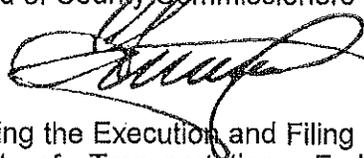


**Date:** December 17, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor



Agenda Item No. 14(A)(1)

**Subject:** Resolution Authorizing the Execution and Filing of Three Grant Applications with the United States Department of Transportation, Federal Transit Administration for up to \$90,000,000.00 in Fiscal Year 2013 Section 5307 Urbanized Formula; Section 5337 State of Good Repair Formula; and Section 5339 Bus and Bus Facilities Formula Program Funding

Resolution No. R-1064-13

## RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) authorize the execution and filing of three grant applications on behalf of Miami-Dade County (County) with the United States Department of Transportation (USDOT), Federal Transit Administration (FTA) for up to \$90,000,000.00 Fiscal Year (FY) 2013 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 amount requested includes up to approximately \$62,000,000.00 in Section 5307 Formula, up to approximately \$22,000,000.00 in Section 5337 State of Good Repair and up to approximately \$6,000,000.00 in Section 5339 Bus and Bus Facilities formula program funding.

It is further recommended that the Board authorize these grant applications pursuant to the agreements, as well as the receipt and expenditure of funds as specified in the agreements.

A public hearing is required in accordance with FTA regulations.

## SCOPE

These funds will provide support for multiple bus and rail projects. 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 \$22,500,000.00, will be provided in full by the Florida Department of Transportation (FDOT) through the use of State Toll Revenue Credits (TRCs) as a "soft match" for these grants.

Under Section 1512 of the Moving Ahead for Progress in the 21st Century (MAP-21) bill signed into law, authorization is continued for State Transportation departments to make available to public transit agencies the use of toll revenue credits on selected federally assisted public transit capital projects. By using toll revenue 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

Miami-Dade Transit (MDT) has entered into numerous funding agreements with FTA over the course of 26 years. The Project Manager for this grant is Ed Carson, Grants Resource Manager, MDT Financial Services.

## **BACKGROUND**

On July 6, 2012, 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 Section 5309 Fixed Guideway Rail Modernization Formula program was replaced with the new Section 5337 State of Good Repair Formula program and the Section 5309 Bus and Bus Facilities Program was replaced with the new Section 5339 Bus and Bus Facilities Formula program. The SAFETEA-LU Section 5316 Job Access and Reverse Commute (JARC) Program was repealed by MAP-21; however, job access and reverse commute projects are now eligible under the Section 5307 Urbanized Area Formula program.

The Section 5307 Formula program, makes Federal funding available to urbanized areas for public transportation capital, planning, job access and reverse commute projects, 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. Changes in the program include the use of funding for JARC projects, use of certain expenditures by vanpool operators and funding provided by other governmental agencies or departments as a local match. Projects funded by the FY 2013 Section 5307 funds are expected to include:

- Capitalization of preventative maintenance
- Associated transportation improvements projects, (required by FTA)
- Transportation security projects (required by FTA)

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 years and a new modified formula. Projects funded by the FY 2013 Section 5337 funds are expected to include:

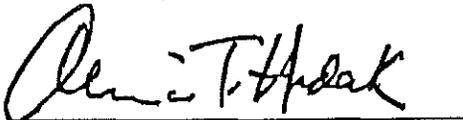
- Capitalization of preventative maintenance
- Replacement and rehabilitation of track, line equipment and structures, signals and communications, power equipment and substations, passenger stations and terminals, security equipment and systems, maintenance facilities and equipment, and operational support equipment including computer hardware and software

The Section 5339 Bus and Bus Facilities Formula program provides funding to replace, rehabilitate and purchase buses and related equipment and construct bus-related facilities. The formula is based upon population, vehicle revenue miles and passenger miles. Projects funded by the FY 2013 Section 5339 funds are expected to include:

- Replacement and rehabilitation of buses, bus facilities and related equipment
- Construction of bus-related facilities

The FTA annually publishes the apportioning funds appropriated by law for the formula grant programs. The Miami Urbanized Metropolitan Area received approximately \$148,000,000.00 in FY 2013-14 formula funds to be divided among the Urbanized Metropolitan Area (Miami-Dade, Broward, Palm Beach and the South Florida Regional Transportation Authority, SFRTA). The SFRTA is the direct recipient of the funding and is responsible for determining the amount of funding each agency will receive based upon the apportioned funds, information from the National Transit Database (NTD) and the appropriate formula established by the FTA.

The final apportionment for the Section 5307 and 5339 programs will depend on the mutual agreement of all the agency Directors within the Urbanized Metropolitan Area. SFRTA determines the amount of the distribution between the agencies based upon the FTA appropriation, NTD and FTA formula as stated above. However, agencies must agree on the split amount to enable SFRTA to distribute notification of the final apportionment. A copy of the notification is required for the grant application. However, the final grant amount for the Section 5337 program will depend on the mutual agreement of funds distribution between the County and the SFRTA, since these are the only public transit agencies within the Urbanized Metropolitan Area with fixed guideway systems. The total combined grant funding (\$90,000,000.00) reflects an estimated maximum amount that the County will receive from the FY 2013 appropriation.



Alina T. Hudak  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** December 17, 2013

**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)  
12-17-13

RESOLUTION NO. R-1064-13

RESOLUTION AUTHORIZING THE FILING OF THREE GRANT APPLICATIONS FOR FISCAL YEAR 2013 SECTION 5307 URBANIZED FORMULA, SECTION 5337 STATE OF GOOD REPAIR FORMULA AND SECTION 5339 BUS AND BUS FACILITIES FORMULA PROGRAMS FUNDING UP TO \$90,000,000.00 WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT); AUTHORIZING THE EXECUTION OF GRANT AGREEMENTS PURSUANT TO SUCH APPLICATIONS; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATIONS AND AGREEMENTS; AND AUTHORIZING THE RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS 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**, the State of Florida is authorized to enter into agreements to provide 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 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 1994; and USDOT requirement thereunder; 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 program applications as described in the County Mayor's accompanying memorandum; and

**WHEREAS**, the State of Florida is authorized to enter into agreements to provide State Toll Revenue Credits (TRC's) 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 this Board authorizes the County Mayor or Mayor's designee to file three financial assistance applications with the USDOT for up to \$90,000,000 in Fiscal Year 2013 FTA Section 5307, Section 5337 and Section 5339 funding and further authorizes the County Mayor or Mayor's designee to execute said grant agreements pursuant to such applications.

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

	Rebeca Sosa, Chairwoman	<b>absent</b>
	Lynda Bell, Vice Chair	<b>aye</b>
Bruno A. Barreiro	<b>absent</b>	Esteban L. Bovo, Jr. <b>aye</b>
Jose "Pepe" Diaz	<b>aye</b>	Audrey M. Edmonson <b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan <b>absent</b>
Jean Monestime	<b>aye</b>	Dennis C. Moss <b>aye</b>
Sen. Javier D. Souto	<b>aye</b>	Xavier L. Suarez <b>aye</b>
Juan C. Zapata	<b>aye</b>	

The Chairperson thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of December, 2013. 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: **Christopher Agrippa**

Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "B. Libhaber".

Bruce Libhaber

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## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Miami-Dade County Board of County Commissioners in the Commission Chambers, second floor, 111 N.W. 1<sup>st</sup> Street, Miami, Florida, during a meeting to begin at approximately 9:30 a.m. on December 17, 2013, to consider three projects for which financial assistance is being sought from the Federal Transit Administration (FTA). The projects are as follows:

### **Fiscal Year 2013 Funds for Section 5307 (Formula), Section 5337 (State of Good Repair) and Section 5339 (Bus and Bus Facilities):**

A total of up to an estimated \$90,000,000 is available to fund eligible projects, including capital, planning, job access reverse commute and operating assistance and associated transportation improvement activities under the 5307 grant; replacement and rehabilitation of existing fixed guideway systems, preventive maintenance and tools and equipment under the 5337 grant; and replacement, rehabilitation and purchase of buses and related equipment and construction of bus-related facilities under the 5339 grant. Florida State Toll Revenue Credits (TRCs) are provided for a total of up to \$22,500,000 as the local match for the three grant applications.

At the hearing, the Committee will afford an opportunity for interested persons or agencies to be heard with respect to the social, economic, and environmental aspects of this project. Interested persons may submit orally or in writing evidence and recommendations with respect to said projects.

A person who decides to appeal any decision made by any board, agency, or commission with respect to any such matter considered at its meeting or hearing, will need a record of all proceedings. Such person may need to insure that a verbatim record of the proceedings is made, including testimony and evidence upon which the appeal is based.

Miami-Dade County provides equal access and equal opportunity in employment and does not discriminate on the basis of disability in its programs or services. Auxiliary aids and services for communication are available with advance notice. This form can be made available in accessible format upon request (audiotape, Braille, or computer disk). For material in alternate format, a sign-language interpreter, or other accommodations, please contact Marcos Ortega at (786) 469-5225. Customers using TDD, please call through the Florida Relay Service 1 (800-955-8771) at least five (5) days in advance.