

# An Open Letter to Mayor Antonio Villaraigosa from the Bus Riders Union

*This letter was originally sent to Mayor Villaraigosa on July 7, 2006. Three months have passed without a response. Thus we are now making it an open letter.*

**October 3, 2006**

**Dear Mayor Villaraigosa,**

We are writing to you on behalf of the Labor/Community Strategy Center and Bus Riders Union to inform you, in advance, of our “Mr. Mayor, We Respectfully Disagree” Campaign. For the past year, the Planning Committee of the Bus Riders Union has been trying to meet with you through a process you set up with your aide, Jaime de la Vega. Many of our members have been asking us to move forward with this campaign for more than 6 months, based on disagreements with some of your views as early as your mayoral campaign. But the BRU Planning Committee felt very strongly it was important to meet with you in order to establish any common objectives and also to reach a level of trust with you about our disagreements, and try to find some way to bridge some of them. As such, we have held back as long as we can, but must move forward in the best interests of the public and our membership. We continue to seek a dialogue with you, preferably in person, but also in public forums, as our campaign finally goes public months after we informed your staff that it would.

We feel it is important to outline what has gotten us to this point. We had two meetings with Jaime de la Vega in the fall of 2005, one specifically to set the issues for our meeting with you. Subsequently, early this year, your assistant, Angelica Gutierrez, contacted us and said the meeting was a high priority and we would have an answer, and a date, within two weeks. Then another overture from Jaime also indicated the meeting with us was a high priority. During this long period, it also included our cordial face-to-face meeting at the William C. Velazquez Institute Environmental Summit, in which Antonio Gonzales felt it was important that we find ways to work together. Eric Mann made many overtures to you at that meeting, and it seemed you made similar ones to him, and us, telling the audience how much the Bus Riders Union has done for the people, and how you wanted to be evaluated as a Latino mayor who fought for the poor and the dispossessed, not solely as L.A.’s first Latino mayor. Yet, after these overtures and promises for a meeting, we have never heard back from your office.

As you know, Manuel Criollo, our lead organizer for the Bus Riders Union, Francisca Porchas, lead organizer of our Clean Air Campaign, and Damon Azali, lead organizer of our Community Rights Campaign, have addressed you directly on many issues in a variety of public forums. At MTA Board meetings in particular you have been very respectful of our right to speak and have arranged fair opportunities for us to address the Board with sufficient time to make a coherent presentation. Yet, you have rarely responded to our programmatic proposals on Consent Decree obligations, expansion of bus service for the transit dependent, Bus-Only Lanes, and our call for capping—rather than expanding—the number of police on the street.

There is tremendous pressure on elected officials, from campaign contributors to powerful lobbyists, and we need to have a dialogue between progressive elected officials and progressive political groups on the ground—and if necessary, pressure from the Left, given how much pressure there is from the Right.

We feel badly if we made any errors in working with you during our strong disagreement over the building of the Pasadena Blue (now Gold) Line. Yet, we continue to believe that was a raid of MTA funds to build an unnecessary and expensive project. (Even worse, after setting up an “independent” Construction Authority, it was then given back to the MTA to operate—in a way that directly required the raiding of bus-eligible operating funds. Even MTA CEO Julian Burke told us he opposed the project, but could not stop the political momentum on the MTA Board and in the State Legislature when you were Speaker.)

Despite the cordiality, which has characterized our relationship in recent years, which we appreciate, it seems that you do not want to meet with us, or more importantly, engage substantively our key programmatic priorities, which are:

- 1) Increase the MTA bus fleet to 3,000 and protect bus operating funds, beginning with the implementation of key outstanding Consent Decree requirements

- 2) Guarantee no service cuts and no fare increases
- 3) Seriously address our Motion for Civil Contempt Sanctions
- 4) Support our Motion to Extend the Consent Decree Until Compliance is Achieved
- 5) Support and expand the Bus-Only Lane project
- 6) Stop the Red Line to the Sea
- 7) Stop the expansion of the LAPD, and, instead, cap the police force at its present level.

Given that you have so far chosen to not really engage our arguments, we are initiating a major citywide campaign: Mr. Mayor We Respectfully Disagree—1,000 More Buses, 1,000 Less Police. The broad objective of this campaign is to expand the social welfare obligations of government and to reduce the power of the growing police state.

## Improving the Bus System

When you were a key leader of the RTD Board, you paid great attention to the bus system—and helped the Strategy Center understand how the rail system was raiding funds from the bus system, and therefore from low-income working class people. We know you can, if you want to, pay great attention to the bus system. Yet, from our perspective, you have not seemed interested in any of the specifics of what is still an underfunded, and, as you once said, a “second-class bus system.” You cannot possibly believe that digging a tunnel from Western Avenue to Fairfax Avenue at a cost of about \$1 billion is more important to the half a million MTA riders, most of whom are Black, Latino, Asian, and working class, than, for example, expanding the countywide MTA fleet to 3,000 buses for the same amount of money. Franklin White, the former CEO of the MTA, apologized publicly to the BRU as he was about to be fired, by saying that the MTA Board was made up of people who only cared about getting a rail project in their district, not about the public transit needs of their majority “minority” customers—calling the MTA Board “a money train.” We expected you to stop the money train, not to expand it.

When you were on the RTD Board, you were the first person the Strategy Center went to, to advise us about the building of the Bus Riders Union. Since, as you know, the LACTC at the time was already raiding bus funds, you were very courageous in speaking out against the use of bus eligible funds for the Pasadena Blue (Gold) Line. You argued that rail was raiding the bus system, how bus was far more efficient than the rail proponents wanted to acknowledge, and how the bus system was the “workhorse” of the entire transit system. To your great credit, you testified to that effect in our landmark

civil rights suit against the MTA—Labor/Community Strategy Center and BRU, et al. vs. Los Angeles MTA. Because of that lawsuit, the MTA pledged to make the bus system “the priority” to compensate for past discrimination. As you also know, despite significant progress in the bus system, today with a mostly clean fuel and much younger active bus fleet of nearly 2,500 buses, the bus system is still not MTA’s priority, and bus riders still do not receive an equal subsidy per ride as that of rail passengers—a violation of the 14th Amendment’s equal protection clause and Title VI of the 1964 Civil Rights Act.

Today, fuel-efficient CNG buses must be the centerpiece of a regional transit system. Yet, we feel the Pasadena Gold Line, the not-yet-constructed Expo Light rail, and your proposed “Red Line to the Sea” create the danger of massive deficits in the already-inadequate funding levels of the bus system. In turn, this leads to proposed and threatened (and often carried out) fare increases and bus service cuts that you know are not at all justified, and which in essence force bus riders to subsidize rail expansion. *At a time of massive expenditures on rail, the threat from MTA CEO Roger Snoble that a fare increase is “inevitable” in the next year is intellectually dishonest and continues a pattern of racial discrimination.*

## Protect and Implement the Consent Decree

Unfortunately, Mr. Mayor, the same patterns of racial discrimination that led to the BRU court case more than 10 years ago, while significantly reduced, are still operative today—and we cannot believe that you would ever advocate that Latino, Black and Asian/Pacific Islander, elderly, and Jewish working class bus riders should receive less than full equality.

Right now, there are two motions in front of the federal courts—filed by the BRU in conjunction with the NAACP Legal Defense and Educational Fund—aimed at compelling MTA to comply with the terms of the Consent Decree it voluntarily signed. The first is a Motion for Civil Contempt Sanctions, which is based on MTA’s failure to implement specific court-ordered bus overcrowding remedies—namely the 145 peak buses and 310,000 annual peak in-service hours you are familiar with. The second is our Motion to Extend the Consent Decree Until Compliance is Achieved, which is based on both MTA’s ongoing non-compliance with the Load Factor standards (82 of 92 lines are in violation of the 1.20 load factor ceiling in 1st Quarter 2006) and on MTA’s ongoing obligations to meet specific Rapid Bus service standards through 2010 (per the Special Master’s November 2005 Final Order on the 5-Year New Service Plan).

We would have assumed that you would have wanted to meet with us, to go over point by point why we think the MTA

should be held in civil contempt and in violation of our civil rights, and why we feel an extension of the Consent Decree is necessary in order to achieve its original purpose. And yet you have publicly stated that you oppose an extension, and have not engaged us in order to even hear our side of the story.

The past MTA practice has expressed itself as, “Sue us, we appeal. There are never any grounds to the BRU charges. If we lose it’s because the Special Master or Judge Hatter doesn’t know a damn thing about transit, and let’s appeal to the 9th Circuit and the Supreme Court.” We expected, and still expect, a lot more from you and, yet, so far, your silence is perpetuating the same policies. *Rather than showing the political will to enforce even the minimum remedies ordered by the courts, and rather than seeking to work with us to realize the purpose of the Consent Decree to prioritize the bus system and the people who depend on it, you have allowed the MTA staff to make court submissions designed only to escape the requirements of this historic civil rights agreement.*

## **We urge you to break with this trend, and to move to:**

**A. Direct MTA staff to allocate all 145 expansion buses** to bus lines in violation of the Consent Decree Load Factor standard (MTA still owes about 90 peak buses to overcrowded lines) and to allocate a full 310,000 annual in-service hours to peak period bus service to relieve peak period overcrowding (MTA still owes nearly 150,000 annual peak hours of bus service);

**B. Direct MTA staff to allocate sufficient resources** to implement the Rapid Bus Service Standards ordered by the Special Master:

- 10-minute peak and 20-minute off-peak headways, or in cases where MTA’s own plan included faster frequencies, these are the court-adopted standard (as of the June 25th service shakeup, MTA had not met this standard on any of the 15 Rapid Bus lines)
- Weekday span of service from 5 a.m. to 9 p.m. (as of the June 25th service shakeup, MTA had not met this standard on any of the 15 Rapid Bus lines).

## **Environmental Health: Bus-Only Lanes are Key**

One of the single most important reform demands in L.A. to improve the environment is to institute a Bus-Only Lane along the Wilshire corridor and virtually every corridor where Rapid Bus is operating. We must go beyond a superficial environmentalism to take seriously the profound dangers of greenhouse gases and auto emissions, and to prioritize bus

service. (As you know, rail does not get the affluent out of their cars, there must be governmental limitation of auto use in L.A., and we must look to cities such as Bogotá, Colombia and Seoul, South Korea who have instituted them.)

On paper, the MTA, the BRU, the L.A. City Council, and you, are all in agreement about the importance of Bus-Only Lanes. However, Councilmember Rosendahl, in threatening to eliminate the Bus-Only Lane in his district, is not wrong in saying he has gotten no support from your office or the City Council to expand the program outside of his district. Again, it seems that the raiding of Bus-Only Lane funds (which we believe can be initiated with very little capital expenditure) by the Expo Light Rail is the culprit. We worry about why you will not challenge auto riders. We think if you actually implemented the Bus-Only Lane to the Sea, you would recognize there is no need for a massive, multi-billion dollar “subway to the sea.” At least, shouldn’t you give the bus system the chance to succeed? *We think the creation of an express bus corridor from Downtown L.A. to Santa Monica could be carried out as soon as possible for less than one-tenth of the cost of the proposed Red Line subway extension from Western Avenue to Fairfax Avenue, let alone the billions to build it all the way to Santa Monica.*

In the meantime, the refusal to implement the Bus-Only Lanes project is continuing massive auto emissions of air toxins and greenhouse gases—a continuing environmental and public health crisis. You have said many times that you are “committed to making Los Angeles the cleanest and greenest big city in America.” Shouldn’t restricting auto use and implementing Bus-Only Lanes be a key step in reaching that goal? Shouldn’t we be allies in this fight? We urge you to work with us to implement Bus-Only Lanes on the Wilshire corridor, and all other 26 current and future Rapid Bus corridors.

## **1,000 more buses, 1,000 less police**

Mr. Mayor, we are also especially concerned that while you are in danger of cutting your commitment to social programs, such as these necessary transportation programs for the poor, you are actually advocating the expansion of police forces.

You know, as well as we do, the terrible statistics about the rise of the police state and the racially discriminatory impacts (and in our view, *intent*) since the Reagan years. In 1980, when Ronald Reagan came to power, there were 320,000 people in prison in the United States. Less than 30 years later, due to the war on drugs, closing down mental health facilities, killing affirmative action and social programs and hope in the inner city, particularly among the youth, the United States now has 2.2 million of the world’s 9 million prisoners. As you know, close to 1 million of those prisoners are Black, more

than 500,000 are Latino, and virtually all of them are poor—an intersection of class and race—reflecting the creation of a permanent racially-based prisoners' class. That is a civil and human rights violation.

In 1984, California already had too many people in prison—with 24,000. Today there are more than 170,000. More police will only generate more kids in prison for minor infractions and the endless parole violations. We think that it is essential to reduce the influence of groups such as the onerous California Correctional Peace Officers' Association—an organization that specializes in lobbying for more kids to be incarcerated, more prisons and more prison guards—as well as restrict the power of the LAPD.

In our view, we do not need more police to “protect” our communities. We need the decriminalization of everyday life, the legalization of drugs, an end to drug prosecution, an end to the harassment of high school youth. We think that Chief Bratton's “Broken Window Theory” is a way to begin to incarcerate inner-city youth for the most minor infractions, and it obviously cannot cut down on crime if every year more and more kids are sent to prison. It should be an agreed-upon progressive principle to reduce the number of actions designated as crimes, parole violations, and well as reducing the number of prisons and police. Instead, you are proposing an unfair tax (through the garbage fees) without a public vote on the matter, and expanding police at a time when we need more teachers, more mental health facilities, more public schools, more welfare payments, more social services, more emergency room doctors and nurses—and less police.

On the issue of the police, we know we strongly disagree. But it doesn't make sense that you have not discussed this issue with us now more than a year into your first term. On the issue of making the bus system the priority, of talking to us seriously about our legal and civil rights concerns with the MTA, on the environmental priority of the Bus-Only Lanes—we just don't get it. You, an activist in the Chicano movement, the former chair of the ACLU, a truly progressive person—why are you not seeking out our support and counsel and why are you not working with us to reduce areas of contestation and truly listening to our concerns?

## **Taking our Case to the People**

So, after a year of trying to meet with you, and having talked to you publicly at the MTA, we are taking our case to the public. Many of our members are very hurt, and feel very badly that we took almost six months to delay this campaign in an effort to reach out to you—with the constant promises of a meeting, with conversations and “pre-meetings” and letters to you asked for by your staff. But we did so out of respect for you, to try to

minimize these differences, to see if there was any meeting of the minds, to see, even if we disagreed, if we could find ways to perhaps reach certain compromises as we still continued to push for our complete program.

While we much prefer to work with you on the issues we have agreement on, without options for doing so, we know you understand that our first obligation must be to our communities and the people we are so fortunate to represent.

We hope that at least as a minimum basis of unity you will assure us, in writing, that there will be no LAPD retaliation, infiltration, wiretapping, or other violations of our civil rights and civil liberties, that there will be no “red squad” or anti-movement squad in the LAPD, and there will be a specific directive from your office to that effect. We also expect, as we pledge, a tone of decency between us as we move forward to explore serious programmatic differences in the public realm. At a maximum, we hope you will take our respectful disagreements as ones that you would want to pursue, respectful of us, and set a model of how a progressive mayor deals with progressive, multi-racial organizations at the grassroots, whose members, as you know, are overwhelmingly Black and Latino, immigrants, and working class.

We wanted to write this to you personally out of respect for our relationship. As our materials begin to go out in the community, and as we convey these views to the broader progressive community and communities of color throughout Los Angeles, we feel that we still can find a meeting of the minds on many of these issues, and that in the final analysis, you will reconsider your “Red Line to the Sea,” the under-funding of the bus system, and the creation of 1,000 more police, which if not reversed, will lead to the further incarceration of more Latino and Black youth in L.A.

Your disinterest in our concerns to this juncture, while very painful, will not shape our tactical plan. We will stick to the issues, fair and square. Our campaign for “1,000 more buses, 1,000 less police” is framed by the slogan, which we fully believe: “Mr. Mayor, We Respectfully Disagree.”

While we would love to hear from you, we proceed doing our job and assume when the time is appropriate, you will communicate with us.

Sincerely,

**Eric Mann**, Director, Labor/Community Strategy Center

**Manuel Criollo**, Lead Organizer, Bus Riders Union

**Francisca Porchas**, Lead Organizer, Clean Air Campaign