DEPARTMENT OF TRANSPORTATION

Operations During a Lapse in Annual Appropriations
Plans by Operating Administration

January 2018

Office of the Assistant Secretary for Budget and Programs, and CFO
### DEPARTMENT OF TRANSPORTATION

#### SUMMARY OF POSITIONS AFFECTED BY A LAPSE IN ANNUAL APPROPRIATIONS

<table>
<thead>
<tr>
<th>Operating Administration</th>
<th>Life/Safety</th>
<th>Other Funding 2/</th>
<th>Support Positions 3/</th>
<th>Total Staff at Work</th>
<th>Furloughed Staff</th>
<th>Total Positions</th>
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<tr>
<td>Federal Aviation Administration 1/</td>
<td>25,005</td>
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<td><strong>8,132</strong></td>
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<td><strong>34,662</strong></td>
<td><strong>20,518</strong></td>
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</table>

1/ "Furloughed Staff" includes positions in the Office of Aviation Safety who will be recalled to work incrementally over a two week period.
2/ Positions funded by other sources, including multi-year appropriations, indefinite appropriations, or contract authority
3/ Positions supporting lawful continuation of other functions (e.g. support for Life and Safety positions)
4/ These figures represent the Department's plan as of this date. Staff subject to furlough will be regularly reassessed during a period of lapsed appropriations.
FEDERAL AVIATION ADMINISTRATION (FAA)

Personnel Summary

Staff at Work

- Life and Safety excepted positions: *
- Positions funded by multi-year appropriations, indefinite appropriations, or contract authority:
  (Airport Improvement Program (AIP) – 552; Research Engineering & Development – 246; Aviation Insurance – 3)
- Positions funded by franchise funds
- Positions supporting lawful continuation of other functions (e.g., support for Life and Safety positions):

  Total Positions at Work 27,809

Positions to be Furloughed:
Additional Positions to be furloughed after orderly shutdown:

  Total Positions Furloughed***** 17,859

Total Positions:

* Includes positions conducting National Security work – (97).
** This total includes staff of the Office of Aviation Safety, who would be initially furloughed but would be recalled incrementally over a two-week period.
Summary of Continuing Operations

The following operations will continue as excepted activities during a lapse in annual appropriations:

- Air traffic control services;
- Maintenance and operation of navigational aids and other facilities, including support to reimbursable Department of Defense and Department of Homeland Security activities;
- Flight Standards field inspections (limited);
- Airmen medical certifications;
- Aircraft certification services (limited);
- Hazardous materials safety inspections;
- Security information communication services;
- Continuity of Operations Planning;
- Air Traffic Control Specialist (ATCS) medical clearances;
- Air traffic safety oversight (limited);
- On-call accident investigations;
- Commercial space launch oversight;
- Command, control, and communications (i.e., Regions and HQ Operations Centers);
- Foreign relations on aviation safety-related matters; and

In addition, certain activities that will not be affected by a lapse in annual appropriations (but would be affected by a lapse in authorization) include:

- National aviation research, engineering, and development (RE&D) funded by multi-year appropriations;
- Airport inspections;
- Existing airport development grants;
- Passenger facility charge approvals; and
- Airport planning and environmental services funded by Airport Improvement Plan (AIP) contract authority.
Further, certain personnel are required to provide support services to safety personnel and to provide for the orderly shutdown of FAA activities. In general, it will take approximately four hours to shut down most of the agency’s non-excepted activities, with the possible exception of activities necessary to issue stop work orders on contracts and employee furlough notices. FAA expects that the orderly shutdown work of contracting officers will be done within one day. Other activities may take two to three days to complete and will involve human resources and budget/finance personnel. Individuals providing support services to safety positions will report to work to provide employees excepted for the purpose directly protecting life and property with necessary legal, information technology, labor relation, and contract support services.

Also, initially the safety workforce would be limited to safety critical staff whose job is to perform urgent continued operational activity to protect life and property. If extended beyond a limited duration, FAA would bring back additional parts of the workforce to better manage safety risk. Employees doing certification and operational support work would remain on furlough.

**Summary of Suspended Activities**

- Development of new air traffic control specialists not certified to work a position;
- Issuance of airmen certificates;
- Approval of exemptions for unmanned aerial systems operations;
- The FAA’s aircraft registry will close, delaying deliveries of new aircraft, and stopping the sale of used planes;
- Aviation rulemaking;
- Facility security inspections, evaluations, audits and inspections;
- Routine personnel security background investigations;
- Development, operational testing, and evaluation of NextGen technologies;
- Development of NextGen safety standards;
- Air traffic performance analysis;
- Capital planning for FAA facilities and equipment;
- Investment planning and financial analysis;
- Dispute resolution;
- Audit and evaluation;
- Financial operations, controls, reporting and accountability;
- Most budgeting functions (except those necessary to provide necessary services to offices funded with multi-year appropriations and contract authority);
• Employee drug testing program;
• Law enforcement assistance support;
• Most administrative support functions not required for support of life and safety “excepted” positions; and
• Congressional liaison services.

Assessment of Liquidating Cash

• FAA has sufficient liquidating cash to continue operations during a lapse in annual appropriations.  AIP is the only FAA program that operates on Contract Authority.

Shutdown Checklist

• Shutdown plans are up-to-date and will be approved by the Administrator and senior staff prior to implementation.

• The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.

• Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.

• FAA employees will be advised to listen to public broadcasts for information that a congressional action has been taken to fund the government, and they will be expected to return to work on their next regular duty day.  In addition, FAA will place return to duty information on the FAA employee website, and FAA’s toll-free number.  FAA managers can also call employees to ensure staff members are aware they have been recalled to duty.
Personnel Summary

Staff at Work
- Life and Safety excepted positions: 0
- Positions funded by multi-year appropriations, indefinite appropriations, or contract authority 1/: 2,784
- Positions supporting lawful continuation of other functions (e.g., support for Life and Safety positions): 0

Total Positions at Work 2,784

Positions to be Furloughed: 0

Total Positions: 2,784

1/ Highway Trust Fund operations would continue during a lapse in annual appropriations.

Summary of Continuing Operations

All operations continue as normal during a lapse in annual appropriations.

Summary of Suspended Activities

None. Activities funded with contract authority.

Assessment of Liquidating Cash

FHWA has sufficient liquidating cash to continue operations during a lapse in annual appropriations.
Special Circumstances

- Not applicable.

Shutdown Checklist

- Plans are up-to-date and approved by the Administrator.
## Personnel Summary

**Staff at Work**

- Life and Safety excepted positions: 0
- Positions funded by multi-year appropriations, indefinite appropriations, or contract authority 1/: 1,144
- Positions supporting lawful continuation of other functions (e.g., support for Life and Safety positions): 0

| Total Positions at Work | 1,144 |

| Positions to be Furloughed: | 0 |

| Total Positions: | 1,144 |

1/ Highway Trust Fund operations would continue during a lapse in annual appropriations.

## Summary of Continuing Operations

All operations continue as normal during a lapse in annual appropriations.

## Summary of Suspended Activities

None. Activities funded with contract authority.

## Assessment of Liquidating Cash

FMCSA has sufficient balances of liquidating cash to operate for a limited period during a lapse of annual appropriations.
Special Circumstances

- Once available liquidating cash is exhausted to support continuing operations, an agency shutdown may need to be implemented. For a brief funding lapse, this is not anticipated.

Shutdown Checklist

- Shutdown plans up-to-date and approved by the Administrator.
Personnel Summary

Staff at Work

- Life and Safety excepted positions: 0
- Positions funded by multi-year appropriations, indefinite appropriations, or contract authority 1/ 248
- Positions supporting lawful continuation of other functions (e.g., support for Life and Safety positions): 5

Total Positions at Work 253

Positions to be Furloughed: 334

Total Positions: 587

1/ Highway Trust Fund operations would continue during a lapse in annual appropriations.

Summary of Continuing Operations

- NHTSA Highway Safety Research & Development activities (e.g., occupant protection, alcohol, motorcycles) and grants managed under the Highway Traffic Grants account would continue.

Summary of Suspended Activities

- Vehicle Safety activities, including rulemaking, enforcement, research, data analysis, and consumer testing programs.
- Important rulemakings, including those with Congressional deadlines, would be delayed.
- New car assessment testing and related star ratings to consumers may be delayed.
- Defects investigations would be suspended and incoming information on possible defects from manufacturers and consumers would not be reviewed.
- Compliance testing of vehicles and equipment would be delayed.

Department of Transportation  January 2018
• Vehicle safety research on important subjects (e.g., crash avoidance technologies, vehicle-to-vehicle communications, occupant protection, alcohol detection) would be delayed.
• Routine defects and recall information from manufacturers and consumers would not be reviewed.

Assessment of Liquidating Cash

• NHTSA has sufficient balances of liquidating cash on hand.

Special Circumstances

• None.

Shutdown Checklist

• Shutdown plans are up-to-date and will be approved by the Administrator and senior staff prior to implementation.
• The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.
• Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.
Personnel Summary

Staff at Work

- Life and Safety excepted positions: 4
- Positions funded by multi-year appropriations, indefinite appropriations, or contract authority:
  - Program Oversight 12
  - Hurricane Sandy Recovery 29
  - Lower Manhattan Recovery Office 2
  - Total 43
- Positions supporting lawful continuation of other functions (e.g., support for Life and Safety positions): 4
  - Total Positions at Work 51

Positions to be Furloughed: 502

Total Positions: 553

Summary of Continuing Operations

- In the absence of appropriations, limited functions funded from prior year appropriations would continue. These would include Hurricane Sandy activities funded from the 2013 Disaster Relief Appropriations Act (29 positions) program oversight (12 positions) authorized under 49 U.S.C. 5327 and 49 U.S.C 5338(f), and activities in the Lower Manhattan Recovery Office (2 positions) funded by emergency supplemental appropriations after 9/11.
FTA would also have 8 excepted positions to perform life and safety activities authorized in MAP-21 and oversee the lawful continuation of other functions, including 4 available for Washington Metropolitan Area Transit Authority safety incident notification and response.

**Summary of Suspended Activities**

- FTA would not continue any of its unfunded core agency functions. No grants, cooperative agreements, contracts, purchase orders, travel authorizations, or other documents obligating funds would be executed.

- FTA customarily reimburses transit agencies for ongoing operations and construction projects to enable them to provide transit services and pay employees and contractors. October is typically a month where grantees request substantial reimbursements. Payments average about $226 million per week.

- FTA would not obligate grant funds for projects carried out by approximately 1,300 grantees throughout the country as FTA staff that perform these functions are not considered excepted employees. FTA grants primarily fund operating expenses and capital projects.

- For projects under development, FTA staff would not carry out environmental, legal, civil rights, and other reviews essential for advancing projects to the point of obligation, since these are not related to immediate issues of life and safety.

- FTA would not make grant payments using FTA’s Financial Management Systems or vendor payments to contractors using the DELPHI accounting systems regardless of the fiscal year cited since appropriations would not be available to pay the salaries of the staff certifying and executing the payments.

- Program oversight activities would continue but only with funds provided by prior year appropriations. Most oversight activities are performed by contractors.

- FTA would also not obligate or outlay funds for research and technical assistance activities because appropriations would not be available to pay the salaries of the staff executing the payments.
Assessment of Liquidating Cash

- FTA has sufficient liquidating cash through the first quarter of FY 2018. However, FTA would not outlay funds because appropriations would not be available to pay the salaries of staff executing payments.

Special Circumstances

- Certain contract support functions funded with prior year appropriations would continue unless contracting officer representatives (COR) are needed to supervise on-site contract staff. CORs are not considered excepted employees.

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Administrator and senior staff prior to implementation.

- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.

- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.
FEDERAL RAILROAD ADMINISTRATION

Personnel Summary

Staff at Work

- Life and Safety excepted positions: 473
- Positions funded by multi-year appropriations, indefinite appropriations, or contract authority: 1
- Positions supporting lawful continuation of other functions (e.g., support for Life and Safety positions): 13

Total Positions at Work 487

Positions to be Furloughed: 442

Total Positions: 929

Summary of Continuing Operations

Office of Railroad Safety:

- FRA headquarters and field staff manage all rail accident/incident investigations across the country. These investigations become the basis for the agency issuing Emergency Orders, Safety Advisories over the short-term and ultimately rail safety regulations. Data that is transmitted from the Investigators to headquarters staff is used to develop reports documenting the event.

- The continuous inspector presence on railroad property allows for the proactive review and identification of unsafe operations. Having FRA Inspectors on railroad property makes a difference in achieving industry compliance with Federal safety regulations. Data shows that when Inspectors are not visible, less compliance is more likely to occur, which may lead to higher accident/incident rate. When safety hazards are identified, headquarters staff assists Inspectors to ensure uniform and consistent feedback to railroads on noncompliance violations of Federal safety regulations.
Other Key Offices:

- Administrator – The Office of the Administrator provides executive direction over various headquarters and field organizations and is directly accountable to the DOT Secretary and Deputy Secretary for accomplishing FRA’s mission, functions, and goals.

- Counsel – The Deputy Chief Counsel and Deputy Assistant Chief Counsel for Safety Law are critical to the continuation of FRA’s safety mission. Collectively these individuals provide continuing safety legal advice relative to FRA’s safety laws and regulations.

- Office of the Chief Financial Officer – Various individuals within FRA’s Office of the Chief Financial Officer support FRA’s safety activities.

Summary of Suspended Activities and Status of Grant Payments:

- Functions to be suspended during a lapse of appropriations include all activities assigned to the Office of Railroad Policy and Development (RPD). RPD is the primary grantor of Federal funding to Amtrak, supporting Amtrak’s operating, capital, and debt service requirements. Administration of grant, financial and technical assistance activities for Amtrak and all other grantees and funding partners associated with FRA’s portfolio of competitive grant funds are suspended (grant reimbursements to states will be made with the exception of final vouchers). Similarly, FRA’s support to the Build America Bureau regarding the transition of administration for the Railroad Rehabilitation and Improvement Financing (RRIF) loan program is also halted.

Shutdown Checklist:

- Shutdown plans are up-to-date and will be approved by the Administrator and senior staff prior to implementation.

- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.

- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)

Personnel Summary

Staff at Work
- Life and Safety excepted positions: 213
- Positions funded by multi-year appropriations, indefinite appropriations, or contract authority: 0
- Positions supporting lawful continuation of other functions (e.g., support for Life and Safety positions): 19

Total Positions at Work: 232

Positions to be Furloughed: 315

Total Positions: 547

Summary of Continuing Operations

- Investigations of pipeline accidents to determine the causes and circumstances of failure, the need for corrective action, and any non-compliance that might have contributed to the accident.
- Inspections of pipeline operators and systems to determine compliance with the pipeline safety regulations.
- Enforcement of the pipeline safety regulations through corrective action orders, notices of probable violations and letters of warning.
- Investigations of hazardous materials accidents to determine the causes and circumstances of failure, the need for corrective action, and any non-compliance that might have contributed to the accident.
- Inspections of hazardous materials shippers, carriers, testing facilities and cylinder reconditioning facilities to determine compliance with the hazardous materials safety regulations.
- Enforcement of the hazardous materials safety regulations through the issuance of enforcement actions or development of evidence for civil and criminal penalty actions.
- Hazardous Materials approvals and permits for emergencies affecting the safety of life and property only.
• Administrative support for the agency’s shutdown plan and procedures, coordination with other DOT elements and OMB, ensuring the physical security of nonexpendable property, and supporting ongoing Field operations necessary for the protection of life and property.

• The Office of Human Resources requires six people to conduct orderly shutdown procedures and to restart PHMSA personnel activities, once funding is restored. All six are needed for the first two days of shutdown. Only one person is needed during the entire shutdown period for processing emergency actions.

Summary of Suspended Activities

• Strategic Planning and Program Evaluation
• Public Affairs
• Civil Rights
• Pipeline Program Development
• Pipeline Standards and Rulemaking
• Pipeline Engineering and Research
• Pipeline State Programs (Grants)
• Pipeline Enforcement Policy, Procedures and Guidance
• Pipeline Training and Qualifications
• Emergency Response Planning and Drills
• Hazardous Materials Program Development
• Hazardous Materials Standards and Rulemaking
• Hazardous Materials Engineering and Research
• Hazardous Materials Approvals and Permits (except for emergency)
• Hazardous Materials Outreach, Training and Grants
• Hazardous Materials Special Investigations
• Hazardous Materials Training and Qualifications
• Legal Services and Representation
• Regulatory Analysis and Planning
• Freedom of Information Act and Privacy Act Processing
• Budget and Financial Planning and Operations (except those related to protection of life and property)
• Acquisition Services
• Human Resources (except for those related to executing the orderly shutdown)
• Information Resources Management
• Administrative Services

Special Circumstances

• PHMSA’s Safety Inspectors and Safety Investigators in the field will continue to protect the safety of life and property by identifying and addressing pipeline and hazardous materials safety violations.

Shutdown Checklist

• Shutdown plans are up-to-date and will be approved by the Administrator and senior staff prior to implementation.

• The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.

• Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.
MARITIME ADMINISTRATION (MARAD)

Personnel Summary

Staff at Work

- Life and Safety excepted positions*: 162
- Positions funded by multi-year appropriations, indefinite appropriations, or contract authority: 271
- Positions supporting lawful continuation of other functions (e.g., support for Life and Safety positions): 9

Total Positions at Work 442

Positions to be Furloughed: 312

Total Positions: 754

* Includes positions at the United States Merchant Marine Academy — (155).

Summary of Continuing Operations

- MARAD functions that would continue during a lapse in appropriations extend to maritime life, safety, and securing vessels of the U.S. Government.

- The United States Merchant Marine Academy (Academy) would continue to operate in support of national defense and national security. It is the stated statutory policy of the United States that it is necessary for the national defense that the United States have a merchant marine capable of serving as a naval and military auxiliary in time of war or national emergency operated by citizens of the United States. Consistent with this policy, the Academy was established to train United States citizens to serve as officers in the United States merchant marine and in the Armed Forces of the United States. Shutdown of the Academy would disrupt the academic calendar and significantly impact cadets’ ability to complete the mariner licensing required courses in time to take the United States Coast Guard mariner licensing exam. Any disruption of the licensing and
commissioning progression potentially threatens the flow of merchant mariners critically needed for national defense and national security.

- Personnel required to ensure continuation of Academic classes will continue. These positions include instructors, Commandant staff to supervise the midshipmen and personnel required for dining, health, simulators training and other instructional support. All other personnel will be furloughed.
- When classes are not in session during an academic break, the Academy will remain open, but only a minimal cadre of personnel will be retained to cover necessary Academy functions during the break. All other personnel will be furloughed until classes resume.

- No other functions will be continued, including: Environment and Compliance; Intermodal System Development; Business and Finance development programs; and administrative support programs, other than those sustaining continuing operations.
- Emergency and disaster assistance involving the safety of human life or protection of property would continue.
- The no-year funded Ship Disposal Program could continue operations utilizing carry-over balances as long as sufficient funding is available.
- The reimbursable National Defense Reserve Fleet (no-year DOD-funded), including the Ready Reserve Fleet, could continue program and administrative operations using carry-over balances as long as sufficient funding is available.
- The no-year funded Maritime Security Program (MSP) could continue operations utilizing carry-over balances as long as sufficient funding is available.
- Under Title XI, MARAD employs private contractors or the Reserve Fleet facility in husbanding some defaulted Title XI assets. These services would continue, as a failure to maintain these services could jeopardize life and safety.

Summary of Suspended Activities

- Administrative support functions would cease, other than those related to the Academy or those functions associated with Life and Safety support or no-year and reimbursable programs.
- Program support for Environment and Compliance (MAR-400), Intermodal System Development (MAR-500), and Business and Finance Development (MAR-700) would cease.
Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Administrator and senior staff prior to implementation.
- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.
- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.
SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION (SLSDC)

Personnel Summary

Staff at Work

- Life and Safety excepted positions: 0
- Funded by other sources, including multi-year appropriations, indefinite appropriations, or contract authority: 138
- Positions supporting lawful continuation of other functions (e.g., support for Life and Safety positions): 0

Total Positions at Work: 138

Staff to be Furloughed: 0

Total Positions: 138

Summary of Continuing Operations

- The SLSDC will utilize its statutory authority to use reserve funding from its no-year revolving fund during any lapse in federal appropriations to operate and maintain the U.S. portion of the St. Lawrence Seaway without any adverse impact on staff levels or agency programs.

Summary of Suspended Activities

- No activities will be suspended.

Special Circumstances

- As was the case during past lapses in appropriations, most recently in October 2013, Seaway operations, including compensation and benefits for personnel, is funded through the SLSDC’s no-year revolving account unobligated balance, which is currently $11.9 million.
OFFICE OF THE SECRETARY (OST)

Personnel Summary

Staff at Work

- Life and Safety excepted positions: 20
- Funded by other sources, including multi-year appropriations, indefinite appropriations, or contract authority: 157
- Positions supporting lawful continuation of other functions (e.g., support for Life and Safety positions): 69

Total Positions at Work (without Working Capital Fund, Volpe and TSI): 246

- Funded by the Working Capital Fund: 252
- VOLPE and the Transportation Safety Institute 660

Total Staff at Work (including Working Capital Fund, Volpe and TSI): 1,158

Staff to be Furloughed: 423

Total Positions: 1,581

Summary of Continuing Operations

Most continuing operations of the Office of the Secretary principally will be associated with the following activities:

- Life and safety and security functions of OST, including security of the headquarters buildings;
- Activities funded through the Working Capital Fund for which resources remain available;
- Staff support required for other lawful functions of the Department that will continue during a lapse in annual appropriations, including support activities required for the Secretary, Deputy Secretary and other Presidential appointees within OST to discharge their responsibilities; and
- Activities funded by multi-year or no-year appropriations.
Summary of Suspended Activities

- Suspended activities during a lapse in annual appropriations will mainly be support from staff offices that are not associated with excepted continuing activities.

Special Circumstances

- None.

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Deputy Secretary prior to implementation.

- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.

- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.
OFFICE OF INSPECTOR GENERAL (OIG)

Personnel Summary

Staff at Work

- Life and Safety excepted positions: 100
- Positions funded by multi-year appropriations, indefinite appropriations, or contract authority: 0
- Positions supporting lawful continuation of other functions (e.g., support for Life and Safety positions): 3

Total Positions at Work: 103

Positions to be Furloughed: 313

Total Positions: 416

Summary of Continuing Operations

- Law Enforcement Activities
- Hotline and Crisis Management Center point of contact.

Summary of Suspended Activities

- Audits
- Legal, Legislative, and External Affairs
- Administrative Functions (Procurement & Administrative Services, Human Resources, Budget & Financial Management, and Information Technology).
Special Circumstances

- None

Shutdown Checklist

- Shutdown plans are up-to-date and will be approved by the Inspector General prior to implementation.

- The Office of Human Resources has identified each position subject to a furlough, and preparations are in place to notify affected staff.

- Logistics are in place to provide for an orderly recall of employees and a return to normal operations, once annual appropriations are restored.