

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
TRANSPORTATION COMMITTEE

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In re: House Resolution 41

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Stenographic report of hearing held
at Beverly Hills, Middle School,
Upper Darby, Pennsylvania

Thursday
October 29, 1987
11:00 a.m.

HON. AMOS K. HUTCHINSON, CHAIRMAN

MEMBERS OF TRANSPORTATION COMMITTEE

Hon. Mario J. Civera, Jr.
Hon. Dick L. Hess
Hon. Gordon J. Linton
Hon. Joseph A. Steighner
Hon. John N. Wozniak

Also Present:

Larry Gordon Executive Director
Paul Landis, Minority Executive Director

Reported by:
Dorothy M. Malone, RPR

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135 S. Landis Street
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1 REPRESENTATIVE LINTON: Good morning. Pursuant
2 to House Resolution 41, the House Transportation Committee
3 will convene the, I guess about the 7th in a series of
4 hearings in regard to House investigation of SEPTA.

5 We would like to begin our hearings this
6 morning by asking Roger Tauss of Local 234, TWU International
7 to come before the Committee to present his testimony.

8 I would like to introduce to you the members
9 of the Committee who are with us today. To my right is
10 Representative Joe Steighner from Butler County; to my
11 immediate left, Mario Civera, who is the host member of
12 the Committee today. We are here in his district. To
13 his left, a colleague from Johnstown, Representative John
14 Wozniak. We also have Representative Richard Hess, who
15 will be with us shortly.

16 MR. TAUSS: I would like to thank the Committee
17 for convening these hearings and giving us an opportunity
18 to address them.

19 Don't panic over the length of the outline.
20 I would try to touch on some of the high points of it.
21 It is clearly very thorough. Our members interact with
22 SEPTA management and the problems of safety and service
23 that you are concerned with, etc. daily and we have a lot
24 of resources in this area. I would be very glad to meet
25 at other times with your staff or such people as you

1 designate and give you details and document various
2 problems that exist.

3 I come before you in an unfortunate position.
4 Most people that work for a company would like to be proud
5 of their company, proud of the jobs they do. Our members
6 do not say that. In fact, I would say most of our members
7 do not like to tell people for whom they work. They are
8 ashamed of their employment at SEPTA. Ashamed of problems
9 on the job with safety and service and waste and mismanagement
10 over which they have no control. These are problems that
11 concern not only us but the riding public of the Delaware
12 Valley.

13 Of the three problems, mismanagement, funding
14 and governance, I feel that governance is the key. We
15 have a board in which eight of the eleven members represent
16 a tiny fraction of the ridership and the funding. Even
17 more important, it is a board with no one person you can
18 put your finger on and say, you are responsible for what
19 happens here; not the mayor, not the governor, not the
20 county commissioner of any particular county. Because of
21 the structure of the board it is very easy for people
22 to pass the buck and say, it is not me, it is them. As
23 a result, SEPTA has been insulated from any kind of control
24 that would normally exist and exist in most other transit
25 agencies.

1 We have gone back to the situation which occurred
2 in the late '70s where the board chairman, essentially
3 an amateur, is running the day-to-day operation. So we
4 have a weak general manager. The Transport Workers Union
5 recognizes some enthusiasm that a new general manager has
6 been selected. One who is a professional; one in whom we
7 have some high hopes. But if he is going to be able to do
8 what all of us hope he can do, he is going to have to be
9 free from the interference of the day-to-day operation
10 of the company, free to operate as an independent professional.

11 The funding problem, which I will discuss a
12 little later, is a real problem. We feel the funding
13 problem flows from the governance problem. It is very
14 difficult to get, for example, the State Legislature to
15 put money into something over which they have feel they
16 have no control or the governor or the mayor of Philadelphia
17 or anyone else. They say, we don't have any control. We
18 can't tell them what to do with this. We can't govern
19 whether or not the money has disappeared down a hole
20 someplace, it is very difficult to convince you gentlemen
21 or anyone else to put money into this operation. I think
22 until the operation is, number one, in the hands of somebody
23 who is responsible, for example, in New York State, the
24 governor of the State of New York appoints half of the board
25 of the MTA in New York City. Appoints by statute the

1 chairman of that board. The governor therefore is
2 accountable and has some ability to control what happens
3 to the money he puts into the system. Without something
4 short of that, we can talk about money but I honestly
5 don't believe it will be forthcoming given political
6 realities.

7 Let me talk a little bit about some of the
8 problems this setup creates. The first one is an operation
9 that is dreadfully mismanaged. Now, if you look on the
10 surface, if you look at the numbers, it doesn't appear to
11 be as bad as it is. If you compare the operations cost
12 of SEPTA with other systems, you say, well, they are
13 roughly comparable. The problem is, something we are not
14 particularly happy about but the reality is, our members
15 make about \$4.00 an hour less in wages and benefits than
16 the average transit worker in this country. I am not
17 here asking for a raise. What I am here to say is that
18 that money should be reflected in lower operating costs.
19 SEPTA's operating costs should not be typical of those
20 around the country. They should be about \$40 million
21 less for the size operation we are running given the
22 savings in labor costs. The fact that both savings and
23 labor costs are not reflected in the operating costs of
24 this company indicates tremendous waste and mismanagement
25 in other areas of the operation. And the outline just

1 touches on some of it. We have a system in the city
2 transit division at least where there is no one has authority
3 over both transportation and maintenance side of the
4 operation till you get all the way up to the guy right under
5 the general manager. In the depot we have a transportation
6 boss and a maintenance boss and they are constantly fighting
7 as to who should take blame to cover their own position.
8 As a result, like in safety and service you will see, the
9 shop manager, he is rated by does he have the equipment
10 ready at the beginning of the day to go out on the street.
11 So he pushes anything out on the street. If it breaks
12 down afterwards or whatever, that is not his concern.

13 Operations is almost completely cut off in
14 designing of new shops and new facilities. I would be glad
15 to sit down with your staff and detail, for example, the
16 new 69th Street motor shop which is a disaster. I can
17 list about a million dollars worth of repairs and wasted
18 equipment; it was poorly planned. They put in some very
19 heavy duty hoists that were unnecessary for the job.
20 Instead of the smaller, more numerous hoists, they have in
21 the old shop, I mean, it is a total disaster. It costs
22 money, not only capital money but operating money. The
23 new Allegheny garage is so misplanned they had to knock
24 down one of the walls. They couldn't put the buses in there.
25 These kind of things go on daily.

1 In the area of hiring, the operations people
2 have no control over hiring. They cannot fill vacancies.
3 We go on and on.

4 In the claims area, which is obviously a
5 disproportionate share of SEPTA's budget compared with other
6 companies, the claims department is totally inadequate
7 for the job it has to do and it takes an incorrect stand.
8 SEPTA's philosophy is to settle all the small claims and
9 fight all the big ones. Settling the small claims encourages
10 a lot of phony claims. It is a standing joke, if you have
11 an accident and as soon as it hits the radio, there are
12 400 people on that bus and SEPTA settles these claims.
13 On the other hand, SEPTA does not have the manpower or
14 the ability to fight the big claims. There is a number of
15 cases they could have settled for 90, \$100,000. They ended
16 up paying millions.

17 In productivity of the operation, SEPTA is
18 notorious for bad labor management environment. And no
19 where does that show itself more than in inefficient,
20 wasteful, ineffective procedures on the shop floor and
21 in transportation. It is almost gospel today and any
22 successful company that one of the last untapped bastions
23 of productivity is the knowledge of the hands-on worker.
24 You want to know what your people on the shop floor know
25 can save you money. At SEPTA, because of the militaristic

1 approach to labor/management relations, if an employee
2 comes forward and says, hey, you can do it this way. this
3 is a better way, the response is, hey, you don't tell me
4 what to do. I am the boss. You go back and do it the way
5 I said. Consequently, you have the old slave mentality,
6 we know how to deal with that. We will do everything you
7 tell us and workers are very adept at following orders to
8 the letter even when those orders screw up productivity.

9 There are so many points to touch on. One of
10 the ones that was ballyhooed a year ago was SEPTA's
11 reduction of management, early retirement of management,
12 about ten percent of management. What happened in fact,
13 to follow this up, is in fact those people were replaced
14 with other people. This was not a savings, a reduction
15 in management. It was a purge of one set of people so
16 another set of people could be brought in. The company is
17 just rife with these kind of things.

18 Clearly, one of the dynamics that moved the
19 Legislature to create this Committee was the tremendous
20 and highly advertised safety problem SEPTA has been having.
21 All the things I have been speaking to you go directly to
22 the question of safety. We periodically run safety checks.
23 We go into a garage announced in advance, three days in
24 advance, and review the fleet. We will send qualified
25 state inspectors under the buses to check them out. When

1 we do this, back around '83 and '84, it wasn't too bad.
2 But as the fleet gets older and preventative maintenance
3 is not maintained, it has become terrible. The last checks
4 we ran, some 80 percent of the buses were not fit for the
5 street the condition they were in. And some of them were
6 minor things and some of them were major things like brakes,
7 steering, steering boxes. The pressures on the maintenance
8 management to push the vehicles out on the street to make
9 the line means unsafe equipment is being sent out on the
10 street. We can document chapter and verse again and again
11 on a daily basis of vehicles sent out on the street
12 in violation of the state inspection laws. In fact, in
13 one case we pointed out to SEPTA that this in fact violated
14 the state inspection laws and their response was, well,
15 we will have to change the law. The braking system on
16 the new LRB trolley, state law says all the systems have
17 to be working. SEPTA says, well, we don't really need
18 this one. It's only about 20 percent of the braking that
19 we are losing.

20 SEPTA has a procedure for the inspections where
21 their shop personnel inspect vehicles on a regular basis
22 to find flaws rather than wait for the regular state
23 inspection to come up. Because the inspectors were finding
24 too many defects, we had repeated problems. SEPTA stopped
25 doing the inspections because they didn't want to create

1 hold vehicles so they could make the line. SEPTA has
2 threatened inspectors telling them not to write up defects
3 and not to repair defects. In fact, we have some employees
4 who have been fired for refusing essentially to falsify
5 their inspections.

6 The list of different defects that have been
7 reported and ignored; bald tires, missing pilot lights.
8 One of the worst ones on the buses, many of our new buses
9 have windows that do not open. In an emergency you are
10 supposed to be able to push them open. One recent check
11 revealed more than 80 percent of the buses had windows
12 that could not be pushed open. This is obviously not
13 a problem that occurs every day, but we normally have
14 about one fire a year. In this kind of situation, it is
15 quite possible we will see some passengers not able to
16 exit these vehicles in the case of a fire.

17 Another source of accidents, we are talking
18 about so far the maintenance side, another source comes
19 from the transportation side. The classical way of dealing
20 with budget cuts and budget crunches is to cut service,
21 increase the headway distance, the amount of time between
22 vehicles and speed up the operations. There is a saying
23 you've got a rule book and a schedule and you can only
24 live by one. SEPTA has all kinds of rules governing safe
25 operations you are supposed to follow. You also have a

1 schedule you are supposed to follow and you can't do both.

2 We tell our people don't worry about the
3 schedule. Follow the rules just protect yourselves.
4 However, the reality is that many people don't. Under the
5 pressure of schedule, under the pressure of supervision
6 harassment, people do speed up. People do try to make
7 the schedule. If you don't make the schedule, there is
8 a built-in penalty. You lose your five minutes in line
9 to go to the bathroom or have a smoke or whatever. So
10 people do push the vehicles down the street as fast as they
11 should. They do cut corners because of this pressure.

12 Another problem you have on the street is
13 operators trying to turn in unsafe vehicles. I have a
14 bus with bad brakes. The first thing that happens is
15 this pressure from the control center. Well, can you
16 operate it? Can you work it? Can't you keep going?
17 If the driver is adamant, no, I can't. Frequently what
18 will happen is the supervisor will come out, he will stop
19 the bus in back of him, he will just switch buses. He
20 will tell the operator, well, you take the bus of the guy
21 in back of you. He has the guy in back of you keep
22 operating your bus without telling him he had a complaint
23 about a safety defect.

24 There is a continuing pressure to keep operating
25 in unsafe conditions all of which are not safety questions.

1 We have a problem on our vehicles of criminal attack.
2 Clearly it is a major public concern to be safe from
3 beatings, robberies, etc. We have numerous situations
4 like the one on the Broad Street subway recently. Where
5 a band of kids robbed some passengers and they stayed on
6 the train. The passengers went to the train operator,
7 the motorman. They said, these guys are here, they are
8 on the train, call the police. We can identify them.
9 He calls the police, he calls SEPTA, the SEPTA dispatcher
10 calls the police, he is waiting about ten minutes. The
11 police don't come. Finally he calls them and they just
12 order him, well, get moving. Take the train down the
13 street. These people are here waiting to identify these
14 people. They have been robbed and he was ordered to take
15 the train down the street in service or he would be fired.
16 This is not a onetime situation. There are other comparable
17 situations.

18 Clearly, SEPTA's concern is with appearances
19 and not with the safety of the public. The same is true
20 for service to the public. The way SEPTA sets the schedules
21 is, as far as I can find, unique in this country. They
22 send people out on the street, checkers, and they will wait
23 at a time point and they will check. They'll say, well,
24 this bus is supposed to be down here at 10:03 and it is
25 10:04. It is a minute late. They will draw a graph. So,

1 this bus is a half-minute early, two minutes early, three
2 minutes early, a half-minute late, and when they have the
3 whole graph for a time period like six to nine in the
4 morning, they look at it. They take a red pencil and they
5 draw a median line right through the middle so that half
6 of the buses are on time or early and half of the buses
7 are on time or late. So they are building in a schedule
8 in a normal situation without any emergency. The normal
9 expectation is that half of the buses are going to be late.
10 That is how the buses are scheduled. I checked with other
11 cities. I can find nobody that schedules service this way
12 except SEPTA.

13 Obviously, the problem becomes exacerbated
14 when you have any kind of a problem if a bus is out. Now
15 the tight scheduling means the whole system falls down.
16 People complain. They say, we stand on the street corner
17 for an hour and nobody comes along and then we see four
18 buses. Well, that is the reason. When you schedule
19 that tight, just as in the airlines industry, they are
20 having a big problem now because they are scheduling so
21 tight because of deregulation. As soon as one thing falls,
22 it messes up the whole timetable. The same thing happens
23 with SEPTA on a regular basis. Because they schedule so
24 tightly, as soon as one bus goes down or there is an
25 accident or a blockage in traffic, whatever, the whole line

1 goes down.

2 SEPTA has, I am really pleased to see in
3 legislation you gentlemen put in, you are talking about
4 some standards to be set, some performance standards. One
5 of them, obviously, should be on time performance. Again,
6 in the airline industry, they have an on-time performance
7 standard based on when the vehicle arrives or takes off
8 within 15 minutes, late or not. In SEPTA's case, the only
9 on-time standard they keep, the only measures they keep
10 are does the vehicles leave the depot on time. If it gets
11 out, if it gets out at 10:05, that is fine. If it breaks
12 down, nothing. If it's 20 minutes late, 30 minutes late;
13 nothing. There is no mention of this, there is no evaluation,
14 there is no assessment and therefore no pressure on SEPTA
15 to establish a schedule which will in fact operate on time.

16 Clearly, talking to the riding public,
17 dependability of service is probably more important than
18 any other single thing. If they know when they get out
19 on the street the bus will come when it is supposed to come,
20 that is more important than even fares. That is not what
21 they get from SEPTA.

22 On the funding question, clearly, some of this
23 problem is of management and some of it is a problem of
24 funding. SEPTA is in fact -- has the lowest subsidy on a
25 per ride basis of any system in the country overwhelmingly.

1 In the city transit division, riders pay 63 percent of the
2 cost of their ride. UMTA sets a goal for most places of
3 50 percent. In fact, national average is about 37 percent.
4 The fares, SEPTA has dealt with its financial problems
5 by putting the burden totally on the back of the riders
6 who have to pay these fares. Not only does it drive people
7 away, it is unjust. Many other people benefit from the
8 services of SEPTA besides the people who ride it. As we
9 see in the unfortunate situation when we have strikes,
10 the roads are tied up, business loses millions of dollars,
11 taxes are lost and earnings are lost. Clearly, more than
12 just people who ride the system have an interest in its
13 proper functioning. I recognize and sympathize and agree
14 with the Legislature, the governor's reluctance to put
15 money into this system for which there is no accountability
16 and which is not run well. So again we come back, again,
17 to the question of governance. We would urge the Committee
18 to look at these questions a little deeper.

19 I would have liked to have discussed on the
20 general level and we would be glad to make ourselves
21 available for any kind of assessments for particulars
22 regarding SEPTA.

23 REPRESENTATIVE LINTON: Thank you very much,
24 Mr. Tauss, for your testimony. All the number of areas you
25 covered in your testimony, I would sure believe that members

1 of this Committee have a number of questions that they may
2 want to ask. Representative Wozniak.

3 BY REPRESENTATIVE WOZNIAK:

4 Q Mr. Tauss, what I am going to be seeking, I
5 come from the other side of the state. Cambria County's
6 transit authority is one of the more efficient systems in
7 the nation and our general manager has been honored by
8 numerous transportation systems. in the effort he has
9 done. I guess one of the recommendations you made that
10 the accountability of the higher echelon simply isn't there.
11 What would you recommend as a way to bring some account-
12 ability so that Joe Shobogen (phonetic) would be the man
13 that you go to for this. He would be the man responsible
14 and it would be his neck on the line if things went bad
15 in that situation. What recommendations would you have
16 to bring some accountability in?

17 A I think the key to accountability is that
18 person has to have the authority to accomplish what you
19 are holding him accountable for. Personally, I would think
20 the state should have a much greater voice in the operation
21 of SEPTA. As I said, in New York City and New York State,
22 the governor appoints half of the members of the MTA Board.
23 He appoints by statute the chairman. I think that is the
24 kind of setup would make a lot of sense. The state, you
25 can argue it should be the Mayor of Philadelphia, or

1 whatever, but then you run into political problems. If you
2 put it at the state level, as they do in New York, then
3 the governor's neck is going to be on the line. Also,
4 the governor or Legislature are going to have the ability
5 to make what they want happen, too.

6 Alternatively, there are other assistant forms
7 which aren't exclusive. A number of areas have an umbrella.
8 Like in New York, the MTA under the umbrella of the
9 regional group. But then they have the operating authorities,
10 pieces of that. New York City operates the New York City
11 Transit Operating Authority. So it would be possible to
12 have under SEPTA a city transit division operated by the
13 city, a suburban transit operated by whichever of the
14 counties want to and probably a regional commuter rail
15 system to operate that under the umbrella of SEPTA. That
16 is another way, at least from the CTD, would put some of
17 the authority in the hands of the mayor and be able to hold
18 him accountable.

19 Q How many drivers?

20 A How many drivers?

21 Q In the SEPTA system.

22 A Roughly, I would say around 3,000.

23 Q How many employees in the entire SEPTA system?

24 A There are about 9,000 employees. We represent
25 5600 who are operators and mechanics. The UTU, you will

1 hear from soon, represent the Red Arrow drivers. But I
2 think about 1100 employees on the commuter rail system
3 represented by about 14 different railroad unions.

4 Q In your opinion is management overstaffed with
5 fat?

6 A There is no question about that. I mean that
7 goes, when I talked briefly about the history of antagonism
8 instead of working together between labor and management.
9 What that philosophy leads to, that philosophy leads to
10 if you operate with suspicion that these people are bums
11 and you've got to watch them. If you don't involve the
12 employees with some enthusiasm for the goals of the
13 operation and where you are going, you have to hire more
14 people and that is what they have done. Since 1980 I would
15 say the level of supervision has probably doubled. And
16 the staff support function over in human resources has
17 gone through the roof. I couldn't tell you the multiple,
18 probably three or four times.

19 Q How about your record? It seems that they,
20 we scenario. They are fat. There is too many at the
21 management level. How about on your level, mechanics
22 and drivers and support groups? Do we have a situation
23 where SEPTA is simply such a large labyrinth of bureaucracy
24 that there is more people working in it than there should be?

25 A Well, in our end, it is just the nature of

1 transit. I mean, in some industries that would be -- it is
2 the type of question, the nature of transit is, I mean,
3 every vehicle has to have an operator. So really what you
4 are talking about is the level of service. Of course, the
5 only way is to say there is too many operators and say
6 there is too much service out there. On the maintenance
7 side I think clearly there is not enough. That is one of
8 the problems we have. They keep pushing. You should have
9 enough people not only to maintain the equipment as it is
10 but also enough to do some preventative stuff. That is
11 the first thing that goes when you don't have enough
12 manpower and I think that is the situation.

13 REPRESENTATIVE WOZNIAK: Thank you.

14 REPRESENTATIVE LINTON: Representative Steighner.

15 REPRESENTATIVE STEIGHNER: Thank you, Mr.

16 Chairman.

17 BY REPRESENTATIVE STEIGHNER:

18 Q Mr. Tauss, I come from the part of the
19 Commonwealth that is even farther west than Representative
20 Wozniak. I come from the part of the Commonwealth where
21 every two years I have to defend various votes I make in
22 the Legislature in defense of not only Philadelphia but
23 southeastern Pennsylvania. There is an ongoing fear
24 in parts of the Commonwealth, primarily western Pennsylvania,
25 that Philadelphia bashi is an easy game to get involved in

1 and I put up with that quite a bit.

2 However, you come to me this morning with at
3 least a story to me, as one member of the General Assembly,
4 of a transit system from your perspective anyway that is
5 out of sync, out of touch and I guess out of control.

6 And I have a couple specific questions. It is
7 going to take me a while after we get the testimony from
8 the court reporter to go over your testimony again because
9 you gave us so much to look at and it raises an awful lot
10 of serious concerns. One of the things I just wanted to
11 touch on was your concern for maybe more state control.
12 We have, obviously, a responsibility when we allocate state
13 funds to have some, at least overview, of the transit
14 operation down here. But I don't know that the state
15 government wants to control the transit authority. I,
16 for one, would feel much safer with the people of this
17 area in charge of their own transit authority. Whether or
18 not it is not working now, I think at the very least it
19 could work. For example, the Governor makes his appointments
20 to the PUC but the Governor doesn't run the PUC. The
21 governor makes appointments to the Turnpike Commission,
22 but the governor doesn't run the Turnpike Commission.
23 Possibly we could have more appointments to the SEPTA Board.
24 I don't know that the Governor or the Legislature wants to
25 run the SEPTA Board. And along those lines, I guess, to

1 tag on what Representative Wozniak has said, what do you
2 see specifically that the Legislature could do beyond
3 funding, and you did give, I think, five areas of solution.
4 What do you see specifically we should do when we go back
5 to the Legislature to explain, one, defense for funding
6 but maybe tied into that some suggestions or solutions
7 of some of the problems you have brought up?

8 A I think there is several. One, I agree with
9 you, I don't think the Governor should run it, but I think
10 the state should have enough appointments that they have
11 a little influence, that their appointments would at least
12 have influence on what happens. Beyond that, I think you
13 have already started, I think, a fairly creative way down
14 another road which is setting standards. At least, at
15 the very least, SEPTA should be accountable to report to
16 the funding body. Here is what we wanted to accomplish
17 and here is what we accomplished in regard to this year.
18 Here is what we think is a good on-time performance and
19 here is in fact what we have. I think that scenario.
20 At least when we come, they should give you some details,
21 documentation. I find the reporting just incredible.
22 For example, there is no place, not to the state, not
23 to the Federal Government where they report the breakdown
24 of their labor costs. That is, they report their costs
25 as transportation of labor costs. Whether it is the

1 superintendent, the supervisor, management or the hourly
2 employee. There is no breakdown that enables you to say,
3 well, how much are you spending on drivers putting service
4 on the street and how much of it is supervision and support.
5 That kind of information I would think anyone should have
6 to make an assessment. I mean, that is the way they are
7 able to cover up the fact that their operating budget is
8 out of sync. By using the 40 million to say from the
9 comparably lower wages and benefits of our people to cover
10 other kinds of mismanagement and waste.

11 Beyond that I think there really is a serious
12 funding problem. I know you hear that from everyone and
13 I am reluctant to beat your ears. But where that should
14 come from, I don't know. There is a lot of different
15 positions, almost anywhere. But it is clear to me,
16 speaking back to your constituents in the western part
17 of the state, that the economic trouble in Delaware Valley
18 has a lot to do with the economic health of the State of
19 Pennsylvania in terms of taxes and in terms of things
20 flowing through here to the rest of the state. And I don't
21 think there is anything that has as much to do with the
22 economic health of the Delaware Valley as does transporta-
23 tion.

24 One of the things, there was a poll in the
25 Inquirer business section about a year ago asking what is

1 the best thing about doing business in Philadelphia. And
2 almost everyone of them rated the transportation network
3 either 1 or 2. Now, the second follow up to that, are
4 you willing to pay more taxes to keep it going or operate
5 well, none of them were. But I think if the economy of
6 the Delaware Valley is vital to the State of Pennsylvania,
7 which I think it is, then a functioning, reliable, decent
8 transit system is vital to the economy.

9 Q What kind of form do you have available now
10 and if you have one are you using it to take these kinds
11 of concerns which you have raised here this morning, which
12 I am sure you have or else we wouldn't be here, to the
13 management of SEPTA? Do you have a direct form, direct
14 line of communication with the Board or director or whoever
15 it is that you should go to to bring these concerns directly
16 to them, and if so, how is that done?

17 A Well, there is nothing formalized. There is
18 no formal avenue to the Board aside from speaking at a
19 meeting. There is no way to really sit down and go over
20 things. Some of the operating things I am able to sit down
21 and go over with some of the managers, but that is very
22 difficult. Sitting down is one thing and just having
23 an atmosphere where people are trying to work on things
24 together is something else. They repeatedly work something
25 out, come to us with something and say, here is what we are

1 doing. Wait a minute, this isn't so good. You could do
2 better, but then they have already done it.

3 For example, we have a big problem on the
4 high speed elevated subway with noise pollution. I mean,
5 we have done a study. Management has commissioned a study.
6 After our study was done, we found that our people are
7 going deaf and probably some of the public as well. This
8 is something we identified as an area, we cooperated,
9 let's work together on this. So they did hearing tests.
10 It has taken us a year to get the results of the hearing
11 tests. And supposedly, they are talking about stuff.
12 We have never sat down with us and said, well, here is
13 what we are thinking. Here is some solutions. Their
14 acoustic engineer gave them recommendations they have not
15 acted on and we have not been part of that process at all.
16 This is something if we really wanted to be hardnosed,
17 we would go out there and just pull our people off the
18 train. There is some irreparable hearing loss here. We
19 are not going to let it happen. It was identified as
20 something to try to work together on and it is really
21 frustrating when this kind of stuff goes on.

22 Then what happens is then you go to the media
23 and you yell and you scream and you fight and you end up
24 every three years with a strike.

25 There was a very interesting article in the

1 Harvard Business Review a couple of years ago indicating
2 that strikes generally are not over economic issues. They
3 are generally over unresolved grievances that build up
4 until there is frustration and the one time you usually
5 resolve it is at contract time. And from my experience
6 at SEPTA, that is absolutely true. I mean, very rarely
7 have I seen a strike over money. It is just people's
8 frustration. I cannot describe to you the bitterness and
9 the hostility of the employees toward this employer.

10 We were in court on the drug testing issue.
11 I mean, the federal judge, Judge Ludwig, himself talked
12 about, after hearing the people testify, the Byzantine
13 Implementation of Management Policy. He lectured them.
14 You are a public employer. You have a responsibility to
15 treat your employees fairly. I mean, this was from the
16 federal bench after hearing people testify. Whether people's
17 perceptions are right or not, this is felt so intensely
18 by our people, people hate to come to work. When people
19 start out on this job, they love the job. I am speaking
20 of the drivers now. You go out there, you have some
21 responsibility, it is an important job. You are moving
22 people. You are like the captain of your ship. They are
23 enthusiastic. It takes about six months to eight months
24 for SEPTA to beat that out of you. People hate to come
25 to work where they feel guilty. There is problems built

1 into the job, scheduling problems. You have to deal with
2 the public which can be difficult at times. That is all
3 part of the job; traffic. Then when you also have the
4 company trying to jump on your back every day and every
5 minute, that is what people feel. I mean, I can't prove
6 to you it is justified, but I can tell you that is how
7 people feel.

8 Q Earlier in your testimony, I wasn't sure of
9 the figure you used, did you say it was eight or 80 percent
10 of vehicles going out, in your opinion, were unsafe vehicles?

11 A I would say 80 percent. You mean in our checks?

12 Q Yes.

13 A Eighty percent of the vehicles that were going
14 to be sent on the street had something wrong that should
15 be repaired.

16 Q Well, I am in this area today. Are you telling
17 me I should expect 80 percent of the vehicles out there
18 are unsafe?

19 A Have something wrong with them, a safety
20 related thing, yes. I mean, some of them are like that --

21 Q That is not what I asked. Would you say 80
22 percent of the vehicles out there are unsafe?

23 A If by that you mean they don't meet a standard
24 of safety that I could feel comfortable --

25 Q No, I mean if they would not meet a standard of

1 safety as far as the state or federal inspection criteria?

2 A Absolutely, absolutely, state inspection it
3 won't pass.

4 Q If I were a potential rider and heard that
5 statement on the news media, what do you think my impression
6 would be as far as riding on the system?

7 A I think you would be worried about it. I
8 think people are worried about it. I mean, I don't think
9 I'm talking -- people are afraid to ride on SEPTA. They
10 have no choice. They have to. When they had these fare
11 hike hearings, almost nobody in the hearings that I noticed
12 talked about the hike. But they talked about the service
13 and safety.

14 REPRESENTATIVE STEIGHNER: That is all I have
15 right now, Mr. Chairman.

16 REPRESENTATIVE LINTON: Thank you. Representa-
17 tive Civera.

18 REPRESENTATIVE CIVERA: Thank you, Mr. Chairman.

19 BY REPRESENTATIVE CIVERA:

20 Q Mr. Tauss, to go over one of the first items
21 you spoke about, some of the other members of the Committee
22 touched on, the reason why I raise the question is because
23 of the funding situation in the Commonwealth of Pennsylvania
24 and the General Assembly is involved with mass transit.
25 In the State of New York, the way I understand it is the

1 governor has a single individual who is directly involved
2 with mass transit. Where if he wants to find out why this
3 isn't going on, he, on a daily basis, has a feel for it.
4 Is that what your type of recommendation is that we
5 introduce legislation where we would have an individual
6 from the Governor's Office that on a daily basis would be
7 able to account for what these different transportation
8 companies throughout the state are doing? Is that what
9 you are --

10 A I think that and in addition probably legislation
11 that half the board would be appointed by the Governor and
12 he would appoint the chairman.

13 Q We have talked about this before. I think that
14 is something we should look at. On the other hand, since
15 the way our SEPTA Board is arranged and we have so many
16 from the five-county area, your position as a union leader,
17 when SEPTA has come in on several occasions, especially
18 in Delaware County where they have decreased the amount of
19 ridership, what is your position as far as that aspect?
20 I am sure they have done it in the City of Philadelphia.
21 What position have you taken on it as far as a decrease
22 in ridership or discontinuing certain routes? The reason
23 my question for this is because in Delaware County, we
24 have had in the last five years a certain amount of routes
25 that have been discontinued. That to me demonstrates that

1 ridership has declined. If ridership is declining, we
2 come into the situation where the funding mechanism might
3 be changed around where the five-county area, the General
4 Assembly might ask the five-county area to impose a tax
5 to subsidize mass transit. I have a difficult time
6 supporting a regional tax for that reason because, in my
7 county, ridership has declined and I do have a problem with
8 the City of Philadelphia picking up more. What have you,
9 you as a labor leader, what have you done as far as this
10 decrease in ridership in the area that you represent or
11 employees that you represent which I guess would be
12 Philadelphia?

13 A We also have the Red Arrow counties.

14 Q Red Arrow.

15 A First of all, what I would say, in this era
16 I don't think ridership has declined. I think ridership
17 has been driven away, number one. When you have safety
18 problems, unreliable service is one thing that drives
19 them away. Beyond that though, you are talking about
20 cutting a line, that is a circular process. The more you
21 cut, the more you drive riders away. When SEPTA was
22 established back in the late '60s, there was an interesting
23 article by Lennie Savoke (phonetic), who was head of the
24 top fleet or whatever talking about why you need the public
25 transit system. He said when you run it for profit, what

1 you have in any system, you have end lines and you have
2 interior lines that are fed by the end lines. And the
3 nature of the business is the interior lines always make
4 money because they are carrying a lot of people back and
5 forth, and the end lines always lose some money. So when
6 you try to operate as the PTC was doing for a profit,
7 what you do is you cut the unprofitable lines so you cut
8 the end lines. And then new lines become end lines and
9 the system was shrinking because of that process. We
10 created SEPTA to get away from that, but we have gone back
11 to it.

12 They are now, when you start saying, well,
13 these lines on the outside, largely suburban lines, are
14 going to lose money. Well, they are losing money. That
15 is the nature of transit. The end lines lose money. And
16 when you use that as a justification to cut those lines,
17 it is simply a self-fulfilling prophecy. Yes, then you
18 have less riders and then you can justify cutting more lines.
19 When you have less riders, the system will begin shrinking
20 just as it was in the '50s or '60s. The system again will
21 be shrinking because you are using a cost effectiveness
22 type of approach rather than what kind of service we need
23 that will not only service the area but will bring riders
24 into the system.

25 I thought the new general manager spoke to that

1 really eloquently about what we have to do to bring people
2 into the system.

3 Q Since the mass transit of SEPTA in our area
4 is divided by two different labor unions, how well is your
5 relationship with the labor union that represents the Red
6 Arrow division?

7 A I said we have a number of labor unions.

8 Q I'm talking specifically about TWU.

9 A Well, we cooperate at various times. We have
10 different bargaining units, different contracts. We have
11 been in court together on the drug testing issue for example.

12 Q The reason for the question is when we do,
13 and every so many years, every three years, and you have
14 testified to that, that we do face a strike and it seems
15 that at times the Philadelphia situation, because of
16 Philadelphia focuses on Philadelphia, settlement sometimes
17 comes in a more fast fashion where in the suburban
18 communities would slow down a little bit. Do you think
19 that, what brings this question is sometimes I'm beginning
20 to think maybe the two divisions should be divided. Maybe
21 it should be just a Philadelphia division versus a
22 suburban division. For that reason, because the people
23 in the Delaware County area and the Montgomery County,
24 you know, all of a sudden we are out for three and four
25 weeks where you people resolve your situation maybe in two

1 weeks. The question has been raised to me several times
2 that maybe the system should strictly stay like it was with
3 Red Arrow, a member of the old Philadelphia, PTC,
4 Philadelphia Transportation Company should stay that way.
5 How do you feel about that? I mean, do you think that would
6 be a setback or do you think it would be able to help
7 ridership in the area or increase?

8 A It seems to me that is in fact, when it comes
9 to contracts, is what we have. In other words, what you
10 are saying is if the city operates the city and the Red
11 Arrow is on a different date, they have their own contract
12 and they are on strike. I mean, that would continue if
13 you broke them up. It seems to me it is a fact. I don't
14 know what my brothers in TWU would think of this. But
15 we would be better off with one date. Red Arrow went
16 through the city strike. They went through when transporta-
17 tion went on strike, when the maintenance guys went on
18 strike, and they were three times and they could have
19 been the fourth time. I mean, I would think if you put
20 one date you deal with it at one time and you negotiate
21 together. I think there is a lot of industries who have
22 the bulk of their union bargaining. I think that would
23 make more sense. Deal with it all at one time. I think
24 it makes a lot more sense.

25 Q On occasion do you have times when you could

1 sit down with management, let's talk about the safety
2 aspects, that is what we are here for today? When you have
3 a faulty system on a bus or a trolley, what is the procedure
4 or the company's procedure and how do you handle my brakes
5 don't work or the door isn't operating properly? That
6 driver then does what? Report it to the company or to his
7 supervisor?

8 A If he is on the street, he calls up the
9 control and says I have this defect.

10 Q Now the defect is reported. What is the
11 percentage of those calls that come in that they recall
12 that bus back or that trolley back and take it off for
13 that day and replace it with another? Or does the driver
14 continue to drive the bus for his eight-hour schedule or
15 his four-hour schedule, whatever?

16 A Well, it should depend on how serious the
17 problem. I mean, sometimes you have like in your car.
18 Your car may not be perfect but it is good enough to keep
19 out there. It depends on the nature of the defect. If it
20 is a brake defect, it should come off the street 100 percent
21 of the time.

22 Q Let's say it is a brake defect. What happens?
23 Do they pull it back in or do they --

24 A Well the first thing that happens is the
25 control center will say can you keep it out there. There is

1 like an expectation, you know, we would like you to keep
2 it out there. And that depends a lot on the individual.
3 If the individual is not secure, you are out there by
4 yourself, you know, a lot of people will keep it out and
5 they shouldn't. Then if you have an individual that will
6 stand up and say, no, I cannot operate this vehicle. Well
7 the next thing they will say is can you work it for a
8 change? Can you work it down to a point where we'll have
9 the supervisor meet you? So maybe you can do that.

10 Then they may bring you out another bus. They
11 may simply swap it and give your bus to somebody else who
12 won't complain. Or if they do send you another bus, usually
13 what happens is a maintenance guy drives that bus back in.
14 SEPTA has had some terrible lawsuits because of buses that
15 were unsafe, had bad brakes. They sent a mechanic out there
16 to drive it back into the shop, and of course, the bad
17 brakes were bad and they hit somebody and the damages were
18 very high because SEPTA knew about the problem.

19 Q What instructions do you give your people that
20 if something happens as far as mechanical breakdown and
21 the company doesn't want to handle it that day, what does
22 that, I'm a driver, what do I do? I come to you and say
23 I reported it such and such a time. They didn't act on it
24 and maybe an accident occurred. Do you go back to the
25 company and say, well, we had this driver report this

1 incident. How do you protect the member?

2 A Number one, we tell people the one thing that
3 you can absolutely feel free to refuse a direct order,
4 be insubordinate, is around safety. If you think it is
5 unsafe, there is nothing they can do to make you operate
6 that vehicle. Now, it is fine for us to say that, but
7 SEPTA also is a very punitive employer and people are
8 afraid. So some people -- if people stand up, I mean,
9 they generally will be all right. But a lot of people don't.
10 They are out there by themselves. They get intimidated.

11 When you bring the bus in, there is a form to
12 fill out where you check off various vehicle defects.
13 That goes to supervision in the shop.

14 There is no procedure. One of the things we
15 have tried to get in is, and there has been some discussion
16 of it but nothing has happened, is some procedure where
17 there is feedback to the operator as to what was done with
18 his complaint. But right now you fill out that trouble
19 card, it goes in the shop and disappears. So the next
20 day the bus is out there. Maybe it was repaired. Maybe
21 it wasn't and you never know. If there was a feedback to
22 the operator and it was said, well, we didn't find anything,
23 he can come to the union and do something. But the
24 information, they are very secretive about the information.
25 They don't want to tell people. In fact, they get very

1 angry at mechanics who sometimes will tell the bus drivers,
2 hey, listen, this vehicle has such and such a defect and
3 they told us to send it out anyway. The operator starts
4 raising hell and the shop guy gets in trouble. This is
5 supposed to be secret. You are not supposed to tell these
6 guys what is wrong with these vehicles.

7 REPRESENTATIVE LINTON: Representative Hess.

8 REPRESENTATIVE HESS: Mr. Chairman, I have a
9 couple.

10 BY REPRESENTATIVE HESS:

11 Q Mr. Tauss, you alluded to maintenance a while
12 ago. What percentage of accidents is due to lack of
13 maintenance, now not driver error, lack of maintenance?

14 A It would just have to be a wild guess. I would
15 say it is not a large number. I would say probably under
16 ten percent.

17 Q Is SEPTA self-insured?

18 A I believe it is, yes. And their claims are
19 just astronomical. Their claims are, I think, roughly,
20 ten percent of their budget goes for claims. The national
21 average is 2.1 percent. It is just way, way out of line.

22 Q You alluded in your --

23 A Let me just say also I am not sure how much
24 the number of accidents has to do with complaints. But
25 even in the period from '82 to '84 when actually there were

1 decreasing claims in Philadelphia, I mean, some of it is
2 their handling of the claims rather than the number of
3 accidents.

4 Q One other question, you alluded in your
5 statement about there was a study on noise control. One
6 done by the labor union and one done by management. Did
7 one study tend to dispute the other one's finding?

8 A Not at all. They were identical. They spent
9 about \$20,000. We spent a couple thousand. The studies
10 were identical. Theirs was even stronger because they had
11 done a more in-depth study.

12 Q The noise was so loud for the driver. I come
13 from a district, I'm just a country boy. It takes me two
14 hours to drive from one end of my district to another.
15 We don't have SEPTA, but I am a hunter. I do a lot of
16 shooting and I use earplugs. And I can use earplugs and
17 it cuts down the noise and the concussion of the gun,
18 but yet you can stand along side of me and talk to me
19 and I can hear every word you say. So, it baffles me
20 why would you spend all this kind of money on a study
21 and not supply your drivers with a two-dollar pair of
22 earplugs?

23 A Well, it is not that simple. There are things
24 they have to hear that they couldn't hear. There is some
25 kind of earplugs, we understand, that filter out only certain

1 decibel ranges, etc., which we are trying to look at. But
2 they have to hear because if somebody is caught in a door
3 or whatever. There are signals, there is oral signals
4 from the conductor to the operator. There is a radio
5 system.

6 One of the things we proposed is instead of
7 having just a radio there have like the pilots have, head-
8 sets which would service both insulation and you could hear
9 what you have to hear. But you know, those are the kinds
10 of things we wish we could sit down with management and
11 talk about.

12 REPRESENTATIVE HESS: That is all I have,
13 Mr. Chairman.

14 BY REPRESENTATIVE LINTON:

15 Q Thank you, Roger. Last but not least I hope,
16 I have several questions and also comments to make. First
17 of all, I have always had a real concern about what I
18 consider a very poor management and labor relations at
19 SEPTA. This seems to be an ongoing problem. I also agree
20 that some of those problems are, particularly around labor
21 negotiations or contract negotiations, but not always around
22 salaries or wages but very often long-standing grievances.
23 From time to time I get a chance to talk to many SEPTA
24 employees, many who are members of your union but also
25 many who are involved in management. There is often

1 discussions about poor labor industrial relations department
2 that we have at SEPTA and many of the employees being in
3 that department have been around for many, many years and
4 have brought with them a long-standing kind of hostility
5 to other employees.

6 I would hope that the new general manager
7 would really look into that and see a priority in trying
8 to better the relationship between this system and the
9 management and employees. I think that is something that
10 really needs to be worked on.

11 One of the things that concerns me in regard
12 to safety, particularly when you made reference to the
13 fact that once an employee puts in a safety sheet there
14 is no feedback as to whether or not those repairs have
15 been checked, what has been done. One of the hearings
16 we had there was discussion about a safety committee where
17 in fact the employees met with management at some point
18 and established some safety guidelines and gone over some
19 of those things. Is that in place and are they still
20 continuing discussions about putting the safety committee
21 in place?

22 A There is a safety committee. But the information
23 that is coming through is we have to know what the problem
24 is and we go to them and say here is the problem. We don't
25 have the feedback information like, for example, here is the

1 vehicle defects that were reported and here is what was done
2 about it. So we would have to hear about that from the
3 mechanic, for example, and say, this bus was sent out and
4 didn't have a brake cylinder. Then we can go to them.
5 The problem is aside from information there is just a lot
6 of disagreement. I think this company feels very much
7 like, well, they threw the EPA off the property, they threw
8 the PUC off the property and they don't have a very high
9 regard for the state inspection laws as a meaningful law.
10 As I said, I mean, their attitude is they will decide what
11 is safe and what is not safe rather than what the law says
12 is safe or not safe. So even when we have this committee
13 there is a lot of disagreements. Well, we think you should
14 follow the state inspection law. Well, we don't. Where
15 do you go from there?

16 Q One other question, Roger. You mentioned a
17 particular situation on the Broad Street subway where there
18 were criminal assaults on the subway and the driver made an
19 effort to try to stay at the station until the police would
20 come to apprehend the suspects and he was told to move on.
21 Do you have some documentation of that, a report of some
22 sort, a little more information about the incident that
23 you could submit to the Committee?

24 A I don't have it now but I could give it to you.
25 We also submitted it to the Transit Crime Committee in the

1 city. Nothing apparently was done about it. At least
2 not that I know of.

3 There is other examples of that. We have,
4 for example, a silent alarm. The purpose of a silent alarm,
5 you have a radio we can openly call them. There is also
6 a hidden little button over here you can push when you cannot
7 speak openly. When you are threatened. We had several
8 occasions where like somebody over there waving a knife
9 at the operator and there was a silent alarm. And instead
10 of them sending somebody to the scene, which is what you
11 are supposed to do, the other radio says, are you okay?
12 You got any problem there over the radio. The guy with
13 the knife knows that you have called them.

14 REPRESENTATIVE LINTON: You've made reference
15 to the Senate Bill 516, the new transit funding formula
16 that we passed recently that also included some performance
17 standards. That is one of the measures that I felt very
18 strongly about. We do have in place at this point a
19 mechanism anyways to begin to look at on-time performance.
20 I really want to look at the schedule issue that you have
21 raised with the Committee and how the system goes about
22 putting a schedule in place. Whether or not in fact they
23 are reasonable. And whether also they tend to increase
24 the problems in making an on-time performance. Whether
25 they put a lot of pressure on the drivers in trying to move

1 toward a schedule that is not realistic. I think we need
2 to look at that very closely.

3 The other issue that you raised, as
4 Representative Civera has said, has been an ongoing discussion
5 that comes up very often and relates to the governance
6 issue. I know that there will probably be a five-county
7 war if you are talking about making representation of the
8 board such that it reflects both the ridership and the
9 funding. And I will be very partisan here. When you come
10 to the City of Philadelphia, that there is a disproportionate
11 amount of members on the board as to the amount of funds
12 we provide in local match and also relating to the cash
13 fares that come from the ridership. And the two boards,
14 the members that we have in no way reflect the amount of
15 money that is provided to the system from the city of
16 Philadelphia. However, I also recognize we live in a world
17 of political reality and recognize that Mario Civera will
18 be quite upset if Representative Linton talks about
19 increasing the number of board members on SEPTA's Board
20 from the City of Philadelphia. He has to run for re-election.
21 I understand that he represents Delaware County and quite
22 frankly, he would have a great difficulty with that.

23 But I also recognize that the State of
24 Pennsylvania may be our saving grace in that there is
25 constant requests from SEPTA for increased funds from the

1 State of Pennsylvania. We have a billion dollars worth
2 of capital dollars that at some point sometime we are
3 going to have to deal with from the state level. It seems
4 to me that when you have folks such as Representative
5 Steighner, Representative Hess and Representative Wozniak
6 that maybe, if we have more appointees from the state level
7 to the board that is more consistent with the kind of
8 funding that is provided by the other members of the
9 General Assembly when they put the vote up, we might have
10 a better feel for what is going on and not saying that
11 the Governor will be the general manager of SEPTA. But
12 to say that the board representation, the board reflects
13 the kind of influence that the state needs to have to
14 go along with the funding.

15 That is just some thoughts in my mind along
16 the governance issue. I think we will have to talk about
17 it some more within the Committee. That is something I,
18 for one, would like to look at.

19 I, too, have looked at what is going on in
20 the State of New York. Also, with the issues of raising
21 money for capital needs. Also, I think there is more of
22 a willingness to do that with the feeling that the state
23 has more involvement in the control of the system. I think
24 that is something that we clearly are going to have to look
25 at in this Committee.

1 Any other questions? Representative Hess.

2 BY REPRESENTATIVE HESS:

3 Q I have one here. Talking about inspections,
4 who does your inspections?

5 A There is different inspections. Generally
6 our mechanics do the inspections. Although they have,
7 because they are having trouble with the state inspections,
8 our guys were turning too much stuff up, they trained
9 their supervisors. And in many cases now, the supervisors
10 certify the state inspections because our members were
11 refusing to do the certification because this vehicle
12 doesn't meet the standards. So they now have a sticker
13 that they put on the side authenticated by management.

14 Q So then the people doing the inspection, are
15 they on the payroll, on SEPTA's payroll?

16 A Yes. There is, back in 1979-80, when the
17 Pitts Committee met and did some things, there was at
18 that point no State Police supervision really at all except
19 in name. They appointed one guy to designate to be on
20 SEPTA. That worked out for a while. I don't know what
21 has happened to that. But I know he testified at a hearing
22 of Mark Cohen's committee sometime ago that he has no
23 expertise at all on the rail side. So I guess there is
24 no supervision on the rail side at all but there is some
25 on the motor vehicle.

1 Q Wouldn't it solve your maintenance problem
2 of your buses running that have problems and so forth that
3 shouldn't be on the road if it was done by an independent
4 inspection? Somebody that was not on SEPTA's payroll?

5 A To be paid by the state?

6 Q Yes, wouldn't that solve your problem?

7 A It might.

8 REPRESENTATIVE WOZNIAK: Why can't it be just
9 like a regular gas station charge, have an inspector like
10 for an automobile. That would be a great business for
11 somebody whose job is to inspect buses.

12 MR. TAUSS: You are saying essentially separate
13 the repair function from the inspection function?

14 REPRESENTATIVE HESS: Right. Separate the two.
15 That is like doing your own work and inspecting your own
16 work. The best of both worlds.

17 MR. TAUSS: I mean, if I were going to be
18 narrowly interested in and say, gee, we are going to lose
19 some inspection jobs, but I know in the real world for
20 every inspection job we lose, we are going to gain three
21 or four repair jobs.

22 REPRESENTATIVE HESS: That is all I have.

23 REPRESENTATIVE LINTON: Representative Steighner.

24 BY REPRESENTATIVE STEIGHNER:

25 Q Very briefly. I just want to go over the process

1 for a bus driver who knows something is wrong with the
2 bus. Joe Steighner goes to work tomorrow for SEPTA as
3 a bus driver and takes out bus number one and brings it
4 back. Is there some kind of card or form that I write down
5 and say the right turn signal is not operating and the
6 brakes are not working properly?

7 A Yes.

8 Q And I give that to who?

9 A To a quality control supervisor, management
10 person.

11 Q I come back to work Saturday morning at eight
12 o'clock and do I get bus number one back again or do I
13 get anything?

14 A We have one location in Germantown where that
15 is the practice. In other locations you just get another
16 bus.

17 Q Representative Linton is also driving a bus
18 for SEPTA. He goes to work Saturday morning and he happens
19 to get bus number one, the one that I turned in and put
20 on the card that the right turn signal is not working and
21 the brakes are not working properly. When he goes to work
22 Saturday morning does he know that I turned in that
23 question or complaint?

24 A No, he does not. And in fact, he may turn it
25 in and the next guy may turn it in.

1 Q There is no working sheets that stays on the
2 bus?

3 A No.

4 Q Or such as I have in my glove compartment that
5 I have an idea when my oil was changed last and so on and
6 so forth? So that the driver herself or himself knows
7 what happened on the bus the day before?

8 A No. In fact, I think it is fairly conscious
9 that they don't want the drivers to know what is wrong with
10 the bus, then they are going to turn them in.

11 Q So if I gave my supervisor that card, that
12 form that said the brakes were not working, the brakes
13 were out and the right turn signal was not operating
14 properly and that supervisor got off at the same time I
15 did, five o'clock in the evening and was sick the next day --

16 A Well, the supervisor, it passes through his
17 hands. There is three copies of it and one goes to the
18 shop, one stays on the bus and one goes to the shop foreman
19 and one copy the operator can keep himself. So we know
20 that it was turned in. Then it goes to the shop. The shop
21 foreman has it and he is supposed to decide what to do
22 about it.

23 Q Is that being done? Is the turn signal being
24 fixed --

25 A No.

1 Q Before that bus goes out are the brakes repaired
2 before the bus goes back out?

3 A Sometimes yes, often no. Now what happens is,
4 what is supposed to happen is if the bus cannot be repaired
5 and it is a safety question, not just a destination sign
6 or something, it is supposed to be put on a hold row and
7 you hold it until it can be repaired. But what happens
8 is when you get to the morning rush hour and they are short
9 on vehicles, the foreman will go through the line and pull
10 the cards.

11 Q Well that's okay if he is sending out the bus,
12 in my opinion, if he is down buses and the sign isn't working
13 where it is supposed to go.

14 A I'm talking about brakes. We have buses missing
15 a whole brake assembly going out. We had the trolley
16 problem. We fought it for a long time about they were
17 missing the slack adjusters.

18 Q That is what you were talking about, number
19 four item sending out old vehicles?

20 A Right, exactly.

21 REPRESENTATIVE STEIGNER: That is all I have.

22 REPRESENTATIVE LINTON: We have several members
23 on SEPTA management -- on SEPTA staff. To follow up on
24 Representative Steighner's question, I would request that
25 we get a flow chart of the safety procedures for the buses

1 and include in that flow chart, the paper flow of the
2 documents once they are filed by the bus driver and how
3 that filters back to the bus driver or how that stays with
4 the bus. So that we can see in depth what the procedure
5 is so there is some check off in the system as communicated
6 back to the driver. And if not the case, that is something
7 we would like to look at. So if you can get that to the
8 Committee, that would be really helpful.

9 Roger, I am also concerned about the lack of
10 or whether or not there is a vehicle in place because you
11 commented several times that there does not exist a
12 procedure for labor and input into both the operations or
13 input into the kind of things they see day to day when
14 they are operating either in the depot or operating on
15 the bus. That may be helpful in streamlining or improving
16 the system. Do you have any suggestions on a mechanism
17 that could be in place to do that?

18 MR. TAUSS: Well, we have been trying for years
19 to bring the POMP Brothers, they are prominent in the Philadel-
20 phia area in labor management, brought jointly by the Chamber of
21 Commerce, AFL-CIO. The SEPTA Board did just finally vote. We've
22 been working on it since '84. They've finally voted to fund some money
23 into it. Maybe it will go someplace. My sense is it's the kind of
24 thing where eventually they know it has to happen but there
25 is no enthusiasm for this thing. Ideally what I think you

1 want is you have a lot of companies. Places where not only
2 me and my counterpart, but bus drivers, mechanics can sit
3 down with lower level management and talk about how we
4 can do things better.

5 REPRESENTATIVE LINTON: I have also talked
6 to some folks at the superintendent's level who often talked
7 about differences, the lack of communication between
8 operations and maintenance and scheduling and how there
9 is a lack of coordination between even those level of
10 management and decisions that are made without input from
11 others. From one segment that you would think naturally
12 they would consider when they made those kinds of changes.
13 That is something that has come up with some discussions
14 I have had with people at the management level about the
15 problem.

16 MR. TAUSS: I think that is a defect in the
17 military chain of command type of structure where everything
18 is from up above to down below and nothing side to side.

19 REPRESENTATIVE LINTON: Roger, I would like
20 to thank you for your coming forth and bringing your
21 testimony. You have given us some additional things to
22 look at. I would like to thank you on behalf of the members
23 of the Committee for doing so.

24 MR. TAUSS: Thank you very much.

25 REPRESENTATIVE LINTON: Before we have our next

1 witness, I would like to take a ten-minute break so our
2 court reporter can have a chance to relax.

3 (Brief recess.)

4 REPRESENTATIVE LINTON: The moment of recess
5 has now expired. I would like to call the meeting back
6 to order. I would like to call our next witness, Mr.
7 Bernard McNelis, Chairman of the General Committee of
8 Adjustment - SEPTA.

9 MR. McNELIS: First, I would like to thank the
10 Committee for allowing us the opportunity to come before it
11 and express our opinions and views on the SEPTA's Red
12 Arrow division, United Transportation Union Local 1594
13 which represents the operators on the Norristown line,
14 P&W and Media/Sharon Hill and the bus operators.

15 We're here specifically to talk generalization about
16 the overall safety program on the SEPTA Red Arrow division.
17 I would like to mention I do have Charles Brewster here,
18 who is the current President of the Union and Legislative
19 Representative to our State Legislative Department Harrisburg.

20 What I have is a statement which I would like
21 to read into the record. I don't have copies for the
22 Committee which I apologize for, but I had to make some
23 adjustments to it, but would be more than willing to
24 furnish it to the Committee sometime after the hearing.

25 There are several issues we would like to comment

1 on and they are safety, the Norristown Route 100 line,
2 morale and other miscellaneous issues, which we feel are
3 all pertinent to an overall safe operation.

4 Safety takes in a number of factors. Not just
5 the mechanical condition of the vehicle and whether those
6 vehicles have proper emergency features, but other factors
7 as well.

8 It is just as important to have an operator in
9 good physical and mental condition operating those vehicles.
10 By mental condition we mean his morale. Does the operator
11 want to go to work or are they there because it's a job.
12 The mental outlook of an operator is essential. He is
13 the public's first contact with SEPTA. He is very likely
14 to come across to the public in the same manner as he is
15 treated by his employer. He is also the one going to be
16 held responsible for what occurs on the street, whether
17 it's an accident, incident or in keeping the schedule.
18 He is the ultimate responsible person. For example, if
19 there is an accident of a very serious nature the operator
20 is the one who ultimately can be fired. It would not be
21 his supervisor or superintendent or anyone else. Also,
22 an important factor in safety is the schedule as testified
23 to by Mr. Tauss. Is the schedule reasonable enough for the
24 passenger to reach his destination in the time allotted
25 by the schedule and is the schedule reasonable and realistic

1 for the operator to make in a safe operating manner. On
2 many lines within our division, we do not believe so.
3 The operators have many rules by which they are governed
4 and held accountable for if they become involved in an
5 accident or incident, etc. We feel that in many instances
6 the operator is in a no-win situation. On one hand, SEPTA
7 and the public want the operator to meet the schedule and
8 yet if the operator were to follow the rules of the
9 Authority to the "T" it would be impossible to make the
10 schedules. We are speaking of minor rules.

11 Safety and manpower and the effect it can have
12 on the operation and the operators. We would like to
13 address the rail side of the operation at this point.
14 Although the manpower situation affects the bus division
15 also. By the rail side we mean the Media/Sharon Hill
16 Trolley line and the Norristown (P&W) Route 100 line.
17 The manpower has been cut to such a state that the Authority
18 must drop trips and in many instances runs for the whole
19 day. On the trolley side, if for some reason all the
20 trolley runs are not filled by the trolley operators, the
21 Authority forces qualified bus operators to work rail runs
22 and this is unsafe.

23 What that means is that on one day or even part
24 of a day a bus operator may work a bus run and then work a
25 rail run or part of a rail run the next day or part of the

1 same day and not by his choosing. This is a very serious
2 concern of ours for the safety of the riding public and
3 the safety of the operators. I'd like to explain briefly
4 part of a rail operation and show the reason for our
5 position. On the Media/Sharon Hill and the Norristown line
6 there are single track areas. There are two on the Media
7 division, one on the Sharon Hill division and one on the
8 Norristown division. The single track operation means
9 that only one vehicle can operate through that area at a
10 time. They are controlled by signals and a single track
11 procedure. The single track procedure consists of the
12 operator meeting those requirements before he can enter
13 into the single track. They have to pass the proper car,
14 be on time and have the proper signal display. If any
15 one of those requirements are not met, then the operator
16 must call Control for instructions. These areas and
17 conditions are where an operator must be particularly alert
18 and concentrating on the operation. As all of you are
19 aware, there have been some serious accidents on the
20 Norristown division. It has become apparent to all of us,
21 and by that I mean this Union and the Authority, that the
22 rail operations are very important and require special
23 attention. We feel very strongly that only rail operators
24 should work rail divisions and to further explain: Media/
25 Sharon Hill operators should only be working Media/Sharon

1 Hill lines and that Norristown operators should only be
2 working Norristown lines. Not at any time should a bus
3 operator be forced to work a rail line one day and the
4 next day or even part of that day have to work a rail line.
5 Nor should there be an interchangeable of rail operations.
6 That is a Media/Sharon Hill operator should not work a
7 Norristown line or vice-versa in the same day or alternating
8 days. They also are completely different types of operations.
9 Operators working on any divisions need to know where they
10 are working on a steady basis and not to be flip flopping
11 back and forth from one division to another. If that
12 should occur, the concentration will not be there and the
13 transportation business needs for the operators to be
14 fully concentrating on their particular type of operation.

15 Over the last several negotiations between the
16 Authority and Local 1594, the Authority wanted to negotiate
17 a combining of rail operations (Media/Sharon Hill-Norristown)
18 or bus/rail lists. I hope now everyone can understand the
19 need for separate operations and not having them inter-
20 changeable. We resisted those proposals because we and
21 our members know the need for safety and how unsafe an
22 operation under those conditions would be.

23 We currently have operators who are qualified
24 on all three divisions but are reluctant to work rail
25 divisions because of the severe disciplinary action in case

1 of a violation. Yet if they are forced to work the rails,
2 what state of mind would they be operating in? We can tell
3 you not in a good state of mind. They are not going to
4 operate or perform more safely because of a severe penalty
5 but in fact will be operating in a state of anxiety and
6 that is not a safe operating practice. We believe strongly
7 that all the operations, especially the rail operations,
8 should be adequately staffed so that only operators working
9 on their particular mode of operation work on that mode
10 only and not be transferred back and forth. In the interest
11 of safety, if it requires more funding so that the Authority
12 can adequately staff the operations, then we feel strongly
13 that's what should be done for the best interest of the
14 riding public and all concerned. Let's not leave it on
15 the operator to assume the responsibility for the whole
16 operation. We cannot let productivity or flexibility be
17 reasons for having an unsafe operation. We cannot let the
18 lack of manpower make for an unsafe operation. The
19 Authority is the one that should see that the service is
20 properly staffed. It should be a joint effort by all
21 parties to have a safe system. We, the operators, can
22 only operate to the best of our abilities, but we cannot
23 run the system.

24 I have attended several hearings involving
25 accidents on the Norristown line and investigations of

1 SEPTA including the opening session of this investigation.
2 At those hearings we heard of SEPTA's safety program as
3 testified to by SEPTA's representatives.

4 We do have a monthly Business/Safety meeting
5 with SEPTA and that is important. However, there have
6 been numerous times when our safety representative or
7 committee have made suggestions in regards to safety
8 related matters which go nowhere. For example in 1985,
9 our safety representative made a suggestion regarding the
10 use of convex mirrors. We requested that they be placed
11 on all the neoplan and RTS buses on the right side because
12 of a very bad blind spot. Not until approximately one
13 year later, and further action by our safety representative,
14 were those mirrors installed. The City Transit Division
15 buses had them on already, because they would reduce
16 accidents while making right-hand turns and they have.
17 We currently have on the RTS series of buses a problem
18 with the driver's seat. For some reason the Authority
19 had the original bottom of the operator's seat removed and
20 in place installed what appears to us to be plywood.
21 What has happened is that the seat no longer has a cushioned
22 bottom. When the bus hits a rough portion of road and the
23 seat comes down, it comes down with no bounce or soft
24 setting. The operators are complaining of back problems
25 and we currently have an operator out of work due to that

1 problem. We have complained for over a year about this
2 problem. If not corrected, we are going to have more
3 operators out of work because of such back problems.

4 Prior to 1982, SEPTA's Red Arrow division had a
5 safety program that had incentives for safe driving. It
6 included savings bonds, watches, patches, etc. The patches
7 had the number of years of safe driving on them and some
8 operators wore them on their uniforms because they were
9 proud of their safety records. However, in 1982 SEPTA-
10 Red Arrow division instituted a new safety program and
11 discontinued all of those awards. The new safety program
12 was supposed to be more of an inducement for the operators
13 to perform better. I can testify here today to the fact
14 that not one operator has received any safety award since
15 1982. With their new program they said that yearly there
16 would be a luncheon for operators with ten years or more
17 of safe driving. At that time, in 1982, there were well
18 over 100 operators in that category. That luncheon has not
19 ever been held. However, what the new program did so was
20 to make the possibility of receiving an award even more
21 restrictive. The Authority has followed that portion of
22 the new safety program religiously. If that luncheon were
23 to be held today, it would only be for approximately 30 to
24 40 operators.

25 We feel that everyone needs a motivation factor

1 and it should not be "well you still have a job with
2 SEPTA". Operators should be recognized in some manner for
3 their safe driving efforts. There should be recognition
4 for different years of safe driving starting with one year
5 and incentives for doing better or continuing safe driving
6 in different year categories. The operator needs something
7 to strive for not just the fear of discipline or other
8 warnings or a threat of a bad record. Certainly in this
9 type of business, transportation, operators need to
10 operate safely and the Authority should be aware that to
11 encourage that operator to perform his job in a safe manner
12 he must be shown some recognition. Since safety is one
13 of SEPTA's main concerns, it should follow that the operators
14 should be a concern of SEPTA.

15 There are other safety areas which we think
16 SEPTA should address. One area is the controller. As it
17 stands now, the controller handles the bus, trolley and
18 P&W. There is only one controller on duty at a time.
19 During the peak hours, we feel there should be two
20 controllers. It should also be a requirement that all
21 controllers have some actual experience on each of the
22 three divisions, Bus, P&W and trolley. They should have
23 at least one year of experience on each division. We
24 currently have controllers who have just some experience
25 on the buses and none on the P&W or trolley or very little.

1 All should be qualified and certified on all divisions.

2 There are also the dispatchers. We currently
3 have some who have never operated or trained to any degree
4 on the P&W or trolleys. Some have never been even trained
5 on those divisions. The dispatchers should also have
6 experience on all divisions. They also should be fully
7 qualified and certified on all divisions so that in
8 emergency situations, they could assist the controller.

9 Every supervisor should be fully qualified
10 and certified on all divisions before being appointed. They
11 also should have at least one year experience on all divisions
12 before being appointed.

13 No supervisor, superintendent or chief
14 operating officer or other management person should be able
15 to make decisions regarding train movement without
16 having been duly qualified and certified on the rail
17 divisions.

18 When an accident does occur, union and management
19 should both work together.

20 All reports of defective signals, switches and
21 track should be handled immediately.

22 No bus operator should be forced to work
23 trolleys, nor should there be interchange between rail
24 operations.

25 All maintenance people who operate work trains

1 should be fully qualified and certified. They, the
2 maintenance people operate the work train so infrequently
3 that it is our opinion that it should be a qualified
4 operator assigned to operate the work trains. All work
5 trains should have an operator as a flagman or conductor
6 also.

7 We have requested a flagman be stationed at
8 North Street on the Sharon Hill trolley line. The reason
9 being it is the start of the single track operation into Sharon
10 Hill and there are numerous trolleys entering into that
11 area, especially during the hours before school and at
12 dismissal time. For years we had an operator stationed
13 there, but SEPTA removed him. SEPTA's claim is that they
14 now have a Control Center. Since then the Control Center
15 on two different occasions sent trolleys into the single
16 track area, when trolleys were coming out. Due to the
17 alertness of the operators, two serious accidents were
18 averted. We are still requesting a flagman and still do
19 not have one.

20 Norristown, Route 100

21 Presently, on the Norristown line the majority
22 of the vehicles being used are approximately 60 years old.
23 They have recently purchased newer cars from Chicago
24 Transit and they are approximately 30 years old. Considering
25 the age of the vehicles, the condition of the track in many

1 areas of the line, etc., we believe our operators over
2 the years have been doing an outstanding job.

3 We cannot alter the fact that there have been
4 several serious accidents on this line over the last
5 several years. One of the most serious took place on
6 August 23, 1986, when a car collided into the terminal.
7 We believe that operator did his utmost to stop the
8 vehicle prior to the collision. There is some question as
9 to whether he was properly trained in all emergency
10 procedures. Prior to, and including the operator involved
11 in this accident, we feel that the operators on that line
12 were not properly trained in all emergency procedures.
13 In addition, in that accident, the operator tried numerous
14 times to contact the controller prior to the collision for
15 further instructions or to shut the power off. The
16 operator was unable to contact the controller due to an
17 open mike on another vehicle. The operator involved in
18 the collision was discharged but was reinstated to his
19 position as an operator on the Norristown line, by an
20 arbitrator.

21 On December 24, 1985, there was an accident
22 involving two cars at Conshohocken Road on the Norristown
23 P&W line where one car sideswiped the other. That particular
24 day there was a heavy frost and as the day wore on the
25 rails became very slick. The Authority discharged one of

1 operators involved. One of the reasons the Arbitrator
2 reinstated him to his position as an operator on the
3 Norristown line was that we were able to show that the
4 sanders on that vehicle did not work at the time of the
5 accident.

6 After the August 23, 1986 accident, the
7 Authority shut down the Route 100 line for a period of
8 time. During that time, the Authority made numerous
9 modifications to the cars on the Norristown line, so that
10 what occurred on August 23, could not happen again. It
11 was a design change. The Authority stated that the reason
12 the car did not stop even though the operator put the car
13 into emergency, took his foot off the deadman, wound up
14 the hand brake on both ends, was because the power was
15 overriding the emergency features. That was the fault
16 of the original design. We certainly cannot blame SEPTA
17 for a design older than they are, but neither should SEPTA
18 have blamed our operator for that poor design. To this
19 day, there has been no proof that our operator left the
20 power on. He distinctly remembers shutting the power off.
21 We feel that, at that time, SEPTA had been receiving much
22 negative press in regards to accidents both on the Regional
23 Rail and on the Norristown Route 100 line and had to find
24 an out, and our operator was it. Again, there is only
25 speculation on SEPTA's part as to the reason the power was on.

1 In regards to the sanders not working on the
2 vehicles, this union has complained to SEPTA about the
3 problems with the sanders not only on the Norristown
4 vehicles, but on the old and new vehicles on the Media/
5 Sharon Hill lines. They clog due to moisture or sometimes
6 objects get mixed in with the sand and block up the sanders.

7 On the "60" type cars on the Norristown line,
8 up to the accident of August 23, 1986, the operators
9 were able to use stools while operating those vehicles.
10 After the accident and for no apparent reason or reasonable
11 explanation to the union, the Authority removed those stools
12 from the vehicles. No operator has ever received
13 disciplinary action for improper use of that stool. Yet,
14 after the accident they removed all the stools. This meant
15 that the operator had to stand while operating anywhere
16 from two hours up to approximately seven or eight hours
17 a day. This, in our opinion, is an unsafe operation. It
18 causes operators to lose concentration due to the constant
19 standing. It is also causing operators to have back
20 problems and headaches from tension of constantly standing
21 for long periods of time in one spot. We have complained
22 about that problem since 1986 and not until just recently
23 has the Authority installed seats in those vehicles.

24 We believe that in regards to the accidents
25 of December 24, 1985 and August 23, 1986, as reported by

1 the press and by the constant inferences by the Authority
2 that these accidents were caused by human error alone is
3 totally unfair to our operators. SEPTA, when reporting
4 the facts to the press and other investigating bodies,
5 did not properly address the facts nor assume any of the
6 responsibility for those accidents when, in fact, the
7 facts cannot be hidden. SEPTA must assume responsibility
8 for the sanders not working, radio communications breakdowns,
9 and to acknowledge that design problems are not operator
10 error. SEPTA in each of those accidents mentioned above should
11 have acknowledged those facts when the accidents occurred
12 or shortly thereafter and properly reported them to the
13 press and other investigating bodies, and not put the blame
14 entirely on the operator.

15 This Committee has heard from representatives
16 of the FRA and the PUC on the first day of these hearings.
17 What I hope every member of this Committee has learned
18 from those representatives is the fact that no state
19 agency has any significant authority over SEPTA. We
20 are very concerned about this fact and we believe with
21 good reason. Please remember my comments here today are
22 in regard to SEPTA's Red Arrow division property.

23 I cannot answer for the City Transit Division
24 or Regional Rail Divisions. The National Transportation
25 Safety Board has been in also for some investigations in

1 regard to some of the accidents which have occurred on the
2 Norristown line. In their investigation, it has come to
3 light that the Pennsylvania State Police have little
4 authority either, and that would be in regards to inspections
5 on the rails. In fact, the State Police have little
6 knowledge about what to inspect for on the rails even if
7 they had the authority. They, the Pennsylvania State
8 Police, do have some authority on the bus division. The
9 Authority, as I believe, as has been previously pointed out,
10 does its own inspection of its trolley and P&W cars. Since
11 none of these bodies have any authority over SEPTA, is it
12 fair to our operators and the public for that type of
13 condition to exist? We, the operators, need as does the
14 public, some agency, either state or federal, to set
15 guidelines for inspections, parts, etc., and make SEPTA
16 be responsible to them. It is so bad, in our opinion,
17 that even the National Transportation Safety Board can only
18 make recommendations. Every system should have safeguard
19 protection. SEPTA doesn't.

20 I would like to at this point relate another
21 problem on the Norristown line and that is in regards to
22 the signal system, which is very old and outdated, and
23 on occasion malfunctions. SEPTA has plans for new signal
24 systems and I believe even the monies, but it will still
25 be some time before it is put into operation. Yet our

1 operators will be governed by the old system until then.
2 We have had on occasion, as I mentioned before, signal
3 malfunctions and if it was not for the operators' alertness,
4 we could have had more accidents. There have been occasions
5 when these malfunctions have occurred and been reported
6 by our operators and the malfunction was not repaired
7 for several days.

8 I believe most of this Committee has seen the
9 Norristown line and the vehicles and can therefore under-
10 stand the need for new vehicles. We have great concern
11 that the Norristown line is almost like an accident waiting
12 to happen.

13 MORALE

14 Morale is the next issue we would like to
15 discuss somewhat and is a very important issue. In our
16 opinion, the morale is very low and has been on a steady
17 decline especially since 1982. Since 1982, our operators
18 have been shown little respect and treated with little
19 dignity. The pressures of the supervisors and superinten-
20 dents were so extreme on occasion that it became embarrassing
21 to our operators.

22 Operators would be stopped while operating
23 buses or trolleys and if found to have some small rule
24 infraction, would be criticized in front of a bus or trolley
25 full of passengers. If supervisory personnel found any

1 reason to talk to an operator in regards to the rules of
2 the Authority, it might even take place in the terminal
3 and in front of a platform full of passengers at rush hour.

4 To show the attitude of management, during that
5 time, we have a uniform agreement, which in one section
6 states ties must be worn between October 15 and May 15 of
7 each year. A few years ago, one of the superintendents
8 issued a notice stating ties must be worn effective
9 October 1. This of course, as everyone can see was in
10 conflict with the dates in our agreement. When that
11 superintendent was approached by a union representative
12 with a copy of the agreement and asked why the October 1
13 date, the superintendent took the copy, crunched it up into
14 a ball and threw it into the trash can. Needless to say,
15 we then had to pursue to higher management and because of
16 the agreement it was resolved. This was the attitude
17 of management we were dealing with at the time.

18 Nothing SEPTA seems to do, in our minds, has
19 the concerns of the operator in their mind. For example,
20 several years ago, management came out with a point system.
21 Basically what this means is that when an operator calls
22 off sick, they will receive demerit points. Once they
23 receive demerit points, they can then receive merit points
24 which will then reduce the demerit points they have accumu-
25 lated. The operator who does not lose time or loses very

1 little time does not accumulate any merit points. There
2 are no incentives for which the operator can strive to
3 reach. So again, what we have is the negative approach
4 to employee relations.

5 Other examples of the lack of understanding
6 on the part of management, in 1976, a uniform code, the
7 same one I discussed prior was agreed to by both union
8 and management. At that time there were only male operators.
9 In 1982, female operators were hired. They had to abide
10 by the same code. However, they (the female operators)
11 asked this union to try and have uniforms for female
12 operators. On many occasions, we tried to have a uniform
13 code for female operators agreed to by SEPTA management.
14 Their response was no, unless changes were made in the
15 men's code. We asked for a separate agreement because
16 in 1976 a uniform code to include female operators and
17 uniforms for them was not even considered at that time,
18 because we did not have female operators. To this day,
19 they will not agree to a code for female operators.

20 In 1986, a superintendent issued a notice in
21 regards to new standards on the Media/Sharon Hill and
22 Norristown lines in regards to signal and single track
23 violations. To show this Committee the attitude of
24 management even in 1986, that notice contained a statement
25 which stated and I quote, "It is clear that you all are not

1 serious about your operating responsibilities and/or are
2 openly contemptuous of rail operating safety and the well
3 being of the public." This was written by a superintendent
4 who had approximately three years of experience in
5 transportation. We have or had during that time operators
6 with up to 30-35 years of experience on the rails. Also,
7 the majority of them have excellent safety records. That
8 superintendent later (a year later) had to apologize for
9 that statement. That was a very serious and demoralizing
10 statement and certainly points out the attitude management
11 had for its employees. It should also show why the
12 employees have little respect for management.

13 I would like to show another example of why
14 operators have little respect for supervisory personnel.
15 Recently, SEPTA appointed a new supervisor. That
16 supervisor, prior to his appointment, needed union
17 representation many times in the grievance procedure.
18 During the grievances, the Authority made references to
19 his substandard work record and his substandard safety
20 record. The other operators knew his background also.
21 I can tell you this that as long as that supervisor is
22 on this property, he will never have the respect of our
23 members.

24 We have had operators who were discharged and
25 returned to work by order of an arbitrator. Upon returning

1 to work the operator is interviewed by a superintendent.
2 On several occasions, when the operator has been interviewed
3 the superintendent has stated, that if it were up to him
4 the operator still wouldn't be working here. That certainly
5 is not letting bygones be bygones or how to start an employee
6 off in a good state of mind.

7 We do not expect that SEPTA is going to see
8 things our way all the time and vice-versa. And that is
9 why our labor agreement provides for arbitration on
10 unresolved issues. The arbitration decision is also to be
11 final and binding. However, there have been occasions
12 when either the union or SEPTA has appealed arbitration
13 decisions to court. The problem area is that the union
14 must abide by a decision of an arbitrator and then appeal
15 to court. SEPTA, for example, on two occasions within
16 our local would not abide by a decision of an arbitrator
17 and the union had to take them to court for enforcement of
18 an arbitration award.

19 What does our membership see? That SEPTA
20 does what it wants. We can understand SEPTA appealing
21 a decision, but we and our members believe they should
22 abide by an arbitrator's decision and appeal to court,
23 the same way the union must. Again, our members feel that
24 management does not have to abide by the labor agreement
25 and therefore cannot trust management whenever an agreement

1 is reached on an issue.

2 On December 12, 13, and 14, 1982 SEPTA hired
3 approximately 30 operators. They were all hired on the
4 bus division. Normally the training period is approximately
5 five weeks. These 30 new operators were trained in
6 approximately 14 ten-hour days. There were ten operators
7 assigned to an instructor. Normally there would be only
8 three to maybe five operators assigned to an instructor.
9 All would get a chance to drive each route at least several
10 times. As you can imagine, when there are ten new students
11 learning a five-week course in approximately 14 days, how
12 much driving each is going to do is very little. The
13 most they can do is take notes on directions. In fact,
14 a few of them never actually got a chance to drive. It
15 turned out to be a disgrace.

16 The operators were on their own in approximately
17 14 days. They had to ask passengers for assistance on
18 directions for the route, and since many were not familiar
19 with the area, got lost. The five-week training period is
20 also for gaining experience on operating buses. What
21 happened when they got lost? They were brought in by a
22 superintendent for an interview, suspended for being off
23 route, warned, etc. and when they had an accident, received
24 the same discipline as our senior operators.

25 One thing you must understand is that these new

1 employees were on a 90-day probationary period. They were
2 also paying a portion of their Blue Cross/Blue Shield,
3 were being paid at 75 percent of the top operator's rate,
4 were trained in 14 days instead of five weeks, yet they
5 were receiving the same disciplinary action as senior
6 operators. Management was not very sympathetic to these
7 new operators. I think we can all understand the attitude
8 one can develop after this type of treatment.

9 Another problem area is Workmen's Compensation.
10 The Authority, in many instances, are slow in paying bills
11 associated with an operator's injury. It takes sometimes
12 up to a year to pay the bills. Until they are paid many
13 times these bills are turned over to collection agencies,
14 and threats of credit rating action are sent to our
15 operators.

16 When an operator is on Workmen's Compensation
17 he is at times capable of working light duty. That is a
18 position other than operating a bus or trolley. We do not
19 have a problem with that. What we do have is a problem
20 with the hours of assignment, days off of a light duty
21 assignment. For instance, an operator might be working
22 a swing shift and the hours of work are from 6-10 a.m.
23 and 2-6 p.m. and he possibly would have Saturday and
24 Sunday off. If he gets injured on the job and capable
25 of performing light duty, he might get assigned anywhere

1 within the system and work hours from 11:30 p.m. to 7:30
2 a.m. with Tuesday and Wednesday off. In every case
3 involving light duty, the hours and days off are never the
4 same as one had when he was not injured. Our feelings are
5 that those conditions are set that way so as to discourage
6 employees from reporting an injury on duty. These examples
7 also result in disgruntled employees and low morale. The
8 operators feel they are being punished for being injured
9 on duty. Of course, if an employee is intimidated into not
10 reporting an injury and cannot afford to be off on just
11 accident and health benefits, what is left is an operator
12 performing his duties in a physical condition which might
13 be a safety factor.

14 What we have asked for is relatively simple.
15 First, that the bills be paid in a reasonable period of time.
16 Second, that the hours and days off one is assigned while
17 on light duty be as close to the hours and days off one had
18 as an operator. There are plenty of assignments available
19 so that those conditions we asked for are not unreasonable.
20 We have had no success in any of those areas in our
21 discussions with management.

22 We would like you to consider these issues
23 of morale in an overall picture. The examples we have
24 presented along with many smaller but just as important
25 issues, we hope show why morale has reached an all-time low.

1 A final concern of ours is the area of lost
2 revenue. The main reason is the Duncan farebox. It quite
3 frequently gets jammed for one reason or another. What
4 the operator does if he cannot get the problem corrected
5 himself with the farebox is SEPTA policy, that policy
6 is, after contacting the controller, you continue in operation,
7 picking up passengers and requesting of the passengers
8 that they pay their fare the next time they ride. Those
9 instructions may come just after you've left the terminal
10 on a short trip or a three-hour round trip. You can make
11 those trips without collecting a fare. There have been
12 occasions where an operator had to make more than one trip
13 with a farebox that could not collect any fares. This
14 has happened on all three divisions. The Union has made
15 a suggestion but to no avail. We have suggested that the
16 Authority attach somewhere near the existing farebox a
17 box with a lock that could only be opened by either Revenue
18 or supervisory personnel. It is to be used only when a
19 farebox is inoperative. However, that has gone nowhere.
20 Farebox problems of this type happen all too often and with
21 a loss of revenue. This is an issue that should be
22 addressed.

23 We hope that this generalization of what has
24 occurred throughout the years shows why morale, proper
25 training, trust, willingness to work together, safety

1 programs, sufficient manpower are requirements for a
2 safe operation. That there is more to a safe operation
3 than just a rule book, discipline and training which we
4 feel is what SEPTA has relied on. I would be glad to
5 answer any questions that you may wish to ask.

6 REPRESENTATIVE LINTON: Thank you very much,
7 Mr. McNelis. I wish we did have copies of your testimony
8 considering the length and the information you have
9 provided. If you could provide the Committee with copies,
10 it will be helpful. Representative Civera.

11 REPRESENTATIVE CIVERA: Thank you, Mr. Chairman.

12 BY REPRESENTATIVE CIVERA:

13 Q Bernie, let's go back. I am hired as a SEPTA
14 employee and I am assigned to the Norristown high speed
15 rail. What is the amount of training I am going to receive
16 presently, right now, by SEPTA?

17 A Presently, the Authority has increased the
18 amount of training time to that program. That is now five
19 weeks, a full five weeks of training. It has increased.
20 This all has taken effect after the accident of 1986.
21 A lot of it is through the recommendations of the National
22 Transportation Safety Board. That the train was not
23 proper at that time and those were some of the steps that
24 they took to alleviate that.

25 Q I take it before SEPTA came about you were

1 employed by Red Arrow?

2 A For a few years, right.

3 Q John Taylor?

4 A Right.

5 Q What was their practice under the Red Arrow
6 Company as far as the Norristown high speed line? Was
7 it five weeks? Was it less than that?

8 A Well, it was less than that at that time.
9 But there wasn't that much of a difference between that
10 and then throughout the years it decreased for a period
11 of time when SEPTA took over. And then recently, like
12 I said, it has increased. The reason we believe it was
13 decreased was so that they wouldn't have to be getting
14 the operator into service quicker.

15 Q The gentleman that was involved in the
16 accident on August 23rd, do you have any idea how long
17 he was employed by SEPTA?

18 A Approximately three, four years.

19 Q Was that his assignment? Was his full
20 assignment to --

21 A No, our operators are by contract allowed to
22 operate either the Norristown line, bus division or
23 rail division and during certain periods of time during
24 the year be able to alternate from one division to another.
25 So he had previously worked the buses just prior to that

1 time I believe it was or before that and had just come back
2 on the rail for a period of time.

3 Q If you are assigned to a Norristown high speed
4 line, how long are you there before they would transfer
5 you to the bus?

6 A It is done on the individual member's wishes.
7 When an assignment comes, it is usually two, three times
8 a year, possibly four when we change throughout the system.
9 We have what we call a signup where an operator can elect
10 a position where he wants to stay on the Norristown line
11 he can stay there if there is a position available or he
12 can transfer to Media/Sharon Hill or he can transfer to
13 the bus division.

14 Q Prior to the accident, you referred to, we
15 all know the vehicles for the train were 60 years of age.
16 What was the amount of the reports made to the company
17 as far as the overall mechanical structure of the vehicle?
18 Was there a lot of complaints that were made like the
19 brakes or the lights wouldn't work or whatever, the signals
20 wouldn't work? In the last three years prior to the
21 accident was it a heavy amount of complaints put into the
22 company because of the age of the vehicle?

23 A Well, there was a lot of things going wrong
24 with them not just the brakes. We had a coupler fall off
25 several years back. This Union had approached the company

1 and asked them to do a test on the stress of the equipment
2 on the Norristown line. Shortly after that one of the
3 couplers just fell right off. Fortunately, nobody got
4 really seriously hurt. But yes, they were reported for
5 brakes and still are. The cars are being in the shop
6 constantly for readjustment of the brakes. They do not
7 have now the same brakes as before. The company that
8 designed those brakes, they are no longer available.
9 So they have to use a different braking system and that
10 system has to be adjusted more frequently.

11 Q What would you say the overall condition of
12 the track, the whole overall condition of the entire system,
13 say, for Upper Darby, for Norristown? Is it a very
14 antiquated system?

15 A Well not too recently we had a meeting with
16 some of SEPTA's management. They told us at that time
17 that it is going to take approximately seven years to
18 upgrade the rail system on both the Media/Sharon Hill
19 and the Norristown line. They are constantly working on
20 it now. I think it is still not in good shape but there
21 is some improvement in it. Up to several years ago I think
22 it was in very bad shape, but they had not reached their
23 work on the track area.

24 Q Not to prolong this, but the final item I have,
25 Mr. Chairman, is the farebox has, I think, all three of us

1 concerned. You state a bus will go out, the farebox will
2 break down, could come back. Say it goes to the City of
3 Chester, you go out there, come back in Upper Darby and
4 report that the farebox isn't working correctly. Are you
5 saying that the dispatcher or the supervisor will send
6 that bus out again?

7 A There have been occasions when that has happened,
8 yes. They might be short a vehicle and none to use. Their
9 policy was not to interrupt service. It not only happened
10 on the Chester, it happened on the Norristown line. The
11 Norristown line is operated by batteries. If those
12 batteries go bad on that vehicle, the fareboxes go out
13 and the operator might make a trip or two because of the
14 shortage of vehicles over there. There are numerous times
15 over there where they had to send a car out on more than
16 one trip or two trips and not collect one fare.

17 Q Your suggestion to correct that was to have,
18 what was the alternate system? I couldn't quite understand
19 that.

20 A Well, we suggested some sort of box. We really
21 didn't care what type of box it was. That would be
22 stationary and attach somewhere in front of the vehicle,
23 whether it be the Norristown line or the buses and have
24 a lock on it or some sort of system where only supervisory
25 or management personnel would have the opportunity to open it.

1 That if that farebox was out of order, the passengers,
2 as they were boarding, could put it in this box. And they
3 would let fares. There would be no lost revenue whatsoever.
4 Then when the individual got into the terminal, if it
5 could not be changed, at least they could have a supervisory
6 personnel there or somebody from management to remove that
7 fare that had been collected and send that box back out
8 again until there was a vehicle available.

9 REPRESENTATIVE CIVERA: I have no further
10 questions.

11 REPRESENTATIVE LINTON: Representative Steighner.

12 REPRESENTATIVE STEIGHNER: No questions.

13 BY REPRESENTATIVE LINTON:

14 Q I have just one question. You talked about
15 the transfer of operators from the rail run to the bus run,
16 that that happened frequently without any, I guess, large
17 periods of training or time span between. How often does
18 that occur?

19 A Well, I don't think without training. If an
20 individual is hired right on the Norristown line and
21 received his training, he must stay on that line for a
22 period of seven months. Then after that period of time,
23 he is eligible to either pick the bus or stay on the
24 Norristown line or pick the Media/Sharon Hill. But none
25 of them go to a division that they are not qualified for

1 before they start working there. I don't want that to be
2 misunderstood. But it can happen two or three times a year
3 when we have our optional signups. Our concern is when
4 we have an operator on the Media/Sharon Hill line we'll say,
5 and you do not have enough manpower to staff it and you have
6 a bus driver who is qualified and you say to him, hey,
7 you've got to go over there and work this trolley run. He
8 is not going to do that in the best of spirit and in a good
9 clear mind. He is going to be upset about it. He doesn't
10 want to do it. So we would like that that type of thing
11 doesn't exist. That is a manpower situation that should be
12 satisfied so that requirement would not be necessary. That
13 each division be properly staffed.

14 Q What happens in the course of an emergency?
15 What happens when in fact there is not enough, sufficient
16 bus drivers who are available and he moves them like to
17 the rail work?

18 A Well, if they have to go to the bus operators
19 to begin with, to get operators to work and there aren't
20 any left to work in the rail division to do it, trips are
21 dropped and the runs aren't going out and people are out
22 there waiting for a bus or a trolley that is not going to
23 show up.

24 Q You also made reference to the fact that there
25 were operators, at least at one point, that were operating

1 on the system with just 14 days of training. I think I
2 remember hearing you saying when Representative Civera was
3 asking you some questions that they had now been turned
4 back to five weeks of training. That took place after the
5 accident.

6 A Well that was during the time in 1982 when the
7 Authority expected the regional rail lines to go on strike
8 and they hired 30 employees to help carry more of the load
9 that if the railroads did go out on strike. And that was
10 just for a temporary type of situation. But again, in our
11 minds, you can't have that type of training. Whether it
12 be for a temporary situation or a permanent situation.
13 That 14 days, you don't want to put somebody out there with
14 14 days' training regardless of the necessity of it. If
15 he is going to be trained, he should be trained properly
16 in five weeks. They should have allowed ample time prior
17 to December 12, 13 and 14 if they were going to need them
18 for January 1st. They should have allowed back in September
19 and October to start training those individuals and not
20 have them in there in 14 days. We felt that those operators
21 were not adequately trained on those vehicles whatsoever.

22 REPRESENTATIVE LINTON: Very well. Thank you
23 very much for your testimony, Mr. McNelis. Hopefully,
24 you will provide this Committee with additional information
25 that will help us to move forward to make sure that SEPTA

1 operates in the best interest.

2 MR. McNELIS: Thank you.

3 REPRESENTATIVE LINTON: That brings our hearings
4 to a close. I would like to just suggest here we had two
5 individuals who had been scheduled to testify today. If
6 there's anybody else in the audience who have comments or
7 written testimony you would like to provide to the
8 Committee, they can provide that to the Committee, to the
9 staff and we will be welcome to receive any testimony if
10 anybody from the public would like to provide something
11 here today. Thank you very much. That brings our hearing
12 to a close.

13 (Whereupon at 1.15 p.m. the hearing was
14 adjourned.)

15
16 I hereby certify that the proceedings and
17 evidence taken by me in the within matter are fully and
18 accurately indicated in my notes and that this is a true
19 and correct transcript of the same.

20 Dorothy M. Malone
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