



STATEMENT OF

**THE HONORABLE JOE BUSCAINO
PRESIDENT PRO TEMPORE OF THE LOS ANGELES CITY COUNCIL
LOS ANGELES, CALIFORNIA
ON BEHALF OF THE NATIONAL LEAGUE OF CITIES**

**BEFORE THE
HOUSE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

**“PROTECTING TRANSPORTATION WORKERS AND PASSENGERS FROM COVID:
GAPS IN SAFETY, LESSONS LEARNED AND NEXT STEPS”**

FEBRUARY 4, 2021

Good morning, Chair DeFazio, Ranking Member Graves and Members of the Committee:

I am Joe Buscaino, President Pro Tempore of the Los Angeles, California, City Council, and I am here today on behalf of the National League of Cities (NLC), the nation's oldest and largest network of cities, towns, and villages across America. While I happen to represent one of the biggest cities in the U.S. with one of the nation's largest ports in my district's backyard, I am proud to serve alongside great elected city leaders from Lexington, SC; Union City, GA; Bozeman, MT; Easton, PA, and so many other cities and towns of all sizes across the country. NLC is the collective voice of every town in America working with Congress on local priorities, and we are proud to be a part of each and every one of your Districts. NLC looks forward to working with you to strengthen our federal programs and policies and providing innovative solutions that can serve all our communities in COVID-19 relief and infrastructure legislation this year.

SUPPORTING ESSENTIAL WORKERS IN AMERICA'S CITIES

The nation's cities are on the front lines of the COVID-19 response, and it is clear that the health and economic crisis is not over. Together, Congress and America's communities must keep up the pace this year to respond, recover and rebuild from the COVID-19 pandemic and the economic challenges that have arrived with such a prolonged and devastating pandemic. Local governments have been the first line of defense in responding and organizing against the virus since the first cases were reported. Whether it was mask wearing policies, keeping essential workers moving, or supporting local restaurants and businesses with sidewalk and street access, we have tried to tackle each challenge head on. But COVID-19 at the local level has not been one single challenge. The ripple effect of shutdowns and devastating health impacts has docked almost every budget line in our city. Even with our best efforts, we have already lost far too many friends, family members, and local workers to this pandemic. Vaccinations cannot come quickly enough for essential workers who must stay on the job like our transportation workers, police, firefighters, and many others.

In my hometown of Los Angeles, we are doing everything we can to fight the rapid spread of the virus. My fellow city leaders across the nation also responded with urgency to protect the health of residents while also trying to keep as much of our essential businesses and services as open as possible. Yet, as we reach one year after the crisis began, Los Angeles has one of the highest concentration of cases in the country despite our efforts to combat COVID-19. To put this more starkly, one in every nine residents of L.A. County has tested positive. Now, we are reaching the end of our fiscal reserves, even while COVID cases surged in L.A. in the winter.

To pay for the COVID response essentials and services, we have exhausted our budget and typically dependable revenues are off substantially. One clear and unavoidable example is the \$92 million economic loss to Los Angeles' economy of a cancelled 2020 cruise

season out of the Port, and the loss in 2021 may be equally severe. The City Administrative Officer has projected that General Fund revenues are likely to fall short of the 2020-21 Budget by \$600 million. Closing this gap will deplete the entire \$259 million Contingency Reserve Account and Budget Stabilization Funds, created in the wake of the last recession, by the end of the fiscal year. Compounding the problem, the City already borrowed \$75 million from the Public Works Trust Fund, in order to meet immediate, emergency expenditures related to COVID, such as setting up the nation's largest testing site at Dodger Stadium and providing meal delivery for our seniors. This loan must be repaid by July 1, 2021, according to the City Charter. Congress chose not to include local aid in their December COVID response package, and we do not expect FEMA reimbursements before then. Your support in the next COVID package will make a difference as we continue to respond to every 911 call, provide housing assistance programs like Project Room Key, and keep vaccine sites like Dodger Stadium running at full pace.

Cities and towns of every size and in every state have reached out to Congress to tell you clearly – local budgets in the fiscal 2021 budget year are short by at least \$90 billion, and we have depleted our strategic reserves throughout 2020. Two-thirds of America's cities indicated in an NLC survey that they are delaying or completely cancelling capital outlays and infrastructure projects. Six out of ten cities are cancelling equipment purchases. Cities in the middle like Duluth, Minnesota, were projecting a \$25 million budget hit to its \$93 million general fund, had to lay off over 50 workers and institute a hiring freeze. Kansas City, Missouri, now anticipates a \$50-million deficit during this fiscal year despite freezes and cuts. Cities and towns have slashed programs, positions, and postponed local infrastructure projects, and the strain on keeping essential services and workers protected is nearing a breaking point. The U.S. has lost 1.3 million jobs connected to local and state government in the last year, leaving many positions unfilled and many workers doing overtime to fill in the ranks.

We need Congress to understand the urgency of the situation at home in our communities. Those cities like ours who were lucky enough to receive direct CARES Act funding have put that Congressional support to use swiftly and prudently. The City of Los Angeles has committed 96% of our Coronavirus Relief Funds (CRF) to eligible tasks, programs, and equipment, and the remainder of the funds will soon be expended. Those smaller cities and counties who received a small portion of what their states shared are moving quickly to use it on personal protective equipment (PPE) and gaps in basic needs for their residents like food, housing, and utilities. Places like North Kansas City, Missouri, used the majority of their funds for small business grants, and the remainder for rental and utility assistance as well as PPE and physical distancing supplies.

However, in most places, the CARES Act CRF funds are not equal to the need even with additional city resources. In Los Angeles, we dedicated \$100 million for rental assistance, and in less than three weeks we stopped accepting applications for the program due to the huge demand and limited funding. In many ways our cities are more directly and quickly reaching

the pressing needs of residents. The City of Phoenix, Arizona, used CRF to provide \$30 million in rental assistance compared to the state which only stood up a \$5 million rental assistance fund. As Congress negotiates the next response bill, **we implore Congress to pass additional COVID economic relief that can be quickly and efficiently delivered everywhere it is needed to combat the scale of this challenge. To fight this, we must lead together, with urgency.** This crisis continues to eat away at our communities and our economic competitiveness, and we cannot wait until there is nothing left to appropriately respond. The time to act is now, and only then will we all be prepared to tackle the important rebuilding that is ahead of us.

America's communities are proud to have a dedicated and resilient workforce of professionals who have kept everything running during these unprecedented challenges. We ask this Committee to support our transportation workers across all modes. They have been essential workers since the beginning of the pandemic, and they have kept our transportation systems for people and goods moving. Unfortunately, far too many have fallen ill or have lost their lives to protect others from the virus. Today, I'd like to highlight two groupings of local workers: those who are part of our national supply chain – like the family, friends, and neighbors in my hometown community of San Pedro that work down on the docks at the Port of Los Angeles, and those that provide transportation to our communities – and some specific actions this Committee can take to protect and support them as they earn their livelihood.

SUPPORTING TRANSPORTATION SUPPLY CHAIN ESSENTIAL WORKERS AND SAFE OPERATIONS

America's transportation supply chain is a national resource, but it all starts and ends in local areas like my District which includes the Port in Los Angeles. The Port of Los Angeles is the busiest container port in the nation and supports more than 144,000 jobs (about 1 in 13 jobs) in the City of Los Angeles and 517,000 jobs (1 in 17 jobs) in the five-county Southern California region, and 1.6 million jobs nationally. These include 15,000 members of our longshore workforce, 18,000 truckers, in addition to railroad, warehouse, and other logistics service providers. The City has worked consistently to support essential workers across the supply chain by donating masks and personal protective equipment (PPE) procured through a whole-of-city effort called *Logistics Victory Los Angeles*, as well as providing the Port a supply of industrial grade bleach from our Department of Water and Power to dilute for cleaning of terminals. The Port, in turn, worked with restaurant supply companies to provide these supplies to other essential workers as well.

The COVID-19 spread at the Port of Los Angeles is concerning. Two-thirds of all imports into our local ports make their way across the country brought by the port drivers and train operators who are delivering these goods. Almost 700 dockworkers at the Los Angeles and Long Beach port facilities alone have confirmed they contracted COVID-19, and around 10% of the longshore workforce is in quarantine. Logistics and transportation workers have seen their mortality rates increase 28% due to COVID, second only to food and agriculture workers

(39%). One of the port's largest container terminals was close to shutting down over the holidays. They were able to remain open only by adopting enhanced protocols - including remote dispatching, temperature checks for workers, and more rigorous testing. However, even with current protocols in place for cleaning and social distancing, COVID transmissions are increasing.

Port longshore workers and drivers are also staring at over 32 arriving container ships that are backed up on our shoreline – a clear visual reminder of how the pandemic is affecting our economic well-being as well as our health and the need to quickly vaccinate this essential and at-risk group of transportation workers. While COVID-19 cases have surged locally and transportation workers are trying to be careful, the port is very busy and likely will continue to be. While Americans were not taking flights or going to sporting events, they are shopping from their phones and getting everything delivered to their doorstep which all comes through the national and localized transportation network. If a large number of longshore workers are unavailable to work, or if terminals need to shut down, the waiting time to unload will increase causing a ripple through the national supply chain.

SUPPORTING LOCAL TRANSPORTATION WORKERS AND ESSENTIAL RIDES

Local transportation workers range from construction crews to bus drivers to maintenance specialists and so many more. Transportation is particularly sensitive to demand, and one of the immediate clear signs of an effective healthy stay-at-home order was that far less people were using transportation. Through shutdowns and uncertainty, COVID-19 has greatly impacted the 435,000 transportation and workers and transit agencies, like the Los Angeles Metro, as well as all the businesses they work with and riders across the nation. With the shift in demand, transit agencies and providers, like transportation network companies and scooter and bike rentals, have shifted as well with many reevaluating their routes and services and how to best protect their workers as well as the public.

For many transit providers, the stay-home orders gave a very clear view of the [essential rides they were providing for essential workers](#). For many low-wage essential workers in Los Angeles – such as grocery store workers and hospital janitorial and maintenance staff – public transit is likely their primary way to get to work, and we now have insight on how to serve them. This is also true with rural and small-urban transit providers, as recent analysis by Community Transportation Association of America shows that ridership held steady during COVID-19 at half their normal ridership, indicating these trips are for essential workers or essential functions. For a larger system like Metro which adjusted service levels during Los Angeles' *Safer at Home* restrictions, April ridership was about 31 percent, and by September, Metro was up to 55 percent of its normal ridership.

Transit providers, including Los Angeles' Metro, worked collectively with the [American Public Transportation Association \(APTA\) to commit](#) to actively communicate with riders and to show exactly what transit agencies are doing to help keep their service as safe as possible and slow

the spread of COVID-19. For workers, the necessary PPE continues to be distributed and procured as safety of employees is one of Metro's top priorities. For customers, mask requirements and cleaning have been a visual and robust reinforcement of the commitment to reduce the spread. Metro mandated the use of operator safety barriers on all buses to ensure the separation of bus operators from customers. To spread out passengers and avoid frequent contact with bus drivers and the public, many systems implemented rear door boarding and alighting, with the exception of our ADA passengers requiring the use of wheelchair lifts to safely board buses.

For those required to work at Metro locations, masks are required for all employees, vendors and customers; self-symptom self-checks are required prior to entering Metro facilities and locations; social distancing requirements are posted and monitored by management; and hand sanitizers are installed at locations and stations. Metro continues to issue trainings, communications, and written guidance to employees regarding safety and social distancing requirements. The agency has issued daily communications to all employees regarding COVID updates, leave requirements, emergency telecommuting, deaths and positive case counts, and revenue service updates. For all administrative staff, Metro has expanded its telecommuting policy to allow for emergency telecommuting for all positions whose jobs can be performed remotely. This has significantly reduced onsite workforce and has resulted in the use of modified work schedules to allow for telecommuting where practicable.

While we are arriving at the one-year anniversary of COVID, only this week has a comprehensive national mask mandate while traveling across modes been in place with the executive action of the President and the Centers for Disease Control and Prevention (CDC). Cities welcome this support as one of the most effective ways to keep everyone across the transportation chain safer as they work. As COVID cases and deaths increase in communities, transportation workers are at risk as their jobs are often performed by necessity in the public sphere and in close proximity to the public or with colleagues. Masks and social distancing are key to stopping transmission so much so that some transportation service providers went as far as to pause all fare collection temporarily to limit interaction time with drivers. In Los Angeles, Metro's transit drivers confirmed COVID cases track with community spread, but as with most skilled transportation workers, the pool of qualified workers is limited, sometimes leading to more overtime hours and therefore, more transmission risks just from time spent on the job.

As the vaccine rollout begins, urban and rural transportation services will be essential to getting at-risk populations to vaccine sites. Forty-four percent of rural transit system responders reported they are already engaging with public health officials at the local level to assist in a variety of ways with vaccine distribution. Private transportation providers are also stepping up their advertisements and support for this as well. Transit has benefited from previous Congressional COVID packages, but the financial limits to providing service with limited passengers and farebox revenue is challenging many of the largest systems. As

vaccinations increase, the CDC guidance and federal and state strategies must continue to take into account the critical interaction of essential workers who serve the public daily.

COVID-19 LESSONS LEARNED THAT CONGRESS CAN ACT ON

1. Share Essential Supplies with Essential Workers

Locally, we ensured that all local and state emergency orders recognized workers across the supply chain as “essential,” as defined by the U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency (CISA). As we reflect on the gaps for port and supply chain workers, their delineation as “essential workers” by CISA did not provide them any minimum guarantees of protective equipment by the federal government, and in fact, it increased their risk. Essential workers were encouraged to go to work even without access to PPE, and in some cases, such as port drivers who are identified as independent contractors, their employers did not have to provide them PPE. The City and our Port made every effort to fill these gaps. Since a larger percentage of the nation’s essential worker jobs are held by people of color, it is concerning that the risks of our policies are being passed on disproportionately. From a national legislative perspective, a stronger connection between FEMA declarations during a pandemic and CISA definitions of essential workers would establish a clearer process to procure essential protection items for essential workers.

2. Improve the National Pandemic Procurement Strategy

Unfortunately, the federal government’s lack of national procurement strategy of PPE led to higher prices for local and state governments, health care workers, and essential workforces. Many suppliers were profiteering middlemen that sold at highly inflated prices, set unacceptable terms, or offered shipments of goods that could not be verified as legitimate, medical grade PPE. During that period, L.A. competed with other government agencies to procure N95 masks; in another, a shipment targeted by L.A. for potential procurement was seized by the federal government. In a pandemic, local governments should have insight into how their mask and PPE acquisitions would be aligned with national procurement as well as the number of essential CISA workers in their cities. The federal government may learn from Los Angeles’ whole-of-city effort, *Logistics Victory Los Angeles*.

3. Provide More Transportation Workforce Testing and Targeted Vaccinations

Each state is providing vaccinations to essential workers differently, and some have prioritized transportation workers more than others. In my role with the City of Los Angeles, I have led a resolution in Council to ask our state legislature and administration to support the Port’s essential waterfront workers and prioritize distribution of the COVID-19 vaccine for essential waterfront workers. The need for both prioritized vaccination and available testing for essential workers is clear. Scaled up and more frequent testing is necessary to get a more accurate

assessment of positivity rates. The Los Angeles Port is working with stakeholders to identify a location for large scale testing and vaccination of the workforce.

4. Direct Funding Is the Quickest Delivery of Emergency Relief

Local officials are distinctly positioned to protect the health and safety of America's residents and to provide reassurance in times of crisis. In the future, NLC recommends that all pandemic emergency funding should use an allocation formula based on the Community Development Block Grant program (CDBG) as approved by the House in the HEROES Act and now H.R.199. Relying on a CDBG framework would eliminate the time-consuming need to stand up a completely new administrative or regulatory framework as was required by the CARES Act Coronavirus Relief Fund (CRF). CDBG is also the most familiar revenue sharing mechanism for states and localities. Additionally, entanglement of state and local funding should be minimized. A lack of clarity burdened communities trying to responsibly use the CARES CRF from the start, resulting in confusion, delays, and infighting among primary and secondary grant recipients.

Federal transit support in Congressional COVID relief bills has been incredibly effective and efficient using existing and dependable formulas to support local transit agencies. We urge you to consider the level of service reliability that may be jeopardized if draconian cuts must be made to transit service and workers. APTA has recommended a funding level of an additional \$39.3 billion in additional COVID-19 emergency funding to help public transit agencies continue to provide a critical lifeline to essential workers and to help our communities begin to rebuild our economy. Unfortunately, the ability of cities to fill gaps in local transit budgets are now limited by our financial challenges from COVID, and depending on action by Congress, the ability to support additional service may be limited.

5. FEMA Must Be Reliable, Relief Must be Accessible and Available Quickly in the Future

The Federal Emergency Management Agency (FEMA) is responsible for assisting communities in disaster, but the level of support is dependent on quick Congressional action or Presidential Executive Order. Congress and this Committee introduced H.R. 8266, the FEMA Assistance Relief Act of 2020, adjusting the FEMA cost-share for all COVID-19 related Emergency and Major Disaster declarations to 100 percent, and while it did not pass, President Biden's recent executive order has unlocked future FEMA support at 100 percent. However, a gap remains that Congress could fill now and provide some relief to communities who still have to meet the matching requirements for last year after their budgets have been depleted by COVID-related expenses. **Congress must pass legislation that would consistently provide 100 percent federal support under all COVID FEMA emergency designations rather than only some.**

We would also strongly encourage legislation to confirm that communities could be reimbursed for certain expenses including PPE for public transit, public utilities and other government

buildings and services, and for FEMA to rescind their prior policy guidance which does not allow for essential workers to receive essential protective equipment. NLC also strongly encourages all action to expedite FEMA repayment so that communities do not have to float costs over budget cycles. Cities and towns across this country employ thousands of dedicated police officers, firefighters and transportation workers that courageously serve the public and keep our communities moving, even in the most challenging times. They rely on the cities and towns across this country to meet their biweekly or monthly payroll obligations. Delayed FEMA repayments will result in layoffs of critical frontline workers. Lastly, we also urge action to limit the amount and standards for FEMA to claw back reimbursements that were approved.

6. Broadband Remains a Pandemic Gap and Future Transportation Demand

Connectivity became an essential utility for workers and students during the pandemic as much as water and electricity, and with connected vehicles, signals and other infrastructure, transportation is poised to benefit from a reliable broadband “highway” nationally. A serious national connectivity effort is needed to meet the demands of business and our transportation future. However, local investment has been hampered by state and federal preemption, digital redlining, and monopolistic practices by incumbent providers. Congress should prioritize rectifying these mistakes and invest in broadband as a national priority as part of any recovery or infrastructure effort. This Committee could allow for broadband buildout alongside all federally funded transportation projects. Regrettably, cities in half of the U.S. states are prohibited from building, owning, or operating broadband service that is essential to our residents. Congress could include the Community Broadband Act in future legislation to free cities from these state limitations, at no cost to the federal government. The Protecting Community Television Act and Accelerating Broadband Development by Empowering Local Communities Act would provide communities with needed flexibility and more substantial support to protect residents and promote digital equity, again at no cost to the federal government.

CONGRESS CAN PARTNER WITH LOCAL GOVERNMENTS

America’s cities, towns and villages need urgent support from Congress to keep essential services and workers moving locally, and we remain fully committed to being the federal government’s partner in fighting this pandemic and solving the challenges we are confronted with. It cannot be overstated that U.S. transportation patterns and revenues changed overnight, and cities, states, and this Committee must analyze what is fundamentally changed, along with what is temporarily changed yet extremely difficult, and, finally, what advantages and disadvantages exist as we rebuild and reimagine our current assets and goals for transportation. The National League of Cities looks forward to the discussions to come to address this and how to improve and innovate across the nation’s transportation systems.