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

MEMORANDUM

Agenda Item No. 11(A)(51)

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

DATE: October 6, 2015

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

SUBJECT: Resolution urging the Florida Legislature to require the Florida Department of Transportation and any roadway authority in the state that utilizes "congestion pricing" or a similar tolling model to set aside toll funding for express bus services, including funding for bus facilities and equipment, along any lanes or corridors where such tolling occurs

Resolution No. R-919-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

MEMORANDUM
(Revised)

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

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FROM: R. A. Cuevas, Jr.
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SUBJECT: Agenda Item No. 11(A)(51)

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)(51)
10-6-15

RESOLUTION NO. R-919-15

RESOLUTION URGING THE FLORIDA LEGISLATURE TO REQUIRE THE FLORIDA DEPARTMENT OF TRANSPORTATION AND ANY ROADWAY AUTHORITY IN THE STATE THAT UTILIZES "CONGESTION PRICING" OR A SIMILAR TOLLING MODEL TO SET ASIDE TOLL FUNDING FOR EXPRESS BUS SERVICES, INCLUDING FUNDING FOR BUS FACILITIES AND EQUIPMENT, ALONG ANY LANES OR CORRIDORS WHERE SUCH TOLLING OCCURS

WHEREAS, "congestion pricing" and similar tolling models work by selling some of a freeway's capacity to those willing to pay a toll, or higher toll, in order to maximize efficiency on the entire freeway and keep traffic flowing smoothly, resulting in a more reliable travel time for drivers; and

WHEREAS, "congesting pricing" tolls are based on real-time traffic conditions and vary according to the level of congestion, with tolls being higher when there is more traffic and lower when there is less; and

WHEREAS, expressway lanes built around the "congesting pricing" or similar tolling models also provide an opportunity to offer mass transit solutions to the problem of heavy traffic and congestion in metropolitan areas, such as Miami-Dade County; and

WHEREAS, for example, express bus service can be offered in the "congesting pricing" toll lanes to provide commuters with a faster and more reliable travel experience without the added expense of costly tolls; and

WHEREAS, in 2007, the Miami-Urban Partnership – comprised of the Florida Department of Transportation (FDOT), Miami-Dade Transit, the Miami-Dade and Broward Metropolitan Planning Organizations (MPOs), the Miami-Dade Expressway Authority (MDX), and the Florida Turnpike Enterprise – entered into an Urban Partnership Agreement to convert

21 miles of high-occupancy vehicle (HOV) lanes between Miami and Fort Lauderdale on I-95 into variably-priced high-occupancy toll lanes; and

WHEREAS, a major component of that project included implementing new express bus service in the variably-priced high-occupancy toll lanes between Miami-Dade and Broward Counties; and

WHEREAS, in January 2010, Miami-Dade Transit implemented the express bus service in the variably-priced high-occupancy toll lanes along I-95, between Miami and Fort Lauderdale; and

WHEREAS, this service has been successful, with annual average weekday boardings exceeding 1,200 passengers as of May 2014; and

WHEREAS, there are opportunities for express bus services to be provided on other existing and yet-to-be-constructed roadways in Miami-Dade County and the State of Florida; and

WHEREAS, one means of financing such services is through the use of toll dollars collected on roadways where "congestion pricing" or similar tolling models are used; and

WHEREAS, section 338.166 of the Florida Statutes provides that the Florida Department of Transportation (FDOT) shall use any remaining toll revenues, after the discharge of bond indebtedness, for the construction, maintenance, and improvement of roadways ***or*** to support express bus services on the facility where the toll revenues are collected; and

WHEREAS, as currently written, Florida law therefore does not require that toll dollars be used for express bus services, as such funds may be devoted solely to road maintenance and improvement; and

WHEREAS, the Legislature should require FDOT, as well as any other roadway authority in the state, to set aside toll dollars to provide express bus services on any roadway where "congestion pricing" or a similar tolling model is used,

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

Section 1. Urges the Florida Legislature to require the Florida Department of Transportation and any roadway authority in the state that utilizes "congestion pricing" or a similar tolling model to set aside toll funding for express bus services, including funding for bus facilities and equipment, along any lanes or corridors where such tolling occurs.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for the passage of the legislation described in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2016 State legislative package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner **Xavier L. Suarez**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **absent**

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

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