

MEMORANDUM

Agenda Item No. 11(A)(26)

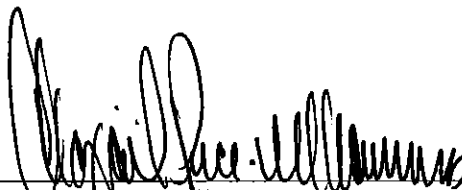
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: November 7, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact legislation that requires the Florida Department of Transportation (FDOT), the Florida Turnpike Enterprise, and any other roadway authority in the state that utilizes "congestion pricing," including variably-priced high-occupancy toll lanes or a similar tolling model, to provide funding, in a manner that is consistent with its bond covenants, for express bus services along any lanes or corridors where such tolling occurs; further urging FDOT and any other roadway authority in the state that utilizes "congestion pricing," including variably-priced high-occupancy toll lanes or a similar tolling model, to covenant as part of the issuance of future bonds that funding for transit, including but not limited to express bus service, is an allowable use of toll revenues

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Daniella Levine Cava and Chairman Esteban L. Bovo, Jr.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

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County Attorney

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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
- Statement of social equity 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)(26)

Veto _____

11-7-17

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT REQUIRES THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), THE FLORIDA TURNPIKE ENTERPRISE, AND ANY OTHER ROADWAY AUTHORITY IN THE STATE THAT UTILIZES "CONGESTION PRICING," INCLUDING VARIABLY-PRICED HIGH-OCCUPANCY TOLL LANES OR A SIMILAR TOLLING MODEL, TO PROVIDE FUNDING, IN A MANNER THAT IS CONSISTENT WITH ITS BOND COVENANTS, FOR EXPRESS BUS SERVICES ALONG ANY LANES OR CORRIDORS WHERE SUCH TOLLING OCCURS; FURTHER URGING FDOT AND ANY OTHER ROADWAY AUTHORITY IN THE STATE THAT UTILIZES "CONGESTION PRICING," INCLUDING VARIABLY-PRICED HIGH-OCCUPANCY TOLL LANES OR A SIMILAR TOLLING MODEL, TO COVENANT AS PART OF THE ISSUANCE OF FUTURE BONDS THAT FUNDING FOR TRANSIT, INCLUDING BUT NOT LIMITED TO EXPRESS BUS SERVICE, IS AN ALLOWABLE USE OF TOLL REVENUES

WHEREAS, "congestion pricing" and similar tolling models work by selling some of a freeway's capacity to those willing to pay a toll, or higher toll, in order to maximize efficiency on the entire freeway and keep traffic flowing smoothly, resulting in a more reliable travel time for drivers; and

WHEREAS, "congestion pricing" tolls are based on real-time traffic conditions and vary according to the level of congestion, with tolls being higher when there is more traffic and lower when there is less; and

WHEREAS, express lanes built around the "congestion pricing" or similar tolling models also provide an opportunity to offer mass transit solutions to the problem of heavy traffic and congestion in metropolitan areas, such as Miami-Dade County; and

WHEREAS, for example, express bus service can be offered in the “congestion pricing” toll lanes to provide commuters with a faster and more reliable travel experience without the added expense of costly tolls; and

WHEREAS, in 2007, the Miami-Urban Partnership – comprised of the Florida Department of Transportation (FDOT), Miami-Dade Transit, the Miami-Dade and Broward Metropolitan Planning Organizations (MPOs), the Miami-Dade Expressway Authority (MDX), and the Florida Turnpike Enterprise (FTE) – entered into an Urban Partnership Agreement to convert 21 miles of high-occupancy vehicle (HOV) lanes between Miami and Fort Lauderdale on I-95 into variably-priced high-occupancy toll lanes, a form of “congestion pricing”; and

WHEREAS, a major component of that project included implementing new express bus service in the variably-priced high-occupancy toll lanes between Miami-Dade and Broward Counties; and

WHEREAS, in January 2010, Miami-Dade Transit implemented the express bus service in the variably-priced high-occupancy toll lanes along I-95, between Miami and Fort Lauderdale; and

WHEREAS, this service has been successful, with average weekday boardings exceeding 2,000 passengers in the month of June 2017; and

WHEREAS, there are opportunities for express bus services to be provided on other existing and yet-to-be-constructed roadways in Miami-Dade County and the State of Florida; and

WHEREAS, FDOT and FTE are seeking to construct express lanes similar to those found on I-95 on the Florida’s Turnpike and the Palmetto Expressway in Miami-Dade County; and

WHEREAS, one means of financing such services is through the use of toll dollars collected on roadways where “congestion pricing,” including variably-priced high-occupancy toll lanes or similar tolling models are used; and

WHEREAS, section 338.166 of the Florida Statutes provides that FDOT shall use any remaining toll revenues, after the discharge of bond indebtedness, for the construction, maintenance, and improvement of roadways or to support express bus services on the facility where the toll revenues are collected; and

WHEREAS, as currently written, Florida law does not require that toll dollars be used for express bus services, as such funds may be devoted solely to road maintenance and improvement; and

WHEREAS, the Legislature should require FDOT, FTE, as well as any other roadway authority in the state, to provide funding for express bus service on any roadway where “congestion pricing” or a similar tolling model is used,

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

Section 1. Urges the Florida Legislature to enact legislation that requires the Florida Department of Transportation (FDOT), the Florida Turnpike Enterprise, and any other roadway authority in the state that utilizes “congestion pricing,” including variably-priced high-occupancy toll lanes or a similar tolling model, to provide funding, in a manner that is consistent with its bond covenants, for express bus services, including funding for bus facilities, equipment, operations and maintenance, along any lanes or corridors where such tolling occurs.

Section 2. Further urges FDOT and any other roadway authority in the state that utilizes “congestion pricing,” including variably-priced high-occupancy toll lanes or a similar tolling model, to covenant as part of the issuance of future bonds that funding for transit, including but not limited to express bus service, is an allowable use of toll revenues.

Section 3. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, the Secretary of the Florida Department of Transportation, and the Executive Director of the Florida Turnpike Enterprise.

Section 4. Directs the County's state lobbyists to advocate for the passage of the legislation and actions described in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2018 State Legislative Package to include this item.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Daniella Levine Cava and Chairman Esteban L. Bovo, Jr. 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

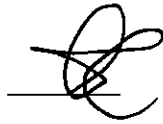
The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of November, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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.



Annery Pulgar Alfonso