

# Changing and Complicated Environment of Paratransit: Some Considerations

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It is hard not to be struck by the amazing differences between the two Williamsburg Paratransit Conferences as well as by their striking similarities. These comparative observations were noted by a number of the participants who attended both conferences. They seem important because they both reflect and are reflected in the rapidly changing environment that surrounds the development of paratransit services. As such, they are worthy of some comment.

There was little need at the second Williamsburg conference to define key terms or to explain major issues to the participants. Most of those in attendance were directly involved in operating, evaluating, or providing financial or technical assistance to a variety of paratransit systems. Most participants were already familiar with a range of paratransit options. In fact, many participants knew one another and there were many academicians, consultants, providers, and funders present who were working together on one or more paratransit projects.

It seemed to many participants that there was greater consensus on the issues among the participants and less conflict or controversy than there had been at the 1975 conference. It is obvious that certain controversies at the first Williamsburg conference were grounded in differing interpretations of Urban Mass Transportation Administration (UMTA) policy, divergent expectations of the ultimate role of both the Federal Highway Administration (FHWA) and state governments, and, perhaps most of all, uncertainty as to the impact of the labor-protection requirements of Section 13c of the Urban Mass Transportation Act of 1964. Important aspects of all three areas are still evolving, but many concerns expressed in 1975 have been resolved by statute, regulation, or policy or simply by being played out a number of times at the local or metropolitan level.

The lack of visible conflict at the second Williamsburg conference is all the more striking because there were so many potentially conflicting interests represented by the range of conference participants. The lack of overt controversy over a number of issues may really represent a greater understanding of opposing positions rather than agreement on those positions. It is likely, in fact, that the operational experiences and local controversies that occurred in the three and a half years between conferences have given many people a greater understanding of the interests involved in potential conflicts and a

knowledge of the policies and objectives sought by various groups. The lack of debate at the second conference may simply represent an unwillingness to fight over issues where opposing opinions are well known and in an arena that might not lead to a resolution of such conflicts. This judgment is supported by an examination of the key issues addressed by the six individual workshops—an examination that reveals a number of uneasy compromises.

It is also worth noting that, despite the fact that the second Williamsburg conference was held in the expectation of the immediate release of the long-overdue UMTA paratransit policy, there was far less expectation that the federal government would solve many of the conflicts and problems in paratransit innovation. In fact, in contrast to the first Williamsburg conference, many participants were more concerned that UMTA actions might seriously interfere with successful paratransit implementation at the local level.

Participants at the second Williamsburg conference were also concerned with many more government agencies, statutes, and regulations. In 1975, those analyzing the involvement of the federal government in paratransit activities could concentrate their attention largely on two major funding sources in the U.S. Department of Transportation (DOT)—UMTA and FHWA. In addition, the first Williamsburg conference was concerned with the role of the U.S. Department of Labor with regard to its Section 13c responsibilities. And a few participants were concerned with the overall activities of the U.S. Department of Health, Education, and Welfare (HEW).

The number of relevant actors and programs has grown considerably since 1975. Other DOT agencies may have a role in paratransit development, including the National Highway Traffic Safety Administration, which establishes vehicle safety standards. The Environmental Protection Agency (EPA), both in its air-quality standards and its transportation-control plans, has affected and will continue to affect paratransit development; EPA may also determine a number of the design features of paratransit vehicles.

The U.S. Department of Labor (DOL) is an even more significant actor, not only because of its Section 13c responsibilities, but also because DOL directly and indirectly funds a number of client paratransit programs as part of local training projects. Moreover, many social-service-agency paratransit systems are staffed

by drivers funded through DOL under the Comprehensive Employment Training Act of 1973.

The important role of a number of agencies in HEW is even more obvious in 1979 than it was in 1975. It is likely that HEW and its constituent state and local counterparts spend more money on urban mass transit or paratransit services than does UMTA. The Economic Development Administration of the U.S. Department of Commerce also provides transportation services that impinge on paratransit development to its clients. State and provincial governments are also far more active in paratransit development.

The involvement of each and all of these governmental entities, whether as funding sources, regulatory bodies, or simply informed observers, occasioned a considerable amount of discussion in a number of workshops.

In contrast to the first Williamsburg conference, few participants seemed to feel that any one action or governmental activity would solve the key problems in paratransit development. Many participants were looking to the UMTA paratransit policy statement, not to solve major problems, but to remove the barriers created by ambiguous interpretations of assistance policy. State and local governments were also reluctant to act without clearer guidance from the federal government. But few participants felt that there was any one right answer to any paratransit problem, and there was even less belief that the federal government would or could provide such a right answer. Rather, most participants seemed to be turning to local communities and local interest groups and political leaders to address their implementation problems and finding responses dictated by local conditions.

This, then, was the new environment in which the second Williamsburg conference took place, an environment that can be described as both sophisticated and complicated. Most participants were far more knowledgeable and insightful than they had been in 1975, the institutional mix was perceived as more complex, and few actors or agencies expected simple answers to difficult problems.

In a review of the reports of each of the six individual workshops, several significant areas of agreement appear. The first is a belief in the efficacy and efficiency of planning and implementation at the local level; not surprisingly, this is often coupled with serious worries about the impact of federal regulations on local communities attempting to develop paratransit. Second, in almost every workshop, it was concluded that the federal government should take a decisive role in technology transfer, whether technology was defined as technical measures or as organizational strategies. Third, almost all of the workshop reports stressed the necessity that the expectations of both the costs and the benefits of paratransit options be realistic. As a corollary, two of the reports stressed that realistic alternatives must be considered in the planning stages. Finally, in all of the workshops, the participants sought clarification of key federal policies, arguing that obscure and ambiguous meanings, as well as contradictory regulations, have inhibited paratransit development.

#### ISSUES ON WHICH THERE WAS SIGNIFICANT CONSENSUS

Each of the four major issues on which there was significant conference consensus, as reflected in the workshop reports and in discussions at the closing plenary session, will be addressed below.

#### Efforts at the Local Level

The emphasis of the conference participants on local initiation and control of paratransit projects came from two different, although not incompatible, sources. The first is a belief in the ability of local actors to see the best solutions to their own problems, as they define them, and then fashion unique local answers to those problems. Jones' paper highlights this view, which was shared by many other conference participants.

The second arises from pragmatic observation. Some participants contended that federal policy will never be unambiguous, that DOL will never issue national guidelines on Section 13c, and that other problems, even those perceived as national issues, will never be solved on the national level. In short, the local approach is preferred because of the opinion that only at the local level will the issues be manageable; only at the local level will one set of interests be permitted to win or effect an acceptable compromise. Rechel's paper presents some of these views, which were shared by many participants.

Obviously, these two approaches are not in conflict. A significant number of conference participants appeared to seek a local orientation to paratransit decision making because of partial agreement with both positions.

This consensus on the desirability of the solution of problems on a case-by-case basis, with each paratransit option contoured to unique community conditions, obscures some of the practical conflicts with the other major findings of the conference. Except with regard to actual technical devices, it is not always clear what purpose technology transfer in paratransit development would have if every locality were fashioning its unique local solution. Providing lists of potential options, without guidance on their applicability, has limited utility. However, any judgment on the applicability of a given paratransit option could be (and has been) construed as federal (or state) imposition of standards and criteria. These issues will be discussed further below.

The participants were not unmindful of the possible consequences of such local direction of paratransit development. Promising ideas might not be tried because local institutions were conservative or against certain paratransit modes. Services might be inefficient or wasteful because community planners did not understand or meet minimum standards. Communities might use inappropriate strategies or refuse to implement appropriate ones. Above all, communities using federal money might not attempt to meet federal goals and objectives. Yet most participants felt that these were relatively minor problems and small prices to pay for better paratransit development. Several workshop reports noted that creativity and innovation come from diversity; allowing communities full freedom to develop their own individual solutions should eventually bring about a myriad of paratransit services.

#### Technology Transfer

The participants at both Williamsburg conferences felt strongly that the federal government is in the best position to gather information on paratransit implementation efforts, to assess the validity of project-reported data, and to actively disseminate the results. Among the strategies suggested to assist in these efforts were regional conferences for transportation planners and providers, midcareer training programs, and detailed reports and publications.

This relatively innocuous conclusion, however, also presents submerged conflicts at the practical level. Localities have been suspicious of ideas developed in demonstration programs; local planners often feel that

such unique ideas will not work in their own local settings. In evaluating and disseminating information on successful paratransit services, UMTA, for example, often appears to be pushing that option, as with the transportation-brokerage concept demonstrated in Knoxville, Tennessee. UMTA maintains that, in the absence of regulations or formal policies, it is not promoting particular options. However, local communities may not understand the UMTA planning process and may feel compelled to adopt certain highly regarded alternatives.

Any agency's active dissemination of information about a promising paratransit technique often emphasizes its positive features and minimizes possible problems or costs of implementation. This can raise the expectations of local communities without adequately preparing them for the difficulties they will encounter or the likelihood that their results will be less spectacular than those of the model projects. Such difficulties are noted in Rechel's, Cutler's, and Kirby and Miller's papers as well as by conference participants; these objections apply not only to DOT efforts but also to the HEW funding agencies who are promoting coordination.

It is not clear that paratransit options that are successful in one area or region can be successfully implemented elsewhere; local and state regulatory, insurance, and franchise restrictions might dominate or labor conditions might be very different. Therefore, any federal agency that actively disseminates information on promising paratransit options should also include a description of the local political, institutional, labor, and regulatory climates under which favorable implementation can be expected. It is not clear that UMTA or any federal agency would be willing to do such evaluations, particularly of labor conditions, because they are politically sensitive. Just as significant, as federal agencies begin to develop evaluations and suggest appropriate settings, there is the danger that localities will feel pressured into accepting the proffered technology. Local agencies may even assume that other options are not feasible or eligible for federal assistance.

These problems are not insurmountable. But, in order that the technology-transfer recommendation not violate the spirit of the other conference conclusions, it is imperative that the information transferred not be seen as pressuring local communities or reducing their potential options. Such information must provide guidelines without establishing regulations and national performance standards. It should not raise community expectations beyond likely accomplishment levels, and it should contain no ambiguous messages or hidden funding criteria.

#### Realistic Measures and Evaluation of Costs

Many of the resource papers and much of the discussion in several of the workshops dealt with two intertwined problems. The first is the need to develop and disseminate standard ways to measure or predict the performance of paratransit alternatives. The second is the need for realistic evaluations and expectations of paratransit projects at the local level.

The inability to clearly measure system performance helps to fuel unrealistic assessments of potential project outcomes. Consistent with the other recommendations of the conference, this conclusion suggests that technology transfer must not only help disseminate promising ideas, it must also suggest to local communities the necessary evaluation and planning techniques and the useful and comparable performance and service-effectiveness measures that could be adopted.

#### Clarification of Federal Policies

Most of the workshop participants sought an end to the uncertainty and ambiguity facing communities involved in paratransit development. Such ambiguity is often attributed to the lack of clarity in the policies of federal agencies. There were several individual workshop recommendations addressing one or more relevant agencies or policies.

One recommendation was that UMTA immediately clarify its policies on what services, and which costs incurred in those services, are eligible for federal funding. Another was that DOL prepare a policy clearly delineating those who are affected mass transportation employees, particularly when third-party or for-profit paratransit providers are involved. Still another was that HEW reduce the inconsistencies in its internal regulations regarding the expenditure of client transportation funds and allow the use of project funds for start-up costs. The conclusion on which there was clearly the strongest sentiment was that involving UMTA policy. Although the DOL policies were of considerable interest, the general feeling was that they will continue to address Section 13c questions on a case-by-case basis, negotiated at the community level. The UMTA policy seemed more likely to change.

In some sense, the fourth major consensus recommendation of the conference comes full circle back to the first. Each workshop brought to light some of the inherent tension between a well-defined federal policy that includes a full-scale information-dissemination program and the optimization of local initiative and control over paratransit development. One workshop report characterized this tension as a conflict between national efficiency and local effectiveness. In several workshops, it was noted that granting localities true autonomy might not always serve national goals, although it was concluded in most that this was a small risk to take. Federal officials present lamented that localities wanted the federal government to "send money and shut up." Yet, at the same time that participants were indeed calling for the federal government "to shut up", they were demanding that UMTA, DOL, and HEW clarify their policies and define their eligibility criteria.

There is always a danger that a more exact specification of any federal policy will be read by local communities as (a) actions required by the federal government, (b) a limitation on efforts at the community level, or (c) projects appropriate for all communities regardless of local conditions. There is a danger that any policy minimum will become the community maximum, that the suggested will be viewed as the required, and that omissions will be viewed as prohibitions. UMTA, or any agency in this area, is faced with the obvious problem of attempting to define probable options without limiting possible alternatives. It was not clear that a greater specificity by UMTA or of any federal policy could be achieved without some diminution of local control.

#### UNRESOLVED ISSUES

##### Labor

The largest unresolved question discussed at the conference is that of the impact of Section 13c labor protections on the development of paratransit systems that use a variety of operators (such as third-party providers, private taxi operators, and not-for-profit or social service agencies). The impact of such labor protections on coordination efforts and on competition, even on the limited contractual basis discussed in Rechel's paper, is far from clear. In fact, to fully discuss the potential

of those two paratransit options, most of the Section 13c considerations were laid aside in both the resource papers and the relevant workshop discussions. The impact of Section 13c on user-side versus provider-side subsidies was also raised in several workshops but not clearly answered.

DOL has announced its intention of continuing to decide the important protection questions arising under Section 13c on a case-by-case basis. Almost all conference participants agreed that the difficulties could be solved in individual cases at the local level; there are a number of specific examples of successful negotiations. However, many participants had fears about the inhibiting effect of uncertain negotiations and settlements. If, in fact, negotiation continues on a case-by-case basis, some continuing uncertainty and fear on the part of local planners may be expected.

Although there was some remaining uneasiness about the eventual impact of expanding Section 13c protections, there was also some new cause for optimism. Representatives of DOL and of organized labor interests noted that a case-by-case settlement of these questions has allowed local negotiation of issues such as the protection of employees of a taxi company under contract to a transit property. In other words, because DOL does not specify that certain third-party employees are automatically covered, this question can be addressed at the local level in response to local conditions.

The Section 13c issue again illustrates the conflict between the need to reduce the ambiguity and uncertainty that arises from a less than definitive national policy and the desire to optimize local options and decision making. It is ironic that many of the same participants who called for maximum flexibility in UMTA funding programs also pushed the hardest for a firm and definitive DOL national policy.

#### Organizational Responsibility

There was strong feeling in several workshops that the development of a range of paratransit services at the

community level requires some form of coordination. Coordination was seen as a necessary technique for the integration of the myriad of community transportation providers, the reduction of the redundancy and duplication among paratransit operators, and the optimization of system effectiveness and efficiency. The need for coordination was discussed not only with regard to social-service-agency transportation networks but also with regard to the expressed needs for a community broker and for a paratransit planning agency at a level high enough to avoid parochialism.

Although there was much feeling that coordination is required, this view was far from unanimous. Moreover, even those participants who agreed that such mechanisms might be appropriate wanted such decisions to be made at the local level and not imposed as a matter of national policy. The most serious differences arose among those participants who did agree on the need for such mechanisms but could not agree on which particular community institution should or could fulfill the specified responsibilities.

Much debate centered on whether the transit property, the metropolitan planning organization, or a third-party broker would be the best party to attempt such coordination attempts. Of the three approaches, the third-party or community-broker approach appears to hold the best chance to involve the social service community, but others argued that it has the least chance of affecting the transit property.

Above all, as Jones in his paper and several conference participants pointed out, the coordination function would require organizational resources, time, money, and staff, resources that would be taken away from the direct provision of services. Others questioned how willing social service or other agencies would be to financially support such institutional structures even if they agreed to cooperate in coordination efforts. Finally, there was some opposition to such structures simply because they imply a diminution of local decision making and control over services and resources.