Senate Bill 200
Agency Analysis
## Timeline Overview

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Feb. 19, 2009</td>
<td>Gov. announced TTIA bill</td>
</tr>
<tr>
<td>Feb. 20, 2009</td>
<td>SB200 introduced in Senate</td>
</tr>
<tr>
<td>Mar. 27, 2009</td>
<td>SB 200 rewritten as a House Transportation Committee substitute</td>
</tr>
<tr>
<td>Apr. 1, 2009</td>
<td>SB200 passes House with 91 votes</td>
</tr>
<tr>
<td>Apr. 3, 2009</td>
<td>Senate agrees to House version by a vote of 33 to 22</td>
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</tbody>
</table>

**SB200**
Governing Authority of GDOT

Section 1

- Adds a new position and division to GDOT:
  - Director of Planning ("DP")
  - Planning Division

- DP is formally made part of the Department

- DP has same powers to hire/fire employees as GDOT Commissioner*

* DP powers limited to Planning Division
State Transportation Board
Per Diem

Section 2

- Added: “No per diem shall be paid for meetings of the board conducted by conference call.”
Section 3

- Board no longer confirms /rejects appointments of:
  - Deputy Commissioner
  - Chief Engineer
  - Treasurer
  - Assistant Treasurer
- Each appointments serves at the pleasure of the Commissioner, including Treasurer & Asst. Treasurer
Section 4

- Defines:
  - State-wide strategic transportation plan ("SSTP")
  - State-wide transportation improvement program ("STIP")
  - Transportation improvement program ("TIP")

- Defines duties of DP and Planning Division

- SSTP & STIP Approval flow:
  1. Governor
  2. GDOT Board*

*CFR provisions for TIP & STIP approval require only MPO & Gov sign off
Director and Division of Planning

- Review and make TIP recommendations to Gov.
- Negotiate TIP changes with MPOs
- Review GDOT proposed projects & decide to adopt, remove or otherwise include them in GDOT planning documents
- Develop state-wide strategic transportation plan & state-wide transportation improvement program
- Develop annual capital construction project list
- Issue Rules & Regs to carry out its duties*

* Note: Rules & Regs must be approved by Senate & House Transportation Committees before promulgation. **Approval impossible unless General Assembly is in session**
Powers and Duties of Commissioner

Section 5

- Defines Commissioner’s primary responsibility as:

  “...the faithful implementation of transportation plans produced by the director of planning and approved by the Governor and State Transportation Board...”
Powers and Duties of Commissioner

Section 5

- Commissioner possesses all powers of Dept. except those **expressly** reserved to Board or DP:
  - Can’t approve Bid Lets
  - Can’t approve lease agreements
  - Can’t exercise any of DP’s enumerated powers

- Defines GDOT’s org structure, incl. Planning Division

- Commissioner can’t create divisions not listed in Bill

- **Expressly states that DP does not have authority over funds allocated for local grants**
# Progress Reports:

Strategic Transportation Plan, Benchmarks, and Value Engineering Studies

## Sections 6 & 7

<table>
<thead>
<tr>
<th>Due Date</th>
<th>Report</th>
<th>Due To</th>
<th>Due From</th>
<th>SB 200 Reporting Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jul. 31, 2009</td>
<td>STIP projects that afford the greatest gains in congestion mitigation or econ. dev.</td>
<td>GDOT Board</td>
<td>Commissioner</td>
<td>Prep of SSTP</td>
</tr>
<tr>
<td>Oct. 15, 2009</td>
<td>Prep of SSTP</td>
<td>DP</td>
<td>DP</td>
<td>Draft SSTP</td>
</tr>
<tr>
<td>Dec. 31, 2009</td>
<td>Comments due on SSTP</td>
<td>General Assembly &amp; Gov.</td>
<td>DP</td>
<td>Comments due on SSTP</td>
</tr>
<tr>
<td>Feb. 15, 2010</td>
<td>Submit Proposed Final SSTP</td>
<td>Governor</td>
<td>DP</td>
<td>Submit Proposed Final SSTP</td>
</tr>
<tr>
<td>Feb. – Mar. 2010</td>
<td>Submit Governor approved Final SSTP</td>
<td>GDOT Board</td>
<td>DP</td>
<td>Submit Governor approved Final SSTP</td>
</tr>
<tr>
<td>(due every 2 years)</td>
<td></td>
<td>Gov., Lt. Gov., Speaker, Senate &amp; House Trans. Committee Chairs</td>
<td>DP</td>
<td>Progress report on projects &amp; programs listed in SSTP</td>
</tr>
<tr>
<td>Annually</td>
<td>Proposed Final STIP</td>
<td>GDOT Board, Gov.</td>
<td>DP</td>
<td>Proposed Final STIP</td>
</tr>
<tr>
<td>Every 2 years</td>
<td></td>
<td>FTA &amp; FHWA</td>
<td>DP</td>
<td>STIP</td>
</tr>
<tr>
<td>Every 2 years</td>
<td></td>
<td></td>
<td>DP</td>
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Statewide Strategic Transportation Plan

- SSTP must:
  - include list of projects expected to begin construction within 4 year
  - Be developed with consideration of 10 listed “investment policies”
- Unclear if SSTP = federally required 20 year statewide transportation plan
- GDOT will assume it is the same
Section 8

- Deletes Board confirmation requirements for Deputy Commissioner, Chief Engineer, Treasurer and Assistant Treasurer
- Raises the amount of the fidelity bond to $500,000 for the DP, Deputy Commissioner, and Treasurer
- Currently $100,000
- Commissioner’s bond stays at $100,000
Section 9

- Establishes the position of Director of Planning, who serves at the Governor’s pleasure
- Defines DP’s responsibilities.
  - Statewide Strategic Plan
  - Statewide Transportation Improvement Program
  - Benchmark, VE Studies
  - Other comprehensive plans
Section 10

- Requires GDOT to evaluate projects to determine appropriate levels of public & private project funding
- Adds provisions prohibiting GDOT Board members, GDOT Commissioner, or other Constitutional Officers from going to work for, or lobbying on behalf of, GDOT contractors for one year after leaving GDOT
- Prohibits delegating eminent domain to any private entity
Deletes all existing PPI requirements, including current Evaluation Committee

Gives Board final approval over GDOT PPI contracts

Requires all PPIs to be done through solicited competitive proposals

Streamlines PPI code

New Rules & Regs can’t be done until after next General Assembly Session

Board has decisions to make over existing PPI projects in pipeline
State Public Transportation Fund Priority of Expenditures

Section 11

1. To pay the rental on lease contracts
2. To pay debt service
3. To pay the Dept.’s operating costs and for emergencies
4. To pay the costs necessary to comply with federal-aid apportionments to the state
5. *As directed from time to time by appropriations Acts*
6. After requirements have been met, remainder will be used on public roads
Section 12

Planning Division allocates money to 3 programs:

- State-wide transportation asset management program
- State-wide transportation asset improvement program
  - Itemized and prioritized project list whose value equals 10-20% of State Public Transportation Fund
- Local maintenance and improvement grant program
  - Equal to 10-20% of State Public Transportation Fund
  - Amount seems to be determined by DP

- Funds distributed by LG Division or by formula

- All GDOT spending data must be posted on website
GRTA Powers and Duties

Section 13

- Removes MPO transportation plan negotiation powers from GRTA & places them with DP & GDOT
- Gov may still delegate his TIP & STIP approval authority to GRTA
Open Issues

- SB200 not signed by Gov yet; if signed takes immediate effect – will know by May 13th
- Planning Division can’t be activated until DP picked
- GDOT FY2010 Budget & SB200 funding provisions don’t align; requires budget amendments
- House Transportation Committee Approval of DP
  - can only occur if Speaker waives House Rule 54.4; otherwise approval can’t occur until next session

- Can work only if DP, Comm. & Board work together