

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA IN AND FOR THE COUNTY OF MIAMI-DADE**

**FINAL REPORT
OF THE
MIAMI-DADE COUNTY GRAND JURY**

SPRING TERM A.D. 2008

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THE PEOPLE'S TRANSPORTATION PLAN:
MOVING FROM PROMISES TO REALITY

I. INTRODUCTION:

Anyone traveling within Miami-Dade County on a regular basis is aware that we have a significant transportation problem: from drivers stuck in their cars on congested expressways and freeways to public transit riders struggling to get from point A to point B in a timely manner. This Grand Jury decided to look at the transportation system to see if we could develop some recommendations for addressing some of our transit issues. In this report we will address the Citizens Independent Transportation Trust, highlight issues and improvements regarding public transportation, identify ways to increase revenue for the transit department and suggest some solutions for alleviating traffic congestion.

II. THE TRANSIT SURTAX

One cannot fully address public transportation in Miami-Dade County without considering the transit surtax. On four prior occasions (1976, 1990, 1991 and 1999), elected officials presented a one percent (1%) transit sales tax proposal to Miami-Dade County voters. Voters rejected each of those proposals. In 2002, elected officials modified the prior proposal, reduced the tax to one half of one percent and made promises to voters of all the great things that would be done with funds collected through the transit surtax. Before the November election, they passed an ordinance that would create an independent group of citizens who would oversee use of the money if voters approved the tax.¹

In November of 2002, Miami-Dade County voters approved a half-percent sales tax increase to fund the People's Transportation Plan (PTP), the comprehensive program of transportation improvements.² The PTP contains an extensive list of specific projects which vary from expanding Metrorail and buying more buses to widening certain streets and installing

¹ We discuss this in detail under the section entitled The Citizens Independent Transportation Trust, pp. 2-4.

² The language for the referendum provided: Shall the County implement the People's Transportation Plan including: Plans to build rapid transit lines to West Dade, Kendall, Florida City, Miami Beach and North Dade; expanding bus service; adding 635 buses; improving traffic signalization to reduce traffic backups; improving major and neighborhood roads and highways, including drainage; and funding to municipalities for road and transportation projects by levying a ½ percent sales surtax whose proceeds will be overseen by the Citizen's Independent Transportation Trust?

lighted street signs at major intersections. Estimates for jobs created and new employees hired in county departments were also part of the PTP. Miami-Dade County developed the PTP in close coordination with the community to insure that the proposed projects would enhance and improve public transportation countywide and reflect **the public's** mobility needs. After 80 neighborhood meetings and the active participation of more than 2,000 concerned citizens at two countywide summits, the community developed the People's Transportation Plan.

From the first meeting, Miami-Dade residents understood the need for local funding to finance this plan. Residents also understood that we would need matching federal and state dollars to complete some of the larger projects. Under the PTP's \$17 billion dollar business plan, Miami-Dade County committed to adding more buses and bus routes, increasing the hours of service for buses, improving bus and Metrorail service, expanding heavy rail rapid transit (specifically, Metrorail) and creating thousands of transportation³ and construction-related⁴ jobs over the next 25 years. The adoption of the PTP, along with the Charter County Transit System Sales Surtax (Surtax), allowed Miami-Dade County and local municipalities to address much needed improvements to our public transportation system.

Unfortunately, in the calculations no one accounted for the maintenance and operations costs going forward for the existing system. That failure resulted in fewer dollars being allocated for big ticket items on the PTP like Metrorail expansion, because the County has been turned down for billions in federal dollars on more than one occasion for failure to show that it will be able to maintain and operate these expenditures.

A. The Citizen's Independent Transportation Trust

As posted on its website, the Citizens' Independent Transportation Trust (CITT) is the 15 member board created to monitor the implementation of the PTP and to oversee the expenditure of the transit surtax. Trust members must be Miami-Dade County registered voters who have a reputation for civic involvement and an interest or experience in transportation issues. The

³ As of September 30, 2008, and in keeping with the PTP's promise of creating more transit related jobs, since November 2002 MDT has brought into the department a total of 1,873 "new hires". As employees leave, MDT replaces them to maintain this total of new hires. People's Transportation Plan 90-day Report, 4th Quarter Fiscal Year 2007-2008, p.6

⁴ The Public Works Department also has designated certain of its employee positions as PTP positions. As of September 30, 2008, 49 of 50 such positions are being filled by employees who are trying to accelerate completion of PTP projects. People's Transportation Plan 90-day Report, 4th Quarter Fiscal Year 2007-2008, p.7

Office of the Citizens' Independent Transportation Trust (OCITT) provides staff support for the CITT and coordinates public outreach efforts to inform the community regarding the improvements that have been implemented using transit surtax funds.

The CITT provides oversight of the use of the funds, approves all PTP-funded contracts and has the power to initiate amendments to the PTP. The PTP has listed all of the projects that were expected to be completed with transit funds. Items cannot be added nor deleted without the approval of the Citizens' Independent Transportation Trust.

Any proposed change to county projects in the PTP shall be initially reviewed by the Trust⁵ and forwarded with a recommendation to the County Commission. If the Commission rejects the recommendation, the matter is referred back to the Trust for reconsideration. A reconsidered recommendation is then sent back to the Commission. To change or reject a reconsidered recommendation requires a two-thirds vote of the Commission.⁶ These provisions were designed to make sure money was being spent on items the public wanted. The provisions also created obstacles to meddling by the County Commissioners.

This oversight and interplay actually came to fruition during consideration of an issue involving Metrorail cars. To briefly highlight the dilemma, we cite a portion of a message from Trust member and former Chairperson of the CITT, Miles E. Moss, P.E. These comments are included in the CITT Insider, A Publication of the Citizens' Independent Transportation Trust, Spring 2008.⁷ In his comments, Mr. Moss noted:

In contemplating requests for PTP funding, the CITT has to consider the promises made to the public on how surtax dollars would be spent against the reality of what it takes to develop a public transportation system that is responsive to the mobility needs of the community.

The CITT faced just such a prospect . . . when [it was] asked to approve surtax funding for the purchase of new Metrorail cars versus refurbishing the old ones as planned. . . [T]he main concern of everyone is that with \$401 million going for new Metrorail cars, there probably wouldn't be much money to fund other projects in the PTP such as the planned Metrorail extensions.

⁵ Ordinance 02-117, Section (f) (2) (c)

⁶ Id.

⁷ The CITT issues these publications on a quarterly basis. They are accessible on the Internet and contain a great deal of information on various advances, developments and progress reports concerning Miami-Dade County's transportation issues, the Miami-Dade Transit Department, CITT and the PTP. The reports can be found at <http://www.miamidade.gov/CITT/insider.asp> ,

To their credit, County staff made a good case stating that, in the long run, it was most cost-effective to the County to purchase the new cars. We also had to consider that the federal government will not help fund the Metrorail expansion if the county cannot maintain the current system, including its cars.

In the end we made a decision that we felt was the most prudent in the best interest of taxpayers and the County in approving the purchase of the rail cars. I think CITT member William Sancho expressed our position best, "We hope and pray that the County Manager and Miami-Dade Transit will come up with a very good plan that the Feds will sign off on, and purchasing these cars is a positive step toward building the Orange Line."⁸

The problem the CITT faced was whether it would remain true to the dictates of the PTP (which provided that the Metrorail cars were to be refurbished) or whether Trust members would decide a modification needed to be made due to changes in circumstances. They opted for the latter. It is clear by the Trust member's comment that CITT's long range justification for approving this modification was in hopes of being able to deliver on some other promises.

Marc Buoniconti, another Trust member, made the following revelation in the CITT Insider Winter 2008 publication:

In performing its function as overseer, and ensuring that surtax funds are used for projects that are listed in the original PTP, the CITT discovered critical funding problems for PTP Projects. The assumptions in the PTP pro forma, which is the financial foundation from which all budgets and plans emanate, are flawed and unreliable. Furthermore, the surtax has come under tremendous pressure to pay for the operations and maintenance costs of the existing public transit system, as well as other MDT projects which were not a part of the original PTP. The CITT's challenge is to guarantee surtax funding for the capital projects in the PTP.

The money for the capital projects listed in the PTP has lagged far behind the level needed to implement the Plan in the foreseeable future, risking the start of some projects and the completion of few, as the projected balances will not be sufficient to fund all the projects.

The Orange Line has been publicly labeled as "Priority #1" by the County Mayor, the County Manager, MDT, and a majority of the Board of County Commissioners (BCC). The CITT agrees with this designation because it is critical to the success of the PTP and should be considered the number one

⁸ <http://www.miamidade.gov/citt/library/2008/insider/insider-spring.pdf> The full import of this final quote is set forth later in this report. See Metrorail, pp. 8-9.

priority for the surtax. The unfortunate certainty is that the foundation of the financial projections for the PTP is flawed. The CITT has worked closely with MDT to develop new projections and a pro forma that outlines the financial viability of the surtax and the projected projects and programs to be developed. Through the assistance of our financial consultant, the CITT is of the opinion that the adoption of this new process is essential and fundamental for maximizing the surtax and accomplishing the most critical and important projects in the People's Transportation Plan.⁹

Specifically, those critical projects included the Orange Line, an expansion of Metrorail into other neighborhoods. That expansion never occurred and due to a lack of funding, it is very likely that it will never be constructed as the public dictated in the PTP. Members of the voting public who supported the transit tax live in neighborhoods that would have benefitted from the expansion. Six years later, they have not forgotten the broken promises.

B. People's Transportation Plan Summit

After years of taking flack for the aforementioned failures, County Commissioner Dennis Moss encouraged Mayor Carlos Alvarez and other members of the Board of County Commission (BCC) to hold a transit summit. What was the purpose of the Summit? To admit to the public that:

1. Elected officials oversold the transit tax proposal to voters;
2. Elected officials promised results that could never be accomplished with the collection of only the half-penny sales tax;
3. Hundreds of millions of dollars collected via the transit tax were spent on projects and for purposes that were never disclosed to voters when elected officials were encouraging support for the tax;¹⁰
4. Projects that voters were still hopeful for, namely major expansion of the Metrorail, would not be likely to materialize.

The message at the summit was, "Yes, we messed up and there was mismanagement of funds. However, the focus at this point should be, Where do we go from here?" We agree with that assessment and deign not to rehash in detail the problems that have plagued the transit

⁹ http://www.miamidade.gov/citt/library/pdfs/CITT_Insider_Web_Version_Winter_2008.pdf

¹⁰ In all fairness, most of these items were included in the PTP and are costly. However, as part of the education process, we believe the general public did not receive enough information about the mundane things like sidewalk repair, drainage, signage, etc.

department since 2002. In this Grand Jury Report, we will address specific issues related to mass transit and traffic congestion in our county. We warn our elected officials up front that several of the recommendations we include herein will not resonate well with some voters. Nevertheless, in these desperate times, we must adopt desperate (but prudent) measures.

C. The Municipal Component of the PTP

The ordinance creating the half-percent transportation surtax also has a municipal component. This municipal component is the part of the People's Transportation Plan (PTP) that allocates 20% of surtax revenue to the thirty-one (31) Miami Dade-County municipalities that were incorporated at the time of passage of the PTP. The municipal funds provide an additional funding source to support implementation of a countywide multimodal transportation system through local municipal projects. The ordinance specifically provides that municipalities must apply at least 20 percent of their share of surtax proceeds toward transit uses and must submit their transportation plans to the County.

The twenty-percent allocated to municipalities generates in excess of \$30,000,000 annually and is divided among the 31 participating municipalities. Since May 2003, more than \$179,186,815 dollars have been allocated to these municipalities; each receiving a share based on population. Many of the municipalities opted to use those funds to operate a municipal bus service. They created a network of bus routes designed to meet the mobility needs of riders **within** their municipal boundaries but, in large part, failed to develop services that **connected with** the county's public transportation, including Metrobus, Metrorail and Metromover.¹¹

This Grand Jury appreciates that the 20% municipal component is a major provision of the PTP. We also recognize that by the end of this year, more than \$200 million dollars will have been apportioned among the thirty-one municipalities. As drafted, the ordinance does not allow for any sharing of the wealth by those municipalities that were incorporated after passage of the ordinance. Nor does it contain any sunset provision or reduction in percentage once a certain saturation of transit services is reached within the municipalities. We believe that CITT,

¹¹ <http://www.miamidade.gov/citt/library/2008/insider/insider-spring.pdf>

MDT and the County may want to revisit this provision and determine at this point whether it would be prudent to

1. Expand the number of participating municipalities to include those that were not incorporated when the ordinance was passed; and/or
2. Consider, with or without expanding the number of municipalities, whether this is an appropriate time to significantly reduce the municipal component from its present twenty percent (20%). Any such reduction will result in a sizeable amount of additional transit fund dollars that could be used for major construction projects, like expansion of the Orange Line.

Our recommendations are directed toward improving traffic congestion in general, suggesting additional sources of revenue and setting a list of priorities for our public transportation projects. We have good news and bad news on all fronts.

III. MIAMI-DADE TRANSIT

Miami-Dade Transit (MDT) is the department responsible for planning, marketing and providing public transportation services in Miami-Dade. The main product or service Transit provides is a multi-modal transportation system consisting of Metrobus, Metrorail, Metromover, and Paratransit. MDT provides 95 Metrobus¹² routes, runs a 22.6 mile elevated Metrorail system,¹³ a 20 mile bus Rapid Transit (BRT) line¹⁴ and a 4.4 mile elevated people mover system. This size and composition makes it the 14th largest public transit system in the country based on passenger trips.¹⁵ MDT is the second largest department in Miami-Dade County with an annual budget in excess of \$444 million dollars. The department's budget primarily comes from the county's general revenue fund, the People's Transportation Plan, and federal and state transportation departments and agencies. Currently, Miami-Dade Transit records over 326,000 daily (weekday) boardings on its unified public transportation system.

Each year, MDT, as well as the other county departments must prepare a budget and multi-year capital plan. A review of MDT's FY 2008-09 Adopted Budget and Capital Plan

¹² Total fleet size is 893 buses. Metrobus offers countywide service from Miami Beach to West Miami-Dade and from the Middle Keys to the southern portion of Broward County.

¹³ Miami-Dade County's 22-mile, elevated rapid transit system runs from Kendall through South Miami, Coral Gables, and downtown Miami; to the Civic Center/Jackson Memorial Hospital area; and to Brownsville, Liberty City, Hialeah, and Medley in northwest Miami-Dade, with connections to Broward and Palm Beach counties at the Tri-Rail/Metrorail transfer station.

¹⁴ This refers to the South-Miami-Dade Busway. See p. 6.

¹⁵ FY 2008-09 Adopted Budget and Multi-year Capital Plan, Transit.

reveals that MDT has a number of budget priorities it has set for the various divisions within its department. Those priorities, in no particular order, include the following:

- Commence construction of the 2.6 mile Miami-International Center (MIC) – Earlington Heights Connector (projected completion in FY 2011-12);¹⁶
- Replacement of old buses with 112 new hybrid buses¹⁷ (in FY 2008-09) out of 586 projected to be replaced by FY 2013-14;
- Replacement of 12 Metromover cars that have been in service since 1986; and
- Replacement of 72 Metrorail vehicles for FY 2010-11. Additional replacement of 64 vehicles by December 2015.

1. The Easy Card

In addition to the new buses, rail cars and Metromover cars, MDT is also introducing a new fare collection system. Instead of continuing with bus tokens or bus passes with magnetic strip cards, MDT will be rolling out its new Easy Card, complete with new Easy Card fare boxes, vending machines and fare gates. The extended-use cards are plastic and have automatic reloading capabilities – meaning monetary values can continually be added to the card as rides are taken. It operates as a transit debit card. Fares are automatically deducted at Metrobus fare boxes and at Metrorail fare gates by tapping the card against the card reader.

With its state of the art computer system, the Easy Cards will also assist MDT in organizing accurate, real-time ridership information. This will assist in evaluating existing routes and schedules. As there has been a problem in the past with fraudulent monthly passes, these new cards will significantly reduce fare evasion and result in additional revenue collection which could recover lost revenue of over \$1,000,000 a year. MDT's present plans call for completed installation of all Easy Card equipment and full implementation by summer 2009.¹⁸

¹⁶ This project is Phase I of the Metrorail Expansion commonly referred to as the Orange Line. The Miami Intermodal Center (MIC)/Earlington Heights Corridor is a 2.4-mile extension of the Metrorail system from the existing Earlington Heights Station at NW 22nd Avenue and NW 41st Street, along State Road 112, to the MIC near Miami International Airport (MIA). Another portion of the Orange Line (the 9.5 mile North Corridor) is to run from the Earlington Heights Station, up Northwest 27th avenue to 215th Street (near Calder Race Track). The third phase of the Orange Line was expansion of the East-West Corridor, which would run from Earlington Heights, west to 107th Avenue (FIU).

¹⁷ Use of the hybrid buses results in a 25% savings in fuel and a 5% reduction in maintenance costs.

¹⁸ The new EASY Card automated fare collection system is another example of how Miami-Dade Transit is using Transit surtax funds.

We see this improvement as a major benefit for all of the persons who will use the MDT system in the future. We also believe that those who will benefit from the improvements should help shoulder the *cost of such improvements. Therefore,*

1. *We recommend that MDT have a built in surcharge of \$.50 for every extended use card sold.*
2. *We also recommend that MDT also assess the \$.50 surcharge for the replacement of any extended use cards that are lost.*

2. South Miami-Dade Bus Rapid Transit (BRT)

One of South Florida's most successful mass transit projects is the South-Miami Dade Busway, which at 20 miles is America's longest Bus Rapid Transit (BRT) line. The South Miami-Dade Busway, the first of its kind in Florida, is Miami-Dade Transit's state-of-the-art alternative to daily traffic congestion. It's the fastest way to Metrorail from Cutler Ridge, Naranja and Florida City. The Busway, which began operating in 1997, was built by the Florida Department of Transportation (FDOT) just for Metrobus routes.

It has a dedicated lane for travel that is only used by buses or emergency vehicles. It runs adjacent to US I and due to the express lane it operates in, avoids all of the congestion faced by drivers traveling in the same direction a few blocks away. The Busway opened in 1997. As of December 2007, the Busway has more than 23,000 average weekday boardings – a stunning 180% ridership growth within the first 10 years of operation. In fact, the BRT line is so successful that officials from Tanzania, Africa recently visited to see how effectively the line worked.¹⁹ They are contemplating setting up a similar transit service there. We applaud Florida DOT and MDT for the construction and operation of this project.

3. Metrorail- Expansion of the Orange Line

One of the major incentives for voters who supported passage of the transit surtax was having Metrorail in other communities throughout Miami-Dade County. The reality of the present situation is that the expansion of Metrorail and implementation of the other phases of the Orange Line cannot be accomplished without significant federal dollars. The halfpenny sales tax collections alone are insufficient to fund that expansion. A “heavy rail,” Metrorail type expansion is what the public was told and is what was placed in the PTP. As previously stated,

¹⁹ http://www.co.miami-dade.fl.us/transit/releases/09-01-13-african_delegation_busway.asp

any changes to the PTP must be initiated by the CITT. The members of the Trust will have some difficult choices to make in this regard. For instance, if the PTP proposal to use heavy rail for the entire Orange Line expansion is pursued, the present funding gap²⁰ is estimated to be in excess of \$9 billion dollars. If a change is made and the proposal is to build and operate the Orange Line as a full Bus Rapid Transit line (similar to the South Dade BRT) the funding gap drops to an estimated \$3.2 billion dollars. A third option is to build and operate the North and East-West corridors as BRT “lite.” This option would result in an estimated funding gap of \$2.3 billion.

In connection with recommending a possible change to the PTP, the CITT has already finalized a spreadsheet that depicts typical characteristics and pros and cons of different technologies such as Bus Rapid Transit (BRT), BRT Lite, Lite Rail Transit (LRT) and Heavy Rail Transit (HRT). Going forward, a critical decision will have to be made as to the future of the Orange Line proposal. That decision may result in another broken promise to the citizens of Miami-Dade County. However, as CITT recognized in considering whether it would use surtax funds to purchase new Metrorail cars instead of refurbishing them, changed circumstances sometimes lead one to take a different course of action.

Elected officials have already requested federal dollars from President Obama’s stimulus plan proposal. We have been in this posture before where we recognized we needed federal dollars and we blew it. On one occasion, officials missed the filing deadline. On a second occasion, the Federal Transit Administration (FTA)²¹ reviewed the county’s proposed financial plan and issued an overall project rating of “medium-low.” This rating received in February 2008, was lower than the “medium” rating the county received from the FTA in 2006 and 2007 for the North Corridor proposal.

Before awarding federal funds, the FTA wants to ensure that it is making a sound investment with its transit dollars. Accordingly, the FTA’s lower rating for Miami-Dade was based on two primary concerns with the county’s financial plan. The FTA had questions about whether, based on its finances and budget, MDT would be able to 1) operate the existing system and an expanded system in the future; and 2) whether MDT would be able to maintain the

²⁰ A funding gap is the difference between money that is available to pay for a project and the cost of that project.

²¹ The FTA supports locally planned and operated public mass transit systems throughout the United States.

existing infrastructure of the present mass transit system. Absent convincing the FTA that it can satisfactorily perform both tasks, MDT will have difficulties improving its FTA rating and obtaining the much needed federal dollars.

As a result of this setback, MDT has been involved in an effort to find more revenue, decrease expenditures, develop programs to renew the infrastructure and contain costs on operations and maintenance. After this exercise MDT prepared a revised financial plan and forwarded it to the CITT for review.²² MDT submitted the FY 2010 New Starts Criteria Report and Financial Plat to FTA on September 19, 2008.

Obviously, some serious decisions will have to be made in this regard. Public transportation is desperately needed on these corridors and implementation of these expansion plans may go a long way towards increasing ridership on public transportation, reducing the amount of vehicular traffic on our roadways and thereby improve our traffic congestion. Therefore,

1. *We recommend that upon evaluation of the finalized spreadsheet of options, that CITT initiate an amendment to the PTP to authorize an expansion project for the Orange Line with an option other than heavy rail.*
2. *We recommend that MDT and CITT make concerted efforts to educate and inform the public of why such a significant modification to the PTP has to be made and through public meetings, get citizen input into what the PTP modification should be.*

A. MDT'S Multiple Year Cash Deficit of \$115 Million Dollars: Should Anyone Ride for Free?

As part of our “going forward” review, we requested and obtained budgetary and ridership numbers from MDT. Some of the numbers confirmed what we already expected. MDT is operating at a deficit. In fact, this is nothing new and apparently not uncommon among large public transit systems operating across the nation. Nevertheless, we were surprised by the amount of the deficit.

For the fiscal year ending September 30, 2008, MDT retained a cumulative (multiple year) cash deficit in its operating and non-operating funds that totaled \$115.4 million dollars. Of

²² As set forth earlier, CITT's decision to approve amending a change to the PTP to allow purchase of new Metrorail cars instead of refurbishing the old ones was in large part, done to allow for presentation of a better proposal to the FTA for expansion of the Orange Line. See p. 3 of this report.

that deficit amount, \$73.1 million is in the operating fund and \$42.3 million is in the non-operating funds. The cumulative cash deficit for the fiscal year ending September 30, 2007 was \$88.1 million dollars. The \$27.3 million deficit increase from FY 2007-08 to FY 2008-09 includes a “revenue-expenditure” gap increase of \$13 million dollars.²³ In other words, the difference between the amount of money coming in as revenue and the amount of money required for paying expenses grew by \$13 million dollars. We decided to take a look and see whether we could come up with some other revenue sources for MDT. We found several. In this economic climate there can be no sacred cows. Similar to the decision to refurbish or purchase new Metrorail cars, everything is on the table for re-evaluation.

B. Golden Passport and Patriot Passport Programs

Often touted as one of the major benefits of the transit tax, many users of public transportation in Miami-Dade County ride for free. For years now, MDT has had a Golden Passport and a Patriot Passport Program. The Patriot Passport program is modeled after MDT’s Golden Passport. At its inception in December 1999, only Miami-Dade residents of 65-plus years and with a household income of \$20,000 or less were eligible for the Golden Passport. After voter approval of the half-penny referendum in November 2002, the income requirement was dropped, and all Miami-Dade senior citizens and Social Security beneficiaries became eligible for the Golden Passport. Even with the initial eligibility limitations, the Golden Passport was an instant success.²⁴ As presently designed, these programs provide free transit to seniors, Social Security recipients and low-income veterans. Golden Passport holders 65 years of age or older ride for free, regardless of income. There is an annual income verification for Golden Passport holders 64 years of age and younger²⁵ who are receiving social security benefits and for Patriot Passport holders (armed forces veterans).²⁶ We wanted to see how many passengers were getting a free ride and how often they were riding. We obtained information on the breakdown of persons using public transportation by fare type which revealed the following:

- Total boardings for Metrobus for FY 2007-08 was 85,660,799

²³ FY 2008-09 Adopted Budget and Multi-year Capital Plan, Transit.

²⁴ <http://www.miamidade.gov/citt/advertorials/english/august12-2.pdf>

²⁵ As of September 30, 2008, more than 36,000 Golden Passports had been issued to customers who were under 65 years of age. People’s Transportation Plan 90-day Report, 4th Quarter Fiscal Year 2007-2008, p. 6.

²⁶ Honorably discharged veterans with an income of \$22,000 or less are eligible for the Patriot Passport. As of September 30, 2008, 5,708 Patriot Passports have been issued. People’s Transportation Plan 90-day Report 4th Quarter Fiscal Year 2007-2008, p.6.

- Approximately 25% (or 1 out of 4) of all Metrobus boardings for FY 2007-08 were Golden Passport holders
- Total boardings for Metrorail for FY 2007-08 was 18,535,741
- Approximately 10% (or 1 out of 10) of all Metrorail boardings for FY 2007-08 were Golden Passport holders
- For FY 2001-02 Golden Passport Ridership was 7,281,200
- There are roughly 23 million Golden Passport boardings per year
- Golden Passport annual boardings have increased by more than 15,000,000 in 6 years

With South Florida being one of the major retirement havens for the nation, we can reasonably predict that the number of Golden Passport holders will grow in future years. This growth will occur in an economic climate where unemployment is at record highs, foreclosures are being filed in record numbers, home values have dropped precipitously, all creating a significant revenue reduction for the county. A significant portion of MDT's annual budget is provided by the Countywide General Fund. At the same time revenue to the county is going down, expenses for MDT (like fuel costs and the cost of electricity) have all gone up. Under these circumstances we believe it imprudent to continue with these programs as they are presently run.

Just to see how much revenue could be generated, we inquired as to how much money could be collected if all of the Golden Passport holders paid **half fare** for their roughly 23 million boardings per year. It would generate approximately \$11.5 million dollars in additional revenue! We think charging a fare for the Golden Passport and Patriot Passport holders is reasonable. With MDT operating at a multi-million dollar budget deficit every year this is really a no-brainer. The public will understand that no one should be able to get a free ride with the economy and government suffering the way they are now. Some may claim that changing the program such that senior citizens would have to pay "something" is a bad thing to do because they may be struggling financially and have economic problems of their own due to the economy. However, their plight is probably better than that of many of the full fare paying adults who may be single mother heads of households trying to make ends meet to feed their children. In other words, a senior citizen who has the money to pay a full fare does not pay any fare at all and the struggling mother with limited income does not get any relief from having to

pay a full fare. This situation is no different from an unemployed person trying to find a job. If he is using public transportation, his poverty will not relieve him of the obligation to pay to ride.

We take note of the fact that, effective October 1, 2008, MDT fare increases went into effect. The base fares increased from \$1.50 to \$2 each and the cost of the monthly Metropass increased from \$75 to \$100. The reason we point this out is because this increase is only the second such increase in fares for MDT in the last 18 years.²⁷ We attribute this to reluctance on the part of our elected officials to take actions that may be viewed negatively by the voting public. However, such decision-making is required, especially under these trying circumstances. Our position is supported by information we reviewed regarding ridership fares.

- Combined average weekday boardings are approximately 350,000
- Of the 350,000 boardings . . .
 - 75% of MDT passengers ride free or pay discounted fares
 - 25% of the ridership is paid at full price

As indicated above, the individuals paying the full price may be the ones who are least able to afford it. The Grand Jury believes that since the population of riders is already so large (200,000 Golden Passport and 5,000 Patriot Passport individuals who ride free) it is unfair for the rest of the public or for government to subsidize their continued free ride. Golden passport holders account for a significant number of Metrobus and Metrorail boardings. The amount of boardings has more than doubled in six years and MDT's costs of providing the free rides for Golden Passport holders has increased. This is a perfect recipe for a continued annual revenue expenditure gap increase. This grand Jury believes MDT, CITT and the County Commission should stop this bleeding until our public transportation system is in better condition. Therefore,

- 1. We recommend that MDT, the Board of County Commissioners, the Mayor and County Manager cease operations of the Golden Passport and Patriot Passport program in their present form.***
- 2. We further recommend that all riders who have such Passports be charged a fare based on a sliding scale to be developed by MDT.***
- 3. Alternatively, we recommend that the income limitation imposed in the Patriot passport Program be applied for all seniors with Golden Passports..***

²⁷ MDT also raised the fares in 2005. That increase went from \$1.25 to \$1.50. Prior to that increase, the fare had remained at one dollar for fifteen (15) years.

C. Metromover

In an effort to determine whether we could find other revenue sources, we examined the Metromover System and its ridership. Metromover is a fully automated people mover system consisting of 4.4 miles of elevated dual-lane track guideway with 21 stations. It offers convenient access to a variety of government, businesses, condos, entertainment and cultural centers in the Central Downtown, Omni and Brickell areas. Prior to voter approval of the transit surtax all riders were charged a .25 cent fare. At the same time the present Golden Passport Program was initiated, Metromover became free to all riders. Accordingly, with the passage of the People's Transportation Plan, Metromover has collected no fares since November 2002.

For FY 2007-08 Metromover had almost 9 million boardings. To accommodate these passengers the entire year, Metromover cars ran, presumably on schedule, technicians and servicemen kept the cars running properly and repaired them when there was a problem, other employees serviced the cars, maintained and serviced the air conditioning systems, while others were tasked with cleaning the inside of those cars. The cars run on electrical power that is supplied through the rail lines. MDT employees also perform maintenance on the rail lines. All of this work was done, all of these duties performed and all of these expenses paid so that the riders who comprised the 9 million boardings could keep appointments, make it to work on time, go to lunch and back and do it all while riding in comfort. For all of this work performed by MDT staff and employees, no one, not one of the 9 million individuals who boarded the Metromover paid one red cent to help offset or defray the expenses associated with operating the Metromover.

Taxpayers are subsidizing free rides for a great number of lawyers, bankers, accountants, business executives and others working in and around downtown Miami, Brickell Avenue and the Financial District who use the Metromover as they make their way through those areas. As stated elsewhere in this report, Miami-Dade Transit has begun replacing its current fleet of aging cars with brand new, "futuristic looking Metromover cars featuring a sleek design and a state-of-the-art self-diagnostic system." The cost of the 12 new Metromover cars is more than \$33 million dollars. There is no reason why folks who are financially able to do so should not have to pay something for the privilege of riding in those cars. Instead of riding for free, if passengers

paid a .50 cent fare, the 9 million boardings would result in additional revenue of one million dollars to the MDT. Again, in light of our present economic downturn this is nothing to sneeze at. The department needs to try to get every dollar it can to help offset the ever-increasing costs associated with operating a transit system this size.

To drive this point home we would like to refer back to the Easy Cards that are being developed to make boarding of the trains and buses quicker and fare collection more efficient. The Golden Passport Easy Cards will contain a picture of the cardholder. It was reported that it will cost approximately \$545,000 dollars to produce the Easy Cards for the 200,000 Golden Passport holders.²⁸ Even if MDT decided to impose the .25 cent fare that existed before 2002, the additional annual revenue collected would be approximately a half million dollars. That revenue stream alone would almost totally cover the cost of the new techno cards for the Golden Passport holders. Again, we think a minimum base fare should be charged for all Metromover riders. The passengers will not have to worry about carrying around a lot of quarters as they can purchase extended- use Easy Cards and add money as their transit card is debited. Therefore,

1. *We recommend that MDT, CITT, the Board of County Commissioners, the Mayor and County Manager re-instate a fare for riders who use the Metromover.*
2. *We further recommend that the fare charged for all such riders be at least 50 cents.*

D. Special Transportation Service –(STS)

In addition to its management of the county buses, Metrorail and Metromover, MDT also coordinates the Special Transportation Service (STS) provided by Miami-Dade County. As the program presently exists, any resident whose disability prevents his or her riding regular transit vehicles qualifies for STS. Eligibility for this service also applies to residents with temporary disabilities.²⁹

As described on the county's website, "STS offers shared-ride, door-to-door travel in accessible vehicles throughout most of Miami-Dade County. STS operates 24 hours a day, seven

²⁸ The cost breakdown for producing the "EasyGo" picture ID fare cards for Golden Passport holders includes a contracted unit cost of \$2.41 per card, with roughly \$60,000 in additional costs to encode the 200,000 cards, imprint the picture IDs and mail them.

²⁹ Disabilities may be of an intellectual, mental or physical nature. If the disability prevents the person from an ability to ride Metrobus, Metrorail or Metromover, the resident is able to receive service via STS.

days a week, including most holidays. [Eligible residents may] use STS for trips to medical appointments, school, work, shopping, business or recreation.”³⁰

We believe this is a wonderful service the county provides for persons who might not otherwise be able to get around. However, in a climate where MDT, CITT and the County are doing all they can to convince FTA that they are doing all they can to address the financial shortfalls in its financial plans submitted to the FTA, we must seriously question why this program should continue in its present form. To understand our consternation, we must review data we obtained from MDT regarding the STS program.

The Paratransit Division of MDT is responsible for administering STS for the elderly and individuals with disabilities. Our review of the STS Expenditures Summary for September 2008 reflects a year to date total of 1.624 million total trips for FY 2007-08 (October 1, 2007-September 30, 2008). The county contracts this service out to various for-profit transportation companies. The average net cost per trip for FY 2007-2008 was approximately \$25. The fare charged for FY 2007-08 was \$2.50. Taxpayers are subsidizing the costs for every eligible resident, for every one-way trip provided by STS and private companies providing the service are making a profit.³¹ This is unacceptable.

Unlike the Patriot Passport Program, the county conducts no income eligibility for the STS Program. Being disabled does not necessarily mean the person is living in poverty. For some of the trips provided, it would probably be cheaper for a taxi to provide the service. Further, the program makes no distinction between the purposes of the trip. It treats going to the doctor’s office the same as taking a trip to the beach.

There is no reason why taxpayers should have to bear the brunt of this self-imposed annual deficit, especially if the persons receiving the service are able to pay for it. Here again, we believe MDT should set a sliding scale of fares to charge for use of STS. A fifty cents fare increase went into effect in fiscal year 2008-09, raising the STS fare from \$2.50 to \$3.00 per one-way trip. In light of the \$25 cost per trip, we believe the new base fare of \$3 per trip is too low. We further believe that there should be a different fare structure for persons seeking

³⁰ http://www.miamidade.gov/transit/paratransit.asp#mdt_reports

³¹ Visitors in Miami-Dade County who are certified as disabled under the American with Disabilities Act may also be eligible to use STS while they remain in Miami-Dade County.

recreational activities versus persons going to medical appointments. Door-to-door service for recreation should not be subsidized by taxpayers to this extent.

Our purpose in making the following recommendations is not to visit any additional burden upon the disabled in our community. It is to try to increase revenue so that our elected officials, MDT and CITT are better able to fulfill the promises made in the PTP. Every additional dollar that comes in improves the financial picture that we present to the FTA. The better the picture, the more likely we will obtain federal funding. Therefore,

- 1. We recommend that MDT set a sliding scale of fares for riders using Special Transportation Services. The sliding scale should be based on income levels of the household of the eligible resident.*
- 2. We recommend that the sliding scale developed by MDT make a fare distinction between the types of trips eligible residents may take. Trips for medical purposes and business shall have a more reasonable fare than the fare to take an eligible resident out for a recreational activity.*

E. Advertising

MDT obtains revenue from advertising it allows on its buses and Metrorail cars. For FY 2008-09 MDT anticipates it will receive \$6.3 million in revenues from all forms of advertising.³² As it owns the exteriors and interiors of all the Metrobuses, Metrorail and Metromover cars, we would encourage MDT to seek out other opportunities to rent space for advertising on vehicles, in the park-n-ride lots and at the bus stops and rail stations alike. We need to look at our transit system as a business able to reach out to thousands of people everyday. We note that New York City Transit is coming up with creative ways to recoup costs by introducing LCD media screens in tunnels and charging advertisers \$95,000 a month to advertise.³³ To the extent that advertising space goes unused, we would recommend that MDT use the space to educate the users of public transportation about how their dollars are being used and tout the successes of the People's Transportation Plan.

In summary, each of the recommendations above as to the advertising dollars, STS, Metrorail and Metromover fares has one purpose – to bring in more revenue for MDT. An increase in revenue will result in the availability of additional funds to be used for maintenance

³² FY 2008-09 Adopted Budget and Multi-Year Capital Plan, Transit.

³³ <http://www.nytimes.com/2008/10/17/business/media/17adco.html>

and operations. The more funds generated by MDT for MDT's own use, the less transit tax will be needed from CITT. The less transit tax used to prop up MDT, the more funds available for large scale capital projects like the Orange Line.

IV. TRAFFIC CONGESTION IN MIAMI-DADE COUNTY: GOING NOWHERE FAST UNLESS YOU'RE WILLING TO PAY FOR IT

In addition to looking at a public transportation system, the Grand Jury decided to examine traffic congestion, identify some causes and come up with some proposed solutions. We also wanted to see what others were doing about this problem. Miami-Dade County has consistently ranked high on a list of the most congested areas in the nation. Our present national ranking is number six. "Rush-hour" traffic in South Florida is certainly a misnomer. No one "rushes" anywhere during the morning and evening weekday crush of traffic. More importantly, instead of an "hour" long tie-up, the gridlock on some traffic arteries during these "rush" periods can last up to three (3) hours. South Florida commuters' morning fix usually includes several doses of traffic reports, proudly and regularly reported by every local television and radio station during their morning programming.

How bad is the traffic? Most of the television and radio stations have specific times during the hour when they will issue traffic reports, traffic advisories, accident locations and their suggestions for avoiding significant snarls or unusual delays. Both media sources even pepper their coverage with live eye-in-the-sky reports from persons whose daily job assignment includes flying through the airspace of Miami-Dade and Broward counties, observing and offering commentary on the traffic woes of those navigating the highways and byways of South Florida. We receive updates regarding the Palmetto, Dolphin, Don Shula, Gratigny, Golden Glades Interchange, the McArthur and Julia Tuttle Causeways, 826, 836, 112, 27, US-1, 95, 75, 395 and the Florida Turnpike.

To the uninformed, this hodge-podge list of names and numbers is mostly meaningless. However, for the seasoned veterans who may be trying to shave off five or ten minutes from their morning commute, these last minute updates just before they walk out of their homes are an immense help as they decide which one of possibly ten different routes they will take to get to work or school. To aid in pre-departure travel planning, the county provides, via the Internet, up to the minute traffic information that also includes live video feeds of a number of our main

traffic arteries.³⁴ For drivers who find themselves in need of a traffic update while out on the road, their fix is only a phone call away.³⁵ There is one primary reason traffic information is available here in such abundance and in so many venues: the vehicular traffic on Miami-Dade County roads is a mess.

A. MOVN

One bit of good news amidst this backdrop is the emergence of a group appropriately called MOVN (pronounced movin'). MOVN (Meeting Our Vehicular Needs) is a voluntary organization made up of public and private members whose primary mission is to come up with creative ways to address our traffic congestion problems. Their solutions are low cost and can be implemented on the most congested roadways in the county. Why should we even be concerned with this? Well, consider the following from a 2001 report on traffic congestion.

- Urban traffic congestion costs the nation \$78 billion in wasted fuel and lost time. The cost of traffic congestion per person per year is \$625 and has increased 39 percent since 1990 (when adjusted for inflation). The average vehicle trip in the nation's urban areas takes, on average, 32 percent longer than a trip taken during a non-peak period.³⁶
- Traffic delays per person caused by traffic congestion increased by 236 percent from 1982 to 2000, while highway travel increased by 72 percent and the nation's population grew by 19 percent. Since 1982, the increase in highway travel has been 10 times greater than the increase in highway capacity.³⁷

Traffic congestion continues to worsen in American cities of all sizes, creating a \$78 billion annual drain on the U.S. economy in the form of 4.2 billion lost hours and 2.9 billion gallons of wasted fuel—that's 105 million weeks of vacation and 58 fully-loaded supertankers. These are among the key findings of the Texas Transportation Institute's *2007 Urban Mobility Report*.

³⁴ <http://511southflorida.com/> ; In searching for this information, we discovered there are also several others that provide a similar service: http://www.flhsmv.gov/fhp/traffic/crs_hb04.htm , <http://www.traffic.com/Miami-Traffic/Miami-Traffic-Road-Construction-Airports-Bridges-Tolls-Transit.html> and <http://www.mdx-way.com/traffic/>

³⁵ “511”, SunGuide.

³⁶ http://findarticles.com/p/articles/mi_m3724/is_2_65/ai_82784215. The observations and statistics are from Stuck in Traffic: How Increasing Traffic Congestion Is Putting the Brakes on Economic Growth, a May 2001 report by The Road Information Program (TRIP). The information that TRIP used in the preparation of this report was provided by the U.S. Department of Commerce, U.S. Department of Transportation (DOT) Federal Highway Administration (FHWA), Bureau of Transportation Statistics, U.S. Census Bureau Cass Information Services Inc., the Transportation Research Board, and the Texas Transportation Institute.

³⁷ Id.

The 2007 mobility report notes that congestion causes the average peak period traveler to spend an extra 38 hours of travel time and consume an additional 26 gallons of fuel, amounting to a cost of \$710 per traveler. Worsening congestion, the study notes, is reflected in several ways:

- Trips take longer
- Congestion affects more of the day
- Congestion affects weekend travel and rural areas
- Congestion affects more personal trips and freight shipments
- Trip travel times increasingly are unreliable³⁸

Construction of new highway capacity to accommodate this growth in travel has not kept pace. Between 1980 and 1999, route miles of highways increased 1.5 percent while vehicle miles of travel increased 76 percent. The Texas Transportation Institute estimates that, in 2003, the 85 largest metropolitan areas experienced 3.7 billion vehicle-hours of delay, resulting in 2.3 billion gallons in wasted fuel and a congestion cost of \$63 billion.³⁹ And traffic volumes are projected to continue growing. The volume of freight movement alone is forecast to nearly double by 2020.⁴⁰

At the time the People's Transportation Plan Resource Guide was developed in 2002, congestion levels in Miami-Dade County were in the top half of congested urban peer areas with annual congestion delays of 33 hours per year per person.⁴¹ More recent data from the Texas Transportation Institute's (TTI) Annual Urban Mobility Report reflects that, based on 2005 Urban Area Totals, Miami-Dade County drivers now experience congestion delays of 50 hours per year per driver.⁴² According to the TTI Report, that equates to travel delays of 150,146,000 hours, excess fuel consumed of 105,181,000 gallons and a congestion cost (the value of the travel time delay) at \$2.7 billion dollars.⁴³ Clearly, any improvements made to our travel delays

³⁸ http://mobility.tamu.edu/ums/media_information/press_release.stm

³⁹ [2005 Urban Mobility Report](#), TTI

⁴⁰ <http://www.fhwa.dot.gov/congestion/>

⁴¹ People's Transportation Plan resource Guide, p. 164. The source of this data was the Mobility Report that the Texas Transportation Institute produces biannually.

⁴² http://mobility.tamu.edu/ums/congestion_data/tables/national/table_2.pdf

⁴³ Id.

will reduce the negative economic impact to our community. For that reason, we choose to recognize MOVN for the leadership role it has taken in this regard.

MOVN developed two major educational plans for improving the traffic flow in Miami-Dade: *Move it Yes You Can* and *Don't Block the Box*. Because they are both simple, effective tools to facilitate the flow of traffic, particularly during peak travel times, we thought it would be a great idea to further publicize and educate drivers on these campaigns. We know they work very well, however too many drivers, including many member of this Grand Jury, are unaware of the law and these requirements.

B. Move It, Yes You Can

Many drivers who are involved in traffic accidents, even minor fender benders, believe that they are required to leave their vehicles in the locations where they came to rest after the accident. Some adopt this posture whether the accidents occur on surface roads, side streets, expressways or major thoroughfares. Very often, one accident during peak travel times at the wrong intersection can create massive delays for that roadway and adjacent ones. Usually, a lot of the added congestion from the accident can be alleviated if the drivers would just work their vehicles off to the side of the road and out of the flow of traffic. In fact, that is what the law requires, if you are involved in a minor accident with no injuries and your car is movable. Failing to move a vehicle from traffic lanes may cause more accidents⁴⁴ and also may result in a fine. Miami-Dade County's Citizens Independent Transportation Trust, the Miami-Dade Expressway Authority and Comcast partnered to get the word out about this educational campaign. Traffic signs and billboards have also been placed at certain locations throughout the county informing drivers they can move their vehicle after an accident.

C. Don't Block the Box

Another MOVN related campaign simply says, *Don't Block the Box*. The "box" refers to the imaginary square created by drawing a continual line connecting the four corners of an intersection. It specifically includes that area in the middle of the box that is directly under the traffic signal. The Miami-Dade Police Department has taken the lead, with approximately twenty (20) other local law enforcement agencies, on educating drivers that it is illegal to block

⁴⁴ Statistics indicate that approximately 40% of all automobile accidents are the result of a secondary incident due to congestion caused by an earlier accident.

the intersections. At peak travel times, frustrated motorists who have waited through several cycles of traffic signals, often enter an intersection knowing that their vehicle will not be able to clear the intersection before the traffic signal changes. As a result, that car (or those cars) is stuck in the intersection and the traffic lanes that now have the right of way are unable to move. It leads to more traffic congestion for everyone as traffic backs up in all directions. In fact, the State Department of Transportation estimates that for every one (1) minute a vehicle blocks traffic flow, five (5) minutes of congestion is created. The law enforcement agencies have been conducting enforcement at critical intersections throughout the county. Although the enforcement is critical to keeping traffic flowing through these major intersections, we wonder if this is an efficient use of police officers. It may be more prudent to use public service aides to perform this monitoring and ticket writing function.

In addition to creating its own ideas for improving traffic flow, MOVN also solicits ideas and suggestions from Miami-Dade County drivers for ways to make driving conditions here smoother and safer. More than 1,000 suggestions have been received, including a great number of them that deal with trees blocking traffic signs and decreasing visibility for safe driving. Persons monitoring the site were able to obtain the location of those problem trees, contact the appropriate county department and have the situation corrected. This approach of soliciting input from drivers via the internet has also been effective for providing information about missing traffic signs. Persons who submit ideas or report problems via the website can sign up to receive follow-up information regarding their suggestions or reported problems.

We believe this public-private partnership is a significant step in the right direction toward correcting some of our traffic woes. However, because it is a voluntary organization, MOVN does not have funding to advertise, market or publicize its group or its educational campaigns. For instance, it cost approximately \$300,000 to conduct an outreach campaign for the *Move It, Yes You Can* and *Don't Block the Box* initiatives. The marketing included the creation of Public Service Announcements, purchases in print advertising, radio and television ads, outdoor advertising on billboards, fully wrapped bus ads, and the installation of new traffic signs. MOVN was able to obtain funding for the marketing campaign from the county as a result

of an amendment to the PTP by the CITT.⁴⁵ As we believe that educating the public on these initiatives will benefit all county residents, we have several recommendations to make which we hope will ensure that these messages are being marketed effectively. Therefore,

- 1. We recommend that every County Commissioner use a portion of their discretionary funds to help pay expenses associated with MOVN's initiatives.*
- 2. We recommend that part of the marketing campaign include outreach to county residents informing them that the county is actively soliciting suggestions from them on how to improve the flow of traffic.*
- 3. We recommend that all of the local and state governmental entities and departments involved with traffic issues, as well as all the television and radio media referred to earlier in this report who give regular traffic updates: 1) adopt "tag lines" for their letterhead and/or websites (i.e., Don't Block the Box); 2) adopt the taglines for signing off of regular traffic reports (i.e., "and remember, Move It, Yes You Can") and 3) Air public service announcements related to traffic issues on radio, regular network and cable television stations.*
- 4. In addition to the above, we also recommend that the media regularly inform the public during traffic updates that they can help with improving traffic problems by logging in to www.miamidade.gov/MOVN.*

D. A Reversible Lane For Northwest 7th Avenue

Northwest 7th Avenue is one of the main north-south arteries for travel into and out of the Civic Center area and Downtown Miami. A portion of the avenue in north Dade (near the Golden Glades Interchange) is referred to as US 441. From the Golden Glades south to approximately Northwest 14th Street, 7th Avenue parallels Interstate 95. In most places along the route, 7th Avenue is only one block west of I-95.

During peak travel times, and especially if an accident occurs on I-95, motorists use 7th Avenue as an alternative. Other motorists regularly use 7th Avenue to bypass some of the more congested areas of I-95 and then select the entrance where they choose to leave the surface street and enter onto the expressway. Due to its convenience, geography and close proximity to I-95, 7th Avenue routinely becomes a very congested artery during peak travel times.

One of the unique proposals presented to us by a MOVN representative was the idea of having a reversible lane that runs the length of 7th Avenue. Most of 7th Avenue has a center lane that is used by north and southbound traffic for turning. Under the proposal, when the traffic is

⁴⁵ The CITT amended the People's Transportation Plan (PTP) in January 2007 to allocate \$350,000 in transportation surtax funds to MOVN for its public education programs.

heavy in the morning the center lane would be used to carry southbound traffic into the City of Miami. During the evening hours, the same lane would be used to transport traffic in the opposite direction, northbound towards Golden Glades and the Broward County line.

This proposal and idea is not new to South Florida. In fact, any sports fans who have visited Dolphin Stadium and traveled eastbound or westbound on northwest 199th Street has seen this concept in action. There is a center reversible lane with signage and colored traffic signals above the lane. On game day, when traffic is heading toward the stadium, westbound travelers have an additional lane to drive in. The westbound drivers see a green light over the center lane indicating that they have use of the lane. The same traffic signal device is displaying a large red X to the eastbound travelers at the same time to let them know they cannot use the lane at that time. After the game is over, the lights change so the eastbound traffic has the green light and westbound travelers have the red X. When there is no game, the center lane is used as a turning lane for westbound traffic turning south and eastbound traffic turning north. This reversible lane is accomplished without the use of any barriers, cones or other items that physically separate the eastbound and westbound travelers.

The design and implementation of this proposal should not require any construction. With appropriately placed signage and traffic lighting fixtures similar to those already in use at northwest 199th Street, the project could almost be accomplished by simply re-striping the center lane on 7th Avenue. This could be an inexpensive, effective proposal that could be completed within a relatively short period of time. Therefore,

- 1. We recommend the county and other appropriate governmental entities and departments move forward with design and implementation of a reversible lane on 7th Avenue to help alleviate travel congestion during peak travel times.***
- 2. As full implementation could reduce some of the traffic gridlock on I-95 (particularly southbound), use of a reversible lane could prove very beneficial as state DOT officials move forward with design and construction of the southbound HOT lanes on I-95. Accordingly, we recommend that officials make this a number one priority.***
- 3. We further recommend that since development of the Orange Line North Corridor is still a long way off, that), use of a reversible lane on 7th Avenue remain even after the HOT lanes on I-95 southbound are completed.***

E. Traffic Light Synchronization

One additional major headache for drivers on surface roads in Miami-Dade County is the apparent lack of timing or synchronization of traffic lights as motorists move from one intersection to another. On some roadways, at times, it seems as if motorists traveling on a major street or avenue are caught by the red light at every major intersection. We understand that this situation will soon change.

As a result of a major computer system replacement, the Advanced Traffic Management System (ATMS),⁴⁶ the Public Works Department is well on its way towards many planned improvements to the timing of traffic signals in Miami-Dade County. In fact, a significant percentage of lights in the county are synchronized already. However, the new computer system will do a better job of coordinating the timing of the traffic signals more effectively. As of September 30, 2008, out of 2,602 signalized intersections, close to 1200 are presently running on the ATMS software. Approximately sixty (60) traffic signals per month are being upgraded with the ATMS software.⁴⁷ The Transit Department anticipates that this project will be completely implemented by mid-summer 2009. Once fully implemented sometime in 2009, the system will synchronize all 2,600 traffic signals in the County increase the number of vehicles able to pass through the County's major roadways, and reduce side-street delays. We applaud the two departments for their collective effort and we hope that the synchronization goes a long way towards improving traffic flow for drivers who do not travel on the freeways and expressways. this synchronization is another beneficial use of our transit surtax dollars.

F. I-95: The Nothrbound / Southbound Parking Lot

Interstate 95 (I-95) is probably the most utilized traffic artery for northbound and southbound traffic into and out of downtown Miami. Over the years, several efforts were designed to improve the flow of traffic onto I-95 and reward drivers who decided to carpool. One effort involved the installation of traffic lights at the base of on-ramps for north and southbound traffic on I-95. By using red and green lights, the traffic control devices were supposed to reduce the congestion at the on-ramps and improve the flow of traffic merging onto I-95. Money was spent to install sensors, run electrical wiring and erect the traffic signals. For a

⁴⁶ Funding for this new ATMS is being provided in part by \$40-million from the People's Transportation Plan

⁴⁷ People's Transportation Plan 90-day Report, 4th Quarter Fiscal Year 2007-2008, p. 7.

long time, those traffic signals sat unused. In fact, this Grand Jury was prepared to criticize this apparent waste of taxpayer dollars. However, within days of the release of this report Florida DOT began using the ramp metering devices at peak travel times on I-95 northbound. Most of the responses aired on the media from the driving public has been negative in nature. However, we believe in time, that our Miami-Dade County drivers will become accustomed to this new change and enjoy the benefit of an easier merge onto the expressway. Traffic conditions improved for other cities which implemented such devices. For instance, studies at traffic management centers demonstrate ramp metering systems reduce accidents by between **15 and 50 percent**.⁴⁸

1. HOV Lanes

As a means of lessening the number of cars on the road, reducing greenhouse emissions and cutting down on gasoline consumption, the Florida Department of Transportation developed High Occupancy Vehicle (HOV) lanes on I-95. For specific 2-hour time blocks, one lane (southbound in the morning, 7:00-9:00 a.m. and northbound in the evening, 4:00 – 6:00 p.m.) was restricted to buses and passenger vehicles that had a minimum of two occupants. The incentive for the carpoolers was they got to travel in a lane with fewer cars. The plan was that cars traveling in the restricted lanes would move faster than vehicles in the other lanes. However, very often, this “speed lane” was not moving much faster than the vehicles traveling in other lanes.

On weekday mornings, MDT operates a number of Express Buses that pick up passengers at the Golden Glades Park-n-Ride, enter I-95 in the HOV lane and exit at the Civic Center where they discharge their first set of passengers. The Express Buses then proceed to downtown Miami. The evening commute for these passengers is just a reversal of the morning trip. Obviously, as the morning Express Buses are forced to use the single southbound HOV lane, their trip is express (or not) depending on how many carpoolers, hybrid vehicles and traffic violators⁴⁹ are also using that lane. The interruption of traffic flow by vehicles entering and leaving the HOV lane also creates slow-downs for those trying to lessen the total time of their morning commute. Drivers who use the southbound HOV lane who wish to exit I-95 must

⁴⁸ <http://www.fhwa.dot.gov/congestion/index.htm>

⁴⁹ There are no barriers that prevent drivers from entering or exiting from the HOV lane. Florida Highway Troopers have routine enforcement campaigns designed to catch and ticket those who are using the lane illegally.

navigate through four or five lanes of congested traffic to reach an exit lane. Similarly, for drivers who enter I-95 southbound and wish to use the HOV lane, they must negotiate through the same 4-5 lanes of traffic gridlock to reach it. Add to this mixture, scofflaws who are playing a game of hide and seek with troopers (by driving in the HOV lane until they see a trooper and then trying a rapid merge into the next lane) and you have prime conditions for vehicular accidents.

A major change is enroute for I-95 southbound commuters. Construction of new lanes and re-design of existing lanes will result in the creation of HOT Lanes on I-95 southbound. This new experiment of Florida DOT went into effect on I-95 northbound in early December 2008. We now address the use of congestion pricing in Miami-Dade.

2. HOT LANES ON I-95: A HOT TOPIC

Until recently, northbound evening traffic on I-95 suffered from the same limitations imposed upon drivers who traveled the southbound artery in the morning, namely, a great number of vehicles trying to get from one location to another with few options for expedited travel. Florida's DOT devised a new plan and is rolling out the implementation in stages.

That new plan did away with the single HOV lane and created Miami-Dade's first HIGH Occupancy Toll (HOT) lanes. The first phase, designated Phase 1A, is now open. After a literally "smashing" debut during the test period, DOT started full implementation and the assessment of tolls in early December 2008. Phase 1A runs northbound on I-95 from SR-112 to the Golden Glades area just north of 151st Street in Miami-Dade County. Plastic tubes spaced along the entire six-mile route separate the HOT lanes from the other northbound traffic lanes on I-95. Entrances and exits were strictly limited by design. These restrictions (unlike the HOV lane for the I-95 southbound traffic) totally eliminate the option of vehicles merging in and out of the toll lanes. The design improves the traffic flow. Once you enter the HOT lanes, you cannot exit until you reach the end of the six-mile stretch.

The HOT lanes are "hot" at all times – meaning that 24/7 a toll is always being collected for vehicles traveling in those lanes. A variable-priced toll is assessed on the SunPass as one enters the express lanes. The toll is adjusted based on traffic congestion levels, thus, the term congestion pricing. Congestion pricing encourages ride-sharing, use of fuel-efficient vehicles and transit services, and off-peak travel. Simply stated, when traffic is flowing well, the toll for

using the HOT lanes will be low (maybe 25 cents). When traffic is heavy, the toll increases for using the lanes. The typical toll rate for initial Phase 1A is anticipated to fluctuate between 25¢ and \$2.65, although it may go as high as \$6.20, but only under extreme conditions.

Anyone with a SunPass can use these toll lanes, assuming they are willing to pay for the privilege to do so. Motorcycles and registered hybrid vehicles ride for free. As an incentive, there is also a toll-free option for those who choose to travel in registered carpools.⁵⁰ Due to the limited number of persons presently choosing to use the toll lanes, the design, and the limited ingress and egress, the HOT lanes are indeed now, express lanes.

Although the number of vehicles using the toll lanes have dropped off significantly from that of the test period (when there were no tolls being assessed) DOT officials anticipate that the average weekday traffic will be about 19,000 vehicles per day for the I-95 northbound phase. Further, in the old HOV lanes, Miami-Dade Express bus riders on I-95 accounted for 18% of travelers in the HOV lane during peak periods. The express buses operated every five minutes during peak periods from the Golden Glades Interchange to downtown Miami, with a travel time of approximately 30 minutes. Using the HOT lanes, the evening travel time for those same bus passengers has been reduced, almost cutting their travel time in half. MDT's plan is to eventually increase the number of buses operating in the toll roads and eventually to allow for "seamless" travel from Miami-Dade to Broward and vice-versa.⁵¹ Phase 1B of DOT's 95 Express plan is expected to open in late 2009. Those toll lanes will run southbound on I-95 from the Golden Glades area to I-395.

Implementation of "congestion pricing" has worked effectively in other states and countries with improvements in traffic flow and reductions in fuel consumption and emissions.⁵²

⁵⁰ Registered carpools of three or more passengers, South Florida vanpools and registered hybrid vehicles can drive toll-free, but they must be registered with South Florida Commuter Services. Motorcycles can use the express lanes toll-free and do not need to register.

⁵¹ Presently, riders must disembark at the Golden Glades Park-N-Ride to change from one county's bus service to another. Eventually, this transfer will become obsolete.

⁵² Singapore was the world's first major city to employ congestion pricing in 1975 when it began charging drivers \$3 to bring their vehicles into the city's central business district. The system has since expanded citywide, with toll rates at several locations changing over the course of a day. Funds generated by the program have allowed Singapore to expand and improve public transit and keep traffic at an optimal flow. Some of the tangible benefits of the program, according to Environmental Defense, include a 45 percent traffic reduction, a 10 miles-per-hour increase in average driving speed, 25 percent fewer accidents, 176,000 fewer pounds of carbon dioxide (CO₂) emitted, and a 20 percent increase in public transit usage.

We anticipate that once this project is fully implemented on I-95, we will reap similar benefits, especially for our morning and evening commuters. We applaud Florida DOT, MDT and the other agencies involved in bringing this innovative solution to South Florida.

G. The Seaport Tunnel Proposal

Toward the end of our term, we heard impassioned pleas for the Seaport Tunnel. We feel this may be an important part of the overall solution to congestion, specifically in the downtown area. We ask that a future Grand Jury study this project and advise the community as to its expense and efficacy.

V. CONCLUSION

There have been a number of improvements and benefits that county residents have obtained as a result of the surtax funds. We do not believe the county, nor the Trust, has done a sufficient job of educating and advising the public of all that has been accomplished. The Grand Jury believes this failing will eventually be to the detriment of CITT and the county. Why? Because it is apparent to us that the half-penny sales tax was never going to be enough to implement all the grand proposals set forth in the PTP. In order to get our mass transit system where it should be (properly expanded into the corridors where it is so desperately needed), the citizens of Miami-Dade County may have to consider raising the transit surtax to a full penny.

The problem for our elected officials with such a proposal is voters will remember the unfulfilled promises of the past. What we have tried to do is make it clear to everyone that many of those promises will never be kept and will never come to fruition. We really must move from promises to reality. The reality is that voters will probably not vote in favor of any such increase until they first believe that our elected officials will remain true to the modified proposals and

London implemented a similar plan in 2003 that was so successful it was extended to some outlying parts of the city in 2007. Today, drivers pay \$13 to bring their vehicles into certain sections of London during peak traffic hours. According to the Victoria Transport Policy Institute, London's plan has significantly reduced traffic, improved bus service and generated substantial revenues. Environmental Defense says the plan reduced congestion by 30 percent, increased traffic speed by 37 percent, removed 12 percent of pollutants from the air and cut fuel consumption and CO2 emissions by 20 percent.

A 2006 congestion pricing experiment in Stockholm produced similar results, shrinking commute times significantly, reducing pollution noticeably and increasing public transit use during a seven-month test. The day after the trial ended, traffic jams reappeared, so Stockholm voters passed a referendum to reinstate the plan. Today the city has one of the most extensive congestion pricing systems in the world.

<http://www.popsoci.com/environment/article/2008-08/congestion-pricing>

that they will be held accountable if they fail to do so. We trust that going forward, they will strive faithfully to move and improve our transportation system from promises to reality.

The citizens of Miami-Dade County intended and wanted the tax monies collected pursuant to the ordinance to be managed by an independent body of citizens who are free of political and personal interest. Every action or step that the Board of County Commission takes that helps to solidify the independence of the CITT is a step in the right direction. Such action seeks to ensure that the voters get exactly what they wanted – independent oversight. On the other hand, any action or step that the Board of County Commissioners takes that helps to decrease the independence or power of the CITT is a step toward further mistrust by the voters. The BCC should respect the wishes of the voters and make sure the CITT is a truly independent body that will help voters and residents solve their transportation issues. Further, we expect our elected officials to ensure greater fiscal responsibility with appropriate and transparent tracking of money by CITT.

Although others may have oversold the People's Transportation Plan and broke promises to those who supported the ordinance, it is the responsibility of our present elected officials to step up to the plate and communicate to the citizens how they plan to deliver on those promises. If the present situation requires that changes and modifications be made to the original plans, explain to county residents how that happened and inform them of how these changes will benefit them.

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
(A) ERIC RIVERA, JR., (B) JASON SCOTT MITCHELL, (C) CHARLES WARDLOW, and (E) TIMMY LEE BROWN	First Degree Murder Burglary With Assault or Battery Therein With a Firearm	True Bill
CHANCE MONTE DAWKINS	Murder First Degree Attempted Armed Robbery	True Bill
(A) ERIC RIVERA, JR., (B) JASON SCOTT MITCHELL, (C) CHARLES WARDLOW, and (E) TIMMY LEE BROWN	First Degree Murder Burglary With Assault or Battery Therein With a Firearm	True Bill
ERNEST BANKS	Murder First Degree Robbery Using Deadly Weapon or Firearm	True Bill
JEREMY BERNARD HAMILTON	Murder First Degree Murder/Premeditated/Attempt	True Bill
GUILLERMO DENIS GONZALEZ	Murder First Degree Robbery Using Deadly Weapon	True Bill
(A) TYRONE JENKINS and (B) JESUS GONZALEZ	Murder First Degree Attempted Armed Robbery Attempted Armed Robbery Shooting or Throwing Deadly Missile	True Bill
(A) DAMIAN G. FELLOVE and (B) YEMILL PICRIN	Murder First Degree	True Bill
(A) TIMOTHY EVANS and, (B) CEDRIAL TERREL JOHNSON	Murder First Degree (A&B) Robbery Using Deadly Weapon or Firearm (A&B) Firearm/Weapon/Ammunition Possession by Convicted Felon or Delinquent (A) Firearm/Weapon/Ammunition Possession by Convicted Felon or Delinquent (B)	True Bill
MELVIN KEITH GLENN	First Degree Murder Robbery Using Deadly Weapon or Firearm Firearm/Weapon/Ammunition/Posn by Convicted Felon or Delinquent Shooting or Throwing Deadly Missile	True Bill
(A) CHARLES GREENFIELD and (B) FRANK CONTRERAS	Murder First Degree Controlled Substance/Sale/Manufacture/Delivery/Possession with Intent/1000 Feet of a School	True Bill
STEPHANY PAOLA CONCEPCION	Murder First Degree	True Bill

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
SYLVESTER SPROTT	Murder first Degree Firearm/Weapon/Ammunition/Possession By Convicted Felon or Delinquent	True Bill
RUBIN HERRERRA JIRO III	Murder First Degree Robbery/Armed/Attempt	True Bill
BENOIT SEJOIR	Murder First Degree Burglary/Armed Sexual Battery/Firearm/Deadly Weapon Or Serious Injury	True Bill
BLAIR BYFIELD (A), MARK SMITH (B), PATRICK PALMER (C)	Murder First Degree Robbery Using Deadly Weapon or Firearm	True Bill
RAFAEL ASTACIO MATARRANZ	Murder First Degree Burglary With Assault or Battery	True Bill
PARLEY JAY PASKETT (A), SHAKYNA DANAYA THOMAS (B) and ARTHUR LEE WALLACE (C)	Murder First Degree (A) Murder First Degree (A) Robbery/Home Invasion/Armed (A) Firearm/Weapon/Possession BY Convicted Felon/Delinquent (A) Accessory After the Fact (B) (C)	True Bill
TRENARIS MCKENZIE	Murder/Premeditated/ATT/DDLY WEA/ AGG BATT Robbery/Armed/Firearm or Deadly Weapon Attempted Felony Murder	True Bill
FERNANDO RAPHAEL MARTINEZ	Murder First Degree Burglary With Assault or Battery Therein While Armed	True Bill
LEWIS ANTHONY DRAYTON	Murder First Degree Arson First Degree Burn to Defraud Insurer	True Bill
JEFFERY KARL ANDERSON	Murder First Degree	True Bill
ANDREW JAMES ROLLE	Murder First Degree Murder/Premeditated/ATT/DDLY Weapon/AGG BATT Murder/Premeditated/ATT/DDLY Weapon/AGG BATT	True Bill
ANTAWN BORSHONE DEVINE	Murder First Degree Murder/Premeditated/Attempt/Deadly Weapon or Aggravated Battery Firearm/Weapon/Ammunition Possession by Convicted Felon or Delinquent	True Bill
MERVIN IRA WATTY	Murder First Degree Robbery Using Deadly Weapon or Firearm	True Bill
WATSON DORVAL	Murder First Degree Child Abuse/Aggravated/Great Bodily Harm/Torture	True Bill

ACKNOWLEDGEMENTS

Nine months ago twenty-one randomly selected individuals were brought together to form the Miami-Dade Grand Jury, Spring Term 2008. These jurors, initially separated by age, ethnicity and cultural diversity, were able to unify as a group to form a motivated team. The experience resulted in a greater knowledge and lifelong respect and appreciation for our judicial system.

It was an honor to serve on the Miami-Dade County Grand Jury and we encourage our fellow citizens to participate in this important civic duty when our local government calls them to serve. We are also grateful for having the opportunity to be an influential part of the judicial process. We would like to take this opportunity to express our thanks to the following, who have all managed innumerable duties with a cheerful and friendly attitude:

- Honorable Judge Gisela Cardonne Ely, who not only stressed the importance of serving on a grand jury, but also the significance of being involved in the community.
- State Attorney Katherine Fernandez Rundle, for her advice, commitment and years of service to the Miami-Dade County community and its judicial system.
- Chief Assistant State Attorney Don Horn, for his professionalism, dedication and support. His knowledge and guidance not only educated us but made our service a truly rewarding experience. Our deepest thanks for making our job easier.
- Rose Anne Dare, who took care of all administrative details for each and everyone of us. Her professionalism and skills made our task easier to perform.
- Nelido Gil, our Bailiff, who every day greeted us with a smile, and made our days as jurors run as smoothly as possible. His ability to keep us in good spirits was definitely appreciated by all.
- Our court reporters, for their professionalism and commitment.
- To those witnesses and experts who took their time to come before us and answered all of our questions and concerns, we also thank you.
- Susan Dechovitz, Assistant State Attorney, for her professionalism and enthusiasm.

Our task was difficult and our journey through the judicial system was at times disturbing, frustrating and surprising. It was an experience we will never forget.

It has truly been a privilege and honor to serve our community.

Respectfully submitted,

Daisy Tarajano, Foreperson
Miami-Dade County Grand Jury
Spring Term 2008

ATTEST:

Yilkania Garcia
Clerk

Date: February 9, 2009