



NATIONAL TRANSPORTATION SAFETY BOARD  
**Investigative Hearing**

Norfolk Southern Railway general merchandise freight train 32N  
derailment with subsequent hazardous material release and fires,  
in East Palestine, Ohio, on February 3, 2023

<b>GROUP</b>	<b>A</b>
<b>EXHIBIT</b>	
6	

Agency / Organization

NTSB

Title

Purpose of Investigative Hearing

## **STATEMENT OF THE PURPOSE OF A NATIONAL TRANSPORTATION SAFETY BOARD INVESTIGATIVE HEARING**

The National Transportation Safety Board (NTSB) conducts an investigative hearing to assist in obtaining information necessary to determine the facts, circumstances, and probable cause of the transportation accident or incident under investigation and to make recommendations to improve transportation safety. 49 U.S.C. §§ 1131; 49 C.F.R. § 831.4.

An NTSB investigative hearing is a “fact-finding proceeding” during which the NTSB may “examine witnesses and secure, in the form of a public record, facts pertaining to the accident or incident under investigation and surrounding circumstances and conditions from which the Board may determine probable cause and may formulate recommendations and/or other documents for corrective or preventative action.” 49 C.F.R. §§ 845.2, 845.5. Hearings allow the NTSB and its investigators to supplement relevant evidence the NTSB obtains through other investigative channels.

In advance of an investigative hearing, the NTSB designates parties to the proceeding who contribute a variety of perspectives and views on the issues the NTSB will address at the hearing. A party may be any person or organization “whose participation in the hearing is deemed necessary in the public interest and whose special knowledge will contribute to the development of pertinent evidence” 49 C.F.R. § 845.6. Before a hearing, the NTSB holds a pre-hearing conference during which each party has an opportunity to provide input on the subject matter of the hearing. 49 C.F.R. § 845.9.

The NTSB identifies, as hearing witnesses, individuals or representatives of organizations who possess information that (1) the NTSB has not already discovered, (2) needs clarification, or (3) should be publicly vetted in an open forum. NTSB investigative staff, NTSB Board Members, and parties themselves may ask questions of witnesses, who testify under oath, during a hearing. 49 C.F.R. § 845.11. Ultimately, the NTSB’s hearing process ensures that the issues explored in a hearing reflect a variety of perspectives on the accident or incident under investigation. Questions are limited to the predetermined subject matter of the hearing, which the NTSB develops with parties’ input.

The investigative hearing’s purpose is for the NTSB to receive “all testimony and evidence that may be of aid in determining the probable cause of the transportation accident or incident,” and the Chairman of the Board of Inquiry<sup>1</sup> “may exclude any testimony or exhibits that are not pertinent to the investigation or are merely cumulative.” 49 C.F.R. § 845.12. The NTSB does not assign fault or blame for an accident or incident; rather, NTSB investigations are “fact-finding proceedings with no adverse parties . . . and are not conducted for the purpose of determining the rights, liabilities or blame of any person or entity.” 49 C.F.R. § 831.4(c).

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<sup>1</sup> The Chairman of the NTSB, or another Board Member, as designated by the Chairman, serves as the Chairman of the Board of Inquiry.

As a result, the NTSB does not permit questions related to fault, outside litigation, or legal liability. Such questions are not relevant to the fact-finding purposes of an NTSB investigative hearing—or to the NTSB’s statutory mission to improve transportation safety by investigating accidents and incidents and issuing safety recommendations.