



Maryland Transportation Authority

BOARD MEETING

THURSDAY, JANUARY 30, 2025

MARYLAND TRANSPORTATION AUTHORITY
2310 BROENING HIGHWAY
2ND FLOOR TRAINING ROOM
BALTIMORE, MD 21224

IN-PERSON AND LIVESTREAM



MARYLAND TRANSPORTATION AUTHORITY BOARD MEETING

2310 Broening Highway * 2nd Floor Training Room * Baltimore, MD 21234
Large Conference Room

JANUARY 30, 2025 9:00 AM

This meeting will be livestreamed on the [MDTA Board Meeting Page](#)

NOTES:

- This is an In-Person Open Meeting being conducted via livestreaming.
- The public is welcome to watch the meeting at the link above.
- *If you wish to comment on an agenda item, please email your name, affiliation, and the agenda item to nhenson@mdta.state.md.us no later than 5:00 p.m. on January 28. You **MUST** pre-register and attend the meeting in person to comment.* Once pre-registered, all pertinent information will be emailed to you.

AGENDA

OPEN SESSION – 9:00 AM

Call Meeting to Order

- | | | |
|--|-----------------------------------|---------|
| 1. Approval – <u>Open Session Meeting Minutes of December 19, 2024</u> | Chairman | 5 min. |
| 2. Approval – <u>Contract Awards</u> <ul style="list-style-type: none">• 2024-03 – Construction Management and Inspection Services (CMI) for Key Bridge Rebuild | Jeff Davis | 5 min. |
| 3. Approval – <u>Collective Bargaining Agreement with Fraternal Order of Police (FOP) Lodge #34 for Fiscal Year (FY) 2026 – To Approve the Memorandum of Understanding between the MDTA and FOP Lodge #34</u> | Percy Dangerfield
Tonya Dorsey | 10 min. |
| 4. Update – <u>MDTA Police Public Security – Verbal</u> | Col. Joseph Scott | 10 min. |
| 5. Update – <u>Independent Auditors’ Report on the FY 2024 Financial Statements</u> | Deb Sharpless | 15 min. |
| 6. Update – <u>Legislative Reports Submitted to the Legislature</u> <ul style="list-style-type: none">• Collecting Outstanding Tolls from Out-of-State Motorists | Deb Sharpless | 15 min. |
| 7. Update – <u>Legislative Session – Verbal</u> | Mary O’Keeffe | 10 min. |
| 8. Update – <u>Executive Director’s Report – Verbal</u> | Bruce Gartner | 10 min. |

CLOSED SESSION – Expected Time 10:20 AM

- | | | |
|--|-----------------------------------|---------|
| 9. To Discuss a Personnel Matter | Percy Dangerfield
Tonya Dorsey | 10 min. |
| 10. To Discuss Public Security | Col. Joseph Scott | 15 min. |
| 11. To Discuss Pending Litigation – Update on Status of Pending Litigation Matters | Kim Millender, Esq. | 15 min. |

Vote to go into Open Session

Ratify Action Taken in Closed Session

Vote to Adjourn Meeting

TAB 1

MARYLAND TRANSPORTATION AUTHORITY
BOARD MEETING

THURSDAY, DECEMBER 19, 2024
9:00 A.M.

MDTA EXPRESS TOLL LANES PROJECT OFFICE
8019 CORPORATE DRIVE, SUITE F, NOTTINGHAM MD 21236
IN-PERSON & LIVESTREAMED OPEN MEETING

OPEN SESSION

Paul J. Wiedefeld, Chairman

MEMBERS ATTENDING:

Dontae Carroll
William H. Cox, Jr.
Mario J. Gangemi
Cynthia D. Penny-Ardinger
Jeffrey S. Rosen
Samuel D. Snead
John F. von Paris

STAFF ATTENDING:

Sharonda Baker
Jeffrey Brown
Carl Chamberlin
Jeffrey Davis
Donna DiCerbo
Allen Garman
Bruce Gartner
David Goldsborough
James Harkness
Natalie Henson
Cheryl Lewis-Orr
Kimberly Millender, Esq.
Mary O'Keeffe
Tia Rattini
Col. Joseph Scott
Deb Sharpless
Cheryl Sparks
Jennifer Stump
Bradley Tanner

OTHERS ATTENDING:

Samantha Biddle, MDOT/TSO

At 9:00 a.m. Chairman Paul J. Wiedefeld called the meeting of the Maryland Transportation Authority (MDTA) Board to order. The meeting was held in-person at the MDTA Express Toll Lanes Project Office, 8019 Corporate Drive, Suite F, Nottingham MD 21236 and was livestreamed on the MDTA Board Meeting web page.

APPROVAL – OPEN SESSION MEETING MINUTES OF NOVEMBER 21, 2024

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 November 21, 2024 were unanimously approved.

APPROVAL – CONTRACT AWARD

- **MDTA 2022-02B – Construction Management and Inspection Services – Small Business Reserve**

Mr. Jeffrey Davis requested contingent approval from the MDTA Board to execute Contract No. MDTA 2022-02B – Construction Management and Inspection Services – Small Business Reserve with O’Connell & Lawrence on AE 3127 in the amount of \$3,000,000.00 and iCivil, Incorporated on AE 3129 in the amount of \$3,000,000.00.

Mr. Davis explained that the consultants shall provide professional CMI services for construction projects on an on-call and on-site basis, as directed by the MDTA. The work encompasses all of the MDTA’s facilities and services shall include, but are not limited to, constructability reviews, conduct pre-construction conferences, monitor and document contractor performance, conduct detailed inspections of all construction work including erosion and sediment control, contract compliance, environmental project/program monitoring as required, review of contractor safety program and inspection, maintenance of traffic, schedule and conduct progress meetings, conduct detailed materials inspections and testing, contract utility coordination and locating of existing facility utilities as needed, monitor project critical path method (CPM) and cash flow schedules, review and process progress and final payments utilizing Maryland Construction Management System (MCMS), (e-MCMS), or other construction management software approved by the MDTA, provide construction phase review services such as reviewing shop drawings and responding to Request for Information (RFI’s), provide on-site program management support as needed, and assist the MDTA compliance program officers with monitoring and enforcement of the Minority Business Enterprise (MBE) goals.

Upon motion by Member Mario J. Gangemi and seconded by Member Dontae Carroll, the Members unanimously gave contingent approval of Contract No. MDTA 2022-02B – Construction Management and Inspection Services – Small Business Reserve.

******* Member John F. von Paris recused himself and left the room prior to the presentation of the next contract. *******

- **MDTA 2024-02 – Planning, Engineering, Construction Management, and Program Support Services for the Francis Scott Key (FSK) Bridge Reconstruction**

Mr. Jeffrey Davis requested contingent approval from the MDTA Board to execute Contract No. MDTA 2024-02 – Planning, Engineering, Construction Management, and Program Support Services for the Francis Scott Key (FSK) Bridge Reconstruction with Bridging Maryland on AE 3132 in the amount of \$75,000,000.00.

Mr. Jeffrey Davis explained that the requested services are for a General Engineering Consultant (GEC). The GEC will be responsible for planning, engineering, construction management, and program support services to rebuild the collapsed FSK bridge. The GEC will act as MDTA's engineer and representative in the rebuild effort. The GEC will function under the control of MDTA staff and will supervise or liaise with the selected Progressive-Design-Build contractor. The services include the domains of transportation planning, project planning, land surveying, public involvement, forestry and landscape architecture, environmental sciences, project management, and engineering. The engineering disciplines include areas of highway, construction, water resources, environmental, structural, structural inspection, coastal, traffic, transportation, electrical, intelligent transportation systems, geotechnical, pavement, materials, utility, etc. In addition, the services include coordinating within and outside MDTA, on-site staffing, project scoping, contract administration, financial evaluation, project quality management, documentation management and controls, public outreach, reviewing conformance with the governing laws, risk management, tracking cost and expenses, etc.

Upon motion by Member Mario J. Gangemi and seconded by Member William H. Cox, Jr., the Members gave unanimous contingent approval of Contract No. MDTA 2024-02 – Planning, Engineering, Construction Management, and Program Support Services for the Francis Scott Key (FSK) Bridge Reconstruction.

****** Member John F. von Paris returned to the room for the remainder of the meeting. ******

UPDATE – PROCURMENT REPORT ON OPEN CONTRACTS

Mr. Jeffrey Davis presented the MDTA Board with a verbal report on how many contracts are currently open with the MDTA, excluding state credit card purchases. There are currently 210 contracts totaling \$2,917,954,827.01.

APPROVAL – DRAFT LEGISLATIVE INITIATIVE – EMERGENCY TOLL SETTING PROCESS

Ms. Mary O’Keeffe requested MDTA Board approval for a 2025 legislative concept to increase the duration of the MDTA’s emergency toll-rate setting status determination to not exceed 300 days.

Ms. O’Keeffe explained Maryland Annotated Code, Transportation Article, §4–312 establishes the toll setting process for the MDTA. As currently written, if the MDTA determines that an emergency status exists, it can adopt temporary adjustments to tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges that can take effect immediately on adoption by the MDTA Board or on the effective date established by the MDTA Board. In current law, an emergency status

determination may not exceed 180 days. When the emergency status expires, the temporary adjustments end. If the MDTA adopts any temporary adjustments under emergency status to tolls, fees, mileage rate ranges, pricing periods, toll zones, or other charges, the MDTA must provide notice to the public on its official website and commence public notification and comment procedures immediately.

Ms. O’Keeffe further explained that the proposed legislation is needed because the current duration of an emergency status determination of not exceeding 180 days does not provide sufficient time for MDTA staff to fulfill the requirements of the toll setting process as provided for in statute. The approximate timeframes associated with a standard toll setting process are listed below.

- Development of proposal – 3 months
- Prepare hearing material and notifications – 2 months
- Conduct hearings with public comment period – 3 months
- Hold second public comment period – 1 month
- Prepare final proposal for MDTA Board vote – 1 month

An increase in the duration of the emergency toll adjustment authority to 300 days would provide the needed time to complete a toll adjustment analysis, develop a toll adjustment proposal, prepare public hearing materials, schedule the public hearings, and allow for adequate public comment period in accordance with the existing statute.

Upon motion by Member Jeffrey S. Rosen and seconded by Member Mario J. Gangemi, the 2025 legislative concept to increase the duration of the MDTA’s emergency toll-rate setting status determination to not exceed 300 days was unanimously approved.

APPROVAL – QUARTERLY REVIEW OF INVESTMENT STRATEGY AND BENCHMARKS

Mr. Allen Garman requested MDTA Board approval to continue with the current investment strategies and benchmarks for all accounts.

Mr. Garman explained that for the trailing twelve-month period ended September 30, 2024, investments conformed to Investment Policy limitations. The longer duration strategies employed in certain reserves generate higher return volatility with expected higher average annual returns over multi-year periods. Portfolio structuring by account adhered to Board approved strategy and should remain consistent, despite short-term return volatility associated with the rising interest rate environment. No changes in performance strategy or benchmark are recommended.

Upon motion by Member Dontae Carroll and seconded by Member John F. von Paris, continuation of the current investment strategies and benchmarks for all accounts was unanimously approved.

UPDATE – 1ST QUARTER OPERATING BUDGET COMPARISON

Mr. Jeffrey Brown updated the MDTA Board on actual versus projected year-to-date spending for the first quarter of Fiscal Year (FY) 2025 Operating Budget. As of September 30, 2024, 12% of the budget was spent compared to a target of 22%. Except for personnel expenses, all Object Codes were below budget. This is a typical spending pattern for the first quarter of the fiscal year.

UPDATE – 1ST QUARTER CAPITAL BUDGET COMPARISON

Ms. Jennifer Stump updated the MDTA Board on the status of actual Fiscal Year (FY) 2025 capital spending relative to the FY 2025 capital budget in the FY 2025-2030 Draft Consolidated Transportation Program (CTP). As of September 30, 2024, 9.6% of the FY 2025 budget was spent versus the targeted spending level of 25%. The total budget for FY 2025 is \$809.8 million. The actual spending through the first quarter was \$77.5 million. The first quarter percentage is low because there are outstanding accruals for work completed in FY 2024.

Ms. Stump further explained that eighty-six of the ninety-one projects budgeted in FY 2025 were within the acceptable spending limits of 0% to 50% (plus or minus 25% of the 25% target). Due to normal lags in invoicing, generally two months, a plus or minus 25% threshold was determined to be reasonable. The actual spending through the first quarter for ten projects with the highest FY 2025 budgets was \$52.9 million.

She also explained that extended procurements have resulted in delayed Notice to Proceed on several projects which could impact overall FY 2025 spending. However, since the Draft CTP was approved, thirty-two projects have increased spending expected in FY 2025.

UPDATE – QUARTERLY UPDATE ON TRAFFIC AND REVENUE

Ms. Deborah Sharpless gave a quarterly and year-to-date update to the MDTA Board regarding traffic and toll revenue trends compared to the previous year and the forecast.

Ms. Sharpless explained that this quarterly review looks at traffic and toll revenue trends and compares actual system-wide experience with traffic and toll revenue forecasts. CDM Smith tracks and evaluates the performance of traffic at the lane level and traffic and revenue collected on a cash basis

She further explained that actual revenue was below forecast by \$5.2 million during the first quarter of the fiscal year primarily due to the monthly forecasted allocation of *E-ZPass*[®] and video toll collections during the month of September. The variance in the actual forecasted revenue associated with the monthly allocation is expected to diminish as the year progresses.

UPDATE – MAJOR PROJECTS UPDATE

Mr. James Harkness updated the MDTA Board on the status of Major Projects in the Capital Program. Mr. Harkness explained that as of December 12, 2024, there are thirteen major projects in the Capital Program. Eleven of the projects are under construction and two are under design. This update includes projects funded for construction in the current Consolidated Transportation Program and includes five projects valued in excess of \$100 million. There are four projects from the \$1.1 billion I-95 ETL Northbound Expansion program.

UPDATE – DIVISION OF INFORMATION TECHNOLOGY (DOIT) MAJOR PROJECTS UPDATE

Mr. David Goldsborough updated the MDTA Board on the Division of Information Technology (DoIT) major projects. As of December 2024, DoIT maintains an active portfolio of 21 projects and continued support of the third generation (3G) tolling system program.

Some of the significant initiatives that DoIT continues to work on include the following:

- HR Central Conversion
- Scheduling System Enhancements
- Maximo Spatial
- Dynamics SL Upgrade
- HRIS
- Data Center Enhancements Project
- Clearing House Tracking for Health and Safety
- Police BWC
- Maximo 9 Upgrade

UPDATE – CIVIL RIGHTS AND FAIR PRACTICES (CRFP) SOCIOECONOMIC PROGRAMS STATUS

Ms. Tia Rattini updated the MDTA Board on MDTA's progress toward achieving the legislatively mandated socioeconomic program goals for the 1st Quarter of Fiscal Year (FY) 2025, which covers the performance period of July 1, 2024 to September 30, 2024 (Q1 FY 2025).

These programs include the following:

- Disadvantaged Business Enterprise (DBE) Program;
- Minority Business Enterprise (MBE) Program;
- Small Business Reserve (SBR) Program; and
- Veteran-Owned Small Business Enterprise (VSBE) Program.

In addition, Ms. Rattini reported on current strategies focused on outreach, training, and data analysis. These included: PRISM Contract Compliance System; In-Person Outreach Events; Training with the Office of Engineering and Construction; Credit Card Purchases made with DBE, MBE, SBR, and VSBE Vendors; Identifying Additional Opportunities for DBE/MBE/VSBE Participation; and Outstanding DBE/MBE/VSBE Subcontracting Partner Award.

UPDATE – AUDIT COMMITTEE

Member Cynthia D. Penny-Ardinger presented an update on the Audit Committee meeting that took place on December 3, 2024.

Member Penny-Ardinger explained that the Committee was informed that the Internal Audit Contractor was acquired by another firm and had ceased operations. The Audit Committee discussed several solutions to resolve the issue and requested a status report to the Committee in early January 2025. Since the Committee meeting the new firm Citrin Copperman has stated they will be presenting MDTA with the documents necessary to execute a novation by the end of December 2024.

She further explained that dependent on resolution of the Audit Contract issue, the Office of Audits is on track to complete the thirteen audits in the Fiscal Year (FY) 2025 Audit Plan. At this time, one audit is complete, five are in progress, and two are on hold pending resolution of the Audit Contract issue.

UPDATE - EXECUTIVE DIRECTOR'S REPORT

Mr. Bruce Gartner began his update by informing the MDTA Board that consistent with the MDTA Board approved tolling plan for the I-95 Express Toll Lanes (ETLs), as Executive Director, he approved the 2025 calendar year holiday schedule for the ETLs. This resets the toll schedule on certain holidays to a Saturday or Sunday toll based on the traffic patterns for the holiday.

Mr. Gartner also updated the Board on the 10-year opening anniversary of the ETLs and some of the notable 2024 accomplishments of various MDTA departments and offices.

He concluded by thanking the MDTA Board, Chairman, and staff for everything they do to help the MDTA accomplish its goals and wished a safe and happy holiday season to everyone.

Prior to adjourning the meeting, Chairman Wiedefeld and several MDTA Board Members also echoed Mr. Gartner's closing statement.

VOTE TO ADJOURN MEETING

There being no further business, upon motion by Member William H. Cox, Jr. and seconded by Member Cynthia D. Penny-Ardinger, the Members unanimously voted to adjourn the meeting at 10:45 a.m.

The next MDTA Board Meeting will be held on Thursday, January 30, 2025 at 9:00 a.m. at MDTA Headquarters, 2310 Broening Highway, Baltimore MD 21224 and will be livestreamed on the MDTA Board webpage.

APPROVED AND CONCURRED IN:

Paul J. Wiedefeld, Chairman

TAB 2



MEMORANDUM

TO: MDTA Board
FROM: Director of Procurement Jeffrey Davis, NIGP-CPP
SUBJECT: MDTA 2024-03, Construction Management and Inspection Services (CMI) for the Francis Scott Key (FSK) Bridge Reconstruction
DATE: January 30, 2024

PURPOSE

To seek approval to execute three Contracts under Solicitation No. MDTA 2024-03, Construction Management and Inspection Services (CMI) for the Francis Scott Key (FSK) Bridge Reconstruction.

SUMMARY

The services to be performed under these three contracts are CMI Services for the Maryland Transportation Authority (MDTA). The consultant shall provide professional Construction Management Services related to supplementing and supporting the construction phase of the MDTA Consolidated Transportation Program. The Consultants shall perform services in the following general areas: services shall include, but not be limited to; constructability reviews, conducting detailed inspections of all construction work including erosion and sediment control contract compliance, maintenance of traffic, detailed materials testing, critical path method cash flow schedules, document control and assisting the MDTA's DBE compliance officers with monitoring and enforcement of Disadvantaged Business Enterprise (DBE) goals.

RECOMMENDATION

To approve the execution of Contract Nos. AE-3133-0000, AE-3134-0000, and AE-3135-0000 after BPW Approval which is anticipated on February 12, 2025.

ATTACHMENT

- Project Summary



BOARD PROJECT SUMMARY

Contract No. MDTA 2024-03 CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE FRANCIS SCOTT KEY (FSK) RECONSTRUCTION

PIN NUMBER N/A
CONTRACT NUMBER MDTA 2024-03
CONTRACT TITLE Construction Management and Inspection Services (CMI) for the Francis Scott Key (FSK) Bridge Reconstruction

PROJECT SUMMARY The services to be performed under these three contracts are CMI Services for the Maryland Transportation Authority (MDTA). The consultant shall provide professional Construction Management Services related to supplementing and supporting the construction phase of the Maryland Transportation Authority Consolidated Transportation Program. The Consultants shall perform services in the following general areas: services shall include, but not be limited to; constructability reviews, conducting detailed inspections of all construction work including erosion and sediment control contract compliance, maintenance of traffic, detailed materials testing, critical path method cash flow schedules, document control and assisting the MDTA's DBE compliance officers with monitoring and enforcement of Disadvantaged Business Enterprise (DBE) goals.

SCHEDULE	PROPOSER	CONTRACT	CONTRACT	
		NUMBER	AMOUNT	
ADVERTISEMENT DATE	September 9, 2024	Greenman-Pedersen/Gannett Fleming (GPI/GF JV)	AE-3133	\$20,000,000.00
ANTICIPATED NTP DATE	March 6, 2025	Michael Baker International/STV (MBI/STV JV)	AE-3134	\$20,000,000.00
DURATION/TERM	Five (5) years	AECOM Technical Services, Inc.	AE-3135	\$20,000,000.00
	Outer Harbor Partnership			
	Joint Venture of Rummel, Klepper & Kahl, LLP (RK&K), Hill International, Inc., and True Inspection Services, LLC (TIS)	N/A	N/A	N/A
	A. Morton Thomas and Associates, Inc./KCI Technologies, Inc., Joint Venture (AMT/KCI)	N/A	N/A	N/A
	Key Bridge Inspection Partners			
	Joint venture of Stantec Consulting Services Inc. (Stantec) and EXP U.S. Services Inc. (EXP)	N/A	N/A	N/A
	ATCS, P.L.C. (ATCS) and Jacobs Engineering Group Inc. (Jacobs) Joint Venture (ATCS/Jacobs JV)	N/A	N/A	N/A
	PrimECS, LLC	N/A	N/A	N/A
		Total		\$60,000,000.00

PROTEST YES NO
 ✓

DBE PARTICIPATION

ADVERTISED GOAL (%)	GPI/GF JV	MBI/STV JV	AECOM
	AE-3133	AE-3134	AE-3135
PROPOSED GOAL (%)	PROPOSED GOAL (%)	PROPOSED GOAL (%)	PROPOSED GOAL (%)
DBE PARTICIPATION - OVERALL	33.00%	33.00%	33.00%
OVERALL DBE	33.00%	33.00%	33.00%

TAB 3



MEMORANDUM

TO: MDTA Board
PRESENTED BY: Chief Administrative Officer Percy E. Dangerfield, PhD
Human Resources and Workforce Development Director Tonya J. Dorsey
PREPARED BY: Human Resources and Workforce Development Director Tonya J. Dorsey
SUBJECT: Collective Bargaining Agreement with Fraternal Order of Police (FOP) Lodge #34, Fiscal
Year (FY) 2026
DATE: January 30, 2025

PURPOSE OF MEMORANDUM

The purpose of this item is to apprise the Maryland Transportation Authority (MDTA) Board of the negotiations between the MDTA and the Fraternal Order of Police (FOP) Lodge #34.

SUMMARY

On December 30, 2024, the State and the FOP reached a tentative agreement through collective bargaining. The final agreed upon package subject to ratification is a one (1) year agreement, effective July 1, 2025, through June 30, 2026.

The following details the agreed upon proposals with significant economic impact:

- A 1% cost-of-living adjustment (COLA) in Fiscal Year 2026;
- A one-step increase for all bargaining unit members effective January 1, 2026; and
- On Call Pay was established to incentivize officers to become members of specialized units and to compensate those who are already members of specialized units. Eligible employees will receive On Call pay of \$2 per hour for each hour worked.

When fully implemented, the agreement provides an additional \$1.3 million in salaries and benefits to bargaining unit members. There is an estimated cost of \$399,000 to cover On Call Pay. If the 1% COLA and one-step increment are applied to the command staff, it will result in an additional estimated \$1.4 million in salaries and benefits.

ADDITIONAL OUTCOMES

MDTA negotiated on the following points in order to memorialize several side agreements that have been entered into over the past three years and to accomplish the following mutually beneficial goals for the MDTA Police and FOP Union Members:

- Simplify overtime rules and to create policies that recognize the impact on an officers off-duty time.
- Provide eligible officers with more opportunities to apply for specialized units or functions.
- Provide officers with compensation sooner for performing higher level duties on an acting basis.
- Clarify the type and timing of information to be provided to employees involved in disciplinary investigations.
- Provide paid family leave to employees based upon qualifying circumstances.

The provisions included to accomplish these goals include:

- Extra Duty Overtime to be paid for time actually worked with the exception of Construction Overtime. If an Extra Duty Overtime assignment is cancelled within eight (8) hours of an employee's start time, the employee will be compensated for four (4) hours of overtime. If the cancellation is outside of the eight-hour window, the employee will not receive any overtime compensation. This was implemented to be consistent with other extra duty overtime assignments.
- Employees who perform work as directed by a supervisor or upon request from a representative of a State's Attorney during non-scheduled work hours shall be compensated a minimum of 30 minutes at their overtime rate. Any time beyond 30 minutes will be compensated for the actual time worked at the employee's overtime pay rate. This was agreed upon to provide compensation to employees who are contacted by a representative from the State's Attorney's Office.
- Personnel eligible to fill vacancies in a Specialized Unit or Specialized Function will be given an opportunity to apply. Should no personnel meet the qualifications or successfully pass all requirements or in the event no one submits for the vacancy, the Chief of Police or designee may select an individual for that vacancy. Management and the FOP will work together to draft language regarding the inclusion of past disciplinary history evaluation on an interest file. This is done to provide greater opportunities for employees to fill much needed positions.
- The employee shall receive acting pay if required to assume higher level duties for at least ten (10) continuous calendar days. Previously, employees received acting pay for performing duties for at least twenty (20) continuous calendar days. The policy was updated to allow employees who are assuming higher level responsibilities to be compensated sooner.
- During disciplinary investigations, the employer shall provide an employee subject to a compelled interrogation with a copy of any reports written by the employee and the opportunity to review the employee's body-worn camera and/or dash-camera footage, if applicable, prior to the start of the interrogation.
- Beginning July 1, 2026, eligible employees will receive up to 24 weeks of paid Family and Medical Leave for qualifying events. This was provided to be consistent with benefits provided to other State employees.

RECOMMENDATION

We are seeking MDTA Board approval to confirm the agreement reached between the State and the FOP.

TAB 4

VERBAL

TAB 5



Maryland
Transportation
Authority

Wes Moore, Governor
Aruna Miller, Lt. Governor
Paul J. Wiedefeld, Chairman

Board Members:
Dontae Carroll Cynthia D. Penny-Ardinger
William H. Cox, Jr. Jeffrey S. Rosen
W. Lee Gaines, Jr. Samuel D. Snead, MCP, MA
Mario J. Gangemi, P.E. John F. von Paris

Bruce Gartner, Executive Director

MEMORANDUM

TO: MDTA Board
FROM: MDTA Chief Financial Officer Deborah Sharpless
SUBJECT: Independent Auditors' Report on the Fiscal Year 2024 Financial Statements
DATE: January 30, 2025

PURPOSE OF MEMORANDUM

To present the results of the financial statement audit conducted by the Maryland Transportation Authority's independent auditor, CliftonLarsonAllen, LLP. On January 9, the Finance and Administration Committee was briefed by the auditor on findings summarized in the presentation materials.

SUMMARY

The attached Financial Audit Results provides an overview of the key emphasis areas, including internal controls, required auditor communications, and future considerations.

Favorably, the independent auditor issued an unmodified opinion.

ATTACHMENT

- PowerPoint Presentation – MDTA 2024 Financial Audit Results



Maryland Transportation Authority

2024 Financial Audit Results

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Agenda

- Audit Overview
- Internal Control Deficiencies
- Required Auditor Communications
- Future Considerations



Key Players

- MDTA

- Deborah Sharpless
- Chantelle Green
- Allen Garman
- Kenneth Montgomery
- Vicky Dobbins

- CLA LLP

- Sean Walker, Principal
- Josh McClain, Senior



Audit Overview

- Areas of emphasis –
 - Investments
 - Capital assets and leases
 - Long-term debt
 - Revenue (estimate for tolling activity)
 - Intergovernmental agency relationships
 - Financial reporting
 - Key Bridge transactions

- Status: Unmodified Opinion Issued



Internal Controls

- Evaluated internal control design for significant account balance and classes of transactions
 - No material weaknesses or significant deficiency identified.
- Context: Internal controls deficiencies that have a likelihood or caused material misstatements in the financial statements prior to finalizing our audit procedures.

Governance Communications

- Significant accounting policies
 - Consistent with prior year
 - Adoption of GASB No. 103, *Financial Reporting Model Improvements*
- Accounting estimates
 - Allowance on receivables
 - Pollution remediation liabilities
 - Capital asset depreciation
 - Pension liabilities
- Difficulties encountered in performing the audit
 - None



Governance Communications

- Uncorrected misstatements – none
- Corrected misstatements - none
- Disagreements with management - none
- Consultation with other accountants – none
- Significant issues discussed with management prior to retention - none
- Representation from management





Questions?

We'll get you there.

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Sean M. Walker, CPA, CFE, CGFM,
CGMS

Principal

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TAB 6



Maryland
Transportation
Authority

Wes Moore, Governor
Aruna Miller, Lt. Governor
Paul J. Wiedefeld, Chairman

Board Members:
Dontae Carroll Cynthia D. Penny-Ardinger
William H. Cox, Jr. Jeffrey S. Rosen
W. Lee Gaines, Jr. Samuel D. Snead, MCP, MA
Mario J. Gangemi, P.E. John F. von Paris

Bruce Gartner, Executive Director

MEMORANDUM

TO: MDTA Board
FROM: Chief Financial Officer Deborah Sharpless
SUBJECT: Joint Chairmen’s Report (JCR) Collecting Outstanding Tolls from Out of State Motorists
DATE: January 30, 2025

PURPOSE OF MEMORANDUM

To update the MDTA Board on the response to the Joint Chairmen’s Report (JCR), including ongoing efforts for collection of outstanding tolls from out-of-state motorists.

BACKGROUND

During the 2024 Legislative Session, budgetary language was adopted that required the Maryland Transportation Authority (MDTA) to prepare a JCR that addresses the collection of outstanding tolls from out-of-state motorists. The budget language stated that the Senate Budget and Taxation Committee and House Appropriations Committee are interested in MDTA’s efforts to collect outstanding tolls incurred at Maryland’s toll facilities by out-of-state motorists. Unlike the in-state collection process supported by enforcement mechanisms, including the ability to suspend vehicle registrations through the Motor Vehicle Administration (MVA), no such recourse exists for out-of-state drivers. The Committees requested details on the (1) amount of uncollected tolls outstanding; (2) geographic breakdown by state; and (3) age ranges of uncollected tolls. Additionally, the JCR asks the MDTA to specifically address establishing reciprocity agreements with other states and the feasibility of utilizing collections agencies.

SUMMARY

Within the report, the MDTA acknowledged out-of-state reciprocity agreements and collection contracts are good tools to encourage payment and provided the financial data requested. The MDTA also acknowledged its focus has been on strategies to increase registered accounts such as expanding *E-ZPass* and other similar interoperability programs across the country. The MDTA also demonstrated the value it has received from prioritizing registered account strategies and highlighted other strategies underway, including out-of-state reciprocity and collections contracts.

ATTACHMENT

- Joint Chairmen’s Report - Collecting Outstanding Tolls from Out-of-State

**Collecting Outstanding Tolls from Out-of-State
Motorists
(2024 JCR, p. 91)**

**A Report to the Maryland General Assembly Senate
Budget and Taxation Committee
and
House Appropriations Committee**

January 2025

Maryland Department of Transportation
Maryland Transportation Authority

The Maryland Transportation Authority (MDTA) prepared this report in response to committee narrative contained in the 2024 *Joint Chairmen's Report* (JCR). The language states:

“Collecting Outstanding Tolls from Out-of-state Motorists: *The committees are interested in the Maryland Transportation Authority's (MDTA) efforts to collect outstanding tolls incurred at MDTA facilities from out-of-state motorists. The Motor Vehicle Administration can flag a Maryland motorist's account for unpaid tolls when requested by MDTA; however, no such ability exists to freeze the accounts of out-of-state drivers. Given the potential for significant impact that outstanding tolls may have on MDTA's revenues, the committees are interested in the strategies employed to collect outstanding tolls, particularly long-term outstanding tolls, from out-of-state motorists. The committees therefore request that MDTA submit a report by October 1, 2024, describing:*

- *the current amount of outstanding tolls from out-of-state motorists, delineated by motorists' state of residence, and a breakdown of the portion of that total that has been outstanding for six months or less, six months to one year, one to three years, and three years or more;*
- *and a discussion of the cost and benefits of using collections agencies versus establishing reciprocity agreements with neighboring states to collect tolls from out-of-state motorists, including a projection of how much in current outstanding tolls may be collected if reciprocity agreements with certain neighboring states were established.”*

Introduction

Since 2021, the MDTA has made significant strides in transitioning to the new tolling system and enhancing customer experience and is now positioned to further improve its toll collection efforts. These efforts include, but are not limited to, pursuing toll enforcement agreements with other tolling agencies and contracting with a third-party vendor to pursue toll collections from out-of-state motorists.

The JCR asks the MDTA to specifically address establishing reciprocity agreements and out-of-state collections agencies. In addition to answering this question, the below response takes a more holistic look at out-of-state collections. Although reciprocity agreements and out-of-state collections agencies are good tools to encourage payment, the MDTA's first priority to improve collections has rested with expanding registered account strategies such as expanding *E-ZPass* and other similar interoperability programs across the country. The balance of the report addresses interoperability and demonstrates the value obtained by prioritizing interoperability over reciprocity agreements and out-of-state collection agencies. Future actions will include pursuing reciprocity agreements and an out-of-state collections Request for Proposals (RFP) along with other toll collection initiatives highlighted at the conclusion of this report.

Unpaid Tolls

Based on the last 11 fiscal years (2014-2024), the cumulative amount of unpaid tolls associated with unregistered video tolls for in-State and out-of-state motorists represents 4.2% of the revenue collected over that time period. This totals \$312.8 million in toll dollars. Of this amount, \$150.9 million, or 48%, is comprised of outstanding toll debt from in-State motorists and \$161.9 million, or 52%, is comprised of toll debt from out-of-state motorists. This averages to approximately \$13.7 million annually in tolls for in-State motorists and \$14.7 million annually in tolls for out-of-state motorists.

The table below shows the 10 states with the highest amount of unpaid tolls owed by out-of-state motorists as of November 30, 2024. (See the Appendix for a full listing of tolls owed by out-of-state motorists).

Highest Amount of Toll Debt Owed by Out-of-State Motorists

<u>State</u>	<u>Tolls Due</u>	<u>%</u>
VA	\$ 38,509,019	21.1%
PA	20,589,821	11.3%
NJ	20,016,083	11.0%
FL	19,848,264	10.9%
NC	16,122,770	8.9%
DE	11,892,050	6.5%
TX	9,444,876	5.2%
GA	6,069,599	3.3%
NY	5,612,501	3.1%
SC	4,283,862	2.4%
Other	<u>29,738,829</u>	<u>16.3%</u>
Total	\$ 182,127,675	100.0%

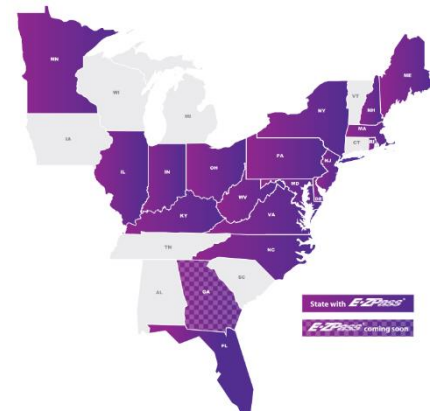
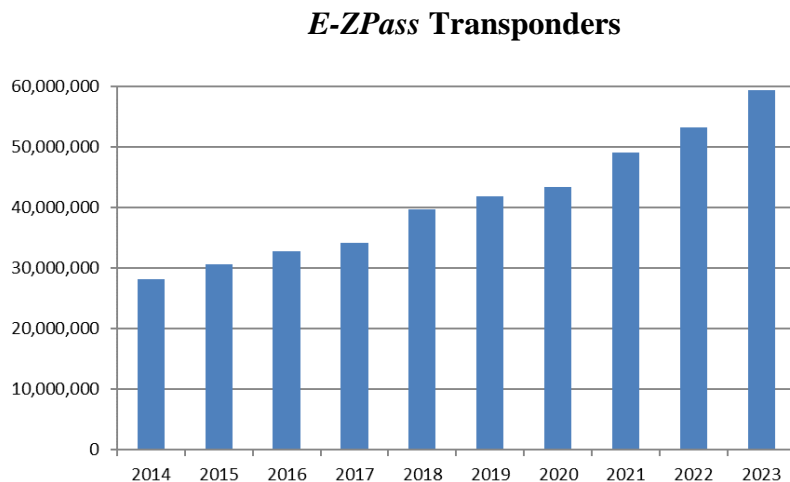
Strategies to Reduce Unpaid Video Tolls

E-ZPass Growth and Expansion

During the fiscal year (FY) 2022-2024 timeframe, the MDTA's collected toll revenue totaled \$2.2 billion. Of this amount, 49% comprised of revenue from in-State motorists and 51% comprised of revenue from out-of-state motorists. Approximately 85% this revenue was collected via the *E-ZPass* and Pay-by-Plate payment methods. The remaining 15% was collected by invoicing unregistered motorists (video toll payment method). *E-ZPass* and Pay-by-Plate are the preferred payment methods with the highest probability of collection (typically 100%).

The *E-ZPass* Program is the largest, most successful interoperable toll collection program network in the world. As such, national interoperability continues to be one of the most effective and cost-efficient tools for collecting out-of-state debt. The growth in national interoperability associated with expansion (new *E-ZPass* Group member agencies) and an increase in registered *E-ZPass* accountholders has made *E-ZPass* the most financially beneficial option for collecting out-of-state debt. The MDTA has, and continues, to leverage its membership in the *E-ZPass* Group to further its toll collection efforts.

The *E-ZPass* Group consists of 36 tolling entities across 20 states that operate under the *E-ZPass* Electronic Toll Collection Program umbrella. Key initiatives of the group include national interoperability and partnering with external hubs to collect electronic payments from customers affiliated with a tolling agency outside of the *E-ZPass* network. *E-ZPass* has over 59 million *E-ZPass* devices in circulation resulting in tremendous brand recognition.



Growth in E-ZPass Transactions

As more agencies convert to all-electronic tolling (AET) and introduce new tolling facilities, *E-ZPass* transactions will continue to grow and membership in the *E-ZPass* Group is likely to continue to increase. Recent data trends show that the number of transponders across the *E-ZPass* network have increased by 110% since 2016.

The growth in *E-ZPass* transactions is driven, in large part, by the marked increase in the number of AET facilities. The number of registered *E-ZPass* accounts are on the rise resulting in *E-ZPass* transaction growth exceeding normal traffic growth (shift in payment method). Toll agencies are experiencing a growing trend where former occasional cash and video toll customers are now *E-ZPass* customers with the highest probability of collection. For example, in FY 2024, Maryland experienced a sizeable shift in video toll transactions to *E-ZPass* transactions. More specifically, MDTA's transactions increased by 4.3 million. The increase is comprised of an 8.8 million increase in *E-ZPass* transactions, offset by a 4.5 million decrease in video toll transactions. Had this shift to *E-ZPass* not occurred, there would have been roughly 5.4 million more video toll transactions in FY 2024, of which no more than 75% would have reasonably been expected to be collectable compared to a 100% *E-ZPass* transaction collection rate. The shift is driven by AET

expansion and the MDTA's strong marketing that conveys the benefits of *E-ZPass* such as the customers' ability to convert their video tolls to the reduced *E-ZPass* rate when opening an *E-ZPass* account, lower tolls, no account maintenance fees¹, and free transponders.

Additionally, expansion of *E-ZPass* has resulted in fewer video tolls and increased *E-ZPass* transactions as new members join the *E-ZPass* network. In FY 2024, approximately \$322 million, or 43%, of the MDTA's toll revenue comprised of *E-ZPass* collections from non-Maryland tolling authorities. Examples of new members include the Central Florida Expressway, the State Road and Tollway Authority (Georgia), the Florida Turnpike Enterprise, and the Minnesota Department of Transportation. In FY 2024 alone, the MDTA collected \$8.1 million in toll revenue from these agencies that would have otherwise been video tolls with a lower probability of collection.

E-ZPass transactions and collections have increased positively, thereby resulting in a reduction in the overall video toll collection rate. Frequently, good-paying formerly cash and video toll customers opt to convert to *E-ZPass*, thereby often leaving the most egregious toll evaders as video toll customers. Consequently, the overall collection rate for video tolls decreases. Despite the decline in the video toll collection rate, the MDTA's overall collection rate does increase when considering all payment methods. Maryland's experience with video toll collections is not unique. MDTA's independent traffic and revenue consultant has reported the MDTA's experience to be a national trend.

Expansion of National Interoperability

The MDTA is currently working toward being interoperable with a hub/region outside of the *E-ZPass* network. Each hub uses different transponder protocols that previously prevented the MDTA's tolling system from recognizing the other hubs/region's transponders (similar to each protocol being written in a different language). The MDTA recently installed tri-protocol readers that enable the agency to read the three most prevalent protocols in the nation. The MDTA now has the capacity to accept transponder transactions from other hubs/regions. The next priority for the MDTA is becoming interoperable with the Central Hub which includes Texas, Oklahoma, Kansas, and Colorado. Establishing this type of direct connection to tolling agencies outside of the *E-ZPass* network is another method of enhancing out-of-state toll collections. Particularly with states such as Texas which is noted as one of the states with the highest percentages of unpaid tolls owed to the MDTA.

¹ No fees for Maryland residents. Out-of-state residents incur a fee when they do not have three or more transactions at a Maryland toll facility within a month.

Reciprocity Agreements & Collections Agencies

The MDTA acknowledges the importance of implementing a multi-prong approach to collecting unpaid tolls from nonresident drivers. Notwithstanding the MDTA's desire to enter into multi-jurisdictional reciprocity agreements, there have been numerous challenges associated with toll enforcement reciprocity. Continued collaboration among various tolling agencies is required to lay the foundation for the successful implementation of reciprocal toll enforcement agreements in the future.

Although the MDTA has the authority to enter into reciprocity agreements, several challenges associated with toll enforcement reciprocity have limited the MDTA's ability to do so. Arguably, two of the greatest challenges are that reciprocal toll enforcement agreements are executed on a peer agency-to-peer agency basis (as opposed to state-to-state) and the notable differences in toll enforcement actions and financial penalties in each state. Notwithstanding these challenges, the MDTA remains optimistic about the possibility of entering into its first reciprocal toll enforcement agreement with the Pennsylvania Turnpike Commission (PTC).

The MDTA views the PTC as an ideal tolling agency for its inaugural reciprocal toll enforcement agreement for two primary reasons (1) PTC's toll enforcement actions and penalties for non-compliant motorists are similar to the MDTA's; and (2) PTC's level of customer service is commensurate with the State of Maryland's customer service efforts that include adequate investments in automation to facilitate the prompt release of a department of motor vehicle flag when customers pay their tolls. Given the lack of preexisting data associated with entering into a reciprocity agreement, the fiscal impact of successfully executing a reciprocity agreement with PTC is unknown at this time.

Conversely, administrative and customer challenges remain with entering into reciprocal toll enforcement agreements with other tolling agencies. For example, Virginia has 17 unique tolling entities operated by 11 different entities throughout the state. Consequently, the MDTA would have to enter into multiple reciprocal toll enforcement agreements given that there are several entities responsible for toll collection and enforcement in Virginia. Additionally, the ability of other states such as Virginia to provide the same level of customer service that is afforded to its residents to nonresidents is also a concern (*e.g.*, the timeliness of releasing motor vehicle registration holds). Furthermore, the financial policies for unpaid tolls vary between tolling authorities. Civil penalties assessed for unpaid tolls that proceed to court in Virginia range from \$50 for a first offense to \$500 for four or more offenses within a specified timeframe as compared to a \$25 civil penalty for each offense in Maryland.

Regarding collection agencies, the MDTA has the ability to enter into contracts with collection agencies to enhance or facilitate the collection of overdue video tolls and associated penalties from nonresidents. Like other tolling authorities, the MDTA intends to use a debt collection service to collect debt owed by nonresidents. The MDTA is currently in the process of developing an RFP aimed at enhancing out-of-state collections. It is anticipated that it will be a multi-award contract in which the collections agency retains a percentage of what is collected in tolls and civil penalties from nonresident motorists. While the fiscal impact of entering into a third-party out-of-state

collections agency agreement is unknown, using Maryland's Central Collections Unit's toll collections agreement as a proxy, \$11.5 million was collected in tolls during the FY 2016 – 2024 timeframe. During the same timeframe, CCU paid \$1.3 million in collection agency fees. On average, the collections agency fee was about 11% of gross collections.

Other Toll Collection Initiatives

In recent years, the MDTA has observed a noticeable decline in its overall video toll collection rate. In response to recent trends, the MDTA has formed an internal multi-disciplinary working group charged with developing toll collection strategies aimed at improving the MDTA's toll collection rate for both in-state and out-of-state motorists. These actions include, but are not limited to:

- *Establishing More Convenient Electronic Payment Mechanisms:* Many of today's customers prefer to pay electronically using their cell phone. The MDTA is in the process of including QR codes on all video toll notices and citations thereby making it easier and more expedient for customers to access and pay their invoice electronically.
- *Providing Additional Payment Due Warning Notices by Mail:* The MDTA is considering issuing a second "warning notice" if a customer fails to make a video toll payment within a certain timeframe before the payment is due. This initiative is prompted by the success that the Massachusetts Department of Transportation has had with its toll collection efforts following the implementation of an additional warning notice.
- *Providing Payment Due Notices via Email:* In today's technological environment, many customers prefer to receive payment notifications via email. The MDTA is considering the feasibility of proactively emailing customers when payment is due by using an email address that is either already on file with the MDTA or obtained from another agency. In most instances, this would be in addition to the notices provided by mail.

Enhanced Visual Branding of MDTA Envelopes: The MDTA is considering changing the look of the envelope that is mailed to customers so that is more readily identifiable to help alert customers that a payment is due. This would include changing the color of the envelope, adding the MDTA's logo to the envelope, and possibly including language such as "Do NOT Ignore" or "Open Immediately".

Conclusion

In conclusion, the MDTA will continue to leverage the benefits associated with *E-ZPass* growth and expansion and national interoperability to enhance out-of-state collections. Furthermore, the MDTA will continue to pursue toll enforcement agreements with neighboring jurisdictions that have similar toll enforcement actions and penalties for non-compliant motorists such as Pennsylvania. Lastly, the MDTA will continue to develop and implement strategies specifically geared toward enhancing out-of-state collections (*e.g.*, the toll collections agency RFP) while simultaneously pursuing initiatives aimed at increasing the overall toll collection rate for in-State and out-of-state motorists (*e.g.*, establishing more convenient electronic payment methods, providing supplemental toll due payment notices, and modifying the MDTA's envelopes to better alert customers that a payment is due).

APPENDIX

Toll Debt Owed by State

<u>State</u>	<u>< 6 Mos.</u>	<u>6 Mos. - 1 Yr.</u>	<u>1 - 3 Yrs.</u>	<u>3+ Yrs.</u>	<u>Total</u>
AK	\$ 8,569	\$ 8,081	\$ 44,269	\$ 25,800	\$ 86,720
AL	92,680	73,307	465,069	201,915	832,971
AR	23,262	16,661	123,094	58,819	221,836
AZ	69,516	61,703	383,090	163,874	678,184
CA	133,525	69,839	1,434,937	529,694	2,167,995
CO	44,061	33,933	210,419	93,788	382,201
CT	-	-	162	294,322	294,484
DC	514,611	376,634	2,153,737	1,072,565	4,117,547
DE	1,513,633	1,295,757	6,694,888	2,387,771	11,892,050
FL	2,129,737	1,948,734	9,947,405	5,822,388	19,848,264
GA	588,205	549,695	3,326,431	1,605,268	6,069,599
HI	-	-	200	12,731	12,931
IA	28,019	24,989	131,648	12	184,667
ID	12,188	8,227	50,610	20,204	91,229
IL	543,062	499,140	1,255,851	310,208	2,608,261
IN	275,210	163,231	1,090,771	636,416	2,165,628
KS	23,838	20,273	111,988	36,210	192,309
KY	52,842	38,251	227,456	75,471	394,020
LA	46,858	37,616	281,286	116,760	482,520
MA	219,240	149,823	1,110,388	367,931	1,847,382
MD	27,823,248	18,675,248	97,962,674	30,766,872	175,228,042
ME	49,057	47,880	445,717	9,135	551,789
MI	94,133	69,456	344,566	218,564	726,719
MN	95,246	70,948	393,732	243,169	803,094
MO	51,375	37,287	267,410	124,128	480,199
MS	50,689	35,557	245,991	137,629	469,866
MT	20,097	12,524	67,990	15,580	116,191
NC	1,706,087	1,399,407	9,485,085	3,532,191	16,122,770
ND	6,207	5,771	59,430	15,801	87,210
NE	26,896	26,373	85,793	48,374	187,436
NH	30,989	29,262	75,673	123	136,046
NJ	2,253,542	2,286,168	10,850,921	4,625,453	20,016,083
NM	16,734	14,446	66,218	17,446	114,843
NV	12,355	8,460	60,915	50,777	132,507
NY	746,033	585,282	2,930,215	1,350,971	5,612,501
OH	484,190	347,652	1,439,771	564,605	2,836,217
OK	65,336	41,430	245,882	120,480	473,129
OR	-	48	218,687	55,500	274,235
PA	2,892,392	2,257,488	11,577,518	3,862,423	20,589,821
RI	82,057	77,581	217,156	7,563	384,357
SC	505,068	404,159	2,694,096	680,539	4,283,862
SD	10,621	11,948	52,396	31,864	106,828
TN	419,983	364,275	1,606,303	513,762	2,904,323
TX	1,038,911	968,784	5,215,818	2,221,363	9,444,876
UT	-	213	6,497	41,504	48,215
VA	6,514,354	5,403,788	20,388,212	6,202,666	38,509,019
VT	40,507	23,446	140,406	37,680	242,040
WA	55,992	37,208	213,901	111,582	418,683
WI	46,283	33,882	126,998	68,531	275,693
WV	168,722	108,735	606,936	285,814	1,170,206
WY	4,407	2,654	20,318	10,741	38,120
Total	\$51,630,565	\$38,763,254	\$197,156,922	\$69,804,976	\$357,355,718

TAB 7

VERBAL

TAB 8

VERBAL

TAB 9

CLOSED SESSION

TAB 10

CLOSED SESSION

TAB 11

CLOSED SESSION