



**CALIFORNIA
TRANSIT
ASSOCIATION**

1415 L Street, Suite 200 • Sacramento, CA 95814
Phone (916) 446-4656 • FAX (916) 446-4318
E-Mail: info@caltransit.org
www.caltransit.org

FOR IMMEDIATE RELEASE

February 14, 2008

CONTACT: Joshua Shaw,
Executive Director
(916) 893-9299

Lawmakers pull end-run around court decision ***Transit advocates incensed over scheme to sustain raid on PTA funds***

SACRAMENTO — Less than two weeks after a Superior Court judge ruled that a \$409 million diversion of public transit funding in the current state budget was illegal, the Senate Budget Committee last night re-instated the cuts by re-configuring the law on which the judge's decision was based. Public transit advocates blasted the move as a deliberate end-run around the court's decision.

“We argued that the cuts were illegal, and, on that portion, the judge agreed with us,” said Joshua Shaw, Executive Director of the California Transit Association and primary plaintiff in the suit. “So, rather than work with us to implement the judge's decision, it looks like the Governor and the Legislature have instead decided to thumb their noses at the court.”

The Senate Budget Committee action was echoed today by the Assembly Budget Committee as part of the Extraordinary Session process of addressing mid-year reductions in the state spending plan. The matter is expected to be taken up by both houses of the legislature during special floor sessions on Friday.

Superior Court Judge Jack Sapunor ruled in his Jan. 31 decision that the 2007-08 budget violated the law by diverting \$409 million from the Public Transportation Account (PTA) to reimburse the General Fund for past debt service payments on Proposition 108 bonds. The ruling declared that the shift “does not serve any transportation planning or mass transportation purpose.”

At the same time, however, Sapunor permitted an additional \$779 million transfer from the PTA to cover home-to-school busing and other programs that public transit advocates argued did not meet the definition of “mass transportation” as expressed in Proposition 116, which voters approved with the intent of establishing the PTA as a trust fund to provide traditional public transportation service.

-- MORE --

Lawmakers pull an end-run around court decision

2-2-2-2-2

Advocates warned at the time that this aspect of the ruling created a blueprint for future raids on the PTA based on creative application of the “mass transportation” standard. Those warnings came to fruition in the Senate’s action last night, which involved deleting the original \$409 million diversion and creating a new shift to capitalize on the court’s allowances.

“This action simply deletes the law on which the judge’s decision was based and creates a new section to justify the continued theft of public transit funding,” said Shaw. “It’s a cynical move that is in blatant disregard for the court’s intentions.”

The Transit Association’s Executive Committee is already scheduled to meet to discuss options for future action, including the possibility of appealing the court decision in hopes of recouping the full \$1.259 billion siphoned from the PTA in the current budget. Those discussions will now also include the possibility of launching a ballot initiative that would further solidify the intent of past initiatives to provide a secure source of public transit funding.

“We recognize what the governor and the legislature are up against in dealing with this budget situation, and we support any efforts to enact meaningful structural reform – to raise revenues and to cut costs.” Shaw said. “But this continued pattern of taking money that voters have repeatedly decreed must be spent on transit and using it to paper over the holes in the General Fund has got to stop.”

###