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TESTIMONY OF MARK HENRY, CHAIR, AMALGAMATED TRANSIT UNION NEW YORK STATE LEGISLATIVE CONFERENCE BOARD AND PRESIDENT/BUSINESS AGENT, AMALGAMATED TRANSIT UNION LOCAL 1056 TO THE JOINT SENATE CORPORATIONS, AUTHORITIES AND COMMISSIONS AND TRANSPORTATION COMMITTEES HEARING TO REVIEW THE FINANCES AND PROJECTIONS OF THE MTA IN THE AFTERMATH OF COVID-19 AND RECEIPT OF FEDERAL AID, TO REVIEW THE IMPLEMENTATION OF THE TRANSFORMATION PLAN, AND TO SEEK UPDATES ON MAJOR CAPITAL PROJECTS

SEPTEMBER 29, 2021

Chairs Comrie and Kennedy and respective committee members, I thank you for this opportunity to submit testimony for your consideration as you review the finances of the MTA in the aftermath of COVID-19 and review the receipt of federal aid and implementation of the Transformation Plan and major capital projects. My name is Mark Henry, and I serve as the Chair of the Amalgamated Transit Union (ATU) New York State Legislative Conference Board and as President/Business Agent of Amalgamated Transit Union (ATU) Local 1056 in Queens. Statewide, the ATU represents more than 25,000 hard-working transit workers throughout ATU cities including Albany, Binghamton, Buffalo, New York City, Rochester, and Syracuse.

I am here today on behalf of the four locals in the New York City area – my local, Local 1056 in Queens, Local 726 in Staten Island, Local 1179 also in Queens and Local 1181 in Long Island that work for MTA. While the focus of these hearings is on the MTA, what I will highlight applies to all the transit workers throughout the State. The members of the ATU have been significantly impacted by COVID-19. Transit workers have been on the frontlines of the fight against COVID-19. Our members were classified as essential employees and continued to work to make sure other essential workers such as doctors, nurses, police, grocery store clerks, and others, could get to their jobs and back home to their families. The work of our members put them at an increased high risk of exposure to the coronavirus. That exposure was not without consequences. In New York, amongst the ATU Locals, we have lost **33** of our brothers and sisters to COVID-19, who put their lives on the line as essential workers during this crisis.

COVID-19 had a significant impact on the MTA and its operations. Funding during the pandemic was impacted and the flow of funding was uncertain. However, through our ATU International, we strongly supported the inclusion of emergency operating aid and stimulus funding for public transportation. We knew that these funds would be imperative to maintain essential service, avoid layoffs, and to purchase PPE to keep our members safe. Since March 2020, the federal government has awarded the MTA \$4,079,469,417 in combined CARES Act and ARP Act stimulus funding. \$4,009,469,417 of that total derives from CARES Act grant NY-2020-011 and its amendment, NY-2020-011-01; the remaining \$70,000,000 in ARP Act funding was granted through NY-2021-037.

The \$3,911,225,202 in CARES Act funding awarded in NY-2020-011 was intended to provide “reimbursement of operating expenses for transit service provided during the coronavirus public health emergency incurred beginning 01/20/2020 until 09/30/2020, including labor and

non-labor expenses. Labor expenses include payroll, overtime, health and welfare, other post-employment benefits (OPEB) current payment, pensions, and other fringe benefits. Non-labor expenses include electric power, fuel, insurance, claims, paratransit service contracts, maintenance and other operating contracts, professional service contracts, materials & supplies, and other eligible miscellaneous business expenses.” (see page 29 of the grant application).

Of the additional \$98,244,215 in CARES Act funding granted to the MTA in NY-2020-011-01, \$11,028,221 was meant to cover operating expenses incurred from 01/20/2020 until 09/30/2020 for all MTA NYCT Bus agencies. The other \$87,215,994 was awarded specifically for MTA bus operating expenses incurred during the same period (see pages 29–30 of the grant application). The \$70,000,000 in ARP Act funding awarded in NY-2021-037 is described as a Capital Investments Grant dedicated to MTA’s East Side Access project, which entails the construction of new train tunnels to bring Long Island Railroad service to Manhattan’s Grand Central Terminal (see page 25 of grant application under “Application Executive Summary”).

Given the significant financial support that the MTA received through emergency and stimulus funding, we believe that it is imperative that the MTA use this funding wisely and address several critical issues that are facing the public transportation workforce. The uncertainty of the pandemic limited our ability to finalize a contract for our members with the MTA. For decades, pattern bargaining at the MTA had resulted in the members of the ATU receiving the same benefits that were negotiated between the TWU and the MTA. Last year, and this year, the MTA has refused to honor this pattern bargaining ostensibly citing the financial crisis. Given the level of financial assistance received by the MTA, they can no longer blame this lack of a contract on a financial crisis. Realistically, our contracts collectively have very little impact on the overall MTA operating budget and given all that our members did during the pandemic, and continue to do, they

deserve to be fairly compensated at the same level as the TWU members. It is beyond time that the MTA did the right thing and finalized the ATU contract.

One of the major issues that all public transit authorities are grappling with is a driver shortage. As I noted above, transit workers were essential workers during the pandemic, and put themselves and their families at risk to do their jobs. This is a lot to ask of any worker, and it makes retaining and recruiting new drivers even more difficult. While historically working in the public transportation sector was a desired career that many sought, we have seen a shift in that in recent years. For whatever reason, newer generations are not drawn to a career in public transit. We must work to address this and explore ways to entice new employees to the profession and retain the workers we currently have.

During the pandemic, we saw the contraction and elimination of services lines as demand decreased due to people working from home and not venturing out during the pandemic. We are already seeing people returning to public transit, and we must work to ensure that the MTA makes it a priority to restore service and lines across the system and commit to adding new services lines to address the needs of the transit riding public.

The MTA must also focus resources on ensuring that drivers are protected in the future. We learned many lessons from the pandemic, and we know now that the MTA must maintain a supply and distribute PPE to the workforce as needed. Further, the MTA must look at what changes must be made to the equipment to ensure driver safety. We believe they must actively explore equipping all buses with functional sheeting, or plexiglass barriers, to deflect the spread or spittle of the virus. We must also ensure that there is proper ventilation on the equipment and workspaces and that the highest achievable Minimum Efficiency Reporting Values (MERV) filters are always used. In our locations, some of which were built in the early 1900's, we need to upgrade

facilities and upgrade HVAC systems. We must also closely explore the airflow on buses and review the designs of the current and upcoming fleets to evaluate what adjustments may be needed to ensure maximum driver and rider safety.

Finally, the MTA must remain vigilant in implementing their capital plan. There are major projects and improvements in the plan that are essential to ensuring that the transit riding public has reliable public transportation. In Queens, two projects that need attention include the Jamaica Depot and Casey Stengel Depot. The Jamaica Depot is supposed to be in the Capital Plan, but we have not yet seen any movement on this project yet. For Casey Stengel, if the AirTrain goes forward, this depot will need to be moved. This must be contemplated in a timely manner so as not to disrupt the service for the riders that rely on this station. In Staten Island, there is a massive flooding issue at Castleton Depot, which must be addressed in the Capital Plan.

We know firsthand how many people rely on our services to get to and from work and school, and to and from doctors' appointments, the grocery store, and other essential services. The MTA must use federal monies to ensure robust and timely service for the riding public and make a real commitment to implementation of the Capital Plan to enhance the system and provide the riders with a safe and reliable system. **This includes ensuring that President Biden's American Families Plan provides operating assistance for the MTA, especially NYC Transit Bus Division and MTA Bus operations. It remains important to recognize this federal operating assistance as key to component of any support for human infrastructure. Indeed, overall regular federal and state operating assistance for public bus transit must increase.**

Thank you for the opportunity to testify today as you review the finances of the MTA in the aftermath of COVID-19 and review the receipt of federal aid and implementation of the

Transformation Plan and major capital projects. The impact on public transportation and on our members has been significant, and I appreciate you holding this hearing so you can hear from those that are directly impacted. I am happy to serve as a resource and offer advice and guidance on this and other issues as we move forward.