

MARYLAND TRANSPORTATION AUTHORITY  
MONTHLY MEETING  
THURSDAY, SEPTEMBER 19, 2013  
8019 CORPORATE DRIVE, WHITE MARSH, MD

OPEN SESSION

James T. Smith, Jr., Chairman

MEMBERS ATTENDING:

Peter J. Basso (via telephone)  
Rev. Dr. William C. Calhoun, Sr.  
Mary Beyer Halsey  
William K. Hellmann  
Arthur Hock  
A. Bradley Mims (via telephone)  
Michael Whitson (via telephone)

STAFF ATTENDING:

Tim Cooke  
Donna DiCerbo  
Trudy Edwards  
Patrick Fleming  
Bruce Gartner  
Shirley Hill  
Doug Hutcheson  
Dave LaBella  
Kelly Melhem  
Kimberly Millender, Esquire  
Scott Pomento  
John Sales  
Deb Sharpless  
Dennis Simpson  
Cheryl Sparks

OTHERS ATTENDING:

Ragina Averella, AAA  
Chuck Brown, Maryland Department of Transportation  
Kevin Rector, The Baltimore Sun  
Sam Sidh, Maryland Department of Transportation  
Jackie Seneschal, Parsons Brinkerhoff

At 9:29 a.m. Chairman, James T. Smith, Jr., called the meeting of the Maryland Transportation Authority (“MDTA”) Board to order.

**APPROVAL – CLOSED AND OPEN SESSION MINUTES OF AUGUST 22, 2013**

Upon motion by Member Reverend Dr. William Calhoun, Sr. and seconded by Member Arthur Hock, the Closed and Open Session meeting minutes of the MDTA Board Meeting held on August 22, 2013 were unanimously approved.

**APPROVAL – CONTRACT AWARDS:**

• **CONTRACT NO. 20130006 ARMORED TRANSPORT SERVICES**

Ms. Donna DiCerbo requested conditional approval for Contract No. 20130006 Armored Transport Services. Ms. DiCerbo stated the contract was signed; however, MDTA has not yet received the bonds required for this contract and is expecting them prior to the notice to proceed. This item was reviewed by the Finance Committee and recommended to the MDTA Board for approval. The purpose of this solicitation is to provide Armored Transport Services to nine (9) MDTA locations as listed: 1. Francis Scott Key Bridge; 2. William Preston Lane Jr. Memorial Bridge; 3. Baltimore Harbor Tunnel; 4. Fort McHenry Tunnel; 5. John F. Kennedy Memorial Highway; 6. Harry W. Nice Memorial Bridge; 7. Thomas J. Hatem Memorial Bridge; 8. E-ZPass Customer Service Centers; and 9. Point Breeze Campus. The contract includes all labor, transportation and services necessary for adequate performance in accordance with the specifications, and shall be provided on a daily basis excluding weekends, and scheduled state holidays, unless otherwise specifically requested. MDTA solicited Competitive Bids for these services, pursuant to the Code of Maryland Regulations (COMAR) 21.05.01.02. This is a Not-To-Exceed, fixed price, Indefinite Quantity Contract.

MDTA received one (1) bid for this solicitation. Dunbar Armored, Inc. is the lowest and responsive and responsible bidder. The contract term is for three (3) years with one (1) 2-year renewal option.

Upon Motion by Member Mary Halsey, and seconded by Member Hock, the Members unanimously approved the conditional award of Contract No. 20130006 Armored Transport Services to Dunbar Armored, Inc., in the amount of \$1,206,992.77.

• **CONTRACT NO. BB 2747-000-006 REPLACE ACOUSTIC MONITORING ON EASTBOUND BAY BRIDGE**

Ms. Donna DiCerbo requested approval for Contract No. BB 2747-000-006 Replace Acoustic Monitoring on Eastbound Bay Bridge. This item was presented to the Capital Committee and recommended to the MDTA Board for approval. The work to be performed under this contract is located at the William Preston Lane, Jr. Memorial Bridge (Chesapeake Bay Bridge) located in Anne Arundel and Queen Anne’s Counties to replace the existing wireless Acoustic Monitoring System with a reliable hardwired system. The scope of work includes designing, furnishing, installing and

commissioning a hardwired Acoustic Monitoring System (AMS) for the Eastbound Chesapeake Bay Bridge. The Office of Engineering and Construction requested approval of this Sole Source contract. MDTA reviewed the Sole Source justification and deemed the justification to be in accordance with the Code of Maryland Regulation (COMAR) 21.05.05.02 A, which states a Sole Source procurement is not permissible unless a requirement is available from a single vendor. The compatibility of MDTA's monitoring equipment for the Eastbound and Westbound spans is essential for accurate, safe and efficient travel for Maryland's motorists. The Pure hardwire acoustic monitoring system alleviates the need to use "traditional" methods for monitoring and inspection, which methods require selectively unwrapping a section of cables for internal inspection. This traditional method does not always provide a reliable picture of the overall bridge cable connections, it impacts traffic, and results in additional expenditures because of the need to physically access the cables. In addition to compatibility concerns, Pure Technologies developed and holds patents for acoustic monitoring systems and has been providing acoustic monitoring services to structures since 1994. With a database of thousands of wire breaks, including some at the Bay Bridge, Pure is the only company with the necessary technology and expertise to perform the monitoring services. Therefore, only one source exists which is able to meet all of the requirements of the necessary hardwired acoustic monitoring system for the Eastbound Bay Bridge.

The Chief Procurement Officer has deemed Pure Technologies US, Inc., to be a responsive and responsible Offeror. This is a Sole Source contract; therefore, Minority Business Enterprise (MBE) opportunities were non-existent.

Upon Motion by Member Calhoun, and seconded by Member A. Bradley Mims, the Members unanimously approved the award of Contract No. BB 2747-000-006 Acoustic Monitoring on Eastbound Bay Bridge to Pure Technologies US, Inc. in the amount of \$1,762,000 pending approval of the Maryland Board of Public Works.

#### **APPROVAL – VIDEO TOLL CITATION PROCESS COMAR**

Mr. Patrick Fleming requested approval for the Final Video Toll Citation Process Regulations. This item was reviewed by the Capital and Finance Committees and recommended to the MDTA Board for approval. MDTA is revising its enforcement procedures for collection of video tolls and unpaid tolls that may result. Publication in the Maryland Register is anticipated for October 18, 2013. The Final COMAR is based upon the language in House Bill (HB) 420. The MDTA Board previously took action on these regulations on March 28, 2013. The proposed regulations were published in the Maryland Register on July 26, 2013. During the thirty (30) day public comment period the MDTA received no comments. The emergency regulations that were also approved at the March 28, 2013 meeting became effective August 26, 2013 upon approval from the Maryland General Assembly's Administrative, Executive, and Legislative Review (AELR) Committee. Emergency regulations are only effective for six months. These Final regulations will replace the emergency regulations.

Upon motion by Member Halsey, and seconded by Member Hock, the Members unanimously approved the Final Video Toll Citation Process Regulations.

**APPROVAL – OPEN MEETINGS ACT TRAINING REQUIREMENT**

Ms. Kimberly Millender requested approval to designate an individual to receive training as required under the Open Meetings Act (“OMA”) and submit the designee to the Open Meetings Compliance Board in compliance with new legislation. During the 2013 legislative session, the General Assembly passed House Bill 139 (adopted as Chapter 351 of the Laws of Maryland) which requires every public body to designate at least one individual “who is an employee, an officer, or member of the public body to receive training” on the OMA. The names of designees must be submitted to the Open Meetings Compliance Board and the designees are to receive training within ninety (90) days of designation. The new law takes effect on October 1, 2013 and public bodies have been given six (6) months to name at least one designee to receive the required training. The required training may be taken on-line through a class offered by the Office of the Attorney General or through a class offered by the Maryland Association of Counties or Maryland Municipal League. MDTA has four public bodies under the OMA that this new law impacts: the Finance Committee; Capital Committee; Bay Bridge Reconstructive Advisory Group (“BBRAG”); and MDTA Board.

Staff recommends that the following person be officially designated by the MDTA Board to receive the required training: Deborah Sharpless.

Upon motion by Member Peter J. Basso and seconded by Member Calhoun, the Members unanimously approved naming Deborah Sharpless as the designee to receive training under Open Meetings Act for the MDTA Board.

**APPROVAL – I-95 IMPROVEMENT PROJECT UPDATE AND EXPRESS TOLL LANES (ETL) PROPOSED TOLLING PLAN**

Ms. Deborah Sharpless requested approval of the proposed Express Toll Lanes (ETL) tolling plan and to release the tolling plan for public comment. This item was presented to both the Capital and Finance Committees. The I-95 Improvement Project, Section 100, including the ETL, will be complete in just over one year resulting in the need to begin the toll setting process. Congestion managed facilities, like the ETL, require the MDTA Board to establish daily pricing periods and toll ranges. Additional requirements include publishing public notices, holding public hearings, accepting public comments, publishing staff’s final recommendations, and adopting the final toll plan. Beginning the process in September will allow the MDTA Board to adopt the tolling plan by year-end.

A comprehensive outreach timeline has been developed for the I-95 Improvement Project with ETL. The two phases of the plan include outreach for the Public Hearings as part of the toll rate setting process, and the public education campaign for the safety improvements made to the corridor, as well as promoting use of the ETL. Efforts for both will include heavy use of social media, traditional media, direct business outreach, direct E-ZPass customer outreach, key official outreach as well as use of our website. The Division of Communications will take a similar approach to promoting the ETL as they did with the Intercounty Connector, with the benefits of use being the key message. As the educational campaign for opening is developed, the Division of Communications will share that with the respective committees and MDTA Board as a whole. Staff

presented a video that simulated driving on the ETL, which information will be used to help promote use of the ETL.

Ms. Sharpless then reviewed the Proposed Tolling Plan. At the conclusion of the presentation, Member Halsey made a motion that the Board accept and approve the staff recommendation and formally propose to release the Tolling Plan for the I-95 Express Toll Lanes project for public comment, which Proposed Plan includes Peak, Off-Peak and Overnight Pricing Periods and toll rate ranges for those pricing periods. In addition, the Proposed Tolling Plan includes holiday periods to be brought to the Board each December for approval for the upcoming year.

Upon motion by Member Halsey and seconded by Member Hock, the Members unanimously approved the Proposed Tolling Plan for the I-95 Express Toll Lanes as recommended by staff.

#### **UPDATE – AUDIT COMMITTEE**

Member Halsey reported that the Audit Committee met on September 17, 2013, and the Office of Audits is responsible for sixteen (16) audits in the MDTA Fiscal Year (FY) 2014 Audit Plan: Two (2) are complete; Four (4) are in progress; and Ten (10) are not started. The Audit Committee requested the Office of Audits to update the audit plan with consideration to reprioritizing the scheduled audits and develop an action plan to ensure resources are available to complete the audits in the revised schedule.

At 10:00 a.m. upon motion by Member Calhoun and seconded by Member Hock the Members unanimously voted to move into Closed Session pursuant to section 10-508(a)(1) of the State Government Article of the Annotated Code of Maryland to discuss a personnel matter to discuss the appointment of an individual to serve as the Executive Secretary including discussion of the qualifications of one or more specific individuals for the position. The following persons were present during the Closed Session: James T. Smith, Jr., Rev. Dr. William C. Calhoun, Sr., Mary Beyer Halsey, William K. Hellmann, Arthur Hock, Kimberly Millender, Esq., and Trudy Edwards; via telephone: Peter J. Basso, A. Bradley Mims, Michael J. Whitson.

At 10:05 a.m. a motion was made by Member Halsey and seconded by Member Hock, with the unanimous approval of the Members, to adjourn the Closed Session and return to Open Session.

No actions were taken during Closed Session.

Member Calhoun requested an update on the Tollenger litigation. Ms. Kimberly Millender, Esquire reported that the Tollenger case was now officially closed as the Plaintiff's appeal was dismissed at the Court of Special Appeals.

There being no further business, the meeting of the Maryland Transportation Authority was adjourned by general consensus at 10:15 a.m.

The next Authority Meeting will be held on October 24, 2013 at 9:00 a.m. at the MDTA Point Breeze Complex, 2310 Broening Highway, Baltimore, Maryland, 21224.

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James T. Smith, Jr.