



Maryland Transportation Authority

BOARD MEETING

THURSDAY, JULY 28, 2022

MARYLAND TRANSPORTATION AUTHORITY
2310 BROENING HIGHWAY
BALTIMORE, MD 21224

IN-PERSON AND LIVESTREAM



MARYLAND TRANSPORTATION AUTHORITY

BOARD MEETING

2310 Broening Highway
Training Room – 2nd Floor
Baltimore, MD 21224

JULY 28, 2022 9:00 AM

This meeting will be livestreamed on the [MDTA Board Meeting Page](#)

NOTES:

- This is an In-Person Open Meeting being conducted via livestreaming.
- The public is welcomed to watch the meeting at the link above.
- *If you wish to comment on an agenda item please email your name, affiliation, and the agenda item to nhenson@mdta.state.md.us no later than 5:00 p.m. on Tuesday, July 26. You **MUST** pre-register and attend the meeting in person in order to comment.* Once you have pre-registered you will receive an email with all pertinent information.

AGENDA

OPEN SESSION – 9:00 AM

Call Meeting to Order

- | | | |
|--|-------------------------------|---------|
| 1. <u>Approval</u> – <u>Open Session Meeting Minutes of June 23, 2022</u> | Chairman Ports | 5 min. |
| 2. <u>Approval</u> – <u>Contract Awards</u> | Donna DiCerbo | 15 min. |
| <ul style="list-style-type: none">• SV-3105-0000 – CLEAR Database Subscription• HT-3017-0000 – Baltimore Harbor Tunnel (BHT) In-Tunnel Fiber Improvements• MDTA 2021-02A – Comprehensive Environmental Compliance and Engineering Services | | |
| 3. <u>Approval</u> – <u>Code of Maryland Regulations (COMAR) Amendments</u> – Amendments to COMAR 11.07.07.02; 11.07.07.06; and 11.07.07.09 – Installment Plans | Bradley Ryon | 10 min. |
| 4. <u>Update</u> – <u>Legislative Update</u> – Update on MDTA-Related Legislative Items | Bradley Ryon
William Pines | 10 min. |
| 5. <u>Update</u> – <u>Third Generation Electronic Toll Collection (3G ETC) System</u> – Current Operations Update | Greg Jones | 10 min. |
| 6. <u>Update</u> – <u>Executive Director’s Report</u> – Verbal | William Pines | 10 min. |

Vote to go into Closed Session

- | | | |
|---|---------------------|---------|
| 7. To Discuss Public Security | Col. Kevin Anderson | 15 min. |
| 8. To Discuss Pending Litigation – Update on Status of Pending Litigation Matters | Kim Millender, Esq. | 15 min. |

Vote to go into Open Session

Vote to Adjourn Meeting

TAB 1

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING

THURSDAY, JUNE 23, 2022
9:00 A.M.

2310 BROENING HIGHWAY, BALTIMORE MD 21224
IN-PERSON & LIVESTREAMED OPEN MEETING

OPEN SESSION

James F. Ports, Jr., Chairman

MEMBERS ATTENDING:

Dontae Carroll
William H. Cox, Jr.
William C. Ensor, III
W. Lee Gaines, Jr.
Mario J. Gangemi
Cynthia D. Penny-Ardinger, Esq.
Jeffrey S. Rosen
John F. von Paris

STAFF ATTENDING:

Jeffrey Brown
Donna DiCerbo – On Phone
David Goldsborough
Chantelle Green
Lynnea Green – On Phone
James Harkness
Joe Jackowski
Paris Lee
Jeanne Marriott
Selena McKissick
Kelly Melhem
Kimberly Millender, Esq.
Mary O’Keeffe
Will Pines
Bill Randow
Tia Rattini
Joe Quattrone
Deb Sharpless
Paul Trentalance
John Wedemeyer
Melissa Williams

OTHERS ATTENDING:

Ebony Moore, MDOT TSO
Shaiyel Seltzer, General Public

At 9:02 a.m. Chairman James F. Ports, Jr. called the meeting of the Maryland Transportation Authority (MDTA) Board to order. The meeting was held in-person at 2310 Broening Highway, Baltimore MD and was livestreamed on the MDTA Board Meeting web page.

APPROVAL – OPEN SESSION MEETING MINUTES OF MAY 19, 2022

Upon motion by Member William H. Cox, Jr. and seconded by Member Mario J. Gangemi, the open session meeting minutes of the MDTA Board meeting held on May 19, 2022 were unanimously approved.

APPROVAL – BOARD COMMITTEE ASSIGNMENTS

Executive Director Will Pines requested Maryland Transportation Authority (MDTA) Board approval of the new proposed committee assignments. The only proposed change to the committee assignments is to designate Member Cynthia D. Penny-Ardinger, Esq. as the new Chair of Audit Committee.

Upon motion by Member John F. von Paris and seconded by Member Mario J. Gangemi, the new proposed committee assignments were unanimously approved.

APPROVAL – CONTRACT AWARDS

- **MA-2257-0000 – Modification # 1 – Third Generation Electronic Toll Collection (ETC 3G) Toll System and Services**

Ms. Donna DiCerbo requested approval from the MDTA Board to execute Contract No. MA-2257-0000 – Modification # 1 – Third Generation Electronic Toll Collection (ETC 3G) Toll System and Services with Kapsch TrafficCom USA, Inc. Modification # 1 will increase the contract by \$8,764,758.28, and the new contract total will be \$80,676,101.06.

Ms. DiCerbo explained that Contract No. MA-2257-000 was competitively solicited and awarded to Kapsch TrafficCom USA Inc., in the amount of \$71,911,342.78 on February 21, 2018, to furnish and provide Operator Electronic Toll Collection Technology and Associated Subsystem Components and Services for the operation of the Electronic Toll Collection System.

She further explained that in March 2020, during the COVID-19 pandemic, the MDTA implemented statewide cashless tolling (i.e., all-electronic tolling or AET) to protect customers and employees from face-to-face cash transactions. Between March and October 2020, to help provide some financial relief, the MDTA also paused mailing Notices of Tolls Due (NOTDs) and assessing civil penalties on unpaid NOTDs for drivers who used our toll facilities without *E-ZPass*. The image review associated with NOTD, and civil penalty processing has resumed under Contract No. MA-2257-0000. Therefore, this retroactive modification is necessary for the Contractor to process the current (i.e., real-time) AET image reviews along with recovering the backlog from during the pandemic.

Upon motion by Member Mario J. Gangemi and seconded by Member Dontae Carroll, the Members unanimously gave approval to execute Contract No. MA-2257-0000 – Modification # 1 – Third Generation Electronic Toll Collection (ETC 3G) Toll System and Services with Kapsch TrafficCom USA, Inc.

- **MA-2868-0000 – Modification # 1 – Third Generation Electronic Toll Collection (ETC 3G) Customer Service Center Systems and Services**

Ms. Donna DiCerbo requested approval from the MDTA Board to execute Contract No. MA-2868-0000 – Modification # 1 – Third Generation Electronic Toll Collection (ETC 3G) Customer Service Center Systems and Services with Transcore Limited Partnership (aka Transcore, LP). Modification # 1 will increase the contract by \$63,106,810.98, and the new contract total will be \$263,535,583.79.

Ms. DiCerbo explained that Contract No. MA-2257-000 was competitively solicited and awarded to Transcore Limited Partnership (aka Transcore, LP) in the amount of \$200,428,772.81 on February 21, 2018, to furnish and provide Customer Service Center Services and Systems for the operation of the Electronic Toll Collection System.

She further explained that in March 2020, during the COVID-19 pandemic, the MDTA implemented statewide cashless tolling (i.e., all electronic tolling or AET) to protect customers and employees from face-to-face cash transactions. Between March and October 2020, to help provide some financial relief, the MDTA also paused mailing Notices of Tolls Due (NOTDs) and assessing civil penalties on unpaid NOTDs for drivers who used our toll facilities without *E-ZPass*. NOTD and civil penalty processing have resumed under MA-2868-0000. Additionally, on February 24, 2022, the MDTA Board approved the Customer Assistance Plan (CAP). The Contractor is providing additional staffing and services to complete the CAP. Senate Bill 59 also became law codifying the CAP. Therefore, a modification is necessary for the Contractor to process current (i.e., real-time) AET transactions, along with recovering the backlog during the pandemic, and for the services for the CAP.

Upon motion by Member Jeffrey S. Rosen and seconded by Member Cynthia D. Penny-Ardinger, Esq., the Members unanimously gave approval to execute Contract No. MA-2868-0000 – Modification # 1 – Third Generation Electronic Toll Collection (ETC 3G) Customer Service Center Systems and Services with Transcore Limited Partnership.

- **MT-3146-0000 – Elevator Maintenance and Repairs for MDTA Facilities**

Ms. Donna DiCerbo requested approval from the MDTA Board to execute Contract No. MT-3146-0000 – Elevator Maintenance and Repairs for MDTA Facilities with Admiral Elevator, Inc. in the bid amount of \$2,397,006.00.

Ms. DiCerbo explained that the contract is for the provision of elevator maintenance and repair services. The requested preventive maintenance and repair services include all elevator mechanical components for nineteen (19) elevators and one (1) chair lift at the various MDTA facilities.

Upon motion by Member William H. Cox, Jr. and seconded by Member W. Lee Gaines, Jr., the Members unanimously gave approval to execute Contract No. MT-3146-0000 – Elevator Maintenance and Repairs for MDTA Facilities.

APPROVAL – LAND SURPLUS/DISPOSITION

Mr. John Wedemeyer requested MDTA Board approval to dispose of surplus land known as Former Richard Rutkowski, et al – I-95 Maintenance Facility (MC #22-7045).

Mr. Wedemeyer explained that in 2009, MDTA voluntarily purchased the “Former Rutkowski, et al” property containing 66.07 acres for a proposed MDTA Maintenance Facility site to serve the I-95 corridor. The property was for sale on the open market and MDTA purchased the property for \$1,085,500 as a willing buyer based on an approved appraisal obtained by MDTA.

He further explained that the approvals of the MDTA Board and the Maryland Board of Public Works (BPW) are required since the Former Rutkowski Property was purchased under Section 10-305 of the State Finance and Procurement Article of the Annotated Code of Maryland, and not as part of a transportation project. Section 10-305 of the State Finance and Procurement Article of the Annotated Code of Maryland requires MDTA to seek the approval of the Board of Public Works to “surplus” the property to the needs of the State of Maryland before MDTA can dispose of the property.

Upon motion by Member John F. von Paris and seconded by Member William C. Ensor, III, the Members unanimously gave approval to dispose of surplus land known as Former Richard Rutkowski, et al – I-95 Maintenance Facility (MC #22-7045).

APPROVAL – FISCAL YEAR (FY) 2023 FINAL OPERATING BUDGET

Ms. Deb Sharpless and Mr. Jeffrey Brown requested approval from the MDTA Board for the Fiscal Year (FY) 2023 Final Operating Budget. The Trust Agreement requires the approval of a final budget on or before July 1.

They explained that the FY 2023 Final Operating Budget totals \$387.2 million. This represents an increase of \$25.8 million, or 7.1%, increase versus the FY 2023 Preliminary Budget.

Changes from the FY 2023 Preliminary Budget include a \$12.4 million increase in mandated spending and a \$13.4 million increase in discretionary spending. Overall, the key drivers are increased *E-ZPass* Service Center costs, increased personnel costs for civilian and sworn employees (steps and COLAs), and motor vehicle purchases for the MDTA Police.

Upon motion by Member Dontae Carroll and seconded by Member W. Lee Gaines, Jr., the Members unanimously approved the FY 2023 Final Operating Budget.

APPROVAL – DRAFT FISCAL YEAR (FY) 2023-2028 CONSOLIDATED TRANSPORTATION PROGRAM (CTP)

Ms. Jeanne Marriott requested approval from the MDTA Board for the Draft Fiscal Year (FY) 2023-2028 Consolidated Transportation Program (CTP). An earlier version of the Draft CTP was recommended for approval by the Capital Committee on June 2, 2022, and by the Finance Committee on June 7, 2022. The CTP presented for full Board approval includes two changes: the Tier 2 NEPA for the Bay Crossing Study has been added and the budget and cash flow for the ETC-3G project have been updated.

Ms. Marriott explained that the six-year FY 2023-2028 budget in the proposed CTP is \$2.6 billion. The proposed CTP reflects a net increase in the six-year FY 2023-2028 budget of \$24.6 million and that the net increase is the result of the following: 1) Increase in the six-year CTP budget by \$17.0 million for the Nice/Middleton Bridge; 2) Increase in the six-year CTP budget by \$24.4 million for the I-95 ETL Northern Extension; 3) Increase in the six-year CTP budget by \$86.5 million for all projects except Nice/Middleton Bridge, I-95 ETL Northern Extension, and reserves; and 4) Decrease in the Allocated and Unallocated Reserves by \$103.2 million.

She further explained that FY 2022 expenditures are projected to be \$548.6 million vs. \$573.2 million in the Final FY 2022-2027 CTP and that FY 2022 underspending is projected to be \$24.6 million. The FY 2022 underspending has been rolled over into the Draft FY 2023-2028 CTP.

At 9:45 a.m. Ms. Shaiyel Seltzer spoke regarding the Tier 2 NEPA for the Bay Crossing Study that was added to the CTP. Ms. Seltzer spoke in opposition of having a new Bay Crossing Study that does not include public transportation, such as trolley service. Ms. Seltzer left the meeting after completing her comments.

Upon motion by Member William H. Cox, Jr. and seconded by Member Mario J. Gangemi, the Members unanimously approved the Draft FY 2023-2028 Consolidated Transportation Program.

APPROVAL – FISCAL YEAR (FY) 2023-2028 FINANCIAL FORECAST

Ms. Chantelle Green requested approval from the MDTA Board for the Fiscal Year (FY) 2023-2028 Financial Forecast. Ms. Green gave an update on the financial affordability of the FY 2023 Final Operating Budget and the Draft FY 2023-2028 Consolidated Transportation Program. Throughout the six-year forecast period, the MDTA remains in compliance with its financial goals and minimum legal standards.

Upon motion by Member Mario J. Gangemi and seconded by Member Dontae Carroll, the Members unanimously approved the FY 2023-2028 Financial Forecast.

UPDATE – BI-ANNUAL REVIEW OF REVENUE SUFFICIENCY

Ms. Chantelle Green provided the MDTA Board with an update on the bi-annual review of revenue sufficiency for the Fiscal Year (FY) 2023-2028 financial forecast period. Ms. Green noted that the MDTA's Board Policy requires a bi-annual review of revenue sufficiency to determine if current rates and fee levels are appropriate based on levels of expected spending. The FY 2023-2028 financial forecast shows that current toll rates, fees, and discounts provide sufficient revenue over the next six years to meet forecasted spending and meet all legal and policy requirements.

UPDATE – MAJOR PROJECTS UPDATE

Mr. Jim Harkness updated the MDTA Board on the status of Major Projects in the Capital Program. Mr. Harkness explained that as of June 9, 2022, there are eleven major projects in the Capital Program. Seven of the projects are under construction, one is in procurement, and three are in design. This update includes projects funded for construction in the current CTP and includes five projects valued in excess of \$100 million. There are three projects from the \$1.1 billion I-95 ETL Northbound Expansion program.

UPDATE – DIVISION OF INFORMATION TECHNOLOGY (DOIT) MAJOR PROJECTS UPDATE

Mr. David Goldsborough updated the MDTA Board on the Division of Information Technology (DoIT) major projects. As of June 23, 2022, the DoIT maintains an active portfolio of 15 projects with two (2) additional projects on hold awaiting resource assignments. The portfolio remains consistent with the last quarterly update. Since the previous update, DoIT has completed the Cyber Security assessment/readiness engagement conducted by the State of Maryland DoIT. The results are expected within the coming weeks. The assessment covered a multitude of topics around processes and policies dealing with various governance models like procurement, patching, and change management. Additionally, post-go-live support of the third generation tolling system (3G) continues and will stay in place through systems acceptance as the transition to O&M takes place.

Mr. Goldsborough also went over some of the significant initiatives that DoIT continues to work on, including the following:

- Cybersecurity measures – State DoIT assessment and readiness engagement.
- Completion of the initial conversion to the new Salesforce Lightning platform for the Customer Tracking System (CITS).
- Continued progress for the web scheduling system for the MDTA Customer Service Centers now that the Lightning platform is in place. The anticipated completion date is July 2022.
- Post-go-live support of 3G.
- E-forms platform.
- Spatial implementation of the Maximo system for asset management.
- Continuing progress with the RFID project for inventory management.

UPDATE – CIVIL RIGHTS AND FAIR PRACTICES (CRFP) SOCIOECONOMIC PROGRAMS STATUS

Ms. Tia Rattini updated the MDTA Board on MDTA's progress toward achieving the legislatively mandated socioeconomic program goals for the 3rd Quarter of Fiscal Year (FY) 2022, which covers the performance period of July 1, 2021 to March 31, 2022 (Q3 FY 2022).

These programs include the following:

- Disadvantaged Business Enterprise (DBE) Program;
- Minority Business Enterprise (MBE) Program;
- Small Business Reserve (SBR) Program; and
- Veteran-Owned Small Business Enterprise (VSBE) Program.

UPDATE – THIRD GENERATION ELECTRONIC TOLL COLLECTION (3G ETC) SYSTEM

Mr. Joseph Quattrone updated the MDTA Board on the Third Generation Electronic Toll Collection (3G ETC) post-transition operations.

Mr. Quattrone explained that the TransCore and Kapsch systems went live on April 29, 2021. Post-transition and software development activities and risk management continue. Implementation of the plan to address the backlog of unprocessed transactions is ongoing.

UPDATE – AUDIT COMMITTEE

Member William H. Cox, Jr. presented an update on the Audit Committee meeting that took place on June 9, 2022. The Audit Committee Members were given an update on the Fiscal Year 2022 Audit Plan which is currently on track to complete eleven audits with six audits currently completed and four audits in process.

The Internal Audit of Recruitment and Retention was presented and the Committee was satisfied with the result of this audit.

UPDATE – EXECUTIVE DIRECTOR

Mr. Will Pines gave the Executive Director Update.

Mr. Pines spoke on the following topics: Governor Hogan's June 10th Announcement on the launch of the \$28 Million Chesapeake Bay Crossing Tier 2 Study; expanded upon Agenda Item # 9 Land/Surplus Disposition – Former Rutkowski Property that the Board approved earlier in the meeting; gave updates on what the MDTA Division of Communications and E-ZPass Outreach Team are doing to educate and inform customers about MDTA programs; and announced that MDTA's excellence was recognized at MdQI's Annual Conference by being awarded the MdQI Project of the Year – Over \$5 Million for MDTA's I-895 Bridge Project.

Mr. Pines ended by highlighting three community initiatives that the MDTA were involved in over the past month. These included the June 4th Bike with a Cop event that the MDTA Police participated in; the Vietnam Veterans Memorial at MD 24 and I-95 interchange in Harford County that our JFK Maintenance 1 team members dedicate themselves to every year; and on May 28th the Chesapeake House, home to the Maryland Women in Military Service Monument, was the site of a commemoration event sponsored by the Women's Veterans United Committee.

VOTE TO ADJOURN MEETING

There being no further business, upon motion by Member Jeffrey S. Rosen and seconded by Member William C. Ensor, III, the Members unanimously voted to adjourn the meeting at 11:10 a.m.

The next MDTA Board Meeting will be held on Thursday, July 28, 2022 at 9:00 a.m. at MDTA, 2310 Broening Highway, Baltimore MD and will be livestreamed on the MDTA Board webpage.

APPROVED AND CONCURRED IN:

James F. Ports, Jr., Chairman

TAB 2



Maryland
Transportation
Authority

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
James F. Ports, Jr., Chairman

Board Members:

Dontae Carroll
William H. Cox, Jr.
William C. Ensor, III
W. Lee Gaines, Jr

Mario J. Gangemi, P.E.
Cynthia D. Penny-Ardinger
Jeffrey S. Rosen
John F. von Paris

William Pines, PE, Executive Director

MEMORANDUM

TO: MDTA Board
FROM: Director of Procurement Donna DiCerbo, CPPO, CPPB
SUBJECT: SV-3105-0000 – CLEAR Database Subscription Service
DATE: July 28, 2022

PURPOSE

To seek MDTA Board approval to execute Contract No. SV-3105-0000 – CLEAR Database Subscription Service.

SUMMARY

This Contract is for the provision of acquiring CLEAR Database service to be used by Maryland Transportation Authority Police Criminal Investigation Unit (CIU) only. CLEAR is a proprietary software manufactured by West Publishing and was designed as a government and law enforcement database service that provides definitive data/information for investigative research in real time.

RECOMMENDATION

To provide approval to execute Contract No. SV-3105-0000 – CLEAR Database Subscription Service.

ATTACHMENT

- Project Summary



Maryland
Transportation
Authority

AUTHORITY BOARD PROJECT SUMMARY

Contract No. SV-3105-0000 Clear Database Subscription Service

PIN NUMBER

N/A

CONTRACT NUMBER

SV-3105-0000

CONTRACT TITLE

CLEAR Database Subscription Service

PROJECT SUMMARY

The Sole Source Contract is for the provision of acquiring CLEAR Database service. CLEAR is a proprietary software manufactured by West Publishing and was designed as a government and law enforcement database service that provides definitive data/information for investigative research.

SCHEDULE

ADVERTISEMENT DATE

N/A

ANTICIPATED NOTICE TO PROCEED DATE

9/1/2022

DURATION (CALENDAR DAYS)

1825

ENGINEER'S ESTIMATE (EE)

(\$)

N/A

MBE PARTICIPATION

Advertised Goal

Proposed Goal

OVERALL MBE

0.00%

0%

No Sub Goals

0.00%

0%

VSBE

BID RESULTS

BID AMOUNT (\$)

**% VARIANCE
TO EE**

West Publishing Corporation
dba West, a Thomson Reuters
business

\$ 216,265.92

N/A

BID PROTEST

YES

NO ☒



Maryland
Transportation
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Larry Hogan, Governor
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James F. Ports, Jr., Chairman

Board Members:

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W. Lee Gaines, Jr

Mario J. Gangemi, P.E.
Cynthia D. Penny-Ardinger
Jeffrey S. Rosen
John F. von Paris

William Pines, PE, Executive Director

MEMORANDUM

TO: MDTA Board
FROM: Director of Procurement Donna DiCerbo, CPPO, CPPB
SUBJECT: HT-3017-0000 – Baltimore Harbor Tunnel (BHT) In-Tunnel Fiber Improvements
DATE: July 28, 2022

PURPOSE

To seek MDTA Board approval to execute Contract No. HT-3017-0000 – BHT In-Tunnel Fiber Improvements.

SUMMARY

The work to be performed under this contract is located at the BHT on I-895 in Baltimore City. The Project will install Fiber Optic Cables through primarily existing conduit raceways inside the east and west tunnel bores as well as the Fairfield and Canton service buildings. These cables will serve as the new communication media that will replace the existing blue hose communication cables in use by the programmable logic controller (PLC) and Supervisory Control and Data Acquisition (SCADA) System. A future project will replace the existing PLCs and ancillary components and utilize the new fiber optic communications system.

RECOMMENDATION

To provide approval to execute Contract No. HT-3017-0000 – BHT In-Tunnel Fiber Improvements.

ATTACHMENT

- Project Summary



Maryland
Transportation
Authority

AUTHORITY BOARD PROJECT SUMMARY

HT-3017-0000 Baltimore Harbor Tunnel (BHT) In-Tunnel Fiber Improvements

PIN NUMBER 2506
CONTRACT NUMBER HT-3017-0000
CONTRACT TITLE BHT In- Tunnel Fiber Improvements

PROJECT SUMMARY The work to be performed under this contract is located at the Baltimore Harbor Tunnel (BHT) on I-895 in Baltimore City. The Project will install Fiber Optic Cables through primarily existing conduit raceways inside the east and west tunnel bores as well as the Fairfield and Canton service buildings. These cables will serve as the new communication media that will replace the existing blue hose communication cables in use by the programmable logic controller (PLC) and Supervisory Control and Data Acquisition (SCADA) System. A future project will replace the existing PLCs and ancillary components and utilize the new fiber optic communications system.

SCHEDULE

ADVERTISEMENT DATE 2/17/2022
ANTICIPATED NOTICE TO PROCEED DATE Sep-22
DURATION (CALENDER DAYS) 395

MBE PARTICIPATION

	(\$) Advertised GOAL (%)	Proposed GOAL (%)
OVERALL MBE	15.00%	15.07%
AFRICAN AMERICAN	0.00%	0.00%
ASIAN AMERICAN	0.00%	0.00%
HISPANIC AMERICAN	0.00%	0.00%
WOMEN	0.00%	0.00%
VSBE	1.00%	1.00%

ENGINEER'S ESTIMATE (EE) \$1,388,905,00

BID RESULTS

BID AMOUNT (\$) **% VARIANCE TO EE**

BID PROTEST YES ☐ NO ☒

FUNDING SOURCE 100% TOLL REVENUE

Mclean Contracting Company	\$ 915,875.00	-34%
Dvorak LLC	\$ 1,167,000.00	-16%
Aldridge Electric Inc	\$ 1,420,994.00	2%
M.C.Dean Inc	\$ 2,219,201.76	59%



Maryland
Transportation
Authority

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
James F. Ports, Jr., Chairman

Board Members:

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William C. Ensor, III
W. Lee Gaines, Jr

Mario J. Gangemi, P.E.
Cynthia D. Penny-Ardinger
Jeffrey S. Rosen
John F. von Paris

William Pines, PE, Executive Director

MEMORANDUM

TO: MDTA Board
FROM: Director of Procurement Donna DiCerbo, CPPO, CPPB
SUBJECT: MDTA 2021-02A – Comprehensive Environmental Compliance and Engineering Services
DATE: July 28, 2022

PURPOSE

To seek contingent MDTA Board approval to execute Contract No. MDTA 2021-02A – Comprehensive Environmental Compliance and Engineering Services.

SUMMARY

This project involves the award of four (4) contracts for Comprehensive Environmental Compliance & Engineering Services for MDTA. The Consultants will conduct environmental inventory, compliance inspections, assessments, and design; regulatory permitting support; guidance on regulations; Geographic Information System (GIS) development and management; and report preparation. Activities may include desktop and field studies, research, preliminary and final design services. Other engineering services may include compliance support for highways, bridges, and tunnels and may require environmental, geotechnical, traffic, hydraulics, electrical, mechanical, and construction phase services, including general engineering as directed by MDTA.

RECOMMENDATION

To provide contingent approval to execute Contract No. MDTA 2021-02A – Comprehensive Environmental Compliance and Engineering Services.

ATTACHMENT

- Project Summary



AUTHORITY BOARD PROJECT SUMMARY

Contract No. MDTA 2021-02A Comprehensive Environmental Compliance and Engineering Services

PIN NUMBER N/A
MDTA PROJECT NUMBER MDTA 2021-02A
CONTRACT TITLE Comprehensive Environmental Compliance and Engineering Services

PROJECT SUMMARY This project involves the award of four (4) contracts for Comprehensive Environmental Compliance & Engineering Services for MDTA. The Consultants will conduct environmental inventory, compliance inspections, assessments and design; regulatory permitting support; guidance on regulations; Geographic Information System (GIS) development and management; and report preparation. Activities may include desktop and field studies, research, preliminary and final design services. Other engineering services may include compliance support for highways, bridges and tunnels and may require environmental, geotechnical, traffic, hydraulics, electrical, mechanical and construction phase services, including general engineering as directed by MDTA

SCHEDULE		PROPOSER	MDTA CONTRACT NO.	CONTRACT AMOUNT
	ADVERTISEMENT DATE	July 7, 2021	WSP USA Inc-Prime AE Group, Inc.	AE - 3109 \$4,000,000
	ANTICIPATED NTP DATE	August, 2022	Johnson, Mirmiran & Thompson-Gannett Fleming	AE - 3110 \$3,000,000
	DURATION/TERM	Five (5) YEARS	Rummel, Klepper & Kahl-Century Engineering	AE - 3111 \$3,000,000
			AECOM Technical Services, Inc.	AE - 3112 \$2,000,000

PROTEST YES NO
 ✓

FUNDING SOURCE 100% TOLL REVENUE

	ADVERTISED GOAL (%)	MBE Participation			
		AE-3109 PROPOSED GOAL (%)	AE-3110 PROPOSED GOAL (%)	AE-3111 PROPOSED GOAL (%)	AE-3112 PROPOSED GOAL (%)
MBE PARTICIPATION -					
OVERALL MBE	23.00%	23.00%	23.00%	23.00%	23.00%
AFRICAN AMERICAN	7.00%	7.00%	7.00%	7.00%	7.00%
ASIAN AMERICAN	-	6.00%	6.00%	2.00%	3.00%
HISPANIC AMERICAN	-			1.00%	
WOMEN OWNED	10.00%	10.00%	10.00%	13.00%	13.00%
VSBE	1.00%	1.00%	1.00%	1.00%	1.00%

TAB 3



Maryland Transportation Authority

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
James F. Ports, Jr., Chairman

Board Members:

Dontae Carroll	Mario J. Gangemi, P.E.
William H. Cox, Jr.	Cynthia D. Penny-Ardinger
William C. Ensor, III	Jeffrey S. Rosen
W. Lee Gaines, Jr.	John F. von Paris

William Pines, PE, Executive Director

MEMORANDUM

TO: MDTA Board
FROM: Manager of Government Relations Bradley Ryon
SUBJECT: Proposed COMAR Changes
DATE: July 28, 2022

PURPOSE

To seek approval from the MDTA Board to proceed with proposed changes to the Code of Maryland Regulations (COMAR).

SUMMARY

A proposed action to amend COMAR 11.07.07.02, 11.07.07.06, and 11.07.07.09 is needed to allow MDTA to implement installment plan agreements for customers seeking to pay unpaid video tolls and any associated civil penalties. While MDTA currently has the statutory authority to provide installment plans, COMAR changes are needed to establish the necessary regulatory framework.

ANALYSIS

As part of the MDTA's Customer Assistance Plan, as approved by the Board at its February 24th meeting, MDTA committed to exploring the implementation of payment plans (i.e., installment plans) for its customers. Last month, the Board approved contract MA-2868-0000-Modification #1-Third Generation Electronic Toll Collection (ETC 3G) Customer Service Center Systems and Service, which, among other things, provided funds and the scope to implement installment plans.

Currently, when toll violations remain unpaid, MDTA refers debt to the Central Collection Unit (CCU). CCU makes the determination on when they offer payment plans to customers with referred debt. By offering an MDTA-designed installment plan (also known as a payment plan), we will enhance payment options available to customers to provide premium customer service.

Specifically, the proposed COMAR changes would allow:

- The MDTA to enter into an installment plan agreement with a person alleged to be liable for payment of unpaid Video Tolls and any associated civil penalties that total at least \$300.
- The person would be required to make monthly payments and the MDTA would retain the ability to waive any portion of associated civil penalties.
- A person would only be allowed to enter into one installment plan agreement at a time and if a person fails to make payment or defaults on the terms of an installment plan, the MDTA may terminate the installment plan agreement, resulting in a final toll violation and possible referral to Central Collection Unit (CCU).
- The person entering the installment plan shall pay the MDTA the costs of administering the installment plan as a percentage of the total amount owed, which amount shall equal the amount authorized by the Central Collection Unit for collections.

If the Board approves this item, the regulatory changes will be presented to the Joint Committee on Administrative, Executive and Legislative Review (AELR).

RECOMMENDATION

MDTA Board approval to proceed with proposed changes to the Code of Maryland Regulations (COMAR) 11.07.07.02, 11.07.07.06, and 11.07.07.09.

ATTACHMENT

- COMAR Proposed Changes

Code of Maryland Regulations

Title 11. Department of Transportation

Subtitle 07. Maryland Transportation Authority

Chapter 07. Electronic Toll Collection and Toll Violation Enforcement

.01 Applicability.

This chapter applies to Maryland Transportation Authority highways.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Agreement” means the application and its corresponding terms and conditions to establish an E-ZPass account which sets out the terms and conditions, and instructions for use of the Authority's electronic toll collection system.

(2) “Authority” means the Maryland Transportation Authority and its designated agents.

(3) “Authority highway” has the meaning stated in Transportation Article, §21-1401, Annotated Code of Maryland.

(4) “CCU” means the Maryland Department of Budget and Management Central Collection Unit.

(5) “Citation” means a notice of a toll violation and related civil penalties sent by the Authority, pursuant to Transportation Article, §21-1414, Annotated Code of Maryland, to a person who is required to and fails to pay a video toll established by the Authority.

(6) “Electronic toll collection” has the meaning stated in Transportation Article, §21-1414, Annotated Code of Maryland.

(7) “Electronic payment method” means any noncash payment acceptable to the Authority.

(8) “E-ZPass account” means a financial relationship between the Authority and a person who agrees to abide by the Agreement established for the electronic collection of tolls.

(9) “E-ZPass account maintenance fee” means any monetary charge that may be assessed to offset the cost of electronic toll collection accounts and is set in accordance with Chapter .05 of this subtitle.

(10) “Final notice” means a written administrative notice from the Authority of outstanding amounts due to the Authority when preparing to refer amounts due through a notice of referral to the CCU in accordance with Regulation .08C of this chapter.

(11) “Final toll violation” means the total amount due as a result of a toll violation where a citation has been issued, is not paid and:

(a) A person fails to request a hearing within the time permitted pursuant to Transportation Article, §21-1414(d)(6), Annotated Code of Maryland;

(b) A person fails to appear for a trial requested in District Court and has exhausted all appeals; ~~or~~

(c) A person is adjudicated to be liable for the toll violation by the District Court and has exhausted all appeals; ~~or~~

(d) A person has failed to satisfy the requirements of an installment plan with the Authority.

(12) “Motor Vehicle Administration (MVA)” means the Motor Vehicle Administration of the Department of Transportation.

(13) “Notice of toll due” or “NOTD” means an administrative notice of a video toll transaction.

(14) “Past due notice” means a written administrative notice from the Authority, sent when payment for a toll violation remains due through a notice of referral to the MVA in accordance with Regulations .08A or .08B of this chapter.

(15) “Pay” means the Authority receives payment by:

(a) Cash;

(b) Permitting a charge against an E-ZPass account with a balance sufficient to pay the toll due;

(c) Pay-By-Plate; or

(d) Another means of payment approved by the Authority.

(16) “Pay-By-Plate” means a payment method whereby a customer provides their vehicle license plate information and a valid electronic payment method to the Authority prior to travel for processing toll payments at Authority facilities.

(17) “Person alleged to be liable” has the meaning stated in Transportation Article, §21-1414, Annotated Code of Maryland.

(18) “Posted speed limit” means the speed limit posted in an electronic toll collection lane.

(19) “Recorded image” has the meaning stated in Transportation Article, §21-1414, Annotated Code of Maryland.

(20) “Registered owner” has the meaning stated in Transportation Article, 21-1414, Annotated Code of Maryland.

(21) “Speed violation” means a violation of the posted speed limit in an electronic toll collection lane.

(22) “State” means any state of the United States, the District of Columbia, a possession of the United States, or a province or territory of Canada.

(23) “Toll” means the amount of money due as established by the Authority for passage of a vehicle on an Authority highway.

(24) “Toll collection facility” has the meaning stated in Transportation Article, §21-1414, Annotated Code of Maryland.

(25) “Toll violation” means the failure to pay a video toll within the time prescribed by the Authority in a notice of toll due and as otherwise provided in a response from the Authority regarding a denial of a transfer of liability.

(26) “Transponder” means a device which is designed to transmit information used to collect tolls and is associated with a particular toll collection account.

(27) “Trip” means one passage of a vehicle on an Authority highway where a toll is normally collected.

(28) “Vehicle” means a motor vehicle as defined by Transportation Article, §11-135, Annotated Code of Maryland.

(29) “Video monitoring system” has the meaning stated in Transportation Article, §21-1414, Annotated Code of Maryland.

(30) “Video toll” has the meaning stated in Transportation Article, §21-1414, Annotated Code of Maryland.

(31) “Video toll transaction” has the meaning stated in Transportation Article, §21-1414, Annotated Code of Maryland.

.03 E-ZPass Application Process.

A. A person who applies to establish an E-ZPass account with the Authority shall complete an online, voice, or written application, or register a retail-purchased transponder, and provide the requested information to the Authority.

B. The Authority may, in its discretion, deny the E-ZPass application of a person for prior toll violations, in Maryland or any other state; prior speed violations; or for other reasons related to the use of electronic toll collection.

C. A person establishing an E-ZPass account shall agree to comply with the Agreement.

D. A person establishing an E-ZPass account shall purchase at least one transponder or have a pre-owned Maryland transponder.

E. Any payment to an E-ZPass account shall be made by any approved payment method in accordance with the Agreement.

F. E-ZPass Accounts.

(1) The Authority may establish different E-ZPass account types to be selected by the applicant during the E-ZPass application process.

(2) The specific conditions for each E-ZPass account type shall be included in the Agreement.

.04 Terms and Conditions for E-ZPass Account Holders.

A. An E-ZPass account holder acknowledges and agrees to comply with the Agreement when opening an E-ZPass account.

B. Discount Toll Programs.

(1) The Authority may establish different types of discount toll programs.

(2) 2-axle Vehicle Discount Toll Programs.

(a) E-ZPass account holders may purchase approved discount toll programs that have a number of trips which are valid for a specified period of time.

(b) Trips not used within the period of time specified in the applicable discount toll program are no longer valid.

(c) Refunds or credits may not be issued for unused trips.

(3) Multi-Axle Vehicle Discount Toll Programs. An E-ZPass account holder may receive a toll discount based on the volume of use by vehicles included on their E-ZPass account.

C. An E-ZPass account holder shall maintain sufficient funds within the E-ZPass account in accordance with the Agreement.

D. If at any time an E-ZPass account balance is insufficient to pay tolls due, an E-ZPass account holder remains liable for the toll and the Authority shall:

(1) Send a NOTD in accordance with Regulation .06 of this chapter;

(2) Issue a Citation after failure to pay a NOTD in accordance with Regulation .07 of this chapter; and

(3) Collect the toll due and any civil penalties that accrue in accordance with Regulation .08 of this chapter.

E. An E-ZPass account holder remains responsible for updating account information with the Authority in accordance with the Agreement. Failure to keep the E-ZPass account information current does not relieve the account holder of liability for tolls due.

F. The use of the transponder is transferable between vehicles listed on an E-ZPass account.

G. Speed Violations — Procedures.

(1) A speed violation notice may be sent per E-ZPass account for E-ZPass private and business accounts.

(2) Notice of Warning for a Speed Violation. A warning notice may be sent for the first speed violation in a toll lane and the notice shall include the consequences for receiving a second violation.

(3) Notice of E-ZPass Account Suspension for a Speed Violation.

(a) E-ZPass account suspension for a speed violation is the temporary invalidation by the Authority of an E-ZPass account holder's privilege to use a transponder or an established E-ZPass account for toll collection in all states where E-ZPass is accepted.

(b) An E-ZPass account suspension notice may be sent for a second speed violation in a toll lane occurring within 180 days of the first speed violation for which notice has been given by the Authority.

(c) An E-ZPass account suspension notice shall notify the E-ZPass account holder that their E-ZPass account privileges are being suspended for 60 days, and shall include the beginning date and ending date of the E-ZPass account suspension of privileges.

(d) An E-ZPass account suspension notice shall include the consequences of any speed violation or attempt to use the E-ZPass account while under suspension.

(4) Notice of E-ZPass Account Closure for a Speed Violation.

(a) An E-ZPass account closure notice may be sent for the third speed violation in a toll lane occurring within 180 days of the first speed violation for which notice has been given by the Authority.

(b) An E-ZPass account closure notice shall notify the E-ZPass account holder that their E-ZPass account privileges are being terminated, and shall specify the effective date of the E-ZPass account closure.

(c) An E-ZPass account closure notice shall include the consequences of any attempt to use the E-ZPass account once closed.

(5) The Authority may issue speed violation notices by email or first class U.S. mail.

.05 Suspension or Termination of E-ZPass Account Privileges.

A. The Authority may suspend or terminate an E-ZPass account holder's privileges for violation of electronic toll collection laws, this chapter, or the Agreement.

B. The Authority shall notify an E-ZPass account holder as soon as practicable of a suspension or termination of E-ZPass account privileges.

C. If E-ZPass account privileges are suspended or terminated, the Authority shall return to an E-ZPass account holder within 60 days any unencumbered funds remaining in an E-ZPass account. Unused discount toll program trips remaining on an E-ZPass account may not be refunded or credited.

.06 Toll Collection by Recorded Image.

A. The Authority may use the recorded image of a motor vehicle passing through a Maryland toll collection facility to determine liability for tolls due.

B. Pay-By-Plate.

(1) Tolls may be paid via Pay-By-Plate, whereby a customer authorizes the Authority to charge tolls due by providing the Authority with vehicle information and a valid electronic payment method online, over the phone, or in person for processing payment prior to travel.

(2) Vehicle information provided by the customer shall include the license plate number, state of registration, type of vehicle, and vehicle year.

(3) A Pay-By-Plate customer is responsible for updating vehicle information and maintaining valid electronic payment information with the Authority. If a customer fails to keep vehicle and electronic payment information current, the customer is not relieved of liability for tolls due.

(4) The electronic payment method provided shall be valid at all times and be charged for each toll transaction.

(5) If a valid payment is not made using the Pay-by-Plate payment method, the customer remains liable for the toll and the Authority shall:

(a) Send a NOTD in accordance with §D of this regulation;

(b) Issue a citation after failure to pay a NOTD in accordance with Regulation .07 of the chapter; and

(c) Collect the toll due and any civil penalties that accrue in accordance with Regulation .08 of this chapter.

(6) The Pay-By-Plate payment method is only valid for use with the Authority's electronic toll collection system.

C. Video Toll Early Payment Discount. The Authority may establish a discount for video toll transactions paid prior to the mailing of the NOTD.

D. Notice of Toll Due (NOTD).

(1) The Authority shall send the person alleged to be liable that was involved in a video toll transaction a NOTD containing:

(a) The name and address of the person alleged to be liable under this chapter;

(b) The license plate number and state of registration of the vehicle involved in the video toll transaction;

(c) The location where the video toll transaction took place;

(d) The date and time of the video toll transaction;

(e) The amount of the video toll;

(f) The date by which the video toll must be paid;

(g) A copy of the recorded image;

(h) The statutory defenses described in Transportation Article, §21-1414(g), Annotated Code of Maryland to transfer liability to another person;

(i) A warning that failure to pay the video toll, request a transfer of liability in the manner and time prescribed, or the late payment of the video toll, will result in a Toll Violation subject to a citation and a civil penalty, in the amount set forth in Regulation .09 of this chapter, and that continued failure to pay may lead to refusal or suspension of the motor vehicle registration and referral to the CCU;

(j) A warning that payment of the video toll, whether timely or late is an admission of liability of the video toll transaction; and

(k) Instructions on how to pay the video toll or request a transfer of liability of the video toll transaction to another person.

(2) Except as provided in §E of this regulation, the person alleged to be liable who receives a NOTD shall have at least 30 days to pay the video toll from the mailing date of the NOTD.

(3) Except as provided for in §E of this regulation, failure of the person alleged to be liable to pay the video toll by the NOTD payment due date shall constitute a toll violation subject to a citation and a civil penalty, in the amount set forth in Regulation .09 of this chapter.

(4) If a transfer of liability is requested, the person alleged to be liable shall send the request to the Authority, which must be received by the Authority on or before the NOTD payment due date.

E. Transfer of Liability.

(1) The person alleged to be liable may request a transfer of liability of the video toll transaction from the Authority by asserting any of the statutory defenses described in Transportation Article, §21-1414(g), Annotated Code of Maryland, which includes providing the additional documentation required by statute.

(2) The Authority must receive the request for a transfer of liability, including all supporting documentation by the NOTD payment due date.

(3) If the Authority does not receive payment of the video toll or a request for a transfer of liability by the NOTD payment due date, a toll violation will result subject to issuance of a citation and a civil penalty as set forth in Regulation .07 of this chapter.

(4) A request for transfer of liability received by the Authority on or before the NOTD payment due date shall be reviewed by the Authority to determine whether liability for the video toll transaction may be transferred from the person alleged to be liable to another person.

(5) If the Authority accepts the request for transfer of liability as described in this regulation:

(a) The Authority shall send the person alleged to be liable a determination of the request for transfer of liability indicating it is accepted;

(b) The person alleged to be liable shall not be responsible for the video toll transaction; and

(c) The Authority shall send a new NOTD to the person to whom liability was transferred in accordance with Transportation Article, §21-1414(g), Annotated Code of Maryland.

(6) If the Authority denies the request for transfer of liability as described in this regulation:

(a) The person alleged to be liable will receive a determination of a request for transfer of liability from the Authority indicating it is denied;

(b) The person alleged to be liable shall pay the video toll by the NOTD payment due date or within 10 days from the mailing date on the denial notification, whichever is later; and

(c) If payment is not received in accordance with §E(6)(b) of this regulation, a toll violation will result with a date relating back to the day after the original NOTD payment due date subject to a citation and a civil penalty for a toll violation as set forth in Regulation .07 of this chapter.

F. Installment Plans.

(1) The Authority may offer an installment plan to a person alleged to be liable for payment of unpaid video tolls and any associated civil penalties that total at least \$300.

(2) An installment plan shall require the person to make monthly installment payments until the total amount of the outstanding unpaid video tolls and any associated civil penalties owed are paid. The Authority may waive any portion of the associated outstanding civil penalties.

(3) If liquidation by installment payments requires more than 3 years, then the debt may be referred as a delinquent account to the Central Collection Unit.

(4) The Authority may not offer more than one installment plan to a person at a time. A person is responsible for fully paying all unpaid video tolls and associated penalties within the one installment plan in accordance with the installment plan.

(5) If a person fails to make payment or defaults on the terms of an installment plan, then the Authority may terminate the installment plan, resulting in a final toll violation. The Authority is not required to offer alternative payment plans if a person defaults on the installment payments. The Authority may use any legal action available to collect in accordance with COMAR 11.07.07.08.

.07 Toll Violation Enforcement.

A. Citation.

(1) Within 60 days of a toll violation, the Authority shall issue a citation, as provided in Transportation Article, §21-1414, Annotated Code of Maryland, to the person alleged to be liable who has previously been issued an NOTD.

(2) The citation shall contain information required in Transportation Article, §21-1414(d)(3), Annotated Code of Maryland.

(3) Within 30 days of the mailing date of the citation a person alleged to be liable may:

(a) Pay the video toll and civil penalty, in the amount set forth in Regulation .09 of this chapter, to the Authority; or

(b) Contest the citation by electing to stand trial in the District Court of Maryland.

B. Final Toll Violation.

(1) A citation may result in a final toll violation.

(2) For any citation that results in a final toll violation and remains unpaid, the Authority may do one or more of the following:

(a) Request the MVA to refuse the vehicle registration for a vehicle that has incurred at least one unpaid final toll violation as set forth in Regulation .08 of this chapter;

(b) Send a request to the MVA for suspension of the vehicle registration if a vehicle has incurred at least \$1,000 in unpaid final toll violations as set forth in Regulation .08 of this chapter;

(c) Refer any amounts due as a result of the unpaid final toll violation to the CCU as set forth in Regulation .08 of this chapter; and

(d) Collect the amount due by any other means as provided by law.

.08 Collection, Suspension, and Waiver.

A. Notice of Referral to the MVA for Refusal.

(1) The Authority may send to the registered vehicle owner in Maryland or any state with which the Authority has entered into a reciprocal agreement in accordance with Transportation Article, §21-1415, Annotated Code of Maryland, a past due notice indicating that failure to pay will result in refusal of the vehicle registration for any vehicle incurring at least one unpaid final toll violation, under the provisions of Transportation Article, §27-110, Annotated Code of Maryland.

(a) If payment of all outstanding video tolls or civil penalties is not received by the Authority within 15 days of the mailing date on the past due notice, the Authority shall notify the MVA to refuse to renew or transfer the vehicle registration in accordance with COMAR 11.15.28.03.

(b) The Authority shall notify the MVA:

(i) Within 3 business days, to permit the renewal or transfer of the vehicle registration when no outstanding video tolls or civil penalties exist for any final toll violations, including those that may have occurred after the referral to MVA, when the Authority receives payment directly or is notified by CCU of payment; or

(ii) Within 3 business days, to permit the renewal or transfer of the vehicle registration if amounts have been referred to CCU, and the registered owner of the vehicle enters into a confessed judgment with the CCU to pay the amount due to the Authority and the Authority is notified by CCU of the confessed judgment.

(c) If the registered owner of the vehicle defaults on the confessed judgment entered into with the CCU as provided in §A(1)(b)(ii) of this regulation, the Authority shall notify the MVA to refuse to renew or transfer the vehicle registration in accordance with COMAR 11.15.28.03.

(2) A past due notice shall:

(a) Advise the registered owner of the total amount due to the Authority for each unpaid final toll violation upon which the referral is based;

(b) Inform the recipient that failure to pay will result in referral to the MVA for refusal of the vehicle registration;

(c) Identify to whom payment shall be made for the various unpaid final toll violations that are included in the referral in the case where portions of the amount due have already been referred to the CCU for collection in accordance with §C of this regulation;

(d) Advise the registered owner that payment of the outstanding unpaid final toll violations due to the Authority by the payment due date may avoid referral and that failure to pay will result in referral to the MVA for refusal of the vehicle registration; and

(e) Advise the registered owner of additional fees that may be imposed by the MVA.

(3) Additional unpaid final toll violations that accrue after the final toll violation that lead to referral to MVA shall be added to the total amount due and are to be paid in accordance with §A(1)(a) of this regulation.

B. Notice of Referral to the MVA for Suspension.

(1) The Authority may send to the registered owner in Maryland or any state with which the Authority has entered into reciprocal agreement in accordance with Transportation Article, §21-1415, Annotated Code of Maryland, a past due notice for any vehicle incurring at least \$1,000 in unpaid final toll violations, under the provisions of Transportation Article, §27-110, Annotated Code of Maryland, indicating that failure to pay will result in referral to the MVA for suspension of the vehicle registration.

(a) The threshold dollar amount of \$1,000 for issuing a past due notice for referral to the MVA for suspension of the vehicle registration may include previous amounts due to the Authority that were referred to the CCU for collections in accordance with §C of this regulation.

(b) If payment of all outstanding video tolls or civil penalties is not received by the Authority within 15 days of the mailing date on the past due notice, the Authority shall notify the MVA to suspend the vehicle registration in accordance with COMAR 11.15.28.04.

(c) The Authority shall notify the MVA:

(i) Within 3 business days, to lift suspension of the vehicle registration when no outstanding video tolls or civil penalties exist for any final video toll violations, including those that may have occurred after the referral to MVA, when the Authority receives payment directly or is notified by CCU of payment; or

(ii) Within 3 business days, to lift suspension of the vehicle registration if amounts have been referred to CCU, and the registered owner of the vehicle enters into a confessed judgment with CCU to pay the amount due to the Authority and the Authority is notified by CCU of the confessed judgment.

(d) If the registered owner of the vehicle defaults on the confessed judgment entered into with CCU as provided in §B(1)(c)(ii) of this regulation, the Authority shall notify MVA to suspend the vehicle registration in accordance with COMAR 11.15.28.04.

(2) A past due notice shall:

(a) Advise the registered owner of the total amount due to the Authority for each unpaid final toll violation upon which the referral is based;

(b) Inform the recipient that failure to pay will result in referral to the MVA for suspension of the vehicle registration;

(c) Identify to whom payment shall be made for the various unpaid final toll violations that are included in the referral in the case where portions of the amount due have already been referred to the CCU for collection in accordance with §C of this regulation;

(d) Advise the registered owner that payment of the outstanding unpaid final toll violations due to the Authority by the payment due date shall avoid referral and that failure to pay will result in referral to the MVA for refusal of the vehicle registration; and

(e) Advise the registered owner of the additional fees that may be imposed by the MVA.

(3) Additional unpaid final toll violations that accrue after the referral to MVA shall be added to the total amount due and are to be paid in accordance with §B(1)(b) of this regulation.

C. Final Notice — Referral to the CCU.

(1) The Authority may send to a person that has incurred unpaid final toll violations that total the amount established by the CCU, a final notice of possible referral to the CCU. The CCU shall act as the authorized agent for any civil action instituted for the collection of unpaid Final Toll Violations pursuant to Transportation Article, §21-1414(d)(6)(i), Annotated Code of Maryland.

(a) The amounts referred to the CCU for unpaid final toll violations may be included by the Authority to reach the threshold dollar amount of \$1,000 for referral to the MVA of a vehicle registration for suspension in accordance with §B of this regulation.

(b) If payment of all outstanding video tolls or civil penalties is not received by the Authority within 15 days of the mailing date on the final notice to avoid referral to the CCU, the Authority will refer those final toll violations to the CCU.

(2) A final notice of possible referral to the CCU shall advise the person of the total amount due to the Authority for each unpaid final toll violation that is included in the referral.

(3) A final notice of possible referral to the CCU shall advise the person that payment of the outstanding unpaid final toll violations due to the Authority by the payment due date may avoid referral.

(4) A final notice of possible referral to the CCU shall advise the person of the additional fees that may be imposed by the CCU.

D. Waiver of Tolls and Civil Penalties.

(1) Notwithstanding any provision of the electronic toll collection process as set forth in this chapter, until the Authority refers the debt to the CCU, the Authority may waive any portion of the video toll due or civil penalty assessed under Transportation Article, §21-1414, Annotated Code of Maryland.

(2) A person alleged to be liable who receives an NOTD or citation may request a waiver of any portion of the video toll due and the civil penalty.

(3) The person alleged to be liable shall provide documentation to the Authority to support the person's request for the waiver.

(4) Waivers may be granted based upon, but not limited to, the following:

(a) Notice related issues, including, but not limited to, receipt or processing and handling delays;

(b) Extended absences of the person alleged to be liable, including, but not limited to, hospitalization, incarceration, and long-term out-of-State travel;

(c) License plate issues, including but not limited to, theft, fraud, or lost plates;

(d) Emergency traffic diversion onto a toll collection facility; and

(e) Payment error, including, but not limited to, referencing an incorrect payee, providing an incorrect payment amount, and using an incorrect mailing address for payment to the Authority.

(5) Additional information related to waivers is maintained by the Authority on its website.

.09 Fees.

A. General Provisions. The Authority shall enforce this chapter in accordance with law and may charge fees related to the collection of unpaid tolls.

B. Fees established by the Authority are as follows:

(1) Civil Penalty. The civil penalty included in a citation for a toll violation is \$25.

(2) E-ZPass Account Maintenance Fee. The monthly E-ZPass account maintenance fee shall be set in accordance with Chapter .05 of this subtitle and will apply to applicable E-ZPass accounts.

(3) Insufficient Funds Fee. An additional fee shall be assessed on all checks returned for insufficient funds and the person shall submit the tolls, any civil penalties due, the returned check fee, and may be subject to subsequent fees by another method of payment, as specified by the Authority.

(4) Transponder. Any person opening an E-ZPass account must purchase a new or previously owned Maryland transponder in accordance with Regulation .03 of this chapter. Prices of transponders vary by make and model and may be found on the E-ZPass application.

(5) The person entering an installment plan shall pay the Authority the costs of administering the installment plan as a percentage of the total amount owed, which amount shall equal the amount authorized by the Central Collection Unit for collections in COMAR 17.01.01.07.

TAB 4



Maryland Transportation Authority

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
James F. Ports, Jr., Chairman

Board Members:

Dontae Carroll	Mario J. Gangemi, P.E.
William H. Cox, Jr.	Cynthia D. Penny-Ardinger
William C. Ensor, III	Jeffrey S. Rosen
W. Lee Gaines, Jr.	John F. von Paris

William Pines, PE, Executive Director

MEMORANDUM

TO: MDTA Board
FROM: Manager of Government Relations Bradley Ryon
SUBJECT: Update on MDTA-Related Legislative Items
DATE: July 28, 2022

PURPOSE

To provide the MDTA Board with a verbal update on recent MDTA-Related legislative items and upcoming activities during the Legislative interim.

ATTACHMENTS

- July 12, 2022 Congressional Letter to MDTA regarding the existing Nice/Middleton Bridge
- July 21, 2022 MDTA Response to Congressional Letter regarding the existing Nice/Middleton Bridge

Congress of the United States
Washington, DC 20515

July 14, 2022

The Honorable Jim Ports
Secretary
Maryland Department of Transportation
7201 Corporate Center Drive
Hanover, MD 21076

Dear Secretary Ports:

With the work on the new Harry W. Nice/Thomas “Mac” Middleton Bridge across the Potomac River proceeding rapidly, we urge the State to reconsider plans to demolish the old bridge, and halt any immediate efforts to do so. These plans should not proceed until a study can be conducted on the feasibility as well as the financial and environmental costs and benefits of converting the old bridge to a non-motorized trail that could be used by pedestrians and bicyclists.

The demolition cost estimates made by the Maryland Department of Transportation Maryland Transportation Authority (MDTA) have ranged between \$15 million and \$23 million. Given that a new Environmental Analysis (EA) may now be necessary due to the modification of the demolition process to use explosives, which was not part of the original EA, an independent study to determine a common set of facts and costs would allow all parties the opportunity to consider the options for the use and ownership of the existing bridge.

An independent study, conducted by an entity with experience in similar bridge repurposing projects, is in the taxpayer’s interest to ensure that we are not wasting an opportunity to provide bicycling and pedestrian transportation options at a competitive cost or potentially lower cost than demolition. This study should include costs, safety and navigation impacts, and the potential economic and health benefits of alternative transportation and outdoor recreation uses. Premature demolition would squander the opportunity to repurpose the bridge if it is in the taxpayer and community’s best interest. We strongly urge you to undertake this basic due diligence before moving forward on demolition.

We would appreciate a response by July 22, 2022 regarding the State’s position and plans to secure an independent study and pause in demolition until this study is published.


Sincerely,



Chris Van Hollen
United States Senator



Benjamin L. Cardin
United States Senator



Steny H. Hoyer
Member of Congress



Maryland Transportation Authority

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
James F. Ports, Jr., Chairman

Board Members:

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William H. Cox, Jr.	Cynthia D. Penny-Ardinger
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W. Lee Gaines, Jr.	John F. von Paris

William Pines, PE, Executive Director

July 21, 2022

BEN
The Honorable Benjamin L. Cardin
U.S. Senate
509 Hart Senate Office Building
Washington DC 20510

CHRIS
The Honorable Chris Van Hollen
U.S. Senate
110 Hart Senate Office Building
Washington DC 20510

STENY
The Honorable Steny H. Hoyer
U.S. House of Representatives
H-107 The Capitol
Washington DC 20515

Dear Senator Van Hollen, Senator Cardin, and Congressman Hoyer:

Thank you for your recent correspondence regarding the existing Nice/Middleton Bridge and its possible retention and use as a future shared use (bicycle/pedestrian) facility. As the Chairman of the Maryland Transportation Authority (MDTA), I am honored to respond.

Based on the MDTA analysis, we estimated \$46.7 million in 2015 dollars is necessary to maintain the existing bridge for bicycle and pedestrian use for a 30-year time horizon. Based on recent inflation, maintenance costs are now anticipated to be considerably higher. Furthermore, this does not include cost impacts now that the new bridge design is complete and construction is nearing completion. For example, MDTA would require permit modifications to retain the existing bridge to account for the additional stormwater management impervious area impacts and account for the loss of mitigation provided by existing bridge demolition materials for artificial reef habitat enhancement. Furthermore, the current contract has no provisions for tying in the newly aligned approach roadways with the existing bridge, where portions of the existing roadway and bridge must be removed to accommodate the new roadway slopes. The redesign and added construction costs, along with contractor delay costs, were not included in the 2015 analysis, but further demonstrate that retaining the existing bridge would be a significant negative cost impact to the MDTA.

The concept of retaining the existing bridge was also evaluated by the MDTA numerous times in response to inquiries by other groups and entities considering taking ownership. In each case, however, the costs associated with maintaining a 1.9-mile complex bridge (over 80-years-old) made retaining the bridge unfeasible. Additionally, the cost estimates for the modifications to the bridge to make it safe and viable as a shared-use pathway are also substantial. Early in the project development, the MDTA offered for Charles County to take ownership of the existing bridge because they claimed that it would enhance economic development. The county independently concluded that it was not affordable to retain the existing bridge.

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Following the early request from Charles County, Virginia and King George County separately requested information about options to keep all or portions of the existing bridge. Both chose not to pursue retaining the existing bridge due to the future facility maintenance costs. Virginia independently investigated retaining all or portions of the existing bridge. Among other challenges, the Virginia Department of Transportation (VDOT) summarized the anticipated ownership costs as follows:

- “A biennial bridge safety inspection for a structure of this size is estimated to cost around \$1 million, using 2021 dollars. Every four years, an underwater bridge inspection and hydrographic surveys would be needed, which are estimated to cost an additional \$125,000.”
- “Initial maintenance activities would be needed to open the structure as a recreational facility. These activities may include cleaning the deck, beams, and piers to remove chlorides; minimal deck patching; and placing epoxy waterproofing. This list is not all-inclusive. These initial maintenance activities are estimated to cost in the \$3.3 million to \$3.5 million range, using 2021 dollars.”
- “Looking at average bridge maintenance costs over the past 10 years, MDTA has invested an average of \$313,376 annually for routine upkeep. The annual cost fluctuates significantly depending on the specific tasks performed over a 12-month period and has ranged from no cost in one year to a peak of \$1.5 million. This estimated cost also does not reflect seasonal maintenance activities such as snow removal.”
- “The bridge would need to remain able to accommodate the weight of vehicles for emergency, maintenance, and inspection purposes. The existing bridge barrier railing is lower than what is currently required to safely protect pedestrians and bicyclists. A taller barrier railing or an attached pedestrian railing would likely need to be installed for the length of the bridge. This would be an initial cost that is estimated to range from \$6 million to \$6.5 million in 2021 dollars, depending on the height of the railing and the materials used. The bridge would need to be handicapped-accessible and comply with the Americans with Disabilities Act.”

VDOT independently expected the upfront costs to retain the existing bridge at approximately \$9.3 million to \$10 million plus over \$800,000 annually to maintain the existing bridge. The cost estimate excludes major rehabilitation activities that are likely, as the bridge further ages. VDOT’s cost investigation reasonably aligned with MDTA’s and neither estimate includes:

- Inflationary costs, especially if maintenance is deferred;
- Costs for operational maintenance, such as trash and snow removal, etc.;
- Costs for lighting, fencing, and ITS, and/or other means for controlling bridge access;
- Security and vagrancy management costs, which may be necessary as King George County has noted significant historical challenges at Dahlgren Wayside Park; and
- Costs to the existing Contract and the MDTA for the items noted above (e.g., scope not in Contract, Contractor delays, and environmental mitigation).

Based on their independent cost investigation, Virginia is no longer pursuing taking ownership of the structure. This is partly due to the unaffordability of maintaining the existing bridge, but also includes their other concerns, including “The grade of the Nice/Middleton Bridge is quite steep at the navigation channel and may not be appropriate for many recreational users.”

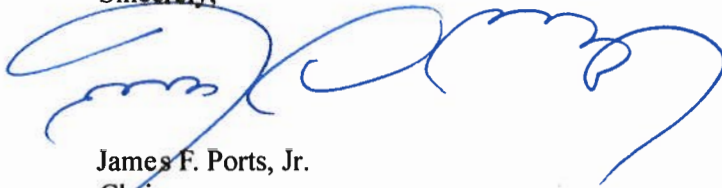
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In addition to the cost feasibility, there are physical challenges with retaining the existing bridge related to the scouring of the river bottom around the bridge foundations, resulting from the interaction of scouring mechanisms between the two structures. The new bridge was designed with the understanding that the existing bridge would be demolished at the end of this year. Based on recent renewed requests to retain the existing bridge, we performed an extensive scour analysis to determine the impact on the new bridge foundations from leaving the existing bridge piers in place. The results of these analyses, which were presented to the participating federal agencies, concluded that leaving the existing bridge foundations is a safety threat to the new bridge based on FHWA guidelines for evaluating scour at bridges. Based on this finding, leaving the existing bridge foundations in place is not an option.

For the reasons above, maintaining the 80-year-old existing Nice/Middleton Bridge is not an option. Therefore, we will continue with the permitted plan to demolish the existing bridge and use the demolition materials for enhancing artificial reef habitat. While the existing bridge does not support bikes today, the new Nice/Middleton Bridge project includes several bicycle safety improvements within the project area, such as active timed warning beacons, bicycle traversable bridge joints, and bicycle signing that will allow for lane sharing on the new bridge for possible connections to potential future trail network(s) around the Potomac River. Since there are no existing trails leading up to the bridge, lane sharing on the new bridge will also effectively tie into the lane sharing utilized today on the approach roadways.

Thank you again for contacting me. I appreciate hearing from you. If you have further questions, please contact MDTA's Project Director, Brian Wolfe, PE, at 410-537-8200 or bwolfe3@mdta.state.md.us. Mr. Wolfe will be happy to assist you. Of course, you may always contact me directly.

Sincerely,



James F. Ports, Jr.
Chairman

*P.S. HOPE YOU ALL ARE
HAVING A GREAT SUMMER! RD*

cc: William Pines, PE, Executive Director, MDTA
Brian Wolfe, PE, Director of Project Development, MDTA

TAB 5



Maryland
Transportation
Authority

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor
James F. Ports, Jr., Chairman

Board Members:

Dontae Carroll	Mario J. Gangemi, P.E.
William H. Cox, Jr.	Cynthia D. Penny-Ardinger
William C. Ensor, III	Jeffrey S. Rosen
W. Lee Gaines, Jr.	John F. von Paris

William Pines, PE, Executive Director

MEMORANDUM

TO: MDTA Board
PRESENTED BY: Deputy Program Manager Greg Jones
SUBJECT: Third Generation Electronic Toll Collection (3G ETC) System Current Operations Update
DATE: July 28, 2022

PURPOSE

To brief the Maryland Transportation Authority (MDTA) Board on the 3G ETC ongoing operations.

SUMMARY

TransCore and Kapsch's systems went live on April 29, 2021. Post-transition and software development activities and risk management continue. Implementation of the plan to address the backlog of unprocessed transactions is ongoing.

ATTACHMENT

- 3G ETC System Update Presentation

Electronic Tolling

Current Operations Update

MDTA Board Meeting

July 28, 2022

Schedule Update

- The lane-side Contractor (Kapsch) has completed the punch list period on 6/28/22. MDTA is reviewing the results.
- The back-office Contractor (TransCore) is in the process of resolving punch list items.
- Negotiations are complete for contract modifications with Contractor(s) and is moving through the MDTA approval process.
 - Will require BPW approval

Key Focus Areas

QA/QC & Lane Maintenance Improvements

- Coordinating the AET conversion for FMT
 - FMT planning is in-progress, targeting winter of 2022
 - JFK is highway-speed, but will require full conversion
 - BHT conversion is a few years out
- Accountability for timeliness of resolution for identified issues
- Enforcement of contractual requirements
- Emphasizing a pro-active approach to the maintenance tasks & fine tuning the process

Contract Administration & Operational Functions

- Coordinating responsibilities & communication across IT, Operations and Finance
- Standing up tools & processes for independent validation and auditing processes for the lane side and back office

Post Go-Live Risk Tracking

Call Center

	April	May	June	July (MTD)
Total CSC Agents	375	304	293	287
% Call Out vs. Total Staff	2.4%	3%	3%	3%
Avg Call Wait Time (hours)	00:27	00:20	00:37	00:41
IVR Call Volume Handled	101,623	92,893	109,149	37,499
Call Volume Queued for CSRs	122,551	107,326	125,942	38,730

- The Customer Assistance Plan continues working as planned
- Slight increase in call wait time & call volume due to holiday traffic for July (MTD)
- CSC staffing has remained steady
- NOTD's (Notice of Toll Due) is still the #1 reason for customer calls to CSC

Post Go-Live Risk Tracking

Transaction & Backlog Processing

- Transactions released manually based on a pre-defined schedule
 - Tight coordination with MDTA and vendors to maintain processing
 - Actively metering NOTDs at 65,000 envelopes per day with an average of 3-4 transactions per envelope
- Escalations as of 7/11/22
 - Approximately 62 million video transactions posted to customer accounts
 - Several notices sent to alert customers to proactively pay electronically to receive early payment discounts
 - Proactive mailer to customers with more than 25 transactions is complete
 - 37.5 million NOTD transactions have been mailed
 - Image certifications and citations fully resumed

QA/QC

- Actively onboarding KPI reporting and tracking to ensure meeting Contract
- Striving for continuous improvement to address any anomalies found, even if meeting the KPI

TAB 6

VERBAL

TAB 7

CLOSED SESSION

TAB 8

CLOSED SESSION