

Testimony of
Thomas Shaw on behalf the Transport Workers Union of America
Before the
Committee on Transportation and Infrastructure
United States House of Representatives
Hearing on
“On the Front Lines: The Impacts of COVID-19 on Transportation Workers.”
June 9, 2020

Chairman DeFazio, Ranking Member Graves, and distinguished members of the House Committee on Transportation and Infrastructure, thank you very much for holding this important hearing and for offering the Transport Workers Union of America (TWU) the opportunity to present testimony on the impacts of COVID-19 on transportation workers. This is an issue with which our union is, unfortunately, far too familiar.

The coronavirus has decimated our economy, our transportation systems, and our transit agencies. Many Americans have died and many more have become ill. Our members, like other critical frontline workers, including health care providers and first responders, have suffered disproportionately from the ongoing coronavirus pandemic. Despite the very real threat this virus has posed to our daily lives, TWU members and other transportation workers have continued to provide essential services across the country. As a result, the virus has taken a catastrophic toll on our ranks.

As a bus operator for the Southeastern Pennsylvania Transportation Authority (SEPTA) and proud member of TWU Local 234, I have witnessed firsthand the fallout from this disease. The TWU represents more than 150,000 members in the transit, aviation, rail, services, utilities, and universities sectors. More than 95% of my colleagues in the TWU are frontline transportation workers who have been deemed essential workers during this crisis. These workers include transit operators, station agents, mechanics, maintenance workers, Amtrak onboard service providers, airline flight attendants, fleet service workers, ramp agents, and others.

I greatly appreciate the opportunity to present this testimony about both my personal experience and the shared experiences of all transportation workers during the COVID-19 crisis. The following pages detail our concerns about the response to the virus, as well as our recommendations for enhancing the health and safety of workers as we continue to operate transportation systems during these uncertain times.

COVID-19's Impact on Frontline Transportation Workers

The devastation wrought by the COVID-19 pandemic around the globe has been staggering. Almost 110,000 Americans have died and almost two million have been sickened by the virus. Our economy has lost tens of millions of jobs.

The transportation sector has been amongst the most effected industries in our country and public transit workers have suffered perhaps the greatest impact. More than 122 TWU members have died from COVID-19 - a virus they almost certainly contracted while continuing to work in public as essential employees. Nearly 10% of our members have tested positive or been quarantined from the virus. These numbers cannot account for the additional emotional and mental toll the virus has taken on our members as they live in fear of potentially bringing this virus home to their families, losing co-workers and friends, and potentially serving as a vector for the virus to others.

Yet, even in this harrowing environment, workers have not wavered in their commitment to keeping our public transportation systems running. Despite great risk to themselves and their families, these workers have shown up, day in and day out, providing the critical services on which so many rely. It is not the formal government designation that they are "essential" that spurs these workers to stay on the job. They go to work because they know that, without public transportation, many of their fellow workers, especially fellow blue-collar workers, would not be able to do *their* jobs. Without transit workers, we would not have health care providers in our hospitals and clinics, grocery clerks in our supermarkets, or pharmacists in our drugstores.

A Slow and Inadequate Response

The shattering impact of COVID-19 on transit and other transportation workers has exposed systemic failures in our response to infectious diseases. Transit agencies, state transportation departments and private employers struggled to mount their individual responses as federal guidance continually evolved and, at times, did a complete "about-face." At the beginning of the crisis, confusion and conflicting directions left workers and riders unprotected as our systems continued to operate without adequate supplies of personal protective equipment, cleaning and disinfecting procedures, or social distancing enforcement.

Personal protective equipment

During the first weeks of the pandemic, many transit workers were not provided even the most basic personal protective equipment (PPE), namely masks and gloves. Some agencies, including in New York City,¹ prohibited workers from donning masks, even if they had procured their own, attributing their decision to early CDC guidance that advocated the use of masks only by individuals who were ill or who had symptoms of the virus.

The lack of PPE stemmed from both a lack of supply and, where masks and gloves were available, a lack of initiative at all levels of government to deliver supplies to frontline workers. Most transit agencies lacked their own stock of PPE and other government stockpiles proved inadequately supplied for the crisis. In some cases, including in Miami-Dade County, agencies had PPE and refused to distribute it to frontline transit workers. Supplies were also often rationed. At Hudson-Bergen Light Rail in New Jersey, which is operated by a private contractor, operators were provided just one mask per week. Forty workers at one bus depot in Miami were given 60 masks and instructed to “make them last” because no further shipments were expected. Many transit workers across the country purchased their own PPE to protect themselves. In order to safeguard our members, the TWU took matters into our own hands, securing hundreds of thousands of masks and gloves and distributing them to members around the country.

The supply of PPE, particularly face masks, is no longer an issue at most transit agencies. While the TWU is glad to see that the Department of Transportation (DOT) recently announced that it would distribute millions of masks to transportation workers around the country, this action came months after these masks were first needed and long after agencies had established their own supply lines. We are hopeful that these masks will become part of a supply over the next several months – potentially seeding future stockpiles at local transit agencies.

Even as workers began wearing masks, many agencies were slow to require passengers to do so and there remain few, if any, mechanisms in place to enforce these policies. In Philadelphia, SEPTA implemented a policy requiring all riders to wear masks on buses and trains. However, the agency reversed its policy after an incident of attempted enforcement was captured on video, garnering widespread, negative attention for SEPTA. Last week, the agency finally changed their recommendation to a requirement as part of its transition back to front-door boarding. In my personal experience, however, compliance with this rule is very lax. fewer than half of the passengers on my bus wear a facial covering of any kind.

¹ <https://ti.org/pdfs/March6MTAMemo.pdf>

Social distancing

Due to the highly contagious nature of COVID-19, maintaining a “social distance” of at least six feet is virtually universally recommended. However, implementing social distancing policies within transit and other transportation systems is challenging.

For many workers, interaction with the public is a core job responsibility during normal times. Most transit buses do not have shields or enclosures of any kind to separate drivers from passengers who generally board at the front of the bus directly adjacent to the driver. Subway conductors literally stick their necks out of their windows to survey the platform and ensure that it is safe for their trains to depart stations. Station agents interact with hundreds of passengers a day, helping them with ticket purchases and directions.

Buses and trains, as well as bus stops and subway platforms, are often crowded – especially on high-demand routes – making it impossible for passengers to maintain more than the minimal distance from one another. Throughout the heights of the pandemic, my bus has been regularly filled to capacity.

When the pandemic hit, transit agencies did adjust, instituting rear door-only boarding – which typically entailed foregoing fare collection – and installing barriers of one sort or another to keep passengers from occupying the front area of the bus near the operators. They decreased the number of passengers allowed on board, allowed operators to skip stops when capacity was reached, and made a portion of seats unavailable to riders. These commonsense changes often allowed operators to maintain the CDC-suggested six-foot distance from riders.

At the same time, however, many agencies also cut capacity throughout their transit systems. Without effective enforcement systems for capacity limits, agencies in Philadelphia, Miami, New York, and elsewhere saw load factors on some routes actually *increase* during the pandemic – forcing passengers and workers into closer contact with each other than in normal times. The decisions to cut capacity were generally based on budget necessities, but the end result has been a higher risk of transmission in our transit systems.

Cleaning and disinfection

Keeping transit vehicles, stations, bus shelters, maintenance facilities, dispatch areas and employee break rooms sanitized is time-consuming and labor-intensive. This process is challenging in the best of times and even more so during a public health crisis in which the contagion is easily spread via the air and surfaces.

Many transit agencies found it challenging to increase their cleaning and disinfection efforts, failing even to provide adequate supplies of disinfectant spray or wipes to workers. In Miami-Dade County, for example, bus operators received just one

disinfectant wipe per shift. Again, the TWU stepped up, distributing thousands of bottles of hand sanitizer and packs of disinfectant wipes to workers on the front lines.

More intensive and expansive sanitation efforts have required significant increases in manpower and supplies and have burdened agency budgets. The influx of CARES Act funding has helped in this regard, but the effort and the costs are ongoing and likely will continue as the “new normal.” Some agencies have gone to extraordinary lengths to clean and disinfect stations and vehicles. For example, the MTA in New York has shut down and emptied the subway system for several hours each night (the first time in the system’s 116-year history) to conduct a thorough sanitizing process. However, not all employers have been willing or able to take such measures.

Improving Conditions and Benefits

Health and safety

Months into this pandemic, transit agencies are doing a better job of protecting workers. However, improvements have not come without a fight. In some cities, including New York and Philadelphia, TWU transit locals had to threaten actions and service disruptions to get their agencies to respond to their demands for PPE, enhanced cleaning and disinfecting protocols, and more effective social distancing policies.

In Miami-Dade County, the TWU local representing transit workers has sued the Department of Transportation and Public Works and its Director for failing to provide adequate PPE and other protections on the job. In Ann Arbor, bus operators refused to leave the depot one morning in April after a supervisor warned them that, contrary to agency policy, they could *not* prohibit passengers from boarding buses without masks.

While these actions have been taken by workers to protect their own health, it has also made these systems safer for the general public. All of the measures that protect workers from infection have been aimed at halting transmission of the disease – ultimately the goal our entire country has been working towards over the past several months. Keeping transit workers healthy by requiring masks, enforcing social distancing, and maintaining clean/disinfected buses and trains has also greatly reduced the risk to the travelling public.

Benefits

In addition to health and safety protections, workers also have fought for more flexible and expanded sick leave so that they may receive paid time off while they recover from the virus, self-quarantine after a known or suspected exposure, or take time off to prevent exposure if they have a condition that makes them particularly vulnerable to COVID-19.

To support the families of those who have perished from coronavirus, workers are demanding line of duty death benefits. In New York, the MTA has agreed to award this

benefit to the survivors of transit workers who have succumbed to COVID-19. SEPTA workers also are calling for these enhanced benefits. The TWU has endorsed H.R. 6955, introduced by Representatives Jackie Speier, Joe Neguse, and Max Rose which would guarantee a federal benefit for essential workers who die from COVID-19 contracted at work.

The TWU also has joined with many other workers representing essential workers to call for hazard pay and benefits for all front line workers who continue to put their lives on the line to provide essential services during the ongoing public health crisis. We applaud Congress for the many proposals that have been introduced to address this point, including those in the Heroes Act, the Opportunities for Heroes Act (introduced by Representatives Ann Kuster and Brian Fitzpatrick), and others.

Air and Rail Industry Workers

While transit workers have been hardest hit among transportation workers by COVID-19, those in the airline and rail industries have faced similar challenges during the pandemic. Even as the demand for air travel has plummeted, the airlines continue to fly because flight attendants, such as TWU members at Southwest, JetBlue, and Allegiant Airlines, have continued show up for work, serving as our first responders in the air despite the risk of infection and illness.

Similarly, TWU members who provide much of Amtrak's onboard service have kept working their routes, allowing safe, comfortable train travel to continue, even if on a more limited basis.

These workers also have had to fight for adequate PPE and enhanced cleaning and infection protocols, as well as for mask policies for passengers.

Policy Recommendations

Transportation workers understand and take seriously their obligation to provide essential services to the public – even in the midst of a pandemic. One hundred twenty-two TWU members have literally given their lives in the performance of their duties during this crisis. But this obligation to public service is not one-sided; it is shared with many others, including our employers and the federal government.

Frontline transportation workers need and deserve a safe and healthy workplace. This requires protections on the job and benefits to assist them and their families when those protections fall short.

To that end, the TWU encourages the Congress to take the following steps to help protect transportation workers and all who use public transit, airlines, and railroads.

Implement national health and safety standards for front line transportation workers. At minimum, Congress should make guidance and recommendations from the

Federal Transit Administration (FTA),² the Federal Aviation Administration (FAA),³ the Federal Railroad Administration (FRA),⁴ and the Centers for Disease Control and Prevention (CDC)⁵ mandatory. The most direct way of accomplishing this would be for the Occupational Safety and Health Administration (OSHA) to issue an emergency temporary standard to protect workers during this pandemic as Congress has proposed in the COVID-19 Every Worker Protection Act (H.R. 6559). The Transportation and Infrastructure Committee could also direct the DOT to make their guidance mandatory as emergency measures under the Department's existing authority. Both of these options have been included in the recently-passed Heroes Act. Under either scenario, the requirements of transportation industry employers, e.g. transit agencies and airlines, would include:

- Creating and carrying out policies and procedures regarding the use of **face coverings and other PPE** for workers, as well as **face coverings for passengers**, to reduce the risk of spreading COVID-19.
- Establishing and implementing policies and procedures to conduct **routine cleaning and disinfection** of surfaces frequently touched by workers and passengers to reduce the risk of COVID-19 transmission. These include kiosks, handrails, ticket machines, turnstiles, stop request indicators, and fare boxes, as well as aircraft galleys, safety demonstration equipment, ticket counters, cabin lighting, and temperature controls.
- Developing and implementing **social distancing** measures to create and maintain physical separation greater than six feet among employees and between employees and passengers. Social distancing can be accomplished by:
 - Requiring rear-door boarding on transit vehicles, while allowing exceptions for persons with disabilities
 - Installing physical partitions on transit vehicles and at staffed kiosks to the extent practicable
 - Reducing maximum occupancy of buses and individual subway and train cars and increasing service on crowded routes, as appropriate
 - Providing signs, ground markings and other visual guides at transit stops and stations and on vehicles to indicate where passengers should not sit or stand
 - Allowing flight attendants to vary passenger boarding positions

² U.S. DOT/FTA SA 20-1 Safety Advisory, Recommended Actions to Reduce the Risk of Coronavirus Disease 2019 (COVID-19) Among Transit Employees and Passengers, April 14, 2020;

https://www.transit.dot.gov/sites/fta.dot.gov/files/2020-04/FTA-Safety-Advisory-20-01-COVID-19_o.pdf

³ U.S. DOT/FAA Safety Alert For Operators, SAFO 20009, 5/11/2020;

https://www.faa.gov/other_visit/aviation_industry/airline_operators/airline_safety/safo/all_safos/media/2020/SAFO20009.pdf

⁴ U.S. DOT/FRA Safety Advisory 2020-01; <https://www.federalregister.gov/documents/2020/04/10/2020-07559/safety-advisory-2020-01-safety-precautions-related-to-coronavirus-disease-2019-covid-19>

⁵ Centers for Disease Control, Interim Guidance for Mass Transit

Administrators; <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-mass-transit-administrators.html>

- Permitting flight attendants, when assigned to a double jump seat for critical phases of flight, to occupy a designated alternate passenger seat in the cabin
- Establishing and executing policies and procedures that ***promote healthy hygiene*** practices among workers and communicate the importance of such practices to passengers.
- Developing and communicating to employees a ***plan for when a worker becomes ill***, including:
 - Encouraging workers who are sick to stay home and away from others
 - Ensuring that workers with symptoms⁶ of COVID-19 at work discontinue work as soon as possible and return home
 - Informing those who have had close contact⁷ with a person diagnosed with COVID-19 to stay home and self-monitor for symptoms, and to follow CDC guidance⁸ if symptoms develop
 - Advising sick workers not to return to work until they have met CDC's criteria to discontinue home isolation⁹
 - Ensuring that workers are never forced to choose between a paycheck and potentially spreading the virus by providing paid sick leave for all workers

Institute policies appropriately thanking essential workers for hazardous work. In return for the risks taken and sacrifices made by transportation and other essential workers, employers should be required to pay a premium over and above regular compensation. We support the provision for hazard pay contained in the Heroes Act and other legislation being considered by the House.

Establish a line of duty death benefit policy for workers who perish from COVID-19. Thousands of frontline workers, including many transportation workers, have died from COVID-19. This is a disease they contracted as a direct result of their government asking them to go to work while instructing everyone else to stay home. Nothing can make up for this tragic loss of life. However, the families of those who have died are now faced with significant financial burdens. These families need and deserve adequate death benefits. The TWU fully supports the approach taken by Representatives Speier, Neguse, and Rose in H.R. 6955 to address this issue.

Conclusion

I greatly appreciate the opportunity to provide this testimony about the impacts of COVID-19 on transportation workers to the House Committee on Transportation and

⁶ https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fabout%2Fsymptoms.html

⁷ <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>

⁸ <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>

⁹ Ibid

Infrastructure on behalf of the TWU. Our union looks forward to working with the Committee to advance policies that will protect all frontline workers – transportation and otherwise – as we continue to confront the coronavirus pandemic.