

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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September 5, 2023

The Honorable Pete Buttigieg  
Secretary  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Dear Secretary Buttigieg:

The Committee on Oversight and Accountability is conducting oversight of the Department of Transportation (“the Department”) following a series of aviation and rail safety failures. These failures indicate a recent and disturbing pattern of failures at the Department placing at the safety of Americans at risk. Therefore, we request a briefing, documents, and communications related to the Department’s efforts to investigate and remediate these issues to protect the safety of all Americans.

In the Department of Transportation’s Office of the Inspector General (OIG) Report on the Fiscal Year 2023 Top Management Challenges, the OIG found that “Aviation Safety” and “Surface Transportation Safety” are again the leading management challenges and have been so since at least 2021.<sup>1</sup> Specifically, the OIG notes a need to “address long unresolved [aviation] safety issues.”<sup>2</sup> The OIG also highlighted the need to “overcome[e] oversight challenges to help reduce surface transportation fatalities,” and improve surface transportation infrastructure.<sup>3</sup> Despite the OIG’s consistent warnings, it appears that the Department has not addressed these concerns. Federal Aviation Administration (FAA) data indicate that there were 1,730 runway incursions in all of 2022 while there have already been 1,539 this year as of July 24, 2023.<sup>4</sup> Further, reports suggest that “if the pattern of near misses involving airlines at U.S. airports continues to increase, it will surpass any annual total of these types of incidents in over two decades, per a public FAA database.”<sup>5</sup> In the past year, a series of passenger safety incidents occurring at airports across the country indicate these problems continue to persist:

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<sup>1</sup> U.S. DEPT. OF TRANSPORTATION, OFFICE OF INSPECTOR GENERAL, DOT’S TOP MANAGEMENT CHALLENGES FISCAL YEAR 2023 (2022).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Federal Aviation Admin., *Runway Incursion Totals by Quarter FY2023 vs. FY2022*, FEDERAL AVIATION ADMIN. (Last accessed September 1, 2023). Available at [https://www.faa.gov/airports/runway\\_safety/statistics/year/?fy1=2023&fy2=2022](https://www.faa.gov/airports/runway_safety/statistics/year/?fy1=2023&fy2=2022)

<sup>5</sup> Theara Coleman, *The Strange Rise of Airplane Near Collisions in the U.S.*, THE WEEK (June 7, 2023).

1. September 21, 2022: Departing passenger plane sparks and sheds debris at takeoff forcing an emergency landing at Newark Liberty International Airport.<sup>6</sup>
2. December 18, 2022: Departing passenger plane plunges within 800 feet of the Pacific Ocean after taking off from Kahului Airport in Maui, Hawaii.<sup>7</sup>
3. December 31, 2022: Ground crew ramp agent was killed in an incident involving a plane engine at Montgomery Regional Airport in Alabama.<sup>8</sup>
4. January 13, 2023: Departing passenger plane nearly collides with another passenger plane during takeoff at John F. Kennedy International Airport.<sup>9</sup>
5. February 3, 2023: Taxiing passenger plane collides with another passenger plane parked at Newark Liberty International Airport damaging the winglet of the parked aircraft.<sup>10</sup>
6. February 4, 2023: Landing cargo plane nearly collides with a passenger flight cleared to depart on the same runway at Austin-Bergstrom International Airport.<sup>11</sup>
7. February 22, 2023: Landing passenger plane was forced to abort landing after nearly colliding with another passenger plane cleared for the same runway at Hollywood Burbank Airport.<sup>12</sup>
8. February 27, 2023: Landing commercial plane nearly collides with a smaller passenger plane at Boston Logan International Airport.<sup>13</sup>
9. March 7, 2023: Passenger plane crossed a runway without clearance at Ronald Reagan Washington National Airport nearly colliding with another passenger plane that had just been cleared for takeoff.<sup>14</sup>

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<sup>6</sup> Gregory Wallace and Pete Muntean, *A United Airlines flight made an emergency landing at New Jersey's Newark airport after circling over the Atlantic*, CNN (September 22, 2022).

<sup>7</sup> Marlene Lenthag, *United Airlines plane taking off from Maui plunged to within 800 feet of the Pacific Ocean, flight data shows*, NBC NEWS (February 13, 2023).

<sup>8</sup> Greg Norman, *Alabama airline worker sucked into engine with 'bang,' plane filled with passengers shook violently: NTSB*, FOX BUSINESS (January 24, 2023).

<sup>9</sup> Katherine Donlevy, *Plane on takeoff nearly collides with another at JFK Airport*, NEW YORK POST (January 15, 2023).

<sup>10</sup> Taylor Rains, *Two United aircraft collided at Newark Liberty Airport and now the FAA is investigating*, BUSINESS INSIDER (February 3, 2023).

<sup>11</sup> Christine Chung, *Planes Narrowly Avoid Collision on Austin Airport Runway*, THE NEW YORK TIMES (February 5, 2023).

<sup>12</sup> Faris Tanyos, *Runway scare forces passenger jet to abort landing at Burbank Airport; FAA investigating*, CBS NEWS (February 24, 2023).

<sup>13</sup> Jordan Mendoza, *JetBlue flight, Learjet involved in 'close call' at Boston Logan Airport; FAA investigating*, USA TODAY (February 28, 2023).

<sup>14</sup> Chris Pandolfo, *FAA Investigates Another Close Call, This Time at Reagan National Airport, Ahead of Safety Summit*, FOX BUSINESS (March 15, 2023).

10. April 13, 2023: Passenger plane clipped the wing of another passenger plane at Miami International Airport.<sup>15</sup>
11. May 19, 2023: Two passenger planes were forced to abort landing at San Francisco International Airport after another passenger plane was spotted taxiing across the runways where they were cleared to land.<sup>16</sup>
12. June 14, 2023: Landing passenger plane was forced to abort landing after another plane was discovered on the same runway at Minneapolis-St. Paul International Airport.<sup>17</sup>
13. June 23, 2023: Ground crew member was killed in an incident involving a plane engine at San Antonio International Airport.<sup>18</sup>

In addition to these aviation incidents, there appears to be a similar pattern of safety failures occurring within our nation's rail sector. Since the beginning of 2021, there have been approximately 2,000 rail incidents reported nationwide, including approximately 1,310 derailments and 146 collisions.<sup>19</sup> Several recent major incidents include:

1. November 1, 2022: Freight train containing hazardous materials derails in Ravenna Township, Ohio where cleanup continues months after the incident.<sup>20</sup>
2. February 3, 2023: Freight train derails in East Palestine, Ohio resulting in the release of thousands of gallons of toxic chemicals into the surrounding area.<sup>21</sup>
3. February 16, 2023: Freight train carrying hazardous materials derails in Van Buren Township outside of Detroit, Michigan.<sup>22</sup>
4. February 21, 2023: Freight train carrying coal derails in Gothenburg, Nebraska.<sup>23</sup>

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<sup>15</sup> NBC 6 Miami, *Planes Clip Wings at Miami International Airport*, NBC NEWS 6 MIAMI (April 13, 2023). Available at, <https://www.nbcmiami.com/on-air/as-seen-on/planes-clip-wings-at-miami-international-airport/3014565/>

<sup>16</sup> The Associated Press, *2 Planes Aborted Landings in San Francisco when a Southwest Jet Taxied Across their Runways*, ABC NEWS (May 25, 2023).

<sup>17</sup> Emma Bowman, *The FAA is Investigating the Latest Close-Call After Minneapolis Runway Incident*, NAT'L Public Radio (June 18, 2023).

<sup>18</sup> Kamal Sultan, *Airport Worker is Killed After Being 'Ingested' into the Engine of a Delta Flight Taxiing in San Antonio in the Latest Shocking Aviation Incident in the U.S.*, DAILY MAIL.COM (June 24, 2023).

<sup>19</sup> U.S. DEPT. OF TRANSPORTATION, FEDERAL RAILROAD ADMIN., TRAIN ACCIDENTS BY TYPE, (Last accessed August 24, 2023). Available at <https://railroads.dot.gov/accident-and-incident-reporting/train-accident-reports/train-accidents-type>

<sup>20</sup> Eric Marotta, *Norfolk Southern continuing cleanup from Ravenna Township, Sandusky derailments*, AKRON BEACON JOURNAL (February 19, 2023).

<sup>21</sup> *Timeline: The toxic chemical train derailment in Ohio*, CBS NEWS (February 14, 2023).

<sup>22</sup> Greg Norman, *Train derails outside Detroit, Michigan, with one car carrying hazardous materials*, FOX NEWS (February 16, 2023).

<sup>23</sup> Orlando Mayorquin, *In another train derailment, 31 Union Pacific cars carrying coal derail in Nebraska, company says*, USA TODAY (February 22, 2023).

5. February 28, 2023: Propane tanker, carrying 30,000 gallons of fuel, overturns after a freight train derails in Manatee County, Florida.<sup>24</sup>
6. March 30, 2023: Freight train carrying ethanol and corn syrup derailed and caught fire in Raymond, Minnesota prompting hundreds to temporarily evacuate the town.<sup>25</sup>
7. April 15, 2023: Freight train carrying hazardous materials derailed in Rockwood, Maine.<sup>26</sup>
8. May 31, 2023: Freight train carrying hazardous materials derailed in Lancaster, Minnesota.<sup>27</sup>
9. June 24, 2023: Freight train carrying molten sulfur or asphalt derailed and plunged into the Yellowstone River in Montana.<sup>28</sup>

Despite these incidents, the Office of the Secretary of Transportation (OST) has more than 86 new unresolved recommendations since President Biden took office.<sup>29</sup> According to the OIG, a recommendation is “unresolved” if “agency management disagrees with the recommendation or the OIG disagrees with the agency’s proposed corrective actions.”<sup>30</sup> OMB requires that OIG recommendations be “resolved” within six months.<sup>31</sup> These recommendations include ways to improve “safety, efficiency, and economy” in several DOT programs including aviation and rail safety, which raises serious concerns that had the OST acted on these numerous recommendations, recent failures might have been prevented.<sup>32</sup> It appears from the OIG’s catalogue of long overdue and unresolved recommendations that DOT’s leadership is not prioritizing Americans’ safety on air, land, and sea.

These safety failures have eroded the public’s confidence in air and rail safety and necessitates thorough investigation. Therefore, we request the following documents and communications related to the Department’s efforts to investigate and remediate these serious

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<sup>24</sup> Chantal Da Silva, *Train carrying propane derails miles away from Florida airport*, NBC NEWS (March 1, 2023).

<sup>25</sup> Josh Funk and Trisha Ahmed, *Minnesota Train Derailment, Ethanol Fire Renew Safety Fears*, THE ASSOCIATED PRESS (March 30, 2023).

<sup>26</sup> Andrew Mark Miller, *Train Carrying Hazardous Materials Derails in Rural Maine*, NEW YORK POST (April 15, 2023).

<sup>27</sup> WCCO Staff, *Train Containing Hazardous Materials Derails Near Minnesota-Canada Border*, CBS NEWS MINNESOTA (May 31, 2023).

<sup>28</sup> Eduardo Medina, *Montana Derailment Sends 10 Freight Cars Into the Yellowstone River*, THE NEW YORK TIMES (June 24, 2023).

<sup>29</sup> See “Agency Progress on Recommendations” [under “Recommendation Dashboard Charts”], U.S. DEPARTMENT OF TRANSPORTATION | OFFICE OF INSPECTOR GENERAL. (Last accessed September 1, 2023).

<sup>30</sup> *Supra note 2*.

<sup>31</sup> *Id.*

<sup>32</sup> “Semiannual Report to Congress (April 1, 2022-September 30, 2022),” U.S. DEPARTMENT OF TRANSPORTATION | OFFICE OF INSPECTOR GENERAL, p. 14.

safety issues, covering the time period January 21, 2021 to the present unless otherwise indicated, no later than September 19, 2023:

1. Documentation and data summarizing all aviation and rail events which may have or did result in injury, death, damage, or detrimental financial impact known to the Department;
2. All documents and communications between the Department, the White House, and any other federal agency related to each event listed above or identified in response to request number 1;
3. All internal Department documents and communications related to each event listed above or identified in response to request number 1;
4. Department plans and operating procedures to prevent future aviation and surface transportation safety events;
5. All findings related to each event which may have or did result in injury, death, damage, or detrimental financial impact; and
6. All documents and communications related to resolving open recommendations provided to the Department by the Office of Inspector General.

Additionally, the Committee requests a staff-level briefing as soon as possible, but not later than September 19, 2023.

To schedule the briefing, or to ask any related follow-up questions, please contact the Committee on Oversight and Accountability Majority staff at 202-225-5074. Attached are instructions for producing the documents and information to the Committee. The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate, “any matter” at “any time” under House Rule X. Thank you for your attention to this important matter.

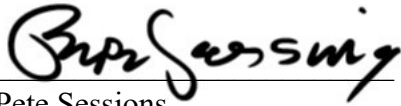
Sincerely,



James Comer  
Chairman  
Committee on Oversight and Accountability



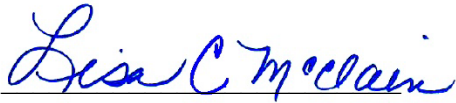
Glenn Grothman  
Chairman  
Subcommittee on National Security,  
the Border, and Foreign Affairs



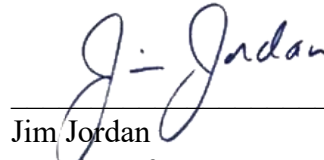
Pete Sessions  
Chairman  
Subcommittee on Government Operations  
and the Federal Workforce



Nancy Mace  
Chairwoman  
Subcommittee on Cybersecurity,  
Information Technology, and  
Government Innovation



Lisa McClain  
Chairwoman  
Subcommittee on Health Care and  
Financial Services



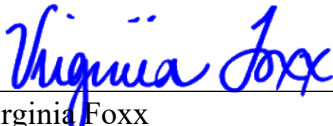
Jim Jordan  
Member of Congress



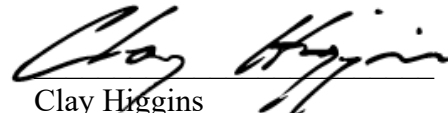
Michael R. Turner  
Member of Congress



Paul A. Gosar, D.D.S.  
Member of Congress



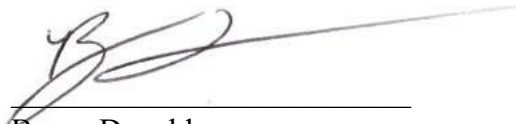
Virginia Foxx  
Member of Congress



Clay Higgins  
Member of Congress



Jake LaTurner  
Member of Congress



Byron Donalds  
Member of Congress



Kelly Armstrong  
Member of Congress



Tim Burchett  
Member of Congress



Marjorie Taylor Greene  
Member of Congress



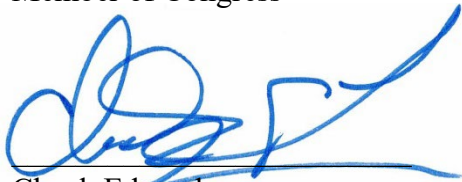
Lauren Boebert  
Member of Congress



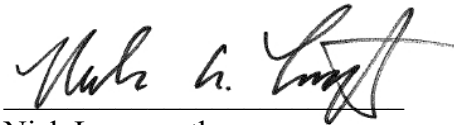
Russell Fry  
Member of Congress



Anna Paulina Luna  
Member of Congress



Chuck Edwards  
Member of Congress



Nick Langworthy  
Member of Congress

cc: The Honorable Jamie B. Raskin, Ranking Member  
Committee on Oversight and Accountability