

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 820

IN THE MATTER OF:

Served May 21, 1968

Order to Institute Investigation)
of Devices and Practices for)
Driver Safety on Buses of D. C.)
Transit System, Inc.)

Docket No. 178

It has by now become general knowledge that the problem of assaults, robberies, and harassment of bus drivers has become an increasingly serious one. The problem is revealed starkly by statistics. While there were approximately 50 holdups of bus drivers in the year 1965, by 1967 there were well over 300. In the first 4-1/2 months of 1968 the number of robberies, assaults or other harassments of bus drivers has equaled almost the entire number of such incidents in the year 1967. Understandably, this pattern has caused bus drivers to have serious concern for their safety, particularly during the night hours. Even more understandably, this serious concern was heightened when, on May 17, a bus driver was slain in the course of a holdup attempt. A number of bus drivers expressed their concern by taking their buses out late for morning rush hour runs on the morning of May 17.

On the same day, representatives of the Transit Company, the drivers' union, top City officials, and Transit Commission representatives met to discuss steps which should be taken by the City to increase the drivers' protection. As a result of that meeting, the City announced that it was assigning a substantial force each day exclusively for the protection of bus drivers and patrons. This work is all to be undertaken by police overtime and the cost to the City is substantial.

The drivers and their union representatives wished to explore further ideas for driver protection and they considered independently the steps which they should undertake. On Sunday,

May 19, the union announced unilaterally that it would instruct its drivers to refuse to carry any change money after 6:30 P.M. commencing on May 20, 1968. The drivers were to allow passengers who did not have the correct change to ride free. The company took the position that the drivers must carry some change so that passengers presenting money for a fare could be accommodated. These respective positions taken by the union and company raised issues which required consideration by the Commission. This was true for a number of reasons. First, the impasse which appeared to be developing between the company and the union threatened the continuity of the essential service performed by the transit company and we felt an obligation to do what we could to avoid such an impasse. Second, the subject matter of the dispute, i.e., the degree to which drivers should be prepared to make change for bus riders, has a direct effect upon the entire system of fare collection and is of direct concern to the Commission. Further, the problem of adequate driver protection is intimately related to the carrier's obligation to provide safe and adequate equipment, service and facilities, and the Commission has an obligation to insure that the carrier meets his obligations in this regard.

Accordingly, the Commission undertook discussions with both the company and the union. Meanwhile, union representatives, on May 20, 1968, directed drivers to refuse to accept change for runs which would be on the street after 6:30 P.M. and the company refused to permit such drivers to take out buses without such change. The net result was a partial reduction in service during the evening rush hour on that day and an almost complete cessation of service during the late evening and early morning hours.

In its discussions with both parties, the Commission made certain principles clear at the outset. First, we recognized as legitimate the concern of the drivers for their safety and felt that measures to provide added protection would be appropriate. Second, the measure undertaken by the union unilaterally, i.e., the refusal to carry any change whatever after 6:30 P.M. was not, in our judgment, a reasonable step which merited the Commission's support. Our reason for this position involves the person who is simply unable to have the correct change and wishes to ride the bus after 6:30 P.M. If he is refused a ride because the driver is unable to make change,

the company and the driver are not providing a reasonable and adequate level of service. Transportation is an absolutely vital service to the community and a reasonable part of furnishing that service should be the ability to provide a limited amount of change for the person seeking to ride. On the other hand, if a person is granted a free ride simply because he states he does not have the correct change, this constitutes a fare arrangement which is not only unreasonable, but illegal. The Compact requires that all fares be just and non-discriminatory. A fare arrangement of this type would be plainly discriminatory in that the person with correct change would be required to pay the fare set out in the tariff while the person who either does not have change or says he does not have change would be entitled to a free ride. For these reasons, therefore, the Commission pointed out that it could not support this means suggested by the union representatives for resolution of the serious problem of driver protection.

The Commission would make it clear, however, that it regarded the problem of driver protection as a serious one and sought other, and reasonable, means of dealing with the problem. A lengthy and useful discussion of this matter was entered into with the union representatives. These gentlemen, including the president of the local and the president and vice president of the international union, very ably and effectively presented the viewpoint of their members. After discussing many possibilities, the union representatives concluded that what they sought was the installation on buses, particularly those to be used in night-time service, of a plastic shield protection which would insulate the driver from attack by would-be assailants. This approach was then taken up with management of the company. They did not reject the idea. However, they pointed out that to their knowledge (and this appears uncontradicted) there were no such installations currently in existence. They wish, therefore, to reserve the right to investigate technical problems which might be raised by such installations. Further, the company pointed out that there was no information as to what such installations would cost. This raises a problem for it in light of the fact of the reduced revenues which the company has been experiencing since the civil disorders in Washington in early April.

With the matter in this posture, it appears that the Commission can make a positive contribution toward a resolution of this problem. The union, understandably, would be concerned by a mere statement by the company that it would be willing to consider the merits of such a device. The company, on the other hand, can legitimately have a concern with the technical and feasibility aspects of installing these shields. These respective concerns leave a role for the Commission to play. We have the clear power under Article XII, Sections 6 and 15 to consider the safety equipment which should be installed on buses. Installation of this protective device for drivers falls within the scope of these powers. Accordingly, we are entering this order which will direct the company to show cause why we should not issue a regulation requiring the installation of the protective device sought by the union representatives on its buses. We will make both the company and the union parties to the proceeding. We will conduct a staff investigation and hold a hearing to consider the technical and feasibility problems involved in requiring this installation.^{1/} We will also explore the financial aspects of the problem. The entire hearing will be conducted on an expedited basis with dispatch so that these problems can be resolved at a very early date.

This solution to the dispute gives each side substantially what it seeks. The technical problems which the Commission will be considering are ones which would exist and have to be considered even if the company had undertaken a firm commitment at this time. Hence, little if anything is lost in the time which will be taken by the Commission proceedings. On the other hand, the company will have the opportunity to have these technical problems considered while the union will be assured that they will be decided, not by the company, which has its own interests to protect, but by the Commission which will give the matter a fair and impartial consideration.

^{1/} A number of other ideas for increasing driver protection were discussed in our meetings. While we will specifically consider the plastic shield, we will also be willing to consider any other ideas which the union, the company, or the staff might put forth. This could include steps which might make it possible to solve the problems involved with doing away with carrying money for change-making on buses.

A further problem remains -- that of providing the driver with additional assurances for his safety during the period while this matter of the protective shield device is under consideration. It was recognized by all concerned, including both the union and company, that this problem would exist even if it had been possible to agree firmly here and now on the installation of these devices, for their design, manufacture, and installation would require a significant period of time. The union indicated its willingness to accept an interim arrangement which would reduce the hazard by reducing the incentive for robbery of a bus driver. Accordingly, the following steps will be undertaken. We will issue an order herewith that after 7:00 P.M. each day, the driver will not be required to change any bill larger than a one dollar bill. It will be the responsibility of the passenger to obtain change down to a one dollar bill before he boards the bus or he will face being refused a ride. This will drastically reduce the amount of change which a bus driver will be required to carry in the evening hours, and the company has agreed to permit a reduction of the cash carried in these hours. With the significantly reduced amount of cash on the buses, and with the significant police protection being afforded exclusively to bus drivers, the incentive to criminals to rob bus drivers should be eliminated or reduced. If this does not appear to be the case, we will, of course, consider what further steps might be taken. Further, we call upon the public to try, to the greatest extent possible, to have the exact fare when they board the buses at night. This will make it possible to reduce to an absolute minimum the amount of money which will be on a bus. Responsible citizens of the community should respond to this serious problem by taking this simple step.

On the basis of this order, we urge the union and its members to resume accepting the reduced amount of change which will be necessary in the evening hours so that normal service levels can be restored. Their concern for their safety is legitimate and well warranted. Both the City and the Commission have undertaken significant steps to increase their safety and further steps will be undertaken if a necessity for them develops. With this order, the drivers will have obtained substantially all that was sought for them by their representatives. It needs hardly be said that these drivers perform a service which is absolutely vital to the economic health, the

safety, and the very life of this community. We should be responsive to their needs for performance of their duties without undue hazard. Their duly constituted representatives have forcefully and effectively presented their views and needs and we have acted on them. We would think it tragic if the City is to be deprived of the full level of service it required for any further period of time. Particularly, in these difficult times for the City and the Nation, we hope that the drivers will meet their responsibilities in the admirable fashion in which they have done so in the past.

THEREFORE, IT IS ORDERED:

1. That D. C. Transit System, Inc., shall show cause why the Commission should not issue a regulation requiring the installation on some or all of D. C. Transit's buses of a plastic enclosure for the driver which will protect him from assault by those bent on criminal activity.

2. That the Amalgamated Transit Union Local #689 be made a party to this proceeding with the full right to participate therein.

3. That a hearing in this matter shall commence at 10:00 A.M. on June 4, 1968, in the WMATC Hearing Room, and shall continue with dispatch until a conclusion is reached.

4. That commencing Wednesday, May 22, 1968, D. C. Transit System, Inc., drivers will not be required to change any bill larger than a one dollar bill after 7:00 P.M. The company is directed to adjust the amount of change to be carried by the drivers accordingly.

BY DIRECTION OF THE COMMISSION:

Melvin E. Lewis

MELVIN E. LEWIS
Executive Director