



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

STEPHANIE C. KOPELOUSOS
SECRETARY

August 27, 2009

Mr. Martin Knopp
Division Administrator
Florida Division Office
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, FL 32303

Attn: Ms. LeeAnn Jacobs

**RE: Administrative Modification to the 2009 State Transportation Improvement Program (STIP) for Port of Miami Tunnel & Access Improvement Project
Federal Aid Project Number PMT1-001**

Dear Mr. Knopp:

With this letter and pursuant to the authority delegated to the Florida Department of Transportation by the Governor, I approve the attached STIP Administrative Modification 09-23 for the Port of Miami Tunnel & Access Improvement Project.

In compliance with Title 23 CFR 450.22, I certify that the changes to the STIP were developed in accordance with the applicable requirements of the Federal Transportation Statutes.

On June 16, 2008, the STIP was amended via STIP Amendment No. 08-09a to add the Port of Miami Tunnel & Access Improvement Project (POMT).

The STIP Amendment for this project fell outside the normal scope and context of traditional STIP Amendments because of the long duration of the project and the unique procurement process being used. This project will be implemented on an expedited basis using a long-term public private partnership concessionaire agreement under which availability payments will be paid to the concessionaire for a period of 35 years, which is well beyond the traditional four years of the federal STIP and TIP documents.

The purpose of the amendment was to provide disclosure of the intent to federalize this project to enable the concessionaire to qualify for eligibility to apply for credit assistance under the provisions of the Transportation Infrastructure Finance and Innovation Act of 1998 (TIFIA). Projects receiving TIFIA credit assistance must meet the same federal requirements under Title 23 U.S.C. and related federal regulations as any project receiving Title 23 U.S.C. federal grant funding. At that time the Department did not contemplate the use of any Title 23 grant funds to finance the project.

Letter to Mr. Martin Knopp re: Administrative Modification to the STIP for Port of Miami Tunnel
August 27, 2009
Page Two

Unfortunately, the economic downturn which began in the latter part of 2008 severely impacted the credit markets and resulted in the proposed concessionaire being unable to reach a financial closing with the Department. The project was placed on hold for a time until financial conditions improved.

On June 2, 2009, the Department issued a press release indicating an agreement had been reached with the proposed concessionaire on the commercial issues for the POMT. Financial closing is expected in September, 2009.

The purpose of this administrative modification is to disclose the use of federal National Highway System funds as part of the financing for this project, in addition to state and local funds. Since the original STIP amendment was approved in June, 2008, the Department has reduced the amount of state funds and added federal funds in a like amount. \$211 million in federal National Highway System funds are now programmed on this project.

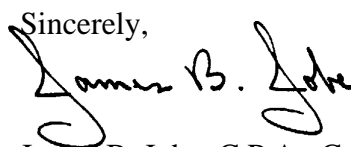
There have been no other changes to the scope or overall cost of this project.

Please note the attached Exhibits A and B:

Exhibit A: Spreadsheet displaying the project programming the Department's Work Program for all phases and all years of the project, and a second page showing the details of the federal funding and the Federal Authorization Request.

Exhibit B: Copy of Miami-Dade MPO TIP administrative modification for Port of Miami Tunnel disclosing the use of federal grant funds.

Please contact me if you have any questions regarding this request.

Sincerely,


James B. Jobe, C.P.A., C.G.F.M
Manager, Federal Aid Management Office
(850) 414-4448
Internet email: James.Jobe@dot.state.fl.us

cc: Karen Brunelle, FHWA
Attachments

Port of Miami Tunnel P3 Project - Concessionaire Agreement and associated project phases											
	FM Item Segment	FM Item Segment	FM Item Segment		FM Item Segment	FM Item Segment	FM Item Segment	FM Item Segment	FM Item Segment	FM Item Segment	
	Phase/ Sequence	Phase/ Sequence	Phase/ Sequence		Phase/ Sequence	Phase/ Sequence	Phase/ Sequence	Phase/ Sequence	Phase/ Sequence	Phase/ Sequence	
	251156 3 52 03	251156 3 52 01	251156 3 82 01		251156 1 31 01, 32 01	251156 3 31 01, 31 02, 32 01, 02, 03, 04 251156 2 31 01 32 01, 02	251156 3 61 01, 62 01	251156 3 72 01	251156 3 52 02	251156 3 41 01, 43 01	
Fiscal Year	Milestone Payments (Capital costs)	Capital portion (capex) of availability pmts	O & M (opex) portion of availability pmts	Total Concessionaire pmts per year	P, D & E	Preliminary Engineering, Financial Consultants	CEI	FDOT O & M Oversight	Geotechnical Contingency Reserve	Right of Way	TOTAL PROJECT COSTS
Pre-2008					3,706,829	30,883,361				1,007	34,591,197
2008				-		564,546				50,007,103	50,571,649
2009				-		7,632,987				7,775	7,640,762
2010				-		4,650,000					4,650,000
2011	60,000,000			60,000,000		2,100,000	5,500,000				67,600,000
2012				-		2,500,000	10,752,631		150,000,000		163,252,631
2013	25,000,001			25,000,001		625,000	11,370,825				36,995,826
2014	365,000,000	9,000,615	9,988,027	383,988,642		625,000	6,090,500	300,000			391,004,142
2015		23,469,964	15,646,642	39,116,606		375,000		300,000			39,791,606
2016		24,218,808	16,071,298	40,290,106		375,000		300,000			40,965,106
2017		24,775,658	16,723,150	41,498,808		375,000		300,000			42,173,808
2018		25,693,732	17,050,040	42,743,772		375,000		300,000			43,418,772
2019		24,918,730	19,107,355	44,026,085		375,000		300,000			44,701,085
2020		25,839,678	19,507,191	45,346,869		375,000		300,000			46,021,869
2021		27,272,296	19,434,977	46,707,273		375,000		300,000			47,382,273
2022		28,379,446	19,729,048	48,108,494		375,000		300,000			48,783,494
2023		27,825,476	21,726,272	49,551,748		375,000		300,000			50,226,748
2024		27,715,136	23,323,165	51,038,301		375,000		300,000			51,713,301
2025		29,321,183	23,248,265	52,569,448		375,000		300,000			53,244,448
2026		31,954,676	22,191,854	54,146,530		375,000		300,000			54,821,530
2027		32,235,840	23,535,087	55,770,927		375,000		300,000			56,445,927
2028		33,205,029	24,239,026	57,444,055		375,000		300,000			58,119,055
2029		32,823,901	26,343,476	59,167,377		375,000		300,000			59,842,377
2030		34,269,179	26,673,220	60,942,399		375,000		300,000			61,617,399
2031		35,793,980	26,976,690	62,770,670		375,000		300,000			63,445,670
2032		38,102,423	26,551,367	64,653,790		375,000		300,000			65,328,790
2033		39,485,317	27,108,086	66,593,403		375,000		300,000			67,268,403
2034		30,989,776	37,601,433	68,591,209		375,000		300,000			69,266,209
2035		37,648,903	33,000,042	70,648,945		375,000		300,000			71,323,945
2036		43,741,859	29,026,551	72,768,410		375,000		300,000			73,443,410
2037		45,054,117	29,897,348	74,951,465		375,000		300,000			75,626,465
2038		44,718,155	32,481,851	77,200,006		375,000		300,000			77,875,006
2039		31,053,088	48,462,920	79,516,008		375,000		300,000			80,191,008
2040		47,347,790	34,553,696	81,901,486		375,000		300,000			82,576,486
2041		50,010,196	34,348,337	84,358,533		375,000		300,000			85,033,533
2042		50,252,591	36,636,695	86,889,286		375,000		300,000			87,564,286
2043		53,760,370	35,735,597	89,495,967		250,000		300,000			90,045,967
2044		47,277,508	44,903,340	92,180,848		250,000		300,000			92,730,848
Totals	450,000,001	1,058,155,420	821,822,046	2,329,977,467	3,706,829	60,580,894	33,713,956	9,300,000	150,000,000	50,015,885	2,637,295,031

SUMMARY BY FUND:

PKYI				-		95,839					95,839
FD21 (see note below)				-	614,117	6,404,603					7,018,720
FDM (see note below)				-	2,741,236						2,741,236
DS				-	173,952	20					173,972
DIS				-		11,169,102					11,169,102
GMR		940,033,038		940,033,038		30,483,869		75,000,000			1,045,516,907
DIH				-	61,208	700,772	1,213,956			15,885	1,991,821
NHAC	192,500,001			192,500,001		2,250,000	16,250,000				211,000,001
DI			821,822,046	821,822,046		726,689		9,300,000			831,848,735
DIOH				-	116,316						116,316
LF	257,500,000	118,122,382		375,622,382		8,750,000	16,250,000	75,000,000	50,000,000		525,622,382
Totals	450,000,001	1,058,155,420	821,822,046	2,329,977,467	3,706,829	60,580,894	33,713,956	9,300,000	150,000,000	50,015,885	2,637,295,031

Fund	Description	The table below summarizes previous Title 23, U.S.C. funding for this project: Port of Miami Tunnel Federal Project Number: 0010-801-R State Project Numbers: 251156-1-32-01, 251156-2-32-01 Source of Funds: Federal Aid Highway Act of 1987, Section 149			
		Federal Authorization Date	Federal Appropriation Category Program Codes (Fund Codes FD21 & FDM)	Total Amount Authorized & Expended	Description of Work
			3070	3090	
PKYI	Turnpike funds				
FD21	FDM-Dodge Island Tunnel - Federal Demonstration Funds/Project Specific				
FDM	Federal Demonstration Project/Project Specific				
DS	State Funds				
DIS	Strategic Intermodal System State Funds				
GMR	Growth Management - Doc Stamps for SIS - State Funds				
DIH	In-House - State Funds				
NHAC	Federal - National Highway System (AC Mode)	11/1/1989	\$1,509,033		PD&E - Initial Contract Execution
DI	Strategic Intermodal System State Funds	4/14/1998	\$147,147	\$993,707	Supplemental Agreement to Initial Contract
LF	Local Funds	5/30/2003	\$2,000,000		Consultant - Tunnel Specialist - Update Environmental
		6/16/2003	\$62,169		Supplemental Agreement to Tunnel Specialist Contract
		6/15/2005	\$1,305,037	\$2,020,325	Consultant - Geotechnical Studies
NOTE:	The Federal Demonstration Project funding under the FD21 and FDM fund codes shown above total to \$10,089,770. However, the same funds shown in the table to the right total to \$8,037,418. The difference consists of the required state match and minor amounts of non-participating costs.	Totals	\$5,023,386	\$3,014,032	\$8,037,418

Port of Miami Tunnel P3 Project - Phases which include Federal Aid Funds														
	FM Item Segment Phase/ Sequence			FM Item Segment Phase/ Sequence				FM Item Segment Phase/ Sequence			FM Item Segment Phase/ Sequence			
	FM# 251156 3, Ph/Seq 52 03			FM# 251156 1, Ph/Seq 31 01, 32 01 FM# 251156 3, Ph/Seq 31 01, 31 02, 32 01,02,03,04 FM# 251156 2, Ph/Seq 31 01 32 01,02				FM# 251156 3, Ph/Seq 61 01, 62 01			FM# 251156 3, Ph/Seq 52 02			
Fiscal Year	Milestone Payments (Capital costs)			P,D&E, Preliminary Engineering & Financial Consultants				Construction Engineering Inspection			Geotechnical Contingency Reserve			Total Federal Funds
	Federal Funds (Nat'l Hwy System) (AC mode)	State & Local Funds	Total	Federal Funds (Nat'l Hwy System) (AC mode)	Federal Demonstration Funds	State & Local Funds	Total	Federal Funds (Nat'l Hwy System) (AC mode)	State & Local Funds	Total	Federal Funds (Nat'l Hwy System) (AC mode)	State & Local Funds	Total	Total Federal Funds
Pre-2008			-		10,089,770	24,500,420	34,590,190			-			-	10,089,770
2008			-			564,546	564,546			-			-	-
2009			-			7,632,987	7,632,987			-			-	-
2010			-	2,250,000		2,400,000	4,650,000			-			-	2,250,000
2011		60,000,000	60,000,000			2,100,000	2,100,000	2,750,000	2,750,000	5,500,000			-	2,750,000
2012			-			2,500,000	2,500,000	5,250,000	5,502,631	10,752,631		150,000,000	150,000,000	5,250,000
2013	10,000,001	15,000,000	25,000,001			625,000	625,000	5,500,000	5,870,825	11,370,825			-	15,500,001
2014	182,500,000	182,500,000	365,000,000			625,000	625,000	2,750,000	3,340,500	6,090,500			-	185,250,000
2015			-			375,000	375,000			-			-	-
2016			-			375,000	375,000			-			-	-
2017			-			375,000	375,000			-			-	-
2018			-			375,000	375,000			-			-	-
2019			-			375,000	375,000			-			-	-
2020			-			375,000	375,000			-			-	-
2021			-			375,000	375,000			-			-	-
2022			-			375,000	375,000			-			-	-
2023			-			375,000	375,000			-			-	-
2024			-			375,000	375,000			-			-	-
2025			-			375,000	375,000			-			-	-
2026			-			375,000	375,000			-			-	-
2027			-			375,000	375,000			-			-	-
2028			-			375,000	375,000			-			-	-
2029			-			375,000	375,000			-			-	-
2030			-			375,000	375,000			-			-	-
2031			-			375,000	375,000			-			-	-
2032			-			375,000	375,000			-			-	-
2033			-			375,000	375,000			-			-	-
2034			-			375,000	375,000			-			-	-
2035			-			375,000	375,000			-			-	-
2036			-			375,000	375,000			-			-	-
2037			-			375,000	375,000			-			-	-
2038			-			375,000	375,000			-			-	-
2039			-			375,000	375,000			-			-	-
2040			-			375,000	375,000			-			-	-
2041			-			375,000	375,000			-			-	-
2042			-			375,000	375,000			-			-	-
2043			-			250,000	250,000			-			-	-
2044			-			250,000	250,000			-			-	-
Totals	192,500,001	257,500,000	450,000,001	2,250,000	10,089,770	51,947,953	64,287,723	16,250,000	17,463,956	33,713,956	-	150,000,000	150,000,000	221,089,771

Summary of Federal Authorization Request for Federal Aid Project No. PMT1-001													
	Milestone Payments (Capital costs)	Capital portion (capex) of availability pmts	O & M (opex) portion of availability pmts	Total Concessionaire payments	P,D&E, Preliminary Engineering	Engineering & Financial Consultants	CEI	FDOT O & M Oversight	Geotechnical Contingency Reserve	Right of Way	TOTAL PROJECT COSTS		
Nat'l Hwy System (AC mode)	192,500,001			192,500,001		2,250,000	16,250,000				211,000,001		
State and Local Funds	257,500,000	1,058,155,420	821,822,046	2,137,477,466		27,447,533	17,463,956	9,300,000	150,000,000	50,014,878	2,391,703,833		
Total Federal Authorization Request	450,000,001	1,058,155,420	821,822,046	2,329,977,467	-	29,697,533	33,713,956	9,300,000	150,000,000	50,014,878	2,602,703,834		
Add phases not included in Fed. Auth. Request:													
Pre-2008 costs:													
Federal Demonstration Funds					10,089,770						10,089,770		
State and Local Funds					24,500,420					1,007	24,501,427		
Total Project Costs	450,000,001	1,058,155,420	821,822,046	2,329,977,467	34,590,190	29,697,533	33,713,956	9,300,000	150,000,000	50,015,885	2,637,295,031		

Exhibit B



Florida Department of Transportation

1000 NW 111 Avenue
Miami, Florida 33172-5800

CHARLIE CRIST
GOVERNOR

STEPHANIE C. KOPELOUSOS
SECRETARY

August 25, 2009

Mr. José-Luis Mesa, Director
Miami-Dade Metropolitan Planning Organization
Office of the County Manager
111 NW 1 Street, Suite 920
Miami, FL 33128-1904

SUBJECT: Administrative Amendment to the Miami-Dade Metropolitan Planning Organization (MPO) Fiscal Year FY 2009 Transportation Improvement Program (TIP) for the Port of Miami Tunnel & Access Improvement Project, Financial Management Number 251156-3

Dear Mr. Mesa:

The purpose of this letter is to request that you approve an administrative amendment to the adopted Miami-Dade MPO FY 2009 TIP, to disclose additional federal funding as shown in the FY 2010 TIP. As you are aware, the FY 2010 TIP, which was approved by your board on May 28, 2009, will not become effective until October 1, 2009. Until then, the FY 2009 TIP will be used by the Federal Highway Administration (FHWA) for authorization of funds. This action will reconcile the differences between the two documents, and provide the most accurate and up-to-date project information as outlined in the attached spreadsheet.

The requested amendment is needed so that the project can be obligated before the beginning of the new federal fiscal year, on October 1, 2009. Provision for this process is outlined in the Federal Aid Technical bulletin dated June 10, 2004 and the MPO Management Handbook (page 5-25).

The attached spreadsheet shows the detailed funding information for this project, which is exactly as it appears in the FY 2010 TIP. No other project will be affected by this amendment.

Please acknowledge your approval of this administrative amendment by signing this letter and returning it to this office. Please keep a copy for your files. The Department appreciates your expeditious handling of this request. If you have any questions, please feel free to contact me at (305) 470-5464.

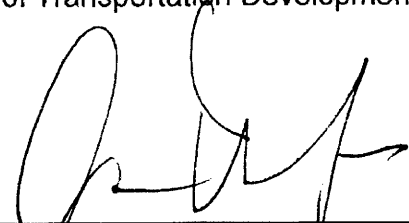
Mr. Jose-Luis Mesa
August 25, 2009
Page 2

Sincerely,



Alice N. Bravo, P.E.
District Director of Transportation Development

Approved by:



José-Luis Mesa, Director

8/27/09

Date

cc: Gus Pego,
Gary Donn,
Aileen Boucle
Tamara Christian,
Linda J. Glass Johnson

Exhibit C



Florida Department of Transportation

1000 NW 111 Avenue
Miami, Florida 33172-5800

CHARLIE CRIST
GOVERNOR

STEPHANIE C. KOPELOUSOS
SECRETARY

September 21, 2009,

Mr. José-Luis Mesa, Director
Miami-Dade Metropolitan Planning Organization
Office of the County Manager
111 NW 1 Street, Suite 920
Miami, FL 33128-1904

SUBJECT: Follow-up to Administrative Amendment to the Miami-Dade Metropolitan Planning Organization (MPO) Fiscal Years FY 2009 Transportation Improvement Program (TIP) for Port of Miami Tunnel & Access Improvement Project, Financial Management Number 251156-3

Dear Mr. Mesa:

This is follow-up to the administrative amendment which you approved for the Port of Miami Tunnel project on August 26, 2009. The Department is requesting that you approve the attached updated TIP page to be included as part of the amendment package. The action is needed to disclose to the Federal Highway Administration the intention of the Port of Miami Tunnel Concessionaire to apply for credit assistance under the provisions of the Transportation Infrastructure Finance and Innovation Act (TIFIA) of 1998. Please note this language was included in the FY 2009 but was not transferred to the FY2010 TIP during the update process. This is needed to reconcile the FY 2009 information with the FY 2010 information while Federal Highway Administration (FHWA) is still recognizing the FY 2009 TIP.

The update to this TIP page shown on the attached spreadsheet, does not affect the funding for this or any other project.

Please acknowledge your approval of this amendment by signing this letter and returning it to this office. The department appreciates your expeditious handling of this request. If you have any questions, please feel free to contact me at (305) 470-5464.

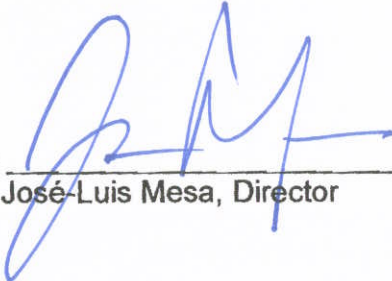
Sincerely,

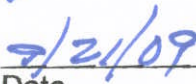
A handwritten signature in black ink, appearing to read "Alice N. Bravo".

Alice N. Bravo, P.E.

Mr. José-Luis Mesa
September 21, 2009
Page 2

District Director of Transportation Development

Approved by: 
José-Luis Mesa, Director


Date

cc: Gus Pego, Tamara Christion, Linda J. Glass Johnson, Aileen Bouclé

EXHIBIT C - PORT OF MIAMI TUNNEL TIP/STIP AMENDMENT 09-23														
MIAMI-DADE METROPOLITAN PLANNING ORGANIZATION														
TRANSPORTATION IMPROVEMENT PROGRAM														
PRIMARY STATE HIGHWAYS AND INTERMODAL														
MPO Project Number	Facility/Project Name		Length (miles)	Type of Work	Project Cost (\$000s)	Prior Years Cost (\$000s)								
Agency Project Num.	From/Location	To/Location	Detailed Project Description											
DT2511563	PORT OF MIAMI TUNNEL		0.496	NEW ROAD CONSTRUCTION		52,500	Activity/Phase	Funding Source	Proposed Finding (\$000s)					
2511563	FROM PORT OF MIAMI	TO SR 836/I-395							2009 - 2010	2010 - 2011	2011 - 2012	2012 - 2013	2013 - 2014	
							DSB	GMR	0	0	0	0	7,808	
Under DSB Activity/Phase FY 12/13 NHAC in the amount of \$15,000 replaces \$5,500 GMR and and \$10,000 DIS previously programmed in FY 10/11,							DSB	DIH	0	0	253	371	591	
FY 13/14 NHAC in the amount of \$185,250 replaces \$113,700 DI and \$71,500 GMR both previously programmed in FY 11/12,							DSB	NHAC	0	2,750	80,250	15,500	185,250	
Under DSB Activity/Phase FY 10/11 LF includes \$20,000 brought forward from FY 07/08 and \$40,000 brought forward from FY 08/09,							OPS	DI	0	0	0	0	9,988	
FY 11/12 LF includes \$75,000 brought forward from FY 07/08							DSB	LF	0	62,750	80,250	20,500	186,443	
							PE	DIS	0	1,000	1,000	0	0	
Port of Miami Concessionaire intends to apply for credit assistance under the provisions of the							PE	LF	2,250	1,000	1,000	0	0	
Transportation Infrastructure Finance and Innovation Act (TIFIA) of 1998							PE	DIH	150	100	0	0	0	
							PE	NHAC	2,250	0	0	0	0	
							PE	GMR	0	0	0	125	125	