

# Congress of the United States

Washington, DC 20515

June 23, 2015

The Honorable Thomas E. Perez  
Secretary of Labor  
200 Constitution Ave. NW  
Washington DC 20210

Dear Mr. Secretary:

As the state of California faces an impending halt of federally funded transit operations, we respectfully request certification of all pending transit grants, without condition, to the state's mass transit providers.

Local agencies across the state have made it clear that delays in federal transit funding will result in layoffs, deferrals of preventive maintenance, delays in planned service expansions and capital improvements, and service cuts. Without question, the Department of Labor's (DOL) actions have been and will continue to be disastrous to the every day function of the state's transportation system.

The state law at issue, California's 2012 bipartisan pension reform law, the Public Employees' Pension Reform Act (PEPRA) [Chapters 296 and 297, Statutes of 2012], was an important step forward in ensuring the health of statewide public employees pensions at the time of their retirement. In difficult economic times, such meaningful reforms were a necessary action, considering the continuous underfunding of pension accounts. We wholeheartedly support the state's passage of legislation that both protects employee's rights while also ensuring employee's livelihoods are not threatened.

Moreover, we are particularly concerned with the DOL's position that the most effective way to make the case for carving transit workers out of PEPRA is withholding the certification of transit grants. The application of the Urban Mass Transportation Act of 1964 in such a case is harmful to states' rights to make difficult but necessary reforms as they see fit. We believe that the federal government has overstepped its bounds; the best authority for negotiating for a specific state's employee's bargaining rights is in fact the state itself.

It is absolutely imperative that the DOL allow states to act in their best interest to ensure that important accounts remain stable, including public employee pensions. Compromising the state's right to do so, by withholding grants, puts service providers in the difficult position of laying off the many transit workers the DOL insists it is trying to protect.

Furthermore, though the dispute continues, we support the December 2014 ruling by the United States Eastern District Court against the DOL, in the *State of California and Sacramento Regional Transit District v. DOL*, regarding the DOL's absence of authority to decline certification of transit grants. In echoing the sentiments of assigned U.S. District Judge,

Kimberly Mueller, the application of the Urban Mass Transportation Act of 1964 in this case was “arbitrary” and “capricious” and in violation of the federal Administrative Procedure Act.

Once again, we appreciate your consideration of this important request to immediately certify all transit grants, vital and due funding, as local transit authorities provide necessary services essential to our state’s economy.

Sincerely,



KEN CALVERT  
Member of Congress



COL. PAUL COOK (RET.)  
Member of Congress



SAM FARR  
Member of Congress



DUNCAN HUNTER  
Member of Congress



STEVE KNIGHT  
Member of Congress



DOUG LAMALFA  
Member of Congress



TOM MCCLINTOCK  
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DEVIN NUNES  
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DANA ROHRABACHER  
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EDWARD R. ROYCE  
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MIMI WALTERS  
Member of Congress