

Measuring equity in public transit service: LA Metro and the Post-Decree Era

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16. Abstract In 1994, the Labor/Community Strategy Center and other Los Angeles County community organizations and local residents brought a Title VI civil rights class action against the County's Metropolitan Transit Authority (LA Metro), charging the agency with unlawfully discriminating against inner-city and transit-dependent bus riders in its allocation of public transportation resources. The landmark suit led to a consent decree in 1996. The coalition of transit justice advocates utilized the legal system over several years to challenge agency policies with the goal of having LA Metro treat its transit-dependent low-income bus riders of color equitably. This white paper examines the research question: to what extent do the arguments made in the legal case that led to the 1996 consent decree continue to remain in the post-decree era (2010-2020)? Using a mixed-method approach that draws on legal research, semi-structured interviews, and quantitative indicators, we conclude that many arguments made in the case that led to the consent decree remain salient concerns for advancing transit justice in Los Angeles. We recommend transit agencies work to recognize and address the persistence of systemic racial disparities in transit planning and service.					
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The Pacific Southwest Region UTC conducts an integrated, multidisciplinary program of research, education and technology transfer aimed at *improving the mobility of people and goods throughout the region*. Our program is organized around four themes: 1) technology to address transportation problems and improve mobility; 2) improving mobility for vulnerable populations; 3) Improving resilience and protecting the environment; and 4) managing mobility in high growth areas.

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Abstract

In 1994, the Labor/Community Strategy Center and other Los Angeles County community organizations and local residents brought a Title VI civil rights class action against the County's Metropolitan Transit Authority (LA Metro), charging the agency with unlawfully discriminating against inner-city and transit-dependent bus riders in its allocation of public transportation resources. The landmark suit led to a consent decree in 1996. The coalition of transit justice advocates utilized the legal system over several years to challenge agency policies with the goal of having LA Metro treat its transit-dependent low-income bus riders of color equitably. This white paper examines the research question: to what extent do the arguments made in the legal case that led to the 1996 consent decree continue to remain in the post-decree era (2010-2020)? Using a mixed-method approach that draws on legal research, semi-structured interviews, and quantitative indicators, we conclude that many arguments made in the case that led to the consent decree remain salient concerns for advancing transit justice in Los Angeles. We recommend transit agencies work to recognize and address the persistence of systemic racial disparities in transit planning and service.

Measuring equity in public transit service: LA Metro and the Post-Decree Era

Executive Summary

In 1994, the Labor/Community Strategy Center and other Los Angeles County community organizations and local residents brought a civil rights class action against the County's Metropolitan Transit Authority (LA Metro), charging the agency with unlawfully discriminating against "inner-city and transit-dependent bus riders" in its allocation of public transportation resources. The landmark case resulted in a settlement between the parties in October 1996 and a federal civil rights consent decree that froze transit fares and expanded bus service in Los Angeles, among other negotiated community benefits. The consent decree outlined terms and conditions for LA Metro to ensure all transit patrons in Los Angeles County have equal and equitable access to transit.

National trends before and after the suit mirror the trends and concerns raised in this civil rights case. Namely, low-income people of color are dependent on buses which provide lower-quality transit service compared to higher-income white passengers on rail. The nearly thirty-year period since the original lawsuit provides an opportunity to revisit the original legal arguments and analyze how some core issues, disproportionate investments in rail expansion over bus service, and other concerns have remained. In this report, we use a mixed-method approach that includes background legal research, a small set of interviews, and descriptive data analysis to examine the question: to what extent do the arguments made in the legal case that led to the consent decree remain in the post-decree era (2010-2020)?

The goals of this research included providing an overview of the issues raised in this landmark legal decision, summarizing to what extent these issues remain, and providing recommendations to better incorporate racial and social equity and justice concerns into transit service allocation.

The consent decree represented a significant win for low-income people of color in Los Angeles. The momentum generated by the legal actions laid much of the groundwork and leadership development for people and organizations that continue to advocate for transit justice today. However, we conclude that many arguments made in the case that led to the consent decree remain salient, as evidenced by the themes within the legal summary, interviews, and data analysis. Public transit connects low-income people of color and access to opportunity. Future work must continue strengthening those connections for bus and rail riders.

Our key findings are as follows:

1. **Bus and Rail Ridership in LA County Remains Segregated by Race and Class.** Bus service overcrowding and transit fare increases coupled with investments to expand the rail system provided the impetus for the 1994 lawsuit, which led to the consent decree. When the coalition filed suit, and to the present day, the rail system carries a greater proportion of white, higher-income riders, and people of color are much more likely to be bus riders.
2. **Equity Concerns Raised Remain Salient but Have Shifted:** The interviews with individuals involved in past and current engaged in transit justice advocacy indicate bus service concerns

largely remain. The lack of service standards remains a concern, and interviewees suggested that future standards be related to bus service reliability, frequency, accessibility, and affordability. We also document transit justice concerns have shifted amongst transportation advocates from organizing to stop fare increases to advocating for fare-free transit.

3. **Bus Service and Ridership Grew and Peaked During the Monitoring Period and have Declined Since.** The data analysis suggests the consent decree and the monitoring period were stabilizing forces in bus service and overall ridership. Bus service and ridership growth did not continue after the end of the decree. LA Metro continues to invest significantly in growing service on the rail system, and bus revenue service hours have remained stagnant.

We offer this set of recommendations to Los Angeles Metro, other transit agencies, transportation departments, and others with policymaking and oversight authority:

1. **Work to address the persistence of systemic racial disparities in transit planning and service.** This research highlights how entrenched and persistent racial and economic inequalities are in transit service, and reversing those trends requires time, resources, and commitment to change the course to address disparities must be embedded within the agency and its board as a whole. LA Metro and other transit agencies should work to close gaps in transit quality between bus and rail service given the longstanding racial and income patterns in bus and rail ridership.
2. **Agencies with regulatory and funding authority should work to set transit service standards to avoid ever-present battles over disparities in services by mode.** Transit agencies and their funding partners should engage in strategic planning efforts to set service goals. Goal setting can help agencies express their needs and together, agencies can work to meet clearly defined short- and long-term goals for transit service are central policies to ensure an equitable transportation system. Presently, federal and state authorities do not set service standards for transit agencies. Absent basic standards, agencies can work to provide as much service as is supported by their operating funds but rarely work towards any specific service level goal that centers on equitable transit access. The Commonwealth of Virginia provides an example of such a service standard within its strategic transit plans for urban areas, described in more detail in the report. State and federal sources support funding for LA Metro and other transit agencies, and these sources can take similar approaches to transit planning like the Virginia example. These funding entities at the federal (USDOT, Federal Transit Administration) or state level (Caltrans, California Air Resources Board) have the potential to set service standards to ensure their funding is working to provide equitable transit access for riders by race and income. As a start, Caltrans could set service standards for frequency or transit reliability along state highways, many of which function as local streets.
3. **Agencies with oversight authority at the state and federal levels need to exercise their Title VI oversight authority and proactively investigate racial disparities in transit planning and service.** The legal pathway the plaintiffs took in the 1994 civil rights lawsuit has changed because of changes in federal law. Therefore, federal agencies, such as USDOT, with oversight power to enforce Title VI are critically important and are crucial to investigating and addressing persistent racial disparities. Transit agencies themselves can also work to create internal service targets that ensure that low-income riders of color receive the same quality of service as higher-income white riders, including reducing reliability disparities between bus and rail service.

Chapter 1: Introduction

In 1994, the Labor/Community Strategy Center and other Los Angeles County community organizations and local residents, brought a civil rights class action against the County's Metropolitan Transit Authority (LA Metro), charging the agency with unlawfully discriminating against "inner-city and transit-dependent bus riders" in its allocation of public transportation resources (1). The case resulted in a settlement between the parties in October 1996 and a federal civil rights consent decree that limited fare increases and expanded bus service in Los Angeles, among other negotiated community benefits. Over several years, the coalition of advocates utilized the legal system to challenge LA Metro's proposed fare hikes, changes to monthly passes, and prioritization of rail service over bus service. This white paper examines how the issues relate to ongoing struggles to achieve transit justice for bus riders in Los Angeles.

We use a mixed-method approach to examine the question: to what extent do the arguments made in the legal case that led to the consent decree remain in the post-decree era (2010-2020)? The zeitgeist of the LA Metro consent decree looms large in discussions of transportation equity and transit justice in the United States. Scholars and advocates in transportation, civil rights, and environmental justice point to the consent decree as a powerful example of grassroots activism achieving success in challenging government discrimination (2–8). Nearly thirty years have passed since the original lawsuit. This time provides an opportunity to revisit the original legal arguments and analyze how core disparate impacts have remained.

While this report focuses specifically on the case in Los Angeles, scholars before and after the consent decree have highlighted disparities between bus and rail service and passenger demographics at a national scale. Writing in 1982, John Pucher described how the people most in-need of transit service, low-income people of color, experience inherent discrimination by transit agencies. Discrimination took the form of providing insufficient bus service from low-income neighborhoods of color to suburban job sites and providing bus service that was less dependable, crowded, slower, and "inferior to comparable services provided to non-minority middle- and upper-income riders" (9). In the 1970s, subway and commuter rail received four times higher average per-trip subsidies than bus riders. At this same time, these higher subsidies went to higher-income people as rail passengers were higher income than their bus passenger counterparts.

Taylor and Morris analyze data through 2009 at the national scale and find similar results as trends from the 1970s (10). Specifically, these authors explain that from 1977 - 2009, bus riders' median incomes are dramatically lower than rail riders. People of color comprise a larger share of bus riders than rail passengers over the same time frame. The continued history of these national trends in transit ridership by race and income underscores the importance of understanding the trends during and after this groundbreaking lawsuit.

The intent of this white paper is not to relitigate the case nor determine whether it was or was not effective overall. Instead, we aim to provide timely and relevant insights to transit agencies as they prioritize institutional changes in response to the expanding national discussion about race and privilege in the United States and the disparate impact of COVID-19 on low-income communities of color. California transit agencies have made equity and racial justice a primary transportation goal. In 2020, California State Transportation Agency Secretary David S. Kim condemned systemic racism and

discrimination in the state's transportation policies, including those historically entrenched (11). That same year, the California Department of Transportation committed to incorporating equity principles, best practices, and actions (12). Nationally, the Biden-Harris administration made similar commitments to racial equity, and the U.S. Department of Transportation has outlined these commitments in its first-ever Equity Action Plan (13). The white paper is also relevant to Caltrans's Race and Equity Action Plan and its connections with the Caltrans Division of Research, Innovation, and System Information (14).

The rest of this paper is organized into four chapters. Chapter 2 summarizes the case and legal records to identify the legal arguments and data sources used by the coalition of advocates and bus riders in Los Angeles to confront LA Metro's decision-making to prioritize rail over bus service in the early 1990s. Chapter 3 presents findings from a small set of semi-structured interviews with individuals involved in past and current transit justice advocacy in Los Angeles County to understand how these past concerns relate to today. Chapter 4 provides a descriptive analysis of demographics and service characteristics before, during, and after the consent decree of LA Metro's transit system. We conclude that many arguments made in the case that led to the consent decree remain concerns for advancing transit justice in Los Angeles today, as evidenced by the themes within the legal summary, interviews, and data analysis.

Research Approach

The project draws on three main sources of information. The first source includes case and legal records to identify the legal arguments and data sources used by the plaintiffs against the defendant to inform subsequent data collection efforts. The second source of information uses data from various sources to provide a descriptive analysis of demographics and service characteristics before, during, and after the consent decree in Los Angeles County. The last data source comes from a small set of interviews with individuals knowledgeable about the legal efforts and racial equity policies with LA Metro today.

Chapter 2: Review of Legal and Administrative Actions

This chapter summarizes the case and legal records to identify the legal arguments and data sources used by the coalition of advocates and bus riders in Los Angeles to confront LA Metro’s decision-making to prioritize rail over bus service in the early 1990s. The coalition was led by the Labor/Community Strategy Center (LCSC); a nonprofit organization founded in 1989 rooted in centering working-class communities of color to address urban quality of life issues (The Labor Community Strategy Center, 2022). Pertinent details from the 1994 landmark case, *Labor/Community Strategy Center, et al. vs. Los Angeles County Metropolitan Transportation Authority (LA Metro)*, and the subsequent legal actions by the coalition are provided next and summarized in the timeline in Table 1.

Research Approach

The dockets of each case serve as a timeline and outline of the legal proceedings. Every document noted on the docket has a date and number. Due to the naming convention of legal documents, each docket entry indicates what the document includes and how it progressed the case. It is important to note that this legal action started when the California court system was transitioning to the electronic filing of court documents. As a result, many documents related to the cases are unavailable online. However, we determined there was enough information to aid in developing this legal background summary. Additionally, each court (Central District Court and 9th Circuit Court) has online case dockets.

Background Leading to Legal and Administrative Actions

In July of 1993, LA Metro’s Operations Committee reviewed an internally produced report which identified the critical need for transit service improvements with a particular focus on helping “inner city areas, which are overwhelmingly minority and poor” (15). In particular, the report concluded the poor service delivery had more pronounced impacts in the inner city and that LA Metro regularly permitted overcrowding on inner city bus routes at the 140% capacity level (15). During an August 1993 LA Metro board meeting where the board discussed fare increases, bus service cuts, and discretionary funding for rail infrastructure, LCSC formally requested a moratorium on all rail projects. LCSC argued that rail served non-racial minority riders, while low-income minority riders relied on bus service (15). Despite the request and conclusion of the internally produced report, the LA Metro board approved a \$59 million discretionary funds allocation to plan for the Pasadena rail.

Five months later, in January 1994, LA Metro staff sent a memorandum to the agency’s CEO, concluding “that the fare increases and pass elimination would disproportionately affect minority and poor transit users” (15). Despite this knowledge, the LA Metro Board approved a 23% fare increase from \$1.10 to \$1.35 on July 13, 1994. Additionally, the Board voted to eliminate a bus pass that allowed unlimited bus use for \$42.00 a month. Seven days later, the Board approved another \$123 million Pasadena rail project (15).

Table 1. Legal Action Timeline

Year	Summary of Legal Action
1993	<ul style="list-style-type: none"> ● LA Metro’s Operations Committee reviews internal memo identifying pronounced poor service delivery and overcoming in inner city areas ● LCSC formally requested a moratorium on all rail projects ● LA Metro Board approves \$59 million discretionary allocation to plan the Pasadena rail
1994	<ul style="list-style-type: none"> ● LA Metro proposes and approves fare increase for buses from \$1.10 to \$1.35 and elimination of bus passes that provided unlimited bus use for \$42.00 per month ● LA Metro Board approves \$123 million federal expenditure for Pasadena rail ● A coalition led by the Labor/Community Strategy Center filed a lawsuit against LA Metro in the U.S. District Court for the Central District of California ● District court Judge Terry J. Hatter, Jr. enacts a preliminary injunction to maintain LA Metro’s fare structure temporarily
1996	<ul style="list-style-type: none"> ● LA Metro and LCSC agree to a consent decree focused on prioritizing bus service for transit-dependent riders and keeping fare discounts unchanged for low-income riders ● Donald T. Bliss is appointed Special Master to oversee the consent decree
1999	<ul style="list-style-type: none"> ● Special Master orders that LA Metro acquires additional buses to address overcrowding ● District court affirms the Special Master order of additional buses ● LA Metro appeals the Special Master’s order to the 9th Circuit
2000	<ul style="list-style-type: none"> ● 9th Circuit hears arguments on LA Metro’s additional buses appeal
2001	<ul style="list-style-type: none"> ● 9th Circuit affirms the district court and orders LA Metro to follow the Special Master remedial plan that ordered LA Metro to purchase buses even if that meant diverting funds from other transportation services under LA Metro’s jurisdiction
2006	<ul style="list-style-type: none"> ● Donald T. Bliss resigns as Special Master ● District court Judge Terry J. Hatter Jr. declines to appoint a new Special Master, stating the court’s jurisdiction over the consent decree is almost over and will revisit if the court’s jurisdiction is extended ● LCSC asks the district court to extend the consent decree monitoring period ● District court denies the consent decree’s extension ● LCSC appeals extension decision to 9th Circuit
2009	<ul style="list-style-type: none"> ● 9th Circuit affirms district court decision to end consent decrees
2010	<ul style="list-style-type: none"> ● BRU, with LCSC, KIWA, and the Los Angeles Community Action Network (LACAN), files a complaint to the Department of Transportation Federal Transit Administration (FTA) under Title VI of the Civil Rights Act of 1964
2011	<ul style="list-style-type: none"> ● FTA announces agency-wide probe into LA Metro’s Title VI compliance, including an investigation of BRU complaint ● FTA released its final report in the Title VI Compliance Review of LA Metro
2013	<ul style="list-style-type: none"> ● FTA sends letter to LA Metro indicating the agency satisfied the FTA’s Title VI Compliance process

1994 District Court Case

The LCSC, with legal representation from NAACP Legal Defense Fund (LDF), ACLU Foundation of Southern California (ACLU), and Lewis Feinberg Lee Renaker and Jackson (Lewis Feinberg), filed the landmark civil rights lawsuit against LA Metro. LCSC was joined by the Bus Riders Union (BRU), which began as a campaign within the LCSC, Southern Christian Leadership Conference of Greater Los Angeles County, Korean Immigrant Workers Advocates (KIWA), and eight named individuals, Maria Guardado, Ricardo Zelada, Noemi Zelada, Pearl Daniels, Henry Frederick Ramey, Jr., O. Howard Watts, William Tut Hayes, and Franklin E. White.

The plaintiffs alleged the actions taken by LA Metro would “cause minority bus riders substantial losses of income and mobility that, for a significant number,” the actions would “result in the loss of employment and housing, and the inability to reach medical care, food sources, educational opportunities, and other basic needs of life” (15). The lawsuit asserted a Title VI disparate impact claim (15). Title VI is a federal statute codified in the Civil Rights Act of 1964 that no person should be subject to racial, color, or national origin discrimination by any program or activity that receives federal funding. To prove disparate impact, the burden is first on the plaintiffs (LCSC) to show that the conduct of LA Metro by spending a substantial portion of funds on expanding the rail system at the same time as they proposed increased fares and eliminated passes on overcrowded buses has a discriminatory impact on the protected class. The burden then shifted to LA Metro to prove that there was a business necessity for the actions taken by the agency. Finally, plaintiffs have to offer alternatives to the actions that would not have a discriminatory effect. LCSC also brought an intentional discrimination 14th Amendment claim under the Equal Protection Clause that prohibits intentional discrimination against LA Metro (15). Finally, LCSC asked the Court to impose a preliminary injunction, which would prevent LA Metro from taking the actions LCSC claimed to be discriminatory until the case could be fully adjudicated.

Preliminary Injunction

To grant preliminary injunctive relief, the party asking for the injunction must show that there is “(1) a probable success on the merits and the possibility of irreparable injury, or (2) the existence of serious questions going to the merits and the balance of hardships tips sharply in the moving party’s favor” (15). The district court ruled on the Preliminary Injunction on September 21, 1994. Judge Terry J. Hatter, Jr. found that the plaintiffs could show that granting the preliminary junction would maintain the status quo and thus prevent harm that disproportionately placed burdens on those the plaintiffs hoped to protect. The judge also found that LCSC had provided sufficient evidence to show that the proposed fare and pass changes would have a discriminatory impact on a protected class, that the proposal was not a business necessity, and that there were nondiscriminatory alternative actions.

The court also noted that LA Metro failed to provide evidence to counter LCSC’s claims. Instead, “[LA Metro] provided the Court with mere conclusory statistics without identifying the source or age of the raw data used to reach the statistical results and without specifying the methodology used to gather the data” Accordingly, the Court granted the preliminary injunction and prevented the agency from raising fares and eliminating the unlimited monthly pass until the case could be “fully investigated and litigated” (15).

Consent Decree

Before the case went to trial, both sides agreed to settle the lawsuit by entering a consent decree, a negotiated agreement entered as a court order that is enforceable by the court. Signed by both parties and the judge on October 29, 1996, the consent decree outlined terms and conditions for LA Metro to ensure “all transit patrons in Los Angeles County, without regard to race, color, or national origin, have equal and equitable access to a fully integrated mass transportation system that effectively meets the needs of all riders.” The consent decree also required the parties to be under the district court's supervision for ten years as they worked to meet the terms and conditions outlined in the document. The specific language of the consent decree is as follows:

“The District Court shall retain jurisdiction over this litigation for ten years from the date of the approval of this Consent Decree in order to monitor compliance with this Consent Decree. At the end of seven years [LA Metro] may file a motion with the District Court to terminate the Consent Decree and the Court shall grant such motion if [LA Metro] shows to the Court's satisfaction that it has substantially complied with the Consent Decree and that it has in place a service plan that will enable continued adherence to the principles and objectives of the Consent Decree during the five years subsequent to the termination of this Consent Decree” (16).

The consent decree detailed several objectives for LA Metro to achieved over the ten-year compliance period: (16)

- Institute and maintain a policy of charging equitable fares.
- Fairly distribute resources devoted to transit security in the form of uniformed officers, improved waiting areas, and other measures among all classes of service, all modes of transit, and all geographic areas.
- Include attention to all modes and in all areas of the County when engaging in capital improvement planning and programming. Transit-dependent populations' needs should be given priority when making improvements.
- Ensure LA Metro's first priority for the use of “all bus-eligible revenue realized in excess of funds already specifically budgeted for other purposes” be used to improve bus service for transit-dependent populations. The decree defined transit-dependent as “residents of Los Angeles County whose access to automobiles is limited by income, age, or disability.”
- Require future long-range plans, major capital projects, and annual budget include sections devoted to detailing how needs of transit-dependent riders would be met or are being met.
- Create a Joint Working Group (JWG) to work with LA Metro on implementing the consent decree. The JWG was to include an equal number of representatives from LA Metro and the plaintiffs' class.

Joint Working Group & Special Master

The consent decree required LA Metro to have their actions reviewed by the joint working group (JWG). Where there were disputes, the court appointed a Special Master to resolve all matters. Each party was

able to select its own representatives to the JWG and Washington D.C.-based attorney Donald T. Bliss was appointed as the Special Master of the consent decree with the role of facilitating the resolution of disputes that arose under any part of the consent decree—that the JWG and LA Metro could not resolve.

Service Improvements

Under the consent decree, the court required that LA Metro add bus service “designed to improve access by the transit-dependent community to Los Angeles County-wide educational, employment, and health care centers, as well as enhancing personal mobility throughout the region.” The consent decree included several specific examples of potential service improvements. Additionally, LA Metro was required to consult with the JWG and then launch a pilot project to provide at least fifty buses over the next two years. This action was specifically targeted at reducing overcrowding and focused on transit-dependent riders’ needs to access jobs, education, and health services. Bus service improvements for transit-dependent populations are described in detail and added as an attachment to the consent decree itself. The JWG was charged with evaluating the pilot project and producing a 5-year plan to expand it by December 1998. If LA Metro and the JWG could not agree on a plan, the Special Master would be called on to resolve any conflicts.

Security enhancements, bus stop improvements, user-friendliness, and bus service efficiency for transit-dependent riders were also highlighted as major components of the consent decree. Other specific service improvements described included:

- Seek funding and authorize internal matching funds for over fifty new police officers assigned to bus operations in South Central Los Angeles, East Los Angeles, Hollywood-Rampart-Koreatown, and the East San Fernando Valley.
- Apply for a \$400,000 grant from the U.S. Department of Transportation to concentrate on safety and security for women using LA Metro.
- Start a bus shelter improvement pilot program.
- Use a \$3.9 million Department of Transportation grant to fund the Los Angeles Neighborhood Initiative Program (LANI) to focus on eight transit-dependent, low-income neighborhoods.
- Engage in a smart shuttle demonstration project in Westlake-MacArthur, South Central Los Angeles, the Northeast Valley, and the West San Fernando Valley.
- Consult with the JWG on the 1993 initiated Bus Restructuring Survey.
- Consult with the JWG on the design and findings of the newly commissioned service planning/market research study.
- Consult with the JWG on the fare debit cards and smart cards demonstration project.
- Continue the Immediate Needs Transportation Program, which gives subsidies to pay for taxi vouchers and bus tokens to social service and health care organizations.
- Implement signal priority and exclusive lanes for buses.
- Consult with the JWG on a mobility allowance program and finding more flexible transit services for transit-dependent communities.

Overcrowding and Load Factors

The court ordered LA Metro to reduce the maximum load factor ceiling for all bus routes from 1.45 to 1.2 incrementally over the life of the consent decree. A principal part of the consent decree focused on

reducing overcrowding by setting a performance goal for LA Metro to reduce load factor targets. The consent decree outlined that:

“Peak load factor’ shall mean (total number of passengers/total number of seats) which shall be determined by computing the highest ratio of total number of passengers to total number of seats achieved during any 20 minutes weekday peak period in the peak direction of travel on each bus line. This load factor computation would be based on a one-hour time interval during non-peak periods” (16).

LA Metro was required to create a plan 90 days before each fiscal year about how they planned to meet this target and work with the JWG to develop and implement the plan each year. The JWG was given the authority to request additional data collection and have all data supplied by LA Metro. If LA Metro did not meet its targets in a specific year, the agency would have to reallocate funds from other programs to meet the target and have reprogramming or reallocations reviewed by the JWG. If the JWG was unable to resolve the matter, it would be referred to the Special Master. The calculation of the load factor became a point of dispute at the end of the consent decree.

Daily, Weekly, and Monthly Fares (16)

The consent decree continued the 90-cent token and set prices for monthly (\$42.00), semi-monthly (\$21.00), and weekly (\$11.00) passes. It also set the base fare at \$1.35, the transfer price at 25 cents, and the off-peak fare at 75 cents. All other special passes and discounts were to be maintained. These rates were to remain in effect until 1998 or 2003 (depending on which fare), and an increase could only happen if it reflected “an increase in the Long Beach/Los Angeles Standard Metropolitan Statistical Area Consumer Price Index (CPI) from October 1, 1995 to the time the fare increase is proposed, with special reference to any increase or decrease in the household income of the bottom quartile of the Los Angeles County population (as published by the United States Department of Commerce).” Before making any increases, LA Metro had to consult with the JWG. If the JWG disagreed with the proposal, the matter would go to the Special Master to resolve.

Metro’s 2000 9th Circuit Appeal of Special Master’s Order

Under the consent decree, MTA agreed to improve service and reduce overcrowding. Fourteen months after the consent decree approval, LCSC asserted a claim that LA Metro had failed to meet its overcrowding reduction obligations. The dispute could not be resolved by the JWG and was referred to the Special Master, as outlined in the consent decree. The Special Master created a remedial plan that ordered LA Metro to purchase “248 additional buses to reduce passenger overcrowding, even if that meant diverting funds from other transportation services under [LA Metro’s] jurisdiction.” The district court affirmed this plan and ordered LA Metro to follow through on purchasing additional buses. LA Metro appealed this decision to the 9th Circuit Court of Appeals. The 9th Circuit affirmed the district court’s ruling and ordered LA Metro to purchase additional buses.

Labor/Community Strategy Center Asks Special Master to Solve Load Factor Dispute

LCSC initially asked the Special Master to resolve a conflict after alleging that LA Metro missed its first load factor target (LFT). The Court described how to calculate a load factor in detail as part of their decision in this case:

“A “load factor” is a numerical representation of the number of people standing on a bus in relation to the number of seats. It is calculated by dividing the total number of bus passengers riding a bus during a specific period of time (20 minutes in this case) by the total number of seats on the bus. A load factor of 1.35, for example, means that the average number of standees on a given bus during a given 20-minute period exceeds the number of seats by a factor of 0.35.”(17)

LCSC and LA Metro also disputed load factor target definition and calculation. This difference impacted how each party viewed whether LA Metro had met its obligations under the consent decree and how to remedy any shortcomings of their attempts at consent decree compliance.

In September 1998, the JWG found that LA Metro had failed to meet the decree’s first LFT of 1.35 on 75 of 79 bus lines measured. JWG and LA Metro could not agree on a remedial plan and asked the Special Master to resolve the dispute. In his “Memorandum Decision and Order,” the Special Master found that LA Metro failed to meet this initial LFT because of buses in the fleet that did not show up and not having enough buses in the fleet to have sufficient service to meet demand (17). As a result, LCSC wanted LA Metro to order 333 new buses to address the “missing buses” issue. The Special Master instead agreed with LA Metro’s “remedial plan to accelerate procurement of new buses and to convert unreliable alternative fuel vehicles to diesel” (17) =. Regarding the second issue of having too few buses to meet the needs, LCSC disagreed with LA Metro’s argument that better management would address this problem on the basis that if that were the case, it would have happened earlier.

While the Special Master agreed that LA Metro was overstating the agency’s ability of better management to alleviate unmet demand issues and stated that LCSC was overstating the number of needed buses. He agreed with LCSC that “[LA Metro] likely cannot meet the 1.35 load factor target ‘as soon as possible’ (and the 1.25 load factor target by June 2000) unless it acts immediately” and purchased additional buses (17).

Los Angeles County Metropolitan Transportation Authority Appeals Special Master’s Load Factor Decision

LA Metro appealed the Special Master's decision to the district court, claiming that the Special Master did not have the authority to issue the request. Additionally, they argued the Special Master misinterpreted the consent decree and believed that following the order would require the transportation authority to violate state and federal environmental laws. The district court affirmed the Special Master’s authority to resolve the dispute and ordered the LA Metro to order the buses. As a result, LA Metro appealed the district court’s ruling and was able to get a stay preventing them from having to buy the buses until the 9th Circuit was able to rule on the matter.

Ninth Circuit Affirms District Court and Special Master’s Load Factor Decisions

In 2001, the 9th Circuit Court affirmed the decision of the district court and Special Master requiring LA Metro to purchase additional buses. LA Metro asserted that “the remedial plan imposed by the district court and the Special Master was based on a misinterpretation of the consent decree.” Second, LA Metro stated that “the district court and the Special Master did not have the power to order [LA Metro] to implement the remedial plan.” The 9th Circuit held that the Special Master did not misinterpret the consent decree and that any claim to that effect lacked merit.

Misinterpretation of Consent Decree

MTA’s assertion that the district court and Special Master misinterpreted the consent decree turned on their belief that LFTs should be calculated using a “fixed window” approach:

“[LA Metro] argued that the load factors for all bus lines during a given period of time should be compiled and averaged, then reduced by a certain factor to account for a standard number of mechanical failures. The Special Master rejected [LA Metro’s] proposal, ruling that compliance with the LFTs had to be measured by looking at each individual bus line. [LA Metro] had to show that during any 20-minute weekday period in the peak direction of travel on the line, the average ratio of passengers to seats available did not exceed the particular LFT.” (17)

LA Metro wanted compliance to be calculated and measured from data collected only during the traditionally used fixed periods. Conversely, the Special Master held that data “gathered during any 20-minute period as long as that 20-minute window did not overlap with another 20-minute period” (17). This process, the “sliding window” approach, was based on the exact language of the consent decree, which said that calculating LFTs could occur “during ‘any’ 20-minute period” (17). Both LCSC and the Special Master felt this was a more precise way to calculate the load factor on buses. LA Metro also argued that the consent decree simply outlined goals that they only had to make their “best efforts” to meet. The 9th Circuit held that when reading the consent decree in full, it is clear that the language and description of how to calculate LFTs are precise, not just “best effort” guides (17).

Finally, LA Metro argued that under their interpretation of the consent decree, they were not required to purchase more buses because they did not have sufficient funds to do so without impacting the agency’s ability to meet other statutory obligations (17). The 9th Circuit held that LA Metro ignored language in the decree that required the agency to “reallocate sufficient funds from other programs to meet the next lower target load factor as scheduled” (17). In addition to arguing that the agency would have to spend money they were statutorily obligated to spend on other activities, LA Metro also expressed concern that environmental statutes would prohibit them from implementing the immediate purchase of more buses. The Special Master dismissed this by pointing out that adding bus capacity and improving service should positively impact the environment (17). The 9th Circuit stated that they gave deference to the Special Master’s findings and would only make changes if there was a clear error— which LA Metro failed to show on the matter of misinterpretation of the consent decree.

Lack of Authority and Intrusiveness of Order

The second argument that LA Metro advanced at the appellate level was that the consent decree stated that the Special Master would “mediate” disputes, not “resolve” them (17). However, the 9th Circuit quoted the exact language of the consent decree, which stated that if there was no resolution of disputes between MTA and the JWG, “they ‘shall refer the matter to the Special Master for *resolution*, pursuant to procedure set out by the Special Master.’ Not for mediation. Not for suggestions. For *resolution*” (17). The 9th Circuit further elevated the fact that the decree created a procedure for the parties to challenge Special Master decisions to the district court, which would not have been necessary unless the Special Master was intended to make decisions. Finally, the 9th Circuit found this argument disingenuous because the record showed instances when LA Metro petitioned the Special Master to make decisions on their behalf against the plaintiffs.

Finally, LA Metro raised concerns about federalism or concerns that it is an overstep of the court to devise a remedy when the agency is better suited to manage its own affairs or when that court remedy necessitates a breaking of the law. The 9th Circuit dismissed this intrusiveness argument because: “(1) [LA Metro] consented to this dispute resolution, (2) [LA Metro] had the opportunity to comply with the Consent Decree but failed to do so, and (3) the remedial order does not require a violation of state or federal laws” (17). The 9th Circuit said that the laws mentioned by LA Metro are funding provisions that the agency “*may*” choose to comply with (17). Not doing so would not be breaking the law, just disqualifying LA Metro from funding for certain purposes while allowing them to focus their resources on bus service.

Dissent by Ninth Circuit Judge

One of the 9th Circuit judges, Judge Hall, dissented from the majority’s opinion (17). Her dissent focused on the belief that federal courts should exercise the least amount of power possible when trying to find remedies. She stated that she believed the LA Metro’s federalism arguments were valid and that the district court failed to restrain itself when asserting its remedial authority. Judge Hall stated that she would have sent the case back to the district court with direction to craft a remedy that considered LA Metro’s other funding obligations and statutory requirements

Labor/Community Strategy Center’s 2007 9th Circuit Appeal of Ending Consent Decree

As the end of the consent decree compliance neared, LCSC asked the district court to extend the decree. The district court denied this request, and LCSC appealed the decision to the 9th Circuit. The Court of Appeals’ ultimate decision to end the decree, with one Judge dissenting, is also explained. In the following section, each party’s arguments for and against extending the consent decree are detailed.

Appellants’ (LCSC) Arguments to Extend the Consent Decree

LCSC asked the Court of Appeals to extend the consent decree arguing that LA Metro had failed to fulfill “real compliance with its terms” (18). Per the previous appeal, LCSC noted that the 9th Circuit previously ruled that “[LA Metro’s] obligation was to meet the schedule load factor targets, not simply to use its ‘best efforts’” (18). Under LCSC’s interpretation of the consent decree and the 9th Circuit’s earlier ruling, the appellants believed the evidence showed LA Metro never complied with the overcrowding provisions of the decree. Despite the district court’s assertion that the decree had served its purpose, LCSC argued that by failing to remedy the overcrowding on buses, the decree failed to meet its most

important objective. LCSC argued that the decree should be terminated when the terms had been met, not by the fixed ten-year date envisioned when it was first entered into by the parties (18).

Additionally, LCSC argued that when the initial Special Master resigned, the district court failed to appoint someone in his place. This absence resulted in an inability to follow the decree's dispute resolution procedures and contributed to the district court's error in finding that LA Metro had substantially complied with the consent decree. Finally, LCSC sought sanctions against LA Metro because they claimed LA Metro failed to make changes after the first 9th Circuit appeal. As a result, they asked the Court of Appeals to reverse the district court's decision, extend the consent decree, and levy sanctions against LA Metro.

Appellees' (LA Metro) Arguments to Terminate the Consent Decree

LA Metro disagreed with the LCSC's interpretation of the consent decree's effectiveness. LA Metro advanced an argument that compliance with the consent decree simply required "substantial compliance" (18). The agency stated that LCSC's argument that the decree's end should be triggered by compliance, not a fixed date, was new and incorrect. LA Metro implied that this new reading of the consent decree ending mechanism was partly due to the plaintiffs hiring new counsel (18).

LCSC's argument for extending the decree focused on LA Metro not meeting the overcrowding load factor targets. LA Metro argued that they fulfilled and overachieved on many of the other requirements in the consent decree, which LCSC ignored because "[LA Metro's] indisputable fulfillment of each of the many components of the Decree is catastrophic to its assertion that [LA Metro] did not comply with the Decree" (18). MTA argued that they complied with the following components of the consent decree:

- Creation and implementation of a Pilot Program and New Service Plan expanding bus service and access to jobs, education, and health centers.
- Purchase and addition of 102 buses (LA Metro actually increased the quantity of service by over 540 new buses to meet the requirements of the Decree through the various orders of the Special Master).
- Maintenance of fare prices for periods of time exceeding that required in the Decree with only one minimal increase throughout the Decree.
- Implementation of various fare system programs, including Smart Cards.
- Execution of a \$500,000 program for bus shelter improvement.
- Implementation of the Los Angeles Neighborhood Initiative Program.
- Performance of a viability test program for Smart Shuttles.
- Undertaking a bus restructuring study and customer satisfaction market research study, which LA Metro, on its own, continues to updateⁱ;
- Consulting with riders to improve bus service, with LA Metro creating Service Sector Councils composed of local citizen representatives empowered to make local decisions on transit service.
- Continuing and providing \$5 million each year for the Immediate Needs Program.
- Implementation of signal priority on many routes and dedicated bus lanes.
- Replacement of overage buses (procurement of nearly 2,100 new clean natural gas-fueled buses); and

ⁱ The latest customer survey is available online at: <https://www.metro.net/about/plans/cx/>

- Formation of an updated modern fleet, such as by converting all buses to diesel (18).

Regarding the lack of appointment of a new Special Master, LA Metro noted that LCSC failed to contest that decision when the district court made it and thus lost its ability to challenge the decision at this point in the legal proceedings. Finally, LA Metro said they did adhere to the 2004 remedial order by adding buses and service hours. The agency did not dispute that they did not hire additional mechanics but asserted that the order simply required them to assess whether additional mechanics were needed. The agency undertook such an assessment and concluded none were required. As a result, LA Metro asked the Court of Appeals to affirm the district court's decision and end the consent decree.

Ninth Circuit Affirms Decision to End Consent Decree

In 2009, the 9th Circuit affirmed the decision of the district court to end the consent decree and not levy contempt sanctions against LA Metro. The 9th Circuit judges ruled that the evidence supported the district court's finding that small imperfections related to the calculation of LFTs did not overshadow LA Metro's otherwise substantial compliance. Additionally, the 9th Circuit held that there was no evidence to show that LA Metro's conduct was in bad faith or based on an unreasonable interpretation of the consent decree, making sanctions unnecessary in this matter.

The Rufo Test

To determine whether the decree should be extended, the 9th Circuit looked to the 1996 consent document itself and applied the *Rufo* test as articulated by the Supreme Court in *Rufo v. Inmates of Suffolk County Jail*, 502 U.S. 367, 393, 112 S. Ct. 748, 116 L. Ed. 2d 867 (1992). The *Rufo* test has four conditions that state that the extension of the consent decree is only warranted if all the conditions are met:

1. There is a significant change in the factual conditions or the law that occurred after the decree was executed.
2. This change was not anticipated when the agency entered into the decree.
3. The factual changes made decree compliance more onerous, unworkable or detrimental to the public interest; and
4. The proposed extension must be established to reasonably resolve the problems created by the significant change (1).

The 9th Circuit acknowledged that if LA Metro had failed to substantially comply with the terms of the consent decree, which would have qualified as a "significant change in circumstances." However, the district court concluded that the LA Metro did comply, and the 9th Circuit gave deference to that decision. Because the district court had a "decade of knowledge about the case," the 9th Circuit did not deem it appropriate to doubt the lower court's ruling that found that as "a result of the Consent Decree and the efforts of all of the parties, the quality of life has improved for Los Angeles's public transit dependent poor population" (1).

The Court also stated that BRU failed to meet its burden to show LA Metro had not complied with the decree and agreed with the agency that BRU simply ignored many of the ways in which the agency "met or exceeded its obligations" (1). The court acknowledged that a major point of dispute was how the parties interpreted the data from the bus overcrowding measurements. The Court conceded that "BRU

correctly notes that the figures it cites are based on the compliance standard written into the decree and affirmed by this court” on the previous appeal (1). Yet, the Court still determined that with LA Metro not disputing that there was full compliance, the plaintiffs were too focused on the LFTs and failed to appreciate compliance with the decree overall. The Court stated that the level of noncompliance, in this case, was at a “‘de minimis level...’ nowhere close to the near total noncompliance in cases in which courts concluded that extensions of the consent decrees were warranted” (1).

Motion for Contempt Sanctions

To determine whether or not the sanctions requested by LCSC were warranted, the BRU had to show, by clear and convincing evidence, that LA Metro violated the court order, failed to comply substantially, and did so in bad faith and with an unreasonable interpretation of the order (1). The Court found that LA Metro’s understanding that they had the discretion of where to assign new buses and whether to hire mechanics was reasonable. “The fact that [LA Metro] increased its in-service hours so significantly without adding mechanics lends substantial credence to its argument that no new mechanics were needed to meet its obligations under the Final Order” (1). As such, the Court failed to find that LA Metro was acting unreasonably or in bad faith and thus affirmed the district court’s decision not to sanction the agency.

Procedural Issues

The Court failed to analyze LCSC’s remaining arguments that the district court’s failure to appoint a new Special Master violated the decree and that the decree contained no fixed end date and should only be triggered to end by compliance. The Court stated that neither party had a timely appeal of the district court’s order to not appoint a new Special Master due to the time period of the consent decree being close to an end. Due to the lack of a timely appeal, the 9th Circuit lacked “jurisdiction to review it” (1).

Regarding the lack of a decree termination date, the Court held that the “BRU did not raise this issue before the district court, and we generally will not consider an issue raised for the first time on appeal” (1). Due to the plaintiffs’ procedural errors and lack of timely assertions of these arguments, the Court failed to offer any substantive analysis of the claims and rendered them moot.

Dissent by Ninth Circuit Judge

One of the 9th Circuit judges, Judge Berzon, dissented from the majority’s opinion (1). Her dissent focused on the argument that LA Metro “simply did not comply, substantially or otherwise, with the Consent Decree’s requirements for relieving the overcrowding on buses” (1). She argued that as LCSC claimed, LA Metro had created its own measure and way to calculate compliance and then announced that it complied with it. She strongly stated that the district court abused its discretion by terminating its jurisdiction over the consent decree and, as a result, allowed LA Metro’s “flaunting of the law and breaking of solemn promises” (1). Judge Berzon read the consent decree to say that reducing bus overcrowding through LFTs is a “critical objective” of the consent decree. As the previous 9th Circuit case noted, the decree established a “mathematically precise” system of LFT calculation and deadlines. She stated that “because the load factor targets are such a central component of the Decree,” she could not “accept the majority’s suggestion that compliance with other provisions could outweigh [LA Metro’s] lack of substantial compliance with targets” and in her opinion, this fact should have resulted in an extension of the consent decree (1).

Bus Riders Union's 2010 Title VI Administrative Complaint

Following the end of the consent decree and LCSC's appeal loss, the BRU filed an administrative complaint mirroring the arguments made in the previous court cases to continue pressing for further policy changes at LA Metro. In November of 2010, the BRU alleged that LA Metro's decision to eliminate over 387,500 hours of bus service and no cuts to rail service resulted in discrimination against low-income riders and riders of color (19). BRU brought a complaint with LCSC, KIWA, and a new party, Los Angeles Community Action Network (LACAN). The legal team was the same team that brought LCSC's 9th Circuit appeal to extend the consent decree.

The complaint alleged that LA Metro violated Title VI of the Civil Rights Act of 1964, Executive Order 12898 (the "Environmental Justice Executive Order"), and implementing DOT regulations, orders, and guidance by persistently cutting bus service that served low-income riders and riders of color (20). BRU stated that the cuts proposed in LA Metro's 2011 Budget (effective July 1, 2010) would compound cuts that had been made over the previous three years. They estimated that 564,000 bus service hours were cut since 2008 (20).

LA Metro initially proposed the 2011 Budget cuts because of the loss of California State Transit Assistance funds. However, BRU argued that once the Governor restored the funding, LA Metro still made the cuts which caused immense hardships for low-income riders of color. In particular, the BRU stated that the service cuts would cut low-income bus riders of color off from "job opportunities, schools, medical care, grocery stores, places of worship, and other essential destinations" (20). Beyond that, BRU asserted that with no changes to rail service, the more affluent white rail riders would not face the same discriminatory impacts of these service change decisions. These arguments mirror those made in the previous court cases.

In the complaint, BRU shared data highlighting bus and rail riders' different race and income demographics from LA Metro's Spring 2009 bus and rail customer satisfaction survey. They also alleged that the LA Metro failed to pursue less or nondiscriminatory alternatives to balance its budget and instead focused on cuts that disproportionately and illegally harmed people of color. BRU requested that the FTA require LA Metro to stop any planned cuts until a plan could be established, resulting in more equitable and non-discriminatory transit service. In March 2011, the FTA responded to the complaint by agreeing to launch an investigation into LA Metro's agency-wide Title VI compliance.

Federal Transit Administration's 2011 Compliance Review Final Report

By December 2011, FTA released its final report and found that LA Metro was out of compliance with five of the 12 federal Title VI requirements (18). The FTA based its report on a site visit conducted by FTA staff in 2011. The site visit included a document review, interviews with LA Metro staff, interviews with community groups, and transit service tours and observations.

The FTA Review team observed the following service:

- Heavy rail service - Red Line
- Light-rail service - Blue and Gold Lines
- Transitway bus rapid transit (BRT) service - Orange Line
- Metro Rapid bus - routes 750 and 754
- Local bus service - routes 51, 52, 150, 204, 240, and 352 (18).

The FTA determined that MTA was out of compliance with the following five requirements:

- Notice to Public of Rights
- Language Access to Limited English Proficient (LEP) Persons
- System-wide Service Standards and Policies
- Evaluations of Service and Fare Changes
- Monitoring Transit Service

As a result of the Title VI deficiencies, the FTA created a summary of findings and corrective actions, which are recreated in part in Appendix A (18).

Federal Transit Administration's 2013 Compliance Letter

On June 27, 2013, the FTA sent a letter to LA Metro stating that LA Metro addressed all of the deficiencies identified from the 2011 Compliance Review in a satisfactory manner (21). As a result, FTA closed the Compliance Review period. In particular, based on the changes made, FTA concluded that “minority populations bore an equal amount of adverse impacts and service improvements. Therefore, FTA concurs with LA Metro’s conclusion that the required analysis of the service changes implemented between 2009 and 2011 did not reveal disparate impacts to minority populations.”

FTA also acknowledged that the other deficiencies identified in the initial review had been addressed to its satisfaction, including the service monitoring plan, the language assistance plan, and the fare equity analysis (21). While the FTA signed off on total compliance, they included a footnote indicating a strong recommendation that LA Metro “improve its ridership data collection efforts in order to increase the precision of its future service equity analyses (21). This letter completed the legal and administrative actions taken by LCSC and BRU in their attempt to impact MTA’s equitable distribution of resources to low-income riders of color.

Conclusion

The background legal research identified three LA Metro policies that led to the 1994 landmark civil rights lawsuit and Title VI consent decree. These policies included fare increases, ending discounted monthly transit passes, and disproportionate use of public funds for rail versus bus as it related to capital investments, operations or service levels, and maintenance. These remained points of conflict during the monitoring period and administrative challenges after the decree expired. The primary impetus for the 1994 legal action was prioritizing rail expansion projects at the expense of bus service operations serving primarily inner-city areas with low-income riders of color. Progress toward reducing overcrowding was an ongoing debate during the monitoring period, and the cumulative impacts of revenue service hours reductions that fell especially hard on low-income bus riders of color with greater social vulnerability.

Chapter 3: Interview Analysis

We conducted a small set of semi-structured interviews with individuals involved in past and current engaged in transit justice advocacy in Los Angeles County to understand how these past concerns relate to today. We present our findings from these interviews below.

Research Approach

We spoke with five individuals, and each interview lasted 30-45 minutes, was conducted and recorded over zoom, and abided by UCLA human subjects protocols (UCLA IRB# 22-000956). Appendix B includes the interview protocol. Interviewers varied questions based on whether the interviewee was directly knowledgeable about past legal actions or present-day conditions. The UCLA researchers did outreach for the interviews via email or phone calls during Spring 2022. The interviews were conducted virtually via Zoom by UCLA researchers in the Summer of 2022. With the permission of interviewees, interviews were recorded and stored in the researcher's password-protected university-provided cloud storage for research.

Finding 1: Pivotal Concerns Amongst Advocates Mirror Legal Concerns

The interview responses largely mirrored the court records regarding the most pivotal concerns brought forth in the 1994 lawsuit and actions that preceded the filing, namely disparate impacts on low-income bus riders of color without a business necessity for the actions by LA Metro.

Prioritizing rail capital expansion over bus service operations was the impetus for legal actions, namely the allocation of funding to a Pasadena rail project at the same time as the proposed fare increase, discontinuing monthly passes, and bus service cuts. As an interviewee explained:

“One of the central elements of the case was...we're treating everybody just fine on the operation side, and you're upset that we're pursuing this, this rail program, we can't take these capital funds, and put them toward operations. And technically, that's true. But you know, it overlooks that there are calls on operating funds for the new services that may pull away from the bus service.”

One interviewee expressed that Metro's ridership surveys demonstrated evident income disparities between more affluent rail riders and lower-income bus riders, the racial disparities between the ridership groups were key to advancing the plaintiff's arguments. Racial disparities or discrimination are civil rights violations under Title VI. Those assisting with the plaintiff's case created a cost allocation model to understand bus and rail services' capital, operations, and maintenance costs. This model demonstrated that peak-hour rail service received a higher subsidy per rider than bus service, especially during the midday and weekend periods. Given that rail riders were whiter and higher income than their bus-riding counterparts, this demonstrated disparate racial and income bias in LA Metro's use of public funds.

An interviewee gave this example to highlight these differences:

“It turns out that more affluent riders, better educated white riders...are more likely to ride during the peak hour in the peak direction, when the cost is the highest because, you know, they're gonna go downtown to go to work at an accounting firm or a law firm, they're relatively

advantaged in terms of transportation. And they also happen to be riding when it's really expensive to provide the service because they have to add all those extra buses...

We showed that immigrants and people of color were more likely to ride during the middle of the day when you're when costs are lower because you've got all this extra capacity in the evening, on the weekend. And so we allocated that out and could show that this subsidy per rider type and for trip type had a strong income bias and racial bias."

LA Metro agreed to several concessions in the consent decree that sought to address the disproportionate allocation of public funds for rail versus bus riders, including reducing overcrowding on the bus system. Satisfying these concessions was a significant component of the monitoring period. Interviewees identified that reducing overcrowding was one of the major concerns that the decree sought to rectify and that this was a source of conflict during the monitoring period. As the legal summary highlighted, this conflict centered around how LA Metro calculated the peak load factor. Interviewees discussed how the plaintiffs argued that LA Metro should calculate the load factor over any two stops. LA Metro argued they should calculate the load factor over the entire route. Interviewees explained that calculating overcrowding is a resource-intensive process; to this day, there are no national standards for measuring load factors. The lack of industry or national standards explains the tension between the plaintiffs and LA Metro in satisfying this element of the decree.

Finding 2: Concerns Addressed Remain Salient but Have Shifted

The interview responses highlight how some major concerns addressed during the decree and monitoring period are still salient, including worries about inadequate bus service levels relative to spending on rail capital projects and transit affordability for a very low-income customer base. New concerns have emerged since the legal actions, and transit justice advocacy in Los Angeles is now also focused on changing policing approaches to the system. When asked whether their organization sees issues they are advocating for today as similar or different than those raised in the consent decree, one interviewee replied:

"These are longstanding [issues], these aren't new concerns.... And I think the concerns are, are very deeply rooted, or like the issues are very deeply rooted at Metro in the sense that their decision-making body does not feel accountable to this riding constituency."

LA Metro has continuously invested in rail system expansion, especially since the light rail line to Pasadena opened in 2003. Speaking on the issue of disparities around modal investments, an interviewee explained:

"I think the investment in rail infrastructure, in particular, is one that...was a catalyst for the consent decree, as I understand...is continuing today, of course, in a little bit different of a form in the sense that it's not [focused on] commuter rail, it's light rail. But those [rail] investments over investments in bus service, which the majority of ridership take, is very much still a stark difference at Metro."

Multiple interviewees described that concerns around fares have shifted. When asked whether their organization sees issues they are advocating for today as similar or different than those raised in the consent decree, interviewees involved in transit advocacy in Los Angeles shared they are actively organizing for an entirely fare-free system. These arguments center around how a considerable

proportion of LA Metro’s revenue now comes from four separate sales tax measures. Interviewees highlighted how low-income transit riders pay into these revenue streams through regressive sales tax measures and should not be required to provide additional revenue through the fare box. Further, the system remained free for 22 months during the COVID-19 pandemic. Federal funding relief via the Coronavirus Aid, Relief, and Economic Security (CARES) Act, the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA), and American Rescue Plan Act (ARP) helped to support this effort. While these funding sources are no longer available, Caltrans has the opportunity to exercise funding flexibility. For example, funds received via the federal surface transportation block grant (STBG) program could be programmed to support fare-free service (22).

Finding 3: Need Clear Service-Level Targets to Improve Bus Service

Reliability, frequency, accessibility, and affordability were specific goals that could be more precise targets for improving bus service. As interviewees explained, many of the concerns in the consent decree remain, especially around the lack of bus service quality. Overcrowding was an issue raised in the lawsuit and named in the consent decree, and progress toward reducing overcrowding was an ongoing debate during the monitoring period. Much of the argument was a technical matter stemming from how LA Metro measured overcrowding. The lack of investment in bus service manifested as overcrowding, resulting in poor service to meet demand and clear service targets. For this reason, we asked interviewees to share their thoughts on what metrics LA Metro should seek to achieve through new service-level targets.

Interviewees described key service targets such as frequency, reliability, accessibility, and affordability. Frequency targets included buses arriving every 10-15 minutes or even every few minutes along the highest-demand routes. Interviewees described reliability as having buses arrive on schedule and maintaining service levels would not face reductions. Accessibility was another theme discussed, although the exact target for access was less clear. Descriptions of accessibility targets included having as many bus lines going north and south, east and west as possible to cover the most amount of geographic coverage. One interviewee described elements of accessibility as follows:

“For someone who lives near this [bus] stop, what’s their access around the region? How often? How do they connect how, you know, in how does that compare to other places? So instead of worrying about the actual this service or that service to say, how much of the region can I connect to in a reasonable amount of time, right?”

Another person explained how advocates in another region worked on an exercise to an almost identical question “what should our transit service levels look like?” Their closest counterpart was in Toronto, Canada, which focused on: “transit that comes every few minutes takes people to where they need to go in the region and charges affordable fares.” Other interviewees also came back to the target of fare-free service, especially given a very low-income ridership base that is currently struggling with rising rents and living costs.

Finding 4: Consent Decree Set the Context for Present-day Transit Justice Priorities

Interviewees expressed that the consent decree was a significant victory for low-income people of color with tangible impacts and benefits. Because of this decree, transit fares did not increase for ten years,

there were dramatic service improvements in the quality of bus service, and ridership grew over that period. The organizing also established a positive movement for addressing transit justice, which has grown and evolved from that foundation.

While some transit justice literature highlights the historic victory, assessing its role outside Los Angeles is more nuanced and complicated. After LA Metro agreed to the consent decree, advocates outside Los Angeles worked to advance similar arguments through the legal system. This victory did create a groundswell of other rider groups across the country. Other transit agencies were also aware of the case, which gave other agencies pause when considering issues of disproportionate investment across the system. However, an interviewee with a legal background explained that settling this lawsuit as a consent decree versus going to trial and establishing case law may have dampened the efforts' ability to pursue civil rights action claims in other transportation contexts.

An interviewee also discussed how legal changes at the federal level similarly hindered efforts to advance civil rights claims. These changes were explicitly around who could bring forth claims of disparate civil rights violations under Title VI. The lawsuit that preceded the consent decree is cited as one of the most groundbreaking uses of a Title VI violation (23). In the middle of the consent decree monitoring period in 2001, a supreme court decision held a lower court ruling in *Alexander v. Sandoval*. This ruling determined that Title VI was not privately enforceable. For future civil rights claims, Title VI concerns had to be brought forth by another government agency with oversight, such as the U.S. Department of Transportation Office of Civil Rights. Individuals or non-governmental groups could no longer file suits of this nature. Other written work from those involved with the case similarly highlights how the *Sandoval* decision affected similar arguments for discrimination in public transit (5,24). Transit justice advocates in other places, therefore, could not take the same path forward as the defendants in the civil rights suit versus LA Metro.

Conclusion

These interviews highlighted the connections between the intent behind the impetus for the 1994 civil rights lawsuit, the issues raised during the monitoring period, and current transit justice priorities in Los Angeles. Low-income people in Los Angeles County received substantial benefits due to the suit and decree, and this effort created a positive movement for organizing around transit justice in LA. The effects outside of Los Angeles were more limited, especially given the legal changes to those who could pursue civil rights claims against government actors. Today, advocates continue the work on the foundation built through these cases to make progress on similar issues in 2022 as were raised nearly 30 years prior, including transit affordability and improving bus service. The legal actions will continue to pave the way for new opportunities to shape the spending and policies of a transit agency to ensure agencies treat transit-dependent riders of color equitably.

Chapter 4: Changes in System Demographics and Service

This chapter summarizes four types of indicators that parallel information presented in court and legal records, including demographic and service level measures. This chapter aims to provide a descriptive analysis of demographics and service characteristics before, during, and after the consent decree in Los Angeles County. For the data analysis, we focused on metrics identified in the following legal documents: the 1994 “Findings of Fact,” 1996 Consent Decree court documents, and Title VI Administrative Complaint of 2010. Table 2 provides an overview of these indicators and connections to legal documents. The Data Management Plan provides details on how to access underlying data.

Table 2. Data Sources and Legal Connections

Indicator	Measure	Data Source	Legal Argument
Ridership Demographics	Distribution of surveyed riders by race, ethnicity, household income	LA Metro rider on-board surveys, 2006-2019 Microdata from U.S. Census public use files (PUMS), 1990, 2000, 2009, 2019 for commuters (non-student workers)	Race, ethnicity, and household income statistics cited in 1994 “Findings of Fact.” 2011 FTA Title VI complaint contains 2009 rider survey data by race, ethnicity, and household income.
Low-income Transit Dependent Ridership Demographics	Distribution of transit riders by race, ethnicity, and income by mode	Microdata from U.S. Census public use files (PUMS), 2019 for commuters (non-student workers)	Included in 2011 FTA Title VI Compliance Review of the LA Metro.
Service Levelsⁱⁱ	Annual reported vehicle service hours (VRSH), annual reported vehicle revenue service miles (VRSM)	FTA National Transit Database, 1994-2020	Disproportionate bus versus rail service levels and cuts cited in 2011 Title VI complaint against LA Metro.
Ridership Estimates	Annual reported unlinked passenger trips	FTA National Transit Database, 1994-2020	Bus rider ridership estimates cited in 1994 “Findings of Fact.”

ⁱⁱ The specific issue raised in the legal actions around overcrowding and peak load factors. Peak load factors and overcrowding are not archived; therefore, we use service levels as proxy measures.

Finding 1: Bus and Rail Ridership in LA County Remains Segregated by Race and Class

We use data from LA Metro’s Customer Surveys and the U.S. Bureau of the Census to examine race and income disparities by transit mode (bus and rail). Together these data illustrate similar demographic patterns over time as a higher percentage of people of color use bus service compared to rail.

Racial Disparities Persist by Transit Mode

Documents supporting the 1994 suit cite a staff memorandum stating, “general ridership of the buses is 80% minority,” emphasizing that people of color make up a significant majority of bus riders (15). The 2011 FTA complaint cites similar disparities as follows “Metro Rail’s proportion of white ridership is nearly two and a half times that of Metro Bus, while Metro Rail’s proportion of Latino ridership is 30% lower than that of Metro Bus” (20).

Table 3 shows the share of LA Metro Riders by transit mode and by race for three time periods from LA Metro’s customer onboard surveysⁱⁱⁱ:

1. 2006: the end of the consent decree period.
2. 2009: the data vintage cited in the 2011 FTA complaint; and
3. 2019: the most recent available at the time of data collection.

The 2019 survey data demonstrate similar patterns to the statistics presented in the 1994 lawsuit and the 2011 FTA Complaint. For instance, the general ridership of bus riders has increased from the 80% minority cited in 1994 and has remained consistently over 90% since the decree expired. Racial disparities by mode persist, and bus riders are more than ten times more likely to be of color than white. Placing the results of rider ethnicity by mode side by side, the gap between the share of white and minority riders by mode has also slightly increased over time. Generally, the share of white riders using the bus has slightly decreased while the share using rail has increased, while the data demonstrate the opposite pattern for riders of color.^{iv}

ⁱⁱⁱStarting in 2003, LA Metro has collected a relatively standardized set of information on riders via onboard paper surveys collected across the system. The surveys collect information about customer satisfaction, safety, fare payment, and demographic information including race, ethnicity, household income, and more. Annual trend reports were provided by LA Metro on Friday, May 13, 2022, at the request of the research team. At the time of data collection for this project, on-board surveys had not resumed post-COVID-19, as such 2019 was the most recent survey. New survey results were published on October 27, 2022, but are not included in this analysis. See LA Metro website for 2022 results.

^{iv} People of color defined as Latino, Black, Asian, American Indian, and Other.

Table 3. LA Metro Riders by Transit Mode and Race, 2006-2019

Mode		2006	2009	2019
Bus	White	8.5%	8.0%	7.6%
	People of Color	91.5%	92.0%	92.4%
Rail	White	18.7%	17.8%	20.8%
	People of Color	81.3%	82.2%	79.2%

In addition to the onboard surveys, we also analyze public use microdata from the U.S. Bureau of the Census to estimate the share of commuters by transit mode and their race/ethnicity. The 1994 suit alleged that about 350,000 Metro patrons were “transit-dependent riders” who would become especially vulnerable if their transportation service were impacted. For this analysis, transit-dependent riders are defined as non-student workers in households without a vehicle (25). Sample size limitations with the microdata constrain the ability to examine this by mode, race, and income over time. However, data from the 2019 American Community Survey shows that about 95% of transit-dependent workers in Los Angeles County are bus riders.

While we are limited in showing commute patterns for low-income people without cars, the ACS data can segment commute trips by race and mode over time. Figure 1 shows the share of LA County transit commuters by race and modality for four time periods:

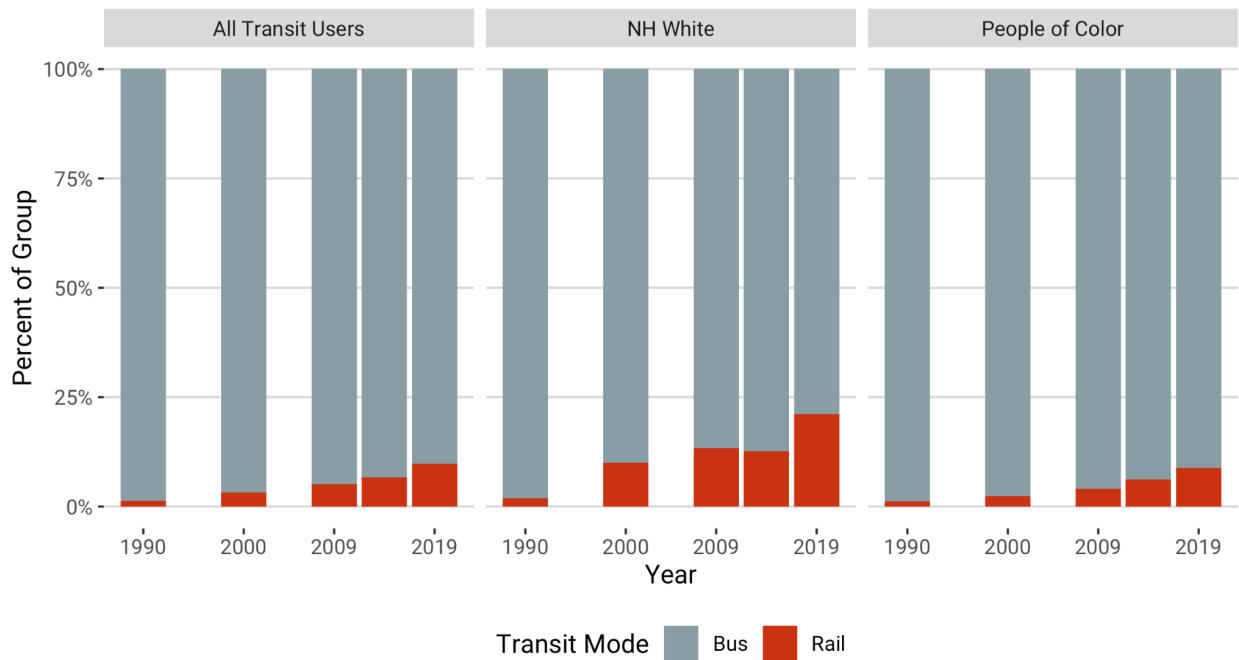
1. 1990: Before the consent decree,
2. 2000: The consent decree monitoring period during the consent decree,
3. 2009: After the consent decree expired; and
4. 2019: Pre-COVID-19 pandemic.

The racial disparities highlighted in the 1994 suit persist in 2019. White transit users are twice as likely to use rail compared to non-white commuters. In 2019, 21% of NHW transit commuters used rail compared to almost 9% of non-white commuters.

Income Disparities Persist by Transit Mode

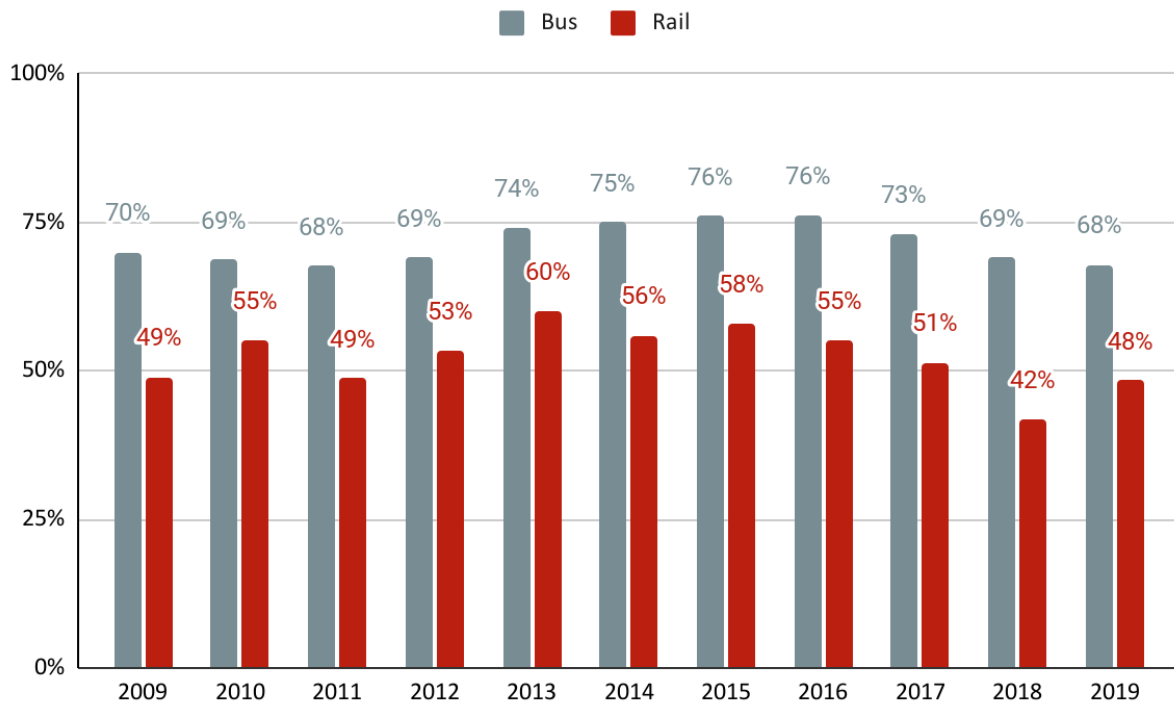
The 2011 FTA complaint also highlights the disparity in household income between bus and rail riders: “70 percent of Metro bus riders have an annual household income of \$26,000 or less compared to only 46 percent of Metro rail riders” (20). Using data from LA Metro’s customer onboard surveys, Figure 2 shows the share of riders by mode with annual household incomes below \$25,000 from 2009-2019. Similar to differences by race, modal differences by rider household income have continued through 2019. In 2019, bus riders were 1.4 times more likely to be low-income (household incomes below \$25,000) compared to rail riders.

Figure 1. LA County Transit Commuters by Race and Transit Mode, 1990-2019



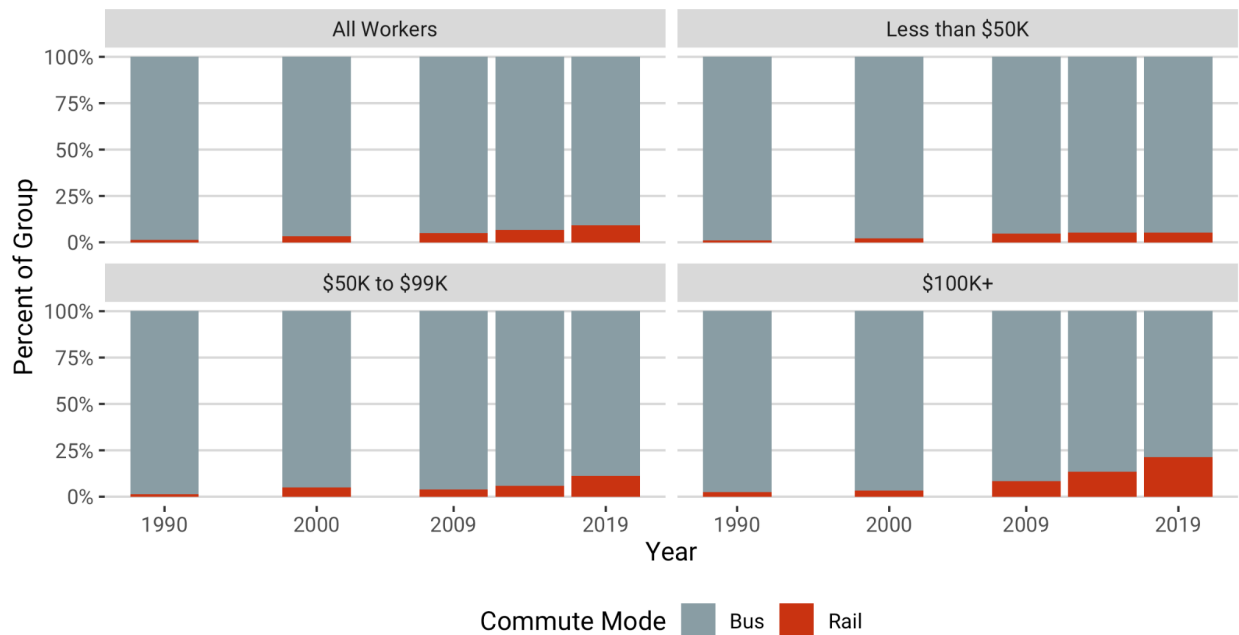
Source: Decennial Census 5% Files (1990 and 2000); American Community Survey 5-Year Public Use Microdata files (2005-2009, 2010-2014, 2015-2019).

Figure 2. Percent of riders with household incomes under \$25,000 by mode, 2009 to 2019



We see similar disparities amongst LA County residents who commute to work by bus and rail. Figure 3 shows the percentage of LA County transit riders that commute to work by mode. The data consistently show that more than 95% of bus riders have household incomes below \$50,000 before the consent decree, during the monitoring period, and after its expiration. This income threshold is roughly equal to the maximum amount for a 3-person household to qualify for the LA Metro’s deeply discounted and Low-Income Fare is Easy (LIFE) program.

Figure 3. LA County Transit Commuters by Race and Transit Mode, 1990-2019



Source: Decennial Census 5% Files (1990 and 2000); American Community Survey 5-Year Public Use Microdata files (2005-2009, 2010-2014, 2015-2019). Household incomes in Constant 2010 Dollars.

Finding 2: Bus Service and Ridership Grew and Peaked During the Monitoring Period and Declined Since

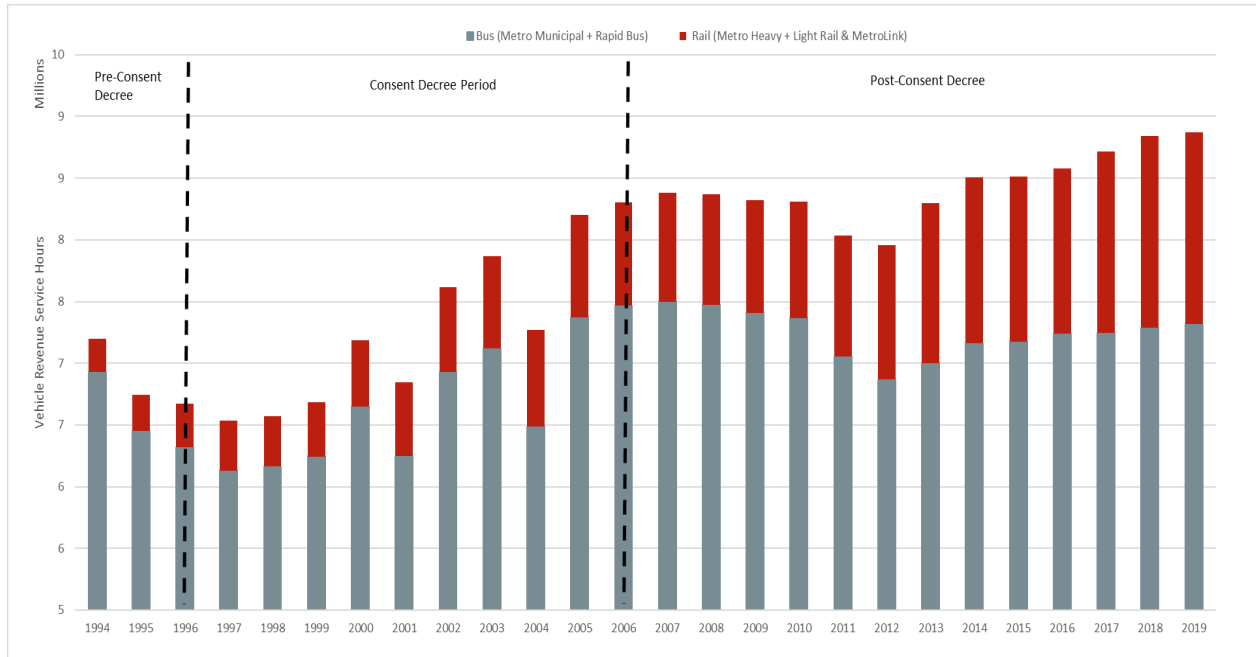
In Chapter 2 and Chapter 3, we detailed the specific complaints raised during legal actions around overcrowding and peak load factors. Overcrowding and its associated measure of peak load factor are manifestations of service levels not meeting demand. Peak load factors and overcrowding are not archived, and there are no industry standards. Therefore, we use two service measures as proxy measures: vehicle revenue service hours (VRSR) and vehicle revenue service miles (VRSR).

While the 1994 suit did not reference direct measures of transit operating performance, it factored heavily into the 2011 FTA complaint.^v According to the complaint, Metro decreased bus service in the aftermath of the Consent Decree’s expiration in 2006, with 564,000 service hours lost between 2008

^v These data are broken down by transit mode and both metrics represent all hours that vehicles are traveling, including both revenue service and layover/recovery time, but excluding deadhead, operator training, maintenance testing, and school bus and charter services. The VRSR metric is the sum of miles vehicles/passenger cars travel while in revenue service. VRSR represents the distance traveled.

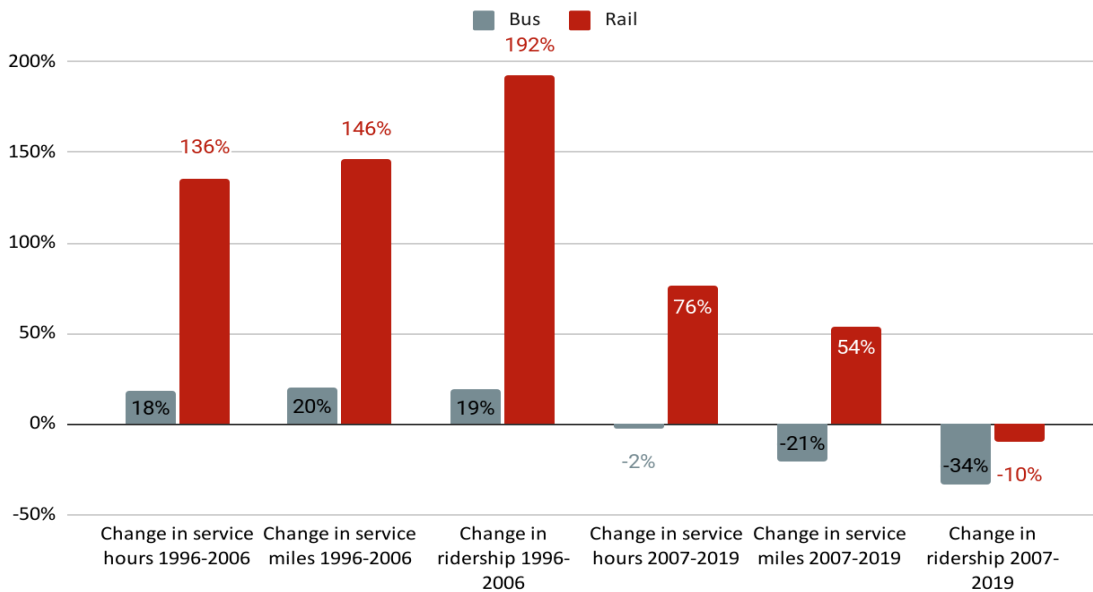
and 2010. In contrast, rail service continued to grow through system expansion. Figure 4 shows that overall revenue service hours have increased in recent years and peaked in 2008.

Figure 4. LA Metro Vehicle Revenue Service Hours



To further underscore changes during and after the consent decree monitoring period, we compared two periods of time, 1996-2006 and 2007-2019, and compared service and ridership levels. As seen in Figure 5, bus service hours, miles, and ridership increased at similar levels during the monitoring period.

Figure 5. Changes in bus and rail service and ridership, 1996-2019



As LA Metro expanded the rail system, the rail system saw greater increases across service hours, miles, and ridership. Since the end of the consent decree monitoring period, bus service hours, service miles, and ridership have all declined. These findings are descriptive and not intended to draw correlative or casual relationships.

The context of transit expansion and ridership declines underlines these trends. First, the LA Metro rail system greatly expanded during both periods. In 1995, LA Metro operated three rail lines across forty-one stations. By 2007, LA Metro operated five lines across sixty-three stations. LA Metro has continued to expand the rail system, and by 2019, the system included six lines and ninety-four stations, with continued expansion. Rail system expansion explains the magnitude of the difference in changes in service hours and miles between bus and rail. Second, transit ridership in the Los Angeles region has declined overall since 2007 (26). Research that examined this decline highlights the growth in private vehicle ownership is likely the most significant contributor to ridership declines (26).

These data in bus versus rail service changes suggest two key takeaways. First, the consent decree and the monitoring period stabilized bus service and ridership. Growing bus service and ridership did not continue after the decree ended. Second, LA Metro made and continues to make major investments in the rail system. These trends speak to the interview finding that concerns raised in the consent decree remain salient.

Conclusion

The data suggests the central issue of a segregated transit system by race and class at the time of the consent decree continues to this day. The rail system continues to carry a larger proportion of white, higher-income riders, and people of color are much more likely to be low-income bus riders. While the data suggest the consent decree and the monitoring period were stabilizing forces in bus service and overall ridership, growing bus service and ridership did not continue after the end of the decree. LA Metro also continues to make major investments in growing service on the rail system.

Chapter 5: Conclusion & Recommendations

We conclude that many arguments made in the case that led to the consent decree remain concerns for advancing transit justice in Los Angeles today, as evidenced by the themes within the legal summary, interviews, and data analysis.

The legal summary outlined the main arguments advanced in the consent decree and monitoring period that all relate to the need to ensure all transit patrons, without regard to race, have equal and equitable access to LA Metro's public transit system. This decree re-committed LA Metro to ensure that they met the letter of the law for Title VI. The decree's impetus was the civil rights lawsuit alleging that fare increases approved by the LA Metro board created an unfair burden and disproportionately discriminated against minority bus riders. LA Metro agreed to meet numerous objectives during the ten-year monitoring period. The primary sources of concern were maintaining fares and passes at pre-increase levels, improving bus service, and reducing bus crowding by purchasing new buses.

Whether LA Metro had met the agreed-upon expectations was a significant source of conflict throughout the monitoring period, especially at the end of the ten-year window. After the LCSC appealed the decision to end the decree, the court ultimately decided that LA Metro had complied with the consent decree terms and lifted the decree in 2006. Similar arguments of racial discrimination continued as plaintiffs filed a Title VI complaint with the Federal Transit Administration following the decree's end. The FTA concluded that LA Metro needed to strengthen its analysis approach to the impacts of construction projects on low-income and communities of color and create quantifiable service standards for all transit modes. Similarly, the FTA required LA Metro to adopt new definitions for service changes requiring a Title VI analysis.

Our interviews highlighted these past issues and how they remain in today's context, including how some concerns have evolved. For example, organizations are going beyond organizing fare increases to advocate for fare-free transit. Bus service concerns largely remain, and interviewees suggested that bus service standards focus on setting and meeting standards about service reliability, frequency, accessibility, and affordability.

All interviewees agreed that the case was an inspiring and historic victory for advocates across the country. Legal changes at the federal level about who can sue on civil rights grounds changed the ability of other organizations to follow the path that led to the consent decree. Nonetheless, the momentum from the lawsuit, consent decree, and FTA complaint laid much of the groundwork and leadership development for people and organizations that continue to advocate for transit justice today.

Finally, our data analysis demonstrates the connections between issues raised in the early 1990s and today's trends. Transit ridership on LA Metro remains largely comprised of low-income people, but bus service continues to serve a very low-income base, especially relative to rail riders. The rail system continues to carry a larger proportion of white, higher-income riders, and people of color are much more likely to be bus riders.

The goals of this research included providing an overview of the issues raised in this landmark legal decision, summarizing to what extent these issues remain, and providing recommendations to better incorporate racial and social equity and justice concerns into transit service allocation. We offer the

following set of recommendations to Los Angeles Metro, other transit agencies, transportation departments, and others with policymaking and oversight authority:

- 1. Work to address the persistence of systemic racial disparities in transit planning and service.**
This research highlights how entrenched and persistent racial and economic inequalities are in transit service, and reversing those trends requires time and resources commitment to change course. State and federal agencies could consider funding these efforts specifically to increase their capacity. To their credit, LA Metro developed an Equity Platform framework in 2018 and established an Office of Equity and Race in 2020, both notable and worthwhile steps forward. Offices like this could be instrumental in creating service standards that provide equitable provision of services between bus and rail riders. However, one office in a large agency cannot be expected to address these systemic issues alone. Instead, the commitment to address disparities must be embedded within the agency and its board.
- 2. Agencies with regulatory and funding authority should work to u regulatory and funding authority to set transit service standards to avoid ever-present battles over lack of service.**
Transit agencies do not receive service standards in terms of how much service they need to supply to meet some basic level of service. Absent this type of standard, agencies can work to provide as much service as supported by their operating funds but are rarely working towards any specific service level goal. In addition to locally supported sales tax revenue, LA Metro receives funding from state and federal sources. Agencies that provide funding for public transit, including the U.S. Department of Transportation, Federal Transit Administration, and state agencies including Caltrans, have the potential to set service standards that LA Metro or other agencies must meet. Working towards a service goal can result in service equity benefits. The Commonwealth of Virginia provides an example of such a service standard within its strategic transit plans for urban areas (27). Each agency that is required to submit a plan to the state must follow a clearly defined template. The plan should outline their goals and objectives, service design and performance standards, and evaluate opportunities for improvement that includes areas that would benefit from additional service, among other items. By having a set of standard strategic plans, the Commonwealth of Virginia can clearly understand unmet and unfunded needs and work with its agency partners to address funding gaps. Service standards or standard plans allow transit agencies to express their needs and work to meet clearly defined short- and long-term goals for transit service. The design and implementation of transit service standards is a ripe area for future research and development within academia and government.
- 3. Agencies with oversight authority at the state and federal levels need to exercise their take title VI oversight authority and proactively investigate racial disparities in transit planning and service.** The legal pathway the plaintiffs took in the 1994 civil rights lawsuit is no longer an authorized pathway, given the *Sandoval* decision where private parties or coalitions like the one led by the Labor/Community Strategy Center could no longer file suit for discrimination. Therefore, agencies with oversight power to enforce Title VI are critically important since groups no longer have this authority. USDOT has outlined the department's first-ever Equity Action Plan, which includes its commitment to enforcing vital civil rights protections (28), which is another step in the right direction. As the plan outlines, agencies need to work beyond public engagement compliance and distinguish how engagement changes proposed outcomes. LA Metro and other transit operators could consider internal service targets that ensure that low-

income riders of color receive the same quality of service as higher-income white riders, including reducing reliability disparities between bus and rail service.

In conclusion, throughout the transportation landscape, many people still view the legal battle and consent decree as a groundbreaking shift of power that allowed a coalition of advocates to shape the spending and policies of a transit agency. This research underscored this victory's importance in its positive effect in Los Angeles for low-income people of color, for building a foundation of transit justice advocacy in Los Angeles, and its impact outside the region. Public transit connects low-income people of color and access to opportunity. Future work must continue strengthening those connections for bus and rail riders.

References

1. Labor/Community Strategy Ctr. v. L.A. County Metro. Transp. Auth., 564 F.3d 1115, 1120, 9th Cir. Cal., 2009.
2. Grengs, J. Community-Based Planning as a Source of Political Change: The Transit Equity Movement of Los Angeles' Bus Riders Union. *J. Am. Plann. Assoc.* **68**, 165–178 (2002).
3. Bullard, R. D. Addressing Urban Transportation Equity in the United States Thirteenth Annual Symposium on Contemporary Urban Challenges: Urban Equity: Consideration of Race and the Road towards Equitable Allocation of Municipal Services. *Fordham Urban Law J.* **31**, 1183–1210 (2003).
4. Lipsitz, G. Learning from Los Angeles: Another One Rides the Bus. *Am. Q.* **56**, 511–529 (2004).
5. García, R. & Rubin, T. A. in *Run. Empty Transp. Soc. Exclusion Environ. Justice* (ed. Lucas, K.) 0 (Policy Press, 2004). doi:10.1332/policypress/9781861345707.003.0013
6. Martens, K. *Transport Justice: Designing fair transportation systems.* (Routledge, 2016). at <<https://www.taylorfrancis.com/books/e/9781317599586>>
7. Blumenberg, E. in *Geogr. Urban Transp.* (The Guilford Press, 2017). at <<https://www.guilford.com/books/The-Geography-of-Urban-Transportation/Giuliano-Hanson/9781462529650>>
8. Mejia, A. *The Urban Poor and Mass Transit Politics: Organizing Bus Riders in the Capital of the Automobile.* SSRN Scholarly Paper at <https://papers.ssrn.com/abstract=1580606> (2010)
9. Pucher, J. Discrimination in Mass Transit. *J. Am. Plann. Assoc.* **48**, 315–326 (1982).
10. Taylor, B. D. & Morris, E. A. Public transportation objectives and rider demographics: are transit's priorities poor public policy? *Transportation* **42**, 347–367 (2015).
11. California State Transportation Agency. Secretary David S. Kim Issues Statement on Racial Equity, Justice and Inclusion in Transportation. (2020). at <<https://calsta.ca.gov/press-releases/2020-06-12-statement-on-racial-equity>>
12. Caltrans. Caltrans Equity Statement. (2020). at <<https://dot.ca.gov/-/media/dot-media/about-caltrans/documents/caltrans-equity-stmt-121020-final-a11y.pdf>>
13. U.S. Department of Transportation. U.S. Department of Transportation Announces Biden Appointees Ready to Work on Behalf of the American People. (2021). at <<https://www.transportation.gov/briefing-room/us-department-transportation-announces-biden-appointees-ready-work-behalf-american>>
14. Caltrans. Race and Equity Action Plan. 36 (Caltrans, 2022). at <https://dot.ca.gov/-/media/dot-media/programs/planning-modal/documents/race-equity/feb2022_reap_combined-a11y.pdf>
15. Labor/Community Strategy Ctr. v. L.A. County Metro. Transp. Auth., 1994 (Findings of Fact and Conclusion of Law: Preliminary Injunction).

16. Labor/Community Strategy Ctr. v. L.A. County Metro. Transp. Auth., 1996 (Consent Decree).
17. Labor/Community Strategy Ctr. v. L.A. County Metro. Transp. Auth., 263 F.3d 1041, 9th Cir. Cal. 2001 LEXIS 19410.
18. U.S. Department of Transportation. Title VI Compliance Review of the Los Angeles County Metropolitan Authority. (2011). at <<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/lacmta-title-vi-compliance-final-report>>
19. The Labor Community Strategy Center. The Labor Community Strategy Center: About. (2022). at <<https://thestrategycenter.org/>>
20. Bus Riders Union. v. L.A. County Metro. Transp. Auth., (FTA Title VI Complaint).
21. Federal Transit Administration's 2013 Compliance Letter.
22. Redeker, J. et al. Federal Funding Flexibility: Use of Federal Aid Highway Fund Transfers by State DOTs. (Transportation Research Board, 2022). doi:10.17226/26696
23. Johnson, O. C. A. Lawyering That Has No Name: Title VI and the Meaning of Private Enforcement. *Stanford Law Rev.* **66**, 40 (2022).
24. Mann, E. in *Highw. Robbery Transp. Racism New Routes Equity* (eds. Bullard, R., Johnson, G. & Torres, A.) (South End Press, 2004).
25. Ong, P. and S. Jimenez (2011). Analysis of the Economic Conditions Facing Low-Income MTA Riders. The Labor/Community Strategy Center.
26. Manville, M., Taylor, B. & Blumenberg, E. Falling transit ridership: California and Southern California. (UCLA Institute of Transportation Studies, 2018). at <<https://www.its.ucla.edu/2018/01/31/new-report-its-scholars-on-the-cause-of-californias-falling-transit-ridership/>>
27. Virginia Department of Rail and Public Transportation. Transit Strategic Plan Guidelines. 25 (Virginia Department of Rail and Public Transportation, 2022). at <<https://www.drpt.virginia.gov/media/ivnbtd55/transit-strategic-plan-guidance-document-2022-proposed-changes.pdf>>
28. U.S. Department of Transportation. Equity Action Plan. (USDOT, 2022). at <https://www.transportation.gov/sites/dot.gov/files/2022-04/Equity_Action_Plan.pdf>

Data Management Plan

Products of Research

This project used six data sources: legal documents, interviews, service levels, and ridership estimates from the National Transit Database, LA Metro on-board surveys, and American Community Survey microdata.

Data Format and Content

The legal documents were acquired via the UCLA law library. Interviews were transcribed and encrypted and cannot be shared outside of the research team.

The Federal Transit Administration National Transit Database provided estimates for vehicle service hours, vehicle revenue service miles, and unlinked passenger trips from 1994-2020. Table TS2.1 Service Data and Operating Expenses Time Series by Mode includes fields for transit agency, mode, and the vehicle revenue miles, revenue hours, and unlinked passenger trips from 1991 - 2021 and is available at <https://www.transit.dot.gov/ntd/data-product/ts21-service-data-and-operating-expenses-time-series-mode-2>.

At the request of the research team, LA Metro provided Annual On-Board Customer Service Data from 2003-2019. These data are available at the Dataverse link below.

Tabulations by the research team using micro-data from the U.S. Bureau of the Census from 1990-2019 are available at the Dataverse link below.

Data Access and Sharing

Publicly available data can be used by the general public, with appropriate attributions. Microdata summary and on-board surveys are available at this link <http://doi.org/10.7910/DVN/FVSQZJ>.

Reuse and Redistribution

Publicly available data can be used by the general public, with appropriate attributions.

Appendix A: Summary of FTA Title VI Review

The key for the chart is ND = No Deficiencies; D = Deficiency; NA = Not Applicable; NR = Not Reviewed; AC =Advisory Comment. All text is copied from the report; therefore, any typographical errors are from the original document.

Title VI Requirements for Recipients Serving Large Urbanized Areas	Site Review Finding	Description of Deficiencies	Corrective Action(s)	Response Days
GENERAL REQUIREMENTS				
1. Inclusive Public Participation	ND			
2. LEP Language Assistance Plan	D	The latest LEP Plan, dated 2007, does not follow LEP guidelines. LA Metro has not monitored or updated the plan.	All corrective actions must be approved by FTA prior to implementation. LA Metro must submit to the FTA Headquarters Office of Civil Rights: <ul style="list-style-type: none"> • A complete four-factor assessment of the language needs of its service areas; and • An updated plan for providing language assistance to LEP persons developed in accordance with the 2005 U.S. DOT Guidance. 	120 days
3. Title VI Complaint Procedures	ND			
4. List of Title VI Investigations, Complains, 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. LA Metro must submit to the FTA Headquarters Office of Civil Rights an updated notification to the public of their rights under Title VI.	
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 & non-minority & non-low-income communities should be strengthened. (e.g., Expo Line)	See Report	
8. Prepare and Submit a Title VI Program	D	All deficiencies identified in this report.	Corrective actions identified in this report will fulfill the Title VI program deficiencies	

Title VI Requirements for Recipients Serving Large Urbanized Areas	Site Review Finding	Description of Deficiencies	Corrective Action(s)	Response Days
GENERAL REQUIREMENTS				
9. Demographic Data	ND			
10. System-wide Service Standards and Policies	D	LA Metro does not have a complete list of quantifiable service standards for all of its modes (e.g., shuttle, express); LA Metro should adopt consistent standards, using a comparable metric for all modes.	All corrective action plans must be approved by FTA prior to implementation. LA Metro must submit to the FTA Headquarters Office of Civil Rights: <ul style="list-style-type: none"> • Quantifiable service standards for all modes of service operated; and • Written service policies for vehicle assignment and transit security. 	30 Days
11. Evaluation of Fare and Service Changes	D	Metro’s definition of major service change is incomplete. <ul style="list-style-type: none"> • Metro’s service change analysis resulted in a disparate impact but did not take corrective steps to determine whether the discrimination was the least form of discrimination. • Metro’s service change evaluation does not contain a quantitative or comparative analysis. • Metro has not conducted service change analyses of new services such as the Expo line. • Metro is planning a temporary fare reduction of its single-day pass and has not performed an equity evaluation. • All service and fare equity analyses not performed but identified earlier in the report. 	All corrective actions must be approved by FTA prior to implementation. Metro must submit to the FTA Headquarters Office of Civil Rights: <ul style="list-style-type: none"> • A definition of major service change for Title VI analysis that includes heavy rail and light rail service. • A detailed memo describing how the service reductions that resulted in discrimination were mitigated and how LACMTA’s proposal met the Title VI legal test. FTA will make its determination based on 49 CFR Part 21. • Title VI service change analyses of the service changes proposed in the June 2011 Board Package, containing quantitative and comparative analyses. The analysis must assess the cumulative effect of all of the service changes, given that there were both service reductions and service increases. • All service change analyses listed in the report, including capital expansions; and • Title VI fare change analysis for the planned temporary reduction of the Daily Pass from \$6.00 to \$5.00 and all others listed in the report. 	30 Days

Title VI Requirements for Recipients Serving Large Urbanized Areas	Site Review Finding	Description of Deficiencies	Corrective Action(s)	Response Days
GENERAL REQUIREMENTS				
12. Monitoring Transit Service	D	Metro selected "Option C: Surveys" as a monitoring mechanism. <ul style="list-style-type: none"> • The analyses did not address #3 to describe corrective actions to address significant disparities in responses of different demographic groups 	The corrective action plan must be approved by FTA prior to implementation. LA Metro must submit to the FTA Headquarters Office of Civil Rights: <ul style="list-style-type: none"> • A description of the corrective actions Metro will take to address the disparities identified as "significant" in the 2010 Customer Satisfaction Survey: and • A process for monitoring transit service in a comprehensive and ongoing manner to address the frequent service changes. 	30 Days

Appendix B: Semi-Structured Interview Guide

Appendix B includes the interview protocol used for Chapter 2, which was approved by the UCLA Institutional Review Boards (UCLA IRB# 22-000956).

An interview guide was designed to pose questions related to major concerns voiced by advocates during the series of legal and administrative challenges, changes to these concerns since the post-decree, bus service level targets and standards, and technical questions related to load factors to measure overcrowding. Questions were varied based on whether the interviewee was directly knowledgeable about past legal actions or present-day conditions.

1. Can you share your work and involvement with the LA Metro Consent Decree case?
2. What do you recall from your involvement as the major concerns raised during the consent decree case and the ongoing monitoring? Even if you weren't directly involved, do you have a sense of what some of the issues and concerns were during the consent decree?
3. Reducing bus overcrowding was a specific service improvement that was outlined in the consent decree. During the monitoring period there was disagreement about how this metric was calculated. Can you walk us through how overcrowding is measured, either at LA Metro or in transit planning generally? What does peak load factor mean and how is it related to overcrowding?
4. Are there industry standards/guidelines or ones set by the federal government when it comes to load factors? Are there industry standards/guidelines or ones set by the federal government when it comes to overcrowding?
5. How have these major concerns you mentioned changed since the consent decree expired? What current civil rights and environmental justice concerns does your organization see at Metro?
6. We know that the decree was originally slated to last ten years. What is your sense of why the 10-year framework was set?
7. We also know that the plaintiffs attempted to get the decree extended. Were there particular aspects that were not resolved from the original complaint?
8. In addition to the consent decree and monitoring, this project also looked into the issues that were raised in the 2010 Title VI complaint that was brought to the FTA. How are the concerns that you group has now with LA Metro related to what you see as things that came up either in the consent decree and monitoring, or in the 2010 FTA Title VI complaint?
9. Are there other legal actions or complaints beyond the consent decree and 2010 FTA Title VI complaint that you think are worthwhile for us to look into?
10. Part of the intent of our research project is to explore this decree because it is so often cited as an example of a "victory" in the transit justice and equity literature. What is your sense of whether this case was unique and how? Are you aware of other cases that are similar in nature?
11. What do you see as the legacy of the LA Metro consent decree on LA Metro? What do you see as the legacy on other transit agencies in the US?
12. During the consent decree and now again during the service cuts related to the pandemic, improving bus service is a persistent concern but there aren't necessarily targets or a goal to be achieved. From your professional or organizational perspective, what ought to be the bus service level target or goal?