

**Louisiana Transportation Authority**  
Meeting  
Louisiana State Capitol  
House Committee Room 6  
Baton Rouge, LA  
Thursday, January 15, 2015

**MINUTES**

**I CALL TO ORDER**

Rep. Karen St. Germain

**II ROLL CALL**

**Board Members Present:**

Rep. St. Germain  
Senator Robert Adley  
Secretary Sherri LeBas  
Rep. James Morris  
Senator Norby Chabert for Senator Alario

**Board Members Absent:**

Ruth Johnson  
Paul Sawyer  
Jackie Adcock

We have a quorum.

**III READING AND APPROVAL OF MINUTES OF December 18, 2014**

Rep. St. Germain: We are going to ask for your approval of the minutes.  
Hearing no objections. So moved.

**IV OLD BUSINESS**

None

**V NEW BUSINESS**

Jeff Burst: We are here today to deliver to you the unsolicited proposal for a public private partnership project for the Baton Rouge Urban Renewal and Mobility Plan known as the BUMP. Today we would like to tell you about what the BUMP is, the limits of the project, how it is perceived to be operated and go through the process on how we are going to move through the P3 process, where we are today, and what current activities DOTD is taking and the tasks to be undertaking as we move through.

Rep. St. Germain: There are some things that we are going to talk about that will be confidential. Is that correct?

Cheryl Duvieilh: The proposers submitted a confidential portion of their proposal and the law provides that if that is done the LTA is supposed to take protect that trade secrets and confidentiality. That portion has not been delivered to the LTA as of yet.

Rep. St. Germain: That is fine. I just wanted to make sure the board understood where we were at.

Senator Adley: Just out of curiosity, what happens, when you receive the confidential documents, and you started with your evaluation and at some point you say this is feasible and we want to move forward, what happens to that confidentiality at that point.

Cheryl Duvieilh: That is something the LTA will have to decide on how they will handle the confidential portion. At some point before the LTA makes a decision to attempt to approve it or go out for unsolicited proposals, they will have to look at the confidential information. So you can sign a confidential agreement, maybe you can appoint a committee. We talk to Kim to see if the LTA could go into an executive session to discuss confidential information. After you look at that there might be an instance where you would want to call this unsolicited proposer in and ask them questions with regards to that information because you want something clarified. This could go on in the process before you ultimately make the decision.

Sen. Adley: So when we get to the point where we are actually we are bidding it out then you will have and be allowed to use whatever information we deem appropriate to do that with?

Cheryl Duvieilh: You will have to advertise the unconfidential part of the proposal.

Sen. Adley: If inside the confidential part is the so called revenue stream to fund it you clearly are going to have to show that. Are you not?

Cheryl Duvieilh: Not necessarily. You will advertise the unconfidential portion and the other parties that are interested and they will put theirs in and they put their confidential information in with regards to how they would finance it also.

Sen. Adley: I see. OK. Nothing is withheld that limits the participation by anyone else and once you get to that point you can offer a better way or to participate. There is nothing there that would cause that to be limited.

Jeff Burst: In your proposal binders we will talk about what the project is and the project limits. On page 7 there is a good illustration of the project. The proposed BUMP project will begin at I-10 Eastbank and Westbank in Baton Rouge and

utilizing US 61/US 190 corridor. It will begin on the East Baton Rouge Side on I-10 around the existing Pecue Overpass. However, that might be further looked at and if it does move forward in design, planning and development, that will be proposed to be a new connection interchange and new constructed route. It will then tie in to existing US 61 (Airline Highway) proceed along US 61 and tie into US 190 and at this point and there through the foot of the US 190 Mississippi River Bridge. The proposal talks about the potential for possible urban renewal zone, it will then cross and will utilize the existing the US 190 Mississippi River Bridge Crossing, continue along US 190 and then break off and tie back into I-10 in West Baton Rouge Parish with a newly constructed road and interchange, approximately 4 miles west of the existing of LA 415 interchange. It approximately about a 23 mile route utilizing new construction and interchanges as well as existing infrastructure and assets. The proposal's typical section of what that will look like though that US 61/Us 190 Corridor would be to convert it to a 4 lane, high speed, free flow, tolled facility, with a 2 lane non-tolled frontage roads adjacent to it on either side. That is all estimated to fit into that corridor lane for US 61/US 190 with that 200 foot existing right of way. That is a very high level summary of just the route it would take and the proposed section that it would like. Step 1 follows the process as in the law and in the P3 LTA Guidelines. The proposer submits the unsolicited proposal which is what we have now. The Department will then will perform a cursory review of the proposal for adherence to the mandatory requirement as outline in the statute and in LTA's P3 Guidelines. The next step is where we are at today that DOTD officially delivers the proposal to LTA for their review and information. At this point, the proposer will be notified and shall be notified per the guideline within 60 days an estimated time frame of how we are going to review this process and the steps we are going to take with timeline durations. Also, at this point, the proposer was supposed to and shall to furnish a copy of this proposal to all of the effective local jurisdictions. Once the local jurisdictions receive a copy of the proposals they will have 60 days to provide written comments back to the LTA. That is where we are at day. The next that we are undertaking now is to secure a contract with an independent adviser so they can review the unsolicited proposal and to also help us conduct the mandatory economic feasibility study as required. After the economic feasibility study you will see that is the first action item by LTA, which is the LTA determination as to whether or not to continue and proceed and proceed with advertisement of competitive proposals with other possible interested private parties. When considering to proceed with procurement, per the regulations, LTA shall consider public need. The connectivity to existing infrastructure and is it compatible with existing infrastructure and transportation facilities as well as both the state and local transportation plans as they are defined. Will also look a cost reasonableness and also look at the possibility of the proposals ability to complete in a timely and efficient manner and also to operate efficiently once completion of the project is over. If the proposal is approved to continue into the procurement process then LTA would request of the department to go ahead and officially approve this proposal as a state designated project as required in the guidelines. At the procurement phase we would advertise and give additional proposals 90 days to submit. The procurement could be a one or two step process depending on

timing and duration and where we want and break it up into the two-step process of the RFQ and RFP stage. The independent advisor would then review all of the proposals and give recommendations to the board and then LTA will then have their determination to negotiate either one or competitively negotiate with multiple proposers at that time. I want to say competitively negotiate the Standard procurement regulations in both Title 38 and Title 48 do not apply to P3. The LTA will have the ability to negotiate based on price, schedule, technical criteria and any other contract terms with regards to operation/maintenance and they are not bound to select the lowest priced proposal at that stage. Once negotiations and have advertised and time period has elapsed then the LTA will have to send to House & Senate Transportation committees and they will be required within 30 days to go out to public hearing to solicit public comments, feedback and concerns. After that the LTA may then elect to approve or disapprove the project from that point on. At that time, if it is approved, the LTA has the option to enter into two different types of contracts. One is called a Comprehensive Agreement and negotiate all the terms of the contract there or as an interim step can go into a Pre-Development Agreement and what that would do it would allow the proposer the do a lot of preliminary activities, such as, design and planning, right of way acquisition, toll and financing studies, etc., and after the transportation initiative concludes of the pre-development agreement and if approved then the commitment from LTA would be to enter into a comprehensive agreement at that time with the proposer. From there they would conclude design and begin construction and move forward with the project and as outlined in the P3 guidelines that completes the process as far as procurement and negotiations.

Rep. St. Germain: So what is the estimate from today till the possibility of a worst case scenario that it can actually move to the last step, how much time would that be?

Jeff Burst: We want to talk to you about the anticipated schedules. The first date I would bring to you would be October of this year and that would be the first LTA determination point. We have several things to do as far as retaining the independent advisor, perform the economic feasibility studies to get to that point. We estimate that would take us to the middle of October and coming back to you and at that point you would make the determination to advertise and continue the process. As we move on we would look to advertise and have that level of procurement through March 2016/April 2016 concluding the public hearing portion from the House and Senate Transportation Committees. If approved to move forward we are looking at the Fall 2016 to give us time to negotiate the Pre-Development Agreement or the Comprehensive Agreement with the proposer to begin their activities.

Rep. St. Germain: From a project standpoint if DOTD is doing a normal project the environmental and those issues are done during the next year and a half or is that after?

Jeff Burst: The environmental will be part of the proposers' activities.

Rep. St. Germain: Between now and the Fall 2016 or after?

Jeff Burst: That would be after.

Rep. St. Germain: This once you have selected?

Cheryl Duvieilh: Correct.

Jeff Burst: Once we enter into a pre-development agreement they will be allowed to begin those preliminary activities including the environmental evaluation.

Rep. St. Germain: Ok. I was thinking about that time frame because I know the steps DOTD has to go through, so that would be the person who has the contract to do those next steps?

Cheryl Duvieilh: Correct.

Sen. Adley: The fees we set for you last time, I assume an agreement has been reached on what the fees are going to be for this proposal.

Cheryl Duvieilh: Yes. \$50,000 has been tendered and has been deposited.

Sen. Adley: Will it be sufficient to cover your costs?

Jeff Burst: No sir, it will not be. When we go and negotiate to have the independent advisors perform the economic feasibility study, review the proposals in depth, meet with us and make recommendations.

Sen. Adley: Will the fee be adjusted at point? Who will pay for that?

Jeff Burst: Any gap between the \$50,000 review fee as mandated in the guideline will be paid for using the capital outlay line item already established for this specific project.

Sen. Adley: I don't get that.

Rep. St. Germain: There is money already in capital outlay for this particular project.

Sen. Adley: OK. The 60 day period you talked about the local government comments, when was that?

Cheryl Duvieilh: The law provides that the proposer must deliver their proposal to all affected local jurisdictions.

Sen. Adley: So has this been done?

Cheryl Duvieilh: We confirmed it verbally but we don't know if they submitted it and told them their 60 days have now started, so I think we should reach out to the locals to ensure that they know that. I believe in the law that they have 60 not that the LTA can't allow them longer to give written comments to the LTA.

Sen. Adley: I just want to suggest to you that it appears to me that this particular project, this idea to deal with this traffic problem in Baton Rouge, has been a very hot topic wherever you go and however you go about it, I'm not so far sure that all the local folks that are going to want to make comments, that you are going to get that done in a 60 day period of time. Just want to suggest to you that you might want to look a longer period.

Cheryl Duvieilh: The statute is a minimum and the LTA can allow the affected jurisdictions as much time as they wanted to.

Sen. Adley: Assuming this project goes forward and assuming it is a toll road to pay for it, the goal here is to eliminate this congestion across I-10 and the Mississippi River. I assume this is the main goal of this particular project to find a way around this bottleneck.

Rep. St. Germain: Would you like me to answer that?

Sen. Adley: No, you can, but is that the goal?

Jeff Burst: That is one of the stated objectives in their proposal in the introduction. It states that this is one of the main goals about this is to alleviate that exact congestion you mentioned.

Sen. Adley: What got me curious is the willingness of 18-wheelers to take that by-pass and pay the toll. I'm just trying to find out if that will work.

Rep. St. Germain: There are about 4 pieces to that puzzle of actually alleviating to the point of where we feel like we have actually have done some work on that arena because right now there is not just one fix. This is a major part of that puzzle.

Sen. Adley: I got you. Do you think the 18-wheelers will take the toll road to by-pass this bottleneck coming into Baton Rouge? There has to be some study to find out if they do or they don't.

Cheryl Duvieilh: The consultant we hire will do a toll analysis.

Sen. Adley: I really like the idea of the 2 tiered concept where you keep a service road on the side and then you have the main toll road working your way to the south. The biggest issue is somehow you are going to have to get traffic to move off of I-10 and willing to go here. In my view here you will have to find a

way to get the 18-wheelers and I am curious if they will or not. So you are telling me you will have an advisor that will tell you whether or not they think they will?

Cheryl Duvieilh: They will do a study in regard to the toll and feasibility.

Sen. Adley: Secretary LeBas, I am trying to figure out, is the bottleneck that is coming on I-10 crossing the bridge and the 18-wheelers in particular, is there some reason to believe that an 18-wheeler will move to the toll side to avoid the bridge and that is what I am trying to figure out.

Secretary LeBas: The study that we are going to have our consultant do, the feasibility, economic and toll study will help address those questions. That is why we need to do this study to see if this is something that addresses this situation or is it going help or not help, so that is the first step to do the study. We need more data.

Cheryl Duvieilh: I might add, in the process, as this comes out the LTA has the authority to call the proposer in and seek clarification and ask questions of the proposer before they make a decision to advertise or after that. So you will have a chance to ask them questions.

Rep. St. Germain: Airline Highway all by itself is a master disaster at some points of the day. Is this the end of the discussion? Do we have any more questions? Motion to approve DOTD moving forward with evaluating the unsolicited proposal for the Baton Rouge Urban Renewal and Mobility plan. Do I hear any objection? Hearing none so moved. Good Job.

- VI Other Business – None
- VII Public Comments – None
- VIII **ADJOURNED at 10:40 a.m.**

Rep. St. Germain: Senator Chabert moves to adjourn.

Respectfully submitted,



Sherri LeBas  
Secretary-Treasurer

DATE APPROVED 6/24/2015