

October 25, 2016

The Honorable Tucker Dorsey
County Commissioner, District No. 3
Baldwin County central Annex
22251 Palmer Street
Robertsdale, AL 36567

Dear Chairman Dorsey and the Members of the Baldwin County Commission;

We are in receipt of your letter sent to Mayor Koniar dated October 18, 2016 and referencing a "Proposed FBE median Crossover and Traffic Signal for the BC Foley Development". Please accept this letter as formal response to your letter.

The City of Foley has always, and will continue, to abide by the Tri-Party agreement referenced in your letter. The Tri-Party Agreement sets out certain processes and studies to be accomplished in order to properly analyze an access request. Rest assured that the City, as Sole Permitting Agency in this section of the Foley Beach Express, is properly performing our responsibility as the Permitting Agency just as we expect The Baldwin County Commission does so in the section of the FBE where they are the Sole Permitting Agency.

Your letter seems to imply that the sole purpose of the Tri-Party Agreement is to ensure that traffic flow on the Foley Beach Express remains as originally intended. We do not read the Tri Party Agreement as a single purpose document. The Tri-Party Agreement and related Access Management Plan is an agreement entered into and signed by the City of Foley, the Baldwin County Commission, and the Baldwin County Bridge Company, in 1999. The purpose of the agreement is to define the methods to be used on the 13.5 mile corridor, identified as the Foley Beach Express, to balance three primary components; 1) the need for access to private property along the FBE, 2) the need to ensure safety of motorists traveling on the FBE, and 3) the need to support good throughput of vehicular traffic along the corridor. Private Property Owners along the route agreed to controlled access at the point that the road was designed and proposed. We view the Tri-Party Agreement as a defined process that helps to balance all of those needs.

Secondly, your letter implies that the various Exhibits of non-signalized intersections identified as "typical" within the Access Management Plan of the Tri-Party Agreement are required. We do not view those designs as required for non-signalized intersections, but rather examples of typical designs. We do not think they apply, even as examples, to a signalized intersection. The whole purpose of the Tri-Party agreement was to set out a process to be followed for all requests for access whereby the access request is analyzed real time by a professional traffic consultant, designed by a professional civil engineering firm, and then reviewed by the Permitting Agency for acceptance or rejection. That analysis and design is based upon the actual proposed use of the property, the traffic volumes it will create, and the safety and throughput issues needed to be considered within the intersection design. So although

typical drawings of intersections can be useful to consider different ways to address these issues, it is the real time analysis by professionals that ultimately determines the best design.

In addition to referencing these various Exhibits of typical intersection designs for non-signalized intersections, your letter also pointed out specific distances regarding acceleration lanes and deceleration lanes. Again, this point is misplaced because there are material differences regarding turning maneuvers for un-signalized and signalized intersections. For non-signalized access points, acceleration lanes are generally needed for safe vehicular turning maneuvers which is why all of the Exhibits in the AMP of typical non-signalized intersections show acceleration lanes for any turning maneuver (right and left). That is because in non-signalized intersections, vehicles making a turn must merge into traffic that are traveling "at speed" on the roadway. So acceleration lanes are important for merging to happen safely. However, we are not considering a non-signalized intersection but rather a signalized intersection. The County, as an example, designed and built the signalized intersection of the BBE/FBE without any acceleration lanes for right hand or left hand turning maneuvers onto the Foley Beach Express because as we all know, turning maneuvers in signalized intersections are protected maneuvers via the signal. Furthermore, there were 4 signalized intersections built when the FBE was initially constructed and none were designed with acceleration lanes for turning maneuvers onto the FBE since the turning maneuvers are protected by the signal itself.

Another point made in your letter seems to imply the City is somehow non-responsive to your requests. We wish to assure you that this is not the case. We value interaction with all of our local government agencies. Our City Engineer has been in contact, both by phone and by email, with members of the County Engineering department for approximately 2 months regarding this topic, including Matthew Brown and Cal Markert.

The County, via Matthew, has voiced their desire to see documents associated with an Application for Access received by the City. We have stated from the start that we will share documents as they are completed and received, and we have done so promptly. However, it is important to state that the application is within the section of the FBE owned by the City and therefore the City of Foley is the sole Permitting Agency involved in the formal review. At this point, The City has shared copies of the Traffic Study, the Warrant Study, and the proposed Intersection Design regarding this Access Application with the County. The sharing of application documents such as these are not a requirement of the Tri-party agreement, for example, the Baldwin County Commission as a Permitting Agency has analyzed requests for permitted access in their area of control without submitting documents to the City. However the City always desires to work well with other governmental agencies on all activities and we are more than happy to share information with the County, and have done so.

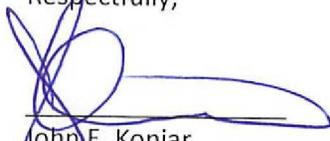
As the City moves forward towards its decision on this Access Request, we wish to make sure that The Commission understands that we take our responsibility as the Permitting Agency seriously, just as we know the Commission does in their section. Also, the negative tone of the conversation held by the County in your meeting on October 18th, as well as in the letter, does concern us. The City of Foley has worked very well with the County on a number of projects that were beneficial to all of our constituents. A few examples of this include:

- 1) The City funded the development of Wolf Creek Park, a property purchased by the County and developed by the City, for the benefit of both Foley citizens and all Baldwin County citizens.
- 2) The City participated financially in a signal improvement of a signal maintained by the County. (CR10 and 59). This signal was improved and a danger corrected and the cost split 3 ways with Foley, the County, and the State. We participated even though it was not our responsibility, because it was the right thing to do.
- 3) The City funded half of all match on the CR20 ATRIP expansion. This section of CR20 was not in the City but we agreed to participate financially, and ultimately worked to bring the adjacent properties into the city so that the city could take on the maintenance of the road and relieve the County.
- 4) The City has agreed to take over maintenance of a majority of Keller Road, and to fund some costs towards the improvement that the County is currently planning, even though Keller Road is currently the responsibility of the County.
- 5) The City is currently working to address ownership/maintenance of various sections of CR12 that are currently in the County.

We desire our positive working relationship with the County to continue, and simply do not understand why the County would push an erroneous position regarding the Tri-Party Agreement, or why they feel obligated to try and inject themselves in a review that is the sole responsibility of the City.

Finally, during the televised meeting on October 18th where this topic was discussed, Chairman Dorsey brought up an unrelated, but important topic for all citizens in the County, and that was regarding congestion on State Highway 59. As you know, the City has been encouraging the State to invest State funds into that State Highway to implement Adaptive Signalization on the signals. Although the City has heretofore not asked the County for any support on this topic, financial or otherwise, we would like to take the opportunity to formally request your written support. We are encouraged by the County's vote in October 18th meeting supporting Adaptive Signalization along the Highway 98 corridor along the Eastern Shore, so we know that you are fully informed on the benefits of Adaptive Signalization. Representative McMillan agrees with the need for Adaptive Signalization on this corridor and has committed to the City and surrounding County residents to encourage the State to fund this project. Therefore, we are asking for The County Commission to sign the attached letter to Representative McMillan stating the Baldwin County Commission supports his efforts to help the congestion on this State Route that negatively affects so many of your, and our, constituents by encouraging the State to fund Adaptive Signalization from where they left off on the northern edge of Gulf Shores, up through the intersection of 59 and the FBE.

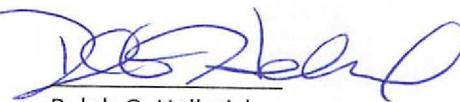
Respectfully,



John E. Koniar
Mayor – City of Foley



J. Wayne Trawick
Council President



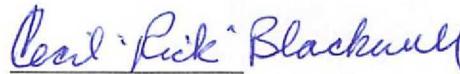
Ralph G. Hellmich
President Pro-tem



Charles J. Ebert, III
Council Member



Vera Quaites
Council Member



Cecil "Rick" Blackwell
Council Member

Enclosure – Proposed letter of support to Rep. McMillan

Cc: Representative Steve McMillan
Foley Holdings LLC
Cal Markert, P.E.
Chad Christian, P.E.
Matthew Brown, P.E.
David Conner
J. Casey Pipes
Michael L. Thompson

October 28, 2016

The Honorable Steve McMillan
P. O. Box 337
Bay Minette, AL 36507

Representative McMillan,

It has come to our attention that you have been encouraging the Alabama Department of Transportation (ALDOT) to extend the Adaptive Signalization that they have completed in the Gulf Shores section of State Highway 59 northward through the signalized intersections of Foley. We were in attendance at the meeting recently held where the use of BP fine money was considered and ultimately three projects, Highway 31, Highway 181, and Canal Road, were identified as the three projects to be funded with the BP money. In that meeting the Mayor of Foley, Mayor John Koniar, spoke and agreed that these three roads were in dire need of improvement/expansion, however he requested consideration of approximately \$1.4m of the total \$55m BP fine dollars be spent to address a critical need on State Highway 59. State Highway 59 is the primary north/south route throughout the County and is the primary corridor used by nearly all citizens of the County going to and from Pleasure Island as well as to head northward to Interstates 10 and 65. It is also the primary route used by our 6.5 million visitors that contribute so much to the economy of our County and State. In this meeting, Director Cooper made the statement that the one State Highway in Baldwin County that regularly exceeds its design capacity is State Highway 59. Yet funding for this work was not secured.

Representative, Gulf Shores has indicated that after ALDOT completed an adaptive signalization project on the section of State Highway 59 in their city, it had a very positive effect in reducing the congestion on the corridor. Adaptive signalization has proven to improve throughput of traffic at a much more moderate cost than funding actual roadway expansions, and this is why The Baldwin County Commission, along with the Eastern Shore MPO and ALDOT, are currently initiating a \$2.8m project to implement adaptive signalization along the entire Eastern Shore corridor of Highway 98.

Therefore, please accept this letter as agreement and support of your efforts to secure State funding for adaptive signalization in the corridor of State Highway 59 from the southern point of County Road 10 through the northern point of the intersection of 59 and the Foley Beach Express.

Sincerely,

Chris Elliott - Chairman

Charles Gruber

Frank Burt

Tucker Dorsey

cc: Wayne Trawick, Foley Council President
John E. Koniar, Mayor – City of Foley

City of Foley
PO Box 1750
Foley, AL 36535

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