

I-285 & SR 400 Reconstruction Project

P.I. No. 0000784 and P.I. No. 721850-

Status Update: November 6, 2014

Disclaimer:

- This information is considered preliminary and is provided for information only. GDOT makes no representation, warranty or guarantee as to the accuracy, completeness, or pertinence of the information provided herein, and shall not be responsible for any conclusions drawn therefrom. All final scope requirements will be included in the Request for Proposals (RFP).

NEPA:

- The NEPA documents for both projects are currently being prepared by GDOT. An Environmental Assessment/Finding of No Significant Impact (EA/FONSI) is anticipated for P.I. No. 0000784, and an EA/FONSI re-evaluation is anticipated for P.I. No. 721850-.

Environmental Permitting:

- GDOT anticipates using a two-phase permitting process for acquiring the Individual Permit (IP). Phase 1, to be conducted by GDOT, would consist of the submittal of a complete IP application, including the Section 404(b)(1) analysis, and would be based upon the costing plans. The goal of the Phase 1 IP is to obtain a Provisional IP Approval by the US Army Corps of Engineers (USACE) prior to issuance of Notice to Proceed (NTP) 1 to the Developer. This is not an approved permit, but contains a list of provisions that must be satisfied in order to finalize the approval of the IP. Georgia Environmental Protection Division (GAEPD) would also provide a Conditional Section 401 Water Quality Certification during Phase 1.
- Phase 2 IP occurs after NTP 1 and would consist of a submittal that only includes the required outstanding information including "final" plans/impacts. The Developer would be responsible for the Phase 2 IP process. Unless the changes in impacts are significant, the permit application would not have to go out for interagency review again. A Georgia Stream Buffer Variance application would be submitted by the Developer after NTP 1 when the erosion, sedimentation and pollution control (ESPC) plans are available.
- All site erosion control best management practices (BMPs), including obtaining any National Pollutant Discharge Elimination System (NPDES) and buffer variance will be the responsibility of the Developer.

Noise Barriers:

- A noise analysis is currently being conducted.

- The costing plans will provide approximate locations for noise barriers. GDOT is currently evaluating noise barriers to be placed on bridges and walls to ensure they meet design height requirements.
- The RFP will include guidance regarding noise barrier type.

MS4:

- The project is located in DeKalb and Fulton counties and disturbs more than one (1) acre of land, therefore compliance with post-construction storm water treatment requirements of the municipal separate storm sewer system (MS4) permit will be required, and requirements will be set forth in the RFP. GDOT is currently assessing likely impacts from MS4 implementation; however the Developer will be responsible as per the RFP.

Geotechnical:

- GDOT is currently conducting a limited boring program, and anticipates having information available for the Proposers in mid-April 2015. Approximately 250 borings are planned to be conducted as part of this investigation. Boring locations will be part of the information made available to Proposers.
 - Roadway/Pavement Borings - The roadway/pavement borings are spaced approximately 500 feet apart along the alignment, extending to a depth of 10 feet below ground surface (bgs). Two split-spoon samples per boring are being collected for inspection and soil index testing. Approx. 150-160 borings are planned.
 - Bridge Borings - Two borings per concept bridge location are being advanced to the top of bedrock and then cored up to 25 feet. Rock cores and split-spoon soil samples at 5 feet intervals are being collected for inspection and soil index testing.
 - Retaining Wall Borings - The retaining wall borings are designed to provide baseline geotechnical information for evaluation of the foundation conditions of retaining walls higher than 20 feet. The retaining wall borings are located along the alignment of the proposed retaining walls where there are not roadway and bridge borings close enough to provide sufficient information for the foundation soil conditions. The borings are being advanced to a minimum depth of 25 feet bgs depending on the location and the height of the proposed retaining wall. Split-spoon samples at 5 feet intervals are being collected for inspection and soil index testing.
 - Approx. 80 bridge and/or wall borings are planned.
- The field work is approximately 45 percent complete to date.
- When completed, borings and rock cores will be available for Developer inspection at the GDOT Office of Materials and Testing facilities in Forest Park, GA 30297.
- GDOT is anticipating allowing Proposers to self-perform geotechnical investigations during the proposal preparation process.
- The Developer will be responsible for preparing all geotechnical reports (Bridge Foundation Investigation (BFI), Wall Foundation Investigation (WFI) and soils report).

Bridge Design:

- The project must be designed in accordance with Load and Resistance Factor Design (LRFD). If an existing structure is non-LRFD then the widened structure may be non-LRFD.
- Preliminary layouts will be provided with the costing plans; however the Developer may choose bridge and foundation types that are compliant with GDOT and AASHTO guidelines.
- GDOT has performed bridge deck and bridge condition surveys. Bridge rehabilitation and replacement requirements will be set forth in the RFP.

Hazardous Materials:

- Phase I environmental sensitive areas (ESA's) have been identified. Refer to the Preliminary UST Phase I (*revive285 top end*).
- GDOT is conducting a Phase II ESA on two properties, and the report is expected by early January 2015.
- The RFP will include requirements and responsibilities for known and unknown conditions.

Utilities and SUE:

- Quality Level B Subsurface Utility Engineering (SUE) is currently underway and anticipated to be completed and approved by mid/late April 2015.
- MOU's with the utility owners and a Utility Analysis Preliminary Routing Report (UAPRR) for the project will be obtained and included in the RFP. Executed MOU's are anticipated by the end of January 2015.

Pavement:

- GDOT will be providing minimum pavement design criteria for the project. It is expected that the Developer may choose pavement type with both concrete and asphalt sections anticipated. Pavement types will be specified for some locations per GDOT policies for new construction.

Traffic Control / Maintenance of Traffic:

- GDOT understands the aggressive schedule, and is currently evaluating staging scenarios and traffic control requirements. The RFP will include traffic control and maintenance of traffic (MOT) requirements. GDOT will provide the performance standards to be achieved.

Survey Database:

- An approved survey control package covering both projects is available; see the project information folder at <http://mydocs.dot.ga.gov/info/designbuild/default.aspx>
- The survey database will also be reviewed by GDOT and is anticipated to be provided to Proposers by April 2015.

Right of Way Acquisition:

- GDOT is acquiring the Right-of-Way (ROW) for PI 721850-.
- GDOT is performing early-acquisition of a number of parcels at the interchange area for PI 0000784.
- Right of Way acquisition services for remaining parcels will be performed by the Developer as per the requirements set forth in the RFP; the process will be state/federal compliant and in accordance with the GDOT ROW manual processes and procedures. General steps are outlined below:
 - Pre-acquisition phase-review project to determine scope of ROW cost estimating reports required (appraisals, cost to cures, sign estimations, trade fixture estimations). Meet with project GDOT's Attorney to prepare preliminary title reports to ensure current owner is contacted.

Funding Sources:

- See following section titled "Georgia Transportation Funds & the Appropriations Process, I-285/SR400 Project"

Public Information Open House for SR 400 CD project:

- November 18, 2014 from 11-AM – 1 PM and also 5 PM – 7 PM
- PIOH to be held at St. Jude the Apostle Catholic Church, 7171 Glenridge Dr NE, Atlanta, GA 30328

Georgia Transportation Funds & the Appropriations Process

I-285/SR400 Project

Project Finance Plan

The Project's finance plan **is approved and reflected** in the Atlanta Regional Commission's (ARC) Transportation Improvement Plan (TIP) and Long Range Transportation Plan (LRTP). Inclusion in the ARC TIP and LRTP is a requirement of Federal law in order to authorize federal funds for the project and demonstrates that the project is included within the fiscally constrained (i.e., identified and reasonably expected to be available) transportation plan for the region. Further, the ARC Transportation Improvement Plan includes all fund sources and project phases and is approved by the Atlanta Regional Commission, the Governor (through the Georgia Regional Transportation Authority), and the State Transportation Board.

Construction Period Agency Costs/Payments to Developer*						Post-Construction DBF Repayment Period				
Year	Phase	Federal Funds	State Funds	Other Funds	Total Funds	Year	Phase	Federal Funds	State Funds	Total Funds
2014	PE	\$17,997,769	\$4,499,442		\$22,497,211					
2015	PE	\$26,472,000	\$6,618,000		\$33,090,000	2020	Repay	\$40,618,873	\$59,381,127	\$100,000,000
2015	ROW	\$20,000,000	\$5,000,000		\$25,000,000	2021	Repay	\$69,181,127	\$30,818,873	\$100,000,000
2016	ROW	\$40,000,000	\$10,000,000		\$50,000,000	2022	Repay	\$83,400,000	\$41,600,000	\$125,000,000
2016	CST	\$17,568,160	\$21,851,840		\$39,420,000	2023	Repay	\$83,400,000	\$41,600,000	\$125,000,000
2017	ROW	\$34,472,643	\$15,527,357		\$50,000,000	2024	Repay	\$83,400,000	\$41,600,000	\$125,000,000
2017	CST	\$5,528,000	\$14,132,000		\$19,660,000	2025	Repay	\$20,800,000	\$5,200,000	\$26,000,000
2018	CST	\$82,833,579	\$29,446,421		\$112,280,000	2020-2025 Total		\$380,800,000	\$220,200,000	\$601,000,000
2019	CST	\$51,818,478	\$39,841,522	\$10,000,000	\$101,660,000					
2020	CST	\$640,000	\$160,000		\$800,000					
2015-2020 Total		\$297,330,629	\$147,076,582	\$10,000,000	\$454,407,211					

*Anticipated available Payments to Developer approx. \$235M over years 2016-2019

State and Federal Appropriations Risk

Constitutional and Statutory Protections for State Transportation Funds

The Georgia motor fuel tax is the primary state fund source for transportation. Article III, Section IX, Paragraph IV(b) of the Georgia Constitution provides explicit guarantees related to revenues derived from the motor fuel tax as listed below:

- **Revenues are dedicated to transportation**—“all activities incident to providing and maintaining an adequate system of public roads and bridges in this state.”
- **Revenues cannot be reduced by appropriation**—“shall not be subject to budgetary reduction.”
- **Revenues would be automatically appropriated to this purpose in the event the General Assembly did not appropriate the funds**—“hereby appropriated for, and shall be available for, the aforesaid purposes regardless of whether the General Assembly enacts a general appropriations Act.”
- **Revenues appropriated in a given fiscal year would have already been collected in the previous fiscal year**—“an amount equal to all money derived from motor fuel taxes received by the state in each of the immediately preceding fiscal years, less the amount of refunds, rebates, and collection costs authorized by law, is hereby appropriated for the fiscal year beginning July 1.”

O.C.G.A. § 32-2-2 (a)2 establishes the Georgia Department of Transportation (GDOT) as “the state agency to receive and shall have control and supervision of all funds appropriated for public road work by the state and activities incident thereto from the net proceeds of motor fuel tax” while O.C.G.A. § 32-5-2 provides for the continual appropriation of federal funds to the Georgia Department of Transportation and the State Road and Tollway Authority (SRTA).

Historical Transportation Appropriations for Georgia			
State Motor Fuel Funds		Federal Funds	
State FY	Appropriation	Federal FY	Apportionment
FY14	\$1,009,600,418	FY14	\$1,258,346,951
FY13	\$1,002,773,264	FY13	\$1,247,654,420
FY12	\$1,013,101,350	FY12	\$1,250,897,118
FY11	\$934,393,584	FY11	\$1,339,910,881
FY10	\$852,687,517	FY10	\$1,339,716,456

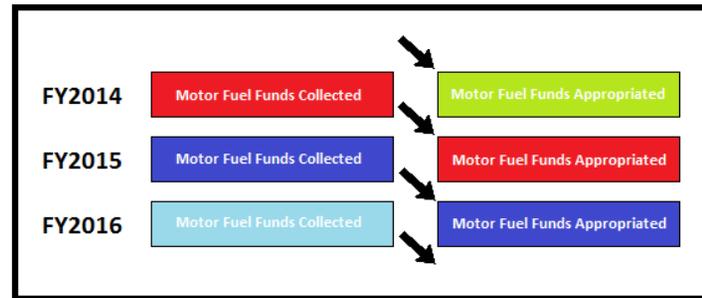
Federal Funds Uncertainty

While Congress has yet to enact a long-term transportation authorization bill setting forth federal transportation policy and establishing apportionment levels beyond May 2015, the federal gasoline tax currently collects and is projected to continue to collect sufficient revenue to fund approximately $\frac{2}{3}$ to $\frac{3}{4}$ of current apportionment levels without any additional revenue. If Congress does not ultimately identify additional revenue sources to maintain current funding levels, the State would continue to receive at least $\frac{2}{3}$ to $\frac{3}{4}$ of current funding levels which would be more than sufficient to meet the obligations of this project which is and will continue to be the highest priority construction project for the State.

State Budget/Appropriations Process

Each year, the General Assembly passes and the Governor signs two budgets: (1) the budget for the upcoming fiscal year beginning on July 1st and (2) the amended budget for the current fiscal year to appropriate for changes that occurred during the fiscal year. As previously mentioned, the Constitution not only automatically appropriates (in the absence of an annual appropriation) motor fuel funds to transportation purposes (further statutorily directed to GDOT) but also appropriates revenues that have already been collected in the previous fiscal year to ensure greater certainty of available funds (see chart below). With respect to funds directed to SRTA, while GDOT and SRTA can enter into agreements allowing the transfer of funds between the department and the authority, the General Assembly can also and currently does programmatically direct funds through the budget to SRTA.

State Motor Fuel Collection and Appropriation Timeline



While the General Assembly is only in session from January to March/April, the budget oversight and development process continues throughout the year. Prior to the Governor’s submission in January to the General Assembly of both the next fiscal year’s full budget and the current fiscal year’s amended budget, GDOT and SRTA work closely to monitor both the current year’s budget and the projected needs for the next year’s budget in order to make recommendations to the Governor’s office. Once the budgets are submitted to the General Assembly, legislators will work throughout the first quarter of the year to pass the budgets. However, as previously mentioned, the Georgia Constitution ensures that motor fuel funds are not subject to budgetary reduction. Once the approved budgets are transmitted to the Governor, the Governor typically signs the budgets by May though the amended fiscal year budget may be signed sooner and even prior to the adjournment of the General Assembly session.