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REVISED
EXECUTIVE MANAGEMENT COMMITTEE
FEBRUARY 16, 2012

SUBJECT: CIVIL RIGHTS COMPLIANCE UPDATE

ACTION: RECEIVE AND FILE

RECOMMENDATION

Receive and file report on Civil Rights Compliance Update.

ISSUE

The Civil Rights Compliance Review conducted by the Federal Transit Administration (FTA) found deficiencies in five of twelve areas examined. The FTA has notified Metro in writing that two of the five deficiencies (Notice to Beneficiaries and Service Standards and Policies) have been rectified to their satisfaction. Metro is continuing to work with the FTA to resolve the remaining deficiencies.

DISCUSSION

Metro is now focusing on the remaining three areas of deficiency. The status of each of the areas of non-compliance is provided below:

1. Limited English Proficiency Four Factor Analysis and Language Assistance Plan

The Compliance Review found that Metro is not in compliance with the FTA requirements for Limited English Proficiency. The existing Four Factor Analysis was found to be deficient and our Language Assistance Plan was incomplete. A draft of Factor 1 of the Four Factor Analysis has been completed and was forwarded to the FTA. A scope of work for Factors 2 and 3 has been prepared and should be awarded to a consultant to begin work by late February, 2012.

Status: Work proceeding on schedule

2. Service Monitoring

The Compliance Review found that the monitoring program conducted by Metro reported disparate impacts. As a result Metro must implement a program to improve customer awareness in minority communities. Metro has designed a marketing and communications program which focuses on informing minority communities about our services.

A new program is being designed to monitor the recently approved service standards and identify how well the standards are being met in minority and non- minority communities. The new monitoring program is scheduled to be completed and available by the end of June 2012.

Status: Work is proceeding on schedule

3. Service and Fare Equity

The FTA Compliance Review found multiple areas of non-compliance pertaining to service and fare equity.

a) Policy

The FTA requires every transit agency to have a Board approved policy that defines what constitutes a major transit service change. Major service changes are then subject to Title VI and Environmental Justice analysis. The Compliance Review found that Metro does not have a major service change policy. Metro conducted public outreach to receive input on a proposed approach. As a result of the public outreach several changes were incorporated into the proposed policy that is being presented for consideration and approval at the February Committee and Board meetings. The public outreach program included meetings with the Service Councils, the public, limited English proficiency and minority communities and the Bus Riders Union. The proposed policy was provided to the FTA for review and comment. The proposed policy is acceptable to the FTA.

b) Methodology

The Compliance Review found that Metro does not have written methodologies outlining how service and fare equity studies should be prepared. Draft methodologies were prepared and forwarded to the FTA for comment. Discussions regarding the drafts have been held with the FTA and the Bus Riders Union. Work is continuing to refine the methodologies and adapt the federal guidance to fit the special demographics of Los Angeles County. The methodologies will be finalized in the coming months.

c) Service Equity Analysis

The Compliance Review found that Metro was deficient in preparing service equity reports for major service changes. This month staff will be presenting to the Board the results of the equity analysis for the service changes originally planned for December 2011. The changes analyzed are consistent with the proposed major service change policy also being presented in February 2012.

The FTA recently clarified that they want Metro to repeat the equity analysis for the service changes implemented in both 2011 and 2010. The equity analysis for the major service changes of 2011 and 2010 are expected to be available for Board review in April 2012. The Board will be asked to make a finding that the service changes are in the best interest of the public and agency, and that the alternatives would have a greater negative impact on minorities.

d) Fare Equity Analysis

The Compliance Review found that Metro was deficient in preparing fare equity studies for fare changes approved and implemented since 2010. Metro has prepared and submitted to the FTA a proposed methodology for conducting the required fare equity analysis. Work is underway to refine the methodology. Staff will prepare the new equity studies for all recent fare changes following FTA approval of the methodology. Completion of the equity studies are currently scheduled for May 2012.

Attachment A to this report is an equity analysis for the School Field Trip program approved in September 2011.

e) Major Capital Project Analysis

The Compliance Review found that Metro has not been conducting equity studies for major guideway projects as required by Title VI guidance. The Expo Phase 1 analysis is scheduled to be presented to the Board in February 2012.

A scope of work is being prepared to retain a consultant to prepare the Title VI analysis for projects that are at the point in the planning process when an equity review is necessary. These projects include Crenshaw LRT, the Regional Connector, Expo Phase 2, and the Westside Subway. The Orange Line Extension and Expo Phase 1, Title VI Analysis will be conducted by Service Planning staff. All of the remaining projects are scheduled to be completed by June 30, 2012. Other major guideway projects will have Title VI studies prepared as the projects get closer to a FTA full funding agreement or preliminary engineering.

Status: Work is proceeding on multiple fronts.

In addition to working towards resolving the five specific areas of non-compliance, Metro has also committed to:

- Strengthening and clarifying designations of responsibility for civil rights;
- Increasing training for employees and consultants in civil rights; and
- Reviewing performance of employees and consultants involved in civil rights work for Metro.

Metro and the FTA have agreed to jointly sponsor Civil Rights Training for in Los Angeles for Metro staff, other regional operators, municipal operators and consultants. This training will provide a local opportunity for training on civil rights requirements and help develop compliant transit operations across the region.

Metro is continuing to provide briefings to other Los Angeles region transit agencies on Limited English Proficiency requirements and facilitating an exchange of information on Title VI and Environmental Justice policies and methodologies.

FINANCIAL IMPACT

The work identified in the preceding section will be completed within existing budgets in FY 2012. The FY 2013 budgets now being developed may include new expenditures required to implement civil rights requirements, particularly in the area of Limited English Proficiency.

ALTERNATIVES CONSIDERED

If Metro does not act to rectify the deficiencies identified in the compliance review, the agency would not be in compliance with FTA guidance, and would risk sanctions.

NEXT STEPS

Work will continue on resolving the remaining three deficiencies (Service and Fare Equity, Service Monitoring and Limited English Proficiency). A status update will be prepared for the Board each month until all deficiencies are rectified and the FTA has approved all actions.

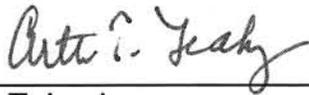
ATTACHMENTS

A. School Field Trip Fare Equity Analysis

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School Field Trip Fare Equity Analysis

In September 2011 the Board of Directors approved a School Field Trip program designed to educate Los Angeles County public school children about transit safety and how to ride Metro Transit. The program will permit students who have followed an online safety and transit educational program to ride Metro to any of 19 preselected field trip destinations in the County. Each student in the County may only participate in the program once per year.

The travel must occur during off peak periods on Monday through Friday. Sufficient chaperones or adult supervision (1 chaperon per 10 students) must be provided. A maximum of five field trips per day or twenty five per week will be allowed on a first come first served basis. Advance permission must be obtained. There will be no fare charged for students or chaperones (1 chaperone per 10 students). Prior to this program coming into effect students and chaperones were required to pay a regular fare or hold a regular pass. For chaperones the regular cash fare could have been anywhere between \$0.25 for seniors, medicare card holders or persons with a disability to \$2.45 for an adult riding the Silver Line. The fare for students is \$1.00 or \$0.55 for students with disabilities. Day Passes may have been a more economical choice for some trips. The cost of a Day Pass for seniors is \$1.80 and adults or students is \$5.00.

The population of Los Angeles County is 71% minority based on the 2010 census and the definition provided in the Civil Rights Act of 1994. Overall in Los Angeles County about 81% of children under the age of 18 are members of a minority based on the Civil Rights Act.

The elimination of fares for students participating in the transit safety and educational program does not have disparate impacts on minority populations. Similarly there are no disproportionate high and adverse impacts on minorities or low income populations resulting from the elimination of fares for students participating in this program. It is not possible to complete a more detailed analysis as the precise minority or Environmental Justice composition or their previous method of fare payment of the students receiving this new benefit are not known.