

RESOLUTION NO. 2020-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE TRANSPORTATION DEPARTMENT; AMENDING SECTIONS 2.11, 15.1 - 15.11, 24.1, 24.21, 24.32, AND 24.33 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE") TO UPDATE THE TRANSPORTATION DEPARTMENT'S CURRENT ORGANIZATIONAL STRUCTURE, DIVISIONS, OFFICES, AND TITLES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

WHEREAS, the Administrative Code does not reflect the Transportation Department's current organizational structure, divisions, offices, and titles; and

WHEREAS, the Board finds that the applicable sections of the Administrative Code should be amended to reflect the Transportation Department's current organizational structure, divisions, offices, and titles, NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 2.11 of the Broward County Administrative Code is hereby amended to read as follows:

2.11. Divisions and Offices; Established.

...

g. *Transportation Department:*

~~4. Fleet Services Division;~~

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

2. ~~Transit Division.~~
1. Administration Division;
2. Capital Program Division;
3. Fleet Services Division;
4. Operations Division;
5. Paratransit Division;
6. Rail Division; and
7. Service & Strategic Planning Division.

Section 2. Sections 15.1 and 15.2 of the Broward County Administrative Code are hereby amended to read as follows:

15.1. ~~Transportation Department; Established; Department Director/General Manager/Chief Transportation Officer as Head.~~

There is hereby established a Transportation Department ~~which shall be~~ responsible for the development, management, and operation of public transportation and transit services and facilities for county government, and for the administration, maintenance, and repair of the county's vehicles and mobile equipment. The Transportation Director shall be the head of the Transportation Department. programs serving Broward County ("County"); the development, maintenance, and improvement of the County's transportation and transit infrastructure; the engineering and construction management related to the Department's projects, goals, responsibilities, and functions; and the development, acquisition, management, maintenance, repair and operation of the Department's assets, including the Department's facilities and the County's vehicles and mobile equipment. Mobile equipment is defined as any motorized equipment that is not

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1 classified as an on-road vehicle and includes, but is not limited to, trailers, trailer mounted
 2 equipment, construction equipment, agricultural equipment, industrial equipment,
 3 mowers, and boats. The director of the Transportation Department shall be the General
 4 Manager/Chief Transportation Officer. The Transportation Director General
 5 Manager/Chief Transportation Officer shall have a degree from a four-year college or
 6 university with major course work in engineering, public or business administration, or
 7 transportation management; shall have proven administrative ability, and executive
 8 ability; and shall have at least five years' experience in an executive or managerial
 9 position; or any equivalent combination of training and experience.

10 **15.2. Functions; Responsibilities.**

11 The Transportation Department shall:

- 12 a. Direct and manage the operations of the ~~Fleet Services and Transit~~
 13 ~~divisions~~ functions, duties, responsibilities, and services of the
 14 Department's Divisions.
- 15 b. Plan, organize, equip, and direct comprehensive public transportation and
 16 transit systems, services, and programs for the eCounty government.
- 17 c. Promote the economic, environmental, public health, community, and
 18 mobility benefits of ~~public transportation services~~ the County's public
 19 transportation and transit services.
- 20 d. Improve mobility and reduce traffic congestion in ~~Broward~~ the County by
 21 providing high quality, efficient, and cost-effective transportation and transit
 22 options.
- 23
- 24

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- 1 e. ~~Leverage local transportation~~ Identify, leverage, apply for, and administer
 2 funding from other sources, including state and federal grants to execute
 3 the Department's objectives.
- 4 f. Manage, maintain, and repair the County's vehicles and mobile equipment
 5 ~~of county government.~~
- 6 g. Develop and ~~set forth~~ implement procedures and standards governing the
 7 ~~operation of the equipment and management system for all motorized and~~
 8 ~~nonmotorized vehicular items under the control of the Board of County~~
 9 ~~Commissioners~~ of the County's vehicles and mobile equipment.
- 10 h. Manage and supervise the planning, design, engineering, construction,
 11 maintenance, repair, and alteration of the following: (i) buildings; (ii) transit
 12 terminals, stations, and centers; (iii) park and ride lots; (iv) bus shelters and
 13 other passenger amenities; (v) rail, bus, and other transportation-related
 14 infrastructure; and (vi) other County buildings, facilities, and real property
 15 operated by or under the control of the Department.
- 16 i. Provide project and construction management and contract administration
 17 for the Department's projects.

18

19 Section 3. Chapter 15, Parts II and III of the Broward County Administrative
 20 Code are hereby repealed in their entirety, and a new Parts II and III are hereby created
 21 to read as follows:

22 **PART II. ADMINISTRATION DIVISION**

23 **15.3. Administration Division; Established; Assistant General Manager.**

24

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underscored type are additions.

1 There is hereby established an Administration Division responsible for the
 2 administration and support of bus, paratransit, rail, and other public transportation and
 3 transit services for the County. The director of the Administration Division shall be the
 4 Assistant General Manager of the Division. The Assistant General Manager shall have a
 5 degree from a four-year college or university with major course work in business or public
 6 administration; five years of management or administrative experience in accounting,
 7 business, finance, human resources, other administrative activities; or any equivalent
 8 combination of training and experience.

9 **15.4. Functions; Responsibilities.**

10 The Administration Division shall:

- 11 a. Provide administrative, budgeting, accounting, financial, customer relations,
 12 marketing, grant management, human resources, information technology,
 13 and purchasing support for the Transportation Department.
- 14 b. Prepare grant applications related to public transportation and coordinate
 15 with federal and state agencies to obtain increased funding for these
 16 programs.
- 17 c. Provide for the receipt, distribution, administration, and accounting of grant
 18 funds awarded to or on behalf of the Transportation Department.
- 19 d. Prepare, administer, execute, and submit grant documents necessary to
 20 participate in federal and state transportation grant and funding programs
 21 including local and community transportation coordinator agreements in
 22 connection with the Florida Transportation Disadvantaged Commission
 23 established pursuant to Section 427.013, Florida Statutes. When such
 24 agreements related to the foregoing responsibilities do not require the

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1 expenditure or commitment of the County's funds, the Chief Transportation
 2 Officer shall have authority to execute such agreements after review and
 3 approval of the Office of the County Attorney.

- 4 e. Increase marketing and public information efforts of transit services.

5 **PART III. CAPITAL PROGRAM DIVISION**

6 **15.5. Capital Program Division; Established; Assistant General Manager.**

7 There is hereby established a Capital Program Division responsible for developing
 8 policies and standards for the Department's construction projects, the administration of
 9 the Department's capital and facilities maintenance programs, and the operation,
 10 maintenance, improvement, repair, remediation, and alteration of Department buildings,
 11 facilities, and real property. The director of the Capital Program Division shall be the
 12 Assistant General Manager of the Division. The Assistant General Manager shall be a
 13 professional engineer or architect eligible for the professional licensing required by the
 14 State of Florida; have expertise in construction management; have considerable
 15 progressively responsible management experience; or any equivalent combination of
 16 training and experience.

17 **15.6. Functions; Responsibilities.**

18 The Capital Program Division shall:

- 19 a. Coordinate with other divisions to prepare plans for space needs, develop,
 20 maintain, and outline a facilities space master plan, and plan and control
 21 space utilization and assignment.
- 22 b. Coordinate with other divisions to develop, maintain, and improve bus and
 23 rail infrastructure, and the Department's transportation infrastructure
 24 strategy and master plan.

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- 1 c. Provide engineering, architectural, construction and other related services
 2 and technical assistance to the Department by establishing and managing
 3 a qualified professional staff or through construction, professional, and
 4 general service contracts.
- 5 d. Implement plans to meet the Department's goals, functions, and
 6 responsibilities, and optimize the design and construction management
 7 processes for the Department.
- 8 e. Plan, develop, direct, and implement a facilities maintenance and custodial
 9 program for the Department's facilities.
- 10 f. Establish and implement policies, procedures, and standards for the
 11 effective and energy efficient utilization of the Department's facilities.

PART IV. FLEET SERVICES DIVISION

15.7. Fleet Services Division; Established; Director.

14 There is hereby established a Fleet Services Division responsible for the
 15 administration and management of the County's fleet and mobile equipment. The Fleet
 16 Services Director shall have a degree from a four-year college or university with major
 17 course work in engineering, public or business administration, or a related field;
 18 considerable progressively responsible management experience in equipment
 19 management or a related field; or any equivalent combination of training and experience.

15.8. Functions; Responsibilities.

21 The Fleet Services Division shall:

- 22 a. Plan, develop, and direct a mobile equipment management program.
- 23 b. Coordinate the acquisition, assignment, use, maintenance, and disposal of
 24 fleet and mobile equipment.

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- 1 c. Ensure adequate accountability for fleet and mobile equipment.
- 2 d. Accurately and economically control acquisition, stocking, and issuance of
3 fuel, fleet, and mobile equipment parts through an equipment management
4 inventory system.
- 5 e. Administer an intra-agency motor pool system.
- 6 f. Develop and implement a comprehensive mobile equipment and fleet
7 maintenance and management program.
- 8 g. Evaluate mobile equipment and fleet activities to ensure effective and
9 efficient operations.
- 10 h. Coordinate with the Risk Management Division to develop vehicle operator
11 qualifications, fleet and mobile and equipment safety, security, and
12 insurance requirements.
- 13 i. Manage and maintain qualified service technician staff that meet the
14 Division's productivity, efficiency, and service level goals.

15 **PART V. OPERATIONS DIVISION**

16 **15.9. Operations Division; Established; Assistant General Manager.**

17 There is hereby established an Operations Division (formerly known as Broward
18 County Transit Division or Transit Division) responsible for the ongoing operations of bus
19 and other public transit services for the County. The director of the Operations Division
20 shall be the Assistant General Manager of the Division. The Assistant General Manager
21 shall have a degree from a four-year college or university with major course work in public
22 or business administration, or transportation management; five years of management or
23 administrative experience in transit operations; or any equivalent combination of training
24 and experience.

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1 **15.10. Functions; Responsibilities.**

2 The Operations Division shall:

- 3 a. Equip, operate, maintain, and improve public transit services and programs.
- 4 b. Coordinate the management, implementation, equipping, operation, and
5 maintenance of a unified countywide transit system that improves mobility
6 and serves community needs.
- 7 c. Cooperate with the Highway Construction and Engineering and Highway
8 and Bridge Maintenance Divisions, and other adjoining counties or county
9 agencies to plan seamless connectivity between regional transit and
10 transportation programs or alternatives.
- 11 d. Operate charter bus services subject to applicable federal and state laws,
12 regulations, and procedures, including without limitation, the FTA Charter
13 Bus Service Regulations (49 CFR Part 604), which implement 49 U.S.C.
14 5323(d), to protect private charter operators from unauthorized competition
15 from FTA grant recipients. Charter bus services, permitted by applicable
16 law, must also be conducted pursuant to the procedures, processes, and
17 requirements in Section 24.21 of the Administrative Code.
- 18 e. Operate reliable, safe, efficient, convenient, and secure public transit
19 services.
- 20 f. Provide a public transit system that serves commuters, seniors, students,
21 and leisure and disadvantaged passengers countywide and regionally.
- 22 g. Provide frequent, reliable, and convenient bus services compatible with
23 automobile trip times.
- 24

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1 administrative experience in rail operations; or any equivalent combination of training and
 2 experience.

3 **15.14. Functions; Responsibilities.**

4 The Rail Division shall:

5 a. Equip, operate, maintain, and improve rail transportation for the County.

6 b. Cooperate with the Highway Construction and Engineering and Highway
 7 and Bridge Maintenance Divisions, and other adjoining counties or county
 8 agencies to plan seamless connectivity between regional transit and
 9 transportation programs or alternatives.

10 c. Operate a reliable, safe, secure, efficient, and convenient rail transportation
 11 system.

12 d. Provide a rail transportation system that serves passengers countywide and
 13 regionally.

14 e. Provide a rail transportation system that serves commuters, seniors,
 15 students, leisure, and, disadvantaged passengers.

16 f. Provide a rail transportation system that provides frequent and convenient
 17 service compatible with automobile trip times.

18 **PART VIII. SERVICE & STRATEGIC PLANNING DIVISION**

19 **15.15. Service & Strategic Planning Division; Established; Assistant General**
 20 **Manager.**

21 There is hereby established a Service & Strategic Planning Division responsible
 22 for short-term and long-range planning of bus, rail, and other public transit and
 23 transportation services for the County. The director of the Division shall be the Assistant
 24 General Manager of the Division. The Assistant General Manager shall have a degree

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1 from a four-year college or university in planning, or business or public administration;
 2 five years of management or administrative experience in transit service and strategic
 3 planning; or any equivalent combination of training and experience.

4 **15.16. Functions; Responsibilities.**

5 The Service & Strategic Planning Division shall:

- 6 a. Conduct short-term and long-term studies and plans to develop
 7 improvements to the County's public transit and transportation services and
 8 programs.
- 9 b. Conduct planning for the development of a unified countywide transit
 10 system that improves mobility, serves community needs, and includes
 11 special transportation services for senior, disabled, and disadvantaged
 12 passengers.
- 13 c. Cooperate with the Highway Construction and Engineering and Highway
 14 and Bridge Maintenance Divisions, and other adjoining counties or county
 15 agencies to plan for the development of seamless connectivity between
 16 regional transit and transportation programs or alternatives.
- 17 d. Conduct planning for the development of reliable, safe, efficient,
 18 convenient, and secure public transit services.
- 19 e. Conduct planning to develop countywide and regional public transit services
 20 that serve commuters, seniors, students, and leisure and disadvantaged
 21 passengers.
- 22 f. Conduct planning for safety and security programs for the Division.
- 23 g. Conduct planning to develop a public transit system that provides frequent
 24 and convenient services compatible with automobile trip times.

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- 1 h. Plan for the development of express bus service from park-and-ride areas
 2 to major employment centers, where feasible.
- 3 i. Coordinate activities with all related planning and advisory boards.
 4

5 Section 4. Section 24.1 of the Broward County Administrative Code is hereby
 6 amended to read as follows:

7 **24.1. Authorization and control.**

- 8 a. ~~The Transit Division Director~~ Chief Transportation Officer, or designee, is
 9 authorized to issue complimentary bus passes as an incentive to use
 10 fixed-route bus service.
- 11 b. ~~The Transit Division Director~~ Chief Transportation Officer, or designee, is
 12 authorized to issue complimentary bus passes to qualified ~~clients~~
 13 passengers in all other County paratransit programs as an incentive to
 14 reduce the use of the more costly paratransit service by using fixed-route
 15 bus service.
- 16 c. ~~The Transit Division Director~~ Chief Transportation Officer, or designee, is
 17 authorized to issue subsidized transportation payment cards to qualified
 18 ~~clients~~ passengers in all other County paratransit programs as an incentive
 19 to reduce the use of the more costly paratransit service by using vehicle for-
 20 hire transportation services.
- 21 d. ~~The Transit Division Director~~ Chief Transportation Officer, or designee, is
 22 authorized to issue annual bus passes to qualified transportation
 23 disadvantaged ("TD Bus Passes") ~~clients~~ passengers as an incentive to
 24

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1 reduce the use of the more costly paratransit service by using fixed-route
2 bus service.

- 3 e. The ~~Transit Division Director~~ Chief Transportation Officer shall implement
4 administrative procedures to account for and control the issuance of all
5 complimentary bus passes, TD Bus Passes, and subsidized transportation
6 payment cards issued pursuant to this section.
7

8 Section 5. Chapter 24, Part II of the Broward County Administrative Code is
9 hereby repealed in its entirety, and a new Part II is hereby created to read as follows:

10 **PART II. TRANSPORTATION DEPARTMENT CHARTER BUS POLICY**

11 **24.21. Policies and Procedures.**

- 12 a. To operate charter bus services, the Transportation Department must
13 develop and implement policies and procedures for charter service requests
14 and determinations in accordance with applicable federal and state laws,
15 regulations, and procedures, including without limitation, the FTA Charter
16 Bus Service Regulations (49 CFR Part 604), which implement 49 U.S.C.
17 5323(d), to protect private charter operators from unauthorized competition
18 from FTA grant recipients.
- 19 b. Any request for Broward County to provide charter bus services must
20 comply with the Transportation Department's then-current policies and
21 procedures for charter bus services.
- 22 c. The Chief Transportation Officer, or designee, with the advice and counsel
23 of the Office of the County Attorney, shall review all charter requests and
24 negotiated terms of the charter service agreements including price and

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1 rates. The Chief Transportation Officer, or designee, shall recommend to
 2 the Board for its review and approval all negotiated service agreements
 3 which include all necessary terms of service and rates.

4 d. Any organization, corporation, or governmental entity requesting charter
 5 bus services from the County shall enter into a charter services agreement
 6 that includes an indemnification in favor of Broward County and maintain
 7 insurance in the limits required by the Risk Management Division.

8 e. The Office of the County Attorney shall prepare form charter service
 9 agreements, as needed by the Transportation Department, which
 10 incorporate the requirements of the Broward County Administrative Code,
 11 the Chief Transportation Officer, and the County Administrator for approval
 12 by the Board of County Commissioners.

13
 14 Section 6. Section 24.32 of the Broward County Administrative Code is hereby
 15 amended to read as follows:

16 **24.32. ADA Eligibility Determination Appeals Board.**

17 All appeals shall be heard by the ADA Eligibility Determination Appeals Board.

18 a. The Appeals Board shall be comprised of seven (7) members who are
 19 familiar with ~~Paratransit services,~~ eligibility criteria established by the
 20 Americans With Disabilities Act and the United States Department of
 21 Transportation. The members will be appointed by and serve at the
 22 pleasure of the ~~Transit Division Director~~ Chief Transportation Officer and
 23 shall include:

24
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- 1 1. A supervisory person from the ~~Transit Division~~ Transportation
 2 Department who is familiar with fixed-route bus service, ADA
 3 paratransit service, and is not involved in the initial eligibility
 4 determination;
- 5 2. A County employee not employed in the ~~Transit Division~~
 6 Transportation Department, who has a working knowledge of ADA
 7 paratransit ~~eligibility~~ regulations;

8 ...

9 Each member of the Appeals Board may nominate an alternate who has
 10 comparable qualifications to serve in the member's absence. However, no
 11 alternate shall serve as a member of the Appeals Board unless approved
 12 by the ~~Transit Division Director~~ Chief Transportation Officer, and such
 13 alternate shall be subject to the same rules of conduct and conditions of
 14 service as provided under this Part. Except as otherwise provided, all
 15 members and alternates shall also be subject to the attendance
 16 requirements in Section 1-233, Broward County Code, and such other rules
 17 or administrative regulations adopted pursuant to this ~~p~~Part.

- 18 b. The Appeals Board shall conduct hearings on the appeals, and render
 19 decisions consistent with the ADA Paratransit eligibility criteria, and all other
 20 applicable laws. ~~Its~~ The Appeals Board's decisions shall be confirmed in
 21 writing to the appellants, and constitute the final administrative decision.
- 22 c. The members of the Appeals Board shall annually elect a chairperson and
 23 vice chairperson from among the members. Officers' terms shall be for one
 24 (1) year with eligibility for reelection.

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1 d. The presence of a majority of the appointed members shall constitute a
 2 quorum necessary to take action. An affirmative vote of the majority of
 3 members present shall be necessary ~~in order~~ to take official action.
 4

5 Section 7. Section 24.33 of the Broward County Administrative Code is hereby
 6 amended to read as follows:

7 **24.33. Appeal Procedures.**

8 The procedures shall be provided to each the person whose eligibility is denied, or
 9 whose services are suspended, at the time of notice of such denial or suspension.

10 a. *Filing an appeal.*

11 1. All appeals must be filed in writing to the Paratransit Manager
 12 Director, Transit Division Transportation Department, 1 North
 13 University Drive, Plantation, Florida 33324.

14 ...

15
 16 Section 8. Severability.

17 If any portion of this Administrative Code Resolution is determined by any court to
 18 be invalid, the invalid portion will be stricken, and such striking will not affect the validity
 19 of the remainder of this Administrative Code Resolution. If any court determines that this
 20 Administrative Code Resolution, in whole or in part, cannot be legally applied to any
 21 individual, group, entity, property, or circumstance, such determination will not affect the
 22 applicability of this Administrative Code Resolution to any other individual, group, entity,
 23 property, or circumstance.
 24

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Section 9. Inclusion in the Broward County Administrative Code.

It is the intention of the Board of County Commissioners that the provisions of this Administrative Code Resolution become part of the Broward County Administrative Code as of the effective date. The sections of this Administrative Code Resolution may be renumbered or relettered and the word "resolution" may be changed to "section," "article," or such other appropriate word or phrase to the extent necessary in order to accomplish such intention.

Section 10. Effective Date.

This Administrative Code Resolution is effective upon adoption.

ADOPTED this _____ day of _____, 2020.

Proposed

Approved as to form and legal sufficiency:
Andrew J. Meyers, County Attorney

By /s/ Devona Reynolds Perez 09/23/2020
Devona Reynolds Perez (date)
Assistant County Attorney

By /s/ Angela J. Wallace 09/23/2020
Angela J. Wallace (date)
Transportation Surtax General Counsel

AJW/hb
Transit Org Reso
09/23/2020
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