

# ***Metro Dade County Plans For Transportation Needs***

**By Bill Swinford and Roger Doucha**

Metro-Dade County's Transportation Improvement Program is a long term plan to obtain or build the means to move people in and about a county larger in size than Rhode Island or Delaware.

Public transportation in recent years has taken on a new meaning for planners, government leaders and especially for the users: those without transportation of their own and commuters. Public transportation in many of the nation's older cities generally met the need; albeit troubled by strikes and funding problems. But in Miami, as in many other younger cities chiefly in the sunbelt, dependence on the private automobile and the abundance of cheap fuel to power them kept public transportation in the Dark Ages.

Dade County has a bus system, and for years it was adequate for a community whose main occupation seemed to be catering to tourists and vacationers. But, as Miami and the rest of Metro-Dade grew to something more than Miami Beach's mainland, the buses and the streets and highways on which they traveled became inadequate.

During the decade of the '60s, Dade County grew by 35 percent; six times as fast as the rest of the country. Today, more than four million trips are made every working day, and most of those are on roads and expressways designed to handle only half that number. Interstate 95 through Metro-Dade was designed to handle a maximum of 96,000 cars a day. Today, more than double that number are using I-95.

In 1972, Dade Countians rejected 72 miles of proposed expressways as a solution to the chaos. Instead, the Transportation Improvement Program was initiated with the passage of the Decade of Progress Bond referendum. As a result, parks, sewers, a new zoo, hospitals, a new library/museum cultural center . . . and transportation all became part of a new plan for Metro-Dade County.

The transportation elements of this new plan were placed under the jurisdiction of a newly formed county department, the Office of Transportation Administration

(OTA), under the direction of Dr. John A. Dyer. A Transportation Improvement Program (TIP) was formulated and put into action. The largest element of the TIP, Metro-Dade's rapid transit system, METRORAIL, will link both the suburban areas to the south and northwest sections such as Liberty City and the City of Hialeah with Downtown Miami in 1984.

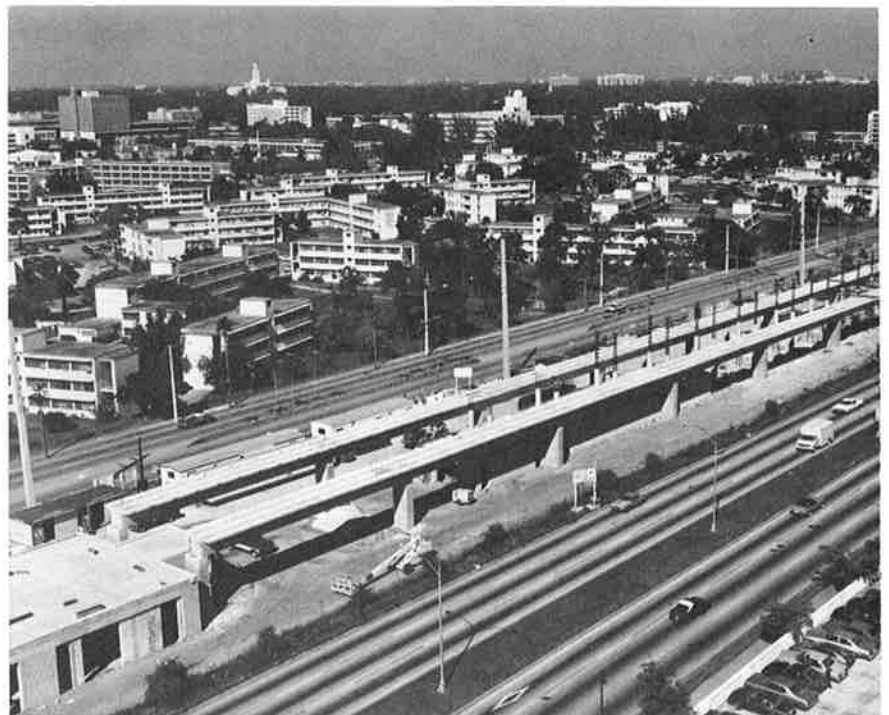
Another part of the Transportation Improvement Program is the Downtown Component of METRORAIL. The initial 1.9 mile elevated loop will distribute passengers arriving at the Government Center station throughout the central business district. This will reduce present and future traffic congestion and pollution. The Downtown Component was until recently called the Downtown People Mover; but because it is an integral part of the total Transportation Improvement Program, and because it connects with METRORAIL at the Government Center Station, it has been renamed the Downtown Component

of METRORAIL. Initial funding, previously designated by the Carter administration, was included in the Reagan budget.

The other key element in Metro-Dade's effort to move people is the expansion and upgrading of its surface transportation—METROBUS. There are now 550 buses in the fleet, but that number is scheduled to reach 1,000 in 1984. The expanded service will open new routes and provide a feeder service for the 20 METRORAIL stations. A recent purchase of 260 Advanced Design General Motors RTS II model buses has already helped to upgrade the program.

Stage One of METRORAIL, consisting of a 21 mile elevated guideway, is under construction. The first of 2,330 double-tee girders on which rail will later be placed have been lifted into position atop 16 foot support piers at University Station, adjacent to the University of Miami.

The largest public works project in the history of Metro-Dade, this project will en-



**Placement**—METRORAIL's 21-mile guideway begins to take shape as the placement of the first 2,330 double-tee girders is completed at the University Station site adjacent to the Coral Gables campus of the University of Miami (background).

compass 20 stations, 21 miles and will cost \$867 million. The program has been threatened by a rapid transit repeal referendum, a tax slashing referendum, and most recently, scare news out of Washington from newly installed budget cutters. But the construction crews continue to build, despite the threats, and the many problems involved.

Like any modern transit system starting from scratch, METRORAIL was planned to take the line of least resistance: Public and dedicated private right-of-way. Although the various METRORAIL alignment alternatives and station sites were debated and finally selected through a long series of public meetings, right-of-way access was a prime consideration during that meeting process.

The route finally selected follows a long section of the Florida East Coast railroad right-of-way paralleling U.S. 1 (South Dixie Highway) to the south, and the median areas of several principal thoroughfares to the north. But because a transit system does not always travel on a straight line, because its guideway must form curves, because access areas and parking facilities are needed at the stations, and because the entire system requires yards and shops to maintain equipment, additional properties are needed.

The Office of Transportation Administration's Real Estate and Development Group has been working to acquire more than 600 parcels. The task is tremendous, as is the budget: \$86 million, or almost 10 percent of the total METRORAIL budget.

Their job has been complicated by Florida's unique condemnation regulations. Florida is the only state in the country which requires that the condemning authority pay the attorney's fees and costs for the property owner in eminent domain proceedings. According to OTA Real Estate Assistant Director, Larry Boatman, this situation encourages a slowdown of the process.

"In practice, what is happening to us is that our real estate negotiators make offers to property owners based on approved appraisal values. After one or more sessions, the negotiator knows whether the appraisal price will be accepted, or if a somewhat higher price is necessary to reach agreement. In cases where amounts above an approved appraisal, known as administrative settlements, are the basis for the purchase, the

county must get Federal approval prior to finalizing the deal. In the interim, the property owner may seek the advice of an attorney. It has been our experience that once an attorney is involved, a court proceeding is usually the result. This is because the property owner is advised that he or she cannot get less than the approved appraisal, that the county must pay all attorney's fees and costs, and that he or she is entitled to a jury trial on the value of the parcel. Thus, the effect is that the county is subsidizing the cost of legal services, the cost of court proceedings and is delayed in acquiring the property until a hearing date can be obtained."

The precedent for paying court costs was established by the Florida Supreme court in 1959. The additional costs for this process often amount to more than 35 percent of the total cost for each parcel involved in condemnation.

The changing face of Metro-Dade County has also caused complications in the acquisition program. Population changes have resulted in a serious shortage of housing units, thus slowing acquisition and relocation efforts by OTA's Real Estate Office. Boatman views with gravity the housing situation slowing OTA's ability to relocate residential families.

"No community in the country has experienced 150 thousand refugees moving in within the space of six months," he observed. "This," he added, "has height-

ened the demand in an already very intensive real estate market for any type of residential units; whether it be rental, sales, low, middle or high income. What's happened is that rental apartments in the county have had less availability over the last two years than at any other time in the past: Less than 1 percent. And at the same time the average rent has increased by 24 percent during the last year."

A similar situation exists in the sales housing market.

"We're buying these substandard houses along the northern corridor in the more economically depressed areas of the county and we're paying 20 to 30 thousand dollars for each unit; but replacement values for decent safe and sanitary housing are running 50, 60 and 70 thousand dollars or even more," Boatman explained. "Now that makes it very difficult to do what is mandated by Federal Law: Find replacement housing at a comparable price. We are allowed by Federal law to pay up to \$15,000 above the purchase price for replacement housing. We fine ourselves paying the maximum in most cases and there is still a shortfall."

Commercial relocations are another difficult matter, particularly where the yards and shops will be located at the northwest end of METRORAIL. Heading the list is an exotic pet store and a chemical plant that deals with biological wastes and requires special environmental permits.



**Double-Tee**—One hundred tons of double-tee girder is swung into position before being lifted atop two of METRORAIL's guideway piers in South Miami.

The standard approval process for acquiring a property is also time consuming. Most transportation properties are run by an authority which has its own separate board, appointed or elected, and is given certain broad powers, some of which deal with acquisition. In Metro-Dade County, to acquire property, each individual parcel, be it a two-foot strip or a 10-acre site, requires a resolution from the Metro-Dade Board of County Commissioners.

Boatman pointed out, however, that often the Commission will pass a resolution containing 10 or 12 parcels. But the Commission action, with all the time and paperwork necessary to request that action, can be a lengthy process. Before the Commission resolution can be enacted, the OTA Real Estate Office carries out the involved paperwork. Boatman outlined the steps:

"First of all a property is certified by construction engineers and land surveyors. This step identifies the minimum rights to a particular property that are required for system construction; whether it be fee simple title, a partial acquisition, an aerial

easement, a permanent foundation easement, or what have you.

"The second step is to research the title history of the property to find out who you're dealing with; who are all the people who may have rights in that property.

"The third step is to appraise the property and establish just compensation.

"And finally, you get authorization from the Board of County Commissioners in the form of a resolution to purchase that property of the appraised value. By local ordinance, the acquisition staff is also allowed to offer property owners up to 10 percent over the approved appraisal, the administrative settlement.

"If for one reason or another something is changed, there is a counter offer from the property owner, an updated appraisal is brought in, a modification to the certification on the property, the engineers decide we need more or less of a parcel, then we have to go back through the process; and that's time consuming because it takes about four months to complete the process.

"In certain instances, concurrence is

also needed at the authorization step from the Urban Mass Transportation Administration (UMTA) if property is valued at more than \$250 thousand or an administration settlement is involved."

The next step, explained Boatman, is the preparation of an offer package which includes a statement of just compensation, a breakdown of the elements that make up the value of the property, and a standard purchase agreement which outlines the rights that are being acquired. This, together with a legal description and sketch of the property and a cover letter from the OTA Real Estate Director, John Spillman, is hand carried to the property owner by the acquisition officer who is handling the case and the offer is made.

"Bringing those four steps together, certification, title search, appraisal, and authorization should be carried out in a pretty straight forward manner," said Boatman. "But it has been a slow process in the past."

Boatman says that appraisals outstripped acquisition in the past, and now his people are dealing with old appraisals

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and in most cases have to begin the process anew.

"That's the key; good up-to-date appraisals. If you're dealing with good appraisals then you've got a lot better chance to negotiate a settlement on the property. But if I come in and offer you an amount which you think is low and you begin to question me about when the appraisals were done, and you realize that I'm coming in with a year old value, and you're looking at the market around you and watching prices go sky high, and you see your tax assessments come in higher every year, you just won't accept that offer."

Boatman's office is now considering counter offers, and if they deem them reasonable and justified OTA will go back to the County Commission and seek permission to acquire at the counter offer prices; even if it means taking on that dollar amount locally if UMTA does not concur with deviating from the appraisal. OTA feels there are savings in the long run because the ultimate differential will most likely be less than going the condemnation route.

But condemnation often is necessary because construction must be kept on schedule to meet METRORAIL's 1984 revenue service opening. But this too takes time; and although UMTA requires a good faith effort, Boatman still hopes to shorten the time frame.

"We want to make a good faith effort," stressed Boatman, "but because of time constraints we're going to have to shorten the negotiation time; we're going to have to make an offer to the property owner and follow that pretty quickly with a yes or no answer from the property owner. If the answer is no, or the counter offer is unreasonable, we will go ahead and submit the case to the county attorney for condemnation. We can still continue negotiation with the property owner, but to get the wheels turning I need to have 200 properties by the end of the year. So I'm either going to get them through negotiations or I'm going through condemnation. Our present track record on acquisition is about 35 percent by condemnation, and I think that figure will increase in the next year.

"The way the condemnation process works is that we're allowed to use what is called a quick take. As soon as we file a case our county attorney schedules an

order of taking hearing. At that point, the property owner can challenge the County's right to take, but normally they don't, because we have very clear condemnation powers. Need is not usually the issue; value is the issue.

The court establishes a value date, or day of deposit which occurs about 20 days following the order of taking hearing. At that point, we deposit the appraised value as of that date in the court registry and take title to the property. The property owner is then given a minimum notice of 90 days to relocate, but we are flexible on that and can give leeway depending on construction schedules. Later, whenever we can get on the court calendar, a jury trial is scheduled to set the actual value of the property. Then you either add to or deduct from what's been deposited in the court registry, pay the property owner and close out the case.

"The point of all this is that we have had title and possession of the property all this time."

Because acquisition has become a slower process than first anticipated some line section contracts have been split. Additionally, some stations and their parking areas have been divided into two contracts. But the emphasis is now on line section acquisition because that is the main thrust of the construction contracts, particularly along the north corridor.

In looking at the schedule, Boatman says, "What's occurring is that the contractor is being forced to stage his work based on right-of-way availability. He is working on the public right-of-way first and on private property last. We are providing the construction management office with a parcel by parcel estimated availability date which are in turn included as addendum to the construction contracts.

"The ideal situation, of course, is that you give the contractor a certificate of clearance on the whole project on day one, and let him build. But we can't do that. We don't actually establish a staging plan; we just constrain him in certain areas.

"Now if we reach a point in the project where he has reached those availability dates and we still can't make the property available to him, then he has the right to file claims against the county.

"It's no unique problem. They are doing the same thing in Atlanta (Metropolitan Atlanta Rapid Transit Authority) and it has

worked well there. But it is incumbent upon us to do an awful lot of acquisition between now and the end of the year; about 200 of the 400 remaining parcels. We've got 60 percent to 70 percent of the right-of-way in hand at this point in time, but we need to nail down those 200 parcels to keep on schedule.

Boatman cited the lack of use of the condemnation process as a past problem in OTA's Real Estate Office. This, together with a lengthy appraisal to closing gap, and the lack of coordination of the documentation work, has put the acquisition program off schedule. Although problems from the past have plagued the acquisition program, current efforts are rectifying this problem and no construction delays have resulted from real estate not being available.

**Peter Doucha** is Assistant Director of Public Affairs, Office of Transportation Administration, Metro Dade County, Florida. He has a B.A. degree from the University of Wisconsin-Milwaukee in Education. Before joining Metro Dade County, he was in TV News in Greenbay, Wisconsin, and Miami, Florida.

**William Swinford** is Director of Public Affairs, Office of Transportation, Metro Dade County, Florida. He has a B.A. degree in Speech from Culver Stockton College, Canton, Missouri, and he worked for MARTA in Atlanta, Georgia, and UMTA, in Washington, D.C. before joining Metro Dade County.

## **IR/WA Salutes**

**Gideon Kanner**

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Professor Kanner is on the faculty of the Loyola University School of Law and he is the publisher of *Just Compensation*, a monthly report on court decisions on eminent domain, inverse condemnation and relocation assistance. For information on *Just Compensation*, write: P.O. Box 5133, Sherman Oaks, CA 91403.