

# Louisiana Transportation Authority (LTA)



Board of Directors  
Orientation Presentation  
July 18, 2012

# LTA Background

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- LTA was created by Act 1209, 2001 Regular Session, effective August 15, 2001.
- Established Louisiana Transportation Authority (LTA) in Chapter 30 of Title 48 R.S. 48:2071 – 2083
- LTA is placed within the Department of Transportation and Development and governed by provisions of R.S. 36:801

# LTA Background

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- Domicile East Baton Rouge Parish
- Statewide jurisdiction and boundary
- 9 Directors
- Adopted By-Laws April 21, 2003; amended May 26, 2005
- Officers – Chairman, Vice-Chairman, Secretary-Treasurer
- Seal
- Official journal is *The Advocate*
- Quorum – majority of directors
- Voice vote required for official actions by directors present and voting at any meeting
- LTA should meet quarterly; may meet more frequently upon call of the Chairman

# Purpose

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- To improve Louisiana's transportation system
  
- Louisiana Transportation Authority will pursue alternative and innovative funding sources to supplement public revenue sources, including but not limited to:
  - Public/private partnerships
  - Tolls
  - Other innovative techniques

# Board of Directors (9)

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- Secretary of DOTD
- Governor (or designee)
- President of Senate (or designee)
- Speaker of the House (or designee)
- Chairman of the Senate Transportation, Highways and Public Works Committee (or designee)
- Chairman of the House Transportation, Highways and Public Works Committee (or designee)
- Secretary of Department of Economic Development (or designee)
- Governor's appointment from LA Planning Council
- Governor's appointment from Business & Industry

# Board of Directors

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- Directors appointed by the Governor shall:
  - Be confirmed by Senate
  - Administered the Oath of Office
  - May serve until successor appointed
  - May be removed for cause by 19<sup>th</sup> Judicial District Court
- LTA is subject to:
  - Ethics Code
  - Open meetings law
  - Public records law

# LTA's Authority

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- Construct projects
  - ✓ Projects must be part of approved transportation plan & program
  - ✓ Obtain written concurrence from DOTD Secretary
- Conduct an economic feasibility study for projects to substantiate project need and feasibility

# Powers of the LTA (R.S. 48:2077)

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1. May adopt rules and regulations for governance of its affairs and for conduct of its business pursuant to APA
  - Subject to oversight by House & Senate Transportation Committees
2. May adopt an official seal
3. May plan or construct, reconstruct, maintain, improve, operate, own, or lease projects & pay any costs associated therewith
4. Can sue and be sued
5. May impose, revise, & adjust tolls, fees, & charges to sufficient to pay project costs, O & M, debt service projects

# Powers of the LTA (R.S. 48:2077)

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6. May regulate speed limits on tollways
7. May contract with any person, partnership, association or corporation desiring use of any part of the project
8. May acquire, hold, & dispose of real and personal property
9. May acquire public or private land
10. May hold, sell, assign, lease, or dispose of real property
11. May establish control of access
12. May relocate parish, municipal or other public roads
13. May authorize agents to enter upon land for site surveys

# Powers of the LTA (R.S. 48:2077)

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14. May obtain insurance against losses, risk & liability
15. May apply for, receive and accept grants, loans, advances
16. May open bank accounts
17. May borrow money & issue bonds, subject to approval by State Bond Commission
18. May enter into contracts
19. May enter into agreements with public or private entities
20. May authorize the investment of public and private money to finance authority projects

# Powers of the LTA (R.S. 48:2077)

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21. May employ:

Consultants

Financial experts

Engineers

Superintendents

Attorneys

Managers

Accountants

Employees/agents

22. May exercise power of eminent domain

23. May do all acts and perform things necessary to execute powers granted to authority by law

## Legislation Affecting the LTA

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- Act 304 of 2006 – Public-Private Partnerships (PPPs)
- Act 685 of 2006 – Mobility Fund
- Both Acts effective August 15, 2006

# PPPs – LTA Authority

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- Authorizes the LTA to enter into public-private partnership agreements for the construction of qualifying transportation facility projects
- *“Transportation facility”* defined as a highway, limited access facility, ferry, airport, mass transit, rail or port facility or similar facility used for the transportation of persons or goods, together with any buildings, structures, parking areas, appurtenances or other features necessary to operate the such facility or associated with its purpose

# PPPs – Approvals

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- LTA approval is required for any proposal to develop or operate a transportation facility as a public-private partnership
- Prior to its approval, the LTA shall submit public-private partnership proposals to the House and Senate Transportation Committees
- The Chairman of each Committee shall call a public hearing within 30 days of receiving the proposal from LTA for the purpose of receiving information and public comments on the proposal

# PPPs - Types of Proposals

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- Unsolicited Proposal – A proposal submitted by a private entity without solicitation by LTA for a qualified transportation facility
- Solicited Proposal – A proposal submitted by a private entity in response to LTA's request for proposals for a qualified transportation facility

# PPPs - Procurement Process

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- Louisiana procurement regulations promulgated per R.S. 39:1581 *et. seq.* and R.S. 48:2081 do not apply to public-private partnership projects
- The procurement may include provisions which include competitive sealed bidding or competitive negotiation
- The LTA is not required to select proposals with the lowest price offer but may consider price as one factor in evaluating proposals

# PPPs - Unsolicited Proposal Process

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- Private entity submits proposal for a qualifying transportation facility
- The LTA shall charge a reasonable fee to cover the costs to process, review and evaluate an unsolicited proposal.
- Staff review the proposal to determine if the project meets a public purpose
- Staff presents the proposal to the LTA for review and decision to submit to House and Senate Transportation Committees
- The LTA shall submit the proposal to the House and Senate Transportation Committees for a public hearing which will be held within 30 days of transmittal

# PPPs - Unsolicited Proposal Process

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- The LTA reviews the results of the public hearing and determines if the proposal should be considered
- If the proposal is approved for consideration, public advertisement is given that the LTA has received an unsolicited proposal and will accept competing proposals for the same qualifying transportation facility for 90 days from date of advertisement
- Upon termination of the 90 day compete period all proposals received will be evaluated and the best proposal may be recommended to the LTA to pursue

# PPPs -Unsolicited Proposal Process

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- Staff will then confect a preliminary development agreement with the private entity outlining responsibilities for completing the proposed project
- Once the final details of the project are determined, Staff will confect the comprehensive development agreement for the project for review and approval by the LTA
- The project will be implemented and operate under the terms and conditions of the comprehensive development agreement

# PPPs - Solicited Proposal Process

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- The LTA may request proposals from private entities to develop or operate a transportation facility
- The authority may charge a reasonable fee to review and evaluate proposals
- Upon receipt of the proposals the LTA will submit them to the House and Senate Transportation Committees for a public hearing which shall be held within 30 days of transmittal
- The LTA shall receive the public comments from the committees and decide whether to pursue the project

# PPP - Solicited Proposals

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- If the LTA decides to pursue the project, staff will confect a preliminary development agreement outlining the responsibilities of the parties to develop the project
- Once the final details of the project are determined, staff will confect a comprehensive development agreement for the implementation of the project for review and approval by the LTA
- The project will be implemented and operate under the terms and conditions of the comprehensive development agreement

# Intellectual Property Protections

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- The LTA shall take appropriate action to protect trade secrets and other confidential, privileged and proprietary information received from a private entity, including but not limited to information exempt from disclosure under the federal Freedom of Information Act or LA Public Records Law. The LTA may enter into confidentiality agreements, service contracts, leases or agreements for a qualifying transportation facility.

# PPP Guidelines (R.S. 48:2084.2)

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- The LTA shall adopt and make public guidelines to enable private entity's to comply with Chapter 30. Such guidelines shall include criteria for projects under the purview of the authority, criteria for selecting among competitive proposals, time lines for selecting proposals and guidelines for negotiating a comprehensive agreement
- The authority shall also adopt guidelines for permitting accelerated selection, review, and documentation time lines for proposals involving a facility deemed a priority by the authority and which is funded in whole or substantial part by a dedicated revenue source or requires no substantial state funding

# PPPs – LTA Advisory Services

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- Five retainer contracts have been issued by the LTA for comprehensive strategic advisory services
- A Task Order has been issued to PB Americas to assist LTA to develop guidelines for the receipt, review and award of unsolicited and solicited proposal and to perform a best practices review of PPP statute for possible recommendation to the Legislature for changes
- DOTD is funding the retainer contracts with TTF

# Act 685 of 2006 – Mobility Fund

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- Created to provide funding leverage for very large transportation projects across Louisiana.
- Not intended to replace or modify the current system the Department of Transportation and Development utilizes to identify, prioritize, and construct projects according to the annual Highway Priority Program
- Not intended to impact state general fund or TTF revenue streams

# Mobility Fund

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- “The legislature hereby declares that the Transportation Mobility Fund shall be created for the purpose of generating and collecting a new annual revenue stream to bridge the gap between projected toll revenue collections for a toll project and the estimated costs of such project.”
- Created as a special fund in the state treasury
- LTA administers and disburses the funds
- Funds cannot be comingled with other LTA funds

# Mobility Fund

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- To qualify for funding from the Transportation Mobility Fund a project shall be:
  - Either a mega project from Priority list A through D of the Department of Transportation and Development's Statewide Transportation Plan
  - Or identified as a mega project by the LTA, and recommended by the LTA to be included as a mega project in an update of the department's Statewide Transportation Plan.

# Mobility Fund

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- Applications for funding of projects shall be submitted to the LTA no later than March 1<sup>st</sup> of each year.
- Applicant must prove that no less than fifty-percent of the total cost of the project can be provided by the applicant

# Mobility Fund Revenue Stream

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- Act 11 of 2008 2<sup>nd</sup> Special Session
  - Motor Vehicle Sales Tax
  - Phased-in over 7 years
  - Seven percent to the Transportation Mobility Fund.  
(shall be used exclusively for final design and construction and shall not be used for studies)
  - \$2.4 million in FY 2008
  - \$27 million in FY 2015

# Mobility Fund Rules and Regulations

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- The LTA shall promulgate rules and regulations in accordance with the Administrative Procedure Act as are necessary to implement the provisions of this Chapter, including but not limited to rules and regulations for the submission of applications and establishment of factors and criteria for the development of a system and procedure for prioritizing and ranking project funding applications. All rules and regulations promulgated by the LTA shall be subject to oversight by the House and Senate Committees on Transportation, Highways and Public Works.

# Mobility Fund – Next Steps

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- The LTA must promulgate the rules and procedures
- Once the procedures are set, the LTA will issue a notice that applications will be received for qualifying transportation facilities
- Applications are due no later than March 1<sup>st</sup> of each year
- The LTA will meet no later than May 1<sup>st</sup> of each year to consider the applications

# Addition Information on the LTA website

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<http://www.dotd.la.gov/administration/Ita/>



**QUESTIONS ?**