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**MOTION BY MTA BOARD MEMBER RICHARD ALATORRE**

I MOVE that the MTA Board of Directors adopt the attached modification in language in the consent decree that:

- Retains the "general pass" prices of \$42 monthly, \$21 bi-weekly and \$11 weekly until October 1, 1999;
- Removes any mention of a "low-income pass" from the consent decree as well as any language that proposes eligibility for a low-income pass be based on some form of documentation or participation in a government program; and
- Maintains the MTA's right, at any time, to approach the Joint Working Group with new proposals for both fares and passes.

## ATTACHMENT

That Paragraph No.1. (Beginning on Line 1, Page 11 and ending on Line 4, Page 12) of the Consent Decree), and Paragraph No. 2 (Beginning on Line 6 and ending on Line 12 of the Consent Decree) be deleted in their entireties; and substituted with the following language:

The prices of the general monthly, semi-monthly, and weekly passes (the "general pass") shall not be increased until after October 1, 1999. After October 1, 1999, the prices of the general pass may be increased up to a level reflecting any increase in the CPI from October 1, 1995, with special reference to any increase in the household income of the bottom quartile of the Los Angeles County population (as published in the U.S. Department of Commerce for the same period, or at a lesser rate if the MTA chooses.) At any time, after consultation with the JWG, the MTA may propose an adjustment and fare levels including passes, that reflects new technology and is consistent with the principles and objectives of this Consent Decree. If the JWG does not agree to the adjustments in fare levels and/or new categories of passes the matter may be submitted to the Special Master.

## BACKGROUND

The new consent decree offers a great possibility of a major victory for the MTA and the Bus Riders Union, and a chance to show the public that a public agency can respond to the needs of its "customers" and also to the needs of the largest advocacy group of mass transit riders in the U.S. The agreement has almost been ratified by all parties. The tentative consent decree, to be approved by Federal Judge Terry Hatter on October 28, 1996, has one clause that is preventing full consent. The tentative court order has been filed with the federal judge, explaining that the individual groups are meeting to decide if they will ratify the agreement. The Bus Riders Union has voted to ratify the agreement, pending the removal of the "low-income pass" clause from the agreement. They have been working with Board members to ask our help to allow that full ratification to take place.

Any discussion of a "low-income pass," no matter how carefully framed, will have the effect of reducing mobility and denying affordable transportation to large numbers of Latino, Asian and other immigrant passengers. Given the anti-immigrant sentiment demonstrated by the passage of Proposition 187, any required proof of documentation will prevent immigrants and others from using the bus pass.

Any effort at establishing a "means test" or any other method to determine who is "low-income", and who is not, will also drive away African-Americans, Latinos, Asians and Caucasians who will not want to provide proof of low-income. As many Federal government programs are being cut, people are already losing benefits for which they are eligible because they are unable to produce sufficient documentation. There is even discussion of a "national welfare card" to prevent social service recipients from receiving more than 2 years of benefits in a row or five years during their lifetimes. Does the MTA want to inflict such constraints on its passengers?

The removal of any reference to a "low-income pass" allows the Labor/Community Strategy Center, the Bus Riders Union, the Korean Immigrant Workers Advocates, and all of the named plaintiffs to sign off on the agreement prior to, or, if necessary, at the "fairness hearing." This will generate a unified agreement with true "consent" and allow the ten year working agreement to be implemented by the Joint Working Group (JWG), under Federal Court supervision, to get off to a constructive beginning.