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MARYLAND TRANSPORTATION AUTHORITY

8

PHASE 1 SOUTH TOLL RATE RANGE SETTING PROCESS

9

AMERICAN LEGION BRIDGE - I-270 to I-370

10

PUBLIC HEARING - EVENING SESSION

11

JULY 12, 2021

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1 P R O C E E D I N G S

2 HEARING OFFICER: Okay. Good evening. I'm
3 Andrew Bing, and I will be the Hearing Officer for
4 tonight's hearing for the Maryland Transportation
5 Authority, abbreviated as M-D-T-A. The MDTA is
6 conducting the second of two in-person public hearing
7 testimony sessions on the Toll Rate Range Setting
8 Process for Phase I South: American Legion Bridge
9 I-270 to I-370. As the Hearing Officer responsible
10 for running tonight's public hearing, and on behalf
11 of the MDTA, I welcome you.

12 The purpose of this public hearing is for
13 interested parties to provide official testimony and
14 comments for the public record on the tolling proposal
15 for Phase I South: American Legion Bridge I-270 to I-
16 370, which includes proposed Toll Rate Ranges, soft
17 rate caps, and escalation process and discounts.

18 We hope you have had the chance to review the
19 public hearing materials related to this tolling
20 proposing in the virtual information link on the MDTA
21 website. A copy of the hearing materials is available

1 for you to review at the registration table if you
2 have not had the opportunity to do so.

3 Tonight we will introduce the MDTA Board Members
4 present for the public hearing, explain Title VI in
5 the Civil Rights Act of 1964, and identify ways for
6 you to comment on the tolling proposing. I will then
7 review the hearing procedures and open the floor for
8 live testimony.

9 Tonight's public hearing is being livestreamed
10 and audio-recorded. The official transcript of the
11 public hearing testimony will become part of the
12 tolling hearing record and will be available for
13 public review on the MDTA Phase I South: American
14 Legion Bridge I-270 to I-370 Toll Rate Range Setting
15 webpage.

16 I would now like to introduce the Executive
17 Director of the MDTA, Jim Ports. Executive Director
18 Ports will introduce the MDTA Board.

19 MR. PORTS: Thank you, Andrew. As was
20 mentioned, my name is Jim Ports. I'm the Executive
21 Director for the MDTA, and I want to thank everyone

1 for joining us here tonight and for your participation
2 in the hearing.

3 I will now introduce the MDTA Board Members who
4 are in attendance with us tonight. MDTA Chairman Greg
5 Slater, MDTA Board Member William Cox, MDTA Board
6 Member William Ensor, MDTA Board Member Mario Gangemi,
7 MDTA Board Member Cynthia Penny-Ardinger, MDTA Board
8 Member Jeff Rosen, and MDTA Board Member John von
9 Paris.

10 Thank you, Andrew, and please continue with the
11 rest of the instructions.

12 HEARING OFFICER: On behalf of the MDTA Title VI
13 Officer, I will explain the significance of Title VI
14 and how it relates to the Toll Rate Range proposal.
15 Title VI of the Civil Rights Act of 1964 was put into
16 effect to prohibit discrimination on the basis of
17 race, color and national origin. To support the act,
18 the United States Government designated additional
19 statutes, laws, regulations, and executive orders to
20 provide guidance for the effective execution of the
21 objections of Title VI.

1 MDTA is responsible for upholding these
2 principles of Title VI of the Civil Rights Act of 1964
3 and related guidance. MDTA's policies and programs
4 should not discriminate against people on the grounds
5 of race, color, national origin, sex, age, English
6 proficiency, income level, or disability. The MDTA
7 policies and program should avoid disproportionately
8 high or adverse impacts on minority populations and
9 low-income populations.

10 MDTA seeks to provide citizens, stakeholder
11 groups, and other interested parties with reasonable
12 opportunities to be involved in the Toll Rate Range
13 Setting process. We invite you to take our voluntary
14 demographic survey to help us to ensure that we are
15 reaching the communities that are affected by the Toll
16 Rate Range Setting process. If you have questions or
17 need assistance, call 410-537-6720. For more
18 information regarding Title VI of the Civil Rights Act
19 of 1964, and other nondiscrimination laws, please
20 review the Civil Rights under Title VI brochure.

21 Any member of the public has the right to file a

1 discrimination complaint against the MDTA if they feel
2 the MDTA does not comply with Title VI of the Civil
3 Rights Act of 1964 and the related statutes. Title VI
4 information can be found on the MDTA website at
5 mtda.Maryland.gov/ALB270TollSetting, or at the
6 registration table.

7 There are multiple ways to comment on the Toll
8 Rate Range proposal. You can provide one-on-one or
9 public verbal testimony through tonight's in-person
10 public hearing testimony sessions. You may also
11 provide public verbal testimony via telephone during
12 the call-in public hearing testimony sessions which
13 are scheduled for this Wednesday, July 14, from 2:00
14 to 4:000 p.m. and from 6:00 to 8:00 p.m. To provide
15 call-in testimony, advanced registration is required
16 to be admitted to the phone que. Registration for the
17 call-in testimony is available on the MDTA website or
18 by calling 888-725-0174. You may also provide call-
19 in testimony by calling 855-701-1977 and leaving a
20 voicemail message that is limited to three minutes.

21 Additionally, comment forms may be completed

1 online or sent to the MDTA via email or US Mail.
2 Comment forms are also available at the registration
3 table. More details on ways to comment can be found
4 on the MDTA website at
5 mtda.Maryland.gov/ALB270TollSetting. Comments must be
6 received before 5:00 p.m. on August 12, 2021. All
7 comments received, whether at the hearing through
8 verbal testimony or through other methods, such as a
9 comment form, email or US Mail, will be given equal
10 consideration.

11 Again, the purpose of this public hearing is to
12 allow interested parties to provide public comments on
13 the Toll Rate Range proposal for Phase I South:
14 American Legion Bridge I-270 to I-370.

15 My role as the Hearing Officer is to run a
16 professional and orderly public hearing. I understand
17 how important the issues are related to the tolling
18 proposal, and I take my role as Hearing Officer
19 seriously. I'm committed to providing everyone an
20 opportunity to provide comments in an organized, fair,
21 professional and orderly manner. Offensive or profane

1 language will not be allowed. I also want to let
2 everyone know that we will not be answering questions
3 or responding to any comments made during the hearing.

4 We are interested in hearing comments from
5 everyone. Please remember that the hearing is being
6 recorded.

7 Speak directly and clearly into the microphone and
8 provide your full name, address, and any organization
9 you may represent.

10 To ensure time for all to be heard, there will
11 be a three-minute time limit for public testimony and
12 a five-minute time limit for elected officials. The
13 time will start after you introduce yourself. I will
14 give you a signal when you have approximately 30
15 seconds remaining, and again when you have 10 seconds
16 remaining, so you can wrap up your testimony. As the
17 Hearing Officer, if you are unable to conclude your
18 comments at the end of your time period, I will ask
19 you to wrap up your testimony.

20 So that concludes my opening remarks. We're
21 now going to go receive our public testimony.

1 The first person that we have signed up to
2 testify is Ellen Ryan. After Ellen will be Rebecca
3 Batt. Ellen, you can come on up to the microphone, I
4 think it's on. As you come up to the microphone, if
5 you could please just state your name, spell your
6 name, provide your address, and any organization that
7 you may be representing.

8 MS. RYAN: Good evening. My name is Ellen Ryan,
9 E-L-L-E-N R-Y-A-N. I'm at 826 Azalea Drive,
10 Rockville, Maryland, and I live immediately behind I-
11 270, so it is literally my main street. I use it
12 every day.

13 The most important thing I can tell you, members
14 of the board, is that no one will drive in these toll
15 lanes unless the public lanes are crowded, and the
16 higher the tolls go the more crowded the public lanes
17 will be. So the toll lanes will fail, because the
18 only way they will raise substantial amounts of money
19 is if the public lanes are so congested that people
20 feel forced to pay through the nose to get out -- to
21 get out of the public lanes. But the foreign companies

1 that build these lanes, they do it all day, every day,
2 they're pros. And by contrast, our state has no
3 experience at negotiating these contracts. The foreign
4 toll lane companies will rope us in for 50 years, and
5 if we expand the lanes further, the lanes will -- the
6 companies will get paid for any loss in revenue. And
7 if the traffic falls off, they get compensated for
8 that, too. We knew this, because it all happened down
9 in Virginia. For example, when I-95 Virginia wanted
10 to widen in just six years after building toll lanes
11 South of Capon but Transurban would cash in. That's
12 just one example.

13 We don't need toll lanes at all when reversible
14 lanes will do the job without these awful, entangling
15 P3s, which we've already seen with the Purple Line,
16 and without charging tolls on all working-class
17 Marylanders. The answer to how much is not at all.
18 Thank you.

19 HEARING OFFICER: Okay, thank you.

20 We're just going to -- if you could just hold,
21 we're just cleaning the microphone in between each

1 speaker, but our next speaker will be Rebecca Batt.
2
3 Rebecca, after Isaac is done cleaning the microphone
4 if you could walk up, and again state your name,
5 spell your name, provide your address and any
organization that may be representing.

6 MS. BATT: Good evening. My name is Becky
7 Batt, B-A-T-T, and I live at 745 Anderson Avenue
8 in Rockville. I'm representing myself.

9 The purpose of this hearing is to provide an
10 opportunity for people to give their recommendations
11 for the toll rate if 270 is widened. The plan for
12 widening 270 with P3 toll lanes has not been
13 approved.

14 My recommendation for tolls is zero, because
15 270 should not be widened and toll lanes should not
16 be built. Widening 270 would be a major mistake for
17 Maryland, environmentally and financially. Widening
18 270 would destroy parks, green spaces, trees,
19 wetlands and neighborhoods, including mine.

20 Maryland and the federal government made
21 commitments to reduce greenhouse gases significantly.

1 Paving over more land would increase greenhouse gases.
2 The scheme to widen 270 rather than focus on public
3 transit would escalate the climate crisis. Climate
4 change is causing extreme weather catastrophes
5 throughout the world. Temperatures in the Pacific
6 Northwest and parts of California are higher than
7 they have ever been in history.

8 People are dying because of climate change
9 right now. P3s are risky and they are not free.
10 They often end up costing the public a great deal of
11 money. P3s around the country have gone bankrupt or
12 have pulled out of projects.

13 We know what happened with the Purple Line.
14 The state has already agreed to pay extremely high
15 subsidies to a private company which would have
16 control over the lanes for half a century. Private
17 toll companies have no incentive to promote public
18 transit. They only make money if there's enough
19 congestion on the roads to push people onto toll
20 lanes. In the draft Environmental Impact Statement,
21 it actually states that traffic on the regular lanes

1 of 270 during the evening commute would be slower if
2 toll lanes are built. My recommendation for tolls
3 and 270 is zero, because 270 should not be widened
4 and toll lanes should not be built. Thank you.

5 HEARING OFFICER: Okay, thank you. Our next
6 speaker will be Donna Gentry. Donna, please just
7 state your name and spell your name, provide your
8 address and any organization you are representing.

9 MS. GENTRY: Good evening. My name is Donna
10 Gentry, G-E-N-T-R-Y, and I live at 13 James Spring
11 Court, Rockville, Maryland. Thank you for this
12 opportunity to speak tonight.

13 The proposed toll rate for the I-495 and 270
14 public/private partnership will just be too high for
15 most drivers on a regular basis. The toll is highest
16 when the traffic is greatest. The toll is high when
17 you are most likely to use those toll lanes. The
18 estimate -- the estimated maximum \$3.76 per mile means
19 that the toll from the bridge to I-370 could be over
20 \$40.00 at rush hour per trip.

21 Furthermore, we can expect the Toll Rate Ranges

1 will continue to go higher each year based on the
2 terms of the contract. Now, why are we predicting
3 that the toll rates will increase? Because this is a
4 private company. It has a fiduciary responsibility to
5 its shareholders. We all know this. If it were a
6 government program it would be providing a service for
7 the common good. So we can expect that the tolls on
8 the proposed express lanes will deliberately be set
9 high to guarantee profits for the toll company
10 shareholders.

11 I am opposed to control of this transportation
12 by a private company accountable to its shareholders
13 rather than to the public. This is a public road.
14 And one questions the private toll operators have a
15 strong incentive to make the congestion on the free
16 lanes as bad as possible so that people will pay to
17 get into the toll lanes. It's just the incentive
18 here. It doesn't quite make sense to have a private
19 corporation taking care of our public roadways. High
20 price toll roads are inequitable. That means that the
21 amount that a poor person or even an average income

1 person pays is relatively greater. It's a greater
2 chunk of their -- of their income. Wealthy people
3 will be able to take the high occupancy toll lanes
4 whenever they want, making congestion even worse for
5 people in the regular lanes.

6 HEARING OFFICER: Twenty seconds.

7 MS. GENTRY: Clearly, toll roads are a
8 regressive form of taxation, and what is most alarming
9 is that this project is financially risky and does not
10 show good stewardship of Maryland's financial
11 wellbeing. Thank you.

12 HEARING OFFICER: Okay, thank you. Okay. At
13 this time, we do not have any other individuals who
14 have signed up to provide testimony. If anyone in the
15 hearing room has not already provided testimony and
16 wishes to do so, you can go to the registration table
17 and sign up. They will let me know, and then I will
18 call your name and will have you come up to provide
19 your testimony. But at this point we are going to go
20 into recess until we get someone else to show up who
21 wants to provide testimony, so this session will

1 continue until 8:00 tonight.

2 However, right now it is 6:17 and we will go
3 into recess. We will come back right away if someone
4 comes who wants to provide testimony. But if not, I
5 will come back at 6:30 to provide an update. So right
6 now we are in recess.

7 [RECESS]

8 HEARING OFFICER: Okay, it is 6:30. We still do
9 not have any additional people who have signed up to
10 testify so we are going to remain in recess. I will
11 come back at 6:50, 6-5-0, to provide an update, unless
12 we receive someone here who wants to testify. Then we
13 will come back right away to take their testimony. So
14 we remain in recess.

15 [RECESS]

16 HEARING OFFICER: Okay. It is 6:50 right now,
17 6:50. We still have not had anyone else sign in to
18 provide public testimony, so we will remain in recess.

19 Again, as soon as someone comes in to provide
20 testimony we will take that testimony, but I will not
21 come back now until 7:15 to provide the next update;

1 7:15, unless we have someone show up who wants to
2 provide testimony. Thank you.

3 [RECESS]

4 HEARING OFFICER: Okay. It's 7:12 p.m., and we
5 do have someone who has indicated a desire to provide
6 public testimony, so we're going to come back from
7 recess right now.

8 We have Patrice Davis who is going to come up.
9 I know you weren't here to hear some of the
10 instructions so I'm just going to repeat them. But
11 when you come up, if you could just state your name
12 and spell your name, provide your address and any
13 organization that you represent. You will have
14 three minutes to provide your public testimony. So
15 you have three minutes, and I will kind of just hop
16 in and just let you know when you have about 30
17 seconds remaining. So please go ahead and introduce
18 yourself.

19 MS. DAVIS: Hello. I apologize. I know you
20 guys have had a long day. My name is Patrice Davis.
21 Patrice, P-A-T-R-I-C-E, Davis, D-A-V-I-S, and I live

1 in Rockville, Maryland, and I'm here representing
2 myself.

3 This is a public/private partnership. A
4 corporation's mission is to bring in more money. They
5 are not to bring us less congestion, not to worry
6 about how working families can afford these tolls, and
7 not to worry about the environment. These for-profit
8 hot lanes have a reverse incentive. There is -- if
9 there is more traffic, then they can charge more on
10 their tolls. And don't forget, less traffic is our
11 goal here. These toll revenues will go to a private
12 corporation and not to the government to find other
13 transportation options. I do not support any plan
14 that allows wealthier people to bypass traffic while
15 low-wealth people are subjected to more traffic than
16 they have now.

17 So this is a short-sighted plan that will tax
18 the poor and middle-class for not being able to afford
19 to live close to their job or afford to live near
20 public transportation. The projected costs to the
21 tolls have been posted differently in all different

1 locations, so I feel like it's been intentionally
2 misleading. Posted on the MDOT website is this slick
3 advertisement that says that a plumber from Tysons
4 Corner can get to the National Institute of Cancer in
5 City Grove by only paying \$3.72 in tolls. It is 11
6 miles from the American Legion Bridge. If there is a
7 soft cap, that would be \$1.50 per mile. The maximum
8 cap, don't ask me what the difference between a soft
9 cap and a maximum is, but if it is the soft cap, then
10 they would pay \$3.75 per mile times -- I mean, a
11 dollar fifty times 11 is \$16.50. If it's the maximum,
12 which is \$3.75 x 11 miles, that is \$40.70. That
13 doesn't take into account the toll that this plumber
14 has to pay on the Virginia side, and what is the toll
15 for the American Legion Bridge? I'm not really clear
16 if this is included or not. In the MDOT hearing on
17 June 29, Ms. Shepler (ph) had stated that -- in a
18 slide that the weekday average toll would be \$4.42
19 northbound and \$3.44 southbound per trip; Bethesda
20 magazine supported that the average toll would be
21 \$11.18 northbound and \$6.82 southbound, neither of

1 which reported how they came up with these numbers.
2 And they said that average Virginians pay less than
3 \$20 per month in tolls, which I find hard to believe
4 because I just paid \$35 in tolls in Virginia
5 southbound on an average Friday afternoon, not even a
6 holiday. So if you can pay that kind of money, I ask
7 you to step outside of your bubble for a moment and
8 realize what American -- what Maryland people can pay.
9 This is about make sure all Maryland has protection
10 against this highway robbery, and to make sure that
11 the P3 is actually a partnership. And I don't
12 understand how anyone can be against that. Thank you.

13 HEARING OFFICER: Okay. Thank you for your
14 testimony. And at this time, we do not have anyone
15 else who has indicated a desire to provide testimony,
16 so we will go back into recess at this time.

17 Again, this hearing will remain open until 8:00
18 p.m. tonight, but right now it is 7:17, and we will
19 await other people who are going to come in to provide
20 their testimony. I will come back at 7:35 to provide
21 an update, or I will come back sooner if we get

1 someone who shows up who wants to provide testimony.

2 So we are in recess. Thank you.

3 [RECESS]

4 HEARING OFFICER: Okay. It's 7:35. We still do
5 not have any individuals who have signed up to provide
6 testimony. So we will stay in recess. Our hearing
7 will continue until 8:00. We will close at 8:00. If
8 we do not get any speakers between now and 8:00, I'll
9 come back and close the hearing out. But if we do get
10 a speaker before then, we'll come right back and take
11 their testimony. So we will remain in recess.

12 [RECESS]

13 HEARING OFFICER: Okay. It is approximately
14 8:00 p.m., and this concludes this public hearing
15 session for today. Our next public hearing testimony
16 session will take place on Wednesday. These will be
17 call-in sessions, which will take place from 4:00 to
18 6:00 and 6:00 to 8:00 at night. You will need to
19 register in advance in order to provide call-in
20 testimony.

21 As a reminder, the public comment period will

1 remain open until 5:00 p.m. on August 12, 2021.

2 Please visit mtda.Maryland.gov/ALB270TollSetting to
3 submit your comments.

4 Thank you and good night.

5 (Whereupon, the hearing was concluded.)

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1 TRANSCRIBER'S CERTIFICATE
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I, Vivian Saxe, hereby certify that I transcribed from audio file the proceedings to the best of my ability in the foregoing-entitled matter; and I further certify that the foregoing is a full, true and correct transcript of the audio files produced.

IN WITNESS THEREOF, I have subscribed my name on July 28, 2021.

Vivian Saxe

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Vivian Saxe

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