

**MINUTES**  
**WORK SESSION OF THE BOARD OF DIRECTORS**  
**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY**

**August 15, 2019**

**12:06 p.m.**

**Board Members Present**

Roberta Abudl-Salaam  
Robert L. Ashe III  
Jim Durrett  
Roderick E. Edmond  
William 'Bill' Floyd  
Roderick A. Frierson  
Jerry Griffin  
Freda B. Hardage  
Alicia M. Ivey  
John 'Al' Pond  
Rita Scott  
Christopher Sean Tomlinson\*  
W. Thomas Worthy

**Staff Members Present**

Jeffery A. Parker  
Luz Borrero  
Collie Greenwood  
Gordon L. Hutchinson  
Elizabeth O'Neill  
Franklin Rucker  
David Springstead  
Heather Alhadeff  
Marsha Anderson-Bomar  
LaShanda Dawkins  
Virgil Fludd  
James Sibert (Interim)  
Kirk Talbott  
Emil Tzanov  
Tom Young (Interim)

Also in attendance Dean Mallis; LLP; Sr. Directors Lyle Harris (Contractor), Colleen Kiernan and Don Williams; Directors John Cochran, David Emory and Adam Shumaker; Manager Stephany Fisher; Manager MARTA Board of Directors Rebbie Ellisor-Taylor; Manager Executive Office Administration Tyrene Huff; Sr. Executive Administrator Ashanti Boothe; Sr. Administrative Assistants Keri Lee. Also in attendance Adrien Carter, Abebe Girmay, Courtne Middlebrooks, Terry Ponder and LaTonya Pope.

Others in attendance were Robert Highsmith and Koko K Lewis of Holland & Knight, David Haynes of ARC; Adam Halpin of Arcadis; Jordyn Jones of Arcadis; M. John Jones of GSA/City of Atlanta; Jim Schmidt of HNTB; Cara Vojdani of Arcadis; David Wickert of *the AJC* and Sherri B. Williams of Georgia Standup.

\* **Christopher S. Tomlinson is Executive Director of Georgia Regional Transportation Authority (GRTA) and therefore, a non-voting member of the MARTA Board of Directors**

**Approval of the July 11, 2019 Work Session Minutes**

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On motion by Mr. Durrett seconded by Mr. Pond, the minutes were unanimously approved by a vote of 11 to 0, with 13\* members present.

Mr. Ashe abstained.

**Chair's Report**

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*Upcoming Meetings*

Thursday, August 29, 2019

- Planning & External Relations Committee – 9:30am
- Operations & Safety Committee – (immediately following Planning)
- Business Management Committee – (immediately following Operations)

Thursday, September 12, 2019

- Work Session – 12:00noon
- Board – 1:30pm

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**General Manager/CEO Report**

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GM/CEO Parker called the Board's attention to several handouts:

- Service Standards for FY 19 and Service Standards for FY 20. The Board will receive an overview at an upcoming meeting
- Five Party Memorandum of Agreement – David Haynes will present an overview to discuss regional coordination and planning efforts. The plan was last signed ten (10) years ago and is need to be re-signed
- MARTA 15<sup>th</sup> Amendment

**Fifteenth Amendment**

Mr. Parker briefed the Board on the 15<sup>th</sup> Amendment, noting that another round of approvals will be initiated with the jurisdictions. The Authority is preparing to initiate another round of getting approval of the 15<sup>th</sup> Amendment. He noted a project list was included in the Board member's packets. Staff wanted to ensure that the project list in DeKalb County were consistent with the transit plan approved by the County Commission.

**Work Session**  
**8/15/19**  
**Page 3**

The draft plan is now in the hands of the Authority's jurisdictions. We have been asked by Fulton County to do some specific outreach with each County Commissioner. Staff has a high level of confidence to present to the Board during September 2019.

The Authority wants to be sure to have consensus of the needed jurisdictions to get approval. This would extend the full penny to 2057. The general assembly back in 2015 did not approve that. MARTA would incorporate the additional half cent of the City of Atlanta sales tax and the project list into the engineering report. Fulton County would also be incorporated in DeKalb County Transit Plan. That would be listed in Exhibit B & C.

There was removal of potential Clayton County SPLOST Revenue which was added under the 14<sup>th</sup> Amendment. This was a request made by Clayton County. The Authority has communication which will be discussed before the review and comment section, by jurisdictions around TOD's. The plan is to begin the sixty-day clock in September 2019. It is important for MARTA to have a high level of confidence that will get support of the jurisdictions.

The Authority does have additional bonding capacity under the 14<sup>th</sup> Amendment. This will require staff to present to the MARTA Board, seeking permission to begin the process. There is approximately \$700M of bonding capacity under the 14<sup>th</sup> Amendment that could be utilized.

Mr. Floyd asked for an explanation of the Clayton County SPLOST Revenue.

Mr. Parker said there was a concept that there was funding available. However, nothing was executed. He deferred to Mrs. O'Neill.

Ms. O'Neill said there was initially a thought that there was \$5M left in a SPLOST. It was believed that the \$5M would pay for the initial capital outlay for the purchase of buses throughout Clayton County. As the SPLOST developed, there were no remaining funds left. The capital outlay was then taken from the escrow account.

Mr. Ashe said that was from the negotiations with Clayton County prior to their entry in 2014. The Authority was trying to identify potential sources of revenue that were available in the immediate term to jumpstart the Clayton program.

**Work Session**  
**8/15/19**  
**Page 4**

The SPLOST funds were never used for a number of reasons; we didn't need it and the funds were simply not there. So, what this does, is it goes back and cleans up the contract to reflect what the Authority actually completed. It removes an option the Authority never used because there was some concern that at some point down the road, someone might come back and ask for some of the money. Since the funds doesn't exist, no one wanted to run that risk.

Mr. Floyd asked why was the SPLOST included in the 14<sup>th</sup> Amendment.

Mr. Ashe said the SPLOST was included in the 14<sup>th</sup> Amendment because MARTA was looking for funding to jumpstart the Clayton program. During that time, Clayton Government informed the Authority they believed to have \$5M that could be used to jumpstart the program. Once the referendum was approved, the tax started getting imposed and it was discovered that the funds were never there.

Mr. Parker recognized two MARTA Employees who were recently acknowledged

- Marsha Anderson- Bomar was awarded the Theodore Mattson Memorial Award. This is an award that the Institute for Transportation Engineers gives out annually in the field of Traffic Engineering.
- Franklin Rucker was recognized as one of Atlanta's Influential Black men for 2019 by Atlanta Business League. The Atlanta Business League recognized Mr. Rucker for his long-standing work history in the Atlanta region, around infrastructure.

**Five Party Memorandum Agreement**

Mr. David Haynes of ARC presented a presentation on the Five Party Memorandum Agreement.

The Five Party Memorandum Agreement is an agreement between five (5) key agencies involved in the federally mandated Metropolitan Transportation planning process

- ARC (lead agency)
- ATL
- GDOT
- GRTA
- MARTA

## **Work Session**

**8/15/19**

**Page 5**

### *Legal Reference*

The Metropolitan Planning Organization (MPO), the State(s) and the providers of public transportation shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPS, the State(s), and the providers of public transportation serving the MPA.

### *MPO Process Agreement History*

- MPO's have been mandated by federal law since 1962
- Back in 1971, the signatory agencies were ARC, MARTA and the State Highway Department
- 1997 - there were landmark federalization which really increased the roles and responsibilities of MPO's and transportation planning. The MOA was revised with the same three entities. By that time, the State Highway Department was renamed as GDOT. Signatory agencies were ARC, MARTA and GDOT
- 2008 - GRTA was established in 1999, with responsibilities that included state approval of the Atlanta region's Transportation Improvement Program (TIP) on behalf of the Governor. Signatory agencies were ARC, GDOT, GRTA and MARTA
- 2009 - an Amendment was done to recognize the establishment of the Regional Transit Committee. Signatory agencies were ARC, GDOT, GRTA and MARTA
- 2019 - The quad-party agreement will need to be revised due to the creation of the ATL Authority. Signatory agencies will be ARC, ATL, GDOT, GRTA and MARTA

### *Under federal law there are three (3) primary core products that must be produced*

- Regional Transportation Plan (RTP) – long range multimodal transportation vision; fiscally constrained; updated every four (4) years
- Transportation Improvement Program (TIP) – short range component of the RTP (first six years); more fiscal constraint requirements; updated every four years
- Unified Planning Work Program (UPWP) – annual document produced by ARC; major planning activities

The Five Party Agreement is broken into 10 Sections

- Purpose
- Definitions
- Requirements
- Org. Roles & Responsibilities
- Policy Dev & Coordination
- Public Involvement
- Compliance with Applicable Laws and Regulations
- Amendments & Modifications
- Notification
- Signatures

*Key MARTA Roles and Responsibilities in the MPO Process*

- Participate on ARC committees and other working groups
- Assist in preparing project cost and revenues estimates for the TIP and RTP
- Conduct planning studies (UPWP) and share data and findings
- Support development of the Atlanta Regional Plan

Mr. Ashe said when the ARC presents during the September Planning & External Relations Committee, please bring a redline indicating how the respective roles and responsibilities have changed between the four parties. Also, be prepared to discuss the Bill that created the ATL and how various provisions in the Bill are reflected in the Memorandum Agreement.

Ms. Abdul-Salaam said looking through the Memorandum Agreement, the outline for the role of MARTOC is present. She asked to expound on the role of MARTOC.

Mr. Haynes said agencies have several committee oversight bodies that must be followed for a variety of reasons. These committees are mandated by state laws and not by federal MPO requirements. As valuable as the MARTOC is to the decision-making process within MARTA, the federal government does not dictate the decision making.

Ms. Abdul-Salaam said there is discussion about an outreach program for public involvement. She asked who is responsible for overseeing the program.

Mr. Haynes said he would need to review the language. ARC has revised the Community Engagement Plan and that set of documents lays out the role.

Mr. Parker said there is a public involvement process that the ARC is responsible for. He asked for a brief overview of the development of the RTP and the TIP.

Mr. Haynes said community engagement is an on-going continuous process with several methods. At the federal level, the minimum requirement is when you do a major update the TIP and RTP, it is required to have a thirty-day public comment with at least one public hearing.

Mr. Floyd said when GRTA was created with strong bonding capabilities. He asked if those bonding capabilities have any impact on how the Memorandum Agreement functions.

Mr. Haynes said GRTA's bonding capabilities would be a state role. There is language in the agreement regarding providing revenue estimates and project cost to ARC. However, that is a secondary process.

Mr. Tomlinson said GRTA's bonding powers have the ability to issue bonds which is state law and does not have an impact on the Memorandum Agreement.

Mr. Floyd asked if GRTA's bonding capabilities expire.

Mr. Tomlinson said it is not known for GRTA's bonding capabilities to expire. The bonding capabilities have never been used. GRTA has the power to issue bonds, but don't have a way to pay the debt service on bonds. There is no significance of having the ability to issue them.

Mr. Ashe said during the presentation regarding the ATL and the powers that were being developed, there was a question about potentially re-allocating federal formula funds to be moved to a majority vote. He asked does the Memorandum Agreement address this concern.

Mr. Haynes said no, this agreement indicates that ATL and MARTA will participate in those committees and in those decision-making structures that ARC is the MPO and manages to make those decisions. It is silent on the issues that the committee addresses and silent on the process that the committee uses to address issues. The majority of this is dictated by ARC's By-Laws or dictated by a general understanding of how parties will cooperate in sharing information and how they collaborate on making decisions.

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On motion by Mr. Ashe seconded by Mr. Durrett the Board unanimously agreed by a vote of 12 to 0, with 13\* members present to go into Executive Session at 12:51 p.m. to discuss litigation.

**Work Session**  
**8/15/19**  
**Page 8**

On motion by Mr. Griffin seconded by Ms. Ivey the Board unanimously agreed by a vote of 12 to 0, with 13\* members present to adjourn the Executive Session at 1:18 p.m.

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**Adjournment**

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The meeting of the MARTA Board of Directors adjourned at 1:18 p.m.