Memorandum

MIAMI-DADE COUNTY

Date: September 4, 2014

To: Honorable Chairwoman Rebeca Sosa and Members
Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Status Report: Miami-Dade Transit Federal Contracts

This report is provided in response to a request for an update on Miami-Dade Transit's (MDT) oversight process for projects funded by the Federal Transit Administration (FTA); inclusive of the FTA Section 5307 American Recovery and Reinvestment Act (ARRA) of 2009. Please find below, responses to specific questions received from Commissioner Jordan's office, as well as an attached listing of MDT's internal and external FTA 5307 ARRA-funded projects.

In summary, MDT is responsible for the implementation of 10 internal projects and project oversight management of various external projects for 24 municipalities (which includes the purchase of buses, bus shelters and other transit enhancements).

1. What is MDT's oversight responsibility when serving as administrator for pass-through federal funding?

   As an administrator for pass-through FTA ARRA and any other federal grant program funding, MDT is responsible for ensuring the pass-through recipient's compliance with all federal laws, regulations and directives (i.e. Title VI, Americans with Disabilities Act, Federal Civil Rights Act, Drug and Alcohol Testing). Additional responsibilities include monitoring and ensuring satisfactory continuing control and proper maintenance of the assets throughout the life of the assets. As a result of the diverse nature of compliance requirements, applicable MDT divisions work in concert with MDT Grants Administration to monitor sub-recipients' compliance and report on sub-recipients' performance. MDT Grants Administration also provides support to the responsible division of MDT in the areas of expected sub-recipient performance, compliance monitoring processes, documentation standards, reporting of issues and all required follow-up activities.

   On August 24, 2010, MDT was awarded approximately $70 million in FTA Section 5307 ARRA grant program funds, of which 20% was approved by the Miami-Dade Board of County Commissioners (Board) for use as pass-through funding by municipalities in Miami-Dade County (R-603-09). Interlocal Agreements were entered into between MDT and each municipality (sub-recipient) and detailed the federal requirements applicable to the asset acquired.

2. What is MDT's responsibility in addressing any concerns (community, legal, etc.) when serving as administrator for pass-through federal funding?

   MDT is ultimately responsible to the FTA for ensuring its sub-recipients' compliance and addressing any concerns regarding pass-through grant assets, including ensuring that appropriate corrective actions are properly implemented.

3. What is the review process for entities receiving the pass-through ARRA funding; particularly ensuring that no Civil Rights violations have occurred?

The MDT Office of Civil Rights and Labor Relations has compliance oversight responsibility for Title VI, Title VII and the Americans with Disabilities Act (ADA) to ensure that no civil rights violations occur. All sub-recipients are required to complete and submit Title VI and Title VII Municipality Checklists which reflects each municipality's compliance with the guidelines established by FTA.

Each participating municipality is also required to submit an FTA-compliant Title VI Plan to MDT which has been approved, per the guidelines set forth from FTA by each respective governing board or council. Participating municipalities are also required to adhere to the requirements set forth by the ADA. MDT's Office of Civil Rights ADA Unit is responsible for ensuring compliance. Furthermore, MDT's Office of Civil Rights, in conjunction with the MDT's Office of Quality Assurance, conducts periodic audits to ensure compliance.

USDOT regulations require that public transportation services be provided in a non-discriminatory manner. Both the USDOT and the FTA's Title VI guidance require that entities receiving Federal assistance, when determining the site or location of public transportation facilities, not make site selections with the purpose or effect of excluding persons from, denying them the benefits of, or subjecting them to discrimination with respect to, public transportation services, on the grounds of race, color, or national origin.

Per the regulations, in order to ensure compliance, entities receiving Federal assistance must, among other requirements, conduct a Title VI equity analysis for all public transportation facility siting decisions. A comprehensive analysis includes outreach to persons potentially impacted by the siting of a facility, and consideration of the equity impacts of various siting alternatives. If a potentially discriminatory impact is found, the transit agency must revise its plans in order to avoid or mitigate the discriminatory impact. If, upon taking mitigating actions and re-analyzing the proposed site selection, the transit agency determines that minority communities will continue to bear a disparate impact of the proposed site selection, the transit agency may implement the site selection only if the agency has a substantial legitimate justification for the site selection and can show that there are no alternatives which would have a less disparate impact on the minority community.

On October 28, 2013, MDT received a letter from the U.S. Department of Transportation (USDOT) and FTA advising the department of a Title VI Compliance Determination that determined that MDT, the City of Miami, and the City of Coral Gables were all out of compliance with Title VI requirements. This determination came as a result of the findings from an April 16, 2013 complaint from a group of Coconut Grove residents alleging that the siting of a new trolley maintenance facility in Coconut Grove, Miami, violated Title VI of the Civil Rights Act of 1964. USDOT and FTA determined, among other findings, that Coral Gables' plan to use the trolley maintenance facility to house their trolley's, including one trolley purchased with federal ARRA funds, "federalized" the trolley maintenance facility project even though no federal funds were used in the trolley facility. Specifically, no MDT pass through funds were utilized directly for the trolley facility. Nonetheless, in light of the federal determination, MDT has consulted extensively with both FTA as well as all pass-through recipients to ensure compliance with all federal conditions not only on directly-funded pass-through projects, but all services indirectly impacted by the use of pass-through funding.

After completing the investigation, the FTA determined that both the City of Coral Gables and the City of Miami were obligated to comply with Title VI when they approved the siting of the new maintenance facility, and that neither municipality complied with USDOT Title VI regulations because they each failed to conduct a Title VI Equity Analysis and Outreach during the planning stages of the project. Furthermore, it was determined that applicable governing body approved Title VI Plans were required of all participating ARRA-sub recipients. This would include the City of Coral Gables and the City of Miami.

On December 18, 2013, FTA issued another letter to MDT that included a Title VI Remedial Action Plan/Timeline for completion of the Title VI Action Plans. As of March 31, 2014, the FTA has indicated receipt of completed Title VI Plans from both municipalities which encompass all applicable requirements. As the direct recipient of federal funds from FTA, MDT is responsible for overseeing the completion of the requisite Title VI Equity Analysis and Outreach. MDT is currently working with the remainder of the participating municipalities to ensure that each one has a governing board approved Title VI Program in place.

4. Please provide information on whether all required actions were taken on other transit pass-through federal funding where MDT served as administrator in the past two years.

As a result of the previously mentioned incident, MDT immediately implemented additional oversight activities. For example, MDT conducted annual reviews of required System Safety Program and System Security Plans for each municipality that acquired a vehicle(s) using ARRA funds. In addition, MDT reviewed accident reports for three municipal ARRA-funded vehicles (two with the City of Hialeah and one from the City of Miami) that had a reportable incident during the prior 24 months.

Additionally, MDT has also completed four Quality Assurance (QA) reviews at the following cities with ARRA- funded vehicles: Miami, Hialeah/Hialeah Gardens, Coral Gables and Homestead. A fifth QA review is imminent and other municipal reviews are in the planning stages. QA reviews include, but are not limited to the following areas: maintenance, ADA, Drug and Alcohol Compliance, Ridership Reporting and Continuing Control of Assets.

Finally, MDT Grants Administration, in conjunction with applicable MDT divisions, continue to provide primary oversight for all on-going and completed ARRA grant projects. From the implementation of Standard Operating Procedures to the adherence of all federally mandated Civil Rights requirements, MDT has developed a system of checks and balances to ensure full compliance.

5. Federal Transit Administration (FTA) Determination regarding FTA Complaint No. 2013-1031.

FTA concluded that the City of Coral Gables had to develop and adopt a Title VI program and conduct a Title VI equity analysis regarding any new trolley facility. The City of Coral Gables, with oversight from MDT Office of Civil Rights, addressed the programmatic concerns and developed a Title VI program. On August 18, 2014, MDT received notification from the FTA that the City of Coral Gables will not take possession of the Coconut Grove trolley facility. . Confirmation that the City of Coral Gables will not take possession of the Coconut Grove trolley facility indicates that the City is no longer required to conduct an equity analysis regarding that property. This resolves the FTA's last remaining issue. In siting a temporary trolley facility in the same area as the current trolley facility, the City of Coral Gables has complied with Title VI requirements to MDT's and FTA's satisfaction. The City of Coral Gables has also acknowledged that before placement of any permanent trolley facility at another location, a full Title VI equity analysis must be conducted. Accordingly, there is no pending issue with the City of Coral Gables regarding the siting of its trolley facility but MDT maintains oversight responsibility to ensure the City of Coral Gables' compliance with Title VI and other relevant federal regulations going forward.

If you have any further questions, please contact Deputy Mayor Alina Hudak at 305-375-2531 or me at 305-375-1808.

Attachment

c: Alina T. Hudak, Deputy Mayor and Interim Director, Public Works and Waste Management
R. A. Cuevas, Jr., County Attorney
Ysela Llort, Director, Miami-Dade Transit

RECOVERIES REINVESTMENT ACT (ARRA) GRANTS		
GRANT #	AGENCY/MUNICIPALITY	PROJECT DESCRIPTION
FL-96-X028-02		
	Miami-Dade Transit	**Replacement of Metromover Station Canopies, Escalator & Elevators –** Erection of canopy covers over open air access escalators & concrete stairs at the Government Center Station & 5 Metromover Stations (College North, College Bayside, Wilkie D. Ferguson, Bayfront, First Street, Miami Avenue).
	Miami-Dade Transit	**Replacement of Hybrid Pool Vehicles** – Purchase of new & replacement pool vehicles.
	Miami-Dade Transit	**ADA Pedestrian Accessibility Improvements on South Miami-Dade Busway** – Construction of pedestrian accessibility improvements (sidewalks, ramps & crosswalks) at the SW 136th Street intersection and South Miami-Dade Busway.
	Miami-Dade Transit	**Upgrade Signage & Graphics for Metrorail** – Installation/upgrade of signage and graphics system at 20 Metrorail Stations (Dadeland South, Dadeland North, South Miami, University, Douglas Rd., Coconut Grove, Vizcaya, Brickell, OTV, Culmer, Civic Center, Santa Clara, Allapattah, Brownsville, MLK, Northside,Tri-Rail, Hialeah, Okeechobee, Palmetto).
	Miami-Dade Transit	**Installation of Wi-Fi System at Metrorail Stations –** Installation of wireless connectivity at all station platforms to provide free Wi-Fi services & LCD signs to provide real-time train arrival times, emergency and other pertinent station information.
	Miami-Dade Transit	**Kendall Enhanced Bus Service (Bus Purchase) –** Purchase of 3 (60-ft) hybrid diesel-electric buses to be used for the Kendall Enhanced Bus Service along the Kendall Drive corridor.
	Miami-Dade Transit	**Kendall Enhanced Bus Service** – MDT will acquire and implement Traffic Signal Priority (TSP) software that equips all buses with the ability to automatically perform coordinated TSP allowing communication with each of the traffic signal controllers along major corridors. This project will also facilitate software integration between the MDT Computer Aided Dispatch / Automated Vehicle Locator System and the Miami-Dade County's Advanced Traffic Management System.
	Miami-Dade Transit	**Upgrade Transit Operations System (TOS) –** Replacement of obsolete and antiquated Transit Operations System used to dispatch Bus Operators and track Bus Operator payroll.
	Miami-Dade Transit	**Replacement and Installation of Metromover CCTV Surveillance Infrastructure –** Installing new digital cameras at all Metromover Station platforms & providing local Network Video (NVR) recorders for 24/7 recording.
	Miami-Dade Transit	**Upgrade and Rehabilitation of the Palmetto Metrorail Station Traction Power Substation (TPSS)** – Replacement of the current Transit Operation System.
	Miami-Dade Transit	**Metromover Fiber Replacement** – Replacing & installing fiber optic cable throughout the Metromover system and giga-bit ethernet at all stations.
	City of Coral Gables	**Purchase Trolley**

RECOVERIES REINVESTMENT ACT (ARRA) GRANTS

GRANT #	AGENCY/MUNICIPALITY	PROJECT DESCRIPTION
FL-96-X028-02		
	City of Hialeah and Hialeah Gardens	**Purchase Buses**
	City of Homestead	**Purchase Trolley**
	City of Miami	**Purchase Trolleys**
	City of Miami Beach	**Purchase Trolleys**
	City of Sunny Isles	**Purchase Shuttle Buses**
	Town of Cutler Bay	**Purchase Trolley**
	City of Miami Gardens	**Purchase & Installation of Bus Shelters**
	Town of Miami Lakes	**Purchase & Installation of Bus Shelters**
	City of Homestead	**Purchase & Installation of Bus Shelters**
	City of Aventura	**Purchase & Installation of Bus Shelters**
	City of South Miami	**Purchase & Installation of Bus Shelters**
	City of North Miami	**Purchase & Installation of Bus Shelters**
	Town of Bay Harbor Islands	**Purchase & Installation of Bus Shelters**
	Village of El Portal	**Purchase & Installation of Bus Shelter**
	City of Florida City	**Purchase & Installation of Bus Shelters**
	City of Opa-Locka	**Purchase & Installation of Bus Shelters**
	Town of Surfside	**Purchase & Installation of Bus Shelters**
	City of Doral	**Purchase & Installation of Bus Shelters**
	Village of Virginia Gardens	**Purchase & Installation of Bus Shelters**

RECOVERIES REINVESTMENT ACT (ARRA) GRANTS		
GRANT #	AGENCY/MUNICIPALITY	PROJECT DESCRIPTION
FL-96-X028-02		
	City of North Miami Beach	**Purchase & Installation of Bus Shelters and stamped concrete walkway**
	City of North Bay Village	**Transit Enhancements** – Installation of curb ramps where sidewalks connect to transit stops for ADA accessibility improvements. Project also includes installation of signage, bus benches and trash receptacles.
	Village of Palmetto Bay	**Transit Enhancements** – Purchase & installation of 25 transit bus stops/signage.
	Miami Shores Village	**Transit Enhancements** – Purchase & installation of bus benches, bike racks, trash bins
	City of Miami Springs	**Transit Enhancements** – Purchase & installation of bus benches, bike racks, trash bins