

Notation 7975A

Member Deborah A. P. Hersman and Member Kathryn O'Leary Higgins, Dissenting:

The collapse of the Minneapolis I-35W bridge presents a unique confluence of factors that we believe makes it an excellent candidate for a public hearing. The accident involved the sudden collapse of an interstate highway bridge, an accident that potentially has implications in every single state. Our interstate highway system is now 50 years old and, in many locations, is over capacity. Our aging transportation infrastructure has been the topic of many public and Congressional debates in the past few years, and the topic is not likely to move out of the public consciousness any time soon. The fact that our talented investigative team has already uncovered a design discrepancy in this 40-year-old bridge gives us pause to wonder about the safety of thousands of other highway structures of the same era all across our country. A focused public hearing may uncover significant useful information not only for the Board but also for the transportation community as a whole.

The Board is authorized to conduct public hearings, not only to gather information, but also to provide the public a level of transparency, accountability, and reassurance that the Safety Board is conducting a thorough and independent investigation. The I-35W Highway bridge collapse has captured the attention of the public, not just in Minnesota, but across the nation. This accident received national and international press coverage, and visits from the President, the First Lady, the Secretary of Transportation, Congressional leaders, and other VIPs. That attention has only heightened the public's interest in finding out what happened.

We recognize that a political debate is raging in Minnesota about the maintenance this particular bridge received in its 40-year history. Because of this debate and the resulting pressure on some of the parties to the investigation, staff argues that a public hearing may cause these parties to proceed without participation of Board investigative staff who may be pulled away to participate in the public hearing. Staff are concerned that the Safety Board could lose control of the investigation if the completion of the ongoing critical computational modeling activities are delayed. While we understand staff's concerns, we believe they are not well founded. The Safety Board is conducting the only truly independent investigation of this accident. If we do a thorough, conscientious job that includes a public hearing with participation from the parties and that provides answers to the myriad of questions that have been raised, the public will respect and support that effort and the final product.

We do not suggest that political debate should be part of a public hearing by the Board or that we should abandon our significant and central role in the computational modeling activities. However, the very fact that the debate is taking place presents an even more compelling reason to have a public hearing and provide enough transparency to assure the public that our independent investigation transcends local arguments and

politics. Furthermore, a public hearing would mean that the Board defines the parameters of the hearing, and that the Board structures it so that the information presented is balanced and helpful and not merely political. It can also be an opportunity to correct the record on the misinformation that has arisen on this accident.

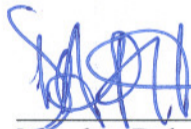
If the Board declines to have a public hearing because of resources or concerns about delaying the ultimate publication of the report, we should ask the Congress for more resources, or scope the hearing so that it focuses not on what we already know, but what we seek to develop. It is clear that the time-consuming work of our investigative team on the "finite element analysis global computer model of the bridge beams" will need to proceed without interruption. While there is great interest in the sequence of events that caused the bridge to collapse, that does not have to be the focus of the hearing. Interest in those questions can be satisfied by providing an update on the status of the modeling work. The public hearing can then focus on other relevant issues, such as the design approval process at the time the bridge was built and its evolution into the process that exists today; national bridge collapse or failure history; inspection criteria and procedures; corrosion standards; records retention requirements; national, state and local oversight; and other areas that could help us learn how to prevent a similar collapse.

In 1967, the year the National Transportation Safety Board was established, the worst bridge collapse accident in the Board's history occurred when the U.S. 35 bridge connecting Point Pleasant, West Virginia, with Kanauga, Ohio, collapsed. Forty-six people died in the accident, nine were injured, and 31 of 37 vehicles on the bridge at the time fell from the bridge. Now, 40 years later, the I-35W Highway bridge collapse in Minneapolis ranks second in terms of number of fatalities (13), first in terms of injuries (approximately 145), and first in terms of vehicles involved (approximately 110). While the decision to hold a public hearing is not necessarily based on the number of lives lost, we note that the staff has recommended that the Board hold hearings on four bridge collapses in which there was no allision, and the numbers of fatalities, injuries and vehicles in each accident were less than those in the I-35W Highway bridge collapse in Minneapolis.¹

The downside of not holding a hearing is significant not only for this accident and for the transportation community, but also for the Board. We believe we would be abandoning our important duty to educate and reassure the traveling public of an independent, transparent, credible investigation after a tragic accident of national scope. And, after our decision not to hold a public hearing on the Comair flight 5191 accident in Lexington, Kentucky – for which the Board was roundly criticized – we believe our reputation for independence and transparency would suffer further.

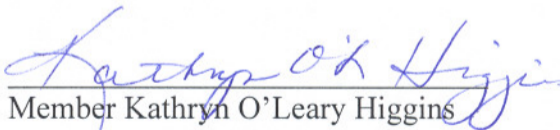
¹ I-95 Greenwich, Connecticut in 1983 (3 fatalities; 3 serious injuries; 2 tractor-semi-trailers and 2 automobiles in the water); U.S. 43 near Mobile, Alabama in 1985 (no fatalities; 1 minor injury; one vehicle in the water); I-90 near Amsterdam, New York in 1987 (10 fatalities; 4 passenger cars and 1 tractor-semi-trailer in the water); U.S. 51 near Covington, Tennessee in 1989 (8 fatalities; 4 passenger cars and 1 tractor-semi-trailer in the water).

This is one of the rare accident investigations the Board has undertaken that has involved the total collapse of a major interstate highway bridge. Given the number of interstate bridges that exist in this country, the age of those bridges, and the use of those bridges, there is a significant need to explore whether this accident is likely to remain rare in the future.



Member Deborah A. P. Hersman

Date: March 3, 2008



Member Kathryn O'Leary Higgins

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