

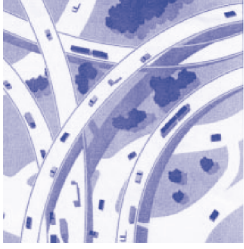
19th Annual Conference of the
National Association of State Highway
and Transportation Unions (NASHTU)



April 16-18, 2018

Washington, D.C.

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WE BUILD THE ROADS

19th Annual Conference of the National Association of State Highway and Transportation Unions (NASHTU) 2018

The 19th Annual NASHTU Conference was held April 16-18, 2018 in Washington, D.C. NASHTU attendees heard keynote remarks from Senate Committee on Environment and Public Works (EPW) Chair, Senator Tom Carper (D-DE), and Senate Subcommittee on Highways and Transportation Chair, Senator Ben Cardin (D-MD). In addition, conference attendees also heard remarks from Senator Jeff Merkley (D-OR), who is a member of the Senate EPW Committee. House Highways and Transit Subcommittee Chair, Rep. Sam Graves (R-MO), as well as House Transportation and Infrastructure Committee Members Rodney Davis (R-IL), Jared Huffman (D-CA), and Alan Lowenthal (D-CA) also addressed the conference. The three-day conference also included many informative panels and presentations on transportation funding alternatives, upcoming legislative and regulatory battles, labor issues, and multiple other topics of interest.

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. For more information about NASHTU, please visit our website at www.nashtu.us or contact us at 916-446-0584 or via e-mail at nashtu@nashtu.us.



**19th Annual Conference of the
National Association of State Highway and Transportation Unions (NASHTU)**
Monday, April 16 through Wednesday, April 18 2018
Washington Court Hotel, Washington, D.C.

AGENDA

Monday, April 16, 2018 – The Hill Room

- 8:30 a.m. Breakfast
- 9:00 a.m. **Welcoming Remarks**
Sutida Bergquist, President, Professional Engineers in California Government
- 9:15 a.m. **Larry Willis**, President, Transportation Trades Department, AFL-CIO
Introduction: **Jimmy Tarlau**, Maryland State Delegate
- 9:45 a.m. **Sustainable Transportation Funding: Are Mileage-Base User Fees a Future Revenue Source?**
 - **Jack Basso**, Co-Chair, Mileage-Based User Fee Alliance
- 10:15 a.m. **Sustainable Transportation Funding: Oregon’s Pilot Program on Mileage-Based User Fees**
 - **Melissa Sutkowski**, Association of Engineering Employees of Oregon
- 10:45 a.m. Break
- 11:00 a.m. **The Transportation Climate Initiative of the Northeast and Mid-Atlantic States**
Introduction: **Joe Dorant**, Massachusetts Organization of State Engineers and Scientists
 - **Chris Dempsey**, Director, Transportation for Massachusetts
- 11:45 p.m. Lunch (Hosted)
- 1:15 p.m. **Rules, Regulations, and Executive Orders – How they Affect You and Your Job**
 - **Jon Haines**, Labor Economist, AFSCME
- 2:00 p.m. **Congressional Staff Panel**
Moderator: **Jim Kolb**, Summit Strategies
 - **Helena Zyblikewycz**, Staff Director, House Highways and Transit Subcommittee
 - **Andrew Wishnia**, USDOT Staff Detail, Senate Committee on Environment and Public Works
- 2:30 p.m. **Jim Tymon**, Chief Operating Officer/Director of Policy and Management, American Association of State Highway and Transportation Officials
Introduction: **Nadine Westcott**, Professional Engineers in California Government
- 3:30 p.m. **Senator Tom Carper (D-DE)**, Ranking Democrat, Senate Environment and Public Works Committee
Introduction: **Jon Haines**, AFSCME
- 4:00 p.m. **Senator Ben Cardin (D-MD)**, Ranking Democrat, Senate Subcommittee on Highways and Transportation
Introduction: **Jennifer Porcari**, AFT Public Employees
- 4:30 p.m. **Rep. Rodney Davis (R-IL)**, Member of the Transportation and Infrastructure Committee
Introduction: **Jim Kolb**, Summit Strategies
- 6:30 p.m. **NASHTU Group Dinner** – District of Pi (910 F Street NW)

AGENDA

Tuesday, April 17, 2018 – The Hill Room

- 8:00 a.m. **Breakfast**
- 8:30 a.m. **Trump Infrastructure “Bait and Switch” Plan**
Introduction: **Jon Haines**, AFSCME
- **Kevin DeGood**, Director of Infrastructure Policy, Center for American Progress
- 9:00 a.m. **Public Sector Unions: A Legal Update to Fair Share Fee Challenges**
(10-point Action Plan mailed upon request)
- **David Strom**, General Counsel, American Federation of Teachers
- 9:45 a.m. **Public Sector Unions: NASHTU Affiliates Share Strategies to Prepare for Janus Decision**
- **Dan Brennan**, SEIU Local 1984 (New Hampshire)
 - **Gary Apanasewicz**, Ohio Civil Service Employees Association/AFSCME
 - **Eric Knapp**, Association of Engineering Employees of Oregon
 - **Travis Woodward**, Connecticut State Employees Association/SEIU 2001
 - **Nick Alfano**, CWA 1032 (New Jersey)
- 10:30 a.m. **Public Sector Unions: Organizing Challenges in the Wake of Janus**
Moderator: **Jon Haines**, AFSCME
- **Erin Young**, Assistant Regional Director, Organizing and Field Services, AFSCME
 - **Maryann Parker**, Associate General Counsel, SEIU International
- 11:00 a.m. **Rep. Alan Lowenthal**, Member, House Transportation and Infrastructure Committee
Introduction: **Sutida Bergquist**, Professional Engineers in California Government
- 11:30 a.m. **Advocacy 101: Making the Most Out of Your Capitol Hill Visits**
- **Greg Regan**, Secretary-Treasurer, Transportation Trades Department, AFL-CIO
 - **Nadine Westcott**, Professional Engineers in California Government
- 12:00 p.m. **Lunch (On Your Own)**
- 1:00-5:00 p.m. **Lobbying on Capitol Hill**
- 5:00-7:00 p.m. **Congressional Reception** – Rayburn House Office Building, Room 2203

Wednesday, April 18, 2018 – The Hill Room

- 8:00 a.m. **Breakfast (Hosted)**
- 8:30 a.m. **Senator Jeff Merkley (D-OR)**, Member, Environment and Public Works Committee
Introduction: **Cesar Lopez**, Association of Engineering Employees of Oregon
- 9:00 a.m. **Rep. Jared Huffman (D-CA)**, Member, Transportation and Infrastructure Committee
Introduction: **Nadine Westcott**, Professional Engineers in California Government
- 9:30 a.m. **Rep. Sam Graves (R-MO)**, Chair, House Highways and Transit Subcommittee
Introduction: **George Heath**, SEIU 517M
- 10:00 a.m. **Lobby Day Reports**
Moderator: **Nadine Westcott**, Professional Engineers in California Government
- 10:30 a.m. **Council of Engineering and Scientist Organizations**
- **Dana Wheeler**, Minnesota Government Engineering Council
- 10:45 a.m. Action Plan for NASHTU for 2017-2018
- **Jon Haines**, AFSCME
 - **Nadine Westcott**, Professional Engineers in California Government
- 11:00 a.m. **Closing Remarks & Adjournment**

19th Annual Conference of the National Association of State Highway and Transportation Unions (NASHTU) CONGRESSIONAL RECEPTION



Rep. Brad Sherman (D-CA) with members of the Professional Engineers in California Government at NASHTU's Congressional Reception.



Congressman Mario Diaz-Balart (R-FL) at the congressional reception.



Rep. Ron Estes (R-KS) speaking with Steve Lee (PECG) at the congressional reception.



Congresswoman Stephanie Murphy (D-FL) at NASHTU's Congressional Reception.



Congressman John Garamendi (D-CA) at the NASHTU Congressional Reception.



Congresswoman Marcy Kaptur (D-OH) speaks at the congressional reception.



Congressman Al Green (D-TX) says a few words at the NASHTU Congressional Reception.

19th Annual Conference of the National Association of State Highway and Transportation Unions (NASHTU) CONGRESSIONAL RECEPTION



Congressman Rick Larson (D-WA) speaks with NASHTU members at the Congressional Reception



Congresswoman Suzan DelBene (D-WA) speaks with attendees at the NASHTU Congressional Reception.



Congressman Mark DeSaulnier (D-CA) speaks with reception attendees.



Congresswoman Eddie Bernice Johnson (D-TX) speaks at the NASHTU Congressional Reception.



Congressman Dan Donovan (R-NY) speaks with Indira Bokobza (NYSPEF).



Congressman Scott Perry (R-PA) speaks to Nadine Westcott (PECG) and Jim Kolb (PECG's federal lobbyist) at the NASHTU Congressional Reception.

2018 19th Annual Conference of the National Association of State Highway and Transportation Unions (NASHTU) PROCEEDINGS

Introductions and Welcomes

The 2019 NASHTU Conference opened with remarks from Sutida Bergquist, President of the Professional Engineers in California Government. She introduced conference attendees and briefly highlighted some of the interesting speakers and panels planned for the 2018 NASHTU Conference.

Speaker: Larry Willis, President of the Transportation Trades Department, AFL-CIO



Larry Willis

Larry Willis spoke about the political climate and the various infrastructure funding proposals that have been publicly released. Unfortunately, at this point, it does not look like Congress will debate or pass infrastructure legislation this year.

President Trump's infrastructure proposal, released in February, has failed to garner significant support from Republicans, Democrats, or other transportation stakeholders. Larry outlined what he sees as the main problems with Trump's plan and why it has failed to get traction. The proposal would devolve transportation responsibilities to states and locals, heavily relies on funding from the private sector, and gets its federal investment dollars by cutting other transportation programs – including transit and Amtrak.

Larry also mentioned the infrastructure funding proposal put forward by Senate Democrats in March. He said that the Senate Democrats' plan identified transportation and infrastructure needs, included strong labor protections and Buy America provisions, and was paid for by rolling back some of the Trump tax cuts on the wealthy.

In the House, Chair Bill Shuster (R-PA) has publicly recognized the urgency related to the Highway Trust Fund revenue gap and has even suggested gas tax increases to be a part of the solution. However, House Speaker Paul Ryan (R-WI), is not in favor of a gas tax increase and does not see an infrastructure bill as being a priority in what remains of the congressional session.

Speaker: Jack Basso, Co-Chair of the Mileage-Based User Fee Alliance

Jack Basso gave a broad overview of the state of transportation funding and the Highway Trust Fund revenue gap. The Highway Trust Fund has required billions in general fund transfers over the last 10 years just to maintain current spending levels. No one wants to address the elephant in the room: we need to raise revenue. In order to fully fund transportation programs, the federal government has three options: raise the taxation rate of existing federal gas and vehicle taxes, identify and create new revenue streams such as a mileage-based road usage charge, or divert funding from current revenues from other federal sources into the Highway Trust Fund. The current transportation authorization, the FAST Act, included a Surface Transportation System Funding Alternatives Program. This \$95 million pilot program's goal is to demonstrate user-based



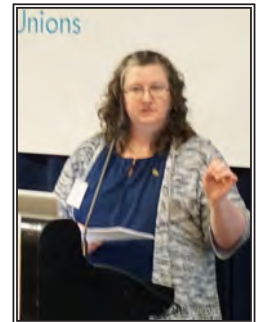
Jack Basso

Continued: Jack Basso

alternative revenue mechanisms that utilize a user fee structure to maintain the long term sustainability of the Highway Trust Fund. The program awarded grants totaling \$14.2 million to eight states in 2016, \$15.5 million to six states in 2017 and expects to distribute \$20 million annually between 2018 and 2020.

Speaker: Melissa Sutkowski, Association of Engineering Employees of Oregon

Melissa Sutkowski spoke about Oregon's experience with Oregon's Road Usage Charge Program, called OReGO, which is voluntary and launched on July 1, 2015. The program will support up to 5,000 vehicles and charges 1.7 cents per mile. Participants in the pilot program have a choice in how they report their miles driven. While they still continue to pay existing gas taxes, participants deduct these "pre-payments" from the amount owed and are given a tax rebate if they have paid more in gas taxes than they owed based on miles driven. Oregon is working through familiar VMT issues such as privacy, public perception and acceptance, data accuracy, enforcement, and cost-to-revenue ratios. Oregon received FHWA grant in 2016 created by the FAST Act to continue the pilot program. With the grant money, Oregon hopes to build on its previous success by expanding the market, evaluate compliance, increase public awareness and explore interoperability.



Melissa Sutkowski

Speaker: Chris Dempsey, Director, Transportation for Massachusetts



Chris Dempsey

Chris Dempsey said that while Massachusetts is highly rated in many categories such as education and healthcare, its roads, bridges, and other infrastructure are rated 45th in the nation. In a nod to the representatives of the Massachusetts Organization of State Engineers and Scientists (MOSES), he added that "this is not a workforce issue, this is a funding issue." Massachusetts is a member of the Regional Greenhouse Gas Initiative (RGGI), which is a cooperative effort among the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont to cap and reduce CO2 emissions from the power sector. This market-based system for reducing greenhouse gas emissions is working, emissions are down 35% and the economies of these states have all grown by about 30%. Due to the success of RGGI, there is now an effort underway to study the possibility of instituting a market-based approach to reducing transportation emissions. Under such a system, transportation-based emissions would be capped and wholesale importers of gasoline and diesel fuels would be required to purchase permits. The

proceeds from the sale of those permits would then be used to fund transportation improvements and maintenance, low carbon transportation alternatives such as transit, and programs to give drivers incentives to purchase and drive cleaner vehicles. The program is currently being studied and stakeholders are getting the opportunity to have input in the system challenges, policy design and emissions targets. Chris said the process could conclude its analysis in 2018-2019 and have targeted 2020-2022 for implementation.

Speaker: Jon Haines, Labor Economist, AFSCME

Jon Haines gave a presentation about the various executive orders and rule makings and repeals by the Trump Administration and how they impact labor and the various infrastructure sectors. The environmental sector has been relatively hard hit by this Administration with the repeal of several rules, including the Waters of the United States, which is a clean water initiative, and various fossil fuel extraction regulations. Another repeal that cuts across several infrastructure sectors is the Federal Flood Risk Management Requirement Standards, which would have required the federal government to take into account climate change and sea level rise on new infrastructure projects. Most of the DOT specific rules that have been repealed or taken off the active docket are safety-related regulations including automated vehicle-to-vehicle crash prevention technology, hybrid/electric car sound standards, sleep apnea testing, and commercial bus inspections. Jon also touched on some of the repeals that affect workers including the repeal of the Fair Pay and Safe Workplace rule, which among other requirements, limited the employers' ability to force arbitration in workplace disputes and required basic wage info on pay stubs such as hours covered. Jon concluded his presentation by discussing the Federal Register and how unions can track rule makings and provide public comment on proposals.



Jon Haines

Congressional Staff Insiders Panel

Moderated by Jim Kolb, PEGC Lobbyist

Andrew Wishnia, USDOT Staff Detail to the Senate Environment and Public Works Committee (EPW); and Helena Zyblikewycz, Staff Director for the House Subcommittee on Highways and Transit, participated in this panel. They discussed the various infrastructure funding proposals and the committees' work towards the next surface transportation authorization.

Speaker: Jim Tymon, Chief Operating Officer / Director of Policy and Management, American Association of State Highway and Transportation Officials

Jim Tymon highlighted the many issues that AASHTO and NASHTU agree on – most notably adequate transportation funding and opposition to outsourcing mandates and incentives. He joked that AASHTO was starting to get a reputation for repeatedly sounding the alarm on the Highway Trust Fund (HTF) revenue gap and for good reason. The HTF spends about \$15 billion more per year than it takes in. Jim briefly touched on the Administration's infrastructure package and said that AASHTO was pleased with the regulatory reforms and permitting changes in the proposal but was disappointed that the President's plan does nothing to address the Highway Trust Fund revenue gap and relies too heavily on public-private partnerships. AASHTO has not taken sides on a particular revenue plan to fix the HTF, but they do oppose cutting transportation programs to match HTF receipts and the devolution of the federal role to the states and/or localities.



Jim Tymon

Jim urged NASHTU members to make the most out of their Capitol Hill visits. Constituent meetings with Members of Congress are incredibly important and a good way to communicate legislative priorities.

Speaker: Senator Tom Carper (D-DE), Ranking Member of the Senate Environment and Public Works Committee

Senator Carper talked about the importance of transportation to the economy. He said that transportation is central to all of our lives because transportation is about moving people and products to where they need to go, yet U.S. roads, bridges, and other infrastructure is in poor shape. Fixing and improving them is a shared responsibility. Senator Carper believes in the “four C’s” of working towards a common solution: communicate, compromise, collaborate, and civility.



Senator Tom Carper

Senator Carper also discussed the President’s Infrastructure Plan and said that P3s – while they may have a limited role in certain areas – are not a viable solution. And the President’s notion of streamlining and regulatory reform has already been done congressionally through MAP-21 and the FAST Act. Senator Carper discussed the Highway Trust Fund revenue problem and the need to find sustainable funding for transportation projects. Even though the President seems to be in favor of a 25 cent increase to the gas tax – as he proposed in a roundtable discussion in March – Senator Carper doesn’t think that Congress would pass such a proposal. And even if Congress did, it would only be a short term solution to the funding challenges because of the increasing availability of hybrid and electric cars that do not pay fuel taxes.

Senator Carper closed his remarks by addressing the inherent challenges of transitioning to a road usage charge-based transportation revenue system.

Speaker: Senator Ben Cardin (D-MD), Ranking Member, Senate Subcommittee on Transportation and Infrastructure



Senator Ben Cardin

Senator Cardin spoke about the horrible state of transportation infrastructure in Maryland and the across the country. He also made reference to some of the political difficulties that the U.S. is facing right now. He applauded the effort of Democrats in the House and Senate for having impact even though they do not control either congressional chamber or the White House. He cheered the recently passed omnibus budget bill, which contained an additional \$2.3 billion dollars for transportation and none of the privatization provisions that so often appear when additional funds are appropriated.

Senator Cardin also addressed Trump’s infrastructure proposal saying that it was “dead on arrival” in Congress because of its problematic language concerning the federal/state cost share, and that the “new” federal money was not new, but derived from cuts in existing programs.

Senator Cardin concluded his remarks by saying that a non-congested, well maintained transportation system is a quality of life issue. When you have transportation users – like many Marylanders – spending hours each day commuting then that is a quality of life issue. Congress needs to have a serious discussion on how to pay for transportation because the current Highway Trust Fund revenue is inadequate. We need congressional leadership to push this issue across the finish line.

Speaker: Rep. Rodney Davis (R-IL), Member of the House of Transportation and Infrastructure Committee



Rep. Rodney Davis

Rep. Davis's district has many residents who work in good-paying jobs with the Illinois Department of Transportation. He also spoke about his background and how he got involved with public policy. He discussed the importance of bipartisanship especially as we look to solve problems such as the failing Highway Trust Fund. The Highway Trust Fund derives much of its revenue from gas taxes. The problem with relying so heavily on the gas tax is the increasing accessibility of electric cars. The shortage will become even more pronounced as the freight and fleet market transitions to electric vehicles. To survive, the Highway Trust Fund will need to diversify its revenue sources. Congress needs to look at potential transportation funding sources and put them together to fund transportation programs across the U.S. Rep. Davis said he was not in favor of a VMT tax, primarily because of the unfairness of commute times and corresponding miles driven between rural and urban areas.

Rep. Davis also touched on Trump's infrastructure proposal, which he thought was unfairly maligned in Congress. He said the President's plan dealt with funding for projects over and above the FAST Act authorizations. And while many projects might not fit the criteria, some would and that would free up existing money for other projects. He also challenged those who oppose the plan to become a part of the conversation and help draft an infrastructure proposal that would pass.

Rep. Davis concluded by reemphasizing the importance of bipartisanship and all sides working together to come up with viable, realistic solutions.

Speaker: Kevin DeGood, Director of Infrastructure Policy, Center for American Progress

Kevin started by explaining the difference between budgets and money. White House budgets are political documents – statements of intentions and goals. Money comes from Congress through appropriation bills. Congress decides how much money is going to be spent on what programs. The President released his budget and his infrastructure proposal within a couple of days of each other. While the infrastructure plan got more attention, it is important to review the two plans together to get a complete picture of the Administration's true goals for infrastructure. The Trump infrastructure plan proposes putting \$200 billion federal dollars in infrastructure over 10 years. The Trump budget proposes cutting infrastructure investment by \$280 billion.



Kevin DeGood

The Highway Trust Fund (HTF) suffered the biggest cut. Since 2008, the HTF has had a structural deficit – that is authorized more spending than it was bringing in through fuel taxes and other revenue sources. Congress – every year since 2008 – has dealt with this structural deficit by transferring general fund dollars into the HTF to keep it solvent. The Trump Administration wishes to stop that practice and have HTF outlays match revenue. The other infrastructure cuts outlined in the Trump budget are the elimination of TIGER grants, the rail New Starts grant program and all federal funding for Amtrak's long distance routes.

Continued: Kevin DeGood

The Trump infrastructure plan calls for \$200 billion divided into four buckets: \$100 billion for a state/local incentive program, \$50 billion for rural areas, \$20 billion for transformative projects and \$20 billion for finance. The incentive program calls for states and local governments to raise new money, attach that money to projects and then get a small percentage of federal government money as matching funds. The incentive program caps the amount of federal matching funds to only 20 percent. The incentive program also bases the matching funds only on the new revenue that has been attached to the project. So for projects that combines existing transportation funding with new revenue, the federal match will only be based on the new money raised. In addition, it requires projects applying for consideration to be public-private partnerships (P3).

The Trump infrastructure plan also calls for a deregulation of environmental review. It allows automatic clearances after the passage of arbitrary deadlines, limits legal challenges and public comment opportunities.

Kevin reminded the audience that P3s are not a catch all solution to the nation's infrastructure challenges. P3s can only work in limited circumstances and the vast majority of infrastructure needs are not appropriate for P3s.

Speaker: David Strom, General Counsel for American Federation of Teachers

David gave a brief legal history of how we got to the point of the Supreme Court ruling on the constitutionality of fair share fees. Justice Alito questioned the legality of fair share fees on first amendment grounds in a separate case five years ago.

The questioning opened the door for anti-union organizations such as the National Right to Work Committee to bring suit against labor unions objecting to the collection of fair share fees. Those lawsuits questioned the constitutionality of the 1977 Abood Supreme Court decision, which ruled that it was unconstitutional to require nonmembers of labor unions to pay for ideological acts. That decision set up a tiered level of union dues based on whether the person was a member or a fair share fee payer. Fair share fee payers only pay a percentage of membership based on a calculation of how much of the union dues goes towards collective bargaining, contract administration, and grievances.



David Strom

The first of the many cases challenging the constitutionality of fair share fees to make it to the US Supreme Court was Friedrichs vs. the CTA. That case ultimately was decided for unions on a tie 4-4 vote, after Justice Scalia unexpectedly passed away in February 2016. The tie vote did not stop the conservatives on the Court from their interest in overturning the Abood decision and the right of public sector unions to collect fair share fees from non-members who benefit from the collective bargaining agreement.

Now we are dealing with a similar case Janus vs. AFSCME. The argument: Everything public sector unions do is political in nature because the employer is the government. The oral arguments for the Supreme Court were heard in February and the decision in the case is expected anytime between right now and the end of June when the Supreme Court goes on its summer recess.

Continued: David Strom

Most legal observers believe that the Supreme Court will overturn *Abood* and restrict the collection of fair share fees. However, one of the Amicus Briefs argued for a middle ground that narrowed the scope of what the fair share fee calculation could entail.

David closed his remarks by discussing some of the steps unions should be taking right now to prepare for the impending ruling by the Supreme Court.

Public Sector Unions: NASHTU Affiliates Share Strategies to Prepare for Janus Decision

Dan Brennan, SEIU Local 1984 (New Hampshire):

Dan said that the New Hampshire legislature has debated right-to-right laws three times in recent years. They have also attempted to stop payroll deduction for union dues. Due to the hostilities, local unions in New Hampshire have been geared up for this fight for a while. The current contract guarantees union access to new employees and SEIU Local 1984 has been able to participate in new employee orientations. SEIU Local 1984 also specified the drop process if a members want to drop membership. If a member does decide to drop and follows the appropriate process, they are given a call the same day by a union member asking why they've dropped their membership.



Travis Woodward, Eric Knapp, Nick Alfano, Dan Brennan, and Gary Apanasewicz

Gary Apanasewicz, Ohio Civil Service Employees Association/AFSCME: Gary said that OCSEA has put a lot of effort into updating their membership lists with correct contact information for all of members and fee payers. The union was able to obtain maintenance of membership provisions in its latest bargaining agreement with the state, although that agreement is still going through the ratification process. Gary said that should Janus go through, OCSEA staff will divvy up responsibilities between providing member services and recruitment.

Nick Alfano, CWA 1032 (New Jersey): Nick said that CWA 1032's goal is a 100 percent union membership rate. In April 2017, their membership rate was about 76 percent. Since then, they have signed up 242 new members. Of those, 162 were new employees and 80 were fee payers that upgraded to full membership. New Jersey's contract with the union guarantees access to new employees and allows CWA 1032 to fully participate in new employee orientations. A new employee orientation is held every other week and CWA 1032 has an 80-85 percent success rate in signing up attendees. Follow-ups to these orientations also bring in new members. For existing fee payers, CWA 1032 representatives went through recruitment training provided by CWA and divided up the list of fee payers. Based on that initial listing, fee payers were rated by whether they (1) agreed to sign up, (2) unsure but probably would sign up, (3) maybe, and (4) will not sign up. That effort garnered an additional 19 members and follow ups to the effort brought on an additional eight. CWA 1032 now has a membership rate of 80 percent. The New Jersey legislature has also recently passed the Workplace Democracy Act. This legislation builds the employee access guarantee for unions into state law and helps to limit the impact of a negative Janus decision.

Continued: Public Sector Unions: NASHTU Affiliates Share Strategies to prepare for Janus Decision

Eric Knapp, Association of Engineering Employees of Oregon (AEEO): Eric said that AEEO is relatively small – only representing 1,100 members. They are organized with nine directors statewide and this allows them to effectively meet new employees as they come in the door. The biggest challenge they face is educating their membership on the Janus case and the challenges it could pose once a decision is rendered. They have been publishing a newsletter quarterly to help communicate to their membership about their successes at the bargaining table, and in meetings with department managers and administration officials.

Travis Woodward, Connecticut State Employees Association/SEIU 2001 (CSEA): Travis said that CSEA currently has a 90 percent membership rate. The union has made new maintenance of membership cards for all of their current members to sign. They believe these new membership cards will stand up to legal scrutiny and protect them under Janus. They are finding that while large meetings are good ways to spread information and educate members on why the union is important, it has not proven to be effective for recruiting new members or convincing existing members to sign the new cards. One-on-one discussions work best. So far, they have about 55-60 percent of their membership signed up on the new card.

Public Sector Unions: Organizing Challenges in the Wake of Janus



Erin Young

Erin Young, Assistant Regional Director, Organizing and Field Services, AFSCME: Erin explained that AFSCME is divided into four geographic regions east, west, south and central. She works in Ohio as part of the central region, which is comprised of 14 Midwestern states. Of those 14 states, only three still have fair share fees. The rest of the states in the central region have already become Right-to-Work states. AFSCME has been prepping since 2014 for the possibility of losing the right to collect fair share fees from people they represent with a campaign called AFSCME Strong. The goal of AFSCME Strong is twofold – to assess current members and have them commit to staying a member of the union and recruiting fee payers to become full-fledged members of the union. The AFSCME effort is staff-trained but focused on being member driven. It is important that union members are talking to their co-workers about the important of the union and working together on workplace issues. To date, AFSCME has contacted 860,000 members and had over 90 percent recommit to staying with the union. In addition, AFSCME’s recruitment efforts have resulted in

over 415,000 new members. Erin concluded by emphasizing that in order to be successful, AFSCME Strong and other union recruitment programs have to be a sustained effort and a continued conversation between unions and their membership.

Maryann Parker, Associate General Counsel for SEIU International: Maryann pointed out that a silver lining in this coordinated attack against unions is that it has led to a lot of collaboration and productive partnerships between AFSCME, SEIU, AFT and NEA. Maryann cautioned NASHTU attendees against believing that the Janus case has anything to do with the first amendment and Mark Janus’ right to not contribute towards a political cause he doesn’t believe in. Mark Janus – and all other union members and feepayers – already have the right to opt out of their money going to political causes. She said that this case is being driven by corporations and billionaires serving their own economic interest by dividing the working class. Unions bring people together and give voice and political power to the working class. Maryann spoke briefly about SEIU’s recruitment campaign called Together We Rise, which is similar to the AFSCME Strong campaign. She

Continued: Maryann Parker

emphasized the importance of getting to members and potential members first. Maryann outlined five priorities that all unions should undertake prior to the Janus ruling, including the following:



Maryann Parker

- 1) **Talking to Employers:** Unions should be meeting with government employers to ensure contingency plans are set when the Janus decision come out. Unions should know and be able to prove their membership lists. If the employer is willing, offer to coordinate messaging to employees post Janus.
- 2) **Drops Protocol:** Simply, unions should have a plan on what to do in the face of a reverse organizing campaign. Antiunion organizations will be launching campaigns to encourage union members to drop their membership. Unions should be prepared for this and be actively messaging against it.
- 3) **New Member Experience:** Unions should be present at New Employee Orientations talking about the importance of the union and collective power that high membership brings. Unions should be seeking to create a union member culture within every department of government where its members work.
- 4) **Rapid Response:** This is having a plan prepared for member communication, member recruitment and how to effectively manage organized drop campaigns.
- 5) **Decision Day Plan:** Every union should have a plan in place for the day the decision comes out. This includes messaging on the decision and how to answer the various questions that may come out of the expected ruling.

Speaker: Rep. Alan Lowenthal (D-CA), Member, House Transportation and Infrastructure Committee



Rep. Alan Lowenthal

Rep. Lowenthal discussed the political environment and current dysfunction in Washington. He expressed disappointment that Congress has not moved forward with significant infrastructure investment, including sustainable funding. He believes the President's infrastructure plan is flawed because it requires states and locals to spend the majority of the money while the federal government retains all of the control over which projects get funded. The plan also relies heavily on public-private partnerships (P3s). Rep. Lowenthal has a "healthy skepticism" on P3s, informed by numerous high-profile P3 failures across the country, including several in California. He believes Congress' job is not to privatize our roads and our state assets. Rep. Lowenthal stressed the need for real investment by the federal government including raising the gas tax. The gas tax is a declining revenue stream, and long-term it needs to be supplemented with other revenue streams. Congressman Lowenthal has introduced the National Multi-Modal Sustainable Freight Infrastructure Act, which would add a one percent fee on all freight that uses surface transportation

infrastructure. This bill would generate an additional \$8-10 billion a year and could be another funding component for infrastructure. Congressman Lowenthal closed by talking briefly about the importance of participation in the political process. It is important to vote, participate in town halls, and be involved in the political process and your community.

Speaker: Senator Jeff Merkley (D-OR), Member, Senate Environment and Public Works Committee

Senator Merkley began his remarks by touching on the history of the National Highway System, which got its start 62 years ago in 1956. Interestingly, legislation to create the National Highway System couldn't pass when the issue was framed as an economic benefit. However, framed as a national security issue with the need to easily transport military equipment across the country, the legislation was able to garner enough votes for passage. Now, the highway system is riddled with gridlock, costing Americans time, money and a loss of productivity. Last year, in 2017 after the President was inaugurated, there was a lot of hope that infrastructure was going to be addressed early, robustly, and in a bipartisan manner. As the Administration kept pushing back the timeline of when they were going to release details of their infrastructure funding proposal, we all slowly lost the hope that this would ever be a true priority for this Administration.

When the Administration finally did release their detailed plan in February, it fell well short of expectations. Trump's plan includes \$200 billion in federal investments over 10 years for infrastructure funding. The FY 2019 budget proposal, which was released right around the same time, included \$240 billion in cuts to transportation programs over 10 years. Taken together, these two cuts results in a net loss of \$40 billion dollars in transportation funding. Another major issue with Trump's infrastructure plan is that it requires state and local governments to come up with new money to fund 80 percent of project costs. This is a reversal of the traditional transportation formula split, which under most circumstances requires state and local governments to come up with 20 percent of project costs. The plan also weakens important environmental protections and relies too heavily on privatization and P3s.

Senator Merkley closed by discussing details of the Senate Democrats' infrastructure funding plan, which would invest \$1 trillion dollars over 10 years. The plan would be paid for by rolling back some of the recent tax giveaways that the Republican Congress recently enacted for corporations and wealthy individuals. The plan would create funding certainty for transportation departments across the nation.



Senator Jeff Merkley with AASHTO Members

Speaker: Rep. Jared Huffman (D-CA), Member, House Transportation and Infrastructure Committee

Congressman Huffman discussed the current political climate and said he was hopeful that infrastructure could be the one issue that had bipartisan support. Unfortunately, the plan proposed by the Trump Administration is at best a "bait and switch." To be successful, an infrastructure plan needs sustained federal investment. The federal investment identified in this plan is more than offset by transportation program cuts in the Administration's budget proposal. It also significantly rolls back environmental protections in the Clean Air and Clean Water acts, and relies heavily on privatization gimmicks like public-private partnerships. We have to do better than that.

Continued: Rep. Jared Huffman

Congressman Huffman said he was in favor of any transportation funding proposal that will work. For the last two congressional sessions, he has proposed legislation that would transition transportation funding from a gas tax to a life cycle carbon tax. This idea will stabilize the Highway Trust Fund, spur investment in clean technology, and help to fight climate change. Congressman Huffman plans to re-introduce the legislation next Congress and would welcome NASHTU's support.



Rep. Jared Huffman

Speaker: Rep. Sam Graves (R-MO), Chair, House Subcommittee on Highways and Transit



Rep. Sam Graves

Chairman Graves gave a brief status report on the business before the House Transportation and Infrastructure Committee. He said that the committee was first working on FAA authorization and then WRDA, and then it will start to pull together an infrastructure plan based on the president's proposal. He said the biggest and most immediate threat to transportation is keeping the Highway Trust Fund solvent – which is currently projected to run dry in 2021. This is due to, more and more, people are not paying their fair share of the gas tax because their vehicles use electricity or other alternative fuels. As far as the committee is concerned, every proposal for increased funding is on the table: tolling, fuel tax, tire tax, transitioning to a vehicle-miles-traveled based revenue system, public-private partnerships, etc.

Rep. Graves is strongly in favor of transitioning to a vehicle-miles-traveled revenue system. He said the transition for the commercial fleet would be relatively easy because we already track those and we have the infrastructure in place to collect the revenue. It will not be as easy to transition to VMT for private vehicles. The biggest sticking point is the revenue collection. It simply cannot rely on an end of the year tax bill because a lot of families would have a hard time paying for their transportation usage in one big lump sum. Ideally, we would find a way to fairly collect revenue at the pump or charging station based on usage.

The 19th Annual NASHTU Conference closed with NASHTU attendees reporting on their Tuesday afternoon meetings on Capitol Hill. Jon Haines, AFSCME, and Nadine Westcott, PEGC, moderated a discussion with the group about the 2018-2019 NASHTU Action Plan.

