

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Wed 11/15/2017 3:02:00 PM
Subject: POLITICO's Morning Transportation: NTSB: Amtrak safety culture needs work — Bradbury confirmed — Huerta's plea for perspective

By Tanya Snyder and Lauren Gardner | 11/15/2017 10:00 AM EDT

With help from Brianna Gurciullo and Stephanie Beasley

NTSB POUNDS AMTRAK SAFETY CULTURE: Amtrak had a "deficient" safety culture marked by a hyper-focus on following rules and marred by a silent acceptance of workarounds that enabled one of its trains to crash into an active work zone last year near Philadelphia, killing two track workers and injuring dozens, NTSB determined Tuesday. It was altogether a jarring assessment of the company's safety posture at the time of the collision, with investigators discovering more than two dozen unsafe conditions revealing an inconsistent safety vision across layers of Amtrak's corporate structure.

Two big takeaways: Amtrak workers had instituted a workaround for company procedures on "fouling" - or taking a track out of service for maintenance work - that in practice should have prevented the accident. Removing those foul time limits, coupled with workers not using supplemental devices to protect the track segment being worked on as an additional safety measure, prevented positive train control from working as designed, since the technology couldn't detect the backhoe on the track. Check out the NTSB abstract of the report, findings and recommendations here.

Call and response: Amtrak blasted out an advisory to employees after NTSB wrapped to describe ways the company has worked to address the agency's concerns along the way, something board Chairman Robert Sumwalt acknowledged. "The important message we want you to take away from today is that we've been in the process of transforming our safety culture since this incident," co-CEOs Richard Anderson and Wick Moorman wrote. Even so, NTSB staff noted at different points that they had yet to see evidence that Amtrak had made significant strides to address some of their harshest criticisms - namely the company's relationship with its unions on safety issues and an apparent focus on on-time performance over safety.

Not to be left out: NTSB also dinged FRA for being five years late on issuing a final rule requiring system safety plans for railroads. DOT stayed the effective date of the regulation until Dec. 4, though FRA recently held a meeting to hear concerns from states about the requirements. An FRA spokesman said the agency will "thoroughly review" NTSB's findings.

WEDNESDAY ALREADY? Thanks for tuning in to POLITICO's Morning Transportation, your daily tipsheet on all things trains, planes, automobiles and ports. Tanya is at the MT helm. Send tips, feedback and song lyrics to tsnyder@politico.com or [@TSnyderDC](https://twitter.com/TSnyderDC).

"Well traffic is kind of bad / They're widening 'Easy Street' / To fit more SUVs."

GET LISTENING: Follow MT's playlist on Spotify. What better way to start your day than

with songs (picked by us and readers) about lonely highways and south-bound trains?

BRADBURY'S IN: The Senate confirmed Steven Bradbury to be DOT's top attorney Tuesday, despite vehement objections from Democrats and some Republicans over his role in the George W. Bush administration writing memos authorizing torture. Sen. [John McCain](#) (R-Ariz.) said before the vote that it was "a dark, dark chapter in the history of the United States Senate" and that the chamber was "legitimizing offenses against the code of the Geneva Conventions." Sen. [Tammy Duckworth](#) (D-Ill.) spoke on the floor for an hour against Bradbury's confirmation. Sen. [Bill Nelson](#) (D-Fla.), the top Democrat on the Commerce Committee, had spoken out against Bradbury due to his work representing Takata, the now-bankrupt manufacturer of lethal airbags involved in a massive recall, [reports](#) our Lauren Gardner.

LEARN TO LISTEN: FAA Administrator Michael Huerta wants the debate over air traffic control to get an injection of facts and a dose of perspective. "We need to have a transparent discussion that's based on where we are today - not where we were a decade ago," he [said](#) Tuesday in his final speech before the Aero Club of Washington as the head of the FAA. Huerta, echoing the point he [made](#) in a speech to the National Business Aviation Association last month, also said opposing sides need to do a better job passing around the talking stick. "We can't keep talking past each other. We need to talk with each other," he said.

Fun fact: Huerta gave a NextGen shout out during his remarks, saying that for "three years now, GPS procedures have outnumbered the old ground-based navigation routes."

What's next? "Jan. 6 is my last day, which happens to correspond to the start of ski season," Huerta said, in response to a question from the audience. He also gave some tips to his successor, saying he or she should "embrace change, be a good listener, make the tough decisions."

NIELSEN APPROVED: After much hemming and hawing, the Senate Homeland Committee approved DHS secretary nominee Kirstjen Nielsen on Tuesday afternoon, [Stephanie Beasley reports](#). Though four Democrats - Sens. [Tom Carper](#) (Del.), [Maggie Hassan](#) (N.H.), [Kamala Harris](#) (Calif.) and [Gary Peters](#) (Mich.) - voted in opposition. Carper said he worried that Nielsen did not have the "leadership training" needed for the position. "I have struggled with this probably as much as anything I've struggled with this year," he said at the markup. And Hassan said she voted "no" because Nielsen was not called back to again testify under oath, as she and some other committee Democrats requested last week.

Next steps: Chairman [Ron Johnson](#) (R-Wis.), who has touted Nielsen's cybersecurity experience and relationship with White House chief of staff John Kelly as pluses, said that he hopes the Senate "moves as quickly as possible" to take up a vote on her nomination. It's possible that Nielsen could be confirmed this week, but with the Senate's full floor agenda and the Thanksgiving holiday fast approaching, it might be a long shot.

YOU HAD ONE JOB (WELL, TWO): The American Association of State Highway and Transportation Officials [wrote](#) to Senate leaders Tuesday to say how disappointed they are that the tax overhaul bill ([H.R. 1 \(115\)](#)) does not include a fix to the Highway Trust Fund's structural deficit. Calling it a missed opportunity, AASHTO said that if nothing is done, federal highways

will face a 40 percent cut in 2021 and federal transit funding will be zeroed out completely from 2021 to 2023. AASHTO also called out the GOP doublespeak on an infrastructure plan: "We need to be honest with the American people: failure to find the revenue for an infrastructure initiative now, as part of tax reform, will make passage of such a package nearly impossible in the future."

HECKUVA JOB: Between April and September of this year, the DOT's Inspector General closed 157 investigations and opened 131 more, leading to 43 convictions, the office said in a semiannual [report](#) to Congress released Tuesday. The office blew the whistle on hazmat fraud, got a man sentenced for killing a police officer while driving a commercial vehicle under the influence of drugs, and enforced highway and bridge safety rules. The financial impact of their work over those six months, they say: \$3.42 million.

IN WITH THE NEW: Cathy Gautreaux, who was executive director at the Louisiana Motor Transport Association for nearly three decades, started Monday as deputy FMCSA administrator, a DOT source confirmed to MT.

MAKE A RUN PAST THE BORDER: More than 100 trade organizations [urged](#) U.S. Trade Representative Robert Lighthizer on Tuesday to keep NAFTA's rules allowing Mexican trucking companies to drive beyond U.S. border zones. The organizations that signed the letter said allowing Mexican truckers to haul goods further into the United States helps alleviate congestion at and near the border, "creating more efficiency through the system." They noted that Mexican carriers have "have an excellent safety record."

Don't go: The Trump administration doesn't appear to be proposing the complete removal of Mexico's long-haul trucking industry from NAFTA's cross-border services chapter, Morning Trade reported. What they are considering is a form of safeguard mechanism that would allow the U.S. to impose new restrictions or limitations on Mexico's trucking industry if it were faced with certain negative conditions. The proposal was formally put forward in the fourth round of talks outside Washington.

THEIR TURN: Tuesday was the deadline for comments to DOT's revised driverless car policy. The [Auto Alliance](#) remains concerned that the guidance isn't clear enough that states shouldn't enact any kind of pre-approval process before allowing the testing and deployment of self-driving cars on the road, creating "unnecessary delays." NTSB Chairman [Robert Sumwalt](#) said he was disappointed that the guidance didn't address Level 2 automation, like the Tesla involved in a fatal May 2016 crash that NTSB just investigated. And as always, [motorcyclists](#) showed up in force with concerns about whether driverless cars will be able to adequately detect motorcycles on the road.

SPOTTED: Transportation Secretary Elaine Chao with several other Cabinet officials, more than two dozen members of Congress and Delta Air Lines CEO Ed Bastian on Tuesday night at a reception in honor of Andie Newman, who retired this summer as Delta's senior vice president of government affairs after a 22-year career in the airline industry.

SHIFTING GEARS: Laura Bonavita is the new new manager of policy communications in

Hyundai Motor Company's Washington office. Bonavita previously worked at the U.S. Chamber of Commerce and the National League of Cities.

NET NEUTRALITY 101: The long-running fight over net neutrality, which pits telecom giants against tech companies, is heating up at the Federal Communications Commission. To understand what the fight is all about and where it's headed, check out POLITICO's latest explainer video featuring technology reporter Margaret Harding McGill and the artwork of Pulitzer Prize-winning cartoonist Matt Wuerker. Click [HERE](#) to watch.

THE AUTOBAHN:

- "These are the GOP officials who have spent the most at Trump properties." [The Washington Post](#). (MT note: Reps. [Bill Shuster](#) (R-Pa.) and [Michael McCaul](#) (R-Texas) are on the list.)
- "How a decaying surface transport system is endangering U.S. security and economic strength." [Forbes](#).
- "Boeing inks \$1.3B Ethiopian Airlines deal for 777 freighters." [The Associated Press](#).
- "New FAA guidance for electronic flight bags." [FAA](#).
- "Study: Ride-hailing, automation will hurt car sales." [The Detroit News](#).
- "Colorado track will test super-speedy transit that could be offered at toll-road price." [The Denver Post](#).

THE COUNTDOWN: DOT appropriations run out in 24 days. The FAA reauthorization expires in 137 days. Highway and transit policy is up for renewal in 1,051 days.

To view online:

<https://www.politico.com/newsletters/morning-transportation/2017/11/15/ntsb-amtrak-safety-culture-needs-work-223361>

To change your alert settings, please go to <https://secure.politico.com/settings>

This email was sent to jackson.ryan@epa.gov by: POLITICO, LLC 1000 Wilson Blvd.
Arlington, VA, 22209, USA

Please click [here](#) and follow the steps to unsubscribe.
