

United States Senate

WASHINGTON, DC 20510

January 31, 2019

The Honorable Robert L. Sumwalt
Chairman
National Transportation Safety Board
490 L'Enfant Plaza, Southwest
Washington, D.C. 20024

Dear Chairman Sumwalt:

We are deeply concerned that the National Transportation Safety Board (NTSB) was unable to investigate and make recommendations on nearly two dozen significant accidents that occurred during the recent lapse in appropriations. We write seeking more information on how the recent government shutdown affected the NTSB and to better understand how Congress can assist the NTSB in making sure any investigations delayed or suspended during the shutdown will not fall through the cracks now that the federal government is fully funded.

As you know, the NTSB is a critical, independent agency that is charged by Congress with investigating significant accidents in all modes of transportation – aviation, railroad, highway, marine, and pipeline.

On January 3, 2019, it was reported that a multi-vehicle highway crash in northern Florida killed five children, two adults, and injured nine others who were on their way to Disney World.¹ In addition, 50 gallons of diesel fuel spilled onto the highway creating both an environmental and safety hazard. Sadly, this was just one of almost two dozen incidents that was not investigated by the NTSB during the lapse in funding. *The Washington Post* has reported that the NTSB was unable to send investigators to fatal small-plane crashes in Georgia, Florida, South Dakota, Tennessee, and California; two fatal rail crashes in New York; and an incident in which a school bus collided with a tractor-trailer, injuring 15.² Under normal circumstances, we are confident that the NTSB would have taken swift and immediate action to investigate these tragic crashes. However, due to the lapse in government funding and a significant number of furloughed employees, we understand investigations into accidents like this one were suspended or delayed.

Additionally, reports indicate that the NTSB stopped work on nearly 2,000 ongoing investigations, 63 medical cases, and 451 cases in the Vehicle Records Division during the partial government shutdown.³ These include current investigations into incidents such as a

¹ Chokshi, Niraj, Jacobs, Julia, and Zaveri, Mihir. "5 Children Headed to Disney World Were Among 7 Killed in Florida Crash." *The New York Times*, The New York Times Company, 3 Jan. 2019, <https://www.nytimes.com/2019/01/03/us/gainesville-fl-accident-i75.html>.

² Halsey, Ashley. "Shutdown Means NTSB Has to Prioritize Its Investigations - and Some Won't Get Done." *The Washington Post*, The Washington Post Company, 9 Jan. 2019, https://www.washingtonpost.com/local/trafficandcommuting/with-the-government-shut-down-ntsb-has-to-prioritize-its-investigations/2019/01/09/ddb0f43c-1392-11e9-90a8-136fa44b80ba_story.html?utm_term=.2860f91e6c04.

³ Snyder, Tanya. "NTSB: Shutdown may mean no probable cause for some accidents." *PoliticoPro*, Politico LLC, 28 Jan. 2019, <https://subscriber.politicopro.com/transportation/whiteboard/2019/01/ntsb-shutdown-may-mean-no-probable-cause-for-some-accidents-2576074>.

natural gas pipeline disaster that killed one, injured dozens, and displaced thousands in Lawrence, Andover, and North Andover, Massachusetts. Further, investigations into a fatal Southwest Airlines engine failure and the death of an Arizona pedestrian struck by a self-driving Uber have also been paused.⁴

The agency's investigations provide vital recommendations for safety improvements to prevent future accidents and save lives. Any delay in the NTSB's work jeopardizes the safety and security of our nation's transportation network and the traveling public. The NTSB has already reported that because it was unable to launch investigators due to the partial shutdown, "it is possible that perishable evidence may have been lost, which potentially could prevent determination of probable cause."⁵

To help us understand the impacts of the recent shutdown at NTSB, and to identify how Congress can make sure you have the support you need to resume your important mission now that funding is restored, we respectfully request that you provide the following information:

1. Please confirm the exact number of incidents in which perishable evidence may have been lost during the lapse in federal funding.
2. Please explain how the agency plans to address the growing backlog of investigations, and whether or not the agency plans carry out these investigations, now that the government has reopened.
3. Please explain the rationale in not deeming more NTSB employees essential to collect and preserve evidence from incidences that occurred during the recent government shutdown.
4. Please provide details regarding other operations at the agency that were affected by the partial government shutdown, including making recommendations on completed investigations.

We appreciate your prompt attention to this matter.

Sincerely,


RICHARD BLUMENTHAL
United States Senate


EDWARD J. MARKEY
United States Senate

⁴ Gurciullo, Brianna. "Fatal crashes go unchecked during shutdown." Politico, Politico LLC, 24 Jan. 2019, <https://www.politico.com/story/2019/01/24/national-transportation-safety-board-shutdown-furloughs-1115326>.

⁵ National Transportation Safety Board, Office of Public Affairs. "NTSB Resumes Normal Operations." The National Transportation Safety Board, 28 Jan. 2019, <https://ntsb.gov/news/press-releases/Pages/mr20190128.aspx>.