



BOARD OF DIRECTORS

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY

MEETING OF THE BOARD OF DIRECTORS

THURSDAY, DECEMBER 8, 2022

ATLANTA, GEORGIA

MEETING MINUTES

CALL TO ORDER AND ROLL CALL

Chair Rita Scott called the meeting to order at 1:56 P.M.

Board Members

Present:

Robert Ashe III
Stacy Blakley
Jim Durrett
William Floyd
Roderick Frierson
Freda Hardage
Russell McMurry¹
Al Pond
Kathryn Powers
Rita Scott
Reginald Snyder
Heather Aquino¹
Thomas Worthy
Roderick Mullice

Board Members

Absent:

Roberta Abdul-Salaam

Staff Members Present:

Collie Greenwood
Melissa Mullinax
Ralph McKinney
Raj Srinath

¹Russell McMurry is the Commissioner of the Georgia Department of Transportation (GDOT) and Heather Aquino is the Interim Executive Director of the Georgia Regional Transportation Authority (GRTA). Per the MARTA Act, both are non-voting members of the Board of Directors.

Luz Borrero
Rhonda Allen
Josh Rowan
Peter Andrews
George Wright
Michael Kreher

Also in Attendance: Justice Leah Ward Sears
Jonathan Hunt
Colleen Kiernan
Paula Nash
Tyrene Huff
Kenya Hammond
Jacqueline Holland

PUBLIC COMMENTS (SUBMITTALS VIA TELEPHONE, U.S. MAIL AND IN PERSON)

None

1. APPROVAL OF THE MINUTES

Approval of the November 10, 2022 Board Meeting Minutes.

Approval of the November 10, 2022 Board Meeting Minutes. On a motion by Board Member Powers, seconded by Board Member Blakley, the motion passed by a vote of 12 to 0 with 2 members abstaining and 14 members present.

2. PLANNING & CAPITAL PROGRAMS COMMITTEE REPORT

Committee Chair John Pond reported that the Committee met on November 17, 2022 and approved the following resolutions:

Committee Chair Report Planning & Capital Programs

Approval of the Planning & Capital Programs committee resolutions 2a & 2b. On a motion by Board Member Mullice, seconded by Board Member Durrett, the resolution passed by a vote of 12 to 0 with 2 members abstaining and 14 members present.

3. OPERATIONS & SAFETY COMMITTEE REPORT

Committee Chair W. Thomas Worthy reported that the Committee met on November 17, 2022 and approved the following resolution:

Committee Report Operations & Safety

Approval of the Operations & Safety committee resolutions 3a, 3b, 3c, 3d & 3e. On a motion by Board Member Mullice, seconded by Board Member Worthy, the resolution passed by a vote of 12 to 0 with 2 members abstaining and 14 members present.

4. BUSINESS MANAGEMENT COMMITTEE REPORT

Committee Chair Roderick Frierson reported that the Committee met on November 17, 2022 and approved the following resolutions:

Committee Chair Report Business Management

Approval of the Business Management committee resolutions 4a, 4b & 4c. On a motion by Board Member Mullice, seconded by Board Member Snyder, the resolution passed by a vote of 12 to 0 with 2 members abstaining and 14 members present.

5. EXTERNAL RELATIONS COMMITTEE REPORT

Committee Chair Robert Ashe III reported that the Committee met on November 18, 2022.

Committee Chair Report External Relations

The Committee received the following briefings:

- Government Affairs Update
- MARTA Media Impressions Update

6. AUDIT COMMITTEE REPORT

Committee Chair Freda Hardage reported that the Committee met on November 18, 2022.

Committee Chair Report Audit

The Committee received the following briefings:

- MARTA Annual External Financial Audit for FY22
- Internal Audit Activity
- Cybersecurity

7. NOMINATING COMMITTEE REPORT

Election of Board Officers for 2023

Committee Chair Roderick Frierson read into the record the recommended slate for 2023 Board Officers. The Board voted as follows:

1. Chair – Thomas Worthy. Roderick Frierson nominated Rita Scott. Robert Ashe closed nominations. The Board vote was 8 to 4 with 2 abstentions and 14 members present for Thomas Worthy. The Board vote was 4 to 8 with 2 abstentions and 14 members present for Rita Scott.
2. Vice Chair – Kathryn Powers. Nominations closed by Robert Ashe, III. The Board vote was 12 to 0 with 2 abstentions and 14 members present.
3. Secretary – Al Pond. Nominations closed by Robert Ashe, III. The Board vote was 12 to 0 with 2 abstentions and 14 members present.
4. Treasurer – Robert Ashe, III. Mr. Ashe declined due to his resignation from the Board at the end of December 2022. He nominated Rita Scott for Treasurer. She declined since she is the Immediate Past Chair. Board member Floyd nominated Roderick Frierson. The Board vote was 12 to 0 with 2 abstentions and 14 members present.

2023 Board Officers:

Chair – W. Thomas Worthy

Vice Chair – Kathryn Powers

Secretary – Al Pond

Treasurer – Roderick Frierson

Immediate Past Chair – Rita Scott

8. 2023 SCHEDULE OF BOARD AND STANDING COMMITTEE MEETINGS

On a vote of 12 to 0 with 2 abstentions and 14 members present, the 2023 Schedule of Board and Standing Committee meetings passed.

9. OTHER MATTERS

Chief Legal Counsel read the following resolutions and litigation into the record for approval:

1. Resolution Authorizing the Execution of Amendment No, 1 to the South Fulton Park and Ride Lot Agreement between the Georgia Department of Transportation and MARTA. On a motion by Board Member Ashe, seconded by Board Member Durrett, the resolution passed with a vote of 12 to 0 with 2 abstentions and 14 members present.
2. Amendment of Resolution Approving the Sale of MARTA Land Parcel #C2104A to the City of Atlanta in exchange for MARTA's purchase of certain Air Rights. On a motion by Board Member Durrett, seconded by Board Member Pond, the resolution passed with a vote of 12 to 0, with 2 abstentions and 14 members present.
3. Resolution Authorizing the Execution of a Settlement and Release Agreement with Gresham Transportation Services, LLC., P43706. On a motion by Board Member Durrett, seconded by Board Member Hardage, the resolution passed with a vote of 10 to 0 with 4 abstentions [Robert Ashe, III, Roderick Mullice, Heather Aquino and Russell McMurry], and 14 members present.
4. Resolution Authorizing the Submittal of the second round of Acquisition Offers and Settlements for the Right of Way and Easements in support of the Summerhill Bus Rapid Transit Project, City of Atlanta, Fulton County, GA. On a motion by Board Member Durrett, seconded by Board Member Ashe, the resolution passed with a vote of 12 to 0 with 2 abstentions and 14 members present.
5. Litigation – Jose Flores v. MARTA and Siquan Maddox. On a motion by Board Member Durrett, seconded by Board Member Hardage, the litigation passed with a vote of 12 to 0 with 2 abstentions and 14 members present.

10. COMMENTS FROM THE BOARD

Board Members Robert Ashe, III, and Reginald Snyder announced their resignation from the MARTA Board of Directors. They commented on their time as Board members. Others expressed their good wishes and thank you to Board Members Ashe and Snyder.

Board Members expressed their appreciation and thanked Chair Rita Scott for her steadfast service as the MARTA Board Chair for the last two years. Also, thanked her for her dynamic and transformative leadership.

11. ADJOURNMENT

The meeting adjourned at 3:06 P.M.

Respectfully submitted,



Tyrene L. Huff
Assistant Secretary to the Board

YouTube link: <https://youtube.com/live/0r-3927PheM?feature=share>

Resolution Authorizing Approval of Bus Rapid Transit (“BRT”) as the Locally Preferred Alternative (“LPA”) for the Clayton/SR 54 Project.

WHEREAS, Clayton County joined the Metropolitan Atlanta Rapid Transit Authority (“MARTA”) to provide residents and visitors with mobility and economic benefits associated with transit; and

WHEREAS, Clayton County and MARTA agreed in the 14th Amendment to the Rapid Transit Contract and Assistance Agreement (RTCAA) that fifty-percent of the sales tax revenue collected in Clayton County would be held in escrow to build transit capital projects in and for Clayton County; and

WHEREAS, the subsequent 15th Amendment to the RTCAA set forth various capital projects, including a Clayton County High Capacity Transit (HCT) project generally along the Norfolk Southern Rail corridor; and

WHEREAS, Mountain View, Forest Park, Clayton State University, Southlake Mall, Jonesboro, Clayton County Justice Center, and Lovejoy are significant job and activity centers and additional economic development potential exists along the corridor warranting higher capacity service; and

WHEREAS, the MARTA Board previously adopted a two-prong Locally Preferred Alternative (LPA) in Clayton County in December 6, 2018 encompassing commuter rail transit in the Norfolk Southern railroad corridor adjacent to SR 54 from East Point MARTA station to the City of Lovejoy and bus rapid transit (BRT) in western Clayton County generally following SR 85 and MARTA Bus Routes 196 and 191 from College Park MARTA Station to Southlake Mall; and

WHEREAS, the MARTA Board split the two-prong adopted Locally Preferred Alternative (LPA) in Clayton County in December 9, 2021 with commuter rail transit in the Norfolk Southern railroad/SR 54 corridor and BRT in the SR 85 corridor adopted as separate LPAs; and

WHEREAS, feasibility constraints were identified with commuter rail transit along the Norfolk Southern railroad/SR 54 corridor that require recommending BRT as a more feasible high capacity transit solution before entering environmental studies and FTA New Starts processes; and

WHEREAS, the Clayton County Board of Commissioners (BOC) found in its October 3, 2022 regular meeting that it is in the best interests of the residents and businesses of Clayton County for MARTA's Board of Directors to approve BRT as the updated LPA for the Clayton SR 54 corridor and to advance the Clayton SR 54 BRT project by requesting MARTA pursue federal discretionary grant funding to accelerate project delivery as contemplated in the 15th Amendment and to comply with associated Federal Transit Administration requirements; and.

WHEREAS, the Clayton/SR 54 project has gone through the necessary planning process and has the requisite local matching funding required for the FTA New Starts program; and

WHEREAS, The Clayton/SR 54 project is estimated to cost \$572 million and is the intention for MARTA to apply for New Starts via FTA's CIG Program, with the required non-federal local match coming from the Clayton County Escrow account; and

WHEREAS, at the end of MARTA's Fiscal Year 2022, the Clayton County Escrow account balance was approximately \$177.3M for transit capital projects; and

WHEREAS, the Clayton County BOC supports MARTA requesting Entry into Project Development with the Federal Transit Administration, to seek a discretionary New Starts Grant Agreement from the Capital Investment Grant program to support the construction of the project and utilizing funds set aside in the MARTA Clayton County Escrow account for the local funding match and as such, the Board finds and determines that this Clayton/SR 54 is a Clayton County priority for delivery and funding.

RESOLVED THEREFORE, the MARTA Board of Directors selects BRT as the mode for the proposed corridor that connects the East Point MARTA station located at 2848 East Main Street, East Point, Georgia

30344 to the City of Lovejoy, located in Clayton County as the LPA for the Clayton/SR 54, more particularly depicted on the map exhibit and corresponding narrative description in Exhibit A to this Resolution.

BE IT FURTHER RESOLVED, that the MARTA Board of Directors grants approval to request Entry into Project Development with the Federal Transit Administration and to seek a discretionary New Starts Grant Agreement from the Capital Investment Grant program to support the construction of the project.

BE IT FURTHER RESOLVED, that this LPA is transmitted to the Federal Transit Administration, Atlanta-Region Transit Link and the Atlanta Regional Commission for incorporation into their programs and plans.

BE IT FURTHER RESOLVED, that the MARTA Board of directors approves the use of funds set aside in the MARTA Clayton County Escrow account for the required non-federal local match.

Approved as to Legal Form:

DocuSigned by:
Peter J. Andrews
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**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING THE SOLICITATION OF PROPOSALS FOR THE
PROCUREMENT OF MARTA'S NEXT GENERATION AUTOMATED FARE
COLLECTION (AFC) SYSTEM, RFP P50189**

WHEREAS, the Authority is authorized by Section 14(m) of the MARTA Act to procure goods and services without competitive bidding if it is impracticable to prepare adequate specifications and an adequate description on the basis of which to solicit competitive bids; and

WHEREAS, the General Manager/CEO has certified, in accordance with Section 14(m) of the MARTA Act, that the procurement of MARTA's Next Generation Automated Fare Collection (AFC) System is impracticable through the solicitation of competitive bids; and

WHEREAS, award of a Contract for the procurement of MARTA's Next Generation Automated Fare Collection (AFC) System, after the solicitation of proposals and selection of a preferred proponent pursuant to Section 14(m) of the MARTA Act, is subject to approval by the Board of Directors.

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the General Manager/CEO, or his designee be, and hereby is, authorized to solicit proposals for the procurement of MARTA's Next Generation Automated Fare Collection (AFC) System by means other than competitive bidding, in accordance with Section 14(m) of the MARTA Act, through the use of Request for Proposals.

Approved as to Legal Form:

DocuSigned by:

Peter J. Andrews

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**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR THE PROCUREMENT OF
APSE CAPACITOR UPGRADE KITS
REQUEST FOR PRICE PROPOSAL NUMBER P50219**

WHEREAS, the Authority's Office of Railcar Maintenance has identified the need for the procurement of APSE Capacitor Upgrade Kits, Request for Price Proposal Number P50219; and

WHEREAS, on October 21, 2022, the Metropolitan Atlanta Rapid Transit Authority duly sent the Request for Price Proposal to the Single Source Proprietor; and

WHEREAS, it is necessary to procure the APSE Capacitor Upgrade Kits; and

WHEREAS, the Department of Internal Audit has been requested to perform a Price Analysis to determine fair and reasonable pricing; determination is pending a final audit; and

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the General Manager/CEO or his delegate be, and hereby is, authorized to execute a Sole Source Contract on substantially the same terms and conditions as contained in the Request for Price Proposal Number P50219, between the Authority and Power Tech Converter Corp, for the procurement of APSE Capacitor Upgrade Kits in the amount of \$219,780.00

Approved as to Legal Form:

Right-click to sign
with CoSign 

DocuSigned by:
Peter J. Andrews
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**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

RESOLUTION TITLE

**RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR THE PROCUREMENT OF
AC TRACTION MOTOR OVERHAUL AND REPAIR SERVICES,
PRICE PROPOSAL NUMBER RFPP P50226**

WHEREAS, the Authority's Office of Rail Car Maintenance has identified the need for the procurement of AC Traction Motor Overhaul and Repair Services, Request for Price Proposal Number RFPP P50226; and

WHEREAS, on October 25, 2022, the Metropolitan Atlanta Rapid Transit Authority duly sent the Request for Price Proposal to the Single Source Proprietor; and

WHEREAS, it is necessary to procure AC Traction Motor Overhaul and Repair Services; and

WHEREAS, the Department of Internal Audit has been requested to perform a Price Analysis to determine fair and reasonable pricing; determination is pending a final audit; and

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the General Manager/CEO or his delegate be, and hereby is, authorized to execute a Single Source Contract on substantially the same terms and conditions as contained in the Request for Price Proposal Number RFPP P50226, between the Authority and Swiger Coil Systems, a Wabtec Company, for the procurement of AC

Traction Motor Overhaul and Repair Services in the amount of \$3,459,624.63.

Approved as to Legal Form:

DocuSigned by:
Peter J. Andrews
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**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR THE PROCUREMENT OF
FM-200 FIRE SUPPRESSION SYSTEMS INSPECTION AND TESTING SERVICES,
IFB B50144**

WHEREAS, the Authority's Office of Rail Car Maintenance has identified the need for the Procurement of FM-200 Fire Suppression Systems Inspection and Testing Services, Invitation for Bids Number B50144; and

WHEREAS, on September 22, 2022, the Metropolitan Atlanta Rapid Transit Authority duly sent Notice of the Invitation for Bids to potential Bidders; and

WHEREAS, notice of the said Invitation for Bids was advertised in the local newspaper of the largest circulation in the Atlanta metropolitan area, once in each of the two weeks prior to opening bids; and

WHEREAS, all Bidders were given an opportunity to protest the bid instructions, specifications, and/or procedures; and

WHEREAS, on October 21, 2022 at 2:00 p.m., local time, two (2) bids were publicly opened and read aloud; and

WHEREAS, the lowest bid submitted by Pye Barker Fire & Safety, LLC is responsive and responsible and the bidder is capable of performing the Contract.

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the General Manager/CEO or his delegate be, and hereby is, authorized to execute a Contract on substantially the same terms and conditions as contained in the Invitation for Bids Number B50144, Procurement of FM-200 Fire Suppression Systems Inspection and Testing Services, IFB B50144 between the Authority and Pye Barker Fire & Safety, LLC in the amount of \$288,458.00.

Approved as to Legal Form:

DocuSigned by:

Peter J. Andrews

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**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING THE MODIFICATION IN CONTRACTUAL
AUTHORIZATION FOR CONSTRUCTION MANAGEMENT SERVICES FOR
INDEFINITE QUANTITY CONSTRUCTION CONTRACT (CMIQCC) CONTRACT
NUMBER RFP P40987**

WHEREAS, on January 31, 2019 the General Manager entered into a Contract with The Gordian Group, Inc., Request for Proposals P40987; and

WHEREAS, MARTA staff has determined that it is in the best interest of the Authority to increase the contract value to provide for known changes and additions to the contract; and

WHEREAS, all contractual changes and additions for this modification will follow the Authority's procurement policies and guidelines; and

WHEREAS, the Department of Internal Audit will be requested to perform a price/cost analysis to determine fair and reasonable pricing; and

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the General Manager/CEO or his delegate be, and hereby is, authorized to increase the authorization for Contract No. P40987 Construction Management Services for Indefinite Quantity Construction Contract from \$1,095,000.00 to \$2,190,000.00.

Approved as to Legal Form:

DocuSigned by:

Peter J. Andrews

**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING A MODIFICATION IN CONTRACTUAL
AUTHORIZATION FOR INDEFINITE QUANTITY CONSTRUCTION CONTRACT
SERVICES, P40916**

WHEREAS, on January 28, 2021 the General Manager entered into a Contract with Astra Construction Services, LLC.; Centennial Contractors Enterprises, Inc.; F.H. Paschen, S.N. Nielsen & Associates, LLC; Johnson-Laux-Skyline Atlanta JOC Contractors, LLC.; SoCo Contracting Company, Inc. and Synergy Development Partners, LLC. for Indefinite Quantity Construction Contract (IQCC) Services, Request for Proposals P40916; and

WHEREAS, MARTA staff has determined that it is in the best interest of the Authority to increase the contract value to provide for known changes and additions to the contract for the Office of Facilities; and

WHEREAS, all contractual changes and additions for this modification will follow the Authority's procurement policies and guidelines; and

WHEREAS, the Department of Internal Audit will be requested to perform a price/cost analysis to determine fair and reasonable pricing; and

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the General Manager/CEO or his designee be, and hereby is, authorized to increase the authorization for Contract No. P40916 Indefinite Quantity Construction Contract Services from \$10,000,000.00 to \$20,000,000.00.

Approved as to Legal Form:

DocuSigned by:

Peter J. Andrews

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**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING RENEWAL OF MARTA'S EXCESS OPERATING PROPERTY AND
LIABILITY INSURANCE PROGRAMS FOR 2023**

WHEREAS, MARTA has operating property and liability insurance, in separate policies, with \$ 250,000,000 in limits and \$ 150,000,000 in limits, respectively, with expiration dates of December 31, 2022, and

WHEREAS, negotiations by MARSH have resulted in proposals for replacing these policies, effective January 1, 2023, for one year, to January 1, 2024, separately for property insurance and liability insurance, and

WHEREAS, such property coverage is available for a one- year period and includes insurance for \$ 350,000,000 excess of a \$ 5,000,000 per occurrence self- insured retention, at a premium not to exceed \$ 2,376,761;

WHEREAS, such liability coverage is available for a one- year period and includes insurance for \$ 150,000,000 excess of a \$ 10 million self- insured retention, at a premium not to exceed \$ 9,233,120,

RESOLVED THEREFORE, that the General Manager/CEO or his designee is hereby authorized and directed to effect or place excess property coverage and excess liability coverage effective January 1, 2023 at a total program cost not to exceed of \$ 11,609,881.

Approved as to Legal Form:

DocuSigned by:
Peter J. Andrews
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**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING THE MODIFICATION IN CONTRACT ACTUAL
AUTHORIZATION FOR PROFESSIONAL SERVICES FOR B2GNOW SOFTWARE
MAINTENANCE AND SUPPORT CONTRACT NUMBER L45246**

WHEREAS, on November 26, 2019 the General Manager entered into a Contract with AskReply, Inc. d/b/a B2Gnow for Professional Services for B2Gnow Software Maintenance and Support, L45246; and

WHEREAS, MARTA staff has determined that it is in the best interest of the Authority to extend the term for three (3) additional years and increase the contract value to provide for known changes and additions to the contract; and

WHEREAS, all contractual changes and additions for this modification will follow the Authority's procurement policies and guidelines; and

WHEREAS, the Department of Internal Audit will be requested to perform a price analysis to determine fair and reasonable pricing; and

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the General Manager/CEO or his delegate be, and hereby is, authorized to extend the contract term and increase the authorization for Contract No. L45246 Professional Services for B2Gnow Software Maintenance and Support from \$193,245.00 to \$459,537.00.

Approved as to Legal Form:

DocuSigned by:
Peter J. Andrews
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**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

**RESOLUTION AUTHORIZING THE MODIFICATION IN CONTRACTRACTUAL
AUTHORIZATION FOR ORBIT ANALYTICS SOFTWARE MAINTENANCE
CONTRACT NUMBER RFPP P45361**

WHEREAS, on January 27, 2020 the General Manager entered into a Contract with Polaris Associates, Inc. for Orbit Analytics Software Maintenance, Request for Price Proposal P45361; and

WHEREAS, MARTA staff has determined that it is in the best interest of the Authority to extend the term one additional year and increase the contract value to provide for known changes and additions to the contract; and

WHEREAS, all contractual changes and additions for this modification will follow the Authority's procurement policies and guidelines; and

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the General Manager/CEO or his delegate be, and hereby is, authorized to extend the contract term and increase the authorization for Contract No. P45361 Orbit Analytics Software Maintenance Support from \$195,356.74 to \$250,311.02.

Approved as to Legal Form:

DocuSigned by:

Peter J. Andrews

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**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

Resolution Authorizing the Execution of Amendment No. 1 to the South Fulton Park and Ride Lot Agreement Between the Georgia Department of Transportation and MARTA

WHEREAS, the Georgia Department of Transportation (“GDOT”) and Metropolitan Atlanta Rapid Transit Authority (“MARTA”) entered into an agreement dated November 13, 1980 (“Original Agreement”) which granted MARTA certain rights of use to the GDOT owned South Fulton Park and Ride Lot pursuant to the terms of the Original Agreement; and

WHEREAS, JBE Realty Holdings, LLC (“Jim Ellis”) has requested to lease (“Jim Ellis Lease”) from GDOT for twenty-five (25) years a portion of the South Fulton Park and Ride Lot to be used as a separated and gated space for parking for Jim Ellis employees, hereinafter referred to as “Jim Ellis Parking Area” and further described herein; and

WHEREAS, the Parties wish to amend the Original Agreement (“Amendment”) so as to exclude the Jim Ellis Parking Area from the legal description of the GDOT owned South Fulton Park and Ride Lot set forth in the Original Agreement and permit Jim Ellis to construct a variety of improvements for MARTA in MARTA’s portion of the South Fulton Park and Ride Lot; and

WHEREAS, excluding the Jim Ellis Parking Area from the South Fulton Park and Ride Lot will not affect the operations of MARTA insofar as MARTA will retain the right and ability to use the remainder of the South Fulton Park and Ride Lot to serve bus and other public mass transportation passengers and for park and ride services for the benefit of the citizens of the State of Georgia; and

WHEREAS, MARTA and Jim Ellis will enter into a separate agreement in which MARTA will allow Jim Ellis to have limited access to the South Fulton Park and Ride Lot for any necessary maintenance of the improvements; and

WHEREAS, MARTA will continue to maintain the South Fulton Park and Ride Lot pursuant to the Original Agreement and as amended by the Amendment.

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the General Manager/CEO or his delegate is hereby authorized to do all acts, perform all things, and execute on behalf of the Authority all instruments of conveyance, other instruments and agreements as necessary to effectuate the Amendment.

Approved as to Legal Form:



Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority

Amendment of Resolution Approving the Sale of MARTA Land Parcel #C2104A to the City of Atlanta in exchange for MARTA's purchase of certain Air Rights

WHEREAS, on February 12, 2020 the MARTA Board of Directors approved a Resolution Authorizing the Sale of MARTA Land Parcel #C2104A at 0 Forsyth Street, Atlanta GA 30303 to the City of Atlanta in Exchange for MARTA's Purchase of Air Rights; and

WHEREAS, MARTA will sell land Parcel #C2104A, also known as 143 Alabama Street, to the City of Atlanta in exchange for MARTA's purchase of the City's air rights over the MARTA tracks; and

WHEREAS, the exchange will occur in order to facilitate the development of the existing building at 143 Alabama Street and the land to the west of the building; and

WHEREAS, the appraisals for each parcel required updating pursuant to MARTA's policies and the value of the parcels to be exchanged has increased since the Board's prior approval; and

WHEREAS, MARTA staff is requesting the Board amend its prior Resolution.

BE IT RESOLVED THEREFORE, that the General Manager/CEO or his delegate is hereby authorized to execute the intergovernmental agency documents between MARTA and the City of Atlanta for the sale of land Parcel #C2104A to the City for \$1,016,000 and the purchase of air rights by MARTA over the MARTA tracks across from the Five Points Station for \$1,016,000.

Approved as to Legal Form:



**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AND RELEASE AGREEMENT WITH GRESHAM TRANSPORTATION SERVICES, LLC., APPROVAL OF THE ASSIGNMENT AND MODIFICATION OF SUPPLEMENTAL MOBILITY OPERATIONS AND MAINTENANCE SERVICES CONTRACT NUMBER P43706

WHEREAS, the Authority's Department of Bus Operations has determined that it is in the best interest of the Authority to settle, release the current contract and increase the contract value to provide for known changes and additions to the Supplemental Mobility Operations and Maintenance Services Contract P43706 (the "Contract"); and

WHEREAS, the Contract provides for an additional mobility transportation service provider to service the Authority's patrons; and

WHEREAS, the Contract was assigned to Gresham Transportation Services, LLC ("GTS") on or about April 1, 2019; and

WHEREAS, MARTA and GTS (the "Parties") have agreed to cease and discontinue their business relationship; and

WHEREAS, MARTA is still in need of Supplemental Mobility Operations and Maintenance Services as outlined in the Contract; and

WHEREAS, GTS has agreed to assign the Contract to A-National Limousine Services, Inc. party to provide the services; and

WHEREAS, the Contract requires MARTA to approve any assignment of the contract; and

WHEREAS, the Parties have negotiated an assignment of the Contract, payment of costs owed to GTS and an increase in the hourly revenue rate to effectuate a smooth, orderly and efficient assignment of the services for the benefit of MARTA riders;

THEREFORE BE IT RESOLVED, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the General Manager/CEO or his delegate is hereby authorized to execute a settlement and release agreement with GTS in an amount not to exceed three million seven thousand seven dollars and seventy cents (\$3,007,007.70) for all claims, disputes and payments agreed to by GTS and MARTA;

THEREFORE BE IT FURTHER RESOLVED, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that the General Manager/CEO or his delegate is hereby authorized to approve the assignment SUPPLEMENTAL MOBILITY OPERATIONS AND MAINTENANCE SERVICES CONTRACT NUMBER P43706 to A-National Limousine Services, Inc. and amend SUPPLEMENTAL MOBILITY OPERATIONS AND MAINTENANCE SERVICES CONTRACT NUMBER P43706 to increase the amount of the contract \$2,293,947.48 for a total contract value of \$43,223,130.81.

Approved as to Legal Form:

DocuSigned by:

Peter J. Andrews

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**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

Resolution Authorizing the Submittal of the second round of Acquisition Offers and Settlements for Right of Way and Easements in support of the Summerhill Bus Rapid Transit Project, City of Atlanta, Fulton County, GA

WHEREAS, pursuant to the MARTA Act of 1965, as amended (“MARTA Act”), MARTA exists for purposes of planning, designing, leasing (as lessee), purchasing, acquiring, holding, owning, constructing, improving, equipping, financing, maintaining and administering a rapid transit system within the metropolitan area, and operating same; and

WHEREAS, the Metropolitan Atlanta Rapid Transit Authority’s (“MARTA”) operations staff has identified a public need to acquire property within the City of Atlanta (“City”), Fulton County, Georgia and the City is within the territorial jurisdiction of MARTA;

WHEREAS, MARTA will expand its rapid transit system by developing, maintaining and operating a Bus Rapid Transit Project (“Summerhill BRT”) located within the City; and

WHEREAS MARTA Planning and Capital Programs has identified that certain real property located adjacent to the Summerhill BRT corridor, City of Atlanta, Fulton County, State of Georgia (“Property”) for acquisition to facilitate the Summerhill BRT project; and

WHEREAS, MARTA and the City executed a Rapid Transit Contract & Assistance Agreement as amended and a Project-based Agreement executed on March 25, 2022 whereby the parties agreed to coordinate their efforts regarding the expansion of MARTA’s rapid transit system, including, without limitation, the City agreeing to work with MARTA and, upon the request of MARTA, to exercise its eminent domain power to acquire any property rights and interests necessary for MARTA to carry out its purpose as stated in the MARTA Act; and

WHEREAS, upon the City’s approval, MARTA will submit offers to the fee owner(s) of the Properties in the amount of the appraised values. If negotiations for fair and equitable purchase terms are not successful, then MARTA will request the City initiate condemnation proceedings.

RESOLVED THEREFORE, by the Board of Directors of the Metropolitan Atlanta Rapid Transit Authority that in accordance with policies and procedures previously adopted by the Board, the acquisition of those real properties known as MARTA Parcels B101, B102, B104, B105, B119, B122, B122A, B126, B133, B139, B164 and B173 as identified as Exhibit A attached hereto and incorporated herein by the reference ("Required Properties"), are hereby determined to be necessary for the construction, operation and maintenance of the Authority's bus rapid transit system and hereby is approved, provided the acquisition costs do not exceed the estimate of just compensation as further identified in Exhibit A.

BE IT RESOLVED THEREFORE, that the General Manager/CEO or his delegate is hereby authorized to offer and execute Acquisition Agreements and/or other settlements with the fee simple owner(s) for the acquisitions of the Properties and in the event a mutual agreement or settlement is unsuccessful to request the City of Atlanta to initiate condemnation proceedings.

Approved as to Legal Form:



**Chief Counsel, Metropolitan Atlanta
Rapid Transit Authority**

Summerhill Bus Rapid Transit
Round Two Acquisitions
Exhibit A

MARTA Parcel	Area Needed (Sq. Ft.)	Area (acres)	Acquisition Type	\$ per SF	Full or Partial Acquisition?	Initial MARTA Offer (EJC)
B101	1,390.00	0.0319	Permanent Need	\$30.00	Partial	\$41,700.00
B101	882.00	0.0202	TCE	\$30.00	10%	\$1,323.00
B102	279.00	0.0064	Permanent Need	\$35.00	Partial	\$9,765.00
B102	1,003.00	0.0230	TCE	\$35.00	10%	\$1,755.25
B102			Consequential Damages			\$29,500.00
B102			Site Improvements			\$558.00
B104	1,328.00	0.0305	Permanent Need	\$20.00	Partial	\$26,560.00
B104	720.00	0.0165	TCE	\$20.00	10%	\$720.00
B105	1,096.00	0.0252	Permanent Need	\$60.00	Partial	\$65,760.00
B105	668.00	0.0153	TCE	\$60.00	10%	\$2,004.00
B105			Site Improvements			\$906.00
B105			Trade Fixtures			\$5,100.00
B119	385.00	0.0088	TCE	\$35.00	10%	\$673.75
B122	442.00	0.0101	Permanent Need	\$52.78	Partial	\$23,328.76
B122	720.00	0.0165	TCE	\$52.78	8%	\$1,520.06
B122A	603.00	0.0138	Permanent Need	\$45.00	Partial	\$27,135.00
B122A	629.00	0.0144	TCE	\$45.00	10%	\$1,415.25
B126	1,082.00	0.0248	TCE	\$80.00	10%	\$4,328.00
B126			Site Improvements			\$7,279.00
B133	2,031.00	0.0466	TCE	\$45.00	10%	\$4,569.75
B139	6,501.00	0.1492	Permanent Need	\$45.00	Partial	\$292,545.00
B164	14,290.00	0.3281	Abandonment	\$15.05	Full	\$215,064.50
B173	2,774.00	0.0637	TCE	\$45.00	10%	\$6,241.50

\$769,751.82