

Date: December 12, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

Agenda Item No. 8(N)(8)

From: Daniella Levine Cava
Mayor



Resolution No. R-1104-23

Subject: Interlocal Agreement with the Florida Department of Transportation regarding the NW 17 Avenue Bridge over the Miami River Project Development and Environment Study

Executive Summary

This agenda item requests County Commission approval for execution of an agreement with the Florida Department of Transportation (FDOT) for the NW 17th Avenue bridge over the Miami River replacement project. The purpose of the project is to address operational reliability as well as identified structural and functional deficiencies through potential alternatives, such as replacement or rehabilitation. The agreement, which is attached to the resolution, was developed between FDOT and the Miami-Dade County Department of Transportation and Public Works (DTPW) to memorialize DTPW's obligation to perform a Project Development and Environment (PD&E) Study for the project in accordance with federal environmental laws for National Environmental Policy Act (NEPA) approval. DTPW seeks FDOT's support as the lead federal agency for environmental review, consultation and other actions required to secure NEPA approval.

Under the Agreement, DTPW shall perform the PD&E study with support and technical assistance from FDOT, ensuring adherence to the FDOT PD&E Manual and corresponding federal environmental law. The agreement requires DTPW to implement commitments contained within the final approved NEPA document and any commitments that may arise from a subsequent NEPA re-evaluation prior to advancing the project to construction. After completion of the PD&E Study and prior to advancing the project to construction, DTPW shall complete a NEPA re-evaluation to confirm validity of the project findings as well as to update any changes in existing conditions and applicable laws. DTPW will document all commitments within the final NEPA document and ensure tracking and implementation of commitments through all phases of the project. Ultimately, acceptance of commitments and NEPA approval are required for the project to receive federal funding.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution approving the Interlocal Agreement between Miami-Dade County and FDOT for the PD&E Study for the NW 17th Avenue over the Miami River bridge project, in substantially the form attached, and authorizing the County Mayor or County Mayor's designee to execute the agreement, to exercise all rights conferred therein, and to perform all acts necessary to effectuate same including procuring all necessary approvals and signatures to implement the

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commitments as contained in the final approved NEPA document and subsequent re-evaluations for the project.

Scope

The scope of the project is located within Commission Districts 3 and 5, represented by Commissioners Keon Hardemon, and Eileen Higgins, respectively.

Delegation of Authority

The resolution delegates authority to the County Mayor or designee to accept and execute the Interlocal Agreement and to perform all acts necessary to effectuate same including procuring all necessary approvals and signatures to implement the commitments as contained in the final approved NEPA document and subsequent re-evaluations for the project, consistent with those authorities granted under the County Code.

Fiscal Impact/Funding Source

There is no immediate fiscal impact resulting from approval of the agreement. However, the agreement does include language anticipating the future assumption by DTPW requested by FDOT of acceptance of commitments that arise from the initial PD&E Study and subsequent NEPA re-evaluations during the design phase. The fiscal impact of such commitments is not known until completion of the PD&E Study. The project is fully locally funded for the PD&E Study, design phase and partial construction.

Track Record/Monitor

The project will be managed by Ryan Fisher, P.E., Manager, Highway Bridge Engineering, DTPW.

Background

The PD&E Study involves the NW 17th Avenue Bascule Bridge over Miami River and the 0.5-mile segment of NW 17th Avenue extending north from NW 7th Street to NW 14th Street in the City of Miami, within Miami-Dade County. NW 17th Avenue is classified as an urban minor arterial and is owned and maintained by Miami-Dade County's DTPW. The purpose of the project is to address operational reliability as well as identified structural and functional deficiencies through potential alternatives, such as replacement or rehabilitation. Built in 1928, it is the only remaining bridge over the Miami River that was built as part of the Harbor Bond Issue of 1926. The bridge is eligible for listing on the National Register of Historic Places (NRHP).

Additional objectives of the project are to improve traffic on NW 17th Avenue for all modes and improve navigational traffic on the Miami River. The improvements are anticipated to meet the following needs:

Operational Reliability, Structural and Functional Deficiencies – Due to the age and deteriorated condition of the bridge, major repairs are continuously required to maintain it operationally. The bridge is classified as functionally obsolete.

Transportation Demand – The NW 17th Avenue Bascule Bridge is a heavily traveled crossing of the Miami River. It is located on the northern approach to the NW 17th Avenue

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interchange with the SR 836 Expressway (an emergency evacuation route) and provides access to this interchange from the north side of the river.

Modal Interrelationships – The bridge crosses a heavily utilized navigable channel. Maximizing the bridge vertical and horizontal clearance will minimize bridge openings and reduce impacts to navigational and vehicular traffic. Additionally, pedestrian and bicycle safety improvements are required.

Pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated May 26, 2022 and executed by FDOT and the Federal Highway Administration (FHWA), FDOT's Office of Environmental Management will be the lead federal agency for the environmental review, consultation, and other actions required by applicable federal environmental laws for the NEPA approval for this project. DTPW seeks assistance from FDOT as the lead federal agency for this project, and as such, FDOT requires that DTPW enter into this agreement to memorialize Miami-Dade County's obligation to implement the commitments contained in the final approved NEPA document for the project.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

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

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 _____

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12-12-23

RESOLUTION NO. _____ R-1104-23

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE NW 17TH AVENUE BRIDGE OVER MIAMI RIVER PROJECT DEVELOPMENT AND ENVIRONMENT STUDY; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE INTERLOCAL AGREEMENT AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

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. The foregoing recitals are incorporated and adopted herein.

Section 2. This Board approves the Interlocal Agreement between Miami-Dade County and the Florida Department of Transportation for the Project Development and Environment (PD&E) Study for the NW 17th Avenue over the Miami River bridge project (the "Project"), in substantially the form attached, and authorizes the County Mayor or County Mayor's designee to execute the Agreement, to exercise all rights conferred therein, and to perform all acts necessary to effectuate same including procuring all necessary approvals and signatures to implement the commitments as contained in the final approved National Environmental Policy Act (NEPA) document and subsequent re-evaluations for the Project, consistent with those authorities granted under the County Code.

The foregoing resolution was offered by Commissioner **Anthony Rodriguez** ,
 who moved its adoption. The motion was seconded by Commissioner **Raquel A. Regalado**
 and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	absent	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	absent
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 12th day of December, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: **Basia Pruna**
 Deputy Clerk

Approved by County Attorney as
 to form and legal sufficiency.

Annery Pulgar Alfonso

**AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION
AND MIAMI-DADE COUNTY REGARDING THE NW 17 AVENUE BRIDGE (874161)
OVER THE MIAMI RIVER REPLACEMENT PROJECT**

WHEREAS, the purpose of this Agreement is to affirm the understanding between the Florida Department of Transportation (DEPARTMENT) and Miami-Dade County (COUNTY) regarding implementation of the COUNTY Project Number E20-DTPW-06, FDOT Financial Project Identification Number ___TBD___, and Efficient Transportation Decision Making (ETDM) Number ___TBD___, _____, in Miami-Dade County, Florida (PROJECT); and

WHEREAS, the NW 17 Avenue Bridge (874161) (hereafter the “Bridge”) is owned and maintained by the COUNTY; and

WHEREAS, the Bridge is functionally obsolete and as of January 26, 2022 has a sufficiency rating of 45.2 and needs to be improved; and

WHEREAS, the COUNTY, in coordination with the DEPARTMENT’s District Six Office, will complete a National Environmental Policy Act (NEPA) / Project Development and Environment (PD&E) Study for the PROJECT to determine a range of reasonable bridge project alternatives, and ultimately a Preferred Alternative, that is acceptable from an engineering and operational standpoint; and

WHEREAS, the PD&E Study will be conducted by the COUNTY in accordance with the DEPARTMENT’s PD&E Manual with support and technical assistance from the DEPARTMENT’s District Six Office, culminating in a final NEPA document for the PROJECT; i.e., Type 2 Categorical Exclusion, Environmental Assessment or Environmental Impact Statement; and

WHEREAS, the PD&E Study for the PROJECT will contain commitments necessary to address resource agencies and other stakeholder identified issues in future phases of project delivery in compliance with NEPA and associated state and federal laws; and

WHEREAS, pursuant to 23 U.S.C. § 327 and a Memorandum of Understanding dated May 26, 2022, and executed by the DEPARTMENT and the Federal Highway Administration (FHWA), the DEPARTMENT’s Office of Environmental Management will be the lead federal agency for the environmental review, consultation, and other actions required by applicable federal environmental laws for the NEPA approval for this PROJECT; and

WHEREAS, the DEPARTMENT and the COUNTY are entering into this Agreement to memorialize the COUNTY's obligation to implement the commitments as contained in the final approved NEPA document for the PROJECT, (hereinafter the "Approved NEPA Document") ;

NOW, THEREFORE, BE IT RESOLVED THAT the DEPARTMENT and the COUNTY agree as follows:

- 1 The above-stated recitals are true and correct, and incorporated herein.
- 2 In advancing the PROJECT, the COUNTY will conduct a PD&E Study consistent with the PD&E Manual and related state and federal laws. The COUNTY will document all commitments within the final NEPA document and ensure the appropriate tracking and implementation of commitments through all phases of the PROJECT upon approval of the NEPA document.
- 3 The COUNTY will prepare all NEPA Re-evaluations necessary to advance the PROJECT, as required by 23 C.F.R. §771.129, and the DEPARTMENT'S PD&E Manual, Effective July 1, 2020, as may be subsequently amended, and coordinate these NEPA Re-evaluations with the DEPARTMENT.
- 4 The COUNTY shall further be obligated to perform or cause to be performed any new project commitments that may arise from public involvement or agency coordination subsequent to the Approved NEPA Document and/or be identified in the PROJECT's NEPA Re-evaluations.
- 5 The COUNTY shall comply or shall cause the compliance with all Federal and State law requirements applicable to the development of the PROJECT, including but not limited to, requirements pertaining to Final Design, NEPA Re-evaluations, Design Changes, Permitting, and ROW Acquisition.
- 6 Prior to the COUNTY advancing the PROJECT to construction, the COUNTY shall complete a NEPA Re-evaluation to confirm the validity of the project findings, as well as to update any changes in existing conditions, applicable laws and/or commitments.
- 7 This Agreement may be amended when such an amendment is agreed to in writing by all signatories. The DEPARTMENT and the COUNTY may hereafter enter into future agreement(s) concerning the PROJECT that may amend the terms of this Agreement, but no such amendment shall modify the COUNTY's obligation to perform the commitments unless such commitment is modified and/or released by the affected stakeholder or changes in law. Such agreement(s)

shall refer to this Agreement, and specifically state an intention to modify identified terms of this Agreement.

- 8 This Agreement will become effective when all the parties have signed it. The date this agreement is signed by the last party to sign it (as indicated by the date associated with that party's signature) will be deemed the effective date of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the dates exhibited, by the signatures below.

MIAMI-DADE COUNTY

By: _____

Name: _____

Title: _____

Date: _____

Attest:

Name: _____

Title: County Clerk

Approved as to form and legality:

By: _____

Name: _____

Title: County Attorney

STATE OF FLORIDA

DEPARTMENT OF TRANSPORTATION

By: _____

Name: _____

Title: _____

Date: _____

Department Legal Review:

Office of General Counsel