

Testimony of Danielle Eckert
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House Committee on Transportation and Infrastructure
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Chairman Payne, Ranking Member Crawford and Members of the Railroads, Pipelines, and Hazardous Materials Subcommittee thank you for inviting me to today's legislative hearing.

Background

My name is Danielle Eckert, and I am an International Representative of the International Brotherhood of Electrical Workers Political/Legislative Department. Our International President, Lonnie Stephenson, has asked me to speak on behalf of the IBEW. I became an International Representative through my service at a class I freight carrier as an IBEW railroad electrician. I lived and worked in a community put on the map and developed around the railroad industry.

With 775,000 active members and retirees across various sectors, The International Brotherhood of Electrical Workers (IBEW) — represents nearly 400,000 members who work in construction or are employed by railroads. These members construct, build, maintain or install infrastructure and railroad equipment for our nation's rail transportation network.

The IBEW supports robust investments in maintaining, modernizing, and diversifying transportation modes available for use, including electrified high-speed rail. In particular, we strongly support efforts the Committee took in last year's version of H.R. 2, the Moving Forward Act, that would provide \$19 billion in new Passenger Rail Improvement, Modernization and Expansion (PRIME) grants, and historic funding levels for Amtrak that would allow it to embark on ambitious capital projects both on and off the Northeast Corridor. We also applaud the inclusion of \$80 billion for rail projects in President Biden's American Jobs Plan, which would usher in a new dawn of rail modernization.

The IBEW firmly believes the expansion of high-speed rail is an answer to addressing several of the hard questions Americans currently face. The reality is that there are constraints that limit what our current transportation options can provide, and we need to diversify the modes Americans use. High-speed rail can offer a cleaner alternative in the pursuit of reduced greenhouse gas emissions. It can provide access to opportunities and vital services for those in rural America who have suffered from deindustrialization and underinvestment. Members of the IBEW have been at the forefront of addressing these challenges. IBEW construction members are currently on-site at the California high-speed rail project. IBEW railroad members have been maintaining rail systems throughout the U.S. since before the first World War.

The federal government's role in achieving significant advancements in the buildout of infrastructure we rely on is undeniable. Even at the early onset of railroad expansion, building a rail

system that would span the United States required federal support through the Pacific Railway Act.¹ The federal government is still instrumental in facilitating the adoption of bold transportation projects. Although, we are falling behind today, primarily due to the lack of predictable and sustained federal investment, causing us to rely on rail infrastructure built decades or even a century ago. For far too long, the answer to addressing the needs of our rail infrastructure has been to repair just enough of what we need in order to just get by. Globally, the high-speed rail industry is a mature one. In fact, 32,612 miles (52,484 km) of track designated as high-speed is currently in use throughout the world. The United States ranks 9th with only 456 miles (735 km) of track.² The U.S. is 55 years behind our biggest global competitors when it comes to the development of high-speed rail.

Highway and road traffic congestion is a severe issue in many of the cities where the alternative of high-speed rail has been adopted or explored. Even with the early embracement of high-speed rail, the surrounding areas can still suffer from lack of useable infrastructure, high-speed rail along the Northeast Corridor operates in one of the most congested rail territories on earth. Systems rely on infrastructure well past its prime, and that has reached the limits of its capacity many years ago. Despite these challenges, 260 million passenger trips are made on the Northeast Corridor yearly with the expectation that this demand will only rise.³ Without expanded capacity, the only alternative for commuters will be an already crowded stretch of highway to get to work.^{4,5} This solution would only add to the greenhouse gas emissions released by the transportation sector, which is already the largest emitter of greenhouse gases in the U.S. The transportation sector accounts for 28 percent of total emissions. Fifty-nine percent of which is due to light-duty vehicles.⁶

Finally, the development of high-speed rail brings the promise of job creation and economic growth. This includes both good-paying middle-class jobs directly tied to the railroad, including constructing, operating, and maintaining networks as discussed below, but also in the communities that benefit from greater connectivity. Expanded high-speed rail would provide a viable third mode of transportation for many Americans living in outlying and rural communities. Regions that continue to suffer from the consequences of deindustrialization would have meaningful access to urban centers. That means access to jobs that can pay higher wages and the ability to be treated by specialized healthcare professionals. It is for this reason that the American Public Transit Association reports that every \$1 invested in high-speed rail will generate \$4 in economic impacts, and every billion dollars invested will create 24,000 skilled jobs.⁷ With measurable benefits like relieving congestion in densely populated areas, reducing greenhouse gas emissions from the transportation sector, providing access and economic opportunity, it is hard to understand why we are so far behind and why we would be willing to fall even further behind.

Labor Principles for High-Speed Rail

To fully unlock the economic promise of high-speed rail, Congress and the executive branch must ensure that investments in high-speed rail continue to create good jobs and support local communities. While the future of high-speed rail and other new entrants like Hyperloop and Maglev are exciting, we cannot lose sight of the importance of the standards and protections that have worked so well for so long. This includes:

- Avoiding the circumvention of hard-fought labor protections that have been in place for almost a century by stopping the intentional carving out of railway labor laws;

¹ <https://www.ourdocuments.gov/doc.php?flash=false&doc=32>

² https://uic.org/IMG/pdf/20200227_high_speed_lines_in_the_world.pdf

³ <https://nec.amtrak.com/about-the-nec/>

⁴ <http://nec-commission.com/app/uploads/2018/04/NEC-American-Economy-Final.pdf>

⁵ <https://www.fra.dot.gov/necfuture/about/>

⁶ <https://www.epa.gov/greenvehicles/fast-facts-transportation-greenhouse-gas-emissions>

⁷ <https://www.apta.com/research-technical-resources/high-speed-passenger-rail/benefits-of-high-speed-rail-for-the-united-states/>

- Ensuring that contractors must compete for work based on who can best train, best equip, and best manage a construction crew and by continuing to require Davis-Bacon prevailing wages on projects;
- Spurring domestic industry in the United States by enforcing Buy America conditions on the procurement of materials;
- Establishing strong regulatory regimes and safety cultures surrounding new operations and technologies;
- Fostering innovative strategies to deliver economic benefits to local communities and economically disadvantaged workforces.

IBEW Railroad

Despite wage stagnation in the United States, railroad workers covered under the Railway Labor Act have sustained their middle-class wages, healthcare benefits, and dignified retirement. These are benefits that my family and I have enjoyed. My own hometown has suffered from the loss of industry. The rate of union workers in my state peaked in 1989 and was at its lowest point in history in 2019.⁸ The median household income in my hometown is \$40,000 and the poverty rate is 23 percent. Unexpectedly, after working for years to get an advanced degree, I knew when I got the job, the railroad was my home. Even with all the formal education, military occupational specialties in chemical, biological, radiological and nuclear materials and in small arms repair, being a railroad locomotive electrician was never easy. There were times that I came home and told my husband that I didn't think I was smart enough to get through my apprenticeship, but my mentors, my brothers and sisters, made sure that I did. Despite those challenges, being able to provide karate classes for my daughter, never having to worry if we could afford our groceries that week, that a utility was going to be shut off or that I would have to piece together a million different "entry level" jobs that would never add up to a career, it was worth all of it. The track was laid by generations before me: wages, benefits, and safer working conditions thanks to high union density and the rich history of the union workforce's efforts for fair treatment and the collective bargaining agreements negotiated by railroad workers.

Although we have achieved remarkable progress in the industry's economic and safety conditions in the last 100 years, there is still considerable work to be done — and ample opportunity for ill-considered policy to take us backward.

First, it is essential that entities providing high-speed rail and materially similar operations are considered rail carriers under the existing statute.⁹ This ensures these entities are covered under the Railway Labor Act, Railroad Retirement Act, and Railroad Unemployment Insurance Act. This coverage is critical to maintaining high-quality jobs in the industry, and entities wishing to provide service should not be permitted to skirt these requirements due to novel aspects of new technologies and operations.

Wages

Through collective bargaining agreements, union railroad electricians like myself have earned the right to middle-class wages, healthcare benefits, and a voice in adopting work rules. High-speed rail, when done right, can create good union jobs with good wages. Recent comparative studies of wage stagnation in the United States have found that unionized workers earn an average of 11.2 percent more in wages than nonunion peers.¹⁰ Although it is challenging to identify a peer group when it comes to the performance of traditional railroad work, to offer a comparison, we can use the wages rates to a similar

⁸ https://www.bls.gov/regions/mid-atlantic/news-release/unionmembership_pennsylvania.htm

⁹ 49 U.S.C. Section 10102

¹⁰ <https://www.epi.org/publication/why-unions-are-good-for-workers-especially-in-a-crisis-like-covid-19-12-policies-that-would-boost-worker-rights-safety-and-wages/>

workforce in the railroad industry, workers performing the same or similar tasks but not covered under rail labor laws. The IBEW is losing members due to an increasing trend to transfer work historically performed by railroaders to outside contractors, resulting in a suppression of wages in the industry. This reality is demonstrated by comparing the wages of workers who perform the duties of *installation maintenance and repair occupations* under the designation of "rail transportation," a highly unionized force with those falling under the definition of "support activities for rail transportation."^{11,12} The "rail transportation workforce" earns on average \$16,900 more a year than the latter. In economically depressed areas, an extra **\$16,900** means having money for mortgage payments, groceries, healthcare expenses, and equipment for your kids' participation in sports, especially if the only jobs left are railroad jobs.

Railroad Retirement

IBEW railroad workers are covered under the Railroad Retirement Act and draw their retirement benefits from an independent agency created in the 1930s. The design of this system was to ensure that the railroad workforce could retire with dignity, and benefits are funded solely through taxes that the workers and the employers of those workers pay into the system.¹³ By continuing to define high-speed rail operators as rail carriers, employees will continue to have access to the occupational benefits Congress intended.

Safety

Unionized rail labor has played a fundamental role in adopting safety practices and training standards in the industry and has been central in raising awareness of ongoing safety issues. Rail labor has also long advocated before Congress, and the executive branch on rail safety issues, including on the Federal Railroad Administration's Railroad Safety Advisory Committee (RSAC) as critical stakeholders in the drafting of new regulatory standards. Finally, our organizations are integral in educating members of their rights to access statutory safeguards from dangerous practices and discrimination by their employers.¹⁴

We will continue to play an essential role in the safe deployment of new operations and networks. We recognize that these networks may require new regulatory approaches, such as the Rule of Particular Applicability granted to Texas Central Railroad.¹⁵ However, the answer to new technologies cannot be an abdication of federal safety oversight. Put another way, simply because a new operation does not fall within the confines of existing regulation does not mean that it should remain unregulated. Entities who share characteristics with more than one mode of transportation, like rail and transit, cannot use this ambiguity to evade the regulatory oversight of either modal agency. More than anyone, labor knows that failures to regulate safety and fair working conditions result in accidents, injuries, and even deaths and open the door to abuses of employees. We firmly reject the argument that the only way to foster innovation and growth is a dangerous hands-off approach and call on the members of this Committee to be in opposition to any such efforts.

¹¹ https://www.bls.gov/oes/current/naics3_482000.htm#00-0000

¹² https://www.bls.gov/oes/current/naics4_488200.htm

¹³ <https://rrb.gov/OurAgency/AgencyOverview#:~:text=Financing%20%2D%2D%20Payroll%20taxes%20paid,on%20a%20two%2Dtier%20basis.>

¹⁴ <http://www.ibew.org/articles/14ElectricalWorker/EW1408/RailWorkerRights.0814.html>

¹⁵ [https://www.federalregister.gov/documents/2020/11/03/2020-20388/texas-central-railroad-high-speed-rail-safety-standards#:~:text=This%20final%20rule%20of%20particular,speed%20rail%20\(HSR\)%20system.&text=The%20TCRR%20HSR%20system%20is,%2Fh%20\(205%20mph\).](https://www.federalregister.gov/documents/2020/11/03/2020-20388/texas-central-railroad-high-speed-rail-safety-standards#:~:text=This%20final%20rule%20of%20particular,speed%20rail%20(HSR)%20system.&text=The%20TCRR%20HSR%20system%20is,%2Fh%20(205%20mph).)

IBEW Construction

The IBEW represents both members covered under the Railway Labor Act and those who work with signatory contractors who build high-speed rail systems.

For construction, it is essential that entities providing high-speed rail service and benefitting from grants provided under Chapter 229 are subject to existing grant conditions, including Buy America and prevailing wages.^{16,17} In turn, this ensures that materials used are produced in the United States and that wages and benefits are paid to the various job classifications of construction workers in the community without regard to union membership — instead of who provides the cheapest labor. This coverage is critical in maintaining high-quality jobs in the industry and prevents a race to the bottom in wages that do nothing to support the local community's economy or provide its residents with careers that last a lifetime.

Unfortunately, when data points are quantified to demonstrate the value of a project, the last one considered is providing access to the economic benefits of the people living there. Access can mean providing an affordable option to commute to growing economic centers and vital healthcare hubs. Having access also means providing a means to learning a skilled trade and a pathway to the middle class, achieved through participation in registered apprenticeship programs.

The California high-speed rail project has made opportunity a reality for the workers currently constructing the line. The impact of the success of California high-speed rail project on the Central Valley community is not solely due to the Davis-Bacon prevailing wage standards applied federal grant dollars. We can make high-speed rail work by ensuring that the benefits from the investment reach members in the community where the project is built. The State Building and Construction Trade Council of California partnered with construction contractors and the California High-Speed Rail Authority to reach a community benefits agreement, which ensured that the jobs created on the project went to disadvantaged areas. The community benefits agreement has a targeted hiring program requiring that workers from economically disadvantaged areas, earn between \$32,000 to \$40,000 annually, with a minimum of 10 percent being comprised of workers facing traditional barriers to employment.¹⁸ The agreement has opened opportunities to participate in high-standard registered apprenticeship programs, proper worksite safety standards, fair compensation, benefits, and an entry point on the road to the middle-class through high-skill careers that expand beyond a single project.

To date, more than 5,500 construction workers have been dispatched to the California high-speed rail site, with more than 35 construction sites active today.¹⁹ Almost 73 percent of the workers dispatched to the project live in the Central Valley and more than 400 are disadvantaged workers.^{20,21} Projects like California high-speed rail have shown proven success in removing the barriers that many Americans face reaching the middle class.

In 2017, the State Building and Construction Trades Council of California reported that 92 percent of all construction apprentices in California participated in a union/joint labor-management apprenticeship program. Union programs produced 95 percent of all graduates in the state, with 68 percent of the participants coming from communities of color, and 96 percent of all women in state-approved apprenticeship training were in union programs.²² These numbers have only grown since then.

¹⁶ 49 U.S.C. Section 22905.

¹⁷ 49 U.S.C. Section 24312.

¹⁸ [https://hsr.ca.gov/business-opportunities/general-info/community-benefits-agreement/#:~:text=The%20Community%20Benefits%20Agreement%20\(CBA, live%20in%20economically%20disadvantaged%20areas.](https://hsr.ca.gov/business-opportunities/general-info/community-benefits-agreement/#:~:text=The%20Community%20Benefits%20Agreement%20(CBA, live%20in%20economically%20disadvantaged%20areas.)

¹⁹ <https://hsr.ca.gov/2021/03/16/video-release-high-speed-rail-releases-march-2021-construction-updat/>

²⁰ https://www.buildhsr.com/press_center/news_releases/news_release_highspeed_rail_95532.aspx

²¹ <https://hsr.ca.gov/high-speed-rail-in-california/statewide/>

²² <https://cabuildingtrades.org/the-facts-about-apprenticeship-programs-in-california/>

Currently, 71 percent of apprentices participating in union programs are people of color, and one-in-five apprentices have exited the foster care system, are emancipated youth, or were previously incarcerated. In a six-year time frame, the number of union apprenticeships has grown in the state from 40,000 participants to almost 70,000. Registered apprenticeships give transformative opportunities to communities most in need of first and second chances.

Moreover, due to standards placed on the materials purchased and the California High-Speed Rail Authority's small business policy, more than 613 certified small businesses have contributed to the work on the project, 195 are owned by economically disadvantaged individuals, and 68 are owned by a disabled veterans.^{23,24} The California high-speed rail project has invested \$195 million in companies in the U.S. but headquartered outside of the state.²⁵ In compliance with the Buy America standards, the girders for the high-speed rail bridges were manufactured in California and made from steel produced in the U.S. and required materials from all over the country. The concrete comes from the state as well.²⁶

Closing

Throughout history, the federal government has been an essential partner in supporting the development of bold solutions to our transportation problems. New projects must adhere to the appropriate safety standards and worker protections set for the rest of the industry regardless of federal support. When we use federal resources to deliver these projects, they must include the proper labor standards to create the good jobs we desperately need.

On behalf of the IBEW, I thank the Committee for the opportunity to testify this morning and take steps to resolve our nation's transportation needs. We look forward to working with the Committee to ensure that labor standards are set to uplift and level the playing field for better opportunities for all Americans.

²³ <https://hsr.ca.gov/2021/01/29/news-release-first-graduating-class-of-central-valley-training-center-in-selma-ready-to-work-on-high-speed-rail/>

²⁴ <https://hsr.ca.gov/business-opportunities/small-business-program/>

²⁵ https://hsr.ca.gov/wp-content/uploads/2021/04/National_Impact_Map.pdf

²⁶ https://www.buildhsr.com/hsrinvestment/pdf/California_Economy_2017.pdf