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

Memorandum

MIAMI-DADE COUNTY

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

Date: March 1, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution Authorizing Acceptance of Grant Funding on behalf of Miami-Dade County from the United States Department of Transportation (USDOT), Federal Transit Administration (FTA) for Fiscal Year 2010 Section 5307 Formula and Section 5309 Fixed Guideway Modernization Grant Programs in the Amount of $64,635,793

Resolution Number: R-141-11

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) authorize the acceptance of grant funding on behalf of Miami-Dade County from the United States Department of Transportation (USDOT), Federal Transit Administration (FTA) for Fiscal Year (FY) 2010, Section 5307 Formula and Section 5309, Fixed Guideway Modernization (FGM) grant programs in the amount of $64,635,793. The total amount requested includes $49,288,963 in FY 2010 Formula funds and $15,346,830 in FY 2010 FGM funds. It is further recommended that the Board authorize 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

These funds will provide support for multiple bus and rail projects. Therefore, impact of these grants will be countywide.

FISCAL IMPACT/FUNDING SOURCE

There will be no negative impact to the County since the required local match in the amount of $16,158,994 will be provided by the Florida Department of Transportation (FDOT) through the use of State Toll Revenue Credits (TRC), a "soft match".

TRACK RECORD/MONITOR

MDT has entered into numerous funding agreements with FDOT over the course of more than 25 years. The Project Manager for this grant application is Patricia Barry, Grants Manager, MDT Financial Services.

DELEGATED AUTHORITY

In accordance with Section 2-8.3 of the Miami-Dade County Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution which include authority for the Mayor, his designee or the MDT Director to execute the agreement and receive and expend these and any additional funds should they become available.

BACKGROUND

On August 10, 2005, President Bush signed 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 – challenges such as 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 affective 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 passengers 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 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.

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 toll revenue credit is incorporated with the Federal grant application to serve as the local match.

Prior to 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 FY 2010 Section 5307 Formula grant was awarded on September 20, 2010. The eligible expenses funded by this grant include:

- Capitalization of preventive maintenance
- Project Administration
- 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 2010 Section 5309 FGM grant application was submitted to FTA on July 12, 2010 and awarded on August 18, 2010. The eligible expenses funded by this grant include routine maintenance of the Metrorail and Metromover, replacement of tools and equipment, and capitalization of preventive maintenance.

The final amount for the Section 5307 Formula 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. 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.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: March 1, 2011

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

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

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 Manager'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. 8(J)(1)(B)
3-1-11

RESOLUTION NO. R-141-11

RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDING FOR FISCAL YEAR 2010 URBAN FORMULA SECTION 5307 AND FIXED GUIDEWAY MODERNIZATION SECTION 5309 GRANT PROGRAMS IN THE AMOUNT OF $64,635,793 FROM 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; RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATIONS AND AGREEMENTS; AND RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE

WHEREAS, this Board desires to accomplish the purpose 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 provisions 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, a public hearing has been conducted 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

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, that:

Section 1. That this Board authorizes the County Mayor, his designee, or the Miami-Dade Transit Director, to accept $64,635,793 in grant funding from the USDOT for Federal Section 5307 Formula and Section 5309 Fixed Guideway Modernization grant programs and to utilize the State Toll Revenue Credits totaling $16,158,994 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 (MDT) 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 and offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Lynda Bell** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman **aye**
Audrey M. Edmonson, Vice Chairwoman **aye**

Bruno A. Barreiro	**aye**	Lynda Bell	**aye**
Jose "Pepe" Diaz	**aye**	Carlos A. Gimenez	**absent**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Natacha Seijas	**absent**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of March, 2011. This resolution shall become effective as follows: 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber