



PB99-137945

# **PERSPECTIVES ON THREE ISSUES FACING THE TRANSPORTATION MANAGER IN THE NINETIES**

Carol A. Lewis

DeLinda Marzette

and

Graduate Student

Barney McCoy

SWUTC Research Report 72195-1

Southwest Region University Transportation Center  
Center for Transportation Training and Research  
Texas Southern University

REPRODUCED BY: **NTIS**  
U.S. Department of Commerce  
National Technical Information Service  
Springfield, Virginia 22161

March 1999

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| 1. Report No.<br><b>SWUTC/99/72195-1</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 2. Government Accession No.                                | 3. Recipient's Catalog No.                                                                                                                                                                                       |           |
| 4. Title and Subtitle<br><b>Perspectives on Three Issues Facing the Transportation Manager in the Nineties</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                            | 5. Report Date<br><b>March 1999</b>                                                                                                                                                                              |           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                            | 6. Performing Organization Code                                                                                                                                                                                  |           |
| 7. Author(s)<br><b>Carol A. Lewis, DeLinda Marzette and Barney McCoy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                            | 8. Performing Organization Report No.<br><b>Research Report 72195</b>                                                                                                                                            |           |
| 9. Performing Organization Name and Address<br><b>Center for Transportation Training and Research<br/>Texas Southern University<br/>3100 Cleburne Avenue<br/>Houston, Texas 77004</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                            | 10. Work Unit No. (TRAIS)                                                                                                                                                                                        |           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                            | 11. Contract or Grant No.<br><b>DTOS88-G-0006</b>                                                                                                                                                                |           |
| 12. Sponsoring Agency Name and Address<br><b>Southwest Region University Transportation Center<br/>Texas Transportation Institute<br/>The Texas A&amp;M University System<br/>College Station, Texas 77843-3135</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                            | 13. Type of Report and Period Covered                                                                                                                                                                            |           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                            | 14. Sponsoring Agency Code                                                                                                                                                                                       |           |
| 15. Supplementary Notes<br><b>Supported by a grant from the U.S. Department of Transportation, University Transportation Centers Program</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                            |                                                                                                                                                                                                                  |           |
| 16. Abstract<br><br><p>The nineties have been a period of tremendous change for the transportation industry. The Intermodal Surface Transportation Efficiency Act, Clean Air Act Amendments, Americans with Disabilities Act, and increasing gender and ethnic diversity have caused agencies to reassess their standard operating procedures. Greater knowledge has been sought by senior level transportation officials in an effort to prepare agencies for the changing policy, including, seminars and workshops, revisions to policy manuals, and strengthened procedures regarding how issues will be resolved. This research examines the level and nature of direct impacts on the transportation organization. Major legislative changes and mandates have imposed the need for changes in how transportation systems operate. Transportation professionals continue to be challenged to develop plans and implement services that respond to mandates within the framework of the legislation.</p> |                                                            |                                                                                                                                                                                                                  |           |
| 17. Key Words<br><b>ADA, Clean Air Act Amendment, Gender Awareness, Transportation Policy</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                            | 18. Distribution Statement<br><b>No Restrictions. This document is available to the public through NTIS:<br/>National Technical Information Service<br/>5285 Port Royal Road<br/>Springfield, Virginia 22161</b> |           |
| 19. Security Classif.(of this report)<br><b>Unclassified</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 20. Security Classif.(of this page)<br><b>Unclassified</b> | 21. No. of Pages<br><b>52</b>                                                                                                                                                                                    | 22. Price |



## **ACKNOWLEDGMENT**

Support was provided by a grant from the U.S. Department of Transportation, University Transportation Centers Program to the Southwest Region University Transportation Center.

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## **ABSTRACT**

The nineties have been a period of tremendous change for the transportation industry. The Intermodal Surface Transportation Efficiency Act, Clean Air Act Amendments, Americans with Disabilities Act, and increasing gender and ethnic diversity have caused agencies to reassess their standard operating procedures. Greater knowledge has been sought by senior level transportation officials in an effort to prepare agencies for the changing policy, including, seminars and workshops, revisions to policy manuals, and strengthened procedures regarding how issues will be resolved. This research examines the level and nature of direct impacts on the transportation organization. Major legislative changes and mandates have imposed the need for changes in how transportation systems operate. Transportation professionals continue to be challenged to develop plans and implement services that respond to mandates within the framework of the legislation.

## EXECUTIVE SUMMARY

This decade has been a period of tremendous change for the transportation industry. The Intermodal Surface Transportation Efficiency Act, Clean Air Act Amendments, Americans with Disabilities Act, and increasing sensitivity to gender and ethnic diversity have caused agencies to reassess their standard operating procedures. Improved knowledge has been sought by senior level transportation officials in an effort to prepare and educate agencies for the changing policy and social environments. Many techniques have aided the dissemination of information including seminars and workshops, revisions to policy manuals, and strengthened procedures regarding how issues will be resolved. This research examines the level and nature of direct transportation agency response, specifically in regard to increased awareness in the transportation organization. Major legislative changes and mandates have necessitated primary changes in how transportation systems function. Transportation professionals continue to be challenged to develop plans and implement services that respond to mandates within the framework of the legislation.

In light of the changes that are occurring, a critical issue is how public transportation professionals will respond to the aforementioned issues. There is a dire need to examine effective and efficient methods for planning and implementing public transportation systems requirements. This research focuses on the manner in which some transportation agencies are shifting their work efforts to respond to these issues. Specifically, southwest transportation agencies were the focus of this study. In addition, this research examined these issues and their impact on the daily management and operational activities of transportation agencies. Another aspect of this research was the attempt to document organizational response within transit agencies to proactively accommodate a changing work force. Where institutionalization is occurring, the experiences may benefit those agencies that have not made modifications to the same degree as the more advanced agencies. This research is clearly a first step. A more complete research would expand this regional study to a national scale. The additional database would more likely lend itself to advanced statistical techniques that would more thoroughly describe and explain the structures encouraging positive awareness efforts in transit agencies on these three issues.

## TABLE OF CONTENTS

PAGE

|                                                            |           |
|------------------------------------------------------------|-----------|
| <b>CHAPTER 1 - INTRODUCTION.....</b>                       | <b>1</b>  |
| 1.I INTRODUCTION.....                                      | 1         |
| 1.II PROBLEM STATEMENT.....                                | 1         |
| 1.III BACKGROUND .....                                     | 2         |
| <i>Americans with Disabilities Act</i> .....               | 3         |
| <i>Clean Air Acts Amendments</i> .....                     | 4         |
| <i>Gender Awareness</i> .....                              | 6         |
| 1.IV PURPOSE AND OBJECTIVES.....                           | 8         |
| 1.V WORK PLAN.....                                         | 9         |
| <b>CHAPTER 2 - REVIEW OF RELATED LITERATURE .....</b>      | <b>10</b> |
| 2.I HISTORICAL POLICY OVERVIEW.....                        | 10        |
| 2.II AMERICANS WITH DISABILITIES ACT.....                  | 11        |
| <b>CHAPTER 3 - RESEARCH DESIGN &amp; METHODOLOGY .....</b> | <b>16</b> |
| 3.I RESEARCH PARAMETERS .....                              | 16        |
| <i>Survey Components</i> .....                             | 17        |
| 3.IIA SECTION I - GENERAL SURVEY INFORMATION.....          | 17        |
| 3.IIB SECTION II - AMERICANS WITH DISABILITIES ACT .....   | 18        |
| 3.IIC SECTION III - CLEAN AIR ACTS AMENDMENTS .....        | 18        |
| 3.IID SECTION IV - GENDER AWARENESS ISSUES .....           | 19        |

|                                                               |           |
|---------------------------------------------------------------|-----------|
| <b>CHAPTER 4 - ANALYSIS &amp; INTERPRETATION OF DATA.....</b> | <b>20</b> |
| 4.I GENERAL CHARACTERISTICS.....                              | 21        |
| 4.II AMERICANS WITH DISABILITIES ACT .....                    | 23        |
| 4.III CLEAN AIR ACTS AMENDMENTS .....                         | 27        |
| 4.IV GENDER AWARENESS ISSUES.....                             | 29        |
| <b>CHAPTER 5 - SUMMARY OF MAJOR FINDINGS.....</b>             | <b>31</b> |
| <b>BIBLIOGRAPHY .....</b>                                     | <b>33</b> |
| <b>APPENDICES:.....</b>                                       | <b>35</b> |
| APPENDIX A. SURVEYED AGENCIES                                 |           |
| APPENDIX B. SURVEY INSTRUMENT                                 |           |
| APPENDIX C. RESPONSES TO SELECTED SURVEY QUESTIONS            |           |

## LIST OF TABLES

| TABLE                                                               | PAGE |
|---------------------------------------------------------------------|------|
| 1 GENERAL CHARACTERISTICS.....                                      | 21   |
| 2 DO YOU SPONSOR YOUR OWN SEMINARS, CONFERENCES, OR WORKSHOPS ..... | 23   |
| 3 DISTRIBUTION OF PHYSICALLY CHALLENGED EMPLOYEES .....             | 24   |
| 4 AVERAGE ANNUAL REVENUE SPENT -- ADA.....                          | 26   |
| 5 AVERAGE ANNUAL REVENUE SPENT -- CAAA .....                        | 28   |
| 6 AVERAGE ANNUAL REVENUE SPENT -- GENDER AWARENESS .....            | 30   |

## **CHAPTER 1**

### **INTRODUCTION**

#### **I. INTRODUCTION**

During the past several decades, tremendous changes have occurred in the transportation industry. The Intermodal Surface Transportation Efficiency Act (ISTEA), Clean Air Act Amendments (CAAA), Americans with Disabilities Act (ADA), and an increasing awareness and sensitivity to gender and ethnic diversity have caused agencies to reassess their standard operating procedures. Greater knowledge has been sought by senior level transportation officials in an effort to prepare agencies for changes in policy and the social environments. A variety of techniques have been used to disseminate information, including seminars and workshops, revisions to policy manuals, and strengthening enforceable procedures relating to how issues will be resolved. This research examined the level and nature of direct transportation agency response, specifically in regard to industry-wide ADA and CAAA compliance and increased gender awareness in the transportation industry.

#### **II. PROBLEM STATEMENT**

Major legislative changes and mandates have imposed the need for changes in how transportation organizations operate. Three important issues included: CAAA, ADA, and heightened gender and ethnic awareness. Transportation professionals continue to be challenged to develop plans and implement services that respond to mandates within the framework of the legislation.

In light of the changes that are occurring, a critical issue is how the public transportation professional will respond to the aforementioned issues. There is a dire need to examine effective and efficient methods for planning and implementing public transportation systems requirements. This research focuses on the manner in which some transportation agencies are shifting their work efforts to respond to these issues. In addition, this research examined these issues and their impact on the daily management and operational activities of transportation agencies.

### **III. BACKGROUND**

In the early 1990's, three major reforms were instituted that had the potential to affect the internal and external workings of transit agencies. When ownership of transit authorities passed from the private to the public sector several decades earlier, they automatically became obligated to become both user and environmentally friendly. Due to the public ownership, one might think that this would be easy. In reality, however, this has proven to be easier said than done. In specific, the passage of the Americans with Disabilities Act (ADA) and the Clean Air Acts Amendment (CAAA) has bombarded transit authorities nationwide with rules and regulation to implement, although many of them were vague. In addition, the recent emergence of gender awareness issues, some of which are covered by the Civil Rights Act of 1964, has added to the administrative requirements of the transit organizations, specifically, transit authorities, internally and as well as externally. Successful and aggressive implementation of these mandates is a very large task to undertake, especially in light of the fact that there is no existing model or precedent to follow. Much of this implementation comes with the knowledge that a reorganization of some sorts may be a part of compliance. The discussion that follows provides a general yet substantive overview of the transit industry's current reaction to ADA, CAAA, and gender awareness issues.

## **AMERICANS WITH DISABILITIES ACT**

In addition to issues related to the environment, transportation officials are also responding to increased accessibility requirements delineated in the 1990 revisions to ADA. All public transit providers must make wheelchair provisions on all buses, as well as provide door to door (paratransit) service for patrons who are unable to utilize a fixed route bus (Katzman 1991). Virtually every transit property in the United States has had to make revisions in their approach to providing transit to the disabled community.

When ADA was enacted, it required that all types of service by a public entity be made "accessible". Compliance required that all vehicles purchased after August 25, 1990 must be accessible and an agency must make a "good faith" effort to rehabilitate all currently owned vehicles, i.e. make them accessible. Where accessibility is not possible, paratransit service is required. In areas where regular fixed route or line service is provided for the public, paratransit service must be offered for those who are not physically able to board a standard (lift equipped) coach. Within the scope of possible, yet "selectively mandatory" changes needed, the types of changes that a transit agency could make to directly affect its daily transit operations are limited to two main areas.

Paratransit service-which some agencies contract out to private companies is the first area. Although the paratransit service has shown itself to be successful, wheelchair lifts-which are the second issue-on its regular fleet have proven themselves otherwise. The "lifts" are expensive and oftentimes unreliable as they require daily cycling to prevent them from locking-up. With a procedural time of about ten minutes, a bus in regular "line service" would be delayed if repeatedly picking up wheelchair passengers.

It is important to note here that prior to ADA, some transit agencies had decided to offer either paratransit service or lift-equipped buses. As a result of ADA, however, agencies were faced with having to do both, i.e. provide paratransit services and regular line service to people with disabilities/physically challenged individuals.

Incidentally, while the service aspects of ADA have been the principal focus of most resources, ADA also addresses transmittal of transit information to patrons who are blind or hearing impaired.

ADA mandates that neither clients, current employees, nor potential employees may be discriminated against based on a disability of any kind. It is important to denote the immense scope of disabilities covered under ADA. Initial reactions to the term disabled leads one to think of the audio or visually impaired or physically disabled. ADA not only covers the aforementioned disabilities, but extends its authority to include mental illnesses, disabilities due to job-related injuries, and some form of chronic or terminal illnesses or diseases; specifically those afflicted with HIV or AIDS. As a result, the transit authority is required to approach and respond to these issues as both an employer and, more importantly, as a public-service provider.

In light of all its promise, ADA, by its very nature and purpose, is reactionary, broad, vague, ambiguous, and, in some instances, contradictory. Although it has not proven to be as "multi-faceted" as many of its opponents thought it would be at its enactment, it has not proven to be the comprehensive panacea its proponents thought it would be either. Unaddressed areas may still face the disabled community and transit providers. The ADA law allows transit authorities to deny paratransit service to wheelchair bound riders who have an accessible route they may utilize. Should authorities begin to exercise this option, many riders may be disadvantaged.

When looking at an organization internally, however, the accessibility issues can be staggering in implementation, cost, and comprehension. The impact of ADA, as it will affect the internal employment of an organization, has proven to be the most challenging and least understood area of the act. As a result, most agencies have taken the position that the changes will be made as requested. For example, as opposed to spending money to make a spectrum of changes to accommodate everyone with a disability or even addressing every disability, changes are made on an individual basis. This attitude has, in some instances, back-fired when an agency found itself the defendant of an "ADA based" civil suit for non-compliance.

#### **CLEAN AIR ACT AMENDMENTS**

CAAA and concern by local community residents about air quality are requiring the

nation's transit agencies and local officials to aggressively develop plans to improve air quality. Transit properties are making decisions to utilize fuels other than diesel to operate their bus fleets. State and local planners are developing strategies to comply with the requirements of the recent environmental legislation. The original deadline for submittal of appropriate responses by all affected agencies has been delayed due to the complex nature of the legislation and the need for clarification of certain portions of the act by federal officials. Many areas failed to meet the stipulated air quality standards by the deadlines that were set in the original act of 1970. An extension of the deadline until December 31, 1987, was provided for ozone and carbon monoxide if the states were able to demonstrate that attainment by 1982 was not possible in a nonattainment area despite the implementation of all reasonably available control measures. (Federal Publication, Inc., 1991).

One of CAAA's biggest effect on the transit industry will come in the form of alternative fuel (AF) utilization and alternative fuel vehicles (AFVs). The industry's problem lies neither solely in the fuels nor the vehicle, but in its overall effect on the organization. Current results have shown that each AF/AFV has inherent problems, whether they be safety around the storage of the fuel, the durability, size, and reliability of the vehicle itself, or diminished efficiency when compared to diesel.

Current results show that AFVs have not proven to be very reliable or cost effective. As this is a transit organization's primary goal and concern, the possibility of "bad" service due to anything other than the "norm", i.e. driver error or traffic congestion is very unattractive.

Due to their funding apparatus, transit agencies, by nature, are very conservative. Recent funding cutbacks in the last several years have only made transit agencies that are much more guarded in the (disbursement of governments moneys) spending money. In addition, the infrastructure to support AF/AFV implementation is very expensive. Transit agencies have neither the money nor time to invest in technology that could prove disastrous to the organization, not only in money, but also in service.

Another side to the issue involves in-house personnel. AF/AFV implementation would require training and retraining of maintenance personnel. Again, this is another

transit born cost. Current results have shown that in transit agencies that have AFVs in-service, their overall acceptance and ease of implementation can be greatly hindered or helped, foremost, by the attitudes of top management, in addition to drivers and maintenance.

Much to the dismay of transit agencies, however, funding sources, including the Federal Transit Administration (FTA) have offered very little financial assistance. The overwhelming majority of AFVs in place today are a result of pilot programs funded, in some part, by the Department of Defense or the agency itself.

Another area heavily influenced by CAAA is Transportation Demand Management (TDM). TDM describes a wide range of actions that are geared toward improving the efficiency of travel demand. These actions or programs are designed to maximize the people-moving capability of the transportation system by increasing the number of persons in a vehicle, or by influencing the time of, or need to, travel. The success of TDM programs, however, lies in the ability of incentives or disincentive to make these shifts in behavior attractive to the public. Although there has been much research done on this topic, its viability remains under constant scrutiny due to its perceived strengths, roles, and weaknesses. These same perceptions-or misconceptions-currently fuel a non-aggressive approach toward TDM programs.

Transit agencies will inevitably play a very large role in the overall success of TDM implementation and use. The underlying issue of TDM is to emphasize the people-moving capacity of the transportation plan by multiplying the total number of riders per vehicle. The transportation system's largest sole adversary is the single occupant vehicle (SOV). TDM measures are designed to efficiently utilize the larger influx of people associated with the reduction of SOV use. This may mean more use of park and rides or ridesharing, but TDM is not strictly limited to these two measures.

### **GENDER AWARENESS**

Gender awareness is the baby and most elusive and evasive of these issues. It is a gray area according to some who assert that it spans issues of civil rights and sexual

harassment. As it relates to the transit agency, gender awareness is in place to make people consciously aware -- not necessarily of their surroundings -- but the people in their surroundings. While transportation officials are adjusting programs and policies in accordance with the recent legislative mandates, internal working relationships are being challenged among employees. Recognition of broadening demographic characteristics has given rise to a barrage of seminars focusing on diversity in the workplace. More recently, national attention has been redirected to the previously seldom discussed area of gender awareness. The United States Equal Employment Opportunity Commission (EEOC) states that *sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conducts of a sexual nature constitutes sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating , hostile, or offensive work environment.*

There are stringent requirements as well as social responsibility and social obligations on the transportation manager to be increasingly cognizant of cultural, ethnic, and gender sensitivities. Most importantly, yet, not surprisingly, organizations, as a whole, are being held liable in addition to the perpetrator for the actions of an individual or the environment within the workplace.

There are strong social expectations for the transportation manager to become increasingly cognizant of diversity-related issues. Studies in the mid to late 1980s noted that gender could no longer be ignored as a significant issue in the workplace. Thus, agencies set out to educate their professional staffs in an effort to update management skills and techniques. Further, some agencies may institute permanent procedures and organizational changes to reflect their greater awareness issues, financial allocations, and disposition of any complaints. It is anticipated that the handling of gender related matters will become increasingly institutionalized within transit agencies and that the emphasis and resources relating to gender issues will increase as well.

CAAA, ADA, and gender awareness all present special social issues and situations

for today's transit agency. Transit personnel not only need training but transit agencies are having to deal with these issues with external regulatory agencies, as well. The impact of these policy areas on the framework, structure, and daily operations of transit agencies is of interest to future policy makers.

#### **IV. PURPOSE AND OBJECTIVES**

The purpose of the study will be to conduct an overview of efforts in the transportation industry to respond to the three critical issues impacting transportation operations, services, and management. The range of experiences will be documented and analyzed. Specific objectives of the study include the following:

1. Document the response of public transit agencies to requirements of the Clean Air Act Amendments; examine the variations in the responses in areas with large agencies versus those of small agencies; and indicate areas that may be examined for cost-efficient continuation of CAAA implementation.
2. Delineate recent modifications or additions to existing agency policy in response to heightened sensitivity to gender awareness issues. Indicate areas that may be examined for cost-efficient continuation of gender awareness programs/seminars.
3. Document workshops or seminars that are being held and note staff response.
4. Increase the awareness of the transportation professional of the potential impacts of the recent legislation and emerging issues on the industry and enlighten the professional on implementation strategies in process

## **V. WORK PLAN**

Based on the objectives, the tasks associated with this research as follows:

- Task 1.** Conduct an in-depth literature review of public transportation and private sector response to recent legislation and social concerns regarding the three issues driving this project.
- Task 2.** Conduct surveys of transportation properties in Texas and the southwest region to assess individual property response to the issues of focus. Particular attention will be paid to agencies that have taken non-traditional approaches to addressing and solving these issues.
- Task 3.** Assemble data and display in a manner conducive to traditional research analysis, focusing on similarities and variations with the responses. Compile descriptions of methodologies in use by the various agencies; assess the merits and growth potential of each strategy.
- Task 4.** Document remaining challenges and issues for submittal to appropriate agencies for consideration in upcoming policy revision discussions.



## **Chapter 2**

### **REVIEW OF RELATED LITERATURE**

#### **A. HISTORICAL POLICY OVERVIEW**

It has been long and well established that incrementalism, in addition to being a key characteristic of the policy process, suffers from a pejorative connotation. In discussing these three areas as policy, we must not forget that although they began as large sweeping policies, their overall effectiveness will lie with the various approaches used to enforce them at micro levels, i.e. managers, specifically as they relate to this research. As a tool for effective management, one must first determine the mentality that will be subscribed to in a policy's implementation. That mentality often falls within three (3) approaches which center around the concept known as social responsiveness. Social responsiveness is defined as the extent to which an organization is responsive to its perceived social obligations, generally a measure of business effectiveness and efficiency in pursuing actions that meet those social obligations.

The first approach, Social Obligation, is an approach to social responsiveness that assumes that the main goals of a business are economic success, not the meeting of social obligations, and that therefore business should merely meet the minimal social obligations imposed by current legislation. (Montana, 1993, p. 36) A manager that supports this theory holds that the primary accountability is to the stock holders and not the community at large.

The second approach, Social Responsibility, is an approach to social responsiveness that assumes that the goals of business are not merely economic but also social and that business should devote economic resources to the accomplishment of social goals. (Montana, 1993, p.38)

The third approach, Social Responsiveness, is an approach to that assumes that business not only has economic and social goals but must also anticipate future social problems and act now to respond to them. (Montana, 1993, p.39) An organization

subscribing to this approach takes a “proactive” role in society, making use of its’ ability to empower society – and this process will function cyclically. The socially responsible approach recognizes that business has both economic and social responsibilities. (Montana, 1993, p.39)

The premise of this research is how ADA, CAAA, and gender awareness issues affect the transit manager of the nineties. To facilitate this effort, it is necessary to pursue the research with the preceding concepts in mind.

### **AMERICANS WITH DISABILITIES ACT (ADA)**

The requirements of the Americans with Disabilities Act (ADA) of 1990 require the creation and implementation of an effective public participation program. The program should be designed so that all members of the community can contribute to the development and improvement of services important to them. A variety of techniques can be used to satisfy the letter of the law and fully satisfy its spirit. (Balog, 1994) More than half the U.S. population consists of women, immigrants, and other ethnic minorities, more importantly, organizations have clearly recognized the need to assimilate the aforementioned groups into the business world. One means used to accomplish this is called "diversity training." Ironically, diversity training often addressed issues related to ethnicity and gender, but may totally ignore persons with disabilities as a minority groups. On July 26, 1990, a profound change in the movement to empower people with disabilities occurred. It opened windows of opportunity, and it challenged leaders of organizations to stretch their vision, and to place this group of people on the strategic human resource agenda by creating caring, flexible organizational cultures dedicated to meeting the global challenges of a competitive society. That morning, President George Bush signed ADA on the south lawn of the White House. The *Americans with Disabilities Act of 1990* prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions and privileges of employment. An individual with a disability is a person who: a) has a physical or mental

impairment that substantially limits one or more major life activities; b) has a record of such an impairment; or c) is regarded as having such an impairment. (US EEOC) Just as the President was about to sign the bill, his pen ran dry. This occasion was marked by irony as well as drama. As he paused before the television cameras and global audience, help came from an unexpected source. The Reverend Harold Wilks, who has no arms, used his foot to pass his pen to the President.

In spite of the amicable brevity of the aforementioned episode, ADA still experiences inherent problems in its structure and execution. There are four (4) specific requirements that must be clarified: definition, reasonable accommodation, undue hardship, and litigation. Such clarification helps in strategy formulation by removing smoke screens and ambiguities, so that executives can see their way toward establishing clear objectives and task requirements to achieve desired functional outcomes.

By definition, ADA covers only people who have a physical or mental impairment that substantially limits one or more major life activities, who have a record of such impairment, or who are regarded as having an impairment, but are otherwise qualified to do the essential functions of the job with any necessary reasonable accommodation. To be protected under the ADA, an applicant/employee must have a record or be regarded as having a substantial impairment; one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, walking, breathing, performing manual tasks, or learning.

Individuals with AIDS or that are HIV-positive, as well as those with other communicable diseases such as tuberculosis, are covered by ADA, as long as the person in question is otherwise qualified to perform his job and poses no health or safety risk to others. (US Bureau of Labor Statistics) Each person must be evaluated individually to determine qualifications for a job or program.

Disability does not include homosexuality, bisexuality, transsexuals, or gender identity disorders not resulting from physical impairment, or other sexual behavior disorders. Nor does it include compulsive gambling, kleptomania, pyromania, or psychoactive substance abuse disorders. Employees or applicants who are currently engaging in the illegal use of drugs are not covered. In fact, ADA allows drug testing and

does not conflict with the requirements of the Drug Free Workplace Act of 1988.

Organizations that have reached a stage of maturity in dealing with persons with disabilities realize that cost-effective accommodations are possible. ADA's requirement of accommodation is thoughtful and is not designed to destroy an organization's economic viability. Accommodation is granted only when it is not only needed for job performance, but also economically feasible for the organization.

We need to address two perceptual errors about accommodation. The first error is a sort of negative effect that stems from the expectation that accommodation is often an exercise in futility. In other words, the concept is that individuals with disabilities are not going to make it anyway, so why put forth the effort. It is key here to remember two things:

- 1) Employers are not being asked to hire any person with a disability; they are being asked to hire qualified individuals.
- 2) Accommodations need to be made on a case-by-case basis.

ADA's long-term success depends on convincing employers that they are not accommodating a disability, but instead accommodating the limitation caused by the disability.

Second, stereotypes cloud the issue of accommodation as it relates to the concept of individual differences. The conceptual framework of "reasonable accommodation" under ADA is, essentially, equal opportunity, not merely equal treatment. For example, in many instances identical or "equal" treatment of individuals with and without disabilities is not only inadequate, but also creates uncomfortable work environments.

It may be impossible to visualize the full diversity of persons with disabilities, but it is possible to delineate functional capabilities and adapt them for the best interest of the individual and, eventually, society as a whole. Critical implications center around accepting individual disabilities on the basis of their aptitudes, training, and needs commensurate with organizational requirements; realizing that there is no single common solution or denominator for people with disabilities; and exposure and education about the term

"disabled" and its meaning.

Although the regulations of the ADA can be extraordinarily detailed, the purpose of the law is quite simple. It is to prohibit discrimination against 43 million Americans who live with some type of disability by providing clear, comprehensive, strong, consistent, and enforceable standards. The objective is to bring the disabled community into the mainstream of society, helping them to become productive citizens. This is to be accomplished in ways that generate as little disruption and expense as possible, so long as the integration occurs. However, the integration is not intended to restructure the social and physical fabric of the nations through regulation and litigation, ideally and conceptually. As a vehicle for furthering clarity, the ADA regulations mirror those of the 1973 Rehabilitation Act. By deliberately not beginning anew, Congress and the regulating agencies sought to minimize confusion and to build on the existing understanding of what federal law requires. ADA was implemented as an incremental policy; that is, regulators relied on what was familiar to them (old regulations) as they ventured into a new area of policy (private sector).

ADA enforcement and compliance has had some harsh critics since its inception. Ideally, the public sector has the public's best interest at heart at all times. Money should not be a factor, but due to funding cutbacks, realistically, it is. A public agency's approach to ADA should be both one of social responsibility and social responsiveness. Sadly enough, though, it often falls more toward social obligation. When looking at the private sector, naturally one thinks that their primary goal is financial as they tend to operate in a more uninhibited or regulated atmosphere. As a result, a social obligation is all too often a fact of life in their workings.

The implementation process is comprised of two tiers: preparatory and executory. Preparations do not and should not be made haphazardly. By way of analogy, it is similar to an athlete training for an event. Once the game begins, it is too late to focus on preparation. The athlete must be ready so that effort can be focused fully on the actual activity and the different obstacles present. Opposing forces, like change in political climate, political support, or a scandal, are not easy to anticipate and cannot be effectively

countered until met. Implementors cannot afford to be distracted by what could have been done in preparation. Waiting to formulate a strategy will, inevitably, lead to failure.

## Chapter 3

### DESIGN & METHODOLOGY

#### RESEARCH PARAMETERS

Given the broad, vague, and confusing nature of both ADA and CAAA and the apprehension and uncertainty surrounding gender awareness issues, the design and methodology of this research had to be implemented with specific parameters in mind. Central among these are the effects of these three issues as they specifically relate to and impact public transit agencies and organizations. When this project was initially undertaken, it was thought that formal research proceedings and findings would give an accurate view of what was happening in the public transit sector in response to these issues. When research began in earnest, initial findings indicated that due to the relative infancy of all three issues, especially as they relate to and effect transit, another research tool would have to be used as the basis for this research. As a result, in addition to the formal research findings, it was decided that a survey of agencies would be the best way to measure industry-wide response.

Research began with the design of a survey that would best measure current agency standing and awareness on these three issues. The basic question to be answered was whether or not transit agencies have begun to structure their individual organizations to address the ADA, CAAA and gender awareness issues. At the same time, on a larger social issue, there were questions concerning the extent to which transit agencies had become environmentally friendly, and if so, how. Key approaches to these queries revolve around what departments were designated to address issues; the methods utilized by each to address issues; and the amount of finances spent to either inform, educate, or comply.

The research area was limited to what is formally known as Federal Region VI. This geographic area consists of Texas, Louisiana, Arkansas, New Mexico, and Oklahoma. Within this five-state region, twenty six (26) transit authorities are members of the American Public Transit Association (APTA). At the time of the research inquiry, there

were no APTA members from the State of Arkansas. However, for the purposes of this research, it was determined that APTA membership did not necessarily constitute a needed criteria to be included in this effort. Furthermore, it was also decided that it would be of a great aid to this research to include "independent agencies." As a result, the three public transit agencies operating in Arkansas were identified and included. Their participation was deemed important in determining if the agencies holding APTA membership had any clear cut advantage over non-membership agencies due to the available abundant collaborative internal resources and committees dealing with these three issues within the APTA organization.

In early 1996, a total of twenty nine (29) surveys were dispersed to respective transit agencies in Region VI. These surveys were intended to question the general agency background and experience with ADA, CAAA, and gender specific items. Between May and September 1996, the surveys were returned, "coded" for comparison and analysis, and the findings interpreted and documented. Several agencies were surveyed during this project, the survey administered for this research is attached in the Appendix as "Exhibit 1." Fifteen (15) surveys were completed representing a 51.7% return rate.

### **The Survey**

A description of key variables in the survey follows:

#### **A. SECTION I - GENERAL**

In common and of interest to all facets of the research, this portion of the survey consisted of general agency background information. This section was seen not only as a common denominator, but also as a foundation to which all intra and inter-agency comparisons were to be initially made. This information consisted of agency size; i.e. employees; gender percentages; annual revenue, sponsorship of ADA, CAAA, and/or gender awareness activities; frequency of said events; and active encouragement of employees to attend such events sponsored by other organizations.

## **B. SECTION II - AMERICANS WITH DISABILITIES ACT (ADA)**

The focus of Section II began with determining how many people with disabilities or physical challenges worked within the agency and, of those, how many were hired after July 26 of 1992. This section goes beyond the simple scope of asking about any complaints or legal actions brought against an agency, but it also includes information on the nature of the complaints; whether complaints were internal, external, or both, the specific department designated to deal with ADA issues, and how they were resolved.

Of particular interest are the questions pertaining to the changing of the internal administrative structure to comply with ADA, the actual physical accommodations made to comply with ADA, and the annual revenue spent to implement ADA requirements from 1990 to 1995.

The question pertaining to an internal administrative change was asked to ascertain whether the legislation prompted organizational changes. The survey also asks whether or not personnel have increased or decreased as a result of ADA.

## **C. SECTION - III CLEAN AIR ACTS AMENDMENTS (CAAA)**

Section III begins with a question that is the backbone for the entire section. It asks whether or not the city in which a given transit agency operates is under CAAA mandates and if so, whether that particular organization had been fined for environmental law violations. Data on these issues are critical as, in many instances, they lay the foundation for the agencies' attitudes and responses toward CAAA. Compliance with CAAA would or should naturally embellish some sort of Transportation Demand Management (TDM) option or strategy: carpooling, telecommuting, mass transit incentives, and bicycle/pedestrian avenues. Section III addresses these issues by asking which, if any, TDM strategy an agency opts to support and what, if any, incentives are being offered to employees who do support such programs on an individual basis and company-wide basis. Incentives included, but were not limited to, ride sharing/matching program, bus token/passes, preferential parking, financial subsidies, and "other" possible incentives not listed.

Much like ADA, CAAA will not succeed by the mere virtue of one facet or a one-

sided effort as there is no single event or incident which will spell success for either piece of legislation. This simply means that in addition to the TDM strategies, transit agencies have the option as well as obligation to use Alternative Fuel Vehicles (AFVs) in their fleets, in many instances, as a stipulation for receiving federal funding. The survey addresses this issue by asking the total number of vehicles in an organization's fleet and of that number, how many are AFVs.

To keep some consistency throughout the survey for comparative purposes, Section III asked how the internal administrative structure had changed to comply with CAAA, the specific departments in place to deal with the requirements and mandates of CAAA, and the annual revenue spent to implement these requirements and mandates of CAAA from 1990 to 1995.

#### **D. SECTION IV - GENDER AWARENESS ISSUES**

Originally, gender awareness was intended to encompass some of the same issues covered in the Civil Rights Act of 1964. For the purposes of this survey, however, this term has been purposely limited to issues surrounding male/female interaction in the workplace. It was decided that using the term sexual harassment alone would severely limit the scope of the research as sexual harassment, in and of itself, is, for all practical purposes, actually a form of gender awareness. The scope of the survey is not, however, strictly limited to sexual harassment although sexual harassment is the biggest and most visible form of gender awareness in today's workplace.

Section - IV begins with an inquiry of the number of complaints, if any, that have been filed against a given transit agency. Once the applicable number was determined, it was necessary to group the complaints according to their nature: not hired, salary inequity, not promoted, harassment, or "other" non-stated complaint. An extension of this question went on to categorize the source of the complaints or dispositions as being internal, external, or both. Of particular interest in this section were, again as in Sections II and III, the areas designated to handle complaints within an organization, the internal administrative changes made to respond to issues of gender awareness, and the annual revenue spent to encourage gender awareness from 1990 to 1995.

## **Chapter 4**

### **ANALYSIS & INTERPRETATION OF DATA**

The survey of public transit agencies and organizations was designed to provide baseline data regarding accommodations and improvements in response to the Americans with Disabilities Act (ADA), the Clean Air Acts Amendments (CAAA), and gender awareness issues of selected public transit organizations in the Southwestern region (Federal Region VI).

Findings of the survey are included in the sections that follow. Data are given on general characteristics relative to the issues and public transit agencies, and specific data are provided on ADA, CAAA, and gender awareness issues.

#### **GENERAL CHARACTERISTICS**

Of the twenty nine (29) surveys mailed, fifteen (15) were returned. This number represents a 51.7% return rate. The size of the agencies responding varied from small with fewer than four employees to two agencies with more than 1000 employees. Of note, however, was the fact that there are no agencies represented in the survey responses which had 501 to 999 employees. The majority of the agencies' workforce was split between two categories with a total of four surveys per category. This range was 50-99 and 100-199 employees. This split represented 53.34% of the total responses. Eleven (11) of the agencies (73.33%) had workforces that are 20-49% female. By comparison, however, eight (8) agencies, 53.33% of all agencies surveyed, had a workforce that consisted of 70-100% male. (See Table 1).

As demonstrated in Table 1, most agencies that responded (73.33%) had an average annual revenue of less than \$5 million over the last three years. This figure breaks down to an average annual income of \$1-5 million for five agencies and six (6) agencies had average annual incomes of less than \$1 million. The distribution of revenues for the four remaining agencies included: one for \$6-10 million, another for \$11-50 million, one for \$100 million plus, and another in which there was no response.

**TABLE 1**  
**GENERAL CHARACTERISTICS**

**ITEM 1**

| <u>NUMBER OF EMPLOYEES</u> | <u># OF RESPONDENTS</u> | <u>PERCENT</u> |
|----------------------------|-------------------------|----------------|
| UNDER 4                    | 1                       | 6.67           |
| 5 - 15                     | 2                       | 13.33          |
| 16 - 49                    | 2                       | 13.33          |
| 50 - 59                    | 4                       | 26.67          |
| 100 - 199                  | 4                       | 26.67          |
| 200 - 499                  | 1                       | 6.67           |
| 500 - 999                  | 0                       | 0.00           |
| 1000 & OVER                | 1                       | 6.67           |

**ITEM 2**

| <u>GENDER DISTRIBUTION</u> | <u>% FEMALE</u> | <u>% MALE</u> |
|----------------------------|-----------------|---------------|
| AGENCY 1                   | 21              | 79            |
| AGENCY 2                   | --              | --            |
| AGENCY 3                   | 42              | 58            |
| AGENCY 4                   | 38              | 62            |
| AGENCY 5                   | 23              | 77            |
| AGENCY 6                   | 27              | 73            |
| AGENCY 7                   | 33              | 67            |
| AGENCY 8                   | 25              | 75            |
| AGENCY 9                   | --              | --            |
| AGENCY 10                  | 20              | 80            |
| AGENCY 11                  | 20              | 80            |
| AGENCY 12                  | 48              | 52            |
| AGENCY 13                  | 30              | 70            |
| AGENCY 14                  | 56              | 45            |
| AGENCY 15                  | 0               | 100           |

**ITEM 3**

| <b><u>AVERAGE ANNUAL REVENUE</u></b> | <b><u># OF RESPONDENTS</u></b> | <b><u>PERCENT</u></b> |
|--------------------------------------|--------------------------------|-----------------------|
| UNDER \$1 MILLION                    | 6                              | 40                    |
| \$1 - 5 MILLION                      | 5                              | 33.33                 |
| \$6 - 10 MILLION                     | 1                              | 6.67                  |
| \$11 - 50 MILLION                    | 1                              | 6.67                  |
| \$50 - 99 MILLION                    | 0                              | 0                     |
| \$100 & OVER                         | 1                              | 6.67                  |

Two questions set the tone by asking "whether an agency sponsors seminars, conferences, or workshops on ADA, CAAA, or gender awareness issues" and if not, do they encourage their personnel to attend sessions sponsored by other organizations. A total of five agencies or 33.33 percent of the agencies responding indicated that they do sponsor such activities. The remaining 66.67 percent indicated that they did not encourage such activities. Of the aforementioned agencies, three sponsored general workshops on both ADA and Gender Awareness. This represents 20 percent of those responding. The two remaining agencies' activities entail specific efforts involving sensitivity training for ADA and the prevention of harassment for gender related issues. The frequency of these activities ranged from once a month to semi-annually. A detailed analysis of this showed that of the five agencies sponsoring activities, two did so once a month, two did so quarterly, and one did so semi-annually. As part of an agency's presumptuously aggressive effort to increase awareness and compliance, one might expect that they would naturally encourage their personnel to attend activities sponsored by other organizations. The respondents of this survey both encourage and support this notion with twelve (12) agencies or 80 percent responding "yes" to this question.

Findings also showed that of the five agencies sponsoring seminars, conferences, or workshops, the majority or 20 percent had a workforce in the 200-499 range. Of those indicating that they do not sponsor such activities, 30 percent had a workforce with a range of 16-49 and 30 percent with a range of 100-199. (See Table 2.) Twenty percent (20%) of

those indicating that they do sponsor such activities had a three-year average annual revenue of between one and five million dollars. Revenue could be a variable in the non-sponsorship of such activities since 40% of those which did not support such activities had a three-year average annual revenue of less than one million dollars. It is difficult to directly establish a relationship between sponsorship and revenue because non-participatory behavior might be due to a "reactive" attitude toward issues as opposed to budgetary constraints. Seventy percent (70%) of the agencies which do not sponsor activities also do not encourage their employees to attend such activities sponsored by others. It is encouraging that 80 percent of all respondents indicated that they do encourage their personnel to attend such activities sponsored by other organizations.

**TABLE 2**  
**DO YOU SPONSOR YOUR OWN SEMINARS, CONFERENCES, OR WORKSHOPS?**

| <u>NUMBER OF EMPLOYEES</u> | <u>YES</u> | <u>NO</u> |
|----------------------------|------------|-----------|
| 1 - 4                      | 0          | 1         |
| 5 - 15                     | 1          | 1         |
| 16 - 49                    | 0          | 3         |
| 50 - 99                    | 0          | 1         |
| 100 - 199                  | 1          | 3         |
| 200 - 499                  | 2          | 0         |
| 500 - 999                  | 0          | 0         |
| 1000 & OVER                | 1          | 1         |
|                            | <hr/>      | <hr/>     |
| <b>TOTAL</b>               | <b>5</b>   | <b>10</b> |

## **SECTION II - AMERICANS WITH DISABILITIES ACT (ADA)**

Nine (9) agencies representing 60 percent of those responding indicated that they did not have any physically challenged employees. There were five organizations employing physically challenged individuals; three agencies had 1-3, one had 4-7, and one had 12-15. Of the five agencies employing physically challenged individuals, three did so after ADA went into effect (July 26, 1992). One agency had three of its current nine (9) physically

challenged employees in place prior to the implementation of ADA and one agency had six (6) of its current twelve (12) physically challenged employees in place prior to the implementation of ADA. (See Table 3). An analysis of the five agencies with physically challenged employees showed that there was some correlation between the overall size of the agency's workforce and the actual number of said individuals employed therein. It is believed that the agencies which did not respond to these questions had no accurate count for such employees as an individual does not, by law, have to disclose disabilities if said disability will not interfere with the duties or responsibilities of any given position.

**TABLE 3**  
**DISTRIBUTION OF PHYSICALLY CHALLENGED EMPLOYEES**

|       | <u>BEFORE 1992</u> | <u>AFTER 1992</u> | <u>TOTAL NOW</u> |
|-------|--------------------|-------------------|------------------|
|       | 0                  | 1                 | 1                |
|       | 3                  | 6                 | 9                |
|       | 6                  | 6                 | 12               |
|       | 0                  | 2                 | 2                |
|       | 0                  | 2                 | 2                |
|       | <u>      </u>      | <u>      </u>     | <u>      </u>    |
| Total | 3                  | 17                | 26               |

At the time of this survey, only four agencies cited complaints or legal action for non-compliance. Of this total, only one had physically challenged employees. This particular agency had a total of twelve (12) physically challenged employees of which six (6) were hired after July 26, 1992. Eleven (11) agencies representing 73.33% of the field answered "no" to the question of whether legal actions or complaints had been filed. Three agencies had between 1-3 complaints. A fourth agency indicated that it had a complaint or complaints filed, but neglected to assign a numerical enumeration to their response. The reason for the majority of complaints revolved around accessibility issues, and subsequently were handled internally. A resolution of the complaints came in the form of the special requests being honored. Results show that the majority of agencies or 33.33 percent utilized a combination of departments or individuals to resolve ADA related issues or

complaints as opposed to one specific area or individual. The downside to this is that it may show a lack of funding, organization, planning, or preparation within the agency. These organizations may not have the resources to dedicate to non-transit activities. Their primary functions are planning, ridership development, finance, and marketing. These facets define their operation and the bulk of financial resources are directed to these activities. Continued federal funding supports both their existence and principal roles.

Although, portions of ADA are covered under several general provisions of the Civil Rights Act of 1964, the implementation and compliance procedures have, more often than not, fallen into the myriad of human resources responsibility. Human resources, operates and fulfills many roles within a transit entity and may not be able to fully devote specific personnel to one specific area, especially something of the magnitude of ADA. This tends to limit an agency's overall effectiveness and efficiency in the ADA area. Of central importance is the fact that ADA has only been in place since the early 1990's. With the retrenchment of federal funds as of late, funding vehicles are not as abundant and forthcoming for the transportation industry as a whole, not to mention allocating, soliciting, or receiving funding to implement specialized personnel or a department designed to concentrate solely on the implementation and compliance of a single piece of legislation. The need for greater effectiveness and efficiency combined with the notion that the entire transportation industry is taking a "reactive" *versus* "proactive" approach to ADA was perceived in 73.33 percent of respondents. These respondents indicated that their internal structure had not changed. Two of the three respondents indicated a change in their internal structure and had increases in specialized positions concerning ADA.

Fourteen (14) agencies representing 93.33 percent of the respondents indicated that they had made some sort of physical accommodations to meet the needs of the physically challenged. Of the five (5) agencies indicating sponsorship of seminars, workshops, or conferences, three still had complaints filed against them for ADA noncompliance. Seventy 70 percent of those not sponsoring such activities had no complaints or legal action for ADA non-compliance. Current research indicates that this response to claim is typical throughout public and private industry and is connotative of a "reactive" approach or

attitude. All four agencies which had complaints or legal actions filed for ADA non-compliance had made physical accommodations to meet the needs of the physically challenged. Of the eleven (11) agencies which did not have said actions, 90.91 percent still made some sort of physical accommodations for the physically challenged. There was only one agency which did not have complaints which also did not make some sort of physical accommodations.

In light of the fact that ADA did not go into effect until 1992, it was interesting to track the average annual revenue spent between 1990 and 1995. This was done to see if the agencies had responded to ADA in 1990 and 1991 although it was not a law at that time. Of the fifteen (15) responding agencies, a total of eight (8) reported usable data. Table 4 clearly indicates that, on average, the agencies spent most in 1994 and expenditures increased significantly over the five study years.. It is assumed that the seven (7) agencies which did not answer this question either could not accurately track these funds, as they were part of some other line item expense, or actually spent no funds toward this effort.

**TABLE 4**  
**AVERAGE ANNUAL REVENUE SPENT - ADA**

| <u>1990</u> | <u>1991</u> | <u>1992</u> | <u>1993</u> | <u>1994</u> | <u>1995</u> |
|-------------|-------------|-------------|-------------|-------------|-------------|
| \$45,000    | \$39,000    | \$43,000    | \$1,140,429 | \$1,638,000 | \$1,582,616 |

### **SECTION III - CLEAN AIR ACT AMENDMENTS (CAAA)**

Roughly 54 percent of the respondents indicated that their cities were under CAAA mandates. The majority of this group (4) had a workforce of between 100 and 199. As a group, however, 93 percent (14) of the responding agencies indicated that they had not been fined for CAAA violations. As the aforementioned 54 percent represents only eight (8) respondents, the data were interpreted to mean either that an agency might not know if their city is under CAAA mandates or that the needed information was missing. Of the five (5) agencies sponsoring seminars, workshops, or conferences, four operate under CAAA mandates.

The majority of respondents or 33.33 percent indicated that they either supported or participated in two or three Transportation Demand Management (TDM) strategies, including car/vanpool, telecommuting, mass transit incentives, and bicycle/pedestrian. The second largest response showed that 26.67 percent of the respondents supported bicycle/pedestrian travel. Data were collected regarding the incentives that may or may not be in place to encourage the TDM activities. The possible choices were: ridesharing, parking, bus tokens, financial, none, two or three, four or more, not applicable, and missing. Although 60% of the respondents either supported or participated in TDM strategies, only seven (7) of the respondents or 46.67 percent stated that they actually offered incentives for their employees. Twenty percent (20%) of the respondents indicated that they did offer two or more of the incentives and one respondent indicated that they specifically supported telecommuting.

Of the eight (8) agencies operating in cities under CAAA mandates, only one had a change in their internal structure. This change of internal structure was an increase of a technical nature.

A big part of CAAA compliance, as well as continued federal funding for some agencies, involves the acquisition and implementation of alternative fuel vehicles (AFV)'s. Survey responses show that over half of agencies or 53.33 percent did not have AFV's in use at that time. Almost 88 percent of the agencies operating in cities under CAAA mandates have AFV's as a part of their 6 fleets.

The survey queried the departments or individuals designated to deal with the requirements of CAAA. The options were as follows: planning, environmental, executive office, marketing, human resources, other, two or three, four or more, and not applicable.. Thirty-three percent (33%) of respondents indicated that they utilized a combination of two or three of the choices. There were two respondents each for environmental and "other"; one respondent each for planning and executive office; and four respondents who did not answer.

Although eight (8) respondents indicated that they operate in cities under CAAA mandates, a total of four, both sponsored such activities and encouraged personnel to attend such activities. Five (5) of that eight (8) sponsor activities, yet, do not encourage their personnel to attend activities sponsored by others.

Table 5 displays the average annual revenue spent to comply with CAAA. There were three agencies which responded to this question. As with ADA, it is believed that those which did not respond might have done so due either to the fact that these figures are part of other line items that cannot be accurately tracked or because no funds were spent toward this effort.

**TABLE 5**  
**AVERAGE ANNUAL REVENUE SPENT - CAAA**

| <u>1990</u> | <u>1991</u> | <u>1992</u> | <u>1993</u> | <u>1994</u> | <u>1995</u> |
|-------------|-------------|-------------|-------------|-------------|-------------|
| \$50,500    | \$50,500    | \$95,667    | \$62,333    | \$71,667    | \$80,000    |

#### **SECTION IV. GENDER AWARENESS ISSUES**

Of the five (5) agencies sponsoring seminars, conferences, or workshops, three have had complaints or legal actions filed against them for gender related issues. Fifty percent (50%) of the agencies answering "yes" to question 1a in section IV have a workforce ranging from 200 to 499 individuals. Roughly 27 percent of the respondents indicated that complaints or legal actions had been filed against their organization with between one and five complaints per agency. The choices for the nature of the complaint are as follows: not hired, not promoted, salary inequity, harassment, or other. Two of the respondents indicated that their complaints involved harassment. The other two agencies indicated that their complaints involved a combination of two or three of the aforementioned choices.

The four agencies indicating they had complaints or legal actions filed for gender issues also revealed that they sponsored seminars, conferences, or workshops and encouraged their personnel to attend such activities sponsored by other organizations. Of the eleven (11) agencies not having complaints or legal actions filed against their agencies, only two both encouraged their employees to attend such sessions sponsored by other organizations and sponsored such activities themselves. Again, this appears to be a "reactive" response to issues rather than a "proactive" one. Of the four agencies responding that legal actions had been filed against them, only one had a change in its internal structure. This change was an increase in personnel calculating the statistics.

The procedures used to resolve the complaints were either internal, external, or both. The complaints resolved internally were a result of in-house counseling or "other" non-listed options. The complaints involving external resolution involved both the Equal Employment Opportunity Commission (EEOC) and civil action.

The agencies were asked to identify the departments or individuals used to respond to gender awareness issues. The options are as follows: human resources, EEOC, managers, legal, or other. The majority of agencies or 53.33 percent indicated that they utilized two or three of the options previously mentioned in response to gender awareness issues. The remaining agencies' responses were distributed pretty evenly among the other choices.

Table 6 depicts the average annual revenue spent toward gender awareness issues. There were only three agencies which responded to this question. As in the case of ADA and CAAA, it is assumed that agencies which did not respond to this question either had no way to accurately track this expenditure of funds or did not spend any funds.

**TABLE 6**  
**AVERAGE ANNUAL REVENUE SPENT - GENDER AWARENESS**

| <u>1990</u> | <u>1991</u> | <u>1992</u> | <u>1993</u> | <u>1994</u> | <u>1995</u> |
|-------------|-------------|-------------|-------------|-------------|-------------|
| \$3,000     | \$3,000     | \$3,000     | \$2,000     | \$2,500     | \$5,000     |



## **CHAPTER 5**

### **SUMMARY OF MAJOR FINDINGS**

The continued theme throughout the analysis of the data is that both ADA and CAAA and, in many instances, issues related to gender create and breed an environment of "reaction." As funding is not readily available to address these issues, public transit agencies are going to have to seek creative ways to become familiar with the tenets of these important issues. Success will come only when agencies make these issues as germane to daily functioning as policies regarding solicitation, insubordination, drug use, or operator actions while on duty.

We believe that there is a direct correlation between the expenditure of funds toward these issues and the importance of these issues to the agencies. Much of the activity around and toward the tenets of ADA is due to the fact that ADA is driven by a piece of legislation. As discussed earlier, many of the general provisions of ADA are covered by the Civil Rights act of 1964. The Civil Rights Act of 1964 provided the foundation from which ADA sprang. As it stands now, the laws enforcing gender awareness are much like those that previously enforced or addressed the treatment of individuals with disabilities.

This same mentality is found in the application of CAAA. It, like ADA and gender awareness had a predecessor from which it was formed. The inherent problems found in CAAA, much like ADA, stem from the large, broad, vague implications and requirements found within it. As it relates to the public transit industry, CAAA does not offer the operational side very many options outside of Alternative Fuel Vehicles. Administratively, however, aggressively adhering and promoting TDM strategies at least shows an agency's good faith effort towards "doing its part." This approach does present a problem in that an agency cannot mandate that its employees utilize these strategies. All it can do is offer incentives and disincentives for their use or non-use. They cannot lawfully punish employees for not participating in such programs. It is an attempt to arouse or measure someone's consciousness towards environmental issues.

When looking at gender awareness, we broach a subject that has the potential to be regulated, but which also falls under the auspices of simple respect. Unlike the two aforementioned issues, gender awareness is not specifically regulated by law. It does have several general provisions which fall under the Civil Rights Act of 1964, but it does not have something of the magnitude of an ADA or CAAA to push it.

In all likelihood, gender awareness will remain in the background unless some sort of legislation is specifically designed and implemented. Sometimes laws passed for public entities do not draw the same ire or attention as those put in place to regulate private industry. Unfortunately, this may indicate that laws or legislation designed or implemented purely for social reform do not have the same effect on our society as those designed and implemented with the private sector, whose motives stem from financial gain.

"Reactivity" *versus* "Proactivity" is a breeding ground for stagnation. As indicated in the survey responses, however, these issues manifest themselves to different agencies in different ways. To some, it is an on-going problem, while to others, it is a non-issue. We do not think that an all out "war" on these issues will be beneficial to, or possible for, all agencies. There must be some internal indicator as to what approach or how much of an approach is best for each agency. There must be some catalyst other than a law to inspire an organization to become active.

Transit agencies are going to have to develop new attitudes and approaches to these issues in order for them to receive the attention that they deserve. It is hopeful that these new attitudes would promote the gradual integration of these issues into the everyday business of agencies; both operationally and administratively. A step in the right direction would begin with the securing of funding and the devoting of personnel.

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## **APPENDICES**

APPENDIX A. SURVEYED AGENCIES

APPENDIX B. SURVEY INSTRUMENT

APPENDIX C. RESPONSES TO SELECTED SURVEY QUESTIONS

## APPENDIX A

**Surveys were mailed to each transit agency listed in the *Transit System Members* section of the American Public Transit Association 1995 Membership Directory for Federal Region VI.**

Little Rock Transit\*  
Chattam Area Transit (North Little Rock)\*  
Pine Bluff Transit \*  
City of Albuquerque Transit Department  
Louisiana Transit Company (Harahan, La.)  
Monroe Transit System  
Regional Transit Authority (New Orleans)  
Shreveport Transit System  
Central Oklahoma Transportation & Parking Authority  
Metropolitan Tulsa Transit Authority  
Brazos Transit System (Bryan, Tx.)  
Capital Area Rural Transportation System (Austin)  
Capital Metro Transportation Authority (Austin)  
CityLink (Abilene)  
City Transit Management Co. (Lubbock)  
Corpus Christi Regional Transportation Authority  
Dallas Area Rapid Transit  
El Paso Mass Transit Department  
Fort Worth Transportation  
Laredo Municipal Transit System  
Lower Rio Grande Valley Development Council (McAllen)  
Metropolitan Transit Authority of Harris County (Houston)  
Port Arthur Transit  
Town of South Padre Island  
South Plains Community Action Assoc. (Levelland)  
Temple Transit  
Tyler Transit  
Via Metropolitan Transit  
Waco Transit System

Survey responses were received from 15 transit agencies. Agencies were assured anonymity so respondents were not identified.

\* Not an APTA member, but included as part of Federal Region VI representative from the state of Arkansas

**CENTER FOR TRANSPORTATION - TEXAS SOUTHERN UNIVERSITY**  
**THE AMERICANS WITH DISABILITIES ACT, CLEAN AIR ACT AMENDMENTS, AND**  
**GENDER AWARENESS**  
**A SURVEY OF AGENCY RESPONSES**

This survey is intended to provide baseline data regarding accommodations and improvements in response to the Americans with Disabilities Act (ADA), the Clean Air Act Amendments (CAAA), and Gender Awareness issues of selected public transit organizations in the Southwestern region of the country.

**Section I - General**

Please place a check mark where applicable.

1. Number of employees in company: ☐ 1-4 ☐ 5-15 ☐ 16-49 ☐ 50-99 ☐ 100-199  
☐ 200-499 ☐ 500-999 ☐ 1000+
2. Percentage of females ☐ % Percentage of males ☐ %
3. What was your company's average annual revenue over the past three (3) years?  
☐ < \$1 Million ☐ \$1-5 Million ☐ \$6-10 Million ☐ \$11-50 Million ☐ \$50-99 Million  
☐ \$100 Million +
4. Do you sponsor seminars, conferences, or workshops on ADA, CAAA, or gender awareness issues?  
 a. ☐ Yes ☐ No  
 b. If yes, specify for each type:  

| Type                 | Description          |
|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> |
| <input type="text"/> | <input type="text"/> |
- c. If yes, specify frequency:  
☐ Once Per Month ☐ Quarterly  
☐ Semi-Annual ☐ Annually
5. Have you encouraged managers and/or employees to attend sessions sponsored by other organizations?  
☐ Yes ☐ No

**Section II - The Americans with Disabilities Act (ADA)**

Please place a check mark where applicable.

1. Number of physically challenged employees
2. Number hired since July 26, 1992
3. Have there been any complaints or legal actions against your company for noncompliance of ADA? ☐ Yes ☐ No

Note, for completion of questions 4 and 5 please attach additional sheets, if needed.

4. If yes, how many and what was the nature of the complaints?  (Number)

2. Does your company support or participate in one or more of the following programs? (Check all that apply.)

☐ Car/Vanpool ☐ Mass Transit Incentives  
☐ Telecommuting ☐ Bicycle/Pedestrian

3. Do you have alternative fueled vehicles (AFVs)? ☐ Yes ☐ No

☐ Total Number of Vehicles in Fleet ☐ Number of AFVs in Fleet

4.a. What incentives are being offered to your employees to comply with CAAA? (Check all that apply.)

☐ Ride Sharing/Matching Program ☐ Parking Priorities  
☐ Bus Token/Passes ☐ Financial Subsidies  
☐ None ☐ Other, Specify \_\_\_\_\_

b. Is there a designated individual within your company to coordinate transportation for your employees? ☐ Yes ☐ No

5. Has your organization's structure changed as a result of CAAA? ☐ Yes ☐ No

a. If yes, have the number of personnel in specialized positions? ☐ Increased ☐ Decreased

b. In what area(s)? (Check all that apply.)

☐ Human Resources ☐ Legal  
☐ Technical ☐ Statistical  
☐ Environmental ☐ Other, Specify \_\_\_\_\_

6. What departments/individuals are designated to deal with requirements of CAAA? (Check all that apply.)

☐ Planning ☐ Environmental ☐ Executive Office  
☐ Marketing ☐ Human Resources/Personnel  
☐ Other, Specify \_\_\_\_\_

7. Please estimate the annual revenue spent to implement the requirements of CAAA?

|            |            |
|------------|------------|
| _____ 1980 | _____ 1993 |
| _____ 1991 | _____ 1994 |
| _____ 1992 | _____ 1995 |

#### Section IV - Gender Awareness Issues

Please place a check mark where applicable.

1.a. Have there been any complaints or legal actions filed against your company in regards to gender issues? ☐ Yes ☐ No

b. If yes, how many? \_\_\_\_\_ (Number)

c. Nature of complaint:

☐ Not Hired ☐ Not Promoted  
☐ Salary Inequity ☐ Harassment  
☐ Other, Specify \_\_\_\_\_

Nature of complaint:

☐ Lack of Accessibility

☐ Additional Hearing Provisions

☐ Additional Visual Accommodations

☐ Other, Specify \_\_\_\_\_

5. Were the depositions ☐ Internal ☐ External ☐ Both

a. If internal, how were the matters resolved?

☐ Human Resources/Personnel

☐ In-house Counseling

☐ Special Requests Accommodated

☐ Other, Specify \_\_\_\_\_

b. If external, how were the matters resolved?

☐ Local Commission

☐ EEOC

☐ Civil Action

☐ Other Legal Action

6. What departments/individuals are designated to address the issues regarding ADA? (Check all that apply.)

☐ Human Resources/Personnel

☐ EEOC/Affirmative Action

☐ Individual Managers

☐ Legal

☐ Other, Specify \_\_\_\_\_

7. Has your organization's structure changed as a result of ADA requirements? ☐ Yes ☐ No

a. If yes, have the number of personnel in specialized positions? ☐ Increased ☐ Decreased

b. In what area(s)? (Check all that apply.)

☐ Human resources

☐ Legal

☐ Technical

☐ Statistical

☐ Environmental ☐ Other, Specify \_\_\_\_\_

8. Have accommodations been provided to meet the needs of the physically challenged? ☐ Yes ☐ No

a. If yes, what types of improvements? (Check all that apply.)

☐ Wheelchair Access

☐ Restrooms

☐ Water Fountains

☐ Walkways

☐ Sidewalks

☐ Ramps

☐ Doors-Width/Height

☐ Elevators-Width/Height

☐ Grab Bars

9. Does your company provide transportation for employees? ☐ Yes ☐ No

a. If so, please provide number of vehicles? ☐ Autos ☐ Vans ☐ Buses

b. If so, do your vehicles meet the accessibility requirements of the ADA? ☐ Yes ☐ No

10. Please estimate the annual revenue spent to implement the requirements of ADA.

\_\_\_\_\_ 1990

\_\_\_\_\_ 1993

\_\_\_\_\_ 1991

\_\_\_\_\_ 1994

\_\_\_\_\_ 1992

\_\_\_\_\_ 1995

### Section III - Clean Air Act Amendments (CAAA)

Please place a check mark where applicable.

1.a. Is your city under Clean Air Act Amendment mandates? ☐ Yes ☐ No

b. Has your organization been fined for environmental law violations? ☐ Yes ☐ No

Note, for completion of questions 2 and 3 please attach additional sheets, if needed.

2. Were the depositions? ☐ Internal ☐ External ☐ Both

a. If internal, how were the matters resolved?

☐ In-House Counseling ☐ Special Requests

☐ Other, Specify \_\_\_\_\_

b. If external, how were the matters resolved?

☐ Local Commission ☐ EEOC

☐ CMI Action ☐ Other, Specify \_\_\_\_\_

3. What departments/individuals are designated to address gender awareness issues?

☐ Human Resources/Personnel ☐ EEOC/Affirmative Action

☐ Individual Managers ☐ Legal

☐ Other, Specify \_\_\_\_\_

4. Has your organization's structure changed to respond to issues of gender awareness? ☐ Yes ☐ No

a. If yes, have the number of personnel in specialized positions? ☐ Increased ☐ Decreased

b. In what areas? (Check all that apply.)

☐ Human Resources ☐ Legal ☐ Technical

☐ Statistical ☐ Environmental ☐ Other, Specify \_\_\_\_\_

5. Please estimate the annual revenue spent to bring about gender awareness.

|            |            |
|------------|------------|
| _____ 1990 | _____ 1993 |
| _____ 1991 | _____ 1994 |
| _____ 1992 | _____ 1995 |

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Optional):

Agency Name \_\_\_\_\_

Your Name \_\_\_\_\_

Title \_\_\_\_\_

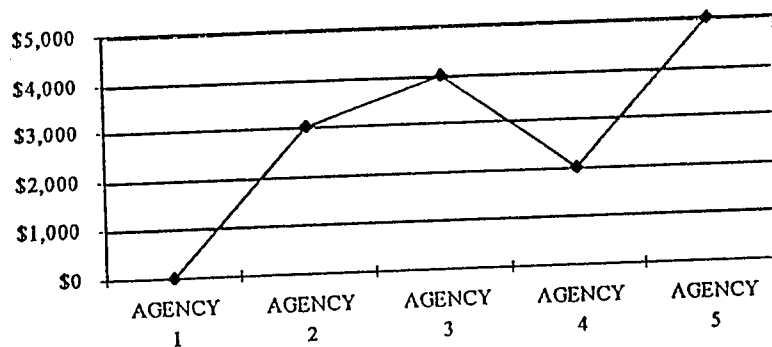
Address \_\_\_\_\_  
\_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

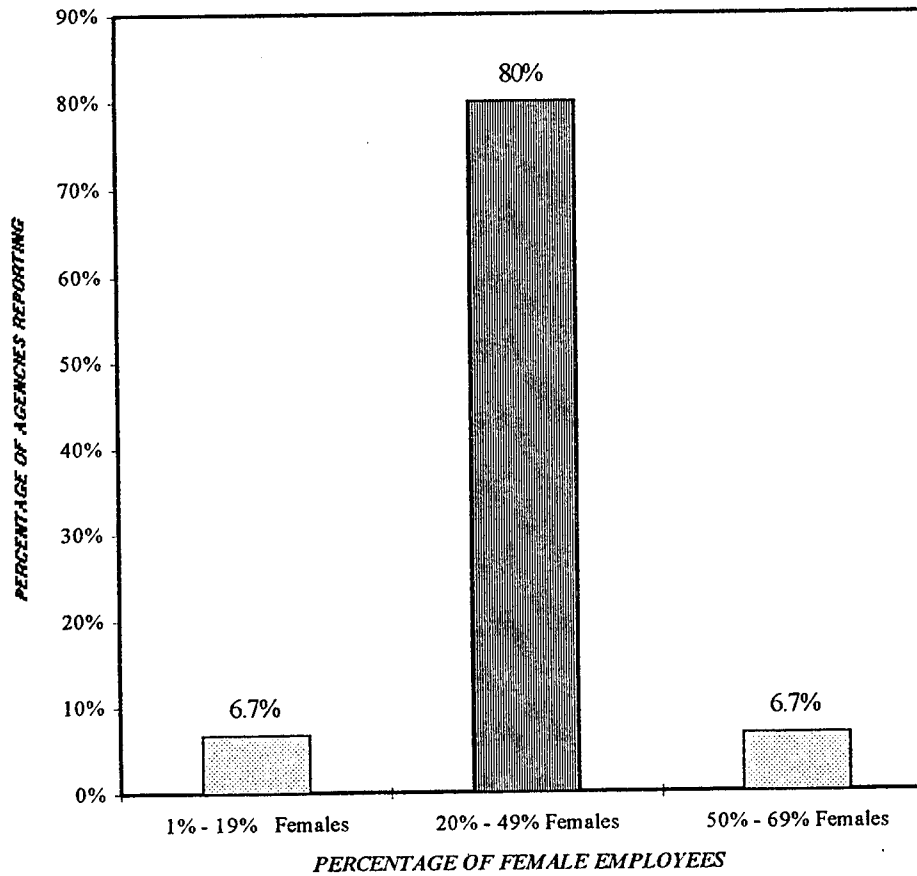
**THANK YOU FOR YOUR COOPERATION.**

## WHAT DEPT. OR INDIVIDUAL HANDLES GENDER ISSUES ?

| AGENCY | HR | MGRS. | EEOC/AA | LEGAL | OTHER |
|--------|----|-------|---------|-------|-------|
| 1      | X  | X     |         |       |       |
| 2      |    | X     |         |       |       |
| 3      |    |       | X       |       |       |
| 4      |    |       |         |       | X     |
| 5      | X  |       |         |       |       |
| 6      | X  | X     |         |       |       |
| 7      | X  | X     |         |       |       |
| 8      | X  |       |         |       |       |
| 9      | X  | X     |         |       |       |
| 10     | X  | X     |         |       |       |
| 11     | X  | X     |         |       |       |
| 12     | X  |       |         |       | X     |
| 13     | X  | X     | X       |       |       |
| 14     |    | X     |         |       |       |
| 15     |    |       |         | X     |       |

HOW MUCH MONEY DOES YOUR COMPANY  
SPEND ON GENDER AWARENESS?

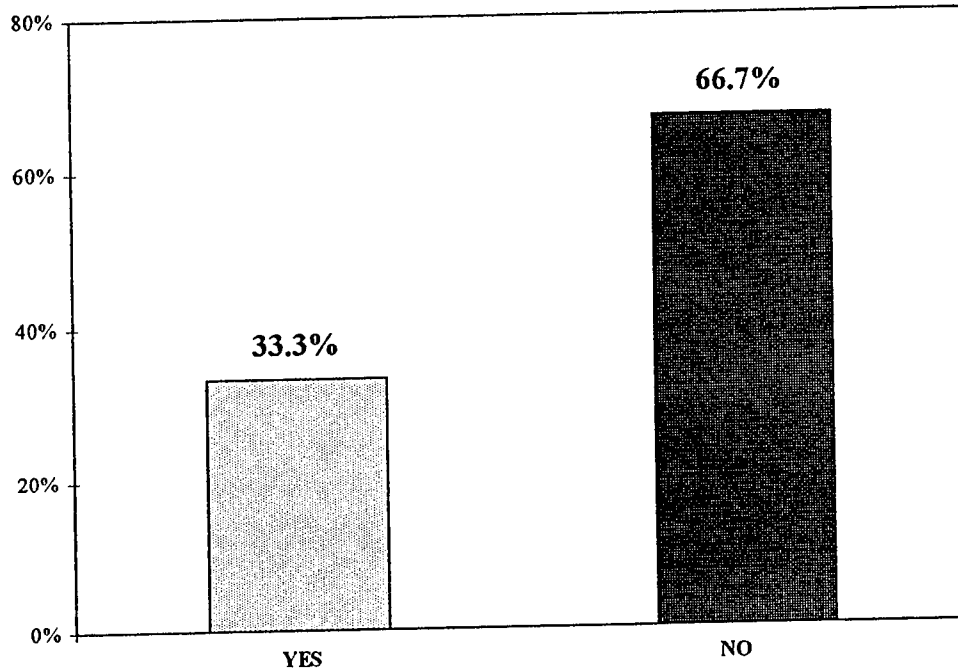
### GENDER DISTRIBUTION



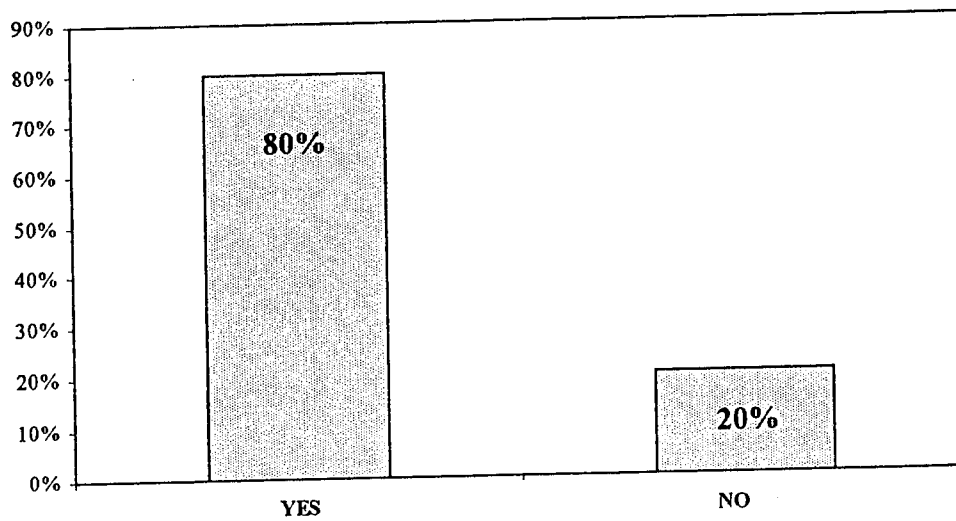
### DO YOU SPONSOR YOUR OWN SEMINARS ?

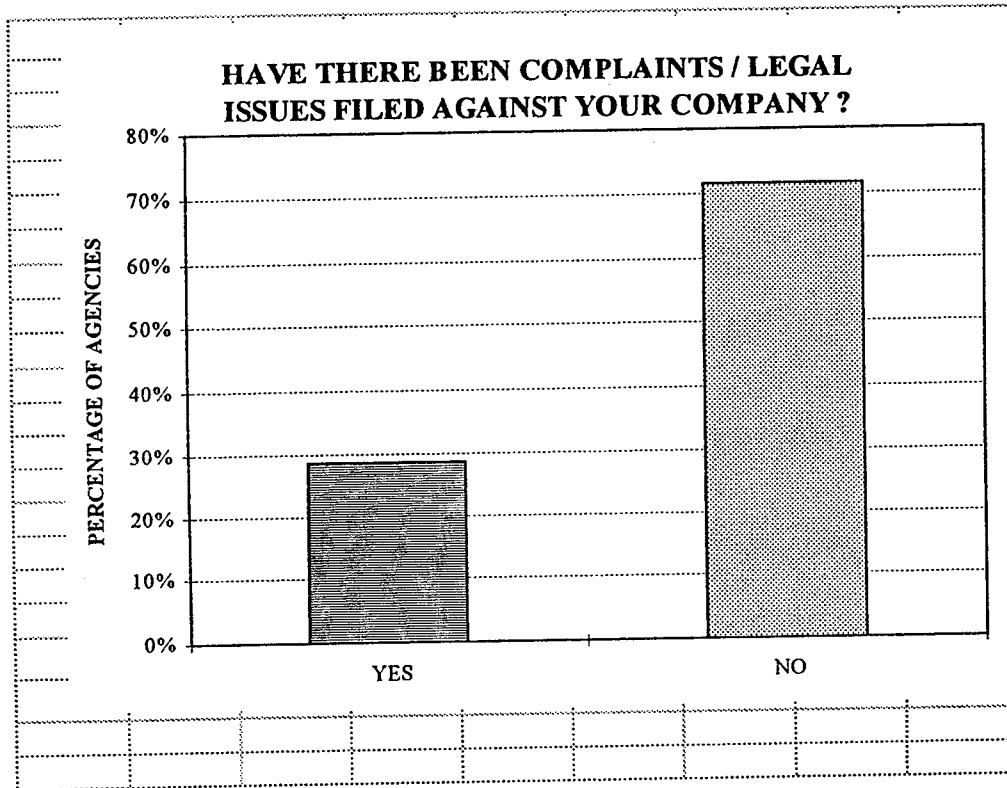
| # OF EMPLOYEES | YES | NO | TOTAL |
|----------------|-----|----|-------|
| 1 - 4          | 0   | 1  | 1     |
| 5 - 15         | 1   | 1  | 2     |
| 16 - 99        | 0   | 4  | 4     |
| 100 - 499      | 3   | 3  | 6     |
| 1,000          | 1   | 1  | 2     |
|                |     |    | 15    |

**DO YOU SPONSOR SEMINARS OR CONFERENCES?**



**DO YOU ENCOURAGE YOUR MGRS. TO ATTEND  
CONFERENCES SPONSORED BY OTHERS ?**





**NATURE OF COMPLAINT**

