## CRESCENT CITY CONNECTION DIVISION



COMPLIANCE AUDIT ISSUED SEPTEMBER 22, 2010

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September 22, 2010

#### LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT CRESCENT CITY CONNECTION DIVISION

New Orleans, Louisiana

We have audited certain transactions of the Crescent City Connection Division (CCCD) for the period January 1, 2004, to June 30, 2010. Our audit was conducted in accordance with Title 24 of the Louisiana Revised Statutes to determine the credibility of new allegations and information received regarding findings concerning the use of toll revenues by CCCD and the Louisiana Department of Transportation and Development (DOTD) previously reported in the CCCD House Resolution No. 114 of 2009 Informational Audit and the CCCD House Resolution No. 13 of 2008 Performance Audit.

Our audit consisted primarily of inquiries and the examination of selected financial records and other documentation. The scope of our audit was significantly less than that required by *Government Auditing Standards*; therefore, we are not offering an opinion on the CCCD's financial statements or system of internal control nor assurance as to compliance with laws and regulations.

The accompanying report presents our findings and recommendations as well as management's response. This correspondence is a public report and it has been distributed to public officials.

Respectfully submitted,

Daryl G. Purpera, CPA, CFE

Legislative Auditor

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CCCD 2010

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CRESCENT CITY CONNECTION DIVISION	

The Crescent City Connection Division (CCCD), a division within the Louisiana Department of Transportation and Development (DOTD), operates and maintains two bridges spanning the Mississippi River in New Orleans and its approaches on the east and west banks of the river. One bridge goes from the east bank to the west bank, and the other one goes from the west bank to the east bank. Collectively, the bridges are referred to as the "Crescent City Connection."

CCCD also maintains and operates six ferries that service three locations in Jefferson, Orleans, and St. Bernard parishes. CCCD operates the ferries at the following locations:

- 1. Lower Algiers/Chalmette
- 2. Algiers/Canal Street
- 3. Gretna/Jackson Avenue

In addition, CCCD employs a police force of 29 commissioned officers to cover approximately 14 miles of roadway. The number of officers includes management and lines of supervision.



The Crescent City Connection Division (CCCD) employees are responsible for the operations of the bridges and ferries. CCCD performs much of the maintenance work and other projects such as bridge painting and ferry engine repairs by using private contractors. CCCD officials are responsible for approving and submitting all vendor invoices under \$500,000 to the Department of Transportation and Development (DOTD) headquarters for processing. All invoices in excess of \$500,000 are approved by DOTD directly. DOTD processes all CCCD payments and mails payment checks to the appropriate vendors. CCCD then reimburses DOTD from its trust fund on a monthly basis for all expenses.

CCCD's funding is largely from ferry and bridge toll revenues. Louisiana Revised Statute (R.S.) 47:820.5 requires CCCD to collect ferry and bridge tolls through December 31, 2012, when CCCD's outstanding bonds are scheduled to be fully paid. Toll rates are 20 cents per axle for toll tag users of the bridge and 50 cents per axle for cash users of the bridge and ferries. This money is deposited into CCCD's trust fund. Toll rates have remained unchanged since June 24, 1998. CCCD uses the toll revenue to fund operations and maintenance in accordance with statutory provisions. If any revenue is left over after operating and maintenance expenses, state law [R.S. 47:820.5B(2)(b)] requires DOTD to dedicate the remaining toll proceeds to complete the following bridge projects, which are specified in this statute:

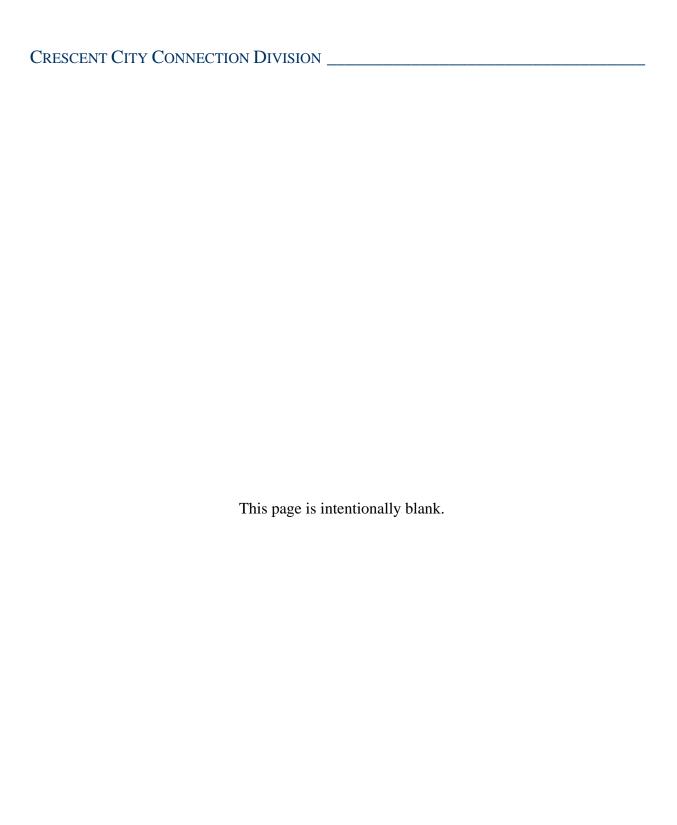
- Opening transit lanes for "HOV2" or "High Occupancy Vehicle 2" traffic on the Greater New Orleans Mississippi River bridges
- Providing an additional toll tag lane for cars entering from the Algiers area
- Installing a video or photo monitoring system as defined in R.S. 820.5.1(C)(3)
- Repainting the upriver span of the Crescent City Connection bridge

The statute also says that DOTD shall prioritize such projects giving preference to projects which either directly relate to the main structure of the bridge or work to expedite the flow of traffic entering and exiting the bridge. However, the department shall complete all of the listed projects before funding and prioritizing any other bridge projects included in this part of the law.

R.S. 47:820.5.3 establishes the Crescent City Connection Oversight Authority (CCCOA) to establish priorities of projects from remaining funds after all operation and maintenance expenses of the bridges and ferries under the authority of CCCD have been paid. The statute says that the CCCOA shall consider the funding of projects approved by the legislature in accordance with R.S. 47:820.5 and that the authority shall have access to the accounting of all expenditures, revenues, project priorities, status of ongoing projects, and any other matters which relate to the Crescent City Connection, its operations, and related projects, in furtherance of this purpose.

The procedures performed during this audit included:

- (1) interviewing employees of CCCD and DOTD;
- (2) interviewing other persons as appropriate;
- (3) examining selected documents and records of CCCD and DOTD;
- (4) gathering documents from external parties; and
- (5) reviewing applicable state laws and regulations.



#### **Lack of Adequate Toll Collection System**

The Integrated Electronic Toll Collection System II (IETCS II) implemented by the Louisiana Department of Transportation and Development (DOTD) for its Crescent City Connection Division (CCCD) and on behalf of the Louisiana Transportation Authority (LTA), has not functioned properly since being placed in production on December 1, 2008, for CCCD and August 3, 2009, for LTA. During our audit, DOTD provided a listing of potential violations for CCCD (January through July 2010) and LTA (June 2010) totaling \$841,439 and \$15,033, respectively, that, because of problems with IETCS II, remain unbilled and are considered uncollected revenue. As these problems continue, the estimated loss in revenues may exceed \$110,000 per month for CCCD and \$15,000 per month for LTA. These estimated amounts do not include violation fines and fees, which would become additional lost revenue. Toll collection revenues for CCCD and LTA average approximately \$1.7 million and \$277,000 per month, respectively.

The IETCS II is used for electronic toll collection for vehicles crossing the Mississippi River Bridge in New Orleans and for the Louisiana 1 (LA1) Bridge in Leeville. CCCD oversees toll collections for both bridges. IETCS II was designed and developed by Electronic Transaction Consultants (ETC) Corporation, which was awarded the original contract based on a competitive bid process. The original four-year \$5.25 million contract was signed on May 11, 2005. Since that time, the contract amount has increased to \$8.4 million. ETC ceased working on the project on January 15, 2010, and is currently in litigation with DOTD.

As of June 30, 2010, DOTD has paid approximately \$7.32 million to ETC. According to DOTD accounting records, of the \$7.32 million paid to ETC, \$6,759,963 (92%) was paid using CCCD self-generated funds from tolls; \$412,863 (6%) using federal funds; and \$145,284 (2%) using DOTD Transportation Trust funds. A review of task orders and supporting documentation revealed that payments to ETC totaling \$4,767,430 were for services performed on the entire IETCS II Solution which is used by both the CCCD and LA1. Peggy Olivier, assistant executive director of the CCCD, stated that the costs associated with the entire IETCS II Solution would have been incurred if LA1 had not been included as part of the system. In addition, ETC services performed on the IETCS II expressly for CCCD were funded with \$1,992,532 of CCCD self-generated tolls, while services performed expressly for LA1 were funded through \$412,863 of federal funds and \$145,284 of DOTD Transportation Trust funds.

Besides DOTD not having a properly functioning system, DOTD is currently unable to make changes to the IETCS II software code to make the system functional because of the pending litigation with ETC. In addition, DOTD has continued to incur costs associated with this system as follows:

- DOTD entered into a contract with Gulf Engineers and Consultant (GEC) to provide technical expertise, oversight, and system-testing services for the implementation of IETCS II. To date, DOTD has paid GEC approximately \$552,000.
- DOTD entered into an emergency contract with Diversified Technology Services, LLC (DTS) on June 10, 2010, for expert assistance to prevent the IETCS II from

failing and to develop alternate processes. This contract allows for a maximum payable amount of \$720,000 of which \$34,760 was paid in fiscal year 2010.

• Because ETC ceased work on the project, CCCD has had to "work around" the system by incorporating added automated and manual procedures. CCCD estimated that between \$1 million to \$1.5 million in payroll cost has been spent performing these alternative procedures.

Currently, major IETCS II problems include, but are not limited to, the following:

- The IETCS II's Image Capture Review Subsystem for both CCCD and LA1 is not working as intended, so employees are unable to view images of all potential toll violators and identify and bill for actual violations.
- The IETCS II for both CCCD and LA1 frequently sends erroneous violation notices to drivers who have properly paid tolls.
- The IETCS II's Customer Service Center (CSC) auto-replenishment function for both CCCD and LA1 is not working as designed; therefore, CSC managers have to manually review and verify these auto-replenishments for their customers' toll accounts.
- The IETCS II's LA1 Violation Processing Subsystem (VPS) fails to properly identify all valid trailer toll violations.
- There is a lack of system documentation, especially for the LA1 facility; this has resulted in a lack of understanding of how the system works and greater cost to develop alternate procedures.
- A memo from GEC on September 2, 2009, about 10 months after IETCS II was placed into production for CCCD, noted that major problems with high-priority issues were being encountered on a weekly or even daily basis.

After all of these difficulties and expenses, DOTD may still have to replace the entire system pending the outcome of the department's current litigation with ETC. The estimated cost to replace the system exceeds \$10 million.

Good business practices require that when implementing a new information technology (IT) system, the software should be developed in accordance with business processes, contract requirements, development standards, quality assurance requirements, and approval standards, and a project management plan should be implemented to ensure that these standards and practices are satisfied.

Management of DOTD should (1) take the necessary action to keep the current system operating and develop alternate procedures to limit lost revenue and resolve system failures; (2) perform an assessment regarding whether the continual usage of this system is in the best interest of the state; (3) evaluate its project implementation policies and procedures to avoid similar problems in the future; and (4) continue to pursue the resolution of current litigation.

#### **Contracts in Possible Violation of State Law**

#### **GEC Contract**

On March 29, 2004, DOTD entered into a contract with GEC to provide construction inspection and technical services for assistance leading to a comprehensive Integrated Electronic Toll Collection System - II (IETCSII) project including an Interim Violation Processing System for the Crescent City Connection Bridge. The amount of the contract was \$359,154 with a completion date of September 29, 2006. According to the contract and other DOTD and CCCD documentation, GEC was selected to perform the engineering services on a noncompetitive basis by former CCCD Executive Director Alan LeVasseur. As a result, DOTD and CCCD appear to have violated Louisiana state law.<sup>1</sup>

R.S. 47:820.5.B.(1) requires CCCD engineering services be competitively bid; however, R.S. 48:292 states, in part, that in special and rare circumstances, noncompetitive selection may be used including specialty contracts where the necessary expertise is available only from one vendor or a few sources. To select a vendor on a noncompetitive basis, the section head, after ascertaining the need for noncompetitive selections, shall request approval from the secretary to engage a specific firm to perform the required services. The written request shall contain the following information: (1) justification for noncompetitive selection; (2) recommended firm and reason for recommendation; (3) type of contract recommended; and (4) approximate cost. DOTD records indicate that although Mr. LeVasseur made a request in writing on March 11, 2004, he failed to recommend a contract price or approximate cost.

#### **GEC Contract Supplements**

On August 30, 2006, DOTD executed a supplement to the original GEC contract in the amount of \$139,243. The supplement requested additional construction and inspection services and increased total compensation under the contract from \$359,154 to \$498,397. In October 2006, a second supplement was requested to include additional services to be performed by GEC relating to the LA1 Toll System Integrated Project, which was not a CCCD project. In an October 19, 2006, memo to DOTD Assistant Secretary Gordon Nelson, the DOTD legal division questioned the supplement request because Louisiana law prohibits the use of CCCD funds for unrelated projects and further indicated that the amount of the proposed supplement, \$88,533, would have brought the original contract over the 50% limitation as provided in R.S. 48:286. DOTD legal recommended that the supplement not be executed and that a new selection process and contract be instituted/executed for the LA1 Toll System. However, on February 19, 2007, DOTD executed the supplement bringing the amount of the original contract from \$498,397 to \$586,930 and over the 50% limit in apparent violation of R.S. 48:286.

<sup>&</sup>lt;sup>1</sup> R.S. 47:820.5.B.(1) states, in part, that "no funds appropriated to the division...shall be expended for engineering services performed...if such services are provided under a contract which has not been subject to competitive bid."

<sup>&</sup>lt;sup>2</sup> R.S. 48:286 states, in part, that "an additional selection process shall be used for ancillary components when the total of such ancillary components amounts to more than fifty percent of the original contract."

According to Mr. Nelson, his decision to approve the second supplement to the GEC contract in lieu of sole source selection was based on two memos. The first memo, from Tony Ducote, project manager for the LA1 toll project, which stated that the work required to complete the LA1 Toll In-Lane Processing project was of a critical nature and timing. The second was an e-mail, from Mr. Ducote to DOTD Undersecretary Michael Bridges, which stated that Transportation Trust Funds, not CCCD toll revenue in the amount of \$88,533 was needed to fund the supplement. Undersecretary Bridges approved this funding, which according to Mr. Nelson, is why he approved the second supplement.

#### GEC Supplement 2 Funding Source

From May 2004 to November 2008, GEC was paid \$521,396 for services rendered under the IETCSII project contract and its two supplements. Of this amount, \$485,235 was paid for work rendered under the original contract and the first supplement, \$19,182 was paid for services rendered under supplement two and three payments totaling \$16,979 had no documentation for auditors to review to determine if the payments were for services provided under the contract, supplement one or supplement two.

According to documentation provided by DOTD, of the \$19,182 paid to GEC for services rendered under supplement two, \$1,150 was funded by CCCD toll revenue. Because supplement two funded work on LA 1, a non-CCCD project, it appears that DOTD and the CCCD violated R.S. 47:820.5, which requires in part that CCCD self-generated toll revenue shall not be used to fund other projects in the State of Louisiana.

In addition, DOTD was unable to supply documentation to support three payments totaling \$16,979 paid to GEC. This \$16,979 included a single payment for \$13,162 which, according to DOTD accounting documentation, was funded by tolls from CCCD bridge operations. Because of the lack of supporting documentation, auditors could not determine if the \$13,162 payment to GEC was for services provided under the contract, supplement one or supplement two. As a result, auditors could not determine if the use of funds from CCCD bridge tolls for this payment was expended in accordance with R.S. 47:820.5.

#### Arthur D. Darden, Inc.

On August 2, 2005, DOTD entered into a contract with Arthur D. Darden, Inc., to provide Statewide Naval Architecture and Marine Engineering services for needed modifications and repairs to ferry vessels owned by or in the domain of DOTD. The contract amount was \$120,000 over a three-year period. On August 10, 2006, a supplement was approved to increase the amount of the original contract from \$120,000 to \$184,050. Because the original contract was increased by more than 50% without an additional selection process, DOTD appears to have violated R.S. 48:286.

#### **Use of Administrative Building for Non-CCCD Project**

Funds for the renovation and expansion of the CCCD administrative building totaling \$5,375,000 were appropriated in Act 23 of 2002 (\$1,800,000); Act 2 of 2004 (\$1,425,000); Act 27 of 2006 (\$1,200,000); and a supplemental appropriation to Act 27 of 2006 (\$950,000) and were to be payable from fees and self-generated revenues. According to CCCD management, the renovation and expansion were necessary for the following reasons:

- To increase the size of the work area for the customer service (tag office) personnel to eliminate any potential Occupational Safety and Health Administration (OSHA) violations
- To physically segregate employees with cash collection responsibilities from employees with no cash collection responsibilities
- To provide workspace for eight to 10 call center employees because of the relocation of the call center from Richardson, Texas to New Orleans
- To physically segregate human resources employees from training personnel
- To provide additional workspace for accounting and information technology staff
- To increase the size of the lobby to accommodate customer lines

In June 2004, two years after the original appropriation of funds for the renovation and expansion of the CCCD administrative building, DOTD assigned CCCD with the future toll collection responsibilities of the LA1 toll facility in Golden Meadow. According to DOTD documentation, this changed the scope of the renovations to include space in the building for employees working on LA1 toll operations. An attorney general opinion was later requested to determine if CCCD toll revenue could be used to fund the renovation and expansion of CCCD's administrative building because it would be used, in part, to house DOTD employees working on the LA1 toll project.

In an attorney general opinion dated November 12, 2008, the attorney general indicated that he was informed that "Once the renovation and expansion is completed in the summer of 2009, three (3) DOTD employees, who will work on the LA1 Project toll system, will be housed there indefinitely. These employees will work out of three (3) surplus office areas. According to Secretary Ankner, these three (3) employees will occupy approximately four hundred (400) square feet of the six thousand fifty-seven (6,057) square foot expansion." The attorney general opined that the "DOTD secretary has the discretion to house the three (3) DOTD employees who will work on the LA1 Project toll system in the CCCD administrative complex and reimburse the CCCD in the manner described." The attorney general further states that "the use of CCCD toll revenue to fund the agreement to indefinitely house (3) DOTD employees assigned to the LA1 project in the office space not currently needed for CCCD operations, subject to the payment of the fair market rental value to the CCCD, is authorized by La. R.S. 47:820.5(B)(1), LA. Const. Art. VII, Sec. 14, and La. R.S. 33:1324."

According to CCCD Assistant Executive Director Peggy Olivier, in January 2009, DOTD management informed her that CCCD employees would be responsible for LA1 toll operations. As a result, no additional employees from DOTD were housed at the CCCD administrative building to work for LA1. According to Ms. Olivier, CCCD employees handled LA1 operations and charged their time to either CCCD or LA1 accordingly. On March 4, 2010, DOTD Interim Secretary Sherri Lebas issued a memorandum directing DOTD Undersecretary Michael Bridges to reimburse CCCD using Transportation Trust Funds (TTF) in the amount of \$837,773 for the LA1 portion of the CCCD administrative building. This was a one-time reimbursement for the administrative building renovation and expansion costs allocated to LA1. This cost was based on the percent of time CCCD employees spent on LA1 business and the square footage of building space occupied by these employees.

Although the attorney general opined that "the use of CCCD toll revenue to fund the agreement to indefinitely house (3) DOTD employees assigned to the LA1 project in the office space not currently needed for CCCD operations, subject to the payment of the fair market rental value to the CCCD, is authorized by La. R.S. 47:820.5(B)(1), LA. Const. Art. VII, Sec. 14, and La. R.S. 33:1324," DOTD did not immediately reimburse CCCD for the fair market rental value of the office. Because CCCD appears to have used self-generated toll revenues to fund office space for an unrelated project for which it was not immediately reimbursed, CCCD may have violated R.S. 47:820.5 as well as Article VII, Section 14 of the Louisiana Constitution which prohibits CCCD from loaning "things of value" to any person, public or private.

#### **CCCD Resources Used for LA1 Operations**

According to practice, CCCD expenses are forwarded to DOTD where they are processed and paid. On a monthly basis, expenditures made by DOTD on behalf of CCCD are then reimbursed from the CCCD trust account. Since becoming responsible for LA1 toll operations, CCCD has used its own resources such as office space, office equipment, and police vehicles for LA1, a non-CCCD project. Although DOTD implemented a procedure in March 2010 by which CCCD is reimbursed for LA1's portion of these expenses, subsequent reimbursement does not provide the necessary authorization that would be required to prevent a violation of Article VII, Section 14 of the Louisiana Constitution. In addition, because of the legal restrictions placed on the use of revenues generated by CCCD, it appears to have violated R.S. 47:820.5, which states, in part, that "no toll revenue...shall be used to fund any other projects in the state..."

In March 2010, DOTD determined that CCCD should be reimbursed by LA1 for its direct LA1 expenditures as well as 26% of certain recurring expenses. That percentage was based on the number of hours CCCD employees were performing work for LA1 in relation to the total number of hours worked by CCCD employees. According to DOTD documentation, the amount due to CCCD from LA1 for the third and fourth quarters of 2009 was \$62,290. The expenses are provided in the following table.

SHARED EXPENSES		DIRECT LA1 EXPENSES PAID BY CCCD	
Office of Telecommunications	\$29,951.50	Violation Forms	\$2,315.05
Entergy of Louisiana	\$50,501.27	POSTAGE	
Entergy New Orleans	\$2,101.27	Transponders	\$15,435.33
Sewerage and Water Board	\$2,444.90	Violation Notices	\$10,694.20
Diens Auto Salvage/SDT	\$720.00	Dismissal Letters	\$1,558.32
EDS	\$21,875.64	Other Mail	\$27.72
Termite Contract	\$749.00	TOTAL POSTAGE	\$27,715.57
Sharp Electronics	\$2,579.40		
Pitney Bowes	\$4,824.00		
Corporate Express	\$4,658.95		
Unisource Worldwide	\$3,672.00		
	\$124,077.93		
LA1 Portion	0.26		
Amount Due to CCCD	\$32,260.26		\$30,030.62
<b>Source:</b> Schedule provided by CCCD.		Total Shared and Direct Expenses	\$62,290.88

This amount does not include the value of CCCD vehicles used by CCCD police officers and other CCCD employees who travel between CCCD and LA1 to work security and/or make deliveries for LA1 toll operations. CCCD management has indicated that it is currently compiling these expenses and intend to request reimbursement from DOTD for those expenses. DOTD and CCCD management have indicated that DOTD will continue to reimburse CCCD on a quarterly basis for LA1 expenses. However, by continuing to use CCCD self-generated funds to fund a non-related project, CCCD may continue to be in violation of R.S. 47:820.5 as well as Article VII, Section 14 of the Louisiana Constitution.

#### **CCCD Personnel Used for LA1 Toll Operations**

Since at least October 2008, CCCD employees including administrative personnel and police officers were directed by DOTD management to perform work for the LA1 toll facility, a non-CCCD project. CCCD and DOTD records indicate that from October 2008 through June 2010, CCCD employees including police officers charged 21,715 hours totaling \$758,250 to the LA1 toll project.

According to Peggy Olivier, CCCD assistant executive director, a limited number of CCCD employees, including her, were directed by DOTD management to perform duties for the LA1 project beginning in September 2008. Ms. Olivier further stated that in January 2009, she was informed by DOTD management that CCCD would be responsible for all LA1 toll operations which began in August 2009. As a result, CCCD rotated its employees, including police officers working security details, to LA1 to handle toll operations. These hours were charged directly to the LA1 cost center and funded by DOTD funds. A review of a LA1 cost center budget status report indicated that salary-based related benefits such as employee

retirement are also expensed to the LA1 cost center for the corresponding work hours charged to LA1 by CCCD employees. However, Ms. Olivier stated that 100% of all non-salary based benefits such as health insurance are charged to CCCD.

Currently, there are no full-time LA1 employees housed at CCCD; rather, CCCD employees including administrative staff, accountants, counters, and call center personnel handle LA1 operations and charge their time between CCCD and LA1 accordingly. According to CCCD management, during the month all expenses are paid by DOTD which the CCCD reimburses at the end of each month. According to Ms. Olivier, CCCD only reimburses DOTD for CCCD employee wages paid by DOTD for CCCD work. She added that DOTD pays all work conducted by CCCD employees for LA1.

#### **CCCD Excess Insurance**

In December 2002, CCCD issued \$19,900,000 of Mississippi River Bridge Authority Bridge Revenue Refunding Bonds Series 2002. Section 7.5 of the Amended and Restated Indenture and Deed of Trust (bond covenant) required CCCD to carry insurance on the bridges for the benefit of the bond holders. Insurance coverage for the three-year period ending December 31, 2006, was put out for public bid by the Office of Risk Management (ORM) in 2003 and coverage for the three-year period ending December 31, 2009, was bid out in 2006. In both instances, ORM received a single bid from Eustis Insurance, Inc., an insurance broker.

From January 2004 through June 2009, Eustis Insurance (the broker) was paid \$16,262,190<sup>3</sup> for excess coverage insurance for Crescent City Connection bridges one and two. For fiscal years 2004 through 2006, the total for premiums (broker fees) paid to Eustis ranged from \$1,377,987 to \$1,525,499 for each year. For fiscal years 2007 through 2009, the cost of premiums paid to Eustis under the new policy ranged from \$3,937,500 to \$4,016,250. According to an official at the Louisiana Department of Insurance, this increase in premiums may have been attributed to Hurricane Katrina.

	CCCD Bridge Insurance Premiums Fiscal Years 2004 Through 2009					
Fiscal Year	Total Amount of Coverage	Premiums Paid to ORM	Premiums Paid to Eustis Insurance, Inc.	Total Premiums Paid	Excess Insurers*	
2004	\$586,893,372	\$105,969	\$1,377,987	\$1,483,956	Ace American Insurance Co.  Zurich American Insurance Co.  The St. Paul Fire & Marine Insurance Co.	
2005	611,654,094	164,228	1,467,504	1,631,732	Ace Fire Underwriters Insurance Co. Zurich American Insurance Co. of Illinois The St. Paul Fire & Marine Insurance Co.	
2006	\$637,556,519	213,474	1,525,449	1,738,923	Ace Fire Underwriters Insurance Co. Axis Reinsurance Company The St. Paul Fire & Marine Insurance Co.	

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<sup>&</sup>lt;sup>3</sup> From September to October 2009, the CCCD received refunds totaling \$562,275 for early cancellation of the policy which is not included in this total.

	CCCD Bridge Insurance Premiums Fiscal Years 2004 Through 2009						
Fiscal Year	Total Amount of Coverage	Premiums Paid to ORM	Premiums Paid to Eustis Insurance, Inc.	Total Premiums Paid	Excess Insurers*		
2007	\$100,000,000	\$238,764	\$3,937,500	\$4,176,26 4	Westchester Surplus Lines Lloyd's of London		
2008	100,000,000	440,671	3,937,500	4,378,171	Illinois Union Insurance Co. Lloyd's of London		
2009	100,000,000	538,462	4,016,250	4,554,712	Illinois Union Insurance Co. Lloyd's of London		
T	Cotal	\$1,701,568	\$16,262,190	\$17,963,758			

<sup>\*</sup>These insurance companies provided the excess coverage through the insurance broker, Eustis Insurance, Inc. **Source:** Office of Legislative Auditor Informational Report: Crescent City Connection Division - House Resolution No. 114

Section 7.6 of the bond covenant provides that the required insurance may be omitted, or the amount of the insurance decreased to the extent that such insurance may be certified by the consulting engineers in writing to be unnecessary or unnecessarily burdensome. In April 2009, CCCD's consulting engineering firm provided CCCD Interim Director Peggy Olivier with a written statement indicating that the bridge insurance was unreasonable due to the cost of the coverage to insure the bonds which at that time had a principal balance of \$8,780,000. After receiving this letter, Ms. Oliver requested that ORM terminate the excess insurance policy with Eustis Insurance.

As part of our audit, we reviewed bid documents, bid solicitation lists, insurance policies, insurance payments, invoices, and other documentation. According to documentation provided to the Louisiana Legislative Auditor in 2003 and 2006, Eustis was the only bidder on the publicly bid CCCD excess insurance. A review of the insurance policies and other documentation showed that on both policies, from 2003 to 2009 Eustis earned between 7.5% and 10% commission on the policies. According to an official at the Department of Insurance, the commission rates for this type of insurance usually range between 5% and 15%. No documentation existed describing why only one bid was received for broker services.

#### **Construction and Renovation of the Crescent City Connection Offices**

On December 28, 2007, DOTD entered into a contract with JaRoy Construction, Inc., for the renovation and expansion of the CCCD administrative building. The contract amount was \$3,799,661. The scope of work included the renovation of existing space totaling 6,324 square feet and the construction of an administrative building addition totaling 6,057 square feet.

We examined the contract and change orders relating to the renovations and expansion of the administrative building. Documentation provided by DOTD indicates that the project incurred 19 change orders totaling \$134,085 and ranging in cost from \$440 to \$31,428. After reviewing the change orders, we determined that \$40,135 was for additional work requested by DOTD; \$48,326 was due to incorrect plans, specifications or quantities; \$38,970 was for

unforeseeable differences in site conditions; and \$6,654 was for design errors or unavailable materials. As a result of these change orders for the CCCD renovation and expansion, the funds paid to JaRoy Construction totaled \$3,933,746.

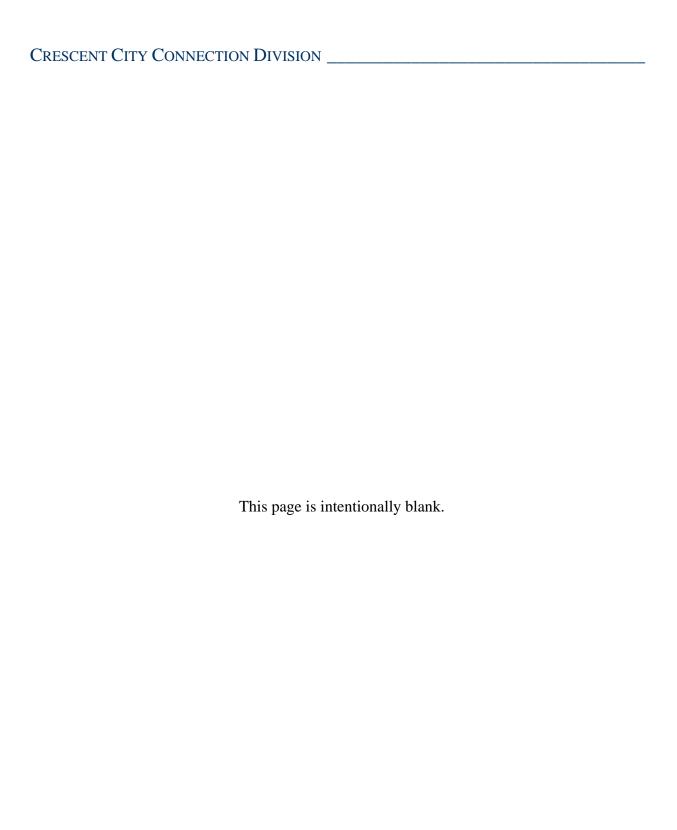
Ac	lministration Building	Renovatio	ns and Expansion Contract Informat	ion					
Project No.	Contractor	Change No.	Description	Amount					
			Administrative building expansion. Original Amount	\$3,799,661					
		1	Replace carpet in the toll tag store.	3,643					
				2	Removal of concrete pipe, removal of abandoned concrete duct bank, and compensation for down time and stand-by for pile driving operation.	18,562			
		3	Additional pile needed to construct the generator foundation.	2,985					
		4	Three pedestals needed to support building columns and rebar layout drawings.	4,515					
		5	Revision of south stair case, generator cabin penetration, catch basin, and precast panel.	15,387					
		6	Additional demolition of tower footing.	10,033					
		7	Change in model of Digital Projection projector.	4,491					
							8	Add partition in room 127, conference room changes, and locks for cabinets in conference room.	7,310
		9	Addition of four fire dampers inadvertently omitted from the initial plans.	2,738					
610-01-0022	JaRoy Construction, Inc.	10	Addition of 2 hour fire rated wall separating the existing building from the addition.	909					
					11	Repair sunken concrete slab and level the area.	20,407		
			12	Redesign breakers and panels that were found to be undersized during installation.	31,428				
							13	Caulking of the hallway wall, which was inadvertently omitted from the initial plans.	4,274
							14	Install communication backboard and terminate 100 pair cable.	1,227
		15	Alternate light fixtures due to an error in measurement on the light fixture specifications.	440					
		16	Installation of guard rail on handrail that was omitted in the specifications.	2,164					
		17	Removal of existing parking stripping, removal of existing glue down carpet, installation of glue down carpeting, and installation of three fire rated access panels in three rooms.	3,572					
		18	Addition of 37 calendar days to the contract time due to approved plan changes.	0					
		Total		\$3,933,746					

All change orders submitted to the CCCD were requested by the project engineer, recommended by the executive director of CCCD, and approved by the DOTD assistant secretary of operations. We reviewed each change order and found that all had been signed and dated by the parties named above.

#### Recommendations

We recommend the following:

- 1. CCCD and DOTD implement policies and procedures to ensure that CCCD's self-generated toll revenues are spent in accordance with R.S. 47:820.5 as well as Article VII, Section 14 of the Louisiana Constitution.
- 2. DOTD and CCCD institute policies and procedures to ensure compliance with the provisions of R.S. 47:820.5, 48:285, and 48:292 regarding the competitive bidding of CCCD engineering contracts.
- 3. DOTD and CCCD institute policies and procedures to ensure compliance with the provisions of R.S 48:286 regarding an additional selection process for ancillary components for existing contracts when the total of such ancillary components amounts to more than fifty percent of the original contract.
- 4. DOTD develop and implement formal policies and procedures for tracking contract payments and include a requirement to maintain originals or copies of invoices that have been approved for payment.
- 5. DOTD and CCCD should develop and implement policies and procedures to ensure that LA1's portion of CCCD employee non-salary based benefits are paid by LA1.



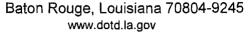
Management's Response





## STATE OF LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

P.O. Box 94245





September 15, 2010

Mr. Daryl G. Purpera, CPA, CFE Legislative Auditor P. O. Box 94397 Baton Rouge, LA 70804

Dear Mr. Pupera:

Thank you for the opportunity to respond to your audit. The most critical issue that we are dealing with is the toll system. Although we are taking significant action through litigation and planning for a new system, neither of these matters will be resolved in the short term. The emergency toll systems contract is critical to keeping the system running.

Attached you will find our comments regarding this audit and any additional supporting documentation.

#### **Comments on Background**

The CCCD does not operate in Plaquemines Parish.

The CCCD employs 29 commissioned officers who are responsible for managing the traffic flow on the 5<sup>th</sup> most heavily traveled bridge in the USA. Managing and clearing traffic crashes and other incidents on a bridge with 109,000 vehicles per day is their primary responsibility. They also provide public safety on the bridge, provide security for toll operations, provide security at toll violation hearings, and provide maritime security in conjunction with, the ferry operations and at the direction of the US Coast Guard.

#### Response to Finding: Lack of Adequate Toll Collection System:

In addition to litigation, the Department has advertised a contract to hire a consultant to assist in assessing the best method to move forward with use of this system, and to develop an RFP for a replacement toll system. This consultant should be selected by the second week of October 2010. The evaluation of the system and development of the RFP should take approximately 3 to 6 months. This study will evaluate alternatives for both the existing system and provide direction for a new system or systems. The issuance of the RFP for a replacement toll system may be deferred pending direction from the Legislature regarding the continuation of tolls. The tolls are

Audit Response to LLA September 15, 2010 Page 2 of 4

set to expire in 2012; barring any other direction, there is little point in developing a new toll system for CCCD.

#### Response to Finding: Contracts in Possible Violation of State Law:

In general, these findings have been identified in previous audits.

GEC Supplement 2 Funding Source

The GEC invoice for LA1 (\$1,150) that was paid by CCCD was due to a clerical error and has been refunded to the CCCD.

Arthur D. Darden, Inc

Our accounting records indicate that only \$66,998.01 was paid on this contract. DOTD has adopted procedures that eliminate this type of increase. Staff attorneys evaluate all contracts and supplements for compliance with applicable state statutes.

#### Response on Finding: Use of Administrative Building for Non CCCD Project:

All employees stationed in the administration building are paid with Crescent City Connection Division funds except for Mr. David Miller, Director of Toll Facilities, who is directly paid by the Transportation Trust Fund (TTF). He spends the majority of his time performing duties for Crescent City Connection Division. The building addition was not occupied until the summer of 2009. The DOTD Secretary issued a directive that requires reimbursement to CCCD for the use of a portion of the building for LA 1 related business. In order to have an equitable payment to the CCCD, an analysis was done to determine how much time employees would be performing tasks for LA1 and the amount of space occupied. This evaluation of the personnel and the time charged to LA 1 provided the basis for the determination of the percentage of full time equivalent employees that worked on LA 1 related efforts.

#### Response on Finding: CCCD Resources Used for LA 1 Operations:

We disagree with this finding. All expenditures for the Crescent City Connection Division (CCCD) are first paid for by the Department of Transportation and Development (DOTD) and then reimbursed by the CCCD; therefore, there is no violation of Article VII. At any given time, the CCCD owes the DOTD in excess of \$1 million. The total amount of LA 1 expenses charged to CCCD budget for entire fiscal year 2010 was \$179,683.29. The amount CCCD owed DOTD at June 30, 2010, was \$2,813,308.88. In order for this budget split to work more efficiently we are working to have an IAT source of funds for the 2012 budget year. It should be pointed out that CCCD has been reimbursed for LA 1 expenses all the way back to the beginning of the LA 1 project and not just from March 2010.

In regards to the comments on the use of CCCD vehicles to travel to and from the LA 1 customer

Audit Response to LLA September 15, 2010 Page 3 of 4

service center, the CCCD documentation for tracking the vehicle mileage is attached. All costs are charged to the correct account.

#### **Response of Finding: CCCD Personnel Used for LA1 Toll Operations:**

Employees who spend all of their time on LA1 toll operations are employed by DOTD – LA1 Toll Facility.

Since CCCD has years of toll "back office" expertise, DOTD decided that it was more efficient for CCCD to perform these duties for both toll systems. None of these "back office" duties require a full day for any LA 1 related efforts. The amount of time for these duties is relatively small in the course of the CCCD employees' duties, however; our procedures provide for the separation of duties and our accounting controls ensure the proper tracking takes place. The Secretary provided a directive with procedures to reimburse CCCD for any LA 1 related expenses. This reduces risk which is vital for "clean" audit opinions.

Also, all LA 1 dedicated employee time and salary-related benefits are paid directly by the DOTD with no reimbursement required to CCCD.

The employees' non-salary based benefits such as health insurance which was not prorated is an oversight. We are in the process of determining the DOTD share of the employer paid portion of benefits. The reimbursement to the CCCD from TTF will be handled in the future by the IAT process.

LA 1 Toll Facilities has advertised an RFP to obtain security and an armored car service independent of CCCD. In the meantime, these CCCD provided service costs will continue to be paid by TTF.

Also, we have just awarded a contract for grass cutting, trash pick-up and flower bed maintenance which eliminates the need for CCCD personnel to perform these functions for LA 1. This will eliminate all services except "back office" work to be done by CCCD and should result in cost savings for the Department.

#### Response on Finding: CCCD Excess Insurance:

The Office of Risk Management (ORM) handles all insurance for the State of Louisiana which includes the DOTD – Crescent City Connection Division. The CCCD has no control over ORM in this area. The excess insurance was cancelled because of the increase in insurance premium following Hurricane Katrina which caused the insurance policy to become unacceptably high. Prior to Hurricane Katrina, the insurance payments were reasonably priced to insure the bridge against catastrophic loss.

Audit Response to LLA September 15, 2010 Page 4 of 4

#### Response on Finding: Construction and Renovation of the Crescent City Connection Offices:

This should not be considered a finding. The construction and renovation of the CCCD administrative complex was a management decision that was made and included in the capital project request. This request was reviewed and approved by the Division of Administration and the Legislature beginning in 2002 with supplemental appropriations in later years. CCCD and DOTD complied with every rule, law, and regulation in the process. This construction and renovation project was needed to provide adequate working conditions for CCCD employees.

#### Response on Recommendation #1

A directive is in place from the Secretary that outlines the procedures and efforts that require funds to be segregated.

#### Response on Recommendation #2 and #3

DOTD has implemented Standard Operating Procedures at CCCD and with the Contract Services Section to ensure compliance. DOTD staff attorneys review all contracts and supplements for compliance with state statutes.

#### Response on Recommendation #4

DOTD will adopt formal policies and procedures for maintaining originals of invoices. Currently, most of the originals are maintained at DOTD headquarters facility and not all documents (original or copies) are at the CCCD offices.

Sincerely,

Sherri H. LeBas, P.E.

Secretary

dm/rad/SHL

cc: Mr. David Miller

Mr. Rhett Desselle

Mr. Michael Bridges

Mrs. Cheryl Duvieilh

## **Section 59 to Section 70 Vehicle Mileage History**

Miles: 78 one way Miles: 156 round trip .52 for miles prior to Dec. 21, 2009 .48 for miles after Dec. 21, 2009

Gang	TOTAL TRIPS	Total Miles	Amount @!52/	TOTAL TRIPS	Total Miles	Amount @.48	Total Amount
001	29	4524	\$2,352.48	0	0	\$0.00	\$2,352.48
002	42	6552	\$3,407.04	63	9828	\$4,717.44	\$8,124.48
004	150	23400	\$12,168.00	203	31668	\$15,200.64	\$27,368.64
007	4	624	\$324.48	17	2652	\$1,272.96	\$1,597.44

**GRAND TOTAL ALL TRIPS** 

\$57,695.04

## CRESCENT CITY CONNECTION DIVISION AMOUNT DUE TO CCCD FROM LA1

SHARED EXPENSES: Office of Telecommunications Entergy of Louisiana Entergy New Orleans Sewerage and Water Board Diens Auto Salvage/SDT EDS Termite Contract Sharp Electronics Pitney Bowes Office supplies Unisource Worldwide	\$ 29,735.26 98,375.01 5,867.45 2,200.38 720.00 21,972.72 300.00 2,579.40 4,824.00 7,280.85 1,168.00 175,023.07
LA1 Share @ 26%	 45,506.00
DIRECT LA1 EXPENSES PAID BY CCCD: POSTAGE:	
Transponders	3,248.58
Violation Notices	6,271.32
Dismissal Letters Other Mail	2,915.46 15.66
TOTAL POSTAGE	\$ 12,451.02
Mileage to LA1	\$ 57,695.04
GEC Payment	\$ 1,149.97
2 Chairs	\$ 590.38
Total Due to CCCD	\$ 117,392.41

#### **Gang 001**

Date: Vehicle Number

#### 181-072 Dodge Van

7/4/2009 7/6/2009 7/26/2009 8/2/2009 8/9/2009 8/16/2009 8/23/2009 8/30/2009

9/6/2009 9/13/2010 9/20/2009

9/27/2009 10/4/2009

10/6/2009 10/4/2009 10/10/2009

10/11/2009

10/18/2009 10/19/2009

10/20/2009

11/1/2009

11/8/2009 11/15/2009

11/22/2009

11/29/2009

12/6/2009 12/13/2009

12/20/2009

Gang: 002

Date	Vehicle Number	Date	Vechicle Number	Date
	170-116		132-064	
9/30/2009	110 110	7/9/2009		5/4/2010
12/3/2009		9/1/2009		5/6/2010
	132-454	9/10/2009		5/8/2010
5/8/2010		9/15/2009		5/25/2010
5/9/2010		9/17/2009		5/27/2010
0.0,20	170-117	9/19/2009		5/29/2010
10/17/2009		9/22/2009		5/30/2010
4/17/2010		9/24/2009		6/3/2010
	156-105	9/29/2009		6/4/2010
3/13/2010		10/1/2009		6/13/2010
3/14/2010		10/3/2009		6/26/2010
	132-048	10/4/2009		
12/1/2009		10/6/2009		11/1/2009
12/15/2009		10/8/2009		1/16/2010
12/17/2009		10/13/2009		1/17/2010
12/29/2009		10/15/2009		2/13/2010
2/2/2010		10/17/2009		2/14/2010
2/4/2010		10/18/2009		3/13/2010
2/9/2010		10/20/2009		3/14/2010
2/11/2010		10/22/2009		5/8/2010
2/16/2010		10/27/2009		5/9/2010
2/23/2010		10/29/2009		5/29/2010
2/25/2010		10/31/2009		5/30/2010
3/2/2010			132-461	6/12/2010
3/4/2010		9/20/2009		6/13/2010
3/13/2010		10/3/2009		6/26/2010
3/14/2010		10/4/2009		6/27/2010
3/16/2010		10/17/2009		
3/18/2010		10/18/2009		
3/25/2010		10/31/2009		
3/30/2010		11/1/2009		
4/6/2010		11/10/2009		
4/8/2010		11/16/2009		
4/10/2010		11/24/2009		
4/13/2010		12/8/2009		
4/15/2010		12/10/2009		
4/20/2010		2/5/2010		
4/27/2010		2/6/2010		
4/29/2010		3/9/2010		
6/8/2010		3/11/2010		
6/17/2010		3/13/2010		
6/21/2010		3/14/2010		

#### **Vehicle Number**

132-461 Cont

132-496

### Gang 007

Date	Vehcicle Number		
	132-049	Cargo Van	
3/29/2010			
6/17/2010			
6/19/2010			
	153-534	<b>Bucket Truck</b>	
11/17/2009			
11/30/2010			
12/1/2009			
12/11/2009			
3/15/2010			
3/16/2010			
3/17/2010			
3/18/2010			
3/22/2010			
3/23/2010			
3/24/2010			
3/25/2010			
3/27/2010			
3/30/2010			
4/26/2010			
4/30/2010			
	# unknown	Dump Truck	
5/18/2010		E-IIIP ITAOK	
6/29/2010			

#### Date Unit# 9/1/2009 103-390 9/2/2009 9/3/2009 103-361 9/4/2009 9/5/2009 103-394 9/6/2009 103-379 9/7/2009 103-396 9/8/2009 103-378 9/9/2009 103-392 9/10/2009 103-397 9/11/2009 9/12/2009 103-381 9/13/2009 103-003 9/14/2009 103-394 9/15/2009 9/16/2009 103-396 9/17/2009 103-003 9/18/2009 9/19/2009 103-008 9/20/2009 103-395 9/21/2009 103-382 9/22/2009 103-378 9/23/2009 9/24/2009 9/25/2009 103-382 9/26/2009 9/27/2009 103-381 9/28/2009 103-383 9/29/2009 103-392 9/30/2009 103-398

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  12/3/2009 103-003
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  12/5/2009 103-380
  12/6/2009 103-378
  12/7/2009 103-394
  12/8/2009 103-003
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#### Date

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## MAPQUEST.

Trip to 1821 S Alex Plaisance Blvd Golden Meadow, LA 70357-3105 78.01 miles - about 1 hour 47 minutes

#### Notes

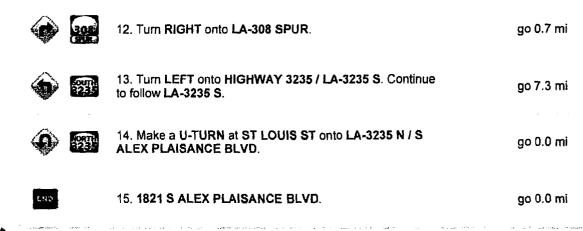
Total Miles to and from Golden Meadow





#### 2001 Mardi Gras Blvd, New Orleans, LA 70114-4644

START	1. Start out going SOUTH on MARDI GRAS BLVD toward BEHRMAN AVE.	go 0.7 mi
	2. Turn RIGHT onto SHIRLEY DR.	go 0.0 mi
	3. Turn RIGHT onto LA-428 W / GENERAL DEGAULLE DR.	go 0.4 mi
	4. Take the WEST BANK EXPWY / US-90-BR W ramp.	go 0.2 mi
(i)	5. Merge onto WESTBANK EXPY.	go 10.1 mi
	6. Take <b>US-90 W</b> .	go 31.4 mi
ZISA EXIT	7. Take the LA-1 exit, EXIT 215A, toward THIBODAUX / LOCKPORT.	go 0.3 mi
	8. Keep RIGHT at the fork to go on LA-1 S.	go 7.0 mi
	9. Turn RIGHT onto HIGHWAY ONE / LA-1. Continue to follow LA-1.	go 11.2 mi
<b>(1)</b>	10. Stay STRAIGHT to go onto LA-310.	go 0.0 mi
	11. Turn RIGHT onto E MAIN ST / LA-657. Continue to follow E MAIN ST.	go 8.6 <b>m</b> i

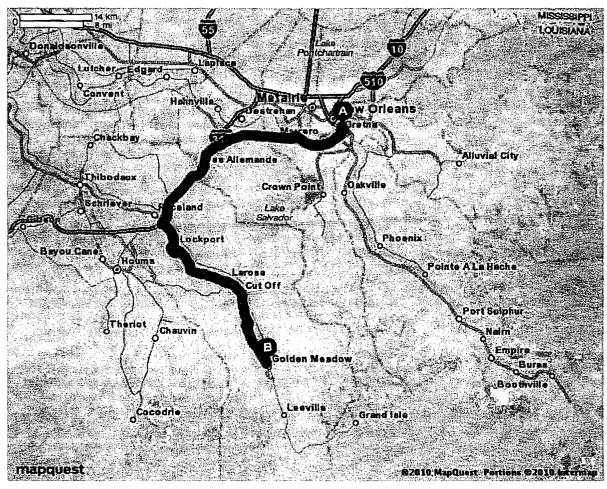




#### 1821 S Alex Plaisance Blvd, Golden Meadow, LA 70357-3105

Total Travel Estimate: 78.01 miles - about 1 hour 47 minutes

#### Route Map Hide



All rights reserved. Use subject to License/Copyright | Map Legend