



October 28, 2008

The Honorable James Simpson  
Administrator  
Federal Transit Administration  
1200 New Jersey Avenue, S.E.  
Washington, DC 20590

**Re: Notice of Buy America Waiver Request by the  
Massachusetts Bay Transportation Authority for Final  
Assembly of Rail Rolling Stock  
Docket No. FTA-2008-0047**

Dear Administrator Simpson:

On behalf of the Transportation Trades Department, AFL-CIO (TTD) I urge the Federal Transit Administration (FTA) to reject the request for a waiver of Buy America requirements that has been made by the Massachusetts Bay Transportation Authority (MBTA) for a pending passenger locomotive order.<sup>1</sup> This waiver would allow Vossloh Espana S.A. (Vossloh) to manufacture and assemble two prototype locomotives in Spain despite Buy America requirements that final assembly be conducted in the U.S. It is relevant that MotivePower Inc. has submitted a bid to MBTA to provide the needed locomotives without a Buy America waiver, and in fact will conduct final assembly in Boise, Idaho and comply with all other U.S. content requirements.

Buy America provisions have been included in the FTA's statute to ensure, to the extent possible, taxpayer funds are used to procure products made by U.S. workers. While exemptions are permitted, we see no credible reason why the public interest is served by granting this specific waiver request. To the contrary, the practical effect of this exemption would be to use federal funds to outsource a significant number of skilled American jobs spread across the country, including the jobs of workers represented by TTD member unions.

Vossloh and the MBTA state that this waiver will enable Vossloh to submit a competitive bid based on price and schedule. Putting aside the accuracy of that claim, allowing foreign manufacture and assembly in violation of the statutory requirements just so a foreign company can compete, is simply not the type of rationale that should qualify as an exemption. And in this difficult economic environment, putting additional pressure on U.S. manufacturers makes absolutely no sense.

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<sup>1</sup> Attached is a list of TTD's 32 affiliated unions.

**Transportation Trades Department, AFL-CIO**

888 16th Street, NW • Suite 650 • Washington, DC 20006 • tel: 202.628.9262 • fax: 202.628.0391 • www.ttd.org  
Edward Wytkind, President • Patricia Friend, Secretary-Treasurer

Our member unions in the rail and transit sectors appreciate the need to ensure their employers have the latest in locomotive technologies that can meet and exceed customer demand and safety. But in this instance, there is a U.S.-based provider prepared to deliver the requested locomotives and comply with their Buy America obligations under the statute.

This requested waiver would also accelerate existing pressures on our domestic industry and contribute to a further loss of American jobs, skills and know-how in years to come. This waiver would open the door to unfair foreign competition and ultimately the erosion of yet another American manufacturing sector. It would be entirely inappropriate for FTA to find that it is in the “public interest” for MBTA to use federal funds when this would be the certain result.

FTA must assure compliance with existing Buy America rules, and not grant the waiver requested by the MBTA. Thank you for your consideration of our views.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a horizontal line underneath.

Edward Wytkind  
President

# TTD MEMBER UNIONS

*Air Line Pilots Association (ALPA)*  
*Amalgamated Transit Union (ATU)*  
*American Federation of State, County and Municipal Employees (AFSCME)*  
*American Federation of Teachers (AFT)*  
*Association of Flight Attendants-CWA (AFA-CWA)*  
*American Train Dispatchers Association (ATDA)*  
*Brotherhood of Railroad Signalmen (BRS)*  
*Communications Workers of America (CWA)*  
*International Association of Fire Fighters (IAFF)*  
*International Association of Machinists and Aerospace Workers (IAM)*  
*International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers (IBB)*  
*International Brotherhood of Electrical Workers (IBEW)*  
*International Federation of Professional and Technical Engineers (IFPTE)*  
*International Longshoremen's Association (ILA)*  
*International Longshore and Warehouse Union (ILWU)*  
*International Organization of Masters, Mates & Pilots, ILA (MM&P)*  
*International Union of Operating Engineers (IUOE)*  
*Laborers' International Union of North America (LIUNA)*  
*Marine Engineers' Beneficial Association (MEBA)*  
*National Air Traffic Controllers Association (NATCA)*  
*National Association of Letter Carriers (NALC)*  
*National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)*  
*National Federation of Public and Private Employees (NFOPAPE)*  
*Office and Professional Employees International Union (OPEIU)*  
*Professional Aviation Safety Specialists (PASS)*  
*Sailors' Union of the Pacific (SUP)*  
*Sheet Metal Workers International Association (SMWIA)*  
*Transportation · Communications International Union (TCU)*  
*Transport Workers Union of America (TWU)*  
*United Mine Workers of America (UMWA)*  
*United Steel, Paper and Forestry, Rubber, Manufacturing, Energy,  
Allied Industrial and Service Workers International Union (USW)*  
*United Transportation Union (UTU)*