

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING

THURSDAY, OCTOBER 28, 2021
9:00 A.M.

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

OPEN SESSION

Sean Powell, Acting 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 – Via Telephone

STAFF ATTENDING:

Tekeste Amare
Col. Kevin Anderson
Donna DiCerbo
Chantelle Green
James Harkness
Natalie Henson
Jeanne Marriott
Kimberly Millender, Esq.
Ebony Moore
Mary O’Keeffe
Will Pines
James F. Ports, Jr.
Deb Sharpless – Via Telephone
Lillian Sidrak

OTHER ATTENDEES:

William Seymour, SB & Company, LLC

At 9:02 a.m. Acting Chairman Sean Powell called the meeting of the Maryland Transportation Authority (MDTA) Board to order. The meeting was held in-person at MDTA located at 2310 Broening Highway, Baltimore MD 21224 and was livestreamed on the MDTA Board Meeting web page. Acting Chairman Powell announced that Member von Paris and Deb Sharpless would be participating in the meeting via conference call.

APPROVAL – OPEN SESSION MEETING MINUTES OF SEPTEMBER 30, 2021

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 September 30, 2021 were unanimously approved.

RESOLUTIONS – YEARS OF SERVICE RECOGNITION

Mr. Jim Ports read the Years of Service Recognition for retired employees Ms. Danita M. Black, Ms. Barbara A. Jones, and Ms. Gwen A. Lewis.

On the occasion of their retirement from their distinguished careers of service, the Chairman and Members of the Maryland Transportation Authority hereby express to them their most sincere appreciation for their excellence and commitment.

APPROVAL – CONTRACT AWARDS

- **MDTA 2019-02A – Comprehensive Building and Facility Engineering and Architectural Design, Construction, and Miscellaneous Consulting Services – Contract Nos. AE 3081-0000, AE 3082-0000, AE 3083-0000, and AE 3084-0000**

Ms. Donna DiCerbo requested contingent approval from the MDTA Board to execute Contract No. MDTA 2019-02A – Comprehensive Building and Facility Engineering and Architectural Design, Construction, and Miscellaneous Consulting Services - Contract #'s AE 3081-0000, AE 3082-0000, AE 3083-0000, and AE 3084-000 in the bid amount of \$4,000,000.00 for each contract as stated below.

AE 3081-0000	Johnson, Mirmiran & Thompson, Inc.
AE 3082-0000	AECOM Design Services, Inc.
AE 3083-0000	Whitman, Requardt and Associates, LLP
AE 3084-0000	Rummel, Klepper & Kahl, LLP

The services to be performed under these contracts are comprehensive building and facility engineering and architectural design, construction, and miscellaneous consulting services for the Maryland Transportation Authority (MDTA). The consultants shall provide the resources and experts needed to provide architectural and engineering design and analysis services, including but not limited to design and analysis for buildings, facilities, and campuses; development of complete contract bid documents; facility condition inspections; asset management; ADA assessments and

compliance; 3D-Design Building Informational Modeling; and miscellaneous consulting services including space planning, facility master plan studies, emergency inspections, building envelope evaluations, and specialized building systems analysis and design.

Upon motion by Member W. Lee Gaines, Jr. and seconded by Member Mario J. Gangemi, the Members unanimously gave contingent approval to execute Contract No. MDTA 2019-02A – Comprehensive Building and Facility Engineering and Architectural Design, Construction, and Miscellaneous Consulting Services - Contract #'s AE 3081-0000, AE 3082-0000, AE 3083-0000, and AE 3084-0000.

UPDATE – CONSOLIDATED TRANSPORTATION PROGRAM (CTP) PROCESS AND ADDITIONS

Ms. Jeanne Marriott updated the MDTA Board on the CTP Process and additions to the capital program. She explained that each year the Maryland Department of Transportation (MDOT) issues the Consolidated Transportation Program (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 2022-2027 Final CTP will be presented to the Board for approval in November and includes twelve new projects. The new projects are: On-Call Electrical/ITS; On-Call Structural Repairs (2); On-Call Civil Repairs; Wash Bay, Salt Barn, and Fueling Facilities at Perryville; Maryland State Police Building Remodeling at John F. Kennedy Memorial Highway; Campus Fuel Oil Conversion; FMT East Vent Building Façade and Roof Replacement; FMT South Traffic Relief Improvements; Maintenance/Auto Building HVAC and Roof Replacement; Resurfacing North and South of Baltimore Harbor Tunnel; and Replace ICC Deckover Lighting.

Upon motion by Member Jeffrey S. Rosen and seconded by Member Dontae Carroll, the Members unanimously gave approval to add the specified projects to the capital program.

UPDATE – FISCAL YEAR 2020 INDEPENDENT AUDITOR’S SERVICE ORGANIZATION CONTROL 1 REPORT

Ms. Deborah Sharpless, along with Mr. William Seymour from SB & Company, LLC, and Ms. Chantelle Green, presented an overview of the results of the Fiscal Year 2021 Service Organization Control (“SOC”) Report for the Maryland *E-ZPass* System. The audit period was from July 1, 2020 through April 19, 2021. There were no qualifications within the report; however, there were areas identified where the design and/or operating effectiveness can be enhanced.

UPDATE – LEGISLATIVE REPORT SUBMITTED TO THE LEGISLATURE

- **Maryland Transportation Authority Trucks Traversing Francis Scott Key (Key) Bridge Without Crossing the Key Bridge**

Ms. Chantelle Green explained that the Maryland General Assembly created the MDTA as a revenue-generating agency charged with those powers and duties relating to the supervision, financing, construction, operation, maintenance, and repair of transportation facilities projects on behalf of the Department of Transportation. The FSK Bridge is a statutorily defined transportation facility project, and the MDTA retains the sole legal authority to fix, revise, charge, and collect tolls and other charges and revenues for the FSK Bridge.

She further explained that the FSK Bridge facility is 10.9 miles in length, with the bridge itself being 1.9 miles in length. The facility crosses three bodies of water (1) Bear Creek, (2) Patapsco River, and (3) Curtis Creek. Tolls have been collected at the midpoint since the facility opened to traffic in 1977, which has included vehicles traveling east and west across the FSK Bridge and east across the Bear Creek bridge.

Today, there is an existing toll rate discount for trucks (3 or more axles) when crossing Bear Creek and using Broening Highway without crossing the FSK Bridge. The discounted truck toll rate is \$2.00 per axle, which is a discount of 25% to 60% from the toll rate for crossing the FSK¹. In January 2016, the MDTA reduced the toll rate when crossing Bear Creek and using Broening Highway. MDTA worked jointly with Maryland Motor Truck Association when reducing the toll. Annually, Maryland *E-ZPass* trucks saved \$196,000 in tolls because of the reduced \$2.00 per axle toll rate for the Bear Creek/Broening Highway only movements. Trucks with five or more axles with a Maryland *E-ZPass*[®] account are also eligible to receive additional savings through the post usage and supplemental rebate programs.

The FSK Bridge is considered a toll roadway facility. There are 121 toll roadway facilities in the United States outside of Maryland. Toll roadway facilities are categorized as an open or closed system. Closed systems do not allow for any free movements, resulting in a toll charged to customers whenever traveling on any portion of a toll facility regardless of the distance or major

¹ The \$2.00 per axle discount is also offered at the Baltimore Harbor Tunnel (BHT) Childs Street, in which vehicles travel on BHT without going through the tunnel.

infrastructure traversed. The toll rate charged to customers generally scale based on the distance traveled. Nearly two-thirds of toll roadway facilities are closed systems and the remainder are open systems. The amount of free movement on toll roadway facilities is limited by toll agencies when feasible because free movements are seen as a credit negative by the rating agencies.

The FSK facility is considered an open system with very limited free movement. Open tolling systems allow for certain free movements and generally range from very little free movements to some free movements. An open system with very little free movements is a generally long-distance toll roadway that only has one or two free movements between minor, relatively less traveled interchanges and represents 12% of total toll systems. Roughly one-quarter of toll roadway facilities are open systems that have some free movements (more than limited).

The MDTA has managed the credit rating agencies' credit negative perspective of open systems by not expanding the portion of free movement toll facilities. Tolling the Bear Creek/Broening Highway only movement is an example of consistently tolling sections of the roadway that have been tolled from initial construction. The placement of the new toll gantries at the FSK facility were installed to allow a consistent tolling practice and to meet bondholder expectations with the transition to All-Electronic Tolling.

Education remains the sole option to address truck drivers' complaints for paying a toll when they do not cross the FSK Bridge. The MDTA is responsible for the entire 10.9-mile FSK Bridge facility, not solely the FSK Bridge itself. The FSK Bridge facility consists of significantly more than the FSK Bridge proper. The facility also includes 22 other bridges, 7 small structures, 167 ancillary structures, 38.5 lane miles of highway, and 1.5 lane miles of Broening Highway, all of which must be maintained exclusively by toll dollars.

The MDTA's Trust Agreement with its bondholders requires that the MDTA collect a toll for the use of the bridges, approaches, entrance plazas, interchanges, and toll stations, which are, by definition, part of the Transportation Facilities Project. If the MDTA does not collect tolls, it is depriving bondholders of a property interest in those revenues that were previously collected. Over the past five years, approximately \$2.1 million has been spent on maintenance, repair, and inspection of the Bear Creek section. Within the next few years, major projects totaling between \$80 million to \$90 million are required to maintain the Bear Creek section of the roadway and bridges in a state of good repair.

UPDATE – 2020 UPDATES FROM STRUCTURES INSPECTION PROGRAM

Mr. Tekeste Amare and Ms. Lillian Sidrak gave an update on the Fiscal Year 2021 Annual Facilities Inspections. They provided a brief overview of the types of inspections that have been completed as well as the Inspection Findings for all structures that were inspected.

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

Mr. Will Pines updated the MDTA Board on the Third Generation Electronic Toll Collection (3G ETC) post-transition operations and traffic & revenue.

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

UPDATE – EXECUTIVE DIRECTOR

Mr. Jim Ports updated the MDTA Board on the following items: He gave an update on the Mind of the Leader Program and thanked Ms. Kimberly Millender for all she does in keeping the program running; the IBTTA's Annual Meeting in Anaheim, California; The Tier 1 NEPA Bay Crossing Study; the Bay Bridge Walk; Congratulated MDTA Police Chief Colonel Kevin M. Anderson and the MDTA Police who were recognized by MDOT MVA Highway Safety Office with the Traffic Safety Award; and in honor of MDTA's 50th Anniversary, Mr. Ports talked about all electronic tolling.

VOTE TO GO INTO CLOSED SESSION

At 10:41 a.m., upon motion by Member William H. Cox, Jr. and seconded by Member Dontae Carroll, the Members voted unanimously to move into Closed Session under the Maryland Open Meetings Act, the MDTA Board will meet in Closed Session under the General Provisions Article, Sections 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 General Provisions Article, Sections 3-305(b)(8) to receive a status update on all litigation currently pending against the MDTA.

In attendance for Closed Session was Acting Chairman Sean Powell, Members Carroll, Cox, Ensor, Gaines, Gangemi, Penny-Ardinger, Rosen, and von Paris (via telephone); and Jim Ports, Kim Millender, Col. Kevin Anderson, and Natalie Henson.

VOTE TO ADJOURN CLOSED SESSION

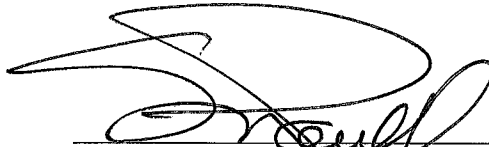
At 11:27 a.m., a motion was made by Member Dontae Carroll and seconded by Member William H. Cox, Jr., which was unanimously approved, to adjourn the Closed Session and return to Open Session. There were no actions taken in Closed Session.

VOTE TO ADJOURN MEETING

There being no further business, upon motion by Member Mario J. Gangemi and seconded by Member William C. Ensor, III, the Members unanimously voted to adjourn the meeting at 11:29 a.m.

The next MDTA Board Meeting will be held on Thursday, November 18, 2021 at 9:00 a.m. at MDTA located at 2310 Broening Highway, Baltimore Maryland.

APPROVED AND CONCURRED IN:

A handwritten signature in black ink, appearing to read 'S. Powell', written over a horizontal line.

Sean Powell, Acting Chairman