

MEMORANDUM

Agenda Item No. 11(A)(5)

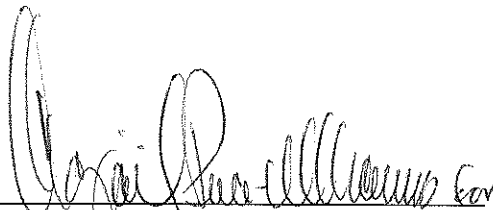
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 17, 2013

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

SUBJECT: Resolution urging the United States Coast Guard to revise the regulations pertaining to the Venetian Causeway drawbridge so as to restrict the on signal openings of said drawbridge

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson and Co-Sponsor Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

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

DATE: September 17, 2013

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

SUBJECT: Agenda Item No. 11(A)(5)

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

Agenda Item No. 11(A)(5)

Veto _____

9-17-13

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE UNITED STATES COAST GUARD TO REVISE THE REGULATIONS PERTAINING TO THE VENETIAN CAUSEWAY DRAWBRIDGES SO AS TO RESTRICT THE ON SIGNAL OPENINGS OF SAID DRAWBRIDGES; DIRECTING THE MAYOR OR DESIGNEE TO FILE A REQUEST WITH THE UNITED STATES COAST GUARD DISTRICT COMMANDER FOR A PERMANENT CHANGE TO THE VENETIAN CAUSEWAY DRAWBRIDGES OPERATING REQUIREMENTS CONSISTENT WITH THIS RESOLUTION

WHEREAS, the United States Coast Guard currently regulates drawbridges over navigable waters, including the Venetian Causeway drawbridges; and

WHEREAS, 33 Code of Federal Regulations Section 117.5 provides that, except as otherwise provided in Part 117, drawbridges must open promptly and fully for the passage of a vessel "on signal", in other words, whenever a vessel operator contacts the bridge tender, either by radio or by signal with the vessel's horn to request the opening; and

WHEREAS, 33 Code of Federal Regulations Section 117.269 and 33 Code of Federal Regulations Section 117.261 requires the opening of the Venetian Causeway drawbridges on signal at all times on weekends, and on weekdays prior to 7:00 a.m. and after 7:00 p.m.; and

WHEREAS, the opening of the Venetian Causeway drawbridges on signal causes inconvenience and potential interruptions to the flow of vehicular and pedestrian traffic; and

WHEREAS, limiting on signal openings may help traffic flow and improve safety conditions for automobile traffic, pedestrians, and bicyclists; and

WHEREAS, input on this matter has been sought from stakeholders, including residents, property owners, and Miami-Dade County; and

WHEREAS, addressing this matter is of a time sensitive nature as Miami-Dade County expects to transition to SunPass and toll-by-plate only along the Venetian Causeway within a year; and

WHEREAS, 33 Code of Federal Regulations Section 117.8 provides that anyone may submit a written request to the District Commander for a permanent change to a drawbridge operating requirement; and further provides that the request must include documentation supporting or justifying the requested change; and

WHEREAS, according to 33 Code of Federal Regulations Section 117.8, if the District Commander decides that a change may be needed after evaluating the request, he or she will begin a rulemaking to implement the change, while if the District Commander determines that the requested change is not needed, he or she will respond to the request in writing and provide the reasons for denial of the requested change; and

WHEREAS, this Board desires to urge the United States Coast Guard to revise the regulations pertaining to the Venetian Causeway drawbridges so as to restrict the on signal openings of said drawbridges to prior to 7:00 am and after 7:00 pm not only on weekdays but also on weekends, and to direct the Mayor or designee to file a request with the Commander for the United States Coast Guard Seventh District for a permanent change to the Venetian Causeway drawbridges operating requirements consistent with 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 United States Coast Guard to revise the regulations pertaining to the Venetian Causeway drawbridges so as to restrict the on signal openings of said drawbridges to prior to 7:00 am and after 7:00 pm daily.

Section 2. Directs the Mayor or designee to file a request with the Commander for the United States Coast Guard Seventh District for a permanent change to the Venetian Causeway drawbridges operating requirements consistent with this resolution.

Section 3. Directs the Clerk of the Board to send a certified copy of this resolution to the members of the Miami-Dade County Congressional Delegation; the Secretary of Homeland Security; the Commandant for the United States Coast Guard and the Commander for the United States Coast Guard Seventh District.

Section 4. Directs the County's federal lobbyists to advocate for the modification of federal rules as set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2013 federal legislative package to include this item and to include this item in the 2014 federal legislative package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson and the Co-Sponsor is Commissioner Sally A. Heyman. 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 17th day of September, 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