

**MARYLAND TRANSPORTATION AUTHORITY
MONTHLY CAPITAL COMMITTEE MEETING
THURSDAY, JANUARY 9, 2014
PT. BREEZE HEADQUARTERS BUILDING
BALTIMORE, MD**

OPEN SESSION

MEMBERS ATTENDING: Michael J. Whitson - Chairman
Rev. Dr. William C. Calhoun, Sr. - via telephone
William K. Hellmann, P.E. – via telephone
Bradley Mims

STAFF ATTENDING: Deb Sharpless
Doug Hutcheson
Dan Williams
Dave Ferrara
Robert Michael
Chief Kundrat
George Fish
William Mentzer
Eric Willison
John Sales
Eric Backes
Tim Cook
Jessica Mettle
Meshelle Howard
Cheryl Sparks
Patrick Fleming
Kimberly Millender, Esquire
Chris Thompson
Elizabeth Sogard

OTHERS ATTENDING: Mark Coblenz, ICC Project Director
John Kuo, MVA
Milt Chaffee, MVA
Tom Gianni, MVA

At 9:00 am the meeting of the Maryland Transportation Authority (MDTA) Capital Committee was called to order by the Chairman.

APPROVAL - OPEN SESSION MEETING MINUTES – DECEMBER 5, 2013

Upon motion by Member Brad Mims and seconded by Member William Hellmann, the minutes of the Capital Committee's December 5, 2013 Open Session Meeting were unanimously approved.

STRATEGIC HIGHWAY SAFETY PROGRAM (SHSP)

Mr. John Kuo, Milt Chaffee and Tom Gianni introduced Maryland's Strategic Highway Safety Plan including the collaboration of the Maryland Transportation Authority.

The Maryland's Strategic Highway Safety Plan (SHSP) is a statewide, comprehensive plan that provides a coordinated framework for reducing fatalities and serious injuries on all public roads. It is a data-driven, multidisciplinary approach involving the 4 E's of highway safety – Engineering, Enforcement, Education and Emergency Medical Service. The SHSP established statewide goals and objectives and is based on the underlying philosophy of Toward Zero Deaths – a nationally accepted attempt to reduce the number of traffic fatalities and serious injuries by ½ by 2030. This philosophy was approved by proclamation by Governor Martin O'Malley in August, 2012.

To monitor progress toward this goal the SHSP has set interim annual targets for fatality and reduction through 2015. Six Emphasis Areas were established with specific strategies within each Emphasis Area intended to help attain these goals. The active involvement of a wide range of stakeholder groups is required for the successful implementation of the SHSP, including state agencies and governmental organizations, state and regional authorities, local agencies, community organizations and the public.

Today's SHSP presentation provided the Members a snapshot of Maryland's crash trends as well as an analysis of the more prevalent behavioral issues contributing to these crashes. It also provided a conceptual framework for a better understanding of the SHSP and how it has been implemented for maximum effect. And most importantly the presentation was seeking input for expanded collaboration between agencies as the SHSP is integrated into various state safety plans.

Chief Kundrat gave an overview of the Maryland Transportation Authority Police Departments partnership with the MD Highway Safety Office and strategies as it relates to Maryland's Strategic Highway Safety Plan.

The MDTA Chief of Police is a member of the Executive Council of the Motor Vehicle Administration's Maryland Highway Safety Office (MHSO). The MHSO is responsible for developing the Maryland Strategic Highway Safety Plan (MSHSP). The MDTA Police follow guidelines from the (MSHSP) 2011-2015 to reduce fatality and injury related crashes on our highways. The MSHSP is comprised of six Emphasis Areas identified as;

1. Distracted Driving
2. Impaired Driving
3. Aggressive Driving
4. Occupant Protection
5. Highway Infrastructure
6. Pedestrian Crashes

MDTA civilian and police personnel are assigned to various MSHSP Emphasis Area Committees responsible for completion of strategies and tasks. Strategies to target the Emphasis Areas involve multidisciplinary approaches from the 4 E's of highway safety – Enforcement, Education, Engineering, and Emergency Medical Services.

Traffic safety, and crash prevention is not only a law enforcement issue, it is the entire MDTA working together to make this a priority for our customers, and employees.

Aggressive driving behaviors include speeding, following too closely (tailgating), and unsafe lane changes. These behaviors, as well as distracted driving, are contributing factors to most crashes on MDTA roadways.

The MDTA utilizes the following strategies to address the MSHSP Emphasis areas:

- **Enforcement**

- MDTA Police deploy intelligence led targeted patrols each day. This means that deployments are the result of an analysis of days, times, locations, and contributing causes of reported collisions.
- Traffic Safety Initiatives (TSI) are deployed for specific issues in problem crash areas. The majority of Traffic Safety Initiatives conducted each month target aggressive, distracted, and impaired driving. Commanders and the Special Operations Division have made DUI enforcement a focal point for police operations.
- DUI Saturation Patrols are conducted regularly and jointly with other law enforcement agencies at every detachment.
- The Aggressive Driving Unit (ADU) enforces aggressive operation of commercial motor vehicle operators.
- The MDTA Police are involved in the annual “Law Enforcement Challenge” as well as the national “Click-It or Ticket” campaign, and “Smooth Operator”. Each of these campaigns reinforces occupant protection through education and enforcement.

- **Education**

- MDTA uses public relations, paid marketing, news media, social media, and grassroots efforts to get messages out regarding traffic safety to the media, motorists, *E-Z Pass* customers, industry groups and elected officials.
- VMS and overhead signage are routinely used to alert travelers of traffic conditions, and have been used to communicate safety messages as well.
- MDTA Police participate in educational campaigns at the State and National levels with the National Highway Transportation Safety Administration (NHTSA) and MVA-MHSO regarding safe driving and the dangers of impaired operation.
- Media blitzes, include “Smooth Operator”, “Law Enforcement Challenge”, “Click-It or Ticket”, “Checkpoint Strike Force”, and “Drive Sober or Get Pulled Over”.
- Commercial Vehicle Safety Unit provides safety presentations to drivers at All-State Truck Driving School, and local companies. They educate drivers during inspections by explaining the results and handing out educational resources that summarize the most common driver and vehicle violations.
- Police place a printed messages on the back of the *electronic* Warnings with information that is pertinent, and relevant to the MSHSP.

- **Engineering**

- The MDTA has a comprehensive and strategic plan to ensure highway safety, and maintenance including:
- Annual condition inspections of all MDTA facilities, including biennial comprehensive "hands-on" inspections;
- Annual evaluation of top high accident areas with improvements as warranted;
- Rigorous approach towards design and implementation of the safest maintenance of traffic operations, including formalized routine on-site inspections; and
- A formalized system preservation program that includes extensive use of open end construction contracts to expediently address high priority deficiencies.

The MDTA Police use the concept of COMPSTAT as an operational strategy for sharing of information and to evaluate strategies based on four principles identified as:

- Accurate and timely intelligence communicated to all
- Rapid deployment which is synchronized and focused
- Effective tactics, and
- Relentless follow-up and assessment

This management strategy has proven to be an effective tool as shown by decreases in our crashes and crime the past few years.

MDTA's enforcement and educational practices are consistent with or exceed the Maryland Strategic Highway Safety Plan.

It is evident that the Maryland Transportation Authority's efforts to reduce crashes have been successful based on the reduction in crashes the past 10 years, and more recently since 2008 when totals exceeded 900 crashes in a single year.

STATUS OF ICC CONSTRUCTION

Mark Coblenz provided an update to the Capital Committee for SHA Contract No. AT3765D60, ICC Contract 'D/E Modified' Design Build Project. The limits of MD200/ICC mainline work begin at I-370 in Montgomery County and extend to US 1 in Prince George's County. The 18 miles of new tolled highway and approach roadway improvements have been divided into four (4) separate design build contracts. Contract A was completed and open to traffic in February 2011 while Contracts B and C were completed in November 2011. These three contracts complete the toll road from I-370/Metro Access Road to I-95. This final mainline Contract D/E will connect I-95 to US 1 in Prince George's County as well as address traffic access issues along the I-95 corridor.

This contract comprises the final segment of the Intercounty Connector (ICC), extending from east of I-95 to US 1 and northward along I-95 from north of the new ICC (MD200) interchange to north of the existing MD198 interchange in Prince George's County. The full project limits consist of approximately 0.9 miles of new, controlled access six/four lane tolled roadway, a new interchange at Virginia Manor Road, a new intersection at US 1, 0.7 miles of US 1 improvements, approximately 2.4 miles of new Collector-Distributor Roads adjacent to both the northbound and southbound lanes of I-95, and resurfacing 2.4 miles of existing I-95.

The project is currently 66% completed with approximately \$59.5M of the anticipated \$90M contract value invoiced to date. Contractually the project was anticipated to open to traffic in the fall of 2013; however, due to contract modifications, a change order was processed adding time to the project and extending the anticipated opening into Spring 2014. At that time SHA agreed to defer negotiations for any Design-Builder incurred

costs. Negotiations have since been initiated and are ongoing to determine the magnitude of these costs.

Subsequent, potential impacts to the project due to utility issues are currently under review. Any unusual winter weather may also impact the schedule for opening. Close collaboration between SHA and MDTA will be needed over the next few weeks as more becomes known about these issues and as the project nears completion.

The approximate percent complete for major contract items of work is as follows:

- MD200 mainline roadway 62% complete
- Virginia Manor Road bridge over MD200 mainline 96% complete
- Utility Relocations 98% complete
- VMR widening work 60% complete
- US1 intersection improvement work 20% complete
- I-95 (NB & SB) Mainline and Collector/Distributor roads 44% complete

Construction of adjacent projects is a collaborative effect between the State of Maryland, Prince George's County and local developers. These projects are under construction and upon completion will establish connectivity of Prince George's County local roads to the major interstate network. These projects will provide an alternate route for local traffic to access the business development and I-95 corridor.

The Contee Road Interchange project began construction in January, 2012. This project will provide access to future development planned along the I-95 corridor. The Virginia Manor road extension project began in August, 2012 and will connect the Contract D/E modified work along VMR to the new Contee Road Interchange.

APPROVAL CONTRACT

Contract No. PB-2537-000-006 – Roof Replacement and Exterior Masonry Repairs at MDTA Headquarters Building, 2310 Broening Highway

Mr. Robert Michael presented this request to seek a recommended approval from the Capital Committee to present Small Business Reserve Contract No. PB-2537-000-006, Roof Replacement and Exterior Masonry Repairs at MDTA Headquarters Building, to the full MDTA Board at its next scheduled meeting. Approval of this contract is contingent upon the approval of the Board of Public Works (BPW).

The work to be performed under this contract is located at the MDTA Point Breeze 2310 Headquarters Building in Baltimore City.

An allowance of \$135,000.00 was included in the IFB for Miscellaneous Construction, which will only be used if necessary and will not be used without prior approval of the Engineer.

The scope of work includes but is not limited to the following:

- A. Remove and relocate existing roof installations including satellite dish and cable that impede new roof installation. Contractor or utility owner shall reinstall per roof manufacturer's standards and specifications to prevent voiding new roof manufacturer's warranty.
- B. Removal and disposal of all asbestos-containing materials (ACMs) from the roof anticipated to be disturbed by roofing activities and necessary to comply with referenced regulations prior to other work defined in other section(s) of the Contract Documents. In addition, Contractor will need to contact MDTA Office of Environment, Safety, and Risk Management for proper documentation procedures.
- C. Completely remove all existing roof covers (approximately 31,122 SF) including all membrane flashings, insulation, etc., down to the existing substrates from the entire roof area.
- D. Protect the interior ceiling in all work areas where deck penetrations are to be removed or when roof work may impact the office space below.
- E. Remove old equipment curbs and repair the roof deck as shown on the Contract plans.
- F. Properly clean, dry and repair any damaged area of the existing roof decks.
- G. Install complete SBS Membrane Built-up Roof including all membrane flashings, insulation, cap sheet, metal coping over existing stone coping, etc, as specified and required by the roofing material installation standards.
- H. Remove and reset roof drain collar clamps for proper flashing of the drains in-place and use debris containment to protect the interior ceiling.
- I. Install downspout nozzle, no-hub outlet with wall flange and drain pipe scupper for roof parapet overflow protection.
- J. Perform incidental mechanical and electrical work that is required to maintain the functions of roof mounted equipment.
- K. Remove/Replace brick masonry, install new flashing and re-point masonry as shown on the Contract plans.
- L. Seal/Caulk window frames on North, East and West elevations.
- M. Clean and apply fluid-applied membrane air barrier and joint

sealant on the four elevations.

This project was advertised on September 17, 2013. Bids were received on November 5, 2013, and the bid results were as follows:

Contractor	Bid Amount	% Variance To Eng. Est.
Airtech Solutions, Inc.	\$1,209,844.00	(23.80%)
J & R Roofing Co.	\$1,385,280.00	(12.76%)
Hunter Allied of MD	\$1,470,525.00	(7.39%)
D & A Contractors, Inc.	\$1,881,272.96	18.48%
Nastus Construction, Inc.	\$1,887,300.00	18.86%
Meltech Corp.	\$2,235,176.42	40.77%

The Engineer's Estimate is \$1,587,805.00. It was noted that the low bid was 23.80% lower than the Engineer's Estimate. An analysis of the bid compared to the Engineer's Estimate was performed by the Division of Engineering and the low bid submitted by Airtech Solutions, Inc., was determined to be acceptable. A bid justification was also conducted and the bid was determined to be fair and reasonable. AirTech Solutions, Inc. is a new contractor to the Authority, and their references have been verified. This was advertised as a Small Business Reserve contract with a Minority Business Enterprise (MBE) participation goal of twenty one percent (21%) with subgoals of seven percent (7%) for African-American owned companies and four percent (4%) for Asian-American owned companies. Air Tech Solutions, Inc. submitted an MBE plan that meets the goal. The Notice-to-Proceed (NTP) for this Contract is anticipated in March, 2014. The contract term is for One Hundred Eighty (180) calendar days from Notice-to-Proceed

After reviewing and discussing the differences between the Engineer's Estimate and the bid submitted by the recommended Contractor, upon a motion by Rev. Dr. Calhoun and seconded by Mr. Mims, the Members unanimously recommended approval of this contract by the MDTA Board at its next scheduled meeting.

CONTRACT NO. MA 490-000-006 – INSTALL CCTV SYSTEMS AT FSK, HWN, TJH AND BHT

Mr. Dave Ferrara presented this request to seek a recommended approval from the Capital Committee to increase the Executive Director's delegated authority for MA 490-000-006 - Install CCTV Systems at FSK, HWN, TJH and BHT.

The original budget reflected a low bid amount of \$3,992,341.85 plus \$399,234.19 or 10% for extra work. The current authorized budget is \$4,391,576.04. We are requesting approval to increase the delegated limit for extra work to \$1,186,657.90 or 29.73%. This will increase the contract amount to \$5,178,999.75. The increase to the Executive

Director's delegated authority is needed for completed extra work and unforeseen overruns.

The following Extra Work Authorizations # 1- # 3 totaling \$357,466.00 or 8.96% have previously been approved:

EWA #1 –	Cellular Phones	\$ 9,720.00	(0.24%)
EWA #2 –	Delete NEMA 3R Junction Boxes Delete NEMA 12 Junction Boxes NEMA 4X SS Junction Box NEMA 4X FG Junction Box Directional Boring through Rock Rock Trenching	\$ 251,330.00	(6.30%)
EWA #3 –	48C SM Fiber Optic Cable	\$ 96,416.00	(2.42%)

A design change was issued to provide additional protection to the fiber optic cables by encapsulating them in conduit. This change accounts for a significant portion of the item overruns.

Item overruns totaling \$829,191.90 include the following that have previously been approved:

Item #1011 - Truck Mounted Attenuator \$ 109,500.00
 Required for Safety in all Traffic Work Zones

Items #8001,8003, 8004, 8007, 8041, 8013, 8048, 8060, 8062, 8088, 8097, 8101, 8102.
 Additional quantity due to revisions including installing bridge cables in conduit at FSK,
 HWN, TJH, conduit relocations at BHT provide fiber for FSK Police Headquarters and
 electrical repairs at BHT and TJH \$ 610,223.71

Item #8028, 8029, 8054
 Additional quantity to replace bridge mounted cameras
 with ground mounted cameras \$ 65,425.00

Miscellaneous Other Overruns \$ 44,043.19

Original Contract Amount	\$3,992,341.85	
Delegated Authority Limit	<u>\$ 399,234.19</u>	(10.00%)
Authorized Construction Budget	\$4,391,576.04	

Original Contract Amount	\$3,992,341.85	
EWA's 1 thru 3	\$ 357,466.00	(8.96%)
Item Overruns	\$ 829,191.90	(20.77%)
Total Percentage		(29.73%)

New Authorized Construction Budget \$5,178,999.75

These EWA's and overruns were inadvertently paid prior to increasing the delegated authority limit. Controls have been instituted to prevent this from happening on future contracts.

Portions of the work in this project had significant time delays due to the unavailability of site access as a result of higher priority system preservation projects including the Hatem re-decking and subsequent painting projects. The Contractor agreed to hold the original bid prices during these delays with no additional costs to the Authority. A non-compensable time extension will be issued as part of the contract closeout process.

Upon motion by Rev. Dr. Calhoun and seconded by Mr. Mims, the Members unanimously recommended approval to increase the Executive Director's delegated authority, and to propose to the MDTA Board at its next scheduled meeting.

I-95 TRAVEL PLAZAS PUBLIC PRIVATE PARTNERSHIP LEASE AND CONCESSION AGREEMENT CONTRACT MODIFICATIONS

Mr. George Fish presented this request to seek recommended approval from the Capital Committee to proceed with a contract modification to the Maryland House and Chesapeake House Lease and Concession Agreement ("Agreement") and to delegate authority to the Executive Director to finalize and execute approval documents for the modification with an effective date as of the opening date of the Maryland House Sunoco.

As part of the capital investment for fueling facilities at the Maryland House and Chesapeake House, Sunoco is installing a diesel exhaust fluid ("DEF") offering at the high flow diesel truck lanes in both the north and southbound directions. At the time the Agreement was finalized, the sale of DEF at the fuel dispensers was not anticipated as a separate item to be sold.

Areas and Sunoco, in order to be able to set a competitive price for DEF obtained at the Fuel Service Equipment, are requesting that DEF obtained at the fuel dispensers be treated as a new revenue source and to calculate revenue payments using the same method used for diesel fuel. An additional tier level used to calculate the payment will be based on a total of gallons of diesel and DEF sold per lease year.

DEF is used by the modern diesel vehicles as an emissions control liquid where the DEF is injected into the exhaust stream to reduce NOx emissions. NOx is a generic term for mono-nitrogen oxides NO and NO2 (nitric oxide and nitrogen dioxide). The DEF product is a non-hazardous solution of urea and de-ionized water mixture, which is clear and odorless. The DEF product will be sold to the diesel truck operator by means of a separate dispensing system consisting of an underground storage tank, product lines and dispenser. The product will be dispensed and measured by volume (gallons)

to the vehicle's designated DEF storage tank. The DEF product transaction will be independent from the diesel fuel purchase transaction.

The DEF product is not identified in the Lease and Concession Agreement for the Maryland House and Chesapeake House. Sunoco and Areas has requested to include the sale of DEF sold at the diesel islands in the diesel rent calculation for purposes of the Concessionaires' Payment Schedule identified as Exhibit D of the Agreement. Since the product is inventoried by tank and metered at the dispenser in a similar manner as the diesel product, the addition of this volume could be easily added to the monthly calculated volumes of diesel sales.

By treating DEF revenue payments in a similar manner as Fuel sales, DEF bulk product can be sold competitively priced with other facilities along the I-95 Maryland corridor. It is recommended that DEF be competitively priced using the diesel price methodology with price sweeps conducted three times per week with an allowance of \$0.02 per gallon adjustment from a competitor's average price. With this competitive pricing of DEF, the diesel customer will purchase the DEF product while purchasing diesel fuel without having to move the vehicle. Pricing of dispensed DEF is currently estimated around \$3.00/gallon. Projected monthly sales volume of DEF is 5,000 gallons.

Pre-packaged DEF will also be sold inside the convenience stores at the Maryland and Chesapeake Houses. This product is sold in 1 or 2.5 gallon containers. The sale of the pre-packaged DEF will be treated as merchandise sales and will be subject to the tiered rent schedule as established in Exhibit D of the Concession Agreement.

Concessionaire's payments to MDTA are calculated in accordance with Exhibit D of the Agreement. Revenue payments to MDTA are based on the gallons of fuel sold plus the basis of a percentage of Gross Revenue of sales of non-fuel items. MDTA receives in revenue payments \$0.05 to \$0.07 per gallon of diesel sold at the plazas for first tier sales. For non-fuel items MDTA receives 9% of the first tier sales of gross revenue. At the estimated price of \$3.00 per gallon for DEF, MDTA would receive \$0.27 per each gallons of DEF sold if treated as a non-fuel sale item.

The price of DEF would normally be calculated as a non-fuel item in accordance with the Agreement. DEF is a non-fuel however in today's markets it is being sold often with separate fuel service equipment. The prices are also advertised on fueling location websites along with prices of other fuel products. In this way DEF is being treated similar to a fuel product.

Therefore in order for Sunoco to set prices for DEF at a competitive level and to recover the expense for the fuel service equipment investment, it is MDTA's staff recommendation to treat DEF obtained at the Fuel Service Equipment as a new revenue source. Sunoco will set the price for DEF in accordance with Section 9.5.4 – Prices of Fuel of the Agreement as detailed in the attached Schedule 9.5 for diesel fuel. The schedule allows for a maximum price that is \$0.02 higher than the average price of mutually agreed upon comparable off-road locations.

It is anticipated that by using prices based on the proposed fuel pricing method, Sunoco would be competitive in the DEF sales market and prevent the lost of sales of diesel fuel and convenience store items if revenue payments based on Gross Revenues was used.

Upon motion by Mr. Mims and seconded by Rev. Dr. Calhoun, the Members unanimously recommended approval for the Lease and Concession Agreement Contract Modification, and to propose to the MDTA Board at its next scheduled meeting.

VIDEO TOLL AND CITATIONS PROJECT

Mrs. Deb Sharpless presented this update to the Capital Committee on the issues and activities underway to support the implementation of the video toll and citation process approved in HB420.

Mrs. Sharpless detailed the current status of the associated activities.

There being no further business, the meeting of the MDTA Capital Committee was adjourned by general consensus at 10:05 am following a motion by Mr. Mims and seconded by Mr. Hellmann.

The next meeting of the MDTA Capital Committee is scheduled for Thursday, February 6, 2014 at 9:00 a.m., at Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland.