

U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20590

STATEMENT OF ROBERT H. CLEMENT, DEPUTY UNDER SECRETARY, DEPARTMENT OF TRANSPORTATION, BEFORE THE AVIATION SUBCOMMITTEE OF THE SENATE COMMERCE COMMITTEE ON LEGISLATION TO ESTABLISH AN INDEPENDENT AGENCY OF THE U.S. TO INVESTIGATE TRANSPORTATION ACCIDENTS, WEDNESDAY, APRIL 10, 1974

Mr. Chairman and Members of the Committee:

I am pleased to appear here to testify on the various legislative proposals which in one form or another would establish an independent agency to investigate transportation accidents and perform other duties currently the responsibility of the National Transportation Safety Board (NTSB)

This marks the Department's second appearance before this Committee to express our views on the subject. Our first appearance was on September 12, 1973, when the Department expressed opposition to the draft of S. 2401 as originally introduced. At that time we expressed the view that the legislation was not necessary for the reasons spelled out in our testimony.

Today, as before, the Department believes that the legislation which would require the NTSB to exercise its functions separate from

the Department of Transportation and, therefore, at a very substantial increase in staffing and costs--all largely undesirable and unnecessary. Also, we urge that careful attention be given to clarifying the inter-relationships of investigations to be conducted by any proposed new agency and those which must continue to be conducted by the Department in the carrying out of its own important safety missions.

Mr. Chairman, first I would like to briefly cite some of the advantages and benefits derived from the current structure after which I will discuss the major problems we have with S. 3245 and the substitute amendment to S. 2401. Because of its relationship to the Department, the NTSB is able presently to effectively utilize the safety expertise of each of the operating administrations in support of its own investigations of air, rail, and highway accidents. This group of experienced and talented DOT people who are working the day-to-day problems of transportation devote part of their time and effort to accident investigation activities which affect their responsibilities. The NTSB has available to it a well organized and technically competent organization of DOT professionals in regional offices throughout the United States that it can call upon to perform services relating to accidents and backing up these field forces are analytical laboratories and specialists and data resource personnel of the Department.

In our opinion, a separate National Transportation Safety Board could not duplicate the expertise and experience of this team of professionals even if it were given unlimited position allowances. Any effort at such duplication would certainly prove very costly and highly inefficient from the standpoint of overall Government.

I emphasize that the important feature of the current DOT/NTSB relationship is the daily working level cooperation and communication that ensues, particularly in the field where most investigations take place. Our daily working relationships, which are based on a joint effort on problems of mutual concern, are, in our opinion, excellent. It is

clearly advantageous to both organizations to maintain these relationships, but we believe that, despite the best intentions of all parties involved, this will be more difficult should the proposed legislation be enacted.

The problem of building up the Board's organization, staff, and resources separate from the extensive Department resources presently utilized by the Board would be further aggravated as a result of the substantially broadened charter proposed for the agency. We question the advisability of both separating the Board from many of its heretofore available resources and concurrently greatly enlarging its scope of responsibilities. Experience shows that to staff up quickly under such circumstances often leads to a serious deterioration of staff quality and competence.

Our most thoughtful consideration of the numerous and sizeable problems attendant upon the creation of a large organization with duplicative and overlapping functions--costly in terms of talent, manpower, and dollar resources, and because of overlapping jurisdictions likely to occasion confusion in both Government and industry, leads us to conclude that it would be unwise to create the proposed separate agency. We believe that the existing structure and functioning of the NTSB is effective and efficient, therefore, we oppose enactment of the bills.

Mr. Chairman, the substitute amendment to S. 2401, is quite similar to S. 2401 as originally introduced in the Senate, with one major exception. The bill, as introduced, would have established an Independent National Agency for Transportation Safety with an Administrator as head

of that Agency. The amendment, on the other hand, would preserve the present NTSB structure, while making it separate from any other Federal government organization. However, there are several provisions retained in the amendment which this Department still considers objectionable.

The Department continues to disagree with the implication raised by paragraph 2(a)(2) of the amendment that the NTSB's current relationship with the Department has impaired the Board's ability to carry out its statutory functions. The Department has not interfered with the functioning of the Board, but we have cooperated with their efforts.

As I alluded to previously, section 3(b)(5) of the amendment which provides for staffing of the new Board, would to a large degree duplicate staffing which now exists in the Coast Guard and the operating administrations within the Department. We question the need for duplicate staffs to investigate and report on accidents involving the various transportation modes, particularly since the scope and number of investigations which the new Board will be required to investigate under section 4(a)(1) of the amendment would be quite extensive. In this connection, we would oppose any provisions which would be in derogation of the Coast Guards authority to investigate marine casualties, accidents, and statutory violations to determine whether or not a license or certificate should be revoked or suspended.

We continue to believe that the identification in section 4 of accidents to be investigated by the NTSB is ill-advised. It restricts the Board's ability to determine which accidents warrant investigation.

Some accidents which might meet the criteria of section 4, would not provide the NTSB with any information on which to base safety recommendations--a function we believe should be NTSB's priority. For example, there are approximately 800 recreational boating fatalities each year on waters within Federal jurisdiction. The drowning of a swimmer could be construed as a maritime accident under this section. To equate these accidents with a major maritime collision requiring the attention of the NTSB, which this section does, seems unwise.

With respect to S. 3245, we consider it highly inappropriate to inject any agency such as the NTSB appears intended to be into operational activities such as carrying out state-wide motor vehicle accidents demonstration projects which duplicate the operations of the existing National Highway Traffic Safety Administration within the Department. We also question the value of such demonstration projects, particularly since this approach was attempted by the Highway Safety Bureau, and discontinued in 1968 because it was found that on-going studies are more productive.

Mr. Chairman, the foregoing are the major problems that the Department has with the various legislative proposals under consideration. We will be happy to provide you with further more detailed comments at a later time, if you so desire.

In conclusion, Mr. Chairman, the Department feels the bills are undesirable and unnecessary, and for these reasons we oppose them.

This concludes my prepared statement. I will be pleased to answer any questions you may have.

