



MTA BOARD MEETING  
March 25, 2004

BILL: SR 33  
AUTHOR: STATE SENATOR KEVIN MURRAY  
(D-CULVER CITY)  
SUBJECT: CONSENT DECREE  
STATUS: SENATE RULES COMMITTEE  
ACTION: OPPOSE

RECOMMENDATION

Adopt the following position on state legislation:

SR 33 (Murray) – would state that the MTA should abandon its current challenge of the consent decree and orders from the special master with regard to the consent decree, and, would request the MTA to take all necessary actions to implement the terms of the consent decree. OPPOSE.

PROVISIONS

Senate Resolution 33 would:

- State that the MTA should abandon its current challenge and refrain from any subsequent appeals of the consent decree or the findings and orders of the special master or the courts with regard to the implementation of the consent decree.
- Request the MTA to take all necessary actions to fully implement the terms of the consent decree.

IMPACT ANALYSIS

SR 33 has been introduced by Senator Murray to urge the MTA to abandon the current appeal of the consent decree and to refrain from any subsequent appeals.

Although this measure is only a resolution and does not have the force of law, it raises a number of issues relative to the consent decree that warrant discussion. First it should be

noted that the MTA is in full compliance with all decisions resulting from the process established by the consent decree. Second, the consent decree itself provides a process for resolving disputes arising out of the decree and that process provides for appeals of Special Master decisions.

The consent decree allows for a process for resolving disputes. Each party is allowed to appeal Special Master decisions to Judge Terry Hatter. The MTA has filed appeals to Judge Hatter and has been successful in modifying decisions of the Special Master. The MTA has complied with each ruling by Judge Hatter. SR 33 notes several appeals and the results of those appeals. It should be noted that the MTA is in compliance with each final decision.

The resolution essentially requests the MTA to abandon its legal authority, granted under the consent decree, to appeal Special Master decisions. If the MTA were to accept, on their face, each Special Master decision, significant amounts of transportation funds would have been diverted from other transportation projects around the county. The MTA spends approximately \$100 million per year on compliance with the consent decree. If the MTA were to have accepted, without appeal, previous Special Master decisions, this figure would be considerably higher.

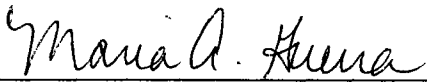
Apart from the consent decree, the MTA has undertaken a number of initiatives to improve bus service such as the Metro Rapid Bus program, including the implementation of priority Metro Rapid Bus lanes along a stretch of Wilshire Boulevard and the continued financial commitment for the construction of the San Fernando Valley Orange Line. In addition to funding bus capital and operations, the MTA is also responsible for allocating transportation funds to other projects and agencies around Los Angeles County such as the highly successful Freeway Service Patrol, High Occupancy Vehicle Lanes and Soundwalls.

The MTA recently conducted a peer review process to evaluate the consent decree and to examine MTA's efforts to improve its bus service. This panel found that it is virtually impossible to strictly comply with the load factor targets of the consent decree and that many factors such as traffic congestion are completely outside the control of the parties to the consent decree. SR 33 is not necessary and ultimately usurps local control on a very complex and contentious issue.


SR33 is expected to be heard in the Senate Transportation Committee in April. Staff recommends that the Board of Directors oppose SR 33.

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