



Transportation Trades Department, AFL-CIO

December 4, 2024

Amitabha Bose
Administrator
Federal Railroad Administration
1200 New Jersey Avenue SE
Washington DC, 20590

**RE: Notice of Proposed Non-Availability Waiver for the Alabama State Port Authority to Purchase Two Rubber-Tired Gantry Cranes
Docket No. FRA-2024-0122**

Administrator Bose:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Railroad Administration's (FRA) request for comments on a proposed waiver of its Buy America requirements to the Alabama State Port Authority (ASPA) for two rubber-tired gantry cranes, for use in the Rail Expansion, Rehabilitation, and Modernization Project—Montgomery Intermodal Container Transfer Facility (Project). TTD consists of 37 affiliated unions, including those representing port and rail workers.¹ We therefore respectfully request that the FRA take our input on this matter into consideration.

TTD and our affiliates have consistently advocated for the inclusion of strong Buy America policies in federal transportation infrastructure investments, and we hold that firmly in mind as we review this request. Moreover, TTD has advocated for the responsible use of federal funds to expand our transportation infrastructure without undermining transportation workers in the process, a philosophy and commitment the Department of Transportation has also upheld in recent years². Given the ubiquity of domestically manufactured rubber-tired gantry cranes, and that we are aware of multiple domestic manufacturers generally capable of providing traditional rubber-tired gantry cranes, we are deeply concerned that this waiver request may serve as a back door to securing federal funding for a huge share of the cost of equipment that will eventually be converted to semi-automated or automated functions.

Automated port equipment has seen minimal deployment in the United States due to high costs and inadequate efficiency compared to current operations, even though it is readily commercially available. TTD is concerned that the granting of this waiver may set a damaging precedent by opening up the possibility that project sponsors

¹ Attached is a complete list of the unions affiliated with TTD.

² <https://www.transportation.gov/priorities/transformation/us-dot-innovation-principles>

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Greg Regan, President / Shari Semelsberger, Secretary-Treasurer

could front-load much of the cost of automated equipment on the federal dime, make the software conversions to semi-autonomous or autonomous function at a later date, or worse, purchase foreign-manufactured cargo handling equipment that comes readily equipped for autonomous operations. Put simply, this strategy, if successful, would incentivize procurements that operators would not have made without the government's intervention. In other words, the federal government would be subsidizing the near-future elimination of jobs.

We recognize that as cargo volumes at ports have increased, the lack of comprehensive multimodal connectivity has contributed to congestion and delays. We generally support the FRA's efforts to alleviate this problem through grants made under the Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program for projects such as these, including the standard necessary equipment. However, we urge the FRA to consider ASPA's long term intentions for the machinery covered by the requested waiver. The specifications presented by ASPA to potential bidders include the stipulation that the two cranes "shall be designed and furnished with all required infrastructure and technology to allow future conversion to remote operation."³ Other materials on ASPA's website have indicated the Authority's interest in automating other aspects of port operations. We must emphasize that we are strongly against the automation of intra-port vehicle traffic, cargo handling, and other port operations. We therefore respectfully request that the FRA thoroughly evaluate APSA's application with this context in mind.

The FRA should not allow the CRISI Program to be compromised in a way that invites future project sponsors to raid the program for funding intended for port automation. Congress has not thus far explicitly elected to devote federal funds to port automation in any federal infrastructure program, and even in some cases has explicitly prohibited it. For example, the Environmental Protection Agency's Clean Ports Program prohibits equipment that is not human-operated or technology that is not human-maintained.⁴

We appreciate the opportunity to comment on this waiver request and look forward to working with the FRA in the future.

Sincerely,



Greg Regan
President

³ https://www.alports.com/wp-content/uploads/2023/12/Montgomery-Express-ICTF_RTG-crane_RFP.pdf (Page v-19)

⁴ 42 U.S. Code § 7433