

NATIONAL PRESS CLUB LUNCHEON WITH DEBORAH HERSMAN

SUBJECT: THE NATIONAL TRANSPORTATION SAFETY BOARD

MODERATOR: DONNA LEINWAND, PRESIDENT, NATIONAL PRESS CLUB

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DONNA LEINWAND: (Sounds gavel.) Good afternoon. Welcome to the National Press Club for our speaker's luncheon. My name is Donna Leinwand. I'm a reporter with *USA Today*, and President of the National Press Club. We're the world's leading professional organization for journalists, and we're committed to the future of journalism by providing informative programming and journalism education, and fostering a free press worldwide. For more information about the National Press Club, please visit our website at www.press.org.

On behalf of our 3,500 members worldwide, I'd like to welcome our speaker and our guests in the audience today. I'd also like to welcome those of you who are watching us on C-SPAN. We're looking forward to today's speech, and afterwards I will ask as many questions from the audience as time permits. Please, hold your applause during the speech so that we have time for as many questions as possible. For our broadcast audience, I'd like to explain that if you hear applause, it may be from the guests and members of the general public who attend our luncheons and not necessarily from the working press.

I'd now like to introduce our head table guests and ask them to stand briefly when their names are called. From your right, John Hughes, Bloomberg News reporter, and a member of the National Press Club Board of Governors; Ellen Shearer, Northwestern University Medill News Service director and a profess; Richard Simon, Los Angeles Times congressional correspondent; Ed Dobranetski, senior civil engineer for NTSB and a guest of the speaker; Tommy Burr, Salt Lake Tribune Washington correspondent and

president of the Regional Reporters Association; Susan Stevenson, NTSB information specialist and a guest of the speaker.

Skipping over the podium, Angela Greiling Keane, reporter with Bloomberg News and the Speakers Committee Chairman; skipping over our speaker, Jerry Zremski, Buffalo News Washington bureau chief and a former president of the National Press Club; Erin Gormley, NTSB aerospace engineer and a guest of the speaker; Joe Anselmo, Aviation Week senior business editor; Bill Cassidy, Journal of Commerce managing editor; and finally, Todd Gillman, Dallas Morning News Washington bureau chief. (Applause)

When transportation tragedies strike, our speaker today is immediately on the scene looking for answers. Deborah Hersman leads an independent federal agency, the National Transportation Safety Board, charged with finding out why planes crash and trains collide. As chairman of the NTSB, she has a powerful bully pulpit to prod transportation authorities, regulators and lawmakers to adopt new practices to make sure those tragedies don't happen again.

Miss Hersman, chairman since July and a member of the board since 2004, has been the board's public face on major accidents, including this year's Washington metro crash and the 2006 Comair crash in Lexington, Kentucky. She is a frequent presence on TV where she outlines the facts of crashes, explains technical details in laymen's terms and lays out the next steps in investigations. Miss Hersman sometimes hears from family members of those killed in transportation accidents, asking her to do more to force changes. But her agency doesn't have a regulatory role, and cannot mandate such changes.

Before her appointment to NTSB, Miss Hersman worked for the Senate Commerce Committee and as a staffer for U.S. Congressman, Bob Wise, a West Virginia Democrat. This year, Miss Hersman has spoken out on aviation, transit and commercial bus safety and banned her own agency's employees from texting while driving. Last month, she defended the quick release of details about an incident in which Delta pilots overshot the Minneapolis airport saying, "Experience has demonstrated that the release of factual information greatly reduces media speculation and the uninformed assessments of those commenting on the accident."

Today, Miss Hersman will tell us about NTSB's relations with the news media during the internet age. Please help me welcome National Transportation Safety Board chairman, Debbie Hersman, to the National Press Club. (Applause)

MS. HERSMAN: Thank you so much for that kind introduction, and thank you for inviting me to speak here today. You know, I've been in Washington for about 17 years, mostly on Capitol Hill before my five years at the Safety Board, and this opportunity to speak at the National Press Club is a real honor.

I'm here representing my fellow board members, Vice Chairman Chris Hart and member Robert Sumwalt, and the 391 employees of the National Transportation Safety Board. Today, I'm joined by three of our staff and I'd like to take a minute to tell you about these public servants who are the backbone of the NTSB. First, Miss Susan Stevenson. Susan has been with the Safety Board since 1975 and she is now an information specialist in the records management division. She handles requests for information from family members, from the industry, and the media.

President Obama has committed to making his administration the most transparent in history. And while the NTSB is an independent agency, I believe our long history of open and visible investigations is consistent with President Obama's commitment to transparency. To that end, this year we have begun posting our accident dockets on our website. Susan has been instrumental in this effort, and I believe this will make all of your jobs much easier. Currently, a plan is under way to put all of the NTSB's accident docket microfiche from accidents from 1978 to 1995 on the website. Susan is going to be leading this endeavor for the agency.

Next, I'd like to talk a little about Ed Dobranetski. He's a professional engineer with graduate level [8:45] railroads before he came to the Safety Board. He's been with the board over 23 years and has been involved with 50 major accidents, including several local accidents that had significance for the nation. In Chase, Maryland, in 1987 there was a collision between an Amtrak passenger train and a Conrail freight train, it killed 16 people. You may remember that the Conrail engineer tested positive for marijuana. That accident served as the catalyst for Congress passing sweeping legislation requiring random alcohol and drug testing across the transportation industry a few years later.

Ed also worked the 11 fatal 1996 MARC Amtrak accident that occurred in Silver Springs. And that accident resulted in the railcar crash worthiness standards that we have today. Since I've been at the board, Ed's led two major investigations on metro's red line, which he uses to commute to work. In 2004, he led the investigation into the rollback at Woodley Park, and most recently you might recognize him as the investigator in charge of the Fort Totten.

Finally, I'd like to introduce you to Erin Gormley. Erin's been with the board since 1995. Erin's an aerospace engineer specializing in flight data recorders and cockpit voice recorders. She served as the flight data recorder group chairman for numerous domestic and foreign investigations including Alaska Airlines flight 261 off the coast of California, the Air Midwest Beech 1900 in Charlotte, North Carolina, and a PHI Sikorsky S76 accident in Louisiana in January of this year.

Erin also worked on the flight data recorder from United flight 93 in support of the FBI's investigation into the September 11th terrorist attacks. Most recently, she served as the acting chief of our vehicle recorder division. Erin is active with Women in Aviation and the International Society of Air Safety Investigators, and she's a licensed private pilot.

These are just a few of our career employees who have built the reputation of the Safety Board over their years of service and our credibility is a direct result of their efforts. Tedla Pachowitz (?), Bridget Surchak and Peter Knutson of our press team are also in the audience. I'd like to ask you all to stand, along with Susan, Ed and Erin so that we can recognize these unsung heroes for the work that they do. (Applause) Thank you all very much for allowing me to introduce them to you.

As you know, the NTSB has been investigating major transportation accidents for more than 42 years. And in that time, we've held thousands of press briefings near accident sites. I appreciate this opportunity today to meet with journalists outside the atmosphere of a major transportation accident. I dressed up for you well, huh? (Laughter) I look forward to discussing NTSB's prophecies and answering your questions today. And I trust that when I conclude my remarks that you'll have a better understanding of our agency and our relationship with the press and the public that we both serve.

I'm often asked how I feel about working with the press, and I have to say that in the beginning, it was quite intimidating to stand in front of a bank of 20 microphones in a roomful of cameras with reporters shouting questions at me. But after accompanying our team to 17 major accidents over the last five years, I've had the opportunity to see the press and our staff in action. So I'd like to share a few of my observations with you today.

Of course, all of our beat reporters, some of whom are here today, are top notch. But occasionally, we encounter reporters at the accident sites who don't routinely cover transportation and they have-- Well, how shall I say it? Maybe they don't have a full grasp of the subject matter. Some of the favorite questions that our people have fielded while they've been on scene were, "Who makes 747 besides Boeing?" "What kind of planes make those little white lines in the sky?" Or how about, Ed, "Who was steering the train?" We'd like to say that there are no stupid questions, just stupid answers. But to be frank, we don't have the luxury of having only transportation experts cover our work. We generally see many transportation reporters who are expected to be the Jack-of-all-trades and master of none.

Since coming to the board, I actually have been very impressed with many of those local reporters. I know they're charged with covering everything from their local sports team to snowstorms to accident sites. These reporters, though, are very good surrogates for the public, who although they rely on our transportation system every day, have very little understanding of how it operates and how safe it actually is. Despite this lack of background in the subject area, all of the reporters want to get it right. They still ask tough questions, but I have to say that it does help for them and for us to have some of those beat reporters in the audience and help us get the discussion back on track and focused on the issues that are really at the heart of that particular accident.

I speak here in an interesting time for journalism, not because tomorrow is the 275th anniversary of the arrest of John Peter Zenger for liable, a case that is still celebrated as a hallmark freedom of speech. And not because we can now get our local TV news in high definition, and not even because Rush Limbaugh wanted to buy an NFL

franchise. No, these are interesting times in a proverbial sense because just as many American businesses are restructuring, so too are our nation's news media.

We read of layoffs in the newspaper industry, and even the lucrative format of television, every month. The venerable New York Times is in the process of paring 100 positions down from its newsroom. Down Pennsylvania Avenue is the museum, a museum dedicated to the First Amendment. There is an exhibit that consists of a stack of newspapers about three feet high. It represents all of the daily papers that have folded in the last year or two.

It is estimated that one-fourth of the newspaper jobs that existed in 2001 have vanished. It used to be an insult to point out that a community was a one-newspaper town. Now, there are some communities that are nostalgic for the days when they actually had a newspaper.

I know I don't need to outline these grim facts for the professionals who are in the room. You feel this pressure on a daily basis. Other industries are just hanging on right now, hoping that our 10 percent unemployment rate will help their business model and that they will recover as the economies recover. But you might not feel that same optimism.

Conversely, new media forms are popping up every year with Face Book now giving way to Twitter. Broadcast television news programs continue to lose viewers and those that are hanging around tend to skew a little bit older than the media would like. Cable news channels seem to have two very different business plans. During the daytime, they will air anything that moves; car chases, houses burning in the woods, lockdowns at schools or shopping malls, or even cats in a tree. They can spend hours on stories like that, and the insignificance of those events are such that you will never see it in the newspaper or the next day or even referenced again on that same cable TV channel.

However at night, the cable channels are populated by what are termed as appointment television. These opinion programs with larger than life hosts contrast to what they consider breaking news during the day. You better have a pretty big news story if you're going to interrupt one of these shows at night. As we saw with this month's election night coverage, you see very little at night in the way of ongoing news on these networks.

Competition is nothing new in journalism. In the old days, newspaper wars were not uncommon. Now that that competitive fervor has moved to cable news where if it bleeds it leads has morphed into if it scares it airs. Can we forget the past September 11th frenzy on the Potomac with the Coast Guard drill? And don't get me started about Balloon Boy. (Laughter)

It used to be that the most prestigious measure for a newspaper reporter's work was how many times their articles appeared on the front page. Now, it is whether an article is the most emailed story of the day. At the New York Times D.C. bureau, what

used to be a reception area is now a studio from which print reporters produce webcasts. And earlier this year, the St. Petersburg Times won the first Pulitzer Prize that was based solely on web-based reporting for PolitiFact. And by the way, the Times Bill Adair, who used to be one of our beat reporters, was on that prize-winning team.

According to a recent Gallup poll, 31 percent of Americans consider the internet to be a daily news source. In another poll, taken after the death of Walter Cronkite, once known as the most trusted man in America, 44 percent of Americans felt that their most trusted news person was Jon Stewart. This has created great financial pressures on traditional media outlets. After all, news is a business, and business owners must adapt their businesses as they see fit. Let me say after all of the changes that I've described, I do not believe that our freedom of press is eroding. I believe it's undergoing a change and its dissemination system, and it has the potential to emerge stronger and more vibrant.

However, the professional journalist must be a part of that transformation. We are counting on you to represent the public interest as we continue to enjoy the fruits of an open society. My specific concern here today is how this new landscape affects our ability as a federal agency to get that information out to the public and to assure the accuracy and quality of that information as disseminated by the news media.

I've been chairman of the Safety Board for almost four months. And while statistically this hasn't been a particularly bad year for transportation safety in a historical context, each day more than 100 Americans die in a transportation accident, mostly on our nation's highways. Often, these individual tragedies are reported in a local newspaper or on local TV, but if it doesn't involve someone famous or someone that you know personally, for the most part we're oblivious to the death toll on our nation's roadways.

Every now and then we're stunned to hear of a mass casualty event like this year's Colgan Air crash near buffalo that took the lives of 50. The larger accidents do capture the public's attention, especially these large air carrier events. But every day, somewhere in the United States, NTSB air, rail, highway, marine, and hazmat investigators are on the scenes of transportation accidents trying to find out what went wrong so it doesn't happen again. It is the second part that is the essence of what the NTSB is all about: doing what we can so that accidents don't happen again.

Yet even though as transportation is becoming more technical and complex, the cadre of journalists dedicated to covering transportation continues to recede. The broadcast networks still have reporters well steeped in transportation, although they hold down other assignments as well. And the major national newspapers still have transportation beats. But aside from the trade press, we can count on the fingers of our hands those reporters knowledgeable on the subject of transportation safety. Increasingly, shrinking budgets preclude the networks and newspapers from even sending their national reporters to our public hearings and meetings. And more recently, even to the scenes of accidents.

What does this mean for us at the NTSB? For one thing, many more questions like the ones I opened my speech with. But more fundamentally, with all of the upheaval in the news media over the decades, it has not changed the way that we at the NTSB deal with releasing information during our investigations. Don't get me wrong, we have had to adapt to the changing information age just like everyone else. The public's appetite and expectations for information has changed dramatically since the days of the Great Society when the NTSB was created.

But our basic philosophy, that more information is better than less, has not changed in our 42 years. As most of you are aware, the NTSB has no regulatory authority. It has been said that we regulate by the raised eyebrow. The safety recommendations we issue based on our forensic investigative findings are our most important product. But for our recommendations to carry any weight, recipients must have faith in the logic that leads to those recommendations. The recipients and the public need to appreciate the scientific foundation and the nature of our independent investigations. Our independence was guaranteed in the 1970s when what was perceived to be Watergate era influence into our operations prompted Congress to remove us from the Department of Transportation, which had funding authority over us until that time.

Looking back now, it was surprising that it was ever thought to be a viable scheme to have DOT exercise purse string authority over an agency that, in essence, investigates DOT agencies. But in any case, I would argue that it's not the recipients of our recommendations who need to appreciate the science behind our findings. By and large, they agree with our recommended actions, but they may be constrained to implement them because they must consider factors other than safety in their decision making processes.

Major changes in regulatory structure of an industry sometimes require societal and budgetary choices. Is there a will for the new funding required, or the new procedures that we'll all have to follow? Because the NTSB is a taxpayer-funded organization charged with improving transportation safety, the American people have more than just a right to be briefed on the progress of our investigations. The public and those in a position to officially react to our findings need to be briefed on our work if we are going to address the more difficult issues that our investigations uncover.

The former president once said, "In a democracy, the public has the right to know not only what the government decides but why and by what process." So the question is how do we provide that information responsibly? In a major accident, I or one of my colleagues will accompany the go team for the sole and vital purpose of speaking to the press in public during the on-scene phase of the investigation. We do that primarily through formal press briefings. And here is one area where we've changed to adapt to the media. Up until the late 1980s or early 1990s, the NTSB would conduct one major press briefing a day, and that would be in the evening following our meeting with all of our investigators. This meant that we wouldn't release information until about nine p.m., which has a practical effect of being much later for the media if the accident was on the west coast.

The next press briefing would be 24 hours later. Can you imagine if we still held to such a schedule today? A full day of cable news and constant newspaper website deadlines left to the speculation, and no offense intended to those who are in the room today, of talking heads, of former industry experts, or even former government investigators, none of whom have any direct knowledge of the progress of the current investigation?

In the five years since I've been at the board, I can tell you that our cycle for briefing the news media has adapted to the demands of a public who are constantly hungry for new information and more details. At a major accident, you will now see two press briefings a day. We may still have one in the evening, but more and more with cell phones and Blackberries, our investigators are making an effort to provide information in real time. As we compile information throughout the day, with some coordination, we are able to conduct briefings earlier.

Typically, our days start at six a.m., and that's three a.m. if we're on the west coast, with morning shows, some taping and some live feeds for local or national programs. And then two more press conferences throughout the day. Balance these demands with our desire to brief the victims families before the news media and you can see that it's challenging to constantly be pushing out new information on short notice.

Although we prefer to schedule briefings when we have significant new information to release, we recognize that providing availability more regularly serves as a pressure valve for reporters to give them the opportunity to ask questions that have built up since the last press event.

While the media environment is changing, there is something that never seems to change. At the Safety Board, we cause it cause du jour. You've all seen these after major accidents. The first day, all the coverage surrounds an aircraft model and we hear about an emergency landing in a similar plane three weeks ago. The next day, the engines are in the bulls eye and we get an accounting of four engine fires on this very model around the world in the last two years.

The third day, it's the pilot. After all, while her neighbors say that she's a very responsible person, sources say she failed her first check ride at a commuter airline seven years ago, and on and on it goes. Yes, some of this information might be based on information that we put out. But mostly, it results in peoples' needs for a narrative. It seems that in today's world, although the accident happened a mere 36 hours ago, surely we should know the cause by now.

So what kind of information do we put out? We release factual information without analysis or interpretation. This would be information that is not subject to change, except in some minor ways. For example, a train engineer's years of service, an air frame or engine cycle, the time a takeoff clearance is given. These facts should not change as the investigation proceeds. Yes, if we put out raw data without interpretation,

this opens the door for others to come up with their own interpretation. There is nothing that we can do about that in an open society. And I hope that your readers or listeners will be able to differentiate between what the official investigators are saying about the accident and what observers are opining.

On aviation cases, we never release the audio from the cockpit voice recorder because it's prohibited by law. And we don't even release the transcript contained on that recorder until the public hearing takes place, or the majority of the factual reports are completed and our docket's opened. This is usually months after an accident. And then, only when the portion of the transcript is relevant to the investigation. However, we will characterize certain information learned from the CVR. If the flight crew is discussing what appears to be a flap asymmetry or a rudder problem, we will say the crew was discussing a control problem. We don't release personal information on people. In fact, during our post-accident president conferences, we don't release the names of anyone involved in the accident. We simply refer to them as the pilot, the engineer, the air traffic controller, or a passenger.

How does our process compare with other countries? Well, some of you know that, but I think it's safe to say that no other country in the world has as an open and information policy on accident investigations as does the United States. It's not a coincidence that those countries with generally open policies also have fairly high levels of safety.

While there will always be differences around the world about how best to manage the dissemination of information, I'm happy to say that we do have some of our foreign counterparts taking courses at our training center in Ashburn, Virginia. That being said, you will not be surprised to learn that many of our foreign counterparts think that we give out too much information during our investigations. We will always have differences because sovereign countries have their own laws, traditions and cultural values. At the heart of our process is the fact that we publish the underpinnings of our accident investigations so the public can scrutinize just how strong the foundation on which our ultimate findings stand.

We must also acknowledge that some of the reluctance in other countries to discuss investigative findings as the investigation is proceeding might be based on the fact that there is more judicial involvement in accident investigations overseas. We were very fortunate that when the Congress set up the Safety Board, they placed discovering the cause of accidents and identifying needed safety improvements as the highest priority. While law enforcement authorities occasionally exhibit an interest in looking into the circumstances of an accident in this country, it's been very rare when criminal investigations have interfered with NTSB investigations.

I don't want to leave the impression that our domestic transportation companies and manufacturers are completely sanguine about our information release procedures. They just know that there appears to be strong public support for the NTSB's current practice. Just a few weeks ago, the Air Line Pilots Association took issue with our release

of information from our interviews with the Northwest pilots who overshot Minneapolis. ALPA claimed that this would have a chilling effect on voluntary pilot reports. While the Safety Board fully supports voluntary pilot reporting programs and those for others in the industry, this was an accident investigation handled under the Safety Board's procedures. By the time we released the pilots' account five days later, the media speculation was unbelievable. They were swimming in many unfounded rumors about the event.

Before I close, let me catch you up on a few of our major investigations. The early part of 2010 already looks quite busy for the NTSB, even while we acknowledge that we never really know exactly what's in store for us. In January, the Safety Board will meet to adopt the final report on the September 2008 train collision in Chatsworth, California, that killed 25 people. In early February, we'll meet to discuss the Colgan, the final report on the Colgan accident investigation near Buffalo. And later in the month, we'll hold a two day public hearing on issues raised in the metro crash that occurred here in Washington in June. In addition to looking at the circumstances of the metro accident, we will also explore federal and state oversight of the nation's rail transit systems.

In closing, let me quote one of the icons of American journalism who was speaking of his profession. But I think it also encapsulates the NTSB's philosophy of openness. Edward R. Murrow famously said, "To be persuasive, we must be believable. To be believable, we must be credible. To be credible, we must be truthful." Speaking for the NTSB, let me say that we will continue to be truthful because we believe we must continue to be credible so that our safety recommendations will be persuasive, which we believe will save lives.

As is true for journalists, our credibility is our currency and stock in trade. We will continue to conduct accident investigations in as transparent a nature as possible because if we cannot persuade the transportation industry or industry regulators to change things after an accident, then we have failed in our mission. We understand the need to solve the puzzle in the early hours of an accident investigation, and we know your editors and producers want you to be the first to get the cause of the accident. But what is the cost to your credibility if you are first to get the cause of the accident wrong?

We have learned from experience that first impressions can be wrong. Equally important, the true cause of an accident can actually be multiple causes, inextricably intertwined, and those failures line up resulting in a tragic event. It usually takes hundreds of news cycles for us to figure this out. But with 82 percent of our 13,000 recommendations having been implemented, I can tell you that I am continually amazed that our investigators find new and important issues that need to be addressed.

I started my speech by talking about my impression of the press and how it has evolved over the years. There's a saying that goes, "If a tree falls in the forest and no one is around to hear it, does it make a sound?" I have come to appreciate that although a tremendous amount of our staff's effort is dedicated to our investigations, if nobody pays attention to our recommendations, all that work will have gone for naught. The way that we engage the public, the regulators, the policymakers, and those who are personally

affected by a crash, is to share the lessons of what we have learned so that these lessons can be a catalyst for change.

We can't do that without the news media. You help frame the discussion and the issues, and you inform millions of people every day about transportation safety issues. In this ever-changing environment, you're being asked to reinvent yourselves on a regular basis. I hope that you can continue to achieve the professional satisfaction that you sought when you became a reporter.

Why did you choose your profession? Did you want to identify the failures that needed to be corrected or explore the technology that can save lives? That's why many of us are working at the NTSB. And I am proud to uphold the traditions of that agency as you are committed to the institution embodied by the building that we're in now. Thank you for inviting me here today, thank you for listening. And most importantly, thank you for working hard to get it right so we can make the world a safer place. (Applause)

MS. LEINWAND: Okay, so we've got a lot of questions. I'm going to start with some broad ones on your regulatory authority and then move on to planes, trains and buses. NTSB recommendations have no force of law. The agency has been recommending things like seat belts on buses for decades. Is it time to give the NTSB actual regulatory authority?

MS. HERSMAN: I think the Congress was very wise when they set up the Safety Board. We're not tethered by many things that the regulators are tethered to, such as cost benefit analysis or taking many factors into consideration when they promulgate rules. The Safety Board has a very unique position. We get to investigate accidents, find out what went wrong, and make the very best recommendations we can to improve safety. That allows other people, such as the Congress, such as the regulators, to decide how they want to implement those recommendations. And I think the fact that 80 percent of our recommendations have been ultimately adopted in a favorable way shows that even though we don't have regulatory authority that we can be very effective with the role that we've been given.

MS. LEINWAND: Does the NTSB take too long with major accident investigations that take a year or longer to complete?

MS. HERSMAN: I think this is a constant criticism that we get. And part of it is challenging for us to manage our resources and our workload. We do try to shoot for investigations being accomplished within a year, but I would say we have a hard time meeting that target most of the time. I can tell you that I have identified two accidents with our management team that we will complete under a year, and those are the Colgan accident and the recent WMATA metro accident. This, unfortunately though, in order to accomplish this, requires resource drain from other investigations. And so that means that some of the other accidents may have a longer timeline or be pushed out in order to accomplish these earlier. We all have to accomplish what we are charged to do with finite

resources and the Safety Board is no different. We do try to accelerate things. It's something that all of our management team and employees are working on.

But I can tell you one of my priorities since I've come to the board, because I've watched this process for five years, is not necessarily that I can reinvent the agency, our structure and our review process in my first few months at the board. But one thing that we've worked to do is very quickly after we launch on an accident, as we identify safety issues, we are not waiting until the final report is produced to issue recommendations. This summer, after the WMATA accident, we issued two rounds of urgent recommendations, the first coming a couple of weeks after the accident; and the second coming a couple of months after the accident. So we are going to make sure that safety issues are addressed.

The same thing happened in the Hudson midair. About two to three weeks after we came back from launching on that accident, we issued a number of recommendations to the FAA. Administrator Babbitt convened a taskforce around that same time. They came up with some recommendations. And I can tell you, we're here in November, we're seeing changed charts, we're seeing changed procedures, and a new way of looking at the air space over New York City. That's exactly what the public demands and what they want. I think the Safety Board's being responsive and I think the FAA was responsive in this case, and they have addressed most of our recommendations in the work that they're undertaking now. So I think the public expects their government to be nimble. We're going to work hard to do that.

MS. LEINWAND: Companies that are the subject of NTSB investigations often help gather the facts in those same investigations as so-called "parties." Why not make them witnesses instead? Couldn't you get just as much information from them that way?

MS. HERSMAN: The Safety Board employs our party process, really, to help us with our accident investigation. We rely on the technical expertise of our parties. And I can just provide you some examples. We rely on our parties to provide us access to training information manuals and equipment. So for example, here on the WMATA accident, we needed to do some testing of that track, we needed to look at some of the system equipment. We also needed to do a site distance test on their tracks. And so that required working with them to understand what time of day was the best time to kind of put their system into a slower operation. We had investigators who were on scene for weeks working at night setting up those sight distance tests, and things like that. We need these parties to our investigation, not just to be witnesses, but to be participants in some phases of our investigations.

We're constantly looking at the party system to understand how it helps us, how it benefits our investigation, and what areas might need to be modified or changed. The Safety Board's undergoing our reauthorization from the Congress right now and we've had some discussion with the Hill about the party system. And so, I think like everything, it will continue to evolve. But it's something that the Safety Board needs to conduct thorough investigations in some cases.

It's up to us whether or not we want to invite people to have party status. The only party that's compulsory to our accident investigations is the Federal Aviation Administration.

MS. LEINWAND: Couldn't you accomplish the same thing if you had subpoena power?

MS. HERSMAN: We, in fact, do have subpoena power.

MS. LEINWAND: So why use the party system instead of the subpoena power?

MS. HERSMAN: One of the things that we want to do is try to get our accident investigations accomplished in a timely manner. If we can do that in a cooperative way, I think it certainly makes things easier. We request a lot of information, a lot of information's provided. But I will tell you, in the last year we have had some parties who have not necessarily been cooperative and we have had to use our subpoena authority in those situations.

MS. LEINWAND: What have NTSB investigations revealed about the role of fatigue in accidents, whether in aviation transit operations or on our highways?

MS. HERSMAN: Fatigue is actually one of the most insidious issues in the transportation industry. Transportation is 24/7 operation, fatigue has been on our most wanted list of transportation safety improvements since its inception. I can tell you, we look at every accident. We establish a 72 hour history for the operators that are involved in the accident just to try to see if we can determine if they were fatigued. Unfortunately, we find fatigue in more accidents than you would think. I think the very nature of the work that people do, the schedules that they work, in some industries the unpredictability of the schedules, the lack of addressing things such as sleep apnea, medical conditions, not having good procedures to allow people to call in fatigued in a non-punitive way so they don't get penalized if they call in fatigued.

Fatigue is a multifaceted issue, the Safety Board has addressed this in many of our recommendations in all modes of transportation. We finally saw a revision for the hours of service rules for rail employees. It had been almost a century that that had been unchanged. That took an act of Congress after the Chatsworth accident. We are also asking for revision of hours of service for airline pilots, mechanics and air traffic controllers, too. There's a lot of attention that's been paid on the airline side, I think highlighted by the Safety Board's quick hearing three months after the Colgan accident which really raised in the public's consciousness the issue of fatigue including commuting.

MS. LEINWAND: The Transportation Department today said it will tighten motor coach bus safety regulations, including requiring seat belts. Does the proposal go far enough? What needs to be done to improve motor coach safety?

MS. HERSMAN: Well, I think this is a lesson to the press corps. If you want some announcements from the Department of Transportation, invite the NTSB chairman to speak. Today, they've announced-- You've told me today they've announced seatbelts on buses. We've also heard about their transit oversight and I think when I started by speech at 1:00, they were also holding an event to release information on the air traffic control tapes on Northwest 188. So, I think it's great. If you invite me here again, maybe we'll get some more things accomplished. (Laughter)

But the Safety Board's long looked at the issue of motor coach safety. It indeed is on our most wanted list of transportation safety improvements. We've seen crash after crash after crash. And I know last month, we had some folks who were covering the Sherman accident that I launched on with our team August a year ago. We had 17 fatalities in that accident. We reiterated again how the lack of crash worthiness contributed to the fatalities in that accident.

I'd like to review the proposal that has come out of DOT. But I think that any progress that can be made toward protecting passengers in all scenarios in motor coaches will be an improvement on what we have now. This isn't rocket science. It's been done in other countries. They have standards and they have requirements. We can do it here, too.

MS. LEINWAND: The Transportation Department yesterday announced it will begin federal safety regulation of transit, something the NTSB has recommended. What do you think of the move, and what do you think took them so long?

MS. HERSMAN: Well, I think unfortunately in transportation, and I think many of you all who've covered us for a long time, recognize that there is a bit of tombstone mentality that goes on. Unfortunately for the Safety Board, we have to reiterate recommendations and that means what we found ten years ago hasn't been acted on and we have to continue to keep addressing the same issue. You were right about that.

I think that as far as their proposal on transit oversight comes, it's something that needs to be addressed. Transit is a very safe mode of transportation, but it is the only mode right now that doesn't have the federal oversight to the level that aviation and rail, freight rail and over the line passenger rail has. It doesn't make any sense to stand out where we were on the Fort Totten accident and you've got two metro tracks on the inside and they're surrounded on both sides by freight rail tracks. Freight rail tracks are carrying the MARC commuter trains, Amtrak trains, and freight cars. And inside, you've got the metro trains.

The outside cars, those MARC trains like Mr. Dobranetski investigated in '96 that resulted in improved crash worthiness standards, they have federal standards for crash worthiness. They have requirements about emergency windows, ingress and egress, about strength of the cars as far as crash worthiness, fireproofing issues. And right next to them, carrying the same kinds of computers going from the same places, have no standards for

their cars, no federal standards. That doesn't make any sense to me. And we hope with oversight that that will change.

MS. LEINWAND: Do you think the Feds can do a better job regulating subways and light rail? And if so, why?

MS. HERSMAN: Well, I think the Safety Board has always found ways to be critical of oversight. Whether it's at the state, local or federal level, I think there's always going to be challenges for effective oversight. But I think what's important here is the framework that they've set up now for oversight for transit is not very robust. It's not funded, it's not supported, and it's different from jurisdiction to jurisdiction. Like I mentioned, just for example with crash worthiness, the BART trains, the metro trains, the MBTA trains up in Boston, the MARTA trains down in Atlanta, none of them have consistent crash worthiness standards. That doesn't make any sense. We need to establish what standards are. And if all of this equipment is being purchased in whole or in part with federal dollars, then it ought to be achieving a certain standard.

You need a federal standard for folks to recognize that. The same thing with respect to setting standards for hours of service. What happens if you have one jurisdiction that has no hours of service and one jurisdiction that has challenging or robust hours of service? What about in a jurisdiction like metro where you have a tri-state oversight committee? It's just very helpful to have some standards, some minimum standards, at least a floor for these types of operations with respect to training, equipment and inspections.

MS. LEINWAND: Which state does the worst job in making sure subways and light rails are safe?

MS. HERSMAN: The Safety Board investigates accidents and we base our recommendations on each accident that we investigate. And so every system is different and every system is unique. We will be having a public hearing in February which we will be bringing some different state oversight agencies here, and some are obviously multi-jurisdictional oversight entities, to really try to see what we can learn about best practices and how to kind of make the system more robust.

MS. LEINWAND: Very diplomatic. What do you see as the commonalities among the regional airline crashes of recent years, and what should be done about them?

MS. HERSMAN: I think, unfortunately, we've seen a number of aviation incidents involving regional carriers, as well as accidents. What I can tell you is there are a few incidents that we've investigated in which we saw some common issues: training, fatigue. I'm thinking back to a couple of overruns that we saw, one in Cleveland and one in Traverse City. There were definitely fatigue issues in both of those accidents. We've seen a number of upsets; 2004, there was a crash in Jefferson City, Missouri, involving Pinnacle Airlines. There was an upset there. We were concerned about the crew's

preparation, their training, their response to the stick shaker and the stick pusher. We've continued to see accidents where training was an issue.

We see these issues not just in regional carriers, though. I want to make it clear that they're all 121 carriers, whether you're a major or a regional and they're all expected to be held to the same standard. But at times, we haven't always found that they were. We took a survey of major air carriers versus regional carriers about whether or not they had written fatigue policies, whether they could call in when they were fatigued. We found most of the majors did, most of the regionals (sic) did not. And so we want to make sure that there's one level of safety and everyone's operating to that. They are expected to be operating at the same level. It's up to the FAA through their enforcement to insure that. We, unfortunately, get involved when it's too late, after there's already been an accident.

MS. LEINWAND: Do you think the major carriers should bear some responsibility for the accidents that happen on the regionals they contract with?

MS. HERSMAN: There's certainly a relationship between the major carriers and the carriers that they have contracts with. The Safety Board has looked at this in a number of our accident investigations. So for example, if the parent company had weather minimums that did or did not permit dispatch, we'd look to see whether or not the carrier, the regional carrier providing service, had the same types of things. We look at information that can be shared or used. We've certainly made recommendations about information sharing, whether it's helping their regional carriers with FOQA programs or ASAP programs or some of those voluntary reporting programs that all of the major carriers have, but not all the regionals have. And so we certainly are looking to them to help raise the level of safety.

So I think that they do help, certainly, when there's an accident and it involves one of their regional carriers. It's usually the care team from the major carrier who's there to provide support to the victims and the family members. So there certainly are relationships. I think the Safety Board looks at those and scrutinizes those in a way in our investigations that hopefully will lead to change and raising the bar in safety.

MS. LEINWAND: The FAA and the NTSB have been calling for more pilot professionalism in the wake of several recent accidents. Yet, this term is very amorphous and difficult to mandate. How does the government and industry enhance professionalism?

MS. HERSMAN: I'm not a pilot, but in our investigations at the Safety Board, this issue has come up repeatedly. And I think one of the challenges is trying to understand what motivates people and why it's really the human factor side of our investigation. In the Pinnacle accident in 2004 in Jefferson City that I referenced earlier, we had a crew in that situation who were authorized to do a repositioning flight at a lower altitude. They requested clearance to take the airplane to 41,000 feet. That was pretty much the certification ceiling for the airplane. We heard some reports afterwards from other people that there was a 410 club that people kind of wanted to be able to take the

aircraft up to its certification limit. The flight crew took the airplane up. They switched seats while they were en route. One of them left the cockpit to go get some drinks and come back. They weren't monitoring the aircraft's performance as it was climbing. It was having a challenge kind of maintaining its climb rate. Got up close to 41,000 feet, entered into stall. They flamed out both engines. They got into a PIO, flamed out both engines. When they called ATC to request lower clearance, they didn't disclose the true nature of their emergency. They said they had a single engine out, they had two engines out.

They over-flew four suitable airports. They didn't disclose that they had a dual engine failure because they couldn't get the engines to restart from 36,000 down to about 9,000. They disclosed then that they had two engines out and they crashed a couple miles short of the airport. There was certainly pilot professionalism there. And one of the issues that's been raised repeatedly is professionalism is doing the right thing, even when no one's watching.

And the question was what made the crew think that they could do what they did and get away with it? And why didn't they respond more appropriately when they had the problems that they had? The Safety Board recommended after that accident, safety management systems, for regional carriers, for part 121 carriers, FOQA programs, line oriented LOSA programs where people sit observationally and try to help raise crew awareness in the cockpit and raise the level of safety. We continue to hammer on these issues. this is not the only accident. I'm just sharing with you the details of one accident.

Since 2004, that was my first accident at the board, it was my training accident where I went along to watch, we've seen several other accidents where there's been issues of pilot professionalism. And so I think it really is a challenge. It's something the industry, the unions, the regulator and everybody involved, really needs to kind of understand the human factors behind it and what needs to be done, whether it's through monitoring or training or just crew to crew contact.

MS. LEINWAND: We are just about out of time, but before I ask the last couple of questions, we have a couple of important matters to take care of. First, let me remind our members of future speakers. On November 20th, Jim Leach, the Chairman of the National Endowment for the Humanities, will join us. On November 23rd, Ken Feinberg, the Obama Administration special master for executive compensation, or pay czar, will speak at a National Press Club luncheon. And on November 30th, Prince Albert II of Monaco will address the National Press Club.

Secondly, I'd like to present our guest with the traditional and much coveted NPC mug.

MS. HERSMAN: Thank you. (Applause)

MS. LEINWAND: We've got a few more. We're going to try and get in a couple of more questions. Has the NTSB been able to gain any changes in aviation practices to

reduce the chance of a repeat of the recent crash near Buffalo, New York? If so, what changes?

MS. HERSMAN: I think I would say since the Buffalo accident is still under investigation, probably we will be addressing issues there, and also evaluating the response from the industry FAA at that point in time. I will say I think that our staff can be very proud of the efforts that they put forward in the public hearing. Less than three months after the accident, we held a multi-day public hearing and I think that that hearing opened up many, many issues which prompted, I think, the FAA administrator to convene a quick BARC or a kind of advisory taskforce with industry and labor and others represented on fatigue. And that was a much quicker fuse committee than we've seen in the past, and I think that the Congress has addressed many of the issues that were raised in that public hearing in some of the legislation that's pending or has been passed by the Congress. And so I think that the Safety Board serves as a catalyst, and other people have taken the information that we presented and run with it.

MS. LEINWAND: Can you give us an update on the Delta Northwest over flight? Any indication the pilots were not telling the truth on being distracted by laptops and work schedules?

MS. HERSMAN: The Safety Board released information about five days after the incident, and the pilots were interviewed. They relayed information to us in the interviews which we summarized and provided to the public. We don't have any new information to report. Our investigators believe that the pilots were being truthful about working on their laptops while they were en route. And the investigation is ongoing of that incident. That's another one where we're trying to accelerate and get some information out by the end of the year, or shortly thereafter.

MS. LEINWAND: Okay, we are definitely out of time now. But I thank you all for coming today, and I'd also like to thank the National Press Club's staff members Melinda Cooke, Pat Nelson and Joann Booz for organizing today's lunch. Also, thanks to the NPC Library for its research. The video archives of today's luncheon is provided by the National Press Club's Broadcast Operations Center. And, our events are available for free download on iTunes, as well as on our website. Nonmembers may purchase transcripts, audio and videotapes by calling 202-662-7598, or emailing us at archives@press.org.

For more information about the National Press Club, please go to our website at www.press.org. I thank you, and we are adjourned. (Sounds gavel)

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