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Class Action Suit Charges Illinois Transit Funding Discriminates Against Minority Riders

Plaintiffs say funding scheme violates federal, state civil rights laws

CHICAGO (January 6, 2010) – Charging that the mass transit funding scheme adopted in 1983, implemented over the next 25 years and renewed in 2008 has had a disproportionate and negative impact on the Chicago Transit Authority and its predominantly Latino and African American passengers, CTA riders filed a federal class action suit today against the State of Illinois, the Illinois Department of Transportation, the Regional Transportation Authority and Metra, alleging that all are responsible for violations of Title VI of the federal Civil Rights Act and the Illinois Civil Rights Act.

The suit, filed on behalf of two plaintiffs by the Chicago-based law firm of Futterman, Howard, Ashley, Watkins & Weltman and the Law Offices of Chicago-Kent College of Law Civil Rights/Employment Law Clinic, contends that the funding scheme for public transportation in the RTA region has unfairly favored Metra and its predominantly white ridership at the expense of the CTA and its predominantly minority ridership. They say that the inequity has amounted to a pattern of racial discrimination that has negatively impacted African Americans and Hispanics in Chicago for more than 26 years. More than 70 percent of Metra riders are white, while more than 60 percent of CTA riders are African American or Hispanic.

The complaint argues that the funding scheme discriminates against minorities by creating severe and enduring underfunding of the CTA on both capital and operating subsidies.

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For example, the complaint notes, since 1983, CTA operating funding has decreased from 71 percent of overall RTA operating funding to 59 percent, even though the CTA accounts for 82 percent of all transit trips in the region.

The operating funding scheme distributes subsidies “on rigid arbitrary bases, rather than on ridership or other need-based measures,” said Stewart Weltman, one of the lead attorney on the suit.

Furthermore, said Weltman, “tax dollars from those living in the CTA service area have been, in effect, subsidizing the transportation of the residents of the collar counties” like Lake, McHenry, Dupage, Kane and Will.

Citing repeated instances in which the defendants have been made aware of the CTA’s precarious financial situation in the yearly budget reports the CTA has submitted to defendants since 2004, the case argues that the defendants have shortchanged the CTA intentionally, knowing full well that the consequences would cause undue hardship on the minority population living within the CTA service area – which constitutes 67 percent of the state’s minority population and 75 percent of the RTA region’s minority population.

The plaintiffs of the lawsuit, Dorothy McGhee, an African American resident of the Bronzeville neighborhood and Manuel Munguia a Mexican-American resident of South Chicago, assert that the funding scheme has resulted in a mass transit disenfranchisement of minorities living within the CTA service area. The trains and buses in which they ride are in a permanent and worsening state of physical disrepair.

The CTA, perpetually facing funding woes, has repeatedly had to decide whether to cut service or raise fares, or do both, to stay afloat.

Metra, by comparison, has flourished over the last 26 years, the suit says. The commuter rail service has been able to keep fares affordable and equipment in better condition. In stark contrast to the CTA, Metra has greatly expanded its service area and routes in the years since the 1983 funding scheme was first implemented.

For Munguia the suit is more than just a political fight over how the funding pie is divided between urban and suburban transit. “This is about peoples’ livelihoods,” he said. “It’s really about getting the access we deserve, to education, to good jobs, and, ultimately, to opportunity and prosperity. The defendants need to acknowledge that and make this right.”

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