

**MINUTES
STATE TRANSPORTATION BOARD**

**DEPARTMENT OF TRANSPORTATION
600 West Peachtree Street
Atlanta, Georgia 30308**

January 21, 2010

9:00 a.m.

BOARD MEMBERS IN ATTENDANCE:

Bill Kuhlke, Jr., Chairman
Roy Herrington
Robert L. Brown, Jr.
Johnny Floyd
Emory McClinton
Brandon Beach
Rudy Bowen
Sidney Ross
Steve Gooch
David Doss
Bobby Parham
Dana Lemon

BOARD MEMBERS ABSENT:

Sam Wellborn

DOT STAFF IN ATTENDANCE:

Commissioner Vance Smith
Gerald Ross, Deputy Commissioner/Chief Engineer
Elizabeth Osmon
Kate Pfirman

Chairman Bill Kuhlke opened the meeting at 9:05 a.m.

Rudy Bowen gave the invocation.

Chairman Kuhlke asked for a motion to approve the minutes from the December 2009 meetings. David Doss made a motion to approve the minutes from the December 2009 meetings, seconded by Roy Herrington and unanimously approved.*

Genetha Singleton, Program Control Administrator, presented the projects proposed for the February 2010 Letting for approval. Chairman Kuhlke asked for a motion to approve. Robert Brown made a motion to approve the projects proposed for the February 2010 Letting, seconded by Johnny Floyd and unanimously approved.*

Todd Long, Director of Planning, presented the proposed revisions to the Construction Work Program for January 2010 for approval. Chairman Kuhlke asked for a motion to approve the proposed revisions to Construction Work Program for January 2010. Dana Lemon made a motion to approve the proposed revisions to the Construction Work Program for January 2010, seconded by Roy Herrington and unanimously approved.

Todd Long stated that there were no proposed revisions to the Construction Work Program for February 2010.*

Earl Mahfuz, P3 Program Director, gave a presentation on the Final P3 Rules. Earl Mahfuz stated that the Final P3 Rules were approved by the House Transportation Committee and the Senate Transportation Committee on January 14, 2010, which included changes from House and Senate Transportation committees. Earl Mahfuz also stated that the Legislative Transportation Committees requested that the State Transportation Board accept the rules and adopt the resolution stating that these changes be implemented as soon as possible.

Earl Mahfuz presented the following resolution regarding the Rule Making Process for P3 for approval from the Board. Chairman Kuhlke asked for a motion to waive the 10 Day Rule to approve the following resolution. David Doss made a motion to waive the 10 Day Rule for the following resolution, seconded by Roy Herrington and unanimously approved. Chairman Kuhlke asked for a motion to approve the following resolution. David Doss made a motion to approve the following resolution, seconded by Johnny Floyd and unanimously approved.

Resolution

WHEREAS, the State Transportation Board's approved Mission Statement is:

"The Georgia Department of Transportation provides a safe, seamless, and sustainable transportation system that supports Georgia's economy and is sensitive to its citizens and environment"

and the Vision Statement is: *"Keep Georgia moving with quality transportation"*; and

WHEREAS, the General Assembly enacted Senate Bill 200 which was signed into law on May 11, 2009, and which amended Title 32 to allow the Department to enter into public private partnerships through a solicitation process that would provide for identifying and constructing projects with private investment; and

WHEREAS, Senate Bill 200 authorized the department to promulgate reasonable rules or regulations to assist in its evaluation of the submitted proposal(s) and to implement the purposes of the law. It further required that the department report the content of such rules or regulations to the Transportation Committees of the Senate and House of Representatives for their approval by majority vote prior to the promulgation thereof and shall make quarterly reports to the same chairpersons of all of its activities undertaken pursuant to the provisions of this Code section.

WHEREAS, in accordance with the provisions of Senate Bill 200, on January 14, 2010, the Department provided a report to the Senate and House Transportation Committees regarding the final provisions of the Department's Rules and Regulations Governing Public-Private Partnership, Chapter 672-17, ("Department Rules"); and

WHEREAS, both the Senate and the House approved the Department's Rules which will allow the Department to close the rule making process and forward the rules as passed by the State Transportation Board to the Secretary of State's office for finalization; and

WHEREAS, the Senate and House directed the Department to provide to the State Transportation Board a list of their respective concerns for the Board to address when it reopens the Official Rule Making Process.

NOW, THEREFORE BE IT RESOLVED that the State Transportation Board agrees that it will reopen the Official Rule Making Process for Chapter 672-17 of the Public-Private Partnership as expeditiously as possible in order to address the concerns of the Senate and House as follows:

1. Any changes to the Chapter 672-17 of the Department Rules governing Public-Private Partnership must be presented to both the House and Senate Transportation Committees for consideration and approval prior to adoption by the State Transportation Board.
2. Any changes to the Public-Private Partnership Guidelines must be approved by the State Transportation Board.
3. The second sentence of subsection (7) of Section 672-17-.04 will be changed from:
"Further, the Department shall hold at least one public hearing prior to the expiration of the period for receipt of public comments, which **may** be held in **a** county where the Project, or portion thereof, is located."

to:

"Further, the Department shall hold at least one public hearing prior to the expiration of the period for receipt of public comments, which **shall** be held in **each** county where the Project, or portion thereof, is located."

Adopted by the State Transportation Board this 21st day of January, 2010.

Sandra Burgess, General Counsel, gave a legal update, which included civil actions, mediations and ante-litem notices. Sandra Burgess also stated that Douglas Asphalt case is set for motions on February 10, 2010, Georgia Supreme Court.

Commissioner Vance Smith gave his monthly report, which included state fund collections; total employment figure ending December 31, 2009; major projects open to traffic; ARRA 2009 stimulus project update and January 2010 weather report emergency operations.*

Commissioner Smith also requested that the Board waive the 10 Day Rule and approve the following Bond Resolution. Chairman Kuhlke asked for a motion to waive the 10 Day Rule to approve the following Bond Resolution. Roy Herrington made a motion to waive the 10 Day Rule to approve the following Bond Resolution, seconded by Robert Brown and unanimously approved. Chairman Kuhlke asked for motion to approve the following Bond Resolution. Johnny Floyd made a motion to approve the following Bond Resolution, seconded by Dana Lemon and unanimously approved.

Resolution

WHEREAS, pursuant to joint resolutions adopted by the State Transportation Board (the "**Board**") and the State Road and Tollway Authority (the "**Authority**") and resolutions adopted by the Authority and by the Georgia State Financing and Investment Commission (the "**Commission**"), the Authority (i) previously issued and delivered \$350,000,000 principal amount of State of Georgia Guaranteed Revenue Bonds, Series 2001 (the "**Series 2001 Bonds**") and (ii) previously issued and delivered \$309,140,000 principal amount of State of Georgia Guaranteed Revenue Bonds, Series 2003 (the "**Series 2003 Bonds**") (such Series 2001 Bonds and Series 2003 Bonds herein collectively referred to as the "**Outstanding Bonds**"); and

WHEREAS, the Authority has determined that it may be possible, given current market conditions, to achieve debt service savings by refunding all or a portion of the Outstanding Bonds, which portions of each series will be more fully specified at a future date as to outstanding principal amounts, maturity dates and payment or redemption dates, said portions of such Outstanding Bonds to be refunded being collectively referred to herein as the "**Refunded Bonds**" and each being separately referred to herein as a "**Refunded Bond**"; and

WHEREAS, pursuant to O.C.G.A. § 32-10-104, the Authority has the power to issue revenue refunding bonds for the purpose of refunding any of its outstanding revenue bonds, together with accrued interest thereon; and

WHEREAS, pursuant to O.C.G.A. § 50-17-25, the State of Georgia, through action of the Commission, is authorized to incur public debt, including guaranteed revenue debt; and

WHEREAS, it appears the most feasible method of raising the funds required to refund the Refunded Bonds is by the issuance and sale of one or more series of its State of Georgia Guaranteed Revenue Refunding Bonds, Series 2010 (the "**Series 2010 Bonds**").

NOW THEREFORE, BE IT RESOLVED BY THE STATE TRANSPORTATION BOARD that the Authority and the Commission are hereby requested to pursue the issuance of the Series 2010 Bonds for the purpose of refunding the Refunded Bonds.

BE IT FURTHER RESOLVED that the Commissioner of Transportation and the Treasurer of the Department of Transportation, and other employees of the Department of Transportation acting at their direction, are authorized and directed to execute such documents, instruments and certifications as may be required of the Department of Transportation in connection with the authorization, approval, offer, sale and issuance of the Bonds.

APPROVED this January 21st, 2010.

Commissioner Smith also gave an update on the International Scan Reducing Congestion and Funding Transportation trip, which included scan team members; purpose of the trip; two main uses of road pricing; key findings of trip; vital components to successful implementation; observations from visits and next steps.* There was some discussion regarding the presentation. Commissioner Smith stated that a six to eight month study will be done and the team will have a meeting in March 2010 and will bring a full report to the Board following the meeting in March.

Brandon Beach gave a report from the Legislative Committee. Brandon Beach stated that Matt Cline, Deputy Counsel gave an update on the Department's 2010 Legislative Agenda, which included transportation funding and Governor Perdue's proposed funding and legislation; Senate Bill 305, alternative delivery methods; Senate Bill 821, multiyear construction agreements and Senate Bill 22, rural transportation coordination. Dan Gentry, Federal Policy & Congressional Liaison, gave an update on federal funding, extension of SAFETEA-LU and the second round of ARRA funding.* Brandon Beach also stated Emory McClinton distributed proposed modifications to the existing SPLOST Legislation for Intermodal Projects. Committee requested that legal staff review the proposed modifications to see if a constitution amendment is needed and report their findings at the next committee meeting.*

Rudy Bowen gave a report from the Administrative Committee. Rudy Bowen stated that Matt Cline, Deputy Counsel, gave an update on the Administrative Committee 2010 Goals, which included reviewing and revising existing Board polices as necessary; determine which areas of continued training should be the focus for 2010; the implementation of Succession Planning for the Department and implementing the Monitor Report recommendations. Matt Cline also presented policy revisions from the Statewide Transportation Planning Committee for recommendation from the committee to the full Board for approval, which included Policy 2d-2; Policy 2D-4 and Policy 2D-13 and the committee unanimously approved to take the policy revisions to the full Board for approval. Matt Cline also presented policy revisions from the Administrative Committee for recommendation from the committee to the full Board for approval, which included Policy 2G-12; Policy 2H-2; Policy 2H-3; Policy 2H-5; Policy 2I-2; and Policy 2J-2 and the committee unanimously approved to take the policy revisions to the full Board for approval. Rudy Bowen made a motion to approve the policy revisions from the Statewide Transportation

Plan Committee and the policy revisions from the Administrative Committee, seconded by David Doss and unanimously approved.

David Doss gave a report from the Public Private Partnership (P3) Committee. David Doss stated Earl Mahfuz, P3 Program Director, gave an update on P3 rules and policies. Earl Mahfuz also gave the Board an update on the P3 rule changes proposed by the House and Senate Transportation committees and updated the committee on the rule making process for the P3 rules.* Earl Mahfuz also requested approval of the final P3 rules to be taken to the full Board for approval and committee unanimously approved to take the final P3 rules to the full Board for approval. David Doss made a motion to approve the final P3 Rules, seconded by Johnny Floyd and unanimously approved.* David Doss also stated that Earl Mahfuz gave an update on leasing the Department's right-of-way for communication towers; an advertising opportunities in rest areas and the Multi-Modal Passenger Terminal (MMPT), which will probably advertise for a Request for Qualification (RFQ) in March 2010.

Rudy Bowen gave a report from the Finance Committee. Rudy Bowen stated that Earl Mahfuz, P3 Program Director, gave an update on Right-of-Way Deauthorizations. Rudy Bowen stated that Kate Pfirman, Treasurer, gave an update on FY 2010 Budget and FY 2009 Audit results. Kate Pfirman also presented the FY 2010 and FY 2011 Budgets. David Doss also stated that Kate Pfirman presented a Bond Resolution to the committee to recommend to the full Board for approval and the committee unanimously approved to take the Bond Resolution to the full Board for approval.

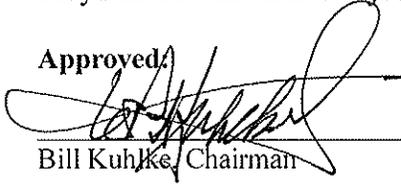
Dana Lemon gave a report from the Intermodal Committee. Dana Lemon stated that Erik Stevens gave an update on Intermodal Committee goals for 2010. Erik Steavens also gave an update on ARRA transit funds, which included airport projects that are almost complete. Erik Steavens also presented a report on the value of the Department's rail assets in Georgia, which included 33 counties with DOT rail.* Dana Lemon requested that a press release be sent out upon completion of airport projects to each District and legislators be informed of ARRA transit projects in their districts.

Chairman Kuhlke gave a report from the Program Delivery Committee. Chairman Kuhlke stated that Gerald Ross, Deputy Commissioner/Chief Engineer gave an update on the Program Delivery Committee 2010 Goals, which included status of consultant contracts assigned to the Office of Program Delivery; implementing recommendations from the Right-of-Way Audit and Project Management Office is fully operational.* Gerald Ross also gave an update on the Stimulus Program, which included all projects have been certified by Governor Perdue and the categories of projects from Phase 1 of the Stimulus Program.*

Under New Business there was some discussion regarding resolving the issue of cash versus accrual for the Department's accounting system. David Doss made a motion to instruct the Treasurer to return the Department to accrual accounting immediately and for legal staff to send a letter to the Attorney General requesting an opinion regarding multi-year contracts, seconded by Sidney Ross and Steve Gooch voted no and the motion passed with 10 yeas and one nay.

There being no further business, Chairman Kuhlke asked for a motion to adjourn. Johnny Floyd made a motion to adjourn, seconded by Roy Herrington and unanimously approved.

Approved:



Bill Kuhlke, Chairman

Respectfully submitted:



Elizabeth Osmon, Board Secretary

***Denotes documentation in file.**