Congress of the United States
Washington, DC 20515

October 25, 2011

The Honorable Deborah A.P. Hersman
Chairman
National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594

Dear Chairman Hersman:

We write to express our strong concern regarding recently released correspondence between Colgan Air senior safety officials that questioned the ability of the Captain of Continental Connection Flight 3407 to operate the Bombardier Dash 8-Q400, the model of the plane that crashed February 12, 2009 in Clarence Center, New York.

This is especially troubling in light of your agency's laudable investigation, which determined pilot error to be a key cause of the Flight 3407 crash. Your public hearing held in May 2009 and the final report issued in February 2010 provided numerous critical safety recommendations that ultimately served as the framework for P.L. 111-216, 'The Airline Safety and Federal Aviation Administration Act of 2010'. Your efforts served to highlight important issues such as pilot training and fatigue, the use of safety management systems such as FOQA and ASAP by regional airlines, and the process of screening and selecting pilots for employment.

It is our understanding that this internal Colgan correspondence was not provided to National Transportation Safety Board (NTSB) investigators as part of the pilot-in-command's personnel file during the Flight 3407 investigation. While we understand that the safety board investigates thousands of accidents and incidents per year with limited resources, and commend NTSB for completing the investigation on this watershed accident in such a timely and thorough manner, we are concerned that all relevant documentation should have been provided to the NTSB by the designated parties at the time of the investigation.

To that end, we would like to request that you explain the "party" system the NTSB uses to investigate crashes generally, how the Colgan investigation could have benefitted from these emails, whether they would have led to NTSB providing additional safety recommendations regarding the screening and selection of pilots for upgrade, and what NTSB's mode of recourse is if a party doesn't disclose pertinent information during the investigation.

Thank you again for the important work that you do to improve transportation safety and for your consideration of this request.

Sincerely,

Brian Higgins
Member of Congress

Louise M. Slaughter
Member of Congress

Kathleen C. Hochul
Member of Congress

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