



Board Report

File #: 2020-0417, **File Type:** Informational Report

Agenda Number: 40.

REGULAR BOARD MEETING JUNE 25, 2020

SUBJECT: METRO RESPONSE TO DEMONSTRATIONS FOR RACIAL JUSTICE

ACTION: RECEIVE AND FILE

RECOMMENDATION

RECEIVE AND FILE staff report on Metro's actions in response to demonstrations and civil unrest during the weekend of May 30, 2020 and after-action plans.

ISSUE

In response to correspondence from CEO Phillip A. Washington to the Metro Board of Directors on June 3, 2020, "Service Suspension and Police Transport on Saturday, May 30, 2020," Metro Vice Chair and Los Angeles Mayor Eric Garcetti issued a letter (Attachment A) on June 12, 2020 to Mr. Washington requesting a staff report describing Metro's decision-making steps and its obligations to provide mutual aid. This report responds to Mayor Garcetti's request.

BACKGROUND

Since May 28, 2020, growing frustration over the death of George Floyd and other black men and women over the years manifested in demonstrations in cities across the United States. While the vast majority of these gatherings were peaceful in nature, a number of them took a destructive turn.

Metro's suspended transit services on Saturday, May 30 from approximately 8:00 p.m. until 12:30 a.m. Sunday, May 31 to ensure the safety of our transit riders and employees when it became apparent that some protests devolved into civil unrest. Service resumed as scheduled at 5:30 a.m. on Sunday, May 31.

Numerous inquiries have sought clarification on Metro's reference to our obligations under the California Disaster and Civil Defense Master Mutual Aid Agreement. This staff report seeks to clarify our understanding of those obligations.

DISCUSSION

Service Suspension

Metro does not take service suspension lightly. Throughout the afternoon of May 30, Metro received multiple reports from across the County of operators, passengers, and supervisors being trapped on board buses and surrounded by protestors, numerous acts of vandalism on Metro buses and property, and track intrusion by protestors. We became increasingly concerned for the safety of our employees and riders, should we continue to operate through the affected areas. The Los Angeles Police Department (LAPD) had already made several requests to shut down select stations in the Downtown LA core on the rail system due to protest activity, and while we intended the service suspension to only be located in this area, it quickly became clear that the disruptions were rapidly spreading beyond the downtown core and throughout the county.

CEO Washington made the decision to suspend transit services for the balance of the night, to begin at 8:00 p.m. This suspension shortened our operating span of service by four and a half hours that day. Regular service resumed at 5:30 a.m. the following day, May 31.

Once the decision was made to suspend service, Operations and Communications staff worked to inform customers as best they could given Mayor Garcetti's subsequent curfew and the governor's later declaration of a state of emergency. Media alerts through City News Service, social media and blog posts were issued to notify customers of the service suspension. Metro also pledged to reimburse rides on Uber, Lyft, or taxi for patrons who were affected by the service suspension.

While this decision was extremely difficult to make, it responded preemptively to the dire on-street realities of growing violence on the streets of Los Angeles County.

A rescue bus was deployed along Route 33 to pick up four stranded passengers in Venice. Supervisor units were deployed to assist stranded customers. The supervisors patrolling the various geographic areas reported a total of five patrons who were notified of the service suspension and informed to use an alternative service such as Uber, Lyft, or taxi. Those patrons were also informed of Metro's pledge to reimburse for the cost of those rides. Metro has since processed 12 reimbursements.

We regret that some riders may not have gotten the word on the service suspension. Metro publicly apologized to riders who were stranded due to the suspension of service.

Mutual Aid

Metro is party to the California Disaster and Civil Defense Master Mutual Aid Agreement (Mutual Aid Agreement, Attachment B) through which we have agreed to furnish resources and facilities and to render services to each and every other party to the master agreement in accordance with duly adopted mutual aid operational plans.

Providing mutual aid in response to a natural or manmade disaster is a cornerstone of the California Emergency Services Act. To ensure the state's ability to deal with such emergencies, the California State Legislature found necessary the rendering of mutual aid by the political subdivisions of this state. As such, there is this Mutual Aid Agreement. The state and the various political subdivisions of the state, including Metro, have entered into this agreement to facilitate implementation of the California Emergency Services Act. As part of this agreement, if a city or county declares a local emergency which is beyond the control of local resources and requires the combined forces of other

political subdivisions to combat, those political subdivisions must respond and provide services, personnel and equipment as requested by the city or county.

In addition, the protection of people and property of the state from such emergencies is extraordinarily important and requires the responsible efforts of public agencies. In support of this understanding, as per California Government Code 3101 and 3102, all public employees are designated disaster service workers and therefore subject to such disaster service activities as may be assigned by their superiors or by law.

It is Metro's policy to coordinate with external agencies and jurisdictions to ensure appropriate and effective response to regional emergencies and natural disasters. Metro's Emergency Operation Center (EOC) Manual satisfies the agency's responsibilities to comply with the law and emergency operations planning. The EOC Manual provides Metro personnel activation/deactivation guidance, identifies roles and responsibilities, and determines operational concepts for the continuance of Metro's essential services, which are:

1. To provide transportation services to the public; and,
2. To provide logistical support to other government agencies, as required, in performance of our essential functions, such as responding to and recovering from disastrous and/or catastrophic events.

State laws governing these issues date back to 1950 and included the employee oaths and the Mutual Aid Agreement. Even privately-owned organizations such as Pacific Electric participated. A number of publications identified in Metro's archive (Attachment C) document many years of public buses being used to rescue people in disasters as well as transport arrestees during civil unrest. Even through Metro's various organizational changes (e.g. LAMTA, SCRTD, LACMTA, etc.), each successive merger assumed all the obligations, agreements, and contracts of the prior one.

In April 2011, the LA Metro Board affirmed (Attachment D) its commitment to provide mutual aid pursuant to the California Emergency Services Act and the Civil Defense Master Mutual Aid Agreement. Per consultation with Counsel for the California Office of Emergency Services (CAOES), the execution of the Mutual Aid Agreement is accomplished through the adoptions of reports or resolutions by local governing bodies. The meeting minutes in the local jurisdiction's records serves as the notice to becoming a party to the State's master agreement. The meeting minutes documenting the April 2011 Metro Board action are included in Attachment E to this report.

In practice, under the culture of emergency management and the National Incident Management System (NIMS) during a disaster or emergency declaration, the unified command and/or the incident commander will make mutual aid support decisions that may have life safety implications. Customarily, policymakers are subsequently advised of the decision and the justification. There is training provided to staff related to these dynamics that describes how this process works. Metro, as a recipient of federal and state funds and participant in the State Mutual Aid agreement, is obligated to comply with these measures.

The mutual aid process is described below.

- A request for resources is received from the requesting jurisdiction.

- The request is evaluated by the providing jurisdiction to determine if it can accommodate a temporary re-direction of its resources, facilities, and services without impacting its ability to carry out mission-critical tasks.
- If the providing jurisdiction can accommodate the request, it furnishes the resources and facilities and renders services to the requesting jurisdiction.

On May 30, during the local emergency in Los Angeles, it was incumbent upon Metro to honor the Mutual Aid Agreement. The mutual aid request to support LAPD came to Metro's EOC amid a Declaration of Emergency. Eight Metro buses were provided to law enforcement for this purpose, and unfortunately, this happened during the suspension of transit services.

Metro acknowledges how this decision, shortly after the announcement of our service suspension, was perceived by the public, especially for those who rely heavily on our system. Our intent was in no way to prioritize assistance to local law enforcement over providing transportation services to the public, but to honor our Mutual Aid Agreement as LA Metro and our predecessor transportation authorities have done since the 1950s.

After Action

Since May 30 and despite additional station and service disruptions resulting from ongoing protest activity, CEO Washington directed Metro staff to continue to operate regular services to the extent possible, as an essential service throughout the crisis. In doing so, Operations staff has dynamically re-routed bus routes to maintain a minimum distance of five blocks from demonstration locations. Rail Operations continues to coordinate with Metro's System Security and Law Enforcement (SSLE) team on rail service protocols, particularly when and how to efficiently close subway stations. These practices will remain in place for the duration of the protests.

After debriefing the circumstances of May 30 and reviewing the provisions of the Mutual Aid Agreement, it is our understanding that Metro may decline to provide mutual aid if it would deplete Metro's own resources, facilities and services. CEO Washington has since directed Metro staff to ensure that agencies requesting Metro support for the transport of detainees or law enforcement shall deplete their own resources prior to requesting supplemental resources from Metro. This includes Los Angeles Department of Transportation (LADOT), Los Angeles Sheriff Department (LASD), and any other city or county department that has its own transportation resources.

After May 30, there were two additional requests for buses. On May 31, the City of Beverly Hills requested a bus for standby. Metro denied this request. On June 2, LAPD requested two Metro buses, which ultimately were not needed, as LA County Sheriff's Department provided the support.

We recognize real-time communications as one of the most challenging aspects of our relationship with customers. In the aftermath of this experience, Metro will explore new and better ways to communicate dynamic service changes to our patrons.

As part of the After-Action initiatives, staff will continue updating Metro's crisis communications plan and improve the protocols for advising customers of a declaration of disaster and/or service

disruption due to the disaster conditions. The update will include a listing of media and social media resources, the new digital communications displays, and new mobile technology through which Metro should broadcast critical public information. Tabletop exercises will be scheduled with the appropriate staff to ensure all involved are aware of and comfortable with Metro's protocols. Since these events, staff continue to explore strategies for informing customers of unplanned service suspensions. Staff are implementing a customer tool kit to be prominently displayed on the website with instructions on what they should do in the event of unplanned service suspensions. Furthermore, in recognition that not all customers have access to digital communications or smart phones, staff are also working with ITS to designate a dedicated telephone the public can call for emergency advisories.

Staff is also developing a concept for a Customer Toolkit to house on the website in case of emergency to inform patrons of what they can expect in the event of a local emergency.

NEXT STEPS

CEO Washington and Metro staff will continue to explore new ways to communicate with customers and to respond to on-street reality throughout the duration of the crisis.

Staff will respond to the motions being filed in June 2020 with additional information requested.

ATTACHMENTS

Attachment A - June 12, 2020 Letter from Los Angeles Mayor Eric Garcetti to Metro CEO Phillip A. Washington

Attachment B - California Disaster and Civil Defense Master Mutual Aid Agreement

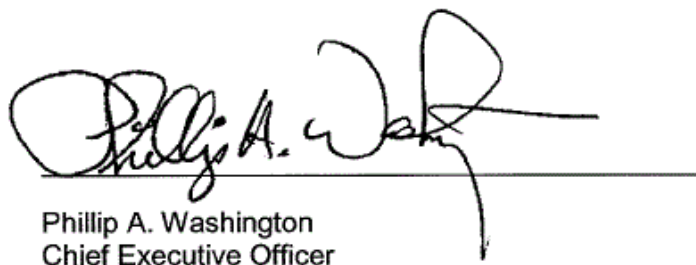
Attachment C - List of Publications Documenting Mutual Aid Response and Disaster Relief Roles

Attachment D - April 2011 Board Report on Status of Agency Emergency Preparedness

Attachment E - Minutes from April 2011 Regular Board Meeting

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