



Transportation Trades Department, AFL-CIO

TTD POLICY STATEMENTS

March 3, 2011

- No. 1 Congress Must Complete A Multi-Year FAA Reauthorization Bill
- No. 2 Further Delay of Surface Transportation Reauthorization Threatens the Economy
- No. 3 Amtrak's Role as The Nation's High Speed Passenger Railroad
- No. 4 Mass Transit Systems Need Spending Flexibility to Avoid Damaging Service and Job Cuts
- No. 5 A Strong Maritime Industry Creates American Jobs and Protects America's Security
- No.6 Improving the Safety of Air Transportation of Lithium Batteries
- No. 7 Lasers: A Rising Threat to Aviation Safety



A bold voice for transportation workers

CONGRESS MUST COMPLETE A MULTI-YEAR FAA REAUTHORIZATION BILL

The aviation system plays a critical role in our national economy. It employs millions of workers both directly and indirectly; it generates nearly \$900 billion in economic activity annually; and it is responsible for 9 percent of our GDP. As stewards of our aviation network, Congress and the Administration have a responsibility to advance federal policies that ensure modern and safe air transportation.

At the beginning of the 112th Congress, both the Senate and House moved quickly to advance their versions of Federal Aviation Administration (FAA) reauthorization. While we are pleased with swift action to complete a long-overdue FAA bill, we are outraged that the pending House bill includes a provision that repeals updated airline and rail union election procedures, fails to address a number of aviation safety and worker priorities, and provides inadequate funding levels for the FAA and key modernization programs. The FAA bill, which could create up to 300,000 jobs, is too important to be derailed by ideological battles that have nothing to do with the core mission of the agency. Instead, we will insist that Congress pass an FAA bill that makes real improvements to safety, invests in modernization and infrastructure improvements, puts people to work, and protects the rights of FAA employees and other aviation workers.

As one of its first major legislative initiatives this year, the Senate brought to the floor the Air Transportation Modernization and Safety Improvement Act (S. 223). While S. 223 does not address every concern of transportation labor, it fixes the collective bargaining process for FAA employees, provides workplace safety and health protections for flight attendants, raises safety standards for aircraft repair that is outsourced overseas, addresses air quality onboard the aircraft and strengthens regulations for helicopter operations.

We are pleased the Senate, in approving a final bill 87-8, rejected several ill-advised amendments. Specifically, the Senate voted against amendments to remove the flight attendant health and safety protections in the base bill, to eliminate the prevailing wage requirement for airport construction projects, to cut funding levels to 2008 levels and to eliminate the Essential Air Service program. In addition, an amendment to create a cargo industry carve-out for pending pilot fatigue rules was withdrawn. Finally, an amendment was adopted that makes it a federal crime to shine lasers inside the aircraft cabin that are creating a dangerous and distracting environment during aircraft operations.

In contrast to the bipartisan and deliberative approach taken in the Senate, the House version of the bill (H.R. 658) was immediately mired in controversy and contentious opposition when it was introduced just days before Committee mark-up. H.R. 658 includes a provision to reverse new airline and railroad union election rules issued last year by the National Mediation Board (NMB). These rules simply allow a majority of workers who actually vote to decide the outcome of union elections in the aviation and rail sectors. Before this change, workers who did

not vote were arbitrarily counted as “no” votes, frustrating the majority of those voting. The new rule brings aviation and rail union elections into conformity with democratic norms and voting procedures that govern union elections conducted under other statutes. An amendment offered in Committee by Rep. Jerry Costello (D-IL) to remove the repeal provision from the bill failed by one vote with three Republicans joining all Democrats in support. Transportation labor will not support an FAA bill that includes the NMB rule repeal measure – failure to remove it not only threatens the rights of aviation and rail workers, but jeopardizes timely completion of an aviation reauthorization bill, currently on its 17th extension.

The House version falls short in a number of other areas as well. First, there are no measures to provide long overdue health and safety protections for flight attendants. Second, the bill does not mandate adequate oversight and safety standards of foreign repair stations working on U.S. aircraft, including drug and alcohol testing and inspections. Third, rules addressing flight attendant fatigue are not required. Fourth, the bill unwisely expands the contract-tower program. Fifth, the bill allows for the contracting-out of the development, testing and maintenance of FAA flight procedures. Sixth, it strips protections for collective bargaining agreements in the airport privatization program. Seventh, the bill does not include important research provisions on aircraft operations in wake turbulence or volcanic ash encounters. Finally, the bill short-changes funding levels in many key accounts. The airport improvement program is cut by \$500 million compared to 2010, reducing funding for this program to 2001 levels. Air traffic control modernization funding would essentially be frozen over the four year span of the bill. Our aviation system is in desperate need of air traffic control upgrades and expanded airports – this bill simply does not provide the investments needed for a transition to a next generation aviation system that can be an engine for job creation, expansion of air travel and economic growth.

We are pleased that H.R. 658 includes a mechanism to fix the broken collective bargaining system at the FAA and specifically provides for binding arbitration when the parties reach an impasse. While the Senate and House language differ on the approach, both bills would ensure that the FAA can never again impose pay and work rules on its employees as the agency did under the previous Administration. The final bill must fix the FAA bargaining system by providing a fair and balanced process to resolve future labor-management disputes and preserving collective bargaining rights.

Transportation labor will do its part to make the case for legislation that honors the skill and dedication of the private and public sector aviation employees that form the backbone of the world’s largest aviation network. While we are pleased that the 112th Congress moved quickly to take up the FAA reauthorization bill, we will mobilize against attempts to repeal fair aviation and rail union election rules and in favor of a multi-year bill that improves safety, honors worker rights and invests in the modern 21st century aviation system our nation deserves.

Policy Statement No. W11-01
Adopted March 3, 2011



A bold voice for transportation workers

FURTHER DELAY OF SURFACE TRANSPORTATION REAUTHORIZATION THREATENS THE ECONOMY

The President and Congress should work together to pass a robust surface transportation bill into law. This reauthorization will define our national surface transportation priorities and play a critical role in boosting economic growth, increasing prosperity and creating good jobs in transportation, construction and manufacturing. After several extensions of the expired authorizing legislation over the last few years, states cannot wait for Washington to act and our still weakened economy – including the 14 million Americans still out of work – cannot afford more delay.

Transportation labor applauds the \$556 billion funding level – directed at highways, transit and rail – embodied in the President’s surface transportation funding proposal. It is also significant that the President delivered on his Labor Day 2010 promise to “front load” \$50 billion in multi-modal investments. And we endorse the Administration’s aggressive stance on enforcement of rigid Buy America requirements in our federal transportation investment programs. Overall, the Administration proposal underscores the President’s view that investment in transportation systems and infrastructure are a major pillar of economic policy and job creation and that the deployment of much higher transportation funding levels will ease congestion and air pollution concerns and in the long-run help address mounting energy and environmental challenges.

Transportation labor condemns those who propose reckless cuts to vital transportation investment programs as a way to score political points in the budget deficit debate. We are deeply disappointed by elected officials who promise job creation but simultaneously join obstructionists to block a serious surface transportation bill that can create more than 6 million jobs. No longer should these officials be allowed to have it both ways.

The surface transportation reauthorization must make significant investments that begin the overdue process of dealing with a severe backlog of long neglected transportation system and infrastructure needs. The final bill that goes to the President’s desk must also honor longstanding employee protections that have been a part of all previous rewrites of our surface transportation programs. These protections must be preserved, both in the core surface transportation programs, and in any innovative finance programs or measures designed to boost private sector participation.

Transit systems are cutting jobs and service, scrapping expansion plans and suffering from flawed spending rules that should be reformed to permit use of a portion of transit capital dollars for operating expenses based on a dual action trigger tied to unemployment rates and gas prices. Highways are suffering from a badly deteriorating infrastructure and record-setting traffic congestion while the nation’s construction jobless rate is as high as 40 percent in some regions. America’s vast network of bridges is becoming dangerously obsolete as the horror of the I-35W Minneapolis bridge collapse in 2007 demonstrated. Our passenger and freight rail system suffers

from chronic under investment as demand grows significantly and as President Obama pushes a multi-billion dollar initiative to give 80 percent of Americans access to passenger rail by 2035. And our ports and navigation channels need billions in new investments if the Administration is serious about doubling American exports by 2015. This snapshot of our surface transportation network, makes it clear that the economy cannot wait any longer for our elected leaders to rally around a long-term investment plan that is sustainable and paid for.

As the President is staking out an aggressive stance on the need to invest billions more in our surface transportation system, we call on the House to pull back its budget proposal to impose deep cuts in nearly every area of transportation spending. These proposed cuts would deal a severe blow to an already deteriorating transportation system and infrastructure and cost our economy more than 300,000 jobs.

Instead our nation's leaders must find a way to fund a large surface transportation program. On this issue there is complete agreement among a broad array of interests across the political spectrum: it is time to raise the gas user fee and index it to inflation to fund our surface transportation investments. Because the fees that support this funding mechanism have been frozen for close to 20 years, the highway trust fund and its mass transit account is going broke. And with revenues into the trust fund sliding downward, the current funding model is unsustainable, especially as fuel efficient cars capture more and more market share. Other revenue raisers, including VMTs and making Wall Street and Big Oil pay their fair share, should be considered. The fact is that Wall Street should contribute its share of the cost of rebuilding an economy it helped to sink into a record recession. There is also considerable interest in expanding bonding authority and innovative finance mechanisms such as the Administration's national infrastructure bank proposal to supplement federal investment. These proposals complement dedicated funding and user fees, but should never be considered as a replacement for them.

The deterioration of our transportation system is a national disgrace. Completion of a multi-year, \$556 billion surface transportation program will put millions to work; make America more competitive; help urban, suburban and rural cities weather a mounting urban transit crisis; and boost manufacturing with rigid enforcement of domestic content requirements.

In the coming months we will mobilize in favor of a multi-year surface transportation bill that reverses decades of severe neglect and ensures that America remains the world leader in the movement of people and goods.

Policy Statement No. W11-02
Adopted March 3, 2011



A bold voice for transportation workers

AMTRAK'S ROLE AS THE NATION'S HIGH SPEED PASSENGER RAILROAD

Amtrak plays an essential role in our national transportation network. The time to invest in the railroad's operating and capital needs, support its skilled and dedicated employees, and ensure that our national passenger rail carrier plays a central role in delivering on the promise of high-speed rail is now. We are heartened by President Obama's unprecedented and personal commitment to passenger rail and the vision he has advanced that recognizes the need to finally give chronically underfunded Amtrak the resources it needs to succeed.

We support the President's call in his budget for the infusion of billions more in support of Amtrak's capital and operating expenses as part of his plan to expand investments in a high-speed rail and in the process boost U.S. manufacturing jobs by rigidly enforcing Buy America rules. We also urge the President and Congress to restore the funds cut from Amtrak in 2010, which amounted to a reduction of \$275 million below authorized levels. And in 2012 we will work to fully fund Amtrak which is authorized to receive almost \$2.2 billion.

Sadly, rather than investing in our future, many in Washington want to drive Amtrak out of business by cutting its budget, privatizing its service and impugning its quality. Although critics would never admit it, Amtrak provides high quality service that is vital to many regions of the country. In fact, this is a new era for Amtrak with on-going performance improvements and increasing popularity among riders.

Amtrak ridership has grown for each of the last 15 months and has set annual ridership records in seven of the last eight fiscal years. On the Northeast Corridor (NEC), Amtrak is operationally in the black as the performance metrics on that part of its network continue to improve. Now that the company enjoys stable management with a vision to grow the railroad, Amtrak is instituting a rapid culture change, yielding positive results for passengers and employees alike. Amtrak's financial standing is improved and its debt load is significantly lower than in years past. In just the last few months, Amtrak offered several new visions for growth and improved efficiency, including plans to build the Gateway passenger rail tunnel under the Hudson River and a proposal to upgrade and transform the capabilities of the NEC. Those who seek to slash Amtrak's budget or privatize services ignore the fact that the railroad is performing better than at any time in its history.

Amtrak privatization is ill-conceived and ignores the lessons of history. When British Rail went private in the early 1990s, fares jumped, draconian layoffs were implemented and maintenance suffered. Service deteriorated rapidly while accidents increased. The story of British rail privatization reached a tragic climax with the 1996 Stafford rail crash, which killed 31 passengers and was linked to the failures of privatization. In 1999, the British government finally gave up on its failed privatization efforts and created a national passenger rail system that looks very much like Amtrak.

Congress created Amtrak after the Penn Central Railroad went bankrupt in 1970. It recognized the importance of passenger rail and the near impossibility of operating this capital intensive system without federal support. We reject the notion that private interests should now be able to take over passenger rail service with track improvements, station assets and rolling stock that exists thanks to decades of federal investments. And those who push for privatization ignore the fact that service would only be provided where it is profitable for private investors and shareholders. To hold passenger rail to that standard would limit service to a few choice routes and abandon riders in the rest of the country. None of the world's finest passenger rail systems are run under such a model. Their governments invest billions in capital and offer subsidies necessary to ensure the highest quality service.

Americans clearly want more transportation choices and a strong passenger rail network with Amtrak at its core is central to that effort. Old and tired ideas that say only the private sector can provide this service must be rejected. Instead, we call on Congress and the President to support and fully fund Amtrak and make this company and its workforce the centerpiece of high-speed rail in America.

**Policy Statement No. W11-03
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A bold voice for transportation workers

MASS TRANSIT SYSTEMS NEED SPENDING FLEXIBILITY TO AVOID DAMAGING SERVICE AND JOB CUTS

Transit systems in hundreds of communities face a crisis fueled by the devastating recession, the budget cutting it inspired and inaction in Washington on a long-term surface transportation reauthorization bill. Transit providers of all sizes – urban, suburban and rural – have already slashed service and jobs and many more are executing major plans to downsize service at a time when transit ridership has soared 35 percent since 1995 and this industry is helping to address critical energy and environmental policy challenges. The most effective relief from this crisis is to follow the lead of President Obama who wants to significantly increase federal transit investments and provide flexibility to operators so they can spend portions of capital funds on operations. Transportation labor endorses this approach and will push vigorously for its enactment in 2011.

Currently, mass transit systems in urbanized areas with populations over 200,000 can only use federal transit funds to pay for capital costs, such as equipment purchases. Costs associated with operations, such as fuel, employee expenses, maintenance and other costs, must be paid for with non-federal funds. Such sources include fare box revenues, non-federal taxes, state support and local assistance. But when non-federal funding sources are constrained or fall off the cliff as we've seen during the recession, transit agencies cut operating costs which means jobs are eliminated, service is abandoned and fare hikes are imposed.

This flaw in federal policy is squeezing communities around the country. King County Metro in Seattle cut services, increased fares and negotiated contracts with salary freezes during the summer of 2010. Chicago has abandoned critical transit services and cut or laid-off almost 2,000 workers. MARTA in Atlanta has increased fares, reduced service, furloughed workers and frozen salaries. Valley Metro in Phoenix has increased fares and cut service. Fares were also increased in Austin, Texas; the Des Moines Area Regional Transit Authority; New Jersey Transit; the New York City MTA; and the Port Authority of Allegheny County in Pittsburgh. This list is just a sampling of a crisis that has taken hold across the country.

Fortunately, the President's Budget delivers on the statement made last year by the Secretary of Transportation: "I will work with members of the House and Senate this year to see if we can allow transit agencies more flexibility to use a portion of their federal funds to cover operating costs during these tough economic times." And during the 111th Congress, Rep. Russ Carnahan (D-MO) and Sen. Sherrod Brown (D-OH) introduced legislation to provide local flexibility to transit systems to deal with these operating budget shortfalls. Rep. Steve LaTourette (R-OH) proposed appropriations language to provide flexibility in how transit systems use their capital dollars. While these initiatives address this crisis differently, they are all designed to grant transit agencies the local flexibility they need to maintain critical services and limit fare increases and job cuts during times of economic distress. These bills do not require new taxes but simply provide transit systems with long overdue relief from the devastating impact of budget cuts and weak economies.

This isn't just an academic debate. If Congress fails to act, it will be a major setback for the nation as Americans want more, not fewer, transportation options. And for millions of working Americans, bus, rail and subway transit services offer their only hope for affordable transportation. Already stories are surfacing of men and women who work the late shift being forced, due to canceled transit services, to sleep in commercial buildings awaiting resumption of early morning bus service. This is not only a national disgrace but it should also concern the nation's employers that expect safe, reliable and on-time transit services for their employees. If our leaders in Washington fail to act, these problems will multiply and our economy will be harmed.

Providing local flexibility to use portions of capital budgets for operating costs offers a proven solution to mass transit systems' budget shortfalls. The Supplemental Appropriations Act of 2009 included a provision allowing public transit agencies to use up to 10 percent of funds provided in the Recovery Act to cover public transportation operating costs. In total, more than \$700 million was made available for this purpose but of course this relief was temporary and didn't even remain in effect throughout the entire recession. The President's proposal would continue on this policy track by increasing the 10 percent cap and providing multi-year relief based upon unemployment rates.

We support the Administration's effort to expand the percentage of capital dollars that can be used for operating needs when certain economic conditions are present. But we do want to be sure that the "triggers" accurately capture the economic challenges transit agencies face, and that unworkable limits are not placed on this flexibility. And we specifically support targeted and temporary operating assistance flexibility based on a dual action trigger tied to unemployment rates and gas prices.

An urban transit spending flexibility measure must accomplish three things:

- 1) Recognize as a matter of federal policy that transit systems and their employees provide vital services that will continue to vanish without new spending flexibility rules.
- 2) Permit the use of previously firewalled capital funds for operating expenses to avert service and job cuts and fair increases; and
- 3) Adopt new spending flexibility as a permanent reform to the multi-year surface transportation reauthorization.

America faces a severe transit crisis that is threatening thousands of jobs and the continuation of reliable and affordable transportation for millions of Americans in cities of all sizes. Transportation labor calls on the President and Congress to enact a permanent solution that provides transit spending flexibility to help manage the ebbs and flows of the economy and the vagaries of budgeting and federal and state funding.

**Policy Statement No. W11-04
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A bold voice for transportation workers

A STRONG MARITIME INDUSTRY CREATES AMERICAN JOBS AND PROTECTS AMERICA'S SECURITY

A vibrant maritime industry capable of accommodating growing cargo demand and sustaining U.S. jobs is integral to both our economic recovery and nation's security interests. Recently, the industry has suffered from a combination of ideological attacks on labor, imprudent budget cuts, inadequate port investments, and misinterpretations of cargo preference requirements. It is imperative that policymakers recognize the strategic role of maritime-related commerce by investing in the industry and adhering to maritime laws and policies.

In the wake of the 2010 Deepwater Horizon tragedy, politicians and pundits tried to blame U.S. maritime cabotage law, known as the Jones Act, for the troubled Gulf cleanup efforts. Specifically, opponents claimed the Jones Act prevented foreign vessels and skimmers from providing relief assistance. This is pure fiction. According to the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, the government "did not reject foreign ships because of the Jones Act" and did grant waivers "when the Act did apply." In short, the Commission concluded that the Jones Act's restrictions on foreign vessels were wholly immaterial to cleanup efforts.

However, the entire campaign against the Jones Act was never about providing assistance to the Gulf. Rather, it was a blatant effort to demonize unions with the hope of ending cabotage protections to the benefit of foreign shipping interests. Proponents of repealing the Jones Act made hollow claims that it "favors labor unions over consumers" and that abolishing maritime cabotage law would "boost the economy" and "spur job growth." Nothing could be further from the truth. In fact, the Jones Act serves a critical economic role for the nation, sustaining over 500,000 good-paying American jobs and generating \$100 billion in total annual economic output. Eliminating maritime cabotage requirements would result in the loss of hundreds of thousands of American jobs – further eroding the U.S. Merchant Marine – so that foreign entities that do not employ U.S. workers and do not pay taxes to our treasury can operate with impunity on our inland waterways and along our coasts.

We also remain steadfast that U.S. agencies continue to honor U.S. cargo preference laws. The logic supporting the application of cargo preference is clear: these laws ensure a privately owned U.S.-flag fleet that both supports U.S. jobs and is essential for the maintenance of a trained mariner population capable of meeting the U.S. government's sealift objectives. Recently, the Department of Energy (DOE) agreed to follow the Cargo Preference Act of 1954 after consultation with the Department of Transportation. While we appreciate the DOE's willingness to prospectively transport its import purchases on U.S.-flag-vessels, we strongly disagree with their continued belief that these purchases should not be subject to cargo preference requirements. The Act is rather clear and applies to all "guarantees made by or on behalf of the United States." Clearly, the imported cargo used for the agency's energy projects, which are

backed by explicit government-insured loan guarantees, fall under the Act's authority. Moving forward, we urge the DOE to reexamine its understanding of cargo preference as it applies cargo preference requirements to agency purchases.

Similarly, the Export Import Bank should, where applicable, adhere to the requirements of Public Resolution 17 (PR 17), which requires exports financed by government agencies to be transported on U.S.-flag vessels. Despite claims that PR 17 impedes the Bank's export competitiveness, the Ex-Im Bank has posted consecutive record-breaking years while operating under these preference requirements. In fact, by statute, the Bank is required to "contribute to the employment of United States workers." We believe the strategic and economic case for cargo preference application is clear and urge all appropriate government agencies to comply accordingly.

As the new Congress moves to cut government spending, it must be careful to neither stunt our recovery nor undermine our nation's strategic interests. Unfortunately, at a time when nearly 1 billion people worldwide suffer from hunger, the House of Representatives has cut foreign food aid programs by 42 percent in its FY 2011 funding bill. This reduction will severely diminish or stop aid to approximately 18 million needy people. Further, it will dramatically hinder America's ability to deploy a viable merchant marine necessary to transport food aid to countries that are critical to our national security and foreign policy interests. Food aid serves an important domestic economic role as well, sustaining 13,000 jobs and resulting in \$1.9 billion in output for U.S. industries. For decades our nation has supported a robust food aid program and, in the process, maintained our strategic sealift capabilities – made up of a pool of skilled American mariners – that should not be diminished by senseless budget cuts in Washington. These House-proposed cuts to food aid would deal a severe blow to the world campaign to contain a global epidemic of hunger while undermining the U.S. maritime industry and threatening thousands of good jobs here in America. We urge the Senate to fully restore funding to the food aid budget.

Another proven job creation tool is the Maritime Administration's Title XI loan guarantee program. The program guarantees commercial loans for domestic ship construction and shipyard modernization, spurring private sector investment that creates both seagoing and shore-side employment opportunities. However, the program has been subject to intermittent funding, undercutting long-term planning capabilities and the overall economic health of the maritime industry. To combat these strategic failures and create maritime jobs, it is absolutely essential that Congress provide stable, long-term funding for the Title XI program.

Additionally, we urge Congress to fund the Maritime Security Program (MSP) at its fully authorized level of \$186 million. This funding is essential to support the program's security fleet of 60 privately owned and militarily useful vessels and ensure that a cadre of well-trained merchant mariners can meet our overseas military operations. The Department of Defense has routinely recognized the strategic necessity and economic benefits of the program. In 2010, according to General Duncan McNabb, then-Commander of the United States Transportation Command, without the MSP, "the monetary costs would be astronomical" for the government. A failure to fund the fleet and its American citizen crews could endanger our military's access to vital supplies and imperil the U.S.-flag industry.

Finally, it is in our nation's long-term economic interest to embrace a more comprehensive approach to the movement of cargo by making investments in port infrastructure and enhancing existing and developing new multimodal capabilities. With the economy recovering, a new generation of large ships with greater vessel capacity is expected to transport an increasing amount of containerized goods. This will require the Corps of Engineers civil works budget to be funded to complete deeper dredging needs and that targeted investments are made in rail separation projects and fast corridors to reduce congestion and streamline the movement of goods to market.

Transportation labor urges the U.S. government to work cooperatively to support the maritime industry and its workforce. This will require honoring maritime policies, fully funding maritime programs and deploying greater investment into the industry. America's longshoremen and mariners serve a unique role, acting as the conduits for the movement of goods and economic growth while assisting our nation's military. Accordingly, it is important that Congress bolsters the maritime industry and create good-paying jobs.

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A bold voice for transportation workers

IMPROVING THE SAFETY OF AIR TRANSPORTATION OF LITHIUM BATTERIES

Fire is the most serious threat to an aircraft in flight. The situation is even more critical if the fire is of unknown origin or cannot be controlled. As extensive testing and incident data have shown, lithium batteries have the potential to self-ignite or propagate a fire. In order to ensure the safety of the aircraft and its occupants, the air shipment of lithium batteries must be fully regulated as dangerous goods.

Lithium batteries are commonplace in modern life. Lithium-ion batteries, which are generally rechargeable, power cell phones, laptop computers, and power tools. Lithium-metal batteries are typically not rechargeable and provide power to watches, flashlights, and digital cameras. While the vast majority of lithium batteries are transported without incident; when they are defective, damaged, or subjected to a short circuit or significant heat source, they have the potential to self-ignite, which can lead to catastrophic consequences.

Lithium batteries can burn violently, emitting sparks, flames, and large amounts of smoke. They are also self-perpetuating; the heat generated from a single-cell fire can cause surrounding cells to ignite as well. Further, lithium battery fires are notoriously difficult to extinguish. While a fire involving a limited number of lithium-ion batteries may be controlled by the active fire suppression system in the under-floor compartments of a passenger aircraft, FAA testing has shown that lithium-metal batteries are unresponsive to the traditional extinguishing agent, Halon, used aboard aircraft.

The current rules on lithium battery shipments are woefully inadequate to prevent onboard aircraft fires and safeguard passengers and flight crews. Inexplicably, the lithium-ion and lithium-metal batteries used in the vast majority of consumer applications are exempt from many of the federal hazardous materials transportation regulations, such as the requirements to place a dangerous goods label on the package, to notify the pilot-in-command of their presence, to perform an acceptance check of the package by airline personnel, and to train shippers to prepare the packages, and any of the cargo compartment quantity limitations normally applied to hazardous materials. Under existing regulations, a flight crew would not be made aware of a pallet containing thousands of lithium-ion laptop batteries, yet a 10-pound package of flammable paint or dry ice (neither of which can self-ignite) would be subject to the full scope of the dangerous goods provisions.

The National Transportation Safety Board (NTSB) issued recommendations to fully regulate lithium batteries as hazardous cargo following a fire that destroyed a UPS cargo aircraft in Philadelphia in 2006. Unfortunately, there have been many other documented incidents since then, including a tragic accident in Dubai in September 2010 that killed two pilots during an attempted landing following the outbreak of a cargo fire. While that accident is still under investigation, it is known that large quantities of both lithium-ion and lithium-metal batteries

were being carried as cargo. Regardless of the initial cause of the fire, these large quantities of batteries may well have greatly intensified the fire and caused its rapid propagation, significantly contributing to the severity of the event. Had the quantities of batteries been restricted, or their loading limited to cargo compartments with active fire suppression, the outcome of the accident may have been different. Furthermore, the knowledge that large quantities of lithium batteries were being carried as cargo might have influenced the flight crew's decisions during the emergency and the selection of a diversion airport. Pilot notification, quantity, and loading restrictions are only possible with the full regulation of all lithium battery shipments.

Last year, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a notice of proposed rulemaking (NPRM) on the air shipment of lithium batteries. TTD submitted comments in support of proper regulation of lithium batteries and specifically endorsed the comments filed by the Air Line Pilot Association. In addition to regulatory action on this problem, the House Transportation and Infrastructure Committee in the 111th Congress passed Hazmat Reauthorization that included provisions on lithium batteries that tracked the NPRM. We urge the Administration to quickly issue a final rule on the air transport of lithium batteries that includes the changes and recommendations endorsed by transportation labor.

The full regulation of lithium batteries as dangerous goods would have a significantly positive impact on the safety of the air cargo supply chain. Improved packaging standards would help prevent damage to shipped batteries. Dangerous goods labels would ensure worldwide recognition that shipments have the potential to cause an incident if mishandled. An acceptance check would provide an opportunity to detect package damage or non-compliance with the regulations. Notifying pilots is essential to increase flightcrew members' awareness, influence their decision-making, and allow them to communicate hazard information to emergency responders in the event of an incident.

Because of the inability of aircraft fire suppression systems to extinguish a fire involving lithium metal batteries, the final rule should extend the current ban on bulk shipments of these items on passenger aircraft to all-cargo aircraft until adequate packaging materials can be developed.

The proposed rule would have a positive and substantial effect on the safety of lithium battery shipments. TTD urges that a final rule be swiftly implemented to improve the safe air transport of lithium batteries.

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A bold voice for transportation workers

LASERS: A RISING THREAT TO AVIATION SAFETY

While laser illuminations of aircraft have been a concern for more than a decade, the startling increase in reported incidents in the last year represents an escalating threat to aviation safety and should raise concerns in all modes of transportation. The Federal Aviation Administration (FAA) earlier this year announced that nationwide reports of lasers pointed at aircraft nearly doubled from 1,527 incidents in 2009 to more than 2,800 last year. Aiming a laser at an aircraft creates a dangerous situation for pilots, especially when the aircraft is close to the ground during the most critical stages of flight: takeoff and landing. Laser illuminations of an aircraft flight deck can cause temporary blindness and incapacitation and even permanently damage a pilot's eyes. The risks associated with laser illuminations are simply unacceptable and efforts must be taken immediately to end the misuse of lasers in our nation's airspace.

Without a doubt, there are many legitimate outdoor uses of lasers; however, the reckless or malicious use of lasers to illuminate an aircraft is dangerous and must be stopped. To that end, TTD supports federal legislation to prosecute those who intentionally shine a laser at an aircraft.

TTD is pleased the U.S. House of Representatives took quick action by unanimously passing the Securing Aircraft Cockpits Against Lasers Act (H.R. 386), early in the 112th Congress. The bill makes intentionally shining a laser at an aircraft, or its flight path, a federal offense. H.R. 386 was introduced by Rep. Dan Lungren (R-CA) who introduced similar legislation which passed in the 111th Congress. The U.S. Senate recently adopted an identical amendment to the FAA reauthorization bill (S. 223) sponsored by Sens. Sheldon Whitehouse (D-RI), Mark Kirk (R-IL) and Barbara Boxer (D-CA).

Enactment of this legislation will ensure that malicious laser illumination of aircraft will be prosecuted as a specific federal offense and not solely as a violation of state laws or under a broader federal prohibition of interfering with an aircraft. This legislation will provide additional benefit by informing the public that shining laser lights into aircraft cockpits is a dangerous offense which will be met with serious consequences. We urge Congress to pass this much-needed legislation and send it to the President as soon as possible.

We also call on the FAA to develop additional safety enhancements to mitigate the risks associated with laser illuminations. For example, the size of laser-free zones around airports should be expanded to more accurately reflect the range of lasers available today. The outdoor use of all lasers should be expressly prohibited in these zones. The FAA should also develop and implement improved air traffic control and pilot operating procedures for responding to, notifying pilots about, and re-routing aircraft around threat areas when reports of illuminations are received. Specific procedures should also be established for notifying local and federal law enforcement when a laser illumination has been reported.

Finally, we would note that the threat to safety posed by the inappropriate use of lasers in the aviation arena can similarly threaten the safety of other modes of transportation. We call on the Administration to take steps to mitigate the threats of lasers on the transportation sector. Specifically, we urge the National Transportation Safety Board (NTSB) to add deliberate laser illuminations of all modes of transportation to its list of Most Wanted Safety Improvements. Further, we encourage the U.S. government to review the classification, the sale, and use of portable lasers that are strong enough to cause injury. The traveling public deserves no less.

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