

June 1, 2021

VIA EMAIL

Secretary Peter Buttigieg
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Nuria Fernandez, Deputy Administrator
Matthew Welbes, Executive Director
Federal Transit Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Title VI Compliance Review Requested for Massachusetts Bay Transportation Authority

Dear Secretary Buttigieg, Deputy Fernandez, and Director Welbes:

Lawyers for Civil Rights (LCR) is writing to respectfully request that the Federal Transit Administration (FTA) conduct an immediate Title VI Compliance Review of the Massachusetts Bay Transportation Authority (MBTA). Our request for a Compliance Review results from our year-long investigation of MBTA's policies and procedures governing when MBTA may lawfully suspend public transportation services. The catalyst for our investigation was MBTA's May 31, 2020, shut-down of several train stations in downtown Boston immediately following a Black Lives Matter protest.

The extensive May 31, 2020 shut-down was a first since the system-wide MBTA closure during the manhunt for the Boston Marathon bombers in 2013, and effectively stranded hundreds of people—primarily people of color—throughout downtown Boston. Rather than ensuring the safety of the peaceful Black Lives Matter protestors, the unnecessary shut-down endangered protestors and other transit-dependent people who were forced to navigate through the heavy police presence by foot.

LCR's investigation of MBTA's May 31, 2020 shutdown has revealed a number of troubling issues, including that MBTA has a complete lack of formal policies, procedures, or other written guidance pertaining to the suspension of public transportation services for any other reason other than weather or maintenance. LCR is deeply concerned that MBTA's lack of plan or policy leads to unlawful ad-hoc decisions without consideration of the legal and practical consequences of suspending transportation services—including preventing egress from dangerous situations and contributing to an escalation of tensions and risk of bodily harm to the public. Such ad-hoc, discretionary decision-making frequently has a disproportionate impact on communities of color.

As a public and federally-funded entity, MBTA is prohibited from conduct that has an unjustified impact based on race, color, or national origin. *See* 42 U.S.C. § 2000d. The attached letter, sent from LCR to the Massachusetts Department of Transportation, MBTA, and MBTA Transit Police Department, provides further details regarding our investigation and the timeline of events surrounding MBTA's suspension of services on May 31, 2020. Moreover, the letter outlines how the May 31, 2020 shutdown is not the first instance of inequitable conduct by MBTA. Other examples in the recent past include:

- [The cancellation of late night bus service in 2016](#), which unjustifiably burdened people of color and low-income riders.
- Racial profiling of riders of color, [including a client of LCR's who was improperly removed from a Red Line train at South Station](#).
- [The cancellation of commuter trains on the Fairmount Commuter Rail Line](#), which resulted in a disproportionately negative impact on people of color and low-income riders.
- The disproportionate issuance of [fare evasion citations](#) to people of color.

It appears the FTA's most recent Title VI Compliance Review of MBTA was conducted in 2011. In light of MBTA's pattern of inequitable conduct over recent years, LCR respectfully requests that the FTA conduct another Title VI Compliance Review of MBTA. Transportation equity has long been a critical component the civil rights struggle, and LCR commends the Department of Transportation and its leadership's commitment to safeguarding civil rights.

Thank you for your attention to this important issue. Please do not hesitate to contact me at ngarcia@lawyersforcivilrights.org if you need further information.

Sincerely,

Nina Garcia
Oren Sellstrom
Lawyers for Civil Rights