

Memorandum



Date: August 25, 2022

Agenda Item No. 2(B)(14)
October 6, 2022

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

From: Daniella Levine Cava
Mayor 

Subject: Report Regarding the Northeast Corridor Commuter Rail Project – Directive Nos. 202264 & 202204

Executive Summary

This report, prepared by the Department of Transportation and Public Works (DTPW), is being provided to the Board of County Commissioners (Board) in response to Resolution Nos. R-1088-20 (Directive No. 202264), adopted on October 20, 2020, and R-1154-20 (Directive No. 202204), adopted on November 13, 2020. Both resolutions were sponsored by Commissioner Sally A. Heyman and relate to the development of the Northeast Corridor of the Strategic Miami Area Rapid Transit (SMART) Plan. Resolution No. R-1088-20 identified the top three station priority locations for the Northeast (NE) Corridor of the SMART Plan as (1) North Miami/North Miami Beach (in the vicinity of NE 151st Street), (2) El Portal (in the vicinity of NE 79th Street), and (3) the Design District (in the vicinity of NE 39th Street) and directed the County Mayor or County Mayor’s designee to evaluate and review the feasibility of prioritizing additional prospective stations at the following locations: (1) in the vicinity of Wynwood/Edgewater, (2) North Miami in the vicinity of NE 123rd Street, and (3) in the vicinity of Little Haiti. The resolution further directed the Administration to consider proposals from the public and private interested parties along the NE Corridor of the SMART Plan with respect to potential additional prospective stations.

Under Resolution No. R-1154-20, the Board directed the Administration to finalize negotiations with Brightline for the implementation of commuter rail service for the NE Corridor of the SMART Plan, including conducting all necessary due diligence, and submit the final negotiated agreements and funding commitments to the Citizens’ Independent Transportation Trust (CITT) for its review and recommendation to the Board.

Further progress in realizing the goals under both directives is currently delayed due to the requirement for Federal Transit Administration (FTA) review and approval of the project’s engineering phase in order to proceed. Nonetheless, DTPW staff is working actively on this initiative and is prepared to continue negotiations with Brightline immediately upon receiving FTA approval in order to achieve the objectives set forth under the directives, advancing the requirements to receive access to rail and implementing the project.

Negotiate Agreements (Directive Nos. 202264 & 202204)

DTPW initiated discussions with Brightline to establish a framework for negotiations for the proposed commuter rail in Summer 2020. Specifically, the following items were extensively discussed:

- a. Commuter rail service plan
- b. Right-of-way and track access fee
- c. Infrastructure needs and associated costs

d. Operations and maintenance costs

In Fall 2020, DTPW coordinated with the Federal Transit Administration (FTA) on the process to follow if the County desired to pursue FTA Capital Investment Grant (CIG) program funding or other eligible federal grant program funding for the NE Corridor project. The FTA informed DTPW that it should not conduct negotiations or execute agreements with Brightline on the proposed project before the project is approved into the Project Development phase of the FTA New Starts Program. Based on this guidance, DTPW paused its discussions with Brightline. Directive No. 202204 established the cap for the access fee based on information provided by staff.

DTPW will follow the applicable federal and state processes to negotiate agreements with Brightline. Once draft agreements are developed, they will be submitted to CITT for review and recommendation prior to presenting them to the Board for approval.

Funding Commitment (Directive No. 202204)

DTPW has been following FTA’s guidelines and continues coordination with FTA for the NE Corridor to be eligible to pursue FTA CIG program funding, or another eligible federal grant program.

In March 2021, the Miami-Dade Transportation Planning Organization (TPO) adopted commuter/passenger rail as the Locally Preferred Alternative (LPA) for the NE Corridor. In addition, the TPO also established the funding structure for the project: 50% FTA, 25% State and 25% Local.

During the same month, the County submitted an INFRA (known statutorily as the Nationally Significant Multimodal Freight & Highway Projects) grant application for the project but was not successful in obtaining the grant. DTPW submitted a request to enter the Project Development (PD) phase of the FTA CIG New Starts Program in August 2021 and was approved to enter the PD phase on October 26, 2021, by the FTA. DTPW also started coordination with FDOT to obtain state funding for this project. In May 2021, DTPW initiated the National Environmental Policy Act (NEPA) process with the FTA and submitted the NEPA checklist. In February 2022, the NE Corridor received a Documented Categorical Exclusion NEPA Class of Action from the FTA. The project team is working diligently to advance this project through the New Starts Program and secure federal and state grants successfully. The Categorical Exclusion clears the way for the County to proceed with the project without further environmental review to apply for New Starts funding.

As part of the 40-Year Financial Plan or Pro Forma, it is anticipated that DTPW will continue with a future People’s Transportation Plan (PTP) capital program that is expected to provide support for future transit services and operation as debt obligations are retired. Except for the South Dade TransitWay Corridor and the contribution towards the construction of the Aventura Station approved by the Board in November 2019, the 40-Year Plan does not include a detailed construction schedule for implementing the SMART Program capital projects or future funding to operate the SMART Program rapid transit corridors. The plan anticipates over \$7.3 billion in nominal dollars to be available for more than 40 years for the SMART Plan (\$898.1 million from

PTP Capital Expansion funds, \$1.2 billion from TPO Flexed SU Grant funds, \$3.7 billion from Available PTP Surtax funds, \$1.9 billion from TIID funds, \$132.3 million from Transit Joint Development funds, and \$169.4 million from State and Federal grants). As information becomes available concerning the sequencing and scheduling of implementing the SMART Plan, the Pro Forma will be updated and adjusted accordingly.

Station Locations Verification (Directive No. 202264)

In March 2021, DTPW conducted an analysis to verify if the recently prioritized station locations for the NE Corridor support the existing and future demographic characteristics, updated land uses, and transit markets along this corridor. The most recently adopted Southeast Florida Regional Planning Model (SERPM Version 8) and 2019 transit ridership data were used as the main data sources for this analysis. The findings from the analysis concluded that the prioritized station locations continue to be among the areas identified as having strong existing and future transit markets.

Request for Letters of Interest (Directive No. 202264)

On February 1, 2021, to understand the interests from public and private parties along the NE Corridor to implement commuter rail stations, DTPW issued a Request for Letters of Interest (RFLI) to 118 property owners adjacent to or near the existing Florida East Coast Railway (FEC) tracks regarding commuter rail services for the NE Corridor. The County’s RFLI was issued to seek owners of strategically located properties who were interested in partnering with the County to provide parking for transit patrons and/or contributions to the County in the form of revenue, interest in land, enhancements, or upgrades to transit facilities. The County also considered providing direct access and connections to the future stations.

Potential intermediate stations along the NE Corridor include the following:

- North Miami/North Miami Beach in the vicinity of NE 151st Street
- North Miami in the vicinity of NE 123rd Street
- El Portal vicinity
- Wynwood/Edgewater vicinity
- Design District in the vicinity of NE 39th Street
- Little Haiti Neighborhood

On March 31, 2021, in response to Miami-Dade County NE Corridor RFLI, the County received nine potential TOD development proposals, which are listed below.

- Sole Mia (North Miami/North Miami Beach NE 151st Street Station)
- Robert Finvarb Companies, LLC (North Miami/North Miami Beach NE 151st)
- Arch Creek Development, LLC (North Miami NE 123rd Street Station)
- Emerald City, LLC (North Miami NE 123rd Street Station)
- Midpoint Oaks, LLC (El Portal/NE 79th Street Station)
- Wynwood Business Improvement District (Wynwood/Edgewater Station)
- 82 NE 26th Street, LLC (Wynwood/Edgewater Station)
- Miami Design District Associates (Design District Station)
- MCD Miami, LLC (Little Haiti Station)

DTPW reviewed the proposals in April 2021 and initiated meetings with each team to discuss their proposals. All proposals demonstrated their support to implement commuter rail along the NE Corridor and their desire to provide transit-oriented developments (TOD) and transit supportive facilities such as park-and-ride, mobility hub, bicycle, and pedestrian access, etc. to contribute to the success of this corridor.

During the review, engineering challenges were identified for the station site at NE 79th Street. Acquisition of additional right-of-way would be necessary to accommodate all the required tracks, station sidings, and platforms. Additionally, track curvature immediately north of NE 82nd Street would require two additional station tracks extended north until there is a tangent track to construct new turnouts. This would require constructing bridges for the two new tracks over Little River. The additional right-of-way and infrastructure needs may result in significant environmental and fiscal impacts. Therefore, it is recommended not to proceed with this location at this time. The project team will continue to work closely with key stakeholders to implement as a future station location once these immediate challenges can be mitigated and future funding can be allocated to the project in the foreseeable future. DTPW will continue taking all necessary actions to follow the Board directives and advance the development of the NE Corridor.

Pursuant to Ordinance No. 14-65, this report will be placed on the next available Board meeting agenda. Should you require additional information, please contact Eulois Cleckley, DTPW Director and CEO at (786) 469-5406.

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