




Interoffice Memorandum

AGENDA ITEM

January 17, 2017

TO: Mayor Teresa Jacobs
—AND—
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director 
Community, Environmental and Development
Services Department

CONTACT PERSON: **Renzo Nastasi, AICP, Manager
Transportation Planning Division
Community, Environmental and Development
Services Department
(407) 836-8072**

SUBJECT: February 7, 2017 – Consent Item
Memorandum of Agreement between Orange County and the
State of Florida Department of Transportation (UCF/Alafaya
Trail Pedestrian Safety Study)

The Orange County Community, Environmental, and Development Services Department and the Public Works Department have partnered with the Florida Department of Transportation (FDOT) and the University of Central Florida (UCF) to conduct and complete the UCF/Alafaya Trail Pedestrian Safety Study (the "Study"). This Study is an INVEST Program project intended to evaluate both challenges and opportunities to improve bicycle/pedestrian safety within the Study corridor. County staff and FDOT officials have negotiated a *Memorandum of Agreement between Orange County and the Florida Department of Transportation*, which provides for understandings between the parties relative to Study-recommended improvements within the right-of-way of Alafaya Trail (SR 434). County, UCF, and FDOT staff will continue to work together to refine the recommended improvements during design, and construction will be funded through a partnership between Mayor Jacobs' INVEST Program and contributions from UCF and FDOT.

ACTION REQUESTED: Approval and execution of Memorandum of Agreement Orange County, Florida and the State of Florida, Department of Transportation (UCF Area Pedestrian Safety Study). District 5

JVW/RN:aw
Attachments

BCC Mtg. Date: February 7, 2017

MEMORANDUM OF AGREEMENT
ORANGE COUNTY, FLORIDA
and
THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION
(UCF Area Pedestrian Safety Study)

This Memorandum of Agreement (the “MOA”), effective as of the latest date of execution (the “Effective Date”), is entered into by and among the **State of Florida Department of Transportation**, an executive agency of the State of Florida having a business address located at 719 South Woodland Boulevard, DeLand, Florida, 32720 (“FDOT”) and **Orange County**, a charter county and political subdivision of the State of Florida having a business address at P.O. Box 1393, Orlando, FL 32802-1393 (“Orange County”).

WHEREAS, Orange County, in coordination with FDOT and The University of Central Florida (“UCF”), conducted that certain UCF Area Pedestrian Safety Study (the “Study”) to evaluate bicycle and pedestrian safety within the UCF area; and

WHEREAS, the Study has been completed , and Orange County has accepted the final report (the “Study Report”), which is on file at the Orange County Transportation Planning Divisions and contains recommendations for various safety measures relative to intersections, mid-block crossings, driveways, and minor roadways as well as general pedestrian safety improvements along the corridors as are referred to herein; and

WHEREAS, the Study Area, as depicted on Figure 1-1, page 1-2 of the Study, attached and incorporated herein as Exhibit “A,” is comprised of the following Study corridors: (i) that 2.6-mile segment of Alafaya Trail (aka SR 434) from McCulloch Road to Challenger Parkway (the “Alafaya Trail Segment”), (ii) that 1-mile segment of University Boulevard from Rouse Road to Alafaya Trail (the “University Boulevard Segment”), and (iii) that 1-mile segment of McCulloch Road from Alafaya Trail to North Orion Boulevard (the “McCulloch Road Segment”); and

WHEREAS, the Alafaya Trail Segment, State Road 434, is a right-of-way under the jurisdiction of FDOT; the University Boulevard Segment is a right-of-way under the jurisdiction of Orange County; and the McCulloch Road Segment is a right-of-way under the jurisdictions of both Orange County and Seminole County, Florida (“Seminole County”), with maintenance being the responsibility of Seminole County pursuant to an interlocal agreement between Seminole County and Orange County; and

WHEREAS, upon completion of preliminary design and final design plans, if sidewalks and standard landscaping are to be installed and constructed within FDOT's right-of-way of State Road 434, the Department has committed, subject to conditions set forth herein, to maintaining or funding the maintenance of the standard landscaping and sidewalk area within the Alafaya Segment; and

WHEREAS, UCF is willing to donate certain rights-of-way along Alafaya Trail, State Road 434 section, to the Department, free and clear of any and all other interests or encumbrances, for expansion of the existing sidewalk, and, subject to conditions set forth herein, FDOT is willing to contribute funds toward installation of such expanded sidewalk and to maintain the completed sidewalk; and

WHEREAS, the parties, subject to the terms and conditions set forth herein and subject to availability of funding now and in the future, and desire to establish a common understanding and approach to accomplishing these improvements and establish an understanding of future maintenance responsibilities.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Section 1. Recitals. The foregoing recitals are true and correct and are hereby incorporated herein as a material part of this MOA.

Section 2. Recommendations recognized by the parties. The parties hereby recognize the following pedestrian/bicycle safety improvements were identified in the Study Report:

A. Intersection Improvements at five (5) major intersections ("Major Intersections") as listed herein:

- 1) Alafaya Trail at Research Parkway
- 2) Alafaya Trail at Central Florida Boulevard
- 3) Alafaya Trail at University Boulevard
- 4) Alafaya Trail at Gemini Boulevard
- 5) University Boulevard at Quadrangle Boulevard

B. Mid-block crossings at two (2) locations within the Study Area as listed herein:

- 1) Alafaya Trail near Salon Drive
- 2) University Boulevard near Turbine Drive

C. Pedestrian safety enhancements and treatments along thirteen (13) minor roadways and driveways as listed herein:

- 1) University Boulevard at Wawa Driveway

- 2) University Boulevard at 4Rivers Driveway
- 3) University Boulevard at Systems Way
- 4) University Boulevard at Plaza on University Driveway
- 5) University Boulevard at Driveway between Plaza on University and Alafaya Trail
- 6) Alafaya Trail at Collegiate Way
- 7) Alafaya Trail at Driveway immediate after Collegiate Way
- 8) Alafaya Trail at Pasteur Drive
- 9) Alafaya Trail at Darwin Drive
- 10) Alafaya Trail at Mendel Drive
- 11) Alafaya Trail at Walden Woods Drive
- 12) Alafaya Trail at Alafaya Commons Circle
- 13) Alafaya Trail at MacKay Boulevard

D. General pedestrian safety improvements and enhancements throughout the Study corridors, including pedestrian lighting, UCF/pedestrian-scale branding/way-finding signage, and evaluation of possible expansions to the existing LYNX bus and UCF shuttle services.

Section 3. Commitments by Orange County. County commits to the following improvements as described herein:

A. County shall, utilizing County for the west side and UCF funding for the east side, construct and install improvements at four Major Intersections along the Alafaya Trail Segment as listed herein:

- Alafaya Trail at University Boulevard
- Alafaya Trail at Gemini Boulevard
- Alafaya Trail at Research Parkway
- Alafaya Trail at Central Florida Boulevard

Intersection improvements may include, but shall not be limited to, increased pedestrian landing pads, pedestrian lighting, reduced curb radii, textured/colorized pavement crosswalks, signalization upgrades (including new mast arms, if applicable, appropriate and authorized), mobilization, maintenance of traffic, and milling and resurfacing of roadway approaches.

B. Utilizing funding from UCF and subject to the Department's jurisdiction and control over State Road 434, including the Department's review processes, the County, shall consider, installation of two signalized mid-block crosswalks (which may include

pedestrian lighting and textured/colored crosswalks) within the Study Area as listed herein:

- Alafaya Trail near Salon Drive
- University Boulevard near Turbine Drive

C. If the signalized mid-block crossings are requested by the County, and after review by the Department the signalized mid-block crossings are permitted by the Department, the County shall, subject to permit conditions and approval, construct two signalized mid-block crosswalks at County expense.

Section 4. Commitments by FDOT. FDOT commits to timely review all plans and work requested to be performed on improvements within State Road 434 right of way. If the Department's review process leads to the Department being willing to issue a permit, any such permits will be issued at no cost to Orange County. Additionally, FDOT agrees to consider:

A. Installing and maintaining pedestrian scale lighting along the west side of the State Road 434, Alafaya Trail Segment.

B. Maintaining and funding the installation of, sidewalks and standard traffic-related signage within the FDOT right-of-way of State Road 434 along both the west and east sides of the Alafaya Trail Segment. Any such sidewalk constructed by the Department within State Road 434 right-of-way will be maintained by the Department.

Nothing herein shall be deemed to be a commitment by the Department to the payment of funds nor a commitment to issue a permit or to otherwise allow changes, improvements, or modifications of State Road 434. Said funding, permit issuance, or agreement to allow changes, improvements, or modifications will require a binding, written agreement by the Department.

The Department's performance and obligation to pay under this agreement is contingent upon annual appropriation by the Florida Legislature. The parties agree that in the event funds are not appropriated to the Department for any of the commitments made herein or for the Project, this Agreement may be terminated, which shall be effective upon the Department giving notice to the parties hereto to that effect.

Additionally, pursuant to Section 339.135(6)(a), Florida Statutes, the Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The Department shall require a statement from the Comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent

the making of contracts for periods exceeding one (1) year, but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid for in succeeding fiscal years; and this paragraph shall be incorporated verbatim in all contracts of the Department which are for an amount in excess of \$25,000.00 and which have a term for a period of more than one (1) year.

Section 5. Mutual Cooperation regarding landscaping. If necessary, the parties will mutually amend that certain Master Agreement between County of Orange and the Florida Department of Transportation for State Road Right-of-Way Landscape Maintenance (the "Landscaping Agreement"), as amended, to address County's additional responsibility along the Alafaya Trail Segment between University Boulevard and McCulloch Road.

Section 6. Validity. Orange County and FDOT each represents to the other its authority and power under Florida Law to enter into this MOA, acknowledges the validity and enforceability of this MOA, and waives any future right of defense based on any claim of illegality, invalidity, or unenforceability of any nature.

Section 7. Effective Date. This MOA shall take effect upon the date of the last signature.

[Signatures appear on following pages]

IN WITNESS WHEREOF, the Parties hereto have executed this Memorandum of Agreement on dates set forth below.

ORANGE COUNTY

BY: BOARD OF ORANGE COUNTY COMMISSIONERS

By: *Teresa Jacobs*

Teresa Jacobs

Orange County Mayor

Date: *February 7*, 2017

Attest: Phil Diamond, Orange County Comptroller
As Clerk of the Board of County Commissioners



By: *Lakela Christian*

Deputy Clerk

Lakela Christian

Printed Name

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By:  _____

Name: Frank O'Dea

Title: Director of Transportation Production

Date:  2/22/17, 2017

Attest:  _____
Executive Secretary

Legal Review:  _____

Exhibit A

Depiction of Study Area

