**TITLE VI COMPLIANCE REVIEW**

**OF THE**

**NEW JERSEY TRANSIT CORPORATION**

**(NJ TRANSIT)**

**Newark, NJ**

**Final Report**

**December 2010**

**Prepared For**

**U.S. DEPARTMENT OF TRANSPORATION**

**FEDERAL TRANSIT ADMINISTRATION**

**OFFICE OF CIVIL RIGHTS**

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1. GENERAL INFORMATION

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City/State: Newark, NJ

Grantee No: 1414

Executive Official: Mr. James Weinstein

 Executive Director

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Site Visit Dates: April 4-7, 2010

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1. JURISDICTION AND AUTHORITIES

The Federal Transit Administration (FTA) Office of Civil Rights is authorized by the Secretary of Transportation to conduct civil rights compliance reviews. The New Jersey Transit Corporation (NJ TRANSIT) is a recipient of FTA funding assistance and is therefore subject to the Title VI compliance conditions associated with the use of these funds pursuant to the following:

* Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d).
* Federal Transit Laws, as amended (49 U.S.C. Chapter 53 et seq.).
* Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601, et seq.).
* Department of Justice regulation, 28 CFR part 42, Subpart F, “Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs” (December 1, 1976, unless otherwise noted).
* DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964” (June 18, 1970, unless otherwise noted).
* Joint FTA/Federal Highway Administration (FHWA) regulation, 23 CFR part 771, “Environmental Impact and Related Procedures” (August 28, 1987).
* Joint FTA/FHWA regulation, 23 CFR part 450 and 49 CFR part 613, “Planning Assistance and Standards,” (October 28, 1993, unless otherwise noted).
* DOT Order 5610.2, “U.S. DOT Order on Environmental Justice to Address Environmental Justice in Minority Populations and Low-Income Populations,” (April 15, 1997).
* DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons, (December 14, 2005).
* Section 12 of FTA’s Master Agreement, FTA MA 13 (October 1, 2006).
1. PURPOSE AND OBJECTIVES

#### Purpose

The Federal Transit Administration (FTA) Office of Civil Rights periodically conducts discretionary reviews of grant recipients and subrecipients to determine whether they are honoring their commitments, as represented by certification, to comply with the requirements of 49 U.S.C. 5332. In keeping with its regulations and guidelines, FTA determined that a Compliance Review of the New Jersey Transit Corporation’s (NJ TRANSIT) Title VI Program was necessary.

The Office of Civil Rights authorized the DMP Group to conduct the Title VI Compliance Review of NJ TRANSIT. The primary purpose of this Compliance Review was to determine the extent to which NJ TRANSIT has met its General Reporting and Program-Specific Requirements and Guidelines, in accordance with FTA Circular 4702.1A, “Title VI and Title VI-Dependent Guidelines for Federal Transit Administration Recipients”. Members of the Compliance Review team also discussed with NJ TRANSIT the requirements of the DOT Guidance on Special Language Services to Limited English Proficient (LEP) Beneficiaries that is contained in Circular 4702.1A. The Compliance Review had a further purpose to provide technical assistance and to make recommendations regarding corrective actions, as deemed necessary and appropriate. The Compliance Review was not an investigation to determine the merit of any specific discrimination complaints filed against NJ TRANSIT.

#### Objectives

The objectives of FTA’s Title VI Program, as set forth in FTA Circular 4702.1A, dated May 13, 2007, “Title VI and Title VI-Dependent Guidelines For Federal Transit Administration Recipients” are to:

* Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
* Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations;
* Promote the full and fair participation of all affected populations in transportation decision making;
* Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
* Ensure meaningful access to programs and activities by persons with limited English proficiency. The objectives of Executive Order 13166 and the “DOT Guidance to Recipients on Special Language Services to Limited English Proficient (LEP) Beneficiaries” are for FTA grantees to take reasonable steps to ensure “meaningful” access to transit services and programs for limited English proficient (LEP) persons.

IV. BACKGROUND INFORMATIOn

NJ TRANSIT is New Jersey’s statewide public transportation corporation, serving eight million residents over a 5,325 square mile service area and providing nearly 223 million passenger trips each year. NJ TRANSIT is the nation’s third largest transit provider.

The New Jersey Public Transportation Act of 1979 established NJ TRANSIT in the executive branch of the state government. The Act constituted NJ TRANSIT as an instrumentality of the state exercising public and essential governmental functions and deemed the powers exercised by NJ TRANSIT as an essential state governmental function. The Act placed NJ TRANSIT within the New Jersey Department of Transportation but stated that the corporation should operate independently from the department. The governor designated NJ TRANSIT as the recipient for FTA funds, established to "acquire, operate and contract for transportation service in the public interest."

NJ TRANSIT is governed by a seven-member Board of Directors, comprising the Commissioner of the Department of Transportation, a representative from the Treasurer’s Office, a representative from the Governor’s Office, and four members from the public. The Governor appoints all seven board members. The Commissioner of the Department of Transportation serves as the Board Chair.

NJ TRANSIT’s bylaws give the Executive Director, who answers to the Board, the requisite authority to act on behalf of the Board of Directors. Annually, the Board of Directors authorizes the Executive Director to apply to FTA for funds.

Several transit advisory committees provide the agency with additional input from the public. These include the Delaware Valley Regional Planning Commission, the Special Services Advisory Committee, the ADA Task Force, the North Jersey Transit Advisory Committee, and the South Jersey Transit Advisory Committee.

NJ TRANSIT provides commuter rail, light rail, fixed route bus, and ADA complementary paratransit service and administers community mobility programs.

Commuter Rail - NJ TRANSIT operates a fleet of 711 trains on a commuter rail network of 11 lines that serve 164 stations in 137 communities. Seven of the11 lines provide service to New York. One line, the Atlantic City Line, serves Philadelphia’s 30th Street Station. NJ TRANSIT maintains its fleet of over 170 diesel and electric locomotives and over 1,000 rail cars at the Meadows Maintenance Complex located near Newark. Light maintenance is also performed at the end of the lines. In addition to operating its own service, NJ TRANSIT is contracted by the New York Metropolitan Transit Authority (MTA) to operate service from Hoboken Terminal to Port Jervis in New York State on the Main/Bergen County Line.

Light Rail. NJ TRANSIT has three light rail networks, Newark Light Rail, Hudson-Bergen Light Rail, and River LINE, operated by a fleet of 45 light rail vehicles. The 6.5-mile Newark Light Rail has two lines serving 17 stations. Both lines serve downtown Newark and terminate at Newark’s Penn Station. The 20-mile Hudson-Bergen Light Rail, which links the growing cities of the Hudson Waterfront, has three lines serving 23 stations. The 34-mile River LINE, which operates between Trenton and Camden, has 20 stations. NJ TRANSIT directly operates Newark Light Rail. It contracts with Design/Build/Operate/Maintain (DBOM) contractors to operate the Hudson-Bergen Light Rail and River LINE.

Fixed-Route Bus - NJ TRANSIT, through direct service, private carrier support, and contracted bus service, provides for an extensive network of intrastate and interstate bus service. Each year, the fleet of 2,027 buses travels over 80 million miles on 236 routes. The network serves the region’s commercial centers with commuter runs to and from Manhattan, Newark, Jersey City, Trenton, Camden, Atlantic City, and Philadelphia. NJ TRANSIT operates out of 15 garages and contracts with12 private contractors.

ADA Complementary Paratransit Service - NJ TRANSIT contracts for the provision of Access Link, its curb-to-curb ADA complementary paratransit service. The state is divided into six regions with a contractor assigned to each one. NJ TRANSIT determines eligibility and operates the reservation center.

Private Carriers - NJ TRANSIT administers programs to provide bus and bus related equipment to private carriers:

* Bus Allocation Program. NJ TRANSIT leases 751 buses to 30 private carriers at no cost. The carriers provide interstate service under authority provided by the Federal Surface Transportation Board and intrastate service under authority provided by the New Jersey Department of Transportation. NJ TRANSIT uses FTA (Section 5307 and 5309) and state funds to purchase the buses. The buses display the carrier’s logo and a statement that the buses are owned by NJ TRANSIT. Carriers that participate in the program file National Transit Database reports.
* Private Carrier Capital Improvement Program. NJ TRANSIT leases support equipment, such as radios, fareboxes, computers, portable lifts, support vehicles, fuel management systems, and bus washers at no cost to private carriers. Only carriers that lease buses are eligible for the program. This program does not involve any FTA funding.
* Reduced Fare Reimbursement Programs. NJ TRANSIT reimburses carriers that provide reduced fares to elderly persons, persons with disabilities, and students.

Community Mobility - NJ TRANSIT passes Section 5307, 5309, 5310, 5311, 5316, and 5317 assistance and Congestion Mitigation Air Quality (CMAQ) funds to subrecipients to support a range of public transportation and mobility programs that include demand response and deviated fixed route public transportation, transportation for elderly persons and persons with disabilities, feeder service to commuter rail stations, and access to jobs for low-income persons.

During the past three years, NJ TRANSIT completed the following noteworthy projects:

* The $1.2 billion Hudson-Bergen Light Rail Second Minimum Operable Segment (MOS II) project which extended the line north from Hoboken Terminal to the Tonnelle Avenue park and ride in North Bergen and south to 22nd Street in Bayonne, adding seven stations and 6.1-miles.
* The $207 million Newark Elizabeth Rail Link (NERL) project which extended Newark Light Rail one mile north and added four stations.

On-going initiatives include the 8th Street Station Project in Bayonne, a one-mile southern extension of Hudson Bergen Light Rail. NJ TRANSIT is advancing the civil engineering portion of the project with a "design build" contractor and the systems work with the current operator of Hudson-Bergen Light Rail. Concept planning for the project began in December 2005. The estimated completion date is the third quarter of 2010.

Over the next three to five years, NJ TRANSIT plans to implement the following noteworthy projects:

* Access to the Region's Core (ARC). The $8.7 billion ARC project includes the construction of two new tracks in the Meadowlands, two new single-track tunnels under the Hudson River and an expansion of Penn Station New York under 34th Street, including direct connections to NYC subways at 8th, 7th and 6th Avenues, as well as PATH. Additional capacity and a connection to the Main, Bergen County, Pascack Valley and Port Jervis lines will allow for transfer-free service to Penn Station New York. The environmental review and preliminary engineering phase is complete, with final design and construction that began in 2009. FTA issued a Record of Decision (ROD) for ARC on January 14, 2009. Construction is scheduled to be completed by 2017.
* Northern Branch. The Northern Branch Rail Service project will reintroduce rail service between Tenafly in Bergen County and North Bergen in Hudson County to improve regional mobility, mitigate traffic congestion, and foster economic investment. The reintroduction of this rail transit service in eastern Bergen County will mark a significant step forward for congestion relief on local and county roads burdened by daily commuter traffic. Eastern Bergen County residents are significantly oriented to jobs in New York City and, to a lesser extent, the Hudson County waterfront and Northern Branch service will provide a mass transit alternative. The 11.4-mile corridor extends from North Bergen in Hudson County to Tenafly in Bergen County using the existing CSX Northern Branch freight corridor. The project will connect to the existing Hudson-Bergen Light Rail system, which terminates at Tonnelle Avenue in North Bergen. The Draft EIS was submitted to FTA in May 2008. The estimated completion date for the Final EIS is 2010.
* Lackawanna.This $36 million project involves an eight-mile commuter rail extension of NJ TRANSIT’s Morris and Essex lines to a new Andover Station. The FONSI for this segment was received in the summer of 2008. Work will begin in 2010.

The State of New Jersey is divided into 21 [counties](http://en.wikipedia.org/wiki/County_%28United_States%29) and further divided into 566 municipalities, including 52 cities, 250 boroughs, 15 towns, 246 townships and three villages. It covers approximately 7,417 square miles and had a 2000 population of 8,414,350. A demographic profile of the State from the 2000 Census, as presented on the following table, shows that 72.6 percent of the population is White non-Hispanic, 13.3 percent is Hispanic, 13.6 percent is Black and 5.7 percent is Asian. Over 11 percent speak English “less than very well” and 8.5 percent live below the poverty level.

**Racial/ Ethnic Breakdown of the State of New Jersey**

Source: 2000 U.S. Census

|  |  |
| --- | --- |
| **Racial/ Ethnic Group** | State of New Jersey |
|  | **Number** | **Percent**  |
| White | 6,104,705 | 72.6 |
| Black | 1,141,821 | 13.6 |
| American Indian and Alaska Native | 19,492 | 0.2 |
| Asian | 480,276 | 5.7 |
| Hawaiian/Pacific Islander | 3,329 | 0.0 |
| Other Race | 450,972 | 5.4 |
| Two or More | 213,755 | 2.5 |
| Hispanic Origin[[1]](#footnote-2) | 1,117,191 | 13.3 |
| Total Population | **8,414,350** | **100%** |
|  |  |  |
| Limited English Proficiency | 873,088 | 11.1% |
| Low-Income | 699,668 | 8.5% |

**V. SCOPE AND METHODOLOGY**

#### Scope

The Title VI Compliance Review of NJ TRANSIT examined the following requirements as specified in FTA Circular 4702.1A:

1. General Reporting Requirements and Guidelines - All applicants, recipients and subrecipients shall maintain and submit the following:
2. A summary of public outreach and involvement activities undertaken to ensure that minority and low-income people had meaningful access to these activities;
3. A copy of the agency’s plan for providing language assistance for persons with limited English proficiency that was based on the DOT LEP Guidance or a copy of the agency’s alternative framework for providing language assistance;
4. A copy of the agency’s procedures for tracking and investigating Title VI complaints;
5. A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to the agency submitting the report, not necessarily the larger agency or department of which the entity is a part;
6. A copy of the agency’s notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint.
7. Program-Specific Requirements and Guidelines for Recipients Serving Large Urban Areas - all applicants, recipients and subrecipients that provide public mass transit service in areas with populations over 200,000 shall also submit the following:
8. Demographic Data;
9. Systemwide Service Standards and Policies;
10. Evaluation of Service and Fare Changes;
11. Monitoring Transit Service.
12. Program-Specific Requirements and Guidelines for State DOTs and Other Administering Agencies - State DOTs and other State administering agencies, administering Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area, Job Access and Reverse Commute (JARC), and New Freedom funding programs, as well as designated recipients in large urbanized areas for JARC and New Freedom, shall also submit the following:
13. A copy of procedures to certify that the statewide planning Process is in compliance with Title VI;
14. A description of the procedures the agency uses to pass through FTA financial assistance in a non-discriminatory manner;
15. A description of the procedures the agency uses to provide assistance to potential subrecipients in a non-discriminatory manner;
16. A description of how the agency monitors its subrecipients for compliance with Title VI and the results of the monitoring.

#### Methodology

Initial interviews were conducted with the FTA Headquarters Civil Rights staff and the Region II Civil Rights Officer to discuss specific Title VI issues and concerns regarding NJ TRANSIT. Following these discussions, an agenda letter was sent to NJ TRANSIT advising it of the Site Visit and indicating additional information that would be needed and issues that would be discussed. The Title VI Review team focused on the compliance areas that are contained in FTA Title VI Circular 4702.1A that became effective on May 13, 2007. These compliance areas are: (1) General Reporting Requirements and Guidelines, (2) Program-Specific Requirements and Guidelines for Recipients serving Large Urbanized Areas; and (3) Program-Specific Requirements and Guidelines for State Departments of Transportation and Other State Administering Agencies.

The General Reporting Requirements and Guidelines now include implementation of the Environmental Justice (EJ) and Limited English Proficiency (LEP) Executive Orders.

NJ TRANSIT was requested to provide the following documents in advance of the Site Visit:

* Summary of NJ TRANSIT’s current efforts to seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities.
* A copy of NJ TRANSIT’s four factor analysis of the needs of persons with Limited English Proficiency.
* A copy of NJ TRANSIT’s plan for providing language assistance for persons with Limited English Proficiency that is based on the USDOT LEP Guidance.
* NJ TRANSIT’s procedures for investigating and tracking Title VI complaints and documentation that the procedures for filing complaints are available to members of the public upon request.
* A list of any investigations, lawsuits, or complaints naming NJ TRANSIT that alleges discrimination on the basis of race, color, or national origin during the past three years. This list must include:
* the date the investigation, lawsuit, or complaint was filed;
* a summary of the allegation(s);
* the status of the investigation, lawsuit, or complaint; and
* actions taken by NJ TRANSIT in response to the investigation, lawsuit, or complaint.
* Copy of NJ TRANSIT’s Notice to Beneficiaries of Protections Under Title VI.
* Documentation of efforts made by NJ TRANSIT and its subrecipients to notify members of the public of the protections against discrimination afforded to them by Title VI.
* Copies of any environmental justice assessments conducted for construction projects during the past three years and, if needed, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities, including FTA Section 5309, 5310, 5311, 5316, and 5317 subrecipients.
* A description of how NJ TRANSIT develops its competitive selection process or annual program of projects for Section 5310, 5311, 5316, and 5317 programs submitted to FTA as part of its grant applications. This description should emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority and low-income populations, including Native American tribes, where present.
* A description of NJ TRANSIT’s criteria for selecting transit providers to participate in any FTA grant program.
* A record of requests for Section 5310, 5311, 5316, 5317 funding. The record should identify those applicants that would use grant program funds to provide assistance to predominantly minority and low-income populations. The record should also indicate whether those applicants were accepted or rejected for funding.
* A description of how NJ TRANSIT monitors its Section 5307, 5309, 5310, 5311, 5316, and 5317 subrecipients for compliance with Title VI and a summary of the results of this monitoring, including:
* The process for ensuring that all subrecipients are complying with the General Reporting Requirements of FTA Circular 4702.1A.
* The process for subrecipients who provide transportation services to verify that their level and quality of service is provided on an equitable basis, including the development of system-wide service standards and verification that service provided to predominantly minority and low-income communities meets these standards.
* A description of NJ TRANSIT’s procedures to assist potential subrecipients in applying for Section 5310, 5311, 5316, and 5317 funding, including any efforts to assist applicants that would serve predominantly minority and low-income populations.
* A description of the assistance NJ TRANSIT provides to subrecipients, upon their request, to help them comply with the FTA Title VI General Reporting Requirements. The following are examples of information that may be provided to subrecipients:
* Sample notices to the public informing beneficiaries of their rights under Title VI and procedures on how to file a Title VI complaint.
* Sample procedures for tracking and investigating Title VI complaints filed with a subrecipient.
* Demographic information on the race, income, and English proficiency of residents served by the subrecipient.
* A copy of NJ TRANSIT’s demographic analysis of its urban beneficiaries. This can include either demographic maps and charts prepared or a copy of any customer surveys conducted since the last Title VI submittal that contain demographic information on ridership, or NJ TRANSIT’s locally developed demographic analysis of its customer’s travel patterns.
* Quantitative system-wide service standards and qualitative system-wide service policies adopted by NJ TRANSIT to guard against discriminatory service design or operations decisions.
* Documentation of NJ TRANSIT’s methodology for evaluating significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether those changes have a discriminatory impact (Note: per Circular 4702.1A Chapter V part 4, this requirement applies to “major service changes” only and NJ TRANSIT should have established guidelines or thresholds for what it considers a “major” service change to be). If NJ TRANSIT has made significant service changes or fare changes in the past three years or is currently planning such changes, provide documentation of NJ TRANSIT’s Title VI evaluations of the service or fare changes.
* Documentation of periodic service monitoring activities undertaken by NJ TRANSIT, during the past three years, to compare the level and quality of service provided to predominantly minority and low-income areas with service provided in other areas to ensure that the end result of policies and decision-making is equitable service. If NJ TRANSIT’s monitoring determined that prior decisions have resulted in disparate impacts, provide documentation of corrective actions taken to remedy the disparities.

NJ TRANSIT assembled most of the documents prior to the Site Visit and provided them to the Compliance Review team for advance review. A detailed schedule for the four-day Site Visit was developed.

The Site Visit to NJ TRANSIT occurred April 4-7, 2010. The individuals participating in the Review are listed in Section VIII of this report. An Entrance Conference was conducted at the beginning of the Compliance Review with NJ TRANSIT senior management staff, the FTA Region II Civil Rights Officer and the contractor Review team. The Review team showed the participants a video on Title VI during the Entrance Conference. Also, during the Entrance Conference, the Review team explained the goals of the Review and the needed cooperation of staff members. A detailed schedule for conducting the on-Site Visit was discussed.

Following the Entrance Conference, the Compliance Review team conducted a detailed examination of documents submitted in advance of the Site Visit and documents provided at the Site Visit by NJ TRANSIT staff on behalf of the agency.

**Transit Service Observations**

During the Site Visit, arrangements were made for a tour of selected NJ TRANSIT facilities, bus routes, and rail lines serving minority and non-minority areas, and those serving low-income or Limited English Proficient persons. The following bus and rail facilities and lines were toured:

* River LINE light rail
* Northeast Corridor commuter rail line
* Wayne Bus Division
* Orange Bus Division
* NJTRANSIT bus route 21– Main Street
* NJ TRANSIT bus route 76 – Newark to Hackensack

The Review team also visited the County of Burlington, a Section 5311 subrecipient, to review NJ TRANSIT’s oversight of its subrecipient.

The Review team assessed amenities along the bus routes and at rail stations and observed passenger loads, service frequencies, and fixed facilities located in minority, non-minority, and low-income communities. No disparities were observed during the tours.

**Community Interviews**

Throughout the three-day site visit, interviews were also conducted with several community representatives. The purpose of the interviews was to gain an understanding of how effectively the community perceived that NJ TRANSIT was carrying out its Title VI obligations.

Several community representatives, local transit riders and minority representatives were interviewed. They had a wide range of involvement in the community, including minority business owners, community center representatives and civil rights organization leaders. Of those interviewed, none recalled seeing NJ TRANSIT’s Title VI Policy and were not aware of who was responsible for Title VI compliance at the agency. None were aware of any formal Title VI complaints that had been filed against the agency. Several expressed knowledge of the community’s discontent with the proposed reduction in service and the adverse impact it had on the minority community in particular.

One representative indicated that he rode the bus regularly and often had a very difficult time getting to his job and other commitments in the minority community. He indicated that the problem is especially acute during peak hours when schools and three o’clock shift workers are also attempting to ride the buses. He indicated that based upon his riding experiences and discussions with co-workers and minority clients, the lack of service is not a problem in the non-minority communities. Several other minority transit riders and community representative expressed similar concerns of overcrowded buses and the lack of adequate service in minority communities. Minority demographics, reliance on public transit (buses in particular) for daily needs, the density of the population, and greater use by transit riders in the minority communities were cited as reasons why public transit service in the minority communities was problematic. One community leader suggested that the agency re-visit scheduling and headways and ensure that the services were being deployed in minority communities as equitably as possible.

Most believed that the buses and amenities in the minority and non-minority communities were comparable. Most also believed that the fare increases were equitably applied in minority and non-minority communities. Most of the representatives indicated that NJ TRANSIT had made their communities aware of fare and services changes, and construction projects. Minority newspapers and radio stations were used to convey the notices. Several individuals also acknowledged that NJ TRANSIT had held community meetings regarding the most recent service changes but did not believe they had any ability to prevent the increase.

Several representatives indicated that they had seen schedules and notice in Spanish. One representative believed the foreign language notices should be expanded but acknowledged the additional cost associated with that service. He believed the budget could be better served by increasing services.

Most representatives did not believe that minorities were adequately represented on non-elected Boards and committees.

VI. FINDINGS AND RECOMMENDATIONS

The Title VI Compliance Review focused on NJ TRANSIT's compliance with the General Reporting Requirements and Guidelines, the Program-Specific Requirements and Guidelines for Recipients Serving Large Urbanized Areas, and the Program-Specific Requirements and Guidelines for State DOTs or Other Administering Agencies. This section describes the requirements and guidelines and findings at the time of the Compliance Review Site Visit. In summary, at the conclusion of the Site Visit, deficiencies were identified in seven of the 16 requirements of the Title VI Circular applicable to NJ TRANSIT.

Following the Exit Conference, NJ TRANSIT submitted documentation of corrective actions adequate to close the deficiencies in the following six areas: *Notice to Beneficiaries, Language Access to LEP Persons, Title VI Complaint Procedures, Environmental Justice Analysis, Demographic Data, System-wide Service Standards and Policies.* At the time of the issuance of the Draft Report, deficiencies remained in one area, *Evaluation of Fare and Service Changes*. Following the issuance of the Draft Report, NJ TRANSIT submitted documentation adequate to close the remaining deficiencies. There are no outstanding deficiencies.

#### FINDINGS OF THE GENERAL REPORTING REQUIREMENTS AND GUIDELINES

1. Inclusive Public Participation

**Guidance:** *FTA recipients should seek out and consider the viewpoints of minority, low-income, and LEP populations in the course of conducting public outreach and involvement activities. An agency’s public participation strategy shall offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions.*

**Finding:** During this Title VI Compliance Review of NJ TRANSIT, no deficiencies were found regarding NJ TRANSIT’s compliance with FTA guidance for Inclusive Public Participation. Prior to the Site Visit, NJ TRANSIT submitted a document entitled “Title VI Information Dissemination” in which the agency described how the public was informed about, and included in, transportation decisions. Accordingly, NJ TRANSIT’s Public Information Office relied heavily on minority publications to disseminate information about service changes to the minority community. NJ TRANSIT’s Press Office had a public information officer on staff specifically dedicated to Spanish-language media and to provide translation services for press releases and customer communication.

NJ TRANSIT also provided the following as recent examples of public outreach and inclusive participation:

* Hudson Bergen Light Rail (HBLR) – The *Options* campaign raised awareness about HBLR’s ticket and destination options within the Latino and Asian communities along the alignment. Communication components included newspaper ads, email blasts, and guerilla marketing such as placemats in local diners.
* Go Bus – This campaign launched a new bus line servicing the most congested urban corridor in New Jersey serving a large African American demographic. Communication components included brochure distribution, speaking and tabling engagements, local magazine ads, and guerilla marketing such as cups distributed in houses of worship.

NJ TRANSIT provided copies of three public notices. One was a public hearing notice related to the Senior Citizen and Disabled Resident Transportation Assistance Act; another was a public meeting announcement related to DBE goals for fiscal year 2008; and, one was a public hearing notice for the proposed bus, rail, Newark City Subway, Hudson-Bergen Light Rail, River LINE, Access Link, Bus Contract Carriers fare policy and fare change proposal.

During the Site Visit, NJ TRANSIT’s Office of Government Relations (OGR), comprised of four outreach representatives, demonstrated that ongoing efforts were made to promote general inclusive public participation. Additionally, NJ TRANSIT OGR staff described an informal process by which government officials at the municipal, county, city, or state level informed NJ TRANSIT OGR of new projects and/or initiatives under consideration. Upon receiving this information, NJ TRANSIT OGR staff engaged potentially affected populations through formal and informal community meetings to collect feedback. NJ TRANSIT OGR staff also attended community meetings upon request.

It was noted that, in addition to these efforts, the NJ TRANSIT Vice President of Diversity communicated regularly with the African American Chamber of Commerce, the New Jersey Statewide Hispanic Chamber of Commerce, and the New Jersey NAACP.

These examples demonstrated NJ TRANSIT’s practice of providing early and continuous opportunities for minority and low-income populations to participate in the planning of public transit initiatives.

1. Language Access to LEP Persons

**Requirement:** *FTA recipients shall take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of its programs and activities for individuals who are Limited English Proficient (LEP).*

**Finding:** During this Title VI Compliance Review of NJ TRANSIT, deficiencies were found regarding NJ TRANSIT’s compliance with FTA requirements for Language Access to LEP persons. After the Site Visit and prior to the issuance of the Draft Report, NJ TRANSIT corrected these deficiencies. The Review team did identify several Advisory Comments for NJ TRANSIT’s consideration.

Prior to the Site Visit, NJ TRANSIT provided examples of efforts made to communicate information to LEP populations, including:

* Hudson-Bergen Light Rail (HBLR) – the *Options* campaign communicated in Spanish and several Asian languages as well as English.
* Summer Services – The *Get Your Summer On* brochure communicated summer deals and destinations in Spanish as well as English, and they were distributed system-wide to NJ TRANSIT customers.
* Intermodal Pocket Guide – The South Jersey, Hudson County and Newark pocket guides explained how to use bus, rail and light rail within these three regions in both Spanish and English.

These examples appeared to be responsive to the requirement for the provision of Multi-Lingual Facilities in the prior FTA Circular 4702.1, but did not include the LEP Four Factor Assessment or the development of a Language Assistance Plan as required by the current FTA Circular 4702.1A. During the Site Visit, the Review team addressed this issue with NJ TRANSIT staff and provided technical assistance on how to fully comply with the following LEP guidance:

|  |
| --- |
| **Elements Required for LEP Assessment and Language Access Plan (Per FTA C. 4702.1A, IV, 4. a. and DOT Policy Guidance)** |
| **Part A – Four Factor Assessment** |
| 1. Demography –The number or proportion of LEP persons eligible to be served or likely to be encountered
 |
| 1. Frequency of Contact - the frequency with which LEP individuals come in contact with the program and/or activities
 |
| 1. Importance - the nature and importance of the program, activity, or service to people's lives;
 |
| 1. Resources - the resources available and costs
 |
| **Part B – Develop Language Assistance Plan** |
| 1. Identification of LEP Persons
 |
| 1. Language Assistance Measures
 |
| 1. Training of Staff
 |
| 1. Provide Notice to LEP Persons
 |
| 1. Monitor and Update the LAP
 |

After the Site Visit, NJ TRANSIT submitted a document entitled *Title VI Four Factor Analysis Regarding Low English Proficiency and Language Implementation Plan (LIP)* in response to the Review team’s initial findings. The Review team determined that this document met the requirements of FTA Circular 4702.1A, IV, 4.a and *DOT Policy Guidance*. A careful review of this submittal identified the following Advisory Comments and suggestions for ways to further improve the plan:

* Change terminology throughout the Plan, from *Low* English Proficiency to *Limited* English Proficiency and from Language *Implementation* Plan to Language *Assistance* Plan, for consistency with FTA and the DOT guidance.
* Revise the second element of the Four Factor Assessment, “The nature and importance of the program, activity, or service provided,” per DOT Policy Guidance and the Review team comments.
* Take inventory of all the methods currently employed by NJ TRANSIT to conduct its Four Factor Assessment and those additional methods suggested by the Review team, such as survey data, customer service telephone data, language line usage, etc. For each element of the Four Factor Assessment, determine which method, or combination of methods, would be most effective and apply accordingly.
1. Title VI Complaint Procedures

**Requirement:** *FTA recipients shall develop procedures for investigating and tracking Title VI complaints filed against them and make their procedures for filing a complaint available to members of the public upon request.*

**Finding:** During this Title VI Compliance Review of NJ TRANSIT, deficiencies were found regarding NJ TRANSIT’s compliance with FTA requirements for Title VI Complaint Procedures. After the Site Visit, and prior to the issuance of the Draft Report, NJ TRANSIT corrected these deficiencies.

Prior to the Site Visit, NJ TRANSIT provided a document entitled *Title VI Discrimination Complaints Procedure* that outlined a two-step complaint resolution process as follows:

* First Step – Customer Service Representatives received verbal or written complaints of discrimination and passed them on to a supervisor or manager who was responsible for investigating and providing the Customer Service Representative with a resolution. If a resolution was not satisfactorily provided, the complainant was advised that they could file a complaint with the Office of EEO/AA Compliance and Diversity Programs.
* Second Step – The Office of EEO/AA Compliance and Diversity Programs was responsible for accepting, investigating and resolving formal discrimination complaints in writing. Complaints must be received within 30 working days of the date of the incident. If the complainant was not satisfied with the resolution, he/she was advised of federal and state discrimination complaint procedures.

The complaint procedure did not address how complaints were tracked, nor did it provide information on how customers were notified about how to file a complaint, as required by FTA Circular 4702.1A.

After the Site Visit, NJ TRANSIT revised its Title VI Complaint Procedure to include:

* Clear procedures on how an individual could file a Title VI complaint with NJ TRANSIT (Online via the “Contact Us” form, by calling customer service, by visiting one of the customer service field offices or by mailing a written complaint to NJ TRANSIT’s office);
* A clear description of how complaints were tracked and resolved;
* Extending the time allowed to file a Title VI complaint from 30 days to 180 days.

The Review team confirmed that the following revised Title VI Complaint Procedures were posted on the NJ TRANSIT website:

***NJ TRANSIT's Title VI Complaint Procedures***

*Any person who believes that he or she has been subjected to discrimination under Title VI on the basis of race, color or national origin may file a Title VI complaint with NJ TRANSIT within 180 days from the date of the alleged discrimination. Complaints may either be filed with NJ TRANSIT or with the U.S. Department of Transportation.*

*Filing a Complaint With NJ TRANSIT*

* *Online: Complaints may be filed using our* [*online form*](http://www.njtransit.com/tm/jsp/tm_titleVIform.jsp?KeepThis=true&modal=true&showclose=true&TB_iframe=true&height=680&width=850)*.*
* *By Mail: Complaints may be filed with NJ TRANSIT in writing and may be addressed to: NJ TRANSIT
Office of Diversity - Title VI Coordinator
One Penn Plaza East
Newark, NJ 07105*

*NJ TRANSIT will provide appropriate assistance to complaints who are limited in their ability to communicate in English.*

*Filing a Complaint Directly to the U.S. Department of Transportation*

*A complaint may file a Title VI complaint with the U.S. Department of Transportation by contacting the Department at:

U.S. Department of Transportation
Federal Transit Administration's Office of Civil Rights
1760 Market Street, Suite 500
Philadelphia, PA 19103-4124*

***What Happens to My Title VI Complaint to NJ TRANSIT?*** *Once a complaint is received, it will be assigned to an investigator. In instances where additional information is needed, the investigator will contact the complaint in writing. Failure of the complainant to provide the requested information by a certain date may result in the administrative closure of the complaint or a delay in complaint resolution.*

*Based upon receipt of all the information required, the Office of Diversity will investigate a Title VI complaint within 90 days of receipt. The investigator will prepare a draft written response subject to review by NJ TRANSIT's Vice President of Diversity. The Vice President of Diversity will make the final determination and approve the final response to the complainant, including notifying the complainant of his/her right to file a complaint externally.*

*The Office of Diversity will use its best efforts to respond to a Title VI complaint within 90 calendar days of its receipt of such complaint. Receipt of additional relevant information and/or simultaneous filing of complaint with NJ TRANSIT and an external entity may expand the timing of the complaint resolution.*

*For additional information on NJ TRANSIT nondiscrimination obligations, please write to:

NJ TRANSIT
Office of Diversity - Title VI Coordinator
One Penn Plaza East
Newark, NJ 07105*

1. Record of Title VI Investigations, Complaints, and Lawsuits

**Requirement:** *FTA recipients shall prepare and maintain a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipients that allege discrimination on the basis of race, color, or national origin. This list shall include the date that the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response to the investigation, lawsuit, or complaint.*

**Finding:** During this Title VI Compliance Review of NJ TRANSIT, no deficiencies were found regarding NJ TRANSIT’s compliance with FTA requirements for Record of Title VI Investigations, Complaints, and Lawsuits.

Prior to the Site Visit, NJ TRANSIT submitted a document entitled *Listing of Service/Transit Benefits Lawsuits or Complaints* that included all the elements required by FTA Circular 4702.1A. This list included an EEO Open Case report and five cases that were listed as Title VI related. All of these cases were complaints made by persons who use wheel chairs alleging that they were denied service. Upon review of the complaints, it appeared that these were more appropriately classified as discrimination under the Americans with Disabilities Act, not Title VI.

1. Notice to Beneficiaries of Protection Under Title VI

**Requirement:** *FTA recipients shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. Recipients shall disseminate this information to the public through measures that can include but shall not be limited to a posting on its Web site.*

**Finding:** During this Title VI Compliance Review of NJ TRANSIT, deficiencies were found regarding NJ TRANSIT’s compliance with FTA requirements for Notice to Beneficiaries of Protection Under Title VI. After the Site Visit and prior to the issuance of the Draft Report, NJ TRANSIT corrected these deficiencies.

Prior to the Site Visit, NJ TRANSIT submitted a Title VI Policy Statement that did not include any of the three elements required by the Circular. During the Site Visit, NJ TRANSIT provided a recently developed draft “*Title VI Notice to the Public*,” that was missing one of the elements required by the Circular. After the Site Visit, NJ TRANSIT submitted a revised Non-Discrimination Policy that included all three of the elements required by FTA Circular 4702.1A , VI, 5.a (1-3), as shown on the following table:

|  |  |
| --- | --- |
| **Elements Required in Title VI Notification****(Per FTA Circular 4702.1A Chapter IV Section 5.a)** | **Included in NJ TRANSIT Notification?** |
| A statement that the agency operates programs without regard to race, color, and national origin. | Yes |
| A description of the procedures that members of the public should follow in order to request additional information on the recipient’s nondiscrimination obligations. | Yes |
| A description of the procedures that members of the public should follow in order to file a discrimination complaint against the recipient. | Yes |

NJ TRANSIT included its revised Non-Discrimination Policy on its *Bus Rider Guide*, numerous system route maps, and on its website. NJ TRANSIT indicated that the Non-Discrimination Policy would also be posted at transit centers and employee facilities throughout the system. The policy as shown on the *Bus Rider Guide* follows:

**NON-DISCRIMINATION POLICY:**

NJ TRANSIT is committed to ensuring that no person is

excluded from, or denied the benefits of our services on

the basis of race, color, or national origin as protected

by Title VI of the Civil Rights Act of 1964, as amended.

Any person who believes that they have, individually,

or as a member of any specific class of persons, been

subjected to discrimination on the basis of race, color,

or national origin, may file a complaint in writing to

NJ TRANSIT. To file a complaint, or for more information

on NJ TRANSIT’s obligations under Title VI write to:

*New Jersey Transit Customer Service – Title VI Division,*

*One Penn Plaza East, Newark, NJ 07105* or visit

*njtransit.com/diversity*. A complaint must be filed within

180 days of the alleged discrimination.

**NJTRANSIT**

1. Annual Title VI Certification and Assurance

**Requirement:** *FTA**recipients shall submit its annual Title VI certification and assurance as part of its Annual Certifications and Assurances submission to FTA (in the FTA web based Transportation Electronic Award Management (TEAM) grants management system.*

**Findings:** During this Title VI Compliance Review of NJ TRANSIT, no deficiencies were found regarding NJ TRANSIT’s compliance with FTA requirements for Annual Title VI Certification and Assurance. The FTA Civil Rights Assurance is incorporated in the Annual Certifications and Assurances submitted annually to FTA through the Transportation Electronic Award and Management (TEAM) system. NJ TRANSIT executed its FY 2010 Annual Certifications and Assurances in TEAM on December 7, 2009, and checked as applicable, 01. Certifications and Assurances required of all applicants. This is the category where the nondiscrimination assurance is located.

1. Environmental Justice Analysis of Construction Projects

**Guidance:** *FTA**recipients should integrate an environmental justice analysis into its National Environmental Policy Act (NEPA) documentation of construction projects. (Recipients are not required to conduct environmental justice analyses of projects where NEPA documentation is not required.). In preparing documentation for a categorical exclusion (CE), recipients can meet this requirement by completing and submitting FTA’s standard CE checklist, which includes a section on community disruption and environmental justice.*

**Findings:** During this Title VI Compliance Review of NJ TRANSIT, deficiencies were found regarding NJ TRANSIT’s compliance with FTA guidance for Environmental Justice (EJ) Analyses of Construction Projects.

 While NJ TRANSIT did conduct EJ when planning construction projects and did include most Title VI considerations in their EJ Analyses, it did not as a practice consider all of the six factors required by FTA Circular 4702.1A, IV, 8. a-f. Most of these environmental assessments were performed prior to the issuance of FTA Circular 4702.1A.

Prior to the Site Visit, NJ TRANSIT submitted the following examples of three construction projects all classified as Categorical Exclusions (CE):

* Morristown Station Historic Rehabilitation Project, October 2007
* Westmont Station Project, March 2008
* Ridgewood Railroad Station Accessibility Improvements Project, June 2008.

A review of NJ TRANSIT construction projects in TEAM revealed a more current project, the *New Jersey Transit Pennsauken Junction Transit Center and Park and Ride August 2009*. During the Site Visit, the Review team requested the Environmental Assessment (EA) for this project and it was provided. The Review Team determined that the environmental assessment did not contain all six of the elements for environmental Justice Analysis of Construction Projects, as required by FTA Circular 47021A.

|  |  |
| --- | --- |
| **Elements Required for EJ Analysis (Per FTA C. 4702.1A, IV, 8. a-f)** | **Included in EJ Analysis for** **Pennsauken Junction** **Transit Center?** |
| 1. A description of the low-income and minority population within the study area affected by the project
 | Yes |
| 1. A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income population
 | * Yes, during construction only;
* No discussion of affects, if any after construction.
 |
| 1. A discussion of all positive effects that would affect the identified minority and low-income population
 | No |
| 1. A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects
 | Yes |
| 1. A discussion of the remaining effects, if any, and why further mitigation is not proposed
 | Not Addressed |
| 1. For projects that traverse predominantly minority and low-income and predominantly non-minority and non-low-income areas, a comparison of mitigation and environmental enhancement actions that affect both areas.
 | Not Applicable |

NJ TRANSIT also provided EJ documentation for the following mix of projects classified as CEs and/or EAs:

* Waldwick Rail Station Park & Ride, June 2004 – Categorical Exclusion
* Newark Broad Street Station ADA Improvement and Capacity Relief Project, October 2003 – Environmental Evaluation
* Morris County Intermodal Transit Center and Park-and-Ride at Howard Boulevard, December 2004 – Environmental Evaluation
* North Hackensack Park & Ride Expansion Project, June 2005 – Categorical Exclusion
* Edison Rail Station Park and Ride Project, June 2005 – Categorical Exclusion
* Metropark Station Platform Reconstruction Project, April 2006 – Categorical Exclusion
* Plauderville (Garfield) Station Accessibility Improvement Project Bergen County Line, July 2006 – Environmental Evaluation
* Hoboken Yard Long Slip Pedestrian Waterfront Walkway, September 2006 – Environmental Evaluation
* Bloomfield Shelter Rehabilitation, January 2007 – Environmental Evaluation
* South Amboy Station Accessibility, December 2005 – Categorical Exclusion
* Morristown Station Historic Rehabilitation, July 2007 – Environmental Evaluation
* Westmont Station Project, July 2007 – Environmental Evaluation
* Ridgewood Railroad Station Accessibility Improvements, March 2008 – Environmental Evaluation
* Rutherford Station Interior Restoration, May 2008 – Environmental Evaluation
* Rehabilitation of the Lower Hack Vertical Lift Bridge, March 2009 – Environmental Evaluation
* New Jersey – Pennsylvania Lackawanna Cut-Off Passenger Rail Service Restoration, June 2008 – Environmental Assessment
* Newark Penn Station Exterior Circulation Project, March 2009 – Environmental Evaluation

Each of these documents considered EJ issues but none were required to contain all six of the elements for Environmental Justice Analysis of Construction Projects, as required by FTA Circular 47021A.

It was determined during the Review that the Environmental Impact Statement (EIS) for NJ TRANSIT’s *Access to The Region’s* Core (ARC) project was conducted in 2004 and 2005, and adequately addressed EJ considerations. The project was approved by FTA in October 2008.

Following the Site Visit, NJ TRANSIT provided a document entitled *Construction Project, Fixed Facility Impact Analysis*. This document described the EJ procedure that NJ TRANSIT will follow for any projects that NJ TRANSIT intends to use FTA funds in the coming years, and that require the preparation of either an EA or an Environmental Impact Statement (EIS). The procedure lists the six elements contained in FTA Circular 4702.1A. NJ TRANSIT also indicated that it would include the following elements in any projects that qualify for a CE:

* *A description of the low-income and minority populations within the study area as identified through analysis of US Census data;*
* *A discussion of all adverse and positive impacts, during and after construction, anticipated from the project; and*
* *A discussion of any mitigation actions proposed to address adverse effects.*

The procedure is adequate to meet FTA requirements. NJ TRANSIT is advised, however, that the title of the document, *Fixed Facility Impact Analysis,* does not appear in the current Title VI Circular. NJ TRANSIT should revise the title to read, *Environmental Justice Analysis*.

1. Submit Title VI Program.

**Requirement:** *FTA recipients serving large urbanized areas are required to document their compliance with the general reporting requirements by submitting a Title VI Program to FTA’s Regional Civil Rights Officer once every three years.*

**Findings:** During this Title VI Compliance Review of NJ TRANSIT, no deficiencies were found regarding NJ TRANSIT’s compliance with FTA requirements to Submit Title VI Program. NJ TRANSIT submitted its most recent Title VI Report to FTA on December 1, 2008. The Program was approved by FTA. It was noted during the Review that this submittal was prepared in accordance with FTA Circular 4702.1, not the current Circular, FTA Circular 4702.1A, dated May 13, 2007.

The Review team provided technical assistance to NJ TRANSIT and discussed what changes were needed for its next Title VI submittal. As shown below, NJ TRANSIT’s Title VI Program was lacking several key elements. Additionally, as noted in other sections of this report, several of the elements, such as service standards, were out of date or did not meet current FTA requirements.

| **ELEMENTS REQUIRED FOR TITLE VI PROGRAM** |
| --- |
| **GENERAL REPORTING REQUIREMENTS AND GUIDELINES****(Per FTA C. 4702.1A, IV, 7. a. (1) – (5))** | **In NJ TRANSIT’s Title VI Program Submittal?** |
| * A summary of public outreach and involvement activities undertaken since the last submission and a description of steps taken to ensure that minority and low-income people had meaningful access to these activities.
 | No |
| * A copy of the agency’s plan for providing language assistance for persons with limited English proficiency that was based on the DOT LEP Guidance or a copy of the agency’s alternative framework for providing language assistance.
 | No |
| * A copy of the agency procedures for tracking and investigating Title VI complaints.
 | Yes |
| * A list of any Title VI investigations, complaints, or lawsuits filed with the agency since the time of the last submission. This list should include only those investigations, complaints, or lawsuits that pertain to the agency submitting the report, not necessarily the larger agency or department of which the entity is a part.
 | Yes |
| * A copy of the agency’s notice to the public that it complies with Title VI and instructions to the public on how to file a discrimination complaint.
 | No |
| program-specific REQUIREMENTS and guidelines for recIpients serving large urbanized areas**(Per FTA C.4702.1A, V, 6. a. (1) – (4))** |  |
| * A copy of the agency’s demographic analysis of its beneficiaries. This should include either any demographic maps and charts prepared or a copy of any customer surveys conducted since the last report that contain demographic information on ridership, or the agency’s locally developed demographic analysis of its customer’s travel patterns
 |  Yes |
| * Copies of system-wide service standards and system-wide service policies adopted by the agency since the last submission.
 | Yes |
| * A copy of the equity evaluation of any significant service changes and fare changes implemented since the last report submission.
 | No |
| * A copy of the results of either the level of service monitoring, quality of service monitoring, demographic analysis of customer surveys, or locally developed monitoring procedures conducted since the last submission.
 | Yes |
| **pROGRAM-SPECIFIC REQUIREMENTS for state departments of tranportation or other adminstering agencies****(Per FTA C. 4702.1A, VI, 5. a. (1) – (4))** |  |
| * A copy of the procedures used for certifying that the statewide planning process complies with Title VI.
 | No |
| * A description of the procedures the agency uses to pass-through FTA financial assistance in a non-discriminatory manner.
 | Yes |
| * A description of the procedures the agency uses to provide assistance to potential subrecipients applying for funding in a non-discriminatory manner.
 | Yes |
| * A description of how the agency monitors its subrecipients for compliance with Title VI and a summary of the results of this monitoring.
 | Yes |

NJ TRANSIT’s next Title VI Submittal is due to FTA on October 20, 2011. NJ TRANSIT was directed by the Regional Civil Rights Officer to prepare its next submittal in accordance with FTA Circular 4702.1A.

#### FINDINGS OF THE PROGRAM-SPECIFIC REQUIREMENTS AND GUIDELINES FOR RECIPIENTS SERVING LARGE URBANIZED AREAS

1. Demographic Data

**Requirement:** *FTA recipients serving large urbanized areas shall collect and analyze racial and ethnic data showing the extent to which members of minority groups are beneficiaries of programs receiving Federal financial assistance.*

**Findings:** During this Title VI Compliance Review of NJ TRANSIT, deficiencies were found regarding NJ TRANSIT’s compliance with FTA requirements for Demographic Data. After the Site Visit and prior to the issuance of the Draft Report, NJ TRANSIT corrected these deficiencies.

Using the options presented in FTA C. 4702.1A, V, 1.a., NJ TRANSIT selected Option A: Demographic and Service Profile Maps and Charts.

This Option requires the following items:

|  |  |
| --- | --- |
| **Elements Required for Demographic Data****(Per FTA C. 4702.1A, V, 1. a.)** | **Included in NJ TRANSIT’s****Title VI Submittals?** |
| A base map of the agency’s service area that includes each census tract or traffic analysis zone (TAZ), major streets, etc., fixed transit facilities and major activity centers. The map should also highlight those transit facilities that were recently modernized or are scheduled for modernization in the next five years. | Yes |
| A demographic map that plots the above information and also shades those Census tracts or TAZ where the percentage of the total minority and low-income population residing in these areas exceeds the average minority and low-income population for the service area as a whole. | No |
| A chart for each Census tract or TAZ that shows the actual numbers and percentages for each minority group within the zone or tract.  | Yes |

Prior to the Site visit, NJ TRANSIT utilized a single statewide map that showed minority populations in certain ranges (e.g., 0-10%; 11%-20%, etc.). The map did not identify areas where the concentrations of minorities exceeded the average in the State. The maps did not identify low-income populations or identify the ethnicity of the minority populations.

Following the Site Visit, NJ TRANSIT provided the following maps, dated May 2010:

* NJ TRANSIT – Demographic Analysis Black Population (Region 1)
* NJ TRANSIT – Demographic Analysis Latino Population (Region 1)
* NJ TRANSIT – Demographic Analysis Asian Population (Region 1)
* NJ TRANSIT – Demographic Analysis Black Population (Region 2)
* NJ TRANSIT – Demographic Analysis Latino Population (Region 2)
* NJ TRANSIT – Demographic Analysis Asian Population (Region 2)
* NJ TRANSIT – Demographic Analysis Black Population (Region 3)
* NJ TRANSIT – Demographic Analysis Latino Population (Region 3)
* NJ TRANSIT – Demographic Analysis Asian Population (Region 3)
* NJ TRANSIT – Demographic Analysis Black Population (Region 4)
* NJ TRANSIT – Demographic Analysis Latino Population (Region 4)
* NJ TRANSIT – Demographic Analysis Asian Population (Region 4)
* NJ TRANSIT – Demographic Analysis Black Population (Region 5)
* NJ TRANSIT – Demographic Analysis Latino Population (Region 5)
* NJ TRANSIT – Demographic Analysis Asian Population (Region 5)
* NJ TRANSIT – Demographic Analysis Black Population (Statewide)
* NJ TRANSIT – Demographic Analysis Latino Population (Statewide)
* NJ TRANSIT – Demographic Analysis Asian Population (Statewide)
* NJ TRANSIT – Demographic Analysis, Poverty Households (Statewide)

The statewide maps showed concentrations of minorities exceeding the statewide average of 33.988 percent and concentrations of poverty exceeding the statewide average of 8.289 percent. The regional maps also contained a depiction of NJ TRANSIT’s commuter rail, light rail, and bus network and also included neighboring public transportation service such as PATCO in southern New Jersey. The maps identified hospitals, schools, NJ TRANSIT bus garages and NJ TRANSIT facilities recently modernized or to be modernized within five years. These maps are adequate to close the deficiencies in this area.

1. Systemwide Service Standards and Policies

**Requirement:**  *FTA recipients serving large urbanized areas shall adopt quantitative system-wide service standards necessary to guard against discriminatory service design or operations decisions. Recipients serving large urbanized areas shall adopt system-wide service policies necessary to guard against discriminatory service design or operations decisions. Service standards differ from service policies in that they are not based necessarily on a quantitative threshold.*

**Findings:** During this Title VI Compliance Review of NJ TRANSIT, deficiencies were found regarding NJ TRANSIT’s compliance with FTA requirements for Systemwide Service Standards and Policies. After the Site Visit and prior to the issuance of the Draft Report, NJ TRANSIT corrected these deficiencies. FTA Circular 4702.1A describes effective practices to fulfill the service standard requirements. FTA recommends that recipients set standards for the following indicators, giving transit agencies latitude to set standards for different/or additional indicators at their discretion:

|  |  |
| --- | --- |
| Service Standards | Service Policies |
| * Vehicle Load
 | * Vehicle Assignment
 |
| * Distribution of Transit Amenities
 | * Transit Security
 |
| * Vehicle Headway
 |  |
| * Service Availability
 |  |
| * On-time Performance
 |  |

Prior to the Compliance Review, NJ TRANSIT provided service standards and/or system-wide service policies for the following indicators by type of service:

|  |  |  |  |
| --- | --- | --- | --- |
| **Standard or Policy** | **Commuter Rail** | **Light Rail and Subway** | **NJ TRANSIT Bus** |
| Vehicle Load | Yes | Yes | Yes |
| Vehicle Headway | Yes | Yes | Yes |
| Distribution of Transit Amenities | No | No | No |
| Transit Access | No | Yes | No |
| Vehicle Assignment | Yes[[2]](#footnote-3) | Yes | No |
| Transit Security | No | No | No |

During the Site Visit, it was determined that many of the standards contained in the Title VI submittal were not quantifiable and several were not currently used to measure performance. NJ TRANSIT agreed to update its standards and submit those to FTA for purposes of evaluating service provided to minority and non-minority communities and low-income and non-low income communities.

Following the Site Visit, on May 27, 2010, NJ TRANSIT provided the following updated quantifiable service standards or service policies for its services:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Quantifiable Standard or Policy** | **Commuter Rail** | **Light Rail and Subway** | **NJ TRANSIT Bus[[3]](#footnote-4)** | **Access Link** |
| Vehicle Load | 92%-95% | 125% | 90%-125% |  |
| Vehicle Headway | 10-60 min. | 15-30 min. | 15-120 min. | N/A |
| On-Time Performance | 95% | 96.5% | 85% - 90%  | 92.5% - 97.75% |
| Distribution of Transit Amenities | Yes, per 2005 Standards Manual | Yes, per 2004 Design Criteria | 6-8 stops/mile | N/A |
| Transit Access | No | Yes | No | N/A |
| Vehicle Assignment | Yes | Yes | Not to exceed 12-15 years |  |
| Transit Security | No | No | No | No |

These standards are adequate to allow NJ TRANSIT to conduct Title VI monitoring for all modes.

1. Evaluation of Service and Fare Changes

**Requirement:** *FTA recipients shall evaluate significant system-wide service and fare changes and proposed improvements at the planning and programming stages to determine whether those changes have a discriminatory impact. For service changes, this requirement applies to “major service changes” only. Recipients should have established guidelines or thresholds for what it considers a “major” change.*

**Findings:** During this Title VI Compliance Review of NJ TRANSIT, deficiencies were found regarding NJ TRANSIT’s compliance with FTA requirements for Evaluation of Service and Fare Changes. NJ TRANSIT had not implemented any fare changes or significant service changes in the three year period prior to the Compliance Review. It was in the planning stages of a fare increase and major service reduction at the time of the Review. NJ TRANSIT defined major service reduction as:

* *Abandonment of all service on an entire bus route or rail line;*
* *Abandonment of all service on a portion of a bus route or rail line that represents more than 25% of the route or lane miles; or*
* *Substantial curtailment of the amount of service on any bus route or rail line, as defined in New Jersey State Act 27:25-8(d).*

While this definition was adequate to satisfy FTA urbanized area recipient requirements for public comment for service *reductions*, it was not adequate to meet the requirements under FTA’s Title VI Circular 4702.1A, which requires a definition of a major service *change*.

NJ TRANSIT provided documentation that it had conducted a Title VI evaluation of the most recent proposed fare increase and service reductions that were announced on March 5, 2010. The changes were intended to close a budget gap approaching $300 million in FY 2011. The fare increases were proposed to take effect on May 1, 2010, with the service reductions to be implemented on July 1, 2010. NJ TRANSIT provided a summary of the findings to the senior management team. The originally proposed fare increase was an across the board 25 percent fare increase, subject to rounding affecting all modes and fare payment types and media. In response to thousands of comments received from riders during the public comment period, NJ TRANSIT scaled back the original reductions and fare increases significantly, including as examples, 13 bus routes proposed to be eliminated were retained, and fare increases on local bus and light rail services (most heavily used by minority and low-income persons) were increased by an average of ten percent instead of the 25 percent originally proposed.

NJ TRANSIT’s *Title VI Analysis of Fare and Service Change Proposal (Analysis)*, dated March 29, 2010, and *Addendum 1* to the *Analysis*, dated April 2, 2010, submitted to FTA after the Compliance Review, made an attempt to address the required elements described below in FTA Circular 4702.1A:

| **ELEMENTS REQUIRED FOR EVALUATION OF SERVICE AND FARE CHANGES (PER FTA C. 4702.1A, V, 4.A.)** |
| --- |
| 1. ASSESS THE EFFECTS OF THE PROPOSED FARE CHANGE ON MINORITY AND LOW-INCOME POPULATIONS.
 |
| *Route changes – produce maps of service changes overlaid on a demographic map of the service area* |
| *Span of service – Analyze available data from surveys that indicate whether minority and low-income riders are more likely to be impacted* |
| *Fare changes – Analyze available data from surveys that indicate whether minority and low-income riders are more likely to be impacted* |
| 1. ASSESS THE ALTERNATIVES AVAILABLE FOR PEOPLE AFFECTED BY THE FARE INCREASE OF MAJOR SERVICE CHANGE.
 |
| *Service changes – Analyze what, if any, modes of transit are available for people affected by the service expansion or reduction. Analysis should compare travel time and costs to the rider of the alternatives.* |
| *Fare changes – Analyze what, if any, alternative transit modes, fare payment types or fare payment media are available for people affected by the fare change. Analysis should compare fares paid under the change with fares that would be paid through available alternatives.* |
| 1. DESCRIBE ACTIONS THE AGENCY PROPOSES TO MINIMIZE, MITIGATE, OR OFFSET ANY ADVERSE EFFECTS OF CHANGES ON MINORITY AND LOW-INCOME POPULATIONS.
 |
| 1. DETERMINE ANY DISPROPORTIONATELY HIGH AND ADVERSE EFFECTS ON MINORITY AND LOW-INCOME RIDERS. IF ANY, DESCRIBE THAT ALTERNATIVES WOULD HAVE MORE SEVERE ADVERSE EFFECTS THAN THE PREFERRED ALTERNATIVE
 |

NJ TRANSIT provided demographic maps of major bus service reductions, in both its initial *Analysis* and in *Addendum 1*, showing that the routes proposed to be discontinued did not appear to be concentrated in minority or low-income communities. For each major service reduction, NJ TRANSIT identified potential alternative services and assessed the cost/time comparison between the service changes and the alternative services. NJ TRANSIT’s initial *Analysis* used recent survey results to identify the use of various fare media by race and income level. There were no substantial differences, except that low-income customers were more likely to use discounted off-peak round-trip tickets than other rail customers, a media used by approximately two percent of all rail riders and proposed for elimination. The *Analysis* described that the elimination of the discounted off-peak rail round-trip tickets was expected to generate $8.4 million. Alternatives to not eliminating the discount that would mitigate the impact on low-income riders would be a further increase in all fares or more drastic bus service reductions. NJ TRANSIT’s *Analysis* also pointed out that the elimination of this discount would lead to a more standardization of fares among the various modes, since there were no discounted off-peak round trip tickets offered on local bus, interstate bus, or light rail. In *Addendum 1* to the *Analysis,* NJ Transit used ridership survey data to show that riders of local bus and light rail service had lower incomes and were more likely to be minority than the average rider of interstate bus and commuter rail services. This supported the decision to have a lower fare increase on local bus and light rail service.

While the *Analysis* and *Addendum 1* addressed many of the required elements of FTA C. 4702.1A, these documents did not include a comparative analysis of the data to confirm that the proposed service reductions and fare increases did not have a disproportionate impact on minorities and low-income persons. The *Analysis* did not compare service levels and average fares paid before and after the proposed changes by race, ethnicity, and income levels. Additionally, the Analysis did not identify which routes proposed for elimination were primarily operated for the benefit of minorities, non-minorities, or by income level. Specifically, NJ TRANSIT’s *Analysis* should have addressed the following:

* Average fare(s) paid by minorities and low-income persons, by mode and fare media, before and after the fare increase. This analysis should include a value factor, such as fare per mile or fare per minute of travel, to account for the fact that the fare should reflect the amount of service provided.
* Total miles or hours of service operated by NJ TRANSIT and its contractors, to serve minority and low-income communities, compared to service operated for non-minority and non-low income communities before and after the proposed service eliminations. This analysis should consider the users of the service, not the fact that service travels through minority or low-income census tracts. For example, most of NJ TRANSIT’s commuter rail service travels through Newark and other areas of high minority concentration, however, commuter rail service ridership is predominately non-minority.
* An analysis of the 18 routes listed for elimination in *Addendum 1*. The analysis should identify which routes served concentrations of minority and low-income areas that exceed the Statewide average, the number of miles and hours operated on each route and the quantifiable basis for elimination (e.g., if low-ridership, what were the ridership measures before the elimination) and how this compared to the 13 routes that were “saved” from elimination.

On November 16, 2010, following issuance of the Draft Report, NJ TRANSIT submitted to the FTA Equal Opportunity Specialist in FTA Headquarters Office of Civil Rights, the following, in accordance FTA Circular 4702.1A:

* Established guideline or threshold of major service *changes*
* A revised Title VI equity analysis that contained a quantitative analysis of its recent service reductions. The analysis showed that there was no disparate impact on minorities or low-income persons.

These corrective actions are adequate to close the deficiencies in this area.

1. Monitoring Transit Service

**Requirement:** FTA *recipients shall monitor the transit service provided throughout its service area. Periodic service monitoring activities shall be undertaken to compare the level and quality of service provided to predominantly minority areas with service provided in other areas to ensure that the end result of policies and decision-making is equitable service. Monitoring shall be conducted at minimum once every three years. If recipient monitoring determines that prior decisions have resulted in disparate impacts, it shall take corrective action to remedy the disparities.*

**Findings:** During this Title VI Compliance Review of NJ TRANSIT, Advisory Comments were made regarding NJ TRANSIT’s compliance with FTA requirements for Monitoring Transit Service.

NJ TRANSIT was able to document that it had conducted monitoring of its bus and rail services using the procedures described in the outdated FTA Circular 4702.1. For example, NJ TRANSIT defined routes or rail lines as minority routes or lines if they traveled through minority census tracts more than one-third of the trip. This definition no longer applies to service monitoring. NJ TRANSIT was advised that it was to identify those routes that primarily serve minority or low-income riders and conduct monitoring as described in the current Title VI guidance found in FTA Circular 4702.1A, and shown below:

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| --- |
| **Elements Required for Monitoring – Option A: Level of Service Methodology****(Per FTA C. 4702.1A, V, 5. a.)** |
| Select a sample of bus routes and fixed guideway routes that provide service to a demographic cross-section of the recipient’s population. A portion of the routes in the sample should be those routes that provide service to a predominantly minority and low-income areas.  |
| Assess the performance of each route in the sample for each of the recipient’s service standards and policies.  |
| Compare the transit service observed in the assessment to the established service policies and standards. |
| In cases in which observed service does not meet the stated service policy or standard, recipients should determine why the discrepancy exists and take corrective action to correct the discrepancy. |

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| **Elements Required for Monitoring – Option B: Quality of Service Methodology****(Per FTA C. 4702.1A, V, 5. b.)** |
| Recipients should identify an appropriate number of Census tracts or traffic analysis zones that represent a cross-section of the recipient’s population. A portion of this sample should include Census tracts or traffic analysis zones where minority and/or low-income residents predominate. Recipients should keep in mind that the greater the sample size, the more reliable the results.  |
| Recipients should identify the most frequently traveled destinations for riders using the recipient’s service.  |
| For each of the three most frequently traveled destinations, recipients should compare the average peak hour travel time to destination, average non-peak hour travel time to destination, number of transfers required to reach the destination, total cost of trip to the destination, and cost per mile of trip to the destination for people beginning the trip in the selected Census tracts or traffic analysis zones.  |
| If disparities exist in any of these factors along the trips to any of the destinations analyzed, recipients should determine whether the differences are significant. FTA recommends that recipients employ standard statistical tests for significance to make this determination. |
| If significant disparities in one or more quality of service indicators have been confirmed, recipients should determine why the disparity exists and take corrective action to correct the disparity. |
| **Elements Required for Monitoring – Option C: Title VI Analysis of Customer Surveys****(Per FTA C. 4702.1A, V, 5. c.)** |
| For their most recent passenger survey, recipients should compare the responses from individuals who identified themselves as members of minority groups and/or in low-income brackets, and the responses of those who identified themselves as white and/or in middle and upper-income brackets. |
| To the extent that survey data is available, recipients should determine whether the different demographic groups report significant differences in the travel time, number of transfers, and overall cost of the trip or if different demographic groups gave significantly different responses when asked to rate the quality of service, such as their satisfaction with the system, willingness to recommend transit to others, and value for fare paid. |
| If the agency concludes that different demographic groups gave significantly different responses, it should take corrective action to address the disparities. |
| **Elements Required for Monitoring – Option D: Locally Developed Alternative****(Per FTA C. 4702.1A, V, 5. d.)** |
| Recipients have the option of modifying the above options or developing their own procedures to monitor their transit service to ensure compliance with Title VI. Any locally developed alternative should be designed to ensure that the agency’s service meets the expectations of 49 CFR part 21 as illustrated by the example in Appendix C of the same, which provides that “no person or group of persons shall be discriminated against with regard to the routing, scheduling, or quality of service of transportation service furnished as a part of the project on the basis of race, color, or national origin. Frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, or national origin.”  |

NJ TRANSIT formally responded that it would follow one of these options in its next service monitoring effort.

#### FINDINGS OF THE PROGRAM-SPECIFIC REQUIREMENTS AND GUIDELINES FOR STATE DEPARTMENTS OF TRANSPORTATION AND OTHER STATE ADMINISTERING AGENCIES

This section covers Program-Specific Requirements and Guidelines for State DOTs and Other State Administering agencies, administering Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area, Job Access and Reverse Commute (JARC), and New Freedom funding programs, as well as designated recipients in large urbanized areas for JARC and New Freedom.

13. Statewide Planning Activities

**Guidance:** *State DOTs should have an analytic basis in place for certifying their compliance with Title VI. Examples of this analysis can include, a demographic profile of the State that includes identification of the locations of socioeconomic groups, including low-income and minority populations as covered by the Executive Order on Environmental Justice and Title VI, a statewide transportation planning process that identifies the needs of low-income and minority populations or an analytical process that identifies the benefits and burdens of the State’s transportation system investments for different socioeconomic groups, identifying imbalances, and responding to the analyses produced.*

**Findings:** During this Title VI Compliance Review of NJ TRANSIT, it was determined that the FTA Title VI requirements for Statewide Planning Activities did not apply to NJ TRANSIT, because the New Jersey Department of Transportation was responsible for Statewide Planning.

14. Program Administration

**Guidance:**  *State DOT recipients should document that they pass through Federal Transit Administration (FTA) funds under the Transportation for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom grant programs without regard to race, color, or national origin and that minority populations are not being denied the benefits of or excluded from participation in these programs.*

**Findings:** During this Title VI Compliance Review of NJ TRANSIT, no deficiencies were found regarding NJ TRANSIT’s compliance with FTA requirements for Program Administration.

NJ TRANSIT provided documentation that it administered FTA funds to subrecipients without regard to race, color or national origin. NJ TRANSIT had included the following items in its State Management Plans (SMPs):

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| --- | --- |
| **GUIDANCE ON PROGRAM ADMINISTRATION****(Per FTA C. 4702.1A, VI, 2. a. (1) – (5))** | **In NJ TRANSIT’s SMPs?** |
| * A description of how the agency develops its competitive selection process or annual program of projects submitted to FTA as part of its grant applications. This description should emphasize the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority and low-income populations, including Native American tribes, where present.
 | Yes |
| * A description of the agency’s criteria for selecting transit providers to participate in any FTA grant program.
 | Yes |
| * A record of requests for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom funding. The record should identify those applicants that would use grant program funds to provide assistance to predominantly minority and low-income populations. The record should also indicate whether those applicants were accepted or rejected for funding.
 | Yes |
| * A description of the agency’s procedures to assist potential subrecipients in applying for Elderly Individuals and Individuals with Disabilities, Rural and Small Urban Area Formula Funding, JARC, and New Freedom funding, including any efforts to assist applicants that would serve predominantly minority and low-income populations.
 | Yes |
| * State DOTs or other administering agencies may classify applicants as providing service to predominantly minority and low-income populations if the proportion of minority and low-income people in the applicant’s service area exceeds the statewide average minority and low-income population.
 | Yes |

15. Providing Assistance to Subrecipients

**Guidance:** *FTA recommends that agencies assist their subrecipients in complying with the general reporting requirements in Chapter IV. The State DOT or other administrating agency should provide assistance at the request of a subrecipient or as deemed necessary and appropriate.*

**Findings:** During this Title VI Compliance Review of NJ TRANSIT, deficiencies were found regarding NJ TRANSIT’s compliance with FTA guidance for Providing Assistance to Subrecipients. After the Site Visit and prior to the issuance of the Draft Report, NJ TRANSIT corrected these deficiencies.

NJ TRANSIT had outdated information in its State Management Plans (SMPs) regarding subrecipient General Reporting Requirements. The SMPs referenced the outdated FTA Circular 4702.1 and required subrecipients to submit such items as lists of minority board members and lists of pending federal grant applications. The SMPs did not require grantees to meet the new General Reporting Requirements to include a method for notifying the public of its Title VI rights or the need to ensure meaningful access to persons who have limited English proficiency.

Following the Site Visit, NJ TRANSIT provided the following updated SMPs:

* State Management Plan – Section 5311 Program, State of New Jersey, dated June 2010
* State Management Plan and Program Management Plan, Job Access and Reverse Commute Program (49 U.S.C, Section 5316)
* State Management Plan – Section 5310 Program, State of New Jersey, dated June 2010
* State Management Plan and Program Management Plan, New Freedom Program (49 U.S.C, Section 5317)

Each SMP contained the current guidance on Title VI General Reporting Requirements and Guidelines for subrecipients**.**

16. Monitoring Subrecipients

**Guidance:** *State DOTs or other State administering agencies should monitor their subrecipients for compliance with Title VI.*

**Findings:** During this Title VI Compliance Review of NJ TRANSIT, Advisory Comments were made regarding NJ TRANSIT’s compliance with FTA requirements for Monitoring Subrecipients.

NJ TRANSIT documented an excellent procedure for monitoring its subrecipients. As a part of its subrecipient oversight procedures, NJ TRANSIT monitors its subrecipients for compliance with Title VI. Additionally, NJ TRANSIT’s Diversity Programs office obtained General Reporting Requirements and Guidelines from each contractor and subrecipient annually. NJ TRANSIT was advised to update the annual request to reflect the General Reporting Requirements and Guidelines found in FTA Circular 4702.1A.

# VII. SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS

| **Title VI Requirements For State DOTs** | **Site Review Finding** | **Description of Deficiencies** | **Corrective Action(s)** | **Date Closed**  | **Date Due****or****Comments** |
| --- | --- | --- | --- | --- | --- |
| **GENERAL REQUIREMENTS** |
| 1. Inclusive Public Participation
 | ND |  |  |  |  |
| 1. LEP Language Assistance Plan
 | DAC | Lacking assessment or provision for LEP persons. | NJ TRANSIT must submit to the FTA Headquarters Office of Civil Rights a copy of its Language Assistance Plan that meets with the requirement to provide meaningful access to Limited English Proficient (LEP) persons. | May 28,2010 | Advisory Comments  |
| 1. Title VI Complaint Procedures
 | D | Procedures inadequate | NJ TRANSIT must submit to the FTA Headquarters Office of Civil Rights a revised Title VI complaint procedure for itself and its subrecipients that addresses how complaints are tracked and provides information on how customers are notified about how to file a complaint, as required by FTA Circular 4702.1A. | June 1,2010 |  |
| 1. List of Title VI Investigations, Complaints, and Lawsuits
 | ND |  |  |  |  |
| 1. Notice to Beneficiaries of Protection Under Title VI
 | D | Notice lacking required elementInadequate dissemination of Notice | NJ TRANSIT must submit to the FTA Headquarters Office of Civil Rights a revised Notice to Beneficiaries of Protections Under Title VI for itself and its subrecipients and documentation that the Notice has been made available to the public. | June 1,2010 |  |
| 1. Annual Title VI Certification and Assurance
 | ND |  |  |  |  |
| 1. Environmental Justice Analyses of Construction Projects
 | DAC | EJ Analyses do not comply with Circular Guidance | NJ TRANSIT must submit to the FTA Headquarters Office of Civil Rights written procedures for conducting future EJ Analyses in accordance with FTA requirements. |  June 1,2010 | Advisory Comments |
| 1. Prepare and Submit a Title VI Program
 | ND |  |  |  |  |
| **PROGRAM SPECIFIC REQUIREMENTS FOR LARGE URBANIZED AREAS** |
| 1. Demographic Data
 | D | Demographic maps lack identification of above average minority or low-income populations in service area | NJ TRANSIT must submit to the FTA Headquarters Office of Civil Rights demographic maps of its and its subrecipients’ service areas that identify above average concentrations of minority and low-income populations | June 1,2010 |  |
| 1. System-wide Service Standards and Policies
 | D | Inadequate service standards | NJ TRANSIT must submit to the FTA Office of Civil Rights quantifiable standards for all modes adequate to conduct Title VI monitoring. | June 1,2010 |  |
| 1. Evaluation of Fare and Service Changes
 | D | Inadequate analysis of fare and service changes | NJ TRANSIT must submit to the FTA Equal Opportunity Specialist in FTA Headquarters Office of Civil Rights, the following in accordance with FTA C. 4702.1A:* Established guideline or threshold of major service change
* A revised Title VI Equity Analysis that contains a comparative analysis of its fare increases and service changes.
 | Nov. 16, 2010 |  |
| 1. Monitoring Transit Service
 | AC | Procedures out of date | NJ TRANSIT is advised to update its transit service monitoring procedures to reflect FTA C 4702.1A | June 1,2010 |  |
| **PROGRAM SPECIFIC REQUIREMENTS FOR STATE DOTS** |
| 1. Statewide Planning Activities
 | NA |  |  |  |  |
| 1. Program Administration
 | ND |  |  |  |  |
| 1. Providing Assistance to Subrecipients
 | AC | SMP out of date | NJ TRANSIT is advised to update its SMPs and related information to reflect FTA C 4702.1A | June 1,2010 |  |
| 1. Monitoring Subrecipients
 | AC | Monitoring procedures for subrecipients out of date | NJ TRANSIT is advised to update its subrecipient monitoring procedures to reflect FTA C 4702.1A |  | Advisory Comments |

Findings at the time of the Site Visit: ND = No Deficiencies; D = Deficiency; NA = Not Applicable;

NR = Not Reviewed; AC = Advisory Comment

# VIII. A**TTENDEES**

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| --- | --- | --- | --- |
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1. Per the 2000 Census, people of Hispanic origin can be, and in most cases are, counted in two or more race categories. [↑](#footnote-ref-2)
2. Vehicle assignment standard related to train length. [↑](#footnote-ref-3)
3. Range of measures related to the type of service, e.g., intrastate, interstate, urban, express, etc. [↑](#footnote-ref-4)