



## Memorandum

**Memorandum No: 20-127**

**Date:** December 24, 2020

**To:** Honorable Mayor and Commissioners

**From:** Chris Lagerbloom, ICMA-CM, City Manager

**Subject:** Response from the Florida Department of Transportation (FDOT) District Four regarding Resolution 20-248

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On December 15, 2020, the City Commission approved Resolution 20-248 to urge the Florida Department of Transportation (FDOT) to resume its prior Local Agency Program (LAP) funding practices for Broward Metropolitan Planning Organization (MPO) funded projects on local roadways. The resolution was in response to FDOT District Four's decision to require local agencies to fund the Design, Construction Engineering, and Inspection (CEI), and Contingency portions of the project to show local commitment to the project. The change in policy will be applied to both new and existing programmed projects.

On December 23<sup>rd</sup>, FDOT and the MPO issued a joint letter outlining the history and reasoning for the changes to the program delivery. Given the feedback from municipalities, FDOT has reconsidered their position and will continue to fund the Design, Construction Engineering, and Inspection (CEI), and Contingency portions. FDOT anticipates that less projects will be funded as a result of this decision.

For further information on this initiative, please contact Ben Rogers, Director of Transportation and Mobility, at [brogers@fortlauderdale.gov](mailto:brogers@fortlauderdale.gov).

Attachment: FDOT Letter

c: Tarlesha W. Smith, Esq., Assistant City Manager  
Greg Chavarria, Assistant City Manager  
Alain E. Boileau, City Attorney  
Jeffrey A. Modarelli, City Clerk  
John C. Herbst, City Auditor  
Department Directors  
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*Florida Department of Transportation*

3400 West Commercial Boulevard  
Fort Lauderdale, FL 33309

RON DESANTIS  
GOVERNOR

KEVIN J. THIBAUT, P.E.  
SECRETARY



December 23, 2020

Dear Broward MPO Board Member:

**RE: City Resolutions – Off-System / LAP Projects**

We are writing in response to many resolutions the Florida Department of Transportation (FDOT) and Broward Metropolitan Planning Organization (MPO) have received from Broward County municipalities regarding FDOT's direction over the past year to return to the standard method of delivering federally funded local projects. The resolutions are asking that the Department provide funding for design and construction engineering inspection (CEI) services for any off-system Local Agency Program (LAP) projects that are programmed in the FDOT Work Program.

We, Gerry O'Reilly (FDOT District Four Secretary) and Greg Stuart (Broward MPO Executive Director), have discussed this request and we are both agreeable that funding will be programmed for design and CEI services for new LAP projects and for LAP projects that were previously programmed to be FDOT administered.

We think it is important to provide some background and historical context to explain how we reached this point. Certain categories of federal funds can be spent on any roads, state or local. Typically, if the MPO identifies an eligible project off the State Highway System, then the local entity with jurisdiction over the roadway enters into an agreement with FDOT (a LAP agreement) that allows the local agency to be reimbursed with federal funds for the project. The LAP agreement is required by Federal Highway Administration (FHWA) to ensure the local agency is qualified to administer federal funds and agrees to follow all relevant federal processes.

This is how all other FDOT districts approach LAP projects and how we here in Broward approached off-system projects until about thirteen years ago. At that time there were many LAP projects underway but few making progress towards construction. We (FDOT and the Broward MPO) discussed how we could improve the process and accelerate construction. We agreed that if the program only paid for construction and local municipalities were required to pay for design and inspection then a local municipality would be incentivized to only pursue projects they were committed to completing. This also allowed the MPO administered dollars to stretch further and produce even more construction projects.

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MPO Board Member  
December 23, 2020

A few years later, FDOT also agreed that we would assist with designing and delivering some off-system projects as resources allowed. Over the last nine years, FDOT has delivered many off-system projects primarily through the MPO's Mobility Program and Complete Streets Local Initiatives (CSLIP) Program. This approach resulted in the implementation of several off-system projects being designed and constructed by FDOT; many more projects than we expected almost a decade ago. However, FDOT has found the following:

- FDOT does not have the same level of staff availability and experience to manage the projects as we have had in the past;
- FDOT has many more State commitments to address on the State Highway System than we did nine years ago; and
- FDOT often finds itself in the middle of a local issue, on a local road, that is best resolved by the local entity without FDOT in the process.

FDOT and the MPO have discussed over the last several months the best way to transition from FDOT delivering local projects to local municipalities delivering their own projects. We are agreeable to using federal funds to support design and CEI for LAP projects. While this will result in fewer construction projects, it will not unnecessarily burden our municipalities as we transition to the traditional delivery method for off-system projects. FDOT will still retain the role of overseeing local agencies (through the FDOT LAP office) to ensure they follow federal requirements, meet project schedules, and fulfill project commitments so that they may be reimbursed with federal funds.

The changes needed in the FDOT Work Program to have design and CEI services on each local agency project will be completed in next year's Work Program (approximately 10 months from now). Our respective agencies are committed to continue working through this transition over the next 10 months as part of the next cycle of Work Program development. We hope this change alleviates your concerns as we all work to deliver much needed improvements on our transportation network.

Sincerely,

DocuSigned by:  
*Gerry O'Reilly*  
135C31FECBB44E3  
Gerry O'Reilly, P.E.  
District Four Secretary  
FDOT District Four

DocuSigned by:  
*Greg Stuart*  
730F5B038C89496...  
Greg Stuart  
Executive Director  
Broward MPO

cc: Steven C. Braun, P.E., Director of Transportation Development