

DRAFT

July 3, 2013

Mr. James A. Wolfe, P.E.
District Four Secretary
Florida Department of Transportation
3400 West Commercial Boulevard
Fort Lauderdale, FL 33309

RE: NW 7th/9th Connector Project
FPN 230726-1-38-01

Dear Mr. Wolfe:

Please accept this letter as our official request to terminate the Local Agency Project (LAP) for the NW 7th/9th Connector due to the right of way (ROW) acquisition and environmental risk and remediation costs associated with the twelve build alignments. The City of Fort Lauderdale was confident appropriate funding would be available for the ROW costs once we progressed through the 60% design. It was our expectation that there would be significant refinement in the overall project costs required in order to maintain the twelve build alignments. Although the estimated ROW costs were reduced from \$107,700,000 to \$33,800,000 from November of 2009 to June of 2011, certain roadway design elements including the water quality retention pond design areas have caused the parcel count to increase which in turn has increased costs and decreased the refined savings. The level of contaminated soils and underground storage tanks/structures found have also added to the increased costs which has also decreased these anticipated savings.

The City of Fort Lauderdale met with FDOT, Broward County, Broward MPO and RJ Behar & Company, Inc. on 04/04/13 regarding the status of the 7/9th Connector Project. This meeting was held to discuss the viability of the current project and discuss a modified complete streets project which would change the project limits to only that portion between Sunrise Boulevard and Sistrunk Boulevard. This recommendation of a modified complete streets project (original TSM&O alternative) would reduce and/or eliminate the right-of-way acquisition and environmental remediation by using existing right-of-way to provide an alternative path to move from NW 7th Avenue to NE 9th Avenue along NW 9th Street.

NW 7th Avenue (Sunrise Boulevard to NW 9 Street), NW 9th Street (NW 7 Avenue to NW 9 Street) and NW 9 Avenue (NW 9 Street to Sistrunk Boulevard) would be converted to complete streets with the addition of sidewalks, landscaping treatments, pedestrian lighting, crosswalks and new signalization. The resulting project intended to reduce traffic congestion on Sunrise Boulevard between NW 9th Avenue and NW 7th Avenue. This will also reduce cut-through traffic in the neighborhood. This project furthers the goals of the Northwest Progresso Flagler Heights Community Redevelopment Area (NPF CRA) redevelopment plan and enhances the connection between the Riverwalk District, the NPF CRA and the Central City CRA.

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The City of Fort Lauderdale has thus decided to write this termination letter for the original NW 7th/9th Connector Project (Broward MPO Priority #13). The City of Fort Lauderdale desires to move in a new direction and advance the modified complete streets project as an alternative to the original NW 7th/9th Connector Project and request prioritization of this project with the Broward MPO. It is our request that the Florida Department of Transportation (FDOT) honor any remaining reimbursements to the City of Fort Lauderdale through close out of this Agreement. It is our opinion that all expenses and funds spent to date have been approved by the Department and have been incurred to ensure the proper planning of the project through eligible costs as planned. It became apparent after proceeding through the 60% preliminary design phase that the ROW acquisition and environmental risk and remediation costs required for the approved alignment had yielded the approved build alignment as unviable. As part of the re-evaluation, the City was required to complete an analysis of potentially contaminated sites along the approved build alignment. This was completed to satisfy the Federal Highway Administration's requirements for compliance with the National Environmental Policy Act (NEPA) (as a condition of receiving funding from FDOT), to support selection of pond locations, and to prepare the Community Redevelopment Act (CRA) to manage possible contamination resulting from historical industrial activities in the area.

It is our understanding that the Federal Highway Administration (FHWA) has a longstanding practice of not mandating repayment of Preliminary Engineering funds when project termination is directly related to the compliance with another law. In this instance, repayment of reimbursed Preliminary Engineering costs would not be required since it has been determined that this project should not be advanced as a result of findings during the NEPA process. Please advise our office of any remaining items necessary for final close out of this Local Agency Project.

Please feel free to contact Diana Alarcon at (954) 828-3793 if you have any questions or need further details.

Sincerely,

Lee R. Feldman, ICMA-CM
City Manager

c: Susanne Torriente, Assistant City Manager
Diana Alarcon, Transportation & Mobility Director
Hardeep Anand, P.E., Public Works Director
Eric S. Czerniejewski, P.E., Transportation Manager
Leigh Plotts, Grant Administrator
Greg Stuart, Executive Director, Broward MPO
Richard Tornese, P.E., Director, Broward County Highway Construction & Eng. Div.
Stacy Miller, P.E., District Program Management Engineer, FDOT
Ellen Daniel, P.E., Local Program Engineer, FDOT