



A bold voice for transportation workers

December 17, 2021

U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: DOT-OST-2021-0140

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the U.S. Department of Transportation's (DOT) request for comment on its 2022-2026 Strategic Plan. TTD consists of 33 affiliate unions representing workers in all modes of transportation, including workers directly affected by the DOT's policies and programs.¹ We must be clear that the goals outlined by the DOT for the 2022-2026 Strategic Plan—creating good jobs, improving equity and environmental outcomes, and making the DOT more effective and accountable to the American people—can, and will, only be successfully achieved when the voice of working people is integral to the formulation and implementation of those policies.

While these comments aim to be comprehensive, we also recognize that they may not be fully inclusive in representing the needs and positions of transportation labor. We therefore strongly urge your full consideration of individual comments filed by our affiliated unions, and encourage further ongoing dialogue with those who represent working people to ensure the 2022-2026 Strategic Plan gives due consideration to the needs of all working people.

1. What strategies or priorities should the U.S. DOT adopt to achieve the Department's strategic goals and objectives?

Goal 1: Safety – Make our transportation system safer for all people. Work toward a future where transportation-related fatalities and serious injuries are eliminated.

¹ Attached is a list of TTD's 33 affiliated unions.



Ensuring the health and safety of workers is always at the forefront of TTD's work. Policies to achieve these goals—whether it's protecting workers from assault, stopping dangerous industry practices in rail, ensuring strong meal and rest requirements for workers, and others—are detailed throughout this document. We urge the DOT to recognize that a safe and healthy workforce is integral and fundamental to meeting all of its strategic goals. That will only be possible if the DOT shows clear leadership in partnering with labor to identify and show strong support for specific pro-worker policies across the entire strategic plan.

Additional modal-specific safety concerns are identified in greater detail later in this document.

Goal 2: Economic Strength & Global Competitiveness – Grow an inclusive and sustainable economy. Invest in our transportation system to provide American workers and businesses reliable and efficient access to good-paying jobs, resources, and markets.

TTD and the broader labor movement have fought tirelessly over the past decades to ensure that federal investments made in America's transportation infrastructure are tied to strong policies that support and create good-paying jobs and safe workplaces for America's workers. Those policies include Davis-Bacon; Buy America, Buy American, and other domestic content provisions; 13(c) transit protections; the Jones Act; Open Skies agreements; and Fly America. While protecting and expanding these provisions remains at the center of the work we do, our efforts are only bolstered when the DOT recognizes the important role it plays in creating high-quality jobs and should recognize that role clearly in their strategic plan and at every level of the department in policy crafting, implementation, and evaluation.

Federal law (49 U.S. Code § 101) ensures that DOT meets a number of specific objectives in the facilitation of fast, safe, and efficient freight, passenger, and personal transportation. While these objectives include labor as stakeholders, they also prioritize private-sector performance and building at the lowest cost, without consideration for the quality of jobs created. In doing so, these policies implicitly encourage the privatization of good union public-sector jobs—a move that often results in lower pay and less desirable working conditions for the people performing them.

We find this outcome contrary to the intent of Congress. After all, the above-mentioned labor policies, like Davis-Bacon and Buy America(n), are designed to protect and support working-class Americans. The Department should make clear that its strategic mission is the pro-labor policies that have long been at the core of our federal transportation programs.

Threats to good union jobs in the transportation sector—whether from the proliferation of new technology, including automation or attacks on existing labor protections—are many and have the potential to disrupt millions of jobs in the coming years. However, there are steps we can take now to mitigate these concerns. Protecting the American workforce starts with ensuring good jobs remain central to every policy the DOT puts forward and worker voices are included in all decision-making that consults outside stakeholders.

Goal 3: Equity – Reduce inequities. Support and engage people and communities to promote safe, affordable, accessible, and multimodal access to opportunities and services while reducing transportation-related disparities, adverse community impacts, and health effects.

We know that jobs created by smart investments in transportation and infrastructure are good jobs that people can raise families on. In part, this is because of the high union density in some of these sectors and in part because of the federal policies that have been associated with these investments. In particular, labor standards specific to construction and transportation have been included in past infrastructure investment statutes and together have resulted in a high-road labor model and ensured a skilled workforce is utilized.

Critical to the question of equity is the fact that a union contract has a clear connection to wealth creation for all workers, particularly for women and workers of color. By way of example, in 2019, Black workers in unions earned 21.4 percent more than non-union Black workers, while Black women earned 21.9 percent more. For Latino workers, the union difference was 28.1 percent overall and 28.9 percent for Latinas. Among Asian women, unionization increased wages by 18.2 percent. Union membership also offers more stable, long-term employment for workers of color because collectively bargained contracts standardize wages for job types and offer due process rights to protect against employment discrimination.

Beyond provisions in the law that ensure good safe jobs, the investments we make in transportation infrastructure and services are often overlooked as the most fundamental tool in creating access to jobs, education, healthcare, and other services that grow economic opportunities for Americans. For example, young Black adults in Chicago face an unemployment crisis of startling proportions. Unemployment in Illinois is relatively low, yet 60 percent of Black 20 to 24-year-old Chicago residents do not have jobs. Lack of public transportation options has been identified as a primary reason for that.

The majority of jobs in Chicago are located downtown and on the city's northwest side, far from Chicago's historically Black communities. This is the very definition of what it means to be disadvantaged. The same thing is happening in Minnesota's Twin Cities, where researchers noted

that disadvantaged job seekers are often qualified for entry-level positions located in the suburbs but have no way of actually getting to those jobs.

Lack of access to other services, like rural and bus services that began in the 1970s, also puts rural communities at a disadvantage, dividing them from economic opportunities and other services. Expanding access through passenger rail can play a critical role in expanding those opportunities, and the IJJA presents this DOT with excellent resources to make that a focus of their efforts.

Goal 4: Climate & Sustainability – Tackle the climate crisis by ensuring that transportation plays a central role in the solution. Substantially reduce greenhouse gas emissions and transportation-related pollution and build more resilient and sustainable transportation systems to benefit and protect communities.

The labor movement stands united in our support of good middle-class jobs, policies that address climate change, and safe transportation that brings equitable benefits to communities across the country. As our infrastructure evolves and adapts to new challenges, new technologies, and processes, the business models meant to face these challenges must advance these goals. With regard to climate and sustainability, our nation is grappling with the challenge of transitioning to zero-emission transportation vehicles and infrastructure over the next few decades. We cannot let Wall Street and multinational billionaire corporations alone decide how to move forward on these issues.

Last year, a number of unions joined together to [articulate clear pro-worker principles](#) that will guide our policy advocacy, collective bargaining, and organizing efforts as we all work to reduce greenhouse gas emissions in our industries and advance racial and environmental justice. We encourage the DOT’s close consideration of this document, along with our [policy statement on the topic of electric vehicles](#).

Goal 5: Transformation – Design for the future. Invest in purpose-driven research and innovation to meet the challenges of the present and modernize a transportation system of the future that serves everyone today and in the decades to come.

A successful transformation of the transportation network must be driven by a strong commitment to equity, access, and opportunity; this transformation must also be guided by “purpose-driven” research and innovation that is worker-centered and focused on creating and sustaining good jobs and serving everyone. The future of transportation has always been intertwined with the federal government’s research and development (R&D) initiatives in partnership with some of the leading

universities and the private sector. Within that ecosystem of R&D and innovation, workers' voices and union involvement must be incorporated as a matter of policy. These intentional policy reforms will produce better outcomes. Too often, inventions are incubated, tested, and eventually piloted and brought to market without ensuring we are using taxpayer-funded research to solve mobility problems for everyone, to create and sustain good jobs, and to ensure the workforce is trained and ready for the next generation of technology-enabled transportation systems.

Goal 6: Organizational Excellence – Strengthen our world-class organization. Advance the Department's mission by establishing policies, processes, and an inclusive and innovative culture to effectively serve communities and responsibly steward the public's resources.

TTD often says that the DOT is our Department of Labor. For many of our affiliated unions, that is undoubtedly the case. However, unlike many other cabinet-level departments, the DOT has not historically, at a staff level, employed advisors representing the voices of those working in the Office of the Secretary or within modal agencies. By way of comparison, the Biden Administration appointed a Director of Energy Jobs within the U.S. Department of Energy, with the goal of driving job growth in energy-related fields like electric vehicle manufacturing and charging infrastructure.

We are pleased that, for the first time in the history of the DOT, the Biden Administration has appointed a labor advisor in the Office of the Secretary. From the perspective of transportation labor, this is a potential sea-change for the department. However, the degree to which that advisor is empowered to work within the Office of the Secretary, across the modal agencies, and with career staff to ensure policy is shaped squarely through the lens of working people will be absolutely essential in evaluating the real impact of this new role. The strategic plan should not only emphasize the importance of tying the creation of good union jobs and ensuring that transportation labor is a key external stakeholder across the entire public policy process, but it must also enshrine in department policy the authority and expectation for this advisor to ensure those goals are accomplished across the entire department.

2. How should U.S. DOT measure progress towards those priorities?

TTD outlines many priorities for working people throughout this document, in our past regulatory filings, policy statements, testimony, and other public communications. Too often, unfortunately, it takes years for our hard-fought victories for working people to translate to on-the-ground results. For example, the FAST Act, which was passed in 2015, required rulemaking to ensure protections for transit workers from assault by passengers. To date, the DOT has not taken action on this congressional mandate, forcing TTD and our affiliated unions to take additional more prescriptive

measures in the IJA. Meanwhile, thousands of bus drivers have been attacked—many killed—with nothing to show for our efforts in 2015.

Progress towards achieving the overlapping priorities of working people and those outlined by the DOT will be measured by hard-working Americans when they see the federal government take real steps to implement congressional mandates that make their jobs safer; that ensure the strict enforcement of applicable labor standards, including Davis-Bacon, 13(c), and Buy America; and that ensure the growth of good union jobs in their industries.

3. What emerging challenges or opportunities in transportation warrant additional U.S. DOT activities or investments?

In addition to the many victories for working people included in the IJA that speak directly to the goals of the DOT strategic plan, numerous other priorities, including congressional mandates that have yet to be implemented by the DOT and other administrative actions TTD has long fought for will help ensure significant steps are taken towards increasing the number of good union jobs, enhanced U.S. economic competitiveness, meeting equity goals, and guaranteeing safety for workers. Detailed below are a number of those opportunities that we believe should be woven throughout the department's strategic planning document.

Assaults on Transportation Workers

Assault on Transportation Workers: It is an outrage that on any day, working people who staff the front lines of our passenger transportation system face brutal assaults and abusive and unruly behavior by the users of the system. In truth, this has long been a problem that plagues our transportation workforce. The pandemic has exacerbated it and spotlighted the failure of our government and employers to act aggressively to put a stop to it.

TTD provided comprehensive details about many of the threats of violence facing transportation workers, along with policy solutions for addressing them, in our 2021 policy statement: [*Strong Measures Needed to Prevent Assaults on Transportation Workers*](#).

While the above policy statement focuses on transit, aviation, and rail workers, it must be noted that the threat of violence is not limited to these workers in these industries alone, and the safety of all transportation workers remains a top concern. For example, sexual harassment and abuse are still rampant in many workplaces and academies. Worker abuse in any form is wholly unacceptable and must not be tolerated by anyone at any level. We are committed to supporting a comprehensive approach to combat sexual harassment and assault within the industry and organizations. Early

outreach should be made to stakeholders to address any remaining challenges in current culture compliance, eliminate bad actors, and come up with inclusive solutions.

Notably, serious steps were taken in the IIJA to stop assaults on transit workers. TTD has long fought to stop the scourge of assaults against public transportation workers, as outlined in our [2018 policy statement on the topic](#). **Notably, our work on this issue goes back decades. It is unconscionable that the DOT, under the Trump administration, intentionally undermined a congressionally mandated rulemaking in 2015's FAST Act to protect workers. As a direct result of the DOT's inaction on this issue, thousands more transit workers have been assaulted, and many more have died. This is inexcusable and must change immediately.** We are pleased that President Biden supported including the Public Transportation Safety Program in the IIJA, as well as a new, correct, and inclusive definition of assault, along with strict reporting requirements to the National Transit Database (NTD) so that we have a clear picture of the dangers faced by transit workers daily, and better tools to respond to them.

The IIJA also requires Amtrak and commuter railroads to extend the coverage of Critical Incident Stress Plans, and the benefits thereof, to employees who have been assaulted and require medical attention. DOT should work with covered entities to ensure these changes are made quickly.

The threat of violence and assault reaches every corner of our transportation system and requires a whole-of-DOT approach both in identifying threats to transportation workers and evaluating policy responses that fully and seriously address those threats.

Aviation

Flag of Convenience Airlines: The DOT and the Federal Aviation Administration (FAA) must take action to deny access to the U.S. market to air carriers that use flags of convenience or atypical employment schemes. As part of this effort, the DOT should establish as a formal policy on its intent in applying conditions (49 U.S.C. 41305(b)) on permits or exemptions through its existing statutory public interest criteria. DOT should restore the intent of the Parties to the EU-US Air Transport Agreement with regard to labor standards contained in 17 bis, which DOT can achieve by working through the Agreement's Joint Committee. Finally, the DOT should work to update its 1995 International Aviation Policy Statement which is no longer reflective of current conditions in international aviation.

Enforceable Labor Standards in Open Skies Agreements: Aviation Open Skies Agreements must include enforceable labor rules to better protect U.S. workers. These basic labor principles can best be represented by the International Labor Organization (ILO) Conventions and accompanying jurisprudence. By adopting these standards, in addition to protecting U.S. foreign ownership and control laws, our government can ensure that international liberalization proposals will not negatively impact aviation employees. The United States must enforce and uphold Article 17 bis of the EU-US Open Skies Agreement, which governs the diminution of labor standards.

Unmanned Aircraft Systems: The DOT must ensure that Unmanned Aircraft Systems (UAS), or drones, are carefully regulated for both commercial and recreational use to ensure that they are safely integrated into the national airspace. Commercial and recreational UAS use poses new safety challenges for commercial planes and emergency response aircraft. The administration must work closely with unions representing aviation employees to ensure that expanded UAS use does not pose a safety risk to our aviation system. The FAA should further regulate commercial operations of UAS aircraft, including licensing requirements of the pilots that operate these aircraft with qualifications similar to those of commercial airline pilots.

Flight Attendant Fatigue: The FAA recently promulgated a notice of proposed rulemaking (NPRM) seeking to implement the 2018 FAA Reauthorization Act mandate requiring a mandatory 10-hour rest period for flight attendants. We applaud the FAA for moving forward on the rule, which will help to combat endemic fatigue among flight attendants that has become especially pronounced in the COVID-era. The FAA should act quickly to finalize and implement this important and overdue requirement.

Cockpit Barriers: The 2018 FAA Reauthorization Act included a requirement for the FAA to issue a rule within one year requiring all newly manufactured commercial passenger aircraft to include secondary cockpit barriers. The FAA should complete this mandate expeditiously. Further, the FAA and Transportation Security Administration (TSA) should require all-cargo aircraft to have hardened, primary cockpit doors and regulate the carriage of supernumeraries on all-cargo aircraft.

Customer Service Agents Assaults: The 2018 reauthorization also required airlines to submit to FAA plans to address assaults against customer service agents at airports. The unprecedented spike in assaults and unruly behavior against customer service agents and ground workers during the pandemic underscores the need for these plans. The FAA should address any ongoing hurdles and work with airlines and union representatives to begin implementation and deployment.

Despite a clarification from the Department of Justice (DOJ) in 2017 that federal penalties under 49 USC 46503 extend to interference with customer service agents, TTD's affiliated unions representing customer service agents report that this is rarely, if ever, invoked for assaults against

customer service agents and federal law enforcement is not aware of this interpretation. The FAA should work with the DOJ and federal law enforcement to provide clarity and additional protection for these workers.

Foreign Repair Stations: Congress has twice mandated that the FAA proceed with regulatory actions that address the safety gaps that exist between aircraft maintenance work performed domestically and at foreign repair stations. In particular, this includes common sense regulations to ensure that employees at foreign repair stations responsible for safety-sensitive maintenance functions on U.S. commercial aircraft are subject to an alcohol and controlled substance testing program. The DOT and FAA must finally promulgate the overdue rule, engaging with international aviation stakeholders as necessary.

Two Pilots: The DOT should maintain pilot staffing levels as required by regulation, including 14 CFR 121.385.

Airline Workforce Training and Qualifications: Congress has directed the FAA to undertake many important safety reforms that were triggered by a series of tragic fatal accidents. Minimum licensing, training, and qualifications requirements for pilots and mechanics working in FAR 121 airline service have been written in direct response to these accidents. These regulations have significantly improved airline safety, and any efforts to weaken these regulations must be rejected.

Ramp Worker Safety: The FAA and the Occupational Safety and Health Administration (OSHA) should re-charter the Ramp Worker Safety Advisory Committee, and authorize it within one year to develop a plan to address the risk of serious, sometimes fatal injury, from safety hazards including foreign object debris (FOD) and insufficient lighting on the tarmac. To mitigate these risks, the FAA should implement a 2019 recommendation from the Government Accountability Office (GAO) to collect and analyze data on ramp accidents. Further, OSHA should establish independent standards to address health effects on ground service workers of exposure to extreme heat and exhaust fumes.

FAA Employee Staffing: The FAA continues to face a staffing crisis, including substantial retirements among air traffic controllers, aviation safety inspectors, and systems specialists. The FAA must take steps to increase the hiring and training of new employees, as well as update and improve the hiring and training process. This should include the development of a formalized training plan to ensure FAA systems specialists, aviation safety inspectors, and certification engineers are kept current on all technologies. The agency must also continue to fully embrace modern training alternatives that allow for more virtual and online learning. Further, the FAA should continue its recent efforts with the National Air Traffic Controllers Association (NATCA) to improve the FAA's previously flawed placement and transfer process for air traffic controllers.

Airport Fire Fighting: Current Airport Rescue and Fire Fighting (ARFF) regulations are gravely deficient and woefully out-of-date. FAA regulations do not recognize the reality of modern air travel, with larger planes carrying more passengers and more fuel, often flying to and from facilities unequipped to handle heavy traffic. Neither do current standards recognize modern firefighting techniques, equipment, and training. ARFF regulations are so deficient they do not require airport fire departments to maintain even a minimum staffing level, other than the minimum number of personnel necessary to operate vehicles and meet the response times and minimum discharge rates, i.e., one firefighter per vehicle. ARFF regulations should be updated to bring them into alignment with NFPA standards.

Public Transportation

Transit Workforce Training: The IJA provides \$5.625 billion for the Low or No Emissions Vehicle Program, between reauthorization and the supplemental appropriations included in the bill. Importantly, language was included under Section 30018 — Grants for Buses and Bus Facilities, which requires transit agencies to examine the impact of the transition to zero-emission vehicles as a part of their fleet transition plan and requires 5 percent of grants for zero-emission vehicles to address the impact of the transition to zero-emission vehicles on the applicant’s current workforce unless the applicant can certify that a smaller percentage is needed to carry out their plan. Transportation labor’s concerns about the workforce impacts of the transition to zero-emission vehicles [are detailed here](#), and we believe that this language will take significant steps to address our major concerns.

However, the correct implementation of this requirement will remain key to its success. The DOT must set clear standards for the waiver process that ensures workers certify claims by transit agencies that training needs have been met, and the DOT must work with management, labor, and experts in the field, including the International Transportation Learning Center, to set strong standards for high-quality training programs and curriculum.

Additionally, as outlined in our [2020 policy statement on the topic](#), we strongly support the creation of a national frontline workforce training center. While the INVEST in America Act created such a center and authorized it annually at \$12 million, the IJA contained no such provision. Currently, the activities authorized for a national center as established in the INVEST in America Act are being funded through appropriations at \$2.5 million annually, but with no authorization, we have no long-term certainty for the future of workforce training.

The Administration recently awarded \$5 million to the International Transportation Learning Center to carry out the activities of a Transit Workforce Center. However, given the uncertainty about future appropriations, we strongly encourage the DOT to identify reliable discretionary funding at its disposal for future activities related to a Transit Workforce Center. Activities carried out under these funds are an excellent example of outside stakeholders—labor, management, and federal partners—working together to advance the goals and objectives of our federal public transportation programs.

Technology and Innovation

Creating Good Jobs in New Technology: Much like the paradigm-changing advent of mechanized transportation in the 19th and 20th centuries, new technologies are certain to continue impacting every sector of transportation and its workforce. Unlike technological advancements through very recent history, however, the complexity of new technologies under development today and the speed with which they advance and are deployed present serious challenges to our workforce.

Automation, the transition to low or no-emission transportation, unmanned aerial vehicles, the myriad applications of robotics, and other technologies stand to radically transform every corner of the transportation industry. History tells us that strong unions and worker engagement are essential to mitigate the harms inherent in rapid changes to industries. Relatively high union density in the transportation workforce and opportunities to manage change through the collective bargaining process will play an important role in assisting this sector. At the same time, federal regulations that establish a high bar for safety, worker dislocation policies, and assurances that transportation services will meet a basic public service standard must be in place.

TTD's positions on how these standards can be met are further detailed in the joint TTD and Teamsters [Labor Principles for Autonomous Vehicle Legislation](#), the joint [Labor Principles for Transportation Electrification](#), our policy statements on [The Path Forward for Port Investments](#), [Principles for the Transit Workforce in Automated Vehicle Legislation and Regulations](#), and [The Federal Government Must Take Additional Steps to Ensure Federally Supported Transportation Jobs are Good Jobs](#); comments on the Trump Administration's ill-advised [AV 3.0](#) and [AV 4.0](#) policies, as well as its so-called [Automated Vehicles Comprehensive Plan](#); our [report on the disastrous anti-worker policies and efforts to undermine public transportation by ride-hailing companies](#); and testimony by former and current TTD presidents [Larry Willis](#) and [Greg Regan](#) before the House Transportation and Infrastructure Committee.

Finally, protecting the public interest in the development of regulations is critical, especially in developing new regulations for nascent industries. While policymakers have no shortage of advice from private interests, there is never a need to provide well-heeled corporations special access to regulators through advisory bodies or other avenues. Any advisory groups established or that have been established by the DOT should consist solely of safety, worker, and other relevant public interest advocates.

Maritime

Cargo Preference: The Maritime industry urges the DOT to consider recommendations that strengthen cargo preference laws.

The cargo preference statutes and other U.S.-flag shipping requirements (including, but not limited to, Chapter 553 of Title 46, U. S. Code, and Section 2631 of Title 10, U.S. Code), are designed to ensure that U.S. government-generated import and export cargoes move in substantial volume on U.S.-flag vessels. This policy, which is directed to government-generated cargoes and which does not apply to the movement of commercial export-import cargoes, is an important factor in maintaining the merchant fleet necessary to meet our national goals and is in accordance with the general practice of other maritime nations who move the vast majority of their government shipments in vessels of their own flag.

The applicability of the cargo preference requirements to specific federal activities has been on occasion called into question, and the implementation of cargo preference laws by federal agencies has frequently run more nearly to or below the minimum rather than the maximum. It is, therefore, extremely important that any question as to the applicability of the U.S.-flag shipping requirements to any government cargoes moving under a federal program or financed in any way with federal funds, be determined by the Maritime Administrator and that the cargo preference laws be implemented by all federal agencies in a manner designed to achieve fully their purpose. The cargo preference laws are broadly written and should be broadly applied to federal activities without exception.

(1) That all Federal departments and agencies shall maximize their use of privately owned United States-flag vessels. Moreover, for those cargo preference laws requiring less than 100 percent of applicable government-generated cargoes to move on United States-flag vessels, such a requirement is a minimum, and it shall be the objective of each Federal department and agency to ship a maximum amount of such cargoes on United States-flag vessels.

(2) That all Federal agencies and departments and their personnel shall comply fully with the purpose of our various cargo preference laws.

(3) That relevant Federal agencies and departments are hereby directed to cooperate with the Maritime Administrator to move expeditiously to promulgate and implement the regulations or guidance necessary to enable the Maritime Administration to fully implement the enforcement authorities granted to the Administrator by Public Law 110- 417.

(4) That all executive branch agencies and departments shall forward to the Maritime Administrator such statistics and other information with regard to cargo preference activities as he shall request and within the times he shall establish and he will collect, tabulate, and publish such statistics and information in a transparent and timely manner.

(5) That the issuance of any and all waivers of the cargo preference laws shall be the sole responsibility of the Maritime Administrator as provided for in Public Law 110-417. Such waivers should be granted only when such action is in keeping with the policy of this directive.

Rail

Rail Grant Conditions: As historic IJA rail funding is disbursed, DOT must impose the grant conditions by 49 USC 22905(c), including employee protections, where required by law.

Safety Waivers: The prior administration acted as a rubber stamp to railroads seeking waivers of key safety regulations, including equipment and track inspections, fatigue protections, and requirements to adequately and safely test new equipment. We are heartened that this DOT and Federal Railroad Administration (FRA) are taking a more nuanced and comprehensive approach to the regulatory process and encourage the continuance of this approach, as well as ongoing reviews of regulatory determinations made by the previous FRA administrator.

Precision Scheduled Railroading: Today, Class I railroads have adopted an operating model known as Precision Scheduled Railroading (PSR). PSR operations seek to maximize operating ratios—a railroad's expenses as a percentage of revenue—to appease shareholders and increase returns. Fundamentally, a PSR railroad abandons the traditional operating model of a service industry that responds to the variable demand of its customers. Instead, it operates on a regimented schedule more akin to passenger rail.

After eliminating on-demand response, flexibility in the construction of train consists, and the availability of service, railroads then jettison capital assets like locomotives and cars and slash jobs across the network, leaving the remaining workforce to do more with less. Finally, PSR also places a focus on maximum network velocity, which manifests as hurried or eliminated inspections, deferred maintenance and inspection tickets, and pressure to cut corners.

In response, the FRA should increase deployments of unannounced “safety blitz” inspections of Class I carriers, should examine where compliance with the letter of a regulation and the safety intent of the regulation have diverged, and should engage in rulemaking efforts where the realities of moderation operations are no longer consistent with the operations envisioned by existing regulation.

Amtrak: As Amtrak begins to spend what is the greatest investment in the carrier in its history, it must do so in a manner that is responsible and creates good union jobs at Amtrak. It was not the intent of Congress that IIJA funds would result in Amtrak contracting out significant amounts of work currently done in house by Amtrak employees. To this end, Amtrak must develop and deploy workforce plans that ensure that the result of the IIJA is further growth and development of its skilled and trained workforce.

Crew Size: TTD is encouraged that the DOT has re-added a crew size rulemaking to the unified agenda. TTD has long called for the implementation of a crew size rule, and believes strongly that the presence of a qualified engineer and conductor is necessary for safe operations. FRA should promulgate this critical and well-justified safety measure expeditiously, and TTD looks forward to providing input on the proposal.

LNG by Rail: Recently, DOT and PHMSA moved to suspend authorization of liquefied natural gas (LNG) transportation in rail tank cars pursuant to a final rule published in July 2020. That final rule was deeply deficient from a safety perspective, and reexamination of attendant safety risks is welcome.

Maritime and Longshore

Port Infrastructure Development Program: The current authorization of the PIDP program restricts the use of funds for projects involving automated cargo handling equipment. The Maritime Administration should continue to award projects that address other critical port infrastructure needs, including on-dock rail, while ensuring that any investments in automated technology are not made with federal funds.

Motor Carrier

Meal and Rest Breaks: Both California and Washington State have adopted pro-worker laws and regulations that ensure that employees in those states receive meal and rest breaks at work during long shifts. The Trump FMCSA has denied these protections to commercial drivers, by preempting these requirements under thin pretenses. For drivers who transport passengers, like motorcoach drivers, the state provided breaks were the only break they were entitled to during the day. FMCSA should reverse its meal and rest break determinations and restore dignified work conditions to drivers in California and Washington.

Maritime Training: A [GAO audit that was conducted in 2018 and updated in 2020](#) found that maritime industry stakeholders and the government shared concerns about the lack of qualified U.S.-citizen mariners. As the administration reviews ways to rebuild the U.S. maritime industry, strategic federal investments must be made for maritime career training programs, along with institutions and schools operated by maritime unions to improve education and career training programs for the maritime workforce.

We strongly support policies that allow union training schools to be eligible for designation as Maritime Centers of Excellence or other types of subsequent federal assistance. In addition, grants should be awarded to structured experiential learning training programs for American workers in the United States maritime industry, including programs offered by a labor organization or union.

Manufacturing and Domestic Content

Buy America: The Infrastructure Investment and Jobs Act provides expansive new tools for the Biden administration to fulfill its “Made in All of America” goals. As the DOT expands Buy America to cover deficient programs as well as manufactured products and construction materials, proper implementation will be critical. Any waivers to overcome short-term market limitations should be: 1) narrowly-focused so as to not overreach and waive products made by American workers; 2) time-limited in duration to preserve the market signal for future investment to fill supply chain gaps; 3) fully justified for the public to understand why tax dollars are going offshore; 4) reported in a transparent manner using [MadeInAmerica.gov](#) so that the public can review waivers; and 5) vetted through the MEP supplier scouting program to locate domestic sources. Following these principles, DOT will be able to maximize the impact of its infrastructure investments by supporting domestic manufacturers and good, middle-class jobs across the country.

- 4. How can U.S. DOT best coordinate its activities with Federal, State, local, tribal, labor, private sector, academic, non-profit, international, and other stakeholders?**

The DOT must build a culture of working with its most important stakeholders—transportation workers. Nobody knows the safety challenges or the benefits that come with high union density and strong labor protections in this industry better than the workers represented by TTD’s affiliated unions.

Too often, that relationship feels one-way. Our flight attendants know first-hand the effects of waiting years for action implementing rest requirements mandated by Congress years before. Transit workers across the country continue to go to work every day, wondering if today is the day their physical wellbeing will be put in jeopardy because their employer still hasn’t installed protective shields. Rail workers—not their employers—are the ones whose lives are put in jeopardy by profit-at-all-cost policies that only benefit a handful of wealthy investors.

Working people should never have policies that affect their livelihoods or their health and wellbeing handed down to them. They must be brought in on day one, and their expert views as practitioners in their respective fields given the treatment that it deserves.

5. How can U.S. DOT best utilize additional programs and authorities in the Infrastructure Investment and Jobs Act to accomplish the goals laid out in the strategic plan?

The Infrastructure Investment and Jobs Act is not only the largest investment in infrastructure in our nation’s history, but it also contains many long-fought priorities for transportation labor, including new provisions for safety, training, and manufacturing, among many others. Additional detail on many of those provisions are provided previously throughout this document.

It is also important to note that many provisions that would have successfully increased opportunities for frontline worker training, safety, and other critical unmet needs for transportation workers were kept out of the IJJA by those who sought to undermine working people, and ultimately, our shared goals with the DOT as outlined in the strategic plan. We encourage the DOT to find opportunities to use its administrative and regulatory authority to work hand in hand with labor to help detail how those unmet needs can be accomplished in the updated strategic plan.

Again, we urge DOT to involve workers in all levels of discussion and decision-making as our transportation system is faced with challenges old and new. We appreciate the opportunity to comment on this matter and look forward to working with the department going forward.



Transportation Trades Department, AFL-CIO
A bold voice for transportation workers

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 (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 (NFOPE)
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 Automobile, Aerospace and Agricultural Implement Workers of America (UAW)
United Mine Workers of America (UMWA)
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service
Workers International Union (USW)

These 33 labor organizations are members of and represented by the TTD

