



News Clips

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M E T R O

**The Los Angeles County
Metropolitan Transportation Authority**

Judge Refuses to Lift Ban on MTA Fare Increases

By HENRY CHU
TIMES STAFF WRITER

A federal judge refused Tuesday to lift his preliminary injunction forbidding the Metropolitan Transportation Authority to raise bus and Blue Line trolley fares on the grounds that higher fares discriminate against the poor and minorities.

U.S. District Judge Terry J. Hatter Jr. let stand his decision last week to extend a court order blocking the MTA from abolishing its general monthly bus pass and increasing fares for the first time in six years.

Despite the agency's contention that it is losing \$110,000 daily without the fare increase, Hatter declined to stay his injunction or to agree to a compromise solution allowing the MTA to retain passes but raise the basic cash fare from \$1.10 to \$1.35.

MTA officials immediately filed a notice of appeal with the U.S. 9th Circuit Court, although that panel previously refused to consider a

similar appeal after Hatter rolled back the fare increase Sept. 1, just hours after the new prices went into effect.

Hatter agreed with a coalition of grass-roots organizations that the revamped fare structure might unfairly discriminate against minorities and the poor, who make up the bulk of the MTA's bus ridership.

A full hearing on the coalition's lawsuit against the MTA is scheduled for Oct. 17.

"It's wonderful for us," Martin Hernandez, a spokesman for one of the plaintiff groups, said of Hatter's decision Tuesday. "The MTA has failed to show" why it should be allowed to raise fares, he said.

The agency contends that the fare increase is necessary to help eliminate a \$126-million operating shortfall in its \$2.9-billion budget this year. Hatter has said he will lift the injunction against the MTA at the Oct. 17 hearing if the agency can prove that its costly rail projects do not benefit affluent white residents at the expense of indigent bus riders.

SOUTHERN CALIFORNIA

Plan to hike bus fares rejected 3rd time

Judge upholds previous finding that proposal unfairly targets poor, minorities

By Keith Stone
Daily News Staff Writer

For the third time, a federal judge Tuesday rejected an MTA plan to raise bus fares to \$1.35, upholding his previous order that it would discriminate against minorities and poor people.

In his ruling, U.S. District Court Judge Terry Hatter said the Metropolitan Transportation Authority had not proved that fare increase was needed and reasonable.

"There has been nothing brought to the table here by way of evidence," Hatter said in denying the MTA's request.

Hatter told MTA attorney David Kelsey to return to the Los Angeles courtroom Oct. 17, when he will

consider again whether to allow the increase and elimination of \$42 monthly bus passes.

Tuesday's hearing was the second since Hatter issued a preliminary injunction Sept. 1, barring the MTA from raising fares and eliminating monthly passes. Last week, the MTA filed an appeal with the U.S. Circuit Court of Appeals in San Francisco.

Outside of court, bus rider Dan Halvorson hailed Hatter's ruling and said the legal battle will decide whether he can afford transportation to his job as a laborer.

"Not having a pass — I just barely make my rent as it is," said Halvorson, 48, a resident of the Wilshire District.

On Tuesday in court, Kelsey

asked Hatter to soften his Sept. 1 ruling to allow the fare increases, at least until the appeal is heard or the Oct. 17 hearing.

By raising fares but continuing the monthly pass program, the financial hardship for bus riders would be lessened if not eliminated, he said.

"We believe the court's order on the passes is more than enough to prevent the hardship," Kelsey said.

Kelsey said the proposed fare hike — the first in six years — was a key part of a larger plan to erase a \$126 million operating deficit. The MTA inherited the spending gap when the agency was formed in April 1993, he said.

If the MTA was allowed to raise its rates, the resulting fare would

still be lower than those at seven of the nation's largest transit agencies, Kelsey said.

But bus rider advocates argued that any fare hike and the elimination of the passes would unfairly target poor people and minorities, and the MTA has not tried hard enough to save money.

"What we are talking about here is the MTA is trying to increase fares on the very poor," said Constance L. Rice, the NAACP Legal Defense and Educational Fund attorney who is representing the bus riders.

Bus fares should not be used to make profit, but to further public policy, Rice said. Tying fare hikes to cost-of-living increases over time is not appropriate because poor

people are often left out of such calculations, she added.

"We'd like to offer alternatives," Rice said.

Kelsey said the MTA has reviewed the money-saving recommendations made by the bus rider advocates, but some are illegal, some won't work and others are already being done.

After the hearing, Kelsey said he would return Oct. 17 with more specifics about the need for the fare hikes.

Eric Mann, director of the Labor/Community Strategy Center, which sought the injunction, said he also was encouraged by Hatter's unwillingness to soften the ruling.

"Civil rights is not a negotiable issue," Mann said.

Juez federal mantiene la prohibición de que MTA eleve el costo de pasajes

□ Sigue vigente su orden por lo menos hasta audiencia del 17 de octubre

Por **Mary Ballesteros**

Reportera de *La Opinión*

La Dirección Metropolitana de Transporte (MTA) sufrió ayer un nuevo revés al tratar de convencer a un juez federal de que retire, por lo menos hasta el 17 de octubre, la orden que impide aumentar las tarifas de autobús.

Es la segunda vez que el juez federal Terry Hatter se niega a dar marcha atrás en su disposición del 1 de septiembre, que prohíbe a la MTA aumentar la tarifa del servicio básico de 1.10 dólares a 1.35 y cancelar el pase mensual de descuento.

El 12 de septiembre Hatter ratificó su orden preliminar.

David B. Kesley, abogado de la MTA, pidió ayer a Hatter que permita el aumento de tarifas mientras se lleva a cabo el juicio. Indicó que el pase mensual continuaría a la venta durante ese tiempo.

Nuevamente Hatter citó la falta de argumentos del organismo de trans-

porte público para sustentar su petición como el factor principal para rechazar la petición.

"La moción es negada porque la MTA no trajo argumentos nuevos que justifiquen el aumento, la orden se mantiene hasta el 17 de octubre, cuando este organismo tendrá una nueva oportunidad de presentar evidencias", afirmó Hatter.

Sin embargo, el juez manifestó que "este caso es difícil de resolver en los tribunales ya que implica diferentes niveles: el político, por ejemplo".

Kesley señaló que en esta ocasión la idea no fue justificar el alza de tarifas y la cancelación del pase, sino apelar la orden del juez.

"El 17 de enero estaremos listos para rebatir cada una de las acusaciones de los demandantes y demostrar que no hubo discriminación en la política de aumentos sino una necesidad urgente de balancear el presupuesto de la MTA", sostuvo Kesley.

Por su parte, la abogada Constance Rice, del Fondo de Educación y Defensa Legal de la Asociación Nacional

para el Progreso de la Gente de Color (NAACP), que representa al Centro de Estrategias Laboral/Comunitario y a la Unión de Usuarios de Autobuses—entidades, estas últimas, que presentaron la demanda contra MTA—indicó que éste es un caso de discriminación intencional contra grupos minoritarios y gente pobre del condado de Los Angeles y que está en condiciones de probarlo el 17 de octubre, fecha de la próxima audiencia.

Los miembros de la Junta de MTA autorizaron el aumento de tarifas el 13 de julio después de realizar una serie de audiencias públicas en las cuales los usuarios expusieron que no podrían pagar más por el servicio de transporte público.

Con un déficit de 126 millones de dólares, la MTA espera que el aumento de tarifas genere por lo menos cuatro millones de dólares mensuales que ayuden a equilibrar su presupuesto.

"Este es un servicio público; no hay razón para que se aumente el costo de

Lea **TARIFAS, 6A**

TARIFAS

Viene de la página 1

su uso perjudicando a los usuarios cuando este organismo tiene tantas alternativas de proveerse de fondos", afirmó Rice.

Kesley señaló al juez que desde hace seis años no ha habido un aumento de tarifas, siendo éste uno de los distritos con el costo de pasaje más bajo.

El abogado de MTA justificó la cancelación del pase mensual de descuento de 42 dólares señalando que este organismo puso a la venta fichas a un costo de noventa centavos cada

una —veinticinco centavos menos que la tarifa actual— que pueden ser utilizadas para un viaje sencillo.

La Unión de Usuarios sostiene que si MTA cancela la venta de pases, quienes los utilizaban tendrán que pagar por lo menos 92 dólares al mes, en vez de 42.

"Quienes compran los pases podrán adquirir las fichas en los mismos sitios de venta de la MTA", afirmó Kesley, quien agregó fuera del tribunal que los pases representan una gran pérdida para el organismo público.

Hatter aclaró que los pases mensuales tendrán que estar a la venta para el mes de octubre.