

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: Morning Transportation
Sent: Tue 9/19/2017 2:07:40 PM
Subject: POLITICO's Morning Transportation, presented by Auto Alliance: JetBlue CEO slams 'Big Three' over Open Skies — Air marshals in the clear — NTSB investigating NYC bus crash

By Brianna Gurciullo | 09/19/2017 10:00 AM EDT

With help from Stephanie Beasley and Tanya Snyder

JETBLUE CEO SLAMS 'BIG THREE': If United Airlines, Delta Air Lines and American Airlines were really serious about their claims that two Persian Gulf nations are violating the spirit of their Open Skies agreements, "they probably would have followed the established DOT process, filing an official complaint ... and this matter would have been decided years ago," JetBlue Airways' president and CEO, Robin Hayes, said Monday during an address at the Aero Club of Washington. Hayes went on to argue that current Open Skies agreements bring more travelers to the United States, and those travelers then fly domestically on U.S. airlines. Tanya has [more](#) for Pros.

Backtalk: Jill Zuckman, the spokeswoman for the Partnership for Open and Fair Skies, said in response to Hayes' remarks: "Perhaps if JetBlue did not financially benefit from Emirates' billions of dollars in illegal subsidies, it would acknowledge that fair trade requires that all parties abide by the rules of international trade agreements." Zuckman also noted that JetBlue's pilots are members of the Air Line Pilots Association, which is part of the Partnership for Open and Fair Skies.

Delta-Aeromexico deal a 'template': During his speech Monday, Hayes also praised DOT for taking what he described as steps to limit the "unchecked power of the Big Three." He said the conditions DOT put on the Delta-Aeromexico joint venture should be a "template" for future deals. DOT put a five-year sunset on their antitrust immunity and required the airlines to give up some slots at Mexico City International Airport - "one of the most challenging airports to serve for new entrants," Hayes said - allowing JetBlue to add more service.

IT'S 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 and lyrics my way: bgurciullo@politico.com or [@brigurciullo](https://twitter.com/brigurciullo).

"You will see him on TV, any given Sunday / Win the Super Bowl and drive off in a Hyundai."

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?

AIR MARSHALS IN THE CLEAR: TSA doesn't need new policies to address misconduct among federal air marshals, according to a [new report from the DHS inspector general](#). The IG said the policies and procedures currently in place are sufficient to address allegations of misconduct or misuse of government resources. The report, which offered no recommendations, concluded that "TSA and FAMS have a systematic and multilayered process for handling FAMS

misconduct issues, which includes review of misconduct by two separate and independent offices."

How timely: TSA employee misconduct has been a concern for lawmakers. The House Homeland Security Committee recently approved legislation ([H.R. 1351 \(115\)](#)) that would give TSA the authority to conduct unannounced inspections to investigate allegations of misconduct. However, committee Democrats opposed the bill, saying it would single out TSA employees from the larger DHS workforce and lower morale.

NTSB INVESTIGATING NYC BUS CRASH: The NTSB [said](#) it is investigating Monday's crash in New York City of a charter bus and Metropolitan Transportation Authority bus. The accident left three people dead. Joe Lhota, the chairman of MTA, said speed may have contributed to the crash, CBS New York [reports](#).

NO NEED TO WAIT: Senate Commerce Committee ranking member [Bill Nelson](#) (D-Fla.) fired off letters to U.S. airlines Monday asking them to start planning to limit airfares before Hurricane Maria potentially hits the United States. "I urge you to begin the process now for implementing capped airfare and ensuring that refunds are promptly issued for cancelled flights," Nelson wrote. "I also request that your policies on capped airfare be communicated clearly and in writing so that affected residents can evacuate quickly and safely." The letters went to American, United, Delta, [JetBlue](#), Southwest Airlines, Spirit Airlines, Alaska Airlines, Hawaiian Airlines, Frontier Airlines and Allegiant Air.

TARGET ACQUIRED: President Donald Trump's allies are already planning attacks against Democrats who could challenge the president in three years, POLITICO's Gabriel Debenedetti [reports](#). One of those Dems is Sen. [Sherrod Brown](#) of Ohio, the ranking member of the upper chamber's Banking Committee who faces reelection next year. Brown has been [outspoken](#) on infrastructure and "Buy America" issues. Other targets of interest to the transportation world: Sens. [Amy Klobuchar](#) (D-Minn.) and [Cory Booker](#) (D-N.J.), both members of the Commerce Committee, and New York Gov. Andrew Cuomo, who has tried hard to [depict himself](#) as a leader in investing in infrastructure.

'WHERE'S MY PETER?' White House chief of staff John Kelly's attempts to institute more order at 1600 Pennsylvania Ave. could determine just how much sway Peter Navarro has over Trump when it comes to trade issues. Navarro and Gary Cohn, the director of the National Economic Council, frequently argue over trade, POLITICO's Tara Palmeri and Andrew Restuccia [report](#). In case you could use reminding, Navarro and now-Commerce Secretary Wilbur Ross co-wrote a [paper](#) on Trump's infrastructure plan, before the election.

**** A message from Auto Alliance:** Federal action is needed for self-driving cars. [Learn More](#)
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MT MAILBAG: Sen. [Richard Blumenthal](#) (D-Conn.) sent a letter Monday to Transportation Secretary Elaine Chao, expressing concern about the potential for people to be duped into purchasing cars that got swamped during the recent raft of hurricanes. "One way to address this issue is to bring strong enforcement actions against insurance companies that fail to properly

record the transfer of titles to themselves after they declare a vehicle a total loss, as well as auto auction companies that fail to accurately document a vehicle's ownership history," Blumenthal wrote. He asked for a response from Chao by Oct. 6.

BY THE NUMBERS: Commercial airline passenger traffic rose 3.8 percent last year at airports in North America. Cargo traffic, meanwhile, rose 2.4 percent, according to Airports Council International-North America. Passenger traffic grew 2.6 percent at Hartsfield-Jackson Atlanta International Airport, the busiest airport globally. And Memphis International Airport kept its title as North America's busiest airport for cargo.

A 'HOORAY' FROM AIA: The Aerospace Industries Association on Monday cheered the three new nominations to the Export-Import Bank's board. "For far too long, the Bank has been languishing without a quorum of at least three members on its Board, unable to fulfill its mission or process transactions exceeding \$10 million," David Melcher, the president and CEO of AIA, whose members include Boeing, said in a statement. But the organization "continues to oppose the nomination of Scott Garrett as Chairman of the Ex-Im Bank due to his stated opposition to the Bank's mission and we urge President Trump to withdraw his nomination," Melcher added. (The National Association of Manufacturers had a similar reaction.)

ICYMI: Trump nominated Linda Puchala to be a National Mediation Board member until July 2018. Puchala has been a board member for the last eight years. Earlier in her career, she was the international president of the Association of Flight Attendants-CWA, which on Monday praised Puchala's nomination.

SHIFTING GEARS: Ed Gilroy has joined the American Trucking Associations as senior vice president of legislative affairs after serving as the House Education Committee's director of workforce policy. And Jay Lim, most recently counsel to Sen. Susan Collins (R-Maine), is now ATA's vice president of legislative affairs.

THE AUTOBAHN:

- "A shape-shifting car? Patent filings point to auto industry's future." The Wall Street Journal.
- "Trudeau: Canada could stop dealing with Boeing over dispute." The Associated Press.
- "Google's self-driving cars have been using Intel chips this whole time." CNBC.
- "United: Final Boeing 747 flight will be to Hawaii on Nov. 7." USA Today.
- "Uber's fleet of self-driving cars in Pittsburgh back on the road following crash." The Tribune-Review.
- "Wanna stop distracted driving? Make cars that watch their humans." Wired.
- "Americans are right not to trust self-driving cars." The Washington Post (Opinions).

- "Justice Department barred from sharing Volkswagen documents: judge." [Reuters](#).
- "Ryanair faces 20m euro compensation bill over cancellations." [BBC](#).
- "Uber goes on rare legal offensive, suing ad agency for fraud." [Bloomberg](#).

THE COUNTDOWN: DOT appropriations run out in 81 days. The FAA reauthorization expires in 12 days. Highway and transit policy is up for renewal in 1,108 days.

**** A message from Auto Alliance:** Automakers have a vision for transforming mobility: save lives with automated vehicles. [Learn More](#) **

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