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Description of document: **Reports produced for Congress by the National Transportation Safety Board (NTSB) during, which were not posted on the NTSB public internet website, 2006-2009**

Released date: 02-March-2010

Posted date: 09-August-2010

Source of document: National Transportation Safety Board
Attention: FOIA Requester Service Center, CIO-40
490 L'Enfant Plaza, S.W.
Washington, DC 20594-2000
Fax: (240) 752-6257
[Submit an online Request](#)

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National Transportation Safety Board
Washington, D.C. 20594

March 2, 2010

Re: National Transportation Safety Board (NTSB)
Freedom of Information Act (FOIA) No. 2010-00036

This letter responds to your FOIA request for information regarding the above accident. In your request you seek a copy of each report produced for Congress by the NTSB during the past 3 years, which are not posted on the NTSB public internet website.

The Safety Board has located 600++ pages of responsive documents. Those documents are enclosed on CD-ROM.

You may submit your payment by using Pay.gov. Pay.gov is a web based application allowing you to fill out and submit forms and payments online for Government agencies by credit card or by debit from your checking or savings account. Pay.gov accepts the following credit cards: Visa, Master Card, American Express, Discover, and Diner's Club. You may access pay.gov by visiting <https://www.nts.gov/foiapayment>. You may also submit a check, payable to the NTSB, by mailing it to the following address:

NTSB
Attention: FOIA Requester Service Center, CIO-40
490 L'Enfant Plaza, S.W.
Washington, D.C. 20594

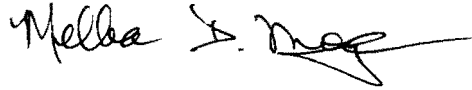
Please include your FOIA request number (listed in the subject line of this letter, above) in the memo line of your check.

To the extent I have denied your FOIA request, you may appeal my decision by writing to: Mr. David L. Mayer, Managing Director, NTSB, Washington, DC 20594.

Once you have filed your appeal, you may also write to the Office of Government Information Services (OGIS) for mediation assistance at:

National Archives and Records Administration, OGIS – Room 2510
8601 Adelphi Road, College Park, MD 20740

Sincerely,

A handwritten signature in black ink, appearing to read "Melba D. Moye", with a long horizontal flourish extending to the right.

Melba D. Moye
FOIA Officer

Enclosure

Non-Mail Control Routing Slip

COMPLETED

Control Number **103374**

Action Office **GA**

Division

Writer

TYPE of DOCUMENT Letter

DATE OF LETTER 11/9/2009

DATE RECEIVED 11/6/2009

RESPONSE DUE

FROM Hersman, Deborah A.P.

ORGANIZATION National Transportation Safety Board

SUBJECT FY 2009 Annual Report to Congress regarding
NTSB's Board Member non-accident-related travel
report (foreign and domestic).

NOTATION

RECS

NOTES Exec Sec Rec'd 11/06/2008. Report sent to
Congressman Jim Oberstar, Congressman
John Mica, Senator John D. Rockefeller IV,
and Senator Kay Bailey Hutchison.

Use the space below for Internal/Routing/Reviewing/Concurrence

Office/Division

Date In

Date Out/Initial

GA

11-06-09

11-06-09

MD-5

11-25-09

11-25-09 NFE

Coleman

11-9-09

11-10-09

MD-5 Lanier/Colema

11-6-09

11/10/09 KRL

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MD-5 to Office for Final

11-25-09

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Scanned/courier 11/25/09-Kmz

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Routing Symbol	Modal Office/Writer	GA-1	GovAffairs (Lewis)	*GC-1 on occasion	MD-1 Lanier	MD-5	AC
Date			11-24				
Initials			<i>mhs</i>				



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

NOV 25 2009

Honorable James L. Oberstar
Chairman
Transportation and Infrastructure Committee
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Oberstar:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the National Transportation Safety Board (NTSB) to provide a report to Congress detailing the non-accident-related travel of each Board Member, including separate accountings for foreign and domestic travel and any personal or other expenses associated with that travel. Enclosed please find the NTSB's Board Member travel report for fiscal year 2009.

If you have any questions, please do not hesitate to call me at (202) 314-6662, or Ms. Nancy Lewis, Director of Government Affairs, at (202) 314-6215.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A.P. Hersman", with a long horizontal line extending to the right.

Deborah A.P. Hersman
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

NOV 25 2009

Honorable John L. Mica
Ranking Republican Member
Transportation and Infrastructure Committee
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Mica:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the National Transportation Safety Board (NTSB) to provide a report to Congress detailing the non-accident-related travel of each Board Member, including separate accountings for foreign and domestic travel and any personal or other expenses associated with that travel. Enclosed please find the NTSB's Board Member travel report for fiscal year 2009.

If you have any questions, please do not hesitate to call me at (202) 314-6662, or Ms. Nancy Lewis, Director of Government Affairs, at (202) 314-6215.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A.P. Hersman", with a long horizontal flourish extending to the right.

Deborah A.P. Hersman
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

NOV 25 2009

Honorable John D. Rockefeller IV
Chairman
Commerce, Science, and Transportation Committee
United States Senate
531 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Rockefeller:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the National Transportation Safety Board (NTSB) to provide a report to Congress detailing the non-accident-related travel of each Board Member, including separate accountings for foreign and domestic travel and any personal or other expenses associated with that travel. Enclosed please find the NTSB's Board Member travel report for fiscal year 2009.

If you have any questions, please do not hesitate to call me at (202) 314-6662, or Ms. Nancy Lewis, Director of Government Affairs, at (202) 314-6215.

Sincerely,

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Deborah A.P. Hersman
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

NOV 25 2009

Honorable Kay Bailey Hutchison
Ranking Republican Member
Commerce, Science, and Transportation Committee
United States Senate
284 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Hutchison:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the National Transportation Safety Board (NTSB) to provide a report to Congress detailing the non-accident-related travel of each Board Member, including separate accountings for foreign and domestic travel and any personal or other expenses associated with that travel. Enclosed please find the NTSB's Board Member travel report for fiscal year 2009.

If you have any questions, please do not hesitate to call me at (202) 314-6662, or Ms. Nancy Lewis, Director of Government Affairs, at (202) 314-6215.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A.P. Hersman", with a long horizontal line extending to the right.

Deborah A.P. Hersman
Chairman

Enclosure

**Office of Chairman Deborah A.P. Hersman
Advocacy (Non-Accident) Travel Budget Usage Detail Report
July 28, 2009 – September 30, 2009**

**CHAIRMAN HERSMAN
Domestic Advocacy Travel**

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
August 20 - 21, 2009	Chicago, IL Madison, WI	Met with Illinois State Representative Flowers Addressed the State Motorcycle Safety Administrators	\$675
August 30 - 31, 2009	Savannah, GA	Addressed the Governor's Highway Safety Association Annual Meeting	\$1,020
September 14 -15, 2009	Orlando, FL	Keynote address to the International Society of Air Safety Investigators	\$1,085
September 28 - 29, 2009	Wichita, KS	Keynote address at the Bombardier Safety Stand-down	\$391
SUBTOTAL DOMESTIC TRAVEL			\$3,171

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL FOREIGN TRAVEL			\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$3,171
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – CHAIRMAN HERSMAN	\$3,171

OTHER STAFF TRAVELING WITH CHAIRMAN HERSMAN

STAFF	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
Steven Blackistone	August 20-22, 2009	Madison, WI	Accompanied Chairman Hersman to the State Motorcycle Safety Administrators Annual Meeting	\$1,231
Danielle Roeber	August 30-September 2, 2009	Savannah, GA	Accompanied Chairman Hersman to the Governor's Highway Safety Association Annual Meeting	\$1,266
SUBTOTAL DOMESTIC TRAVEL				\$2,497

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$2,497
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL - OTHER STAFF	\$2,497

TOTAL ADVOCACY TRAVEL FOR CHAIRMAN HERSMAN AND STAFF
DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL - CHAIRMAN HERSMAN	\$3,171
SUBTOTAL DOMESTIC TRAVEL - OTHER STAFF	\$2,497
TOTAL DOMESTIC TRAVEL	\$5,668

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL - CHAIRMAN HERSMAN	\$0
SUBTOTAL FOREIGN TRAVEL - OTHER STAFF	\$0
TOTAL FOREIGN TRAVEL	\$0

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$5,668
TOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL	\$5,668

**Office of Member Deborah A.P. Hersman
Advocacy (Non-Accident) Travel Budget Usage Detail Report
October 1, 2008 – July 27, 2009**

**MEMBER HERSMAN
Domestic Advocacy Travel**

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
February 25-27, 2009	Miami, FL	Speaker at Maritime Trades Dept Executive Board Meeting, visited the STAR Center for maritime training, and the NTSB Regional Office	\$1,186
March 16-20, 2009	New Orleans, LA	Met with American Waterways Operators, barge and petroleum operators on the Mississippi River, attended a meeting in Lafayette of off-shore operators about the Automatic Dependent Surveillance - Broadcast implementation and met with Gulf of Mexico helicopter operators in Lafayette, Galliano, and New Iberia.	\$1,502
March 23-24, 2009	Boston, MA	Keynote speaker at the International Conference on Fatigue Management	\$836
April 21-25, 2009	Orlando, FL	Speaker at the Corporate Aviation Safety Seminar	\$693
July 7, 2009	Philadelphia, PA	Speaker at Brotherhood of Locomotive Engineers and Trainmen's National Association of State Legislative Chairman's Board Meeting	\$240
SUBTOTAL DOMESTIC TRAVEL			\$4,457

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL FOREIGN TRAVEL			\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$4,457
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL - MEMBER HERSMAN	\$4,457

Nancy Lewis, Special Assistant to Member Hersman Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
February 25-27, 2009	Miami, FL	Accompanied Member Hersman who was a speaker at Maritime Trades Dept Executive Board Meeting, visited the STAR Center for maritime training, and the NTSB Regional Office	\$1,014
March 16-20, 2009	New Orleans, LA	Accompanied Member Hersman who met with American Waterways Operators, barge and petroleum operators on the Mississippi River, attended a meeting in Lafayette of off-shore operators about Automatic Dependent Surveillance - Broadcast implementation and met with Gulf of Mexico helicopter operators in Lafayette, Galliano, and New Iberia.	\$1,681
SUBTOTAL DOMESTIC TRAVEL			\$2,695

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$2,695
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – NANCY LEWIS	\$2,695

OTHER STAFF TRAVELING WITH MEMBER HERSMAN

STAFF	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
Larry Bowling	March 16-18, 2009	New Orleans, LA	Accompanied Member Hersman who met with American Waterways Operators, barge and petroleum operators on the Mississippi River, attended a meeting in Lafayette of off-shore operators about Automatic Dependent Surveillance - Broadcast implementation and met with Gulf of Mexico helicopter operators in Lafayette, Galliano, and New Iberia.	\$1,173
SUBTOTAL DOMESTIC TRAVEL				\$1,173

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$1,173
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – OTHER STAFF	\$1,173

TOTAL ADVOCACY TRAVEL FOR MEMBER HERSMAN AND STAFF
DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL – MEMBER HERSMAN	\$4,457
SUBTOTAL DOMESTIC TRAVEL – NANCY LEWIS	\$2,695
SUBTOTAL DOMESTIC TRAVEL – OTHER STAFF	\$1,173
TOTAL DOMESTIC TRAVEL	\$8,325

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL – MEMBER HERSMAN	\$0
SUBTOTAL FOREIGN TRAVEL – NANCY LEWIS	\$0
SUBTOTAL FOREIGN TRAVEL – OTHER STAFF	\$0
TOTAL FOREIGN TRAVEL	\$0

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$8,325
TOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL	\$8,325

Office of Member Robert L. Sumwalt
Advocacy (Non-Accident) Travel Budget Usage Detail Report
October 1, 2008 – September 30, 2009

MEMBER SUMWALT
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 5-9, 2008	Orlando, FL	Speaker for the National Business Aviation Association Annual Meeting and Convention	\$1,352
October 19-21, 2008	Minneapolis, MN	Speaker at the Air Medical Transport Conference	\$1,474
November 5-6, 2008	Buffalo, NY Syracuse, NY	Met with Calspan Corp and visited Transportation Testing Operations Site Met with Sensis Corp on Runway Safety Technology	\$1,093
November 18-20, 2008	Dallas, TX	Attended Flight Safety Helicopter Educational Forum - Insurance Underwriters	\$967
December 11-13, 2008	Pittsburgh, PA	Met with Stat MedEvac in preparation for NTSB HEMS public hearing	\$1,822
January 21-26, 2009	Wichita, KS	Speaker at the Cessna Safety Stand-down Event	\$573
May 4-7, 2009	Phoenix, AZ	Speaker at Advanced Qualification Programs Conference	\$1,512
May 18-20, 2009	Salt Lake City, UT	Speaker at the Regional Airline Assoc 2009 Annual Convention	\$869
June 22-24, 2009	Teaneck, NJ	Speaker at Flight Safety Aviation Safety and Risk Management Symposium	\$643
July 8-11, 2009	Mackinac Island, MI	Speaker at the Lawyer/Pilots Bar Association Summer Meeting Program	\$2,066
September 1-4, 2009	San Diego, CA	Speaker at FAA Maintenance and Ramp Safety Human Factors Conference	\$1,460
September 14-17, 2009	Orlando, FL	Speaker at the International Society of Air Safety Investigators 2009 40th Annual Seminar	\$1,189
SUBTOTAL DOMESTIC TRAVEL			\$15,020

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
March 14-19, 2009	Nicosia, CY	Speaker at the 2009 Flight Safety Foundation European Aviation Safety Seminar	\$4,123
April 27-29, 2009	Ottawa, CAN	Speaker at the North American Flight Test Safety Workshop	\$1,657
July 14-24, 2009	San Jose Dos Campos, BRA	Meeting and product safety review with Embraer	\$1,456
September 28-29, 2009	Montreal, CAN	Speaker at International Helicopter Safety Team Biannual Meeting	\$897
SUBTOTAL FOREIGN TRAVEL			\$8,133

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$15,020
SUBTOTAL FOREIGN TRAVEL	\$8,133
TOTAL ADVOCACY TRAVEL – MEMBER SUMWALT	\$23,153

Heather Eilers-Bowser, Special Assistant to Member Sumwalt Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 20-21, 2008	Minneapolis, MN	Accompanied Member Sumwalt to Air Medical Transport Conference	\$1,136
November 5-6, 2008	Buffalo, NY	Accompanied Member Sumwalt to a meeting with Calspan Corp and visited Transportation Testing Operations Site	\$1,285
	Syracuse, NY	Accompanied Member Sumwalt to a meeting with Sensis Corp on Runway Safety Technology	
SUBTOTAL DOMESTIC TRAVEL			\$2,421

Heather Eilers-Bowser, Special Assistant to Member Sumwalt
Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL FOREIGN TRAVEL			\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$2,421
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – HEATHER EILERS-BOWSER	\$2,421

Sean Dalton, Special Assistant to Member Sumwalt
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
June 22-24, 2009	Teaneck, NJ	Accompanied Member Sumwalt who was a speaker at Flight Safety Aviation Safety and Risk Management Symposium	\$740
July 8-11, 2009	Mackinac Island, MI	Accompanied Member Sumwalt who was a speaker at the Lawyer/Pilots Bar Association Summer Meeting Program	\$947
SUBTOTAL DOMESTIC TRAVEL			\$1,687

Sean Dalton, Special Assistant to Member Sumwalt
Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
September 28, 2009	Montreal, CAN	Accompanied Member Sumwalt who was a speaker at International Helicopter Safety Team Biannual Meeting	\$967

SUBTOTAL FOREIGN TRAVEL			\$967
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Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$1,687
SUBTOTAL FOREIGN TRAVEL	\$967
TOTAL ADVOCACY TRAVEL – SEAN DALTON	\$2,654

Stephanie Matonek, Confidential Assistant to Member Sumwalt
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 20-21, 2008	Minneapolis, MN	Accompanied Member Sumwalt to Air Medical Transport Conference 08	\$983
September 1-4, 2009	San Diego, CA	Accompanied Member Sumwalt who was a speaker at the FAA Maintenance and Ramp Safety Human Factors Conference	\$2,200
SUBTOTAL DOMESTIC TRAVEL			\$3,183

Stephanie Matonek, Confidential Assistant to Member Sumwalt
Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL FOREIGN TRAVEL			\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$3,183
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – STEPHANIE MATONEK	\$3,183

OTHER STAFF TRAVELING WITH MEMBER SUMWALT

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL DOMESTIC TRAVEL				\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$0
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – OTHER STAFF	\$0

TOTAL ADVOCACY TRAVEL FOR MEMBER SUMWALT AND STAFF DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL – MEMBER SUMWALT	\$15,020
SUBTOTAL DOMESTIC TRAVEL – HEATHER EILERS-BOWSER	\$2,421
SUBTOTAL DOMESTIC TRAVEL – SEAN DALTON	\$1,687
SUBTOTAL DOMESTIC TRAVEL – STEPHANIE MATONEK	\$3,183
SUBTOTAL DOMESTIC TRAVEL – OTHER STAFF	\$0
TOTAL DOMESTIC TRAVEL	\$22,311

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL – MEMBER SUMWALT	\$8,133
SUBTOTAL FOREIGN TRAVEL – HEATHER EILERS-BOWSER	\$0

SUBTOTAL FOREIGN TRAVEL – SEAN DALTON	\$967
SUBTOTAL FOREIGN TRAVEL – STEPHANIE MATONEK	\$0
SUBTOTAL FOREIGN TRAVEL – OTHER STAFF	\$0
TOTAL FOREIGN TRAVEL	\$9,100

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$22,311
TOTAL FOREIGN TRAVEL	\$9,100
TOTAL ADVOCACY TRAVEL	\$31,411

Office of Acting Chairman Mark V. Rosenker¹
Advocacy (Non-Accident) Travel Budget Usage Detail Report
October 1, 2008 – August 10, 2009

ACTING CHAIRMAN ROSENKER
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 5-8, 2008	Denver, CO	Delivered keynote address at AAR Corp International Safety Conference and visited Transportation Technology Center, Inc	\$985
October 20-21, 2008	Kansas City, MO	Delivered keynote address at Bombardier Safety Stand-down	\$367
November 17-18, 2008	Manhattan, NY	Delivered remarks before International Transportation Safety Association World Congress	\$1,098
November 19-20, 2008	Los Angeles, CA	Delivered keynote address at the Motorcycle Industry Council annual meeting	\$682
December 9-12, 2008	Las Vegas, NV	Delivered keynote address at Damage Prevention Control Pipeline Conference and delivered an address before National Convention of State Legislatures	\$1,243
January 10-15, 2009	Honolulu, HI	Delivered speech at AAAE Annual Aviation Issues Safety Conference	\$2,854
February 3-6, 2009	San Francisco, CA	Viewed the CalTrans PATH facility and visited the United Airline Maintenance Base.	\$1,246
February 11-13, 2009	Miami, FL	Delivered remarks before Bombardier Recreational Products at the Miami Boat Show	\$1,013
February 22-23, 2009	Miami, FL	Met with Carnival Cruise Lines CEO	\$702
February 23-25, 2009	Los Angeles CA	Attended Heli Expo	\$962

¹ Acting Chairman Rosenker resumed his role as Vice Chairman on July 28, 2009

March 9-12, 2009	Seattle, WA	Met with Boeing Executives and visited Seattle Regional Office	\$1,362
March 22-26, 2009	Chicago, IL	Viewed Amtrak accident site	\$549
April 13-16, 2009	Wichita, KS	Delivered keynote address before Wichita Aero Club	\$172
May 18, 2009	Miami, FL	Visited Miami Regional Office	\$657
May 19-21, 2009	Los Angeles, CA	Visited LA Regional Offices and met with Metrolink	\$952
June 1-3, 2009	Atlantic City, NJ	Delivered keynote address before Greater New Jersey Motorcoach Association	\$149
June 22-23, 2009	Boise, ID	Delivered keynote address at Western States Boating Admin Association	\$805
June 24-25, 2009	Chicago, IL	Participated in Operation Lifesaver Train Ride (Rail Safety Advocacy)	\$550
June 28-29, 2009	New Orleans, LA	Attended New Orleans Crescent River Port Pilot Association Meeting	\$1,206
July 29, 2009	Appleton, WI	Attended Oshkosh Air Show	\$451
SUBTOTAL DOMESTIC TRAVEL			\$18,005

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
June 12-18, 2009	Stockholm, Sweden	Attended International Transportation Safety Association Chairperson's Meeting	\$3,784
SUBTOTAL FOREIGN TRAVEL			\$3,784

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$18,005
SUBTOTAL FOREIGN TRAVEL	\$3,784
TOTAL ADVOCACY TRAVEL - ACTING CHAIRMAN ROSENKER	\$21,789

Thomas Doyle, Special Assistant to Acting Chairman Rosenker
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 5 - 8, 2008	Denver, CO	Accompanied Acting Chairman who delivered keynote address at AAR Corp International Safety Conference and visited Transportation Technology Center, Inc	\$1,080
October 20-21, 2008	Kansas City, MO	Accompanied Acting Chairman who delivered keynote address at Bombardier Safety Stand-down	\$266
November 17-18, 2008	Manhattan, NY	Accompanied Acting Chairman who delivered remarks before International Transportation Safety Association World Congress	\$1,273
November 19 - 20, 2008	Los Angeles, CA	Accompanied Acting Chairman who delivered keynote address at the Motorcycle Industry Council annual meeting	\$704
December 9-12, 2008	Las Vegas, NV	Accompanied Acting Chairman who delivered keynote address at Damage Prevention Control Pipeline Conference and delivered an address before National Convention of State Legislatures Conference	\$1,293
February 11-13, 2009	Miami, FL	Accompanied Acting Chairman who delivered remarks before Bombardier Recreational Products at the Miami Boat Show	\$1,207
February 22-24, 2009	Miami, FL	Accompanied Acting Chairman who met with Carnival Cruise Lines CEO	\$1,177
March 9-12, 2009	Seattle, WA	Accompanied Acting Chairman who met with Boeing Executives and visited Seattle Regional Office	\$1,582
March 22-26, 2009	Chicago, IL	Accompanied Acting Chairman who viewed Amtrak accident site	\$1,182
April 13-16, 2009	Wichita, KS	Accompanied Acting Chairman to deliver keynote address before Wichita Aero Club	\$707
May 18, 2009	Miami, FL	Accompanied Acting Chairman on Miami Regional Office visit	\$717

May 19-21, 2009	Los Angeles, CA	Accompanied Acting Chairman to visit Regional offices and meet with Metrolink	\$1,158
June 1-3, 2009	Atlantic City, NJ	Accompanied Acting Chairman who delivered keynote address before Greater New Jersey Motorcoach Association.	\$445
June 22-23, 2009	Boise, ID	Accompanied Acting Chairman who delivered keynote address at Western States Boating Admin Association	\$220
June 24-25, 2009	Chicago, IL	Accompanied Acting Chairman who participated in Operation Lifesaver Train Ride (Rail Safety Advocacy)	\$340
June 28-29, 2009	New Orleans, LA	Accompanied Acting Chairman to the New Orleans Crescent River Port Pilot Association Meeting	\$371
July 29, 2009	Appleton, WI	Accompanied Acting Chairman to Oshkosh Air Show	\$429
SUBTOTAL DOMESTIC TRAVEL			\$14,151

Thomas Doyle, Special Assistant to Acting Chairman Rosenker
Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
June 12-18, 2009	Stockholm, Sweden	Accompanied Acting Chairman to 2009 International Transportation Safety Association Chairperson's Meeting.	\$2,183
SUBTOTAL FOREIGN TRAVEL			\$2,183

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$14,151
SUBTOTAL FOREIGN TRAVEL	\$2,183
TOTAL ADVOCACY TRAVEL – THOMAS DOYLE	\$16,334

Gina Kocher, Confidential Assistant to Acting Chairman Rosenker
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
February 23-25, 2009	Los Angeles CA	Accompanied Acting Chairman to Heli Expo	\$960
July 29, 2009	Appleton, WI	Accompanied Acting Chairman to Oshkosh Air Show	\$447
SUBTOTAL DOMESTIC TRAVEL			\$1,407

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$1,407
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – GINA KOCHER	\$1,407

OTHER STAFF TRAVELING WITH ACTING CHAIRMAN ROSENKER

STAFF	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
Bridget Serchak	November 19, 2008	New York, NY	Accompanied Acting Chairman who delivered remarks before the International Transportation Safety Association World Congress	\$2,101
William Gossard	November 19-21, 2008	Long Beach, CA	Accompanied Acting Chairman who delivered keynote address before the Motorcycle Industry Council annual meeting	\$1,260
Robert Chipkevich	December 10, 2009	Las Vegas, NV	Accompanied Acting Chairman who delivered keynote address at Damage Prevention Control Pipeline Conference and delivered an address before National Convention of State Legislatures	\$952
William Gossard	June 20-24, 2009	Boise, ID	Accompanied Acting Chairman who delivered keynote	\$1,378

			address at Western States Boating Admin Association	
Cy Gura	June 25, 2009	Chicago, IL	Accompanied Acting Chairman who participated in Operation Lifesaver Train Ride (Rail Safety Advocacy)	\$103
Jeff Guzzetti	July 26-29, 2009	Appleton, WI	Accompanied Acting Chairman to Oshkosh Air Show	\$740
SUBTOTAL DOMESTIC TRAVEL				\$6,534

OTHER STAFF TRAVELING WITH ACTING CHAIRMAN ROSENKER

STAFF ACTING CHAIRMAN	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT.
Elaine Weinstein	June 15-17, 2009	Stockholm, Sweden	Accompanied Acting Chairman to 2009 International Transportation Safety Association Chairperson's Meeting.	\$5,959
Tom Haueter	June 15-17, 2009	Stockholm, Sweden	Accompanied Acting Chairman to 2009 International Transportation Safety Association Chairperson's Meeting.	\$3,395
SUBTOTAL FOREIGN TRAVEL				\$9,354

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$6,534
SUBTOTAL FOREIGN TRAVEL	\$9,354
TOTAL ADVOCACY TRAVEL – OTHER STAFF	\$15,888

TOTAL ADVOCACY TRAVEL FOR ACTING CHAIRMAN ROSENKER AND STAFF DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL – ACTING CHAIRMAN ROSENKER	\$18,005
SUBTOTAL DOMESTIC TRAVEL – THOMAS DOYLE	\$14,151
SUBTOTAL DOMESTIC TRAVEL – GINA KOCHER	\$1,407
SUBTOTAL DOMESTIC TRAVEL – OTHER STAFF	\$6,534

TOTAL DOMESTIC TRAVEL	\$40,097
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FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL – ACTING CHAIRMAN ROSENKER	\$3,784
SUBTOTAL FOREIGN TRAVEL – THOMAS DOYLE	\$2,183
SUBTOTAL FOREIGN TRAVEL – OTHER STAFF	\$9,354
TOTAL FOREIGN TRAVEL	\$15,321

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$40,097
TOTAL FOREIGN TRAVEL	\$15,321
TOTAL ADVOCACY TRAVEL	\$55,418

**Office of Member Kitty O. Higgins
Advocacy (Non-Accident) Travel Budget Usage Detail Report
October 1, 2008 – August 3, 2009**

MEMBER HIGGINS
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 16-22, 2008	Minneapolis, MN	Attended Air Medical Transport Conference 08	\$2,340
January 19-22, 2009	Orlando, FL	Spoke at United Motorcoach Association 2009 Expo	\$998
April 19-20, 2009	Manchester, NH	Testified before NH State Senate Transportation Committee	\$622
SUBTOTAL DOMESTIC TRAVEL			\$3,960

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL FOREIGN TRAVEL			\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$3,960
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – MEMBER HIGGINS	\$3,960

OTHER STAFF TRAVELING WITH MEMBER HIGGINS

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
Jeff Guzzetti	October 19-21, 2008	Minneapolis, MN	Accompanied Member Higgins to Air Medical Transport Conference 08	\$803
Robert Dodd	October 19-21, 2008	Minneapolis, MN	Accompanied Member Higgins to Air Medical Transport Conference 08	\$904
Larry Yohe	January 22, 2009	Orlando, FL	Accompanied Member Higgins to a United Motorcoach Association 2009 Expo	\$1,173
SUBTOTAL DOMESTIC TRAVEL				\$2,880

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$2,880
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL - OTHER STAFF	\$2,880

TOTAL ADVOCACY TRAVEL FOR MEMBER HIGGINS AND STAFF DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL - MEMBER HIGGINS	\$3,960
SUBTOTAL DOMESTIC TRAVEL - OTHER STAFF	\$2,880
TOTAL DOMESTIC TRAVEL	\$6,840

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL - MEMBER HIGGINS	\$0
SUBTOTAL FOREIGN TRAVEL - OTHER STAFF	\$0
TOTAL FOREIGN TRAVEL	\$0

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$6,840
TOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL	\$6,840

**Office of Member Steven R. Chealander
Advocacy (Non-Accident) Travel Budget Usage Detail Report
October 1, 2008 – February 28, 2009**

**MEMBER CHEALANDER
Domestic Advocacy Travel**

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 6-7, 2008	Memphis, TN	Gave speech to FedEx Chief of Pilots and line crew, viewed night hubs operations.	\$686
November 17-20, 2008	Houston and Dallas, TX	Spoke at the 2008 Traffic Safety Conference	\$922
SUBTOTAL DOMESTIC TRAVEL			\$1,608

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL FOREIGN TRAVEL			\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$1,608
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – MEMBER CHEALANDER	\$1,608

Mary Jane Smith, Special Assistant to Member Chealander
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 6-7, 2008	Memphis, TN	Accompanied Member Chealander who gave speech to FedEx Chief of Pilots and line crew, viewed night hubs operations.	\$1,070
November 17-20, 2008	Houston and Dallas, TX	Accompanied Member Chealander who spoke at the 2008 Traffic Safety Conference	\$1,040
SUBTOTAL DOMESTIC TRAVEL			\$2,110

Mary Jane Smith, Special Assistant to Member Chealander
Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL FOREIGN TRAVEL			\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$2,110
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – MARY JANE SMITH	\$2,110

OTHER STAFF TRAVELING WITH MEMBER CHEALANDER

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$0
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – OTHER STAFF	\$0

TOTAL ADVOCACY TRAVEL FOR MEMBER CHEALANDER AND STAFF
DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL – MEMBER CHEALANDER	\$1,608
SUBTOTAL DOMESTIC TRAVEL – MARY JANE SMITH	\$2,110
SUBTOTAL DOMESTIC TRAVEL – OTHER STAFF	\$0
TOTAL DOMESTIC TRAVEL	\$3,718

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL – MEMBER CHEALANDER	\$0
SUBTOTAL FOREIGN TRAVEL – MARY JANE SMITH	\$0
SUBTOTAL FOREIGN TRAVEL – OTHER STAFF	\$0
TOTAL FOREIGN TRAVEL	\$0

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$3,718
TOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL	\$3,718



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

NOV 12 2008

Honorable John L. Mica
Ranking Republican Member
Transportation and Infrastructure Committee
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Mica:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the National Transportation Safety Board (NTSB) to provide a report to Congress detailing the non-accident-related travel of each Board Member, including separate accountings for foreign and domestic travel and any personal or other expenses associated with that travel. Enclosed please find the NTSB's Board Member travel report for fiscal year 2008.

If you have any questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Acting Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

NOV 12 2008

Office of the Chairman

Honorable James L. Oberstar
Chairman
Transportation and Infrastructure Committee
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Oberstar:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the National Transportation Safety Board (NTSB) to provide a report to Congress detailing the non-accident-related travel of each Board Member, including separate accountings for foreign and domestic travel and any personal or other expenses associated with that travel. Enclosed please find the NTSB's Board Member travel report for fiscal year 2008.

If you have any questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Acting Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

NOV 12 2008

Honorable Daniel K. Inouye
Chairman
Commerce, Science, and Transportation Committee
United States Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Inouye:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the National Transportation Safety Board (NTSB) to provide a report to Congress detailing the non-accident-related travel of each Board Member, including separate accountings for foreign and domestic travel and any personal or other expenses associated with that travel. Enclosed please find the NTSB's Board Member travel report for fiscal year 2008.

If you have any questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker", is positioned above the printed name.

Mark V. Rosenker
Acting Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

NOV 12 2008

Office of the Chairman

Honorable Kay Bailey Hutchison
Ranking Republican Member
Commerce, Science, and Transportation Committee
United States Senate
284 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Hutchison:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the National Transportation Safety Board (NTSB) to provide a report to Congress detailing the non-accident-related travel of each Board Member, including separate accountings for foreign and domestic travel and any personal or other expenses associated with that travel. Enclosed please find the NTSB's Board Member travel report for fiscal year 2008.

If you have any questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Acting Chairman

Enclosure

**Office of Chairman Mark V. Rosenker
Advocacy (Non-Accident) Travel Budget Usage Detail Report
FY 2008**

**CHAIRMAN ROSENKER
Domestic Advocacy Travel**

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 03-05, 2007	Newark, NJ	Visited and toured Port Authority of NY and NJ	\$521
October 10-11, 2007	Miami, FL	Visited Miami Regional Office and attended meetings with USCG Sector Miami	\$993
October 22-23, 2007	Wichita, KS	Keynote Speaker at Bombardier Lear Jet Safety Stand-down	\$466
November 26-27, 2007	Las Vegas, NV	Keynote Speaker at the Marine Retailers' Association	\$930
December 5-7, 2007	Las Vegas, NV	Keynote Speaker at Pipeline Damage Prevention Conference	\$1,245
December 11-12, 2007	Dallas, TX	Attended a Positive Train Control Demo and meetings with BNSF	\$750
December 17-19, 2007	Manhattan, NY	Cruise ship advanced technology orientation and NYC airports runway incursion meetings	\$1,231
January 5-9, 2008	Kona, HI	Addressed American Association of Airport Executives Annual Safety Conference	\$2,014
January 16-18, 2008	San Francisco, CA	Keynote Speaker at United Motorcoach Assn.	\$938
February 20-21, 2008	Miami, FL	Participated in MIA Airport emergency drill exercise	\$610
February 21 & 24, 2008	Dallas, TX	Delivered address at the US Power Squadrons	\$829
May 16-17, 2008	San Antonio, TX	Delivered keynote address at US Air Force Public Affairs Association Conference	\$712
May 19-20, 2008	Chicago, IL	Keynote speaker at Operation Lifesaver Safety event	\$647
June 2-4, 2008	Atlantic City, NJ	Keynote speaker Greater New Jersey Motorcoach Association	\$157
July 31, 2008	Appleton, WI	Represented NTSB at Oshkosh Airshow	\$686

August 3-8, 2008	Anchorage, AK	Visited Anchorage Regional Office and met with rail, pipeline and marine companies	\$3,183
September 21-23, 2008	Manhattan, NY	Attended meetings with JetBlue Airways, PANYNJ, and NYC Mayor	\$1,699
SUBTOTAL DOMESTIC TRAVEL			\$17,611

Domestic Advocacy Travel by Vice Chairman Sumwalt on behalf of the Chairman

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
April 15-17, 2008	San Diego, CA	Speaker for Int'l Boating Water Safety Summit ¹	\$570
SUBTOTAL DOMESTIC TRAVEL ON BEHALF OF THE CHAIRMAN			\$570

¹ – Chairman Rosenker requested that the Vice Chairman appear in his absence at the International Boating Water Safety Summit. The Chairman could not appear because he was preparing for testimony before the Congress.

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 27-November 5, 2007	Canberra/Sydney, AU; Hong Kong	Keynote speaker at The Safe Skies Conference and ATSB Road Safety Conference ²	\$1,771
March 19-28, 2008	Tokyo City, Japan; Hong Kong	Advanced Automotive, Aviation, and Marine Technology trip to Asia	\$13,292
May 4-8, 2008	Sao Paulo, Brazil	Visited Embraer manufacturer and met with Brazilian Government aviation officials	\$3,368
May 24-31, 2008	Saint Petersburg, RUS	Led US delegation at 2008 International Transportation Safety Association Chairperson's Conference	\$5,202
July 9-16, 2008	London, GBR	Attended meetings with the International Maritime Organization and Farnborough Air	\$5,063

		Show	
SUBTOTAL FOREIGN TRAVEL			\$28,696

² Australian Government reimbursed NTSB \$8,093 for travel costs. Net cost of trip of \$1,771 is reflected in report total.

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$17,611
SUBTOTAL DOMESTIC TRAVEL ON BEHALF OF THE CHAIRMAN	\$570
SUBTOTAL FOREIGN TRAVEL	\$28,696
TOTAL ADVOCACY TRAVEL – CHAIRMAN ROSENKER	\$46,877

Thomas Doyle, Counselor to Chairman Rosenker
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 03-04, 2007	Newark, NJ	Accompanied Chairman on visit and tour Port Authority of NY and NJ	\$543
October 10-11, 2007	Miami, FL	Accompanied Chairman on visit to Miami Regional Office and USCG Sector Miami	\$978
October 22-23, 2007	Wichita, KS	Accompanied Chairman who delivered speech at Bombardier Lear Jet Safety Stand-down	\$532
November 26-27, 2007	Las Vegas, NV	Accompanied Chairman who spoke at the Marine Retailers' Association	\$941
December 11-12, 2007	Dallas, TX	Accompanied Chairman to Positive Train Control Conference and meetings with BNSF	\$752

December 17-19, 2007	Manhattan, NY	Accompanied Chairman to cruise ship advanced technology orientation and NYC airports runway incursion meetings	\$1,308
January 16-18, 2008	San Francisco, CA	Accompanied Chairman who delivered keynote address at United Motorcoach Association	\$1,106
February 20-21, 2008	Miami, FL	Accompanied Chairman to MIA Airport Disaster Drill Exercise	\$763
June 2-4, 2008	Atlantic City, NJ	Accompanied Chairman who delivered the keynote address at the Greater New Jersey Motorcoach Association	\$439
July 31, 2008	Appleton, WI	Accompanied Chairman to the Oshkosh Airshow	\$629
August 3-8, 2008	Anchorage, AK	Accompanied Chairman to Anchorage Regional office and meetings with rail, pipeline and marine companies	\$3,522
SUBTOTAL DOMESTIC TRAVEL			\$11,513

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 27-November 5, 2007	Canberra/Sydney, AU; Hong Kong	Accompanied Chairman who was keynote speaker at The Safe Skies Conference and ATSB Road Safety Conference ³	\$1,078
March 19-28, 2008	Tokyo City, Japan; Hong Kong	Accompanied Chairman on Advanced Automotive, Aviation, and Marine Technology trip to Asia	\$11,286

May 4-8, 2008	Sao Paulo, Brazil	Accompanied Chairman on Embraer visit and meeting with Government aviation officials	\$3,316
July 9-16, 2008	London, GBR	Accompanied Chairman to meetings with International Maritime Organization and Farnborough Air Show	\$5,959
SUBTOTAL FOREIGN TRAVEL			\$21,639

³ Australian Government reimbursed NTSB \$8,100 for travel costs. Net cost of trip of \$1,078 is reflected in report total

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$11,513
SUBTOTAL FOREIGN TRAVEL	\$21,639
TOTAL ADVOCACY TRAVEL – THOMAS DOYLE	\$33,152

Gina Kocher, Confidential Assistant to Chairman Rosenker
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
July 31 – August 1, 2008	Appleton, WI	Accompanied Chairman to Oshkosh Airshow	\$988
SUBTOTAL DOMESTIC TRAVEL			\$988

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$988
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – GINA KOCHER	\$988

Katherine Lemos , Acting Special Assistant to Vice Chairman Sumwalt
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
April 16-29, 2008	San Diego, CA	Accompanied Vice Chairman who was a speaker for International Boating Water Safety Summit, on behalf of the Chairman	\$555
SUBTOTAL DOMESTIC TRAVEL			\$555

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$555
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL - KATHERINE LEMOS	\$555

OTHER STAFF TRAVELING WITH CHAIRMAN ROSENKER - DOMESTIC

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
William Gossard	November 26-27, 2007	Las Vegas, NV	Accompanied Chairman who delivered keynote address at the Marine Retailers' Association	\$1,060
Robert Chipkevich	December 5-7, 2007	Las Vegas, NV	Accompanied Chairman who delivered keynote address at the Damage Prevention Conference	\$1,312
Robert Chipkevich	Dec 10-12, 2007	Dallas, TX	Accompanied Chairman to a Positive Train Control Demo and meetings with BNSF	\$1,104
Brenda Yager	January 5-9, 2008	Kona, HI	Accompanied Chairman who delivered an address at American Association of Airport Executives Annual Conference	\$3,116
William Gossard	February 21-24, 2008	Dallas, TX	Accompanied Chairman who delivered an address at the US Power Squadrons	\$860
Ruben Payan	May 19-20, 2008	Chicago, IL	Accompanied Chairman who delivered keynote address at Operation Lifesaver Safety event	\$725

Robert Chipkevich	August 3-8, 2008	Anchorage, AK	Accompanied Chairman who visited regional field office, met with rail, pipeline and marine companies	\$3,994
SUBTOTAL DOMESTIC TRAVEL				\$12,171

OTHER STAFF TRAVELING WITH CHAIRMAN ROSENKER - FOREIGN

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
Barbara Czech	March 19-26, 2008	Tokyo, Japan	Accompanied Chairman on Advanced Technology trip to Japan	\$4,088
Joseph Kolly	March 19-26, 2008	Tokyo, Japan	Accompanied Chairman on Advanced Technology trip to Japan	\$4,150
Jack Spencer	July 8-12, 2008	London, GBR	Accompanied Chairman to a meeting at International Maritime Organization	\$4,051
SUBTOTAL FOREIGN TRAVEL				\$12,289

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$9,055
SUBTOTAL FOREIGN TRAVEL	\$12,289
TOTAL ADVOCACY TRAVEL - OTHER STAFF	\$21,344

TOTAL ADVOCACY TRAVEL FOR CHAIRMAN ROSENKER AND STAFF DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL - CHAIRMAN ROSENKER	\$17,611
SUBTOTAL DOMESTIC TRAVEL - VICE CHAIRMAN SUMWALT	\$570
SUBTOTAL DOMESTIC TRAVEL - THOMAS DOYLE	\$11,513

SUBTOTAL DOMESTIC TRAVEL - GINA KOCHER	\$988
SUBTOTAL DOMESTIC TRAVEL - KATHERINE LEMOS	\$555
SUBTOTAL DOMESTIC TRAVEL - OTHER STAFF	\$12,171
TOTAL DOMESTIC TRAVEL	\$43,408

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL - CHAIRMAN ROSENKER	\$28,696
SUBTOTAL FOREIGN TRAVEL - THOMAS DOYLE	\$21,639
SUBTOTAL FOREIGN TRAVEL - GINA KOCHER	\$0
SUBTOTAL FOREIGN TRAVEL - OTHER STAFF	\$21,344
TOTAL FOREIGN TRAVEL	\$71,679

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$43,408
TOTAL FOREIGN TRAVEL	\$71,679
TOTAL ADVOCACY TRAVEL	\$115,087

**Office of Vice Chairman Robert L. Sumwalt
Advocacy (Non-Accident) Travel Budget Usage Detail Report
FY 2008**

VICE CHAIRMAN SUMWALT

Domestic Advocacy Travel on behalf of the Chairman

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
April 15-17, 2008	San Diego, CA	Speaker for Int'l Boating Water Safety Summit ¹	\$570

Katherine Lemos, Acting Special Assistant to Vice Chairman Sumwalt

Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
April 16-29, 2008	San Diego, CA	Accompanied Vice Chairman who was a speaker for International Boating Water Safety Summit, on behalf of the Chairman ¹	\$555

¹ Chairman Rosenker requested that the Vice Chairman appear in his absence at the International Boating Water Safety Summit. The Chairman could not appear because he was preparing for testimony before the Congress. The cost of these trips is included on Chairman Rosenker's report.

Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 14-15, 2007	Houston, TX	Key note speaker at Airliner Dispatchers Federation Assembly	\$770
October 29-November 1, 2007	Detroit, MI Indianapolis, IN	Reviewed safety initiatives at GM, Chrysler and Ford, and IMMI	\$1,137
December 5, 2007	Wilmington, DE	Met with FlightSafety International and toured cab of Amtrak Acela	\$248
January 15, 2008	Flushing, NY	Visited FlightSafety International to discuss and advocated NTSB recommendations	\$168
January 28-30, 2008	Fort Worth, TX	Reviewed new BNSF procedures and advocated various safety initiatives including Positive Train Control	\$1,054
February 1-11, 2008	Columbia, SC Okatie, SC Hilton Head, SC	Met with Carolina Gas Transmissions regarding pipeline safety Met with SCANA corporate aviation department regarding IS-BAO registration Met with SC State Senator regarding DUI bill and attended Senate Hearing on DUI Met with NetJets International director of safety and director of operations and presented at SC Aviation Assn's Annual Conference Met with Baldwin Aviation regarding SMS, IS-BAO and safety initiatives	\$1,545
February 20-22, 2008	Dallas, TX	Keynote speaker at SMU Legal Forum	\$1,033
February 26-29, 2008	San Antonio, TX	Keynote speaker at NBAA Leadership Conference	\$1,213
April 9-13, 2008	Orlando, FL (Daytona Beach, FL)	Lectured at Embry Riddle Aeronautical University	\$1,643

	Miami, FL	Visited Star Center, and visited RCCL	
April 18-29, 2008	Phoenix, AZ Seattle, WA	Boeing, Naverus, Honeywell and Airline representative visits (Phoenix/Seattle)	\$3,134
May 13-15, 2008	Nassau City, NY Flushing, NY	Keynote Speaker at Nautical Institute/US Merchant Marine Academy Seminar. Met with Marine Safety International	\$1,262
May 25-29, 2008	San Diego, CA	Keynote Speaker for the FAA Shared Vision of Aviation Safety Conference	\$1,540
June 26, 2008	Charlotte, NC	Speaker for the Southern Gas Association's Annual Safety Round Table	\$202
September 24, 2008	Wilmington, DE	Toured Delaware Bay Tanker Operations	\$113
September 30, 2008	Ruckersville, VA	Visited Insurance Institute for Highway Safety Vehicle Center	\$123
SUBTOTAL DOMESTIC TRAVEL			\$15,185

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
March 22-April 2, 2008	Munich, GE London, GBR	Visited BMW, Mercedes Benz facilities (Germany). Visited UK's Marine Accidents Investigation Branch and Air Accidents Investigation Branch, Civil Aviation Authority and met with Professor James Reason regarding Just Culture (England)	\$8,186
May 2-11, 2008	Sydney, AUS	Presented at 27 th Annual Conference Aviation Law Assoc of Australia-New Zealand	\$5,795
SUBTOTAL FOREIGN TRAVEL			\$13,981

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$15,185
SUBTOTAL FOREIGN TRAVEL	\$13,981

TOTAL ADVOCACY TRAVEL – VICE CHAIRMAN SUMWALT	\$29,166
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Katherine Lemos, Acting Special Assistant to Vice Chairman Sumwalt
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 29-November 1, 2007	Detroit, MI	Accompanied and assisted Vice Chairman to review safety initiatives at GM, Chrysler and Ford and IMMI	\$1,171
January 15, 2008	Flushing, NY	Accompanied Vice Chairman on visit to FlightSafety International	\$217
January 28-30, 2008	Fort Worth, TX	Accompanied Vice Chairman to a review of new BNSF procedures and advocate various safety initiatives	\$935
February 4-10, 2008	Columbia, SC Okatie, SC Hilton Head, SC	Accompanied and assisted Vice Chairman in meeting with Carolina Gas Transmissions regarding pipeline safety Met with SCANA corporate aviation department regarding IS-BAO registration Met with SC State Senator regarding DUI bill and attended Senate Hearing on DUI Met with NetJets International director of safety and director of operations Presented at SC Aviation Assn's Annual Conference Met with Baldwin Aviation regarding SMS, IS-BAO and safety initiatives	\$2,116
February 20-22, 2008	Dallas, TX	Accompanied Vice Chairman who was keynote speaker at SMU Legal Forum	\$1,341
February 26-29, 2008	San Antonio, TX	Accompanied Vice Chairman who was keynote speaker at NBAA Leadership Conference	\$1,227

April 9-13, 2008	Orlando, FL (Daytona Beach, FL) Miami, FL	Accompanied and assisted Vice Chairman during Lecture at Embry Riddle Aeronautical University Visited Star Center, and visited RCCL	\$1,811
April 16-29, 2008	San Diego, CA Seattle, WA Phoenix, AZ	Accompanied Vice Chairman who was a speaker for Int'l Boating Water Safety Summit (San Diego) Boeing, Naverus, Honeywell and Airline representative visits (Phoenix/Seattle)	\$3,385
May 13-15, 2008	Nassau City, NY Flushing, NY	Accompanied Vice Chairman who was the Keynote Speaker at Nautical Institute/US Merchant Marine Academy Seminar Met with Marine Safety International	\$1,312
May 25-29, 2008	San Diego, CA	Accompanied Vice Chairman who was Keynote Speaker for the FAA Shared Vision of Aviation Safety Conference	\$1,712
SUBTOTAL DOMESTIC TRAVEL			\$15,227

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
March 22-April 2, 2008	Munich, GE London, GBR	Accompanied Vice Chairman on visit to BMW, Mercedes Benz facilities (Germany), Visited UK's Marine Accidents Investigation Branch and Air Accidents Investigation Branch, Civil Aviation Authority and met with Professor James Reason regarding Just Culture (England)	\$7,796

May 2-11, 2008	Sydney, AU	Accompanied and assisted Vice Chairman at the 27 th Annual Conference Aviation Law Association of Australia-New Zealand	\$5,747
SUBTOTAL FOREIGN TRAVEL			\$13,543

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$15,227
SUBTOTAL FOREIGN TRAVEL	\$13,643
TOTAL ADVOCACY TRAVEL – KATHERINE LEMOS	\$28,870

Heather Eilers-Bowser, Special Assistant to Vice Chairman Sumwalt
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
September 24, 2008	Wilmington, DE	Accompanied Vice Chairman Sumwalt to the Delaware Bay Tanker Operations Tour	\$370
SUBTOTAL DOMESTIC TRAVEL			\$370

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL FOREIGN TRAVEL			\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$370

SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – HEATHER EILERS-BOWSER	\$370

OTHER STAFF TRAVELING WITH VICE CHAIRMAN SUMWALT

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
William Gossard	April 15–19, 2008	San Diego, CA	Accompanied Vice Chairman who was a speaker for Int'l Boating Water Safety Summit	\$2,161
Rob Jones	May 14, 2008	Kings Point, NY	Accompanied Vice Chairman who was Keynote Speaker at Nautical Institute/US Merchant Marine Academy Seminar	\$715
Barry Strauch	May 14, 2008	Kings Point, NY	Accompanied Vice Chairman who was Keynote Speaker at Nautical Institute/US Merchant Marine Academy Seminar	\$762
SUBTOTAL DOMESTIC TRAVEL				\$3,638

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$3,638
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – OTHER STAFF	\$3,638

TOTAL ADVOCACY TRAVEL FOR VICE CHAIRMAN SUMWALT AND STAFF DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL – VICE CHAIRMAN SUMWALT	\$15,185

SUBTOTAL DOMESTIC TRAVEL – KATHERINE LEMOS	\$15,227
SUBTOTAL DOMESTIC TRAVEL – HEATHER EILERS-BOWSER	\$370
SUBTOTAL DOMESTIC TRAVEL – OTHER STAFF	\$3,638
TOTAL DOMESTIC TRAVEL	\$34,420

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL – VICE CHAIRMAN SUMWALT	\$13,981
SUBTOTAL FOREIGN TRAVEL – KATHERINE LEMOS	\$13,643
SUBTOTAL FOREIGN TRAVEL – HEATHER EILERS-BOWSER	\$0
SUBTOTAL FOREIGN TRAVEL – OTHER STAFF	\$0
TOTAL FOREIGN TRAVEL	\$27,624

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$34,420
TOTAL FOREIGN TRAVEL	\$27,624
TOTAL ADVOCACY TRAVEL	\$62,044

**Office of Member Steven R. Chealander
Advocacy (Non-Accident) Travel Budget Usage Detail Report
FY 2008**

**MEMBER CHEALANDER
Domestic Advocacy Travel**

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 29-November 1, 2007	Detroit, MI	Reviewed seat belt safety initiatives at GM, Chrysler and Ford	\$1,116
October 25-26, 2007	Nashville, TN	Spoke at legislative committee hearing on hard core drinking/driving	\$443
November 14-15, 2007	San Jose, CA	Keynote Speaker at the AAAE Safety Forum	\$767
December 5, 2007	Wilmington, DE	Toured FlightSafety International and toured cab of Amtrak Acela	\$248
December 10-12, 2007	Dallas, TX	Visited BNSF and rode on PTC Train	\$654
January 29-30, 2008	Nashville, TN	Spoke to Bowling Green Rotary re: KY most wanted aviation safety issues	\$783
February 4-7, 2008	Los Angeles, CA	Met with LA C of Commerce and Northrup Grumman UAV	\$1,227
February 14-16, 2008	Syracuse, NY	Visited Sensis to view demonstration of ASDE-X/ADS pertaining to runway incursions	\$550
February 20-24, 2008	Dallas, TX	Met with Traffic Safety Coalition and Meetings w/Members of State House/Senate	\$787
June 24-27, 2008	Sacramento, CA	Visited Beale and Creech Air Force Bases to observe operations and briefed on overall Global Hawk operations in both locations	\$1,181
September 29-30, 2008	Wichita, KS	Delivered speech at the General Aviation Air Safety Investigators Workshop	\$730
SUBTOTAL DOMESTIC TRAVEL			\$8,486

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
July 11-17, 2008	London, GBR	Attended Farnborough Air Show	\$5,389
SUBTOTAL FOREIGN TRAVEL			\$5,389

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$8,486
SUBTOTAL FOREIGN TRAVEL	\$5,389
TOTAL ADVOCACY TRAVEL - MEMBER CHEALANDER	\$13,875

Mary Jane Smith, Special Assistant to Member Chealander Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 29-November 1, 2007	Detroit, MI	Accompanied Member Chealander to a review of seat belt safety initiatives at GM, Chrysler and Ford	\$1,116
December 10-12, 2007	Dallas, TX	Accompanied Member Chealander on a visit to BNSF and rode on PTC Train	\$947
February 4-8, 2008	Los Angeles, CA	Accompanied Member Chealander to a meeting with LA C of Commerce and Northrup Grumman UAV	\$1,461
June 24-27, 2008	Sacramento, CA	Accompanied Member Chealander on a visit to the Beale and Creech Air Force Bases to observe operations and attend a briefing on overall Global Hawk operations in both locations	\$1,460
SUBTOTAL DOMESTIC TRAVEL			\$4,984

Mary Jane Smith, Special Assistant to Member Chealander
Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
July 11-17, 2008	London, GBR	Accompanied Member Chealander to the Farnborough Air Show	\$5,779
SUBTOTAL FOREIGN TRAVEL			\$5,779

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$4,984
SUBTOTAL FOREIGN TRAVEL	\$5,779
TOTAL ADVOCACY TRAVEL - MARY JANE SMITH	\$10,763

OTHER STAFF TRAVELING WITH MEMBER CHEALANDER

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
Dana Schulze	June 24-27, 2008	Sacramento, CA	Accompanied Member Chealander to a visit to Beale and Creech Air Force Bases to observe operations and a briefing on overall Global Hawk operations in both locations	\$701
Dan Bartlett	February 4-7, 2008	Los Angeles, CA	Accompanied Member Chealander on a visit to Northrup Grumman	\$1,320
Steven Blackistone	October 25-26, 2007	Nashville, TN	Accompanied Member Chealander who spoke at legislative committee hearing on hard core drinking/driving	\$630
William Gossard	February 22, 2008	Dallas, TX	Accompanied Member Chealander to a meeting with the Traffic Safety Coalition and to meetings with Members of State House/Senate	\$430
SUBTOTAL DOMESTIC TRAVEL				\$3,081

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$3,081
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL - OTHER STAFF	\$3,081

TOTAL ADVOCACY TRAVEL FOR MEMBER CHEALANDER AND STAFF
DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL - MEMBER CHEALANDER	\$8,486
SUBTOTAL DOMESTIC TRAVEL - MARY JANE SMITH	\$4,984
SUBTOTAL DOMESTIC TRAVEL - OTHER STAFF	\$3,081
TOTAL DOMESTIC TRAVEL	\$16,551

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL - MEMBER CHEALANDER	\$5,389
SUBTOTAL FOREIGN TRAVEL - MARY JANE SMITH	\$5,779
SUBTOTAL FOREIGN TRAVEL - OTHER STAFF	\$0
TOTAL FOREIGN TRAVEL	\$11,168

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$16,551
TOTAL FOREIGN TRAVEL	\$11,168
TOTAL ADVOCACY TRAVEL	\$27,719

**Office of Member Kathryn O'Leary Higgins
Advocacy (Non-Accident) Travel Budget Usage Detail Report
FY 2008**

MEMBER HIGGINS
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 18-19, 2007	Manhattan, NY	Attended US Coast Guard Foundation Annual Salute	\$816
November 26-27, 2007	Las Vegas, NV	Spoke at Helicopter Association International Summit	\$962
December 4-8, 2007	Albuquerque, NM	Attended UAV Conference sponsored by TACC and visited Eclipse, VLJ Manufacturer	\$1,231
January 13-14, 2008	Detroit, MI	Attended 2008 Detroit Auto Show	\$840
January 28-30, 2008	Dallas, TX	Visited BNSF and Flight Safety International	\$1,003
February 12-13, 2008	Columbia, MO	Testified before Missouri Senate Transportation Committee	\$1,215
February 23-26, 2008	Houston, TX	Attended annual convention of Helicopter Association International (HAI) "Heli-Expo" Met with American Bureau of Shipping Classification Society	\$1,645
May 21-23, 2008	Kansas City and Wichita, KS	Visited FAA Small Airplane Directorate and Members of General Aviation Manufacturers Association (Cessna, HBC, Bombardier-Learjet)	\$1,126
June 24-27, 2008	Sacramento, CA	Visited two Air Force Bases for Unmanned Aircraft System (UAS) demonstration	\$1,397
August 4-5, 2008	Louisville, KY	Spoke at AAAE Conference and visited UPS operation in Louisville, KY	\$961
August 12-19, 2008	Anchorage, AK	Attended modal operations and safety program familiarization (aviation, rail, marine, pipeline)	\$5,159

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL FOREIGN TRAVEL			\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$16,355
SUBTOTAL FOREIGN TRAVEL	0
TOTAL ADVOCACY TRAVEL – MEMBER HIGGINS	\$16,355

Denise Daniels, Special Assistant to Member Higgins Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
December 6-8, 2007	Albuquerque, NM	Assisted Member Higgins during her visit to Eclipse, a VLJ manufacturer	\$1,024
February 23-26, 2008	Houston, TX	Accompanied Member Higgins to the annual convention of the Helicopter Association International (HAI) "Heli-Expo" Met with American Bureau of Shipping Classification Society	\$1,732
June 24-27, 2008	Sacramento, CA	Accompanied Member Higgins on visits to two Air Force Bases for UAS demonstrations	\$1,405
August 4-5, 2008	Louisville, KY	Accompanied Member Higgins who was a speaker at AAEE conference and visited UPS operation in Louisville, KY	\$1,178
August 12-19, 2008	Anchorage, AK	Accompanied Member Higgins to modal operations and safety program familiarization (aviation, rail, marine, pipeline)	\$4,999
SUBTOTAL DOMESTIC TRAVEL			\$10,338

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL FOREIGN TRAVEL			\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$10,338
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – DENISE DANIELS	\$10,338

He Ning, Confidential Assistant to Member Higgins Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
January 28-30, 2008	Dallas, TX	Accompanied Member Higgins on visits to BNSF and FlightSafety International	\$985
May 21-23, 2008	Wichita, KS	Accompanied Member Higgins on a visit to FAA Office and General Aviation Manufacturers Association	\$798
SUBTOTAL DOMESTIC TRAVEL			\$1,783

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL FOREIGN TRAVEL			\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$1,783
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – HE NING	\$1,783

OTHER STAFF TRAVELING WITH MEMBER HIGGINS

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
Jim Ritter	January 28-30, 2008	Fort Worth, TX	Accompanied Member Higgins to briefing by BNSF	\$ 1,065
Dana Schulze	June 24-27, 2008	Sacramento, CA	Accompanied Member Higgins on a visit to Beale and Creech Air Force Bases to observe operations and attend a briefing on overall Global Hawk operations in both locations	\$701
William Gossard	February 12-13, 2008	Columbia, MO	Accompanied Member Higgins who testified before Missouri Senate Transportation Committee	\$524
Jeff Guzzetti	February 24-26, 2008	Houston, TX	Supported Member Higgins at the annual convention of the Helicopter Association International (HAI) "Heli-Expo"	\$585
Dana Schulze	March 25, 2008	Miami, FL	Accompanied Member Higgins to meet the Miami-Dade County Police Department (Aviation Unit) to review Unmanned Aircraft Systems application	\$810
Dan Barlett	March 25, 2008	Miami, FL	Accompanied Member Higgins to a meeting the Miami-Dade County Police Department (Aviation Unit) to review Unmanned Aircraft Systems application	\$734
SUBTOTAL DOMESTIC TRAVEL				\$4,419

Foreign Advocacy Travel

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL FOREIGN TRAVEL				\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$4,419
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL - OTHER STAFF	\$4,419

TOTAL ADVOCACY TRAVEL FOR MEMBER HIGGINS AND STAFF DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL - MEMBER HIGGINS	\$16,355
SUBTOTAL DOMESTIC TRAVEL - DENISE DANIELS	\$10,338
SUBTOTAL DOMESTIC TRAVEL - HE NING	\$1,783
SUBTOTAL DOMESTIC TRAVEL - OTHER STAFF	\$4,419
TOTAL DOMESTIC TRAVEL	\$32,895

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL - MEMBER HIGGINS	\$0
SUBTOTAL FOREIGN TRAVEL - DENISE DANIELS	\$0
SUBTOTAL FOREIGN TRAVEL - HE NING	\$0
SUBTOTAL FOREIGN TRAVEL - OTHER STAFF	\$0
TOTAL FOREIGN TRAVEL	\$0

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$32,895
TOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL	\$32,895

**Office of Member Deborah A.P. Hersman
Advocacy (Non-Accident) Travel Budget Usage Detail Report
FY 2008**

**MEMBER HERSMAN
Domestic Advocacy Travel**

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
November 1-2, 2007	Lexington, KY	Met with state legislators to discuss booster seat and high BAC laws, and recognized first responders from the 2006 Comair Crash	\$1,018
November 7, 2007	Philadelphia, PA	Met with researchers at the Children's Hospital of Philadelphia (CHOP) on Child Passenger Safety	\$289
January 13-14, 2008	Detroit, MI	Met with auto manufacturers and other government officials at Detroit Auto Show	\$807
February 5-8, 2008	Las Vegas, NV	Gave a speech to the Airports Council Board of Directors and CEO Forum	\$660
February 22-24, 2008	Louisville, KY	Gave a speech to the Kentucky Fire Services Officers School	\$711
April 15-17, 2008	Denver, CO	Observed a demonstration of a real-time train collision and reviewed rail safety technology at TTCI and visited the NTSB Denver regional office	\$829
April 30-May 2, 2008	Tampa, FL	Gave a presentation to the NBAA/Flight Safety Foundation's Corporate Aviation Safety Seminar	\$680
June 29-30, 2008	Williamsburg, VA	Gave a presentation to the Association of Transportation Law Professionals on fatigue in transportation	\$319
July 28-30, 2008	Charlottesville, VA	Observed crash test at the Insurance Institute of Highway Safety and visited Sperry Marine	\$323
SUBTOTAL DOMESTIC TRAVEL			\$5,636

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL FOREIGN TRAVEL			\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$5,636
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – MEMBER HERSMAN	\$5,636

Nancy Lewis, Special Assistant to Member Hersman Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
April 15-17, 2008	Denver, CO	Accompanied Member Hersman to a demonstration of a real-time train collision and reviewed rail safety technology at TTCL and visited the NTSB Denver regional office	\$708
July 28-30, 2008	Charlottesville, VA	Accompanied Member Hersman on visit to observe a crash test at the Insurance Institute of Highway Safety and visited Sperry Marine	\$472
SUBTOTAL DOMESTIC TRAVEL			\$1,108

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$1,108
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – NANCY LEWIS	\$1,108

Reshan Beal, Confidential Assistant to Member Hersman
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
February 5-8, 2008	Las Vegas, NV	Accompanied Member Hersman to a speech she gave to the Airports Council Board of Directors and CEO Forum	\$994
July 28-30, 2008	Charlottesville, VA	Accompanied Member Hersman to observe a crash test at the Insurance Institute of Highway Safety and visited Sperry Marine	\$307
SUBTOTAL DOMESTIC TRAVEL			\$1,301

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$1,301
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL - RESHAN BEAL	\$1,301

OTHER STAFF TRAVELING WITH MEMBER HERSMAN

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
Rob Jones	July 30, 2008	Charlottesville, VA	Accompanied Member Hersman on a visit to Sperry Marine	\$78
Mitch Garber	November 7, 2007	Philadelphia, PA	Accompanied Member Hersman to a meeting with researchers at the Children's Hospital of Philadelphia (CHOP) on Child Passenger Safety	\$274
Kristin Poland	November 7, 2007	Philadelphia, PA	Accompanied Member Hersman to a meeting with researchers at the Children's Hospital of Philadelphia (CHOP) on Child Passenger Safety	\$274
SUBTOTAL DOMESTIC TRAVEL				\$626

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$626
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL - OTHER STAFF	\$626

TOTAL ADVOCACY TRAVEL FOR MEMBER HERSMAN AND STAFF
DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL - MEMBER HERSMAN	\$5,636
SUBTOTAL DOMESTIC TRAVEL - NANCY LEWIS	\$1,108
SUBTOTAL DOMESTIC TRAVEL - RESHAN BEAL	\$1,301
SUBTOTAL DOMESTIC TRAVEL - OTHER STAFF	\$626
TOTAL DOMESTIC TRAVEL	\$8,671

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL - MEMBER HERSMAN	\$0
SUBTOTAL FOREIGN TRAVEL - NANCY LEWIS	\$0
SUBTOTAL FOREIGN TRAVEL - RESHAN BEAL	\$0
SUBTOTAL FOREIGN TRAVEL - OTHER STAFF	\$0
TOTAL FOREIGN TRAVEL	\$0

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$8,671
TOTAL FOREIGN TRAVEL	\$0

TOTAL ADVOCACY TRAVEL	\$8,671
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Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

OCT 26 2007

Honorable James L. Oberstar
Chairman
Transportation and Infrastructure Committee
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Oberstar:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the National Transportation Safety Board (NTSB) to provide a report to Congress detailing the non-accident-related travel of each Board Member, including separate accountings for foreign and domestic travel and any personnel or other expenses associated with that travel. Enclosed please find NTSB's Board Member travel report for Fiscal Year 2007.

If you have any questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

OCT 26 2007

Honorable John L. Mica
Ranking Republican Member
Transportation and Infrastructure Committee
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Mica:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the National Transportation Safety Board (NTSB) to provide a report to Congress detailing the non-accident-related travel of each Board Member, including separate accountings for foreign and domestic travel and any personnel or other expenses associated with that travel. Enclosed please find NTSB's Board Member travel report for Fiscal Year 2007.

If you have any questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", with a long horizontal flourish extending to the right.

Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

OCT 26 2007

Honorable Daniel K. Inouye
Chairman
Commerce, Science, and Transportation Committee
U.S. Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

254
Russell

Dear Chairman Inouye:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the National Transportation Safety Board (NTSB) to provide a report to Congress detailing the non-accident-related travel of each Board Member, including separate accountings for foreign and domestic travel and any personnel or other expenses associated with that travel. Enclosed please find NTSB's Board Member travel report for Fiscal Year 2007.

If you have any questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

OCT 26 2007

Honorable Ted Stevens
Vice Chairman
Commerce, Science, and Transportation Committee
U.S. Senate
254 Russell Senate Office Building
Washington, D.C. 20510

Dear Vice Chairman Stevens:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the National Transportation Safety Board (NTSB) to provide a report to Congress detailing the non-accident-related travel of each Board Member, including separate accountings for foreign and domestic travel and any personnel or other expenses associated with that travel. Enclosed please find NTSB's Board Member travel report for Fiscal Year 2007.

If you have any questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker".

Mark V. Rosenker
Chairman

Enclosure



**Office of Chairman Mark V. Rosenker
Advocacy (Non-Accident) Travel Budget Usage Detail Report
FY 2007**

**CHAIRMAN ROSENKER
Domestic Advocacy Travel**

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 10-12, 2006	Los Angeles, CA; Dallas, TX	Viewed Dallas & Long Beach Airports' runway incursion prevention system	\$1,075
October 17-20, 2006	Las Vegas, NV; Spokane, WA	Viewed Las Vegas and Spokane runway incursion avoidance systems	\$1,455
November 8-9, 2006	Manhattan, NY	Viewed EMASS installation at Teterboro, NJ, Foam Arrestor Bed installations JFK	\$811
January 9-11, 2007	Detroit, MI	Attended Detroit Auto Show	\$854
February 26-28, 2007	Vail, CO	Keynote speaker at Consumer Electronics Association on driver distractions	\$1,524
March 4-6, 2007	Boston, MA; San Antonio, TX	Viewed Massachusetts Bay Line Operations for Board Meeting preparation; addressed International Boating and Water Safety Summit (San Antonio)	\$1,171
March 11-13, 2007	Miami, FL	Gave speech at Sea Trade Cruise Shipping Conference	\$1,175
April 4-8, 2007	Dallas, TX; Denver, CO	Visited regional offices and met with American Airline officials	\$845
April 10-12, 2007	Chicago, IL	Met with United Airline officials; gave speech at Northwestern University; visited regional office	\$685
April 15-18, 2007	Atlantic City, NJ; Palm Springs, CA	Speech at American Association Airport Executives and Aging Aircraft Conference	\$1,218
April 22-24, 2007	Miami, FL	Observed bridge operations aboard cruise ship and visited Piper Aircraft Co. in Vero Beach	\$1,238
May 12-13, 2007	Manhattan, NY	Crown Princess visit, bridge operations observation and River Transit	\$781
May 19-24, 2007	Seattle, WA	Met with officials at Boeing and Holland America	\$1,949

		Cruise Lines; visited Seattle Regional Office	
June 6-11, 2007	Honolulu, HI	Met with Governor of Hawaii to discuss pending safety legislation	\$2,211
June 15-22, 2007	Anchorage, AK; Fairbanks, AK	Met with Alaska Regional Office, FAA, Alyeska Pipeline, Alaska Railroad	\$2,874
July 24, 2007	Appleton, WI	Attended Oshkosh Air Show	\$521
August 1, 2007	Miami, FL	Visited Miami Regional Office	\$565
September 7-8, 2007	Burlington, VT	Addressed National Association of Boating Law Administrators (NASBLA)	\$966
September 28-29, 2007	Kings Point, NY	Speaker at US Merchant Marine Academy	\$496
SUBTOTAL DOMESTIC TRAVEL			\$22,394

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
May 14-17, 2007	Ottawa, Canada	International Transportation Safety Association (ITSA) Chairpersons meeting	\$1,421
June 26-29, 2007	The Hague, Netherlands	Met with Dutch Safety Board	\$4,232**
July 11-19, 2007	London, United Kingdom; Paris, Toulous, France	Met with UK Air Accidents Investigation Branch (London); Airbus tour and meetings with officials (Toulouse); met with U.S. Ambassadors and U.S. Embassy/FAA officials (Paris and London)	\$6,188
August 22-30, 2007	Tokyo, Japan; Singapore;	Met with U.S. Ambassador and U.S. Embassy/FAA officials (Tokyo and Singapore); met with Japan Aircraft and Railway Accidents Investigation Commission and Japan Marine Accident Inquiry Agency (Tokyo); met with Singapore Air Accident Investigation Bureau and addressed International Society of Air Safety Investigations (Singapore)	\$9,714
September 19-21, 2007	Montreal, Canada	Attended ICAO General Assembly	\$1,246
SUBTOTAL FOREIGN TRAVEL			\$22,801

** To be reimbursed by Dutch Safety Board

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$22,394
SUBTOTAL FOREIGN TRAVEL	\$22,801
TOTAL ADVOCACY TRAVEL – CHAIRMAN ROSENKER	\$45,195

Thomas Doyle, Special Assistant to Chairman Rosenker
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 10-12, 2006	Los Angeles, CA; Dallas, TX	Accompanied Chairman to view Dallas & Long Beach Airport's runway incursion prevention system	\$1,128
October 17-20, 2006	Las Vegas, NV; Spokane, WA	Accompanied Chairman to view Las Vegas and Spokane runway incursion avoidance systems	\$1,454
November 8-9, 2006	Manhattan, NY	Accompanied Chairman to view EMASS installation at Teterboro, NJ and Foam Arrestor Bed installations JFK	\$876
January 9-11, 2007	Detroit, MI	Accompanied Chairman to Detroit Auto Show	\$894
February 26-28, 2007	Vail, CO	Accompanied Chairman who was keynote speaker at Consumer Electronics Association on driver distractions	\$1,806
March 4-6, 2007	Boston, MA; San Antonio, TX	Accompanied Chairman who spoke at the International Boating and Water Safety Summit and to View Massachusetts Bay Line Operations	\$1,257
March 11-13, 2007	Miami, FL	Accompanied Chairman who gave speech at Sea Trade Cruise Shipping Conference	\$1,462
April 10-12, 2007	Chicago, IL	Accompanied Chairman who met with United Airline officials; gave speech at Northwestern University; visited Chicago Regional Office	\$781
April 15-18, 2007	Atlantic City, NJ; Palm Springs, CA	Accompanied Chairman who gave speech to American Association Airport Executives; gave speech to Aging Aircraft Conference	\$1,262
April 22-24, 2007	Miami, FL	Observed bridge operations aboard cruise ship and visited Piper Aircraft Co. in Vero Beach	\$1,604

May 12-13, 2007	Manhattan, NY	Accompanied Chairman on Crown Princess visit, Bridge Operations Observation, and River Transit	\$787
May 19-24, 2007	Seattle, WA	Accompanied Chairman to meet with officials at Boeing and Holland America Cruise Lines; visited Seattle Regional Office	\$2,117
June 6-11, 2007	Honolulu, HI	Accompanied Chairman to meet with Governor of Hawaii to discuss pending safety legislation	\$2,298
June 15-22, 2007	Anchorage, AK; Fairbanks, AK	Accompanied Chairman to meet with Alaska Regional Office, FAA, Alyeska Pipeline, Alaska Railroad	\$2,830
July 24, 2007	Appleton, WI	Accompanied Chairman to Oshkosh Air Show	\$539
SUBTOTAL DOMESTIC TRAVEL			\$21,095

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
May 14-17, 2007	Ottawa, Canada	Accompanied Chairman to International Transportation Safety Association (ITSA) chairpersons meeting	\$1,560
July 11-19, 2007	London, United Kingdom; Paris and Toulouse, France	Met with UK Air Accidents Investigation Branch (London); Airbus tour and meetings with officials (Toulouse); met with U.S. Ambassadors and U.S. Embassy/FAA officials (Paris and London)	\$6,158
August 22-30, 2007	Tokyo, Japan; Singapore;	Met with U.S. Ambassador and U.S. Embassy/FAA officials (Tokyo and Singapore); met with Japan Aircraft and Railway Accidents Investigation Commission and Japan Marine Accident Inquiry Agency (Tokyo); met with Singapore Air Accident Investigation Bureau and addressed International Society of Air Safety Investigations (Singapore)	\$9,680
SUBTOTAL FOREIGN TRAVEL			\$17,398

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$21,095
SUBTOTAL FOREIGN TRAVEL	\$17,398
TOTAL ADVOCACY TRAVEL – THOMAS DOYLE	\$38,493

Gina Kocher, Confidential Assistant to Chairman Rosenker
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
July 24, 2007	Appleton, WI	Accompanied Chairman to Oshkosh Air Show	\$538
SUBTOTAL DOMESTIC TRAVEL			\$538

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$538
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – GINA KOCHER	\$538

OTHER STAFF TRAVELING WITH CHAIRMAN ROSENKER

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
William Gossard	March 2 - 7, 2007	San Antonio, TX	Supported the Chairman at the 11th Annual International Boating and Water Safety Summit	\$1,555
John Spencer	March 5 - 9, 2007	Boston, MA	Supported the Chairman in observation of passenger vessel operations	\$753
Brian Curtis	March 5 - 9, 2007	Boston, MA	Supported the Chairman in observation of passenger vessel operations	\$346
Liam LaRue	March 5 - 9, 2007	Boston, MA	Supported the Chairman in observation of passenger vessel operations.	\$331
John Spencer	March 11 - 13, 2007	Miami, FL	Supported the Chairman at the SeaTrade conference	\$1,278
John Spencer	April 21 -24, 2007	Miami, FL	Supported the Chairman in observing bridge operations aboard cruise ship	\$1,519

John Spencer	May 12 - 13, 2007	New York City, NY	Supported the Chairman 's visit to Crown Princess	\$669
Chris Julius	May 12 - 13, 2007	New York City, NY	Supported the Chairman s visit to Crown Princess	\$790
John Spencer	May 19 - 24, 2007	Seattle, WA	Supported the Chairman 's meeting with officials at Boeing and Holland America Cruise Lines	\$2,031
William Gossard	June 6 - 11, 2007	Honolulu, HI	Supported the Chairman at a meeting with Governor of Hawaii to discuss pending safety legislation	\$2,364
Robert Chipkevich	June 17 - 22, 2007	Anchorage, AK	Supported the Chairman with familiarization of positive train control and Alyeska Pipeline	\$2,944
William Gossard	September 6 - 11, 2007	Burlington, VT	Supported the Chairman at the National Association of State Boating Law Administrators 48th Annual Conference.	\$2,207
SUBTOTAL DOMESTIC TRAVEL				\$16,787

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$16,787
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL - OTHER STAFF	\$16,787

TOTAL ADVOCACY TRAVEL FOR CHAIRMAN ROSENKER AND STAFF
DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL - CHAIRMAN ROSENKER	\$22,394
SUBTOTAL DOMESTIC TRAVEL - THOMAS DOYLE	\$21,095
SUBTOTAL DOMESTIC TRAVEL - GINA KOCHER	\$538
SUBTOTAL DOMESTIC TRAVEL - OTHER STAFF	\$16,787
TOTAL DOMESTIC TRAVEL	\$60,814

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL - CHAIRMAN ROSENKER	\$22,801
SUBTOTAL FOREIGN TRAVEL - THOMAS DOYLE	\$17,398
SUBTOTAL FOREIGN TRAVEL - GINA KOCHER	\$0
SUBTOTAL FOREIGN TRAVEL - OTHER STAFF	\$0
TOTAL FOREIGN TRAVEL	\$40,199

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$60,814
TOTAL FOREIGN TRAVEL	\$40,199
TOTAL ADVOCACY TRAVEL	\$101,013

**Office of Vice Chairman Robert L. Sumwalt
Advocacy (Non-Accident) Travel Budget Usage Detail Report
FY 2007**

VICE CHAIRMAN SUMWALT
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 4-6, 2006	Chicago, IL	Rail system overview	\$1,425
October 10-11, 2006	Chicago, IL	Graduated Drivers Education testimony	\$584
November 9-12, 2006	San Francisco, CA	Gave NASA ASRS keynote address	\$946
November 17-19, 2006	Vail, CO	Speaker at Association of Women Legislators	\$1,039
December 11-14, 2006	Seattle, WA	Seattle Regional Office visit & Boeing 787 plant tour	\$1,180
January 11-17, 2007	Columbia, SC	Meet with SC Governor regarding impaired driving	\$646
January 17-18, 2007	New Orleans, LA	UMC speaking engagement regarding Wilmer accident	\$964
January 24-25, 2007	Dallas, TX	FAA runway incursion prevention demonstration at DFW and regional office visit	\$691
February 1-3, 2007	Orlando, FL	Keynote speaker at ERAU Aviation Law & Insurance Symposium	\$1,076
February 7-12, 2007	Hilton Head, SC	SC Aviation Associations' Conference and Columbia Rotary Club speech	\$265
February 15-16, 2007	Los Angeles, CA	USC lecture on aviation safety programs and LA Regional Office visit	\$136
March 7-8, 2007	Boston, MA	Visited Mass Bay Lines for ferry vessel tour	\$859
March 22-26, 2007	Columbia, SC	Wings Weekend 2007 speaking engagement	\$404
April 12-16, 2007	Denver, CO	ALPA forum speaker; Denver Regional Office visit, SCANA Gas Pipe Safety speaker	\$1,059
May 15, 2007	Charlotte, NC	Speaker at the National Coalition of Motorcyclists	\$97
May 16-17, 2007	Scottsdale, AZ	Guest speaker at Regional Air Cargo Carrier	\$1,349

September 5-6, 2007	Orlando, FL	Association spring conference	
September 18,-20, 2007	Wichita, KS	MX-Human Factors Conference	\$1,111
September 25-28, 2007	Atlanta, GA	General aviation workshop	\$935
		Attended National Business Aviation Association Conference	\$876
SUBTOTAL DOMESTIC TRAVEL			\$15,642

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
March 30-April 7, 2007	Toulouse, France	Airbus and BEA visit.	\$5,110
August 18-26, 2007	Singapore, SI SIN	Chief Aircraft Accident Investigation Programme Speaking Engagement	\$7,628
SUBTOTAL FOREIGN TRAVEL			\$12,738

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$15,642
SUBTOTAL FOREIGN TRAVEL	\$12,738
TOTAL ADVOCACY TRAVEL – VICE CHAIRMAN SUMWALT	\$28,380

Lauren Peduzzi, Special Assistant to Vice Chairman Sumwalt Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 10-11, 2006	Chicago, IL	Accompanied Vice Chairman to graduated drivers education testimony	\$528
SUBTOTAL DOMESTIC TRAVEL			\$528

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$528
SUBTOTAL FOREIGN TRAVEL	\$0

TOTAL ADVOCACY TRAVEL – LAUREN PEDUZZI	\$528
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Heather Eilers-Bowser, Special Assistant to Vice Chairman Sumwalt
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
March 7-8, 2007	Boston, MA	Tour of Mass Bay SVL Operations	780
April 10-12, 2007	Denver, CO	Accompanied Vice Chairman to ALPA Pilot Assistance Forum	925
SUBTOTAL DOMESTIC TRAVEL			\$1,705

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$1,705
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – HEATHER EILERS-BOWSER	\$1,705

R. Nathaniel Hoyt, Confidential Assistant to Vice Chairman Sumwalt
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
December 11-14, 2006	Seattle, WA	Seattle Regional Office visit & Boeing 787 plant tour	\$1,187
March 7-8, 2007	Boston, MA	Accompanied Vice Chairman on visit Mass Bay Lines for ferry vessel tour	\$769
September 18,-20, 2007	Wichita, KS	Accompanied Vice Chairman to general aviation workshop	\$854
September 25-28, 2007	Atlanta, GA	Attended National Business Aviation Association Conference with Vice Chairman	\$824
SUBTOTAL DOMESTIC TRAVEL			\$3,634

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
August 18-26, 2007	Singapore, SI SIN	Accompanied Vice Chairman to Chief Aircraft Accident Investigation Programme Speaking Engagement	\$4,564
SUBTOTAL FOREIGN TRAVEL			\$4,564

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$3,634
SUBTOTAL FOREIGN TRAVEL	\$4,564
TOTAL ADVOCACY TRAVEL – R. Nathaniel Hoyt	\$8,198

OTHER STAFF TRAVELING WITH VICE CHAIRMAN SUMWALT

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
Stephen Blackistone	October 11, 2006	Chicago, IL	Supported Vice Chairman on graduated drivers education testimony	\$580
Stephen Blackistone	November 18, 2006	Vail, CO	Supported Vice Chairman at Association of Women Legislators	\$1,040
Danielle E. Roeber	January 11-17, 2007	Columbia, SC	Supported Vice Chairman in meeting with SC Governor regarding impaired driving	\$978
John Spencer	March 5 - 9, 2007	Boston, MA	Supported Vice Chairman in observation of passenger vessel operations	\$433
Brian Curtis	March 5 - 9, 2007	Boston, MA	Supported Vice Chairman in observation of passenger vessel operations	\$414
Richard Hipskind	April 18-20, 2007	Baltimore, MD	Supported Vice Chairman at CSX Locomotive Front-end Familiarization Ride	\$1,098
SUBTOTAL DOMESTIC TRAVEL				\$4,543

Description	AMOUNT
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SUBTOTAL DOMESTIC TRAVEL	\$4,543
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – OTHER STAFF	\$4,543

TOTAL ADVOCACY TRAVEL FOR VICE CHAIRMAN SUMWALT AND STAFF
DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL – VICE CHAIRMAN SUMWALT	\$15,642
SUBTOTAL DOMESTIC TRAVEL – LAUREN PEDUZZI	\$528
SUBTOTAL DOMESTIC TRAVEL – HEATHER EILERS-BOWSER	\$1,705
SUBTOTAL DOMESTIC TRAVEL – R. NATHANIEL HOYT	\$3,634
SUBTOTAL DOMESTIC TRAVEL – OTHER STAFF	\$4,543
TOTAL DOMESTIC TRAVEL	\$26,052

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL – VICE CHAIRMAN SUMWALT	\$12,738
SUBTOTAL FOREIGN TRAVEL – LAUREN PEDUZZI	\$0
SUBTOTAL FOREIGN TRAVEL – HEATHER EILERS-BOWSER	\$0
SUBTOTAL FOREIGN TRAVEL – R. NATHANIEL HOYT	\$4,564
SUBTOTAL FOREIGN TRAVEL – OTHER STAFF	\$0
TOTAL FOREIGN TRAVEL	\$17,302

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$26,052
TOTAL FOREIGN TRAVEL	\$17,302

TOTAL ADVOCACY TRAVEL	\$43,354
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**Office of Member Kathryn O'Leary Higgins
Advocacy (Non-Accident) Travel Budget Usage Detail Report
FY 2007**

MEMBER HIGGINS
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 10-13, 2006	Seattle WA	Familiarization trip - visit to Boeing	\$1,097
October 17-19, 2006	Orlando, FL	Attended Business Aviation Association Convention	\$1,109
October 25-29, 2006	Boston, MA & NY	Familiarization trip - visit to Boston & NY	\$1,029
February 23-24, 2007	Jacksonville, FL	Speaker at US Power Squadrons 2007 annual meeting	\$777
February 27-March 1, 2007	Orlando, FL	Attend Heli Expo 2007 and meet with industry	\$789
March 8-10, 2007	Boston, MA	Visit Mass Bay Line Operation & Big Dig accident site	\$636
March 25-26, 2007	Phoenix, AZ	Keynote Speaker at US Marine Safety Association Annual Conference	\$747
March 28-29, 2007	Madison, WI	Testimony on boating safety	\$614
April 11-12, 2007	Montpelier, VT	Testified before Vermont legislature on seat belt and cell phone issues	\$975
May 18-23, 2007	Memphis, TN	Speaker at Regional Airline Association and meet with NetJets	\$1,360
July 2-3, 2007	Cincinnati, OH	Meet with Comair Inc. and visited Blue Grass Airport	\$910
July 31-August 2, 2007	Oakland, CA	Speaker at MACOSH conference and visited CAL Maritime Academy	\$945
August 8-9, 2007	Miami, FL	Attended Norwegian Cruise Line mass rescue operation exercise	\$885
August 20-25, 2007	Norfolk, VA	Familiarization trip to Norfolk to visit high pressure marine boiler	\$554
August 16-17, 2007	Minneapolis, MN	Speaker and judge at North American Inspectors Championship 2007	\$1,925

SUBTOTAL DOMESTIC TRAVEL			\$14,352
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Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
June 15-24, 2007	Paris, France	Paris Air Show	\$5,508
September 18-22, 2007	Montreal, Canada	Speaker at IHSS and CSBC Annual Meeting	\$2,742
SUBTOTAL FOREIGN TRAVEL			\$8,250

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$14,352
SUBTOTAL FOREIGN TRAVEL	\$8,250
TOTAL ADVOCACY TRAVEL – MEMBER HIGGINS	\$22,602

Denise Daniels, Special Assistant to Member Higgins Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 10, 2006	Seattle WA	Assisted Member Higgins on familiarization trip to Boeing	\$1,227
October 17-19, 2006	Orlando, FL	Assisted Member Higgins at Business Aviation Association Convention	\$1,161
October 25-29, 2006	Boston, MA & NY	Assisted Member Higgins during familiarization trip to Boston & NY	\$840
March 8-9, 2007	Boston, MA	Accompanied Member Higgins on visit to Mass Bay Line Operation & Central Artery accident site	\$842
May 20-23, 2007	Memphis, TN	Accompanied Member Higgins who was Speaker at Regional Airline Association and meet with NetJets	\$1,665
July 2-3, 2007	Cincinnati, OH	Accompanied Member Higgins on visit to Comair & Lexington Airport	\$923

SUBTOTAL DOMESTIC TRAVEL			\$6,658
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Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
June 15-24, 2007	Paris, France	Paris Air Show	\$4,701
SUBTOTAL FOREIGN TRAVEL			\$4,701

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$6,658
SUBTOTAL FOREIGN TRAVEL	\$4,701
TOTAL ADVOCACY TRAVEL – DENISE DANIELS	\$11,359

OTHER STAFF TRAVELING WITH MEMBER HIGGINS

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
Ruben Payan	October 25 -26, 2006	Boston, MA	Supported Member Higgins at familiarization ride on Acela	\$715
William Gossard	February 24, 2007	Jacksonville, FL	Supported Member Higgins at U.S. Power Squadrons annual meeting	\$1,303
Brian Curtis	March 5 - 9, 2007	Boston, MA	Supported Member Higgins in observation of passenger vessel operations	\$346
Liam LaRue	March 5 - 9, 2007	Boston, MA	Supported Member Higgins in observation of passenger vessel operations	\$331
Chris Julius	March 8 - 9, 2007	Boston, MA	Supported Member Higgins in observation of passenger vessel operations	\$442
William Gossard	March 24 26, 2007	Chandler, AZ	Supported Member Higgins at PFC Manufacturers Assn	\$1,179
William Gossard	March 29, 2007	Madison, WI	Supported Member Higgins at testimony on boating safety at the Committee on Tourism, Recreation & State Properties	\$1,226
Kevin Quinlan	April 12, 2007	Montpelier, VT	Supported Member Higgins' appearance before	\$1,162

			Vermont legislature on seat belt and cell phone issues	
Joseph Sedor	July 2 - 3, 2007	Cincinnati, OH	Supported Member Higgins on visit to Lexington, KY to prepare for a Board Meeting	\$850
Stephen Blackistone	August 20-22, 2007	Minneapolis, MN	Supported Member Higgins as the speaker and judge at North American Inspectors Championship 2007	\$1,707
Peter Kotowski	August 22-25, 2007	Minneapolis, MN	Supported Member Higgins as the speaker and judge at North American Inspectors Championship 2007	\$1,437
Chris Julius	July 31 - August 2, 2007	Oakland, CA	Supported Member Higgins for a presentation to OSHA and MACOSH and a visit to the California Maritime Academy	\$1,664
Robert Henry	August 16 - 17, 2007	Norfolk, VA	Supported Member Higgins on a visit to two Ready Reserve fleet vessels to observe steam boiler operations/functions	\$209
Thomas Roth-Roffy	August 16 - 17, 2007	Norfolk, VA	Supported Member Higgins on a visit to two Ready Reserve fleet vessels to observe steam boiler operations/functions	\$429
SUBTOTAL DOMESTIC TRAVEL				\$13,000

Foreign Advocacy Travel

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
William Gossard	September 14-24, 2007	Lunenburg, Nova Scotia Canada	Supported Member Higgins at the Canadian Safe Boating Council	\$2,358
SUBTOTAL FOREIGN TRAVEL				\$2,358

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$13,000
SUBTOTAL FOREIGN TRAVEL	\$2,358
TOTAL ADVOCACY TRAVEL - OTHER STAFF	\$15,358

TOTAL ADVOCACY TRAVEL FOR MEMBER HIGGINS AND STAFF DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL – MEMBER HIGGINS	\$14,352
SUBTOTAL DOMESTIC TRAVEL – DENISE DANIELS	\$6,658
SUBTOTAL DOMESTIC TRAVEL – OTHER STAFF	\$13,000
TOTAL DOMESTIC TRAVEL	\$34,010

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL – MEMBER HIGGINS	\$8,250
SUBTOTAL FOREIGN TRAVEL – DENISE DANIELS	\$4,701
SUBTOTAL FOREIGN TRAVEL – OTHER STAFF	\$2,358
TOTAL FOREIGN TRAVEL	\$15,309

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$34,010
TOTAL FOREIGN TRAVEL	\$15,309
TOTAL ADVOCACY TRAVEL	\$49,319

**Office of Member Deborah A.P. Hersman
Advocacy (Non-Accident) Travel Budget Usage Detail Report
FY 2007**

MEMBER HERSMAN
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 10-11, 2006	Pittsburgh, PA	Observed regional accident investigation NYC07FA00	\$1,059
October 20-21, 2006	Portsmouth, VA	Speaker for National Boating Federation fall meeting.	\$341
October 25-27, 2006	Dallas, TX	Speaker for Aircraft Rescue Fire Fighting fall meeting/DFW Tour	\$1,535
November 1-3, 2006	Lexington, KY	Speaker for Lexington Police Dept./Comair	\$809
November 29-December 1, 2006	San Antonio, TX	Speaker for 2006 Rail Industry Safety & Operations Conference	\$997
December 4-5, 2006	Indianapolis, IN	Speaker for CVSA Brake Safety Symposium	\$762
January 24-26, 2007	Chicago, IL	Speaker for boating issues, visit regional office and United Airlines corporate headquarters	\$763
February 4-5, 2007	Huntsville, AL	Speaker at Gov. Riley's School Bus Safety Study Group	\$598
March 8-9, 2007	Boston, MA	Site visit to Mass Bay Line, Big Dig and Sentinent Jet Membership	\$871
April 15-17, 2007	Raleigh, NC	Keynote Speaker at the North Carolina Preschool Transportation Safety Conference	\$412
April 22-23, 2007	Louisville, KY	Speaker at the Kentucky Lifesavers Conference	\$899
May 4-11, 2007	Tucson, AZ	Keynote Speaker at 2007 WSBA Conference & CASS 2007	\$2,156
May 20-21, 2007	Boston, MA	Testified on seat belt legislation-House Bill 802 & Rec H-97-2	\$675
June 18-22, 2007	San Diego/San Bernardino/Los Angeles, CA	Visited regional office, Cajon Pass, General Atomics and Border Inspection	\$1,774

Aug. 13-18, 2007	Anchorage, AK	Site visit to Alaska Regional Office, Alaska Pipeline, Railroad, Air Tours Ops., Seattle regional office	4,536
August 26-28, 2007	Lexington, KY Minneapolis, MN	Memorial for COMAIR 5191 victims and site visit to I35 Bridge Collapse	\$1,525
September 19-21, 2007	Wichita, KS	Speaker at Cessna Safety Day and site visit of NetJets.	\$1,381
SUBTOTAL DOMESTIC TRAVEL			\$21,093

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
SUBTOTAL FOREIGN TRAVEL			\$0

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$21,093
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – MEMBER HERSMAN	\$21,093

Nancy Lewis, Special Assistant to Member Hersman Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
October 10-11, 2006	Pittsburgh, PA	Assisted Member Hersman at observation of regional accident investigation NYC07FA00	\$1,129
November 29-December 1, 2006	San Antonio, TX	Accompanied Member Hersman who was speaker for 2006 Rail Industry Safety & Operations Conference	\$963
January 24-26, 2007	Chicago, IL	Accompanied Member Hersman to speech on boating issues, visited regional office and United Airlines Corporate Headquarters.	\$746

March 8-9, 2007	Boston, MA	Accompanied Member Hersman to site visit to Mass Bay Line, Big Dig and Sentinent Jet Membership	\$982
May 4-11, 2007	Tucson, AZ	Accompanied Member Hersman who was keynote speaker at 2007 WSBA Conference & CASS 2007	\$1,391
June 18-22, 2007	San Diego, CA	Visited regional office, Cajon Pass, General Atomics and Border Inspection	\$1,703
Aug. 13-18, 2007	Anchorage, AK	Accompanied Member Hersman to site visit to Alaska regional office, Alaska Pipeline, Railroad, Air Tours Ops.	\$4,671
September 19-21, 2007	Wichita, KS	Accompanied Member Hersman to NetJets facility and to the Cessna Safety Day, where Member Hersman was the keynote speaker	\$1,430
SUBTOTAL DOMESTIC TRAVEL			\$13,015

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$13,015
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL - NANCY LEWIS	\$13,015

OTHER STAFF TRAVELING WITH MEMBER HERSMAN

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
William H. Gossard	October 20-22, 2007	Portsmouth, VA	Accompanied Member Hersman to speech on boating issues at National Boating Federation	\$530
William H. Gossard	January 25-26, 2007	Chicago, IL	Accompanied Member Hersman to speech on boating issues	\$633
Brian Curtis	March 5 - 9, 2007	Boston, MA	Supported Member Hersman in observation of passenger vessel operations	\$346
Liam Larue	March 5 - 9, 2007	Boston, MA	Supported Member Hersman in observation of passenger vessel operations	\$331
Chris Julius	March 8 - 9, 2007	Boston, MA	Supported Member Hersman in observation of passenger vessel operations	\$442

Stephanie Davis	April 15-17, 2007	Raleigh, NC	Accompanied Member Hersman who was keynote speaker at the North Carolina Preschool Transportation Safety Conference	\$367
William H. Gossard	May 5 - 10, 2007	Laughlin, NV	Accompanied Member Hersman as keynote speaker at 2007 WSBA Conference & CASS 2007	\$1,605
John W. Delisi	May 11-18, 2007	Tucson, AZ	Accompanied Member Hersman to CASS 2007	\$1,099
Danielle Roeber	May 20 - 21, 2007	Concord, NH	Accompanied Member Hersman to testify on seat belt legislation	\$978
SUBTOTAL DOMESTIC TRAVEL				\$6,331

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$6,331
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL - OTHER STAFF	\$6,331

TOTAL ADVOCACY TRAVEL FOR MEMBER HERSMAN AND STAFF DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL - MEMBER HERSMAN	\$21,093
SUBTOTAL DOMESTIC TRAVEL - NANCY LEWIS	\$13,015
SUBTOTAL DOMESTIC TRAVEL - OTHER STAFF	\$6,331
TOTAL DOMESTIC TRAVEL	\$40,439

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL - MEMBER HERSMAN	\$0
SUBTOTAL FOREIGN TRAVEL - NANCY LEWIS	\$0
SUBTOTAL FOREIGN TRAVEL - OTHER STAFF	\$0
TOTAL FOREIGN TRAVEL	\$0

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$40,039
TOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL	\$40,039

Office of Member Steven R. Chealander
Advocacy (Non-Accident) Travel Budget Usage Detail Report
FY 2007

MEMBER CHEALANDER
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
March 4-5, 2007	Lincoln, NE	Nebraska State testimony	\$606
March 8, 2007	Boston, MA	Visit to Massachusetts Bay Line to view operations and vessels	\$468
April 3-9 2007	Dallas, TX	Texas Senate hearing; visited Texas regional office and American Airlines	\$1,016
April 10-16, 2007	Dallas, TX	AAR research and test facility capabilities, FRA/DOW chemical tank car test	\$1,168
April 17-18, 2007	Boston, MA	Rode Amtrak Acela; visited Amtrak headquarters	\$701
April 21-24, 2007	Dallas, TX	Visited Greyhound headquarters and maintenance center	\$535
April 27-30, 2007	Bakersfield, CA	Locomotive & freight train operations familiarization on Union Pacific	\$1,142
May 22-24, 2007	Los Angeles, CA	Visited LA Regional Office and Los Angeles Airport	\$814
June 7-11, 2007	Dallas, TX	Visited BNSF rail yard & dispatch center	\$868
August 10-18, 2007	Dallas, TX	Visited Flight Safety International, Southwest Airlines and spoke to Quiet Birdman	\$1,881
September 7-8, 2007	Norfolk, VA	Spoke at US Power Squadron Conference	\$327
September 19-26	Los Angeles, CA	Visited Princess Cruise; LAX; Long Beach rail and marine	\$1,627
SUBTOTAL DOMESTIC TRAVEL			\$11,153

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
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June 15-21, 2007	Paris, FR	Paris Air Show	\$4,681
SUBTOTAL FOREIGN TRAVEL			\$4,681

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$11,153
SUBTOTAL FOREIGN TRAVEL	\$4,681
TOTAL ADVOCACY TRAVEL - MEMBER CHEALANDER	\$15,834

Robert Barlett, Special Assistant to Member Chealander
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
March 8, 2007	Boston, MA	Visited Massachusetts Bay Line to view operations and vessels	\$410
SUBTOTAL DOMESTIC TRAVEL			\$410

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$410
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL - ROBERT BARLETT	\$410

Mary Jane Smith, Special Assistant to Member Chealander
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
August 15-18, 2007	Seattle, WA	Visited Thales, Naverus and Boeing	\$1,241
September 19-26, 2007	Los Angeles, CA	Accompanied Member Chealander on Princess Cruise, LAX, Long Beach rail and marine	\$1,824
SUBTOTAL DOMESTIC TRAVEL			\$3,065

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$3,065
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL – MARY JANE SMITH	\$3,065

Ashley Frost, Confidential Assistant to Member Chealander
Domestic Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
April 5-8, 2007	Dallas, TX	Accompanied Member Chealander to Texas Regional Office and American Airlines	\$775
June 7-11, 2007	Dallas, TX	Accompanied Member Chealander on visit BNSF rail yard & dispatch center	\$876
August 9-15, 2007	Dallas, TX	Accompanied Member Chealander to visit Flight Safety International, Southwest Airlines and spoke to Quiet Birdman	\$753
SUBTOTAL DOMESTIC TRAVEL			\$2,404

Foreign Advocacy Travel

TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
June 15-21, 2007	Paris, FR	Paris Air Show	\$4,431
SUBTOTAL FOREIGN TRAVEL			\$4,431

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$2,404
SUBTOTAL FOREIGN TRAVEL	\$4,431
TOTAL ADVOCACY TRAVEL – Ashley Frost	\$6,835

OTHER STAFF TRAVELING WITH MEMBER CHEALANDER

STAFF MEMBER	TRAVEL DATES	DESTINATION	PURPOSE	AMOUNT
Kevin Quinlan	March 5, 2007	Lincoln, NE	Supported Member Chealander at the Nebraska Senate Transportation & Telecommunications Committee	\$910
Danielle Roeber	April 4, 2007	Austin, TX	Supported Member Chealander at Texas State hearing	\$921
Brian Curtis	March 5 - 9, 2007	Boston, MA	Supported Member Chealander in observation of passenger vessel operations	\$346
Liam LaRue	March 5 - 9, 2007	Boston, MA	Supported Member Chealander in observation of passenger vessel operations	\$331
Robert Chipkevich	April 10-12, 2007	Colorado Springs, CO	Supported Member Chealander in observation of tank car test at AAR & test facility familiarization	\$931
James Southworth	April 17-18, 2007	Boston, MA	Supported Member Chealander at familiarization ride of Acela train	\$706
George Cochran	June 6-8, 2007	Fort Worth, TX	Supported Member Chealander at familiarization trip to BNSF dispatch center & rail yard	\$1,336
Stephen Blackistone	September 8, 2007	Norfolk, VA	Supported Member Chealander at the United States Power Squadrons fall governing board meeting	\$434
SUBTOTAL DOMESTIC TRAVEL				\$5,915

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL	\$5,915
SUBTOTAL FOREIGN TRAVEL	\$0
TOTAL ADVOCACY TRAVEL - OTHER STAFF	\$5,915

TOTAL ADVOCACY TRAVEL FOR MEMBER CHEALANDER AND STAFF
DOMESTIC TRAVEL

Description	AMOUNT
SUBTOTAL DOMESTIC TRAVEL - MEMBER CHEALANDER	\$11,153
SUBTOTAL DOMESTIC TRAVEL - ROBERT BARLETT	\$410
SUBTOTAL DOMESTIC TRAVEL - MARY JANE SMITH	\$3,065

SUBTOTAL DOMESTIC TRAVEL – ASHLEY FROST	\$2,404
SUBTOTAL DOMESTIC TRAVEL – OTHER STAFF	\$5,915
TOTAL DOMESTIC TRAVEL	\$22,947

FOREIGN TRAVEL

Description	AMOUNT
SUBTOTAL FOREIGN TRAVEL – MEMBER CHEALANDER	\$4,681
SUBTOTAL FOREIGN TRAVEL – ROBERT BARLETT	\$0
SUBTOTAL FOREIGN TRAVEL – MARY JANE SMITH	\$0
SUBTOTAL FOREIGN TRAVEL – ASHLEY FROST	\$4,431
SUBTOTAL FOREIGN TRAVEL – OTHER STAFF	\$0
TOTAL FOREIGN TRAVEL	\$9,112

TOTAL ADVOCACY TRAVEL

Description	AMOUNT
TOTAL DOMESTIC TRAVEL	\$22,947
TOTAL FOREIGN TRAVEL	\$9,112
TOTAL ADVOCACY TRAVEL	\$32,059



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

June 21, 2007

Honorable John L. Mica
Ranking Republican Member
Transportation and Infrastructure Committee
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Mica:

As required by Public Law 109-443, enacted on December 21, 2006, this letter serves as a progress report on the National Transportation Safety Board's (NTSB) plan for more fully utilizing the facilities and resources of the NTSB Training Center, and our response to comments received from the Government Accountability Office (GAO) on June 14, 2007. I have enclosed a copy of the GAO's comments for your information. A copy of our business plan was provided to you on March 21, 2007.

Additionally, as required by P.L. 109-443, we supplied a copy of our Training Center business plan to the Comptroller General for review. Our plan calls for competitively awarding a contract for the operation and management of the Training Center to an organization with expertise in managing and operating such a facility. Our broad goals are to increase the utilization of the Training Center facility and to create increased revenue to offset the operating cost of the Training Center.

The GAO published its observations and comments on our business plan last week, and we are pleased that the GAO determined that our overall strategy for the Training Center is reasonable. As the GAO noted, we are aggressively moving forward with our strategy: our competitive solicitation for proposals was published in April, and proposals have been received and are now under review. We are actively reviewing proposals and hope to make a contract award very soon. Our expectation remains that we will begin the contract for Training Center operations this fall. We will provide a further report to you at that time..

Aside from the GAO agreement with our overall strategy, their product focuses on some specific feedback to improve elements of our draft Training Center business plan. We agree with the feedback offered by the GAO. For example, the GAO noted that some of our marketing assumptions lacked specificity or justification. We concur that these elements require elaboration, and our solicitation specifically requires the successful offeror to develop marketing

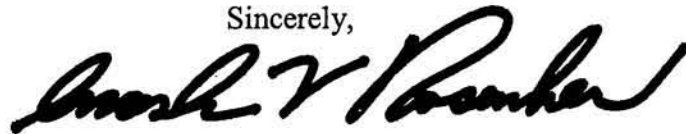
Dedicated to Excellence

and operating plans. Because the successful offeror will be required to have considerable expertise in this area, we believe that it is advantageous for the successful offeror to develop these plans for our review and acceptance. The GAO noted that it is important for the NTSB to have in-house ability to assess the reasonableness of any marketing and financial information that is developed by a contractor, and we concur with this important observation. Although we believe that we have sufficient expertise to perform the required analyses and evaluations in-house, should we find that our internal resources require the support of outside expertise, we will not hesitate to enlist outside assistance from appropriate sources.

The NTSB has worked diligently to address Congressional concerns expressed about the Training Center, and the ongoing procurement activity is an important element of that effort. We are committed to finding innovative ways to expand the use of the facility, and believe that entering into a contract with an appropriate organization will be critical in that regard. We are pleased that the GAO agrees that our overall strategy of competitively awarding a contract to operate the Training Center is reasonable and responsive.

We look forward to continued work with the GAO and Congress as we move forward in our efforts. Again, we look forward to providing a further update and detailed information to you this fall.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", written in a cursive style.

Mark V. Rosenker
Chairman

Enclosures



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

June 21, 2007

Honorable James L. Oberstar
Chairman
Transportation and Infrastructure Committee
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Oberstar:

As required by Public Law 109-443, enacted on December 21, 2006, this letter serves as a progress report on the National Transportation Safety Board's (NTSB) plan for more fully utilizing the facilities and resources of the NTSB Training Center, and our response to comments received from the Government Accountability Office (GAO) on June 14, 2007. I have enclosed a copy of the GAO's comments for your information. A copy of our business plan was provided to you on March 21, 2007.

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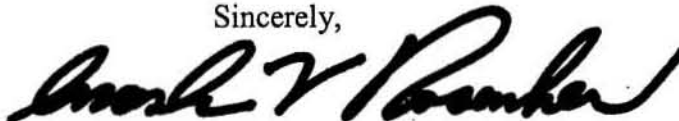
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Mark V. Rosenker
Chairman

Enclosures



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

June 21, 2007

Honorable Daniel K. Inouye
Chairman
Commerce, Science, and Transportation Committee
U.S. Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Inouye:

As required by Public Law 109-443, enacted on December 21, 2006, this letter serves as a progress report on the National Transportation Safety Board's (NTSB) plan for more fully utilizing the facilities and resources of the NTSB Training Center, and our response to comments received from the Government Accountability Office (GAO) on June 14, 2007. I have enclosed a copy of the GAO's comments for your information. A copy of our business plan was provided to you on March 21, 2007.

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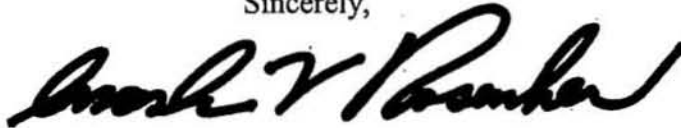


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Mark V. Rosenker
Chairman

Enclosures



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

June 21, 2007

Honorable Ted Stevens
Co-Chairman
Commerce, Science, and Transportation Committee
U.S. Senate
254 Russell Senate Office Building
Washington, D.C. 20510

Dear Co-Chairman Stevens:

As required by Public Law 109-443, enacted on December 21, 2006, this letter serves as a progress report on the National Transportation Safety Board's (NTSB) plan for more fully utilizing the facilities and resources of the NTSB Training Center, and our response to comments received from the Government Accountability Office (GAO) on June 14, 2007. I have enclosed a copy of the GAO's comments for your information. A copy of our business plan was provided to you on March 21, 2007.

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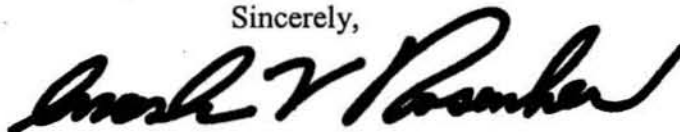


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Mark V. Rosenker
Chairman

Enclosures

2070282

Mail Control Number

2070282

Action Office: MD-1**Division: MD-1****cc: C, ~~GA~~, MD****Lanier, Mayer, AD-1, ACD, CFO**

Date Received 6/18/2007

Date of Letter: 6/14/2007

Response Due:

From: Dillingham, Gerald L.

Organization: Government Accountability Office

Subject: Copy of letter to Senators Inouye and Congressman Oberstar regarding comments and observation on the draft business plan for NTSB's Training Center

Notation(s):

Recs:

Notes: Exec Sec rec'd on 6/18/2007. Enclosures in action office. See MC 2070158. NRN.

Action: If you are not the correct action office, return this letter to MD-5 immediately. If you want action assigned to another office, return this letter to MD-5.

Signature: If you decide that the response to this letter should not be signed by the Chairman or that it should not be answered, coordinate your decision with the Chairman's office. If you respond to this letter with a direct reply, send a copy to MD-5 with the Mail Control Number and writer's name clearly noted. If you handle this letter by telephone or decide that no response is necessary, notify MD-5 by e-mail so the Mail Control can be closed.

*Use the space below for routing/reviewing/concurrence
Route to Members only if their concurrence is required.*

Office/Division	Date In	Date Out/Initial
_____	_____	_____
_____	_____	_____
_____	_____	_____
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Office to MD-5	_____	_____
MD-1 Lanier	_____	_____
M-SRC.....	_____	_____
M-KOLH	_____	_____
M-DAPH	_____	_____
VC-RLS	_____	_____
C-MVR (draft)	_____	_____
MD-5 to Office for Final	_____	_____
Office to MD-5 for Final Review	_____	_____
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MD-5 to C for Signature	_____	_____
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National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

MAR 22 2007

Mr. Gerald G. Dillingham
Director
Physical Infrastructure
U.S. Government Accountability Office
441 G Street, N.W., Suite 7125
Washington, D.C. 20548

Dear Mr. Dillingham:

Public Law 109-443, the National Transportation Safety Board Reauthorization Act of 2006, directed the National Transportation Safety Board (NTSB) to develop a plan within 90 days after the date of enactment of this Act to achieve, to the maximum extent feasible, the self-sufficient operation of the NTSB Training Center and utilize the center's facilities and resources. Enclosed please find NTSB's Training Center Business Plan.

If you should have any questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker", is written over the typed name.

Mark V. Rosenker
Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

MAR 22 2007

Honorable James L. Oberstar
Chairman
Transportation and Infrastructure Committee
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Oberstar:

Public Law 109-443, the National Transportation Safety Board Reauthorization Act of 2006, directed the National Transportation Safety Board (NTSB) to develop a plan within 90 days after the date of enactment of this Act to achieve, to the maximum extent feasible, the self-sufficient operation of the NTSB Training Center and utilize the center's facilities and resources. Enclosed please find NTSB's Training Center Business Plan.

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Mark V. Rosenker
Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

MAR 22 2007

Honorable John L. Mica
Ranking Republican Member
Transportation and Infrastructure Committee
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Mica:

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Mark V. Rosenker
Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

MAR 22 2007

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

Dear Chairman Costello:

Public Law 109-443, the National Transportation Safety Board Reauthorization Act of 2006, directed the National Transportation Safety Board (NTSB) to develop a plan within 90 days after the date of enactment of this Act to achieve, to the maximum extent feasible, the self-sufficient operation of the NTSB Training Center and utilize the center's facilities and resources. Enclosed please find NTSB's Training Center Business Plan,

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Mark V. Rosenker
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAR 22 2007

Honorable Thomas Petri
Ranking Republican Member
Aviation Subcommittee
Transportation and Infrastructure Committee
U.S. House of Representatives
2251 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Petri:

Public Law 109-443, the National Transportation Safety Board Reauthorization Act of 2006, directed the National Transportation Safety Board (NTSB) to develop a plan within 90 days after the date of enactment of this Act to achieve, to the maximum extent feasible, the self-sufficient operation of the NTSB Training Center and utilize the center's facilities and resources. Enclosed please find NTSB's Training Center Business Plan.

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Mark V. Rosenker
Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

MAR 22 2007

Honorable Daniel K. Inouye
Chairman
Commerce, Science and Transportation Committee
U.S. Senate
254 Russell Senate Office Building
Washington, D.C. 20510

Dear Chairman Inouye:

Public Law 109-443, the National Transportation Safety Board Reauthorization Act of 2006, directed the National Transportation Safety Board (NTSB) to develop a plan within 90 days after the date of enactment of this Act to achieve, to the maximum extent feasible, the self-sufficient operation of the NTSB Training Center and utilize the center's facilities and resources. Enclosed please find NTSB's Training Center Business Plan.

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Mark V. Rosenker
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAR 22 2007

Honorable Ted Stevens
Co-Chairman
Commerce, Science and Transportation Committee
U.S. Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Co-Chairman Stevens:

Public Law 109-443, the National Transportation Safety Board Reauthorization Act of 2006, directed the National Transportation Safety Board (NTSB) to develop a plan within 90 days after the date of enactment of this Act to achieve, to the maximum extent feasible, the self-sufficient operation of the NTSB Training Center and utilize the center's facilities and resources. Enclosed please find NTSB's Training Center Business Plan.

If you should have any questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

MAR 22 2007

Honorable John D. Rockefeller, IV
Chairman
Aviation Operations, Safety, and Security Subcommittee
Commerce, Science and Transportation Committee
U.S. Senate
516 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Rockefeller:

Public Law 109-443, the National Transportation Safety Board Reauthorization Act of 2006, directed the National Transportation Safety Board (NTSB) to develop a plan within 90 days after the date of enactment of this Act to achieve, to the maximum extent feasible, the self-sufficient operation of the NTSB Training Center and utilize the center's facilities and resources. Enclosed please find NTSB's Training Center Business Plan.

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Mark V. Rosenker
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAR 22 2007

Honorable Trent Lott
Ranking Republican Member
Aviation Operations, Safety, and Security Subcommittee
Commerce, Science and Transportation Committee
U.S. Senate
427 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Lott:

Public Law 109-443, the National Transportation Safety Board Reauthorization Act of 2006, directed the National Transportation Safety Board (NTSB) to develop a plan within 90 days after the date of enactment of this Act to achieve, to the maximum extent feasible, the self-sufficient operation of the NTSB Training Center and utilize the center's facilities and resources. Enclosed please find NTSB's Training Center Business Plan.

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Mark V. Rosenker
Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

MAR 22 2007

Honorable David M. Walker
Comptroller General
U.S. Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Walker:

Public Law 109-443, the National Transportation Safety Board Reauthorization Act of 2006, directed the National Transportation Safety Board (NTSB) to develop a plan within 90 days after the date of enactment of this Act to achieve, to the maximum extent feasible, the self-sufficient operation of the NTSB Training Center and utilize the center's facilities and resources. Enclosed please find NTSB's Training Center Business Plan.

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Mark V. Rosenker
Chairman

Enclosure

3.22.07 g/k



National Transportation Safety Board

Washington, D.C. 20594

NOV 10 2008

Office of the Chairman

Honorable James L. Oberstar
Chairman
Transportation and Infrastructure Committee
2165 Rayburn House Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Oberstar:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the Chairman of the National Transportation Safety Board (NTSB) to establish annual fiscal year (FY) budgets for non-accident-related travel expenditures for Board Members, which shall be approved by the Board.

On September 24, 2008, the Board Members approved the following budget for non-accident-related travel expenditures for FY 2009:

National Transportation Safety Board Member Travel Budgets

<i>Chairman</i>	<i>\$65,451</i>
<i>Vice Chairman</i>	<i>\$32,724</i>
<i>Board Members</i>	<i>\$26,144 (per Member)</i>

However, because the NTSB is currently operating under a Continuing Resolution, the actual travel budget allocations will be funded at FY 2008 levels allocated in quarterly allotments. Accordingly, the FY 2009 travel budget currently authorized is as follows:

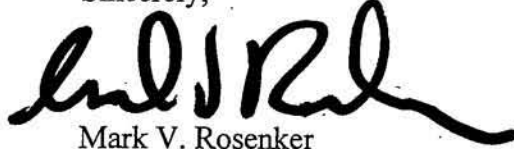
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<i>Board Members</i>	<i>\$23,658 (per Member)</i>

Should Congress subsequently pass an FY 2009 appropriations bill for the NTSB, we would increase budget allocations for the remainder of the fiscal year to reflect the amounts approved by the Board Members, but with the increase prorated for only the number of months remaining.

If you have any questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

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Mark V. Rosenker
Acting Chairman



National Transportation Safety Board

Washington, D.C. 20594

NOV 10 2008

Office of the Chairman

Honorable John L. Mica
Ranking Republican Member
Transportation and Infrastructure Committee
2163 Rayburn House Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Mica:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the Chairman of the National Transportation Safety Board (NTSB) to establish annual fiscal year (FY) budgets for non-accident-related travel expenditures for Board Members, which shall be approved by the Board.

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Mark V. Rosenker
Acting Chairman



National Transportation Safety Board

Washington, D.C. 20594

NOV 10 2008

Office of the Chairman

Honorable Daniel K. Inouye
Chairman
Commerce, Science, and Transportation Committee
United States Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Inouye:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the Chairman of the National Transportation Safety Board (NTSB) to establish annual fiscal year (FY) budgets for non-accident-related travel expenditures for Board Members, which shall be approved by the Board.

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Mark V. Rosenker
Acting Chairman



National Transportation Safety Board

Washington, D.C. 20594

NOV 10 2008

Office of the Chairman

Honorable Kay Bailey Hutchison
Ranking Republican Member
Commerce, Science, and Transportation Committee
254 Russell Senate Office Building
United States Senate
Washington, D.C. 20510

Dear Senator Hutchison:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the Chairman of the National Transportation Safety Board (NTSB) to establish annual fiscal year (FY) budgets for non-accident-related travel expenditures for Board Members, which shall be approved by the Board.

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Sincerely,

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Mark V. Rosenker
Acting Chairman

Non-Mail Control Routing Slip

Division GA-
Writer

Use the space below for Internal/ Routing/ Reviewing/ Concurrence

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11/05/08 to NMC F review
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Non-Mail Control Routing Slip

Office to MD-5

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National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

OCT 26 2007

Honorable James L. Oberstar
Chairman
Transportation and Infrastructure Committee
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Oberstar:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the Chairman of the National Transportation Safety Board to establish annual fiscal year (FY) budgets for non-accident-related travel expenditures for Board Members, which shall be approved by the Board.

On October 3, 2007, the Board Members approved the following budget for non-accident-related travel expenditures for FY 2008:

National Transportation Safety Board Member Travel Budgets

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<i>Vice Chairman</i>	<i>\$29,612</i>
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If you have any questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

Mark V. Rosenker
Chairman





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

OCT 26 2007

Honorable John L. Mica
Ranking Republican Member
Transportation and Infrastructure Committee
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Mica:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the Chairman of the National Transportation Safety Board to establish annual fiscal year (FY) budgets for non-accident-related travel expenditures for Board Members, which shall be approved by the Board.

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Sincerely,

Mark V. Rosenker
Chairman





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

OCT 26 2007

Honorable Ted Stevens
Vice Chairman
Commerce, Science, and Transportation Committee
U.S. Senate
254 Russell Senate Office Building
Washington, D.C. 20510

Dear Vice Chairman Stevens:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the Chairman of the National Transportation Safety Board to establish annual fiscal year (FY) budgets for non-accident-related travel expenditures for Board Members, which shall be approved by the Board.

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If you have any questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

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Mark V. Rosenker
Chairman





National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

OCT 30 2006

Honorable Don Young
Chairman
Transportation and Infrastructure Committee
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Young:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the Chairman of the National Transportation Safety Board to establish annual fiscal year budgets for non-accident-related travel expenditures for Board Members that shall be approved by the Board.

On October 5, 2006, the Board Members approved the following budget for non-accident-related travel expenditures for FY 2007:

National Transportation Safety Board Member Travel Budgets

<i>Chairman</i>	<i>\$57,008</i>
<i>Vice Chairman</i>	<i>\$28,503</i>
<i>Members</i>	<i>\$22,772 (per Member)</i>

If you have any questions, please do not hesitate to contact me at 202-314-6035, or Ms. Cheryl McCullough, Government and Industry Affairs Liaison, at 202-314-6121.

Sincerely,

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Mark V. Rosenker
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

OCT 30 2006

Honorable James L. Oberstar
Ranking Democratic Member
Transportation and Infrastructure Committee
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Oberstar:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the Chairman of the National Transportation Safety Board to establish annual fiscal year budgets for non-accident-related travel expenditures for Board Members that shall be approved by the Board.

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Mark V. Rosenker
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

OCT 30 2006

Honorable Ted Stevens
Chairman
Commerce, Science and Transportation Committee
U.S. Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Stevens:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the Chairman of the National Transportation Safety Board to establish annual fiscal year budgets for non-accident-related travel expenditures for Board Members that shall be approved by the Board.

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Mark V. Rosenker
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

OCT 30 2006

Honorable Daniel K. Inouye
Co-Chairman
Commerce, Science and Transportation Committee
U.S. Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Co-Chairman Inouye:

Section 9 of Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, requires the Chairman of the National Transportation Safety Board to establish annual fiscal year budgets for non-accident-related travel expenditures for Board Members that shall be approved by the Board.

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Mark V. Rosenker
Chairman



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

DEC 29 2009

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
U.S. House of Representatives
H2-176 Ford House Office Building
Washington, D.C. 20515

Dear Chairman Thompson:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2009.

The NTSB did not complete nor initiate any competitions in or during FY 2009. The NTSB has no savings to report from competitions implemented during FY 2003, 2004, 2005, 2006, 2007, and 2008. The NTSB does not have any Full Time Equivalents planned for competition in FY 2009.

If you have any questions regarding this matter, please contact me at (202) 314-6662, or Ms. Nancy Lewis, Director of Government and Industry Affairs, at (202) 314-6215.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A.P. Hersman", is written over a horizontal line.

Deborah A.P. Hersman
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 29 2009

The Honorable Peter T. King
Ranking Minority Member
Committee on Homeland Security
U.S. House of Representatives
H2-176 Ford House Office Building
Washington, D.C. 20515

Dear Congressman King:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2009.

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Deborah A.P. Hersman
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 29 2009

The Honorable David R. Obey
Chairman
Committee on Appropriations
U.S. House of Representatives
H-218, The Capitol
Washington, D.C. 20515

Dear Chairman Obey:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2009.

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Sincerely,

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Deborah A.P. Hersman
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 29 2009

The Honorable Jerry Lewis
Ranking Republican Member
Committee on Appropriations
U.S. House of Representatives
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Lewis:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2009.

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Deborah A.P. Hersman
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 29 2009

The Honorable Thad Cochran
Ranking Republican Member
Committee on Appropriations
United States Senate
S-146A, The Capitol
Washington, D.C. 20510

Dear Senator Cochran:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2009.

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Deborah A.P. Hersman
Chairman



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

DEC 29 2009

The Honorable Daniel K. Inouye
Chairman
Committee on Appropriations
United States Senate
S-128, The Capitol
Washington, D.C. 20510

Dear Chairman Inouye:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2009.

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Deborah A.P. Hersman
Chairman



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

DEC 29 2009

The Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Lieberman:

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Deborah A.P. Hersman
Chairman



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

DEC 29 2009

The Honorable Susan M. Collins
Ranking Republican Member
Committee on Homeland Security and Government Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Collins:

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Deborah A.P. Hersman
Chairman



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

DEC 29 2009

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
H-232, The Capitol
Washington, D.C. 20515

Dear Madam Speaker:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2009.

The NTSB did not complete nor initiate any competitions in or during FY 2009. The NTSB has no savings to report from competitions implemented during FY 2003, 2004, 2005, 2006, 2007, and 2008. The NTSB does not have any Full Time Equivalents planned for competition in FY 2009.

If you have any questions regarding this matter, please contact me at (202) 314-6662, or Ms. Nancy Lewis, Director of Government and Industry Affairs, at (202) 314-6215.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A.P. Hersman", is written over a horizontal line.

Deborah A.P. Hersman
Chairman



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

DEC 29 2009

The Honorable Joseph R. Biden
President of the Senate
United States Senate
S-212, The Capitol
Washington, D.C. 20510

Dear Mr. President:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2009.

The NTSB did not complete nor initiate any competitions in or during FY 2009. The NTSB has no savings to report from competitions implemented during FY 2003, 2004, 2005, 2006, 2007, and 2008. The NTSB does not have any Full Time Equivalents planned for competition in FY 2009.

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Sincerely,

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Deborah A.P. Hersman
Chairman

Non-Mail Control Routing Slip

Control Number 103383

Action Office GA

Division

Writer

TYPE of DOCUMENT Letter

DATE OF LETTER 12/22/2009

DATE RECEIVED 12/18/2009

RESPONSE DUE

FROM Hersman, Deborah A.P.

ORGANIZATION National Transportation Safety Board

SUBJECT Submits report on competitive sourcing efforts for FY 2009.

NOTATION

RECS

NOTES Exec Sec rec'd on 12/18/2009. Letter to Nancy Pelosi, Joseph R. Biden, Daniel K. Inouye, Bennie G. Thompson, Peter T. King, David R. Obey, Jerry Lewis, Thad Cochran, Joseph I. Lieberman, and Susan M. Collins.

Use the space below for Internal/Routing/Reviewing/Concurrence

Office/Division

GA

Date In

12-22-09

Date Out/Initial

12-18-09

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M-

M-RLS

VC-CAH

C-DAPH

MD-5 to Office for Final

12-22-09

12-22-09

12/23/09 MRL

12-22-09 NFC

MD 5 /C Signature 12/28/09

COMPLETED



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 10 2008

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
H-232, The Capitol
Washington, D.C. 20515

Dear Madam Speaker:

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If you have any questions regarding this matter, please contact me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker".

Mark V. Rosenker
Acting Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 10 2008

The Honorable Richard B. Cheney
President
United States Senate
S-212, The Capitol
Washington, D.C. 20515

Dear Mr. President:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2008.

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Mark V. Rosenker
Acting Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 10 2008

The Honorable Robert C. Byrd
Chairman
Appropriations Committee
United States Senate
S-128, The Capitol
Washington, D.C. 20510

Dear Chairman Byrd:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2008.

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Mark V. Rosenker
Acting Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 10 2008

The Honorable Susan M. Collins
Ranking Republican Member
Homeland Security and Government Affairs Committee
United States Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Collins:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2008.

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Mark V. Rosenker
Acting Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 10 2008

The Honorable Joseph I. Lieberman
Chairman
Homeland Security and Governmental Affairs Committee
United States Senate
340 Dirksen Senate Office Building
Washington, D.C. 20515

Dear Chairman Lieberman:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2008.

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Mark V. Rosenker
Acting Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 10 2008

The Honorable Thad Cochran
Ranking Republican Member
Appropriations Committee
United States Senate
S-146A, The Capitol
Washington, D.C. 20515

Dear Senator Cochran:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2008.

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Mark V. Rosenker
Acting Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 10 2008

The Honorable Jerry Lewis
Ranking Republican Member
Appropriations Committee
United States House of Representatives
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Lewis:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2008.

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Acting Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 10 2008

The Honorable David R. Obey
Chairman
Appropriations Committee
United States House of Representatives
H-218, The Capitol
Washington, D.C. 20515

Dear Chairman Obey:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2008.

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Mark V. Rosenker
Acting Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 10 2008

The Honorable Peter T. King
Ranking Republican Member
Homeland Security Committee
United States House of Representatives
H2-176, Ford House Office Building
Washington, D.C. 20515

Dear Congressman King:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2008.

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Mark V. Rosenker
Acting Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

DEC 10 2008

The Honorable Bennie G. Thompson
Chairman
Homeland Security Committee
United States House of Representatives
H2-176, Ford House Office Building
Washington, D.C. 20515

Dear Chairman Thompson:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2008.

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Mark V. Rosenker
Acting Chairman

2080669

Mail Control Number

2080669

Action Office: AD-1**Division: AD-20****cc: C, GA, MD****Lanier, Mayer, CFO**

Date Received: 11/3/2008

Date of Letter: 10/31/2008

Response Due: 12/3/2008

From: White, Arnette

Organization: Office of Management and Budget

Subject: M-09-04: Report to Congress on FY 2008
Competitive Sourcing Efforts. Due nlt 12/31/2008.

Notation(s):

Recs:

Notes: Exec Sec Rec'd 11/3/2008. Due NLT 12/31/2008.

Action: If you are not the correct action office, return this letter to MD-5 immediately. If you want action assigned to another office, return this letter to MD-5.

Signature: If you decide that the response to this letter should not be signed by the Chairman or that it should not be answered, coordinate your decision with the Chairman's office. If you respond to this letter with a direct reply, send a copy to MD-5 with the Mail Control Number and writer's name clearly noted. If you handle this letter by telephone or decide that no response is necessary, notify MD-5 by e-mail so the Mail Control can be closed.

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Route to Members only if their concurrence is required.*

Office/Division	Date In	Date Out/Initial
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AD-2	11/6/08	BZ
AD-1	11/6/08	11/14/08 CB
AD-20	11/7/08	
AD-1 returned	11/19/08	
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Office to MD-5	11/19	11/19 - 11/24/08 Rec'd
MD-1 Lanier		12-1-08 NFC
M-SRC		
M-KOLH		
M-DAPH		
VC-RLS		
C-MVR (draft)	12-1-08	12/01/08
MD-5 to Office for Final	12-4-08	12-5-08 NFC
Office to MD-5 for Final Review		
MD-5 to C for Signature	12-5-08	



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

JAN 31 2008

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-232, The Capitol
Washington, D.C. 20515

Dear Madam Speaker:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2007.

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Mark V. Rosenker
Chairman



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

JAN 31 2008

The Honorable Richard B. Cheney
President
U.S. Senate
S-212, The Capitol
Washington, D.C. 20510

Dear Mr. President:

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Mark V. Rosenker
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 31 2008

The Honorable Bennie G. Thompson
Chairman
Homeland Security Committee
U.S. House of Representatives
H2-176 Ford House Office Building
Washington, D.C. 20515

Dear Chairman Thompson:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2007.

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Mark V. Rosenker
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 31 2008

The Honorable Peter T. King
Ranking Republican Member
Homeland Security Committee
U.S. House of Representatives
H2-176 Ford House Office Building
Washington, D.C. 20515

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National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

JAN 31 2008

The Honorable David R. Obey
Chairman
Appropriations Committee
U.S. House of Representatives
H-218, The Capitol
Washington, D.C. 20515

Dear Chairman Obey:

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Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 31 2008

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Ranking Republican Member
Appropriations Committee
U.S. House of Representatives
1016 Longworth House Office Building
Washington, D.C. 20515

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Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 31 2008

The Honorable Robert C. Byrd
Chairman
Appropriations Committee
U.S. Senate
S-128, The Capitol
Washington, D.C. 20510

Dear Chairman Byrd:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2007.

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Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 31 2008

The Honorable Thad Cochran
Ranking Republican Member
Appropriations Committee
U.S. Senate
S-146A, The Capitol
Washington, D.C. 20510

Dear Senator Cochran:

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Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 31 2008

The Honorable Joseph I. Lieberman
Chairman
Homeland Security and Governmental Affairs Committee
U.S. Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Lieberman:

In accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year (FY) 2004, P.L. 109-199, the National Transportation Safety Board (NTSB) submits its report on competitive sourcing efforts for FY 2007.

The NTSB did not complete nor initiate any competitions in or during FY 2007. The NTSB has no savings to report from competitions implemented during FY 2004, 2005, and 2006. The NTSB does not have any Full Time Equivalents planned for competition in FY 2008.

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Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 31 2008

The Honorable Susan M. Collins
Ranking Republican Member
Homeland Security and Governmental Affairs Committee
U.S. Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Collins:

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The NTSB did not complete nor initiate any competitions in or during FY 2007. The NTSB has no savings to report from competitions implemented during FY 2004, 2005, and 2006. The NTSB does not have any Full Time Equivalents planned for competition in FY 2008.

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Mark V. Rosenker
Chairman

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Control Number 103168

Action Office MD

Division GA-1

Writer McCullough

TYPE of DOCUMENT Letter

DATE OF LETTER 1/29/2008

DATE RECEIVED 1/29/2008

RESPONSE DUE

FROM Rosenker, Mark V.

ORGANIZATION NTSB

SUBJECT Submits report on competitive sourcing efforts for FY 2007.

NOTATION

RECS

NOTES Exec Sec rec'd on 1/29/2008. Letter to Nancy Pelosi, Richard B. Cheney, Bennie G. Thompson, Peter T. King, David R. Obey, Jerry Lewis, Robert C. Byrd, Thad Cochran, Joseph I. Lieberman, and Susan M. Collins.

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Office/Division

Date In

Date Out/Initial

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1/29 connection

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MD-2

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M-DAPH

VC-RLS

C-MVR

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1-29-08

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1629/08 512

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Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAR 30 2009

Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
SD-340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Lieberman:

Title VIII, Subtitle C, Sec. 8306, of the U.S. Troops Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Public Law 110-28) requires the head of each Federal agency to submit a report to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform on the amount of those acquisitions made by that agency in the preceding fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

The National Transportation Safety Board (NTSB) reviewed its purchases for fiscal year 2008 and submits the following:

The NTSB purchased \$27,113.00 of supplies that were manufactured outside the United States. These purchases were made under the exception provided by Federal Acquisition Regulation subpart 25.103(e), which states that the restriction on purchasing foreign end products does not apply to the acquisition of information technology that is a commercial item, when using fiscal year 2004 or subsequent fiscal year funds.

To summarize, in fiscal year 2008, the NTSB expended \$1,089,429.00 on articles, materials, and supplies manufactured inside the United States and \$27,113.00 on supplies manufactured outside the United States.

Sincerely,

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Mark V. Rosenker
Acting Chairman



National Transportation Safety Board

Washington, D.C. 20594

MAR 30 2009

Office of the Chairman

Honorable Susan M. Collins
Ranking Minority Member
Committee on Homeland Security and
Governmental Affairs
United States Senate
SD-344 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Collins:

Title VIII, Subtitle C, Sec. 8306, of the U.S. Troops Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Public Law 110-28) requires the head of each Federal agency to submit a report to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform on the amount of those acquisitions made by that agency in the preceding fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

The National Transportation Safety Board (NTSB) reviewed its purchases for fiscal year 2008 and submits the following:

The NTSB purchased \$27,113.00 of supplies that were manufactured outside the United States. These purchases were made under the exception provided by Federal Acquisition Regulation subpart 25.103(e), which states that the restriction on purchasing foreign end products does not apply to the acquisition of information technology that is a commercial item, when using fiscal year 2004 or subsequent fiscal year funds.

To summarize, in fiscal year 2008, the NTSB expended \$1,089,429.00 on articles, materials, and supplies manufactured inside the United States and \$27,113.00 on supplies manufactured outside the United States.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Acting Chairman



National Transportation Safety Board

Washington, D.C. 20594

MAR 30 2009

Office of the Chairman

Honorable Edolphus Towns
Chairman
Committee on Oversight and Government Reform
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Towns:

Title VIII, Subtitle C, Sec. 8306, of the U.S. Troops Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Public Law 110-28) requires the head of each Federal agency to submit a report to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform on the amount of those acquisitions made by that agency in the preceding fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

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Sincerely,

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Mark V. Rosenker
Acting Chairman



National Transportation Safety Board

Washington, D.C. 20594

MAR 30 2009

Office of the Chairman

Honorable Darrell E. Issa
Ranking Republican Member
Committee on Oversight and Government Reform
United States House of Representatives
B-350A Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Issa:

A handwritten signature in black ink that reads "Darrell".

Title VIII, Subtitle C, Sec. 8306, of the U.S. Troops Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Public Law 110-28) requires the head of each Federal agency to submit a report to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform on the amount of those acquisitions made by that agency in the preceding fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

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The NTSB purchased \$27,113.00 of supplies that were manufactured outside the United States. These purchases were made under the exception provided by Federal Acquisition Regulation subpart 25.103(e), which states that the restriction on purchasing foreign end products does not apply to the acquisition of information technology that is a commercial item, when using fiscal year 2004 or subsequent fiscal year funds.

To summarize, in fiscal year 2008, the NTSB expended \$1,089,429.00 on articles, materials, and supplies manufactured inside the United States and \$27,113.00 on supplies manufactured outside the United States.

Sincerely,

A handwritten signature in black ink that reads "Mark V. Rosenker".
Mark V. Rosenker
Acting Chairman



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

APR 30 2008

The Honorable Joe Knollenberg
Ranking Republican Member
Transportation, HUD, and
Related Agencies Subcommittee
Appropriations Committee
U.S. House of Representatives
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Knollenberg:

Title IV, Section 414 of Public Law 110-161, the Consolidated Appropriations Act of 2008, requires the head of each Federal agency to submit a report to Congress on the amount of acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside the United States in that fiscal year.

The National Transportation Safety Board reviewed its purchases from fiscal year 2007, and found that the Safety Board did not make any purchases from entities outside the United States. Therefore, the Safety Board has a negative response to this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over the typed name.

Mark V. Rosenker
Chairman

McCullough Cheryl

To: amanda_beaumont@feingold.senate.gov
Subject: Buy American reports

Amanda: thanks for your return phonecall this morning. The Buy American reports from the NTSB for FYs 2005, 2006 and 2007 were all sent to Congress on or before their due dates (Senator Feingold was copied on all 4 letters for each of the three fiscal years). I have attached copies of the letters/reports for your information. The Safety Board received a letter last year also for copies of our FY 2004-2006 reports which were also sent. If you would like hard copies of these letters, please let me know and I can fax them to you.

Thanks.



Buy American
Report-letter 200...



Buy American

Report-letter 200...



Buy American

Report-letter.doc...

RUSSELL D. FEINGOLD
WISCONSIN

506 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5313
(202) 224-1280 (TDD)
feingold.senate.gov

COMMITTEE ON THE BUDGET
COMMITTEE ON FOREIGN RELATIONS
COMMITTEE ON THE JUDICIARY
SELECT COMMITTEE ON INTELLIGENCE
DEMOCRATIC POLICY COMMITTEE

United States Senate

WASHINGTON, DC 20510-4904

July 29, 2008

Chairman Mark V. Rosenker
National Transportation Safety Board
490 L'Enfant Plaza SW
Washington, D.C. 20594

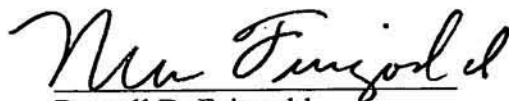
Dear Chairman Rosenker:

I write to inquire about the status of the Buy American Report that you were required to submit to Congress by March 31, 2008, as required by Title VIII, Subtitle C, Sec. 8306, of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Public Law 110-28). Congress has not, as of yet, received a copy of this report. In addition, Congress has not yet received reports from the National Transportation Safety Board for fiscal years 2005 and 2007 as required, which I hope you will submit at this time.

I would appreciate it if you would forward a copy of this report to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform and to me at the earliest possible date.

In addition, I would like to remind you that the reporting requirement in Public Law 110-28 extends the Buy American reporting requirement from fiscal year 2007 through fiscal year 2011. The new language requires more specific information than in past years. I have enclosed a copy of Title VIII, Subtitle C, Sec. 8306 of Public Law 110-28 to assist you in preparing the report for the National Transportation Safety Board. If you have questions, please feel free to contact Amanda Beaumont in my office at (202) 224-5323.

Sincerely,



Russell D. Feingold
U.S. Senator

○ 1600 ASPEN COMMONS
ROOM 100
MIDDLETON, WI 53562
(608) 828-1200
(608) 828-1215 (TDD)

○ 517 EAST WISCONSIN AVENUE
ROOM 408
MILWAUKEE, WI 53202
(414) 276-7282

○ 401 5TH STREET
ROOM 410
WAUSAU, WI 54403
(715) 848-5660

○ 425 STATE STREET
ROOM 225
LA CROSSE, WI 54601
(608) 782-5585

○ 1640 MAIN STREET
GREEN BAY, WI 54302
(920) 465-7508

PRINTED ON RECYCLED PAPER



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

APR 30 2008

The Honorable Patty Murray
Chairman
Transportation, HUD, and
Related Agencies Subcommittee
Appropriations Committee
U.S. Senate
133 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Murray:

Title IV, Section 414 of Public Law 110-161, the Consolidated Appropriations Act of 2008, requires the head of each Federal agency to submit a report to Congress on the amount of acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside the United States in that fiscal year.

The National Transportation Safety Board reviewed its purchases from fiscal year 2007, and found that the Safety Board did not make any purchases from entities outside the United States. Therefore, the Safety Board has a negative response to this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

APR 30 2008

The Honorable John W. Olver
Chairman
Transportation, HUD, and
Related Agencies Subcommittee
Appropriations Committee
U.S. House of Representatives
2358 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Olver:

Title IV, Section 414 of Public Law 110-161, the Consolidated Appropriations Act of 2008, requires the head of each Federal agency to submit a report to Congress on the amount of acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside the United States in that fiscal year.

The National Transportation Safety Board reviewed its purchases from fiscal year 2007, and found that the Safety Board did not make any purchases from entities outside the United States. Therefore, the Safety Board has a negative response to this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker".

Mark V. Rosenker
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

APR 30 2008

The Honorable Christopher Bond
Ranking Republican Member
Transportation, HUD, and
Related Agencies Subcommittee
Appropriations Committee
U.S. Senate
128 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Bond:

Title IV, Section 414 of Public Law 110-161, the Consolidated Appropriations Act of 2008, requires the head of each Federal agency to submit a report to Congress on the amount of acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside the United States in that fiscal year.

The National Transportation Safety Board reviewed its purchases from fiscal year 2007, and found that the Safety Board did not make any purchases from entities outside the United States. Therefore, the Safety Board has a negative response to this report.

Sincerely,

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Mark V. Rosenker
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAR 20 2007

Honorable Patty Murray
Chairman
Transportation, Housing and Urban Development,
and Related Agencies Subcommittee
Appropriations Committee
U.S. Senate
133 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Murray:

Senate Report 109-293, Section 845(a), of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Related Agencies Appropriations Bill, 2007 requires the head of each Federal agency to submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside the United States in that fiscal year.

The National Transportation Safety Board (NTSB) reviewed its purchases from fiscal year 2006, and found that the NTSB did not make any purchases from entities that manufacture the articles, materials, or supplies outside the United States. Therefore, the NTSB has a negative response to this report.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman



National Transportation Safety Board

Washington, D.C. 20594

MAR 20 2007

Office of the Chairman

Honorable Christopher Bond
Ranking Republican Member
Transportation, Housing and Urban Development,
and Related Agencies Subcommittee
Appropriations Committee
U.S. Senate
128 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Bond:

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The National Transportation Safety Board (NTSB) reviewed its purchases from fiscal year 2006, and found that the NTSB did not make any purchases from entities that manufacture the articles, materials, or supplies outside the United States. Therefore, the NTSB has a negative response to this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAR 20 2007

Honorable John W. Olver
Chairman
Transportation, Housing and Urban Development,
and Related Agencies Subcommittee
Appropriations Committee
U.S. House of Representatives
2358 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Olver:

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Mark V. Rosenker
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAR 20 2007

Honorable Joe Knollenberg
Ranking Republican Member
Transportation, Housing and Urban Development,
and Related Agencies Subcommittee
Appropriations Committee
U.S. House of Representatives
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Knollenberg:

Senate Report 109-293, Section 845(a), of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and Related Agencies Appropriations Bill, 2007 requires the head of each Federal agency to submit a report to Congress on the amount of the acquisitions made by the agency from entities that manufacture the articles, materials, or supplies outside the United States in that fiscal year.

The National Transportation Safety Board (NTSB) reviewed its purchases from fiscal year 2006, and found that the NTSB did not make any purchases from entities that manufacture the articles, materials, or supplies outside the United States. Therefore, the NTSB has a negative response to this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman

Non-Mail Control Routing Slip

Control Number **103342**

Action Office **MD**

Division **GA-**
Writer **Starek**

TYPE of DOCUMENT **Letter**

DATE OF LETTER **9/2/2009**

DATE RECEIVED **8/6/2009**

RESPONSE DUE **9/2/2009**

FROM **Hersman, Deborah A.P.**

ORGANIZATION **National Transportation Safety Board**

SUBJECT **Filing of FY 2008 Annual Report to Congress, EEOC, and OAG of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (P.L. 107-174).**

NOTATION

RECS

NOTES **Fara Guest EEO-1 prepared report.**

Use the space below for Internal/Routing/Reviewing/Concurrence

Office/Division

Date In

Date Out/Initial

MD-1

8/1

8/19 - MD-5 final-ly

MD-5

8-12-09

8-13-09 NRC

MD-

8-13-09

8/13/09 KRL

M-SRC

M-KOLH

M-DAPH

VC-RLS

C-MWR DAPH

8-17-09

MD-5 to Office for Final

8-13-09

8-17-09 NRC

MD5 to C

8-17-09

8-17-09

COMPLETED

Letter to Congress to be enclosed

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MD-5 to _____

MD-5 to C for Signature

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Non-Mail Control Routing Slip

Office to MD-5

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MD-5 to C for Signature

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FILE

National Transportation Safety Board

Washington, D.C. 20594



Office of the Chairman

AUG 20 2009

The Honorable Stuart J. Ishimaru
Acting Chairman
U.S. Equal Employment Opportunity Commission
131 M Street, N.E.
Washington, D.C. 20507

Dear Acting Chairman Ishimaru:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's fiscal year 2008 annual report.

Please do not hesitate to contact me should you need additional information or have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A.P. Hersman", with a long horizontal line extending to the right.

Deborah A.P. Hersman
Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

AUG 20 2009

The Honorable Joseph R. Biden, Jr.
President
United States Senate
S-212, The Capitol
Washington, D. C. 20510

Dear Mr. President:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's fiscal year 2008 annual report.

Please do not hesitate to contact me should you need additional information or have any questions concerning this report.

Sincerely,

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Deborah A.P. Hersman
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 20 2009

The Honorable Eric H. Holder, Jr.
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Mr. Attorney General:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's fiscal year 2008 annual report.

Please do not hesitate to contact me should you need additional information or have any questions concerning this report.

Sincerely,

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Deborah A.P. Hersman
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 20 2009

The Honorable Stephen F. Lynch
Chairman
Federal Workforce, Postal Service, and the
District of Columbia Subcommittee
Oversight and Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Lynch:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's fiscal year 2008 annual report.

Please do not hesitate to contact me should you need additional information or have any questions concerning this report.

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Deborah A.P. Hersman
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 20 2009

The Honorable Jason Chaffetz
Ranking Minority Member
Federal Workforce, Postal Service, and the
District of Columbia Subcommittee
Oversight and Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Chaffetz:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's fiscal year 2008 annual report.

Please do not hesitate to contact me should you need additional information or have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "DAPH", followed by a long horizontal line.

Deborah A.P. Hersman
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 20 2009

The Honorable Nancy Pelosi
The Speaker
United States House of Representatives
H-232, The Capitol
Washington, D. C. 20515

Dear Madam Speaker:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's fiscal year 2008 annual report.

Please do not hesitate to contact me should you need additional information or have any questions concerning this report.

Sincerely,

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Deborah A.P. Hersman
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 20 2009

The Honorable Susan M. Collins
Ranking Minority Member
Homeland Security and Governmental Affairs Committee
United States Senate
344 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Collins:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's fiscal year 2008 annual report.

Please do not hesitate to contact me should you need additional information or have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "DAH", followed by a long horizontal line extending to the right.

Deborah A.P. Hersman
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 20 2009

The Honorable Joseph I. Lieberman
Chairman
Homeland Security and Governmental Affairs Committee
United States Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Lieberman:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's fiscal year 2008 annual report.

Please do not hesitate to contact me should you need additional information or have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "DAH", followed by a long horizontal flourish.

Deborah A.P. Hersman
Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

AUG 20 2009

The Honorable Edolphus Towns
Chairman
Oversight and Government Reform Committee
United States House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Towns:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's fiscal year 2008 annual report.

Please do not hesitate to contact me should you need additional information or have any questions concerning this report.

Sincerely,

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Deborah A.P. Hersman
Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

AUG 20 2009

The Honorable Darrell E. Issa
Ranking Minority Member
Oversight and Government Reform Committee
United States House of Representatives
B-350-A Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Issa:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's fiscal year 2008 annual report.

Please do not hesitate to contact me should you need additional information or have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hersman", with a long horizontal line extending to the right.

Deborah A.P. Hersman
Chairman

Enclosure

NATIONAL TRANSPORTATION SAFETY BOARD



Fiscal Year 2008

Annual Report
on the

Notification and Federal Employee Antidiscrimination
And Retaliation Act of 2002
P.L. 107-174

Prepared by
Office of Equal Employment Opportunity

I. Introduction

Section 203 of the No FEAR Act requires Federal agencies to submit an annual report to the Speaker of the House of Representatives, the President *pro tempore* of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Attorney General, and the Equal Employment Opportunity Commission (EEOC).¹ The National Transportation Safety Board (NTSB) submits this report to satisfy the No FEAR Act requirements.

II. Civil Cases Filed

Section 203(a)(1) of the No FEAR Act requires that agencies include in their annual report the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged; the status of disposition of these cases; and, the amount of money the agency was required to reimburse under section 201. There were no civil law cases filed under these provisions of law during fiscal year (FY) 2008. The cases are ongoing and the agency has not been required to reimburse any money in connection with these cases.

III. Reimbursement to the Judgment Fund

On May 10, 2006, the Office of Personnel Management (OPM) published final regulations in the Federal Register clarifying the agency reimbursement provisions of Title II of the No FEAR Act. These regulations, among other things, state that the Federal Management Service (FMS), U.S. Department of the Treasury will provide notice to an agency's Chief Financial Officer (CFO) within 15 business days after payment from the Judgment Fund. The agency is required to reimburse the Judgment Fund within 45 business days after receiving the notice from FMS or must contact FMS to make arrangements in writing for reimbursement. The NTSB has interpreted the reimbursement requirement as referring to the number of discrimination cases for which the Judgment Fund was charged on behalf of the agency. During the period October 1, 2000, through September 30, 2008, there were no Federal court discrimination cases that resulted in payments from the Judgment Fund on behalf of the NTSB (confirmed with CFO).

IV. Disciplinary Actions

Section 203(a)(4) of the No FEAR Act requires that agencies include in the annual report "the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1)." Section 203(a)(1) requires that agencies report "the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged." As noted above, during the period October 1, 2000, through September 30, 2008, there were no Federal court discrimination cases that resulted in payments from the Judgment Fund. No agency employees have been disciplined for covered infractions during the period October 1, 2000, through September 30, 2008.

¹ OPM issued regulations on the reporting and best practices requirements of Title II of the No FEAR Act in December 2006.

V. Final Year-End Data Posted Under Section 301(c)(1)(B)

The final year-end data posted pursuant to Section 301(c)(1)(B) of the No FEAR Act is included in Appendix 1.

VI. Policy Description on Disciplinary Actions

Section 203(a)(6) of the No FEAR Act requires that an agency include in its' annual report a detailed description of the policy implemented by the agency relating to disciplinary actions imposed against a Federal employee who discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2), or committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2). Further, the Act requires that the Federal agency report on the number of employees who were disciplined in accordance with the policy and the specific nature of the disciplinary action taken.

The NTSB Table of Penalties provides that employees may be subject to disciplinary action up to and including removal for engaging in any prohibited personnel practice including discrimination because of race, age, sex, color, national origin, religion, disability or reprisal (see Appendix 2). In addition, there are two policy statements issued by the Chairman that reinforce NTSB's commitment to establish a workplace free from discrimination, harassment and retaliation. They are: "The Policy on Equal Employment Opportunity" (see Appendix 3), and the "NTSB Anti-Harassment Policy," which is a new policy that was issued by the Acting Chairman on August 11, 2008 (see Appendix 4). It emphasizes that employees who engage in behavior that violates the policy will be subject to appropriate disciplinary action. No employees have been disciplined for violating this policy.

VII. Analysis of Trends, Causal Analysis and Practical Knowledge Gained Through Experience

Section 203(a)(7) of the No FEAR Act requires that agencies undertake "an examination of trends, causal analysis, practical knowledge gained through experience and any actions planned or taken to improve complaint or civil rights programs of the agency."

Since the effective date of the No FEAR Act, no Federal court cases have been filed that resulted in judgments, awards or settlements paid by the Judgment Fund on behalf of the NTSB.

During FY 2003-2008, the number of administrative Equal Employment Opportunity (EEO) complaints filed at the NTSB has decreased (see Appendix 1). A review of this data reveals that the basis and issues raised in administrative EEO complaints has remained relatively constant during this time period. The EEO Office has performed an analysis of complaints and concluded that there are no themes or patterns evident that suggest that structural or institutional problems affect the number, issue, or basis of complaints filed at the NTSB. However, the NTSB recognizes that providing appropriate training to managers and supervisors is critical in resolving workplace conflicts before they become formal EEO complaints. In this regard, we conducted workshops (via the EEOC technical assistance program) for managers/supervisors and employees during FY 2008 that provided training on preventing and addressing workplace harassment.

VIII. Adjustment to Budget

Section 203(a)(8) of the No FEAR Act requires that agencies include in the Annual Report to Congress information about "any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201." Since there were no Federal court discrimination cases that resulted in payments from the Judgment Fund, the NTSB has not made any adjustments in its' budget to comply with section 203.

Equal Employment Opportunity Data Posted

Pursuant to the No Fear Act: NTSB Internal Complaint Activity

APPENDIX I

Data as of June 30, 2009 (3rd Qtr 2009)

Complaint Activity Sec.1614.704 (a),(b), and (c)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data					2009 thru 06/30
	2004	2005	2006	2007	2008	
Number of Complaints Filed	3	6	3	1	1	0
Number of Complainants (includes pending for previous years)	8	9	7	2	1	0
Repeat Filers	3	2	3	1	1	0
Complaints by Basis Sec.1614.704(d) <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	Comparative Data (Sec.1614.705) Previous Fiscal Year Data					2009 thru 06/30
	2004	2005	2006	2007	2008	

Complaints by Basis Sec.1614.704(d) <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	Comparative Data (Sec.1614.705) Previous Fiscal Year Data					2009 thru 06/30
	2004	2005	2006	2007	2008	
Race	1	2	1	0	0	0
Color	0	1	0	0	0	0
Religion	0	0	0	0	0	0
Reprisal	2	2	3	1	1	0
Sex	2	3	2	1	1	0
National Origin	0	0	0	0	0	0
Equal Pay Act	0	1	0	0	0	0
Age	1	2	1	0	0	0
Disability	0	0	1	0	0	0

Complaints by Basis Sec.1614.704(d) <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints filed.</i>	Comparative Data (Sec.1614.705) Previous Fiscal Year Data					2009 thru 06/30
	2004	2005	2006	2007	2008	
Non-EEO basis	0	0	0	0	0	0
Processing Time Sec.1614.704(f) the average length of time it has taken an agency to complete, respectively, investigation in final action for:	Comparative Data (Sec.1614.705) Previous Fiscal Year Data					2009 thru 06/30
	2004	2005	2006	2007	2008	
Complaints pending (for any length of time) during fiscal year	4	3	6	1	2	0
Average number of days in investigation stage	313	230	175	167	206	0
Average number of days for a final agency decision						
*awaited AJ Decision after retirement and lost file	660	497	552	*1094	0	0
Complaints pending (for any length of time) during fiscal year where hearing was requested	2	3	2	3	0	0

Processing Time Sec.1614.704(f) the average length of time it has taken an agency to complete, respectively, investigation in final action for:	Comparative Data (Sec.1614.705) Previous Fiscal Year Data					2009 thru 06/30
	2004	2005	2006	2007	2008	
Average number of days in final action stage- * AJ retired awaited decision on comp damages	581	497	787	*1094	0	0
Complaints pending (for any length of time) during fiscal year where hearing was not requested	1	0	1	0	0	0
Average number of days in investigation stage	819	0	317	0	0	0
Complaints Dismissed by Agency Sec.1614.704(g)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data					2009 thru 06/30
	2004	2005	2006	2007	2008	
Total Complaints Dismissed by Agency	0	2	2	0	0	0
Average days pending prior to dismissal	0	208	317	0	0	0

Complaints Dismissed by Agency Sec.1614.704(g)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2009 thru 06/30	
	2004	2005	2006	2007	2008							
Complaints Withdrawn by Complainants												
Total complaints Withdrawn by Complainants	0	0	0	0	0	0						
Total Final Actions Finding Discrimination (Sec.1614.704 (i))	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2009 thru 06/30	
	2004	2005	2006	2007	2008							
	#	%	#	%	#	%	#	%	#	%		
Total Number Findings	0		0		0		100		1		0	
Without Hearing	0		0		0		0		0		0	
With Hearing	0		0	0	0	0	1	100	0	0	0	
Findings of Discrimination Rendered by Basis Sec.1614.704(i)	Comparative Data (Sec. 1614.705) Previous Fiscal Year Data										2009 thru	

	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		1		0		0	
Race	0		0		0		0		0		0	
Color	0		0		0		0		0		0	
Religion	0		0		0		0		0		0	
Reprisal	0		0		0		1	100	0		0	
Sex	0		0		0		1	100	0		0	
National Origin	0		0		0		0		0		0	
Age	0		0		0		0		0		0	
Disability	0		0		0		1	100	0		0	

Findings of Discrimination Rendered by Basis Sec.1614.704(i) <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705 Previous Fiscal Year Data										2009 thru 06/30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Non-EEO	0		0		0		0		0		0	
Findings After Hearing	0		0		0		1	100	0		0	
Race	0		0		0		0		0		0	
Color	0		0		0		0		0		0	
Religion	0		0		0		0		0		0	
Reprisal	0		0		0		0	1	100		0	
Sex	0		0		0		0	1	100		0	
National Origin	0		0		0		0		0		0	

Findings of Discrimination Rendered by Basis Sec.1614.704(i) <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705 Previous Fiscal Year Data										2009 thru 06/30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Equal Pay Act	0		0		0		0		0		0	
Age	0		0		0		0		0		0	
Disability	0		0		0		1	100	0		0	
Non-EEO	0		0		0		0		0		0	
Findings <u>Without</u> Hearing	0		0		0		0		0		0	
Race	0		0		0		0		0		0	
Color	0		0		0		0		0		0	
Religion	0		0		0		0		0		0	

Findings of Discrimination Rendered by Basis Sec.1614.704(i) <i>Note: Complaints can be filed alleging multiple bases. The sum of the bases may not equal total complaints and findings.</i>	Comparative Data (Sec. 1614.705 Previous Fiscal Year Data										2009 thru 06/30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Reprisal	0		0		0		0		0		0	
Sex	0		0		0		0		0		0	
National Origin	0		0		0		0		0		0	
Equal Pay Act	0		0		0		0		0		0	
Age	0		0		0		0		0		0	
Disability	0		0		0		0		0		0	
Non-EEO	0		0		0		0		0		0	
Findings of Discrimination Rendered by Issue Sec.1614.704(j)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2009 thru	

	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Total Number Findings	0		0		0		1		100		0	
Appointment/Hire	0		0		0		0		0		0	
Assignment of Duties	0		0		0		0		0		0	
Awards	0		0		0		0		0		0	
Conversion to Full-time	0		0		0		0		0		0	
Disciplinary Action												
Demotion	0		0		0		0		0		0	
Reprimand	0		0		0		0		0		0	
Suspension	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue Sec.1614.704(j)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2009 thru 06/30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Removal	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Duty Hours	0		0		0		0		0		0	
Evaluation Appraisal	0		0		0		0		0		0	
Examination/Test	0		0		0		0		0		0	
Harassment												
Non-Sexual	0		0		0		0		0		0	
Sexual	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue Sec.1614.704(j)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2009 thru 06/30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Medical Examination	0		0		0		1	100	0		0	
Pay (Including Overtime)	0		0		0		0		0		0	
Promotion/Non-Selection	0		0		0		0		0		0	
Reassignment												
Denied	0		0		0		0		0		0	
Directed	0		0		0		0		0		0	
Reasonable Accommodation	0		0		0		0		0		0	
Reinstatement	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue Sec.1614.704(j)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2009 thru 06/30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Retirement	0		0		0		0		0		0	
Termination	0		0		0		0		0		0	
Terms/Conditions of Employment	0		0		0		1	100	0		0	
Time and Attendance	0		0		0		0	0	0		0	
Training	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Findings After Hearing	0		0		0		1	100	0		0	
Appointment/Hire	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue Sec.1614.704(j)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2009 thru 06/30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Assignment of Duties	0		0		0		0		0		0	
Awards	0		0		0		0		0		0	
Conversion to Full-time	0		0		0		0		0		0	
Disciplinary Action												
Reprimand	0		0		0		0		0		0	
Suspension	0		0		0		0		0		0	
Removal	0		0		0		0		0		0	
Other	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue Sec.1614.704(j)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2009 thru 06/30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Duty Hours	0		0		0		0		0		0	
Evaluation Appraisal	0		0		0		0		0		0	
Examination/Test	0		0		0		0		0		0	
Harassment												
Non-Sexual	0		0		0		0		0		0	
Sexual	0		0		0		0		0		0	
Medical Examination	0		0		0		1	100	0		0	
Pay (Including Overtime)	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue Sec.1614.704(j)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2009 thru 06/30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Promotion/Non-Selection	0		0		0		0		0		0	
Reassignment												
Denied	0		0		0		0		0		0	
Directed	0		0		0		0		0		0	
Reasonable Accommodation	0		0		0		0		0		0	
Reinstatement	0		0		0		0		0		0	
Retirement	0		0		0		0		0		0	
Termination	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue Sec.1614.704(j)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2009 thru 06/30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Terms/Conditions of Employment	0		0		0		1	100	0		0	
Time and Attendance	0		0		0		0		0		0	
Training	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Findings Without Hearing	0		0		0		0		0		0	
Appointment/Hire	0		0		0		0		0		0	
Assignment of Duties	0		0		0		0		0		0	
Awards	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue Sec.1614.704(j)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2009 thru 06/30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Conversion to Full-time	0		0		0		0		0		0	
Disciplinary Action												
Reprimand	0		0		0		0		0		0	
Suspension	0		0		0		0		0		0	
Removal	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Duty Hours	0		0		0		0		0		0	
Evaluation Appraisal	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue Sec.1614.704(j)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2009 thru 06/30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Examination/Test	0		0		0		0		0		0	
Harassment												
Non-Sexual	0		0		0		0		0		0	
Sexual	0		0		0		0		0		0	
Medical Examination	0		0		0		1	100	0		0	
Pay (Including Overtime)	0		0		0		0		0		0	
Promotion/Non-Selection	0		0		0		0		0		0	
Reassignment												

Findings of Discrimination Rendered by Issue Sec.1614.704(j)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2009 thru 06/30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Denied	0		0		0		0		0		0	
Directed	0		0		0		0		0		0	
Reasonable Accommodation	0		0		0		0		0		0	
Reinstatement	0		0		0		0		0		0	
Retirement	0		0		0		0		0		0	
Termination	0		0		0		0		0		0	
Terms/Conditions of Employment	0		0		0		1	100	0		0	
Time and Attendance	0		0		0		0		0		0	

Findings of Discrimination Rendered by Issue Sec.1614.704(j)	Comparative Data (Sec.1614.705) Previous Fiscal Year Data										2009 thru 06/30	
	2004		2005		2006		2007		2008			
	#	%	#	%	#	%	#	%	#	%	#	%
Training	0		0		0		0		0		0	
Other	0		0		0		0		0		0	
Pending Complaints Filed in Previous Fiscal Years by Status (Sec.1614.704(k))					Comparative Data Previous Fiscal Year Data					2009 thru 06/30		
					2004	2005	2006	2007	2008			
Total complaints pending from previous Fiscal Years					9	7	3	3	2	2		
Total Complainants					8	6	2	2	1	1		
Number complaints pending												
Investigation					1	3	0	0	0	0		

Pending Complaints Filed in Previous Fiscal Years by Status (Sec.1614.704(k))	Comparative Data Previous Fiscal Year Data					2009 thru 06/30
	2004	2005	2006	2007	2008	
ROI Issued, pending Complainant's action	1	3	0	0	0	0
Hearing	1	2	2	2	0	0
Final Agency Action	7	2	1	0	0	2
Complaint Investigations (Sec.1614.704(m))	Comparative Data (Sec.1614.705) Previous Fiscal Year Data					2009 thru 06/30
	2004	2005	2006	2007	2008	
Pending Completion Where Investigation Exceeds Required Time Frames	3	0	0	0	1	0

No FEAR Act Written Training Plan

Submitted by the National Transportation Safety Board (NTSB)

March 07, 2008

On July 20, 2006, the Office of Personnel Management (OPM) published its final rule implementing the training requirements of the Notification and Federal Employee Anti-discrimination and Retaliation Act ("No FEAR Act").

The final rule requires each agency to develop a written plan for training all of its employees, including supervisors and managers. The plan must describe:

- The instructional materials and method of the training
- The training schedule; and
- The means of documenting completion of training

On December 28, 2006, the Office of Personnel Management issued the final rule regarding "Implementation of Title II of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002—Reporting & Best Practices." Among other things, this final rule requires each agency to provide annual reports on a number of items relating to the agency's implementation of the No FEAR Act, including the agency's written training plan.

This document constitutes the NTSB's No FEAR Act written training plan.

I. The instructional materials and method of the training

The final rule *requires* Federal agencies to train all employees on their rights and remedies under the Federal anti-discrimination and whistleblower protection laws. Agencies must have trained all current employees by December 17, 2006, and all new employees within 90 days of hire. Agencies must provide refresher training to all employees every two years.

With these requirements in mind, the NTSB contracted with Brightline Compliance, LLC, to provide instruction to employees through Brightline's interactive online *No FEAR Act* training course.

As required by the No FEAR Act and the OPM final rule, Brightline's online course, *No FEAR Act*, teaches Federal employees about their rights and remedies available under the antidiscrimination, retaliation, and whistleblower protection laws. The course:

- Provides instruction on all topics required by the No FEAR Act and the OPM final rule
- Provides supervisors additional instruction on their special responsibilities
- Allows users to interact with a series of audio-visual scenarios so that they are continually engaged in the learning process

II. The training schedule

In October 2006 we provided training through the Federal Personnel Management Institute (FPMI) online course with the requirement that all employees complete their initial No FEAR Act training by December 17, 2008. For employees hired during the remainder of FY 2006-FY 2008 and beyond, we ensured that these new employees complete the Brightline on-line training within 90 days from their starting dates. To accomplish this we also contracted with "Global Learning" in FY 2008 to develop and deploy our own in-house on-line "No Fear Act" training. This training is available for all NTSB employees and potential applicants 24 hours a day.

III. The means of documenting completion of training

We are able to track employees' completion of the online training course through "The Global Learning System" that automatically creates a record of who has completed the course.

Appendix 2. Operations Bulletin HR-ELR-002
NTSB Table of Penalties

NATURE OF OFFENSE	EXPLANATION	PENALTY		
		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
1. Unexcused or unauthorized absence of less than 8 hours	Unauthorized absence of less than 8 hours, tardiness, leaving the job without permission	Counseling to reprimand	Reprimand to 5-day suspension	5-day suspension to removal
2. Unexcused or unauthorized absence of between 1 and 5 consecutive workdays	Unauthorized absence of 8 to 40 hours	Reprimand to 5-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal
3. Excessive unauthorized absence	Unauthorized absence of more than 5 consecutive workdays	5-day suspension to removal	15-day suspension to removal	30-day suspension to removal
4. Loafing, wasting time, sleeping on the job, or inattention to duty	Potential danger to safety of persons and/or actual damage to property is a primary consideration in determining severity of penalty	Counseling to reprimand	Reprimand to 5-day suspension	5-day suspension to removal
5. Careless workmanship or negligence resulting in spoilage or waste of materials or delay in working production		Reprimand to 5-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal
6. Failure or delay in carrying out orders, work assignments, or instructions of superiors		Reprimand to 5-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal
7. Disobedience to constituted authorities, or refusal to carry out a proper order from any supervisor or other official having responsibility for the work of the employee; insubordination.		Counseling to reprimand	Reprimand to 14-day suspension	15-day suspension to removal
8. Unauthorized possession or use or loss of or damage to Government property or the property of others	(Note: 31 USC, Section 638a(c)(2) provides a minimum 30-day suspension for employees who willfully use or authorize the use of any Government-owned or leased motor vehicle or aircraft for other than official purpose.)	Reprimand to removal	5-day suspension to removal	15-day suspension to removal
9. Failure to honor just debts without good cause	A just financial obligation is one acknowledged by the employee to be valid or reduced to judgment by a court	Counseling to reprimand	Reprimand to 14-day suspension	15-day suspension to removal
10. Gambling or unlawful betting on Government premises		Reprimand to 5-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal

NATURE OF OFFENSE	EXPLANATION	PENALTY		
		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
11. Promotion of gambling on Government premises		Reprimand to removal	15-day suspension to removal	Removal
12. Malicious damage to Government property or the property of others		Reprimand to removal	15-day suspension to removal	Removal
13. Endangering the safety of or causing injury to personnel through carelessness or failure to follow instructions		Reprimand to removal	15-day suspension to removal	Removal
14. Unauthorized removal of, possession of, or theft of Government property or the property of others		Reprimand to removal	15-day suspension to removal	Removal
15. Conversion of Government funds to personal use	Includes travel advances, imprest funds, or amounts received as collections	Reprimand to removal	15-day suspension to removal	Removal
16. Disorderly conduct, fighting, threatening, or attempting to inflict bodily injury to another, engaging in dangerous horseplay		Reprimand to removal	15-day suspension to removal	Removal
17. Disrespectful conduct; use of insulting, abusive, or obscene language to or about others		Reprimand to removal	15-day suspension to removal	Removal
18. Reporting for duty or being on duty under the influence of intoxicants or other drugs; unauthorized possession of intoxicants or drugs on Government premises		Reprimand to removal	15-day suspension to removal	30-day suspension to removal
20. Criminal, dishonest, infamous, or notoriously disgraceful conduct		Reprimand to removal	15-day suspension to removal	Removal
21. Falsification, misrepresentation, misstatement, exaggeration or concealment of material fact in connection with employment, promotion, travel voucher (or any other Government record), investigation or other proper proceeding		Reprimand to removal	15-day suspension to removal	Removal
22. Engaging in any prohibited personnel practice, including discrimination against an employee or applicant because of race, age, sex, color, national origin, religion, disability, or any reprisal action taken against an employee for filing a discrimination complaint		Reprimand to removal	15-day suspension to removal	Removal

NATURE OF OFFENSE	EXPLANATION	PENALTY		
		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
23. Use of identification to coerce, intimidate or deceive (includes credentials, ID card, badges)		Reprimand to removal	15-day suspension to removal	Removal
24. Employment outside of NTSB without permission		Reprimand to 5-day suspension	5-day to 14-day suspension	15-day suspension to removal
25. Improper operation of an official Government vehicle	This includes violating traffic regulations, reckless driving, etc.	Reprimand to 5-day suspension	5-day to 14-day suspension	15-day suspension to removal
26. Having a financial interest which is in conflict with employee's duties or responsibilities	Holding proprietorship, job or other direct or indirect interest which could be enhanced by your position	Reprimand to removal	15-day suspension to removal	Removal
		NOTE: Consideration may be given to change in assigned duties or divestments of conflicting interest.		
27. Unauthorized use or possession of narcotics, dangerous drugs, or marijuana		Reprimand to removal	15-day suspension to removal	Removal
28. Misuse of Government property or the property of others		Reprimand to removal	5-day suspension to removal	15-day suspension to removal
29. Operating an official Government vehicle while under the influence of intoxicants		Reprimand to removal	15-day suspension to removal	30-day suspension to removal
30. Deliberate mutilation, removal or falsification of any record		Reprimand to removal	15-day suspension to removal	30-day suspension to removal
31. Conduct prejudicial to the NTSB/Government		Reprimand to removal	15-day suspension to removal	30-day suspension to removal



National Transportation
Safety Board

Memorandum

Date: AUG 18 2009
 To: All NTSB Employees
 From: Chairman *[Signature]*
 Subject: NTSB Anti-Harassment Policy

It is the policy of the National Transportation Safety Board (NTSB) to maintain a work environment that is free from harassment based on race, color, religion, sex (whether or not of a sexual nature), national origin, age, disability (mental or physical), and from retaliatory harassment based on opposition to discrimination or participation in the discrimination complaint process.

Definitions

Harassment based on race, color, national origin, sex (including sexual harassment), age, disability, or retaliation is conduct that demonstrates hostility toward another person (or identifiable groups of persons) that has the purpose or effect of:

- Creating an intimidating or hostile work environment,
- Unreasonably interfering with an employee's work environment, or
- Unreasonably affecting an employee's work or advancement opportunities.

Sexual harassment is unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- Submission to, or rejection of, such conduct by an employee is used as the basis for, or a factor in, decisions affecting that employee's employment, or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work environment or creating an intimidating, offensive, or hostile environment.

Harassment includes, but is not limited to, displaying or conveying materials or pictures degrading or offensive to either gender or to racial, ethnic, or religious groups, and verbal abuse or insults directed at or made in the presence of members of a racial, ethnic, or minority group.

To determine whether or not a particular act or course of conduct constitutes harassment under this policy, the alleged behavior will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of harassment, a serious incident, even if isolated, can be sufficient.

Responsibilities

Each NTSB employee shall be responsible for:

- Acting responsibly and refraining from harassing conduct;
- Becoming familiar with the provisions of this policy, complying with all requirements of the policy, and cooperating with any inquiry under this policy; and
- Promptly reporting any incident of harassing conduct that he or she experiences before it becomes a pattern of misconduct so pervasive and offensive as to constitute a hostile environment. Any person who believes that he or she has been the victim of an incident of harassing conduct in violation of this policy should report the incident to: (1) any person in his/her supervisory chain; (2) the NTSB's Equal Employment Office (EEO) Director; or (3) the Human Resources Division Employee Relations Specialist.

The NTSB will conduct a prompt, thorough, and impartial investigation into claims of harassment regardless of whether an EEO complaint is filed under 29 *Code of Federal Regulations* Part 1614. If an investigation establishes that an employee did engage in harassing conduct under this policy, he or she shall be subject to appropriate corrective action, disciplinary or otherwise, in accordance with Chapter 75 of the Civil Service Reform Act, up to and including removal.

Cancellation

Policy on Prevention of Sexual Harassment dated August 11, 2008, is cancelled upon issuance of this policy.

NTSB Disciplinary Best Practices and Advisory Guidelines Under the No Fear Act

**NTSB****National Transportation Safety Board**

490 L'Enfant Plaza, SW
Washington, DC 20594-0001
www.nts.gov

November 13, 2008

Honorable Nancy Pelosi, Speaker, U.S. House of Representatives
Honorable Robert Byrd, President Pro Tempore, U.S. Senate
Honorable Naomi C. Earp, Chair, Equal Employment Opportunity Commission
Honorable Michael B. Mukasey, U.S. Attorney General
Honorable Michael W. Hager, Director, U.S. Office of Personnel Management

On May 15, 2002, President Bush signed the Notification and Federal Anti-Discrimination and Retaliation Act of 2002 (No FEAR Act). The primary purpose of the Act is to improve agency accountability for anti-discrimination and whistleblower laws. Subpart D of Title 5 Code of Federal Regulations 724 implements Title II of the No FEAR Act and required the Office of Personnel Management (OPM) to conduct a comprehensive study of best practices in the executive branch for taking disciplinary actions against employees for conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection Laws, and issue advisory guidelines for agencies to follow in taking appropriate disciplinary action in such circumstances.

On September 30, 2008, OPM issued the report and advisory guidelines required by 5 CFR §§ 724.402 and 724.403, Disciplinary Best Practices and Advisory Guidelines Under the No FEAR Act. The report discusses the results of the study of agency best practices, and provides advisory guidelines for Federal agencies to follow in taking disciplinary actions. 5 CFR 724.404 requires that each Federal agency prepare a written statement describing whether it will adopt and follow the advisory guidelines, and if not, the reasons for non-adoption.

The National Transportation Safety Board (NTSB) and its employees are best served when its workplace is free of discrimination and retaliation. Accordingly, the NTSB has adopted OPM's guidelines and will follow the guidelines in order to prevent conduct that is inconsistent with anti-discrimination and whistleblower protection laws, and promptly address such conduct if it occurs.



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

SEP 04 2008

The Honorable Naomi C. Earp
Chair
U.S. Equal Employment Opportunity Commission
1801 L Street, NW
Washington, D.C. 20507

Dear Madam Chair:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's fiscal year 2007 annual report.

Please address any questions concerning the report to Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over the typed name.

Mark V. Rosenker
Acting Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

SEP 04 2008

The Honorable Susan M. Collins
Ranking Republican Member
Homeland Security and Governmental Affairs Committee
U.S. Senate
344 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Collins:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report for fiscal year 2007.

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Sincerely,

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Mark V. Rosenker
Acting Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

SEP 04 2008

The Honorable Joseph I. Lieberman
Chairman
Homeland Security and Governmental Affairs Committee
U.S. Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Lieberman:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report for fiscal year 2007.

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Sincerely,

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Mark V. Rosenker
Acting Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

SEP 04 2008

The Honorable Thomas Davis, III
Ranking Republican Member
Oversight and Government Reform Committee
U.S. House of Representatives
B-350A Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Davis:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report for fiscal year 2007.

Please address any questions concerning the report to Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

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Mark V. Rosenker
Acting Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

SEP 04 2008

Office of the Chairman

The Honorable Henry A. Waxman
Chairman
Oversight and Government Reform Committee
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Waxman:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report for fiscal year 2007.

Please address any questions concerning the report to Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

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Mark V. Rosenker
Acting Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

SEP 04 2008

Office of the Chairman

The Honorable Richard B. Cheney
President
U.S. Senate
S212, The Capitol
Washington, D.C. 20510

Dear Mr. President:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report for fiscal year 2007.

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Sincerely,

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Mark V. Rosenker
Acting Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

SEP 04 2008

Office of the Chairman

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H232, The Capitol
Washington, D.C. 20515

Dear Madam Speaker:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report for fiscal year 2007.

Please address any questions concerning the report to Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

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Mark V. Rosenker
Acting Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

SEP 04 2008

Office of the Chairman

The Honorable Michael B. Mukasey
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear General Mukasey:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report for fiscal year 2007.

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Mark V. Rosenker
Acting Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

SEP 04 2008

Office of the Chairman

The Honorable Danny K. Davis
Chairman
Federal Workforce, Postal Service, and the
District of Columbia Subcommittee
Oversight and Government Reform Committee
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Davis:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report for fiscal year 2007.

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Sincerely,

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Mark V. Rosenker
Acting Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

SEP 04 2008

Office of the Chairman

The Honorable Kenny Merchant
Ranking Republican Member
Federal Workforce, Postal Service, and the
District of Columbia Subcommittee
Oversight and Government Reform Committee
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Merchant:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), requires each agency to file an annual report to Congress, the Equal Employment Opportunity Commission, and the Attorney General, addressing steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report for fiscal year 2007.

Please address any questions concerning the report to Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

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Mark V. Rosenker
Acting Chairman

Enclosure

NATIONAL TRANSPORTATION SAFETY BOARD



Fiscal Year 2007

Annual Report
on the

Notification and Federal Employee Antidiscrimination
And Retaliation Act of 2002
P.L. 107-174

Prepared by
Office of Equal Employment Opportunity

I. Introduction

Section 203 of the No FEAR Act requires Federal agencies to submit an annual report to the Speaker of the House of Representatives, the President *pro tempore* of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Attorney General, and the Equal Employment Opportunity Commission.¹ The National Transportation Safety Board (NTSB) submits this report to satisfy the No FEAR Act requirements.

II. Civil Cases Filed

Section 203(a)(1) of the No FEAR Act requires that agencies include in their annual report the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged; the status of disposition of these cases; and, the amount of money the agency was required to reimburse under section 201. There were two civil cases filed under these provisions of law during fiscal year (FY) 2007. The cases are ongoing and the agency has not been required to reimburse any money in connection with these cases.

III. Reimbursement to the Judgment Fund

On May 10, 2006, the Office of Personnel Management published final regulations in the Federal Register clarifying the agency reimbursement provisions of Title II of the No FEAR Act. These regulations, among other things, state that the Federal Management Service, U.S. Department of the Treasury (FMS) will provide notice to an agency's Chief Financial Officer within 15 business days after payment from the Judgment Fund. The agency is required to reimburse the Judgment Fund within 45 business days after receiving the notice from FMS or must contact FMS to make arrangements in writing for reimbursement. The NTSB has interpreted the reimbursement requirement as referring to the number of discrimination cases for which the Judgment Fund was charged on behalf of the agency. During the period October 1, 2003, through September 30, 2007, there were no Federal court discrimination cases that resulted in payments from the Judgment Fund on behalf of the NTSB.

IV. Disciplinary Actions

Section 203(a)(4) of the No FEAR Act requires that agencies include in the annual report "the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1)." Section 203(a)(1) requires that agencies report "the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged." As noted above, during the period October 1, 2003, through September 30, 2007, there were no Federal court discrimination cases that resulted in payments from the Judgment Fund. No agency employees have been disciplined for covered infractions during the period October 1, 2003, through September 30, 2007.

¹ OPM issued regulations on the reporting and best practices requirements of Title II of the No FEAR Act in December 2006.

V. Final Year-End Data Posted Under Section 301(c)(1)(B)

The final year-end data posted pursuant to Section 301(c)(1)(B) of the No FEAR Act is included in Appendix 1.

VI. Policy Description on Disciplinary Actions

Section 203(a)(6) of the No FEAR Act requires that an agency include in its' annual report a detailed description of the policy implemented by the agency relating to disciplinary actions imposed against a Federal employee who discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2), or committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2). Further, the Act requires that the Federal agency report on the number of employees who were disciplined in accordance with the policy and the specific nature of the disciplinary action taken.

The NTSB Table of Penalties provides that employees may be subject to disciplinary action up to and including removal for engaging in any prohibited personnel practice including discrimination because of race, age, sex, color, national origin, religion, disability or reprisal (see Appendix 2). In addition, there are two policy statements issued by the Chairman that reinforce NTSB's commitment to establish a workplace free from discrimination, harassment and retaliation. They are: "The Policy on Equal Employment Opportunity" (see Appendix 3), and the "NTSB Anti-Harassment Policy" (see Appendix 4). The NTSB Anti-Harassment Policy is a new policy that was issued by the Chairman on March 31, 2006. It emphasizes that employees who engage in behavior that violates the policy will be subject to appropriate disciplinary action. No employees have been disciplined for violating this policy.

VII. Analysis of Trends, Causal Analysis and Practical Knowledge Gained Through Experience

Section 203(a)(7) of the No FEAR Act requires that agencies undertake "an examination of trends, causal analysis, practical knowledge gained through experience and any actions planned or taken to improve complaint or civil rights programs of the agency."

Since the effective date of the No FEAR Act, no Federal court cases have been filed that resulted in judgments, awards and compromise settlements paid by the Judgment Fund on behalf of the NTSB.

During FY 2001-2007, the number of administrative Equal Employment Opportunity (EEO) complaints filed at the NTSB has decreased (see Appendix 1) by two. A review of this data reveals that the bases and issues raised in administrative EEO complaints has remained relatively constant during this time period. The EEO Office has performed an analysis of complaints and concluded that there are no themes or patterns evident that suggest that structural or institutional problems affect the number, issue, or basis of complaints filed at the NTSB. However, the NTSB recognizes that providing appropriate training to managers and supervisors is critical in resolving workplace conflicts before they become formal EEO complaints. In this regard, we conducted workshops (via the

EEOC technical assistance program) for managers/supervisors and employees during FY 2006 and FY 2007 that provided training on preventing and addressing workplace harassment.

VIII. Adjustment to Budget

Section 203(a)(8) of the No FEAR Act requires that agencies include in the Annual Report to Congress information about "any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201." Since there were no Federal court discrimination cases that resulted in payments from the Judgment Fund, the NTSB has not made any adjustments in its' budget to comply with section 203.

APPENDIX 1. NTSB EEO Complaint Data
December 31, 2007

Complaints Activity				2007	2006	2005	2004	2003	2002
Complaints carried over from previous fiscal year				3	7	9	9	5	2
Complaints filed in fiscal year				1	3	6	3	5	3
Complaints pending during fiscal year				2	10	15	12	10	5
Complainants				2007	2006	2005	2004	2003	2002
Number of complainants carried over from previous fiscal year				3	7	9	8	5	2
Complainants who filed in fiscal year				1	3	6	3	5	3
Complainants w/pending case in fiscal year				2	9	15	10	8	5
Complaints by Basis				2007	2006	2005	2004	2003	2002
Race				0	1	2	1	3	1
Color				0	0	0	0	0	0
Sex				1	0	3	1	3	2
Age				0	2	1	0	1	1
Religion				0	1	0	0	0	0
Reprisal				2	2	1	0	4	2
National Origin				0	2	0	0	0	0
Equal Pay Act				0	1	1	0	0	0
Disability				0	2	0	0	4	0
				0					
Complaints by Issues				2007	2006	2005	2004	2003	2002
Appointment/Hire				0	1	1	0	0	0
Assignment of Duties				0	1	2	0	0	1
Awards				0	0	2	0	4	1
Conversion to Full Time				0	0	0	0	0	0
Disciplinary Action - Demotion				0	0	0	0	0	0
Disciplinary Action - Reprimand				0	0	1	0	0	0
Disciplinary Action - Suspension				0	0	1	0	0	0
Disciplinary Action - Removal				0	1	0	0	0	0
Disciplinary Action - Other		(Letter of Warning)		0	1	0	0	0	0
Duty Hours				0	0	0	0	0	0
Evaluation/Appraisal				0	0	1	3	2	0
Harassment - Non-Sexual				0	1	1	1	2	0
Harassment - Sexual				0	0	0	0	0	0

Complaints by Issues				2007	2006	2005	2004	2003	2002
Medical Examination				0	0	0	0	1	0
Pay Including Overtime				0	1	1	0	1	0
Promotion/Non-Selection				2	2	4	0	4	2

Reassignment - Denied		0	0	0	0	0	0
Reassignment - Directed		0	0	0	0	0	2
Reasonable Accommodation		0	0	0	0	1	0
Reinstatement		0	0	0	0	0	0
Retirement		0	0	0	0	0	0
Termination		0	0	0	0	0	0
Terms/Conditions of Employment		0	1	1	1	5	1
Time and Attendance		0	0	3	0	1	2
Training		0	0	2	0	1	1
Other		0	0	0	0	0	0
Complaints Pending in Each FY		2007	2006	2005	2004	2003	2002
Investigation		1	2	3	1	1	3
Hearing		1	0	0	0	0	0
Final Agency Decision		0	2	2	1	0	0
Appeals		1	2	3	3	0	0
Investigations Completed		2007	2006	2005	2004	2003	2002
Complaints pending during fiscal year		1	9	15	8	8	8
investigations not timely completed		1	1	2	3	4	1
Complaints Dismissed		2007	2006	2005	2004	2003	2002
Number of complaints dismissed		1	2	2	0	0	0
Final Agency Action With Hearing		2007	2006	2005	2004	2003	2002
Finding Discrimination by:							
Basis	Reprisal	0	0	0	0	0	0
Issue	Assignment of duties	0	0	0	0	0	0
Final Agency Action Without Hearing		2007	2006	2005	2004	2003	2002
Finding Discrimination by:							
Basis		0	0	0	0	0	0
Issue		0	0	0	0	0	0
Average Processing Time		2007	2006	2005	2004	2003	2002
Investigations		0	174.00	230.00	313.00	122.00	171.00
Final agency decisions without a hearing		0	317.50	497.00	819.00	0	0
Final agency decisions with a hearing		3284	787.00	208.00	581.00	860.00	0

No FEAR Act Written Training Plan

Submitted by the National Transportation Safety Board (NTSB)

March 07, 2007

On July 20, 2006, the Office of Personnel Management (OPM) published its final rule implementing the training requirements of the Notification and Federal Employee Anti-discrimination and Retaliation Act ("No FEAR Act").

The final rule requires each agency to develop a written plan for training all of its employees, including supervisors and managers. The plan must describe:

- The instructional materials and method of the training
- The training schedule, and
- The means of documenting completion of training

On December 28, 2006, the Office of Personnel Management issued the final rule regarding "Implementation of Title II of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002—Reporting & Best Practices." Among other things, this final rule requires each agency to provide annual reports on a number of items relating to the agency's implementation of the No FEAR Act, including the agency's written training plan.

This document constitutes the Board's No FEAR Act Written Training Plan.

I. The instructional materials and method of the training

The final rule *requires* Federal agencies to train all employees on their rights and remedies under the Federal anti-discrimination and whistleblower protection laws. Agencies must have trained all current employees by December 17, 2006, and all new employees within 90 days of hire. Agencies must provide refresher training to all employees every two years.

With these requirements in mind, the NTSB contracted with Brightline Compliance, LLC, to provide instruction to employees through Brightline's interactive online *No FEAR Act* training course.

As required by the No FEAR Act and the OPM final rule, Brightline's online course, *No FEAR Act*, teaches Federal employees about their rights and remedies available under the antidiscrimination, retaliation, and whistleblower protection laws. The course:

- Provides instruction on all topics required by the No FEAR Act and the OPM final rule
- Provides supervisors additional instruction on their special responsibilities

- Allows users to interact with a series of audio-visual scenarios so that they are continually engaged in the learning process

II. The training schedule

In October 2006 we provided training through the Federal Personal Management Institute (FPMI) online course with the requirement that all employees complete their initial No FEAR Act training by December 17, 2006. For employees hired during the remainder of FY 2006/07 and beyond, we ensured that these new employees complete the Brightline on-line training on March 26, 2007 and/or within 90 days from their starting dates. To accomplish this we also contracted with Brightline Compliance.

III. The means of documenting completion of training

We are able to track employees' completion of the online training course through Brightline's learning management system, *BrightlineLMS*. *BrightlineLMS* automatically creates a record of who has completed the course.

APPENDIX 2. Operations Bulletin HR-ELR-002
NTSB Table of Penalties

NATURE OF OFFENSE	EXPLANATION	PENALTY		
		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
1. Unexcused or unauthorized absence of less than 8 hours	Unauthorized absence of less than 8 hours, tardiness, leaving the job without permission	Counseling to reprimand	Reprimand to 5-day suspension	5-day suspension to removal
2. Unexcused or unauthorized absence of between 1 and 5 consecutive workdays	Unauthorized absence of 8 to 40 hours	Reprimand to 5-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal
3. Excessive unauthorized absence	Unauthorized absence of more than 5 consecutive workdays	5-day suspension to removal	15-day suspension to removal	30-day suspension to removal
4. Loafing, wasting time, sleeping on the job, or inattention to duty	Potential danger to safety of persons and/or actual damage to property is a primary consideration in determining severity of penalty	Counseling to reprimand	Reprimand to 5-day suspension	5-day suspension to removal
5. Careless workmanship or negligence resulting in spoilage or waste of materials or delay in working production		Reprimand to 5-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal
6. Failure or delay in carrying out orders, work assignments, or instructions of superiors		Reprimand to 5-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal
7. Disobedience to constituted authorities, or refusal to carry out a proper order from any supervisor or other official having responsibility for the work of the employee; insubordination.		Counseling to reprimand	Reprimand to 14-day suspension	15-day suspension to removal
8. Unauthorized possession or use or loss of or damage to Government property or the property of others	(Note: 31 USC, Section 638a(c)(2) provides a minimum 30-day suspension for employees who willfully use or authorize the use of any Government-owned or leased motor vehicle or aircraft for other than official purpose.)	Reprimand to removal	5-day suspension to removal	15-day suspension to removal
9. Failure to honor just debts without good cause	A just financial obligation is one acknowledged by the employee to be valid or reduced to judgment by a court	Counseling to reprimand	Reprimand to 14-day suspension	15-day suspension to removal
10. Gambling or unlawful betting on Government		Reprimand to 5-day suspension	5-day suspension to	15-day suspension to

premises			14-day suspension	removal
11. Promotion of gambling on Government premises		Reprimand to removal	15-day suspension to removal	Removal
12. Malicious damage to Government property or the property of others		Reprimand to removal	15-day suspension to removal	Removal
13. Endangering the safety of or causing injury to personnel through carelessness or failure to follow instructions		Reprimand to removal	15-day suspension to removal	Removal
14. Unauthorized removal of, possession of, or theft of Government property or the property of others		Reprimand to removal	15-day suspension to removal	Removal
15. Conversion of Government funds to personal use	Includes travel advances, imprest funds, or amounts received as collections	Reprimand to removal	15-day suspension to removal	Removal
16. Disorderly conduct, fighting, threatening, or attempting to inflict bodily injury to another, engaging in dangerous horseplay		Reprimand to removal	15-day suspension to removal	Removal
17. Disrespectful conduct; use of insulting, abusive, or obscene language to or about others		Reprimand to removal	15-day suspension to removal	Removal
18. Reporting for duty or being on duty under the influence of intoxicants or other drugs; unauthorized possession of toxicants or drugs on Government premises		Reprimand to removal	15-day suspension to removal	30-day suspension to removal
20. Criminal, dishonest, infamous, or notoriously disgraceful conduct		Reprimand to removal	15-day suspension to removal	Removal
21. Falsification, misrepresentation, misstatement, exaggeration or concealment of material fact in connection with employment, promotion, travel voucher (or any other Government record), investigation or other proper proceeding		Reprimand to removal	15-day suspension to removal	Removal
22. Engaging in any prohibited personnel practice, including discrimination against an employee or applicant because of race, age, sex, color, national origin, religion, disability, or any reprisal action taken against an employee for		Reprimand to removal	15-day suspension to removal	Removal

filing a discrimination complaint				
23. Use of identification to coerce, intimidate or deceive (includes credentials, ID card, badges)		Reprimand to removal	15-day suspension to removal	Removal
24. Employment outside of NTSB without permission		Reprimand to 5-day suspension	5-day to 14-day suspension	15-day suspension to removal
25. Improper operation of an official Government vehicle	This includes violating traffic regulations, reckless driving, etc.	Reprimand to 5-day suspension	5-day to 14-day suspension	15-day suspension to removal
26. Having a financial interest which is in conflict with employee's duties or responsibilities	Holding proprietorship, job or other direct or indirect interest which could be enhanced by your position	Reprimand to removal	15-day suspension to removal	Removal
NOTE: Consideration may be given to change in assigned duties or divestments of conflicting interest.				
27. Unauthorized use or possession of narcotics, dangerous drugs, or marijuana		Reprimand to removal	15-day suspension to removal	Removal
28. Misuse of Government property or the property of others		Reprimand to removal	5-day suspension to removal	15-day suspension to removal
29. Operating an official Government vehicle while under the influence of intoxicants		Reprimand to removal	15-day suspension to removal	30-day suspension to removal
30. Deliberate mutilation, removal or falsification of any record		Reprimand to removal	15-day suspension to removal	30-day suspension to removal
31. Conduct prejudicial to the NTSB/Government		Reprimand to removal	15-day suspension to removal	30-day suspension to removal

APPENDIX 3. Copy of the Policy on Equal Employment Opportunity



National Transportation Safety Board
Washington, D.C. 20594

Date: April 9, 2003

From: Ellen Engleman
Chairman *EE*
~~National Transportation Safety Board~~

Subject: Policy on Equal Employment Opportunity

To: All NTSB Supervisors and Managers

The National Transportation Safety Board (NTSB) creates and maintains a work environment to maximize the potential of all employees. At the Board, we encourage trust, respect, and open communication that will foster and promote a positive and productive work environment. Our goal is to build a highly-skilled, diverse work force that is committed to enhancing the safety of the Nation's transportation systems. I want to lead a team of dedicated professionals who are trained and ready for the duties outlined in their official position descriptions. This means that all supervisors and managers must ensure that our employees obtain and maintain the required skills needed to accomplish our critical mission. We must coach, counsel and mentor our employees to enable them to develop and achieve their full potential.

We must and will work together to support one another in the accomplishment of our safety mission. Every personnel action should be based upon merit without bias or prejudice. We will make every effort to ensure that all employment decisions and personnel actions—including recruitment, selection, training, promotion, transfer and benefits—are administered in conformance with Federal statutes and regulations governing equal employment and personnel management. If we are to uphold our reputation for excellence, each and every employee must work together to make the NTSB the employer of choice.

It is incumbent upon supervisors, managers and human resources personnel to play an active role in the implementation and success of employment initiatives and to creatively

identify and develop individuals to their fullest potential. Our recruitment and selection process must be fair, even as we strive to develop our workforce to reflect our Nation's diversity. We will encourage and support consideration for the selection of those women, minorities and individuals with disabilities whose qualifications meet our mission needs, and we will expand our recruitment sources, as appropriate, to ensure that we attract and retain the highest quality of candidates available.

I fully support our EEO program and expect that everyone at NTSB will contribute to its success. Your personal involvement, commitment and support will contribute to the recruitment, retention and full utilization of our most precious resources--our employees.

APPENDIX 4. Copy of the NTSB Anti-Harassment Policy



National Transportation
Safety Board

Memorandum

Date: AUG 11 2008
To: All NTSB Employees
From: Acting Chairman
Subject: NTSB Anti-Harassment Policy

It is the policy of the National Transportation Safety Board to maintain a work environment that is free from harassment based on race, color, religion, sex (whether or not of a sexual nature), national origin, age, disability (mental or physical), and from retaliatory harassment based on opposition to discrimination or participation in the discrimination complaint process.

Definitions

Harassment based on race, color, national origin, sex (including sexual harassment), age, disability, or retaliation is conduct that demonstrates hostility toward another person (or identifiable groups of persons) that has the purpose or effect of:

- Creating an intimidating or hostile work environment,
- Unreasonably interfering with an employee's work environment, or
- Unreasonably affecting an employee's work or advancement opportunities.

Sexual harassment is unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- Submission to, or rejection of, such conduct by an employee is used as the basis for, or a factor in, decisions affecting that employee's employment, or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work environment or creating an intimidating, offensive, or hostile environment.

Harassment includes, but is not limited to, displaying or circulating written or electronic materials or pictures degrading to either gender or to racial, ethnic, or religious groups, and verbal abuse or insults directed at or made in the presence of members of a racial, ethnic, or minority group.

To determine whether or not a particular act or course of conduct constitutes harassment under this policy, the alleged behavior will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of harassment, a serious incident, even if isolated, can be sufficient.

Responsibilities

Each Board employee shall be responsible for:

- Acting responsibly and refraining from harassing conduct;
- Becoming familiar with the provisions of this policy, complying with all requirements of the policy, and cooperating with any inquiry under this policy; and
- Promptly reporting any incident of harassing conduct that he or she experiences before it becomes a pattern of misconduct so pervasive and offensive as to constitute a hostile environment. Any person who believes that he or she has been the victim of an incident of harassing conduct in violation of this policy should report the incident to: (1) any person in his/her supervisory chain; (2) the Board's Equal Employment Office (EEO) Director; or (3) the Human Resources Division Employee Relations Specialist.

The Board will conduct a prompt, thorough, and impartial investigation into claims of harassment regardless of whether an EEO complaint is filed under 29 *Code of Federal Regulations* Part 1614. If an investigation establishes that an employee did engage in harassing conduct under this policy, he or she shall be subject to appropriate corrective action, disciplinary or otherwise, in accordance with Chapter 75 of the Civil Service Reform Act, up to and including removal.

Cancellation

Policy on Prevention of Sexual Harassment dated May 11, 2001, is cancelled upon issuance of this policy.



Mark V. Rosenker

6212



National Transportation Safety Board

Washington, D.C. 20594

AUG 15 2007

Office of the Chairman

Honorable Naomi C. Earp
Chair
U.S. Equal Employment Opportunity Commission
1801 L Street, NW
Washington, D.C. 20507

✓

Dear Madam Chair:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), requires each Federal agency to file an annual report with designated congressional offices and committees, the Equal Employment Opportunity Commission, and the Attorney General, addressing several steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report.

Please address any questions concerning the report to Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker".

Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 15 2007

✓
Honorable Susan M. Collins
Ranking Republican Member
Homeland Security and Governmental Affairs Committee
U.S. Senate
344 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Collins:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), requires each Federal agency to file an annual report with designated congressional offices and committees, the Equal Employment Opportunity Commission, and the Attorney General, addressing several steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report.

Please address any questions concerning the report to Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over the typed name.

Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 15 2007

Honorable Joseph I. Lieberman
Chairman
Homeland Security and Governmental Affairs Committee
U.S. Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Lieberman:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), requires each Federal agency to file an annual report with designated congressional offices and committees, the Equal Employment Opportunity Commission, and the Attorney General, addressing several steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report.

Please address any questions concerning the report to Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman

Enclosure





National Transportation Safety Board

Washington, D.C. 20594

AUG 15 2007

Office of the Chairman

Honorable Tom Davis, *TH*
Ranking Republican Member
Oversight and Government Reform Committee
U.S. House of Representatives
B-350A Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Davis:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), requires each Federal agency to file an annual report with designated congressional offices and committees, the Equal Employment Opportunity Commission, and the Attorney General, addressing several steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report.

Please address any questions concerning the report to Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker".

Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 15 2007

✓
Honorable Henry A. Waxman
Chairman
Oversight and Government Reform Committee
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Waxman:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), requires each Federal agency to file an annual report with designated congressional offices and committees, the Equal Employment Opportunity Commission, and the Attorney General, addressing several steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report.

Please address any questions concerning the report to Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 15 2007

Honorable Richard B. Cheney
President of the Senate
U.S. Senate
S212, The Capitol
Washington, D.C. 20510

Dear Mr. President:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), requires each Federal agency to file an annual report with designated congressional offices and committees, the Equal Employment Opportunity Commission, and the Attorney General, addressing several steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report.

Please address any questions concerning the report to Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 15 2007

Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H232, The Capitol
Washington, D.C. 20515

Dear Madam Speaker:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), requires each Federal agency to file an annual report with designated congressional offices and committees, the Equal Employment Opportunity Commission, and the Attorney General, addressing several steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report.

Please address any questions concerning the report to Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman

Enclosure





National Transportation Safety Board

Washington, D.C. 20594

AUG 15 2007

Office of the Chairman

M Honorable Alberto R. Gonzales *Michael P. Mulcahy*
~~The~~ Attorney General
U.S. Department of Justice
Robert F. Kennedy Building
~~Tenth Street and Constitution Avenue, NW~~ 950 PA Ave. NW
~~Room 5137~~
Washington, D.C. 20530

Dear General Gonzales:

Section 203 of Public Law 107-174, the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), requires each Federal agency to file an annual report with designated congressional offices and committees, the Equal Employment Opportunity Commission, and the Attorney General, addressing several steps to make Federal agencies more accountable for prohibited personnel practices. Enclosed is a copy of the National Transportation Safety Board's annual report.

Please address any questions concerning the report to Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

Mark V. Rosenker
Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 15 2007

Kenny Merchant Ranking
✓

Honorable Danny K. Davis
Chairman
Federal Workforce, Postal Service, and the
District of Columbia Subcommittee
Oversight and Government Reform Committee
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Davis:

Thank you for your letter of July 5, 2007, regarding the National Transportation Safety Board's submission of its annual report mandated under the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act), which is due to Congress August 15, 2007.

Enclosed please find a copy of the letters sent to the required Federal designees along with a copy of the Safety Board's report for your information. If you have any additional questions or concerns, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

Mark V. Rosenker
Chairman

Enclosures



HENRY A. WAXMAN, CALIFORNIA,
CHAIRMAN

TOM LANTOS, CALIFORNIA
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
CAROLYN B. MALONEY, NEW YORK
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ONE HUNDRED TENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
FACSIMILE (202) 225-4784
MINORITY (202) 225-5074
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July 5, 2007

11/11/10 3080
TOM DAVIS, VIRGINIA,
RANKING MINORITY MEMBER

DAN BURTON, INDIANA
CHRISTOPHER SHAYS, CONNECTICUT
JOHN M. McHUGH, NEW YORK
JOHN L. MICA, FLORIDA
MARK E. SOUDER, INDIANA
TODD RUSSELL PLATT, PENNSYLVANIA
CHRIS CANNON, UTAH
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KENNY MARCHANT, TEXAS
LYNN A. WESTMORELAND, GEORGIA
PATRICK T. McHENRY, NORTH CAROLINA
VIRGINIA FOXX, NORTH CAROLINA
BRIAN P. BILBRAY, CALIFORNIA
BILL SALI, IDAHO

The Honorable Mark V. Rosenker
Chairman
National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594

Dear Mr. Rosenker:

The Subcommittee on the Federal Workforce, Postal Service, and the District of Columbia has not received a copy of your annual report mandated under the Notification and Federal Employee Antidiscrimination and Retaliation Act, (No FEAR Act), P.L. 107-174.

The No FEAR Act seeks to make federal agencies more accountable for prohibited personnel practices. According to Section 203, of the No FEAR Act, each agency is required to file an annual report with designated congressional officers and committees, the EEOC, and the Attorney General, not later than 180 days after the end of each fiscal year.

Each report must include: the number and status of cases filed against them by employees under federal antidiscrimination and whistleblower protection laws, the amount of money required to be reimbursed in connection with each case, the agency policy relating to disciplinary actions against employees who discriminate or commit other prohibited personnel practices, the number of employees disciplined and year-end statistical data on the number and type of all complaints filed, the processing time for complaints, the number and type of final agency action involving a finding of discrimination.

Please send a copy of your agency's 2006 No FEAR Act report to the Subcommittee by August 15, 2007. If you have questions regarding this matter, you may contact Ashley Buxton on (202) 225-5147.

Sincerely,



Danny K. Davis
Chairman

Subcommittee on Federal Workforce,
Postal Service, and the District of Columbia

To Frank Guest

NATIONAL TRANSPORTATION SAFETY BOARD



Fiscal Year 2006

Annual Report
on the

Notification and Federal Employee Antidiscrimination
And Retaliation Act of 2002
P.L. 107-174

Prepared by
Office of Equal Employment Opportunity

I. Introduction

Section 203 of the No FEAR Act requires Federal agencies to submit an annual report to the Speaker of the House of Representatives, the President *pro tempore* of the Senate, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, each committee of Congress with jurisdiction relating to the agency, the Attorney General, and the Equal Employment Opportunity Commission.¹ The National Transportation Safety Board (NTSB) submits this report to satisfy the No FEAR Act requirements.

II. Civil Cases Filed

Section 203(a)(1) of the No FEAR Act requires that agencies include in their annual report the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged; the status of disposition of these cases; and, the amount of money the agency was required to reimburse under section 201. There were three civil cases filed under these provisions of law during Fiscal Year (FY) 2006. The cases are ongoing and the agency has not been required to reimburse any money in connection with these cases.

III. Reimbursement to the Judgment Fund

On May 10, 2006, the Office of Personnel Management published final regulations in the Federal Register clarifying the agency reimbursement provisions of Title II of the No FEAR Act. These regulations, among other things, state that the Federal Management Service, U.S. Department of the Treasury (FMS) will provide notice to an agency's Chief Financial Officer within 15 business days after payment from the Judgment Fund. The agency is required to reimburse the Judgment Fund within 45 business days after receiving the notice from FMS or must contact FMS to make arrangements in writing for reimbursement. The NTSB has interpreted the reimbursement requirement as referring to the number of discrimination cases for which the Judgment Fund was charged on behalf of the agency. During the period October 1, 2000, through September 30, 2006, there were no Federal court discrimination cases that resulted in payments from the Judgment Fund on behalf of the NTSB.

IV. Disciplinary Actions

Section 203(a)(4) of the No FEAR Act requires that agencies include in the annual report "the number of employees disciplined for discrimination, retaliation, harassment, or any other infraction of any provision of law referred to in paragraph (1)." Section 203(a)(1) requires that agencies report "the number of cases arising under each of the respective provisions of law covered by paragraphs (1) and (2) of section 201(a) in which discrimination on the part of such agency was alleged." As noted above, during the period October 1, 2000, through September 30, 2006, there were no Federal court discrimination cases that resulted in payments from the Judgment Fund. No agency employees have been disciplined for covered infractions during the period October 1, 2000, through September 30, 2006.

¹ OPM issued regulations on the reporting and best practices requirements of Title II of the No FEAR Act in December 2006.

V. Final Year-End Data Posted Under Section 301(c)(1)(B)

The final year-end data posted pursuant to Section 301(c)(1)(B) of the No FEAR Act is included in Appendix 1.

VI. Policy Description on Disciplinary Actions

Section 203(a)(6) of the No FEAR Act requires that an agency include in its' annual report a detailed description of the policy implemented by the agency relating to disciplinary actions imposed against a Federal employee who discriminated against any individual in violation of any of the laws cited under section 201(a)(1) or (2), or committed another prohibited personnel practice that was revealed in the investigation of a complaint alleging a violation of any of the laws cited under section 201(a)(1) or (2). Further, the Act requires that the Federal agency report on the number of employees who were disciplined in accordance with the policy and the specific nature of the disciplinary action taken.

The NTSB Table of Penalties provides that employees may be subject to disciplinary action up to and including removal for engaging in any prohibited personnel practice including discrimination because of race, age, sex, color, national origin, religion, disability or reprisal (see Appendix 2). In addition, there are two policy statements issued by the Chairman that reinforce NTSB's commitment to establish a workplace free from discrimination, harassment and retaliation. They are: "The Policy on Equal Employment Opportunity" (see Appendix 3), and the "NTSB Anti-Harassment Policy" (see Appendix 4). The NTSB Anti-Harassment Policy is a new policy that was issued by the Chairman on March 31, 2006. It emphasizes that employees who engage in behavior that violates the policy will be subject to appropriate disciplinary action. No employees have been disciplined for violating this policy.

VII. Analysis of Trends, Causal Analysis and Practical Knowledge Gained Through Experience

Section 203(a)(7) of the No FEAR Act requires that agencies undertake "an examination of trends, causal analysis, practical knowledge gained through experience and any actions planned or taken to improve complaint or civil rights programs of the agency."

Since the effective date of the No FEAR Act, no Federal court cases have been filed that resulted in judgments, awards and compromise settlements paid by the Judgment Fund on behalf of the NTSB.

During FY 2001-2006, the number of administrative Equal Employment Opportunity (EEO) complaints filed at the NTSB has remained relatively constant (see Appendix 1). A review of this data reveals that the bases and issues raised in administrative EEO complaints has also remained relatively constant during this time period. The EEO Office has performed an analysis of complaints and concluded that there are no themes or patterns evident that suggest that structural or institutional problems affect the number, issue, or basis of complaints filed at the NTSB. However, the NTSB recognizes that providing appropriate training to managers and supervisors is critical in resolving workplace conflicts before they become formal EEO complaints. In this regard, we

conducted workshops for managers and supervisors during FY 2006 and FY 2007 that provided training on preventing and addressing workplace harassment.

VIII. Adjustment to Budget

Section 203(a)(8) of the No FEAR Act requires that agencies include in the Annual Report to Congress information about "any adjustment (to the extent the adjustment can be ascertained in the budget of the agency) to comply with the requirements under section 201." Since there were no Federal court discrimination cases that resulted in payments from the Judgment Fund, the NTSB has not made any adjustments in its' budget to comply with section 203.

APPENDIX 1

National Transportation Safety Board No FEAR Act EEO Complaint Data December 31, 2006

Complaints Activity					2006	2005	2004	2003	2002
Complaints carried over from previous fiscal year					7	9	9	5	2
Complaints filed in fiscal year					3	6	3	5	3
Complaints pending during fiscal year					10	15	12	10	5
Complainants					2006	2005	2004	2003	2002
Number of complainants carried over from previous fiscal year					7	9	8	5	2
Complainants who filed in fiscal year					3	6	3	5	3
Complainants w/pending case in fiscal year					9	15	10	8	5
Complaints by Basis					2006	2005	2004	2003	2002
Race					1	2	1	3	1
Color					0	0	0	0	0
Sex					0	3	1	3	2
Age					2	1	0	1	1
Religion					1	0	0	0	0
Reprisal					2	1	0	4	2
National Origin					2	0	0	0	0
Equal Pay Act					1	1	0	0	0
Disability					2	0	0	4	0
Complaints by Issues					2006	2005	2004	2003	2002
Appointment/Hire					1	1	0	0	0
Assignment of Duties					1	2	0	0	1
Awards					0	2	0	4	1
Conversion to Full Time					0	0	0	0	0
Disciplinary Action - Demotion					0	0	0	0	0
Disciplinary Action - Reprimand					0	1	0	0	0
Disciplinary Action - Suspension					0	1	0	0	0
Disciplinary Action - Removal					1	0	0	0	0

Disciplinary Action - Other	(Letter of Warning)			1	0	0	0	0
Duty Hours				0	0	0	0	0
Evaluation/Appraisal				0	1	3	2	0
Harassment - Non-Sexual				1	1	1	2	0
Harassment - Sexual				0	0	0	0	0

Complaints by Issues				2006	2005	2004	2003	2002
Medical Examination				0	0	0	1	0
Pay Including Overtime				1	1	0	1	0
Promotion/Non-Selection				2	4	0	4	2
Reassignment - Denied				0	0	0	0	0
Reassignment - Directed				0	0	0	0	2
Reasonable Accommodation				0	0	0	1	0
Reinstatement				0	0	0	0	0
Retirement				0	0	0	0	0
Termination				0	0	0	0	0
Terms/Conditions of Employment				1	1	1	5	1
Time and Attendance				0	3	0	1	2
Training				0	2	0	1	1
Other				0	0	0	0	0
Complaints Pending in Each FY				2006	2005	2004	2003	2002
Investigation				2	3	1	1	3
Hearing				0	0	0	0	0
Final Agency Decision				2	2	1	0	0
Appeals				2	3	3	0	0
Investigations Completed				2006	2005	2004	2003	2002
Complaints pending during fiscal year				9	15	8	8	8
investigations not timely completed				1	2	3	4	1
Complaints Dismissed				2006	2005	2004	2003	2002
Number of complaints dismissed				2	2	0	0	0
Final Agency Action With Hearing				2006	2005	2004	2003	2002
Finding Discrimination by:								
Basis	Reprisal			0	0	0	0	0
Issue	Assignment of duties			0	0	0	0	0
Final Agency Action Without Hearing				2006	2005	2004	2003	2002
Finding Discrimination by:								
Basis				0	0	0	0	0
Issue				0	0	0	0	0

Average Processing Time				2006	2005	2004	2003	2002
Investigations				174.00	230.00	313.00	122.00	171.00
Final agency decisions without a hearing				317.50	497.00	819.00	0	0
Final agency decisions with a hearing				787.00	208.00	581.00	860.00	0

Appendix 2. Operations Bulletin HR-ELR-002
NTSB Table of Penalties

NATURE OF OFFENSE	EXPLANATION	PENALTY		
		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
1. Unexcused or unauthorized absence of less than 8 hours	Unauthorized absence of less than 8 hours, tardiness, leaving the job without permission	Counseling to reprimand	Reprimand to 5-day suspension	5-day suspension to removal
2. Unexcused or unauthorized absence of between 1 and 5 consecutive workdays	Unauthorized absence of 8 to 40 hours	Reprimand to 5-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal
3. Excessive unauthorized absence	Unauthorized absence of more than 5 consecutive workdays	5-day suspension to removal	15-day suspension to removal	30-day suspension to removal
4. Loafing, wasting time, sleeping on the job, or inattention to duty	Potential danger to safety of persons and/or actual damage to property is a primary consideration in determining severity of penalty	Counseling to reprimand	Reprimand to 5-day suspension	5-day suspension to removal
5. Careless workmanship or negligence resulting in spoilage or waste of materials or delay in working production		Reprimand to 5-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal
6. Failure or delay in carrying out orders, work assignments, or instructions of superiors		Reprimand to 5-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal
7. Disobedience to constituted authorities, or refusal to carry out a proper order from any supervisor or other official having responsibility for the work of the employee; insubordination.		Counseling to reprimand	Reprimand to 14-day suspension	15-day suspension to removal

NATURE OF OFFENSE	EXPLANATION	PENALTY		
		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
8. Unauthorized possession or use or loss of or damage to Government property or the property of others	(Note: 31 USC, Section 638a(c)(2) provides a minimum 30-day suspension for employees who willfully use or authorize the use of any Government-owned or leased motor vehicle or aircraft for other than official purpose.)	Reprimand to removal	5-day suspension to removal	15-day suspension to removal
9. Failure to honor just debts without good cause	A just financial obligation is one acknowledged by the employee to be valid or reduced to judgment by a court	Counseling to reprimand	Reprimand to 14-day suspension	15-day suspension to removal
10. Gambling or unlawful betting on Government premises		Reprimand to 5-day suspension	5-day suspension to 14-day suspension	15-day suspension to removal
11. Promotion of gambling on Government premises		Reprimand to removal	15-day suspension to removal	Removal
12. Malicious damage to Government property or the property of others		Reprimand to removal	15-day suspension to removal	Removal
13. Endangering the safety of or causing injury to personnel through carelessness or failure to follow instructions		Reprimand to removal	15-day suspension to removal	Removal
14. Unauthorized removal of, possession of, or theft of Government property or the property of others		Reprimand to removal	15-day suspension to removal	Removal
15. Conversion of Government funds to personal use	Includes travel advances, imprest funds, or amounts received as collections	Reprimand to removal	15-day suspension to removal	Removal
16. Disorderly conduct, fighting, threatening, or attempting to inflict bodily injury to another, engaging in dangerous horseplay		Reprimand to removal	15-day suspension to removal	Removal

NATURE OF OFFENSE	EXPLANATION	PENALTY		
		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
17. Disrespectful conduct; use of insulting, abusive, or obscene language to or about others		Reprimand to removal	15-day suspension to removal	Removal
18. Reporting for duty or being on duty under the influence of intoxicants or other drugs; unauthorized possession of toxicants or drugs on Government premises		Reprimand to removal	15-day suspension to removal	30-day suspension to removal
20. Criminal, dishonest, infamous, or notoriously disgraceful conduct		Reprimand to removal	15-day suspension to removal	Removal
21. Falsification, misrepresentation, misstatement, exaggeration or concealment of material fact in connection with employment, promotion, travel voucher (or any other Government record), investigation or other proper proceeding		Reprimand to removal	15-day suspension to removal	Removal
22. Engaging in any prohibited personnel practice, including discrimination against an employee or applicant because of race, age, sex, color, national origin, religion, disability, or any reprisal action taken against an employee for filing a discrimination complaint		Reprimand to removal	15-day suspension to removal	Removal
23. Use of identification to coerce, intimidate or deceive (includes credentials, ID card, badges)		Reprimand to removal	15-day suspension to removal	Removal
24. Employment outside of NTSB without permission		Reprimand to 5-day suspension	5-day to 14-day suspension	15-day suspension to removal
25. Improper operation of an official Government vehicle	This includes violating traffic regulations, reckless driving, etc.	Reprimand to 5-day suspension	5-day to 14-day suspension	15-day suspension to removal

NATURE OF OFFENSE	EXPLANATION	PENALTY		
		FIRST OFFENSE	SECOND OFFENSE	THIRD OFFENSE
26. Having a financial interest which is in conflict with employee's duties or responsibilities	Holding proprietorship, job or other direct or indirect interest which could be enhanced by your position	Reprimand to removal	15-day suspension to removal	Re moval
NOTE: Consideration may be given to change in assigned duties or divestments of conflicting interest.				
27. Unauthorized use or possession of narcotics, dangerous drugs, or marijuana		Reprimand to removal	15-day suspension to removal	Removal
28. Misuse of Government property or the property of others		Reprimand to removal	5-day suspension to removal	15-day suspension to removal
29. Operating an official Government vehicle while under the influence of intoxicants		Reprimand to removal	15-day suspension to removal	30-day suspension to removal
30. Deliberate mutilation, removal or falsification of any record		Reprimand to removal	15-day suspension to removal	30-day suspension to removal
31. Conduct prejudicial to the NTSB/Government		Reprimand to removal	15-day suspension to removal	30-day suspension to removal

Copy of The Policy on Equal Employment Opportunity- Appendix 3



National Transportation Safety Board
Washington, D.C. 20594

Date: April 9, 2003

From: Ellen Engleman
Chairman

A handwritten signature in dark ink, appearing to read "Ellen", is written over the printed name "Ellen Engleman".

National Transportation Safety Board

Subject: Policy on Equal Employment Opportunity

To: All NTSB Supervisors and Managers

The National Transportation Safety Board (NTSB) creates and maintains a work environment to maximize the potential of all employees. At the Board, we encourage trust, respect, and open communication that will foster and promote a positive and productive work environment. Our goal is to build a highly-skilled, diverse work force that is committed to enhancing the safety of the Nation's transportation systems. I want to lead a team of dedicated professionals who are trained and ready for the duties outlined in their official position descriptions. This means that all supervisors and managers must ensure that our employees obtain and maintain the required skills needed to accomplish our critical mission. We must coach, counsel and mentor our employees to enable them to develop and achieve their full potential.

We must and will work together to support one another in the accomplishment of our safety mission. Every personnel action should be based upon merit without bias or prejudice. We will make every effort to ensure that all employment decisions and personnel actions—including recruitment, selection, training, promotion, transfer and benefits—are administered in conformance with Federal statutes and regulations governing equal employment and personnel management. If we are to uphold our reputation for excellence, each and every employee must work together to make the NTSB the employer of choice.

It is incumbent upon supervisors, managers and human resources personnel to play an active role in the implementation and success of employment initiatives and to creatively

identify and develop individuals to their fullest potential. Our recruitment and selection process must be fair, even as we strive to develop our workforce to reflect our Nation's diversity. We will encourage and support consideration for the selection of those women, minorities and individuals with disabilities whose qualifications meet our mission needs, and we will expand our recruitment sources, as appropriate, to ensure that we attract and retain the highest quality of candidates available.

I fully support our EEO program and expect that everyone at NTSB will contribute to its success. Your personal involvement, commitment and support will contribute to the recruitment, retention and full utilization of our most precious resources--our employees.

Copy of the NTSB Anti -Harassment Policy-Appendix 4



National Transportation Safety Board Washington, D.C. 20594

Date: March 31, 2006
From: Mark Rosenker
Acting Chairman
Subject: NTSB Anti-Harassment Policy
To: All employees

It is the policy of the National Transportation Safety Board to maintain a work environment that is free from harassment based on race, color, religion, sex (whether or not of a sexual nature), national origin, age (40 and over), disability (mental or physical), and from retaliatory harassment based on opposition to discrimination or participation in the discrimination complaint process.

Definitions:

Harassment based on race, color, national origin, sex (including sexual harassment), age, disability, or retaliation, is conduct that demonstrates hostility toward another person (or identifiable groups of persons) that has the purpose or effect of:

- creating an intimidating or hostile work environment; unreasonably interfering with an employee's work environment; or
- unreasonably affecting an employee's work or advancement opportunities.

Sexual harassment is unwelcome sexual advances; requests for sexual favors; or other verbal, or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

- submission to, or rejection of, such conduct by an employee is used as the basis for, or a factor in, decisions affecting that employee's employment; or
- such conduct has the purpose or effect of unreasonably interfering with an employee's or creating an intimidating, offensive, or hostile environment.

Harassment includes but is not limited to displaying or circulating written or electronic materials or pictures degrading to either gender or to racial, ethnic, or religious groups; and verbal abuse or insults directed at or made in the presence of members of a racial, ethnic, or minority group.

To determine whether or not a particular act or course of conduct constitutes harassment under this policy, the alleged behavior will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of harassment, a serious incident, even if isolated, can be sufficient.

Responsibilities:

Each Board employee shall be responsible for:

- Acting responsibly and refraining from harassing conduct;
- Becoming familiar with the provisions of this Policy, complying with all requirements of the Policy, and cooperating with any inquiry under this Policy; and
- Promptly reporting any incident of harassing conduct that he or she experiences before it becomes a pattern of misconduct so pervasive and offensive as to constitute a hostile environment. Any person who believes that s/he has been the victim of an incident of harassing conduct in violation of this policy should report the incident to: (1) anyone in his/her supervisory chain; (2) the Board's EEO Director; or, (3) the Human Resources Division Employee Relations Specialist.

The Board will conduct a prompt, thorough, and impartial investigation into claims of harassment regardless of whether an EEO complaint is filed under 29 CFR Part 1614. If the investigation establishes that an employee did engage in harassing conduct under this Policy, he or she shall be subject to appropriate corrective action, disciplinary or otherwise, in accordance with Chapter 75 of the Civil Service Reform Act, up to and including removal.

Cancellation:

Policy on Prevention of Sexual Harassment dated May 11, 2001 is cancelled upon issuance of this policy.

- submission to, or rejection of, such conduct by an employee is used as the basis for, or a factor in, decisions affecting that employee's employment; or
- such conduct has the purpose or effect of unreasonably interfering with an employee's or creating an intimidating, offensive, or hostile environment.

Harassment includes but is not limited to displaying or circulating written or electronic materials or pictures degrading to either gender or to racial, ethnic, or religious groups; and verbal abuse or insults directed at or made in the presence of members of a racial, ethnic, or minority group.

To determine whether or not a particular act or course of conduct constitutes harassment under this policy, the alleged behavior will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of harassment, a serious incident, even if isolated, can be sufficient.

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- Becoming familiar with the provisions of this Policy, complying with all requirements of the Policy, and cooperating with any inquiry under this Policy; and
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The Board will conduct a prompt, thorough, and impartial investigation into claims of harassment regardless of whether an EEO complaint is filed under 29 CFR Part 1614. If the investigation establishes that an employee did engage in harassing conduct under this Policy, he or she shall be subject to appropriate corrective action, disciplinary or otherwise, in accordance with Chapter 75 of the Civil Service Reform Act, up to and including removal.

Cancellation:

Policy on Prevention of Sexual Harassment dated May 11, 2001 is cancelled upon issuance of this policy.

No FEAR Act Written Training Plan

Submitted by the National Transportation Safety Board (NTSB)

March 07, 2007

On July 20, 2006, the Office of Personnel Management (OPM) published its final rule implementing the training requirements of the Notification and Federal Employee Anti-discrimination and Retaliation Act ("No FEAR Act").

The final rule requires each agency to develop a written plan for training all of its employees, including supervisors and managers. The plan must describe:

- The instructional materials and method of the training
- The training schedule, and
- The means of documenting completion of training

On December 28, 2006, the Office of Personnel Management issued the final rule regarding "Implementation of Title II of the Notification and Federal Employee Anti-discrimination and Retaliation Act of 2002—Reporting & Best Practices." Among other things, this final rule requires each agency to provide annual reports on a number of items relating to the agency's implementation of the No FEAR Act, including the agency's written training plan.

This document constitutes the Board's No FEAR Act Written Training Plan.

I. The instructional materials and method of the training

The final rule *requires* Federal agencies to train all employees on their rights and remedies under the Federal antidiscrimination and whistleblower protection laws. Agencies must have trained all current employees by December 17, 2006, and all new employees within 90 days of hire. Agencies must provide refresher training to all employees every two years.

With these requirements in mind, the NTSB contracted with Brightline Compliance, LLC, to provide instruction to employees through Brightline's interactive online *No FEAR Act* training course.

As required by the No FEAR Act and the OPM final rule, Brightline's online course, *No FEAR Act*, teaches Federal employees about their rights and remedies available under the antidiscrimination, retaliation, and whistleblower protection laws. The course:

- Provides instruction on all topics required by the No FEAR Act and the OPM final rule
- Provides supervisors additional instruction on their special responsibilities

- Allows users to interact with a series of audio-visual scenarios so that they are continually engaged in the learning process

II. The training schedule

In October 2006 we provided training through the Federal Personal Management Institute (FPMI) online course with the requirement that all employees complete their initial No FEAR Act training by December 17, 2006. For employees hired during the remainder of FY 2006 and beyond, we ensured that these new employees complete the Brightline online training within 90 days from their starting dates. To accomplish this we also contracted with Brightline Compliance.

III. The means of documenting completion of training

We are able to track employees' completion of the online training course through Brightline's learning management system, *BrightlineLMS*. *BrightlineLMS* automatically creates a record of who has completed the course.

Non-Mail Control Routing Slip

Control Number **103364**

Action Office **GA**

Division **GA-1**

Writer

TYPE of DOCUMENT Follow up Letter

DATE OF LETTER 10/6/2009

DATE RECEIVED 10/6/2009

RESPONSE DUE

FROM Hersman, Deborah A.P.

ORGANIZATION National Transportation Safety Board

SUBJECT Submits NTSB's final inventory list of activities required by OMB, the Federal Activities Inventory Reform (FAIR) Act for FY 2008.

NOTATION

RECS

NOTES Exec Sec Rec'd 10/6/2009.

Use the space below for Internal/Routing/Reviewing/Concurrence

Office/Division	Date In	Date Out/Initial
MD-5 Lahier	10-8-09	10/8/09 KRL
MD-5 Lanier/Colema	10-8-09	10-8-09 NFe
M-		
M-		
M-RLS		
VC-CAH		
C-DAPH		
MD-5 to Office for Final		
Office to MD-5 for Review		
MD-5 to		
MD-5 to C for Signature	10-9-09	10/13/09

Completed



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

OCT 13 2009

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H232, The Capitol
Washington, D.C. 20515

Dear Madam Speaker:

Public Law 105-270, the Federal Activities Inventory Reform (FAIR) Act of 1998, requires the head of each executive agency to submit to the Director of the Office of Management and Budget (OMB) a list of activities performed by Federal Government sources for the executive agency that, in the judgment of the head of the executive agency, are not inherently governmental functions. Upon completion of OMB's review, the final list shall be transmitted to Congress. Enclosed is a copy of the National Transportation Safety Board's final inventory list for 2008.

If you have any questions concerning the inventory, please call Nancy Lewis, Director of Government Affairs, at 202-314-6215.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah A.P. Hersman", is written over a horizontal line.

Deborah A.P. Hersman
Chairman

Enclosure

Commercial and Inherently Governmental FTE Inventory Worksheet

Seq No.	Org Unit		Location			Status			Additional Information				
	Agy_Bur	Abbreviation	State	City	Country	Total FTEs	Activity Fct Code	Status/Reason	First Year On Inventory	Agency Suffix	Reserved	Reserved	Reserved
1	424-00	BOARD/STAFF	DC	WASHINGTON	US	10	Y199	I	1999				
2	424-00	BOARD/ST ASST	DC	WASHINGTON	US	5	Y000	C-A	1999				
3	424-00	GA	DC	WASHINGTON	YS	2	Y199	I	1999				
4	424-00	EEO	DC	WASHINGTON	US	1	B501	I	1999				
5	424-00	MD	DC	WASHINGTON	US	6	Y210	I	1999				
6	424-00	MD	DC	WASHINGTON	US	2	Y210	I	2007				
7	424-00	MD	DC	WASHINGTON	US	3	Y000	I	1999				
8	424-00	MD	DC	WASHINGTON	US	1	U301	I	2002				
9	424-00	MD	DC	WASHINGTON	US	2	U302	C-B	1999				
10	424-00	MD	DC	WASHINGTON	US	1	Y501	I	1999				
11	424-00	MD	DC	WASHINGTON	US	4	Y515	C-A	1999				
12	424-00	MD	DC	WASHINGTON	US	2	Y820	I	1999				
13	424-00	MD	DC	WASHINGTON	US	3	Y820	C-A	1999				
14	424-00	AD	DC	WASHINGTON	US	2	Y810	I	2005				
15	424-00	AD	DC	WASHINGTON	US	2	Y815	I	1999				
16	424-00	AD	DC	WASHINGTON	US	3	S200	I	1999				
17	424-00	AD	DC	WASHINGTON	US	3	S733	I	1999				
18	424-00	AD	DC	WASHINGTON	US	3	S733	C-B	1999				
19	424-00	AD	DC	WASHINGTON	US	1	F310	I	1999				
20	424-00	AD	DC	WASHINGTON	US	6	F320	I	1999				
21	424-00	AD	DC	WASHINGTON	US	2	B710	I	1999				
22	424-00	AD	DC	WASHINGTON	US	1	B400	I	1999				
23	424-00	AD	DC	WASHINGTON	US	1	C310	I	1999				
24	424-00	AD	DC	WASHINGTON	US	7	B720	C-B	1999				
25	424-00	ALJ	DC	WASHINGTON	US	4	Y400	I	1999				
26	424-00	ALJ	DC	WASHINGTON	US	1	Y400	C-A	1999				
27	424-00	ALJ	DC	WASHINGTON	US	2	Y403	C-B	1999				
28	424-00	ALJ	CO	DENVER	US	1	Y400	I	1999				
29	424-00	ALJ	TX	ARLINGTON	US	1	Y400	I	1999				
30	424-00	ALJ	TX	ARLINGTON	US	1	Y403	C-B	1999				
31	424-00	AS	DC	WASHINGTON	US	48	1999	I	1999				
32	424-00	AS	DC	WASHINGTON	US	2	1000	I	1999				
33	424-00	AS	DC	WASHINGTON	US	1	W501	I	1999				
34	424-00	AS	DC	WASHINGTON	US	4	W501	C-A	1999				
35	424-00	AS	DC	WASHINGTON	US	2	1000	C-B	1999				
36	424-00	AS-AKRA	AK	ANCHORAGE	US	3	1999	I	1999				
37	424-00	AS-CEN	CO	DENVER	US	6	1999	I	1999				
38	424-00	AS-ERA	VA	ASHBURN	US	11	1999	I	1999				
39	424-00	AS-ERA	VA	ASHBURN	US	1	1999	I	2005				
40	424-00	AS-CEN	IL	CHICAGO	US	8	1999	I	1999				
41	424-00	AS-CEN	IL	CHICAGO	US	3	1000	C-B	1999				
42	424-00	AS-CEN	IL	CHICAGO	US	2	W501	C-A	1999				
43	424-00	AS-ERA	VA	ASHBURN	US	1	1999	I	1999				
44	424-00	AS-ERA	VA	ASHBURN	US	1	1000	C-B	1999				
45	424-00	AS-WPR	WA	SEATTLE	US	8	1999	I	1999				
46	424-00	AS-WPR	WA	SEATTLE	US	1	1000	C-B	1999				
47	424-00	AS-CEN	TX	ARLINGTON	US	6	1999	I	1999				
48	424-00	AS-ERA	FL	MIAMI	US	3	1999	I	1999				
49	424-00	AS-ERA	VA	ASHBURN	US	1	1999	I	1999				
50	424-00	AS-ERA	GA	ATLANTA	US	2	1999	I	1999				
51	424-00	AS-ERA	GA	ATLANTA	US	1	W501	C-A	1999				
52	424-00	AS-ERA	GA	ATLANTA	US	1	1000	C-B	1999				

Commercial and Inherently Governmental FTE Inventory Worksheet

53	424-00	AS-WPR	CA	GARDENA	US	8	1999	I	1999				
54	424-00	AS-WPR	CA	GARDENA	US	1	I000	C-B	2005				
55	424-00	CFO	DC	WASHINGTON	US	5	C110	I	1999				
56	424-00	CFO	DC	WASHINGTON	US	2	C000	C-B	1999				
57	424-00	CFO	DC	WASHINGTON	US	1	Y510	I	1999				
60	424-00	CFO	DC	WASHINGTON	US	2	W100	C-B	1999				
61	424-00	CFO	DC	WASHINGTON	US	3.75	C300	C-B	1999				
62	424-00	CIO	DC	WASHINGTON	US	4	W100	I	1999				
63	424-00	CIO	DC	WASHINGTON	US	1	W000	C-B	1999				
64	424-00	CIO	DC	WASHINGTON	US	11	W601	C-B	1999				
65	424-00	CIO	DC	WASHINGTON	US	4	W826	C-B	1999				
66	424-00	CIO	DC	WASHINGTON	US	1	W600	I	1999				
67	424-00	CIO	DC	WASHINGTON	US	2	W600	C-A	1999				
68	424-00	CIO	DC	WASHINGTON	US	2	W600	C-B	1999				
69	424-00	GC	DC	WASHINGTON	US	2	Y405	I	1999				
70	424-00	GC	DC	WASHINGTON	US	1	Y899	I	1999				
71	424-00	GC	DC	WASHINGTON	US	8	Y405	C-A	1999				
72	424-00	HS	DC	WASHINGTON	US	9	1999	I	1999				
73	424-00	HS	DC	WASHINGTON	US	2	I000	I	1999				
74	424-00	HS	DC	WASHINGTON	US	1	I000	C-B	1999				
75	424-00	HS	TX	ARLINGTON	US	5	1999	I	1999				
76	424-00	HS	VA	ASHBURN	US	1	1999	I	1999				
77	424-00	HS	GA	ATLANTA	US	3	1999	I	1999				
78	424-00	HS	CA	GARDENA	US	1	1999	I	1999				
79	424-00	HS	TX	ARLINGTON	US	1	I000	C-B	1999				
80	424-00	HS	DC	WASHINGTON	US	3	W501	I	1999				
81	424-00	HS	CO	DENVER	US	1	W501	I	1999				
82	424-00	HS	DC	WASHINGTON	US	3.25	W501	C-A	1999				
83	424-00	MS	DC	WASHINGTON	US	15	1999	I	1999				
84	424-00	MS	DC	WASHINGTON	US	1	I000	I	1999				
85	424-00	MS	DC	WASHINGTON	US	2	W501	C-A	1999				
86	424-00	RE	DC	WASHINGTON	US	5	R110	I	1999				
87	424-00	RE	DC	WASHINGTON	US	1	R000	I	1999				
88	424-00	RE	DC	WASHINGTON	US	1	W501	C-A	1999				
89	424-00	RE	DC	WASHINGTON	US	8	R999	C-A	1999				
90	424-00	RE	DC	WASHINGTON	US	2	A630	I	1999				
91	424-00	RE	DC	WASHINGTON	US	6	A620	C-A	1999				
92	424-00	RE	DC	WASHINGTON	US	20	1999	I	1999				
93	424-00	RE	DC	WASHINGTON	US	1	I000	C-B	1999				
94	424-00	RPH	DC	WASHINGTON	US	21	1999	I	1999				
95	424-00	RPH	DC	WASHINGTON	US	1	I000	I	1999				
96	424-00	RPH	CA	GARDENA	US	3	1999	I	1999				
97	424-00	RPH	IL	CHICAGO	US	5	1999	I	1999				
98	424-00	RPH	GA	ATLANTA	US	1	1999	I	1999				
99	424-00	RPH	DC	WASHINGTON	US	1	W501	I	1999				
100	424-00	RPH	DC	WASHINGTON	US	3	W501	C-A	1999				
101	424-00	RPH	DC	WASHINGTON	US	1	I000	C-B	1999				
102	424-00	RPH	CA	GARDENA	US	1	I000	C-B	1999				
103	424-00	SRA	DC	SRC	US	5	Y999	I	1999				
104	424-00	SRA	DC	WASHINGTON	US	4	G050	C-A	1999				
105	424-00	SRA	DC	WASHINGTON	US	12	Y999	C-A	1999				
106	424-00	SRA	DC	WASHINGTON	US	1	Y000	C-B	1999				
						409							



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

OCT 13 2009

The Honorable Joseph R. Biden, Jr.
President of the Senate
United States Senate
S212, The Capitol
Washington, D.C. 20510

Dear Mr. President:

Public Law 105-270, the Federal Activities Inventory Reform (FAIR) Act of 1998, requires the head of each executive agency to submit to the Director of the Office of Management and Budget (OMB) a list of activities performed by Federal Government sources for the executive agency that, in the judgment of the head of the executive agency, are not inherently governmental functions. Upon completion of OMB's review, the final list shall be transmitted to Congress. Enclosed is a copy of the National Transportation Safety Board's final inventory list for 2008.

If you have any questions concerning the inventory, please call Nancy Lewis, Director of Government Affairs, at 202-314-6215.

Sincerely,

A handwritten signature in black ink, appearing to read "DAH", followed by a long horizontal line extending to the right.

Deborah A.P. Hersman
Chairman

Enclosure

Commercial and Inherently Governmental FTE Inventory Worksheet

Seq No.	Org Unit		Location			Status			Additional Information				
	Agy_Bur	Abbreviation	State	City	Country	Total FTEs	Activity Fct Code	Status/Reason	First Year On Inventory	Agency Suffix	Reserved	Reserved	Reserved
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7	424-00	MD	DC	WASHINGTON	US	3	Y000	I	1999				
8	424-00	MD	DC	WASHINGTON	US	1	U301	I	2002				
9	424-00	MD	DC	WASHINGTON	US	2	U302	C-B	1999				
10	424-00	MD	DC	WASHINGTON	US	1	Y501	I	1999				
11	424-00	MD	DC	WASHINGTON	US	4	Y515	C-A	1999				
12	424-00	MD	DC	WASHINGTON	US	2	Y820	I	1999				
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14	424-00	AD	DC	WASHINGTON	US	2	Y810	I	2005				
15	424-00	AD	DC	WASHINGTON	US	2	Y815	I	1999				
16	424-00	AD	DC	WASHINGTON	US	3	S200	I	1999				
17	424-00	AD	DC	WASHINGTON	US	3	S733	I	1999				
18	424-00	AD	DC	WASHINGTON	US	3	S733	C-B	1999				
19	424-00	AD	DC	WASHINGTON	US	1	F310	I	1999				
20	424-00	AD	DC	WASHINGTON	US	6	F320	I	1999				
21	424-00	AD	DC	WASHINGTON	US	2	B710	I	1999				
22	424-00	AD	DC	WASHINGTON	US	1	B400	I	1999				
23	424-00	AD	DC	WASHINGTON	US	1	C310	I	1999				
24	424-00	AD	DC	WASHINGTON	US	7	B720	C-B	1999				
25	424-00	ALJ	DC	WASHINGTON	US	4	Y400	I	1999				
26	424-00	ALJ	DC	WASHINGTON	US	1	Y400	C-A	1999				
27	424-00	ALJ	DC	WASHINGTON	US	2	Y403	C-B	1999				
28	424-00	ALJ	CO	DENVER	US	1	Y400	I	1999				
29	424-00	ALJ	TX	ARLINGTON	US	1	Y400	I	1999				
30	424-00	ALJ	TX	ARLINGTON	US	1	Y403	C-B	1999				
31	424-00	AS	DC	WASHINGTON	US	48	I999	I	1999				
32	424-00	AS	DC	WASHINGTON	US	2	I000	I	1999				
33	424-00	AS	DC	WASHINGTON	US	1	W501	I	1999				
34	424-00	AS	DC	WASHINGTON	US	4	W501	C-A	1999				
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36	424-00	AS-AKRA	AK	ANCHORAGE	US	3	I999	I	1999				
37	424-00	AS-CEN	CO	DENVER	US	6	I999	I	1999				
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Commercial and Inherently Governmental FTE Inventory Worksheet

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60	424-00	CFO	DC	WASHINGTON	US	2	W100	C-B	1999			
61	424-00	CFO	DC	WASHINGTON	US	3.75	C300	C-B	1999			
62	424-00	CIO	DC	WASHINGTON	US	4	W100	I	1999			
63	424-00	CIO	DC	WASHINGTON	US	1	W000	C-B	1999			
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82	424-00	HS	DC	WASHINGTON	US	3.25	W501	C-A	1999			
83	424-00	MS	DC	WASHINGTON	US	15	I999	I	1999			
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93	424-00	RE	DC	WASHINGTON	US	1	I000	C-B	1999			
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95	424-00	RPH	DC	WASHINGTON	US	1	I000	I	1999			
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101	424-00	RPH	DC	WASHINGTON	US	1	I000	C-B	1999			
102	424-00	RPH	CA	GARDENA	US	1	I000	C-B	1999			
103	424-00	SRA	DC	SRC	US	5	Y999	I	1999			
104	424-00	SRA	DC	WASHINGTON	US	4	G050	C-A	1999			
105	424-00	SRA	DC	WASHINGTON	US	12	Y999	C-A	1999			
106	424-00	SRA	DC	WASHINGTON	US	1	Y000	C-B	1999			
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Initials			NCE		KAL	KFC	



National Transportation Safety Board

Washington, D.C. 20594

SEP 04 2008

Office of the Chairman

The Honorable Richard B. Cheney
President of the Senate
U.S. Senate
S212, The Capitol
Washington, D.C. 20510

Dear Mr. President:

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If you have any questions concerning the inventory, please call Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over the typed name.

Mark V. Rosenker
Acting Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

SEP 04 2008

Office of the Chairman

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H232, The Capitol
Washington, D.C. 20515

Dear Madam Speaker:

Public Law 105-270, the Federal Activities Inventory Reform (FAIR) Act of 1998, requires the head of each executive agency to submit to the Director of the Office of Management and Budget (OMB) a list of activities performed by Federal Government sources for the executive agency that, in the judgment of the head of the executive agency, are not inherently governmental functions. Upon completion of OMB's review, the final list shall be transmitted to Congress. Enclosed is a copy of the National Transportation Safety Board's final inventory list for 2008.

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Mark V. Rosenker
Acting Chairman

Enclosure

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32	424-00	AS	DC	WASHINGTON	US	56	1999	I	1999				
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Non-Mail Control Routing Slip

Control Number 103100

Action Office MD

Division GA-1

Writer McCullough

TYPE of DOCUMENT Letter

DATE OF LETTER 8/9/2007

DATE RECEIVED 8/9/2007

RESPONSE DUE

FROM Rosenker, Mark V.

ORGANIZATION NTSB

SUBJECT: Submits NTSB's final inventory list of activities required by OMB, the Federal Activities Inventory Reform (FAIR) Act.

NOTATION

RECS

NOTES Exec Sec rec'd on 8/9/2007.

Use the space below for Internal/Routing/Reviewing/Concurrence

Office/Division

Date In

Date Out/Initial

15-1

8.9-07

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KRL OK to sign

MD-5

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MD-5 to Office for Final

Office to MD-5

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5-9-07

Mailed



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 09 2007

Honorable Richard B. Cheney
President of the Senate
U.S. Senate
S212, The Capitol
Washington, D.C. 20510

Dear Mr. President:

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Please address any questions concerning the inventory to Ms. Carol Belovitch, Human Resources Division, at (202) 314-6232.

Sincerely,

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Mark V. Rosenker
Chairman

Enclosure



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21	424-00		NTSB	DC	WASHINGTON	US	2	F320	I	1999				
22	424-00		NTSB	DC	WASHINGTON	US	0.5	F399	C-A	1999				
23	424-00		NTSB	DC	WASHINGTON	US	2	B710	I	1999				
24	424-00		NTSB	DC	WASHINGTON	US	1	B400	I	1999				
25	424-00		NTSB	DC	WASHINGTON	US	1	C310	I	1999				
26	424-00		NTSB	DC	WASHINGTON	US	4	B720	C-B	1999				
27	424-00		NTSB	DC	WASHINGTON	US	4	Y400	I	1999				
28	424-00		NTSB	DC	WASHINGTON	US	1	Y400	C-A	1999				
29	424-00		NTSB	DC	WASHINGTON	US	2	Y403	C-B	1999				
30	424-00		NTSB	CO	DENVER	US	1	Y400	I	1999				
31	424-00		NTSB	TX	ARLINGTON	US	1	Y400	I	1999				
32	424-00		NTSB	TX	ARLINGTON	US	1	Y403	C-B	1999				
33	424-00		NTSB	DC	WASHINGTON	US	50	I999	I	1999				
34	424-00		NTSB	DC	WASHINGTON	US	2	I000	I	1999				
35	424-00		NTSB	DC	WASHINGTON	US	1	W501	I	1999				
36	424-00		NTSB	DC	WASHINGTON	US	7	W501	C-A	1999				
37	424-00		NTSB	DC	WASHINGTON	US	3	I000	C-B	1999				
38	424-00		NTSB	AK	ANCHORAGE	US	4	I999	I	1999				
39	424-00		NTSB	CO	DENVER	US	4	I999	I	1999				
40	424-00		NTSB	VA	ASHBURN	US	6	I999	I	1999				
41	424-00		NTSB	VA	ASHBURN	US	0.5	I999	C-A	2005				
42	424-00		NTSB	IL	CHICAGO	US	8	I999	I	1999				
43	424-00		NTSB	IL	CHICAGO	US	2	I000	C-B	1999				
44	424-00		NTSB	NJ	PARSIPPANY	US	2	I999	I	1999				
45	424-00		NTSB	NJ	PARSIPPANY	US	1	I000	C-B	1999				
46	424-00		NTSB	WA	SEATTLE	US	8	I999	I	1999				
47	424-00		NTSB	WA	SEATTLE	US	1	I000	C-B	1999				
48	424-00		NTSB	TX	ARLINGTON	US	5	I999	I	1999				
49	424-00		NTSB	FL	MIAMI	US	4	I999	I	1999				
50	424-00		NTSB	FL	MIAMI	US	1	I000	C-B	1999				
51	424-00		NTSB	GA	ATLANTA	US	3	I999	I	1999				
52	424-00		NTSB	GA	ATLANTA	US	1	I000	C-B	1999				

Commercial and Inherently Governmental FTE Inventory Worksheet

53	424-00	NTSB	CA	GARDENA	US	6	I999	I	1999				
54	424-00	NTSB	CA	GARDENA	US	0.5	I999	C-A	1999				
55	424-00	NTSB	CA	GARDENA	US	1	I000	C-B	2005				
56	424-00	NTSB	DC	WASHINGTON	US	4	C110	I	1999				
57	424-00	NTSB	DC	WASHINGTON	US	2	C000	C-B	1999				
58	424-00	NTSB	DC	WASHINGTON	US	1	Y510	I	1999				
59	424-00	NTSB	DC	WASHINGTON	US	2	W100	C-B	1999				
60	424-00	NTSB	DC	WASHINGTON	US	3.75	C300	C-B	1999				
61	424-00	NTSB	DC	WASHINGTON	US	4	W100	I	1999				
62	424-00	NTSB	DC	WASHINGTON	US	1	W000	C-B	1999				
63	424-00	NTSB	DC	WASHINGTON	US	6	W601	C-B	1999				
64	424-00	NTSB	DC	WASHINGTON	US	8	W826	C-B	1999				
65	424-00	NTSB	DC	WASHINGTON	US	1	W600	I	1999				
66	424-00	NTSB	DC	WASHINGTON	US	2	W600	C-A	1999				
67	424-00	NTSB	DC	WASHINGTON	US	3	W600	C-B	1999				
68	424-00	NTSB	DC	WASHINGTON	US	1	Y405	I	1999				
69	424-00	NTSB	DC	WASHINGTON	US	1	Y899	I	1999				
70	424-00	NTSB	DC	WASHINGTON	US	8	Y405	C-A	1999				
71	424-00	NTSB	DC	WASHINGTON	US	8	I999	I	1999				
72	424-00	NTSB	DC	WASHINGTON	US	1	I000	I	1999				
73	424-00	NTSB	DC	WASHINGTON	US	2	I000	C-B	1999				
74	424-00	NTSB	TX	ARLINGTON	US	6	I999	I	1999				
75	424-00	NTSB	NJ	PARSIPPANY	US	1	I999	I	1999				
76	424-00	NTSB	GA	ATLANTA	US	3	I999	I	1999				
77	424-00	NTSB	CA	GARDENA	US	2	I999	I	1999				
78	424-00	NTSB	TX	ARLINGTON	US	1	I000	C-B	1999				
79	424-00	NTSB	DC	WASHINGTON	US	3	W501	I	1999				
80	424-00	NTSB	CO	DENVER	US	1	W501	I	1999				
81	424-00	NTSB	DC	WASHINGTON	US	3.25	W501	C-A	1999				
82	424-00	NTSB	DC	WASHINGTON	US	12	I999	I	1999				
83	424-00	NTSB	DC	WASHINGTON	US	1	I000	I	1999				
84	424-00	NTSB	DC	WASHINGTON	US	1	W501	C-A	1999				
85	424-00	NTSB	DC	WASHINGTON	US	5	R110	I	1999				
86	424-00	NTSB	DC	WASHINGTON	US	1	R000	I	1999				
87	424-00	NTSB	DC	WASHINGTON	US	1	W501	C-A	1999				
88	424-00	NTSB	DC	WASHINGTON	US	0.5	R000	C-A	1999				
89	424-00	NTSB	DC	WASHINGTON	US	5	R999	C-A	1999				
90	424-00	NTSB	DC	WASHINGTON	US	1	A630	I	1999				
91	424-00	NTSB	DC	WASHINGTON	US	5	A620	C-A	1999				
92	424-00	NTSB	DC	WASHINGTON	US	19	I999	I	1999				
93	424-00	NTSB	DC	WASHINGTON	US	1	I000	C-B	1999				
94	424-00	NTSB	DC	WASHINGTON	US	22	I999	I	1999				
95	424-00	NTSB	DC	WASHINGTON	US	1	I000	I	1999				
96	424-00	NTSB	CA	GARDENA	US	3	I999	I	1999				
97	424-00	NTSB	IL	CHICAGO	US	3	I999	I	1999				
98	424-00	NTSB	GA	ATLANTA	US	1	I999	I	1999				
99	424-00	NTSB	DC	WASHINGTON	US	1	W501	I	1999				
100	424-00	NTSB	DC	WASHINGTON	US	3	W501	C-A	1999				
101	424-00	NTSB	DC	WASHINGTON	US	1	I000	C-B	1999				
102	424-00	NTSB	CA	GARDENA	US	1	I000	C-B	1999				
103	424-00	NTSB	DC	SRC	US	5	Y999	I	1999				
104	424-00	NTSB	DC	WASHINGTON	US	3	G050	C-A	1999				
105	424-00	NTSB	DC	WASHINGTON	US	13	Y999	C-A	1999				
106	424-00	NTSB	DC	WASHINGTON	US	1	Y000	C-B	1999				
						381							



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 09 2007

Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H232, The Capitol
Washington, D.C. 20515

Dear Madam Speaker:

Public Law 105-270, the Federal Activities Inventory Reform (FAIR) Act of 1998, requires the head of each executive agency to submit to the Director of the Office of Management and Budget (OMB) a list of activities performed by Federal Government sources for the executive agency that, in the judgment of the head of the executive agency, are not inherently governmental functions. Upon completion of OMB's review, the final list shall be transmitted to Congress. Enclosed is a copy of the National Transportation Safety Board's final inventory list.

Please address any questions concerning the inventory to Ms. Carol Belovitch, Human Resources Division, at (202) 314-6232.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman

Enclosure



Commercial and Inherently Governmental FTE Inventory Worksheet

Seq No.	Org Unit			Location			Status			Additional Information				
	Agy	Bur	Abbreviation	State	City	Country	Total FTEs	Activity Fct Code	Status/Reason	First Year On Inventory	Agency Suffix	Reserved	Reserved	Reserved
1	424-00	NTSB		DC	WASHINGTON	US	9	Y199	I	1999				
2	424-00	NTSB		DC	WASHINGTON	US	5	Y000	C-A	1999				
3	424-00	NTSB		DC	WASHINGTON	YS	2	Y199	I	1999				
4	424-00	NTSB		DC	WASHINGTON	US	1	B501	I	1999				
5	424-00	NTSB		DC	WASHINGTON	US	6	Y210	I	1999				
6	424-00	NTSB		DC	WASHINGTON	US	1	Y210	I	2007				
7	424-00	NTSB		DC	WASHINGTON	US	1	Y000	I	1999				
8	424-00	NTSB		DC	WASHINGTON	US	1	U301	I	2002				
9	424-00	NTSB		DC	WASHINGTON	US	2	U302	C-B	1999				
10	424-00	NTSB		DC	WASHINGTON	US	1	Y501	I	1999				
11	424-00	NTSB		DC	WASHINGTON	US	4	Y515	C-A	1999				
12	424-00	NTSB		DC	WASHINGTON	US	2	Y820	I	1999				
13	424-00	NTSB		DC	WASHINGTON	US	1	Y820	C-A	1999				
14	424-00	NTSB		DC	WASHINGTON	US	1	Y820	C-B	1999				
15	424-00	NTSB		DC	WASHINGTON	US	2	Y810	I	2005				
16	424-00	NTSB		DC	WASHINGTON	US	2	Y815	I	1999				
17	424-00	NTSB		DC	WASHINGTON	US	1	S200	I	1999				
18	424-00	NTSB		DC	WASHINGTON	US	4	S733	I	1999				
19	424-00	NTSB		DC	WASHINGTON	US	3	S733	C-B	1999				
20	424-00	NTSB		DC	WASHINGTON	US	1	F310	I	1999				
21	424-00	NTSB		DC	WASHINGTON	US	2	F320	I	1999				
22	424-00	NTSB		DC	WASHINGTON	US	0.5	F399	C-A	1999				
23	424-00	NTSB		DC	WASHINGTON	US	2	B710	I	1999				
24	424-00	NTSB		DC	WASHINGTON	US	1	B400	I	1999				
25	424-00	NTSB		DC	WASHINGTON	US	1	C310	I	1999				
26	424-00	NTSB		DC	WASHINGTON	US	4	B720	C-B	1999				
27	424-00	NTSB		DC	WASHINGTON	US	4	Y400	I	1999				
28	424-00	NTSB		DC	WASHINGTON	US	1	Y400	C-A	1999				
29	424-00	NTSB		DC	WASHINGTON	US	2	Y403	C-B	1999				
30	424-00	NTSB		CO	DENVER	US	1	Y400	I	1999				
31	424-00	NTSB		TX	ARLINGTON	US	1	Y400	I	1999				
32	424-00	NTSB		TX	ARLINGTON	US	1	Y403	C-B	1999				
33	424-00	NTSB		DC	WASHINGTON	US	50	1999	I	1999				
34	424-00	NTSB		DC	WASHINGTON	US	2	I000	I	1999				
35	424-00	NTSB		DC	WASHINGTON	US	1	W501	I	1999				
36	424-00	NTSB		DC	WASHINGTON	US	7	W501	C-A	1999				
37	424-00	NTSB		DC	WASHINGTON	US	3	I000	C-B	1999				
38	424-00	NTSB		AK	ANCHORAGE	US	4	1999	I	1999				
39	424-00	NTSB		CO	DENVER	US	4	1999	I	1999				
40	424-00	NTSB		VA	ASHBURN	US	6	1999	I	1999				
41	424-00	NTSB		VA	ASHBURN	US	0.5	1999	C-A	2005				
42	424-00	NTSB		IL	CHICAGO	US	8	1999	I	1999				
43	424-00	NTSB		IL	CHICAGO	US	2	I000	C-B	1999				
44	424-00	NTSB		NJ	PARSIPPANY	US	2	1999	I	1999				
45	424-00	NTSB		NJ	PARSIPPANY	US	1	I000	C-B	1999				
46	424-00	NTSB		WA	SEATTLE	US	8	1999	I	1999				
47	424-00	NTSB		WA	SEATTLE	US	1	I000	C-B	1999				
48	424-00	NTSB		TX	ARLINGTON	US	5	1999	I	1999				
49	424-00	NTSB		FL	MIAMI	US	4	1999	I	1999				
50	424-00	NTSB		FL	MIAMI	US	1	I000	C-B	1999				
51	424-00	NTSB		GA	ATLANTA	US	3	1999	I	1999				
52	424-00	NTSB		GA	ATLANTA	US	1	I000	C-B	1999				

Commercial and Inherently Governmental FTE Inventory Worksheet

53	424-00	NTSB	CA	GARDENA	US	6	1999	I	1999				
54	424-00	NTSB	CA	GARDENA	US	0.5	1999	C-A	1999				
55	424-00	NTSB	CA	GARDENA	US	1	1000	C-B	2005				
56	424-00	NTSB	DC	WASHINGTON	US	4	C110	I	1999				
57	424-00	NTSB	DC	WASHINGTON	US	2	C000	C-B	1999				
58	424-00	NTSB	DC	WASHINGTON	US	1	Y510	I	1999				
59	424-00	NTSB	DC	WASHINGTON	US	2	W100	C-B	1999				
60	424-00	NTSB	DC	WASHINGTON	US	3.75	C300	C-B	1999				
61	424-00	NTSB	DC	WASHINGTON	US	4	W100	I	1999				
62	424-00	NTSB	DC	WASHINGTON	US	1	W000	C-B	1999				
63	424-00	NTSB	DC	WASHINGTON	US	6	W601	C-B	1999				
64	424-00	NTSB	DC	WASHINGTON	US	8	W826	C-B	1999				
65	424-00	NTSB	DC	WASHINGTON	US	1	W600	I	1999				
66	424-00	NTSB	DC	WASHINGTON	US	2	W600	C-A	1999				
67	424-00	NTSB	DC	WASHINGTON	US	3	W600	C-B	1999				
68	424-00	NTSB	DC	WASHINGTON	US	1	Y405	I	1999				
69	424-00	NTSB	DC	WASHINGTON	US	1	Y899	I	1999				
70	424-00	NTSB	DC	WASHINGTON	US	8	Y405	C-A	1999				
71	424-00	NTSB	DC	WASHINGTON	US	8	I999	I	1999				
72	424-00	NTSB	DC	WASHINGTON	US	1	I000	I	1999				
73	424-00	NTSB	DC	WASHINGTON	US	2	I000	C-B	1999				
74	424-00	NTSB	TX	ARLINGTON	US	6	I999	I	1999				
75	424-00	NTSB	NJ	PARSIPPANY	US	1	I999	I	1999				
76	424-00	NTSB	GA	ATLANTA	US	3	I999	I	1999				
77	424-00	NTSB	CA	GARDENA	US	2	I999	I	1999				
78	424-00	NTSB	TX	ARLINGTON	US	1	I000	C-B	1999				
79	424-00	NTSB	DC	WASHINGTON	US	3	W501	I	1999				
80	424-00	NTSB	CO	DENVER	US	1	W501	I	1999				
81	424-00	NTSB	DC	WASHINGTON	US	3.25	W501	C-A	1999				
82	424-00	NTSB	DC	WASHINGTON	US	12	I999	I	1999				
83	424-00	NTSB	DC	WASHINGTON	US	1	I000	I	1999				
84	424-00	NTSB	DC	WASHINGTON	US	1	W501	C-A	1999				
85	424-00	NTSB	DC	WASHINGTON	US	5	R110	I	1999				
86	424-00	NTSB	DC	WASHINGTON	US	1	R000	I	1999				
87	424-00	NTSB	DC	WASHINGTON	US	1	W501	C-A	1999				
88	424-00	NTSB	DC	WASHINGTON	US	0.5	R000	C-A	1999				
89	424-00	NTSB	DC	WASHINGTON	US	5	R999	C-A	1999				
90	424-00	NTSB	DC	WASHINGTON	US	1	A630	I	1999				
91	424-00	NTSB	DC	WASHINGTON	US	5	A620	C-A	1999				
92	424-00	NTSB	DC	WASHINGTON	US	19	I999	I	1999				
93	424-00	NTSB	DC	WASHINGTON	US	1	I000	C-B	1999				
94	424-00	NTSB	DC	WASHINGTON	US	22	I999	I	1999				
95	424-00	NTSB	DC	WASHINGTON	US	1	I000	I	1999				
96	424-00	NTSB	CA	GARDENA	US	3	I999	I	1999				
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104	424-00	NTSB	DC	WASHINGTON	US	3	G050	C-A	1999				
105	424-00	NTSB	DC	WASHINGTON	US	13	Y999	C-A	1999				
106	424-00	NTSB	DC	WASHINGTON	US	1	Y000	C-B	1999				
						381							



National Transportation Safety Board

Washington, D.C. 20594

FEB 03 2009

Office of the Chairman

Honorable Kay Bailey Hutchison
Vice Chairman
Committee on Commerce, Science, and Transportation
United States Senate
Washington, D.C. 20510

Dear Vice Chairman Hutchison:

Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, directed the National Transportation Safety Board to report true overtime payments made by the Safety Board in the preceding fiscal year. As required in Section 4(g)(5) of the Act, the amount of true overtime paid in fiscal year 2008 by the Board was \$876,886. The 15 percent cap limited true overtime pay to one investigative employee.

If you have any questions or concerns, please do not hesitate to contact me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker", is positioned above the typed name.

Mark V. Rosenker
Acting Chairman



National Transportation Safety Board

Washington, D.C. 20594

FEB 03 2009

Office of the Chairman

Honorable John D. Rockefeller, IV
Chairman
Committee on Commerce, Science, and Transportation
United States Senate
Washington, D.C. 20510

Dear Chairman Rockefeller:

Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, directed the National Transportation Safety Board to report true overtime payments made by the Safety Board in the preceding fiscal year. As required in Section 4(g)(5) of the Act, the amount of true overtime paid in fiscal year 2008 by the Board was \$876,886. The 15 percent cap limited true overtime pay to one investigative employee.

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Sincerely,

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Mark V. Rosenker
Acting Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

FEB 03 2009

Honorable John L. Mica
Ranking Republican Member
Committee on Transportation and Infrastructure
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Mica:

Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, directed the National Transportation Safety Board to report true overtime payments made by the Safety Board in the preceding fiscal year. As required in Section 4(g)(5) of the Act, the amount of true overtime paid in fiscal year 2008 by the Board was \$876,886. The 15 percent cap limited true overtime pay to one investigative employee.

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Sincerely,

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Mark V. Rosenker
Acting Chairman



National Transportation Safety Board

Washington, D.C. 20594

FEB 03 2009

Office of the Chairman

Honorable James L. Oberstar
Chairman
Committee on Transportation and Infrastructure
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Oberstar:

Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, directed the National Transportation Safety Board to report true overtime payments made by the Safety Board in the preceding fiscal year. As required in Section 4(g)(5) of the Act, the amount of true overtime paid in fiscal year 2008 by the Board was \$876,886. The 15 percent cap limited true overtime pay to one investigative employee.

If you have any questions or concerns, please do not hesitate to contact me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

• Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker", is positioned above the typed name.

Mark V. Rosenker
Acting Chairman



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

JAN 18 2008

The Honorable Daniel K. Inouye
Chairman
Commerce, Science, and Transportation Committee
U.S. Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Inouye:

Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, directed the National Transportation Safety Board to report true overtime payments made by the Safety Board in the preceding fiscal year. As required in Section 4(g)(5) of the act, the amount of true overtime paid in fiscal year 2007 by the Board was \$597,989. The 15 percent cap did not limit true overtime pay to any investigative employees.

If you have any additional questions or concerns, please do not hesitate to contact me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker".

Mark V. Rosenker
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 18 2008

The Honorable Ted Stevens
Vice Chairman
Commerce, Science, and Transportation Committee
U.S. Senate
254 Russell Senate Office Building
Washington, D.C. 20510

Dear Vice Chairman Stevens:

Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, directed the National Transportation Safety Board to report true overtime payments made by the Safety Board in the preceding fiscal year. As required in Section 4(g)(5) of the act, the amount of true overtime paid in fiscal year 2007 by the Board was \$597,989. The 15 percent cap did not limit true overtime pay to any investigative employees.

If you have any additional questions or concerns, please do not hesitate to contact me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker".

Mark V. Rosenker
Chairman



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

JAN 18 2008

The Honorable James L. Oberstar
Chairman
Transportation and Infrastructure Committee
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Oberstar:

Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, directed the National Transportation Safety Board to report true overtime payments made by the Safety Board in the preceding fiscal year. As required in Section 4(g)(5) of the act, the amount of true overtime paid in fiscal year 2007 by the Board was \$597,989. The 15 percent cap did not limit true overtime pay to any investigative employees.

If you have any additional questions or concerns, please do not hesitate to contact me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker", is positioned above the printed name and title.

Mark V. Rosenker
Chairman



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

JAN 18 2008

The Honorable John L. Mica
Ranking Republican Member
Transportation and Infrastructure Committee
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Mica:

Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, directed the National Transportation Safety Board to report true overtime payments made by the Safety Board in the preceding fiscal year. As required in Section 4(g)(5) of the act, the amount of true overtime paid in fiscal year 2007 by the Board was \$597,989. The 15 percent cap did not limit true overtime pay to any investigative employees.

If you have any additional questions or concerns, please do not hesitate to contact me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker", is positioned below the word "Sincerely,".

Mark V. Rosenker
Chairman

Non-Mail Control Routing Slip

Control Number 103162

Action Office MD

Division GA-1

Writer McCullough

TYPE of DOCUMENT Letter

DATE OF LETTER 1/16/2008

DATE RECEIVED 1/16/2008

RESPONSE DUE

FROM Rosenker, Mark V.

ORGANIZATION NTSB

SUBJECT Report true overtime payments made by the Safety Board in the preceding fiscal year.

NOTATION

RECS

NOTES Exec Sec rec'd on 1/16/2008. Letter to Daniel K. Inouye, Ted Stevens, James L. Oberstar, and John L. Mica.

Use the space below for Internal/Routing/Reviewing/Concurrence

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1-18-08

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M-SRC

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C-MVR

MD-5 to Office for Final

GA

1/18/08



National Transportation Safety Board

Washington, D.C. 20594

FEB 01 2007

Office of the Chairman

Honorable Daniel K. Inouye
Chairman
Commerce, Science and Transportation Committee
U.S. Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Inouye:

Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, directed the National Transportation Safety Board (NTSB) to report true overtime payments made by the Board in the preceding fiscal year. As required in Section 4(g)(4) of the act, the amount of true overtime paid in fiscal year 2006 by the NTSB was \$661,398.68. The 15 percent cap limited true overtime pay to 4 investigative employees.

If you have any additional questions, please do not hesitate to contact me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

FEB 01 2007

Honorable Ted Stevens
Co-Chairman
Commerce, Science and Transportation Committee
U.S. Senate
254 Russell Senate Office Building
Washington, D.C. 20510

Dear Co-Chairman Stevens::

Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, directed the National Transportation Safety Board (NTSB) to report true overtime payments made by the Board in the preceding fiscal year. As required in Section 4(g)(4) of the act, the amount of true overtime paid in fiscal year 2006 by the NTSB was \$661,398.68. The 15 percent cap limited true overtime pay to 4 investigative employees.

If you have any additional questions, please do not hesitate to contact me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker". The signature is fluid and cursive, with the first and last names being more prominent.

Mark V. Rosenker
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

FEB 01 2007

Honorable James L. Oberstar
Chairman
Transportation and Infrastructure Committee
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Oberstar::

Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, directed the National Transportation Safety Board (NTSB) to report true overtime payments made by the Board in the preceding fiscal year. As required in Section 4(g)(4) of the act, the amount of true overtime paid in fiscal year 2006 by the NTSB was \$661,398.68. The 15 percent cap limited true overtime pay to 4 investigative employees.

If you have any additional questions, please do not hesitate to contact me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

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Mark V. Rosenker
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

FEB 01 2007

Honorable John L. Mica
Ranking Republican Member
Transportation and Infrastructure Committee
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Mica:

Public Law 106-424, the National Transportation Safety Board Amendments Act of 2000, directed the National Transportation Safety Board (NTSB) to report true overtime payments made by the Board in the preceding fiscal year. As required in Section 4(g)(4) of the act, the amount of true overtime paid in fiscal year 2006 by the NTSB was \$661,398.68. the 15 percent cap limited true overtime pay to 4 investigative employees.

If you have any additional questions, please do not hesitate to contact me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

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Mark V. Rosenker
Chairman

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RESPONSE DUE

FROM **Rosenker, Mark**

ORGANIZATION **National Transportation Safety Board**

SUBJECT **NTSB Submits Fiscal Year 2008 Federal
Information Security Management Act (FISMA)
Report to Congress per Act.**

NOTATION

RECS

NOTES **Exec Sec Rec'd 1/7/2009. Letters addressed to**

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M-DAPH

VC-RLS

C-MVR

MD-5 to Office for Final

for corrections

1-8-09

Office to MD-5

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Q

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*to many to sign - p/s.
auto pen per AC MVR 1/9, 6:50 p.m.*



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 12 2009

Honorable Daniel K. Inouye
Chairman
Committee on Commerce, Science and Transportation
United States Senate
Washington, D.C. 20510

Dear Chairman Inouye:

Enclosed please find the National Transportation Safety Board's fiscal year 2008 Federal Information Security Management Act (FISMA) Report as required by the Office of Management and Budget.

If you have any additional questions or concerns, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker", is positioned above the typed name.

Mark V. Rosenker
Acting Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 12 2009

Honorable Kay Bailey Hutchison
Ranking Minority Member
Committee on Commerce, Science and Transportation
United States Senate
Washington, D.C. 20510

Dear Senator Hutchison:

Enclosed please find the National Transportation Safety Board's fiscal year 2008 Federal Information Security Management Act (FISMA) Report as required by the Office of Management and Budget.

If you have any additional questions or concerns, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker", is positioned above the typed name.

Mark V. Rosenker
Acting Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 12 2009

Honorable James L. Oberstar
Chairman
Committee on Transportation and Infrastructure
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Oberstar:

Enclosed please find the National Transportation Safety Board's fiscal year 2008 Federal Information Security Management Act (FISMA) Report as required by the Office of Management and Budget.

If you have any additional questions or concerns, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

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Mark V. Rosenker
Acting Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 12 2009

Honorable John L. Mica
Ranking Minority Member
Committee on Transportation and Infrastructure
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Mica:

Enclosed please find the National Transportation Safety Board's fiscal year 2008 Federal Information Security Management Act (FISMA) Report as required by the Office of Management and Budget.

If you have any additional questions or concerns, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

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Mark V. Rosenker
Acting Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 12 2009

Honorable David R. Obey
Chairman
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Obey:

Enclosed please find the National Transportation Safety Board's fiscal year 2008 Federal Information Security Management Act (FISMA) Report as required by the Office of Management and Budget.

If you have any additional questions or concerns, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker", is positioned above the typed name.

Mark V. Rosenker
Acting Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

JAN 12 2009

Office of the Chairman

Honorable Jerry Lewis
Ranking Republican Member
Committee on Appropriations
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Lewis:

Enclosed please find the National Transportation Safety Board's fiscal year 2008 Federal Information Security Management Act (FISMA) Report as required by the Office of Management and Budget.

If you have any additional questions or concerns, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker".

Mark V. Rosenker
Acting Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 12 2009

Honorable Robert C. Byrd
Chairman
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Chairman Byrd:

Enclosed please find the National Transportation Safety Board's fiscal year 2008 Federal Information Security Management Act (FISMA) Report as required by the Office of Management and Budget.

If you have any additional questions or concerns, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker".

Mark V. Rosenker
Acting Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 12 2009

Honorable Thad Cochran
Ranking Republican Member
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Senator Cochran:

Enclosed please find the National Transportation Safety Board's fiscal year 2008 Federal Information Security Management Act (FISMA) Report as required by the Office of Management and Budget.

If you have any additional questions or concerns, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker".

Mark V. Rosenker
Acting Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 12 2009

Honorable Joseph I. Lieberman
Chairman
Homeland Security and Governmental Affairs Committee
United States Senate
Washington, D.C. 20510

Dear Chairman Lieberman:

Enclosed please find the National Transportation Safety Board's fiscal year 2008 Federal Information Security Management Act (FISMA) Report as required by the Office of Management and Budget.

If you have any additional questions or concerns, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker".

Mark V. Rosenker
Acting Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 12 2009

Honorable Susan M. Collins
Ranking Republican Member
Homeland Security and Governmental Affairs Committee
United States Senate
Washington, D.C. 20510

Dear Senator Collins:

Enclosed please find the National Transportation Safety Board's fiscal year 2008 Federal Information Security Management Act (FISMA) Report as required by the Office of Management and Budget.

If you have any additional questions or concerns, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker", is positioned below the word "Sincerely,".

Mark V. Rosenker
Acting Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

JAN 12 2009

Office of the Chairman

Honorable Bart Gordon
Chairman
Committee on Science and Technology
United States House of Representatives
Washington, D.C. 20510

Dear Chairman Gordon:

Enclosed please find the National Transportation Safety Board's fiscal year 2008 Federal Information Security Management Act (FISMA) Report as required by the Office of Management and Budget.

If you have any additional questions or concerns, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker".

Mark V. Rosenker
Acting Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JAN 12 2009

Honorable Ralph M. Hall
Ranking Minority Member
Committee on Science and Technology
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Hall:

Enclosed please find the National Transportation Safety Board's fiscal year 2008 Federal Information Security Management Act (FISMA) Report as required by the Office of Management and Budget.

If you have any additional questions or concerns, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker".

Mark V. Rosenker
Acting Chairman

Enclosure

NATIONAL TRANSPORTATION SAFETY BOARD

**Compliance with the Requirements of the Federal
Information Security Management Act**

Fiscal Year 2008

Submitted By

**Leon Snead & Company, P.C.
Certified Public Accountants & Management Consultants**



**LEON SNEAD
& COMPANY, P.C.**

*Certified Public Accountants
& Management Consultants*

416 Hungerford Drive, Suite 400
Rockville, Maryland 20850
301-738-8190
fax: 301-738-8210
leonsnead.companypc@erols.com

September 29, 2008

Honorable Mark V. Rosenker
Acting Chairman
National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594

Dear Mr. Rosenker:

Leon Snead & Company, P.C. has completed its evaluation of National Transportation Safety Board's compliance with the Federal Information Security Management Act (FISMA) for fiscal year 2008. We have also completed and are providing a copy of the Office of Management and Budget's FISMA template that we are required to complete.

Leon Snead & Company, P.C. appreciates the courtesies and cooperation provided by your staff during the evaluation.

Sincerely,

Leon Snead & Company, P.C.
Leon Snead & Company, P.C.

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Introduction

Leon Snead & Company, P.C. has completed its evaluation of National Transportation Safety Board's (NTSB) Information Technology (IT) security program for fiscal year 2008. The evaluation was performed at the request of NTSB to assess the agency's compliance with FISMA requirements.

Title III of the E-Government Act, entitled the *Federal Information Security Management Act* requires each federal agency to develop, document, and implement an agency-wide program to provide security for information and information systems that support the operations and assets of the agency, including those systems managed by another agency or contractor. FISMA, along with the *Paperwork Reduction Act of 1995* and the *Information Technology Management Reform Act of 1996*, emphasize a risk-based policy for cost-effective security. In support of and reinforcing this legislation, the Office of Management and Budget (OMB) through Circular A-130, *Management of Federal Information Resources*, Appendix III, *Security of Federal Automated Information Resources*, requires executive agencies within the Federal government to:

- Plan for security;
- Ensure that appropriate officials are assigned security responsibility;
- Periodically review the security controls in their information systems; and
- Authorize system processing prior to operations and, periodically, thereafter.

The NTSB is an independent Federal agency charged by Congress with investigating every civil aviation accident in the United States, significant accidents in the other modes of transportation, and issuing safety recommendations aimed at preventing future accidents. The NTSB is responsible for maintaining the government's database of civil aviation accidents, and also conducts special studies of transportation safety issues of national significance.

Since its inception in 1967, the NTSB has investigated more than 124,000 aviation accidents and over 10,000 surface transportation accidents. In so doing, it has become one of the world's premier accident investigation agencies. The NTSB has issued more than 12,000 recommendations in all transportation modes to more than 2,200 recipients.

To accomplish its mission, the NTSB has implemented an information technology infrastructure that includes communications networks, computer laboratories, and software application systems at its Headquarters, ten regional offices, and Training Center.

Objectives, Scope, and Methodology

The evaluation's objective was to assess the agency's compliance with FISMA requirements. To accomplish this objective, we performed the following tests:

- Determined if NTSB's policies and procedures met FISMA and OMB requirements, and whether NTSB had adequately maintained an agency-wide Information Technology (IT) security program that met FISMA requirements.
- Determined if NTSB personnel had assessed the risk to operations and assets under their control, assigned a level of risk to the systems, tested and evaluated security controls and techniques; whether NTSB had an up-to-date security plan for each major application and general support system, and had certified and accredited, as appropriate, the agency's systems.
- Ascertained if comprehensive contingency plans have been developed and documented, and tested.
- Determined if NTSB has ensured security awareness training has been provided to all employees, including contractors, and appropriate specialized training provided to those employees with significant IT security responsibilities.
- Determined the extent of testing performed by NTSB using security scanning software, independently scanned the agency's networks for vulnerabilities, and determined whether the agency had monitored scanning results, and corrected vulnerabilities, as necessary.
- Determined if NTSB's Plan of Action and Milestones (POA&M) identified known weaknesses, and were used for assessing, prioritizing, and monitoring the progress of corrective efforts for security weaknesses identified.
- Determined if logical access controls have been developed and effectively implemented.
- Ascertained whether the agency met privacy requirements, including meeting OMB requirements for securing sensitive personnel privacy information.

The evaluation was performed in accordance with *Government Auditing Standards*, and included appropriate tests necessary to achieve the evaluation's objective. Other criteria used in the evaluation were the National Institute of Standards and Technology (NIST) guidance for assessing the security controls in Federal systems, the Federal Information Systems Control Audit Manual (FISCAM), and OMB Memorandum M-08-21, *FY 2008 Reporting Instructions for the Federal Information Security Management Act and Agency Privacy Management*, dated July 14, 2008. We have also completed the FISMA template required by the OMB memorandum.

Summary of Evaluation

NTSB has made substantial progress in addressing weaknesses in the agency's Information Technology (IT) security program. Because of these actions, we believe that the agency is no longer in material non-compliance with FISMA. However, our 2008

review found that some problems identified in prior reports remain uncorrected. NTSB is tracking these issues in its POA&M, and NTSB officials believe that the remaining problems will be corrected in the near future.

Our 2008 FISMA review emphasized audit tests to determine if NTSB had completed corrective actions on prior reported problems, and whether these actions were effective. Details of our audit tests follow:

2007 Issue	Status	Comments
NTSB had not yet completed and documented a comprehensive system security planning and life cycle management program for its major applications and general support systems.	Substantial Progress	NTSB has completed actions on its GSS and has actions in process to fully address this issue for its other major systems by early FY 2009.
NTSB needs to: (1) ensure that established controls are more effectively implemented relating to the periodic review and monitoring of users' access to agency systems; and (2) establish additional controls relating to removing contractors, interns and executive training personnel access authorities when they leave the agency.	Substantial Progress	NTSB has completed its first review of GSS users, but could not identify specific access authorities granted to each user. NTSB plans to include this needed detail in its next review. User reviews were not completed for users' who have access to systems maintained by NBC.
NTSB needed to take additional actions to address requirements in OMB Circular A-130, and OMB Memorandum M-03-22, <i>OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002</i> .	Corrected	NTSB has corrected problems related to this area.
NTSB did not have a process to insure that IT security was integrated into agency capital planning practices as required by FISMA and OMB Circulars A-11, <i>Preparation, Submission, and Execution of the Budget</i> , and A-130.	Corrected	NTSB has corrected problems related to this area.
NTSB had not yet corrected, but was implementing actions to assist it in managing its vulnerability scanning program, including documenting the corrective actions taken on identified vulnerabilities and reporting incidents to proper authorities.	Corrected	NTSB has contracted with a firm to perform network scanning, and has documented actions taken to address potential scanning vulnerabilities. Our tests on NTSB's intrusion detection and reporting showed it has installed software; was monitoring the software; and reporting incidents.

Our tests of NTSB's IT security program did identify areas where the agency needs to strengthen controls, take other actions to remove weaknesses, or complete planned corrective actions in order to further reduce the risk to agency IT resources. Details follow:

- As noted above, NTSB is not yet able to provide users' supervisors with necessary details about the specific access authorities granted to a user. Without

this detailed information, the controls provided by supervisors' certifications of GSS users' access is reduced. In addition, we found that because, the National Business Center (NBC) had assumed responsibility over the required review of user access for the Momentum accounting system during 2008, the NTSB users of this system were excluded from the required annual review. In addition, we were unable to obtain any data on the access review for NTSB users of the FPPS and related systems.

- NTSB has not yet completed the C&A of its two major systems. These two systems were to be accredited by December 2007, but are now scheduled to be accredited early in fiscal year 2009. NTSB officials advised us that the amount of resources devoted to certifying and accrediting the GSS impacted the agency's ability to complete its C&A of these systems, as discussed in its POA&M.
- NTSB has not completed required implementation of the FDCC. This security configuration is a high priority project that is being tracked by OMB. NTSB needs to prioritize this area, which when implemented should also correct a problem GAO identified where all users with local administrator privileges on their workstations have complete control to load software to modify and reconfigure their computers which could negate network security policies.
- NTSB has not fully implemented NIST requirements to encrypt all mobile computers or devices that contain agency data. We found that NTSB had purchased software to enable it to encrypt data on all agency laptops; however, NTSB has not yet completed the installation of this software on its laptop computers. NTSB officials advised us that it plans to have the installation completed in the near future.

We provided NTSB with the results of our network vulnerability scans under separate cover. Overall, we believe that NTSB's security program controls in this area were designed satisfactorily, and had been placed in operation during 2008. We found that NTSB's systems were scanned throughout the year by several independent contractors that used a variety of scanning tools. Our review of a sample of the scan results showed that NTSB had taken actions to correct critical issues identified by the scans. We requested NTSB to review the scanning data we provided in conjunction with their ongoing network scanning program, and document actions taken to address the potential vulnerabilities, as appropriate.

The CIO in his written comments to the draft report advised that the agency concurs with the recommendations and will work to strengthen access controls, complete the C&A of its two systems, encrypt all laptops, and implement FDCC during fiscal year 2009. We have included the CIO's response, in its entirety, as Appendix B to this report.

FINDINGS AND RECOMMENDATIONS

Substantial Progress Made Correcting NTSB IT Security Program Weaknesses

1. NTSB has taken actions to strengthen its IT security program. NTSB has completed certification and accreditation (C&A) of its general support system (GSS), has actions underway to complete C&A for its two major applications, and has addressed other IT security program weaknesses. While NTSB's 2007 POA&M showed accreditation for all NTSB systems by December 2007, resources devoted to completion of the C&A for the GSS has delayed accreditation of these actions until fiscal year 2009. As a result, while no longer representing a material weakness, NTSB remains at risk until these systems are accredited, and other problem areas discussed in this report are corrected.

Title III of the E-Government Act, entitled the *Federal Information Security Management Act*, emphasizes the need for each federal agency to develop, document, and implement an enterprise-wide program to provide information security for the information and information systems that support the operations and assets of the agency including those provided or managed by another agency, contractor, or other source. According to NIST Special Publication 800-53, *Recommended Security Controls for Federal Information Systems*, an effective IT security program should include the elements listed in the table below.

We have completed our assessment of NTSB's IT security program, and drew the following conclusions as to whether the agency meets, partially meets, or did not meet each of the elements tested.

Security Element	System	System's Compliance
Risk assessment	GSS ¹	Meets
	AIS ²	Partial
	LAB ³	Partial
Policies and procedures	GSS	Meets
	AIS	Meets
	LAB	Meets

¹ General Support System

² Aviation Investigation System

³ Laboratory System

Security Element	System	System's Compliance
Security Planning	GSS	Meets
	AIS	Meets
	LAB	Partial
Security awareness training	GSS	Meets
	AIS	Meets
	LAB	Meets
Periodic testing and evaluation	GSS	Meets
	AIS	Partial
	LAB	Partial
Intrusion detection, prevention and reporting	GSS	Meets
	AIS	Meets
	LAB	Meets
Contingency Planning	GSS	Meets
	AIS	Meets
	LAB	Meets

We concluded that NTSB was in substantial compliance with required control procedures for its GSS system. We concluded that NTSB's two major systems were in partial compliance because NTSB had made substantial progress in completing the risk assessments; security plans; and security testing and evaluations for the systems.

Because of these actions, we are not making any additional recommendation in this area.

Access Controls – Improvements Made but Additional Actions Necessary

2. NTSB has completed its first recertification of users' access authorities for its GSS, but has not yet been able to identify specific access authorities granted to each user. In addition, NTSB users of NBC systems have not been recertified within the last year as required. NTSB advised that it had implemented a timed-phased plan to meet user access authority recertification requirements within the agency for the GSS. It had completed the first phase of the plan, and was researching software applications that would enable it to "drill-down" on GSS users in order to identify specific access authorities granted to each user. As a result, NTSB has reduced assurances that its user's access authorities are restricted to those that are necessary to accomplish individual user's job responsibilities.

NTSB CIO-GEN-003, *Information Technology Identification and Authentication Policy* and NIST Special Publication 800-53 require that an agency shall annually recertify user accounts to ensure that users only have access authorities necessary to accomplish their authorized job responsibilities. NTSB policies require that certifications must be completed and documented annually by May 31.

We followed up on problems noted with access controls in our 2007 report, as well as issues identified in GAO's 2008 review. The results of our follow-up tests are shown in the table below.

Problem Noted	Actions Taken by NTSB	Status
Ensure that established controls are more effectively implemented relating to the periodic review and monitoring of users' access to agency systems.	For GSS, NTSB performed the initial review of user access authorities. However, NTSB does not yet have the ability to identify a user's specific authorities within GSS as well as shared files.	Partially implemented.
	Financial management system access control reviews were not performed by NTSB this year. NBC has advised NTSB officials that it had assumed this control procedure, but had not yet completed the required review. NBC advised that it planned to complete the user review within the next few months.	Not implemented for 2008 fiscal year.
	FPPS user access authority review documentation not provided.	Not implemented for 2008 fiscal year.
Establish additional controls relating to removing contractors, interns and executive training personnel access authorities when they leave the agency.	NTSB established additional procedures to control this area and issued policy. NTSB deleted the cases noted in the report	Problem addressed.

Problem Noted	Actions Taken by NTSB	Status
Establish controls to require the system to automatically disable inactive accounts after a period of non-use.	NTSB has established a 90-day period.	Problem addressed.
GAO identified that all users with local administrator privileges on their workstations have complete control to load software to modify and reconfigure their computers which could negate network security policies.	NTSB had not yet implemented this control.	Problem remains.
NTSB has not fully implemented NIST requirements to encrypt all mobile computers or devices that contain agency data.	We found that NTSB had purchased software to enable it to encrypt data on all agency laptops; however, NTSB has not yet installed this software all of its laptop computers. NTSB officials advised us that it plans to have the installation completed in the near future.	Problem remains.

Recommendations

1. Develop a process to identify the specific access authorities granted to each GSS user to enable users' supervisors and system owners to properly analyze and complete the annual certification of users' access authorities.
2. Encrypt all data stored on mobile devices or computers that contain agency data.
3. Work with NBC personnel to ensure that NIST required user account reviews are performed, at least annually, for NTSB users of systems administered by NBC.

Implementation of FDCC

3. NTSB has not implemented OMB's mandated FDCC security configuration. FDCC provides improved security and would address issues we and GAO have identified as weaknesses in NTSB security program. For example, the FDCC would address identified vulnerabilities to include allowing individuals to act as administrators on local machines. NTSB has reported in its POA&M a problem with FDCC implementation, and noted an implementation date of "FY2008".

Recommendation

Develop a detailed project plan to control the NTSB implementation of the FDCC project, including reduced timeframes for completion of this project.

Section C - Inspector General Questions 1 and 2

Agency Name: **National Transportation Safety Board**

Submission date: **October 1, 2008**

Question 1: FISMA Systems Inventory

1. As required in FISMA, the IG shall evaluate a representative subset of systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency.

In the table below, identify the number of agency and contractor information systems, and the number reviewed, by component/bureau and FIPS 199 system impact level (high, moderate, low, or not categorized). Extend the worksheet onto subsequent pages if necessary to include all Component/Bureaus.

Agency systems shall include information systems used or operated by an agency. Contractor systems shall include information systems used or operated by a contractor of an agency or other organization on behalf of an agency. The total number of systems shall include both agency systems and contractor systems.

Agencies are responsible for ensuring the security of information systems used by a contractor of their agency or other organization on behalf of their agency; therefore, self-reporting by contractors does not meet the requirements of law. Self-reporting by another Federal agency, for example, a Federal service provider, may be sufficient. Agencies and service providers have a shared responsibility for FISMA compliance.

Question 2: Certification and Accreditation, Security Controls Testing, and Contingency Plan Testing

2. For the Total Number of Systems reviewed by Component/Bureau and FIPS System Impact Level in the table for Question 1, identify the number and percentage of systems which have: a current certification and accreditation, security controls tested and reviewed within the past year, and a contingency plan tested in accordance with policy.

		Question 1						Question 2					
		a. Agency Systems		b. Contractor Systems		c. Total Number of Systems (Agency and Contractor systems)		a. Number of systems certified and accredited		b. Number of systems for which security controls have been tested and reviewed in the past year		c. Number of systems for which contingency plans have been tested in accordance with policy	
Bureau Name	FIPS 199 System Impact Level	Number	Number Reviewed	Number	Number Reviewed	Total Number	Total Number Reviewed	Total Number	Percent of Total	Total Number	Percent of Total	Total Number	Percent of Total
Component/Bureau	High					0	0						
	Moderate	3	1			3	1	1	100%	1	100%		0%
	Low					0	0						
	Not Categorized					0	0						
	Sub-total	3	1	0	0	3	1	1	100%	1	100%	1	100%
Component/Bureau	High					0	0						
	Moderate					0	0						
	Low					0	0						
	Not Categorized					0	0						
	Sub-total	0	0	0	0	0	0	0		0		0	
Component/Bureau	High					0	0						
	Moderate					0	0						
	Low					0	0						
	Not Categorized					0	0						
	Sub-total	0	0	0	0	0	0	0		0		0	
Component/Bureau	High					0	0						
	Moderate					0	0						
	Low					0	0						
	Not Categorized					0	0						
	Sub-total	0	0	0	0	0	0	0		0		0	
Component/Bureau	High					0	0						
	Moderate					0	0						
	Low					0	0						
	Not Categorized					0	0						
	Sub-total	0	0	0	0	0	0	0		0		0	
Component/Bureau	High					0	0						
	Moderate					0	0						
	Low					0	0						
	Not Categorized					0	0						
	Sub-total	0	0	0	0	0	0	0		0		0	
Agency Totals	High	0	0	0	0	0	0	0		0		0	
	Moderate	3	1	0	0	3	1	1	100%	1	100%	0	0%
	Low	0	0	0	0	0	0	0		0		0	
	Not Categorized	0	0	0	0	0	0	0		0		0	
	Total	3	1	0	0	3	1	1	100%	1	100%	0	0%

Data Entry Cells

Editable Calculations (no Data Entry-ONLY edit formulas when necessary)

[illegible]

Section C - Inspector General: Questions 4 and 5

Agency Name: **National Transportation Safety Board**

Question 4: Evaluation of Agency Plan of Action and Milestones (POA&M) Process

Assess whether the agency has developed, implemented, and is managing an agency-wide plan of action and milestones (POA&M) process. Evaluate the degree to which each statement reflects the status in your agency by choosing from the responses provided. If appropriate or necessary, include comments in the area provided.

For each statement in items 4.a. through 4.f., select the response category that best reflects the agency's status.

Response Categories:

- Rarely, for example, approximately 0-50% of the time
- Sometimes, for example, approximately 51-70% of the time
- Frequently, for example, approximately 71-80% of the time
- Mostly, for example, approximately 81-95% of the time
- Almost Always, for example, approximately 96-100% of the time

4.a.	The POA&M is an agency-wide process, incorporating all known IT security weaknesses associated with information systems used or operated by the agency, or by a contractor of the agency or other organization on behalf of the agency.	Almost Always (96-100% of the time)
4.b.	When an IT security weakness is identified, program officials (including CIOs, if they own or operate a system) develop, implement, and manage POA&Ms for their system(s).	Almost Always (96-100% of the time)
4.c.	Program officials and contractors report their progress on security weakness remediation to the CIO on a regular basis (at least quarterly).	Almost Always (96-100% of the time)
4.d.	Agency CIO centrally tracks, maintains, and reviews POA&M activities on at least a quarterly basis.	Almost Always (96-100% of the time)
4.e.	IG findings are incorporated into the POA&M process.	Almost Always (96-100% of the time)
4.f.	POA&M process prioritizes IT security weaknesses to help ensure significant IT security weaknesses are addressed in a timely manner and receive appropriate resources.	Almost Always (96-100% of the time)

POA&M process comments:	
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Question 5: IG Assessment of the Certification and Accreditation Process

Provide a qualitative assessment of the agency's certification and accreditation process, including adherence to existing policy, guidance, and standards. Provide narrative comments as appropriate.

Agencies shall follow NIST Special Publication 800-37, "Guide for the Security Certification and Accreditation of Federal Information Systems" (May 2004) for certification and accreditation work initiated after May 2004. This includes use of the FIPS 199, "Standards for Security Categorization of Federal Information and Information Systems" (February 2004) to determine a system impact level, as well as associated NIST document used as guidance for completing risk assessments and security plans.

5.a.	<p>The IG rates the overall quality of the Agency's certification and accreditation process as:</p> <p>Response Categories:</p> <ul style="list-style-type: none">ExcellentGoodSatisfactoryPoorFailing	Good																
5.b.	<p>The IG's quality rating included or considered the following aspects of the C&A process: (check all that apply)</p> <table><tr><td>Security plan</td><td>X</td></tr><tr><td>System impact level</td><td>X</td></tr><tr><td>System test and evaluation</td><td>X</td></tr><tr><td>Security control testing</td><td>X</td></tr><tr><td>Incident handling</td><td></td></tr><tr><td>Security awareness training</td><td>X</td></tr><tr><td>Configurations/patching</td><td>X</td></tr><tr><td>Other</td><td></td></tr></table>	Security plan	X	System impact level	X	System test and evaluation	X	Security control testing	X	Incident handling		Security awareness training	X	Configurations/patching	X	Other		
Security plan	X																	
System impact level	X																	
System test and evaluation	X																	
Security control testing	X																	
Incident handling																		
Security awareness training	X																	
Configurations/patching	X																	
Other																		

C&A process comments:	
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Section C: Inspector General: Questions 6, 7, and 8

Agency Name: **National Transportation Safety Board**

Question 6-7: IG Assessment of Agency Privacy Program and Privacy Impact Assessment (PIA) Process

<p>6</p> <p>Provide a qualitative assessment of the agency's Privacy Impact Assessment (PIA) process, as discussed in Section D Question #5 (SAOP reporting template), including adherence to existing policy, guidance, and standards.</p> <p>Response Categories:</p> <p>Excellent</p> <p>Good</p> <p>Satisfactory</p> <p>Poor</p> <p>Failing</p> <p>Comments:</p>		<p>Excellent</p>
<p>7</p> <p>Provide a qualitative assessment of the agency's progress to date in implementing the provisions of M-07-16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information.</p> <p>Response Categories:</p> <p>Excellent</p> <p>Good</p> <p>Satisfactory</p> <p>Poor</p> <p>Failing</p> <p>Comments:</p>		<p>Excellent</p>

Question 8: Configuration Management

<p>8.a</p> <p>Is there an agency-wide security configuration policy? Yes or No.</p> <p>Comments:</p>		<p>Yes</p>
<p>8.b</p> <p>Approximate the extent to which applicable systems implement common security configurations, including use of common security configurations available from the National Institute of Standards and Technology's website at http://checklists.nist.gov.</p> <p>Response categories:</p> <p>Rarely, for example, approximately 0-50% of the time</p> <p>Sometimes, for example, approximately 51-70% of the time</p> <p>Frequently, for example, approximately 71-80% of the time</p> <p>Mostly, for example, approximately 81-95% of the time</p> <p>Almost Always, for example, approximately 96-100% of the time</p>		<p>Mostly (81-95% of the time)</p>
<p>8.c</p> <p>Indicate which aspects of Federal Desktop Core Configuration (FDCC) have been implemented as of this report:</p> <p>c.1. Agency has adopted and implemented FDCC standard configurations and has documented deviations. Yes or No.</p> <p>c.2. New Federal Acquisition Regulation 2007-004 language, which modified "Part 39—Acquisition of Information Technology," is included in all contracts related to common security settings. Yes or No.</p> <p>c.3. All Windows XP and VISTA computing systems have implemented the FDCC security settings. Yes or No.</p>		<p>Sometimes (51-70% of the time)</p> <p>Sometimes (51-70% of the time)</p> <p>Sometimes (51-70% of the time)</p>

Section C - Inspector General Questions 9, 10 and 11

Agency Name: **National Transportation Safety Board**

Question 9: Incident Reporting

Indicate whether or not the agency follows documented policies and procedures for reporting incidents internally to US-CERT, and to law enforcement. If appropriate or necessary, include comments in the area provided below.

9.a	The agency follows documented policies and procedures for identifying and reporting incidents internally. Yes or No.	Yes
9.b	The agency follows documented policies and procedures for external reporting to US-CERT. Yes or No. (http://www.us-cert.gov)	Yes
9.c	The agency follows documented policies and procedures for reporting to law enforcement. Yes or No.	Yes

Comments:

Question 10: Security Awareness Training

Has the agency ensured security awareness training of all employees, including contractors and those employees with significant IT security responsibilities?

Response Categories:

- ☐ Rarely or approximately 0-50% of employees
- ☐ Sometimes or approximately 51-70% of employees
- ☐ Frequently or approximately 71-80% of employees
- ☐ Mostly or approximately 81-95% of employees
- ☐ Almost Always or approximately 96-100% of employees

Almost Always (96-100% of employees)

Question 11: Collaborative Web Technologies and Peer-to-Peer File Sharing

Does the agency explain policies regarding the use of collaborative web technologies and peer-to-peer file sharing in IT security awareness training, ethics training, or any other agency-wide training? Yes or No.

Yes

Question 12: E-Authentication Risk Assessments

12.a. Has the agency identified all e-authentication applications and validated that the applications have operationally achieved the required assurance level in accordance with the NIST Special Publication 800-63, "Electronic Authentication Guidelines"? Yes or No.

Yes

12.b. If the response is "No", then please identify the systems in which the agency has not implemented the e-authentication guidance and indicate if the agency has a planned date of remediation.



National Transportation Safety Board

Washington, D.C. 20594

Office of Chief Information Officer

September 19, 2008

Mr. Leon Snead, Managing Partner
Leon Snead & Company, P.C.
416 Hungerford Drive, Suite 400
Rockville, MD 20850

Dear Mr. Snead:

I appreciate the opportunity to respond to your report *National Transportation Safety Board Compliance with the Requirements of the Federal Information Security Management Act Fiscal Year 2008 Draft Report*. This is the most positive Federal Information Security Management Act (FISMA) Report received to date by the Safety Board.

The National Transportation Safety Board (NTSB) has made great strides over the past year in the areas of information security and data privacy and we appreciate your recognition of the progress made by NTSB in improving our FISMA compliance program. The removal of the existing material weakness with respect to FISMA compliance represents a milestone for the Safety Board. However, as noted additional work remains and my staff concurs with the recommendations set forth in your report and will work to strengthen access controls, complete work required to C&A the AIS and LabGSS systems, encrypt all Safety Board laptops, and implement the Federal Desktop Core Configuration during FY2009.

As you are aware, the NTSB is the world's pre-eminent accident investigation authority and our goal is to continue to strengthen our information technology security and data privacy programs so that they are on par with our other technical and investigative capabilities.

If you have any questions, please contact me at (202) 314-6566.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Scherer", is written over the typed name.

Bob Scherer
Chief Information Officer

NATIONAL TRANSPORTATION SAFETY BOARD

**Compliance with the Requirements of the Federal
Information Security Management Act**

Fiscal Year 2008

Submitted By

**Leon Snead & Company, P.C.
Certified Public Accountants & Management Consultants**



**LEON SNEAD
& COMPANY, P.C.**

*Certified Public Accountants
& Management Consultants*

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September 29, 2008

Honorable Mark V. Rosenker
Acting Chairman
National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594

Dear Mr. Rosenker:

Leon Snead & Company, P.C. has completed its evaluation of National Transportation Safety Board's compliance with the Federal Information Security Management Act (FISMA) for fiscal year 2008. We have also completed and are providing a copy of the Office of Management and Budget's FISMA template that we are required to complete.

Leon Snead & Company, P.C. appreciates the courtesies and cooperation provided by your staff during the evaluation.

Sincerely,

Leon Snead & Company, P.C.
Leon Snead & Company, P.C.

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Introduction

Leon Snead & Company, P.C. has completed its evaluation of National Transportation Safety Board's (NTSB) Information Technology (IT) security program for fiscal year 2008. The evaluation was performed at the request of NTSB to assess the agency's compliance with FISMA requirements.

Title III of the E-Government Act, entitled the *Federal Information Security Management Act* requires each federal agency to develop, document, and implement an agency-wide program to provide security for information and information systems that support the operations and assets of the agency, including those systems managed by another agency or contractor. FISMA, along with the *Paperwork Reduction Act of 1995* and the *Information Technology Management Reform Act of 1996*, emphasize a risk-based policy for cost-effective security. In support of and reinforcing this legislation, the Office of Management and Budget (OMB) through Circular A-130, *Management of Federal Information Resources*, Appendix III, *Security of Federal Automated Information Resources*, requires executive agencies within the Federal government to:

- Plan for security;
- Ensure that appropriate officials are assigned security responsibility;
- Periodically review the security controls in their information systems; and
- Authorize system processing prior to operations and, periodically, thereafter.

The NTSB is an independent Federal agency charged by Congress with investigating every civil aviation accident in the United States, significant accidents in the other modes of transportation, and issuing safety recommendations aimed at preventing future accidents. The NTSB is responsible for maintaining the government's database of civil aviation accidents, and also conducts special studies of transportation safety issues of national significance.

Since its inception in 1967, the NTSB has investigated more than 124,000 aviation accidents and over 10,000 surface transportation accidents. In so doing, it has become one of the world's premier accident investigation agencies. The NTSB has issued more than 12,000 recommendations in all transportation modes to more than 2,200 recipients.

To accomplish its mission, the NTSB has implemented an information technology infrastructure that includes communications networks, computer laboratories, and software application systems at its Headquarters, ten regional offices, and Training Center.

Objectives, Scope, and Methodology

The evaluation's objective was to assess the agency's compliance with FISMA requirements. To accomplish this objective, we performed the following tests:

- Determined if NTSB's policies and procedures met FISMA and OMB requirements, and whether NTSB had adequately maintained an agency-wide Information Technology (IT) security program that met FISMA requirements.
- Determined if NTSB personnel had assessed the risk to operations and assets under their control, assigned a level of risk to the systems, tested and evaluated security controls and techniques; whether NTSB had an up-to-date security plan for each major application and general support system, and had certified and accredited, as appropriate, the agency's systems.
- Ascertained if comprehensive contingency plans have been developed and documented, and tested.
- Determined if NTSB has ensured security awareness training has been provided to all employees, including contractors, and appropriate specialized training provided to those employees with significant IT security responsibilities.
- Determined the extent of testing performed by NTSB using security scanning software, independently scanned the agency's networks for vulnerabilities, and determined whether the agency had monitored scanning results, and corrected vulnerabilities, as necessary.
- Determined if NTSB's Plan of Action and Milestones (POA&M) identified known weaknesses, and were used for assessing, prioritizing, and monitoring the progress of corrective efforts for security weaknesses identified.
- Determined if logical access controls have been developed and effectively implemented.
- Ascertained whether the agency met privacy requirements, including meeting OMB requirements for securing sensitive personnel privacy information.

The evaluation was performed in accordance with *Government Auditing Standards*, and included appropriate tests necessary to achieve the evaluation's objective. Other criteria used in the evaluation were the National Institute of Standards and Technology (NIST) guidance for assessing the security controls in Federal systems, the Federal Information Systems Control Audit Manual (FISCAM), and OMB Memorandum M-08-21, *FY 2008 Reporting Instructions for the Federal Information Security Management Act and Agency Privacy Management*, dated July 14, 2008. We have also completed the FISMA template required by the OMB memorandum.

Summary of Evaluation

NTSB has made substantial progress in addressing weaknesses in the agency's Information Technology (IT) security program. Because of these actions, we believe that the agency is no longer in material non-compliance with FISMA. However, our 2008

review found that some problems identified in prior reports remain uncorrected. NTSB is tracking these issues in its POA&M, and NTSB officials believe that the remaining problems will be corrected in the near future.

Our 2008 FISMA review emphasized audit tests to determine if NTSB had completed corrective actions on prior reported problems, and whether these actions were effective. Details of our audit tests follow:

2007 Issue	Status	Comments
NTSB had not yet completed and documented a comprehensive system security planning and life cycle management program for its major applications and general support systems.	Substantial Progress	NTSB has completed actions on its GSS and has actions in process to fully address this issue for its other major systems by early FY 2009.
NTSB needs to: (1) ensure that established controls are more effectively implemented relating to the periodic review and monitoring of users' access to agency systems; and (2) establish additional controls relating to removing contractors, interns and executive training personnel access authorities when they leave the agency.	Substantial Progress	NTSB has completed its first review of GSS users, but could not identify specific access authorities granted to each user. NTSB plans to include this needed detail in its next review. User reviews were not completed for users' who have access to systems maintained by NBC.
NTSB needed to take additional actions to address requirements in OMB Circular A-130, and OMB Memorandum M-03-22, <i>OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002</i> .	Corrected	NTSB has corrected problems related to this area.
NTSB did not have a process to insure that IT security was integrated into agency capital planning practices as required by FISMA and OMB Circulars A-11, <i>Preparation, Submission, and Execution of the Budget</i> , and A-130.	Corrected	NTSB has corrected problems related to this area.
NTSB had not yet corrected, but was implementing actions to assist it in managing its vulnerability scanning program, including documenting the corrective actions taken on identified vulnerabilities and reporting incidents to proper authorities.	Corrected	NTSB has contracted with a firm to perform network scanning, and has documented actions taken to address potential scanning vulnerabilities. Our tests on NTSB's intrusion detection and reporting showed it has installed software; was monitoring the software; and reporting incidents.

Our tests of NTSB's IT security program did identify areas where the agency needs to strengthen controls, take other actions to remove weaknesses, or complete planned corrective actions in order to further reduce the risk to agency IT resources. Details follow:

- As noted above, NTSB is not yet able to provide users' supervisors with necessary details about the specific access authorities granted to a user. Without

this detailed information, the controls provided by supervisors' certifications of GSS users' access is reduced. In addition, we found that because, the National Business Center (NBC) had assumed responsibility over the required review of user access for the Momentum accounting system during 2008, the NTSB users of this system were excluded from the required annual review. In addition, we were unable to obtain any data on the access review for NTSB users of the FPPS and related systems.

- NTSB has not yet completed the C&A of its two major systems. These two systems were to be accredited by December 2007, but are now scheduled to be accredited early in fiscal year 2009. NTSB officials advised us that the amount of resources devoted to certifying and accrediting the GSS impacted the agency's ability to complete its C&A of these systems, as discussed in its POA&M.
- NTSB has not completed required implementation of the FDCC. This security configuration is a high priority project that is being tracked by OMB. NTSB needs to prioritize this area, which when implemented should also correct a problem GAO identified where all users with local administrator privileges on their workstations have complete control to load software to modify and reconfigure their computers which could negate network security policies.
- NTSB has not fully implemented NIST requirements to encrypt all mobile computers or devices that contain agency data. We found that NTSB had purchased software to enable it to encrypt data on all agency laptops; however, NTSB has not yet completed the installation of this software on its laptop computers. NTSB officials advised us that it plans to have the installation completed in the near future.

We provided NTSB with the results of our network vulnerability scans under separate cover. Overall, we believe that NTSB's security program controls in this area were designed satisfactorily, and had been placed in operation during 2008. We found that NTSB's systems were scanned throughout the year by several independent contractors that used a variety of scanning tools. Our review of a sample of the scan results showed that NTSB had taken actions to correct critical issues identified by the scans. We requested NTSB to review the scanning data we provided in conjunction with their ongoing network scanning program, and document actions taken to address the potential vulnerabilities, as appropriate.

The CIO in his written comments to the draft report advised that the agency concurs with the recommendations and will work to strengthen access controls, complete the C&A of its two systems, encrypt all laptops, and implement FDCC during fiscal year 2009. We have included the CIO's response, in its entirety, as Appendix B to this report.

FINDINGS AND RECOMMENDATIONS

Substantial Progress Made Correcting NTSB IT Security Program Weaknesses

1. NTSB has taken actions to strengthen its IT security program. NTSB has completed certification and accreditation (C&A) of its general support system (GSS), has actions underway to complete C&A for its two major applications, and has addressed other IT security program weaknesses. While NTSB's 2007 POA&M showed accreditation for all NTSB systems by December 2007, resources devoted to completion of the C&A for the GSS has delayed accreditation of these actions until fiscal year 2009. As a result, while no longer representing a material weakness, NTSB remains at risk until these systems are accredited, and other problem areas discussed in this report are corrected.

Title III of the E-Government Act, entitled the *Federal Information Security Management Act*, emphasizes the need for each federal agency to develop, document, and implement an enterprise-wide program to provide information security for the information and information systems that support the operations and assets of the agency including those provided or managed by another agency, contractor, or other source. According to NIST Special Publication 800-53, *Recommended Security Controls for Federal Information Systems*, an effective IT security program should include the elements listed in the table below.

We have completed our assessment of NTSB's IT security program, and drew the following conclusions as to whether the agency meets, partially meets, or did not meet each of the elements tested.

Security Element	System	System's Compliance
Risk assessment	GSS ¹	Meets
	AIS ²	Partial
	LAB ³	Partial
Policies and procedures	GSS	Meets
	AIS	Meets
	LAB	Meets

¹ General Support System

² Aviation Investigation System

³ Laboratory System

Security Element	System	System's Compliance
Security Planning	GSS	Meets
	AIS	Meets
	LAB	Partial
Security awareness training	GSS	Meets
	AIS	Meets
	LAB	Meets
Periodic testing and evaluation	GSS	Meets
	AIS	Partial
	LAB	Partial
Intrusion detection, prevention and reporting	GSS	Meets
	AIS	Meets
	LAB	Meets
Contingency Planning	GSS	Meets
	AIS	Meets
	LAB	Meets

We concluded that NTSB was in substantial compliance with required control procedures for its GSS system. We concluded that NTSB's two major systems were in partial compliance because NTSB had made substantial progress in completing the risk assessments; security plans; and security testing and evaluations for the systems.

Because of these actions, we are not making any additional recommendation in this area.

Access Controls – Improvements Made but Additional Actions Necessary

2. NTSB has completed its first recertification of users' access authorities for its GSS, but has not yet been able to identify specific access authorities granted to each user. In addition, NTSB users of NBC systems have not been recertified within the last year as required. NTSB advised that it had implemented a timed-phased plan to meet user access authority recertification requirements within the agency for the GSS. It had completed the first phase of the plan, and was researching software applications that would enable it to "drill-down" on GSS users in order to identify specific access authorities granted to each user. As a result, NTSB has reduced assurances that its user's access authorities are restricted to those that are necessary to accomplish individual user's job responsibilities.

NTSB CIO-GEN-003, *Information Technology Identification and Authentication Policy* and NIST Special Publication 800-53 require that an agency shall annually recertify user accounts to ensure that users only have access authorities necessary to accomplish their authorized job responsibilities. NTSB policies require that certifications must be completed and documented annually by May 31.

We followed up on problems noted with access controls in our 2007 report, as well as issues identified in GAO's 2008 review. The results of our follow-up tests are shown in the table below.

Problem Noted	Actions Taken by NTSB	Status
Ensure that established controls are more effectively implemented relating to the periodic review and monitoring of users' access to agency systems.	For GSS, NTSB performed the initial review of user access authorities. However, NTSB does not yet have the ability to identify a user's specific authorities within GSS as well as shared files.	Partially implemented.
	Financial management system access control reviews were not performed by NTSB this year. NBC has advised NTSB officials that it had assumed this control procedure, but had not yet completed the required review. NBC advised that it planned to complete the user review within the next few months.	Not implemented for 2008 fiscal year.
	FPPS user access authority review documentation not provided.	Not implemented for 2008 fiscal year.
Establish additional controls relating to removing contractors, interns and executive training personnel access authorities when they leave the agency.	NTSB established additional procedures to control this area and issued policy. NTSB deleted the cases noted in the report	Problem addressed.

Problem Noted	Actions Taken by NTSB	Status
Establish controls to require the system to automatically disable inactive accounts after a period of non-use.	NTSB has established a 90-day period.	Problem addressed.
GAO identified that all users with local administrator privileges on their workstations have complete control to load software to modify and reconfigure their computers which could negate network security policies.	NTSB had not yet implemented this control.	Problem remains.
NTSB has not fully implemented NIST requirements to encrypt all mobile computers or devices that contain agency data.	We found that NTSB had purchased software to enable it to encrypt data on all agency laptops; however, NTSB has not yet installed this software all of its laptop computers. NTSB officials advised us that it plans to have the installation completed in the near future.	Problem remains.

Recommendations

1. Develop a process to identify the specific access authorities granted to each GSS user to enable users' supervisors and system owners to properly analyze and complete the annual certification of users' access authorities.
2. Encrypt all data stored on mobile devices or computers that contain agency data.
3. Work with NBC personnel to ensure that NIST required user account reviews are performed, at least annually, for NTSB users of systems administered by NBC.

Implementation of FDCC

3. NTSB has not implemented OMB's mandated FDCC security configuration. FDCC provides improved security and would address issues we and GAO have identified as weaknesses in NTSB security program. For example, the FDCC would address identified vulnerabilities to include allowing individuals to act as administrators on local machines. NTSB has reported in its POA&M a problem with FDCC implementation, and noted an implementation date of "FY2008".

Recommendation

Develop a detailed project plan to control the NTSB implementation of the FDCC project, including reduced timeframes for completion of this project.

Section C - Inspector General: Questions 1 and 2

Agency Name: **National Transportation Safety Board** Submission date: **October 1, 2008**

Question 1: FISMA Systems Inventory

1. As required in FISMA, the IG shall evaluate a representative subset of systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency.

In the table below, identify the number of agency and contractor information systems, and the number reviewed, by component/bureau and FIPS 199 system impact level (high, moderate, low, or not categorized). Extend the worksheet onto subsequent pages if necessary to include all Component/Bureaus.

Agency systems shall include information systems used or operated by an agency. Contractor systems shall include information systems used or operated by a contractor of an agency or other organization on behalf of an agency. The total number of systems shall include both agency systems and contractor systems.

Agencies are responsible for ensuring the security of information systems used by a contractor of their agency or other organization on behalf of their agency; therefore, self reporting by contractors does not meet the requirements of law. Self-reporting by another Federal agency, for example, a Federal service provider, may be sufficient. Agencies and service providers have a shared responsibility for FISMA compliance.

Question 2: Certification and Accreditation, Security Controls Testing, and Contingency Plan Testing

2. For the Total Number of Systems reviewed by Component/Bureau and FIPS System Impact Level in the table for Question 1, identify the number and percentage of systems which have: a current certification and accreditation, security controls tested and reviewed within the past year, and a contingency plan tested in accordance with policy.

Bureau Name		Question 1						Question 2					
		a.		b.		c.		a.		b.		c.	
		Agency Systems		Contractor Systems		Total Number of Systems (Agency and Contractor systems)		Number of systems certified and accredited		Number of systems for which security controls have been tested and reviewed in the past year		Number of systems for which contingency plans have been tested in accordance with policy	
FIPS 199 System Impact Level		Number	Number Reviewed	Number	Number Reviewed	Total Number	Total Number Reviewed	Total Number	Percent of Total	Total Number	Percent of Total	Total Number	Percent of Total
Component/Bureau	High					0	0						
	Moderate	3	1			3	1	1	100%	1	100%		0%
	Low					0	0						
	Not Categorized					0	0						
	Sub-total	3	1	0	0	3	1	1	100%	1	100%	1	100%
Component/Bureau	High					0	0						
	Moderate					0	0						
	Low					0	0						
	Not Categorized					0	0						
	Sub-total	0	0	0	0	0	0	0		0		0	
Component/Bureau	High					0	0						
	Moderate					0	0						
	Low					0	0						
	Not Categorized					0	0						
	Sub-total	0	0	0	0	0	0	0		0		0	
Component/Bureau	High					0	0						
	Moderate					0	0						
	Low					0	0						
	Not Categorized					0	0						
	Sub-total	0	0	0	0	0	0	0		0		0	
Component/Bureau	High					0	0						
	Moderate					0	0						
	Low					0	0						
	Not Categorized					0	0						
	Sub-total	0	0	0	0	0	0	0		0		0	
Component/Bureau	High					0	0						
	Moderate					0	0						
	Low					0	0						
	Not Categorized					0	0						
	Sub-total	0	0	0	0	0	0	0		0		0	
Agency Totals	High	0	0	0	0	0	0	0		0		0	
	Moderate	3	1	0	0	3	1	1	100%	1	100%	0	0%
	Low	0	0	0	0	0	0	0		0		0	
	Not Categorized	0	0	0	0	0	0	0		0		0	
	Total	3	1	0	0	3	1	1	100%	1	100%	0	0%

□ = Data Entry Cells

□ = Editable Calculations (no Data Entry-ONLY edit Formulas when necessary)

[illegible]

Section C - Inspector General: Questions 4 and 5

Agency Name: **National Transportation Safety Board**

Question 4: Evaluation of Agency Plan of Action and Milestones (POA&M) Process

Assess whether the agency has developed, implemented, and is managing an agency-wide plan of action and milestones (POA&M) process. Evaluate the degree to which each statement reflects the status in your agency by choosing from the responses provided. If appropriate or necessary, include comments in the area provided.

For each statement in items 4.a. through 4.f., select the response category that best reflects the agency's status.

Response Categories:

- Rarely- for example, approximately 0-50% of the time
- Sometimes- for example, approximately 51-70% of the time
- Frequently- for example, approximately 71-80% of the time
- Mostly- for example, approximately 81-95% of the time
- Almost Always- for example, approximately 96-100% of the time

4.a.	The POA&M is an agency-wide process, incorporating all known IT security weaknesses associated with information systems used or operated by the agency or by a contractor of the agency or other organization on behalf of the agency.	Almost Always (96-100% of the time)
4.b.	When an IT security weakness is identified, program officials (including CIOs, if they own or operate a system) develop, implement, and manage POA&Ms for their system(s).	Almost Always (96-100% of the time)
4.c.	Program officials and contractors report their progress on security weakness remediation to the CIO on a regular basis (at least quarterly).	Almost Always (96-100% of the time)
4.d.	Agency CIO centrally tracks, maintains, and reviews POA&M activities on at least a quarterly basis.	Almost Always (96-100% of the time)
4.e.	IG findings are incorporated into the POA&M process.	Almost Always (96-100% of the time)
4.f.	POA&M process prioritizes IT security weaknesses to help ensure significant IT security weaknesses are addressed in a timely manner and receive appropriate resources.	Almost Always (96-100% of the time)
POA&M process comments:		

Question 5: IG Assessment of the Certification and Accreditation Process

Provide a qualitative assessment of the agency's certification and accreditation process, including adherence to existing policy, guidance, and standards. Provide narrative comments as appropriate.

Agencies shall follow NIST Special Publication 800-37, "Guide for the Security Certification and Accreditation of Federal Information Systems" (May 2004) for certification and accreditation work initiated after May 2004. This includes use of the FIPS 199, "Standards for Security Categorization of Federal Information and Information Systems" (February 2004) to determine a system impact level, as well as associated NIST document used as guidance for completing risk assessments and security plans.

Assessments and security plans:			
5.a.	<div>The IG rates the overall quality of the Agency's certification and accreditation process as:</div> <div>Response Categories:<ul style="list-style-type: none">- Excellent- Good- Satisfactory- Poor- Failing</div>	Good	
5.b.	The IG's quality rating included or considered the following aspects of the C&A process: (check all that apply)	Security plan	X
		System impact level	X
		System test and evaluation	X
		Security control testing	X
		Incident handling	
		Security awareness training	X
		Configurations/patching	X
		Other:	
C&A process comments:			

Section C - Inspector General: Questions 6, 7, and 8

Agency Name: **National Transportation Safety Board**

Question 6-7: IG Assessment of Agency Privacy Program and Privacy Impact Assessment (PIA) Process

6	<p>Provide a qualitative assessment of the agency's Privacy Impact Assessment (PIA) process, as discussed in Section D Question #5 (SAOP reporting template), including adherence to existing policy, guidance, and standards.</p> <p>Response Categories:</p> <ul style="list-style-type: none"> - Response Categories: - Excellent - Good - Satisfactory - Poor - Failing 	Excellent
Comments:		
7	<p>Provide a qualitative assessment of the agency's progress to date in implementing the provisions of M-07-16 Safeguarding Against and Responding to the Breach of Personally Identifiable Information.</p> <p>Response Categories:</p> <ul style="list-style-type: none"> - Response Categories: - Excellent - Good - Satisfactory - Poor - Failing 	Excellent
Comments:		

Question 8: Configuration Management

8.a.	<p>Is there an agency-wide security configuration policy? Yes or No.</p>	Yes
Comments:		
8.b.	<p>Approximate the extent to which applicable systems implement common security configurations, including use of common security configurations available from the National Institute of Standards and Technology's website at http://checklists.nist.gov.</p> <p>Response categories:</p> <ul style="list-style-type: none"> - Rarely- for example, approximately 0-50% of the time - Sometimes- for example, approximately 51-70% of the time - Frequently- for example, approximately 71-80% of the time - Mostly- for example, approximately 81-95% of the time - Almost Always- for example, approximately 96-100% of the time 	Mostly (81-95% of the time)
8.c.	<p>Indicate which aspects of Federal Desktop Core Configuration (FDCC) have been implemented as of this report:</p>	
	<p>c.1. Agency has adopted and implemented FDCC standard configurations and has documented deviations. Yes or No.</p>	Sometimes (51-70% of the time)
	<p>c.2 New Federal Acquisition Regulation 2007-004 language, which modified "Part 39—Acquisition of Information Technology", is included in all contracts related to common security settings. Yes or No.</p>	Sometimes (51-70% of the time)
	<p>c.3 All Windows XP and VISTA computing systems have implemented the FDCC security settings. Yes or No.</p>	Sometimes (51-70% of the time)

Section C - Inspector General: Questions 9, 10 and 11

Agency Name: **National Transportation Safety Board**

Question 9: Incident Reporting

Indicate whether or not the agency follows documented policies and procedures for reporting incidents internally, to US-CERT, and to law enforcement. If appropriate or necessary, include comments in the area provided below.

- | | | |
|------|---|-----|
| 9.a. | The agency follows documented policies and procedures for identifying and reporting incidents internally. Yes or No. | Yes |
| 9.b. | The agency follows documented policies and procedures for external reporting to US-CERT. Yes or No. (http://www.us-cert.gov) | Yes |
| 9.c. | The agency follows documented policies and procedures for reporting to law enforcement. Yes or No. | Yes |

Comments:

Question 10: Security Awareness Training

Has the agency ensured security awareness training of all employees, including contractors and those employees with significant IT security responsibilities?

Response Categories:

- Rarely- or approximately 0-50% of employees
- Sometimes- or approximately 51-70% of employees
- Frequently- or approximately 71-80% of employees
- Mostly- or approximately 81-95% of employees
- Almost Always- or approximately 96-100% of employees

Almost Always (96-100% of employees)

Question 11: Collaborative Web Technologies and Peer-to-Peer File Sharing

Does the agency explain policies regarding the use of collaborative web technologies and peer-to-peer file sharing in IT security awareness training, ethics training, or any other agency-wide training? Yes or No.

Yes

Question 12: E-Authentication Risk Assessments

12.a. Has the agency identified all e-authentication applications and validated that the applications have operationally achieved the required assurance level in accordance with the NIST Special Publication 800-63, "Electronic Authentication Guidelines"? Yes or No.

Yes

12.b. If the response is "No", then please identify the systems in which the agency has not implemented the e-authentication guidance and indicate if the agency has a planned date of remediation.



National Transportation Safety Board

Washington, D.C. 20594

Office of Chief Information Officer

September 19, 2008

Mr. Leon Snead, Managing Partner
Leon Snead & Company, P.C.
416 Hungerford Drive, Suite 400
Rockville, MD 20850

Dear Mr. Snead:

I appreciate the opportunity to respond to your report *National Transportation Safety Board Compliance with the Requirements of the Federal Information Security Management Act Fiscal Year 2008 Draft Report*. This is the most positive Federal Information Security Management Act (FISMA) Report received to date by the Safety Board.

The National Transportation Safety Board (NTSB) has made great strides over the past year in the areas of information security and data privacy and we appreciate your recognition of the progress made by NTSB in improving our FISMA compliance program. The removal of the existing material weakness with respect to FISMA compliance represents a milestone for the Safety Board. However, as noted additional work remains and my staff concurs with the recommendations set forth in your report and will work to strengthen access controls, complete work required to C&A the AIS and LabGSS systems, encrypt all Safety Board laptops, and implement the Federal Desktop Core Configuration during FY2009.

As you are aware, the NTSB is the world's pre-eminent accident investigation authority and our goal is to continue to strengthen our information technology security and data privacy programs so that they are on par with our other technical and investigative capabilities.

If you have any questions, please contact me at (202) 314-6566.

Sincerely,

A handwritten signature in black ink, which appears to read "Bob Scherer".

Bob Scherer
Chief Information Officer

EXPEDITE

GA

Non-Mail Control Routing Slip

Control Number **103159**

Action Office MD

Division

Writer

MnCullough

TYPE of DOCUMENT Letter
DATE OF LETTER 1/10/2008
DATE RECEIVED 1/10/2008
RESPONSE DUE 1/2/2008
FROM Rosenker, Mark
ORGANIZATION National Transportation Safety Board
SUBJECT NTSB Submits Fiscal Year 2007 Federal
Information Security Management Act (FISMA)
Report to Congress per Act.
NOTATION
RECS
NOTES Rec'd in Exec on 1/10/2008.

Use the space below for Internal/Routing/Reviewing/Concurrence

Office/Division	Date In	Date Out/Initial
GA-1	1/10	1/10/08
MD-5	1/10/08	1/10/08 dngt
MD-2	1/10 Lanier	
M-SRC		
M-KOLH		
M-DAPH		
VC-RLS		
C-MVR		
MD-5 to Office for Final		
Office to MD-5		
MD-5 to		

McCullough Cheryl

To: chas.phillips@mail.house.gov; fisma@gao.gov
Subject: NTSB's FY 2007 FISMA report

Attached please find the Safety Board's FY 2007 FISMA report as required by OMB. If you have any questions, please call Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.



m07-19_section_b_m07-19_section_d_27-1-2 Final OMB
cio_template(...) saop_template... Template 9-20...

*Charles Phillips - House Committee on Oversight &
Government Reform*

Transmittal of Fiscal Year 2007 annual FISMA reports

As of January 3, 2008, OMB approves the transmission of the following FY07 FISMA reports to Congress:

Large Agencies	
Agency for International Development	National Aeronautics and Space Administration
Department of Agriculture	National Science Foundation
Department of Commerce	Nuclear Regulatory Commission
Department of Defense	Office of Personnel Management
Department of Education	Small Business Administration
Department of Energy	Smithsonian Institution
Environmental Protection Agency	Social Security Administration
General Services Administration	Department of State
Department of Homeland Security	Department of Transportation
Department of Housing and Urban Development	Department of the Treasury
Department of Interior	Department of Veterans Affairs
Department of Justice	
Department of Labor	
Small and Independent Agencies	
African Development Foundation	Japan-US friendship Commission
American Battle Monuments Commission	Merit Systems Protection Board
Broadcasting Board of Governors	Millennium Challenge Corporation
Christopher Columbus Foundation	Morris K. Udall Foundation
Commission of Fine Arts	National Archives and Records Administration
Commission of Occupational Safety and Health Review	National Credit Union Association
Commodity Futures Trading Commission	National Endowment for the Humanities
Consumer Product Safety	National Endowment of the Arts
Corp for National Community Services	National Gallery of Art
Court Services and Offender Supervision Agency	National Labor Relations Board
Defense Nuclear Facilities Safety Board	National Mediation Board
Election Assistance Commission	National Transportation Safety Board
Equal employment Opportunity	Office of Government Ethics
Executive Office of the President/Office of Administration	Office of Navajo and Hopi Indian Relocation
Export Import Bank of US	Office of Special Counsel
Farm Credit Administration	Office of the Director of National Intelligence
Federal Communications Commission	Overseas Private Investment Corporation
Federal Deposit Insurance Corporation	Peace Corps

Federal Election Commission	Pension Benefit Guarantee Corp
Federal Energy Regulation Commission	Postal Regulatory Commission
Federal Housing Enterprise Oversight	Railroad Retirement Board
Federal Maritime Commission	Securities and Exchange Commission
Federal Reserve Systems	Selective Service
Federal Retirement Thrift Investment Board	Tennessee Valley Authority
Federal Trade Commission	U.S. Commission on Civil Rights
Institute of Museum and Library Services Inter-American Foundation	U.S. Holocaust Memorial Museum
Inter American Foundation	U.S. International Trade Commission
International Boundary and Water Commission	U.S. Trade and Development Agency
James Madison Memorial Fellowship Foundation	

The Department of Health and Human Services has not yet submitted an FY07 FISMA report.

Those agencies who have not yet submitted an annual FISMA report to OMB must do so. Those agencies who have submitted reports to OMB, but are not listed in the table above, should contact Susan Jennifer Haggerty at (202) 395-3562.

Distribution of Report Copies

Departments and agencies must transmit their annual FISMA reports, including the transmittal letter and all report sections to:

1. The following House and Senate Committees:
 - Senate Committee on Commerce, Science, and Transportation
 - Senate Committee on Homeland Security and Governmental Affairs
 - House Committee on Science and Technology
 - House Committee on Oversight and Government Reform via e-mail at Chas.Phillips@mail.house.gov
2. The Agency's House and Senate authorization and appropriations committees, and
3. The General Accounting Office via e-mail at fisma@gao.gov.

Agencies should coordinate with their legislative affairs office to ensure that all appropriate authorization and appropriations committees receive the report. **Any pre-decisional funding information and plan of actions and milestones (POA&Ms) which agencies may have included in their reports must be removed.**

Section B - Chief Information Officer: Questions 9, 10, and 11**Agency Name:** NTSB**Question 9: Incident Reporting**

Indicate whether or not the agency follows documented policies and procedures for reporting incidents internally, to US-CERT, and to law enforcement. If appropriate or necessary, include comments in the area provided below.

9.a. The agency follows documented policies and procedures for identifying and reporting incidents internally. Yes or No. Yes

9.b. The agency follows documented policies and procedures for external reporting to US-CERT. Yes or No. (<http://www.us-cert.gov>) Yes

9.c. The agency follows documented policies and procedures for reporting to law enforcement. Yes or No. Yes

Comments:

Question 10: New Technologies and Emerging Threats

10.a. Has the agency documented in its security policies, special procedures for using emerging technologies (including but not limited to wireless and IPv6) and countering emerging threats (including but not limited to spyware, malware, etc.)? Yes or No. Yes

10.b. If the answer to 10 a. is "Yes," briefly describe the documented procedures. These special procedures could include more frequent control tests & evaluations, specific configuration requirements, additional monitoring, or specialized training.

Response: The NTSB has taken a multifaceted approach to addressing emerging technologies by implementing an agency policy requiring any new technologies such as wireless and IPv6 follow a change management review and approval process which includes participants from operations, security, and CIO management. Policies and controls to address emerging threats include mandates to ensure virus and spyware protection are installed and active on every desktop, all systems remain patched with the latest vendor supplied security updates, as well as annual reviews to

Question 11: Performance Metrics for Security Policies and Procedures

Please describe three (3) performance metrics your agency uses to measure the effectiveness or efficiency of security policies and procedures. The metrics must be different than the ones used in these FISMA reporting instructions, and can be tailored from NIST's Special Publication 800-80 "Guide for Developing Performance Metrics for Information Security."

Performance Metric Name	Description

Section C - Inspector General: Questions 4 and 5

Agency Name: National Transportation Safety Board

Question 4: Evaluation of Agency Plan of Action and Milestones (POA&M) Process

Assess whether the agency has developed, implemented, and is managing an agency-wide plan of action and milestones (POA&M) process. Evaluate the degree to which each statement reflects the status in your agency by choosing from the responses provided. If appropriate or necessary, include comments in the area provided.

For each statement in Items 4.a. through 4.f., select the response category that best reflects the agency's status.

Response Categories:

- Rarely- for example, approximately 0-50% of the time
- Sometimes- for example, approximately 51-70% of the time
- Frequently- for example, approximately 71-80% of the time
- Mostly- for example, approximately 81-95% of the time
- Almost Always- for example, approximately 96-100% of the time

4.a.	The POA&M is an agency-wide process, incorporating all known IT security weaknesses associated with information systems used or operated by the agency or by a contractor of the agency or other organization on behalf of the agency.	Mostly (81-95% of the time)
4.b.	When an IT security weakness is identified, program officials (including CIOs, if they own or operate a system) develop, implement, and manage POA&Ms for their system(s).	Almost Always (96-100% of the time)
4.c.	Program officials and contractors report their progress on security weakness remediation to the CIO on a regular basis (at least quarterly).	Almost Always (96-100% of the time)
4.d.	Agency CIO centrally tracks, maintains, and reviews POA&M activities on at least a quarterly basis.	Almost Always (96-100% of the time)
4.e.	IG findings are incorporated into the POA&M process.	Mostly (81-95% of the time)
4.f.	POA&M process prioritizes IT security weaknesses to help ensure significant IT security weaknesses are addressed in a timely manner and receive appropriate resources.	Almost Always (96-100% of the time)

POA&M process comments:

Question 5: IG Assessment of the Certification and Accreditation Process

Provide a qualitative assessment of the agency's certification and accreditation process, including adherence to existing policy, guidance, and standards. Provide narrative comments as appropriate.

Agencies shall follow NIST Special Publication 800-37, "Guide for the Security Certification and Accreditation of Federal Information Systems" (May 2004) for certification and accreditation work initiated after May 2004. This includes use of the FIPS 199, "Standards for Security Categorization of Federal Information and Information Systems" (February 2004) to determine a system impact level, as well as associated NIST document used as guidance for completing risk assessments and security plans.

The IG rates the overall quality of the Agency's certification and accreditation process as:			
5.a.	Response Categories: - Excellent - Good - Satisfactory - Poor - Failing	Poor	
5.b.	The IG's quality rating included or considered the following aspects of the C&A process: (check all that apply)	Security plan	x
		System impact level	x
		System test and evaluation	x
		Security control testing	x
		Incident handling	x
		Security awareness training	x
		Configurations/patching	x
		Other:	

Section C - Inspector General: Questions 6 and 7

Agency Name: National Transportation Safety Board

Question 6: IG Assessment of Agency Privacy Program and Privacy Impact Assessment (PIA) Process

6.a.

Provide a qualitative assessment of the agency's Privacy Impact Assessment (PIA) process, as discussed in Section D II.4 (SAOP reporting template), including adherence to existing policy, guidance, and standards.

Response Categories:

- Response Categories:
- Excellent
- Good
- Satisfactory
- Poor
- Failing

Comments:

Satisfactory

6.b.

Provide a qualitative assessment of the agency's progress to date in implementing the provisions of M-06-15, "Safeguarding Personally Identifiable Information" since the most recent self-review, including the agency's policies and processes, and the administrative, technical, and physical means used to control and protect personally identifiable information (PII).

Response Categories:

- Response Categories:
- Excellent
- Good
- Satisfactory
- Poor
- Failing

Comments:

Satisfactory

Question 7: Configuration Management

7.a.

Is there an agency-wide security configuration policy? Yes or No.

Comments:

Yes

7.b.

Approximate the extent to which applicable information systems apply common security configurations established by NIST.

Response categories:

- Rarely- for example, approximately 0-50% of the time
- Sometimes- for example, approximately 51-70% of the time
- Frequently- for example, approximately 71-80% of the time
- Mostly- for example, approximately 81-95% of the time
- Almost Always- for example, approximately 96-100% of the time

Almost Always (96-100% of the time)

Section C - Inspector General: Questions 8, 9, 10 and 11

Agency Name: National Transportation Safety Board

Question 8: Incident Reporting

Indicate whether or not the agency follows documented policies and procedures for reporting incidents internally, to US-CERT, and to law enforcement. If appropriate or necessary, include comments in the area provided below.

8.a.	The agency follows documented policies and procedures for identifying and reporting incidents internally. Yes or No.	Yes
8.b.	The agency follows documented policies and procedures for external reporting to US-CERT. Yes or No. (http://www.us-cert.gov)	Yes
8.c.	The agency follows documented policies and procedures for reporting to law enforcement. Yes or No.	Yes

Comments:

Question 9: Security Awareness Training

Has the agency ensured security awareness training of all employees, including contractors and those employees with significant IT security responsibilities?

Response Categories:

- Rarely- or approximately 0-50% of employees
- Sometimes- or approximately 51-70% of employees
- Frequently- or approximately 71-80% of employees
- Mostly- or approximately 81-95% of employees
- Almost Always- or approximately 96-100% of employees

Almost Always (96-100% of employees)

Question 10: Peer-to-Peer File Sharing

Does the agency explain policies regarding peer-to-peer file sharing in IT security awareness training, ethics training, or any other agency wide training? Yes or No.

Yes

Question 11: E-Authentication Risk Assessments

The agency has completed system e-authentication risk assessments. Yes or No.

No

Section D - Senior Agency Official for Privacy (SAOP): Questions 7, 8, and 9**Agency Name:** NTSB**7. Policy Compliance Review**

7.a.	Does the agency have current documentation demonstrating review of compliance with information privacy laws, regulations, and policies? Yes or No.	No
7.b.	Can the agency provide documentation of planned, in progress, or completed corrective actions necessary to remedy deficiencies identified in compliance reviews? Yes or No.	Yes
7.c.	Does the agency use technologies that enable continuous auditing of compliance with stated privacy policies and practices? Yes or No.	No
7.d.	Does the agency coordinate with the agency's Inspector General on privacy program oversight? Yes or No.	Yes

8. Agency Use of Persistent Tracking Technology

OMB policy stated in M-03-22, "OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002", prohibits agencies from using persistent tracking technology on web sites, except in compelling circumstances as determined by the head of the agency (or designee reporting directly to the agency head).

Indicate Yes or No for each item in the table below.

Persistent Tracking		
a.	Does the agency use persistent tracking technology on any web site?	No
b.	Does the agency annually review the use of persistent tracking?	Yes
c.	Can the agency demonstrate through documentation the continued justification for, and approval to use, the persistent tracking technology?	Yes
d.	Can the agency provide the notice language or citation for the web privacy policy that informs visitors about the persistent tracking?	Yes

9. Privacy Points of Contact Information

Please provide the names, phone numbers, and e-mail addresses of the following officials:

Title/Role	Name	Phone	E-mail
Agency Head	Mark Rosenker	202-314-6035	mark.rosenker@ntsb.gov
Chief Information Officer	Robert Scherer	202-314-6566	robert.scherer@ntsb.gov
Agency Inspector General	Calvin L. Scovel III	202-366-1959	OIGPublicAffairs@oig.gov
Chief Information Security Officer	Christopher Stephens	202.314.6621	chris.stephens@ntsb.gov
Senior Agency Official for Privacy	David Mayer	202-314-6318	david.mayer@ntsb.gov
Chief Privacy Officer	Robert Scherer	202-314-6566	robert.scherer@ntsb.gov
Privacy Advocate	N/A		
Privacy Act Officer	Melba Moye	202-314-6551	moyem@ntsb.gov
Reviewing Official for PIAs	David Mayer	202-314-6318	david.mayer@ntsb.gov
POC for URL links provided in question #2	Christine Fortin	202-314-6607	christine.fortin@ntsb.gov



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

SEP 19 2007

Mr. Leon Snead
Managing Partner
Leon Snead & Company, P.C.
416 Hungerford Drive, Suite 400
Rockville, Maryland 20850

Dear Mr. Snead:

Thank you for the opportunity to comment on your draft report titled, *National Transportation Safety Board Compliance with the Requirements of the Federal Information Security Management Act Fiscal Year 2007*. To date, this is the most positive Federal Information Security Management Act (FISMA) Report that the National Transportation Safety Board has received.

The Safety Board has made great strides in information security and data privacy during the past year, and we appreciate your recognition of these improvements to the Board's FISMA compliance program. The report specifically highlights a number of significant corrective actions made during fiscal year 2007, including the hiring of a Chief Information Officer and a Deputy Chief Information Officer; the acquisition, installation, and initial use of four commercial software applications that enable the Board to effectively address prior information technology (IT) security problems that resulted from patching security vulnerabilities; improvements in vulnerability scanning and intrusion detection; deployment of encryption on agency laptops; use of encrypted universal serial bus storage devices; implementation of dual authentication for remote users; and rectification of Department of Transportation Office of Inspector General concerns by requiring more complex passwords.

In addition, I am pleased to note that we agree that three of the Safety Board's systems need to be certified and accredited and that the risk level of the systems should be classified as moderate. This agreement will enable the Safety Board to move forward with a sharper focus in the coming months.

We recognize, however, that additional work remains. Accordingly, my staff concurs with the recommendations set forth in your report and will work to continue to strengthen access controls, enhance our data privacy posture, improve IT strategic and capital planning, and meet outstanding milestones. Further, to ensure that adequate resources are devoted to IT security and data privacy, the Safety Board has allocated to the Office of the Chief Information Officer an



additional full-time equivalent position for an Information Technology Specialist, beginning in fiscal year 2008.

As you are aware, the Safety Board is the world's pre-eminent accident investigation authority, and our goal is to strengthen our IT security and data privacy programs so that they are on par with our other technical and investigative capabilities.

Thank you again for providing the Safety Board with an opportunity to comment on your draft report and for acknowledging the improvements the Board has made. If you have any questions, please contact Bob Scherer, the Safety Board's Chief Information Officer, at (202) 314-6566.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", written in a cursive style.

Mark V. Rosenker
Chairman

Attachment 1

Implementation plan to eliminate unnecessary use of Social Security Numbers (SSN):

The National Transportation Safety Board reviewed all forms that it maintains on its intranet for the unnecessary use of Social Security Numbers. Staff also obtained feedback from a few NTSB employees concerning the forms on the Intranet and any other forms that may reside elsewhere. Documents were reviewed for any fields which contained Social Security Numbers and evaluated for the necessity of collecting this information. As a result of this project, 38 documents were identified that request a Social Security Number.

The National Transportation Safety Board will remove unnecessary SSN entries from those forms. In addition, employee's SSN's will be kept confidential in their personnel folder, and securely maintained in Human Resources. In lieu of SSN's, the NTSB will establish employee numbers for each staff member for internal tracking requirements.

Implementation plan and progress update on review and reduction of holdings of Personally Identifiable Information (PII):

The National Transportation Safety Board is taking the necessary steps to eliminate to use of Social Security Numbers on its forms. The NTSB immediately responded to the Office of Management and Budget (OMB) memo M-07-16 "Safeguarding Against and Responding to the Breach of Personally Identifiable Information" by creating and implementing a Breach Notification Response Plan.

The National Transportation Safety Board has created two operations bulletins addressing Personally Identifiable Information. Each Division of the NTSB will provide annual training to their employees on the importance of keeping Personally Identifiable Information confidential. The employees will be required to sign a form each year as verification that the employee has received the required Breach Notification Response procedures and is aware of the consequences and corrective actions if an employee fails to follow the policy.

The National Transportation Safety Board will fully implemented all of these measures within the next eighteen months.



National Transportation Safety Board

Operations Bulletin CIO-GEN-018

Reporting Incidents Involving Personally Identifiable Information

1. Issuing Organization. Operations Bulletin CIO-GEN-018 was developed by the Office of the Chief Information Officer, and was issued August 10, 2006. It is due for review by August 10, 2008.
2. Purpose. Operations Bulletin CIO-GEN-018 establishes policy and procedures for reporting incidents involving personally identifiable information (PII).
3. Policy. It is NTSB policy to report incidents involving the loss or suspected loss of PII to the U.S. Computer Emergency Readiness Team (US-CERT) within one hour of discovering the incident. Specifically, employees are responsible for reporting all losses or suspected losses of PII immediately to the Communications Center. The Communications Center will notify the Chief Information Security Officer (CISO), who is responsible for reporting incidents to US-CERT. This policy applies regardless of the nature or scope of the loss or suspected loss. Reportable incidents under this Operations Bulletin may or may not include the loss of physical property, and the loss of physical property may involve reporting requirements beyond the scope of this Operations Bulletin.
4. Cancellation. Operations Bulletin CIO-GEN-018 does not cancel any order or previous bulletin.
5. References/Links.
 - A. Operations Bulletin CIO-GEN-005, *Incident Response and Handling Policy*.
<http://inside/lib/ops_bulletins/CIO-GEN-005.doc>.
 - B. Office of Management and Budget (OMB), Memorandum M-06-19, *Reporting Incidents Involving Personally Identifiable Information Technology Investments*.
6. Responsibilities.
 - A. The Office of the Chief Information Officer is responsible for:
 - (1) Establishing the policy and procedures for reporting security incidents involving personally identifiable information.
 - (2) Communicating to employees and contractors the incident response requirements outlined in this policy.

- (3) Updating this bulletin according to the schedule or earlier if there is an identified need.

B. The Communications Center is responsible for the following:

- (1) Receiving calls from employees or contractors regarding incidents involving personally identifiable information.
- (2) Collecting initial information regarding the incident.
- (3) Immediately contacting and relaying the information collected to the CISO or designee.

C. Employees and contractors are responsible for the following:

- (1) Safeguarding PII to which they have access or that is in their possession or otherwise under their control, and complying with Safety Board directives concerning PII.
- (2) Being alert to possible loss of personally identifiable information.
- (3) Immediately contacting and reporting any incident or suspected incident involving PII to the Communications Center, (202) 314-6290.
- (4) Providing the information requested by the Communications Center.

D. The Chief Information Security Officer (CISO) shall:

- (1) Notify US-CERT of incidents involving PII, as required by OMB Memorandum M-06-19.
- (2) Appropriately investigate incidents involving PII.
- (2) Notify the Managing Director and Chief Information Officer (CIO) of significant incidents.

7. Procedures.

A. An employee or contractor who detects or suspects the loss of PII shall *immediately* contact the Communications Center, (202) 314-6290.

B. The Communications Center will gather information from the employee and/or contractor including, but not limited to:

- (1) Who – The employee or contractor's name and contact information.
- (2) What – What event(s) transpired or gave rise to suspicion? What type of information and/or property was involved (e.g., computer laptop, magnetic media, Go Team sheet, etc.)?
- (3) Where – The location of the incident.
- (4) When – The time of the incident.

C. The Communications Center will immediately relay the information collected to the CISO or designee.

D. The CISO will notify US-CERT of incidents involving personally identifiable information, as required by OMB Memorandum M-06-19.

E. The CISO will review the information provided and conduct an initial review to determine if a PII incident has occurred. If it is determined that the information provided does not constitute a PII incident, but still involves a security related incident then the incident should be reported following documented procedures for reporting all other security incidents. See Operations Bulletin CIO-GEN-005.

F. The CISO will notify the MD and CIO of any significant incidents.

8. External Reporting Requirements.

A. All incidents involving personally identifiable information incidents shall be reported and all supporting data shall be provided to the U.S. Computer Emergency Readiness Team (US-CERT).

a. US-CERT <http://www.us-cert.gov>

b. US-CERT Incident Reporting System <https://forms.us-cert.gov/report/>

B. Guidance from the Office of Management and Budget (OMB) requires the Safety Board to report this type of incident within one hour of discovering the incident.

9. Definitions.

A. Personally Identifiable Information (PII). For purposes of this policy, the term "Personally Identifiable Information" means any information about an individual maintained by an agency, including, but not limited to, education, financial transactions, medical history, and criminal or employment history and information which can be used to distinguish or trace an individual's identity, such as their name, home telephone number, social security number, date and place of birth, mother's maiden name, biometric records, airman certificate number, driver's license number, etc., including any other personal information that is linked or linkable to an individual. If an employee is unsure regarding whether a particular type of information is "personally identifiable information," the employee should seek guidance from the CISO or CIO.

B. US-CERT. The United States Computer Emergency Readiness Team (US-CERT) is a partnership between the Department of Homeland Security and the public and private sectors. Established in 2003 to protect the nation's Internet infrastructure, US-CERT coordinates defense against and responses to cyber attacks across the nation. US-CERT is also charged with recording all incidents involving personally identifiable information.

10. Attachments. None.



National Transportation Safety Board

Operations Bulletin CIO-GEN-005 Incident Response and Handling Policy

1. Issuing Organization. Operations Bulletin CIO-GEN-005 was developed by the Office of the Chief Information Officer, CIO-1, and was issued June 30, 2006. It is due for review by June 30, 2008.
2. Purpose. Operations Bulletin CIO-GEN-005 establishes a Computer Security Incident Response Capability (CSIRC) for the NTSB to respond to computer security-related incidents in a manner that protects its own information and helps to protect the information of others that might be affected by the incident.
3. Policy. It is NTSB policy to respond to computer security-related incidents using the NTSB-established Computer Security Incident Response Capability (CSIRC) procedures to address computer security incidents, including theft, misuse of data, intrusions, hostile probes, and malicious software. When an incident occurs, the CSIRC is to be engaged immediately, so the CSIRC team can investigate the incident and protect information systems. The system security officer (SSO)(s) for the system(s) involved in the incident will submit a written preliminary report to the CISO within two-working days. Within five-working days of the resolution of the incident, a written final report must be submitted. In cases where incident resolution is expected to take more than thirty days, a weekly status report must be submitted to the CISO.

The CSIRC team includes the Computer Services Division, the CISO, the SSO, and others as appropriate.

4. Cancellation. Operations Bulletin CIO-GEN-005 does not cancel any order or previous bulletin.
5. References/Links.
 - A. LAWS
 - (1) *Computer Security Act of 1987*, Public Law 100-235
 - (2) *Federal Information Security Management Act*, Public Law 107-296
 - B. OMB CIRCULARS
 - (1) OMB Circular A-130, *Management of Federal Information Resources*
 - C. FEDERAL INFORMATION PROCESSING STANDARDS

- (1) FIPS 200, Initial Public Draft, *Minimum Security Requirements for Federal Information and Information Systems*

D. NIST GUIDANCE

- (1) NIST SP 800-12, *An Introduction to Computer Security: The NIST Handbook*
- (2) NIST SP 800-18, *Procedures for Developing Security Plans for Information Technology Systems*
- (3) NIST SP 800-18 Revision 1, DRAFT, *Guide for Developing Security Plans for Federal Information Systems*
- (4) NIST SP 800-61, *Computer Security Incident Handling Guide*
- (5) NIST SP 800-83, DRAFT, *Guide to Malware Incident Prevention and Handling*
- (6) NIST SP 800-86, DRAFT, *Guide to Computer and Network Data Analysis: Applying Forensic Techniques to Incident Response*

6. Responsibilities.

A. The Chief Information Officer (CIO) is responsible for:

- (1) Establishing the incident response and handling policy and procedures.
- (2) Publishing and maintaining policy guidelines for handling general support systems/major applications (GSS/MA) computer security incidents.
- (3) Providing management oversight of the process for handling GSS/MA computer security incidents.
- (4) Immediately informing NTSB management of significant incidents (major compromise of data, and/or denial of service).

B. The Chief Information Security Officer (CISO) shall:

- (1) Prepare policy guidelines for establishing and implementing the CSIRC.
- (2) Notify the CIO of significant incidents and the response plan.
- (3) Work with law enforcement, the users and/or system administrators, and the network manager/administrator to formulate an initial response plan.
- (4) Work with the users, system administrators, and the network manager/administrator to review and, if necessary, modify the response plan.
- (5) Determine if an incident follow-up is required.
- (6) Submit status updates and reports to the CIO.
- (7) Inform the Federal Computer Incident Response Capability (FedCIRC) if the incident is computer security related.

C. The System Security Officer (SSO) shall:

- (1) Communicate to employees the GSS/MA incident response requirements outlined in this policy.
- (2) Contact the CISO within 1 hour after the incident.
- (3) Notify management of significant incidents and the response plan.
- (4) Provide status updates to management.
- (5) Ensure that reports are prepared and submitted to the CISO within established timelines.
- (6) Ensure compliance with the incident response and handling policy by managing its implementation throughout the agency.
- (7) Implement and maintain incident response and handling policy and procedures.

D. The System Administrator shall:

- (1) Investigate incidents.
- (2) Log and share knowledge with CISO and the network manager/administrator.
- (3) Confer with SSO, CISO, and the network manager/administrator regarding any suspicious incident.
- (4) Initiate an event log by noting date and time of all actions.
- (5) Take a snapshot of all pertinent files within the first half-hour of the incident investigation.
- (6) Identify risk to the system or information.
- (7) Confer with CISO and network manager/administrator.
- (8) Implement a response plan.
- (9) Notify management of significant incident and response plan.
- (10) Monitor situations.
- (11) Assist SSO in preparing preliminary and final report.

E. Employees and contractors are responsible for:

- (1) Being alert to possible suspicious activity.
- (2) Briefly noting details of any observed suspicious activity.
- (3) Immediately reporting such events to the Help Desk.

7. Procedures.

This document provides specific instructions on how to meet the requirements of incident handling.

A. Incident Reporting

- (1) Any observed activity that may indicate a computer security incident has occurred must be reported immediately to the CISO by telephone, e-mail, or fax.
- (2) Establishment/Open Suspicious Event Report (SER) Form. Within 1 hour of receiving the report, the CISO must notify the CIO that a potential security event is in progress.
- (3) The CISO reviews the initial SER form with the appropriate SSO's, System Managers, and System Administrators.
- (4) The CISO, SSO, and System Administrators investigate and gather related information to determine whether a potential incident has occurred.
- (5) The CISO reports all related information to the CIO within 3 hours of receiving the initial report and takes action to secure systems and halt the incident.
- (6) The CISO and the CIO will review the SER form and related information from the investigation and determine whether escalation to the Chairman of NTSB, Office of the Inspector General, or any appropriate external official is warranted.

B. Incident Classification

The CISO and the CIO will classify all incident reports as one of the following:

(1) Computer Security Incident

Any event that has resulted in: unauthorized access to, or disclosure of, sensitive information; unauthorized modification or destruction of system data; reduced, interrupted, or terminated data processing capability; introduction of malicious program or virus activity; degradation or loss of the system's confidentiality, integrity or availability; or, the loss, theft, damage, or destruction of an information technology (IT) resource. Examples of computer security incidents include: unauthorized network scans or probes; successful and unsuccessful system intrusions; unauthorized use of system privileges; and, execution of malicious code on an IT resource.

(2) Suspicious Activity

Any activity that is considered: an abnormal system event occurrence for a given system, that cannot be immediately explained, but does not pose an immediate threat; observed recurring activity that possibly indicates attempts are being made to exploit a vulnerability but is countered by security controls in place; sporadic repeated activity that cannot be readily explained by system operations and security staff; activity that, when combined with other factors or anomalous events, indicates a possible cause for concern.

Examples of suspicious activity include: unusual usage patterns, misuse of computer system resources, or multiple attempts to login to a user account that have proved unsuccessful.

(3) False Positive

Any activity that is considered: an abnormal system event occurrence for a given system that cannot be immediately explained, but does not pose an immediate threat; and, observed recurring activity that possibly indicates attempts are being made to exploit a vulnerability, but after investigation is determined to be appropriate or expected activity and no intrusion / attack / or misuse of systems occurred.

8. External Reporting Requirements.

A. All incidents that are classified as a computer security incidents are required to be reported and all supporting data sent to the US Computer Emergency Readiness Team (US-CERT)

a. US-CERT <http://www.us-cert.gov>

b. US-CERT Incident Reporting System <https://forms.us-cert.gov/report/>

B. The following timetable will be used by the CISO for reporting incidents to US-CERT

Category	Name	Description	Reporting Timeframe
CAT 0	Exercise/Network Defense Testing	This category is used during state, federal, national, international exercises and approved activity testing of internal/external network defenses or responses.	Not Applicable; this category is for each agency's internal use during exercises.
CAT 1	*Unauthorized Access	In this category an individual gains logical or physical access without permission to a federal agency network, system, application, data, or other resource	Within one (1) hour of discovery/detection.
CAT 2	*Denial of Service (DoS)	An attack that <i>successfully</i> prevents or impairs the normal authorized functionality of networks, systems or applications by exhausting resources. This activity includes being the victim or participating in the DoS.	Within two (2) hours of discovery/detection if the successful attack is still ongoing and the agency is unable to successfully mitigate activity.
CAT 3	*Malicious Code	<i>Successful</i> installation of malicious software (e.g., virus, worm, Trojan horse, or other code-based malicious entity) that infects an operating system or application. Agencies are NOT required to report malicious logic that has been <i>successfully quarantined</i> by	Daily Note: Within one (1) hour of discovery/detection if widespread across agency.

		antivirus (AV) software.	
CAT 4	*Improper Usage	A person violates acceptable computing use policies.	Weekly
CAT 5	Scans/Probes/Attempted Access	This category includes any activity that seeks to access or identify a federal agency computer, open ports, protocols, service, or any combination for later exploit. This activity does not directly result in a compromise or denial of service.	Monthly Note: If system is classified, report within one (1) hour of discovery.
CAT 6	Investigation	<i>Unconfirmed</i> incidents that are potentially malicious or anomalous activity deemed by the reporting entity to warrant further review.	Not Applicable; this category is for each agency's use to categorize a potential incident that is currently being investigated.

9. Definitions. None.

10. Attachments. Attachment 1, Suspicious Event Report.

NTSB Computer Security Suspicious Event Report				
This form is for use by system owners and/or security officers to escalate potential computer or network security events to the Chief Information Security Officer.				
Contact Information				
Name		Title		Organization
Address				
Phone		Fax		E-mail
Location Information				
Building number		Room Number		Rack/Cube Location
Time Information				
Date		Time		Time Zone
Classification of the Suspicious Activity				
Denial of Service		Web Site Defacement		Social Engineering
Virus / Malicious Code		User Account Compromise		Hoax
System Misuse		Other Intrusion		Network Scanning/Probing
Technical Vulnerability		Root Compromise		Other/Specify:
Theft/Loss of Equipment		Physical Security Violation		
If a Virus, Provide the name(s) of the virus(es): Provide any URL with information specific to this virus: Provide a synopsis of the incident: Actions taken to disinfect and prevent further infection:				
If a Technical or Physical Vulnerability, Describe the nature and effect of the vulnerability in general terms: Describe the conditions under which the vulnerability occurred: Describe the specific impact of the weakness or design deficiency: Indicate whether or not the applicable vendor has been notified:				
If equipment has been lost or stolen, Provide details on the type of data or information stored on the equipment and the impact of loss. State whether the incident has been reported to authorities (include report number if provided) and any other details.				
Host and/or Network Information related to the Suspicious Activity				
IP Address		Host Name		OS
				Apps
Additional Host/Network Information: (Versions, Releases, Security Logging,)				
IP Address of Suspected Source:				
Source IP		Source IP Resolution		Reason Suspected as Source
Incident Assessment: Is this incident a threat to life, limb, or a critical agency service? Yes No If yes, please elaborate: Sensitivity of the data residing on system: Damage or observations resulting from incident: YES NO				
Actions Taken: (1) What actions have been taken on the system (Back-ups, commands, removed from network, etc). (2) Who has been notified?				
Additional Information: (If this incident is related to a previously reported incident, include any previously assigned incident number for reference.)				



National Transportation Safety Board

Operations Bulletin CIO-GEN-002 Acceptable Use Policy

1. Issuing Organization. Operations Bulletin CIO-GEN-002 was developed by the Office of the Chief Information Officer, CIO-1, and was issued issue date June 30, 2006. It is due for review by June 30, 2008.
2. Purpose. Operations Bulletin CIO-GEN-002 provides both policy and procedures for the acceptable use of NTSB computer equipment by NTSB's employees and contractors. These rules and procedures are in place to protect the employee, the contractor, and the NTSB. Inappropriate use exposes NTSB to risks including virus attacks, compromise of network systems and services, and legal issues.
3. Overview. The CIO, Computer Services Division, CIO-10, is committed to protecting NTSB's employees, partners and the company from illegal or damaging actions by individuals, either knowingly or unknowingly. Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, www browsing, and file transfer protocol (FTP), are the property of NTSB. These systems are to be used for business purposes in serving the interests of the NTSB, and of our clients and customers in the course of normal operations. Please review Human Resources policies for further details. It is the responsibility of every computer user to know the NTSB security guidelines, and to conduct their activities accordingly.
4. Policy. NTSB computing assets are provided to NTSB employees for the express purpose of conducting NTSB business. Use of NTSB computing assets must not violate the *Standards of Ethical Conduct for Employees of the NTSB Executive Branch*. This policy applies to employees, contractors, consultants, temporaries, and other workers at NTSB. This policy applies to all equipment that is owned or leased by the NTSB.
 - a) General Use and Ownership. NTSB employees are permitted limited personal use of government office equipment, if such use does not interfere with the agency's mission or business operations, involves no additional expense to the agency, does not involve conducting personal business, and is restricted to an employee's break period(s). While NTSB desires to provide a reasonable level of privacy, users should be aware that the data they create on NTSB office equipment remains the property of NTSB. Because of the need to protect NTSB's network, management cannot guarantee the confidentiality of information stored on any network device belonging to NTSB.

Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Employees shall conduct themselves professionally in the workplace and will refrain from using NTSB office equipment for activities that are inappropriate. Any personal use that could cause delay or disruption of service to any government system or equipment, is prohibited by law, or is in violation of any other NTSB policy or government regulation is expressly forbidden. Personal use must not result in loss of employee productivity or interference with official duties, nor may it incur any additional expense to the agency in areas such as communications, data storage, or other components of the computer architecture.

For security and network maintenance purposes, authorized individuals within NTSB may monitor equipment, systems and network traffic at any time, per NTSB's Audit Policy.

NTSB reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

- b) Proper Representation. Employees must not give the false impression that they are acting in an official capacity when they are using government office equipment for non-government purposes. If such personal use could be interpreted to represent the agency, then it is the responsibility of the employee to ensure that an adequate disclaimer is used.
- c) Privacy Expectations. NTSB employees do not have a right to, nor should they expect privacy while using any NTSB office equipment at any time, including while accessing the Internet and using e-mail. To the extent that employees wish their private activities remained private, they should avoid using the agency's office equipment such as computers, the Internet, and e-mail.
- d) Security and Proprietary Information.
 - 1. The user interface for information contained on Internet/Intranet/Extranet-related systems should be classified as either sensitive or not sensitive, as defined by NTSB guidelines, details of which can be found in NTSB classification policies. Examples of sensitive information include but are not limited to: vendor proprietary information, personal information (e.g., medical history, social security number) about an accident victim, and research data. Employees should take all necessary steps to prevent unauthorized access to this information.
 - 2. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. System level passwords should be changed at least monthly; user level passwords should be changed at least every ninety days.

3. Because information contained on portable computers is especially vulnerable, special care should be exercised. Protect laptops in accordance with the NTSB physical security policy for portable/mobile devices.
 4. Postings by employees from a NTSB e-mail address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of NTSB, unless posting is in the course of business duties.
 5. All hosts used by the employee that are connected to the NTSB Internet/Intranet/Extranet, whether owned by the employee or NTSB, shall be continually executing approved virus-scanning software with a current virus database unless overridden by departmental or group policy.
 6. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.
- e) Unacceptable Use. The following activities are generally prohibited. NTSB employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., port scanning by the NTSB Computer Services Division staff). Under no circumstances is an NTSB employee authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing NTSB-owned resources. The lists below are by no means exhaustive, but attempt to provide a framework for activities that fall into the category of unacceptable use.
1. System and Network Activities. The following activities are strictly prohibited, with no exceptions:
 - a) Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by NTSB.
 - b) Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which NTSB or the end user does not have an active license is strictly prohibited.
 - c) Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted before export of any material that is in question.

- d) Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
- e) Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
- f) A user masquerading as another NTSB employee.
- g) A user copying or modifying data of another user.
- h) A user intentionally circumventing the security controls of a NTSB computing asset.
- i) Using a NTSB computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
- j) Using a NTSB computing asset for unprofessional or derogatory personal remarks directed toward an individual or group of individuals.
- k) Making fraudulent offers of products, items, or services originating from any NTSB account.
- l) Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
- m) Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
- n) Port scanning or security scanning is expressly prohibited unless prior notification to the Computer Services Division is made.
- o) Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job duties. Circumventing user authentication or security of any host, network, or account.
- p) Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).

- q) Connecting personally-owned equipment to the NTSB network without receiving a specifically granted waiver in writing.
 - r) Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
 - s) Using NTSB portable/mobile devices (e.g., USB Flash Drive) for personal use.
 - t) Providing information about, or lists of, NTSB employees to parties outside NTSB.
 - u) Commercial Internet connections and multimedia streaming such as "iTunes", "Rhapsody", or "Napster" are not authorized.
2. E-mail and Communications Activities. The following activities are strictly prohibited, with no exceptions:
- a) Sending unsolicited e-mail messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (e-mail spam).
 - b) Any form of harassment via e-mail, telephone or paging, whether through language, frequency, or size of messages.
 - c) Unauthorized use, or forging, of e-mail header information.
 - d) Solicitation of e-mail for any other e-mail address, other than that of the poster's account, with the intent to harass or to collect replies.
 - e) Creating or forwarding "chain letters" or "pyramid" schemes of any type.
 - f) Use of unsolicited e-mail originating from within NTSB's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by NTSB or connected via NTSB's network.
 - g) Posting the same or similar non-business-related messages to large numbers of Usenet Newsgroups (newsgroup spam).
3. Guidance for Appropriate Use of Telephone Equipment. Access to and use of NTSB telephone / Voice over Internet Protocol (VoIP) systems and related communications devices/services such as cell phones, pagers, calling cards, and voice mailboxes are covered under this policy. The use of cell phones equipped with digital cameras (whether personally-owned or issued by NTSB) for any purpose other than to make or receive a call is prohibited unless otherwise approved by (approving authority).

4. Limited Use Authorization for NTSB Personnel. The following personal uses of NTSB resources are generally acceptable:
 - a) Brief employee telephone, e-mail, Internet or facsimile communications.
 - b) Receipt of brief e-mail messages and facsimiles, as long as they are comparable to acceptable telephone calls, and are no more disruptive.
 - c) Use of office computers to access the Internet for brief personal searches and personal communications. This permission is subject to the following conditions:
 1. Employees shall limit personal communications and Internet searches to authorized break periods, or before or after duty hours.
 2. Employees shall keep personal communications infrequent and short.
 - d) Employees may use the telephone for local or toll-free numbers, but must charge any long distance communications to personal phone cards.
5. Cancellation. Operations Bulletin CIO-GEN-002 cancels the following orders, previous bulletin, and draft policies:
 - a) *Appropriate Use of NTSB Information Technology Resources*
 - b) *E-Mail Purging And Folder Management*
6. References/Links
 - a) LAWS
 1. *Paperwork Reduction Act, Public Law 104-13*
 2. *Computer Security Act of 1987, Public Law 100-235*
 3. *Federal Information Security Management Act, Public Law 107-296*
 4. *5 CFR Part 2635, Standards of Ethical Conduct for Employees of the Executive Branch*
 - b) OMB
 1. *OMB Circular A-130, Management of Federal Information Resources*
 2. *OMB Memorandum M-04-25*
 3. *OMB Memorandum M-04-26*
 - c) **FEDERAL INFORMATION PROCESSING STANDARDS PUBLICATION**

1. FIPS PUB 200, *Minimum Security Requirements for Federal Information and Information Systems*
- d) NIST GUIDANCE
 1. NIST SP 800-12, *An Introduction to Computer Security: The NIST Handbook*
 2. NIST SP 800-18 Revision 1, *Guide for Developing Security Plans for Federal Information Systems*
 3. NIST SP 800-26, *Self-Assessment Procedures for Information Technology Systems*
 4. NIST SP 800-26 Revision 1, DRAFT, *Guide for Information Security Program Assessments and System Reporting Form*
 5. NIST SP 800-50, *Building an Information Technology Security Awareness and Training Program*
- e) NTSB INTERNAL REFERENCES
 1. Operations Bulletin CIO-GEN-014, *Electronic Privacy in the Workplace Policy*
 2. Operations Bulletin CIO-GEN-004, *Information Technology Access Control Policy*

7. Responsibilities

- a) The Chief Information Officer (CIO) is responsible for:
 1. Ensuring compliance with the procedures set forth in this bulletin.
 2. Updating this bulletin according to the schedule or earlier if there is an identified need.
 3. Alerting NTSB employees to significant changes to the policies and procedures in this operations bulletin.
 4. Reviewing logs for acceptable use as part of standard security scrutiny.
- b) Supervisors are responsible for ensuring equipment requests are for authorized work purposes, and that employees under their supervision follow the policies and procedures defined in this document.
- c) Employees and contractors are responsible for complying with the policy and procedures in this document.

8. External Reporting Requirements. None.

9. Enforcement. Personal use of government equipment is a privilege that may be revoked at agency discretion. Any inappropriate use or abuse of agency equipment may result in immediate surrender of the device, payment of fees incurred because of the inappropriate use, and/or disciplinary action up to and including termination of employment.

10. Definitions.

- A. Internet. The term Internet describes the interconnection of two or more networks. However, Internet is more commonly used to describe a specific collection of interconnected networks spanning countries throughout the world. The Internet provides services ranging from electronic mail between Internet users, file transfer, remote login, and access to software archives, news reports, bulletin boards, library services, and electronic journals.
- B. Portable/Mobile Devices (non-laptop devices). Portable/Mobile Devices are defined as non-laptop class equipment such as, but not limited to: USB devices, firewire devices, flash storage devices, mp3/media players, digital cameras, personal digital assistants/Blackberries, cell phones (specifically cell phones equipped with cameras), and other computer/telecommunications devices.
- C. Spam. Spam is an electronic mass mailing that are either unauthorized and/or unsolicited.

11. Attachments. None.



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

OCT 02 2007

Honorable Daniel K. Inouye
Chairman
Commerce, Science, and Transportation Committee
U.S. Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Inouye:

I am pleased to submit the twelfth report regarding progress of the National Transportation Safety Board to comply with the requirements of the Federal Information Security Management Act (FISMA) and the recommendations of the U.S. Department of Transportation (DOT) Inspector General (IG).

On September 11, 2007, the Safety Board received its fiscal year (FY) 2007 FISMA report from the independent audit firm of Leon Snead & Company, P.C. The FY 2007 FISMA report was the most positive report received by the Board to date and highlighted a number of significant actions that were taken to improve the information technology (IT) security program.

Specifically cited in the report was the Safety Board's action to hire a Chief Information Officer (CIO) and a Deputy CIO; the acquisition, installation, and initial use of four commercial software applications that enable the Safety Board to effectively address prior IT security problems that resulted from patching security vulnerabilities; improvements in vulnerability scanning and intrusion detection; deployment of encryption on agency laptops; use of encrypted universal serial bus (USB) storage devices; implementation of dual authentication for remote users; and rectification of the DOT IG's concerns by requiring more complex passwords.

The Safety Board recognizes, however, that additional work remains. The Office of the CIO and other components within the Safety Board have already begun action to implement recommendations made as a result of the FY 2007 report to strengthen access controls, enhance our data privacy posture, and improve IT strategic and human capital planning processes. Further, to ensure that adequate resources are devoted to IT security and data privacy, the Safety Board has allocated to the Office of the CIO an additional full-time equivalent position for an IT Specialist beginning in FY 2008.





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

OCT 02 2007

Honorable Ted Stevens
Vice Chairman
Commerce, Science, and Transportation Committee
U.S. Senate
254 Russell Senate Office Building
Washington, D.C. 20510

Dear Vice Chairman Stevens:

I am pleased to submit the twelfth report regarding progress of the National Transportation Safety Board to comply with the requirements of the Federal Information Security Management Act (FISMA) and the recommendations of the U.S. Department of Transportation (DOT) Inspector General (IG).

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NMC 103189



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JUL 27 2007

Honorable Daniel K. Inouye
Chairman
Commerce, Science and Transportation Committee
U.S. Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510


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As mentioned in the last report, NTSB awarded a contract to an outside audit firm to conduct its 2007 FISMA review. Although, the audit is not yet complete, the auditor's July 17, 2007 status report notes that the "NTSB has taken substantive corrective actions, and has others underway to address the material internal control weakness relating to its IT security program."

The NTSB continues to make the protection of privacy act data and personally identifiable information a priority. NTSB has acquired the services of an Executive Potential Program participant and is partnering with the Federal Trade Commission's privacy staff to ensure that NTSB's Privacy Officer and Chief Information Officer meet their obligations under the Office of Management and Budget's Circular M-07-16 entitled *Safeguarding Against and Responding to the Breach of Personally Identifiable Information*.

The Certification and Accreditation (C&A) process of NTSB's information systems continues to be a high priority. NTSB is in the final stages of obtaining independent contract resources to conduct security testing and evaluation services as part of the C&A process.

Dedicated to Excellence

NMC 103089



National Transportation Safety Board

Washington, D.C. 20594

JUL 27 2007

Office of the Chairman

Honorable Daniel K. Inouye
Chairman
Commerce, Science and Transportation Committee
U.S. Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

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If you have any questions, or if you or your staff would like to meet to discuss these issues, please call me at (202) 314-6035 or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark V. Rosenker', written in a cursive style.

Mark V. Rosenker
Chairman

cc: Margaret Spring



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JUL 27 2007

Honorable Ted Stevens
Co-Chairman
Commerce, Science and Transportation Committee
U.S. Senate
254 Russell Senate Office Building
Washington, D.C. 20510

Dear Co-Chairman Stevens:

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Sincerely,

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Mark V. Rosenker
Chairman

cc: Ken Nahigian

Non-Mail ~~COMPLETED~~ Routing Slip

EXPEDITE

Control Number 103343

Action Office GA

Division

Writer

TYPE of DOCUMENT Letter

DATE OF LETTER 8/10/2009

DATE RECEIVED 8/6/2009

RESPONSE DUE

FROM Hersman, Deborah A.P.

ORGANIZATION National Transportation Safety Board

SUBJECT NTSB's submission of its sole source contract report for FY 2009 to the House and Senate Committees on Appropriations, according to the Omnibus Appropriations Act of 2009.

NOTATION

RECS

NOTES Exec Sec Rec'd 8/6/2009.

Use the space below for Internal/Routing/Reviewing/Concurrence

Office/Division

Date In

Date Out/Initial

AD-20

8/14/09

8/14/09 CB

GIA

8/10/09

8/14/09 mhs

MD-5

8-12-09

8-13-09 NRC

MD-2

8-13-09

8/13/09 KRL (draft)

M-SRC

8/14/09 KRL OK to sign

M-KOLH

M-DAPH

VC-RLS

C-MVR

MD-5 to Office for Final

8-13-09

signed/scanned-KRG 8/14/09

COMPLETED



Non-Mail Control Routing Slip

Office to MD-5

MD-5 to _____

MD-5 to C for Signature

8-14-09

8-14-09

8-14-09



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 14 2009

The Honorable David R. Obey
Chairman
Committee on Appropriations
United States House of Representatives
H-218, The Capitol
Washington, D.C. 20515

Dear Chairman Obey:

Section 407 of the Omnibus Appropriations Act of 2009 (H.R. 1105; Public Law 111-8) directs all federal agencies and departments that are funded under this Act to issue a report to the House and Senate Committees on Appropriations on all sole source contracts. The National Transportation Safety Board (NTSB) is submitting its sole source contract report for fiscal year 2009 to date. The NTSB's report includes the contractor, the amount of the contract, and the rationale for using a sole source contract.

If you have any questions, please do not hesitate to contact me at 202-314-6662.

Sincerely,

A handwritten signature in black ink, appearing to read "DAH", followed by a long horizontal flourish.

Deborah A.P. Hersman
Chairman

Enclosures



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 14 2009

The Honorable Daniel K. Inouye
Chairman
Committee on Appropriations
United States Senate
S128, The Capitol
Washington, D.C. 20510

Dear Chairman Inouye:

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Deborah A.P. Hersman
Chairman

Enclosures



National Transportation Safety Board

Washington, D.C. 20594

AUG 14 2009

Office of the Chairman

The Honorable Thad Cochran
Vice Chairman
Committee on Appropriations
United States Senate
S146A, The Capitol
Washington, D.C. 20510

Dear Vice Chairman Cochran:

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Sincerely,

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Deborah A.P. Hersman
Chairman

Enclosures



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 14 2009

The Honorable Jerry Lewis
Ranking Minority Member
Committee on Appropriations
United States House of Representatives
1016 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Lewis:

Section 407 of the Omnibus Appropriations Act of 2009 (H.R. 1105; Public Law 111-8) directs all federal agencies and departments that are funded under this Act to issue a report to the House and Senate Committees on Appropriations on all sole source contracts. The National Transportation Safety Board (NTSB) is submitting its sole source contract report for fiscal year 2009 to date. The NTSB's report includes the contractor, the amount of the contract, and the rationale for using a sole source contract.

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Deborah A.P. Hersman
Chairman

Enclosures

National Transportation Safety Board
Sole Source Contracts (October 1, 2008 – July 31, 2009)

1. Contract NTSB-C-09-0001
Contractor: Colonial Parking
Value: \$272,022.60
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
2. Contract NTSB-P-09-0042
Contractor: National Mailing Systems
Value: \$8,096.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
3. Contract NTSB-P-09-0040
Contractor: Loew's Fitness
Value: \$17,550.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
4. Contract NTSB-P-09-0039
Contractor: Mechanical Simulation Corp.
Value: \$9,450.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
5. Contract NTSB-P-09-0033
Contractor: Avenca Limited
Value: \$24,770.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
6. Contract NTSB-P-09-0031
Contractor: PrecisionWrite
Value: \$18,625.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-2, unusual and compelling urgency.
7. Contract NTSB-P-09-0027
Contractor: Appareo Systems, LLC
Value: \$4,950.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.

National Transportation Safety Board
Sole Source Contracts (October 1, 2008 – July 31, 2009)

8. Contract NTSB-P-09-0025
Contractor: Giga Inc.
Value: \$5,900.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
9. Contract NTSB-P-09-0024
Contractor: Dassault Systems Simulia Corp.
Value: \$15,990.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
10. Contract NTSB-P-09-0023
Contractor: Thermo Electron North America LLC
Value: \$12,015.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
11. Contract NTSB-P-09-0021
Contractor: PrecisionWrite
Value: \$14,100.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-2, unusual and compelling urgency.
12. Contract NTSB-P-09-0020
Contractor: Press Association Inc.
Value: \$16,404.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
13. Contract NTSB-P-09-0019
Contractor: Potomac Creek Associates LLC
Value: \$3,327.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
14. Contract NTSB-P-09-0018
Contractor: Dassault Systems Simulia Corp.
Value: \$31,825.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.

National Transportation Safety Board
Sole Source Contracts (October 1, 2008 – July 31, 2009)

15. Contract NTSB-P-09-0017
Contractor: SPSS Inc.
Value: \$7,015.05
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
16. Contract NTSB-P-09-0016
Contractor: Volume Graphics GMBH
Value: \$3,600.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
17. Contract NTSB-P-09-0015
Contractor: Research in Motion Corporation
Value: \$4,859.50
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
18. Contract NTSB-P-09-0014
Contractor: Megaputer Intelligence Inc.
Value: \$9,167.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
19. Contract NTSB-P-09-0013
Contractor: Flightscape Incorporated
Value: \$21,000.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
20. Contract NTSB-P-09-0012
Contractor: SHPS Human Resource Solutions Inc.
Value: \$6,156.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
21. Contract NTSB-P-09-0010
Contractor: Carl Zeiss SMT Inc.
Value: \$15,479.10
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.

National Transportation Safety Board
Sole Source Contracts (October 1, 2008 – July 31, 2009)

22. Contract NTSB-P-09-0009
Contractor: ACS Wireless
Value: \$5,555.64
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
23. Contract NTSB-P-09-0007
Contractor: LMS North America, Inc.
Value: \$12,153.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
24. Contract NTSB-P-09-0006
Contractor: Analytical Solutions, Inc.
Value: \$16,000.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
25. Contract NTSB-P-09-0004
Contractor: Ascend Worldwide LTD
Value: \$18,000.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
26. Contract NTSB-P-09-0003
Contractor: University of Wisconsin
Value: \$9,524.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
27. Contract NTSB-P-09-0001
Contractor: Hasler Inc.
Value: \$3,540.00
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.
28. Contract NTSB-F-09-0031
Contractor: LECO Corporation DBA Tem-Press Division
Value: \$4,676.00
Rationale: Federal Acquisition Regulation (FAR) 8.405-6(b)(1), only one source is capable of responding due to the unique or specialized nature of the work.

National Transportation Safety Board
Sole Source Contracts (October 1, 2008 – July 31, 2009)

29. Contract NTSB-F-09-0029

Contractor: NetworkD Corporation

Value: \$22,136.80

Rationale: Federal Acquisition Regulation (FAR) 8.405-6(b)(1), only one source is capable of responding due to the unique or specialized nature of the work.

30. Contract NTSB-F-09-0007

Contractor: Symantec Corporation

Value: \$16,316.00

Rationale: Federal Acquisition Regulation (FAR) 8.405-6(b)(1), only one source is capable of responding due to the unique or specialized nature of the work.

EXPEDITE

Non-Mail Control Routing Slip

Control Number **103091**

Action Office **MD**

Division **GA-1**

Writer **McCullough**

TYPE of DOCUMENT **Letter**

DATE OF LETTER **7/27/2007**

DATE RECEIVED **7/27/2007**

RESPONSE DUE

FROM **Rosenker, Mark V.**

ORGANIZATION **NTSB**

SUBJECT **Issues report to the House and Senate Committees
on Appropriations on all sole source contracts by
nlt July 31, 2007.**

NOTATION

RECS

NOTES **Exec Sec rec'd on 7/27/2007.**

Use the space below for Internal/Routing/Reviewing/Concurrence

Office/Division

Date In

Date Out/Initial

GA

7/27

MD-5

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M-SRC

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7.30.07 gsk



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JUL 30 2007

Honorable David R. Obey
Chairman
Appropriations Committee
U.S. House of Representatives
H218, The Capitol
Washington, D.C. 20515

Dear Chairman Obey:

Section 717 of Senate Report 109-293, the Transportation, Treasury, Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies Appropriations Act of 2007, directs all Federal agencies and departments that are funded under this Act to issue a report to the House and Senate Committees on Appropriations on all sole source contracts by no later than July 31, 2007. Even though this legislation never became public law, the National Transportation Safety Board is submitting its sole source contract report for November 2006 through July 2007. The Board's report includes the contractor, the amount of the contract and the rationale for using a sole source contract.

If you have any additional questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

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Mark V. Rosenker
Chairman

Enclosure

Dedicated to Excellence





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JUL 30 2007

Honorable Thad Cochran
Ranking Republican Member
Appropriations Committee
U.S. Senate
S146A, The Capitol
Washington, D.C. 20510

Dear Senator Cochran:

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Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JUL 30 2007

Honorable Robert C. Byrd
Chairman
Appropriations Committee
U.S. Senate
S128, The Capitol
Washington, D.C. 20510

Dear Chairman Byrd:

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Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

JUL 3 0 2007

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Ranking Republican Member
Appropriations Committee
U.S. House of Representatives
1016 Longworth House Office Building
Washington, D.C. 20515

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Mark V. Rosenker
Chairman

Enclosure



National Transportation Safety Board
Sole Source Contracts (November 2006 – July 2007)

1. Contract NTSB-C-07-0004

Contractor: Colonial Parking

Value: \$209,647

Rationale: Federal Acquisition Regulation (FAR) 6.302-1, only one responsible source and no other supplies or services will satisfy agency requirements.



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

NOV 13 2006

NMC 102948

Honorable Thad Cochran
Chairman
Appropriations Committee
U.S. Senate
S128, The Capitol
Washington, D.C. 20510

Dear Chairman Cochran:

Section 719 of Public Law 109-115, Transportation, Treasury, Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies Appropriations Act of 2006, directs all Federal agencies and departments that are funded under this Act to issue a report to Congress on all sole source contracts. The report is to include the contractor, the amount of the contract and the rationale for using a sole source contract.

The National Transportation Safety Board reviewed its contracts awarded during fiscal year 2006 and identified 3 sole source contracts. The circumstances and specific information about those contracts are provided in the enclosure.

If you have any additional questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker", is written over the typed name.

Mark V. Rosenker
Chairman

Enclosure



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

NOV 13 2006

Honorable David R. Obey
Ranking Democratic Member
Appropriations Committee
U.S. House of Representatives
H218, The Capitol
Washington, D.C. 20515

Dear Congressman Obey:

Section 719 of Public Law 109-115, Transportation, Treasury, Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies Appropriations Act of 2006, directs all Federal agencies and departments that are funded under this Act to issue a report to Congress on all sole source contracts. The report is to include the contractor, the amount of the contract and the rationale for using a sole source contract.

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Sincerely,

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Mark V. Rosenker
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

NOV 13 2006

Honorable Jerry Lewis
Chairman
Appropriations Committee
U.S. House of Representatives
H218, The Capitol
Washington, D.C. 20515

Dear Chairman Lewis:

Section 719 of Public Law 109-115, Transportation, Treasury, Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies Appropriations Act of 2006, directs all Federal agencies and departments that are funded under this Act to issue a report to Congress on all sole source contracts. The report is to include the contractor, the amount of the contract and the rationale for using a sole source contract.

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Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

NOV 13 2006

Honorable Robert C. Byrd
Ranking Democratic Member
Appropriations Committee
U.S. Senate
S128, The Capitol
Washington, D.C. 20510

Dear Senator Byrd:

Section 719 of Public Law 109-115, Transportation, Treasury, Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies Appropriations Act of 2006, directs all Federal agencies and departments that are funded under this Act to issue a report to Congress on all sole source contracts. The report is to include the contractor, the amount of the contract and the rationale for using a sole source contract.

The National Transportation Safety Board reviewed its contracts awarded during fiscal year 2006 and identified 3 sole source contracts. The circumstances and specific information about those contracts are provided in the enclosure.

If you have any additional questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman

Enclosure

National Transportation Safety Board FY2006 Sole Source Contracts

1. Contract NTSB-C-06-0006
Contractor: Colonial Parking
Value: \$211,803
Rationale: Federal Acquisition Regulation (FAR) 6.302-1, Only One Responsible Source and No Other Supplies or Services will Satisfy Agency Requirements.
2. Contract NTSB-C-06-0012
Contractor: Bowhead Information Technology Services, Inc.
Value: \$175,000
Rationale: Federal Acquisition Regulation (FAR) 6.302-2, Unusual and Compelling Urgency.
3. Purchase Order NTSB-P-06-0048
Contractor: PrecisionWrite
Value: \$8,250
Rationale: NTSB Reauthorization Act of 2003, Section 4, Relief from Contracting Requirements for Investigations Services.

2070050

Mail Control Number

2070050

Action Office: SR-1**Division: SR-1****cc: C, GA, MD****HS, Lanier, Czech, RPH, RE**

Date Received 2/5/2007
 Date of Letter: 1/31/2007
 Response Due: 3/7/2007

From: Peters, Mary E.
 Organization: The Secretary of Transportation
 Subject: Submits Department of Transportation's 2006
 Biennial Report to Congress and the NTSB on the
 regulatory status of NTSB open safety
 recommendations concerning 15 passenger van
 safety, railroad grade crossing safety, and medical
 certifications for a commercial driver's license

Notation(s):**Recs:****Notes:** Exec Sec rec'd on 2/8/2007.

Action: If you are not the correct action office, return this letter to MD-5 immediately. If you want action assigned to another office, return this letter to MD-5.

Signature: If you decide that the response to this letter should not be signed by the Chairman or that it should not be answered, coordinate your decision with the Chairman's office. If you respond to this letter with a direct reply, send a copy to MD-5 with the Mail Control Number and writer's name clearly noted. If you handle this letter by telephone or decide that no response is necessary, notify MD-5 by e-mail so the Mail Control can be closed.

*Use the space below for routing/reviewing/concurrence
 Route to Members only if their concurrence is required.*

Office/Division	Date In	Date Out/Initial
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M-SRC.....	_____	_____
M-KOLH	_____	_____
M-DAPH	_____	_____
VC-RLS	_____	_____
C-MVR (draft)	_____	_____
MD-5 to Office for Final	_____	_____
Office to MD-5 for Final Review	_____	_____
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THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

REC'D FEB 08 2007
Me 20100500

JAN 31 2007

The Honorable Mark V. Rosenker
Chairman
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington, DC 20594

Dear Mr. Chairman:

I am pleased to present the U.S. Department of Transportation's 2006 Biennial Report to Congress and the National Transportation Safety Board (NTSB) on the regulatory status of each open safety recommendation relating to 15-passenger van safety, railroad grade crossing safety, and medical certifications for a commercial driver's license. The report is required by 49 USC 1135(d), as amended by Sec. 9 of P.L. 108-168. It is required to be submitted every 2 years until 2008 or until final regulatory action has been completed. The Department submitted its first report pursuant to this legislation in December 2004.

Identical letters have been sent to the President of the Senate; the Speaker of the House of Representatives; the Chairman and Ranking Member of the Senate Committee on Commerce, Science and Transportation; and the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure.

If I can provide further information or assistance, please feel free to call me.

Sincerely yours,

A handwritten signature in cursive script, reading "Mary E. Peters", is positioned above the typed name.

Mary E. Peters

Enclosure

United States Department of Transportation

**2006 Biennial Report to Congress and
The National Transportation Safety Board**

**On the Regulatory Status of
National Transportation Safety Board
Open Safety Recommendations Concerning
15-Passenger Van Safety,
Railroad Grade Crossing Safety, and
Medical Certifications for a Commercial Driver's License**

December 2006

EXECUTIVE SUMMARY

This Biennial Report presents the 2006 status of each National Transportation Safety Board (NTSB) open safety recommendation concerning 15-passenger van safety, railroad grade crossing safety, and medical certifications for a commercial driver's license. The Biennial Report is required by 49 USC 1135 (d), as amended by Sec. 9 of P.L. 108-168, and must be submitted every 2 years until 2008 or until final regulatory action has been completed. The U.S. Department of Transportation (DOT) submitted its first Biennial Report pursuant to this legislation in December 2004.

NTSB is an independent Federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in the other modes of transportation -- railroad, highway, maritime and pipeline -- and issuing safety recommendations aimed at preventing future accidents. A safety recommendation originates from NTSB's accident investigation reports, safety studies, or special investigations. After NTSB approves a safety recommendation, it is tracked from the date of issue until it is closed; safety recommendations are closed only by vote of the NTSB.

Table 1 below provides a summary of the status of open safety recommendations concerning 15-passenger van safety, railroad grade crossing safety; and medical certifications for a commercial driver's license. This tally demonstrates significant progress in addressing these important safety concerns consistent with DOT's principal strategic goal -- to reduce transportation-related deaths and injuries.

Table 1. Status of Open Recommendations as of December 2006

Safety Issue	Open		
	Acceptable Response	Acceptable Alternate Response	Unacceptable Response
15-passenger van safety	2	1	0
Railroad grade crossing safety	6	0	5
Medical certifications for a commercial driver's license	1	0	7
Total	9	1	12

NTSB Recommendation H-03-014

Issued August 4, 2003

NTSB recommends that NHTSA include 12- and 15-passenger vans in Federal Motor Vehicle Safety Standard 201, Section 6, "Requirements for Upper Interior Component Protection."

NTSB Status: Open Acceptable Alternate Response

DOT Regulatory Status: NTSB has reviewed NHTSA's notice of proposed rulemaking (NPRM), which addresses occupant protection from side impacts. The NPRM calls for increased standards of protection for occupants of vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or less. The new standards would offer greater protection for front seat occupants against head, thoracic, abdominal, and pelvic injuries in vehicle-to-pole collisions in which the vehicle crashes sideways into a narrow object, such as a telephone pole or tree. The new standards would also increase protection for front and rear seat occupants against head, thoracic, and pelvic injuries in collisions where a moving vehicle is struck in the side by another moving vehicle. Compliance with the new standards would be measured using new test configurations designed to simulate these types of crashes and would use new test dummies that are more representative of mid-size adult males and small adult females. The NTSB agrees with NHTSA that the goal of preventing head injuries, which is the intent of Safety Recommendation H-03-14, can be achieved by means other than revising Section 6 of Federal Motor Vehicle Safety Standard (FMVSS) 201. NTSB also agrees that the proposed revisions to FMVSS 214 address Safety Recommendation H-03-14. NHTSA anticipates that the proposed FMVSS 214 will not be revised to exclude vehicles with a GVWR over 8,500 pounds (as is currently the case with FMVSS 201), so that occupants in all types of vehicles are afforded head protection. Because the proposed rulemaking addresses the prevention of head injuries, Safety Recommendation H-03-14 is classified "Open Acceptable Alternate Action" pending the adoption of the final rule revising FMVSS 214.

NTSB Recommendation H-03-016

Issued August 4, 2003

NTSB recommends that NHTSA include 12- and 15-passenger vans in Federal Motor Vehicle Safety Standard 216, "Roof Crush Resistance," to minimize the extent to which survivable space is compromised in the event of a rollover accident.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: NHTSA briefed NTSB on the status of this recommendation on August 5, 2004. Both agencies agreed to keep the status of this recommendation as "Open Acceptable Response" pending completion of rulemaking. NHTSA published an NPRM on August 23, 2005 (70 FR 49223), with a comment period closing date of November 21, 2005. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)

NTSB Recommendation H-02-008

Issued August 8, 2002

NTSB recommends that FMCSA amend Code of Federal Regulations 383.51 (e), "Disqualification for railroad-highway, grade crossing violation," to include a violation for drivers of low-clearance or slow-moving vehicles who fail to make arrangements with the railroad for safe passage, when required.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: FMCSA met with NTSB staff on June 9, 2005, and discussed an education and outreach approach to addressing this recommendation in lieu of rulemaking. FMCSA does not believe that rulemaking is appropriate to accomplishing mutual grade crossing safety objectives. Based on this discussion and subsequent communication, on February 15, 2006, NTSB reclassified this recommendation Open Acceptable Response, pending the amendment to 49 Code of Federal Regulation 383.51(3), "Disqualification for Railroad Highway Grade Crossing Violation," or enactment of legislation by the remaining jurisdictions, which will satisfy the intent of the recommendation. As of December 2006, all States have adopted legislation relating to the "CDL disqualification provisions" relating to highway-rail grade crossing offenses (49 CFR 383.51, Table 3).

However, not all States have adopted laws or regulations consistent with the NCUTLO model regulation Section 11-704. The NCUTLO regulations require that "Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time shall be given to such railroad to provide proper protection at such crossing." As of the most recent (2002) edition of the FRA publication, *Compilation of State Laws and Regulations Affecting Highway-Rail Grade Crossings*, the "advance notification" requirement of NCUTLO was part of 33 States' laws. According to that document, the laws and regulations of 10 States did not include provisions for moving heavy equipment at highway-rail grade crossings. Those States, and eight others, did not require advance notification be given to the railroad in advance of a movement of heavy equipment.

As of August 2006, when FMCSA last reviewed these State laws, it appeared that no States had added the advance-notification provision. However, three States did make important changes to their laws concerning movement of heavy equipment:

- Missouri law states, "No person shall drive a vehicle through a railroad crossing unless such vehicle has sufficient undercarriage clearance necessary to prevent the undercarriage of the vehicle from contacting the railroad crossing." (Missouri Revised Statutes, Chapter 304, Traffic Regulations, Section 304.035) Missouri previously had no provision concerning low-clearance vehicles.
- Oklahoma Statutes states Class A, B, or C commercial vehicles are prohibited from negotiating a highway-rail grade crossing if there is "...insufficient clearance for the undercarriage of the vehicle." (§ 47-11-1115; effective October 1, 2002) Oklahoma previously had no provision concerning low-clearance vehicles.

NTSB Recommendation H-98-032

Issued August 11, 1998

NTSB recommends that DOT determine within 2 years, in conjunction with the States, governmental oversight responsibility for safety at private highway-rail grade crossings and ensure that traffic control on these crossings meets the standards within the manual on uniform traffic control devices.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: FRA and FHWA are collaborating on this recommendation. FRA has initiated a safety inquiry to investigate safety concerns at private crossings which are largely unregulated by States and the Federal Government. Provisions for signage, crossing surface, and other safety attributes of private crossings are generally unaddressed.

FRA's effort will define responsibility for safety at private highway-rail grade crossings, including provision of minimum criteria for signage. FRA has initiated a series of five public workshops and other forums to encourage discussion and gather information on the current state of safety at private crossings and to identify safety needs. Notice of a safety inquiry on the subject was published in the Federal Register in July 2006 and a docket has been established. FHWA will coordinate with FRA and take appropriate actions accordingly, depending on outcomes from FRA's private crossing initiative.

NTSB Recommendation I-98-001

Issued August 11, 1998

NTSB recommends that DOT develop and implement a field test program for in-vehicle safety and advisory warning systems, variable message signs, and other active devices; then ensure that the private entities who are developing advance technology applications modify those applications as appropriate for use at passive grade crossings. Following the modifications, take action to implement use of the advanced technology applications.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: DOT advised NTSB that the Twin Cities and Western Railroad Company (TC&W) asked for a temporary test waiver of compliance from Control Circuit requirements of FRA's Highway/Rail Grade Crossing Signal System Safety Standards, 49 CFR Section 234.203. This section requires that all control circuits that affect the safe operation of a highway/railroad grade crossing warning system shall operate on the fail-safe principle. The fail-safe principle requires that such circuits shall operate so that the failure of any part or component shall cause the warning system to activate.

The waiver request was to permit TC&W and its project partners to develop, test and implement technology designed to activate highway/railroad grade crossing warning systems using Global Positioning System train location information and radio data

would be useful in determining whether a trailer of a certain design would "hang-up" on a crossing that had a vertical curve. FRA has drafted a Safety Advisory that is under review that addresses this safety recommendation. The Safety Advisory should be issued by January 31, 2007.

NTSB Recommendation H-96-002

Issued March 13, 1996

NTSB recommends that DOT encourage and coordinate efforts between the railroad industry and State and local highway transportation officials to identify substandard grade crossing profiles (hump crossings) and close or take appropriate corrective action to eliminate them.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FRA has continued to encourage States and railroads to identify crossings that have substandard grade crossing profiles (humped crossings). FRA makes a number of presentations on grade crossing safety at the State, regional and national levels. It encourages the accurate reporting of existing conditions at crossings, including the presence of "Humped Crossing" signs, to the DOT Crossing Inventory.

FRA's regional crossing managers work with State and railroad officials on diagnostic reviews that look at all aspects of crossing safety. During 2006, FRA worked closely with the New York Department of Transportation looking specifically at humped crossings on Amtrak routes. FRA has drafted a Safety Advisory that is under review that addresses this safety recommendation. The Safety Advisory should be issued by January 31, 2007.

NTSB Recommendation H-96-004

Issued March 13, 1996

NTSB recommends that DOT develop procedures and processes that will facilitate improved communication and coordination between the railroad industry and State and local highway transportation officials regarding crossing maintenance activities so as to prevent the creation of hump crossings.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FRA is a strong proponent of the necessity for highway authorities and railroads to work together in all aspects of crossing safety. This includes the importance of good communication between these entities when it comes to crossing maintenance issues. Each year, FRA makes a number of presentations on grade crossing safety at the State, regional and national levels and encourages a cooperative effort to maintain and improve crossing safety. These conferences provide an excellent opportunity for face-to-face meetings among these parties to discuss the issue of maintenance of the crossing and its approaches.

of remote health monitoring to detect potential problems of the warning device has increased and has become the norm. Event recorders and remote health monitoring help to maintain the proper working condition of the warning devices. Most highway traffic controllers do not include such recorders. Neither FRA nor FHWA have regulations that require the use or maintenance of event recorders. FRA encourages railroads, and appropriate highway authorities, to retain event recorders and upgrade them as necessary. FRA and FHWA are discussing the actual language of a safety advisory that would encourage the States and railroads to comply with the intent of NTSB's recommendation. DOT expects this safety advisory to be published by June 30, 2007.

MEDICAL CERTIFICATIONS FOR A COMMERCIAL DRIVER'S LICENSE

There are eight open safety recommendations concerning medical certifications for a commercial driver's license. All are directed to the Federal Motor Carrier Safety Administration (FMCSA). One is classified Open Acceptable Response and seven are classified Open Unacceptable Response.

NTSB Recommendation H-01-017

Issued September 10, 2001

NTSB recommends that FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: individuals performing medical examinations for drivers are qualified to do so and are educated about occupational issues for drivers.

NTSB Status: Open Unacceptable Response²

DOT Regulatory Status: In accordance with SAFETEA-LU, Public Law 109-59, FMCSA was provided with explicit statutory authority to expand its oversight of the driver physical qualification program for commercial motor vehicle (CMV) drivers. Several elements of the program approach include the establishment of a national registry (NR) of qualified medical examiners and certification process, a proposed rulemaking to link the medical certification as part of the commercial driver's license (CDL) process, and the establishment of a Medical Review Board (MRB) and Chief Medical Officer. To ensure that all medical examiners are qualified to perform medical examinations for CMV drivers and are educated about occupational issues that affect these drivers, FMCSA is in the process of establishing the National Registry of Certified Medical Examiners (NRCME). When established, NRCME will provide a readily accessible list of medical examiners to CMV drivers that are certified to perform examinations and issue medical certificates according to the requirements of the Federal Motor Carrier Safety Regulations (FMCSRs). A public meeting for the NRCME was held on June 22, 2005, and public listening sessions

² On November 14, 2006, the NTSB voted to change the status of H-01-017 from Open Acceptable Response to Open Unacceptable Response.

examiners to clearly determine whether drivers with common medical conditions should be issued a medical certificate.

NTSB Status: Open Acceptable Response

DOT Regulatory Status:

Medical certification regulations will be updated periodically through the NRCME and MRB, which will function as fundamental sources of information for trained examiners to determine whether drivers with common medical conditions should be issued a medical certificate. The NRCME will provide specific training to medical examiners, in addition to continuous national monitoring of the quality and specific practices of medical examiners listed on the national registry. The MRB will provide FMCSA with an authoritative resource of medical expertise for making decisions on driver qualification standards and guidelines, medical examiner education, and research. This includes the revision of standards as medical advances in treatment and remediation are developed. The FMCSA has appointed experts to research panels that will support the work of the MRB, and proceedings were held for Diabetes (July 2006), Schedule II Drugs (August 2006), Neurological Diseases (August/September 2006), and Sleep Disorders (September 2006). Proceedings are scheduled in 2007 and 2008 for the review of other science-based medical standards and guidelines. The Advance Notice of Proposed Rulemaking to revise the Federal diabetes standard was published March 17, 2006. FMCSA is also collaborating with NHTSA on an analysis of non-commercial and commercial medical standards for drivers.

NTSB Recommendation H-01-020

Issued September 10, 2001

NTSB recommends that FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: Individuals performing examinations have specific guidance and a readily identifiable source of information for questions on such examinations.

NTSB Status: Open Unacceptable Response³

DOT Regulatory Status: The NRCME will enable specific training and continuous national monitoring of medical examiners on the registry and will be used to disseminate information to practitioners regarding medical findings, policies, or requirements relevant to the examinations. Certifying medical examiners through NRCME will ensure that medical examiners are qualified and educated about the occupational issues that CMV drivers face and will provide specific guidance and readily identifiable sources of information for questions that medical examiners may pose on the physical examination process. Further, new web-based education strategies are being tested, such as advisories to medical examiners and the creation

³ On November 14, 2006, the NTSB voted to change the status of H-01-020 from Open Acceptable Response to Open Unacceptable Response.

NTSB Recommendation H-01-023

Issued September 10, 2001

NTSB recommends that FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program element: enforcement authorities can prevent an uncertified driver from driving until an appropriate medical examination takes place.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: The rulemaking to link the medical certificate as part of the CDL will address this issue. As part of this rulemaking, CMV drivers will be unable to obtain or renew a CDL until they demonstrate their physical fitness to operate a commercial vehicle. Further, the final rule would allow law enforcement officials to access a driver's medical status at the roadside and take appropriate action. The FMCSA held two roundtables on August 23, 2006, and September 13, 2006, on driver medical certification issues. The first meeting included all DOT modes, with the exception of the Federal Transit Administration, in which all medical standards for the regulated populations were addressed.

NTSB Recommendation H-01-024

Issued September 10, 2001

NTSB recommends that FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: mechanisms for reporting medical conditions to the medical certification and reviewing authority and for evaluating these conditions between medical certification exams are in place; individuals, health care providers, and employers are aware of these mechanisms.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: The FMCSRs require motor carriers to regularly monitor CMV driver health status, including return-to-work. Motor carriers are allowed to have more stringent standards than in FMCSRs, and many do. The NRCME will serve as the conduit to monitor medical examiner roles and responsibilities, including evaluating the effectiveness of medical examiners from different disciplines and provide mechanisms for reporting results of driver medical examinations. Further the NRCME initiative is convening medical examiner experts from throughout the Nation to discuss the medical examination process, including reporting mechanisms. While drivers are obligated to report significant medical conditions, many do not. FMCSA is exploring other avenues to address motor carrier responsibilities, including implementing a national Employer Notification System (ENS) to send updates on a driver's record to the employing motor carriers. The ENS would be similar to systems that exist in several States and may include information on traffic violation convictions, license suspensions, revocations, cancellations, disqualifications, medical information and other relevant data.



THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

FEB 26 2007

REC'D MAR 06 2007
MC 2070096

The Honorable Mark V. Rosenker
Chairman
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington, DC 20594

Dear Mr. Chairman:

I am pleased to present the U.S. Department of Transportation's 2007 Annual Report to Congress and the National Transportation Safety Board (NTSB) on the Regulatory Status of Each Safety Recommendation on the NTSB Most Wanted List. This report is required by 49 USC 1135(d), as amended by Sec. 6 of P.L. 108-168. It is required to be submitted on February 1 of each year to Congress and NTSB until final regulatory action is taken or the Secretary (or an Administration within the Department of Transportation) determines and reports that no action should be taken.

Identical letters have been sent to the President of the Senate; the Speaker of the House of Representatives; the Chairman and Ranking Member of the Senate Committee on Commerce, Science and Transportation; and the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure.

If I can provide further information or assistance, please feel free to call me.

Sincerely yours,

A handwritten signature in cursive script, reading "Mary E. Peters", is written over the typed name.

Mary E. Peters

Enclosure



United States Department of Transportation

**2007 Annual Report to Congress and
The National Transportation Safety Board**

**On the Regulatory Status of
Each Recommendation on the
National Transportation Safety Board
Most Wanted List**

February 2007

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EXECUTIVE SUMMARY

This Report presents the status of each recommendation to the United States Department of Transportation (DOT) made by the National Transportation Safety Board (NTSB) on its 2007 Most Wanted List. Established in 1990, the Most Wanted List highlights specific recommendations NTSB believes would significantly reduce transportation deaths and injuries. The 2007 Most Wanted List contains 36 recommendations to DOT. Of these, 19 concern aviation safety, 14 are directed to highway safety, one is directed to intermodal safety, one to pipeline safety and one to railroad safety.

This report is required by 49 USC 1135(d), as amended by Sec. 6 of P.L. 108-168. It must be submitted on February 1 of each year to Congress and NTSB on the regulatory status of each recommendation on NTSB's Most Wanted List, until final regulatory action is taken or the Secretary (or an Administration within the Department of Transportation) determines and reports that no action should be taken.

The U.S. Department of Transportation

DOT occupies a leadership role in global transportation with nearly 60 thousand employees stationed in the U.S. and around the world. DOT is dedicated to improving transportation by making it safer, less congested, better connected, environmentally friendly and fully operational under all conditions. Since its first official day in 1967, DOT's programs have evolved to meet the mobility needs of the Nation.

Improving safety throughout the transportation network is DOT's most important strategic goal and DOT is taking significant steps to reduce transportation-related fatalities and injuries, despite increasing exposure to safety risk from demographics, globalization and economic activity. Accordingly, DOT gives all NTSB safety recommendations prompt attention and full consideration. DOT maintains good working relationships with NTSB through a network of liaison personnel.

The National Transportation Safety Board

NTSB is an independent Federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in the other modes of transportation -- railroad, highway, maritime and pipeline -- and issuing safety recommendations aimed at preventing future accidents. A safety recommendation originates from NTSB's accident investigation reports, safety studies, or special investigations. After NTSB approves a safety recommendation, it is tracked from the date of issue until it is closed. Safety recommendations are closed only by vote of the NTSB.

NTSB developed the Most Wanted List to focus attention on improvements it believes will have the greatest impact on transportation safety. The Most Wanted List is designed to increase the public's awareness of and support for, safety steps that can help prevent accidents and save lives.

The issues targeted in the 2007 Most Wanted List include: runway incursions, positive train control, motor carrier operations, bus and truck safety, operator fatigue and two new issue areas – air taxi crew resource management training and school bus occupant safety. The 2007 Most Wanted List contains 36 recommendations to DOT. Of these, 11 are classified by NTSB as “Open Acceptable Response” while 25 are classified “Open Unacceptable Response” Table 1 below provides a summary of the status of each open safety recommendation by sector on the NTSB 2007 Most Wanted List. The chapters that follow provide discussions of the regulatory status of each open recommendation.

Table 1. Status of 2007 Most Wanted Safety Recommendations

2007 Most Wanted Safety Recommendations	Open	
	Acceptable Response	Unacceptable Response
Aviation Safety	2	17
Highway Safety	6	8
Intermodal Safety	1	0
Pipeline Safety	1	0
Railroad Safety	1	0
Total	11	25

1. AVIATION SAFETY

1.1 Dangers to Aircraft Flying in Icing Conditions

NTSB Recommendation A-96-54

Issued: August 15, 1996

Added to the Most Wanted List: 1997

NTSB recommends FAA revise the icing criteria published in 14 CFR parts 23 and 25, in light of both recent research into aircraft ice accretion under varying conditions of liquid water content, drop size distribution, and temperature, and recent developments in both the design and use of aircraft. Also, expand the Appendix C icing certification envelope to include freezing drizzle/freezing rain and mixed water/ice crystal conditions, as necessary.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: In December 2005, the Aviation Rulemaking Advisory Committee's (ARAC) Ice Protection Harmonization Working Group (HWG) with the support of Flight Test HWG, the Powerplant Installation HWG, and the Engine HWG completed their final report on recommended rulemaking and advisory material related to supercooled large drop (SLD) conditions and ice crystal/mixed phase conditions. The report included recommendations for a new appendix to 14 CFR part 25, defining an SLD environment and a new 14 CFR part 33 Appendix D to address ice crystal/mixed phase conditions. Included in the report are also recommendations addressing 14 CFR part 25 aircraft performance and handling qualities, engine installation effects, ice protection system requirements, and 14 CFR part 33 engine requirements. ARAC approved the report and sent it to the FAA in March 2006. FAA is currently performing an economic analysis of the proposal in the report.

ARAC has also completed much of the work required for a part 23 SLD rule and FAA has initiated a study to compile data for the economic analysis. FAA believes the part 23 SLD rule language can be harmonized with the part 25 language and that the proposed Appendix to 14 CFR part 25 that defines an SLD environment can be used for part 23 certification, just as Appendix C to 14 CFR part 25 is used today.

NTSB Recommendation A-96-56

Issued: August 15, 1996

Added to the Most Wanted List: 1997

NTSB recommends that FAA revise the icing certification testing regulation to ensure that airplanes are properly tested for all conditions in which they are authorized to operate, or are otherwise shown to be capable of safe flight into such conditions. If safe operations cannot be demonstrated by the manufacturer, operational limitations should be imposed to prohibit flight in such conditions and flightcrews should be provided with the means to positively determine when they are in icing conditions that exceed the limits for aircraft certification.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA has identified multiple rulemakings and interim actions fully to address this recommendation. The rulemakings are listed below:

- **Part 25 Performance and Handling in Icing.** FAA is continuing its efforts to revise the 14 CFR part 25 requirements and related advisory material. This change will introduce new requirements for evaluating airplane performance and handling characteristics of transport-category airplanes for flight in the icing conditions of 14 CFR part 25, Appendix C.

The Notice of Proposed Rulemaking (NPRM) and accompanying advisory circular (AC) were published in the Federal Register on November 4, 2005. NTSB reviewed the NPRM and found it to be responsive to this recommendation. FAA expects to issue the final rule and AC by June 2007.

- **Part 25 Expansion of Certification Icing Conditions.** As noted in our response to recommendation A-96-54, in December 2005, the Aviation Rulemaking Advisory Committee's (ARAC) Ice Protection Harmonization Working Group (HWG) with the support of Flight Test HWG, the Powerplant Installation HWG, and the Engine HWG, completed their final report on recommended rulemaking and advisory material related to supercooled large drop (SLD) conditions and ice crystal/mixed phase conditions. The report included recommendations for a new appendix to 14 CFR part 25, defining an SLD environment and a new 14 CFR part 33 Appendix D to address ice crystal/mixed phase conditions. Included in the report are also recommendations addressing 14 CFR part 25 aircraft performance and handling qualities, engine installation effects, ice protection system requirements, and 14 CFR part 33 engine requirements. ARAC approved the report and sent it to FAA in March 2006. FAA is currently performing an economic analysis of the proposal in the report.

ARAC has also completed much of the work required for a part 23 SLD rule and FAA has initiated a study to compile data for the economic analysis. FAA believes the part 23 SLD rule language can be harmonized with the part 25 language and that the proposed Appendix to 14 CFR part 25 that defines an SLD environment can be used for part 23 certification, just as Appendix C to 14 CFR part 25 is used today.

- **Part 121 Exiting Icing.** FAA took the following actions to ensure timely activation of the ice protection system on airplanes similar to the EMB-120.
 1. On October 1, 1998 – FAA wrote to manufacturers of turbopropeller-powered aircraft seeking information about aircraft operations with ice accretion on protected surfaces. FAA also gathered information at an FAA-sponsored conference in February 1999. FAA evaluated the data and decided the following:
 - a. Activation of the deicing boots at the first sign of ice accretions anywhere on the aircraft should be mandated through airworthiness directives (ADs).
 - b. Deicing boots should be cycled in the automatic mode, if available, or operated manually to minimize the ice accretions on the airframe.
 2. November 1999 through May 2000 – FAA issued over 25 ADs for 14 CFR parts 23 and 25 airplanes requiring:
 - a. Activation of the deicing boots at the first sign of ice accretions

anywhere on the aircraft.

b. Cycling the boots in the automatic mode, if available, or manually operating to minimize the ice accretions on the airframe.

NTSB Recommendation A-98-92

Issued: November 30, 1998

Added to the Most Wanted List: 2003

NTSB recommends that FAA with the National Aeronautics and Space Administration (NASA) and other interested aviation organizations, conduct additional research to identify realistic ice accumulations, to include intercycle and residual ice accumulations and ice accumulations on unprotected surfaces aft of the deicing boots, and to determine the effects and criticality of such ice accumulations; further, the information developed through such research should be incorporated into aircraft certification requirements and pilot training programs at all levels.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA has completed a revision to advisory circular (AC) 20-73, which includes certification guidance relative to the effects and criticality of deicing boot inter cycle and residual ice accumulations on unprotected surfaces aft of protected surfaces. The AC was published on August 16, 2006.

NTSB Recommendation A-98-100

Issued: November 30, 1998

Added to the Most Wanted List: 1999

NTSB recommends, when the revised icing certification standards and criteria are complete, FAA review the icing certification of all turbopropeller-driven airplanes that are currently certificated for operation in icing conditions and perform additional testing and take action as required to ensure that these airplanes fulfill the requirements of the revised icing certification standards.

Status: Open Unacceptable Response

DOT Regulatory Status: FAA has incorporated several changes in response to this recommendation. After the Roselawn accident, FAA took the following actions related to aileron hinge moment reversals on airplanes similar to the ATR-72.

1. In March 1995 - FAA began an investigation that addressed 14 CFR parts 23 and 25 airplanes used in regularly scheduled revenue passenger service in the United States equipped with pneumatic deicing boots and unpowered ailerons. All airplanes were found to have acceptable roll control forces should a ridge of ice form aft of deicing boots and forward of the ailerons.

2. April 24, 1996 through February 6, 1998 - FAA issued over 40 airworthiness directives (ADs) for part 23 and 25 airplanes equipped with pneumatic deicing boots and unpowered ailerons. The ADs provide the flight crew with visual cues to determine when the airplane has encountered severe icing conditions that exceed the capabilities of the airplane's ice protection equipment. The ADs also require the flight crew to exit the severe icing conditions.

3. On July 23, 1997, FAA issued a memorandum to all Aircraft Certification Offices requiring an evaluation of newly designed or derivative part 23 and 25 aircraft with unpowered ailerons and pneumatic deicing boots. The evaluation addressed roll control anomalies in certain supercooled liquid droplet conditions. The memorandum documents the known unsafe condition addressed by the ADs issued in 1996 and 1998. The evaluation requirements are similar to those used during the roll control evaluation that began in March 1995. The flight crew information required by the memorandum is similar to that contained in the ADs issued in 1996 and 1998.

4. In July 2004, FAA incorporated the information from the July 1997 memorandum and generic issue paper into AC 23.1419-C. To ensure timely activation of the ice protection system on airplanes similar to the EMB-120, the FAA took the following actions:

1. October 1, 1998 – FAA wrote to manufacturers of turbo propeller-powered aircraft seeking information about aircraft operations with ice accretions on the protected surfaces. The FAA also gathered information at a FAA-sponsored conference in February 1999. The FAA evaluated the data and decided the following:
 - a. Activation of the deicing boots at the first sign of ice accretions anywhere on the aircraft should be mandated through ADs.
 - b. Deicing boots should be cycled in the automatic mode, if available, or operated manually to minimize the ice accretions on the airframe.
2. November 1999 through May 2000 – FAA issued over 25 ADs for 14 CFR parts 23 and 25 airplanes requiring:
 - a. Activation of the deicing boots at the first sign of ice accretions anywhere on the aircraft.
 - b. Cycling the boots in the automatic mode, if available, or manually operating to minimize the ice accretions on the airframe.

In addition, after a general review of icing accidents and incidents FAA began a rulemaking project to amend the 14 CFR part 121 operating rules to improve the safety established by the ADs. The proposed part 121 rules will improve ice protection activation means and require less subjective means of determining when the flightcrew should exit icing conditions.

1.2 Flammable Fuel/Air Vapors in Transport Aircraft Fuel Tanks

NTSB Recommendation A-96-174

Issued: December 13, 1996

Added to the Most Wanted List: 2002

NTSB recommends the FAA require the development of and implementation of design or operational changes that will preclude the operation of transport-category airplanes with explosive fuel-air mixtures in the fuel tank. Significant consideration should be given to the development of airplane design modifications, such as nitrogen-inerting systems and the modifications should apply to newly certificated airplanes and, where feasible, to existing airplanes.

issued September 2005. The findings from the simulation showed that significant runway safety risk reduction is achievable with the integration of the candidate technologies.

Additionally, FAA successfully completed initial field tests of a Runway Status Lights (RWSL) system at the Dallas/Fort Worth International Airport. Initial test results are promising and additional tests to determine the extent to which this technology can be beneficially applied throughout the National Airspace System are being pursued.

The MITRE/CAASD ground-based direct warning system simulation report was completed in November 2006, and the System Architecture document for a Direct Pilot Warning System will be completed in early 2007. The results of the simulation showed that the RWSL has been effective in reducing runway safety incidents during take-off, runway crossing and entrance. The RWSL is in the Investment Analysis phase of the FAA approval process for system acquisition. Meanwhile, MITRE/CAASD has begun the concept development for operational requirements of an initial flight deck direct warning capability.

1.4 Audio, Data and Video Recorders

NTSB Recommendation A-99-16

Issued: March 9, 1999

Added to the Most Wanted List: 1999

NTSB recommends FAA require retrofit after January 1, 2005, of all cockpit voice recorders (CVRs) on all airplanes required to carry both a CVR and an FDR with a CVR that (a) meets Technical Standard Order (TSO) C123a, (b) is capable of recording the last 2 hours of audio, and (c) is fitted with an independent power source that is located with the digital CVR and that automatically engages and provides 10 minutes of operation whenever aircraft power to the recorder ceases, either by normal shutdown or by a loss of power to the bus.

Status: Open Unacceptable Response

DOT Regulatory Status: FAA addressed this recommendation in a NPRM that was published in the Federal Register on February 28, 2005. The NPRM proposed changes to the CVR and DFDR systems to improve the quality and quantity of information recorded and to increase the potential for retaining important information needed during accident and incident investigations. The comment period closed on June 28, 2005. FAA is drafting the final rule and the anticipated publication date is July 2007.

NTSB Recommendation A-99-17

Issued: March 9, 1999

Added to the Most Wanted List: 1999

NTSB recommends FAA require all aircraft manufactured after January 1, 2003, that must carry both a cockpit voice recorder (CVR) and a digital flight data recorder (DFDR) to be equipped with two combination (CVR/DFDR) recording systems. One system should be located as close to the cockpit as practicable and the other as far aft as practicable. Both recording systems should be capable of recording all mandatory data parameters covering the previous 25 hours of

command, yaw damper on/off discrete, standby rudder on/off discrete, and control wheel, control column, and rudder pedal forces (with yaw damper command, yaw damper on/off discrete, and control wheel, control column, and rudder pedal forces sampled at a minimum rate of twice-per-second).

Status: Open Unacceptable Response

DOT Regulatory Status: On September 5, 2006, FAA published a supplemental notice of proposed rulemaking (SNPRM) revising a previously published proposal to increase the number of digital flight data recorder parameters required for all Boeing 737 series airplanes. Based on safety recommendations from NTSB following the investigations of two accidents and other incidents involving 737s, FAA proposed the addition of flight recorder equipment to monitor the rudder system on 737s. Since that time, FAA has mandated significant changes to the rudder system on these airplanes. Accordingly, this new proposed rule would apply to a different set of airplanes than originally anticipated. Through the SNPRM, FAA requested comments on this change in applicability and requested updated economic information regarding installation of the proposed monitoring equipment. The comment period for the SNPRM closed December 4, 2006 and FAA is reviewing the comments.

NTSB Recommendation A-99-29

Issued: April 16, 1999

Added to the Most Wanted List: 1999

NTSB recommends FAA require all 737 airplanes operated under 14 CFR parts 121 or 125 not equipped with a flight data acquisition unit be equipped, at the earliest time practicable, but no later than August 1, 2001, with a flight data recorder system that records, at a minimum, the parameters required by FAA Final Rule 121.344, 125.226 dated July 17, 1997, applicable to that airplane plus the following parameters: pitch trim, trailing edge flaps, leading edge flaps, thrust reverser position (each engine), yaw damper command, yaw damper on/off discrete, standby rudder on/off discrete, and control wheel, control column, and rudder pedal forces (with yaw damper command, yaw damper on/off discrete, and control wheel, control column, and rudder pedal forces sampled at a minimum rate of twice-per-second).

Status: Open Unacceptable Response

DOT Regulatory Status: On September 5, 2006, FAA published a SNPRM revising a previously published proposal to increase the number of digital flight data recorder parameters required for all Boeing 737 series airplanes. Based on safety recommendations from NTSB following the investigations of two accidents and other incidents involving 737s, FAA proposed the addition of flight recorder equipment to monitor the rudder system on 737s. Since that time, FAA has mandated significant changes to the rudder system on these airplanes. Accordingly, this proposed rule would apply to a different set of airplanes than originally anticipated. Through the SNPRM, FAA requested comments on this change in applicability and requested updated economic information regarding installation of the proposed monitoring equipment. The comment period for the SNPRM closed December 4, 2006 and FAA is reviewing comments.

cockpit image recorder systems should have a 2-hour recording duration, as a minimum, and be capable of recording, in color, a view of the entire cockpit including each control position and each action (such as display selections or system activations) taken by people in the cockpit. The recording of these video images should be at a frame rate and resolution sufficient for capturing such actions. One recorder should be located as close to the cockpit as practicable and the other as far aft as practicable. These recorders should be equipped with independent auxiliary power supplies that automatically engage and provide 10 minutes of operation whenever aircraft power to the cockpit image recorders and associated cockpit camera systems ceases, either by normal shutdown or by a loss of power to the bus. The circuit breaker for the cockpit image recorder systems, as well as the circuit breakers for the CVRs and the DFDRs, should not be accessible to the flight crew during flight.

Status: Open Unacceptable Response

DOT Regulatory Status: FAA explored this recommendation in a government/industry forum of subject matter experts. The Radio Technical Commission for Aeronautics Future Flight Data Collection Committee (FFDCC), co-sponsored by FAA and NTSB, looked to identify flight data needs 10 to 15 years in the future. The FFDCC did not present information to FAA that was of such compelling nature to convince FAA of the necessity of installing image recording systems in aircraft operated under part 121, 125, or 135. FAA is not planning to pursue rulemaking to mandate installations of cockpit image systems as described in A-00-30 and this safety recommendation. If NTSB requires additional flight data information to investigate an accident or incident, FAA would likely propose a performance-based requirement that stipulates that this flight data must be captured. The industry would be allowed to respond to the requirement in the manner it found most appropriate to its overall design philosophy. Further, it is not prudent design philosophy to mandate that any electrical system that is active during flight have circuit protection that is not accessible to the flight crew. In the event of an in-flight electrical fire, the crew must be able to de-power all electrical equipment quickly in accordance with approved procedures. Should an applicant, either an aircraft operator or original equipment manufacturer, wish to install a image recording system voluntarily either in the cockpit or in the aircraft cabin, FAA would work with the applicant to approve such an installation.

NTSB Recommendation A-03-64

Issued: December 22, 2003

Added to the Most Wanted List: 2004

NTSB recommends FAA require all turbine-powered nonexperimental, nonrestricted-category aircraft that are manufactured prior to January 1, 2007, that are not equipped with a cockpit voice recorder, and that are operating under 14 CFR parts 91, 135, and 121 to be retrofitted with a crash-protected image recording system by January 1, 2007.

Status: Open Unacceptable Response

DOT Regulatory Status: This recommendation would require use of an image recorder to collect flight data in lieu of a CVR or DFDR for post accident or incident investigation. While the industry has published minimum operational performance criteria for such a system, to date, no such system has been installed on an aircraft that meets these requirements. FAA worked with NTSB to accomplish a proof-of-concept test to determine if an image recording system could be used to collect specific parametric data and other flight information. As part of the test, several image-recording systems were installed on an FAA aircraft. The aircraft was flown in various operational and environmental conditions. The data recorded on those flights have been analyzed to determine if aircraft parameters such as altitude, attitude and airspeed can be accurately derived from the images. The derived data have been compared to the data that were recorded on the installed digital flight data recorder. The results of this analysis will be published in an FAA report that will be used to determine if an image recorder is an acceptable method for collecting flight data information on the aircraft that are subject of this recommendation. FAA is drafting the report and the expected completion date is early 2007.

1.5 Accidents and Incidents Caused by Human Fatigue **NTSB Recommendation A-94-194**

Issued: November 30, 1994

Added to the Most Wanted List: 1995

NTSB recommends FAA revise the regulations contained in 14 CFR part 135 to require that pilot flight time accumulated in all company flying conducted after revenue operations-such as training and check flights, ferry flights and repositioning flights-be included in the crewmember's total flight time accrued during revenue operations.

Status: Open Unacceptable Response

DOT Regulatory Status: FAA issued an NPRM proposing to amend existing regulations to establish one set of duty period limitations, flight time limitations, and rest requirements for flight crewmembers engaged in air transportation. FAA established a joint FAA / Industry Aviation Rulemaking Committee (ARC) in 2004 to develop recommendations for revising the commuter and on-demand flight time and rest requirement rules in 14 CFR part 135. The ARC has provided its recommendations to FAA. FAA is presently developing an NPRM that incorporates the ARC's recommendations.

FAA is also working with the International Civil Aviation Organization (ICAO) to develop a Fatigue Risk Management System (FRMS) to regulate flight and duty time. Rather than the existing prescriptive limitations, the FRMS provides an alternative that is based upon a Safety Management System that looks at risk and applies certain risk mitigations to improve flight crew alertness. The FRMS is a comprehensive collaborative process that requires a company to manage fatigue. All company personnel are responsible for the success of the FRMS including management, flight crewmembers, maintenance personnel, schedulers, and dispatchers.

foster. Consequently, FAA conducted several actions to educate and train the aviation community on the issues of fatigue management in aircraft maintenance personnel. All studies, training, and recommendations on maintenance personnel fatigue are available on the FAA Human Factors Web site at <http://hfskyway.faa.gov>. The following is a list of these actions:

- Issued Advisory Circular (AC) 120-72, Maintenance Resource Management (MRM) Training that includes a prototype MRM computer-based training (CBT) course for industry;
- Developed and distributed MRM CBT to industry, academia, and regulatory authorities worldwide on over 10,000 CD ROMs on maintenance human factors;
- Developed MRM curriculum and course, "Maintenance Resource Management for Aviation Safety Inspectors." This course is currently taught to aviation safety inspectors;
- Sponsored several international conferences on aircraft maintenance human factors that included management of fatigue for aircraft maintenance personnel;
- Fatigue, shift work, and scheduling for aircraft maintenance personnel issues were addressed in several chapters of the FAA Human Factors Guide for Aviation Maintenance; and
- Completed a study entitled "Effects of Fatigue, Vigilance, Environment on Inspectors Performing Fluorescent Penetrant and/or Magnetic Particle Inspections" to determine the effects of fatigue/environment on the vigilance decrement of inspectors performing Liquid Penetrant or Fluorescent Magnetic Particle Inspections as their primary work function.

NTSB Recommendation A-06-10

Issued: February 7, 2006

Added to the Most Wanted List: 2006

NTSB recommends the FAA modify and simplify the flight crew hours-of-service regulations to take into consideration factors such as length of duty day, starting time, workload, and other factors shown by recent research, scientific evidence, and current industry experience to affect crew alertness.

Status: Open Unacceptable Response

DOT Regulatory Status: This recommendation supersedes a previously issued NTSB recommendation that was issued in 1999. FAA proposed to amend existing regulations to establish new duty period and flight time limitations, and rest requirements for flight crewmembers in parts 121 and 135 in 1995. The rulemaking was based on recommendations from an aviation rulemaking advisory committee and reflected the input of both the pilots and operators. It included a 14-hour duty period, 10 hours of rest, increased flight time to 10 hours, and addressed other related issues. More than 2,000 comments were received on the proposal, mostly negative. The FAA is currently looking at different options to address flight time limitations and rest requirements in 14 CFR part 121 operations, but does not yet have a timeframe for issuing a new proposal.

On November 16, 2006, FMCSA sponsored a public listening session to provide its stakeholders with an update on CSA 2010. FMCSA will sponsor at least one public listening session annually to keep its stakeholders apprised of the status of the CSA 2010 initiative.

2.2 Medically Unqualified Commercial Motor Vehicle Drivers

NTSB Recommendation H-01-017

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: individuals performing medical examinations for drivers are qualified to do so and are educated about occupational issues for drivers.

Status: Open Unacceptable Response

DOT Regulatory Status: Section 4116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, provides FMCSA with explicit statutory authority to expand its oversight of the driver physical qualification program for commercial motor vehicle (CMV) drivers. The statute requires the establishment of a national registry (NR) of medical examiners, a proposed rulemaking to link the medical certification as part of the commercial driver's license (CDL) process, and the establishment of a Medical Review Board (MRB) and Chief Medical Officer. To ensure that all medical examiners are qualified to perform medical examinations for CMV drivers and are educated about occupational issues that affect these drivers, FMCSA is in the process of developing an NPRM to establish the National Registry of Certified Medical Examiners (NRCME) program. The Agency plans to publish the NPRM in late 2007. When established, NRCME will provide a readily accessible list of medical examiners to CMV drivers that are certified to perform examinations and issue medical certificates according to the requirements of the Federal Motor Carrier Safety Regulations (FMCSRs). The NRCME Web site is currently operational at: <http://www.nrcme.fmcsa.dot.gov/>. The research to support the national registry project includes a national survey on the medical examination process and a focused performance study. The national survey plan was published in the Federal Register on September 29, 2005, and data collection for the study is in progress. Publication of preliminary study findings and the NPRM for the National Registry are scheduled for 2007.

NTSB Recommendation H-01-018

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: a tracking mechanism is established that ensures that every prior application by an individual for medical certification is recorded and reviewed.

Status: Open Unacceptable Response

DOT Regulatory Status: In conjunction with the ongoing work of the Medical Review Board and the establishment of the National Registry, FMCSA is developing plans to ensure that there are tracking and review mechanisms for medical certificates, and is working with the States and industry to explore alternatives to make the rules easier to enforce. FMCSA is also working to implement the SAFETEA-LU provision that directs the Agency to "...require medical examiners to transmit monthly the name of the applicant and numerical identifier ..." These plans are in development and are expected to be completed in 2007.

NTSB Recommendation H-01-019

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: medical certification regulations are updated periodically to permit trained examiners to clearly determine whether drivers with common medical conditions should be issued a medical certificate.

Status: Open Acceptable Response

DOT Regulatory Status: Medical certification regulations will be updated periodically based on the advice and recommendations of the FMCSA's Medical Review Board. As the regulations are updated through notice-and-comment rulemakings, the NRCME program will incorporate the new guidelines into training material and function as a source of information for training examiners to determine whether drivers with common medical conditions should be issued a medical certificate. The NRCME will provide specific training to medical examiners listed on the national registry.

NTSB Recommendation H-01-020

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: individuals performing examinations have specific guidance and a readily identifiable source of information for questions on such examinations.

Status: Open Unacceptable Response

DOT Regulatory Status: The National Registry will enable specific training and continuous national monitoring of medical examiners on the registry and will be used to disseminate information to practitioners regarding medical findings, policies, or requirements relevant to the examinations. Certifying medical examiners will ensure that medical examiners are qualified and educated about the occupational issues that CMV drivers face and will provide specific guidance and readily identifiable sources of information for questions that medical examiners may pose on the physical examination process. Further, new web-based education strategies are being tested, such as advisories to medical

examiners and the use of an educational list-serve. To date, there are over 5,000 medical examiners on the list-serve representing all 51 jurisdictions currently subscribed to this test group. A contract for the development of a medical examiner handbook was awarded in August 2006 and work is in progress, with draft completion scheduled for 2007.

NTSB Recommendation H-01-021

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: the review process prevents, or identifies and corrects, the inappropriate issuance of medical certification.

Status: Open Unacceptable Response

DOT Regulatory Status: In accordance with Section 4116 of SAFETEA-LU, FMCSA will establish a program for conducting periodic reviews of a select number of medical examiners on the National Registry to ensure that proper examinations of CMV drivers are being performed.

NTSB Recommendation H-01-022

Issued September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA Develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: enforcement authorities can identify invalid medical certification during safety inspections and routine stops.

Status: Open Unacceptable Response

DOT Regulatory Status: On November 16, 2006, FMCSA published in the Federal Register an NPRM that would link the medical certificate as part of the CDL process. The rulemaking would enable law enforcement officials to access a driver's medical status at the roadside through a check of the CDL holders driving record and take appropriate action. FMCSA meets regularly with the American Association of Motor Vehicle Administrators, the States, and industry, to identify process improvement opportunities and explore alternatives to make the rules easier to enforce and verify compliance. FMCSA will begin analyzing comments after the comment period ends on February 14, 2007.

NTSB Recommendation H-01-023

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: enforcement authorities can prevent an uncertified driver from driving until an appropriate medical examination takes place.

Status: Open Unacceptable Response

DOT Regulatory Status: On November 16, 2006, FMCSA published in the Federal Register an NPRM that would link the medical certificate as part of the CDL process. The rulemaking would enable law enforcement officials to access a driver's medical status at the roadside via a check of the CDL holders driving record and take appropriate action. FMCSA meets regularly with the American Association of Motor Vehicle Administrators, the States, and industry, to identify process improvement opportunities and explore alternatives to make the rules easier to enforce and verify compliance. The end of the comment period is February 14, 2007 and FMCSA will begin analyzing comments shortly thereafter.

NTSB Recommendation H-01-024

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: mechanisms for reporting medical conditions to the medical certification and reviewing authority and for evaluating these conditions between medical certification exams are in place; individuals, health care providers, and employers are aware of these mechanisms.

Status: Open Unacceptable Response

DOT Regulatory Status: The FMCSRs require motor carriers to regularly monitor CMV driver health status, including return-to-work. Motor carriers are allowed to have more stringent standards than in the FMCSRs, and many do. The National Registry will serve as the conduit to monitor medical examiner roles and responsibilities, including evaluating the effectiveness of medical examiners from different disciplines and provide mechanisms for reporting results of driver medical examinations. Further, FMCSA is convening medical examiner experts from throughout the Nation to discuss the medical examination process, including reporting mechanisms. While drivers are obligated to report significant medical conditions, many do not. FMCSA will sponsor a national medical examiner conference in 2007.

2.3 Motorcoach Passenger Protection***NTSB Recommendation H-99-9***

Issued: February 26, 1999

Added to the Most Wanted List: 2000

NTSB recommends NHTSA revise the Federal Motor Vehicle Safety Standard (FMVSS) 217, "Bus Window Retention and Release," to require that other than floor-level emergency exits can be easily opened and remain open during an emergency evacuation when a motorcoach is upright or at unusual attitudes.

Status: Open Acceptable Response

DOT Regulatory Status: As part of its regular seven year regulatory review cycle, NHTSA conducted a review of FMVSS No. 217 - Bus Emergency Exits and Window Retention and Release. Completion of this review is expected in early 2007; subsequently, decisions will be made on whether to make

improvements to this standard. Per the October 3, 2006 interagency meeting between NHTSA and NTSB, NHTSA has arranged to resume discussions with NTSB in the first quarter of 2007 to discuss the findings of this review, as part of an open dialogue on NHTSA's future efforts in the motorcoach area.

NTSB Recommendation H-99-47

Issued: November 2, 1999

Added to the Most Wanted List: 2000

NTSB recommends, in 2 years, NHTSA develop performance standards for motorcoach occupant protection systems that account for frontal impact collisions, side impact collisions, rear impact collisions, and rollovers.

Status: Open Acceptable Response

DOT Regulatory Status: NHTSA conducted a joint research project with Transport Canada to address a finite element analysis to establish roof and window loading forces during a crash. In addition to the finite element work, there has been some limited testing of bus structures. The results of the work have just been completed and the report is being reviewed by NHTSA and Transport Canada. Pending this internal review, NHTSA has made arrangements to discuss the findings from this internal review with NTSB as part of an open dialogue on the agency's future efforts in the motorcoach area.

NTSB Recommendation H-99-50

Issued November 2, 1999

Added to the Most Wanted List: 2000

NTSB recommends, in two years, NHTSA develop performance standards for motorcoach roof strength that provide maximum survival space for all seating positions and that take into account current typical motorcoach window dimensions.

Status: Open Acceptable Response

DOT Regulatory Status: NHTSA conducted a joint research project with Transport Canada to address a finite element analysis to establish roof and window loading forces during a crash. In addition to the finite element work, there has been some limited testing of bus structures. The results of the work have just been completed and the report is being reviewed by NHTSA and Transport Canada. Pending this internal review, NHTSA has made arrangements to discuss the findings from this internal review with NTSB as part of an open dialogue on NHTSA's future efforts in the motorcoach area.

2.4 School Bus Passenger Protection

NTSB Recommendation H-99-45

Issued: November 2, 1999

Added to the Most Wanted List: 2006

NTSB recommends, in two years, NHTSA develop performance standards for school bus occupant protection systems that account for frontal impact collisions, side impact collisions, rear impact collisions, and rollovers.

Status: Open Acceptable Response

DOT Regulatory Status: NHTSA continues to conduct research through its Vehicle Research Testing Center (VRTC), and through a joint research project with the Volpe National Transportation Systems Center, in order to better assess the overall school bus safety environment and survey applicable countermeasure technologies. NHTSA has conducted modeling simulations to assess potential countermeasure feasibility, and has conducted preliminary cost/benefit estimations of some countermeasures. This research is on-going and is expected to be completed in fiscal year 2007. Concurrently, NHTSA has begun internal deliberations for preparation of a NPRM for Federal motor vehicle safety standard (FMVSS) No. 222, "School Bus Passenger Seating and Crash Protection" that will propose enhanced performance requirements for protection of school bus occupants. That NPRM is expected to publish in FY 2008. NHTSA intends to keep NTSB informed of the progress of research and rulemaking activities in this safety area as part of an open dialogue on the agency's future efforts in the school bus passenger safety area.

NTSB Recommendation H-99-46

Issued: November 2, 1999

Added to the Most Wanted List: 2006

NTSB recommends, once pertinent standards have been developed for school bus occupant protection systems, NHTSA require newly manufactured school buses to have an occupant crash protection system that meets the newly developed performance standards and retains passengers, including those in child safety restraint systems, within the seating compartment throughout the accident sequence for all accident scenarios.

Status: Open-Acceptable Response

DOT Regulatory Status: NHTSA continues to conduct research through its Vehicle Research Testing Center, and through a joint research project with the Volpe National Transportation Systems Center, in order to better assess the overall school bus safety environment and survey applicable countermeasure technologies. NHTSA has conducted modeling simulations to assess potential countermeasure feasibility, and has conducted preliminary cost/benefit estimations of some countermeasures. This research is on-going and is expected to be completed in fiscal year 2007. Concurrently, NHTSA has begun internal deliberations for preparation of an NPRM for Federal motor vehicle safety standard (FMVSS) No. 222, "School Bus Passenger Seating and Crash Protection" that will propose enhanced performance requirements for protection of school bus occupants. That NPRM is expected to publish in 2008. NHTSA intends to keep NTSB informed of the progress of research and rulemaking activities in this safety area as part of an open dialogue on the agency's future efforts in the school bus passenger safety area.

3. INTERMODAL SAFETY

3.1 Intermodal Accidents and Incidents Caused by Human Fatigue

NTSB Recommendation I-99-1

Issued: June 1, 1999

Added to the Most Wanted List: 1999

NTSB recommends DOT require the modal administrations to modify the appropriate codes of Federal regulations to establish scientifically based hours-of-service regulations that set limits on hours of service, provide predictable work and rest schedules, and consider circadian rhythms and human sleep and rest requirements and seek Congressional authority, if necessary, for the modal administrations to establish these regulations.

Status: Open Acceptable Response

DOT Regulatory Status: DOT's Human Factors Coordinating Committee (HFCC) which includes representatives from each DOT operating administration and other agencies with a transportation role, is committed to providing resources for the development of non-prescriptive fatigue management tools for the transportation enterprise. These fatigue management tools include software that can evaluate current and considered work schedules against empirically derived criteria, a fatigue management reference guide that provides what is known about and effective at countermanding operator fatigue, a business case tool suite to help safety managers justify and promote fatigue management activities within a commercial operation, and a procedure by which to validate models of fatigue and human performance. DOT has developed an Operator Fatigue Management Program, which is managed by the HFCC and continues to work with government, industry, and labor to create and improve tools to aid in understanding and managing operator fatigue. As the current set of tools comes to fruition, a second round of development is underway to update the tools based on new requirements and capabilities, such as risk assessment. The HFCC will provide the complete, updated tool suite to the FAA, PHMSA and other DOT operating administrations for field implementation and evaluation.

4. PIPELINE SAFETY

4.1 Pipeline Accidents and Incidents Caused by Human Fatigue

NTSB Recommendation P-99-12

Issued: June 1, 1999

Added to the Most Wanted List: 1999

NTSB recommends PHMSA establish within two years scientifically based hours-of-service regulations that set limits on hours of service, provide predictable work and rest schedules, and consider circadian rhythms and human sleep and rest requirements.

Status: Open Acceptable Response

DOT Regulatory Status: PHMSA is aggressively working to address prevention of accidents and incidents in several areas described below.

- **Research.** PHMSA, through a study conducted by the Battelle Memorial Institute, is assessing opportunities for the improved safety, reliability, and efficiency of pipeline monitoring and control operations. The study, to be completed in 2008, will develop guidelines and strategies for continuous improvement. Further, in response to a Congressional mandate to study controller certification, PHMSA studied a broad range of control room issues, including fatigue. The study showed there is considerable diversity in control room equipment and the tasks controllers perform. Because of this, PHMSA believes a nationally administered standard certification test for controller qualifications would provide limited value. However, a formalized process for validating the adequacy of controller-related procedures, training, and credentials would improve management of control rooms.
- **Public Meeting.** PHMSA held a public meeting on the opportunity to improve pipeline control operations in conjunction with a meeting of the Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee in June 2006. PHMSA is analyzing the substantive comments received. PHMSA is considering a formalized process for validating the adequacy of controller-related procedures, training, and credentials to improve management of control rooms.
- **Non-Regulatory Action.** PHMSA issued an advisory bulletin last year to owners and operators of natural gas and hazardous liquid pipelines and liquefied natural gas facilities. This bulletin provides guidance on processes to control safety such as ensuring that controllers are not assigned to shift duties while fatigued, considerations that could cause a reduction of mental alertness or decision-making ability, and other safe management practices.
- **Legislative Action.** On December 29, 2006, President George W. Bush signed the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006. This law mandates the issuance of regulations by June 1, 2008, which will require each operator of a gas or hazardous liquid pipeline to develop and submit a plan to reduce pipeline system risk associated with human factors, including specifying hours of service to minimize fatigue.
- **Regulatory Action.** PHMSA is working to meet the statutory requirement noted above, which also includes another provision which specifically addresses the NTSB recommendation on control management.

5. RAILROAD SAFETY

5.1 Positive Train Control Systems

NTSB Recommendation R-01-6

Issued May 15, 2001

Added to the Most Wanted List: 2001

NTSB recommends that FRA facilitate actions necessary for development and implementation of positive train control (PTC) systems including collision-avoidance components, and require implementation of positive train control systems on main line tracks, establishing priority requirements for high-risk corridors such as those where commuter and intercity passenger railroads operate.

Status: Open Acceptable Response

DOT Regulatory Status: FRA is continuing to support national deployments of advanced signal and train control technology to improve the safety, security, and efficiency of freight, intercity passenger, and commuter rail service through regulatory reform, technology development, infrastructure implementation, and financial assistance. Positive Train Control (PTC) refers to technology that is capable of preventing train collisions, over speed derailments, and casualties or injuries to roadway workers (e.g., maintenance-of-way workers, bridge workers, signal maintainers) operating within their limits of authority. PTC systems vary widely in complexity and sophistication based on the level of automation they implement and the degree of control they are capable of assuming. While PTC systems can be designed to operate independently, most of the developments focus on enhancing previously existing methods of rail operations. This technology has the potential capability to limit the consequences of events such as hijackings and runaways that are of special concern in an era of heightened security.

- **Regulatory Development.** As a result of extensive participation and contributions by railroads, rail labor, suppliers and other agencies, including the NTSB, on March 7, 2005, FRA published the final rule Standards for Development and Use of Processor-Based Signal and Train Control Systems (49 CFR parts 209, 234, and 236). These new risk-based performance (vice traditional prescriptive) regulations were first developed by a working group of the Railroad Safety Advisory Committee and support the introduction of innovative technology, including systems utilizing computers and radio data links, to accomplish PTC functions. In addition to supporting advancement of PTC systems, these regulations also were crafted to facilitate the ever-growing use of processor-based equipment and functioning in otherwise conventional signal systems. Several clarifications and amendments to the rule were subsequently published in the Federal Register on December 5, 2005, and went into effect on January 4, 2006.

FRA technical staffs are working closely with the various railroad personnel involved in each of the projects described below. To determine regulatory compliance, there has been and will continue to be extensive efforts by these FRA employees in the review and analysis of the technical data associated with the submitted railroads' safety cases for these systems. This effort includes several meetings with the involved parties as well as extensive

individual and group reviews of the massive volumes of material associated with the individual safety cases and supporting data. This also requires significant study to determine applicable regulations and their application to the task at hand. The commitment of FRA staff to this task, the high priority given it, and the associated time and effort expended shows FRA's commitment to facilitating these systems in the most rapid, effective, and safest manner possible.

- **Technology Development and Deployment.** There are nine major PTC systems currently in progress in the United States.

ACSES. Amtrak has implemented the Advanced Civil Speed Enforcement System (ACSES) on the Northeast Corridor between Boston and New Haven and in high-speed territory south of New York City. ACSES supplements the existing cab signal/automatic train control system on the Northeast Corridor, providing full PTC functionality in support of operations up to 150 mph. New Jersey Transit is also undertaking progressive implementation of an ACSES-compatible system on its property.

CAS. The Alaska Railroad is in the third phase of a statewide multi-year phased implementation of their communications-based train control system called Collision Avoidance System (CAS). Currently planned for completion in 2008, CAS is designed to enhance safety by enforcing movement authority, speed restrictions, and on-track equipment in real time in a combination of Direct Traffic Control and signaled territory. Previous phases upgraded the required communications infrastructure and Computer Aided Dispatching (CAD) system. The current phase of work in progress involves the design and installation of a safety server for the CAD to ensure conflict resolution and development of the onboard equipment. This phase is expected to be finished in late 2007.

CBTM. In 1998 CSX Transportation, Inc. (CSXT) requested a waiver of current Federal Regulations to implement a pilot overlay-type PTC system called Communication Based Train Management (CBTM) on 126.6 miles of CSXT track between Spartanburg, South Carolina, and Augusta, Georgia. The pilot includes all of the territory on two subdivisions, Spartanburg and McCormick, of the Florence Service Lane and includes single main track, sidings, and branch lines. CSXT has received approval of their Railroad Safety Program Plan (RSPP), the first required step for system qualification under the final rule. CSXT has also submitted an informational filing to resume testing that is under final safety review so they may continue testing of their CBTM system in advance of approval of their expected Product Safety Plan (PSP).

ETMS. The Burlington Northern and Santa Fe Railway Company (BNSF) is in full revenue demonstration operations of the Electronic Train Management System (ETMS) on about 130 miles of signaled and non-signaled territory between Beardstown and Centralia in the State of Illinois. This revenue demonstration is focusing on gathering operational data on the effectiveness of ETMS technology during extended operations and evaluating required characteristics for a production system. BNSF has filed and received

authorization for a waiver for extended testing of a slightly more sophisticated version of ETMS (ETMS II) on their Fort Worth Subdivision from Fort Worth to Gainesville, Texas, and the Red Rock Subdivision from Gainesville to Arkansas City, Kansas. This territory is currently being upgraded to support the test operations.

ETMS is an overlay-type communication-based system that enforces movement authority and speed restrictions for ETMS equipped trains and proximity warnings of nearby equipped on-track equipment. This system works in conjunction with the existing methods of operation including the currently installed signal and train control systems to protect against the consequences of human error.

The BNSF RSPP has achieved full approval from FRA. Their PSP for the ETMS I product tested on the Beardstown Subdivision has been submitted and is in the final stage of regulatory review. BNSF has identified and is prioritizing 35 subdivisions to receive ETMS I pending regulatory approval.

ITCS. FRA joined with Amtrak and the State of Michigan to install an Incremental Train Control System (ITCS) on Amtrak's Michigan line between Chicago and Detroit. Currently installed on over 45 miles of track in signaled territory between Niles and Kalamazoo, Michigan, this project includes high-speed highway-rail grade crossing starts using radio communication rather than track circuits. The health of the crossings is monitored through communication between the locomotives and the crossings, and appropriate speed restrictions are imposed and enforced by the system for various malfunctions. In revenue service for Amtrak since January 2002, the maximum train speed for passenger train operations in this territory has increased from 79 mph to 95 mph. ITCS is currently being upgraded to eventually support operations up to 110 mph, and expanded to cover an additional 60 miles of track. The Validation and Verification process for ITCS software design is now in the late stages and is expected to be completed in early 2007.

North American Joint PTC: On January 23, 1998, FRA joined with the Association of American Railroads (AAR) and the Illinois Department of Transportation (IDOT) to begin development of a joint high-speed PTC project for the St. Louis-Chicago corridor. This project is the venue for the industry's development of standards for PTC interoperability (i.e., the ability of a train to move from one railroad or from one type of train control system onto another at track speed while under continuous supervision of the train control systems). AAR, IDOT, and FRA are sharing the project costs. The Railroad Research Foundation, an AAR subsidiary, is providing project management through the Transportation Technology Center, Inc. (TTCI). An early demonstration of locomotive tracking ability was successfully tested at speeds up to 110 mph in the summer of 2002. The system has also undergone substantial integration testing in the laboratory by the System Development/Integrator (Lockheed Martin).

However, as this system is the most complex PTC system to be developed, significantly more testing and development will be required before it can be placed into revenue service. A decision has been made by the stakeholders to

move the test ground to the TTCI test facility, since the St. Louis-Chicago corridor is currently scheduled to be equipped with a conventional cab signal system so that high speed passenger rail operation can commence sooner. The development effort on the NAJPTC as an industry cooperative effort has accumulated valuable experience. This experience is reflected in the deployment of other PTC systems and their associated implementation technology, analysis, testing, and the developed Safety Cases.

OTC. The Norfolk Southern Railroad has begun development of their Optimized Train Control (OTC) system. OTC will employ components of several advanced train control technologies, including PTC. Combining data communications, positioning systems, and onboard computers tied to the train's braking systems, this system will automatically enforce speed and operating limits to prevent collisions and other train accidents, provide improved visibility of network conditions, and promote more efficient operations. Implementation of the first phase, involving communications infrastructure and CAD upgrades, is nearing completion on the Norfolk Southern line between Charleston and Columbia, S.C. Development of the second phase, involving the addition of onboard equipment, is expected to begin in early 2007. Norfolk Southern has also submitted its RSPP and FRA is in the final stages of regulatory review for full approval.

CBTC. The Union Pacific Railroad Company (UP) has begun planning to implement their Communication Based Train Control (CBTC) system on signaled territory between North Platte and Sheep Creek, Wyoming, and on non-signaled territory from Spokane, Washington, to Eastport, Idaho. This system is expected to be quite similar to BNSF's ETMS, as it is being developed by the same manufacturer WABTEC. The UP has submitted its RSPP and FRA is in the final stages of regulatory review for full approval. FRA staff is working with the UP and WABTEC on the changes required to modify ETMS to support UP requirements.

METRA: The Chicago Metropolitan Rail Authority (METRA) has initiated plans to implement an ETMS-like system on their Rock Island Line in the Chicago suburbs. Undertaken as result of several high speed derailments resulting in significant injuries and fatalities, this system will employ a subset of ETMS technology to enforce civil speed restrictions. The system is in the requirements definition phase. Preliminary plans are for a 2008 implementation date.

- **Infrastructure Implementation.** FRA is the Federal program sponsor of the Nationwide Differential Global Positioning System (NDGPS) Program. This GPS augmentation provides more precise positioning and continuous integrity monitoring in support of safety-of-life applications for surface transportation, and other applications. NDCPS provides 1- to 2-meter positioning accuracy to receivers capable of receiving the differential correction signal. It is an expansion of the U.S. Coast Guard's Maritime DGPS network and makes use of decommissioned U.S. Air Force Ground Wave Emergency Network (GWEN) sites to calculate and broadcast the differential correction signals. NDCPS is now operational with single station coverage over 95% and dual-redundant coverage over 45% of the continental U.S. and Alaska. This

project has been zero funded for FY 2007. Unexpended funds for FY 2006 will be used to keep the system operational. For FY 2007, however, this funding is insufficient to support repairs in the event of equipment failure and any further expansion of the system or its capabilities. The current outlook for the continued operation of this system is bleak. Unless maintenance funds are identified in the FY 2008 budget, the NDGPS system will need to be decommissioned.

- **Financial Assistance.** PTC systems are eligible for funding under the Railroad Rehabilitation and Improvement Financing (RRIF) Program. No railroads, however, have approached FRA for funding of PTC projects using this program.

6. CONCLUSIONS

This Report has presented the status of each recommendation to DOT made by the NTSB on its 2007 Most Wanted List which highlights specific recommendations NTSB believes would significantly reduce transportation deaths and injuries. The 2007 Most Wanted List contains 36 recommendations to DOT. Of these, 19 concern aviation safety, 14 are directed to highway safety, one is directed to intermodal safety, one to pipeline safety and one to railroad safety. Eleven are classified by NTSB as "Open Acceptable Response" while 25 are classified "Open Unacceptable Response" This report has documented the actions DOT is taking to close these recommendations in a manner acceptable to both NTSB and the Department. These actions support DOT's most important strategic goal – to improve safety throughout the transportation network.



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

APR 24 2008

Honorable Ted Stevens
Vice Chairman
Commerce, Science, and Transportation Committee
U.S. Senate
254 Russell Senate Office Building
Washington, D.C. 20510

Dear Vice Chairman Stevens:

Pursuant to 49 United States Code, Section 1135(d)(2), the National Transportation Safety Board is required to notify Congress if the Board has not received a report from the Secretary of Transportation 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 Recommendations by March 1 of each year.

Please be advised, as of March 1, 2008, the Safety Board had not received the required report from the Secretary of Transportation. The Board did receive the report from the Department of Transportation on April 23, 2008.

Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

APR 24 2008

Honorable Daniel K. Inouye
Chairman
Commerce, Science, and Transportation Committee
U.S. Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Inouye:

Pursuant to 49 United States Code, Section 1135(d)(2), the National Transportation Safety Board is required to notify Congress if the Board has not received a report from the Secretary of Transportation 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 Recommendations by March 1 of each year.

Please be advised, as of March 1, 2008, the Safety Board had not received the required report from the Secretary of Transportation. The Board did receive the report from the Department of Transportation on April 23, 2008.

Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

APR 24 2008

Honorable James L. Oberstar
Chairman
Transportation and Infrastructure Committee
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Oberstar:

Pursuant to 49 United States Code, Section 1135(d)(2), the National Transportation Safety Board is required to notify Congress if the Board has not received a report from the Secretary of Transportation 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 Recommendations by March 1 of each year.

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Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

APR 24 2008

Honorable John L. Mica
Ranking Republican Member
Transportation and Infrastructure Committee
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Mica:

Pursuant to 49 United States Code, Section 1135(d)(2), the National Transportation Safety Board is required to notify Congress if the Board has not received a report from the Secretary of Transportation 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 Recommendations by March 1 of each year.

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Sincerely,

A handwritten signature in black ink, which appears to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman

MD-5 to Office for Final



REC'D APR 25 2008

THE SECRETARY OF TRANSPORTATION
WASHINGTON, D.C. 20590

March 20, 2008

The Honorable Mark V. Rosenker
Chairman
National Transportation Safety Board
490 L'Enfant Plaza East, SW
Washington, DC 20594

Dear Mr. Chairman:

I am pleased to present the U.S. Department of Transportation's 2008 Annual Report to Congress and the National Transportation Safety Board (NTSB) on the Regulatory Status of Each Recommendation on the NTSB Most Wanted List. This report is required by 49 USC 1135(d), as amended by Sec. 6 of P.L. 108-168. It is to be submitted annually to Congress and NTSB until final regulatory action is taken or the Secretary (or an Administration within the Department of Transportation) determines and reports that no action should be taken.

Identical letters have been sent to the President of the Senate; the Speaker of the House of Representatives; the Chairman and Vice Chairman of the Senate Committee on Commerce, Science and Transportation; and to the Chairman and Ranking Member of the House Committee on Transportation and Infrastructure.

If I can provide further information or assistance, please feel free to call me.

Sincerely yours,

A handwritten signature in cursive script, reading 'Mary E. Peters', is written over the typed name.

Mary E. Peters

Enclosure



United States Department of Transportation

**2008 Annual Report to Congress and
The National Transportation Safety Board**

**On the Regulatory Status of
Each Recommendation on the
National Transportation Safety Board
Most Wanted List**

February 2008

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EXECUTIVE SUMMARY

This report describes the regulatory status of each recommendation to the United States Department of Transportation (DOT) made by the National Transportation Safety Board (NTSB) on its 2008 Most Wanted List.¹ Established in 1990, the Most Wanted List contains specific recommendations NTSB believes would significantly reduce transportation deaths and injuries. DOT must submit a report on the regulatory status of each recommendation on February 1 of each year to Congress and NTSB until final regulatory action is taken or the Secretary, or an Administration within the Department of Transportation, determines and reports that no action should be taken.

The U.S. Department of Transportation

DOT is a Federal cabinet department dedicated to improving transportation by making it safer, less congested, better connected, environmentally friendly and fully operational under all conditions. Since its first official day in 1967, DOT's programs have evolved to meet the mobility needs of the Nation.

Improving safety throughout the transportation network is DOT's most important strategic goal and DOT is taking significant steps to reduce transportation-related fatalities and injuries despite increasing exposure to safety risk from demographics, globalization and economic activity. Accordingly, DOT gives all NTSB safety recommendations prompt attention and full consideration. DOT maintains good working relationships with NTSB through a network of liaison personnel.

The National Transportation Safety Board

NTSB is an independent Federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in the other modes of transportation -- railroad, highway, maritime and pipeline -- and issuing safety recommendations aimed at preventing future accidents. A safety recommendation can originate from NTSB accident investigation reports, safety studies, or special investigations. After NTSB approves a safety recommendation, it is tracked from the date of issue until it is closed by vote of NTSB.

The 2008 Most Wanted List

The Most Wanted List contains specific recommendations NTSB believes would significantly reduce transportation deaths and injuries. The Most Wanted List is designed to increase the public's awareness of, and support for, safety steps that can help prevent accidents and save lives. NTSB creates a new Most Wanted List each year by reinstating, adding or deleting safety recommendations. Thus, Most Wanted Lists are not directly comparable over time.

¹ This report is required by 49 USC 1135(d), as amended by Sec. 6 of P.L. 108-168.

The 2008 Most Wanted List contains 42 recommendations to DOT. Of these, 22 concern aviation safety, 16 are directed to highway safety, 1 to pipeline safety and 3 to railroad safety. New issues added in 2008 include airport runway crossings, aircraft landing distance assessments, air traffic controller work schedules, adaptive cruise control and collision warning system standards for new passenger and commercial vehicles, and railroad crew work schedules that consider the effects of fatigue. Of the 42 recommendations, 19 are classified by NTSB as “Open Acceptable Response” while 23 are classified as “Open Unacceptable Response.”

Table 1. below provides a summary of the status of each safety recommendation by sector. The chapters that follow provide discussions of the regulatory status of each recommendation on the 2008 Most Wanted List.

Table 1. Status of 2008 Most Wanted Safety Recommendations

2008 Most Wanted Safety Recommendations	Open	
	Acceptable Response	Unacceptable Response
Aviation Safety	4	18
Highway Safety	11	5
Pipeline Safety	1	0
Railroad Safety	3	0
Total	19	23

1. AVIATION SAFETY

1.1 Dangers to Aircraft Flying in Icing Conditions

NTSB Recommendation A-96-54

Issued: August 15, 1996

Added to the Most Wanted List: 1997

NTSB recommends the Federal Aviation Administration (FAA) revise the icing criteria published in 14 CFR parts 23 and 25, in light of both recent research into aircraft ice accretion under varying conditions of liquid water content, drop size distribution, and temperature, and recent developments in both the design and use of aircraft. Also, expand the Appendix C icing certification envelope to include freezing drizzle/freezing rain and mixed water/ice crystal conditions, as necessary.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: In December 2005, the Aviation Rulemaking Advisory Committee's (ARAC) Ice Protection Harmonization Working Group (HWG) with the support of Flight Test HWG, the Powerplant Installation HWG, and the Engine HWG completed their final report on recommended rulemaking and advisory material related to supercooled large drop (SLD) conditions and ice crystal/mixed phase conditions. The report included recommendations for a new appendix to 14 CFR part 25, defining an SLD environment and a new 14 CFR part 33 Appendix D to address ice crystal/mixed phase conditions. Included in the report are recommendations addressing 14 CFR part 25 aircraft performance and handling qualities, engine installation effects, ice protection system requirements, and 14 CFR part 33 engine requirements. ARAC approved the report and sent it to FAA in March 2006. FAA has completed a preliminary economic analysis of the ARAC proposal and is evaluating the report.

ARAC has also completed much of the work required for a part 23 SLD rule and FAA has initiated a study to compile data for the economic analysis. FAA believes the part 23 SLD rule language can be harmonized with the part 25 language and that the proposed Appendix to 14 CFR part 25, that defines an SLD environment, can be used for part 23 certification, just as Appendix C to 14 CFR part 25 is used today.

NTSB Recommendation A-96-56

Issued: August 15, 1996

Added to the Most Wanted List: 1997

NTSB recommends that FAA revise the icing certification testing regulation to ensure that airplanes are properly tested for all conditions in which they are authorized to operate, or are otherwise shown to be capable of safe flight into such conditions. If safe operations cannot be demonstrated by the manufacturer, operational limitations should be imposed to prohibit flight in such conditions and

flightcrews should be provided with the means to positively determine when they are in icing conditions that exceed the limits for aircraft certification.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA has identified multiple rulemakings and interim actions to address this recommendation. The rulemakings are listed below:

- Part 25 Performance and Handling in Icing: FAA revised the 14 CFR part 25 requirements and related advisory material. This change introduced new requirements for evaluating airplane performance and handling characteristics of transport-category airplanes for flight in the icing conditions of 14 CFR part 25, Appendix C.
 - The final rule was published on August 8, 2007. It became effective on October 9, 2007, as amendment 25-121 to 14 CFR part 25.
 - Advisory Circular AC 25-25 was published on September 10, 2007, and it provides information on ways to comply with the new standards.
- Part 25 Expansion of Certification Icing Conditions: As noted in our response to recommendation A-96-54, in December 2005, the Aviation Rulemaking Advisory Committee's (ARAC) Ice Protection Harmonization Working Group (HWG) with the support of Flight Test HWG, the Powerplant Installation HWG, and the Engine HWG, completed their final report on recommended rulemaking and advisory material related to supercooled large drop (SLD) conditions and ice crystal/mixed phase conditions. The report included recommendations for a new appendix to 14 CFR part 25, defining an SLD environment and a new 14 CFR part 33 Appendix D to address ice crystal/mixed phase conditions. Included in the report are also recommendations addressing 14 CFR part 25 aircraft performance and handling qualities, engine installation effects, ice protection system requirements, and 14 CFR part 33 engine requirements. ARAC approved the report and sent it to FAA in March 2006. FAA has accomplished a rough economic analysis of the ARAC proposal and is evaluating the reports. ARAC has also completed much of the work required to revise part 23 in a similar manner and FAA has initiated a study to compile data for the economic analysis.
- Part 121 Exiting Icing: FAA took the following actions related to aileron hinge movement reversals on existing airplanes.
 1. March 1995 - FAA began an investigation that addressed 14 CFR parts 23 and 25 airplanes used in regularly scheduled revenue passenger service in the U.S. and equipped with pneumatic deicing boots and unpowered ailerons. All airplanes were found to have acceptable roll control forces should a ridge of ice form aft of deicing boots and forward of the ailerons.
 2. April 24, 1996 through February 6, 1998 - FAA issued over 40 severe icing airworthiness directives (AD) for parts 23 and 25 airplanes equipped with pneumatic deicing boots and unpowered ailerons. The ADs provide the flight crew with visual cues to determine when the airplane has encountered

severe icing conditions that exceed the capabilities of the airplane's ice protection equipment. The ADs also require the flight crew to exit the severe icing conditions.

3. July 23, 1997 - FAA issued a memorandum to all Aircraft Certification Offices requiring an evaluation of newly designed or derivative parts 23 and 25 aircraft with unpowered ailerons and pneumatic deicing boots. The evaluation addressed roll control anomalies in certain supercooled liquid droplet conditions. The memorandum documents the known unsafe condition addressed by the ADs issued in 1996 and 1998. The evaluation requirements are similar to those used during the roll control evaluation that began in March 1995. The flight crew information required by the memorandum is similar to that contained in the ADs issued in 1996 and 1998.

ARAC has recommended that FAA issue a part 121 rule to require less subjective means of determining when the flightcrew should exit icing conditions. FAA agrees and has completed a preliminary economic analysis of the ARAC proposal and is evaluating the results.

NTSB Recommendation A-98-92

Issued: November 30, 1998

Added to the Most Wanted List: 2003

NTSB recommends that FAA with the National Aeronautics and Space Administration (NASA) and other interested aviation organizations, conduct additional research to identify realistic ice accumulations, to include intercycle and residual ice accumulations and ice accumulations on unprotected surfaces aft of the deicing boots, and to determine the effects and criticality of such ice accumulations; further, the information developed through such research should be incorporated into aircraft certification requirements and pilot training programs at all levels.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA supported research relative to ice accumulations and has used that information to improve certification guidance and pilot training material. FAA has completed a revision to advisory circular (AC) 20 - 73, which includes certification guidance relative to the effects and criticality of deicing boot intercycle and residual ice accumulations on unprotected surfaces aft of protected surfaces. The AC was published on August 16, 2006. Using what FAA has learned during the research activities and the development of the AC, FAA collaborated with NASA to produce and distribute icing training materials.

NTSB Recommendation A-07-16

Issued: February 27, 2007²

Added to the Most Wanted List: 2007

² NTSB recommendation A-07-16 superseded A-98-100 which was closed in 2007. Therefore, FAA is reporting actions taken prior to 2007.

NTSB recommends that when the revised icing certification standards and criteria are complete, review the icing certification of pneumatic deice boot-equipped airplanes that are currently certificated for operation in icing conditions and perform additional testing and take action as required to ensure that these airplanes fulfill the requirements of the revised icing certification standards.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA issued ADs to ensure the safe operation of existing airplanes equipped with pneumatic deicing boots.

1. November 1999 through May 2000 – FAA issued over 25 ADs for 14 CFR parts 23 and 25 airplanes requiring:
 - a. Activation of the deicing boots at the first sign of ice accretions anywhere on the aircraft.
 - b. Cycling the boots in the automatic mode, if available, or manually operating to minimize the ice accretions on the airframe.
2. April 24, 1996 through February 6, 1998 - FAA issued over 40 severe icing airworthiness directives (AD) for Part 23 and 25 airplanes equipped with pneumatic deicing boots and unpowered ailerons. The ADs provide the flight crew with visual cues to determine when the airplane has encountered severe icing conditions that exceed the capabilities of the airplane's ice protection equipment. The ADs also require the flight crew to exit the severe icing conditions.

In addition, after a general review of icing accidents and incidents, FAA began a rulemaking project to amend the 14 CFR part 121 operating rules to improve the safety established by the ADs. The proposed part 121 rules improve ice protection activation means and require less subjective means of determining when the flightcrew should exit icing conditions. The proposed new requirements would be applicable to all booted airplanes.

1.2 Flammable Fuel/Air Vapors in Transport Aircraft Fuel Tanks

NTSB Recommendation A-96-174

Issued: December 13, 1996

Added to the Most Wanted List: 2002

NTSB recommends FAA require the development and implementation of design or operational changes that will preclude the operation of transport-category airplanes with explosive fuel-air mixtures in the fuel tank. Significant consideration should be given to the development of airplane design modifications, such as nitrogen-inerting systems and the modifications should apply to newly certificated airplanes and, where feasible, to existing airplanes.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: FAA has aggressively pursued research in cooperation with industry that has led to the development of a practical nitrogen inerting-based fuel tank flammability reduction means. This system can

NTSB recommends that when the revised icing certification standards and criteria are complete, review the icing certification of pneumatic deice boot-equipped airplanes that are currently certificated for operation in icing conditions and perform additional testing and take action as required to ensure that these airplanes fulfill the requirements of the revised icing certification standards.

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NTSB Status: Open Acceptable Response

DOT Regulatory Status: FAA has aggressively pursued research in cooperation with industry that has led to the development of a practical nitrogen inerting-based fuel tank flammability reduction means. This system can

significantly reduce the flammability exposure of high-risk fuel tanks. Boeing designed an inerting-based flammability reduction means for the Boeing 747 high-risk fuel tanks based on the results of FAA research. FAA approved the Boeing design on the 747 airplane in August 2005, and then Boeing delivered the first of two production 747 airplanes equipped with the flammability reduction means. Boeing delivered the first 737 NG equipped with a flammability reduction means in December 2005. Southwest Airlines received the two 737NG airplanes with the newly certified flammability reduction means. Boeing has been gathering data from these four airplanes as an in-service evaluation of flammability reduction means. FAA firmly believes that inerting-based flammability reduction means, together with additional ignition prevention measures required as a result of SFAR 88, provide a balanced approach to fuel tank safety that will greatly reduce the risk of fuel tank explosions.

FAA published a Notice of Proposed Rulemaking (NPRM) on November 23, 2005, that would require operators and manufacturers of transport-category airplanes to take steps that, in combination with other required actions, should greatly reduce the chances of a catastrophic fuel-tank explosion. The comment period closed on May 8, 2006. FAA received comments from 84 commenters. FAA has completed its review of the comments and is preparing a final rule. FAA expects to issue the final rule in 2008.

1.3 Runway Safety

NTSB Recommendation A-00-66

Issued: July 6, 2000

Added to the Most Wanted List: 2001

NTSB recommends FAA 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, in fact, prevent incursions.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: Studies have continued during fiscal years 2004 to 2007 expanding the types of alerting to flight crews and ground vehicle operators to exploit the set of technologies that would create a layered safety net for the prevention of runway incursions. The technologies include the Airport Surface Detection Equipment, Airport Movement Area Safety System safety logic, and Runway Status Lights (RWSLs). Applications include Runway Entrance Lights (RELs), Takeoff Hold Lights (THLs), and Final Approach Runway Occupancy Signal (FAROS). Solution sets with one or more technology levels were proposed, and human-in-the-loop simulations were conducted in 2005, 2006, and 2007 to assess the effectiveness of the solution sets. From 12 to 36 commercial and general aviation pilots participated in the simulations each year. The simulations involved 15 or more scenarios consisting of different incursion situations and aircraft movement states. Final reports for each fiscal year were

issued in November of the following fiscal year. A briefing for the 2007 simulations was presented to FAA in September 2007, and the final report was issued in November 2007. Runway Intersection Lights (RILs), another application to RWSL, were tested in simulations in 2007. The findings from the simulation showed that significant runway safety risk reduction is achievable with the integration of the candidate technologies.

Additionally, FAA successfully completed field tests of the basic Runway Status Light (RWSL) system at the Dallas/Fort Worth International Airport (DFW) (which consisted of RELs and THLs) and the San Diego International Airport (SAN) (which consisted of RELs only). Planned 2008 enhancements of the DFW system will include FAROS. An early version of FAROS (using loop detection technology) has been installed and is undergoing evaluation at Long Beach, CA (LGB). Initial test results are promising and additional tests to determine the extent to which this technology can be beneficially applied throughout the National Airspace System (NAS) are being pursued. RILs are being developed for future installation at airports with crossing runway geometries, e.g., Boston Logan International Airport (BOS) and Chicago O'Hare International Airport (ORD). RILs are intended to prevent incursions between two high speed aircraft operating on intersecting runways.

The ground-based direct warning system simulation report for RILs was completed in November 2007, and the System Architecture document for a Direct Pilot Warning System was completed in January 2007. The results of the simulation showed that the RWSL is effective in reducing runway safety incidents during departure operations and runway crossings. The FAA Joint Resources Council approved an initial investment decision to acquire and deploy RWSL at approximately 20 airports in the NAS.

MITRE/CAASD has completed the concept development for operational requirements of an initial flight deck direct warning capability. In addition, FAA has sponsored an industry-government working group under RTCA Special Committee 186 to develop an Operational Safety Assessment (OSA) on surface alerting using ADS-B. The intent of the OSA is to lead the development of a minimum operational performance specification for an ADS-B based surface alerting application.

NTSB Recommendation A-00-67

Issued July 6, 2000

Added to the Most Wanted List: 2007

Amend 14 Code of Federal Regulations (CFR) Section 91.129(I) to require that all runway crossings be authorized only by specific air traffic control clearance, and ensure that U.S. pilots, U.S. personnel assigned to move aircraft, and pilots operating under 14 CFR part 129 receive adequate notification of the change.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA held a "Call to Action" on August 15, 2007, where key industry stakeholders were called in for a one-day meeting to focus on

short- and long-term measures to further improve the safety of operations at our airports. The issue of taxi clearances was a key area for action identified by the participants. FAA committed to conducting a review of current policies for issuing taxi clearances, through a safety risk analysis. This portion of the safety risk analysis is complete and a draft safety risk management document has been drafted and is in review and coordination. Once the review and coordination is complete, FAA will decide what changes, if any, need to be made to address this recommendation.

NTSB Recommendation A-00-68

Issued July 6, 2000

Added to the Most Wanted List: 2007

NTSB recommends FAA amend Order 7110.65, "Air Traffic Control," to 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.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA held a "Call to Action" on August 15, 2007, where key industry stakeholders were called in for a one-day meeting to focus on short- and long-term measures to further improve the safety of operations at our airports. The issue of taxi clearances was a key area for action identified by the participants. The FAA committed to conducting a review of our current policies for issuing taxi clearances, through a safety risk analysis. This portion of the safety risk analysis is complete and a draft safety risk management document has been drafted and is in review and coordination. Once the review and coordination is complete the FAA will decide what changes, if any, need to be made to address this recommendation

NTSB Recommendation A-07-57

Issued October 2, 2007 (Superseded A-06-16)

Added to the Most Wanted List: 2007

NTSB recommends FAA immediately require all 14 CFR part 121, part 135, and part 91, subpart K operators to conduct arrival landing distance assessments before every landing based on existing performance data, actual conditions, and incorporating a minimum safety margin of 15 percent.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: Since the Southwest 1248 accident, FAA has taken several actions to address the safety issue that is the focus of this recommendation, including the development of proposed Operations Specification N 8400.C082, and the issuance of Safety Alert for Operators (SAFO) 06012, which address landing distance computation with a 15 percent safety margin. A survey of part 121 operators, the results of which have been briefed to NTSB staff, indicates that 92 percent of U.S. airline passengers are now being carried by air carriers in full or partial compliance with the practices

recommended in SAFO 06012. These actions represent a substantial safety improvement, which was effected far more quickly than would have been possible through the rulemaking process.

The broader mandate that NTSB is now recommending will require rulemaking. On December 6, 2007, FAA issued a notice announcing the formation of an aviation rulemaking committee (ARC) to review regulations affecting certification and operation of airplanes and airports for airplane takeoff and landing operations on contaminated runways (72 FR 68763). The ARC will provide advice and recommendations to:

- Establish airplane certification and operational requirements (including training) for takeoff and landing operations on contaminated runways;
- Establish landing distance assessment requirements, including minimum landing distance safety margins, to be performed at the time of arrival; and
- Establish standards for runway surface condition reporting and minimum surface conditions for continued operations.

Additionally, FAA principal operations inspectors will continue to encourage their assigned air carriers to incorporate the elements contained in SAFO 06012.

1.4 Audio, Data and Video Recorders

NTSB Recommendation A-99-16

Issued: March 9, 1999

Added to the Most Wanted List: 1999

NTSB recommends FAA require retrofit after January 1, 2005, of all cockpit voice recorders (CVRs) on all airplanes required to carry both a CVR and a Flight Data Recorder (FDR) with a CVR that (a) meets Technical Standard Order (TSO) C123a, (b) is capable of recording the last 2 hours of audio, and (c) is fitted with an independent power source that is located with the digital CVR and that automatically engages and provides 10 minutes of operation whenever aircraft power to the recorder ceases, either by normal shutdown or by a loss of power to the bus.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA addressed this recommendation in an NPRM that was published in the Federal Register on February 28, 2005. The NPRM proposed changes to the CVR and Digital Flight Data Recorder (DFDR) systems to improve the quality and quantity of information recorded and to increase the potential for retaining important information needed during accident and incident investigations. The comment period closed on June 28, 2005. The proposed final rule is in executive coordination and the anticipated publication date is March 2008.

NTSB Recommendation A-99-17

Issued: March 9, 1999

Added to the Most Wanted List: 1999

NTSB recommends FAA require that all aircraft manufactured after January 1, 2003, carry both a cockpit voice recorder (CVR) and a digital flight data recorder (DFDR) to be equipped with two combination (CVR/DFDR) recording systems. One system should be located as close to the cockpit as practicable and the other as far aft as practicable. Both recording systems should be capable of recording all mandatory data parameters covering the previous 25 hours of operation and all cockpit audio including controller-pilot data link messages for the previous two hours of operation. The system, located near the cockpit, should be provided with an independent power source that is located with the combination recorder, and that automatically engages and provides 10 minutes of operation whenever normal aircraft power ceases, either by normal shutdown or by a loss of power to the bus. The aft system should be powered by the bus that provides the maximum reliability for operation without jeopardizing service to essential or emergency loads, whereas the system near the cockpit should be powered by the bus that provides the second highest reliability for operation without jeopardizing service to essential or emergency loads.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA addressed this recommendation in an NPRM that was published in the Federal Register on February 28, 2005. The NPRM proposed changes to the CVR and DFDR systems to improve the quality and quantity of information recorded and increase the potential for retaining important information needed during accident and incident investigations. While FAA is not requiring two CVR/DFDR systems as the NTSB recommended, FAA believes that its approach effectively addresses the safety issue. The comment period closed on June 28, 2005. The proposed final rule is in executive coordination and the anticipated publication date is March 2008.

NTSB Recommendation A-99-18

Issued: March 9, 1999

Added to the Most Wanted List: 1999

NTSB recommends FAA amend Title 14 CFR parts 25.1457 (cockpit voice recorders) and 25.1459 (flight data recorders) to require that CVRs, FDRs, and redundant combination flight recorders be powered from separate generator buses with the highest reliability.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA addressed this recommendation in an NPRM that was published in the Federal Register on February 28, 2005. The NPRM proposed changes to the CVR and DFDR systems to improve the quality and quantity of information recorded and to increase the potential for retaining important information needed during accident and incident investigations. The

comment period closed on June 28, 2005. The proposed final rule is in executive coordination and the anticipated publication date is March 2008.

NTSB Recommendation A-00-30

Issued: April 11, 2000

Added to the Most Wanted List: 2002

NTSB recommends FAA require all aircraft operated under title 14 CFR part 121, 125, or 135 and currently required to be equipped with a cockpit voice recorder and digital flight data recorder be retrofitted by January 1, 2005, with a crash-protected cockpit image recording system. The cockpit image recorder system should have a 2-hour recording duration, as a minimum, and be capable of recording, in color, a view of the entire cockpit including each control position and each action (such as display selections or system activations) taken by people in the cockpit. The recording of these video images should be at a frame rate and resolution sufficient for capturing such actions. The cockpit image recorder should be mounted in the aft portion of the aircraft for maximum survivability and should be equipped with an independent auxiliary power supply that automatically engages and provides 10 minutes of operation whenever aircraft power to the cockpit image recorder and associated cockpit camera system ceases, either by normal shutdown or by a loss of power to the bus. The circuit breaker for the cockpit image recorder system, as well as the circuit breakers for the CVR and the DFDR, should not be accessible to the flight crew during flight.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA explored these recommendations in a government/industry forum of subject matter experts. The Radio Technical Commission for Aeronautics Future Flight Data Collection Committee (FFDCC), cosponsored by FAA and NTSB, projected flight data needs 10 to 15 years in the future. The FFDCC did not present information to FAA of such compelling nature to convince FAA of the necessity of installing image recording systems in aircraft operated under parts 121, 125, or 135. FAA is not planning to pursue rulemaking to mandate installations of cockpit image systems as described in *A-00-31* and this safety recommendation. If NTSB requires additional flight data information to investigate an accident or incident, FAA would likely propose a performance-based requirement that stipulates that this flight data must be captured. The industry would be allowed to respond to the requirement in the manner it found most appropriate to its overall design philosophy. Further, it is not prudent design philosophy to mandate that any electrical system that is active during flight have circuit protection that is not accessible to the flight crew. In the event of an in-flight electrical fire, the crew must be able to de-power ALL electrical equipment quickly in accordance with approved procedures. Should an applicant, either an aircraft operator or original equipment manufacturer, wish to install an image recording system voluntarily either in the cockpit or in the aircraft cabin, FAA would work with the applicant to approve such an installation.

NTSB Recommendation A-00-31

Issued: April 11, 2000

Added to the Most Wanted List: 2002

NTSB recommends FAA require all aircraft manufactured after January 1, 2003, operated under Title 14 CFR parts 121, 125, or 135 and required to be equipped with a cockpit voice recorder (CVR) and digital flight data recorder (DFDR) also be equipped with two crash-protected cockpit image recording systems. The cockpit image recorder systems should have a 2-hour recording duration, as a minimum, and be capable of recording, in color, a view of the entire cockpit including each control position and each action (such as display selections or system activations) taken by people in the cockpit. The recording of these video images should be at a frame rate and resolution sufficient for capturing such actions. One recorder should be located as close to the cockpit as practicable and the other as far aft as practicable. These recorders should be equipped with independent auxiliary power supplies that automatically engage and provide 10 minutes of operation whenever aircraft power to the cockpit image recorders and associated cockpit camera systems ceases, either by normal shutdown or by a loss of power to the bus. The circuit breaker for the cockpit image recorder systems, as well as the circuit breakers for the CVRs and the DFDRs, should not be accessible to the flight crew during flight.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA explored this recommendation in a government/industry forum of subject matter experts. The Radio Technical Commission for Aeronautics Future Flight Data Collection Committee (FFDCC), co-sponsored by FAA and NTSB, estimated flight data needs 10 to 15 years in the future. The FFDCC did not present information to FAA that was of such compelling nature to convince FAA of the necessity of installing image recording systems in aircraft operated under parts 121, 125, or 135. FAA is not planning to pursue rulemaking to mandate installations of cockpit image systems as described in A-00-30 and this safety recommendation. If NTSB requires additional flight data information to investigate an accident or incident, FAA would likely propose a performance-based requirement that stipulates that this flight data must be captured. The industry would be allowed to respond to the requirement in the manner it found most appropriate to its overall design philosophy. Further, it is not prudent design philosophy to mandate that any electrical system that is active during flight have circuit protection that is not accessible to the flight crew. In the event of an in-flight electrical fire, the crew must be able to de-power ALL electrical equipment quickly in accordance with approved procedures. Should an applicant, either an aircraft operator or original equipment manufacturer, wish to install an image recording system voluntarily either in the cockpit or in the aircraft cabin, FAA would work with the applicant to approve such an installation.

NTSB Recommendation A-03-64

Issued: December 22, 2003

Added to the Most Wanted List: 2004

NTSB recommends FAA require all turbine-powered nonexperimental, nonrestricted-category aircraft that are manufactured prior to January 1, 2007, that are not equipped with a cockpit voice recorder, and that are operating under 14 CFR parts 91, 135, and 121 to be retrofitted with a crash-protected image recording system by January 1, 2007.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: This recommendation would require use of an image recorder to collect flight data in lieu of a CVR or DFDR for post accident or incident investigation. While the industry has published minimum operational performance criteria for such a system, to date, no such system has been installed on an aircraft that meets these requirements. FAA worked with NTSB to accomplish a proof-of-concept test to determine if an image recording system could be used to collect specific parametric data and other flight information. As part of the test, several image-recording systems were installed on an FAA aircraft. The aircraft was flown in various operational and environmental conditions. The data recorded on those flights has been analyzed to determine if aircraft parameters such as altitude, attitude and airspeed can be accurately derived from the images. The derived data has been compared to data recorded on the installed digital flight data recorder. The results of the proof-of-concept test were published in a report by the NTSB in January 2006. The FAA is currently reviewing the report to determine if an image recorder is an acceptable method for collecting flight data information on the aircraft that are the subject of this recommendation. FAA is considering additional image recording system proof-of-concept testing on Rotorcraft.

1.5 Accidents and Incidents Caused by Human Fatigue

NTSB Recommendation A-94-194

Issued: November 30, 1994

Added to the Most Wanted List: 1995

NTSB recommends FAA revise the regulations contained in 14 CFR part 135 to require that pilot flight time accumulated in all company flying conducted after revenue operations--such as training and check flights, ferry flights and repositioning flights--be included in the crewmember's total flight time accrued during revenue operations.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA issued an NPRM proposing to amend existing regulations to establish one set of duty period limitations, flight time limitations, and rest requirements for flight crewmembers engaged in air transportation. FAA established a joint FAA / Industry Aviation Rulemaking Committee (ARC) in

2004 to develop recommendations for revising the commuter and on-demand flight time and rest requirement rules in 14 CFR part 135. The ARC has provided its recommendations to FAA. FAA is presently developing an NPRM that incorporates the ARC's recommendations.

FAA is also working with the International Civil Aviation Organization (ICAO) to develop a Fatigue Risk Management System (FRMS) to regulate flight and duty time. Rather than the existing prescriptive limitations, the FRMS provides an alternative that is based upon a Safety Management System that looks at risk and applies certain risk mitigations to improve flight crew alertness. The FRMS is a comprehensive collaborative process that requires a company to manage fatigue. All company personnel are responsible for the success of the FRMS including management, flight crewmembers, maintenance personnel, schedulers, and dispatchers.

NTSB Recommendation A-95-113

Issued: November 14, 1995

Added to the Most Wanted List: 1996

NTSB recommends FAA finalize the review of current flight and duty time regulations and revise the regulations, as necessary, within one year to ensure that flight and duty time limitations take into consideration research findings in fatigue and sleep issues. The new regulations should prohibit air carriers from assigning flight crews to flights conducted under 14 CFR part 91 unless the flight crews meet the flight and duty time limitations of 14 CFR part 121 or other appropriate regulations.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: In 1995, FAA proposed to amend existing regulations to establish new duty period and flight time limitations, and rest requirements for flight crewmembers in parts 121 and 135. This rulemaking was based on recommendations from an aviation rulemaking advisory committee (ARAC) and reflected the input of both the pilots and operators. It included a 14-hour duty period, 10 hours of rest, increased flight time to 10 hours, and addressed other related issues. More than 2,000 comments were received on the proposal, mostly negative. The pilots felt 10 hours of flight time was too long and the operators felt 14 hours of duty time was too short. The Air Transport Association estimated the cost of the proposed rule at \$2.13 billion. In November 2000, FAA issued an interpretation clarifying the rest requirements in domestic operations. FAA inspectors worked closely with operators to assure the rules were properly implemented. Since that time FAA has received very few questions or complaints about implementation of the rest requirements.

FAA is currently looking at options to address flight and rest concerns and is developing a Fatigue Risk Management System (FRMS) that provides an alternative to prescriptive limitations. An example of how to apply risk mitigation strategies is the approval FAA issued to Delta Air Lines to operate from New York to Mumbai. FAA required Delta to protect the rest period prior

to the flight, keep the crew as close to its circadian clock as possible, protect rest on arrival, and restrict the schedule after completion of the round trip.

NTSB Recommendation A-97-71

Issued: September 9, 1997

Added to the Most Wanted List: 1999

NTSB recommends FAA review the issue of personnel fatigue in aviation maintenance; then establish duty time limitations consistent with the current state of scientific knowledge for personnel who perform maintenance on air carrier aircraft.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA completed several studies on the maintenance fatigue issue. These studies include:

- Study of Fatigue Factors Affecting Human Performance in Aviation Maintenance;
- Evaluation of Aviation Maintenance Working Environment, Fatigue and Maintenance;
- Errors/Accidents; and
- Evaluation of Aviation Maintenance Working Environments, Fatigue, and Human Performance.

The findings of these studies indicated that the extreme complexity of the issue of fatigue and duty time did not present appropriate material for regulatory activity in this area. However, the findings did indicate that education and training in fatigue management were the most appropriate actions for FAA to sponsor and foster. Consequently, FAA conducted several actions to educate and train the aviation community on the issues of fatigue management in aircraft maintenance personnel. The following is a list of these actions:

- Issued Advisory Circular (AC) 120-72, Maintenance Resource Management (MRM) Training that includes a prototype MRM computer-based training (CBT) course for industry;
- Developed and distributed MRM CBT to industry, academia, and regulatory authorities worldwide on over 10,000 CD ROMs on maintenance human factors;
- Developed MRM curriculum and course, "Maintenance Resource Management for Aviation Safety Inspectors." This course is currently taught to aviation safety inspectors;
- Sponsored several international conferences on aircraft maintenance human factors that included management of fatigue for aircraft maintenance personnel;
- Fatigue, shift work, and scheduling for aircraft maintenance personnel issues were addressed in several chapters of the FAA Human Factors Guide for Aviation Maintenance; and
- Completed a study entitled "Effects of Fatigue, Vigilance, Environment on Inspectors Performing Fluorescent Penetrant and/or Magnetic Particle

Inspections” to determine the effects of fatigue/environment on the vigilance decrement of inspectors performing Liquid Penetrant or Fluorescent Magnetic Particle Inspections as their primary work function.

NTSB Recommendation A-06-10

Issued: February 7, 2006

Added to the Most Wanted List: 2006

NTSB recommends FAA modify and simplify the flight crew hours-of-service regulations to take into consideration factors such as length of duty day, starting time, workload, and other factors shown by recent research, scientific evidence, and current industry experience to affect crew alertness.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: This recommendation supersedes a previously issued NTSB recommendation issued in 1999. FAA proposed to amend existing regulations to establish new duty period and flight time limitations, and rest requirements for flight crewmembers in parts 121 and 135 in 1995. The rulemaking was based on recommendations from an aviation rulemaking advisory committee and reflected the input of both the pilots and operators. It included a 14-hour duty period, 10 hours of rest, increased flight time to 10 hours, and addressed other related issues. More than 2,000 comments were received on the proposal, mostly negative.

NTSB Recommendation A-07-30

Issued April 10, 2007

Added to the Most Wanted List: 2007

NTSB recommends FAA work with the National Air Traffic Controllers Association to reduce the potential for controller fatigue by revising controller work-scheduling policies and practices to provide rest periods that are long enough for controllers to obtain sufficient restorative sleep and by modifying shift rotations to minimize disrupted sleep patterns, accumulation of sleep debt, and decreased cognitive performance.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: FAA has convened a working group to develop shift rotation and scheduling guidelines. The working group will be chaired by FAA's Quality Assurance and Safety Manager and the Civil Aviation Medical Institute [CAMI] Human Factors fatigue expert and will be populated by members of the Air Traffic Organization (ATO) operational service units and the ATO Operations Planning service unit. The National Air Traffic Controllers Association will be invited to participate by providing subject matter expertise.

NTSB Recommendation A-07-31

Issued April 10, 2007

Added to the Most Wanted List: 2007

NTSB recommends FAA develop a fatigue awareness and countermeasures training program for controllers and for personnel who are involved in the scheduling of controllers for operational duty that will address the incidence of fatigue in the controller workforce, causes of fatigue, effects of fatigue on controller performance and safety, and the importance of using personal strategies to minimize fatigue. This training should be provided in a format that promotes retention, and recurrent training should be provided at regular intervals.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: FAA will develop and implement a fatigue awareness and countermeasures training program to be used for all ATO operational service units. The Director of Technical Training and Development is the lead for the development and implementation of the curriculum with the technical support of CAMI fatigue experts. Modules being developed for initial training of terminal radar approach control, tower, and en-route air traffic control specialists will incorporate fatigue awareness content.

1.6 Crew Resource Management

NTSB Recommendation A-03-52

Issued: December 2, 2003

Added to the Most Wanted List: 2006

NTSB recommends FAA require that 14 CFR part 135 on-demand charter operators that conduct dual-pilot operations establish and implement an FAA-approved crew resource management training program for their flight crews in accordance with 14 CFR part 121, subparts N and O.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA has initiated a rulemaking to require all 14 CFR part 135 certificate holders (including both single pilot and dual pilot operations) to implement FAA-approved crew resource management (CRM) training for crewmembers and flight followers. FAA anticipates having an NPRM published within 18 months.

2. HIGHWAY SAFETY

2.1 Safe Motor Carrier Operations

NTSB Recommendation H-99-006

Issued: February 26, 1999

Added to the Most Wanted List: 2000

NTSB recommends that the Federal Motor Carrier Safety Administration (FMCSA) change the safety fitness rating methodology so that adverse vehicle and driver performance-based data alone are sufficient to result in an overall unsatisfactory rating for the carrier.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: FMCSA is addressing this recommendation through the Comprehensive Safety Analysis 2010 (CSA 2010) initiative. CSA 2010 is a major FMCSA initiative to improve the effectiveness of the Agency's compliance and enforcement programs. Its goal is to achieve a greater reduction in large truck and bus crashes, injuries, and fatalities, while maximizing the resources of FMCSA and its State partners.

On May 23, 2007, FMCSA tasked the Motor Carrier Safety Advisory Committee with considering the potential safety benefits and operational feasibility of changing the safety fitness methodology and with making recommendations to the agency on whether the NTSB recommended safety fitness methodology could fit into CSA 2010. On October 12, 2007 and February 24, 2008, FMCSA briefed NTSB on the status of CSA 2010 and the agency's efforts to address the safety recommendation. On December 4, 2007, FMCSA conducted a public listening session to provide its stakeholders with an update on CSA 2010.

In January 2008, FMCSA began a field test of the new CSA 2010 operational model (Op-Model). The purpose of the test is to determine both the feasibility and effectiveness of the new CSA 2010 interventions and measurement system. The first phase of the Op-Model test is being carried out in four States using approximately 26 Federal and State investigators. The four States are Colorado, Georgia, Missouri, and New Jersey. The second phase will begin in June 2008 when the test becomes fully operational. The test is scheduled to run for 30 months into mid-2010, at which time FMCSA is planning full implementation. The thirty-month timeframe is designed to provide sufficient data for statistical purposes with results evaluated at periodic intervals. It is anticipated that full implementation of CSA 2010 can take place through the addition of more States as the planned safety fitness rulemaking is completed. FMCSA commenced the safety fitness rulemaking in June 2007, and anticipates issuing a proposed rule in 2008. At its November 8, 2007, Most Wanted Safety Recommendations meeting, NTSB reclassified this recommendation, Open-Acceptable Response.

2.2 Medically Unqualified Commercial Motor Vehicle Drivers

NTSB Recommendation H-01-017

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: individuals performing medical examinations for drivers are qualified to do so and are educated about occupational issues for drivers.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FMCSA's Medical Program is implementing a new strategy for the comprehensive oversight of commercial motor vehicle (CMV) drivers. There are four major areas of focus: 1) medical fitness for duty regulation and policy development, 2) establishment of State capacity for medical status reporting and monitoring, 3) development of a national registry of certified medical examiners, and 4) implementation of a national system for driver medical examination report surveillance. On October 12, 2007, FMCSA briefed NTSB on its medical program and the status of safety recommendations H-01-017 through -024.

To ensure that all medical examiners are qualified to perform medical examinations for CMV drivers and are educated about occupational issues that affect these drivers, FMCSA is developing an NPRM to establish the National Registry of Certified Medical Examiners (NRCME) program. When established, NRCME will provide a readily accessible list of medical examiners who are certified to perform examinations and issue medical certificates according to the requirements of the Federal Motor Carrier Safety Regulations (FMCSRs). The NRCME program will also provide specific training to ensure that medical practitioners are knowledgeable about driver qualifications and standards, as well as the physical and mental demands involved in driving a CMV. FMCSA anticipates issuing a proposed rule to establish the NRCME in 2008.

NTSB Recommendation H-01-018

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: a tracking mechanism is established that ensures that every prior application by an individual for medical certification is recorded and reviewed.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FMCSA is developing plans to ensure that there are tracking and review mechanisms for medical certificates, and is working with the States and industry to explore alternatives. FMCSA will implement the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

(SAFETEA-LU) statutory provision to require medical examiners to transmit monthly the name of the applicant and numerical identifier. The NRCME program will include data elements from the driver medical certification process and will comply with the SAFETEA-LU provision to conduct periodic reviews of a select number of medical examiners as well as systematic monitoring of medical examiner performance.

NTSB Recommendation H-01-019

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: medical certification regulations are updated periodically to permit trained examiners to clearly determine whether drivers with common medical conditions should be issued a medical certificate.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: Medical certification regulations will be updated periodically based on the advice and recommendations of FMCSA's Medical Review Board (MRB). As the regulations are updated, the NRCME program will incorporate the new guidelines into training material and function as a source of information for training examiners to determine whether drivers with common medical conditions should be issued a medical certificate.

In conjunction with the MRB, FMCSA has implemented a continuous review cycle for the medical regulatory program. This involves developing performance-based medical standards and guidelines, including effective medical standards that limit, or ideally, eliminate the need for exemptions and waivers. FMCSA is currently considering several recommendations issued by the MRB and is developing proposed medical regulatory changes. Evidence-based reviews have been completed for diabetes mellitus, Schedule II medications, cardiovascular disease, sleep apnea, seizure disorders, musculoskeletal disease, renal disease, and driver vision and hearing requirements.

NTSB Recommendation H-01-020

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: individuals performing examinations have specific guidance and a readily identifiable source of information for questions on such examinations.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: The NRCME program will provide training to ensure that medical examiners are knowledgeable about driver qualifications and standards, as well as the physical and mental demands involved in driving a

CMV. Certifying medical examiners will ensure that medical examiners are qualified and educated about the occupational issues that CMV drivers face and will provide specific guidance and readily identifiable sources of information for questions that medical examiners may have about the physical examination process. FMCSA has completed draft training and testing materials for the NRCME program, and is working with leading experts in accreditation, including the National Organization for Competency Assurance to ensure the NRCME program has quality control measures in place consistent with those of other national certification programs. FMCSA is conducting a demonstration project to evaluate the new CMV driver medical examiner handbook (on-line), as well as proposed core curriculum and certification tests. FMCSA currently communicates directly with over 4,000 individual practitioners and 2,000 organizations in 51 jurisdictions through a national list serve and responds to more than 500 weekly inquiries via e-mail and telephone.

NTSB Recommendation H-01-021

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: the review process prevents, or identifies and corrects, the inappropriate issuance of medical certification.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FMCSA will establish a program for conducting periodic reviews of a select number of medical examiners on the National Registry to ensure that proper examinations of CMV drivers are being performed. On November 16, 2006, FMCSA published in the Federal Register (71 FR 66723), an NPRM to link the medical certificate as part of the CDL process, which will enable law enforcement officials to access a driver's medical status at the roadside through a check of the CDL holders driving record and take appropriate action. This will ensure that the inappropriate issuance of medical certificates is identified. FMCSA is reviewing the final rule and anticipates issuing it in 2008.

NTSB Recommendation H-01-022

Issued September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA Develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: enforcement authorities can identify invalid medical certification during safety inspections and routine stops.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: On November 16, 2006, FMCSA published in the Federal Register (71 FR 66723), an NPRM to link the medical certificate as part of the CDL process, which will enable law enforcement officials to access a driver's medical status at the roadside through a check of the CDL holders driving record and take appropriate action. The final rule is in agency review and FMCSA anticipates issuing it in 2008. At its November 8, 2007, Most Wanted Safety Recommendations meeting, NTSB reclassified this recommendation, Open Acceptable Response.

NTSB Recommendation H-01-023

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: enforcement authorities can prevent an uncertified driver from driving until an appropriate medical examination takes place.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: On November 16, 2006, FMCSA published in the Federal Register (71 FR 66723), an NPRM to link the medical certificate as part of the CDL process, which will enable law enforcement officials to access a driver's medical status at the roadside through a check of the CDL holders driving record and take appropriate action. The final rule is in agency review and FMCSA anticipates issuing it in 2008. At its November 8, 2007, Most Wanted Safety Recommendations meeting, NTSB reclassified this recommendation, Open Acceptable Response.

NTSB Recommendation H-01-024

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: mechanisms for reporting medical conditions to the medical certification and reviewing authority and for evaluating these conditions between medical certification exams are in place; individuals, health care providers, and employers are aware of these mechanisms.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: The FMCSRs require motor carriers to regularly monitor CMV driver health status, including return-to-work. Motor carriers are allowed to have more stringent standards than in the FMCSRs, and many do. While drivers are obligated to report significant medical conditions, many do not. FMCSA is convening medical examiner experts from throughout the Nation to discuss the medical examination process, including reporting mechanisms and potential funding sources for telephone and computer or web-based systems for reporting medical concerns about drivers.

2.3 Motorcoach Passenger Protection

NTSB Recommendation H-99-9

Issued: February 26, 1999

Added to the Most Wanted List: 2000

NTSB recommends NHTSA revise the Federal Motor Vehicle Safety Standard (FMVSS) 217, "Bus Window Retention and Release," to require that other than floor-level emergency exits can be easily opened and remain open during an emergency evacuation when a motorcoach is upright or at unusual attitudes.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: In August 2007, NHTSA published a comprehensive plan, "NHTSA's Approach to Motorcoach Safety," that describes the strategies the agency is taking to improve motorcoach safety. Testing and development has been initiated to examine motorcoach emergency egress, including the number, size, and type of emergency exits; the force to open them; and their signage and illumination. This effort is expected to be completed in 2009, at which time a regulatory decision on upgrading FMVSS No. 217 will be made.

NTSB Recommendation H-99-47

Issued: November 2, 1999

Added to the Most Wanted List: 2000

NTSB recommends, in 2 years, NHTSA develop performance standards for motorcoach occupant protection systems that account for frontal impact collisions, side impact collisions, rear impact collisions, and rollovers.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: Improved occupant crash protection is being addressed in the agency's comprehensive plan through development of requirements for the installation of seat belts in motorcoaches. In December 2007, NHTSA conducted a 30-mile/hour motorcoach frontal barrier crash test to establish the crash forces transmitted to the occupants. Further testing and development will be completed in 2008 and a regulatory decision will subsequently be made. NTSB awareness has been maintained through an open dialogue and witnessing of the crash test.

NTSB Recommendation H-99-50

Issued November 2, 1999

Added to the Most Wanted List: 2000

NTSB recommends, in 2 years, NHTSA develop performance standards for motorcoach roof strength that provide maximum survival space for all seating positions and that take into account current typical motorcoach window dimensions.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: As part of NHTSA's comprehensive plan to improve motorcoach safety, the agency is conducting testing to evaluate the current performance of motorcoach roof strength and survivable space. The stringencies of both the European requirement for motorcoach roof strength and the Federal motor vehicle safety standard for school bus roof strength are being evaluated. This testing will be completed in 2008 and a regulatory decision then made.

2.4 School Bus Passenger Protection

NTSB Recommendation H-99-45

Issued: November 2, 1999

Added to the Most Wanted List: 2006

NTSB recommends, in 2 years, NHTSA develop performance standards for school bus occupant protection systems that account for frontal impact collisions, side impact collisions, rear impact collisions, and rollovers.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: On November 21, 2007, NHTSA published an NPRM to upgrade the school bus passenger requirements for school buses. Proposed improvements include an increase to the seat back height, mandatory placement of lap/shoulder belts on small school buses, and performance requirements for voluntarily installed seat belts on large school buses. The agency expects to publish a final rule in 2008.

NTSB Recommendation H-99-46

Issued: November 2, 1999

Added to the Most Wanted List: 2006

NTSB recommends, once pertinent standards have been developed for school bus occupant protection systems, NHTSA require newly manufactured school buses to have an occupant crash protection system that meets the newly developed performance standards and retains passengers, including those in child safety restraint systems, within the seating compartment throughout the accident sequence for all accident scenarios.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: As discussed above for H-99-45, NHTSA expects to publish a final rule in 2008 for improved school bus occupant protection.

2.5 Enhanced Vehicle Safety Technology

NTSB Recommendation H-01-006

Issued: May 25, 2001

Added to the Most Wanted List: 2007

NTSB recommends that NHTSA complete rulemaking on adaptive cruise control and collision warning system performance standards for new commercial vehicles. At a minimum, these standards should address obstacle detection

distance, timing of alerts, and human factors guidelines, such as the mode and type of warning.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: As part of DOT's Intelligent Transportation System (ITS) Program, NHTSA, in cooperation with the Federal Highway Administration (FHWA) and the Federal Motor Carrier Safety Administration (FMCSA), completed a Field Operational Test (FOT) of Adaptive Cruise Control (ACC) and Forward Crash Warning (FCW). The industry partners were Volvo Trucks and U.S. Express. The results of the FOT were analyzed by the Battelle Institute as an independent evaluator. The confidence bounds of the estimates of benefits were large indicating that more work was needed to determine the safety value of the systems. NHTSA has been working with Virginia Tech to use the vehicle proximity sensing data (measured by the sensing portion of a commercial forward crash warning system) collected during a heavy truck drowsy driver study to augment the benefit estimates. In addition, NHTSA has an additional ITS-sponsored field operational test underway evaluating the benefits of an integrated vehicle based safety system which includes an FCW component. This FOT should be completed in 2009 and provide additional benefit information. NHTSA is also working with FMCSA to monitor the real-world benefits accruing to early adopter truck fleets of technologies including ACC, FCW, Lane Departure Warning and stability control systems. In 2009, FMCSA plans to initiate studies to determine fleet crash reduction benefits. With respect to developing requirements for ACC/FCW systems, FMCSA has worked with the American Trucking Associations' Technology and Maintenance Council to develop functional specifications and recommended practices for these systems. Functional specifications were completed in 2006 and are available on FMCSA's website <http://www.fmcsa.dot.gov/>. The specifications provide guidance on the pre-crash scenarios an FCW system should detect, detection distance, and human factors information and guidelines pertaining to operational use by drivers and fleets, as well as driver-vehicle interface requirements.

NTSB Recommendation H-01-008

Issued: May 25, 2001

Added to the Most Wanted List: 2007

NTSB recommends that NHTSA complete rulemaking on adaptive cruise control and collision warning system performance standards for new passenger vehicles. At a minimum, these standards should address obstacle detection, timing of alerts, and human factors guidelines, such as the mode and type of warning.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: As part of DOT's ITS Program, NHTSA, through a cooperative test program with General Motors and UMTRI as its industry partners, completed an FOT of an Advanced Collision Avoidance System. This system had a Forward Crash Warning (FCW) element and an Adaptive Cruise Control element for passenger cars. The results of the FOT were analyzed by an

independent evaluator. While the benefits data from the FOT were useful, NHTSA does not believe that it was of sufficient quality to pursue rulemaking at this time. However, notwithstanding this limitation, the agency is using the data. As part of its comprehensive review and proposed enhancements to its popular vehicle ratings program, the agency has suggested that it would encourage consumers to adopt FCW as a safety system. Under this proposal, manufacturers would have to meet certain specifications for detection distance, timing of alerts, and human factors information. Through this consumer information activity, NHTSA can encourage greater implementation of this technology to gain information necessary to pursue rulemaking. NHTSA is reviewing the comments to the proposal and expects to publish a response in 2008.

3. PIPELINE SAFETY

3.1 Pipeline Accidents and Incidents Caused by Human Fatigue

NTSB Recommendation P-99-12

Issued: June 1, 1999

Added to the Most Wanted List: 1999

NTSB recommends the Pipeline and Hazardous Materials Administration (PHMSA) establish within two years scientifically based hours-of-service regulations that set limits on hours of service, provide predictable work and rest schedules, and consider circadian rhythms and human sleep and rest requirements.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: PHMSA continues its assessment of human fatigue in pipeline operations in various research and standards efforts. PHMSA is researching the pipeline controller operating environment and procedures to develop tools that operators may use to assess various safety risks, including fatigue. PHMSA plans to complete this research in late 2008.

In 2007, PHMSA completed a report to Congress that identified shift length, schedule rotation, and education in fatigue mitigation strategies as fruitful areas for addressing fatigue. The Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (PIPES Act) requires PHMSA to establish regulations for each operator of a gas or hazardous liquid pipeline to develop and submit a plan to reduce pipeline system risk associated with human factors, including fatigue. PHMSA plans to issue a proposal to address this mandate in 2008.

4. RAILROAD SAFETY

4.1 Positive Train Control Systems

NTSB Recommendation R-01-6

Issued May 15, 2001

Added to the Most Wanted List: 2001

NTSB recommends that the Federal Railroad Administration (FRA) facilitate actions necessary for development and implementation of positive train control (PTC) systems including collision-avoidance components, and require implementation of positive train control systems on main line tracks, establishing priority requirements for high-risk corridors such as those where commuter and intercity passenger railroads operate.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: FRA is continuing to support national deployments of advanced signal and train control technology to improve the safety, security, and efficiency of freight, intercity passenger, and commuter rail service through regulatory reform, technology development, and financial assistance. PTC refers to technology capable of preventing train collisions, overspeed derailments, and casualties or injuries to roadway workers operating within their limits of authority. PTC systems vary widely in complexity and sophistication, based on the level of automation they implement and the degree of control they are capable of assuming. While PTC systems can be designed to operate independently, most of the developments focus on enhancing existing methods of rail operations. This technology has the potential to limit the consequences of events such as hijackings and runaways, which are of special concern in an era of heightened security.

- **Regulatory Development.** As a result of participation by railroads, rail labor, suppliers, and other agencies, including the NTSB, on March 7, 2005, FRA published the final rule, Standards for Development and Use of Processor-Based Signal and Train Control Systems (49 CFR parts 209, 234, and 236). These new risk-based performance regulations were first developed by a Railroad Safety Advisory Committee and support the introduction of innovative technology, including systems utilizing computers and radio data links, to accomplish PTC functions. In addition to supporting the advancement of PTC systems, these regulations also were crafted to facilitate the ever-growing use of processor-based equipment and functioning in otherwise conventional signal systems. Several clarifications and amendments to the rule were subsequently published in the Federal Register on December 5, 2005, and went into effect on January 4, 2006.

FRA technical staff is working closely with the various railroad personnel involved in each of the projects described below. To determine regulatory compliance, there have been, and will continue to be, extensive efforts by these FRA employees in the review and analysis of the technical data associated with

the railroads' safety cases submitted for these systems. These efforts include several meetings with the parties involved as well as extensive individual and group reviews of the material associated with the individual safety cases and supporting data. This also requires significant study to determine applicable regulations and their application to the task at hand. The commitment of FRA staff to this task, the high priority it has been given, and the associated time and effort expended, show FRA's commitment to facilitate these systems in the fastest, most effective, and safest manner possible.

- **Technology Development and Deployment.** There are 11 major PTC systems either operationally deployed, under testing, or in design in the United States, an increase of two systems from FRA's 2007 report.

Amtrak/ACSES. Amtrak has implemented the Advanced Civil Speed Enforcement System (ACSES) on the Northeast corridor between Boston and New Haven, Connecticut, and in high-speed territory south of New York City. ACSES supplements the existing cab signal/automatic train control system on the Northeast corridor, providing full PTC functionality in support of operations up to 150 mph.

Amtrak/ITCS. FRA joined Amtrak and the State of Michigan to install an Incremental Train Control System (ITCS) on Amtrak's Michigan line between Chicago and Detroit. Currently installed on over 45 miles of track in signaled territory between Niles and Kalamazoo, Michigan, this project includes high-speed highway-rail grade crossing starts using radio communication rather than track circuits. The health of the crossings is monitored through communication between the locomotives and the crossings, and appropriate speed restrictions are imposed and enforced by the system for various malfunctions. In revenue service for Amtrak since January 2002, the maximum train speed for passenger train operations in this territory has increased from 79 mph to 95 mph.

The onboard host processor for ITCS completed a successful technology refresh, increasing the processing capability to support future enhancements to the system. Amtrak has issued a contract for a technology refresh of the communications infrastructure to enhance system reliability. The ITCS software verification and validation to support operations up to 110 mph is complete and the results are undergoing independent technical review.

BNSF Railway/ETMS. The BNSF Railway Company (BNSF) Electronic Train Management System (ETMS-I) has received full regulatory approval for installation on 35 BNSF subdivisions. ETMS-I is currently installed on 130 miles of signaled and nonsignaled territory between Beardstown and Centralia, Illinois. ETMS-I, augmented with track integrity circuits, is beginning deployment on the BNSF Hettinger Subdivision from Terry, Montana, to Buffalo Springs, North Dakota, in lieu of installation of a Traffic Control System. BNSF is testing a slightly more sophisticated version of ETMS (ETMS II) on their Fort Worth Subdivision from Fort Worth to Gainesville, Texas, and the Red Rock Subdivision from Gainesville to Arkansas City, Kansas.

ETMS is an overlay-type communication-based system that enforces movement authority and speed restrictions for ETMS-equipped trains and proximity warnings of nearby equipped on-track equipment. This system works in conjunction with the existing methods of operation, including the currently installed signal and train control systems, to protect against the consequences of human error.

Alaska Railroad/CAS. The Alaska Railroad continues with Phase 3 of a State-wide multi year phased implementation of their communications-based train control system called the Collision Avoidance System (CAS). The onboard components of CAS have begun test and integration with the Computer Aided Dispatching (CAD) safety server. The CAD safety server ensures conflict resolution between trains and is expected to be completed in 2008. CAS is designed to enhance safety by enforcing movement authority, speed restrictions, and on-track equipment in real-time in a combination of Direct Traffic Control and signaled territory. Previous phases upgraded the required communications infrastructure and CAD system.

Union Pacific/VTMS. The Union Pacific Railroad Company (UP) has expanded the scope of their earlier Communications Train Control System from an overlay system to a fully vital system. Vital Train Management System (VTMS) provides the same functionality as the BNSF ETMS, but in a completely fail-safe manner that supports changes in UP's method of operation. Early releases of the VTMS software are undergoing factory testing with field testing planned on signaled territory between North Platte and Sheep Creek, Wyoming, and on nonsignaled territory from Spokane, Washington, to Eastport, Idaho. UP has received regulatory approval of their Rail Road Safety Program (RRSP). UP has also received approval of an Informational Filing to Test allowing them to begin testing prototype software. This basic VTMS system is similar to BNSF's ETMS, as it is being developed by the same manufacturer, WABTEC. FRA staff is working with UP and WABTEC on the changes required to modify ETMS to support UP requirements.

Norfolk Southern/OTC. The Norfolk Southern Railroad (NS) is developing their version of PTC called the Optimized Train Control (OTC) system. OTC will employ components of several advanced train control technologies, including PTC. Combining data communications, positioning systems, and onboard computers tied to the train's braking systems, this system will automatically enforce speed and operating limits to prevent collisions and other train accidents, provide improved visibility of network conditions, and promote more efficient operations. The proposed system design is similar to the BNSF ETMS and the UP VTMS, being built by WABTEC. NS has received regulatory approval of their Railroad Safety Program Plan.

METRA. The Chicago Metropolitan Rail Authority (METRA) has awarded a contract to WABTEC for the development of an ETMS-like system on their Rock Island Line in the Chicago suburbs. Undertaken as a result of several high-speed derailments resulting in significant injuries and fatalities, this system will employ a subset of ETMS technology to enforce civil speed restrictions. The system is in

the design phase. METRA and FRA technical personnel are coordinating an Informational Filing for prototype system testing. The primary objective of the initial phase of METRA's ETMS development program is to provide for speed enforcement without the need for integration with a CAD system, while still providing train separation and roadway worker protection. Future plans for the METRA ETMS system will include procurement, installation and integration with an electronic CAD system. Plans are for a late 2008/early 2009 system deployment on the Rock Island Line.

Ohio Central Railroad/Train Sentinel. The Ohio Central Railroad (OCR) has begun installation of the Train Sentinel System on their C&N Subdivision between Columbus and Newark, Ohio; a total distance of 34.4 miles. The office component of Train Sentinel is installed and operational. OCR has formally submitted both an Informational Filing to Test the onboard and wayside components, as well as a Railroad Safety Program Plan (RSPP) for regulatory approval. Train Sentinel is unique in that it is operational in both freight and passenger service outside the U.S. on the Panama Canal Railroad (PCRR) between Panama City and Balboa in the Republic of Panama. FRA engineers have conducted an onsite inspection of the PCRR Train Sentinel system, and are investigating the applicability of test results from the PCRR Train Sentinel installation to the proposed OCR installation to support the regulatory review process.

CSXT/CBTM. CSX Transportation (CSXT) has received approval of their RSPP, the first required step for system qualification under the final rule. CSXT has received approval of an Informational Filing to Test so they may continue testing in advance of approval of their expected Product Safety Plan. The approved CSXT test territory is on 126.6 miles of CSXT track between Spartanburg, South Carolina, and Augusta, Georgia, as well as an additional 138.6 miles, to include the Blue Ridge Subdivision between Erwin, Tennessee, and Spartanburg, South Carolina. The pilot includes all of the territory on two subdivisions (Spartanburg and McCormick) of the Florence Service Lane, and includes single main track, sidings, and branch lines. CSXT is currently reviewing plans to move Communications Based Train Management (CBTM) to a common ETMS-based platform in support of industry operability goals, and is reevaluating their proposed test territory in light of changes in traffic density on the currently identified test territory.

PATH/CBTM. The Port Authority of New York and New Jersey (PATH) has begun design of a CBTM system to provide PTC functionality to the Trans-Hudson River Commuter Rail Line running underground between New Jersey and New York City. Initial testing is anticipated in the 2008/2009 time frame.

North American Joint PTC. Field development of the North American Joint Positive Train Control (NAJPTC) Project in southern Illinois has been relocated to the Technology Transportation Center (TTC) test facility in Pueblo, Colorado. NAJPTC, a joint development effort of the Association of American Railroads, FRA, and the Illinois Department of Transportation to develop an interoperable industry standard vital office-centric high-speed (110 mph) passenger and freight

service, ran into unanticipated technical issues associated primarily with communications bandwidth. The new TTC test facility location will enable a more timely resolution of the underlying communications issues associated with the standards in a more controlled environment. Although system deployment has been deferred pending resolution of the technical issues, the development effort on the NAJPTC as an industry cooperative effort has accumulated valuable experience. This experience is reflected in the deployment of other PTC systems and their associated implementation technology, analysis, testing, and the developed safety cases.

- **Financial Assistance.** PTC systems are eligible for funding under the Railroad Rehabilitation and Improvement Financing Program. No railroads, however, have approached FRA for funding of PTC projects using this program.

4.2 Human Fatigue

NTSB Recommendation R-06-14

Issued July 20, 2006

Added to the Most Wanted List: 2007

NTSB recommends that FRA require railroads to use scientifically-based principles when assigning work schedules for train crewmembers, which consider factors that impact sleep needs, to reduce the effects of fatigue.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: FRA offered the following response to *R-06-14* and *R-06-15*. Both recommendations were added to the Most Wanted List in 2007. : These recommendations would involve FRA implementing requirements relating to fatigue. FRA lacks the statutory authority to adopt the requirements contemplated by either of these recommendations i.e., rulemaking authority over duty hours. This precludes FRA from making use of scientific learning on the issue of sleep-wake cycles and fatigue induced performance failures. FRA has statutory authority to prescribe regulations and issue orders for every area of railroad safety supplementing laws and regulations in effect on October 16, 1970.³ The hours of service law⁴ (HSL) was originally enacted in 1907, and was last amended as to train employees, employees engaged in or connected with the movement of a train, in 1969.⁵ FRA cannot alter the specific maximum on-duty periods and minimum off-duty periods provided in this section. Any requirement that the railroads use scientifically based principles in assigning work schedules to reduce the effects of fatigue would almost certainly require that they not comply with the periods established by the HSL, which are not based on science related to fatigue. Thus, such requirements are outside the scope of FRA's statutory authority, and FRA is unable to comply with Recommendation *R-06-14*. FRA is also constrained by a lack of statutory authority with regard to Recommendation *R-06-15*, because the HSL specifically states that time spent in deadhead

³ 49 U.S.C. § 20103(a).

⁴ 49 U.S.C. § 21101 et seq.

⁵ (See 49 U.S.C. § 21103)

transportation from a duty assignment to the place of final release is neither time on duty nor time off duty.⁶ FRA commonly refers to such time as limbo time. In addition, the United States Supreme Court has held that time spent awaiting deadhead transportation to the place of final release is of the same character as the time spent in the deadhead transportation itself, and is therefore neither time on duty nor time off duty.⁷ FRA lacks authority to adopt regulatory requirements related to these periods, which are provided under the HSL. FRA supports efforts to address the fatigue experienced by railroad operating employees, and acknowledges that the existing HSL is not designed to address the causes of fatigue. Also, any requirements that FRA might implement to address fatigue would, almost certainly result in conflict with the provisions of the HSL, therefore exceeding FRA's existing statutory authority.

After reviewing *R-06-14*, FRA responded as it had to a previous NTSB recommendation, *R-99-2*, that it lacks the statutory authority to adopt the requirements contemplated by either of these recommendations. FRA further acknowledged that the existing HSL law is not designed to address the causes of fatigue. NTSB indicated its willingness to work with FRA in seeking the statutory authority it needed from Congress.

NTSB provided testimony on this issue before the U.S. House of Representatives Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines, and Hazardous Materials, on January 30, 2007, February 13, 2007, March 16, 2007, and May 8, 2007, and to the U.S. Senate Committee on Commerce, Science, and Transportation's Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security, on May 22, 2007.

FRA has submitted a proposal to Congress that authority be given to the agency in its next reauthorization to revise railroad hours-of-service regulations, and Congressional legislation that will provide that authority is pending.

NTSB Recommendation R-06-15

Issued July 20, 2006

Added to the Most Wanted List: 2007

NTSB recommends that FRA establish requirements that limit train crewmember limbo time to address fatigue.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: See *R-06-14* above.

⁶ (See 49 U.S.C. § 21103(b) (4))

⁷ *Brotherhood of Locomotive Engineers vs. Atchison, Topeka and Santa Fe Railroad Company*, 516 U.S. 152, 116 S. Ct. 595 (1996).

5. CONCLUSIONS

This Report has presented the status of each recommendation to DOT made by the NTSB on its 2008 Most Wanted List. Improving safety is DOT's most important strategic goal and the Department is taking significant steps to reduce transportation-related fatalities and injuries despite increasing exposure to safety risk from demographics, globalization and economic activity. DOT gives all NTSB safety recommendations prompt attention and full consideration. DOT maintains good working relationships with NTSB through a network of liaison personnel and works to resolve the recommendations in a mutually satisfactory way.

The 2008 Most Wanted List contains 42 recommendations to DOT. Of these, 22 concern aviation safety, 16 are directed to highway safety, 1 to pipeline safety and 3 to railroad safety. Of the 42 recommendations, 19 are classified by NTSB as "Open Acceptable Response" while 23 are classified as "Open Unacceptable Response." New safety issues added in 2008 include airport runway crossings, aircraft arrival landing distance assessments, air traffic controller work-scheduling policies and practices, adaptive cruise control and collision warning system performance standards for new passenger and commercial vehicles, and work schedules that consider the effects of fatigue for railroad crew members.

APPENDIX: ACRONYMS

AC	Advisory Circular
ACSES	Advanced Civil Speed Enforcement System
AD	Airworthiness Directives
ARAC	Aviation Rulemaking Advisory Committee
CAS	Collision Avoidance System
CBTM	Communication Based Train Management
CDL	Commercial Driver's License
CFR	Code of Federal Regulations
CMV	Commercial Motor Vehicle
CSA 2010	Comprehensive Safety Analysis 2010
CSXT	CSX Transportation, Inc.
CVR	Cockpit Voice Recorder
DOT	Department of Transportation
DFDR	Digital Flight Data Recorder
FDR	Flight Data Recorder
FAA	Federal Aviation Administration
FFDCC	Aeronautics Future Flight Data Collection Committee
FMCSA	Federal Motor Carrier Safety Administration
FMCSR	Federal Motor Carrier Safety Regulations
FMVSS	Federal Motor Vehicle Safety Standard
FRMS	Fatigue Risk Management System
HFCC	Human Factors Coordinating Committee
HWG	Harmonization Working Group
ICAO	International Civil Aviation Organization
NASA	National Aeronautics and Space Administration
NHTSA	National Highway Traffic Safety Administration
NPRM	Notice of Proposed Rulemaking
NRCME	National Registry of Certified Medical Examiners
NTSB	National Transportation Safety Board
OTC	Optimized Train Control
PHMSA	Pipeline and Hazardous Materials Safety Administration
PSP	Product Safety Plan
PTC	Positive Train Control
RILS	Runway Intersection Lights
RSPP	Railroad Safety Program Plan
RWSL	Runway Status Light
SAFETEA-LU	The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SLD	Super Cooled Large Drop (conditions)
SNPRM	Supplemental Notice of Proposed Rulemaking

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Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAY 22 2007

Honorable Mary E. Peters
Secretary
U.S. Department of Transportation
400 Seventh Street, SW
Washington, D.C. 20590

Dear Secretary Peters:

Pursuant to section 1135(d) of title 49, United States Code, the National Transportation Safety Board is requested by Congress to review the report submitted by the Secretary of the Department of Transportation regarding the regulatory status of each recommendation made by the Board to the Secretary that is on the Safety Board's list of Most Wanted Transportation Safety Improvements. Additionally, the Board is requested to transmit comments on the Secretary's report within 90 days after it is received by Congress. Enclosed please find the Safety Board's comments.

If you have any additional questions or comments, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAY 22 2007

Honorable James L. Oberstar
Chairman
Transportation and Infrastructure Committee
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Oberstar:

Pursuant to section 1135(d) of title 49, United States Code, the National Transportation Safety Board is requested by Congress to review the report submitted by the Secretary of the Department of Transportation regarding the regulatory status of each recommendation made by the Board to the Secretary that is on the Safety Board's list of Most Wanted Transportation Safety Improvements. Additionally, the Board is requested to transmit comments on the Secretary's report within 90 days after it is received by Congress. Enclosed please find the Safety Board's comments.

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Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAY 22 2007

Honorable John L. Mica
Ranking Republican Member
Transportation and Infrastructure Committee
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Mica:

Pursuant to section 1135(d) of title 49, United States Code, the National Transportation Safety Board is requested by Congress to review the report submitted by the Secretary of the Department of Transportation regarding the regulatory status of each recommendation made by the Board to the Secretary that is on the Safety Board's list of Most Wanted Transportation Safety Improvements. Additionally, the Board is requested to transmit comments on the Secretary's report within 90 days after it is received by Congress. Enclosed please find the Safety Board's comments.

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Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAY 22 2007

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

Dear Chairman Costello:

Pursuant to section 1135(d) of title 49, United States Code, the National Transportation Safety Board is requested by Congress to review the report submitted by the Secretary of the Department of Transportation regarding the regulatory status of each recommendation made by the Board to the Secretary that is on the Safety Board's list of Most Wanted Transportation Safety Improvements. Additionally, the Board is requested to transmit comments on the Secretary's report within 90 days after it is received by Congress. Enclosed please find the Safety Board's comments.

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Mark V. Rosenker
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAY 22 2007

Honorable Thomas Petri
Ranking Republican Member
Aviation Subcommittee
Transportation and Infrastructure Committee
U.S. House of Representatives
2251 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Petri:

Pursuant to section 1135(d) of title 49, United States Code, the National Transportation Safety Board is requested by Congress to review the report submitted by the Secretary of the Department of Transportation regarding the regulatory status of each recommendation made by the Board to the Secretary that is on the Safety Board's list of Most Wanted Transportation Safety Improvements. Additionally, the Board is requested to transmit comments on the Secretary's report within 90 days after it is received by Congress. Enclosed please find the Safety Board's comments.

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Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAY 22 2007

Honorable Daniel K. Inouye
Chairman
Commerce, Science and Transportation Committee
U.S. Senate
254 Russell Senate Office Building
Washington, D.C. 20510

Dear Chairman Inouye:

Pursuant to section 1135(d) of title 49, United States Code, the National Transportation Safety Board is requested by Congress to review the report submitted by the Secretary of the Department of Transportation regarding the regulatory status of each recommendation made by the Board to the Secretary that is on the Safety Board's list of Most Wanted Transportation Safety Improvements. Additionally, the Board is requested to transmit comments on the Secretary's report within 90 days after it is received by Congress. Enclosed please find the Safety Board's comments.

If you have any additional questions or comments, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

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Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAY 22 2007

Honorable Ted Stevens
Co-Chairman
Commerce, Science and Transportation Committee
U.S. Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Co-Chairman Stevens:

Pursuant to section 1135(d) of title 49, United States Code, the National Transportation Safety Board is requested by Congress to review the report submitted by the Secretary of the Department of Transportation regarding the regulatory status of each recommendation made by the Board to the Secretary that is on the Safety Board's list of Most Wanted Transportation Safety Improvements. Additionally, the Board is requested to transmit comments on the Secretary's report within 90 days after it is received by Congress. Enclosed please find the Safety Board's comments.

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Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAY 22 2007

Honorable John D. Rockefeller, IV
Chairman
Aviation Operations, Safety, and Security Subcommittee
Commerce, Science and Transportation Committee
U.S. Senate
516 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Rockefeller:

Pursuant to section 1135(d) of title 49, United States Code, the National Transportation Safety Board is requested by Congress to review the report submitted by the Secretary of the Department of Transportation regarding the regulatory status of each recommendation made by the Board to the Secretary that is on the Safety Board's list of Most Wanted Transportation Safety Improvements. Additionally, the Board is requested to transmit comments on the Secretary's report within 90 days after it is received by Congress. Enclosed please find the Safety Board's comments.

If you have any additional questions or comments, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

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Mark V. Rosenker
Chairman

Enclosure





Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

MAY 22 2007

Honorable Trent Lott
Ranking Republican Member
Aviation Operations, Safety, and Security Subcommittee
Commerce, Science and Transportation Committee
U.S. Senate
427 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Lott:

Pursuant to section 1135(d) of title 49, United States Code, the National Transportation Safety Board is requested by Congress to review the report submitted by the Secretary of the Department of Transportation regarding the regulatory status of each recommendation made by the Board to the Secretary that is on the Safety Board's list of Most Wanted Transportation Safety Improvements. Additionally, the Board is requested to transmit comments on the Secretary's report within 90 days after it is received by Congress. Enclosed please find the Safety Board's comments.

If you have any additional questions or comments, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

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Mark V. Rosenker
Chairman

Enclosure





National Transportation Safety Board

Evaluation of

The Department of Transportation

2007 Annual Report to Congress

On the Regulatory Status of

Each Recommendation on the

National Transportation Safety Board

Most Wanted List

May 2007

EXECUTIVE SUMMARY

This Report is a review by the National Transportation Safety Board (NTSB) of the Report submitted in February 2007 to Congress by the Secretary of the Department of Transportation entitled *U.S. Department of Transportation's 2007 Annual Report to Congress and the National Transportation Safety Board (NTSB) on the Regulatory Status of Each Safety Recommendation on the NTSB Most Wanted List*.

This Report by the NTSB was requested in the NTSB Reauthorization Act of 2006, S.3679, as reported; this is the first year that this Report is being submitted.

The format of this document is as follows: For each recommendation, the information that the DOT reported to Congress is first provided (DOT Report) in italics followed by the Safety Board's evaluation of that report (NTSB Evaluation).

1. AVIATION SAFETY

1.1 Dangers to Aircraft Flying in Icing Conditions

DOT Report

NTSB Recommendation A-96-54

Issued: August 15, 1996

Added to the Most Wanted List: 1997

NTSB recommends FAA revise the icing criteria published in 14 CFR parts 23 and 25, in light of both recent research into aircraft ice accretion under varying conditions of liquid water content, drop size distribution, and temperature, and recent developments in both the design and use of aircraft. Also, expand the Appendix C icing certification envelope to include freezing drizzle/freezing rain and mixed water/ice crystal conditions, as necessary.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: In December 2005, the Aviation Rulemaking Advisory Committee's (ARAC) Ice Protection Harmonization Working Group (HWG) with the support of Flight Test HWG, the Powerplant Installation HWG, and the Engine HWG completed their final report on recommended rulemaking and advisory material related to supercooled large drop (SLD) conditions and ice crystal/mixed phase conditions. The report included recommendations for a new appendix to 14 CFR part 25, defining an SLD environment and a new 14 CFR part 33 Appendix D to address ice crystal/mixed phase conditions. Included in the report are also recommendations addressing 14 CFR part 25 aircraft performance and handling qualities, engine installation effects, ice protection system requirements, and 14 CFR part 33 engine requirements. ARAC approved the report and sent it to the FAA in March 2006. FAA is currently performing an economic analysis of the proposal in the report.

ARAC has also completed much of the work required for a part 23 SLD rule and FAA has initiated a study to compile data for the economic analysis. FAA believes the part 23 SLD rule language can be harmonized with the part 25 language and that the proposed Appendix to 14 CFR part 25 that defines an SLD environment can be used for part 23 certification, just as Appendix C to 14 CFR part 25 is used today.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Last letter from the FAA: 10/26/05

- Discussed in NTSB Aircraft Accident Report: *Crash During Approach to Landing, Circuit City Stores, Inc., Cessna Citation 560, N500AT, Pueblo, Colorado, February 16, 2005*, issued 1/23/07

Concerns:

Although the work of the ARAC's HWGs is responsive to this recommendation, it is proceeding at an unacceptably slow pace. Between this report to Congress, the FAA's previous letter to the Safety Board dated October 26, 2005, and the FAA's letter before that, dated September 15, 2003, there appears to have been little progress. This recommendation is 10 1/2 years old, and the FAA has not yet finished the regulatory analyses, issued the NPRM, analyzed comments, or completed the many other tasks involved in issuing new regulations. The Safety Board has previously advised the FAA that the pace of progress on this recommendation is not acceptable. The Board continues to investigate accidents where icing was a consideration.

Actions Pending:

Revise the icing criteria used in aircraft certification to include freezing drizzle/freezing rain and mixed water/ice crystal conditions.

DOT Report

NTSB Recommendation A-96-56

Issued: August 15, 1996

Added to the Most Wanted List: 1997

NTSB recommends that FAA revise the icing certification testing regulation to ensure that airplanes are properly tested for all conditions in which they are authorized to operate, or are otherwise shown to be capable of safe flight into such conditions. If safe operations cannot be demonstrated by the manufacturer, operational limitations should be imposed to prohibit flight in such conditions and flightcrews should be provided with the means to positively determine when they are in icing conditions that exceed the limits for aircraft certification.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: *FAA has identified multiple rulemakings and interim actions fully to address this recommendation. The rulemakings are listed below:*

- **Part 25 Performance and Handling in Icing.** *FAA is continuing its efforts to revise the 14 CFR part 25 requirements and related advisory material. This change will introduce new requirements for evaluating airplane performance and handling characteristics of transport-category airplanes for flight in the icing conditions of 14 CFR part 25, Appendix C.*

The Notice of Proposed Rulemaking (NPRM) and accompanying advisory circular (AC) were published in the Federal Register on November 4, 2005. NTSB reviewed the NPRM and found it to be responsive to this recommendation. FAA expects to issue the final rule and AC by June 2007.

- **Part 25 Expansion of Certification Icing Conditions.** As noted in our response to recommendation A-96-54, in December 2005, the Aviation Rulemaking Advisory Committee's (ARAC) Ice Protection Harmonization Working Group (HWG) with the support of Flight Test HWG, the Powerplant Installation HWG, and the Engine HWG, completed their final report on recommended rulemaking and advisory material related to supercooled large drop (SLD) conditions and ice crystal/mixed phase conditions. The report included recommendations for a new appendix to 14 CFR part 25, defining an SLD environment and a new 14 CFR part 33 Appendix D to address ice crystal/mixed phase conditions. Included in the report are also recommendations addressing 14 CFR part 25 aircraft performance and handling qualities; engine installation effects, ice protection system requirements, and 14 CFR part 33 engine requirements. ARAC approved the report and sent it to FAA in March 2006. FAA is currently performing an economic analysis of the proposal in the report.

ARAC has also completed much of the work required for a part 23 SLD rule and FAA has initiated a study to compile data for the economic analysis. FAA believes the part 23 SLD rule language can be harmonized with the part 25 language and that the proposed Appendix to 14 CFR part 25 that defines an SLD environment can be used for part 23 certification, just as Appendix C to 14 CFR part 25 is used today.

- **Part 121 Exiting Icing.** FAA took the following actions to ensure timely activation of the ice protection system on airplanes similar to the EMB-120. 1. On October 1, 1998 – FAA wrote to manufacturers of turbopropeller-powered aircraft seeking information about aircraft operations with ice accretion on protected surfaces. FAA also gathered information at an FAA-sponsored conference in February 1999. FAA evaluated the data and decided the following:
 - a. Activation of the deicing boots at the first sign of ice accretions anywhere on the aircraft should be mandated through airworthiness directives (ADs).
 - b. Deicing boots should be cycled in the automatic mode, if available, or operated manually to minimize the ice accretions on the airframe.
- 2. November 1999 through May 2000 – FAA issued over 25 ADs for 14 CFR parts 23 and 25 airplanes requiring:
 - a. Activation of the deicing boots at the first sign of ice accretions anywhere on the aircraft.
 - b. Cycling the boots in the automatic mode, if available, or manually operating to minimize the ice accretions on the airframe.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Last letter from the FAA: 10/26/05

Concerns:

The three rulemaking projects the FAA described are responsive to this recommendation, but the interminable delays are not acceptable. The planned date of June 2007 for issuance of the final rule and AC for Part 25 requirements related to performance and handling in icing conditions is welcome news of which the Board was not previously aware. More than 10 years after this recommendation was issued, the FAA finally received recommendations from the HWG, and to date the required regulatory analysis has not been completed, nor has an NPRM been prepared. In January 2003, the ARAC proposed revisions to Part 121 for activation of the ice protection system and exiting icing conditions. The FAA did not act on these ARAC recommendations due to other higher priority rulemaking projects, and its current response to the Congress does not discuss any planned action in this regard. The FAA has taken no action on Part 121 regulations regarding when to exit icing conditions, and when to activate de-icing and anti-icing systems since 2000. The Safety Board continues to investigate icing accidents and incidents where activation of these systems, and exiting the icing conditions were factors in the accident.

Actions Pending:

1. Issue final rule and AC related to Part 25 Requirements for Performance and Handling in Icing
2. Expand Part 25 icing certification conditions to include super cooled large droplets
3. Revise Part 121 requirements concerning when to activate anti-icing and de-icing systems, and when to exit icing conditions

DOT Report

NTSB Recommendation A-98-92

Issued: November 30, 1998

Added to the Most Wanted List: 2003

NTSB recommends that FAA with the National Aeronautics and Space Administration (NASA) and other interested aviation organizations, conduct additional research to identify realistic ice accumulations, to include intercycle and residual ice accumulations and ice accumulations on unprotected surfaces aft of the deicing boots, and to determine the effects and criticality of such ice accumulations; further, the information developed through such research should be incorporated into aircraft certification requirements and pilot training programs at all levels.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: *FAA has completed a revision to advisory circular (AC) 20-73, which includes certification guidance relative to the effects and criticality of deicing boot inter cycle and residual ice accumulations on unprotected surfaces aft of protected surfaces. The AC was published on August 16, 2006.*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Last letter from the FAA:10/26/05
- Discussed in NTSB Aircraft Accident Report: *Crash During Approach to Landing, Circuit City Stores, Inc., Cessna Citation 560, N500AT, Pueblo, Colorado, February 16, 2005*, issued 1/23/07
- AC 20-73 issued 8/16/06

Concerns:

On September 21, 2001, the FAA indicated to the Safety Board that a working group co-chaired by the FAA and NASA produced a report in September 2000 titled, *Report of the 12A Working Group on Determination of Critical Ice Shapes for the Certification of Aircraft*. The report concluded that sufficient information and methods were not available at that time to provide additional guidance concerning the determination of critical ice shapes in aircraft certification. The FAA indicated in 2001 that it was sponsoring the additional research that was needed, as recommended in Safety Recommendation A-98-92. In its October 26, 2005, letter, the FAA referenced tests performed during December 1999 and March 2000, but does not mention any additional research or testing conducted after the FAA's September 2001 letter. In its 2005 annual report to the Congress on activities in response to recommendations on the Safety Board's List of Most Wanted Safety Improvements, the FAA indicated that sufficient information and methods were *not* available to provide the needed guidance concerning the determination of critical ice shapes in certification, and that the FAA-sponsored additional research that had been completed.

The Safety Board's review of AC 20-73 did not find any references to material based on testing done after 2000. On May 10, 2006, the Board asked the FAA to clarify this situation. As recently as February 2005, in its report to Congress, the FAA indicated that additional research had been conducted and completed, and that these research results would be included in new guidance. If AC 20-73 does not use any research results generated since 2000, why did the FAA delay for 6 years in issuing this needed guidance? If the AC contains information based on tests done after 2000, the Safety Board has not been able to find this updated information and asked the FAA to describe where this information can be found in the AC.

Actions Pending:

Describe where AC 20-73, issued 8/16/06, contains results of research conducted after 2000, or why the FAA did not believe these research results were relevant or necessary.

DOT Report

NTSB Recommendation A-98-100

Issued: November 30, 1998

Added to the Most Wanted List: 1999

NTSB recommends, when the revised icing certification standards and criteria are complete, FAA review the icing certification of all turbopropeller-driven airplanes that are currently certificated for operation in icing conditions and perform additional testing

and take action as required to ensure that these airplanes fulfill the requirements of the revised icing certification standards.

Status: Open Unacceptable Response

DOT Regulatory Status: FAA has incorporated several changes in response to this recommendation. After the Roselawn accident, FAA took the following actions related to aileron hinge moment reversals on airplanes similar to the ATR-72.

1. In March 1995 - FAA began an investigation that addressed 14 CFR parts 23 and 25 airplanes used in regularly scheduled revenue passenger service in the United States equipped with pneumatic deicing boots and unpowered ailerons. All airplanes were found to have acceptable roll control forces should a ridge of ice form aft of deicing boots and forward of the ailerons.

2. April 24, 1996 through February 6, 1998 - FAA issued over 40 airworthiness directives (ADs) for part 23 and 25 airplanes equipped with pneumatic deicing boots and unpowered ailerons. The ADs provide the flight crew with visual cues to determine when the airplane has encountered severe icing conditions that exceed the capabilities of the airplane's ice protection equipment. The ADs also require the flight crew to exit the severe icing conditions.

3. On July 23, 1997, FAA issued a memorandum to all Aircraft Certification Offices requiring an evaluation of newly designed or derivative part 23 and 25 aircraft with unpowered ailerons and pneumatic deicing boots. The evaluation addressed roll control anomalies in certain supercooled liquid droplet conditions. The memorandum documents the known unsafe condition addressed by the ADs issued in 1996 and 1998. The evaluation requirements are similar to those used during the roll control evaluation that began in March 1995. The flight crew information required by the memorandum is similar to that contained in the ADs issued in 1996 and 1998.

4. In July 2004, FAA incorporated the information from the July 1997 memorandum and generic issue paper into AC 23.1419-C. To ensure timely activation of the ice protection system on airplanes similar to the EMB-120, the FAA took the following actions:

1. October 1, 1998 - FAA wrote to manufacturers of turbo propeller-powered aircraft seeking information about aircraft operations with ice accretions on the protected surfaces. The FAA also gathered information at a FAA-sponsored conference in February 1999. The FAA evaluated the data and decided the following:

a. Activation of the deicing boots at the first sign of ice accretions anywhere on the aircraft should be mandated through ADs.

b. Deicing boots should be cycled in the automatic mode, if available, or operated manually to minimize the ice accretions on the airframe.

2. November 1999 through May 2000 - FAA issued over 25 ADs for 14 CFR parts 23 and 25 airplanes requiring:

a. Activation of the deicing boots at the first sign of ice accretions anywhere on the aircraft.

b. Cycling the boots in the automatic mode, if available, or manually operating to minimize the ice accretions on the airframe.

In addition, after a general review of icing accidents and incidents FAA began a rulemaking project to amend the 14 CFR part 121 operating rules to improve the safety established by the ADs. The proposed part 121 rules will improve ice protection activation means and require less subjective means of determining when the flightcrew should exit icing conditions.

NTSB Evaluation

Recommendation status: Closed—Unacceptable Action/Superseded

This recommendation received this classification after the FAA prepared its report to Congress.

During the Board's 1/23/07 meeting on *Crash During Approach to Landing, Circuit City Stores, Inc., Cessna Citation 560, N500AT, Pueblo, Colorado, February 16, 2005*, the Board superseded A-98-100 with A-07-16, shown below. A-07-16 replaces A-98-100 on the Most Wanted List.

DOT Report

NTSB Recommendation A-07-16

Issued: February 27, 2007

Added to the Most Wanted List: 2007

The National Transportation Safety Board recommends that the Federal Aviation Administration: When the revised icing certification standards (recommended in Safety Recommendations A-96-54 and A-98-92) and criteria are complete, review the icing certification of pneumatic deice boot-equipped airplanes that are currently certificated for operation in icing conditions and perform additional testing and take action as required to ensure that these airplanes fulfill the requirements of the revised icing certification standards.

Status: Open Unacceptable Response

DOT Regulatory Status: *The Safety Board has not yet received a response to this recently issued recommendation.*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- The FAA has not yet responded

Concerns:

Although the FAA has not yet responded to this recommendation, it is very similar to A-98-100. Our concerns are based on the FAA's October 26, 2005 letter on A-98-100. Prior to the October 26, 2005, letter the FAA had said that it needed to complete revisions to the icing certification standards and advisory material before it could act on A-98-100. In the October 26, 2005 letter the FAA stated that the icing certification regulations and

advisory material were now sufficiently defined, and that no unsafe conditions exist to warrant actions beyond those that it had already completed or was in the process of completing. The Safety Board agrees that suitable information is now available to determine whether additional action is required for any airplanes currently certificated and in-service. The Board does not agree, however, that the FAA has applied the new information to all pneumatic deice boot-equipped airplanes that are currently certificated for operation in icing conditions. The Board is concerned that the FAA has reached its conclusion that there are no airplanes for which an unsafe condition exists based on the absence of accidents or serious incidents. During the 1990s, there were a number of accidents involving airplanes that had passed the certification standards and for which the FAA believed there was no unsafe condition requiring action. Lessons learned from these accidents generated new information that the FAA can now use. Before another accident or serious incident occurs, the FAA should evaluate all pneumatic deice boot-equipped airplanes that are currently in service and certificated for operation in icing conditions using the new information available, such as critical ice shapes and stall warning margins in icing conditions.

Actions Pending:

Formally evaluate (perhaps by conducting flight tests) all pneumatic deice boot-equipped airplanes that are currently certificated for operation in icing conditions to ensure that these aircraft comply with all current icing certification criteria for new aircraft, and or compliance with the revised standards being developed. The Safety Board would like to examine a list of those aircraft that the FAA has formally evaluated and a summary of the findings and resultant actions.

1.2 Flammable Fuel/Air Vapors in Transport Aircraft Fuel Tanks

DOT Report

NTSB Recommendation A-96-174

Issued: December 13, 1996

Added to the Most Wanted List: 2002

NTSB recommends the FAA require the development of and implementation of design or operational changes that will preclude the operation of transport-category airplanes with explosive fuel-air mixtures in the fuel tank. Significant consideration should be given to the development of airplane design modifications, such as nitrogen-inerting systems and the modifications should apply to newly certificated airplanes and, where feasible, to existing airplanes.

Status: Open Acceptable Response

DOT Regulatory Status: *FAA has aggressively pursued research in cooperation with industry that has led to the development of a practical nitrogen inerting-based fuel tank flammability reduction means. This system can significantly reduce the flammability exposure of high-risk fuel tanks. Boeing designed an inerting-based flammability reduction means for the Boeing 747 high-risk fuel tanks based on the results of FAA research. FAA approved the Boeing design on the 747 airplane in August 2005, and then Boeing delivered the first production 747 airplane equipped with the flammability reduction means. Boeing delivered the first 737 equipped with a flammability reduction means on December 8, 2005 to Southwest Airlines. The next aircraft to have the flammability reduction means is the 777. FAA firmly believes that inerting-based flammability reduction means, together with additional ignition prevention measures required as a result of SFAR 88, provide a balanced approach to fuel tank safety that will greatly reduce the risk of fuel tank explosions.*

FAA published an NPRM on November 23, 2005 that proposed new rules that would require operators and manufacturers of transport-category airplanes to take steps that, in combination with other required actions, should greatly reduce the chances of a catastrophic fuel-tank explosion. The comment period closed on May 8, 2006. FAA received comments from 84 commenters and is in the process of reviewing them. FAA plans to issue the final rule by the end of 2007.

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- Last FAA letter to Safety Board: May 17, 2000
- NPRM to require inerting system: November 23, 2005
(Comments on NPRM closed May 8, 2006)
- FAA has committed to issuing final rule before end of 2007

Concerns:

Although it has been over 10 years since this recommendation was issued, the FAA has made commendable progress in the last few years. When this recommendation was first issued, the FAA commissioned an ARAC to evaluate design modifications, such as inerting, that would satisfy this recommendation. In July 1998 the ARAC concluded that inerting would achieve this goal, but at a cost of over \$20 billion. The ARAC also concluded that inerting systems would be very difficult to retrofit into existing airplanes and recommended that the FAA continue to investigate a more cost-effective approach to reducing explosive vapors. A 2001 followup study also concluded that the benefit of inerting could not be reasonably balanced by its cost. In May 2002, in contrast to the ARAC's reports, the FAA developed a prototype inerting system that required no moving parts, weighed less than 200 pounds, and could be retrofitted into existing airplanes at a fraction of the industry-estimated cost. The system has been flight tested by the FAA, NASA, Boeing, and Airbus, and the results indicate that fuel tank inerting is both practical and effective.

The Safety Board commends the FAA for developing and demonstrating this system which is a major advancement in air safety. However, the Board is concerned that the FAA currently intends to use this system only for some, not all, fuel tanks on an aircraft, and not on cargo aircraft. This is a reduction in scope from what the Board recommended.

Actions Pending:

Complete rulemaking to preclude the operation of transport-category airplanes with flammable fuel/air vapors in the fuel tank on all aircraft.

1.3 Runway Incursions/Ground Collisions of Aircraft

DOT Report

NTSB Recommendation A-00-66

Issued: July 6, 2000

Added to the Most Wanted List: 2001

NTSB recommends FAA 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, in fact, prevent incursions.

Status: Open Acceptable Response

DOT Regulatory Status: In 2005, FAA conducted a study to determine if a direct warning capability to flightcrews could be developed by implementing a set of technologies that would create a layered safety net for the prevention of runway incursions. The technologies included the Airport Surface Detection Equipment, Airport Movement Area Safety System safety logic, and the on-going research initiatives such as Runway Status Lights, Arrival Occupancy Lights, Runway Guard Lights, Enhanced Surface Markings and Modified Taxiway Lead-On Lights. A solution set with three technology levels was proposed, and a human-in-the loop simulation was conducted in May 2005 to assess the effectiveness of the solution set. Thirty-six commercial and general aviation pilots participated in the simulation which involved 15 scenarios consisting of different incursion situations and aircraft movement states. The final report was issued September 2005. The findings from the simulation showed that significant runway safety risk reduction is achievable with the integration of the candidate technologies.

Additionally, FAA successfully completed initial field tests of a Runway Status Lights (RWSL) system at the Dallas/Fort Worth International Airport. Initial test results are promising and additional tests to determine the extent to which this technology can be beneficially applied throughout the National Airspace System are being pursued.

The MITRE/CAASD ground-based direct warning system simulation report was completed in November 2006, and the System Architecture document for a Direct Pilot Warning System will be completed in early 2007. The results of the simulation showed that the RWSL has been effective in reducing runway safety incidents during take-off, runway crossing and entrance. The RWSL is in the Investment Analysis phase of the FAA approval process for system acquisition. Meanwhile, MITRE/CAASD has begun the concept development for operational requirements of an initial flight deck direct warning capability.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Although the Department of Transportation reported this recommendation being classified as Open—Acceptable Response, the Safety Board classified it as Open—Unacceptable Response on November 9, 2004

Most recent correspondence and other significant dates:

- Last letter from FAA: November 4, 2005
- FAA briefed Safety Board on January 10, 2007 about work in response to this recommendation, including developing a system offering "Direct Flight Deck Warning of Runway"

Concerns:

The Safety Board has been favorably impressed by demonstrations of the technologies recently developed and tested. Although the Board has been encouraged by the progress, it has been 7 years since this recommendation was issued yet it has been only in the past two years that the FAA has started evaluating technologies that are responsive to the recommendation.

Actions Pending:

Develop and fund plans for fielding technologies that provide direct cockpit warnings of potential runway incursions, such as RWSL.

1.4 Audio, Data and Video Recorders

DOT Report

NTSB Recommendation A-99-16

Issued: March 9, 1999

Added to the Most Wanted List: 1999

NTSB recommends FAA require retrofit after January 1, 2005, of all cockpit voice recorders (CVRs) on all airplanes required to carry both a CVR and an FDR with a CVR that (a) meets Technical Standard Order (TSO) C123a, (b) is capable of recording the last 2 hours of audio, and (c) is fitted with an independent power source that is located with the digital CVR and that automatically engages and provides 10 minutes of operation whenever aircraft power to the recorder ceases, either by normal shutdown or by a loss of power to the bus.

Status: Open Unacceptable Response

DOT Regulatory Status: *FAA addressed this recommendation in a NPRM that was published in the Federal Register on February 28, 2005. The NPRM proposed changes to the CVR and DFDR systems to improve the quality and quantity of information recorded and to increase the potential for retaining important information needed during accident and incident investigations. The comment period closed on June 28, 2005. FAA is drafting the final rule and the anticipated publication date is July 2007.*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Last FAA letter to Safety Board: 4/16/2001
- FAA published NPRM: 2/28/2005
- Safety Board comments on NPRM: 4/29/2005

Concerns:

The Board stated that the NPRM contains positive actions that are responsive to this recommendation. The Safety Board applauds the FAA's NPRM, which proposes to require that all CVRs record a minimum of 2 hours of audio information. The Board also endorses the timeline in the NPRM that requires all newly manufactured aircraft to be equipped with a 2-hour CVR within 2 years of the rule date, and a 4-year phase-in to retrofit the existing fleet. The NPRM also proposes a requirement for the installation of a 10-minute independent power source for the CVR that will engage when electrical power to the CVR is lost. However, this requirement will apply only to newly manufactured aircraft. The Board believes that a 4-year retrofit similar to that being considered for the 30-minute-to-2-hour CVR conversion should also be applied to the recorder independent power supply (RIPS) requirement. The Board believes that the benefits gained from a CVR independent power supply vastly outweigh the additional cost.

Actions Pending:

In addition to adopting the 2-hour CVR requirement in the NPRM, require the retrofit of existing aircraft CVR systems with RIPS.

DOT Report

NTSB Recommendation A-99-17

Issued: March 9, 1999

Added to the Most Wanted List: 1999

NTSB recommends FAA require all aircraft manufactured after January 1, 2003, that must carry both a cockpit voice recorder (CVR) and a digital flight data recorder (DFDR) to be equipped with two combination (CVR/DFDR) recording systems. One system should be located as close to the cockpit as practicable and the other as far aft as practicable. Both recording systems should be capable of recording all mandatory data parameters covering the previous 25 hours of operation and all cockpit audio including controller-pilot data link messages for the previous 2 hours of operation. The system, located near the cockpit, should be provided with an independent power source that is located with the combination recorder, and that automatically engages and provides 10 minutes of operation whenever normal aircraft power ceases, either by normal shutdown or by a loss of power to the bus. The aft system should be powered by the bus that provides the maximum reliability for operation without jeopardizing service to essential or emergency loads, whereas the system near the cockpit should be powered by the bus that provides the second highest reliability for operation without jeopardizing service to essential or emergency loads.

Status: Open Unacceptable Response

DOT Regulatory Status: *FAA addressed this recommendation in an NPRM that was published in the Federal Register on February 28, 2005. The NPRM proposed changes to the CVR and DFDR systems to improve the quality and quantity of information recorded and increase the potential for retaining important information needed during accident and incident investigations. While FAA is not requiring two CVR/DFDR systems as the NTSB recommended, FAA believes that its approach effectively addresses the safety issue. The comment period closed on June 28, 2005. FAA is drafting the final rule and the anticipated publication date is July 2007.*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Last FAA letter to Safety Board: 4/16/2001
- FAA published NPRM: 2/28/2005
- Safety Board comments on NPRM: 4/29/2005

Concerns:

The Safety Board takes exception to the FAA's NPRM, which states that, "After a careful analysis of the benefits of having two systems, the FAA is unable to justify the excessive

cost that would be incurred in the installation of two complete systems.” The intent of this recommendation was to have two redundant recorders-not to require two flight data acquisition units and two sets of cockpit microphones. The Board believes that the FAA’s cost estimates are unnecessarily inflated. The Board also disagrees with the NPRM that “in the case of an accident so catastrophic that neither recorder survives [meaning the currently required, aft-mounted recorders], a second set of recorders located in the front of the aircraft would probably not survive either.” In fact, the Safety Board’s analysis shows there are a number of catastrophic accidents that could have resulted in a forward-mounted recorder surviving and the aft-mounted recorder being lost to fire or impact.

Actions Pending:

Require dual combination recorders (FDR/CVR) in the front and back of the aircraft.

DOT Report

NTSB Recommendation A-99-18

Issued: March 9, 1999

Added to the Most Wanted List: 1999

NTSB recommends FAA amend Title 14 CFR parts 25.1457 (cockpit voice recorders) and 25.1459 (flight data recorders) to require that CVRs, FDRs, and redundant combination flight recorders be powered from separate generator buses with the highest reliability.

Status: Open Unacceptable Response

DOT Regulatory Status: *FAA addressed this recommendation in an NPRM that was published in the Federal Register on February 28, 2005. The NPRM proposed changes to the CVR and DFDR systems to improve the quality and quantity of information recorded and to increase the potential for retaining important information needed during accident and incident investigations. The comment period closed on June 28, 2005. FAA is drafting the final rule and the anticipated publication date is July 2007.*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Last FAA letter to Safety Board: 4/16/2001
- FAA published NPRM: 2/28/2005
- Safety Board comments on NPRM: 4/29/2005

Concerns:

The NPRM is consistent with the Board’s recommendation that the FDR and CVR be on separate generator busses with the highest reliable power so that any single electrical failure does not disable both. However, the proposed change applies only to newly manufactured aircraft, even though the recommendation was aimed at existing aircraft as

well. The Board believes that any retrofit requirement will have minimal economic impact.

Actions Pending:

Require that CVRs, FDRs, and redundant combination flight recorders for both existing and newly manufactured aircraft be powered from separate generator buses with the highest reliability so that any single electrical failure does not disable both.

DOT Report

NTSB Recommendation A-99-28

Issued: April 16, 1999

Added to the Most Wanted List: 1999

NTSB recommends FAA require that each 737 airplane operated under 14 CFR parts 121 or 125 that currently has a flight data acquisition unit be equipped, by July 1, 2000, with a flight data recorder system that records, at a minimum, the parameters required by FAA Final Rule 121.344, 125.226 dated July 17, 1997, applicable to that airplane plus the following parameters: pitch trim, trailing edge flaps, leading edge flaps, thrust reverser position (each engine), yaw damper command, yaw damper on/off discrete, standby rudder on/off discrete, and control wheel, control column, and rudder pedal forces (with yaw damper command, yaw damper on/off discrete, and control wheel, control column, and rudder pedal forces sampled at a minimum rate of twice-per-second).

Status: Open Unacceptable Response

DOT Regulatory Status: On September 5, 2006, FAA published a supplemental notice of proposed rulemaking (SNPRM) revising a previously published proposal to increase the number of digital flight data recorder parameters required for all Boeing 737 series airplanes. Based on safety recommendations from NTSB following the investigations of two accidents and other incidents involving 737s, FAA proposed the addition of flight recorder equipment to monitor the rudder system on 737s. Since that time, FAA has mandated significant changes to the rudder system on these airplanes. Accordingly, this new proposed rule would apply to a different set of airplanes than originally anticipated. Through the SNPRM, FAA requested comments on this change in applicability and requested updated economic information regarding installation of the proposed monitoring equipment. The comment period for the SNPRM closed December 4, 2006 and FAA is reviewing the comments.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Most recent FAA letter: 11/19/2001
- SNPRM on number of data parameters on 737 FDRs: 9/5/2006
- Safety Board comments on SNPRM: 11/21/2006

Concerns:

The FAA and the Board have disagreed on a requirement for individual sensors on each rudder pedal. In December 1999, the FAA issued an NPRM in response to these recommendations. In commenting on the NPRM, the Board stated that although the NPRM "may meet the intent of some of the areas of our recommendations, the overall objective will not be met. Specifically, the Safety Board strongly feels that the only way to provide the necessary information on rudder pedal forces would be to place transducers on all four rudder pedals." The FAA's NPRM proposed a single sensor for measuring net pilot rudder inputs, rather than detailed information from each pilot.

The focus of the new SNPRM, issued in September 2006, is to obtain updated cost information to support the 1999 NPRM, and to modify slightly the requirements to record control column force. The basics of the proposed rulemaking regarding rudders remain the same. The SNPRM still does not fully address the Board's recommendations and continues to require only a single-point sensor placed "midstream" in the rudder control system. The Board is concerned that the proposed changes will not allow investigators to differentiate crew actions from anomalies in the rudder control system. Specifically, the proposed requirement will not reveal whether crew inputs are in opposition to each other or if the nose wheel steering or some other system anomaly forward of the sensor is causing the inputs. In addition, any jams in the controls between the pedals and the sensor may go undetected because the force exerted by the crew will not be registered by the sensor.

In the SNPRM the FAA indicated that due to lack of space major and very costly modifications to the structure of the airplane would be necessary for a system with four transducers on the pilot rudder pedals. The FAA does not believe the need for this data justifies the considerable cost associated with such a requirement. In its comments on the SNPRM, the Board stated that it recognizes the need to consider carefully the cost involved in retrofitting 737 airplanes, but cost should not preclude installation of the more comprehensive system. The Board urged the FAA to continue to work with the manufacturer to develop a cost-effective rudder force measurement system that will capture the needed data without requiring extensive modifications to existing aircraft.

Actions Pending:

Issue a final rule requiring that FDRs on Boeing 737 airplanes record all of the parameters in the recommendation, including individual pilot rudder control inputs.

DOT Report

NTSB Recommendation A-99-29

Issued: April 16, 1999

Added to the Most Wanted List: 1999

NTSB recommends FAA require all 737 airplanes operated under 14 CFR parts 121 or 125 not equipped with a flight data acquisition unit be equipped, at the earliest time practicable, but no later than August 1, 2001, with a flight data recorder system that

records, at a minimum, the parameters required by FAA Final Rule 121.344, 125.226 dated July 17, 1997, applicable to that airplane plus the following parameters: pitch trim, trailing edge flaps, leading edge flaps, thrust reverser position (each engine), yaw damper command, yaw damper on/off discrete, standby rudder on/off discrete, and control wheel, control column, and rudder pedal forces (with yaw damper command, yaw damper on/off discrete, and control wheel, control column, and rudder pedal forces sampled at a minimum rate of twice-per-second).

Status: Open Unacceptable Response

DOT Regulatory Status: On September 5, 2006, FAA published a SNPRM revising a previously published proposal to increase the number of digital flight data recorder parameters required for all Boeing 737 series airplanes. Based on safety recommendations from NTSB following the investigations of two accidents and other incidents involving 737s, FAA proposed the addition of flight recorder equipment to monitor the rudder system on 737s. Since that time, FAA has mandated significant changes to the rudder system on these airplanes. Accordingly, this proposed rule would apply to a different set of airplanes than originally anticipated. Through the SNPRM, FAA requested comments on this change in applicability and requested updated economic information regarding installation of the proposed monitoring equipment. The comment period for the SNPRM closed December 4, 2006 and FAA is reviewing comments.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Most recent FAA letter: 11/19/2001
- SNPRM on number of data parameters on 737 FDRs: 9/5/2006
- Safety Board comments on SNPRM: 11/21/2006

Concerns:

The FAA and the Board have disagreed on a requirement for individual sensors on each rudder pedal. In December 1999, the FAA issued an NPRM in response to these recommendations. In commenting on the NPRM that Board stated that although the NPRM “may meet the intent of some of the areas of our recommendations, the overall objective will not be met. Specifically, the Safety Board strongly feels that the only way to provide the necessary information on rudder pedal forces would be to place transducers on all four rudder pedals.” The FAA’s NPRM proposed a single sensor for measuring net pilot rudder inputs, rather than detailed information from each pilot.

The focus of the new SNPRM, issued in September 2006, is to obtain updated cost information to support the 1999 NPRM, and to modify slightly the requirements to record control column force. The basics of the proposed rulemaking regarding rudders remain the same. The SNPRM still does not fully address the Board’s recommendations and continues to require only a single-point sensor placed “midstream” in the rudder control system. The Board is concerned that the proposed changes will not allow investigators to

differentiate crew actions from anomalies in the rudder control system. Specifically, the proposed requirement will not reveal whether crew inputs are in opposition to each other or if the nose wheel steering or some other system anomaly forward of the sensor is causing the inputs. In addition, any jams in the controls between the pedals and the sensor may go undetected because the force exerted by the crew will not be registered by the sensor.

In the SNPRM the FAA indicated that due to lack of space major and very costly modifications to the structure of the airplane would be necessary for a system with four transducers on the pilot rudder pedals. The FAA does not believe the need for this data justifies the considerable cost associated with such a requirement. In its comments on the SNPRM, the Board stated that it recognizes the need to consider carefully the cost involved in retrofitting 737 airplanes, but cost should not preclude installation of the more comprehensive system. The Board urged the FAA to continue to work with the manufacturer to develop a cost-effective rudder force measurement system that will capture the needed data without requiring extensive modifications to existing aircraft.

Actions Pending:

Issue a final rule requiring that FDRs on Boeing 737 airplanes record all of the parameters in the recommendation, including individual pilot rudder control inputs.

DOT Report

NTSB Recommendation A-00-30

Issued: April 11, 2000

Added to the Most Wanted List: 2002

NTSB recommends FAA require all aircraft operated under title 14 CFR part 121, 125, or 135 and currently required to be equipped with a cockpit voice recorder and digital flight data recorder be retrofitted by January 1, 2005, with a crash-protected cockpit image recording system. The cockpit image recorder system should have a 2-hour recording duration, as a minimum, and be capable of recording, in color, a view of the entire cockpit including each control position and each action (such as display selections or system activations) taken by people in the cockpit. The recording of these video images should be at a frame rate and resolution sufficient for capturing such actions. The cockpit image recorder should be mounted in the aft portion of the aircraft for maximum survivability and should be equipped with an independent auxiliary power supply that automatically engages and provides 10 minutes of operation whenever aircraft power to the cockpit image recorder and associated cockpit camera system ceases, either by normal shutdown or by a loss of power to the bus. The circuit breaker for the cockpit image recorder system, as well as the circuit breakers for the CVR and the DFDR, should not be accessible to the flight crew during flight.

Status: Open Unacceptable Response

DOT Regulatory Status: FAA explored these recommendations in a government/industry forum of subject matter experts. The Radio Technical Commission

for Aeronautics Future Flight Data Collection Committee (FFDCC), cosponsored by FAA and NTSB, looked to identify flight data needs 10 to 15 years in the future. The FFDCC did not present information to FAA that was of such compelling nature to convince FAA of the necessity of installing image recording systems in aircraft operated under part 121, 125, or 135. FAA is not planning to pursue rulemaking to mandate installations of cockpit image systems as described in A-00-31 and this safety recommendation. If NTSB requires additional flight data information to investigate an accident or incident, FAA would likely propose a performance-based requirement that stipulates that this flight data must be captured. The industry would be allowed to respond to the requirement in the manner it found most appropriate to its overall design philosophy. Further, it is not prudent design philosophy to mandate that any electrical system that is active during flight have circuit protection that is not accessible to the flight crew. In the event of an in-flight electrical fire, the crew must be able to de-power ALL electrical equipment quickly in accordance with approved procedures. Should an applicant, either an aircraft operator or original equipment manufacturer, wish to install a image recording system voluntarily either in the cockpit or in the aircraft cabin, FAA would work with the applicant to approve such an installation.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Last FAA letter: June 1, 2001
- RTCA FFDCC Report: December 4, 2001

Concerns:

The Safety Board asked for the installation of cockpit image recorders in transport category aircraft to provide information that would supplement existing CVR and FDR data in accident investigations. This kind of additional information would have been extremely valuable in a number of important accident investigations, including ValuJet 592 near Miami, Silk Air 185 in Indonesia, Swissair 111 near Peggy's Cove, Nova Scotia, and EgyptAir 990. The RTCA FFDCC considered the issue of video recording and concluded that this methodology would provide useful information to accident investigation, and that it was technologically feasible. The Committee did note concerns about the protection from disclosure outside of accident investigation, particularly for international flights. The Board's last reauthorization extended the protections that have long been in place for CVRs to image recorders.

In its annual reports to Congress on the Most Wanted list recommendations, the Department of Transportation has stated for several years, including this year's report, that the FFDCC did not present information to the FAA that was of such a compelling nature to convince the FAA of the necessity of installing image recording systems in aircraft operated under Part 121, 125, or 135. The FAA has no rulemaking underway to mandate the installation of cockpit image systems as described in the safety recommendations.

Actions Pending:

Require video recorders in transport category aircraft.

DOT Report

NTSB Recommendation A-00-31

Issued: April 11, 2000

Added to the Most Wanted List: 2002

NTSB recommends FAA require all aircraft manufactured after January 1, 2003, operated under Title 14 CFR Part 121, 125, or 135 and required to be equipped with a cockpit voice recorder (CVR) and digital flight data recorder (DFDR) also be equipped with two crash-protected cockpit image recording systems. The cockpit image recorder systems should have a 2-hour recording duration, as a minimum, and be capable of recording, in color, a view of the entire cockpit including each control position and each action (such as display selections or system activations) taken by people in the cockpit. The recording of these video images should be at a frame rate and resolution sufficient for capturing such actions. One recorder should be located as close to the cockpit as practicable and the other as far aft as practicable. These recorders should be equipped with independent auxiliary power supplies that automatically engage and provide 10 minutes of operation whenever aircraft power to the cockpit image recorders and associated cockpit camera systems ceases, either by normal shutdown or by a loss of power to the bus. The circuit breaker for the cockpit image recorder systems, as well as the circuit breakers for the CVRs and the DFDRs, should not be accessible to the flight crew during flight.

Status: Open Unacceptable Response

DOT Regulatory Status: FAA explored this recommendation in a government/industry forum of subject matter experts. The Radio Technical Commission for Aeronautics Future Flight Data Collection Committee (FFDCC), co-sponsored by FAA and NTSB, looked to identify flight data needs 10 to 15 years in the future. The FFDCC did not present information to FAA that was of such compelling nature to convince FAA of the necessity of installing image recording systems in aircraft operated under part 121, 125, or 135. FAA is not planning to pursue rulemaking to mandate installations of cockpit image systems as described in A-00-30 and this safety recommendation. If NTSB requires additional flight data information to investigate an accident or incident, FAA would likely propose a performance-based requirement that stipulates that this flight data must be captured. The industry would be allowed to respond to the requirement in the manner it found most appropriate to its overall design philosophy. Further, it is not prudent design philosophy to mandate that any electrical system that is active during flight have circuit protection that is not accessible to the flight crew. In the event of an in-flight electrical fire, the crew must be able to de-power all electrical equipment quickly in accordance with approved procedures. Should an applicant, either an aircraft operator or original equipment manufacturer, wish to install a image recording system voluntarily either in the cockpit or in the aircraft cabin, FAA would work with the applicant to approve such an installation.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Last FAA letter: June 1, 2001
- RTCA FFDCC Report: December 4, 2001

Concerns:

The Safety Board asked for the installation of cockpit image recorders in transport category aircraft to provide information that would supplement existing CVR and FDR data in accident investigations. This kind of additional information would have been extremely valuable in a number of important accident investigations, including ValuJet 592 near Miami, Silk Air 185 in Indonesia, Swissair 111 near Peggy's Cove, Nova Scotia, and EgyptAir 990. The RTCA FFDCC considered the issue of video recording and concluded that this methodology would provide useful information to accident investigation, and that it was technologically feasible. The Committee did note concerns about the protection from disclosure outside of accident investigation, particularly for international flights. The Board's last reauthorization extended the protections that have long been in place for CVRs to image recorders.

In its annual reports to Congress on the Most Wanted list recommendations, the Department of Transportation has stated for several years, including this year's report, that the FFDCC did not present information to the FAA that was of such a compelling nature to convince the FAA of the necessity of installing image recording systems in aircraft operated under Part 121, 125, or 135. The FAA has no rulemaking underway to mandate the installation of cockpit image systems as described in the safety recommendations.

Actions Pending:

Require video recorders in transport category aircraft.

DOT Report

NTSB Recommendation A-03-64

Issued: December 22, 2003

Added to the Most Wanted List: 2004

NTSB recommends FAA require all turbine-powered nonexperimental, nonrestricted-category aircraft that are manufactured prior to January 1, 2007, that are not equipped with a cockpit voice recorder, and that are operating under 14 CFR parts 91, 135, and 121 to be retrofitted with a crash-protected image recording system by January 1, 2007.

Status: Open Unacceptable Response

DOT Regulatory Status: *This recommendation would require use of an image recorder to collect flight data in lieu of a CVR or DFDR for post accident or incident investigation. While the industry has published minimum operational performance criteria for such a system, to date, no such system has been installed on an aircraft that*

meets these requirements. FAA worked with NTSB to accomplish a proof-of-concept test to determine if an image recording system could be used to collect specific parametric data and other flight information. As part of the test, several image-recording systems were installed on an FAA aircraft. The aircraft was flown in various operational and environmental conditions. The data recorded on those flights have been analyzed to determine if aircraft parameters such as altitude, attitude and airspeed can be accurately derived from the images. The derived data have been compared to the data that were recorded on the installed digital flight data recorder. The results of this analysis will be published in an FAA report that will be used to determine if an image recorder is an acceptable method for collecting flight data information on the aircraft that are subject of this recommendation. FAA is drafting the report and the expected completion date is early 2007.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Last FAA letter: 10/11/2005
- FAA issues TSO on cockpit video recorders: July 28, 2006

Concerns:

An image recording system would provide critical information to investigators about the actions inside the cockpit immediately before and during an accident on aircraft not required to have a CVR or FDR. Such systems, estimated to cost less than \$8,000 installed, typically consist of a camera and microphone located in the cockpit to continuously record cockpit instrumentation, the outside viewing area, engine sounds, radio communications, and ambient cockpit sounds. As with conventional CVRs and FDRs, data from such a system is stored in a crash-protected unit to ensure survivability. Public Law 106-424, signed November 1, 2000, provides for withholding from public disclosure voice and video recorder information for all modes of transportation.

After completion of the Board's investigation of the October 24, 2004, accident when a Beech King Air 200, operated by Hendrick Motorsports, crashed into mountainous terrain in Stuart, Virginia, during a missed approach to Martinsville/Blue Ridge Airport, Martinsville, Virginia, killing ten people, the Board wrote to the FAA to emphasize the need for this recommendation. In that letter, the Board noted that between December 22, 2003, when this recommendation was issued, and February 6, 2006, the day before the Safety Board's meeting concerning the Hendrick Motorsports accident, the Board investigated 22 accidents involving Beech King Air aircraft in which no recorder of any type was available to investigators. Of these 22 accidents, 9 were fatal; a total of 43 people died. These numbers only involve the model of aircraft involved in the Hendrick Motorsports accident, and do not include all accidents involving the aircraft that this recommendation addresses.

Although the FAA conducted the study described, and is preparing a report, the FAA has not indicated that it plans to require these systems, as recommended.

Actions Pending:

Require video recording systems in all new and existing turbine-powered nonexperimental, nonrestricted-category aircraft not equipped with a CVR.

1.5 Accidents and Incidents Caused by Human Fatigue

DOT Report

NTSB Recommendation A-94-194

Issued: November 30, 1994

Added to the Most Wanted List: 1995

NTSB recommends FAA revise the regulations contained in 14 CFR part 135 to require that pilot flight time accumulated in all company flying conducted after revenue operations—such as training and check flights, ferry flights and repositioning flights—be included in the crewmember's total flight time accrued during revenue operations.

Status: Open Unacceptable Response

DOT Regulatory Status: *FAA issued an NPRM proposing to amend existing regulations to establish one set of duty period limitations, flight time limitations, and rest requirements for flight crewmembers engaged in air transportation. FAA established a joint FAA / Industry Aviation Rulemaking Committee (ARC) in 2004 to develop recommendations for revising the commuter and on-demand flight time and rest requirement rules in 14 CFR part 135. The ARC has provided its recommendations to FAA. FAA is presently developing an NPRM that incorporates the ARC's recommendations.*

FAA is also working with the International Civil Aviation Organization (ICAO) to develop a Fatigue Risk Management System (FRMS) to regulate flight and duty time. Rather than the existing prescriptive limitations, the FRMS provides an alternative that is based upon a Safety Management System that looks at risk and applies certain risk mitigations to improve flight crew alertness. The FRMS is a comprehensive collaborative process that requires a company to manage fatigue. All company personnel are responsible for the success of the FRMS including management, flight crewmembers, maintenance personnel, schedulers, and dispatchers.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Last FAA letter: December 5, 2000
- FAA briefed Board staff on activities related to fatigue on May 9, 2007

Concerns:

This recommendation asked the FAA 13 years ago to close a loop hole in the regulations regarding hours of duty for flight crews in Part 135 operations that allowed crews to be on duty flying for much longer periods of time. In 1995 the FAA issued an NPRM that proposed revisions that were responsive, however, those revisions resulted in considerable controversy and the FAA withdrew the NPRM. Recently, the FAA has informed the Safety Board that the ARC has developed proposals addressing fatigue

regulations for Part 135 operations. The FAA has characterized these proposals as very promising.

Actions Pending:

Close the loop hole in Part 135 flight crew fatigue regulations that allows flight crews to accumulate more time on duty if the additional hours are accumulated under Part 91 (e.g., ferry flights and training flights).

DOT Report

NTSB Recommendation A-95-113

Issued: November 14, 1995

Added to the Most Wanted List: 1996

NTSB recommends FAA finalize the review of current flight and duty time regulations and revise the regulations, as necessary, within 1 year to ensure that flight and duty time limitations take into consideration research findings in fatigue and sleep issues. The new regulations should prohibit air carriers from assigning flight crews to flights conducted under 14 CFR part 91 unless the flight crews meet the flight and duty time limitations of 14 CFR part 121 or other appropriate regulations.

Status: Open Unacceptable Response

DOT Regulatory Status: *In 1995, FAA proposed to amend existing regulations to establish new duty period and flight time limitations, and rest requirements for flight crewmembers in parts 121 and 135. This rulemaking was based on recommendations from an aviation rulemaking advisory committee (ARAC) and reflected the input of both the pilots and operators. It included a 14-hour duty period, 10 hours of rest, increased flight time to 10 hours, and addressed other related issues. More than 2,000 comments were received on the proposal, mostly negative. The pilots felt 10 hours of flight time was too long and the operators felt 14 hours of duty time was too short. The Air Transport Association estimated the cost of the proposed rule at \$2.13 billion. FAA is currently looking at different options to address flight time limitations and rest requirements in 14 CFR part 121 operations, but does not yet have a timeframe for issuing a new proposal.*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Last FAA letter: December 5, 2000
- FAA briefed Board staff on activities related to fatigue on May 9, 2007

Concerns:

This recommendation is over 11 years old and the FAA has neither taken the recommended action, nor are there any plans to do so. The Safety Board's concern that flight crew fatigue was a significant aviation safety issue dates back to recommendations

issued in 1989, yet little or no change or action has been taken by the FAA in response. This recommendation focuses on closing a loop hole in the regulations that allowed crews of Part 121 carriers to be on duty flying for much longer periods of time than allowed in Part 121. In 1995 the FAA issued an NPRM that proposed revisions that were responsive, however, those revisions resulted in considerable controversy and the FAA withdrew the NPRM. Since withdrawing the NPRM the FAA has not taken any action to address this issue, nor does any action appear to be planned.

Actions Pending:

Close the loop hole in Part 121 flight crew fatigue regulations that allows flight crews to accumulate more time on duty if the additional hours are accumulated under Part 91 (e.g., ferry flights and training flights).

DOT Report

NTSB Recommendation A-97-71

Issued: September 9, 1997

Added to the Most Wanted List: 1999

NTSB recommends FAA review the issue of personnel fatigue in aviation maintenance; then establish duty time limitations consistent with the current state of scientific knowledge for personnel who perform maintenance on air carrier aircraft.

Status: Open Unacceptable Response

DOT Regulatory Status: *FAA completed several studies on the maintenance fatigue issue. These studies include:*

- *Study of Fatigue Factors Affecting Human Performance in Aviation Maintenance;*
- *Evaluation of Aviation Maintenance Working Environment, Fatigue and Maintenance;*
- *Errors/Accidents; and*
- *Evaluation of Aviation Maintenance Working Environments, Fatigue, and Human Performance.*

The findings of these studies indicated that the extreme complexity of the issue of fatigue and duty time did not present appropriate material for regulatory activity in this area. However, the findings did indicate that education and training in fatigue management were the most appropriate actions for FAA to sponsor and foster. Consequently, FAA conducted several actions to educate and train the aviation community on the issues of fatigue management in aircraft maintenance personnel. All studies, training, and recommendations on maintenance personnel fatigue are available on the FAA Human Factors Web site at <http://hfskyway.faa.gov>. The following is a list of these actions:

- *Issued Advisory Circular (AC) 120-72, Maintenance Resource Management (MRM) Training that includes a prototype MRM computer-based training (CBT) course for industry;*
- *Developed and distributed MRM CBT to industry, academia, and regulatory authorities worldwide on over 10,000 CD ROMs on maintenance human factors;*

- *Developed MRM curriculum and course, "Maintenance Resource Management for Aviation Safety Inspectors." This course is currently taught to aviation safety inspectors;*
- *Sponsored several international conferences on aircraft maintenance human factors that included management of fatigue for aircraft maintenance personnel;*
- *Fatigue, shift work, and scheduling for aircraft maintenance personnel issues were addressed in several chapters of the FAA Human Factors Guide for Aviation Maintenance; and*
- *Completed a study entitled "Effects of Fatigue, Vigilance, Environment on Inspectors Performing Fluorescent Penetrant and/or Magnetic Particle Inspections" to determine the effects of fatigue/environment on the vigilance decrement of inspectors performing Liquid Penetrant or Fluorescent Magnetic Particle Inspections as their primary work function.*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Last FAA letter to the Safety Board: 10/2/2000
- In the last 6 1/2 years there has been no further correspondence despite two recent formal Safety Board requests for updates on activities in response to the recommendation. (See letters dated 4/18/06 and 2/22/07)

Concerns:

For several years in its annual reports to Congress on activities and progress in response to recommendations on the Most Wanted list, including the current report, the Department of Transportation (DOT) indicated that regulatory action in this area is not appropriate because of the extreme complexity of the issue of fatigue and duty time. The DOT has further reported that the FAA had initiated and was pursuing a number of activities related to education and training in the issue of fatigue management in aircraft maintenance personnel. The Safety Board has written to the FAA on two occasions recently and stated that it disagrees with the FAA's position (1) that regulatory action is not appropriate and (2) that the FAA's current education and training activities related to this issue can achieve the intent of this safety recommendation.

The Safety Board reviewed Advisory Circular (AC) 120-72, "Maintenance Resource Management (MRM) Training," which seems to be the primary focus of the FAA's education and training initiatives related to fatigue among aviation maintenance crews. We found little in AC 120-72 that provides guidance on human fatigue in maintenance crews other than generalized warnings that attention to fatigue is important and should be considered in MRM Training. AC 120-72 contains little guidance as to how an employer should design a program to ensure that maintenance crews are not fatigued. In addition, the web site referenced in the reports to Congress (<http://hfskyway.faa.gov>) is in fact nothing more than a single page with a very general description of the FAA's aviation maintenance human factors research program. It contains no useful information to

educate and train someone in the aviation community on the issues of fatigue management in aircraft maintenance personnel.

Actions Pending:

Development and issuance of regulations that limit duty time for aviation maintenance personnel.

DOT Report

NTSB Recommendation A-06-10

Issued: February 7, 2006

Added to the Most Wanted List: 2006

NTSB recommends the FAA modify and simplify the flight crew hours-of-service regulations to take into consideration factors such as length of duty day, starting time, workload, and other factors shown by recent research, scientific evidence, and current industry experience to affect crew alertness.

Status: Open Unacceptable Response

DOT Regulatory Status: *This recommendation supersedes a previously issued NTSB recommendation that was issued in 1999. FAA proposed to amend existing regulations to establish new duty period and flight time limitations, and rest requirements for flight crewmembers in parts 121 and 135 in 1995. The rulemaking was based on recommendations from an aviation rulemaking advisory committee and reflected the input of both the pilots and operators. It included a 14-hour duty period, 10 hours of rest, increased flight time to 10 hours, and addressed other related issues. More than 2,000 comments were received on the proposal, mostly negative. The FAA is currently looking at different options to address flight time limitations and rest requirements in 14 CFR part 121 operations, but does not yet have a timeframe for issuing a new proposal.*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Last FAA letter: May 31, 2006
- FAA briefed Board staff on activities related to fatigue on May 9, 2007

Concerns:

The Safety Board's concern that flight crew fatigue was a significant aviation safety issue dates back to recommendations issued in 1989, yet little or no change or action has been taken by the FAA in response.

Actions Pending:

Modify and simplify the flight crew hours-of-service regulations to take into consideration factors such as length of duty day, starting time, workload, and other factors that affect crew alertness.

1.6 Crew Resource Management

DOT Report

NTSB Recommendation A-03-52

Issued: December 2, 2003

Added to the Most Wanted List: 2006

NTSB recommends FAA require that 14 CFR part 135 on-demand charter operators that conduct dual-pilot operations establish and implement an FAA-approved crew resource management training program for their flight crews in accordance with 14 CFR part 121, subparts N and O.

Status: Open Unacceptable Response

DOT Regulatory Status: Crew resource management training is currently required in 14 CFR part 121 and new 14 CFR part 91, subpart K. FAA established a joint FAA/Industry Aviation Rulemaking Committee (ARC) in 2004 to revise and improve 14 CFR part 135 in many respects, including requiring crew resource management training for 14 CFR part 135 operators of airplanes with two pilots. The ARC has provided its recommendations to FAA which is presently developing an NPRM that incorporates the ARC's recommendations.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- Previous FAA letter: April 12, 2004
- FAA Briefing for Board June 13, 2006 on status of rulemaking in response to this recommendation

Concerns:

At the June 2006 briefing the FAA indicated that the NPRM was due in mid 2007. The Board is concerned that this date may be unrealistic, and that the CRM revisions will be part of a comprehensive revision to part 135 that will be slow moving.

Actions Pending:

Require Part 135 on demand charter operators to establish and implement CRM training programs similar to what is no required for Part 121.

2. HIGHWAY SAFETY

2.1 Safe Motor Carrier Operations

DOT Report

NTSB Recommendation H-99-006

Issued: February 26, 1999

Added to the Most Wanted List: 2000

NTSB recommends FMCSA change the safety fitness rating methodology so that adverse vehicle and driver performance-based data alone are sufficient to result in an overall unsatisfactory rating for the carrier.

Status: Open Unacceptable Response

DOT Regulatory Status: FMCSA is addressing this recommendation through the Comprehensive Safety Analysis 2010 (CSA 2010) initiative—a comprehensive review and analysis of FMCSA's current commercial motor vehicle safety compliance and enforcement programs. The goal of CSA 2010 is to develop and implement more effective and efficient ways for FMCSA, its State partners, and industry to reduce commercial motor vehicle crashes, fatalities, and injuries.

On June 16, 2006, FMCSA briefed NTSB on CSA 2010 and on the status of the safety fitness rating methodology. FMCSA notified NTSB that it is analyzing the regulatory changes that are needed to implement CSA 2010. In particular, efforts are being made to identify additional data that would be needed to generate safety ratings, determine which current regulations will be affected, and identify new rulemakings that will be needed. FMCSA is developing a new safety fitness rating methodology; however, FMCSA plans to address this issue through rulemaking and anticipates initiating the formal rulemaking process in early 2007.

On November 16, 2006, FMCSA sponsored a public listening session to provide its stakeholders with an update on CSA 2010. FMCSA will sponsor at least one public listening session annually to keep its stakeholders apprised of the status of the CSA 2010 initiative.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 4/19/06 NTSB letter requesting information on the CSA 2010 Initiative and how it would affect open recommendations
- 6/15/06 FMCSA met with NTSB and explained preliminary details of the CSA 2010 Initiative and updated progress on medical program implementation
- 8/3/06 FMCSA letter providing follow-up information from 6/15/06 meeting

- 12/20/06 NTSB letter apprised FMCSA of the change in status to this recommendation as a result of the 11/14/06 Federal Most Wanted Board Meeting
- Recommendation reiterated in the Wilmer, Texas, accident report

Concerns:

The Safety Board believes that the two most important factors in safe motor carrier operations are the operational status of the vehicles and the performance of the individuals who drive them. The Board further believes that if, as the result of a safety audit, the carrier receives an unsatisfactory rating for either the vehicle or driver factor, the overall rating should be unsatisfactory. By issuing Safety Recommendation H-99-6, the Board intended to improve safety on the highways by giving more weight to the review of driver and vehicle violations, leading to better overall safety of motor carrier operations.

Although the Safety Board recognizes that the FMCSA has made potentially viable plans to address this recommendation under the CSA 2010 Initiative, we remain concerned that there has been no concrete progress in this area since this recommendation was issued 7 years ago. The Board notes that the FMCSA has also initiated a study by the Volpe National Transportation Systems Center to examine the current list of critical and acute violations used in determining a motor carrier's compliance with Federal regulations. FMCSA staff has indicated that the target date for completion of the research is May 2007. Because the violations are currently calculated as one of the six factors reviewed during a safety audit, it is not clear to the Board that the Volpe study will lead to the FMCSA's assigning an overall unsatisfactory motor carrier rating when either the driver or vehicle factor shows adverse data.

Actions Pending:

Continue efforts to develop standards that appropriately recognize the importance of vehicle and driver factors in measuring the overall safety of a motor carrier's operations.

2.2 Medically Unqualified Commercial Motor Vehicle Drivers

DOT Report

NTSB Recommendation H-01-017

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: individuals performing medical examinations for drivers are qualified to do so and are educated about occupational issues for drivers.

Status: Open Unacceptable Response

DOT Regulatory Status: Section 4116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, provides FMCSA with explicit statutory authority to expand its oversight of the driver physical qualification program for commercial motor vehicle (CMV) drivers. The statute requires the establishment of a national registry (NR) of medical examiners, a proposed rulemaking to link the medical certification as part of the commercial driver's license (CDL) process, and the establishment of a Medical Review Board (MRB) and Chief Medical Officer. To ensure that all medical examiners are qualified to perform medical examinations for CMV drivers and are educated about occupational issues that affect these drivers, FMCSA is in the process of developing an NPRM to establish the National Registry of Certified Medical Examiners (NRCME) program. The Agency plans to publish the NPRM in late 2007. When established, NRCME will provide a readily accessible list of medical examiners to CMV drivers that are certified to perform examinations and issue medical certificates according to the requirements of the Federal Motor Carrier Safety Regulations (FMCSRs). The NRCME Web site is currently operational at: <http://www.nrcme.fmcsa.dot.gov/>. The research to support the national registry project includes a national survey on the medical examination process and a focused performance study. The national survey plan was published in the Federal Register on September 29, 2005, and data collection for the study is in progress. Publication of preliminary study findings and the NPRM for the National Registry are scheduled for 2007.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 4/19/06 NTSB letter requesting information on the CSA 2010 Initiative and how it would affect open recommendations
- 6/15/06 FMCSA met with NTSB and explained preliminary details of the CSA 2010 Initiative and updated progress on medical program implementation

- 8/3/06 FMCSA letter providing follow-up information from 6/15/06 meeting
- 1/16/07 NTSB letter apprised FMCSA of the change in status to this recommendation as a result of the 11/14/06 Federal Most Wanted Board Meeting
- 2/13/07 NTSB comments on Docket Number FMCSA-1997-2210 [FMCSA NPRM, *Medical Certification Requirements as Part of the CDL*]

Concerns:

The Safety Board remains concerned with the very limited progress towards the congressionally mandated NRCME. In the more than 6 years since the issuance of this recommendation, not one examiner has received additional training nor has any selection criteria been applied to individuals performing examinations of commercial drivers. The agency expects to issue a Notice of Proposed Rulemaking, which may or may not occur in the time frame specified, and which may or may not proceed to Final Rule.

Actions Pending:

Accelerate efforts to develop medical certification procedures that ensure qualified medical examiners who are educated about occupational issues for drivers.

DOT Report

NTSB Recommendation H-01-018

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: a tracking mechanism is established that ensures that every prior application by an individual for medical certification is recorded and reviewed.

Status: Open Unacceptable Response

DOT Regulatory Status: *In conjunction with the ongoing work of the Medical Review Board and the establishment of the National Registry, FMCSA is developing plans to ensure that there are tracking and review mechanisms for medical certificates, and is working with the States and industry to explore alternatives to make the rules easier to enforce. FMCSA is also working to implement the SAFETEA-LU provision that directs the Agency to "...require medical examiners to transmit monthly the name of the applicant and numerical identifier ..." These plans are in development and are expected to be completed in 2007.*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 4/19/06 NTSB letter requesting information on the CSA 2010 Initiative and how it would affect open recommendations
- 6/15/06 FMCSA met with NTSB and explained preliminary details of the CSA 2010 Initiative and updated progress on medical program implementation

- 8/3/06 FMCSA letter providing follow-up information from 6/15/06 meeting
- 2/13/07 NTSB comments on Docket Number FMCSA-1997-2210 [FMCSA NPRM, *Medical Certification Requirements as Part of the CDL*]

Concerns:

The Safety Board is concerned that, in the more than 6 years since the issuance of this recommendation, the FMCSA has taken no specific actions that would result in a system to ensure review of prior applications for drivers presenting for medical certification. The Agency is developing plans and exploring alternatives, but has yet to present a concrete proposal of any sort.

Actions Pending:

Accelerate efforts to develop medical certification procedures that ensure development of a process to review medical certification examinations or decisions.

DOT Report

NTSB Recommendation H-01-019

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: medical certification regulations are updated periodically to permit trained examiners to clearly determine whether drivers with common medical conditions should be issued a medical certificate.

Status: Open Acceptable Response

DOT Regulatory Status: Medical certification regulations will be updated periodically based on the advice and recommendations of the FMCSA's Medical Review Board. As the regulations are updated through notice-and-comment rulemakings, the NRCME program will incorporate the new guidelines into training material and function as a source of information for training examiners to determine whether drivers with common medical conditions should be issued a medical certificate. The NRCME will provide specific training to medical examiners listed on the national registry.

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 4/19/06 NTSB letter requesting information on the CSA 2010 Initiative and how it would affect open recommendations
- 6/15/06 FMCSA met with NTSB and explained preliminary details of the CSA 2010 Initiative and updated progress on medical program implementation
- 8/3/06 FMCSA letter providing follow-up information from 6/15/06 meeting

- 2/13/07 NTSB comments on Docket Number FMCSA-1997-2210 [FMCSA NPRM, *Medical Certification Requirements as Part of the CDL*]

Concerns:

The FMCSA has made progress in addressing updating physical requirement standards, through the establishment of the MRB and the initiation of several important reviews for the development of revised standards and guidelines.

Actions Pending:

Continue appropriate reviews to update and clarify decision-making for commercial driver medical examiners.

DOT Report

NTSB Recommendation H-01-020

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: individuals performing examinations have specific guidance and a readily identifiable source of information for questions on such examinations.

Status: Open Unacceptable Response

DOT Regulatory Status: *The National Registry will enable specific training and continuous national monitoring of medical examiners on the registry and will be used to disseminate information to practitioners regarding medical findings, policies, or requirements relevant to the examinations. Certifying medical examiners will ensure that medical examiners are qualified and educated about the occupational issues that CMV drivers face and will provide specific guidance and readily identifiable sources of information for questions that medical examiners may pose on the physical examination process. Further, new web-based education strategies are being tested, such as advisories to medical examiners and the use of an educational list-serve. To date, there are over 5,000 medical examiners on the list-serve representing all 51 jurisdictions currently subscribed to this test group. A contract for the development of a medical examiner handbook was awarded in August 2006 and work is in progress, with draft completion scheduled for 2007.*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 4/19/06 NTSB letter requesting information on the CSA 2010 Initiative and how it would affect open recommendations

- 6/15/06 FMCSA met with NTSB and explained preliminary details of the CSA 2010 Initiative and updated progress on medical program implementation
- 8/3/06 FMCSA letter providing follow-up information from 6/15/06 meeting
- 1/16/07 NTSB letter apprised FMCSA of the change in status to this recommendation as a result of the 11/14/06 Federal Most Wanted Board Meeting
- 2/13/07 NTSB comments on Docket Number FMCSA-1997-2210 [FMCSA NPRM, *Medical Certification Requirements as Part of the CDL*]

Concerns:

Although the FMCSA has made significant progress in addressing flaws in the current Federal CMV driver fitness system, particularly with regard to updating physical requirement standards, the Safety Board remains concerned with the very limited progress towards the congressionally mandated NRCME. In the more than 6 years since the issuance of this recommendation, there is still no single source document or other resource to which examiners can turn for assistance in making decisions regarding medical certification.

Actions Pending:

Continue efforts to develop medical certification procedures that ensure availability of specific guidance and information for medical examiners.

DOT Report

NTSB Recommendation H-01-021

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: the review process prevents, or identifies and corrects, the inappropriate issuance of medical certification.

Status: Open Unacceptable Response

DOT Regulatory Status: *In accordance with Section 4116 of SAFETEA-LU, FMCSA will establish a program for conducting periodic reviews of a select number of medical examiners on the National Registry to ensure that proper examinations of CMV drivers are being performed.*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 4/19/06 NTSB letter requesting information on the CSA 2010 Initiative and how it would affect open recommendations

- 6/15/06 FMCSA met with NTSB and explained preliminary details of the CSA 2010 Initiative and updated progress on medical program implementation
- 8/3/06 FMCSA letter providing follow-up information from 6/15/06 meeting
- 2/13/07 NTSB comments on Docket Number FMCSA-1997-2210 [FMCSA NPRM, *Medical Certification Requirements as Part of the CDL*]

Concerns:

The Safety Board is concerned that the FMCSA has not yet established a review system for medical examinations performed to certify commercial drivers. SAFETEA-LU Section 4116's requirements regarding medical certification mandate the FMCSA to periodically review a sampling of applications. In the more than 6 years since the issuance of this recommendation, not a single examination has been reviewed under a process proposed or implemented by the FMCSA.

Actions Pending:

Continue efforts to develop medical certification procedures that ensure development of a process to review and track medical certification examinations or decisions.

DOT Report

NTSB Recommendation H-01-022

Issued September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA Develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: enforcement authorities can identify invalid medical certification during safety inspections and routine stops.

Status: Open Unacceptable Response

DOT Regulatory Status: On November 16, 2006, FMCSA published in the Federal Register an NPRM that would link the medical certificate as part of the CDL process. The rulemaking would enable law enforcement officials to access a driver's medical status at the roadside through a check of the CDL holders driving record and take appropriate action. FMCSA meets regularly with the American Association of Motor Vehicle Administrators, the States, and industry, to identify process improvement opportunities and explore alternatives to make the rules easier to enforce and verify compliance. FMCSA will begin analyzing comments after the comment period ends on February 14, 2007.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 4/19/06 NTSB letter requesting information on the CSA 2010 Initiative and how it would affect open recommendations
- 6/15/06 FMCSA met with NTSB and explained preliminary details of the CSA 2010 Initiative and updated progress on medical program implementation
- 8/3/06 FMCSA letter providing follow-up information from 6/15/06 meeting
- 11/9/06 FMCSA letter informing NTSB that an NPRM linking the CDL and the medical certificate had cleared OMB review and was sent to the *Federal Register* for publication
- 2/13/07 NTSB comments on Docket Number FMCSA-1997-2210 [FMCSA NPRM, *Medical Certification Requirements as Part of the CDL*]

Concerns:

While the FMCSA's NPRM linking the medical certificate to the CDL would allow enforcement officials to access a driver's recorded medical status during a roadside inspection, the Safety Board notes significant limitations to the linking system as proposed, including only limited ability to verify the validity of a submitted certificate, and the potential elimination of effective employee and State review systems currently in place. The Board is also dissatisfied that this very limited activity, which has been considered for nearly two decades, has taken so long to be developed into a proposed rule, which may or may not become regulation.

Actions Pending:

Correct noted deficiencies in the NPRM to link the medical certificate to the CDL, and move forward expeditiously to a Final Rule. Integrate the Final Rule into a comprehensive medical oversight system.

DOT Report

NTSB Recommendation H-01-023

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: enforcement authorities can prevent an uncertified driver from driving until an appropriate medical examination takes place.

Status: Open Unacceptable Response

DOT Regulatory Status: On November 16, 2006, FMCSA published in the *Federal Register* an NPRM that would link the medical certificate as part of the CDL process. The rulemaking would enable law enforcement officials to access a driver's medical status at the roadside via a check of the CDL holders driving record and take appropriate action. FMCSA meets regularly with the American Association of Motor Vehicle Administrators, the States, and industry, to identify process improvement opportunities and explore alternatives to make the rules easier to enforce and verify

compliance. The end of the comment period is February 14, 2007 and FMCSA will begin analyzing comments shortly thereafter.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 4/19/06 NTSB letter requesting information on the CSA 2010 Initiative and how it would affect open recommendations
- 6/15/06 FMCSA met with NTSB and explained preliminary details of the CSA 2010 Initiative and updated progress on medical program implementation
- 8/3/06 FMCSA letter providing follow-up information from 6/15/06 meeting
- 11/9/06 FMCSA letter informing NTSB that an NPRM linking the CDL and the medical certificate had cleared OMB review and was sent to the *Federal Register* for publication
- 2/13/07 NTSB comments on Docket Number FMCSA-1997-2210 [FMCSA NPRM, *Medical Certification Requirements as Part of the CDL*]

Concerns:

The FMCSA's NPRM would allow enforcement authorities to identify, during safety inspections and routine stops, those drivers who fail to submit either an original or a copy of their latest medical certificate to the State Driver Licensing Agency (SDLA), and, as currently written, would permit authorities to place out of service such drivers and those for whom 60 days had elapsed from the expiration date of their latest submitted certificate. The NPRM does not effectively address the issue of verification of certificate validity, and the Board is also dissatisfied that this very limited activity, which has been considered for nearly two decades, has taken so long to be developed into a proposed rule, which may or may not become regulation.

Actions Pending:

Correct noted deficiencies in the NPRM to link the medical certificate to the CDL, and move forward expeditiously to a Final Rule. Integrate the Final Rule into a comprehensive medical oversight system.

DOT Report

NTSB Recommendation H-01-024

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: mechanisms for reporting medical conditions to the medical certification and reviewing authority and for evaluating these conditions between medical certification exams are in place; individuals, health care providers, and employers are aware of these mechanisms.

Status: Open Unacceptable Response

DOT Regulatory Status: The FMCSRs require motor carriers to regularly monitor CMV driver health status, including return-to-work. Motor carriers are allowed to have more stringent standards than in the FMCSRs, and many do. The National Registry will serve as the conduit to monitor medical examiner roles and responsibilities, including evaluating the effectiveness of medical examiners from different disciplines and provide mechanisms for reporting results of driver medical examinations. Further, FMCSA is convening medical examiner experts from throughout the Nation to discuss the medical examination process, including reporting mechanisms. While drivers are obligated to report significant medical conditions, many do not. FMCSA will sponsor a national medical examiner conference in 2007.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 4/19/06 NTSB letter requesting information on the CSA 2010 Initiative and how it would affect open recommendations
- 6/15/06 FMCSA met with NTSB and explained preliminary details of the CSA 2010 Initiative and updated progress on medical program implementation
- 8/3/06 FMCSA letter providing follow-up information from 6/15/06 meeting
- 2/13/07 NTSB comments on Docket Number FMCSA-1997-2210 [FMCSA NPRM, *Medical Certification Requirements as Part of the CDL*]

Concerns:

The FMCSA has taken no identifiable action whatsoever to establish any sort of reporting systems for individuals, health care providers, and employers to report known medical conditions for drivers who have had substantial changes to their health status between required examinations. Though the Agency suggests that drivers are obligated to report significant medical conditions, the Board is unaware of any such reporting requirement in the FMCSAs and is unclear as to whom the driver would be expected to report conditions at any rate. As a result, even when such conditions become known, there is no formalized process by which they can be reported and evaluated in between examinations.

Actions Pending:

Begin efforts to develop a workable mechanism for reporting medical conditions identified between examinations so that such conditions can be evaluated and treated appropriately.

2.3 Motorcoach Passenger Protection

DOT Report

NTSB Recommendation H-99-9

Issued: February 26, 1999

Added to the Most Wanted List: 2000

NTSB recommends NHTSA revise the Federal Motor Vehicle Safety Standard (FMVSS) 217, "Bus Window Retention and Release," to require that other than floor-level emergency exits can be easily opened and remain open during an emergency evacuation when a motorcoach is upright or at unusual attitudes.

Status: Open Acceptable Response

DOT Regulatory Status: As part of its regular seven year regulatory review cycle, NHTSA conducted a review of FMVSS No. 217 - Bus Emergency Exits and Window Retention and Release. Completion of this review is expected in early 2007; subsequently, decisions will be made on whether to make improvements to this standard. Per the October 3, 2006 interagency meeting between NHTSA and NTSB, NHTSA has arranged to resume discussions with NTSB in the first quarter of 2007 to discuss the findings of this review, as part of an open dialogue on NHTSA's future efforts in the motorcoach area.

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 10/12/06 NHTSA letter updating progress of motorcoach research project with Transport Canada and FMVSS reviews
- 2/13/07 NTSB letter apprising NHTSA of results of November 2006 Most Wanted Board Meeting

Concerns:

NHTSA has indicated that its response to recommended improvements in window emergency exits will be included in the agency's regulatory review of FMVSS No. 217, the standard that establishes minimum requirements for bus window retention and release to reduce the likelihood of passenger ejection in crashes. NHTSA's research shows that in most accidents, the bus only rolls 1/4 turn and comes to rest on its side; therefore, installation of roof exits to serve as an alternate to window exits as a means of rapid emergency egress for bus passengers is being examined. NHTSA anticipates that review of the standard will be completed by early 2007; Safety Board staff has acknowledged that NHTSA's approach appears reasonable, but is concerned with NHTSA's slow

progress in improving motorcoach safety and is anxious to hear about the agency's actions to improve emergency egress requirements.

Actions Pending:

Continue efforts to improve motorcoach design and to address construction and occupant protection issues.

DOT Report

NTSB Recommendation H-99-47

Issued: November 2, 1999

Added to the Most Wanted List: 2000

NTSB recommends, in 2 years, NHTSA develop performance standards for motorcoach occupant protection systems that account for frontal impact collisions, side impact collisions, rear impact collisions, and rollovers.

Status: Open Acceptable Response

DOT Regulatory Status: *NHTSA conducted a joint research project with Transport Canada to address a finite element analysis to establish roof and window loading forces during a crash. In addition to the finite element work, there has been some limited testing of bus structures. The results of the work have just been completed and the report is being reviewed by NHTSA and Transport Canada. Pending this internal review, NHTSA has made arrangements to discuss the findings from this internal review with NTSB as part of an open dialogue on the agency's future efforts in the motorcoach area.*

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 10/12/06 NHTSA letter updating progress of motorcoach research project with Transport Canada and FMVSS reviews
- 2/13/07 NTSB letter apprising NHTSA of results of November 2006 Most Wanted Board Meeting

Concerns:

One of the primary causes of passenger injury in motorcoach buses is passengers being thrown from their seating area during an accident. In its 1999 special investigation report on bus crashworthiness, the Safety Board concluded that the overall injury risk to occupants in motorcoach accidents involving rollover and ejection may be reduced significantly by retaining the occupant in the seating compartment throughout the collision. In its research project with Transport Canada, NHTSA has indicated that it is focusing on increased roof crush strength and structural integrity of buses and improved glazing retention technology for windows, as these safety improvements require no action

by passengers. The Board is concerned with NHTSA's slow progress in improving motorcoach safety by keeping occupants in the vehicle and improving survivable space and is anxious to hear further information on NHTSA's motorcoach plan and the results of the Transport Canada research.

Actions Pending:

Continue efforts to improve motorcoach design and to address construction and occupant protection issues.

DOT Report

NTSB Recommendation H-99-50

Issued November 2, 1999

Added to the Most Wanted List: 2000

NTSB recommends, in two years, NHTSA develop performance standards for motorcoach roof strength that provide maximum survival space for all seating positions and that take into account current typical motorcoach window dimensions.

Status: Open Acceptable Response

DOT Regulatory Status: *NHTSA conducted a joint research project with Transport Canada to address a finite element analysis to establish roof and window loading forces during a crash. In addition to the finite element work, there has been some limited testing of bus structures. The results of the work have just been completed and the report is being reviewed by NHTSA and Transport Canada. Pending this internal review, NHTSA has made arrangements to discuss the findings from this internal review with NTSB as part of an open dialogue on NHTSA's future efforts in the motorcoach area.*

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 10/12/06 NHTSA letter updating progress of motorcoach research project with Transport Canada and FMVSS reviews
- 2/13/07 NTSB letter apprising NHTSA of results of November 2006 Most Wanted Board Meeting

Concerns:

One of the primary causes of passenger injury in motorcoach buses is passengers being thrown from their seating area during an accident. In its 1999 special investigation report on bus crashworthiness, the Safety Board concluded that the overall injury risk to occupants in motorcoach accidents involving rollover and ejection may be reduced significantly by retaining the occupant in the seating compartment throughout the

collision. In its research project with Transport Canada, NHTSA has indicated that it is focusing on increased roof crush strength and structural integrity of buses and improved glazing retention technology for windows, as these safety improvements require no action by passengers. The Board is concerned with NHTSA's slow progress in improving motorcoach safety by keeping occupants in the vehicle and improving survivable space and is anxious to hear further information on NHTSA's motorcoach plan and the results of the Transport Canada research.

Actions Pending:

Continue efforts to improve motorcoach design and to address construction and occupant protection issues.

2.4 School Bus Passenger Protection

DOT Report

NTSB Recommendation H-99-45

Issued: November 2, 1999

Added to the Most Wanted List: 2006

NTSB recommends, in two years, NHTSA develop performance standards for school bus occupant protection systems that account for frontal impact collisions, side impact collisions, rear impact collisions, and rollovers.

Status: Open Acceptable Response

DOT Regulatory Status: *NHTSA continues to conduct research through its Vehicle Research Testing Center (VRTC), and through a joint research project with the Volpe National Transportation Systems Center, in order to better assess the overall school bus safety environment and survey applicable countermeasure technologies. NHTSA has conducted modeling simulations to assess potential countermeasure feasibility, and has conducted preliminary cost/benefit estimations of some countermeasures. This research is on-going and is expected to be completed in fiscal year 2007. Concurrently, NHTSA has begun internal deliberations for preparation of a NPRM for Federal motor vehicle safety standard (FMVSS) No. 222, "School Bus Passenger Seating and Crash Protection" that will propose enhanced performance requirements for protection of school bus occupants. That NPRM is expected to publish in FY 2008. NHTSA intends to keep NTSB informed of the progress of research and rulemaking activities in this safety area as part of an open dialogue on the agency's future efforts in the school bus passenger safety area.*

NTSB Evaluation

Recommendation status: Open-Acceptable Response

Most recent correspondence and other significant dates:

- Last formal correspondence from NHTSA was dated 10/27/2000 indicating that research on school buses would be complete in spring 2001
- Last formal correspondence from NTSB was dated 4/18/2001 acknowledging that NHTSA was researching the issue
- Informal communication from NHTSA on this issue indicates that progress is being made to move forward with rulemaking.

Concerns:

In its 1999 special investigation report on bus crashworthiness, the Safety Board found that current compartmentalization, because of its design, does not protect all passengers during lateral impacts with vehicles of large mass or during rollovers. During these types

of accidents, passengers come in contact with other passengers, the side walls, the windows, or the edges of adjacent seats-all surfaces that are not designed to absorb impact energy. The Board concluded that because of compartmentalization, school bus passengers are safer now than they were prior to landmark legislation introduced in 1977 requiring significant changes to school bus vehicle design. However, subsequent accidents led the Board to further conclude that current compartmentalization is incomplete in that passengers do not always remain completely within the seating compartment. The Board is concerned with NHTSA's slow progress in developing pertinent standards for school bus occupant protection systems, and requiring newly manufactured school buses to have an occupant crash protection system that meets the newly developed performance standards to retain passengers, including those in child safety restraint systems, within the seating compartment throughout the accident sequence for all accident scenarios. A Federal standard would ensure that children across the country benefit from the best possible protection when riding in school buses.

Actions Pending:

Continue efforts to improve the occupant seating compartment on school buses.

DOT Report

NTSB Recommendation H-99-46

Issued: November 2, 1999

Added to the Most Wanted List: 2006

NTSB recommends, once pertinent standards have been developed for school bus occupant protection systems, NHTSA require newly manufactured school buses to have an occupant crash protection system that meets the newly developed performance standards and retains passengers, including those in child safety restraint systems, within the seating compartment throughout the accident sequence for all accident scenarios.

Status: Open-Acceptable Response

DOT Regulatory Status: *NHTSA continues to conduct research through its Vehicle Research Testing Center, and through a joint research project with the Volpe National Transportation Systems Center, in order to better assess the overall school bus safety environment and survey applicable countermeasure technologies. NHTSA has conducted modeling simulations to assess potential countermeasure feasibility, and has conducted preliminary cost/benefit estimations of some countermeasures. This research is on-going and is expected to be completed in fiscal year 2007. Concurrently, NHTSA has begun internal deliberations for preparation of an NPRM for Federal motor vehicle safety standard (FMVSS) No. 222, "School Bus Passenger Seating and Crash Protection" that will propose enhanced performance requirements for protection of school bus occupants. That NPRM is expected to publish in 2008. NHTSA intends to keep NTSB informed of the progress of research and rulemaking activities in this safety area as part of an open dialogue on the agency's future efforts in the school bus passenger safety area.*

NTSB Evaluation

Recommendation status: Open--Acceptable Response

Most recent correspondence and other significant dates:

- Last formal correspondence from NHTSA was dated 10/27/2000 indicating that research on school buses would be complete in spring 2001
- Last formal correspondence from NTSB was dated 4/18/2001 acknowledging that NHTSA was researching the issue
- Informal communication from NHTSA on this issue indicates that progress is being made to move forward with rulemaking.

Concerns:

In its 1999 special investigation report on bus crashworthiness, the Safety Board found that current compartmentalization, because of its design, does not protect all passengers during lateral impacts with vehicles of large mass or during rollovers. During these types of accidents, passengers come in contact with other passengers, the side walls, the windows, or the edges of adjacent seats-all surfaces that are not designed to absorb impact energy. The Board concluded that because of compartmentalization, school bus passengers are safer now than they were prior to landmark legislation introduced in 1977 requiring significant changes to school bus vehicle design. However, subsequent accidents led the Board to further conclude that current compartmentalization is incomplete in that passengers do not always remain completely within the seating compartment. The Board is concerned with NHTSA's slow progress in developing pertinent standards for school bus occupant protection systems, and requiring newly manufactured school buses to have an occupant crash protection system that meets the newly developed performance standards to retain passengers, including those in child safety restraint systems, within the seating compartment throughout the accident sequence for all accident scenarios. A Federal standard would ensure that children across the country benefit from the best possible protection when riding in school buses.

Actions Pending:

Continue efforts to improve the occupant seating compartment on school buses.

3. INTERMODAL SAFETY

3.1 Intermodal Accidents and Incidents Caused by Human Fatigue

DOT Report

NTSB Recommendation I-99-1

Issued: June 1, 1999

Added to the Most Wanted List: 1999

NTSB recommends DOT require the modal administrations to modify the appropriate codes of Federal regulations to establish scientifically based hours-of-service regulations that set limits on hours of service, provide predictable work and rest schedules, and consider circadian rhythms and human sleep and rest requirements and seek Congressional authority, if necessary, for the modal administrations to establish these regulations.

Status: Open Acceptable Response

DOT Regulatory Status: DOT's Human Factors Coordinating Committee (HFCC) which includes representatives from each DOT operating administration and other agencies with a transportation role, is committed to providing resources for the development of non-prescriptive fatigue management tools for the transportation enterprise. These fatigue management tools include software that can evaluate current and considered work schedules against empirically derived criteria, a fatigue management reference guide that provides what is known about and effective at countermanding operator fatigue, a business case tool suite to help safety managers justify and promote fatigue management activities within a commercial operation, and a procedure by which to validate models of fatigue and human performance. DOT has developed an Operator Fatigue Management Program, which is managed by the HFCC and continues to work with government, industry, and labor to create and improve tools to aid in understanding and managing operator fatigue. As the current set of tools comes to fruition, a second round of development is underway to update the tools based on new requirements and capabilities, such as risk assessment. The HFCC will provide the complete, updated tool suite to the FAA, PHMSA and other DOT operating administrations for field implementation and evaluation.

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- The last formal response to the Safety Board from the DOT on this recommendation was in July 2000

Concerns:

Safety Board recommendations on the issue of human fatigue and hours-of-work policies have had a substantial effect on encouraging the modal agencies to conduct research and take actions towards understanding the complex problem of operator fatigue in transportation and how it can affect performance. However, with the exception of the FMCSA's final rule, there has been little if any action directly related to revising existing regulations.

In 1998, the DOT launched the "ONEDOT" effort to coordinate resources among DOT agencies. One of the goals of this effort was to reduce the number of accidents and injuries related to operator fatigue. This led to the development of the DOT Operator Fatigue Management (OFM) Program, which is managed by the DOT's Human Factors Coordinating Committee (HFCC), a group comprising representatives from each of the DOT administrations and other agencies with a transportation role.

During its tenure, the OFM program has worked with government, industry, and labor to create tools to aid in understanding and managing operator fatigue. Four public-private partnerships were formed under the auspices of the OFM program to develop non-prescriptive tools for operator fatigue management, with the intent that these tools would be used by industry. Products of the OFM program include a software tool to aid in the design of work schedules and a "Fatigue Management Reference Guide" completed in January 2004. Although there are currently some efforts underway to evaluate the effectiveness of these tools, there is little evidence of widespread adoption by industry.

Actions Pending:

Issuance of regulations to address fatigue in the aviation, marine, and pipeline industries.

4. PIPELINE SAFETY

4.1 Pipeline Accidents and Incidents Caused by Human Fatigue

DOT Report

NTSB Recommendation P-99-12

Issued: June 1, 1999

Added to the Most Wanted List: 1999

NTSB recommends PHMSA establish within two years scientifically based hours-of-service regulations that set limits on hours of service, provide predictable work and rest schedules, and consider circadian rhythms and human sleep and rest requirements.

Status: *Open Acceptable Response*

DOT Regulatory Status: *PHMSA is aggressively working to address prevention of accidents and incidents in several areas described below.*

- **Research.** *PHMSA, through a study conducted by the Battelle Memorial Institute, is assessing opportunities for the improved safety, reliability, and efficiency of pipeline monitoring and control operations. The study, to be completed in 2008, will develop guidelines and strategies for continuous improvement. Further, in response to a Congressional mandate to study controller certification, PHMSA studied a broad range of control room issues, including fatigue. The study showed there is considerable diversity in control room equipment and the tasks controllers perform. Because of this, PHMSA believes a nationally administered standard certification test for controller qualifications would provide limited value. However, a formalized process for validating the adequacy of controller-related procedures, training, and credentials would improve management of control rooms.*
- **Public Meeting.** *PHMSA held a public meeting on the opportunity to improve pipeline control operations in conjunction with a meeting of the Technical Pipeline Safety Standards Committee and the Technical Hazardous Liquid Pipeline Safety Standards Committee in June 2006. PHMSA is analyzing the substantive comments received. PHMSA is considering a formalized process for validating the adequacy of controller-related procedures, training, and credentials to improve management of control rooms.*
- **Non-Regulatory Action.** *PHMSA issued an advisory bulletin last year to owners and operators of natural gas and hazardous liquid pipelines and liquefied natural gas facilities. This bulletin provides guidance on processes to control safety such as ensuring that controllers are not assigned to shift duties while fatigued, considerations that could cause a reduction of mental alertness or decision-making ability, and other safe management practices.*
- **Legislative Action.** *On December 29, 2006, President George W. Bush signed the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006. This law mandates the issuance of regulations by June 1, 2008, which will require each operator of a gas or hazardous liquid pipeline to develop and submit a plan to*

reduce pipeline system risk associated with human factors, including specifying hours of service to minimize fatigue.

- **Regulatory Action.** *PHMSA is working to meet the statutory requirement noted above, which also includes another provision which specifically addresses the NTSB recommendation on control management.*

NTSB Evaluation

NTSB History on Fatigue:

The Safety Board has long been concerned about the issue of operator fatigue in transportation and has stressed its concerns in investigation reports issued throughout the 1970s and 1980s. In 1989, the Board issued three recommendations to the Secretary of Transportation calling for research, education, and revisions to existing regulations. These recommendations were added to the Board's Most Wanted List in 1990, and the issue of fatigue has remained on the Most Wanted List since then. The Safety Board's 1999 safety study of DOT efforts to address operator fatigue continued to show that this problem was widespread. Operating a vehicle without the operator's having adequate rest, in any mode of transportation, presents an unnecessary risk to the traveling public. The laws, rules, and regulations governing this aspect of transportation safety are archaic in many cases (for example, the Oil Pollution Act of 1990 contained work-hour limitations for tank personnel of 15 hours in a 24-hour period and 36 hours in a 72-hour period) and are not adequate to address the problem.

Safety Board recommendations on the issue of human fatigue and hours-of-work policies have had a substantial effect on encouraging the modal agencies to conduct research and take actions towards understanding the complex problem of operator fatigue in transportation and how it can affect performance. However, there has been little if any action taken by the Pipeline and Hazardous Materials Safety Administration (PHMSA) directly related to establishing regulations for pipeline operators and controllers.

Recommendation status: Open—Acceptable Response

Most Recent Correspondence and Other Significant Dates:

- In 2002, the Research and Special Programs Administration (RSPA), Office of Pipeline Safety (OPS), now PHMSA, tasked the Volpe National Transportation Systems Center to develop information about work-rest cycles, fatigue measurement and fatigue management for pipeline controllers. In 2004, OPS reported that the Volpe Center project had "determined that there was very little information available to assess the extent of fatigue issues in pipeline transportation or to provide industry and labor with tools and techniques to manage any problems." Consequently, PHMSA reported that they decided to "broaden their focus to include not just fatigue issues, but operator human factors in general" and they awarded approximately \$1 million to the Battelle Memorial Institute for a project entitled *Human Factors Analysis of Pipeline Monitoring and Control Operations* to be completed in September 2008.

- On August 11, 2005, PHMSA published an advisory bulletin (ADB-05-6), entitled *Pipeline Safety: Countermeasures to Prevent Human Fatigue in the Control Room* (FR Doc. 05-15956) to address Safety Recommendation P-98-30. To develop this guidance, PHMSA worked with the pipeline community, Federal agencies with experience in human factors, and other human factors experts to evaluate how rotating controller schedules relate to human fatigue. The bulletin suggested that pipeline operators consider the following: (1) developing shift rotation practices that minimize fatigue, (2) limiting controllers to 12-hour shifts unless extraordinary or emergency situations are involved, (3) documenting cases where controllers have to work longer than 12 hours in a shift, (4) scheduling at least a 10-hour break between shifts, and (5) developing guidelines for scheduling controllers that consider the effects of fatigue. In addition, the bulletin included suggestions for training controllers and supervisors about fatigue and ensuring that the control room environment does not induce fatigue. On May 3, 2006, Safety Recommendation P-98-30 was classified "Closed—Acceptable Action," following PHMSA's publication of ADB-05-6.
- The incorporation of ADB-05-6 into regulations would improve fatigue management in the pipeline industry. To date, PHMSA has not begun the rulemaking process to accomplish this. On June 27, 2006, PHMSA held a Public Workshop on the Effectiveness of Pipeline Control Room Operations. At this workshop, PHMSA discussed the possibility of making ADB-05-6 a regulation.
- NTSB-SRA/RPH and PHMSA-OPS staffs continue discussions to address this issue and have held several meetings, as recent as March 2007, to review progress on the proposed and ongoing initiatives.

Concerns:

While there was a general acknowledgement from industry representatives at the 2006 Public Workshop that managing fatigue is important in control rooms, there were also several companies that indicated fatigue regulations would add an unreasonable burden to small companies. In addition, several companies noted that the operational differences between gas distribution networks and transmission networks would make broad regulation of fatigue difficult. Consequently, PHMSA has indicated that it is reviewing the validity of these concerns.

Actions Pending:

Develop regulations to address fatigue in the pipeline industry.

5. RAILROAD SAFETY

5.1 Positive Train Control Systems

DOT Report

NTSB Recommendation R-01-6

Issued May 15, 2001

Added to the Most Wanted List: 2001

NTSB recommends that FRA facilitate actions necessary for development and implementation of positive train control (PTC) systems including collision-avoidance components, and require implementation of positive train control systems on main line tracks, establishing priority requirements for high-risk corridors such as those where commuter and intercity passenger railroads operate.

Status: Open Acceptable Response

DOT Regulatory Status: *FRA is continuing to support national deployments of advanced signal and train control technology to improve the safety, security, and efficiency of freight, intercity passenger, and commuter rail service through regulatory reform, technology development, infrastructure implementation, and financial assistance. Positive Train Control (PTC) refers to technology that is capable of preventing train collisions, over speed derailments, and casualties or injuries to roadway workers (e.g., maintenance-of-way workers, bridge workers, signal maintainers) operating within their limits of authority. PTC systems vary widely in complexity and sophistication based on the level of automation they implement and the degree of control they are capable of assuming. While PTC systems can be designed to operate independently, most of the developments focus on enhancing previously existing methods of rail operations. This technology has the potential capability to limit the consequences of events such as hijackings and runaways that are of special concern in an era of heightened security.*

- **Regulatory Development.** *As a result of extensive participation and contributions by railroads, rail labor, suppliers and other agencies, including the NTSB, on March 7, 2005, FRA published the final rule Standards for Development and Use of Processor-Based Signal and Train Control Systems (49 CFR parts 209, 234, and 236). These new risk-based performance (vice traditional prescriptive) regulations were first developed by a working group of the Railroad Safety Advisory Committee and support the introduction of innovative technology, including systems utilizing computers and radio data links, to accomplish PTC functions. In addition to supporting advancement of PTC systems, these regulations also were crafted to facilitate the ever-growing use of processor-based equipment and functioning in otherwise conventional signal systems. Several clarifications and amendments to the rule were subsequently published in the Federal Register on December 5, 2005, and went into effect on January 4, 2006.*

FRA technical staffs are working closely with the various railroad personnel involved in each of the projects described below. To determine regulatory compliance, there

has been and will continue to be extensive efforts by these FRA employees in the review and analysis of the technical data associated with the submitted railroads' safety cases for these systems. This effort includes several meetings with the involved parties as well as extensive individual and group reviews of the massive volumes of material associated with the individual safety cases and supporting data. This also requires significant study to determine applicable regulations and their application to the task at hand. The commitment of FRA staff to this task, the high priority given it, and the associated time and effort expended shows FRA's commitment to facilitating these systems in the most rapid, effective, and safest manner possible.

- **Technology Development and Deployment.** There are nine major PTC systems currently in progress in the United States.

ACSES. Amtrak has implemented the Advanced Civil Speed Enforcement System (ACSES) on the Northeast Corridor between Boston and New Haven and in high-speed territory south of New York City. ACSES supplements the existing cab signal/automatic train control system on the Northeast Corridor, providing full PTC functionality in support of operations up to 150 mph. New Jersey Transit is also undertaking progressive implementation of an ACSES-compatible system on its property.

CAS. The Alaska Railroad is in the third phase of a statewide multi-year phased implementation of their communications-based train control system called Collision Avoidance System (CAS). Currently planned for completion in 2008, CAS is designed to enhance safety by enforcing movement authority, speed restrictions, and on-track equipment in real time in a combination of Direct Traffic Control and signaled territory. Previous phases upgraded the required communications infrastructure and Computer Aided Dispatching (CAD) system. The current phase of work in progress involves the design and installation of a safety server for the CAD to ensure conflict resolution and development of the onboard equipment. This phase is expected to be finished in late 2007.

CBTM. In 1998 CSX Transportation, Inc. (CSXT) requested a waiver of current Federal Regulations to implement a pilot overlay-type PTC system called Communication Based Train Management (CBTM) on 126.6 miles of CSXT track between Spartanburg, South Carolina, and Augusta, Georgia. The pilot includes all of the territory on two subdivisions, Spartanburg and McCormick, of the Florence Service Lane and includes single main track, sidings, and branch lines. CSXT has received approval of their Railroad Safety Program Plan (RSPP), the first required step for system qualification under the final rule. CSXT has also submitted an informational filing to resume testing that is under final safety review so they may continue testing of their CBTM system in advance of approval of their expected Product Safety Plan (PSP).

ETMS. The Burlington Northern and Santa Fe Railway Company (BNSF) is in full revenue demonstration operations of the Electronic Train Management System (ETMS) on about 130 miles of signaled and non-signaled territory between Beardstown and Centralia in the State of Illinois. This revenue demonstration is focusing on gathering operational data on the effectiveness of ETMS technology during extended operations and evaluating required characteristics for a production

system. BNSF has filed and received authorization for a waiver for extended testing of a slightly more sophisticated version of ETMS (ETMS II) on their Fort Worth Subdivision from Fort Worth to Gainesville, Texas, and the Red Rock Subdivision from Gainesville to Arkansas City, Kansas. This territory is currently being upgraded to support the test operations.

ETMS is an overlay-type communication-based system that enforces movement authority and speed restrictions for ETMS equipped trains and proximity warnings of nearby equipped on-track equipment. This system works in conjunction with the existing methods of operation including the currently installed signal and train control systems to protect against the consequences of human error.

The BNSF RSPP has achieved full approval from FRA. Their PSP for the ETMS I product tested on the Beardstown Subdivision has been submitted and is in the final stage of regulatory review. BNSF has identified and is prioritizing 35 subdivisions to receive ETMS I pending regulatory approval.

ITCS. FRA joined with Amtrak and the State of Michigan to install an Incremental Train Control System (ITCS) on Amtrak's Michigan line between Chicago and Detroit. Currently installed on over 45 miles of track in signaled territory between Niles and Kalamazoo, Michigan, this project includes high-speed highway-rail grade crossing starts using radio communication rather than track circuits. The health of the crossings is monitored through communication between the locomotives and the crossings, and appropriate speed restrictions are imposed and enforced by the system for various malfunctions. In revenue service for Amtrak since January 2002, the maximum train speed for passenger train operations in this territory has increased from 79 mph to 95 mph. ITCS is currently being upgraded to eventually support operations up to 110 mph, and expanded to cover an additional 60 miles of track. The Validation and Verification process for ITCS software design is now in the late stages and is expected to be completed in early 2007.

North American Joint PTC:

On January 23, 1998, FRA joined with the Association of American Railroads (AAR) and the Illinois Department of Transportation (IDOT) to begin development of a joint high-speed PTC project for the St. Louis-Chicago corridor. This project is the venue for the industry's development of standards for PTC interoperability (i.e., the ability of a train to move from one railroad or from one type of train control system onto another at track speed while under continuous supervision of the train control systems). AAR, IDOT, and FRA are sharing the project costs. The Railroad Research Foundation, an AAR subsidiary, is providing project management through the Transportation Technology Center, Inc. (TTCI). An early demonstration of locomotive tracking ability was successfully tested at speeds up to 110 mph in the summer of 2002. The system has also undergone substantial integration testing in the laboratory by the System Development/Integrator (Lockheed Martin).

However, as this system is the most complex PTC system to be developed, significantly more testing and development will be required before it can be placed into revenue service. A decision has been made by the stakeholders to move the test ground to the TTCI test facility, since the St. Louis-Chicago corridor is currently scheduled to be equipped with a conventional cab signal system so that high speed passenger rail operation can commence sooner. The development effort on the

NAJPTC as an industry cooperative effort has accumulated valuable experience. This experience is reflected in the deployment of other PTC systems and their associated implementation technology, analysis, testing, and the developed Safety Cases.

OTC. *The Norfolk Southern Railroad has begun development of their Optimized Train Control (OTC) system. OTC will employ components of several advanced train control technologies, including PTC. Combining data communications, positioning systems, and onboard computers tied to the train's braking systems, this system will automatically enforce speed and operating limits to prevent collisions and other train accidents, provide improved visibility of network conditions, and promote more efficient operations. Implementation of the first phase, involving communications infrastructure and CAD upgrades, is nearing completion on the Norfolk Southern line between Charleston and Columbia, S.C. Development of the second phase, involving the addition of onboard equipment, is expected to begin in early 2007. Norfolk Southern has also submitted its RSPP and FRA is in the final stages of regulatory review for full approval.*

CBTC. *The Union Pacific Railroad Company (UP) has begun planning to implement their Communication Based Train Control (CBTC) system on signaled territory between North Platte and Sheep Creek, Wyoming, and on non-signaled territory from Spokane, Washington, to Eastport, Idaho. This system is expected to be quite similar to BNSF's ETMS, as it is being developed by the same manufacturer WABTEC. The UP has submitted its RSPP and FRA is in the final stages of regulatory review for full approval. FRA staff is working with the UP and WABTEC on the changes required to modify ETMS to support UP requirements.*

METRA: *The Chicago Metropolitan Rail Authority (METRA) has initiated plans to implement an ETMS-like system on their Rock Island Line in the Chicago suburbs. Undertaken as result of several high speed derailments resulting in significant injuries and fatalities, this system will employ a subset of ETMS technology to enforce civil speed restrictions. The system is in the requirements definition phase. Preliminary plans are for a 2008 implementation date.*

- **Infrastructure Implementation.** *FRA is the Federal program sponsor of the Nationwide Differential Global Positioning System (NDGPS) Program. This GPS augmentation provides more precise positioning and continuous integrity monitoring in support of safety-of-life applications for surface transportation, and other applications. NDCPS provides 1- to 2-meter positioning accuracy to receivers capable of receiving the differential correction signal. It is an expansion of the U.S. Coast Guard's Maritime DGPS network and makes use of decommissioned U.S. Air Force Ground Wave Emergency Network (GWEN) sites to calculate and broadcast the differential correction signals. NDCPS is now operational with single station coverage over 95% and dual-redundant coverage over 45% of the continental U.S. and Alaska. This project has been zero funded for FY 2007. Unexpended funds for FY2006 will be used to keep the system operational. For FY 2007, however this funding is insufficient to support repairs in the event of equipment failure and any further expansion of the system or its capabilities. The current outlook for the continued operation of this system is bleak. Unless maintenance funds are identified in the FY 2008 budget, the NDCPS system will need to be decommissioned.*

- **Financial Assistance.** *PTC systems are eligible for funding under the Railroad Rehabilitation and Improvement Financing (RRIF) Program. No railroads, however, have approached FRA for funding of PTC projects using this program.*

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- On May 16, 2006, the FRA wrote: On March 7, 2005, FRA issued a final rule entitled “Standards for Development and Use of Processor-Based Signal and Train Control Systems,” which revised the existing Rules, Standards, and Instructions Governing Signal and Train Control Systems (49 CFR Part 236) and implemented the necessary technology-neutral, performance-based criterion for supporting the development and determining the safety of processor and communication-based signal and train control operating architectures. The FRA also wrote: the most significant recent developments involve the installation of PTC on major Class I freight railroads.
- On November 15, 2006, the Board thanked the FRA for the details they provided regarding individual railroads' progress in implementing PTC systems.

Concerns:

Although the FRA has established standards for the development of PTC, it has yet to require railroads to develop and install PTC on their systems. This safety issue was highlighted when a freight train hit a commuter passenger train head-on in Placentia, California in 2002, when 2 freight trains collided after crewmembers failed to operate their trains in accordance with the signal system in Macdona, Texas in 2004, when a freight train collided with a standing train in Graniteville, South Carolina in 2005, when 2 freight trains collided head-on in Anding, Mississippi also in 2005, and when Chicago Metra passenger trains derailed in Chicago in 2003 and 2005. Recent developments involve the installation of test PTC systems on some Class I freight railroads. Installation of PTC on railroads nationwide would prevent serious accidents caused by human errors.

Actions Pending:

Facilitate development and implementation of positive train control systems and require installations, giving priority to where commuter and intercity passenger railroads operate

6. MARINE SAFETY

6.1 Marine Accidents and Incidents Caused by Human Fatigue

In 2003, the U.S. Coast Guard moved from Department of Transportation to Department of Homeland Security

As part of the Homeland Security Act of 2002, Public Law 107-296, the U.S. Coast Guard transferred from the DOT to the DHS, but has continued its marine safety duties and close working relationship with the DOT and its modal administrations.

DOT Report

NTSB Recommendation M-99-1

Issued: June 1, 1999

Added to the Most Wanted List: 1999

NTSB recommends USCG Establish within 2 years scientifically based hours-of-service regulations that set limits on hours of service, provide predictable work and rest schedules, and consider circadian rhythms and human sleep and rest requirements.

Status: Open Acceptable Response

USCG Regulatory Status

International

The Coast Guard played a major role in addressing fatigue at the International Maritime Organization (IMO) Convention, especially in the 1995 amendments to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW), and in an IMO resolution calling attention to the variety of factors that contribute to fatigue. The new rules became mandatory for all mariners operating internationally in 2002.

Domestic

The current hours of service in the marine mode are still 12 hours of service in a 24-hour period; they have not been updated. The Coast Guard established a headquarters branch dedicated to fatigue and crew resources management and has sponsored domestic research in the field of fatigue continuously for more than a decade. This research has primarily confirmed that the problem of fatigue among personnel in the marine mode is highly complex and is influenced by a wide variety of environmental, operational, and individual factors.

Based on its research, the Coast Guard developed its Crew Endurance Management (CEM) system, which is described as "a system for managing the risk factors that can lead to human error and performance degradation in maritime work environments." Fatigue management is one of several factors that the CEM system considers. In 2002, the Coast Guard and the American Waterway Operators chartered a working group to implement CEM in the barge and towing vessel industry. According to a 2005 report, more than 70 towing vessels are in some stage of documented CEM implementation.

The Coast Guard and Maritime Transportation Act of 2004 allows the Coast Guard to set maximum hours of service for towing vessel operators based on the results of a demonstration project using the CEM system on towing vessels. The demonstration project was completed in 2005, and a report of the results was submitted to Congress on March 29, 2006. According to the report, the demonstration project was designed to evaluate the feasibility, effectiveness, and sustainability of the CEMS in the towing industry. Although the sample included in the demonstration project was relatively small, it revealed promising results in terms of reducing fatigue-related risks. In addition, Commandant Instruction (COMDTINST) 3500.2, Crew Endurance Management (CEM), signed on March 30, 2006, stated that "Commanding officers and officers-in-charge shall implement a CEM program to manage endurance risk at their unit." Other domestic operations that may benefit from CEMS or similar efforts include small passenger vessels, offshore supply vessels, and fishing vessels.

NTSB Evaluation

NTSB History on Fatigue:

The Safety Board has long been concerned about the issue of operator fatigue in transportation and has stressed its concerns in investigation reports issued throughout the 1970s and 1980s. In 1989, the Board issued three recommendations to the Secretary of Transportation calling for research, education, and revisions to existing regulations. These recommendations were added to the Board's Most Wanted list in 1990, and the issue of fatigue has remained on the Most Wanted list since then. The Safety Board's 1999 safety study of DOT efforts to address operator fatigue continued to show that this problem was widespread. Operating a vehicle without adequate rest, in any mode of transportation, presents an unnecessary risk to the traveling public. The laws, rules, and regulations governing this aspect of transportation safety are archaic in many cases (the work-hour regulations for marine are specified in Title 46 *United States Code* 8104 and date back to the early part of the 20th century) and are not adequate to address the problem. Safety Board recommendations on the issue of human fatigue and hours-of-work policies have had a substantial effect on encouraging the modal agencies to conduct research and take actions towards understanding the complex problem of operator fatigue in transportation and how it can affect operator performance.

Recommendation Status: Open—Acceptable Response

Summary of Action:

The NTSB has acknowledged the Coast Guard's leadership role at the IMO on fatigue and specific HOS regulations for international operations, which included with the 1995 amendments to the *Standards of Training, Certification and Watchkeeping for Seafarers, 1978, effective 2000*.

While the Coast Guard's February 2007 update does not provide any new information on domestic fatigue issues, the Safety Board understands that the Coast Guard is continuing efforts to develop guidance to address hours of work using operational controls

established by the certificate of inspection for a commercial vessel. To this end, the Coast Guard is working to develop a better understanding of fatigue-based risks and to recommend means to control those risks through collaborations with other Federal agencies, including the Department of Transportation. In addition, partnerships with the marine industry regarding crew endurance and fatigue are moving from the research phase to the deployment of systemic programs and tools. The Coast Guard indicated that increasing numbers of vessels in the commercial marine industry and the Coast Guard are using these programs to control fatigue-related risks. The Coast Guard believes this holistic approach to the issues is very effective in addressing the underlying problem of mariner fatigue.

Concerns:

The Board is concerned that the Coast Guard is not moving fast enough to develop required hours of service regulations for all domestic operations. In addition, while there has been significant efforts in commercial towing and internal USCG cutter operations, it does not appear that other domestic operations such as small passenger vessels, offshore supply vessels, and fishing vessels, will see much action soon.

Actions Pending:

Issue formal fatigue management regulations for all domestic operators, such as those referenced for towing vessel operators in the Coast Guard and Maritime Transportation Act of 2004.

ACRONYMS

AC	Advisory Circular
ACSES	Advanced Civil Speed Enforcement System
AD	Airworthiness Directives
ARAC	Aviation Rulemaking Advisory Committee
CAS	Collision Avoidance System
CBTM	Communication Based Train Management
CDL	Commercial Driver's License
CFR	Code of Federal Regulations
CMV	Commercial Motor Vehicle
CSA 2010	Comprehensive Safety Analysis 2010
CSXT	CSX Transportation, Inc.
CVR	Cockpit Voice Recorder
DOT	Department of Transportation
DHS	Department of Homeland Security
DFDR	Digital Flight Data Recorder
FDR	Flight Data Recorder
FAA	Federal Aviation Administration
FFDCC	Aeronautics Future Flight Data Collection Committee
FMCSA	Federal Motor Carrier Safety Administration
FMCSR	Federal Motor Carrier Safety Regulations
FMVSS	Federal Motor Vehicle Safety Standard
FRMS	Fatigue Risk Management System
HFCC	Human Factors Coordinating Committee
HWG	Harmonization Working Group
ICAO	International Civil Aviation Organization
NASA	National Aeronautics and Space Administration
NHTSA	National Highway Traffic Safety Administration
NPRM	Notice of Proposed Rulemaking
NRCME	National Registry of Certified Medical Examiners
NTSB	National Transportation Safety Board
OTC	Optimized Train Control
PHMSA	Pipeline and Hazardous Materials Safety Administration
PSP	Product Safety Plan
PTC	Positive Train Control
RSPP	Railroad Safety Program Plan
RWSL	Runway Status Light
SAFETEA-LU	The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SLD	Super Cooled Large Drop (conditions)
SNPRM	Supplemental Notice of Proposed Rulemaking
USCG	U.S. Coast Guard



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 04 2008

Honorable Mary E. Peters
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
9th Floor
Washington, D.C. 20590

Dear Secretary Peters:

Pursuant to section 1135(d)(3) of Title 49, United States Code, the National Transportation Safety Board is requested by Congress to review the Secretary of Transportation's report regarding the regulatory status of each Safety Board recommendation issued to the Secretary that is on the Board's Most Wanted List of Transportation Safety Improvements. Additionally, the Safety Board is requested to transmit comments on the Secretary's report within 90 days after it is received by Congress. Enclosed please find the Safety Board's comments.

If you have any additional questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

A handwritten signature in black ink, reading "Mark V. Rosenker", is written over a horizontal line.

Mark V. Rosenker
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 04 2008

Honorable James L. Oberstar
Chairman
Transportation and Infrastructure Committee
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Oberstar:

Pursuant to section 1135(d)(3) of Title 49, United States Code, the National Transportation Safety Board is requested by Congress to review the Secretary of Transportation's report regarding the regulatory status of each Safety Board recommendation issued to the Secretary that is on the Board's Most Wanted List of Transportation Safety Improvements. Additionally, the Safety Board is requested to transmit comments on the Secretary's report within 90 days after it is received by Congress. Enclosed please find the Safety Board's comments.

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Sincerely,

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Mark V. Rosenker
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 04 2008

Honorable John L. Mica
Ranking Republican Member
Transportation and Infrastructure Committee
U.S. House of Representatives
2163 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Mica:

Pursuant to section 1135(d)(3) of Title 49, United States Code, the National Transportation Safety Board is requested by Congress to review the Secretary of Transportation's report regarding the regulatory status of each Safety Board recommendation issued to the Secretary that is on the Board's Most Wanted List of Transportation Safety Improvements. Additionally, the Safety Board is requested to transmit comments on the Secretary's report within 90 days after it is received by Congress. Enclosed please find the Safety Board's comments.

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Mark V. Rosenker
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 04 2008

Honorable Daniel K. Inouye
Chairman
Commerce, Science, and Transportation Committee
U.S. Senate
508 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Inouye:

Pursuant to section 1135(d)(3) of Title 49, United States Code, the National Transportation Safety Board is requested by Congress to review the Secretary of Transportation's report regarding the regulatory status of each Safety Board recommendation issued to the Secretary that is on the Board's Most Wanted List of Transportation Safety Improvements. Additionally, the Safety Board is requested to transmit comments on the Secretary's report within 90 days after it is received by Congress. Enclosed please find the Safety Board's comments.

If you have any additional questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

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Mark V. Rosenker
Chairman

Enclosure



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

AUG 04 2008

Honorable Kay Bailey Hutchison
Ranking Republican Member
Commerce, Science, and Transportation Committee
U.S. Senate
254 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Hutchison:

Pursuant to section 1135(d)(3) of Title 49, United States Code, the National Transportation Safety Board is requested by Congress to review the Secretary of Transportation's report regarding the regulatory status of each Safety Board recommendation issued to the Secretary that is on the Board's Most Wanted List of Transportation Safety Improvements. Additionally, the Safety Board is requested to transmit comments on the Secretary's report within 90 days after it is received by Congress. Enclosed please find the Safety Board's comments.

If you have any additional questions, please do not hesitate to call me at (202) 314-6035, or Ms. Brenda Yager, Director of Government and Industry Affairs, at (202) 314-6006.

Sincerely,

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Mark V. Rosenker
Chairman

Enclosure



National Transportation Safety Board

Evaluation of

The Department of Transportation

2008 Annual Report to Congress

On the Regulatory Status of

Each Recommendation on the

National Transportation Safety Board's

Most Wanted List

May 2008

EXECUTIVE SUMMARY

This report is a review by the National Transportation Safety Board (NTSB) of the report submitted in March 2008 to Congress by the Secretary of the Department of Transportation (DOT) entitled *U.S. Department of Transportation's 2008 Annual Report to Congress and the National Transportation Safety Board (NTSB) on the Regulatory Status of Each Safety Recommendation on the NTSB Most Wanted List*.

This report by the NTSB is required by the National Transportation Safety Board Reauthorization Act of 2006, as reported; this is the second year that this report is being submitted.

The format of this document is as follows: For each recommendation, the information that the DOT reported to Congress is first provided in italics (*DOT Report*) followed by the NTSB's evaluation of that report (NTSB Evaluation).

1. AVIATION SAFETY

1.1 Dangers to Aircraft Flying in Icing Conditions

DOT Report

NTSB Recommendation A-96-54

Issued: August 15, 1996

Added to the Most Wanted List: 1997

NTSB recommends the Federal Aviation Administration (FAA) revise the icing criteria published in 14 [Code of Federal Regulations] CFR parts 23 and 25, in light of both recent research into aircraft ice accretion under varying conditions of liquid water content, drop size distribution, and temperature, and recent developments in both the design and use of aircraft. Also, expand the Appendix C icing certification envelope to include freezing drizzle/freezing rain and mixed water/ice crystal conditions, as necessary.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: In December 2005, the Aviation Rulemaking Advisory Committee's (ARAC) Ice Protection Harmonization Working Group (HWG) with the support of Flight Test HWG, the Powerplant Installation HWG, and the Engine HWG completed their final report on recommended rulemaking and advisory material related to supercooled large drop (SLD) conditions and ice crystal/mixed phase conditions. The report included recommendations for a new appendix to 14 CFR part 25, defining an SLD environment and a new 14 CFR part 33 Appendix D to address ice crystal/mixed phase conditions. Included in the report are recommendations addressing 14 CFR part 25 aircraft performance and handling qualities, engine installation effects, ice protection system requirements, and 14 CFR part 33 engine requirements. ARAC approved the report and sent it to FAA in March 2006. FAA has completed a preliminary economic analysis of the ARAC proposal and is evaluating the report.

ARAC has also completed much of the work required for a part 23 SLD rule and FAA has initiated a study to compile data for the economic analysis. FAA believes the part 23 SLD rule language can be harmonized with the part 25 language and that the proposed Appendix to 14 CFR part 25, that defines an SLD environment, can be used for part 23 certification, just as Appendix C to 14 CFR part 25 is used today.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 10/26/05 – Most recent letter from FAA.

Concerns:

Although the work of the ARAC's HWGs is a start in responding to this recommendation, the work is proceeding at an unacceptably slow pace. There appears to be little progress since the DOT's update a year ago or its most recent correspondence, dated October 26, 2005. This recommendation is 11 1/2 years old, and the FAA has completed only the preliminary economic analysis of the ARAC proposal (according to the agency's 2008 Annual Report); it still must issue the notice of proposed rulemaking (NPRM), analyze comments, and complete the many other tasks involved in issuing new regulations. The NTSB has previously advised the FAA that the pace of progress on this recommendation is not acceptable. The NTSB continues to investigate accidents in which icing was a consideration.

Actions pending:

Revise the icing criteria used in aircraft certification to include freezing drizzle/freezing rain and mixed water/ice crystal conditions.

DOT Report

NTSB Recommendation A-96-56

Issued: August 15, 1996

Added to the Most Wanted List: 1997

NTSB recommends that FAA revise the icing certification testing regulation to ensure that airplanes are properly tested for all conditions in which they are authorized to operate, or are otherwise shown to be capable of safe flight into such conditions. If safe operations cannot be demonstrated by the manufacturer, operational limitations should be imposed to prohibit flight in such conditions and flightcrews should be provided with the means to positively determine when they are in icing conditions that exceed the limits for aircraft certification.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: *FAA has identified multiple rulemakings and interim actions to address this recommendation. The rulemakings are listed below:*

- Part 25 Performance and Handling in Icing: FAA revised the 14 CFR part 25 requirements and related advisory material. This change introduced new requirements for evaluating airplane performance and handling characteristics of transport-category airplanes for flight in the icing conditions of 14 CFR part 25, Appendix C.
 - The final rule was published on August 8, 2007. It became effective on October 9, 2007, as amendment 25-121 to 14 CFR part 25.
 - Advisory Circular (AC) 25-25 was published on September 10, 2007, and it provides information on ways to comply with the new standards.
- Part 25 Expansion of Certification Icing Conditions: As noted in our response to recommendation A-96-54, in December 2005, the Aviation Rulemaking Advisory Committee's (ARAC) Ice Protection Harmonization Working Group (HWG) with the support of Flight Test HWG, the Powerplant Installation HWG, and the Engine HWG, completed their final report on recommended rulemaking and advisory material related to supercooled large drop (SLD) conditions and ice crystal/mixed phase conditions. The report included recommendations for a new appendix to 14 CFR part 25, defining an SLD environment and a new 14 CFR part 33 Appendix D to address ice crystal/mixed phase conditions. Included in the report are also recommendations addressing 14 CFR part 25 aircraft performance and handling qualities, engine installation effects, ice protection system requirements, and 14 CFR part 33 engine requirements. ARAC approved the report and sent it to FAA in March 2006. FAA has accomplished a rough economic analysis of the ARAC proposal and is evaluating the reports. ARAC has also completed much of the work required to revise part 23 in a similar manner and FAA has initiated a study to compile data for the economic analysis.
- Part 121 Exiting Icing: FAA took the following actions related to aileron hinge movement reversals on existing airplanes.
 1. March 1995 - FAA began an investigation that addressed 14 CFR parts 23 and 25 airplanes used in regularly scheduled revenue passenger service in the U.S. and equipped with pneumatic deicing boots and unpowered ailerons. All airplanes were found to have acceptable roll control forces should a ridge of ice form aft of deicing boots and forward of the ailerons.
 2. April 24, 1996 through February 6, 1998 - FAA issued over 40 severe icing airworthiness directives (AD) for parts 23 and 25 airplanes equipped with pneumatic deicing boots and unpowered ailerons. The ADs provide the flight crew with visual cues to determine when the airplane has encountered severe icing conditions that exceed the capabilities of the airplane's ice protection equipment. The ADs also require the flight crew to exit the severe icing conditions.

3. *July 23, 1997 - FAA issued a memorandum to all Aircraft Certification Offices requiring an evaluation of newly designed or derivative parts 23 and 25 aircraft with unpowered ailerons and pneumatic deicing boots. The evaluation addressed roll control anomalies in certain supercooled liquid droplet conditions. The memorandum documents the known unsafe condition addressed by the ADs issued in 1996 and 1998. The evaluation requirements are similar to those used during the roll control evaluation that began in March 1995. The flight crew information required by the memorandum is similar to that contained in the ADs issued in 1996 and 1998.*

ARAC has recommended that FAA issue a part 121 rule to require less subjective means of determining when the flightcrew should exit icing conditions. FAA agrees and has completed a preliminary economic analysis of the ARAC proposal and is evaluating the results.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 10/26/05 – Most recent letter from FAA.
- 8/8/07 – Final rule published; effective 10/9/07 as amendment 25-121 to 14 CFR Part 25, Appendix C, Performance and Handling.
- 9/10/07 – AC for Part 25 requirements related to performance and handling in icing conditions published.

Concerns:

The three rulemaking projects the FAA described are partially responsive to this recommendation, but the continuing delays in addressing the whole of the NTSB's recommendation are not acceptable. Although the FAA completed the first of the three projects with the publication and enactment of the final rule for Part 25 Performance and Handling (published August 8, 2007) and the related AC, it still has not enacted, or proposed expansion of, the Part 25 and Part 23 icing certification conditions to reflect SLD conditions, nor revised Part 121 concerning when to exit icing conditions. It has been more than 11 years since this recommendation was issued, and the FAA has accomplished only a rough economic analysis of the ARAC proposal.

Actions pending:

1. Expand Part 25 and Part 23 icing certification conditions to include SLD conditions.
2. Revise Part 121 requirements concerning when to activate anti-icing and de-icing systems, and when to exit icing conditions.

DOT Report

NTSB Recommendation A-98-92

Issued: November 30, 1998

Added to the Most Wanted List: 2003

NTSB recommends that FAA with the National Aeronautics and Space Administration (NASA) and other interested aviation organizations, conduct additional research to identify realistic ice accumulations, to include intercycle and residual ice accumulations and ice accumulations on unprotected surfaces aft of the deicing boots, and to determine the effects and criticality of such ice accumulations; further, the information developed through such research should be incorporated into aircraft certification requirements and pilot training programs at all levels.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA supported research relative to ice accumulations and has used that information to improve certification guidance and pilot training material. FAA has completed a revision to advisory circular (AC) 20 - 73, which includes certification guidance relative to the effects and criticality of deicing boot intercycle and residual ice accumulations on unprotected surfaces aft of protected surfaces. The AC was published on August 16, 2006. Using what FAA has learned during the research activities and the development of the AC, FAA collaborated with NASA to produce and distribute icing training materials.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 10/26/05 – Most recent letter from FAA.
- 8/16/06 – AC 20-73A issued.

Concerns:

On October 26, 2005, the FAA indicated that revisions to AC 20-73 had been based on research and analysis conducted before 2000, yet, during the period from 2000 to 2005, the FAA had indicated that more research was needed. On May 10, 2006, the Safety Board asked the FAA to clarify these conflicting statements, and classified the recommendation "Open—Unacceptable Response" pending such clarification. To date, the FAA has not responded. However, when a draft copy of AC 20-73A was published, the Board submitted comments to the FAA indicating that Appendix R of AC 20-73A included guidance on determining critical ice shapes and their associated roughness, descriptions of ice accreted before activation of an ice protection system and between ice protection

cycles, and the aerodynamic penalties associated with these ice shapes. The Board noted that by issuing the revision to AC 20-73, and by including information such as that found in Appendix R, the FAA was providing useful information to enable better evaluation of an airplane's performance and handling capabilities in icing conditions. The Board has recently been reexamining AC 20-73A and has noted that Appendix R references additional research completed after 2000; we have also noted that the AC indicates future revisions may be made based on the results of additional research programs currently in progress.

Actions pending:

The Safety Board is currently reviewing AC 20-73A and may close or reclassify this recommendation based on the results of this review.

DOT Report

NTSB Recommendation A-07-16

Issued: February 27, 2007¹

Added to the Most Wanted List: 2007

NTSB recommends that when the revised icing certification standards and criteria are complete, review the icing certification of pneumatic deice boot-equipped airplanes that are currently certificated for operation in icing conditions and perform additional testing and take action as required to ensure that these airplanes fulfill the requirements of the revised icing certification standards.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: *FAA issued ADs to ensure the safe operation of existing airplanes equipped with pneumatic deicing boots.*

1. November 1999 through May 2000 – FAA issued over 25 ADs for 14 CFR parts 23 and 25 airplanes requiring:
 - a. Activation of the deicing boots at the first sign of ice accretions anywhere on the aircraft.
 - b. Cycling the boots in the automatic mode, if available, or manually operating to minimize the ice accretions on the airframe.
2. April 24, 1996 through February 6, 1998 - FAA issued over 40 severe icing airworthiness directives (AD) for Part 23 and 25 airplanes equipped with pneumatic deicing boots and unpowered ailerons. The ADs provide the flight crew with visual cues to determine when the airplane has encountered severe icing conditions that exceed the capabilities of the airplane's ice protection

¹ NTSB recommendation A-07-16 superseded A-98-100, which was closed in 2007. Therefore, the FAA is reporting actions taken prior to 2007.

equipment. The ADs also require the flight crew to exit the severe icing conditions.

In addition, after a general review of icing accidents and incidents, FAA began a rulemaking project to amend the 14 CFR part 121 operating rules to improve the safety established by the ADs. The proposed part 121 rules improve ice protection activation means and require less subjective means of determining when the flightcrew should exit icing conditions. The proposed new requirements would be applicable to all booted airplanes

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 5/17/07 – Most recent letter from FAA.
- 2/27/07 – A-07-16 superseded A-98-100, which had recommended revised icing certification standards for *turbo-propeller-driven* airplanes with deicing boots; A-07-16 recommended for the same standards for *all* airplanes with deicing boots.

Concerns:

Prior to 2005, the FAA had said that it needed to complete revisions to the icing certification standards and advisory material before it could act on Safety Recommendation A-98-100. In its most recent letter, dated May 17, 2007, the FAA states that the icing certification regulations and advisory material are now sufficiently defined, and that no unsafe conditions exist to warrant actions beyond those that it had already completed or was in the process of completing.

The NTSB agrees that suitable information is now available to determine whether additional action is required for any airplanes currently certificated and in service. The NTSB does not agree, however, that the FAA has applied the new information to all pneumatic deice boot-equipped airplanes that are currently certificated for operation in icing conditions. The NTSB is concerned that the FAA has reached its conclusion—that there are no airplanes for which an unsafe condition exists—based on the absence of accidents or serious incidents. During the 1990s, a number of accidents involved airplanes that had passed the certification standards, for which the FAA believed there was no unsafe condition requiring action. Lessons learned from these accidents generated new information that the FAA can now use.²

² These accidents include the unstabilized approach and loss of control of United Express flight 2415, a British Aerospace BA-3101, at Tri Cities Airport, Pasco, Washington, on December 26, 1989; the in-flight icing encounter and loss of control of Simmons Airlines (American Eagle) flight 4184, an Avions de Transport Regional (ATR) 72, at Roselawn, Indiana, on October 31, 1994; and the in-flight icing encounter

Before another icing accident or serious incident occurs, the FAA should evaluate all pneumatic deice boot-equipped airplanes that are currently in service and certificated for operation in icing conditions using the new information available, such as critical ice shapes and stall warning margins in icing conditions. The NTSB would like to examine a list of those aircraft that the FAA has formally evaluated, as well as a summary of the findings and resultant actions.

Actions pending:

Formally evaluate (perhaps by conducting flight tests) all pneumatic deice boot-equipped airplanes that are currently certificated for operation in icing conditions to ensure that these aircraft comply with all current icing certification criteria for new aircraft and/or the revised standards being developed.

1.2 Flammable Fuel/Air Vapors in Transport Aircraft Fuel Tanks

DOT Report

NTSB Recommendation A-96-174

Issued: December 13, 1996

Added to the Most Wanted List: 2002

NTSB recommends FAA require the development and implementation of design or operational changes that will preclude the operation of transport-category airplanes with explosive fuel-air mixtures in the fuel tank. Significant consideration should be given to the development of airplane design modifications, such as nitrogen-inerting systems and the modifications should apply to newly certificated airplanes and, where feasible, to existing airplanes.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: FAA has aggressively pursued research in cooperation with industry that has led to the development of a practical nitrogen inerting-based fuel tank flammability reduction means. This system can significantly reduce the flammability exposure of high-risk fuel tanks. Boeing designed an inerting-based flammability reduction means for the Boeing 747 high-risk fuel tanks based on the results of FAA research. FAA approved the Boeing design on the 747 airplane in August 2005, and then Boeing delivered the first of two production 747 airplanes equipped with the flammability reduction means. Boeing delivered the first 737 NG equipped with a flammability reduction means in December 2005. Southwest Airlines received the two 737NG airplanes with the newly certified flammability reduction means. Boeing has been gathering data from these four airplanes as an in-service evaluation of flammability reduction means. FAA firmly believes that inerting-based flammability reduction means, together with additional ignition prevention measures required as a result of [Special Federal Aviation Regulation] SFAR 88, provide a balanced approach to fuel tank safety that will greatly reduce the risk of fuel tank explosions.

FAA published a Notice of Proposed Rulemaking (NPRM) on November 23, 2005, that would require operators and manufacturers of transport-category airplanes to take steps that, in combination with other required actions, should greatly reduce the chances of a catastrophic fuel-tank explosion. The comment period closed on May 8, 2006. FAA received comments from 84 commenters. FAA has completed its review of the comments and is preparing a final rule. FAA expects to issue the final rule in 2008.

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 10/23/07 – Most recent letter from FAA.
- 11/23/05 – NPRM to require inerting system (comments on NPRM closed 5/8/06).
- 2/15/08 – Final rule to Office of Management and Budget (OMB); scheduled for publication 5/19/08, but not yet published.

Concerns:

Although it has been over 10 years since this recommendation was issued, the final rule is with OMB, which was scheduled to complete its review by May 8, 2008. As of this writing, the rule has not been published.

The FAA has made commendable progress in the last few years. In May 2002, the FAA developed a prototype inerting system that required no moving parts, weighed less than 200 pounds, and could be retrofitted into existing airplanes at a fraction of the industry-estimated cost. The system has been flight tested by the FAA, NASA, Boeing, and Airbus, and the results indicate that fuel tank inerting is both practical and effective. The NTSB commends the FAA for developing and demonstrating this system, which is a major advancement in air safety. However, the NTSB is concerned that the FAA currently intends to use this system only for some, not all, fuel tanks on an aircraft, and not on cargo aircraft. This is a reduction in scope from what the NTSB recommended.

The NTSB is very concerned that OMB has not completed its review of this final rule as scheduled, which has resulted in additional delay.

Actions pending:

Complete rulemaking to preclude the operation of transport-category airplanes with flammable fuel/air vapors in the fuel tank on all aircraft.

1.3 Runway Safety

DOT Report

NTSB Recommendation A-00-66

Issued: July 6, 2000

Added to the Most Wanted List: 2001

NTSB recommends FAA 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, in fact, prevent incursions.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: *Studies have continued during fiscal years 2004 to 2007 expanding the types of alerting to flight crews and ground vehicle operators to exploit the set of technologies that would create a layered safety net for the prevention of runway incursions. The technologies include the Airport Surface Detection Equipment, Airport Movement Area Safety System safety logic, and Runway Status Lights (RWSLs). Applications include Runway Entrance Lights (RELs), Takeoff Hold Lights (THLs), and Final Approach Runway Occupancy Signal (FAROS). Solution sets with one or more technology levels were proposed, and human-in-the-loop simulations were conducted in 2005, 2006, and 2007 to assess the effectiveness of the solution sets. From 12 to 36 commercial and general aviation pilots participated in the simulations each year. The simulations involved 15 or more scenarios consisting of different incursion situations and aircraft movement states. Final reports for each fiscal year were issued in November of the following fiscal year. A briefing for the 2007 simulations was presented to FAA in September 2007, and the final report was issued in November 2007. Runway Intersection Lights (RILs), another application to RWSL, were tested in simulations in 2007. The findings from the simulation showed that significant runway safety risk reduction is achievable with the integration of the candidate technologies.*

Additionally, FAA successfully completed field tests of the basic Runway Status Light (RWSL) system at the Dallas/Fort Worth International Airport (DFW) (which consisted of RELs and THLs) and the San Diego International Airport (SAN) (which consisted of RELs only). Planned 2008 enhancements of the DFW system will include FAROS. An early version of FAROS (using loop detection technology) has been installed and is undergoing evaluation at Long Beach, CA (LGB). Initial test results are promising and additional tests to determine the extent to which this technology can be beneficially applied throughout the National Airspace System (NAS) are being pursued. RILs are being developed for future installation at airports with crossing runway geometries, e.g., Boston

Logan International Airport (BOS) and Chicago O'Hare International Airport (ORD). RILs are intended to prevent incursions between two high speed aircraft operating on intersecting runways.

The ground-based direct warning system simulation report for RILs was completed in November 2007, and the System Architecture document for a Direct Pilot Warning System was completed in January 2007. The results of the simulation showed that the RWSL is effective in reducing runway safety incidents during departure operations and runway crossings. The FAA Joint Resources Council approved an initial investment decision to acquire and deploy RWSL at approximately 20 airports in the NAS.

[Massachusetts Institute of Technology Research/Center for Advanced Aviation System Development] MITRE/CAASD has completed the concept development for operational requirements of an initial flight deck direct warning capability. In addition, FAA has sponsored an industry-government working group under [Radio Technical Commission for Aeronautics] RTCA Special Committee 186 to develop an Operational Safety Assessment (OSA) on surface alerting using [Automatic Dependent Surveillance-Broadcast] ADS-B. The intent of the OSA is to lead the development of a minimum operational performance specification for an ADS-B based surface alerting application.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 1/19/06 – Most recent letter from FAA.
- 1/10/07 – FAA briefed NTSB about relevant action being taken, including development of systems offering "Direct Flight Deck Warning of Runway."

Concerns:

The NTSB has been favorably impressed by demonstrations of the technologies recently developed and tested. Although the NTSB has been encouraged by the progress, it has been 8 years since this recommendation was issued, and only in the past 3 years has the FAA started evaluating technologies that are responsive to the recommendation.

The NTSB commends the FAA on its recently completed System Architecture document for a Direct Pilot Warning System, which was completed in January 2007 and resulted in the FAA's Joint Resources Council approving RWSL deployment at 20 airports in the NAS.

The NTSB is also encouraged by the FAA's commitment to developing an ADS-B based surface alerting application, but is concerned with the limitations

associated with only providing ADS-B "Out" capability. In its February 2008 comments on the FAA's NPRM, the NTSB urged the FAA to also include ADS-B "In" capability.³ The FAA's projected timeline of 2020 for full implementation of the ADS-B system is also disappointing, and the NTSB encourages the FAA to expedite this process as much as possible.

Actions pending:

Require at all airports with scheduled passenger service a ground movement safety system with a direct warning to flight crews to prevent runway incursions.

DOT Report

NTSB Recommendation A-00-67

Issued July 6, 2000

Added to the Most Wanted List: 2007

Amend 14 Code of Federal Regulations (CFR) Section 91.129(I) to require that all runway crossings be authorized only by specific air traffic control clearance, and ensure that U.S. pilots, U.S. personnel assigned to move aircraft, and pilots operating under 14 CFR part 129 receive adequate notification of the change.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA held a "Call to Action" on August 15, 2007, where key industry stakeholders were called in for a one-day meeting to focus on short- and long-term measures to further improve the safety of operations at our airports. The issue of taxi clearances was a key area for action identified by the participants. FAA committed to conducting a review of current policies for issuing taxi clearances, through a safety risk analysis. This portion of the safety risk analysis is complete and a draft safety risk management document has been drafted and is in review and coordination. Once the review and coordination is complete, FAA will decide what changes, if any, need to be made to address this recommendation.

NTSB Recommendation A-00-68

Issued July 6, 2000

Added to the Most Wanted List: 2007

NTSB recommends FAA amend Order 7110.65, "Air Traffic Control," to require that, when aircraft need to cross multiple runways, air traffic controllers issue an

³ An ADS-B Out-equipped aircraft broadcasts the aircraft's position, altitude, velocity and other information needed for the FAA to provide air traffic control separation. An ADS-B In-equipped aircraft can receive and interpret this information from other aircraft in addition to broadcasting information about itself for the ADS-B Out requirements.

explicit crossing instruction for each runway after the previous runway has been crossed.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: *FAA held a "Call to Action" on August 15, 2007, where key industry stakeholders were called in for a one-day meeting to focus on short- and long-term measures to further improve the safety of operations at our airports. The issue of taxi clearances was a key area for action identified by the participants. The FAA committed to conducting a review of our current policies for issuing taxi clearances, through a safety risk analysis. This portion of the safety risk analysis is complete and a draft safety risk management document has been drafted and is in review and coordination. Once the review and coordination is complete the FAA will decide what changes, if any, need to be made to address this recommendation*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 10/4/07 – Recommendation issued; designated "urgent recommendation."
- 10/26/07 – Most recent letter from FAA.
- 7/26/07 – Recommendations reiterated at Board meeting concerning Crash During Attempted Takeoff from Wrong Runway, Comair Flight 5191, Bombardier CL-600-2B19, N431CA, Lexington, Kentucky, August 27, 2006.

Concerns:

The Lexington, Kentucky, Comair 5191 accident demonstrates how runway clearance procedures in 14 CFR 91.129(I) and Order 7110.65 might result in mistakes with catastrophic consequences because they can allow an airplane to cross a runway during taxi without a specific clearance to do so. On August 15, 2007, the FAA held its "Call to Action," a one-day meeting that identified taxi clearances as a key area for action. The FAA committed to conducting a review, within 60 days of the meeting, of current policies for issuing taxi clearances. Now, 6 months later and 8 years after these recommendations were first issued, the FAA has taken no recommended action.

Actions pending:

Require an explicit crossing instruction for each runway crossing when aircraft must cross multiple runways and require that all runway crossings be authorized only by specific air traffic control clearance.

DOT Report

NTSB Recommendation A-07-57

Issued October 2, 2007 (Superseded A-06-16)

Added to the Most Wanted List: 2007

NTSB recommends FAA immediately require all 14 CFR part 121, part 135, and part 91, subpart K operators to conduct arrival landing distance assessments before every landing based on existing performance data, actual conditions, and incorporating a minimum safety margin of 15 percent.

NTSB Status: Open Unacceptable Response

***DOT Regulatory Status:** Since the Southwest 1248 accident, FAA has taken several actions to address the safety issue that is the focus of this recommendation, including the development of proposed Operations Specification N 8400.C082, and the issuance of Safety Alert for Operators (SAFO) 06012, which address landing distance computation with a 15 percent safety margin. A survey of part 121 operators, the results of which have been briefed to NTSB staff, indicates that 92 percent of U.S. airline passengers are now being carried by air carriers in full or partial compliance with the practices recommended in SAFO 06012. These actions represent a substantial safety improvement, which was effected far more quickly than would have been possible through the rulemaking process.*

The broader mandate that NTSB is now recommending will require rulemaking. On December 6, 2007, FAA issued a notice announcing the formation of an aviation rulemaking committee (ARC) to review regulations affecting certification and operation of airplanes and airports for airplane takeoff and landing operations on contaminated runways (72 FR 68763). The ARC will provide advice and recommendations to:

- Establish airplane certification and operational requirements (including training) for takeoff and landing operations on contaminated runways;*
- Establish landing distance assessment requirements, including minimum landing distance safety margins, to be performed at the time of arrival; and*
- Establish standards for runway surface condition reporting and minimum surface conditions for continued operations.*

Additionally, FAA principal operations inspectors will continue to encourage their assigned air carriers to incorporate the elements contained in SAFO 06012.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 12/17/07 – Most recent letter from FAA.
- 4/15/08 – Recommendation discussed at Board meeting regarding Runway Overrun During Landing of Shuttle America, Inc., doing business as Delta Connection Flight 6448, Embraer ERJ-170, Cleveland, Ohio, February 18, 2007; classification remained "Open—Unacceptable Response."

Concerns:

Although the FAA published SAFO 06012 with the intent of pursuing rulemaking in the area of landing distance assessments, in the interim, operators are still not required to comply with its recommendations and, consequently, many operators do not. In the February 18, 2007, accident with a Shuttle America Embraer ERJ-170 that ran off the end of a snow-contaminated runway at Cleveland Hopkins International Airport, Shuttle America did not require its pilots to perform arrival landing distance assessments. About 2 months later, a Pinnacle Airlines Bombardier Regional Jet CL600-2B19 ran off the end of a snow-covered runway at Cherry Capital Airport in Traverse City, Michigan. Although Pinnacle's Operations Specifications required its pilots to perform arrival landing distance assessments (including a minimum 15-percent safety margin) per SAFO 06012, the pilots did not perform the required assessment before the accident landing. Had an arrival landing distance assessment been performed, given the existing conditions, it would have shown the runway length to be inadequate for the contaminated conditions.

Because landing conditions may change during flight, preflight landing assessments alone may not be sufficient to ensure safe stopping margins at the time of arrival; arrival landing distance assessments would provide pilots with more accurate information regarding the safety of landings under arrival conditions. Although landing distance assessments incorporating a safety margin are not required by regulation, they are critical to safe operation of transport-category airplanes on contaminated runways.

Actions pending:

Immediately require arrival landing distance assessments before every landing based on existing performance data and actual conditions, and incorporate a minimum safety margin of 15 percent.

1.4 Audio, Data and Video Recorders

DOT Report

NTSB Recommendation A-99-16

Issued: March 9, 1999

Added to the Most Wanted List: 1999

NTSB recommends FAA require retrofit after January 1, 2005, of all cockpit voice recorders (CVRs) on all airplanes required to carry both a CVR and a Flight Data Recorder (FDR) with a CVR that (a) meets Technical Standard Order (TSO) C123a, (b) is capable of recording the last 2 hours of audio, and (c) is fitted with an independent power source that is located with the digital CVR and that automatically engages and provides 10 minutes of operation whenever aircraft power to the recorder ceases, either by normal shutdown or by a loss of power to the bus.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA addressed this recommendation in an NPRM that was published in the Federal Register on February 28, 2005. The NPRM proposed changes to the CVR and Digital Flight Data Recorder (DFDR) systems to improve the quality and quantity of information recorded and to increase the potential for retaining important information needed during accident and incident investigations. The comment period closed on June 28, 2005. The proposed final rule is in executive coordination and the anticipated publication date is March 2008.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 4/16/01 – Most recent letter from FAA.
- 3/7/08 – Final rule addressing recommendation issued.

Concerns:

The final rule contains positive actions that are responsive to this recommendation, including a requirement that all CVRs record a minimum of 2 hours of audio information and a requirement for the installation of a 10-minute independent power source for the CVR when electrical power to the CVR is lost. However, this requirement will apply only to newly manufactured aircraft.

Actions pending:

The NTSB is currently evaluating the FAA's final rule on recorders and will classify and close this recommendation shortly.

DOT Report

NTSB Recommendation A-99-17

Issued: March 9, 1999

Added to the Most Wanted List: 1999

NTSB recommends FAA require that all aircraft manufactured after January 1, 2003, carry both a cockpit voice recorder (CVR) and a digital flight data recorder (DFDR) to be equipped with two combination (CVR/DFDR) recording systems. One system should be located as close to the cockpit as practicable and the other as far aft as practicable. Both recording systems should be capable of recording all mandatory data parameters covering the previous 25 hours of operation and all cockpit audio including controller-pilot data link messages for the previous two hours of operation. The system, located near the cockpit, should be provided with an independent power source that is located with the combination recorder, and that automatically engages and provides 10 minutes of operation whenever normal aircraft power ceases, either by normal shutdown or by a loss of power to the bus. The aft system should be powered by the bus that provides the maximum reliability for operation without jeopardizing service to essential or emergency loads, whereas the system near the cockpit should be powered by the bus that provides the second highest reliability for operation without jeopardizing service to essential or emergency loads.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA addressed this recommendation in an NPRM that was published in the Federal Register on February 28, 2005. The NPRM proposed changes to the CVR and DFDR systems to improve the quality and quantity of information recorded and increase the potential for retaining important information needed during accident and incident investigations. While FAA is not requiring two CVR/DFDR systems as the NTSB recommended, FAA believes that its approach effectively addresses the safety issue. The comment period closed on June 28, 2005. The proposed final rule is in executive coordination and the anticipated publication date is March 2008.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 4/16/01 – Most recent letter from FAA.
- 3/7/08 – Final rule addressing recommendation issued.

Concerns:

The final rule does not require the dual combination recorders recommended, and the FAA indicated that it does not plan to require them.

Actions pending:

The NTSB is currently evaluating the FAA's final rule on recorders and will classify and close this recommendation shortly.

DOT Report

NTSB Recommendation A-99-18

Issued: March 9, 1999

Added to the Most Wanted List: 1999

NTSB recommends FAA amend Title 14 CFR parts 25.1457 (cockpit voice recorders) and 25.1459 (flight data recorders) to require that CVRs, FDRs, and redundant combination flight recorders be powered from separate generator buses with the highest reliability.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA addressed this recommendation in an NPRM that was published in the Federal Register on February 28, 2005. The NPRM proposed changes to the CVR and DFDR systems to improve the quality and quantity of information recorded and to increase the potential for retaining important information needed during accident and incident investigations. The comment period closed on June 28, 2005. The proposed final rule is in executive coordination and the anticipated publication date is March 2008.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 4/16/01 – Most recent letter from FAA.
- 3/7/08 – Final rule addressing recommendation issued.

Concerns:

The final rule indicates that it enacts the changes recommended.

Actions pending:

The NTSB is currently evaluating the FAA's final rule on recorders and will classify and close this recommendation shortly.

DOT Report

NTSB Recommendation A-00-30

Issued: April 11, 2000

Added to the Most Wanted List: 2002

NTSB recommends. FAA require all aircraft operated under title 14 CFR part 121, 125, or 135 and currently required to be equipped with a cockpit voice recorder and digital flight data recorder be retrofitted by January 1, 2005, with a crash-protected cockpit image recording system. The cockpit image recorder system should have a 2-hour recording duration, as a minimum, and be capable of recording, in color, a view of the entire cockpit including each control position and each action (such as display selections or system activations) taken by people in the cockpit. The recording of these video images should be at a frame rate and resolution sufficient for capturing such actions. The cockpit image recorder should be mounted in the aft portion of the aircraft for maximum survivability and should be equipped with an independent auxiliary power supply that automatically engages and provides 10 minutes of operation whenever aircraft power to the cockpit image recorder and associated cockpit camera system ceases, either by normal shutdown or by a loss of power to the bus. The circuit breaker for the cockpit image recorder system, as well as the circuit breakers for the CVR and the DFDR, should not be accessible to the flight crew during flight.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA explored these recommendations in a government/industry forum of subject matter experts. The Radio Technical Commission for Aeronautics Future Flight Data Collection Committee (FFDCC), cosponsored by FAA and NTSB, projected flight data needs 10 to 15 years in the future. The FFDCC did not present information to FAA of such compelling nature to convince FAA of the necessity of installing image recording systems in aircraft operated under parts 121, 125, or 135. FAA is not planning to pursue rulemaking to mandate installations of cockpit image systems as described in A-00-31 and this safety recommendation. If NTSB requires additional flight data information to investigate an accident or incident, FAA would likely propose a performance-based requirement that stipulates that this flight data must be

captured. The industry would be allowed to respond to the requirement in the manner it found most appropriate to its overall design philosophy. Further, it is not prudent design philosophy to mandate that any electrical system that is active during flight have circuit protection that is not accessible to the flight crew. In the event of an in-flight electrical fire, the crew must be able to de-power ALL electrical equipment quickly in accordance with approved procedures. Should an applicant, either an aircraft operator or original equipment manufacturer, wish to install an image recording system voluntarily either in the cockpit or in the aircraft cabin, FAA would work with the applicant to approve such an installation.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 6/1/01 – Most recent letter from FAA.
- 12/04/01 – RTCA FFDCC Report issued.

Concerns:

The NTSB asked for the installation of cockpit image recorders in transport category aircraft to provide information that would supplement existing CVR and FDR data in accident investigations. This kind of additional information would have been extremely valuable in a number of important accident investigations, including ValuJet 592 near Miami; Silk Air 185 in Indonesia; Swissair 111 near Peggy's Cove, Nova Scotia; and EgyptAir 990. The RTCA FFDCC considered the issue of video recording and concluded that this methodology would provide useful information to accident investigation and was technologically feasible. The Committee noted concerns, however, about protection from disclosure outside of accident investigation, particularly for international flights.

In its annual reports to Congress on the Most Wanted List recommendations, the DOT has stated for several years, including this year, that the FFDCC had not presented information to the FAA that was sufficiently compelling to convince the FAA of the necessity of installing image recording systems in aircraft operated under Parts 121, 125, or 135. The FAA has no rulemaking underway to mandate the installation of cockpit image systems as described in the safety recommendations.

Actions pending:

Require video recorders in transport category aircraft.

DOT Report

NTSB Recommendation A-00-31

Issued: April 11, 2000

Added to the Most Wanted List: 2002

NTSB recommends FAA require all aircraft manufactured after January 1, 2003, operated under Title 14 CFR parts 121, 125, or 135 and required to be equipped with a cockpit voice recorder (CVR) and digital flight data recorder (DFDR) also be equipped with two crash-protected cockpit image recording systems. The cockpit image recorder systems should have a 2-hour recording duration, as a minimum, and be capable of recording, in color, a view of the entire cockpit including each control position and each action (such as display selections or system activations) taken by people in the cockpit. The recording of these video images should be at a frame rate and resolution sufficient for capturing such actions. One recorder should be located as close to the cockpit as practicable and the other as far aft as practicable. These recorders should be equipped with independent auxiliary power supplies that automatically engage and provide 10 minutes of operation whenever aircraft power to the cockpit image recorders and associated cockpit camera systems ceases, either by normal shutdown or by a loss of power to the bus. The circuit breaker for the cockpit image recorder systems, as well as the circuit breakers for the CVRs and the DFDRs, should not be accessible to the flight crew during flight.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA explored this recommendation in a government/industry forum of subject matter experts. The Radio Technical Commission for Aeronautics Future Flight Data Collection Committee (FFDCC), co-sponsored by FAA and NTSB, estimated flight data needs 10 to 15 years in the future. The FFDCC did not present information to FAA that was of such compelling nature to convince FAA of the necessity of installing image recording systems in aircraft operated under parts 121, 125, or 135. FAA is not planning to pursue rulemaking to mandate installations of cockpit image systems as described in A-00-30 and this safety recommendation. If NTSB requires additional flight data information to investigate an accident or incident, FAA would likely propose a performance-based requirement that stipulates that this flight data must be captured. The industry would be allowed to respond to the requirement in the manner it found most appropriate to its overall design philosophy. Further, it is not prudent design philosophy to mandate that any electrical system that is active during flight have circuit protection that is not accessible to the flight crew. In the event of an in-flight electrical fire, the crew must be able to de-power ALL electrical equipment quickly in accordance with approved procedures. Should an applicant, either an aircraft operator or original equipment manufacturer, wish to install an image recording system voluntarily either in the cockpit or in the

aircraft cabin, FAA would work with the applicant to approve such an installation.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 6/1/01 – Most recent letter from FAA.
- 12/4/01 – RTCA FFDCC Report issued.

Concerns:

The NTSB asked for the installation of cockpit image recorders in transport category aircraft to provide information that would supplement existing CVR and FDR data in accident investigations. This kind of additional information would have been extremely valuable in a number of important accident investigations, including ValuJet 592 near Miami; Silk Air 185 in Indonesia; Swissair 111 near Peggy's Cove, Nova Scotia; and EgyptAir 990. The RTCA FFDCC considered the issue of video recording and concluded that this methodology would provide useful information to accident investigation and was technologically feasible. The Committee noted concerns, however, about protection from disclosure outside of accident investigation, particularly for international flights.

In its annual reports to Congress on the Most Wanted List recommendations, the DOT has stated for several years, including this year, that the FFDCC had not presented information to the FAA that was sufficiently compelling to convince the FAA of the necessity of installing image recording systems in aircraft operated under Parts 121, 125, or 135. The FAA has no rulemaking underway to mandate the installation of cockpit image systems as described in the safety recommendations.

Actions pending:

Require video recorders in transport category aircraft.

DOT Report

NTSB Recommendation A-03-64

Issued: December 22, 2003

Added to the Most Wanted List: 2004

NTSB recommends FAA require all turbine-powered nonexperimental, nonrestricted-category aircraft that are manufactured prior to January 1, 2007, that are not equipped with a cockpit voice recorder, and that are operating under

14 CFR parts 91, 135, and 121 to be retrofitted with a crash-protected image recording system by January 1, 2007.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: This recommendation would require use of an image recorder to collect flight data in lieu of a CVR or DFDR for post accident or incident investigation. While the industry has published minimum operational performance criteria for such a system, to date, no such system has been installed on an aircraft that meets these requirements. FAA worked with NTSB to accomplish a proof-of-concept test to determine if an image recording system could be used to collect specific parametric data and other flight information. As part of the test, several image-recording systems were installed on an FAA aircraft. The aircraft was flown in various operational and environmental conditions. The data recorded on those flights has been analyzed to determine if aircraft parameters such as altitude, attitude and airspeed can be accurately derived from the images. The derived data has been compared to data recorded on the installed digital flight data recorder. The results of the proof-of-concept test were published in a report by the NTSB in January 2006. The FAA is currently reviewing the report to determine if an image recorder is an acceptable method for collecting flight data information on the aircraft that are the subject of this recommendation. FAA is considering additional image recording system proof-of-concept testing on Rotorcraft.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 10/11/2005 – Most recent letter from FAA.
- 7/28/06 – FAA TSO on CVRs issued.

Concerns:

An image-recording system would provide critical information to investigators about the actions inside the cockpit immediately before and during an accident on aircraft not required to have a CVR or FDR. The FAA conducted the study described with the NTSB's participation, and is currently reviewing the NTSB's January 2006 report, which includes the proof-of-concept test results. In addition, the possible image recording system proof-of-concept testing on Rotorcraft appears to be encouraging, but the FAA has still not indicated that it plans to require these systems, as recommended.

Actions pending:

Require video recording systems in all new and existing turbine-powered nonexperimental, nonrestricted-category aircraft not equipped with a CVR.

1.5 Accidents and Incidents Caused by Human Fatigue

DOT Report

NTSB Recommendation A-94-194

Issued: November 30, 1994

Added to the Most Wanted List: 1995

NTSB recommends FAA revise the regulations contained in 14 CFR part 135 to require that pilot flight time accumulated in all company flying conducted after revenue operations--such as training and check flights, ferry flights and repositioning flights--be included in the crewmember's total flight time accrued during revenue operations.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: *FAA issued an NPRM proposing to amend existing regulations to establish one set of duty period limitations, flight time limitations, and rest requirements for flight crewmembers engaged in air transportation. FAA established a joint FAA / Industry Aviation Rulemaking Committee (ARC) in 2004 to develop recommendations for revising the commuter and on-demand flight time and rest requirement rules in 14 CFR part 135. The ARC has provided its recommendations to FAA. FAA is presently developing an NPRM that incorporates the ARC's recommendations.*

FAA is also working with the International Civil Aviation Organization (ICAO) to develop a Fatigue Risk Management System (FRMS) to regulate flight and duty time. Rather than the existing prescriptive limitations, the FRMS provides an alternative that is based upon a Safety Management System that looks at risk and applies certain risk mitigations to improve flight crew alertness. The FRMS is a comprehensive collaborative process that requires a company to manage fatigue. All company personnel are responsible for the success of the FRMS including management, flight crewmembers, maintenance personnel, schedulers, and dispatchers.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 12/5/00 – Most recent letter from FAA.
- 5/9/07 – FAA briefed NTSB on activities related to fatigue.

Concerns:

This recommendation asked the FAA 14 years ago to address a loophole in the regulations that allows crews of Part 135 carriers to remain on duty, flying, for much longer periods of time than is allowed in Part 121. In 1995 the FAA issued an NPRM proposing revisions that were responsive; however, those revisions resulted in considerable controversy, and the FAA withdrew the NPRM. Recently, the FAA informed the NTSB that the ARC had developed new proposals addressing fatigue regulations for Part 135 operations. The FAA has characterized these proposals as very promising; however, the proposals do not prohibit the accumulation of additional hours.

Actions pending:

Revise Part 135 flight crew fatigue regulations to prevent flight crews from accumulating more time on duty where the additional hours are accumulated under Part 91 (e.g., ferry flights and training flights).

NTSB Recommendation A-95-113

Issued: November 14, 1995

Added to the Most Wanted List: 1996

NTSB recommends FAA finalize the review of current flight and duty time regulations and revise the regulations, as necessary, within one year to ensure that flight and duty time limitations take into consideration research findings in fatigue and sleep issues. The new regulations should prohibit air carriers from assigning flight crews to flights conducted under 14 CFR part 91 unless the flight crews meet the flight and duty time limitations of 14 CFR part 121 or other appropriate regulations.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: In 1995, FAA proposed to amend existing regulations to establish new duty period and flight time limitations, and rest requirements for flight crewmembers in parts 121 and 135. This rulemaking was based on recommendations from an aviation rulemaking advisory committee (ARAC) and reflected the input of both the pilots and operators. It included a 14-hour duty period, 10 hours of rest, increased flight time to 10 hours, and addressed other related issues. More than 2,000 comments were received on the proposal, mostly negative. The pilots felt 10 hours of flight time was too long and the operators felt 14 hours of duty time was too short. The Air Transport Association estimated the cost of the proposed rule at \$2.13 billion. In November 2000, FAA issued an interpretation clarifying the rest requirements in domestic operations. FAA inspectors worked closely with operators to assure the rules were properly implemented. Since that time FAA has received very few questions or complaints about implementation of the rest requirements.

FAA is currently looking at options to address flight and rest concerns and is developing a Fatigue Risk Management System (FRMS) that provides an alternative to prescriptive limitations. An example of how to apply risk mitigation strategies is the approval FAA issued to Delta Air Lines to operate from New York to Mumbai. FAA required Delta to protect the rest period prior to the flight, keep the crew as close to its circadian clock as possible, protect rest on arrival, and restrict the schedule after completion of the round trip.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 12/5/00 – Most recent letter from FAA.
- 5/9/07 – FAA briefed NTSB on activities related to fatigue.

Concerns:

This recommendation is over 12 years old and the FAA has neither taken the recommended action nor made any plans to do so. The NTSB's concern that flight crew fatigue was a significant aviation safety issue dates back to recommendations issued in 1989, yet the FAA has taken little action since then. This recommendation focuses on addressing a loophole in the regulations that allows crews of Part 121 carriers to remain on duty, flying, for much longer periods of time than is allowed in Part 121. In 1995 the FAA issued an NPRM proposing revisions that were responsive; however, those revisions resulted in considerable controversy, and the FAA withdrew the NPRM. The FAA subsequently introduced the concept of an FRMS that is intended to provide an alternative to prescriptive limitations. Although the proposed FRMS could potentially enhance a revised regulation, it does not eliminate the need for the revisions to flight and duty time limits. Further, we have yet to see specifics of the FRMS.

Actions pending:

Close the loophole in Part 121 flight crew fatigue regulations that allows flight crews to accumulate more time on duty where the additional hours are accumulated under Part 91 (e.g., ferry flights and training flights).

DOT Report

NTSB Recommendation A-97-71

Issued: September 9, 1997

Added to the Most Wanted List: 1999

NTSB recommends FAA review the issue of personnel fatigue in aviation maintenance; then establish duty time limitations consistent with the current state

of scientific knowledge for personnel who perform maintenance on air carrier aircraft.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA completed several studies on the maintenance fatigue issue. These studies include:

- Study of Fatigue Factors Affecting Human Performance in Aviation Maintenance;
- Evaluation of Aviation Maintenance Working Environment, Fatigue and Maintenance;
- Errors/Accidents; and
- Evaluation of Aviation Maintenance Working Environments, Fatigue, and Human Performance.

The findings of these studies indicated that the extreme complexity of the issue of fatigue and duty time did not present appropriate material for regulatory activity in this area. However, the findings did indicate that education and training in fatigue management were the most appropriate actions for FAA to sponsor and foster. Consequently, FAA conducted several actions to educate and train the aviation community on the issues of fatigue management in aircraft maintenance personnel. The following is a list of these actions:

- Issued Advisory Circular (AC) 120-72, Maintenance Resource Management (MRM) Training that includes a prototype MRM computer-based training (CBT) course for industry;
- Developed and distributed MRM CBT to industry, academia, and regulatory authorities worldwide on over 10,000 CD ROMs on maintenance human factors;
- Developed MRM curriculum and course, "Maintenance Resource Management for Aviation Safety Inspectors." This course is currently taught to aviation safety inspectors;
- Sponsored several international conferences on aircraft maintenance human factors that included management of fatigue for aircraft maintenance personnel;
- Fatigue, shift work, and scheduling for aircraft maintenance personnel issues were addressed in several chapters of the FAA Human Factors Guide for Aviation Maintenance; and
- Completed a study entitled "Effects of Fatigue, Vigilance, Environment on Inspectors Performing Fluorescent Penetrant and/or Magnetic Particle Inspections" to determine the effects of fatigue/environment on the vigilance decrement of inspectors performing Liquid Penetrant or Fluorescent Magnetic Particle Inspections as their primary work function.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 10/2/2000 – Most recent letter from FAA.
- 4/18/06 and 2/22/07 – Two formal NTSB requests for updates on activities relevant to recommendation. No response received to either request. No further correspondence from FAA on recommendation in last 7 1/2 years.

Concerns:

For several years in its annual reports to Congress on the Most Wanted List, including the current report, the DOT indicated that regulatory action in this area is inappropriate because of the extreme complexity of the issue of fatigue and duty time. The DOT has further reported that the FAA had initiated and was pursuing a number of activities related to education and training in the issue of fatigue management in aircraft maintenance personnel. The NTSB has stated in past correspondence that it disagrees with the FAA's position (1) that regulatory action is not appropriate and (2) that the FAA's current education and training activities related to this issue can achieve the intent of this safety recommendation. The FAA has recently been considering the role of fatigue management plans to prevent fatigue-related problems. The NTSB believes that fatigue management plans may hold promise as an approach to dealing with fatigue in the aviation environment. However, the NTSB believes fatigue management plans will be a complement to, not a substitute for, regulations to prevent fatigue.

The NTSB reviewed AC 120-72, "Maintenance Resource Management (MRM) Training," which seems to be the primary focus of the FAA's education and training initiatives related to fatigue among aviation maintenance crews. We found little in AC 120-72 that provides guidance on human fatigue in maintenance crews other than generalized warnings that attention to fatigue is important and should be considered in MRM Training. AC 120-72 contains little guidance as to how an employer should design a program to ensure that maintenance crews are not fatigued.

Actions pending:

Develop and issue regulations that limit duty time for aviation maintenance personnel.

DOT Report

NTSB Recommendation A-06-10

Issued: February 7, 2006

Added to the Most Wanted List: 2006

NTSB recommends FAA modify and simplify the flight crew hours-of-service regulations to take into consideration factors such as length of duty day, starting time, workload, and other factors shown by recent research, scientific evidence, and current industry experience to affect crew alertness.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: This recommendation supersedes a previously issued NTSB recommendation issued in 1999. FAA proposed to amend existing regulations to establish new duty period and flight time limitations, and rest requirements for flight crewmembers in parts 121 and 135 in 1995. The rulemaking was based on recommendations from an aviation rulemaking advisory committee and reflected the input of both the pilots and operators. It included a 14-hour duty period, 10 hours of rest, increased flight time to 10 hours, and addressed other related issues. More than 2,000 comments were received on the proposal, mostly negative.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 5/31/06 – Most recent letter from FAA.
- 5/9/07 – FAA briefed NTSB on activities related to fatigue.

Concerns:

The NTSB's concern that flight crew fatigue was a significant aviation safety issue dates back to recommendations issued in 1989, yet little or no change or action has been taken by the FAA. The FAA has recently been considering the role of fatigue management plans to prevent fatigue-related problems. The NTSB believes that fatigue management plans may hold promise as an approach to dealing with fatigue in the aviation environment. However, the NTSB believes fatigue management plans will be a complement to, not a substitute for, regulations to limit flight and duty time and ensure adequate rest.

Actions pending:

Modify and simplify the flight crew hours-of-service regulations to take into consideration such factors as length of duty day, starting time, workload, and other factors that affect crew alertness.

DOT Report

NTSB Recommendation A-07-30

Issued April 10, 2007

Added to the Most Wanted List: 2007

NTSB recommends FAA work with the National Air Traffic Controllers Association to reduce the potential for controller fatigue by revising controller work-scheduling policies and practices to provide rest periods that are long enough for controllers to obtain sufficient restorative sleep and by modifying shift rotations to minimize disrupted sleep patterns, accumulation of sleep debt, and decreased cognitive performance.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: *FAA has convened a working group to develop shift rotation and scheduling guidelines. The working group will be chaired by FAA's Quality Assurance and Safety Manager and the Civil Aviation Medical Institute [CAMI] Human Factors fatigue expert and will be populated by members of the Air Traffic Organization (ATO) operational service units and the ATO Operations Planning service unit. The National Air Traffic Controllers Association will be invited to participate by providing subject matter expertise.*

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 7/5/07 – Most recent letter from FAA.
- This recommendation produced as a result of NTSB's investigation of Attempted Takeoff from Wrong Runway, Comair Flight 5191, Bombardier CL-600-2B19, Lexington, Kentucky, August 27, 2006.

Concerns:

To date, the FAA appears to be responding to this recommendation, and the NTSB looks forward to reviewing the results of the FAA's Working Group.

Actions pending:

Revise controller work-scheduling policies and practices to reduce the potential for controller fatigue.

DOT Report

NTSB Recommendation A-07-31

Issued April 10, 2007

Added to the Most Wanted List: 2007

NTSB recommends FAA develop a fatigue awareness and countermeasures training program for controllers and for personnel who are involved in the scheduling of controllers for operational duty that will address the incidence of fatigue in the controller workforce, causes of fatigue, effects of fatigue on controller performance and safety, and the importance of using personal strategies to minimize fatigue. This training should be provided in a format that promotes retention, and recurrent training should be provided at regular intervals.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: FAA will develop and implement a fatigue awareness and countermeasures training program to be used for all ATO operational service units. The Director of Technical Training and Development is the lead for the development and implementation of the curriculum with the technical support of CAMI fatigue experts. Modules being developed for initial training of terminal radar approach control, tower, and en-route air traffic control specialists will incorporate fatigue awareness content.

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 7/5/07 – Most recent letter from FAA.
- Recommendation produced as a result of NTSB's investigation of Attempted Takeoff from Wrong Runway, Comair Flight 5191, Bombardier CL-600-2B19, Lexington, Kentucky, August 27, 2006.

Concerns:

To date, the FAA appears to be responding to this recommendation, and the NTSB looks forward to reviewing the fatigue awareness program and countermeasures program that the FAA develops.

Actions pending:

Develop a fatigue awareness and countermeasures training program for controllers and personnel who are involved in the scheduling of controllers.

1.6 Crew Resource Management

DOT Report

NTSB Recommendation A-03-52

Issued: December 2, 2003

Added to the Most Wanted List: 2006

NTSB recommends FAA require that 14 CFR part 135 on-demand charter operators that conduct dual-pilot operations establish and implement an FAA-approved crew resource management training program for their flight crews in accordance with 14 CFR part 121, subparts N and O.

NTSB Status: Open Unacceptable Response

DOT Regulatory Status: FAA has initiated a rulemaking to require all 14 CFR part 135 certificate holders (including both single pilot and dual pilot operations) to implement FAA-approved crew resource management (CRM) training for crewmembers and flight followers. FAA anticipates having an NPRM published within 18 months.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 4/3/08 – Most recent letter from FAA.
- 6/13/06 – FAA briefed NTSB on status of rulemaking in response to recommendation.
- 5/2/06 – Recommendation reiterated at Board meeting on Crash During Takeoff in Icing Conditions, Canadair, Ltd., CL-600-2A12, N873G, Montrose, Colorado, November 28, 2004.

Concerns:

Initially, the FAA planned to include revising Part 135 CRM requirements as part of a comprehensive revision to Part 135. The NTSB was concerned that including CRM as part of the comprehensive revisions would result in significant delays in implementing this change. The FAA's Report to Congress does not make clear whether the FAA is now pursuing a rulemaking for this recommendation separate from the comprehensive revisions to Part 135, which continue to result in significant delays. If the FAA is pursuing a separate rulemaking, the NTSB welcomes the news but questions why it would take 18 months to issue an NPRM when the fundamental elements of a CRM training program already exist.

Actions pending:

Require Part 135 on demand charter operators to establish and implement CRM training programs similar to those now required for Part 121.

2. HIGHWAY SAFETY

2.1 Safe Motor Carrier Operations

DOT Report

NTSB Recommendation H-99-006

Issued: February 26, 1999

Added to the Most Wanted List: 2000

NTSB recommends that the Federal Motor Carrier Safety Administration (FMCSA) change the safety fitness rating methodology so that adverse vehicle and driver performance-based data alone are sufficient to result in an overall unsatisfactory rating for the carrier.

Status: Open Acceptable Response

DOT Regulatory Status:

FMCSA is addressing this recommendation through the Comprehensive Safety Analysis 2010 (CSA 2010) initiative. CSA 2010 is a major FMCSA initiative to improve the effectiveness of the Agency's compliance and enforcement programs. Its goal is to achieve a greater reduction in large truck and bus crashes, injuries, and fatalities, while maximizing the resources of FMCSA and its State partners.

On May 23, 2007, FMCSA tasked the Motor Carrier Safety Advisory Committee with considering the potential safety benefits and operational feasibility of changing the safety fitness methodology and with making recommendations to the agency on whether the NTSB recommended safety fitness methodology could fit into CSA 2010. On October 12, 2007 and February 24, 2008, FMCSA briefed NTSB on the status of CSA 2010 and the agency's efforts to address the safety recommendation. On December 4, 2007, FMCSA conducted a public listening session to provide its stakeholders with an update on CSA 2010.

In January 2008, FMCSA began a field test of the new CSA 2010 operational model (Op-Model). The purpose of the test is to determine both the feasibility and effectiveness of the new CSA 2010 interventions and measurement system. The first phase of the Op-Model test is being carried out in four States using approximately 26 Federal and State investigators. The four States are Colorado, Georgia, Missouri, and New Jersey. The second phase will begin in June 2008 when the test becomes fully operational. The test is scheduled to run for 30 months into mid-2010, at which time FMCSA is planning full implementation. The thirty-month timeframe is designed to provide sufficient data for statistical purposes with results evaluated at periodic intervals. It is anticipated that full implementation of CSA 2010 can take place through the addition of more States as the planned safety fitness rulemaking is completed. FMCSA commenced the safety fitness rulemaking in June 2007, and anticipates issuing a proposed rule in

2008. At its November 8, 2007, Most Wanted Safety Recommendations meeting, NTSB reclassified this recommendation, Open-Acceptable Response.

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 10/12/07 – FMCSA briefed NTSB on CSA 2010 and new safety fitness rating methodology pilot testing.
- 11/23/07 – Most recent letter from FMCSA.
- 12/4/07 – FMCSA public listening session on CSA 2010.
- 2/25/07 – FMCSA briefed NTSB on CSA 2010 and demonstration of prototype driver and carrier systems.
- 3/17/08 – NTSB most recent letter to FMCSA.

Concerns:

The NTSB continues to believe that the two most important factors in safe motor carrier operations are the operational status of the vehicles and the performance of the individuals who drive them. The NTSB further believes that if, as the result of a safety audit, the carrier receives an unsatisfactory rating for either the vehicle or driver factor, the overall rating should be unsatisfactory. By issuing Safety Recommendation H-99-6, the NTSB intended to improve safety on the highways by giving more weight to the review of driver and vehicle violations, leading to better overall safety of motor carrier operations.

Although progress has been slow on this 9-year-old recommendation, the FMCSA continues to work on its potentially viable plans to address the intent of the recommendation under CSA 2010. Given the complex system that is being created and tested, the NTSB remains concerned with the feasibility of completing all rulemaking and pilot testing to accomplish full deployment by 2010.

Actions pending:

Continue efforts to develop standards that appropriately recognize the importance of vehicle and driver factors in measuring the overall safety of a motor carrier's operations.

2.2 Medically Unqualified Commercial Motor Vehicle Drivers

DOT Report

NTSB Recommendation H-01-017

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: individuals performing medical examinations for drivers are qualified to do so and are educated about occupational issues for drivers.

Status: Open Unacceptable Response

DOT Regulatory Status: FMCSA's Medical Program is implementing a new strategy for the comprehensive oversight of commercial motor vehicle (CMV) drivers. There are four major areas of focus: 1) medical fitness for duty regulation and policy development, 2) establishment of State capacity for medical status reporting and monitoring, 3) development of a national registry of certified medical examiners, and 4) implementation of a national system for driver medical examination report surveillance. On October 12, 2007, FMCSA briefed NTSB on its medical program and the status of safety recommendations H-01-017 through -024.

To ensure that all medical examiners are qualified to perform medical examinations for CMV drivers and are educated about occupational issues that affect these drivers, FMCSA is developing an NPRM to establish the National Registry of Certified Medical Examiners (NRCME) program. When established, NRCME will provide a readily accessible list of medical examiners who are certified to perform examinations and issue medical certificates according to the requirements of the Federal Motor Carrier Safety Regulations (FMCSRs). The NRCME program will also provide specific training to ensure that medical practitioners are knowledgeable about driver qualifications and standards, as well as the physical and mental demands involved in driving a CMV. FMCSA anticipates issuing a proposed rule to establish the NRCME in 2008.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 10/12/07 – FMCSA briefed NTSB on medical program.
- 11/23/07 – Most recent letter from FMCSA.

- 3/17/08 – Most recent letter from NTSB.

Concerns:

The NTSB remains concerned with the very limited progress towards the congressionally mandated NRCME. In the more than 7 years since the issuance of this recommendation, not one examiner has received additional training nor has any selection criteria been applied to individuals performing examinations of commercial drivers. The DOT notes that the FMCSA expects to issue an NPRM on this topic in 2008, which would be progress in addressing this recommendation, but it is unclear whether the anticipated timeline will actually be met.

Actions pending:

Accelerate efforts to develop medical certification procedures that ensure qualified medical examiners are educated about occupational issues for drivers.

DOT Report

NTSB Recommendation H-01-018

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: a tracking mechanism is established that ensures that every prior application by an individual for medical certification is recorded and reviewed.

Status: Open Unacceptable Response

DOT Regulatory Status: *FMCSA is developing plans to ensure that there are tracking and review mechanisms for medical certificates, and is working with the States and industry to explore alternatives. FMCSA will implement the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) statutory provision to require medical examiners to transmit monthly the name of the applicant and numerical identifier. The NRCME program will include data elements from the driver medical certification process and will comply with the SAFETEA-LU provision to conduct periodic reviews of a select number of medical examiners as well as systematic monitoring of medical examiner performance.*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 10/12/07 – FMCSA briefed NTSB on medical program.
- 11/23/07 – Most recent letter from FMCSA.
- 3/17/08 – Most recent letter from NTSB.

Concerns:

The NTSB is concerned that, in the more than 7 years since the issuance of this recommendation, the FMCSA has taken no specific actions that would result in a system to ensure review of prior applications for drivers presenting for medical certification. The DOT notes that the FMCSA is developing plans, but the agency has yet to present any concrete proposal.

Actions pending:

Accelerate efforts to develop medical certification procedures that ensure development of a process to review medical certification examinations or decisions.

DOT Report

NTSB Recommendation H-01-019

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: medical certification regulations are updated periodically to permit trained examiners to clearly determine whether drivers with common medical conditions should be issued a medical certificate.

Status: Open Acceptable Response

DOT Regulatory Status: *Medical certification regulations will be updated periodically based on the advice and recommendations of FMCSA's Medical Review Board (MRB). As the regulations are updated, the NRCME program will incorporate the new guidelines into training material and function as a source of information for training examiners to determine whether drivers with common medical conditions should be issued a medical certificate.*

In conjunction with the MRB, FMCSA has implemented a continuous review cycle for the medical regulatory program. This involves developing performance-based medical standards and guidelines, including effective medical standards that

limit, or ideally, eliminate the need for exemptions and waivers. FMCSA is currently considering several recommendations issued by the MRB and is developing proposed medical regulatory changes. Evidence-based reviews have been completed for diabetes mellitus, Schedule II medications, cardiovascular disease, sleep apnea, seizure disorders, musculoskeletal disease, renal disease, and driver vision and hearing requirements.

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 10/12/07 – FMCSA briefed NTSB on medical program.
- 11/23/07 – Most recent letter from FMCSA.
- 3/17/08 – Most recent letter from NTSB.

Concerns:

The FMCSA continues to make progress in updating physical requirement standards, through the establishment of the MRB and the initiation of several important reviews for the development of revised standards and guidelines.

Actions pending:

Continue appropriate reviews to update and clarify decision-making for commercial driver medical examiners.

DOT Report

NTSB Recommendation H-01-020

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: individuals performing examinations have specific guidance and a readily identifiable source of information for questions on such examinations.

Status: Open Unacceptable Response

DOT Regulatory Status: *The NRCME program will provide training to ensure that medical examiners are knowledgeable about driver qualifications and standards, as well as the physical and mental demands involved in driving a CMV. Certifying medical examiners will ensure that medical examiners are qualified and educated about the occupational issues that CMV drivers face and will provide specific guidance and readily identifiable sources of information for*

questions that medical examiners may have about the physical examination process. FMCSA has completed draft training and testing materials for the NRCME program, and is working with leading experts in accreditation, including the National Organization for Competency Assurance to ensure the NRCME program has quality control measures in place consistent with those of other national certification programs. FMCSA is conducting a demonstration project to evaluate the new CMV driver medical examiner handbook (on-line), as well as proposed core curriculum and certification tests. FMCSA currently communicates directly with over 4,000 individual practitioners and 2,000 organizations in 51 jurisdictions through a national list serve and responds to more than 500 weekly inquiries via e-mail and telephone.

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 10/12/07 – FMCSA briefed NTSB on medical program.
- 11/23/07 – Most recent letter from FMCSA.
- 3/17/08 – Most recent letter from NTSB.

Concerns:

Although the FMCSA has made significant progress in addressing flaws in the current Federal CMV driver fitness system, particularly with regard to updating physical requirement standards, the NTSB remains concerned with the very slow progress towards the congressionally mandated NRCME. Although the NTSB has been pleased with the quality of draft portions of the handbook under development that we have reviewed, in the more than 7 years since the issuance of this recommendation, the recommended single-source document is still in a developmental stage, and the NPRM regarding the NRCME has not yet been published.

Actions pending:

Continue efforts to develop medical certification procedures that ensure availability of specific guidance and information for medical examiners.

DOT Report

NTSB Recommendation H-01-021

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements:

the review process prevents, or identifies and corrects, the inappropriate issuance of medical certification.

Status: Open Unacceptable Response

DOT Regulatory Status: *FMCSA will establish a program for conducting periodic reviews of a select number of medical examiners on the National Registry to ensure that proper examinations of CMV drivers are being performed. On November 16, 2006, FMCSA published in the Federal Register (71 FR 66723), an NPRM to link the medical certificate as part of the [commercial driver's license] CDL process, which will enable law enforcement officials to access a driver's medical status at the roadside through a check of the CDL holders driving record and take appropriate action. This will ensure that the inappropriate issuance of medical certificates is identified. FMCSA is reviewing the final rule and anticipates issuing it in 2008.*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 10/12/07 – FMCSA briefed NTSB on medical program.
- 11/23/07 – Most recent letter from FMCSA.
- 3/17/08 – Most recent letter from NTSB.

Concerns:

The NTSB is concerned that the FMCSA has not yet established a review system for medical examinations performed to certify commercial drivers. SAFETEA-LU Section 4116's requirements regarding medical certification mandate the FMCSA to periodically review a sampling of applications. In the more than 7 years since the issuance of this recommendation, not a single examination has been reviewed under a process proposed or implemented by the FMCSA. The NTSB disagrees with the DOT's assertion that the NPRM proposal to link the medical certificate to the CDL process has any role in ensuring that the inappropriate issuance of medical certificates is identified, as the proposed process will at most only permit law enforcement to identify that a certificate has or has not been issued, not whether that issuance was appropriate. Law enforcement officials would at any rate not be qualified to determine whether an individual with a given condition or on a given medication should have been granted a medical certificate.

Actions pending:

Continue efforts to pursue medical certification procedures that ensure development of a process to review and track medical certification examinations or decisions.

DOT Report

NTSB Recommendation H-01-022

Issued September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA Develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: enforcement authorities can identify invalid medical certification during safety inspections and routine stops.

Status: Open Acceptable Response

DOT Regulatory Status: On November 16, 2006, FMCSA published in the Federal Register (71 FR 66723), an NPRM to link the medical certificate as part of the CDL process, which will enable law enforcement officials to access a driver's medical status at the roadside through a check of the CDL holders driving record and take appropriate action. The final rule is in agency review and FMCSA anticipates issuing it in 2008. At its November 8, 2007, Most Wanted Safety Recommendations meeting, NTSB reclassified this recommendation, Open Acceptable Response.

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 10/12/07 – FMCSA briefed NTSB on medical program.
- 11/23/07 – Most recent letter from FMCSA.
- 3/17/08 – Most recent letter from NTSB.

Concerns:

Although the FMCSA's NPRM linking the medical certificate to the CDL would allow enforcement officials to access a driver's recorded medical status during a roadside inspection, the NTSB notes significant limitations to the linking system as proposed, including only limited ability to verify the validity of a submitted certificate, and the potential elimination of effective employee and State review systems currently in place. The NTSB is also disappointed that the development of the anticipated final rule has taken so long.

Actions pending:

Correct noted deficiencies in the NPRM to link the medical certificate to the CDL, and move forward expeditiously to a final rule. Integrate the final rule into a comprehensive medical oversight system.

DOT Report

NTSB Recommendation H-01-023

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: enforcement authorities can prevent an uncertified driver from driving until an appropriate medical examination takes place.

Status: Open Acceptable Response

DOT Regulatory Status: On November 16, 2006, FMCSA published in the Federal Register (71 FR 66723), an NPRM to link the medical certificate as part of the CDL process, which will enable law enforcement officials to access a driver's medical status at the roadside through a check of the CDL holders driving record and take appropriate action. The final rule is in agency review and FMCSA anticipates issuing it in 2008. At its November 8, 2007, Most Wanted Safety Recommendations meeting, NTSB reclassified this recommendation, Open Acceptable Response.

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 10/12/07 – FMCSA briefed NTSB on medical program.
- 11/23/07 – Most recent letter from FMCSA.
- 3/17/08 – Most recent letter from NTSB.

Concerns:

The FMCSA's NPRM would allow enforcement authorities to identify, during safety inspections and routine stops, those drivers who fail to submit either an original or a copy of their latest medical certificate to the State Driver Licensing Agency, and, as currently written, would permit authorities to place out of service such drivers and those for whom 60 days had elapsed from the expiration date of their latest submitted certificate. The NPRM does not effectively address the issue of verification of certificate validity, and the NTSB believes it unacceptable that the anticipated final rule has taken so long to be developed.

Actions pending:

Correct noted deficiencies in the NPRM to link the medical certificate to the CDL, and move forward expeditiously to a final rule. Integrate the final rule into a comprehensive medical oversight system.

DOT Report

NTSB Recommendation H-01-024

Issued: September 10, 2001

Added to the Most Wanted List: 2003

NTSB recommends FMCSA develop a comprehensive medical oversight program for interstate commercial drivers that contains the following program elements: mechanisms for reporting medical conditions to the medical certification and reviewing authority and for evaluating these conditions between medical certification exams are in place; individuals, health care providers, and employers are aware of these mechanisms.

Status: Open Unacceptable Response

***DOT Regulatory Status:** The FMCSRs require motor carriers to regularly monitor CMV driver health status, including return-to-work. Motor carriers are allowed to have more stringent standards than in the FMCSRs, and many do. While drivers are obligated to report significant medical conditions, many do not. FMCSA is convening medical examiner experts from throughout the Nation to discuss the medical examination process, including reporting mechanisms and potential funding sources for telephone and computer or web-based systems for reporting medical concerns about drivers.*

NTSB Evaluation

Recommendation status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 10/12/07 – FMCSA briefed NTSB on medical program.
- 11/23/07 – Most recent letter from FMCSA.
- 3/17/08 – Most recent letter from NTSB.

Concerns:

The FMCSA has taken no measurable action to establish any sort of reporting system for individuals, health care providers, and employers to report known medical conditions for drivers who have had substantial changes to their health status between required examinations. Although the DOT notes that the FMCSA suggests that *drivers* are obligated to report significant medical conditions, the NTSB is unaware of any such reporting requirement in the FMCSRs and is unclear as to whom the driver would be expected to report such conditions. As a result, even when such conditions become known, there is no formalized process by which they can be reported and evaluated between examinations.

Actions pending:

The reported intent to convene experts and discuss the process must be accompanied by identifiable efforts to develop a workable mechanism for reporting medical conditions identified between examinations so that such conditions can be evaluated and treated appropriately.

2.3 Motorcoach Passenger Protection

DOT Report

NTSB Recommendation H-99-9

Issued: February 26, 1999

Added to the Most Wanted List: 2000

NTSB recommends [National Highway Traffic Safety Administration] NHTSA revise the Federal Motor Vehicle Safety Standard (FMVSS) 217, "Bus Window Retention and Release," to require that other than floor-level emergency exits can be easily opened and remain open during an emergency evacuation when a motorcoach is upright or at unusual attitudes.

Status: Open Acceptable Response

DOT Regulatory Status: In August 2007, NHTSA published a comprehensive plan, "NHTSA's Approach to Motorcoach Safety," that describes the strategies the agency is taking to improve motorcoach safety. Testing and development has been initiated to examine motorcoach emergency egress, including the number, size, and type of emergency exits; the force to open them; and their signage and illumination. This effort is expected to be completed in 2009, at which time a regulatory decision on upgrading FMVSS No. 217 will be made.

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 10/25/07 – Most recent letter from NHTSA.
- 2/29/08 – Most recent letter from NTSB.
- 3/11/08 – NHTSA briefed NTSB on motorcoach safety plan progress.

Concerns:

NHTSA has embarked on a comprehensive examination of motorcoach safety, including analysis of emergency passenger egress. NTSB staff has acknowledged that NHTSA's approach appears reasonable, but is concerned with NHTSA's slow progress in addressing this 9-year-old recommendation to improve motorcoach safety. The NTSB encourages NHTSA to move forward in its research and analysis project and to accomplish the revision of FMVSS No. 217, as recommended.

Actions pending:

Continue efforts to improve motorcoach design and to address construction and occupant protection issues.

DOT Report

NTSB Recommendation H-99-47

Issued: November 2, 1999

Added to the Most Wanted List: 2000

NTSB recommends, in 2 years, NHTSA develop performance standards for motorcoach occupant protection systems that account for frontal impact collisions, side impact collisions, rear impact collisions, and rollovers.

Status: Open Acceptable Response

DOT Regulatory Status: *Improved occupant crash protection is being addressed in the agency's comprehensive plan through development of requirements for the installation of seat belts in motorcoaches. In December 2007, NHTSA conducted a 30-mile/hour motorcoach frontal barrier crash test to establish the crash forces transmitted to the occupants. Further testing and development will be completed in 2008 and a regulatory decision will subsequently be made. NTSB awareness has been maintained through an open dialogue and witnessing of the crash test.*

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 10/25/07 – Most recent letter from NHTSA.
- 2/29/08 – Most recent letter from NTSB.
- 3/11/08 – NHTSA briefed NTSB on motorcoach safety plan progress.

Concerns:

The NTSB appreciates NHTSA's efforts to maintain an open dialogue during the motorcoach testing process. NTSB staff has acknowledged that NHTSA's approach appears reasonable, but is concerned with NHTSA's slow progress in addressing this 9-year-old recommendation to improve motorcoach safety. The NTSB encourages NHTSA to move forward in its research and analysis project and to take regulatory action.

Actions pending:

Continue efforts to improve motorcoach design and to address construction and occupant protection issues.

DOT Report

NTSB Recommendation H-99-50

Issued November 2, 1999

Added to the Most Wanted List: 2000

NTSB recommends, in two years, NHTSA develop performance standards for motorcoach roof strength that provide maximum survival space for all seating positions and that take into account current typical motorcoach window dimensions.

Status: Open Acceptable Response

DOT Regulatory Status: *As part of NHTSA's comprehensive plan to improve motorcoach safety, the agency is conducting testing to evaluate the current performance of motorcoach roof strength and survivable space. The stringencies of both the European requirement for motorcoach roof strength and the Federal motor vehicle safety standard for school bus roof strength are being evaluated. This testing will be completed in 2008 and a regulatory decision then made.*

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 10/25/07 – Most recent letter from NHTSA.
- 2/29/08 – Most recent letter from NTSB.
- 3/11/08 – NHTSA briefed NTSB on motorcoach safety plan progress.

Concerns:

NTSB staff witnessed the roof strength testing and appreciates NHTSA's efforts to maintain an open dialogue during the testing process. NTSB staff has acknowledged that NHTSA's approach appears reasonable, but is concerned with NHTSA's slow progress in addressing this 9-year-old recommendation to improve motorcoach safety. The NTSB encourages NHTSA to move forward expeditiously in its research and analysis project and to develop performance standards for motorcoach roof strength.

Actions pending:

Continue efforts to improve motorcoach design and to address construction and occupant protection issues.

2.4 School Bus Passenger Protection

DOT Report

NTSB Recommendation H-99-45

Issued: November 2, 1999

Added to the Most Wanted List: 2006

NTSB recommends, in two years, NHTSA develop performance standards for school bus occupant protection systems that account for frontal impact collisions, side impact collisions, rear impact collisions, and rollovers.

Status: Open Acceptable Response

DOT Regulatory Status: On November 21, 2007, NHTSA published an NPRM to upgrade the school bus passenger requirements for school buses. Proposed improvements include an increase to the seat back height, mandatory placement of lap/shoulder belts on small school buses, and performance requirements for voluntarily installed seat belts on large school buses. The agency expects to publish a final rule in 2008.

NTSB Evaluation

Recommendation status: Open-Acceptable Response

Most recent correspondence and other significant dates:

- 10/25/07 – Most recent letter from NHTSA.
- 1/22/08 – NTSB response to NHTSA's NPRM "Federal Motor Vehicle Safety Standards; Seating Systems, Occupant Crash Protection, Seat Belt Assembly Anchorages, School Bus Passenger Seating and Crash Protection" (72 FR 65509)
- 2/29/08 – Most recent letter from NTSB.

Concerns:

Although the NTSB is pleased that NHTSA is proposing to require lap/shoulder belts at each passenger seating position for small school buses, we do not agree that NHTSA should continue to allow the installation of lap-only belts on new school buses greater than 10,000 pounds, commonly referred to as large school buses, as proposed in the NPRM. Additionally, the NTSB is concerned that lap/shoulder belt systems have not been tested by NHTSA in side impact collisions or rollover events, and that the proposed performance requirements do not address occupant protection in side impact crashes or in rollover events. The NTSB believes that it is NHTSA's responsibility to develop standards based on credible research to ensure that any system installed on large school buses

provides documented improvements in occupant protection in all reasonably foreseeable crash types. The NTSB remains concerned with NHTSA's slow progress in (1) developing pertinent standards for school bus occupant protection systems and (2) requiring newly manufactured school buses to have an occupant crash protection system that meets the newly developed performance standards to retain passengers, including those in child safety restraint systems, within the seating compartment throughout the accident sequence for all accident scenarios. A Federal standard would ensure that children across the country benefit from the best possible protection when riding in school buses.

Actions pending:

Continue efforts to improve the occupant seating compartment on school buses.

DOT Report

NTSB Recommendation H-99-46

Issued: November 2, 1999

Added to the Most Wanted List: 2006

NTSB recommends, once pertinent standards have been developed for school bus occupant protection systems, NHTSA require newly manufactured school buses to have an occupant crash protection system that meets the newly developed performance standards and retains passengers, including those in child safety restraint systems, within the seating compartment throughout the accident sequence for all accident scenarios.

Status: Open-Acceptable Response

DOT Regulatory Status: *As discussed above for H-99-45, NHTSA expects to publish a final rule in 2008 for improved school bus occupant protection.*

NTSB Evaluation

Recommendation status: Open-Acceptable Response

Most recent correspondence and other significant dates:

- 10/25/07 – Most recent letter from NHTSA.
- 1/22/08 – NTSB response to NHTSA's NPRM "Federal Motor Vehicle Safety Standards; Seating Systems, Occupant Crash Protection, Seat Belt Assembly Anchorages, School Bus Passenger Seating and Crash Protection" (72 FR 65509)
- 2/29/08 – Most recent letter from NTSB.

Concerns:

Although the NTSB is pleased that NHTSA is proposing to require lap/shoulder belts at each passenger seating position for small school buses, we do not agree that NHTSA should continue to allow the installation of lap-only belts on new school buses greater than 10,000 pounds, commonly referred to as large school buses, as proposed in the NPRM. Additionally, the NTSB is concerned that lap/shoulder belt systems have not been tested by NHTSA in side impact collisions or rollover events, and that the proposed performance requirements do not address occupant protection in side impact crashes or in rollover events. The NTSB believes that it is NHTSA's responsibility to develop standards based on credible research to ensure that any system installed on large school buses provides documented improvements in occupant protection in all reasonably foreseeable crash types. The NTSB remains concerned with NHTSA's slow progress in (1) developing pertinent standards for school bus occupant protection systems, and (2) requiring newly manufactured school buses to have an occupant crash protection system that meets the newly developed performance standards to retain passengers, including those in child safety restraint systems, within the seating compartment throughout the accident sequence for all accident scenarios. A Federal standard would ensure that children across the country benefit from the best possible protection when riding in school buses.

Actions pending:

Continue efforts to improve the occupant seating compartment on school buses.

2.5 Enhanced Vehicle Safety Technology

DOT Report

NTSB Recommendation H-01-6

Issued: May 25, 2001

Added to the Most Wanted List: 2007

NTSB recommends that NHTSA complete rulemaking on adaptive cruise control and collision warning system performance standards for new commercial vehicles. At a minimum, these standards should address obstacle detection distance, timing of alerts, and human factors guidelines, such as the mode and type of warning.

Status: Open Acceptable Response

DOT Regulatory Status: As part of DOT'S Intelligent Transportation System (ITS) Program, NHTSA, in cooperation with the Federal Highway Administration (FHWA) and the Federal Motor Carrier Safety Administration (FMCSA), completed a Field Operational Test (FOT) of Adaptive Cruise Control (ACC) and Forward Crash Warning (FCW). The industry partners were Volvo Trucks and U.S. Express. The results of the FOT were analyzed by the Battelle Institute as an independent evaluator. The confidence bounds of the estimates of benefits were large indicating that more work was needed to determine the safety value of the systems. NHTSA has been working with Virginia Tech to use the vehicle proximity sensing data (measured by the sensing portion of a commercial forward crash warning system) collected during a heavy truck drowsy driver study to augment the benefit estimates. In addition, NHTSA has an additional ITS-sponsored field operational test underway evaluating the benefits of an integrated vehicle based safety system which includes an FCW component. This FOT should be completed in 2009 and provide additional benefit information. NHTSA is also working with FMCSA to monitor the real-world benefits accruing to early adopter truck fleets of technologies including ACC, FCW, Lane Departure Warning and stability control systems. In 2009, FMCSA plans to initiate studies to determine fleet crash reduction benefits. With respect to developing requirements for ACC/FCW systems, FMCSA has worked with the American Trucking Associations' Technology and Maintenance Council to develop functional specifications and recommended practices for these systems. Functional specifications were completed in 2006 and are available on FMCSA's website <http://www.fmcsa.dot.gov/>. The specifications provide guidance on the pre-crash scenarios an FCW system should detect, detection distance, and human factors information and guidelines pertaining to operational use by drivers and fleets, as well as driver-vehicle interface requirements.

NTSB Evaluation

Recommendation status: Open-Acceptable Response

Most recent correspondence and other significant dates:

- 7/6/2005 – Most recent letter from NHTSA.
- 10/31/05 – Interagency meeting and discussion of ITS technology.
- 2/29/2008 – Most recent letter from NTSB.

Concerns:

NHTSA, along with its cooperative partners—the FHWA, the FMCSA, and the Research and Innovative Technology Administration (RITA)—appears to be working consistently, although slowly, on this important technological safety issue. The preliminary results of testing on advanced safety systems are encouraging, with indications that a combined collision warning system and ACC bundled safety system would account for a statistically significant reduction in rear-end crashes through reduced exposure to safety-critical driving scenarios; however, the NTSB believes that rulemaking is needed to ensure uniformity of system performance standards, such as obstacle detection, timing of alerts, and human factors guidelines, on new commercial vehicles.

Actions pending:

Continue efforts to develop performance standards for enhanced vehicle safety technology in new commercial vehicles.

DOT Report

NTSB Recommendation H-01-8

Issued: May 25, 2001

Added to the Most Wanted List: 2007

NTSB recommends that NHTSA complete rulemaking on adaptive cruise control and collision warning system performance standards for new passenger vehicles. At a minimum, these standards should address obstacle detection, timing of alerts, and human factors guidelines, such as the mode and type of warning.

Status: Open-Acceptable Response

DOT Regulatory Status: As part of DOT'S ITS Program, NHTSA, through a cooperative test program with General Motors and [University of Michigan Transportation Research Institute] UMTRI as its industry partners, completed an FOT of an Advanced Collision Avoidance System [CAS]. This system had a Forward Crash Warning (FCW) element and an Adaptive Cruise Control element for passenger cars. The results of the FOT were analyzed by an independent evaluator. While the benefits data from the FOT were useful, NHTSA does not

believe that it was of sufficient quality to pursue rulemaking at this time. However, notwithstanding this limitation, the agency is using the data. As part of its comprehensive review and proposed enhancements to its popular vehicle ratings program, the agency has suggested that it would encourage consumers to adopt FCW as a safety system. Under this proposal, manufacturers would have to meet certain specifications for detection distance, timing of alerts, and human factors information. Through this consumer information activity, NHTSA can encourage greater implementation of this technology to gain information necessary to pursue rulemaking. NHTSA is reviewing the comments to the proposal and expects to publish a response in 2008.

NTSB Evaluation

Recommendation status: Open--Acceptable Response

Most recent correspondence and other significant dates:

- 7/6/2005 – Most recent letter from NHTSA.
- 10/31/05 – Interagency meeting and discussion of ITS technology.
- 2/29/2008 – Most recent letter from NTSB.

Concerns:

NHTSA, along with its cooperative partners the FHWA, the FMCSA, and RITA, appears to be working consistently, although slowly, on this important technological safety issue. The preliminary results of testing on advanced safety systems are encouraging, showing potential to reduce rear-end crashes by 10 percent and reporting positive user reaction to the systems; however, the NTSB believes that rulemaking is needed to ensure uniformity of system performance standards, such as obstacle detection, timing of alerts, and human factors guidelines, on new passenger vehicles.

Actions pending:

Continue efforts to develop performance standards for enhanced vehicle safety technology in new passenger vehicles.

3.0 PIPELINE SAFETY

3.1 Pipeline Accidents and Incidents Caused by Human Fatigue

DOT Report

NTSB Recommendation P-99-12

Issued: June 1, 1999

Added to the Most Wanted List: 1999

NTSB recommends the Pipeline and Hazardous Materials [Safety] Administration (PHMSA) establish within two years scientifically based hours-of-service regulations that set limits on hours of service, provide predictable work and rest schedules, and consider circadian rhythms and human sleep and rest requirements.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: PHMSA continues its assessment of human fatigue in pipeline operations in various research and standards efforts. PHMSA is researching the pipeline controller operating environment and procedures to develop tools that operators may use to assess various safety risks, including fatigue. PHMSA plans to complete this research in late 2008.

In 2007, PHMSA completed a report to Congress that identified shift length, schedule rotation, and education in fatigue mitigation strategies as fruitful areas for addressing fatigue. The Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (PIPES Act) requires PHMSA to establish regulations for each operator of a gas or hazardous liquid pipeline to develop and submit a plan to reduce pipeline system risk associated with human factors, including fatigue. PHMSA plans to issue a proposal to address this mandate in 2008.

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 8/11/05 – PHMSA published Advisory Bulletin (ADB) 05-6, *Pipeline Safety: Countermeasures to Prevent Human Fatigue in the Control Room* (FR Doc. 05-15956) to address Safety Recommendation P-98-30.
- 5/3/06 Safety Recommendation P-98-30 classified "Closed—Acceptable Action."

- 6/27/06 – PHMSA held public workshop, “Effectiveness of Pipeline Control Room Operations” and discussed possibility of making ADB-05-6 a regulation.
- 5/23/07 – PHMSA workshop addressing best practices; PHMSA is currently reviewing workshop data and plans to issue rulemaking proposal later in 2008.
- 12/31/07 – Deadline for PHMSA to amend forms for operators to report gas and hazardous liquid pipeline accidents under the PIPES Act, which also requires regulations for each operator of a gas or hazardous liquid pipeline to develop and submit a plan to reduce pipeline system risk associated with human factors, including fatigue.
- 9/30/08 – Battelle Memorial Institute project to address operator human factors, including fatigue (*Human Factors Analysis of Pipeline Monitoring and Control Operations*) scheduled to be completed.

Concerns:

Although the pipeline industry remains the only transportation mode with no hours of service regulations, the NTSB is optimistic that with the enactment of the PIPES Act (specifically Section 12, stated below), PHMSA will establish hours-of-service regulations as requested by Safety Recommendation P-99-12.

§ 60137. Pipeline control room management (a) In general not later than June 1, 2008, the Secretary shall issue regulations requiring each operator of a gas or hazardous liquid pipeline to develop, implement, and submit to the Secretary or, in the case of an operator of an intrastate pipeline located within the boundaries of a State that has in effect an annual certification under section 60105, to the head of the appropriate State authority, a human factors management plan designed to reduce risks associated with human factors, including fatigue, in each control center for the pipeline. Each plan must include, among the measures to reduce such risks, a maximum limit on the hours of service established by the operator for individuals employed as controllers in a control center for the pipeline.

Actions pending:

Develop regulations to address fatigue in the pipeline industry.

4. RAILROAD SAFETY

4.1 Positive Train Control Systems

NTSB Recommendation R-01-6

Issued May 15, 2001

Added to the Most Wanted List: 2000

NTSB recommends that the Federal Railroad Administration (FRA) facilitate actions necessary for development and implementation of positive train control (PTC) systems including collision-avoidance components, and require implementation of positive train control systems on main line tracks, establishing priority requirements for high-risk corridors such as those where commuter and intercity passenger railroads operate.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: FRA is continuing to support national deployments of advanced signal and train control technology to improve the safety, security, and efficiency of freight, intercity passenger, and commuter rail service through regulatory reform, technology development, and financial assistance. PTC refers to technology capable of preventing train collisions, overspeed derailments, and casualties or injuries to roadway workers operating within their limits of authority. PTC systems vary widely in complexity and sophistication, based on the level of automation they implement and the degree of control they are capable of assuming. While PTC systems can be designed to operate independently, most of the developments focus on enhancing existing methods of rail operations. This technology has the potential to limit the consequences of events such as hijackings and runaways, which are of special concern in an era of heightened security.

- *Regulatory Development. As a result of participation by railroads, rail labor, suppliers, and other agencies, including the NTSB, on March 7, 2005, FRA published the final rule, Standards for Development and Use of Processor-Based Signal and Train Control Systems (49 CFR parts 209, 234, and 236). These new risk-based performance regulations were first developed by a Railroad Safety Advisory Committee and support the introduction of innovative technology, including systems utilizing computers and radio data links, to accomplish PTC functions. In addition to supporting the advancement of PTC systems, these regulations also were crafted to facilitate the ever-growing use of processor-based equipment and functioning in otherwise conventional signal systems. Several clarifications and amendments to the rule were subsequently published in the Federal Register on December 5, 2005, and went into effect on January 4, 2006.*

FRA technical staff is working closely with the various railroad personnel involved in each of the projects described below. To determine regulatory compliance, there have been, and will continue to be, extensive efforts by these FRA employees in the review and analysis of the technical data associated with the railroads' safety cases submitted for these systems. These efforts include several meetings with the parties involved as well as extensive individual and group reviews of the material associated with the individual safety cases and supporting data. This also requires significant study to determine applicable regulations and their application to the task at hand. The commitment of FRA staff to this task, the high priority it has been given, and the associated time and effort expended, show FRA's commitment to facilitate these systems in the fastest, most effective, and safest manner possible.

- **Technology Development and Deployment.** There are 11 major PTC systems either operationally deployed, under testing, or in design in the United States, an increase of two systems from FRA's 2007 report.

Amtrak/ACSES. Amtrak has implemented the Advanced Civil Speed Enforcement System (ACSES) on the Northeast corridor between Boston and New Haven, Connecticut, and in high-speed territory south of New York City. ACSES supplements the existing cab signal/automatic train control system on the Northeast corridor, providing full PTC functionality in support of operations up to 150 mph.

Amtrak/ITCS. FRA joined Amtrak and the State of Michigan to install an Incremental Train Control System (ITCS) on Amtrak's Michigan line between Chicago and Detroit. Currently installed on over 45 miles of track in signaled territory between Niles and Kalamazoo, Michigan, this project includes high-speed highway-rail grade crossing starts using radio communication rather than track circuits. The health of the crossings is monitored through communication between the locomotives and the crossings, and appropriate speed restrictions are imposed and enforced by the system for various malfunctions. In revenue service for Amtrak since January 2002, the maximum train speed for passenger train operations in this territory has increased from 79 mph to 95 mph. The onboard host processor for ITCS completed a successful technology refresh, increasing the processing capability to support future enhancements to the system. Amtrak has issued a contract for a technology refresh of the communications infrastructure to enhance system reliability. The ITCS software verification and validation to support operations up to 110 mph is complete and the results are undergoing independent technical review.

BNSF Railway/ETMS. The BNSF Railway Company (BNSF) Electronic Train Management System (ETMS)-I has received full regulatory approval for installation on 35 BNSF subdivisions. ETMS-I is currently installed on 130 miles of signaled and nonsignaled territory between Beardstown and Centralia, Illinois. ETMS-I, augmented with track integrity circuits, is beginning deployment on the

BNSF Hettinger Subdivision from Terry, Montana, to Buffalo Springs, North Dakota, in lieu of installation of a Traffic Control System. BNSF is testing a slightly more sophisticated version of ETMS (ETMS II) on their Fort Worth Subdivision from Fort Worth to Gainesville, Texas, and the Red Rock Subdivision from Gainesville to Arkansas City, Kansas.

ETMS is an overlay-type communication-based system that enforces movement authority and speed restrictions for ETMS-equipped trains and proximity warnings of nearby equipped on-track equipment. This system works in conjunction with the existing methods of operation, including the currently installed signal and train control systems, to protect against the consequences of human error.

Alaska Railroad/CAS. The Alaska Railroad continues with Phase 3 of a State-wide multi year phased implementation of their communications-based train control system called the Collision Avoidance System (CAS). The onboard components of CAS have begun test and integration with the Computer Aided Dispatching (CAD) safety server. The CAD safety server ensures conflict resolution between trains and is expected to be completed in 2008. CAS is designed to enhance safety by enforcing movement authority, speed restrictions, and on-track equipment in real-time in a combination of Direct Traffic Control and signaled territory. Previous phases upgraded the required communications infrastructure and CAD system.

Union Pacific/VTMS. The Union Pacific Railroad Company (UP) has expanded the scope of their earlier Communications Train Control System from an overlay system to a fully vital system. Vital Train Management System (VTMS) provides the same functionality as the BNSF ETMS, but in a completely fail-safe manner that supports changes in UP's method of operation. Early releases of the VTMS software are undergoing factory testing with field testing planned on signaled territory between North Platte and Sheep Creek, Wyoming, and on nonsignaled territory from Spokane, Washington, to Eastport, Idaho. UP has received regulatory approval of their Rail Road Safety Program (RRSP). UP has also received approval of an Informational Filing to Test allowing them to begin testing prototype software. This basic VTMS system is similar to BNSF's ETMS, as it is being developed by the same manufacturer, WABTEC. FRA staff is working with UP and WABTEC on the changes required to modify ETMS to support UP requirements.

Norfolk Southern/OTC. The Norfolk Southern Railroad (NS) is developing their version of PTC called the Optimized Train Control (OTC) system. OTC will employ components of several advanced train control technologies, including PTC. Combining data communications, positioning systems, and onboard computers tied to the train's braking systems, this system will automatically enforce speed and operating limits to prevent collisions and other train accidents, provide improved visibility of network conditions, and promote more efficient

PATH/CBTM. *The Port Authority of New York and New Jersey (PATH) have begun design of a CBTM system to provide PTC functionality to the Trans-Hudson River Commuter Rail Line running underground between New Jersey and New York City. Initial testing is anticipated in the 2008/2009 time frame.*

North American Joint PTC. *Field development of the North American Joint Positive Train Control (NAJPTC) Project in southern Illinois has been relocated to the Technology Transportation Center (TTC) test facility in Pueblo, Colorado. NAJPTC, a joint development effort of the Association of American Railroads, FRA, and the Illinois Department of Transportation to develop an interoperable industry standard vital office-centric high-speed (110 mph) passenger and freight service, ran into unanticipated technical issues associated primarily with communications bandwidth. The new TTC test facility location will enable a more timely resolution of the underlying communications issues associated with the standards in a more controlled environment. Although system deployment has been deferred pending resolution of the technical issues, the development effort on the NAJPTC as an industry cooperative effort has accumulated valuable experience. This experience is reflected in the deployment of other PTC systems and their associated implementation technology, analysis, testing, and the developed safety cases.*

- **Financial Assistance.** *PTC systems are eligible for funding under the Railroad Rehabilitation and Improvement Financing Program. No railroads, however, have approached FRA for funding of PTC projects using this program.*

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 5/16/06 – Most recent letter from FRA.
- 10/17/07 H.R. 2095, Federal Railroad Safety Improvement Act of 2007 passed by the U.S. House of Representatives; if enacted, requires, by December 31, 2014, each class I railroad to develop and submit to the Secretary (FRA) for review and approval a plan for implementing a PTC system that minimizes the risk of train collisions and over-speed derailments. Requires the FRA, not later than December 31, 2011, to report to Congress on the progress of the railroad carriers in implementing such systems.
- 3/3/08 – S. 1889, Railroad Safety Enhancement Act of 2007 (companion bill to H.R. 2095.) placed on Senate legislative calendar; bill considered in committee and recommended for consideration by entire Senate.

Concerns:

Although the FRA has established standards for the development of PTC, it has yet to require railroads to develop and install PTC on their systems. This safety issue was highlighted when a freight train hit a commuter passenger train head-on in Placentia, California, in 2002; when two freight trains collided after crewmembers failed to operate their trains in accordance with the signal system in Macdonia, Texas, in 2004; when a freight train collided with a standing train in Graniteville, South Carolina, in 2005; when two freight trains collided head-on in Anding, Mississippi, in 2005; and when Chicago Metra passenger trains derailed in Chicago, Illinois, in 2003 and 2005. Recent developments involve the installation of test PTC systems on most class I freight railroads. Installation of PTC on railroads nationwide would prevent serious accidents caused by human errors.

Actions pending:

Facilitate development and implementation of PTC systems and require installations, giving priority to where commuter and intercity passenger railroads operate.

4.2 Accidents and Incidents Caused by Human Fatigue

NTSB Recommendation R-06-14

Issued July 20, 2006

Added to the Most Wanted List: 2007

NTSB recommends that FRA require railroads to use scientifically-based principles when assigning work schedules for train crewmembers, which consider factors that impact sleep needs, to reduce the effects of fatigue.

NTSB Status: Open Acceptable Response

NTSB Recommendation R-06-15

Issued July 20, 2006

Added to the Most Wanted List: 2007

NTSB recommends that FRA establish requirements that limit train crewmember limbo time to address fatigue.

NTSB Status: Open Acceptable Response

DOT Regulatory Status: FRA offered the following response to R-06-14 and R-06-15. Both recommendations were added to the Most Wanted List in 2007. These recommendations would involve FRA implementing requirements relating to fatigue. FRA lacks the statutory authority to adopt the requirements contemplated by either of these recommendations i.e., rulemaking authority over duty hours. This precludes FRA from making use of scientific learning on the issue of sleep-wake cycles and fatigue induced performance failures. FRA has statutory authority to prescribe regulations and issue orders for every area of railroad safety supplementing laws and regulations in effect on October 16, 1970.⁴ The hours of service law⁵ (HSL) was originally enacted in 1907, and was last amended as to train employees, employees engaged in or connected with the movement of a train, in 1969.⁶ FRA cannot alter the specific maximum on-duty periods and minimum off-duty periods provided in this section. Any requirement that the railroads use scientifically based principles in assigning work schedules to reduce the effects of fatigue would almost certainly require that they not comply with the periods established by the HSL, which are not based on science related to fatigue. Thus, such requirements are outside the scope of FRA's statutory authority, and FRA is unable to comply with Recommendation R-06-14. FRA is also constrained by a lack of statutory authority with regard to Recommendation R-06-15, because the HSL specifically states that time spent in deadhead transportation from a duty assignment to the place of final release is

⁴ 49 U.S.C. § 20103(a).

⁵ 49 U.S.C. § 21101 et seq.

⁶ (See 49 U.S.C. § 21103)

neither time on duty nor time off duty.⁷ FRA commonly refers to such time as limbo time. In addition, the United States Supreme Court has held that time spent awaiting deadhead transportation to the place of final release is of the same character as the time spent in the deadhead transportation itself, and is therefore neither time on duty nor time off duty.⁸ FRA lacks authority to adopt regulatory requirements related to these periods, which are provided under the HSL. FRA supports efforts to address the fatigue experienced by railroad operating employees, and acknowledges that the existing HSL is not designed to address the causes of fatigue. Also, any requirements that FRA might implement to address fatigue would, almost certainly result in conflict with the provisions of the HSL, therefore exceeding FRA's existing statutory authority.

After reviewing R-06-14, FRA responded as it had to a previous NTSB recommendation, R-99-2, that it lacks the statutory authority to adopt the requirements contemplated by either of these recommendations. FRA further acknowledged that the existing HSL law is not designed to address the causes of fatigue. NTSB indicated its willingness to work with FRA in seeking the statutory authority it needed from Congress.

NTSB provided testimony on this issue before the U.S. House of Representatives Committee on Transportation and Infrastructure, Subcommittee on Railroads, Pipelines, and Hazardous Materials, on January 30, 2007, February 13, 2007, March 16, 2007, and May 8, 2007, and to the U.S. Senate Committee on Commerce, Science, and Transportation's Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety, and Security, on May 22, 2007.

FRA has submitted a proposal to Congress that authority be given to the agency in its next reauthorization to revise railroad hours-of-service regulations and Congressional legislation that will provide that authority is pending.

NTSB Evaluation

Recommendation status: Open—Acceptable Response

Most recent correspondence and other significant dates:

- 10/24/06 – Most recent letter from FRA.
- 10/27/07 – H.R. 2095, Federal Railroad Safety Improvement Act of 2007 passed by U.S. House of Representatives; if enacted (1) requires each railroad carrier to submit to the Secretary (FRA) for review and approval a fatigue management plan to reduce accidents and injuries caused by railroad

⁷ (See 49 U.S.C. § 21103(b) (4))

⁸ Brotherhood of Locomotive Engineers vs. Atchison, Topeka and Santa Fe Railroad Company, 516 U.S. 152, 116 S. Ct. 595 (1996).

employees due to fatigue; (2) authorizes the FRA to issue, based on scientific and medical research, regulations that reduce the maximum hours a railroad employee may be required to remain on duty, or that increase the minimum hours such employee may be required to rest, to a level less than that established under federal hours-of-service law; and (3) provides that a railroad carrier is deemed to know the acts of its managers and supervisors (under current law, officers and agents) in proceedings regarding the violation of hours-of-service requirements.

- 1/24/08 – Association of American Railroads briefed NTSB on industry fatigue countermeasures.

Concerns:

The NTSB believes that the FRA needs authority to regulate crewmember work scheduling practices and work limits, and the NTSB supports a statutory change that would provide the FRA that authority. Proposals being considered for rail safety legislation this year include elements that address certain aspects of employee fatigue: at least 10 hours of undisturbed off-duty time with no employer contact with the employee during the period; at least 24 consecutive hours of rest in a 7-day consecutive work period; at least 48 hours off-duty after 7 consecutive 8-hour workdays; and eliminating "limbo time" or requiring an additional 4 hours of undisturbed off-duty time when limbo time exceeds one hour. The NTSB believes that a comprehensive fatigue management program is needed that considers scientifically based principles when assigning work schedules, including factors that influence acute and cumulative fatigue, the body's ability to adjust to rotating schedules, and the responsibility of employees to get sufficient and timely sleep during off-duty periods. Although some of these elements may have a positive effect on improving training crews' adequate rest, without a comprehensive program, the NTSB does not believe that train crew fatigue will be adequately addressed. We believe that the best means to achieve this result is through regulations promulgated by the FRA that can be modified as industry conditions evolve.

Actions pending:

Develop scientifically based principles when assigning work schedules for train crewmembers, which consider factors that impact sleep needs, to reduce the effects of fatigue and limit train crewmember limbo time to address fatigue.

5. MARINE SAFETY⁹

5.1 Accidents and Incidents Caused by Human Fatigue

DOT Report

NTSB Recommendation M-99-1

Issued: June 1, 1999

Added to the Most Wanted List: 1999

NTSB recommends [United States Coast Guard] USCG Establish within 2 years scientifically based hours-of-service regulations that set limits on hours of service, provide predictable work and rest schedules, and consider circadian rhythms and human sleep and rest requirements.

Status: Open Unacceptable Response

USCG Regulatory Status

International

The Coast Guard played a major role in addressing fatigue at the International Maritime Organization (IMO) Convention, especially in the 1995 amendments to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW), and in an IMO resolution calling attention to the variety of factors that contribute to fatigue. The new rules became mandatory for all mariners operating internationally in 2002.

Domestic

The current hours of service in the marine mode are still 12 hours of service in a 24-hour period; they have not been updated. The Coast Guard established a headquarters branch dedicated to fatigue and crew resources management and has sponsored domestic research in the field of fatigue continuously for more than a decade. This research has primarily confirmed that the problem of fatigue among personnel in the marine mode is highly complex and is influenced by a wide variety of environmental, operational, and individual factors.

Based on its research, the Coast Guard developed its Crew Endurance Management (CEM) system, which is described as "a system for managing the risk factors that can lead to human error and performance degradation in maritime work environments." Fatigue management is one of several factors that the CEM system considers. In 2002, the Coast Guard and the American

⁹ In 2003, the U.S. Coast Guard was moved from the DOT to the Department of Homeland Security, under the Homeland Security Act of 2002, Public Law 107-296. The Coast Guard has continued its marine safety duties and close working relationship with the DOT and its modal administrations, however.

Waterway Operators chartered a working group to implement CEM in the barge and towing vessel industry. According to a 2005 report, more than 70 towing vessels are in some stage of documented CEM implementation.

The Coast Guard and Maritime Transportation Act of 2004 allows the Coast Guard to set maximum hours of service for towing vessel operators based on the results of a demonstration project using the CEM system on towing vessels. The demonstration project was completed in 2005, and a report of the results was submitted to Congress on March 29, 2006. According to the report, the demonstration project was designed to evaluate the feasibility, effectiveness, and sustainability of the [Crew Endurance Management System] CEMS in the towing industry. Although the sample included in the demonstration project was relatively small, it revealed promising results in terms of reducing fatigue-related risks. In addition, Commandant Instruction (COMDTINST) 3500.2, Crew Endurance Management (CEM), signed on March 30, 2006, stated that "Commanding officers and officers-in-charge shall implement a CEM program to manage endurance risk at their unit." Other domestic operations that may benefit from CEMS or similar efforts include small passenger vessels, offshore supply vessels, and fishing vessels.

NTSB Evaluation

Recommendation Status: Open—Unacceptable Response

Most recent correspondence and other significant dates:

- 1/30/07 – Most recent letter from Coast Guard.
- 4/19/07 – Coast Guard briefed NTSB on CEMS.

The NTSB has acknowledged the Coast Guard's leadership role at the IMO on fatigue and specific hours-of-service regulations for international operations, which included the 1995 amendments to the *Standards of Training, Certification and Watchkeeping for Seafarers, 1978, effective 2000*.

Although the Coast Guard's February 2007 update does not provide any new information on domestic fatigue issues, the NTSB understands that the Coast Guard is continuing efforts to develop guidance to address hours of work using operational controls established by the certificate of inspection for a commercial vessel. To this end, the Coast Guard is working to develop a better understanding of fatigue-based risks and to recommend means to control those risks through collaboration with other Federal agencies, including the DOT. In addition, partnerships with the marine industry regarding crew endurance and fatigue are moving from the research phase to the deployment of operational programs and tools. The Coast Guard indicated that increasing numbers of vessels in the commercial marine industry and the Coast Guard are using these programs to control fatigue-related risks. The Coast Guard believes this holistic approach to

the issues is very effective in addressing the underlying problem of mariner fatigue.

Concerns:

The NTSB is concerned that the Coast Guard has not developed hours-of-service regulations for all domestic operations. Although significant efforts have been made in commercial towing and internal Coast Guard cutter operations regarding this issue, it does not appear that other domestic operations, such as those of small passenger vessels, offshore supply vessels, and fishing vessels, will be addressed anytime soon. The NTSB is disappointed that 8 years after the recommendation was issued and 18 years after the NTSB asked the DOT to review and update hours-of-service regulations for all modes of transportation (I-89-03), the Coast Guard has not initiated any rulemaking governing domestic operations. Consequently, the NTSB views the CEMS program as a complement to, not a substitute for, regulations to prevent fatigue for all domestic mariners.

Actions pending:

Issue formal fatigue management regulations for all domestic operators, such as those referenced for towing vessel operators in the Coast Guard and Maritime Transportation Act of 2004.

APPENDIX: ACRONYMS

AC	Advisory Circular
ACC	Adaptive Cruise Control
ACSES	Advanced Civil Speed Enforcement System
AD	Airworthiness Directives
ADB	Advisory Bulletin
ADS-B	Automatic Dependent Surveillance-Broadcast
ARAC	Aviation Rulemaking Advisory Committee
ARC	Aviation Rulemaking Committee
ATO	Air Traffic Organization
BNSF	BNSF Railroad
BOS	Boston Logan International Airport
CAMI	Civil Aviation Medical Institute
CAD	Computer Aided Dispatching
CAS	Collision Avoidance System
CBT	Computer-Based Training
CBTM	Communications Based Train Management
CDL	Commercial Driver's License
CEM	Crew Endurance Management
CEMS	Crew Endurance Management System
CFR	Code of Federal Regulations
CMV	Commercial Motor Vehicle
CRM	Crew Resource Management
CSA 2010	Comprehensive Safety Analysis 2010
CSXT	CSX Transportation, Inc.
CVR	Cockpit Voice Recorder
DOT	Department of Transportation
DFDR	Digital Flight Data Recorder
DFW	Dallas/Fort Worth International Airport
ETMS	Electronic Train Management System
FCW	Forward Crash Warning
FDR	Flight Data Recorder
FAA	Federal Aviation Administration
FAROS	Final Approach Runway Occupancy Signal
FFDCC	Future Flight Data Collection Committee
FHWA	Federal Highway Administration
FMCSA	Federal Motor Carrier Safety Administration
FMCSR	Federal Motor Carrier Safety Regulations
FMVSS	Federal Motor Vehicle Safety Standard
FOT	Field Operational Test
FRA	Federal Railroad Administration
FRMS	Fatigue Risk Management System
HSL	Hours-of-Service Law
HWG	Harmonization Working Group
ICAO	International Civil Aviation Organization

IMO	International Maritime Organization
ITCS	Incremental Train Control System
ITS	Intelligent Transportation System
LGB	Long Beach Airport (California)
METRA	Chicago Metropolitan Rail Authority
MITRE/CAASD	Massachusetts Institute of Technology Research/Center for Advanced Aviation System Development
MRB	Medical Review Board
MRM	Maintenance Resource Management
NAJPTC	North American Joint Positive Train Control
NAS	National Airspace System
NASA	National Aeronautics and Space Administration
NHTSA	National Highway Traffic Safety Administration
NPRM	Notice of Proposed Rulemaking
NRCME	National Registry of Certified Medical Examiners
NS	Norfolk Southern Railroad
NTSB	National Transportation Safety Board
OCR	Ohio Central Railroad
OMB	Office of Management and Budget
Op-Model	Operational Model
ORD	Chicago O'Hare International Airport
OSA	Occupational Safety Assessment
OTC	Optimized Train Control
PATH	Port Authority of New York and New Jersey
PCRR	Panama Canal Rail Road
PHMSA	Pipeline and Hazardous Materials Safety Administration
PIPES Act	Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006
PTC	Positive Train Control
RELs	Runway Entrance Lights
RILs	Runway Intersection Lights
RITA	Research and Innovative Technology Administration
RRSP	Rail Road Safety Program
RSPP	Railroad Safety Program Plan
RTCA	Radio Technical Commission for Aeronautics
RWSL	Runway Status Light
SAFETEA-LU	The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SAFO	Safety Alert for Operators
SAN	San Diego International Airport
SFAR	Special Federal Aviation Regulation
SLD	Super Cooled Large Drop (conditions)
STCW	Standards of Training, Certification, and Watchkeeping for Seafarers
THL	Takeoff Hold Lights
TSO	Technical Standard Order

TTC
UMTRI
UP
USCG
VTMS

Technology Transportation Center
University of Michigan Transportation Research Institute
Union Pacific Railroad Company
United States Coast Guard
Vital Train Management System