

The Trump Record of Failing Transportation Workers

The Trump administration has made it clear across all federal agencies and across all modes of transportation that they will put the interests of working people last. Most recently, this has been glaringly obvious with the administration's abysmal response to the COVID-19 pandemic, which has left millions of transportation workers fighting on the front lines without any coherent federal policies to keep them and the general public safe.

A deeper look at the Trump record shows that during his nearly four years in office he has consistently taken policy and regulatory actions that hurt transportation workers. When it comes to regulation, his administration has repeatedly taken the side of wealthy corporate interests over the safety, job stability, collective bargaining rights, and security of transportation workers. Even in instances when there has been a clear congressional mandate to implement pro-worker policies, the administration has engaged in delay tactics that allow these important policies to languish. His policy proposals have been—amazingly—even worse. Judged by his budgetary and legislative proposals, and his administration's positions on congressional actions, he believes that America's transportation network should be backward-looking, starved of funds, devoid of unions, recklessly unsafe, and unprepared to serve our economy and population.

The following record is limited to transportation labor issues, and by no means represents a complete picture of the damage done by Trump and his administration. It does, however, clearly show how his decisions have directly, and negatively, affected the lives of TTD-union members.

REGULATORY FAILURE

COVID-19 Response

Across all modes of transportation, the Department of Transportation (DOT) has failed to enact mandatory standards for cleaning, personal protective equipment (PPE), and social distancing that would protect both passengers and frontline transportation workers. TTD has, and continues to make, [requests](#) of the Federal Railroad Administration (FRA), Federal Transit Administration (FTA), and Federal Aviation Administration (FAA) that have gone unheeded. The continued promulgation of various guidance documents and non-binding recommendations puts the health of Americans at risk every day. Further, despite ongoing and repeated calls from workers and their unions across the economy, the Occupational Health and Safety Administration (OSHA), an agency under the Department of Labor, has refused to issue an Emergency Temporary Standard (ETS), which would have been critical in combating workplace transmission of the virus at the earliest stages of the pandemic.

The Trump administration went so far as to issue a [veto threat](#) for the House-passed FY 2021 Appropriations Minibus because of a common sense mandate included in the bill that would require passengers on all modes of public transportation to wear facial coverings. This came a day after [TTD formally petitioned](#) the Trump DOT to issue a mask mandate.

When Rail Labor requested that FRA [not provide safety waivers](#) based on COVID-caused workforce shortages when capable employees were on furlough, the agency deliberately misconstrued the request in order to reject it.

DOT Regulatory Mismanagement

Deregulation: Instead of using the early days of the administration to make bold regulatory changes to improve safety, protect workers, and promote infrastructure development, DOT [spent months soliciting feedback](#) on what critical regulations it should eliminate to appease corporate interests.

Automation in Transportation: [DOT and its modal agencies](#) have actively promoted the early development and deployment of automated technology without any policies to protect jobs, workers, or to impose basic safety standards. Rather than take a proactive regulatory approach to ensuring that these technologies are safe, [DOT has produced little more](#) than non-binding recommendations and suggestions for manufacturers while simultaneously warning states against filling this gap with regulation or legislation of their own.

Aviation

Flight Attendant Rest: The 2018 FAA Reauthorization Act included a requirement for the FAA to issue a rule within one year requiring a mandatory 10-hour rest period for flight attendants. The Trump administration has [failed to implement this mandate](#), instead choosing to proceed with an ANPRM for the sole purpose of slowing down a critical health and safety requirement that would address dangerous fatigue among flight attendants.

Secondary 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. A key recommendation from the 9/11 Commission, installing secondary barriers is a critical measure that would help keep the cockpit secure at all points during a flight. The Trump administration has failed to implement this mandate, and instead has established a [working group](#) to study the issue, which has only further delayed this important safety and security requirement.

Cabin Air Temperatures: In September 2018, aviation unions and TTD [petitioned DOT](#) to establish operational standards for cabin temperature on board passenger aircraft. The Trump administration has failed to even respond to the petition nearly two years later.

Foreign Repair Station Oversight: The Trump administration has [failed to implement](#) several congressionally mandated rulemakings that would provide greater oversight and security at foreign aircraft repair stations. These include a drug and alcohol-testing rule for foreign maintenance workers, pre-employment security screening, and enhanced oversight for foreign stations that have a track record of poor performance. This further perpetuates the [double standard](#) that is applied to U.S. workers and their foreign counterparts.

Transit

Funding: As detailed throughout this memo, the Trump administration has repeatedly sought to undermine public transportation by proposing significant cuts to discretionary grant programs. When he was not able to successfully convince his Republican colleagues to eliminate transit funding, he instead withheld billions in mass transit grant funding from major projects in cities around the country, the same tactic that he undertook to [undermine](#) the Gateway Project along the Northeast Corridor. In response, Congress forced the Trump administration to spend down these funds through a bipartisan agreement struck by the appropriations committees, demonstrating once again that he is out of line even with his own party on funding major public transit projects.

Operator Assault: Thousands of transit employees have been victims of assault over the course of the last four years. Despite the rampant assaults endured by transit workers across the county, the Trump administration refused to issue a rule as mandated by Congress in 2015. Instead, the FTA put out a [singular notice](#) suggesting that transit agencies could address assault if they felt so inclined, abdicating responsibility and ensuring that drivers remain in harm's way. Tragically, these assaults have continued in absence of the President's leadership, and have only become worse as bus operators have taken on the added responsibility of enforcing PPE requirements aboard their vehicles.

Automation: In addition to the dangerous missteps taken by this administration on automation, they have, for the first time, expanded the scope of federal automation policy to include commercial vehicles and public transportation. Yet, this proposal, which touts the unproven safety and increased access benefits of automation, comes with no proactive recommendations to minimize harm to those who are employed in fields that would be dramatically impacted, [putting workers at significant risk](#) of being displaced or deskilled by automation with no regard for their financial well-being.

Undermining Federal Labor Requirements: FTA [proposed](#) to change the definition of a federal project to allow "segmenting" of the project to avoid key federal requirements such as Davis-Bacon, 13(c) and Buy America—efforts which are inconsistent with decades of intent from Congress and regulators.

Rail

LNG by Rail: FRA [proposed and finalized](#) a rule to permit the transportation of highly flammable liquefied natural gas with extremely limited safeguards and minimal demonstrated research on safety at the request of industry, and over the serious concerns of the employees who would operate these trains, first responders, and numerous communities they would travel through.

Freight Train Crew Size: [FRA withdrew](#) an Obama-era proposed rule that would have mandated a qualified engineer and conductor on most freight trains. The rule was to serve as a bastion against freight rail carriers seeking to reduce crew size as a cost saving measure, regardless of safety impacts. Not only did the Trump administration refuse to regulate, they preempted state laws already on the books that addressed this problem.

Rail Fatigue: Not only has FRA failed to make progress on long-overdue pilot programs regarding fatigue mandated by MAP-21, but it has taken steps backward, including [expanding](#) an existing shortlines waiver to force employees already working longer than normal shifts to also work late at night—operations previous FRAs determined were too dangerous.

Precision Scheduled Railroading: As railroads turn to a new style of operations focused on speed and efficiency at the cost of safety, service, and thousands of rail jobs, FRA has granted numerous waivers to critical regulations to facilitate PSR without due consideration for keeping employees and the public safe. Further, [FRA neglected to make any attempts](#) to reign in industry as safety conditions have worsened and Wall Street investors have been given the green light to gut the freight rail industry for profit and without oversight.

Cross Border: In 2018, [FRA began to permit KCSR](#) to operate trains into the United States with Mexican-domiciled crews. This began despite the FRA being unable and unwilling to prove that these employees and operations are being held to the same safety standards as U.S.-based crews, thus introducing unacceptable risks into our freight rail networks while opening the door to the outsourcing of rail jobs within our own borders. When presented with the [opportunity to rectify](#) this issue in USMCA, the Trump administration instead allowed Mexico to retain an inequitable provision that prohibits any U.S. rail employee from working within Mexico.

Equipment Failure: Despite being aware of the failure of certain types of airbrakes in cold weather for years, and the possibility that these circumstances could cause catastrophic accidents, [FRA refused to act](#) when petitioned to do so. Instead, the agency proposed letting industry continue to fail to take meaningful action.

FRA Reorganization: At a time when rail employees are increasingly doubtful of the effectiveness of FRA's inspection program, the agency [reorganized itself](#) to guarantee even closer relationships between management and inspectors at the expense of meaningful oversight. The agency also defanged local inspectors by placing increased authority with D.C. FRA staff more concerned with the interests of the railroads than their employees or rail safety in the field.

Ports

Port Automation: When [MARAD solicited information](#) on the deployment of automated port technology, its request made clear the agency's interests lie in clearing obstacles to automation as opposed to working in tandem with longshoremen towards a cooperative future that supports good jobs.

CMV/CDL

Driver Fatigue: While fatigue continues to be a major cause of accidents on our nation's roadways, the Federal Motor Carrier Safety Administration (FMCSA) [rolled back](#) a series of critical hours-of-service protections. The agency has also been unduly permissive of individual waiver requests to evade fatigue protections, including allowing oil tank truck and sanitation companies to deny their drivers a 30-minute rest break.

The agency has not been content with simply rolling back its own regulations. When California took commendable steps to ensure that drivers were given **Meal and Rest Breaks** to promote their health and safety, FMCSA [abused its federal authority](#) to preempt these requirements and deny workers even the most basic dignities at work. For many drivers, the breaks provided by California were their only opportunity to rest, eat, or use the bathroom. However, the agency ultimately determined that the interests of the trucking and bus industries outweighed both the welfare of drivers and California's right to improve safety on its roadways.

National Mediation Board (NMB)

President Trump has packed the National Mediation Board—the labor agency for aviation and rail workers—with Republican members clearly and overtly hostile to the interests of frontline workers. These two members, over the objections of the lone Democrat on the Board, have taken specific actions to undermine collective bargaining and to prevent the fair resolution of labor disputes that the RLA requires.

Decertification Rule: The Trump NMB [proposed and finalized](#) a rule designed to make it easier to remove unions that represent workers in the aviation and rail sectors. This rule undermines stability in labor-management relations, arbitrarily bars workers for two years from voting on union representation, and runs counter to established labor law.

Rail Crew Staffing: In violation of current collective bargaining agreements, the Trump NMB agreed to a request by the nation's freight railroads to force improper arbitration and eventual weakening of crew staffing rules. This decision violates basic tenets of the Railway Labor Act, undermines rail safety, and will overwhelm the arbitration duties provided by the NMB.

Hostile to Collective Bargaining: The Trump NMB has repeatedly stood in the way of efforts to timely resolve collective bargaining disputes, thereby denying workers updated contracts and improved wage rates and benefits.

Hostile to Organizing: When 76% of catering employees at United Airlines [asked for a union election](#) to improve jobs that provide poverty wages and little or no health care, the NMB ignored the law and their own representation manual at the request of the company. The election was delayed over 8 months to "investigate" carrier claims of union misdeeds without any evidence being submitted. Eventually, over 2,700 workers voted to join the union despite unprecedented NMB delays and hostility.

POLICY FAILURE

Infrastructure Proposal: President Trump first promised \$550 billion and later \$1 trillion for infrastructure in the first 100 days of his presidency during his 2016 campaign, and [touted at his victory speech](#): "We are going to fix our inner cities and rebuild our highways, bridges, tunnels, airports, schools, hospitals. And we will put millions of our people to work." More than a year after being sworn in, and after upping the stakes to

somewhere between \$1.5 and \$1.8 trillion dollars, the administration finally released their “[Legislative Outline for Rebuilding America’s Infrastructure](#),” a 55-page, \$200 billion proposal that was paid for entirely through cuts to existing infrastructure programs.

Rather than making significant investments in America’s infrastructure, the Trump proposal offered scraps of federal funding through competitive grants to States and local governments, and would select recipients based on who could pony up the most non-federal funding, upending the traditional 80/20 split of federal/local funds. This [Hunger Games](#) approach to funding infrastructure failed to live up to the president’s promise of rebuilding our infrastructure through billions in desperately needed federal assistance, and has left us, four years later, no closer to achieving that goal.

Flags of Convenience: The Trump administration [opposed](#) a legislative provision in the 2018 House FAA Reauthorization Act that would have prevented flag of convenience airlines from gaining access to U.S. airspace. Ultimately this provision was dropped from the bill that was passed into law.

Transportation Security Officer Rights: Trump issued [a veto threat](#) on a House-passed bill which would grant full Title V rights to Transportation Security Officers (TSOs). Long a [transportation labor priority](#), the House bill would have granted TSOs the same federal employee rights enjoyed by virtually all other federal workers, including other TSA employees and those in intelligence agencies.

United States Postal Service: Despite being an integral and irreplaceable service, and supporting hundreds of thousands of good jobs, the Trump administration has [waged a persistent battle](#) against USPS and the public interest. In June of 2019, a White House Task Force published an irresponsible report on Postal Service reforms, demonizing workers and their collective bargaining rights while also advocating for an ill-advised plan to privatize some or all of USPS. When Congress showed no interest in pursuing these “reforms”, the White House installed an anti-USPS campaign donor as Postmaster General, who in recent weeks has taken [increasingly disturbing steps](#) to undermine the Postal Service and its ability to serve communities in every corner of the nation.

The Trump Government Shutdown

In the early days of 2019, President Trump’s brinksmanship [politics led to a 35-day partial government shutdown](#)—the longest in history—which forced 420,000 federal employees to report to duty without knowing when they would be paid, and an additional 380,000 federal employees to stay home altogether. The shutdown wreaked havoc on our transportation system, forced federal workers and contractors to stay at home or work without pay, and cost our economy billions of dollars that we will never get back. In the aviation sector alone, the strain placed on air traffic controllers, FAA safety inspectors and system specialists, and TSOs undermined the safety and security standards that we know are critical to this network.

The consequences were equally dire in other sectors of transportation. Rural and urban public transportation agencies alike were forced to consider reducing service, furloughing workers, or even shutting down altogether. This lack of funding threatened the existence of the Maritime Security Program, a key component

of our national security that provides critical U.S. sealift capabilities. Credentialing facilities for U.S. maritime workers were shut down, preventing mariners from receiving or renewing essential documents. The National Transportation Safety Board was unable to investigate 87 accidents during the shutdown, leaving important evidence lost or unexamined and debilitating the NTSB's ability to ensure safety across all modes of transportation.

The facts are clear. Trump forced this government shutdown in an effort to score cheap political points and it would not have happened without his irresponsible governance.

Budget Proposals that Gut Infrastructure

Trump may talk a big game as a builder, but his annual budget proposals paint an entirely different picture. In his FY [2018](#), [2019](#), [2020](#), and [2021](#) budget proposals, Trump has proposed dramatic cuts to transportation and infrastructure programs across every mode. Not only are these proposed cuts to funding and transportation services totally out of line with his own calls for major investments in infrastructure, but they have repeatedly been out of line with bipartisan budget and appropriations agreements made by his own party in Congress. For instance, his proposals have:

Highways and Transit

- Eliminated USDOT discretionary grant programs including BUILD (formerly TIGER) grants and the Capital Investment Grants Program (CIG), which funds transit capital projects to bring all new projects to a halt.
- Repeatedly failed to propose new revenue to ensure the solvency of the Highway Trust Fund.

Passenger and Freight Rail

- Eliminated or made substantial cuts to Amtrak's National Network Program, encouraged Amtrak to replace some rural service with intercity bus service, and proposed slashing funding for the Northeast Corridor in half.
- Eliminated funding for railroad discretionary grant programs created by the FAST Act, which received a combined \$90 million in the FY 2017 appropriations act, including the [Consolidated Rail Grants](#), [Good Repair Partnership Grants](#), and [Restoration and Enhancement Grants](#), which improve, restore, and expand passenger and intercity rail networks.
- Cut funding for FRA Research and Development program as well as the Safety and Operations program with no justification as a part of the administration's overall 50 percent cuts to most USDOT research programs.

Aviation

- Eliminated funding for the Essential Air Service (EAS) program, which guarantees commercial air service to small and rural airports.
- Made dramatic cuts to the FAA Operations account and the Facilities and Equipment Account, as well as to the Airport Improvement Program.

Maritime

- Eliminated funding for the Port Infrastructure Development Program.

Projects of National Importance

Gateway: Trump has [repeatedly opposed](#) the Gateway Project, which would rehabilitate and expand the busiest rail corridor in the country and replace the 110-year old Hudson tunnels. The project would create thousands of good, union jobs in construction, engineering, and manufacturing; improve quality of life for millions of working families in the region who regularly rely on passenger rail; and allow rail commerce to expand in the northeast corridor.

Despite the urgent need for the project and the economic boost it would provide to the country, Trump threatened to veto the FY-18 Appropriations package unless \$900 million in funding for Gateway was removed. Further, the Trump DOT has thrown a series of roadblocks at the project designed to stop progress. It downgraded the Hudson Tunnel and Portal Bridge components of the project to medium-low ratings, making them ineligible for New Starts grant funding.

California High Speed Rail: The California High Speed Rail Project has to date produced 50,000 good, union jobs, created \$9 billion in economic activity, and has over 500 small businesses committed, utilized, or actively working on the project across 35 states.

Rather than attempt to move along this critical project, the Trump administration canceled the Federal Government's grant agreement with California, and [de-obligated the \\$929 million](#) in federal dollars that had been allocated to the project but not yet dispensed. The Trump administration is further looking to claw back the \$2.5 billion that was already allocated to California High Speed Rail as part of the 2009 Stimulus Act.