

Testimony of Ismael Rivera
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Introduction

Chairman DeFazio, Ranking Member Graves, and Members of the Committee, thank you for the opportunity to testify today on protecting transportation workers and passengers from COVID. I look forward to providing information on gaps in safety, lessons learned and next steps. My name is Ismael Rivera. I've been a transit worker since 1997. I began driving a bus for the NY MTA in Brooklyn and then up in Harlem, and came down here to Lynx in Orlando 17 years ago, where I am a proud member of Amalgamated Transit Union (ATU) Local 1596.

Saving Jobs, Lives

Led by International President John Costa, ATU has taken extraordinary steps since the beginning of this pandemic to keep transit workers and passengers safe and save the jobs of our members nationwide. Early on, ATU developed a list of demands for transit systems regarding the safe provision of service. These recommendations included, but were not limited to, gloves, masks (for both workers and passengers), protective barriers, pandemic leave, rear door entry, on-site testing, and other critical measures. The International also partnered with transit agencies in 2020 to secure \$39 billion in federal funding to save the industry and provide the resources to purchase critical personal protective equipment (PPE). In fact, at the height of the PPE shortage in the spring, it was our union that in many locations stepped up and helped the transit systems acquire life-saving gloves and masks. ATU International also launched a mass education campaign to ensure our members know their right to refuse to work when confronted with an imminent hazardous safety or security condition, as protected under the National Transit Systems Security Act, the Surface Transportation Assistance Act of 1982, the federal Occupational Safety and Health Act, and National Labor Relations Act.

Dangerous Job

Driving a bus has always been a tough job, even before the coronavirus. Bus drivers get attacked on moving vehicles regularly. People don't like paying fares or being told about regulations, and they get angry about service issues, so they often take out their frustrations on the drivers. ATU members all across the country have been viciously assaulted. With no barriers to protect us, we are sitting ducks. I was attacked back in New York.

Now, we are being attacked by an invisible enemy. Our members drive everyday not knowing who's at each stop, or who they've been in contact with. Each time a passenger coughs just a few feet behind us, the drivers' hands grip the wheel a bit tighter, as we know that we are in a potential death trap, driving down the road in a tin can with bad air circulation. Throughout the U.S. and Canada, 124 ATU members have died due to coronavirus and thousands of transit workers have been infected.

The Mask Police

In addition to driving a bus, ATU members also now serve as the “mask police.” Far too often during these politically charged times, we have been brutally attacked for simply enforcing the rules and trying to stop the spread of the virus.

A baseball bat beating in California, a two-by-four attack in Texas, and a bone-breaking sucker punch in New York are just a few violent incidents that underscore another danger for transit workers in a coronavirus world -- and they all happened in one month. Since the pandemic began, there have been hundreds of COVID-related violent encounters between bus drivers and angry passengers who refuse to wear masks or follow social distancing protocols.

At the beginning of the pandemic, transit systems were boarding from the back and waving fares. But regular fare collection and front door boarding resumed again in the summer, bringing passengers and drivers within a few feet of one another, exposing us to the virus and angry people.

When someone boards one of our buses without a mask, we are faced with a tough choice: say nothing and risk that an infected rider will spread the virus, or tell the passenger to put on a mask and risk a violent reaction. When you confront someone, it can escalate quickly. He could spit on you, he could throw something at you, or he could hurt another passenger. But what if that person is sick and contaminates everyone on this bus? And you could have prevented that?

Last May, a St. Louis man boarded a bus without a mask. After the female driver informed him that he could only ride the bus with a face covering on, the man fired a 9 mm pistol at the driver. She was saved only by the polycarbonate shields that were installed as part of the COVID response. In Austin, TX, a man threatened a bus driver with broken scissors after being told to wear a mask. In Springfield, MA, a PVRTA bus driver was assaulted after asking a passenger to wear a face covering. The suspect punched the woman driver in the back of the head and then assaulted another person who tried to help. Knoxville, TN police arrested a man after he threatened a bus driver with a box cutter after she asked him to put on a face mask before boarding. In Staten Island, NY, a man was arrested on assault charges for throwing hot coffee onto an MTA bus driver's face when he was asked to put on a face covering.

In Boston, a teenager recently attacked an MBTA bus driver after he was asked to put a mask on or get off the bus. He then began coughing on the driver, claiming he had COVID and attacked the driver with a block that's put under the bus wheels when it is parked. Here in Florida, a homeless woman recently boarded a Miami bus and began coughing on passengers. The driver told her she needed to wear a mask. The woman then spat on the driver. Coughing on someone is not a laughing matter. When the pandemic first began back in March, ATU Member Jason Hargrove, from Detroit, posted a Facebook Live video complaining about one of his passengers who was openly coughing several times on his bus without covering her mouth. Eleven days later, Jason died of COVID-19. Jason loved his job and was proud to do it. He was always concerned about his passengers. He suffered too, as his temperature soared, his fingertips turned blue, and he couldn't breathe.

Once a passenger gets on the bus with a mask, it's just the beginning for me. While driving down the road, I am constantly checking the mirror, making sure that riders are keeping their masks on. They often pull the face coverings off, and that's when the real tension begins. I'm a bus driver, not a police officer. I do not need political debates on board my vehicle, but that's the way things are right now. When people don't listen, we need to call in the issue to the company so they can send help.

Driving a Bus in a COVID World

We are frontline workers. That does not change, virus or no virus. Our job is to make sure that people can get where they need to go -- the doctor, the pharmacy, the grocery store -- safely. All of this has become quite challenging during the pandemic.

Social distancing on a bus is extremely hard to do. In Orlando, we have been told to limit our capacity to 15 passengers on a 40 foot bus, although the agency gives us the discretion to allow a few more riders. My route includes our local Home Depot, where day workers gather each day looking for work. I make sure they get where they need to go. But if I reach the maximum and come to a stop where people want to board, they have to wait for the next bus. Passengers are allowed in the front row, which is too close for comfort for many of us, and we are once again collecting fares.

In some cities, passengers are provided with masks if they do not have one, but our members often drive in the inner cities where homeless people are currently boarding the buses for free, and boxes of masks on the vehicle usually disappear quickly. My employer, Lynx, gives us four masks per shift for passengers who do not have one, and we hit the road hoping that is sufficient.

We come in early, not to use the company gym, which is closed, but to complete the COVID pre-shift tasks, grabbing the spray bottle and wiping down the vehicles, especially the driver shields that have been installed since the pandemic started. Our shields are better than nothing, but still leave a gap exposing us to attacks.

As always, we must still touch wheelchairs to help disabled riders get on board, secure their wheelchairs, and help them exit. Anywhere we touch, the surface gets wiped down.

By my count, about 20 workers at Lynx have been infected with the coronavirus, including myself. We do have contact tracing – if one of us comes down with the virus, people who have come into contact with the person are told to stay home for ten days.

Federal vaccine recommendations give priority, in the second tier, to grocery store employees, transit workers and other front-line workers, along with people age 75 and older. Unfortunately, Florida officials are not following those guidelines. So despite our high risk, we wait for the shot, putting our lives on the line every day.

Bus Air Flow Issues

It's no surprise that nationwide, thousands of transit workers have already tested positive for COVID, and hundreds have died. The buses we drive have major issues with air flow, air sterilization, and filters. When a bus is moving forward, it creates reversed airflow in the cabin,

bringing unhealthy air into the driver's workstation. The buses have dangerous airflow with recycled and very poorly filtered air. Some jurisdictions have tried temporary measures, such as hanging shower curtains near the driver and separating us from the passengers, but transit worker deaths are still piling up.

Federal Action Needed

The original CDC interim guidance for reopening public transit took into consideration many of the ATU's demands regarding social distancing, PPE, contact tracing, and several other protective measures for transit workers. But the previous administration watered down the CDC guidance, seriously scaling back or completely removing specific recommendations for transit systems:

- No specific guidance on necessary PPE;
- Lack of recommendations for testing transit workers and performing contact tracing;
- No guidance for strategic continuation of service to reduce overcrowding;
- Failure to offer specific guidance for effective sanitation and filtration of HVAC systems on transit vehicles;
- Scaled back recommendations for waiting to allow for air exchange before cleaning possibly contaminated work areas;
- Removed examples of physical barriers and partitions as effective measures to enforce social distancing and correct air flow recirculation issues; and
- Watered down protocols for responding to cases of potentially infected workers.

We look forward to working with the new leadership at the Federal Transit Administration (FTA) to put these ideas into practice at the local level for the safety of the passengers and workers. Although the previous administration had recommended transit agencies make policies regarding facial coverings to reduce the risk of COVID, it stopped short of a mandate. FTA needs to use its safety authority in this area as soon as possible. President Biden's action on Day One requiring masks on public transit is a great start. Right off the bat, transit workers need high-quality masks available more widely, and as discussed above, we need to get help with new duties, such as enforcing mask requirements and making sure buses are not overcrowded.

The Next COVID Relief Bill

We are of course incredibly grateful to the U.S. Congress for providing the resources necessary for the transit industry to survive the public health crisis. The \$25 billion in emergency operating aid from the *Coronavirus Aid, Relief, and Economic Security (CARES) Act* and the recent \$14 billion in the *Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA)* have preserved essential service for the millions of people who rely on transit and kept hundreds of thousands of transit workers off the unemployment line during these very difficult times.

However, even if the vaccine rollout improves drastically in the first half of this year and our economy comes back to life, transit will still be in need of emergency operating aid for the foreseeable future. Dedicated sales taxes from bars and restaurants have dried up, leaving the agencies with no local transit operating assistance. Choice riders are understandably hesitant to get

back on transit vehicles due to safety concerns. It will likely take years for ridership levels and fare box revenue to recover, and we will need significant levels of federal operating aid to survive. As highlighted by the American Public Transportation Association (APTA), an independent economic analysis found that public transit agencies face a projected funding shortfall of nearly \$40 billion through 2023. We therefore urge Congress to **provide an additional \$39.3 billion** in emergency funding to help public transit agencies provide safe, reliable service as they continue to grapple with the financial burden caused by the COVID-19 pandemic. All transit systems have been hit hard by this pandemic, and ATU calls on Congress to **ensure that the next bill provides funding for all FTA grantees**. The December bill, with its formula providing up to 75% of 2018 operating costs between the CRRSAA and the CARES Act, did not result in distributing funding to every system.

ATU also strongly supports **pandemic premium (hazard) pay for essential workers (including public transit workers)** in the next COVID-19 legislation. The dictionary defines a “hero” as “a person noted for courageous acts or nobility of character.” Long before the coronavirus, transit workers, the eyes and ears of our communities, have been routinely performing heroic acts that impact all of us, whether you ride transit or not, like providing CPR to a taxi driver, saving a six year old boy with disabilities wandering through a busy intersection, or preventing a woman from jumping off of a bridge. Now, of course, ATU members and other essential workers are considered heroes for simply reporting to work each day. Our members are getting sick at a rate that is much higher than the general population because we are continuously exposed to large crowds of transit-dependent riders at close range, often times without the necessary PPE to keep us safe. There are safer and easier ways to earn about \$25 per hour. The least we can do as a nation to recognize the sacrifices that transit workers and their families have made and will continue to make during this health crisis is to provide us with pandemic premium pay. While transit workers are rightfully being called “heroes” during these horrific times, we are finding that when we return to the bargaining table, we are being cast away as “zeroes.”

Finally, the CARES Act required employers to offer **two weeks of paid sick leave** to anyone who got sick with COVID or had to quarantine because they’d been exposed, and up to 12 weeks of partially-paid family and medical leave for parents who had to stay home with a child whose school or daycare closed. But that mandate, which applied to companies with between 50 and 500 employees, expired at the end of 2020, and Congress did not extend it when it passed the CRRSAA. **It is critical that Congress restores these provisions.** Even before the pandemic, the lack of sick leave has always been a major issue for frontline workers, including transit employees, struggling to make ends meet. It’s one thing to report to work with a common cold. Nowadays, getting behind the wheel of a bus or working in the maintenance shop when you are not feeling well can have deadly consequences for so many people, including coworkers, passengers, and their families. If you are sick, you should not have to feel the pressure to come to work because your paycheck is in jeopardy.

Conclusion

The coronavirus has shown the world the true meaning of “essential” workers. We are the ones who people rely upon to survive when everything around us shuts down. Since the pandemic

began, transit workers have put their own lives on the line, bravely reporting to work every day, driving riders in our communities to the doctor, the grocery store, and the pharmacy. We make sure that nurses and other hospital workers get to their jobs to care of our family members and friends who are suffering. With continued adequate operations funding, a stronger federal role in the enforcement of common sense safety measures, and a seat at the table for workers to express their COVID concerns, we can work our way through these challenges together and live to see brighter days ahead.