

July 17, 2012

Dear Governor Deal,

Today we present 400+ petitions requesting that you honor your June 2010 pledge to remove the Georgia 400 toll in Atlanta. **The Atlanta City ordinance** and Department of Transportation (DOT) agreement signed in 1989 for construction of GA 400 stated:

***“That all tolls shall be discontinued upon full payment of the bonds which are issued to finance the construction of the GA 400 extension and the Buckhead Loop”***

The criteria agreed to by the state of Georgia and established by vote of the Atlanta City Council as well as the Fulton County Commission include two key points:

1. All GA 400 toll revenue was required to be used **exclusively for construction of the GA 400 extension** and the Buckhead Loop
2. **The GA 400 toll would be removed when those construction costs were repaid**

All related construction costs **were repaid in 2009** as you eloquently explained during your gubernatorial primary campaign in June of 2010. In 2009, the Fulton County Commission passed a non-binding resolution urging the state to remove the toll. Between 2009 and 2011, the State Road and Tollway Authority (SRTA) continued to collect over \$20 million per year in surplus toll revenue. The extra toll collection generated roughly **\$42.5 million in surplus funds by 2011**.

GA 400 motorists were led to believe that the surplus would fund the Buckhead Interchange ramps for GA 400 S. to I-85 N. and vice versa and fund the sorely needed GA 400 ramps to and from the I-85 access road that feeds the Spring St. and West Peachtree St. connectors in downtown. Despite the surplus, the I-85 access road ramps are still **unfunded** today.

In September of 2010, SRTA cash, assets and future 2011 receivables amounted to about twice that of the \$21.4 million bid that was accepted in 2011 to build the proposed Buckhead Interchange ramps. Nevertheless, then Governor, Sonny Perdue, chairman of the five person SRTA board, convinced the board to vote to issue **an unnecessary \$40 million bond that further indebted** residents from Atlanta and Fulton County. The bond was **not** needed to build those ramps. **The bond was needed for the authority to extend the toll** according to Georgia law, O.C.G.A. 32-10-64. This statute protects Georgia residents by limiting toll collection to conditions where bonds are required for construction.

It seems rather obvious that the intent of extending the GA 400 toll was to use toll revenue to fund projects that have nothing to do with the GA 400 extension. While the \$30 million of new projects may be worthwhile, **these pet projects violate the Atlanta City Ordinance and agreement signed by GDOT**. Since no state law has overridden the city ordinance, an attempt was made to circumvent it by removing the toll for one week and establishing a “new” toll.

Currently, SRTA's own financial records show that they have enough money to:

- Disburse **all** funds necessary to complete the Buckhead interchange ramps;
- Establish a trust fund or other SRTA mechanism to repay **all** current bond principal;
- Include payment of **all** bond interest that will accrue until the 2017 maturity date

As chairman of the SRTA board that voted to extend the toll, **you have the power** to ask the board to remove the toll and to arrange a vote. We trust that the majority of board members, if not all of them, would vote to remove the toll and honor the original agreement with the City of Atlanta if you simply ask them to do so. All that is needed is for you to make a personal decision to **suspend Sonny Perdue's pet projects until they can be funded by normal means.**

We are deeply concerned about the **deceptive nature** of the excuses that have originated from your office as to why the toll cannot be removed now. Contrary to the excuses we have heard, the funds exist to provide full compensation to bondholders and the state has no legal obligation to immediately complete all of the pet projects. Therefore, it is important that you begin distancing yourself from this unethical toll extension rather than being supportive of it.

It was also **unethical** for the SRTA board under Governor Roy Barnes to **purchase a \$10 million dollar property on 17<sup>th</sup> St. that has nothing to do with GA 400.** This property is still vacant and we expect you to take the necessary action to liquidate it and **return the \$10 million of our misappropriated toll money** to the toll reserve account.

In conclusion, the issues we have raised should not be construed negatively on the SRTA staff. We have found these individuals to be cooperative, friendly and forthcoming in our efforts to collect information to define the true current financial status of GA 400. But public distrust of Georgia officials has never been higher than it is now. **Honoring** the Atlanta City ordinance and GDOT toll agreement for GA 400 will be a tremendous **first step in restoring the integrity of Georgia state government.** Thank you for your consideration. An electronic reply is requested on behalf of all Free 400 petition signers.

Sincerely,

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