

**National Transportation Safety Board
Generic Approval of NTSB Witness and Passenger Questionnaires**

A. JUSTIFICATION

1. Circumstances that make the collection of information necessary.

The National Transportation Safety Board (NTSB) is required to investigate transportation events, such as accidents, allisions, casualties, collisions, crashes, derailments, explosions, incidents, mishaps, releases, ruptures, and other similar occurrences, in order to determine their probable cause and make safety recommendations to prevent such events from occurring in the future. Title 49 United States Code (U.S.C.) § 1131 and 49 Code of Federal Regulations (C.F.R) § 831.2 describe this authority. Congress has also specifically directed the NTSB to classify accident and safety data, and publish such data on a periodic basis. 49 U.S.C. § 1119.

In order to fulfill these statutory obligations, the NTSB must obtain information from witnesses and, in some cases, passengers of transportation events, in furtherance of its investigations. The NTSB's need to obtain information immediately following a transportation event it is investigating under 49 U.S.C. § 1131 is critical. When numerous witnesses observe a transportation event, the most effective and timely manner in which the NTSB can obtain first-hand observations is via distributing questionnaires to all witnesses the NTSB can locate. Information the NTSB obtains from witnesses and passengers assists the NTSB in determining the appropriate courses of action as the investigation proceeds, and aids in the development of the NTSB's reports, as the NTSB's enabling statute requires. See 49 U.S.C. § 1131(e). Furthermore, the information the NTSB will gather from witness and passenger questionnaires will assist the NTSB in making safety recommendations and facilitating safety improvements in transportation.

2. How, by whom, how frequently, and for what purpose the information will be used. 1

The NTSB will obtain completed questionnaires from witnesses and/or passengers who have first-hand knowledge and observations of the transportation event under investigation. Depending on the circumstances, such transmission may occur via hand delivery, electronic mail, facsimile transmission, postal mail, or express mail, or a combination of methods. Respondents will be provided instructions concerning how to return questionnaires to the NTSB investigator who distributed them. Whenever possible, the NTSB will encourage submissions via email. In other cases, the NTSB may need to distribute blank questionnaires to witnesses and/or passengers and ask for the return of completed questionnaires via hand delivery at the site of the occurrence.

In its 2012 Annual Report to Congress, the NTSB stated it launched on eight major accidents and 252 regional or "field" accidents. While the frequency of transportation events is obviously unpredictable, the NTSB estimates it would distribute questionnaires to witnesses and/or passengers in up to half of such investigations, for a total of approximately 130 events per year. Of these investigations, the NTSB may request information on the questionnaire from approximately 10 passengers and/or witnesses, to reach a total of 1,300 individuals who may receive a questionnaire. The frequency at which the NTSB distributes questionnaires is solely dependent upon how frequently transportation events occur.

The NTSB's Offices of Aviation Safety, Highway Safety, Railroad, Pipeline and

Hazardous Materials Investigations, and Marine Safety will use the feedback received on the questionnaires in furtherance of the investigations. Information witnesses and/or passengers can offer, such as descriptions of the sights, sounds, and even odors during or immediately following a transportation event, can be critical to the NTSB's investigation. Once an investigator has this information, he or she can work with party participants to direct the course of the investigation and ultimately assist the Board with reaching a determination of the probable cause of the event. The NTSB must timely distribute the questionnaires because witnesses' memories can fade over time, and because the NTSB's on-scene work at an investigation must proceed under the direction of the investigator, who must quickly obtain as much information as possible in order to ensure the NTSB's fact-gathering is sufficient. Given the unpredictable nature of transportation events and the NTSB's need to obtain the information as soon as possible following such events, this information collection request is appropriate for a generic clearance.

3. Use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

To the greatest extent possible, the NTSB will transmit questionnaires to witnesses and/or passengers via electronic mail, and request completed questionnaires be returned via electronic mail. Respondents may scan completed questionnaires and return them to the NTSB via electronic mail. In the alternative, respondents may receive questionnaires via electronic mail, but elect to transmit them to the NTSB via facsimile, postal mail, or hand delivery. The NTSB may create an electronic system on its webpage that provides the agency with the ability to verify whether the respondent was a passenger or a witness to the event. If the NTSB is able to create such a system, the agency may elect to request respondents log in and complete an electronic, web-based questionnaire. While such a system is not available at present, the NTSB nevertheless notes this idea, in case it creates and utilizes such a system in the future.

4. Duplication.

The NTSB is the only Federal agency charged with investigating civil aircraft accidents and incidents, and has priority over all other Federal agencies in this role. 49 U.S.C. § 1131(a) (2)(A) and 49 C.F.R. § 831.5. Therefore, in aviation investigations, the NTSB will be the only agency distributing the questionnaires for completion. Regarding other transportation modes, the NTSB works jointly with the United States Coast Guard concerning investigation of certain types of marine events; likewise, the NTSB works with state and local governments in completing highway safety investigations. While such work is conducted jointly, the NTSB maintains a comprehensive awareness of the state of each investigation, and what information is collected in furtherance of the investigation. The NTSB's practice is to ensure no other organization distributes information collection mechanisms unless such distribution occurs at the request of the NTSB. The NTSB's priority over aircraft accident investigations, as well as its collaborative model of working with other entities in other types of investigations, ensures no duplicative collections of information from witnesses and/or passengers will occur. As a result, the questionnaire the NTSB will distribute is not duplicative of any other information collection.

5. Small businesses or other small entities.

The NTSB will distribute the form to individuals who personally observed, as either a witness or a passenger, a transportation event. The NTSB does not anticipate its solicitation of feedback via the form will create a significant burden for any small business or entity, because the questionnaires will take no more than approximately 30 minutes to complete; beyond completion of the form, the NTSB will not require any recordkeeping or other similar activities.

6. Consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

The NTSB's Offices of Aviation Safety, Highway Safety, Railroad, Pipeline and Hazardous Materials Investigations, and Marine Safety need to obtain information from witnesses and/or passengers in order to ascertain the circumstances of transportation events and proceed with their investigation. The NTSB would not be able to fulfill its statutory mandate codified at 49 U.S.C. §§ 1131 and 1132(a) if it was unable to obtain such information.

7. Special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

As explained above, the NTSB is requesting generic approval for its questionnaires of witnesses and/or passengers. Other than the request for *generic* approval, no special circumstances exist. The collection of information will be conducted in a manner consistent with the guidelines in 5 C.F.R. § 1320(5)(d)(2).

8. Federal Register publication.

The NTSB published two notices in the Federal Register concerning this collection of information. See 78 Fed. Reg. 57666 (Sept. 19, 2013) and 79 Fed. Reg. 9285 (Feb. 18, 2014). The NTSB did not receive any comments concerning the proposed plan for generic information collection.

9. Gifts or payments to respondents.

The NTSB will not provide any gifts or payments to respondents for completion of the form.

10. Assurance of confidentiality.

The NTSB will not provide any assurance of confidentiality to respondents concerning the completed questionnaires. The NTSB may place completed questionnaires in the public docket for each respective NTSB investigation,¹ as the NTSB's statute requires disclosure of records related to each investigation. 49 U.S.C. § 1131(e). Before placing completed questionnaires in the public dockets, however, the NTSB removes names and other personally identifiable information from each questionnaire. Each questionnaire the NTSB distributes will explain this practice in the "Instructions" section.

¹ An NTSB "public docket" for an accident investigation is "a collection of records from an accident investigation that the investigator who oversaw the investigation of that accident has deemed pertinent to determining the probable cause of the accident." 49 C.F.R. § 801.3.

11. Additional justification for questions of a sensitive nature.

In general, the questionnaires will not solicit information of a sensitive nature. However, in some cases, the questionnaires may contain inquiries regarding each respondent's gender, age, height, and weight. Such information, if requested, would be relevant to the NTSB's investigation of the survival factors the NTSB will consider, because a person's overall size, age, or gender may be relevant to the person's ability to assist with evacuation, assistance to the crew, and the like. Consistent with the NTSB's objective in gathering the information it requests on the questionnaire, the NTSB will use this information purely for informational purposes and determine whether the information can assist the NTSB in improving transportation safety. Each questionnaire will clearly state all responses are voluntary, and if any respondent does not feel comfortable answering a question, he or she may opt to leave it blank.

12. Estimate in hours of the burden of the collection of information.

- The NTSB may request, at most, responses from approximately 1,300 witnesses and/or passengers per year.
- Completion of the form is voluntary. The NTSB anticipates receiving approximately 50 percent of questionnaires completed.
- The NTSB estimates completion of the form will take approximately 30 minutes or less.
- Based on the estimate of approximately 1,300 witnesses and/or passengers per year who may receive a questionnaire, fifty percent of whom may return the questionnaire, the NTSB estimates the sum of annual reporting burden hours to be 325 per year, at most.

13. Estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

Completion of the form does not require any record keeping, capital, start-up, or maintenance costs. Instead, completion of the form only requires approximately 30 minutes of each respondent's time, as described above.

14. Estimates of annualized cost to the Federal government.

The NTSB incurs costs in transmitting and collecting the questionnaires, as well as costs in handling and analyzing the information after the NTSB receives completed questionnaires. In transmitting the questionnaire to respondents, the NTSB opts to utilize electronic mail as much as possible, but the NTSB may, in many cases, hand deliver the questionnaire at the site of the transportation event, or at the site of investigative briefings. The NTSB estimates the total cost of investigators' initial intake of the form will be \$52,754.00 per year. This total is based on an average estimate of 1,300 forms per year, with each investigator expending one hour per form at an hourly rate \$40.58. In estimating one hour per form, the NTSB has considered investigators' time in all of the following duties: identifying the respondent's contact information and location; notifying the respondent and explaining the purpose of the questionnaire; delivering or transmitting the questionnaire to the respondent; and receiving the completed questionnaire and filing or sharing it with the appropriate participants in the investigation.

Second, staff from the NTSB Offices of Aviation Safety, Highway Safety, Railroad, Pipeline and Hazardous Materials Investigations, or Marine Safety who handles the questionnaire after receiving it will then spend approximately 30 minutes per questionnaire during the course of an investigation; based on investigators' average salaries, the NTSB estimates this cost for time will total \$20.29 per questionnaire. Based on the estimate of receipt of 650 questionnaires per year, the cost of investigators' review of the forms will total approximately \$13,188.50 per year. In reaching the estimate of 30 minutes per investigation, the NTSB has considered the following duties of investigators: reviewing the questionnaire; verifying, correcting, and collecting any missing data; scanning, redacting, and loading the form to file it electronically; and analyzing the data by determining how safety improvements could be made to prevent future events or mitigate the effects of such events.

In sum, the NTSB's estimate for the complete annualized cost to the Federal government totals \$65,942.50.

15. Program changes or adjustments.

No changes or adjustments will occur to any programs.

16. Plans for tabulation and publication of responses.

Information and data the NTSB obtains in responses to the questionnaires may indicate safety trends or point to the need for further analysis. If the NTSB receives information in questionnaires that indicates a trend or similarity, the NTSB may discuss this data, and reference percentages or categories of the responses, indicating similarities concerning the transportation event for which it received the questionnaires. Such identification of trends may result in safety studies, pursuant to 49 U.S.C. § 1116. The results of safety studies often culminate in safety recommendations, which Congress has directed the NTSB to make, and to which the Department of Transportation is obligated to respond, in furtherance of the NTSB's objective of improving transportation safety. 49 U.S.C. § 1135.

As described above, the NTSB may choose to release completed questionnaires in its public dockets for each respective investigation. The NTSB removes the names and other personally identifiable information from the questionnaires before posting them in public dockets.

17. Display of expiration date.

For this generic collection, on each questionnaire, the NTSB will display the expiration date of OMB approval. The NTSB does not request approval to refrain from displaying the expiration date of OMB approval for the questionnaires.

18. Exception to certification statement in Form 83-I.

The NTSB does not request any exception to the certification statement contained in Item 19 of OMB Form 83-I.