



A bold voice for transportation workers

August 24, 2012

Mr. David Tochen
General Counsel
Office of the General Counsel
National Transportation Safety Board
490 L'Enfant Plaza
Washington, D.C. 20594

**RE: Plan for Retrospective Analysis of Existing Rules
National Transportation Safety Board
Docket No. NTSB-GC-2012-001**

Dear Mr. Tochen,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am writing to offer comments on the National Transportation Safety Board's (NTSB or Board) plan to review 49 CFR Part 831 – Accident/Incident Investigation Procedures, and to offer our full support of the Board's current party process. TTD consists of 32 affiliated unions that represent workers across all modes of transportation.¹ A number of our affiliates and their members have participated in the Board's party process and all TTD unions have a vested interest in maintaining and enhancing the Board's mission of understanding the causes of transportation accidents and incidents and ensuring that these deficiencies are corrected.

There should be no debate that the NTSB's party process has been a tremendous success in helping the Board identify the causes of an accident and enhancing safety in all sectors of transportation. Current Section 831.11 of the Board's regulations is specifically targeted to permit the investigator-in-charge of an accident to confer party status only on those "persons, government agencies, companies, and associations whose employees, functions, activities, or products were involved in the accident or incident and who can provide suitable qualified technical personnel ... to assist in the investigation." As the Board has correctly noted, the agency investigates approximately 2,500 accident and incidents a year and with a limited staff, the party process is one way the Board has successfully leveraged its resources to meet its broad and complex responsibilities.

¹ Attached is a list of TTD's affiliated unions.

Transportation Trades Department, AFL-CIO

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Edward Wytkind, President / Larry I. Willis, Secretary-Treasurer

We know that front-line workers and their unions often provide a perspective and expertise that would otherwise not be present in an investigation. Employees understand the unique and real-world challenges of their workplace and can help NTSB investigators view the accident in the most accurate context, taking all variables into consideration. The fact is that as a result of their direct daily involvement with the equipment, functions, and events similar to that which were involved in the accident, transportation workers can offer expertise at a highly detailed level that the Board would be hard-pressed to replicate.

The party process also enhances the ability of equipment manufacturers and service providers whose products were involved in an accident to have direct access to information produced during an investigation. This in turn allows corrective actions to be taken more quickly and in line with the immediate lesson learned from an investigation.

We respect the Board's decision to comply with Executive Orders 13563 and 13579 by creating a plan to review 49 CFR Part 831 within the next several months and biennially thereafter. As NTSB prepares for the initial evaluation, we encourage the Board to maintain Part 831 as it currently operates and to ensure that the party process remains an integral part of the accident/incident investigations as it is today.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a stylized, cursive flourish extending to the right.

Edward Wytkind
President

TTD MEMBER UNIONS

The following labor organizations are members of and represented by the TTD:

Air Line Pilots Association (ALPA)
Amalgamated Transit Union (ATU)
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers (AFT)
Association of Flight Attendants-CWA (AFA-CWA)
American Train Dispatchers Association (ATDA)
Brotherhood of Railroad Signalmen (BRS)
Communications Workers of America (CWA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAM)
International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers (IBB)
International Brotherhood of Electrical Workers (IBEW)
International Federation of Professional and Technical Engineers (IFPTE)
International Longshoremen's Association (ILA)
International Longshore and Warehouse Union (ILWU)
International Organization of Masters, Mates & Pilots, ILA (MM&P)
International Union of Operating Engineers (IUOE)
Laborers' International Union of North America (LIUNA)
Marine Engineers' Beneficial Association (MEBA)
National Air Traffic Controllers Association (NATCA)
National Association of Letter Carriers (NALC)
National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)
National Federation of Public and Private Employees (NFOPAPE)
Office and Professional Employees International Union (OPEIU)
Professional Aviation Safety Specialists (PASS)
Sailors' Union of the Pacific (SUP)
Sheet Metal Workers International Association (SMWIA)
Transportation · Communications International Union (TCU)
Transport Workers Union of America (TWU)
United Mine Workers of America (UMWA)
*United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,
Allied Industrial and Service Workers International Union (USW)*
United Transportation Union (UTU)