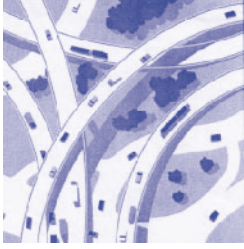


**18th Annual Conference** of the  
National Association of State Highway  
and Transportation Unions (NASHTU)



April 24-26, 2017

Washington, D.C.



# WE BUILD THE ROADS

## 18th Annual Conference of the National Association of State Highway and Transportation Unions (NASHTU) 2017

The 18<sup>th</sup> Annual NASHTU Conference was held April 24-26, 2017 in Washington, D.C. NASHTU attendees heard keynote remarks from **Highway and Transit Subcommittee Chair Rep. Sam Graves (R-MO)** as well as other Congressional transportation leaders including **Reps. Jeff Denham (R-CA), Brenda Lawrence (D-MI), Grace Napolitano (D-CA) and Don Young (R-AK)**. In addition, NASHTU members had the opportunity to attend interesting panels about transportation funding, public sector labor victories and ongoing labor issues, an update on fair share fee challenges, perspectives of DC transportation media, and thoughts from key transportation and labor leaders about the impending infrastructure proposal that is expected to be debated in Congress in the coming months.

### About NASHTU

NASHTU's roots extend back to 1999 when a number of unions and employee associations representing employees of state and local transportation departments began to share information and discuss how to address common issues. NASHTU has now grown into a coalition of 38 unions and associations from 20 states and the District of Columbia representing hundreds of thousands of state and locally employed transportation engineers, surveyors, planners, maintenance workers and related professionals throughout the United States.

The annual conferences have demonstrated that outsourcing for engineering, technical, and other transportation services is a problem in nearly every state. By coming together and sharing strategies and perspectives, NASHTU can help each of its members to be more successful in the fight to limit wasteful, overpriced outsourcing.

NASHTU and its affiliates work together to ensure federal transportation dollars are spent on safe, cost effective transportation projects and to prevent the outsourcing of design, inspection and related work. In recent years, NASHTU has won important legislative and regulatory victories to stop wasteful outsourcing mandates and incentives in federal transportation authorizations, the federal budget and appropriation bills, and other transportation-related legislation.

NASHTU keeps members connected via NASHTU notes – regular e-mail updates about transportation and labor topics of interest. Please sign up to receive updates at [www.nashtu.us](http://www.nashtu.us).

For more information about NASHTU, please visit our website at [www.nashtu.us](http://www.nashtu.us) or contact us at 916-446-0584 or via e-mail at [nashtu@nashtu.us](mailto:nashtu@nashtu.us).

# 18th Annual Conference of the National Association of State Highway and Transportation Unions (NASHTU)

Monday, April 24 through Wednesday, April 26, 2017  
Washington Court Hotel, Washington, D.C.

## AGENDA

### Monday, April 24, 2017 – Springwood Room

- 8:30 a.m. Breakfast
- 9:00 a.m. **Welcoming Remarks - Robert Lumahan**, President, Professional Engineers in California Government
- 9:15 a.m. **Larry Willis, Secretary-Treasurer, Transportation Trades Department, AFL-CIO**  
Introduction: **Jimmy Tarlau**, Maryland State Delegate
- 9:30 a.m. **State Budget Perspective: Impact of Possible Federal Cuts**  
Moderator: **Jimmy Tarlau**, Maryland State Delegate
- **Mark Sickles**, Virginia State Delegate
  - **Marc Korman**, Maryland State Delegate
- 10:15 a.m. **Transportation Funding Outlook**  
Introduction: **Jon Haines**, AFSCME
- **Kevin De Good**, Director of Infrastructure Policy, Center for American Progress
  - **Greg Cohen**, CEO & President, American Highway Users Alliance
- 11:00 a.m. **State of Labor: How to Fight the Fight and Win**  
Introduction: **Jon Haines**, AFSCME
- **Heidi Shierholz**, Senior Economist & Director of Policy, Economic Policy Institute
  - **Doug Burnett**, Assistant Director, Political Action, AFSCME
- 11:45 a.m. Break
- 12:00 p.m. Lunch (Hosted)
- 1:00 p.m. **Labor Victories to Celebrate: Tales from the States**  
Moderator: **Bruce Blanning**, PEGC
- **Michael Lund**, Executive Vice President, Alaska Public Employees Association/AFT
  - **Liam Carnahan**, Alaska Public Employees Association/AFT
  - **Brian Hawkins**, Legislative Director, SEIU 1984
- 2:00 p.m. **Washington DC Media in the Age of Trump**  
Introduction: **Jon Ortiz**, PEGC
- **Brianna Gurciullo**, Politico
  - **Eugene Mulero**, Transport Topics
  - **Mike Laris**, Washington Post
- 3:00 p.m. **Congressional Staff Insiders Panel**  
Moderator: **Jim Kolb**, Summit Strategies
- **Murphie Barrett**, House Transportation and Infrastructure Committee
  - **Helena Zyblikewycz**, House Transportation and Infrastructure Committee
  - **Andrew Wishnia**, Senate Environment and Public Works Committee
- 3:45 p.m. Break
- 6:30 p.m. **NASHTU Group Dinner – We, The Pizza** (305 Pennsylvania Avenue, SE)



# AGENDA

## Tuesday, April 25, 2017 – Springwood Room

- 8:30 a.m.           **Breakfast**
- 9:00 a.m.           **Jim Tymon**, Chief Operating Officer, American Association of State Highway and Transportation Officials  
Introduction: **Bruce Blanning**, PECC
- 9:30 a.m.           **Dan Carol**, Senior Advisor on Infrastructure and Energy, Office of California Governor Edmund G. Brown, Jr.  
Introduction: **Mark Sheahan**, PECC
- 10:00 a.m.          **Public Sector Unions: Fair Share Fee Challenges – What’s Next**  
Moderator: **David Strom**, General Counsel, American Federation of Teachers
- **Matthew Mayers**, Assistant Director, Organizing and Field Services, AFSCME
  - **Norma Gutierrez**, Field Director, SEIU International
- 11:00 a.m.          Break
- 11:15 a.m.          **Rep. Jeff Denham (R-CA)**  
Introduction: **Chelsea Merrill**, PECC
- 11:30 a.m.          **Lobbying 101: Making the Most Out of Your Capitol Hill Visits**
- **Jim Kolb**, Summit Strategies
- 12:00 p.m.          Lunch (On Your Own)
- 1:00-5:00 p.m.      **Lobbying on Capitol Hill**
- 5:30-7:30 p.m.      **Congressional Reception** – Rayburn House Office Building, Room 2075

## Wednesday, April 26, 2017 – Springwood Room

- 8:00 a.m.           Breakfast (Hosted)
- 8:45                 **Lobby Day Reports**  
Moderator: **Chelsea Merrill**, PECC
- 9:00 a.m.           **Action Plan for NASHTU for 2017-2018**
- **Jon Haines**, AFSCME
  - **Joe Dorant**, MOSES
  - **Bill Ricci**, CWA 1032
  - **Bruce Blanning**, PECC
- 9:45 a.m.           **Rep. Grace Napolitano (D-CA)**  
Introduction: **Sutida Bergquist**, PECC
- 10:00 a.m.          **Rep. Sam Graves (R-MO)**  
Introduction: **Jon Haines**, AFSCME
- 10:30 a.m.          **Rep. Brenda Lawrence (D-MI)**  
Introduction: **Roderick Jackson**, SEIU 517
- 11:00 a.m.          **Rep. Don Young (R-AK)**  
Introduction: **Michael Lund**, APEA/AFT
- 11:15 a.m.          Closing Remarks & Adjournment

# 18th Annual Conference of the National Association of State Highway and Transportation Unions (NASHTU) CONGRESSIONAL RECEPTION



Rep. Elizabeth Esty (D-CT) greets NASHTU members at the Congressional Reception.



Rep. Donald Norcross (D-NJ) shares a laugh at the Congressional Reception



Rep. Stephanie Murphy (D-FL) takes a minute to say hello to NASHTU.



Rep. Donald Norcross (D-NJ) takes a moment for a photo with NASHTU members from CWA Local 1032



Rep. Jason Lewis (R-MN) shares transportation insights at the Congressional Reception.



Rep. Ami Bera (D-CA) addresses the Congressional Reception



Rep. Brenda Lawrence (D-MI) greets NASHTU members at the Congressional Reception

# 2017 18th Annual Conference of the National Association of State Highway and Transportation Unions (NASHTU) PROCEEDINGS

## Introductions and Welcomes

### **Robert Lumahan, President of Professional Engineers in California Government (PECG)**

Robert Lumahan welcomed participants to the 18<sup>th</sup> Annual NASHTU Conference. PECG is one of the founding members of NASHTU and is honored to be a part of the effort to advocate for public employees working in transportation jobs around the country. This is a very interesting year for NASHTU and its member unions. The Trump Administration and his \$1 trillion transportation proposal will present both challenges and opportunities for NASHTU. While the proposal to improve and maintain the nation's transportation and infrastructure systems sounds good, the as yet unseen details of such a proposal are important. When campaigning for office, the President released an initial summary of an infrastructure proposal that claimed that tax credits and public-private partnerships could alone improve the nation's infrastructure. Most transportation leaders disagree with this notion and assert that direct federal investment will be necessary. To the extent the P3s are utilized in a new infrastructure proposal, NASHTU will work to ensure that policies that require cost comparisons and public inspection are included so taxpayers' money and interests are protected.



Robert Lumahan

We also know that this Conference is taking place at a great time of uncertainty for unions. It is great that NASHTU member unions know that we are stronger together and will persevere through the tough times.

To close, Robert briefly outlined some of the interesting panels and keynote speakers that are scheduled at this Conference.

## Speaker: Larry Willis



Larry Willis

**Larry Willis, Secretary-Treasurer of the Transportation Trades Department, AFL-CIO (TTD)**, began his discussion by thanking NASHTU and its member unions for our advocacy on transportation issues during the Conference and throughout the year. He discussed the political and legislative dynamics that are surrounding the current debates on comprehensive tax reform, healthcare policy and government budget bills. Even with a Republican President and Republican control in the House and Senate, Democrats still have leverage due to the House Freedom Caucus that refuses to vote for anything that raises spending "a penny" and the 60-vote threshold to move anything in the Senate. TTD represents 32 unions across all modes of transportation. Their strategy for being able to best represent their members include: working with and building relationships with moderate House Republicans, choosing our battles wisely for a potential Senate filibuster, and building a relationship with the President and his administration. TTD is happy to praise the President when he does something that is good (for example, the recent executive order on Buy America). Likewise – TTD won't hesitate to criticize the proposals that are bad (such as the President's FY 2018 budget proposal that significantly slashed transportation spending).

## Speaker: Larry Willis (Continued)

TTD has guarded optimism that the infrastructure package will become reality. The President hasn't wavered from his campaign pledge to pass an infrastructure package and there is clearly interest in both the House and Senate. However, you cannot toll or tax credit your way to a trillion dollar infrastructure bill. It is not possible. There is a role for the private sector and public-private partnerships might even be appropriate for some projects if they are crafted with the necessary labor and taxpayer protections.

TTD is also watching the debate surrounding the FY 2018 federal budget. As mentioned earlier, the President's proposed budget slashed transportation spending by 17 percent with cuts to rail, transit, aviation, and the elimination of the TIGER grant program. TTD will fight these cuts as the appropriations bills work their way through the House and the Senate. In addition, TTD will also work to ensure no anti-labor policy riders get attached to the federal budget as it works its way through the House and Senate.

## State Budget Perspective: Impact of Possible Federal Cuts

**Del. Mark Sickles, Virginia State House of Delegates and Del. Marc Korman, Maryland State House of Delegates**, spoke about their concerns over the President's budget proposal that would cut rail, transit and highway transportation programs. Del. Sickles, a Democrat, represents a Virginia district that is just outside the Washington D.C. area that is served by many transit and commuter rail lines. Del. Sickles spoke about the unique transportation challenges in his district and how they may be impacted by federal funding cuts. Del. Marc Korman spoke about Maryland's reliance and federal transportation programs that would certainly be negatively affected by the proposed transportation cuts. Del. Korman said he is hopeful that the infrastructure package will include direct federal investment rather than relying solely on private sector financing.



Del. Marc Korman

## Transportation Funding Outlook

**Greg Cohen, CEO and President of the American Highway Users Alliance**, said that his group, the American Highway Users Alliance, represents a diverse group of highway users including several AAA clubs, truckers associations, motorcycle and RV groups as well as some of the materials suppliers for highway construction. Greg discussed the ailing Highway Trust Fund and its constant need for general fund bailouts, most recently to the tune of \$70 billion in the latest surface transportation authorization (the FAST Act). His group is in favor of new revenue for transportation and strongly lobbied Congress to raise the gas tax. Since Congress has been unwilling to even consider an increase to the gas tax, the American Highway Users Alliance is also advocating the idea of a "virtual vehicle-miles-traveled fee." A virtual VMT helps avoid the oft-mentioned inherent obstacles of converting to a VMT-based revenue system, including the cost of collection and privacy concerns. With a virtual VMT, there is no individual tracking. States simply report the number of miles traveled in their state on an annual basis, which is something that states already do. The federal government sets a rate per mile and then the Treasury Secretary would be instructed to collect that amount from oil refineries, which is the same way that current gas taxes are collected. Cohen said that a virtual VMT meets the concept of a user fee. Cohen said that he is hopeful that any infrastructure spending bill debates address the shortfall in the Highway Trust Fund.

## Transportation Funding Outlook (Continued)

**Kevin DeGood, Director of Infrastructure Policy, Center for American Progress** Center for American Progress, started off his presentation by saying that the infrastructure package has little chance of making it through this Congress. He reminded NASHTU attendees that House Speaker Paul Ryan is stridently anti-Keynesian – he does not believe that infrastructure investment leads to economic growth. That being said, the pre-election proposal for a \$1 trillion infrastructure package that relies heavily on P3s and private capital will do little to fix the nation's transportation challenges. Kevin said that the average P3 funded in part by the Federal TIFIA program is valued at \$1.25 billion dollars. P3s are generally big, mega projects rather than the everyday projects for which departments need funding. To illustrate his point, Kevin analyzed the Ohio State Transportation Improvement Program and found that over the next five years, Ohio plans to fund 1,510 projects. Of those, two are valued at over a billion dollars and another six are valued over \$200 million. The average cost of planned projects by Ohio DOT is \$12.1 million. Projects of that relatively low value generally do not attract private equity because the return on investment is so low. Kevin concluded by explaining more about how federal tax credits would work and how they allow P3 deals to give the appearance of being more advantageous than traditional project delivery.



Kevin DeGood

## State of Labor: How to Fight the Fight and Win

**Heidi Shierholz, Senior Economist and Director of Policy, Economic Policy Institute**, spoke about the current state of middle and working class individuals. She said that while the economic growth over the past 40 years has been remarkably strong, wages have not kept pace. The 2016 median wage in the U.S. was \$17.84 (\$37,000 per year for full time work). Comparatively, the median wage in 1973 was \$16.74 (inflation adjusted). Those figures show a wage growth of 6.7 percent, while the economy and GDP has grown much faster – for example, productivity grew more than 10 times as fast. These stagnant wages contributed to the attractiveness of the political outsider Donald Trump and his message of great American prosperity. While Donald Trump's message resonated, the policies he's put into place as President have been very anti-worker. For example, his budget blueprint cuts huge amounts from the Department of Transportation and the Department of Labor, the Buy America Executive Order was weak and has no teeth, and he has either blocked, delayed, or is trying to weaken a number of rules that protect workers and the middle class, including the Fair Pay/Safe Workplace rule which required federal contractors to disclose violations of labor standards, the silica standards rule that protects workers, and the rule that requires financial advisors to act in their clients' best interest.

President Trump also appointed Neil Gorsuch to the Supreme Court, who has a long record of anti-worker decisions and judgements. Instead, if the President wanted to help middle and working class individuals, he should take the following steps: restoring/protecting collective bargaining rights; stop so-called Right-to-Work laws; boost current labor standards and enforce the labor laws that are already in place; ensure full employment so that any individual who wants a full-time job would have a full-time job; ensure that trade agreements protect against currency manipulation; and raise taxes on the wealthy.

In conclusion, Heidi said that the economic anxiety that helped propel Donald Trump to the presidency is real, and in order to win back Trump voters, we need to acknowledge that the current economy isn't working for all people, that Trump and his policies are not helping to make things better, and we need to embrace an agenda that helps middle and working class families.



## State of Labor: How to Fight the Fight and Win (Continued)

**Doug Burnett, Assistant Director, Political Action, AFSCME**, spoke about AFSCME efforts in State Legislatures. Their priorities in the states include defeating anti-union legislation, increasing revenue and support for public service, and working to advance pro-union policies. The pro-union activities are largely in recognition of the potential Supreme Court decision to prohibit the collection of fair share fees. AFSCME is working towards what can be done administratively and legislatively to ensure that unions continue to have a voice protecting workers. AFSCME is also working to defeat an effort pushed by the American Legislative Exchange Council to have states pursue an Article 5 Constitutional Convention. This last time a constitutional convention was held was 1787. To convene a convention, 34 state legislatures have to pass resolutions asking that a convention be held (not subject to a gubernatorial veto). A constitutional convention could be particularly troubling because there is no limitation on what topics can be addressed and it would be controlled by the state legislatures; which are now extremely radical and anti-union. AFSCME so far this year has been successful in blocking state resolutions and even getting some states to repeal previously passed resolutions. Currently, 28 states have passed resolutions calling for a constitutional convention. Doug concluded by reminding NASHTU attendees that winning legislative fights can and should be a bipartisan effort. It is important to cultivate relationships with both Democrats and Republicans about the importance of unions to preserving the middle class.



Doug Burnett, Heidi Shierholz, and Jon Haines

## Labor Victories to Celebrate: Tales from the States



Michael Lund

**Michael Lund and Liam Carnahan, Alaska Public Employees Association/AFT**, discussed the Alaska Governor's recent preliminary budget proposal to eliminate 300 design positions and replace them with consultants. Alaska is currently in a state of economic decline and this was one of the ways the Governor proposed cutting the budget. According to APEA/AFT's contract with the state, the decision to outsource government positions requires the state to perform a feasibility study that shows that outsourcing will result in both cost savings and an improvement in quality of service. Rather than fight the Governor on the apparent contract violation, the affected state employee unions in the state coordinated their efforts in a campaign that educated the legislature and Governor on the complexities of federal funding for transportation projects, and that the proposal as ultimately bad for Alaska. The message of the campaign was that the Governor's proposal would result in increased costs or less road projects due to high consultant costs, and would take work away from Alaskans in favor of consultants that were based out of state. The unions (APEA/AFT was one of three state employee unions that participated in the effort) created a series of white papers, talking points and written responses to committee hearings and distributed the information to lawmakers in multiple, coordinated meetings and events. Surprisingly, even groups who are typically in favor of outsourcing – including the Alaska chapter of ASCE and the Alaska Chamber of Commerce – got involved and opposed the Governor's proposal. Due to the overwhelming opposition, the Governor removed the language from his budget proposal until a feasibility study can be performed. The unions' efforts are now concentrated on ensuring that any feasibility study on this issue has good data and methodology to ensure accurate results. The feasibility study was later cancelled when the Governor's office committed to not increasing the level of outsourcing.

## Labor Victories to Celebrate: Tales from the States (Continued)

**Brian Hawkins, Legislative Director, SEIU 1984**, discussed the recent successful effort to defeat Right-to-Work (RTW) legislation in New Hampshire. He started by describing the New Hampshire Legislature's unique composition of 24 State Senators and 400 Members of the State House. In addition, every legislative position is up for reelection every two years. The sheer amount of legislators and legislative turnover make the process of governing cumbersome. The effort to turn New Hampshire into a RTW state had a lot of momentum going into the 2017 legislative session. Other states had recently introduced and passed RTW legislation and New Hampshire had a motivated RTW-favoring Republican Governor and Republican majorities in both the State Senate and House of Representatives. In fact, the Governor had stated that RTW was among his top two legislative priorities for the year (the other was a gun-related conceal carry law). While SEIU 1984 and other unions involved in the fight expected to lose the first vote in the Senate, they had a real shot to defeat the legislation in the House because even though Republicans have a majority in the House, several are former union members and were opposed to RTW legislation. As the vote in the House neared, SEIU 1984 turned their efforts to ensuring that their supportive legislators showed up to vote. New Hampshire's legislative positions pay about \$100 per year – it is essentially a volunteer body so it is not uncommon for legislators' to occasionally miss meetings. In the end, the RTW legislation was defeated in the House 200-177 and due to legislative rules, RTW legislation cannot be revisited for the entire legislative session.



Brian Hawkins

## Washington D.C. Media in the Age of Trump

The panel focused on the challenges of covering Trump's infrastructure and transportation politics and policy, and made predictions about what to expect from the administration and Congress in the coming year.

**Mike Laris**, the Washington Post's long-time transportation beat reporter, said that Trump and his representatives are much like those of prior administrations: prone to pushing back and complaining about stories they perceive cast their boss in a negative light.



Eugene Mulero, Mike Laris, and Briana Gurciullo,

Politico's **Brianna Gurciullo** agreed, saying that her stress level isn't any higher with Trump in office, because she accepts the tension between watchdog reporters and the people they cover. "Nothing has changed, really," she said, other than Trump officials' occasionally displaying a thinner skin to some stories than did Obama administration staffers.

When asked whether Trump would get a major infrastructure bill through Congress this year,

**Eugene Mulero** of Transport Topics predicted the administration would fail, especially if the president tried an Obamacare rollback to funding for transportation projects. "There's no way the Democrats will go for that," Mulero said.

## Congressional Staff Insiders Panel



Helena Zyblikewycz, Murphie Barrett, and Andrew Wishnia

Panel participants included **Murphie Barrett**, Staff Director, U.S. House Subcommittee on Highways and Transit; **Helena Zyblikewycz**, Democratic Staff Director, U.S. House Subcommittee on Highways and Transit; and **Andrew Wishnia**, a FHWA staff member on assignment with the Senate Environment and Public Works Committee minority staff.

Jim started the panel discussion by discussing the potential for an infrastructure package under the incoming Administration, and giving a brief history of the role of the panelists in NASHTU's past battles and the development of the FAST Act.

Murphie described Chairman's Shuster's legislative agenda for the 115<sup>th</sup> Congress. While the Chairman was excited about the possibility of advancing a major infrastructure package, his number one priority was passage of FAA reauthorization. She explained that the House had a busy agenda with the incoming Trump Administration, and the Chairman preferred to wait until he received clear direction from the Leadership and the Administration as to the size and scope of the package. The Committee has begun holding a series of hearings looking at what is necessary to build a 21<sup>st</sup> Century infrastructure. In addition to increased investment, Murphie also predicted that there would be further efforts to streamline the environmental review and permit process as part of any infrastructure package.

Helena laid out Ranking Member DeFazio's approach for increasing revenue to the levels necessary to begin improving the performance and condition of the networks intermodal infrastructure. He welcomed the President's focus on infrastructure and hopes to work with Chairman Shuster to increase investment. She focused primarily on DeFazio's "Penny for Progress" proposal, which calls for indexing the Federal gas tax to construction cost, inflation, fleet fuel economy. DeFazio projects that the gas tax would increase by approximately 1.2 cents a gallon annually. Under the proposal, the increment would be used to back \$500 billion in 30-year bonds, providing \$20.3 billion additional per-year in HTF investments. This would make the Highway Trust Fund whole through FY 2030, and allow increased investment levels to bring the Nation's infrastructure into a state of good repair over the next 14 years.

## Jim Tymon, Chief Operating Officer, American Association of State Highway and Transportation Officials

**Jim Tymon**, discussed transportation funding and the Highway Trust Fund (HTF). He briefly summarized the latest surface transportation authorization – the Fixing America's Surface Transportation (FAST) Act – and reminded NASHTU participants that Congress had to come up with an additional \$75-\$80 billion just to keep up with current spending levels in 2016 through 2020. Congress did this with a series of one-time transactions and pay-fors. Unfortunately, this means that in 2020, when Congress again has to debate a new surface transportation authorization, lawmakers will again have significant difficulty funding the new authorization. The Highway Trust Fund, by 2020, is projected to have its spending outlays outpace gas tax and other revenues by approximately \$20 billion per year. AASHTO is hopeful the Congress will finally address the HTF deficit prior to 2020.



Jim Tymon

## Jim Tymon (Continued)

Upcoming opportunities to address the shortfall include tax reform and the Administration's planned infrastructure spending package.

There are significant hurdles that need to be overcome in both tax reform and any infrastructure spending package. For tax reform, any savings generated by overhauling the tax code is going to face competition from other interests and sectors. It also further blurs the line of the transportation "user-pay" system that has been in place for the last 50-60 years.

The Administration's \$1 trillion infrastructure proposal, which has not been formally detailed or introduced in Congress, also faces a rough road to passage. AASHTO is advocating that any infrastructure spending package include direct federal investment in our transportation systems. Relying on the private sector or P3s alone is not realistic for transportation programs. To be successful – and worth the private investment – P3s require a revenue stream that is simply not attainable on many transportation projects or in rural areas of the country.

## Speaker: Dan Carol, Senior Advisor on Infrastructure and Energy for Governor Edmund G. Brown, Jr.

**Dan Carol** spoke on the current proposals to increase infrastructure spending. He said that while it is great to have the Administration acknowledge that a trillion dollar transportation spending package is needed, the initial proposal of relying solely on tax credits and P3s is not realistic or politically feasible. However, he does think that there is lots of room for bipartisan agreement around program and project streamlining. Congress has a full legislative agenda so it is hard to say when an infrastructure package may come up for debate. Most likely in the GOP-led Congress, many policy priorities would come first. There may be some opportunities for additional revenue for transportation coming out of comprehensive tax reform. Dan also asked NASHTU attendees to help sustain the effort by transportation, business and labor leaders to increase the federal gas tax. Congress' inaction on generating sustainable revenue for transportation is leading to more of a bottom-up strategy for transportation planning. With more states and local governments passing their own transportation tax increases, it can lead to a lessening of the role of the Federal government in transportation policy and funding and the need for new bottom up innovation.

## Public Sector Unions: Fair Share Fee Challenges – What's Next?

**David Strom, AFT's General Counsel**, gave NASHTU attendees an update on the Friedrichs' case – in which the Supreme Court deadlocked 4-4 on whether to uphold the lower courts' decision that unions could continue to collect fair share fees. Because the case resulted in a tie vote, it was not precedential and similar cases could be ruled upon by the Supreme Court. One such case is called Janus v. AFSCME. It is a case out of Illinois and involves an AFSCME nonmember – Mark Janus – who is challenging the union's right to collect fair share fees on first amendment grounds. The argument Janus is making is that all public sector union's work is political and ideological and therefore compelling nonmembers to pay fees for collective bargaining violates their first amendment rights. AFSCME, and other public sector unions have argued successfully in lower courts that the collective bargaining agreements are not political in nature and simply spell out the salary, benefits and conditions of public sector employment. The next step for the Janus case would be for the Supreme Court to decide to take the case on appeal. This is widely expected to happen this coming fall. If that happens, then oral arguments would be heard and the Supreme Court could make its ruling in the spring of 2018.

## Public Sector Unions: Fair Share Fee Challenges (Continued)

David implored NASHTU members to prepare for a negative outcome by ensuring that they have good membership lists. If the Supreme Court rules in favor of Janus and eliminates fair share fees, than that decision would take effect immediately. States and local governments hostile to public sector unions may require unions to prove membership prior to allowing fees and/or dues to be collected. Unions can also adopt maintenance of membership provisions which would require members to commit to up to a year of membership with a small window available for members who want to drop. NASHTU members should be on the lookout for anti-union organizations' efforts to organize union members to drop their membership. Unions should be warning their membership about the true goals of these organizations to inoculate members from their influence.

**Matthew Mayers, Assistant Director for AFSCME's Organizing and Field Services**, updated the NASHTU attendees on the status of the AFSCME Strong Program. AFSCME Strong is a campaign to sustain and grow AFSCME membership. It was started in 2014 in response to a lawsuit challenging AFSCME's ability to collect fair share fees. It focuses on member-to-member, one-on-one conversations and has set a goal of 90 percent membership in AFSCME's fair-share units and 80 percent engagement of the membership. To date, AFSCME Strong has signed up 285,000 new members and over 90 percent of the existing members have recommitted to the union.

**Norma Gutierrez, Field Director for SEIU International**, discussed SEIU's response to the Friedrichs' case, similar court cases, and similar legislative attacks on union's ability to exist and represent their members. Norma emphasized the importance that unions don't just "play defense" in light of these anti-union attacks. Unions need to be innovative in their strategy to attack anti-union forces. One of the ways to do this is for unions to look at different unions and community organizations it can partner with to not only fight for its workers but also to fight for working families. As an example, in both San Diego County and Los Angeles, the SEIU local for the area is part of labor and/or community-based coalitions to fight local governments over staffing shortages that caused local government services to be excessively delayed or canceled. In addition, SEIU is part of a newly formed effort called the Midwest Project, which aims to rebuild labor's reputation and strength in that region of the country.

## Speaker: Rep. Jeff Denham (R-CA)



Rep. Jeff Denham (R-CA) with PEGG leaders

**Rep. Jeff Denham, a member of the House Transportation and Infrastructure Committee**, discussed the upcoming Congressional debates on issues important to NASHTU members. He said the current debate over the omnibus spending bill and the healthcare legislation would lead into comprehensive tax reform and the \$1 trillion infrastructure proposal. He said that Congress was working on an infrastructure package that would focus on streamlining regulations to deliver projects more quickly, and unleash private capital through new and existing financing and grant programs. He said that the proposal would help fund California's infrastructure priorities, including increased water storage, port expansion, as well as highway and rail improvements.

## Action Plan for NASHTU 2017-2018

The third and final day of the conference began with NASHTU Coordinators leading a discussion of what NASHTU can be doing to help its members over the next year. NASHTU's coordinators include Jon Haines, AFSCME, Joe Dorant, MOSES, Bill Ricci, CWA 1032, and Ted Toppin, PEGG.

### Speaker: Representative Grace Napolitano (D-CA)

**Rep. Grace Napolitano** welcomed NASHTU attendees to Washington. She said that she fully supports public service and that she used to be a state employee. Rep. Napolitano discussed her efforts to defeat outsourcing mandates and incentives in the last surface transportation authorization and other infrastructure legislation. NASHTU members must continue to educate Members of Congress because the threat of outsourcing mandates and incentives is not going away. It is imperative that Members of Congress understand and oppose language that would incentivize or mandate the outsourcing of transportation services. Rep. Napolitano also discussed her skepticism of President Trump's infrastructure plan. She said there is no real plan and no funding identified to pay for the plan. Tax credits, which were part of Trump's pre-election proposal, will not work. Many transportation insiders believe that tax credit financing can only cover about two percent of transportation needs. What infrastructure needs is direct federal investment. The easiest, most straight forward way to raise new transportation revenue is through the gas tax. Rep. Napolitano acknowledged that passing a gas tax increase will be difficult but it is necessary. She called attention to Ranking Member Peter DeFazio's (D-OR) legislative proposal called a "Penny for Progress" to increase gas taxes to match construction inflation, which would be about a penny per year. Rep. Napolitano concluded by again stressing the importance of new sustainable revenue for transportation and implored NASHTU attendees to continue communicating with their Members of Congress.



Rep. Grace Napolitano (D-CA)

### Speaker: Representative Sam Graves (R-MO), Chair of the House Highways and Transit Subcommittee



Rep. Sam Graves (R-MO)

**Chair Sam Graves** said the biggest issue facing transportation is figuring out how to fund transportation. In the FAST Act, Congress has to include general fund money to cover the Highway Trust Fund shortfall. That cannot be done in the future – we need an adequate and dedicated source of funding for transportation. The gas tax is problematic because it is regressive and it will only get worse due to more efficient vehicles and electric vehicles that don't contribute substantially to the Highway Trust Fund. Rep. Graves said everything is on the table – from increased tolling to VMTs, to tires taxes or some combination of multiple solutions. Congressman Graves said the funding solution will be a part of the Infrastructure Package that President Trump hopes to move through Congress. There are not many details available on Trump's trillion dollar proposal but P3s are expected to be a major part of the Administration's proposal. P3s are problematic because investors in these deals want to see a return on their investment – which usually comes in the form of tolls or other revenue. Rep. Graves concluded

his remarks by saying that it was a good thing that the President is prioritizing infrastructure.

## Keynote Speaker: Representative Brenda Lawrence (D-MI)

**Rep. Lawrence** started her remarks by saying how pleased she was to be seated on the House Transportation and Infrastructure Committee. Infrastructure has always played a dominant role in this country's history. Rep. Lawrence thanked NASHTU attendees and leadership for their attentiveness to infrastructure funding and policy. As a former mayor and city council member, she knows firsthand that infrastructure affects everyone and keeping it in a state of good repair is essential. Rep. Lawrence highlighted the Flint water crisis and said while government officials made decisions that contributed to the disaster, poor infrastructure – in this case lead pipes – was the ultimate cause. The lead pipes that are in place in Flint also exist in communities all over the country. More federal investment in infrastructure is imperative to safeguarding the public's health and safety. Rep. Lawrence said that little is known about the eventual infrastructure funding package but she was excited to get to work on the details. In closing, Rep. Lawrence reminded NASHTU attendees that government exists to protect and provide services to its citizens – it should not be run like a business trying to save money.



Roderick Jackson of SEIU Local 517 and Rep. Brenda Lawrence (D-MI)

## Speaker: Representative Don Young (R-AK)



Rep. Don Young (R-AK)

**Rep. Don Young** has been a member of Congress for 45 years. He is a member and former Chair of the House Transportation and Infrastructure Committee. He was Chair of the committee in 1995 when SAFETEA-LU, a five-year transportation authorization, was passed. He said that the authorizations that have been passed have not included enough funding to fully address the country's infrastructure needs. Rep. Young said that while public-private partnerships may look good and might work in an urbanized area, they won't work for a vast majority of the U.S. and they certainly won't work in Alaska. He said that when Congress passed the last gas tax increase in 1993, it wasn't indexed to inflation. This helped to create our transportation funding problem because now the 18 cents tax on each gallon of gasoline only purchases about eight cents of road construction costs. Rep. Young also addressed the increasing partisanship that prevents Members of Congress from coming together and compromising to solve problems. He said that Congress's inability to govern often results in the ceding of power to the Executive branch which is a threat to Democracy. Congress needs to work in a more bipartisan manner to get things done for the American people. Rep. Young closed his remarks by telling NASHTU attendees about Alaska's transportation attributes and challenges.