

March 23rd, 2017

Board of Directors
Los Angeles County Metropolitan Transportation Authority
One Gateway Plaza
Los Angeles, CA 90012

RE: Concerns with past Metro contractor New Flyer that may be bidding on Metro compressed natural gas and zero emission bus contracts

Dear Members of the Board,

California Jobs to Move America is a coalition of community-based organizations, labor unions, environmental groups, transit advocates, and workforce development groups working to ensure that public transit investments support high-quality manufacturing jobs and provides career opportunities for individuals facing barriers to employment and populations historically underrepresented in the industry. We are writing today to express our concerns with a past contractor of Metro's, New Flyer, which may be bidding on a current OP28367 Request for Proposals (RFP) for up to 1000 compressed natural gas (CNG) buses and up to 200 zero emission buses.

As taxpayers, supporters, and riders of public transportation, we commend Metro for seeking to provide and expand affordable mobility options for Los Angeles County. We also applaud Metro for seeking to maximize our public dollars by utilizing innovative contracting language such as the U.S. Employment Plan when purchasing new buses and railcars to promote good job creation, retention, and opportunity for low-income communities of color and people facing significant barriers to employment. Metro's commitment to create these opportunities has generated incredible successes for the County, including the P3010 Kinkisharyo contract for new light rail vehicles, which has since produced 404 good jobs in Palmdale, many of them providing jobs for veterans and a second chance for people with a history in the justice system. We want to see more victories similar to the P3010 contract.

We understand that bus manufacturer New Flyer Industries may be bidding on the current RFP for up to 1000 CNG buses and up to 200 zero emission buses. We are very concerned by New Flyer's track record and urge Metro to refrain from awarding any future contracts to New Flyer until the company resolves two major pressing issues. Our first concern is that New Flyer has **refused to release records to the public that demonstrate the company complied with its 2013 job commitments** made in a Metro contract to manufacture up to 900 CNG buses. In fact, New Flyer has sued Metro to prevent the release of this basic information, creating a potential additional cost for Los Angeles County taxpayers who simply want to see evidence of the company's compliance with a basic contractual obligation. Los Angeles County residents deserve to know whether New Flyer has fulfilled its previous obligations on job creation before handing over hundreds of millions of dollars for a new contract.

Our second concern is that **New Flyer was recently issued eight serious Occupational Safety and Health Administration (OSHA) violations, totaling \$49,707 in penalties**, at its Anniston, Alabama facility, where some of Metro's future buses may be produced. After receiving these citations in November, New Flyer leadership contested all of the citations with OSHA. Metro should hold our contractors to a higher standard.

In past contracts, Metro has required all new contractors to be compliant with local, state, and federal laws as part of the contract terms. According to the section GC-17-B of the OP28367 RFP, "Contractors shall comply with all applicable safety laws, standards, codes, rules, and regulations, including any safety program established by Metro." New Flyer's OSHA violations appear to be a direct violation of federal law and could potentially may be disqualifying for New Flyer for future agreements.

Given this company's lack of accountability to the public and the outstanding safety issues at its Anniston facility, our coalition strongly urges that Metro not award any future contracts to New Flyer until the company releases its records from the 2013 Metro contract to demonstrate their compliance with their USEP commitments and resolves these serious health and safety issues for which the company has received citations.

Please let us know if you have any follow up questions regarding our concerns.

Best Regards,

Jobs to Move America, Erika Thi Patterson, National Policy Director

Communication Workers of America, District 9, Victor Serrano, Organizer Coordinator

EarthJustice, Adrian Martinez, Staff Attorney

Food and Water Watch, Alex Nagy, Senior Organizer

International Brotherhood of Electrical Workers Local 11, Jennifer Kropke, Director of Workforce and Environmental Engagement

Los Angeles County Federation of Labor, AFL-CIO, Priscilla Cheng, Chief of Staff

L.A. Voice, Rev. Zach Hoover, Executive Director

PV Jobs, Ernest Roberts, Executive Director

Sheet Metal Workers, Manny Gonzalez, International Organizer

Sierra Club, Evan Gillespie, Director My Generation Campaign

South Bay 350, Joe Galliani, Founding Organizer

United Steelworkers Local 675, Xochitl Cobarruvias, Chief of Staff



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