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Public Transportation Budget Cuts Not Only Short-Sighted, But Illegal

Environmental and Social Equity Groups from Across California Support Lawsuit Challenging State Budget Cuts to Public Transit

San Francisco - The legislature's repeated raids of funding intended for public transportation are not only leading to an increase in the threat of global warming, harmful economic consequences, and a lack of options for Californians who depend on transit, they are illegal. That's the argument made by public interest groups in their friend of the court brief filed today with the California Court of Appeal in *Shaw vs. Chiang*, which is challenging the diversion of more than \$1 billion of transit funding.

"Funding to operate transit service is not only in the best interests of all Californians, but also required by law," said Richard Marcantonio, Managing Attorney with Public Advocates, Inc. which authored the brief. "The voters earmarked these funds for public transportation, and this diversion violates their intent and trust."

Since 2000, more than \$4.6 billion in dedicated public transportation funds (known as "spillover" funds) have been diverted away from transit through the state budget process. The amicus brief argues that the primary mandate of voters in Prop. 116 was to increase public transit funding, and that the legislature's amendment of Prop. 116 does not further the voters' purposes, as required by law.

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In addition, the brief argues that the diversion of \$637 million in public transportation operations funds for home-to-school transportation and transportation to Regional Centers for people with developmental disabilities is also illegal, because these uses of funds are not “mass transportation” purposes, as required by Prop. 116.

“Cutting transit funding ignores the will of the voters and the needs of California,” said Carli Paine, Transportation Program Director at TransForm. “Reducing public transit services hurts the environment, harms the California economy at a time when we can least afford it and hits low-income Californians particularly hard.”

The court case comes at a critical moment in time for public transit. Subways, buses, commuter rail and light-rail systems saw a 6.5 percent jump in ridership from July to September of this year according to a [report the American Public Transportation Association](#) issued this week, the largest quarterly increase in 25 years. In November, California voters approved several new ballot measures in November to expand and improve public transit services in their communities.

Despite increasing demand, Governor Schwarzenegger proposed eliminating state funds for public transit operations in his November 2008 budget revise, not only in the current budget but in all future budgets as well.

“Voters clearly want and are using more public transit,” said Emily Rusch, Transportation Advocate with CALPIRG. “We are hopeful that the appellate court will protect the will of the voters and determine that the state must fully fund public transportation services.”

Groups signing on to the brief include TransForm; the California Public Interest Research Group; Urban Habitat; the Planning and Conservation League; California Rural Legal Assistance; Inc.; Legal Services of Northern California; and the Los Angeles Bus Riders Union.