

Appeals Court Gives MTA Breathing Space on Judge's Order to Add Buses in January

(November 23) The U.S. Court of Appeals has issued a temporary stay of a District Court judge's order that would have required the MTA to place an additional 88 buses into service by Jan. 3, 2000.

In September, U.S. District Judge Terry Hatter ordered the MTA to buy 297 new CNG buses and to place 248 buses in temporary service by Oct. 23. Hatter later modified the order, setting a date of Jan. 3 for the temporary buses.

The Board voted at its September meeting to purchase the 297 buses. Since the MTA already had planned to place 160 buses in service by December, that meant the agency would have to put 88 more buses on the street by Jan. 3. Meanwhile, the MTA appealed Judge Hatter's order, arguing that it already was in substantial compliance with passenger load standards and that it did not have the funds to operate extra buses.

In a memo to Board members, Monday, CEO Julian Burke said the MTA will continue with its plans to buy the 297 buses.

"We will not, however, implement service of an additional 88 buses in January," he said, unless the Appeals Court denies the MTA's appeal. "You will recall we have not identified the operating funds...."

By Appeals Court order, the MTA must file a legal brief stating its arguments by Dec. 13. A reply from the plaintiffs, the Bus Riders Union, is due by Jan. 10, 2000, with an answer due from the MTA 14 days later. No date has been set for oral arguments, which will be made before a three-judge Appeals Court panel.

"By no means is the MTA backing off our commitment to overhaul the Metro Bus fleet and expand service," an MTA spokesman told the media.

[Back to MTA Report](#)