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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: May 6, 2008

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

From: George M. Burgess
County Manager

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

Resolution No. R-484-08

Subject: Resolution Authorizing Application for Fiscal Year 2006 Section 5309 New Starts Funding for the Construction of Metrorail Extension between the Dr. Martin Luther King, Jr. Metrorail Station and the Broward County Line in the Amount of $9,801,000

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) authorize the execution and filing of a grant application on behalf of Miami-Dade County with the United States Department of Transportation (USDOT) and the Federal Transit Administration (FTA) to provide Fiscal Year (FY) 2006 Section 5309 New Starts funding assistance in the amount of $9,801,000 for the construction of a 9.5 mile Metrorail Extension between the existing Dr. Martin Luther King, Jr. Metrorail Station and the Broward County Line along NW 27th Avenue (Orange Line Phase II–North Corridor Extension). 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.

A public hearing is required in accordance with FTA regulations.

SCOPE

As these funds provide support for the construction of a major corridor, the impact of this agreement will be countywide. The Orange Line Phase II-North Corridor Metrorail Extension will be specifically located in Commission Districts 1 and 2.

FISCAL IMPACT

For this initial Federal application of $9,801,000, there will be no fiscal impact the County since the required local match in the amount of $2,450,250 will be provided by the Florida Department of Transportation (FDOT) through the use of 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 which permit a state to count as a 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. Once an amount is approved, the TRC is incorporated with the Federal grant application to serve as the local match.

The total cost for the Orange Line Phase II-North Corridor Metrorail Extension is approximately $1,431,558,000 in year of expenditure (YOE) (through FY 2013) dollars. The overall project is funded through a combination of Federal and State funds, along with a local match provided by the Charter County Transit System Surtax (Surtax). This is the official cost of the project supported by the Preliminary Engineering (PE) plans as of December 2007. As the project progresses, these numbers will be further refined. State funds from FDOT are not included in this application because PE is not an eligible cost under the FDOT Joint Participation Agreement (JPA).

TRACK RECORD/MONITOR

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

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DELEGATED AUTHORITY

In accordance with Section 2.8-3 of the Miami-Dade County Code related to identifying delegations of Board authority, there are no authorities beyond that specified in the resolution which include authority for the Mayor or his designee to execute the agreement and expend funds.

BACKGROUND

FTA Section 5309 funds were provided in an earmark in FY 2006 for $9,801,000 for the MDT Metrorail Extension. Although the earmark did not specifically identify elements of the extension separately, Congressional officials agreed on an equal split of the funds ($4,900,500) for the two federally-funded segments, the North Corridor and the East-West Corridor. However, award of this funding is subject to approval of a Record of Decision (ROD) by the FTA. The ROD for the North Corridor was issued in April 2007, but the ROD for the East-West Corridor is not expected until after the earmark funds would be scheduled to lapse in September 2008. Therefore, to avoid potential loss of half of the 2006 funds, the entire $9,801,000 is being incorporated into this initial grant application designated entirely for the Orange Line Phase II-North Corridor. This funding is part of the Federal share of $700 million in FTA New Starts scheduled to be earmarked for this project under a future Full Funding Grant Agreement (FFGA).

The North Corridor is a 9.5 mile heavy rail extension of Metrorail along NW 27th Avenue from the existing Dr. Martin Luther King, Jr. Metrorail Station to the Broward/Miami-Dade County Line. The project includes 9.5 miles of heavy-rail fixed guideway and track, seven (7) new stations, seven (7) new park-and-ride lots, and the addition of thirty-six (36) railcars to the MDT fleet.

Eligible overall project costs include: (1) preliminary engineering (PE), (2) final design, (3) permitting and review fees by other agencies, survey/mapping and testing services, Construction/Engineering Inspection (CEI) services, (4) right-of-way acquisition and relocation, (5) construction costs for guideway, track, station, park-and-ride, and related systems and facilities, and (6) purchase of thirty-six (36) heavy-rail vehicles. However, this initial application is limited to PE expenses.

Although the latest rating received for this project from FTA in February 2008 was a 'Medium Low", the initial funds appropriated in the FY 06 earmark can still be used as originally intended for preliminary engineering. Efforts will continue in an attempt to restore the project's rating to "Medium" prior to the next rating period, which, if successful, would result in once again attaining eligibility for the FFGA.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: May 6, 2008

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

SUBJECT: Agenda Item No. 8(J)(1)(D)

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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(J)(1)(D)
5-6-08

RESOLUTION NO. **R-484-08**

RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION FOR FISCAL YEAR 2006 SECTION 5309 NEW STARTS FUNDS IN AN AMOUNT OF $9,801,000 WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND THE FEDERAL TRANSIT ADMINISTRATION UNDER THE SAFE, ACCOUNTABLE, FLEXIBLE, AND EFFICIENT TRANSPORTATION ACT – A LEGACY FOR USERS (SAFETEA-LU); AND AUTHORIZING THE EXECUTION OF GRANT AGREEMENT PURSUANT TO SUCH APPLICATION; AND THE RECEIPT AND EXPENDITURE OF FUNDS AS SPECIFIED IN THE AGREEMENT

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, it is required by the USDOT in accordance with the provisions of Title VI of the Civil Rights Act of 1994, that the applicant give an assurance that it will comply with the Title VI of the Civil Rights Act of 1964, and the USDOT requirement thereunder; and

WHEREAS, this Board has conducted a public hearing on Miami-Dade's Section 5309 New Starts grant application described in the County Manager's accompanying memorandum; and

WHEREAS, the State of Florida is authorized to enter into agreements to provide State Toll Revenue Credits (TRC) 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 and FTA to

provide $9,801,000 in Federal Section 5309 New Starts funds and to utilize TRC totaling $2,450,250 as a "soft match" for this project.

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 this 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.

The foregoing resolution was offered by Commissioner **Carlos A. Gimenez**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** 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	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

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The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of May, 2008 . 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

Supplement to
Agenda Item No. 8(J)1(D)

Date: May 6, 2008

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

From: George M. Burgess
County Manager

Subject: Supplemental Information: Resolution Authorizing Application for Fiscal Year 2006 Section 5309 New Starts Funding for the Construction of Metrorail Extension between the Dr. Martin Luther King, Jr. Metrorail Station and the Broward County Line in the Amount of $9,801,000

This supplement is offered to provide clarification on the Fiscal Year (FY) 2006 Section 5309 New Starts funding assistance for the Metrorail Extension. Per Federal Transit Administration (FTA) Circular 9300.1A, New Starts funds are available for the year of appropriation and two years thereafter. This three-year availability is specified each year in the Department of Transportation Appropriations Act. The $9,801,000 was appropriated in FY 06 and would formally lapse on September 30, 2008, if not obligated by the FTA through a formal grant application and award.

While the original appropriation did not specifically identify the North Corridor and East-West Corridors separately, Congressman Kendrick B. Meek and Congressman Mario Diaz-Balart agreed on an equal split of the funds ($4,900,500) for the two federally-funded segments of the Orange Line.

The application for this funding has to be received by the FTA no later than June 15, 2008. If the application is not submitted within the FTA guidelines, the result would be a loss of the funding. The lapsed funds would then be made available for other discretionary projects by the FTA nationwide, with no guarantee that the funding would return to this County. Additionally, one of the key elements of the FTA guidelines is that projects must receive a Record of Decision (ROD) in order to apply for the allocation. The East-West Corridor ROD is not expected until after the funds lapse in September. Therefore, Congressman Meek and Congressman Diaz-Balart met individually with Debra Owens, Special Assistant, Miami-Dade Transit Governmental Affairs, on January 17, 2008 in their Washington, D.C. offices and agreed to move the entire $9,801,000 earmark over to the Phase 2 Orange Line (North Corridor) extension.

This issue was discussed at length and all parties agreed that, given the timeframe and not wanting to risk losing any Federal funding, this approach was the most appropriate and timely.

Assistant County Manager