

Memorandum



Date: July 7, 2011

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

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

From: Alina T. Hudak
County Manager

Subject: Resolution Authorizing the Filing of a Grant Application on Behalf of Miami-Dade County with the United States Department of Transportation (USDOT), Federal Transit Administration (FTA) for Fiscal Year 2011 Section 5307 Congestion Mitigation Air Quality (CMAQ) and Surface Transportation Program (STP) Flexible Funds in the Amount of \$2,879,076

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) authorize the filing of a grant application on behalf of Miami-Dade County (County) with the United States Department of Transportation (USDOT), Federal Transit Administration (FTA) for Fiscal Year (FY) 2011 Section 5307 Congestion Mitigation Air Quality (CMAQ) and Surface Transportation Program (STP) flexible funds in the amount of \$2,879,076. This funding will be used for costs related to the construction of the Quail Roost Park and Ride facility along the Busway and SW 184th Street.

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

While the park and ride lot is physically located in Commission District 9, the impact of this project benefits the riding public, and is therefore, countywide.

FISCAL IMPACT/FUNDING SOURCE

This grant will provide \$2,879,076 in federal funding for construction of the Quail Roost Park and Ride project. There will be no negative fiscal impact to the County since the required local match of \$719,769 will be provided by the Florida Department of Transportation (FDOT) through the use of State Toll Revenue Credits (TRCs), as a "soft match".

In addition, Miami-Dade County will receive a developer's credit of \$990,788 towards the acquisition of the park and ride, thus reducing the purchase price of the land by the amount of the credit (R-1014-10). This grant (\$2,879,076), along with the developer's credit (\$990,788), will provide the \$3,869,864 required to complete this project.

The estimated annual and on-going operation and maintenance for this park and ride facility is \$36,000 and will be programmed in the MDT 2011-2012 operating budget.

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, Mayor's designee or the MDT Director to execute the agreement and receive and expend these and any additional funds should they become available.

BACKGROUND

The 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) legislation provided flexible funding opportunities to state and local governments allowing them the option of using some Federal Highway Administration (FHWA) funds for transit projects. The availability of these funds has been continued with the passage of the Transportation Equity Act for the 21st Century (TEA-21) during FY 1998. The program remains in place under the latest reauthorization, the Safe, Accountable, Flexible and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

Flexible funds include FHWA Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement Program (CMAQ) and Urban Formula Funds, which can be transferred to FTA Sections 5307, 5310, 5311, 5313(b) and the Interstate Substitute Program (ISP) to support transit projects. FHWA funds transferred to FTA can be used for a variety of transit improvements such as new fixed guideway projects, bus purchases, construction and rehabilitation of rail stations, maintenance facility construction and renovations, alternatively-fueled bus purchases, bus transfer facilities, multimodal transportation centers, and advanced technology fare collection systems.

Flexible federal highway formula funds have been programmed using CMAQ and STP funds transferred to the FTA to provide financial support for the construction of a park and ride facility along the Busway and SW 184th Street. The property for the proposed park and ride is currently owned by Transordev, LLC (Developer) and is located immediately west of the existing South Miami-Dade Busway at SW 184th Street adjacent to the existing Bus Station.

In 2008, the Board approved an Exchange Agreement with the Developer which required the Developer to build a Transit-Oriented Development (TOD). The Agreement also required the Developer to provide the County with a credit of \$990,787 towards the lease or purchase of up to 500 parking spaces to be built by the Developer in this TOD. Due to the current economic conditions, the development original concept will not be moving forward, and the credit is now available for this land acquisition.

On October 5, 2010, the Board approved Resolution R-1014-10 authorizing the acquisition of 3 acres of land for the proposed park and ride facility, which was appraised at \$2,360,000. This acquisition contemplated utilizing the \$990,787 developer credit. This park and ride lot is forecasted to accommodate approximately 200 parking spaces. The MDT routes, which will serve this park and ride, include those that currently operate along the Busway: 31 Busway Local, 35 and 38 Busway MAX. The 34 Busway Flyer will also serve the park and ride when it is completed.

The Metropolitan Planning Organization (MPO) at its April 28, 2011 meeting and the State have amended and approved the FY 2011 Transportation Improvement Program (TIP) and State Transportation Improvement Program (STIP) to include the Quail Roost Park and Ride project.

Construction is scheduled to begin July 2013 with anticipated completion by September 2014.


Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: July 7, 2011

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

SUBJECT: Agenda Item No. 8(J)(1)(A)

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)(A)
7-7-11

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION FOR FISCAL YEAR 2011 SECTION 5307 CONGESTION MITIGATION AIR QUALITY (CMAQ) AND SURFACE TRANSPORTATION PROGRAM (STP) FLEXIBLE FUNDING WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION (FTA) IN THE AMOUNT OF \$2,879,076 FOR COSTS RELATED TO THE CONSTRUCTION OF THE QUAIL ROOST PARK AND RIDE FACILITY ALONG THE BUSWAY AND SW 184TH STREET; AUTHORIZING THE EXECUTION OF THE GRANT AGREEMENT PURSUANT TO SUCH APPLICATION; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATION AND AGREEMENT; AND AUTHORIZING THE RECEIPT AND EXPENDITURE OF ANY ADDITIONAL AGREEMENT 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, it is required by the United States Department of Transportation (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, this Board has conducted a public hearing on Miami-Dade County's Urbanized Area Formula Program Section 5307 flexible funding grant application 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 Mayor, Mayor's designee, or the Miami-Dade Transit (MDT) Director to file a grant application with the USDOT for \$2,879,076 in CMAQ and STP transferred flex funding for the planning, design, right of way engineering/acquisition, construction, design services during construction and project administration for the construction of the Quail Roost park and ride facility along the Busway and SW 184th Street and to utilize State TRC's totaling \$719,769 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 7th day of July, 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

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



Legislative Notes

Agenda Item: 8(J)1(A)
File Number: 111182
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 23, 2011
Type of Item: Grant Application

Summary

This resolution authorizes the following actions for costs related to the construction of the Quail Roost Park and Ride Facility (Project):

- Filing of a grant application for fiscal year (FY) 2011, §5307 - Congestion Mitigation Air Quality (CMAQ) and Surface Transportation Program (STP) flexible funding with the United States Department of Transportation Federal Transit Administration (FTA) in the amount of \$2,879,076;
- Execution of the grant agreement pursuant to such application;
- Receipt and expenditure of funds pursuant to such application and agreement;
- Receipt and expenditure of any additional agreement funds should they become available; and
- Use of State Toll Revenue Credits (TRC) totaling \$719,769 to serve as a soft match for this Project.

Budgetary Impact

This Project is estimated to cost approximately **\$3,869,864**. Funding for the construction of this Project includes:

- \$2,879,076 - FTA grant funds (this item)
 - \$719,769 - TRCs¹ (this item) as a soft match
- \$ 990,788 - Developer's Credit (R-1014-10)

According to Miami-Dade Transit (MDT), FTA funding is at 80%. FTA allows agencies the use of TRCs to match the Federal funds allocated without the use of cash for the approximate 20% local match required. The match is a soft match; therefore, it is not physical cash and it allows MDT to use 100% of the FTA funds at \$2,879,076.

¹ FDOT has provided the County a memorandum dated May 26, 2011 authorizing Miami-Dade Transit to use \$719,769 in State of Florida TRCs as soft match for this FTA project.

7

Background and Relevant Legislation

Provided below, is the Board of County Commissioners (BCC) legislative history for this Project.

<u>Date</u>	<u>Resolution</u>	<u>Legislation</u>
April 15, 1997	R-404-97	<p>This resolution authorized the conveyance of property located at 10235 S.W. 186th Street, to West Perrine Community Development Corporation (WPCDC), a not-for-profit Florida corporation, for ten dollars (\$10) pursuant to §125.38 of the Florida Statutes, for the express purpose of providing business enterprise development and job creation for low-income persons. The conveyance included an automatic reverter of the property back to the County if WPCDC did not use the property to provide business enterprise development and job creation for low-income individuals.</p> <p>On March 27, 2002, the Office of Audit and Management Services (AMS) issued a report concluding that WPCDC should be placed on management watch and that no additional County monies should be released until appropriate safeguards are implemented to assure funds are used solely for intended purposes.</p> <p>On October 10, 2006, the County sent a letter to WPCDC stating that the reverter clause in the deed would be enforced.</p> <p>In November 2006, the adjacent landowner, the Developer, presented its development plans to the County, which included a Park and Ride facility for MDT. The subject property was to be part of a Transit Oriented Development (TOD) project.</p>
June 3, 2008	R-692-08	<p>This resolution approved an Exchange Agreement with Transordev, LLC (Developer), declaring surplus County-owned property located at 10235 S.W. 186th Street, authorizing a waiver of Administrative Order 8-4 as it relates to the review by the Planning Advisory Board, approving a Quit Claim Deed to the property, and approving the exchange agreement in the amount of \$2,400,000.</p> <p>Subsequently, staff discontinued pursuit of the reverter and negotiated this Exchange Agreement by which the Developer agreed to build the TOD project, provide the County with a credit of \$990,787 towards the lease or purchase of up to 500 parking spaces to be built by the Developer in the TOD.</p>
Oct. 5, 2010	R-1014-10	<p>The BCC authorized the County Manager to take action to acquire a portion of the property owned by Transordev, LLC collectively with Quail Roost Station –P4, LLC, located at the South Miami-Dade Busway between S.W. 184th Street and S.W. 186th Street for use as a park and ride.</p>

According to the County Manager's memo (this item), due to the current economic conditions, the development original concept will not be moving forward, and the \$990,787 credit is now available for this land acquisition.

Federal Funding

In regards to the temporary suspension of federal grants to MDT, FTA is allowing MDT to submit necessary documentation to authorize formal grant awards for projects such as the University Overpass and the Quail Roost Park and Ride, which will preserve the funding.² In a memorandum dated June 24, 2011 from the Chairman of the BCC, FTA has agreed to a \$65 million reimbursement, and Administration is continuing to work on the restoration of full drawdown privileges.

FTA Flexible Funds

Flexible funds are certain legislatively specified funds that may be used either for transit or highway purposes. This provision was first included in the Intermodal Surface Transportation Efficiency Act of 1999 (ISTEA) and was continued with the Transportation Equity Act for the 21st Century (TEA-21). The idea of flexible funds is that a local area can choose to use certain Federal surface transportation funds based on local planning priorities, not on a restrictive definition of program eligibility³.

The CMAQ has the objective of improving the Nation's air quality and managing traffic congestion. Eligible activities under CMAQ include transit system capital expansion and improvements that are projected to realize an increase in ridership; travel demand management strategies and shared ride services; pedestrian and bicycle facilities and promotional activities that encourage bicycle commuting. Programs and projects are funded in air quality nonattainment and maintenance areas for ozone, carbon monoxide (CO), and small particulate matter (PM-10) that reduce transportation-related emissions⁴.

STP funds may be used as capital funding for public transportation capital improvements, car and vanpool projects, fringe and corridor parking facilities, bicycle and pedestrian facilities, and inter-city or intra-city bus terminals and bus facilities. As funding for planning, these funds can be used for surface transportation planning activities, wetland mitigation, transit research and development, and environmental analysis. Other eligible projects under STP include transit safety improvements and most transportation control measures⁵.

Comment

According to MDT, the design, right-of-way and construction are all pending for this project.

Prepared By: Elizabeth N. Owens

² County Manager memo dated March 31, 2011.

³ Website: http://www.fta.dot.gov/funding/grants/grants_financing_3786.html

⁴ *Ibid*

⁵ *ibid*