

**STATEMENT OF THE HONORABLE DEBORAH A.P. HERSMAN
ACTING CHAIRMAN
NATIONAL TRANSPORTATION SAFETY BOARD
BEFORE THE
SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
HEARING ON
THE IMPACTS OF THE GOVERNMENT SHUTDOWN ON OUR ECONOMIC
SECURITY
OCTOBER 11, 2013**

Good afternoon Chairman Rockefeller, Ranking Member Thune, and Members of the Committee:

I appear before you today to discuss the effect of the lapse of appropriations and the shutdown of the Federal government on the mission of the National Transportation Safety Board (NTSB).

On October 1, 2013, the start of the new fiscal year, the NTSB provided furlough notifications to 383 of our 405 employees. As Presidentially-appointed, Senate confirmed officials; all five Board Members are excepted from the furlough. Guidance issued by the Office of Management and Budget required Federal agencies to develop a contingency plan for the suspension of operations due to the furlough, and that plan was required to be posted on each agency's website. Our plan provides the framework for how the agency would engage in an orderly process of shutting down and contingency plans during suspended operations. Our contingency plan for operations provides that all activities of the NTSB would be shutdown, except those necessary to prevent imminent threats to the safety of human life or the protection of property consistent with the Antideficiency Act requirements and guidance from OMB.

In the ten days that have passed since the lapse of appropriations, there are a number of accidents that have occurred in which we have not sent an investigator or investigative team. A list of those events is included as Attachment 1 at the end of my testimony.

In addition to the activities that we are not initiating, the shutdown has resulted in the suspension of ongoing investigative work across all modes of transportation (summarized in Attachment 2). Further, we have announced this week that due to the shutdown, we have postponed two investigative hearings: a rail hearing on October 22-23 regarding two Metro-North rail accidents that occurred this past May, and an aviation hearing on November 6-7 on the crash of the Asiana 777 at San Francisco International Airport that occurred this past July.

Since the government shutdown, we have identified several accident investigations that met the criteria outlined in our plan. We have also issued two sets of urgent recommendations over the last 10 days identifying imminent threats to life or property. Investigative activities that have been authorized during the shutdown include the following:

- On September 29, a Cessna business jet crashed into a hangar while landing at the airport in Santa Monica. The four persons on board that aircraft were killed. Our investigators responded to the accident scene that evening and continued their work beyond October 1, 2013 to ensure the collection and preservation of perishable evidence. Investigators were able to interview the air traffic controllers at the airport and document the evidence on the airport property, and oversaw the removal of the wreckage and identification of remains. The wreckage has been transported to a secure warehouse and will be examined upon the resumption of normal operations. This investigation is now suspended.
- On September 30, an unoccupied Chicago Transit Authority (CTA) train consisting of four cars collided with a CTA train in revenue service that was stopped at the Harlem Station on the Blue Line. There were about 40 passengers on the in-service CTA train. CTA reported that 33 passengers were transported to three local hospitals. All were treated and released. There were no fatalities. We continued that investigation because we were concerned about the unintended movement of the train cars. We issued urgent recommendations to the Federal Transit Administration and the CTA on October 4, 2013, to take actions to prevent the unintended movement of train cars. After the completion of the on-scene work, the investigative team was placed on furlough status, and the investigation was suspended.
- On October 5, the NTSB was notified that a U.S. registered aircraft operated by Star Marianas Air had disappeared on a flight from Tinian to Saipan in the Northern Mariana Islands. We made a determination to recall one investigator from furlough on a limited basis to collect the safety critical information. However, we have determined that the investigator will not be traveling to the crash scene, and at this time, all further activity has been suspended.
- On October 10, the NTSB issued an urgent recommendation to the California Public Utilities Commission related to a September 5, 2013, event in California. Upon completion of the urgent recommendation, the investigator was placed back on furlough status and further investigative activity has been suspended.
- On October 10, an NTSB investigator examined an engine involved in a medical helicopter crash that occurred on September 19, 2013 in Canton, MS in which the helicopter experienced a loss of power and crashed into a field. There were 4 occupants on board that helicopter and survived with minor injuries. We will determine if any further action needs to be taken during the government shutdown.

During the shutdown, the NTSB has received over 20 notifications from our counterparts around the globe about accidents involving U.S. manufactured aircraft. Pursuant to Annex 13 of the Convention on International Civil Aviation, the NTSB represents the United States in international aviation accident investigations that involve a U.S. air carrier, U.S. manufactured aircraft or component part. Under normal circumstances, we would likely engage one or more of our investigators to collect the relevant information from the state of occurrence. In a major accident investigation, we would send an investigator to the accident scene and serve on scene on

behalf of the United States. During the shutdown, the NTSB has not been able to fully represent U.S. interests in aviation accidents around the world.

As one of the preeminent safety investigation agencies in the world, we routinely field requests from our international counterparts to provide technical expertise in their investigations. Requests for assistance may include deploying an investigator or assisting with an evaluation of equipment or downloading and reading the information on a flight data recorder or other non-volatile memory devices. We have declined two foreign requests for assistance and one request from the State Department for support in the last 10 days.

As you know, the NTSB also has a judicial function by hearing appeals of enforcement actions by the Federal Aviation Administration and the Coast Guard. Our administrative law judges and their staff are furloughed and no appeals are being heard, nor are any decisions being rendered on pending cases. Also, the furloughing of NTSB legal staff has prevented us from providing needed assistance to U.S. Attorney Offices in two pending court cases.

In the event of a major transportation accident that meets the criteria outlined in our contingency plan, we are prepared to launch an investigative team. Our furloughed investigators are prepared to resume their roles as transportation safety investigators if recalled. However, other important functions that do not meet the “immediate threat to life or property” threshold, such as briefing the public on the status of the investigation or providing support to accident survivors or victims’ families will not resume under a shutdown.

I urge you to take action to permit the NTSB to resume its critical safety mission.

ATTACHMENT 1

Notifications of accidents where it was determined that no NTSB investigative team should be launched during a government shutdown

- September 30 (notification received on October 8th) Tioga, ND: an unknown amount of crude oil was discovered spilled; an updated report confirms release from Tesoro below ground transmission line of 20,600 barrels of crude oil contained in upper 10 ft. of soil over 7.3 acres. No surface or ground water impact reported.
- October 1, Kent, WA: Tesla Model S fire – lithium ion battery issue, would have complemented previous involvement in the investigation of the Chevrolet Volt fire investigation and would have provided additional information regarding the technology.
- October 1, Lone Jack, MO: Kolb Firestar (ultralight), airplane stalled on takeoff, possible engine issue, 1 fatality.
- October 2, Dandridge, TN: A bus, operated by Front Street Baptist Church in Statesville, NC, was travelling on Interstate 40 eastbound when the left front tire reportedly blew out, the bus crossed through the median area and into the westbound traffic lanes and was impacted by a westbound tractor-trailer and a SUV. Eight total fatalities (6 people on the bus died, the driver of the tractor-trailer died and one of the three occupants in the SUV). There were a minimum of 13 others who were injured, many of them seriously.
- October 4, Paulden, AZ: a privately owned airplane hit a radio tower and crashed while flying over a remote gun club property, 4 fatalities.
- October 5, Colombia (near border with Panama): U.S. Bombardier Dash-8 operated by Airborne Global Services International (Part 135), 6 occupants – 4 fatalities, 2 serious injuries; US operated aircraft crashed while flying a drug interdiction mission in Colombia.
- October 6, Washington, DC: WMATA rail worker fatality on Red Line between Judiciary Square and Union Station.
- October 6, Cayo Luis, Puerto Rico: Part 135 operation, a newspaper delivery air taxi flight crashed near Culebra Island. One fatality. The aircraft is submerged and recovery effort is underway.
- October 6, Paducah, TX: McDonnell Douglas 369 helicopter, engaged in external load wire stringing operation when it hit wires and crashed, one fatality.

- October 7, Ripley, NY: house explosion; preliminary information from the state regulator that the leak was on the street side of the meter and that it was the result of improper material for the service connection.
- October 8, Rosston, OK: natural gas pipeline eruption, evacuation within a 2 mile radius of the explosion.
- October 9, Williamsport, PA: Greyhound bus collision on I-80; 1 fatality, numerous injuries. This is the second fatal Greyhound bus crash in a month.
- October 9, Gulf of Mexico: Bell Helicopter was taking off from a drilling platform when it descended into the water and rolled on its side. 4 persons on board, 1 fatality, 2 minor injuries, 1 uninjured. The helicopter is in the water and a recovery effort is underway; no known reason for the descent into the water.

ATTACHMENT 2

An abbreviated list of the approximately 1500 accident investigations suspended pending the resumption of normal operations

AVIATION

- UPS Airbus 300 – Birmingham, Alabama
- JAL Boeing 787 Battery Fire – Boston, Massachusetts. Additional testing contracted to Underwriters Laboratories (UL) is on hold.
- Southwest Airlines Boeing 737 Hard Landing – LaGuardia Airport, New York. Data analysis and brief report on hold.
- TWA Flight 800 Fuel Tank Explosion Petition for Reconsideration – East Moriches, New York.

HIGHWAY

- Midland, TX Parade float collision with UP train: Parade float carrying wounded warriors and their spouses from the Iraq and Afghanistan wars was impacted by a UP train. Four soldiers were killed, many were seriously injured. The consideration of the final report was scheduled for completion prior to the one year anniversary date of the accident -- a delivery date that is now in jeopardy.
- Mount Vernon, WA (May 23, 2013): Bridge Collapse over the Skagit River. All investigative activity and project work has halted.
- Rosedale, MD (May 28, 2013): CSX freight train hit a truck in Baltimore County Maryland resulting in the train derailing and an explosion. All investigative activity and project work has halted.

MARINE

- New York, NY (January 9, 2013): Ferry *Seastreak Wallstreet* hit the pier while docking; 80 people were injured, 4 seriously. All investigative activity and associated project work is suspended.
- Tall ship *Bounty* (October 29, 2012): heeled over and sank in rough waters related to hurricane Sandy. There were 2 fatalities, 3 of the 16 crewmembers were seriously injured. The final report on this investigation was being prepared at the time of the furlough.

RAIL

- Bridgeport, CT (May 17, 2013): An eastbound Metro North Railroad passenger train (departing Grand Central Station, NY toward New Haven, CT) derailed and was struck by westbound Metro North passenger train (departing New Haven toward Grand Central Station). As a result of the collision, 73 passengers, 2 engineers, and a conductor were transported to local hospitals with injuries. Metro North estimated there were about 250 passengers on each train at the time of the accident.
- Paulsboro, NJ (On November 30, 2012): A southbound Conrail freight train, consisting of two locomotives and 82 cars, derailed seven cars while traveling over a moveable bridge spanning Mantua Creek. Four tank cars, three containing vinyl chloride and one containing ethanol, came to rest in Mantua Creek. One of the derailed tank cars was breached and released approximately 20,000 gallons of vinyl chloride into the creek and surrounding area. No fatalities resulted from the accident; the train conductor and several residents were treated at local hospitals for exposure to vinyl chloride and released.
- Ellicott City, MD (August 20, 2012): An eastbound CSX Transportation (CSX) coal train, consisting of two locomotives and 80 cars loaded with coal, derailed the lead 21 cars. Loaded coal cars involved in the derailment overturned, spilling their content along the track killing two people that were sitting on a railroad bridge.

PIPELINE

- Sissonville, WV (December 11, 2012) Rupture of a buried 20-inch diameter natural gas transmission pipeline owned and operated by Columbia Gas Transmission Corporation ruptured just over 100 feet west of Interstate 77 in Sissonville, West Virginia. About 20 feet of pipe was separated and ejected from the underground pipeline and landed more than 40 feet from its original location. Three homes were destroyed by the fire after the escaping high-pressure natural gas ignited; no one was seriously injured.