



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

Headquarters

1200 New Jersey Avenue S.E.  
Washington, DC 20590

June 27, 2013

Mr. Arthur Leahy  
Chief Executive Officer  
Los Angeles County  
Metropolitan Transportation Authority  
One Gateway Plaza  
Los Angeles, CA 90012

Dear Mr. Leahy:

On April 23, 2012, Federal Transit Administrator Peter Rogoff wrote to inform you that the Federal Transit Administration (FTA) had found, subsequent to a Compliance Review, numerous deficiencies in the Los Angeles County Metropolitan Transportation Authority's (LACMTA) implementation of its responsibilities under Title VI of the Civil Rights Act of 1964 (Title VI). In particular, FTA found that LACMTA had failed to comply with the FTA requirement to conduct Title VI service equity analyses when evaluating the impact of many service changes over the past several years.

Only by conducting the Title VI service equity analysis could LACMTA determine whether the proposed service changes would have discriminatory impacts on minority populations. Since LACMTA did not conduct the Title VI portion of the service equity analysis, LACMTA could not assure its service changes were implemented in a nondiscriminatory manner.

As a result of those findings, FTA directed LACMTA to take the following steps:

- Conduct a cumulative service equity analysis of the service changes that occurred in December 2009, June 2010, December 2010, and June 2011, and make a determination as to whether those changes resulted in unjustified disparate impacts in violation of Title VI.
- Prior to conducting this analysis, LACMTA was directed to submit a detailed methodology for conducting the analysis to FTA for approval.
- Importantly, LACMTA was to assess its service assuming that it had not made any service reductions during this period; the changes had to be analyzed cumulatively, comparing the April 2012, conditions and service levels with the conditions and service levels in place prior to December 2009.

FTA has completed its review of LACMTA's April 5, 2013, "Cumulative Service Equity Analysis Narrative of Methodology and Results." I can now inform you that LACMTA has completed its service equity analysis to FTA's satisfaction.

### **Background**

On November 15, 2010, the Bus Riders Union (BRU) filed a complaint with FTA, alleging that LACMTA was prioritizing rail service over bus service to the detriment of minority and low-income communities and in violation of Title VI of the Civil Rights Act of 1964. Specifically, BRU asserted that since 2008, LACMTA bus service changes resulted in a net loss of 564,000 bus revenue service hours. In the same 3-year period, LACMTA light rail service grew by eight percent, or a net gain of 55,000 revenue service hours.

In the complaint, BRU requested that FTA investigate in order to halt the round of cuts scheduled for December 12, 2010; and that FTA order LACMTA to take corrective action to remediate past and future harms, including halting additional cuts until LACMTA has developed a fair and balanced plan that will not unfairly burden low-income bus riders of color, and prevent future discrimination by the adoption and implementation of appropriate Title VI and environmental justice policies governing future service cuts. FTA decided to administratively close the BRU complaint and in its place initiate a comprehensive Title VI Compliance Review of LACMTA in order to address the allegations raised in the complaint in the context of a broader Compliance Review.

In July, 2011, FTA conducted a Title VI Compliance Review of LACMTA, and issued a final report in December 2011. The Compliance Review examined the Title VI Program submitted by LACMTA in September 2010, which covered the 3-year period from 2007 to 2010; complaints and significant service or fare changes occurring between September 2010 and July 2011; and service monitoring activities undertaken since 2009. The report noted deficiencies in five of twelve areas examined, including the area of evaluation of service changes, or service equity analysis.

Subsequent to the April, 23, 2012, letter, and during the summer and fall of 2012, FTA and LACMTA communicated frequently regarding the appropriate methodology for the cumulative service equity analysis. During this timeframe, FTA was in the process of updating its Title VI Circular, including the guidance for conducting service equity analyses. Ultimately, LACMTA and FTA mutually agreed that LACMTA would follow the guidance in the updated circular, which FTA issued on August 28, 2012, with an effective date of October 1, 2012.

On November 9, 2012, LACMTA submitted an updated service equity analysis methodology that was consistent with FTA's updated circular. On January 10, 2013,

FTA approved LACMTA's methodology. LACMTA submitted the service equity analysis to FTA on March 7, 2013, and on March 28, 2013, FTA requested a more complete analysis and additional supporting documentation. LACMTA provided the additional information on April 5, 2013.

### **Analysis**

FTA's Title VI Circular 4702.1B, "Title VI Requirements and Guidelines for Federal Transit Administration Recipients," explains that the typical measure of disparate impact involves a comparison between the proportion of persons in the protected class who are adversely affected by the service changes and the proportion of persons not in the protected class who are adversely affected. The Circular further provides that the appropriate comparison population for headway changes, route eliminations, or increased service in an area already served by the transit agency will be the ridership of the affected route(s) compared with the ridership of the system. However, in instances where a transit provider does not have adequate ridership data, the transit agency may compare the population in Census blocks or block groups served by the route(s) with the general population of the service area.

LACMTA does not have detailed route level data on passenger race and ethnicity, so consistent with the Circular, the comparison population was instead LACMTA's service area, which is approximately 70.5 percent minority. Notably, LACMTA's ridership is approximately 90 percent minority, which indicates application of the 70.5 percent benchmark for identifying disparate impacts is very likely to ensure identification of any areas of concern. In conducting its analysis, LACMTA used 2010 U.S. Census data at the block group level. Accordingly, the "impacted populations" and "minority populations" in the summary table below were similarly calculated using 2010 U.S. Census data at the block group level. Along the impacted routes, LACMTA included those Census block groups that were within a one-quarter mile walk of a bus stop, within a one-half mile walk of a rail station, and within a five-mile radius of park and ride facilities that serve a fixed guideway or express bus line, in order to ensure the best representation of probable ridership along the impacted routes.

The use of Census block groups for the impacted population shows a large number of potential passengers. Actual passengers affected by the service changes are substantially lower. For example, Route 445, a portion of which was discontinued, serves Census block groups with a population of 874,798 people. The average weekday passenger boardings on Route 445 are 3,997. Similarly, Route 484, which was discontinued and replaced with Route 194, serves Census block groups with a population of 829,962, with average weekday passenger boardings of 7,205.

FTA reviewed the "Final Cumulative Service Equity Analysis Narrative of Methodology and Results," which shows that the cumulative net impact of the service changes did not

reveal disparate impacts. FTA also independently reviewed LACMTA's data for the service changes made between December 2009 and June 2011.

LACMTA's analysis shows a net improvement to service across the system, including a net improvement for potential minority passengers, as indicated by the following summary of LACMTA's analysis:

Type of Change	Impacted Population in Census Blocks Near Routes	Minority Population in Census Blocks Near Routes	Percent Minority in Census Blocks Near Routes
Improvement- New service, more frequency, more span	7,211,198	5,824,215	80.77%
Potentially adverse – discontinued routes, less frequency, less span	6,610,639	5,329,269	80.62%
Net impacted populations (subtracting numbers of people adversely affected from numbers of people who experienced service improvements)	600,559	494,946	82.41%

Overall, there were 43 actions that resulted in less frequent service, shorter span of a route, or a discontinued route, and 36 actions that resulted in more frequent service, longer span of a route, or new service. Many of the service improvements were made specifically to offset or mitigate the adverse service changes, and LACMTA's data confirm these improvements had their intended effect. For example, more frequent service was added on Routes 53, 66, 115, and 720 in order to offset discontinued segments of Routes 753, 366, 715, and 920, respectively. New Routes 246, 344 and 733 were created to replace some or all of discontinued Routes 446, 444, and 333, respectively.

As an additional means of assessing the cumulative effect of LACMTA's service changes, FTA examined the ridership of routes or segments of routes that were discontinued and resulted in a loss of service, defined as passengers no longer being within one-quarter mile of a bus stop. LACMTA's data indicate that virtually all potential riders within one-quarter mile of a bus stop before the service changes,

including minority riders, retained one-quarter mile access to a bus stop. A total of 107 average weekday boardings-out of approximately 1.52 million average weekday boardings – as well as 16 weekend boardings – lost one-quarter mile access to a bus stop. LACMTA does not have data on the race or ethnicity of the people who lost access to the system, but for purposes of this system-wide assessment, the number of people affected is relatively small.<sup>1</sup>

In reviewing a service equity analysis for indication of a possible Title VI violation, FTA would generally expect that the minority population would bear a proportionate burden of any adverse changes to service, as well as proportionate benefits of service improvements. When analyzing the service changes LACMTA implemented from 2009 to 2011, minority populations did bear more of an adverse impact than one might expect when compared to their percent of the population in the service area. However, they also enjoyed more of the improvements as compared to their percent of the population in the service area, such that the net effect was a slight improvement in service overall. Importantly, if LACMTA had sufficient data to utilize minority ridership as the benchmark, even analyzing the adverse service changes in isolation would show no disparate impact. This is because ridership is approximately 90% minority and LACMTA's analysis showed that approximately 80% of potential passengers adversely affected were minority.

Certainly, individual passengers experienced unwelcome changes in their travel patterns as a result of the changes in service. However, when viewing the changes to the entire system as a whole as required by the Compliance Review, the system improvements, many of which were designed to offset or mitigate the adverse changes, affected minorities at the same proportion as the adverse changes. In other words, minority populations bore an equal amount of both adverse impacts and service improvements. Therefore, FTA concurs with LACMTA's conclusion that the required analysis of the service changes implemented between 2009 and 2011 did not reveal disparate impacts to minority populations.<sup>2</sup>

### **Other Areas of Deficiency**

In addition to the service equity analysis, FTA identified three other areas of deficiency in the April 23, 2012 letter that had not yet been resolved: a plan for monitoring transit service, Limited-English Proficient (LEP) language assistance plan, and evaluation of fare changes. FTA approved LACMTA's service monitoring plan by letter on May 4,

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<sup>1</sup> FTA strongly recommends LACMTA improve its ridership data collection efforts in order to increase the precision of its future service equity analyses.

<sup>2</sup> LACMTA also conducted an analysis of the impacts of the service changes on low-income populations. FTA concurs with LACMTA's conclusions.

2012; the LEP language assistance plan on December 21, 2012; and the fare equity analysis on January 29, 2013.<sup>3</sup>

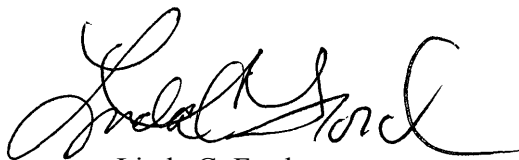
**Conclusion**

LACMTA has satisfactorily addressed all of the deficiencies identified in the September 2011 Compliance Review; therefore, the Compliance Review is closed. Enclosed is the Updated Summary Table of Compliance Review Findings indicating the closure date of each finding.

On behalf of my staff, I want to acknowledge LACMTA's civil rights and planning staff for their efforts to resolve this matter and their responsiveness as FTA provided technical assistance and guidance to assist LACMTA in implementing the corrective action plan. I also want to caution you that the deficiencies FTA identified in the Compliance Review were significant; LACMTA must ensure going forward that it will maintain compliance with FTA Title VI requirements. In particular, LACMTA must conduct accurate and complete service equity analyses as described in the Title VI Circular **before** implementation of all major service changes. FTA will carefully review LACMTA's next Title VI program submission, due October 1, 2013.

Should you have any questions about the enclosed report, please contact Bonnie Graves, Attorney-Advisor at (202) 366-4011, or [bonnie.graves@dot.gov](mailto:bonnie.graves@dot.gov).

Sincerely,



Linda C. Ford  
Acting Director  
Office of Civil Rights

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<sup>3</sup> The Language Assistance Plan and Fare Equity Analysis are available on LACMTA's web site: [http://media.metro.net/board/Items/2013/02\\_February/20130221EMACitem58.pdf](http://media.metro.net/board/Items/2013/02_February/20130221EMACitem58.pdf)

**UPDATED SUMMARY TABLE OF COMPLIANCE REVIEW FINDINGS<sup>4</sup>**

**LACMTA**

**June 27, 2013**

Title VI Requirements For Recipients Serving large Urbanized Areas	Site Review Finding	Description of Deficiencies	Corrective Action(s)	Response Days/Date	Date Closed
<b>GENERAL REQUIREMENTS</b>					
1. Inclusive Public Participation	ND				
2. LEP Language Assistance Plan	D	The latest LEP Plan, dated 2007, does not follow LEP guidelines. LACMTA has not monitored or updated the plan.	All corrective actions must be approved by FTA prior to implementation. LACMTA must submit to the FTA Headquarters Office of Civil Rights: <ul style="list-style-type: none"> <li>• A complete four-factor assessment of the language needs of its service areas.</li> <li>• An updated plan for providing language assistance to LEP persons developed in accordance with the 2005 U.S. DOT Guidance.</li> </ul>	120 Days	<b>December 21, 2012</b>

<sup>4</sup> Key for Site Review Findings: D =Deficiency; ND =Not Deficient; AC =Advisory Comment.

Title VI Requirements For Recipients Serving large Urbanized Areas	Site Review Finding	Description of Deficiencies	Corrective Action(s)	Response Days/Date	Date Closed
3. Title VI Complaint Procedures	ND				
4. List of Title VI Investigations, Complaints, and Lawsuits	ND				
5. Notice to Beneficiaries of Protection Under Title VI	D	Incomplete information in the notice to beneficiaries of protections under Title VI	All corrective actions must be approved by FTA prior to implementation. LACMTA must submit to FTA Headquarters Office of Civil Rights an updated notification to the public of their rights under Title VI.		<b>April 23, 2012</b>
6. Annual Title VI Certification and Assurance	ND				
7. Environmental Justice Analyses of Construction Projects	AC	Comparative analysis of impacts and mitigation on minority and low-income communities and non-minority and non-low-income communities should be strengthened. (e.g. Expo Line)	See Compliance Review		



Title VI Requirements For Recipients Serving Large Urbanized Areas	Site Review Finding	Description of Deficiencies	Corrective Action(s)	Response Days/Date	Date Closed
8. Prepare and Submit a Title VI Program	D	All deficiencies identified in the compliance review.	Corrective actions identified in this report will fulfill the Title VI program deficiencies		<b>June 27, 2013</b>
9. Demographic Data	ND				
10. System-wide Service Standards and Policies	D	LACMTA does not have a complete list of quantifiable service standards for all of its modes (e.g., shuttle, express); LACMTA should adopt consistent standards, using a comparable metric for all modes.	<p>All corrective action plans must be approved by FTA prior to implementation.</p> <p>LACMTA must submit to the FTA Headquarters Office of Civil Rights:</p> <ul style="list-style-type: none"> <li>• Quantifiable service standards for all modes of service operated</li> <li>• Written service policies for vehicle assignment and transit security</li> </ul>	30 Days	<b>April 23, 2012</b>

Title VI Requirements For Recipients Serving Large Urbanized Areas	Site Review Finding	Description of Deficiencies	Corrective Action(s)	Response Days/Date	Date Closed
<p><b>11.</b> Evaluation of Fare and Service Changes</p>	<p>D</p>	<ul style="list-style-type: none"> <li>• LACMTA's definition of major service change is incomplete.</li> <li>• LACMTA's service change evaluation does not contain a quantitative or comparative analysis.</li> <li>• LACMTA is planning a temporary fare reduction of its single day pass and has not performed an equity evaluation.</li> <li>• All service and fare equity analysis not performed but identified earlier in the report.</li> </ul>	<p>All corrective actions must be approved by FTA prior to implementation. LACMTA must submit to the FTA Headquarters Office of Civil Rights:</p> <ul style="list-style-type: none"> <li>• A definition of major service change for Title VI analysis that includes heavy rail and light rail service.</li> <li>• See April 23, 2012 letter from FTA for additional corrective actions</li> </ul>	<p>30 Days</p>	<p><b>Fares: January 29, 2013</b></p> <p><b>Service: June 27, 2013</b></p>

Title VI Requirements For Recipients Serving Large Urbanized Areas	Site Review Finding	Description of Deficiencies	Corrective Action(s)	Response Days/Date	Date Closed
<p><b>12.</b> Monitoring Transit Service</p>	<p>D</p>	<p>LACMTA selected Option C: Surveys, as it monitoring mechanism. The analyses did not describe corrective actions to address significant disparities in responses of different demographic groups.</p>	<p>The corrective action plan must be approved by FTA prior to implementation.</p> <p>LACMTA must submit to the FTA Headquarters Office of Civil Rights:</p> <ul style="list-style-type: none"> <li>• A description of the corrective actions LACMTA will take to address the disparities identified as "significant" in the 2010 Customer Satisfaction Survey.</li> <li>• A process for monitoring transit service in a comprehensive and on-going manner to address the frequent service changes.</li> </ul>	<p>30 Days</p>	<p><b>May 7, 2012</b></p>