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7   MARYLAND TRANSPORTATION AUTHORITY

8   PHASE 1 SOUTH TOLL RATE RANGE SETTING PROCESS

9   AMERICAN LEGION BRIDGE - I-270 to I-370

10   PUBLIC HEARING - EVENING SESSION

11   JULY 14, 2021

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18   Transcription Services By: CRC Salomon

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20   Proceedings recorded by electronic sound recording;

21   Transcript produced by transcription service.

1   P R O C E E D I N G S

2   HEARING OFFICER: Good evening. I'm Andrew Bing and I

3   will be the Hearing Officer for tonight's hearing for the

4   Maryland Transportation Authority, abbreviated as MDTA. The

5   MDTA is conducting the second of two call-in testimony

6   sessions of the Tolling Rate Range for Phase 1 South

7   American Legion Bridge I270 to I370. As the Hearing Officer

8   response for running tonight's public hearing and on behalf

9   of the MDTA, I welcome you.

10   The purpose of this public hearing is for interested

11   parties to provide official testimony and comments for the

12   public record of the Tolling Proposal for Phase 1, South

13   American Legion Bridge I270 to I370, which includes proposed

14   toll rate ranges, soft rate apps, and the escalation process

15   and discounts.

16   We hope you've had the chance to review the public

17   hearing materials related to this Tolling Proposal on the

18   project webpage at MDTA.maryland.gov/alb270tollsetting.

19   Tonight we will introduce the MDTA Board Members

20   present for the public hearing, explain Title VI and the

21   Civil Rights act of 1964 and identify ways for you to

 1   comment on the Tolling Proposal. I will then review the

 2   hearing procedures and open the phone line for live

 3   testimony. Tonight's public hearing is being live streamed

 4   via the internet and phone and audio recorded. The official

 5   transcript of the public hearing testimony become part of

 6   the project record. It will be available for public review

 7   on the MDTA's Phase 1 South American Legion Bridge, I270,

 8   I370 Toll Rate Range Setting webpage.

 9   I would like now to introduce the Executive Director

10   of the MDTA, Tim Ports. Executive Director Ports will

11   introduce the MDTA Board.

12   MR. PORTS: Thank you, Andrew. As he mentioned, my

13   name is Tim Ports. I'm the Executive Director for the MDTA

14   and I want to thank everyone tonight for joining this and

15   for your participation in this hearing. I will now

16   introduce the MDTA Board Members who are in attendance for

17   today's hearing.

18   MDTA ACTING CHAIRMAN: Sean Powell.

19   MDTA BOARD MEMBER: Dante Carol.

20   MDTA BOARD MEMBER: William Cox.

21   MDTA BOARD MEMBER: Lee Gaines.

1   MDTA BOARD MEMBER: Mario Gangemi.

2   MDTA BOARD MEMBER: Cynthia Penny-Ardinger.

3   MR. PORTS: Thank you, Andrew, and please continue

4   with the remaining instructions for our hearing tonight.

5   MR. BING: On behalf of the MDTA Title VI officer, I

6   will explain the significance of Title VI and how it relates

7   to the Tolling Proposal. Title VI of the Civil Rights Act of

8   1964 was put into effect to prohibit discrimination on the

9   basis of race, color, or natural origin. To support the act,

10 the United States government designated additional statutes,

11 laws, regulations, and executive orders to provide guidance

12 for the effective execution of the objectives of Title VI.

13 MDTA is responsible for upholding the principals of Title VI

14 of the Civil Rights Act of 1964 and related guidance.

15 MDTA's policies and programs should not discriminate against

16 people on the grounds of race, color, natural origin, sex,

17 age, income level, or disability. MDTA's policies and

18 programs should avoid disproportionately high or adverse

19 impacts on minority populations and low-income populations.

20   MDTA seeks to provide citizens, stakeholder groups and

21 other interested parties with reasonable opportunity to be

1   involved in the Toll Rate Range Setting process. Title VI

2   information can be found on the project webpage.

3   MDTA.maryland.gov/alb270tollsetting. If you have questions

4   or need assistance call 410-537-6720. We invite you to take

5   our voluntary demographic survey online to help us ensure

6   that we are reaching the communities that are affected by

7   the Toll Rate Range Setting process. For more information

8   regarding Title VI and the Civil Rights Act of 1964 and other

9   non-discrimination laws, please review the Civil Rights

10   under Title VI Brochure.

11   Any member of the public has the right to file a

12   discrimination complaint against the MDTA, if they feel the

13   MDTA does not comply with Title VI of the Civil Rights Act of

14   1964 and the related statues.

15   There are multiple ways to comment on the Toll Rate

16   Range Proposal. You can provide verbal testimony for this

17   public hearing testimony session. You may also provide

18   call-in testimony by calling 855-701-1977 and leaving a

19   voicemail message that is limited to three minutes.

20   Additionally, comment forms may be completed online or sent

21   to the MDTA via email or U.S. mail. More details on ways to

1   comment can be found on the MDTA website at:

2   mdta.maryland.gov/alb270tollsetting. Comments must be

3   received before 5:00 p.m. on Thursday, August 12, 2021. All

4   comments received, whether hearing through verbal testimony

5   or other methods such as comment form email or U.S. mail,

6   will be given equal consideration.

7   Again, the purpose of this hearing is to allow

8   interested parties to provide public comments on the toll

9   rate range proposal for phase one South American Legion Bridge

10 I270 to I370. Today's public hearing is being broadcast via

11 the Internet livestream and by phone. The MDTA Board Members

12 will be listening to all public testimony.

13   My role as the Hearing Officer is to run a professional

14 and orderly public hearing. I understand how important the

15 issues are, related to the Tolling Proposal and I take my role

16 as Hearing Officer seriously. I am committed to providing

17 members of the public opportunity to provide comments in a

18 fair, professional and orderly manner. Offensive or profane

19 language will not be allowed. After one warning, if offensive

20 or profane language continues the call will be ended or the

21 speaker will be disconnected. I also want to let everyone

1   know that we will not be answering any questions to any

2   comments made during the hearing. If you have joined us today

3   to listen to the Public Hearing and would like to provide live

4   testimony but have not yet registered; please go to MDTA's

5   website at mdta.maryland.gov/alb270tollsetting or call

6   443-359-6218 to register.

7   We are interested in hearing comments from everyone.

8   Please remember that the hearing is being recorded directly

9   and clearly into your phone; and provide your full name,

10   address, and any organization you may represent. To ensure

11   time for all to be heard, there will be a three minute time

12   limit for the public testimony and a five minute time limit

13   for elected officials. The time will start after you

14   introduce yourself. When providing testimony, a single

15   tone will sound when there are 30 seconds remaining, a

16   double tone will sound when you have 10 seconds remaining.

17   At this point you should wrap up your testimony. As the

18   Hearing Officer, if you are unable to conclude your comments

19   at the end of your time period, I will ask you to wrap up

20   your testimony and then I will move on to the next person in

21   the queue.

1   I would like to provide additional to help get callers

2   into the speaker queue. Once you call 855-925-2801 and

3   enter your access code, please listen to the entire Welcome

4   Message. Once the Welcome Message ends, you will hear, for

5   more options press star. At that point, press the star

6   button and when prompted, press three to enter the Speaker

7   View. At this time, I will on the first person in the

8   Speaker, here to provide comments. As a courtesy, elected

9   officials will be given priority to speak and, as noted

10   earlier, will be given five minutes to provide testimony.

11   Okay, that wraps up my opening remarks. We are now

12   going to go to the speaker to provide testimony. Um, again,

13   I do want to just repeat a couple things because I think it

14   will help with people getting into the Speaker Queue. Again

15   the number to dial is 855-925-2801. You will then need to

16   enter your access code. After the access code, you must

17   listen to the entire Welcome Message. After the Welcome

18   Message ends, you will hear for more options. Press star.

19   Press the star button and then press the number three to

20   enter the Speaker's Queue. We're going to going to go to

21   our first caller. Our first caller will be Milton Hallin.

1   Our second caller will be Andrew Gallant. Milton, after the

2   automated message, please state your name, spell your name,

3   provide your address and any organization that you may be

4   representing.

5   MR. HALLIN: Thank you, my name is Milton Hallin.

6   M-I-L-T-O-N H-A-L-L-I-N. I live at 3240 Centennial Way in

7   Urbana, Maryland. And I strongly oppose this project, it's

8   just another highway boondoggle that will only increase

9   costs for the average taxpayer and not relieve any traffic

10 congestion or reduce our pollution, which is the number one

11 source of greenhouse gas emission in Maryland now is from

12 transportation. The National Capitol Region Transportation

13 Planning Board recently voted to remove the project from the

14 region's long range transportation plan. It seems to me

15 like this is not a project worth pursuing. There's really

16 no interest group that I can find that is in favor of it

17 other than people who want to make a lot of money for

18 themselves. So, there's no -- no drivers want it.

19 Pedestrians don't want it, (indiscernible) don't want it.

20 I think it's just work. Forgetting about it and focusing

21 our efforts as a state on providing more bike lanes, more

 1   pedestrian options, more public transit options. Anything

 2   that will meet the need for people to travel by car on roads

 3   in the first place. We've seen throughout the entire

 4   history of highway expansion that it never actually reduces

 5   traffic or reduces travel time. It just increases traffic.

 6   So, it's always kind of astounded me that we keep trying to

 7   push these plans forward but there's really no need. There

 8   is the issue of induced demand, which means that the more

 9   lanes of highway you build, the more cars are going to just

10   fill them. So, there really is no benefit to this project

11   and it's going to be really expensive. I think one study

12   said it's going to cost $2 per mile to drive. And that's

13   like 200 times the national average.

14   So, what benefits are any of us as the driving public

15   getting from this project? I really can't see it. Even

16   though it's supposed to pay for itself with tolls, that

17   keeps coming down and coming down, and now it looks like

18   there's a (indiscernible) or between a half a million and

19   a billion dollars. And I don't really think that my taxes

20   should go to pay for that. If you want to build more roads,

21   you know, build them where people are.

1   And, if you want to reduce traffic congestion, build

2   housing and make it cheap enough that people can live near

3   where they work. So, yeah, I live across the street from

4   my job and there's no traffic. I live that close. So make

5   it easier for people to live close to where they work and

6   we won't have to have any need for traffic (indiscernible)

7   in the first place. Yeah, cancel this project please. It's

8   no good.

9   MR. BING: Okay. Thank you for your testimony and

10   we're now going to go on to our next caller, which is

11   Andrew Gallant. After Andrew will be John Decker. Mr.

12   Gallant, after the automated message, please state your

13   name, spelling your name, provide your address and any

14   organization that you may be representing.

15   MR. GALLANT: Good evening, my name is Andrew Gallant.

16   Spelled A-N-D-R-E-W-G-A-L-L-A-N-T. I live at 664 Azelea

17   Drive, spelled A-Z-E-L-E-A, in Rockville. Thank you to the

18   MDTA Board for these hearings. In brief, I cannot support

19   the results to date of the Toll Range Setting process. Here

20   are some specific examples of deficiencies in the supporting

21   materials. First, FAQ Item 25, when a commuter could expect

1   to pay, it says, "The toll rate could be as low as $2.40 for

2   the 12 miles." But where is the expected total toll for an

3   end-to-end trip during a typical rush hour?

4   Next FAQ item 32 about excess toll revenues. It

5   mentions the equity internal rate of return and profit

6   margins. But these figures are not available to the public

7   nor is sharing of excess revenues if any described. Does

8   Maryland receive any of the excess revenue?

9   Next, in the Virtual Information Room packet on page

10   30, there is small print that says "Toll rates are for

11   illustrative purposes only." And "Actual toll rates will be

12   set in the future by the Phase 1 South Section developer."

13   How does this support an informed decision?

14   Next, the October 20, 2020 preliminary due diligence

15   document, states on page 3. "The rate can be set to

16   maximize throughput or reckoned and in order to achieve the

17   P3 program goal, the rate must be set to maximize revenues."

18   What are the actual P3 program goals? And how does

19   maximizing revenue serve the public interest?

20   Last, the March 12, 2021 preliminary due diligence

21   report on pages 9, 10, and 11 mentions in small print the

1   Capital Beltway Accord, but no version of this document has

2   ever been made available to the public.

3   Finally, I wish to comment on the behavior of some of

4   the supporters of the P3 Project. It does not help when the

5   governor accuses those with legitimate issues of being, and

6   I quote, "Far left, pro-traffic activists." And it does not

7   help when an MDOT Deputy Secretary threatens jurisdictions

8   with law (indiscernible) the P3 Project.

9   In closing, I urge the Board to reset the entire Toll

10   Setting process. I oppose the current proposal as it stands.

11   Thank you.

12   MR. BING: Okay thank you for your testimony. We're

13   now going to go to John Becker. After John will be Nasir

14   Naumaan. John, after the automated message please state

15   your name and spell your name and your address and any

16   organization that you may be representing.

17   MR. BECKER: Good evening, my name is John Becker and

18   it's spelled J-O-H-N B-E-C-K-E-R. I live at 148 Monroe

19   Street on Americana Center Condominium, which is across the

20   street from the Rockville Metro Station, Zip code is 20850.

21   In following along with the comments previously stated, the

1   toll situation and the rates and their construction and what

2   their final amounts will be, is all up in the air. And

3   times are changing. We may not have the same amount of

4   people projected to be commuting because of the recent

5   pandemic. The volume may be less. I know the thing is,

6   planning for the future; as far as increase the amount of

7   people over hundreds of thousands, whatever. But the thing

8   is, this is going to be a very expensive proposition. And

9   whether they'll cover the cost or not, there are too many

10   unknowns. I think along with the county executive of

11   Maryland, as far as Montgomery County's concerned, I would

12   strongly support the reversal lane thing first, before

13   charging any tolls. Again, it's going to be a reverse

14   kind of taxation here on the poor people versus those that

15   can afford it. And with that said, I am complete with my

16   comments. Thank you very much.

17   MR. BING: Okay. Thank you for your comments. We're

18   now going to go to Nasir Naumaan. Please say your name,

19   spell your name, provide your address and the name of any

20   organization that you may be representing.

21   MR. NASIR: Yes, good evening everyone. My name is

 1   Naumaan, last name Nasir, spelled N-A-U-M-A-A-N N-A-S-I-R.

 2   My address is 243 East Fayette Street, Baltimore, Maryland

 3   and I'm the President, CEO of Nasir & Associate.

 4   We're an AISC certified steel fabricator and supplier

 5   primarily serving the heavy highway and commercial

 6   construction industry, in the Mid-Atlantic regions. And we

 7   have locations in both Baltimore, Maryland and Northern

 8   Virginia, so on both sides of this project. For all

 9   businesses including mine, time is money. Currently, the

10   heavily congested conditions on these highways, make

11   estimating our time travel a total crap-shoot. We will

12   never know if it's going to take us five minutes to get

13   there, 15 minutes to get there, or 45 minutes to get there.

14   And that waste of time is expensive and drives up our costs

15   with every trip. Whether that be an employee getting the

16   work, a truck driver delivering a product, an inspector

17   coming to our facility. If you consider the hourly rate

18   made in our industry, having the option of spending, you

19   know, $4. And that's important because the (indiscernible)

20   job is mandatory. Having the option to spend, you know, $4

21   3.95 to save 30 minutes to an hour of your day, to some

1   people it's well worth it. Having our employees,

2   subcontractors or materials, sitting on the road for

3   excessive amounts of time   unnecessary time hurts -- our

4   business. And not to mention the impact that this has on

5   our personal lives, as well as our health. It's known as

6   one of the worst traffic areas in the United States. As a

7   business owner and resident of the area, I urge you to move

8   forward with this project for the long-term betterment of

9   the area from both an economic and residential perspective.

10   MR. BING: Okay. Thank you very much. I thank you,

11   and I do apologize for getting your name backwards there.

12   So, I apologize.

13   MR. NASIR: That's okay.

14   MR. BING: All righty. So, at this point we do not

15   have any additional callers that have entered the Speaker's

16   queue. We do have some people who have registered to provide

17   testimony.

18   But they have not called in yet to provide testimony.

19   So we are going to go into recess. Before I do that, I want

20   to give some information. I am going to provide the access

21   codes. So that anyone listening to this call, if they are

1   interested to provide testimony I'm going to provide them

2   all the information they need to do this. This will bypass

3   the need to have to go onto the website to register, they

4   can just call in to provide testimony. The phone number you

5   would use is 855-925-2801. Let me repeat that: 855-925-

6   2801. The access code that you will need to enter is 9134

7   and then the pound sign. 9134 and then the pound sign. You

8   must listen to the entire Welcome Message. When that ends,

9   you'll be prompted to hit the star button and then the

10   number three button and that will get you into the Speaker

11   Queue and I will bring you on to provide your testimony.

12   Right now it is 6:23 and this hearing will remain open until

13   8:00 p.m. tonight. For right now we are going to go into

14   recess and I will come back on at 6:40. 6:40, I will come

15   back on with an update or sooner if we get someone that

16   comes on in the Speaker Queue. Right now, we are in recess.

17   [RECESS]

18   MR. BING: Okay, we're back. We do have someone who

19   has entered the Speaker's Queue, so we are going to go to

20   that person to provide their testimony. I do want to let

21   Mr. Ellison, who I'll be bringing on here in a second that

1 you do have three minutes to provide your testimony. There

2 will be a tone that sounds when there is 30 seconds

3 remaining, and another tone that sounds when there's 10

4 seconds remaining, just so you know how much time you have

5 left and that you need to wrap it up when you start hearing

6 those tones. At this point we are going to hear from Mr.

7 Ollie Ellison. Mr. Ellison, after the automated message

8 please state your name, spell your name, provide your

9 address and any organization that you may be representing.

10   MR. ELLISON: Good evening, my name is Ollie Ellison.

11 Spelled O-L-L-I-E E-L-L-I-S-O-N. I'm a resident at 836

12 Azalea Drive in Rockville, Maryland. This is my testimony.

13 A P3 partnership is by design a high profit mark in social

14 revenue for the private partner. The source of a profit

15 margin will be obviously from the public. Conditions will

16 favor members of the public who can afford the $40 to $50

17 price tag in order to use the tolls. Public members unable

18 to or unwilling to pay the extra transportation fee will

19 legally be bound to use more congested side roads or local

20 neighborhood avenues. The private partner will reap

21 greater profit margin from greater participation in the

1   public partnership and are not bound by the public's best

2   interests in achieving financial situations. This plan does

3   not create additional capacity. It only rearranges truck

4   capacity into a profitable venture. Although public

5   payments are made through MDTA, which is a subsidiary of

6   MDOT, pre-agreement contract guarantees a profit margin for

7   the private partner. This has the effect of the State of

8   Maryland enforcing a conditional burden on Maryland

9   residents to the benefit of a non-elected partner in the

10   governing body. There may be little legal redress that can

11   be sought by the citizens of Maryland once the contract is

12   put into effect. Lower and middle class citizens may find

13   their opportunity outside of the state, particularly if

14   saddled with the deprivation during economic downturns in

15   the future. If this condition is realized, it could have

16   obvious consequences to the Maryland tax base. This ends

17   my testimony.

18   MR. BING: Okay, thank you, Mr. Ellison. We're now

19   going to go to our next caller, who is Fran Miller Oh, Ms.

20   Miller's not there. Okay, so we do have Ms. Miller, who is

21   trying to get into the speaker queue but I think is not

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 1   there yet, so I will just point out Ms. Miller and to anyone

 2   else out there and I guess I shouldn't assume it's Ms.  it

 3   could be Mr. The name is Fran Miller  that after you enter

 4   the phone number and enter your access code, which is 9134

 5   and then pound, listen to entire welcome message.  Once the

 6   welcome message ends, you will be prompted to hit the star

 7   button and then the number 3 to actually enter the speaker's

 8   queue.  Right now I don't believe we have anyone else in the

 9   speaker's queue, so we are going to go to recess.  We do

10   have some people who have registered but they have not

11   actually called in to enter the speaker's queue.

12        This hearing will continue to 8:00 tonight so there's

13   plenty of time to call in and provide their testimony. Also

14   I want to remind people that the public comment period will

15   remain open until August 12th.  5:00 p.m. on August 12th.

16   Even after this hearing ends tonight, there is still plenty

17   of time that people can submit a written comment on the Toll

18   Setting Proposal.  With that it is 6:43.  We're going to go

19   into recess until 7:00.  I'll come back at 7:00 or sooner to

20   get a caller enter the speaker queue.  We are in recess.

21               [RECESS]
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1   MR. BING: Thank you for attending the MDOT Toll Rate

2   Range Ranging Setting process public hearings. Today's

3   sessions are from 2 p.m. to 4 p.m. and 6 pm. To 8 pm.

4   MR. BING: Okay, it is 8:00 p.m.   This is the end

5   point for this call in session public hearing.   I think

6   everyone over the course of two days of public hearings both

7   on Monday at the in-person hearings in Rockville, and today

8   during the call in sessions, we thank everyone who took the

9   time to provide public testimony.   We also thank Director

10   Ports and the entire MDTA Board for listening to all of the

11   thoughtful testimony that was provided.   At this point

12   again, it is 8:00 and this concludes this testimony session.

13   As a reminder, the public comment period will remain open

14   until 5:00 p.m. on August 12th.

15   Good night and thank you.

16   (Whereupon, the hearing was concluded).

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1                    TRANSCRIBER'S CERTIFICATE

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3          I, Vivian Saxe, hereby certify that I transcribed

4    from audio file the proceedings to the best of my ability

5    in the foregoing-entitled matter; and I further certify that

6    the foregoing is a full, true and correct transcript of the

7    audio files produced.

8          IN WITNESS THEREOF, I have subscribed my name on

9    July 29, 2021.

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12
                                    Vivian Saxe
13                                  Vivian Saxe

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