

United States Senate

November 10, 2021

The Honorable Marty Walsh
Secretary of Labor
U.S. Department of Labor
200 Constitution Ave., NW
Washington, D.C. 20210

Dear Secretary Walsh:

We write to express our concern over the U.S. Department of Labor's October 28, 2021 determination regarding California state pension law, which would have the effect of making California ineligible for federal transit grants.

We strongly support Governor Gavin Newsom's request in the attached letter asking that the Department of Labor restore California's access to federal transit grants. As the Governor noted, state and federal courts have ruled multiple times against the Department's efforts to strip transit funding from California. California's pension law was passed in 2013 and transit grants were made during each of the past two administrations. We are not aware of any new court action or change in state law that would lead the Department to suddenly reverse its compliance with previous court decisions.

To be clear, we also strongly support federal and state labor laws that protect workers' rights, including the right to collectively bargain. As Governor Newsom wrote in his letter to you, "... it is undisputed that California's public employees continue to enjoy some of the most robust collective bargaining rights in the country[.]" While this matter remains subject to ongoing litigation, we agree with the Governor that nothing should preclude California from receiving federal transit grants while the case proceeds.

As you know, California is leading the way on reducing carbon emissions, and increasing transit use is a key part of that effort and supporting the Biden-Harris Administration's climate goals. For this and other longstanding reasons, we have serious concerns that the Department of Labor's new determination will put billions of dollars in transit grants, as well as continued emission reductions, for California at risk. Further, the Department's determination was made just after Congress passed major COVID economic relief and infrastructure legislation to fund billions of dollars in new transit grants. We have grave concerns with such a

determination that puts California transit agencies and millions of Californians at such a disadvantage.

We are available to discuss this matter at your convenience, and we urge you to take rapid action to ensure the eligibility of California to receive transit grants. We stand ready to assist in any way that we can.

Sincerely,



Dianne Feinstein
United States Senator



Alex Padilla
United States Senator

Enclosure: Letter from Governor Newsom dated November 10, 2021

cc: The Honorable Merrick Garland, Attorney General
The Honorable Pete Buttigieg, Secretary of Transportation
Mr. Ron Klain, Chief of Staff to the President
The Honorable Gavin Newsom, Governor of California