

MEMORANDUM

Agenda Item No. 11(A)(2)

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

DATE: March 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida Department of Transportation ("FDOT") to open the bridge on NW 154th Street over Interstate-75 to vehicular traffic; directing the County Mayor to (1) take all actions necessary to open the bridge on NW 154th Street over Interstate-75 to vehicular traffic, including examining whether any of the permitting jurisdiction provided by County Code could be exercised for such purpose, and partnering with FDOT and other appropriate or necessary agencies; and (2) to provide report

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM
(Revised)

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

DATE: March 15, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(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. 11(A)(2)
3-15-22

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA DEPARTMENT OF TRANSPORTATION (“FDOT”) TO OPEN THE BRIDGE ON NW 154TH STREET OVER INTERSTATE-75 TO VEHICULAR TRAFFIC; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO (1) TAKE ALL ACTIONS NECESSARY TO OPEN THE BRIDGE ON NW 154TH STREET OVER INTERSTATE-75 TO VEHICULAR TRAFFIC, INCLUDING EXAMINING WHETHER ANY OF THE PERMITTING JURISDICTION PROVIDED BY COUNTY CODE COULD BE EXERCISED FOR SUCH PURPOSE, AND PARTNERING WITH FDOT AND OTHER APPROPRIATE OR NECESSARY AGENCIES; AND (2) TO PROVIDE REPORT

WHEREAS, a bridge, built by the Florida Department of Transportation (“FDOT”) in 1986, extends NW 154th Street—a two-lane street—over Interstate-75 (“I-75”); and

WHEREAS, NW 154th Street is closed to vehicular traffic just west of NW 89th Avenue before it passes over I-75; and

WHEREAS, development is increasing in the areas west and east of I-75 near NW 154th Street; and

WHEREAS, the bridge extending NW 154th Street over I-75 and its approaches are within FDOT’s jurisdiction; and

WHEREAS, consistent with and in furtherance of the County’s authority to develop, maintain, improve, and enforce a master plan for the control, regulation, and appropriate movement of traffic in both the incorporated and unincorporated areas thereof, section 2-100(a)(2) of the Code of Miami-Dade County, Florida (the “Code”), provides the Department of Transportation and Public Works or its successor department (the “Department”), with the

authority, but not the obligation, to do any construction work on any roads or related facilities situated partially or entirely within the incorporated areas of the County, and with exclusive permitting jurisdiction over any such construction work; and

WHEREAS, section 2-103.1(b) of the Code additionally requires, with certain exceptions, a permit from the Department to do any construction work related to any utilities or public works on any arterial, collector, section line, or half-section line road, or on any other road, bridge, tunnel, canal, or related facility that is situated partially or entirely within the incorporated areas of the County, regardless of ownership, that the Department deems necessary for appropriate traffic movement on the County's roadway network; and

WHEREAS, opening the bridge extending NW 154th Street over I-75 may minimize traffic congestion and improve the flow of traffic, benefiting the increasing numbers of people who reside and work in the area,

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

Section 1. The foregoing recitals are incorporated herein and are approved.

Section 2. This Board urges the Florida Department of Transportation (“FDOT”) to open the bridge on NW 154th Street over Interstate-75 to vehicular traffic and to make any necessary improvements to the FDOT right-of-way to accomplish the opening of the bridge.

Section 3. The County Mayor or County Mayor’s designee is directed to take all actions necessary to open the bridge on NW 154th Street over Interstate-75 to vehicular traffic, including but not limited to examining whether the County may exercise any of the permitting jurisdiction provided by sections 2-100(a)(2) and 2-103.1(b) of the Code for such purposes, and partnering with FDOT and other appropriate or necessary agencies to accomplish such opening.

Section 4. The County Mayor or County Mayor’s designee is directed to provide a status report to this Board, including any recommendations regarding actions that would impose a fiscal impact on the County, within 60 days of the effective date of this resolution and to place the completed report on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

Section 5. The Clerk of this Board is directed to send a certified copy of this resolution to the Governor, the Chair and Members of the Miami-Dade State Legislative Delegation, and the Secretary of the Florida Department of Transportation.

Section 6. The County’s state lobbyists are directed to advocate for the actions described in section 2 above, and the Office of Intergovernmental Affairs is authorized and directed to amend the 2022 State Legislative Package to include this item and to include this item in the 2023 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Chairman Jose “Pepe” Diaz. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of March, 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

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Annery Pulgar Alfonso