A bold voice for transportation workers

TTD CALLS ON CONGRESS TO PRIORITIZE THE NEEDS OF AMERICA'S WORKFORCE IN SURFACE TRANSPORTATION REAUTHORIZATION

After more than ten years and a staggering 36 short-term extensions since the last multi-year surface transportation bill in 2006, then-President Obama signed into law the Fixing America's Surface Transportation (FAST) Act—a five-year reauthorization of our federal surface transportation program—in December 2015.

The FAST Act took positive steps toward achieving the priorities outlined in TTD's 2015 policy statement, *Eight Principles for a Long Term Surface Transportation Reauthorization*. Most importantly, the FAST Act maintained five years of funding certainty while providing real investment growth for our highway and transit programs after years of near-flat funding.

Yet, as highlighted in TTD's testimony before the House Transportation and Infrastructure and the Senate Commerce Committees earlier this year, and in TTD's March 2019 policy statement on the same topic, Congress faces an imminent funding cliff entirely of its own design. The Highway Trust Fund (HTF), which historically funded most of our federal surface transportation program, has been insolvent since 2008 with no solution in sight. Rather than shoring up the HTF with a modest gasoline tax increase, as called for by TTD, Congress has supplemented the account with nearly $140 billion through significant transfers from the U.S. Treasury general fund and through one-off, unsustainable accounting gimmicks.

That leaves lawmakers in Washington, D.C. with just 11 short months amid a presidential election cycle to pull together the levels of funding this nation needs and deserves to breathe new life into our aging infrastructure, while still ensuring strong policies that support and protect America's transportation labor workforce.

Whether it is the men and women who design, build, and maintain our highways and bridges; the transit operators and mechanics; or the manufacturing workers who proudly produce American steel or who build the best, safest, and most efficient automobiles in the world, America's economy moves with the transportation labor workforce. It is imperative, then, that lawmakers give serious consideration to the following principles as they continue their work reauthorizing the FAST Act.

TTD Priorities for Surface Transportation Reauthorization

1) *Repeal the Rescission. No more short-term extensions. Fix the funding gap with sustainable revenue. Increase funding across the board.*

First, Congress must immediately repeal the $7.6 billion rescission of federal transportation funding. States, Metropolitan Planning Organizations, and local governments rely on every last dollar provided by the FAST Act to help keep pace with the growing demands that are placed on America's infrastructure. The imminent $7.6-billion rescission of unobligated contract authority for highway spending—one of a number of budgetary gimmicks that lawmakers used to reduce the FAST Act's overall price tag—is a shot in the foot at a time when every dollar counts. TTD calls on House and Senate leadership to end this self-imposed crisis now before it makes the job of reauthorization even harder for lawmakers. Failing to repeal this rescission will impact every state, and in turn, will cause serious harm to the union workforce that designs, builds, operates, and maintains our roads, highways, bridges, and transit systems.

Next, Congress must stop the irresponsible pattern of short-term extensions. While letting any federal transportation reauthorization lapse (e.g., the stalemate over FAA reauthorization in 2011, which led to a two-week partial shutdown of the FAA) is absolutely inexcusable and destructive, stringing together short-term extensions still takes a serious toll on America's transportation workforce.

The reality of numerous short-term extensions is that they create uncertainty at state departments of transportation, leading to delayed or cancelled bids and increased costs for highway and transit projects. As noted in one report, at least seven states halted projects altogether in the face of uncertainty about long-term funding in 2015. Three months of funding here and two months there is an inexcusable way of conducting business. This short-sightedness needlessly leaves major infrastructure projects and the good union jobs that come with them on the table. American taxpayers, commuters, and the transportation workforce deserve better. That can only happen if Congress finds sustainable, long-term revenue for the highway trust fund.

To that effect, as called for by TTD earlier this year, Congress should increase the user fee on gasoline and diesel fuels and index them, at a minimum, to inflation. That additional money would have an immediate positive impact on America's infrastructure and the creation of good jobs in this union-dense sector. Furthermore, Congress should ensure that everyone is paying their fair share. Electric and fuel-efficient vehicles contribute either nothing or significantly less to the Highway Trust Fund than other vehicles. A modest annual registration fee, for example, would ensure that everyone is paying into the account equally.

Congress should also invest substantial resources toward transitioning to a mileage-based user fee. The transition to low- or no-fuel vehicles will, in the long term, render our current user fee structure significantly less effective. If Congress solves the challenges presented by these innovations now, we can help avert another crisis in the future.

Finally, Congress simply is not spending enough to meet the needs of our infrastructure network. Across-the-board funding increases are necessary to bring our infrastructure to a state of good repair and to make sure it is maintained long into the future. Meeting these needs has been put off for too long and it is costing our country too much in deferred maintenance, lost productivity, and inefficiency. TTD and our affiliated unions will not settle for good enough this time around. Congress owes it to the American people to fix and maintain the infrastructure we build through smart policy and serious investment.

2) Enshrine strong labor protections in new or expanded funding and financing provisions.

In 2015, TTD reiterated our long-held position that public-private partnerships (P3s) and other federal financing tools be transparent and protect frontline workers, as well as the broader public interest. Though public-private partnerships and other financing tools play only a limited role in satisfying our nation's infrastructure needs, they can—in certain instances and only when structured correctly—appropriately complement traditional federal funding.

TTD continues to insist that Davis-Bacon, 13(c), domestic preferences, and other protections for rail and public sector employees apply to any future expansion of federal financing programs. TTD has worked to ensure two recent policy measures in that regard—the attachment of strong labor protections in a pilot program for expediting transit P3s in the FAST Act, and transparency provisions in Section 1507 of the America's Transportation Infrastructure Act of 2019. Policies like these must be the norm and not the exception as Congress debates the role of private sector involvement in public works projects.

Finally, as state DOTs and others have called for increased cross-modal flexibility in USDOT grants, Congress must ensure that under any such arrangement, the protections imposed should cover all affected employees, regardless of the mode or statutory funding source.

3) For public transportation: Increase funding. Embrace technology in a way that protects the workforce. Keep bad actors away from federal dollars. Protect workers from dangerous assaults. No Privatization. Provide better training and national workforce goals.

While the FAST Act provided overall increases in funding for public transportation—a 17.7 percent increase over FY 2015 levels—America's public transportation sector and its workforce still have major outstanding funding and policy needs while facing new pressures from disruptive technologies.

First, we know there is a clear link between increasing reliable transit service and increased ridership. Many cities have benefited from this positive trend in recent years after making significant investments in their transit systems. Congress must continue to support transit agencies through robust funding increases to ensure this trend is carried forward nationwide. On the other hand, any efforts to scale back public transportation funding, to stall projects for political gain, or to falsely dichotomize public transportation as a rural vs urban issue must be rejected out of hand by lawmakers.

Second, recent technological advancements, including automation and mobility-on-demand services, have shown real promise for increasing transit ridership and improving service while also presenting enormous threats and challenges to its frontline workforce. In TTD's 2019 policy statement, Principles for the Transit Workforce in Automated Vehicle Legislation and Regulations, we highlight the significant impact automation may have on public transportation's workforce of about 300,000 operations and maintenance employees.

While fully automated vehicles may still be on the horizon, lawmakers have an opportunity today to help employers and frontline workers decide together when and how those technologies are adopted in the workplace. However, unless policies like those we have outlined are adopted soon, that conversation will not take place. Instead, we will watch helplessly as employers push their workforce to the side.

Other innovations like mobility on demand offer exciting opportunities for public transportation. As highlighted by TTD's recent report, 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, and by TTD President Larry Willis and Secretary-Treasurer Greg Regan separately before the House Transportation and Infrastructure Subcommittee on Highways and Transit, services like bike-sharing provide mobility options and boost transit ridership. Furthermore, workers who are classified correctly as employees in that industry have successfully exercised their right to form and join unions across the country, undoubtedly a positive development for working Americans.

However, the ride-hailing industry has demonstrated a pattern of bad behavior that lawmakers cannot ignore. The current predatory business models of the ride-hailing industry trap drivers in low-wage, no-benefit positions, offer no guarantee to customers that services will be safe or equitable, and contribute questionable economic benefits and adverse environmental effects to the communities in which they operate. We have long known that the ride-hailing industry sees competing with public transportation for riders as a growth strategy, but recent attempts to go directly after federal funding by partnering with transit agencies must not be rewarded by lawmakers.

Congress can ensure that technology enhances transit without undercutting the workforce by:

- Prioritizing funding for existing public transportation systems and ensuring that new entrants are not allowed to compete with and undercut those services;
- Requiring public transportation agencies to provide workers with advanced notice before implementing any partnerships with or procurements of mobility-on-demand services or automated technologies; and,
- Ensuring that services like mobility on demand are not counted towards service miles under the National Transit Database unless:
    - Those trips begin or end at a public transportation facility and the user of that technology transfers onto or off of an existing form of mass public transportation like a bus or rail car.
    - Those trips are not counted 1:1 with mass public transportation. A scooter or hailed ride does not compare either in cost of operation or public benefit as a bus or rail car, and should be counted towards service miles appropriately given their costs and limitations.

TTD would firmly oppose any other effort in Congress to expand or outsource public transportation to private sector providers at the expense of reliable service and the rights of frontline workers.

Third, Congress must put a stop to the nationwide epidemic of assaults against transit operators. Reauthorization should include the full text of H.R. 1139/S. 436, the Transit Worker and Pedestrian Protection Act. This legislation will ensure that public transportation agencies along with representatives of the frontline workforce conduct evidence-based safety assessments and providing appropriate interventions to prevent another incident of spitting, punching, thrown objects, or even death at the hands of their customers.

Finally, the public transportation workforce is facing a looming crisis. The median age of the workforce in bus service and urban transit is 51—nearly ten years older than the median age of the broader workforce. With additional pressures from poor retention rates, it is estimated that transit needs to hire, train, and retain 126 percent of its current workforce over a ten-year period. Unfortunately, little is being done in the way of hiring, training, and maintaining the next generation of transit workers. To meet our nation's transit workforce needs, TTD calls on Congress to:

- Authorize a new institute to identify and quantify the shortcomings of current training for the workforce, develop training programs for agencies to implement, assist agencies in improving their training, and develop registered apprenticeship programs; and,
- Develop higher-quality training with specific performance measures. Right now, the FTA monitors transit agencies on safety, state of good repair, grant management, and fiscal

capacity, but we do not ask them to report on what training is taking place or who is receiving training. Congress can and should mandate that FTA include training in its oversight (e.g., FTA could examine how much training occurs during their oversight of system safety; review the adequacy of staff and training in their state of good repair oversight).

4) Continue to ensure strong domestic sourcing provisions that keep jobs here in America.

Finally, TTD renews our call for lawmakers to ensure that when federal tax dollars are spent on American infrastructure projects, domestically produced U.S. steel, raw materials, and other manufactured goods and equipment are used for those projects. Strong Buy America provisions promote good jobs in the manufacturing sector here at home and prevent the further loss of jobs overseas to countries that would seek to undercut US manufacturing at any cost. Buy America provisions also ensure a domestic market for much-needed equipment and materials and helps to advance American manufacturing into a more internationally competitive position across the supply chain. Any effort to undermine Buy America, including dishonestly reclassifying foreign-made steel slab as American-made, must be rejected.

Congress must recognize the seriousness of the task before them. Too many good American jobs are on the table. Too many roads and bridges are crumbling away. Too many commuters are stuck in hours-long traffic jams, or left facing unacceptable wait times for the next bus or subway car. And too many workers are facing an uncertain technological future without thoughtful policies in place for lawmakers to stand by, paralyzed by difficult decisions. The Senate Environment and Public Works Committee led the way this summer, and now Senate and House leadership must ensure the other committees follow suit. Congress must rise to the challenge and provide the funding and policy that supports America's workforce.

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