

**Metro**

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Metropolitan Transportation Authority

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**EXECUTIVE MANAGEMENT COMMITTEE  
JANUARY 19, 2012**

**SUBJECT: CIVIL RIGHTS COMPLIANCE UPDATE**

**ACTION: RECEIVE AND FILE**

**ISSUE**

The Civil Rights Compliance Review conducted by the Federal Transit Administration (FTA) found deficiencies in five of twelve areas examined. Metro is working closely with the FTA to rectify each of the five areas. Two of the five areas of deficiencies will be rectified by the end of January.

**DISCUSSION**

Metro is acting on all five areas identified by the FTA as being deficient. Metro submitted a Corrective Action Plan to the FTA in December 2011. The plan outlined the steps that Metro would be taking to be fully compliant with the civil rights requirements of the FTA. As of January 10, 2012 Metro has not received a formal response from the FTA regarding the Corrective Action Plan, however Metro has already resolved two of the five areas of non-compliance. The status of each of the areas of non-compliance is provided below:

**1. Service Standards and Policies**

The Board of Directors has approved Service Standards and Service Policies as required by the FTA in all areas except Transit Security. A recommended policy on Transit Security will be considered by the Executive Management Committee on January 19, 2012 and the Board of Directors on January 26, 2012. The approval of a Transit Security Policy will rectify all deficiencies identified by the FTA in the area of Service Standards and Service Policies.

Status: Complete pending Board approval of Security Policy and FTA approval

**2. Notice to Beneficiaries**

The Compliance Review found that Metro was deficient in the posting of Notices to Beneficiaries as required by the FTA. Metro has designed and produced more than 2,000 temporary notices using the required wording and alternative languages. These notices are now posted in every Metro rail station and on every Metro vehicle. This brings Metro into full compliance with the requirements, until the Limited English Proficiency Language Assistance Plan is completed at the end of December 2012. A revised notice will be prepared incorporating the languages identified by the Language Assistance Plan. The final notice will also be ADA compliant.

Status: Complete pending FTA Approval

### 3. 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 will be forwarded to the FTA for review before the end of January. A scope of work for Factors 2 and 3 is being prepared and a consultant is expected to be on board by the end of January.

Status: Work proceeding on schedule

### 4. 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 is now conducting public outreach on a proposed policy and staff is on track to present a recommended policy to the Board for consideration in February. The public outreach program includes meetings with the Service Councils, the public, limited English proficiency communities and the Bus Riders Union. A draft policy has also been provided to the FTA for comment. As of January 10, 2012, the FTA has not responded.

#### b) Methodology

The Compliance Review found that Metro does not have written methodologies outlining how service and fare equity analysis should be prepared. Draft methodologies have been prepared and forwarded to the FTA for comment. As of January 10, 2012, the FTA has not provided a formal response. The

methodologies will be finalized following Board approval of the policy issues identified above.

c) Service Equity Analysis

The Compliance Review found that Metro was deficient in preparing service equity reports on major service changes in 2011. Work has begun to prepare a compliant service change analysis for the service changes implemented in 2011. A service change scheduled for December 19, 2011 was delayed until the necessary service equity analysis is completed. The service equity analysis cannot be fully completed until the Board approves a definition of a major service change and the methodology is approved by the FTA. The redo of the equity analysis for the December , 2011 service change is planned for February 2012. The Equity Analysis for the other 2011 service changes is expected to be available for Board review in April, one month later than originally planned due to the need to complete the analysis for the December changes. The Board will also 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 analysis 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 will begin on preparing the new equity analysis for all recent fare changes following FTA approval of the methodology. Completion of the equity analysis is currently scheduled for May 2012. This is also one month later than originally planned due to the additional service equity work. The FTA has been informed about the one month delays to both the fare and service equity analysis.

e) Major Capital Project Analysis

The Compliance Review found that Metro has not been conducting equity analysis for major guideway projects as required by Title VI guidance. A scope of work is now 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. The Expo Phase 1 analysis is scheduled to be presented to the Board in February 2012. All of the remaining projects are scheduled to be completed by June 30, 2012. Other major guideway projects will have a Title VI analysis prepared as the projects get closer to an FTA full funding agreement or preliminary engineering.

Status: Work is proceeding on multiple fronts. Some work cannot be completed until public outreach is finished, FTA approval is received, or the Board takes action.

## 5. Service Monitoring

The Compliance Review found that Metro had deficiencies in the service-monitoring program for civil rights. 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. The FTA Compliance Audit also noted that the previous monitoring report based on a rider survey found disparate attitudes towards Metro service. A marketing plan is being developed to respond to the disparate attitudes and will be implemented by June 30, 2012.

Status: Work is proceeding on schedule

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.

Work has already begun to strengthen and clarify designations of responsibility for civil rights, including the creation of the Civil Rights Programs Compliance Department. Metro has contacted the FTA and offered to join in the sponsorship of civil rights training classes in the Los Angeles region. This would provide a local opportunity for Metro staff, the staff of the municipal transit operators and southern California based consultants to receive training on civil rights requirements. The performance reviews of staff and consultants will specifically address handling of civil rights issues.

Metro is providing technical assistance to other transit agencies in California on civil rights issues. This includes 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 with agencies elsewhere in California.

## **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 and oversight of Title VI, and Environmental Justice.

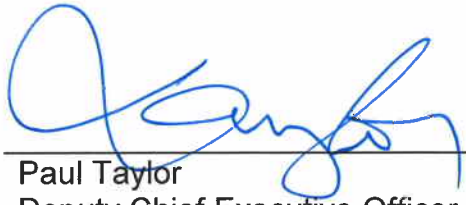
## **ALTERNATIVES CONSIDERED**

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 monthly status update will be prepared for the Board until all deficiencies are rectified and the FTA has approved all actions.

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