

MEMORANDUM IN SUPPORT

TO: Alan Hooper, Chair
Members of the Broward County's Transportation Surtax Oversight Board

CC: Mayor and Members of the City Commission
David Hebert, City Manager
Jennifer Frastai, Assistant City Manager

FROM: Donald J. Doody, City Attorney
Sean M. Swartz, Assistant City Attorney

DATE: May 18, 2020

RE: City of Oakland Park – Median Improvement Project's Compliance with Section 212.055(1)(d)(4)

This memorandum is respectfully submitted on behalf of the City of Oakland Park ("City"), related to Phase 2 of the City's FDOT Resurfacing, Restoration and Rehabilitation (RRR) transportation project known as the Oakland Park Boulevard Median Improvement Project OAKL-099 (the "Project"). This memorandum specifically addresses the Project's compliance with the Interlocal Agreement between the City, Broward County, and the Broward County Metropolitan Planning Organization dated September 12, 2018 (the "Transportation Surtax ILA"), and Section 212.055(1)(d)(4) of the Florida Statutes governing the allocation of transportation surtax proceeds.

Due to the Project's compliance with the Transportation Surtax ILA and Section 212.055(1)(d)(4), our office respectfully requests the Broward County Transportation Surtax Oversight Board grant it's approval to Phase II of the City's Oakland Park Boulevard Median Improvement Project.

Scope of the Project

In 2015, the City partnered with FDOT for an FDOT RRR transportation project on Oakland Park Boulevard. The Project addressed in this memorandum is Phase 2, and the last component for the completion of that FDOT RRR transportation project.

The FDOT RRR transportation project included the resurfacing, restoration and rehabilitation of Oakland Park Boulevard from NW 31st Avenue to I-95 to return the roadway to a condition of structural and functional adequacy.

Pursuant to FDOT the principle reasons for a RRR project are:

1. To preserve or extend the life of the existing pavement
2. Improve capacity (without adding continuous through lanes)

3. Improve operating characteristics
4. Site specific crash reduction
5. Section wide crash reduction
6. General safety modifications
7. ADA enhancements

With a grant from the State of Florida, Phase 1 (from I-95 to NW 21st Avenue) was completed in April 2019. With Phase 1 of the FDOT RRR transportation project completed, Phase 2 known as the Oakland Park Boulevard Median Improvement Project, consists of the installation of plantings, ground cover, irrigation, and maintenance on Oakland Park Boulevard between NW 21st Avenue and NW 31st Avenue. The Project's improvements have been designed such that they will both survive and combat flood events. Additionally, the Project will consist of the removal of existing impervious areas, which will enhance natural drainage, diversifying the species of plants used to both absorb excess precipitation & storm water runoff and remain drought tolerant. As well as completing the Oakland Park Boulevard FDOT RRR transportation project, the Project furthers the goals of the City's Joint Climate Action Plan, undertaken with the City of Wilton Manors, to mitigate the effects of climate change and sea level rise.

Currently, the City is prepared to immediately bid the Phase 2 Project upon approval of the Project by the Transportation Surtax Oversight Board and the associated allocation of the sum of \$330,000.

Section 212.055(d) F.S. and Transportation Surtax ILA

Pursuant to Section 212.055(1)(d)(4) F.S. and the Transportation Surtax ILA, Broward County may utilize the funds allocated for the transportation surtax on projects addressing the planning, development, construction, operation, and maintenance of roads within the County. In addition, the Florida Transportation Code at Section 334.03 F.S. defines a "road" as *"a way open to travel by the public, including, but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith."*

The Project is in Compliance with Section 212.055(d)

Section 212.055 (d) of the Florida Statutes provides that proceeds from the surtax shall be applied to as many or few of the areas set forth in Section 212.055. One of the many uses is the planning, development, construction, operation and maintenance (emphasis added) of road and bridges in the County.

In looking at Section 212.055(1)(d)(4) F.S. in combination with the definition of "road" as defined by the Florida Transportation Code, this is exactly what the scope of the Project is intended to address. The Project is specifically designed to prevent flooding on the City's road and right of way with the proposed planting of species designed to improve drainage, and further eliminates impervious areas to absorb excess storm runoff, which impacts the road. An improvement of this nature is clearly maintenance. The proposed improvements prevent flooding

and directly benefit the road adjacent to the medians on Oakland Park Boulevard from NW 21st Avenue to NW 31st Avenue. Therefore, the allocation of proceeds by the Broward County Transportation Surtax Oversight Board to the City of Oakland Park for completion of the Project is in direct compliance with Section 212.055(1)(d)(4) F.S.

Conclusion

Because the development, construction, planning, operation, and maintenance of the proposed Project specifically benefits the road and associated right of way, this Project is in compliance with Section 212.055(1)(d)(4) F.S., and respectfully our office requests the Broward County Transportation Surtax Oversight Board grant approval of the Project and allocate the sum of \$330,000.00 in transportation surtax funds to the City for completion of the Project.

Should you have any questions or require any additional information, please do not hesitate to contact our office.

DJD:SMS