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[CEO Hotline](#)
[Viewpoint](#)
[Classified Ads](#)
[Archives](#)
[Metro.net](#) (web)

Resources

[Safety](#)
[Pressroom](#) (web)

[CEO Hotline](#)
[Metro Projects](#)
[Facts at a Glance](#)
(web)

[Archives](#)
[Events Calendar](#)
[Research Center/
Library](#)
[Metro Cafe](#) (pdf)

[Metro Classifieds](#)
[Retirement
Round-up](#)

Metro Info

[Strategic Plan](#) (pdf)

[Org Chart](#) (pdf)

[Policies](#)
[Training](#)
[Help Desk](#)
[Intranet Policy](#)

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BRU Calls for Consent Decree Extension; Transit Peer Group Says MTA in Compliance

By BILL HEARD, Editor

(March 9, 2004) With the Bus Riders Union calling for a six-year extension of the federal Consent Decree, a peer review by three of the nation's largest transit agencies has found that Metro Bus service is achieving the required passenger load factors.

The BRU alleged, Tuesday, that MTA has not complied with passenger load factors and service requirements of the Consent Decree. It called on the Special Master to extend the Consent Decree, signed in December 1996, beyond its current expiration date of November 2006.

In a letter to the MTA Board, County Counsel Steve Carnevale wrote that the BRU's motion was "inappropriately filed with the Special Master," who, he said, is not given authority within the Consent Decree to consider such a motion. He expects the matter to be transferred to the U.S. District Court.

During a peer review of Metro services conducted, March 1-3, transit officials from Chicago, Boston and San Francisco and the American Public Transportation Association found that MTA achieves the 1.20 passenger load factor on most routes "by current common industry standards of measurement."

Meeting the load factor

Metro officials say the Metro Bus system is meeting the 1.20 passenger load factor more than 96 percent of the time.

The peer group calculated that meeting the passenger load standard, as interpreted by the Special Master, would require Metro to provide five seats for every four customers – "approximately twice as much as most agencies would provide."

The group added that "the narrow focus on load factor compliance can significantly hamper efforts to develop service for new (passenger) markets...."

"The peer group felt that our service enhancements have outpaced all or most of the nation's transit systems," said Rod Goldman, deputy executive officer, Operations. "They found that it would be mathematically impossible for us to comply with the 1.20 load factor as the Special Master has interpreted it."

Expanded Metro service

Since signing the Consent Decree, MTA has spent more than \$750 million toward complying with the agreement. Since December 1996, MTA has expanded Metro service by more than 420 buses and about 1 million annual service hours.

Nearly half of MTA's \$2.8 billion budget is devoted to Metro Bus

operating and capital expenses and subsidies for municipal bus operators.

The BRU also has alleged that, under the Consent Decree, MTA had no right to raise fares and should roll back the January 2004 fare adjustment. But, the agency said the agreement specifically includes a fare-increase provision and that the fare adjustment – the first in nine years – complied with the Consent Decree.

In January 2004, MTA lowered the cash fare by 10 cents, while raising fares for regular pass holders. The agency did not raise the price of student, senior and disabled passes.

Here are other facts about MTA and the Consent Decree:

- By fall 2006 – end of the 10-year Consent Decree term – MTA will spend more than \$1 billion on the Consent Decree.
- The MTA has purchased 2,000 new buses, largely to replace aging buses that were prone to breakdowns, although 420 of these buses were used to expand service.
- Since March 1998, the MTA has implemented a pilot program of 13 new bus lines and more than 60 buses.
- The MTA submitted a Five Year New Service Plan for consideration in February 1999. Both parties have not agreed to a common plan.
- The MTA has continued to implement its Five Year plan, which includes expansion of Metro Rapid to approximately 26 bus lines. So far, this has resulted in more than 120 buses of new service.