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

MEMORANDUM

Agenda Item No. 11(A)(30)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 21, 2015

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

SUBJECT: Resolution urging the Miami-Dade Expressway Authority to review and analyze the process by which toll rates are established, with input from the public, and to prepare a report documenting its findings; and urging the Miami-Dade Expressway Authority to avoid future toll increases and instead to consider reducing toll rates or capping toll rates at existing levels, to eliminate the use of the Consumer Price Index as the basis for toll increases, and to impose a moratorium on continually rising toll rates, which heavily burden the County's low and middle income residents, while it studies the issue of rising tolls and presents its findings to the public and to this Board
Resolution No. R-355-15

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

R. A. Cuevas, Jr.
County Attorney

RAC/smm

MEMORANDUM
(Revised)

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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**

_____ **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. 11(A)(30)
4-21-15

RESOLUTION NO. R-355-15

RESOLUTION URGING THE MIAMI-DADE EXPRESSWAY AUTHORITY TO REVIEW AND ANALYZE THE PROCESS BY WHICH TOLL RATES ARE ESTABLISHED, WITH INPUT FROM THE PUBLIC, AND TO PREPARE A REPORT DOCUMENTING ITS FINDINGS; AND URGING THE MIAMI-DADE EXPRESSWAY AUTHORITY TO AVOID FUTURE TOLL INCREASES AND INSTEAD TO CONSIDER REDUCING TOLL RATES OR CAPPING TOLL RATES AT EXISTING LEVELS, TO ELIMINATE THE USE OF THE CONSUMER PRICE INDEX AS THE BASIS FOR TOLL INCREASES, AND TO IMPOSE A MORATORIUM ON CONTINUALLY RISING TOLL RATES, WHICH HEAVILY BURDEN THE COUNTY'S LOW AND MIDDLE INCOME RESIDENTS, WHILE IT STUDIES THE ISSUE OF RISING TOLLS AND PRESENTS ITS FINDINGS TO THE PUBLIC AND TO THIS BOARD

WHEREAS, the Miami-Dade Expressway Authority ("MDX") was created by this Board in 1994 pursuant to state law to serve as an innovative transportation agency dedicated to the enhancement of mobility in Miami-Dade County (the "County"), and to establish local control and retain within the County the toll revenues generated for infrastructure improvements and maintenance of five expressways within the MDX system; and

WHEREAS, MDX has been tasked with re-investing the funds generated from tolls and user fees in order to maintain, operate, and enhance its expressway system; and

WHEREAS, MDX has recently implemented additional tolls on roadways such as State Road 112-Airport Expressway and State Road 836-Dolphin Expressway, adding tolling where there previously was none; and

WHEREAS, there is also concern that MDX will again be increasing toll rates in the coming years when the Consumer Price Index ("CPI") is expected to be raised, because toll rates are increased based on changes in the CPI; and

WHEREAS, while toll revenue collected by MDX is essential for the maintenance and improvement of the transportation infrastructure in the County, rising toll rates may lead to higher commercial transportation costs and may negatively impact everyday commuters in South Florida, especially low and middle income residents, the elderly, and students; and

WHEREAS, to minimize such negative impacts, MDX should review and analyze the reasons why, and the circumstances under which, toll rates have been increased thus far or may be further increased in the future, taking into account the plight of everyday commuters, especially low and middle income residents, the elderly, and students, who may bear a disproportionate burden from rising tolls; and

WHEREAS, as part of that review and analysis, MDX should engage in community outreach by holding a series of open public forums throughout the County to receive input from residents regarding the issue of toll rate affordability and toll rate increases; and

WHEREAS, as part of its review and analysis, MDX should address, among other things, what causes toll rates to rise, how the amount of a toll rate increase is determined, and how toll rate increases correspond to expressway infrastructure costs, general operating costs, and debt service costs; and

WHEREAS, upon completing its review and analysis, MDX should document its findings in a report and present that report to the public and to this Board; and

WHEREAS, MDX is also encouraged to explore the possibility of capping or reducing toll rates in the future, including eliminating an increase in the CPI as a basis for an increase in toll rates; and

WHEREAS, at a minimum, MDX should impose a moratorium on continually rising toll rates, which heavily burden the County's low and middle income residents, while it studies the issue of rising tolls and presents its findings to the public and to this Board; and

WHEREAS, MDX recently adopted MDX Resolution No. 15-15 pledging that toll rates currently in effect shall remain in place without further toll rate increase, except that rates may continue to be increased: (1) pursuant to the CPI beginning in 2019; (2) to cover system maintenance and projects necessary for public safety; (3) to fund projects adding center lanes or lane miles to the MDX system, subject to an expression of support from the County or local municipality where the project is located; or (4) as required under MDX's trust indenture or its debt management policy senior coverage requirement of 1.50; and

WHEREAS, while MDX's pledge is a positive step, it does not go far enough in ensuring that toll rates will not continue to rise and negatively impact everyday commuters in South Florida,

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

Section 1. Approves and incorporates the foregoing recitals in this Resolution.

Section 2. Urges MDX to review and analyze the process by which toll rates are established, as set forth in the recitals above, with input from the public, and to prepare a report and submit it to the Mayor. Within 15 days of receipt, the Mayor or designee shall provide the report to this Board and place it on an agenda of this Board, pursuant to Ordinance No. 14-65.

Section 3. Urges MDX to avoid future toll increases and instead to consider reducing toll rates or capping toll rates at existing levels, and to eliminate the use of CPI as the basis for toll increases.

Section 4. Urges MDX to impose a moratorium on continually rising toll rates, which heavily burden the County's low and middle income residents, while it studies the issue of rising tolls and presents its findings to the public and to this Board.

Section 5. Directs the Clerk of the Board to transmit certified copies of this resolution to the Chair, Members, and Executive Director of the Miami-Dade Expressway Authority.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Rebeca Sosa and Vice Chairman Esteban L. Bovo, Jr. It was offered by Commissioner **Esteban L. Bovo, Jr.** , who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of April, 2015. 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

James Eddie Kirtley