



Minnesota Regional Transit
Board: Records.

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REGIONAL TRANSIT BOARD
Mears Park Centre, 230 East 5th Street
St. Paul, Minnesota 55101
229-2700

MEETING NOTICE

REGIONAL TRANSIT BOARD

Metro 94
Metropolitan Waste Control Commission Facility
455 Etna Street, Suite 32
St. Paul, Minnesota
Friday, November 19, 1993
12:30 p.m.

The members of the Regional Transit Board will hold a working session at the time and place shown above.

No action will be taken.

Ruth Franklin
Vice Chair

mff
11/10/93



REGIONAL TRANSIT BOARD
Mears Park Centre, 230 East 5th Street
St. Paul, Minnesota 55101
612/229-2700

**Minutes of the Meeting of the
REGIONAL TRANSIT BOARD
455 Etna Street, Suite 32
St. Paul, Minnesota
November 19, 1993**

MEMBERS PRESENT: Ruth Franklin; Vice Chair; Michael Beard; Sharon Feess; Morgan Grant; Val Higgins; James Hovland; Gary Humphrey; Ruby Hunt; Harry Mares

MEMBERS EXCUSED: John H. Riley and Dennis Schulstad

OTHERS PRESENT: Bill Blom, Bill Schreiber, Gregory L. Andrews, Judy Hollander, Mary Fitzgerald, RTB staff

The meeting was called by Vice Chair Franklin to order at 12:45 p.m. and roll was taken.

Members discussed metropolitan governance and the upcoming legislative session. No formal action was taken and the meeting was adjourned at 4:25 p.m.

I hereby certify that the foregoing constitutes a true and accurate record of the Regional Transit Board's meeting of November 19, 1993.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Mary Fitzgerald'. The signature is written in black ink and is positioned above the printed name of the signatory.

Mary Fitzgerald
Secretary of the Board

Approved by the Regional Transit Board on this sixth day of December 1993.

11/19/93 Bice

I. TELEPHONE SYSTEM

I.a.

Handwritten 11/19

CUSTOMER TELEPHONE CONTACT REPORT

DAY	DATE	TOTAL INCOMING CALLS	TOTAL CALLS ABANDONED	INCOMING CALLS HANDLED	PERCENT OF CALLS CAPTURED	AVERAGE SPEED ANS	AVERAGE TALK TIME
TUE	10/19	1,782	148	1,634	91.69%	1 : 1	4 : 6
WED	10/20	1,644	74	1,570	95.50%	: 16	3 : 27
THU	10/21	1,290	112	1,178	91.32%	: 31	3 : 23
FRI	10/22	1,375	70	1,305	94.91%	: 14	3 : 1
SAT	10/23	764	94	670	87.70%	1 : 4	3 : 28
SUN	10/24	540	30	510	94.44%	: 27	2 : 45
MON	10/25	1,932	128	1,804	93.37%	: 30	2 : 57
TUE	10/26	1,527	71	1,456	95.35%	: 29	2 : 59
WED	10/27	1,559	134	1,425	91.40%	: 30	3 : 1
THU	10/28	1,321	86	1,235	93.49%	: 23	3 : 8
FRI	10/29	1,325	123	1,202	90.72%	: 48	3 : 11
SAT	10/30	653	116	537	82.24%	: 45	3 : 22
SUN	10/31	472	17	455	96.40%	: 16	2 : 52
MON	11/01	1,527	89	1,438	94.17%	: 26	2 : 50
TUES	11/02	1,437	50	1,387	96.52%	: 9	2 : 38
WED	11/03	1,486	64	1,422	95.69%	: 19	2 : 42
THUR	11/04	1,466	98	1,368	93.32%	: 30	2 : 39
FRI	11/05	1,612	156	1,456	90.32%	: 58	2 : 35
SAT	11/06	813	92	721	88.68%	: 33	3 :
SUN	11/07	536	30	506	94.40%	: 26	2 : 56
MON	11/08	1,699	92	1,607	94.59%	: 16	2 : 23
TUE	11/09	1,540	87	1,453	94.35%	: 13	2 : 31
WED	11/10	1,484	92	1,392	93.80%	: 26	2 : 29
THUR	11/11	1,294	67	1,227	94.82%	: 23	2 : 43
FRI	11/12	1,330	74	1,256	94.44%	: 27	2 : 32
SAT	11/13	664	61	603	90.81%	: 49	2 : 33
SUN	11/14	560	27	533	95.18%	: 13	2 : 32
MON	11/15	1,417	64	1,353	95.48%	: 15	2 : 29
TUE	11/16	1,355	60	1,295	95.57%	: 10	2 : 27
WED	11/17	1,334	75	1,259	94.38%	: 19	2 : 29
THUR	11/18	1,346	106	1,240	92.12%	: 31	2 : 38
TOTAL		39,084	2,587	36,497	93.38%		

II. OPERATIONS

II.b.

ROUTE STATUS REPORT

AS OF 11/17/93	MAYFLOWER	HANDICABS	METRO-RIDE	TOTAL
TOTAL ROUTES SCHEDULED	130	44	86	260
TOTAL ROUTES OPERATED	130	44	86	260
<hr/>				
A.M. ROUTES SCHEDULED	65	22	43	130
A.M. ROUTES ON TIME	59	21	41	121
PERCENT ON TIME	90.77%	95.45%	95.35%	93.08%
P.M. ROUTES SCHEDULED	65	22	43	130
P.M. ROUTES ON TIME	61	21	42	124
PERCENT ON TIME	93.85%	95.45%	97.67%	95.38%
			PK. PERIOD AVG	94.23%

II. OPERATIONS

II.b.

ROUTE STATUS REPORT

AS OF 11/18/93	MAYFLOWER	HANDICABS	METRO-RIDE	TOTAL
TOTAL ROUTES SCHEDULED	130	44	86	260
TOTAL ROUTES OPERATED	130	44	86	260
<hr/>				
A.M. ROUTES SCHEDULED	65	22	43	130
A.M. ROUTES ON TIME	60	22	42	124
PERCENT ON TIME	92.31%	100.00%	97.67%	95.38%
P.M. ROUTES SCHEDULED	65	22	43	130
P.M. ROUTES ON TIME	61	21	40	122
PERCENT ON TIME	93.85%	95.45%	93.02%	93.85%
			PK. PERIOD AVG	94.62%

IV. RIDERSHIP

IV.a.

DAILY RIDERSHIP STATISTICS

DAY	DATE	TOTAL DEMAND TRIPS	TOTAL AGENCY TRIPS	CLIENT NO SHOWS	TOTAL COMPLETED TRIPS	TOTAL CANCELLED TRIPS	TOTAL SCHEDULED TRIPS	PERCENT COMPLETED TRIPS	TOTAL BY WEEK
TUE	10/19	1,797	1,779	44	3,620	321	3,941	91.85%	
WED	10/20	1,875	1,810	39	3,724	415	4,139	89.97%	
THU	10/21	1,642	1,775	60	3,477	295	3,772	92.18%	
FRI	10/22	1,634	1,805	70	3,509	270	3,779	92.86%	
SAT	10/23	621		29	650	116	766	84.86%	
SUN	10/24	458		18	476	110	586	81.23%	8027
MON	10/25	1,695	1,797	53	3,545	383	3,928	90.25%	
TUE	10/26	1,799	1,779	55	3,633	279	3,912	92.87%	
WED	10/27	1,882	1,810	36	3,728	298	4,026	92.60%	
THU	10/28	1,821	1,775	47	3,643	253	3,896	93.51%	
FRI	10/29	1,746	1,805	42	3,593	287	3,880	92.60%	
SAT	10/30	594		8	602	102	704	85.51%	
SUN	10/31	561		20	581	112	693	83.84%	10098
MON	11/01	1,769	1,797	55	3,621	325	3,946	91.76%	
TUE	11/02	1,896	1,779	56	3,731	275	4,006	93.14%	
WED	11/03	1,966	1,810	34	3,810	353	4,163	91.52%	
THUR	11/04	1,856	1,775	41	3,672	315	3,987	92.10%	
FRI	11/05	1,675	1,805	42	3,522	361	3,883	90.70%	FIRST SNOW
SAT	11/06	703		26	729	139	868	83.99%	
SUN	11/07	557		16	573	119	692	82.80%	10422
MON	11/08	1,917	1,797	51	3,765	280	4,045	93.08%	
TUE	11/09	1,955	1,779	53	3,787	275	4,062	93.23%	
WED	11/10	1,950	1,810	54	3,814	301	4,115	92.69%	
THUR	11/11	1,753	1,775	43	3,571	280	3,851	92.73%	HOLIDAY
FRI	11/12	1,795	1,805	34	3,634	281	3,915	92.82%	
SAT	11/13	768		11	779	92	871	89.44%	
SUN	11/14	588		15	603	107	710	84.93%	10726
MON	11/15	1,683	1,797	48	3,528	247	3,775	93.46%	
TUE	11/16	2,026	1,779	27	3,832	235	4,067	94.22%	
WED	11/17	2,069	1,810	38	3,917	244	4,161	94.14%	
THUR	11/18	1,929	1,775	52	3,756	231	3,987	94.21%	

United States District Court

MINNESOTA

DISTRICT OF

Lynnette Lijewski, Linda Wolford,
and Susan Warner on behalf of
themselves and all others
similarly situated,

Plaintiffs,

v.

Regional Transit Board, a
Minnesota public corporation,
and ATE Management and Service
Company, Inc., a Delaware
corporation,

Defendants.

SUMMONS IN A CIVIL ACTION

CASE NUMBER: 3-93 Civil 768

TO: (Name and Address of Defendant)

Regional Transit Board
230 East 5th Street
St. Paul, MN 55101
Attn: Mike Ehrlichmann

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon

PLAINTIFF'S ATTORNEY (name and address)

Charles N. Nauen
William A. Gengler
2200 Washington Square
100 Washington Avenue South
Minneapolis, MN 55401

Mark Reinhardt
Sara Madsen
E-1400 First National Bank Bldg.
332 Minnesota Street
St. Paul, MN 55101

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Francis E. Dosal

CLERK

November 15, 1993

DATE


BY DEPUTY CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

Lynnette Lijewski, Linda Wolford,
and Susan Warner on behalf of
themselves and all others
similarly situated,

CASE NO. 3-93-CIVIL-768

Plaintiffs,

v.

CLASS ACTION
COMPLAINT

Regional Transit Board, a
Minnesota public corporation,
and ATE Management and Service
Company, Inc., a Delaware
corporation,

JURY TRIAL DEMANDED

Defendants.

CLASS ACTION COMPLAINT

Plaintiffs, on behalf of themselves and all others similarly
situated, by their attorneys, bring this class action and allege as
follows:

I. DESCRIPTION OF CASE

1. This is an action for declaratory and injunctive relief
and to recover losses and damages that plaintiffs and the class
they represent have incurred since October 2, 1993, and will
continue to incur as a result of the wrongful acts or omissions of
defendants Regional Transit Board and ATE Management and Service
Company, Inc. that caused the virtual collapse of the Metro
Mobility paratransit service in the Minneapolis-St. Paul
metropolitan area. The allegations set forth below are based on

information and belief, except those allegations relating to the plaintiffs, which are based on personal knowledge.

II. JURISDICTION AND VENUE

2. Jurisdiction of the above-named Court is invoked under 28 U.S.C. § 1331 and 28 U.S.C. § 1332. In addition, plaintiffs invoke this Court's supplemental jurisdiction under 28 U.S.C. § 1367.

3. Venue in this judicial district is proper pursuant to 28 U.S.C. §§ 1391(b) and 1391(c).

III. THE PARTIES

A. PLAINTIFFS:

4. Plaintiff Lynnette Lijewski resides, and at all times relevant herein, resided in Minneapolis, Minnesota. Ms. Lijewski is a rider eligible and certified for Metro Mobility service.

5. Plaintiff Linda Wolford resides, and at all times relevant herein, resided in Minneapolis, Minnesota. Ms. Wolford is a rider eligible and certified for Metro Mobility service.

6. Plaintiff Susan Warner resides, and at all times relevant herein, resided in Brooklyn Center, Minnesota. Ms. Warner is a rider eligible and certified for Metro Mobility service.

B. DEFENDANTS:

7. Defendant Regional Transit Board ("RTB") is, and at all times mentioned herein was, a Minnesota public corporation and political subdivision of the state of Minnesota. The RTB is charged under Minn. Stat. § 473.386, Subd. 1. with implementing Metro Mobility, a special transportation service for the elderly, disabled, and others with special transportation needs in the

Minneapolis-St. Paul metropolitan area.

8. Defendant ATE Management and Service Company, Inc. ("ATE") is, and at all times mentioned herein was, a Delaware corporation and wholly-owned subsidiary of Ryder System, Inc. It is the Metro Mobility System Coordinator, under contract with the RTB, and is responsible for the day-to-day administration, management and operation of the program.

IV. CLASS ALLEGATIONS

9. Plaintiffs bring this action on behalf of themselves and as representatives of the class alleged herein.

CLASS:

All persons who were eligible and certified for Metro Mobility services on October 2, 1993 and who suffered damages or injury on and subsequent to October 2, 1993 as a result of defendants' failure to provide paratransit services as required under the Minnesota Human Rights Act, Minn. Stat. § 363.01, et seq., under the Americans with Disabilities Act of 1990 ("the ADA"), 42 U.S.C. § 12131, et seq. and implementing regulations, and pursuant to contract.

10. The class is so numerous that joinder of all members is impracticable. Although the number of class members cannot be determined properly without discovery, the plaintiffs are informed and believe that the class has approximately 20,000 members.

11. There are numerous common questions of law and fact common to the plaintiffs and the class. Among these questions are:

- a. whether defendants are liable under the Minnesota Human Rights Act and the ADA for damages arising from defendants' discriminatory conduct;
- b. whether defendants provided public transit services

to plaintiffs comparable to public transit services provided to individuals without disabilities;

- c. whether defendants operate a demand responsive system that ensures a level of service to individuals with disabilities equivalent to the level of service provided to individuals without disabilities;
- d. whether defendant ATE breached its contract with the RTB to administer and operate the Metro Mobility program;
- e. whether defendants' discriminatory conduct was negligent, reckless, intentional, wilful and/or malicious;
- f. whether plaintiff class is entitled to punitive damages.

12. The claims of the representative plaintiffs are typical of the claims of the class. For example:

- a. plaintiffs and members of the class are individuals with disabilities who are eligible and certified riders of the Metro Mobility system;
- b. plaintiffs and members of the class are the intended beneficiaries of the contract between the RTB and ATE;
- c. as a result of defendants' conduct, plaintiffs and members of the class have been denied paratransit service comparable to transit services available to

individuals without disabilities;

- d. as a result of defendants' conduct, plaintiffs and members of the class have suffered economic loss, personal expense, great inconvenience and/or mental anguish or suffering.

13. Plaintiffs will fairly and adequately protect the interests of the class they represent. In addition, plaintiffs are represented by able counsel who have considerable experience in representing plaintiff classes in complex class litigation.

14. In that the only non-common issue is the amount of individual damages for each particular class member, common questions of law and fact also clearly predominate within the meaning of Rule 23.(b) (3), Fed. R. Civ. P. Class action treatment provides a fair and efficient method for the adjudication of the controversy herein described, affecting a large number of persons, joinder of whom is impracticable. The class action provides an effective method whereby the enforcement of the rights of plaintiffs and the class members can be fairly managed without unnecessary expense or duplication.

15. Defendants have acted with respect to the plaintiffs and the class members in a manner generally applicable to all of them.

16. The prosecution of separate actions by individual members of the class would create a risk of (a) inconsistent or varying adjudications with respect to individual class members which would establish incompatible standards of conduct for defendants; or (b) adjudication with respect to individual class members which would,

as a practical matter, be dispositive of the interests of the other class members not parties to the adjudications, or would substantially impair or impede their ability to protect their interests.

V. FACTUAL BACKGROUND

17. Metro Mobility is a public transportation system for individuals who have disabilities that prevent them from driving or using standard public transit service. Metro Mobility is intended to assist people with disabilities to participate fully in community life with a measure of freedom and independence by providing the means to commute to work and to conduct personal business without limitation.

18. The Metro Mobility program is mandated and authorized by Minn. Stat. § 473.386.

19. The RTB has been responsible for management of the Metro Mobility program since the regional agency was created by the state legislature in 1984.

20. The Metro Mobility program is intended to comply with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 12131 et seq., for provision of paratransit services to individuals with disabilities. The RTB and the Metropolitan Transit Commission jointly developed and submitted the ADA Paratransit Plan for the Twin Cities metropolitan area. The RTB is responsible for implementation of the plan.

21. The Metro Mobility program is funded through a state appropriation. In 1992, the RTB subsidy for Metro Mobility was

\$15.1 million.

22. In 1992, Metro Mobility provided approximately 1.3 million rides to more than 19,000 certified riders who meet prescribed eligibility criteria. Metro Mobility receives approximately 4,500 ride requests per day.

23. The Metro Mobility program offers two basic types of service: standing order (subscription) rides and demand-responsive rides. Riders may request a standing order for service from the same address to the same destination three or more times per week. Demand-responsive requests may be made from one to 14 days in advance for rides anywhere within the Metro Mobility service area.

24. Prior to October 2, 1993, 12 independent operators provided vehicles, drivers, reservation and dispatching services for the Metro Mobility program. This de-centralized approach to providing Metro Mobility services was monitored by the Metropolitan Transit Commission under contract with the RTB.

25. In 1993, the RTB adopted a new approach to providing Metro Mobility Services. The new approach advocated a centralized system with a single administrative center for taking calls, scheduling rides, dispatching and routing vehicles.

26. The RTB hired ATE to assume the day-to-day coordination, administration, management and operation of the new centralized Metro Mobility program. The RTB was to pay ATE a \$334,660 start-up fee and an additional \$1.8 million for the first year of its management services.

27. ATE's contractual duties and obligations include, but are

not limited to:

- a. Program administration, including overall responsibility for managing the Metro Mobility service, ensuring that Metro Mobility meets all local, state and federal laws, and procuring operator services.
- b. Centralized reservations, scheduling and dispatch functions, including providing adequate telephone hardware, computer hardware and software, radio system and staff.

28. Approximately two weeks prior to October 2, 1993, ATE began to take reservations for rides on October 2, 1993 and later.

29. On October 2, 1993, ATE assumed complete control of and responsibility for all Metro Mobility services.

30. Apart from the two-week period during which ATE took reservations, there was no transitional period between the old decentralized Metro Mobility service provided by 12 independent operators and the new centralized Metro Mobility service provided by ATE.

31. On Saturday, October 2, 1993, ATE had only 56 of 150 vehicles in operation. Consequently, Metro Mobility vehicles were late for scheduled pick-ups and, in some cases, never arrived. Many riders were late to work or missed work and other appointments, and were forced to find alternative transportation.

32. On Monday, October 4, 1993, the beginning of the work-week for many riders, the Metro Mobility system suffered a near

total collapse. With only 83 of 150 vehicles in operation, Metro Mobility was unable to meet the demand for rides. The severe shortage of vehicles in operation was exacerbated by an insufficient number of phone lines, inadequacies of ATE's phone and computer reservation/scheduling/dispatching system, and the unfamiliarity of new Metro Mobility drivers and staff with their duties and with the Metro Mobility service area. Consequently, many riders were stranded or delayed for hours as they waited for scheduled rides to work, to medical appointments and to other appointments. Once picked-up, many riders spent hours on vehicles while inadequately trained drivers and dispatchers searched for addresses. When many riders called to check on or to cancel late rides or to make future reservations, they found the phone lines jammed and were unable to get through to ATE's reservation and dispatching system or were put on interminable hold.

33. On or about Monday, October 4, 1993, ATE stopped taking non-emergency demand-responsive ride reservations and continued to refuse non-emergency reservations at least until Sunday, October 10, 1993.

34. On Tuesday, October 5, 1993, Minnesota Governor Arne Carlson activated the Minnesota National Guard to transport Metro Mobility riders. Approximately 200 National Guard members were called on to supplement ATE's drivers. The Minnesota National Guard was withdrawn on Friday evening, October 22, 1993.

35. The Metro Mobility program continues to be plagued by significant problems, including late rides, stranded riders and

delays in making reservations.

36. The level of service provided by the Metro Mobility program since October 2, 1993, is not comparable to the service provided to individuals without disabilities on the fixed-route public transportation system in the Minneapolis-St. Paul metropolitan area.

COUNT ONE:

MINNESOTA HUMAN RIGHTS ACT, Minn. Stat. § 363.03, Subd. 4

37. The allegations contained in paragraphs 1-36 inclusive are hereby realleged as though fully rewritten herein.

38. Defendants have discriminated against plaintiffs and the class in violation of Minn. Stat. § 363.03, Subd. 4.

39. Plaintiffs and members of the class are individuals with disabilities and are persons whom Minn. Stat. § 363.03, Subd. 4(2) seeks to protect.

40. Defendants operate public transit services within the meaning of Minn. Stat. § 363.03, Subd. 4(2).

41. Defendants have discriminated against plaintiffs and the class, because of their disabilities, in the access to, full utilization of and benefit from public transit services.

42. Defendants, in the operation of the Metro Mobility program, have acted with negligence, recklessness, intentional and/or wilful indifference to the rights of plaintiffs and members of the class.

43. As a proximate result of defendants' discrimination, plaintiff and the class have been denied paratransit service

comparable to transit service available to individuals without disabilities, and have incurred and continue to incur costs, including costs for lost wages and alternative transportation. In addition, defendants' conduct has caused plaintiffs and plaintiff class great inconvenience and mental anguish or suffering.

COUNT TWO:

MINNESOTA HUMAN RIGHTS ACT, Minn. Stat. § 363.03, Subd. 3

44. The allegations contained in paragraphs 1-43 inclusive are hereby realleged as though fully rewritten herein.

45. Defendant ATE has discriminated against plaintiffs and the class in violation of Minn. Stat. § 363.03, Subd. 3(e).

46. Plaintiffs and the class are individuals with disabilities within the meaning of Minn. Stat. § 363.03, Subd. 3(e)(6).

47. Defendant ATE is a private entity that is primarily engaged in the business of transporting people and whose operations affect commerce within the meaning of Minn. Stat. § 363.03, Subd. 3(e).

48. Defendant ATE provides specified public transportation service within the meaning of Minn. Stat. § 363.03, Subd. 3(e).

49. Defendant ATE operates a demand responsive system within the meaning of Minn. Stat. § 363.03, Subd. 3(e)(6).

50. Defendant ATE has discriminated against plaintiffs and the class by failing to operate a demand responsive system so that, when viewed in its entirety, the system ensures a level of service to individuals with disabilities equivalent to the level of service

provided to individuals without disabilities.

51. Defendant ATE, in the operation of the Metro Mobility program, has acted with negligence, recklessness, intentional and/or wilful indifference to the rights of plaintiffs and members of the class.

52. As a proximate result of defendant ATE's conduct, plaintiff and the class have been denied paratransit service comparable to transit service available to individuals without disabilities, and have incurred and continue to incur costs, including costs for lost wages and alternative transportation. In addition, defendant's conduct has caused plaintiffs and plaintiff class great inconvenience and mental anguish or suffering.

COUNT THREE:

AMERICANS WITH DISABILITIES ACT, 42 U.S.C. §§ 12132 & 12143

53. The allegations contained in paragraphs 1-52 inclusive are hereby realleged as though fully rewritten herein.

54. Defendants have discriminated against plaintiffs and the class in violation of 42 U.S.C. §§ 12132 & 12143 and the ADA's implementing regulations.

55. Plaintiffs and the class are qualified individuals with disabilities within the meaning of 42 U.S.C. § 12132 and individuals with disabilities within the meaning of 42 U.S.C. § 12143.

56. Defendant RTB is a public entity within the meaning of 42 U.S.C. § 12132 and 42 U.S.C. § 12143.

57. Defendant ATE is a person under a contractual or other

arrangement or relationship with a public entity that operates a fixed route system within the meaning of 42 U.S.C. § 12143. Defendant ATE stands in the shoes of the RTB with respect to the provision of paratransit services.

58. Defendants have discriminated against plaintiffs and the class by failing to provide to individuals with disabilities paratransit or other special transportation services that are comparable to the designated public transportation service provided to individuals without disabilities including with respect to response time. For example, defendants have discriminated against plaintiffs by:

- a. refusing to schedule and provide paratransit services at requested times;
- b. refusing to make reservation services available during at least all normal business hours;
- c. requiring ADA paratransit eligible individuals to schedule more than one hour before or after the desired departure time;
- d. refusing to permit advance reservations up to 14 days in advance;
- e. imposing restrictions or priorities based on trip purpose;
- f. imposing capacity constraints, including de facto restrictions on the number of trips an individual can take and de facto waiting lists for access to paratransit service;

- g. engaging in an operational pattern and practice that significantly limits the availability of Metro Mobility service, including substantial numbers of significantly untimely pickups, substantial numbers of trip denials or missed trips, and substantial numbers of trips with excessive trip lengths;
- h. refusing to make available adequate information concerning transportation services;
- i. refusing to train personnel to proficiency in their duties;
- j. failing to adequately plan for and implement plans for paratransit services;
- k. failing to provide paratransit services in accordance with the ADA paratransit plan for the Twin Cities metropolitan area.

59. Defendants, in the operation of the Metro Mobility program, have acted with negligence, recklessness, intentional and/or wilful indifference to the rights of plaintiffs and members of the class.

60. As a proximate result of defendants' discrimination, plaintiff and the class have been denied paratransit service comparable to transit service available to individuals without disabilities, have incurred and continue to incur costs, including costs for lost wages and alternative transportation, and have suffered great inconvenience, mental anguish and/or suffering.

COUNT FOUR:

AMERICANS WITH DISABILITIES ACT, 42 U.S.C. § 12184

61. The allegations contained in paragraphs 1-60 inclusive are hereby realleged as though fully rewritten herein.

62. Defendant ATE has discriminated against plaintiffs and the class in violation of 42 U.S.C. § 12184 and the ADA's implementing regulations.

63. Plaintiffs and the class are individuals with disabilities.

64. Defendant ATE is a private entity that is primarily engaged in the business of transporting people and whose operations affect commerce.

65. Defendant ATE provides specified public transportation services.

66. Defendant ATE has discriminated against plaintiffs in the full and equal enjoyment of specified transportation services provided by ATE.

67. Defendant ATE, in the operation of the Metro Mobility program, has acted with negligence, recklessness, intentional and/or wilful indifference to the rights of plaintiffs and members of the class.

68. As a proximate result of defendant ATE's discrimination, plaintiff and the class have been denied paratransit service comparable to transit service available to individuals without disabilities, and have incurred and continue to incur costs, including costs for lost wages and alternative transportation. In

addition, defendant's discrimination has caused plaintiffs and plaintiff class great inconvenience and mental anguish or suffering.

COUNT FIVE:

BREACH OF CONTRACT - THIRD-PARTY BENEFICIARIES

69. The allegations contained in paragraphs 1-68 inclusive are hereby realleged as though fully rewritten herein.

70. The RTB has entered into a contract with ATE for the administration and operation of the Metro Mobility program.

71. Plaintiffs and members of the class are the intended beneficiaries of the contract between the RTB and ATE.

72. ATE has breached its contract with the RTB and has breached its duties to plaintiffs and the class in failing to administer and operate the Metro Mobility program pursuant to the terms of the contract.

73. As a proximate cause of defendant ATE's breach of contract, plaintiffs and the class have incurred and continue to incur costs, including costs for lost wages and alternative transportation. In addition, ATE's breach of contract has denied to plaintiffs and the class paratransit service comparable to transit service available to individuals without disabilities.

JURY TRIAL DEMAND

74. Plaintiffs and the class demand a trial by jury for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray as follows:

A. that the Court certify the plaintiff class under the appropriate provisions of Rule 23, Fed. R. Civ. P., and appoint plaintiffs as class representatives;

B. that the Court award plaintiffs and members of the class damages for their economic losses;

C. that the Court award plaintiffs and members of the class damages for mental anguish or suffering;

D. that the Court award plaintiffs and members of the class punitive damages to the extent available;

E. that the Court enter declaratory and injunctive relief ordering defendants to fully comply with their obligations under the Minnesota Human Rights Act, Minn. Stat. § 363.01 et seq., and the Americans With Disabilities Act of 1990, 42 U.S.C. § 12131 et seq., to provide to individuals with disabilities public transportation services comparable to public transportation services provided to individuals without disabilities;

F. that the Court retain jurisdiction to supervise compliance with any orders entered by this Court regarding remedial actions taken by defendants;

G. that the Court order defendants to pay to the state a civil penalty;

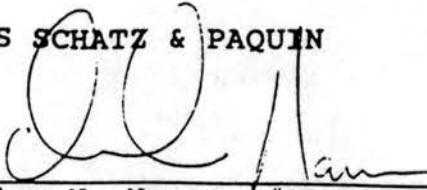
H. that the Court award plaintiffs and class members interest, the costs of this suit, including any expert fees, together with reasonable attorneys' fees;

I. that the Court grant such other, further and different relief as may be deemed just and proper.

Dated: November 15, 1993

HEINS SCHATZ & PAQUIN

By


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ATTORNEYS FOR PLAINTIFFS

November 17, 1993

REGIONAL TRANSIT BOARD
ROLL CALL AND ATTENDANCE SHEET

DATE: 11/19/93

Member Name Present Vote Vote Vote Vote Vote Vote Vote Vote

ISSUE

~~John Riley~~

Michael Beard ✓

Sharon Feess ✓

Ruth Franklin ✓

Morgan Grant ✓

Val M. Higgins ✓

James Hovland ✓

Gary Humphrey ✓

Ruby Hunt ✓

Harry Mares

Dennis Schulstad no

Visitors

Bill Blohn

Staff

gas jh mf

mff

MEMORANDUM

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TO: Greg Andrews
FROM: Greg Korstad *GK*
DATE: November 19, 1993
RE: Metro Mobility Class Action Litigation Defense

This memo describes our initial work on representing the Regional Transit Board (RTB) in connection with the Metro Mobility class action lawsuit, Lijewski, Wolford and Warner vs. RTB and ATE, filed in the Federal District Court in Minnesota.

This lawsuit is a class action lawsuit which means that the named plaintiffs are seeking court approval to represent all persons in a class.

Presently, the class is alleged to be everyone who was Metro Mobility certified and suffered damages in connection with the start-up problems of Metro Mobility.

Class action litigation is typically very complex because it is structured to provide a forum to litigate multiple parties' rights in a single lawsuit. Important issues that need to be resolved in such a case include determining whether the definition of the class is proper and, if so, whether the named plaintiffs' cases are typical of the class so that the group's rights can be effectively determined. Because these issues affect the entire course of the litigation they are the important first consideration to be resolved. Our initial work will focus on that question.

As with every litigation proceeding, there are both procedural and substantive issues to be considered. The plaintiffs have asked the court to make a specific case management order. The request for this order sets the stage for resolving procedural questions. Because procedural questions can influence the ability to present substantive claims and defenses, we are very carefully scrutinizing the plaintiffs' proposal and will develop a recommended position for your consideration.

Because of the complexity of class action litigation I have asked Alan Kildow, one of my partners, to manage the litigation activity in connection with this matter. Alan has extensive experience in complex multi-party litigation and can be contacted at 896-3295.

Now that the lawsuit has been served I would strongly advise that RTB board and staff refrain from discussing this matter with others and refer any inquiries about this case to either Alan or me so that our responses can be made mindful of the litigation into which you have been pushed.

As always, please feel free to contact either me, Mike Robertson or any other member of Larkin, Hoffman for assistance.

GEK:LR1s

Handout 11/19/93

Senate Research 10/27/93

HISTORY OF RECOMMENDATIONS REGARDING TRANSIT GOVERNANCE STRUCTURE IN THE TWIN CITIES METROPOLITAN AREA

Since 1983, a number of groups have studied the transit governance structure in the Twin Cities metropolitan area and have recommended varying governance models and changes in the existing structure. This memo is a chronological history of these reports and recommendations.

1984 Report of the Legislative Commission on Metropolitan Transit

The Legislative Study Commission on Metropolitan Transit was created by the 1983 Minnesota Legislature. The purpose of the commission was to evaluate the effectiveness of metropolitan transit; the power, responsibilities and external accountability of the MTC; the internal structure of the MTC; labor practices and contracts; governmental arrangements for transit planning and development in the metropolitan area, including the relationships among the MTC, MnDOT and the Metropolitan Council and the Transportation Advisory Board; the proper role of the MTC in governance, regulation and coordination of transit services; and the effectiveness of the metropolitan transit service demonstration program (opt-out).

The commission reached the consensus that transit services in the metropolitan area were not sufficiently responsive to community needs and user preferences. The commission isolated a number of structural conditions which it found hindered the delivery of responsive transit services. The commission also found that the current method of paying for transit services worked against effective and efficient service.

The commission's recommendations for structural change included the following:

1. Legislative concentration on broad policy oversight.
2. Closer integration of the metropolitan transit system into the region's entire transportation structure.
3. Creation of a Regional Transit Board to allow for separation of operation and planning, to facilitate expansion of transit services and to foster new types of transit services.
4. Recognition of the Metropolitan Transit Commission as the region's primary provider of fixed route service to the fully developed areas.
5. Encouragement of more active participation by local units of government in the design and provision of transit services.

The commission's recommendations regarding financing of transit included:

1. Moving from deficit-based financing to formula-based financing to promote stability and efficiency.
2. Setting the level of revenues to be received from fares for fixed route systems to approximately 35% of operating costs. (We are currently at about 33-34%.)
3. Setting the contribution level of property taxes to the fixed route system to approximately 35% of the operating costs, and basing the tax rates on levels of transit service available. (We are currently at about 50%.)
4. Increasing the state's contribution to fixed route transit to 20% of operating costs. (We are currently at about 10%.)

1984 Legislation

The 1984 Legislature passed the enabling legislation which created the Regional Transit Board. The board originally consisted of 14 members appointed by the Metropolitan Council and a chair appointed by the governor. The legislation was a response to the recommendations of the 1983 study commission and sought to address many of the recommendations in regards to transit governance structure. The financing recommendations were not included in the legislation. The major duties of the RTB in the 1984 enabling legislation were:

- Perform mid-range service planning and development
 - prepare a transit implementation plan to accomplish the Council's long-range transportation plan
 - promote transit through an annual transit conference, promoting alternative forms of transit, technical assistance and public participation
- Financial Management
 - prepare an annual transit system financial plan and operating and capital budgets
 - review and approve the MTC budget
 - receive federal and state subsidy funds for transportation
 - approve local applications for funds
 - certify the metropolitan property tax levy for transit
 - issue bonds for transit capital
- Act as a Service Broker
 - assume control of various transit programs including ridesharing, Metro Mobility and opt-outs
 - arrange and contract for services by private transit providers and local authorities

1988 Legislative Auditor's Report on Metropolitan Transit Planning

In 1988 the Legislative Auditor issued a report on Metropolitan Transit Planning. This report dealt with the governance structure between the Metropolitan Council, RTB and MTC. The report looked at the accomplishments of the RTB since 1984, whether the legislative directive was being carried out and whether there was duplication of effort and responsibilities between the three agencies. Some of the conclusions of the report which relate to the structure and authorities of the various transit agencies included:

- Responsibility for some transit issues and functions remains unclear. LRT authority was cited as a specific example in which roles and responsibilities were unclear.
- The Council's oversight of the RTB during the three years since its creation had been weak, but its newly proposed long-range transit plans provide better guidance than the existing plan.
- The RTB has not yet proved itself to be an effective problem solver and it is unclear whether the Legislature's restructuring of transit planning has been a success.
- The RTB needed to: (1) do better implementation planning, (2) be a forum for ideas, (3) innovate, (4) be more accountable to the Metropolitan Council, (5) improve its internal oversight, and (6) formalize its relationships with other agencies on key responsibilities.
- The Metropolitan Council's Systems Committee should review major RTB work products, even in cases where the review is not legislatively mandated.
- The RTB should obtain more input from local government staff and the Council's Transportation Advisory Board.
- Every six months the RTB should prepare for the Metropolitan Council a brief summary of progress towards implementing Council policies. Each biennium the Council should prepare for the Legislature a brief summary of trends in its Transportation Policy Plan performance measures.
- Within one week of adopting policies, the RTB should formally notify the Metropolitan Council. If there is question about the consistency of RTB policy with Council policy, the matter should be brought before the full Council for consideration.

The report contained a number of other more specific recommendations regarding transit fare and service policies and LRT. The report did not make any recommendations regarding elimination or restructuring of the RTB, MTC or Metropolitan Council.

1989 Proposal to Eliminate the RTB

In 1989, the Governor's budget recommendations contained a proposal to sunset the RTB. In response to this proposal and to a request from the Governor and Finance Commissioner, the Metropolitan Council adopted a position suggesting ways to reassign existing RTB functions and institutional changes needed to ensure continuity in the delivery of transit services in the event that the RTB was eliminated.

In March of 1989, the Council considered three options for restructuring the RTB's functions. The position which was adopted recommended the following should the RTB be eliminated:

1. The Council would absorb all the transit planning and programming responsibilities and most of the financial functions of the RTB.
2. The Metropolitan Council would appoint a Regional Transit Commission as an advisory body and executive agent of the Council. The RTC would perform service development, provide policy oversight and perform service evaluation. (Similar to the Parks and Open Space Commission model.)
3. The Commission would consist of a nine member board -- eight members would be appointed by precinct and the chair would be appointed at large. The Council would create a transit implementation section to provide staff support to the RTC.
4. Contract administration would be carried out by MnDOT, with the exception of Metro Mobility and former MTC high subsidy services which would be administered and bid out by the MTC.
5. The MTC board would be expanded to five members to handle the additional responsibilities. The board would consist of one member from Minneapolis, one from St. Paul and three from suburbs within the transit taxing district.
6. The Transportation Advisory Board would continue to advise the Council on transportation related matters and would also provide advise to the RTC.

In addition to the proposal forwarded by the Metropolitan Council, the RTB staff issued a staff memorandum containing recommendations for opportunities for improvement in restructuring current transit roles and responsibilities. The areas recommended to be addressed were:

1. Clarify planning and operational functions in order to minimize conflicts.
2. Clarify and establish appropriate responsibilities and authorities among agencies.

3. Improve linkages between elected and appointed officials.
4. Better define and communicate roles of board members and staff in order to strengthen their separate roles in setting policy and coordinating transit services.
5. Emphasize the need for building a consensus on major transit issues and managing change.
6. Emphasize the importance of the linkage between transit and land use and development.
7. Provide more input and responsibility among transit planners, providers, government agencies and municipalities.
8. Establish a common vision of transit for the future to ensure that services are responsive to the changing needs of the metropolitan community.

In the end, the 1989 Legislature chose not to eliminate the RTB. Legislation was passed which changed the membership of both the RTB and MTC boards to an 11 member and five member board respectively. This legislation is still in effect today. (See description of existing transit structures for a description of the board's composition.) The legislation also specified the roles of the Council, RTB, MnDOT and regional rail authorities in the area of light rail transit planning, design and construction.

1992 Legislative Auditor's Report

In 1992, the Legislative Auditor again revisited the issue of transit planning and specifically reviewed the recent accomplishments of the RTB, Metropolitan Council and MnDOT. In particular, the report asked what progress the RTB had made in planning for and implementing cost-effective transit services; whether the Metropolitan Council provided adequate long-range planning and policy direction; whether MnDOT had appropriately integrated transit into its highway planning and construction activities; whether transit planning had become too fragmented and structural change was required to improve planning; and, analyzed the strengths and weaknesses of the Metropolitan Council's Regional Facilities Plan and the RTB's Vision for Transit.

In general the auditor found a fragmented planning process that had been dominated in recent years by light rail transit. The Council had not provided adequate oversight of the RTB and did not provide sufficient leadership in the formulating long-range transit goals. The RTB in turn had not lived up to expectations in several key areas including, responding to growing suburban needs and providing adequate oversight of the MTC. MnDOT also was found to be unreceptive to transit issues and had not adequately incorporated various transit options into its highway plans. The report indicated that recent efforts by the Council to reorient the planning process and oversee the work of the RTB and the Council's new Transit Facilities Plan and the RTB's Vision for Transit were both steps in the right direction.

The report contained five types of legislative recommendations which addressed 1) internal RTB structural problems, 2) LRT funding and governance, 3) financial disincentives for automobile use, 4) funding for transit improvements and, 5) the need for oversight of the RTB.

In particular, the recommendations which pertained to the RTB's internal structure and oversight of the RTB, included the following:

- The Legislature should either make the position of RTB chair a part-time one or permit the chair to select the executive director with the board's approval, and serve at the pleasure of the chair.
- The Metropolitan Council should continue its strong oversight and leadership it had shown over the last year.
- The Legislature should require the RTB to prepare an annual performance report, an annual progress report on plan implementation and cost per rider estimates for new services and submit the reports to the Metropolitan Council for review and comment.
- The Legislature should give the Metropolitan Council authority to review and approve the RTB's annual capital budget and comment on the RTB's annual operating budget. (Currently the Council approves only the RTB's Implementation Plan, not the budgets.)

Again, in 1992 the Auditor's report did not make any recommendations regarding the elimination of, or major structural changes within, any of the existing transit agencies.

1993 Reorganization Proposals

During the 1993 legislative session, a number of proposals were forwarded which would have reorganized the Council and/or the metropolitan agencies. A short description of the five proposals and their implications for transit governance is given below.

SF 1127/HF 1188

- Dealt primarily with transit governance and did not reorganize the Metropolitan Council.
- Maintained the three tier structure -- Metropolitan Council, RTB, MTC -- but abolished both the RTB board and the MTC five member commission.

- Abolished the RTB and transferred the RTB functions to a new Metropolitan Transit Authority headed by a chief administrator appointed by the Council chair. MTA's capital and operating budgets and implementation plans would be subject to Council approval.
- Abolished the MTC and transferred the functions to a newly created Metro Transit headed by a chief administrator appointed by the Council chair with advise from MnDOT and the MTA administrator.
- Reduced the role of regional rail authorities and increased MnDOT authority over LRT final design and construction.

This proposal was supported by the Metropolitan Council.

SF 843/HF 959

- Created an elected Council and restructured the metro agencies to give the Council greater control over appointments ad budgets.
- RTB chair appointed by the Council, rather than the Governor. Council given review and approval of capital budget and review and comment on operating budget.
- Council would appoint the five MTC commissioners.
- Removed regional rail authorities from LRT activities.

SF 1250/HF 1053

- Restructured metropolitan government to distinguish between legislative and executive functions. Created a policy-making board -- Twin Cities Metro Board -- as the legislative branch and a staff agency -- Twin Cities Metro -- as the executive branch.
- Abolished the RTB and MTC. RTB's policy-making and taxing authority was given to the Metro board.
- Abolished the MTC. Bus service operation was given to the Metro agency.
- The Transportation Advisory Board acts as an advisory board to Metro and was given the RTB's financial subsidy and contract management responsibilities.
- Abolished the county regional rail authorities and transfers their assets and debt to Metro.

SF 478/HF 641

- Created an elected council with operating divisions.
- Abolished the RTB and transferred its powers and duties to the Metropolitan Council.
- MTC is unaffected -- continues operation of regional bus services.
- TAB and CRRAs are also unaffected.

SF 931/HF 1090

- Created an elected Council and eliminated the metropolitan agencies, transferring their authorities to the Council and its two operating divisions -- transit and waste control.
- Abolished the RTB and transferred its taxing, implementation planning and LRT planning authority to the Council.
- Abolished the MTC and transferred bus ownership and operation to the Council's transit division.
- Transportation Advisory Board given RTB financial subsidy and contract management functions. Chaired by the vice-chair of the Council.
- County Regional Rail Authorities are unaffected.

Handout 11/19/93

State Advisory Council on Metropolitan Governance

October 27, 1993

TO: State Advisory Council on Metropolitan Governance
FROM: Deborah A. Dyson, House Research Department
RE: Transit Governance in the Twin Cities Metropolitan Area

Attached is an overview of transit governance in the metropolitan area that Advisory Council members asked for.

It first provides a brief summary of the agencies involved in policymaking, implementation planning, and provision of service, including information such as when the agency was created, its role and, as appropriate, its membership.

Page 6 provides a diagram that attempts to graphically show the relationship of the agencies to each other, the Legislature and Governor, and to transit users.

Beginning on page 7 is a brief history and background on the creation of the RTB, which plays a central role in transit governance and service.

Page 13 provides a summary of the current legislative policy, goals and duties of the RTB.

Following the summary of policy, goals, and duties, are a table summarizing appointment authorities, and maps showing the 1993 Council districts and agency districts.

Page 17 provides a very cursory overview of what sources of funding are available for transit.

Finally, the last three pages provide a brief overview of light rail transit governance under the 1993 legislation.

Agencies Involved in Transit Policymaking, Implementation Planning, and Service

Policymaking **Metropolitan Council**

& **Established: 1967**

**Long-Range
Planning**

Role: The Council is responsible for setting the transit policies for the region through its long-range transportation plan, which includes the transit facilities plan. The Council develops the plan with input from the affected agencies and the public, and then reviews agency implementation plans for consistency with the long-range plan.

Membership: 16 members from legislatively established districts and a chair, all appointed by the governor, subject to the advice and consent of the Senate. Members must be knowledgeable in urban and metropolitan affairs, and the chair must have administrative training and executive ability in addition.

Transportation Advisory Board (TAB)

Established: 1974 in order to meet the federal requirements for the metropolitan planning organization - MPO - to have representatives of citizens, state agencies and local governments.

Role: TAB advises the Council on the long-range transportation policy plan and provides direction to the agencies responsible for program implementation. TAB also compiles the regional ISTEA (federal Intermodal Surface Transportation Efficiency Act, passed in 1991) program and the Transportation Improvement Program.

Membership: The chair is appointed by the Metropolitan Council. The chair is to be free of affiliation with major transportation operating agencies and is appointed for a two-year term. The Council also appoints eight citizens, one from each metropolitan agency district, ten municipal elected officials - from the nominees provided by the Association of Metropolitan Municipalities, and seven elected county officials - from the nominees of each of the seven metro county boards. The RTB, MnDOT, Minnesota Pollution Control Agency, and the Metropolitan Airports Commission each appoint one representative.

**Implementation
Planning and
Administration** **Regional Transit Board (RTB)**
Established: 1984.

Role: To provide an intermediate level of planning for transit - implementation planning - that coordinates various services, including regular route transit, metro mobility, opt-outs, small urban systems and rural systems in the metropolitan area. The RTB contracts with approximately 46 providers or communities to provide transit services.* The RTB is also responsible for developing the budget and funding needs for transit in the metro area and levying the property taxes.

Membership: 11 members. 8 appointed by the Metropolitan Council (6 of whom must be local elected officials), the chair, 1 person 65 or older and 1 person with a disability appointed by the governor. None of the appointees may be members of the LRT joint powers board. All appointments are subject to the advice and consent of the Senate.

See page , for greater detail on the RTB's goals and duties.

Other **Minnesota Department of Transportation (MnDOT)**

MnDOT is complementary to the RTB -- administering state and federal transit assistance programs in greater Minnesota. MnDOT is responsible for the statewide transit plan, which must be coordinated with the metropolitan area's transit plan. MnDOT also works with the regional agencies to coordinate highway facility development with transit needs. For example, HOV lanes and ramp bypasses are highway facilities MnDOT plans and implements in coordination with regional plans.

Metropolitan County Regional Railroad Authorities (CRRAs)

Established: CRRAs were first authorized by statute in 1980 and Hennepin County established the first metro CRRA in 1981.

Authority: Under the 1993 Light Rail Transit Governance Act (Laws 1993, Chapter 353), the CRRAs remain involved in planning LRT, but will not be the ones to build the system. MnDOT will have the responsibility for final design and construction of any LRT system built.

**Transit
Providers**

**(administered
by the RTB)***

Metropolitan Transit Commission (MTC)

Established: 1967.

Role: To provide bus service in the metropolitan area. The MTC's service area is defined in statute to correspond with the "fully developed area" as defined by the Council. In 1992, MTC provided approximately 95% of all regular route miles. Opt-outs provided another 4% and the other services provided about 1%.

Membership: 5 members appointed by the RTB for 3-year terms. 1 must be from St. Paul, 1 from Minneapolis, 2 from the suburbs, and 1 a disabled transit user. The chair is selected by and from among the members for a 1-year term.

Other Regular Route Transit Service

There are six regular route providers other than MTC: BE Line, North Suburban Lines, Roseville Area Circulator, University of Minnesota/Route 52, Valley Transit, and Western Suburbs Route 55.

Opt-Outs

In 1981, the Legislature allowed local governments to establish their own transit service with funding from the RTB if they were located in the transit taxing district and they had very limited or no service from the MTC. The opt-outs contract for transit service with an operator and receive from the RTB the amount needed to pay for the service up to 90% of transit tax revenues collected in the opt-out community. Ten percent of the transit tax revenues are reserved to continue to support a regional system.

There are five replacement (opt-out) services: Maple Grove, Minnesota Valley Transit Authority (serving Apple Valley, Burnsville, Eagan, Prior Lake, Rosemount and Savage), Plymouth, Shakopee, and Southwest Metro Transit Commission (serving Eden Prairie, Chaska, and Chanhassen).

Small Urban and Rural/County Services

There are six small urban services and 12 rural/county services. They provide in varying combinations, dial-a-ride, demand responsive, volunteer driver, and flexible fixed route services. Some are focused on serving the elderly or others with special needs and some are available for the general population. Financing for these services is a combination of local, fares, state, and federal.

Metro Mobility

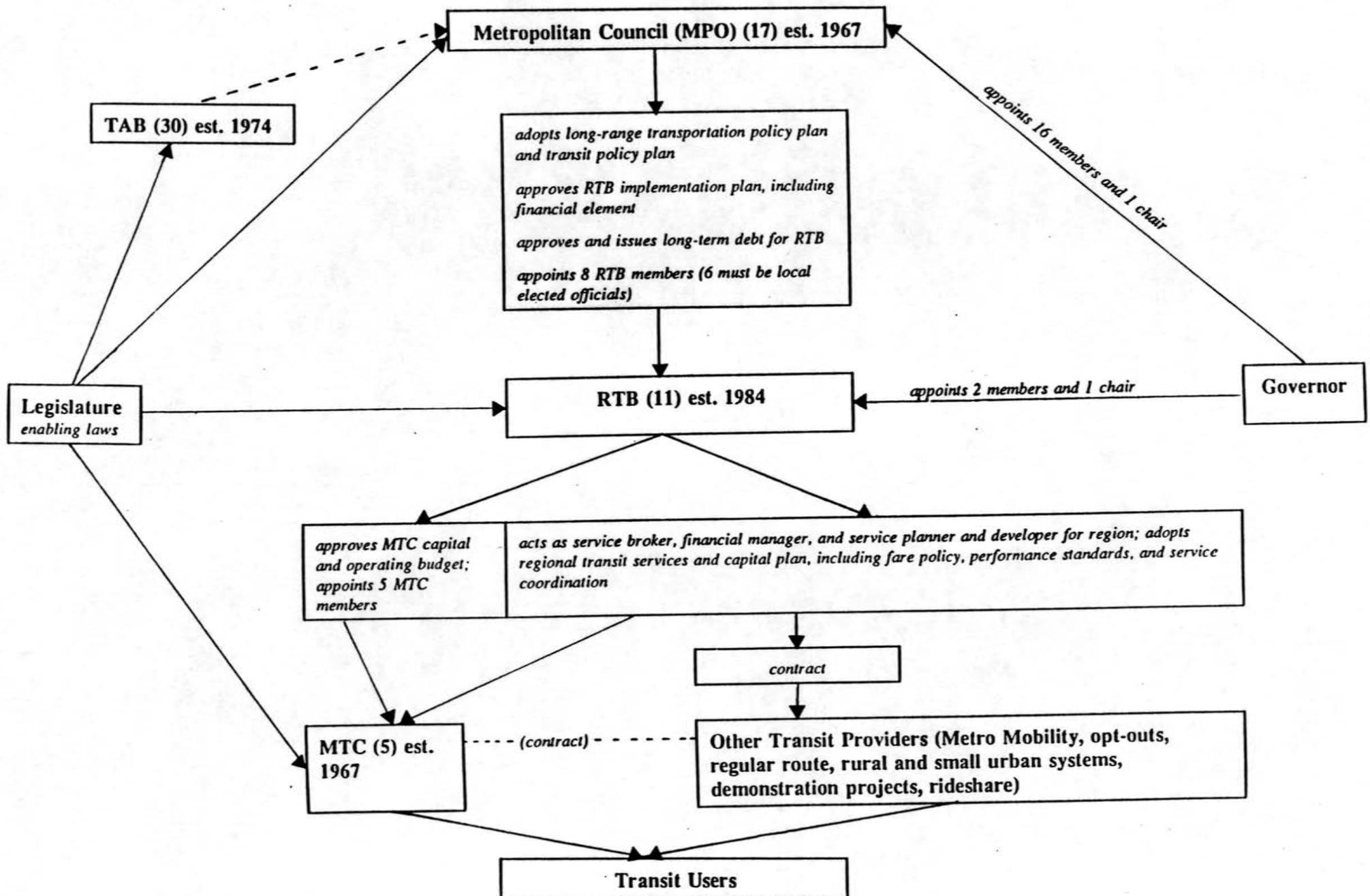
Metro Mobility provides door-to-door transit service for those unable to use the regular route system because of a disability.

As of October 1993, Metro Mobility has been restructured by the RTB into a centralized service with three providers within the ADA (Americans With Disabilities Act) core area.

*Source: RTB, *Regional Transit Service and Capital Plan 1993-1997* (1992)

The following page attempts to diagram the relationships among the agencies.

Transit Governance in the 7-County Metropolitan Area*



Focus on the RTB

As the diagram on the previous page shows, the RTB has a central role in transit governance in the metropolitan area. It may be useful to look at the history leading up to the Legislature's creation of the RTB in 1984 and its current statutory goals and responsibilities.

Trends in Transit Organization before the RTB

In the late 1960s and early 1970s, metropolitan transit went through a period of expansion, consolidation of providers, and system integration.

Throughout the nation, public transit oligopolies or monopolies were established and large, centrally administered mass transit systems planned. This occurred in the Twin Cities as well.

The MTC was created in 1967. It was given the authority to regulate private bus lines, to acquire private bus companies, and to develop a publicly-owned mass transit system.

In the next decade, the MTC acquired Twin City Lines and several other private bus companies, dramatically expanded and consolidated service, proposed several versions of fixed-guideway transit, and began receiving increasing levels of public subsidy from a metropolitan property tax and state appropriations.

The late 1970s and early 1980s reversed or slowed the earlier trends. It was a period of contraction and diversification of providers.

Transit experts and suburban representatives began to argue that mass transit oriented on the downtowns would not serve the kind of multiple-centered suburban development occurring in metropolitan areas. The federal government began to promote "paratransit" services and to encourage diversity of providers and private ownership.

Locally, the MTC quit acquiring private lines. The Legislature began to sponsor experiments with paratransit and to subsidize private operators.

Minnesota courts, declaring that the MTC could not constitutionally own the dominant bus system and regulate its competitors, invalidated the law giving the MTC regulatory powers. Regulatory authority moved back to the state, where it settled in the Transportation Regulation Board (TRB).

The Legislature--perceiving the same conflict of interest at the MTC, and also becoming concerned about the rapid increase in state subsidies--attempted to

manage metropolitan transit directly by stipulating fares, services, and other matters. The Legislature also turned increasingly to the state Department of Transportation (MnDOT) to develop, administer, and fund transit systems and providers, including the MTC.

Through all of this, the MTC retained its general system planning and development responsibility. But the agency had little incentive to plan new or different services which it could not deliver, and so increasingly occupied itself with running the bus system and coping with a series of fuel and financial crisis of the late 1970s and early 1980s.

Conclusions of the Legislative Study Commission, 1983-84

A legislative study commission, created in 1983 to evaluate metropolitan transit, recommended to the 1984 session that service should be diversified, government functions reassigned, and finance reorganized.

1. Diversity of services

The Commission found that the existing mix of transit services and providers was not sufficiently diverse and responsive to various community needs and user preferences:

- Some areas and populations were inadequately served.
- There were insufficient incentives to encourage new methods of service.
- New providers were discouraged from entering the market.
- Metropolitan transit plans focused on capital investment and neglected service development and funding policies.

The Commission concluded that government should encourage greater diversity and responsiveness in transit services, while protecting the integrity of the regional public bus system. Without impairing the viability of the MTC, the Commission wanted to develop alternatives to the existing system of line-haul, regular-route service oriented to the two downtowns.

2. Government agency responsibilities

The Commission found that defects in government organization were partly to blame for the service deficiencies:

- **Excessive state involvement in metropolitan transit management.** Both the Legislature and state agencies had inappropriate roles in metropolitan transit. The Legislature was ineffective in its proper role--setting and overseeing transit goals and performance--because it was mired in the details of transit operations and services. MnDOT and the TRB had come to play too large a role in metropolitan transit.
- **Agency fragmentation and overlap.** With the involvement of the TRB and MnDOT, executive responsibilities had become fragmented and inappropriately allocated. Too many agencies had a hand in transit, with conflicting and confusing lines of accountability the result.
- **Weak systems management.** As a consequence of agency fragmentation and overlap, no agency was clearly charged with the responsibility for developing and managing the metropolitan transit system as a whole.
- **Conflicting functions of the MTC.** The MTC's dual statutory responsibility--as a systems manager and as a provider--involved it in a conflict of interest that prevented it from doing either function properly.
- **Insufficient local participation.** This fragmented and unfocused governance system was also excessively centralized. Local governments and transit operators were largely excluded from participation.

The Commission recommended restructuring the responsibilities of government agencies, as follows:

- **Concentrate the Legislature on broad policy setting and oversight.** The Legislature should stop stipulating the details of transit and focus on policy, government structure, and performance evaluation.
- **Move responsibility from the state agencies to the metropolitan level.** Responsibility for developing, managing, and funding metropolitan transit should be reassigned from MnDOT and the TRB to a metropolitan agency.
- **Keep the Metropolitan Council focused on long-range policy.** The Metropolitan Council should continue as the long-range planner and over-all policy-setter for the region. The Council should, however, expand its transit plan beyond capital investment policy and place more emphasis on finance and service policies.
- **Consolidate system management in a new metropolitan agency, the RTB.** All systems development, management, and funding responsibilities--formerly in the TRB, MnDOT, the Council, and several other places--should be placed in the RTB. The RTB should replace MnDOT as the administrator of transit subsidies; and RTB

service contracts should replace TRB regulation of fares and service areas. The TRB should retain only the responsibility to determine the operating fitness of providers other than then MTC.

- **Separate systems management and transit operations.** The MTC should be confined to owning and operating MTC services; all responsibility for systems development, management, and funding should be removed to the RTB, which should be devoid of operational entanglements.
- **Encourage active participation by diverse interests.** The RTB should not replace the MTC as a centralizing force in transit; it should rather encourage local governments, providers, and users to participate in designing and providing transit services.

3. Transit financing

The Commission found that defects in financing were partly to blame for the service deficiencies:

- **Deficit-based finance.** Transit finance was driven by deficits, not policies or formulas. The resulting uncertainty in funding created operational disincentives for innovation and produced instability and inefficiency in services.
- **Absence of financing policy.** Neither the Legislature, the Governor, nor a responsible metropolitan agency had ever articulated a financing policy.

The Commission recommended changes in financing of transit:

- **Move to formula-based financing.** The Commission recommended a formula to promote stability and efficiency, depending upon availability of funds
- **Require more financial planning.** The Metropolitan agencies should articulate policies on finance--including such matters as: goals, fares, mix of revenues, and allocation of funds among subregions, service types, and providers.

The following two pages show the reassignment of functions upon the creation of the RTB under the Transit Reorganization Act of 1984, and the three principle roles of the RTB.

Changes in Agency Functions

This chart outlines the major shifts in agency functions that were consolidated in the RTB in 1984.

FUNCTION	AGENCY	
	BEFORE	AFTER
LONG-RANGE POLICY CAPITAL INVESTMENT APPROVAL	Metropolitan Council	Metropolitan Council
SERVICE SYSTEM: PLANNING DEVELOPMENT	TRB MnDOT MTC	RTB
FINANCIAL MANAGEMENT: PLAN LEVY TAX RECEIVE SUBSIDY FUNDS ISSUE BONDS	MnDOT MTC	RTB
SERVICE "BROKER": CONTRACT WITH OPERATORS EVALUATE OPERATORS DISTRIBUTE FUNDS	MnDOT MTC	RTB
OPERATIONS	MTC	MTC

Original Functions of the RTB

The principal functions of the RTB in the 1984 enabling law were:

1. Service planning and development

The RTB was directed to:

- prepare a mid-range (two- to five-year) transit implementation plan, which would establish objectives and programs to accomplish the transit goals articulated in the Council's long-range transportation plan
- promote transit: conduct an annual regional transit conference; encourage new forms of transit; provide technical assistance; establish transit user groups and local advisory groups to plan transit for particular populations and subregions

2. Financial management

The RTB was authorized to:

- prepare the regional transit system's financial plan and annual operating and capital budget
- approve the MTC's annual budget
- receive federal and state subsidy funds for transit
- approve all applications of political subdivisions for federal transit funds
- levy the metropolitan property tax for transit
- issue metropolitan transit bonds and short-term certificates of indebtedness

3. Service "broker"

The RTB was authorized to:

- assume control of various transit funding and development programs located in other agencies, including: ridesharing, Metro Mobility, "opt out," and others
- arrange for transit services by transit operators and local authorities--that is, the RTB was to initiate, approve, monitor, and evaluate service contracts

The RTB was required to protect the core MTC regular route system from being nibbled to death by contracts with other providers.

The RTB was given no authority to regulate or approve transit operators, except indirectly through its control of public subsidy contracts. The TRB retained only the authority to certify the fitness of operators. General regulatory authority was eliminated.

Current Policy, Goals, and Duties of the RTB

The legislative policy for establishing the RTB was (and is) to provide "essential mobility and transportation options in the metropolitan area, [to encourage] alternatives to the single-occupant vehicle and [to develop] transportation service designed to meet public needs efficiently and effectively."

The legislative goals for the RTB are:

- to provide, to the greatest feasible extent, a basic level of mobility for all people in the metropolitan area;
- to arrange to the greatest feasible extent for the provision of a comprehensive set of transit and paratransit services to meet the needs of all people in the metropolitan area;
- to cooperate with private and public transit providers to assure the most efficient and coordinated use of existing and planned transit resources; and
- to maintain public mobility in the event of emergencies or energy shortages.

Under statute, the duties of the RTB are:

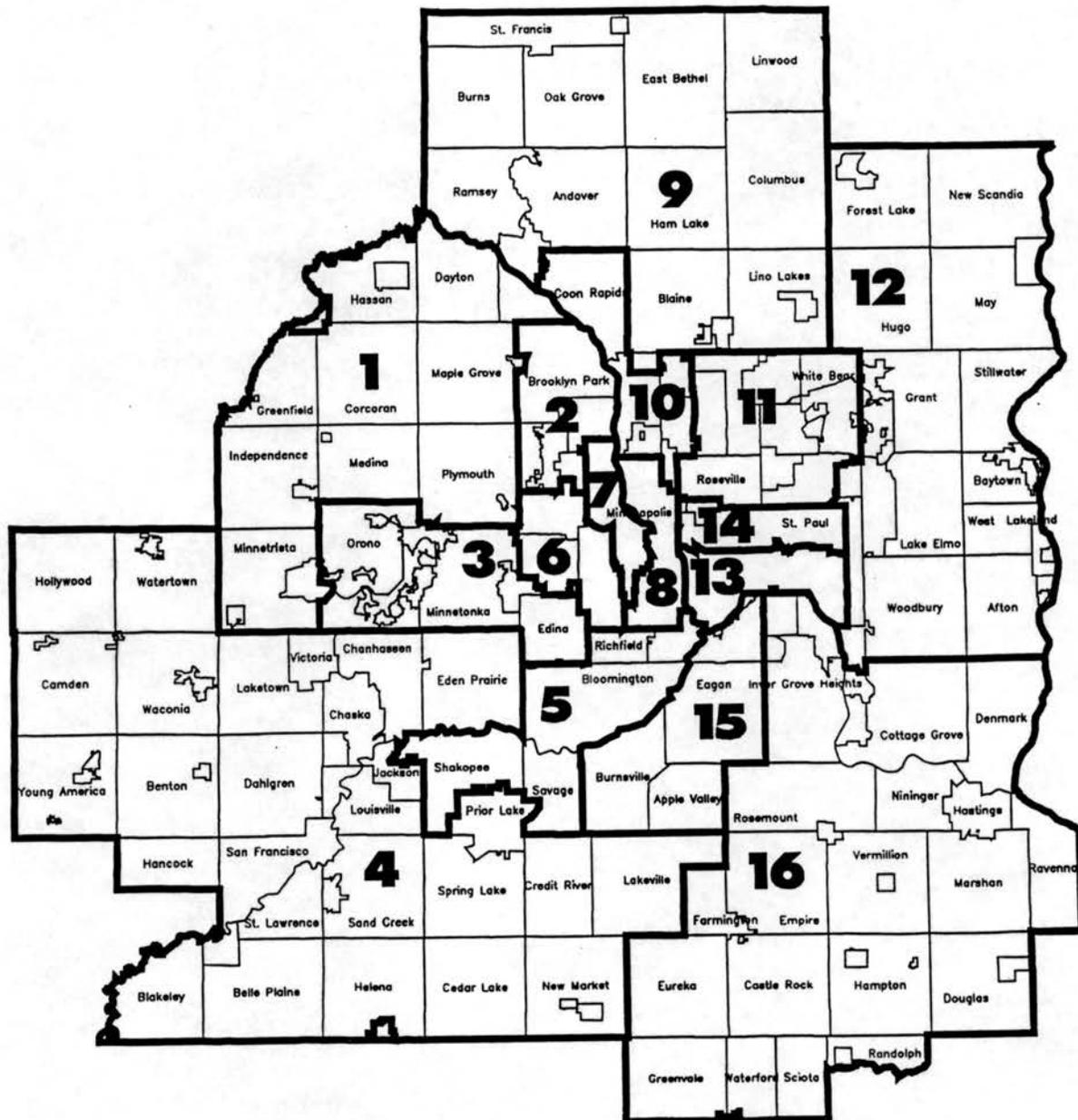
- to foster effective delivery of existing transit services and encourage innovation in transit service;
- to increase transit service in suburban areas;
- to prepare implementation and financial plans for the metropolitan transit system;
- to set policies and standards for implementing the transit policies and programs of the state and the transit policies of the metropolitan council in the metropolitan area;
- to advise and work cooperatively with local governments, regional rail authorities, and other public agencies, transit providers, developers, and other persons in order to coordinate all transit modes and to increase the availability of transit services;
- to conduct transit research and evaluation; and
- to administer state and metropolitan transit subsidies.
- to arrange for delivery of transit services but not directly operate or become involved in operational planning or management of specific transit services and facilities.

Appointments to Metropolitan Agencies Involved in Transit

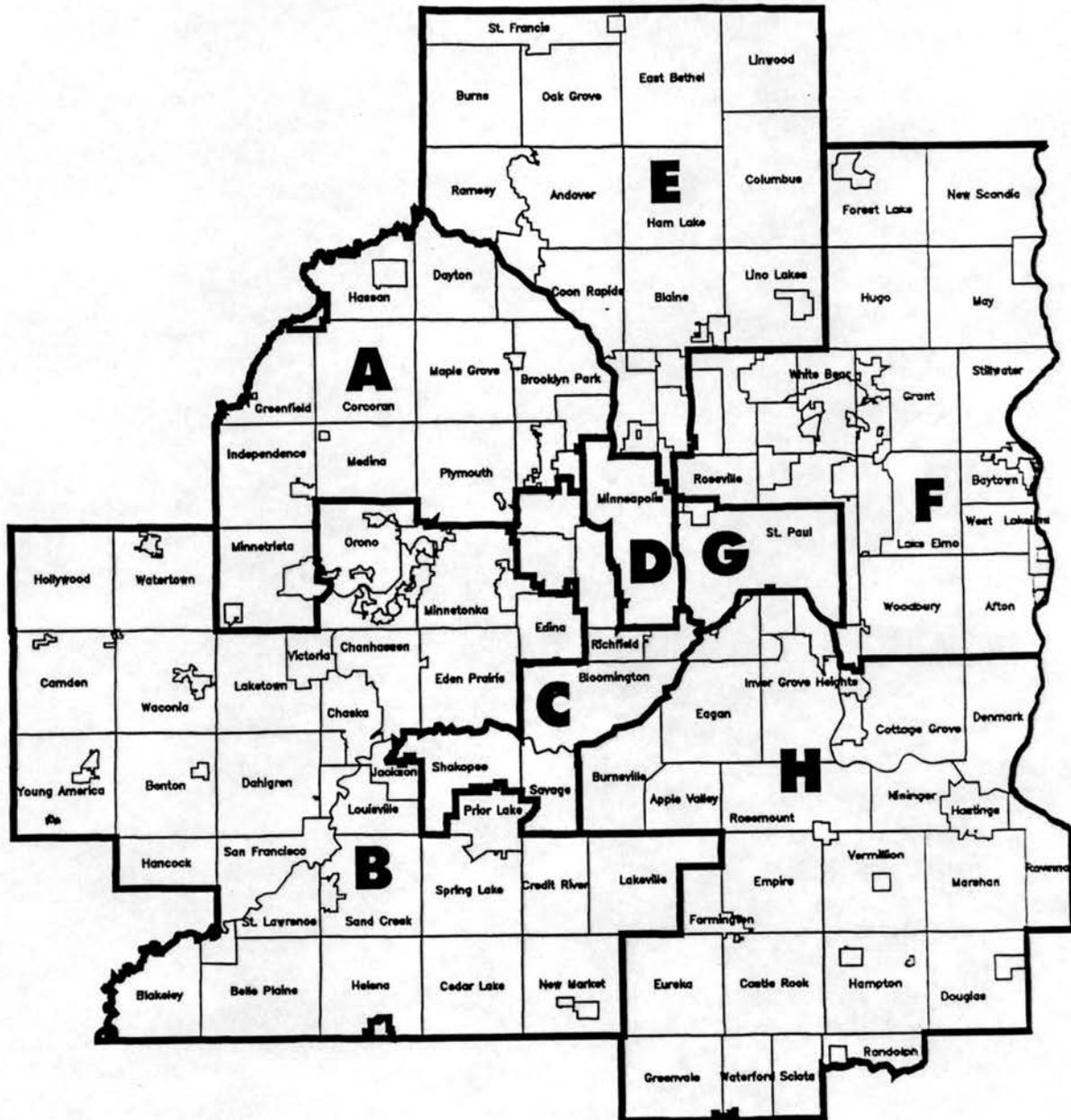
This chart shows, for each metropolitan agency, the total number of members and the manner of appointment, residency, or status qualification and term of the chair and other members.

Agency	Number	CHAIR			MEMBERS		
		Appointed By	Residence or Status	Term	Appointed By	Residence or Status	Term
Met Council	17	Governor	Metro	At pleasure	Governor	16 statutory geographic districts	4 years
TAB (advisory to the Council)	30	Council	private citizen	2 years	AMM 7 Metro County Boards Council RTB, MPCA, MnDOT, MAC	submits 10 local elected officials as nominees to the Council each county submits 1 nominee to the Council 10 local elected officials, 7 county representatives, 8 citizens - 1 from each metro agency district 1 from each agency	
RTB	11	Governor	Metro	4 years at pleasure	Met Council Governor	8 statutory geographic districts (6 local elected officials) Two (one 65 or older; one with a disability)	4 years 4 years
MTC	5	Elected by commissioners	Commissioner	1 year	RTB	1-Minneapolis; 1-St. Paul; 2-served suburbs; 1-transit user with a disability	3 years

Metropolitan Council Districts, 1993



Metropolitan Agency Districts, 1993



Transit Finance

There are four primary sources of funding for transit: fares, property taxes, state, and federal funds. In addition, there are city, county, and private nonprofit funding of some services. The percentage any one source contributes to a service varies from service to service. For example, the RTB policy for regular route service is that the fares provide at least 35 % of the operating costs.

The table below provides a quick overview of the sources available to the different services.

	Regular Route	Opt-Out	Metro Mobility	Rural/County & Small Urban
Fares	•	•	•	•
Property Taxes*	•	•		•
State*	•		•	•
Federal	•			•
Other**	•	•		•

*Property taxes and state funds are administered by the RTB.

**Includes interest, private donations, city or county funding.

In 1993, the RTB was authorized to levy about \$61 million (after HACA adjustments).

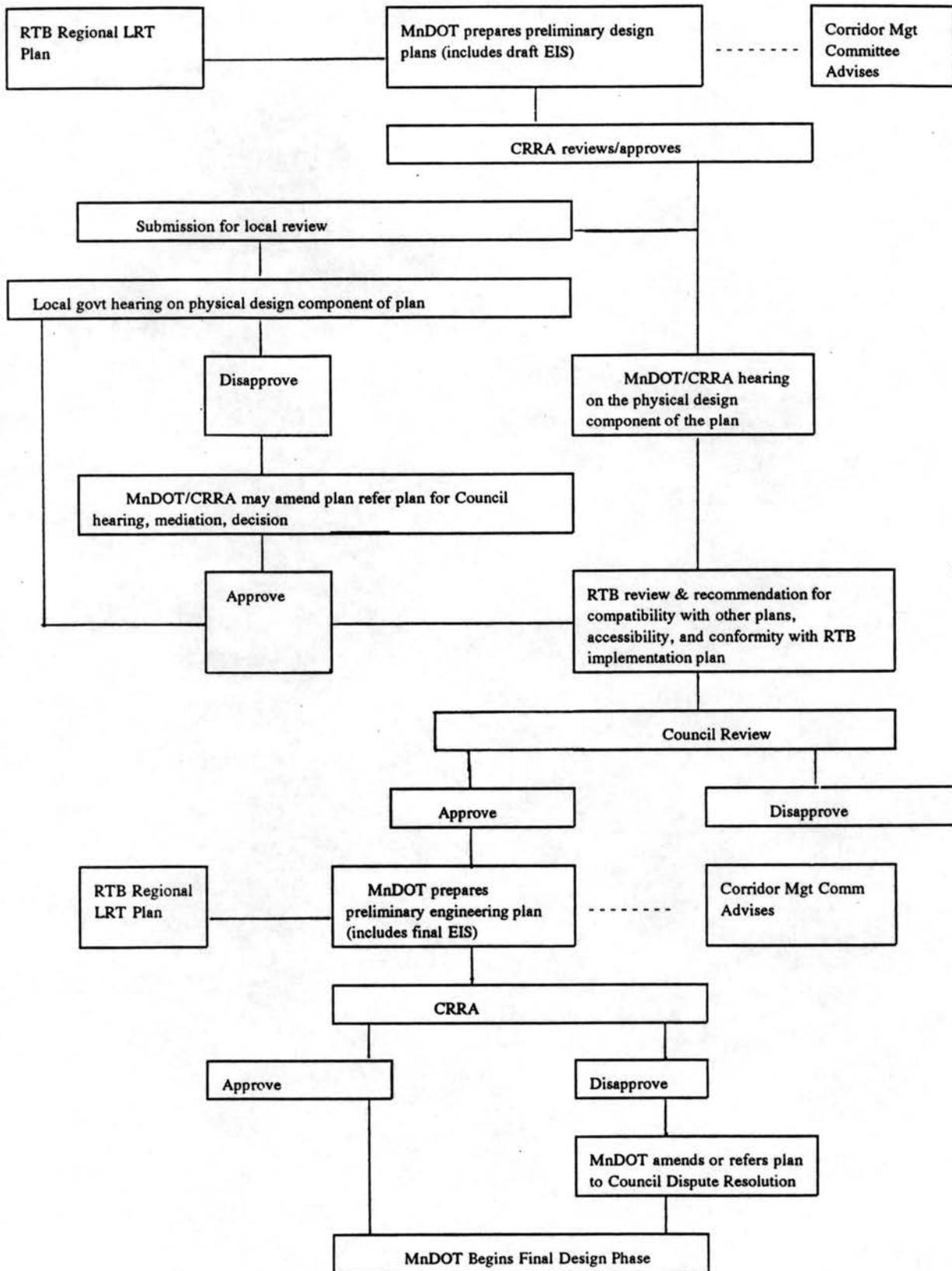
Light Rail Transit Governance

The LRT governance bill passed during the 1993 legislative session, redistributed certain responsibilities for planning, designing and constructing light rail transit in the Twin Cities metropolitan area. With these changes, LRT governance law now provides that:

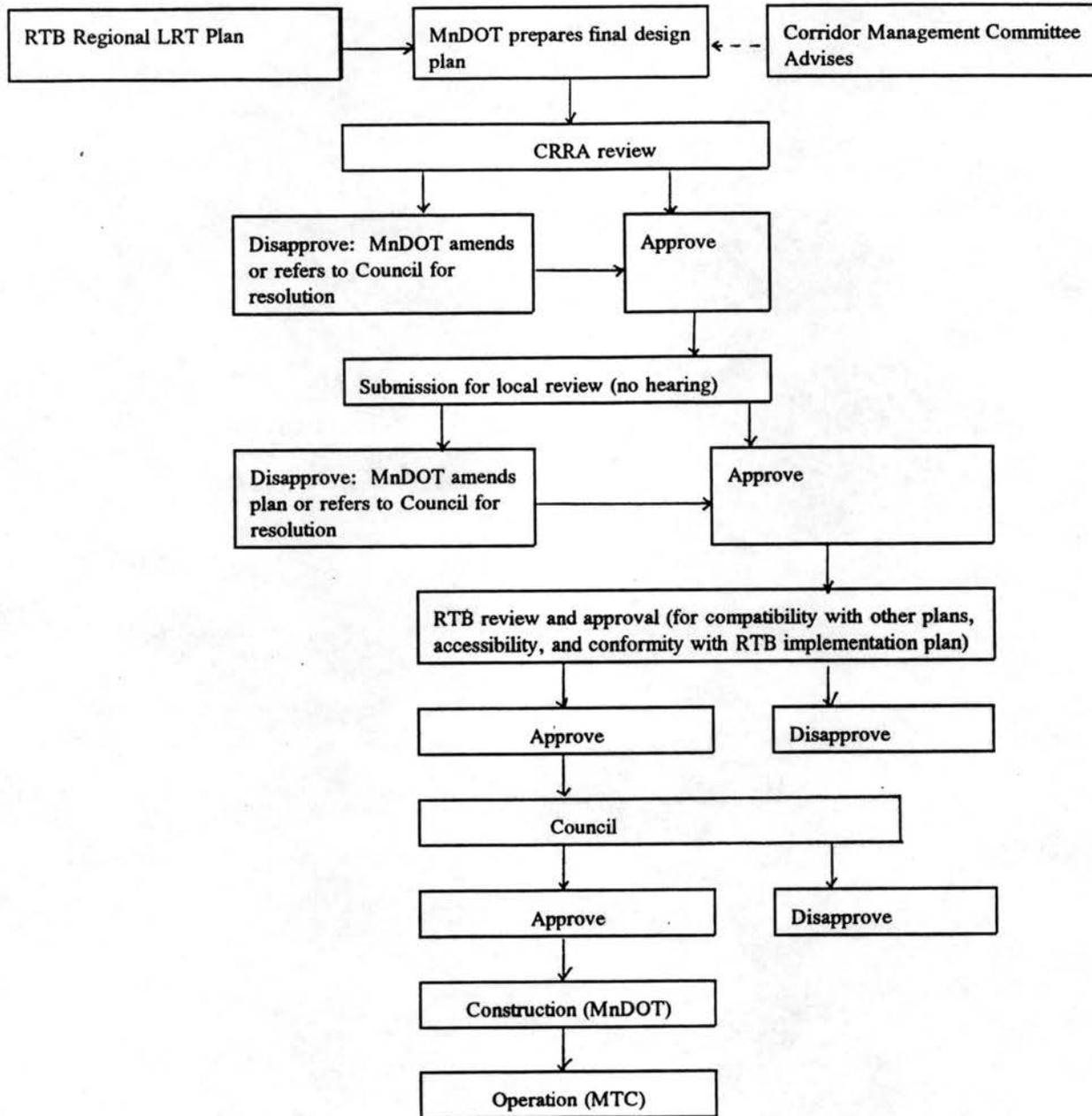
- The **RTB** must adopt a regional LRT plan as part of its transit implementation plan (which is subject to review and approval by the Metropolitan Council). The RTB must also review preliminary design plans prepared by MnDOT and the affected CRRAs. The RTB can veto a final LRT plan.
- The **Metropolitan Council** has authority to resolve disputes between agencies, and between agencies and local governments, involved in LRT planning. The Council must review and can veto an LRT plan at the preliminary or final stage.
- **MnDOT** has responsibility and authority for final design and construction of LRT, and is jointly responsible for the preliminary plans with the affected CRRA.
- The metropolitan area **County Regional Railroad Authorities (CRRAs)** are required to form an **LRT Joint Powers Board** which has the responsibility and authority to review and approve LRT system standards to be used by MnDOT in designing and building an LRT facility, and to review and approve the plan for community involvement and marketing. The LRT Joint Powers Board is also part of the "corridor management committee."
- The **CRRA** in whose jurisdiction a line is located has joint responsibility with MnDOT for developing the preliminary plans and must approve any preliminary and final design plans.
- The **Corridor Management Committee** is established for any corridor involved in LRT planning and construction. The committee consists of the Joint Powers Board, one representative from each city in the corridor, MnDOT, the Metropolitan Council, RTB, MTC, and for the corridor between Minneapolis and St. Paul, the University of Minnesota. The RTB representative is the chair. The committee advises MnDOT and the CRRAs in whose jurisdiction the corridor lies on issues relating to the alternatives analysis, environmental review, preliminary design and engineering, final design, implementation methods, and construction.
- The **MTC** will operate any LRT system built.

The flow charts on the next two pages attempt to show the review process for preliminary and final LRT plans under this governance scheme. Timing is not shown and the two review processes overlap. For example, before MnDOT submits final design plans for local review, MnDOT and CRRA must submit the preliminary design plans to the RTB.

Review of Preliminary LRT Design and Engineering Plans



Review of Final LRT Design Plans



11/19/93

Hantant

MODELS OF TRANSIT GOVERNANCE STRUCTURES

At the October retreat, the State Advisory Council on Metropolitan Governance requested staff to prepare background material describing the transit governance structures of selected cities across the U.S. and Canada. This memorandum contains descriptions of the organization of transit in the cities of San Diego, CA; Portland, OR; Toronto, Ontario, Canada; and Seattle, WA.

Each description explains the type of transit system within each city (i.e., bus, LRT, paratransit), the structure of the governing board(s), accountability to the regional government structure (if one exists) and the state legislature, and the degree of authority over policymaking, planning, and operations.

San Diego

San Diego's overall public transit network is officially called the Metropolitan Transit System (MTS). This acronym does not denote a specific agency or board, but is the acronym used to describe all of the public transit authorities and operators in the San Diego area. The public transit system in the San Diego area includes a variety of services including local and express bus service, light rail transit, and a number of general and special-purpose demand-responsive systems.

The figure shown on page 3 provides a graphic depiction of the transit governance structure in the San Diego area. The regional umbrella agency charged with transit planning and policymaking is known as the Metropolitan Transit Development Board (MTDB). MTDB has transit planning authority over 10 cities within the San Diego metropolitan region. The region is completely contained within the county of San Diego.

The MTDB is governed by a 14- or 15-member board of directors, of whom four members are appointed from the San Diego city council, nine members are appointed from each of the nine suburban city councils, and one member is appointed from the San Diego County Board of Supervisors. The board has the option of voting on a part-time chair from among its members or selecting an at-large chair from an outside source. Traditionally, the board has selected an outside chair who is not an elected public official.

MTDB has the following powers over transit services:

- Plans and programs services through the Short-Range Transit Plan and the annual Transportation Improvement Program
- Sets service policies such as on fares and transfers

- Approves the annual budgets of the SDTC and SDTI
- Approves claims for state operating assistance
- Grantee for federal transit funds
- Design and construction of LRT system

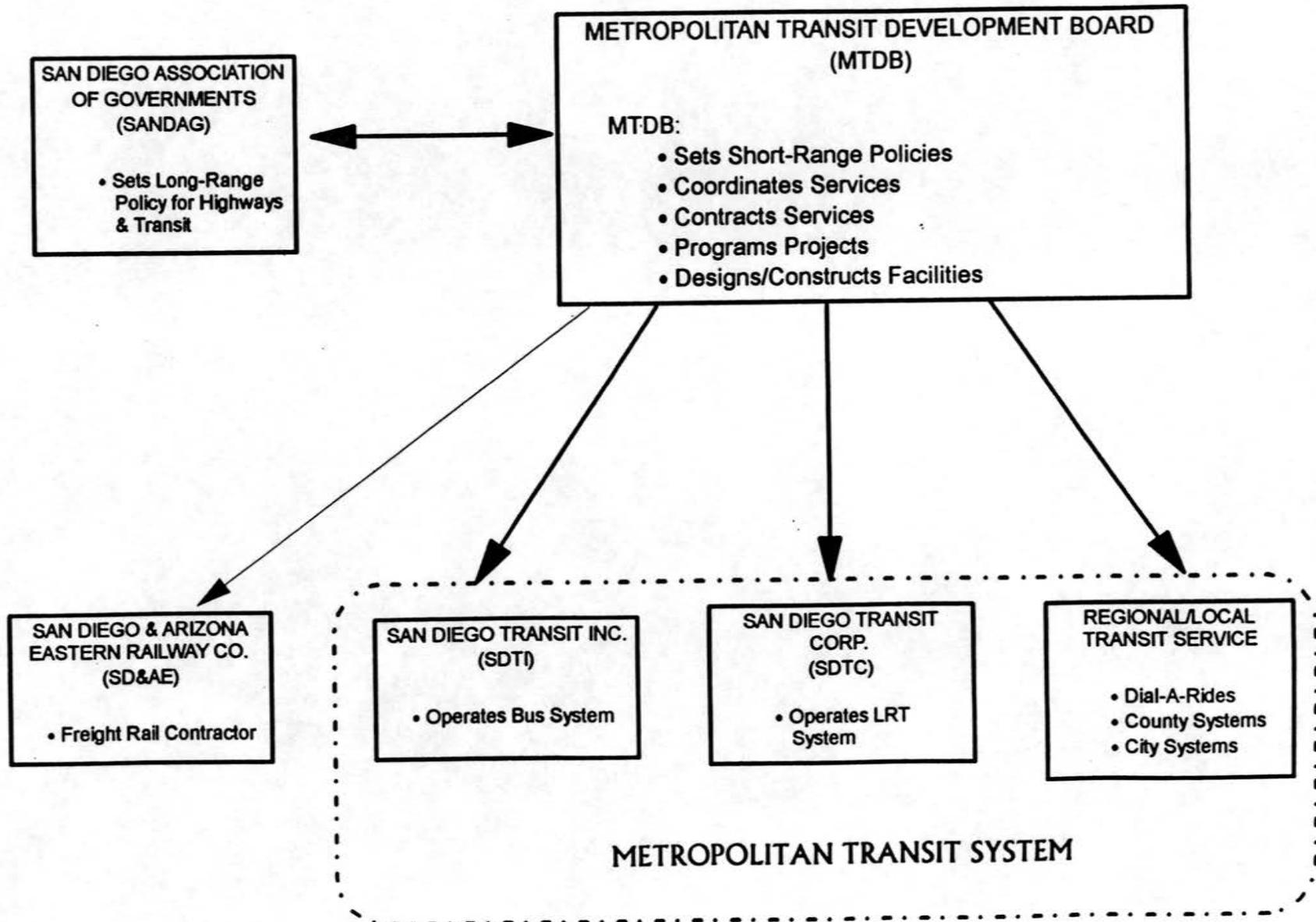
The MTDB must coordinate its short-range planning with the long-range planning carried out by the San Diego Association of Governments (SANDAG). SANDAG is responsible for the adoption of a Regional Transportation Plan (RTP), and MTDB's short-range five- and seven-year plans must be consistent with the RTP and be approved by SANDAG.

MTDB owns the assets of the San Diego Transit Corporation (SDTC) and San Diego Trolley, Inc. (SDTI) -- the two largest transit operators in the region. SDTC is the regional bus operator in the San Diego area and SDTI is the operator of the regional LRT system. SDTC and SDTI were formed under California law as nonprofit public corporations. In addition, the MTDB owns the San Diego and Arizona Eastern Railway Company (SD&AE) and contracts with a provider of freight rail service. SDTC, SDTI, and SD&AE all function as individual operating corporations with authority over the day-to-day operations of their respective systems.

The operating transit corporations, SDTC and SDTI, are governed by seven-member boards and a general manager selected by the board. The transit corporation board consists of five public members appointed by the City of San Diego, one elected official selected from the eastern suburban cities, and one elected official selected from the southern suburban cities. The trolley board consists of four San Diego city council members, one county commissioner, one elected official from the eastern suburban cities, and one elected official from the southern suburbs.

MTDB does not have direct control over local intracity regular route bus operations or over the public dial-a-ride services. However, it can influence these operators through its route definitions, service policies, and fare structure policies. MTDB does contract with providers other than SDTC to provide intercity regional bus services.

SAN DIEGO METROPOLITAN AREA TRANSIT GOVERNANCE STRUCTURE



Portland

Transit services in the Portland metropolitan area are planned and operated by an organization known as Tri-MET -- Tri-County Metropolitan Transportation District of Oregon. Tri-Met is a municipal corporation, a special-purpose regional government established to provide public transportation in the counties of Clackamas, Multnomah, and Washington. (The City of Portland lies primarily in Multnomah County.)

Tri-Met is governed by a seven-member board of directors consisting of citizen volunteers appointed by the Governor and confirmed by the Oregon Senate. Each citizen board member represents a specific geographical district in the metropolitan area. Board members serve on a part-time, uncompensated basis. A chairperson is selected by and from among the members. Tri-Met is managed by a full-time general manager hired by the board.

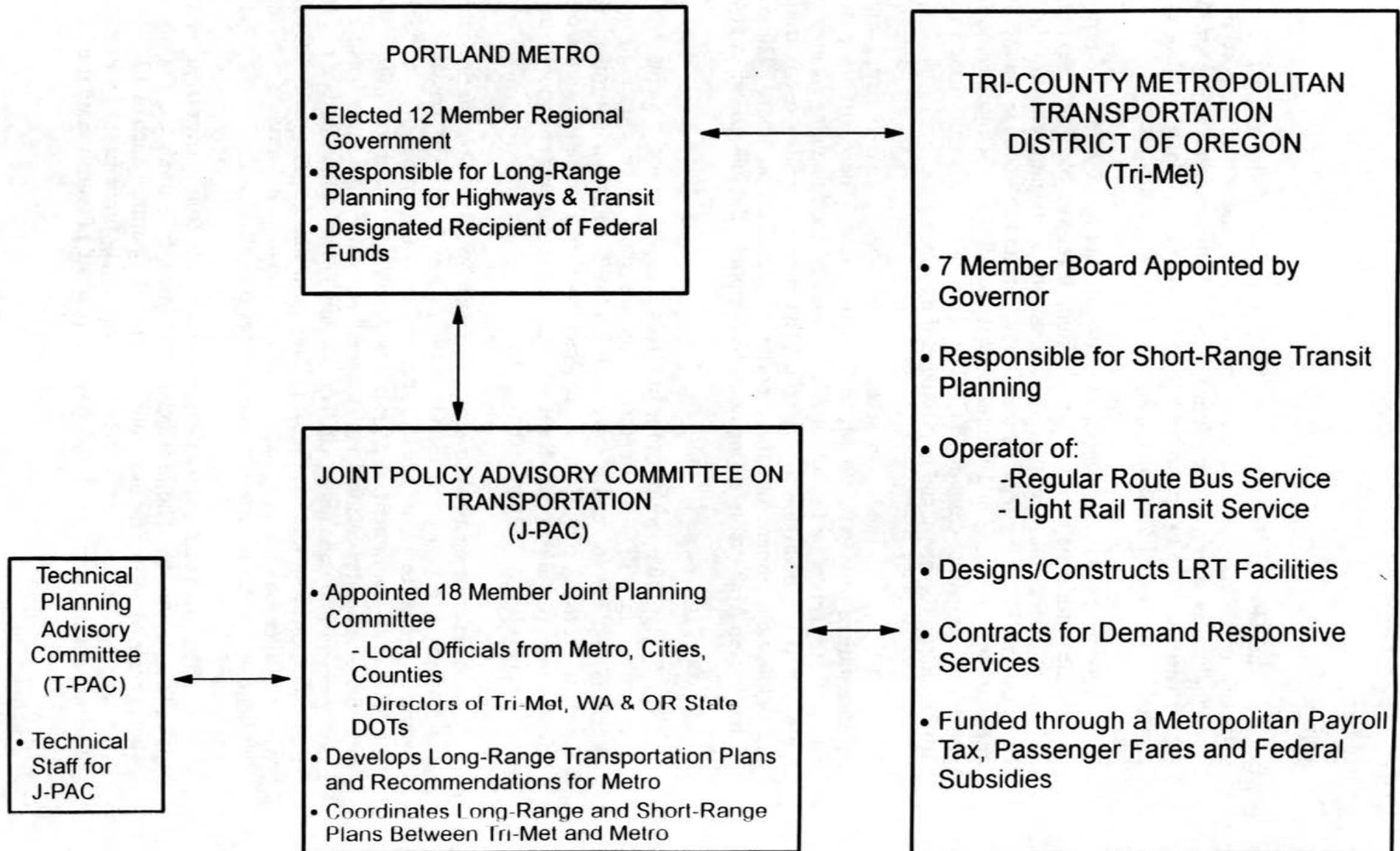
Tri-Met is responsible for both short-range transit planning for the region and for operating a number of transit services including: regular route bus service, light rail transit service including design and construction, passenger facilities construction and maintenance (bus shelters, rail stations, mall shelters, and transit centers), park & ride lots, and employer commuter programs. Tri-Met contracts with independent agencies which use Tri-Met's accessible mini-buses to provide demand-responsive service to persons with physical and mental disabilities.

The Portland metropolitan area is governed by a regional government structure known as METRO. METRO has 12 part-time members elected from geographical areas of equal population and a full-time executive officer elected from the region at-large. (See previously distributed material on metropolitan governance structures.) In the area of transportation, METRO is responsible for long-range planning for highways, bus service, and light rail transit. METRO is also the designated agency to receive federal funds.

Tri-Met and METRO coordinate their respective transit planning authorities through a joint committee known as the Joint Policy Advisory Committee on Transportation (J-PAC). J-PAC has 18 members including: three council members from METRO, one county commissioner each from the counties of Multnomah, Clackamas, Washington, and Clark (in Washington state), one elected official representing the cities in each of the four counties, one council member from the City of Portland, the executive director of the Port of Portland, the directors of the Oregon and Washington state departments of transportation, the general manager and deputy general manager of Tri-Met, and the director of the Oregon department of environmental quality.

J-PAC develops recommendations for the region's long-range transit plans that are forwarded to METRO for adoption and approval. J-Pac is assisted by a Technical Planning Advisory Committee (T-PAC) that consists of transportation staff from the city, county, and Tri-MET. An organizational diagram of the relationships between Tri-Met, METRO, and J-Pac is shown on the following page.

PORTLAND, OREGON TRANSIT GOVERNANCE STRUCTURE



Toronto

The Greater Toronto Area (GTA) consists of five regional municipalities with authority over land-use and transportation planning. The largest of these regional municipalities is known as the Municipality of Metropolitan Toronto or "Metro Toronto." Metro Toronto contains approximately 60 percent of the total population in the GTA. (See previously distributed material on regional governance models.)

Metro Toronto is governed by a 34-member board of elected representatives from the six cities within the region. Metro Toronto is responsible for long-range planning in the area of transportation. Metro Toronto is also the oversight agency for the Toronto Transit Commission (TTC), the region's transit operator and short-range planner. Metro Toronto approves the operating and capital budgets of TTC and is responsible for providing 25 percent of the capital costs of TTC. The remaining 75 percent of the transit capital costs are funded by the provincial government, if approved.

TTC is governed by a seven-member commission consisting entirely of elected representatives serving on the Metro Toronto board. The chairperson of Metro Toronto automatically serves on the transit commission and the remaining six members are selected from within the board by their peers. The transit commission has traditionally been a prestigious appointment for a member of the Metro Toronto board. The commission elects a chairperson from among its members and appoints the full-time chief general manager of the TTC.

TTC is the operator of the bus, light rail, and subway systems that serve the Metro Toronto region. TTC is also responsible for short-range transit planning and controls decisions that are in conformance with Metro Toronto's long-term plans. A Technical Transportation Planning Committee, which consists of technical staff from both TTC and Metro Toronto, works to coordinate the long-range planning and short-range planning of the two agencies.

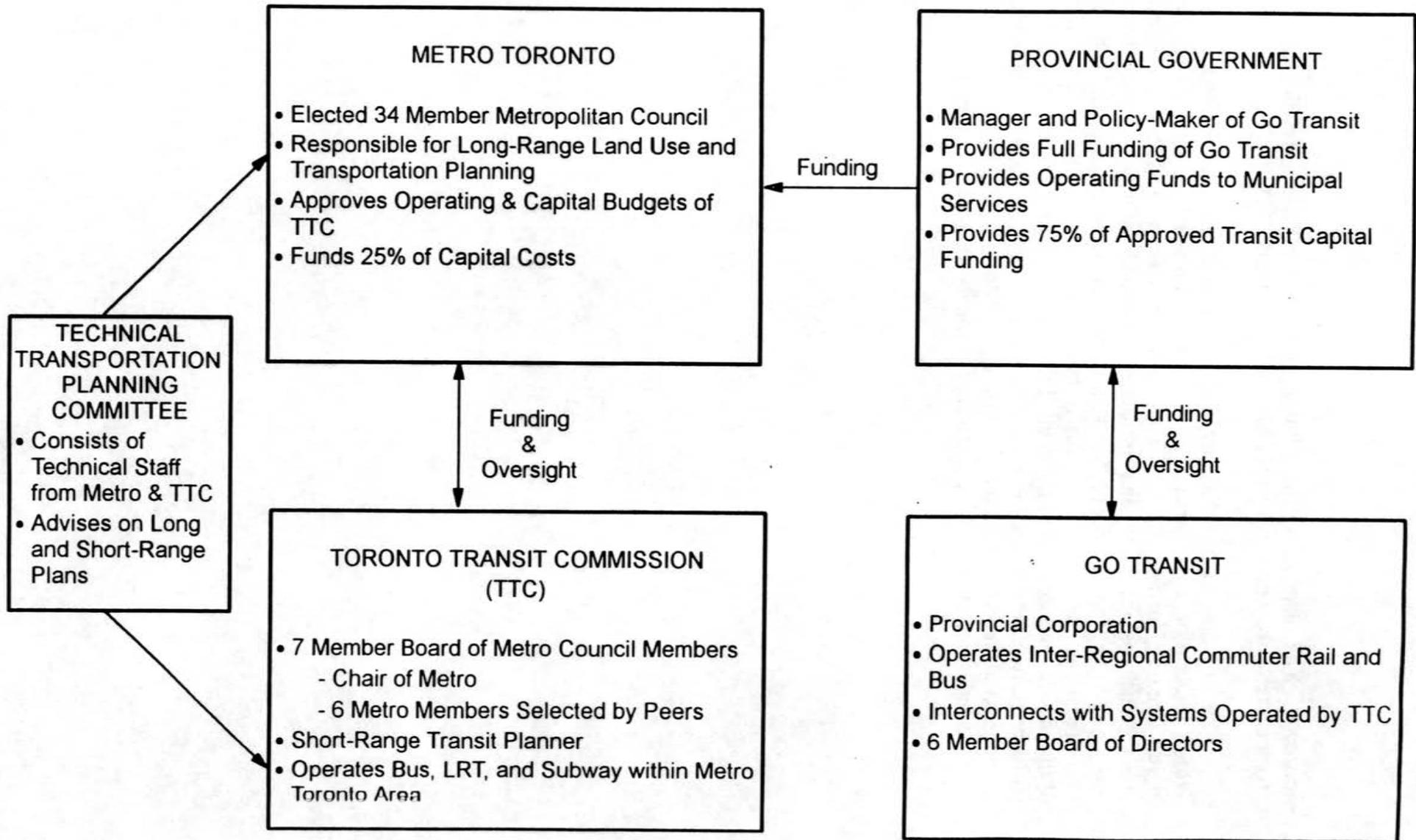
A separate agency known as "Go Transit" is responsible for providing transit services between the five regions in the Greater Toronto Area. Go Transit is an agency of the province (similar to a state agency) and receives both its operating and capital funding from the provincial government. Go Transit primarily operates a commuter rail system, but also provides some inter-regional and feeder bus service. The provincial government is the policy-maker and manager of Go Transit. Go Transit cannot initiate any service expansion and extensions without the approval of the government. The staff of Go Transit and TTC work together extensively to assure that the inter-regional services provided by Go Transit interconnect with the intra-regional services provided by TTC.

The provincial government has the ultimate control over transit in the GTA through its funding authority. The provincial government fully funds Go Transit and also provides sliding-scale operating funds to municipal transit operators such as TTC. TTC, for example, receives approximately 32 percent of its operating funds from the provincial government. The provincial government also pays 75 percent of transit capital costs, if the costs are

approved. The diagram on the following page shows the interrelationships between the provincial government, Go Transit, Metro Toronto, and TTC.

In addition, in July the provincial government (minister of transport) appointed a Transit Integration Task Force to look at opportunities for enhancing transit coordination in the Greater Toronto Area. This coordination would include coordinated operating policies such as for fares and transfers, expanded interregional services, and better coordination between services. The task force members consist of the chairperson of Go Transit and one elected official representing each municipality in the GTA. The chairperson of the task force is an elected member of the provincial government, who also serves as the parliamentary liaison to the minister of transport. The task force will be coming out with a report and recommendations in January. There is the potential for some of the recommendations to address restructuring of the existing transit governance structure.

TORONTO, ONTARIO TRANSIT GOVERNANCE STRUCTURE



Seattle/Puget Sound

The transit governance structure in the Seattle/Puget Sound metropolitan area is currently in a state of flux. In 1992, the Washington Legislature authorized the creation of a new multi-county Regional Transportation Authority (RTA). The RTA is a special-purpose government authorized to plan and implement, with voter approval, a high-capacity transportation system in King, Pierce, and Snohomish counties. The legislation supersedes previous authority granted to the transit agencies in the three counties to plan and implement high-capacity transportation systems. A high-capacity transportation system is basically defined as "a system of transportation services operating principally on exclusive rights-of-way, which provide a substantially higher level of passenger capacity, speed, and service frequency than traditional public transportation systems." This description may include busways, exclusive bus lanes, rail corridors, and high-occupancy vehicle lanes.

The RTA Board consists of 18 members -- 17 members are local elected officials appointed by the county councils of the three counties and the 18th member, the Secretary of the Washington State Department of Transportation, also serves as a voting member. Each county is represented on the basis of population to assure compliance with the one-person one-vote doctrine. This allowed for one RTA representative for approximately every 145,000 persons and resulted in 10 members being appointed from King County, four from Pierce County, and three from Snohomish County. In addition, one-half of the members appointed to the RTA must also serve on a county transit board and the largest city in each county must have representation on the authority.

The Regional Transit Plan serves as the basis for the RTA's high-capacity transportation system planning work. This plan was primarily completed over the past three years by a joint effort of the transit agencies in the three counties and the state DOT. This planning group, known as the Joint Regional Policy Committee (JRPC), was legislatively reformulated to become what is now the RTA.

The planning work of the JRPC was overseen by a state-mandated ten-member Expert Review Panel appointed in part by the Washington Governor, Senate, and House. The charge of the national experts on this panel was to assure technical accuracy of ridership and cost forecasts throughout the planning process. This Expert Review Panel will continue to review the plan development and revision now under the authority of the RTA.

The current Regional Transit Plan calls for roughly \$13 billion in high-capacity improvements over the next 20 years. Before this plan can go forward, the plan and a tax financing package must be submitted to and approved by the voters within two years after the formation of the RTA. In developing a financing plan for a high-capacity system, the RTA has the authority to impose a sales tax, motor vehicle excise tax, or employer payroll tax. The election of the plan and financing package is likely to be brought before the voters in late 1994 or early 1995.

The RTA has authority only over high-capacity transit systems in the three counties. Each county, and municipalities within the counties, maintain authority to operate local transit systems. Both Pierce and Snohomish counties operate transit services under the

oversight of a county transit board appointed by the county council. The City of Everett in Snohomish County also operates a citywide transit system.

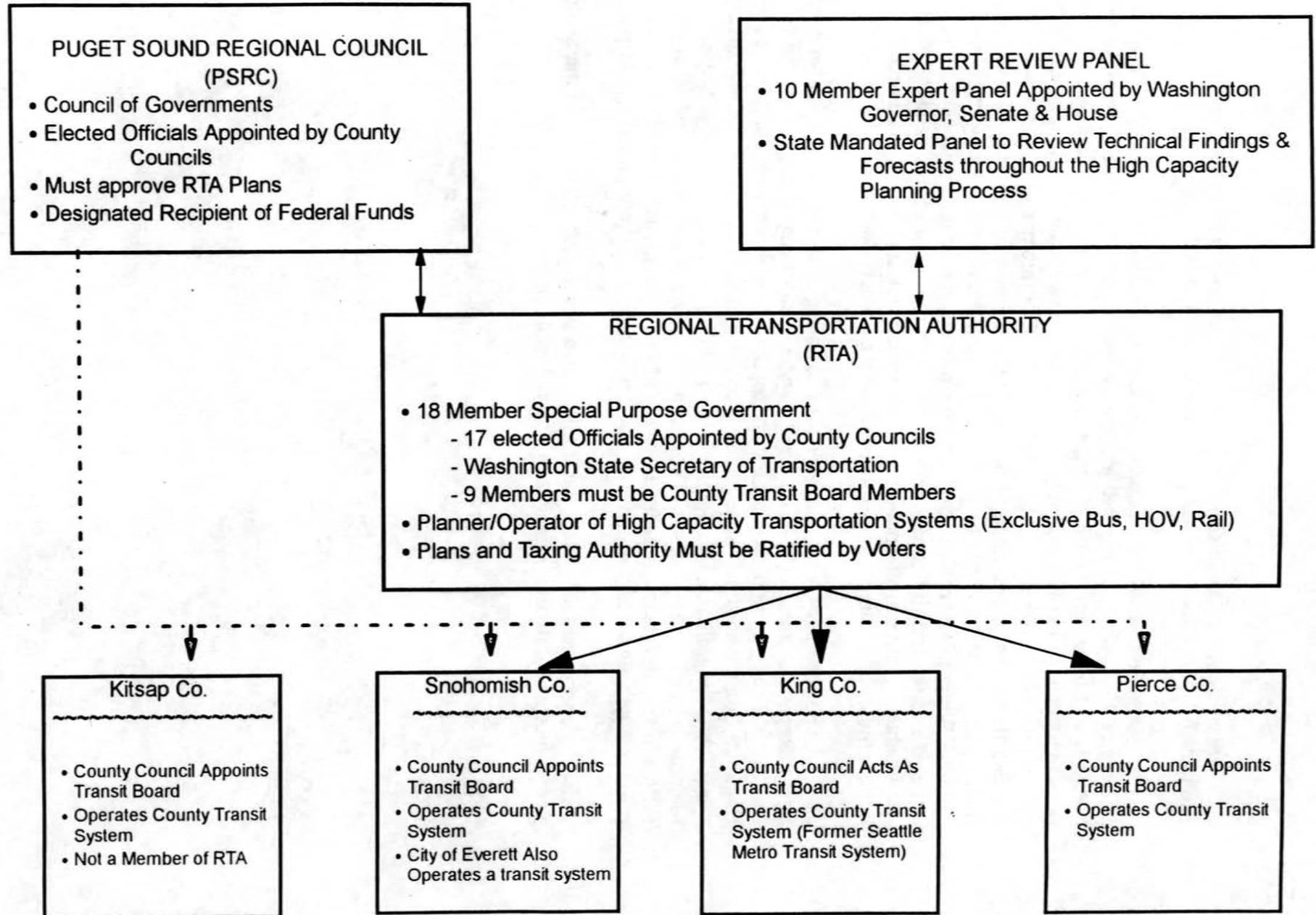
King County, which contains the City of Seattle, is a slightly different case. In January of 1994, King County will assume the transit operations of Seattle Metro. Seattle Metro is a regional special-purpose government that serves the Seattle Metropolitan area (an area smaller than King County) with sanitary sewer and transit services. However, a court finding in 1992 held that the appointment of both city and county elected officials to the Seattle Metro board violated the one-person, one-vote doctrine. As a result of this finding, Seattle Metro's planning and operating authorities are being transferred to King County. When this transfer of authority takes place, the King County council members will also serve as the transit board members for the former Metro transit and the county will be responsible for the transit operations. The transfer of authority is not expected to greatly impact the existing structure of the available transit services.

The Seattle/Puget Sound area also has a regional government known as the Puget Sound Regional Council (PSRC). PSRC is a council of regional governments (COG) and consists of local city and county officials appointed by the county councils. Puget Sound Regional Council has long-range planning authority over the three counties participating in the RTA -- King, Pierce, and Snohomish -- and also over neighboring Kitsap County. The regional council is the designated recipient of federal transit funds and must approve the RTA's plans if federal funding is required. The regional council, however, has not traditionally been an active player in the development of the regional transit plans.

An organizational diagram of the transit governance structure in the Seattle/Puget Sound metropolitan area is shown on the following page.

AMV:jb
10-26-93

Seattle/Puget Sound Transit Governance Structure



11/19/93
[Signature]

**REGIONAL TRANSIT BOARD - CONFERENCE COMMITTEE AGREEMENT
 FY 94-95 STATE FUNDING
 MAY 13, 1993
 (Numbers in Thousands)**

	Fiscal 1994			Fiscal 1995			Total Biennium		
	Need to Maintain Existing System	Conference Position	Excess (Shortfall)	Need to Maintain Existing System	Conference Position	(Shortfall)	Need to Maintain Existing System	Conference Position	(Shortfall)
Regular Route									
MTC*	\$14,000	\$14,692	\$692	\$16,910	\$12,307	(\$4,603)	\$30,910	\$26,999	(\$3,911)
Other	800	800	---	890	---	(890)	1,690	800	(890)
Metro Mobility	13,800	13,800	---	15,500	12,974	(2,526)	29,300	26,774	(2,526)
Community-Based and Agency Costs	3,500	3,500	---	4,000	2,610	(1,390)	7,500	6,110	(1,390)
TOTAL	\$32,100	\$32,792	\$692	\$37,300	\$27,891	(\$9,409)	\$69,400	\$60,683	(\$8,717)

* Appropriation rider language specifies amount to fund MTC operations.

TRANSPORTATION AND PUBLIC TRANSIT CONFERENCE COMMITTEE
 1994 - 1995 BUDGET DETERMINATION
 (Numbers in thousands)

05/13/93 FINAL
 11:54 AM

Department - Program - Activity	PAGE	FUND	SENATE ALLOCATIONS			HOUSE ALLOCATIONS			CONFERENCE ALLOCATIONS		
			FY 1994	FY 1995	FY 94-95	FY 1994	FY 1995	FY 94-95	FY 1994	FY 1995	FY 94-95
REGIONAL TRANSIT BOARD D460											
REGULAR ROUTE BASE											
Service Maintenance and Improvements		GEN	10,500	10,500	21,000	10,500	10,500	21,000	10,500	10,500	21,000
Vision for Transit		GEN	1,350	1,350	2,700	4,300	7,300	11,600	4,992	1,807	6,799
PROGRAM TOTAL		GEN	11,850	11,850	23,700	18,330	16,130	34,460	15,492	12,307	27,799
METRO MOBILITY BASE LEVEL											
Increase		GEN	12,670	12,670	25,340	12,670	12,670	25,340	12,670	12,670	25,340
PROGRAM TOTAL		GEN	12,670	12,670	25,340	1,130	2,830	3,960	1,130	304	1,434
COMMUNITY BASED AND AGENCY COSTS											
Adjustments		GEN	3,960	3,960	7,920	3,960	3,960	7,920	3,960	3,960	7,920
PROGRAM TOTAL		GEN	(1,350)	(1,350)	(2,700)	(460)	40	(420)	(460)	(1,350)	(1,810)
AGENCY TOTAL		GEN	27,130	27,130	54,260	35,630	35,630	71,260	32,792	27,891	60,683
TRANSPORTATION REGUL. BD. D464											
Agency Plan											
Change: Salary Png Estimate		THI	720	722	1,442	720	722	1,442	720	722	1,442
		THI	(15)	(15)	(30)	(15)	(15)	(30)	(15)	(15)	(30)
AGENCY TOTAL		THI	705	707	1,412	705	707	1,412	705	707	1,412
DEPT OF PUBLIC SAFETY D481											
ADMINISTRATION & RELATED SERVICES											
Public Education and Media Relations D488											
Agency Plan											
Change: Salary Png Estimates		THI	310	310	620	310	310	620	310	310	620
		THI	(7)	(7)	(14)	(7)	(7)	(14)	(7)	(7)	(14)
Activity Total		THI	303	303	606	303	303	606	303	303	606

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REGIONAL TRANSIT BOARD
TESTIMONY

November 3, 1993

State Council on Metropolitan Governance
Co-Chairs: Carol Flynn and Myron Orfield

I am Ruth Franklin, vice-chair of the Regional Transit Board. Thank you for the opportunity to speak to you.

The topic of metro governance, especially related to transit, is very familiar to me. I first became involved in transit in 1978 when I was appointed as a board member of the Metropolitan Transit Commission. I served in that capacity for six years. When the Regional Transit Board was created in 1984, I was appointed as a member and have served ever since.

That long-term perspective has given me the opportunity to see first-hand how well various governance structures can work and not work. Today, as part of my testimony, I want to talk to you about what the Regional Transit Board does, what is working, and share some ideas for improving the structure.

First of all, I would like to talk about what the RTB does, and what is working well with the current governance structure.

In transit, one size doesn't fit all. In addition to central city service using forty-foot buses, the RTB is charged with developing different types of transit services to meet varying transportation needs. These services include

regular route, suburban circulators, dial-a-ride programs, rideshare programs and services for people with disabilities.

With the variety of services comes a variety of customers and stakeholders to serve. This diversity of constituencies is one of the unique features of the RTB . All transit users, including bus riders, Metro Mobility riders and car poolers, have a stake in how transit is provided. Elected officials and community groups also have needs the RTB works to fulfill. In addition, the various transit providers depend on the innovation and leadership the RTB provides.

To provide this leadership and a framework to build upon, the RTB has developed an overall five-year transit plan, the "Vision for Transit," which offers the region a comprehensive mix of transit services that will sustain economic vitality, reduce congestion and pollution, and provide a basic level of mobility for area citizens. Community circulators, dial-a-rides, regular route buses, transit hubs, park-and-ride lots, bike-and-ride lots, high occupancy vehicle lanes, light rail transit and car and van pools all play a role in implementing the Vision. This multi-modal approach will make the region's transit system more competitive with people's solo driving mentality and meet our transit needs now and in the future.

This information tells you about what we do. Now, let me provide a bit of background on who exactly we are. Six of the RTB's 11 board members are elected officials, two others represent specific user groups -- seniors and persons with disabilities -- and the remaining two are citizens. This mix of representation helps ensure that members are in touch with their

constituencies and have the experience necessary to be effective policy makers.

To reach out to various interests, the RTB has six advisory committees that enable the board to receive feedback on policies or programs with which we are involved.

In addition to our advisory committees, the RTB works closely with opt-out providers to support their successful efforts to increase ridership in 12 suburban communities. The RTB is responsive to local needs and frequently works closely with specific communities, while also considering policies and programs from an overall regional perspective.

The RTB contracts with more than 40 different providers, all of whom provide service that is matched to the needs of the communities they serve.

To best manage this mix of providers and services, the RTB continues to make efforts to maximize the amount of service provided within existing available budgets. The board does this by carefully monitoring performance and making route and service changes as needed. These efforts help the RTB ensure that 35 percent of the total funds needed for regular route transit comes from the farebox, to provide supplement available state and federal funding.

One of the RTB's greatest assets is its innovative outlook and willingness to take risks to determine what type of services will serve metropolitan area residents best. An example of the RTB's efforts to maximize service within

a limited budget, take risks to restructure service and be more responsive to user needs is the Roseville Area Circulator and a program in my area -- the Anoka County Traveler.

I've described some of the areas that are working well. Now, I would like to make some suggestions for changes that we believe could make things operate better.

The RTB has discussed transit governance options on a number of occasions. We've asked ourselves some soul-searching questions: What agency can best respond to transit needs? What agency can best ensure that quality service is provided? Why is an agency with a regional perspective on transit policy-making important? How can you create accountability within an administrative structure?

The answer to these and other questions is consistently the same -- a transit coordinating body that acts as an umbrella to all of the decentralized transit services in the metropolitan area. Perhaps the form could be modified, but it is an organization focused on transit that can best ensure that transit is provided that responds to the needs of the metropolitan area.

After considering a variety of options, the RTB feels that a consolidation of some of the transit functions could be beneficial. Although we haven't yet developed a detailed proposal, the board does agree on some specific characteristics:

- Designate a single policy-making board to coordinate an increasing number of transit players.
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It is our position that this type of board would offer some distinct advantages over both the existing structure and some of the other proposals that are being reviewed by others.

A board, rather than a single administrator, is more responsive to community and special interest concerns, particularly when dealing with topics such as fare increases. Board members can serve as a "sounding board" for users, providers and others.

We believe that a decentralized, community-by-community approach for operating transit services has been successful. The region needs a coordinating body to integrate these services and provide consistent

leadership and direction for fares, marketing, service planning, and financing.

That concludes my formal testimony. I'm prepared to answer any questions you may have.

**REGIONAL TRANSIT BOARD
TESTIMONY**

November 3, 1993

State Council on Metropolitan Governance
Co-Chairs: Carol Flynn and Myron Orfield

What is the Regional Transit Board?

The Regional Transit Board (RTB) was created by the Minnesota Legislature in 1984 to conduct transit planning, policy-making and administration.

The RTB is composed of ten board members and a full-time chair. The Metropolitan Council appoints eight board members. The governor appoints two additional members and the chair. The Council makes its eight board appointments from each of the RTB districts. At least six of these board members must be elected officials of cities, towns, or counties. Although RTB members serve four-year terms, elected officials may continue only as long as they hold office. The governor appoints the chair as well a member who is 65 or older and a member with a disability.

The RTB employs 31 staff members. The agency's annual 1993 budget is \$94.5 million.

What does the Regional Transit Board Do?

The RTB plans, coordinates and administers a cost-effective system of transit services that is responsive to the needs of Twin Cities metropolitan area residents.

Develops transit plans

- Determines the needs for transit services, identifies new service concepts, establishes service specifications and evaluates services.
- Develops the overall Vision for Transit and the Five-Year Plan to make the Vision a reality, as well as plans for specific geographic areas and/or specific service types.
- Ensures that Metropolitan Council long-range transit policies are implemented.

Arranges a mix of services and providers

- Ensures that a variety of transit services are provided that respond to needs throughout the metropolitan area. The RTB arranges and coordinates regular route transit service, paratransit services, travel demand management strategies and ridesharing, and Metro Mobility.
- Arranges capital improvements necessary to improve transit performance, including establishing transit hubs and park-and-ride facilities.
- Establishes performance standards for service and programs, provides technical assistance to transit providers, coordinates transit operations within the metropolitan area, regularly evaluates transit performance and holds contracts with 46 public and private transit service and program providers.

- Balances various interests and needs that my sometimes compete for the same limited resources. The RTB maintains the well-being of the individual parts as well as the whole regional transit system.

Ensures implementation of specific, important programs

- Implements Metro Mobility, the special transit service for persons with disabilities.
- Establishes travel demand management programs in the metropolitan area with ridesharing as a key component.
- Participates in the alternatives analysis/draft environmental impact statement for the Central Corridor; one of several options under consideration for transit improvements is light rail transit.
- Implements the Jobseekers program in response to a legislative mandate to increase the availability of public transit services and reduce costs for people who are seeking employment, but lack a private means of transportation,

Encourages service effectiveness and innovation

- Develops new service concepts and implements new services on a demonstration basis.
- Conducts financial and performance audits of transit programs.
- Restructures programs, as needed, to be more responsive to the region's needs.

Arranges the financing of transit services, including levying a property tax

- Seeks funding for transit services, from local, state, federal and private sources in order that needs can be met.
- Levies property taxies in the metropolitan area.
- Establishes fare structures for transit services.
- Approves all federal transit funding applications.
- Prepares an annual budget as well as three-year financial plans.
- Develops a capital plan.

Acts as an advocate for transit

- Ensures that the regional transit system is developed and maintained. The regional transit system links communities together and helps maximize the quality of life in the Twin Cities area. A strong regional transit system: provides access to jobs, social services, and health care for transit dependent people; helps maintain the vitality of the two downtowns; reduces congestion on the regional highway system; reduces air pollution, allows seniors and person with disabilities to live independently.

Integrates transit into transportation planning

- Ensures that transit and travel demand management strategies are integrated as important elements of the transportation system.

Provides a forum for transit issues

- Supports six advisory committees: The Transportation Accessibility Advisory Committee, the Provider Advisory Committee, the Rideshare Advisory Committee, the Local Officials Advisory Committee, the Bicycle Advisory Task Force, and the Audit Advisory Committee.
- Solicits community input through its Community Outreach program.
- Develops publications informing the public about transit and the RTB's activities.

How does the Regional Transit Board relate with other agencies?

- The Metropolitan Council appoints eight RTB members, establishes standards for the Five-Year Transit Plan and provides overall policies for the RTB's direction. The Metropolitan Council also issues general obligation bonds on behalf of the RTB.
- The Minnesota Department of Transportation works closely with the RTB on corridor studies, federal funding for nonprofit organizations that want to provide transportation, light rail transit studies, and overall transit and transportation policies.
- The County Regional Railroad Authorities have had the primary responsibility for developing and implementing light rail transit in their respective counties. They have worked with the RTB on these efforts.
- The RTB contracts with 46 providers, private and public, to provide transit services throughout the metropolitan area. MTC is the primary provider of regular route transit services. The RTB appoints the five MTC board members and annually approves the MTC's capital and operating budget.

What is working well with the current governance structure?

- In transit, one size doesn't fit all. In addition to central city service using forty-foot buses, the RTB is charged with developing and providing different types of transit services, e.g., regular route, suburban circulators, dial-a-ride programs, rideshare programs and services for people with disabilities.
- A unique feature of the RTB is the variety of customers and stakeholders it serves. All of the transit users, including bus riders, Metro Mobility riders and car poolers, have a stake in how transit is provided. Elected officials and community groups also have needs the RTB works to fulfill. In addition, the various transit providers depend on the innovation and leadership the RTB provides.
- The RTB has developed an overall five-year transit plan, the "Vision for Transit," which offers the region a comprehensive mix of transit services that will sustain economic vitality, reduce congestion and pollution, and provide a basic level of mobility for area citizens. Community circulators, dial-a-rides, regular route buses,

transit hubs, park-and-ride lots, bike-and-ride lots, high occupancy vehicle lanes, light rail transit and car and van pools all play a role in implementing the Vision. This multi-modal approach will make the region's transit system more competitive with people's solo driving mentality and meet our transit needs now and in the future e.g., the Roseville Area Circulator and the Anoka County Traveler tie in with MTC service at their respective local transit hubs.

- Six of the RTB's 11 board members are elected officials, two others represent specific user groups -- seniors and persons with disabilities -- and the remaining two are citizens. This mix of representation helps ensure that members are in touch with their constituencies and have the experience necessary to be effective policy makers.
- The RTB has six advisory committees that enable the board to reach out to various interests and receive feedback on various policies or programs with which we are involved.
- The RTB works closely with opt-out providers to support their successful efforts to increase ridership in 12 suburban communities.
- The RTB continues to make efforts to maximize the amount of service provided within existing available budgets by carefully monitoring performance and making route and service changes as needed, e.g., high-subsidy MTC routes were consolidated and replaced with the Bloomington-Edina BE Line program.
- The RTB ensures that 35 percent of the total funds needed for regular route transit comes from the farebox.
- The RTB is responsive to local needs and frequently works closely with specific communities, while also considering policies and programs from an overall regional perspective.
- The RTB contracts with more than 40 different providers, all of whom provide service that is matched to the needs of the communities they serve.
- The RTB is innovative and willing to take risks to determine what type of services will serve metropolitan area residents best.

What could be changed to make it better?

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