policies; (5) the extent to which the Board

follows leading practices in selected management areas; and (6) the extent to which the Board addresses management challenges in completing accident investigations.

G. Staff of NTSB Members

The 2006 Act authorizes each member of the Board, rather than the Chairman, to appoint employees on his or her own personal staff.

WITNESSES

The Honorable Mark Rosenker
Chairman
National Transportation Safety Board

Dr. Gerald Dillingham
Director, Physical Infrastructure Issues
U.S. Government Accountability Office

Safety Recommendations

Issued Since 1967

TOTAL = 12,745

Pipeline 1235 9.7%



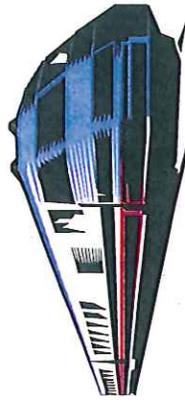
Marine 2317

18.2%



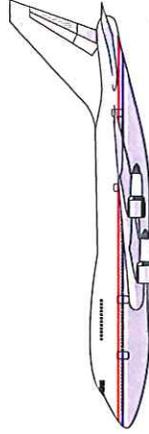
Railroad 2087

16.4%



Aviation 4760

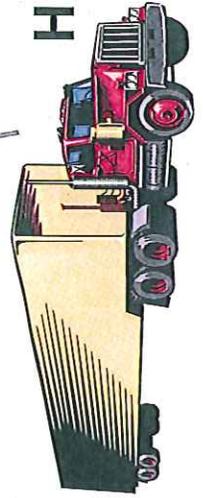
37.2%



Intermodal 234 1.8%



Highway 2112 16.6%



November 2007