

Notation 7975A, Vice Chairman Sumwalt, Concurring:

“The NTSB’s reputation as an honest broker is an important reason why State and Local governments, Federal agencies, and even foreign countries welcome and encourage the NTSB to lead important accident investigations.”

- *National Transportation Safety Board Strategic Plan, Fiscal years 2007 through 2012.*

I have given great consideration as to whether the Safety Board should hold a public hearing on this accident. I held numerous discussions with my colleagues on the Board and staff to learn the differing perspectives. There are compelling arguments on both sides of the issue.

The mission of the Safety Board is to promote transportation safety by maintaining congressionally mandated independence and objectivity, by conducting objective, precise accident investigations and by issuing meaningful and prompt safety recommendations aimed at preventing future accidents.<sup>1</sup>

Conducting a public hearing is one tool available to assist the Board in completing this mission. In staff’s professional opinion, however, a public hearing for *this* accident is *not* the appropriate investigative tool because it would not yield the type of information critical to completing the investigation, and would be counterproductive to the timely investigative process. Time is of the essence.

I understand, appreciate, and fully support the notion that our investigations are to be conducted in a transparent manner, and I strongly believe it is critical that we allow the public to see inside of our investigative process. A public hearing is one way, but by no means the only way, of exercising a show of accountability and transparency. As with all Safety Board investigations, transparency for this accident will be achieved by several methods, including opening of the public docket, utilization of the party system, frequent public updates regarding the investigative process, and finally, through the Board’s sunshine meeting. In accordance with the 1976 Government in the Sunshine Act, Safety Board meetings are conducted after being announced in the *Federal Register*, are open to the public and are webcast. The public will be able to see and hear firsthand the Board’s actual deliberations. In short, transparency *will be* assured.

I understand that if we do not hold a public hearing staff plans to proceed with multi-faceted approach to address the public, Members of Congress, and family members of the victims of this tragedy.

Attempting to provide transparency through the process of a public hearing should not come at the expense of our primary mandate - to investigate – when, as in this case, there are suitable alternates for providing transparency and increasing public confidence.

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<sup>1</sup> *National Transportation Safety Board Strategic Plan, Fiscal years 2007 through 2012.* February 9, 2007.

I realize there may be considerable implications resting on this decision that could affect the board's credibility. I firmly believe it is imperative that we maintain integrity throughout each investigation, and that doing so is the *most* critical factor to ensuring the Board's credibility. Our first responsibility is to the traveling public by conducting timely, honest, competent, thorough and unbiased investigations. I therefore concur with staff's recommendation not to hold a Public Hearing for this accident.

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Robert L. Sumwalt, III