

# Memorandum



**Date:** June 7, 2011

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

**From:** Alina T. Hudak  
County Manager

**Subject:** Resolution Authorizing the Execution and Filing of Two Grant Applications with the United States Department of Transportation, Federal Transit Administration for up to \$70,000,000 in Fiscal Year 2011 Urbanized Section 5307 Formula and Section 5309 Fixed Guideway Modernization (FGM) Grant Program Funds

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

## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (Board) authorize the execution and filing of two grant applications on behalf of Miami-Dade County with the United States Department of Transportation (USDOT), Federal Transit Administration (FTA) for up to \$70,000,000 in Fiscal Year (FY) 2011 Urbanized Section 5307 Formula and Section 5309 Fixed Guideway Modernization (FGM) grant program funds. The total amount requested includes up to approximately \$52,000,000 in FY 2011 Formula funds and up to approximately \$18,000,000 in FY 2011 FGM funds.

It is further recommended that the Board authorize this grant agreement pursuant to the application, as well as the receipt and expenditure of funds as specified in the agreement.

A public hearing is required in accordance with FTA regulations.

## **SCOPE**

These funds will provide support for multiple bus and rail projects. Therefore, the impact of this grant is countywide.

## **FISCAL IMPACT/FUNDING SOURCE**

There will be no negative fiscal impact to the County since the required local match up to the amount of \$17 million will be provided by the Florida Department of Transportation (FDOT) through the use of State Toll Revenue Credits (TRC), as a "soft match".

Section 1111 of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) made permanent earlier statutory provisions, which permit a state to count as a credit for a project's local share certain expenditures that a state makes with toll revenues. Where applicable, Miami-Dade Transit (MDT) requests toll revenue credits from FDOT. Once an amount is approved, the toll revenue credit is incorporated with the Federal grant application to serve as the local match.

## **TRACK RECORD/MONITOR**

MDT has entered into numerous funding agreements with FTA over the course of twenty-five (25) years. The Project Manager for this grant 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 includes 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**

On August 10, 2005, President Bush signed the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU). SAFETEA-LU addresses the many challenges facing our transportation system today – challenges such as improving safety, reducing traffic congestion, improving efficiency in freight movement, increasing intermodal connectivity, and protecting the environment as well as laying the groundwork for addressing future challenges. SAFETEA-LU promotes more efficient and effective Federal surface transportation programs by focusing on transportation issues of national significance, while giving State and local transportation decision makers more flexibility for solving transportation problems in their communities.

The Section 5307 Formula grant program makes Federal funding available to urbanized areas for a wide variety of transit capital programs including planning, engineering, bus acquisition and bus-related projects, security equipment, construction of maintenance and passengers facilities, preventive maintenance, overhaul and rebuilding of bus and rail vehicles, improvement of existing fixed guideway systems, and communication and computer equipment. The 5307 funding is allocated based on legislative formulas and for urbanized areas over 200,000 in population, the formula is based on population, density, bus and rail service provided, and bus and rail service consumed for public transit agencies in each Urbanized Metropolitan Area.

The Section 5309 FGM grant program makes Federal funding available to public agencies that provide fixed guideway service (exclusive or controlled rights-of way or rail service) for modernization or improvements to those systems. Within Section 5309 FGM grant program, funds are allocated by a statutory formula for urban areas with fixed guideway systems in operation for at least seven years.

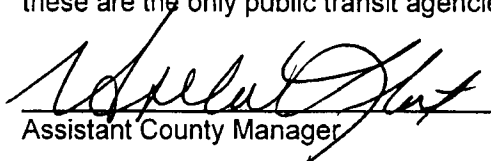
Prior to 2002, Miami-Dade, Broward, and Palm Beach counties were individual Urbanized Metropolitan Areas and were awarded FTA funding accordingly. However, in 2002, the Bureau of Census combined Miami-Dade, Broward, and Palm Beach counties into one Urbanized Metropolitan Area. This change required FTA to allocate Section 5307 Formula and Section 5309 FGM grant funds to the redefined Miami Urbanized Metropolitan Area.

Projects funded by FY 2011 Section 5307 Formula grant are expected to include:

- Capitalization of preventive maintenance
- Project Administration
- Passenger amenities including bus facilities and equipment
- Planning activities in support of the Unified Planning Work Program
- Transit Enhancement Projects (required by FTA) including disability-related projects
- Transit Safety and Security Projects (required by FTA)

The FY 2011 FGM grant includes routine maintenance of the Metrorail and Metromover, replacement of tools and equipment, and capitalization of preventive maintenance.

The amount requested (\$70 million) reflects an estimated maximum amount that Miami-Dade County will receive from the FY 2011 appropriation based on the historical receipt and growth in these Federal grant programs. The final grant-funding amount for the Section 5307 program will depend on the mutual agreement of all parties (Miami-Dade, Broward, Palm Beach and the South Florida Regional Transportation Authority (SFRTA) within the Miami Urbanized Metropolitan Area. The final grant amount for the Section 5309 program will depend on the mutual agreement of funds distribution between Miami-Dade County and the SFRTA since these are the only public transit agencies within the Miami Urbanized Area with fixed guideway systems.

  
Assistant County Manager



# MEMORANDUM

(Revised)

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

**DATE:** June 7, 2011

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

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

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  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(J)(1)(B)  
6-7-11

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

RESOLUTION AUTHORIZING THE FILING OF TWO GRANT APPLICATIONS FOR FISCAL YEAR 2011 URBAN FORMULA SECTION 5307 FORMULA AND FIXED GUIDEWAY MODERNIZATION SECTION 5309 FUNDS UP TO \$70,000,000 WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) UNDER THE SAFE, ACCOUNTABLE, FLEXIBLE, AND EFFICIENT TRANSPORTATION ACT-A LEGACY FOR USERS (SAFETEA-LU); AUTHORIZING THE EXECUTION OF GRANT AGREEMENTS PURSUANT TO SUCH APPLICATIONS; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATIONS AND AGREEMENTS; AND AUTHORIZING THE 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 funding for transportation programs and projects; and

**WHEREAS**, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

**WHEREAS**, it is required by the USDOT in accordance with the provisions of Title VI of the Civil Rights Act of 1994, that the applicant give an assurance that it will comply with the Title VI of the Civil Rights Act of 1994; and USDOT requirement thereunder; and

**WHEREAS**, a public hearing has been conducted on Miami-Dade County's Urbanized Formula Program Section 5307 and Fixed Guideway Modernization 5309 grant applications as described in the County Manager's accompanying memorandum; and

**WHEREAS**, the State of Florida is authorized to enter into agreements to provide State Toll Revenue Credits (TRC's) as a soft match for federal funding for transportation programs and projects, when available,

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

Section 1. This Board authorizes the County Manager to file a financial assistance application with the USDOT for up to \$70,000,000 in Federal Formula and Fixed Guideway Modernization funds and to utilize the State Toll Revenue Credits up to \$17,000,000 from the State of Florida as a soft match.

Section 2. That the County staff is authorized to furnish such additional information as the USDOT and the Florida Department of Transportation (FDOT) may require in connection with the grant application for this project.

Section 3. That this Board further authorizes the County Mayor, 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 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.

The foregoing resolution was 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           |
| Esteban L. Bovo, Jr.                | Jose "Pepe" Diaz     |
| Sally A. Heyman                     | Barbara J. Jordan    |
| Jean Monestime                      | Dennis C. Moss       |
| Rebeca Sosa                         | Sen. Javier D. Souto |
| Xavier L. Suarez                    |                      |


The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of June, 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