

March 22, 2021

Title VI Coordinator
Lowell Regional Transit Authority
145 Thorndike Street
Lowell, MA 01852

RE: Title VI Complaint

Dear Sir/Madam:

My client, Ms. Lucia Appia, has experienced an ongoing pattern of racial harassment and racial discrimination by Lowell Regional Transit Authority (“LRTA”). As outlined below, the most recent of these events occurred on January 22, 2021. Although LRTA management has been made aware of these incidents, it has failed to adequately respond and investigate. These actions violate Ms. Appia’s civil rights and raise serious concerns regarding a culture of discriminatory conduct condoned by LRTA. We demand that the LRTA take immediate steps to remedy this illegal conduct, including: 1) an immediate and thorough investigation of this conduct; 2) discipline of the involved employees; 3) comprehensive and ongoing training of all LRTA employees on preventing racial harassment and discrimination, including implicit and/or unconscious bias training; and 4) compensation for the emotional harm suffered by Ms. Appia, including her attorney’s fees and costs.

January 22, 2021 Incident

On January 22, 2021, Ms. Appia was inside the LRTA Bus Station – Kennedy Center, located at 145 Thorndike Street in Lowell, speaking amicably to Donna Mercier. Upon information and belief, Donna is a LRTA Supervisor. As their conversation ended and Ms. Appia turned to leave the station, Caroline Kelly, another LRTA employee, said, **“Shut up you low class Black person.”** Ms. Appia is a Black immigrant woman and regular patron of the LRTA. Upon information and belief, Caroline is a white woman. She spoke loudly enough to be overheard by both Ms. Appia and Donna. In response, Ms. Appia contacted Val Benson by phone and complained about the racial incident. Upon information and belief, Val is also a LRTA Supervisor. Ms. Appia spoke with Val a second time later that evening and was informed that Val had looked into the matter, spoken to Donna about what was said, and was assured that the comment was a mere “joke.” No additional action was taken by any employee of LRTA despite Ms. Appia expressing her continued concern.

Pattern Of Racially Charged Incidents

Unfortunately, this was not the first time that an LRTA employee treated Ms. Appia differently due to her race. Earlier in January 2021, Ms. Appia had several discriminatory interactions with an LRTA bus driver, Tony (Last Name Unknown). Upon information and belief, Tony is a white male. As Ms. Appia regularly uses the LRTA buses for transportation for her employment as a home-based Certified Nurse Assistant, she repeatedly encountered Tony on the bus route. On multiple occasions, Tony rudely refused to open the rear door to the bus for Ms. Appia to exit despite several requests. When Ms. Appia asked why he would not open the rear door, he snidely informed her that the door was broken. Yet, Ms. Appia witnessed Tony open the door for other white passengers. Ms. Appia called and spoke with Donna about this behavior and understood that after several complaints Tony received a verbal warning. Despite that discipline, Tony continues his discriminatory behavior towards Ms. Appia.

Ms. Appia has also endured several additional unlawful and discriminatory racial comments made by Tony and other bus drivers. Once, in response to Ms. Appia's request to open the rear door, Tony stated that he "couldn't understand her because of her accent." That was clearly untrue because she had communicated with him successfully on multiple occasions. Nevertheless, accent discrimination – a form of national origin discrimination – is prohibited.

On various occasions, Ms. Appia has been asked by bus drivers inappropriate and racially motivated questions regarding her living conditions. Specifically: **"Where are you living? Is it paid for by the government? Do you live in low-income housing?"** Ms. Appia has never witnessed white passengers questioned in such a way.

Ms. Appia has also witnessed drivers treat other passengers of color differently. For example, Ms. Appia frequently rides the bus with an elderly Puerto Rican couple. Approximately last November 2020, shortly after the husband had hip surgery, Ms. Appia witnessed a white female driver pull away from the bus stop as the man approached. Ms. Appia urged the bus driver to wait, and in response the driver said, "He thinks he owns the bus and he always wants us to wait for him." When Ms. Appia informed the driver that she would be reporting the behavior, she replied, **"You Black people think you know everything. I am in the union and they will continue to pay me whether the bus is full or empty."** Ms. Appia later called and reported the incident to Val.

Requested Action

The ongoing and unchecked racialized attacks by LRTA employees raises significant liability for LRTA. See Title VI, 42 U.S.C. § 2000d et seq.; *D'Amico v. Commodities Exchange, Inc.*, 235 A.D. 2d 313, 314 (App. Div. N.Y. 1997) (holding COMEX liable for aiding and abetting in discriminatory conduct where male members harassed female members); *Franklin Lodge of Elks v. Marcoux*, 149 N.H. 581, 584 (2003) (finding liability under public accommodations law where, in relevant part, Lodge had subjected

plaintiffs to “ongoing verbal and sexual harassment by the actions of several of its members”); *Bond v. Michael’s Family Restaurant*, Wisconsin Labor & Indus. Rev. Common, Case Nos. 9150755,9151204 (March 30, 1994), available at <http://www.dwdstate.wius/lirc/erdecsns/266.htm> (holding restaurant liable for creating hostile public accommodations environment based on African-American patrons overhearing loud discussion of restaurant owner with other patrons in which the word “nigger” was used repeatedly).

We demand that the LRTA take immediate steps to remedy this illegal conduct, including:

- 1) an immediate and thorough investigation of the discriminatory conduct;
- 2) discipline of the involved employees;
- 3) comprehensive and ongoing training of all LRTA employees on preventing racial harassment and discrimination, including implicit and/or unconscious bias training; and,
- 4) compensation for the emotional harm suffered by Ms. Appia, including her attorney’s fees and costs.

Please contact me to discuss this matter in greater detail. We look forward to an expedited and amicable resolution to this matter.

Sincerely,

Sophia Hall, Esq.
Supervising Attorney
Lawyers for Civil Rights
Counsel for Lucia Appia