Memorandum

MIAMI-DADE COUNTY

Date: May 7, 2013

Agenda Item No. 5(L)

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

From: Carlos A. Gimenez
County Mayor

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 Congestion Mitigation Air Quality Section 5307 Flexible Funding In the Amount of $1,931,000.00

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the filing of a grant application with the United States Department of Transportation (USDOT), Federal Transit Administration (FTA) for Fiscal Year 2011 Congestion Mitigation Air Quality (CMAQ) Section 5307 Flexible Funding in the amount of $1,931,000.00. This funding will provide operating assistance for the new AirportLink (Orange Line) Metrorail Service.

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. Miami-Dade Transit (MDT) proposes to use $482,750.00 from its operating budget as a local match for this grant.

A public hearing is required in accordance with FTA regulations.

This agenda item is placed for Committee review pursuant to Miami-Dade County (County) Code Section 29-124(f). This agenda item may only be considered by the Board if the Citizens' Independent Transportation Trust (CITT) has forwarded a recommendation to the Board prior to the date scheduled for Board consideration or forty-five (45) days have elapsed since the filing with the Clerk of the Board of this agenda item. If the CITT has not forwarded a recommendation and forty-five (45) days have not elapsed since the filing of this agenda item, I will request a withdrawal of this item.

SCOPE

This project is located in Commission Districts 2 (Monestime), 3 (Edmonson), 5 (Barreiro) and 6 (Sosa). These funds will support the Orange Line Metrorail service connecting passengers to the Miami International Airport/Miami Intermodal Center. Therefore, the impact of this grant will be countywide.

FISCAL IMPACT/FUNDING SOURCE

The federal participation for this grant is $1,931,000.00. In accordance with the Urbanized Area Formula Guidance, Appendix E Section 2.C, CMAQ funds may be used for operating assistance for new transit service meeting the eligibility criteria under the Section 5307 Program and are available at an 80% federal share. The required local match of $482,750.00 will be provided through MDT's operating budget for a total grant funding of $2,413,750.00.

MDT will use this funding to offset the approximate $3,744,384.00 annual electrical cost of the new Orange Line Service. However, even after application of this funding, there is still a difference of $1,330,634.00 which will be provided through MDT's Operating funds. The total non-federal share for this project, inclusive of the local match, is $1,813,384.00.

TRACK RECORD/MONITOR

MDT has entered into numerous funding agreements with the FTA over the course of twenty-six (26) years. The Project Manager for this grant is Ed Carson, Grants Resource Manager, MDT Financial Services.

BACKGROUND

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) signed into law by President Bush on August 5, 2005, authorizes the use of CMAQ program flexible funding by State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. Each year, the Federal Highway Administration (FHWA) allocates CMAQ funding to States, which may be transferred to the Urbanized Area Formula Program (5307), Non-urbanized area Formula Program (Section 5311 program); or Elderly and Persons with Disabilities Program (Section 5310 program).

Under the CMAQ program, funding for operating assistance is an eligible expense when applied for new transit service or to expand existing service which provides additional hours or reduced headways. For service expansion, only the operating costs of the new increment of service are eligible. Eligible operating costs include labor, fuel, maintenance, and related expenses. With the focus on start-up costs only, operating assistance under the CMAQ program is limited to three years.

On March 17, 2011, CMAQ flexible funds in the amount of $1,931,000.00 were transferred from the FHWA to the FTA Section 5307 Urbanized Area Formula Program to provide operating assistance for the new Orange Line Metrorail service, which began July 28, 2012. Prior to implementation of the Orange Line service, MDT averaged 7,370 weekly service miles for the original Metrorail alignment (Green Line). With the addition of the Orange Line, MDT added approximately 5,340 additional weekly Metrorail service miles. Combined, both lines now average approximately 12,710 weekly miles.

This Orange Line service operates every 10 minutes in the peak on the new 2.4-mile section of elevated tracks between the Miami Intermodal Center (MIC) and Earlington Heights Metrorail Station; and shares the existing elevated tracks used for the Green line from Earlington Heights to the Dadeland South Metrorail Station. The Orange Line service also provides passengers a direct rail connection to Miami International Airport (MIA) via the MIA People-Mover. The average weekday activity since the opening of the Miami International Airport (MIA) Metrorail Station is in excess of 2,100.

With the opening of the Orange Line in 2012, the County joined the ranks of major metropolitan cities like Atlanta; New York, San Francisco and Chicago, with rapid transit connections to their airports.

Alina T. Hudak
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: May 7, 2013

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

SUBJECT: Agenda Item No. 5(L)

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(L)
5-7-13

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION FOR FISCAL YEAR 2011 CONGESTION MITIGATION AIR QUALITY SECTION 5307 FLEXIBLE FUNDS IN THE AMOUNT OF $1,931,000.00 FOR OPERATING ASSISTANCE FOR THE ORANGE LINE METRORAIL SERVICE; AUTHORIZING THE EXECUTION OF THE GRANT AGREEMENT PURSUANT TO SUCH APPLICATION; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATION AND AGREEMENT; AUTHORIZING THE RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS

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 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 United States Department of Transportation 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 United States Department of Transportation requirement thereunder; and

WHEREAS, a public hearing has been conducted on Miami-Dade County's Fiscal Year 2011 Congestion Mitigation Air Quality, Federal Transit Administration Section 5307 Flexible Fund grant agreement as described in the County Mayor's accompanying memorandum,

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, County Mayor's designee, or the Miami-Dade Transit Director, to accept FY 2011 Congestion Mitigation Air Quality, Federal Transit Administration Section 5307 Flexible funding from the United States Department of Transportation, in the amount of $1,931,000.00 and to utilize Charter County Transportation Surtax Funds as a local match.

Section 2. That the County staff is authorized to furnish such additional information as the United States Department of Transportation and the Federal Transit Administration may require in connection with the grant agreement for this project.

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

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 7th day of May, 2013. 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

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 2:00 p.m. on April 10, 2013, to consider a project for which financial assistance is being sought from the Federal Transit Administration (FTA). The project is as follows:

Fiscal Year 2011 Congestion Mitigation Air Quality - FTA Section 5307 Flexible Funding

A total of $1,931,000 is available to fund a portion of the start-up operating cost for the new Miami-Dade Transit AirportLink (Orange Line) Metrorail Service project. Miami-Dade County will provide the local match of $482,750 from Charter County Transportation Surtax Funds.

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.

Memorandum

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

From: Charles Scurr, Executive Director

Date: April 17, 2013

Re: **CITT AGENDA ITEM 5D:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE THE FILING OF A GRANT APPLICATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL TRANSIT ADMINISTRATION FOR FISCAL YEAR 2011 CONGESTION MITIGATION AIR QUALITY SECTION 5307 FLEXIBLE FUNDS IN THE AMOUNT OF **$1,931,000.00** FOR OPERATING ASSISTANCE FOR THE ORANGE LINE METRORAIL SERVICE; AUTHORIZING THE EXECUTION OF THE GRANT AGREEMENT PURSUANT TO SUCH APPLICATION; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATION AND AGREEMENT; AUTHORIZING THE RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS IN THE AMOUNT OF **$482,750.00 (MDT – BCC Legislative File No. 130503)**

On April 17, 2013, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 13-017. The vote was as follows:

Paul J. Schwiep, Esq., Chairperson – Aye
Hon. Anna E. Ward, Ph.D., 1st Vice Chairperson – Aye
Glenn J. Downing, CFP®, 2nd Vice Chairperson – Aye

Christopher Benjamin, Esq. – Absent
Peter L. Forrest – Aye
Prakash Kumar – Aye
Hon. James A. Reeder – Aye
Hon. Linda Zilber – Absent

Joseph Curbelo – Aye
Alfred J. Holzman – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Absent

cc: Alina Hudak, Deputy Mayor/County Manager
Bruce Libhaber, Assistant County Attorney
Miguel Gonzalez, Assistant County Attorney