

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING

THURSDAY, JANUARY 26, 2023
9:00 A.M.

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

OPEN SESSION

R. Earl Lewis, Jr., Acting Chairman

MEMBERS ATTENDING:

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

STAFF ATTENDING:

Col. Kevin Anderson
Khalid Baassiri
Margaret Carlisle
Carl Chamberlin
Donna DiCerbo
James Harkness
Natalie Henson
James Kittleman
Selena McKissick
Kimberly Millender, Esq.
Mary O’Keeffe
William Pines
Joseph Quattrone
Bradley Ryon
Deb Sharpless
Tom Smith
Jamaal Turner
John Wedemeyer

At 9:00 a.m. Acting Chairman R. Earl Lewis, Jr. called the meeting of the Maryland Transportation Authority (MDTA) Board to order. The meeting was held in-person at MDTA Headquarters, 2310 Broening Highway, Baltimore MD 21224 and was livestreamed on the MDTA Board Meeting web page.

APPROVAL – OPEN SESSION MEETING MINUTES OF DECEMBER 15, 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 December 15, 2022 were unanimously approved.

APPROVAL – CONVEYANCE – KANE STREET (MC #22-7048)

Mr. John Wedemeyer requested approval from the Maryland Transportation Authority (MDTA) Board for the conveyance of the Kane Street parcel (MC #22-7048). This property is located in Baltimore City, Maryland, near the I-95 Interchange with Eastern Avenue.

Mr. Wedemeyer explained that in 2015 the MDTA acquired the subject property from Baltimore City. He also explained that MDTA has limited duties, obligations, and other responsibilities as the sole stockholder of the Canton Railroad Company (CRC) as MDTA owns 100% of the stock in the Canton Development Company (CDC), parent company to CRC. CRC functions and operates as a for-profit business entity. Moreover, the property is not being utilized as an operating railroad pursuant to 23 CFR 646.

On September 6, 2022, MDTA Real Estate Services received a letter from MDOT SHA's Office of Real Estate which is FHWA's Stewardship Liaison. It provided guidance on whether or not MDTA could convey the subject property below fair market value (FMV) to CRC. It was determined that MDTA could not sell the property to CRC for below the FMV and should the property not be used for a public transportation purpose, that sale of the property is subject to the reversionary condition written in the agreement of sale dated May 7, 2014.

On October 20, 2022, CRC agreed to purchase the property for the FMV. An appraisal was ordered to determine the FMV, and MDTA received a review of the appraisal dated January 10, 2023 and noted an amount of \$344,000.00.

MDTA plans to convey a total of 7.886 acres, plus or minus, to CRC (Parcel 1 and Parcel 2 on the attached plat) for FMV. MDTA will retain a perpetual aerial easement in the Pedestrian Overpass from Kane Street to Quinton Street, as shown on plat I-95-101A.

Upon motion by Member Mario J. Gangemi and seconded by Member Jeffrey S. Rosen, the Members approved the conveyance of the Kane Street parcel (MC #22-7048). Member William H. Cox, Jr. abstained from voting on this item.

APPROVAL – NEW SECTION (SECTION 200) OF THE I-95 EXPRESS TOLL LANES (ETL) NORTHBOUND AND I-695 RAMPS

Ms. Deb Sharpless requested approval from the MDTA Board to continue the toll rate range setting process with the updated proposal for the I-95 Express Toll Lanes (ETL) Northbound Extension (Section 200) and I-695 Ramps Toll Rate Range Setting.

Ms. Sharpless explained that in the process of developing the materials, MDTA staff found that the proposal presented matched the existing toll rate ranges already set for the open/existing ETL facility (Section 100). However, MDTA staff recognized that certain aspects of the existing toll structure (e.g., the early payment discount for video tolls, etc.) were not explicitly stated, and therefore the proposal needed to be updated to ensure clarity that the toll proposal matches all aspects of the existing toll rate ranges. Additionally, the proposal was updated to clarify that the existing toll zones will remain unchanged. She also emphasized that the MDTA staff is not changing the original toll rate ranges that were presented at the December 2022 meeting.

Mr. Carl Chamberlin then proceeded to update the MDTA Board on the public hearing dates, public hearing materials, and the opening of the public comment period.

Upon motion by Member Mario J. Gangemi and seconded by Member William H. Cox, Jr., the Members unanimously approved to continue the toll rate range setting process with the updated proposal for the I-95 Express Toll Lanes (ETL) Northbound Extension (Section 200) and I-695 Ramps Toll Rate Range Setting.

UPDATE – LEGISLATIVE REPORT SUBMITTED TO THE LEGISLATURE

- **Senate Bill 59 Report**

Ms. Mary O’Keeffe explained that on February 24, 2022, at its monthly public meeting, the MDTA Board approved a temporary Customer Assistance Plan that included a civil penalty waiver grace period to waive corresponding civil penalties for customers that pay their unpaid tolls in full by 11:59 p.m. on November 30, 2022. The Board approved a two-week extension of the Customer Assistance Plan thus effectively ending it on December 14, 2022 at 11:59 p.m.

Ms. O’Keeffe further explained that as of January 17, 2023, \$182 million in civil penalties had been waived for approximately 837,000 drivers and businesses that paid their outstanding Video Tolls. Please note that these figures are not final.

Senate Bill 59 required that the MDTA submit a report on the number of individuals who paid a civil penalty in error under the Customer Assistance Plan as approved on February 24, 2022; and what notification of reimbursement eligibility and reimbursement was provided to individuals who paid a civil penalty in error under the Plan. The Plan was not retroactive to civil penalties already appropriately paid prior to the effective date.

As of September 27, 2022, a total of 55,633 accounts were identified where a civil penalty was paid in error by the customer under the Customer Assistance Plan. The reimbursements were applied in the same way the civil penalties were paid. Customers eligible for reimbursement received a letter explaining the type of reimbursement they would be receiving. Full reimbursements were provided to customers who paid a civil penalty and who had no other outstanding toll debt owed to the MDTA. Partial reimbursements were provided to customers for any remaining balance after resolving all outstanding toll debts owed to the MDTA.

In order to meet the reporting requirement to the General Assembly, data beyond September 27, 2022, was not included in this report. Another query will be performed to capture any residual customers between September 28, 2022, and December 1, 2022 (the due date of the report).

- **Joint Chairmen's Report on MDTA Tolling Equipment**

Ms. Deb Sharpless provided an update on the Joint Chairmen's Report (JCR) issued by the MDTA on Tolling Equipment.

Ms. Sharpless explained that the key takeaways from this report are:

- The MDTA's tolling equipment is performing accurately and within industry standards.
- The MDTA's Third Generation Electronic Toll Collection System (Tolling System) properly classifies vehicles and imposes tolls appropriately.
- The Tolling System consistently detects/reads transponders when a transponder is present in the vehicle, properly mounted, and with an active transponder battery.
- The Tolling System accurately translates the license plate image and reports the correct vehicle information to the Back-office Toll System.

She further explained that the MDTA conducted a study that covered trips and/or transactions from September 22-28, 2022. During this week, the MDTA processed 2,445,523 trips, in the amount of \$10,763,192.53, net of discounts. To evaluate tolling accuracy at MDTA facilities, the study utilized tolling industry standard approaches using a combination of analysis/trending, system controls, and sample transaction testing. The study results demonstrated accurate transactions and consistent patterns for all study areas at each MDTA facility, thereby confirming that the MDTA's state-of-the-art Tolling System is performing accurately and within industry standards.

UPDATE – LEGISLATIVE SESSION

Mr. Bradley Ryon gave an update to the MDTA Board regarding the bills that have been filed that will have an impact to the MDTA. Mr. Ryon also introduced the new Assistant Manager of Government Relations, Mr. James Kittleman. Mr. Kittleman updated the Board on the number of legislative casework/inquiries that their office has received thus far.

UPDATE – EXECUTIVE DIRECTOR’S REPORT

Mr. William Pines gave the Executive Director’s Report. He wished everyone a Happy New Year and advised the Board that 2023 will be another productive year for the MDTA as we continue to advance vital transportation that delivers Governor Moore’s vision for our great State.

Mr. Pines then gave updates on the following items: January 4th Bay Bridge Reconstruction Advisory Group (BBRAG) quarterly meeting; January 15th two highway speed all-electronic lanes were opened to the public traveling I-95 southbound at the Fort McHenry tunnel; Roadway signs displaying the outgoing Governor’s name were changed to reflect the new Governor’s name prior to the inauguration; attended, along with Board Members Cox and von Paris, January 21st Dedication Ceremony for the naming of MD 155 bridge over I-95 (Level Road) in honor of SP/4 Ronald Anthony Spudis; MDTA’s winners of the employee video contest; and, the upcoming February 3rd MDTA Police Graduation for Class 56. In addition, he informed the Board that he is looking forward to engaging and partnering with new and returning legislators, sharing with them MDTA’s great work, and extolling the benefits of having a Maryland *E-ZPass*.

Mr. Pines also congratulated Jamaal Turner, the Lead Procurement Officer for Information Technology, Commodities, and Small Procurements in the MDTA Division of Procurement, on being selected as the new Vice President of the National Institute of Governmental Purchasing’s Maryland Public Purchasing Association for the 2023 term. The Maryland Public Purchasing Association is a professional organization comprised of over 300 procurement professionals throughout the State. Its members represent various public purchasing entities including the federal government, state, cities, counties, colleges and universities, libraries, hospitals, commissions, and other public agencies.

VOTE TO GO INTO CLOSED SESSION

At 10:14 a.m., upon motion by Member Mario J. Gangemi and seconded by Member Dontae Carroll, the Members voted unanimously to move into Closed Session under the Maryland Open Meetings Act, the MDTA Board met in Closed Session under the General Provisions Article, Section 3-305(b)(10) and (12) to receive an update on deployment of police staff and resources and other security measures; and to discuss pending investigative proceedings involving possible criminal conduct; and Section 3-305(b)(8) to receive a status update on all litigation currently pending against the MDTA.

In attendance for the Closed Session were Acting Chairman R. Earl Lewis, Jr.; Members Carroll, Cox, Ensor, Gangemi, Penny-Ardinger, Rosen, and von Paris in-person; Member Gaines via telephone; Will Pines; Kimberly Millender, Esq.; Col. Kevin Anderson; and Natalie Henson.

VOTE TO ADJOURN CLOSED SESSION

At 10:54 a.m., a motion was made by Member William H. Cox, Jr. and seconded by Member Mario J. Gangemi, which was unanimously approved, to adjourn the Closed Session and return to Open Session. There were no actions taken in Closed Session that require ratification.

VOTE TO ADJOURN MEETING

There being no further business, upon motion by Member William H. Cox, Jr. and seconded by Member Dontae Carroll, the Members unanimously voted to adjourn the meeting at 10:55 a.m.

The next MDTA Board Meeting will be held on Thursday, February 23, 2023 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:



Paul J. Wiedefeld, Acting Chairman