

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20041649

1. REQUESTED MOTION:

ACTION REQUESTED: Approve the request from the Town of Fort Myers Beach to evenly split the costs of the first phase of the Estero Boulevard Transit Lane Feasibility Study, up to a maximum County participation of \$37,500, subject to execution of an interlocal agreement to that effect.

WHY ACTION IS NECESSARY: Board action necessary to pursue fund-sharing and interlocal agreement.

WHAT ACTION ACCOMPLISHES: Commits County to splitting costs to advance traffic/transit evaluation portion of feasibility study in response to Town's request.

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 3**

C 9 B

3. MEETING DATE:

12-21-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE APPEALS
- PUBLIC WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:
(Specify)**

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT Transportation
- C. DIVISION

BY: Scott M. Gilbertson, Director

7. BACKGROUND:

In January 2004 the MPO requested that FDOT program \$200,000 in fiscal year 2007/08 from the Congestion Management/Transportation System Management box of funds, to study the feasibility of establishing a transit-only lane on Estero Boulevard. The Town then asked the County to front half the money to advance the study to the current fiscal year, which the Board approved and budgeted in March. The expectation was that the County would pay its \$100,000 share to advance the study, and ultimately be reimbursed \$87,500 (less the local match requirement).

(CONTINUED ON NEXT PAGE)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<i>[Signature]</i>	NA	NA	<i>[Signature]</i> 12/16/04	<i>[Signature]</i>	QA <i>[Signature]</i> 12/7/04	OM <i>[Signature]</i> 12/7/04	Risk <i>[Signature]</i> 12/6/04	GC <i>[Signature]</i> 12/7/04	<i>[Signature]</i> 12-6-04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *12/7/04*
Time: *11:00*

Forwarded To:
Admin.
12/7/04 11:45

RECEIVED BY
COUNTY ADMIN: *[Signature]*
12/7/04
1:30pm
COUNTY ADMIN
FORWARDED TO: *[Signature]*
12/8/04
9am

BLUE SHEET #20041649 (Continued):

7. BACKGROUND: (CONTINUED)

FDOT was not able to amend its FY 2004/05-2008/09 work program to include the project, so it will not officially be part of an adopted work program until the FY 2005/06-2009/10 work program is approved in July, 2005. FDOT rules don't allow execution of an advancement/reimbursement agreement until the project to be advanced is actually in the adopted work program. This means the Town could not start the feasibility study and later get reimbursed until next July. The Town has already selected a consultant team for the study and does not want to wait to get started.

After discussing options at the staff level, it was agreed that the most critical part of the study was the traffic and transit analysis, to determine the effect on traffic flow if the two-way left turn lane is removed in favor of a dedicated transit lane. If the impact on traffic is too detrimental, it would be a "fatal flaw" and further evaluation of the roadway reconfiguration would be unnecessary. This traffic and transit analysis, as a first stage of the larger feasibility analysis, is estimated to cost \$70,000 to \$75,000. As explained in the attached letter, the Town Council on November 15, 2004 unanimously agreed to ask the County to split the cost of the traffic and transit analysis.

DOT staff recommends that the Board approve the proposed 50/50 fund sharing approach for the traffic and transit analysis up to a maximum of \$37,500, to be funded from the \$100,000 in gas tax dollars the County budgeted in March (CIP #5030). To be clear, these funds will not be reimbursed, but they are only \$25,000 more than we were going to forego anyway based on the previous local match commitment. The remaining funds in that project would be available to help advance the subsequent phase of the feasibility study if that proves necessary. It is anticipated that the County would pay the \$37,500 to the Town, and the Town would manage the first phase of the study using the consultant team it has already retained. It is advised that an interlocal agreement be executed between the Town and the County, to specify the conditions for the County's payment to the Town and to clarify the expectations of all parties in regards to the traffic and transit evaluation.

COPIED TO ALL
COUNCIL MEMBERS

Town of Fort Myers Beach



*Bill Thomas
Mayor*

*Garr Reynolds
Vice-Mayor*

*Don Massucco
Seat 1*

*Howard Rynearson
Seat 3*

*Bill VanDuzer
Seat 5*

November 17, 2004

Mr. Jim Lavender, Director Department of Public Works
P.O. Box 398
Fort Myers, Florida 33902-0398

Re: Resolving the MPO Estero Blvd. Project delay

Dear Jim:

This letter is in response to a telephone conversation that we had during the last 30 days and also a series of meetings that were held with your staff and my staff. To clarify our present predicament, please allow me to offer a little history on the above-referenced item. The original MPO Study was to include a fatal flaw study for both transit and for all other issues relating to fixing Estero Boulevard. The estimate for the cost was \$200,000 and the Town received strong support from the County and the other municipalities in the MPO vote. The majority of the Study was to be paid for by FDOT with the County and the Town splitting the local share. Also, the Town and the County agreed to advance the funds so we could start right away. The Town Council and the BCC had already approved all of this up to that point. The Town Council then approved staff selecting a consultant for the study and for the Town to add on some other work that would be paid for solely by the Town. We did select a consulting team that consists of ECT; Cella & Associates; TY-LIN International; David M. Jones & Associates and Bean, Whitaker, Lutz & Kareh.

Then we learned that FDOT had not put the project on their list. This meant that if we proceeded forward then neither the County nor the Town would be reimbursed. The delay was unacceptable and Mike Rippe from FDOT admitted the mistake. Since August 2004, we have been trying to work something out. So far there have been sundry reasons or excuses why any suggestion put forward won't work. If we don't work something out then we must wait until July of 2005 to begin anything because that is when FDOT will be able to appropriate the dollars and guarantee reimbursement.

The latest possibility involves splitting the original fatal flaw study into 2 pieces. The first piece would be traffic and transit only. The congestion mitigation study gave a general concept of how transit could be incorporated. This study takes the general concept and develops it to the point that a decision can be made on whether it can definitely work. The questions to be answered revolve around whether we can put transit moving down the island in either the center lane/sharing with emergency vehicles or along the beach side of the island. We are hopeful that we could seek federal funds to implement the transit portion of the Estero Blvd. "fix" while we continue to work on the process to fix Estero Blvd. This very limited fatal flaw study has been estimated by all

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parties involved to cost \$70,000 to \$75,000 and we would not receive any reimbursement if we proceed right now because of the FDOT error. It is my understanding that the County is waiting to hear what the Town would propose with regard to this limited study.

In the original MPO Study, the Town and the County agreed to split \$25,000 as the local non-reimbursable share and we also agreed to split the advance of the funds to be reimbursed (\$175,000). In keeping to the spirit of our original agreement, I discussed this with the Council on November 15, 2004 and the Council unanimously agreed to ask the County to split the cost of this reduced "fatal flaw study" on transit and traffic with the Town in a 50-50 split. Both the County and the Town have budgeted for the original MPO Study costs and we are asking that the County put this split request in front of the Board.

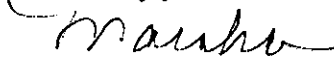
We also would like to go back to FDOT and ask that the MPO dollars be placed in FDOT's 2005 budget for the remaining fatal flaw analysis on Estero Blvd. That would not require any new review by the MPO because we are just asking FDOT to give us what we were already promised. I assume that since we have cut some of the scope of the original project out to be done in the "transit and traffic" piece that we would need something less than \$200,000 for that and that whatever it costs would be reimbursed to Lee County and the Town as per the original agreement.

The Town Council would like to move forward on the "transit and traffic" piece as quickly as possible and looks forward to continuing a valuable partnership with Lee County in pursuing the process necessary to deal with traffic mitigation efforts and necessary repairs to Estero Boulevard. To offer further evidence of the Council's commitment to traffic mitigation, the Council on November 15, 2004, approved spending an additional \$223,666.00 for Lee Tran upgrades. This upgrade will provide in peak season 6 trolleys for the Park & Ride that with a trolley express lane would provide 8 minute service intervals and 5 trolleys on the island that would in some determined transit array provide 12 minute service intervals—all to be documented to the users through the Next Bus information terminals.

We would appreciate you scheduling this mater in front of the Board as soon as possible.

As always thank you for your time and attention.

Sincerely yours,



Marsha Segal-George
Town Manager

Cc: Town Council, BCC, Don Stilwell, County Manager, Scott Gilbertson, Director
LeeDOT, Chris Swenson, CRSPE