

**Board Report**

File #: 2017-0761, **File Type:** Informational Report**Agenda Number:** 14.

**EXECUTIVE MANAGEMENT COMMITTEE
NOVEMBER 16, 2017****SUBJECT: U.S. DEPARTMENT OF TRANSPORTATION CIVIL RIGHTS INVESTIGATION****ACTION: RECEIVE AND FILE****RECOMMENDATION**

RECEIVE AND FILE status report on the resolution of the U.S. Department of Transportation (USDOT) civil rights investigation.

ISSUE

On January 12, 2017 Metro received a notice from USDOT in Washington advising that they had accepted a formal civil rights complaint against Metro. The complaint from the Labor Community Strategy Center (LCSC) alleged that Metro was discriminating on the basis of race with regard to its policies and practices of fare enforcement, citations and arrests on public transportation in violation of Title VI of the Civil Rights Act of 1964.

USDOT conducted a thorough investigation of the allegations including a site visit to Los Angeles. Hundreds of pages of documentation were provided to the USDOT review team. The visit included observations of fare collection and compliance checks, and a review of Metro policies and practices. On October 23, 2017 Metro was informed that USDOT will administratively close the complaint without any findings and enter into a one year agreement to provide technical assistance with regard to fare collection and fare compliance and related public outreach.

DISCUSSION

As a recipient of Federal financial assistance, Metro is required to comply with Title VI of the Civil Rights Act of 1964. Title VI specifically prohibits disparate impacts, which are defined as discriminatory impacts based on color, race or national origin resulting from policies or actions which appear to be facially color, race or national origin neutral. As a result of a ruling by the Supreme Court of the United States in 2001, a private party such as the LCSC no longer has a right of private action to file a lawsuit against a public agency under the disparate impact (section 602) regulations of Title VI of the Civil Right Act of 1964. The LCSC is limited to filing a complaint with the responsible Federal agency and the agency must determine if action is warranted.

The LCSC alleged that the Metro fare enforcement, citations and arrests deliberately targeted minorities and specifically African American passengers. The LCSC also alleged that Metro fare compliance activities resulted in criminalization of African American fare violators and that Metro had

a policy of “stop and frisk” designed to harass African American passengers.

Metro has never had a policy of “stop and frisk” and the creation of its Transit Court in 2012, and its expansion to include juveniles in 2017 ensures that fare compliance issues do not result in criminalization of violators. Metro also transferred primary fare enforcement duties away from law enforcement to civilian Metro employees earlier this calendar year. Law enforcement officers may assist when needed, but the primary fare inspection is now conducted by non-law enforcement personnel.

The signing of the agreement with the USDOT will enable Metro to proactively partner with USDOT to collaboratively identify and resolve any practices involving fare collection that could have a discriminatory impact on users.

USDOT will provide technical assistance to ensure that Metro programs for fare collection and fare compliance comply with responsibilities under Title VI while continuing to ensure that public safety goals are met. USDOT will also provide technical assistance on a public outreach campaign designed to inform the public about fare collection and compliance, generate meaningful participation in the process and proactively avoid practices that could have a discriminatory impact on users

NEXT STEPS

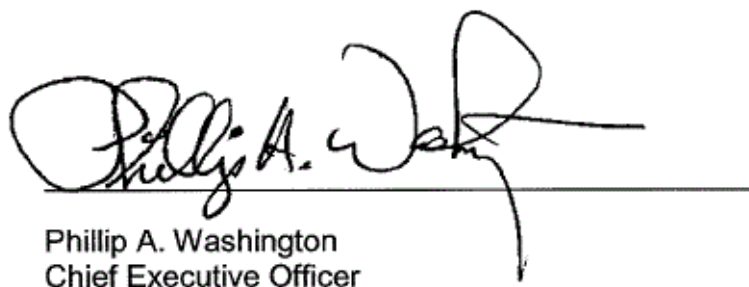
Metro signed the letter of agreement with the DOT on November 1, 2017. The period of technical assistance will run for one year from the date of signing. The first step will be to work with USDOT to develop a plan and schedule for the technical assistance.

ATTACHMENTS

Attachment A - Letter of Agreement with USDOT

Prepared by: Daniel Levy, Chief, Civil Rights Programs (213) 418-3169

Reviewed by: Alex Wiggins, Chief System Security and Law Enforcement, (213) 922-4433



Phillip A. Washington
Chief Executive Officer



**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

1200 New Jersey Avenue, SE
Suite W78-340
Washington, DC 20590

November 1, 2017

Mr. Phillip A. Washington
Chief Executive Officer
Los Angeles County MTA
One Gateway Plaza
Los Angeles, CA 90012

Subject: Letter Agreement to Close Complaint Investigation, DOT# 2017-0093

This letter describes the steps mutually agreed to by the Los Angeles County Metropolitan Transportation Authority (LA Metro) and the United States Department of Transportation (DOT) to ensure compliance with federal civil rights laws. Pursuant to this agreement, LA Metro agrees to receive technical assistance from DOT with regards to their system for fare collection and fare enforcement, including public outreach. Upon the signature of both parties, DOT will administratively close the investigation into DOT# 2017-0093.


LA Metro, as a recipient of Federal financial assistance from DOT and its Operating Administrations, is bound to comply with Title VI of the Civil Rights Act of 1964 (Title VI) and DOT Title VI implementing regulations at 49 C.F.R. § 21 prohibiting discrimination on the basis of race, color, or national origin. Since the beginning of the investigation, DOT and LA Metro have met on multiple occasions to discuss fare collection, enforcement, and public engagement strategies, and DOT anticipates that LA Metro will continue its cooperative approach towards addressing the issues raised in the complaint in partnership with DOT. The administrative closure of this complaint will greatly enhance DOT and LA Metro's ability to partner and proactively identify practices involving fare collection that could have a discriminatory effect on users of the Metro system and to collaboratively resolve them.

Pursuant to this agreement, DOT will provide technical assistance to ensure that LA Metro's programs of fare collection and fare enforcement comply with their responsibilities under Title VI, while continuing to ensure that LA Metro meets its public safety-related goals. This will include, but is not limited to, a DOT review of LA Metro's policy for the distribution of fare enforcement resources and the assignment of fare enforcement staff to LA Metro lines and stations, and may include the development of new approaches, where necessary and in collaboration with LA Metro. This will also include technical assistance from DOT on a public outreach campaign designed to inform the public about fare collection and enforcement, generate their meaningful participation in the process, and to proactively avoid practices that could have a discriminatory impact on users of the Metro system.

This agreement for the provision of technical assistance will expire one year from the date later-in-time of the signatures below, unless extended by the mutual agreement of both parties. Upon signature, DOT will administratively close the complaint without finding.

The undersigned agree to the terms of this agreement for the provision of technical assistance.

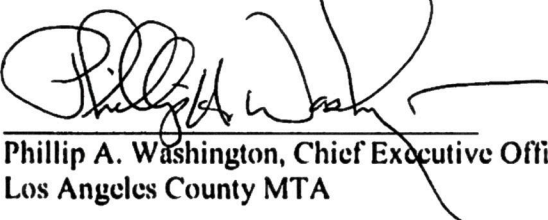
For the United States Department of Transportation:



Yvette Rivera, Associate Director
Departmental Office of Civil Rights
U.S. Department of Transportation

November 10, 2017
Date

For the Los Angeles County Metropolitan Transportation Authority:



Phillip A. Washington, Chief Executive Officer
Los Angeles County MTA

11/1/2017
Date