

Memorandum of Understanding Framework with Port Everglades and Fort Lauderdale-Hollywood International Airport

Background

A memorandum of understanding (MOU) is a formal agreement between two parties, bound by defined roles, responsibilities and commitments. To support efforts identified in the Broward Metropolitan Organization (MPO) Strategic Business Plan, the Board expressed interest in aligning MPO goals with those of Port Everglades (Port) and the Fort Lauderdale-Hollywood International Airport (FLL). The MPO will need support evaluating existing MOUs and other interlocal agreements with local partners and assessing functional areas of need that will be addressed under a MOU with the Port and FLL.

Introduction

The use of MOUs is key in developing formal relationships with transportation service providers for the coordination of planning efforts. The MPO has historically used MOUs to build partnerships in the transportation community within Broward County (County) and throughout Southeast Florida.¹ Transportation planning efforts on behalf of the MPO should be formally demonstrated through a MOU to assist in expanding upon existing partnerships, and to improve the coordination of planning efforts. The purpose of this memorandum of understanding framework (Framework) is to outline the development of two MOUs between the MPO and 1) Port and 2) FLL. The Framework will:

- Summarize the organizational structure of the Port and FLL, including existing interlocal agreements,
- Identify general roles and responsibilities between the Port, FLL and the MPO, and
- Provide a draft outline for what a MOU between each entity will include.²

It is through coordinated agreements such as MOUs that planning efforts can be aligned and strengthened between the MPO, the Port and FLL to ensure successful project delivery and advance inter-jurisdictional coordination.

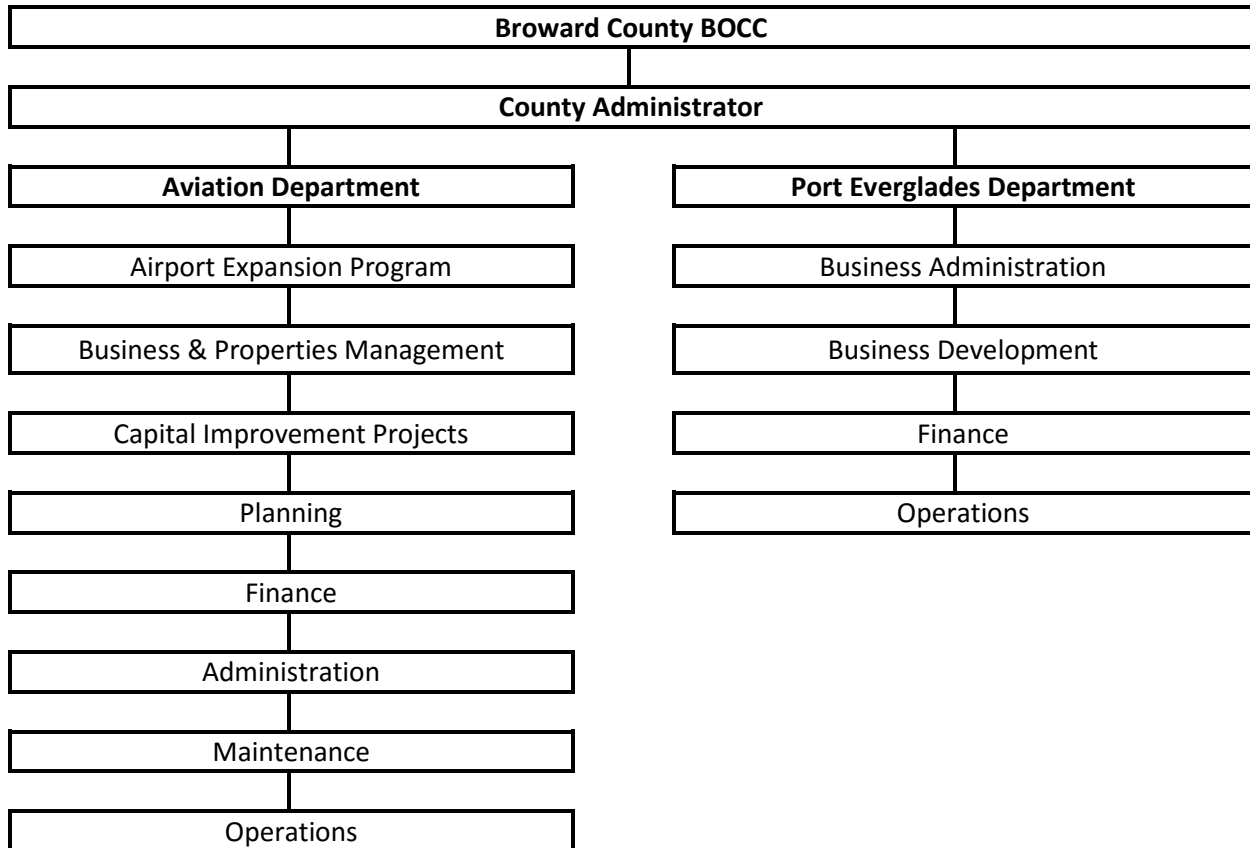
¹ The MPO, through MOUs has entered into interlocal agreements with nearby MPOs, the South Florida Regional Planning Council, the South Florida Regional Transportation Authority, FDOT, Broward County Transit, and Broward municipalities.

² Two (2) meetings will be hosted by the MPO; one with the Port and one with FLL. The MOU structure will be finalized between each agency at that time.

Port and FLL Organizational Structure

The Port and FLL are departments of County government, both reporting directly to the County Administrator and governed by the Board of County Commissioners (BOCC). Exhibit 1 illustrates the organizational structure for the Port and FLL.

Exhibit 1: County Government Organizational Structure for the Port and FLL



The BOCC delegates the management and operations of the Port and FLL to the Port Everglades and Aviation Departments, respectively. Both agencies operate as self-sustaining Enterprise Funds, meaning they do not rely on general tax revenues collected by the County. The Port and FLL are landlord agencies, which generate revenue through leases and user fees associated with maritime and aviation services. Through agreements with terminal operators and airline carriers, both agencies lease out their land and assets, (e.g. cranes, berths, vendor space, warehouse storage, etc.), for operation of service. Lease agreements may have provisions for capital improvements and/or maintenance support on behalf of the lessee to the Port or FLL. As designated Strategic Intermodal System (SIS) facilities by the Florida

Department of Transportation (FDOT), the Port and FLL can also receive state assistance for capital projects, operations and maintenance support, in addition to federal funding for capital improvements.

Unlike other agencies, such as Port Tampa Bay and Jaxport, which are independently established port authorities, MOUs and other formal agreements for the Port must be negotiated through the BOCC. FLL in a similar fashion is not an independent authority, and must have all formal agreements, including MOUs, negotiated through the BOCC

Port and FLL Agency Summary

Port Everglades

- State of Florida created the Broward County Port Authority in 1927, renamed the Port Everglades Authority in the 1960's.
- Self-supporting Enterprise Fund of Broward County.
- Generates revenue from user fees (i.e. docks, cranes and cruise terminals, parking) and land leases.
- Uses revenues from fees and leases for capital improvements.
- Receives state assistance as a designated SIS facility.
- Developed the 2014 Port Everglades Master/Vision Plan (Port Plan) – a long-range master plan that covers five years of facility improvements within a framework of 10 and 20-year vision plans.

Fort Lauderdale-Hollywood International Airport

- U.S. Navy transferred control of FLL to Broward County in 1953.
- Self-supporting Enterprise Fund of Broward County
- Generates revenue through user fees (i.e. ticket sales), rentals, parking and other charges.
- Relies on bonds, fees and grants for capital improvement projects.
- Receives state assistance as a designated SIS airport.
- Developed the 2010 FLL Master Plan Update (FLL Plan) – a comprehensive plan to guide and coordinate the development of Terminal Area Airport facilities through 2020.

Previous Agreements

There are preexisting agreements in place between the MPO, County and municipalities that own land where the Port and FLL are located. The following interlocal agreements have established jurisdictional control and identified cooperative procedures for the MPO, County and municipalities:

- 1994 Interlocal agreement between the County and the Cities of Fort Lauderdale, Dania Beach and Hollywood that established the roles and responsibilities of the areas within the Port jurisdictional area.
- 1997 Interlocal agreement between the County and the City of Fort Lauderdale for intergovernmental cooperation in the development and permitting of FLL.
- 2007 Joint Participation Agreement between FDOT, the MPO, County, South Florida Regional Planning Council, and the South Florida Regional Transportation Authority. The agreement identifies the responsibilities for cooperatively carrying transportation planning and programming, intergovernmental coordination and review, and dispute resolution.
- 2011 Interlocal agreement between the County and the City of Dania Beach that established the County's authority to have exclusive jurisdiction over FLL, which includes the power to issue any and all development approvals for lands and projects within the airport boundary. The 2011 agreement replaced a 1995 agreement between the County and the City of Dania Beach that originally established exclusive jurisdiction over FLL.

In addition to interlocal agreements, a 2011 MOU was established between the County and Florida East Coast Railway (FEC) for the transportation of containerized cargo at the Port. This led to the development of the Intermodal Container Transfer Facility (ICTF) that was constructed and currently operated by the FEC on 42.5 acres of Port land. The MOU established a 30-year agreement between both parties, with two 10-year renewal options. Following the MOU, FDOT broke ground for the Eller Drive Overpass, a critical project for the ICTF that connects it to the Port with an at-grade rail spur, and provides unrestricted truck movement to I-595 and the Florida Turnpike via a four-lane overpass bridge.

Planning Coordination

As a transportation policy-making Board, the MPO coordinates the transportation needs of Broward County's 31 municipalities by distributing federal funds through long-range transportation planning. The MPO's Unified Planning Work Program (UPWP) identifies goals and objectives that require coordination between the MPO and the County's Seaport and Airports. Exhibit 2 summarizes coordination efforts established through the UPWP.

Exhibit 2: UPWP Task 3.5, Freight and Goods Management/Intermodal Planning

Purpose
To improve the efficiency of intermodal transportation connections for freight and airline /cruise passengers and inter-jurisdictional coordination and cooperation between the freight industry and Broward County's Seaport and Airports.
Required Activities*
<ul style="list-style-type: none">• Ensure seaport and airport participation in Broward MPO Long Range Plan Updates, the Regional Long Range Transportation Plan and freight and goods movement studies.• Coordinate with agencies and municipalities on new and ongoing studies affecting the Port and Airports in Broward and Port and Airport efforts affecting local agencies and municipalities, including railroad crossing impacts.• Coordinate with the Port on the development and implementation of individual components of the Port Everglades Master/Vision Plan.• Coordinate with the Port on grant programs which allows the state, MPO and local government to apply for funding to complete projects that improve safety, help eliminate freight bottlenecks and improve critical freight movements.

*Relevant activities summarized. See Task 3.5 of the UPWP for complete list.

Set forth by the UPWP, the MPO is directed to coordinate with the Port and FLL for transportation planning activities (LRTP updates, regional LRTP updates, master planning, and freight and goods movement studies), in addition to coordinating with municipalities on new and ongoing studies that directly impact them as a result of Port and FLL efforts.

Organizational Structure of Proposed MOUs between the Port and FLL

As designated SIS facilities and Enterprise funded agencies, the Port and FLL have made major infrastructure investments to facilitate the movement of passengers and freight. Given the Port's and FLL's regional impact, transportation planning efforts on behalf of the MPO for these agencies should be formally demonstrated – a directive of the UPWP and MPO Strategic Business Plan.

To assist in expanding upon existing partnerships with the Port and FLL, and to improve the coordination of planning efforts, the organizational structure of MOUs should do the following:

DRAFT Port MOU Structure

1. Define the roles and responsibilities of each party.
2. Provide background information that has led to the development of the MOU.
3. Define the coordination of long range planning efforts between the MPO's Long Range Transportation Plan, Transportation Improvement Plan, and 2014 Port Everglades Master/Vision Plan.
4. Coordinate transportation planning efforts on the local level, including the solicitation of input from the municipalities that share land with the Port.
5. Advance initiatives set forth in the MPO's UPWP, per Task 3.5.
6. Identify appropriate agency representatives by classification, title or department responsible for carrying out and coordinating planning and programming efforts.
7. Provide a process to amend the MOU.
8. Conclude/Accept the rules and responsibilities of each party as described by the MOU. This would generally be done by the decision-maker or governing body with signing authority.

DRAFT FLL MOU Structure

1. Define the roles and responsibilities of each party.
2. Provide background information that has led to the development of the MOU.
3. Define the coordination of long range planning efforts between the MPO's Long Range Transportation Plan, Transportation Improvement Plan, and the 2010 FLL Master Plan Update (FLL Plan).
4. Coordinate transportation planning efforts on the local level, including the solicitation of input from the municipalities that share land with FLL.
5. Advance initiatives set forth in the MPO's UPWP, per Task 3.5.
6. Identify appropriate agency representatives by classification, title or department responsible for carrying out and coordinating planning and programming efforts.
7. Provide a process to amend the MOU.
8. Conclude/Accept the rules and responsibilities of each party as described by the MOU. This would generally be done by the decision-maker or governing body with signing authority.

The MOUs will demonstrate the MPO's commitment to coordinating long-range plan updates, by coordinating the MPO's LRTP and TIP with the Port and FLL's Master Plans, in ensuring scopes, cost projections, and schedules are consistent, and in maintaining an open dialogue between each party during their respective planning processes.