

**Metro**Los Angeles County
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metro.net**EXECUTIVE MANAGEMENT COMMITTEE
SEPTEMBER 20, 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, Factor 4

underway

The Compliance Review found that Metro did not comply with FTA requirements for Limited English Proficiency (LEP) which requires 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.

Factors 1, 2 and 3 have now been completed and approved by the FTA. Metro is proceeding with work on Factor 4 and the Language Assistance Plan.

2. Service and Fare Equity

Status: Awaiting FTA approval of Cumulative Service Equity 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 FTA has requested that Metro complete a Cumulative Service Equity Analysis from the period from 2009 to 2012. The methodology for this analysis was submitted on May 29, 2012. Questions from the FTA regarding the methodology were answered on June 19, 2012. The FTA requested further information on July 30, and it was provided on August 13th. Metro will have 60 days to complete a Cumulative Service Equity Analysis following approval of the methodology.

b) Fare Equity Analysis

On August 23, 2012 the FTA approved the latest draft Fare Equity Analysis methodology prepared by Metro. Metro will now prepare a Fare Equity Analysis for all of the fare changes implemented since 2009. The draft analysis will be sent to the FTA for their review. If any disparate impacts are found to have been created by any fare changes it will be necessary to take action to mitigate the impact.

On September 28, 2012 the FTA published an updated and revised Title VI Circular which goes into effect on October 1, 2012. Staff are reviewing the new guidance now and will bring proposed amendments to various policies and procedures to future meetings so that we are compliant with the revisions. A full copy of the new Circular C-4702.1B and the Federal Register explaining the changes may be found at http://www.fta.dot.gov/legislation_law/12349_14792.html.

FINANCIAL IMPACT

The work identified in the preceding section will be completed within existing budgets in FY 2013.

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.

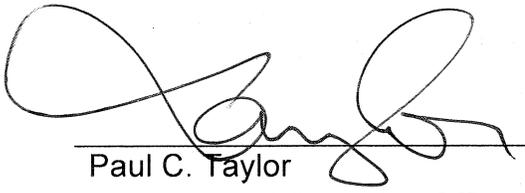
NEXT STEPS

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.

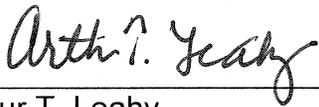
Staff is now working with the FTA to schedule training on the new guidance for Metro and other Southern California transit agencies.

Amendments to policies and procedures required by the new guidance will be brought forward at future Board meetings.

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