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Pennsylvania Among Only a Handful of States Allowing Transit Strikes

One of the principal reasons Port Authority drivers have the highest cost-of-living adjusted wage rates in the country and one of the most generous retiree packages to be found is their right to strike. The right to strike creates an enormous imbalance of power in contract negotiations that in turn enables the unions to extract well above market pay and benefits. Because many residents and businesses depend heavily on mass transit to get people to their jobs and many residents depend on transit for basic transportation needs, a strike-caused shut down of service results in substantial economic hardships. Thus, transit agencies are very reluctant to force bargaining issues to the point of a strike.

Moreover, elected officials often weigh in to help move the negotiations to a settlement and avert a strike. The Governor and the Allegheny County Executive stepped in to prevent a Port Authority strike in late 2005. The union got almost everything it wanted and the Port Authority management got very little thanks to the Governor redirecting highway funds to the Authority to plug a budget hole.

Granted there have been other factors in the union's success at the bargaining table over the years. Having a very generous board packed with union friendly members would be an obvious possibility. Less than responsible management who are more interested in building a "world class" transit system than minding the nuts and bolts of operations and staying focused on efficient delivery of service at the lowest cost would be another candidate to explain the failure to keep Port Authority labor costs in line. Simple fear of angering the union could be another.

But be that as it may, there can be little doubt that the threat of a strike which the Board, management and the transit using public want very much not to happen, continues to be the union's greatest negotiating leverage to get what they want—or give up the very least possible.

The damage public sector strikes can cause to the public welfare and safety is made abundantly clear by the fact that the vast majority of states around the country have prohibited them. Indeed, thirty-nine states and the District of Columbia prohibit most public sector strikes, including the states bordering Pennsylvania: New York, New Jersey, Maryland, Ohio and West Virginia. Notably, however, there have been a number of transit strikes in New York City despite the fact they are illegal. In 2005, transit

workers went on strike and gridlocked the city. A judge levied a \$1 million per day fine on the union for the three days the strike lasted. Likewise, even though Illinois law appears to prohibit transit strikes, Chicago's transit union has threatened to walk out in early 2008.

Of the states that allow public sector employees to strike, several including Alaska, Louisiana, Montana, and Wisconsin have not experienced a transit worker labor stoppage in decades. Vermont, which allows public sector workers to strike, has only recently instituted a mass transit system (2003) and the first labor contracts have not yet come up for renegotiation.

Meanwhile, there are six states, including Pennsylvania, which have had transit worker strikes since 2000; California (2000), Colorado (2006), Hawaii (2003), Minnesota (2004), Oregon (2005). In 2005, the Philadelphia mass transit system, SEPTA, went on strike for seven days before the Governor stepped in with state aid. SEPTA had previously struck for fourteen days in 1995. As mentioned earlier, the Port Authority union had threatened a strike in 2005. Its last actual strike occurred in 1992 and lasted four weeks.

In order to restore an appropriate balance of power in contract negotiations and afford taxpayers some protection against the awarding of egregiously munificent compensation packages, transit strikes should be banned in Pennsylvania. The ban should contain very hefty monetary penalties as well as the loss of the union's right to collective bargain with the transit agency. Moreover, workers who strike should be viewed as having resigned and be subject to replacement.

Pennsylvania taxpayers and transit users deserve no less. It is time for the Commonwealth to afford the same protection to its citizens that the vast majority of states including Pennsylvania's neighbors already have. Transit strikes and the threat of transit strikes, along with the preposterous number of teacher strikes in the state, mark it as one of the least taxpayer and citizen friendly states in the nation. Far too much power for far too long has been allowed to reside in the hands of public sector unions. These unions find and nurture natural allies among elected officials who regard the growth of government as a very good and proper thing—overwhelming evidence to the contrary and logic notwithstanding.

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