

Session Lasted an Hour

MTA Asks Court of Appeals to Overturn Consent Decree Ruling on Bus Purchases

(May 2) **Update:** The U.S. 9th Circuit Court of Appeals heard arguments for about an hour today from attorneys for the MTA and the Bus Riders Union. The court is not expected to render a decision for at least two months on the MTA's appeal of an earlier District Court order that would require the agency to purchase 248 new buses.

By BILL HEARD, Editor

(May 1) Attorneys for the MTA will go before a three-judge panel of the U.S. 9th Circuit Court of Appeals in Pasadena, Tuesday. The lawyers will argue that a District Court ruling that required the agency to buy 248 new buses should be overturned.

Tuesday's hearing is another step in a dispute between the MTA and the Bus Riders Union over the number of buses required for the agency to be in compliance with the federal Consent Decree. The Consent Decree, signed in October, 1996, was aimed at reducing overcrowding on the MTA's bus lines.

'Very strong' precedent

The Court of Appeals' ruling could set a "very strong" precedent for how the Consent Decree is interpreted in the future, Assistant County Counsel Steve Carnevale told the Los Angeles *Times*.

The dispute came to a head in mid-1999, when the special master appointed to oversee Consent Decree compliance ordered the MTA to purchase 532 new buses and to lease or buy another 277 buses until the 532 were delivered.

The MTA appealed that order to the District Court, which reduced the number to 248, but permitted the majority of the special master's order to stand. The agency then asked the Circuit Court of Appeals for a stay of the order, which was granted in November, 1999.

In a brief prepared for Tuesday's hearing, the MTA takes issue with the District Court for interpreting the Consent Decree not as a contract, but "as if it were enforcing a judgement entered after trial." The MTA has said no civil rights issues are involved in the case.

MTA reduced overcrowding

The brief says the MTA has substantially met the goals that were set to reduce overcrowding on its bus lines. The agency disputes the power of the special master and the District Court to determine how the MTA should allot funds for bus purchases and bus operations, especially at the expense of other mass transit and highway programs the agency is obligated by law to plan, program and fund.

"The District Court's intervention in the management of the MTA's complex obligations is...erroneous," the brief states. "The MTA never transferred the management of its public transportation responsibilities to the special master or to the District Court."

"(The MTA) never promised that it would meet the standee targets perfectly," the brief continues. "Bus scheduling is complicated under the best of circumstances. Ridership cannot be exactly predicted...scheduling can go awry due to accidents, bad weather, unusually heavy traffic and other unpredictable difficulties that beset everyone on streets, highways and freeways at rush hours."

[Back to MTA Report](#)