**TITLE VI COMPLIANCE REVIEW**

**OF THE**

**JACKSONVILLE TRANSPORTATION AUTHORITY**

**(JTA)**

**Jacksonville, Florida**

**Final Report**

**February 2010**

**Prepared For**

**U.S. DEPARTMENT OF TRANSPORATION**

**FEDERAL TRANSIT ADMINISTRATION**

**OFFICE OF CIVIL RIGHTS**

**Prepared By**

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GENERAL INFORMATION

Grant Recipient: Jacksonville Transportation Authority (JTA)

City/State: Jacksonville, Florida

Grantee Number: 1085

Executive Official: Mr. Michael J. Blaylock

Executive Director/CEO

Jacksonville Transportation Authority

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Site Visit Dates: August 24 – 26, 2009

Compliance Review

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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 Jacksonville Transportation Authority (JTA) 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).
* 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).
* FTA Circular 4702.1A, “Title VI and Title VI-Dependent Guidelines For Federal Transit Administration Recipients”, May 17, 2007.

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 JTA’s Title VI Program was necessary.

The Office of Civil Rights authorized The DMP Group, LLC to conduct the Title VI Compliance Review of JTA. The primary purpose of this Compliance Review was to determine the extent to which JTA has met its General Reporting and Program-Specific Requirements, 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 JTA 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 JTA.

#### Objectives

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

* 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

The Jacksonville Transportation Authority (JTA) is an independent state agency created by the state of Florida. JTA was established in 1971 and designs and constructs bridges and highways and provides public transit services in Duval County, Florida, which includes the City of Jacksonville. The Jacksonville metropolitan area is located in the northeast corner of Florida, with three beach cities to the east bordering the Atlantic Ocean. Nassau County is located to the north, Baker County is located to the west, Clay County is southwest, and St. Johns County is southeast and borders the Atlantic Ocean. The area has three major Interstate Highways: I-295 around Jacksonville, I-95 north and south, and I-10 west. There are eight major bridges in the metropolitan area that span the St. Johns River, a waterway that flows through downtown Jacksonville and splits downtown into the Northbank and the Southbank. There are numerous other bridges that span the rivers that are located in the area.

The City of Jacksonville consolidated with Duval County to encompass a land area of 841 square miles, making it the largest city in the continental U.S. in terms of landmass. Jacksonville ranks as the 14th largest city in the United States with a 2008 estimated population of more than 850,962 (2000 Census: 795,566) residents.

JTA established Jax Transit Management (JTM) Corporation for the management and operation of all fixed-route bus service and a 2.5-mile fixed guideway system, called Skyway. JTA is the designated Community Transportation Coordinator (CTC) for Duval County. JTA contracts with the Jacksonville Transit Group, Inc. (JTG) for the management and operation of its paratransit service, known as *Connexion*, for ADA-eligible, Medicaid, and other non-sponsored trips.

With its 762 employees, JTA operates several public transit services, including express and regular bus service, the downtown 2.5 mile Skyway, trolley services, a *Stadium Shuttle* for various sporting and entertainment events at the Jacksonville Municipal Stadium and Coliseum, JTA *Connexion* for persons with disabilities and senior citizens, and *Ride Request* that provides flexible public transportation service in several areas throughout the region.

JTA operates a network of 47 fixed bus routes and four trolley routes that provide service weekdays from 3:34 a.m. to 1:45 a.m. Saturday and Sunday service is operated from 4:27 a.m. to 1:00 a.m. JTA’s *Connexion* operates during the same days and hours as the fixed-route service. Additionally, JTA’s Skyway service is provided from 6:00 a.m. to 9:00 p.m. on weekdays. Saturday service is operated from 12:00 p.m. to 7:00 p.m. Service is only provided on Sundays in connection with special events.

JTA operates a fleet of 162 buses for fixed-route service. The current peak requirement is for 135 vehicles. JTA has a fleet of twelve trolley buses for its trolley services and nine vehicles for *Ride Request* service. JTA also has a fleet of 102 vans that are operated by its contractors for the *Connexion*. JTA has a fleet of ten fixed guideway vehicles for the Skyway service.

JTA operates the fixed-route service from two facilities located at 100 Myrtle Avenue and Phillips Highway in the City of Jacksonville. Its fixed-route bus service is oriented to downtown Jacksonville and to six transfer stations. The Skyway system has eight stations. The Skyway operations and maintenance facilities are located at 725 Leila Street and 312 Bay Street in Jacksonville.

The basic adult fare for fixed-route bus service is $1.00. Reduced fares are offered to senior citizens, persons with disabilities, and Medicare Card holders. Senior citizens ages 60 and older ride free with a Senior Identification Card or Medicare Card. Persons with disabilities pay $0.25 with a Reduced Fare Card or Medicare Card. The fare on the Skyway system is $0.50 with a reduced fare of $0.10 for senior citizens and persons with disabilities. The fare for ADA paratransit service is zone-based but does not exceed twice the regular fixed-route fare.

JTA’s National Transit Database Report for FY2008 provided the following financial and operating statistics for its fixed-route and paratransit service:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Fixed-Route Service** | **Fixed Guideway** | **Paratransit Service** |
| Unlinked Passengers | 10,290,987 | 502,364 | 347,088 |
| Revenue Hours | 630,403 | 17,430 | 204,747 |
| Operating Expenses | $65,639,903 | $6,249,168 | $ 18,620,626 |

Over the past three years, JTA has continued planning for the Jacksonville Transportation Intermodal Terminal Center, completed a Bus Rapid Transit Study, completed the AVL program, become the regional designated JARC recipient and completed a major route restructuring.

Noteworthy projects currently underway by JTA include establishing a Regional Coordinated Transportation Coalition; planning downtown transit circulator enhancements; adding cameras and DVRs to skyway cars, buses, and vans; adding monitors on buses for Emergency Information; and remodeling of the administration building. Additionally, over the next three years JTA plans to begin planning and design of a Bus Rapid Transit system and implement security enhancements in parking/access areas including fencing and access gates. A summary of JTA planning and transportation activities are as follows:

Planning activities:

* ITS-Regional Master Plan Study in partnership with the Metropolitan Planning Organization has been funded and completed
* ITS-Signal Priority System Test has been completed
* Waterborne Transportation Study is underway
* Preliminary study of Regional Commuter Rail/Bus Feasibility is underway
* Secured funding for Clay county’s acquisition of vans needed to begin new fixed-route service
* Facilitated the formation of the North East Florida Mobility Coordination to create fair and equitable distribution of available grant funds and coordinate trips to lessen duplication of routes within the region

Transportation activities:

* Roadway projects of over $3.7 billion (local funds), including eleven major bridge structures
* Automatic Vehicle Location (AVL) systems in 100 percent of fleet
* Automatic Passenger Counters (APC) in 50 percent of fleet
* Route Review and re-design
* Choice Ride/Ride Request (Demand Responsive) network within Duval, Clay, St. Johns, and Putnum counties

The *Mission Statement* and *Core Values* of JTA are:

|  |
| --- |
| **Jacksonville Transportation Authority**  **Mission Statement**  To be the Northeast Florida leader  in providing effective, coordinated and  integrated multimodal transportation solutions. |

|  |
| --- |
| **Jacksonville Transportation Authority**  **Core Values**   * Customer Focus – Begin and end with the customer in mind. * Professional Excellence – Deliver the right result the first time; be innovative. * Integrity – Do what is ethically correct. * Diversity – Value people of different experiences, backgrounds and needs. * Respect – Treat others as we would want to be treated; maximize individual quality and productivity through effective teamwork. * Responsibility – Be accountable for our actions. |

The demographics of the JTA service area are shown in Table 1. According to the 2000 Census, the area had a predominance of White residents at 65.8 percent, a Black population at 27.8 percent, persons of Hispanic or Latino origin at 4.1 percent, and an Asian population at 2.7 percent. About 3.3 percent of the population was Limited English Proficient and 12 percent of the population was considered low-income.

**Table 1 – Demographics of City Of Jacksonville/Duval County, Florida**

**Racial/ Ethnic Breakdown of Jacksonville/**

**Duval County, Florida**

Source: 2000 U.S. Census

|  |  |  |
| --- | --- | --- |
| **Racial/ Ethnic Group** | Duval CountyNumber | Duval County Percent |
| White | 512,469 | 65.8% |
| Black | 216,780 | 27.8% |
| American Indian and Alaska Native | 2,598 | 0.3% |
| Asian | 21,137 | 2.7% |
| Hawaiian/Pacific Islander | 466 | 0.1% |
| Other Race | 10,170 | 1.3% |
| Hispanic Origin[[1]](#footnote-1) | 31,946 | 4.1% |
| Total Population | **795,566** |  |

|  |  |  |
| --- | --- | --- |
| **Other Demographic Categories** | Number | Percent |
| Low-Income | 90,828 | 12% |
| Limited English Proficiency[[2]](#footnote-2) | 24,112 | 3.3% |

V. SCOPE AND METHODOLOGY

#### Scope

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

1. General Reporting Requirements - all applicants, recipients and subrecipients shall maintain and submit the following:
2. Annual Title VI Certification and Assurance;
3. Title VI Complaint Procedures;
4. Record of Title VI Investigations, Complaints, and Lawsuits;
5. Language Access to LEP Persons;
6. Notice to Beneficiaries of Protection under Title VI;
7. Submit Title VI Program;
8. Environmental Justice Analysis of Construction Projects; and
9. Inclusive Public Participation.
10. Program-Specific Requirements - all applicants, recipients and subrecipients that provide public mass transit service in areas with populations over 200,000 shall also submit the following:
11. Demographic Data;
12. Systemwide Service Standards and Policies;
13. Evaluation of Service and Fare Changes; and
14. Monitoring Transit Service.

#### Methodology

Initial interviews were conducted with the FTA Headquarters Civil Rights staff and the FTA Region IV Civil Rights Officer to discuss specific Title VI issues and concerns regarding JTA. An agenda letter covering the Review was sent to JTA 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 (2) Program-Specific Requirements for public transit providers. The General Reporting Requirements now include implementation of the Environmental Justice (EJ) and Limited English Proficiency (LEP) Executive Orders.

JTA was requested to provide the following information regarding the Title VI Requirements of FTA Circular 4702.1A:

* The most recent Title VI Program that was submitted to FTA by JTA.
* Description of JTA’s service area, including general population and other demographic information using the most recent Census data.
* Current description of JTA’s transit service, including system maps, public timetables, transit service brochures, etc.
* Roster of current JTA’s revenue bus, ADA paratransit, and fixed guideway fleet, to include acquisition date, fuel type, seating configurations and other amenities.
* Description of transit amenities maintained by JTA. Amenities include shelters, benches, restrooms, telephones, passenger information systems, transit centers, etc.
* Any studies or surveys conducted by JTA, its consultants or other interested parties (colleges or universities, community groups, etc.) regarding ridership, service levels and amenities, passenger satisfaction, passenger demographics, major service reductions, or fare issues during the past three years.
* Summary of JTA’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.
* Summary of JTA’s current efforts for providing language assistance for persons with Limited English Proficiency that is based on the USDOT LEP Guidance.
* A list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming JTA that allege discrimination on the basis of race, color, or national origin. This list must include the date of 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 JTA in response to the investigation, lawsuit, or complaint.
* A description of efforts made by JTA to notify beneficiaries of their rights and protections against discrimination afforded to them by Title VI.
* Copies of any environmental justice assessments conducted for FTA-funded construction projects 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.
* A copy of any JTA demographic analyses of its beneficiaries.
* Quantitative system-wide service standards and qualitative system-wide service policies adopted by JTA to guard against discriminatory service design or operations decisions.
* Documentation of the JTA 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 JTA should have established guidelines or thresholds for what it considers a “major” service change to be). If JTA has made significant service changes or increased fares during the past three years or is currently planning such changes, provide documentation of JTA’s Title VI evaluations of the service or fare changes.
* Documentation of periodic service monitoring activities undertaken by JTA, 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 JTA’s monitoring determined that prior decisions have resulted in disparate impacts, provide documentation of corrective actions taken to remedy the disparities.

JTA 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 three-day site visit was developed.

The site visit to JTA occurred August 24 – 26, 2009. The individuals participating in the Review are listed in Section VIII of this report. A Title VI Entrance Conference was conducted at the beginning of the Compliance Review with JTA senior management staff and the contractor Review team. The Review team showed the participants a U.S. Justice Department Title VI film 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 Title VI Compliance Review team met with JTA staff responsible for Title VI Compliance. During this meeting, discussions focused on a detailed examination of documents submitted in advance of the site visit and documents provided at the site visit by the JTA.

The Review team then met with various staff members from the JTA planning, engineering, capital programs and grants, operations, security, and marketing departments to discuss how JTA incorporates the FTA Title VI requirements into its public transportation system. At the end of the site visit, an Exit Conference was held with JTA senior management staff, the FTA Region IV Regional Civil Rights Officer and the contractor Review team. A list of attendees for the Title VI Compliance Review is included at the end of this report. At the Exit Conference, initial findings and corrective actions were discussed with JTA.

**Community Interviews**

Several community representatives in the JTA service area were interviewed. They consisted of community leaders and representatives of minority civil rights organizations and minority business organizations. All of the community representatives indicated that JTA had maintained a consistent presence in their communities in various ways. They acknowledged that JTA had provided information regarding service changes, construction projects, and planning efforts through newspaper, posters, and community meetings. JTA’s outreach efforts through its community and neighborhood meetings were commended. Most of the representatives acknowledged having seen or having an awareness of JTA Title VI posters notifying the public of their protections under Title VI of the Civil Rights Act. Most of them were aware of who JTA’s Title VI officer was and/or how to file a complaint. Several of the representatives reported that JTA had made translators available at community meetings where there may have been individuals with limited English proficiency. Furthermore, they indicated that JTA also had provided information, e.g., bus schedules, in Spanish in communities with significant Spanish speaking populations.

The primary concern expressed by the community representatives was the difficulty of getting from various minority communities where there were few employment opportunities to areas where there were jobs. The commute from these minority communities to job sites could take an excessive amount of time and involved multiple transfers. The community representatives recognized the challenges that JTA faced with providing service over such a vast service area with various natural obstacles like the waterways and bridges.

Overall, the representatives believed that the bus service and amenities provided to minority communities were comparable to the services provided to the non-minority communities. Most representatives believed that the maintenance of transit facilities such as bus shelters in the minority communities was as frequent as in the non-minority communities.

**Site Visit Observations**

A tour was made of the following comparable JTA bus routes, with segments serving, minority, non-minority, non-low income and low-income communities:

* CT-1 / Mandarin
* L-9 Lake Forest / Southpoint
* Highlands Ride Request

During the tour, observations were recorded regarding the equipment assigned to the routes, the passenger loads and amenities along the route, such as benches, shelters and trash cans. It was noted that ridership and amenities along the minority and/or low-income segments was comparable to that found along the non-minority and/or non-low income segments.

**VI. FINDINGS AND RECOMMENDATIONS**

The Title VI Compliance Review focused on JTA's compliance with the General Reporting Requirements and the Program-Specific Requirements. This section describes the requirements and findings at the time of the Compliance Review site visit. In summary, at the time of the site visit, deficiencies were identified in six of the twelve Title VI requirements. Following the site visit, JTA took corrective action adequate to close three of the deficiencies. Subsequent to the issuance of the draft report, JTA took corrective action adequate to close two more of the deficiencies. The area where deficiencies remain is:

* Monitoring Transit Service

#### FINDINGS OF THE GENERAL REPORTING REQUIREMENTS

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.*

**Findings:** During this Title VI Compliance Review of JTA, no deficiencies were found regarding JTA’s compliance with FTA guidance for Inclusive Public Participation. JTA presented sufficient activities and documentation during the Review to demonstrate that its public participation process satisfied the requirements of the Circular. During the site visit, the Review Team observed a public meeting that JTA called *Transit Talks* that was being held during the evening at a downtown location. JTA provided documentation that it has held *Transit Talks* meetings at various times at other locations throughout the community. In addition, JTA participated in the following activities:

* Actively involved in supporting Jacksonville Urban League
* Events sponsored by the following organizations:
  + First Coast African-Chamber of Commerce
  + Asian Chamber of Commerce
  + Hispanic Chamber of Commerce
  + Puerto Rican Chamber of Commerce
  + Jacksonville Regional Chamber of Commerce

In addition to public participation at Board meetings and public meetings and hearings, JTA had the Jacksonville Transportation Advisory Committee (JTAC) that served to advise JTA on polices and other matters pertaining to transportation of persons with disabilities. JTAC also advocated on behalf of the JTA for improvements to public transit services in the community.

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).*

**Findings:** During this Title VI Compliance Review of JTA, no deficiencies were found regarding JTA’s compliance with FTA requirements for Language Access to LEP persons.

JTA provided a document, dated July 17, 2009, entitled *Language English Proficiency Accessibility Plan,* using the format provided in the *DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons,* (December 14, 2005). The analysis was based on 2000 Census data and concluded that approximately 3.3 percent of the Duval County population spoke English less than “very well”. Of those who spoke English less than “very well”, there were three predominant language groups: Spanish - 9,516 (1.3 percent); Indo-European languages - 6,789 (0.9 percent); and Asian and Pacific Islander languages - 6,394 (0.9 percent).

JTA also conducted research to determine the languages spoken by the passengers it served with its public transit network. During the research period, JTA recorded the languages that the riders stated were their native languages or were languages that they were most comfortable speaking. The research found that only about 0.28 percent of JTA passengers were limited English proficient.

After evaluating available resources and population and ridership data, JTA decided to focus its efforts on the Spanish speaking population. JTA developed the *JTA Action Plan for Improving Access to Persons with Limited English Proficiency*. The Plan included a table with action items and dates under various sections that addressed the five areas in the DOT Policy Guidance on developing a Language Assistance Plan.

A review of JTA’s July 2009 Language Assistance Plan (LAP) against the *DOT Policy Guidance Concerning Recipients’ Responsibilities to Limited English Proficient Persons,* (December 14, 2005) identified the following:

|  |  |
| --- | --- |
| **Elements Required for LEP Assessment and Language Access Plan (Per FTA C. 4702.1A, IV, 4. a. and DOT Policy Guidance)** | **Included in JTA’s**  **July 2009 LAP?** |
| Part A – Four-Factor Assessment | |
| 1. Demography –The number or proportion of LEP persons eligible to be served or likely to be encountered | Yes |
| 1. Frequency of Contact - the frequency with which LEP individuals come in contact with the program and/or activities | Yes |
| 1. Importance - the nature and importance of the program, activity, or service to people's lives; | Yes |
| 1. Resources - the resources available and costs | Yes |
| Part B - Develop Language Assistance Plan | |
| 1. Identification of LEP Persons | Yes |
| 1. Language Assistance Measures | Yes |
| 1. Training of Staff | Yes |
| 1. Provide Notice to LEP Persons | Yes |
| 1. Monitor and Update the LAP | Yes |

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.*

**Findings:** During this Title VI Compliance Review of JTA, no deficiencies were found regarding JTA’s compliance with FTA requirements for Title VI Complaint Procedures. At the time of the site visit, JTA had a procedure for investigating and tracking Title VI complaints and had a Title VI complaint procedure that was available to members of the public. The complaint procedures were posted on car cards throughout the public transit system, including vehicles, transit centers, and shelters and it encouraged individuals to make their complaints in writing.

The Review team confirmed that JTA’s website did contain a link that fully described the Title VI complaint procedure (visit [www.jtafla.com](http://www.jtafla.com) , click “Business with JTA”, and scroll to the “Title VI Program Policy” link).

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.*

**Findings:** During this Title VI Compliance Review of JTA, no deficiencies were found regarding JTA’s compliance with FTA requirements for Record of Title VI Investigations, Complaints, and Lawsuits. JTA did maintain a record of Title VI investigations, complaints, and lawsuits. JTA reported that it had one Title VI complaints filed against it that alleged discrimination on the basis of race, color, or national origin. The complaint was investigated by JTA and the investigation determined that there was no discrimination based on the complainant’s race, color, or national origin. The complaint was closed.

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.*

**Findings:** During this Title VI Compliance Review of JTA, no deficiencies were found regarding JTA’s compliance with FTA requirements for Notice to Beneficiaries of Protection Under Title VI. JTA submitted its *Notice to Beneficiaries* prior to the site visit and the Review team saw it on the website. JTA’s Title VI Program Policy, Title VI Complaint Form and Title VI Policy Statement were included on its website. JTA’s Title VI Policy Statement included all three required elements, as shown on the following table:

| **Elements Required in Title VI Notification**  **(Per FTA Circular 4702.1A Chapter IV Section 5.a)** | **Included in JTA Policy Statement?** |
| --- | --- |
| 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 |

At the time of the Compliance Review site visit, the Policy had been disseminated to the public. The Policy was posted in places (on vehicles, in shelters, at transit centers, in the corporate office) where the public could view it. JTA developed large signage to take to outreach meetings.

Below is a portion of JTA’s Policy Statement:

**JACKSONVILLE TRANSPORTATION AUTHORITY**

**OBJECTIVES/POLICY STATEMENT (42 U.S.C. 2000d)**

**TITLE VI OF THE CIVIL RIGHTS ACT**

**TO ALL JTA EMPLOYEES AND THE SERVICE COMMUNITY**

As a major provider of public transportation whose employees have extensive daily contact with the public, the Jacksonville Transportation Authority (JTA) recognizes its responsibility to the community which it serves and is committed to a policy of nondiscrimination. JTA works to ensure nondiscriminatory transportation in support of our mission *to be the Northeast Florida leader in providing effective, coordinated and integrated multimodal transportation solutions* to enhance the social and economic quality of life for all Jacksonville citizens.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." (42 U.S.C. Section 2000d).

The Environmental Justice component of Title VI guarantees fair treatment for all people and provides for JTA, to identify and address, as appropriate, disproportionately high and adverse effects of its programs, policies, and activities on minority and low-income populations, such as undertaking reasonable steps to ensure that Limited English Proficiency (LEP) persons have meaningful access to the programs, services, and information the JTA provides.

For more information through JTA contact Ken Middleton, Civil Rights Program Manager

by phone: 904-598-8728

or mail: JTA, 100 N. Myrtle Avenue, Jacksonville, FL 32204

or fax: 904-630-3166.

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 JTA, no deficiencies were found regarding JTA’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. JTA executed its FY 2009 Annual Certifications and Assurances in TEAM on November 13, 2008. JTA checked as applicable, *01 Assurances Required For Each Applicant*. 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 JTA, deficiencies were found regarding JTA’s compliance with FTA guidance for Environmental Justice (EJ) Analyses of Construction Projects. During the site visit, JTA provided documentation for two construction projects that were in the planning stages: the Bus Rapid Transit (BRT) system and the Jacksonville Regional Transportation Center (JRTC).

The Title VI Circular provides guidance that the following items be included in an Environmental Justice analysis:

* *A description of the low-income and minority population within the study area affected by the project*
* *A discussion of all adverse effects of the project both during and after construction that would affect the identified minority and low-income population*
* *A discussion of all positive effects that would affect the identified minority and low-income population*
* *A description of all mitigation and environmental enhancement actions incorporated into the project to address the adverse effects*
* *A discussion of the remaining effects, if any, and why further mitigation is not proposed*
* *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.*

JTA’s construction projects did contain an Environmental Justice (EJ) analysis section and some EJ areas were addressed, however, they did not address all of the guidance areas in the Circular.

Following the site visit, JTA provided a memo entitled “Procedures for Conducting an Analysis of Construction Projects”, dated September 24, 2009, that contained JTA’s formal procedures to address future FTA-funded construction projects “*by requiring that there be an integration of an environmental justice analysis into the National Environmental Policy Act (NEPA) documentation of all future construction projects*”. The procedures apply to FTA Circular 4702.1A, Chapter IV (8) for categorical exclusions (CE), environmental assessments (EA), and/or environmental impact statements (EIS) and states that they will include the six-factor analysis into all future construction projects. The deficiency in this area is now closed.

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 JTA, deficiencies were found regarding JTA’s compliance with FTA requirements to Submit Title VI Program. JTA submitted its most recent Title VI Program Report to FTA on July 29, 2008. During the site visit, it was determined the JTA Title VI Program submittal did not contain all the elements required by the Circular. The following table contains the elements required for a Title VI Program and whether they were contained in the JTA submittal:

| **ELEMENTS REQUIRED FOR TITLE VI PROGRAM** | |
| --- | --- |
| **GENERAL REQUIREMENTS**  **(Per FTA C. 4702.1A, IV, 7. a. (1) – (5))** | **In JTA Title VI Program Submittal?** |
| 1. 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 |
| 1. 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 |
| 1. A copy of the agency procedures for tracking and investigating Title VI complaints. | Yes |
| 1. 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. | No |
| 1. 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**  **(Per FTA C. 4702.1A, V, 6. a. (1) – (4))** |  |
| 1. 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. | No |
| 1. Copies of system-wide service standards and system-wide service policies adopted by the agency since the last submission. | No |
| 1. A copy of the equity evaluation of any significant service changes and fare changes implemented since the last report submission. | No |
| 1. 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. | No |

Subsequent to the issuance of the draft report, JTA provided a Title VI Program update to FTA Headquarters Equal Opportunity Specialist that contained all the required elements of the Circular. The deficiency in this area is now closed.

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 JTA, deficiencies were found regarding JTA’s compliance with FTA requirements for Demographic Data. Using the options presented in FTA C. 4702.1A, V, 1.a., JTA selected Option A: Demographic and Service Profile Maps and Charts. Prior to and during the site visit, JTA provided some but not all of demographic data required by the Circular.

This Option required the following elements:

| **Elements Required for Demographic Data**  **(Per FTA C. 4702.1A, V, 1. a.)** | **Included in JTA’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. | No |
| 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. | Yes |
| A chart for each Census tract or TAZ that shows the actual numbers and percentages for each minority group within the zone or tract. | No |

JTA provided the Review team with a number of maps, one complete report, and portions of another report. The maps provided were:

* 60 Plus Population Duval County
* Total Minority Population
* Population ages 12 to 17
* Population Density
* Population Over age 60
* Population Over age 75
* Zero Auto Households

The reports provided were:

* JTA Origin-Destination Survey (full)
* JTA Transit Development Plan (2009 – 2019) (partial)

The maps provided very little data as it relates to Title VI. The *JTA Origin-Destination Survey* report contained the results of rider surveys, however, there were no Title VI questions related to race, color, national origin, or LEP asked in the survey. The *JTA Transit Development* *Plan* did include some applicable maps – the *Percentage of Population Below Poverty Level (2000 Census Tracts)* and *Jacksonville 2000 Census Tracts*.

Following the site visit, JTA provided demographic data and demographic maps as required by the Circular for the JTA service area from the 2000 Census. The maps submitted were:

* JTA Base Map Service Area
* JTA Base Map Service Area (Downtown)
* JTA Services with Low Income Population
* JTA Services with Low Income Population (Downtown)
* JTA Services with Minority Population
* JTA Services with Minority Population (Downtown)
* JTA Services and Demographic Profiles
* JTA Services and Demographic Profiles (Downtown)

Each map identified Malls, Colleges, Hospitals, Public Schools, and other Transit Trip Generators as well as Major Transit Hubs, Interstates, and the JTA Bus Line System. The deficiency in this area is now closed.

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 JTA, deficiencies were found regarding JTA’s compliance with FTA requirements for Systemwide Service Standards and Policies. FTA Circular 4702.1A describes effective practices to fulfill the service standards and policies requirements. FTA recommends that recipients set standards and policies 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 |  |

During the Review, JTA provided a document entitled “JTA Proposed Service Standards”. It contained many of the service standards/policies recommended in the Circular and others, as follows:

|  |  |  |
| --- | --- | --- |
| Service Attributes | Operational Attributes | Fiscal Condition |
| * Availability | * Load Factors | * Farebox Recovery |
| * Directness | * Bus Stop Spacing | * Productivity |
| * Route Branching/Turnbacks | * Dependability | * Evaluation of New Services |
| * Span | * Passenger Shelters |  |
| * Frequency |  |  |

When asked how the standards and policies were being used to guard against discriminatory service design or operations decisions, as described in the Circular, JTA indicated that the document was a draft and that standards and policies were not being currently utilized. In addition, JTA did not provide documentation that it had a written vehicle assignment policy.

Following the site visit, JTA provided a document entitled “JTA Service Standards” that had some updates to the “JTA Proposed Service Standards” previously submitted. The “JTA Service Standards” included the standards as described in FTA Circular 4702.1A. In addition, JTA provided a document entitled “Bus Assignment Policy”, dated 09/22/09 and signed by the JTA Executive Director. These system-wide standards and policies are adequate to meet FTA requirements. The deficiency in this area is now closed.

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 JTA, deficiencies were found regarding JTA’s compliance with FTA requirements for Evaluation of Service and Fare Changes. During the Review, JTA provided summaries of the equity evaluations of fare and service changes occurring on the following dates:

Fare Change:

* September 2007

Service Changes:

* November 6, 2006
* February 5, 2007
* April 16, 2007
* September 3, 2007
* January 7, 2008
* May 2008
* August 2008

At the site visit, JTA did not provide documentation of the methodology it utilized to conduct equity evaluations of service and fare changes that resulted in the summaries of fare and service changes noted above.

The following table contains the elements required for the evaluation of service and fare changes:

| **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 OR SERVICE CHANGE ON MINORITY AND LOW-INCOME POPULATIONS. |
| *Service 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 |

Following the site visit, JTA provided a document entitled, “PROCESS FOR COMPLETING TITLE VI EQUITY ANALYSIS FOR PROPOSED FIXED ROUTE SERVICE CHANGES”, which gave the requirements, process, and format for how JTA completed its equity analysis for fixed route service changes. The document did not address equity evaluations of fare changes.

Subsequent to the issuance of the draft report, JTA provided a document entitled “PROCESS FOR COMPLETING TITLE VI EQUITY ANALYSIS FOR PROPOSED FARE CHANGES”, which gave the process for how JTA completed its equity analysis for fare changes. The deficiency in this area is now closed.

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 JTA, deficiencies were found regarding JTA’s compliance with FTA requirements for Monitoring Transit Service.  During the Review, JTA provided no documentation of Title VI monitoring as required by the Circular. The table below describes the elements required for Level of Service monitoring, one of four options in the Circular.

|  |
| --- |
| **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. |

During the site visit, JTA provided a spreadsheet entitled “SYSTEM REDESIGN CANDIDATES - APRIL 2008” that showed elements of service monitoring but the monitoring was not specific to Title VI requirements.

Following the site visit, JTA submitted a response to this deficiency, indicating that it would conduct the monitoring of its service, including contracting with a third party vendor to develop procedures and conduct the monitoring. This response also indicated that monitoring would begin within in the next four months and that periodic monitoring would be conducted every two years thereafter. The response did not describe the procedure it would utilize for monitoring transit service.

Subsequent to the issuance of the draft report, JTA provided a document entitled “JTA Service Monitoring Evaluation”, dated December 15, 2009, prepared for JTA by Runways Transportation Company. This service change monitoring evaluation monitored four performance measures for each bus route:

1. Peak Load Factor, an Operational attribute
2. Dependability, an Operational attribute
3. Farebox Recovery, a Fiscal Condition attribute
4. Productivity, a Fiscal Condition attribute

The JTA evaluation indicated that all fixed routes served low income and minority census tracts and did not make any distinction between minority and non-minority areas or low-income and non low-income areas. For example, the table on *JTA Peak Load Factor, Local Fixed Routes* showed the *AM Peak Load Factor* and the *PM Peak Load Factor* for each route. It did not “compare” the load factors in the minority and low income areas to those in the non-minority and non-low income areas to ensure that the end result of policies and decision making is equitable service, as required by the Circular.

Chapter V.5 Requirement to Monitor Transit Service of Circular 4702.1A states that:

*…recipients to which this applies shall monitor the transit service provided throughout the recipient’s service area. Periodic service monitoring activities shall be undertaken to compare the level and quality of service provided to predominately minority areas with service provided in other areas to ensure that the end result of policies and decision making is equitable service.*

The monitoring evaluation that was submitted did not compare the level and quality of service provided to predominantly minority areas with service provided to other areas to ensure that the end result of policies and decision making is equitable service as required by the Circular.

**Corrective Actions and Schedules**: Within 120 days, JTA must submit to the FTA Region IV Civil Rights Officer documentation that it has:

* Developed procedures to monitor JTA public transit service using one of the four options outlined in the Circular (Chapter V.5) to compare the level and quality of service provided to predominantly minority areas with service provided to other areas to ensure that the end result of policies and decision making is equitable service, and
* Conducted the initial transit service monitoring.

**VII. SUMMARY OF FINDINGS AND CORRECTIVE ACTIONS**

| **Title VI Requirements For Transit Providers** | **Findings** | **Description of Deficiencies** | **Corrective Action(s)** | **Response Days/Date** | **Date Closed** |
| --- | --- | --- | --- | --- | --- |
| **GENERAL REQUIREMENTS** | | | | | |
| 1. Inclusive Public Participation | ND |  |  |  |  |
| 1. Language Access to LEP Persons | ND |  |  |  |  |
| 1. Title VI Complaint Procedures | ND |  |  |  |  |
| 1. Record of Title VI Investigations, Complaints, and Lawsuits | ND |  |  |  |  |
| 1. Notice to Beneficiaries of Protection Under Title VI | ND |  |  |  |  |
| 1. Annual Title VI Certification and Assurance | ND |  |  |  |  |
| 1. Environmental Justice Analysis of Construction Projects | D | Inadequate Title VI environmental justice analysis performed | JTA must submit to the FTA Region IV Civil Rights Officer procedures ensuring that an Environmental Justice analysis is conducted for construction in accordance with the guidance in FTA Circular 4702.1A. | 90 Days | 10/19/09 |
| 1. Submit Title VI Program | D | Other - Inadequate Title VI Program Submission | JTA must submit to the FTA Region IV Civil Rights Officer a Title VI Program update that contains all the required elements of FTA Circular 4702.1A. | 120 Days | 12/17/09 |
| **PROGRAM-SPECIFIC REQUIREMENTS** | | | | | |
| 1. Demographic Data | D | Demographic data lacking | JTA must submit to the FTA Region IV Civil Rights Officer a Title VI Program update that contains all the required elements of FTA Circular 4702.1A, including the appropriate demographic data. | 120 Days | 10/19/09 |
| 1. Systemwide Service Standards and Policies | D | Service standards and/or policies lacking | JTA must submit to the FTA Region IV Civil Rights Officer a Title VI Program update that contains all the required elements of FTA Circular 4702.1A, including systemwide service standards and policies that are being utilized by JTA to guard against discriminatory service design or operations decisions, as described in FTA Circular 4702.1A. | 120 Days | 10/19/09 |
| 1. Evaluation of Service and Fare Changes | D | Impact of fare and/or service changes not adequately examined | JTA must submit to the FTA Region IV Civil Rights Officer written procedures of the methodologies it utilized to conduct its equity evaluations of fare changes. | 90 Days | 12/17/09 |
| 1. Monitoring Transit Service | D | No procedures for monitoring level or quality of service | JTA must submit to the FTA Region IV Civil Rights Officer documentation that it has:   * Developed procedures to monitor JTA public transit service using one of the four options outlined in the Circular (Chapter V.5) to compare the level and quality of service provided to predominantly minority areas with service provided to other areas to ensure that the end result of policies and decision making is equitable service, and * Conducted the initial transit service monitoring. | 120 Days |  |

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

| **NAME** | **TITLE/**  **ORGANIZATION** | **PHONE** | **E-MAIL** |
| --- | --- | --- | --- |
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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-1)
2. This represents the LEP population of Duval County. [↑](#footnote-ref-2)