

**MARYLAND TRANSPORTATION AUTHORITY
MONTHLY CAPITAL COMMITTEE MEETING
THURSDAY, SEPTEMBER 4, 2014
PT. BREEZE HEADQUARTERS BUILDING
BALTIMORE, MD**

OPEN SESSION

MEMBERS ATTENDING: Rev. Dr. William C. Calhoun, Sr. – arrived at 9:20 am
William K. Hellmann, P.E.
Bradley Mims
Michael J. Whitson

STAFF ATTENDING: Bruce Gartner
Deb Sharpless
Doug Hutcheson
Dan Williams
Dave LaBella
Doug Novocin
Will Pines
Dave Ferrara
Dennis Simpson
Patrick Fleming
Cathy Pope
Donna DiCerbo
Meshelle Howard
Cheryl Sparks
Jaclyn Hartman
Kimberly Millender, Esquire

OTHERS ATTENDING: Robert Healy, Consultant, RK&K
Liz Sogard, Consultant, Transtech

At 9:05 a.m. the meeting of the Maryland Transportation Authority (MDTA) Capital Committee was called to order by Acting Chairman Whitson.

APPROVAL- OPEN SESSION MINUTES OF AUGUST 7, 2014

Upon motion by Mr. Mims and seconded by Mr. Hellmann, the Open Session meeting minutes of the Capital Committee's Meeting held on August 7, 2014 were unanimously approved.

Mr. Bruce Gartner recommended amending the Agenda by moving Item 8 - Update – ETL Project Update, before Item 5 – Approval – Canton Viaduct and Other MDTA Highway Projects – Use of “Quick Take” Authority, and the Members concurred.

APPROVAL CONTRACTS

Contract No. KB-2737-000-006R – Cleaning and Painting of Bridges on I-695 Over Curtis Creek

Mr. Dave LaBella presented this request to seek a recommended approval from the Capital Committee to present Contract No. KB-2737-000-006R, Cleaning and Painting of Bridges on I-695 Over Curtis Creek to the full MDTA Board at its next scheduled meeting.

The work to be performed under this contract is for the cleaning and painting of structural steel at the approach spans including the walkway of two (2) bridges and cleaning and painting the steel parapets at the bascule spans along I-695 over Curtis Creek.

An allowance of \$275,000.00 was included in the IFB for Miscellaneous Structure Repairs and Railroad Expenses which will only be used if necessary and will not be used without prior approval of the Construction Manager.

This project was advertised on March 21, 2014. Nine (9) responsive Bids were received on April 23, 2014 and the results were as follows:

Contractor	Bid Amount	% Variance To Eng. Est.
Reglas Painting Co., Inc.	\$4,098,980	(5.23%)
Saffo Contractors, Inc.	\$4,830,000	11.67%
Manolis Painting, Inc.	\$4,950,000	14.45%
Blastech Enterprises	\$5,495,000	27.05%
Olympus Painting	\$5,592,980	29.31%
Titan Industrial, Inc.	\$5,805,400	34.22%
Kilcos Painting	\$6,483,640	49.90%
Liberty Maintenance, Inc.	\$7,388,980	70.60%
Atlas Painting and Sheeting, Inc.	\$7,438,000	71.97%

The Engineer’s Estimate is \$4,325,200.00. It was noted that the low bid was 5.23% lower than the Engineer’s Estimate. This company has performed work on prior MDTA projects. A protest was received and denied with the concurrence of Legal Counsel, and the appeal period has passed. An analysis of the bid compared to the Engineer’s Estimate was performed by the Division of Engineering and the low bid submitted by

Reglas Painting Co., Inc., was determined to be acceptable. This solicitation was advertised with a Minority Business Enterprise (MBE) participation goal of Twenty-Three Percent (23%) with sub-goals of Seven Percent (7%) for African American-owned companies and Four Percent (4%) for Asian American-owned companies. This solicitation was also advertised with a One Percent (1%) Veteran-owned Small Business Enterprise (VSBE) participation goal. Reglas Painting Company, Inc. has submitted MBE and VSBE plans that meet the goals. The Notice-to-Proceed (NTP) for this Contract is anticipated in November, 2014. The contract term is until October 1, 2016.

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

Contract No. NB 2646-000-006R – Replacement of Underground Fuel Storage Tank with Above Ground Storage Tank

Mr. Doug Novocin presented this request to seek a recommended approval from the Capital Committee to present Contract No. NB-2646-000-006R, Replacement of Underground Fuel Storage Tank with Above Ground Storage Tanks to the full MDTA Board at its next scheduled meeting.

The work to be performed under this contract is located at the Governor Harry W. Nice Memorial Bridge Facility. The Facility is on the southbound side of US Rte. 301, north of the Governor Harry W. Nice Memorial Bridge in Charles County, Maryland.

The Contract includes the removal of one (1) 8,000 gallon heating oil underground storage tank (UST) and one (1) 2,000 gallon emergency generator diesel UST, and all associated piping, valves and appurtenances. The design and construction for removal of the existing USTs will be in accordance with Code of Maryland Regulations (COMAR) 26.10 UST Systems.

The contract also includes the installation of a new 8,000 gallon aboveground storage tank (AST). The project will include a concrete foundation, all necessary mechanical piping, fittings, lighting, leak detection equipment, electrical work, erosion and sediment control, fencing, site stabilization/tree removal, and other appurtenances needed to complete connections to the boiler and the emergency generator.

An allowance of \$39,400.00 was included in the IFB for Removal and Disposal of Contaminated Soil and Contaminated Groundwater which will only be used if necessary and will not be used without prior approval of the Construction Manager.

This project was advertised on June 16, 2014. Three (3) responsive bids were received on July 17, 2014, and the bid results were as follows:

Contractor	Bid Amount	% Variance To Eng. Est.
Total Environmental Concepts, Inc.	\$329,989.00	(1.88%)
Service All, Inc.	\$455,810.00	35.54%
Kalyani Environmental Solutions	\$483,550.00	43.79%

The Engineer's Estimate is \$336,295.00. It was noted that the low bid was 1.88% lower than the Engineer's Estimate. This company has successfully performed work on prior MDTA projects. An analysis of the bid compared to the Engineer's Estimate was performed by the Division of Engineering and the low bid submitted by Total Environmental Concepts, Inc., was determined to be acceptable. This solicitation was advertised with a Minority Business Enterprise (MBE) participation goal of Twenty Percent (20%) with no subgoals. Total Environmental Concepts, Inc. has submitted a MBE plan that meets the goal. Notice-to-Proceed (NTP) for this Contract is anticipated in the Spring of 2015. 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 Mr. Mims and seconded by Mr. Hellmann, the Members unanimously recommended approval of this contract by the MDTA Board at its next scheduled meeting.

Contract No. MA 2645-000-002 – On – Call Structural Repairs and Miscellaneous Modifications

Mr. Dave Ferrara presented this request to seek a recommended approval from the Capital Committee to present Contract No. MA 2645-000-002, On – Call Structural Repairs and Miscellaneous Modifications, to increase the Executive Director's delegated authority and to propose to the full Authority for approval at the next scheduled meeting.

The low bid award amount was \$11,746,665.10. Delegated authority used to date totals \$875,000.00 or 7.45%. This amount of delegated authority was used to perform work on for various tasks generated from annual inspection reports. The current authorized construction budget is \$12,621,665.10.

Mr. Ferrara requested approval to increase the delegated authority an additional \$3,000,000.00 or 25.54% for completion of current tasks and anticipated new tasks. The additional funds will facilitate the continuation of system preservation repairs until replacement on-call contracts are available. The revised delegated authority is \$3,875,000 or 32.99%. The revised authorized contract budget is \$15,621,665.

Upon motion by Mr. Hellmann and seconded by Mr. Mims, the Members unanimously recommended approval to the full MDTA Board at its next regularly scheduled meeting to increase the Executive Director's delegated authority an additional \$3,000,000.00.

ETL PROJECT UPDATE

Mr. Dennis Simpson updated the Capital Committee on the issues and activities underway to support the opening of the I-95 Express Toll Lanes, including details of the activities associated with the opening of the I-95 Express Toll Lanes.

Chairman Calhoun entered the meeting at 9:20 a.m.

USE OF “QUICK TAKE” AUTHORITY ON MDTA HIGHWAY PROJECTS

Mr. Dennis Simpson presented this request to seek recommendation from the Capital Committee to the MDTA Board at its next scheduled meeting to approve the use of “Quick Take” authority on MDTA highway projects and delegate the authority to the Executive Director to take the necessary actions to exercise Quick Take authority, where appropriate in order to meet project schedules.

“Quick Take” authority is defined in Title 8 of the Transportation Article of the Annotated Code of Maryland (Transportation Article). The concept of “Quick Take” allows the State to file condemnation on an impacted property after conducting good faith negotiations with the property owner on “highway” projects. This “Quick Take” authority may only occur on partial acquisitions where the ownership of the property is clearly established and there are no displacements through the Relocation Assistance Program. Once the filing of money takes place and comes available to the property owners and a condemnation petition is filed in the Circuit Court of Maryland where the property is located, the State Agency may take possession of the property needed so that construction may take place while the normal Eminent Domain process proceeds. Below is a brief summary of both processes for filing condemnation in Maryland.

The Federal Government through regulation requires the state agency to negotiate for at least 30 days before any type of eminent domain action may take place. On highway projects, when State Highway Administration (SHA) or MDTA has determined that a quick agreement will not be accomplished, SHA or MDTA will begin the process of filing condemnation. All power for eminent domain actions for “highway purposes” lies with the State Roads Commission (SRC) within the SHA. On partial acquisitions where no one is being displaced and ownership is clearly established the SHA or MDTA may use the Quick Take authority through the SRC. Once the SRC has approved the eminent domain action and the condemnation petition has been placed in the Circuit Court of the jurisdiction where the property is located, the MDTA will have possession of the property needed to move forward with the project.

The MDTA used SRC’s Quick Take authority for the property acquisition for the I-95 Improvements for the Express Toll Lanes project through a resolution adopted by the MDTA Board. In that case the Quick Take authority was exercised by SHA through the SRC. We are recommending that for the Canton Viaduct project as well as other MDTA projects, as appropriate that MDTA exercise Quick Take authority directly with the SRC

without SHA involvement. The reason for this different approach is two-fold. First, we now have the resources at our disposal to perform the work previously delegated to SHA and second the SHA does not have the resources to assist us because they are assisting the Maryland Transit Administration with acquisitions for the Red and Purple Lines.

In order to make sure the acquisitions needed for MDTA highway projects are conducted in an efficient and timely manner, we are requesting your recommendation for approval by the MDTA Board at its next scheduled meeting for the use of Quick Take authority by the MDTA, as appropriate, and to delegate the authority to the Executive Director to exercise that authority as appropriate.

Upon motion by Mr. Whitson and seconded by Mr. Mims, the Members unanimously recommended approval to the full MDTA Board at its next regularly scheduled meeting to approve the use of "Quick Take" authority on MDTA highway projects and delegate the authority to the Executive Director to take the necessary actions to exercise Quick Take authority, where appropriate in order to meet project schedules.

**DECLARATION OF EXCESS LAND – FORMER ESSO STANDARD OIL
PROPERTY – MMC #14-7026**

Mr. Dennis Simpson and Ms. Cathy Beasley Pope presented this request to seek recommendation from the Capital Committee to the MDTA Board to declare this property extra to the needs of the MDTA at its next scheduled meeting. Per MDOT Policy DOT 654.1, the MDTA shall determine the real property which is extra to its needs by a memorandum from the Executive Director (or designee). This memorandum referred to as the Declaration of Extra Land Memorandum (DELM), designates the end of the MDTA Internal Clearance. The DELM is required for all proposed MDTA dispositions, and the property must be deemed "excess to the needs of the MDTA" before MDTA owned real estate can proceed through the Modal Clearance process.

The property is located in the southeast quadrant of Boston and Ponca Streets along I-895 in Baltimore City, Maryland. The subject property is also known as Block 6840 on the Baltimore City plat.

As part of the Patapsco Tunnel (Contract No.: AW-627-5-015), construction required the acquisition of property from ESSO Standard Oil Company. This right of way was conveyed to the State of Maryland on October 24, 1957. The MDTA has deemed 8,915 square feet (0.208 acres) of the parcel located in the vicinity of I-895/Boston and Ponca Street intersection located within the right of way line of through highway surplus to the MDTA's needs, as shown on the attached preliminary plat, and will transfer the parcel to the adjoining property owner for economic development. Precedence for shifting and disposing of right of way through highway has been set with regards to State Highway Administration, when it dictates and promotes economic development. Although, MDTA will be shifting the above right of way line of through highway, the access control

associated with the right of way of through highway will continue to exist. MDTA has determined that there is no future need for the parcel with regards to operation of the I-895 highway or future expansions.

The parcel is surplus from the original acquisition of the Harbor Tunnel that took place in the early 1950s. No federal funds were associated with the construction. Therefore the disposal does not require Federal Highway Administration approval for surplus or disposal. While, the current deed language for the right-of-way line of through highway is restrictive, the language may be modified. MDTA will establish new restrictive language for the right-of-way line of through highway by virtue of a new deed prior to the disposal.

The MDTA Real Estate Services Section of the Division of Planning and Program Development has met internally with the Engineers and Operations staff and it was determined that neither Division foresees moving the right of way line through highway back 8,915 square feet a safety issue or maintenance. The disposition of this property is subject to the approval by of the MDTA Board and the Board of Public Works.

By virtue of this DELM and the supporting documentation, I am hereby requesting your recommended approval to the MDTA Board to deem the subject property as being "extra to the needs of the MDTA".

Upon motion by Mr. Mims and seconded by Mr. Whitson, the Members unanimously recommended approval to the full MDTA Board at its next regularly scheduled meeting to approve the Declaration of Excess Land – Former ESSO Standard Oil Property – MMC #14-7026 deemed "excess to the needs of the MDTA".

2014 ANNUAL CONSOLIDATED TRANSPORTATION PROGRAM (CTP) TOUR

Mr. Bruce Gartner and Mr. Dennis Simpson updated the Capital Committee about the upcoming 2014 annual Consolidated Transportation Program (CTP) Tour and potential issues or discussion items at each of these meetings.

Annually, the Maryland Department of Transportation (MDOT), its Modal Administrations, and the Maryland Transportation Authority travel across the State and discuss the draft CTP with the Elected Officials and citizens. Staff presented a copy of the 2014 scheduled Tour dates.

Below is a list of the anticipated issues that may be raised at each County meeting:

Anne Arundel (October 6)

- Bay Bridge maintenance of traffic during construction projects
- Patapsco Flats Bridge replacement
- Canton Viaduct replacement
- Bay Bridge 10k Run
- Life Cycle Cost Analysis

Baltimore City (October 27)

- Maintenance of traffic during ongoing redecking of I-95 south of the Ft. McHenry Tunnel
- Canton Viaduct replacement
- Truck access at Childs Street on I-895 and truck turn-around at the Key Bridge

Baltimore County (October 28)

- I-95 Express Toll Lanes project opening
- Canton Viaduct replacement
- Truck access at Childs Street on I-895 and truck turn-around at the Key Bridge

Cecil County (September 30)

- Opening of Chesapeake House
- Underwater repairs at the Tydings and Hatem Bridges
- Cecil County Resolution 31-2014

Charles County (October 28)

- Nice Bridge engineering and right-of-way status
- Maintenance of traffic for painting projects and annual inspections

Harford County (October 15)

- Opening of Maryland House
- Underwater repairs at the Tydings and Hatem Bridges
- Resurfacing of I-95 from MD 24 to the Tydings Bridge
- I-95 Express Toll Lanes project opening

Howard County (October 9)

- Canton Viaduct replacement
- Maintenance of traffic during ongoing redecking of I-95 south of the Ft. McHenry Tunnel

Montgomery County (October 2)

- Opening of the final segment of the ICC/MD 200

Prince George's County (October 23)

- Opening of the final segment of the ICC/MD 200

Queen Anne's County (September 23)

- Bay Bridge maintenance of traffic during construction projects
- Bay Bridge operations during inclement weather events
- Bay Bridge 10k Run
- Life Cycle Cost Analysis

GATEWAY IMPROVEMENTS

Mr. Dennis Simpson updated the Capital Committee on the recently completed Gateway improvements constructed by MDTA at the Fort McHenry Tunnel and along McComas Street leading to Key Highway. The MDTA made these improvements to support the City's Gateway improvement efforts and the Maryland Port Administration's ever expanding Cruise business which is bringing more and more visitors to the area. These improvements coincide well with our major system preservation project on I-95 within Baltimore City and we were fortunately able to complete them in advance of the upcoming War of 1812 commemoration activities including "Sailabration".

The improvements included the following:

- Painting the pier under I-95 along McComas Street approaching Key Highway - \$275,000
- Installing portal awning along both the northbound and southbound portals to the Fort McHenry Tunnel - \$200,000
- Installed Welcome to Baltimore Lettering on the Fort McHenry Tunnel East Vent Building - \$70,000
- Installed additional landscaping on the approaches to the southbound I-95 Key Highway Exit - \$200,000
- Installed additional landscaping surrounding the Ft. McHenry Tunnel - \$425,000

VIDEO TOLL AND CITATIONS PROJECT

Ms. 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.

Ms. Sharpless provided details on the status of the associated activities and major issues for the video toll and citation process, including an update on court activities and implementation of referrals to MVA.

Ms. Sharpless stated that the judges are starting to recognize the toll violators who continue to have issues and are being seen with frequency. Ms. Sharpless also indicated that a reminder letter is starting to be developed to be sent prior to MVA referrals; after it is programmed it will probably go out in November.

LARGE BRIDGE PROJECTS – LESSONS LEARNED

Mr. Will Pines briefed the Capital Committee on the recent staff meeting with national experts of large bridge projects that provided lessons learned and best practices for the Nice Bridge Replacement project.

On July 17, 2014, the Maryland Transportation Authority (MDTA) conducted a Lessons Learned session for Large Bridge replacement projects. Experts from seven recent or ongoing bridge replacement mega-projects around the country shared information and

experiences about their projects. They also responded to prepared and impromptu questions from the audience, which consisted of representatives from the MDTA Board, various MDTA offices, MDOT, SHA, Jacobs and RK&K who is providing program management services and facilitated the session. The purpose of the session was to seek the panelists' insights and lessons learned during all phases of project development that would help inform MDTA about its pending decision on project delivery method for the proposed Harry W. Nice Bridge Replacement Project. Topics discussed included procurement, cost estimates, general design and construction, bridge types and aesthetics, roadway typical section, funding and finance and general perspectives. Despite the variety among the selected projects, there were a number of common themes and experiences, which will be very useful to MDTA as the project develops.

MAIN SPAN TYPES

Mr. Robert Healy briefed the Capital Committee on potential bridge types for the Nice Bridge Replacement and performance criteria for bridge aesthetics.

In previous meetings with the MDTA Board, the Members expressed a desire to learn more about the various bridge types which may be feasible for the Harry W. Nice Bridge Replacement project. Members were also interested in the selection process for choosing the final bridge type and the engineering and other technical issues that influenced that selection. This presentation described in basic terminology the various bridge types, the advantages and disadvantages of each, and the potential feasibility of each type for the proposed Nice Bridge. The presentation discussed the critical element of span length, and the cost considerations for the different bridge types. Finally, the presentation briefed the Members regarding performance based criteria as it relates to the aesthetics of the proposed bridge.

There being no further business, the meeting of the MDTA Capital Committee was adjourned by general consensus at 12:00 p.m. following a motion by Mr. Whitson and seconded by Mr. Mims.

The next meeting of the MDTA Capital Committee is scheduled for Thursday, October 2, 2014 at 9:00 a.m., at Point Breeze Headquarters, 2310 Broening Highway, Baltimore, Maryland.