

**Statement of the Honorable Bob Filner Before the
Transportation and Infrastructure Committee Regarding
“Critical Lapses in FAA Safety Oversight of Airlines: Abuses of
Regulatory Partnership Programs.”
April 3, 2008**

I would like to begin by thanking Chairman Costello and Chairman Oberstar for holding this important hearing regarding “Critical Lapses in FAA Safety Oversight of Airlines: Abuses of Regulatory Partnership Programs.”

I know that the Subcommittee held a separate hearing last month on Runway Safety. I was not able to attend that hearing due to some obligations in my own Committee. However, I think the subject of this hearing and the runway incursion issues addressed at last month’s runway safety hearing are very much linked.

Since 1990, FAA has emphasized gaining safety compliance from the aviation industry through cooperative means by establishing industry partnership programs with the aviation community that allow participants, such as airlines, pilots, maintenance workers, and air traffic controllers to self-report violations of safety regulations and help identify safety deficiencies, and potentially mitigate or avoid fines or other legal action.

For example, the Aviation Safety Reporting Program (ASRP) is intended to improve aviation safety by offering limited immunity for individuals who voluntarily report safety incidents, including for air traffic controllers.

Earlier this year, we had a serious runway safety incident at San Diego International Airport’s Lindbergh Field. On Wednesday, January 16th at 5:52 pm local time, a Southwest Airlines flight (SWA1626) was cleared for take off from Runway 27. However, a general aviation aircraft (flight number N990S) had not yet exited the runway.

The Airport Movement Area Safety System (AMASS) detected the problem, alerting the local air traffic controller, but it was too late for the Southwest Airlines flight to safely cancel take-off. Fortunately, the Southwest Airlines flight was able to avoid collision with the general aviation aircraft--lifting off just in times--but according to air traffic controllers familiar with the incident, there was a serious “loss of separation” on the runway.

Immediately following the incident, the local air traffic controllers at Lindbergh Field self-reported the near-miss to the Federal Aviation Administration regional safety office. However, FAA classified the incident improperly--as a “miscellaneous error” rather than as a controller-error.

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The on-duty air traffic controllers were very concerned about the misclassification of the incident, contacting their local union representatives, my office and the media because they thought FAA was trying to cover-up a serious safety mistake. Even though it would negatively reflect on them, and could result in disciplinary action, these dedicated professionals were more concerned about safety than themselves and wanted to make sure the record on the incident was clear.

I have since met with the FAA to discuss the incident. FAA claims that it was a simple error in classification that was corrected promptly. However, it took an inquiry from my office, several media stories, and six days before FAA corrected the official record, classifying the incident as a controller error.

It is very important for the FAA use airline regulatory partnership programs, so that aviation workers will continue to self-report safety incidents; but it is also critically important that the FAA follow-up in an appropriate way to ensure that incidents are classified properly, the safety issues are promptly addressed and the problem does not happen again.

Self-reporting by air traffic controllers, pilots, mechanics, and other industry professionals will only work if the FAA follows through in a prompt and appropriate manner.

Again, thank you to Chairmen Oberstar and Costello for holding these important aviation safety hearings on runway safety and on regulatory partnership programs.

A handwritten signature in black ink, appearing to read "Bob Filner". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.