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

Memorandum

MIAMI-DADE COUNTY

Date: December 4, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Agenda Item No. 8(N)(2)

Resolution No. R-1034-12

Subject: Resolution Authorizing the Filing of a Grant Application on Behalf of Miami-Dade County with the United States Department of Transportation (USDOT), Federal Transit Administration (FTA) for Fiscal Year 2012 Section 5309 Bus and Bus Facilities State of Good Repair Discretionary Program Funding In the Amount of $10,000,000

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the filing of a grant application with the United States Department of Transportation (USDOT), Federal Transit Administration (FTA) for Fiscal Year (FY) 2012, Section 5309-Bus and Bus Facilities State of Good Repair Discretionary Program funds in the amount of $10,000,000. This funding will be used for the purchase of approximately twenty-six 40-foot diesel/electric hybrid buses to replace older traditional Miami-Dade Transit (MDT) diesel buses which have reached their useful service life span. A completed grant application for the $10,000,000 must be submitted to FTA before the federal funds can be awarded.

It is further recommended that the Board authorize receipt and expenditure of funds as specified in the grant agreement. Miami-Dade County proposes to use $6,666,667 from Charter County Transportation Surtax Bond (Surtax) proceeds as a local match for this grant.

This agenda item is placed for Committee review pursuant to Miami-Dade County Code Section 29-124(f). This agenda item may only be considered by the Board if the Citizens' Independent Transportation Trust (CITT) has forwarded a recommendation to the Board prior to the date scheduled for Board consideration or forty-five (45) days have elapsed since the filing with the Clerk of the Board of this agenda item. If the CITT has not forwarded a recommendation and forty-five (45) days have not elapsed since the filing of this agenda item, I will request a withdrawal of this item.

A public hearing is required in accordance with FTA regulations.

SCOPE

The impact of the project benefits the riding public, and is therefore, countywide.

FISCAL IMPACT/FUNDING SOURCE

The federal participation for this grant is $10,000,000. This funding will provide 60% of the total cost to purchase approximately twenty six 40-foot diesel/electric hybrid buses as part of MDT's Bus Replacement Program. Transit Surtax Bond proceeds will provide the local match of $6,666,667 or 40% of the total cost estimated at $16,666,667.

The estimated future annual operating and maintenance cost is approximately $10,000,000 and will be budgeted within the 29.2 million revenue miles.

TRACK RECORD/MONITOR

MDT has entered into numerous funding agreements with the FTA over the course of more than 26 years. The Project Manager for this grant is Robert Villar, Chief, Budget and Performance Reporting.

DELEGATED AUTHORITY

In accordance with Section 2-8.3 of the Miami-Dade County Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution which include authority for the Mayor, Mayor's designee or the MDT Director to execute the agreement and receive and expend these and any additional funds should they become available.

BACKGROUND

On February 7, 2012, the FTA published a Notice of Funding Availability for its State of Good Repair and Bus Livability Initiatives. The State of Good Repair Initiative made available approximately $650 million of unallocated FY 2012 Section 5309 Bus and Bus Facilities Program funds to be awarded for the recapitalization of buses and bus facilities as authorized by 49 U.S.C. 5309(b), as amended by Section 3011 of the Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users, Public Law 109-59, August 10, 2005 and its Extensions.

A key strategic goal of the USDOT and FTA is to improve and maintain America's buses and bus facilities in good, physical condition so that they can successfully accomplish their performance objectives. Applicants were required to submit project proposals for funding consideration through a discretionary competitive process. Eligible projects include, but are not limited to the purchase, replacement, or rehabilitation of buses and vans and related equipment.

MDT submitted the Bus Replacement Program project proposal to the FTA on March 22, 2012 for $29,640,000 in funding assistance to cover 60% of the cost to replace 76 older traditional diesel buses that have met their useful life span (12 years and/or 500,000 miles of service) with 76 new 40-foot diesel-electric hybrid buses. The total project cost is $49,400,000.

On July 23, 2012, the FTA announced the MDT Bus Replacement Program project proposal was selected to receive $10,000,000 in State of Good Repair funding based on the submitted project proposal. Since the amount of federal funding made available under this program was less than the project proposal amount, MDT will reduce the 76 replacement buses originally proposed to approximately 26. Therefore, the total estimated cost of the scaled down project is $16,666,667. MDT will provide the remaining $6,666,667 as a local match through Transit Surtax bond proceeds. A completed grant application for the $10,000,000 must be submitted to FTA before the federal funds can be awarded. Delivery of the new hybrid buses is anticipated in July 2014.

Alina T. Hudak
Deputy Mayor/County Manager

MEMORANDUM
(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: December 4, 2012

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

SUBJECT: Agenda Item No. 8(N)(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**

_____ **Ordinance creating a new board requires detailed County Manager'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. 8(N)(2)
12-4-12

RESOLUTION NO. R-1034-12

RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT), FEDERAL TRANSIT ADMINISTRATION (FTA) FOR $10,000,000 IN FISCAL YEAR 2012 SECTION 5309 BUS AND BUS FACILITIES STATE OF GOOD REPAIR, DISCRETIONARY PROGRAM FUNDS AS AMENDED BY SECTION 3011 OF THE SAFE, AFFORDABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS (SAFETEA-LU); AUTHORIZING THE EXECUTION OF GRANT AGREEMENTS PURSUANT TO SUCH APPLICATIONS; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATIONS AND AGREEMENTS; AUTHORIZING THE RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE; AND AUTHORIZING USE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS

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

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs; and

WHEREAS, it is required by the USDOT in accordance with the provisions of Title VI of the Civil Rights Act of 1994, that the applicant give an assurance that it will comply with the Title VI of the Civil Rights Act of 1994; and USDOT requirement thereunder; and

WHEREAS, a public hearing has been conducted on Miami-Dade County's FTA Section 5309 Bus and Bus Facilities State of Good Repair Discretionary Program grant application as described in the County Mayor's accompanying memorandum; and

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 authorizes the County Mayor to file a financial assistance application with the USDOT for $10,000,000 in FY 2012 FTA Section 5309 Bus and Bus Facilities State of Good Repair Discretionary Program funds for the MDT Bus Replacement Program project and to utilize Charter County Transportation Surtax Funds as a local match.

Section 2. That the County staff is authorized to furnish such additional information as the USDOT and the Federal Transit Administration (FTA) may require in connection with the grant application for this project.

Section 3. That this Board further authorizes the County Mayor, Mayor's designee, or Miami-Dade Transit Director, to execute such contracts and agreements as are approved by the County Attorney's Office; to receive and expend funds in accordance with such aforementioned contracts and agreements; to file and execute any additional agreements, revisions, or amendments as required to carry out the projects for and on behalf of Miami-Dade County, Florida.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this 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.

Bruce Libhaber

U.S. Department of Transportation
Office of the Secretary of Transportation

1200 New Jersey Ave., S.E.
Washington, DC 20590

GRANT ADVANCE NOTICE

Date: 07/18/2012

NOTICE TO CONGRESS OF DOT DISCRETIONARY GRANT AWARDS: This notification is provided to the Committee pursuant to one of the following requirements governing the public announcement of a Department of Transportation discretionary grant, letter of intent, or Federal Transit Administration full funding grant agreement:

(1) Currently applicable General Provision of the Appropriations Act or Continuing Resolution governing Department of Transportation appropriations, containing a prohibition on the use of funds made available unless the Secretary notifies the House and Senate Committees on Appropriation not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the Department or its modal administrations (A) any discretionary grant program of the Federal Highway Administration including the emergency relief program; (B) the Airport Improvement Program of the Federal Aviation Administration; (C) any grant from the Federal Railroad Administration; or (D) and program of the Federal Transit Administration other than formula grants and fixed guideway modernization programs.

(2) Section 159(b) of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR-21).

(3) Section 5334(k) of title 49, United States Code.

Notice: THIS GRANT CANNOT BE RELEASED UNTIL THREE FULL BUSINESS DAYS HAVE PASSED AFTER THE DATE SHOWN ABOVE

Title: **FY2012 State of Good Repair Program**

Grant Amount: **$ 10,000,000.00**

Description:
Vehicle Replacements. This project was selected on a competitive basis through the FY 2012 State of Good Repair Program. A completed grant application must be submitted through an FTA Regional office before funds can be awarded. It should also be noted that for the purchase of buses, because it is impossible to determine at this stage where buses purchased will operate within a given transit agency service area, all potentially impacted Congressional Districts are identified.

Congressional members affected:

Debbie Wasserman Schultz
Mario Diaz-Balart
Frederica Wilson
Ileana Ros-Lehtinen

Senators affected:

Marco Rubio
Bill Nelson

Should you have any questions, please contact the Office of Governmental Affairs (202)366-4573.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the Regional Transportation Committee (RTC) of the Miami-Dade County Board of County Commissioners in the Commission Chambers, second floor, 111 N.W. 1st Street, Miami, Florida, during a meeting to begin at approximately 9:30am, on November 13, 2012 to consider a project for which financial assistance is being sought from the Federal Transit Administration (FTA). The project is as follows:

Fiscal Year 2012 State of Good Repair Discretionary Funds Under Section 5309 Bus and Bus Facilities Program—

A total of $10,000,000 is available to fund the Miami-Dade Transit Bus Replacement Program project involving the purchase of approximately twenty-six (26) 40-foot diesel/electric hybrid buses to replace traditional diesel buses that have reached their useful service life. Miami-Dade County will provide the local match of $6,666,667 from Transit Surtax-Backed Bond proceeds.

At the hearing, the Committee will afford an opportunity for interested persons or agencies to be heard with respect to the social, economic, and environmental aspects of this project. Interested persons may submit orally or in writing evidence and recommendations with respect to said projects.

A person who decides to appeal any decision made by any board, agency, or commission with respect to any such matter considered at its meeting or hearing, will need a record of all proceedings. Such person may need to insure that a verbatim record of the proceedings is made, including testimony and evidence upon which the appeal is based.

Miami-Dade County provides equal access and equal opportunity in employment and does not discriminate on the basis of disability in its programs or services. Auxiliary aids and services for communication are available with advance notice. This form can be made available in accessible format upon request (audiotape, Braille, or computer disk). For material in alternate format, a sign-language interpreter, or other accommodations, please contact Marcos Ortega at (786) 469-5225. Customers using TDD, please call through the Florida Relay Service 1 (800-955-8771) at least five (5) days in advance.

Memorandum

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Charles Scurr, Executive Director

Date: November 15, 2012

Re: **CITT AGENDA ITEM 5D:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), AUTHORIZE THE FILING OF A GRANT APPLICATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT), FEDERAL TRANSIT ADMINISTRATION (FTA) FOR **$10,000,000.00** IN FISCAL YEAR 2012 SECTION 5309 BUS AND BUS FACILITIES STATE OF GOOD REPAIR, DISCRETIONARY PROGRAM FUNDS AS AMENDED BY SECTION 3011 OF THE SAFE, AFFORDABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS (SAFETEA-LU); AUTHORIZING THE EXECUTION OF GRANT AGREEMENTS PURSUANT TO SUCH APPLICATIONS; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATIONS AND AGREEMENTS; AUTHORIZING THE RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE; AND AUTHORIZING USE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS **(MDT – BCC Legislative File No. 122188)**

On November 15, 2012, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 12-097. The vote was as follows:

Hon. Linda Zilber, Chairperson – Aye
Paul J. Schwiep, Esq., 1st Vice Chairperson – Absent
Hon. Anna E. Ward, Ph.D., 2nd Vice Chairperson – Aye

Christopher Benjamin, Esq. – Absent
Glenn J. Downing, CFP® – Aye
Alfred J. Holzman – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Absent

Joseph Curbelo – Aye
Peter L. Forrest – Aye
Prakash Kumar – Aye
Hon. James A. Reeder – Aye

cc: Alina Hudak, Deputy Mayor/County Manager
Bruce Libhaber, Assistant County Attorney
Miguel Gonzalez, Assistant County Attorney