Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(J)(1)(A)
04-24-07

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

RESOLUTION NO. R-407-07

RESOLUTION AUTHORIZING THE FILING OF TWO GRANT APPLICATIONS FOR FISCAL YEAR 2007 URBAN FORMULA SECTION 5307 AND FIXED GUIDEWAY MODERNIZATION SECTION 5309 FUNDS IN AN AMOUNT UP TO $65,000,000 WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION UNDER THE SAFE, ACCOUNTABLE, FLEXIBLE, AND EFFICIENT TRANSPORTATION ACT – A LEGACY FOR USERS (SAFETEA-LU); AUTHORIZING THE EXECUTION OF GRANT AGREEMENTS PURSUANT TO SUCH APPLICATIONS; AND THE RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATIONS AND AGREEMENTS

**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 State of Florida is authorized to enter into agreements to provide State funding for transportation programs and projects; 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 (USDOT) in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that the applicant give an assurance that it will comply with the Title VI of the Civil Rights Act of 1964, and the USDOT requirements thereunder; and

**WHEREAS**, this Board has conducted a public hearing on Miami-Dade County's Urbanized Area Formula Program Section 5307 and Fixed Guideway Modernization 5309 grant applications as described in the accompanying memorandum; and

# MEMORANDUM

**(Revised)**

**TO:** Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

**DATE:** April 24, 2007

**FROM:** Murray A. Greenberg County Attorney

**SUBJECT:** Agenda Item No. 8(J)(1)(A)

**Please note any items checked.**

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

**WHEREAS**, the State of Florida is authorized to enter into agreements to provide State Toll Revenue Credits as a soft match for federal funding for transportation programs and projects, when available,

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

Section 1. That this Board authorizes the County Mayor, his designee, or the Miami-Dade Transit Director, to file a financial assistance application with the USDOT for up to $65,000,000 in Federal Section 5307 Formula and Section 5309 Fixed Guideway Modernization grant funds and to utilize the State Toll Revenue Credits totaling $16,250,000 from the State of Florida as a soft match.

Section 2. That the County staff is authorized to furnish such additional information as the USDOT and the Florida Department of Transportation (FDOT) may require in connection with the grant application for the project.

Section 3. That the County Mayor, or his designee, is authorized to set forth and execute disadvantaged business enterprise policies in connection with the projects should such funds become available.

Section 4. That this Board further authorizes the County Mayor, his designee, or the 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; and 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.

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The foregoing resolution was offered by Commissioner Carlos A. Gimenez, who moved its adoption. The motion was seconded by Commissioner Dennis C. Moss and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman aye
Barbara J. Jordan, Vice-Chairwoman aye

| | | | |
|---|---|---|---|
| Jose "Pepe" Diaz | aye | Audrey M. Edmonson | absent |
| Carlos A. Gimenez | aye | Sally A. Heyman | absent |
| Joe A. Martinez | aye | Dennis C. Moss | aye |
| Dorrin D. Rolle | aye | Natacha Seijas | absent |
| Katy Sorenson | aye | Rebeca Sosa | aye |
| Sen. Javier D. Souto | aye | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of April, 2007. 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: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney
as to form and legal sufficiency.

Bruce Libhaber

# Memorandum

MIAMI-DADE COUNTY

**Date:** April 24, 2007

Agenda Item No. 8(J)(1)(A)

**To:** Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

**From:** George M. Burgess
County Manager

**Subject:** Application for Fiscal Year 2007 Federal Section 5307 Formula Grant and Section 5309 Fixed Guideway Modernization Grant

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## RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) authorize the execution and filing of two grant applications on behalf of Miami-Dade County with the United States Department of Transportation (USDOT), Federal Transit Administration (FTA) for up to $65 million in Fiscal Year (FY) 2007 Section 5307 Formula and Section 5309 Fixed Guideway Modernization (FGM) grant funds. The total amount requested includes up to $49 million in FY 2007 Formula funds and up to $16 million in FY 2007 FGM funds. It is further recommended that the Board authorize the execution of this grant agreement pursuant to the application, as well as the receipt and expenditure of funds as specified in the agreement.

There will be no fiscal impact to the County. A public hearing is required in accordance with FTA regulations.

## SCOPE

As these funds provide support for multiple bus and rail projects, the impact of this grant will be countywide.

## FISCAL IMPACT/FUNDING SOURCE

There will be no fiscal impact to the County since the required local match in the amount of $16,250,000 will be provided by the Florida Department of Transportation (FDOT) through the use of State Toll Revenue Credits (TRC), a "soft match". Section 1111 of the Transportation Equity Act for the 21st Century (TEA-21) made permanent earlier statutory provisions that permit a state to count, as credit for a project's local share, certain expenditures that a state makes with toll revenues. Where applicable, Miami-Dade Transit (MDT) requests toll revenue credits from FDOT, and once an amount is approved, the toll revenue credit is incorporated within the Federal grant application to serve as the local match.

## TRACK RECORD/MONITOR

MDT has entered into numerous funding agreements with USDOT over the course of more than twenty-five (25) years. The contract monitor for these grant applications is Doug Greist, Manager, MDT Budget and Management Services.

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**BACKGROUND**

On August 10, 2005, President Bush signed into law the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU). SAFETEA-LU addresses the many challenges facing our transportation system today including improving safety, reducing traffic congestion, improving efficiency in freight movement, increasing intermodal connectivity, and protecting the environment as well as laying the groundwork for addressing future challenges. SAFETEAU-LU promotes more efficient and effective Federal surface transportation programs by focusing on transportation issues of national significance, while giving State and local transportation decision makers more flexibility for solving transportation problems in their communities.

The Section 5307 Formula grant program makes Federal funding available to urbanized areas for a wide variety of transit capital programs including planning, engineering, bus acquisition and bus-related projects, security equipment, construction of maintenance and passenger facilities, preventive maintenance, overhaul and rebuilding of bus and rail vehicles, improvement of existing fixed guideway systems, and communication and computer equipment. The 5307 funding is allocated on the basis of legislative formulas, and for urbanized areas over 200,000 in population, the formula is based on population, density, bus and rail service provided, and bus and rail service consumed for public transit agencies in each Urbanized Metropolitan Area.

The Section 5309 FGM grant program makes Federal funding available to public agencies that provide fixed guideway service (exclusive or controlled rights-of-way or rail service) for modernization or improvements to those systems. Within the Section 5309 FGM grant program, funds are allocated by a statutory formula for urban areas with fixed guideway systems in operation for at least seven years.

Prior to FY 2002, Miami-Dade, Broward, and Palm Beach counties were individual Urbanized Metropolitan Areas and were awarded FTA funding accordingly. However, in 2002, the Bureau of Census combined Miami-Dade, Broward, and Palm Beach counties into one Urbanized Metropolitan Area. This change required FTA to allocate Section 5307 Formula and Section 5309 FGM grant funds to the redefined Miami Urbanized Metropolitan Area. The amount requested ($65 million) reflects an estimated maximum amount that Miami-Dade County will receive from the FY 2007 appropriation. The final grant funding amount for the 5307 program will depend on the mutual agreement of all parties (Miami-Dade, Broward, Palm Beach and the South Florida Regional Transportation Authority (SFRTA)) within the Miami Urbanized Metropolitan Area on a formula distributing the total of funds designated for the Miami Urbanized Metropolitan Area. The final grant amount for the Section 5309 FGM program will depend on the mutual agreement of funds distribution between Miami-Dade County and the SFRTA since these are the only public transit agencies within the Miami Urbanized Area with fixed guideway systems.

Projects funded with FY 2007 Section 5307 Formula grant funds are expected to include:

- Capitalization of preventive maintenance
- Passenger amenities including bus facilities and equipment
- Planning activities in support of the Unified Planning Work Program
- Transit Enhancement Projects (required by FTA) including disability-related projects
- Transit Safety and Security Projects (required by FTA)

The FY 2007 FGM grant includes routine maintenance of the Metrorail and Metromover, replacement of tools and equipment, and capitalization of preventive maintenance.

Assistant County Manager