



U.S. Department of
Transportation

Office of the Secretary
of Transportation

ORDER

DOT 2000.1D

4-22-94

Subject: DEPARTMENT OF TRANSPORTATION PROCEDURES FOR HANDLING
NATIONAL TRANSPORTATION SAFETY BOARD RECOMMENDATIONS

1. PURPOSE. To establish uniform procedures within the Department of Transportation (DOT) for acting upon and responding to recommendations made by the National Transportation Safety Board (NTSB) and for periodically reviewing the relationships between NTSB and the Department.
2. CANCELLATION. DOT 2000.1C, Department of Transportation Procedures for Handling National Transportation Safety Board Recommendations, dated 6-13-88.
3. BACKGROUND.
 - a. Title III of the Transportation Safety Act of 1974 and the Independent Safety Board Act of 1974 vest authority in the NTSB to: investigate transportation accidents; determine the probable cause of accidents; make recommendations to the Secretary or Heads of Operating Administrations for preventing and investigating accidents, or for otherwise promoting safety; and request assistance in its accident investigation functions from Heads of Operating Administrations.
 - b. In addition to any authority derived from NTSB, the Department has authority to investigate or participate in the investigation of transportation accidents.
 - c. To effectively promote transportation safety, the Secretary must assure that relationships are established and maintained between NTSB and the operating administrations (OAs) and that prompt and full consideration is given to every NTSB recommendation.
4. POLICY.
 - a. All NTSB recommendations will receive prompt attention. Replies by OAs will be prepared on a priority basis.
 - b. Periodic assessments will be made of the status of NTSB recommendations to assure complete consideration.
 - c. All NTSB recommendations will be responded to in writing not later than 90 days after receipt. (Code of Federal Regulations, Title 49, §1906(a)).

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- d. All replies will be coordinated fully with each affected OA before any action is taken or substantive reply made to NTSB.
- e. All actions proposed in response to NTSB will be pursued expeditiously.

5. RESPONSIBILITIES.

- a. The Assistant Secretary for Transportation Policy will monitor compliance with this Order by working with the OAs and NTSB to ensure that procedures for handling NTSB recommendations are properly met.
- b. The OAs will:
 - (1) meet with designated representatives of NTSB to resolve pending recommendations;
 - (2) evaluate and respond to NTSB recommendations as described in paragraph 6 of this Order;
 - (3) report annually to the Office of the Assistant Secretary for Transportation Policy on the status of responses to NTSB recommendations;
 - (4) report to the Secretary, with a copy to the Assistant Secretary for Transportation Policy, any current or potential issues of serious disagreement between the OA involved and NTSB in order that the Secretary is aware of problem areas and that the Office of the Secretary may assist in resolving such issues;
 - (5) designate an NTSB liaison officer to ensure that responsibilities prescribed in this Order are carried out. The Assistant Secretary for Transportation Policy will be informed of the name(s) and telephone number(s) of all NTSB liaison officers within 90 days of the date of this Order; and
 - (6) perform periodic reviews of status changes to safety recommendations and notify NTSB, either directly or through the Assistant Secretary for Transportation Policy, when errors are detected concerning the status of safety recommendations.

6. PROCEDURES FOR HANDLING NTSB RECOMMENDATIONS.

- a. Upon receipt of a recommendation transmitted by the Chairman of NTSB to the Secretary or the head of an OA, the addressee or his/her designee shall, within 90 days,

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transmit a substantive reply to NTSB covering the merits of the recommendation. If the action has already been completed, a full description of that action is to be provided to NTSB. In all other cases where action on the recommendation is incomplete, the reply to NTSB will indicate intention to either:

- (1) initiate and conduct procedures for adopting the recommendation in full, with a proposed timetable;
 - (2) initiate and conduct procedures for adopting the recommendation in part, or for adopting alternative actions which would achieve in whole or in part the objective of the NTSB recommendation. Such response shall explain the reasons for such a decision and a timetable for implementation; and
 - (3) decline to initiate or conduct procedures for adopting the recommendation. The response shall explain the reasons for such declination.
- b. As a general rule, an OA will not respond to an NTSB recommendation unless it has been specifically addressed to the OA. In the event that NTSB addresses a recommendation to one OA which involves more directly the functions and responsibilities of another OA, the addressee of the recommendation will transfer action to the appropriate OA having consulted with and received the concurrence of that OA in advance of the transfer. The transfer will be made in written form with a copy to NTSB.
- c. In cases where a single NTSB recommendation is jointly addressed to two or more OAs, all addressees will consult to determine which OA will be responsible for preparing correspondence to NTSB and for assuming primary responsibility for monitoring the recommendation until it is judged to be completed. The responsible OA will formally notify NTSB in writing as to the designation of primary responsibility and provide copies to all OAs concerned.
- d. An OA will not respond to any recommendation which has not been formally addressed or assigned in accordance with the above.
- e. A copy of all correspondence between an OA and NTSB will be furnished to the Assistant Secretary for Transportation Policy.

7. REPORTING REQUIREMENTS.

- a. Annual Report. The heads of OAs will report to the Secretary on or before March 15 of each year on activities for the preceding calendar year. These reports will be the basis for:
 - (1) assessing the effectiveness of the statutory scheme for dealing with accident investigations;
 - (2) identifying any problem areas existing in the relationships between NTSB and the Department; and
 - (3) recommending any necessary changes in procedures, relationships, or legal authorities.
- b. Recommendation Status Reports. The Assistant Secretary for Transportation Policy will maintain records of the status of all recommendations addressed to the Department.
- c. Other Reports. The Assistant Secretary for Transportation Policy may also request special reports such as:
 - (1) reports which respond to actual or anticipated congressional inquiries;
 - (2) reports on "closed" recommendations where there is controversy between NTSB and DOT or other basis for reevaluating the status of such recommendations; and
 - (3) reports on the status of actions proposed or in progress, to adopt and implement one or more NTSB recommendations.

8. OTHER COMMUNICATIONS. It is the intent of this Order to establish only the minimum requirements for formal communication within the Department and between the Department and NTSB on certain matters affecting transportation safety. Achieving the common objective of promoting safety will require a cooperative approach founded on a frank and continuing exchange of information and viewpoints far beyond these minimum requirements.

FOR THE SECRETARY OF TRANSPORTATION:



Paul Weiss
For the Assistant Secretary
for Administration