

**Testimony of Scott Maurer
Father of Lorin Maurer
'Families of Continental Flight 3407'**

424 Grand Oak Way
Moore, SC 29369
864-494-2131



**Committee on Commerce, Science & Transportation
United States Senate
Subcommittee on Aviation Operations, Safety, and Security
Hearing on 'Aviation Safety: The Role and Responsibility of Commercial Air
Carriers and Employees'
Wednesday, June 17, 2009
253 Russell Senate Office Building
(202) 224-5115**

On behalf of the Families of Flight 3407, we would like to thank Chairman Dorgan, Minority Leader Senator DeMint, and all other members of the Senate Subcommittee on Aviation for the opportunity to speak to you today. My name is Scott Maurer. My daughter, Lorin Maurer, was on board Continental Flight 3407.

Tomorrow night at 10:17 p.m. will be 18 weeks since our lives were changed forever. The minutes, hours, days, and weeks that have past since this tragedy have been an unbelievable nightmare for all of us. It is a pain that you will never know, and one that we hope no one else must face. We believe very strongly that the crash did not have to happen and was preventable. As such, we are here today, and we will be here tomorrow and beyond, to ask for help and to push for change so that other families can be spared this pain.

When my 30 year old daughter, Lorin Maurer, an Athletics Fundraiser at Princeton University and future Athletic Director, purchased her plane ticket from Continental Airlines, she assumed that the pilots who would fly the plane were competently trained. She thought they had significant experience and knowledge of the plane and all of the flight control features. As she took her seat in 3A for an exciting Valentine weekend trip to join her boyfriend, Kevin Kuwik, in Buffalo, NY and attend the wedding of his brother, I am sure she believed that the pilots at the controls has been trained to handle cold weather flight conditions, stalls, and other emergency situations all pilots must be prepared to confront.

When 45 year old Darren Tolsma, father of two beautiful young children and a highly specialized defense systems engineer, took the opportunity to board an earlier flight than originally planned to return

home sooner to be with his wonderful family, he believed that all airlines use thorough pilot hiring practices to ensure competent and qualified employees. This would include a review of previous employment experience and demonstrated proficiencies to insure the skill levels necessary to transport civilian passengers on commercial aircraft safely.

When 33 year old Coleman Mellett and 64 year old Gerry Niewood, two very gifted musicians for the Chuck Mangione jazz band, climbed aboard Continental 3407 to join fellow band members in Buffalo to perform a concert for a very excited western New York community, they thought that the FAA had conducted due diligence in its oversight of airlines, pilot training and operations to ensure the safety of all air travelers. They believed, as most Americans do, that there are enough checks and balances in place between government officials and the airline industry to ensure proper management of aviation safety. These wonderfully talented individuals were completely unaware of code share ticketing and the regional airline alliances with major airlines, and they were certainly unaware that such arrangements result in trickle down airline management that directly has an adverse effect on safety standards and procedures.

As 57 year old Beverly Eckert, an advocate for the victims of the September 11, 2001 terror attacks after she lost her husband Sean in the South Tower of the World Trade Center, made plans to journey to Buffalo to celebrate his birthday anniversary with family and friends, she was unaware that many pilots commute great distances to start their work day. The commute can be from Seattle, Washington to Newark, New Jersey, as was the case for the First Officer on Continental Connection Flight 3407, and can occur on the same day the pilot is scheduled to fly. This commute time is not part of the work schedule time established by the FAA to manage the dangerous condition of flight crew fatigue.

When Doug Wielinski, father of four lovely daughters, intended to end his day enjoying his hobby with sports memorabilia and collectables in the dining room area of his home on Long Street, he knew little of the low wages regional airline pilots are paid to begin an aviation career. Such low wages might deter talented and skilled pilots from pursuing an aviation career or cause those who do accept the entry level wage to moonlight with a second job to make ends meet, which might also contribute to pilot fatigue.

How can you help???

#1 “Put the Best Pilots in the Cockpit and Set Them Up for Success” - We need to ensure that only the best pilots are placed in the cockpits of planes carrying passengers over American skies. Airline hiring practices must be reviewed and upgraded to bring more experienced pilots with demonstrated skills to the regional airlines. It is imperative that flight crews’ full piloting histories are disclosed and/or readily accessible to airlines considering applicants for hire. PRIA provides some of this history, but other means of disclosure must be developed to allow the airlines to know who they are hiring. For example, requiring an authorization to obtain a pilot’s complete airman file is one way to ensure that the prospective airline is fully aware of the pilot’s history.

At the NTSB public hearings, some of the testimony and comments from the witnesses and board members gave us a glimpse into the reality that the major airlines have substantially better training protocols, methods, and procedures than their regional partners. Additional simulator time and the most advanced training programs all cost money, and consequently are seen with much more frequency in the training departments of the major carriers. These major carriers also benefit from all the years of

experience and knowledge that have accrued in their training departments due to their longevity. And their greater resources allow them to take full advantage of the most modern safety data analysis programs like FOQA (Flight Operation Quality Assurance program) and LOSA (Line Observation Safety Audits) where their regional partners can not. We simply ask is it too much for these major airlines to work closely with their respective code share partners to ensure that they provide their pilots with the best safety tools possible in terms of training and other industry best practices.

Federal regulations regarding management of fatigue need to be updated to reflect the most recent scientific research information on this issue. Time to commute to duty work stations, flying during day time versus at night, and crossing multiple times zones all should be considered in updating this regulation of work time limits and rest.

Compensation wages should be reviewed and upgraded to promote the attraction and retention of highly skilled pilots without concern for dual employment to make ends meet.

#2 “Better Aviation Oversight by the Federal Government” – Americans believe that the role of the FAA is that of a gatekeeper, staffed by people who are technically trained and expertly qualified to watch over the airline industry for the safety of the American public. We have studied numerous accidents over the past fifteen years in which the NTSB has provided safety recommendations to the FAA designed to prevent the same accidents from reoccurring. Many of these recommendations are still classified by the NTSB as having an unacceptable response to this day. Because the rule making process is so cumbersome, the FAA often attempts a workaround solution known as a Safety Alert (SAFO). Unfortunately, these SAFO’s are offered to the airline industry to adopt or administer

voluntarily. During testimony by Colgan's FAA Principal Operations Inspector at the NTSB hearing, we learned that because SAFO's are voluntary, they are not monitored for implementation and, in practice, they are routinely not adopted. Voluntary safety recommendations made to cash-strapped airlines cannot protect the flying public. It is imperative that the mechanism for translating NTSB safety recommendations into mandated practice be streamlined to eliminate what is often years of delay between recognition of a safety concern and action to correct it.

From the transcript of the cockpit voice recorder, we learned of the ongoing and extended conversation between both pilots below the 10,000 feet altitude sterile cockpit requirement. The current self-reporting process used to monitor and address this FAA requirement clearly has gaping holes that invite abuse. An audit process must be implemented. Despite all of the commentary regarding pilot professionalism, we must recognize that these individuals are human and susceptible to human fault. Without implementing a true check system with accountability, it is improbable that this safety requirement will ever be met as intended. Indeed, violations of sterile cockpit are seen all too often in fatal crashes.

We are encouraged by the appointment of a new FAA administrator, Randy Babbitt. Some of the family members were fortunate enough to meet Mr. Babbitt prior to his confirmation, and we are hopeful that he will offer a NEW beginning in leadership for the FAA. We hope he employs the "One Level of Safety" attitude he used as president of the Air Line Pilots Association. Even the best-run companies are better served by audits and double checks on how they conduct business. The above examples only reconfirm to the families the need for the FAA to become more "hands on" in its oversight of the airline industry.

#3 - NTSB recommendations – Earlier we mentioned that several NTSB recommendations were made with unacceptable responses returned by the FAA. To the families, it appears as though the NTSB and FAA are not working jointly together in the best interest of aviation safety. We ask that Congress intercede to get these agencies functioning like the team they were intended to be. Airline safety now and tomorrow is depending on it. We know you can learn from mistakes. Under the process as we understand it, the NTSB conducts an unbiased investigation to identify recommended solutions/actions to the FAA for development and implementation. On paper this process looks very good and should work but through the years we have seen very little progress.

In regards to the safety recommendations derived from the Flight 3407 investigation, the families and public wish to see immediate action. We expect 100% resolution between recommendations made by the NTSB and timely implementation by the FAA. We have repeatedly heard the proud commentary of “85% implementation of all NTSB recommendations to date.” We believe if both agencies work together they can find solutions that will yield 100% implementation and make airline safety much improved.

Summary

In summary, the Families of Continental Connection Flight 3407 would again like to thank the members of the Aviation Subcommittee for this opportunity to express our concerns and desires. Following previous accidents of a similar nature, the airline industry and the FAA have had ample time to do the right thing in terms of addressing threats to aviation safety, but still, our loved ones perished in a preventable crash. Now we must ask Congress to intervene in the interest of public aviation safety. As

you make aviation policy decisions moving forward, please consider our requests and do NOT react to the influence of economics, lobbyists, personal interest groups, the airline industry, the airline pilots unions, or others with personal agendas. The families do NOT have such financial or influential resources as those listed above, putting us at a significant disadvantage.

So we ask that these policy decisions be made by each of you individually as though your wife, husband, son, daughter, mother, father, brother, sister, other family member or loved one are boarding a plane. Please “DO” make changes that will prevent a tragedy like Continental Connection Flight 3407 from happening again. This tragedy was and is preventable. You can make a difference.....please do.

Chairman Dorgan and Minority Leader Senator DeMint I will entertain any questions the committee might have at this time for the families.

In Memory – Continental Flight 3407

Mary Julia Abraham	Georges Abu Karam
Clarence A. 'Larry' Beutel III	David Borner
Ronald and Linda Davidson	Alison Des Forges
Beverly Eckert	John J. Fiore
Ronald Gonzalez	Brad S. Green
Zhaofang Guo	Steven L. Johnson
Kevin W. Johnston	Ruth Harel Katz
Ellyce Kausner	Nicole Korczykowski and Johnathan Perry
Jerome Krasuski	Brian Kuklewicz
Beth Ann Kushner	Sean Lang
Madeline Linn Loftus	Lorin Maurer
Don McDonald	Coleman Mellett
Dawn Monachino	Donald, Dawn, and Shawn Mossop
Jennifer Neill (and Baby Neill)	Gerard Niewood
Mary 'Belle' Pettys	Donna Prisco
Matilda Quintero	Ferris Reid
Capt. Marvin D. Renslow	Julie Ries
John G. Roberts III	Kristin Safran
Rebecca Lynne Shaw	Dipinder Sidhu
Jean Srnecz	Darren Tolsma
Susan Wehle	Ernest West
Douglas C. Wielinski	Shibin Yao
Clay Yarber	Joseph J. Zuffoletto

The Gaping Hole...

...left in our lives by the needless loss of 51 loved ones on the night of February 12, 2009.

They came from all over the country and world.....

8 countries – USA, Canada, Jamaica, Israel, Lebanon, India, China, and Liberia
9 states – NY, NJ, CT, PA, OH, CA, WA, FL, TX

They valued education.....

2 were undergrads, 1 was in Law School, 2 were pursuing an MBA
There were 5 Ivy League degrees among them

They made the world a better place.....

There was a 9/11 activist and a human rights activist
6 veterans of our armed forces, 7 combat tours, and 2 purple hearts
4 defense contractors dedicated to protecting our soldiers lives

They were talented.....

2 members of the Chuck Mangione Jazz band
2 former collegiate athletes

They were faith-filled.....

A cantor at a Jewish temple and an elder in a Jehovah's Witness congregation

Most of all, they loved their families.....

21 left behind spouses, and 3 were engaged
There were 2 married couples and one young boyfriend / girlfriend couple
1 passenger was six months pregnant
20 children under the age of 18 lost a parent
14 children lost a grandparent
11 daughters lost their fathers and will never have their Dad walk them down the aisle
8 fathers lost their daughters and will never be able to give their hand away in marriage
| 17 mothers had to say goodbye to their sons

....And we loved them.

'FAMILIES OF CONTINENTAL FLIGHT 3407'

Formatted: Indent: Left: -0.5", Right: -0.5", Widow/Orphan control, Adjust space between Latin and Asian text, Adjust space between Asian text and numbers, Tab stops: Not at 0.39" + 0.78" + 1.17" + 1.56" + 1.94" +