MEMORANDUM

Agenda Item No. 11(A)(19)

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

DATE: April 2, 2013

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

SUBJECT: Resolution urging the Florida Department of Transportation and the Florida Turnpike Enterprise to utilize toll revenues generated in Miami-Dade County from facilities under their jurisdiction for the construction, maintenance, operation and improvement of eligible transportation infrastructure in Miami-Dade County subject to payment of required debt

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM
(Revised)

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

DATE: April 2, 2013

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

SUBJECT: Agenda Item No. 11(A)(19)

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. 11(A)(19)
4-2-13

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE FLORIDA TURNPIKE ENTERPRISE TO UTILIZE TOLL REVENUES GENERATED IN MIAMI-DADE COUNTY FROM FACILITIES UNDER THEIR JURISDICTION FOR THE CONSTRUCTION, MAINTENANCE, OPERATION AND IMPROVEMENT OF ELIGIBLE TRANSPORTATION INFRASTRUCTURE IN MIAMI-DADE COUNTY SUBJECT TO PAYMENT OF REQUIRED DEBT

WHEREAS, the Florida Department of Transportation and the Florida Turnpike Enterprise are the agencies responsible for construction, maintenance, operation and improvements of certain expressway networks in Miami-Dade County, including toll facilities; and

WHEREAS, all facilities under the jurisdiction of the Florida Turnpike Enterprise are tolled, and the Florida Department of Transportation has implemented managed toll lanes on I-95 and is re-structuring their facilities to incorporate managed toll lanes on other expressways; and

WHEREAS, these toll facilities help to alleviate severe congestion and other negative traffic conditions which existed to a greater extent prior to the construction of the toll lanes; and

WHEREAS, these toll lanes have proven to be revenue generators and successful projects for the State of Florida Department of Transportation and the Florida Turnpike Enterprise; and

WHEREAS, regarding using I-95 express toll lane revenues, pursuant to Section 338.166(2) and (3), Fla. Stats., after payment of the design and construction costs of the express

lanes, I-95 express toll revenues "shall first be used to pay the annual cost of the operation, maintenance, and improvement of the high-occupancy toll lanes or express lane project or associated transportation system" and "any remaining toll revenue" from the express lanes shall be used for the construction, maintenance, or improvement of any road on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the facility where the toll revenues were collected;" and

WHEREAS, regarding using the turnpike toll revenues facilities, the law provides that "for the period July 1, 1998, through June 30, 2017, the [Florida] department [of Transportation] shall, to the maximum extent feasible, program sufficient funds in the tentative work program such that the percentage of turnpike toll and bond financed commitments in Miami-Dade County, Broward County, and Palm Beach County as compared to total turnpike toll and bond financed commitments shall be at least 90 percent of the share of net toll collections attributable to users of the turnpike system in Miami-Dade County, Broward County, and Palm Beach County as compared to total net toll collections attributable to users of the turnpike system. This subsection does not apply when the application of such requirements would violate any covenant established in a resolution or trust indenture relating to the issuance of turnpike bonds;" and

WHEREAS, although improvements to transportation infrastructure are needed all over the State of Florida, Miami-Dade County has priority needs for road improvements; and

WHEREAS, given these identified needs for transportation infrastructure improvements and projects in Miami-Dade County, the County wants to clearly establish that toll revenues generated by facilities within Miami-Dade County under the jurisdiction of the Florida Department of Transportation and the Florida Turnpike Enterprise shall be utilized for the construction, maintenance, operation and improvements of projects only within Miami-Dade

County, after any required payment of related bond indebtedness and costs of constructing, maintaining, operating and improving these roads in Miami-Dade County (collectively, "Required Debt"); and

WHEREAS, any applicable provisions of Florida law should be amended, as necessary, to accomplish the purposes of this resolution,

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

Section 1. Urges the Florida Department of Transportation and the Florida Turnpike Enterprise, subject to payment of Required Debt, to utilize toll revenues under their jurisdiction which are generated in Miami-Dade County for the construction, maintenance, operation and improvement of eligible transportation infrastructure in Miami-Dade County.

Section 2. Urges the Florida legislature to amend applicable laws to accomplish the purpose of this resolution.

Section 3. Directs the Clerk of this Board to send a certified copy of this resolution to the Governor, Senate President, House Speaker, Chair and Members of the Miami-Dade State Legislative Delegation, Secretary of the Department of Transportation, and District 6 Secretary for the Department of Transportation.

Section 4. Directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2013 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. It 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 2nd day of April, 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.

Cynthia Johnson-Stacks