



*A bold voice for transportation workers*

June 23, 2015

The Honorable John Thune  
Chairman  
Committee on Commerce, Science and  
Transportation  
United States Senate  
Washington, DC 20510

The Honorable Bill Nelson  
Ranking Member  
Committee on Commerce, Science, and  
Transportation  
United States Senate  
Washington, DC 20510

Dear Chairman Thune and Ranking Member Nelson:

As the Commerce Committee considers marking up the Port Performance Act (S. 1298), I urge you to remove or significantly modify language in the bill (currently Section 4) that would improperly mandate the federal collection of port performance data leading up to and during maritime labor negotiations. This language would misuse statistics to tilt the balance against port workers in collective bargaining disputes and undermine the U.S. Department of Transportation's Bureau of Transportation Statistics (BTS) by needlessly politicizing the agency's data collection process. If this language is not removed or modified, we will strongly oppose the bill and urge Commerce Committee members to vote against it during the markup.

This legislation seeks to create new, standardized metrics on port performance conducted by BTS. We do not reject this idea. The BTS serves as a valuable, dispassionate tool for the analysis of transportation issues across multiple modes. However, the BTS has never been asked to investigate labor-management disputes or involve itself in the collective bargaining process. S. 1298 forces the agency to break from its historic practice by injecting the agency into labor-management relations, setting a damaging precedent that also threatens the utility of statistical collection in other modes under DOT supervision.

Section 4 of the bill would require the DOT to report on a port's productivity performance before and after the expiration of a maritime labor agreement. Specifically, the section 4 report would arbitrarily apply new metrics created by the bill to attempt to demonstrate how labor-management negotiations have impacted port operations. The goal of this provision is clear: to set the stage for early and improper federal intervention into the bargaining process and to blame any reduction in port productivity on employees. The bill ignores the innumerable variables that affect port productivity that have nothing to do with unions or collective bargaining, including the rapid increase in larger ships, outmoded landside infrastructure, the state of the economy, the availability of chassis, and the inability of the owner-operator trucking model to meet cargo demand. Under this bill, the collective bargaining process would bear responsibility for all problems related to productivity absent any justification or consideration of the complicated nature of port logistics networks.

**Transportation Trades Department, AFL-CIO**

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Edward Wytkind, President / Larry I. Willis, Secretary-Treasurer



It is important to note that section 4 of the Port Performance Act is part of a broad and concerted legislative effort to diminish or eliminate the collective bargaining rights of maritime and longshore workers and their unions. In fact, the labor-related reports mandated by this bill are meant to provide the superficial statistical evidence to trigger the implementation of new injunctions and other limits on collective bargaining put forth in complementary bills already introduced in the Senate.

If the Senate wants to create transparent, uniform, and national port metrics, that goal can be easily accomplished without section 4 or other measures aimed at unions and collective bargaining rights. Until the language is deleted and other simple modifications are considered, we are opposed to S. 1298 and will urge Senators to vote against it. If you have any questions about this bill, please contact me directly or TTD Legislative Representative Jeff Pavlak at 202/628-9262.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a large, stylized flourish at the end.

Edward Wytkind  
President

cc: Members, U.S. Senate Committee on Commerce, Science and Transportation