



Memorandum

Memorandum No: 13-120

Date: June 12, 2013

To: Honorable Mayor and Commissioners

From: Lee R. Feldman, ICMA-CM, City Manager

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

This informational memorandum is being provided to update you regarding recent discussions held with the Florida Department of Transportation about the viability of the NW 7th/9th Connector Local Agency Program (LAP) Project.

The City of Fort Lauderdale met with FDOT, Broward County, Broward MPO and RJ Behar & Company, Inc. on April 4, 2013 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 Transportation Systems Management and Operations 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.

In this new recommendation, NW 7th Avenue (Sunrise Boulevard to NW 9th Street), NW 9th Street (NW 7th Avenue to NW 9th Street) and NW 9th Avenue (NW 9th 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 will 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 also 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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NW 7 /9 Connector Project

FDOT's determination of the modified complete streets project was as follows:

- ✓ The modified complete streets project does not substantially meet the overall project objectives and the purpose and the need of the NW 7th/9th Connector Project as proposed in the Project Development and Environment (PD&E) study.
- ✓ The modified complete streets project does not provide additional lanes or additional traffic capacity.
- ✓ The modified complete streets project does not provide a diagonal connector with median and turn lanes as described in the approved PD&E study. Vehicular traffic will still need to make a "dogleg" maneuver, whether it is on Sunrise Blvd or NW 9th Street. None of the 12 build alignments that were advanced include a "dogleg" maneuver as described in the modified complete streets project

FDOT and the Broward MPO have requested that the City of Fort Lauderdale write a Cease and Desist letter for the original NW 7th/9th Connector Project (Broward MPO Priority #13). This letter needs to provide details of the City of Fort Lauderdale's desire 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. The City made a verbal request to FDOT and the Broward MPO to be able to close the project out without penalty and reimbursement of the funds spent to date to FHWA on this project. We have included this in the draft Cease and Desist letter to FDOT.

All expenses and funds spent to date have been approved by the Florida Department of Transportation 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.

The City was confident when the PD&E study was approved that appropriate funding would be available for the ROW costs once we progressed through the 60% design. It was our expectation, after the PD&E study was approved, that there would be significant refinement in the overall project costs required in order to maintain the 12 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.

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.

Staff has prepared a Cease and Desist letter to be submitted to FDOT cancelling the LAP Agreement for the current NW 7th/9th Connector project. The LAP Agreement for this project expires on June 30, 2013. Staff will request that the modified complete streets project along NW 7th Avenue, NW 9th Street and NW 9th Avenue be added to the Broward Metropolitan Planning Organization 2013/2014 – 2017/2018 Transportation Improvement Program (TIP).

c: Stanley D. Hawthorne, Assistant City Manager
Susanne M. Torriente, Assistant City Manager
Harry A. Stewart, City Attorney
Jonda K. Joseph, City Clerk
John C. Herbst, City Auditor
Chaz Adams, Public Affairs Manager
Diana Alarcon, Transportation and Mobility Department Director
Clara Bennett, Transportation and Mobility Deputy Director