

AMENDED IN SENATE MAY 11, 1999

SENATE BILL

No. 1276

Introduced by ~~Senator Hayden~~ *Senators Hayden and Murray*

February 26, 1999

An act to add Section 130051.3 to the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1276, as amended, Hayden. Transportation: Los Angeles County Metropolitan Transportation Authority.

Existing

(1) Existing law creates the Los Angeles County Metropolitan Transportation Authority as the successor agency to the Southern California Rapid Transit District and the Los Angeles County Transportation Commission.

~~This bill would provide that the authority may not pass any item on the agenda of any meeting with less than the affirmative vote of 7 members.~~ *require the authority to seek an independent fiscal analysis in developing options to fund the purchase of 532 additional buses and the hiring of additional drivers and maintenance personnel to support those buses, as required under a specified court order.*

The bill would require the State Auditor to conduct a fiscal analysis to develop the specified funding options and submit that analysis to the Legislature not later than March 15, 2000.

The bill would prohibit the authority from expending any funds, except as specified, until the authority has identified, with the concurrence of the special master for the consent

decree in a specified case, a guaranteed and sufficient source of funding to meet the mandates of the consent decree and the special master's rulings under that consent decree.

The bill would prohibit the authority from transferring, expending, encumbering, or otherwise using funds from the funding source identified as specified for any purpose other than implementing the consent decree and the special master's rulings under the consent decree, except as specified, until the court has ruled that all requirements under both of those things have been met.

To the extent that these requirements would impose additional duties upon the authority, the bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares all of*
 2 *the following:*
 3 (a) *In the case of Labor/Community Strategy Center,*
 4 *et al. v. The Los Angeles County Metropolitan*
 5 *Transportation Authority, et al. (Case No. CV 94-5936),*
 6 *the United States District Court in the Central District of*
 7 *California, Western Division, ruled on March 8, 1999, that*
 8 *low income bus riders in Los Angeles County were*
 9 *impacted unfairly, disproportionately, and*
 10 *unconstitutionally in the allocation of public funds for*



1 transit systems operated by the Los Angeles County
2 Metropolitan Transportation Authority.

3 (b) This extensive pattern of de facto discrimination
4 against the low income and minority residents of Los
5 Angeles County, as identified by the federal court, is
6 morally unjustifiable and should not be subsidized with
7 state funds generated by the taxpaying public.

8 (c) The court-appointed special master in the case
9 cited in subdivision (a) has ruled that the agency must
10 purchase 532 natural gas powered buses, and hire drivers
11 and mechanics to operate and support those buses, in
12 order to meet the requirements of the federal consent
13 decree issued by the court in that case.

14 (d) The formulas concerning overcrowding and
15 load-factors used by the special master to determine how
16 to implement the consent decree were agreed to by all
17 parties.

18 (e) The authority at present is unlikely to have
19 sufficient resources to fund the requirements of the court
20 order while at the same time pursuing other major transit
21 projects.

22 (f) The legal, prudent and proper course for the
23 authority is to meet the terms of the federal consent
24 decree and the special master's order and thereby bring
25 closure and justice to this prolonged conflict.

26 SEC. 2. Section 130051.3 is added to the Public
27 Utilities Code, to read:

28 130051.3. (a) ~~The Los Angeles County Metropolitan~~
29 ~~Transportation Authority may not pass any item on the~~
30 ~~agenda of any meeting with less than the affirmative vote~~
31 ~~of seven members.—~~*Transportation Authority shall seek*
32 *an independent fiscal analysis in developing options to*
33 *fund the purchase of 532 additional buses and the hiring*
34 *of additional drivers and maintenance personnel to*
35 *support those buses, as required under the court order*
36 *issued by the United States District Court in the Central*
37 *District of California, Western Division, on March 8, 1999,*
38 *in the case of Labor/Community Strategy Center, et al.*
39 *v. The Los Angeles County Metropolitan Transportation*
40 *Authority, et al. (Case No. CV 94-5936).*



1 (b) *The State Auditor shall conduct a fiscal analysis to*
2 *develop the options described in subdivision (a) and,*
3 *notwithstanding Section 7550.5 of the Government Code,*
4 *shall submit that analysis to the Legislature not later than*
5 *March 15, 2000.*

6 (c) (1) *The authority may not expend any funds,*
7 *except as authorized under subdivision (d), until the*
8 *authority has identified, with the concurrence of the*
9 *special master for the consent decree issued by the court*
10 *in the case cited under subdivision (a), a guaranteed and*
11 *sufficient source of funding to meet the mandates of the*
12 *consent decree and the special master's rulings under*
13 *that consent decree.*

14 (2) *The authority may not transfer, expend,*
15 *encumber, or otherwise use funds from the funding*
16 *source identified under paragraph (1) for any purpose*
17 *other than implementing the consent decree and the*
18 *special master's rulings under the consent decree until*
19 *the court has ruled that all requirements under both of*
20 *those things have been met.*

21 (d) *Notwithstanding subdivision (c), the authority*
22 *may expend funds for the purchase of buses and for*
23 *highway repairs.*

24 SEC. 3. *Notwithstanding Section 17610 of the*
25 *Government Code, if the Commission on State Mandates*
26 *determines that this act contains costs mandated by the*
27 *state, reimbursement to local agencies and school*
28 *districts for those costs shall be made pursuant to Part 7*
29 *(commencing with Section 17500) of Division 4 of Title*
30 *2 of the Government Code. If the statewide cost of the*
31 *claim for reimbursement does not exceed one million*
32 *dollars (\$1,000,000), reimbursement shall be made from*
33 *the State Mandates Claims Fund.*

