

MTA Files Brief with U.S. Appeals Court Seeking Overturn of Consent Decree Order

(Dec. 14) The MTA is asking the U.S. Ninth Circuit Court of Appeals to overturn a District Court order that would require the agency to purchase 297 new CNG buses and to put 248 temporary buses into service by Jan. 3, 2000.

In a legal brief filed late Monday, the MTA said District Court Judge Terry Hatter erred on three counts in orders issued last September and October. He misinterpreted the Consent Decree, exceeded the federal court's authority and wrongly prevented the MTA from challenging the power of the Special Master, the agency's attorneys argued.

Oral arguments before the Appeals Court by attorneys for the MTA and the Bus Riders Union are expected in early 2000. A decision could come any time after those arguments are completed.

Bus lines meeting targets

Judge Hatter ordered the agency to purchase additional buses to comply with passenger load targets in the Consent Decree. The MTA provided evidence that the 77 bus lines being monitored for compliance meet those targets "almost 98 percent of the measured 20-minute periods during weekday morning rush hours."

"This is not a civil rights case," the brief declares. "...(T)he BRU...may have wanted to impose an ironclad obligation on the MTA to meet the load factor goals every day on every bus route, but that is not the bargain to which the MTA agreed."

"Bus scheduling is complicated under the best of circumstances," the brief says. "...(I)t can go awry due to accidents, bad weather, unusually heavy traffic and other unpredictable difficulties...."

MTA can fulfill duties

The brief also says the Consent Decree allows the MTA to fulfill its statutory duties to those who also use the county's streets, highways, freeways and rail systems. It notes that the District Court did not disagree.

The MTA currently spends some 44 percent of its total capital and operating budget on the bus system, according to the brief. Rail service requires 22 percent of the budget. Highway and other programs use 21 percent and the remainder is spent on debt service. The MTA has said it is not able to identify funding sources for operating the additional buses it was ordered to buy.

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