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**REVISED**  
**EXECUTIVE MANAGEMENT COMMITTEE**  
**MARCH 15, 2012**

**SUBJECT: CIVIL RIGHTS COMPLIANCE UPDATE****ACTION: RECEIVE AND FILE****RECOMMENDATION**

Receive and file report on Civil Rights Compliance Update.

**ISSUE**

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

**DISCUSSION**

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

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

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

Status: Work proceeding on schedule

## 2. Service Monitoring

The Compliance Review found that the monitoring program conducted by Metro reported disparate impacts. As a result Metro must implement a program to improve customer awareness in minority communities. Metro has designed a marketing and communications program which focuses on informing minority communities about our services. The program will begin in May, 2012.

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~~ July 2012.

Status: Work is proceeding on schedule

## 3. Service and Fare Equity

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

### a) Policy

The Metro Board has approved the Major Service Change Policy. Outreach is continuing on setting definitions for disparate impact and disproportionate and high adverse impacts. Formal definitions are not currently required by the FTA but changes to the guidance will require Board adoption later this year.

### b) Methodology

The Compliance Review found that Metro does not have written methodologies outlining how service and fare equity studies should be prepared. Updated methodologies were prepared and forwarded to the FTA for comment. Work is continuing to refine the methodologies and adapt the federal guidance to fit the special demographics of Los Angeles County. It is expected the methodologies will be finalized before the next set of equity analyses are brought to the Board.

### c) Service Equity Analysis

The Compliance Review found that Metro was deficient in preparing service equity reports for major service changes.

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

#### d) Fare Equity Analysis

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

Under the FTA Guidance a fare equity analysis must be completed for any fare change, including temporary or experimental fares. Traditionally MTA has offered free fares on the first day that new rail or BRT lines are open to the public. An equity analysis for opening day free fares for the Expo Line and Orange Line are included as Attachment A. There are no disparate impacts as a result of these temporary changes.

#### e) Major Capital Project Analysis

The Compliance Review found that Metro has not been conducting equity studies for major guideway projects as required by Title VI guidance.

A Scope of Work has been prepared and a consultant has been retained selected to prepare the Title VI analysis for the Crenshaw LRT, the Regional Connector, and the Westside Subway. This work will be completed by Oct 2012. The same scope will be used for Expo II and the Foothill Extension, however the work will not be completed until January 2013.

The Orange Line Extension Title VI Analysis will be conducted by Service Planning staff. ~~All of the remaining projects are scheduled to be completed by June 30, 2012 and presented to the Board in March, 2012.~~ Other major guideway projects will have Title VI studies prepared as the projects get closer to a FTA full funding agreement or preliminary engineering.

Status: Work is proceeding on multiple fronts.

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

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

Metro and the FTA have agreed to jointly sponsor Civil Rights Training in Los Angeles for Metro staff, other regional and municipal operators. This training will provide a local

opportunity for training on civil rights requirements and help develop compliant transit operations across the region.

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

### **FINANCIAL IMPACT**

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

### **ALTERNATIVES CONSIDERED**

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

### **NEXT STEPS**

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

### **ATTACHMENTS**

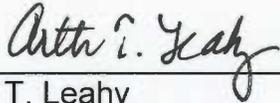
- A. Fare Equity Analysis

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**EQUITY EVALUATION  
PROMOTIONAL FREE FARE PROGRAMS  
EXPO LIGHT RAIL & ORANGE LINE CHATSWORTH EXTENSION**

Later this year Metro will be opening two extensions to its transit network. Scheduled for this spring is the first day of revenue operation of the Expo Light Rail line which was the subject of an Equity Evaluation presented to the Board of Directors in February 2012. Later this summer the Chatsworth Extension of the Metro Orange Line will go into revenue operation (date to be determined). That project was the subject of an Equity Evaluation prepared for the Board's consideration in March 2012. Both of these projects were found to cause no disparate impacts.

On the day prior to revenue operation of each of these facilities it is planned to offer the public free rides to introduce the projects and encourage exploration and potential future usage for regular commuting. Only the new facilities will be offered at no fare on that day. The Expo line will only permit free travel along its exclusive right-of-way. Riders who choose to use the portion of the service operating on the right-of-way shared with the Metro Blue Line will be subject to regular fare payment requirements. Similarly, it is contemplated that a dedicated shuttle bus operation between Warner Center and Chatsworth will offer free travel only on its buses. The buses will not serve any pre-existing Orange Line stations (other than Warner Center) on that day. It is noted that while the existing Canoga Station will be served by this shuttle, passengers will only be served at the separate platforms on the Chatsworth Extension right-of-way and not at the current passenger platforms.

In the prior Equity Evaluations of these projects, cited previously, it was found that the Expo Line will be classified as a minority line. The Chatsworth Extension, like the current Orange Line, will be a non-minority line. The promotional fare programs planned for the day prior to revenue operation of each of these facilities will be identical in all respects: only the new facilities will offer the promotional fare, no existing facilities will have their fares altered or waived, and rides will be open to all members of the general public. Since both the minority and non-minority facilities will be provided the same benefit, it is concluded that there will be no disparate impact from these promotional fare programs.