

PORT AUTHORITY TRANS-HUDSON CORPORATION

MINUTES

Thursday, May 28, 2015

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MINUTES of the Meeting of Port Authority Trans-Hudson Corporation held Thursday, May 28, 2015 at 150 Greenwich Street, City, County and State of New York

PRESENT:

NEW JERSEY

Hon. John J. Degnan, Chairman
 Hon. Richard H. Bagger
 Hon. George R. Laufenberg
 Hon. Raymond M. Pocino
 Hon. William P. Schuber
 Hon. David S. Steiner

Patrick J. Foye, President
 Darrell B. Buchbinder, Counsel

Thomas E. Belfiore
 John Bilich
 Thomas L. Bosco
 Steven J. Coleman
 Nicole Crifo
 Stephanie E. Dawson
 Erica Dumas
 Karen E. Eastman
 Michael A. Fedorko
 Sean M. Fitzpatrick
 Michael B. Francois
 Cedrick T. Fulton
 David P. Garten
 Lash L. Green
 Jacqueline Grossgold
 Glenn P. Guzi
 Linda C. Handel
 Mary Lee Hannell
 Brian Jacob
 Howard G. Kadin
 David Kagan
 James R. Kleeman
 Cristina M. Lado
 Richard M. Larrabee
 William Laventhal
 Huntley Lawrence
 Diana Lopez
 John H. Ma
 Stephen Marinko
 Ronald Marsico
 Angel Martinez
 Michael G. Massiah
 Daniel G. McCarron
 Elizabeth M. McCarthy

NEW YORK

Hon. Scott H. Rechler, Vice-Chairman
 Hon. Kenneth Lipper
 Hon. Jeffrey H. Lynford
 Hon. Jeffrey A. Moerdler
 Hon. Rossana Rosado

James E. McCoy
David J. McGrath
Carlene V. McIntyre
Steven A. Pasichow
Ida Perich
Timothy Pullen
Lysa Scully
Laurie Spencer
K. Ocean Stokes
Ralph Tragale
Lillian D. Valenti
Sheree R. Van Duyne
Ian R. Van Praagh
Cheryl A. Yetka
William Young
Peter J. Zipf

Guests:

John Spinello
Michael Wojnar

Speakers:

DaQuan Allen
Richard Anderson
Desai Bhairavi
Murray Bodin
Rev. Malachia Brantley
Michael Carey
Gertrudes Contreas
Margaret Donovan
Hon. Robert M. Gordon
Richard Hughes
Papu Kandu
Eduardo Lopez
William Mansfield
Isabel Marte
Luis Sanchez
Kalev Savi
Neile Weissman

The public meeting was called to order by Chairman Degnan at 1:17 p.m. and ended at 2:38 p.m. The Board also met in executive session prior to the public session.

Action on Minutes

Counsel submitted for approval Minutes of the meeting of March 19, 2015. He reported that copies of these Minutes were delivered to the Governors of New York (in electronic form) and New Jersey (in paper form) on March 20, 2015. Counsel reported further that the time for action by the Governors of New York and New Jersey expired at midnight on April 6, 2014.

Whereupon, the Board unanimously approved the Minutes of the meeting of March 19, 2015.

Report of Committee on Operations

The Committee on Operations reported, for information, on matters discussed in public session at its meeting on May 28, 2015, which included discussion of an item to approve the triennial submission of the Port Authority's Title VI/Nondiscrimination Program and authorize the submission of the Program report to the Federal Transit Administration on behalf of Port Authority Trans-Hudson Corporation, and the report was received.

2015 PORT AUTHORITY TITLE VI PROGRAM - TRIENNIAL REPORT TO THE FEDERAL TRANSIT ADMINISTRATION

It was recommended that the Board approve, on behalf of Port Authority Trans-Hudson Corporation (PATH), The Port Authority of New York and New Jersey's 2015 Title VI/Nondiscrimination Program (Title VI Program) pertaining to compliance with Title VI of the federal Civil Rights Act of 1964, and, in connection therewith, approve PATH's: (1) system-wide standards and policies; (2) Major Service Change Policy and Disproportionate Burden / Disparate Treatment Policies; and (3) transit service monitoring program and results. It was recommended, further, that the Board authorize the President of PATH to approve, on behalf of PATH, the Port Authority's Title VI Program and PATH's standards, policies, and transit service monitoring program and results in connection therewith, in the future, as required by the Federal Transit Administration (FTA). Future triennial Title VI Programs will be filed with the Board at the time of their submission to the FTA.

A companion item is being submitted to the Port Authority's Board of Commissioners at its meeting today requesting approval of the 2015 Title VI Program on behalf of the Port Authority.

The FTA requires that "Transit Providers," as defined by the FTA, approve a 2015 Title VI Program, and related requirements, prior to submission of such program to the FTA for approval.

Compliance with federal grant requirements, including Title VI nondiscrimination requirements, is a prerequisite to eligibility for federal aid. Therefore, the FTA's approval of the 2015 Title VI Program would enable PATH to apply for and receive federal aid to help fund public transportation projects that benefit the region.

Since October 2001, the FTA has awarded over \$3 billion in financial assistance to the Port Authority and PATH for projects related to public transportation. U.S. Department of Transportation (USDOT) nondiscrimination regulations, entitled *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964* (49 CFR Part 21), require, among other things, that recipients of federal assistance document their compliance with the regulations by submitting a Title VI Program to the FTA once every three years, or as otherwise directed by the FTA.

Accordingly, in September 2012, the Port Authority submitted its 2012 Title VI Program, inclusive of requirements related to PATH, in accordance with then applicable FTA guidance set forth in FTA Circular 4702.1A. The 2012 Title VI Program, which the FTA approved on November 19, 2012, expires on November 30, 2015. The 2015 Title VI Program must be submitted by October 1, 2015, 60 days prior to the expiration of the 2012 Title VI Program.

In October 2012, the FTA issued FTA Circular 4702.1B, entitled *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*, which supersedes FTA Circular 4702.1A. Although each USDOT Operating Administration has unique Title VI compliance and reporting requirements, the FTA's revised Circular includes for the first time a mandate that the governing board or an official responsible for policy decisions approve the recipient's Title VI Program and its related public transportation standards, policies and monitoring requirements and results prior to submission to the FTA.

PATH, as a Transit Provider operating a commuter rail service with 50 or more vehicles in an urbanized zone area with a population of 200,000 or more, must report its compliance with the following requirements in connection with the Title VI Program every three years:

1. set system-wide service standards and policies;
2. collect and report demographic data (demographic and service profile maps and charts, and survey data regarding customer demographics and travel patterns);
3. evaluate service and fare changes; and
4. establish a Transit Service Monitoring Program to compare the level of service provided to predominantly minority areas with the level of service provided to predominantly non-minority areas, to ensure that the end result of policies and decision-making is equitable.

PATH currently complies with the above requirements and will continue to comply with the requirements set forth in the applicable FTA Circulars over each respective three-year reporting period.

Pursuant to the foregoing report, the Board adopted the following resolution, with Directors Bagger, Degnan, Laufenberg, Lipper, Lynford, Moerdler, Pocino, Rechler, Rosado, Schuber and Steiner voting in favor. Counsel confirmed that sufficient affirmative votes were cast for the action to be taken, a quorum of the Board being present.

RESOLVED, that The Port Authority of New York and New Jersey's 2015 Title VI/Nondiscrimination Program, including Port Authority Trans-Hudson Corporation's (PATH's) related public transportation standards, policies and monitoring requirements, be and it hereby is approved, for and on behalf of PATH; and it is further

RESOLVED, that the President of PATH be and he hereby is authorized, for and on behalf of PATH, to approve the Title VI/Nondiscrimination Program, including related public transportation standards, policies and monitoring requirements, in the future, as required by the Federal Transportation Administration; and it is further

RESOLVED, that the form of any agreements and other documents necessary in connection with the foregoing shall be subject to the approval of Counsel or his authorized representative.

Whereupon, the meeting was adjourned.

Counsel