

MARYLAND TRANSPORTATION AUTHORITY  
BOARD MEETING

WEDNESDAY, OCTOBER 23, 2024  
9:00 A.M.

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

OPEN SESSION

Paul J. Wiedefeld, Chairman

MEMBERS ATTENDING:

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

STAFF ATTENDING:

Lt. Col. Ronce Alford  
Jeffrey Brown  
Jeffrey Davis  
Bruce Gartner  
Chantelle Green  
James Harkness  
Natalie Henson  
Evan Howard  
Richard Jaramillo  
Lt. Col. Corey McKenzie  
Heather Koeberle  
Jeanne Marriott  
Kimberly Millender, Esq.  
Ebony Moore  
Mary O'Keeffe  
John Sales  
Deborah Sharpless  
Cheryl Sparks  
Bradley Tanner

At 9:00 a.m. Chairman Paul J. Wiedefeld 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 SEPTEMBER 26, 2024**

Upon motion by Member William H. Cox, Jr. and seconded by Member W. Lee Gaines, Jr., the open session meeting minutes of the MDTA Board meeting held on September 26, 2024 were unanimously approved.

**APPROVAL – CONTRACT AWARD**

- **KH-3021-0000 – I-95 Express Toll Lanes Northbound Extension MD 24 Interchange Reconstruction**

Mr. Jeffrey Davis requested contingent approval from the MDTA Board to execute Contract No. KH-3021-0000 – I-95 Express Toll Lanes Northbound Extension MD 24 Interchange Reconstruction with Wagman-Allan Myers, a Joint Venture in the amount of \$199,927,983.61.

Mr. Davis explained that the work to be performed under this contract is located along I-95 (John F. Kennedy Memorial Highway) from approximately 2,900 feet south of the Old Joppa Road overpass to approximately 800 feet south of the I-95 bridge over Bynum Run and on MD 24 (Veteran’s Memorial Highway) approximately 3,300 feet to the north and 1,750 feet to the south of the MD 24 overpass in Harford County. Work is also performed along MD 152 and on the southern I-95 and I-895 approaches to the northbound ETL entrances. The project includes a full interchange reconstruction including the replacement of the MD 24 bridge, replacement of the southbound portion of the I-95 bridge over Winters Run and Winters Run Road and improving I-95 to accommodate two express toll lanes (ETLs) and four general purpose lanes (GPLs) in the northbound direction and four GPLs in the southbound direction.

Upon motion by Member William H. Cox, Jr. and seconded by Member Mario J. Gangemi, the Members unanimously gave contingent approval of Contract No. KH-3021-0000 – I-95 Express Toll Lanes Northbound Extension MD 24 Interchange Reconstruction.

***\*\*\*\* Member John F. von Paris recused himself and left the room prior to the presentation of the next contract. \*\*\*\****

- **MDTA 2022-04A – Comprehensive Operational Asset Management and Support Services**

Mr. Jeffrey Davis requested contingent approval from the MDTA Board to execute Contract No. MDTA 2022-04A – Comprehensive Operational Asset Management and Support Services with WSP/RK&K, a Joint Venture in a not to exceed amount of \$8,000,000.00.

Mr. Jeffrey Davis explained that this Contract will provide comprehensive engineering, construction, operational, and maintenance services for operational needs for Asset Management, Engineering, Construction, E-ZPass Operations, Facilities Operations, Support Services, and Traffic Management and Technology. The consultants shall provide support for MDTA's Asset Management initiatives such as assisting with TSO Asset Management plans and directives such as: enhancing the capabilities of the Enterprise Asset Management database known as MAXIMO, enhancing preventative maintenance and warranty programs, and acting as subject matter experts (SMEs) for various operational systems such as HVAC, fire alarm/fire suppression, elevator, plumbing, roofing, and other transportation asset systems. Supporting MDTA for ITS, Transportation Systems Management and Operations (TSMO), and new technology innovations with Connected and Automated Vehicles (CAV) and Electric Vehicles (EV).

Upon motion by Member Jeffrey S. Rosen and seconded by Member Samuel D. Snead, the Members gave contingent approval of Contract No. MDTA 2022-04A – Comprehensive Operational Asset Management and Support Services.

**\*\*\* Member John F. von Paris returned to the room for the remainder of the meeting. \*\*\***

**APPROVAL – PROPOSED CHANGES TO CODE OF MARYLAND REGULATIONS (COMAR) 11.07.07.05**

Ms. Heather Koeberle requested MDTA Board approval to proceed with proposed changes to the Code of Maryland Regulations (COMAR) 11.07.07.05.

Ms. Koeberle explained that these proposed changes would save the agency nearly \$300,000 per month once the proposed new regulations are enacted. Additional ongoing savings are anticipated as other accounts become inactive on an ongoing basis. The change will also benefit approximately 107,180 customers who may have funds returned to them once their accounts are terminated.

Ms. Koeberle further explained that on a monthly basis, MDTA *E-ZPass*® Operations pays a monthly maintenance fee of nearly 83 cents for each *E-ZPass* Maryland account. There are currently 2,216,605 *E-ZPass* Maryland accounts, of which 358,537 have been identified as inactive accounts. An inactive account is defined as having no tolls posted or funds added to the account for at least 24 months.

To be able to terminate an *E-ZPass* Maryland account for inactivity, COMAR 11.07.07.05 needs to be amended. The proposed COMAR changes are to allow the MDTA to terminate an *E-ZPass* Maryland account for inactivity defined as having no tolls posted or funds added to the account for at least 24 months. If *E-ZPass* account privileges are suspended or terminated, the MDTA shall return to an *E-ZPass* Maryland account holder any unencumbered funds more than \$3.50 remaining in an *E-ZPass* Maryland account within 60 days.

Upon motion by Member John F. von Paris and seconded by Member Mario J. Gangemi, the Members unanimously approved to proceed with proposed changes to the Code of Maryland Regulations (COMAR) 11.07.07.05.

**UPDATE – FISCAL YEAR 2024 INDEPENDENT AUDITORS' SERVICE ORGANIZATION CONTROL (SOC) 1 AND SOC 2 REPORTS**

Ms. Deborah Sharpless presented the findings reported by the Maryland Transportation Authority's independent auditor, SB & Company, LLC (SB& Co.), regarding the Fiscal Year (FY) 2024 Service Organization Control (SOC) audits conducted for the Maryland *E-ZPass*® System.

Ms. Sharpless explained the FY 2024 SOC 1 Type 2 audit review included 11 Control Objectives described and asserted by TransCore and 5 Control Objectives described and asserted by Kapsch. While the SOC 1 Type 2 audit is designed to evaluate the reliability of information received from Kapsch and TransCore's tolling system for financial statement purposes, the SOC 2 Type 2 audit of TransCore is designed to ensure that the service organization's people, infrastructure, software, data-handling, and procedures are sufficient to handle and protect customer data and information. While one exception (*i.e.*, finding) was noted, unmodified opinions were issued for the SOC 1 Type 2 and SOC 2 Type 2 audits.

**UPDATE – QUARTERLY UPDATE ON TRAFFIC AND REVENUE**

Ms. Deb Sharpless gave an update to the MDTA Board on the semi-annual and year-to-date update regarding traffic and toll revenue trends compared to the previous year and the forecast.

Ms. Sharpless explained this semi-annual and year-to-date review looks at traffic and toll revenue trends and compares actual system-wide experience with traffic and toll revenue forecasts. CDM Smith tracks and evaluates the performance of traffic at the lane level and traffic and revenue collected on a cash basis.

She further explained that for the period ended June 30, 2024, year-to-date (YTD) systemwide transactions totaled 158.2 million and collected revenue, including administrative revenue, totaled \$783.0 million. Transactions decreased 4.5 million, or 2.7%, compared to the same period last year. The variation in transactions was mainly due to the Customer Assistance Plan in the first half of FY 2023, which resulted in an influx of video transactions which did not occur in FY 2024. This caused a year-over-year decrease due to back-office transaction processing that is not influenced by in-lane traffic. Revenue increased by \$5.5 million, or 0.7%, compared to the same period last year. In-lane toll revenue followed a similar pattern as in-lane traffic. However, the inclusion of administrative revenue, which is transaction neutral, resulted in total revenue exceeding the prior year.

For the period ended June 30, 2024, traffic was 2.4 million, or 1.5%, less than the updated June 2024 forecast. Actual toll revenue (in-lane and toll administrative) was below the forecast by \$8.8 million, or 1.1%. The variance in actual versus forecasted revenue was due to several factors including higher than forecasted *E-ZPass*® daily average traffic (equating to \$6.6 million), reduced revenue due to an *E-ZPass*® ICC Processing delay (\$2.6 million), lower than forecasted video toll collections (\$6.1 million), lower than forecasted Central Collection Unit (CCU) collections (\$2.4 million), and lower than forecasted administrative revenue (\$3.6 million).

**UPDATE – FISCAL YEAR (FY) 2024 OPERATING BUDGET COMPARISON**

Mr. Jeffrey Brown updated the MDTA Board on actual versus projected year-to-date spending against the Fiscal Year (FY) 2024 Amended Final Operating Budget. As of June 30, 2024, 94% of the budget was spent compared to a target of 100%. The primary variance drivers are contractual services expenses, employee overtime, and higher insurance premiums due to market pressure. Object 06 is overbudget with a 111% spend rate due to electric utilities. Object 13 is overbudget with a 161% spend rate due to higher insurance premiums. All other Object Codes are below and within 25% of the budget except for Object 11 (a 61% spend rate) and Object10 (a 64% spend rate).

**UPDATE – FISCAL YEAR (FY) 2024 CAPITAL BUDGET COMPARISON**

Ms. Jeanne Marriott updated the MDTA Board on the status of actual Fiscal Year (FY) 2024 capital spending against the FY 2024 capital budget in the FY 2024-2029 Draft Consolidated Transportation Program (CTP). She explained that as of June 30, 2024, 75.3% of the FY 2024 budget was spent as compared to the targeted spending level of 100%. The total budget for FY 2024 is \$539.6 million. The actual spending through the fourth quarter was \$406.4 million.

**UPDATE – CONSOLIDATED TRANSPORTATION PROGRAM (CTP) PROCESS AND ADDITIONS**

Ms. Jeanne Marriott updated the MDTA Board on the Consolidated Transportation Program (CTP) Process and additions to the capital program. She explained that each year the Maryland Department of Transportation (MDOT) issues the CTP report which is Maryland's six-year capital budget for transportation projects. The MDTA portion of the CTP presents ongoing and new capital projects for MDTA facilities.

The CTP is updated twice a year and brought to the Board for approval in June as a draft and in November as a final. After approval by the Board Members in June, the Draft CTP is presented as part of the MDOT CTP Tour to State and local elected officials and citizens throughout the State of Maryland for review and comment. These meetings provide the local legislators and the public an opportunity to communicate their priorities and concerns in person.

She explained that new capital projects originate from five sources: long-range capital needs, inspection findings, regulatory compliance, increased capacity needs, and/or local priority letters/legislative requests.

The Fiscal Year (FY) 2025-2030 Final CTP includes 11 new projects: (1) Replace and Rehabilitate FMT Electrical Switchgear; (2) ICC Sign Panel Replacements; (3) Multi-Area Bridge Bearings and Joints Rehabilitation; (4) Highways Ramp Rehabilitation and Paving; (5) FMT Administration Building E-ZPass Renovation; (6) Chesapeake House Water System Repairs; (7) On-Call Facility and Building Repairs; (8) I-895 Southbound Spur Approach Bridge Replacement; (9) I-95 Southbound Bridges over Big and Little Gunpowder; (10) Remodel Southern AOC at Bay Bridge; and (11) FMT Facility Roof Replacements. These projects will be presented to the Board for approval in November as part of the Final FY 2025-2030 CTP.

**UPDATE – MDTA POLICE PUBLIC SECURITY**

Lieutenant Colonel Corey McKenzie updated the MDTA Board on MDTA Police activities including recruitment efforts, Academy Class 60 to start in April 2025, and past and upcoming community engagement events.

**UPDATE - EXECUTIVE DIRECTOR'S REPORT**

Mr. Bruce Gartner took a moment to remember Dave Sharpless who passed on September 25, 2024. Dave was a devoted husband to Deb Sharpless, MDTA Chief Financial Officer, and father to David and Cameron. Dave was a valued member of the MDTA family who began his career with the MDTA in 2008. He will be deeply missed.

Mr. Gartner also updated the Board on the following items: CTP Tour Meetings; September 21 Susquehanna River Running Festival; the demobilization of Skanska from the Nice/Middleton Bridge; and personnel news including Jeff Davis being named Director of Procurement; Bradley Tanner being named the new Director of Communications; and Ebony Moore leaving the MDTA to go to the MAA.

Mr. Gartner also reminded Board Members that the November and December Board dates are compressed due to the upcoming holidays.

**VOTE TO GO INTO CLOSED SESSION**

At 9:57 a.m., upon motion by Member William H. Cox, Jr. and seconded by Member W. Lee Gaines, Jr., 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)(15) to discuss the MDTA's Cyber Security including discussions regarding security assessments and deployment of information technology and network security related to detecting and investigating possible criminal activity; 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 a pending investigative proceeding 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 Chairman Paul J. Wiedefeld; Members Carroll – via telephone, Cox, Gaines, Gangemi, Penny-Ardinger – via telephone, Rosen, Snead, and von Paris; Bruce Gartner; Kimberly Millender, Esq.; Lieutenant Colonel Corey McKenzie; Lieutenant Colonel Ronce Alford; David Goldsborough; and Natalie Henson.

**VOTE TO ADJOURN CLOSED SESSION**

At 10:47 a.m., a motion was made by Member Jeffrey S. Rosen and seconded by Member W. Lee Gaines, Jr., 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 Mario J. Gangemi and seconded by Member W. Lee Gaines, Jr., the Members unanimously voted to adjourn the meeting at 10:51 a.m.

The next MDTA Board Meeting will be held on Thursday, November 21, 2024 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, Chairman