Memorandum

MIAMI-DADE COUNTY

Date: January 23, 2013

Agenda Item No. 5(N)

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

From: Carlos A. Gimenez
Mayor

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 2012 Urbanized Section 5307 Formula and Section 5309 Fixed Guideway Modernization (FGM) Grant Program Funds

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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) 2012 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 2012 Formula funds and up to approximately $18,000,000 in FY 2012 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 $17.5 million will be provided by the Florida Department of Transportation (FDOT) through the use of State Toll Revenue Credits (TRC), as a "soft match".

Under Section 1512 of the Moving Ahead for Progress in the 21st Century (MAP-21) bill signed into law on July 6, 2012 by President Obama, authorization is continued for State Transportation Departments to make available to public transit agencies the use of toll revenue credits as a soft match on selected federally assisted public transit capital projects. 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-six years. The Project Manager for this grant is Ed Carson, Grants Resource Manager, 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

The FTA Urbanized Section 5307 Formula and Section 5309 FGM grant program funding for FY 2012 is authorized by the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) signed into law by President Bush on August 10, 2005. SAFETEA-LU addresses the many challenges facing our transportation system today, 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. The FY 2013 and future funding allocation for the 5307 Formula and 5309 FGM grant programs will be authorized by MAP-21.

The FTA 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 FTA 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 2012 Section 5307 Formula grant are expected to include:

- Capitalization of preventive maintenance
- Passenger amenities including bus facilities and equipment
- Capital and operational planning activities supporting transit service provision
- Transit enhancement projects (required by FTA) including disability-related projects
- Transit safety and security projects (required by FTA)
- Purchase of Special Transportation Services

The FY 2012 FGM grant includes routine maintenance of the Metrorail and Metromover, replacement of tools and equipment, and capitalization of preventive maintenance.

The amount requested reflects an estimated maximum amount that Miami-Dade County will receive from the FY 2012 appropriation based on the historical receipt and growth in these Federal grant programs. The final grant-funding amount for the Section 5307 Formula and 5309 FGM 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 County Mayor is authorized to effectuate this Resolution by approving and filing this Resolution with the Clerk of the Board. This will allow MDT to issue its Financial Statements in a timely matter. Failure to execute the Urbanized Section 5307 Formula and Section 5309 FGM grants will have an adverse impact on Miami-Dade County and MDT's FY 2012 Audited Financial Statements.

Alina T. Hudak
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2013

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

SUBJECT: Agenda Item No. 5(N)

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 Mayor'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. 5(N)
1-23-13

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE FILING OF TWO GRANT APPLICATIONS FOR FISCAL YEAR 2012 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 Mayor'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 this Board (1) authorizes the filing of two grant applications for Fiscal Year 2012 Urban Formula Section 5307 and Formula and Fixed Guideway Modernization Section 5309 Funds up to $70,000,000 with United States Department of Transportation under the Safe, Accountable, Flexible, and Efficient Transportation Act- a Legacy for Users; (2) authorizes the execution of grant agreements pursuant to such applications; (3) authorizes the receipt and expenditure of funds pursuant to such applications and agreements; and (4) authorizes the receipt and expenditure of any additional funds should they become available.

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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of January, 2013. This resolution shall become effective upon the earlier of (1) 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 or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Miami-Dade County Board of County Commissioners in the Commission Chambers, second floor, 111 N.W. 1st Street, Miami, Florida, during a meeting to begin at approximately 9:30 a.m. on January 23, 2013, to consider two projects for which financial assistance is being sought from the Federal Transit Administration (FTA). The projects are as follows:

Fiscal Year 2012 Funds for Section 5307 (Formula) and Section 5309 (Fixed Guideway Modernization):

A total of up to an estimated $70,000,000 is available to fund eligible projects, including preventive maintenance, security improvements, passenger amenities, transit enhancements, and planning activities under the 5307 grant, and preventive maintenance and tools and equipment under the 5309 grant. Florida State Toll Revenue Credits (TRCs) are provided for a total of up to $17,500,000 as the local match for the two grant applications.

At the hearing, the Committee will afford an opportunity for interested persons or agencies to be heard with respect to the social, economic, and environmental aspects of this project. Interested persons may submit orally or in writing evidence and recommendations with respect to said projects.

A person who decides to appeal any decision made by any board, agency, or commission with respect to any such matter considered at its meeting or hearing, will need a record of all proceedings. Such person may need to insure that a verbatim record of the proceedings is made, including testimony and evidence upon which the appeal is based.

Miami-Dade County provides equal access and equal opportunity in employment and does not discriminate on the basis of disability in its programs or services. Auxiliary aids and services for communication are available with advance notice. This form can be made available in accessible format upon request (audiotape, Braille, or computer disk). For material in alternate format, a sign-language interpreter, or other accommodations, please contact Marcos Ortega at (786) 469-5225. Customers using TDD, please call through the Florida Relay Service 1 (800-955-8771) at least five (5) days in advance.