

# Civil Rights Progress Update

Executive Management Committee

April 19, 2012



**Metro**

# The Issue

- **In July 2011 the FTA conducted a Civil Rights Compliance Review of Metro**
  - It was partly a result of a Civil Rights Complaint by BRU
  - It was not an investigation of the Civil Rights Complaint of the BRU
- **Metro was not singled out for the review**
- **The review was conducted by an outside consultant**



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# The Findings

- The review found deficiencies in five of the 12 areas examined
- The purpose of the review was to review compliance with FTA Guidance, not to investigate civil rights violations
- The most serious allegation of the consultant was that Metro documented disparate treatment resulting from service changes but failed to take the necessary legal test
- Metro staff disputed this position and in March the FTA verbally confirmed their consultant had erred, and no disparate impacts had been identified by Metro



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# Impact of Change in Findings

- **The FTA has verbally advised Metro that an update to the Corrective Plan will be required**

# Corrective Action Plan (CAP)

- **Metro prepared a CAP & submitted it on Dec 5, 2011, 5 days after receiving the review**
- **An Updated Plan was submitted on Feb 29, 2012**
  - **Incorporated comments from public outreach including BRU**
- **Formal comments have not been received on either document**

# Deficiencies

- **Two of five areas of deficiencies have been rectified:**
  - A revised Notice to Beneficiaries has been posted on the system
  - The Board approved Service Standards and Policies in December and January
- **Three areas of Deficiency remain:**
  - LEP, Service & Fare Equity & Service Monitoring

# Deficiency #1 Limited English Proficiency (LEP)

- **FTA found that Metro did not comply with the FTA's LEP guidance**
  - Metro must complete a 4 Factor Analysis as required in FTA guidance
  - 4 Factor analysis is unique to Metro and other local 4 Factor Plans will not be accepted by FTA
- **Metro has completed Factor 1 which is inventory**
  - 33 Languages identified
- **Factors 2 and 3 are being prepared by consultant**
  - Factors 2 & 3 will narrow list of languages

## LEP - Continued

- **Factor 4 & Language Assistance Plan will be completed by Metro Staff**
  - Based on the resources available to Metro
- **On schedule for December 2012 completion**
- **Metro now provides documents and services in languages other than English but these languages and services were not determined based on an acceptable Four Factor Analysis**
- **In advance of the completion of the analysis Metro is increasing its service in other languages**



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# LEP Initiatives

- **Today's report on signage and wayfinding stresses use of pictograms**
- **Telephone translation services**
- **Notice to Beneficiaries & Title VI Policy**
- **Access to translators at Committee & Board meetings**
- **Transit Court documents being translated**

## Deficiency #2 – Service & Fare Equity

- **Deficiencies are not Civil Rights Violations but result from a failure to follow guidance:**
  - No equity analysis done for 2010/2011 service or fare changes
  - No definition of major service change
  - No equity analysis done for major guideway projects
- **FTA now agrees that Metro did not document disparate impacts for 2010/2011 service changes**



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# What is an Equity Analysis?

- **Looks at impact of service or fare changes on minorities or persons with incomes below the poverty line:**
  - Is there unintentional discrimination on the basis of race, color or national origin?
  - Are there disproportionate high and adverse impacts on minorities or low income groups and is mitigation possible?
- **Equity analysis must compare how changes affect minorities or low income versus people who are not minorities or having low income**
  - Key factors are travel time, walking distance & cost



# When is an Equity Analysis Required?

- For major service changes
  - Defines by Board Policy (Administrative Code)
- For any fare change
  - Changes to price, rules, media availability
- At the planning or programming stage for major guideway projects
- If disparate impacts are found the change or project can still proceed if Board agrees change is consistent with goals/public interest and alternatives have greater negative impact on minorities

# Sequential Approach

- **Work on resolving deficiencies is advancing on multiple fronts, but must be sequential, for example:**
  - **Outreach on Major Service Change Definition**
  - **FTA approval of definition**
  - **Board approval of definition**
  - **Metro draft of service change methodology**
  - **FTA review of service change methodology**
  - **Prepare service change equity analysis**
  - **FTA review of equity analysis**
  - **Board consideration or approval in case of disparate impacts**



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# Service & Fare Equity - Priorities

- **Priority has been to ensure current projects are compliant before going back to older changes**
  - **Expo and Orange Lines could not be opened until equity analysis was completed**
- **Report next month on Service Equity 2010 & 2011 changes**
- **Report in June on Fare Equity for 2010 and 2011 fare changes**

# Service & Fare Equity - Underway

- **Scope of work submitted for approval to FTA for Equity Analysis of:**
  - **Regional Connector**
  - **Westside Subway**
  - **Crenshaw/LAX Transit Corridor**
- **Same scope to be used for Foothill and Expo II, but will extend to Jan 2013**

## Deficiency #3 – Service Monitoring

- **FTA found deficiencies with the existing service monitoring program**
  - **New communications program planned to be implemented in May 2012.**
  - **A new quantitative monitoring system is being developed for implementation by July 1, 2012.**



# Other Commitments & Activities

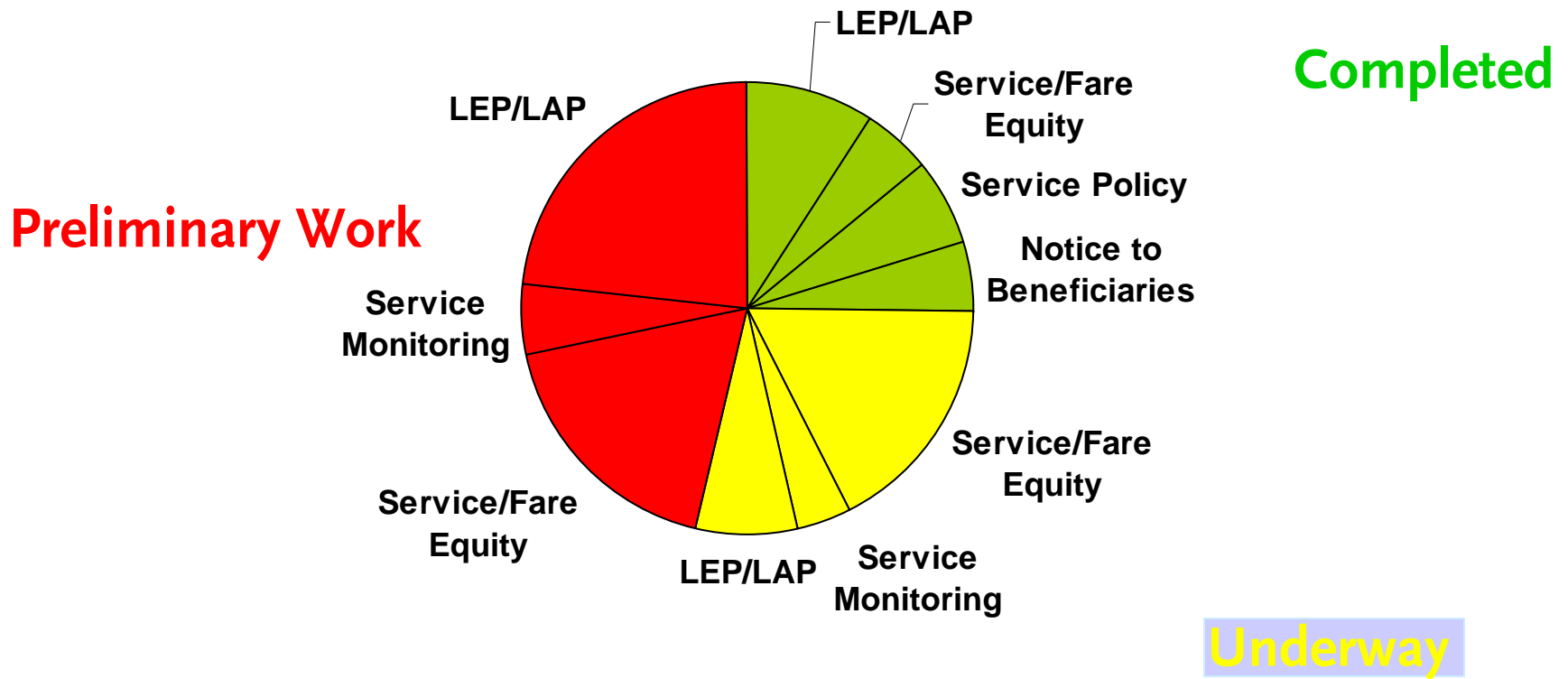
- **Increasing training on civil rights**
  - FTA has agreed to send trainer to LA but date not set

# Schedule for Remaining Deficiencies

- **Service and fare equity deficiencies rectified by June 30, 2012**
- **Limited English Proficiency deficiencies rectified by December 31, 2012**
- **Major Guideway Projects deficiencies rectified by January 2013**

# Where We Are...

## Civil Rights Dashboard



# Questions