



A bold voice for transportation workers

May 31, 2013

Prabhat Diksit
Federal Highway Administration
Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

**RE: Federal Highway Administration
Docket No. FHWA-2012-0126
Public-Private Partnerships
Public Meeting Notice; Request for Comment**

Dear Mr. Diksit:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to comment on the Federal Highway Administration's (FHWA) Public Meeting Notice and Request for Comment on the agency's development of a standard Public-Private Partnership (PPP) model contract, as required by MAP-21. By way of background, TTD consists of 33 affiliated unions in the transportation sector, including those who may be affected by a PPP.¹

We appreciate the agency's request for public input on what measures should be included in FHWA's model PPP contract that will serve as a template for states and public transportation agencies as they develop future PPP contracts. As the national discussion about the need for greater investment in our infrastructure continues, the expansion of PPPs may be viewed as a viable option for financing long-term transportation projects. Helping states and public transportation agencies identify key measures to include in their PPP contracts will help ensure the public interest is protected. To that end, we submit that FHWA should include provisions that protect the interests of public and private sector workers and ensure that PPPs are open and transparent transactions.

PPPs can have a place in project delivery for certain transportation projects but they must be carefully managed to ensure they're not used to weaken labor standards and collective bargaining rights, eliminate public sector jobs, or ignore the public interest. To ensure proper application of PPPs, FHWA's model contract should include provisions that hold accountable those who promise job creation from a PPP, and that protect the jobs and rights of public

¹ Attached is a list of TTD's affiliated unions.

Transportation Trades Department, AFL-CIO

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



employees. For public transit projects, worker protections known as Section 13(c) require that transit agencies accepting federal funds preserve their employees' rights and benefits under existing collective bargaining agreements and provide other certain protections. These protections should also be included in FHWA's model contract. The contract must also include the application of Davis-Bacon prevailing wage rules for construction workers. Taken together, the inclusion of these provisions would help to prevent PPPs from being used to depress wages and harm workers in order to increase private sector profits.

Additionally, FHWA should include a requirement establishing a certain level of transparency. Such a standard would ensure the public has access to information about a PPP-funded project when comparable information about a project financed through traditional federal funds would be available for public viewing. Providing such openness would help hold private partners accountable to the terms of the contract, helping to ensure the public's interest is protected.

TTD believes that sound transportation policy can and should be coupled with strong labor policy. Ensuring that workers' jobs and rights are maintained helps facilitate an efficient transportation system. And by ensuring public access to project information, the public interest of improving our nation's infrastructure is better protected.

We thank FHWA for the opportunity to provide comments and hope you will take ours into consideration.

Sincerely,

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

Edward Wytkind
President

TTD MEMBER UNIONS

The following labor organizations are members of and represented by the TTD:

Air Line Pilots Association (ALPA)
Amalgamated Transit Union (ATU)
American Federation of Government Employees (AFGE)
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers (AFT)
Association of Flight Attendants-CWA (AFA-CWA)
American Train Dispatchers Association (ATDA)
Brotherhood of Railroad Signalmen (BRS)
Communications Workers of America (CWA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAM)
*International Brotherhood of Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers (IBB)*
International Brotherhood of Electrical Workers (IBEW)
International Longshoremen's Association (ILA)
International Longshore and Warehouse Union (ILWU)
International Organization of Masters, Mates & Pilots, ILA (MM&P)
International Union of Operating Engineers (IUOE)
Laborers' International Union of North America (LIUNA)
Marine Engineers' Beneficial Association (MEBA)
National Air Traffic Controllers Association (NATCA)
National Association of Letter Carriers (NALC)
National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)
National Federation of Public and Private Employees (NFOPAPE)
Office and Professional Employees International Union (OPEIU)
Professional Aviation Safety Specialists (PASS)
Sailors' Union of the Pacific (SUP)
Sheet Metal Workers International Association (SMWIA)
Transportation Communications International Union (TCU)
Transport Workers Union of America (TWU)
UNITE HERE!
United Mine Workers of America (UMWA)
*United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service
Workers International Union (USW)*
United Transportation Union (UTU-SMART)