

**MINUTES
STATE TRANSPORTATION BOARD**

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

November 20, 2008

9:00 a.m.

BOARD MEMBERS IN ATTENDANCE:

Bill Kuhlke, Chairman
Larry Walker, Vice Chairman
Roy Herrington
Johnny Floyd
Sam Wellborn
Robert L. Brown, Jr.
Emory McClinton
Brandon Beach
Rudy Bowen
Steve Farrow
David Doss
Raybon Anderson
Dana Lemon

DOT STAFF IN ATTENDANCE:

Commissioner Gena Abraham
Kevin Clark, COO
Buddy Gratton, Deputy Commissioner
Elizabeth Osmon
Earl Mahfuz
Gerald Ross
Jo Ann Chance
Sandra Burgess
Richard Sawyer
Michael Cooper
Ericka Davis
Mike Thomas
Chris Tomlinson
Greg Mayo
Steve Henry

Chairman Bill Kuhlke opened the meeting at 9:00 a.m.

Johnny Floyd gave the invocation.

Chairman Kuhlke asked for a motion to approve the minutes from the October 2008 meetings. Raybon Anderson made a motion to approve the minutes from the October 2008 meetings, seconded by Robert Brown and unanimously approved.*

Genetha Rice-Singleton, Assistant Director of Preconstruction, presented the projects proposed for the December 2008 Letting for approval. Chairman Kuhlke asked for a motion to approve. Roy Herrington made a motion to approve the projects proposed for the December 2008 Letting, seconded by Emory McClinton and unanimously approved.*

Mike Thomas, Director of Planning, Data & Intermodal Development requested approval for the revisions proposed for the Construction Work Program for November 2008. Chairman Kuhlke asked for a motion to approve. Roy Herrington made a motion to approve the revisions to the Construction Work Program for November 2008, seconded by Rudy Bowen and unanimously approved.* Mike Thomas presented revisions to Construction Work Program for December 2008.

Buddy Gratton, Deputy Commissioner, presented the Board rule change on prequalification policy for contractors.* Buddy Gratton stated the prequalification policy change was advertised for 45 days and no comments were received. Robert Brown made a motion to move forward with the prequalification policy change for contractors, seconded by Sam Wellborn. Emory McClinton stated his objection to placing a burden on disadvantaged businesses by adding a prequalification requirement to businesses that are already certified. Emory McClinton made a substitute motion of proposing that the Department not move forward with the prequalification policy change. The motion failed due to lack of a second. There was discussion on the original motion regarding the purpose of the policy change. The original motion was voted on and it passed with 11 yeas and Emory McClinton opposed.

Greg Mayo, Director of Construction, gave a presentation on Asphalt and Fuel Indexing.* There was discussion regarding the effect of indexing on project budgets.

Commissioner Gena Evans stated that the Project Update should be removed from December's Board agenda because the issues that had been covered under this agenda item – Commuter Rail and HOV-to-HOT – have been placed in committees. Commissioner Evans began her Commissioner's Report by discussing various meetings she has attended and speeches and/or presentations given to industry groups. Commissioner Evans stated that the IT3 Listening Tour was complete and that the comments have been compiled and will be distributed to Board members today. Commissioner Evans stated that the Department is prepared for a potential economic stimulus package for infrastructure; in 60 days the Department could have about \$260 million in projects ready; in 180 days, about \$1 billion in projects. Dana Lemon stated that this topic will be added to the agenda when the Board visits Washington in February 2009. Chairman Kuhlke asked that Ms. Lemon sit in with Commissioner Evans on an upcoming meeting regarding Georgia's preparations for receiving potential stimulus funds. Commissioner Evans mentioned an editorial article from today's Atlanta Journal-Constitution regarding her comments on project prioritization. Vice Chairman Larry Walker asked Commissioner Evans if she thought a 50/50 split (50% of projects selected by a prioritization process and 50% of projects selected by traditional methods) was good, and Commissioner Evans stated that, as taxpayer, no, but as Commissioner of the Department, she understands local assistance programs are important.

Commissioner Evans stated that a 50/50 split is good enough for this year and that, if the Board votes to adopt a 50/50 split, she will endorse that decision.

David Doss asked Commissioner Evans for her feel for next month's letting and she stated that it will be close to \$100M but that level is not sustainable. Robert Brown asked Commissioner Evans about congressional balancing and there was some discussion regarding the effects of changes in the law and changes in the congressional districts on congressional balancing. Commissioner Evans stated that Chris Tomlinson, General Counsel, would give the Board an update on congressional balancing at the December Board meeting. Raybon Anderson requested that a 50/50 split between maintenance and new projects be maintained in next month's letting.

Commissioner Abraham requested that the Board to approve the following Comprehensive Zoning Resolution. Dana Lemon made a motion to approve the City of Union City Comprehensive Zoning Resolution, seconded by Sam Wellborn and unanimously approved. Roy Herrington made a motion to approve the Crisp County Comprehensive Zoning Resolution, seconded by Robert Brown and unanimously approved. Roy Herrington made a motion to approve the Glynn County Comprehensive Zoning Resolution, seconded by Dana Lemon 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:

| <u>CITY/COUNTY</u> | <u>COMPREHENSIVE ZONING</u> | <u>RECOMMENDATION</u> |
|--------------------|--|-----------------------|
| City of Union City | Amendment to Comprehensive Zoning Plan, 11.7 Acres | Approve |
| Crisp County | Comprehensive Zoning Plan | Approve |
| Glynn County | Amendment to Comprehensive Zoning Plan Parcel No. 03-21081 & 03-19254 | 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 20th day of November, 2008.

.....

Emory McClinton requested a fiscal assessment of the result of eliminating the hiring freeze and stated that he would like for Commissioner Evans to provide the Board with an assessment of cost of reducing the number of job vacancies in the Department from 500 to 380 vacancies. Commissioner Evans stated that she will provide this information to the Administrative committee.

Chairman Kuhlke requested that Commissioner Evans provide at the December Board meeting a proposal on providing the Board with a specific person to call on for a quick response to their issues and requests. Dana Lemon stated that Board staff is available to do this and Board staff is currently doing this for Board members. Commissioner Evans stated that Board staff would be invited to the discussion when she brings it up at her staff meeting.

Chris Tomlinson gave a Legal update.* Chris Tomlinson stated that the Douglas Asphalt Fulton County case is on the trial calendar for January 2009 and that the Turner County case is on appeal on several issues and if it reaches trial it would likely be in the summer of 2009. Chris Tomlinson stated that there are no new personnel actions since last month. Chris Tomlinson stated that there will be an increase in right-of-way cases because the Department has more condemnations.

Sam Wellborn gave a report from the Finance Committee. Mr. Wellborn stated that his committee discussed the Department's bank account balances, the hiring freeze, Right-of-Way deauthorizations, the final audit and the Department's financial statement. Mr. Wellborn stated that Board needed to take action on a GO Bond resolution. Mr. Wellborn stated that Earl Mahfuz, Assistant Treasurer, informed the Committee that \$130 million in GO Bonds were to be sold in January 2009, pending approval by the DOT Board, and the debt service on these new bonds will be \$19 million per year. Mr. Wellborn asked for a motion to waive the 10-day rule. Robert Brown made a motion to waive the 10-day rule, seconded by Raybon Anderson and unanimously approved. Mr. Wellborn made a motion to approve the GO Bond resolution, seconded by Raybon Anderson and unanimously approved. Mr. Wellborn stated that the State Auditor found no fraud, no misappropriation of funds, nothing improper during the audit of the Department.

David Doss gave a report from the Alternative Finance Committee. Mr. Doss made a motion to ask staff to research the roadside assistance PPI program and begin development of the necessary procurement documents and that this effort be fast-tracked, seconded by Sam Wellborn. Dana Lemon requested that the motion be amended to include the necessary legislative language. David Doss stated that the original motion stands. Rudy Bowen suggested that the funds be spent on the HERO program. David Doss amended his motion to ask staff to research the roadside assistance PPI program and begin development of the necessary procurement documents, that this effort be fast-tracked and that the money go back into the HERO program, and Sam Wellborn accepted this amendment and seconded the amended motion, and unanimously approved. Mr. Doss stated that the committee would like a presentation by the end of the

year on the I-75 PPI updated numbers and design. Mr. Doss also stated Board policy decisions needed to be made and new staff hires made related to the GA 400 PPI.

Dana Lemon gave a report from the Legislative Committee. Ms. Lemon stated Buddy Gratton, Deputy Commissioner, gave an overview of the proposed legislative agenda for the 2009 legislative session. Ms. Lemon also stated that there would be a presentation at the December Board meeting on Construction Management At Risk as an alternative project delivery method. Ms. Lemon stated that Commissioner Evans provided an update on the December 3, 2008 legislative meeting with the House and Senate Transportation Committees and the committee urged the Commissioner to invite the Department's other agency partners (GRTA, SRTA, ARC and MARTA) to the meeting to hear the discussions.

Raybon Anderson gave a report from the Statewide Transportation Plan Committee. Mr. Anderson stated that the committee met on November 13, 2008 and Carrie Thompson, McKinsey & Company, gave a presentation on the results and implications of various IT3 Scenarios.* Mr. Anderson stated that the committee also met yesterday, November 19, 2008, and Carrie Thompson discussed scenarios and their respective costs. Carrie Thompson reviewed current resources and stated that, if prioritized, these resources could be used to fund 2/3 of potential investments. Carrie Thompson presented options for additional transportation resources which included: redirecting existing funds, new direct and indirect user fees, and new taxes. Mr. Anderson stated that the Legislative meeting on December 3, 2008 was discussed and it was decided that no board action would be taken concerning the IT3 plan prior to that meeting so that comments received could be considered. There was discussion regarding a joint meeting of the Statewide Transportation Plan and the Program Delivery Committee in December to review a concise (9-10 slide) presentation of the Statewide Transportation plan.

Robert Brown gave a report from the Program Delivery Committee. Mr. Brown stated that the process used for balancing the FY09 and FY10 program was discussed. Mr. Brown also stated that the funding limits for the Board were discussed and that it was stressed that TE projects are funded off the top. After much discussion, the Board recommended that maintenance activities are a priority and that TE projects move forward. Bill Kuhlke suggested that a letter be prepared for each Board member to send to their legislative delegation to educate them on where the Department is financially.

Rudy Bowen gave a report from the Administrative Committee. Mr. Bowen stated that the committee met on November 13, 2008 and that Steve Henry, Director of Operations, made a presentation regarding the Outdoor Advertising Board rules. Mr. Bowen stated that Commissioner Evans provided an update on the Department's progress on meeting the policies and goals set by the Board at its June 2008 workshop. The Administrative Committee went into Executive Session for legal and personnel matters. No action was taken.

Under new business, Sam Wellborn stated that the Department, nor any other state agencies using PeopleSoft, was not capable of producing a financial statement in the past because PeopleSoft does not have offer that function. Larry Walker made a motion to officially assign the MagLev Steering committee as a subcommittee under the Intermodal committee and David Doss would be the subcommittee chair and that Mr. Walker will name the rest of the subcommittee, seconded by Robert Brown. David Doss asked the motion be amended to name the subcommittee the High Speed Rail Study subcommittee. Steve Farrow asked that part of the motion reflect Erik Steavens be made staff liaison for the subcommittee. Mr. Walker accepted the amendments are restated his motion to officially assign the High Speed Rail Study subcommittee under the Intermodal committee and David Doss would be the subcommittee chair and Erik Steavens be made staff liaison, seconded by Robert Brown and unanimously approved.

Chairman Kuhlke asked for a motion to move the December 2008 Board meeting to the second Thursday of the month, December 11, 2008. Sam Wellborn made a motion to move the December 2008 Board meeting to the second Thursday of the month, December 11, 2008, seconded by Raybon Anderson and unanimously approved. In response to Chairman Kuhlke's question about an advertisement he'd heard, Commissioner Evans suggested that a presentation be made in December on the Department's public outreach efforts.

There being no further business, Chairman Kuhlke adjourned the meeting at 11:45a.m.

Approved:


Bill Kuhlke, Chairman

Respectfully submitted:


Elizabeth Osmon, Board Secretary

***Denotes documentation in file.**