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Written Statement of

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Transportation and Infrastructure

“Assessing the Federal Government’s COVID-19 Relief and Response Efforts and its
Impact”

Good morning. Thank you, Chairman DeFazio and Ranking Member Graves for
inviting me to testify before the Committee today.

I speak today on behalf of more than 150,000 members of the Transport Workers Union
of America (TWU). We represent subway and bus operators, airline ramp workers,
flight attendants, station agents, school bus drivers, bikeshare workers, mechanics of all
kinds, and many other crafts in the public transit, airline, railroad, utility, university,
and service sectors.

98% of our members are essential workers who carried us all through the darkest times of the pandemic. The workers showed up, day in and day out, at a time when our government instructed other Americans to stay home for the public good. Especially at the beginning of the pandemic, TWU members were often forced to do our jobs without adequate safety protections like face masks. As a result, more than 10% of our members have tested positive for or been quarantined after exposure to covid-19 and 179 of us have been killed by the virus.

Federal aid programs saved our transportation systems by protecting workers' jobs

The pandemic greatly tested our transportation systems and our country. Federal aid and intervention have been the saving grace for transit, airlines, Amtrak, and other modes of transportation over the past 17 months. In total, Congress provided \$168.1b¹ in aid to transportation workers at transit agencies, airlines, Amtrak, school bus operators, motorcoaches, and private transit providers. As a result, 95% of TWU members never lost a paycheck during the pandemic, despite these industries losing millions of riders and passengers. The vast majority of this aid was included in bipartisan packages that nearly every member of this committee supported. On behalf

¹ \$69.4b for public transit, \$63b for airline and airline contractor workers through the payroll support program, \$29b in additional aid to airlines through loans and loan guarantees, \$4.7b for Amtrak, and \$2b through the Coronavirus Economic Relief for Transportation Services (CERTS) program directed to motorcoach, school bus, and other companies. This funding came through the *Coronavirus Aid, Relief, and Economic Security (CARES) Act* (March 27, 2020), the *Coronavirus Response and Relief Appropriations Act* (December 21, 2020), and the *American Rescue Plan Act* (March 11, 2021).

of every TWU family, I want to thank the members of this committee for all your work and support delivering federal aid to the transportation workforce in response to this crisis.

I want to emphasize that the federal aid in this case was truly for the transportation workforce. 100% of the emergency federal investment into our transportation systems came with some of the strongest worker protections ever included in a response and relief bill. Airlines and airline contractors were not allowed to involuntarily furlough their workers or diminish wages under the payroll support program.² Transit agencies had to certify that they hadn't furloughed any workers.³ And Amtrak was directed to return furloughed workers to the frontlines and to stop outsourcing jobs⁴. The benefits of this approach have been apparent from the beginning. More than 147,000 TWU members were supported by this aid. These workers and their families kept their health insurance – which is essential during a public health crisis – and were never forced onto unemployment insurance. And now, as we are climbing out of the pandemic, they are already on the job ready to grow our economy again.

² P.L. 116-136 Section 4114; P.L. 116-260 Section 404; P.L. 117-2 Section 7301

³ P.L. 116-260 Division M Title IV – Federal Transit Administration; P.L. 117-2 Section 3401

⁴ PL. 116-260 Division M Section 401

New programs and requirements proved effective at preventing the spread of diseases and have demonstrated other benefits

Across every mode of transportation, workers, managers, and communities came together to try new ways of operating. Many of these strategies proved effective not only at preventing the spread of the coronavirus, but at creating better, more efficient transportation services that benefit riders and workers. These measures will stay with us for years to come if given the opportunity to continue.

The CARES Act required public employers to provide their workers with paid sick leave, some of which could be used to care for children and other family members who would otherwise be unattended due to the pandemic. This requirement, while it was in effect, proved very effective at quickly identifying and quarantining workers who tested positive for covid-19. Unfortunately, this requirement did not apply to large private employers. Private transit providers and many others refused to implement paid sick leave policies while simultaneously telling workers to stay home if they had any covid-like symptoms.

Without paid medical leave, workers are forced to choose between their coworkers' health and a paycheck. Workers without paid leave are much more likely to show up to work sick, to try to ignore their symptoms, and to spread communicable diseases as a

result. For transportation workers, who can expose not only other workers but hundreds of passengers each day to diseases like covid-19, the negative effects of not having access to paid medical leave are a major public health risk. The success of the CARES Act's mandatory paid leave program is more proof that all workers should have access to paid medical leave to help protect our public health.

Transit agencies took unprecedented steps to keep workers and riders safe during the pandemic. To maintain social distancing, agencies required rear-door boarding, where possible, and eliminate fare collection. Paratransit providers, who were left out of the original CARES Act support programs, conducted supplementary service in some localities; these drivers followed mainline buses on fixed-route service and served as the overflow option for riders once the primary bus reached capacity. To handle additional cleaning needs, mechanics and operators at some agencies were invited to aid the cleaning crews for additional hours at their regular pay. And agencies everywhere increased mechanical and track work as service levels went down – helping to address the large backlog in our state-of-good-repair programs.

Airlines also adapted their business model to allow workers to socially distance and to limit the number of potential vectors for the virus. The TWU signed several agreements with our carriers to allow workers to serve on reserve from home or scheduled workers

into teams to work together on reduced schedules so that the number of workers on shift at an airport could be minimized. This also allowed, when necessary, for teams to be quickly quarantined to stop further spread of the virus.

Amtrak, faced with much less demand and a backlog of maintenance, directed their mechanics to accelerate fleet refurbishment. As trains came off the line serving passengers, they went directly to TWU mechanics in Wilmington, Indianapolis, and elsewhere to be upgraded and updated. Coming out the pandemic, Amtrak customers can expect newer-looking and newer-acting trains across the system thanks to TWU members work during the pandemic.

Government inaction caused the failures and difficulties in our pandemic response

In our experience, the failures and difficulties in our federal pandemic response have been caused by government inaction, rather than any overzealousness. The worst of these instances began in October 2020 when the programs and funding authorized in the CARES Act began to expire. From October to December, we suffered a glimpse of what the world may have looked like for transportation workers without a strong federal response to the public health crisis. Tens of thousands of airline, transit, and rail workers were either furloughed or threatened with layoffs. Nearly every large

transit agency in the country was projecting doomsday service cuts and furloughs. When the second round of economic aid came at the end of December, more than 20,000 planned or enacted furloughs were reversed among our members.⁵ Collectively, the airlines shed 25,373 jobs that have yet to return because of this gap in the PSP⁶ - a major factor in the airlines ongoing understaffing problems.

Beyond the federal aid programs, the same pattern held true in health and safety. When the CDC and the DOT were slow to establish federal guidance, managers across all our modes forbid workers from wearing masks on the job. From January to April, workers who wanted to protect themselves on the job were told that their personal protective equipment (PPE) was not part of their uniform. While these agencies eventually offered good guidance encouraging airlines, transit agencies, and railroads to take steps to protect their workforce from the virus, we know no entity that applied the DOT guidance in its entirety. There is no question that the DOT guidance would have saved lives if it had been made mandatory.

⁵ 9,400 at New York Metropolitan Transportation Authority (threatened), 4,000 at Southwest Airlines (WARN notices), 3,200 at American Airlines (furloughs), 1,000 at San Francisco Metropolitan Transit Authority (threatened), 800 airline dispatchers and ground contractors (furloughs and WARN notices), and several hundred at Amtrak (furloughs and threatened).

⁶ Bureau of Transportation Statistics airline employment data

The lack of a national plan for manufacturing and delivering PPE forced essential workers to operate for months without the items or processes we now consider the minimum health and safety conditions during a pandemic. The TWU was forced to source, purchase, and distribute more than \$600,000 worth of PPE, including more than 200,000 masks, to our members. Their employers could not – or would not – make these purchases themselves.

Long overdue aid to the school bus and motorcoach industries is only just now starting to reach workers in these industries, a year and a half after it was most needed. While Congress considered aid for these workers in earlier packages, the industry's refusal to consider labor protections similar to those on every other federal aid program needlessly delayed these funds until late December 2020.⁷

Lingering, unexpected and unaddressed issues have undermined our recovery

The effects of the pandemic will be with us for many years to come. The aid programs have blunted many of the worst possible outcomes, however, there are several areas that have been left unaddressed that are undermining our recovery.

Assaults on the transportation workforce have risen over the past two years

⁷ P.L. 116-260 Division N Title IV Subtitle B

First and foremost of these is the rise of assaults on the transportation workforce.

Transit workers have faced the threat of assault on the job for years. Throughout 2020, as ridership fell to historic lows, the number of assaults in these systems remained at roughly the same level as 2019. Now that ridership is returning, assaults are on the rise.

We have also seen a significant increase in assaults in our airlines and on Amtrak. The FAA has received more than 3,500 reports of unruly passenger behavior and has launched formal investigations into 581 of these cases⁸ – nearly triple the previous record number of such cases in a year and we are only in July. Amtrak onboard service workers are reporting threats and unsafe behavior on trains regularly.

Transportation workers all have safety sensitive jobs that they cannot perform while under the threat of physical violence. Furthermore, the looming threat of assaults discourages new workers from joining these professions as it simultaneously forces many workers out in seek of safer jobs. The increased threat of assault demands a federal response across all modes of transportation to protect the workforce, as well as passengers and other road, rail, and air users. This committee has considered and passed, as part of the INVEST in America Act, essential legislation to protect transit workers from assault. I want to thank Representatives Grace Napolitano, Anthony

⁸ https://www.faa.gov/data_research/passengers_cargo/unruly_passengers/

Brown, John Katko, and Brian Fitzpatrick for their dedicated work on this issue.

Congress must swiftly pass these provisions into law and take up other initiatives to similarly protect the airline and Amtrak workforces.

Inconsistent and bad faith interpretations of the PSP protections have contributed to understaffing problems at airlines

The TWU and others fought hard to ensure that the PSP protected the entire airline workforce. Congress ultimately agreed with that philosophy and forbade airlines who received funds through the program from involuntarily furloughing or reducing wage rates for workers. Unfortunately, many airlines sought to undermine these protections and bank federal aid rather than pass it on to the frontlines. As a direct result of these intentional misinterpretations of the PSP, the entire airline industry is now facing massive understaffing issues that are leading to tens of thousands of cancelled flights and stranded travelers.

All of the major carriers aggressively pursued voluntary leave programs, including early retirements and other permanent separation agreements, that have reduced the airline workforce below levels envisioned at the start of the pandemic. During the

period that the PSP was active, the airline industry shed nearly 22,000 jobs through these agreements.⁹

Additionally, Delta, JetBlue, and United cut workers' hours from full to part time¹⁰.

While technically allowed under the PSP's wording, this action clearly ran against Congress's intent to preserve the airline workforce. This action forced many of these workers to leave the industry entirely to make up these lost earnings. Republic Airlines created a similar effect when it was waiting to receive federal aid until it had furloughed a substantial number of workers and then refused to hire these workers back using that aid.

State and local disinvestment in transit has undermined federal aid programs

During the worst of the pandemic, states and municipalities across the country cut their budgets in preparation for a major fall in revenue similar to 2008-2010. Thanks to federal aid, we avoided the worst-case scenario, however some states did not change their austerity approach.

⁹ Bureau of Transportation Statistics airline employment data from April to September 2020.

¹⁰ United later reversed this decision.

New York, for instance, cut their state transit contributions by \$165m¹¹ and Ohio attempted to cut their state contribution to transit by 90%¹². In both cases, while public transit will continue undiminished for the foreseeable future thanks to federal dollars, the new baseline levels of funding for transit are now significantly lower in these states than they were prior to the pandemic. These changes, perversely, could lead to disinvestment in our transit services over the long-term. Congress can correct this concern by adding maintenance of efforts provisions, which require localities to continue their current funding for existing programs in order to access more federal money, to future aid packages.

Failure to include hazard pay for essential workers as part of the aid packages is incentivizing workers to leave these jobs

Essential workers sacrificed for our country throughout the pandemic. Our economy could not have operated without transportation systems, grocery stores, and other critical pieces of infrastructure – none of which were prepared for a highly-contagious infectious disease spread through the air. The unions who represent workers in these

¹¹ <https://reinventalbany.org/2021/02/gov-cuomos-budget-proposes-raiding-145m-in-mta-dedicated-funds-on-top-of-261m-funds-withheld-by-nys-in-2020/>

¹² <https://www.cleveland.com/open/2021/02/gov-mike-dewines-transportation-budget-includes-millions-in-cuts-for-public-transit.html>

industries have all testified to the exposure their members have faced as a result. There is no question that these jobs became hazardous occupations during the pandemic.

While the danger of the work increased, cash strapped transit agencies, airlines, and railroads could not afford to raise wages or increase healthcare benefits to compensate for these newly hazardous conditions. This disconnect between the costs workers face on the job and their compensation is encouraging workers in these industries to look for other employment – professions that will adequately compensate them for the dangers they face at work. To honor these workers and combat worker flight, the House included funding for a hazard pay system for essential workers as part of the Heroes Act in mid-2020. This program would have given essential workers up to \$10,000 in premium pay for time worked in public during the pandemic¹³. Unfortunately, the Senate never took up this vital provision and workers continue to wait for needed hazard pay for their work.

The TWU strongly encourages Congress to take up and pass a hazard pay bill that would demonstrate that our government understands the unique dangers essential workers faced during the pandemic.

¹³ 116th Congress - H.R. 6800 Section 170102

Several transportation industries were left out of aid packages until the American Rescue Plan, leaving these workers on long term unemployment or out of the industry entirely

TWU members working for school bus operators, motorcoaches, and private transit providers were among the first workers in the country to lose their jobs at the start of the pandemic. Many of these workers are still furloughed as school openings have been slow moving and the motorcoach industry continues to struggle. Congress waited until January 2021, 11 months after the first covid response bill, to finally authorize aid for these industries and the Treasury Department did not open applications for the program until June. This delay, caused in part by industry representatives refusing to include labor protections in their request for aid, has caused significant harm to workers – many of whom may never return to their old jobs.

The chaos this has caused is especially concerning for the school bus industry. TWU locals worked closely with our employers to keep drivers, mechanics, and other school bus workers on the line as schools closed last spring. These workers delivered lunches to children learning from home and took care of other projects around their districts. However, innovative strategies like this were not available or could not be sustained everywhere. This fall, when schools are once again open in most places, some school bus drivers will return to work after over a year unemployed. These workers deserve better.

The pandemic is not over yet and our response cannot end yet

While our country is in recovery, the pandemic is not over yet. Transit agencies, airlines, Amtrak, and others will continue to use these necessary programs for months yet to come. As new variants of the virus create another surge of infections, strong and mandatory health and safety guidance will save workers' lives. Congress correctly intended for these programs to extend until the end of the pandemic. Workers are counting on that commitment for their safety and security.

Thank you again for the opportunity to testify today and I look forward to your questions.