



www.city.milwaukee.gov

Office of the City Clerk

Ronald D. Leonhardt
City Clerk

Jim Owczarski
Deputy City Clerk

May 11, 2010

Grant F. Langley
City Attorney
Room 800, City Hall

Dear Mr. Langley:

On May 4, 2010, the Common Council adopted File 091610, directing the City Clerk to contract for consulting and lobbying services related to the planning, design and construction of the Downtown Streetcar Circulator project. Your assistance is requested in drafting an appropriate agreement between the city and the proposed consultant for the use of these funds and appropriate reporting of activities and progress to the Common Council. The desired completion date for these services is December 31, 2010.

Attached you will find:

- a) A copy of File 091610.
- b) The prospectus which was attached to the file.
- c) A proposal for services from Jeffrey F. Boothe.
- d) Mr. Boothe's professional resume.

If your office needs any further information to prepare this agreement, please feel free to contact me. Thank you.

Sincerely,

Ronald D. Leonhardt, City Clerk

Cc: Ald. Robert Bauman
✓ File 091610

[rdl/council/boothe agreement.doc](#)



Legislation Text

File #: 091610, Version: 3

Number

091610

Version

SUBSTITUTE 3

Reference

Sponsor

ALD. BAUMAN

Title

Substitute resolution directing the City Clerk to contract for consulting/lobbying services.

Analysis

This resolution directs the City Clerk to contract up to \$24,000 from the City Clerk's professional services account for consulting/lobbying services related to the planning, design and construction of the Downtown Streetcar Circulator funded in part by the \$54.9 million in federal transportation funds which Congress has appropriated to the City of Milwaukee.

Body

Whereas, \$91.5 million in federal transportation funds for Milwaukee local transit projects have remained unspent since 1991; and

Whereas, As part of a federal omnibus bill signed by the President on March 11, 2009, Congress appropriated \$54.9 million of those funds to the City of Milwaukee for a downtown streetcar line and appropriated \$36.6 million to Milwaukee County for buses; and

Whereas, Since March, 2009, the City of Milwaukee has been engaged in the planning and design of the Downtown Streetcar Circulator under the jurisdiction of the Federal Transit Administration which is the federal agency that oversees the expenditure of federal transit funds including the \$54.9 million appropriated to the City of Milwaukee; and

Whereas, It would be in the best interest of the City of Milwaukee to employ a lobbyist/consultant experienced in dealing with the Federal Transit Administration to assist the City of Milwaukee in the planning, design and construction of the Downtown Streetcar Circulator and, in particular, advising the city on the most prudent and expeditious use of the \$54.9 million; and

Whereas, Additional funding opportunities have arisen and will arise which would enable to the City of Milwaukee to expand the size and scope of the Downtown Streetcar Circulator and a lobbyist/consultant experienced in dealing with the Federal Transit Administration would assist the City of Milwaukee in securing those additional funds; and

Whereas, The funds for lobbying/consultant services shall come from the City Clerk professional services account to ensure Common Council participation in the lobbyist/consultant's activities; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that up to \$24,000 shall be appropriated from the City Clerk's professional services account for lobbying services related to the development

of a downtown streetcar line, and that the City Clerk is directed to enter into a contract for such lobbying services in accordance with the prospectus for scope of services attached to this file.

Requestor

Drafter
LRB10139-3
MET

Transportation Federal Lobbying Prospectus

The City of Milwaukee Common Council is seeking an experienced professional lobbyist to represent the City in dealing with the Federal Transit Administration related to developing a downtown streetcar line in the City of Milwaukee. Activities will include presenting policy recommendations to the Federal Transit Administration and other federal government agencies and officials; monitoring legislation and policy as it pertains to transportation programs and administration; and securing public sector funding.

Specific to dealing with federal transportation issues, the lobbyist must have demonstrated experience lobbying the Federal Transit Administration, sound knowledge of public policy, clear understanding of the legislative process, solid political networks, knowledge of key agency programs and staff, familiarity with current federal transportation programs and issues, effective communication skills, and a successful track record in securing federal appropriations on behalf of public sector clients.

Scope of Work: Lobbyist

The lobbyist will interact with the Federal Transit Administration and be responsible for monitoring, identifying and prioritizing opportunities and challenges for the Common Council with respect to expenditure of federal funds already allocated for a downtown streetcar line and obtaining additional federal funding to support the line.

Activities may include:

1. Develop and implement strategies to increase federal funding for a downtown streetcar line.
2. Identify and act appropriately on federal legislative proposals that may impact on a proposed downtown streetcar line in the City of Milwaukee.
3. Lobby Federal Transit Administration officials relating to the Common Council's position on federal transportation legislation, support for additional federal funding to support a Milwaukee downtown streetcar line, and other matters of interest.
4. Draft legislation, appropriation requests and amendments, as necessary.

5. Provide assistance to Common Council members and staff in arranging and conducting visits and meetings with Federal Transit Administration officials.
6. Maintain close working relationships with the Common Council's staff and in-house lobbyists.
7. Provide regular briefing reports for the Common Council on key issues and legislative activity.

rdl.trans prospectus-1

Holland & Knight

2099 Pennsylvania Avenue, N.W., Suite 100 | Washington, DC 20006 | T 202.955.3000 | F 202.955.5564
Holland & Knight LLP | www.hklaw.com

Jeffrey F. Boothe
202 628 1896
jeff.boothe@hklaw.com

Memorandum

Date: April 8, 2010

To: Robert J. Bauman

From: Jeffrey F. Boothe

Re: Proposal for Services

This memorandum is intended to follow-up our meeting on March 16th in Washington, DC and subsequent e-mails requesting that I prepare a scope of services to assist the city of Milwaukee.

Initial Phase of the Engagement

Per our conversation, I understand the need of the city to develop a project advancement and approval strategy with the Federal Transit Administration (FTA) to advance the streetcar project in light of the provision by Congress of \$54.9 million in the Interstate Construction Estimate (ICE) program. It is my understanding that the project is not yet in the New Starts program and the request of \$24.99 million through the Urban Circulator program would enable the project to remain outside of the New Starts project rating and evaluation process. However, given the total cost of the project, FTA may seek to apply some elements of the New Starts project review process to the project.

Per your e-mail, the current need of the city of Milwaukee is to reach agreement with the FTA regarding what actions are necessary at the local level to advance the project into preliminary engineering (PE), to enter into agreement with FTA regarding the scope of environmental review under the National Environmental Policy Act (NEPA) and to secure agreement with FTA to allow the project to proceed utilizing a design-build contract. This scope would include a visit to Milwaukee to tour the project and meet with individuals familiar with the project to educate me regarding the alignment, environmental issues, initial engineering issues and the status of local match for the federal funds. I would also request any project related documents prepared to-date in support of the request to enter into PE so that I could review what has been submitted to FTA in support of the request. I propose fees of \$20,000 plus the following expenses for this phase of the engagement: air travel to Milwaukee, per approval of the city; hotel, travel and meals while in Milwaukee; and, any copying expenses, phone calls and local travel while in Washington, DC.

Services Not Covered Under this Phase of Engagement

This scope does not include negotiation of a Project Development Agreement (PDA), Project Construction Grant Agreement (PCGA), Full Funding Grant Agreement (FFGA) or comparable

April 8, 2010

Page 2

grant agreement with the FTA. This would be covered by a subsequent engagement with the city of Milwaukee.

Potential Services to be Provided Under a Future Engagement

The proposed scope does not cover the services set forth below. We would like to discuss which of these services would be of assistance to the city of Milwaukee subsequent to approval into PE. We would structure a proposal per your need. Moreover, whether the engagement is directly with the city or through the entity selected by the city for the next phase of project development would be determined by the city and dictated by the services requested. For example, if the subsequent scope includes legislative or agency advocacy services, these services should be provided under a direct engagement with the city for lobby compliance purposes.

- **Federal Transit Administration** - I work extensively with both career and political staff at the FTA to resolve project related issues as the project advances through the Small Starts/New Starts process or the parallel process that FTA may establish given the unique nature of the federal funding for the project. I would set up meetings with the Administrator and career staff for the city, as appropriate, and present issues and potential resolution of those issues as the project winds through the FTA project review process. I have also negotiated several Full Funding Grant Agreements for transit properties.
- **Procurement** – We have negotiated several design-build or similar contracting arrangements for projects funded by the Federal Transit Administration and have extensive knowledge of the FTA procurement requirements that apply to those contracts.
- **Identify Federal Funding Opportunities** – As we discussed, there are emerging funding opportunities at the federal level. In addition to New Starts/Small Starts funding, we are seeing more opportunities to apply for grants at the Department of Transportation (DOT) through the TIGER program, at FTA since Congress does not earmark all of the New Starts/Small Starts monies, and at the Department of Housing and Urban Development (HUD) with the emerging focus on livability and sustainability that takes the form of integrated housing and transportation planning as well as challenge grants to areas willing to make hard choices to locate transit, affordable housing, greater densities, parking limitations and adopt zoning ordinances. We are able to both identify and then help the City position the project to secure funding as these opportunities emerge.
- **Legislative** – To the extent necessary, we are able to educate Congressional staff about the New Starts/Small Starts program and be your advocate with them on behalf of the project. On behalf of the New Starts Working Group, I prepared a 40 page guide titled, *Congressional Staff Handbook on New Starts*, that walks Congressional staff through each stage of the New Starts/Small Starts process, explains the process, explains the terms used by FTA and outlines where and how their Member of Congress or Senator should engage the FTA on behalf of the project. If additional funding is needed, we can assist the city to seek project funding through annual earmarks, the surface transportation authorization, or annual grant opportunities announced by federal agencies.

Jeffrey F. Boothe represents public and private sector clients in the area of federal transportation law. He has substantial experience in representing public transit authorities and metropolitan areas through the Federal Transit Administration ("FTA") approval process for new start projects, on matters relating to federal transportation policy and legislative and regulatory affairs, and transit oriented development.

Mr. Boothe earned a B.A. from Stanford University in 1977 and is a 1987 graduate from George Mason University Law School. Prior to graduation from law school, he served as a legislative assistant to Senator Mark O. Hatfield (R-OR) and as a professional staff member on the U.S. Senate Appropriations Committee.

Mr. Boothe is an active participant in several organizations that work with Congress and the federal agencies in the formation of surface transportation policy. Since 1995 he has chaired the New Starts Working Group ("Working Group"), which is a coalition of transit properties, cities and private sector companies which actively support expansion of federal funding for the construction of mass transit rail projects. The Working Group is extremely active in developing federal policy to ensure that growing metropolitan areas retain a broad array of surface transportation options to respond to concerns regarding climate change, transit oriented development, and promoting economic development to improve the quality of life for local citizens. The Working Group has also been active in shaping the FTA criteria for evaluating new start and small start projects.

He also serves as Executive Director of the Community Streetcar Coalition ("CSC"). The CSC is an organization of cities, transit authorities and architectural and engineering firms established to affect federal legislative and regulatory issues that impact the funding and advancement of streetcar projects nationwide. He served as counsel to the first transit oriented development project in Portland, Oregon, worked intimately on the statutory and regulatory framework for FTA's transit oriented development ("TOD") policies, and has represented clients seeking to use federal funds to undertake TOD projects.

He is an original board member and current vice chair of Reconnecting America, which was created to provide to promote an intermodal transportation to addressing the nation's transportation needs. Reconnecting America also houses the Center for Transit Oriented Development that is a leading industry voice in support of linking transit, housing and development at the local level and in Federal policy actions. He is a board member for the Center for Transportation Excellence, which was established to assist local areas to respond to transit critics and conduct successful elections for transit ballot initiatives.

He has substantial experience in representing public transit authorities to secure FTA bus and rail project approval. Specifically, he has been actively involved in working with Congress, the FTA, elected officials, transit authorities and business leaders in developing strategies to secure FTA approval for the following fixed guideway projects that are either completed and open for revenue service or that are currently under construction:

- Portland Banfield Light Rail Project (1986)
- Portland Westside Light Rail Project (1998)
- Portland Airport MAX Project (2001)
- Portland Interstate Avenue Project (2004)
- Sacramento Southline Phase I (September 2003)
- Washington Metropolitan Area Transit Authority Rail Car Acquisition (2006)
- Charlotte South Corridor Light Rail Project (November 2007)
- Norfolk Light Rail Project (Fall 2011)

He has substantial experience at the project level working with project teams to help transit authorities and other project sponsors navigate the FTA New Starts and Small Starts requirements and develop successful approaches to secure FTA project approvals. He is currently working as part of project teams on the following projects to assist them in advancing through the FTA project approval process:

- Sacramento Southline Phase II
- Grand Rapids BRT Project
- Grand Rapids Downtown Streetcar Project
- Northern Indiana Commuter Rail District Southshore Extension
- West Sacramento - Sacramento Streetcar Project
- MARTA General Planning (several project corridors)
- Columbus Light Rail/Streetcar Project
- Detroit Woodward Avenue Light Rail Project
- Tampa Regional Rail Project
- Lansing Alternatives Analysis

Mr. Boothe has been instrumental in developing comments and leading industry efforts in response to the 2007 FTA published a Notice of Proposed Rulemaking (NPRM) regarding Major Capital Projects which sought to implement changes made to the New Starts program in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). He led industry opposition to those proposed changes that resulted in Congress blocking any funding to FTA in the FY 2008 and FY 2009 Transportation, Housing and Urban Development Appropriations Acts to advance to a final rule.

He was elected in 2005 to serve on the American Public Transportation Association ("APTA") Business Member Board of Governors. He is also an active member of the APTA Legislative, Legal Affairs and Policy and Planning Committees; the Major Capital Investment, Environmental and Land Use and Development Subcommittees; and the Surface Transportation Authorization Task Force.