

Amalgamated Transit Union Local 1300

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Proudly representing the transit workers of the MTA!



SB 26 - Labor and Employment - Occupational Safety and Health - Revisions (Davis Martinez Public Employee Safety and Health Act)

Favorable

Senate Finance Committee
January 29th, 2025

ATU Local 1300 represents over 3,000 transit workers at the Maryland Transit Administration (MTA). This includes bus operators, bus mechanics, rail operators, rail maintenance workers, and more. Our members keep Maryland moving every day.

Public transit is a public service. Our members work every day to help the riding public get where they need to go. Unfortunately, this public facing role means that our members see people on both the best and worst days of their lives. Our members are routinely attacked, assaulted, spit on, and have urine thrown at them. Despite rising awareness of these issues, policies, procedures, and programs to actually take our members out of harm's way have been few and far between.

The Federal Transit Administration requires that major transit systems report safety data to the National Transit Database (NTD). Incidents are broken down into major (i.e. someone required transportation to a hospital) and non-major. Non-major incidents are aggregated and not reported individually. In 2024, the NTD reported the following data for WMATA, MTA, RideOn, & The Bus: 33 assaults on operators (major events - requiring transport to hospital), 62 other major events (e.g. assault on non-operator, assaults on passengers), 191 non-major physical assaults on operators & 204 non-major assaults on other transit workers. We encourage everyone to read the MTA's 2023 transit worker assault report if they believe that this data represents an aberration.

SB 26 requires Maryland OSHA to create or improve programs to actually address workplace violence. It requires real inspections of fieldwork locations, which seems to include vehicles and vehicle routes that our members work on. It even creates a Public Employees' Safety and Health Unit at MDOL. Only legislative action will help our members get the attention and protections they deserve.

For additional information, we have appended a copy of the Amalgamated Transit Union, our international union, testimony to the Federal Transit Administration on the issue of assaults on transit workers. We urge the committee to issue a favorable report on SB 26. Enough is enough.

June 26, 2023

Via Electronic Filing

Nuria Fernandez
Administrator
U.S. Federal Transportation Administration
1200 New Jersey Avenue SE
Washington, DC 20590

Re: NPRM Concerning Public Transportation Agency Safety Plans, Docket No. FTA-2023-0007

Dear Ms. Fernandez:

This is in response to the FTA's April 26, 2023, Notice of Proposed Rulemaking on Public Transportation Agency Safety Plans. ATU Local 1300 represents employees at the Maryland Transit Administration (MTA) in Baltimore, Maryland. My name is Mike McMillan and I am the local union President/Business Agent. ATU Local 1300 is deeply concerned that these rules will not enable us to resolve the safety issues that we have been facing.

Transit workers in Baltimore have faced increasing violence while on the job over the past few years. On October 8, 2020, MTA bus operator Marcus Parks, Sr. was shot ten times and killed in the 1200 block of East Fayette Street.¹ In January 2021, an MTA Mobility operator, Frankye Duckett, was murdered on the job.² In 2023, MTA Mobility operator Marcus Alsop, Jr. was also killed on the job.³ These stories are well publicized but the public doesn't hear about the rest of the brutal attacks on MTA workers daily. For example, Francine Merritt, an MTA station agent, was struck in the head with a blunt object by a passenger she was helping in a subway station. Francine was in the hospital for months and is going to retire rather than returning to work. Francine's assailant is not banned from riding the MTA subway again. In another incident, an MTA bus operator was stabbed by a drunk passenger at the end of the line.

MTA needs to do more to protect not only bus operators but all transit workers. Initially, MTA did not want to address assault with the PTASP safety committee, rather, they wanted my local to discuss these issues with the MTA police. However, the committee voted to work on assault issues and MTA accepted the committee vote. This shows the importance of having the

¹ <https://www.cbsnews.com/baltimore/news/cameron-silcott-sentenced-mta-bus-driver-killed-marcus-parks/>

² <https://www.stattorney.org/media-center/press-releases/2735-mta-mobility-bus-driver-shooter-pleads-guilty-to-murder>

³ <https://www.cbsnews.com/baltimore/news/absolutely-devastating-new-details-in-murder-of-mta-mobility-bus-driver-in-baltimore/>

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union voice on the committee. Additionally, if all management votes had been on one side on this issue, without an effective tie-breaking mechanism required by the federal rules, the PTASP committee could have been sidelined on critical operator safety issues.

To address this violence, Local 1300 has raised having more MTA police presence at night. We know that police officers can work overtime and can cover the night shift. MTA has responded that there are funding issues and instead they focus on a police presence during school hours. We are hopeful that funding will come now that transit worker assaults are being reported properly. In addition to a larger police presence, we also want to see bus operators in safer, fully enclosed cabins and to have monitors on buses so that passengers know that they are on camera. A focus on de-escalation training will never be enough to stop assaults and we want to see more concrete action from MTA.

As you know, on May 26, 2021, nine transit workers were killed in a workplace shooting at the Santa Clara Valley Transportation Authority. After this happened, we reached out to the MTA and urged them to create an active shooter program. MTA didn't respond and no action was taken to create an active shooter program. Tragically, an MTA bus operator, Elaine Jackson, was shot and killed in an MTA parking lot last year.⁴ When they heard gunfire in the parking lot, MTA employees did not know what to do because there had been no active shooter training. MTA is now, finally, working on an active shooter program. The PTASP safety committee has conducted site visits and is looking at how to make sure that bus garage facilities have multiple exits. The committee is also looking at adding security cameras to parking lots and a system to have audio announcements if there is an active shooter. We wish that these changes had been implemented earlier.

The PTASP safety committee has been working for several months and a revamped PTASP is being distributed that already includes some of the workforce recommendations. The PTASP safety committee has conducted site visits focusing on maintenance issues as well, like outdated equipment and issues with faulty bus lifts. We are also working on issues that affect workers across the MTA, such as fatigue management.

We are concerned that in the future the PTASP safety committee, which includes voices from rail, shop, bus and union leadership, will be sidelined by the MTA's own safety oversight committee. We need frontline transit workers' issues and voices to be at the forefront. Our experience with the PTASP safety committee so far has shown that when the committee makes decisions democratically by voting and when management commits to taking action in response to those decisions, it's possible for the committee to improve safety in the transit system. However, we can't count on management cooperating with us forever. We need FTA to change the proposed rule so that it clearly requires the committee to make decisions by voting and clearly requires management to implement the committee's recommendations.

⁴ <https://www.wmar2news.com/news/local-news/mdot-mta-employee-gunned-down-in-the-parking-lot-at-work>

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We also need FTA to change the rule so that it includes ways for FTA to enforce the law requiring management to use the PTASP safety committee to identify safety issues, develop solutions, and monitor the effectiveness of those solutions. This is the only way to preserve workers' voice in safety and keep management from dealing with these issues only via their management-only safety oversight committee.

We urge FTA to take action here so that management continues to respond to our safety concerns.

Sincerely,

/s/ Mike McMillan

President/Business Agent
ATU Local 1300