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Office of Special Counsel Finds Department of Transportation Report on Aviation Safety Disclosure Deficient –Safety Hazards Persist at Newark Airport

FOR IMMEDIATE RELEASE

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WASHINGTON, DC/November 24, 2009— On Thursday the U.S. Office of Special Counsel (OSC) transmitted to the President and Congress a Department of Transportation (DOT) investigative report responding to a whistleblower disclosure of the Federal Aviation Administration's (FAA's) unsafe operation of two intersecting runway configurations at one of the nation's busiest airports. OSC found the agency report deficient because FAA has not implemented critical procedures to mitigate the safety hazards confirmed by DOT's investigation, allowing potential safety risks to the flying public to persist.

The whistleblower, Raymond Adams, an FAA Air Traffic Control Specialist at Newark Liberty International Airport (Newark), alleged that the runway 22L-11 simultaneous arrival procedure and the runway 29-4R overhead approach procedure at Newark pose significant safety hazards, including losses of separation between aircraft and the potential for mid-air collisions and runway incursions. He claimed that despite FAA's knowledge of the safety issues associated with these two configurations, FAA failed to take steps to reduce the safety risks. On September 19, 2008, OSC referred Mr. Adams' allegations to former Secretary of Transportation Mary E. Peters to conduct an investigation. The allegations were investigated by DOT's Office of Inspector General (OIG). Secretary of Transportation Ray LaHood submitted the agency's report to OSC.

The investigation substantiated Mr. Adams' allegations concerning the unsafe operation of the two intersecting runway configurations. OIG concluded, and FAA concurred, that these two runway configurations pose significant safety risks that must be resolved through corrective action. OSC has been advised that, in response to OIG's findings, FAA determined that the runway 29-4R overhead configuration is a "high risk" operation and terminated the configuration until effective safety measures are developed. To mitigate the safety risks of the runway 22L-11 simultaneous arrival configuration, FAA provided assurances that it would implement aircraft staggering procedures, with the use of Converging Runway Display Aid (CRDA) technology. OSC has received reliable information that the procedures have not been implemented, as promised, and FAA has apparently not completed critical steps that it represented it had accomplished.

In transmitting the agency report to the President and Congress, OSC is required by statute to evaluate whether it contains the necessary information and whether its findings appear reasonable. As FAA has apparently not implemented the safety measures it agreed are necessary to operate the runway 22L-11 configuration safely and has allowed confirmed safety hazards to persist, OSC found that the agency report does not meet the statutory requirements and the findings of the agency head do not appear reasonable.

A copy of the transmittal to the President has been placed in OSC's public file and is now available online at www.osc.gov.

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The U.S. Office of Special Counsel (OSC) is an independent investigative and prosecutorial agency and operates as a secure channel for disclosures of whistleblower complaints. Its primary mission is to safeguard the merit system in federal employment by protecting federal employees and applicants from prohibited personnel practices, especially retaliation for whistleblowing. OSC also has jurisdiction over the Hatch Act. For more information please visit our web site at www.osc.gov or call 1 (800) 872-9855.