

The Underline - Segment 6

BUILD Grant FY 2018

Appendix H

Underline FTA Concurrence



FACILITY INCIDENTAL USE REQUEST | REGION IV

Requesting Agency: Miami-Dade Department of Transportation and Public Works (DTPW) **Request Date:** May 26, 2017

Subject: The Underline Project

FTA Program Manager: Gregory Chilik, P.E.

I. Existing Facility Description (*attach schematics if applicable*):

a. Total Area of Facility	The Metrorail right-of-way, a corridor approximately 20 miles long.
b. Area <i>currently</i> used for Transit & Brief Description of Use	Area serves as the right-of-way for the elevated Metrorail System, a rapid mass transit system. A pedestrian/bicycle pathway is also located in the corridor at ground level.
c. Area to be used for Purposes <i>other</i> than Transit & Brief Description of Use	The approximately ten-mile long corridor of Metrorail right-of-way extending from the Miami River to the southern terminus of the Metrorail System at the Dadeland South Metrorail Station, excluding station areas, system structures and facilities and areas that are leased to other public and private entities. In addition to the pedestrian/bicycle pathway, the property to be included under this agreement is proposed to be used for recreational improvements and sponsored events, activities and amenities.
d. Grant(s) used to Fund the Facility	The Metrorail System was funded under UMTA grant FL-03-0036.
e. Percent (%) Federal Participation	80%
f. In-service Date	The southern portion of the Metrorail System began service in May 1984.
g. Useful Life of the Facility	Indefinite.

II. Proposed Use (*attach schematics if facility will be modified*):

a. Description of Proposed Use	Miami-Dade County (County) proposes to enhance the existing pedestrian/bicycle mobility corridor through a project called "The Underline". Under this project, the County proposes to construct and/or install improvements designed to create a safer and more appealing space and to sponsor events, activities and amenities which promote safe and healthy alternative methods of transportation and recreational, informational and cultural activities. As part of The Underline project, the County is proposing to enter into an agreement with a third party not-for-profit entity, "The Underline Management Organization, Inc." (UMO) to operate, manage and maintain "The Underline". Please see the attached listing of potential incidental uses and a CD which contains "The Underline" master plan created by James Corner Field Operations.
b. Time Period Covered by the Request	The proposed initial term is ten years with optional ten-year renewal terms to be exercised only upon approval by the FTA.

c. Income Generated from Incidental Use

The UMO proposes to raise funds from various private and public sources to fund capital improvements and provide amenities, events and on-going management, operation and maintenance of "The Underline". Revenue may also be generated through project concessions and activities; however, all such revenue generated through the use of federally assisted property and/or facilities will be used exclusively to improve, operate and maintain the transit components of the project including the bicycle/pedestrian path and associated landscaping. Additionally, the proposed agreement between the County and the UMO will require the UMO to indemnify the County and to provide appropriate insurance coverage thereby reducing the County's liability exposure and resulting in cost savings to the County in the form of cost avoidance.

d. Was the Incidental Use Completed?

The design and construction of the capital improvements will be competitively bid. The operation, management and maintenance of "The Underline" will be performed by the not-for-profit UMO.

e. Proposed Use of Generated Income from Incidental Use

All revenue generated by the proposed project through the use of federally assisted property and/or facilities will be used exclusively to improve, operate and maintain the transit components of the project which include the bicycle/pedestrian path and associated landscaping.

f. Improvements/Costs required for the Incidental Use

The estimated cost to implement "The Underline" program is \$120 million. The UMO is proposing to raise the funds required to implement and operate the program from various private and public sources. The County is also planning to submit to the FHWA and the FTA a request for capital and/or operating assistance for the transportation portion of the project.

g. Has a Draft Lease Agreement been completed? (attach if applicable)

An agreement between the County and the UMO is currently being drafted.

III. Grantee Certifications (check each applicable box):

- Needed Property:** The grantee organization continues to require this asset for transit use.
- Purpose and Activity:** The incidental use does not interfere with the grantee's initial project or safe public transportation operations.
- Continuing Control:** The incidental use does not in any way interfere with the grantee's continuing control over the use of the property or the grantee's continued ability to carry out the project or program.
- Expenses:** The grantee will fully recapture all costs related to the incidental use from the non-transit public entity or private entity, including all applicable excise taxes on fuel for fueling facilities and wear and tear to capital improvements. Private entities pay all applicable excise taxes.
- Income:** Proceeds from licensing and leasing of air rights or other real property interest are based on competitive market rents and rates of return based on the appraised fair market value. Income received from the authorized incidental or joint development uses of air rights may be retained by the grantee (without returning the Federal share) if the income is used for eligible transit capital, and operating expenses. This income will not be used as part of the local share of the grant from which it was derived. However, it may be used as part of the local share of another FTA grant. *

*The purpose of "The Underline" program is not to generate income and there will be no proceeds generated that are based on the proportionate fair market value of the transit property. This program is designed to enhance the area, including the existing bicycle/pedestrian path, in a manner that will benefit the entire community by providing improvements, and recreational and cultural events, activities and amenities. The proceeds that are generated by the program through concessions and/or events will be used to improve, maintain and operate "The Underline" including the bicycle/pedestrian path.

for

Alice N. Bravo, P.E.
Director
Miami-Dade Department of Transportation and Public Works

Date

6/27/2017

IV. FTA Decision

THIS INCIDENTAL USE REQUEST IS:

APPROVED

Per Circular 5010.1D, the grantee organization is reminded to maintain satisfactory continuing control over the asset and all improvements. If you have any questions, please contact your FTA Region IV Program Manager.

Reason:

DENIED

Yvette G. Taylor, PhD
Regional Administrator

7-10-17
Date

The Underline Project - Attachment to Region IV Facility Incidental Use Request Form

The following are non-transportation improvements, events, activities, amenities and uses currently being proposed within the area to be covered under the proposed Underline Agreement; the approximately 10-mile long corridor of Metrorail right-of-way extending from the Miami River to the Dadeland South Station.

Construction and/or Installation of Structures and Facilities

- Open-air performance areas for Underline events
- Outdoor fitness equipment
- Playground equipment
- Recreation facilities including basketball, volleyball and handball courts and rock climbing walls
- Concession facilities
- Outdoor furniture such as shelters, benches, tables, trash and recycling containers and bicycle parking racks or stands and water dispensers.
- Permanent art installations
- Roller skating and skateboard rink
- Bicycle, skateboard and rollerblade course

Concessions

- Bicycle rental services
- Bicycle repair services
- Food and beverage services
- Sale of recreation related items such as water bottles, visors, sunglasses, rain gear, etc.
- Farmers markets

Events and Activities

- Activities which use the sports, recreation and fitness facilities constructed and/or installed in The Underline, including basketball, volleyball, handball, rock climbing, physical conditioning activities, roller skating and roller boarding.

- Events promoting bicycling as an alternative method of transportation such as Annual Bike to Work Day, Village of Pinecrest Annual Bike Ride Day, and bicycle rides sponsored by Miami-Dade County, municipalities, communities and cycling clubs including The Underline Cycling Club.
- Events promoting bicycle and pedestrian safety.
- Races such as marathons, half marathons, 5K and 10K races and wheelchair races.
- Informational events including seminars, demonstrations and field trips featuring topics such as recreation, fitness, health, transportation initiatives, safety, environment, ecology, nature, technology, astronomy, art and photography, including such events as yoga classes, Pilates classes, spinning classes, boot camp classes, self-defense classes, school field trips, Earth Day clean up events, seminars on water saving devices and techniques, photography classes and demonstrations, painting classes and demonstrations, graphic art classes and demonstrations, special astronomical event watches and seminars (eclipses, comets, meteor showers, etc.), nature walks, seminars on climate change or other environmental issues, seminars on ecology, CPR demonstrations, health screenings, seminars on health issues and diseases such as cancer, Zika virus, alcohol or drug addiction, high blood pressure, diabetes, obesity, Downs syndrome, Muscular Dystrophy, genetic abnormalities, arthritis or infectious diseases, seminars on stress relieving techniques such as exercise and meditation.
- Public meetings by local governmental entities including state, county, municipal and community organizations.
- Arts and craft festivals.
- Flea markets.
- Petting zoos.
- Live performances by local, national and international performers such as acting performances, dancing performances, poetry readings, story readings, story-tellings, music concerts and jam sessions, singing performances, performance art exhibitions and magic shows.
- Music and dance recitals.
- Fashion shoots.
- Photo shoots (other than fashion shoots).
- Fashion shows.
- Wine and food tasting festivals and competitions.

- Celebrations recognizing special accomplishments by professional, college or high school sports teams, such as winning a place in play-offs, winning major sporting event and winning Homecoming Games.
- Charity and non-profit fund-raising events such as event kick-off announcements, organizing meetings, auctions, raffles and bazaars.
- Networking meetings.
- Job fairs.
- Bird-watching meet-ups.
- Singles meet-ups.
- Meet-ups for clubs, recreational groups, church, synagogue and mosque groups.
- Car, boat and motorcycle exhibitions.
- Voter registrations.
- Armed Forces recruitment events.
- Outdoor movies.
- Outdoor classes.
- Talent shows and competitions.
- Staging area for local events such as parades or exhibitions.
- Events sponsored by Miami-Dade County such as events allowing residents to apply for homestead exemptions and Value Adjustment Board submittals, county vendor registration seminars, adopt-a-pet events, adopt-a-tree events, shower head exchanges, elections, informational seminars and exhibitions on County services and events.
- Seminars and exhibitions featuring local recreational and educational facilities such as the Everglades National Park, Miami-Dade County parks and facilities and municipal parks and facilities and Miami-Dade County Schools.
- Seminars and exhibitions promoting local events such as Martin Luther King, Jr. Day parade, Fourth of July celebrations, Zoo Miami events (Feast with the Beasts, Wild Nights, Egg Safari), Agricultural, Horse and Cattle Show, Exotic Pet Amnesty Day and events promoting surrender of firearms.
- Self-defense demonstrations.
- Martial Arts competitions and exhibitions.

All uses will be subject to review, coordination and monitoring by the Miami-Dade Department of Transportation and Public Works (DTPW). DTPW will carefully review all plans for construction and/or installation of facilities and equipment, events and activities, develop appropriate conditions and limitations and monitor the event or activity to ensure that all facilities, events and activities are open to the general public, do not impede or interfere with access to transit facilities, do not interfere with transit operations and are conducted in a safe and secure manner.

DTPW will notify the Region IV FTA office in advance of any events or activities which are anticipated to draw especially large crowds, media attention and/or which may require additional crowd control or security measures. In such cases, DTPW will provide to the FTA details of the planned event or activity, all measures to be undertaken and all conditions, requirements and/or limitations to be implemented to ensure the safety and security of DTPW employees, patrons and facilities and the general public.

DTPW will ensure that all events and activities will be subject to the following cross cutting federal requirements:

- (a) requirements found in 49 CFR Part 26.7 regarding non-discrimination based on race, color, national origin or sex;
- (b) requirements found in 49 CFR Parts 27.7, 27.9(b) and 37 regarding non-discrimination based on disability and complying with the Americans with Disabilities Act with regard to any improvements constructed;
- (c) the Federal Transit Administration Master Agreement, updated annually relating to conflicts of interests, debarment and suspension.

Any agreement entered into by DTPW with the Underline Management Organization, Inc. will include all applicable Federal Transit Administration regulations.