

Paratransit Development: Search for an Appropriate Labor Policy

Dan V. Maroney, Jr., Amalgamated Transit Union

The potential of the various paratransit modes for serving urban transportation needs is as yet largely undetermined. An informed and equitable labor policy would greatly assist all current efforts to explore the market potential of paratransit. Group ride-sharing paratransit forms, such as car-pool incentive programs, van pooling, shared-ride taxi service, and special services to the handicapped provided by sources other than conventional transit, raise difficult issues of labor policy. Where shared-ride services are to be integrated into the regional multimodal public transportation system in accordance with current planning requirements and policy directives, an appropriate labor policy should minimize political confrontation and labor conflicts. Labor ought to be involved at the outset in the planning and policy- and decision-making process. A good labor policy requires recognition of existing job equities and wage standards for transit labor. A successful labor policy will minimize unfair labor competition and jurisdictional conflicts between unions and groups of workers and require continued collective bargaining without government intervention. When adverse effects on the existing labor forces in the public transportation industry are unavoidable, they should be cushioned by job allowances, including job retraining and relocation expenses.

The Amalgamated Transit Union (ATU) has long been actively involved in the promotion of new forms of transportation as a useful part of the total transportation network. We ask only that the rights and interests of our members be properly protected before these services are operated. We look with particular favor on any form of paratransit that promises to improve the quality and reach of our traditional transit systems and services. Conventional systems that provide a vital network of line-haul services on a regularly scheduled basis over fixed routes will, for the foreseeable future, continue to be the heart of any effective regional system of urban mass transportation. To fulfill its proper role, paratransit need only be integrated and coordinated into the overall transportation structure so that each mode does what it does best and none detracts from the performance of any other element of the total system.

Before proceeding to a further discussion of paratransit, I want to make a few brief comments in regard to the current status and priorities of the programs of the Urban Mass Transportation Act. We feel that both the federal government and transit management have failed to deal effectively with the real-world problems and needs of our industry for improved productivity through increased ridership per distance traveled and

higher system speeds. These, when combined with demand-responsive concepts and paratransit elements, could make some form of public transportation available to everyone in the urban community at reasonable cost. We think that far too little attention and money have been devoted to immediately attainable ways and means of improving the productivity of the total transportation network so that an ever increasing number of trips can be served by public rather than private transportation. Notwithstanding the often desperate immediate needs of our urban communities for additional public transportation services, federal transportation funds have all too often been spent for capital improvements that offer neither immediate nor long-term relief to the needs of our citizens for a public-transportation alternative to the private automobile.

As a native West Virginian and long-time international and local union representative of transit labor in that state, I need only mention, as an example, the Morgantown People Mover project as an illustration of my point. The Urban Mass Transportation Administration (UMTA) spent millions of dollars in Morgantown on a project whose value, even to that community, is limited. By comparison, only a pittance has been spent in preserving and improving conventional bus transit services in such cities as Charlestown, Huntington, and Wheeling, where the transition from private to public ownership has been very difficult indeed and often marked by long periods of suspended service. We in the ATU would like to see the federal government spend far more of its total transportation dollar on improving conventional mass transit through the introduction of such innovations as fare-free transit and demand-responsive services tied into the regular schedules and route structures, as they are in Rochester, New York. Other service changes should be designed to meet new market demands and to improve the system's speed and efficiency. On the other hand, it is obvious that conventional transit alone cannot serve the public transportation needs of the entire community. The various paratransit modes clearly have their own contribution to make and proper role to play.

The potential of the various paratransit modes for serving urban transportation needs is as yet largely undetermined. A lot of experimentation and testing will be

required before these somewhat specialized forms of public transportation can be evaluated and assigned their proper place in the family of transit services. Obviously, an informed and equitable labor policy would greatly assist all current efforts to explore the market potential of paratransit to serve all kinds of urban travel demands. In the longer term, such a labor policy will be an essential part of the overall institutional framework within which each paratransit mode must be allocated its proper role and functions. Moreover, such a policy will certainly go far to determine which labor-cost factors must be cranked into the cost-benefit analyses of the policy makers. Unfortunately, it appears that to date little or no progress has been made at the federal level in the shaping of an appropriate labor policy for paratransit. In such circumstances, it has been very difficult for us, as representatives of transit labor, to address the many thorny issues that paratransit presents for our members. We do have, however, some fairly definite ideas as to what the elements of a proper labor policy should be, and I shall attempt to set them forth here.

DEFINING PARATRANSIT

The term paratransit has been used to cover a variety of services and forms of intraurban passenger transportation that are distinct from conventional, regularly scheduled line-haul transit. These include almost any kind of organized ride-sharing activity—demand-responsive transit service, shared-ride taxicab service, jitneys, subscription buses, van pools, car pools, short-term pool cars (either company-owned or rented), and other special door-to-door services provided to special user groups such as the elderly and handicapped. Each of these paratransit forms may be offered as alternative travel options to conventional transit and the private automobile for both commuter and nonwork trips throughout the metropolitan area. Each type of paratransit has its own peculiar service characteristics and operating requirements depending on the market it seeks to serve and the institutional setting in which it is placed. Manpower requirements, labor costs and contracts, the identity of the working force and unions involved, the nature of the employment relationship, the laws affecting relations between labor and management, basic compensation and fringe benefits, along with the application of particular labor-protection requirements, vary according to the choices made among different paratransit services and their particular applications.

Demand-responsive transit, as a subcategory of paratransit, does not in principle pose any special problems from the viewpoint of labor. On a number of public occasions, we in the ATU have gone on record in support of transit dial-a-ride services, which we have looked upon as an attractive improvement that offers increased ridership and productivity to the fixed-route transit system. We still feel that the dial-a-ride concept offers to the transit industry a real opportunity to open up new markets in the lower density areas and, in general, wherever trip origins and destinations are too widely dispersed to permit service by conventional line-haul transit. In fact, Elliott (1, pp. 77-78) stated our conviction, at the TRB conference on demand-responsive transportation, that

a public transportation system, using a proper mix of demand-responsive and fixed-route techniques, can succeed in replacing the private automobile as the preferred means of transportation for many urban trips. Such a user- and demand-oriented system, because of its increased patronage and productivity, should be far more economically viable than conventional route-oriented transit. Whether or not it can fully pay its way, such a system will better serve the community and, in our view, is, there-

fore, more deserving of tax support. . . . We see no reason why demand-responsive techniques should present any special collective bargaining problems for our members or for the industry. . . .

As we see it, any special labor implications of demand-responsive service, which may require adjustments in wages, hours, and working conditions, are properly left to the local collective bargaining process. These can and should be worked out on a consensual basis by the local management and union bargaining committee in terms of the services to be provided and the needs of the parties.

Unfortunately, the fiscal pressures on the transit industry have been extreme, and in many applications the transit dial-a-ride service has proved to be a high-cost, low-revenue-producing operation that has created widespread public demand for service extensions and generated new funding requirements, which could not be met. Accordingly, transit managements, except in such places as Rochester and Santa Clara County, California, have been very slow to take advantage of demand-responsive concepts and to revise fixed-route services. This has created what we regard as unnecessary and undesirable pressures for the introduction of new transit-competitive paratransit systems.

We recognize, of course, that transit labor has often been blamed for the industry's increasing operating deficit, which is now in excess of \$1 billion annually. We cannot, however, agree with those who have suggested that the worker should accept lower wages, lesser pensions, and more onerous working conditions in order that the industry may cover a greater portion of its operating costs. Likewise, the suggestion that demand-responsive transit services be provided at substandard wages and working conditions, at least until they prove successful, is no less acceptable than any other request that the worker subsidize conventional transit services, whose true cost neither the employer nor the taxpayer is prepared to pay.

Other group ride-sharing paratransit forms, such as car-pool incentive programs, van pooling, shared-ride taxi service, and special services to the handicapped provided by sources other than conventional transit, raise more difficult issues of labor policy that depend on the market served, the potential for competition and loss of riders, and the different labor components required by each mode. Perhaps less difficult to deal with, from the viewpoint of labor, are the car pool, van pool, and other subscription services.

CAR AND VAN POOLS

In the wake of the energy crisis in 1973, great emphasis was placed on the promotion and organization of computerized car-pool arrangements as a means of improving automobile efficiency and reducing petroleum consumption. Although such car pooling may divert patronage from conventional transit in some circumstances, no significant issues of labor policy are perceived, as long as federal assistance is not available for the purchase of vehicles or the payment of operating costs. The major thrust and impact of car-pooling programs to date have been to increase the occupancy of private automobiles and not to detract from any other form of conventional transit or paratransit. We foresee little likelihood that this will change in the years ahead.

Like car pools, van-pooling programs are usually operated to provide commuter transportation for employees between home and work. In the past, these have generally been privately organized by the employer, although federal experiments with so-called brokerage arrangements to provide van-pooling service to multiple employers and other agencies or facilities are now in progress in Knoxville, Tennessee, or on the drawing boards. In most cases, however, van-pooling service

is organized as a self-amortizing project by the employer for his own employees, using vehicles owned or leased by the employer and drivers who are his employees commuting to and from work. Driver compensation is typically in the form of free fare for the trip, along with the right to use the vehicle on evenings and weekends and retention of any revenues collected from passengers above a specified amount.

Experience with van pooling to date suggests that its greatest potential lies in serving low-density areas and long-distance commuters who, but for the van pool, would otherwise have to rely on car pooling or their own private transportation. Other possible uses of van pooling may be more competitive with conventional transit and taxi services and may thus give rise to questions of labor policy, particularly if such van-pooling programs are not self-supporting and issues of labor protection arise under federal or state laws. The attitude of transit labor toward such van-pooling programs will vary depending on the worker's perception of the potential threat to his job and earnings. Transit labor can be counted on to be at least neutral in regard to van pooling only as long as such van pooling is basically noncompetitive to conventional transit or other adequate guarantees to the transit employee and his bargaining unit are provided.

A good example of such protections is to be found in the context of the Knoxville brokerage van-pool demonstration project funded by UMTA under section 6 of the Urban Mass Transportation Act. The section 13c agreement negotiated in 1975 between the transit authority that sponsored that project and the ATU local involved includes a novel 4-year guarantee that the existing bargaining unit of the transit authority will not be reduced in size as a result of the project. The agreement also includes a special arrangement under which much of the routine maintenance work on the vans will be performed by the existing transit maintenance force in the shop facilities of the transit management company. In return for these guarantees, the local transit union officials withdrew their earlier opposition to the project and were willing to eliminate from their demands a number of other clauses restricting the areas of van-pool operations and the markets that could be served. Only time and experience will tell whether this agreement will be a success from the viewpoint of both parties, but clearly the transit worker gained a form of job security and the project applicant gained wider latitude than expected for the introduction of these experimental operations.

The labor issues presented by shared-ride taxi services, especially if operating or capital assistance to such services is provided under the Urban Mass Transportation Act, are even more difficult and complex, because taxi and transit operations are typically coextensive and competitive in their coverage. It has recently been recognized that the emergence of shared-ride taxi services as a form of paratransit eligible for funding under the Urban Mass Transportation Act poses the issue of competition between taxis and public transit in a very direct manner. As Alan Altshuler said at the 1975 conference on paratransit at Williamsburg, Virginia, such group-ride taxi services bring into question the legal and policy definitions of the terms "mass transportation" and "affected employee" that have guided federal policy over the past dozen years. A host of extremely difficult issues are presented, such as how to integrate taxicabs into transit planning, policy on transit subsidies, and publicly subsidized competition. Finding an appropriate labor policy to govern the various applications of such shared-ride taxi services will also be difficult. From the viewpoint of organized transit labor, the introduction of each of these shared-ride services

into the various UMTA programs gives rise to a serious concern that the ultimate effect may be to destroy conventional transit jobs and to undercut the transit worker's earnings potential by substituting an unpaid or low-wage, casual or part-time, nonunion labor force for the better paid career- and union-oriented professional transit worker.

DEVisING AN APPROPRIATE LABOR POLICY

What then should the government's labor policy be when such shared-ride taxi services are to be integrated into the regional multimodal public transportation system, in accordance with UMTA's current planning requirements and other policy statements and directives?

It is highly unlikely that an appropriate labor policy in this area can be put together at the outset or in any single policy statement. We would suggest, however, that these issues may best be addressed in a context and by a process that is designed to minimize political confrontation and labor conflicts. In this connection, we would agree with the participants at a recent UMTA-sponsored labor-management research conference who said that both labor and operating management ought to be involved at the outset in the planning and policy- and decision-making processes before a course of action involving transit is decided on. This is especially true of programs and activities that have an impact on or implications for union members and for the day-to-day responsibilities of operating management.

Another essential of an appropriate labor policy is a mechanism that would ensure that shared-ride taxi services and other group-riding activities, such as special services to the elderly and handicapped, not be used as a device to destroy the transit worker's job, to depress his compensation levels, or to worsen his working conditions. In other words, we believe that a good labor policy requires recognition of existing job equities and wage standards for transit labor. It has often been the policy of the federal government to adopt program standards that will not undercut union labor and prevailing rates of pay. We would urge that the granting of capital and operating assistance to paratransit be made conditional on the application of prevailing transit-labor standards where such services are to be provided by the taxi industry or other special providers, if such services are to be subsidized by the federal government. Our own experience in negotiations further suggests that the process of collective bargaining may not by itself permit the development and attainment of such labor standards in the absence of appropriate guidelines and criteria that have the full support of legislative or administrative policy makers.

In my judgment, the process of free collective bargaining is still the best available means to deal with most emerging issues that affect the transit industry's labor force. Any effort on the part of the federal government, in the context of section 5's operating assistance program or otherwise, to establish governmental guideposts or standards for determining fair wages, hours, and working conditions for transit labor will be a serious infringement on the collective-bargaining rights of our members and is certain to lead to serious labor conflicts. The recent bus employees' strike in New Jersey, which involved the majority of employees of private bus carriers throughout the state, was directly caused by the state's calculated effort to inject itself into the collective-bargaining process for the stated purpose of destroying the principle of cost-of-living raises and removing or capping the full range of cost-of-living contract clauses enjoyed by our members.

SUMMARY

I would like to sum up these thoughts about an appropriate labor policy that might contribute to the further development of paratransit. I believe it is clear that all interested parties, including transit labor, should work constructively together to establish arrangements for such services that are fair and equitable to all. A successful labor policy will be designed to minimize unfair labor competition and jurisdictional conflicts between unions and groups of workers. Those entrusted with the development of policies for UMTA programs should seek to tailor their projects to achieve full employment of the existing working forces and economic growth and expansion of all segments of the public transportation industry. Successful labor planning also requires that continued collective bargaining and labor representation be free of government intervention in determining fair wages, hours, and working conditions in public transportation. In funding mass transit, the federal government should refrain from establishing any kind of cost controls or performance standards for labor that would impair the bargaining process.

In addition, an appropriate labor policy must recognize the human factors involved. Workers are people whose lives and livelihoods are greatly dependent on what government does in the field of paratransit. It would be a great mistake to regard these individuals as movable cost factors in an abstract economic equation. These workers are entitled to fair treatment from any federal program. They are not to be selected out or discarded at will. Public transportation policies and programs must assure that all such workers will receive appropriate levels of labor protection. As a minimum, these should provide an equitable sharing of any benefits or burdens flowing from changes in technology, service innovations, and modal shifts. When adverse effects on the existing labor forces in the public transportation industry are unavoidable, they should be cushioned by job allowances, including job retraining and relocation expenses, as provided by section 13c of the Urban Mass Transportation Act.

I do not think that we in the ATU have tunnel vision, as has sometimes been charged, in pursuing our objectives and interests. We recognize that paratransit can provide expanded job opportunities for organized transit labor, both directly, as in the case of the Rochester system, and indirectly, by creating increased ridership for conventional transit services. We also recognize that any fundamental change in the status quo in the transit industry, such as the changeover from trolley to bus, can present serious labor confrontations if nothing is done to avoid them. We are prepared to work constructively with others to establish a labor policy that will be fair and equitable to all in the further development of a strategy for paratransit. We look forward to working with others on these issues as they emerge.

Finally, there is a real need for a complete no-fare demonstration project in this country. In our judgment, such a project would place 90 percent of paratransit experiments on the back burner for some time to come since many people will produce their own paratransit means to take advantage of the no-fare public transportation.

REFERENCE

1. J. M. Elliott. Demand-Responsive Transportation as Seen by the Transit Worker. HRB, Special Report 136, 1973, pp. 75-79.