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"Rummaging in the government's attic"

Description of document: National Transportation Safety Board (NTSB) presentation slides used for the Media Relations Division staff training course entitled, Managing Communications During an Aircraft Accident or Incident 2020

Requested date: 2020

Release date: 12-May-2021

Posted date: 30-August-2021

Source of document: FOIA Request
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
[FOIA Online Submission Website](#)

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National Transportation Safety Board
Washington, D.C. 20594

July 2, 2020

Re: National Transportation Safety Board (NTSB)
Freedom of Information Act (FOIA) No. FOIA-2016-00317

This letter responds to your FOIA request for information seeking all or partial NTSB records regarding a digital/electronic copy of the syllabus and course materials for the following NTSB Training Classes:

- PA302, Managing Communications Following an Aircraft Accident or Incident
- PA303, Managing Communications Following a Major Transportation Accident
- GC101, NTSB Investigations: What Legal Professionals Need to Know

The Safety Board located several responsive documents. Enclosed are the documents we determined may be released. We determined that exemption to the FOIA required redacting certain records. The redactions are clearly marked, and the applicable exemptions are noted at the place of the redaction. After reviewing your request under the FOIA, we identified 199 pages of responsive records. We are releasing 183 pages to you in full without redaction, 14 page(s) withheld in part, and 16 page(s) withheld in full.

We withheld certain information partially and in full pursuant to the following exemptions specified below:

We determined that certain documents, are exempt from release under FOIA exemption 5 U.S.C. § 552(b)(5) ("Exemption 5"), which exempts from disclosure "inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested." Exemption 5 exempts from disclosure agency records that are preliminary and deliberative. National Wildlife Fed'n v. Forest Serv., 861 F.2d 1114 (9th Cir. 1988); Jowett, Inc. v. Department of the Navy, 729 F. Supp. 871 (D.D.C. 1989). Overall, Exemption 5 justifies withholding material that reflects the Safety Board's deliberative process from disclosure in order to ensure the free flow of information during the course of our investigations and other projects. Mead Data Cent., Inc. v. Department of the Air Force, 566 F.2d 242, 256 (D.C. Cir. 1977).

National Transportation and Safety Board

FOIA-2016-00317

July 6, 2020

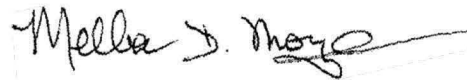
Page 2 of 2

Personal information, notably autopsy information and graphic photos, social security numbers, and any personal identifying information, is withheld pursuant to 5 U.S.C. 552(b)(6), which exempts from disclosure "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy," to include personal addresses, phone numbers, etc.

The NTSB has concluded processing your FOIA request. You may contact Ms. Joy Gordon, the FOIA Analyst who processed your request or our FOIA Public Liaison at 202-314-6540, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: OGIS, NARA, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the NTSB, Attn: Ms. Sharon Bryson, Managing Director, 490 L'Enfant Plaza, SW, Washington, D.C. 20594. Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request.

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



NTSB National Transportation Safety Board

A to Z: RULES OF THE ROAD NTSB AUTHORITIES AND RULES FOR CONDUCTING ACCIDENT INVESTIGATIONS

Ann G. Gawalt NTSB Deputy General
Counsel

Overview

- **Investigative Mission Jurisdiction NTSB**
- Investigative Terms Phases of an Investigation**
- Rules of Investigation**

History of the Agency

➤ In the beginning...Civil Aeronautics Board



History of the Agency

- Congress established NTSB by statuteFirst located within the DOTMade independent pursuant to the Independent Safety Board Act of 1974, Pub. L. 93-633, title III

NTSB Independence

- NTSB has no “stake” in the outcome of the investigation
- NTSB independence promotes public confidence in accuracy of the investigative findings and determinations
- NTSB objectivity promotes acceptance of NTSB safety recommendations



NTSB Authority

- **STATUTORY** Title 49,
United States Code
Chapter 11
& **REGULATORY** Title 49,
Code of Federal
Regulations Parts 800-
850 **NTSB**
Principles Independence –
Technical Accuracy -
Objective



Tasks of the NTSB Board

**Promote safety in transportation
by: Investigating and reporting on
certain accidents Determining the
facts, conditions, and circumstances
of accidents Determining the cause or
probable cause of the accident Issuing
transportation safety
recommendations Conducting safety
studies**



Tasks of the NTSB Board

Reviewing other agency action on appeal: Denials by the FAA Administrator of applications for airman certificates, and orders modifying, amending, suspending, or revoking certificates issued by DOT Secretary, or imposing civil penalties
Decisions of US Coast Guard Commandant on appeals from orders of ALJs suspending, revoking, or denying mariner licenses, certificates, or documents

Delegated Authority of Investigative Offices

- **Consistent with Board resources, investigate accidents Determine probable cause in Accident Briefs 49 C.F.R. § 800.25**



Authority to Investigate

- ...shall investigate or have investigated:
Aircraft accidents Railroad
accidents Pipeline accidents
Highway accidents Major marine
casualties Catch-all clause
See 49
U.S.C. §§ 1131 and 1116



Aviation: Authority to Investigate

- **Shall investigate Each accident involving civil aircraft, Or an aircraft accident involving a public aircraft other than an aircraft operated by the Armed Forces or by an intelligence agency of the United States See 49 U.S.C. §§ 1131 and 1116**

Aviation: Accidents and Incidents

- **Accident:** An occurrence associated with the operation of an aircraft which Takes place between the time any person boards the aircraft with the intention of flight AND All such persons have disembarked, AND In which any person suffers death or serious injury, OR In which the aircraft receives substantial damage Incident: An occurrence other than an accident associated with the operation of an aircraft, which affects or could affect the safety of operations .

49 CFR 830.2

Aviation: Types of Injuries

- **Fatal injury** – Any injury which results in death within 30 days of the accident.
- **Serious injury** – Hospitalization for more than 48 hrs (within 7 days of date injury received); Bone fracture (except simple fractures of fingers, toes, nose); Severe hemorrhages, nerve, muscle, or tendon damage; 2nd- or 3rd-degree burns, or affecting more than 5% of body surface; Any internal organ. **49 CFR 830.2**

Aviation: Substantial Damage

Damage or failure which: Adversely affects structural strength, performance, or flight characteristics, and which Would normally require major repair or replacement of affected component

**49 C.F.R.
830.2**

Rail: Authority to Investigate

- **A railroad accident in which there is a fatality or substantial property damage, or that involves a passenger train. 49 USC 1131(a)(1)(C)**



Rail: Accident and Injuries

- **Accident:** any collision, derailment, or explosion involving railroad trains, locomotives, and cars; or any other loss-causing event involving the operation of such railroad equipment that results in a fatality to a passenger or employee, or the emergency evacuation of persons. **Fatality:** death of a person either at time of an accident occurs or within 24 hours thereafter. 49 CFR 840.2

Pipeline: Authority to Investigate

- **A pipeline accident in which there is a fatality, substantial property damage, or significant injury to the environment.**

49 U.S.C. §

11319(a)(1)(D) Evaluate the adequacy of safeguards and procedures for the transportation of hazardous material and the performance of other departments, agencies, and instrumentalities of the Government responsible for the safe transportation of that material. 49 U.S.C. § 1116 (b)

Highway: Authority to Investigate

- A highway accident, including a railroad grade crossing accident, the Board selects in cooperation with a State 49 U.S.C. § 1131 (a)(1)(B)



Marine: Authority to Investigate

- Shall investigate or have investigated...A major marine casualty (except those only involving public vessels) that occur on or under the navigable waters, internal waters or territorial sea of U.S.Or involving a U.S. vessel (note no geographic limitation)
49 U.S.C. § 1131(a)(1)(E)

Marine: Authority to Investigate

- **Major Marine Casualty Results in:**
The loss of six or more lives
The loss of a mechanically propelled vessel, 100 or more gross tons
Property damage estimated as \$500,000 or more
Serious threat to life, property or the environment by hazardous materials

49 C.F.R. § 850.5

Marine: Authority to Investigate

- **Shall investigate a casualty involving...A US Coast Guard and non-public vessel AND at least 1 fatality or \$75K in property damageA public and non-public vessel AND at least 1 fatality or \$75K in property damageSignificant safety issues relating to the US Coast Guard**
49 C.F.R. § 850.15(b)

Catch All Authority

Shall investigate or have investigated any other accident related to the transportation of individuals or property when the Board decides: the accident is catastrophic; the accident involves problems of a recurring character; or the investigation of the accident would carry out this chapter (i.e., is needed to meet mission of the Agency)
49 U.S.C. 1131(a)(1)(F)

Studies and Special Investigations

- **Carry out studies about transportation safety**
Examine techniques and methods of accident investigation
Evaluate government agencies transportation safety consciousness and their effectiveness in preventing accidents

49 U.S.C. §1116 (b)

Other Federal Investigations

Investigation by the NTSB under §1131(a)(1)(A)-(D) or (F) ... has priority over any investigation by another department, agency, or instrumentality of US Government. The Board shall provide for appropriate participation by other departments, agencies, or instrumentalities. The provision regarding criminal behavior and §§ 1113, 1116(b), 1133, & 1134(a) & (c)-(e) do not affect the authority of another instrumentality of the Govt to investigate an accident or to obtain info from parties and witnesses. NTSB and other agencies shall ensure that appropriate information is developed . . . and exchanged in a timely manner.

NTSB and US Coast Guard

- **Joint Investigations Separate Statutory Authority Separate Written Reports Joint Regulations, 49 C.F.R. Part 850 & 46 CFR Part 4 Memorandum of Understanding, signed December 19, 2008 Determination of lead agency May participate as ... equal partner[s] in gathering evidence and establishing facts Share all information, testimony, and evidence obtained during marine casualty investigations**

When NTSB Leads Investigations

- **Critical Decisions Notification (49 C.F.R. Parts 830, 840) Preliminary (Fact Gathering; Monitoring) GO TEAM Full Launch (Decision Process Governed by a Board Order, Written SOPs and Practice) Formal Launch Limited Investigation**



When NTSB Leads Investigations

- **Investigator in Charge: Organizer, Spokesperson, and Decision Maker**
49 C.F.R. §§ 831.8; 831.11; 831.12; 831.13
Group Chairperson: Technical Leader; Reports to IIC
NTSB Party Phases of the Investigation
On-Scene
(Organizational Meeting, Investigative Groups, Witness Interviews, Document Collection, Progress Meetings)
Post-Scene
(Investigative Hearings, Factual Report, Technical Reviews and Party Submissions)
Board Member Meeting (Safety Recommendations)


The Party System

- **Parties to the investigation are limited to those persons, government agencies, companies, & associations whose employees, functions, activities, or products were involved in the accident and who can provide suitable qualified technical personnel to actively assist in the field investigation.**



The Party System

No right to party status Only the FAA is afforded the “right” to participate in aviation investigations USCG Participates by Memorandum of Understanding Party representatives Sign “Certification of Party Representative”

 NTSB Investigation No. _____
Date of Accident: _____
Accident Location: _____

CERTIFICATION OF PARTY REPRESENTATIVE¹

I acknowledge that I am participating in the above-referenced accident or incident investigation, on behalf of my employer who has been named a party to the National Transportation Safety Board (NTSB) safety investigation, for the purpose of providing technical assistance to the NTSB's evidence documentation and fact-finding activities. I understand that as a party participant, I and my organization shall be responsive to the direction of NTSB personnel and may lose party status for conduct that is prejudicial to the investigation or inconsistent with NTSB policies or instructions. No information pertaining to the accident, or in any manner relevant to the investigation, may be withheld from the NTSB by any party or party participant.

I further acknowledge that I have familiarized myself with the attached copies of the NTSB Accident/Incident Investigation Procedures (49 C.F.R. Part 831) and "Information and Guidance for Parties to NTSB Accident and Incident Investigations," and will comply, and, if the party coordinator for my party, take all reasonable steps to ensure that the employees and participants of my organization comply, with these requirements. This includes, but is not limited to, the provisions of 49 C.F.R. §§ 831.11 and 831.13, which, respectively, specify certain criteria for participation in NTSB investigations and limitations on the dissemination of investigation information.

No party coordinator or representative may occupy a legal position or be a person who also represents claimants or insurers. I certify that my participation is not on behalf of either claimants or insurers, and that, although factual information obtained as a result of participating in the NTSB investigation may ultimately be used in litigation (at the appropriate time, and in a manner that is not inconsistent with the provisions of 49 C.F.R. § 831.13 and 49 U.S.C. § 1154), my participation is to assist the NTSB safety investigation and not for the purpose of preparing for litigation. I also certify that, after the NTSB Investigator-in-Charge (IC) releases the parties and party participants from the restrictions on dissemination of investigative information specified in 49 C.F.R. § 831.13, neither I nor my party's organization will in any way assert in civil litigation arising out of the accident any claim of privilege for information or records received as a result of my participation in the NTSB investigation.

Signature Date

Name & Title

Party Organization/Employer

¹ In aviation investigations this form may also be referred to as "Statement of Party Representative to NTSB Investigation."

Excluded from Party System

- **Specifically excluded:**
representatives of claimants
or insurers and occupants of
legal positions But the IIC will
work with insurance
personnel to: Allow
establishment of claim Share
investigative plans Release
wreckage, if possible, with
approval of owner Provide
same factual info given to
family and press

Entry and Inspection

- **An officer or employee of the NTSB: display of appropriate credentials and written notice of inspection authority, may: Enter property where a transportation accident has occurred Or where wreckage from the accident is located And do anything necessary to conduct an investigation During reasonable hours, may inspect any record, process, control, or facility related to an accident investigation.**



Exclusive Authority of the NTSB to Test

- Only the Board has the authority to decide on the way in which testing under this section will be conducted, including decisions on The person that will conduct the test, The type of test that will be conducted, and Any individual who will witness the test. Those decisions are committed to the discretion of the Board. The Board shall make any of those decisions based on the needs of the investigation being conducted.

U.S.C. 1134(d)

49

Dealing With Interviewees



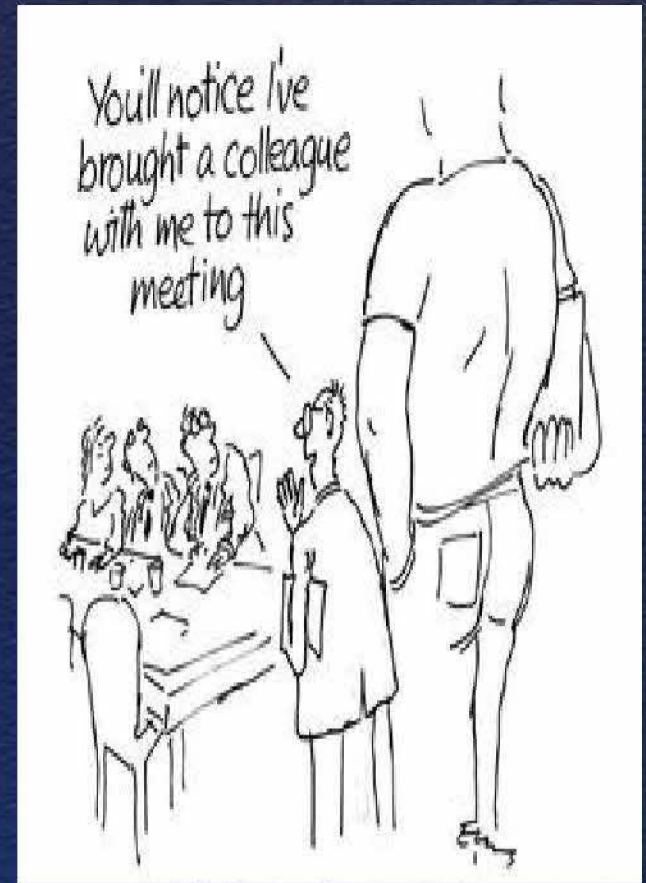
Dealing With Interviewees

Right of interviewees to be accompanied, represented, or advised by an attorney or non-attorney representative

49

C.F.R. § 831.7 Subpoena to obtain witness testimony

49 C.F.R. § 831.9



Dealing With Interviewees

- **The investigator cannot: Grant immunity from prosecution or Assure confidentiality***



***However, a person may object to public disclosure of information. The Board may withhold the information if, in the Board's judgment, it may be withheld under an exemption to the FOIA and its release is found not to be in the public interest. 49 C.F.R. 831.6(b).**

Investigative Information



Investigative Information

- **Dissemination:** Party representatives may share investigative information for purposes of safety improvement or prevention. Parties may not release investigative information without approval of the investigator-in-charge. 49 C.F.R. 831.13



Investigative Information

TransparencyNTSB is required by law to publicly report the facts and circumstances of each accident it investigates. The law also requires that, barring an exemption, “a copy of a record, information, or investigation submitted or received by the [NTSB], or a member or employee of the Board, shall be made available to the public on identifiable request and at reasonable cost.”



Access to Investigative Information

- **49 C.F.R. Parts 835 (Testimony) and 837 (Documents)**
Purpose: Conserve time of NTSB employees
Minimize involvement in controversial issues
Maintain impartiality
Avoid spending federal resources for private purposes
Protect confidential and deliberative processes of the Board
49 C.F.R. 837.1

**“Thank you for your
support!”**

Any Questions?



NTSB

Scenario Description

There was a mid-air collision between a Cargo Express Boeing 757 approaching Albuquerque International Airport (ABQ) runway 26 via the RNAV (RNP) Z RWY 26 approach and an Embraer Phenom 100E operating as a Part 91 flight from General Fierro Villalobos International, Mexico, (MMCU) to Double Eagle II Airport (AEG) in Albuquerque, NM.

Wreckage from the Embraer landed in the Sandia Foothills approx. 6-8 miles east of KABQ. On board the Embraer were three family members of a high-level Mexican official, plus a pilot and co-pilot. All were killed in the accident. The official's Chief of Staff and other U.S.-based staff were waiting for the family to arrive at AEG. They made their way to the foothills accident scene. The Embraer is registered to ExecuMexico, a Mexican company wholly-owned by the family and employing only the deceased pilots.

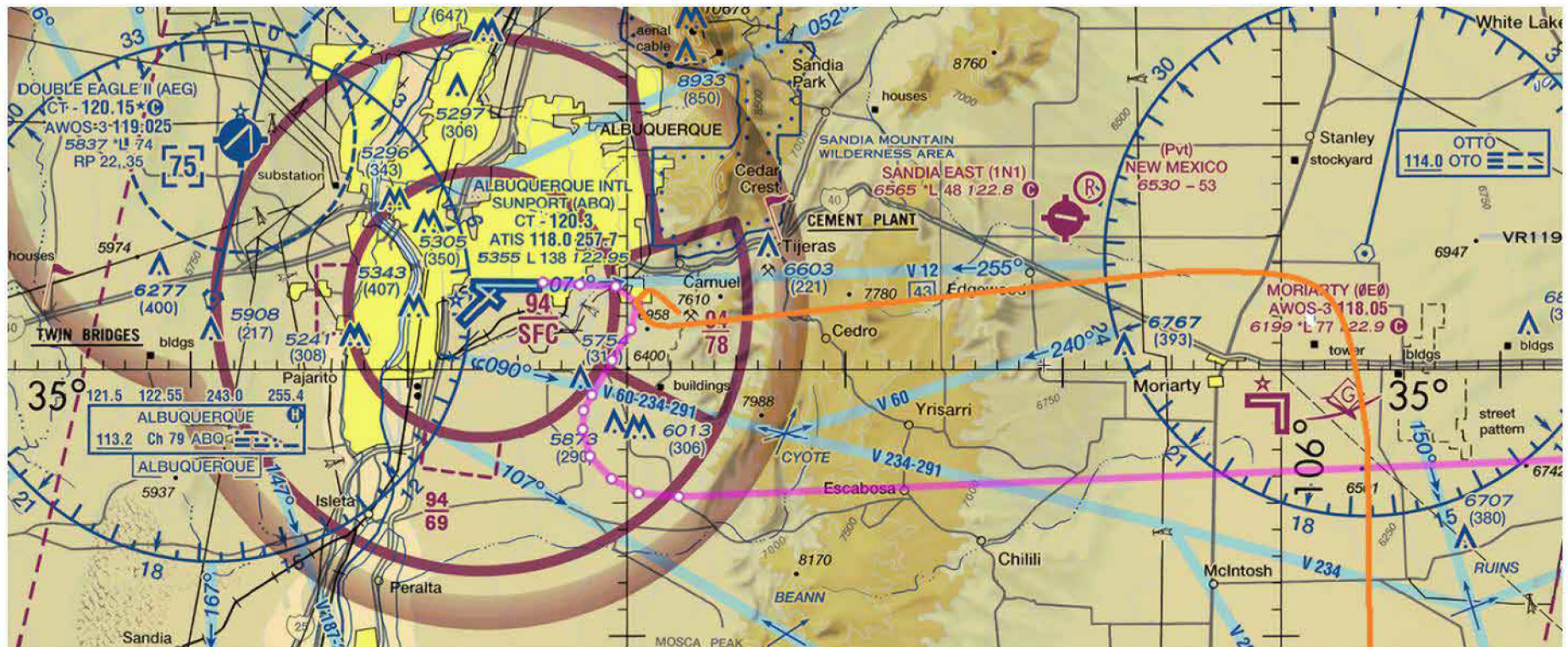
The Cargo Express B-757 limped to a crash landing near the approach end of KABQ runway 26 and came to rest just off the north side of the runway. Wreckage is strewn along and north of the runway. There was a pilot and co-pilot aboard. The co-pilot suffered fatal injuries. The pilot was transported to Albuquerque Municipal Hospital with serious injuries. Some debris from the B-757 landed on the Kirtland AFB ramp and may have damaged a military C-130 aircraft.

The NTSB is on-scene and attempting to recover the black boxes from each aircraft. The NTSB has named Cargo Express, Boeing, the FAA, and the Albuquerque Airport Authority as parties to its investigation. Brazil has appointed an accredited representative and named Embraer as a technical advisor. ExecuMexico has not been named a party at this time.

Flight Paths

Cargo Express Boeing 757 —

ExecuMexico Embraer Phenom 100E —



Initial Reports of the Cargo Express Boeing 757 Debris Field



Marine/Railroad Scenario

At 2:14 AM this morning, Canadian flagged riverboat container ship carrying 20 intermodal containers transiting up-river on the Niagara River allided with a piling of the International Train Bridge and partially submerged in U.S. water. One side of the eastern-most span of the railroad bridge collapsed and landed on top of the partially submerged vessel, killing 3 crewmembers. Authorities were immediately notified, including the U.S. Coast Guard, the Canadian Coast guard, and the railroad emergency response center. Rescue efforts proceeded this morning from both the US and Canada.



At 3:47 AM, a westbound key train carrying crude oil crossed Squaw Island and ran into the damaged portion of the railroad bridge. 2 locomotives, one buffer car and 19 tank cars landed in the river and exploded. An additional 14 cars derailed upright on the bridge and its approaches. A third locomotive in a pusher configuration at the rear of the train did not derail. The train crew have not been located, and are presumed dead. No crew were stationed in the pusher locomotive at the time of the accident.

The container ship was built and operated by BCB Shipping, a Canadian company, and its crew was primarily Canadian citizens, but not all identities and nationalities have been confirmed. Local representatives of BCB made their way to the accident scene.

The train was operated by NFR Railroad, a U.S. company. All crew members were U.S. Citizens.

NTSB consulted with USCG, and they decided NTSB should be the lead agency. The NTSB and USCG are on-scene and attempting to recover the event recorders. BCB Shipping, NFR railroad, FRA, and USCG have been named parties. Canada is a substantially interested state under IMO.



NTSB TRAINING CENTER

Managing Communications Following a Major Aviation Accident or Incident

Delta Air Lines
Atlanta, Georgia

A G E N D A

April 22, 2016

- | | |
|-------------|---|
| 8:30 | WELCOME AND INTRODUCTIONS |
| 8:45 | NTSB AVIATION ACCIDENT INVESTIGATIONS
<i>Peter Knudson and Lauren Peduzzi</i> |
| 9:45 | BREAK |
| 10:00 | MEDIA RELATIONS AND ACCIDENT RELATED
COMMUNICATIONS
<i>Peter Knudson, Lauren Peduzzi and Tara Hamilton</i> |
| 11:15 | BREAK |
| 11:30 | VIDEO CASE STUDIES OF POST ACCIDENT/INCIDENT
COMMUNICATIONS WITH THE NEWS MEDIA
<i>Tara Hamilton</i> |
| 12:30 | LUNCH |
| 1:15 | TRANSPORTATION DISASTER ASSISTANCE: SUPPORT AND
SERVICES TO FAMILY MEMBERS AND FRIENDS OF
ACCIDENT VICTIMS
<i>Peter Knudson</i> |
| 1:30 | CRISIS COMMUNICATIONS MESSAGING
<i>Lauren Peduzzi</i> |
| 2:00 | ACCIDENT SCENARIO WORKSHOP – TEAMS PLAN AND
PRESENT A PRESS CONFERENCE FOLLOWING AN
AIRCRAFT ACCIDENT
<i>Lauren Peduzzi and Tara Hamilton</i> |
| 3:45 – 4:00 | CLOSING REMARKS AND COURSE EVALUATIONS |



National Transportation Safety Board

COURSE EVALUATION

COURSE TITLE: Managing Communications Following an Aircraft Accident or Incident

DATE: April 22, 2016

ORGANIZATION: Delta Air Lines

LOCATION: Atlanta, Georgia

NAME OF ATTENDEE (optional): _____

Using the scale below, please circle the number that best reflects how valuable each section of the course was to you.

[(1=POOR) 1 2 3 4 5 (5=EXCELLENT)]

NTSB Aviation Accident Investigations

Peter Knudson and Lauren Peduzzi

[1 2 3 4 5]

Media Relations and Accident Related Communications

Peter Knudson, Lauren Peduzzi and Tara Hamilton

[1 2 3 4 5]

Video Case Studies of Post-Accident/Incident Communications With News Media

Tara Hamilton

[1 2 3 4 5]

Transportation Disaster Response – Support and Services to Family Members

Peter Knudson

[1 2 3 4 5]

Crisis Communications Messaging

Lauren Peduzzi

[1 2 3 4 5]

Major Aviation Accident Crisis Communications Workshop

Lauren Peduzzi and Tara Hamilton

Using the scale below, please circle the number that best reflects your response.

1= Strongly Disagree **2** = Disagree **3** = Neutral **4** = Agree **5** = Strongly Agree

Comments are extremely helpful; please enter them in the space provided after each question.

1. Overall, I felt that the information presented was informative, valuable, and supported the advertised performance objectives. [1 2 3 4 5]

Comments:

2. The presenters displayed a comprehensive knowledge of the subject. [1 2 3 4 5]

3. I felt the audio-visual and materials on the flash drive enhanced the value of the course. [1 2 3 4 5]

4. I enjoyed this course and would recommend to others. [1 2 3 4 5]

5. I would have liked more information on the following subject(s):

6. Other comments:

Thank you for taking the time to complete this course evaluation. We enjoyed having you in class and appreciate your input.



NTSB TRAINING CENTER

PRESENTER BIOGRAPHIES AND CONTACT INFO



Tara Hamilton became a communications consultant after serving as the Public Affairs Manager for the Metropolitan Washington Airports Authority which operates Washington Dulles International and Ronald Reagan Washington National Airports. She held that position for 21 years, where she managed the media relations program for the organization and was responsible for day-to-day communication with local, national and international media.

In her 21 years with the Airports Authority, Hamilton has been responsible for handling emergency communications for a variety of incidents including an accident involving a Lear Jet at Washington Dulles Airport which took the lives of twelve people, gas leaks, accidents involving airport employees, the impacts of the terrorist attack on September 11, 2001 resulting in the closure of Reagan National Airport for 23 days, suspicious packages and terminal evacuations, numerous weather-related airport closures and a few aircraft incidents on runways that resulted in major tie-ups but fortunately caused no fatal injuries.

Hamilton has been associated with the NTSB crisis communications course since its inception as a planner and contributor.

She has also worked closely with the Airports Council International - North America (ACI-NA) as a member of their Marketing/Communications Steering Group in developing media and crisis communications seminars for airport officials. In 2011, Hamilton received ACI-NA's 2011 Ted Bushelman Legacy Award for Creativity and Excellence, which recognizes her outstanding career contributions in aviation industry communications.

Prior to joining the aviation field, Hamilton was the Public Affairs Director for the District of Columbia Government Department of Public Works. In that role she gained a wide range of experience dealing with local government issues and fielded media coverage of city services, snow and summer storm emergencies, accidents and infrastructure failures such as broken water mains and deteriorating bridges.

CONTACT INFORMATION

Tara Hamilton

Crisis Communications Consultant

(b)(6)



Peter C. Knudson is a Public Affairs Officer at the National Transportation Safety Board. He came to the Safety Board in 2000 where he worked in the NTSB's 24-hour communications center launching "go teams" of investigators to accident sites around the globe.

In 2002, he joined the Safety Board's Office of Transportation Disaster Assistance where he provided family members of accident victims with information and updates about the progress of NTSB investigations. From 2003 until he joined the Office of Public Affairs in April 2007, Peter managed the marketing and communications programs at the NTSB Training Center in

Ashburn, Virginia.

As an NTSB press officer and spokesman, he has coordinated the on-scene public affairs activities for 33 transportation accidents, including the following:

- Sinking of the U.S.-flagged cargo ship *El Faro* in the Atlantic Ocean (October 2015)
- Derailment of an Amtrak passenger train in Philadelphia (May 2015)
- Crash of a Virgin Galactic space vehicle in Mojave, Calif. (October 2014)
- Runway excursion and crash of a Gulfstream IV during attempted take-off in Bedford, Mass. (May 2014)
- Crash of a De Havilland DHC-3 Otter air taxi on take-off in Soldotna, Alaska (July 2013)
- Natural gas pipeline rupture accident in Sissonville, W.V. (December 2012)
- Natural gas pipeline rupture accident in San Bruno, Calif. (September 2010)
- Crash landing of an Airbus A-320 into Hudson River in New York City (January 2009)
- Collision between a Metrolink commuter train and a Union Pacific freight train in Chatsworth, Calif. (September 2008)
- I-35W highway bridge collapse in Minneapolis (August 2007)

Peter has spoken to transportation industry groups throughout the U.S., and in Canada, South America, Europe and Asia. He has advised airlines, government agencies, airports, transportation equipment manufacturers, local authorities and others on how to respond to media inquiries following an accident that is under investigation by the NTSB.

Before coming to the Safety Board, Peter worked in customer service, training and ground operations for two airlines. He is a licensed private pilot and has a bachelor's degree in communications and American studies from the California State University, Fullerton.

CONTACT INFORMATION

Peter Knudson

NTSB Public Affairs Officer

(b)(6)

(b)(6)

NTSB Public Affairs: 202-314-6100 (on evenings, weekends and holidays, the public affairs duty officer phone number will be on the voicemail greeting system)

24-Hour NTSB Communications Center (non-public number): (b)(6) (please use only when unable to reach someone through the public affairs phone number)



Lauren Peduzzi created *Peduzzi Communications* to further her belief that good communication is as much about listening as it is about speaking.

Lauren's background includes nearly 10 years in the Public Affairs office at the National Transportation Safety Board during which time she coordinated the on-scene public affairs activities for the following accidents:

- Derailment of METRA train in Chicago (September 2005)
- Crash of Circuit City Cessna Citation in Pueblo, Colo. (February 2005)
- Derailment of Amtrak Train in Flora, Mississippi (April 2004)
- Crash of Cessna 335 carrying Missouri Governor Carnahan in Hillsboro, Missouri (October 2000)
- Collision of CSXT Freight Train and School Bus in Conasauga, Tenn. (March 2000)
- Crash of an Alaska Air MD-80 in the Pacific Ocean off Point Hueneme, Calif. (January 2000)
- Crash of an Egypt Air Boeing 767 in the Atlantic Ocean (October 1999)
- Sinking of an amphibious passenger vehicle in Hot Springs, Ark. (May 1999)

As a result of her experience, she is intimately familiar with both the public and the behind-the-scenes process of an accident investigation as well as techniques for managing the tight deadlines and intense interest involved in a major media event. While at the NTSB she used her knowledge to spearhead the development of the agency's course, "Managing Communications Following an Aircraft Accident or Incident."

After leaving the NTSB in 2007, she put her skills to work as Director of Internal Communications for Citigroup's Latin America region, helping the world's largest financial institution manage communications during one of the most trying financial periods.

Lauren got her start in the Global Marketing department of Aon Risk Services, one of the nation's largest corporate insurance brokers. Lauren has a Bachelor of Arts from Villanova University and a Certificate of Public Relations from University of Virginia.

CONTACT INFORMATION

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National Transportation Safety Board

The National Transportation Safety Board

NTSB Investigations: What Legal Professionals Need to Know

Mission and Organization Structure of the NTSB NTSB Training Session

David Tochen
General Counsel, NTSB

I. THE BASICS

A. Independence

1. History

- The Air Commerce Act of 1926, Section 2(e): “It shall be the duty of the Secretary of Commerce ... to investigate, record, and make public the causes of accidents in civil air navigation in the United States.” The Civil Aeronautics Act of 1938 created the Civil Aeronautics Authority (CAA) and established within the CAA an Air Safety Board to “investigate ... accidents [involving aircraft] and report to the [CAA] the facts, conditions, and circumstances relating to each accident and the probable cause thereof.” Section 702(a)(2).

I. THE BASICS

A. Independence

1. History (continued)

- Reorganization Plan No. IV OF 1940, section 7, 54 Stat. 1235, 1236, transferred the CAA and its Air Safety Board to a newly established independent agency, the Civil Aeronautics Board (CAB). Federal Aviation Act of 1958, 72 Stat 731, repealed section 7 of Reorganization Plan No. 7, and in title VII, enumerated in further detail the CAB's duties and authorities to conduct aviation accident investigations.

I. THE BASICS

A. Independence

1. History (continued)

- Section 5 of the Department of Transportation Act, Pub. L. 89-670, Oct. 15, 1966, established the NTSB as an independent agency “within the Department [of Transportation]” and authorized the agency to conduct investigations of all civil aviation accidents in the United States and major accidents in the other modes of transportation. The Independent Safety Board Act of 1974, Pub. L. 93-633, title III, Jan. 3, 1975, established the NTSB as a fully independent agency. The statute includes the following Congressional finding:

I. THE BASICS

A. Independence

1. History (continued)

- “No Federal agency can properly perform ... functions [associated with the investigation of transportation accidents] **unless it is totally separate and independent from any other department ... or agency of the United States.**”

I. THE BASICS

A. Independence

1. History (continued)

- The Safety Board has no regulatory or enforcement powers. Since 1967, the NTSB has conducted more than 135,000 aviation investigations and issued over 14,200 safety recommendations in each mode of transportation. Each year we investigate about 1,300 general aviation accidents and we assist in dozens of foreign investigations around the world.

I. THE BASICS (continued)

A. Independence

2. Enabling Legislation -- 49 U.S.C. Subtitle Chapter 11 (§§ 1101-1154)

- NTSB authorized to: Investigate each accident involving civil aircraft (49 U.S.C. §§ 1131, 1132) Investigate accidents in other transportation modes: highway, marine, rail, pipeline, and accidents involving transportation of hazmat (49 U.S.C. § 1131) Determine the facts, conditions, and circumstances of the accident (49 U.S.C. § 1131) Determine the cause or probable cause of the accident (49 U.S.C. § 1131)

I. THE BASICS

A. Independence

2. Enabling Legislation (continued)

- Issue transportation safety recommendations (various sections)Conduct safety studies (49 U.S.C. § 1116)Assist family members, friends, and survivors in the aftermath of an accident (49 U.S.C. §§ 1136, 1139)Advocacy – Annual Most Wanted List of critical changes needed to reduce transportation accidents and save lives (see Section III)Adjudications – Reviews airman appeals of FAA certificate actions and certain civil penalties and US Coast Guard seaman license actions Regulations: 49 C.F.R. Subtitle B, Chapter VIII (49 C.F.R. parts 800-850)

I. THE BASICS (continued)

A. Independence

3. Structure

- The NTSB consists of 5 presidentially-appointed Members, by and with the advice and consent of the Senate. By statute, “[a]t least 3 members shall be appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in accident reconstruction, safety engineering, human factors, transportation safety, or transportation regulation.”

I. THE BASICS

A. Independence

3. Structure (continued)

- Board Members serve 5-year staggered terms. Two Members designated by President to serve as Chairman and Vice Chairman. 2-year terms in those positions \ Only Chairman's nomination requires Senate confirmation. No more than 3 Members can be of same political party. Three Members of the Board constitute a quorum. A Board Member on scene of a major accident serves as the official spokesperson for the NTSB.

I. THE BASICS (continued)

B. Transparency – Government in the Sunshine Act

Louis Brandeis “Sunlight is said to be the best of disinfectants” “If the broad light of day could be let in upon men’s actions, it would purify them as the sun disinfects.” From *Other People’s Money—and How Bankers Use It* (1914).

I. THE BASICS

B. Transparency – Government in the Sunshine Act (Continued)

- The Government in the Sunshine Act, 5 U.S.C. § 552b, was enacted in September 1976, to take effect on March 12, 1977. The Act is one of several statutes enacted in the 1970's to provide greater “openness” in government. Requires in general that meetings of the members of “collegial” agencies be open to the public unless the meeting has been formally closed because the matters to be discussed fall within one of the statutory exemptions.

I. THE BASICS

B. Transparency – Government in the Sunshine Act (Continued)

NTSB Rules Implementing the Government in the Sunshine Act, 49 CFR Part 804. Issued in 1977 as part of a government-wide regulatory implementation effort by Federal agencies subject to the Act. Key Provisions: Definition of “Meeting”: Per 49 CFR § 804.3, “Meeting means the deliberations of three or more Members when such deliberations determine or result in the joint conduct or disposition of official NTSB business.” A meeting does not include: Notation voting “An internal session attended by three or more Members for which the sole purpose is to have the staff brief the Board concerning an accident, incident, or safety problem.”

I. THE BASICS

B. Transparency – Government in the Sunshine Act (Continued)

- Public access to meetings: Subject to enumerated exemptions, “every portion of every meeting of an agency shall be open to public observation.” However, the Sunshine Act does not provide a right of public participation at such meetings. 49 CFR § 804.2: “The public is invited to attend but not to participate in open meetings.”

I. THE BASICS

B. Transparency – Government in the Sunshine Act (Continued)

- Public Notice of Meetings: 49 CFR § 804.7(a), For each meeting, the NTSB shall make public announcement, at least one week before the meeting, of the time and place of the meeting, the subject matter of the meeting, whether the meeting is to be open or closed, the name and telephone number of the official designated by the NTSB to respond to requests for information about the meeting.

I. THE BASICS

B. Transparency – Government in the Sunshine Act (Continued)

Practical Issues: Is a casual social gathering of 3 or more Board Members a Sunshine Act “meeting”? Is a telephone conference call among 3 or more Board Members a Sunshine Act meeting? Does a Sunshine Act “meeting” take place when 3 or more Board Members’ Special Assistants meet and deliberate on, or otherwise discuss, official agency business on behalf of their respective Members? Are deliberations or discussions among 3 or more Board members conducted by email messages subject to the Sunshine Act?

III. NTSB's 2015 Most Wanted List – Aviation Safety Issues

- Disconnect from Deadly Distractions
Strengthen Commercial Trucking Safety
End Substance Impairment in Transportation
Enhance Public Helicopter Safety
Implement Positive Train Control in 2015
Improve Rail Tank Car Safety
Make Mass Transit Safer
Prevent Loss of Control in Flight in General Aviation
Require Medical Fitness for Duty
Strengthen Procedural Compliance

NTSB Vision Statement and Statement of Core Values

- Vision Statement: To be a premier organization improving transportation safety. Statement of Core Values: We are committed to the core values:
SAFETY EXCELLENCE INDEPENDENCE INTEGRITY
DIVERSITY AND INCLUSION TRANSPARENCY



National Transportation Safety Board



NTSB TRAINING CENTER

NTSB INVESTIGATIONS: WHAT LEGAL PROFESSIONALS NEED TO KNOW

GC101
JULY 16-17, 2015
AGENDA

DAY ONE – July 16, 2015

8:30 am – 4:30 pm

8:30 AM – 8:45 AM Welcoming Remarks and Introductions
David K. Tochen, NTSB General Counsel

8:45 AM – 9:15 AM Mission and Organization Structure of NTSB
“Let the Sunshine In”
Presenter: David K. Tochen, NTSB General Counsel

This presentation focuses on the role of the NTSB Board and staff in improving transportation safety and examines the impact of the Government in the Sunshine Act on the roles and functions of the NTSB Board.

9:15 AM – 10:00 AM NTSB Jurisdiction and Rules of Investigations
“From A to Z: Rules of the Road When An Accident Happens”
Presenter: Ann G. Gawalt, NTSB Deputy General Counsel

This presentation describes NTSB’s authority to investigate transportation accidents and incidents and conduct safety studies and special investigations. It also highlights important regulations to consider when advising clients who are parties to NTSB investigations.

10:00 AM - 10:15 AM Break

10:15 AM – 10:45 AM Investigative Information
“Investigative Information: The Heart of the Investigation”
Presenter: James Rodriguez, NTSB Office of General Counsel

This session begins with an examination of the definition of investigative information and rules regarding the exchange of investigative information, with a focus on wreckage, data and testing.

10:45 AM – 11:15 AM Civil Litigation, Criminal and Regulatory Investigations, and Company Internal Reviews
“The Ultimate Juggling Act: Balancing Multiple Investigations”
Presenter: Ben Allen, NTSB Office of General Counsel

This session includes a presentation of the rules and best practices regarding parallel investigations while an NTSB investigation is underway.

11:15 AM – 11:30 AM Introduction of the Accident Scenarios for Table Top Exercises
Presenter: Ann G. Gawalt, NTSB Deputy General Counsel

11:30 AM – 12:30 PM	Lunch Optional TWA 800 Briefing
12:30 PM– 2:30 PM	Accident Scenario Table Top Exercise Facilitators: Ann G. Gawalt, Ben Allen, and James Rodriguez, NTSB Office of General Counsel In this session, participants may select one of four discussion groups to consider issues raised by a hypothetical aviation or a rail/marine/hazardous materials accident. These discussion groups will consider access to evidence, exchange of information and responding to inquiries from the press and other agencies.
2:30 PM– 2:45 PM	Break
2:45 PM– 3:30 PM	NTSB Party Roles in an Accident Investigation “Let’s Party! (NTSB Style)” Presenters: John Vorderbruggen, Chief, Pipeline and Hazardous Materials Division, NTSB Office of Railroad, Pipeline and Hazardous Materials Investigations This presentation highlights how an attorney can best advise his or her client in participating in the post-accident scene phases of an investigation. The discussion will highlight what the NTSB considers optimum party participation in the factual development, review of factual reports, and preparation of submissions and internal safety reviews.
3:30 PM– 4:30 PM	Public Investigative Hearings “Investigative Hearings, Not Your Ordinary Judicial Proceeding” Presenter: John Lovell, Aviation Accident Investigator, Major Investigations, NTSB Office of Aviation Safety A seasoned NTSB hearing officer and investigator-in-charge discusses the parameters and purpose of an NTSB investigative hearing.

July 8, 2015

DAY TWO – July 17, 2015**9:00 am - 4:15 pm**

9:00 AM– 9:15 AM Introduction and Logistics
David K. Tochen, NTSB General Counsel

9:15 AM– 10:00 AM NTSB Rulemaking Review
Presenter: Katie Inman, NTSB Office of General Counsel
This presentation provides an overview of NTSB rulemakings.

10:00 AM – 10:45 AM The Investigator-In Charge Perspective
Moderator: Ann G. Gawalt, NTSB Deputy General Counsel
NTSB regulations give significant decision-making authority to an investigator-in-charge. In this panel discussion, experienced NTSB investigators-in-charge discuss how they organize and lead investigations and what they consider in rendering decisions.
IICs: Joe Sedor (Aviation), Morgan Turrell (Marine), Jim Southworth (Rail), Muhamed El-Zoghbi (Pipeline and Hazardous Materials), Jennifer Morrison (Highway), Erik Grosf (NTSB Law Enforcement Coordinator)

10:45 AM – 11:00 AM Break

11:00 AM – 11:45 PM Proprietary Information And Trade Secrets
“What Information Does the Public Have a Right to Know”
Presenter: James Rodriguez, NTSB Office of General Counsel

The NTSB statute permits the agency to disclose trade secrets or proprietary information, following notice and comment, if necessary to protect public health and safety. NTSB regulations require the agency to provide 10 days’ notice if it intends to release proprietary information or trade secrets. But in reality, the process includes iterative, collaborative negotiations between the NTSB Office of General Counsel and the supplier of information. This presentation will describe the negotiation process and what information NTSB considers in determining whether sensitive information is subject to disclosure.

11:45 PM – 1:00 PM Lunch
Keynote Address, The Honorable Christopher A. Hart, NTSB Chairman

1:00 PM– 2:00 PM Family Assistance
Presenter: Paul Sledzik, Director, NTSB Transportation Disaster Assistance

When tragedy strikes, transportation operators need to develop successful lines of communications with the families of the victims. The NTSB’s Director of Transportation Disaster Assistance describes the NTSB’s family assistance program and the best way for operators to work with the NTSB and other key stakeholders to provide important services for victims’ families.

2:00 PM– 3:00 PM Ethics Issues During an Investigation
Presenter: Tracy Williams, NTSB Office of General Counsel

3:00 PM- 3:15 PM Break

July 8, 2015

3:15 PM – 4:15 PM

Practice Tips From Outside Counsel, Working with the NTSB
Moderator: David K. Tochen, NTSB General Counsel

Panelists: Mark A. Dombroff, Dentons US LLP; Allison Kendrick, Senior Counsel, The Boeing Company; Tom Tobin, Wilson Elser Moskowitz Edelman & Dicker LLP

This panel will provide the perspectives of attorneys who have successfully represented their clients through NTSB investigations.

4:15 PM

Closing/Certificates/Evaluations

July 8, 2015



**National
Transportation
Safety Board**

Investigative Hearings, Not Your Ordinary Judicial Proceeding

John Lovell Investigator-in-
Charge Office of Aviation
Safety

NTSB Mission

- Improve transportation safety by: investigating accidents/incidents making recommendations to prevent reoccurrence.

Conrail Train Derailment with Hazardous Materials Release



Accident Investigation Timeline

- Conduct On-scene (~1–2 weeks) Complete post on-scene activities (~1 year) Question: Is a hearing desired/needed Input from each party Governed by 49 CFR Part 845

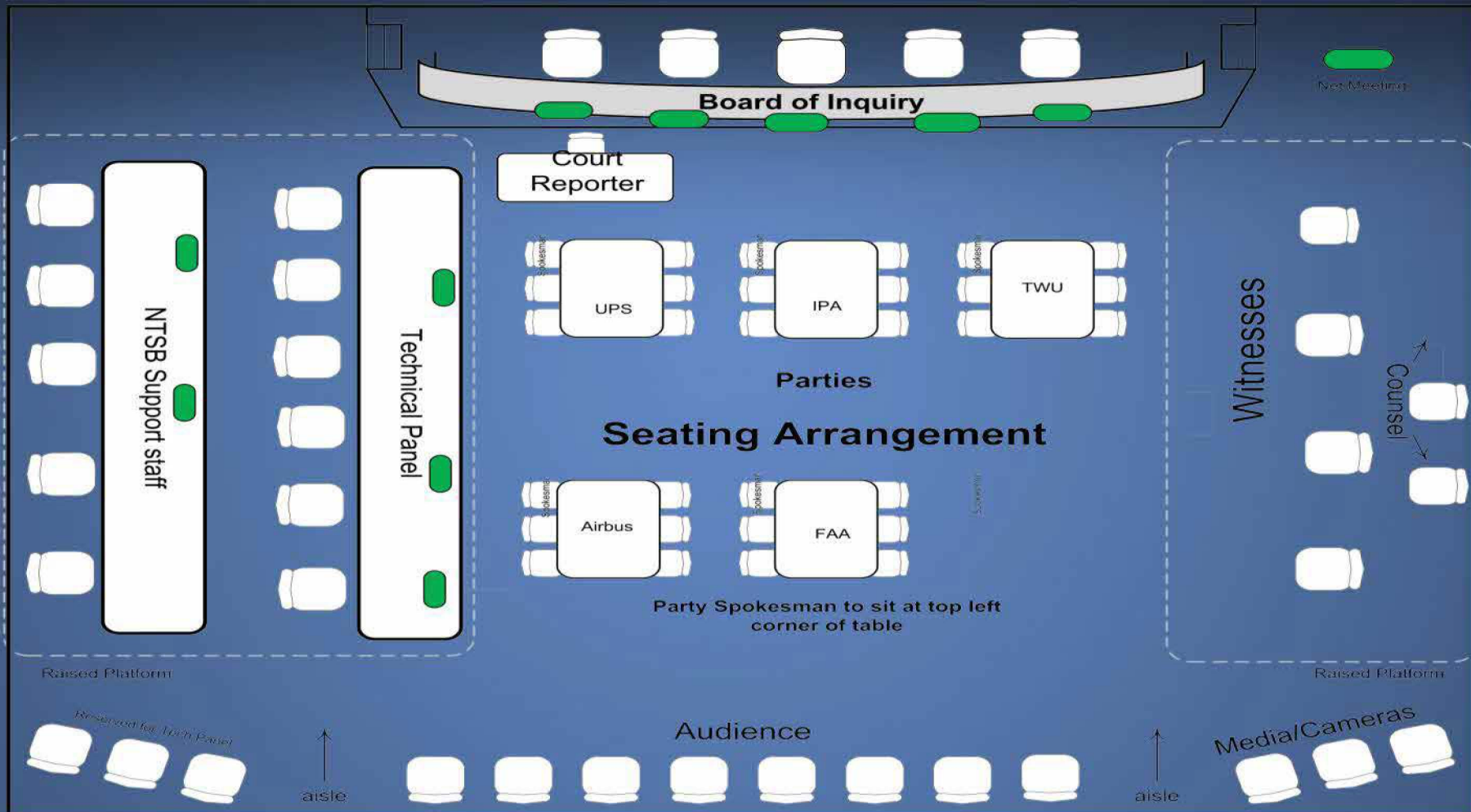
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NTSB INVESTIGATIVE HEARING

FEBRUARY 20, 2014

Board Room Layout



Why Have An Investigative Hearing?

- Fact-finding non-judicial proceeding
Obtain factual data to supplement relevant evidence
Witnesses testify under oath
Proceedings recorded (court reporter/transcripts)
Release factual info to public

What An Investigative Hearing Is Not

Not to assign fault/blame
No adverse parties
Not conducted to determine rights or liabilities
Non-pertinent testimony/exhibits excluded (845.26)

People Involved

Investigation

- IICNTSB Group
ChairmenParty
CoordinatorParty
Group
MembersOthers
(mgmt., support
staff)Acc. Reps

Investigative Hearing

- Chairman of Board
IIC/Hearing
OfficerParties/spokes
personTechnical
PanelWitnessesOther
s (mgmt.,support
staff)Acc. Reps

Board of Inquiry and Hearing Officer

- Presided by Board Member
Referred to as Chairman of the Board of Inquiry
Can be “en banc” (entire Board)
Hearing Officer coordinates preparation of hearing

Parties to the Hearing

- Persons/orgs whose participation or special knowledge is needed
May be different than investigation
FAA and USCG automatically present to advise Parties and Witnesses
Tech Advisor

Witnesses

- Technical Experts usually from Parties
Qualified publically
No confidentiality or immunity granted
Can be subpoenaed (friendly or non-friendly)
Can have Attorney Advisor if requested



Technical Panel

- Led by IICNTSB Group
ChairmenOther NTSB
SpecialistsAccredited
Representative for Foreign
Investigation (Annex13)



Planning for Hearing

- Lengthy Process (~ 2 months) Team process between Hearing Officer, IIC and Group Chairmen Develop/refine issues & questions Form Tech Panel based on issues/focus Determine/invite/coordinate with participants

Planning for Hearing

- Select parties Select, qualify and invite witnesses (may need alternates) Develop documents/exhibits (concurrence internally and externally, i.e. vetting with parties) Logistics: NTSB Board Room

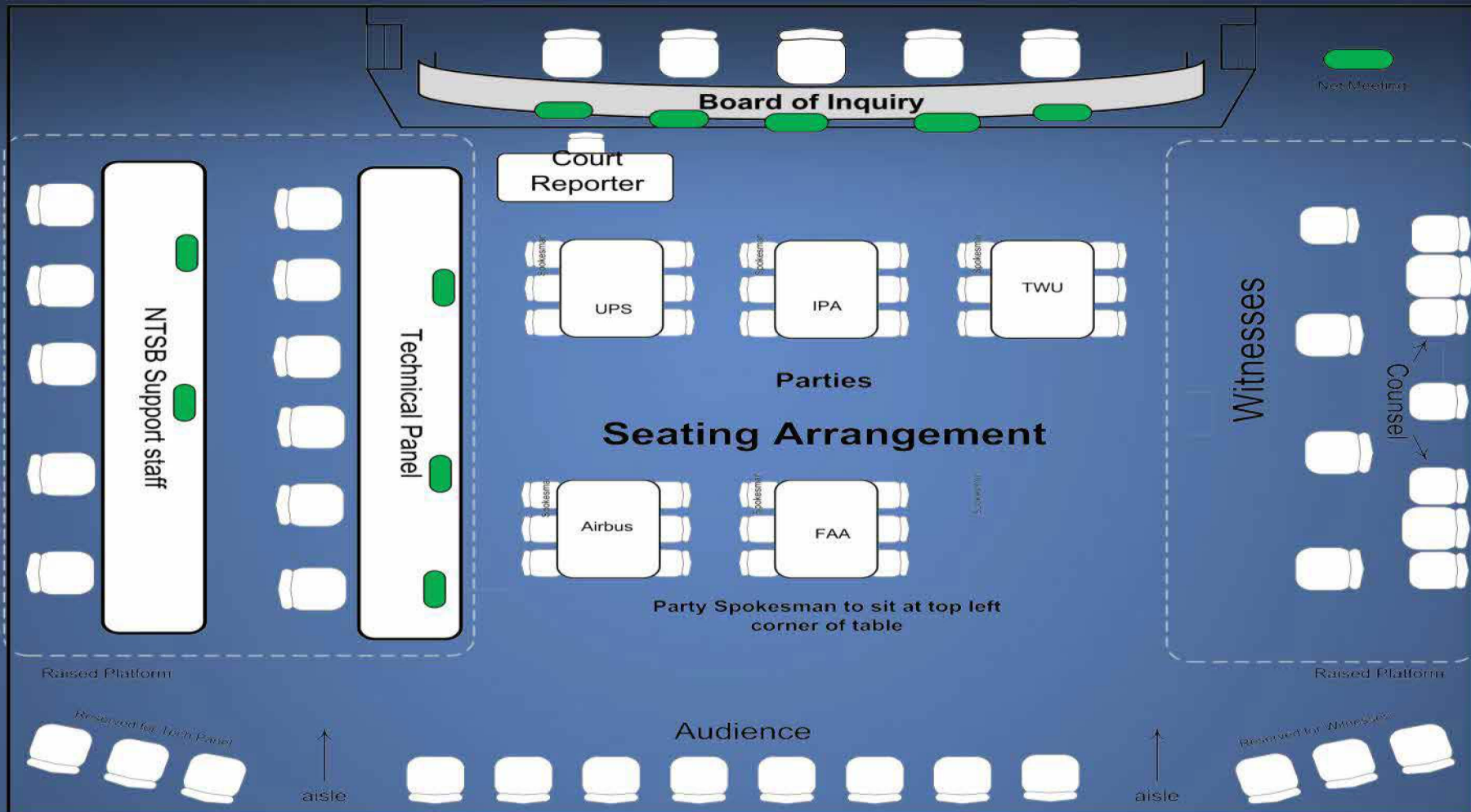
Planning for Hearing

- Exhibits Mostly Group Chairmen
Factual Reports Legal Orders
(designated Parties, Witnesses,
etc.)

Pre-hearing Conference

- Agenda followed Set up like hearing (proper seating, microphones) Opening statement read Introductions Board of Inquiry, Parties to the Hearing, Panels Review Exhibits Resolve any Procedural Issues Last chance for Party input Closing Statement read

Board Room Layout



Investigative Hearing

- How is the Hearing done? Should have good idea from Pre-hearing
In the NTSB Boardroom
Layout by function
Space for public and media
Webcast, and can be televised



Procedures

- Agenda followed Chairman of Board of Inquiry – presides/puts forth precepts Hearing Officer (master of ceremony) Qualify witnesses IIC - Statement Panels called Witnesses are sworn in by Hearing Officer Witnesses questioned

Who Asks Questions of Witnesses?

- Tech Panel (NTSB staff/Acc Rep)
Parties (via spokesperson) Board
of Inquiry
Witness
Attorney Only
Advises witness (prior to Hearing
and preferably prehearing)
Cannot
interrupt/object
Objections come
from Party spokesperson only

Proposed Findings (845.27)

- Parties may submit proposed findings to be drawn from the testimony/exhibits, a proposed probable cause, and proposed Safety Recs designed to prevent future accidents. Proposals submitted within the time specified (usually 30 days) Made a part of the public docket and provided to all parties.

Attorney Role

- NTSB General Counsel Work with party or advisor counsel
Advise on issue formulation and legal landscape
Prepare subpoenas if needed
Party Attorneys
Understand areas of questioning
Ensure witnesses attend and are prepared
Participate in pre-hearing conference
Cannot provide confidentiality
Review transcripts
Advise on proprietary and ITAR issues

- Questions?



National Transportation Safety Board



**National
Transportation
Safety Board**

Investigative Information

Jim Rodriguez July 16, 2015

Overview

- What is investigative information
NTSB authority to obtain investigative information
Duties of Parties
Control of Investigative Information
Obtaining Investigative Information



What is Investigative Information?

- Information related to the accident/incident Created contemporaneously with the accident/incident or as part of the NTSB investigation NTSB will assert greater control over information early in the investigation Investigation dependent Communicate, communicate, communicate

Types of Investigative Evidence

- Investigators will be interested in lots of evidence Specific information will depend on the particular accident Recorded data from vehicles/vessels Statements from surviving crew, passengers, engineers Physical wreckage and components for examination and testing Design records Maintenance records Training records Certification records Operating manuals Records detailing the 72-hour history of the crew Test results/plans, draft reports, records of discussions

Authorities to Obtain Evidence

49 U.S.C. §1113

- NTSB may conduct hearings, administer oaths, and require by subpoena or otherwise, necessary witnesses and evidence. Witness or evidence in a hearing may be summoned or required to be produced.

Authorities to Obtain Evidence

49 U.S.C. §1134

- An NTSB employee may enter property where a transportation accident has occurred or wreckage from the accident is located and do anything necessary to conduct an investigation inspect any record, process, control, or facility related to an accident investigation examine or test any vehicle, vessel, rolling stock, track, or pipeline component. NTSB has Exclusive Authority to decide on manner of testing, including type of test, who will conduct it, and witnesses. Committed to Board discretion ... decided based on the needs of the investigation

Authorities to Obtain Evidence

- NTSB may order autopsies and other medical tests as necessary.
§1134(f).Respects religious beliefs to extent consistent with needs of investigationNTSB is a public health authority for purposes of HIPAAMay obtain medical records without consent of the owner

See 64 FR 59956, Nov. 3, 1999 ; 45 CFR Part 164.512(b)(1)(i)

Duties of Parties relevant to Investigative Information

49 C.F.R. Part 831

- Pass all information concerning the accident/incident to the IIC (831.13)
Participants in the investigation shall be responsive to NTSB direction (831.12(a)(2)) May lose party status if they do not comply with assigned duties and proscriptions or instructions, or for conduct prejudicial to the investigation.

831.13(a) Release of investigative information during field investigation

- On-scene, limited to factual information Only by the Board Member, Public Affairs, or IIC



831.13(b) Flow and dissemination of accident or incident information

- All information concerning the accident/incident obtained by any person or organization participating in the investigation shall be passed to IIC through appropriate channels

831.13(b) Flow and dissemination of accident or incident information

- Parties to the investigation may relay to their respective organizations information necessary for purposes of prevention or remedial action.

831.13(b) Flow and dissemination of accident or incident information

- No information concerning the accident or incident may be released to any person not a party representative to the investigation (including non-party representative employees of the party organization) before initial release by the Safety Board without prior consultation and approval of the IIC.

American Airlines Flight 2253 Runway Overrun (DCA11IA015)

- B-757 off end of Jackson Hole, WY, Rwy 19AA flew DFDR to Tulsa, OK and downloaded data prior to providing the device to the NTSB
- NTSB removed AA from party status NTSB Authority to



Avoiding 831.13 Pitfalls

- It is not better to ask forgiveness! Communicate with the IIC or GC about any use of investigative information Will likely grant permission for preventative or remedial safety measures May require copies of data, reports, or drafts created from investigative information Coordinate any public statements with Public Affairs

Control of Investigative Information often varies over time

- Based on the needs of the investigation
During fact gathering phase, many possible causes not ruling anything out
scope of restriction is broader
As investigation progresses, may narrow scope in terms of subject matter, temporal restrictions, etc.

831.12 Access to and release of wreckage, records, mail, and cargo

- While in NTSB custody, wreckage only accessible by NTSB investigators and persons authorized by the IICWreckage released when NTSB no longer needs to retain itAll testing or potential testing completeIIC may authorize visits to wreckage storage location by counsel involved in litigation

831.12 Access to and release of wreckage, records, mail, and cargo

- No presumption of access to the accident scene by anyone outside the investigationNTSB thoroughly documents wreckage and scene Often hundreds of photosMay do laser scanningMay view the scene from public vantage pointsIn limited circumstances, IIC may permit photographing from closer vantage points

State Law “FOIA” Requests

- All states have counterparts to the federal Freedom of Information Act (FOIA) Most have an exemption for information controlled by federal statute or regulation 831.13 is controlling federal regulation NTSB will provide letter to state & local organizations Maintain communication throughout investigation for revisions of scope

Outside Litigation & Discovery

- Onset of outside litigation does not change NTSB authority to control investigative information
Factual reports placed in the public docket may be used in litigation
NTSB may remove some restrictions on sharing information outside the investigation over time

Obtaining Investigative Information

- Public Docket - Factual information and reports
About 6 months post-accident for major
At time of a public hearing
Near end of investigation for regional investigations
FOIA request
Subject to exemptions 5 U.S.C. § 552(b)(7)(A)
ongoing investigation(b)(3) prohibited by statute
CVR/SVR, 49 U.S.C. § 1114(c)-(d),
Foreign investigations for 2 years, 49 U.S.C. § 1114(f)(b)(4) trade secret/confidential(b)(5) privileged/deliberative(b)(6) clearly unwarranted invasion of privacy

Obtaining Investigative Information

CVR/SVR & 49 U.S.C. § 1114(c) –(d)

- Public disclosure of audio & transcripts prohibited
NTSB shall make public relevant parts of transcript
At public hearing, or When majority of other factual reports in the docket
Release under Court Order per 49 U.S.C. § 1154
Default Rule: May not obtain audio or unreleased transcript via discovery, except following in camera review, and ...
Findings that unable to obtain a fair trial
Review of unreleased transcript portions (CVR not available)
Review of audio in light of released portions of transcript
Protective order required & admission under seal

Obtaining Investigative Information

49 C.F.R. Part 837 request for use in litigation

- Employees prohibited from providing information in response to demand or subpoena
Part 837 request submitted to Office of General Counsel
Requires affidavit setting out material sought, relevance to proceeding, why information not available elsewhere
Discretionary & May be limited/conditioned by GC
Withdrawal of subpoena
Often require protective order
Information provided to other litigants

Additional Information Sources

- NTSB Investigations

Website <http://www.nts.gov/investigations/process/Pages/default.aspx>

Major Investigations Manual
CVR and FDR Handbooks
Party Forms



National Transportation Safety Board



NTSB National Transportation Safety Board

Civil Litigation, Criminal and Regulatory Investigations, and Company Internal Reviews

Ben Allen

Office of General Counsel

Overview

- General Purpose and Scope
- Civil Litigation
- Criminal Investigations
- Regulatory Investigations
- Company Internal Reviews

Litigation Generally

- Purpose – § 835.1
- Official capacity
- Related to accident investigation
- Limited to factual information
- “Board Accident Report” vs.
“Factual Accident Report”
- Applies to criminal and civil cases
- Includes current and former employees
- Includes activities before joining Board if
accident within Board’s jurisdiction

Litigation Generally

- Scope of Testimony – § 835.3
- Limited to factual information – No analysis
- NO EXPERT OR OPINION TESTIMONY
- Cannot testify regarding another employee's reports or other Board documents (e.g. safety recs, safety studies, etc.)
- Cannot use accident briefs
- Some parts of factual reports may be excluded from testimony
- Factual report as testimonial aid (835.4)

*

NTSB



Civil Litigation

- Depositions or Written Interrogatories ONLY
- Procedures:
 - Do not issue subpoena
 - Written request to General Counsel
 - ✓ Title of case
 - ✓ Court
 - ✓ Type of accident (mode)
 - ✓ Date and place of accident
 - ✓ Reason for desiring testimony
 - ✓ Showing information is not reasonably available elsewhere

Civil Litigation

How NOT to request a deposition:

“[IIC] was involved in the initial investigation of the accident, retrieved various components for testing and examination, obtained information from the parties, interviewed witnesses, and is believed to have information which is very important to the investigation and discovery in this case that would otherwise not be available.”

DENIED

*

Civil Litigation

- Limitations and Requirements:
- Testimony not permitted until factual accident report has been released in the public docket
- No testimony prior to Board hearing, if contemplated
- Employee may only testify once per accident
- ❖ Counsel seeking testimony must coordinate with all parties in all lawsuits
- Original transcript provided to deponent for correction and signature. Cannot waive.
- Copy of transcript (and video) provided to General Counsel at party's expense

Criminal Investigations

- Same scope limitations and procedures as with civil litigation
- Two exceptions:
 1. In person testimony permitted
 - ❖ Preference for deposition or written interrogatory
 2. Subpoenas permitted but discouraged
 - ❖ Serve on General Counsel, not employee

Production of Records – Part 837

Applicability, Purpose and Scope

- NTSB not a party
- Court, private litigant, or “other competent authority”
- “Material” = any type of physical or documentary evidence, including but not limited to paper documents, electronic media, videotapes, audiotapes, etc.
- Contained in NTSB files or obtained through official duties or official status

* Not a substitute for FOIA



Production of Records – Part 837

Published reports and docket materials

- Official docket or computerized database
 - Public Inquiries Branch – FOIA
- Published reports and studies
 - National Technical Information Service

Do not issue subpoenas for this information

Production of Records – Part 837

Other Materials

- From current or former employees
- Prohibited unless approved
- Written request to General Counsel
- Affidavit of party seeking material:
 - ✓ Material sought
 - ✓ Relevance to proceeding
 - ✓ Certification, with support, that the information is not available from other sources, including Board materials
- General Counsel may impose conditions

Not a substitute for FOIA

Regulatory Investigations

Types of Enforcement Action by Regulators:

- Most common – FAA enforcement action
- Second most common – USCG, FRA enforcement
- Less common – EPA, OSHA

Interesting Fact – With FAA and USCG enforcement actions, the NTSB is an appellate authority

Regulatory Investigations

- Operators/OEMs: Simultaneous release to NTSB and regulator – Except criminal
- Prohibition on use of NTSB investigative information until public release – cannot be used to support an enforcement proceeding
- Regulator can either:
 1. Conduct an independent investigation and use that information in the enforcement proceeding; or
 2. Wait until the NTSB opens the public docket and use information from the docket

Company Internal Reviews

- Must notify IIC
- NTSB will review final company report to determine relevance to NTSB investigation
- Can treat as proprietary and withhold public release
- COMMUNICATE

ASK FOR ADVICE!

**If you, as counsel for a party,
have any questions, please feel
free to reach out to the NTSB
Office of General Counsel**



NTSB



NTSB National Transportation Safety Board

Party Roles in the Investigation

John Vorderbrueggen - Office of Railroad, Pipeline,
and Hazardous Materials

Overview

- Expectations of Parties
- Overview of Investigative Process
- Investigative Information
- Areas for Counsel Involvement

Expectations of Parties

- Privilege, not Right
- Technical Expertise to NTSB
- “Party Coordinator”
- No Lawyers – Sorry!



Expectations of Parties (cont.)

- Fact-Finding Phase Only
- May NOT Withhold Info
- Internal Investigations
- Interviews
- Media Inquiries
- Government Affairs



Expectations of Parties (cont.)

- Loss of Party Status
- Good Faith
- Litigious Behavior
- Party Certification Form

Overview of Investigative Process:

- On-Scene
- Off-Scene - Investigation Continues
- Final Report Development



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NTSB



Investigative Process: On-scene

- Organizational meeting
- Formation of investigative groups
- Daily progress meetings
- Preparation of field notes
- On-scene spokesperson
- Recorders



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Investigative Process: Off-scene

- Testing and preparation of group chairman factual reports
- Investigative hearing (in some cases – next presentation)
- Technical review of factual information and group chairman reports



*

Investigative Process: Off-Scene

- Analysis of Factual Information
- Party Submissions
- Board Meeting



*



Areas for Counsel Involvement:

- On-scene
- Off-scene - Investigation Continues
- Final Report Development

ASK FOR ADVICE!

If you, as counsel for a party, have any questions, please feel free to reach out to the NTSB Office of General Counsel



NTSB



National Transportation Safety Board

Washington, D.C. 20594

NTSB Investigations: What Legal Professionals Need to Know

July 16-17, 2015

**NTSB Training Center
45065 Riverside Parkway
Ashburn, VA 20147**

DAY ONE

08:30 AM – 8:45 AM

Welcoming Remarks and Introductions

David K. Tochen, NTSB General Counsel

08:45 AM – 9:15 AM

Mission and Organization Structure of NTSB

“Let the Sunshine In”

Presenter: David K. Tochen, NTSB General Counsel

This presentation focuses on the role of the NTSB Board and staff in improving transportation safety and examines the impact of the Government in the Sunshine Act on the roles and functions of the NTSB Board.

09:15 AM – 10:00 AM

NTSB Jurisdiction and Rules of Investigations

“From A to Z: Rules of the Road When An Accident Happens”

Presenter: Ann G. Gawalt, NTSB Deputy General Counsel

This presentation describes NTSB’s authority to investigate transportation accidents and incidents and conduct safety studies and special investigations. It also highlights important regulations to consider when advising clients who are parties to NTSB investigations.

10:00 AM - 10:15 AM

Break

10:15 AM – 10:45 AM

Investigative Information

“Investigative Information: The Heart of the Investigation”

Presenter: James Rodriguez, NTSB Office of General Counsel

This session begins with an examination of the definition of investigative information and rules regarding the exchange of investigative information, with a focus on wreckage, data and testing.

10:45 AM – 11:15 AM

Civil Litigation, Criminal and Regulatory Investigations, and Company Internal Reviews

“The Ultimate Juggling Act: Balancing Multiple Investigations”

Presenter: Ben Allen, NTSB Office of General Counsel

This session includes a presentation of the rules and best practices regarding parallel investigations while an NTSB investigation is underway.

11:15 AM – 11:30 AM

Introduction of the Accident Scenarios for Table Top Exercises

Presenter: Ann G. Gawalt, NTSB Deputy General Counsel

11:30 AM – 12:30 PM

Lunch

Optional TWA 800 Briefing

12: 30 PM– 2:30 PM

Accident Scenario Table Top Exercise

Facilitators: Ann G. Gawalt, Ben Allen, and James Rodriguez, NTSB Office of General Counsel

In this session, participants may select one of four discussion groups to consider issues raised by a hypothetical aviation or a rail/marine/hazardous materials accident. These discussion groups will consider access to evidence, exchange of information and responding to inquiries from the press and other agencies.

2:30 PM– 2:45 PM

Break

2:45 PM– 3:30 PM

NTSB Party Roles in an Accident Investigation

“Let’s Party! (NTSB Style)”

Presenters: John Vorderbruggen, Chief, Pipeline and Hazardous Materials Division, NTSB Office of Railroad, Pipeline and Hazardous Materials Investigations

This presentation highlights how an attorney can best advise his or her client in participating in the post-accident scene phases of an investigation. The discussion will highlight what the NTSB considers optimum party participation in the factual development, review of factual reports, and preparation of submissions and internal safety reviews.

3:30 PM– 4:30 PM

Public Investigative Hearings

“Investigative Hearings, Not Your Ordinary Judicial Proceeding”

Presenter: John Lovell, Aviation Accident Investigator, Major Investigations, NTSB Office of Aviation Safety

A seasoned NTSB hearing officer and investigator-in-charge discusses the parameters and purpose of an NTSB investigative hearing.

DAY TWO

9:00 AM– 9:15 AM

Introduction and Logistics

David K. Tochen, NTSB General Counsel

9:15 AM– 10:00 AM

NTSB Rulemaking Review

Presenter: Katie Inman, NTSB Office of General Counsel

This presentation provides an overview of NTSB rulemakings.

10:00 AM – 10:45 AM

The Investigator-In Charge Perspective

Moderator: Ann G. Gawalt, NTSB Deputy General Counsel

NTSB regulations give significant decision-making authority to an investigator-in-charge. In this panel discussion, experienced NTSB investigators-in-charge discuss how they organize and lead investigations and what they consider in rendering decisions.

IICs: Joe Sedor (Aviation), Morgan Turrell (Marine), Jim Southworth (Rail), Muhamed El-Zoghbi (Pipeline and Hazardous Materials), Jennifer Morrison (Highway), Erik Grosof (NTSB Law Enforcement Coordinator)

10:45 AM – 11:00 AM

Break

11:00 AM – 11:45 PM

Proprietary Information And Trade Secrets

“What Information Does the Public Have a Right to Know”

Presenter: James Rodriguez, NTSB Office of General Counsel

The NTSB statute permits the agency to disclose trade secrets or proprietary information, following notice and comment, if necessary to protect public health and safety. NTSB regulations require the agency to provide 10 days’ notice if it intends to release proprietary information or trade secrets. But in reality, the process includes iterative, collaborative negotiations between the NTSB Office of General Counsel and the supplier of information. This presentation will describe the negotiation process and what information NTSB considers in determining whether sensitive information is subject to disclosure.

11:45 PM – 1:00 PM

Lunch

Keynote Address, The Honorable Christopher A. Hart, NTSB Chairman

1:00 PM– 2:00 PM

Family Assistance

Presenter: Paul Sledzik, Director, NTSB Transportation Disaster Assistance

When tragedy strikes, transportation operators need to develop successful lines of communications with the families of the victims. The NTSB’s Director of Transportation Disaster Assistance describes the NTSB’s family assistance program and the best way for operators to work with the NTSB and other key stakeholders to provide important services for victims’ families.

2:00 PM– 3:00 PM

Ethics Issues During an Investigation

Presenter: Tracy Williams, NTSB Office of General Counsel

3:00 PM- 3:15 PM

Break

3:15 PM – 4:15 PM

Practice Tips From Outside Counsel, Working with the NTSB

Moderator: David K. Tochen, NTSB General Counsel

Panelists: Mark A. Dombroff, Dentons US LLP; Allison Kendrick, Senior Counsel, The Boeing Company; Tom Tobin, Wilson Elser Moskowitz Edelman & Dicker LLP

This panel will provide the perspectives of attorneys who have successfully represented their clients through NTSB investigations.

4:15 PM

Closing/Certificates/Evaluations



NATIONAL TRANSPORTATION SAFETY BOARD

MEDIA RELATIONS FOLLOWING A MAJOR TRANSPORTATION INCIDENT OR ACCIDENT

This document has been prepared by the National Transportation Safety Board (NTSB) to help public relations staff of a transportation operator (airline/motorcoach/pipeline/etc.), infrastructure facility (shipping port/canal, airport/railroad depot/etc.) or manufacturer (ship builder/airframe or aircraft engine/locomotive/etc.) involved in a major accident or incident understand the Board's philosophy and procedures in the hours and days immediately following such an event. In addition, this document provides guidance about parameters established by Safety Board procedures that all parties to an NTSB investigation have agreed to follow.

COMMUNICATIONS CHALLENGES AND ASSISTANCE

The Safety Board understands and appreciates the multiple public affairs responsibilities that an organization faces when a major accident occurs. It is the policy of the Safety Board to work cooperatively with the public relations representatives of affected organizations both as they and the NTSB are responding to the accident scene, and at the scene of the accident, itself. Experience has demonstrated that it is clearly beneficial for the organization to seek out Safety Board public affairs staff for information, guidance and coordination at the earliest possible opportunity.

NTSB MISSION

Congress created the National Transportation Safety Board in 1967, charging it with, among other things, investigating all civil aviation accidents in the United States. In addition to determining probable cause, the Board issues safety recommendations in an effort to prevent future accidents. The Safety Board is an independent agency, not part of the Department of Transportation, and has no organizational connection to the Federal Aviation Administration (FAA).

There are five Members of the National Transportation Safety Board, nominated by the president and confirmed by the Senate to serve five-year non-concurrent terms. The Members serve on Go-Teams on a rotating basis and accompany the teams to serve as principal spokespersons for the investigation while on scene. It is the five Board Members who, under law, will eventually analyze the factual information collected by the investigators to determine probable cause and issue safety recommendations.

THE PARTY SYSTEM

Since its inception, the Board has conducted investigations under a party system, using experts from other agencies and organizations to provide expertise it may not possess. By legislation, the Federal Aviation Administration is a party to every aviation accident investigation. All other parties are selected by the NTSB based on the Board's needs for that particular investigation. Generally some or all of the following groups will be parties to an investigation:

- ☐ Operator (airline/motorcoach/pipeline/etc.),
- ☐ Equipment manufacturer (truck/aircraft/ship/etc.)
- ☐ Engine manufacturer
- ☐ Unions (truck drivers/pilots/machinists/mariners/etc.)
- ☐ Transportation infrastructure operator (shipping port/canal/railroad depot/airport/etc.)
- ☐ Emergency responders (police/fire/emergency management departments/etc.)

Additional parties may be added as needed.

THE GO-TEAM

The Board frequently learns of a major accident through the news media, often before it is notified through official channels. An evaluation is quickly made to determine the level of NTSB response. The closest of the 50 NTSB investigators located throughout the U.S. will immediately respond to control the scene until the Go-Team arrives. The team usually travels to the accident scene on a government aircraft, but occasionally flies commercial transportation. The team conducts an on-site investigation typically lasting anywhere from four to ten days.

The Go-Team could consist of as many as a dozen or more NTSB investigators. The Investigator-in-Charge (IIC), a career employee of the Safety Board, manages the investigation. The investigative team is made up of NTSB investigators who are experts in various disciplines. Each of these investigators serves as a group chairman with representatives from the appropriate parties assigned to his or her group. Typically, groups are formed on-scene in all or some of the following disciplines:

ALL MODES

- Operations
- Weather
- Survival Factors
- Human Performance
- Maintenance Records
- Vehicle recorders (if applicable)

AVIATION

- Air Traffic Control
- Aircraft Performance
- Powerplants
- Structures

RAIL

- Track
- Signals

HIGHWAY

- Motor Carrier
- Vehicle
- Highway
- Forensic Mapping (if relevant)

MARINE

- Engineering

Recorders groups work out of NTSB headquarters in Washington.

In addition to the investigative groups, the NTSB team includes staff from the Office of Public Affairs and the Office of Transportation Disaster Assistance (TDA). Press officers are dispatched to accompany Go-Teams, often with a Board Member who serves as principal spokesperson. The IIC can also fulfill that responsibility. TDA specialists facilitate and integrate the resources of the federal government and other organizations to support the activities and efforts of the local and state government and the airline to meet the needs of victims and their families.

CONNECTING WITH NTSB PUBLIC AFFAIRS

When an organization has been involved in an accident, we encourage one of its public relations representatives to call the NTSB's Public Affairs Office at 202-314-6100. If the office is closed, the voicemail system will have the name and home number of the PAO on call; this individual will likely be the Board's primary press officer at the scene.

Once it is established that there has been a major accident, the recorded message will be updated periodically to announce when the team is leaving, who the Board Member is, and when, if known, a media briefing will be held.

If the press officer on duty cannot be reached, call the Safety Board's 24-hour communications center at (202) 314-6290, and request that a public affairs official be contacted. This is a non-published number and is only for emergency purposes. Please do not publicize the communication center's phone number; we are providing it as a courtesy. This office has significant operational responsibilities and is not equipped to handle public inquiries.

AT THE ACCIDENT SCENE

The Safety Board immediately establishes a command post as close to the accident scene as possible, most often in a hotel.

Once the Go-Team arrives on scene, the Board holds an organizational meeting during which parties are designated and the investigative groups are defined. Every evening, an investigative progress meeting will be held. Public relations representatives from the parties, attorneys and news media are not permitted in these meetings.

The organization's party representative (known as the coordinator) may brief public relations staff on the progress of the investigation, but PR representatives should not hesitate to arrange to meet with NTSB PAOs on-scene on a regular basis. The initial meeting should be held as soon after the Go-Team's arrival as possible.

ROLES OF NTSB AND OTHER ORGANIZATIONS IN RELEASING INFORMATION

It is during the organizational meeting that the parties agree to follow the Board's procedures, part of which affects an organization's PR staff. The IIC's standard prepared opening statement contains the following paragraph:

“The Safety Board will disseminate to the public all information regarding the accident [investigation], either through our Board Member, public affairs officer, or me. We will hold regular briefings to the media. Please refrain from discussing the accident [investigation] in public, or giving information about it to the media. Any violation of this request will be considered a serious infraction of Board rules.”

This rule protects everyone. The NTSB conducts media briefings in which only factual information is released. The NTSB does not speculate or give out unverified information. With all parties deferring to the NTSB to release information on the investigation, the team speaks in a coordinated, consistent and orderly manner. Through this procedure, competition for “spin” is thus minimized, and the maximum opportunity for coordination and cooperation among the parties is maintained.

The NTSB has no objection if an organization sends a public relations representative to the accident site. In fact, because there are many questions the media asks that we cannot or will not comment upon (see below), it may sometimes be appropriate and useful for an organization involved in an accident investigation to send public relations staff to the accident site, keeping in mind the rules of participation. Staff from the NTSB Office of Public Affairs can offer guidance on when such travel to the site by communications staff is advised.

If an organization does consider sending communications specialists to the accident site, we strongly encourage that such actions be coordinated with the NTSB Office of Public Affairs so that formal communication lines are established. It is the goal of the NTSB not to “blind side” anyone and to work cooperatively with all of the parties within the established guidelines.

COMMUNICATING WITH THE NEWS MEDIA

The Safety Board is cognizant of the increasing pressures all of us are subjected to because of the evolving nature of our news media. We do not wish to prevent an organization from assuring its customers, employees and the general public of their concern for the victims and their commitment to safety.

We intend to give organizations’ spokespersons latitude to disseminate information, provided that such information does not interfere with the goals of our investigation and does not damage the integrity of the party process. Therefore, an organization should stay away from any judgments about the significance of issues, and nothing that is released should suggest that another party (or other entity) may have played a role in causing the accident. One benefit of our procedures is to prevent a party from offending – inadvertently or otherwise – another party and provoking a reaction in kind.

This is not a matter, however, that lends itself to plain black and white assessments or rules. There is some factual information that is obviously related to the investigation that nevertheless can be released without compromising the integrity of the investigation or damaging the party system. For example, the date the vehicle was manufactured or purchased is a fact we will need for our investigation, yet its revelation by you in the hours after the accident will not harm the investigation in any way and is therefore not prohibited under our regulations.

Similarly, the release of the last date of major inspection or a description of the organization’s safety program would be permitted, but a statement like “This pipeline/aircraft/motorcoach has no maintenance issues relevant to this accident” would clearly be prohibited because it calls for a

judgment that is not the organization's to make; that matter will be a subject of the investigation. Information readily available in public databases may be released by an organization without first presenting it to the NTSB.

The following is a non-exhaustive list of what various organizations may and may not say following an accident. There is no way all situations can be foreseen, but this list should provide an organization with enough guidance that, combined with common sense and a commitment to our shared goal of promoting aviation safety, spokespersons should have a good idea of what is an appropriate post-accident response.

GUIDANCE ON POST-ACCIDENT COMMUNICATIONS – OPERATORS

In considering what would be appropriate to say, a spokesman can start off with the general rule concept that **anything that could have been said the day before the accident can be said the day of the accident and thereafter**. However, even this needs to be carefully considered. In general, after giving the information to the NTSB, the operator should feel free to discuss the vehicle's registration number, age, and history, and the training and work history of the pilot/driver/engineer, in general terms. Here is some guidance about what can be discussed in post-accident/incident communications with the news media:

The Vehicle (motorcoach/airplane/ship/train/pipeline/etc.)

OK

- ☐ Registration and serial numbers
- ☐ Dates of manufacture and acquisition
- ☐ Cabin configuration (if applicable) and cargo capacity
- ☐ Vehicle systems (however, this could be troublesome as questions could easily lead a spokesperson to speculate on how these systems could have been used)
- ☐ When it last underwent a major inspection and its general inspection schedule
- ☐ How many of these vehicles are in the operator's fleet (or if a pipeline, its dimensions and length)
- ☐ Manifest information like numbers of crew and passengers aboard (in-lap infants if known) and cargo.

NOT OK

- ☐ Characterizations of what is in the maintenance records or any other characterization that calls for a judgment or implies involvement or non-involvement in the accident
- ☐ Any speculation about the possible role the vehicle's components might have played
- ☐ Any discussion of wreckage patterns/tire marks/rupture characteristics, etc.

The Crew or Staff Involved in the Accident

OK

- ☐ Their names (and personal information like their ages)
- ☐ How long they've been employed by the operator
- ☐ What vehicles they are licensed to operate

- ☐ Where they were on their trip (the second day of a three-day trip, for example)
- ☐ What equipment they operated that day and how long they'd been on duty

(All of the above information should always be given to the NTSB first.)

NOT OK

- ☐ Actions of the crew/staff leading up to the accident
- ☐ Any relationship between training and the accident
- ☐ Any speculation about what the crew/staff might have done or not done during the accident sequence or to prevent the accident
- ☐ While there's nothing wrong with saying the crew/staff are highly competent (why else would you employ him or her?), stay away from statements that suggest the unlikelihood of the crew/staff doing something wrong, or that implicitly or explicitly point fingers at others

The Accident

OK

- ☐ When the organization was notified of the accident and how it responded, both with family matters and in providing support and cooperation to the NTSB in its investigation
- ☐ Only general circumstances of the accident should be discussed; i.e., it was raining, the flight/train/bus was on time or late, etc.

NOT OK

- ☐ Descriptions of the "final moments" before the accident
- ☐ What the investigation will focus on or how it will be structured
- ☐ Descriptions about wreckage configurations or suppositions about accident sequence
- ☐ Announcements about finding vehicle recorders and how they will be handled
- ☐ Speculation on the role various factors, such as weather or lighting, might have played
- ☐ Any judgments about what the issues in the investigation are going to be and anything that implicitly or explicitly points the finger at another potential party to the investigation

The Company

OK

- ☐ In general terms, factual information about your corporate philosophy and structure, and practices on training, maintenance and operations
- ☐ Company size, number of employees
- ☐ History (including previous accidents)
- ☐ Business alliances
- ☐ Size and makeup of vehicle fleet

Family Assistance

OK

Virtually anything connected with this is well within the organization's purview for post-accident press conferences. An organization should feel free to discuss its family disaster plan and publicize its toll free number. Organizations are strongly encouraged to keep the media informed about their progress in contacting family members of any passengers and/or crew/staff involved in the accident. For example, let the media know that 24 families of the 120 passengers have been contacted. An hour later, the organization could report that 52 families have been contacted. Such reports should continue until all victims' families have been contacted.

NOT OK

Avoid commenting on areas that the medical examiner or coroner should officially address. Such areas include:

- ☐ Identification procedures and length of time it may take to complete all positive identifications
- ☐ The search and recovery process
- ☐ Condition of recovered remains

It is also important to let the medical examiner or coroner officially release the names of the fatalities that have been positively identified. Once this information is released by the medical examiner/coroner, the carrier is free to discuss this with the media.

GUIDANCE FOR TRANSPORTATION FACILITY OPERATORS

In a nutshell, any statements from airport/shipping port/canal, etc. following an aviation accident should be limited to two broad areas:

- ☐ How the accident is impacting facility operations
- ☐ Very general description of the emergency response
- ☐ What provisions, if any, are being made at the facility to accommodate family members of accident victims
- ☐ If an aviation accident, airport layout, such as runway configurations

Any questions on the cause of the accident or the progress of the investigation should be directed to the National Transportation Safety Board.

A facility operator might wish to give out some specific accident information immediately after the event, much as it does routinely (such as an airport would about flight diversions or weather delays). In these occasions, the Safety Board understands the need for the facility to release operations related information in keeping with its normal practice.

OK

- ☐ The approximate time of the accident
- ☐ The impact of the accident on facility operations, such as closures and related delays
- ☐ A very general description of the emergency response, such as the number of vehicles that responded to the scene
- ☐ Description of provisions made at facility to accommodate family members of accident victims

NOT OK

- ☐ Characterization of the emergency response, such as “excellent” or “fast”
- ☐ Detailed accounts of what was seen or experienced by facility personnel, such as a description of the crash itself or reports of witnesses that may have relayed information about the crash to facility officials
- ☐ Description of victims, survivors, family members or anything that could compromise an individual’s privacy

There is a notable media availability that a facility might wish to perform. NTSB Survival Factors investigators will want to debrief emergency responders early in the investigation. Once that has occurred, the Safety Board has no objection to these personnel meeting with the news media to discuss the emergency response effort in more detail than the initial general accounts that responders may have spoken to the media about in the first few hours after the accident/incident.

In all cases, it is the Safety Board’s intention not to interfere with the facility operator’s normal procedures or interactions with the news media, provided they do not interfere with the progress of the Board’s investigation.

GUIDANCE FOR MANUFACTURERS

In most accidents the majority of the initial media attention is focused on the operator. The manufacturer generally has less media exposure early on, but may be subject to greater scrutiny as the investigation unfolds and as details emerge that could lead the public to believe that the vehicle/pipeline systems or components played a contributing or causal role in the accident.

OK

- ☐ How many vehicles/miles of pipeline have been manufactured
- ☐ How many vehicles/miles of pipeline are currently in service and hours operated
- ☐ How many incidents or accidents the vehicle/type of pipeline has been involved in worldwide
- ☐ General description of equipment and its functions
- ☐ How many company investigators are assigned to work with the NTSB
- ☐ How the company is cooperating with investigators to determine the cause of the accident
- ☐ Design changes planned or taken as a result of the accident (This would likely occur many months after the accident but could happen before a determination of probable cause. Be careful not to assign a cause to the accident but stick to a safety issue that the company moved to address)

NOT OK

- ☐ Characterizing the performance of any equipment during the accident sequence
- ☐ Suggesting that crew/staff actions were inappropriate or inadequate in any way
- ☐ Insisting that their equipment had no detrimental role in the accident

TELEVISION INTERVIEWS

While the Safety Board does not prohibit parties from providing spokespersons on morning or evening news and interview programs, as the investigation progresses it generally will be less and less appropriate for parties to do so.

POST-ACCIDENT MEDIA RELATIONS

Throughout the entire investigative process, an organization may be asked by the news media to comment on the information released. As a party to the investigation, the organization cannot speculate as to the cause of the accident or offer analysis of the factual information. Keep in mind at all times the guidance in our regulations:

Part 831.13, Chapter 49 of the Code of Federal Regulations

"Flow and dissemination of accident or incident information":

All information concerning the accident or incident obtained by any person or organization participating in the investigation shall be passed to the IIC through appropriate channels before being provided to any individual outside the investigation...[N]o information concerning the accident or incident may be released to any person not a party representative to the investigation...before initial release by the Safety Board without prior consultation and approval of the IIC.

INVESTIGATION MILESTONES

When the Board shuts down its on-scene media activity, the press officers return to Washington and issue any information from there. Several days after that, the investigators themselves come home.

Recordings and Transcripts

There are a few significant milestones during the course of the investigation. In an aviation investigation, several weeks after the accident, when the contents of the certified transcript of the air traffic control communications (ATC) have been verified, we will authorize the FAA to release the recorded ATC communications and transcript to the public. It should be noted, however, that the ATC transmissions of many aviation frequencies are recorded and made available on websites sometimes within minutes or hours of the accident or incident occurrence

ATC recordings are not to be confused with the cockpit voice recorder (CVR) recordings, the audio portion of which is never authorized to be released to the public by the NTSB. The original CVR recording is always returned to the airline. The NTSB releases the transcript when it opens the public docket, usually three to six months after the accident.

Public Fact-Finding Hearing

In an effort to collect additional information from sworn witnesses, the Board sometimes holds a fact-finding public hearing. The hearing is held at the Board's headquarters in Washington, usually around three to six months after the accident. The factual reports from the various investigative groups, as well as the transcript of the pertinent portions of any audio recordings, are released on the first day of the hearing. If no hearing is held, those documents are released in a public docket from the Board's Washington headquarters, again about three to six months after the accident.

Party Submissions

Toward the end of the process, parties have an opportunity to submit to the Board (and provide to all other parties) their proposed conclusions, findings of probable cause and safety recommendations. There are no restrictions on public release of these documents, although traditionally parties have tended not to discuss them until the time of the Board meeting.

DETERMINATION OF PROBABLE CAUSE

Usually within 12-24 months from the date of the accident, the Board Members discuss and vote upon a final report on the investigation, the draft of which is prepared by NTSB staff in a public “Sunshine” meeting (so named after the Government in the Sunshine Act). The final report is the vehicle through which the Board determines the probable cause of the accident and announces its safety recommendations (although recommendations can be issued at any time during the investigation). An abstract of the conclusions, probable cause and safety recommendations is issued within an hour of the end of the meeting and placed on the Board’s website. The full report will appear on the website in a downloadable format several weeks after the meeting.

AVIATION AND MARINE ACCIDENTS OUTSIDE THE UNITED STATES

Under international treaty obligations, the NTSB may participate in accidents investigations occurring in foreign territories involving airplanes or ships of U.S. design, manufacture, registration, or operator, or having major U.S.-made components. Only the investigating nation may release information on the findings of the investigation. Therefore, all inquiries related to foreign accidents should be referred to that country’s investigating agency.

SUMMARY

The NTSB was established in 1967. Since that time, we’ve investigated more than 134,000 aviation accidents and thousands of surface transportation accidents. We are a public agency, doing the public’s business. We hope a manufacturer, airline or airport never needs the information in this document, but please do not hesitate to contact us if additional guidance or assistance is needed.

NTSB PUBLIC AFFAIRS OFFICE: (202) 314-6100
(This number has an after-hours recorded message)

TITLE	NAME	OFFICE (DIRECT)	MOBILE
Director	Chris O’Neil	(b)(6)	(b)(6)
Public Affairs Officer	Keith Holloway	(b)(6)	(b)(6)
Public Affairs Officer	Peter Knudson	(b)(6)	(b)(6)
Public Affairs Officer	Eric Weiss	(b)(6)	(b)(6)
Public Affairs Officer	Terry Williams	(b)(6)	(b)(6)

24-Hour Response Operations Center: [REDACTED]
National Transportation Safety Board
490 L’Enfant Plaza SW
Washington, DC 20594
202-314-6000

www.nts.gov
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youtube.com/ntsbgov
flickr.com/photos/ntsb

Revised: August 2013



NTSB TRAINING CENTER

Managing Communications Following an Aircraft Accident or Incident

September 29-30, 2016

Thursday, September 29

- 8:30 WELCOMING REMARKS AND COURSE INTRODUCTION
Chris O'Neil – NTSB Office of Media Relations
Peter Knudson – NTSB Office of Media Relations
Tara Hamilton – Communications Consultant
- 8:45 PARTICIPANT INTRODUCTIONS
- 9:00 NTSB INVESTIGATIONS AND COMMUNICATIONS
Peter Knudson
- 10:15 BREAK
- 10:30 ACCIDENT CASE STUDY: DYNAMIC AIRWAYS 767 FIRE
AT FT. LAUDERDALE INTERNATIONAL AIRPORT
Gregory Meyer – Broward County Aviation Dept.
- 11:15 PANEL: PERSPECTIVES ON THE EVOLUTION OF THE
NEWS MEDIA BY JOURNALISTS COVERING
TRANSPORTATION
Tom Costello – NBC News
Ashley Halsey – The Washington Post
Alan Levin – Bloomberg News

Moderated by Tara Hamilton
- 12:30 LUNCH (catered on campus)
- 1:15 ACCIDENT CASE STUDY: DELTA MD-80 RUNWAY
EXCURSION AT NEW YORK'S LAGUARDIA AIRPORT
Betsy Talton and Kate Modolo – Delta Air Lines
- 2:00 BREAK
- 2:15 ACCIDENT INVESTIGATION CASE STUDY: Using numerous
archived TV news clips, a former NTSB official provides a

deconstruction of the media coverage and how it evolved during one of civil aviation's most complex and controversial investigations. The case study concludes with a visit to the on-campus lab that houses the reconstructed wreckage of the 747 fuselage.

Ted Lopatkiewicz – Former Director, NTSB Office of Public Affairs

Dr. Paul Schuda – NTSB Training Center

3:45 – 4:45

WORKSHOP PREP: GET TO KNOW YOUR FELLOW TEAM MEMBERS FOR ACCIDENT SCENARIO WORKSHOP ON FRIDAY (Food and beverages provided in lounge area)

Friday, September 30

9:00

QUIZ REVIEW

Peter Knudson

9:15

BEST PRACTICES IN CRISIS COMMUNICATIONS

John Bailey – Managing Director, Ketchum Singapore

10:30

BREAK

10:45

REMARKS BY NTSB CHAIRMAN CHRISTOPHER A. HART

11:15

CASE STUDIES FROM THE FRONT LINES OF CRISIS COMMUNICATIONS

Tara Hamilton

12:00

LUNCH (catered on campus)

12:45

CRISIS COMMUNICATIONS MESSAGING

Lauren Peduzzi – Crisis Communications Consultant and former NTSB Public Affairs Officer

1:15

ACCIDENT SCENARIO WORKSHOP

Lauren Peduzzi

2:45 - 3:00

CLOSING REMARKS AND COURSE EVALUATIONS



National Transportation Safety Board

COURSE EVALUATION

COURSE TITLE: Managing Communications Following an Aircraft Accident or Incident

DATE: September 29-30, 2016

NAME OF ATTENDEE (optional): _____

Using the scale below, please circle the number that best reflects how valuable each section of the course was to you.

THURSDAY, SEPTEMBER 29

[(1=POOR) 1 2 3 4 5 (5=EXCELLENT)]

NTSB Investigations and Communications

Peter Knudson – NTSB Media Relations

[1 2 3 4 5]

Case Study: Dynamic Airways 767 Fire at FLL

Greg Meyer – Broward County Aviation Dept.

[1 2 3 4 5]

Media Panel: Perspectives From Journalists Covering Transportation Accidents

Tom Costello – NBC News

Ashley Halsey – The Washington Post

Alan Levin – Bloomberg News

[1 2 3 4 5]

Case Study: Delta MD-80 Runway Excursion at LGA

Betsy Talton and Kate Modolo – Delta Air Lines

[1 2 3 4 5]

TWA Flight 800 Media Case Study and Investigation Tutorial

Ted Lopatkiewicz – Former Director, NTSB Office of Public Affairs

Paul Schuda, Ph.D. – NTSB Training Center

FRIDAY, SEPTEMBER 30

[1 2 3 4 5]

Best Practices in Crisis Communications

John Bailey – Ketchum Singapore

[1 2 3 4 5]

Case Studies From the Front Lines of Crisis Communications

Tara Hamilton – Communications Consultant

[1 2 3 4 5]

Crisis Communications Messaging

Lauren Peduzzi

[1 2 3 4 5]

Major Aviation Accident Crisis Communications Workshop

Lauren Peduzzi

Using the scale below, please circle the number that best reflects your response.

1 = Strongly Disagree **2** = Disagree **3** = Neutral **4** = Agree **5** = Strongly Agree

Comments are extremely helpful; please enter them in the space provided after each question.

1. Overall, I felt that the information presented was informative, valuable, and supported the advertised performance objectives. [1 2 3 4 5]

Comments:

2. The presenters displayed a comprehensive knowledge of the subject. [1 2 3 4 5]

3. I felt the audio-visual and materials on the flash drive enhanced the value of the course.
[1 2 3 4 5]

4. I enjoyed this course and would recommend to others. [1 2 3 4 5]

5. I would have liked more information on the following subject(s):

6. How did you hear about the course?

7. Other comments:

Thank you for taking the time to complete this course evaluation. We enjoyed having you in class and appreciate your input.

QUICK QUIZ

NTSB Media Relations and Accident Related Communications

1. The NTSB may discuss preliminary factual information from the investigation during media briefings in the first few days after the accident has occurred, including a general characterization of the contents of the cockpit voice recorder.
True____ False____
2. Throughout the course of a major aircraft accident investigation, NTSB investigators will offer possible causes of the accident, especially if the problem could be related to a mechanical malfunction.
True____ False____
3. As a general rule, if you can answer a question from the news media about your organization (manufacturer, airport or airline) before the accident, then you can provide that same information to the media after the accident.
True____ False____
4. Although a transcript of relevant portions of the content of the cockpit voice recorder (CVR) is released by the NTSB, the actual recording itself is never released by the NTSB.
True____ False____
5. The NTSB often provides factual updates throughout the course of a major accident investigation.
True____ False____
6. Parties (such as the manufacturer, operator, pilots union, etc) to an NTSB accident investigation may release information about the investigation that is directly related to their area of expertise.
True____ False____
7. The NTSB is the only entity that is authorized to approve the release the names of the crewmembers, air traffic controllers involved in the incident, and fatally injured passengers.
True____ False____
8. During the course of the on-scene phase (4-7 days) of an accident investigation, the NTSB often uses social media channels (such as Twitter and YouTube) to provide factual investigative information directly to the public.
True____ False____
9. During an ongoing major aviation accident investigation, party members may engage in media activities in which they characterize or analyze aspects of the NTSB investigation as long as the material has been previously released into the public domain.
True____ False____
10. Organizations involved in an NTSB accident investigation don't need to clear press releases with the NTSB unless the release contains information specific to the investigation.
True____ False____

MARINE

- Engineering

Recorders groups work out of NTSB headquarters in Washington.

In addition to the investigative groups, the NTSB team includes staff from the Office of Public Affairs and the Transportation Disaster Assistance Division (TDA). Press officers are dispatched to accompany Go-Teams, often with a Board Member who serves as principal spokesperson. The IIC can also fulfill that responsibility.

For major aviation accidents involving an air carrier, rail accidents involving Amtrak, or high-speed rail passenger carriers, TDA specialists facilitate and integrate the resources of the federal government and other organizations to support the activities and efforts of the local and state government and the operator to meet the needs of victims and their families.

TDA specialists will also support local jurisdiction family assistance operations following other transportation mass casualty incidents (e.g. motorcoach, marine, pipeline, general aviation, and commuter rail).

CONNECTING WITH NTSB PUBLIC AFFAIRS

When an organization has been involved in an accident, we encourage one of its public relations representatives to call the NTSB's Public Affairs Office at (b)(6). If the office is closed, the voicemail system will have the name and home number of the PAO on call; this individual will likely be the Board's primary press officer at the scene.

Once it is established that there has been a major accident, the recorded message will be updated periodically to announce when the team is leaving, who the Board Member is, and when, if known, a media briefing will be held.

If the press officer on duty cannot be reached, call the Safety Board's 24-hour Response Operations Center at (202) 314-6290, and request that a public affairs official be contacted. This is a non-published number and is only for emergency purposes. Please do not publicize the communication center's phone number; we are providing it as a courtesy. This office has significant operational responsibilities and is not equipped to handle public inquiries.

AT THE ACCIDENT SCENE

The Safety Board immediately establishes a command post as close to the accident scene as possible, most often in a hotel.

Once the Go-Team arrives on scene, the Board holds an organizational meeting during which parties are designated and the investigative groups are defined. Every evening, an investigative progress meeting will be held. Public relations representatives from the parties, attorneys and news media are not permitted in these meetings.

The organization's party representative (known as the coordinator) may brief public relations staff on the progress of the investigation, but PR representatives should not hesitate to arrange to meet with NTSB PAOs on-scene on a regular basis. The initial meeting should be held as soon after the

Go-Team's arrival as possible.

ROLES OF NTSB AND OTHER ORGANIZATIONS IN RELEASING INFORMATION

It is during the organizational meeting that the parties agree to follow the Board's procedures, part of which affects an organization's PR staff. The IIC's standard prepared opening statement contains the following paragraph:

"The Safety Board will disseminate to the public all information regarding the accident [investigation], either through our Board Member, public affairs officer, or me. We will hold regular briefings to the media. Please refrain from discussing the accident [investigation] in public, or giving information about it to the media. Any violation of this request will be considered a serious infraction of Board rules."

This rule protects everyone. The NTSB conducts media briefings in which only factual information is released. The NTSB does not speculate or give out unverified information. With all parties deferring to the NTSB to release information on the investigation, the team speaks in a coordinated, consistent and orderly manner. Through this procedure, competition for "spin" is thus minimized, and the maximum opportunity for coordination and cooperation among the parties is maintained.

The NTSB has no objection if an organization sends a public relations representative to the accident site. In fact, because there are many questions the media asks that we cannot or will not comment upon (see below), it may sometimes be appropriate and useful for an organization involved in an accident investigation to send public relations staff to the accident site, keeping in mind the rules of participation. Staff from the NTSB Office of Public Affairs can offer guidance on when such travel to the site by communications staff is advised.

If an organization does consider sending communications specialists to the accident site, we strongly encourage that such actions be coordinated with the NTSB Office of Public Affairs so that formal communication lines are established. It is the goal of the NTSB not to "blind side" anyone and to work cooperatively with all of the parties within the established guidelines.

COMMUNICATING WITH THE NEWS MEDIA

The Safety Board is cognizant of the increasing pressures all of us are subjected to because of the evolving nature of our news media. We do not wish to prevent an organization from assuring its customers, employees and the general public of their concern for the victims and their commitment to safety.

We intend to give organizations' spokespersons latitude to disseminate information, provided that such information does not interfere with the goals of our investigation and does not damage the integrity of the party process. Therefore, an organization should stay away from any judgments about the significance of issues, and nothing that is released should suggest that another party (or other entity) may have played a role in causing the accident. One benefit of our procedures is to prevent a party from offending – inadvertently or otherwise – another party and provoking a reaction in kind.

This is not a matter, however, that lends itself to plain black and white assessments or rules. There is some factual information that is obviously related to the investigation that nevertheless can be released without compromising the integrity of the investigation or damaging the party system. For example, the date the vehicle was manufactured or purchased is a fact we will need for our

investigation, yet its revelation by you in the hours after the accident will not harm the investigation in any way and is therefore not prohibited under our regulations.

Similarly, the release of the last date of major inspection or a description of the organization's safety program would be permitted, but a statement like "This pipeline/aircraft/motorcoach has no maintenance issues relevant to this accident" would clearly be prohibited because it calls for a judgment that is not the organization's to make; that matter will be a subject of the investigation. Information readily available in public databases may be released by an organization without first presenting it to the NTSB.

The following is a non-exhaustive list of what various organizations may and may not say following an accident. There is no way all situations can be foreseen, but this list should provide an organization with enough guidance that, combined with common sense and a commitment to our shared goal of promoting aviation safety, spokespersons should have a good idea of what is an appropriate post-accident response.

GUIDANCE ON POST-ACCIDENT COMMUNICATIONS – OPERATORS

In considering what would be appropriate to say, a spokesman can start off with the general rule concept that **anything that could have been said the day before the accident can be said the day of the accident and thereafter**. However, even this needs to be carefully considered. In general, after giving the information to the NTSB, the operator should feel free to discuss the vehicle's registration number, age, and history, and the training and work history of the pilot/driver/engineer, in general terms. Here is some guidance about what can be discussed in post-accident/incident communications with the news media:

The Vehicle (motorcoach/airplane/ship/train/pipeline/etc.)

OK

- ☐ Registration and serial numbers
- ☐ Dates of manufacture and acquisition
- ☐ Cabin configuration (if applicable) and cargo capacity
- ☐ Vehicle systems (however, this could be troublesome as questions could easily lead a spokesperson to speculate on how these systems could have been used)
- ☐ When it last underwent a major inspection and its general inspection schedule
- ☐ How many of these vehicles are in the operator's fleet (or if a pipeline, its dimensions and length)
- ☐ Manifest information like numbers of crew and passengers aboard (in-lap infants if known) and cargo.

NOT OK

- ☐ Characterizations of what is in the maintenance records or any other characterization that calls for a judgment or implies involvement or non-involvement in the accident
- ☐ Any speculation about the possible role the vehicle's components might have played
- ☐ Any discussion of wreckage patterns/tire marks/rupture characteristics, etc.

The Crew or Staff Involved in the Accident

OK

- ☐ Their names and basic personal information like their ages only with the expressed permission of the individual, or if fatally-injured, the next-of-kin (strongly suggest consulting NTSB TDA before releasing any names)
- ☐ How long they've been employed by the operator
- ☐ What vehicles they are licensed to operate
- ☐ Where they were on their trip (the second day of a three-day trip, for example)
- ☐ What equipment they operated that day and how long they'd been on duty

(All of the above information should always be provided to NTSB first.)

NOT OK

- ☐ Actions of the crew/staff leading up to the accident
- ☐ Any relationship between training and the accident
- ☐ Any speculation about what the crew/staff might have done or not done during the accident sequence or to prevent the accident
- ☐ While there's nothing wrong with saying the crew/staff are highly competent (why else would you employ him or her?), stay away from statements that suggest the unlikelihood of the crew/staff doing something wrong, or that implicitly or explicitly point fingers at others

The Accident

OK

- ☐ When the organization was notified of the accident and how it responded, both with family assistance matters and in providing support and cooperation to the NTSB in its investigation
- ☐ Only general circumstances of the accident should be discussed; i.e., it was raining, the flight/train/bus was on time or late, etc.

NOT OK

- ☐ Descriptions of the "final moments" before the accident
- ☐ What the investigation will focus on or how it will be structured
- ☐ Descriptions about wreckage configurations or suppositions about accident sequence
- ☐ Announcements about finding vehicle recorders and how they will be handled
- ☐ Speculation on the role various factors, such as weather or lighting, might have played
- ☐ Any judgments about what the issues in the investigation are going to be and anything that implicitly or explicitly points the finger at another potential party to the investigation

The Company

OK

- ☐ In general terms, factual information about your corporate philosophy and structure, and practices on training, maintenance and operations
- ☐ Company size, number of employees
- ☐ History (including previous accidents)
- ☐ Business alliances
- ☐ Size and makeup of vehicle fleet

Family Assistance

OK

- ☐ Publicize a toll-free number for family members to call to receive basic accident flight and point-of-contact information as the first steps of an operator's humanitarian support. Emphasize that the toll-free number be used only by those who have reason to believe a family member or friend is involved in the accident.
- ☐ Provide the media with regular updates on their progress in contacting family members of any passengers and/or crew/staff involved in the accident. For example, let the media know that 24 families of the 120 passengers have been contacted. An hour later, the organization could report that 52 families have been contacted. Such reports should continue until all victims' families have been contacted.
- ☐ Describe the organization's family assistance plan and to describe its commitment of resources to the family assistance operation.
- ☐ Emphasize collaboration with the NTSB, local/state government agencies, and non-governmental organizations (NGOs) to meet the needs of passengers, crew, displaced persons, and their families.

NOT OK

Avoid commenting on areas that the medical examiner or coroner should officially address. Such areas include:

- ☐ Names of crew, passengers, ground fatalities, and their family members without expressed permission of the individual, or if fatally-injured, the next-of-kin.
- ☐ Subject matter that the medical examiner or coroner should officially address, such as: condition of remains; victim search and recovery process; victim identification procedures and the length of time it may take to complete the process; and cause and manner of death.
- ☐ Names and locations of medical treatment facilities that have received patients (without expressed permission of the treatment facility).
- ☐ Location of the Friends and Relatives Center (FRC), the Family Assistance Center (FAC) or the location and time of planned events such as a family site visit or memorial service.
- ☐ Specific financial compensation offered and/or accepted by family members in the immediate aftermath of the accident.

It is also important to let the medical examiner or coroner officially release the names of the fatalities that have been positively identified. Once this information is released by the medical examiner/coroner, the carrier is free to discuss this with the media.

GUIDANCE FOR TRANSPORTATION FACILITY OPERATORS

In a nutshell, any statements from airport/shipping port/canal, etc. following an aviation accident should be limited to two broad areas:

- ☐ How the accident is impacting facility operations
- ☐ Very general description of the emergency response
- ☐ What provisions, if any, are being made at the facility to accommodate family members of accident victims
- ☐ If an aviation accident, airport layout, such as runway configurations

Any questions on the cause of the accident or the progress of the investigation should be directed to the National Transportation Safety Board.

A facility operator might wish to give out some specific accident information immediately after the event, much as it does routinely (such as an airport would about flight diversions or weather delays). In these occasions, the Safety Board understands the need for the facility to release operations related information in keeping with its normal practice.

OK

- ☐ The approximate time of the accident
- ☐ The impact of the accident on facility operations, such as closures and related delays
- ☐ A very general description of the emergency response, such as the number of vehicles that responded to the scene
- ☐ Description of provisions made at facility to accommodate family members of accident victims

NOT OK

- ☐ Characterization of the emergency response, such as “excellent” or “fast”
- ☐ Detailed accounts of what was seen or experienced by facility personal, such as a description of the crash itself or reports of witnesses that may have relayed information about the crash to facility officials
- ☐ Description of passengers, crew, other victims or family members that could compromise an individual’s privacy

There is a notable media availability that a facility might wish to perform. NTSB Survival Factors investigators will want to debrief emergency responders early in the investigation. Once that has occurred, the Safety Board has no objection to these personnel meeting with the news media to discuss the emergency response effort in more detail than the initial general accounts that responders may have spoken to the media about in the first few hours after the accident/incident.

In all cases, it is the Safety Board's intention not to interfere with the facility operator's normal procedures or interactions with the news media, provided they do not interfere with the progress of the Board's investigation.

GUIDANCE FOR MANUFACTURERS

In most accidents the majority of the initial media attention is focused on the operator. The manufacturer generally has less media exposure early on, but may be subject to greater scrutiny as the investigation unfolds and as details emerge that could lead the public to believe that the vehicle/pipeline systems or components played a contributing or causal role in the accident.

OK

- ☐ How many vehicles/miles of pipeline have been manufactured
- ☐ How many vehicles/miles of pipeline are currently in service and hours operated
- ☐ How many incidents or accidents the vehicle/type of pipeline has been involved in worldwide
- ☐ General description of equipment and its functions
- ☐ How many company investigators are assigned to work with the NTSB
- ☐ How the company is cooperating with investigators to determine the cause of the accident
- ☐ Design changes planned or taken as a result of the accident (This would likely occur many months after the accident but could happen before a determination of probable cause. Be careful not to assign a cause to the accident but stick to a safety issue that the company moved to address)

NOT OK

- ☐ Characterizing the performance of any equipment during the accident sequence
- ☐ Suggesting that crew/staff actions were inappropriate or inadequate in any way
- ☐ Insisting that their equipment had no detrimental role in the accident

TELEVISION INTERVIEWS

While the Safety Board does not prohibit parties from providing spokespersons on morning or evening news and interview programs, as the investigation progresses it generally will be less and less appropriate for parties to do so.

POST-ACCIDENT MEDIA RELATIONS

Throughout the entire investigative process, an organization may be asked by the news media to comment on the information released. As a party to the investigation, the organization cannot speculate as to the cause of the accident or offer analysis of the factual information. Keep in mind at all times the guidance in our regulations:

Part 831.13, Chapter 49 of the Code of Federal Regulations

"Flow and dissemination of accident or incident information":

All information concerning the accident or incident obtained by any person or organization participating in the investigation shall be passed to the IIC through appropriate channels before being provided to any individual outside the investigation...[N]o information concerning the accident or incident may be released to any person not a party representative to the investigation...before initial release by the Safety Board without prior consultation and approval of the IIC.

INVESTIGATION MILESTONES

When the Board shuts down its on-scene media activity, the press officers return to Washington and issue any information from there. Several days after that, the investigators themselves come home.

Recordings and Transcripts

There are a few significant milestones during the course of the investigation. In an aviation investigation, several weeks after the accident, when the contents of the certified transcript of the air traffic control communications (ATC) have been verified, we will authorize the FAA to release the recorded ATC communications and transcript to the public. It should be noted, however, that the ATC transmissions of many aviation frequencies are recorded and made available on websites sometimes within minutes or hours of the accident or incident occurrence.

ATC recordings are not to be confused with the cockpit voice recorder (CVR) recordings, the audio portion of which is never authorized to be released to the public by the NTSB. The original CVR recording is always returned to the airline. The NTSB releases the transcript when it opens the public docket, usually three to six months after the accident.

Public Fact-Finding Hearing

In an effort to collect additional information from sworn witnesses, the Board sometimes holds a fact-finding public hearing. The hearing is held at the Board's headquarters in Washington, usually around three to six months after the accident. The factual reports from the various investigative groups, as well as the transcript of the pertinent portions of any audio recordings, are released on the first day of the hearing. If no hearing is held, those documents are released in a public docket from the Board's Washington headquarters, again about three to six months after the accident.

Party Submissions

Toward the end of the process, parties have an opportunity to submit to the Board (and provide to all other parties) their proposed conclusions, findings of probable cause and safety recommendations. There are no restrictions on public release of these documents, although traditionally parties have tended not to discuss them until the time of the Board meeting.

DETERMINATION OF PROBABLE CAUSE

Usually within 12-18 months from the date of the accident, the Board Members discuss and vote upon a final report on the investigation, the draft of which is prepared by NTSB staff in a public "Sunshine" meeting (so named after the Government in the Sunshine Act). The final report is the vehicle through which the Board determines the probable cause of the accident and announces its safety recommendations (although recommendations can be issued at any time during the investigation). An abstract of the conclusions, probable cause and safety recommendations is issued within an hour of the end of the meeting and placed on the Board's website. The full report will appear on the website in a downloadable format several weeks after the meeting.

AVIATION AND MARINE ACCIDENTS OUTSIDE THE UNITED STATES

Under international treaty obligations, the NTSB may participate in accident investigations occurring in foreign territories involving airplanes or ships of U.S. design, manufacture, registration, or operator, or having major U.S.-made components. Only the investigating nation may release information on the findings of the investigation. Therefore, all inquiries related to foreign accidents should be referred to that country's investigating agency.

SUMMARY

The NTSB was established in 1967. Since that time, we've investigated more than 140,000 aviation accidents and thousands of surface transportation accidents. We are a public agency, doing the public's business. We hope a manufacturer, airline or airport never needs the information in this document, but please do not hesitate to contact us if additional guidance or assistance is needed.

NTSB PUBLIC AFFAIRS OFFICE: (202) 314-6100
(This number has an after-hours recorded message)

TITLE	NAME	OFFICE (DIRECT)	MOBILE
Director	Chris O'Neil	(b)(6)	
Public Affairs Officer	Keith Holloway		
Public Affairs Officer	Peter Knudson		
Public Affairs Officer	Eric Weiss		
Public Affairs Officer	Terry Williams		

24-Hour Response Operations Center: 202-314-6290

National Transportation Safety Board

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Revised: June 2016



BIOGRAPHIES AND CONTACT INFORMATION

Managing Communications Following an Aircraft Accident or Incident
September 29-30, 2016

John Bailey opened Ketchum's Singapore office (then known as ICON International Communications) in May 2005 and led its development into Singapore's largest independent Public Relations agency before it was acquired by Ketchum in November 2013. John offers an unrivalled breadth of international experience, having worked in more than 50 countries in a 29-year career as a Public Relations practitioner and journalist.

John moved to Singapore from Geneva, Switzerland, where he launched the successful IATA Crisis Communications consultancy service for the International Air Transport Association. At IATA, John played a pivotal role in developing and propagating "best practice" in crisis communications for the global airline industry, working with clients including Airbus, Air Canada, Austrian Airlines, British Airways, Canadian Airlines, Embraer, Lufthansa, SAS Scandinavian Airlines, SkyTeam, Star Alliance and Virgin Atlantic Airways. He has also been involved in the response to several airline accidents and the December 2004 Indian Ocean Tsunami. In 2012, he was engaged by IATA to create the first guidelines on "Crisis Communications in the Age of Social Media" for the aviation industry, updated and re-published in November 2014.

John continues to provide crisis management and crisis communication consultancy services to clients across the region, and globally, including airlines, hotel groups and major companies involved in logistics, manufacturing and financial services. In 2014, he was a member of the Ketchum team advising the senior management and Board of Malaysia Airlines on their response to the disappearance of flight MH370, a crisis unprecedented in aviation history. He has also worked extensively with AirAsia Group.

John is a regular speaker at conferences around the world, and is a guest lecturer to undergraduate and masters' degree students at the Singapore Management University, National University of Singapore, and the Singapore Institute of Management. He is a former newspaper, wire service and business magazine journalist, and opened new editorial bureaus for the aviation magazine *Flight International* in Los Angeles (1988-91) and Singapore (1991-94).

(b)(6)

Tom Costello is an NBC Network News correspondent based in Washington, DC. He reports daily for the TODAY Show, NBC Nightly News, MSNBC and CNBC.

Among his major aviation-related assignments: The recent disappearance of an Egypt Air flight over the Mediterranean, the hours-long delays at TSA checkpoints; the ISIS attack on a Russian jetliner over the Sinai; the search for Malaysia Airlines flight 370; the shoot down

of MH17 over Ukraine; the crashes of Asiana 214, Air France 447, Colgan 3407, ComAir 5191, United 585 and 232.

In 2009, Costello covered the Miracle on the Hudson Emergency Landing, for which NBC News was honored with prestigious Sigma Delta Chi and National Emmy Awards.

Costello joined NBC News in 2004 as a New York based correspondent and in 2005 moved to Washington, DC at the request of Bureau Chief Tim Russert. Prior to joining NBC News, Costello was the senior correspondent at CNBC Business News in New York and was on duty as CNBC's Nasdaq Editor in Manhattan on 9/11.

His assignments have taken him around the world -- from terrorist bombings in Madrid, to the Korean DMZ, across the Persian Gulf, Russia, Kazakhstan, Japan, Central America, Eastern and Western Europe.

He has been recognized with six national and regional Emmy awards, National Headliner awards, the Society of Professional Journalists, DuPont/Columbia Excellence in Journalism, the Associated Press, Gannett, the RTNDA, the University of Colorado and Boston University.

Costello earned a bachelor's degree in Broadcast Journalism from the University of Colorado at Boulder and a master's degree in International Commerce from Boston University (Brussels Graduate Center).

He is married to Astrid Boon of Brussels, Belgium, and lives in Washington, DC. They have two daughters in college.

(b)(6)

Ashley Halsey has been a reporter and editor at the Washington Post for nearly 20 years. His worry is that he will be best remembered for being on board a biplane that crashed in the middle of the runway at Reagan National Airport. The NTSB investigation found that there was no "probable cause" to blame him for the crash. Before he became a newspaper reporter he was a teenager who worked as a grill man in a shop that sold steak sandwiches. That was a long time ago.

(b)(6)

Tara Hamilton became a communications consultant after serving as the Public Affairs Manager for the Metropolitan Washington Airports Authority, which operates Washington Dulles International and Ronald Reagan Washington National Airports. She held that position for 21 years, where she managed the media relations program for the organization and was responsible for day-to-day communications with local, national and international media.

Hamilton has been responsible for handling emergency communications for a variety of incidents including an accident involving a Lear Jet at Washington Dulles Airport which took the lives of twelve people, gas leaks, accidents involving airport employees, the impacts of the terrorist attack on September 11, 2001 resulting in the closure of Reagan National Airport for 23 days, suspicious packages and terminal evacuations, numerous weather-

related airport closures and a few aircraft incidents on runways that resulted in major tie-ups but fortunately caused no fatal injuries.

Hamilton has been associated with this NTSB communications course since its inception as a planner and contributor.

She has also worked closely with the Airports Council International - North America (ACI-NA) as a member of their Marketing/Communications Steering Group in developing media and crisis communications seminars for airport officials. In 2011, Hamilton received ACI-NA's 2011 Ted Bushelman Legacy Award for Creativity and Excellence, which recognizes her outstanding career contributions in aviation industry communications.

Prior to joining the aviation field, Hamilton was the Public Affairs Director for the District of Columbia Government Department of Public Works. In that role she gained a wide range of experience dealing with local government issues and fielded media coverage of city services, snow and summer storm emergencies, accidents and infrastructure failures such as broken water mains and deteriorating bridges.

(b)(6)

Christopher A. Hart was sworn in as Chairman of the National Transportation Safety Board on March 17, 2015. He was originally sworn in as a Member of the Board on August 12, 2009 and designated by the President as Vice Chairman on August 18, 2009.

Hart joined the Board after a long career in transportation safety, including a previous term as a Member of the NTSB. Immediately before returning to the Board in 2009, Member Hart was Deputy Director for Air Traffic Safety Oversight at the Federal Aviation Administration (FAA). He was previously the FAA Assistant Administrator for System Safety.

He served as a Member of the NTSB from 1990 to 1993. After leaving the Board, he served as Deputy Administrator of the National Highway Traffic Safety Administration, before moving to the FAA in 1995.

From 1973 until joining the Board in 1990, Member Hart held a series of legal positions, mostly in the private sector. He holds a law degree from Harvard University and Master's and Bachelor's degrees in Aerospace Engineering from Princeton University. He is a member of the District of Columbia Bar and the Lawyer-Pilots Bar Association.

Hart is a licensed pilot with commercial, multi-engine, and instrument ratings.

Hart's family has a tradition of accomplishment in the field of transportation. His great uncle, James Herman Banning, was the first African-American to receive a pilot's license issued by the U.S. Government in 1926.

His two year appointment as Chairman will end March 17, 2017. His five year term as a Member will end 12/31/17.

(b)(6)

Peter Knudson is an NTSB public affairs officer and an agency spokesman. He came to the Safety Board in 2000 where he worked in the NTSB's 24-hour communications center launching "go teams" of investigators to accident sites around the globe. In 2002, he joined

the Safety Board's Office of Transportation Disaster Assistance where he provided family members of accident victims with information and updates about the progress of NTSB investigations. From 2003 until he joined the Office of Media Relations in April 2007, Knudson managed the marketing and communications programs at the NTSB Training Center in Ashburn, Virginia.

Knudson has been at the scene of 36 transportation accidents to coordinated media relations activities, including the October 2015 sinking of the cargo ship *El Faro* in the Atlantic Ocean; the May 2014 crash of a Gulfstream business jet in Bedford, Mass.; the May 2013 I-5 bridge collapse in Mt. Vernon, Wash.; the December 2011 crash of an tour helicopter near Las Vegas, Nev.; the September 2010 natural gas pipeline rupture in San Bruno, Calif.; the January 2009 crash landing of an Airbus A-320 into the Hudson River in New York City; the September 2008 collision between a Metrolink commuter train and a Union Pacific freight train in Chatsworth, Calif.; and the August 2007 I-35W bridge collapse in Minneapolis.

In addition to running the "Managing Communications Following an Aircraft Accident or Incident," program at the NTSB Training Center, he leads a one-day version of that course, "Crisis Communications for Transportation Professionals" that is customized for any mode of transportation and delivered at any location.

Before coming to the Safety Board, Knudson worked in customer service, training and ground operations for two airlines. He is a licensed private pilot and has a bachelor's degree in communications and American studies from California State University, Fullerton.

(b)(6)

(b)(6) (Direct)

(b)(6) (Media Relations)

Alan Levin covers aviation regulation and safety for Bloomberg News. Prior to joining Bloomberg last year, he was the aviation safety reporter for USA Today for 13 years. During that time he covered all the major aviation accidents, including Alaska Airlines Flight 261, EgyptAir Flight 990, American Airlines Flight 587 and the Colgan Air Flight 3407. He has also written extensively about the Sept. 11, 2001, terrorist attacks, airline delays, safety problems on medevac flights and the Federal Aviation Administration.

Levin came to the aviation beat after a career covering crime, politics and investigative stories. He covered the 1991 Gulf War in Israel and Jordan. He has reported at The Hartford Courant, The Boston Herald and The New Bedford Standard-Times. In Hartford, he managed the paper's computer-assisted reporting program. He has also written for Inc. Magazine and Surfer Magazine.

(b)(6)

Ted Lopatkiewicz worked for the federal government for more than 37 years, including the last 25 years with the National Transportation Safety Board. From 1997 until his retirement in 2011, he was Director of the NTSB's Office of Public Affairs, where he directed the Board's press operations for numerous major transportation accidents. During his tenure at the NTSB, he served as a press spokesman at 55 accident scenes. He counseled the Board's Chairmen, Board Members and senior staff on press strategy related to major transportation safety issues.

He was essential in overseeing the Board's evolving open press strategy, integrating it with the strategic business goals of the organization. This required balancing the needs of the public to remain informed of the progress of investigations and of the solutions the Safety Board developed to prevent future accidents with the requirement to protect individuals and organizations involved in accidents from premature or misleading releases of preliminary data.

Lopatkiewicz is currently a consultant in strategic communications and has worked on a wide variety of aviation and transportation issues on such issues as the safety of LaGuardia Airport, pilot fatigue and pipeline safety.

Among the major and sensitive transportation accidents that Lopatkiewicz worked on during his time at the NTSB were the crash of American Airlines flight 587 in Queens, New York in 2001; the NTSB's involvement in the September 11 investigations; the crashes of ValuJet flight 492 and TWA flight 800 in 1996; the crash of an Amtrak train off a bridge in Mobile, Alabama in 1993; the loss of John F. Kennedy, Jr.'s aircraft and the crash of EgyptAir flight 990 in 1999; the collision of two airliners on a runway in Los Angeles in 1991; crashes of airliners in Roselawn, Indiana, and Raleigh, North Carolina, in 1994; a cruise ship fire in Miami, Florida; and transit rail accidents in Boston, New York, California and Washington, D.C.

Before joining the NTSB, he worked at the Civil Aeronautics Board and the U.S. Department of Transportation, among other agencies.

Lopatkiewicz holds a bachelor's degree from the University of Virginia.

(b)(6)

Gregory Meyer is the Public Information Officer for the Broward County Aviation Department in South Florida. Greg serves as the spokesperson for the Fort Lauderdale-Hollywood International Airport (FLL) as well as the County's general aviation airport, North Perry. He has held this position since 2006.

Prior to Greg's current role, he served as the Public Relations Manager for Peachtree Settlement Funding in Boca Raton, Florida from 2005 through June of 2006. Greg managed the company's media relations campaign leading up to Peachtree's highly successful Initial Public Offering.

Greg was recruited to serve as the Public Information Officer and General Manager for the City of West Palm Beach in October of 2001. There he managed all external communications for the City as well as the day to day operations of the City's public television channel, TV-18. While working directly for the City Manager and the Mayor, Greg helped City leaders communicate their initiatives and accomplishments for the community. During his tenure in West Palm Beach he handled crisis communications for high profile events including several hurricanes in 2004 which left more than 100,000 citizens without electricity for more than two weeks.

Gregory started his career in television news in Atlanta, Georgia in 1985 at WXIA-TV after several internships in West Palm Beach at WPTV-5. He has worked as an Assignment Manager, General Assignment Reporter and as an Investigative Reporter from 1988 through 2001 at the CBS affiliate WPEC-TV in West Palm Beach, Florida.

(b)(6)

Kate Modolo is Sr. Manager – Corporate Communications focusing on Policy, IT and Finance for Delta Air Lines. She is also responsible for managing Delta's crisis communications strategy. Kate joined Delta in 2013 after nine years in communications and culture-building roles at one of Delta's largest regional partners. A Canada native, she prefers the spellings "neighbour" and "colour" but continues to trade the Great White North for the Deep South because she can't imagine a better company than Delta to be part of.

(b)(6)

Chris O'Neil assumed the duties of Chief of the Media Relations Division, in the Office of Safety Recommendations and Communications, at the National Transportation Safety Board, in January 2016 following his tenure as the Deputy Assistant Commissioner, Office of Public Affairs, at U.S. Customs and Border Protection. O'Neil brings with him more than 28 years of public affairs experience gained through fulltime and collateral-duty public affairs positions in both government and military public affairs offices.

O'Neil's public affairs career began in 1985 during his six-year enlistment in the United States Air Force. In 1991 O'Neil enlisted in the U.S. Coast Guard and served as a small boat crewmember and Coast Guard Station New York's collateral-duty public affairs officer until selected to attend the Basic Journalism Course at Defense Information School in 1992.

After more than 15 years of experience in a variety of media relations roles, O'Neil transferred to Coast Guard Headquarters, Washington, DC, in 2008 to assume the duties of the Chief of Media Relations for the U.S. Coast Guard in the Directorate of Governmental and Public Affairs. He was responsible for developing and implementing policy and doctrine for all Coast Guard media relations activities and served as a national spokesperson. He supported two area and nine district public affairs officers and their staffs, and directly supervised a staff of four. O'Neil deployed to provide public affairs support for the responses to Hurricanes Gustav and Ike and the 2010 Haiti Earthquake. He served as the Chief of Strategic Communication on the Deepwater Horizon BP Oil Spill Response National Incident Command Staff, from May to July 2010, and served as the Gulf Coast Incident Command/Unified Area Command Public Information Officer in New Orleans, from October to November 2010. He deployed to Juneau, Alaska, to serve as the external affairs officer for Operation Arctic Shield 2012 and upon his return assumed the duties of Chief of Strategic Communication at Coast Guard Headquarters.

O'Neil retired from the Coast Guard in 2014 at the rank of Commander with more than 29 years of active-duty military service. Within weeks he began his work with U.S. Customs and Border Protection's Office of Public Affairs, where he led, directed and coordinated the activities of 94 personnel to develop, implement and manage external and internal communication strategies that met the operational objectives and organizational priorities of the nation's largest federal law enforcement agency. O'Neil was instrumental in the development of strategy and policy for the release of information in use of force incidents and served as a non-voting member on the agency's National Use of Force Review Board. He also served on the CBP Employee Engagement Steering Committee, International Trade Committee and the Automated Commercial Environment Steering Committee. While at CBP O'Neil was selected by the Department of Homeland Security to draft the public affairs annex to the Land Migration Contingency Plan. He also drafted a comprehensive public affairs doctrine and policy document – the CBP Public Affairs Policy Handbook.

O'Neil's professional volunteer work includes serving on the Board of Directors of the National Association of Government Communicators as President-Elect, and prior membership in the Public Relations Society of America's National Capital Chapter on the Public and Government Affairs Committee.

He is married to his wife of 25 years, April O'Neil. His daughter, Christina, is an IT specialist with Mercy Hospital in St. Louis, Missouri.

(b)(6)

(b)(6) (Direct)

202-314-6100 (Media Relations)

Lauren Peduzzi created *Peduzzi Communications* to further her belief that good communication is as much about listening as it is about speaking. Peduzzi works closely with organizations, listening to their needs and helping them build successful communication programs and policies designed to deliver the company's message accurately and effectively during day-to-day or crisis operations.

Peduzzi's background includes nearly 10 years in the Public Affairs office at the National Transportation Safety Board. As a result of her experience, she is intimately familiar with both the public and the behind-the-scenes process of an accident investigation as well as techniques for managing the tight deadlines and intense interest involved in a major media event. While at the NTSB she worked with Tara Hamilton to develop this course, which has become an industry standard and has been delivered every October at the NTSB Training Center since 2003.

After leaving the NTSB in 2007, she put her skills to work as Director of Internal Communications for Citigroup's Latin America region, helping the world's largest financial institution manage communications during one of the most trying financial periods.

Peduzzi got her start in the Global Marketing department of Aon Risk Services, one of the nation's largest corporate insurance brokers. She has a Bachelor of Arts from Villanova University and a Certificate of Public Relations from University of Virginia.

(b)(6)

Paul Schuda, Ph.D. is the director of the NTSB Training Center. Before coming to the Safety Board in 1997 as a hazardous materials investigator, he worked at the US Environmental Protection Agency as Deputy Director of the Policy and Special Projects Division where he was a key architect of the Food Quality Protection Act of 1996. There he was awarded with two EPA Gold Medals for Exceptional Service. Dr. Schuda was also a professor of chemistry at the College Park campus of the University of Maryland.

As an NTSB investigator who ultimately went on to lead the Safety Board's Hazardous Materials Division, Dr. Schuda was involved in over 10 accident investigations. In 1999, he became one of the senior managers of the Safety Board's security and logistics program. He came to the Training Center in 2005 as the assistant director, and was promoted to director within a year. He is an instrument-rated commercial pilot and certified flight instructor who flies on a weekly basis with the Civil Air Patrol.

Dr. Schuda earned his B.S. and Ph.D. degrees at the University of Pittsburgh in organic chemistry; he did a post-doctoral fellowship at the Massachusetts Institute of Technology.

(b)(6)

Betsy Talton is Managing Director – Corporate Communications at Delta Air Lines, overseeing culture and digital communications as well as public relations. Betsy started her communications career nearly 20 years ago, first with a boutique agency managing PR for hotels resorts and destinations, and later at Ketchum working mostly with technology clients. She joined Delta in 2002 thinking the job would be a quick-hit resume builder and she's still drinking the Kool-Aid.

(b)(6)

Next course: September 2017

For a complete list of 2017 courses and dates, visit ntsb.gov/tc

We can bring a one-day version of this course to you, as we have done with the following organizations:

American Airlines
American Bus Association
Bombardier Aerospace
Cathay Pacific Airways
Chattanooga Metropolitan Airport
ConocoPhillips Aviation
Daytona Beach International Airport
Delta Air Lines
Denver International Airport
Embraer Commercial Aviation
Gulfstream Aerospace
Honda Aircraft
Interstate Natural Gas Association of America
John Wayne Orange County (Calif.) Airport
Junta de Investigacion de Accidentes de Aviation Civil (Argentina)
Little Rock (Arkansas) Bill and Hillary Clinton National Airport
Massachusetts Port Authority
Pratt & Whitney
San Diego International Airport
San Mateo (Calif.) County
University Corporation for Atmospheric Research
Virgin America Airlines
Virginia Airport Operators Council

If interested in having this course presented to a group of 10-100 at your organization, contact Peter Knudson at (b)(6) or (b)(6) for more information.

QUICK QUIZ

NTSB Media Relations and Accident Related Communications

1. The NTSB may discuss preliminary factual information from the investigation during media briefings in the first few days after the accident has occurred, including a general characterization of the contents of the cockpit voice recorder.
True____ False____
2. Throughout the course of a major aircraft accident investigation, NTSB investigators will offer possible causes of or contributing factors to the accident, especially if it's related to a mechanical malfunction that could present an urgent safety-of-flight issue.
True____ False____
3. As a general rule, if you can answer a question from the news media about your organization (manufacturer, airport or airline) before the accident, then you can provide that same information to the media after the accident.
True____ False____
4. Although a transcript of relevant portions of the content of the cockpit voice recorder (CVR) is released by the NTSB, the actual recording itself is never released by the NTSB.
True____ False____
5. The NTSB often provides factual updates throughout the course of a major accident investigation.
True____ False____
6. Parties (such as the manufacturer, operator, pilots union, etc) to an NTSB accident investigation may release information about the investigation that is directly related to their area of expertise.
True____ False____
7. The NTSB is the only entity that is authorized to approve the release the names of the crewmembers, air traffic controllers involved in the incident, and fatally injured passengers.
True____ False____
8. During the course of the on-scene phase (4-7 days) of an accident investigation, the NTSB often uses social media channels (such as Twitter and YouTube) to provide factual investigative information directly to the public.
True____ False____
9. During an ongoing major aviation accident investigation, party members may engage in media activities in which they characterize or analyze aspects of the NTSB investigation as long as the material has been previously released into the public domain.
True____ False____
10. Organizations involved in an NTSB accident investigation don't need to clear press releases with the NTSB unless the release contains information specific to the investigation.
True____ False____

QUICK QUIZ

NTSB Accident Investigations

1. The NTSB may participate in accident investigations outside the United States at the invitation of the investigating authority in the country where the accident occurred.
True____ False____
2. One of the five NTSB Board Members who responds to the accident site leads the investigation and serves as the agency spokesperson.
True____ False____
3. The NTSB will open a formal aviation accident investigation only if there is substantial damage to an aircraft.
True____ False____
4. Even if the NTSB uncovers a very serious safety issue during the course of an investigation, it can't require the FAA or any other entity to address it.
True____ False____
5. The FAA participates in every aviation accident investigation undertaken by the NTSB.
True____ False____
6. The NTSB and the FAA are both agencies within the Department of Transportation.
True____ False____
7. The final report, including all of the analysis that the NTSB performs to determine the factors and probable cause of the accident, is never admissible in a U.S. court of law.
True____ False____
8. The NTSB relies on "parties" (organizations that can provide technical expertise) to participate in the development of factual material in the fact-gathering phase of the investigation.
True____ False____

Giuli,

Here are all five documents for the Delta folders.

Please put the following on the left side:

Quick quiz (printed on both sides on colored paper) [on top]
Evaluation form (printed on one side only and stapled together)

On the right side:

Agenda [on top]
Presenter bios
Post-accident guidance

Thanks!

Peter

Giuli,

Here are all five documents for the folders.

If you have time to put them in folders, this is how I'd like them organized:

Left side:

Quick quiz (printed on colored paper) [on top]

Evaluation form (printed on one side only and stapled together)

Right side:

Agenda [on top]

Presenter bios

Post-accident guidance

If you don't have time, I'll help you on Wednesday.

Thanks!

Peter



Transportation Disaster Assistance Point Paper

What is the NTSB?

The National Transportation Safety Board (NTSB) is an independent federal agency charged with investigating and determining the probable cause of all civil aviation accidents in the United States and selected accidents in rail, highway, marine, and pipeline operations. The NTSB has no authority to regulate the transportation industry, which is the responsibility of the Department of Transportation. Safety recommendations developed from NTSB investigations are aimed at preventing accidents from reoccurring and are issued to public and private organizations in a position to improve transportation safety.

What is TDA?

The NTSB's Transportation Disaster Assistance Division (TDA) coordinates the resources of federal, state, and local agencies, transportation carriers, and the American Red Cross, in order to meet the needs of family members and survivors following a transportation accident. TDA also serves as the primary resource for investigative information for family members and survivors.

What gives TDA its authority?

Three federal laws provide the legal mandates under which TDA operates:

- Aviation Disaster Family Assistance Act of 1996 (Public Law 104-264)
- Foreign Air Carrier Family Support Act of 1997 (Public Law 105-148)
- Rail Passenger Disaster Family Assistance Act of 2008 (Public Law 110-432)

These pieces of legislation and the associated Federal Family Assistance Plans for Aviation and Rail Passenger Disasters outline the responsibilities of the NTSB, the transportation carrier, the American Red Cross, and supporting federal agencies following an accident where the following criteria apply:

Legislated Aviation Accidents

- Accidents in US or territories
- Major domestic and foreign air carriers (Part 121/129)
- Major loss of life

Legislated Rail Accidents

- Accidents in US
- Interstate rail passenger carrier (Amtrak)
- Inter- and intrastate high speed rail passenger carriers
- Major loss of life
- Exceptions: subways and light/commuter, tourist, historic, scenic, or excursion rail carriers

How are families assisted after an accident?

Federal, state, and local agencies, transportation carriers, and the American Red Cross work together with the guidance of TDA to ensure that the needs of family members and survivors are being addressed. Typical family assistance operations required under these pieces of legislation involve the following areas:

Family Assistance Center

The Family Assistance Center (FAC) is a secure meeting place established by the transportation carrier for family members, survivors, and friends to obtain services and receive information about the investigation. The FAC remains open throughout the on-scene work. Personnel from TDA, the American Red Cross, the transportation carrier, and federal, state, and local agencies staff the FAC.

Daily Family Briefings

While on-scene, TDA coordinates briefings for family members, survivors, and friends at the FAC. These family briefings provide information on the progress of the investigation, local agency responsibilities (such as victim identification), and available family assistance services. Following the on-scene phase, TDA maintains contact with families and survivors throughout the NTSB investigative process.

Personal Effects

The collection, processing, and return of personal effects are the responsibility of the transportation carrier and the local medical examiner or coroner.

Crisis Counseling Services

Professional crisis counseling services are available through the American Red Cross to family members, survivors, and friends while on-scene at the FAC. Upon their return home, short-term crisis intervention services are also available through local chapters of the American Red Cross with coordination by TDA.

Victim Recovery and Identification

Victim recovery, identification, and death certification are the responsibility of the local medical examiner or coroner. TDA can coordinate technical expertise to assist in this process.

Assisting Families of Foreign Citizens

The Department of State secures translation services, provides official notification to foreign governments, assists with visa services, and facilitates consular services.

National Transportation Safety Board Transportation Disaster Assistance Division

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Washington, DC 20594

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202-314-6185
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News @ NTSB    

What are TDA's responsibilities in the legislation?

- Coordination and oversight of family assistance operations.
- Coordination with federal, state, and local agencies.
- Ensure provision of disaster mental health services in coordination with the American Red Cross.
- Facilitate victim recovery and identification processes (working with local medical examiner or coroner).
- Provision of information to families about NTSB investigations when information is publically released:
 - On-scene factual information
 - Investigative milestones
 - Investigative hearings and Board meetings

Other Legislated Requirements

- No person/state/political subdivision may impede the NTSB or the American Red Cross from providing support to family members, or allowing them to have contact with one another.
- No unsolicited communication to family members by an attorney (or their representatives) or a potential party to litigation for 45 days following the accident.

What about other transportation accidents?

Although there is no legal requirement for TDA to respond to accidents not covered under these pieces of legislation, TDA can perform, in a limited capacity, similar coordination and information exchange tasks with federal, state, and local agencies and family members. These efforts are conducted only when the NTSB investigates the accident. This work can be done on-scene or via phone and email.

Examples of Non-Legislated Accidents

- Aviation: general aviation, business, emergency medical services, sightseeing.
- Selected modal accidents when investigated by the NTSB
 - Highway: motorcoach, school bus, bridge collapse
 - Marine: ferries, fishing vessels, sightseeing vessels
 - Rail: subway, commuter, freight
 - Pipeline and hazardous materials

Supporting Organizations and Federal Agency Resources

Air/Rail Carrier: Notifies family members of the accident; organizes the family assistance center; arranges for travel, lodging, and other logistics for family members traveling to the accident city; manages the recovery and return of personal effects; and assumes reasonable costs for the recovery, identification, and repatriation of fatalities.

State, County, and Local Government Agencies: Conducts life saving, fire/rescue, scene security, and medical examiner/coroner operations. TDA coordinates closely with critical state, county, and local authorities to ensure that family assistance needs are being addressed.

Department of State (DOS): Secures translation and communication services, provides official notification to foreign governments, assists with visa services, and facilitates consulate and customs services.

Department of Health and Human Services, Assistant Secretary for Preparedness and Response, Disaster Mortuary

Operational Response Team (DMORT): Assists the local medical examiner or coroner by providing technical assistance and personnel to support the victim recovery and identification process.

Federal Bureau of Investigation (FBI): Provides several operational assets to assist both the NTSB investigation and the family assistance responsibilities, including the Disaster Squad and Evidence Response Teams.

Department of Homeland Security, Federal Emergency Management Agency (FEMA): Assists with emergency management-related issues, facilitates voice and data communication at the accident scene, and assists with public information dissemination.

Department of Defense (DOD): Assists the local medical examiner or coroner in the victim identification process with services from the Armed Forces Medical Examiner System and the Armed Forces DNA Identification Laboratory.

American Red Cross: Provides family care, crisis intervention, and spiritual care.

Does TDA offer training?

With more than 15 years of experience and hundreds of on-scene accident responses, the TDA staff has developed targeted training for the transportation industry and federal, state, and local agencies involved in transportation disaster and family assistance response. Customized training is also available.

TDA 301: Transportation Disaster Response - Family Assistance

Designed to provide the key concepts and operational aspects of family assistance in transportation disaster response, this course is instrumental for understanding and implementing an effective family assistance response.

TDA 403: Mass Fatality Incidents for Medicolegal Professionals

Designed to address managing the medicolegal response to transportation-related mass fatality incidents, this course discusses strategies and essential concepts for an effective disaster victim recovery and identification operations.

TDA 406: Managing Transportation Mass Fatality Incidents

Designed for emergency managers, law enforcement, and the medicolegal community, this course examines the core principles for managing the transition from first response and life safety operations into the decedent recovery and identification process.

For more information, go to <http://www.nts.gov/tda/er.html>
or view the NTSB Training Center website at <http://www.nts.gov/trainingcenter>