

Eligibility Determination

Role of Oversight Board



Article V, Section 31 ½ -75, Code of Ordinances, as revised

(i) Approval of Proposed Projects and Proposed Expenditures.

(1) County staff assigned to support the Oversight Board shall at least annually compile all County and municipal proposed projects and proposed expenditures that will be considered for funding with Transportation Surtax proceeds, consistent with budgetary recommendations, and present them to the Oversight Board for approval as to statutory eligibility. The Oversight Board shall consider proposed projects and proposed expenditures submitted by the County only for eligibility under **Section 212.055(1)(d), Florida Statutes**, with due consideration given to the opinion of the Transportation Surtax General Counsel to the extent the applicable eligibility determination involves a question of statutory construction.

Article V, Section 31 ½ -75, Code of Ordinances, as revised (continued)

(2) After the Broward County Administrator receives the Oversight Board's written notice regarding eligibility, the proposed projects and proposed expenditures will be presented by the Broward County Administrator to the County Commission for its consideration.

(3) The County Commission, consistent with the terms, conditions, and restrictions of any then-applicable interlocal agreements, and after considering the recommendations of County staff and Surtax-funded Broward MPO staff, as applicable, will determine which proposed projects and proposed expenditures of Transportation Surtax proceeds are approved by the County Commission, and those projects and expenditures will be included in the County's annual budget.



Eligible Uses as Enumerated under the Statute

4. Used by the county for the **planning, development, construction, operation, and maintenance of roads and bridges in the county; for the planning, development, expansion, operation, and maintenance of bus and fixed guideway systems; for the planning, development, construction, operation, and maintenance of on-demand transportation services. . .**; and such proceeds may be pledged by the governing body of the county for bonds issued to refinance existing bonds or new bonds issued for the construction of such fixed guideway rapid transit systems, bus systems, roads, or bridges. Pursuant to an interlocal agreement entered into pursuant to chapter 163, the governing body of the county may distribute proceeds from the tax to a municipality. . .



Besides Statutory eligibility, municipal projects are subject to eligibility evaluation under Section III of the interlocal agreement (ILA); to which 29 municipalities, the County, and MPO are signatories

III. **Eligibility.** While the Transportation Surtax Ordinance prioritizes funding for municipal projects that will relieve traffic congestion and increase connectivity, the following municipal projects may be considered for funding:

A. Street lighting - Improvements to lighting systems along a public road that illuminate the right-of-way for vehicles, pedestrians, and bicyclists. A lighting justification report consistent with Broward County and FDOT policies is required for these improvements to be considered;

B. Drainage - Improvements to a public road storm water system that address drainage deficiencies, provided the drainage improvements only address storm water runoff from a public roadway. Improvements to address runoff from private roads and developments are not eligible;

C. Buffer/Sound Walls - Improvements that are consistent with the Florida Department of Transportation's noise decibel level criteria;

D. Fiber-optic - Improvements supporting only communications for the public transportation system, provided that the proposed improvements have received approval from the maintaining and operating agency(ies). Shared conduit may not be considered for surtax funding;

E. Landscaping - Only improvements within the public road right-of-way that meet the applicable design criteria may be considered for funding;

F. Parking - Improvements used for park-and-ride or other transit-oriented development parking that serves the public. Garages directly related to a transportation project that serves the public will be considered, provided the parking fees do not exceed costs associated with securing, operating, and maintaining the facility; and

G. Road Improvements - Resurfacing and road repairs, pavement markings, signage, guardrails, ADA accommodations, and traffic calming projects are eligible. High-end decorative lighting, decorative road signage, brick pavers, and similar items are not eligible.

