



A bold voice for transportation workers

May 28, 2013

Bonnie Graves
Office of Chief Counsel
Federal Transit Administration
Department of Transportation
1200 New Jersey Ave. SE
Room E44-420
Washington, DC 20590

**RE: Federal Transit Administration
Docket No. FTA-2013-0004
RIN 2132-AB13
Emergency Relief Program
Interim Final Rule, Request for Comments**

Dear Ms. Graves:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I write to comment on the Federal Transit Administration's (FTA) Interim Final Rule (IFR), Request for Comments on the proposed implementation of the Public Transportation Emergency Relief Program (Program). By way of background, TTD consists of 33 affiliated unions in the transportation sector, including several that represent public transit employees.¹

We recognize the importance of implementing the Program that allows FTA to issue grants to public transit systems affected by major disasters. This valuable emergency assistance can be used for qualifying public transportation capital projects or operating assistance, helping transit systems to provide emergency operations and to repair, replace or reconstruct their assets. While we applaud the agency for implementing the Program, we urge the FTA to clarify its regulations that core labor protections must apply to these funds. In particular, the agency must require that such emergency assistance include the important protections codified at 49 U.S.C. Section 5333(b) (commonly referred to as Section 13(c)).

¹ Attached is a complete list of TTD affiliate unions.

Transportation Trades Department, AFL-CIO

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Edward Wytkind, President /Larry I. Willis, Secretary-Treasurer



For almost 50 years Section 13(c) has required that federal dollars flowing to our nation's transit systems include adequate protections for workers' jobs and collective bargaining rights. Specifically, Section 13(c) requires that transit agencies accepting federal assistance must, at minimum, preserve employee rights and benefits under existing collective bargaining agreements; continue collective bargaining rights; protect workers from worsening working conditions; assure employment to workers of acquired transit systems; and provide employees paid training and priority of reemployment when jobs are lost.

While protecting transit workers from potential adverse effects of federal assistance, these protections have also served industry's needs and established a fair and orderly process for distributing transit funds. Section 13(c) brings together transit labor and management, in partnership with the Departments of Labor and Transportation, to find common ground on grant applications and ensures that federal transit assistance is not accepted at the expense of the workforce.

We believe that this important long-standing and efficient protection program should be applied to all funds provided under the FTA's Program. We also believe that the implementing regulations can be crafted in such a way to include Section 13(c) while ensuring the smooth and expeditious flow of emergency assistance without delays, and we urge the FTA to include these important protections in its final rule.

TTD and our unions understand the importance of providing damaged transit systems the funds they need to restore normal operations as quickly as possible. For this reason, our unions have a history of working cooperatively to ensure that emergency funds that maintain worker protections are moved swiftly through the grant process, and we expect similar arrangements could be provided for funding through this Program.

We appreciate the FTA's efforts to implement the Program so that transit agencies are capable of quickly receiving emergency funds after major disasters. However, FTA must ensure that these funds come with the same workforce protections that have been in effect since 1964. We thank the FTA for the opportunity to provide comments and hope you will take ours into consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a stylized flourish at the end.

Edward Wytkind
President

TTD MEMBER UNIONS

The following labor organizations are members of and represented by the TTD:

Air Line Pilots Association (ALPA)
Amalgamated Transit Union (ATU)
American Federation of Government Employees (AFGE)
American Federation of State, County and Municipal Employees (AFSCME)
American Federation of Teachers (AFT)
Association of Flight Attendants-CWA (AFA-CWA)
American Train Dispatchers Association (ATDA)
Brotherhood of Railroad Signalmen (BRS)
Communications Workers of America (CWA)
International Association of Fire Fighters (IAFF)
International Association of Machinists and Aerospace Workers (IAM)
*International Brotherhood of Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers (IBB)*
International Brotherhood of Electrical Workers (IBEW)
International Longshoremen's Association (ILA)
International Longshore and Warehouse Union (ILWU)
International Organization of Masters, Mates & Pilots, ILA (MM&P)
International Union of Operating Engineers (IUOE)
Laborers' International Union of North America (LIUNA)
Marine Engineers' Beneficial Association (MEBA)
National Air Traffic Controllers Association (NATCA)
National Association of Letter Carriers (NALC)
National Conference of Firemen and Oilers, SEIU (NCFO, SEIU)
National Federation of Public and Private Employees (NFOPAPE)
Office and Professional Employees International Union (OPEIU)
Professional Aviation Safety Specialists (PASS)
Sailors' Union of the Pacific (SUP)
Sheet Metal, Air, Rail and Transportation Worker (SMART)
Transportation Communications International Union (TCU)
Transport Workers Union of America (TWU)
UNITE HERE!
United Mine Workers of America (UMWA)
*United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial
and Service Workers International Union (USW)*
United Transportation Union-SMART (UTU-SMART)