

CIVIL RIGHTS PROGRAMS COMPLIANCE



## TABLE OF CONTENTS

INTRODUCTION	1
GENERAL REQUIREMENTS	
1. Notification to Beneficiaries of Title VI Protections	2
2. Title VI Complaint Procedures and Complaint Form	2
3. Record of Title VI Investigations, Complaints, or Lawsuits	3
4. Public Participation Plan	4
5. Meaningful Access to Limited English Persons	5
6. Minority Representation on Planning and Advisory Bodies	6
7. Subrecipient Assistance and Monitoring	13
8. Determination of Site or Location of Facilities	14
REQUIREMENTS FOR FIXED ROUTE TRANSIT PROVIDERS	
1. System-wide Service Standards and Policies	15
2. Collection and Reporting of Demographic Data	15
3. Monitoring of Transit Service	16
4. Equity Evaluation of Service and Fare Changes	19
5. Metro Board Approval for 2013 Title VI Program Update	22
APPENDICES	
A. March 25, 2013 FTA letter Regarding Metro Title VI Program Update Due Date	
B. June 27, 2013 FTA Letter Regarding Compliance Review and Concurring with Cumulative Service Equity Analysis Results	
C. Civil Rights Notice and List of Locations	
D. Civil Rights Policy	

- E. Complaint Form
- F. List of Transit-Related Title VI Investigation and Complaints
- G. Public Participation Plan
- H. Summary of Public Outreach Efforts
- I. Limited English Proficiency Analysis/Language Assistance Plan
- J. January 29, 2013 FTA Correspondence Approving LEP Plan and Concurring with Cumulative Fare Change Analysis Results
- K. Subrecipient Schedule of Title VI Program Update Due Dates
- L. System-wide Service Standards and Policies
- M. Demographic and Service Profile Maps And Charts
- N. Demographic Ridership Surveys and Language Cards
- O. Board Report Reporting Results of Service Monitoring
- P. Metro Report – *Operationalizing Metro Goal -1*
- Q. Cumulative Service Equity Analysis
- R. Exposition Line Title VI Analysis and Board Minutes
- S. Orange Line Title VI Analysis and Board Minutes
- T. Cumulative Fare Change Analysis and Addendum
- U. Youth on the Move Title VI Analysis and Board Minutes
- V. Board Minutes Approving Metro 2013 Title VI Program Update

## INTRODUCTION

The Los Angeles County Metropolitan Transportation Authority (Metro) has prepared this Title VI Program Update in compliance with Title 49 CFR Section 21.9(b) and with the Federal Transit Administration (FTA) Circular 4702.1B "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," which superseded FTA Circular 4702.1A on October 1, 2012.

This Title VI Program Update is being submitted to the FTA in accordance with the FTA's letter sent to Metro on March 25, 2013. As of October, 2012, the Title VI Program Update due date for Metro was set for April 1, 2015. The FTA alerted Metro in March 2013 that the due date for the submission of Metro's Title VI Program Update had been changed to October 1, 2013. A copy of this letter is included in Appendix A.

In 2011, the FTA conducted a Title VI Compliance Review of Metro. A site visit occurred July 12-15, 2011. On November 23, 2011, the FTA informed Metro that the audit had found deficiencies in five out of twelve Title VI compliance areas. A Corrective Action Plan was prepared by Metro and on April 23, 2012 the FTA followed up with a more detailed letter acknowledging the resolution of some of the deficiencies and outlining the remaining requirements. Metro continued to work closely with the FTA to cure the remaining deficiencies. On June 27, 2013 the FTA sent a letter to Metro stating that the agency "has satisfactorily addressed all of the deficiencies identified in the September 2011 Compliance Review; therefore the Compliance Review is closed." A copy of this letter is included in Appendix B. The nature of the deficiencies as well as the resolution dates are as follows:

<b>No.</b>	<b>Title VI Requirement</b>	<b>Date Closed by FTA</b>
1.	LEP Language Assistance Plan	December 21, 2012
2.	Notice to Beneficiaries	April 23, 2012
3.	System-wide Service Standards and Policies	April 23, 2012
4.	Evaluation of Fares and Service Changes	Fare: January 29, 2013 Service: June 27, 2013
5.	Monitoring Transit Service	May 7, 2013

As a result, of the change in the due date, this Program Update will cover the time period from October 1, 2010 to October 1, 2013. It will also contain the results of the corrective actions taken in response to the audit initiated by the FTA in 2011 as well information for areas or time frames not covered by the audit that fall within the three year reporting period.

Metro remains committed to improving transportation services to our patrons and ensuring that services are provided in a safe, reliable, and equitable manner. Any questions regarding this Title VI Program Update can be directed to Dan Levy, Director of Civil Rights Programs Compliance, at [levyd@metro.com](mailto:levyd@metro.com) or Linda Hoos, Manager of Civil Rights Programs, at [hoosl@metro.com](mailto:hoosl@metro.com).

## 2013 TITLE VI PROGRAM UPDATE

### GENERAL REQUIREMENTS

This section addresses the General Requirements of FTA Circular 4702.1B. The following information addresses the reporting requirements as described under Chapter III of the Circular. Supporting documentation can be found in the Appendix to this report.

#### 1. Notification to Beneficiaries of Title VI Protections

Metro is committed to ensuring that the public is aware of the rights and protections afforded to them under Title VI. In accordance with Title 49 CFR Section 21.9(d) and guidance provided in FTA Circular 4702.1B, Metro's Civil Rights Policy includes:

- i. A statement that the agency operates programs without regard to race, color, or nation origin;
- ii. A description of the procedures that the public should follow in order to request additional information regarding Metro's Title VI obligations;
- iii. A description of the procedures that the public needs to follow in order to file a Title VI discrimination complaint.

Metro's Civil Rights Policy can be found on the Metro website at:

<http://www.metro.net/about/civil-rights-policy/>.

Notice regarding Metro's Civil Rights Policy has been disseminated throughout Metro's rail and bus system. Metro's Notice of Civil Rights also contains a statement that Metro operates its programs without regard to race, color, or national origin and provides a phone number for customers to call to get information regarding Metro's Title VI obligations and the procedure for filing a Title VI discrimination complaint.

Metro's Notice of Civil Rights has been placed in backlit cases on almost all rail platforms. It has also been posted on all 25 floors of Gateway Plaza, Metro's headquarters, as well as in all of Metro's Divisions. A "take-one" brochure of the notice was also placed on buses as well as in individual rail cars. The notice is available at Metro's Customer Centers.

The Civil Rights Notice in the backlit cases and the brochures have been translated into the nine languages identified in Metro's Language Assistance Plan: Spanish, Korean, Chinese, Japanese, Armenian, Russian, Vietnamese, Cambodian, and Thai. The Civil Rights Policy found on Metro's website has also been translated into the nine languages.

Metro's Civil Rights Notice, including photos of the backlit cases and take-ones, along with a list of all of the locations the Civil Rights Notice has been placed, are included in Appendix C.

## 2013 TITLE VI PROGRAM UPDATE

### 2. Title VI Complaint Procedure and Complaint Form

In December 2012 Metro updated the Civil Rights Complaint Policy and the Civil Rights Form. The Civil Rights Policy provides a detailed description of Metro's procedures for investigating and tracking Title VI complaints. Both the policy and form can be found on Metro's website translated into the nine languages identified in Metro's Language Assistance Plan, which is discussed in greater detail below.

The policy can be found on Metro's website at <http://www.metro.net/about/civil-rights-policy/complaint/>.

Translated versions of the procedure and form can be accessed at Metro's home webpage and at <http://www.metro.net/about/civil-rights-policy/languages/>.

A copy of the Civil Rights Policy is included in Appendix D.

The Complaint Form is included in Appendix E.

### 3. Record of Title VI Investigations, Complaints, or Lawsuits

No lawsuits based on a violation of Title VI were filed against Metro during this reporting period.

Appendix F contains the list of Title VI related complaints and investigations recorded beginning October 2010 through August 2013.<sup>1</sup>

Metro policy is to investigate every complaint received in which the complainant alleges discrimination on the basis of race, color, or national origin. Each complaint alleging discrimination based on race, color, or national origin is categorized as a Title VI complaint and investigated according to Metro's Title VI Complaint Procedure.

The Metro representative that patrons most commonly interact with is a bus operator. It is, therefore, not surprising that the overwhelming majority of Title VI complaints involve patrons alleging discrimination by a bus operator. In all cases, the complaint is sent to the operator's division manager and to the Civil Rights Programs Compliance (CRPC) group. The complaint is reviewed by the division manager, or the designee of the division manager, who takes a statement from the operator and sends a transcript of the statement to CRPC.

All buses are equipped with a digital recording device. When a Title VI complaint is received about a bus operator, it is Metro's policy to pull the portion of the digital recording that would likely cover the time frame implicated by the complaint. The recording is reviewed by the division manager who then prepares a report and sends the report to CRPC. This report contains information regarding the bus operator's version of events, the division manager's observations of the

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<sup>1</sup> Metro's Board report cycle necessitates that the cutoff date for the complaint reporting period end before the October 1, 2013 due date. Metro is willing to provide information relating to the balance of this period at the FTA's request.

## 2013 TITLE VI PROGRAM UPDATE

recording, a history of all complaints against the operator for the prior 36 months, and disciplinary actions taken in response to any complaints.

All division reports are reviewed by investigators in the CRPC group. The investigators have discretion to ask the division manager for more information about the incident, including asking follow-up questions to the operator. The investigator may also review the digital recording themselves, reach out to any witnesses to the incident for follow-up, and ultimately make recommendations regarding disciplinary actions if it is determined that there is merit to the complaint. In some instances, depending on the circumstances presented in the complaint, investigators will request a Mystery Ride<sup>2</sup> to gain insight generally into how the operator approaches customer service and specifically to observe for any other instances of racial animus.

After the investigator reviews all of the available information, a report is written that analyzes the information presented in the underlying complaint, the evidence received in the investigation undertaken, and concludes with a finding of merit or no merit depending on what the evidence reveals. When a determination is made that a Title VI complaint has merit, operators or other Metro personnel are disciplined appropriately and in accordance with Metro policy, the Metro Bus Operator Rulebook & Standard Operating Procedure, applicable Collective Bargaining Agreements, or other employment contracts. In most instances where no merit is found, or disciplinary action is not warranted, operators are provided with consultation and updated training.

The process for formally closing complaint investigations requires three levels of review. All complaint investigations are reviewed by the Equal Employment Manager, the Director of CRPC, and County Counsel. Once all three parties have reviewed the complaint and findings, the complaint is formally closed and a letter is sent to the complainant and respondent stating that an investigation was conducted and that the matter is closed.

#### **4. Public Participation Plan**

Metro's Public Participation Plan is included in Appendix G.

A summary of outreach efforts since October 2010 is included in Appendix H.

#### **5. Meaningful Access to Limited English Persons**

As discussed in the Introduction, the FTA Office of Civil Rights conducted a Title VI Compliance Review of Metro. Among the findings, Metro was found deficient in its compliance with the FTA requirement for improved language access for limited English persons.

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<sup>2</sup> Metro implemented the Mystery Rider Program following settlement of an Americans with Disabilities Act (ADA) civil rights lawsuit. The program was initiated to observe bus operator performance, and to use reported results to identify trends or conditions requiring corrective action. The Mystery Rider program helps Metro monitor and measure bus operator compliance with rules, standard operating procedures, and customer expectations, with an emphasis on ADA accessibility, safety, and customer service.

## 2013 TITLE VI PROGRAM UPDATE

In response to this finding, Metro undertook extensive outreach to community based organizations in order to determine the specific language services necessary to ensure meaningful access for our patrons. After completing the Four Factor Analysis for determining language assistance needs, Metro created a policy regarding the level of appropriate language outreach. The Language Assistance Plan highlights the ways in which Metro is committed to providing language assistance.

In brief, Metro has committed to providing verbal and written language translation based on the priority level of the information being provided to the population as a whole. For example, full text translation will occur in all nine identified languages for the following: notice of civil rights, civil rights complaint forms, public hearing information, and information relating to public comment opportunities regarding fare/TAP information, service changes and planning information.

Information relating to “how to ride,” fare and TAP information, service alerts and general service information will be made available in English and Spanish. However, Metro will consider providing this information in additional languages, in a targeted manner, where the information conveys major impact to all passengers, the information is specific to vulnerable populations like the elderly or disabled, and on a case by case basis where it is warranted.

Metro’s Customer Relations operators and Rail Operations Control operators have been trained on and currently utilize a verbal translation service. When patrons contact Metro, using either a customer service line or a telecommunication unit located on the rail platforms, the operators can initiate a conference call with a translation service that facilitates communication between the operator and patron. The service provides translation of up to 400 languages, including the languages listed in Metro’s Language Assistance Plan, and is available 24 hours a day, seven days a week.

Metro employees are also provided training regarding the importance of outreach to limited English patrons. To date over 30 trainings have been given to new bus operators, managers, supervisors and staff. Metro has also committed to using pictographs in new signage where it is practicable in order to reduce the reliance on English in navigating the system.

Metro’s Limited English Proficiency Analysis and Language Assistance Plan (Plan) were submitted to the FTA in September 2012. The FTA reviewed the document and returned it to Metro with comments. In the interim, The FTA issued a new Title VI Circular (FTA C 4702.1B) on October 1, 2012. Metro made revisions to the Plan incorporating both the FTA’s comments and the new requirements under FTA C 4702.1B. The Plan was re-submitted to the FTA on November 9, 2012. The FTA approved Metro’s revised Plan on December 21, 2012 and sent an e-mail to Metro on January 29, 2013 confirming the approval of the Plan.

Metro’s Plan can be found in Appendix I along with reference guidelines that have been disseminated to every department in the agency.

The correspondence from the FTA approving the Plan can be found in Appendix J along with examples of how the Plan is being implemented.



**2013 TITLE VI PROGRAM UPDATE**

**6. Minority Representation on Planning and Advisory Bodies**

There are currently four planning and/or advisory committees at Metro that meet the requirements set forth in FTA C 4702.1B. The committees are as follows:

- i. Service Councils
- ii. Transportation Business Advisory Council (TBAC)
- iii. Citizen’s Advisory Council (CAC)
- iv. Accessibility Advisory Committee (AAC)

**Table Depicting the Racial Breakdown of Committees**

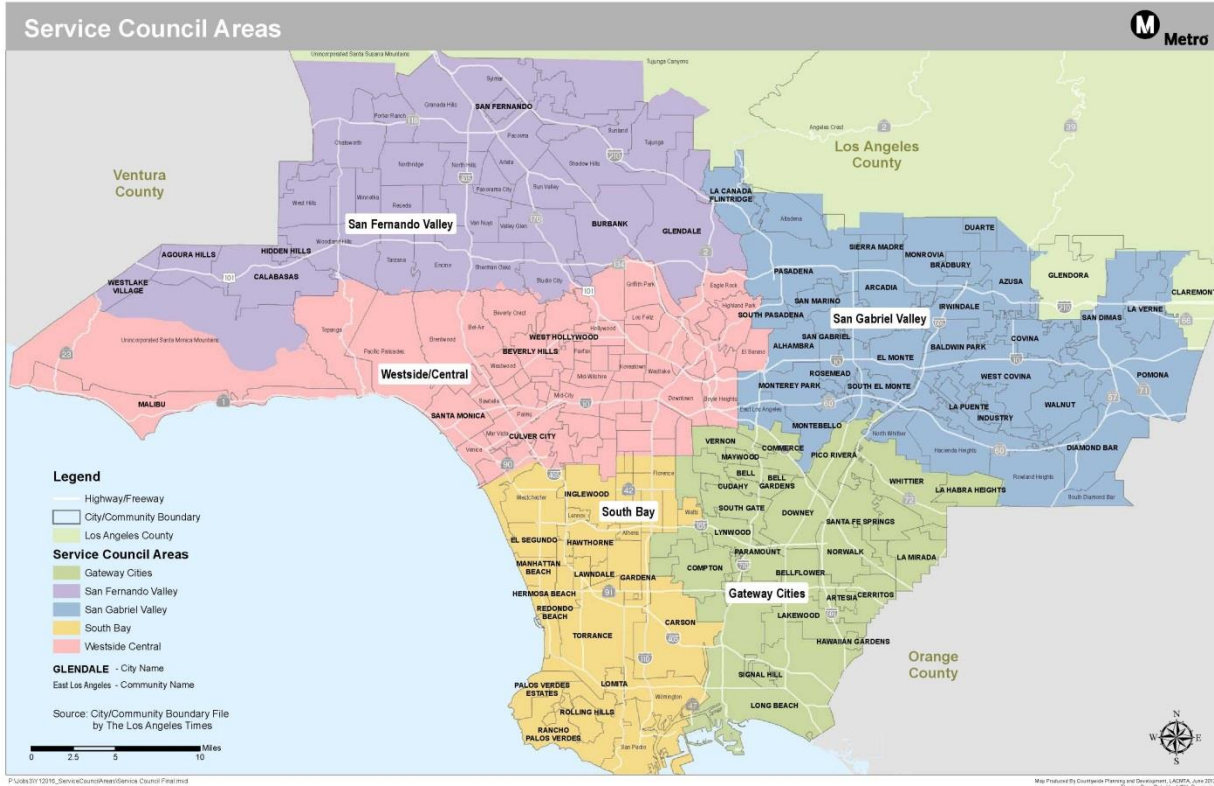
<b>Body</b>	<b>Caucasian</b>	<b>Latino</b>	<b>African American</b>	<b>Asian American</b>	<b>Native American</b>	<b>Other</b>	<b>Total No. Officers</b>
<b>Service Councils</b>	<b>52%</b>	<b>27%</b>	<b>11%</b>	<b>7%</b>	<b>2%</b>	<b>0%</b>	<b>44</b>
<b>Transportation Business Advisory Council</b>	<b>0%</b>	<b>0%</b>	<b>40%</b>	<b>60%</b>	<b>0%</b>	<b>0%</b>	<b>5</b>
<b>Citizens Advisory Council</b>	<b>53%</b>	<b>18%</b>	<b>12%</b>	<b>10%</b>	<b>5%</b>	<b>18%</b>	<b>17</b>
<b>Accessibility Advisory Committee</b>	<b>50%</b>	<b>22%</b>	<b>17%</b>	<b>5%</b>	<b>5%</b>	<b>0%</b>	<b>18</b>

# 2013 TITLE VI PROGRAM UPDATE

## Description of Efforts Made to Encourage Minority Participation

### i. Service Councils

Metro’s Service Councils advise on Metro services in five geographic regions: Gateway Cities (Southeast LA County), San Fernando Valley, San Gabriel Valley, South Bay Cities, and Westside/Central. This [map](#) illustrates the five service council areas:



The Service Councils provide local service evaluation to better understand riders' needs and to recommend appropriate response. Public participation and input is invited and encouraged at each of the council’s monthly meetings.

Each of the five councils advise on planning and implementation of service within their area; call and conduct public hearings; evaluate Metro bus programs related to their service area; review proposed service changes; make policy recommendations to the Metro Board; participate in quarterly meetings with the Metro Chief Executive Officer (CEO), Deputy CEO and other appropriate management staff.

The purpose of Metro Service Councils is to improve bus service and promote service coordination with municipal and local transit providers. The Service Council's primary responsibilities are to receive presentations on proposed Metro bus service changes from Metro staff, provide community input on proposed service modifications, conduct public hearings for major service changes, and to

## 2013 TITLE VI PROGRAM UPDATE

render decisions on proposed bus route changes considering staff recommendations and public comments.

The Service Councils are composed of transit users, local leaders, and/or elected officials that live, work or represent the region from which they are appointed; at least fifty percent of each Council members are required to be regular users of public transit services. Each Service Council is comprised of nine Members that serve a term of three years; terms are staggered so that the terms of three of each Council's nine members expire annually on June 30. Incumbent Members can serve additional terms if re-nominated by the nominating authority and confirmed by the Metro Board; there are no term limits.

Potential Service Council Members are nominated for appointment by the respective Service Council nominating authorities. Nominations are gathered by Metro Service Council staff and submitted to the Board of Directors for approval. A few months prior to the expiration of a Representative's term, Metro Service Council staff notifies the nominating authorities and asks them to submit a nomination for their incumbent representatives to serve another term or to submit the name and resume of a new nominee. Generally, due to the specific nature of knowledge and the institutional history that is preserved by maintaining some incumbents on each of the Councils, the nominating authority approaches incumbent representatives to verify whether they would like to continue to serve on their respective council; usually the incumbents choose to remain on the Council.

Service Council Members occasionally resign at the end of their terms or prior, for various personal or professional reasons. In those instances, the nominating authorities are contacted to submit the nomination of a replacement candidate to serve the remainder of the term. The replacement nomination is then submitted by Service Council staff to the Metro Board for approval as soon as the process can be completed.

Each Service Council has its own schedule of nominating authorities. Those authorities and a description of efforts to ensure minority participation are as follows:

### ***Gateway Cities Service Council Nominating Authorities***

All Gateway Cities Services Council Members are nominated by the Gateway Cities Council of Governments (COG). The Gateway Cities COG represents 27 cities in the Harbor Gateway region as well as portions of unincorporated Los Angeles County. The Gateway Cities COG has determined that its appointments to the Council shall include a majority of public transit users and not exceed four (4) elected officials. In order to solicit applications for nominees to fill vacant Council seats of elected officials, the COG solicits applications by direct notification sent to all mayors and city council members in the Gateway Cities region. In order to solicit applications for nominees to fill vacant Council seats for non-elected officials, the COG places advertisements in regional publications that serve the Gateway Cities region.

## 2013 TITLE VI PROGRAM UPDATE

### ***San Fernando Service Council Nominating Authorities***

Four of the nine seats on the San Fernando Service Council are nominated by the Office of the Mayor of Los Angeles. To fill any vacancies, the Mayor's Office generally solicits potential appointee names and resumes from its network of transit advocates. Then any potential appointees are reviewed in relation to the make-up of the current council. Appointees representative of the diversity (both geographic and ethnic) that may be lacking on the Council are interviewed and the Office of the Mayor then makes its selection.

Two seats are allocated to an East Valley cluster of cities, which includes Burbank, Glendale, and San Fernando. When one of those seats is vacant or terms are expiring, Metro Service Council staff notifies the mayors and city managers of each city within the cluster to request that they submit nominations to fill the expiring Council Member terms or vacancies. If more than one nomination per city cluster is received, Metro Service Council staff then asks all of the cluster cities to decide amongst themselves which of the nominees they wish to have appointed. Generally, the city clusters nominate a city employee who works in a transit-related position or a city council member who is involved in local transit issues.

One seat each is allocated to the Offices of the Los Angeles County 3<sup>rd</sup> District Supervisor and the 5<sup>th</sup> District Supervisor. In order to fill their Service Council vacancies, both the Office of the 3<sup>rd</sup> District Supervisor office and the Office of the 5<sup>th</sup> District Supervisor solicit potential appointee names and resumes from their networks of transit advocates. Potential appointees are reviewed on a number of factors including current composition of the council, experience in transit advocacy and knowledge of the transit issues impacting their geographic area. The goal in making the final selection(s) is to have a council representative of the ethnic and cultural diversity of the district.

One seat is allocated to the Las Virgenes-Malibu Council of Governments (COG). As there is limited Metro bus service to the Las Virgenes-Malibu COG's region, there has been little interest and the COG has had difficulty filling this position. Therefore, the COG generally looks to people that have some familiarity with the needs of those cities. Most recently, the COG nominated its former president of the COG who is also a former Calabasas city councilman. Should the COG's current nominee be able to continue to serve, Metro and the Executive Director have agreed to re-examine the COG's role as appointing authority and potentially cede their appointing authority to another body.

### ***San Gabriel Valley Service Council Nominating Authorities***

Three of the seats on the San Gabriel Valley Service Council are nominated by the San Gabriel Valley Council of Governments (SGVCOG). When the SGVCOG has vacancies, the COG sends notifications through its Governing Board, which is made up of area elected officials, and its Transportation Committee which is composed of city delegates, their alternates, and/or city-appointed staff. The SGVCOG has an informal practice of having at least one of its seats occupied by an elected official at all times. The SGVCOG also strives to have at least one transit user or individual with extensive knowledge of the transit system occupy at least one of its seats at all times. Any vacancies of a transit user seat are filled by soliciting nominations from the SGVCOG's Governing Board and its

## 2013 TITLE VI PROGRAM UPDATE

Transportation Committee. Applications for any vacancies are then reviewed by the Transportation Committee, and selection is made based on applicant knowledge of the region's transportation issues and existing regional representation on the Council.

One seat each is allocated to the Offices of the Los Angeles County 1<sup>st</sup> District Supervisor and the 5<sup>th</sup> District Supervisor. In order to fill their Service Council vacancies, the Offices of the 1<sup>st</sup> and 5<sup>th</sup> District Supervisors solicit potential appointee names and resumes from their networks of transit advocates. Potential appointees are reviewed on a number of factors including current composition of the council, experience in transit advocacy and knowledge of the transit issues impacting their geographic area(s). The goal in making the final selection is to have council representative(s) of the ethnic and cultural diversity of the district.

The remaining four seats are nominated by clusters of cities. The city clusters are:

- Alhambra, San Gabriel, South Pasadena, and San Marino
- Arcadia, El Monte, and Temple City
- Montebello, Monterey park, and Rosemead
- Pasadena, Sierra Madre, and La Cañada-Flintridge

For those seats nominated by clusters of cities, Metro Service Council staff notifies the mayors and city managers of each city within the cluster, requesting that they submit nominations to fill any expiring Service Council Member terms or vacancies. If more than one nomination per city cluster is submitted, then the cluster cities are asked to decide amongst themselves which of the nominees they wish to have appointed. Generally, the city clusters nominate a city employee who works in a transit-related position or a city council member who is involved in area transit issues.

### ***South Bay Service Council Nominating Authorities***

All South Bay Service Council Members are nominated by the South Bay Cities Council of Governments (SBCCOG). The SBCCOG is a joint powers authority of 16 cities and the County of Los Angeles. The SBCCOG Board of Directors has previously stated a strong preference that transit users or those familiar with the South Bay transit services be selected to serve as council members and in no case shall elected officials represent a majority of the Service Council. The SBCCOG also works to ensure that one position be filled by a representative from one or the South Bay's municipal transit providers.

To recruit nominees to serve on the South Bay Service Council, the SBCCOG circulates a Call for Nominations among their regions' elected officials, city managers, city clerks and working groups of the South Bay Cities COG. The SBCCOG's Steering Committee then reviews nominations and forwards their recommendations to the SBCCOG Board, which approves the nominations and forward to Metro for approval by the Metro Board.

### ***Westside/Central Service Council Nominating Authorities***

Four of seats on the Westside/Central Service Council are nominated by the Office of the Mayor of Los Angeles. To fill any vacancies, the Mayor's Office generally solicits potential appointee names and resumes from its network of transit advocates. Then any potential appointees are reviewed in

## 2013 TITLE VI PROGRAM UPDATE

relation to the make-up of the current council. Appointees representative of the diversity (both geographic and ethnic) that may be lacking on the Council are then interviewed and the Office of the Mayor makes its selection.

Three of the seats are nominated by the Westside COG. The Executive Director of the Westside COG has recently resigned; the COG is currently reexamining its mission, purpose and goals and has not yet determined whether it will continue to be a nominating authority for the Westside/Central Service Council. All of the current appointees are transit agency employees.

One seat each is allocated to the Office of the Los Angeles County 2nd District Supervisor and the 3<sup>rd</sup> District Supervisor. To fill any Service Council seat vacancies, the Offices of the 2<sup>nd</sup> and 3<sup>rd</sup> District Supervisors solicit potential nominee names and resumes from their networks of transit advocates. Potential appointees are reviewed on a number of factors including current composition of the council, experience in transit advocacy and knowledge of the transit issues impacting their geographic area(s). The goal in making the final selection(s) is to have a council representative of the ethnic and cultural diversity of the district(s). Once a nominee has been selected, the name is forwarded to Metro Service Council Staff to facilitate the Board approval process.

### **ii. Transportation Business Advisory Council (TBAC)**

Small Business owners and interested parties are welcomed and encouraged to attend the monthly Transportation Business Advisory Council (TBAC) meeting. TBAC meetings provide small businesses a forum to discuss topics and issues impacting business owners throughout the contracting community. Particularly, TBAC advocates for small business owners to have increased access to Metro's procurement process.

TBAC meetings are beneficial for all business interests. The meetings feature a monthly speaker series, Metro current and future contract opportunities, legislation updates, and current trends in transportation.

TBAC is comprised of professional business associations representing an array of industries and trades. TBAC has been instrumental in working with the Diversity & Economic Opportunity Department (DEOD) to develop a successful path forward bridging relationships between small businesses and Metro.

Efforts are made to encourage representatives from minority, female and small business organizations to participate in TBAC at both internal and external business outreach events. Internal outreach events include, but are not limited to, monthly "How to do Business with Metro" workshops, "Meet the Prime" contractor events, "Meet the Buyers" events, "Meet and Greet" small and large businesses events for large projects, and other events at Metro. External events include, but are not limited to, "California Construction Expo" (CALCON), Orange County Transportation Authority (OCTA) Small Business Conference, Southern California Minority Business Development Council (SCMBDC) Business Enterprise Fair, Minority Enterprise Development (MED) Week – Mayor's Office, and a host of small and minority business organization events.

## 2013 TITLE VI PROGRAM UPDATE

A typical list includes the following:

- California Black Chamber of Commerce Awards
- Asian American Architects/Engineers Annual Awards Dinner
- National Association of Minority Contractors Awards Dinner
- Latin Business Association Sol Business Awards Gala
- Black Business Association Procurement Summit / Expo
- Asian Business Association Annual Awards Banquet
- Women's Transportation Seminar Expo
- Greater Los Angeles African American Chamber of Commerce Economic Awards Dinner
- National Association of Women's Business Owners – Los Angeles Awards Luncheon
- Regional Hispanic Chamber of Commerce Conference
- American Indian Chamber of Commerce Luncheon
- Women's Transportation Coalition Expo

Governing council members are chosen from the TBAC membership at-large. Members are chosen by the overall TBAC membership and approved by Metro.

### **iii. Citizens Advisory Council**

On May 19, 1992 the governor signed AB 152 (Katz) into law. This act merged the Los Angeles County Transportation Commission and the Southern California Rapid Transit District and created Metro. As part of AB 152, Metro was to establish a Citizens' Advisory Council whose "membership shall reflect a broad spectrum of interest and all geographic areas of the County."

The CAC consults, obtains and collects public input on matters of interest and concern to the community and communicates the CAC's recommendations with respect to such issues to Metro. Issues may also be assigned to the CAC by Metro for its review, comment and recommendation.

Each member of the Metro Board of Directors nominates four public members to the CAC to serve at the pleasure of the appointing Board member.

To fill seat vacancies, the Offices of District Supervisors solicit potential nominee names and resumes from their networks of transit advocates. Potential appointees are reviewed on a number of factors including current composition of the council, experience in transit advocacy and knowledge of the transit issues impacting their geographic area(s). The goal in making the final selection(s) is to have a council representative of the ethnic and cultural diversity of the district(s). Once a nominee has been selected, the name is forwarded to chair of the CAC to facilitate the Board approval process.

### **iv. Accessibility Advisory Council**

Metro strives to ensure that its services are fully accessible to *all* of our customers, including those with disabilities. The AAC provides advice to Metro on policy and allocation issues affecting transportation of older adults and persons with disabilities. The AAC recruits members based on several criteria; the most important being strong familiarity with, and close connection to, the

## 2013 TITLE VI PROGRAM UPDATE

disabled community. Individuals are also required to demonstrate some knowledge of transit. Selections to the committee are made keeping in mind the demographics, both geographic and racial/ethnic, of the county. This is accomplished through extensive outreach to elected officials and organizations within the community.

### **7. Assisting and Monitoring Subrecipients**

Metro is committed to ensuring that subrecipients distribute FTA funding without regard to race, color, or national origin. From October 1, 2010 until October 1, 2012, Metro ensured subrecipient compliance with Title VI as per the FTA guidance in Circular FTA C 4702.1A.

Under FTA C 4702.1A, Metro developed procedures to provide assistance to potential subrecipients, distribute funds in an equitable and non-discriminatory way, and to monitor subrecipients' compliance with Title VI. Metro required subrecipients to document that FTA funding was distributed in accordance with the requirements of Title VI by submitting an annual self-certification and assurance. The annual review required subrecipients to demonstrate compliance by asserting whether they: developed Title VI complaint procedures, kept records of all Title VI investigations, complaints, and lawsuits, provided meaningful access to persons with limited English proficiency, and provided notice to beneficiaries under Title VI.

On October 1, 2012, the FTA revised the existing guidance and issued Circular FTA C 4702.B. Since the issuance of the revised guidance, Metro has implemented procedures and trainings to further educate our subrecipients on the enhanced requirements.

In January 2013, Metro sent written correspondences to all subrecipients informing them of the changes to the FTA guidance. Metro then assigned dates for subrecipients to submit their Title VI Program Updates. The dates for submission were assigned on a rolling basis as Metro currently oversees approximately 50 subrecipients.

Metro has created a Title VI training program for the subrecipients. Starting in May of 2013, and continuing throughout the year, Metro has informed subrecipients of the training as well as due dates for their respective Title VI Program Update. The training has been delivered to 10 subrecipients with future trainings already scheduled. Metro has ensured that Title VI training dates are scheduled at least one-month prior to a subrecipient's Title VI Program Update due date.

Metro has and will continue to provide subrecipients with assistance in the form supplemental materials including:

- i. Sample documents: Title VI Program Updates, Notices to the Public, Complaint forms, Public Participation Plans, and Language Assistance Plans;
- ii. Demographic (Census) information; and
- iii. Tracking matrices to assist subrecipients with organizing their program updates and to allow Metro to document suggestions/corrections to a program update.



## 2013 TITLE VI PROGRAM UPDATE

Once Metro receives a subrecipient's Title VI Program Update, written correspondence is sent to the subrecipient informing them that Metro has received the Title VI Program Update and full review of the Program Update will be completed within 60-days. Metro's Civil Rights Compliance Manager and Civil Rights Compliance Administrator, who was recently hired by Metro in order to coordinate the assistance to, and monitoring of subrecipients, will conduct a full review of the subrecipient's Title VI Program Update. After a thorough review of the subrecipient's program update, Metro will determine if the update is compliant or noncompliant with Department of Transportation's (DOT) Title VI regulations. If the Program Update is compliant, Metro will send written notification informing the subrecipient of their compliance and the next triennial due date for their Title VI Program Update. If the subrecipient's Program Update is not fully compliant, Metro will inform subrecipients in writing of the deficient areas and offer assistance to cure the deficiencies. Metro's goal is to work closely with subrecipients to cure deficiencies within 30 days. All final subrecipient Title VI Program Updates will be stored electronically.

Metro will audit and monitor each subrecipient's Title VI Program. Metro's monitoring program will include documentation of any suggested changes made to the subrecipient's Title VI Program Update. Metro will also monitor subrecipients' websites to ensure ongoing compliance.

Periodic site visits will also be conducted as time and resources allow. During the site visits Metro will inspect the subrecipient vehicles and facilities for compliance with Title VI requirements such as: the posting of Notice to the Public, evidence of outreach to the limited English populations identified in the subrecipient's LEP Plan, and the location and distribution of complaint procedures.

The schedule of Title VI Program Update submissions is included in Appendix K.

### **8. Determination of Site or Location of Facilities**

Since the last report, Metro has not constructed facilities, the location of which required land acquisition and the displacement of persons from their residences or business as described in Title 49 CFR part 21, Appendix C, Section (3)(iv). Therefore, there is no Title VI equity analysis to submit at this time.

## 2013 TITLE VI PROGRAM UPDATE

### REQUIREMENTS FOR FIXED ROUTE TRANSIT PROVIDERS

This section addresses the Requirements for Fixed Route Transit Providers section of FTA C 4702.1B. The following information addresses the reporting requirements as described under Chapter IV of the Circular. Supporting documentation can be found in the Appendix to this report.

#### 1. System-wide Service Standards and Policies

As explained in the Introduction, Metro's System-wide Service Standards and Policies were reviewed and approved by the FTA on April 23, 2012.

The adopted standards and policies are included in Appendix L.

#### 2. Collection and Reporting of Demographic Data

Demographic and service profile maps and charts are included in Appendix M.

Metro annually collects ridership information relating to Title VI as described in FTA C 4702.1B. The Customer Satisfaction Survey is a self-administered, on-board, paper survey Metro performs once a year. The survey has English on one side and Spanish on the other side. It is also offered in 9 additional foreign languages, Chinese (Mandarin), Russian, Armenian, Japanese, Vietnamese, Tagalog, Cambodian, Korean and Thai.

It is a mostly yes/no survey that focuses on quality of service such as on-time performance, operator courtesy, passenger safety, perception of wait time, distribution of information, system cleanliness and overall satisfaction with service. It also monitors demographic information such as ethnicity, income, car availability, gender, and age. The results represent over 98% of Metro's weekday ridership. Every directly operated bus line and rail line is sampled. We survey weekday-daytime bus runs and rail lines. The final results are posted on the Research and Development webpage and presented in a board report and to the Regional Service Councils.

The most recent survey, fielded in late May and early June 2013, resulted in 18,804 system-wide responses. The following information showing minority and non-minority breakdowns on Metro transit is taken from that latest survey. About 90% of passengers are minority and 10% are non-minority (white or Caucasian).

A blank copy of the survey along with a language card used to inform limited English Proficient patrons of the survey can be found in Appendix N.

Some results of the survey are as follows:

#### Satisfaction with Service

Both minority and non-minority passengers agree that they are generally satisfied with Metro Transit service (86% and 84% respectively). For Metro providing timely and useful information, minorities have a higher rating than non-minorities (86% and 80% respectively).

## 2013 TITLE VI PROGRAM UPDATE

### Travel Information

Non-minorities and minorities have the same transfer rate and connection time. Forty-nine percent of minorities and non-minorities have to transfer while 65% and 66% of the connections come within 15 minutes respectively. Waiting time for the first train or bus is also about the same, with minorities waiting an average of 9.8 minutes and non-minorities 9.2 minutes.

Nineteen percent of minorities have a car available for the current transit trip versus 25% of non-minorities.

### Fares

Below is a table of fare types for both minorities and non-minorities for the first Metro bus or train on the current trip. Most fare types are similar except for the senior/disabled passes.

Fare Type	Minority	Non-Minority
One Ride (Cash)/Token	32%	33%
Day Pass	19%	14%
Regular Monthly/Weekly/EZ Pass	31%	31%
Senior/Disabled Pass	8%	16%
Student Pass	9%	5%
Transfer from another agency	1%	1%
Total	100%	100%

### 3. Monitoring of Transit Service

The monitoring results assess conformance with Metro adopted Service Policies and Standards. In instances where standards are not met, the reasons for non-conformance and the incorporation of a plan of action for achieving conformance are discussed in depth in the report submitted to the Metro Board. A brief discussion of these same issues follows below.

The results of the monitoring program and accompanying Board Report can be found in Appendix O.

The Board Meeting minutes approving the results of the monitoring program can be found in Appendix V.

Metro has determined that a disparate impact will be found to exist where there is a 10% or greater difference between the percent conformance to a service standard or policy for predominantly

## 2013 TITLE VI PROGRAM UPDATE

minority areas versus non-minority areas. The results of the monitoring program indicate that a disparate impact exists in the area of on-time performance. There is also non-conformance with the adopted standard for stop spacing. In some cases the distribution of bus stops exceeds the number of stops in the policy. However, this does not constitute an adverse effect and is therefore not a disparate impact. Metro will alter the standard so that it does not place undue restrictions on attempts to increase service availability or result in removal of stops and a degradation of service to meet a standard.

### *On-Time Performance*

On-time performance improvement has been a Metro priority for the last four years. An On-Time Performance task force was established in 2009 to identify issues affecting service reliability and to implement solutions. Some of the early solutions included ensuring buses departed divisions and terminals on time, as well as disciplining operators for running “hot” or ahead of schedule. As a result of this effort, improvements were seen throughout the agency as shown below.

	Early	On Time	Late
Apr-09	10%	69%	21%
Apr-10	7%	74%	19%
Apr-11	4%	76%	20%
Apr-12	3%	78%	19%
Apr-13	5%	76%	19%

Even with the improvements shown above, a new on-time performance task force was created in July 2013 and recommendations for implementation are outlined in the report entitled *Operationalizing Metro Goal - 1*, which is included in Appendix P. Among some of the areas that the task force is focusing on are: improving data timeliness so it can be used to pinpoint areas for schedule adjustment and operator supervision, identifying target lines for investigation, and targeting worst performing lines, locations, and operators for improvement.

Improvements at the line level are underway as well. A task force to look specifically at Line 720 was established and as a result, schedule adjustments will be implemented in September 2013. The adjustments include a new shuttle between Wilshire/Vermont and Wilshire/Westwood to be dispatched per supervisor orders to fill gaps in service, as well as a monitoring program to manage bus bunching during times of day and at locations where it occurs.

Metro is committed to reducing the disparate impact revealed in the area of on-time performance. By focusing on improving overall on-time performance, Metro expects to remedy any disparate impacts as well as to improve the overall on-time performance for all transit modes.

## 2013 TITLE VI PROGRAM UPDATE

### *Stop Spacing*

Overall conformance with the stop spacing standard is below the required 90% with a significant difference between minority and non-minority routes. The reason for the non-conformance is that there are more stops located in minority areas compared to non-minority areas due to higher population densities in those areas. The greater number of stops ensures greater service availability, which is not an adverse effect that would result in a disparate impact.

The one concern that does arrive with more stops is decreased travel time. In order to accomplish a truly equitable delivery of services, a balancing between service availability and travel times must occur. Based on customer feedback, removing stops in dense areas is not a favored option. However, in less dense areas the needs may be different. The results of the monitoring indicate that the current standard is too restrictive in that it would require the removal of stops to the detriment of our patrons in order to achieve compliance. Metro has therefore decided to implement a standard that allows the balancing to favor greater accessibility over faster travel times and vice versa as needed and based on the diverse geographic needs of the county.

The newly adopted stop spacing standards are shown in Table A-1. The standards indicate the maximum stop spacing in miles by type of service, and are not to be exceeded by at least 90% of all routes operated.

Heavy Rail	1.50
Light Rail	1.50
BRT	1.25
Rapid	0.80
Express	1.25
Limited	0.60
Local	0.25
Shuttle	0.25

Table A-1

Maximum Stop Spacing Standards (in miles)

Metro will continue to closely monitor this particular service standard through customer feedback and analysis in an effort to meet the needs of our patrons and ensure equitable distribution of services.

## 2013 TITLE VI PROGRAM UPDATE

### 4. Equity Evaluation of Service and Fare Changes

As part of the 2011 FTA audit, Metro analyzed service changes that occurred from December 2009 through June 2011. The FTA reviewed this cumulative service analysis and concurred with Metro's finding of no disparate impact or disproportionate burden resulting from these service changes in the letter dated June 27, 2013.

The cumulative service equity analysis can be found in Appendix Q.

The FTA letter approving the analysis can be found in Appendix B.

Two major service changes that fell outside of the FTA proscribed timeframe for the cumulative service analysis were the addition of the Exposition Line and the extension of the Orange Line.

The Exposition Line service change was analyzed in February 2012 using a methodology and analysis that conformed to the FTA Circular FTA C 4702.1A. The methodology used in the analysis was also reviewed and approved by the FTA.

The Title VI analysis and Board Minutes demonstrating Metro Board's approval of the Title VI analysis of the Exposition Line can be found in Appendix R. Note that the Exposition Line approval is listed as item number 41 of the Board Minutes.

The Orange Line extension was conducted in March 2012 and also conformed to the requirements of the FTA Circular FTA C 4702.1A.

The Orange Line extension Title VI analysis and Board Minutes demonstrating the Board's approval of the analysis of the can be found in Appendix S. Note that the Orange Line extension approval is listed as item number 49 of the Board Minutes.

Fare changes were also evaluated cumulatively as part of the 2011 FTA audit. The result of the finding was that there was no disparate impact or disproportionate burden associated with the fare changes that were examined. The FTA also concurred with these findings.

The cumulative fare change analysis and addendum can be found in Appendix T.

The e-mail from the FTA concurring with the results of the cumulative fare change analysis can be found in Appendix J.

The only other fare change that occurred during this reporting period was the Youth on the Move Program. The Youth on the Move Program was a proposed fare change that granted free transit media to foster youth aged 18-21 who were participating in the Los Angeles County Youth Self-Sufficiency Program. The Board Report, which includes the Title VI analysis, is included in Appendix U along with the notice of public hearing, agenda for the public hearing regarding the fare change, and the Board Minutes approving the change. The Youth on the Move approval is listed as item number 84 of the Board Minutes.

## 2013 TITLE VI PROGRAM UPDATE

### Description of Public Engagement

Metro Community Relations initiated an outreach program early in 2012 to solicit public input on the agency's proposed major service change policy and definitions of disparate impact and disproportionate burden in accordance with Title VI guidelines. Community Relations worked with Metro's Director of Civil Rights and the Communications department to develop a visual presentation that explained the proposed service change policy. The presentation explained the definition of "major service change," disparate impacts, disproportionate burdens, and the equity analysis process included in our proposed new policy proposal.

A number of presentations were given on the proposed major service change policy and disparate impact and disproportionate burden policy, including an overview of Title VI of the Civil Rights Act and the Executive Order on Environmental Justice. Presentations were provided to:

- East Los Angeles Review Advisory Committee;
- Little Tokyo Community Council;
- Metro Service Councils (all five);
- Metro's Citizens Advisory Council; and
- The Bus Riders' Union

Community Relations also initiated an outreach campaign to determine improved communications strategies for patrons with limited English proficiency. Individuals or groups were identified that have specialized knowledge of populations with limited English proficiency. These include foreign language publications, community organization leaders, and others.

Contacts were also made with individuals and groups, and meetings were conducted, with stakeholders representing patrons whose native languages included Spanish, Japanese, Armenian, Russian, Cambodian, Korean, and Chinese. Additional meetings were also held with stakeholders representing patrons whose native languages were Thai, Vietnamese and Tagalog.

Once the Board approved the new policy, the presentation on Metro's proposed service change process - including Title VI and Environmental Justice information - was updated as necessary. The presentation was then given to various community groups throughout Los Angeles County. In addition, the area of Metro's web page containing civil rights information ([metro.net/civilrights](http://metro.net/civilrights)) has been updated with more information about our service change policy, and the Title VI and Environmental Justice analysis that is part of that process.

## 2013 TITLE VI PROGRAM UPDATE

The adopted Major Service Change Policy, Disparate Impact Policies and Disproportionate Burden Policies are as follows:

### **Major Service Change Policy**

A major service change is defined as any service change meeting at least one of the following criteria:

1. A revision to an existing transit route that increases or decreases the route miles by 25% or the revenue service miles operated by the lesser of 25%, or by 250,000 annual revenue service miles at one time or cumulatively in any period within 36 consecutive months;
2. A revision to an existing transit service that increases or decreases the revenue hours operated by at least 25% or by 25,000 annual revenue service hours at one time or cumulatively in any period within 36 consecutive months;
3. A change of more than 25% at one time or cumulatively over any period within 36 consecutive months in the number of total revenue trips scheduled on routes serving a rail or BRT station, or an off-street bus terminal serving at least 4 bus routes;
4. A change of more than 20% of the total system revenue miles or revenue hours in any 12 month period;
5. The implementation of any new transit route that results in a net increase of more than 25,000 annual revenue hours or 250,000 annual revenue miles; or
6. Six months prior to the opening of any new fixed guideway project (e.g. BRT line or rail line) regardless of whether or not the amount of service being changed meets the requirements in the subsections 1 – 5 above.

### **Disparate Impact**

Major Service Changes:

- A disparate adverse impact will be deemed to have occurred if the absolute difference between the percentage of minorities adversely affected and the overall percentage of minorities is at least 5% or if there is a 20% or greater percent difference between the percentages of these two groups.

Fare Changes:

- A disparate adverse impact will be deemed to have occurred if the absolute difference between the percentage of minorities adversely affected and the overall percentage of minorities is at least 5% or if there is a 35% or greater percent difference between the percentages of these two groups.



## 2013 TITLE VI PROGRAM UPDATE

### **Disproportionate Burden**

#### Major Service Changes

- A disproportionate burden will be deemed to exist if absolute difference between the percentage of low-income adversely affected by the service change and the overall percentage of low-income persons is at least 5% or if there is a 20% or greater percent difference between the percentages of these two groups

#### Fare Changes

- A disproportionate burden will be deemed to exist if absolute difference between the percentage of low-income adversely affected by the fare change and the overall percentage of low-income persons is at least 5% or if there is a 35% or greater percent difference between the percentages of these two groups

### **5. Metro Board Approval for 2013 Title VI Program Update**

Board Minutes approving Metro's 2013 Title VI Program Update can be found in Appendix V.

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