

Thursday, January 12, 2012

2:00-4:00 PM

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# Minutes

## GATEWAY CITIES SERVICE COUNCIL

### Regular Meeting

Salt Lake Recreation Center  
3401 E. Florence  
Huntington Park, CA 90255

### Call to Order

### Council Members:

Wally Shidler, Chair  
Lillie Dobson, Vice Chair

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Richard Burnett

Josue Barrios  
Jo Ann Eros-Delgado  
Sergio Infanzon  
Cheri Kelley  
Marisa Perez  
Cynde Soto

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### Officers:

Jon Hillmer, Director, Regional Councils  
David Hershenson, Comm. Rel. Mgr.  
Henry Gonzalez, Council Comm. Rel.  
Mgr.  
Suzanne Handler, Council Secretary



**Metro**

Los Angeles County  
Metropolitan Transportation Authority

## **Please turn off cell phones or put them on vibrate**

1. PLEDGE of Allegiance
2. ROLL Call – one absentee JoAnn Eros-Delgado
3. SWEAR in Marisa Perez, Suzanne Handler, Service Council Secretary
4. APPROVE Minutes from November 10 and December 8, 2011 meeting - approved
5. SAFETY Tip, Lt. Obenberger

A couple of things to cover and one is the You Tube video.

The 2011 crime statistics went down by 13% Part 1 crimes are down by 4.25%. For Metro Buses our Part 1 crimes are down over 5% and arrests are up over 5%. In the south our arrests have gone up over the past year by 29%. Citations have gone up over 40%. Metro has authorized some additional personnel we now have two deputies both on days and PMs just working just the Silver line from El Monte to Artesia Transit Center. As of January 1, some personnel hours have been adjusted to cover first thing in the morning and late night up to 2am. We have personnel out in the field during shift changes.

On Monday, January 9 at approx 5:19 pm, Lakewood Station Sheriffs' deputies received a call regarding a disturbance at a bus stop at Artesia and Lakewood Blvd in the City of Bellflower. The caller stated a female white, 40 years old wearing a white sweatshirt was causing a disturbance at the bus stop and was threatening waiting passengers with violence. The caller comments include: she is trying to pick a fight with anybody, she almost hit an old man, she seems like she just got out of prison, we are trying to stay away from her. Oh my G.. she is on the bus. This was the 911 call and released to the media. Boarded bus 266 along with other citizens and continued northbound on Lakewood Blvd. Lakewood Sheriff deputies were dispatched to the call and stopped the bus on Lakewood Blvd. at Alondra. The deputies immediately recognized her as having a history of assaulting deputies, 4 prior convictions. Deputies said they requested the woman to exit the bus but she refused shouting profanities and threatened to assault them. There was one witness who told NBC LA prior to the video being taken, that the woman shoved both deputies forcefully that he thought she was on PCP. Another individual stated she spit at the deputies. A use of force was necessary because she was aggressive. One deputy used an elbow which caused her to fall on a nearby seat deputies were able to gain control. She was transported to the hospital where she was examined, medical professionals did not see any physical injuries, She was admitted for 72 hours observation, she was not arrested.

Representative Barrios: This is definitely a case where you need to know all the details. What is the protocol for an officer using an elbow strike?

Lt. Obenberger: My personal opinion, not all officers have tasers, and they will use what they have at hand making sure the public is not in danger. Using your elbow is one way of defense in lieu of a fist which can have ramifications of injuring the officer.

Chair Shidler: We have issues on the system that are different than patrol how are our TSB.

Lt. Obenberger: They understand the system and have operated in the confined spaces of a bus. We do have our own training process that we take our deputies through when we orient them part of it is recognizing live rails on the red line, how to get the trains stopped, removing unruly passengers on a bus, how to turn off a bus, etc.

Chair Shidler: In regards to the Silver line since the enhancement was it because of problems?

Lt. Obenberger: No it was issues were homeless on the passenger stations spending more time working with them. It is something we understood we were not spending enough time on, and we asked for the personnel and Metro granted it. Now we have two dedicated deputies on the line everyday (5am to 10pm).

Chair Shidler: We have a problem with vendors on the blue line again.

Lt. Obenberger: I will request that Lt. Holloway come and speak at both council meetings (Gateway and South bay). She took over from Jenny Bethune and now has the blue, green and Expo lines.

Chair Shidler: Do you know Sgt. Garcia? He is always out there checking fares on the buses walking through and talking with the passengers and operators.

Lt. Obenberger: Our deputies assigned to the bus stations ride at least 5 buses per day with regularity.

Representative Infanzon: How often do you have incidents with the public like what we saw on You Tube?

Lt. Obenberger: Not often, each use of force is reportable outside of putting on cuffs, we do not have that many on the buses. Many times we are able to talk people off the bus. You don't want to have a confrontation in a confined space and with other passengers who could get hurt.

Representative Infanzon: Is that the general protocol? You talk with them and try to convince them to get off the bus? Deal with the issue off the bus. (yes). So in this case at which point do you use force waiting to get more deputies to help you deal with this situation.

Lt. Obenberger: In general you want to be able to maintain your safety and the safety of others. Sometimes deputies have shut down buses to remove the offending party.

Representative Perez: Besides the camera which caught the altercation, were there other cameras in the area that may have caught this on video?

Lt. Obenberger: Not that I know of. The video system that the buses have is excellent.

6. PUBLIC Comment – at this time none
7. RECEIVE report on Public Hearing Guidelines and Title VI, Dan Levy, Director Civil Rights Program Compliance

Title VI is part of the Civil Rights Act and Environmental Justice (EJ) which is an executive order. Originally we were to do this presentation in December but a couple of days before, we received a report from the FTA on an audit on our Civil Rights, it was not favorable so rather than getting the two mixed up, we delayed it. Metro has to follow regulations set by the FTA based on Civil Rights Act and EJ. The guides were written in 2007 the FTA is proposing to update. The changes don't change the gist they just make it clearer. With the changes there are requirements that we do some public outreach.

Civil Rights Act prohibits disparate treatment and disparate impacts based on race, color and national origin. Disparate impact is discrimination resulting from a race neutral policy

Environmental Justice is an Executive Order and its purpose is to protect minorities and persons with low income from disproportionate, high and adverse impacts of changes as a result of government action – including transit service and fare changes.

Equity Analysis determines if there are disparate impacts or disproportionate impacts. Staff will request the Board to amend the administrative code to add definitions of major service or fare changes. The current service change policy mixes requirements for public hearings and Equity Analysis and does not consider cumulative impacts or other conditions.

Proposed service change definition: A revision to an existing transit route that increases or decreases revenue miles less or more by 25% cumulatively over any 24-month period. Implementation of a new transit route that results in a net increase of more than 25,000 annual revenue hours. Change of more than 25% over any consecutive 24 month period in the number of total revenue trips scheduled on routes servicing a rail or BRT station or bus terminal serving at least 4 bus routes. Any new guideway project or off street transit station that serves at least 4 routes and results in route adjustment. Emergency/experimental service change for 180 days or less without an Equity Analysis, after 180 days an Equity Analysis must be performed and presented to the board.

Proposed Fare Change: this includes, but is not limited to, permanent fare changes, temporary changes, promotional fare changes and pilot fare programs. An equity Analysis is not required for changes to fares set at levels to comply with FTA requirements. Fare Equity Analysis shall **not** be limited to an analysis of changes in price of fare products, but will consider changes in fare media types or outlets to purchase fare media products.

Service Change Application Civil Rights: a Title VI protected route is one that has a higher than average number of minority transit users. Disparate impact is a service change which creates a 20% or greater negative impact on travel time, walking distance or cost.

Fare change Application Civil Rights: If the cost of a specific fare product used disproportionately by the population is increased for than 20% higher than those fare products it shall be considered to have disparate impact. For other fare system changes such as, but not limited to, eliminating a fare or product, increasing a fee or changing the availability of a specific product an appropriate evaluation shall similarly determine if the change or alternatives creates disparate impacts.

What is an EJ route: any service with at least 50% minority or low income ridership. Service where the proportion of minority or low income ridership is significantly greater than the countywide average.

In order to determine if there are mitigating benefits Metro shall consider additional factors. These include but not limited to improved schedule reliability, increased station or stop amenities, more seating or onboard space, and fewer transfers.

We are asking the service councils to please present or give us their opinion on what the new definition of disparate impact standard should be for Metro, i.e. 20% or 25% over two and/or three consecutive years.

The next steps will be to present to all service councils and start the public outreach. Then the refining of the proposals based on input received and present to the Board in February for their consideration.

Representative Kelley: Are you asking input from us today? Is there a reason we did not get this earlier?

Dan Levy: Probably by three or four weeks, you have the material. Yes, when the audit hit in December we pulled the presentation for December off the agenda, and refined it according to the audit request and are bringing it back to you the council.

Jon Hillmer: San Fernando Valley and Westside/Central service councils there was some discussion about staying within the service councils for the Title VI

evaluation for the service change analysis. Service councils should see the Equity Analysis prior to making a decision on service changes.

Chair Shidler: I am curious are we going to weigh in on the fares?

Jon Hillmer: No, any fare changes are the sole responsibility of the Board.

Chair Shidler: I consider all the riders and customers equal and there should not be a disparity.

Dan Levy: The way the federal government requires us to define minority the simplified version is, about 89% of our riders are minority, the only routes protected under Civil Rights are ones that have more than 89% minority riders. If a route is 87% minority, it is "majority" it is not protected under this scheme. The second is Los Angeles is unique in the country because regionally over 70% is minority, when the Civil Rights Act was written in 1964 and all the regulations were put into place that really did not exist anywhere. It may exist in New York, but there the ridership is not just minority, everyone rides the bus. We may be fairly unique. Unfortunately, the regulations are national.

Chair Shidler: Concerning service, we have to weigh in on certain service cuts and have to have a hearing on service adjustments in our jurisdiction. What happens is, a line is operating with a 20 minute headway during a service change they cut it to 30 minute (we don't weigh in), the next time they change to a 40 minute, then a 60 minute headway, it seems to me they are sneaking it through.

Dan Levy: That is why I extended it to 24-months, you might want to make the comment that the period should be 36-months.

Chair Shidler: I have a particular line that I use all the time. It started out really good, then with the low ridership, the headways became longer and longer. I would suggest 36-months or longer. If you put the service out there they will ride it, but if you have to wait 30-60 minutes they will find an alternative. You have to give them reliable, safe, clean service. The further out of the downtown area you live the lines become less and less.

Representative Perez: From what I understand based on what you are proposing they are going to come up with a new definition for service changes as well as fare change. Then when one of these occurs you will do an Equity Analysis. What actually is included in the Equity Analysis? What data will you be looking at? How does that help you make a recommendation?

Dan Levy: Goes into quite a lot of detail one of the things the planning department is doing now is looking at the demographics of each route in the system. Is it a major service change? Yes, or no. If it is no, that is the end of that analysis. Next does the service change involve a minority group? Or EJ? If it does, go to the next step, comparison, minority routes vs. non-minority, 20% is the number we are using at this moment. So if you are making people walk 20% further on the minority route but not on the majority route, this is a disparate

impact. If you are cutting service on the minority route increasing travel time by 10% and you are increasing travel time by 2% on majority route there is an 8% difference hence not a disparate impact. This is what has to be looked at. If there is no disparate impact the process ends there. If it turns out there is, it has to be given to the governing board and they have to make a finding that it is in the best interest, it meets the goals of the agency and the alternatives are worse. You have to be able to show the alternatives are worse to achieve the objective.

Representative Kelley: while looking at these differences, is ridership taken into consideration? 20% of 5 people riding vs. 20% of 100 people is a whole different ballgame.

Dan Levy: it would be looked at, by measuring them up to the Service Standards which are now in place.

Chair Shidler: Wouldn't you say that all our routes are minority routes?

Dan Levy: I don't have the list with me, planning just finished it, but 85% minority.

Representative Perez: When you mentioned the Equity Analysis process once we found that the fair impact had occurred was that finding not being made by the board previously? Every six months when we had a service change the board was not making that determination and is that one of the things that will be changed?

Dan Levy: What the auditors found, they only looked back at 2011, big service change in June, the board was not asked to make that finding. There was a Title VI analysis done the analysis did not follow the procedure the FTA liked, the board was not asked to make the findings. The conclusion of the planning department was that there was a disparate impact. We will be going back to the board in April and ask them to make the finding based on the previous report. They will also have to redo the report based on the correct methodology.

Representative Infanzon: Is there more information on the Equity Analysis? Flow Charts or matrix that we can understand the criteria and how the process works. Just so we have a better idea of what we are talking about and how the process is defined or designed.

Dan Levy: Probably by next week in time for going out to the public we will have a simplified version of this presentation.

Jon Hillmer: We will e-mail this information to the council when we have it.

Chair Shidler: One last question. The decrease in the cost of the day pass what was the problem with that? When we raise fares we have an outcry but when we lower them all of a sudden the FTA is questioning our reasons.

Dan Levy: Anybody who gets a benefit as a result of something that is funded by the government there should be no discrimination. In the case of Los Angeles it

is probably not a problem. An example: San Diego has express bus routes that serve white neighborhoods and has local buses that serve minority neighborhoods. They have different fares and day passes. If that day pass serving the white routes was lowered but not the local bus serving the minority neighborhoods that would be an issue. The federal government wants to make sure it is not discriminatory. But here in LA with 89% minority riders it's not very likely to be discriminatory but the same law applies everywhere and it's not all the same.

Representative Soto: You are only looking at race discrimination not disability related?

Don Levy: Civil Rights Act of 1964 is Race, color, national origin, EJ is race, and low income.

Representative Soto: Will we get the findings when the FTA audit is complete?

Dan Levy: The audit is complete and on our website.

Chair Shidler: Well, if we are covering the civil rights, we should also be covering the disability act, too.

Dan Levy: Under state law the Civil Rights Act covers disability.

## 8. RECEIVE Director's Report, Jon Hillmer, Director

### 1. Performance Report or the Month of November

- On time performance for Metro System 76.6%; Gateway 75.7%
- Lines that averaged less than 66.6%, none in the Gateway Cities
- On-Time Performance Action Plan, task force has been created to develop and implement programs to improve OTP on problem lines
- Miles between Mechanical Road Call: Metro system 3,693; Gateway cities 3,827 both exceeded their target
- Clean bus: Metro Bus System: 8.31, Gateway Cities 8.14 both exceeded their target of 8.0
- Accidents per 100,000 miles: Metro Bus system 3.14; Gateway Cities 3.31 both went over their targets
- Monthly Ridership: Metro Bus System 29,200,00; Gateway Cities 5,320,000
- Metro Blue line ridership was down the month of November to 73,000 riders per day M-F; 58,000 on Saturday and 38,000 on Sunday
- Metro Green Line ridership: Daily M-F 40,000; Saturday 18,000; Sunday 13,000
- Complaints per 100,000 passengers: Metro Bus System 3.40; Gateway Cities 3.87 – above targets
- Customer Complaints by type: Operator discourtesy was the top at 34% then unsafe operation, accident, operator conduct, disputed fare, missed stop, early schedule cut stop, off route and gave incorrect information
- ADA Monthly Complaint Trend for November was 47: pass ups 14

- Mystery Rider Observations: lift or ramp work properly 99%; Operator assistance to secure wheelchair 83%; comply with securing procedures 71%; Pass up patrons in wheelchairs 2%; deploy ramp or lift for non-wheelchair passenger upon request 100%; request passengers to move from priority seating 85%; interior voice announcements 96%; exterior voice announcement 93%; offer assistance to passenger with visible disability 80%; courtesy and respect 98%; electronic device 0.8%; run a red light 1.2%.
  - Weekday percentage of metro bus load categories; 76.7% no standees, 20.4% some standees; 2.9% over 1.30 load capacity.
  - Lines with 10% of bus trips or more with loads over 1.30: Weekday line 757 21.4%; Saturday Line 45 20.6%, 603 33.3%;
2. Bus station monthly evaluation program
- Bus stations evaluated in December: Artesia blue line 7.4; Aviation Green Line 6.1; Culver City TC 7.3; Cal State Busway 7.7; Cal State Local TC 8.3; Del Amo blue Line 8.4; El Monte Bus sta. 7.4; Harbor-Gateway TC 8.1; Inglewood TC 8.4; LAX City Bus Ctr 5.3; Norwalk Green Line 7.2; Patsaouras Plaza 8.2; Pico/Rimpau Bus Sta 7.6; Sierra Madre Villa 7.2; Universal City Red Line 6.1 – Average December score 7.4
  - Bus stations not evaluated: Burbank Metrolink; NoHo Red Line; Rosa Parks Green Line; South Bay Galleria; Harbor/I-105 Silver Line
3. Meet and Confer January 17, 2012 2-4pm, Metro Gateway Building
- Agenda will include Title VI policy, Expo Line, Transit Court, and more

Public Comment:

Roberto Hernandez: I am really sorry that Dan Levy already left, I have to walk 10-15 minutes from Avondale to Imperial Station by the time I get to Imperial Station.

Cuco Rivera: The bus was too crowded and the door closed on me. This problem happens often. The Line 111 Broadway and Florence 9:13pm what happens to people who are working to 12am or later? People are complaining can you please look in to it.

10. CHAIR and Council Member Comments

Chair Shidler: All of you have a letter in front of you addressed to Mr. Hillmer. I have received complaints from customers on why do we meet at 2pm in the afternoon, the other councils meet in the evenings. Well, the Compton Transit Center is almost completed and it is adjacent to the Blue Line there are 5 metro bus lines terminating there, along with Gardena Bus Line and 5 Compton Renaissance Lines. This looks like an optimal place to hold our meetings. I've requested staff to please look into this meeting location when it is finished.

Representative Infanzon: Our customers who live in another part of town may not be able to attend the meetings if they are held in Compton. We are going to have 12 meetings, maybe we can have 8 meetings in one location and 4 meetings at different locations, so we can provide an opportunity to the

customers to attend. I will assist in advertising and getting the word out to the public. The people that I represent will not go to Compton.

Chair Shidler: That is fine. How do you feel about the time? I would like staff to look at other locations for possible quarterly meetings in the evening.

Representative Kelley: If I could make a comment in regards to moving the meetings four times a year. If a citizen has an issue, they want answers now, not four months from now. I am concerned that we have been focusing on they have to come to a meeting, there are other means to communicate. Are we going to keep moving these meetings because we think we found a better place? Are we doing our best to make sure they understand what the process is, and how they can get their complaints to us?

Representative Infanzon: I feel it is a combination we need to do a better job in providing information to the public so they can attend these meetings and utilize the tools we have to submit complaints, comments, so we can directly address their concerns. I think one of the things we need to do is connect with people. Create a brochure describing how to contact Metro, if you have a complaint, if you have a comment, etc., providing the numbers for the public.

Representative Kelley: I agree with you that is a great idea. Something like that should be a town hall meeting on a Saturday Morning.

Chair Shidler: Would the council be willing to have meetings on Saturdays?

Representative Kelley: Not every month.

David Hershenson: I see where you want to go Wally and I understand where the council is coming from. We don't necessarily have to have our meetings be service council meetings, like Cheri suggested, we can continue to do our service council meetings at the same location for continuity sake, we would be happy to put together other type of meetings, too at other locations and different times.

Jon Hillmer: East Los Angeles, we changed meeting location to deal with a bus service element and it was geared for that area. We had a large turnout with a public forum agenda.

Representative Burnett: Going back to the form for bus station evaluations, I have a question on the rating of the stations. Is there more guidance you can give on rating the stations?

Jon Hillmer: We have adjusted the scoring to be 7-10 to be very good, 4-6 satisfactory. 0-3 barely there. Staff went through a training session at the Patsaouras Plaza last month. It should only take 30 minutes to do the evaluation of the station.

Representative Perez: Thank you very much, I enjoyed my first meeting with this council.

Chair Shidler: Yesterday at the Metro Center they locked the gates and people were there to check the tap cards and I took a few pictures. The first thing I encountered walked into the Hope Street entrance there was a woman speaking on her cell phone telling whomever she was speaking to she could not come right now because the gates were closed and she would have to pay. The Ambassadors were out showing people how to use the machines and how to TAP for entry. Tickets were given out by the Sheriffs for not having the fare. People have their TAP cards they are just not using them. (slide show from pictures Chair Shidler took with his camera).

Lt. Obenberger: I have the results of this particular operation, there was an estimated 700 patrons that were screened, there were 64 citations issued for fare evasion, 2 misdemeanors, one felony bail warrant and one felon found with a gun.

Representative Kelley: Wally indicated that people had TAP cards but were not using them, would they be cited?

Lt. Obenberger: yes.

Meeting adjourned