



U.S. House of Representatives
Committee on Transportation and Infrastructure
Washington, DC 20515

James L. Oberstar
Chairman

John L. Mica
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David Heymsfeld, Chief of Staff
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March 19, 2008

James W. Coon II, Republican Chief of Staff

The Honorable Mark V. Rosenker
Chairman
National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594

Dear Mr. Chairman:

I appreciate your phone call yesterday, to notify me of the Board's decision that it will not hold a public hearing to review the evidence on the causes of the collapse of the I-35W Bridge last summer. As I told you yesterday, and as I will reiterate in this letter, I strongly disagree with the decision that a hearing will not be held. In addition, I am highly concerned that you did not tell me that the Board's decision was not unanimous, and that two of the five Board Members issued dissenting views, forcefully supporting the need for a public hearing.

In our conversation, you stated that a report of the Board's staff, which you could not share with me, recommended against a hearing because it would not produce new information and would delay publication of the final report on the I-35W bridge collapse beyond December of this year. You did not share with me the concerns of the Board's staff that there has been a "political" debate in Minnesota about the causes of, and the responsibility for, the accident. This information I learned from Minnesota news reporters who gleaned it from Board Members' dissent. This is unacceptable; you should have been fully candid with me.

For the NTSB staff to characterize concerns as political and for you to concur in that view makes you appear to dismiss citizens' concerns as not worthy of serious consideration. This approach by a federal agency is very disturbing. If the Board and its staff disagree with the opinions of those most affected by the tragedy, the responsible approach is to hold a public hearing to fully consider the evidence in the Board's possession. A hearing can educate local citizens that the Board's investigation will be professional, thorough, and fair. As the Board's dissenting Members said, "If [the Board] do[es] a thorough and conscientious job that includes a public hearing with participation from the parties and that provides answers to the myriad of questions that have been raised, the public will respect and support that effort and the final product."

The Honorable Mark V. Rosenker

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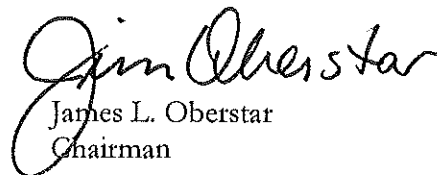
On the other hand, a hearing may demonstrate to the Board that other theories should be considered.

Beyond the concerns of local residents, a hearing will help educate the entire country about the safety of bridges, and the adequacy of regulatory programs designed to ensure that bridges continue to be safe. As I said in our telephone conversation, this is the first major bridge collapse in many years, and it has raised national concerns about bridge safety, particularly of bridges of the same class as I-35W. The public would welcome information and discussion of how the design of this bridge was approved; why this bridge failed; whether we need to take steps to prevent other tragedies; whether there have been improvements in bridge design and the design approval process since the 1960s, when the I-35W bridge design was approved; and whether we are now devoting sufficient financial and staff resources to ensure continued bridge safety.

Finally, I hope that in your consideration of my views and those of your dissenting Members, you will bear in mind that one of the main reasons we have a politically appointed Board, and do not rely solely on professional career investigators, is that we expect Board Members to see needs beyond reaching a technically correct decision, such as the need for public participation and education. Hearings can be both a teaching moment and a learning moment for the Board.

I strongly urge you to reconsider your decision and hold a public hearing.

Sincerely,



James L. Oberstar
Chairman