

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Full Committee
“Nominations Hearing”
Wednesday, September 17, 2025, at 10:00 A.M.

DEMOCRATIC QUESTIONS FOR THE RECORD

Mr. Michael Graham

COVER PAGE

RANKING MEMBER MARIA CANTWELL (D-WA)

Clear Timeline for ADS-B In Mandate. In 2008, the NTSB told the FAA it should mandate ADS-B In, not just ADS-B Out, for aircraft operating in certain types of controlled airspace. NTSB said doing so would “provide an immediate and substantial contribution to safety, especially during operations in and around airports.” It has been 15 years, and aviation operators are still not required to equip with ADS-B In. After the tragic DCA collision exposed ADS-B loopholes, I’m working to mandate this critical safety technology to prevent future accidents.

Question 1: Yes or No: Do you believe equipping aircraft with ADS-B In technology will improve situational awareness and safety for pilots flying in busy airspace near commercial airports?

Answer: Yes, ADS-B In technology is another layer of safety that can be added to improve situational awareness and safety for pilots flying in Class B airspace, or any busy airspace, near commercial airports.

Question 2: Yes or No: Do you agree with setting a clear compliance date for aviation operators to equip with ADS-B In?

Answer: While the NTSB is not a regulator and leaves decisions on compliance deadlines to regulators, the FAA in this case, I would continue to echo the Board’s longstanding recommendation to the FAA to satisfy our recommendation on ADS-B In as soon as possible. For those reasons, yes, I would agree with setting a clear compliance deadline for aviation operators to equip with ADS-B In.

Question 3: How would a clear compliance date for operators to equip with ADS-B In help foster regulatory certainty for the aviation industry?

Answer: As in any mode, in aviation the National Airspace System (NAS) is only as safe as the least safe operator. Clear, industry-wide guidance from the FAA on ADS-B In implementation will help ensure all operators play by the same rules on the same timeline, ultimately strengthening the safety of the entire NAS.

Question 4: If confirmed, what actions would you take as a Member of the NTSB Board to ensure ADS-B In safety recommendations are implemented by FAA, in light of FAA’s failure to implement the Board’s safety recommendations in a timely manner?

Answer: As my fellow Board Members and I have done throughout my first term at the NTSB, I will continue to use my vote and my voice at the Board to advocate for adoption of all NTSB recommendations – including with regulators such as the FAA. Nearly 20 years without satisfying this recommendation is unacceptable; however, as we saw with positive train control which NTSB recommended decades before its implementation, I believe constant advocacy and attention to this issue directly with the FAA – along with other industry stakeholders who will benefit from the technology – can ultimately achieve our shared outcome. I look forward to working with you, the Committee, Congress, and the administration to ultimately achieve an acceptable action from the FAA on our recommendations for ADS-B In technology.

Rail Safety and Surface Transportation Reauthorization. You were the NTSB Board Member who led the response to the tragic train derailment in East Palestine, Ohio. You saw firsthand the impact that the derailment had on the community of East Palestine. Your agency made 34 new recommendations after your investigation. Last Congress, Senators Brown, Fetterman, and Casey, along with now-Vice-President Vance introduced the Railway Safety Act that would implement a number of those recommendations.

Question 1: The NTSB made 19 recommendations to DOT; are any of the recommendations considered closed? If so, please specify which ones.

Answer: The Board has not voted to close any of the recommendations issued to DOT, FRA, or PHMSA from our East Palestine report.

Question 2: What is the status of the three recommendations that the NTSB made to the American Association of Railroads?

Answer: One of the recommendations (R-24-020) NTSB issued to the American Association of Railroads (AAR) is classified “Open – Acceptable Response,” meaning the Board believes AAR is taking positive steps toward fulfilling the recommendation but has not fully addressed the recommendation. This recommendation asks the AAR to revise the Manual of Standards and Recommended Practices, M 1002, Specifications for Tank Cars, to establish criteria and procedures for manufacturers of tank car service equipment to demonstrate compatibility of pressure relief devices and other AAR-approved service equipment with intended loadings. The response we received from AAR to this recommendation indicated that their Tank Car Committee is developing a requirement, to be included in the Manual of Standards, that manufacturers actually demonstrate compatibility of pressure relief devices and other AAR-approved service equipment with intended loadings; thus the Board believes AAR is working towards satisfying this recommendation with the development of this requirement. The Board has classified the other two recommendations issued to the AAR (R-24-019 and R-24-021) as “Open – Unacceptable Response,” meaning the Board believes the AAR is not taking steps towards addressing our recommendations. Recommendation R-24-019 asked the AAR to develop a database of bearing failures and replacements and make it available to railroads, regulators, and investigators to help determine and address failure risk factors. The response we received from AAR to this recommendation indicated that they believe their current Umler system is a sufficient and appropriate database of bearing replacements recommended by the NTSB. The AAR also said that their Wheels, Axles, Bearings, and Lubrication (WABL) Committee tracks bearing failures, but only around 25 percent of failed bearings are reported to WABL. The Board has noted AAR’s current database is a good starting point but is not expansive or robust enough to satisfy our recommendation. Recommendation R-24-021 asked the AAR to revise the definition of key train in Circular OT-55 to designate as a key train any train containing tank cars transporting hazardous materials that do not meet the DOT-117 standard. The response we received from AAR to this recommendation indicated that while they support a phase out of DOT-111 tank cars for flammable liquid service, AAR does not agree with applying OT-55 to all trains transporting a DOT-111 tank car containing a hazardous material. The Board has noted our belief that revising the definition of key train will prevent

similar potentially catastrophic hazardous materials releases in the future and, therefore, AAR's current response is unacceptable.

Question 3: In light of the East Palestine disaster, which open NTSB recommendations do you think would have the greatest impact on rail safety and preventing a similar accident?

Answer: As the Board Member on scene for this accident, I firmly believe that each of our recommendations issued in the final report is crucial toward ensuring this type of derailment or release of hazardous material can never happen again. In particular, I have been very outspoken about the need for accelerated removal of DOT 111 tank cars from flammable liquids service. The NTSB has investigated far too many accidents involving these cars breaching and releasing hazardous materials, and it should not take any further accidents for PHMSA to remove these tank cars from flammable liquids service. The other recommendation I have been outspoken about is the need for PHMSA to revise the definition of a high hazard flammable train. The current definition – a continuous block of 20 or more tank cars loaded with a flammable liquid or 35 or more tank cars loaded with a flammable liquid dispersed throughout a train – is far too broad. It only takes one of these cars to derail and breach for a serious situation to occur, and PHMSA must update this definition in order to meet current realities.

Bipartisanship on the NTSB. The Trump Administration has, to date, refused to nominate any Democrats to any open seats on independent boards and commissions, in a marked departure from longstanding practice. Now, we have boards and commissions operating with vacancies.

Question 1: Yes or No: Based on your experience at the NTSB over the last five years, do you believe in the importance of bipartisanship on independent boards and commissions?

Answer: While I cannot speak for any other boards or commissions in the federal government, I have seen the benefits of bipartisanship and diversity of thought during my first term at the NTSB.

Question 2: Do you support continuing to have a bipartisan split of Members at the NTSB?

Answer: Yes, I do. I believe each Board Member brings a different and unique perspective to the table, and those collective perspectives strengthen our work and product.

Alvin Brown Firing. NTSB is an independent agency and by statute the President may fire a Board member only for “inefficiency, neglect of duty, or malfeasance,” not solely at “the pleasure of the President” as you asserted at the hearing. In an interview with my staff, you said that you were not aware of any “inefficiency, neglect of duty, or malfeasance” to justify Member Brown’s firing. At the hearing, you told me that you had “little interaction with most of the other Board Members.”

Question 1: Yes or No: Did anyone ask you to change your answer? If so, please detail who gave you this instruction, and under what circumstances.

Answer: No.

Question 2: Are you personally aware of any “inefficiency, neglect of duty, or malfeasance” to justify the firing of Vice Chair Alvin Brown?

Answer: While I am not personally aware of any specific “inefficiency, neglect of duty, or malfeasance” regarding former Vice Chair Brown, as I mentioned in the hearing, individual Board Members ultimately have limited interaction with each other by Congress’ design. Because no more than two of us can be in a room at any time deliberating on matters before the Board without violating the *Government in the Sunshine Act*, we each operate our offices fairly independently, meaning we have limited insights into other Member’s day-to-day operations, thought processes, or actions.

Pipeline Safety: Aldyl-A pipeline and risks to Spokane, Washington. In 2023, a gas pipeline explosion killed seven people and injured 10 at a chocolate factory in West Reading, Pennsylvania. The NTSB found that Aldyl-A, a type of plastic with known safety risks, played a role in the disaster. As of 2023, there were over 100 miles of this pipeline in Spokane’s natural gas distribution system.

Question 1: What action do pipeline operators and the Department of Transportation need to be taking to address this risk?

Answer: NTSB issued 18 new recommendations, along with one reiterated recommendation, in our final report on the UGI Corporation’s Natural Gas-Fueled Explosion and Fire at the R.M. Palmer Company building in West Redding, Pennsylvania. Of those 19 recommendations, three to PHMSA, one to the Gas Piping Technology Committee, and one to UGI Corporation directly addressed the safety concerns surrounding Aldyl-A. To date, while these recipients are making varying degrees of progress towards fulfilling these recommendations, they have not completed our recommended actions. These recommendations include:

- For PHMSA to issue an advisory bulletin to all regulated natural gas distribution pipeline operators referencing distribution integrity management program regulations and encouraging those operators to:
 - Complete a one-time inventory of all plastic assets that are located in environments that experience or are at risk of elevated temperatures;
 - Continue, during maintenance and new construction projects, to identify plastic assets that are in elevated temperature environments; and
 - Evaluate and mitigate risks to deter the degradation of these assets.
- For PHMSA to issue an advisory bulletin that reviews the details of the March 24, 2023, natural gas-fueled explosion and fire in West Reading and advise all regulated natural gas distribution pipeline operators to address the risk associated with Aldyl A service tees with Delrin inserts, including replacing or remediating them.
- For PHMSA to evaluate industry’s implementation of the gas distribution pipeline integrity management requirements and develop updated guidance for improving their effectiveness. The evaluation should specifically consider factors that may increase the likelihood of failure such as age, increase the overall risk (including factors that

simultaneously increase the likelihood and consequence of failure), and limit the effectiveness of leak management programs.

- For the Gas Piping Technology Committee to develop guidance for natural gas pipeline operators to ensure that their distribution integrity management programs appropriately assess and address threats to plastic pipelines posed by nearby assets that may elevate the temperature of the environment near the pipeline.
- For UGI Corporation to inventory all their plastic natural gas assets that may be located in elevated temperature environments and address the risk associated with these assets.

PHMSA and operators need to look at these recommendations and take the requisite actions to address the risks posed by Aldyl-A service tees with Delrin inserts.

Highway Safety and learning from the Aviation industry's safe system approach. Each year, nearly 40,000 people are killed and 5.1 million are injured in car accidents across the country. In the state of Washington there were over 3,000 traffic accidents last year in which someone was seriously injured or killed. In the past 10 years, the number of people suffering serious injuries as the result of traffic incidents in the state of Washington has increased 70 percent.

In the aviation industry, we recognize the need for a safe system approach that includes redundant safety measures to ensure human error does not cause a deadly accident.

Question 1: What would a safe system approach to roadway safety mean?

Answer: As I have championed throughout my first term at the Board, and even preceding my time at the Board, I believe safety management systems are an incredibly effective tool for *any* organization to properly manage their risk – and these can apply to roadway safety as well. The Department of Transportation's Safe System Approach (SSA), while differing from a true safety management system, is a good first step in my opinion to implementing a safe system approach to roadway safety. The six core principles of the SSA – death and serious injuries are unacceptable, humans make mistakes, humans are vulnerable, responsibility is shared, safety is proactive, and redundancy is crucial – lay the groundwork for how a SMS-like system can be integrated to our nation's transportation systems, and I look forward to evaluating and partnering with DOT and Congress as this develops.

Question 2: How can new technologies, including lane keeping assistance and automatic emergency braking, help prevent fatal traffic accidents?

Answer: As the Board has stated many times in the past, advanced driver assistance systems (ADAS) – including lane departure warnings and automatic emergency braking – are designed to assist drivers perform driving tasks and detect and avoid hazards. Broader adoption of these technologies by automobile manufacturers will undoubtedly save lives. As the main proponent of connected vehicle technology on the Board, I would also be remiss to not mention the incredible opportunity deploying vehicle-to-everything (V2X) technology can have on reducing roadway fatalities and serious injuries. I believe V2X is one of the most promising life-saving technologies available today, with one NHTSA study estimating that V2X could address up to 80% of all crashes involving non-impaired drivers.

SENATOR AMY KLOBUCHAR (D-MN)

At-Grade Rail Crossings. Grade crossings are among the deadliest spaces in our rail system. I've been working to reduce the risk of accidents between pedestrians, vehicles and trains and make sure first responders are not blocked by trains during emergencies.

- If confirmed, will you commit to improving safety at railroad crossings? If so, how will you address this safety issue?

Answer: I will absolutely continue working with my fellow Board Members and our team at the NTSB to improve safety at railroad crossings. This is one of the longest-standing issues the Board has dealt with in railroad safety, and we still have significant work to do. While there are many actions that can be taken to improve safety at these crossings, I believe one of the most important things we can do right now is to increase public awareness of the Emergency Notification Systems (ENS) that are available at every highway-rail grade crossing nationwide. Instead of trying to call 9-1-1 from a vehicle stuck at a crossing, signs are posted at each of these crossings to immediately get in touch with the railroad responsible for the crossing. Contacting the railroad directly as soon as possible if there is a disabled vehicle on the tracks is the best way to prevent collisions at these crossings, and I will continue to raise public awareness for these signs. Additionally, I continue to advocate for FRA to require ground protection for trains conducting shoving movements through highway-railroad grade crossings equipped only with flashing lights or passive warning devices (Recommendation R-23-019) and for FRA and Class I railroads to increase accident reporting at these crossings (Recommendations R-18-015 and R-14-048). Taking these and other actions NTSB has recommended can help address this important safety issue.

Close Calls & Runway Incursions. There has been an alarming number of close calls on runways in recent years. We need to ensure planes are equipped with existing technology that would alert pilots to the presence of other planes on the runway.

- Can you discuss why it is important to invest in technologies that make our runways safer?

Answer: Takeoffs and landings account for the majority of accidents in aviation, and even a brief lapse in awareness on the runway can have devastating consequences. We have had far too many runway incursions for part 121 and part 135 aircraft over the last few years. That's why investing in technologies that make our runways safer is essential. These technologies, some of which I have been able to witness firsthand, can protect against miscommunication, fatigue, or poor visibility – the kinds of challenges that even the most skilled pilots and controllers face. They also help manage what humans can't control: weather. Rain, fog, snow, and ice can all increase risk, but with better surface monitoring and real-time condition reporting, we can keep operations safe in all environments. Additionally, as our skies grow busier, these tools will allow airports to handle more traffic while maintaining and enhancing safety standards. As a former pilot, I believe enhancing runway safety through technological investments is critical.

SENATOR JACKY ROSEN (D-NV)

Question Topic: Transportation Safety Issues for Rural Tourist Destinations

In Nevada, where tourism drives a significant part of our economy, safe and reliable transportation is essential—not just in urban centers like Las Vegas, but also in the rural areas that welcome visitors to our national parks, recreation areas, and historic towns. Many of these communities see millions of visitors per year but are themselves quite small – relying on limited infrastructure and having fewer resources to respond to transportation-related safety issues.

Question 1: Mr. Graham, if re-confirmed, how will you ensure the NTSB’s transportation safety recommendations made in the wake of accidents reflect the needs and capacities of rural communities, especially those that are tourist hubs that see more than their fair share of visitors by road, rail, and air? What specific steps would you take to make sure these areas receive the attention and support they need to keep visitors safe?

Answer: There is no doubt our rural communities face unique challenges when it comes to transportation safety across all modes. For example, we know rural communities along interstates are often forced to deal with large trucks on local roads due to insufficient truck parking in many areas of this country. NTSB is intentionally generic when we issue recommendations to give regulators and industry broad flexibility to adopt our recommendations for different environments – including rural ones. We have also issued specific recommendations in the past to various recipients specifically focusing on rural communities, including one recommendation that the American Bus Association and United Motorcoach Association have yet to fulfill from 2009 (Recommendation H-09-009) which asks them to each inform their membership about, among other things, the risks of operating in rural areas without wireless telephone coverage and advising their members to carry mobile cellular amplifiers or satellite-based devices to communicate emergency events. If confirmed to another term, I commit to working with you, the Nevada Department of Transportation, and any other stakeholders in your state or nationwide on improvements NTSB can make to our recommendations to better serve rural communities.

SENATOR BEN RAY LUJÁN (D-NM)

1. President Trump has, to date, refused to nominate any Democrats to any open seats on independent boards and commissions – this is a stark departure from the longstanding practice of pairing the nominations of a Republican and a Democrat together. **Yes or no, based on your experience at the NTSB over the last five years, do you believe in the importance of bipartisanship on independent boards and commissions?**

Answer: While I cannot speak for any other boards or commissions in the federal government, yes, I have seen the benefits of bipartisanship and diversity of thought during my first term at the NTSB.

2. Unfortunately, on May 5th of this year, President Trump illegally fired former National Transportation Safety Board (NTSB), Vice Chair Alvin Brown – a Democrat – without any explanation. As you know, NTSB is an independent agency and by statute, the President may fire a Board member only for quote, “inefficient, neglect of duty, or malfeasance.” **Mr. Graham, are you personally aware of any “inefficiency, neglect of duty, or malfeasance” from former Vice Chair Alvin Brown?**

Answer: While I am not personally aware of any specific “inefficiency, neglect of duty, or malfeasance” regarding former Vice Chair Brown, as I mentioned in the hearing, individual Board Members ultimately have limited interaction with each other by Congress’ design. Because no more than two of us can be in a room at any time deliberating on matters before the Board without violating the *Government in the Sunshine Act*, we each operate our offices fairly independently, meaning we have limited insights into other Member’s day-to-day operations, thought processes, or actions.

3. **Given that President Trump has illegally fired Vice Chair Brown, how can you ensure me that you will operate independently without fear of being fired yourself?**

Answer: I have always understood that all Board Members at the NTSB serve at the pleasure of the President. NTSB’s independence and reputation are paramount to what we do, and it is and will continue to be my top priority to maintain and promote both.

4. The purpose of the National Transportation Safety Board is to ensure that every form of transportation is safe for Americans. **Yes or No: Would you take an action that is in conflict with those goals due to political pressure?**

Answer: No, I would not. Transportation safety is not political. The public’s safety on a commercial aircraft, in a vehicle, on a boat, or on a train does not depend on race, ethnicity, religion, or any factors other than the strength of the safety systems surrounding them. I have been focused on analyzing, evaluating, and improving these safety systems in all modes of transportation throughout my tenure at the NTSB, and that is what I will continue to do if confirmed.

5. **Yes or No: Would you go against a direct order from the President or his cabinet if you believed it put lives at risk or was illegal?** “I do not believe the President would ever give such an order” or any similarly evasive statement is not an acceptable answer.

Answer: I have always acted independently throughout my tenure at the Board, and I will continue to do the same if confirmed for a second term.

6. **Yes or No: Did Joe Biden lawfully win the 2020 presidential election?**

Answer: President Biden was elected President, and I continued to serve at his pleasure throughout the duration of his term in office. There is no greater honor and responsibility than to be a public servant, and I have always upheld that standard no matter which administration is in the White House.

7. **Yes or No: Did Donald Trump lawfully win the 2024 presidential election?**

Answer: Yes.

SENATOR JOHN HICKENLOOPER (D-CO)

Incident Investigations

When tragedies and crises strike, National Transportation Safety Board's (NTSB) personnel work tirelessly to investigate incidents to find a root cause and produce recommendations to save lives.

Transportation systems underpin our economy—from aviation to rail and beyond.

Question 1: Mr. Graham, in your time at NTSB, have you noticed any trends or patterns in the types of incidents the agency has to investigate?

Answer: In just the last five years, we have seen an incredible explosion of new technologies across all modes of transportation. When I came to the Board, autonomous vehicles were still a relatively new phenomenon; now, not only are driverless cars deployed in several major cities nationwide, but autonomous aircraft and marine vessels are entering the market. While many of these new technologies have incredible promise, they also impact our investigations. I have noticed our investigations have become much more complex as new technologies are introduced across all modes of transportation, and as an agency we must carefully evaluate how these technologies impact the accidents we investigate – for better or for worse.

Question 2: Mr. Graham, considering that NTSB investigations currently average 12 to 18 months to complete, what could Congress provide the NTSB to help shorten the time it takes to produce investigative findings?

Answer: As an agency, we have struggled to meet our authorized staffing levels for years because of the immense knowledge and technical expertise that is necessary to fill many roles at the NTSB. I believe taxpayers get an incredible return on their investment in our agency, and that investment has only yielded better returns as the NTSB's mandates have grown over the last two decades while our budget has not. I am grateful for Congress' continued investment in and support of the NTSB, but as our mandates continue to grow, we must either grow with them or sacrifice other things like timeliness on certain investigations.

SENATOR JOHN FETTERMAN (D-PA)

1. Last Congress, I co-led the *Railway Safety Act* with several of my Republican colleagues, including the current Vice President. We wrote this bill to help make sure that tragedies like the derailment in East Palestine, Ohio would never happen again. This was a solid bill that would improve railway safety.

You led the NTSB's response to the East Palestine derailment and following this response, the NTSB issued 34 recommendations to make rail safer. Unfortunately, many of these recommendations are still open and they haven't been addressed by the Department of Transportation or our railroads.

Do you believe the NTSB's recommendations following the East Palestine derailment should be fully implemented?

Answer: Absolutely, I do. Being the Board Member on scene for this accident, no community should ever have to suffer as much as East Palestine did from what was an entirely preventable accident. Each one of our 34 recommendations stemmed from specific findings and evidence we uncovered throughout the course of our investigation, which means I believe all 34 recommendations are essential to ensuring this type of accident never happens again.

Will the NTSB re-issue or reiterate these recommendations in the future?

Answer: In the very near future, NTSB will be responding to the first round of responses we received from the FRA, PHMSA, and Norfolk Southern. We have already received and responded to information we have received from DOT, Ohio, the Columbiana County Emergency Management Agency, the Association of American Railroads, the National Volunteer Fire Council and other firefighting organizations, the Chlorine Institute, the American Chemistry Council, and Oxy Vinyls, LP. Each time we receive a response from each of these entities to our recommendations, the Board considers whether or not to reclassify each recommendation. Once the Board has determined what classification the recommendation will receive, a response from the entire Board is sent to the recipient reiterating the recommendation and explaining the Board's rationale behind our classification determination. Additionally, if in the course of an investigation we encounter a safety issue we have seen before and there is an open recommendation that addresses that same issue, we will reiterate the open recommendation, rather than issuing a new recommendation on the same topic. This gives weight to the urgency and importance of addressing the recommendation. In short – yes, we will be constantly following up on these recommendations to all recipients as per our normal processes. I am happy to work with you and any other stakeholders in helping all of these recipients complete our recommended actions.