On October 5, 1996, members of the Los Angeles Bus Riders Union held a mass protest and rally.

TWO

Los Angeles Bus Riders Derail the MTA

Eric Mann

Los Angeles County is one of the nation's most populous counties, with over 9.5 million inhabitants spread over 4,081 square miles. Covering 470 square miles within LA County is the fabled City of Angels—Los Angeles, California—the second largest city in the United States, with a population of 3.2 million.[1] Los Angeles could easily fit the combined areas of St. Louis, Manhattan, Cleveland, Minneapolis, Boston, San Francisco, Pittsburgh, and Milwaukee within its city boundaries.

Known widely for its automobile culture, Los Angeles also boasts the second largest bus system in the country.[2] The Los Angeles County Metropolitan Transportation Authority (MTA) plans, builds, coordinates, and operates public transit within a 1,433-square-mile service area.[3] As of September 2002, the MTA operated 2,346 buses in its total fleet, with 2,058 in service on an average weekday. The buses covered 185 routes with 18,500 stops. The MTA also operated 60 miles of Metro Rail service at 50 stations. Los Angeles is home to the LA Bus Riders Union, an organizing and movement-building-organization dedicated to carrying on the legacy of civil rights in transportation as established by the Freedom Riders of the 1960s.

This chapter details the legal battle that the Labor/Community Strategy Center (LCSC), the Bus Riders Union (BRU), and their allies waged against the transit racism practiced by the MTA during the 1990s. It details the civil rights and transportation justice victories that the LCSC and BRU achieved in federal court before and after the April 2001 US Supreme Court *Alexander v. Sandoval* decision that limited the use of arguments based on disparate impact as previously provided by Title VI of the Civil Rights Act of 1964. The Los Angeles case is the best example that Title VI, civil rights, and justice, though wounded, are not dead and can still be fought for and won.

Birth of the "Bus Versus Rail" Debate

LA County lacks the areas of density needed to justify the high costs of rail construction as a viable public transit option. Even if an entire rail system were built, it would only serve 11 percent of the population—those who live within a half mile of a rail station. Consequently, most transportation planners are split between the view that rail is an outright misuse of public funds for a city like Los Angeles, and those who argue that rail is, at best, a supplementary component of a multimodal system of which buses must be the mainstay.

Since 1976, the agency that oversees public transit and highway policy in LA County has been the Los Angeles County Transportation Commission (LACTC). At one time, the Southern California Rapid Transit District (RTD) operated a rapid transit bus system separately from the LACTC. The RTD merged with the LACTC based on the argument that two supposedly complementary entities could manage regional transportation development together. However, each kept its organizational title, and both continued to support their different and competitive agendas: the LACTC for rails and the RTD for buses. The catch was that the LACTC was given financial control over the RTD. This establishment of a "bus versus rail" structure led to a growing polarization of the funding for predominantly low-income, inner-city communities versus predominantly higher-income, white suburban communities. Consequently, the discriminatory policies that took the form of a "bus versus rail" debate were institutionalized from the beginning.

The Los Angeles bus system can either ameliorate or exacerbate the poverty among the area's population of color. For decades, the city's "two-tiered" transit system was divided between private transportation (cars) and public transportation (buses). While most Angelenos of all races drove cars, the bus system was understood to be the avenue of last resort for the urban poor, the elderly, the disabled, and students, and as LA's urban poor became increasingly Latino, black, Asian, and Pacific Islander, so did most of the bus riders.

Even within the bus system, however, racial discrimination was reflected in policy. For many years, bus lines to predominantly white suburbs, from Pasadena to the San Gabriel Valley to the San Fernando Valley, had better service, more direct express routes, and newer buses. For many years, the fight of LA's low-income communities of color for equal protection of the law and equal access to public services took place within the RTD, since it was the agency that handled the vast majority of LA's public transit, the bus system. While the issues of

transit equity in Los Angeles reach back for decades and have taken a variety of forms, the fight against transit racism has centered on the "bus versus rail" struggle.

A half-cent sales tax created by Proposition A in 1980 provided a temporary boost to the bus system, with $340 million per year being allocated in transit funds. Proposition A allocated 35 percent for rail construction and operations, 40 percent for discretionary transit money for bus or rail, and 25 percent for transit flows to cities (essentially funds to individual cities to help create a mandate for the passage of the Proposition). For the first years after Proposition A passed, 20 percent of its funds were allocated to reduce bus fares from 85 cents to 50 cents. The fare decrease generated dramatically increased bus ridership. The increase reinforced our understanding that in a city of very low-income people—the vast majority of whom are people of color and 57 percent of whom are women—overall bus ridership is highly dependent on fare structure.

Annual ridership rose from a low in 1982 of 354 million unlinked, one-way trips a year, just before the fare subsidy was implemented, to a peak of 497 million in 1985—the last year of the subsidy. After 1985, the funds previously dedicated to bus fare subsidies were used for rail construction, while additional discretionary funds (which were abundantly available) were never sought to maintain the 50-cent fare. Instead, the fare was returned to 85 cents and then further increased to $1.10. Naturally, service cuts followed the fare increases. Bus ridership plummeted more than 20 percent to below 376 million rides per year.

In 1990 Proposition C passed, authorizing a half-cent sales tax to expand public transportation in Los Angeles County. Proposition C mandated 40 percent as discretionary funds for transit, ridesharing, and bicycle programs, 25 percent for streets and highways (primarily for High-Occupancy Vehicle lanes), 20 percent for local governments, 10 percent for commuter rail or high-speed buses on freeways, and 5 percent for transit security.

Proposition A and Proposition C both attempted to create clear guidelines for the dispersal of funds between bus and rail. However, a great deal of the transportation funds were not actually locked in, and there was enormous spending flexibility. Discretionary spending for Los Angeles public transportation has meant spending the vast majority of funds on rail projects while consistently defunding the bus system and claiming business hardship. Public transit in Los Angeles represents a classic case of transportation racism and reflects

how government rewards primarily white and affluent constituencies, and punishes primarily low-income constituencies of color.

Public transportation riders in Los Angeles are profoundly poor, with over 60 percent of them residing in households with total incomes under $15,000. The plaintiffs recognized that the dramatic increase in the cost of public transportation would have a disproportionate and irreparable impact on the county's transit-dependent communities. Any increase in transit costs would result in a severe burden evidenced by substantially decreased income and mobility for the vast majority of Los Angeles County's 400,000 daily bus riders.

The Fight for Transportation Equity Begins

In 1991, the Labor/Community Strategy Center began a transportation equity project which would later become the Bus Riders Union. This group focused its membership work on the needs of working people, low-income people, and bus riders, the vast majority of whom were Latino, black, Asian, and Pacific Islander, as well as working-class white. The organizing was motivated by a philosophy of environmental justice, the primacy of the needs of the working class, and a challenge to the corporate domination of society—especially in what should be a public arena. In our view, there is a causal relationship between mobility and a potential escape from poverty.

After a year of intense study, the group sharpened its vision of mass transportation and focused on a "Billions for Buses" campaign. The campaign, led by Bus Riders Union members and organizers, advocated for a first-class, clean-fuel, bus-centered public transportation system in Los Angeles. Almost as soon as the campaign began, the battle over "discretionary funding" and issues of racial discrimination took center stage. In the fall of 1992, the RTD was experiencing a budget shortfall of $59 million. Arguing they had done all they could do to save money, the RTD asked the LACTC to allocate $59 million from Proposition C discretionary funds to cover the shortfall. Since Proposition C funds came from the sales taxes of all Los Angeles residents (and there were nearly half a million riders on the bus system and less than 65,000 riders on rail projects), the LCSC agreed that covering the shortfall was a fair allocation of Proposition C funds. In fact, the LCSC argued that defunding the RTD, thus creating a "budget shortfall," was an illegal use of public funds to benefit a small rail ridership and to punish bus riders.

The LCSC raised the issue of taking public funds specifically paid for by all Angelenos and using them to fund the suburbs and

defund the inner city. Through LCSC's intervention, the vast majority of the shortfall was restored without the threatened alternatives of fare increases and service cuts—but the LACTC, rather than use discretionary funds from possible rail projects, instead took some funds from future RTD bus purchases. Even though there was no fare increase at that time, the structure of the argument was framed—the LACTC wanted to use discretionary funds solely for rail projects, thereby creating shortfalls in bus funding that could be solved through fare increases and service cuts.

Partially as a result of this continued conflict between the LACTC and the RTD, in 1992, the California State Assembly established a new mega-agency, the Los Angeles County Metropolitan Transportation Authority (MTA). Unfortunately, the unresolved equity issues between the LACTC and RTD merely changed hands. The battle for transportation equity moved full force to the MTA.

Fare Hikes, Bus Passes, and Service Cuts

In August 1993, as the MTA approved a $3.7 billion budget, it allocated $97 million for a Pasadena Blue Line Rail extension, a project that was still on the drawing board. MTA's decision to allocate funding for the first leg of a rail project with an overall projected budget of $871 million—a decision that did not take into account the purchasing of rail cars or cost overruns, and that did not include a plan for how to complete the project in the following years—followed a familiar pattern. It was predicted that the rail line would siphon funds for bus service.

In December 1993, State Assemblyman Richard Katz, chairman of the Assembly Transportation Committee, whose bill had brought the MTA into existence through state law, criticized the MTA for again sacrificing the needs of inner-city bus riders. Before the fare increases and service cuts, there was repeated criticism of the MTA, this time by the very state legislator who authored the bill that created it. Public criticism was leveled at the MTA for the deterioration of bus service; the diversion of sales tax revenue from bus to rail; fiscal mismanagement; abdicating the attempt to provide equality and equity in the mass transit system; and the acknowledgement by the MTA board's CEO that the politics of the board were responsible for the diversion of funds away from underrepresented inner-city communities.

In April 1994, the MTA held a federally-mandated public hearing on its proposed fare increases and service cuts. What followed was

an unprecedented outpouring of public concern from a wide variety of organizations representing many constituencies for whom the proposed fare increases would cause irreparable harm.

Elderly groups testified that they felt imprisoned in their homes because the MTA buses were so slow and the connections and transfers so difficult. Low-income workers explained that the existing bus schedules were so unreliable that they had to leave for work hours before they had to clock-in, for fear of being late and losing their jobs. Representatives of low-income workers testified that for workers making $10,000 to $15,000 annually, even the $42 monthly bus pass was a lot of money and that any increase in the bus pass, or its elimination, would cause significant hardship. Urging the MTA to increase bus service, a number of groups representing the blind talked about the difficulties and dangers of standing on street corners waiting for buses for almost an hour.

Many night-shift workers, such as janitors and service-sector workers, talked about waiting an hour for a bus and then having to travel as much as two hours to locations outside the inner city to find better paying work. Families talked about the expenses of buying bus passes for two children (students) and two adults on one income of less than $15,000, and urged the MTA to find alternatives other than raising fares and decreasing service.

Many MTA board members did not attend the hearing; those that did stayed for only an hour or two and talked to each other during most of the testimonies. When many of the 800 people present asked the MTA board members to respond to their concerns, they were told that since it was a "public hearing" the board was there to listen, not to respond.

On July 14, 1994, the MTA board voted to raise the bus fare from $1.10 to $1.35, a 23 percent hike; eliminate the $42 pass altogether; and reduce bus service on several lines. The board argued that the fare increases and service cuts would save the MTA $32 million per year out of a total budget of $2.9 billion.

Los Angeles Times reporter Bill Boyarsky, who attended the meeting, wrote a scathing critique of the MTA board:

> The MTA's actions hurt the poor in ways that have long-term effects. You could see this at Wednesday's hearing. Some of the speakers said they used adult student passes to attend night school to learn English, and the increase would make the trip to class more expensive. "We want to have a better life," one of them said. "We want to speak with the teachers and help [our children] with their homework."[4]

The following week, the MTA approved a $2.9 billion 1994–1995 budget that included an expenditure of $123 million for the Pasadena Blue Line light rail system. The $123 million expenditure for the light rail nearly matched the MTA's stated $126 million operating bus system deficit. The MTA proceeded to spend money for rail projects while imposing fare increases upon its own ridership. Clearly, the MTA was carrying out discriminatory policies with full awareness of their consequences. The two-tiered, separate but unequal policies of the MTA used its $2.9 billion annual budget to undermine the functioning of the mass transit system, and to subject a low-income ridership to undue hardship.

A public discussion around the MTA's plans eventually led the LCSC to file for a temporary restraining order against the MTA's actions. The discussion centered on riders expressing their daily displeasure with traveling on a deteriorating, inner-city bus system that was considered a stepchild of the MTA. To add insult to injury, the fact that separate, unequal, and second-class service was being provided to an inner-city bus ridership comprised overwhelmingly of people of color was openly acknowledged by the then–MTA CEO, a US congressman, and the local media. Furthermore, the aggressive efforts of the LCSC to place a moratorium on funding, pending a full accounting—warning the MTA that its expenditures on rail would cause future fare increases and service cuts for buses—was ignored. Despite the LCSC's warning and the *Los Angeles Business Journal's* reporting, the MTA pushed ahead with funding for rail projects and refused to even discuss the motion LCSC presented.

In the first legal victory for LA's bus riders, Federal District Judge Terry Hatter issued a six-month temporary restraining order that stopped the MTA from increasing bus fares. Judge Hatter also imposed a "compromise" pretrial fare settlement—he raised the monthly bus pass to $60 a month, and kept the one-way bus fare at $1.10. This was in fact a setback for the most transit-dependent, who utilized the unlimited-use bus pass for as many as one hundred rides a month. In the first of many negotiations between the BRU and MTA, we got the MTA to drop the bus pass back to $49, and in return we agreed to allow them to raise the one-way bus fare to $1.35, which they wanted more. This negotiation was done with the full consultation and support of one hundred of the most active bus riders, who felt the reduction in the monthly bus pass price was essential, whereas the one-way fare was restricted to those who used the bus less frequently. During the negotiations we began to function as a "class representative," a bargaining agent for an entire class of

bus riders, and with the assumption of this role, we took on enormous responsibility to be both representative and effective.

The Grassroots Community Challenges the MTA

It was evident that MTA policies substantially discriminated against bus riders who, overwhelmingly, are low-income members of communities of color—black, Latino, Asian, and Pacific Islander. Los Angeles County is a multiracial political jurisdiction of 9.5 million residents, of whom 68.9 percent are people of color. The vast majority of LA County's low-income residents of color live in inner-city communities.

In September 1994, the LCSC and Bus Riders Union initiated a class-action civil rights suit on behalf of LA's 400,000 poor bus riders of color. Represented by the NAACP Legal Defense and Educational Fund, the LCSC and BRU were joined by the Korean Immigrant Workers' Advocates and the Southern Christian Leadership Conference as co-plaintiffs. Together, the groups challenged the proposed imposition of the new MTA policies. The MTA was planning to increase the one-way cash fare for a bus ride from $1.10 to $1.35; eliminate the existing $49 unlimited-use monthly bus pass, requiring passengers to purchase separate tickets for each ride; and set up a zone system on the Blue Line rail system that would raise the fares more than 100 percent for over 50 percent of the passengers.

Elements of the Consent Decree

In October, 1996, the class action lawsuit against the MTA, *Labor/Community Strategy Center, Bus Riders Union, et al. v. Los Angeles County MTA*, was settled through a consent decree, a pretrial settlement strongly pushed by the federal judge whose provisions fell under the jurisdiction of the federal court for its entire ten-year duration.[5] A consent decree is a mechanism used often in class action lawsuits in which a government agency or corporation agrees to wide-ranging remedies to repair a past injustice. Often, the benefit for the discriminatory party, in this case the MTA, is to avoid having a finding of racial discrimination entered against them.[5] The ten-year, multibillion dollar consent decree settlement improved mass transportation for all bus riders, and set a public policy precedent for grassroots organizers in every city in the US. Specific elements of the settlement include the following.

The monthly, general unlimited-use bus pass was reduced from $49 to $42. This reduction set the precedent that bus pass prices can go down as well as up, and that needs-based rather than market-based pricing of public services paid for with public funds must drive transportation fare policy. In a nation where a minimum wage of $5.25 an hour requires a public policy debate, and many workers in Los Angeles are forced to work in sweatshops for even less, reducing the price and protecting the unlimited-use bus pass is a major achievement of this agreement. It cannot be stressed enough that, before the LCSC and BRU went to court in September 1994, the MTA had just voted to eliminate the general bus pass altogether.

The LCSC and BRU argued that one obstacle to greater mass transit use was the prohibitive price of the bus pass and the burden on families of accumulating $49, or even $42, on the first of the month, the same time the rent was due. Under the past system, a person who could not afford the $49 monthly pass had to pay $53 a month for a pass, in two $26.50 biweekly installments. The biweekly general bus pass was reduced from $26.50 to $21. The settlement clearly established the precedent that to encourage public transportation use, the government, not the consumer, must absorb the costs of "administrative fees" that otherwise would make purchasing two biweekly passes more expensive than a monthly pass.

A new, unlimited-use, $11 weekly pass was instituted. In urban centers throughout the United States, when a growing percentage of working people labor at minimum wage, even a $21 biweekly pass creates obstacles to public transportation use. Painfully, the result is not that people do not use public transportation, but in their desperation to get to work, the poor get poorer, paying for each fare at $1.35 plus a 25-cent transfer because they can't accumulate $42 and $21 at any given time. Finally, when low-income people have completely run out of money, they just do not go places. As such, their lives are reduced to "home to work," and they are denied the right to go to church, to visit family or friends, to attend cultural and educational programs, or even to look for better jobs.

The $11 weekly pass was a major tangible breakthrough in public transportation policy that will cause shock waves in San Francisco, New Orleans, Chicago, and New York if groups there are capable of building on this victory. The $11 weekly pass will get a growing number of low-wage workers who drive gas-guzzling cars with no insurance out of their cars and back on public transportation. Moreover, this establishes the principle that governmental policy, which too often subsidizes the rich and penalizes the poor, must approach the important environmental goal of reducing auto and fossil-fuel use. This could be achieved by providing incentives for

voluntary reduction in auto use by prioritizing services to those who most need them.

This is an important victory for the LCSC's work, because the organization has vehemently opposed "pricing" theories advocated by many mainstream environmental groups to discourage auto use. The LCSC has argued that efforts to "stop the externalization of costs" of the auto by charging more for gasoline or "congestion pricing" on highways will not deter those who are wealthy or even comfortable. In the absence of a first-class public transportation system, the affluent will simply pay the tariff to continue to use their cars, while those who are transit-dependent will pay more for inadequate public transportation.

Thus, a principal objective of the LCSC's work is to use coordinated, grassroots organizing by groups like the BRU to require the government to offer low-income people incentives to use public transportation. In a small but significant way, the achievement of this goal increases public support for the public sector.

With regard to reducing overcrowding, the LCSC and BRU wanted the MTA to simply agree to purchase 1,000 or more new buses over five years to reduce overcrowding and accommodate rider demand. In the settlement process the MTA resisted this proposal and as a result, a compromise was reached. The MTA agreed to purchase 102 buses over the next two years to decrease overcrowding and increase service on the most congested lines. It also agreed to reduce standees from a present level of 20 or more on a bus with 43 seats, to an average of 8 standees during peak hours by 2002. In 1997, 2000, and 2002 there were substantial, verifiable goals which when not met, involved "reallocation" (the MTA's dreaded word) of funds *from "other sources" (meaning rail) to buses to increase bus service* and reduce overcrowding. So far, after years of legal wrangling, the MTA has been forced through grassroots pressure and court orders to expand its fleet by 350 buses.

Expanded bus service to new areas was another major victory. The BRU and LCSC were able to convince the court-appointed mediator that Los Angeles did not want a "ghetto and barrio bus improvement plan," but rather a comprehensive regional transportation plan for all races and classes. Service was needed both within and outside of East LA, Koreatown, Pico Union, South Central, Disneyland, the San Gabriel and San Fernando Valleys, and Orange County. The MTA did not just want suburban riders taking express buses and trains into the central business district (where only 8 percent of the jobs are presently located), but instead a bus-centered, multimodal system that could

create new bus transportation to employment, cultural, recreational, medical, and family centers throughout Los Angeles County and beyond.

The consent decree created a framework for the development and implementation of a new five-year service plan. In the first victory for the new service component of the consent decree, the MTA agreed to a pilot project in which it would purchase fifty new buses which would run from inner-city areas to medical, job, and recreational centers. Based on the provisions in the consent decree, the Bus Riders Union developed a plan to put into service 500 new expansion buses to meet transit needs across the county.

MTA Appeal and Delay Tactics

The MTA has resisted the consent decree nearly every step of the way. It has appealed rulings based on the consent decree five times since 1996. MTA's appeal and delay tactics have failed to wear down the Bus Riders Union or to break its resolve. In its resistance to expanding its bus fleet, the agency has spent more than a $1 million in legal fees. *The court-appointed mediator Special Master Donald Bliss,* Federal Judge Terry Hatter, and the Ninth Circuit en banc have all ruled against the MTA and in favor of the Bus Riders Union. Additionally, the United States Supreme Court rejected MTA's final appeal.

The MTA has been slow to implement the consent decree provision related to overcrowding. In March 1999, Special Master Donald Bliss found that the MTA failed to comply with the consent decree's requirements to reduce the number of passengers forced to stand in buses during peak periods of service. He ordered the MTA to buy 532 new compressed-natural-gas buses and to hire additional drivers and mechanics to relieve the chronic overcrowding plaguing the nation's second largest bus system. Bliss also ordered the MTA to correct a host of problems that afflict its bus service, including inoperable buses, a lack of drivers, breakdowns, missed trips, poor adherence to schedules, and insufficient capacity.[6]

Bliss wanted the dispute between the MTA and the BRU to be resolved. He ordered the MTA to provide additional staff, conduct point checks twice monthly on the twenty most heavily used bus lines, and provide detailed quarterly reports including overcrowding data. Overall, the Bus Riders Union saw this as a major win. The agency's failure to meet the consent decree's first overcrowding reduction by the end of 1997 was a clear signal that the MTA needed to be ordered to comply as soon as possible.

That initial deadline called for having an average of no more than fifteen passengers standing for any twenty-minute period during rush hours. The next deadline was June 2000, by which time there should have been no more than an average of eleven passengers standing. The ultimate goal was that an average of no more than eight passengers would be without a seat by 2002.

In January 2002, the MTA board voted eight-to-four, with one abstention, to pursue a final appeal to the US Supreme Court.[7] The MTA appeals were an attempt to take the heart and soul out of the consent decree and leave an empty shell. Los Angeles Mayor James K. Hahn, who now serves on the MTA board, voted against continuing the appeal and harshly criticized the MTA's actions. Hahn stated, "I am disappointed we are continuing to have this battle in court." Hahn also argued that the MTA should stop its appeals and concentrate on "working to provide better bus and better transit service to the people of Southern California."[8] In March 2002, the US Supreme Court handed the MTA another crushing defeat by refusing to hear their case, resulting in further legal proceedings in the lower courts to determine the number of additional buses needed to reduce overcrowding.

It is important to note that several of the Bus Riders Union's court victories came after the unpopular April 24, 2001, US Supreme Court *Alexander v. Sandoval* decision that limited the use of arguments based on disparate impact in Title VI lawsuits. Essentially, *Sandoval* established that only discriminatory *intent*, and not *impact*, can be challenged under Title VI of the 1964 Civil Right's Act. It is much more difficult to prove that an agency intended to discriminate, than that its actions had the effect of discriminating. The *Sandoval* decision is another of the flagrant examples of the Scalia-majority rewriting of the civil rights laws by fiat, as the stinging dissent by Justice Brennan pointed out.

Under Title VI of the 1964 Civil Rights Act, "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program" of local or state governments. The act allowed the federal government (through the Justice Department and the then Department of Health, Education, and Welfare) to bring antidiscrimination suits against the government based on complaints from "private parties," that is, individuals or groups who felt they had been discriminated against. But the law also allowed those private parties, represented by civil rights groups such as the NAACP Legal Defense and Educational Fund, or individual attorneys, to file suit on their own—such as that brought

in 1994 by the Labor/Community Strategy Center, Bus Riders Union, Korean Immigrant Workers Advocates, and the Southern Christian Leadership Conference.

In the *Sandoval* case, a Latina woman who had been denied her drivers license in Alabama because the drivers test was in "English only" filed a suit arguing that the denial of her language rights constituted a violation of Title VI. Her appeal was upheld by the Eleventh Circuit Court of Appeals, ruling that the State of Alabama had to administer the tests in Spanish. The state appealed, not on the merits of the case, but rather, on a far broader claim that Ms. Sandoval did not have the right to bring her case in the first place. Title VI, the state argued, only empowered the federal government to bring the case, and had never intended to allow individuals such as Sandoval to seek redress against the government.

In a classic five-to-four decision, the Scalia/Thomas/Rehnquist majority overturned thirty-six years of legal precedent, and argued that the 1964 act had never authorized groups to bring suits. Then, in a complex maneuver, the majority argued that individuals, or aggrieved groups, could still bring suits independent of the federal government, if they could prove *intentional* discrimination, not simply "disparate impact" by which the actual effect of a government action is racist and discriminatory. Leaving aside a broader discussion of the outrage of this decision, the failure of the civil rights establishment to fight it, the silence of the Democrats, and the implications for future antiracist work, even in light of the *Sandoval* decision, the LCSC was able to withstand an MTA effort to overturn our entire consent decree for several legal reasons. First, while we were of course a private party, we had brought our case against the MTA based on both intentional and disparate impact discrimination. Secondly, given that the MTA signed a legal contract in order to get out of a finding of liability and to avoid a trial, the consent decree was governed by both civil rights and contract law, that is, the MTA could not get out of a signed agreement by quoting *Sandoval* ex post facto.

The Bus Riders Union was able to withstand the legal onslaught of the MTA, a $3 billion transit agency that has over 8,000 employees. The Los Angeles case provides a clear-cut example of government foot-dragging, delay tactics, and outright resistance to complying with civil rights laws—even when it has been ordered to do so by the courts. It also shows the lengths to which one of the nation's largest transit agencies will go to avoid providing first-class transit services to its own ridership—largely poor and working-class people from communities of color.

Conclusion

The Bus Riders Union, whose membership is primarily black, Latino, Asian, and Pacific Islander with significant participation of antiracist whites, and most of whom are bus riders who live throughout Los Angeles, challenged the racism within the MTA and won. While BRU's members come from all walks of life, they are all supporters of mass transit. The legal fight against the MTA dealt with blatant separate and unequal transit racism. The BRU's legal tactic was driven by its organizing strategy. The legal strategy was the tool the BRU needed to force the MTA to deliver quality transit services to the poor and people of color. It forced the MTA to sit down with the BRU and negotiate. What emerged was a consent decree that ordered the MTA to stop discriminating against its bus riders and to correct the bus–rail service disparities it knowingly created.

Outside of the legal fight, the BRU has continued to organize bus riders and hold actions across the city. Throughout its campaign, the BRU has been clear that its goal is to build an independent base of organized working-class, predominately people of color around racial justice and improved public transportation. BRU members were integral in shaping the Title VI lawsuit against the MTA and have been consistently engaged in the negotiations around the case. Their work has demonstrated how an organization can combine direct action with litigation to apply pressure for change.

The BRU members and organizers are in the struggle for the long haul as long distance runners, not sprinters. As the Labor/Community Strategy Center and Bus Riders Union have evolved from embryonic to substantial forces in Los Angeles County, a new arena of the struggle is now being confronted—a transitional stage characterized by attempts at co-optation and tokenism by the MTA, which too many groups confuse with social change. The Labor/Community Strategy Center and the Bus Riders Union are using this transitional stage, which offers the advantage of far greater access to and dialogue with top MTA staff and key elected officials, as a means of applying more direct organizing pressure and sharpening of the groups' programmatic demands.

notes

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