



Miami-Dade Board of County Commissioners  
Office of the Commission Auditor

**Transportation and Public Works Committee (TPWC)**  
**Meeting**

December 13, 2018  
9:30 A.M.  
Commission Chambers

Thomas B. Davis, Esq.  
Director, Policy and Legislation  
Office of the Commission Auditor (OCA)  
111 N.W. First Street, Suite 1030  
Miami, FL 33128  
(305) 375-2524

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**TPWC Meeting: December 13, 2018**  
**Research Notes**

**Item No. 1G2**  
**File No. 182568**

**Researcher: LE Reviewer: TD**

ORDINANCE RELATING TO THE PEOPLE'S TRANSPORTATION PLAN AND CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS; AMENDING SECTION 29-124 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, BY A TWO-THIRDS VOTE OF THE COMMISSION MEMBERSHIP; REQUIRING MUNICIPALITIES TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE COUNTY AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS FOR ON--DEMAND TRANSPORTATION SERVICES; IMPOSING CERTAIN REQUIREMENTS FOR THE AGREEMENT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Section 29-124 of the Miami-Dade County Code to require municipalities to enter into an interlocal agreement with the County authorizing the use of Charter County Transportation System Surtax funds for on-demand transportation services and impose certain requirements for the agreement.

**APPLICABLE LEGISLATION/POLICY**

**Section 29-124 of the Miami-Dade County Code**, creates the special fund for surtax proceeds to be collected, provides the use of surtax proceeds, and the role of Citizens' Independent Transportation Trust.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH29TA\\_ARTVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA_ARTVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Dennis C. Moss, District 9**  
**Department/Requester: None**

This item was adopted on first reading at the November 8, 2018 BCC meeting and is set for public hearing before the TPWC meeting on December 13, 2018.

**ANALYSIS**

The proposed ordinance amends Section 29-124 of the Miami-Dade County Code requiring municipalities to enter into an interlocal agreement with the County to authorize the use of Charter County Transportation System Surtax funds for on-demand transportation services while requiring the city, operator, vehicles and chauffeurs to comply with applicable safety, mechanical and vehicle standards required by the County, state, and federal levels.

The proposed ordinance does not have a fiscal impact.

Section 29-124 of the County Code currently provides that municipalities may fund on-demand transportation services. The on-demand transportation service provides access to and from transit facilities and improves accessibility and mobility throughout the County as part of measures to decrease traffic congestion, decrease wait time, and provide more options for transportation. Some forms of these services will be shared-rides where vehicles will provide rides to more than one person/trip at a time. Municipalities must coordinate with the County to work on the implementation plan to determine use of surtax funds. The interlocal agreement shall also detail the implementation plan and provide fare structure for the on-demand services.

**TPWC Meeting: December 13, 2018**  
**Research Notes**

The table below shows the original Section 29-124 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 29-124 of the County Code	Proposed changes to Section 29-124 of the County Code
<p><b>Sec. 29-124. - Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.</b></p> <p>The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects (including operation and maintenance thereof) set forth in Exhibit 1 to this article (including those projects referenced in the ballot question presented to the electors to approve this levy) and the adopted Five Year Implementation Plan, subject to any amendments thereto made in accordance with the Transportation Planning Organization ("TPO") process or made in accordance with the procedures specified in subsection (d) of this section.</p> <p>Expenditure of surtax proceeds for contracts procured by or on behalf of Miami-Dade Transit or for transit-related procurements shall be subject to the following limitations:</p> <p>* * *</p> <p>(h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:</p> <p>(i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation;</p> <p>(ii) That apply 20 percent of any surtax proceeds received to transit uses in the nature of circulator buses, bus shelters, bus pullout bays, on-demand transportation services as defined in Section</p>	<p><b>Sec. 29-124. - Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.</b></p> <p>The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects (including operation and maintenance thereof) set forth in Exhibit 1 to this article (including those projects referenced in the ballot question presented to the electors to approve this levy) and the adopted Five Year Implementation Plan, subject to any amendments thereto made in accordance with the Transportation Planning Organization ("TPO") process or made in accordance with the procedures specified in subsection (d) of this section.</p> <p>Expenditure of surtax proceeds for contracts procured by or on behalf of Miami-Dade Transit or for transit-related procurements shall be subject to the following limitations:</p> <p>* * *</p> <p>(h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:</p> <p>(i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation;</p> <p>(ii) That apply 20 percent of any surtax proceeds received to transit uses in the nature of circulator buses, bus shelters, bus pullout bays, on-demand transportation services as defined in Section</p>

**TPWC Meeting: December 13, 2018**  
**Research Notes**

212.055(1)(e), Florida Statutes, as may be amended from time to time, or other transit-related infrastructure. The use of surtax proceeds for on-demand transportation services shall be limited to providing transportation services where the trip is no greater than 5 miles in distance and (1) where the origination or destination of the trip is solely within city boundaries; (2) where the origination of a trip is within city boundaries and the destination is the nearest Metrorail station or South Dade Transitway bus shelter; (3) where the origination of a trip is the Metrorail station or South Dade Transitway bus shelter closest to the city boundary of the city where the intended destination of the trip is located; or (4) where the origination or destination of the trip is a public transit park-and-ride facility. Each city that uses surtax proceeds for on-demand transportation services shall provide an annual report to the County describing the city's implementation of the on-demand transportation services in accordance with this paragraph. Any city that cannot apply the 20 percent portion of surtax proceeds it receives as provided in this paragraph, may contract with the County for the County to apply such proceeds on a County project that enhances traffic mobility within that city and immediately adjacent areas. If the city cannot expend such proceeds in accordance with this paragraph and does not contract with the County as described in this paragraph, then such proceeds shall carry over and be added to the overall portion of surtax proceeds to be distributed to the cities in the ensuing year and shall be utilized solely for the transit uses enumerated in this subsection (ii);

\* \* \*

212.055(1)(e), Florida Statutes, as may be amended from time to time, or other transit-related infrastructure. >>The use of surtax proceeds for on-demand transportation services must be authorized by an interlocal agreement with the County which has been approved by the Board of County Commissioners. The interlocal agreement shall require, among other things, that the city, operator, vehicles and chauffeurs comply with applicable safety, mechanical and vehicular standards required by the County, and any applicable state or federal requirements, and shall detail the implementation plan and fare structure for the on-demand services.<<The use of surtax proceeds for on-demand transportation services shall be limited to providing transportation services where the trip is no greater than 5 miles in distance and (1) where the origination or destination of the trip is solely within city boundaries; (2) where the origination of a trip is within city boundaries and the destination is the nearest Metrorail station or South Dade Transitway bus shelter; (3) where the origination of a trip is the Metrorail station or South Dade Transitway bus shelter closest to the city boundary of the city where the intended destination of the trip is located; or (4) where the origination or destination of the trip is a public transit park-and-ride facility. Each city that uses surtax proceeds for on-demand transportation services shall provide an annual report to the County describing the city's implementation of the on-demand transportation services in accordance with this paragraph. Any city that cannot apply the 20 percent portion of surtax proceeds it receives as provided in this paragraph, may contract with the County for the County to apply such proceeds on a County project that enhances traffic mobility within that city and immediately adjacent areas. If the city cannot expend such proceeds in accordance with this paragraph and does not contract with the County as described in this paragraph, then such proceeds shall carry over and be added to the overall portion of surtax proceeds to be distributed to the cities in the ensuing year and shall be utilized solely for the transit uses enumerated in this subsection (ii);

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**TPWC Meeting: December 13, 2018**  
**Research Notes**

**Item No. 3A**

**File No. 182844**

**Researcher: IL Reviewer: TD**

RESOLUTION DESIGNATING THE WEST 35 FEET OF MIAMI-DADE COUNTY OWNED PROPERTY IN SECTION 14, TOWNSHIP 56 SOUTH, RANGE 39 EAST IDENTIFIED AS ROCK PIT NO. 45 AS PUBLIC ROAD RIGHT-OF-WAY FOR SW 128 COURT SUBJECT TO CERTAIN CONDITIONS, AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONFIRM THAT ALL CONDITIONS HAVE BEEN MET PRIOR TO DESIGNATION AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME

**ISSUE/REQUESTED ACTION**

Whether the Board should designate the west 35 feet of Miami-Dade County owned property in section 14, township 56 south, range 39 east identified as rock pit no. 45 as a public road right-of-way for SW 128 Court subject to certain conditions for the Transportation and Public Works Department.

**APPLICABLE LEGISLATION/POLICY**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Daniella Levine Cava, Commission District 8**

**Department/Requester: Transportation and Public Works**

There is no procedural history at this time.

**ANALYSIS**

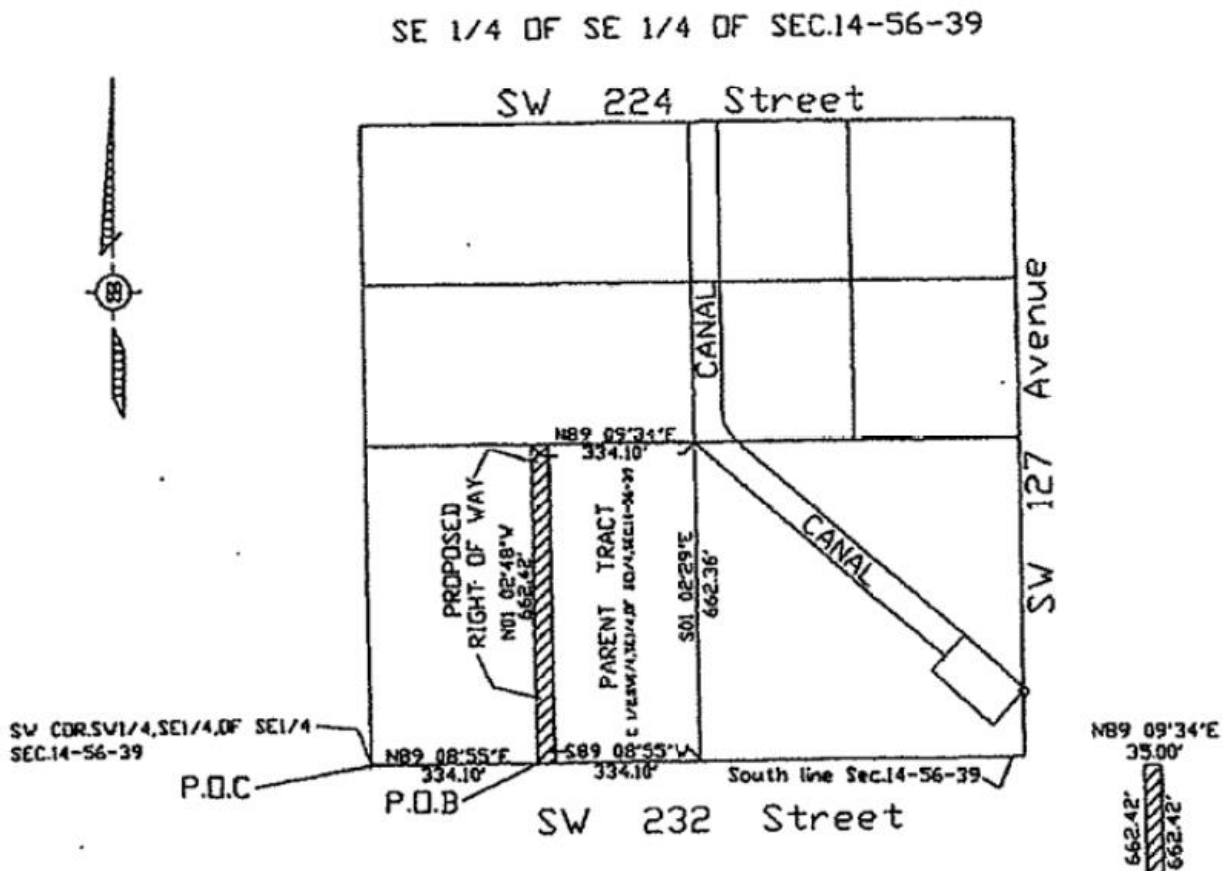
This item is requesting that Board designate the west 35 feet of Miami-Dade County owned property in section 14, township 56 south, range 39 east identified as rock pit no. 45 as a public road right-of-way for SW 128 Court subject to the northern property owners obligation and sole cost to improve the County property with pavement and a sidewalk in accordance with County standards, and to construct the sidewalk extension in accordance with County standards.

The fiscal impact would be comprised of an annual maintenance costs of \$241.00 that will be charged to the Department of Transportation and Public Works (DTPW)

This resolution is for the designation of a public right-of-way a portion of Miami-Dade County owned property identified as Rock Pit No. 45. This property is under the jurisdiction of DTPW. In an effort to complete the roadway grid in the area and to provide direct access to SW 232 Street, the property owner has request that the County designate as right-of-way for SW 128 Court the west 35 feet of Rock Pit No. 45. In exchange the property owner will improve the newly designated right-of-way by constructing a two-way road and sidewalk at his sole cost and expense. This new roadway and sidewalk should enhance vehicular and pedestrian flow in the area.

TPWC Meeting: December 13, 2018  
Research Notes

Sketch of the proposed area to be improved below:



**TPWC Meeting: December 13, 2018**  
**Research Notes**

Illustration of the area from the property appraisers office website below:

**Folio:** 30-6914-000-0191

**Sub-Division:**

**Property Address**

12821 SW 232 ST  
Miami, FL 33170-0000

**Owner**

MIAMI-DADE COUNTY  
PUBLIC WORKS

**Mailing Address**

111 NW 1 ST STE 1610  
MIAMI, FL 33128-1924

**PA Primary Zone**

9000 AGRICULTURE

**Primary Land Use**





**TPWC Meeting: December 13, 2018**  
**Research Notes**

**Item No. 3B**

**File No. 182653**

**Researcher: IL Reviewer: TD**

RESOLUTION AUTHORIZING AMENDMENT TO THE RAILROAD LICENSE AGREEMENT APPROVED UNDER RESOLUTION NO. R-1037-16 TO INCREASE THE COST ESTIMATE IN THE AMOUNT OF \$42,000.00 FOR A TOTAL REVISED CONTRACT AMOUNT OF \$932,600.00 AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPROVE EXPENDITURES UP TO THE NEW AMOUNT, TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME, AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

**ISSUE/REQUESTED ACTION**

Whether the Board should (1) authorize an amendment to the Railroad license agreement approved under resolution no. R-1037-16 to increase the cost estimate in the amount of \$42,000.00 for a total revised contract amount of \$932,600.00, (2) authorize the County Mayor to approve expenditures up to the new amount, and (3) authorize the use of Charter County Transportation Surtax funds for such purposes for the Department of Transportation and Public Works (DTPW).

**APPLICABLE LEGISLATION/POLICY**

**Section 212.055(1) of the Florida Statutes**, (Discretionary sales surtaxes), governs the Charter County and Regional Transportation System Surtax, may levy a discretionary sales surtax, subject to approval by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

[http://www.leg.state.fl.us/STATUTES/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0212/Sections/0212.055.html](http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.055.html)

**Section 29-124 of the Miami-Dade County Code**, (Special fund created; uses of surtax proceeds; and role of Citizens Independent Transportation Trust) No surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two-thirds (2/3) vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without

any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE\\_212.0551FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE_212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**Section 2-1421(g) of the Miami-Dade County Code**, (Citizens' Independent Transportation Trust created; powers over expenditure and use of proceeds of proposed Charter County Transit System Surtax) The Trust shall have the following duties, functions, powers, responsibilities and jurisdiction with regard to use and expenditure of proceeds of any Charter County Transit System Surtax that is levied by the County under authority of Section 212.055(1), Florida Statutes: (1) To monitor, oversee, review, audit, and investigate implementation of the transportation and transit projects listed in any levy of the surtax, and all other projects funded in whole or in part with surtax proceeds; (2) To assure compliance with any limitations imposed in the levy on the expenditure of surtax proceeds, including but not limited to: (a) Any limitation that surtax proceeds only be expended for the transportation and transit purposes specified Section 212.055(1)(d)1—4, Fla. Stats., as may be amended from time to time;

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXCVIICIINTRTR\\_S21421CIINTRTRCRPOOV\\_EXUSPRPRCHCOTRSYSU](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTXCVIICIINTRTR_S21421CIINTRTRCRPOOV_EXUSPRPRCHCOTRSYSU)

**TPWC Meeting: December 13, 2018**  
**Research Notes**

**Resolution No. R-1037-16**, adopted by the Board on November 1, 2016, authorizing the approval of a railroad crossing license agreement, between Miami-Dade County and Florida East Coast Railway, for the reconstruction of a railroad crossing and traffic control devices at NW 37 avenue in the vicinity of NW 74 Street in the amount estimated at \$890,600.00

<http://www.miamidade.gov/govaction/matter.asp?matter=162190&file=true&fileAnalysis=false&yearFolder=Y2016>

**PROCEDURAL HISTORY**

**Prime Sponsor:**

**Department/Requester: Transportation and Public Works**

There is no procedural history at this time.

**ANALYSIS**

Whether the Board should (1) authorize an amendment to the Railroad license agreement approved under resolution no. R-1037-16 to increase the cost estimate in the amount of \$42,000.00 for a total revised contract amount of \$932,600.00, (2) authorize the County Mayor to approve expenditures up to the new amount, and (3) authorize the use of Charter County Transportation Surtax funds for such purposes for the Department of Transportation and Public Works (DTPW), to cover the reconstruction of a railroad crossing and traffic control devices at the intersection of NW 37<sup>th</sup> Avenue near NW 74<sup>th</sup> Street.

The fiscal impact would be comprised of an additional amount needed of \$42,000.00 for a total amended cost of construction estimated at \$932,600.00 and is going to be funded from Surtax funds. There is an annual maintenance fee for crossing protective devices in the amount of \$2,260.00 and it will be funded through the Secondary Gas tax.

Prior to this item being approved the CITT needs to send a favorable recommendation at-least 45 days prior to this item coming before the Board of County Commissioners (BCC) at a regular BCC meeting because this project consists of funds that derive from the Charter County Transportation Surtax (Surtax).

TPWC Meeting: December 13, 2018  
Research Notes

The location of the intersection where the reconstruction is going to take place is illustrate below:

