

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Morning Transportation  
**Sent:** Tue 8/22/2017 2:02:29 PM  
**Subject:** POLITICO's Morning Transportation: Senate Dems want answers on sleep apnea — Pugliese leaves DOT for FERC — New drone regulations on tap for next year

By Stephanie Beasley | 08/22/2017 10:00 AM EDT

*With help from Lauren Gardner, Eric Wolff and Tanya Snyder*

**SOME 'SPLAINING TO DO:** New York and New Jersey's senators urged DOT Monday to reconsider its decision to withdraw an ANPRM on obstructive sleep apnea among train operators and commercial truck drivers, a disorder that has been linked to 10 highway and rail crashes since 2000, including deadly derailments in New York and New Jersey. In a letter to Transportation Secretary Elaine Chao, Sens. Cory Booker, Chuck Schumer, Robert Menendez and Kirsten Gillibrand demanded access to the data behind DOT's "decision to vacate this potentially life-saving rule."

**WORKING ON THOSE STAFF MOVES:** Anthony Pugliese has left DOT to join the Federal Energy Regulatory Commission as its chief of staff, our Lauren Gardner scooped for Pros. He was the department's senior White House adviser - a role deployed across federal agencies that was intended to help 1600 Pennsylvania Ave. keep tabs on agencies' goings-on, but ended up irritating Cabinet secretaries instead (some POLITICO colleagues broke down the "shadow Cabinet" here). Pugliese has a background in energy policy, working as a consultant on those issues in Pennsylvania after a stint with former Gov. Tom Corbett, according to FERC's hiring announcement.

**THE MITCH MCCONNELL CONNECTION:** Pugliese served next to Elaine Chao, who readers know is married to Senate Majority Leader Mitch McConnell - and the two may not have gotten along. POLITICO reported in May how Pugliese informed Chao that he expected her to check in with him on all policy moves, a declaration that got a chilly reception. Now Pugliese has a job as the top staffer for newly anointed FERC chairman Neil Chatterjee, for years McConnell's top energy policy aide. The FERC announcement says Pugliese learned energy matters from his time working for Pennsylvania Gov. Tom Corbett, where he spent a year working for the department of Community and Economic Development, and as a consultant for Pugliese Associates, a Pennsylvania lobbying shop founded by Pugliese's father, Rocco. The company's website shows only Tesla Motors, a filling station chain, and an energy efficiency non-profit for energy-related clients. Pugliese's lobbying disclosure form for the state of Pennsylvania show his only energy client was Tesla.

**Wait, there's more:** Some birdies tell MT that Jane Williams is starting this week as FTA's deputy administrator. That would make her the most senior political appointee at the agency, since the White House has yet to nominate anyone to the administrator post. Williams comes from the Maryland Department of Transportation, where she was director of the Washington Area Transit Office. She previously worked for Rep. Andy Harris (R-Md.) and did stints in other GOP administrations.

**HAPPY TUESDAY:** Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Be sure to send tips, feedback, lyrics, and solar eclipse reflections to [sbeasley@politico.com](mailto:sbeasley@politico.com) or [@Steph\\_Beasley](https://twitter.com/Steph_Beasley).

Now the soft new snows of December / Lightly fall my cabin 'round / And the last train from Poor Valley / Takin' brown haired Becky Richmond bound (h/t Dan Gurley North Carolina State Ports Authority)

**GET LISTENING:** Follow MT's [playlist](#) on Spotify. What better way to start your day than with songs (picked by us and readers) that are all about flying, driving, commuting and sailing?

**TWEETS DU JOUR:** Check out Rep. [Hal Rogers](#) (R-Ky.) and company [gazing up](#) at yesterday's solar eclipse from his home state; meanwhile, ABC News nabbed [footage](#) of a huge traffic jam resulting from the celestial event in Oregon.

**WELCOME BACK:** DOT updated its monthly "significant rulemaking" report for the first time since the change in administrations. Among upcoming actions listed is an NPRM for operating small commercial drones over people, which was initially submitted to OMB last November. FAA is expected to publish that NPRM by Feb. 28, 2018 and also issue a final rule requiring registration and marking for drones by Feb. 26, 2018. A revised metropolitan planning organization coordination rule is expected by the end of next month. Read more [here](#). (h/t to Jeff Davis at the Eno Center)

**QUIET AS IT'S KEPT:** White House aides, the Treasury Department and congressional leaders have significantly expanded a tax overhaul plan since President Donald Trump put out a six-paragraph framework in July. However, they have yet to hammer out key details like whether a tax bill should add to the deficit or if any tax cuts should be permanent, POLITICO's Nancy Cook [reports](#). They are also finding it hard to stay focused on the tax overhaul, along with other policy issues, given the recent controversy over the president's response to violence in Charlottesville, Va and disruptive personnel changes in the West Wing.

**THE ROCK HITTING THE WINDSHIELD:** And speaking of distractions, Republican Party insiders say they worry that policy goals for taxes, spending and health care could be derailed by divisions within the party. "Loyalty to Trump has quickly become the most potent issue within the Republican base, according to a dozen candidates and strategists immersed in 2018 races," [writes](#) POLITICO's Kevin Robillard. Many Republican Senate campaigns are reportedly preparing to "bludgeon" primary opponents seen as disloyal to Trump.

**KEEPING SCORE:** Conservative advocacy group FreedomWorks said it plans to score senators based on whether they vote to confirm former Rep. Scott Garrett as president of the Ex-Im Bank and Kevin Hassett as chairman of the White House Council of Economic Advisers, [according to](#) Pro Trade's Zachary Warmbrodt. The Senate Banking Committee has yet to schedule a nomination hearing for Garrett who, like FreedomWorks, has proposed abolishing the Ex-Im Bank. The committee approved Hassett but he has not been confirmed by the full Senate.

**CONGESTION PRICING A.K.A. THE DARK HORSE:** New York City Mayor Bill de

Blasio remains optimistic that he can get enough support to institute a tax on the wealthy to help fund the city's transit system but said congestion pricing - which seems to have Governor Andrew Cuomo's approval - isn't "politically viable," [report](#) POLITICO New York's Dana Rubinstein and Gloria Pazmino. De Blasio said he was doubtful that state leadership would back the idea and that the need for MTA funding was too urgent to bet on a losing horse, so to speak.

**In the eye of the beholder:** But transportation funding groups say de Blasio's preferred fundraising method seems even less likely to go anywhere with state lawmakers. "This is like the third millionaire's tax, right?" said Jon Orcutt of the Transit Center, which supports congestion pricing.

**NOT TODAY:** Fiat Chrysler is downplaying rumors that China's Great Wall Motors is seeking to buy it or its Jeep Unit, POLITICO Europe's Hans von der Burchard [writes](#). Fiat Chrysler said in a statement Monday that it had not received a bid from the Chinese automaker, though that might not be enough to quell market anxieties. The news "comes at a sensitive moment as Germany, Italy and France are pushing the European Commission to screen buyouts from Beijing more strictly, saying some are politically driven and heavily subsidized by state money."

**ID ON THE GO:** Nowadays people, especially Millennials, like being able to access everything from their phone and that includes their driver's licenses, MorphoTrust USA reveals in a new [study](#) out today. The company, which is involved with TSA PreCheck enrollment, surveyed 3,835 people over the age of 16 and also hosted 10 focus groups to assess their reactions to the concept of a mobile driver's license. People under the age of 39 were more open to the idea than those over 40, according to MorphoTrust. Though - 80 percent of survey respondents said they would be interested in a mobile ID.

**SPOTLIGHT ON OPEN SKIES:** U.S. Airlines for Open Skies Coalition released a new [fact sheet](#) on the economic, consumer and job benefits of the agreements in the United States. The group said that, among other things, Open Skies agreements support more than 16 million jobs. Partnership for Open & Fair Skies Spokeswoman Jill Zuckman responded by saying the fact sheet was part of a "misinformation campaign to try to trick people about the number of American jobs at stake" while the United Arab Emirates and Qatar were "cheating on their trade agreements with the United States."

**A ROCK'S TALE:** The Bureau of Land Management [published](#) an Interior Solicitor's opinion that overrides policy that prevented the agency from selling minerals materials such as gravel, rock and sand from public lands for federal highway projects. (h/t to [Morning Energy](#))

**SHIFTING GEARS:** Melissa Froelich was named chief counsel of the House Energy and Commerce Committee's digital commerce and consumer protection subpanel. Froelich most recently served as counsel for the subpanel and was previously counsel for the subpanel on commerce, manufacturing and trade.

**THE AUTOBAHN:**

- "U.S. board to vote on likely cause of Tesla 'Autopilot' crash." [Reuters](#).

- "Can GE's former chief executive turn Uber around?" [The Washington Post](#).
- "Businesses keep on truckin' through solar eclipse." [The Wall Street Journal](#).
- "Insider Q&A:General Motors learning the rental business." [The Associated Press](#).
- "Trump administration: Rail funds not at risk for 'sanctuary' communities." [Miami Herald](#).
- "US Navy collisions stoke cyber threat concerns." [McClatchy DC](#).
- "Maryland to get \$900-million federal full funding agreement for Purple Line." [The Washington Post](#).
- "Feds say brake problems preceded derailment in Pennsylvania." [The Associated Press](#).

**THE COUNTDOWN:** DOT appropriations run out in 39 days. The FAA reauthorization expires in 39 days. Highway and transit policy is up for renewal in 1,135 days.

*To view online:*

<http://www.politico.com/tipsheets/morning-transportation/2017/08/22/senate-dems-want-answers-on-sleep-apnea-222007>

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