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**REVISED  
EXECUTIVE MANAGEMENT COMMITTEE  
JUNE 21, 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 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.

There are two areas of deficiency identified by the consultant still remaining to be fully corrected. However in both cases significant work has been completed and several items under each area of deficiency have been rectified. The two remaining areas are Limited English Proficiency and Service and Fare Equity.

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

Status: Factors 2 and 3 Completed and Submitted for Review to FTA

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.

Preliminary work has begun on Factor 4 in anticipation of the FTA approval of the draft Factor 2 and Factor 3 report.

## 2. Service and Fare Equity

Status: A methodology for the Cumulative Service Equity Review has been approved by submitted to FTA, and a comments have been received from the FTA on the latest revised proposed methodology for fare equity has been submitted analysis.

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. The remaining areas of deficiency are:

### a) Service Equity Analysis

~~The methodology for the cumulative review has been approved by the FTA~~  
**Metro is awaiting approval from the FTA for the methodology for a Cumulative Service Equity Analysis. After the approval is received** Metro now has will have 60 days to complete a cumulative equity analysis for all major service changes that took place between 2009 and 2012. The report will be completed by August 15, 2012.

### b) Fare Equity Analysis

The FTA has provided comments on the methodology provided by Metro in the corrective action plan and a draft of the fare equity analysis. Revisions were will be made and resubmitted. An equity analysis of all fare changes since 2007 will be conducted when the methodology is approved.

## **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.

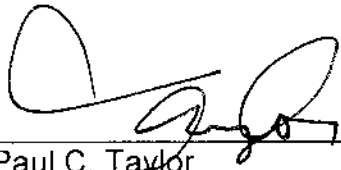
## **ALTERNATIVES CONSIDERED**

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**

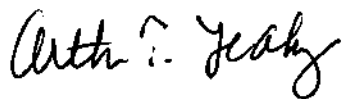
Work will continue on resolving the remaining deficiencies (Service and Fare Equity and Limited English Proficiency). A status update will be prepared for the Board each month until all deficiencies are rectified and the FTA has approved all actions. **FTA training has been deferred until updated guidance is released later this year.**

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

# Civil Rights Progress Update

Executive Management Committee

June 2012



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# The Issue

- **In July 2011 the FTA conducted a Civil Rights Compliance Review of Metro**
  - **It was a review of compliance with civil rights guidance, not an investigation of a civil rights complaint**

# Two Remaining Deficiencies

- **Limited English Proficiency**
  - Factor 2 and 3 completed and have been sent to FTA for review and approval
  - Work is beginning in house on Factor 4
  - On schedule
- **Service and Fare Equity**
  - Awaiting approval of Service Equity methodology
  - Revised Fare Equity Methodology to be prepared

# Cumulative Service Equity Analysis

- **Cumulative service equity analysis to be complete 60 days after approval of methodology**
  - **To include all major service changes, 2009 to 2012**
  - **Equity analysis examining about 300,000 of 840,000 hours of changes that occurred during period**
  - **If changes created a disparate impact, services must be restored or mitigated to eliminate the disparity, following public outreach**
  - **If changes created a disproportionate high and adverse impact for low income populations some type of mitigation should be provided if possible**



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# Fare Equity Analysis

- **Comments on proposed methodology received from FTA on May 24**
- **Will make changes to methodology and resubmit**
- **Anticipated to have complete in Fall 2012**

# Schedule

- **Still anticipate that all deficiencies will be resolved by the end of this calendar year**

# Questions