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REVISED
EXECUTIVE MANAGEMENT COMMITTEE
OCTOBER 18, 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.

A Title VI analysis has been conducted for the planned December 3rd gate latching as cash paying passengers will now be required to make a one time purchase of a TAP card for \$1.00.

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 Factor 4 Analysis and Language Assistance Plan

Status: Factors 2 and 3 Completed and approved by 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 for 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, 2012 and it was provided on August 13, 2012. 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.

When the gates are latched on December 3rd, 2012 all cash paying customers will be required to use or purchase a TAP card. The analysis in Attachment A shows that this change will not create a disparate impact on minority passengers. There is disproportionate burden on cashing paying senior, disabled and medicare card holding passengers, however Metro is mitigating this burden by providing free TAP cards for these passengers upon request.

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.

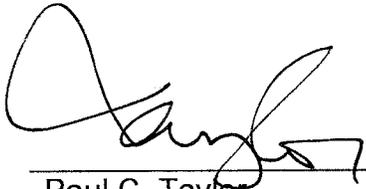
Staff is now working with the FTA to schedule training on the new guidance for Metro and other Southern California transit agencies.

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

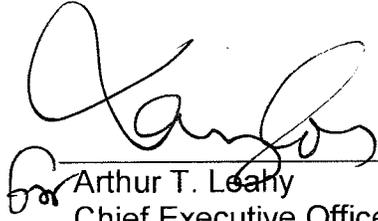
ATTACHMENT

A. Administrative Code

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Title VI and Environmental Justice Analysis of \$1.00 TAP Card Fee for Cash Customers at Red/Purple Line Stations

Metro will begin latching fare gates at its heavy rail stations. ~~on December 3rd, 2012.~~ The first impacted station will be Wilshire/Normandie on the Purple Line with remaining stations added one at a time until the entire heavy rail system is completed. Once fare gates are latched a passenger must have a valid TAP Card to enter the station's paid area.

Metro passengers having prepaid passes will have TAP Cards, and efforts are underway to ensure that Metrolink riders will also have appropriate media (although single trip, round trip and short duration period pass Metrolink patrons may have special arrangements in place initially until these fare media can be upgraded to TAP compatibility). Riders who will be adversely impacted by this action are those who must purchase rail tickets from station Ticket Vending Machines (TVM's). The fare media dispensed by the TVM's will be reusable TAP Cards. However, passengers will be charged a \$1.00 fee for each TAP Card purchased from a TVM.

TVM's will dispense single ride fares on reusable TAP Cards for full fare (\$1.50) riders, and reduced fare riders (Elderly & Disabled)(\$0.55 peak and \$0.25 off-peak). The \$1.00 reduced cash fare for K-12 students is not available on TAP Cards dispensed by the TVM because a rider must already possess a TAP Card to be eligible for this fare. Each TAP Card dispensed by the TVM will cost \$1.00 in addition to the applicable fare(s). There will be no added fee for riders who use the TVM to add fare to an existing TAP Card.

Methodology for Analysis

Only cash fare paying riders who do not already have a TAP card will be impacted by this program as they must purchase fare media from a TVM (and pay the added fee) to make their trip. All other prepaid fare riders (including Metrolink patrons) will already have TAP media.

From survey data we can estimate the number of riders purchasing single rides from heavy rail TVM's. We can make assumptions about the number of new TAP Cards that will ultimately be vended (e.g. ranging from obtaining one TAP Card that will be continuously reused for its three-year life expectancy to assuming that a rider gets a new TAP card every month). This permits an estimate of the \$1.00 fee impact as a percentage of fare paid for TVM media. We can then determine whether there are significantly adverse impacts on those methods of cash payment that are disproportionately used by minority and/or low income riders (if any).

Results

From monthly ridership estimates for FY12 the Red/Purple Line carries 151,727 boardings on an average weekday and 47,735,749 annual boardings. The 2012 Metro

Attachment A

Onboard Survey found that the average rail rider makes 1.205 boardings per linked trip resulting in 125,915 average weekday rides on the Red/Purple Line and 39,614,729 annual rides. From the 2012 Customer Satisfaction Survey and FY12 Fare Media Mix data we can estimate the number of riders using each of the impacted methods of fare payment (Table 1).

Table 1
Red/Purple Line Cash Riders - 2012

	Avg. Weekday	Annual
Regular Cash Trips	25,790	8,113,936
K-12 Cash Trips	1,269	399,269
E&D Cash Trips - peak	3,884	1,222,114
E&D Cash Trips – off-peak	3,884	1,222,114

Regular and K-12 Cash riders @ 21.49% of boardings (FY12 Fare Media Mix)
 E&D Cash riders @ 6.17% of boardings (FY12 Fare Media Mix)
 K-12 Cash riders @ 4.69% of full fare Cash riders (2012 Customer Satisfaction Survey)
 50% of E&D riders are peak (historical rider data)

As the life expectancy of a TAP Card is three years, we will look at the three-year price impact of the added \$1.00 fee for TVM-vended TAP Cards under varying assumptions (Table 2).

Table 2
TVM TAP Card Fee as Percentage of Fare Paid

	3-Year Revenue	Low 3-Year TAP Cost	% of Rev.	High 3-Year TAP Cost	% of Rev.
Regular Cash (\$1.50)	\$36,512,712	\$25,790	0.07%	\$928,440	2.54%
K-12 Cash (\$1.50)	\$ 1,796,711	\$ 1,269	0.07%	\$ 45,684	2.54%
E&D Cash – peak (\$0.55)	\$ 2,016,488	\$ 3,884	0.19%	\$139,824	6.93%
E&D Cash – off-peak (\$0.25)	\$ 916,586	\$ 3,884	0.42%	\$139,824	15.25%

Low – assumes rider keeps TAP Card for three years
 High – assumes rider replaces TAP Card each month

Title VI Findings

From the 2012 Customer Satisfaction Survey, the only methods of fare payment with disproportionately high minority usage are K-12 Cash and K-12 Pass. Only K-12 Cash is adversely impacted by latching of fare gates, and the impact is the least of any of the methods analyzed. Thus, there is no disparate impact on minorities from this action.

Environmental Justice Findings

From the 2012 Customer Satisfaction Survey, the only methods of fare payment with disproportionately high low income usage are E&D Cash, E&D Day Pass and Disabled Pass. Only E&D Cash is adversely impacted by latching of fare gates. Depending on the frequency with which E&D Cash riders purchase new TAP Cards from TVM's, there could be a significant adverse impact on these riders from the added fee. This will be mitigated by the fact that Metro will provide a TAP Card at no cost to Elderly and Disabled riders who apply for one.