



## TRANSPORTATION TRADES DEPARTMENT, AFL-CIO FIRST YEAR PRIORITIES U.S. DEPARTMENT OF TRANSPORTATION ISSUES

**Implement MOU and joint rulemaking establishing OSHA protections for flight attendants.** For three decades the safety and health of flight attendants has been ignored by the FAA, which has jurisdiction over aviation employee safety. In 2000, the Clinton Administration's FAA and Department of Labor issued an MOU aimed at establishing OSHA safety standards for flight attendants, but the MOU was suspended by the Bush Administration. The new Administration should re-start the interagency cooperation between the FAA and OSHA and finally apply certain OSHA standards to the cabin crew workplace. *The President-elect committed to support legislation to mandate application of OSHA safety and health standards for flight attendants.*

**Aircraft repair safety and security.** The 2003 FAA Reauthorization Act required the FAA and TSA to develop security rules by August 2004 for foreign and domestic stations working on U.S. aircraft. Security audits of overseas repair stations performing maintenance on U.S. aircraft were to be conducted 18 months after the rules were finalized.<sup>1</sup> The security rules have not even been proposed and the audits have not been conducted.<sup>2</sup> The new Administration must ensure that these mandates are met and in the longer run require that foreign stations meet the same safety standards as U.S. stations. *The President-elect co-sponsored Sen. Claire McCaskill's legislation, S. 3090 to impose safety and security standards on contract repair stations.*

**Surface Transportation Reauthorization.** The reauthorization of the highway and transit authorization bill, better known as SAFETEA-LU, which expires on October 1, 2009, is an opportunity for the new Administration to develop a blueprint to adequately fund and rebuild the nation's surface transportation system. This legislation is unquestionably one of the key legislative vehicles for advancing job creating federal investments that the President-elect has publicly discussed. There is no question that the investment needs of our nation's transportation system, specifically those covered by SAFETEA-LU, are significant and the Administration must work with Congress to address these needs. In addition, the new Administration must support an authorization that guarantees the appropriate balance between highway and transit needs and applies all labor protections – particularly Section 13(c) collective-bargaining rights and Davis-Bacon – to all current and new programs including less traditional innovative finance measures. *The President-elect is on record supporting new investments in infrastructure and specifically has strongly endorsed 13(c) and Davis-Bacon worker protections.*

**Implement Amtrak Reauthorization.** In the 110th Congress, Amtrak Reauthorization was finally signed into law providing the carrier with authorized funding levels that will

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<sup>1</sup> Vision 100-Century of Aviation Reauthorization Act, Pub. L. No. 107-176, 117 Stat. 2490, § 611 (2003).

<sup>2</sup> In the 9/11 bill, Congress specifically stated that if rules are not completed by August 2008 additional foreign repair stations cannot be certified and the timeframe for audits to be completed was shortened to six months after the rules were issued.



help it address years of under-funding. However, provisions of the new law could establish a framework for harmful privatization experiments – specifically on the Northeast Corridor – that will jeopardize the national Amtrak system and the service it provides to millions of passengers. Finally, through its senior appointees to the Department of Transportation, the Administration must oppose efforts to eliminate Amtrak jobs through contracting-out schemes such as an earlier attempt to outsource reservation positions overseas. *The President-elect co-sponsored the Senate Amtrak Reauthorization bill; is on record supporting strong multi-year funding for Amtrak; and opposes the “wholesale contracting out of Amtrak jobs and legislative proposals designed to break-up and sell-off Amtrak through privatization initiatives.”*

**Support strong U.S.-flag merchant marine and key maritime programs and initiatives.** The new Administration should acknowledge and support the critical role of the privately-owned U.S.-flag merchant marine – comprised of vessels crewed by licensed and unlicensed American merchant mariners – to our economic and military security during both peace time and as an auxiliary component of the U.S. Navy during wartime. Public statements from the new Administration should be issued. *The President-elect is on record in support of cargo preference laws, fully funding the Maritime Security Program (MSP), and strongly enforcing the Jones Act.*

**Oppose foreign efforts to include maritime services and programs in international trade negotiations.** For over two decades, maritime labor has advanced the position that economic sectors that promote vital national interests, including security, should be excluded from bilateral and multilateral trade negotiations. The coverage of domestic or international shipping matters in the World Trade Organization (WTO) and Free Trade Agreements (FTAs) would limit the ability of the U.S. to maintain and support an American-flagged, American-crewed and American-built merchant fleet. Inclusion of maritime services in trade pacts would eviscerate existing effective U.S. trade remedies, administered by the Federal Maritime Commission, that have helped to open up foreign markets. Coverage also would jeopardize promotional programs such as the Jones Act, financial assistance and investment requirements.

**Airline Bankruptcy Reform.** Airline workers have had far too much experience with bankruptcy courts – through the 1113 process – breaking labor contracts and dictating new terms for previously adopted collective bargaining agreements and guaranteed pensions. This is particularly important given the airline industry’s current financial distress, which could lead to more bankruptcies. Legislative reform is urgently needed. *The President-elect is on record with the following position: “I strongly support restoring the original intent of Section 1113, which is why I’ve worked with Senator Durbin on the Protecting Employees and Retirees in Business Bankruptcies Act of 2007 [to] provide employees more rights during the bankruptcy process.”*

**Declare support for FMLA legislation for flight attendants and pilots.** Because of unusual time-keeping methods in the airline industry, flight crews find it difficult – if not impossible – to meet the 1,250-hour per-year threshold required for Family and Medical Leave Act (FMLA) eligibility. Legislation pending in the 110th Congress gives FMLA



protections to pilots and flight attendants. In May, the House approved the Airline Flight Crew Technical Corrections Act by a vote of 402-9; companion Senate legislation has over 30 co-sponsors. We urge the new Administration to support completion of this initiative early in 2009. *President-elect Obama co-sponsored S. 2059, the Airline Flight Crew Technical Corrections Act.*

**Regulate safety and ADA standards for curbside buses.** The bus industry has seen the rise of low-cost bus companies that in many cases operate outside federal safety and disabilities requirements. Congress passed H.R. 3985 to ensure that all bus providers meet ADA standards. The new Administration's DOT must ensure compliance with this new law, better regulate these so-called "curbside" operators, and ensure that they do not compete unfairly against companies such as Greyhound by skirting safety requirements. *The President-elect is on record saying his Administration's FMCSA will "audit curbside bus operations and ensure compliance with federal safety rules and requirements," and DOT will "enforce the Americans with Disabilities Act (ADA) as it relates to intercity bus carriers ..."*

**Enforce Rulemaking mandating one level of security for passenger and all-cargo air carriers.** The revitalized focus on aviation security after 9/11 revealed that security regulations pertaining to cargo operations are inadequate and that the all-cargo airline industry is often exempted from complying with the stricter policies that are mandated for passenger airlines. A rule on Air Cargo Security Requirements became final in May of 2006<sup>3</sup> but still failed to apply an equal standard to the security of passenger and all-cargo operations in critical areas. Also, deadlines for a number of facets of the final rule have been extended multiple times, and full implementation of the final rule has not yet been achieved. The new Administration should enforce provisions in the 2006 Rulemaking mandating equal security standards for passenger and all-cargo air carriers.

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<sup>3</sup> 71 FR 03478; 5/26/2006