

Labor and Human Rights Abuses in TriMet's LIFT Paratransit Service



**A report of the Portland Area Workers' Rights Board
hearing held on May 17, 2018 at the Labor Education Research Center
on the University of Oregon's Portland campus.**

Executive Summary

TriMet, the public agency overseeing transit service for the Portland metropolitan area, provides critical services for millions of people every year. One key service is TriMet's LIFT paratransit, which transports elderly, disabled, and other passenger who cannot access fixed route bus and train service lines, thereby meeting a mandate of the Americans with Disabilities Act (ADA) of 1990.

This report details an investigation by the Workers' Rights Board of Portland Jobs With Justice of the labor and human rights conditions of drivers and passengers of TriMet's LIFT paratransit service and offers the recommendations of the Board's panel that heard testimony from drivers and riders of the LIFT service. There are several intersecting stories that emerge in the report, including workers' rights, disability rights, senior citizen rights, accountability of public agencies, and the outsourcing of public services to corporate interests.

The working conditions of LIFT drivers, employed by the First Transit division of the huge multinational corporation First Group, are strikingly similar to the riding conditions of passengers. Similarities include: frequent hours-long rides without permission to leave, lack of access to toilet facilities, poor coordination and planning of routes, and poor record keeping and lack of transparency by First Transit.

A society must be judged based on how it treats its most vulnerable citizens. Another important story detailed in this report looks at the emerging organizing work of the disability rights community in advocating for inclusion and accessibility, an area where the LIFT paratransit service and First Transit fall woefully short. The needs of our society's increasingly aging citizens further intersect with the shortcomings of the LIFT service, and those issues are also raised in this report.

The third intersecting story in this report details the pitfalls of outsourcing key public services to multinational corporations like First Group. Additionally, the report raises concerns about the accountability of public agencies like TriMet, which is governed by people who are appointed by the Governor of Oregon and operates with very minimal oversight by elected leadership of any particular government body.

The issues around public transit in general and TriMet in particular are complex historically, politically, and economically, and can seem intractable at times. This report offers testimony from a paratransit driver from another city that has figured out a way to provide a high quality public service performed by public employees without the labor and human rights issues plaguing LIFT. That city, Vancouver, Washington, is just across the river from TriMet's service region. The solution to our region's paratransit service problems is, indeed, not far away and is not as difficult to imagine as it may seem.

Members of the Hearing Panel

(organizations listed for identification purposes only)

Johanna Brenner (Panel Chair) is professor emerita of Portland State University where she taught sociology and women's studies and served as Chair of the Women, Gender, and Sexuality studies department. She is a long-time Portland activist on labor and social justice issues, is a member of the Northwest Labor Notes Organizing Committee and, among other community projects, she was one of the founding members of Bus Riders Unite.

Oregon State Senator Michael Dembrow represents Northeast and Southeast Portland in the Oregon Senate. A long-time community college instructor, he has been in the state legislature for ten years. As a Senator, he has chaired the Workforce Committee and currently the Environment and Natural Resources Committee.

Barbara J. Diamond is a union-side labor and civil rights attorney in Portland and is a member of the Portland Jobs With Justice steering committee. She uses she/her pronouns and proudly identifies as a person with a disability.

Reverend Cecil Charles Prescod, OCC, is a brother in the Order of Corpus Christi and serves as Minister of Faith Formation at the Ainsworth United Church of Christ in Portland, Oregon. Originally from Jamaica, New York, Rev. Prescod has been an activist and organizer on a range of human rights issues.

Orlando Lopez Bautista is a community organizer with OPAL Environmental Justice and Bus Riders Unite who works to improve the transit service and accessibility for Low-income folks and People of Color.

Testimony Provided By:

Shirley Block, President of Amalgamated Transit Union Local 757

Karen Kreutzer, former LIFT driver

Mary Maxwell, LIFT driver

Cathy Redwine, LIFT driver

Jill Carillo, dispatcher and employee board member of C-Tran in Vancouver, WA

Nico Serra, disability rights activist and former LIFT rider

Beth Omansky, LIFT rider

Will Fuller, Elders in Action board member

This hearing was held at the Labor Education Research Center on the University of Oregon campus in Portland, Oregon.

Background

Paratransit is a transportation service which is designed for people with disabilities, elders, and other individuals with specialized mobility needs which prevent them from using traditional, fixed-route public transit (like buses or light-rail trains). It operates a little differently from traditional bus systems, and you can think of it as somewhere between a bus trip and a taxi: riders are provided with door-to-door, round-trip service which has to be booked in advance. Paratransit is meant to help folks with disabilities and elders get to medical appointments, to work, to and from the store, or just about anywhere they need to go.

Historically, paratransit was offered on a volunteer basis by religious congregations as well as not-for-profit social service agencies. Beginning in 1973, the Federal Transit Administration began requiring some public transit agencies to offer paratransit service for riders with disabilities, but not in a comprehensive or systematic way. Since the passage of the Americans with Disabilities Act in 1990, transit agencies in the United States have been required to operate a complementary paratransit service for those who are unable to ride traditional fixed-route service. However, this requirement is an unfunded mandate. As a result, TriMet has contracted out paratransit service to a for-profit corporation in hopes of saving a little money, but this has resulted in poor and dangerous conditions for both drivers and riders.

In the Portland region, paratransit service is known as TriMet LIFT. As the name suggests, the service is ultimately overseen by TriMet, the region's mass transit district. TriMet has chosen to outsource paratransit to a for-profit contractor, First Transit, a subsidiary of the Scotland-based multinational corporation called First Group. The system is divided into three service regions, known as Region 1 (Multnomah County), Region 2 (Washington County), and Region 3 (Clackamas County).

TriMet conducts a certification process to determine a person's eligibility to ride LIFT. That involves an in-depth review of your medical documentation and history and an in-person interview with TriMet's LIFT Eligibility Coordinator. In some cases, you are required to undergo an evaluation at TriMet's Mobility Center, where you may be required to demonstrate your ability to navigate slopes, inclines, and curbs, in order to gauge your balance, strength, and coordination. Once you've been fully certified by TriMet, you are eligible to begin riding LIFT, and are allowed to schedule your first ride.

First Transit has served as the contractor providing LIFT service for TriMet since 2007, when the company acquired previous paratransit contractor Laidlaw. TriMet sets many of the parameters for how paratransit service will be operated in the region, but day-to-day operations are managed by First Transit, and the workers who drive or dispatch LIFT buses & vans are employees of First Transit. All LIFT operators, and some dispatchers, are represented by the Amalgamated Transit Union Local 757, the transit union representing workers in Oregon and southern Washington. These approximately 385 workers are organized under three separate collective bargaining agreements, one for each of the service regions.

When it comes to labor relations, First Transit is regarded as notoriously anti-worker and anti-union, and workers' experience in the Portland region is no different. The collective bargaining agreement for Region 1 expired in April 2016; for Region 2, in May 2016; and for Region 3, in August 2017. Workers have been attempting to negotiate new contracts for nearly two years to no avail. The major sticking point has been health insurance, especially the company's proposal to force low-wage workers to pay hundreds of dollars out of pocket every month to cover their dependents, as well as First Transit's insistence that new hires be forced into a so-called "catastrophic coverage" plan with a high deductible.

For years, LIFT operators have reported routine violations of their right to meal and rest breaks, in particular when it comes to having time to use the restroom. Operators are often scheduled to take rest breaks at the very beginning of their shift - before they've even driven - or right at the end, as they prepare to go home. Breaks can often be scheduled in such a way that an operator will drive for 5 or 6 hours with no opportunity to use the restroom. As a result, many workers hold their urine during the work day; that is partly why paratransit workers experience high rates of kidney and bladder diseases, incontinence, and other urological issues.¹ Other operators have decided to wear adult diapers or puppy pads to work in order to avoid visibly soiling themselves. The "choice" is between sacrificing your body or your dignity, which is a situation no worker should be confronted with.

In a just world, paratransit service would be a high-quality transportation option that allows people who are unable to ride traditional public transit to fully enjoy the communities in which they live. Unfortunately, the reality is that LIFT falls far short of that lofty goal. After hearing from concerned riders, operators, and dispatchers, Amalgamated Transit Union Local 757 requested the Portland-area Workers Rights Board to convene a hearing about the conditions at TriMet LIFT.

On the evening of May 17, 2018, the Workers Rights Board panel met to hear testimony from both workers and riders concerning human and workers' rights violations at First Transit. Workers spoke at length about the challenges they face taking breaks when they need them, and the dehumanizing reality of being forced to soil yourself at work. Riders spoke of their own challenges being stranded on LIFT buses for hours at a time, to the point where many potential riders prefer to seek out other methods of transportation, or simply opt to avoid traveling altogether.

Paratransit could, should, and must be an authentic transportation option which provides folks with disabilities, elders, and people with limited mobility full access to their communities. Paratransit workers must be treated fairly and humanely in the course of their jobs. To best

¹ Specifically, [Lalli and Lapidés] noted that 'voiding with less than usual frequency can result in the development of urinary tract infections, renal failure, and the attendant difficulties.'" Lalli & Lapidés 1969, cited in "Taxi Cab Syndrome: A Review of the Extensive Genitourinary Pathology Experienced by Taxi Cab Drivers and What We Can Do to Help" by Mass, Goldfarb, and Shah.

assure those outcomes, the Workers Rights Board strongly urges First Transit and TriMet to improve LIFT service locally, for both riders and workers alike. Our full recommendations appear later in this report.

Issues Raised in Testimony

Shirley Block, President of Amalgamated Transit Union Local 757, provided the opening testimony at the hearing. She began by discussing paratransit service and how it is provided in the Portland region of Multnomah, Clackamas, and Washington counties.

Block told the panel that paratransit is designed for people who can't ride on fixed route buses or light rail, mostly people with disabilities but also a lot of elderly people. People who use the service call and schedule rides ahead of time and are picked up and dropped off at their homes, places of work, or doctor's office directly rather than having to navigate to street corner bus stops. Block explained that LIFT drivers need special training in the use of specialized equipment that fixed route drivers don't need. Since 2007 TriMet has outsourced LIFT paratransit service to First Transit, which is one of the largest private transit corporations in the world.



["First Transit is a notorious anti-union, anti-worker company that uses every delay and intimidation tactic in the union busting book... In fact there have been at least five strikes at First Transit and First Student properties in the last year alone."

-Shirley Block, President of Amalgamated Transit Union Local 757]

ATU Local 757 and LIFT drivers who work in Washington and Multnomah counties have been in contract negotiations with First Transit for over two years and have still not been able to come to a fair agreement. Block explained the difficulty the union has faced in those negotiations, particularly the difference in wages and benefits LIFT drivers get depending on which county they work in. When the union has tried to address with TriMet the problems and poor conditions under First Transit, TriMet's response has been that it is not their responsibility and that the union needs to take the issues up with First Transit. And when they bring issues to First Transit, they are told they need to talk to TriMet.

Just days before the May 17 Workers' Rights Board Hearing, LIFT drivers in both Washington and Multnomah counties overwhelmingly voted down First Transit's "last, best, and final offer." Since then workers have been gearing up for a possible strike, feeling that there is little else left for them to do after two years of failed negotiations.

Block reiterated that both drivers and riders are negatively impacted by the poor conditions under First Transit, and expressed her hope that drivers and riders can work together to solve the problems addressed at the hearing.

In response to Block's testimony, Senator Dembrow asked, "When you bring these problems [with First Transit] up to TriMet, how do they respond?" Block answered: "They say it's not us who are in charge."

Dembrow expressed grave concern about this, "We put a lot of public money into TriMet and TriMet is our transit agency, run by a Board appointed by our Governor. So are they saying they don't have a responsibility to oversee the people to whom they have issued this contract?"

Karen Kreutzer, is a former LIFT driver who discussed a number of alarming issues, not the least of which is the fact that LIFT drivers make less money per hour than their counterparts who drive fixed route service. In particular the issues of erratic scheduling and safety came up as significant and related problems in her testimony.

She would often have to wake up at 2:30 am to be on time for her shifts that started at 3:45 am. The problem was that she usually wouldn't hear from First Transit about whether she had a shift or not until late the night before. Kreutzer said that starting so early in the morning, and driving people with disabilities around all day with very little sleep the night before put both her own safety and that of riders at serious risk. If she or another driver in a similar situation were to fall asleep at the wheel it could mean serious injury or even death for anyone involved in the crash that would follow.



["These long rides happen more frequently to people who are nonverbal and cannot complain. I do not think this is a coincidence. I see this as a violation and yet another incident of our customers being taken advantage of because of their disability."

-Karen Kreutzer, former LIFT driver]

Drinking coffee on the job is one way she kept herself awake on long days with little sleep, but that always presented an entirely different problem. Drinking coffee means having to use the bathroom. But riders can't be left on the bus by themselves, and according to Kreutzer First Transit keeps schedules so tight that it is often impossible to find time to use the bathroom, which presents a serious health risk to drivers if they frequently have to hold back using the bathroom for long periods of time.

Another issue addressed by Kreutzer that is related to safety and scheduling is that passengers—especially those who are nonverbal and so can't complain—are often kept on the bus for hours at a time, so long that they have accidents and go to the bathroom on the bus

causing health and safety biohazards for both riders and drivers. Kreutzer said that First Transit often leaves them without adequate biohazard kits on busses to clean up such accidents.

Rev. Cecil Prescod asked Karen Kreutzer, "You explained that First Transit has a motto, 'If it is not safe, don't do it...' Apparently this is not one that they follow. How does your inability to take reasonable breaks impact rider safety?"

Kreutzer responded, "It's dangerous...'holding it' for four hours or longer... It's hard to pay attention to the road, it's hard to pay attention to hazards, and it puts us all at risk."

After hearing this Prescod concluded, "It seems their true motto is profit over people."

Mary Maxwell started driving TriMet LIFT buses in 1998, and was a driver in Clackamas County until just a few months ago. In her testimony she talked about what it was like being a LIFT driver before First Transit took over the service. According to Maxwell, before First Transit came in the work environment was wonderful, supportive, and drivers looked out for each other. She said that changed when TriMet contracted with First Transit in 2007. The working environment became hostile, service got worse for riders, and drivers felt certain that First Transit wasn't going to do anything about it.

Maxwell testified that before First Transit took over, drivers were able to map out their own routes based on their firsthand knowledge of their riders and what was not only most efficient, but what would be best for the driver and riders alike. First Transit has taken away drivers' ability to map their routes, and even their ability to see their route beyond the next few hours. This allows First Transit to add rides, alter schedules, and make changes mid-shift without drivers even necessarily knowing about it.

With that level of control over scheduling rides and route mapping, Maxwell said that First Transit schedules their breaks at bizarre times, like as soon as their shift starts. The result is often that drivers are stuck driving for long hours without a scheduled break, posing issues related to bathroom accidents similar to those discussed by Karen Kreutzer. This is, in fact, the issue that led Maxwell to quit her job after 20 years as a LIFT driver.



["On Sunday, I wasn't able to get a bathroom break, and I shit my pants while I was at work. On Monday, I didn't get a bathroom break, and I shit my pants again. On Tuesday, I look at my manifest, and I see that one of the people I am transporting is the same person who sexually harassed me for two years. Break times on the manifest were all over the place, and so I knew that I might crap my pants again. And sure, I could file a report with First Transit about it, but they'd just edit it or say whatever they wanted and these issues would keep happening. I thought to myself, I shouldn't have to come to work every day prepared to shit my pants and I shouldn't have

to put up with two YEARS of sexual harassment from this person. And so I quit after 20 years on a job that I used to love. I realized that was the only way I would ever get another bathroom break in my life. The only way to keep myself safe from harassment. The only way to get some dignity back into my life.” -Mary Maxwell, former TriMet LIFT driver]

Maxwell related her horrific story before 100 audience members. Two days in a row her shift breaks were scheduled so that she had long hours of driving with no breaks. Two days in a row, because she was not able to use a bathroom in time, she soiled herself. On the third day, when she saw that she had to give a ride to a rider who had repeatedly sexually harassed her, that she had another long stint without a break, and with certainty that First Transit would do nothing if she issued a complaint, she decided for the sake of her own dignity to quit and she walked off the job.

Cathy Redwine is the ATU 757 Liaison Officer for TriMet LIFT operators in Washington County, and has driven LIFT buses for 14 years. She began her testimony by stating that First Transit operates the workplace through a climate of fear. She stated that many drivers wanted to speak at the hearing, but chose not to because they were afraid that First Transit would retaliate against them. She also said that First Transit edits SIP (Service Improvement Process) forms that are submitted by drivers and takes action based on the edited versions, which often look nothing like the original versions written by the drivers.

As a union representative, Redwine talks with other drivers everyday, and they share their stories with her. She said that drivers tell her their buses are poorly maintained, and they are told to ignore warning lights that indicate operational problems with the buses. Drivers in Multnomah and Washington County are expected to clean their buses, but are given almost no supplies or biohazard training to be able to do the cleaning properly. She said that this highlights how, despite TriMet’s expectation that the same type and quality of service will be provided across the Metro area, there is in fact a stark lack of consistency between First Transit operations in each of the Metro three regions where they are providing paratransit service.



*["Ultimately, what I’ve seen in the workplace has led me to a simple conclusion: it’s all about padding First Transit’s bottomline. Profits over people. It’s sickening.”
-Cathy Redwine, ATU 757 Liaison Officer for TriMet LIFT operators in Washington County]*

Redwine highlighted other issues as well that were indicative of service in Washington County where she primarily works. These issues include broken routing computers, and drivers wearing diapers because they don’t get frequent enough bathroom breaks. She said that she has brought pillows to work for over a decade because she often needs them to cover the driver’s seat after it has been soiled by the previous driver. Another issue she talked about was drivers being forced to use old buses

in order to reduce wear-and-tear on newer equipment. When workers complained about using out-of-date buses, First Transit blamed Trimet, and then TriMet responded by turning around and blaming First Transit.

This back and forth game of whack-a-mole whereby companies refuse to operate with transparency and actively dodge accountability is common among public services that have been contracted out to private for-profit companies. As is evidenced by the testimony of drivers at the May 17 hearing, this is clearly the case with TriMet's LIFT service under First Transit.

Redwine ended her testimony by emphasizing her belief that the problem at the root of all of these issues is that First Transit operates on a model that places profit over people. In its attempts to pad its bottomline and squeeze as much profit out of taxpayer funded public services as possible, First Transit is all too willing to cut corners and create an unhealthy, unsafe, and toxic environment for both drivers and riders.

In response to the drivers' testimony, Orlando Lopez commented, "It is clear to me and to everyone on this panel that you are very compassionate, and driving passengers around gives you joy. You are not doing it for the money, but who does not want to be compensated for their labor? It is not too much to ask for that along with good working conditions."

Nico Serra is a disability rights activist who formerly used LIFT paratransit service, but stopped because the quality of the service under First Transit was so poor. During their testimony, Serra recalled the passion for the work that they used to observe in LIFT drivers. Serra told the audience that through conversations, they came to realize that LIFT drivers' passion for their work was often fueled by the fact that they themselves had their own disabilities or health conditions. As a result they directly identified with the riders they worked with. Serra said that drivers often spoke of how they feared they wouldn't be able to continue doing the work they love because the conditions under First Transit were so poor.



["There needs to be a very clear and appropriate minimum standard of treatment for people with disabilities, elders, and others with health conditions on TriMet LIFT buses, which includes the drivers. TriMet needs to strongly consider collaborating with others that are willing to actively hold First Transit accountable to these relevant and necessary changes. If First Transit won't listen and implement proper treatment of drivers and riders, then TriMet needs to end their contract with them." -Nico Serra, disability rights activist and former LIFT rider]

Serra described their experience riding LIFT buses, reiterating earlier testimony that both riders and drivers are often stuck on buses for hours at a time with no food, water, or ability to use the bathroom. Particularly during the summer, the buses are what Serra called "their own special kind of hell" with broken or barely working air conditioners, and with windows that are too small

and often out of reach of riders on bus rides that can last for as long as two to four hours. During these long rides, Serra said that riders are not allowed to get off the buses even if they need to, and that they have talked with personal care assistants that have to medicate their patients before putting them on TriMet LIFT buses because the conditions are so difficult. Serra pointed out that even healthy people would have difficulty being on a bus for so long without being able to use the bathroom. Serra used to carry nose plugs when they rode LIFT buses because bathroom accidents were so common.

Serra pointed out that there is a direct connection between the way both riders and drivers are treated by First Transit, and said that the way they are treated by the company is a shame and an embarrassment to the community. Pointing out that this is an issue that affects all of us, Serra noted that people with disabilities make up at least 20% of the Multnomah County population and that the rest of us are only one accident or health crisis away from being disabled. Serra ended their testimony by calling on TriMet to hold First Transit accountable.



Will Fuller is a board member for the organization Elders in Action, as well as a volunteer advocate for the elderly. In his testimony he related concerns that he has been hearing about the LIFT service from elderly people and described the things he has heard as “shocking.” He related concerns about long waits for rides and rides being canceled or not showing up. Many elderly people have had experiences with the inflexibility of the LIFT system under First Transit where their ride came too early and they were still inside their doctor’s appointment. Because they weren’t outside waiting, their ride left and the rider was stranded.

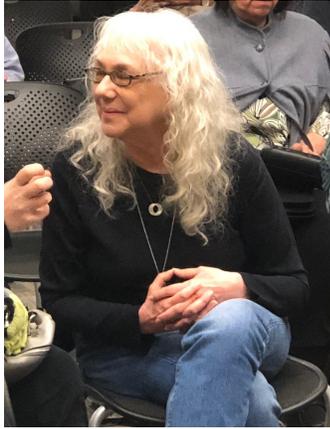
Fuller pointed out that the problem in such stories wasn’t that the drivers weren’t doing their jobs; it’s that the system run by First Transit is not doing its job. As brought forward in previous testimony, First Transit overloads drivers schedules. If someone isn’t there ready to be picked up when the driver shows up, then First Transit will cancel the ride and send the driver to a new pick up. But this has serious consequences for the vulnerable people who are left stranded with no way home from their medical appointments.

Fuller ended his testimony by stressing the need for First Transit to treat both its drivers and the riders that they serve with the respect that they deserve.

Dr. Beth Omansky has been a LIFT rider for 15 years and started off her testimony by stating that she did not take a LIFT bus to the hearing because she wanted to be there on time. Omansky focused her testimony on the certification process required for people with disabilities to use TriMet’s LIFT service.

Previously the process was easy, but that too changed when First Transit took over. The process now includes multiple interviews in addition to all the paperwork that must be filled out. Omanski said that she has used similar services in other cities and has never had as much

trouble as in Portland, nor has she ever had to recertify every three years as is the policy with LIFT. In addition to the difficult and lengthy certification process, Omansky said that she was not even notified when her certification recently ended. She found out when she went to book a ride and was denied service.



["It's clear when you go into the initial interview that the idea is to rule you out. It's a grueling and emotional process, and I don't why we all have to go through this." -Dr. Beth Omansky, LIFT Rider]

When Omansky called to find out what why she was not notified about her certification lapsing she was told that she had been sent a letter in the mail to inform her. Omansky explained that she is blind and so is unable to read such mail. She has informed TriMet a number of times that she needs to receive electronic communications so that her access technology can read notifications to her. She was told that electronic notifications are not possible.

Omansky has experienced other problems in the past with the recertification process. The last time she went through the process she had to provide medical documentation of her disability because they lost the documentation she had already sent, which is a potential HIPPA violation.

In response to the drivers' and riders' testimony about long delays and difficulties getting to appointments on time, Barbara Diamond asked rider Beth Omansky, "Would it be fair to say, based on your knowledge and experience, this system does not support the ability of people with disabilities to obtain and retain employment?"

Omansky answered, "Yes, it makes us unreliable people."

Diamond followed up with a question about how the difficulties riders face affect their ability to have a normal social life. Serra answered, "We don't go out beyond necessity. Most of us have very small lives and they don't need to be."

Jill Carillo provided the final testimony of the hearing. She is a dispatcher for C-VAN, which is the equivalent of TriMet's LIFT service across the Columbia River in Vancouver, WA. Carillo is also the labor representative on the C-Tran Board of Directors. She testified to the stark and disturbing difference between this same service as it is provided in the two neighboring cities, Portland and Vancouver. The big difference between C-VAN and LIFT is the fact that C-Van is operated in-house by C-Tran, it is not contracted out to a private for-profit company like TriMet's LIFT service.



["First Transit is a for-profit contractor that's trying to wring as much public money out of workers, riders, and the community as possible... I've come to a simple conclusion, listening to my sisters & brothers down here in Portland, and reflecting on my experience at C-VAN: paratransit service works best when it's provided in-house." -Jill Carillo, C-Van Dispatcher, C-Tran Board of Directors Labor Representative]

Carillo addressed the issue brought up by Mary Maxwell, who testified about First Transit's response to her suffering repeated sexual harassment by a male passenger. Despite filing complaints, Maxwell was told by First Transit that there was nothing they could do. However, according to Carillo both C-VAN and LIFT use the same software, called Trapeze, to schedule rides. According to Carillo, who as a dispatcher uses the software daily, there is a checkbox in the system that could easily be marked that would ensure that the particular passenger always had a male driver. But according to Maxwell First Transit claims there is nothing they can do.

While admitting that no system is perfect, Carillo testified that they have virtually none of the disturbing problems in Vancouver that are faced by LIFT drivers and riders in the Portland Metro Area. C-VAN is safer and has fewer bus crashes due to lighter schedules and better driver training, and rider service is better with a clear standard that riders should not be on the bus for any longer than one hour. Carillo said that with the service in-house, drivers enjoy coming to work. They have a sense of family amongst themselves, and they have almost achieved pay parity with fixed-route C-Tran drivers.

After hearing testimony from Carillo about the superior service that C-VAN offers through the public transit agency in Vancouver, Washington, Senator Dembrow commented,

"In the past we've tried to pass legislation that tightened up our rules around public contracting, contracting out. And presumably agencies, public bodies, are supposed to only be contracting out when the result is equal or superior service. And they're not supposed to be contracting out just to save money by paying workers less. We don't have that in statute. Although we tried to, we were told it was not necessary, and I couldn't convince a majority of my colleagues that it was necessary. What I've heard tonight just reminds me that we need legislation like that."

He asked Carillo, "Is the funding for C-Tran better than funding for TriMet?"

Her response: "No, not at all."

Carillo went on to specify that when C-Tran decided to bring paratransit services in-house, the "largest factor in the decision was being able to control quality of service."

Workers' Rights Board Panel Response to Testimony



Panel members were tremendously impressed with the riders' and drivers' testimony and, as Rev. Prescod stated, grateful for their 'veracity, restraint, and determination.'

From this testimony, the panel concluded the following:

First Transit does not provide a level of service that meets the minimum standards required by the Americans with Disabilities Act.

TriMet bears responsibility for guaranteeing that riders are treated appropriately and that cannot happen if drivers are not treated appropriately.

First Transit does not provide meal and break times scheduled as the law requires. This has resulted in abysmal working conditions for drivers and unsafe conditions for riders.

First Transit does not provide adequate safety equipment, adequate training, and biohazard protection.

First Transit is cutting corners to save money. This has resulted in riders spending interminable and intolerable amounts of time on the bus

The evidence shows that, due to the inadequacy of paratransit service, the community is being denied the active participation of people with disabilities in civic affairs, employment and other important areas.

Experience in Vancouver demonstrates we can and should expect a much superior paratransit system for both riders and drivers

Workers' Rights Board Panel Recommendations

We, the members of the Workers' Rights Board, recommend that:

First transit must cease and desist falsifying records with regard to unsafe working conditions and rider conditions so there can be a proper record.

TriMet needs to establish clear standards for paratransit service and must hold First Transit accountable for meeting these standards. Further, these standards must be made transparent, so the community can know whether or not TriMet is in fact holding First Transit accountable.

First Transit's contract with TriMet will expire within a year. At that time, if improvements have not been made, paratransit operations should be brought in house.

First Transit should begin to negotiate in good faith with ATU 757 so that the problems identified in this hearing can be resolved.

The State of Oregon's public contracting laws need to be strengthened.