

**Metro**Los Angeles County  
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metro.net**REVISED  
EXECUTIVE MANAGEMENT COMMITTEE  
May 17, 2012****SUBJECT: CIVIL RIGHTS COMPLIANCE UPDATE****ACTION: RECEIVE AND FILE****RECOMMENDATION**

Receive and file report on Civil Rights Compliance Update.

**ISSUE**

In 2011 the Federal Transit Administration (FTA) conducted a Civil Rights Compliance Review of Metro. The review was prompted in part by a request for an investigation of possible civil rights violations by the Bus Riders Union. The FTA declined to conduct an investigation of the complaint but opted to have an outside consultant conduct a Compliance Review. The consultant found five areas where Metro was not in compliance with the FTA civil rights guidance.

**DISCUSSION**

~~The consultants hired by the FTA to complete the Compliance Review found deficiencies in how Metro was complying with civil rights guidance. The Compliance Review found deficiencies in how Metro was complying with civil rights guidance. The FTA requested that Metro prepare and submit to the FTA a Corrective Action Plan (CAP) within five working days after the review was released. The CAP was provided to the Board of Directors on December 15, 2011 and updated on February 29, 2012. A formal response from the FTA was received on May 7, 2012.~~

~~A letter was received from the FTA on of April 23, 2012. The letter concurred with Metro's contention that the Compliance Review consultant erred in stating that Metro had documented instances of disparate impacts as a result of service changes in 2010 and 2011 and failed to make the necessary findings. The letter also noted that Metro has done a great deal of work towards rectifying the findings of the review, but recognizes that there is much still to be done.~~

In the letter of May 7, 2012, the FTA confirmed that sufficient work has been completed on the civil rights monitoring program that it may also be considered fully rectified. This means that Metro has now resolved three of the five original deficiencies. Several of the elements of the remaining two areas of deficiency have also been rectified. A meeting was held with FTA staff to review the letter and the remaining elements of the Corrective Action Plan. The FTA letter is provided as Attachment A.

~~The letter does not make any new findings and does not note any civil rights violations at Metro. The letter does amend the actions that must be taken by Metro to rectify the service equity deficiencies noted in the compliance review. The letter states that Metro must conduct a cumulative equity analysis of all service changes from 2009 to 2012. The original requirement was to prepare an equity analysis of the 2010 and 2011 service changes. The FTA will provide assistance in developing a methodology for the cumulative review. The analysis must be completed within 60 days of the acceptance of the guidance by the FTA. If disparate impacts are found as a result of the cumulative review they must be mitigated or the service changes restored.~~

~~The FTA has also advised Metro that comments will be forthcoming soon on the Corrective Action Plan and the Corrective Action Plan Update that were submitted in December 2011, and February 2012. Metro is continuing to work with the FTA to resolve the remaining three areas of deficiencies. A meeting with FTA staff to discuss the Corrective Action Plan is scheduled for May 7, 2012.~~

There are two remaining areas of deficiency; Limited English Proficiency and Service and Fare Equity.

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

Status: Factor 1 completed, additional work ongoing.

The Compliance Review found that Metro did not comply with FTA requirements for Limited English Proficiency (LEP) which require preparation of a Four Factor Analysis, Language Assistance Plan and ongoing evaluation and monitoring. The existing Four Factor Analysis was found to be insufficient 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 has begun.~~

FTA has confirmed that Factor 1 has been satisfactorily completed. Work is nearing completion on Factors 2 and 3. The attached letter from the FTA includes a further attachment that summarizes the current status and the remaining work to be done.

In advance of the completion of the Four Factor Analysis and Language Assistance Plan Metro has proactively taken a number of steps to improve service in alternative languages.

Even before the findings of the review, information on how to ride on our services was provided in 10 foreign languages and virtually all route and fare information, as well as many signs and notices, were being provided in Spanish. Since receiving the review, Metro has:

- Set in motion acquiring a telephone translation service
- Improved access to translation services at Board and Committee meetings
- Translated the Notice to Beneficiaries into 10 additional languages
- Introduced greater use of pictograms for new signage being designed
- Increased outreach activities to foreign language communities

## ~~2. Service Monitoring~~

~~Status: Work proceeding on schedule~~

~~The Compliance Review found that the monitoring survey conducted by Metro showed disparate opinions. The FTA directed Metro to implement a program to improve customer awareness in minority communities in order to eliminate the disparate opinions. Metro has designed a marketing and communications program, which focuses on informing minority communities about our services. The program was described to the FTA in the original CAP. It is scheduled to begin in May 2012, however the FTA has advised Metro they are now reviewing this requirement and changes maybe forthcoming.~~

~~The FTA also now realizes that the monitoring program guidance that Metro was following was not an effective method of monitoring civil rights compliance. The option to use the type of passenger surveys used by Metro has been removed from updated civil rights guidance, which is expected to be released by the summer of 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 methodology will conform to an option available under the old guidance, and the only alternative available under the proposed new guidance. The new monitoring program is scheduled to be completed and functional by July 2012.~~

~~The new program will use the definition of minority routes approved by the FTA and the performance standards required by the guidance and approved by the Board. It will show whether or not the mandated service standards are being met for each route in the system (minority or not).~~

~~Status: Work is proceeding on schedule~~

## 3. 2. Service and Fare Equity

Status: Service equity methodology being revised, Fare equity analysis methodology under review by FTA

The FTA Compliance Review found multiple areas of non-compliance pertaining to service

and fare equity. The compliance review did not identify any violations of civil rights regulations related to service or fare equity.

a) Policy

In February 2012, Metro Board approved a Major Service Change Policy as required under the guidance. This action has been recognized and approved by the FTA. ~~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, anticipated to be issued later this year, will require Board adoption of the definitions in the future.~~

b) Methodology Service Equity Analysis

The FTA has given Metro 15 days to revise the service analysis methodology that was proposed in the Corrective Action Plan. The revised methodology must be provided to the FTA before May 29<sup>th</sup>. Metro will then have 60 days to complete a cumulative equity analysis for all major service changes that took place between 2009 and 2012. The 60 days begins following approval of the analysis methodology by the FTA.

c) ~~Service Equity Analysis~~ Fare Equity Analysis

~~The Compliance Review found that Metro was deficient in preparing service equity reports for major service changes. The FTA has now determined that Metro must prepare a cumulative service equity analysis covering all service changes from 2009–2012. Work will begin on this analysis after the FTA approves the methodology for the work.~~

The FTA is reviewing a draft of the fare equity analysis and will provide comments by May 25<sup>th</sup>, 2012. Work will begin on the fare equity analysis for all fare changes since 2007, following approval of the methodology by FTA.

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 prepared and submitted to the FTA a proposed methodology for conducting the required fare equity analysis in the CAP. An updated methodology incorporating input from the BRU was submitted with the Updated CAP on February 29, 2012. Work is continuing 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 June 2012.~~

e-d) Major Guideway Project Analysis

~~The FTA has advised that a change in the findings maybe forthcoming. As a result work effort has been reduced pending notification from the FTA.~~

The FTA has clarified that the Compliance Review does not require Metro to conduct an equity review for major capital projects. This finding has been eliminated.

Status: ~~———— The methodology for service equity is being refined, and Metro is awaiting FTA comments on the fare methodology.~~

### **FINANCIAL IMPACT**

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

### **ALTERNATIVES CONSIDERED**

The Compliance review did not identify any civil rights violations; however if Metro does not act to rectify the identified deficiencies, the agency would not be in compliance with FTA guidance, and risk sanctions.

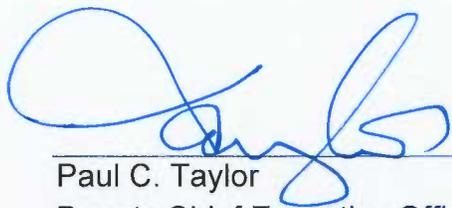
### **NEXT STEPS**

Work will continue on resolving the remaining deficiencies (Service and Fare Equity 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**

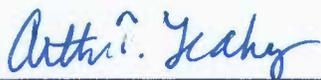
A. ~~Civil Rights Corrective Action Plan Update #1~~ FTA Letter 5-7-2012

Prepared by: Dan Levy, Director Civil Rights Programs Compliance



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Paul C. Taylor  
Deputy Chief Executive Officer



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Arthur T. Leahy  
Chief Executive Officer



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

Headquarters

1200 New Jersey Avenue S.E.  
Washington DC 20590

May 4, 2012

Mr. Daniel Levy, Director of Civil Rights Programs Compliance  
Los Angeles County  
Metropolitan Transportation Authority  
One Gateway Plaza  
Los Angeles, CA 90012

RE: LACMTA Title VI Compliance - Corrective Action Plan Status

Dear Mr. Levy:

This letter is in response to Los Angeles County Metropolitan Transportation Authority's (LACMTA) revised corrective action plan submitted to the Federal Transit Administration (FTA) in February 2012. This correspondence addresses the status of several items submitted by LACMTA, clarifies FTA's expectation regarding service equity analysis for capital projects during a project's design phase and discusses our plans to review LACMTA's fare analysis.

First, the following items have been corrected to FTA's satisfaction, and, therefore, are approved: 1) notice to beneficiaries of protection under Title VI; 2) system-wide service standards and policies; 3) service monitoring; and 4) definition of a major service change. In addition, attached to this document is a chart regarding the status of LACMTA's LEP plan. In summary, FTA approved factor one of the four factor analysis and has yet to receive factors two, three, and four.

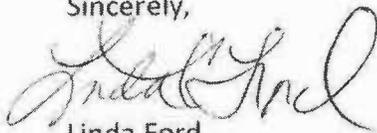
Second, we would like to clarify language in the compliance review report pertaining to "Capital Projects and Service Equity" that was not as clear as intended. FTA does not expect LACMTA to conduct a service and fare equity analysis of capital projects in the planning or design stage. Rather, equity analyses of capital expansions should be conducted six months prior to revenue operations. Therefore, LACMTA does not have to conduct a service analysis for the Expo II line, the Westside Extension line, or other lines until the point at which the project is expected to open for revenue operations within six months.

Third, LACMTA has selected "Option B" under FTA's Title VI Circular 4702.1A for service equity analyses. FTA has not reviewed the service methodology submitted by LACMTA. Given the FTA letter of April 23, 2012, and our meeting today, if LACMTA believes the methodology previously submitted is in conformance with FTA's expectations, please notify us in writing as soon as possible, but no later than May 11, 2012, and we will begin review of the methodology. If, however, LACMTA decides to submit new or updated information, please do so within fifteen business days of May 7, 2012, or by May 29, 2012. FTA will review the methodology and either concur in writing or suggest necessary revisions. Once FTA has concurred with the methodology, LACMTA may begin using this methodology for its cumulative service analysis for December 2009, June 2010, December 2010, June 2011, and any other service changes made between June 2011 and the date of analysis as outlined in the April 23, 2012, letter from FTA Administrator Peter Rogoff. FTA expects that LACMTA will complete this analysis within sixty calendar days after review and concurrence by FTA of LACMTA's methodology.

Lastly, FTA is currently reviewing the fare equity methodology LACMTA submitted as Attachment 11 of its revised corrective action plan and we will provide a response to LACMTA by May 25, 2012.

We appreciate the efforts LACMTA is making to adhere to the Corrective Action Plan. If you have any questions, please contact Aida Douglas at (817) 978-0558 or at [aida.douglas@dot.gov](mailto:aida.douglas@dot.gov).

Sincerely,



Linda Ford  
Acting Director

Attachment

Attachment A

Los Angeles County Metropolitan Transportation Authority (LACMTA)

DRAFT TITLE VI CORRECTIVE ACTION PLAN

Current As Of:

May 7, 2012

The purpose of LACMTA's action plan is to address the deficiencies in LACMTA's Title VI Program that were identified in the Federal Transit Administration's Title VI Compliance Review in December 2011 and addressed in the submitted action plan by LACMTA in February 2012.

FTA expects LACMTA to comply fully with the requirements of 49 CFR part 21 and the implementation guidance provided by FTA, including that contained in FTA Circular 4702.1A.

**LIMITED ENGLISH PROFICIENCY (LEP) PLAN**

**Responsible Party:** LACMTA Office of Civil Rights

**Language Access to LEP Persons**

**Requirement:** *FTA recipients shall take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of its programs and activities for individuals who are Limited English Proficient (LEP).*

Deliverables to FTA: LEP Plan

To FTA: 2/28/12

	Task	Approved	Under Review	Status
LEP	Elements of LEP corrective action plan	✓		Completed
	Factor 1	✓		Completed
	Factor 2, 3			Not Submitted
	Revised Policies			Awaiting completion of LAP
	Factor 4 including list of Vital Documents			Not submitted
	Language Assistance Plan (LAP)			Not submitted
	Implement and Monitor LAP			Awaiting completion of LAP