



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

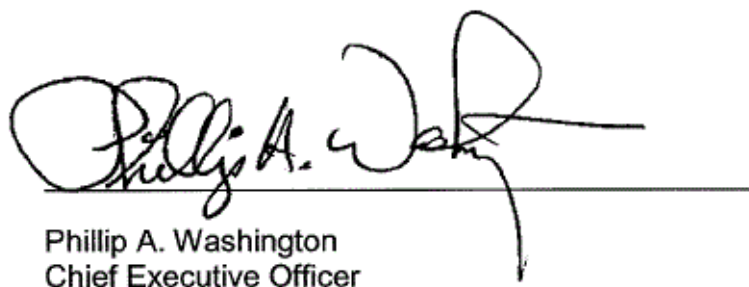
Metro signed the letter of agreement with the DOT on November 1, 2017. The period of technical assistance will run for one year from the date of signing. The first step will be to work with USDOT to develop a plan and schedule for the technical assistance.

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