

Questions for the Record

U.S. SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

MINORITY

*“Nominations of Joel Matthew Szabat to be a Director of the Amtrak Board of Directors,
Anthony Rosario Coscia to be a Director of the Amtrak Board of Directors
Christopher Koos to be a Director of the Amtrak Board of Directors,
Alvin Brown to be a Member of the National Transportation Safety Board”*

10:00 AM, June 21, 2023

RANKING MEMBER TED CRUZ (R-TX)

1. Last year the NTSB and FAA updated their Memorandum of Agreement (MOA) concerning commercial space mishap investigations. That MOA clarifies that NTSB will be the lead agency for such investigations only when there is a fatality or serious injury, or when there is damage to property that could reasonably be expected to cause death or serious injury, as a result of commercial space activity. However, some, including the NTSB, have proposed much greater and more far-reaching regulations, which could see the NTSB investigating any commercial space-related incident, even when that incident did not result in death, serious injury, or damage to non-space related property.

a. What is your view on NTSB's current role in the investigation of commercial space mishaps?

Response:

Senator, should I be confirmed - I would be happy to look at this topic in more detail and discuss further with you and your staff.

b. Do you think the recently-updated MOA strikes the appropriate balance between the NTSB and FAA?

Response:

I think the newly updated MOA is sufficient for now. The new MOA refreshes the 22-year-old prior agreement between the NTSB and the FAA. It appropriately balances the role of the NTSB, particularly given the substantial increase in commercial space activity over the last two decades.

2. One of the issues we hear is that NTSB takes a long time to complete its incident investigations. NTSB's own website says the agency "tries to complete an investigation within 12 to 24 months." I understand that transportation investigations can be very complicated and time consuming, but the victims and their family members, the public, and members of Congress do expect the NTSB to complete investigations in less than two years in most cases.

a. Do you commit to identifying ways to expedite NTSB investigations without compromising the integrity of the investigation process, if you are confirmed?

Response:

Yes, I commit to this.

- b. Do you have ideas for how to expedite NTSB investigations without compromising the integrity of the investigation process? If so, please describe them.

Response:

Yes, one of the things that we need to look at is workforce development. At the present time, approximately 20% of the workforce is eligible for retirement. There is a need to make an investment in attracting, recruiting, hiring, and training the best and the brightest skilled workforce. This will allow for a resilient workforce.

- 3. A NTSB recommendation to extend the length of cockpit voice and flight data recorders to 25 hours has been open since 2017. Cockpit video recorders were first recommended by the NTSB more than ten years ago, and were included in the 2021-2022 list of “most wanted” safety improvements.

- a. Do you agree with the open recommendations regarding cockpit safety?

Response:

Yes, I agree with the open recommendations regarding cockpit safety.

- b. If confirmed, how would you work with the airline industry to improve adoption of cockpit video recorders?

Response:

If confirmed, I commit to working with the airline industry to improve the adoption of cockpit recorders, including by convening a safety summit to focus on the issue.

SENATOR SHELLEY MOORE CAPITO (R-WV)

Topic: Investigations

Mr. Brown, the NTSB is a critical safety agency that makes safety recommendations that all too often go unaddressed. Investigations often take 18 months. While I believe that a cost/benefit analysis should be included with recommendations, I also acknowledge that safety is the sole focus of the NTSB.

1. Do you have thoughts on improving the recommendation process?

Response:

Senator, if confirmed, I would work with you on improving the process. However, I think there is a need to invest in workforce development so that the NTSB can have a resilient workforce. As it stands now, 20% of the workforce is eligible for retirement. We need to attract, recruit, hire, and train the best skilled employees in the industry.

Topic: Field Hearings

Mr. Brown, the NTSB held a 2-day field hearing in East Palestine. Clearly that derailment and the response to it was highly unusual, but this is the first field hearing in over a decade.

1. Do you believe that the NTSB should conduct more field hearings?

Response:

Yes, when appropriate the NTSB should conduct more field hearings and possibly look for other opportunities to engage impacted communities during the investigative process when field hearings are not feasible. The field hearing in East Palestine shows that it is important to be transparent and engage with communities.