



A bold voice for transportation workers

**WRITTEN STATEMENT OF
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BEFORE THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

**“INVESTING IN OUR NATION’S TRANSPORTATION INFRASTRUCTURE AND
WORKERS: WHY IT MATTERS”**

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Good morning. Thank you, Chairman DeFazio and Ranking Member Graves for inviting me to testify before the committee today. It is truly an honor to be asked to testify at Chairman DeFazio’s final full committee hearing. The Chairman has a proud and historic legacy of fighting for sound transportation policy, new investments in a modern transportation system and infrastructure that create good union jobs, and the strongest transportation and construction worker protections in our laws and regulations.

I speak today on behalf of 37 unions who collectively represent millions of frontline workers across every mode and every sector of America’s transportation network.

I am one of no doubt hundreds of witnesses who have sat before this committee in the past and practically begged for the kinds of historic investments in our transportation infrastructure and services that have been made over the course of this Congress. And now that we are here, there’s a surrealness to it. That surrealness stems in part from the deep unfairness that it took a global catastrophe and death on the scale of millions to help us get across the finish line. Among the dead are thousands of frontline transportation workers who never asked to be put in harm's way but who heroically showed up to work every day through the worst of the pandemic. They went to work every day while the majority of us sheltered at home waiting for our health system to deliver life-saving therapeutics.

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For those of you who supported the American Rescue Plan, the Bipartisan Infrastructure Law (BIL), and the Inflation Reduction Act, I want to thank you for your leadership and support. Your votes are your legacy as we celebrate these legislative achievements that are changing lives and transforming our economy. Today I want to share with you some of the impacts of your legacy on the working people you represent.

The American Rescue Plan

Last year, [I testified before this committee](#) on the federal government's COVID-19 relief and response efforts, and their impact on workers in this country. I made this point clear then, and I will make it again today: the three COVID federal relief packages, including the American Rescue Plan, saved the lives of the workers we fight for every day at TTD and saved our country from calamity. By authorizing critical federal support, you helped save vital industries during one of the worst economic and public health crises the world has ever known. And most importantly, by pairing federal support for transportation industries with an extraordinary focus on the welfare of the workforce, you kept millions of workers on the payroll and saved families from financial collapse.

Looking back a year later, it is still remarkable to see the effects of that investment. For decades we saw too many so-called relief bills enacted in response to crises that failed to provide relief to the actual employees. You changed that model. While there are still significant workforce challenges stemming from the pandemic and from bad employer practices and behavior, there can be no doubt that the American Rescue Plan put us in the greatest possible position for economic success and for the implementation of the Bipartisan Infrastructure Bill that would follow in its footsteps.

The Infrastructure Investment and Jobs Act

TTD has long advocated for a generational investment that would finally bring our transportation infrastructure into the 21st century. The kind of investment that goes beyond just the status quo, and that finally addresses some of the most pressing needs facing our country. The kind that leaves a legacy for future generations, the way our parents and grandparents did for us. At \$1.2 trillion in total funding, the Bipartisan Infrastructure Law positions us to turn the page away from the lost generation that watched its infrastructure fall apart and fail the nation.

The BIL helps right years of chronic underinvestment in transportation infrastructure by providing historic funding levels across all modes of transportation infrastructure. Included in the law is new spending to the tune of \$110 billion for highways and bridges; \$66 billion for rail, including \$22 billion in dedicated funding for Amtrak; \$39.2 billion for public transportation; \$16.6 billion for ports and waterways; \$25 billion for airports; \$7.5 billion for clean school buses & ferries; \$7.5 billion for electric vehicle charging.

These investments will help expand much-needed highway and bridge capacity while bringing into a state of good repair existing highway assets that were quite literally crumbling away under our feet. They will help expand public transportation services, and at the same time, modernize our fleets with clean transit vehicles that will create healthier communities. They will improve

capacity on existing passenger rail corridors while expanding transportation services to new communities. They will improve airport runways, gates, taxiways, airport terminals, concessions, and multimodal connections. And they will improve port infrastructure to support the efficient movement of commerce that our economy relies on.

Because of the strong labor protections that are tied to federal investments in infrastructure, they will do all of this while creating and maintaining hundreds of thousands of good-paying union jobs. I cannot understate the importance of the jobs supported by the BIL being union jobs. From the direct benefit to workers of earning fair wages and benefits for their labor, and a union's [power to overcome economic inequities](#), to the secondary benefits in communities of unionization on non-members' economic well-being, these jobs will help rebuild an American middle-class that for too long has seemed beyond our reach.

Beyond just much-needed funding, we have championed an aggressive policy agenda to ensure the infrastructure law is creating and maintaining good union jobs across the board, and that it isn't used to undercut public sector jobs in the interest of profits. It is a policy agenda that protects workers from low-road, perverse business models, the risks of assault, being overworked, and from being exposed to unsafe workplace practices. That ensures we are preparing the current workforce for the jobs of the future, and that we have pipelines in place for the next generation of transportation workers.

From the perspective of working people, the Bipartisan Infrastructure Law was not just another extension of MAP-21 or FAST surface transportation laws. Rather, this was arguably the most pro-worker infrastructure law ever passed out of Congress. It contained priorities that we have been fighting for, in some cases, for decades. To name just a few:

- The BIL overturns the ban on local-hire preferences, ensuring that infrastructure projects will create good union jobs in the communities in which they are being built.
- The BIL provides unprecedented levels of funding for public transit workforce training, ensuring that the transition to zero-emission buses won't displace the current maintenance workforce or lead to low-road labor models like contracted-out repair work.
- The BIL includes transit worker protections that ensure frontline transit workers are given an equal voice in safety planning and will help put a stop to the scourge of assaults they have been facing in increasing numbers for decades.
- The BIL includes a number of Amtrak reforms that will strengthen the carrier and improve the quality of service for riders. These include: eliminating harmful language on food and beverage revenues that stunted growth of onboard options; requiring Amtrak to have station agent positions at many Amtrak stations; making employees who have been assaulted eligible for the attendant benefits of Critical Incident Stress Plans; and making it more difficult for Congress to threaten service and good jobs by eliminating long-distance routes.
- The BIL also took the first step toward reforming the Amtrak Board of Directors in order to ensure the Board represents all of its stakeholders. While the reforms, unfortunately, do not include a seat for a labor representative as TTD and rail labor unions requested, the reforms do represent a positive step in the right direction and TTD will continue to advocate for a labor representative on the Board.

- The BIL has several provisions to help shed light on some of the most dangerous practices in the freight rail industry today, including:
 - A requirement for a National Academies study on the safety of trains longer than 7,500 feet, which present unique safety and training challenges, and disrupt communities when behemoth trains block grade crossings.
 - A requirement that FRA accident reports include information on train length and number of cars, as well as the size of the crew on board;
 - A requirement that DOT create a process that better involves stakeholders, including rail labor representatives, in freight rail accident and incident investigations.
 - A requirement for quarterly reporting on failures and functions of Positive Train Control technology, including cutouts, malfunctions, and enforcements where an accident was actually prevented.
 - Increased transparency for regulatory waiver requests, including suspensions of rules.
- The BIL includes an expansion of Buy America/Buy American rules that were supported for years by this committee, paving the way for the inclusion of the Build America, Buy America (BABA) Act in the BIL. BABA enhances existing Buy America requirements by applying domestic content preferences for iron, steel, manufactured products, and construction materials to all federal aid assistance infrastructure programs. Because of this bill, the era of flagrant misuse of waivers and egregious loopholes is over. We urge the committee and administration to ensure the durability of these landmark provisions are properly implemented.
- The BIL also improves good jobs in trucking by including provisions that will bring together stakeholders to develop pathways to recruit, retain, or advance women into the trucking industry; creating a new task force that will take on predatory truck leasing schemes that trap drivers in impossible economic conditions; creating a new process to ensure that unsafe operators are taken off the road expeditiously; and requiring a study on the impacts of various methods of driver compensation on safety and driver retention.

Taken on their own, the BIL’s investments, paired with these strong workforce protections, are significant accomplishments for the working people of this country. But I would be remiss if I didn’t also highlight the work of this administration, under the leadership of President Biden and Vice President Harris, in its implementation.

Even before the BIL was signed into law, the Biden-Harris administration showed historic leadership and a laser focus on tying federal investment to good jobs. Consider just the following actions taken before and after passage of the BIL:

Executive Order on Worker Organizing and Empowerment

On April 26, 2021, President Biden signed an Executive Order establishing the White House Task Force on Worker Organizing and Empowerment. The task force was tasked with mobilizing the federal government’s policies, programs, and practices to empower workers to organize and successfully bargain with their employers. [[Executive Order, 04/26/21](#)]

Worker Organizing and Empowerment Task Force Recommendations

On February 07, 2022, the White House Task Force on Worker Organizing and Empowerment issued its report, which called for incorporating labor standards into transportation discretionary grant programs, promoting apprenticeships, and making sure taxpayer dollars that are spent on American-made goods will lift up workers and strengthen our economy. [[Task Force Report](#), 02/07/22]

Executive Order on Implementation of the Infrastructure Investment and Jobs Act

On November 15, 2021, President Biden issued an Executive Order on the Implementation of the BIL. In it, he directed agencies to improve job opportunities by prioritizing high labor standards and the free and fair choice to join a union, and to invest public dollars equitably. With this Executive Order, the president set a new standard for tying federal dollars to the creation of good union jobs and lifting up the voice of workers on the projects they are delivering, operating, and maintaining. [[Executive Order](#), 11/15/21]

Executive Order on Use of Project Labor Agreements for Federal Construction Projects

On February 4, 2022, President Biden signed an Executive Order requiring Project Labor Agreements on federal construction projects that cost more than \$35 million, a move that is expected to affect \$262 billion in federal construction contracting and improve job quality for nearly 200,000 workers. [[Executive Order](#), 02/04/22]

DOL-DOT MOU

On February 7, 2022, Secretaries Buttigieg and Walsh signed a DOT-DOL Memorandum of Understanding to promote cooperative efforts between the DOT and DOL to create and support pathways to millions of good-paying infrastructure and transportation jobs with the free choice to form a union as increased funding from the BIL ramp up. [[MOU](#), 02/07/22]

Those of us with cynical tendencies may see federal task forces or inter-departmental MOUs and assume they are nothing more than political window dressing. But that could not be further from the truth with this administration. Just a glance at the funding notices issued by this DOT under the leadership of Secretary Buttigieg shows a historically strong premium on projects that have support from unions; enforce high labor standards, including the free and fair choice to join a union; demonstrate they will advance equity and inclusion; and solicit participation from workers that live in the communities the projects seek to serve. This premium on workers is already resulting in grants with project labor agreements, local hire agreements, apprenticeship programs, and other workforce development programs.

I thank President Biden and his administration for their vision and leadership in the implementation of the BIL. We look forward to our continued work with them over the life of this law.

I also want to thank Chairman DeFazio in particular for his work in shaping this legislation. I know the BIL – and the process that led to its development – is not the one you would have picked. Between friends, it’s not the one we would have picked either. I know it does not achieve everything you sought in the INVEST In America Act and leaves a significant amount of policy that you and your incredibly dedicated staff worked tirelessly to craft.

But many, if not all, of the worker-centered policies that we fought to keep in the law that ultimately passed originated first in this committee. You and your staff should know that you have changed people's lives. You have better-protected workers in aviation and transit from the threat of assault at work. You have made jobs on Amtrak safer and more secure. You have cast light on the dangerous practices of the freight rail industry that put workers in harm's way every day. You have made our ports more competitive. You should all be proud of that and I hope, if nothing else, you take that with you for the rest of your lives.

The Inflation Reduction Act

Finally, while the Inflation Reduction Act had only narrow amounts of additional funding for transportation infrastructure, I would be remiss if I did not acknowledge this very important victory for working people. By improving healthcare affordability, including for seniors, boosting the domestic job market for clean energy, imposing tax fairness on corporations, and creating a more equitable economy, the lives of all working-class people and those of our future generations will be improved. We have every confidence that the Biden Administration will implement the IRA with the same rigorous pro-worker requirements that they have held as the standard for the BIL.

Where We Go From Here Matters

While these are significant achievements, I would like to conclude with two thoughts:

First, largely due to the unusual way the BIL was crafted outside of normal order, many of our priorities that were fought for by this committee were ultimately not included in the final bill. We are working with this administration to make forward steps where possible and will work with future congresses to continue improving the working lives of everyone in this country. There is no good reason to sideline the health, safety, and wellbeing of working people in this country, or to undermine the opportunity for good union jobs right here at home where they're needed the most, and we will always stand firm in fighting for those priorities.

Second, when my brother and our leader, Larry Willis, testified before this committee four years ago, he said, "we must not find ourselves back at this table in 10 or 30 years asking what went wrong. Why nobody rose to meet the challenge." This Congress has met *part* of that challenge. But what happens at the end of the BIL's life remains unknown. The same fiscal cliffs that existed before the BIL still exist today, and they will exist in four years. A return to old baselines means a return to old deferred maintenance, a return to old levels of service, a return to old infrastructure that is never replaced or modernized, and a return to old questions about how things got this way.

We must not let that be the case. I challenge those of you continuing into the next Congress to look deep into the heart of this country and see all the greatness that becomes possible when you invest back into it, the way previous generations did for our benefit.

I once again thank Chair DeFazio and Ranking Member Graves for having me here today, and I look forward to answering any questions you may have.