

MEMORANDUM

Agenda Item No. 3(B)(2)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: February 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution ratifying, pursuant to section 2-9 and 2-10 of the Miami-Dade County Code, a Memorandum of Understanding with the Florida Department of Transportation for transit operations on Interstate - 195 (I-195) / State Road 112 / Julia Tuttle Causeway shoulders, in substantially the form attached

Resolution No. R-154-22

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Geri Bonzon-Keenan
County Attorney


GBK/jp

Memorandum



Date: February 15, 2022

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Memorandum of Agreement Authorizing the Use of the Julia Tuttle/I-195
Causeway for DTPW Bus on Shoulder (BOS) Operations

Executive Summary

The purpose of this item is for the Board of County Commissioners (Board) to ratify a Memorandum of Agreement (MOA) with the Florida Department of Transportation (FDOT) for a Bus on Shoulder (BOS) pilot project along the Julia Tuttle Causeway to alleviate traffic congestion, improve on-time performance and increase ridership. The MOA was executed in November 2021, the project commenced in December 2021, and the cost to the County is approximately \$578,000. The term of the MOA is five years.

Recommendation

It is recommended that the Board approve the attached resolution, pursuant to Sections 2-9 and 2-10 of the Miami-Dade County Code, ratifying the MOA with FDOT for BOS operations along the Interstate-195 (I-195)/SR 112/Julia Tuttle Causeway. The intent of the BOS project is to allow County buses to use the outside shoulder along the Julia Tuttle Causeway to bypass traffic congestion in order to maintain the schedule of bus trips and improve travel time for passengers. Under the MOA, the County provides FDOT quarterly performance reports measuring safety, travel time and reliability, ridership, frequency of use and enforcement to ensure that BOS operations are administered in a manner consistent with FDOT’s project needs. The term of the agreement is five years, after which it may be renewed upon consent of both parties.

Scope

The I-195/SR 112/Julia Tuttle Causeway is located in Commission Districts 3 and 4. However, the pilot project has a countywide impact as it contributes to the enhancement of the transit system’s overall performance.

Delegated Authority

Pursuant to Section 2-8.3 of the County Code, there are no delegations of authority beyond those specified in the Resolution.

Fiscal Impact/Funding Source

The total fiscal impact to be paid from Transit Operating funds for the five-year term is approximately \$578,000, i.e., \$110,000 annually to remove debris along the shoulder and \$28,000 for the deployment of temporary portable signs to inform the public of traffic pattern changes to the inside or outside BOS operation.

Track Record/Monitor

Alex Barrios, DTPW, Assistant Director, Construction and Maintenance will monitor the MOA.

Background

The primary goal of the I-195 BOS operation is to provide reliable transit travel times across Biscayne Bay between the mainland and Miami Beach as well as to improve travel times for transit passengers. The specific objectives of the BOS implementation project are to:


- Provide reliable (predictable) travel times for new Bus Express Rapid Transit (BERT) routes and existing DTPW bus routes across Biscayne Bay, particularly during severe congestion at peak commute times and incidents;
- Increase average transit speeds to decrease travel times for bus passengers; and
- Improve operational efficiency by reducing bus travel times.

DTPW collaborated with FDOT to pilot the BOS operation on the outside shoulder of the Julia Tuttle Causeway upon completion of FDOT’s shoulder improvement. The interim operations on the I-195 outside shoulder will be between approximately milepost 1.898 to 4.904 for the westbound direction and approximately between milepost 1.805 to 4.665 for the eastbound direction. This service commenced on December 20, 2021.

It is proposed, in the long-term, to operate buses on the inside shoulders of I-195 during periods of extreme congestion (Monday through Friday 7-11 AM and 3-7 PM) between approximately milepost (MP) 1.5 and MP 4.2 on I-195 across the Julia Tuttle Causeway over Biscayne Bay. County bus operation on the shoulders shall not exceed 35 miles per hour in accord with FDOT BOS Guidance. The inside shoulder will require improvements to accommodate BOS operations, currently in design by FDOT, with construction anticipated for completion in 2023.

Along with existing services that currently traverse I-195, two new DTPW routes will also utilize the BOS operation. The Tuttle Shuttle is an interim pilot service anticipated to operate for at least six months, beginning in December 2021. In 2023, the BERT Beach Express North service is projected for implementation.

FDOT is the agency responsible for the operations and maintenance of I-195, a state road. However, under the terms of the MOA, the County will sweep the shoulders of I-195.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: February 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 3(B)(2)

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
- Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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. 3(B)(2)
2-15-22

RESOLUTION NO. _____ R-154-22

RESOLUTION RATIFYING, PURSUANT TO SECTION 2-9 AND 2-10 OF THE MIAMI-DADE COUNTY CODE, A MEMORANDUM OF UNDERSTANDING WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR TRANSIT OPERATIONS ON INTERSTATE - 195 (I-195) / STATE ROAD 112 / JULIA TUTTLE CAUSEWAY SHOULDERS, IN SUBSTANTIALLY THE FORM ATTACHED

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

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

Section 1. This Board approves the agreement attached hereto and incorporated herein between Miami-Dade County and the Florida Department of Transportation for transit operations on Interstate - 195 (I-195) / State Road 112 / Julia Tuttle Causeway shoulders, designating and setting forth the responsibilities of each party.

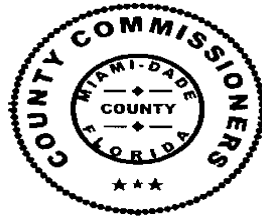
Section 2. This Board further ratifies the agreement as executed by the County Mayor's designee on behalf of Miami-Dade County in substantially the form attached.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado** and upon being put to a vote, the vote was as follows:

	Jose "Pepe" Diaz, Chairman	aye	
	Oliver G. Gilbert, III, Vice-Chairman	aye	
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	absent	Danielle Cohen Higgins	aye
Eileen Higgins	absent	Joe A. Martinez	absent
Kionne L. McGhee	absent	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of February, 2022. 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

Melissa Adames

By: _____
 Deputy Clerk

Approved by County Attorney
 as to form and legal sufficiency.

Bruce Libhaber

**MEMORANDUM OF AGREEMENT BETWEEN
MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION
(FDOT) FOR TRANSIT OPERATIONS ON INTERSTATE-195 (I-195)/STATE ROAD (SR)
112 / JULIA TUTTLE CAUSEWAY SHOULDERS**

This Memorandum of Agreement (“Agreement”) is entered into this 23rd day of November 2021, by and between Miami-Dade County (“COUNTY”), a political subdivision of the State of Florida, and THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”), a State Agency.

WITNESSETH:

WHEREAS, it is in the interest of the citizens of Miami-Dade County to reduce traffic congestion and improve County transit operations; and

WHEREAS, Miami-Dade County operates bus routes on certain FDOT roadways that experience frequent traffic congestion; and

WHEREAS, strategies to speed the operations of those transit services will make transit more attractive to existing and new riders; and

WHEREAS, the Miami-Dade County Department of Transportation and Public Works (“DTPW”) has studied the operation of buses on the shoulders of Interstate-195 (I-195)/SR 112 /the Julia Tuttle Causeway and recommends the implementation of such service on specific segments of FDOT roadways where the shoulder is suitable and when traffic conditions warrant such operation; and

WHEREAS, FDOT plans to undertake projects to improve the eastbound and westbound shoulders of Interstate-195 (I-195)/ SR 112 / the Julia Tuttle Causeway in order to provide suitable conditions for the operation of County buses on the shoulders (the “FDOT Projects”); and

WHEREAS, in order to provide bus on shoulder services, FDOT plans to undertake a shoulder

improvement project prior to the County's operation of interim bus on shoulder services; additionally, FDOT plans to undertake a subsequent shoulder reconstruction project for the County's provision of ultimate bus on shoulder services; and the parties understand that the County's bus on shoulder operations can only be implemented in a manner consistent with FDOT's project needs;

NOW, THEREFORE, IN CONSIDERATION of the mutual terms, conditions, promises, covenants, and payments hereinafter set forth, the parties agree as follows:

MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FDOT
FOR TRANSIT OPERATIONS ON I-195/JULIA TUTTLE CAUSEWAY SHOULDERS

ARTICLE 1 - DEFINITIONS

- 1.1 “BOS” shall mean bus on shoulder.
- 1.2 “BOS Project” shall mean the project to use shoulders along Florida Interstate 195 (I-195), SR 112, the Julia Tuttle Causeway by Metrobuses as a by-pass lane during traffic congestion only where it is safe to by-pass congestion.
- 1.3 “COUNTY” shall mean Miami-Dade County.
- 1.4 “ConOps Report” shall mean the I-195/Julia Tuttle Causeway BOS Concept of Operations Report, dated October 2021.
- 1.5 “DTPW” shall mean Miami-Dade County Department of Transportation and Public Works.
- 1.6 “FDOT” shall mean the Florida Department of Transportation.
- 1.7 “FDM” shall mean the FDOT Design Manual.
- 1.8 “FHP” shall mean the Florida Highway Patrol, a division of the Florida Department of Highway Safety and Motor Vehicles.
- 1.9 “FM” shall mean Financial Management, as in the FDOT FM number assigned to funded projects.
- 1.10 “I-195” shall mean Interstate-195, the Julia Tuttle Causeway.
- 1.11 “TPO” shall mean the Transportation Planning Organization.
- 1.12 “USDOT” shall mean the United States Department of Transportation.

MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FDOT
FOR TRANSIT OPERATIONS ON I-195/JULIA TUTTLE CAUSEWAY SHOULDERS

ARTICLE 2 - GENERAL REQUIREMENTS

- 2.1 **Compliance with Applicable Laws and Regulations.** Each party to this Agreement shall comply with all existing and future laws, statutes, ordinance, codes, rules, regulations, and procedural requirements, whether federal, state, or local, which are applicable to it and which in any manner affect the BOS Project. Each party shall be responsible for ensuring compliance by its employees, contractors, agents or assigns with all applicable county, state, and federal requirements which are applicable to it and in any manner affect the BOS Project including, but not limited to, all safety, mechanical, roadway and vehicular standards, if any, mandated by such requirements.
- 2.2 **Representative.** Each party shall designate one or more individuals to act as liaison to the other and shall notify the other in writing of such designation. Each party shall promptly notify the other in writing of any changes in such designation. The purpose of this representative is to facilitate the implementation of the BOS Project and to be the point of contact for each agency.
- 2.3 **Amendments or Modifications.** Amendments or modifications to this Agreement must be in writing and shall not be effective unless executed by the County Mayor, subject to authorization by its Board, and the FDOT District Six Secretary or its designee.

**ARTICLE 3 - TRANSIT OPERATIONS
ON THE I-95/JULIA TUTTLE CAUSEWAY SHOULDERS (BOS) PROJECT**

- 3.1 **Concept.** The BOS Project is based on recommendations found in the ConOps Report. The ConOps Report recommended the provision of BOS operation on the outside shoulders of the I-195/Julia Tuttle Causeway in the interim condition, which requires FDOT modifications to the roadway, (“Interim BOS Operation”) and BOS operation on the inside shoulders of the I-195/Julia Tuttle Causeway in the ultimate condition, which requires further FDOT modifications to the roadway (“Ultimate BOS Operation”).

MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FDOT
FOR TRANSIT OPERATIONS ON I-195/JULIA TUTTLE CAUSEWAY SHOULDERS

3.1.1 **Location.** The concept is intended for allowing use of the shoulder by County buses in the segment of the I-195/Julia Tuttle Causeway between the Biscayne Boulevard ramps and Old Alton Road (eastbound)/Alton Road ramp (westbound) (the “BOS project Limits”). The Interim operations on the I-195 outside shoulder will be between approximately milepost 1.898 to 4.904 for the westbound direction and will be implemented after completion of an FDOT shoulder improvement project, Financial Management (“FM”) Number 448175-1. The Interim operations on the I-195 outside shoulder will also be between approximately milepost 1.805 to 4.665 for the eastbound direction and will also be implemented after completion of FDOT shoulder improvement project FM Number 448175-2. The Ultimate BOS operations on the I-195 inside shoulder will be between approximately milepost 1.898 to 4.904 for both the eastbound and westbound directions and will be implemented after the inside shoulders are reconstructed under the FDOT FM Number 444622-1.

3.1.2 **Intent:** The intent of BOS operation is to allow County buses to use the outside shoulder in the interim condition or inside shoulder in the ultimate condition on the I-195/Julia Tuttle Causeway to bypass traffic congestion in order to maintain the schedule of bus trips and improve travel time for passengers.

3.2. **Authority:** The planning of the BOS Project was coordinated with FDOT, as detailed in correspondence between the COUNTY and FDOT, dated February 2020 and June 2020, copies of which are appended as Exhibit A to this Agreement.

3.3. **Conditions for Shoulder Operations.** County buses may operate on the shoulders of I-195/Julia Tuttle Causeway within the FDOT Projects limits only under the following conditions:

3.3.1 **Timing of Project Commencement:** Interim BOS operations may only commence in the outside shoulder upon completion of FDOT’s project [FM#s 448175-1 and 448175-2] and after FDOT provides written notice to County that BOS operations may commence on the outside shoulders. Ultimate BOS operations may only commence in the inside shoulder upon completion of FDOT’s project [FM# 444622-1] and after FDOT provides written

MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FDOT
FOR TRANSIT OPERATIONS ON I-195/JULIA TUTTLE CAUSEWAY SHOULDERS

notice to County that BOS operations may commence on the inside shoulders. The BOS Project shall not operate on the outside shoulders once the Ultimate BOS operations are available upon completion of FDOT's Project [FM# 444622-1]. During construction of the FDOT Projects, County buses shall not operate on shoulders.

Additionally, the County must provide the following information to FDOT prior to FDOT issuing written notice that BOS operations may commence, along with any additional information requested by FDOT:

- BERT Beach Express North Schedule of Service.
- DTPW Driver Training Records.
- Approved FDOT Permit for temporary messaging signs to be deployed 14 calendar days prior to shoulder use.
- List and schedule of any and all DTPW service routes using shoulder.
- County's operational and maintenance funding needs to be in Transportation Improvement Plan (TIP) for BERT Beach Express North Transit Service (not roadway improvement)

3.3.2 **Timing of BOS Operations:** County buses may only operate on shoulders from 7AM to 11AM and from 3PM to 7PM from Monday through Friday. Any additional hours of operation of County buses on shoulders are subject to approval by FDOT, within its sole discretion. In the case of special events, the County must coordinate with the FDOT District Six Transportation Systems Management and Operations (TSM&O) Office to request differing or additional time periods for allowable bus on shoulder operations with a minimum of 14 calendar days of advance notice.

3.3.3 County bus operation on the shoulders shall not exceed 35 miles per hour in accordance with FDOT Bus On Shoulder Guidance (2017).

3.3.4 County buses operating on the shoulders must yield to entering, merging, and exiting traffic and to emergency and law enforcement vehicles, including without limitation, FDOT "Road Rangers".

3.3.5 Where disabled vehicles, stopped vehicles, emergency services vehicles or equipment, law enforcement vehicles, construction, maintenance vehicles or equipment, or other obstacles occupy the shoulder, County buses shall not operate on the shoulders. FDOT shall have

MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FDOT
FOR TRANSIT OPERATIONS ON I-195/JULIA TUTTLE CAUSEWAY SHOULDERS

priority at all times to occupy the shoulders for any reason, within its sole discretion.

3.3.6 County bus operation on the shoulders shall be prohibited during and immediately after a storm event, when there is standing water on the shoulder, or at any time the shoulder is ponded or flooded for any reason.

3.3.7 County will provide quarterly reports on the performance measures listed below. After the initial 3-year period the report will be consolidated to summarize the before and after conditions. The purpose of the quarterly report is to review measures, identify targets, analyze progress towards targets and identify mitigation strategies for targets that are not met.

Data Disclaimer: Any baseline for ridership or average speed are submitted with the understanding that the pandemic, variants, and other events could very rapidly change the bus environment and therefore the above values. This in turn would require a re-computation of baselines and resulting required targets.

Performance measures and targets are as follows:

a) **Safety:** The most important measure of performance for the BOS operation is to ensure safety. Target: The safety target is **no preventable¹ crashes**. Potential crashes are considered in the design exceptions.

After any preventable accident, DTPW will review crash reports to understand circumstances and causes. DTPW staff will review operator training to see if any changes need to be made to address the causes of the accident.

If a trend of preventable accidents is observed within the first year of operations, the BOS project will be reevaluated to determine the underlying causes and contributing factors. If more than two (2) preventable accidents occur during any calendar year of the

¹ The Federal Transit Administration defines A "Preventable Accident" as one in which the driver failed to exercise every reasonable precaution to prevent the accident.

MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FDOT
FOR TRANSIT OPERATIONS ON I-195/JULIA TUTTLE CAUSEWAY SHOULDERS

project, the BOS application should be reevaluated to determine if the service should be continued.

- b) **Travel Time and Reliability:** An on-time trip is one that arrives at its destination(s) within one minute before or five minutes after the scheduled time during normal operations (i.e. not including periods with traffic crashes/incidents or weather that prevent use of the shoulder). Target: A one percent (1%) improvement in on-time performance for all routes utilizing the Julia Tuttle/I-195 BOS operation within the interim service period, when compared with pre-BOS operations.
- c) **Ridership:** FDOT Statewide BOS guidance states that ridership on routes using BOS operation should increase by ten (10) percent. Target: Ten percent (10%) increase in total transit ridership for all transit routes using the BOS at the end of both the interim and ultimate service periods (pre-condition compared with post-condition). Ridership data will be reported quarterly, reflecting average weekday use.
- d) **Frequency of Use:** DTPW will monitor and report on usage of BOS based on a bus operator survey that has been developed by DTPW and will be conducted quarterly. Target: The target is for fifty percent (50%) of bus operators to report using the shoulder at least once during their daily shift.
- e) **Enforcement:** Enforcement will be measured by number of citations issued by FHP to bus operators using the BOS. Target: Zero traffic citations received while operating in the BOS.

3.4 Responsibilities of the Parties.

3.4.1 The COUNTY will be responsible for the following activities and financing them:

3.4.1.1 Except where otherwise noted in this Agreement, all costs of operation of the BOS Project, including, without limitation, (i) the provision, operation, repair and maintenance of buses for route operations; (ii) the training of County bus operators

MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FDOT
FOR TRANSIT OPERATIONS ON I-195/JULIA TUTTLE CAUSEWAY SHOULDERS

to conform to the conditions of the BOS Project; (iii) the development, production, and distribution of informational materials to inform public officials, the general public, expressway drivers, and transit riders of the goals, objectives and details of the BOS Project; (iv) sweep and remove debris along the outside shoulders during the interim implementation and the inside shoulders during the ultimate implementation of the BOS operations (v) the installation and maintenance of temporary roadside signs by the County through a FDOT District Six permitting process (two permits – one from Permit Office and another one from Traffic Operations office) associated with the BOS Project.

3.4.1.2 The annual evaluation of the BOS operations to document enforcement, agency/customer satisfaction, frequency of BOS use, ridership, reliability, and safety concerns for a period of three (3) years following the BOS interim and ultimate implementation (see Exhibit B) and the annual evaluation is due to FDOT District Six Modal Development Office 60 calendar days after every 12 months of bus on shoulder operation; (ii) Upon decision to continue the BOS operations beyond the initial three year period, the COUNTY shall report on the established performance measures on a quarterly basis to FDOT District Six Model Development Office.

3.4.1.3 Coordinating with the appropriate law enforcement agency to provide the necessary support and enforcement of shoulder use restrictions for purposes of the BOS Project.

3.4.2 The FDOT shall be responsible for the following activities:

3.4.2.1 Monthly scheduled maintenance of the I-195/Julia Tuttle Causeway mainline and ramp shoulders, including routine removal of debris along shoulders.

3.4.2.1 The planning, design, and construction of the FDOT Projects.

MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FDOT
FOR TRANSIT OPERATIONS ON I-195/JULIA TUTTLE CAUSEWAY SHOULDERS

ARTICLE 4 - INSURANCE

The Parties hereto acknowledge that the parties are governmental entities subject to the provisions of Section 768.28, Florida Statutes. Each party shall maintain a fiscally sound and prudent risk management program with regard to its obligations under this Agreement and in accordance with the provisions of Section 786.28, Florida Statutes. Each party shall collect and keep on file documentation of insurance of any and all contractors procured by it which may participate in any way in the BOS Project.

ARTICLE 5 - INDEMNIFICATION

The COUNTY shall indemnify and hold harmless the FDOT and its officers, employees, agents and instrumentalities from any and all liability, injuries, losses or damages including attorneys' fees and costs of defense, which the FDOT, or its officers, employees, contractors, agents and instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from this Agreement, the BOS Project, or the use of the shoulder of FDOT roadways by COUNTY vehicles, except that the County shall not be liable under this provision for damages arising out of injury or damages directly caused or resulting from the negligence of FDOT. COUNTY shall pay all claims and losses in connection therewith and shall investigate and defend all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature for FDOT where applicable, including appellate proceedings, and shall pay all costs, judgments and attorneys' fees which may issue thereon. The COUNTY's agreement and responsibilities enumerated here in this Article 5 shall survive termination of this Agreement.

MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FDOT
FOR TRANSIT OPERATIONS ON I-195/JULIA TUTTLE CAUSEWAY SHOULDERS

ARTICLE 6 - TERM, MODIFICATIONS AND MISCELLANEOUS PROVISIONS

- 6.1 **Term of Agreement.** This agreement shall become effective upon execution of the Parties and shall remain in effect for five years, at which point the parties may renew this Agreement or enter into a subsequent Agreement.
- 6.2 **Review of Project.** The County shall compile the quarterly reports described in Article 3.3.7 herein, into a before-and-after study using established performance measures as stated in Exhibit B. The County shall submit the before-and-after report to FDOT District Six Model Development Office within six months after the initial three year start up period.
- 6.3 **Termination.** This agreement may be terminated for any reason by either party no later than one-hundred twenty (120) calendar days with written notice to the other party prior to the next available Line Up (the timeframe within which the bus operators are allowed to select new work assignments for the upcoming operating period).
- 6.5 **Suspension of BOS operations for safety reasons.** Nothing herein shall be construed to limit either Party to this Agreement from halting operations of buses on the shoulders of FDOT facilities if and when (1) either party determines, in its sole discretion, that BOS operations pose a significant safety hazard, (2) either party determines, in its sole discretion, that the other party has violated either a material term of this Agreement or of any other commitment, rule, regulation or legal obligation related to the BOS Project, or (3) the Parties agree that continuation of such operations is not in the interest of public safety.
- 6.6 Notices to FDOT under this Agreement shall be in writing sent by U.S. Mail addressed to:
- Florida Department of Transportation District 6
1000 NW 111th Avenue
Miami, Florida 33172
- Notices to COUNTY under this Agreement shall be in writing sent by U.S. Mail

MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FDOT
FOR TRANSIT OPERATIONS ON I-195/JULIA TUTTLE CAUSEWAY SHOULDERS

Mail addressed to:

Miami-Dade County
County Mayor
Stephen P. Clark Center
111 NW 1st Street, 29th Floor
Miami, FL 33128

- 6.7 **Complete and Binding Agreement.** This writing embodies the full and complete agreement of the parties.
- 6.8 **Execution.** This document may be executed in counterparts, each of which shall be deemed an original. Two originals shall be distributed to each of the parties.
- 6.9 **Governing Law.** This Agreement shall be construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF, the parties have caused this Memorandum of Agreement to be executed on their behalf as of the date first stated above:

ATTEST MIAMI-DADE COUNTY, FLORIDA

A political subdivision of the State of Florida

By: 
Jimmy Morales, Chief Operations Officer


11/22/2021
(Date)


Approved by County Attorney
as to Form and Legal Sufficiency:



MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FDOT
FOR TRANSIT OPERATIONS ON I-195/JULIA TUTTLE CAUSEWAY SHOULDERS

FLORIDA DEPARTMENT OF TRANSPORTATION
An agency of the State of Florida

By:  11/24/2021 | 8:13 AM EST
9A89F25A76144F3
Stacy Miller, P.E., District Six Secretary (Date)

 12CAF0E104DB48G
Legal Review

MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FDOT
FOR TRANSIT OPERATIONS ON I-195/JULIA TUTTLE CAUSEWAY SHOULDERS

EXHIBIT A - CONCURRENCE CORRESPONDENCE



TRANSPORTATION AND PUBLIC WORKS
Office of the Director
Overtown Transit Village
701 N.W. 1st Court • 17th Floor
Miami, Florida 33136
Tel: 786-469-5406 Fax: 786-469-5587

June 16, 2020

James Wolfe P.E., Secretary
District Six
Florida Department of Transportation
1000 NW 111th Avenue
Miami, FL 33172

RE: Julia Tuttle Causeway – Outside Shoulder Improvements for Beach Express Service

Dear Secretary Wolfe,

The Miami-Dade County Department of Transportation and Public Works (DTPW) is in coordination with the Florida Department of Transportation (FDOT) and other stakeholders to facilitate Beach Express North (Route F1) service as part of the SMART Bus Express Rapid Transit (BERT) Network. The long-term operation of the route is projected to begin in 2023 and will use the Julia Tuttle Causeway inside shoulder under certain conditions to maintain attractive transit travel times. The Julia Tuttle Causeway inside shoulder project (Financial Management [FM] Number 444622-1) is currently under design and is estimated to complete construction in September 2023.

In a letter addressed to the Miami-Dade Transportation Planning Organization (TPO) Executive Director Aileen Boucle, the FDOT responded to the TPO directive 26-18, which recommended FDOT to allow the use of the outside shoulder of Julia Tuttle Causeway for bus use until the inside shoulder project (FM No.444622-1) is completed. In order to grant usage of the shoulder, FDOT requests that DTPW confirm which shoulder will be used for the interim service and verify if the shoulder meets the minimum width required.


Subsequently, DTPW staff obtained a permit from FDOT and conducted a test run of the inside and outside shoulders of the Julia Tuttle Causeway on April 10th, 2020. As a result of the test run, DTPW determined that the outside shoulder of the Julia Tuttle Causeway is preferable for the interim operation, and it meets the minimum width required for bus on shoulder operations. In order to implement the interim service on the outside shoulder, DTPW requests that the rumble strips be removed from the outside shoulder throughout the length of the corridor with special attention to the bridge approaches, and that proper signs and pavement markings be provided to advise public of the transit use. DTPW seeks to begin the interim service immediately upon completion of construction. Similarly, the long-term service will begin upon completion of the roadway improvement project (FM No. 444622-1).

Upon receipt of this correspondence, we ask that your staff provide the schedule for the outside shoulder improvement.

Thank you for your continued coordination with this effort. If you have any questions concerning this matter please contact Jie Bian, Ph.D., DTPW Chief of Planning and System Development at (786) 469-5245 or by e-mail at Jie.Bian@MiamiDade.gov.

MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FDOT
FOR TRANSIT OPERATIONS ON I-195/JULIA TUTTLE CAUSEWAY SHOULDERS

Letter to Sec. Wolfe – Julia Tuttle Causeway – Outside Shoulder Improvements
June 16, 2020
Page 2 of 2

Sincerely,

Alice N. Bravo P.E.
Director

C: Frank Guyamier, P.E., Deputy Director, DTPW
Elia Nunez, P.E., Assistant Director, Engineering, Planning and Development, DTPW
Jie Bian, Ph.D., Chief of Planning and System Development, DTPW
Danny Iglesias, FDOT Director of Production
Ken Jefferies, FDOT District Six Transportation Planning Manager

MEMORANDUM OF AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FDOT
FOR TRANSIT OPERATIONS ON I-195/JULIA TUTTLE CAUSEWAY SHOULDERS



Florida Department of Transportation

RON DESANTIS
GOVERNOR

1000 NW 111th Avenue
Miami, FL 33172

KEVIN J. THIBAUT, P.E.
SECRETARY

February 26, 2020

Aileen Bouclé AICP, Executive Director
Miami-Dade Transportation Planning Organization
111 NW 1st Street, Suite 920
Miami, FL 33128

SUBJECT: Response to Transportation Planning Organization (TPO) Directive regarding Agenda Item 7.A.2.- Request by TPO Board Member Sally A. Hayman urging the Florida Department of Transportation to accelerate necessary roadway improvements on the Julia Tuttle Causeway for Bus on Shoulder running

Dear Ms. Bouclé:

The Florida Department of Transportation (FDOT) District Six is in receipt of your letter, dated February 13, 2020, regarding a TPO Directive by Board Member Sally A. Hayman requesting that FDOT expedite the State Road (SR) 112/Julia Tuttle Causeway from east of (SR) 5/Biscayne Boulevard to (SR) 907/Alton Road, roadway improvement project (Financial Management [FM] number 444622-1), scheduled to begin design in March 2020 and estimated to complete construction in September 2023. This project is part of a joint effort between Miami-Dade County Department of Public Works (DTPW), the Miami-Dade Transit (MDT) and the City of Miami Beach that will permit the Beach Express North Rapid Transit network to use the inside shoulder of the Julia Tuttle Causeway under certain conditions. It has been our understanding that the Beach Express North Service is scheduled to begin service in 2023 and DTPW is in the process of completing its study for this service.

TPO Resolution No. 26-18 recommended that FDOT allow the use of the outside shoulder for bus use in the interim until project FM No. 444622-1 is completed. The outside shoulder is occasionally used via a permit from FDOT during special events in the City of Miami Beach. DTPW's minimum width for permanent shoulder running is 11.5 feet. In order to consider this interim project, DTPW needs to provide written concurrence to FDOT for the variance in DTPW's minimum width for shoulder running. During a teleconference held on February 18, 2020, DTPW indicated that they need to test both shoulders and asked if the existing rumble strips could be removed and additional signage and pavement markings be added. In order to test the shoulders for bus use, DTPW will need to apply for a Permit from FDOT.

The FDOT has indicated in the past that it is not in favor of suspending the existing bicycle lanes that currently exist along the causeway on the outside shoulder. FDOT however, would reconsider that position provided that DTPW conduct minimum public outreach for the suspension of the bicycle lanes as well as outreach to law enforcement, emergency management services and the driving public if the outside shoulder were to be selected for bus use in the interim. DTPW will be responsible for bus operator education and training.

An interim project to include adding signage, rumble strip removal and pavement markings will require night and possibly weekend lane closures and the shoulder may be closed for a short time. In a letter dated July 8, 2019 addressed to Commissioner Higgins, the FDOT advised that construction along the Julia Tuttle Causeway will not take place concurrently with the I-395/SR 836/I-95 Design-Build Project as

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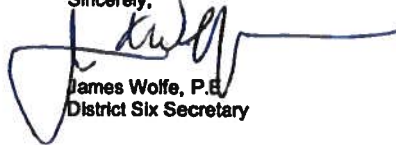
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construction activities related to this interim project will exacerbate traffic conditions. Cost estimates for the interim scope are being developed by the FDOT along with a schedule for implementation.

Finally, FDOT's response to TPO Resolution 26-18, dated August 17, 2018 noted that the Julia Tuttle Causeway is a Federal Interstate and like the ultimate bus on shoulder project FM No. 444622-1, an interim project to modify the outside shoulder will require approval from the Federal Highway Administration (FHWA). FHWA and FDOT will require the Operations and Maintenance related costs for the Beach North Express project be funded in the Transportation Improvement Plan (TIP) prior to approval of both the interim and permanent project.

If you have any questions concerning this matter, please contact me at (305) 470-5197.

Sincerely,



James Wolfe, P.E.
District Six Secretary

cc: Danny Iglesias, P.E. Florida Department of Transportation
Dat Huynh, P.E., Florida Department of Transportation
Kenneth Jeffries, Florida Department of Transportation
BaoYing Wang, P.E., Florida Department of Transportation
Curlene Thomas, Florida Department of Transportation
Nilia Cartaya, Florida Department of Transportation
Zainab Salim, Miami-Dade Transportation Planning Organization
Bruce Libhaber, Miami-Dade County Assistant Attorney

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EXHIBIT B - BUS-ON-SHOULDERS PERFORMANCE MEASURES

Bus-on-Shoulders Performance Measures				
Category	Measures	Performance Targets	Data Measurement Period	Reporting Period
Safety	Crashes/incidents involving buses (preventable crashes)	Zero crashes involving buses	DTPW compiles this data monthly.	If a trend of preventable accidents is observed within the first year of operations, the BOS project will be reevaluated to determine the underlying causes and contributing factors. If more than two (2) preventable accidents occur during any calendar year of the project, the BOS application should be reevaluated to determine if the service should be continued. County will provide quarterly reports on the performance measures. After the initial 3-year period the report will be consolidated to summarize the before and after conditions.
Travel Time and Reliability	On-time performance	A one percent (1%) improvement in on-time performance for all routes utilizing the Julia Tuttle/I-195 BOS operation within the initial three-year service period, when compared with pre-BOS operations.	DTPW compiles this data monthly.	County will provide quarterly reports on the performance measures. After the initial 3-year period the report will be consolidated to summarize the before and after conditions.
Ridership	Average weekday ridership	Targeted ridership increase is 10% at the end of the initial three-year period.	DTPW compiles this data monthly.	Ridership data will be reported quarterly, reflecting average weekday use. County will provide quarterly reports on the performance measures. After the initial 3-year period the report will be consolidated to summarize the before and after conditions.
Frequency of Shoulder Use	Qualitative observations based on quarterly operator surveys.	The target is for fifty percent (50%) of bus operators to report using the shoulder at least once during their daily shift.	DTPW will compile this data quarterly.	County will provide quarterly reports on the performance measures. After the initial 3-year period the report will be consolidated to summarize the before and after conditions.
Enforcement	Number of law enforcement actions	Zero traffic citations received while operating in the BOS.	DTPW will compile this data quarterly.	County will provide quarterly reports on the performance measures. After the initial 3-year period the report will be consolidated to summarize the before and after conditions.

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