



A bold voice for transportation workers

THE TIME IS NOW FOR REGULATORY ACTION

As we approach the halfway point of President Biden's first term in office, transportation labor calls on the administration to continue prioritizing an ambitious regulatory agenda that delivers improved safety, creates good union jobs, and drives economic development. This includes promulgating regulations required by unmet mandates that have languished for years without appropriate attention, new regulatory requirements enacted by the historic Infrastructure Investment and Jobs Act (IIJA), and forward-thinking proposals that address the safety and economic conditions of today's transportation network.

TTD has long championed the value of a robust regulatory regime as many of the most critical policies that affect transportation workers are codified in the regulations, guidance documents, and agency orders within the Department of Transportation (DOT) and its modal agencies. This administration has embraced historically strong positions in support of pro-worker, pro-union policies across the board, and has an opportunity to solidify those positions through regulations that guarantee those positions long into the future. To be sure, the DOT has made some progress in delivering on key labor priorities, but the challenges presented by those that remain unmet along with the significant amount of work to be done in implementing the IIJA and the ongoing pressures caused by the pandemic on our transportation system undoubtedly place a unique burden on the administration to cement its pro-worker legacy.

For decades, access to high-quality, high-paying jobs has been a key factor in providing economic stability for millions of American households. Regulatory policies must recognize the role of good union jobs in bolstering the economy and lifting families into the middle class. Transportation jobs can be rewarding but also demanding; it is crucial to enact regulatory frameworks that ensure these jobs are attractive and attainable to a new generation of workers while simultaneously preventing backsliding in labor standards caused by bad actors. Our country has witnessed the harm that massive layoffs, reduced protections and wages, and unreasonable working conditions have had on workers and the economy as a whole. There are many ways that strong regulatory leadership could address these issues to ensure that staffing levels, schedules, rest breaks, prevailing wages, and the ability to join a union are protected and to ensure that our country remains competitive in a global economy.

Moreover, as the administration considers its regulatory agenda, agencies must vigilantly examine the impact of a new generation of technology and innovation, wherein our nation's regulatory frameworks will be even more important to protect workers and the public. Some innovations and technologies can be powerful tools to increase safety but must be subject to appropriate oversight by regulators. It is essential that we do not abdicate key safety roles to the mirage of self-regulation, nor do we predicate modern safety analysis on regulations that were written for a different era and different safety challenges. Keeping workers and the public safe must always be the highest priority before cost-reduction for corporations or permitting the deployment of untested technology.

In addition to setting the stage for the transportation network of the future, the Biden administration must also look to the past. The previous administration systematically attempted to dismantle various regulatory frameworks that promote safety and the continued existence of good union jobs. This includes efforts as destructive as acting as a rubber stamp for safety waivers to the promulgation of rules that attacked the ability of transportation workers to participate in a union. While many industries lament over the purported burden of a strong federal safety framework, it is these well-designed regulatory frameworks that move us towards safer operations despite ongoing industry attempts to undermine safety and working conditions. It is time to undo the harm caused by the previous administration and unchecked corporations — along with an undue trust that many industries will responsibly self-regulate with anything other than profits in mind — and foster the creation of worker safety regulations that will last for generations.

We commend the Biden administration for taking quick action on a number of outstanding priorities, including the proposed rule on flight attendant rest, proposed guidance on protective arrangements for railroad employees, a number of important requests for information regarding worker assault, and suspending the proposed Liquefied Natural Gas by Rail rule until further safety considerations have been made. We also praise the more safety-conscious stance that the FRA has taken against waivers that could undermine worker and public safety.

But there are still many outstanding mandates and regulatory priorities that are crucial for the administration to address to enact a pro-worker, pro-union regulatory environment. We appreciate the administration's steps towards promulgating rules concerning secondary barriers to protect pilots and minimum freight rail crew sizes. Other actions, including on safety from assault, prevention of labor arbitrage, access to a union, adequate safety and disclosure of hazardous materials, protections from fatigue, and well-developed training standards remain warranted. These regulations are needed immediately to improve the working conditions our members experience.

The administration must also remain cognizant of its window of opportunity to enact regulatory change. The promulgation of new or modified regulations is almost always a time-intensive process. Given the scope and depth of the regulatory agenda that DOT must embark on, it cannot allow the clock to run out on key rulemakings and proceedings. Following the administration's commendable investment in our nation's transportation systems and workers, failing to enact sweeping regulatory changes would represent a historic missed opportunity. The administration has an opportunity to shape a powerful legacy by improving the work lives of hundreds of thousands of transportation workers. Beyond that, good safety policies can benefit tens of millions of travelers and billions of individual passenger and cargo journeys every year.

Finally, we urge the administration to continue to solicit input from labor on regulatory changes, particularly through robust labor participation and representation in advisory committees, working groups, and panels. Our members are experts in their fields and are the most familiar with the realities they witness while operating, maintaining, and servicing our transportation system. Regulatory policies directly affect the way our members do their jobs. Without their input, it is too easy to overlook critical details about on-the-ground conditions.

In just two short years, it has been evident that the Biden administration is the most labor-friendly presidency in modern history. We are confident that they will continue building on the legislative victories in the American Rescue Plan (ARP) and IIJA, and take this opportunity to use its regulatory authority and responsibility to promote high-paying union jobs; dignity for workers; secure supply chains; safety and confidence in every mode of passenger and freight transportation; equitable access to jobs and transportation; and robust oversight on an industry that is the basis of much of the American economy. From the delivery of critical supplies to the morning commute of frontline workers, transportation workers have kept the country moving during the pandemic, and have always been the lifeblood of our national economy. They deserve this kind of decisive leadership from the administration to enact robust industry oversight, hold employers accountable, and shape good practices that have proven to ensure safety.

In closing, transportation labor urges the Biden administration to remember that regulations affect how safe workers are while on the job, and whether their job is going to be protected. Now is the moment to pursue a comprehensive regulatory review and priority actions that will deliver on the administration's promises to the American people.

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