

CONTRACTING AND CONSOLIDATION: NEW DIRECTIONS FOR THE PORT AUTHORITY

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Key Findings

- Public transit agencies have undertaken competitive contracting as a way to lower the cost of bus operations. The Port Authority of Allegheny County is currently considering a provision that would turn a portion of its bus service over to private operators.
- One extensive contracting program exists in Denver, where state law mandates that 50 percent of all non-rail transit service must be provided by qualified private carriers.
- As of January 2005, contractors were providing over 1 million hours of fixed route bus service; savings from this level of contracting is estimated to have saved the Denver transit agency \$30 million annually.
- Closer to home, calls to regionalize mass transit service over a multi-county area in southwest Pennsylvania has found the idea slow going.
- The average hourly wage for a Port Authority driver was nearly twice that of the hourly wage for a driver working for any of the smaller transit authorities in the five-county area.
- Of those authorities, two currently contract transit service out to private carriers along the lines of the Denver model.

Introduction

It may sound cliché, but 2005 might truly be the year when the Port Authority of Allegheny County (PAT) is at a crossroads. Having just completed the 2004 fiscal year and avoiding planned service cuts and fare hikes due to a last minute funding maneuver by the Governor, PAT faces another year with a projected deficit, this time to the tune of \$19 million.

It also happens to be the year when the Governor's task force on transportation funding will meet to craft a long-term financing solution for all forms of transportation in the Commonwealth--highways, bridges, and mass transit. PAT has long made a point about the funding streams coming from the state as inadequate to meet rising transit costs.

Adding to the activity is the almost-certain commencement of the extension of the light rail system to the North Shore and the convention center, a project that will involve tunneling under the Allegheny River to reach the location of the baseball and football stadium. It will be the most expensive light rail project (on a per-mile basis) built in the U.S. to date.²

Coincidentally, 2005 is also the year when PAT renegotiates its contract with the Amalgamated Transit Union, the union that represents the drivers and mechanics. Due to concerns over costs related to health care, pensions, and fuel, the 2005 contract is definitely a hard-nosed offer by the authority. Raises will be limited, contributions to health care and pensions increased, and the length of the contract will be four years instead of the union's request of three years.³

This contract goes above and beyond the wage and benefit concessions by including an important provision of outsourcing 20 percent of PAT routes to private contractors. This bold move would most likely be met with significant opposition on the part of the union, which has already decried it as an effort to give the work of the union away.⁴

Failure to enact these measures--limiting the pay and benefits of employees and outsourcing operating functions to contractors--the future of the PAT system looks bleak. While the authority is involved with efforts to seek out a dedicated funding stream in order to solve its financial difficulties, it has to realize that more money is not the answer and failure to address the systemic problems will eventually eat away at any additional dollars the state might dedicate to it. It is a lesson that the City of Pittsburgh is learning

Program" November 3, 2004 (<u>www.spcregion.org</u>)

¹ Joe Grata "Whereas Roads are Bad, Transit is Broke, Panel Meets" <u>Pittsburgh Post-Gazette</u>, June 5, 2005 ² Jim Ritchie "Tunnel Project Bids Sought" <u>Pittsburgh Tribune-Review</u>, May 25, 2005; Southwestern Pennsylvania Commission "Proposed Amendment to the SPC 2005-2008 Transportation Improvement

³ Joe Grata "Port Authority Budget Full of 'Ifs'" <u>Pittsburgh Post-Gazette</u>, June 22, 2005. To be precise, June 30, 2005 marked the expiration of the contract between PAT and the Amalgamated Transit Union, Local 85, which represents 2,400 bus and trolley operators, mechanics, maintenance and other workers. At the end of July, two other contracts--one with first line supervisors and the other with transit police--expire. ⁴ Joe Grata "Transit Union, Agency Miles Apart on Pact" <u>Pittsburgh Post-Gazette</u>, May 24, 2005. Jim Ritchie "Transit Union Balks at Plan" Pittsburgh Tribune-Review, May 20, 2005

presently after its drawn out attempt at tax reform. Securing additional funds without cuts is simply delaying the inevitable.

Then too, simply merging the authority with nearby operators in adjacent counties may only make a big problem even more magnified.

So what can the PAT system gain from shifting some of its functions to the private sector? And what can they learn from the authorities that are in nearby counties? Can these lessons be beneficial to the future of PAT?

This report presents two case studies--one of large-scale transit privatization in Denver and the other on the characteristics of the transit operators in southwestern Pennsylvania-in order to highlight what PAT can glean in order to improve its operations.

Competitive Contracting in Denver

Denver is one among a handful of cities--others include San Diego, Indianapolis, and Houston--that outsource a portion of fixed-route bus service to private carriers. Denver's outsourcing program goes back almost twenty years, there is a bureaucracy established within the transit agency to handle contracting, and the savings have been documented by several sources.

Statutory Provisions

The Colorado code Title 32, Section 9-119.5 is titled "Competition to Provide Vehicular Service within the Regional Transportation District". This section mandates that the Regional Transportation District (RTD)--the agency that oversees public transit in the six-county area around Denver--implement a system whereby at least fifty percent of all vehicular service shall be provided by qualified private businesses pursuant to competitively negotiated contracts.⁶

The fifty percent threshold was arrived at in incremental steps. The 1988 statute set the level at 20 percent. Subsequent amendments in 1999 and 2003 increased the level of contracting to 35 percent, and then the current 50 percent. In the original law it was bus service only: the current provision includes all vehicular (non-rail) service, which would cover items such as paratransit and other specified transit services⁷.

The statute mentions that the District can establish standards on experience, safety records, and financial responsibility by which private providers can be qualified to provide service. A standard contract includes reasonable passenger comfort and safety characteristics, standards for access to people with disabilities, training and safety

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⁵ Peter Gordon, et al "Improving Transportation in the San Fernando Valley" Reason Public Policy Institute Study 249, January, 1999 (www.rrpi.org/ps249.html)

⁶ Colorado Code Title 32-9-119.5. Legislation: SB 164 of 1988, HB 1030 of 1999, and HB 1103 of 2003

⁷ Ibid

records, insurance, on-time performance, and provisions for use of the District's logo, transfers, transit ways, stops and other elements necessary to provide coordinated service.

The length of the contract depends on whether the provider uses District vehicles and the terms under which those vehicles were purchased and financed. Actual measurement of the fifty percent standard is done in terms of vehicle hours or vehicle hour equivalents.

The statute also directs that the standard be accomplished through attrition and no layoffs shall occur due to implementation of the standard. That shows that the move to contracted service was a gradual one, and not one that happened overnight.

The law specifies that the District's request for proposals is to include the route or service area, service frequency or hours of operation, and the structure of fares determined by the District. Proposals also include the District's estimate of passenger revenue and the evaluation factors to be used by the District in awarding the contract. These include: the cost to the District, cost related factors, non-cost factors such as performance history of comparable services provided in state or out of state, financial stability, managerial experience, operational plan, employee recruitment and training, and any other factors identified by the District.

Other important provisions include the weighting of factors in the contractor's response, the RTD's right to reject proposals at its discretion, and a performance audit to analyze the results of the contracting.

Current Contracting Status

Competitive contracted bus service is being provided by three carriers: Laidlaw (118) RTD buses), First Transit (225 RTD buses), and Connex (66 RTD buses). The RTD found that the contractors compare favorably with RTD on safety issues and on-time service delivery. There was some difficulty in maintenance due to the fact that contractors were using older RTD vehicles.8

In terms of cost savings, there was a stark difference for calendar year 2004. The RTD internal costs--operating and facility--stood at \$82.05 per vehicle hour. Similar contractor costs were \$56.68 per vehicle hour. This makes sense as the personnel costs for RTD drivers and mechanics were higher than those for contractors, and there was much more rapid progression in the wages of RTD personnel than for those at contracting companies. Differences in work rules and benefits between RTD employees and contracting employees also add significantly to the differential.⁹

As of January 2005, total contracted hours on fixed route bus service was 1,174,528 while RTD supplied hours were 1,459,121 for a total of 2,663,649 hours of fixed route bus service. In other words, contractors were providing 45 percent of fixed route bus

Ibid

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⁸ Source Document from Contracted Services division of the Regional Transportation District. E-mail and phone conversations with Bruce Abel, General Manager of Contracted Services.

service hours under the direction of the RTD. Total service hours (based on hours driven by bus, paratransit, and special services) were 3,129,419; that means fixed route bus contactors--driving the 1.2 million hours--handled 38 percent of total hours. Along with paratransit, the contracted hours totaled 1.6 million, or 52 percent of total hours, thus meeting the requirements under the statute. The table below details the level of contracting at the RTD.

Contracted Services as of January 2005	Contracted	Services	as of January	2005^{10}
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	Total Buses	Total Service Hours	RTD # Buses	RTD # Hours	Contracted # Buses	Contracted # Hours	Contracted % of Service Hours	Contracted % of Total Hours
Fixed Route	1,072	2,633,649	644	1,459,121	428	1,174,528	45	38
ADA para	220	377,155	-	-	220	377,155	100	12
ADA cab	n/a	_	n/a	-	-	-	n/a	
General para	18	58,615	-	-	18	58,615	100	2
Special	n/a	60,000	n/a	60,000	-	-	-	
Total	1,310	3,129,419	644	1,519,121	666	1,610,298		52

Outcomes

A study of the contracting model in the late 1990s--when the RTD contracting requirement still stood at 20 percent and applied only to fixed-route bus service--found that the results were positive. Based on two separate rates of spending--one at the level of inflation and the other at the rate of RTD expenditure from 1979 to 1988--contracting had a significant impact on the finances of the RTD. That report put savings in the range of \$191 million to \$378 million.¹¹

Based on our analysis of recent data supplied by the RTD Contracting Services division, the contracting program is saving at least \$30 million annually, and could be achieving further savings by keeping the costs of the RTD in check.¹²

More significant, perhaps, is that the contracting program attracted riders to the system at a time when bus ridership fell nationally. Ridership on the RTD system rose 28 percent from 1988 to 1997, the largest increase among the nation's twenty-five largest transit systems. Six other systems increased boardings over the same time frame as well. The bus increase was three times the ridership of the RTD light rail system.

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¹⁰ Ibid.

¹¹ Jon Caldara "RTD's Competitive Contracting Program: Cost Savings Produce More Service, Attract More Passengers" Independence Institute, 1999.

¹² Based on 2.6 million hours of fixed route service, 1.4 million of those provided directly by RTD and 1.2 provided through contractors. At the costs per vehicle hour (\$82.04 for RTD and \$56.68 for contractor), RTD expended \$186 million on fixed route service. If RTD had supplied all 2.6 million hours at its cost per vehicle hour, RTD would have expended \$215 million instead of \$186, an "overage" of \$30 million

Change in Bus Ridership, 1988-1997¹³

Rank	Bus System	1988 Boardings, in Millions	1997 Boardings, in Millions	% Change
1	Denver-RTD	51.2	65.4	28
17	Pittsburgh-PAT	77.4	64.1	-17
18	Philadelphia-SEPTA	189.8	156	-18
All		5,363	4,930	-13

The Denver contracting system--straightforward in its approach, clear in its goals, and successful in its results--is a model that the Port Authority is correct in folding into its upcoming contract. It is a system that ought to move front and center for all of Pennsylvania's transit agencies and be a part of any long-term funding plan.

Mass Transit Service in Southwest Pennsylvania: Time to Merge?

Not surprisingly, the contracting proposal in the next Port Authority contract has not won favor with the transit union, and it has not yet caught fire with regional leadership either. Instead, one proposal that has gained some support, albeit lukewarm and in sporadic fashion over the past few years, is to realign mass transit to a larger area. This proposal has varied on the number of counties it would cover (five, nine, or ten) in the area of southwestern Pennsylvania.

There are three mass transit authorities serving the contiguous counties of Beaver, Washington, and Westmoreland with service extending into the City of Pittsburgh.

- Beaver County Transit Authority (BCTA)
- Mid-Mon Valley Transit Authority (MMVTA)
- Westmoreland County Transit Authority (WCTA)

In addition to these authorities, there are other authorities and providers of mass transit listed with the Southwestern Pennsylvania Commission in their 2005-2008 Transportation Improvement Program. Only one, the New Castle Area Transit Authority, provides direct service to Pittsburgh with stops in Downtown. Fayette Area Coordinated Transit and Indiana County Transit Authority do not (though the latter provides arranged evening service for seniors). The Butler City-Township Joint Transit Authority's website notes that Myers Coach Lines provides service to Pittsburgh, but it is not clear if this service is provided under the direction of the authority. The GG and C Bus Company provides a route into Downtown Pittsburgh--however, it is not an authority, but it did receive state funding according to the 2003 National Transit Database (NTDB).

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¹³ Ibid

Joe Grata "Turf Battles Called a Major Barrier to Regional Transit Plan" Pittsburgh Post-Gazette, January 11, 2001; Grata "Getting Around: Next Transit Study to Map Out a 24 Year Future" Pittsburgh Post-Gazette, January 14, 2001; Grata "Transit Plan Must Cover Region" Pittsburgh Post-Gazette, June 15, 2002; Transit Merger Sought, Pittsburgh Post-Gazette March 24, 2005; Glenn May "Onorato Rolls Out Transportation Proposals" Pittsburgh Tribune-Review, April 20, 2005; Jim Ritchie "Regional Transit Concept May Get Back on Track" Pittsburgh Tribune-Review, March 20, 2005; Southwest Pennsylvania Commission "Strategic Regional Transit Visioning Study" (http://www.spcregion.org/trans 2020.shtml)

Despite the presence of these other carriers, this analysis, any discussion of consolidation proposals, and any conclusions drawn will come about based on data on the three main authorities in the contiguous counties along with PAT.

Performance Indicators

Given the sheer size of PAT--in terms of service area and number of directly operated buses--it was not expected that the other authorities would come close to PAT on the traditional operations indicators of annual vehicle miles, passenger miles, unlinked trips, or the like. PAT drove close to 30 million vehicle revenue miles in 2003, and provided over 305 million passenger miles that same year. The other authorities make up a fraction of these indicators in comparison with PAT. While PAT provided close to 70 million unlinked passenger trips that year (indicates the number of passengers who board a public transportation vehicle), the other authorities combined total barely exceeded one million during that same year.¹

Contracting to the Private Sector

There is very little direct operation of buses among the authorities. Two of these agencies--WCTA and MMVTA--contract out all of their bus service to private carriers. In this arrangement, these agencies oversee the operations but have no active role in operating the transit services. In fact, the 1978 law that created the WCTA directly prohibited the authority from operating buses. As such, that authority at no time has operated bus service directly. MMVTA has likewise always been a non-operating authority.

The BCTA was a non-operating authority until 2003. It decided to pull services in-house due to its wishes to have more control over costs and to change the character of the administration and staff to its liking (according to officials of the BCTA, the contractors were top-heavy with management and not on mechanics-so in deciding to bring service in-house, they added mechanics and reduced management totals). They ended up hiring many of the drivers that worked for the contracting companies. It could have been influence by the drivers over the desire to gain some measure of security instead of being passed from contractor to contractor as successive contracts were awarded. 16

Services, March 7, 2003. Beaver County Transit Authority website (www.bcta.com). E-mail conversations with Kathy Clark, official of the authority. Mid-Mon Valley Transit Authority website (www.mmyta.com).

E-mail conversations with Nancy Basile, Executive Director.

¹⁵ The National Transit Database website (<u>www.ntdprogram.org</u>). Definitions of key terms used in the database from the American Public Transit Association (APTA): Unlinked Passenger Trips--The number of passengers who board public transportation vehicles. Counted each time they board no matter how many vehicles they use between their origin and destination. Passenger Miles--Cumulative sum of distances ridden by each passenger. Vehicle Revenue Miles--Miles traveled when the vehicle is in revenue service. The time when a vehicle is available to the general public and there is an expectation of carrying passengers. Appendix at back of report contains table that outlines individual data for each agency. Westmoreland County Transit Authority website (www.westmorelandtransit.com) Conversations, by email and phone, with Larry Morris, Executive Director, Publication: Invitation to Bid Fixed Route

Labor Indicators

Certainly one hang up to a merger is labor costs. According to our earlier transit study from this year, the average driver wage for PAT stands at \$21.25 per hour. This was found to be significantly higher than peer transit systems across the country, even after adjusting for cost of living differences.¹⁷ To be sure, there is a similar gap between what PAT drivers make in relation to the drivers in southwestern Pennsylvania. The driver wages at the other authorities were nearly half of that amount. Current average hourly wages stand at \$10.59 (BCTA), \$13.00 (WCTA), and \$12.77 (MMVTA).¹⁸

In addition, there is the question of whether the drivers are unionized or not. For the non-operating authorities (MMVTA and WCTA), only the drivers of one contractor used by the WCTA are unionized. The drivers of the BCTA are unionized. ¹⁹

It is not clear what the effects of pay scale and union status would have on the authorities in outlying counties. If PAT's costs are simply superimposed onto a regional scale, the benefits of merging operations will largely be eaten up.

Statutory Provisions

Based solely on the provisions contained in the Second Class County Port Authority Act, there are provisions related to the extension of the Port Authority transit system into adjoining counties. ²⁰ Much of this language may or may not have only pertained to the original creation of a unified transit system that was formed out of private carriers in the early 1960s. Obviously, language changes would have to be made to several of the act's sections, including service area definition, prohibition on picking up and discharging of passengers, others where court jurisdiction is mentioned pertaining only to second class counties (such as a contesting of rates), and the powers of board members from adjoining counties. All of the language below is a direct quotation from the statute.

Section 2 (17) defines "service area" ... the entire county incorporating the authority and those portions of adjacent counties necessary to permit the authority to (i) acquire existing transportation systems, eighty per centum of whose vehicle revenue miles for the preceding calendar year are operated within the incorporating county (ii) to acquire by purchase only and not by exercise of eminent domain other transportation systems or parts thereof, which, in the authority's sole discretion, are required for the establishment of an integrated system (iii) to establish transit service between points in the county incorporating the authority and points in the adjacent counties where no such service is being rendered and which service, the authority, in its sole discretion, has determined to be required: Provided, however, that no such service shall be established without the consent of the affected adjacent county nor without participation of such county in the

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¹⁷ Allegheny Institute for Public Policy "Port Authority Bus Operations: Costly and Inefficient" Report # 05-03 (www.alleghenvinstitute.org)

¹⁸ WCTA, BCTA, and MMVTA data

¹⁹ Ibid

²⁰ Second Class Port Authority Act, PL 1414, No. 465 of 1955

payment of the cost of establishing and maintaining such service, and (iv) to establish rapid transit facilities over jointly used or exclusive fixed rights of way.

Section 3, b, 9 gives jurisdiction to the Allegheny County court of common pleas in cases regarding rates and services...any person questioning the reasonableness or any rate or services fixed by an authority may bring suit against the authority in the court of common pleas of the county incorporating the authority.

<u>Section 3, b, 17 makes provisions for benefits</u> ...to continue in existence any existing insurance and or pension or retirement system and or any other employee benefit arrangement covering employees of an acquired existing transportation system.

Section 6, 1 defines the provisions for expansion of the board of directors to include representation from adjacent counties ...the county commissioners of each county adjoining to a county of the second class may appoint a representative of such adjoining county to the board who shall have the power to participate in and vote only on matters directly affecting the rates and services within the county represented by such member.

Section 13.1 relates to the procedures for the Port Authority to change its service area... The authority shall have the right to make such changes in the pattern of its integrated system and its service area as it may deem proper, subject to appeal to the court of common pleas in the same manner as provided for in clause (9) of subsection (b) of section 3 of this act, by adopting an amendment to the plan of integrated operation or service area and filing and recording the same in the office of the recorder of deeds and with the PPUC.

Upon the recording of the plan of integrated operation, any law to the contrary notwithstanding, the authority shall have exclusive jurisdiction with respect to all matters regarding its transportation system within the service area as set forth in the plan of operation or as from time to time changed as in this section provided.

Exclusivity of the authority transit service... The authority shall have the exclusive right to operate a transportation system within the service area as set forth in the plan of integrated operation, except for those transportation systems operating into the said service area from points outside of said area which companies shall have the right to pick up and discharge passengers destined to and from the territory outside of said area but not the right to pick up and discharge passengers entirely within the service area. Said excepted transportation systems by agreement with the authority may arrange for the pick up and discharge of passengers within the said service area when, in the opinion of the authority, such privilege will serve the purpose for which the authority was created (explains the small degree of overlap between the current authority routes in neighboring counties and those of the Port Authority).

If the authority shall at any time desire to abandon or change any portion of a transportation system outside the territorial limits of the county incorporating the

authority, the approval for such abandonment or change must be secured by the authority from the PPUC.

Issues to be Resolved in a Merger

There are several issues to be resolved if there were to be serious discussion of the creation of a regional transit authority in southwestern Pennsylvania. It would likely take a significant amount of time to come to an accord between the authority, the other providers, the SPC, workers, and the public. These include:

- Costs of Port Authority labor vs. other regional providers
- Funding mechanism(s)
- Realigning routes for efficiency
- Court jurisdiction for rate/service disputes
- Composition of board and appointment method
- Maintaining contracted service in other counties and expanding private operations of transit service in a consolidated authority along the lines of the Denver RTD

Conclusion

The time is ripe for the Port Authority to forge a new model to replace its overly expensive and inefficient system. Instead of beginning every new fiscal year with proposing a new round of service cuts and fare hikes, they could have a system that attracts riders by offering better, more responsive service that lowers the cost to the taxpayers and riders that fund it. Moving a portion of bus service to private carriers, along the lines of the Denver model, would signal that it is no longer "business as usual" at the authority and that management can move the operation in a new direction over time.

Along with taking this step, the authority should be skeptical of proposals to merge transit systems into a multi-county agency. It may be too cumbersome and drawn-out to pursue this course. If this next contract--with wage freezes, caps on wage escalation, and the outsourcing proposal--is not enacted, moving the authority's cost structure onto a regional scale would be a giant step backward for taxpayers and the riding public.

Appendix

Authority	Year of Incorporation,	Annual Vehicle Revenue Miles	Annual Passenger Miles	Annual Unlinked Trips	Square Miles of Service	# of Directly Operated
Authority	Act	(thousands)	(thousands)	(thousands)	Area	Buses
Port Authority	1955, 2nd class County port authority law	29,847	305,321	68,242	730	828
Beaver County Transit Auth	1980, Municipal Authority Act	1,506	6,630	590	440	21
Westmoreland County Transit Auth	1978, Municipal Authority act	806	2,988	289	668	0
Mid Mon Valley Transit Auth	1985, Municipal Authority act	653	10,377	415	79	0
Total, PAT not included		2,965	19,995	1,294	1,187	21
Total, PAT included		32,812	325,316	69,536	1917	856
GG&C Bus	N/A	767	1,085	163	33	4
Butler City- Township Joint Transit Auth	1989	N/A	N/A	N/A	N/A	7
New Castle Transit Auth	N/A	N/A	N/A	N/A	N/A	N/A

							Percentage
							of annual
	Augraga					000	vehicle
	Average Driver	Drivers	Annual Fare	Annual State		One- Way	revenue miles Pgh
	Wage	Unionized	Rev	Funding	Service	fare to	service
Authority	(Hourly)	?	(thousands)	(thousands)	to Pgh?	Pgh	represents
Port Authority	\$ 21.21		\$69,380	\$143,331			
Beaver County Transit Auth	\$ 10.59	Yes, as of 05 (after BCTA took services in)	\$1,261	\$2,642	Y	\$2.75- \$3.50	42%
Westmoreland County Transit Auth	\$ 13	One contractor yes, other no	\$290	\$1,230	Y	\$3.75- \$4.00	24%
Addi	ΨΙΟ	110	Ψ230	ψ1,230	ı	Ψ+.00	24 /0
Mid Mon Valley Transit Auth	\$ 12.77	No	\$477	\$1,345	Y	\$2.80- \$7.30	61%
Total, PAT not	¢ 10.10		¢ 2.020	¢ 5.017			
included Total, PAT	\$ 12.12		\$ 2,028	\$ 5,217			
included	\$ 14.39		\$71,408	\$148,548			
GG&C Bus	N/A		\$911	\$659	Y	\$4-\$5	
Butler City- Township Joint Transit Auth	N/A		N/A	N/A	Y	\$5.40	
New Castle Transit Auth	N/A		N/A	N/A	Y	\$2.50	