Memorandum

MIAMI-DADE COUNTY

Date: May 5, 2015

Agenda Item No. 14(A)(1)

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Approving Terms of and Authorizing the Mayor, Mayor's Designee, or Miami-Dade County Transit Director to Execute and File Three Grant Applications with the United States Department of Transportation Federal Transit Administration for up to $85,300,000.00 of Fiscal Year 2015 Section 5307 Urbanized Formula, Section 5337 State of Good Repair Formula, and Section 5339 Bus and Bus Facilities Formula Program Funding

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) authorize the execution and filing of three (3) grant applications on behalf of Miami-Dade County (County) with the United States Department of Transportation (USDOT) Federal Transit Administration (FTA) for up to $85,300,000.00 of Fiscal Year (FY) 2015 Section 5307 Urbanized Formula program, Section 5337 State of Good Repair Formula program, and Section 5339 Bus and Bus Facilities Formula program funding. The total estimated amount includes up to $55,000,000.00 in Section 5307 Formula, $24,000,000.00 in Section 5337 State of Good Repair and $6,300,000.00 in Section 5339 Bus and Bus Facilities formula program funding.

A public hearing is required in accordance with Federal regulations.

SCOPE

These funds will provide support for multiple bus and rail projects, Paratransit services and planning activities. Therefore, the impact of these grants is countywide.

FISCAL IMPACT/FUNDING SOURCE

This item represents a positive fiscal impact to the County because it provides funding to Miami-Dade Transit (MDT) and the required local match up to $21,325,000.00 will be provided in full by the Florida Department of Transportation (FDOT) through the use of State Transportation Development Credits (formerly referred to as toll revenue credits) as a soft match for these grants.

Under Section 1512 of Public Law 112-141 the Moving Ahead for Progress in the 21st Century (MAP-21), authorization is continued for state transportation departments to make available to public transit agencies the use of transportation development credits on selected federally assisted public transit capital projects. By using the credits to substitute for the required non-federal share on a new Federal-aid project, the Federal share can effectively be increased to 100 percent.

TRACK RECORD/MONITOR

MDT has entered into numerous funding agreements with FTA over the course of 27 years. The Project Manager for these grants is Ed Carson, Grants Resource Manager, MDT Financial Services.

BACKGROUND

On July 6, 2012, Public Law 112-141, Moving Ahead for Progress in the 21st Century (MAP-21) was signed into law. Under MAP-21, several of FTA's programs were repealed, consolidated or changed from a discretionary program to a formula-based program. The current formula programs include the Section 5307 Urbanized Area, 5337 State of Good Repair and Section 5339 Bus and Bus Facilities formula grant programs.

The Section 5307 Formula program makes Federal funding available to urbanized areas for public transportation capital, planning, job access and reverse commute projects as well as the use of certain expenditures by vanpool operators and operating assistance in areas with populations greater than 200,000 operating a maximum of 100 buses in fixed-route service during peak hours (rail fixed guideway excluded). For urbanized areas with populations of 200,000 and more, the formula is based on a combination of bus revenue vehicle miles, bus passenger miles, fixed guideway revenue miles, and fixed guideway route miles, as well as population, population density and number of low-income individuals. The proposed projects expected to be funded up to $55,000,000.00 under the FY 2015 Section 5307 program for MDT include:

1. capitalization of bus preventative maintenance;
2. Associated Transportation Improvements project (use of 1 percent program allocation required by FTA), such as improvements to South Miami-Dade Busway Shelters, streetscape, bus benches and trash receptacles;
3. Public Transportation Security project (use of 1 percent program allocation required by FTA), such as the purchase and installation of closed circuit televisions for Metrorail;
4. capital planning (general development, comprehensive, short-range transportation);
5. Metrorail and Metromover cable and equipment replacement;
6. Paratransit (Special Transportation Services) using capital cost for contracting; and
7. South Florida Vanpool Program Services.

Projects funded under the Section 5337 State of Good Repair Formula program are limited to replacement and rehabilitation of existing fixed guideway systems or capital projects required to maintain public transportation systems in a state of good repair. Funds are apportioned to urbanized areas with fixed guideway systems in operation for at least seven (7) years and a new modified formula. The proposed MDT projects expected to be funded up to $24,000,000.00 under the FY 2015 Section 5337 program includes capitalization of rail preventative maintenance.

The Section 5339 Bus and Bus Facilities Formula program provides funding to replace, rehabilitate and purchase buses and related equipment, construct bus-related facilities and certain expenditures by vanpool operators. The formula is based on population, vehicle revenue miles and passenger miles. The proposed MDT projects expected to be funded up to $6,300,000.00 under the FY 2015 Section 5339 program includes: Metrobus seat inserts for 225 buses; retrofit of approximately 85 forty-foot buses with new electric engine cooling systems; Central Metrobus depot parking lot resurfacing; and the South Florida Vanpool Services.

Annually, the FTA publishes the apportioned funds appropriated by law for these formula grant programs. The Miami Urbanized Metropolitan Area anticipates receiving up to $155,150,000.00 in FY 2015 Federal formula funds to be divided among the Urbanized Metropolitan Area (Miami-Dade, Broward, Palm Beach Counties and the South Florida Regional Transportation Authority, SFRTA). The amount of funding each agency receives is based on the apportioned funds, information from the National Transit Database (NTD), and the appropriate formula established by the FTA. The agency Directors within the Urbanized Metropolitan Area mutually agree on the final apportionment to each agency.

The combined formula grant funding ($85,300,000.00) reflects the estimated maximum amount the County will receive from the FY 2015 appropriation. However, the Highway and Funding Transportation Act of 2014 restricted FTA's budget authority through May 31, 2015. Based on this, the

amount of budget authority available for the period of October 1, 2014 through May 31, 2015 will be prorated due to the Federal Transportation Trust Fund shortfall.

The current appropriation by Congress will only represent two-thirds (8 out of 12 months) of the full amount anticipated for FY 2015. Therefore, MDT will receive up to $52,000,000.00 for the formula programs in the initial sub-allocation. In order for MDT to receive the remaining funds up to $33,300,000.00, additional congressional budget authority will be required. MDT as an eligible direct recipient of federal funding will submit separate grant applications to the FTA for each formula program.

These grant applications must be approved by the County no later than May 5, 2015, due to an upcoming grants management system changeover.

Alina T. Hudak
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 5, 2015

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

SUBJECT: Agenda Item No. 14(A)(1)

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. 14(A)(1)
5-5-15

RESOLUTION NO. _____

RESOLUTION APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR, COUNTY MAYOR'S DESIGNEE OR MIAMI-DADE TRANSIT DIRECTOR TO EXECUTE AND FILE THREE GRANT APPLICATIONS WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT ADMINISTRATION FOR UP TO $85,300,000.00 OF FISCAL YEAR 2015 SECTION 5307 URBANIZED FORMULA, SECTION 5337 STATE OF GOOD REPAIR FORMULA AND SECTION 5339 BUS AND BUS FACILITIES FORMULA PROGRAM FUNDING AND AUTHORIZING RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATIONS AND AGREEMENTS AND OF ANY ADDITIONAL FUNDS AS SPECIFIED IN THE AGREEMENTS 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, a public hearing has been conducted on Miami-Dade County's Section 5307 Urbanized Formula, Section 5337 State of Good Repair Formula and Section 5339 Bus and Bus Facilities Formula grant program applications 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 execute and file three grant applications and agreements in the form of the template attached to the resolution with the United States Department of Transportation Federal Transit Administration for up to $85,300,000.00 of Fiscal Year 2015

Section 5307 Urbanized Formula, Section 5337 State of Good Repair Formula, and Section 5339 Bus and Bus Facilities Formula program funding and provide all necessary supporting documentation.

Section 2. This Board authorizes receipt and expenditure of funds received pursuant to such applications and agreements in the form of the template attached to this resolution and further authorizes receipt and expenditure of any additional funds as specified in the agreements in the form of the template attached to this resolution 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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of May, 2015. This resolution shall become effective upon the earlier of (1) (10) days after the date of its adoption unless vetoed by the County 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

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION

FEDERAL TRANSIT ADMINISTRATION

GRANT AGREEMENT

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official's electronic signature is entered for this Grant Agreement, FTA has Awarded Federal assistance in support of the Project described below. Upon Execution of this Grant Agreement by the Grantee named below, the Grantee affirms this FTA Award, and enters into this Grant Agreement with FTA. The following documents are incorporated by reference and made part of this Grant Agreement:

(1) "Federal Transit Administration Master Agreement," FTA MA(21), October 1, 2014,

http://www.fta.dot.gov/documents/21-Master.pdf,

(2) The Certifications and Assurances applicable to the Project that the Grantee has selected and provided to FTA, and

(3) Any Award notification containing special conditions or requirements, if issued.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE GRANTEE DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING THE DATE OF THIS FTA AWARD SET FORTH HEREIN.

FTA AWARD

FTA hereby awards a Federal grant as follows:

Project No:

Grantee: MIAMI-DADE TRANSIT AGENCY

Citation of Statute(s) Authorizing Project:

Estimated Total Eligible Cost (in U.S. Dollars):

Maximum Total FTA Amount Awarded (in U.S. Dollars):

Amount of This FTA Award (in U.S. Dollars):

Maximum Percentage(s) of FTA Participation:

Percentages of Federal participation are based on amounts included in the Approved Project Budget, modified as set forth in the text following the Project Description.

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

Original Project Certification Date:

Project Description:

FY 15 5307 Urbanized Area Formula

The Project Description includes information describing the Project within the Project Application submitted to FTA, and the Approved Project Budget, modified by any additional statements displayed in this Grant Agreement, and, to the extent FTA concurs, statements in other documents including Attachments entered into TEAM-Web.

A letter is attached to TEAM dated from FDOT confirming toll revenue credits in the amount of for this application.

Awarded By:

Yvette Taylor

Regional Administrator

FEDERAL TRANSIT ADMINISTRATION

U.S. DEPARTMENT OF TRANSPORTATION

EXECUTION OF GRANT AGREEMENT

Upon full execution of this Grant Agreement by the Grantee, the Effective Date will be the date FTA or the

Federal Government awarded Federal assistance for this Grant Agreement.

By executing this Grant Agreement, the Grantee intends to enter into a legally binding agreement in which the Grantee:

(1) Affirms this FTA Award,

(2) Adopts and ratifies all of the following information it has submitted to FTA:

(a) Statements,

(b) Representations,

(c) Warranties,

(d) Covenants, and

(e) Materials,

(3) Consents to comply with the requirements of this FTA Award, and

(4) Agrees to all terms and conditions set forth in this Grant Agreement.

By executing this Grant Agreement, I am simultaneously executing any Supplemental Agreement that may be required to effectuate this Grant Agreement.

Executed by:

MIAMI-DADE TRANSIT AGENCY