



A bold voice for transportation workers

July 24, 2017

Michael A. Smith
Office of the General Counsel
Department of Transportation
1200 New Jersey Ave., S.E.
Washington, DC 20590

**RE: Transportation Infrastructure: Notice of Review of Policy, Guidance, and Regulation
Docket No. OST-2017-0057**

Dear Mr. Smith,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to provide comments on the Department of Transportation's (DOT) request for input regarding the agency's review of its regulations, policy and guidance in order identify items that may cause unnecessary obstacles to transportation infrastructure projects. By way of background, TTD consists of 32 affiliate unions representing workers in all modes of transportation who are impacted by DOT regulations.¹ We therefore have a vested interested in the rulemaking.

In this notice, DOT solicits comment on its policies that may unjustifiably delay or prevent completion of surface, maritime, and aviation infrastructure projects, and requests feedback on which of these policies may be appropriate for modification or repeal. We share the view that infrastructure projects under the jurisdiction of DOT should commence and reach completion in a timely manner and that unnecessary permitting delays should addressed in a reasonable manner. In fact, we supported the FAST Act that included a number of requirements to streamline permitting regulations and these mandates should be implemented by DOT and other agencies. Needless project delays result in missed employment opportunities and transportation improvements cost to rise significantly.

¹ Attached is a complete list of TTD's 32 affiliate unions.

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Larry I. Willis, President / Greg Regan, Secretary-Treasurer



At the same time, we will oppose efforts to use this proceeding to remove critical safety protections for front-line workers or to undermine policies that maximize middle class job creation in construction, operations or transportation manufacturing. DOT correctly states that its mission is to serve the United States by ensuring a safe, fast, efficient, accessible, and convenient transportation system that meets the nation's vital interests and enhances the quality of life of the American people. While there may be outdated rules and policies that impede transportation projects, it must also be recognized that there are regulations and policies that must be preserved to meet DOT's broader mission of safety and promoting good jobs.

As DOT is well aware, a number of policies, guidance and regulations currently exist that help ensure the safe operation of nation's transportation system and its workforce. While there should be no credible argument that these regulations interfere with the delivery of infrastructure projects, we are concerned that some might nonetheless use this proceeding to promote this misguided agenda. Rules governing fatigue mitigation, whistleblower protections that allow workers to report safety and security concerns, training mandates, health and safety standards specific to the transportation workforce, Hazmat rules and requirements for proper protective gear – to name just a few – all contribute significantly to a safe transportation system, and should not be discarded or weakened through this proceeding.

In addition, DOT and its modal agencies have promulgated rules to enhance the occupational safety of construction and maintenance of transportation infrastructure. For example, speed restrictions in highway construction zones and requirements for visible gear and proper signage are all common sense rules that should not be weakened. Taken together with actions of responsible employers and front-line employees we have seen significant improvements to transportation safety.

In fact, from when the Bureau of Labor Statistics began tracking accident data in the 60's and 70's, aviation accidents have fallen by 73% and rail accidents by 55%. Transit accidents have only been tracked since 1990, and in that short time, they have decreased 91%.² Within the last twenty years, occupational injuries and illnesses for transportation workers have fallen by nearly two thirds.³ This is no coincidence – strong, reasonable regulations have continued to improve safety nationwide. There is no clearer evidence of this pattern than the NHTSA estimate that 613,501 lives have been saved by vehicle safety technology, much of which became standard as a result of NHTSA issuing vehicle safety regulations, beginning in the 1960s.⁴ However, these improvements do not mean that the fight to improve safety is over. Recent years have seen upticks in accidents

² Bureau of Labor Statistics, Transportation Accidents by Mode.

³ Bureau of Labor Statistics, Incidence rates of nonfatal occupational injuries and illnesses by industry and case types, between 1994 and 2015.

⁴ National Highway Traffic Safety Administration, Lives Saved By Vehicle Safety Technologies and Associated Federal Motor Vehicle Safety Standards 1960-2012, January 2015.

and injuries in certain sectors, and in the transportation industry overall. The role of DOT must be to identify and address current and future safety challenges like those created by new technologies, not roll back decades of progressive safety improvement throughout the country's transportation system.


We are also concerned that this proceeding could be used to weaken labor rules that ensure that investments in our nation's infrastructure create jobs that can support middle-class families. Again, we reject the premise that these rules interfere with the delivery of federal investments in our transportation system. More broadly, rules that protect current and longstanding collective bargaining rights, wage standards and Buy America mandates play an important role in the economic stimulus impact of infrastructure investment. With too many Americans still looking for work and wage stagnation a problem that policy makers are vowing to address, it makes no sense to undermine policies that create and sustain the type of jobs our economy desperately needs.

We have not sought to comment on every safety or labor issue that stakeholders may ask DOT to eliminate or modify in this proceeding. It would indeed be impossible to predict every issue that some stakeholders might claim slows down infrastructure investment. It is our expectation, and we urge DOT to follow this course, that before any repeal or change in labor or safety policies is adopted, that the public have an opportunity to comment on these specific proposals. Failure to seek public comment would deprive DOT of the benefit of hearing other perspectives on the value of core safety and labor policies.

TTD stands with DOT in its goal of investing, improving, and expanding our nation's infrastructure. The ability to build transportation infrastructure projects in an expeditious manner offers transformative effects for the nation's economy and workforce, and transportation labor will continue to be a partner in these developments. However, in its review of its policies, guidance, and regulations, DOT must ensure that it does not exchange the promises of new infrastructure for decreased safety, or undercutting and undermining American workers. We believe firmly that there are measures that DOT can, and should take to accomplish these goals without these tradeoffs.

We appreciate the ability to comment on DOT's request, and look forward to working with DOT and the Administration in building, maintaining and operating our nation's transportation infrastructure going forward.

Sincerely,

A handwritten signature in black ink that reads "Larry I. Willis". The signature is written in a cursive, flowing style.

Larry I. Willis
President



Transportation Trades Department, AFL-CIO
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TTD MEMBER UNIONS

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 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, Air, Rail and Transportation Workers (**SMART**)
SMART-Transportation Division
Transportation Communications Union/ IAM (**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**)

These 32 labor organizations are members of and represented by the TTD

