CITT MUNICIPAL GUIDELINES

These municipal guidelines serve as a starting point in determining the eligibility of prospective expenditures of Charter County Transportation System Surtax Funds. In cases of uncertainty, it is highly recommended to contact CITT staff, who will assist in making a final determination that will ensure continued compliance.

TRANSIT

A minimum of 20% of surtax funds distributed within a fiscal year must be spent on transit-eligible expenses. Spending more than 20% within this category is encouraged.

Transit Project Definition: What is defined as a "transit project"?

A transit project is defined as bus service, rail service and related amenities: bus pull-out bays, bus shelters, bus benches, and bus stops. All expenses associated with the operation and maintenance of a transit project are eligible. Acquisition of capital (such as the purchase of new trolleys, transit technology, or trolley garages) also qualifies as a transit expense. Additionally, consultant services for transit planning as well as other related transit administrative expenses are also eligible.

Transit Service Definition: What is defined as a "transit (bus/circulator and/or on-demand) service"?

A municipal circulator may be a fixed route. This term is applied to a transit service that is regularly scheduled and operates over a set route.

In addition, the use of surtax proceeds for on-demand transportation service shall be limited to providing transportation service where the trip is no longer than five (5) miles in distance. Each city that uses surtax proceeds for on-demand transportation service shall provide an annual report to Miami-Dade County describing the city's implementation of the on-demand transportation service in accordance with County Code.

<u>**Eligible Expenditures**</u>

1. ***Advertising: Is advertising allowed?***

   The Surtax ordinance does not prohibit the placement of advertisements on PTP vehicles and facilities (i.e. bus shelters and benches). Any revenue generated from advertising on vehicles, benches, bus shelters, or transit facilities, in whole or in part, or maintained in whole or in part, by surtax funds, must go back into the PTP fund for use on PTP transit projects. Outside contractors may be used to manage an advertising program with reasonable fees paid out of gross advertising proceeds.

2. ***Electric Vehicle Charging Stations: Can EV Charging Stations be considered an eligible use of Surtax funds?***

   Yes, but only if it is directly servicing an existing transit system or on-demand system (e.g., a Park & Ride, multi-modal transit center, or any similar location where people park their vehicles to then use a fixed-route or on-demand transit service). It is not eligible simply to provide for general use at any given parking lot. For more ambiguous settings, such as a City Hall parking lot that also serves as a trolley pick-up location, careful discretion is advised. Only a fair and reasonable estimation of the percentage of parking lot patrons using transit service can be claimed as an eligible expense. Municipalities are encouraged to submit plans for this type of use to the CITT and County Attorneys for clarification prior to committing surtax funds to the project.

3. ***Micromobility: Are bike-sharing or scooter-sharing programs an eligible use of surtax funds?***

   Yes, bicycle and scooter sharing programs are an eligible use of funds, and may be categorized under Transit. To the extent possible, ridership and usage data should be collected and relayed in the quarterly reports.

4. ***On-Demand Services: Can Surtax funds be used to pay for commercial level on-demand services such as Uber or Lyft?***

   Yes, this can be an eligible Transit expense, but within certain guidelines. Rides cannot exceed five miles and cannot discriminate to serve only one portion of the population. For example, when a ride is hailed by someone needing a wheelchair accessible vehicle (WAV), they must always (and not only *sometimes*) be made available.

   Furthermore, if a type of service is *available* to all, but subsidized for a select population, such as the elderly, that is allowable. Please note that an interlocal agreement with the County is required for any municipal on-demand transportation services, including partnerships with ride-share companies.

5. ***Security Surveillance: Are PTP dollars an eligible expense for the installation and maintenance of a security surveillance system?***

   The installation and maintenance of a security surveillance system is an eligible use of transit surtax funds to the extent or in proportion to the designated spots the garage has for transit riders. For example, if there are 1,000 parking spaces, and 750 spaces are meant for a park n' ride purpose, then the City could theoretically pay up to 75% of the installation and maintenance expense with transit surtax funds. Please note transportation surtax funds are not eligible here, as PTP funds are not meant for parking purposes, unless for special circumstances, such as a park n' ride which is a transit-eligible expense.

   Surveillance cameras installed in a bus or trolley for fixed route services are an eligible transit expense.

6. ***Technology: Is the purchase and installation of real-time tracking technology, such as General Transit Feed Specification (GTFS) or General On-Demand Format Specification (GOFS) or any other format approved by DTPW, and ridership tracking technology such as Automated People Counters (APCs), an eligible expense?***

   Yes, the purchase and installation of any of the above-mentioned technologies aboard a municipality's fixed route or on-demand vehicle is an eligible transit expense, as was established by County Ordinance 24-91. The real-time tracking capability on all transit services is **required** as part of the County's efforts to maximize efficiency and ensure that municipal systems complement and enhance the transit system as a whole.

7. ***Vehicle Amenities: Is the purchase and installation of vehicle amenities and upgrades such as bike racks, seat cushions, grab handles and stanchions (or the like), automatic voice announcement systems, etc., an eligible use of transit funds?***

   Yes, the purchase and installation of vehicle amenities and upgrades, such as bike racks, seat cushions, grab handles (and the like), and automatic voice announcement systems are an eligible use of transit funds. If another upgrade is in question, it is recommended to get approval beforehand, to avoid the purchase being later identified as ineligible during a future audit.

TRANSPORTATION

A maximum of 80% of surtax funds distributed in a fiscal year may be spent on transportation expenses.

Transportation Project Definition: What is defined as a "transportation project"?

A transportation project can be anything related to the maintenance and enhancement of roadways (such as milling and resurfacing, repairing potholes, trimming trees blocking right of ways, traffic calming, etc.). Any public works-type projects related to transportation but not qualified for transit may be eligible here.

<u>Eligible Expenditures</u>

8. ***Equipment: Are street sweepers, backhoes, crew cabs, asphalt spreaders, bulldozer excavators, asphalt milling machines, grader, wheel loaders, low floor planers, dump trucks, and street pressure washer's eligible expenditures?***

   Yes. The procurement of maintenance equipment, if used for the repair and/or maintenance of roads, is an acceptable transportation use of surtax funds.

9. ***Sidewalks: Where and when can the installation or repair of sidewalks be regarded as an eligible project?***

   The installation, repair or maintenance of sidewalks is an eligible expenditure that may be funded by the <u>transportation</u> portion of Charter County Transportation System Surtax Fund proceeds under the following conditions:

- Sidewalks constructed as part of a larger road project.
- Stand-alone sidewalk projects that are part of a network of sidewalks which provide for urban mobility (Effective 11/15/2013).

The installation, repair or maintenance of sidewalks is an eligible expenditure that may be funded by the 20% transit portion of Charter County Transportation System Surtax Fund proceeds under the following conditions:

- Sidewalks that are part of a bus stop/bus shelter sidewalk improvement project;
- Sidewalks that provide ADA accessibility to bus shelters and bus stops.

All sidewalk projects must meet ADA guidelines and other applicable standards. Sidewalks and pathways used primarily for recreational purposes in areas such as parks are generally not eligible.

10. ***Swales: Is the purchase of rock, topsoil and sod for swales an eligible PTP expense?***

    Florida Statute Section 212.055 reads in relevant part:

    > **[…] municipalities may use the surtax proceeds to plan, develop, construct, operate, and maintain roads and bridges in the municipality** and to pay the principal and interest on bonds issued to construct roads or bridges.

    If the purchase of rock, topsoil, and sod for the purpose of maintaining swales is necessary to protect the structural integrity and longevity of the roadway, then the purchase of such items using surtax funds would be an eligible transportation expense.

11. ***Traffic Calming Devices: Are traffic calming devices an eligible use of surtax funds?***

    Traffic calming devices in the classic sense such as speed bumps, speed cushions, and traffic circles are an eligible use of transportation surtax funds; devices such as speed radars and cameras are not.

12. ***Trucks: Is the purchase of stormwater and CCTV (closed-circuit television) trucks an eligible use of surtax funds?***

    It depends. It's eligible as a transportation expense to the extent it is used only for roadways. If vehicles are not always used for work on roadways, then the percentage of its eligible use would need to be quantified, documented, and paid with PTP funds accordingly. The ability to distinguish and prove the time spent on eligible versus ineligible tasks is important.

It Depends

It *__may__* *or* *__may not__* *be eligible. It could be a* *__transit__* *or a* *__transportation__* *expense.*

13. ***Bike Paths: Are bike paths and/or greenways eligible expenditures?***

    The installation, repair or maintenance of bike paths are an eligible expenditure that may be funded by the transportation portion of Charter County Transportation System Surtax Fund proceeds under the following conditions:

    - Bike paths constructed as part of a larger road project;
    - Stand-alone bike path projects that provide for urban mobility (Effective 11/15/2013);

    All projects must meet ADA guidelines and other applicable standards. Bike paths used primarily for recreational purposes in areas such as parks are generally not eligible.

14. ***Event Expenses: Could event expenses that promote rapid transit services be considered eligible expenses?***

    Yes, this could be eligible as part of the five percent of surtax funds allowable for administrative expenses (categorized as a marketing expense under administrative expenses). Of course, proper documentation should be requested for your records.

15. ***Landscaping and Irrigation: Are landscaping and irrigation allowed under PTP funding guidelines?***

    Landscaping and irrigation are not acceptable uses of surtax funds, unless these are part of a roadway improvement project. Specifically, if in the process of constructing or maintaining a road or bridge, trees must be removed, then surtax funds may be utilized to restore or replant. Landscaping as a "Stand Alone Project," not related to a road improvement Project (e.g., for beautification), is not eligible for surtax funding.

16. ***Maintenance of Traffic Equipment: Are the painting and/or maintenance of traffic light mast arms, benches, and light poles eligible expenses?***

    The maintenance of benches, assuming they are located at transit bus stops, is an acceptable use of surtax funds and would constitute a transit purpose. The maintenance of traffic light mast arms is an acceptable transportation project. Light poles, assuming they are placed to light a road or transit facility, are an acceptable transit or transportation purpose, as applicable.

17. ***Parking Studies: Are parking studies an eligible use of surtax funds?***

    It depends on the nature of the plan or project and the extent to which it serves a mobility purpose or is connected to a larger transportation network, in which case it would be classified as a transportation expense. In some cases, it may even be eligible under Transit if it is part of determining the possibility of installing a Park 'n Ride.

18. ***Personnel and Force Account: Does the cost of city personnel associated with transportation improvements, count toward baseline expenses (e.g., charging a portion of the Public Works Director's time spent on PTP transportation projects)? Can funds from the transit surtax be used to pay for the costs of city staff hired to perform street maintenance duties such as repairing potholes, etc.?***

    Yes, but the type of work will determine under which category (transit or transportation) the expense is recorded (e.g., trolley drivers would be 100% transit, whereas roadway workers would be 100% transportation). Personnel and force account expenditures are eligible. Any allocation of expenses must be reasonable and as a percentage of time spent on PTP projects. Direct expenses for personnel and force accounts must be documented.

19. ***Street Furniture: Is street furniture (benches, trash cans, bike racks, tree grates) eligible?***

    Benches, lighting, and shelters at bus stops are an acceptable transit purpose under state statute and county ordinance. However, street furniture which is not located at bus stops or other transit stations, for example, along parks or public facilities, is not an acceptable use of transit surtax funds. Alternatively, some street furniture, such as bike racks and benches, placed alongside a transportation facility, such as a roadway, may be considered an eligible *transportation* expense, if it serves to support a true mobility function, such as a bicycle/pedestrian facility that is not primarily recreational in nature.

20. ***Street Lighting: Is street lighting an eligible surtax expense? If so, is it eligible under transit or transportation?***

    It depends. Yes, street- and sidewalk- lighting in general is eligible as a transportation expense. It would only be eligible as a transit expense if it were lighting for a dedicated busway or equivalent. Lighting at specific transit stops/stations, if included as part of street furniture, would also qualify as a transit expense.

21. ***Street Signage: What type of signage is eligible for funding?***

    Miami-Dade County Department of Transportation and Public Works Department is responsible for maintaining traffic and street signs. A number of municipalities have entered into an interlocal agreement with the County for the municipality to assume responsibility for street signs. In these cases the cost of street sign purchase, installation and maintenance is an eligible transportation expense. Entrance feature signs (e.g. "Welcome to….") are not eligible.

    Signage for the municipal circulator is eligible for transit or transportation funding.

22. ***Traffic Cameras: Can traffic cameras be procured with surtax proceeds to monitor traffic conditions and resolve issues when they occur to ensure vehicular mobility?***

    Traffic cameras used for the operation of the transportation system are eligible. Traffic cameras used for enforcement activities (e.g., red light cameras) are not eligible.

23. ***Training Employees: PTP funds may be used for maintenance of traffic training/certification for employees that repair potholes, sidewalks, drains, etc.***

    Any training of personnel for purposes of doing work that is eligible to be paid for with surtax funds can itself be paid for with surtax funds up to 5% of total distributions per fiscal year. This falls under the allowable 5% administrative expenses.

Not Eligible

24. ***Police Traffic Management: Could PTP funds be used to pay for police overtime to manage traffic flow and congestion within a municipality?***

    In general, this is not likely to be an eligible expense. This matter may be discussed on a case-by-case basis.

25. ***Schools and School Buses: Are bus shelters for school bus pickup/drop-off points eligible? Are bus bays for school buses eligible? Can school buses be purchased to transport children?***

    No. Florida Statute 316.003 has clear, separate, and distinct definitions for a bus and school bus. Therefore, when Florida Statutes and the county ordinance make reference to a bus or bus system, it does not include school buses or school bus amenities. As such, the purchase of school buses, school bus benches, school bus pullout bays, etc., are not legally acceptable uses of surtax funds.

    However, municipal circulators can and are encouraged to provide routes that stop at schools. Shelters at such bus stops used for the municipal circulator are eligible.

26. ***Trolley Wraps: Can Surtax funds be used to pay for trolley wraps to show support for different causes (e.g., breast cancer awareness)?***

    No, this is not considered an eligible use of surtax funds.

27. ***Vanpools: Are vanpools an eligible expenditure?***

    No. In general, vanpools are not an eligible use of surtax funds since they are not part of a bus or rapid transit system. However, this matter may be discussed on a case-by-case basis.

GENERAL INFORMATION

28. ***Annual expenditure of the 20% Transit Portion: When a municipality spends more than the 20% allowed for transit projects in earlier years, is it obligated to meet the 20% requirement in later years?***

    County Ordinance No. 02-116 requires that municipalities allocate at least 20% of its distribution annually on transit projects. The 20% is a minimum level of expenditure. The ordinance further explains that the municipality must expend or encumber by the end of the (fiscal) year its receipt of surtax funds. However, CITT Resolution 15-027 allows for the "credit of surtax funds expended by municipalities in excess of their annual surtax allocation to their allocation in subsequent years."

29. ***Annual Five-Year Transit/Transportation Plan: Can a municipality modify its five-year plan after it has been submitted to the CITT?***

    Yes. Although an amendment/change to the plan may be presented anytime during the fiscal year, annual updates of the five-year transit/transportation plan are required, whether changes occur or not, by November 1st of each year.

30. ***Annual Reporting Requirements for Transit Services:***

    The County Code was amended in 2018 to require that any new Interlocal Agreement (ILA) or any amendment to an existing ILA (1) must include a provision requiring that the municipality provide to the County the municipality's real time circulator service route information in a format approved by the County's Department of Transportation and Public Works, or its successor department which is compatible with, and may be integrated into the County's smartphone transit tracker application and third party applications, and (2) must include a provision requiring municipalities to provide to the county on a quarterly basis municipal daily transit ridership data for both circulator and on-demand transportation service including a description of any area within the municipal boundaries not being serviced by the municipal transit services. Said data shall be due to the County within 15 days from the end of the corresponding quarter. Within 30 days of receipt of the information from a municipality, the County Mayor or County Mayor's designee shall place a report showing the municipal transit service ridership information for the corresponding quarter.

31. ***Bonding of Surtax Revenues: Can a Municipality use its People's Transportation Plan dollars as the revenue source for a municipal bond?***

    Yes. The municipality must provide documentation regarding the bonding of surtax revenues. The projects that will be funded must be clearly identified in the Municipal Transportation Plan.

32. ***CRA: Are projects undertaken by the CRA of a municipality allowable surtax expenditures and can funds expended by a CRA of a City be used to calculate the City's Maintenance of Effort (MOE)?***

Projects undertaken by the CRA of a City, as an agent of the City, are allowable surtax expenditures provided they meet other eligibility criteria. In terms of calculating the Maintenance of Effort (MOE) requirement for the City, funds expended by the CRA that are from the municipal general fund contribution to the CRA for surtax eligible projects, are eligible for calculating the required maintenance of effort. Only the city general fund portion of the CRA expenditure, not the County portion or other funding sources such as grants or special assessments, may be used for MOE purposes.

33. ***Interest Earnings: What are the guidelines for interest earned on PTP funds?***

All interest earned on PTP funds must be credited back to the PTP for expenditure on eligible PTP projects. Where interest earnings are pooled with other sources the PTP fund must receive an appropriate allocation of interest earnings.

34. ***Maintenance of Effort: What level of maintenance of effort is required by municipalities?***

County Ordinance 02-116 (i), states that municipalities are to "continue to provide the same level of general fund support for transportation that is in their FY 2001-02 Budget in subsequent Fiscal Years."

35. ***Redistribution (Recapture) of Unspent Transit Funds: What are the guidelines for the redistribution (recapture) of transit funds?***

Any municipality that cannot apply the 20% portion of surtax proceeds it receives may contract with the county for the county to apply such proceeds on a county project that enhances traffic mobility within the city and immediately adjacent areas. After the rollover period if the city cannot expend such proceeds in accordance with the established criteria, proceeds shall be recaptured and redistributed to the other cities for transit purposes.

36. ***Residency: Can a municipality limit access to non-city residents to transit services funded with the municipal surtax share?***

No. Municipalities may not exclude access to those individuals who are not residents of that municipality. Moreover, residency within a particular municipality of Miami–Dade County cannot form the basis of a differential treatment in terms of services and/or pricing schemes for any projects funded in whole or in part with Charter County Transportation Surtax Funds.

37. ***Rollover: What are the guidelines regarding the rollover of surtax funds?***

As per CITT Resolution No. 09-055, municipalities may rollover Charter County Transportation System Surtax funds for both Transit and Transportation projects. Project utilizing rollover funding must be included in the municipality's 5-year Transportation Plan to be provided on November 1st, each year. Surtax funds may be rolled over for a maximum of five (5) years unless specifically approved by the Transportation Trust for a longer period.

38. ***Stormwater Funds for MOE: Can expenses paid for with Stormwater funds be used as part of the Maintenance of Effort requirement if the expense could also have been paid for with Surtax funds?***

No, but it may be more complicated. County Ordinance 02-116 (i), states that municipalities are to "continue to provide the same level of general fund support for transportation that is in their FY 2001-02 Budget in subsequent Fiscal Years." Therefore, other funds that are not directly contributed to, such as Stormwater funds, which is usually a separate tax collected, (which was not the case of the CRA question above), cannot be used to claim all or part of the Maintenance of Effort (MOE) requirement.