

Historical Perspectives on Transportation Safety Regulations

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The Federal Role in Railroads

- The development of the federal role in railroading mimicked the development of the earlier federal interest in maritime transportation. Infrastructure subsidies came first, followed by economic and customer service regulation. Safety regulation happened last, after the industries were mature.
- Beginning with the landmark Railroad Safety Appliance Act of 1893, Congress began a long cycle of ever-increasing railroad safety regulations. The railroad experience differs from the maritime, aviation, and highway safety regulation experiences because the initial top priority in railroad safety regulation was increased safety for railroad employees, not as much for passengers or bystanders. The narrative continues through the positive train control (PTC) requirement of the 2008 railroad safety law.
- A common theme among most forms of transportation regulation, which is particularly strong in railroading, is that the usual opposition of industry to any kind of regulation can be overcome by the convenience of federal preemption—having one set of regulations, and one easily approachable regulator, instead of up to 51 different sets.

Street Users and Automobiles

- A century ago, the US Commerce Department hosted a series of conferences at which automotive interest groups established the guiding principles of American urban passenger transportation which prioritized driving over other modes of urban mobility. Proponents of the effort called it a “radical revision” in the ranking of street users. Walking and public transportation, once prioritized, were marginalized in favor of driving.

- Today, the legacies of this historical inversion include urban passenger transportation that is egregiously unaffordable, unsafe, and unsustainable. Technological innovation alone cannot correct the error. A future of affordable, safe, and sustainable mobility depends upon recognizing and reversing the legacies of this historical inversion.

Fear or Fare

- Fear or fare are the two most important factors in the airline industry. Since 1978, and the passage of the Airline Deregulation Act, the federal government has played little role in terms of fares but still has a role in terms of fear—certifying the safety of aircraft and ensuring the safe operation of US airlines.
- However, throughout the history of the airline industry in the United States, the FAA and its predecessor organizations have largely been viewed as “tombstone” agencies—bureaucracies that act only after someone (usually a large number of people) dies.
- As air travel became increasingly safer after 1978—despite the initial predications of some doomsayers—there have been fewer incidents to prompt FAA action.
- Perhaps in part reflecting the improved safety environment, both political parties have largely embraced deregulation, resulting in less funding for FAA regulators and more safety oversight moving from the government to private companies.
- Historically, most regulations focused on the airlines and the aircraft manufacturers. But since 9/11, regulation has focused on passengers—what type of ID you need, what you can pack in your bag, what you can bring on the airplane. Passenger regulation has remained largely the responsibility of the government, with very few airports privatizing their security operations.

Participant Biographies

Janet Bednarek is a professor at the University of Dayton and former executive director of the Urban History Association. She worked for three years as a historian with the United States Air Force at Bolling Air Force Base, the Pentagon, and Wright-Patterson Air Force Base. She has written two books on the history of airports in the United States, examining them as pieces of the urban transportation infrastructure with a focus on the relationship between airports and city planning. She is currently working on a history of Dayton, Ohio.

Peter Norton is associate professor of history in the Department of Engineering and Society at the University of Virginia. He is a member of the University of Virginia's Center for Transportation Studies and has been a visiting faculty member at the Technical University of Eindhoven in the Netherlands. Norton is the author of *Fighting Traffic: The Dawn of the Motor Age in the American City* and *Autonorama: The Illusory Promise of High-Tech Driving*.

Jeff Davis is a senior fellow with the Eno Center for Transportation and the editor of the *Eno Transportation Weekly*. Davis worked for six years for the ranking minority member of the House Rules Committee on a wide variety of legislative process and budget process oversight issues. He joined the Eno Center in January 2015. His work focuses on analysis of the federal transportation budget and the long-term trends in transportation funding and policy.

Alexandra Levy is communications director at the American Historical Association. She manages communications for the AHA, including its social media platforms, press and media relations, and the AHA website. She coordinates the AHA's Congressional Briefings series.

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