

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Morning Transportation  
**Sent:** Wed 7/26/2017 2:03:58 PM  
**Subject:** POLITICO's Morning Transportation, presented by American Public Transportation Association: FAA whiplash — PFC intrigue at Senate THUD — Cuomo visits Chao, Dems in D.C.

By Stephanie Beasley and Lauren Gardner | 07/26/2017 10:00 AM EDT

*With help from Heather Caygle, Sarah Ferris, Brianna Gurciullo and Tanya Snyder*

**FAA WHIPLASH:** House Transportation Chairman [Bill Shuster](#) told our Tanya Snyder on Tuesday that he's still trying to whip enough votes to get his FAA bill [H.R. 2997 \(115\)](#) on the chamber floor this week before lawmakers skedaddle for August recess - not 24 hours after he told Fox News that a vote to keep the agency running would have to wait until September. The Pennsylvania Republican is mining for "a couple more" votes. "I don't just want to win, I want to win significantly," he said.

**Real talk:** The House has the balance of the week to wrap up a four-bill spending package before members skip town Friday. Barring some kind of massive appropriations meltdown this week, we're betting the FAA bill is going to become a September item on the calendar (provided Shuster gets his votes). Then we're in extension territory, when the question becomes: How long will the chambers give themselves for this boxing match?

**The Bill Shuster FAA extension bill:** Rep. [Rick Larsen](#) (D-Wash.), ranking member of the Aviation Subcommittee, is dubious. "I just don't see that the votes are there," he told Tanya. But he's got an idea: "If they want to do extensions, we'll start naming extensions after members of Congress."

**We also cover the Senate:** Senate Commerce Chairman [John Thune](#) said Tuesday that the upper chamber's bill, [S. 1405 \(115\)](#), may have to wait until September for floor consideration. "It could be before the August break or it could be September," Thune said, pointing out that the Senate is tackling health care this week and potentially defense next week. An extension is "always a possibility," he said, though it isn't his "preference." Meanwhile, Thune said talks are still in progress about his provision to alter the 1,500-hour rule for first officers in training, which the committee adopted during markup.

**IT'S WEDNESDAY:** Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Lauren and Steph are at the wheel, so please send along tips, feedback and lyrics to [lgardner@politico.com](mailto:lgardner@politico.com) or [@Gardner\\_LM](https://twitter.com/Gardner_LM) and [sbeasley@politico.com](mailto:sbeasley@politico.com) or [@Steph\\_Beasley](https://twitter.com/Steph_Beasley).

"I woke up in New York City / From my sleep behind the wheel / Caught a train to Poughkeepsie / And time stood still"

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**SENATE THUD SPENDING BILL OFF TO FULL COMMITTEE:** The Senate subcommittee responsible for DOT appropriations on Tuesday approved a fiscal 2018 spending bill that would supply the agency with about \$19.5 billion in discretionary funding - \$1.67 billion more than the House's legislation. The draft bill would bump up TIGER funding to \$550 million, while the House bill would end the grant program altogether as President Donald Trump requested. The Senate panel also ignored Trump's requests to draw the Capital Investment Grant program to a close and sever funding for Essential Air Service and long-distance Amtrak service. The full committee will hold a markup Thursday.

**About those PFCs ...** Airlines for America was out with a statement Tuesday objecting to any language in the Senate bill that would raise the federal limit on Passenger Facility Charges. "While the committee has not made the bill language public, airport sources indicate that the subcommittee voted [Tuesday] to increase and nearly double the PFC tax from \$4.50 to \$8.50, which would result in a massive \$3.2 billion tax hike on every air traveler who takes to the skies," A4A said. Airports Council International-North America and the American Association of Airport Executives are lauding the bill. The Senate Appropriations Committee only said in a release Tuesday that the legislation "provides greater flexibilities for airports to make much-needed capacity improvements."

**Hot mic drop:** Sen. [Susan Collins](#) isn't one to shy away from bashing the White House, but even she's not usually this blunt. Collins was caught with the tape rolling after a Senate appropriations panel Tuesday as she slammed OMB - and Trump - to a Democratic appropriator, Sen. [Jack Reed](#). "I swear, OMB just went through and whenever there was 'grant,' they just X it out," Collins said. "With no measurement, no thinking about it, no metrics, no nothing. It's just incredibly irresponsible." Reed responded, berating Trump as "crazy." Collins added, "I'm worried." Then, she took aim at Trump. "I don't think he knows there is a BCA or anything," Collins said, referring to the Budget Control Act of 2011 that sets strict spending limits on Congress. (Of course, the juicy stuff is what Collins had to say about [being challenged to a duel](#) by Rep. [Blake Farenthold](#). "He's huge," Collins said about the Texas Republican. "He's so unattractive, it's unbelievable.")

**OPENING UP THE GATEWAY?** New York Gov. Andrew Cuomo will be in Washington today to meet with Transportation Secretary Elaine Chao and Democratic members of the state's delegation, The New York Times [scooped](#). His meeting with Chao comes as Congress continues to work on a spending bill that many would like to see send some money toward the Gateway project - and as the New York metro area slogs through a "summer of hell" with Amtrak and its commuter rail lines. Rep. [Louise Slaughter](#), the New York delegation's dean, will host the meeting on the Hill "to discuss state and national priorities, including protecting the [Affordable Care Act], federal transportation investments, and initiatives to making voting easier," according to an aide.

**\*\* A message from American Public Transportation Association:** Public transportation is a vital part of an integrated transportation network that drives our economy forward, creating 50,000 jobs for every \$1 billion invested. Without public transit, America simply can't move forward. And in order to improve our public transportation systems, states and localities need continued federal investment. Learn more at [APTA.com/InvestNow](http://APTA.com/InvestNow). \*\*

**DON'T FORGET ABOUT US:** Rep. John Katko (R-N.Y.) said he's considering introducing legislation this year that could reinstate TSA's defunct air cargo security policy division, given the litany of complaints that he heard during a House Homeland Security subpanel hearing Tuesday. Stephen Alterman, president of the Cargo Airline Association, told lawmakers that aside from providing TSA with additional resources to oversee cargo security, Congress should push the agency to consolidate all of its air cargo officials under one division and not leave them scattered across the agency. "I think there should be concentration of recognizing the unique place that air cargo plays in the world," he said. Brandon Fried, executive director of the Airforwarders Association, added that inconsistent policy interpretations during TSA inspections was one of the most frustrating things air transport companies are dealing with today.

**¿DÓNDE ESTÁ EL AEROPUERTO?** Katko also chatted with MT about a bill H.R. 3328 (115), he recently introduced that would tighten TSA oversight of commercial flights between the U.S. and Cuba. He said language in the legislation - which is slated to be marked up by the full House Homeland Security Committee today - calling for TSA to inspect the airport equipment and security procedures at Cuban airports is necessary to ensure American travelers are safe. "Let's have a good look at the security protocols there and make sure they're up to snuff," he said. "Because TSA has very limited access to them, and they basically have to rely on what the Cuban government is telling them." The bill would also require TSA to standardize its process for signing agreements to allow U.S. air marshals on scheduled, commercial flights. That portion is not specific to Cuba, Katko said.

**Reminder:** Katko was among a group of Homeland Security Committee members that were denied visas to enter Cuba last year. And he has been generally supportive of Trump's plan to impose new restrictions on travel between the U.S. and Cuba, and to roll back some of the Obama administration policies that sought to normalize relations.

**LAPTOP BAN UPDATE:** Cuban and other point-of-departure airports with flights to the United States are still on the hook to implement new security measures introduced last month by Homeland Security Secretary John Kelly. A DHS spokesman said TSA officials were now working with 280 international airports and 180 airlines on the next phase of the process. This phase will include additional technological updates and increased use of bomb-sniffing dogs at each airport, he said. Airlines and airports have a total of 120 days to complete implementation or face penalties that could include a complete ban on passengers carrying large electronics and the suspension of flights to the U.S.

**YOU MAY ENTER:** The Coast Guard has decided that it doesn't need to completely block public access to the portion of the Potomac River that runs adjacent to President Trump's Virginia golf course when he's there. Instead of blocking off the two-mile stretch of river for Trump and other golf-loving administration officials, the Coast Guard will work with Secret Service to escort members of the public through that area, Adm. Paul Zukunft told a House Transportation subpanel Tuesday. The Coast Guard has issued an interim rule that would lay out the parameters of the process. The public comment period closes on Aug. 9. "One of the things they're looking at, through this public comment period, is can they create an unescorted portion of the river that will allow people, again, free access through there," a DHS spokesman said.

**NTSB: NO ONE TO BLAME BUT THE VICTIM:** At a board meeting Tuesday, NTSB determined that all safety mechanisms were in place and functioning properly at the time of a deadly 2015 train crash outside of Valhalla, N.Y. When the railroad gate closed on top of her SUV, Ellen Schaeffer Brody got out to assess the damage, seemingly unaware that a train was coming - and then got back in her vehicle and proceeded forward onto the tracks. Despite the sounding of the train horn, the flashing of the lights, and the reflective paint on the pavement indicating the presence of a railroad crossing, NTSB Chairman Robert Sumwalt said, "I don't believe that she thought she was on a railroad track or close to a railroad track." He chalked it up to a "loss of situational awareness."

**Next steps:** NTSB recommended that jurisdictions with third rail systems at or near highway-railroad grade crossings conduct risk assessments and take steps to mitigate any safety issues that may arise, but the discussion of probable cause focused on the driver's actions.

**Grieving husband slams the process:** "What you saw was a bunch of engineers talk about how they need to protect the status quo," said Alan Brody, the widower of the SUV driver who died in the crash, after the meeting. "Nothing will be fixed from today." Brody said the rail crossing signs are invisible at night and that "even the town knows that [the crossing] is inherently unsafe." Indeed, the town wants to close down the crossing, which remains open for now.

**SHIFTING GEARS:** Andrea Wohleber has left the Transportation Trades Department to be policy and legislative director for the Transport Workers Union.

#### **THE AUTOBAHN:**

- "VW executive charged in U.S. emissions probe to plead guilty." [Reuters](#).
- "D.C. Director of Transportation Leif Dormsjo announces resignation." [The Washington Post](#).
- "Lawsuit challenges the secrecy of White House advisers on infrastructure." [The New York Times](#).
- "New York City's transit agency reveals \$836M subway plan." [The Associated Press](#).
- "Company whose trailer was used in human smuggling case has history of complaints, legal problems." [The Washington Post](#).
- "DOT moves forward with next phase of CAFE standards." [POLITICO Pro](#).

**THE COUNTDOWN:** DOT appropriations run out in 66 days. The FAA reauthorization expires in 66 days. Highway and transit policy is up for renewal in 1,162 days.

**\*\* A message from American Public Transportation Association:** Our nation's public transit systems do more than carry Americans to work-they're a critical part of an integrated transportation network that drives our economy forward. That's why states and localities have

partnered with the federal government for more than 35 years to repair and expand services. But President Trump's budget would eliminate funding for vital public transportation projects-and put 800,000 jobs at risk, including more than 500,000 construction-related jobs. Communities can't improve public transportation alone. To protect our future, we need continued federal investment in public transportation. Congress: Fully fund the FAST Act, and include public transportation in any infrastructure bill. Visit [APTA.com/InvestNow](http://APTA.com/InvestNow) to learn more. \*\*

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