



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Peter A. DeFazio
Chairman

Sam Graves
Ranking Member

Katherine W. Dedrick, Staff Director

Paul J. Sass, Republican Staff Director

April 23, 2020

Dear Transit Agencies:

As you know, the *CARES Act* (P.L. No. 116-136) provided \$25 billion for public transit agencies to prevent, prepare for and respond to the novel coronavirus (COVID-19) pandemic. The funding allows public transit agencies to reimburse operating costs and maintain service so essential workers – including frontline healthcare workers, law enforcement, first responders, and other safety personnel – can get to their jobs. As this pandemic continues to keep most Americans at home, we are ever more cognizant of the important role that grocery store workers, warehouse workers, delivery drivers, and others play in our daily lives, and we thank you for assisting them in getting to work during these challenging times.

While Congress provided you with broad flexibility in using these funds, we encourage you to protect your frontline workers' safety, wages and benefits and to not postpone your use of this money. We also believe this applies to the frontline employees of smaller public transit agencies that may not typically receive federal funds and private companies who contract with public transit agencies to provide public transit service. We note that state Departments of Transportation (DOTs) and designated recipients have the flexibility to use *CARES Act* funding or state and local funds to protect transit workers at all transit systems, no matter how they traditionally operated or where their funding traditionally originated from.

In addition, the Federal Transit Administration (FTA) recently added new guidance on its COVID-19 webpage clarifying that transit agencies can amend their transit service contracts to allow these federal funds to cover pay for expenses to maintain readiness, including the pay of employees and other fixed expenses of private operators, whose operations have been reduced or eliminated.¹ We strongly encourage you to take advantage of this flexibility.

We recognize transit agencies are struggling to provide personal protective equipment (PPE) for your workers. As you know, funds from the *CARES Act* and formula grants for urbanized and rural areas are available to pay for PPEs. We believe that you should strive to adhere to FTA's recently updated safety advisory regarding safety protections for transit workers and riders and the

¹ <https://www.transit.dot.gov/frequently-asked-questions-fta-grantees-regarding-coronavirus-disease-2019-covid-19>

recommendations from the Centers for Disease Control and Prevention (CDC) as much as you are able.²

Absent your ability to meet the FTA safety advisory and CDC guidelines due to the lack of available supplies, we ask that you remain flexible with your workforce and allow those workers who are at higher risk of complications from the coronavirus to take extra precautions, which could include limiting their contact with the public. In fact, federal law provides a range of protections to the transit workforce in Section 1142 of Title 6, which Congress included in the Implementing Recommendations of the *9/11 Commission Act of 2007*.

Again, thank you for your efforts to provide critical service during this pandemic. The Committee appreciates the desire by transit agencies to follow the law and we want to make clear that the Congressional intent of this funding and the law is to ensure the safe continuation of transit services as well as protecting the transportation workforce from massive layoffs and operational disruptions. Should you have any questions or require additional information from the Committee please contact Auke Mahar-Piersma (Majority) at auke.mahar-piersma@mail.house.gov or Michael Falencki at Michael.falencki@mail.house.gov (Minority).

Sincerely,



Peter DeFazio
Chairman



Sam Graves
Ranking Member

² <https://www.transit.dot.gov/regulations-and-programs/safety/fta-safety-advisory-20-01-recommended-actions-reduce-risk>