

Commerce, Science, and Transportation Sub. Committee Markup

Transportation and Consumer Protection Act

July 15, 2015

Cantwell: "Thank you Mr. Chairman. And as you said, I certainly wish I wasn't sitting beside you today and that Senator Nelson was here, and so I know that everyone here in this committee room wishes him a very speedy recovery and I hope that he'll be back in this chair very, very shortly.

The commerce committee has a long history of bipartisanship and that bipartisanship has been the strongest ___ for this committee in the area of surface transportation policy. In the past, surface transportation bills, republicans and democrats from the committee have worked for weeks if not months to reach bipartisanship on every part of the bill, and it involved a tremendous amount of work with stakeholders, committee members and staff to have a balance of those provisions.

Those bills also included strong advancements on safety proposed by both sides. For example, one of the reauthorizations – the last big reauthorization we had – then ranking member's bill to improve safety of inner-city buses became a dramatic improvement for safety. And when we did have disagreements over certain provisions, we almost certainly worked them out in a bipartisan fashion. Unfortunately, what we're voting on today released by the majority last Thursday, I think represents a jarring departure from those bipartisan traditions, in some instances, it didn't represent a democratic point of view at all.

For example, last year, the committee had several hearings on dangerous vehicle defects including exploding airbags, defective ignition switches which have killed and injured numerous Americans. So from what we've heard from a number of hearings, we needed to add ___ to our laws to make sure that that corporations that chose to ignore defects faced real fines, not just a shrug from congress, and that executives who knew about these defects should face possible penalties.

Sadly this bill does not do enough in this area, in fact, it walks back some existing consumer protections. Just last month we learned that the eight deaths related to Takata air bags was in a rental car in California, and this bill as it was introduced before us, ok's rental car companies to continue to rent out cars with serious defects. Now I know there's been a lot of discussion today and I know my colleague Senator McCaskill is quite passionate about the issue so maybe it will be one of the areas here that we'll be able to address this afternoon.

But, unfortunately the problem doesn't stop there. This bill actually walks back safety provisions that could lower the age to drive big rigs on the interstates from 21 to 18, and some of the rail provisions that have been added to the bill are no better after the horrific Amtrak derailment in Philadelphia, a number of very serious oil train derailments, we should be doing more to make sure that technology – like positive train control and braking technologies that can help us prevent accidents are being implemented.

But this bill rolls back the existing positive train control deadline and it flat out repeals the department's requirement for electronic control system. So finally, as the chairman knows, I strongly support a multi-modal freight program to improve the movement of goods in our country. This legislation has some

good multi-modal policy language in it – or did have, I should say – and my colleagues Senator Booker, and Markey and Senator Murray and I have worked on these issues. I appreciate that the freight mobility is a critical element to both of our economies, but the manager amendment strikes the investment program that actually puts the dollars into the freight program, so basically only freight programs are authorized through the public works committee which ___ is highways – would leave a lot of the rail issues, ___ crossings, all the things that are so critical for multimodal infrastructure to move U.S. products effectively would not be authorized.

So I would also like to note that investing in freight shouldn't mean that we have to get rid of the Tiger program, just today we received a letter from 150 organizations about our nation's infrastructure and about a complimentary freight program. So eliminating that program to replace it with one that doesn't fully address all of the rail issues of our country, I think is a mistake.

So I believe there is a better way, Mr. Chairman. I know we're going to hear from our colleagues for a lot of amendments. I would like to follow the lead of our environment and public works committee by getting a transportation bill that is truly bipartisan. So I know that my colleague Senator Nelson has been working on what would be a substitute amendment that would be something that my colleagues on this side of the aisle would sponsor, so we plan on authoring that, and it includes strong funding to support the growth of our transportation system, and it includes many of the provisions from Map 21, though it passed the senate on bipartisan strong majority, so we will have that opportunity and it also authorizes the Tiger program."

Closing Remarks

Cantwell: "I know there were a lot of discussions back and forth this week, but I think that this bill is breaking a long history of this committee of working in a bipartisan fashion and I think it's important for us to continue to make sure that we're making progress on important issues.

I can speak for just myself and my view of the world with the growing middle class around the globe – the fact that Americans make great products and can sell them around the globe is one of our biggest opportunities.

But with the level of congestion now at our railroads and moving products and competition, and the issues that were brought up here today about our delivery system, there's no reason why we have to pass this surface transportation bill that is more about rolling back the safeguards of current law in the areas of automobiles and trains and on the way our tracks improvements are made. We instead should be making the investment like in the freight area of the bill which we actually ___ which does not authorize the actual infrastructure improvements that are going to make the delivery of these products better and more improved.

So I note that your comments about us moving to the floor in a discussion of trying to catch the leader's desire to move forward on a transportation bill, but I don't think this is going to enhance his chances of moving the transportation bill by moving this particular section out in a partisan way.

So we will certainly take you up on the offer to talk in dialogue about this, but making sure that safety issues being raised all across the United States – passenger rail, with oil trains, and the volatility of a

product moving and exploding in numerous states, the Takata issue, and the issues that have been brought before us today – the solution is not to roll back safety standards. The solution is to make improvements in our infrastructure and our technology and our tools so we can move our products forward.

And I know that may feel a little heated to you, but I can tell you from a state that does see three oil trains a day and it's going to go to 16 oil trains a day, that we want to see safety be a standard that we can implement.

So I look forward to working with you in the next very short time period – the next 24 hours, to hopefully get in more bipartisan measure from our committee because I do think that we do have a very critical role particularly as it relates to freight and effectively making sure that our products stay competitive in a global market.”