

**TRANSPORTATION COMMITTEE
MINUTES
AUGUST 31, 2011**

The regularly scheduled meeting of the Transportation Committee was Convened at 10:38 a.m. on Wednesday, August 31st, in Committee Room #2.

The Following Committee Members were Present

**The Honorable C. T. Martin, Chair
The Honorable Keisha Lance Bottoms, Vice Chair
The Honorable Felicia A. Moore
The Honorable Carla Smith
The Honorable Michael Julian Bond
The Honorable H. Lamar Willis**

Others in attendance were Louis Miller, Aviation; Jim Drinkard, Aviation; Anita Williams, Aviation; Richard Mendoza, Public Works; Nursef Kedir, Public Works; Cotena Carothers, Public Works; Katrina Taylor-Parks, Mayor's Office; Larry Scott, Senior Contract Compliance Specialist; Saul Schultz, Law Department; Vivica Brown, Law Department; Delores Gallego, Aviation; Harold Bevis, Aviation; General Public, Members of the Press and Council Staff.

A. ADOPTION OF AGENDA

The Agenda was Adopted without objection.

B. APPROVAL OF MINUTES

The Minutes for the Transportation Committee Meeting held on July 27, 2011 were approved without objection.

C. DISCUSSION ITEM/PRESENTATION

1. Status: Transportation Investment Act 2010, Tom Weyandt, Sr. Transportation Advisor

Tom Weyandt, came before the Committee to give a update on the Transportation Investment Act of 2010. He spoke on a few key milestones and the regional overview. He also spoke to City of Atlanta Projects and direct results for the City of Atlanta and an analysis of investments. A copy of this information is on file with these minutes.

CONSENT REPORT

D. ORDINANCES FOR FIRST READING

- 11-O-1250 (1) An Ordinance by Transportation Committee to amend the 2012 [Airport Renewal and Extension Fund (5502), the Airport Passenger Facility Charge Fund (5505), the 2004 Airport PFC Bond Fund (5508), the CONRAC Customer Service FAC Charge Fund (5512), and the Airport 2010B PFC Bond Fund (5521)] Budgets by transferring to and from appropriations a total amount of \$31,189,962.44 for reimbursement of the Renewal and extension Fund, a total amount of \$6,329,433.76 for reimbursement of the Airport Passenger Facility Charge Fund; and for other purposes.

TO BE REFERRED TO TRANSPORTATION COMMITTEE

- 11-O-1253 (2) An Ordinance by Transportation Committee amending the Fiscal Year 2012 (Airport Renewal & Extension Fund) Budget by transferring to and from appropriations in the amount of \$11,500,00.00 to provide adequate funding for acquisition of approximately 60 acres of land adjacent to Hartsfield-Jackson Atlanta International Airport from Airport Station, LLC for Runway Protection and future airport development; and for other purposes.

TO BE REFERRED TO TRANSPORTATION COMMITTEE

REGULAR REPORT

E. RESOLUTIONS

- 11-R-1232 (1) A Resolution by Transportation Committee authorizing the Mayor, or his designee, to execute a Local Government Lighting Project Agreement between the City of Atlanta and the Georgia Department of Transportation for Lighting Improvements for the Glenwood Avenue/SR 260 Pedestrian Lighting Project; and for other purposes.

FAVORABLE (6 YEAS) (0 NAYS)

REGULAR REPORT

E. RESOLUTIONS (CONT'D)

- 11-R-1254 (2) A Resolution by Transportation Committee authorizing the Mayor to execute an Agreement with Ricondo & Associates, Inc., for Project Number FC-5233, Master Plan Update and on-Call Airport Planning Services at Hartsfield-Jackson Atlanta International Airport, in an amount not to exceed \$3,000,000.00 for the first contract year to provide Professional Planning Service; all services shall be charged to and paid from the PTAE0 and FDOA Numbers listed; and for other purposes.

FAVORABLE (6 YEAS) (0 NAYS)

- 11-R-1255 (3) A Resolution by Transportation Committee authorizing the Mayor to execute Renewal Agreement No.2 for Contract No. FC-7217-00A; Construction Management Services with Hartsfield Atlanta Construction Managers, LLC on behalf of the Department of Aviation to provide Comprehensive Construction Management Services pursuant to the terms and conditions of the contract; and for other purposes.

FAVORABLE (6 YEAS) (0 NAYS)

- 11-R-1256 (4) A Resolution by Transportation Committee authorizing the Mayor to execute Renewal Agreement No.2 for Contract No. FC-7217-00B; Construction Management Services with Hartsfield-Jackson Construction Management on behalf of the Department of Aviation to provide Comprehensive Construction Management Services pursuant to the terms and conditions of the contract; and for other purposes.

FAVORABLE (6 YEAS) (0 NAYS)

- 11-R-1257 (5) A Resolution by Transportation Committee authorizing the Mayor to execute a Contract with Archer Western Contractors, LTD. For Project Number FC-5240, Runway 27R Extension Paving and Lighting, at Hartsfield-Jackson Atlanta International Airport in an amount not to exceed \$15,269,669.75. All services will be charged to and paid from the PTAE0 and FDOA Numbers listed; and for other purposes.

FAVORABLE (6 YEAS) (0 NAYS)

- 11-R-1258 (6) A Resolution by Transportation Committee authorizing the Mayor to enter into an Agreement with Metropolitan Atlanta Rapid Transit Authority ("MARTA") on behalf of the Department of Aviation to enable the City to make Various Improvements to the MARTA Station at Hartsfield-Jackson Atlanta International Airport; and for other purposes.

FAVORABLE (6 YEAS) (0 NAYS)

REGULAR REPORT

E. RESOLUTIONS (CONT'D)

11-R-1259 (7) A Resolution by Transportation Committee authorizing the Mayor to enter into an Agreement FC-5249; Ground Transportation Curbside Management Services at Hartsfield-Jackson Atlanta International Airport with A-National Limousine Service, Inc. on behalf of the Department of Aviation for an amount not to exceed \$6,635,619.00. All works shall be charged to and paid from the FDOA Numbers listed; and for other purposes.

FAVORABLE ON CONDITION (6 YEAS) (0 NAYS)

11-R-1260 (8) A Resolution by Transportation Committee authorizing the Mayor to execute a Supplemental Lease Agreement with the United States of America for Partial Relocation of the Transportation Security Administration from Concourse E Boarding Level to the North Terminal Apron Level at Hartsfield-Jackson Atlanta International Airport; and for other purposes.

FAVORABLE (6 YEAS) (0 NAYS)

F. PAPERS HELD IN COMMITTEE

10-O-0467 (1) A **Substitute** Ordinance by Transportation Committee to amend Chapter 138 (Entitled "Street, Sidewalks and Other Public Places"), Article IV, Division 2, Sections 138-84 and 138-85 so as to amend the procedures to be followed for the installation of Traffic Calming Devices in the public right-of-way; and for other purposes. **(Held 3/31/10 for the sub-committee to meet and report back to the Committee; 12/15/10 Substituted and held for further review; 3/16/11 Substituted and held for further review.)**

10-O-1399 (2) An Ordinance by Transportation Committee amending Chapter 22, Article III, Division 7, of the Code of Ordinances of the City of Atlanta; to create Code Section 22-206 titled "Off-Airport Parking Operators" on behalf of the Department of Aviation Ground Transportation Division, for the purpose of restructuring the fees the City assesses Off-Airport Parking Operators; and for other purposes. **(Work session held 8/18/10) (Held 9/1/10 at the request of the Department)**

F. PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1400 (3) An Ordinance by Transportation Committee amending Chapter 22, Article III, Division 7, of the Code of Ordinances of the City of Atlanta, on behalf of the Department of Aviation Ground Transportation Division, for the purpose of restructuring and increasing the fees the City assesses the Airport's Commercial Ground Transportation Operators; and for other purposes. **(Work session held 8/18/10) (Held 9/1/10 at the request of the Department)**
- 10-R-1456 (4) A Resolution by Councilmembers Michael J. Bond, Ivory L. Young, Jr., Kwanza Hall, H. Lamar Willis, Aaron Watson, Clela Winslow, Yolanda Adrean, Carla Smith, Natalyn Archibong, Keisha Lance Bottoms and Joyce Sheperd to create a Multi-Modal Transportation Commission to study and make recommendations for addressing the City of Atlanta's Transportation and Infrastructure needs; and for other purposes. **(Held 9/1/10 at the request of the author.)**
- 10-O-1732 (5) An Ordinance by Councilmembers Michael J. Bond, Keisha Lance Bottoms, C. T. Martin, H. Lamar Willis, Clela Winslow, Aaron Watson, Ivory L. Young, Jr., Yolanda Adrean and Joyce Sheperd authorizing the Mayor or his designee to install a traffic signal at the intersection of County Line Road, SW and Tell and Butner Roads; and for other purposes. **(Held 9/29/10 for further review.)**
- 10-O-2100 (6) An Ordinance by Councilmember Michael Julian Bond to create certain parking benefit districts within the City of Atlanta; to set aside 15% of all parking management revenues received from Contract No. FC-4877, Parking Management Services, for the purpose of implementing streetscape improvements and traffic mitigation measures within current and future Parking Enforcement Zones; and for other purposes. **(Held 12/1/10 at the request of the author and to schedule a work session.)**
- 11-O-0010 (7) An Ordinance by Transportation Committee to make Carroll Street, SE between Boulevard, SE and Tennelle Street, SE a One-Way Street with traffic being directed Northbound, and to make Tennelle Street, S.E. between Carroll Street, SE and Savannah Street, SE a One-Way Street with traffic being directed Eastbound; and for other purposes. **(Held 2/2/11 at the request of the Department of Public Works for further review.)**
- 11-O-0773 (8) An Ordinance by Councilmembers Michael Julian Bond, Howard Shook, Alex Wan and Kwanza Hall **as substituted (2) by Transportation Committee** to amend Chapter 150 ("Traffic and Vehicles"), Article IV ("Stopping, Standing and Parking"), Division 4 ("Residential Permit Parking"), Sections 150-147 ("Program Established"), 150-154 ("Uniformity of Parking Regulations") and 150-157 ("Limitation on

F. PAPERS HELD IN COMMITTEE (CONT'D)

Permit Use”) of the City of Atlanta Code of Ordinances so as to remove the blanket two-hour exemption for non-permitted vehicles in all residential permit parking areas and to allow for all existing and future residential permit parking areas to choose whether to opt into or out of the two-hour non residential exemption; and for other purposes. **(Substituted and held 5/11/11 by the Committee for further review.)**

**FAVORABLE ON SUBSTITUTE #2 AS AMENDED ON
CONDITION (5 YEAS) (0 NAYS) (1 ABSTENTION)**

G. REQUESTED INFORMATION

An email was sent to each councilmember listed below to confirm receipt of requested information or the status of the request. Minutes for the next Transportation Committee meeting will reflect the responses and/or actions taken.

3/30/11

Councilmember Martin:

1. **Asked Public Works, by way of Katrina Taylor-Parks, for a list of position vacancies citywide and employee absences citywide.**

4/27/11

Councilmember Willis:

1. **Asked Aviation General Manager, Louis Miller, to inform him of a solution for removing and relocating police cars and officer's personal vehicles, parked on the (North ?) curb at the airport. (in conjunction with 11-R-0636) (adopted 5/2/11)**
2. **Asked Public Works Commissioner, Richard Mendoza, to look into traffic warning measures for drivers to slow down at Tell Road and Fairburn Road.**

Councilmember Moore:

1. **Asked Public Works Commissioner, Richard Mendoza, to submit periodic updates on the Synchronization Task Force for the Howell Mill Road and White Street Traffic Signal Traffic Study Updated by the developer.**
2. **Aviation General Manager, Louis Miller, to provide an update on the concessions program and any discussions with the proposers and the labor force that work in concessions at HJAIA.**

Councilmember Martin:

1. **Asked Assistant Aviation General Manager, Jim Drinkard, to provide a map and detailed background information of the areas to be affected by 11-R-0634. (adopted 5/2/11)**
2. **Asked Analyst, Larry Stokes, to coordinate a worksession for 10-O-0467.**
3. **Asked Georgia Power Representative, Willie Palmer, to find out about any possible grid work needed in Collier Heights, following the 3 day power outage after the thunderstorm that occurred 2 weeks earlier.**

G. REQUESTED INFORMATION

5/11/11

Councilmember Willis:

1. **Asked Aviation, through Katrina Taylor-Parks, to provide additional information concerning the Super Rent before 4/1/11. (Councilmember Willis received incorrect information) (REVISED 5/11/11) Asked Aviation General Manager to submit a comparison of major airports, comparable to HJAIA, that operate using premium rent.**

6/15/11

Councilmember Willis:

1. **Asked Aviation General Manager to provide/include information for discussion on adding a valet parking program at the airport. And to include a comparable report of several other major airports with a valet parking program.**

6/29/11

Councilmember Moore:

1. **Asked Public Works Commissioner, Richard Mendoza, to inform her of the process to establish a Senior Zone and to either expand the Marietta Road Senior Zone to include the Agape Community Center on Bolton Road, or to establish a Senior Zone for the Agape Community Center on Bolton Road.**
2. **Asked Public Works Commissioner, Richard Mendoza, to submit an update to the Committee on the Howell Mill Road synchronization project.**

7/13/11

Councilmember Lance Bottoms:

1. **Asked the Law Department what would be the risk to the City if it asked the Concessionaires group at HJAIA to give priority hiring to one group of employees over another. (Attorney Michael Fineman offered to speak with Committee members off camera)**

7/27/11

Councilmember Lance Bottoms:

1. **Accepted an offer from Ted Basta, Chief of Business Support Services with MARTA, to provide a "wish list" of MARTA projects, if money to fund the projects was not an issue. *Received from Ryland McClendon with MATRA copy attached***

G. REQUESTED INFORMATION (CONT'D)

8/31/11

Councilmember Bond:

1. Asked Larry Scott with Contract Compliance to look into an incident where an MBE participating Contractor is complaining about not receiving work from the Prime Contractor because the work had been handed to someone within the Prime Contractors personnel.

Councilmember Willis:

1. Asked Larry Scott to provide information concerning the last time any contractor doing business with the City of Atlanta had been found out of compliance and investigated and what was the remedial measures taken to resolve the issue.
2. Asked Louis Miller, Aviation, to inform the Committee of the value of the Taxi Service offered at the airport in comparison to the cost of the proposed Ground Transportation Curbside Management Service Agreement, 11-R-1259, by Tuesday 9/6/11.

Councilmember Martin:

1. Asked Jim Drinkard, Aviation, or Larry Scott, Contract Compliance, to provide the Committee with a copy of the DBE Project Participation Plan for 11-R-1257 (Archer Western Contractor). *Received from Larry Scott before the meeting ended*
2. Asked Bernard Thomas to get with Larry Scott, Contract Compliance, and Katrina Taylor-Parks, Office of the Mayor, to schedule a worksession with the Office of Contract Compliance to discuss and get updated with the contract process
3. Asked Louis Miller, Aviation, to provide a copy of the new scope of services for the Ground Transportation Curbside Management Service, 11-R-1259, to the Committee by Tuesday 9/6/11.

Councilmember Moore:

1. Asked Richard Mendoza, Public Works, to provide a map of the area(s) in question for 11-O-0773 that would clearly indicate where the restrictions would be by Tuesday 9/6/11

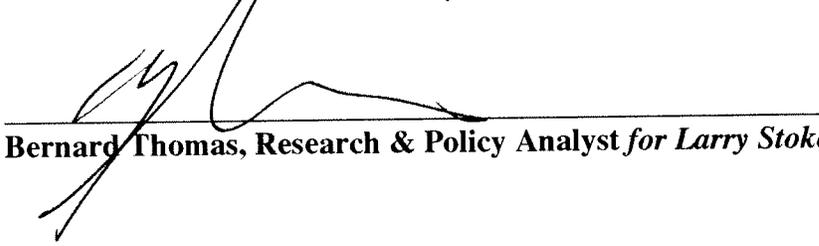
ADJOURNMENT

There being no further business before the Committee, the meeting was Adjourned at 12:05 a.m.

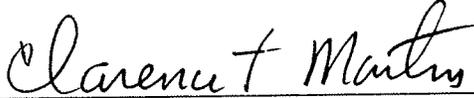
Respectfully Submitted:



Wasonna H.-Griffin, Legislative Assistant



Bernard Thomas, Research & Policy Analyst for Larry Stokes



The Honorable C. T. Martin, Chair
Transportation Committee

Griffin, Wasonna

From: McClendon, Ryland [RMcClendon@itsmarta.com]
Sent: Friday, August 12, 2011 3:42 PM
To: Martin, Clarence; Smith, Carla; Moore, Felicia; Willis, H; Bottoms, Keisha; Stokes, Larry; Bond, Michael; Griffin, Wasonna
Cc: Basta, Jr., Theodore; joja201@aol.com; drrod@edmondfirm.com; ashe@bmelaw.com; Kennedy, Leeshu; Briggins, Rhonda
Subject: Response to Councilmember Bottoms' Request
Attachments: memokbottomsprojects.doc; 2011_08_12_15_31_48.pdf; 2011_08_12_15_29_06.pdf; Updated Expansion Brochure 030911.pdf

Attached, please find the information requested by Councilmember Bottoms at the July 27 Transportation Committee Meeting. Thanks

Ryland

Ryland N. McClendon
Assistant General Manager
Communications & External Affairs
2424 Piedmont Road, NE
Atlanta, GA 30324
Phone: 404 848-5100
Fax: 404 848-5320
Email: rmcclendon@itsmarta.com

Memorandum



Date: August 12, 2011

To: Councilmember Keisha Bottoms,
District 11

From: Theodore J. Basta
Chief of Business Support Services

Subject: Information requested

During the MARTA Jurisdictional Briefing before the City Council Transportation Committee meeting held on July 27, you requested information concerning the system expansion projects adopted by MARTA.

In response to that request, enclosed are copies of the twelfth and thirteenth amendments to the Rapid Transit Contract and Assistance Agreement (RTCAA). These amendments contain the most recent lists of projects adopted by the Authority and approved by the local jurisdictions as potential system extensions.

Under separate cover we will provide the complete copy of the RTCAA, which includes the contract as well as the first eleven amendments to the contract. You will note that there are some additional potential projects included in these first eleven amendments that, for a variety of reasons, have not been constructed.

If you would like further information in this regard I will be happy to have a member of MARTA's planning staff meet with you.

Cc: Councilmember C. T. Martin
Councilmember Felicia Moore
Councilmember Carla Smith
Councilmember H. Lamar Willis
Councilmember Michael Bond
Mr. Larry Stokes, Committee Staff
Ms. Wasonna Griffin, Committee Staff
Mrs Juanita J. Abernathy, MARTA Board
Mr. Rod Edmond, MARTA Board
Mr. Robert Ashe, MARTA Board

MARTA EXPANSION PROJECTS FACTS

I-20 East

High capacity transit expansion project that begins in downtown Atlanta and extends 20 miles eastward along the congested I-20 Corridor into south DeKalb County to the Mall at Stonecrest. According to the Atlanta Regional Commission (ARC), between 50,000 to 75,000 vehicles per day will use I-20 East into the Atlanta CBD in 2030.

Clifton Corridor

The Clifton Corridor transit project is located in west-central DeKalb County which features the highest concentration of employment within metropolitan Atlanta without direct access to the MARTA heavy rail system or major highways. According to the Atlanta Regional Commission, jobs within the study area are expected to reach 157,000 by 2030—similar to Downtown Atlanta.

Atlanta BeltLine

Major Capital City initiative will combine greenspace, trails, transit, and new development along 22 miles of historic rail segments that encircle the City of Atlanta. The BeltLine will serve as a secondary circulator service to the MARTA regional transit core system and regional express bus systems moving patrons on shorter more flexible trips.

Atlanta Streetcar

The Atlanta Streetcar will provide missing circulation and direct connectivity to the existing transit services coming into Midtown and Downtown, as well as future commuter rail, regional light rail, including the Atlanta BeltLine, and intercity and high-speed passenger rail services. Phase I of the project is being advanced through a TIGER II Grant. The total cost of this phase is \$69.2 million with capital match contributions from the City of Atlanta \$15.6 million and ADID \$6 million as part of a total contribution from ADID of \$20 million over 20 years.

Red Line/North Rail Extension

High capacity transit service along the GA 400 corridor from Windward Parkway in North Fulton to the I-285 Perimeter Center area, linking to MARTA's existing Red Line. ARC indicates 50,000 to over 100,000 vehicles per day will use GA 400 from the Atlanta CBD to North Fulton in 2030.

Gold Line/Northeast Rail Extension

A proposed extension of MARTA's Gold Line from the Doraville Station in DeKalb County to the City of Norcross in Gwinnett County, approximately 2.5 miles. According to the 2005 Census estimates, Gwinnett is the second most populous county in Georgia.

Northern Crescent

High capacity transit service in the I-285 North Corridor will relieve congestion on the top end of I-285 by directly linking Cobb, Fulton and Gwinnett Counties with Perimeter Center, the largest concentration of "Fortune 500" companies in the southeast. I-285's top end is on the most congested corridors in Georgia, serving between 200,000 and 250,000 vehicles per day.

I-75 Northwest Transit

High capacity transit service linking major activity centers, Town Center, Marietta and Cumberland in Cobb County to downtown Atlanta. Atlanta Regional Commission indicates over 100,000 vehicles per day will use I-75 from GA 316 into the Atlanta CBD in 2030.

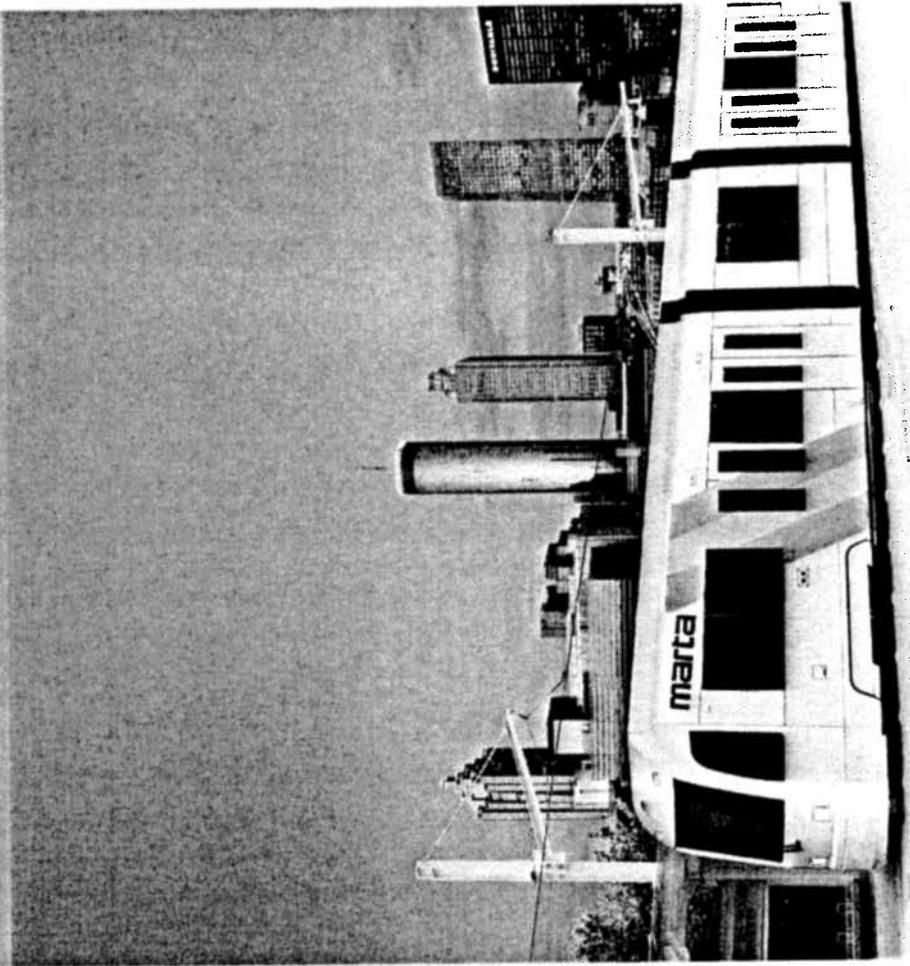
Blue Line/West Rail Extension

Project will extend MARTA's Blue Line from the Hamilton E. Holmes Station to Martin Luther King Jr. Drive and I-285, approximately 1.4 miles. The rail extension will provide an essential missing link for commuters traveling north-south along I-285 by adding a direct connection to transit.

I-20 West BRT Service

Project will provide Bus Rapid Transit service from MARTA's Hamilton E. Holmes Station to Fulton Industrial Boulevard and the Six Flags area. Operating within the planned Georgia Department of Transportation I-20 West managed lanes, the project will enhance existing and support new transit service into West Fulton, and provide transit riders access into South Cobb and Douglas Counties.

MAJOR TRANSIT EXPANSION PROJECTS



MARTA MAJOR TRANSIT EXPANSION PROJECTS

- Legend**
- Atlanta Beltline
 - Clifton Corridor
 - GA 400
 - I-20
 - I-20 W BRT
 - I-285
 - I-75NW
 - Other Intown Streetcar Lines
 - Northeast Line Extension
 - Peachtree Streetcar
 - South Fulton Parkway
 - West Line Extension

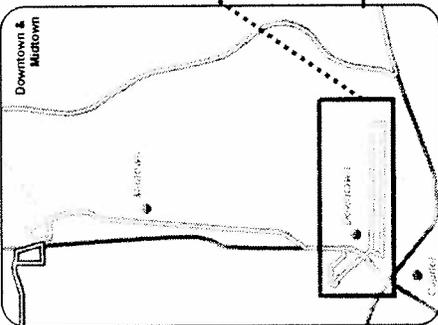


RED LINE/NORTH RAIL EXTENSION

Connects major activity centers along GA 400 from Perimeter Center to Windward Parkway.

ATLANTA STREETCAR PHASE I

Modern urban circulator for the greater Atlanta capital city; links key businesses, government, tourism and intown neighborhoods for daily commuters, tourists and business travelers; students; provides critical "last mile" connection for all regional transit services to the capital city.



ATLANTA STREETCAR PHASE II

TIGER II GRANT

Four-mile BRT Service provides high capacity transit from MARTA's Hamilton E. Holmes Station to Fulton Industrial Boulevard and the Six Flags area.

GOLD LINE/NORTHEAST RAIL EXTENSION

I-75 NORTHWEST TRANSIT

Connects Northwest Atlanta to Downtown and other major activity centers.

CLIFTON CORRIDOR

Connects west central DeKalb County to MARTA's Lindbergh Station via Emory University and the national Centers for Disease Control (CDC) campus.

I-20 EAST

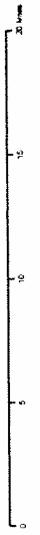
Connects Southeast DeKalb County to Downtown Atlanta.

ATLANTA BELTLINE

22-mile transit encircling Atlanta's Urban core connecting neighborhoods, greenspace, parks and trails; extensive community development and economic revitalization.

SOUTH FULTON PARKWAY

Connects South Fulton County to Downtown and other major activity centers.



**THIRTEENTH AMENDMENT
TO RAPID TRANSIT CONTRACT
AND ASSISTANCE AGREEMENT**

THIS AMENDMENT, made and entered into as of the 5th day of November, 2008, by, between, and among Fulton County, a political subdivision of the State of Georgia (hereinafter sometimes called "Fulton"), DeKalb County, a political subdivision of the State of Georgia (hereinafter sometimes called "DeKalb"), the City of Atlanta, a municipal corporation of the State of Georgia (hereinafter sometimes called "Atlanta"), and the Metropolitan Atlanta Rapid Transit Authority (hereinafter sometimes called the "Authority"), a public body corporate and a joint instrumentality of Fulton, DeKalb, Clayton County, Gwinnett County, and Atlanta, organized and existing under an Act of the General Assembly of the State of Georgia, approved March 10, 1965, (Ga. L. 1965, p. 2243), said Act having been amended by an Act of the General Assembly approved March 4, 1966, (Ga. L. 1966, p. 3264), by an Act approved March 16, 1971, (Ga. L. 1971, p. 2082), by an Act approved March 16, 1971, (Ga. L. 1971, p. 2092), by an Act approved March 17, 1973, (Ga. L. 1973, p. 141), by an Act approved March 21, 1974, (Ga. L. 1974, p. 2617), by an Act approved March 21, 1974, (Ga. L. 1974p, 2627), by an Act approved February 20, 1976, (Ga. L. 1976, p. 3092), by an Act approved March 24, 1976, (Ga. L. 1976, p. 3098), by an Act approved March 24, 1976, (Ga. L. 1976, p. 3098), by an Act approved March 24, 1976, (Ga. L. 1976, p. 3104), by an Act approved March 31, 1976, (Ga. L. p. 3407, by an Act approved March 23, 1977, (Ga. L. 1977, p. 724), by an Act approved March 30, 1977, (Ga. L. 1977, p. 1211), by an Act approved April 8, 1977, (Ga. L. 1977, p. 1312), by an Act approved April 16, 1979, (Ga. L. 1979, p. 4634), by an Act approved March 27, 1980, (Ga. L. 1980, p. 3831), by an Act approved March 27, 1980, (Ga. L. 1980, p. 4333), by an Act approved April 7, 1981, (Ga. L. 1981, p. 4289), by an Act approved April 20, 1982, (Ga. L. 1982, p. 5101), by an Act approved March 18, 1983, (Ga. L. 1983, p. 764), by an Act approved March 14, 1985, (Ga. L. 1985, p. 3609), by an Act approved March 14, 1986, (Ga. L. 1986, p. 3756), by an Act approved March 20, 1986, (Ga. L. 1986 p. 4115), by an Act approved January 29, 1988, (Ga. L.

1988, p. 3510), by an Act approved April 11, 1988, (Ga. L. 1988, p. 5013), by an Act approved April 12, 1988, (Ga. L. 1988, p. 5023), by an Act approved March 30, 1989, (Ga. L. 1989, p. 4313), by an Act approved March 13, 1990, (Ga. L. 1990, p. 3860), by an Act approved April 4, 1991 (Ga. L. 1991, p. 4626), by an Act approved April 11, 1991 (Ga. L. 1991, p. 4755), by an Act approved April 11, 1991 (Ga. L. 1991, p. 4761), by an Act approved April 7, 1992 (Ga. L. 1992, p. 5690), by an Act approved April 9, 1993 (Ga. L. 1993, p. 5251), by an Act approved April 8, 1994 (Ga. L. 1994, p. 4952), by an Act approved April 8, 1994 (Ga. L. 1994, p. 4959), by an Act approved April 1, 1996 (Ga. L. 1996, p. 3717), by an Act approved April 8, 1996 (Ga. L. 1996, p. 4314), by an Act approved March 27, 1998 (Ga. L. 1998, p. 3561), by an Act approved April 14, 1998 (Ga. L. 1998, p. 4450), by an Act approved April 19, 2000 (Ga. L. 2000, p. 4492), by an Act approved May 1, 2000 (Ga. L. 2000, p.4567), by an Act approved May 10, 2002 (Ga. L. 2002, p. 5683), by an Act approved May 10, 2002 (Ga. L. 2002, p. 5690), by an Act approved May 10, 2002 (Ga. L. 2002, p. 5698), by an Act approved June 4, 2003 (Ga. L. 2003, p. 4740), by an Act approved April 27, 2006 (Ga. L. 2006, p. 3746), and by an Act approved April 27, 2006 (Ga. L. 2006 p.3751)(hereinafter sometimes referred to as the “Act”);

WITNESSETH THAT:

Whereas, the Authority, Atlanta, Fulton, and DeKalb have previously entered into a Rapid Transit Contract and Assistance Agreement as of the first day of September, 1971 (hereinafter called the “Contract”), which sets forth and delineates the respective duties, obligations, and commitments of the parties hereto to each other with respect to construction, development, and implementation of the Authority’s rapid transit system (hereinafter called the “System”) and incorporates by reference the Engineering Report dated September, 1971, which embodies preliminary plans and recommendations for the acquisition and construction of the System; and

Whereas, The Authority, Atlanta, Fulton, and DeKalb, in accordance with Sections 4(d) and 5 of the Contract, have previously made twelve amendments to the Contract making changes to the System; and

Whereas, the Authority, Atlanta, Fulton, and DeKalb desire to amend the Engineering Report to: include a fixed-guideway transit extension for the I-20 East corridor featuring a segment extending from the Garnett or West End Stations, as appropriate and feasible, to an area in the vicinity of the Mall at Stonecrest in DeKalb County; and to further amend the Engineering Report to include an integrated Atlanta circulation network with initial segments in or near the Peachtree Street corridor from downtown to Midtown and segments serving the Martin Luther King, Jr. Historic District and Centennial Olympic park; and to further amend the Engineering Report to extend a fixed-guideway transit segment along Marietta Blvd corridor into northwest Atlanta; and to further amend the Engineering Report to include a fixed-guideway transit segment extending along State Route GA400 corridor from I-285 up to Windward Parkway; and to further amend the Engineering Report to include the segment of fixed-guideway transit along the northern section of the I-285 corridor within Fulton and DeKalb Counties; and to further amend the Engineering Report to include an extension of the MARTA northeast heavy rail segment from Doraville to the DeKalb County line as needed to prepare for future system expansion; and to further amend the Engineering Report to include a segment of transit (technology to be determined) extending from the College Park Station to South Fulton via the South Fulton Parkway corridor; and to further amend the Engineering report to extend the Clifton corridor from Emory University, as previously set out in the Twelfth Amendment, to the Decatur Station; and to further amend the Engineering report to include a high capacity rail project from Arts Center Station to the City of Atlanta/Fulton County line; and

Whereas, on September 15 , 2008, the Authority adopted the aforesaid changes to the System and amendments to the Engineering Report.; and

Whereas, pursuant to Sections 4(d) and 5 of the Contract, approval by Fulton, DeKalb, and Atlanta of the said changes to the Engineering Report was given by appropriate and duly adopted resolutions, by Atlanta on October 6, 2008, by Fulton on November 5, 2008, and by DeKalb on November 18, 2008; and

Whereas, pursuant to the said resolutions of approval and in accordance with the desires of the parties, Fulton, DeKalb, Atlanta, and the Authority hereby incorporate, establish, and bind each other to such amendments to the Engineering Report and provide evidence of their mutual agreement thereto:

NOW THEREFORE, in consideration of the premises and the undertakings hereinafter set forth, Fulton, DeKalb, Atlanta, and the Authority, each acting by and through its authorized officers, pursuant to a resolution or ordinance duly adopted and properly passed by its governing body, covenant and agree as follows:

Section 1. Fulton, DeKalb, Atlanta, and the Authority do hereby amend the Contract and Engineering Report so as to reflect certain substantial deviations from the Engineering Report to include a fixed-guideway transit extension for the I-20 East corridor featuring a segment extending from the Garnett or West End Stations, as appropriate and feasible, to an area in the vicinity of the Mall at Stonecrest in DeKalb County; and to further amend the Engineering Report to include an integrated Atlanta circulation network with initial segments in or near the Peachtree Street corridor from downtown to Midtown and segments serving the Martin Luther King, Jr. Historic District and Centennial Olympic park; and to further amend the Engineering Report to extend a fixed-guideway transit segment along Marietta Blvd corridor into northwest Atlanta; and to further amend the Engineering Report to include a fixed-guideway transit segment extending along State Route GA400 corridor from I-285 up to Windward Parkway; and to further amend the Engineering Report to include the segment of fixed-guideway transit along the northern section of the I-285 corridor within Fulton and DeKalb Counties; and to further amend the Engineering Report to include an extension of the MARTA northeast heavy rail segment from Doraville to the DeKalb County line as needed to prepare for future system

expansion; and to further amend the Engineering Report to include a segment of transit (technology to be determined) extending from the College Park Station to South Fulton via the South Fulton Parkway corridor; and to further amend the Engineering report to extend the Clifton corridor from Emory University, as previously set out in the Twelfth Amendment, to the Decatur Station; and to further amend the Engineering report to include a high capacity rail project from Arts Center Station to the City of Atlanta/Fulton County line.

It is hereby agreed that such changes constitute substantial deviations from the Engineering Report and, as required by the Contract, have been and hereby are appropriately and duly approved. It is further agreed that the final location and design of such changes in the Engineering Report shall be determined by the Authority in accordance with such approved environmental studies as may be required by State or federal law and regulations.

Section 2. The Engineering Report shall be deemed modified to the extent, and only to the extent, as is specifically provided herein. Any specific term or provision herein shall prevail over any inconsistent general or specific term or provision of the Engineering Report.

Section 3. The effective date of this amendment to the Contract and Engineering Report is November 5, 2008, the said amendment having been approved on or before that date by a majority of Fulton, DeKalb, and Atlanta.

IN WITNESS WHEREOF, the parties hereto, each acting through its duly authorized officer, have caused this Thirteenth Amendment to the Rapid Transit Contract and Assistance Agreement to be executed in several counterparts, each of which may be considered an original without the presentation of the others, as of the day and year first above written.

[Signatures are on the following pages.]

Approved as to form:

County Attorney

ATTEST:

Clerk

Approved as to form:

County Attorney

ATTEST:

Clerk, Board of Commissioners

Approved as to form:

City Attorney

ATTEST:

City Clerk

FULTON COUNTY:

By: _____
Chairman, Board of
Commissioners

DeKALB COUNTY:

By: _____
Chief Executive Officer

CITY of ATLANTA:

By: _____
Mayor

Approved as to form:

METROPOLITAN ATLANTA
RAPID TRANSIT AUTHORITY:

Counsel

By: _____
General Manager/CEO

ATTEST:

Secretary

**TWELFTH AMENDMENT TO RAPID TRANSIT CONTRACT
AND ASSISTANCE AGREEMENT**

THIS AMENDMENT, made and entered into as of the 24th day of April, 2007, by, between, and among Fulton County, a political subdivision of the State of Georgia (hereinafter sometimes called "Fulton"), DeKalb County, a political subdivision of the State of Georgia (hereinafter sometimes called "DeKalb"), the City of Atlanta, a municipal corporation of the State of Georgia (hereinafter sometimes called "Atlanta"), and the Metropolitan Atlanta Rapid Transit Authority (hereinafter sometimes called the "Authority"), a public body corporate and a joint instrumentality of Fulton, DeKalb, Clayton County, Gwinnett County, and Atlanta, organized and existing under an Act of the General Assembly of the State of Georgia, approved March 10, 1965, (Ga. L. 1965, p. 2243), said Act having been amended by an Act of the General Assembly approved March 4, 1966, (Ga. L. 1966, p. 3264), by an Act approved March 16, 1971, (Ga. L. 1971, p. 2082), by an Act approved March 16, 1971, (Ga. L. 1971, p. 2092), by an Act approved March 17, 1973, (Ga. L. 1973, p. 141), by an Act approved March 21, 1974, (Ga. L. 1974, p. 2617), by an Act approved March 21, 1974, (Ga. L. 1974p, 2627), by an Act approved February 20, 1976, (Ga. L. 1976, p. 3092), by an Act approved March 24, 1976, (Ga. L. 1976, p. 3098), by an Act approved March 24, 1976, (Ga. L. 1976, p. 3098), by an Act approved March 24, 1976, (Ga. L. 1976, p. 3104), by an Act approved March 31, 1976, (Ga. L. p. 3407, by an Act approved March 23, 1977, (Ga. L. 1977, p. 724), by an Act approved March 30, 1977, (Ga. L. 1977, p. 1211), by an Act approved April 8, 1977, (Ga. L. 1977, p. 1312), by an Act approved April 16, 1979, (Ga. L. 1979, p. 4634), by an Act approved March 27, 1980, (Ga. L. 1980, p. 3831), by an Act approved March 27, 1980, (Ga. L. 1980, p. 4333), by an Act approved April 7, 1981, (Ga. L. 1981, p. 4289), by an Act approved April 20, 1982, (Ga. L. 1982, p. 5101), by an Act approved March 18, 1983, (Ga. L. 1983, p. 764), by an Act approved March 14, 1985, (Ga. L. 1985, p. 3609), by an Act approved March 14, 1986, (Ga. L. 1986, p. 3756), by an Act approved March 20, 1986,

(Ga. L. 1986 p. 4115), by an Act approved January 29, 1988, (Ga. L. 1988, p. 3510), by an Act approved April 11, 1988, (Ga. L. 1988, p. 5013), by an Act approved April 12, 1988, (Ga. L. 1988, p. 5023), by an Act approved March 30, 1989, (Ga. L. 1989, p. 4313), by an Act approved March 13, 1990, (Ga. L. 1990, p. 3860), by an Act approved April 4, 1991 (Ga. L. 1991, p. 4626), by an Act approved April 11, 1991 (Ga. L. 1991, p. 4755), by an Act approved April 11, 1991 (Ga. L. 1991, p. 4761), by an Act approved April 7, 1992 (Ga. L. 1992, p. 5690), by an Act approved April 9, 1993 (Ga. L. 1993, p. 5251), by an Act approved April 8, 1994 (Ga. L. 1994, p. 4952), by an Act approved April 8, 1994 (Ga. L. 1994, p. 4959), by an Act approved April 1, 1996 (Ga. L. 1996, p. 3717), by an Act approved April 8, 1996 (Ga. L. 1996, p. 4314), by an Act approved March 27, 1998 (Ga. L. 1998, p. 3561), by an Act approved April 14, 1998 (Ga. L. 1998, p. 4450), by an Act approved April 19, 2000 (Ga. L. 2000, p. 4492), by an Act approved May 1, 2000 (Ga. L. 2000, p.4567), by an Act approved May 10, 2002 (Ga. L. 2002, p. 5683), by an Act approved May 10, 2002 (Ga. L. 2002, p. 5690), by an Act approved May 10, 2002 (Ga. L. 2002, p. 5698), by an Act approved June 4, 2003 (Ga. L. 2003, p. 4740), by an Act approved April 27, 2006 (Ga. L. 2006, p. 3746), and by an Act approved April 27, 2006 (Ga. L. 2006 p.3751)(hereinafter sometimes referred to as the “Act”);

WITNESSETH THAT:

Whereas, the Authority, Atlanta, Fulton, and DeKalb have previously entered into a Rapid Transit Contract and Assistance Agreement as of the first day of September, 1971 (hereinafter called the “Contract”), which sets forth and delineates the respective duties, obligations, and commitments of the parties hereto to each other with respect to construction, development, and implementation of the Authority’s rapid transit system (hereinafter called the “System”) and incorporates by reference the Engineering Report dated September, 1971, which embodies preliminary plans and recommendations for the acquisition and construction of the System; and

Whereas, The Authority, Atlanta, Fulton, and DeKalb, in accordance with Sections 4(d) and 5 of the Contract, have previously made eleven amendments to the Contract making changes to the System; and

Whereas, Section 2(d) of the Contract, as heretofore amended, provides that Fulton and DeKalb shall levy a retail sales and use tax for rapid transit purposes at the maximum rate permitted by law from time to time during the full term of the Contract, and recites that the maximum rate of the said tax shall be one percent until June 30, 2032, and one-half of one percent thereafter; and

Whereas, the General Assembly by an Act (H.B. 1615) approved March 16, 2000, amended Section 25 of the Act to provide that the maximum rate of the said tax shall be one percent until and including June 30, 2047, and shall thereafter be reduced to one-half of one percent; and

Whereas, the Authority, Atlanta, Fulton, and DeKalb desire to amend Section 2(d) of the Contract to conform to the said amendment of Section 25 of the Act, and to extend the term of the Contract until April 24, 2057; and

Whereas, the Authority, Atlanta, Fulton, and DeKalb desire to amend the Engineering Report to: add a Bus Rapid Transit segment to extend west from the Hamilton E. Holmes Station, formerly the Hightower Station, within the I-20 West highway facility, to stations located at the interchange of I-20 and MLK, Jr. Drive and the southwest quadrant of the interchange of I-20 and Fulton Industrial Boulevard; and to include the alignment for the I-20 East Bus Rapid Transit segment to extend from the Garnett Station to an area in the vicinity of the Mall at Stonecrest in DeKalb County; and to include a Beltline Corridor encompassing the Downtown and Midtown areas of Atlanta along the existing Southern Railway, Atlanta and West Point Railroad, Louisville and Nashville Railroad and Seaboard Air Line Railroad rights-of-way; and to include a transit segment in the Clifton corridor connecting the Lindbergh Center Station to the Emory University Campus.

Whereas, on February 5, 2007, the Authority adopted the aforesaid changes to the System and amendments to the Contract and the Engineering Report as described in Exhibit A attached hereto; and

Whereas, pursuant to Sections 4(d) and 5 of the Contract, approval by Fulton, DeKalb, and Atlanta of the said amendments to the Contract and changes to the Engineering Report has been given by appropriate and duly adopted resolutions, by Atlanta on March 28, 2007, by DeKalb on April 24, 2007, and by Fulton on May 2, 2007; and

Whereas, pursuant to the said resolutions of approval and in accordance with the desires of the parties, Fulton, DeKalb, Atlanta, and the Authority hereby incorporate, establish, and bind each other to such amendments to the Contract and to the Engineering Report and provide evidence of their mutual agreement thereto:

NOW THEREFORE, in consideration of the premises and the undertakings hereinafter set forth, Fulton, DeKalb, Atlanta, and the Authority, each acting by and through its authorized officers, pursuant to a resolution or ordinance duly adopted and properly passed by its governing body, covenant and agree as follows:

Section 1. Fulton, DeKalb, Atlanta, and the Authority do hereby amend the second sentence of Subsection 2(d) of the Contract, as heretofore amended, by inserting after the following:

“and as further amended by Act 779 (H. B. 1502) approved March 13, 1990 (Ga. L. 1990, p. 3860,”

the following:

“and as further amended by an Act (H. B. 1615) approved March 16, 2000,”

and by striking the following”

“until and including June 30, 2032,”
and by inserting in lieu thereof the following”

“until and including June 30, 2047,”

so that when so amended the second sentence of Subsection 2(d) of the Contract shall read as follows:

“It is understood and agreed that the Act of the General Assembly of the State of Georgia approved March 16, 1971 (Ga. L. 1971, p. 2082), as amended by Act 623 (H. B. 515) approved April 16, 1979 (Ga. L. 1979, p. 4634), and as further amended by Act 449 (H. B. 339) approved March 29, 1983 (Ga. L. 1983, p. 1079), and as further amended by Act 779 (H. B. 1502) approved March 13, 1990 (Ga. Laws 1990, p. 3860), and as further amended by an Act (H. B. 1615) approved March 16, 2000 (Ga. L. 2000, p. 4567), which authorizes the levy of the aforesaid retail sales and use tax for rapid transit purposes, provides for a maximum rate of taxation of one percent until and including June 30, 2047, and at a maximum rate of one-half of one percent thereafter and that, to the fullest extent permitted by law, those entities which, from time to time, shall lend monies to the Authority shall be deemed to have relied for repayment security on this contract and agreement and they shall be third party beneficiaries hereof, such reliance relating particularly to the covenants of Fulton, DeKalb, Clayton and Gwinnett hereby expressed that the rates of taxation to be levies during the full term of this contract and agreement shall not be less than the maximum rates now set forth in the aforesaid Act.”

Section 2. Fulton, DeKalb, Atlanta, and the Authority recognize and acknowledge that while the Constitution and laws of the State of Georgia authorize a term of the Contract not to exceed fifty years, the Contract presently will expire at midnight on August 31, 2040. Fulton, DeKalb, Atlanta, and the Authority hereby agree that the term of the Contract shall be extended and is hereby extended to expire at midnight on April 24, 2057.

Section 3. Fulton, DeKalb, Atlanta, and the Authority do hereby amend the Contract and the Engineering Report so as to make and incorporate certain substantial deviations from

the Engineering Report as more fully described in Exhibit A attached hereto and by this reference made a part hereof.

It is hereby agreed that such changes constitute substantial deviations from the Engineering Report and, as required by the Contract, have been and hereby are appropriately and duly approved. It is further agreed that the final location and design of such changes in the Engineering Report shall be determined by the Authority in accordance with such approved environmental studies as may be required by State or federal law and regulations.

Section 4. The Engineering Report shall be deemed modified to the extent, and only to the extent, as is specifically provided herein. Any specific term or provision herein shall prevail over any inconsistent general or specific term or provision of the Engineering Report.

Section 5. The effective date of this amendment to the Contract and Engineering Report is April 24, 2007, the said amendment having been approved on or before that date by a majority of Fulton, DeKalb, and Atlanta.

IN WITNESS WHEREOF, the parties hereto, each acting through its duly authorized officer, have caused this Amendment to the Rapid Transit Contract and Assistance Agreement to be executed in several counterparts, each of which may be considered an original without the presentation of the others, as of the day and year first above written.

[Signatures are on the following pages.]

Approved as to form:

County Attorney

ATTEST:

Clerk

Approved as to form:

County Attorney

ATTEST:

Clerk, Board of Commissioners

Approved as to form:

City Attorney

ATTEST:

City Clerk

FULTON COUNTY:

By: _____
Chairman, Board of
Commissioners

DeKALB COUNTY:

By: _____
Chief Executive Officer

CITY of ATLANTA:

By: _____
Mayor

Approved as to form:

METROPOLITAN ATLANTA
RAPID TRANSIT AUTHORITY:

Counsel

By: _____
General Manager/CEO

ATTEST:

Secretary