

LACMTA Consent Decree 1996 - 2010

Experience & Lessons Learned

Arthur T. Leahy, CEO
February 2011



Metro

Overview

- **Background**
 - Participants
 - Issue
 - Process
- **Elements of Consent Decree**
- **Impacts**
 - Administrative
 - Service Levels & Equipment
 - Staffing & Expense
- **Path Forward**

Participants

- **LACMTA Board of Directors**
 - represented by County Counsel & Outside Counsel
- **Labor Strategy Center / Bus Riders Union**
 - represented by NAACP Legal Defense Fund & Constance Rice
- **US Federal District Court Central District (Los Angeles)**
 - Judge Terry J. Hatter, Jr.

Issue

- **Aggressive rail construction program**

- LA – Long Beach Light Rail Jul-90
- Metrolink Commuter Rail Oct-92
- Red Line to Alvarado Heavy Rail Feb-93
- Redondo Beach – Norwalk Light Rail Aug-95

- **Declining bus service levels**

- 7.16 MM rev hours FY91 to 6.38 MM rev hours FY95

- **Fare increase scheduled for Sep 1 1994**

- Included elimination of monthly passes & distance-based rail

Process

- **Class-action filed with US District Court on 9-1-94**
 - Alleging violations of 14th Amendment & Title VI
 - Alleging rail patrons higher income/less transit dep.
 - Seeking injunction against fare changes of 9-1-94
- **Extensive discovery process instituted**
- **Fare changes immediately enjoined**
 - Court allowed selected parts of fare increase 2-1-95 (not including pass elimination nor distance-based rail fares)
- **Following 2 ½ years of discovery MTA Board sought negotiated settlement**
- **Agreement reached in September 1996**
- **Consent Decree became effective late-Oct. 1996**
 - Special Master Donald T. Bliss appointed by Court on mutual recommendation of parties (former FTA Legal Counsel in private practice with O'Melveny & Myers LLP)

Elements of Consent Decree

- **Reducing Crowding**

– Pre-existing max. Load Ratio	1.45
– by Dec 31, 1997	1.35
– by June 30, 2000	1.25
– by June 30, 2002	1.20

- **102 added buses by June 30, 1997 for above**

- **New Service Program**

- Pilot program of at least 50 added buses 5 Year Plan of expanded new services

- **Enhanced Security**

- up to 48 added officers in 4 areas depending on grants

Elements of Consent Decree

- **Fare Stability**
 - Stipulated fares through Oct 31, 1998
 - Fare changes limited to CPI from Nov 1, 1998 – Nov 1, 2003
 - No constraints thereafter
- **Joint Working Group**
 - Equal representation from MTA & Bus Riders Union
 - Provided forum for working out implementation specifics
- **Special Master**
 - Served as Court's representative
 - Resolved all disagreements
- **Fees & Expenses**
 - MTA responsibility for all parties

Impacts - Administrative

- **Reduced Crowding**

- Special Master interpreted standard applicable to any 20 min peak (hourly off-peak) period
- Required significantly increased monitoring program including any bus line likely to exceed targets
- Staff of 26 checkers had to be increased to 52
- Extensive monthly monitoring report required

- **New Service Plan**

- Pilot project implemented by agreement with JWG
- 5 Year Plan required Special Master intervention and not defined until Year 9 – Court oversight extended to late Nov. 2010 for implementation of this element only

Impacts – Service Levels & Equipment

- **Service Impacts**

- Added 1.38 MM rev hours (22% increase)
- 550 added peak buses (33% increase)
- Replaced 2100 buses over 8 years (1998 to 2006) while introducing 300 articulated & 400 45-foot buses

- **Peak buses disproportionate to rev hours as most service added for crowding (primarily peak period)**
- **New Service Plan implemented primarily with high capacity buses – increase in peak seats was standard for ensuring service expansion**

Impacts – Staffing & Expense

- Estimated 55 employees required to administer Consent Decree + Legal fees (approx. \$37 million annually)
- 550 added peak buses requires retention of operators, mechanics & service attendants (approx. \$80 million annually)
- Over 14 years in excess of \$1 billion incurred

Path Forward

- **Bus system has become inefficient requiring right-sizing**
 - High peak to base ratio
 - Low levels of passenger utilization in peak periods
- **More focus on bus & rail as integrated system**
 - Consent Decree was Metro bus-centric despite municipal bus service and rail growing significantly over the past 25 years
 - Metro bus service must be rightsized to demand, adjusted to coordinate with municipal operators, and integrated with the rail network
- **Priorities must be redirected to improved service quality**
 - Improved real time service management for better on time performance and reduced overcrowding
 - Focus on deferred maintenance for better mechanical reliability and improved cleanliness