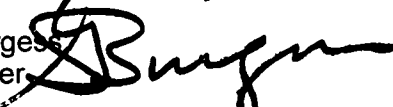


# Memorandum



**Date:** March 01, 2011

**To:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**From:** George M. Burgess  
County Manager 

**Subject:** Resolution Authorizing the Execution of a Supplemental Joint Participation Agreement in the Amount of \$467,500 with the Florida Department of Transportation to Provide Additional State Funding for the Operation of the Flagler MAX Bus Route Service

Agenda Item No. 8(J)(1)(E)

## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (Board) authorize the execution of a Supplemental Joint Participation Agreement (SJPA) in substantially the form attached, with the Florida Department of Transportation (FDOT) to provide \$467,500 in additional State funds for a State Transit Corridor project operating as the Flagler MAX bus route service. It is further recommended that the Board authorize the receipt and expenditure of funds as specified in this agreement. No local match is required for this program.

## **SCOPE**

While this route runs through County Commission Districts 5, 6, 7, 10, 11, and 12, the impact of the project benefits the riding public and is therefore, countywide.

## **FISCAL IMPACT/FUNDING SOURCE**

Under the State Transit Corridor program, FDOT is providing \$467,500 to support continued operation of the Flagler MAX (Route #51). No local match is required. The additional funding of \$467,500 provided by this SJPA increases the overall State contribution, since the inception of the Flagler MAX in 1993, to \$11,895,082.

The current and future on-going annual operating cost for the Flagler MAX bus route service is approximately \$3 million. The balance of the operating cost for this route is provided through the Miami-Dade Transit (MDT) Operating budget and is budgeted within its 29.2 million revenue miles.

## **TRACK RECORD/MONITOR**

MDT has entered into numerous funding agreements with FDOT over the course of more than 25 years. The Project Manager for this SJPA is Carlos de la Torre, Acting Budget Chief, MDT Financial Services.

## **DELEGATED AUTHORITY**

In accordance with Section 2-8.3 of the Miami-Dade County Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution which include authority for the Mayor, his designee or the MDT Director to execute the agreement and receive and expend these and any additional funds should they become available.

## **BACKGROUND**

Chapter 341 of the Florida Statutes provides State Transit Corridor funding to relieve traffic congestion and improve road capacity within identified transportation corridors. The Flagler MAX was inaugurated in January 1993, with an initial Transit Corridor Joint Participation Agreement (JPA). FDOT has since

provided financial assistance for the operation of the Flagler MAX bus route service with supplemental funding each year.

This route provides weekday service with limited stops between the western portion of Miami-Dade County, primarily along West Flagler Street, and Downtown Miami. For the first nine (9) years of operation (1993-2002), the Flagler MAX operated peak hours only and averaged 1,800 boardings per day. In 2002, midday service was added and the current average weekday boarding is 3,200.

The most recent Board actions prior to this SJPAs in support of funding for this route were authorized by Resolution No. R-1337-05 (December 6, 2005) for \$450,000, Resolution No. R-1287-06 (November 28, 2006) for \$450,000 and Resolution No. R-104-08 (February 5, 2008) for \$450,000. The State has provided on-going funding in earlier years of a generally similar amount.

Please note that the \$4,672,910 total in the attached agreement only reflects FDOT contributions from 2002, when the initial JPA was closed and the current JPA executed. The initial JPA for this project provided a total of \$7,222,172 in State funding for this project. Since the inception of the Flagler MAX in 1993, FDOT has provided a total of \$11,895,082 to date in support of this route through on-going annual allocations.

  
Assistant County Manager



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** March 1, 2011

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 8(J)(1)(E)

Please note any items checked.

- \_\_\_\_\_ **“3-Day Rule” for committees applicable if raised**
- \_\_\_\_\_ **6 weeks required between first reading and public hearing**
- \_\_\_\_\_ **4 weeks notification to municipal officials required prior to public hearing**
- \_\_\_\_\_ **Decreases revenues or increases expenditures without balancing budget**
- \_\_\_\_\_ **Budget required**
- \_\_\_\_\_ **Statement of fiscal impact required**
- \_\_\_\_\_ **Ordinance creating a new board requires detailed County Manager’s report for public hearing**
- \_\_\_\_\_ **No committee review**
- \_\_\_\_\_ **Applicable legislation requires more than a majority vote (i.e., 2/3’s \_\_\_\_\_, 3/5’s \_\_\_\_\_, unanimous \_\_\_\_\_) to approve**
- \_\_\_\_\_ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved \_\_\_\_\_ Mayor

Agenda Item No. 8 (J) (1) (E)

Veto \_\_\_\_\_

3-1-11

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO PROVIDE ADDITIONAL STATE FUNDING IN THE AMOUNT OF \$467,500 FOR OPERATION OF THE FLAGLER MAX BUS ROUTE SERVICE; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS AS SPECIFIED IN THE SJPA; AND AUTHORIZING RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, the State of Florida is authorized to enter into agreements to provide State funding for transportation programs and projects,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** This Board approves the agreement between Miami-Dade County and the Florida Department of Transportation (FDOT), in substantially the form attached hereto and made a part hereof, to provide \$467,500 in additional funding to support the operation of the Flagler MAX, a State Transit Corridor project.

**Section 2.** This Board further authorizes the County Mayor, or Mayor’s designee, or Miami-Dade Transit Director, to execute such contracts and agreements as are approved by the County Attorney’s Office; to receive and expend funds in accordance with such aforementioned contracts and agreements; to receive and expend any additional funds should they become available; and to file and execute any additional agreements, revisions, or amendments as required to carry out the projects for and on behalf of Miami-Dade County, Florida.

**Section 3.** The County staff is authorized to furnish such additional information as the FDOT may require in connection with the application for the improvement.

The foregoing resolution was and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 1<sup>st</sup> day of March, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.


MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

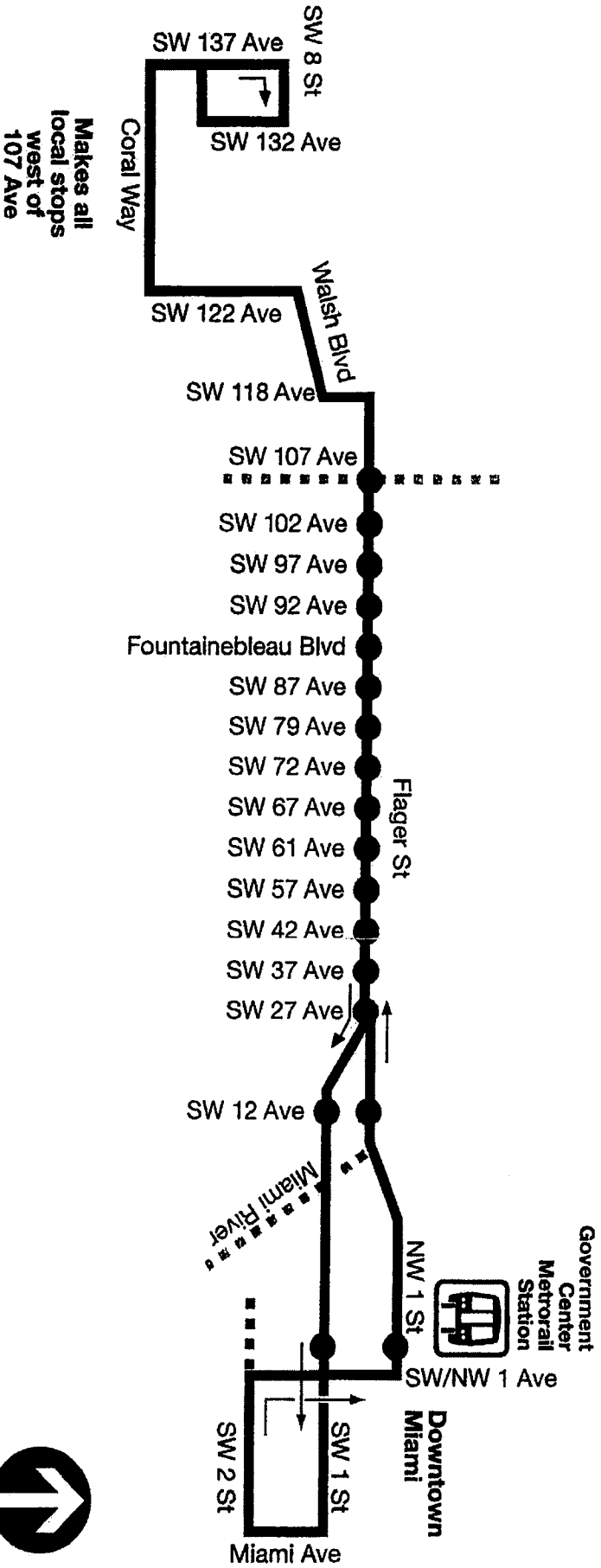
Approved by County Attorney  
as to form and legal sufficiency.

Bruce Libhaber



# Route 51 Flagler MAX

● LIMITED STOPS



Makes all local stops west of 107 Ave



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
**PUBLIC TRANSPORTATION**  
**SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT**  
**Number NINE**

725-030-07  
 PUBLIC TRANSPORTATION  
 04/07  
 Page 1 of 4

Financial Project No.: <u>40963718410</u> <small>(item-segment-phase-sequence)</small> Contract No.: <u>AK441</u> Catalog of Federal Domestic Assistance Number: _____	Fund: <u>DPTO</u> Function: <u>632</u> Federal No.: <u>N/A</u> DUNS No.: <u>N/A</u> Catalog of Federal Domestic Assistance Number: <u>N/A</u>	FLAIR Category: <u>088774</u> Object Code: <u>750013</u> Org. Code: <u>55062020629</u> Vendor No.: <u>F596000573129</u> Catalog of State Financial Assistance Number: <u>55.013</u>
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THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter referred to as the Department, and MIAMI-DADE TRANSIT  
701 NW First Court, Suite 1300, Miami, FL 33136  
 hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on the 11th day of March, 2002, entered into a Joint Participation Agreement; and

WHEREAS, the Agency desires to accomplish certain project items as outlined in the Attachment "A" appended hereto; and

WHEREAS, the Department desires to participate in all eligible items for this project as outlined in Attachment "A" for a total Department Share of \$4,672,910.00

NOW, THEREFORE THIS INDENTURE WITNESSETH: that for and in consideration of the mutual benefits to flow from each to the other, the parties hereto agree that the above described Joint Participation Agreement is to be amended and supplemented as follows:

**1.00 Project Description:** The project description is amended

Provide additional State Transit Corridor Program funding for continuation of the Flagler MAX (Bus Route No. 51) from western Miami-Dade County to Miami Beach. State Participation Rate is 100%. All other terms and conditions remain unchanged.

**2.00 Project Cost:**

Paragraph 3.00 of said Agreement is increased by \$467,500.00  
bringing the revised total cost of the project to \$ 4,672,910.00

Paragraph 4.00 of said Agreement is increased by \$467,500.00  
bringing the Department's revised total cost of the project to \$ 4,672,910.00

**3.00 Amended Exhibits:**

Exhibit(s) B of said Agreement is amended by Attachment "A".

**4.00 Contract Time:**

Paragraph 18.00 of said Agreement December 31st, 2011



Financial Project No. 40963718410

Contract No. AK441

Agreement Date \_\_\_\_\_

Except as hereby modified, amended or changed, all other terms of said Agreement dated March 11th 2002 and any subsequent supplements shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

AGENCY

Miami-Dade Transit  
AGENCY NAME

\_\_\_\_\_  
SIGNATORY (PRINTED OR TYPED)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
TITLE

FDOT

See attached Encumbrance Form for date of Funding Approval by Comptroller

\_\_\_\_\_  
LEGAL REVIEW  
DEPARTMENT OF TRANSPORTATION

\_\_\_\_\_  
DEPARTMENT OF TRANSPORTATION

District 6 Director of Transportation Development  
TITLE

Bruce Zilhaber  
Approved as to form and  
legal sufficiency

Financial Project No. 40963718410  
 Contract No. AK441  
 Agreement Date \_\_\_\_\_

**ATTACHMENT "A"  
 SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT**

This Attachment forms an integral part of that certain Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation and Miami-Dade Transit  
701 NW First Court, Suite 1300, Miami, FL 33136  
 dated 3/11/2002

**DESCRIPTION OF SUPPLEMENT (Include justification for cost change):**

Increase State participation by \$467,500.00. Amended project cost is increased by \$467,500.00 to \$4,672,910.00. Agreement expiration date remains December 31, 2011.

I. Project Cost:	As Approved	As Amended	Net
	\$4,205,410.00	\$4,672,910.00	\$467,500.00
<b>Total Project Cost</b>	<b>\$4,205,410.00</b>	<b>\$4,672,910.00</b>	<b>\$467,500.00</b>
I. Fund	As Approved	As Amended	Net
Department:	\$4,205,410.00	\$4,672,910.00	\$467,500.00
Agency:	\$0.00	\$0.00	\$0.00
	\$0.00	\$0.00	\$0.00
<b>Total Project Cost</b>	<b>\$4,205,410.00</b>	<b>\$4,672,910.00</b>	<b>\$467,500.00</b>

Comments:

Carson, Ed

From: The job FI989NDR  
Sent: Tuesday, August 10, 2010 9:41 AM  
To: Carson, Ed  
Subject: FUNDS APPROVAL/REVIEWED FOR CONTRACT AK441

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
FUNDS APPROVAL

Contract #AK441 Contract Type: AH Method of Procurement: G  
Vendor Name: MIAMI-DADE TRANSIT  
Vendor ID: VF596000573129  
Beginning date of this Agmt: 03/11/02  
Ending date of this Agmt: 12/31/11  
Contract Total/Budgetary Ceiling: ct = \$4,672,910.00

\*\*\*\*\*

Description:

40963718410; Additional funding for FLAGLER MAX (#51) bus route operating Assistance. Transit Corridor Program. 100% SPR. SJPA #9.

\*\*\*\*\*

ORG-CODE \*EO \*OBJECT \*AMOUNT \*FIN PROJECT \*FCT \*CFDA  
(FISCAL YEAR) \*BUDGET ENTITY \*CATEGORY/CAT YEAR  
AMENDMENT ID \*SEQ. \*USER ASSIGNED ID \*ENC LINE(6S)/STATUS  
\*\*\*\*\*

Action: SUPPLEMENTAL Funds have been: APPROVED

55 062020629 \*PT \*750013 \* 467500.00 \*40963718410 \*632 \*  
2011 \*55100100 \*088774/11  
S009 \*00 \* NINE \*0012/04

-----  
TOTAL AMOUNT: \*\$ 467,500.00 \*  
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FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER  
DATE: 08/09/2010

MIAMI-DADE COUNTY  
 BOARD OF COUNTY COMMISSIONERS  
 OFFICE OF THE COMMISSION AUDITOR



Legislative Notes

Agenda Item: 8(J)1(A), 8(J)1(C), 8(J)1(D), and 8(J)1(E)

File Number: 110069, 102791, 110066, and 110082

Committee(s)  
 of Reference: Board of County Commissioners

Date of Analysis: February 3, 2011

BCC Agenda No.	8J1A 110069	8J1C 102791	8J1D 110066	8J1E 110082
Transit Corridor	I-95 Dade-Broward <sup>1</sup> Bus Rapid Transit (BRT)	Dade-Monroe	South Miami-Dade	Flagler Max
Proposed Resolution	Grant funding for FY 2009 Congestion Mitigation Air Quality for operation assistance for the I- 95 Dade-Broward Express Bus Service	Authorizes the execution of a Joint Participation Agreement with FDOT to provide funding from its Commuter Assistance Program	Authorizes the execution of a Supplemental Joint Participation Agreement to provide additional State funding	Authorizes the execution of a Supplemental Joint Participation Agreement to provide additional State funding
Funding	\$1,764,985 from the U.S. Dept. of Transportation. This is the expected funding from the FTA to operate the route for a total of \$2.2 million. (See R-677-09)	\$250,000 from FDOT and a local match by MDT of \$250,000 from its operating budget.	\$467,500 from FDOT; no local match is required.	\$467,500 from FDOT; no local match is required.
Service per day	FY 2009 Broward County Transit (BCT) – 24 trips per day  FY 2009 MDT Service (No service in 2009)  FY 2010, MDT-80 trips per day, BCT – 30 trips per day	Service is provided seven days a week between 5:15 am to 1:20 am.	Weekday 645 trips  Saturday 281 trips  Sunday 157 trips  All these trips are one-way trips.	Provides weekday services with limited stops.
Bus Trips and Route Information	According to MDT staff, the BRT routes from MDC into Broward originate from Downtown Miami to Sheridan Street (40 trips) and to Broward Blvd (40 trips).	17 trips operate between the Super Wal-Mart in Florida and Mile Marker 98 in Key Largo; all but one of these trips serves Tavernier; 13 trips are extended to serve Islamorada; and six trips are further extended to provide service all the way to Marathon.	Coral Reef MAX (Route 252) Saga Bay MAX (Route 287) Busway Local (Route 31) Route 1 Busway MAX (Route 38)	The Flagler Max Route stops between the western portion of MDC, primarily along West Flagler Street and Downtown Miami.
Boardings	According to MDT staff: FY 2010, 134,341 boardings FY 2011, (Oct thru Dec 2010) – 55,465 boardings FY 2011 Projected – 220,000 boardings	This route averages 26,000 boardings.	These routes currently average approximately 12,000 weekday boardings.	The current average weekday boarding is 3,200.
Fare Rates	According to MDT staff: FY 2010-11 MDT fares 1 way - \$2.35, roundtrip - \$4.70	Miami-Dade Transit Fares Schedule Effective December 13, 2009	Miami-Dade Transit Fares Schedule Effective December 13, 2009	Miami-Dade Transit Fares Schedule Effective December 13, 2009

Source: MDT Staff

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<sup>1</sup> According to MDT staff, there are 16 60ft. diesel electric hybrid buses, used on the routes, which were paid for by FDOT and FTA.

In response to questions from the Office of the Commission Auditor pertaining to how much has been expended on outreach activities and marketing materials, since the inception of the Dade-Monroe route service, MDT provided the information below:

<b>Outreach and Marketing Activities</b>	<b>Description</b>	<b>Costs</b>
Dade-Monroe Express Route Guides	386,000 total in 14 printings since 2000	\$37,000
Rider Alerts announcing the service and changes	Produced in-house 2000, 2002, 2006, 2007	Cost not included.
Initial signage for bus stop decals where the route goes in Florida City	Produced 2,000 signage for bus stop decals	\$180
Flyers informing riders of new fareboxes and EASY Cards	2,500 printed in November 2010	\$2,056
Posters informing riders of new fareboxes and EASY Card	Nine posters produced in-house November 2010	\$315
Fare media board for American Coach to distribute to drivers	Delivered electronically November 2010	\$ 70
New signage with destinations and fareboxes	186 vinyl decals produced 2011	\$1,200

Prepared by: Michael Amador-Gil