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Written Statement of

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Banking, Housing, and Urban Affairs

Hearing on

21st Century Communities:  
Public Transportation Infrastructure Investment and  
Fast Act Reauthorization

Good morning, thank you Chairman Brown and Ranking Member Toomey for inviting me to testify before the Senate Banking, Housing, and Urban Affairs Committee.

I speak today on behalf of more than 150,000 members of the Transport Workers Union (TWU) who work in the public transit, airline, railroad, utility, university and services sectors. The TWU's transit locals represent bus and subway workers in and around New York City, Akron, Ann Arbor, Columbus, Houston, Miami, Omaha, Philadelphia, San Francisco, and other cities across the country. Our membership includes over 1,000 bikeshare workers in the Bay Area, Boston, Chicago, Detroit, the New York City area, Portland, Ore., and Washington, D.C. We also represent school bus, paratransit, and a variety of other transit services. The TWU is organizing workers across the transportation industry and has had significant successes in the micro-transit sector.

I started my career working on the New York City Transit Authority subway tracks in Brooklyn, New York and I am still a Trackworker on the active Local 100 seniority roster. I am excited by the real possibility of significant investments in public transportation, as shown by the President's infrastructure proposals and congressional efforts. These investments would have an immediate effect on the people who make our transit systems function: bus and train operators, mechanics, signal maintainers, station agents, and others who dedicate their working lives to this industry. As the president of the TWU, their safety and wellbeing are my primary concern.

Public transit is an essential part of communities around the country. Without the local bus, streetcar or subway, many Americans would be unable to go to work, school, the doctor's office or the grocery store. In Columbus, Ohio, the Central Ohio Transit Authority (COTA) had about 19 million annual passengers before the pandemic. In nearby Akron, residents use the METRO Regional Transit Authority to get around their own city and also as far as Cleveland and Canton. Transit is a vital part of small towns and big cities around the country. But underfunding and lack of investment have led to insufficient and unreliable service. I urge you to make large-scale investments to connect our communities and grow our economy for decades to come.

Let me first thank the Committee for your work on the American Rescue Plan, the Coronavirus Supplemental Response and Recovery Act, the Coronavirus Aid, Relief, and Economic Security Act, and the rest of the work you have done during the pandemic to keep transit operating and help workers stay safe. The federal government's response to the crisis in public transit saved the transportation industry and ensured that our members can provide essential service across the country. The members of this committee have led these efforts. From the bottom of my heart, thank you.

As our country looks beyond the pandemic, reauthorizing the FAST Act and investing in our public transportation infrastructure is one of the most important tasks remaining for this Congress. The TWU believes that we must act now to address the major issues facing our public transportation sector before our systems and our workers face ruin. Transformational investment is needed to ensure our systems achieve and maintain a state of good repair and to expand service to meet demand over the next several decades. Policy change is urgently needed to shape the course of new innovations and to allow our workers to develop and train for jobs with more automation, more electrification, and other technology. Protections are needed more than ever to save transit workers from assaults on the job. And Congress must definitively close the door on bad actors such as Uber and Lyft from accessing public funds without agreeing to meet our existing standards for safety, labor, and other protections.

These are both exciting and challenging times for public transportation workers. Our country has not developed and executed on a long-term plan for how we operate and maintain our transportation infrastructure since President Eisenhower created the national highway system and Presidents Kennedy and Johnson launched the federal transit program. These landmark acts completely transformed our nation's mobility and created hundreds of thousands of good jobs in transportation and across the economy. Three generations later, we have not modernized that vision and today our communities are suffering from severe neglect and underinvestment.

The pandemic dealt a severe blow to transit workers and our transit systems. Frontline workers have been decimated by COVID -- more than 350 transit workers have died from the virus. The TWU has lost more than 170 members to this disease and over 10,000 have been quarantined. Across the country, transit systems are now evaluating the future of mobility in the wake of the dramatic changes the pandemic has forced on all of us. The decisions Congress makes on infrastructure investment will determine the future health of our cities and towns, the quality of life for transit riders and commuters, and the availability of opportunities for our businesses.

Technology is also altering our transit future as we adopt and implement low- and zero-emission vehicles, micro-mobility, vehicle and system automations, and many more innovations. It is essential that our elected officials ensure these changes and innovations benefit everyone by sustaining and creating millions of good, union jobs here in our country.

Happily, the largest proponents and drivers of transformational infrastructure investment are also some of America's strongest pro-labor leaders. That includes Chairman Brown, who has spent his career fighting for workers in Ohio and around the country, as well as President Biden, the first president in generations who has so aggressively and publicly supported workers and their unions, and Secretary Buttigieg, who is working closely with us to advance a transformative, worker-centered transportation vision like the one I am advocating for today. Not a day goes by without these leaders commenting on the need to create good union jobs in transportation and beyond. This support for working people includes the President's endorsement of the PRO Act, legislation that would level the playing field for working people and give them a chance to secure a union voice on the job.

This year, Congress is poised to consider the surface reauthorization bill. I hope you will seize the opportunity to invest in a way that will reshape public transportation for the better, just as proposed by the President in the American Jobs Plan and your House colleagues through the Moving Forward Act, which passed that chamber last year. The TWU has enthusiastically endorsed both of these efforts, which would significantly boost funding for our transit systems and allow the benefits of public transportation to reach millions more Americans. President Biden's proposal would invest \$85 billion in public transit and \$2.25 trillion in infrastructure, creating 19 million jobs over 8 years. The plan also calls for investments of \$2 billion in transit worker training and retraining, which is one of my biggest priorities. I urge the members of this committee to fight to make sure the final bill advances infrastructure investments that create good union jobs for the people who operate, maintain, build and manufacture every piece of our transportation system.

Public transit has always been an engine for good job creation and a lifeline for workers and their families. If we invest today and deliver a historic bill that is properly focused on equitable access to transit and the creation and retention of good jobs, we will provide family-sustaining job opportunities and mobility for millions who have been left behind.

### **Investing in Public Transit**

The TWU strongly supports massive increases in investment into public transit, including the proposals put forward in the Moving Forward Act and President Biden's American Jobs Plan. We know that transit riders are victims of severe underinvestment. Now is the time to move forward and correct this long-term failure to fund both operations and capital projects, as well as to finally invest in the workforce. At a minimum, \$85 billion is needed to expand service, modernize facilities, and connect more people and businesses to transit. These investments are an essential component in revitalizing our national economy and global competitiveness. They will also make our transportation system more equitable for and accessible to marginalized communities, begin to address systemic inequities, and bridge the gap for those who need reliable transit to escape poverty and pursue better job opportunities. Further, these investments

will reduce our reliance on single occupancy vehicles and produce concrete and immediate environmental benefits.

### **Transportation Technology and the Workforce**

New developments in transportation technology are creating dramatic shifts in our infrastructure sector. Some of these changes present major threats to the number and quality of jobs in our economy, while others offer opportunities to improve safety and reduce emissions. We cannot blindly endorse all innovations equally when we know that many run counter to the public interest. Transit workers could see real improvements in safety, ergonomics, pay and benefits if pro-worker, pro-rider technologies are elevated with workers in partnership on implementation. The next surface transportation reauthorization must prepare our transit systems for new technologies before they create widespread economic pain. We have the power to control how technology will affect us and what role we want it to play in our future. Investors and big tech companies should not make those decisions for us.

Our members have been at the center of technological change for decades. Life-saving innovations, such as automatic braking, have been implemented and made our operations safer for everyone. But some corporate interests are not focused on improving the safety or accessibility of our transit systems. Many have placed big bets on pieces of technology and are seeking a payoff from the public sector regardless of whether the marketed benefits of their investment are real or in the public interest. Decision-makers must separate the good from the bad and ensure that new innovations create shared prosperity rather than enrich investors selling empty promises.

Transportation technology is rapidly evolving in a variety of areas, including zero emissions vehicles (ZEVs), automated vehicles (AVs), shared mobility, and safety technologies. We need to focus now on the technological changes in the pipeline to ensure workforce readiness. Failure to act now, ahead of any potential negative effects, will lead to mass disruption and dislocation in the transit workforce. With this in mind, the TWU recently released, “[New Technologies in Transit Systems](#)”,<sup>1</sup> a white paper that outlines our approach to innovation. In it, we describe four principles that policy makers should apply as they adapt new transportation technology. These principles are:

#### Transparent Planning and Reporting

Employers should be required to develop a timeline for reporting, budgeting, worker impact analysis, and investment in re-skilling of workers prior to implementing new technology that will significantly impact jobs and/or job functions.

#### Public Safety and Security

New transit technology must have failsafe systems that detect malfunctions and allow for human intervention if the technology breaks down. In transit, on-board operators must remain mandatory, as we know from experience that these workers do much more than drive. There should be rigid and fully enforceable safety standards. New technology that fails to meet existing safety, labor, and environment standards should be rejected.

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<sup>1</sup> See <http://www.twu.org/wp-content/uploads/2021/04/INNOVATION-WHITE-PAPERV2.pdf>.

### Workforce Involvement

Worker representatives should be included on all technology-related working groups and committees established by our government and these groups must address job issues as part of their work. Formal advance notice should be sent to the workforce prior to introducing and implementing a new product or service that will significantly impact jobs and/or job functions. Transit agencies and other employers should be required to create a comprehensive plan to transition or train employees to ensure new jobs created by technology benefit existing workers. Collective bargaining over the terms of implementing new technology should be mandated.

### Privacy and Cybersecurity

Clear, uniform, and enforceable safety, security and privacy standards are essential. New technology should be subjected to cybersecurity requirements to prevent hacking and to ensure mitigation and remediation of cybersecurity events. Robust privacy and data collection safeguards for new technology should be required.

These principles, which focus on information sharing, community collaboration, partnership with workers, and prior notice, will help to ensure that technological developments improve local communities, protect critically needed transit services, and improve transit workers' lives. Most immediately, these principles must guide action on zero-emissions and automated vehicle technology.

### **Electrification and Zero-Emissions Vehicles**

Policymakers are grappling with the challenge of transitioning to zero-emission transportation vehicles and infrastructure over the next few decades. A large coalition of labor organizations, including the TWU, is poised to issue our principles on electrification. We will outline the need for strong federal leadership to move manufacturers, state and local governments, transit agencies, and the workforce development system toward developing, procuring, and operating hybrid and zero-emission vehicles and infrastructure in a pro-worker manner. Absent this leadership from Congress and the Administration, any widespread adoption of zero-emission vehicles will destroy good, union jobs and harm American workers.

Several core ideas guide these principles:

- Public policies and research, development, and deployment funding must enhance community voices and ensure input from frontline workers at the core of policy development. A key government goal of any transition to a new technology must be the creation and retention of good jobs.
- The next generation of vehicles should be made in America with union labor.
- Procurement of new, hybrid and zero-emission vehicles and infrastructure must be transparent and honest. As the transition to the clean energy economy is embraced by transit agencies, trucking and bus companies, motor vehicle and parts manufacturers, and others, the disclosure of plans to the workforce has to happen. Early notice of electrification plans must be provided to the incumbent workforce.
- Existing safety, labor, environmental, accessibility and performance standards cannot be compromised in any transition to new technology. Buy America requirements must be

strengthened and enforced. These standards protect the public and our workers from harm, support American jobs, and ensure disadvantaged communities have access to opportunity and our transportation systems.

- The existing workforce must benefit directly from investments in zero-emission infrastructure. Displaced workers must have access to resources for training, apprenticeship and career ladder programs for reskilling the existing workforce and providing them with the first opportunity for new jobs created by the adopting new equipment and infrastructure.

### **Automated Vehicles**

The TWU has long fought against the unchecked and dangerous deployment of fully autonomous transit vehicles. This unproven technology has been temporarily pulled down from many demonstration projects following hazardous safety incidents.<sup>2</sup> The companies selling this technology have relied on exemptions and waivers from labor, safety and environmental requirements to avoid meeting existing standards -- metrics that they cannot attain because AVs are not ready for widespread deployment in the transit sector.

Even if AV transit vehicles were able to safely travel crowded urban environments, transit agencies are unlikely to see any cost benefit as bus operators will still be needed for safety and security. Today, operators not only drive their buses, but also keep order on the vehicle, assist passengers with mobility issues, reroute in response to unexpected obstacles, and respond to emergencies. All of these responsibilities will still be essential in a world with AVs and will require a human worker onboard to accomplish. More importantly, as we have learned all too often from aircraft accidents, the most valuable piece of safety equipment in any vehicle is a well-trained, qualified human operator who can intervene when an automated system fails. Removing a trained bus operator from a commercial vehicle navigating a crowded street at rush hour is a recipe for disaster. The elimination of operators would undermine traffic safety and severely harm the passenger experiences on the vehicle. The Moving Forward Act directly addresses these concerns by prohibiting fully automated vehicles from replacing any existing transit service and requiring transit agencies that pursue large-scale adoption of AVs to create a workforce development plan that can successfully transition transit operators to new roles at their employer.<sup>3</sup> This approach is urgently needed to inform the direction that technology firms pursue in their products and we hope the Senate will include this language in any reauthorization bill as well.

The previous administration embraced a deregulatory philosophy on AVs, which ignored roadway and passenger safety concerns, as well as those from the frontline workforce. For too long, our regulators have played the role of AV cheerleader rather than rulemaker by refusing to make any of the tough decisions that would force the industry to live up to our existing standards. We have called for a policy reboot at DOT, as reflected in several comments we have filed with the agency. The TWU has submitted comments criticizing this wholesale forfeiture of

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<sup>2</sup> Mark Ferenchik, *The Columbus Dispatch*, "Video shows self-driving shuttle stop, passenger fall," March 5, 2020, <https://www.dispatch.com/news/20200304/video-shows-self-driving-shuttle-stop-passenger-fall>.

<sup>3</sup> Moving Forward Act, H.R. 2, section 2603, 116<sup>th</sup> Congress (2020).

oversight responsibility.<sup>4</sup> We are pleased to see that Sec. Buttigieg is rethinking this approach with an eye toward improving transportation safety and addressing worker concerns.

### **Ending Assaults on Transit Workers**

According to the Transportation Research Board, there is an assault on a transit worker in this country more than once every day. This number relies on the Department of Transportation's very limited definition of "assault" and significantly underestimates the frequency of attacks on bus drivers, subway operators, station agents, and cleaners in our systems. A worker could have their nose broken, be hospitalized for 24 hours, and suffer first degree burns without triggering any mandatory reporting requirements to the Federal Transit Administration (FTA). The pace of these assaults has not fallen over the past year even as transit ridership has declined due to the pandemic. Congress must require immediate action from transit agencies to protect workers from assaults by passengers just as it has for flight attendants and airline customer service agents.

During the last Congress, Senator Van Hollen introduced the Transit Worker and Pedestrian Protection Act which would make important progress in protecting our members from harm. This bill mandates that transit agencies submit risk reduction plans to the FTA that improve transit safety and reduce the number of assaults in their systems. The TWU has strongly endorsed this bill and we want to thank Senator Van Hollen for his leadership on this issue. We urge the Committee to include the latest iteration of the bill in its entirety in any surface reauthorization legislation it considers.

### **Worker Training**

As discussed above, technology is a tool, not a cure-all. Successfully using complicated transit technology requires training. Public transit systems need to make significant investments in worker training to properly implement the innovations we know are coming in the near future. We need to make sure that transit workers are able to transition to new jobs – in the same transit agency and without diminishing job quality and pay – no matter the technology.

Transit agencies spend just 0.66 to 0.88 percent of total payroll on employee training, compared to the average of 4 to 5 percent in many parts of the private sector.<sup>5</sup> The DOT oversees several workforce development funding programs, which can be helpful, but they generally focus on white collar and university training. This approach is at odds with the reality that the largest workforce skills gaps are among the blue-collar technicians, electricians, and signal operators – professions that do not receive training at four-year universities. Currently, 80 percent of the

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<sup>4</sup> "Framework for Automated Driving System Safety," NHTSA-2020-0106, comments submitted April 1, 2021; "Automated Vehicles Comprehensive Plan," DOT-OST-2021-0005, comments submitted March 22, 2021; "Pathways to the Future of Transportation by the Non-Traditional and Emerging Transportation Technology (NETT) Council," DOT-OST-2020-0112, comments submitted September 28, 2020; "Motor Carriers Using Certain Advanced Driver Assistance Systems. Hours of Service of Drivers: Pronto.ai, Inc.; Application for Exemption from 49 CFR 395.3(a)(2) and 395.3(a)(3)," FMCSA-2020-0116, comments submitted May 20, 2020; "Ensuring American Leadership in Automated Vehicle Technologies 4.0," DOT-OST-2019-0179, comments submitted April 2, 2020; and "Preparing for the Future of Transportation: Automated Vehicles 3.0," DOT-OST-2018-0149, comments submitted December 3, 2018. See <http://www.twu.org/regulatory-comments/>.

<sup>5</sup> "Aligning Federal Surface Transportation Policy to Meet 21st Century Needs," U.S. House Transportation Infrastructure Subcommittee on Highways and Transit, Testimony of Transportation Learning Center Executive Director Jack Clark, March 13, 2019.

FTA's limited workforce funding goes to white-collar roles. That is why we strongly support efforts to create and fund a national transit frontline workforce training consortium that would coordinate the development of materials and training of frontline workers. This consortium should be coordinated by a national organization that has a strong track record of developing standards-based curriculum for the public transportation industry through joint labor-management partnerships involving frontline subject matter experts.

The immediate need for this funding is particularly evident with regard to zero-emissions vehicles. While many of the skills required to maintain, overhaul, and repair electric and hydrogen-fuel cell buses are substantially similar to those for traditional buses, the engine is a very different piece of equipment. The Transportation Learning Center has found a consistent pattern: fewer than 20 percent of working bus mechanics have the skills needed to use a digital voltmeter, the most basic diagnostic tool for electric engines. This problem persists across many transit agencies, even at some large agencies with robust training capacity. Any wide scale adoption of zero-emission buses will result in massive job loss among public transit mechanics unless Congress acts now to provide agencies with the resources needed to train and develop a workforce that can do the work in-house.

### **Micro-Transit and Mobility on Demand**

The TWU is the only union with significant membership in new mobility technology. We represent more than half of all bikeshare workers nationwide and we are actively organizing workers in all new forms of mobility as a service and mobility on demand operations. These innovative solutions to first-mile/last-mile and low-density transit service should provide good jobs just like the rest of the transit sector. However, not all new service has been conceived or implemented with rider, community or worker interests in mind. Micro-mobility operations such as bikeshare projects which connect more people to existing public transit systems and provide good-paying jobs are very different from the parasitic business model of transportation network companies (TNCs).

#### *Bikeshare*

Bikeshare, scooters and other micro-mobility systems allow individual riders to travel through urban environments over distances or spaces that may not be efficient for buses and trains. When implemented thoughtfully, these services feed riders into existing transit hubs, complementing and expanding the reach of traditional transit service, as well as boosting ridership. Bikeshare is by far the most mature of these modes with a bikeshare system operating in 264 cities and nearly every state of the union.

While bikeshare is clearly a component of public transit, much of the infrastructure required for it is not currently eligible for federal support. The TWU supports amending the definition of "associated transit improvement" to include bikeshare projects. Doing this would allow transit agencies to continue to expand these systems under existing FTA rules, including Buy America and labor protections, that would help ensure quality jobs in the industry.

Additionally, the TWU supports expanding the commuter tax benefits to include bikeshare commuters so that these riders have access to the same federal tax incentives given to cars.



### *Transportation Network Companies*

TNCs such as Uber and Lyft pose significant threats to the safety and financing of our public transportation systems. These companies have a demonstrated history of ignoring environmental, labor, safety, and other laws while lobbying for exemptions for themselves.<sup>6</sup> The TWU has been actively fighting against these companies' abuse of labor rights and their anti-regulation agenda.<sup>7</sup> This same fight is now playing out as these companies seek access to federal funding through the FTA.

Today, no TNC exists that meets the statutory definition of public transportation.<sup>8</sup> This definition has been carefully crafted over decades to ensure safe, equitable, accessible public transit across the country. Additionally, public transit providers who receive federal funds also have obligations in return for that public investment. Providers must conform with drug and alcohol testing requirements, transit labor protections, equity mandates, accessibility requirements, and a host of other core standards. Transit is a public service and our standards for it must never be lowered at the request of companies seeking to bail out their investors from a loss-making business model.

Thankfully, the Moving Forward Act included strong language to address these concerns while allowing good actors to potentially innovate new shared ride services. Under the House bill, funding for mobility-on-demand projects would be limited to those that increase transit ridership, cut traffic congestion, comply with the Americans with Disabilities Act, and follow the same drug and alcohol testing rules as public transit workers. These requirements are essential to ensuring that TNCs cannot undermine the goals of public transportation or lower vital civil rights protections and safety standards.

### **Conclusion**

Congress has a rare opportunity to correct past mistakes and prepare our country for the future by passing a transformational infrastructure bill now. By getting the policy right on transit investment and innovation, we can ensure that future generations look to this year with the same admiration that we all share for the creation of the interstate highway system and the federal transit program.

Thank you for the opportunity to present the TWU's views on these vital issues before this committee.

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<sup>6</sup> "The Costs of Doing Business: Why lawmakers must hold the ride-hailing industry accountable as they undermine their workers and play by their own rules," Transportation Trades Department, AFL-CIO, October 2019, <https://ttdd.org/wp-content/uploads/2019/10/THE-COST-OF-DOING-BUSINESS-Why-lawmakers-must-hold-the-ride-hailing-industry-accountable-TTD-report.pdf>.

<sup>7</sup> For examples, please refer to the TWU's comments on TNC regulatory issues, including worker misclassification, at <http://www.twu.org/regulatory-comments>.

<sup>8</sup> 49 USC 5302