MINUTES
STATE TRANSPORTATION BOARD

DEPARTMENT OF TRANSPORTATION
600 West Peachtree Street
Atlanta, Georgia 30308

April 15, 2010

9:00 a.m.

BOARD MEMBERS IN ATTENDANCE:

Bill Kuhlke, Jr., Chairman
Roy Herrington
Sam Wellborn
Emory McClinton
Brandon Beach
Rudy Bowen
Sidney Ross
Steve Gooch
David Doss
Bobby Parham

BOARD MEMBERS ABSENT:

Robert Brown
Johnny Floyd
Dana Lemon

DOT STAFF IN ATTENDANCE:

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

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

Chairman Kuhlke asked for a motion to approve the minutes from the March 2010 meetings. Sam Wellborn made a motion to approve the minutes from the March 2010 meetings, seconded by Steve Gooch and unanimously approved.*

Gerald Ross, Deputy Commissioner/Chief Engineer, presented the projects proposed for the May 2010 Letting for approval. Chairman Kuhlke asked for a motion to approve. Sam Wellborn made a motion to approve the projects proposed for the May 2010 Letting, seconded by Sidney Ross and unanimously approved.*

Todd Long, Director of Planning, presented the revisions to the Construction Work Program for April 2010. Chairman Kuhlke asked for a motion to approve. Sam Wellborn made a motion to approve the revisions to the Construction Work Program for April 2010, seconded by Emory McClinton and unanimously approved. Todd Long also stated that were no revisions for the Construction Work Program for May 2010. Todd Long also presented the Statewide Strategic Transportation Plan 2010-2030 to the Board for their review.

Tom Weyandt, ARC and Regional Transit Committee, gave an update on the recommended Memorandum of Agreement (MOA) between the Regional Transit Planning Committee and the Atlanta Regional Commission and the Georgia Department of Transportation, which included the purpose of the memorandum of agreement that defines the roles and responsibilities of the Atlanta Regional Commission and the Georgia Department of Transportation in the transit planning and coordination activities for the Atlanta region.* There was some discussion regarding the MOA. David Doss stated that the Board should support the MOA and encourage the Department to participate. Chairman Kuhlke stated that Todd Long, Director of Planning, supports the MOA also and requested that the Board members review the MOA and discuss at the May Board meeting for approval.

Eric Pitts, Assistant State Maintenance Engineer, gave a presentation on Maintenance, which included maintenance challenges on the design of the roads, construction, initial deterioration of the roads; visible deterioration of the roads and disintegration and failure of the roads; and other maintenance challenges such as signs, drainage, guardrail, litter removal, mowing, bridge maintenance and funding.* There was some discussion regarding the maintenance challenges. Bill Kuhlke requested that Chairman Beach and staff give this information to the legislature. David Doss stated the presentation was shocking and emphasized that the legislature receive this information and a presentation be made to the senate and house transportation committees. Sam Wellborn stated all funds should be spent on maintaining the roads that we have already and not spend any more funds on new construction. Emory McClinton suggested that staff come up with a plan of how we can convert funding from construction of roads to funding maintenance of the roads and present recommendations at the next Board meeting. Chairman Kuhlke requested that DOT staff prepare a plan for funding maintenance and present it at the May 2010 Board meeting.

Sandra Burgess, General Counsel, gave a legal update, which included litigation on Douglas Asphalt; tort actions and ante-litem notices.

Gerald Ross, Deputy Commissioner/Chief Engineer, gave the Commissioner's monthly report, which included state fund collections; total employment figure ending March 31, 2010; major projects

open to traffic; the 511 update; work zone safety week observance and public employee recognition week.*

Keith Golden, Director of Operations, requested approval of the following Comprehensive Zoning Resolution. Chairman Kuhlke asked for a motion to approve the following Comprehensive Zoning Resolution. Sam Wellborn made a motion to approve the following Comprehensive Zoning Resolution, seconded by David Doss and unanimously approved.

Resolution

WHEREAS, the State Transportation Board did, in regular session on November, 18, 1971 adopt a policy on outdoor advertising; and

WHEREAS, said policy adopted by the State Transportation Board contained a Schedule "A" pertaining to cities and counties in Georgia which maintained comprehensive zoning plans; and

WHEREAS, that State Transportation Board has directed its staff to make necessary recommendations in order that Schedule "A" of the said Outdoor Advertising Policy may be kept current with changing conditions in cities and counties regarding comprehensive zoning plans; and

WHEREAS, the State Transportation Board did, in regular session on December, 18, 1975, adopt a resolution that said that the Board would review all comprehensive zoning plans submitted for initial approval, to ascertain and determine if said zoning plans can be certified for purposes of outdoor advertising consistent with the State and Federal Law or the Federal/State Agreement; and

WHEREAS, the Department of Transportation has determined that the following recommendation is appropriate regarding comprehensive zoning plans:

CITY/COUNTY	COMPREHENSIVE ZONING	RECOMMENDATION
Peach County	Amend Comprehensive Zoning Plan	Approve

NOW, THEREFORE, be resolved that the State Transportation Board, in regular session this date does hereby amend Schedule "A" of the Department of Transportation Outdoor Advertising Policy by including the above recommendations.

Resolved this 15th day of April, 2010.

Keith Golden, Director of Operations, also requested approval of the following Comprehensive Zoning Resolution. Chairman Kuhlke asked for a motion to approve the following Comprehensive Zoning Resolution. Sam Wellborn made a motion to approve the following Comprehensive Zoning Resolution, seconded by David Doss and unanimously approved.

Resolution

WHEREAS, the State Transportation Board did, in regular session on November, 18, 1971 adopt a policy on outdoor advertising; and

WHEREAS, said policy adopted by the State Transportation Board contained a Schedule "A" pertaining to cities and counties in Georgia which maintained comprehensive zoning plans; and

WHEREAS, that State Transportation Board has directed its staff to make necessary recommendations in order that Schedule "A" of the said Outdoor Advertising Policy may be kept current with changing conditions in cities and counties regarding comprehensive zoning plans; and

WHEREAS, the State Transportation Board did, in regular session on December, 18, 1975, adopt a resolution that said that the Board would review all comprehensive zoning plans submitted for initial approval, to ascertain and determine if said zoning plans can be certified for purposes of outdoor advertising consistent with the State and Federal Law or the Federal/State Agreement; and

WHEREAS, the Department of Transportation has determined that the following recommendation is appropriate regarding comprehensive zoning plans:

CITY/COUNTY	COMPREHENSIVE ZONING	RECOMMENDATION
Cook County	Amend Comprehensive Zoning Plan	Deny

NOW, THEREFORE, be resolved that the State Transportation Board, in regular session this date does hereby amend Schedule "A" of the Department of Transportation Outdoor Advertising Policy by including the above recommendations.

Resolved this 15th day of April, 2010.

Chairman Kuhlke asked for a motion to approve the following MUTCD resolution. Rudy Bowen made a motion to approve the following MUTCD resolution, seconded by Sam Wellborn and unanimously approved.

Resolution

Whereas, the State Transportation Board does hereby adopt the "Manual on Uniform Traffic Control Devices, 2009 Edition" as the uniform regulations governing the erection and maintain of traffic control devices, as required by Section 32-6-50(a) of the Official Code of Georgia Annotated; and

Whereas, it has been deemed expedient that said Manual be revised and amended in order to conform insofar as practical with the new manual approved and adopted by the Federal Highway Administration, U.S. Department of Transportation in accordance with Title 23, United States Code,

Section 109(d), which is approved as the national standard for designing, applying, and planning traffic control devices; and

Whereas, this new Manual addresses specific areas of concern by the Georgia Department of Transportation including traffic controls for pedestrians, bike facilities, low volume roads and transit; and

Whereas, Section 32-6-50(a) of the Official Code of Georgia Annotated requires the Department to promulgate uniform regulations for the maintenance and erection of traffic control devices on the public roads of Georgia.

Now, therefore, be it resolved that the Manual set out in the printed book in the Minute File of the State Transportation Board and entitled "Manual on Uniform Traffic Control Devices, 2009 Edition," is hereby adopted and declared by the State Transportation Board to be the uniform regulations governing the erection and maintenance of traffic control devices as required by Section 32-6-50(a) of the Official Code of Georgia Annotated.

Adopted this 15th day of April 2010.

Chairman Kuhlke asked for a motion to approve the following resolution. Rudy Bowen made a motion to approve the following resolution, seconded by Sam Wellborn and unanimously approved.

Resolution

Whereas, former Georgia Department of Transportation P3 Director Earl Mahfuz is a resident of Walton County; and

Whereas, Earl Mahfuz earned a Bachelor of Science degree in Business Administration from Florida International University, followed by a Masters in Public Administration at Georgia State University; and

Whereas, he joined the Georgia Department of Transportation in 1980 and spent over 30-years in various capacities, including eight years as the Treasurer; and

Whereas, he most recently directed the activities of the newly formed Public Private Partnership division known as P3; and

Whereas, under his leadership, the P3 Division successfully released the first ever solicitation for a public-private project by the Department; and

Whereas, he is a recognized expert in transportation funding and administration and has had extensive continuing education and training in the field; and

Whereas, during his tenure, Earl Mahfuz was active in regional and national transportation policy development, serving on many committees; and

Whereas, Earl Mahfuz earned national honors, including in 1995 receiving the FHWA James F. Condron Award; and

Whereas, Earl Mahfuz has been a true public servant and each member of the Board offers heartfelt appreciation and best wishes upon his retirement; and

Now, therefore, be it resolved that the State Transportation Board acknowledges Earl Mahfuz for his outstanding contributions and service to the Department.

Be it further resolved that a copy of this resolution be spread upon the minutes of this meeting and a suitable copy be presented to Earl Mahfuz in recognition of his devoted and commendable service to the Georgia Department of Transportation and to the people of the State of Georgia.

Adopted on this 15th day of April, 2010.

Rudy Bowen gave a report from the Finance Committee. Rudy Bowen stated Kate Pfirman, Treasurer, gave a report on advance construction conversions; an update on the FY 2010 budget; an update on the amended FY 2010 budget; changes to the FY 2011 budget; an update on the audit findings and solutions to the findings and presented the monthly financial reports.

Rudy Bowen gave a report from the Administrative Committee. Rudy Bowen stated that Kathy Zahul made a presentation on the Manual on Uniform Traffic Control Devices (MUTCD) and presented a resolution to be approved by the full Board. Rudy Bowen stated that the committee unanimously approved to take the resolution to the full Board for approval. Rudy Bowen also stated that Sandra Burgess presented policy revisions to taken to the full Board for approval. Rudy Bowen stated that the committee unanimously approved that the policy revisions be taken to the full Board for approval. Rudy Bowen also made a motion to waive the 10 Day Rule to approve the policy revisions, seconded by Sam Wellborn and unanimously approved. Rudy Bowen also made a motion to approve the policy revisions as presented, seconded by Sam Wellborn and unanimously approved.*

Rudy Bowen also stated that Richard Sawyer, Chief Acquisition Officer, announced that the Department was in negotiations with Georgia LOGOs for the LOGO Program and expect a contract to be awarded within 10 days.

David Doss gave a report from the Public Private Partnership (P3) Committee. David Doss stated that Chip Meeks, Innovative Finance Administrator, gave an update on the rule making process for P3, which included a resolution for the rule changes to be approved by the Board. David Doss presented the resolution to the Board regarding the rule changes. Chairman Kuhlke asked for a motion to approve following resolution regarding the rule changes for P3. David Doss made a motion to approve the following resolution regarding the rule changes for P3, seconded by Sam Wellborn and unanimously approved.

Resolution

WHEREAS, the State Transportation Board of Georgia issued a Notice of Intended Action on February 18, 2010, providing for public comments on the amendment to Rules 672-17-.01, 672-17-.03 and 672-17-.04 of the Rules and Regulations of the Department of Transportation of the State of Georgia; and

WHEREAS, said Notice of Intended Action provided that the State Transportation Board would take action on the proposed amendment to Rules 672-17-.01, 672-17-.03 and 672-17-.04 of the Rules and Regulations at its regularly scheduled meeting to be held on April 15, 2010; and

WHEREAS, the State Transportation Board has determined that the proposed amendment to Rules 672-17-.01, 672-17-.03 and 672-17-.04 of the Rules and Regulations of the Department of Transportation of the State of Georgia is needed and is in the best interest of the public.

NOW, THEREFORE, BE IT RESOLVED, that the State Transportation Board of Georgia hereby adopts the amendment to Rules 672-17-.01, 672-17-.03 and 672-17-.04 of the Rules and Regulations of the Department of Transportation of the State of Georgia as issued on February 18, 2010 pertaining to the regulations governing the Public-Private Partnerships. A copy of the amended Rules 672-17-.01, 672-17-.03 and 672-17-.04 is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, by the State Transportation Board of Georgia that the Commissioner of the Department of Transportation is hereby authorized to take the necessary action to file the rules with the Secretary of State, as provided by law.

RESOLVED THIS 15th day of April, 2010.

David Doss also stated that Chip Meeks gave an update on all of the P3 projects, which included the west by northwest corridor project; the multi-modal passenger terminal (MMPT), the rest area advertisement proposals and the communications towers.

Brandon Beach gave report from the Legislative Committee. Brandon Beach stated that Stephanie Carter presented the status of the bills for the 2010 Legislative Session, which included the transportation funding bill; multiyear construction agreements; rural transportation coordination; P3 ad valorem tax exemption and "housekeeping" legislation.*

Brandon Beach also stated that the committee unanimously approved the following resolution to bring to full Board for approval urging the legislature to provide funding to the DOT to have available in 2012 to match Federal Funds. Chairman Kuhlke asked for a motion to waive the 10 Day Rule to approve the following resolution. Brandon Beach made a motion to waive the 10 Day Rule to approve the following resolution, seconded by David Doss and unanimously approved. Chairman Kuhlke asked for a motion to approve the following resolution. Brandon Beach made a motion to approve the following resolution, seconded by David Doss and unanimously approved.

Resolution

WHEREAS, under Code Section 32-1-2 of the Official Code of Georgia Annotated, the Georgia Department of Transportation is charged by the General Assembly with providing for the organization, administration and operation of an efficient, modern system of public roads and other modes of transportation; and

WHEREAS, the Department, pursuant to the provisions of the 1983 Constitution, Article III, Section IX, Paragraph VI, Subparagraph (b), is the recipient of all funds appropriated for public road work by the state and activities incident thereto from the net proceeds of the motor fuel tax and any other

funds appropriated or provided for by law for such purposes or for performing other functions of the Department; and

WHEREAS, under Code Section 32-2-2(a)(7) of the Official Code of Georgia Annotated, the Department has the authority to accept and use federal funds for the purpose of planning, financing, constructing, improving, operating and maintaining any public road or other mode or system of transportation; and

WHEREAS, the current motor fuel funding estimated to be available to the Department in Fiscal Year 2011 is estimated to be $829 Million of which $421 Million is expected to be expended for the repayment of debt service and it is anticipated that the Fiscal Year 2012 funding will be even less robust; and

WHEREAS, it is clear that without changes to the current funding mechanisms for the highway and transit programs, the department will be unable to meet the various match requirements of the federal highway and transit programs; and

WHEREAS, without such adequate additional State funding the department will be unable to access all of the federal dollars allocated to the State and may for the first time lapse eligible obligation authority back to the federal government.

WHEREAS, the Board has been encouraged by the Governor and General Assembly's emphasis during this legislative session on transportation funding as one of the highest priorities for the State particularly in light of the current economy; however it appears that none of the regional funding approaches that are currently under consideration would add any additional revenue to the Department.

NOW, THEREFORE, BE IT RESOLVED that the Georgia Department of Transportation, acting by and through its Board, requests that the Georgia General Assembly do all things necessary to adopt legislation that will provide sufficient revenue to operate the Department at no less than its current level of service with recognition that continuation of this level of service is inadequate in the long run to properly operate and maintain the transportation programs of this State and such legislation should be adopted that will provide sufficient revenue to meet the 2012 federal match requirements to allow the Department to receive 100% of the allocation from the Federal Highway Administration.

BE IT FURTHER RESOLVED that the Commissioner and Treasurer of the Department be directed to provide the members of the General Assembly with an analysis of the potential shortfall in the FY 2012 budget and the estimated amount of funds that may potentially lapse from the federal program if no alternate source of funding is immediately forthcoming.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of this meeting and a suitable copy provided to the Governor, the Lieutenant Governor, Speaker of the House, Chairman of the House and Senate Transportation Committees for distribution to all the members of the General Assembly.

Adopted by the State Transportation Board this 15th day of April, 2010.

Brandon Beach also requested that Board members communicate with their legislators regarding the resolution and copies be hand delivered to Governor Perdue, Lt. Governor Casey Cagle, Speaker David Ralston, Chairman Jay Roberts and Chairman Jeff Mullis.

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

Approved:

Bill Kuhlke, Chairman

Respectfully submitted:

Elizabeth Osmon, Board Secretary

***Denotes documentation in file.**