

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
QUEZON CITY

SIXTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 3089



Introduced by HON. IRWIN C. TIENG, HON. MARIANO MICHAEL M. VELARDE
and HON. JOSE L. ATIENZA, JR.

EXPLANATORY

Perhaps studying accidents best illuminates the path to improve transportation safety. Mostly, an accident is simply a failure to detect a pre-existing problem. Incidents reveal systematic weakness and operational deficiencies, usually long before lives are lost.

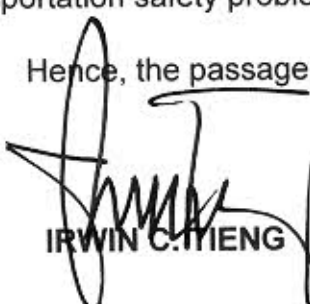
Recently, one of the biggest challenges of this country is the occurrence of various transportation accidents from highway to air and sea. It is alarming to know however, that this growing problem remains unresolved.

Oftentimes, the agencies tasked to investigate these accidents are being mugged with a lot of criticisms due to their failure to resolve the incident cases. Moreover, the existence of conflict of interest cannot be denied as they are the same agencies that regulate the different transport systems in the country. To allow them to investigate accidents that could be a result of their own negligence could negate the purpose to formulate an accurate and correct finding.

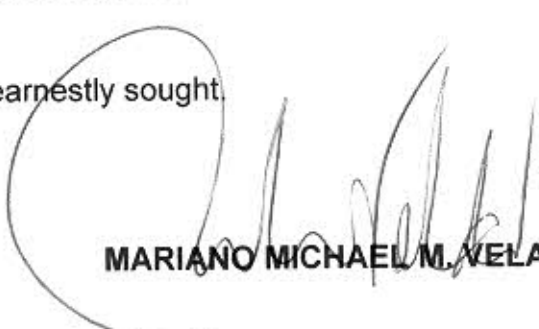
This bill seeks to create the National Transportation Safety Board (NSTB), an independent and non-regulatory agency mandated to determine the probable cause of transportation related accidents on land, sea and air including railway and pipeline systems, and to formulate safety recommendations to improve transportation safety. The NSTB shall conduct a comprehensive investigation of major accidents involving all types of public utility vehicles or vessels regulated by other agencies of the government. It shall likewise conduct review, appraisal, and assessment of the operating practices and regulations of all such agencies. It is also tasked to promote safety improvement standards for observance and implementation by said agencies and the public.

It is the aim of this bill to effectively investigate transportation accident, assembling the broad spectrum of technical expertise that is needed to solve complex transportation safety problems.

Hence, the passage of this bill is earnestly sought.



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AN ACT
CREATING A NATIONAL TRANSPORTATION SAFETY BOARD, APPROPRIATING
FUNDS THEREFOR AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Short Title. – This Act shall be known and cited as the "National Transportation Safety Board Act of 2013"

SECTION 2. Declaration of Policy. – It is the policy of the State to prevent accidents and save lives and property in transportation; promote safety in the transportation of people, property and goods by conducting independent accident investigations; by continuous and objective review, appraisal and assessment of operating practices and regulations of government agencies implementing transportation law; and by formulating and promulgating safety improvement standards for observance and implementation, by said agencies and concerned private sectors.

SECTION 3. Creation. – There is hereby created a National Transportation Safety Board, a non-regulatory and independent agency hereinafter referred to as the Board, to implement the foregoing policies of the State. For administrative purposes, the Board shall be attached to the Office of the President.

SECTION 4. Objectives. – The Board shall have the following objectives:

- a) To conduct thorough accident and incident investigations and determine the probable cause or causes thereof;
- b) To prevent future accidents, save lives and reduce injuries and property damages;
- c) To ensure that survivors and families of victims of transportation accidents receive timely and adequate assistance from the operators and other government agencies; and
- d) To ensure implementation of safety standards in the transportation industry.

SECTION 5. Organization. – The Board shall be composed of five (5) full-time members, including a Chairman and a Vice-chairman. All the members of the Board shall have extensive training and experience in the respective field of our marine, air,

highway and rail transportation systems, and each must have adequate knowledge in investigation, analysis, and evaluation of transportation accidents, particularly in the field of accident reconstruction, safety engineering, or transportation safety.

Members of the Board shall be appointed by the President of the Philippines for a term of six (6) years. Of those first appointed, two members shall hold office for six (6) years, two members for four years, and the last member for two years. Appointment to any vacancy shall be only for the unexpired term of the predecessor. In no case shall any member be appointed or designated in a temporary or acting capacity. Any member of the Board may be removed by the President for inefficiency, neglect of duty, malfeasance in office or any other legal cause.

No member of the Board shall concurrently hold any other government office or position, or be employed in any government-owned or controlled corporation or entity or any private, business enterprise whose interest may be in conflict with the Board's function and duties.

Three (3) members of the Board shall constitute a quorum for the transaction of any function of the Board.

The Board shall establish and maintain distinct and appropriate staffed bureaus, divisions, or offices to investigate and report on accidents involving each of the following modes of transportation: (a) aviation; (b) maritime; and (c) highway including railroad and tracked vehicles.

SECTION 6. Duties and Powers of the Chairman. –The Chairman is the chief executive and administrative officer of the Board. Subject to the general policies and decisions of the Board, the Chairman shall:

1. Appoint and supervise officers and employees, other than regular and full-time employees in the immediate offices of another member, necessary to carry out this Act;
2. Fix the pay of officers and employees necessary to carry out this Act;
3. Distribute business among officers, employees, and administrative units of the Board;
4. Supervise the expenditures of the Board.

SECTION 7. Compensation. – The salary of the Chairman and the members of the Board shall be the same as those of the Chairman and Members of the different Constitutional Commissions. The salary of the Chairman and the Members of the Board shall not be decreased during their tenure.

SECTION 8. Personnel. – Subject to civil service laws, rules and resolutions, the Board is authorized to select, appoint, employ, and fix the compensation of such officers and employees, including investigators and attorneys, as shall be necessary to carry out its powers and duties.

SECTION 9. Duties and Powers of the Board. –

(A) Duties of the Board. – The Board shall:

(1) Investigate and determine the facts, conditions, and circumstances and the cause or probable cause or causes of any aircraft, highway, railroad, maritime and other accidents which occur in connection with the transportation of people or property which, in the judgment of the Board, is catastrophic, involves problems of a recurring character, or would otherwise carry out the policy of this Act.

Nothing herein shall prevent the Board from making further inquiries on accidents already investigated by existing accident-investigating bodies.

Furthermore, the Board may require the submission of their records, reports, findings and recommendation of past investigation.

The Board shall be the primary government body to conduct accident investigations under its jurisdiction. Other agencies mandated to investigate concurrently such accidents shall coordinate with the Board in the performance of its functions. In addition, it shall give full support to the actions and policies dictated by the Board during the conduct of such investigations.

(2) Report in writing on the facts, conditions, and circumstances of each accident investigated pursuant to paragraph (1) of this subsection and cause such reports to be made available to the public;

(3) Issue periodic reports to Congress and government agencies concerned with transportation safety;

(4) Initiate and conduct special studies and special investigations on matters pertaining to safety in transportation including human injury and avoidance;

(5) Assess and reassess techniques and methods of accident investigation and prepare and publish from time to time recommended procedures for accident investigations;

(6) Evaluate, assess the effectiveness, and publish the findings of the Board with respect to the transportation safety consciousness and effectiveness in preventing accidents of other government agencies;

(7) Evaluate the adequacy of safeguards and procedures concerning the transportation of hazardous materials and the performance of carriers and other government agencies charged with assuring the safe transportation of such materials;

(B) Powers of the Board. –

(1) The Board may conduct such hearings, sit and act as such times and places, administer such oaths and require by subpoena or subpoena duces tecum the attendance and testimony of such witnesses and the production of such evidence as the Board or such officer may deem necessary. Subpoenas shall be issued under the signature of the Chairman and may be served by any person designated by the Chairman.

(2) Any employee of the Board, upon presenting appropriate credentials and a written notice of inspection authority, is authorized to enter any property where a transportation accident has occurred, or where wreckage is found, or where any such accident is located, and do all things necessary for the proper conduct of

investigation. The employees may inspect, at a reasonable time, records, files, processes, controls and facilities relevant to the investigation of such accident. Each inspection shall be recommended and completed with reasonable promptness and the results of such inspection be made available to the concerned parties.

(3) The Board shall have the power to cite for contempt any person in case of contumacy or refusal to obey a subpoena, an order, or an inspection notice of the Board or any duly designated employee thereof.

(4) The Board is authorized to enter into such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the functions and the duties of the Board under this Section, with any government entity or any person.

(5) The Board is authorized to:

(a) Use, on a reimbursable basis or otherwise, when appropriate, available services, equipment, personnel and facilities of the Department of Transportation and Communication, the Department of National Defense, the Department of Interior and Local Government, the Department of Public Works and Highways and other agencies and instrumentalities of the government in the conduct of investigation.

(b) Employ recognized experts and consultants on the accidents under investigation who shall be paid by compensation fixed by the Board: Provided, that no more than two consultants shall be appointed for each incident being investigated.

(6) Establish such rules and regulations as may be necessary to the exercise of its powers and functions under this Act.

SECTION 10. Seal. – The Board shall have a seal that shall be officially recognized.

SECTION 11. Annual Report. – The Board shall report to Congress on the second week of August of each year. Such report shall include, but not limited to-

(1) a statistical and analytical summary of the transportation accident investigations conducted and reviewed by the Board during the preceding calendar year;

(2) a survey and summary, in such detail as the Board deems advisable, of the recommendations made by the Board to reduce the likelihood of recurrence of such accidents together with the observed response to each recommendation;

(3) an appraisal in detail of the accident investigation and accident prevention activities of other government agencies charged by law with responsibility in this field; and

(4) a biennial appraisal and review and recommendations for legislative and administrative action with respect to transportation safety.

SECTION 12. Appropriations. - The Board shall have an initial appropriation in the amount of Thirty Million Pesos (P 30,000,000.00) to finance its operation for the first

year to be appropriated out of the Contingent Fund of the Office of the President and thereafter any such amount shall be incorporated in the annual General Appropriations Act.

SECTION 13. Separability Clause. If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 14. Repealing Clause. - Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 15. Effectivity Clause. - This Act shall take effect fifteen (15) days after its complete publication in at least two (2) national newspapers of general circulation.

Approved,