



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION 3
Delaware, Maryland,
Pennsylvania, Virginia,
West Virginia, and the
District of Columbia

1760 Market Street, Suite 500
Philadelphia, PA 19103

April 30, 2019

Mr. Rohan Hepkins, Assistant General Manager
Delaware River Port Authority
2 Riverside Drive
Camden, NJ 08103

Re: FFY 2019-2022 Triennial Title VI Program Update, Recipient ID: 1413

Dear Mr. Hepkins,

The Federal Transit Administration (FTA) has received and reviewed Delaware River Port Authority's initial Title VI program submitted on April 1, 2019. This Title VI program will be effective June 1, 2019 through May 31, 2022. The Department of Transportation (DOT) requires recipients of DOT funds to demonstrate compliance with Title VI of the Civil Rights Act of 1964 through regular compliance reports. The Federal Transit Administration's (FTA) Circular 4702.1B, "Title VI Program Guidelines for Federal Transit Administration Grantees" sets forth the information that should be included in these updates, and requires they be submitted as Title VI Programs submitted every three years.

FTA's review of your Title VI program considered all elements required by the Department of Transportation regulations found at 49 C.F.R. § 21, as outlined in Circular 4702.1B. The Review Assessment attached to this letter identifies the specific areas reviewed, any concerns, and relevant reviewer comments. To assure you are implementing Title VI program requirements in accordance with the regulations, you must promptly address and correct any concerns identified with a "No" in the Review Assessment. Your program status is now "Concur. Your next triennial Title VI program submission is due to FTA on April 1, 2022, however you are strongly encouraged to address the few items in the attached assessment immediately. Retain documentation as needed to demonstrate the corrections noted have been addressed. FTA typically verifies corrections have been made and implemented at the next oversight opportunity, but can request this information at any time.

Your Title VI program must demonstrate your agency has the procedures and resources to ensure public transportation services are provided in a nondiscriminatory manner, as required by Title VI of the Civil Rights Act of 1964. FTA's review and concurrence on a Title VI program does not relieve recipients from the requirements and responsibilities outlined in Circular 4702.1B or of the DOT Title VI regulation at 49 CFR part 21. You must properly implement your program to ensure nondiscriminatory service, including full and fair participation in public transportation decision-making, and meaningful access to transit-related programs and activities by persons with limited English proficiency. If you use contractors or have subrecipients, you must monitor

their compliance with Title VI. You can find these monitoring responsibilities in Chapter 2, Section 6 (Contractors) and Chapter 3, Section 12 (Subrecipients) in the FTA Title VI Circular. As a basic requirement for Title VI compliance, you must develop a language assistance plan (LAP). Your LAP must include a Four Factor Analysis—you can find information on this analysis in Chapter 3, Section 6 of the FTA Title VI Circular. If you believe that your agency only serves an English-speaking population, you still must complete a Four Factor Analysis to demonstrate this.

FTA is committed to providing technical assistance to help correct your Title VI program and to implement your program consistent with the regulations and guidance. We are issuing this letter electronically via email and it is attached to your profile in TrAMS. Please do not hesitate to contact me directly at (215) 656-7121 or via email (Lynn.Bailey@dot.gov) if you have any questions.

Sincerely,

Lynn A. Bailey
Civil Rights Officer, Region 3

cc: Terry Garcia Crews, FTA Region 3, Regional Administrator
Tony Tarone, FTA Region 3, Deputy Regional Administrator
Monica McCallum, FTA Civil Rights, Director of Regional Operations
TrAMS Profile #1413

Title VI Program Review Assessment:

Items below identified as “YES” are included in the Title VI program review, and no changes are needed. Items identified as “NO” were not included or were insufficient and must be corrected. Carefully address all insufficient items, as indicated in this review letter, to ensure you are implementing your Title VI program in accordance with the regulations.

Chapter 3: GENERAL REQUIREMENTS AND GUIDELINES

Does the program submission include appropriate documentation demonstrating that the transit board of directors has approved the Title VI program? *Yes*

Public Notice

Does the submission include a copy of the public notice informing the public of the protections against discrimination afforded to them under Title VI? *Yes*

Is there a list of public locations where the notice is posted? *Yes*

Did you verify the notice is posted on the agency’s website and in public areas of the agency’s offices? *Yes*

Does the public notice include how to request additional information on your Title VI obligations? *Yes*

Does the public notice include how to file a complaint? *Yes*

Complaint Procedures

Did you include the (internal to the agency) procedures for investigating and tracking Title VI complaints filed against them? *Yes*

Did you include the instructions it gives to members of the public about how to file a Title VI discrimination complaint? *Yes*

Are the procedures for filing a Title VI discrimination complaint available on the agency website? *Yes*

Complaint Form

Does the program include a copy of the complaint form that specifies the three classes protected by Title VI (race, color, and national origin)? *Yes*

Is the complaint form available on the agency’s website? *Yes*

Did you include a list of any of the following that allege discrimination on the basis of race, color, or national origin: active investigations conducted by entities other than FTA; lawsuits; and/or complaints naming the grantee? *N/A - no complaints received*

Public Participation Plan

Did you include a Public Participation Plan that describes the proactive strategies, procedures, and desired outcomes of public participation activities? *Yes*

Does the Public Participation Plan include information on how the grantee considers the needs of, and engages minority and LEP populations in public participation activities? *Yes*

Did you summarize the public outreach and involvement activities undertaken in the last 3 years? *Yes*

Board Selections

Did you select members to transit-related, non-elected planning boards, advisory councils or committees? *Yes*

If you select members, did you provide a table with a racial breakdown of the membership of those boards, councils, or committees? *Yes*

Did you describe how they encourage minorities to participate on these boards, councils, and committees? *No*

Subrecipient

Does the program indicate if you have subrecipients? *No - No subrecipients*

If you have subrecipients, did you provide the monitoring procedures and/or efforts you use to ensure subrecipients comply with Title VI? *Not Applicable*

Did you describe the process used to provide assistance to subrecipients, when needed? *Not Applicable*

LEP Four-Factor Analysis & Plan

Did you include a Language Assistance Plan? *Yes*

Does the Language Assistance Plan include a Four-Factor Analysis that determines the appropriate level of LEP assistance and outreach efforts needed? *Yes*

Did your Language Assistance Plan NOT include something? *All LAP required elements contain within the Title VI Program submission.*

Facility Site Equity Analysis

Did you identify a site or location for a new facility (excluding bus shelters) or construct a facility during the period covered by your program? *No; Required element not addressed*

Did you complete and submit an equity analysis conducted during the planning stage for all projects requiring land acquisition and the displacement of persons from their residences and businesses? *Not Included*

Did the site analysis include outreach to persons potentially impacted by the siting of facilities? *Not Included*

Did the site analysis compare the equity impacts of alternative locations prior to selecting the preferred site? *Not Included*

Did you give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result? *Not Included*

Did you determine that the location of the project will result in a disparate impact on the basis of race, color, or national origin? *Not Included*

Did you provide a substantial legitimate justification for the project location? To do so, you must demonstrate that either 1) no alternative locations are available, or 2) any alternative locations, if identified, would result in the same or more disparate impact on the basis of race, color, or national origin. *Not Included*

Chapter 4: FIXED ROUTE TRANSIT PROVIDER REQUIREMENTS

Service Standards

Did you include your service standards and policies for each specific fixed route mode of service you provide? *Yes*

Which service standards, if any, are NOT included? *No service standards were missing from the submission*

Service Policies

Are the current service policies included? *Yes*

Is there a description of how service policies are adopted to ensure service design and operations practices do not result in discrimination on the basis of race, color, or national origin? *Yes*

Which service policies, if any, are NOT included? *None - All service policies are included*

FTA Reviewer Comments:

The DRPA/PATCO must address the following requirements in addition to those outlined in this assessment:

Non-elected Advisory Council:

- DRPA did not specifically indicate how it will recruit and encourage minority participation

Please refer to the FTA Circular (FTA C 4702.1B) for additional technical assistance and guidance.

Also, please visit the FTA Civil Rights webpage for more information:
<https://www.transit.dot.gov/title6>