Testimony of the Amalgamated Transit Union

Before the U.S. House Committee on Transportation and Infrastructure

Building the Foundation for Surface Transportation Reauthorization

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LAWRENCE J. HANLEY
INTERNATIONAL PRESIDENT
AMALGAMATED TRANSIT UNION
AFL-CIO/CLC
5025 WISCONSIN AVENUE, NW
WASHINGTON, DC 20016
WWW.ATU.ORG
202.537.1645

Introduction

The Amalgamated Transit Union (ATU), the largest union in the United States representing public transit workers (including metropolitan, interstate, and school bus drivers; paratransit, light rail, subway, streetcar, and ferry boat operators; mechanics and other maintenance workers; clerks, baggage handlers, municipal employees, and others) is pleased to present testimony on "Building the Foundation for Surface Transportation Reauthorization" on behalf of our nearly 200,000 members in North America as well as the people who board transit vehicles 35 million times daily, relying on safe, reliable public transportation to carry on their lives.

The federal transit program turns 50 years old in 2014. Created by Congress in an effort to save our cities' crumbling network of private bus operations at a time when our nation was coming apart at the seams due to the inequities in our society, the program has now come full circle.

By the late 1960s, the expansion of highways and explosion in private automobile ownership nearly made buses obsolete, but just ten years later, people were flocking back to transit to beat soaring fuel prices during the energy crisis.

Then in the 1980s, Americans went back to driving and started buying smaller fuel efficient cars to avoid getting stung at the pump again. Transit privatization schemes were initiated all across the nation, and most failed. By the late 1990s, there was a transit renaissance launched by the passage of TEA-21, unprecedented bipartisan legislation which provided transit systems with guaranteed sizeable funding increases well into the new century. Ridership skyrocketed, as people all across the nation started choosing transit like never before.

However, since 2005 the federal transit program, and as a result the American People, have been standing in place. Funding has been basically flat over the course of the past two reauthorization bills, budget guarantees have been repealed, and transit systems are running on fumes. Without a new revenue source for the Highway Trust Fund, Congress has been forced to bail out the program on several occasions in recent years, and the clock is ticking on the next shortfall.

The 2008 fuel crisis pushed people out of their cars and into buses and trains once again, but this time the agencies could not handle the load, as they too were paralyzed by the skyrocketing price of gas. This and the plummeting economy resulted in unprecedented fare hikes, service cuts, outright route eliminations, and a new generation of privateers offering empty promises of better service at lower cost. Transit-dependent people lost their ride and many lost their livelihoods as a result.

Today, as was the case in 1964, **inequities** in our society still exist, especially in the area of transportation. Service for the elderly and people with disabilities is substandard and in many places disgraceful. Intercity bus drivers are falling asleep at the wheel because they don't have the critical protections of the Fair Labor Standards Act (FLSA), and innocent people looking for an inexpensive ride to grandma's house are dying as a result. Transit operators are being assaulted at a record pace, putting passengers, automobile drivers, pedestrians and bikers in harm's way like never before. Even the tax code has a bias for people who use transit, as they receive far less monthly tax free benefits than those who drive to work.

But now, rather than fleeing our cities like in the 1960s, people are moving back in record numbers, and transit systems are struggling to put service on the streets to meet higher demand. Outsourcing is becoming the norm and passengers are paying more and getting far less. America is desperately trying to reduce its dependence on foreign oil, but not enough transit is in place to make a true impact in this fight.

Executive Summary

American cities are busting at the seams, and it is projected that more and more people will move to our urban centers within the next three decades. Without better public transportation, our nation faces total gridlock. Yet, major inequalities still exist in federal transportation law which favor travel by private automobile.

The typical metropolitan resident can reach only about 30% of jobs in their area via transit within 90 minutes. Transit for most people is simply not convenient or practical, so they find transportation alternatives that pollute our air and sustain our dependence on foreign oil. Others who cannot afford a car are likely among the more than 7% of Americans who remain unemployed, because they cannot get to work.

This proposal makes the case for significant increases in federal transit funding to meet our mobility needs, now and into the future. ATU calls for doubling the size of the federal transit program, and we identify sound, progressive revenue streams to pay for the program out of the dwindling Highway Trust Fund. Transit cuts keep coming at systems all across the nation. The proposal calls for local control of transit funds so that transit systems can avoid having to keep brand new buses in the garage while slashing service at the same time.

The centerpiece of the proposal is a major addition to the federal transit program to address the poor quality of service provided to people with special needs. More than 20 years after the passage of the Americans with Disabilities Act (ADA), demand response service has been overrun with problems that seriously impact the quality of life for millions of Americans. The ATU's proposed TREAD program would provide $1 billion annually to address this mobility crisis.

Outsourcing of fixed route bus service has more than doubled in recent years. The result has been deteriorating service and more fare hikes. Lower wages and reduced benefits paid by privateers are leading to dissatisfied workers. This culminates in major turnover issues, resulting in training problems, safety issues, etc. This proposal calls for the rejection of federal policy that provides an advantage for the private sector at the local level.

Passenger safety has become a huge issue in fixed route transit, as we have seen a dramatic increase in the level and intensity of senseless attacks on defenseless operators, putting everyone on the bus at risk. In addition, in too many cities, tight, computer-generated schedules and increased traffic congestion have created shifts in which no time is available to use the restroom,

leading to highly distracted operators. Both of these issues raise major concerns, and ATU proposes common sense solutions to enhance operator and passenger safety.

Safety is also an issue on intercity buses, which are crashing at an alarming rate in recent years as the culture of the industry has changed dramatically. Bus drivers are falling asleep at the wheel because they are working grueling hours at abysmally low wages. And since intercity bus drivers are exempt from the Fair Labor Standards Act's (FLSA) overtime provisions, many drivers are forced to work second jobs during their so-called "rest period" in order to make ends meet. This proposal makes the case to lift the FLSA exemption.

Finally, the public transportation industry, like many service-based sectors in the United States, will be faced with major workforce challenges in the near future. A large percentage of the transit workforce will be retiring within the next few years. This proposal calls for federal funding to provide training to workers so that they can perform their jobs adequately, move up the career ladder, and help the nation's transit agencies operate at maximum efficiency.

Wanted: America's Urban Agenda

America in 30 years: Gridlocked?

More Americans are living in cities now than a decade ago, according to U.S. Census data. In 2010, a total of 80.7% of Americans lived in urban areas. The population of urban areas grew by more than 12%, much faster than the country's growth rate of 9.7% from 2000 to 2010.[1]

This trend is expected to continue. The percentage of Americans living in metropolitan areas is set to grow by roughly a third over the next three decades.[2] Already today, roughly four-fifths of the country lives in large urban areas, and cities like Atlanta, Dallas, Houston and Tampa – none of which have expansive transit systems -- will likely see some of the fastest growth in years to come. Within the next 30 years, the Phoenix-Mesa-Scottsdale area is projected to grow by more than 88%, swelling to more than 8 million people, the equivalent of New York City today. How in the world are the American people -- a huge percentage of whom will be senior citizens by 2044 -- going to navigate around our urban centers without having access to safe, affordable, convenient, and reliable public transit?

Today, we are already wasting 2.9 billion gallons of fuel – enough to fill the New Orleans Superdome four times – at a financial cost of $121 billion per year ($818 per commuter) just

[1] *More Americans move to cities in past decade-Census.* Lisa Lambert, Reuters, March 26, 2012.

[2] *Outlook - Gross Metropolitan Product, and Critical Role of Transportation Infrastructure.* Prepared for the United States Conference of Mayors and the Council on Metro Economies and the New American City by Global Insight, 2012.

sitting in traffic.[3] If trends are not dramatically reversed, our **economy will be paralyzed** in 30 years because people will not be able to get to work or spend their money at local businesses.

Crossroads

The U.S. is in the midst of a boom in domestic oil production, thanks largely to new unconventional reserves in North Dakota and Texas. Lawmakers may assume that we are well on our way to plummeting fuel prices and energy independence. Some have actually called for the end of federal funding for transit, putting the responsibility in the states' hands.

This would be a mammoth mistake. Less dependent on foreign oil does not make us independent. If something happens to disrupt production in a major oil-exporting nation, the price would skyrocket and all the shale oil in North Dakota wouldn't be enough to shield American drivers from even more expensive gas. While U.S. oil production has increased by a little more than 2 million barrels (a 44% increase) since 2007, those additional barrels represent just 2% of the 90 million barrels a day the world is consuming now. No wonder it's had little impact on the price at the pump.[4]

The only way to truly become energy-independent is to use less oil, and public transportation of course plays an important role in reducing the nation's energy use and greenhouse gas emissions. According to the American Public Transportation Association (APTA), on a passenger mile basis, buses use only 84% as much fuel as automobiles, vans, and sports utility vehicles, and most rail transit vehicles and trolleybuses emit little or no pollution since they are electrically propelled. Seeking relief from high fuel prices, people are turning to public transportation in record numbers: transit **ridership in the U.S. is now at its highest level in five decades**, at more than 10 billion annual trips.

Where is our Urban Agenda?

Despite the obvious environmental and economic benefits of public transportation, **more than 95% of Americans still commute to work in private automobiles. Most people believe that they can get to work faster and more efficiently via car, and unfortunately they are correct.** Transit for most people is simply not convenient or practical, so they find transportation alternatives that pollute our air and sustain our dependence on foreign oil. Others who cannot afford a car may be one of the millions of Americans collecting unemployment checks because they simply can't get to work.

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[3] *2012 Urban Mobility Report,* Texas A&M Transportation Institute.

[4] *America's Oil Boom Won't Make It Energy-Independent From Middle East Madness.* Bryan Walsh, Time Magazine, September 5, 2013.

According to a recent groundbreaking study, **the typical metropolitan resident can reach only about 30% of jobs in their area via transit within an hour and a half.** The percentage is even lower for workers in growing low-income suburban communities.[5]

Yet, transit continues to be funded at only a fraction of the highway program, and overall transportation investment is far short of demand. The Federal Transit Administration (FTA) estimates that the nation's transit systems collectively have a state of good repair backlog that exceeds $78 billion. APTA's reauthorization proposal calls for a 13% annual increase for transit. The Obama Administration proposed to double the size of the transit program in a recent budget submission. The bottom line is that transit needs to grow substantially if we are ever going to get people out of their cars, reduce our dependence on foreign oil, and slow down climate change.

We will never move away from our auto-dependent society or get anywhere close to the level of transit ridership seen in Europe if we do not heavily invest in transit, target funds wisely, and allow systems to use those funds as they see fit.

Reasons for Optimism

Trends are on our side. Americans have demonstrated that they are willing to raise their own taxes to pay for expanded green mobility options. Since 2000, more than 70% of public transportation measures on state and local ballots have passed. In addition, recent studies have shown that millennials favor moving back to cities and prefer using public transportation in lieu of private automobiles. In 2011, the percentage of 16-to-24 year olds with driver's licenses dipped to a new low. Just over two-thirds of these young Americans (67%) were licensed to drive in 2011, the lowest percentage since at least 1963.[6]

Innovative Financing and Public Private Partnerships: Proceed with Caution

Meeting our responsibilities to provide infrastructure for our urban centers cannot be done strictly through federal funding. The private sector has always played a robust role in the building of our transportation systems, and will continue to do so. The designing and building of long-term transportation projects may be appropriate for innovative financing, and several bills expanding so-called public-private partnership (PPPs) have already been introduced during the 113th Congress.

The guaranteed and increased funding levels in place under TEA- 21 provided economic security that financial markets demand, spurring massive investment from the private sector. However, SAFETEA-LU and MAP-21 moved away from guaranteed funding, leading innovative finance programs into new directions which are dangerous for transportation policy.

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[5] *Missed Opportunity: Transit and Jobs in Metropolitan America.* Brookings Institution, 2011.

[6] *As Youth Driver Licensing Dips Again, A Focus on the Millennials. Tony Dutzik*, www.DCStreetsblog.org, March 15, 2013.

For example, several of the new innovative finance proposals introduced in this Congress would authorize transit projects to be funded outside of FTA's jurisdiction, **raising the real prospect of fractured transportation systems which do not involve critical planning guidelines -- Long-Range Transportation Plans and short-term Transportation Improvement Programs -- and environmental reviews.**

In addition, these same bills have not included traditional labor protections. Transportation Labor supports new innovative finance mechanisms for transportation projects, such as tax credits and State and National Infrastructure Banks flowing through FTA **on the condition that both the direct recipients of federal dollars through the banks and tax credits and projects funded through subsequent generation banks and tax credit funding comply with basic federal labor standards,** including 49 USC 5333(b) – formerly Section 13(c) of the Federal Transit Act – and Davis-Bacon, providing economic and job security.

ATU SUPPORTS:

- Funding public transportation at $119 billion over the next six years, more than doubling the commitment to transit in SAFETEA-LU, as called for in President Obama's surface transportation reauthorization proposal released prior to MAP-21 (FY 2012 Budget).

FUNDING SOURCES:

Gas Tax

- H.R. 3636, the *Update, Promote, and Develop America's Transportation Essentials Act of 2013*, which would phase in a 15 cent/gallon tax increase over the next three years on gasoline and diesel.

Robin Hood Tax

- H.R. 1579, the *Inclusive Prosperity Act* to impose a tax on certain financial transactions to strengthen our financial security, reduce market volatility, expand opportunity, and stop shrinking the middle class. This proposal, also known as the "Robin Hood Tax," could generate billions of dollars for transportation infrastructure.

National Infrastructure Bank

- H.R. 2553, the *National Infrastructure Development Bank Act*, to **responsibly** create and fund a public bank to leverage public and private dollars for meritorious infrastructure projects of national or regional significance.

No End in Sight for Transit Cuts

Due to shortages in state and local revenues, U.S. public transit systems carried out some of the steepest fare increases and deepest service cuts in history during the first two years of the recession. Since the beginning of 2009, approximately 85% of public transit systems have raised fares or cut service, and thousands of workers in the transit industry – a significant percentage of a "green" workforce – have been laid off. Fifty-six percent of transit systems cut rush hour service, 62% slashed off-peak service, and 40% reported reductions in geographic coverage.[7]

Policymakers who believe that the economy is back on track and the transit crisis is over should travel to Gettysburg, PA. Ironically, the site of one of the best-known and important Presidential speeches in American history on the issue of human equality lost Freedom Transit on December 30, 2013. The transit company, operated by Rabbittransit, eliminated fixed-route service on its Blue, Gray and Lincoln lines and Freedom Transit's express shuttle to Harrisburg will be terminated June 30, 2014. Without local matching funds, local officials made the difficult choice to cut off critical service in this rural area.[8]

Facing a $75 million funding shortfall, King County Metro in Washington is dealing with a mobility crisis. **If a stable funding source is not identified in the near future, 74 of Metro's 214 routes will be eliminated, while 107 routes would be reduced or revised.** According to Metro in Seattle, if the funding is not found and the agency is forced to cut the services, it would be the loss of an unprecedented 14 million rides annually, and would revert Metro's service to levels not seen since 1997.

Seniors and adolescents in Boston, MA stung by the staggering 23% fare increases in 2012 are speaking out and urging lawmakers to roll them back, as transit-dependent passengers with fixed income have been left to choose between travel and other necessities. The fare hikes increased rates disproportionately for seniors.

Should elderly people who have lived through the Great Depression of the 1930s and World War Two be required to spend precious moments during their final years on Earth publicly begging lawmakers to keep transit fares to a reasonable level? That is how 89-year old Ann Stewart, the former president of the Massachusetts Senior Action Council, spends her time. "It is not affordable for those who need it now and those of us who might need it tomorrow," she said at a recent public hearing.[9]

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[7] *Impacts of the Recession on Public Transportation Agencies.* Survey Results, March 2010. APTA.
[8] *Freedom Transit cuts service.* The Evening Sun (Hanover, Pennsylvania), December 5, 2013.
[9] *Transit fares irk seniors, youths.* Lowell Sun (Massachusetts), November 2, 2013.

Where is Our Agenda to Help the Poor?

From coast to coast, it is our nation's poorest residents that continue to bear the brunt of transit service cuts and fare increases. In Palm Beach County, FL, over bitter objections from riders, officials voted unanimously in August of 2013 to increase fares -- with the largest percentage increase going to the poorest riders. Fares were last raised as recently as 2008, and those **who buy monthly passes will see the largest percentage increase. For a rider whose income is 75% of the federal poverty level -- someone who makes about $8,250 a year -- the monthly pass increased by 50%, from $10 to $15 a month.** By comparison, the fare for most riders is increasing by 33%.[10]

Transit Benefits Should be Made Permanent

As if cutting routes was not enough, the federal government added insult to injury on January 1, 2014 and cut tax-free transit benefits, reaching into the pockets of transit riders and pulling out a wad of cash as a penalty for riding the bus or train.

The monthly cap on federal tax-free transit benefits, which allows riders to set aside wages in an account used exclusively for paying public transportation costs, was reduced from $245 to $130. At the same time, a similar credit allowed motorists for parking will **increase** to $250 per month. We are encouraging people to drive to work and increasing transit riders' costs by as much as $1,380 per year.[11]

The average American family devotes nearly 20% of its income to transportation – second only to housing. A two-person household can achieve an average annual savings of more than $9,700 by living with one less car and taking public transportation instead of driving. A permanent increase in this benefit means transit commuters have one less expense to worry about, and in today's economy, every dollar counts.

ATU SUPPORTS:

- Authorizing transit systems to use their federal funding for operating assistance when needed to avoid service cuts, route eliminations, or fare increases.
- Allowing fuel to be classified as a capital expense.
- Eliminating the federal tax code's bias against people taking public transportation through inclusion of H.R. 2288, the *Commuter Parity Act of 2013,* to establish permanent tax credit parity between the parking and transit portions of the transportation fringe benefit.

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[10] *County's neediest hit hard by bus fare hikes; County commissioners vote unanimously for first increase since 2008.* Palm Beach Post (Florida), August 14, 2013.

[11] APTA

Paratransit: Fulfill the Promise of ADA

Nearly a quarter century after the passage of the historic Americans with Disabilities Act (ADA) of 1990, transportation for people with major mobility issues remains a national disgrace. A U.S. Bureau of Transportation Statistics study found that 6 million people living with disabilities had difficulties accessing needed transportation.[12]

The ADA provided that it shall be considered discrimination for a public entity that operates a fixed-route transit system to fail to offer on-demand service, also known as paratransit or dial-a-ride, to people of any age with serious disabilities that is comparable to services provided to those without disabilities. Such service must be comparable and parallel to the fixed route service -- offered on the same days and same times fixed route service is offered. In addition, at a minimum, paratransit must serve all areas within a corridor which extends ¾ of a mile on each side of each route served by the fixed route system.[13] The idea of the bill was to remove the barriers that were preventing people with disabilities from living every aspect of their lives to the fullest extent.

Unfortunately, despite the ADA, transportation options are still extremely limited for elderly and disabled Americans, leading to isolation and diminished health.

People with Disabilities: Deserving of Safe, Affordable, Dependable Transportation

ADA paratransit services are incredibly expensive to operate. The U.S. spent over $3.6 billion in 2011 to provide ADA paratransit services, an almost 200% increase from 1999, even though ridership only went up 49%. An average ADA one-way paratransit trip cost $34.59 in 2011, up from $16.09 in 1999 (not adjusted for inflation).[14] The average cost of providing an ADA paratransit trip is an estimated three and a half times more expensive than the average cost of a fixed-route trip."[15] Paratransit ridership makes up 2% of public transit ridership nationwide but 13% of operating costs.[16]

With costs soaring and nowhere to turn, transit systems have over the years outsourced more and more paratransit work. Today, nearly 80% of the nation's paratransit service is contracted out by U.S. transit systems to private, usually foreign transit companies which too often bid too low to realistically meet the standards set forth in the request for proposal from the transit system in

[12] *Advocating For Transportation Systems Change; The State Independent Living Council and Independent Living Centers Push for Changes in Transportation.* PR Newswire, April 15, 2013.

[13] *Riders' Guide to Public Transit for People with Disabilities*. Meeting the Challenge Inc. and FTA, CO268001 (Cooperative Agreement).

[14] *GUEST COLUMN* (submitted by the Innovation in Infrastructure Program at the Urban Institute); *Roadblocks ahead for senior mobility.* The Atlanta Journal-Constitution, June 18, 2013.

[15] *ADA Paratransit Services; Demand Has Increased, but Little is Known about Compliance*. Government Accountability Office, 2012.

[16] Cities' paratransit services face cutbacks, fare increases. USA Today, April 9, 2009.

order to secure the service. In addition to cost, transit systems readily admit that contracting ADA paratransit allows agencies to remove themselves from the day-to-day operations and reduces the risk and liability associated with operational responsibility.[17]

Is that consistent with the legislative intent and true spirit of the ADA?

Service Quality Issues

Demand response service nationwide has been overrun with problems that seriously impact the quality of life for millions of Americans. Horror stories are common for frail, elderly, blind, paraplegic, and other disabled citizens, including veterans. Quality of service issues in paratransit are mind numbing, and anyone who is related to a senior citizen, wounded veteran, or other person with disabilities knows this all too well.

On-time performance is a major problem, caused by poor planning and unrealistic schedules. Trips are often scheduled too close together, and drivers say their schedules are impossible to keep. Pick up times are too often far ahead of the needed arrival time at the destination, leaving customers waiting outside and unprotected in varying types of weather conditions. In many locations, when customers are delivered late to their destination, no accommodation is made to pick them up at a later time.

Many customers report that reservation agents do not ensure that their address is correct, resulting in the driver going to the wrong address and documenting the customer as a "no-show." Moreover, persons with disabilities nationwide complain that the reservation process takes too long. Some disabled riders say the problem is not just on-time pickups – it is being stuck in a paratransit van for hours while other riders are picked up and dropped off. In some cases, people with very special needs are literally being held hostage for hours.

And while transit agencies make every effort to push elderly and disabled persons onto fixed route buses, unfortunately individuals often encounter poor maintenance of the accessibility equipment and inadequate wheelchair securements.

Turnover = Poor Service Quality

The most important reason for the poor quality of service in paratransit is turnover, and this is of course tied directly to wages and benefits. According to the most recent national study, the average starting wage for ADA paratransit vehicle operators employed by private contractors ranges from $7 to just over $14.00 per hour and averaged $10.47. Vehicle operators employed by public agencies that provide services in-house are paid from $9.50 to $15.77, with the average starting wage being $12.06. Only 75% of private contractors offer individual health care

[17] *Public Transit: Transit Agencies' Use of Contracting to Provide Service.* Government Accountability Office, September 2013.

coverage to full-time operators, and only 68% provide family coverage. Only 19% of companies offer health benefits to part-time vehicle operators. On average, full-time vehicle operators are required to pay 33% of individual coverage and 50% of family coverage, a cost that is often out-of-reach given the hourly wages.

A 2008 FTA compliance review conducted of the Metropolitan Transit System (MTS) in San Diego indicated an **82% annual turnover rate** among ADA paratransit vehicle operators. The report states that "This high turnover rate results in a high percentage of relatively inexperienced operators and may affect service efficiency and service quality." An FTA review of Pierce Transit in Lakewood, Washington, in 2007 indicated that the major private contractor, which provided about 74% of the service, was **experiencing an 80% turnover rate** among operators. Meanwhile, the portion of Pierce Transit's in-house paratransit service reported almost no vehicle operator turnover -- their average public sector ADA paratransit operator has an average tenure of 14 years.

The same study found a statistically significant relationship between compensation and turnover. The level of starting wages was shown to account for 21% of the turnover reported, **and turnover can be lowered by 3.5% to 5.1% for every $1 increase in starting wage.**[18]

Problems Will Only Grow

It is expected that the proportion of older Americans to the total population will be much higher in the future years. According to the U.S. Census "in 2050, the number of Americans aged 65 and older is projected to be 88.5 million, more than double the approximate population of 40.2 million in 2010"[19]. Most of the increase is linked with the baby boomers that entered into this category in 2011. This growth will have huge implications on public transit since one in five Americans 65 and older do not drive.[20]

Summary – A Mobility Nightmare for People with Special Needs

Paratransit customers living on fixed income cannot afford to pay higher fares. Transit systems which are making tough decisions every day, balancing the needs of fixed route services, cannot afford the huge costs associated with transit for people with special needs, so they outsource the work and hope for the best. Private contractors making lofty promises that cannot possibly be honored are locking cities into multi-year contracts and failing miserably, providing awful service that is not fit for anyone, especially frail and vulnerable people. Contractors deliberately use small vans and taxi services on a regular basis, raising serious health and safety issues as

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[18] *Vehicle Operator Recruitment, Retention, and Performance in ADA Complementary Paratransit Operations.* Transit Cooperative Research Program (TCRP) Report #132, 2010.

[19] *THE NEXT FOUR DECADES: The Older Population in the United States: 2010 to 2050 Population Estimates and Projections*, U.S. Census Bureau, 2010.

[20] *Aging Americans: Stranded Without Options*. Linda Bailey, Surface Transportation Policy Project, 2004.

drug and alcohol testing requirements and other regulations applicable to fixed route and paratransit operators in larger vehicles do not apply.

If a person with special needs lives within ¾ of a mile of a bus line, they can get access to this substandard service. If not, no legal obligation exists to serve their basic mobility needs, and transit systems are walking away from them due to financial constraints.

People with disabilities, including wounded veterans and seniors, deserve transit that is respectful, equitable, accessible and dependable.

Transit

Respectful

Equitable

Accessible

Dependable

ATU proposes a new funding stream known as the **TREAD** Program.

TREAD Overview

- **Funding:** ADA has been an unfunded mandate since 1990. It is time for a separate, substantial funding stream dedicated toward the provision of first class paratransit service. As noted above, we spend nearly $4 billion annually to provide ADA paratransit services, but FTA is authorized only to grant a few hundred million per year (Section 5310) – and most transit systems see little if any of this money. TREAD should be funded at a minimum of **$1 billion annually** on a formula basis, and increase substantially as our population ages. Eligible grant recipients should include transit systems of all sizes, and such recipients should be authorized to use such funds as they see fit to meet the needs of people with special needs – capital, operations, or maintenance. Operating assistance requirements applicable to fixed route should not apply. **A person with disabilities living in a rural area has the same special needs as a person residing in the big city.**

- **Training:** Transit agencies report that a major reason for contracting is that ADA paratransit requires specialized training and equipment that can be difficult to provide because agencies may lack staff, expertise, or resources needed to train workers. TREAD would authorize funding for these activities.

- **Delaying Service Cuts:** The astounding service cuts and outright elimination of routes on fixed routes has wreaked havoc for people with disabilities, especially those using paratransit within ¾ of a mile of the slashed routes. Under the TREAD program, if a transit system cuts a fixed route bus line, they would not be authorized to cut paratransit service to any person in that service area for a period of at least two years. People with special needs and their families need more time to adjust to these changes.

- **Coordinating:** TREAD should not in any way impact the current Section 5310 program which allows private nonprofit groups to provide critical mobility options in rural areas. TREAD and 5310 should in fact be integrated to the greatest extent possible with the Federal Coordinating Council on Access and Mobility (CCAM), which coordinates over 60 federal programs that fund services for transportation-challenged populations.

- **Closing the Van Safety Gap:** Commercial drivers' license requirements – including drug and alcohol testing – and physical exam mandates should be mandated for all paratransit van operators, regardless of vehicle size. Persons with disabilities travelling in vans with less than 9 - 15 passengers have the same special needs as those in larger vehicles.

ATU SUPPORTS:

- Creation of the TREAD Program to finally provide people with special needs riding paratransit the same mobility options as people who rely on fixed route public transportation services.

- Meeting our commitments to veterans and military families by providing access to transportation options that facilitate community integration and participation.

Safety and Security

An Epidemic of Assaults on Operators

Passengers lucky enough to still have some level of fixed route service have been forced to dig deeper into their own pockets. These fare hikes -- which have occurred almost everywhere -- are essentially tax increases, and of course, the individuals responsible for the collection of these taxes are bus operators, the members of our union who serve as the face of hundreds of the transit systems across the nation. People don't like paying more for inferior service, so quite often they take out their frustrations on the drivers. In the past five years, we have seen a dramatic increase in the level and intensity of senseless attacks on defenseless operators. Drivers

have been punched, slapped, stabbed, shot, and have had bodily fluids thrown upon them. And they are confronting all of this while trying to safely steer their vehicles through traffic, protecting the lives of passengers, pedestrians, and other drivers who are seriously distracted by today's hand-held gadgets.

Transit workers are at higher risk for violence than are workers in many other occupations. According to the Bureau of Labor Statistics and the National Institute for Occupational Safety and Health, there is an increased risk of workplace violence for workers who have direct contact with the public, have mobile workplaces or deliver services, work in community settings, deliver passengers, handle money, and work in small numbers.[21]

When a passenger assaults a bus operator while he or she is driving the vehicle, transit riders, auto drivers and pedestrians are placed at risk. In California, an Omnitrans bus operator was stabbed in 2010 while operating a bus. After he was attacked, the bus veered off the road and crashed into a tree. The operator, a 15-year veteran, died, leaving behind a wife and eight children.[22]

Lack of Restroom Breaks a Huge Health and Safety Issue

In addition, in too many cities, tight computer-generated schedules and increased traffic congestion have created shifts in which no time is available to use the restroom. As a result, bus operators restrict their fluid intake, starving internal organs, leading to a whole host of health problems, including urinary tract infections, kidney problems, etc. Though they do not like to talk about it publicly, drivers who do not resort to relieving themselves in cups wind up staining driver seats through involuntary urination. Women, who make up a growing segment of our membership, cannot simply urinate out the back doors of the bus like their male counterparts are forced to do. Paratransit operators often have no designated breaks whatsoever because dispatch tends to build those routes while the vehicles are still on the road, and the drivers of course may not leave elderly and disabled passengers alone.

Furthermore, while the focus of policy makers at all levels of government in recent years has been on distracted driving caused by cell phone use or driving while impaired, recent studies indicate that driving while 'holding it in' is just as dangerous. The discomfort and stress of holding it in make it more difficult to operate a vehicle safely and effectively. Operators report being distracted and driving faster when under this kind of pressure. One laboratory study found that not responding to an extreme urge to urinate affected attention and thinking. The effect was equal to that of staying awake for 24 hours or having a blood alcohol level (BAC) of 0.05%. For comparison, a commercial driver would be disqualified at a BAC of 0.04%.[23]

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[21] *Practices to Protect Bus Operators from Passenger Assault.* TCRP Synthesis #93, 2011.

[22] TCRP Synthesis Report #93.

[23] *The Effect of Acute Increase in Urge to Void on Cognitive Function in Healthy Adults,* Neurourology and Urodynamics 30:183–187 (2011).

A few years ago, a TriMet (Portland, OR) bus operator was in a hurry to take a restroom break when she was crushed to death by her own bus. She was six minutes late when she pulled her bus into a transit center, left the vehicle running in forward gear and failed to properly set the parking brake. The 27-year veteran hurriedly walked in front of the bus, reached in the driver's window to pull a lever to close the doors, and then walked back across the front of the bus on her way to the restroom. When she closed the door, the brakes were released after a one-and-a-half-second delay, and the bus struck her, pinned her to a bus stop sign and killed her instantly.

The health and safety issues confronting our members and the riding public due to the lack of clear and sensible policies at transit systems across the U.S. are staggering.

ATU SUPPORTS:

- Requiring newly manufactured vehicles to include workstation changes to protect operators. While airplane cockpits and train locomotives are completely off limits to passengers, transit buses are wide open. Driver shields, drivers' side doors and other ideas must be on the table, as should retrofitting of existing vehicles. Research is now ongoing to determine the best options.

- Mandating that transit agency (bus and rail) comprehensive safety plans address assault and restroom break matters. No safety plan should be eligible for FTA certification unless it receives the official approval of represented employees of the grantee. Such a process will ensure a credible and enforceable plan that addresses the real safety concerns of all involved.

Transit Privatization: Riders First

If it is not our members being punched in the gut by the funding shortages, it is the passengers, who have been hit with an onslaught of failed transit privatization experiments around every corner. Between 1998 and 2009, privately contracted service for fixed route bus service more than doubled.[24] The poor economy is a breeding ground for the profit-seeking transit contractors to make their case to local officials that they can somehow deliver better service at lower cost. Despite this, MAP-21 included language that mandated a GAO study to identify impediments to outsourcing. Other provisions were also included to provide private sector transit operators -- largely foreign corporations -- with an unfair advantage.

The result has been deteriorating service, more fare hikes, and serious safety issues. When transit systems privatize operations, they lose control of their ability to respond to riders' concerns about quality of service issues, even as foreign companies drive service into the ground. Lower

[24] *Doing More With Less: Competitive Contracting Changes in SAFETEA-LU Reauthorization.* The "Affordable Commuting Coalition."

wages and reduced benefits are the open game plan of private transit providers, leading to dissatisfied workers. This culminates in major turnover issues, resulting in training problems, safety issues, etc. These companies are motivated only by profit rather than the provision of quality, affordable service for people who rely on transit.

False Promises

Transit privatization is based on questionable and at times false assumptions regarding competition, cost, and the mechanisms used to calculate these and other matters. No one in private sector would contract out a crucial internal operation without knowing the full scope of management issues. The public sector deserves the same respect. Private firms don't typically contract out work that involves their core customer base directly nor do they give control of their capital equipment to outsiders. For contracting out to work in public transit, that is precisely what is required.

In the 1980s, private transit providers, promising that competition would drive up efficiency, often cited assumptions about so-called public sector "monopolies" and the lack of incentives for public sector workers to perform at a high level. However, over time, due to the unique nature of the transit industry, the multiple private companies involved in transit have shrunk to just a handful as huge foreign corporations have absorbed many small private providers. As a result, ironically, it is now these private companies that have a monopoly on transit outsourcing, and they have in fact lost the incentive to provide high quality service. They enter into long term contracts with no accountability, cutting corners wherever possible, leading to major service, maintenance, and safety issues.

Hidden Costs

According to a study of data from the National Transit Database, privatized systems pay drivers far less, and offer fewer benefits than public agencies. By offering reduced benefits and wages, private transit operators claim to offer higher labor efficiency – the same level of service at a lower cost. However, contracted transit workers work more **overtime** than publicly employed transit workers, which can undercut much of the labor savings. Moreover, private contractors have **higher insurance and training costs** in part because they have significantly higher turnover rates.[25]

Monitoring the contractors is also a significant hidden cost of privatization. For example, in March 2013, the Washington Metropolitan Area Transit Authority signed a contract with a private company to oversee the performance of the three transit contractors that operate its ADA paratransit services -- a contract to monitor the contractors![26]

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[25] *Transit and Contracts: What's Best for Drivers?* Access, Songju Kim and Martin Wachs, 2006.

[26] *Public Transit: Transit Agencies' Use of Contracting to Provide Service.* Government Accountability Office, September 2013.

The most efficient way to guard against these hidden costs is to require transit grant recipients to use the "Avoidable Cost Model" of accounting to determine the actual cost of providing a service.[27] This model acts to properly include costs such as public management oversight of the private provider and other transaction costs including the loss of in-house expertise, severance payments to end existing public service, and increased insurance and training costs associated with high turnover. The *Avoidable Cost Model* can better identify potential savings from variable costs while properly quantifying fixed costs between the public and private alternatives. It is the most accurate method to analyze the full costs of specific transit privatization schemes. To ensure that public dollars are spent wisely and efficiently, policymakers need to establish parameters that will measure the broadest costs of an alternate privatization scheme to a public service.

Outsourcing Conclusions

The federal government should not intrude on local decision making in transit. Mandated or minimum provisions on competitive bidding without appropriate standards for decision making serves to reduce the standard of living for workers and diminish the transportation service provided to communities. It can also result in turnover, safety, and security issues. Careful scrutiny is needed.

The incredibly open and honest private companies' selling point to cities is to provide savings by paying workers less, eliminating pensions and offering fewer benefits, deterring employees from remaining at transit agencies long enough to reach the top of the pay scale. This is about taking a professional workforce and turning it into a part time job, not appropriate for an industry where employees are driving massive vehicles and entrusted with the lives of millions of passengers each day. Policymakers need to take a close look at what these private companies are doing to our transit systems and the impact that these arrangements are having on working families. We need to ensure that transportation in our communities is not further diminished.

ATU SUPPORTS:

- Repealing provisions of current law that provide an unfair advantage to private contractors, including those that basically require FTA to become a marketing arm of the private sector.
- Requiring use of the *Avoidable Cost Model* in determining whether to outsource public transit services.
- Ensuring that the methodology and criteria for service selection and final decisions must continue to be left to <u>local</u> decision makers, consistent with applicable laws, collective bargaining agreements, and other pertinent agreements.

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[27] Elliott Sclar, Director of the Center for Sustainable Urban Development and Professor of Urban Planning and International Affairs, Columbia University.

Transit Labor Protections

Preserve Section 13(c) Transit Employee Labor Protections

The U.S. public transportation industry has experienced remarkable labor relations stability during the 50 years of the federal transit program. This has allowed transit employees to go about the business of their most important role: **Moving America Safely**.

The basis for five decades of labor-management cooperation is Section 5333 (b) of Title 49 of the United States Code (formerly Section 13(c) of the Federal Transit Act), which states that when federal funds, most recently authorized under MAP-21, are used to acquire, improve or operate a transit system, there must be arrangements to protect the rights of affected transit employees.

The crucial so-called Section 13(c) provisions ensure the continuation of collective bargaining rights and benefits for nearly 360,000 urban, suburban and rural transit employees under existing collective bargaining agreements. The statute protects transit workers from adverse effects that may arise when federal dollars are invested in their local transit systems. This sensible, balanced system fosters **unmatched labor-management stability**, ensuring a **highly trained, experienced, safe and professional workforce**, allowing for the development of significant technological, structural, and productivity improvements.

Federal reports concerning Section 13(c) have found that the provision has functioned exactly as intended, and has not interfered with the efficient provision of transit services, clearly substantiating the ATU's long-standing position that Section 13(c), while providing important collective bargaining and job protection, has helped to improve working relationships between management and labor.

No Obstacle to Contracting Out

Historically, one of the major issues raised by Section 13(c) critics has been that it impairs the ability of transit agencies to contract out for transit services. This is absolutely not true. As stated in a 2013 GAO report on contracting out (mandated by MAP-21), "According to officials at DOL, after a search of their records and to the best of their knowledge, **there has never been an instance where a transit agency has been unable to contract out** public transit operations and other services because doing so would jeopardize Section 13(c) certification from DOL."[28]

[28] *Public Transit: Transit Agencies' Use of Contracting to Provide Service.* Government Accountability Office, September 2013.

ATU SUPPORTS:

- Continuation of the critical transit employee labor protections provided by Section 13(c) of the Federal Transit Act.

- Application of Section 13(c) protections to *any* new federal transit programs or innovative financing mechanisms created through MAP-21's reauthorization.

SUDDEN DEATH OVERTIME: A COMMON SENSE BUS SAFETY PROPOSAL

In response to a recent spike in fatal intercity bus accidents, the U.S. Department of Transportation (DOT) in December of 2013 announced a national crackdown to take unscrupulous bus operators off the road. Regulatory authorities had taken similar measures in 2011 after a string of fatal bus crashes.

While it is appropriate for law enforcement to continue the crackdown to protect the safety of over-the-road bus passengers, these steps do not even begin to address the core issue which is at the root of intercity bus crashes which annually kill about 50 people in the U.S. and injure approximately 1,000 other innocent passengers who are simply hoping to get to their destination in the least expensive way possible. The current safety issues plaguing intercity buses are directly linked to **driver fatigue**.

Three times as many killed on buses than airplanes

When a commercial airplane crashes it is a major news story and most media outlets will cover the event 24-7. When a fatal bus accident occurs it is usually a one-day story that receives minimal media attention. The 2009 Colgan Air accident in Buffalo, which took 50 lives, and the San Francisco Asiana Airlines crash of 2013 in which three died are the only major airline crashes in the last few years. Meanwhile there have been numerous bus accidents including the horrific Bronx accident that killed 15, the Virginia crash killing 4 and countless others. In fact, over the last decade three times as many people were killed as a result of intercity bus accidents as compared to commercial airline crashes.

Low Wages, Extreme Fatigue

When an intercity bus crashes, especially when no other vehicles are involved in the accident, there is a high likelihood that the driver of that bus fell asleep at the wheel. Hundreds of non-

union intercity bus companies – usually tiny operations that have only a few buses – typically pay their drivers incredibly low wages. As a result, bus drivers are being forced to work 100 hours a week or more just to make a living. If they are not driving a bus for that many hours, there is an excellent chance that the driver works two or three other jobs in order to make ends meet. Unsuspecting customers simply do not know that they are riding with drivers who are falling asleep because they never rest.

According to the National Transportation Safety Board (NTSB), driver related problems are responsible for 60% of the fatalities occurring in crashes, while **the condition of the vehicle accounts for only 20% of the fatalities. Driver fatigue is responsible for a staggering 36% of the fatalities. It is the number one cause of fatal accidents**, far above road conditions (2%) and inattention (6%).[29]

Fair Labor Standards Act Exemption

Under the FLSA, covered nonexempt employees must receive overtime pay for hours worked over 40 per workweek at a rate not less than one and one-half times the regular rate of pay. But Section 13(b) (1) of the FLSA provides an exemption from the overtime pay requirements for "Any employee with respect to whom the Secretary of Transportation has power to establish qualifications and maximum hours of service pursuant to the provisions of section 204 of the Motor Carrier Act, 1935 (recodified at 49 U.S.C. 31502)." This exemption is applicable to drivers, helpers, loaders, or mechanics whose duties affect the safety of operation of commercial motor vehicles in transportation on public highways in interstate commerce.

Congress apparently created this exemption to eliminate any conflict between the jurisdiction exercised by the Department of Labor over the FLSA and the mutually exclusive jurisdiction exercised by the Department of Transportation over hours of service issues. However, there is no necessary inconsistency between enforcing rigid maximum hours of service for safety purposes and at the same time, within those limitations, requiring compliance with the increased rates of pay for overtime work. In fact, both issues are paramount to safety, and they are clearly linked. When drivers are not paid well, including appropriate overtime rates, they are going to be pushed to make a living elsewhere, providing them little time to rest and turning them into weary operators. But only a 10% higher driver base pay rate leads to a staggering 34% lower probability of a crash.[30]

MAP-21: Ensuring that Corpses are Strapped in

MAP-21 required motorcoaches to be installed with safety seat belts, advanced glazing in each portal to prevent passenger ejection, and stability enhancing technology to reduce the number

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[29] *U.S. DOT Motorcoach Safety Action Plan*, November, 2009.

[30] *Paying for Safety: An Economic Analysis of the Effect of Compensation on Truck Driver Safety*, Michael H. Belzer, 2002.

and frequency of rollover crashes, among other requirements. With its focus on seatbelts, vehicle structural integrity, and keeping unsafe bus owners out of business, the bill had good intentions, including many overdue provisions.

Unfortunately, the bill still leaves passengers vulnerable because it ignores the key issue at the heart of intercity bus crashes: driver fatigue. Common sense tells us that while maintaining the structural integrity of a bus is critically important, **if a 40,000 pound vehicle traveling at a high rate of speed overturns and smashes into a bridge or falls over a cliff, the lives of the occupants are going to be in grave danger, even if they are strapped in and the vehicle has the strength of a tank.**

The real problem is that bus drivers are falling asleep at the wheel because they are working grueling hours at abysmally low wages. And since intercity bus drivers are exempt from the FLSA's overtime provisions, many drivers are forced to work second jobs during their so-called "rest period" in order to make ends meet.

The *Driver Fatigue Prevention Act* (S. 487) would apply FLSA's overtime provisions – which for decades have covered the majority of American workers – to intercity bus drivers. Coach operators would get paid fairly for the work they put in above 40 hours per week, making them less inclined to work other jobs while pushing their bodies to the limit.

While FLSA's overtime provisions cover 85% of the U.S. workforce, intercity bus drivers are exempt.

Hours of Service and Enforcement Ineffective

Federal Motor Carrier Safety Administration (FMCSA) hours of service regulations that have been in existence for decades are routinely ignored, especially by fly-by-night, non-union bus companies. The state police in general do not perform random checks of passenger buses the way they do on cargo-hauling trucks because of the dissatisfaction expressed by passengers when their bus gets pulled out of commission and no replacement vehicle arrives for hours. Moreover, even if police actively seek out so-called discount bus carriers, there are not nearly enough law enforcement officers to even begin the process of ridding the highways of unsafe buses. While periodic stings pull large numbers of vehicles off the road and generate significant press coverage, it is back to business as usual once the headlines die down. Far too often, the families of innocent people find out that "business as usual" in the intercity bus industry means that they will be attending a funeral instead of a family reunion.

Rest: A Common Sense Approach to Safety

Doesn't it make sense to create economic conditions whereby drivers are fairly compensated for their work which exceeds 40 hours per week, making it less likely that they will have to resort to

doctoring log books, working other jobs, and wearily reporting for duty with a giant cup of coffee? By doing so, fewer collisions will ultimately occur.

ATU SUPPORTS:

- S. 487, *The Driver Fatigue Prevention Act,* which would apply FLSA overtime provisions – which for decades have covered about 85% of American workers – to intercity bus drivers. Coach operators would get paid fairly for the work they put in above 40 hours per week, making them less inclined to work other jobs while pushing their bodies to the limit.

- Stronger enforcement of hours of service regulations.

WORKFORCE DEVELOPMENT

The public transportation industry, like many service-based sectors in the United States, will be faced with major challenges in the near future. A large percentage of the transit workforce – both blue and white collar – will be retiring within the next few years. There is no pipeline of replacements on the horizon because the industry has a negative public image that hampers its ability to attract, recruit, and retain quality employees. And, for the existing workforce, new technology is rapidly changing the way transit agencies function, affecting every executive director, mid-level manager, bus driver and mechanic alike. Yet, relatively few programs exist to provide training to workers so that they can perform their jobs adequately, move up the career ladder, and help the nation's transit agencies operate at maximum efficiency.

Approximately 80% of transit employees are:

- Bus and train operators
- Bus mechanics
- Rail car technicians
- Signals technicians and traction power electricians
- Facilities maintainers

Yet, the **industry focus is heavily skewed to white collar needs.** The U.S. Department of Transportation workforce funding is focused on university programs and university transportation centers, but many agencies find their biggest need is skilled blue collar technicians, electricians, and in signals.

Until 2012, 80% of FTA's limited workforce funds went to white collar – 16 times more per employee than blue collar. The National Transit Institute (NTI) is **funded at $5 million per year, almost exclusively for white collar transit workforce training. At the same time, there is $0 for ongoing support for the frontline workforce.** The equivalent of 88% of today's

transit workforce will have to be hired and trained in the next 10 years, but the transit industry and agencies lack the capacity to train the next generation of blue collar technicians.

ATU SUPPORTS:

- Providing support for a national frontline workforce training center, on an equal footing with NTI. We need to support effective standards-based training for the blue collar 80% of transit's workforce.

- Ending the human capital investment inequality at FTA. Include human capital as an ordinary part of capital grants.

Conclusion

ATU is now engaged in an unprecedented effort to build coalitions with the millions of people who rely on fixed route and ADA paratransit service each day to commute to work, buy groceries, get to school, visit the doctor, and attend to life's other necessities. Two years ago, ATU created a 501(c) (3) organization known as American's for Transit (A4T) to strengthen, create, and unite grassroots transit rider organizations across the United States. We aim to create a big-tent coalition of transit riders and supporters to address the pressing transit funding crisis in America. Through A4T's efforts, there are now more than 90 transit rider groups all across the U.S., partnering with labor, chambers of commerce, faith-based groups, environmentalists, and others in an effort to expand and improve transit options for Americans.

Transit riders and other stakeholders across the United States, who have already made themselves heard at the ballot box, **raising their own taxes in support of transit measures** that have poured millions of dollars into their communities, are now developing their voices just in time for the reauthorization debate in Washington, and within the next year, Members of Congress will be hearing from our partners outside the Beltway with a message that is plain and clear: the American people want expanded, high quality, and safe public transportation.

Congress now has the opportunity to put partisan issues aside and provide America with an economic boost through a strong, well-planned federal transit program that puts the interests of riders above those of private, foreign corporations. If policy makers do not approve a massive increase in transit funding and adopt policies that allow transit systems to use their funds more wisely, we will continue to stand in place and our urban centers will be paralyzed within decades.

Above all else, Congress has an obligation to ensure that **passenger safety is paramount** in both intracity as well as intercity bus transportation, and ensuring the well-being of the operator is key to that objective. Unfortunately, current policies are not achieving that goal, and immediate change is necessary to protect the riding public.

ATU looks forward to working with Congress, as we have since 1964, in support of a new bill that will address our nation's mobility needs for another 50 years, and beyond.

Appendix: Summary of ATU Positions

INCREASED FUNDING

ATU SUPPORTS:

- Funding public transportation at $119 billion over the next six years, more than doubling the commitment to transit in SAFETEA-LU, as called for in President Obama's surface transportation reauthorization proposal released prior to MAP-21 (FY 2012 Budget).

FUNDING SOURCES:

Gas Tax

- H.R. 3636, the *Update, Promote, and Develop America's Transportation Essentials Act of 2013*, which would phase in a 15 cent/gallon tax increase over the next three years on gasoline and diesel.

Robin Hood Tax

- H.R. 1579, the *Inclusive Prosperity Act* to impose a tax on certain financial transactions to strengthen our financial security, reduce market volatility, expand opportunity, and stop shrinking the middle class. This proposal, also known as the "Robin Hood Tax," could generate billions of dollars for transportation infrastructure.

National Infrastructure Bank

- H.R. 2553, the *National Infrastructure Development Bank Act*, to **responsibly** create and fund a public bank to leverage public and private dollars for meritorious infrastructure projects of national or regional significance.

NO MORE CUTS

ATU SUPPORTS:

- Authorizing transit systems to use their federal funding for operating assistance when needed to avoid service cuts, route eliminations, or fare increases.
- Allowing fuel to be classified as a capital expense.

- Eliminating the federal tax code's bias against people taking public transportation through inclusion of H.R. 2288, the *Commuter Parity Act of 2013,* to establish permanent tax credit parity between the parking and transit portions of the transportation fringe benefit.

FULFILL THE PROMISE OF THE ADA

ATU SUPPORTS:

- Creation of the TREAD Program to finally provide people with special needs riding paratransit the same mobility options as people who rely on fixed route public transportation services.
- Meeting our commitments to veterans and military families by providing access to transportation options that facilitate community integration and participation.

ENHANCE TRANSIT HEALTH AND SAFETY

ATU SUPPORTS:

- Requiring newly manufactured vehicles to include workstation changes to protect operators. While airplane cockpits and train locomotives are completely off limits to passengers, transit buses are wide open. Driver shields, drivers' side doors and other ideas must be on the table, as should retrofitting of existing vehicles. Research is now ongoing to determine the best options.

- Mandating that transit agency (bus and rail) comprehensive safety plans address assault and restroom break matters. No safety plan should be eligible for FTA certification unless it receives the official approval of represented employees of the grantee. Such a process will ensure a credible and enforceable plan that addresses the real safety concerns of all involved.

REJECT PRIVATIZATION

ATU SUPPORTS:

- Repealing provisions of current law that provide an unfair advantage to private contractors, including those that basically require FTA to become a marketing arm of the private sector.

- Requiring use of the *Avoidable Cost Model* in determining whether to outsource public transit services.

- Ensuring that the methodology and criteria for service selection and final decisions must continue to be left to local decision makers, consistent with applicable laws, collective bargaining agreements, and other pertinent agreements.

PRESERVE TRANSIT LABOR PROTECTIONS

ATU SUPPORTS:

- Continuation of the critical transit employee labor protections provided by Section 13(c) of the Federal Transit Act.

- Application of Section 13(c) protections to *any* new federal transit programs or innovative financing mechanisms created through MAP-21's reauthorization.

ADDRESS INTERCITY BUS DRIVER FATIGUE

ATU SUPPORTS:

- S. 487, *The Driver Fatigue Prevention Act,* which would apply FLSA overtime provisions – which for decades have covered about 85% of American workers – to intercity bus drivers. Coach operators would get paid fairly for the work they put in above 40 hours per week, making them less inclined to work other jobs while pushing their bodies to the limit.

- Stronger enforcement of hours of service regulations.

SUPPORT WORKFORCE DEVELOPMENT

ATU SUPPORTS:

- Providing support for a national frontline workforce training center, on an equal footing with NTI. We need to support effective standards-based training for the blue collar 80% of transit's workforce.

- Ending the human capital investment inequality at FTA. Include human capital as an ordinary part of capital grants.