



**Testimony of Amalgamated Transit Union (ATU) Local 1300**

***Examining Local Views on Public Transportation,  
Transit Infrastructure and Operations,  
and Federal Transit Programs***

**U.S. Senate Committee on Banking, Housing, and Urban Affairs**

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## Michael McMillan

**President/Business Agent**

**Amalgamated Transit Union (ATU) Local 1300  
Baltimore, MD**

My name is Michael McMillan. I am the President/Business Agent of Amalgamated Transit Union (ATU) Local 1300 in Baltimore, MD. Local 1300 represents more than 2,200 active front-line operations and maintenance workers at the Maryland Transit Administration (MTA). Prior to becoming president, I served as a subway operator for seven years, and I drove a bus at MTA for 15 years.

I would like to focus on three areas where the *Infrastructure Investment and Jobs Act* (IIJA) is already helping to improve the quality of public transportation in Baltimore: funding, safety, and workforce development.

### Funding

Our transit system in Baltimore has been dealing with some very well-known challenges for a long time. MTA has been criticized for its lack of efficiency and accessibility for years. Our new Governor, Wes Moore, says MTA is “chronically unreliable.” We have gaps in service, especially for people who live in the eastern and western cores, Park Heights and south of the Middle Branch of the Patapsco. For many MTA riders, there are no direct routes.

Many Baltimore residents don’t own their own car, and they need the bus or the train to survive. For far too many people, a commute to work can take well over an hour<sup>1</sup> and involve multiple transfers. Making ends meet is hard enough, but when you need to tack on an extra two hours each day just to get to work and back, it’s tough.

In the Washington, D.C. area, WMATA riders only earn 4% less than the income profile of the service area. In contrast, Baltimore transit riders earn 35% less than the income profile of our service area. We are primarily operating a system for people of color who totally rely on public transit, and we are proud to deliver for them as best we can.

With support from the IIJA, we have revived plans to finally build the Red Line to connect East and West Baltimore by rail. This is a project to connect low-income neighborhoods with few jobs to other areas where employment opportunities exist. That is sorely needed in our city.

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<sup>1</sup> *Baltimore Community Change 2010-2020*. Baltimore Neighborhood Indicators Alliance—Jacob France Institute (BNIA-JFI). <https://communitychange-bniajfi.hub.arcgis.com/apps/732976b819114e909425b30c291c3039/explore>

We are excited about Governor Moore's enthusiasm for public transit. The new Governor has proposed \$500 million to fund transportation projects. U.S. Transportation Secretary Pete Buttigieg announced last summer that \$26.5 million in IIJA funds will be used to upgrade Penn Station in Baltimore, and we are certainly grateful for that. Our members and customers know that Penn Station needs the help desperately. We also need more covered bus shelters and bus stops that comply with the Americans with Disabilities Act (ADA) for our passengers with special needs.

The bill sets up a competitive process, and we think that Baltimore will stack up well against any city. Our system has enormous capital needs. Between 2022 and 2031, MTA's total capital needs are expected to reach more than \$6.3 billion in year of expenditure dollars, including an inflation rate of three percent on all needs.<sup>2</sup>

Thanks to the work of this committee, MTA's annual formula funding under the IIJA is projected to exceed \$200 million from now until 2026. This money comes just in the nick of time to upgrade our crumbling infrastructure, some of which can be traced to the streetcars operated by the old Baltimore Transit Company and its parent companies in the 1890s.

We can and will do better. In November of 2022, MTA announced the rollout of real-time tracking and predicted arrival information for the Light RailLink line. This was a five-year project. Now riders have the ability to know where all five of our fixed-route modes are and when they are most likely to arrive at a given stop. Our customers like it a lot.

Ridership is starting to bounce back from the pandemic period. We've got people who rely on transit to get to work, the doctor, and to see family and friends. For us, the infrastructure bill funding comes at just the right time and will hopefully help us to serve our community better.

## Safety

On October 8, 2020, MTA bus driver Marcus Parks, Sr. was shot ten times and killed in the 1200 block of East Fayette Street. The shooter and his girlfriend tried to steal Marcus' backpack, and he fought back. Marcus was just 51 years old. He had a wife, three sons, and two grandchildren.

That story was all over the news. What the public doesn't hear about are all the rest of the brutal attacks on MTA workers daily. Francine Merritt, an MTA station agent, was assaulted in a ticket machine incident, struck in the head with a blunt object. Francine was in the hospital for two months. Thankfully, she doesn't remember the incident.

The transit worker assault crisis is a nationwide problem. We have had members shot, stabbed, and struck with canes, fire extinguishers, screwdrivers, hammers, and garbage cans. They have been sprayed with mace and pepper spray, burned with hot coffee, and doused in urine and spit. We have had senior citizen bus operators robbed for pocket change and women sexually assaulted. This constitutes a regular day on the job in the transit industry.

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<sup>2</sup> MDOT MTA 10-Year Capital Needs Inventory & Prioritization, 2022.

We are so grateful to Senator Van Hollen, the chief sponsor of the *Transit Worker and Pedestrian Protection Act*, and all the members of this committee who cosponsored the legislation and fought to get it included in the infrastructure bill. You have saved countless lives.

The bill includes major changes to the Federal Transit Administration's (FTA) Public Transportation Safety Program. A few years ago, FTA required all transit systems to develop and submit *Public Transportation Agency Safety Plans* (PTASPs) in order to qualify for FTA funding.

The PTASPs deal with all aspects of transit safety, including assaults on workers and other matters. However, before the IIJA, PTASPs were developed and submitted to FTA only by transit boards and general managers. Workers and unions had little role at all.

The new bill fundamentally changes the PTASP process. Under the IIJA, **before** management submits their safety plan to FTA, a **safety committee of the transit system must develop and approve** the agency safety plan and any updates to the agency safety plan. Significantly, the safety committee must be convened by a joint labor-management process; and consist of an **equal number** of--

- (I) frontline employee representatives, selected by a labor organization representing the plurality of the frontline workforce employed by the transit system or, if applicable, a contractor to the transit system and
- (II) management representatives.

For any transit system serving an urbanized area with a population of fewer than 200,000, safety plans must be developed in “cooperation” with frontline employee representatives.

Also, for the first time, federal law now includes a definition of ‘Assault on a transit worker.’ It is defined to mean “Any circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, **interferes** with, disables, or incapacitates any transit worker while the transit worker is performing his or her duties.”

This means that any time there is “interference” with a transit worker, it is considered to be an “assault.” This is a low threshold. Any spitting, shoving, verbal abuse, etc. that has been dismissed in past years by transit agency management or law enforcement can no longer be ignored.

The bill requires:

- ✓ Transit systems to report **all** assaults (using the new definition) and pedestrian/bus collision incidents to the National Transit Database (NTD), which is maintained by FTA.
- ✓ Safety plans to include strategies to minimize exposure to infectious diseases; safety performance measures; a comprehensive safety training program for the operations and maintenance personnel; and a risk reduction program for transit operations to improve safety by reducing the number of accidents, injuries, and assaults on transit workers.
- ✓ Safety committees to establish performance targets for the risk reduction program using a 3-year average of NTD data.

- ✓ Transit systems to reduce vehicular and pedestrian accidents involving buses that includes measures to reduce visibility impairments for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments.
- ✓ Mitigation of assaults on transit workers, including the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects into the workstations of bus operators when a risk analysis performed by the safety committee of the transit system determines that such barriers or other measures would reduce assaults on transit workers and injuries to transit workers.
- ✓ Transit systems to set aside not less than 0.75 percent of their formula funds for safety-related projects.

A transit system that does not meet the performance targets must allocate their safety funds set aside in the following year to safety projects. Funds shall be used for projects that are reasonably likely to assist the transit system meet the performance targets, including modifications to rolling stock and de-escalation training.

#### *FTA Implementation of Safety Committees*

We are working toward long-term change in the industry, and the new labor-management safety committees required under the IJJA provide a path forward to achieve important safety goals. **Unfortunately, transit management nationwide is pushing back hard against Labor and the requirements of the law.**

More than one-third of our bargaining units report that management has not established a joint safety committee, despite the FTA deadline of July 31, 2022. In nearly half of these cases, management is delaying and taking too long to establish the committee. In more than thirty percent of transit systems without committees, the union has met with management to establish a committee, but that work is not complete. Remarkably, we still have transit agencies falsely claiming that they are not covered by IJJA, managers attempting to appoint union-side committee members, and claims from management that pre-existing joint committees are IJJA-compliant despite the clear absence of basic statutorily mandated features, including equal representation from frontline workers and management.

Further, dozens of transit systems employing the members of ATU-represented bargaining units have ignored the December 31, 2022, deadline to update their PTASPs with the approval of their joint safety committees.

ATU International has provided FTA with a list of agencies that have either failed to form labor-management safety committees or updated their plans by the deadline, and **the agency is relying on ATU to determine which agencies are out of compliance with the law.**

In Baltimore, we are working in a partnership with management to meet the IJJA requirements, and it is working well. We have formed a committee of 14 people, seven on each side, which successfully agreed upon a PTASP update by the end of 2022. We are working to address the

assault issue and exchanging ideas, just as Congress envisioned. Long term, ATU International is urging FTA to provide funding to build a prototype of the “Bus of the Future,” which will prevent assaults; increase driver visibility and minimize blind spots; increase passenger accessibility; improve driver ergonomics; reduce driver distractions; and remediate respiratory hazards by improving air quality on vehicles.

### *Other Safety Matters*

Two people in a car died in an MTA bus accident a few years ago, and an arbitrator ruled that the bus blind spot issues we presented were the primary cause of the crash. The IIA requires us to deal with those issues too.

Moreover, MTA has had many other issues that we plan to raise on the safety committee. The rail systems operated by MTA (MARC, Light RailLink and Metro SubwayLink) break down more than any other comparable rail systems in the country.<sup>3</sup> In 2018, we had to shut down the entire Metro Subway system for almost a month after a routine safety inspection revealed large portions of the line’s tracks were too worn to operate safely. The agency also had to begin replacing some of the most outdated parts of its light rail car fleet.

Moreover, we’ve had major safety problems in our maintenance shops over the years. Prior to the rail shutdown, we warned management about high-voltage rat traps in public places where people could touch them, outdated and decomposing smoke detectors, exposed live wires, wet floors, a defective ventilation system, rusting pipes and substandard fire extinguishers. While the situation has improved, it is critical to stay on top of things so that we don’t go down that road again.

### *So-Called “Operator Shortage” is Directly Tied to Safety*

Much has been written about front-line worker shortages in many industries since the pandemic. The transit industry is certainly impacted by this, Baltimore included. We are short-staffed in heavy rail, light rail, and in the stations. MTA has 135 positions on the bus side that are currently not filled. The staff shortages of course have a direct impact on service levels. Some agencies just don’t have the manpower to put fixed route buses on the street at the levels that are truly needed. This results in long headways and frustrated passengers, which in turn leads to more assaults. It is a vicious cycle.

However, we take issue with the idea that this is a “bus operator shortage.” There are of course many people who *could* apply for these jobs. They just choose not to do so, and who could blame

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<sup>3</sup> “Maryland’s trains break down more often than any others in the U.S.” Greater Greater Washington, February 26, 2020. <https://ggwash.org/view/76315/these-numbers-show-why-marylands-mta-transit-systems-break-down-more-than-any-others-in-the-us>



them? With daily stories in the news about operators being attacked behind the wheel, and many jobs available in other safer industries with similar wages and benefits, it is no wonder why we have a problem attracting, recruiting, and retaining new employees.

We hope that over time the labor-management safety committees can work to find innovative solutions to the challenges that all transit systems are facing, leading to other related discussions around recruitment and retention. For example, front line workers in transit have serious child-care issues to deal with, and the industry has little schedule flexibility. Innovative ideas are needed to address these types of issues so that we can once again provide “career” jobs for people that are looking to make ends meet.

## Workforce Development

In Annapolis, our State Legislature recently passed a bill requiring MTA to transition its approximately 800 bus fleet to zero-emission vehicles. The legislation makes the transition on an aggressive timeline, resulting in our fleet being more than 50% zero-emission by 2030. The current fleet is diesel and hybrid. This is a massive change. As many as 70 new zero-emission buses will soon be purchased each year. MTA leadership anticipates that our next procurement will be entirely zero-emissions vehicles, with delivery of vehicles beginning in 2025.

Preventive maintenance on these new vehicles is quite different than it was just a few years ago, when a skilled mechanic could likely have made due with the contents of their tool box. Advances in computer technology have fundamentally changed the nature of the job. Yet, training has not kept pace, and huge skill gaps have developed. As a result, transit workers could lose out on work that they could easily perform. Moreover, without proper training, major safety issues arise, including the real possibility of electrocution.

Only a handful of our members at Local 1300 are currently trained to work on these zero-emission vehicles, consistent with transit systems nationwide. As a result of the IJJA, MTA is going to receive critical funding to make the zero-emission bus transition a smooth one. The infrastructure bill provides \$5.25 billion for \$5339 Low or No Emission (Lo-No) Bus Competitive grants. Key for our members is the bill’s requirement that **5% of this funding must be used by transit systems to fund workforce development training**, including registered apprenticeships and other labor-management training programs. Moreover, in awarding competitive bus grants for projects related to zero-emission vehicles, the bill requires transit systems to submit zero-emission transition plans that demonstrate a long-term fleet management plan with a strategy for how they intend to use their funds. MTA must also examine the impact of the transition to zero-emission buses on the current workforce and avoid the displacement of the existing workforce.

Local 1300 is extremely grateful for the Banking Committee’s inclusion of this language. As other industries have demonstrated, the best way to close skill gaps is through training – but not just any type of training. Apprenticeship programs established through labor-management partnerships are without question the best way to address skills training. When both sides buy in, the results can be quite effective. While labor and management often disagree on various issues, in transit, we have recognized that by working together, we can provide training to workers with a thirst for the

knowledge they need to move up the career ladder, while saving management precious resources that they can put into improved and expanded service. It's a win-win for everyone — and at all sizes and types of public and community transportation operations.

## Conclusion

ATU members are just average Americans who report to work each day to make an honest living to support themselves and their families. Millions of times per day, transit customers put their faith in our members to get them to work and back home safely. Our members operate and maintain massive vehicles, and we handle precious cargo. Unfortunately, a day in the life of a transit worker is not what it was in the days of Ralph Kramden. Danger lurks around every corner. There are easier and safer ways to earn a decent living other than navigating a 55-passenger bus down congested streets in all types of weather while collecting fares, enforcing regulations, and dodging punches and bodily fluids. Moreover, servicing these vehicles is now quite complicated.

We are grateful for this committee's understanding in the IIJA that it wasn't enough to simply pour money into our nation's traditional infrastructure. Through this groundbreaking legislation, Congress recognized that if we as a society want to continue to create solid, union jobs and attract people to the transit industry, we must also invest in the people that make transit a critical part of our nation's economy.