

# EXECUTIVE SUMMARY



**To:** Bogdan Vitas, City Manager

**Cc:** David Fernandez, Assistant City Manager  
Shawn Smith, City Attorney

**From:** Norman Whitaker, Director / KWDoT

**Date:** March 24, 2014

**Subject:** Resolution to Approve and Adopt Triennial Updates - City of Key West Department of Transportation "Title VI / Civil Rights, Limited English Proficiency, Environmental Justice and Equal Employment Opportunity" Program Plan Documents; as required by Federal Transit Administration (FTA) regulations

---

## **Action Statement:**

This is a request to approve and adopt a Resolution of Triennial Update to Program Plans for "Title VI / Civil Rights, Limited English Proficiency (LEP), Environmental Justice (EJ) and Equal Employment Opportunity (EEO) Program Plan Documents, as are required for grant funding compliance of the Federal Transit Administration (FTA) and the Florida Department of Transportation (FDOT).

## **Project History:**

Title VI of Civil Rights Act of 1964 prohibits discrimination in programs and activities which receive Federal and/or State funding. To assure recipients of public transportation services are provided said services free of discrimination; FTA and FDOT require recipients, and sub-recipients, to provide and enact a Title VI / Civil Rights program plan policy. The LEP, EJ and EEO Programs are complimentary to the Title VI Plan requirements. These program plans require annual revision should conditions change; but otherwise only require formal rewrite and update on a triennial (or every third year) period.

KWDoT first submitted and received approval of their Title VI Program Plan documents in June of 2005, and again updated those documents in 2008 and in 2011. KWDoT requests approval of our fourth (4th) Triennial Update to said Program Plan Documents.

## **Option #1:**

Option #1 would see the City approve and adopt required Title VI / Civil Rights Program(s), et al, for submission to FTA and FDOT as required. This is staff's recommended option.

## **Advantages**

The advantage to passing this resolution ensures the City of Key West will continue to receive funding from FTA and FDOT to operate a public transit system with full program compliance.

There will be no lapse in funding or reimbursement of eligible expenses moving forward from the 2014 period, covering both operating and capital project assistance.

These Program Plan documents are valid for a three (3) year period. They are not due again to FTA or FDOT until June 2017.

**Disadvantages**

There are no apparent disadvantages to Option #1.

**Fiscal Impact**

The fiscal impact of approval and adoption of Option #1 is that the City continues to operate as a fully compliant public transit provider; and, grant funding reimbursements continue to provide assistance of eligible expense.

**Option #2:**

Option #2 would see the City not approve the requested Resolution and risk a lapse in time that expenses of public transit services will not be eligible for reimbursement. This is not a recommended option.

**Advantages**

There is no advantage to not approving the requested Resolution.

**Disadvantages**

The disadvantage of not passing this resolution would be the fiscal impact (see below).

**Fiscal Impact**

The fiscal impact of not approving and submitting the Triennial Update to KWDOT's Title VI / Civil Rights various Program Plan documents would be severe as the City would stand to lose Federal and State transit-related grant funding, which averages about \$730,000.00 per year in operating and much more in capital project dollars, varying from FY period to FY period. Most often these funds require zero or no match at all.

**Recommendation:**

KWDOT recommends Option #1 at this time.

CH/nw

Attachments

File: Executive Summary (Title VI / Civil Rights, LEP, EJ & EEO Triennial Update) 2014-03-24