

**METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS  
NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD**

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**MINUTES OF THE  
TRANSPORTATION PLANNING BOARD  
February 18, 2004**

Members and Alternates Present

Chris Zimmerman, Arlington County Board  
Phil Mendelson, D.C. Council  
Mike Knapp, Montgomery County Council  
David C. Harrington, Prince George's County  
Mick Staton, Loudoun County  
Michelle Pourciau, DDOT  
Marsha Kaiser, MDOT  
Carol Petzold, Maryland House of Delegates  
Cicero Salles, Prince George's DPW&T  
Catherine Hudgins, Fairfax County Board of Supervisors  
Kathy Porter, City of Takoma Park  
Bruce Reeder, Frederick County Commissioners  
David Snyder, City of Falls Church  
JoAnne Sorenson, VDOT  
Dick White, WMATA  
Jeff Jennings, Councilmember Jim Graham's office  
Karina Ricks, DC Office of Planning  
Linda Smyth, Fairfax County Board of Supervisors  
Andrew Fellows, City of College Park  
Ludwig Gaines, City of Alexandria  
Kanti Srikanth, VDOT  
Ron Spalding, MDOT  
Aaron Kraus, Maryland Senate  
Brian A. Glenn, FTA  
Susan Hinton, NPS  
Hilda M. Barg, Prince William County  
Tom Farley, VDOT  
Bill Wren, City of Manassas Park

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Larry Marcus, City of Rockville  
Julia Koster, NCPC  
Rick Canizales, Prince William County  
Art Smith, Loudoun County  
Edward L. Thomas, WMATA  
Joan DuBois, Fairfax County

MWCOG Staff and Others Present

Ron Kirby	COG/DTP
Michael Clifford	COG/DTP
Jim Hogan	COG/DTP
Bob Griffiths	COG/DTP
Nicholas Ramfos	COG/DTP
Andrew Meese	COG/DTP
Andrew Austin	COG/DTP
Jane Posey	COG/DTP
Mark Moran	COG/DTP
Debbie Leigh	COG/DTP
Deborah Etheridge	COG/DTP
Daivamani Sivasailam	COG/DTP
Nicholas Ramfos	COG/DTP
Michael Farrell	COG/DTP
Ryan Harris	COG/HSPPS
Diana Farina	COG/HSPPS
Paul DesJardin	COG/HSPPS
Greg Goodwin	COG/HSPPS
Lee Schoenecker	TPB Citizens Advisory Committee
Karen W. Archer	DC Council – Staff
Lora Byala	WMATA
Grady Ketron	VDOT
Tom Biesiadny	Fairfax County DOT
Deborah R. Burns	Federal Transit Administration
Bob Chase	NVTA
Kellie Gaver	MDOT
Fatimah Hasan	MDOT
Alex Verzosa	City of Fairfax DPW
Howard Chang	Tri-County Council for Southern Maryland
Alex Hekimian	M-NCPPC Montgomery County
Laura Olsen	Coalition for SmarterGrowth
Brian Henry	Audubon Naturalist Society

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Tina Brown	Solutions Not Sprawl
Jim Fary	Montgomery Group of the Sierra Club
Grace Malakoff	League of Women Voters
Tad Aburn	MDE
Jeff Stehr	University of Maryland
Randy Carroll	MDE
Dolores Milmo	Audubon Naturalist Society
	Chesapeake Bay Foundation
Amy Horner	Sidley Austin Brown & Wood
Tom Masog	M-NCPPC-Prince George's
Jim Maslanka	City of Alexandria
Harriet Dietz	Arlington County
Tom Biesiadny	Fairfax County DOT
Patty Nicoson	DCRA
Karen Waterman	PRTC
Betsy Massie	PRTC
Bill Wolfe	Edwards and Kelcey
Nicole Waldheim	Association of Metropolitan Planning Organizations
Ryan Moore	Journal Newspaper

## 1. Public Comment

Chairman Zimmerman welcomed new members to the TPB: Bill Wren from the City of Manassas Park and David Harrington from Prince George's County Council.

Bob Grow, Greater Washington Board of Trade, spoke in support of including the Intercountry Connector (ICC) in the Constrained Long-Range Plan (CLRP) and Transportation Improvement Program (TIP), which was under item 10 on the agenda. He said the Board of Trade supports building the road as a limited access parkway that would have access to priority funding areas, as designated by the State of Maryland's smart growth legislation. He invited the public to a conference on transit-oriented development on February 23. Copies of his remarks were submitted for the record.

Dolores Milmo, speaking on behalf of the Chesapeake Bay Foundation and the Audubon Naturalist Society, urged the Board to defer any inclusion of the ICC in the CLRP and TIP. She said there is no compelling reason to act at this time and there were many reasons to wait on this decision until more information is made available. She said the Maryland State Highway Administration, as part of the NEPA obligations for the ICC project, is conducting an air quality analysis, so it would be duplicative for the TPB to perform a similar analysis. She also questioned the state's plans to use General Anticipation Revenue Vehicle (GARVEE) bonds, which she said would preclude important transportation projects from being built in the future.

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Laura Olsen, Coalition for Smarter Growth, spoke against inclusion of the ICC in the CLRP. She said that just a short time ago, Maryland insisted it would only seek study status and limited hardship right-of-way acquisition for the ICC, yet it is now pushing for it to be added to the CLRP as a construction project. She said the ICC should not be added to the CLRP until the Draft Environmental Impact Statement for the project and the Regional Mobility and Accessibility Study are completed. She expressed concerns about the project's financing, environmental impacts, and economic impacts.

Harry Sanders, Action Committee for Transit, expressed concerns about Maryland's transportation needs, as expressed in the "Time to Act" brochure. He noted that the ICC was included as an unfunded need in the brochure, but was being proposed for inclusion in the CLRP, which requires all projects to be funded. He said that meanwhile, important transit needs in Maryland were going unfunded. He said his group, the Action Committee for Transit, has joined the state-wide Maryland Transit Coalition in support of continuing the state's historical commitment made to transit. He said his organization will provide no support for a fee increase, a gas tax increase, or other increase because there is no commitment to funding for transit. Copies of his remarks were submitted for the record.

Bob Chase, Northern Virginia Transportation Alliance, commended the presentation under agenda item 13 by the Maryland Department of the Environment briefing on ozone transport. He said this presentation makes a compelling case that the Washington region should be held harmless for ozone that is transported into the region from other regions of the country. He said it was time to start educating the region's Congressional delegation about this problem so that the rules regarding conformity will be changed. In terms of the ongoing air quality conformity/long-range planning process, Mr. Chase said his organization notes that many parties are interested in modeling and analytical results, and requests that all information be made available to all parties when it is ready for public review and comment. He also spoke in support of the Intercounty Connector, which he said is very necessary. Copies of his remarks were submitted for the record.

Jim Fary, conservation chair of the Montgomery Group at the Sierra Club, said that the request to include the proposed ICC in the CLRP and TIP is premature because the Environmental Impact Statement had not been completed. He expressed concerns about environmental impacts of the project and its economic impacts on the eastern side of the region. Copies of his remarks were submitted for the record.

Bonnie Bick, Campaign to Reinvest in the Heart of Oxon Hill, requested a deferral of action regarding the inclusion of the ICC in the CLRP and TIP. She cited environmental justice concerns based on negative economic impacts she said the project would have on the eastern side of the region. She said more emphasis should be placed on pursuing projects to reduce regional divisions, such as rail on the Woodrow Wilson Bridge.

Tina Brown, speaking on behalf of Solutions Not Sprawl, spoke in opposition to inclusion of the

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ICC in the CLRP and TIP. She said this action should be deferred until the Environmental Impact Statement (EIS) process for the project is complete and after the TPB's Regional Mobility and Accessibility Study is finished. She expressed concerns about the project's financial impacts, air pollution impacts, water quality impacts, community impacts, and traffic impacts.

## **2. Approval of the Minutes of the January 21, 2004 Meeting**

A motion was made to approve the minutes of January 21, 2004. The motion was seconded and was passed unanimously.

## **3. Report of the Technical Committee**

Referring to the mailout report, Mr. Rybeck said the Technical Committee spent much of its meeting reviewing the Time to Act brochure. He said the Committee also reviewed the FY 2005 Unified Planning Work Program and the Commuter Connections Work Program, both of which were on the TPB agenda to be released for public comment.

Ms. Pourciau said that representatives from different local jurisdictions were working on developing a mechanism for sharing best practices that might be useful for other jurisdictions. She said they were hoping to use the Technical Committee for this purpose, which would begin with presentations from different local jurisdictions.

Larry Marcus, representing Rockville, asked for the Board's concurrence to proceed with developing a process for sharing best practices.

Chairman Zimmerman said the idea sounds interesting. He suggested that it should be taken up at the Program Committee.

Ms. Hudgins said she thinks building upon the experiences of other jurisdictions is an appealing concept. She agreed that it should be pursued at the Program Committee.

Mr. Marcus said he would be the point of contact for lining up people to share their experiences. He said that presentations had been preliminarily lined up for the Technical Committee, with Fairfax County, Rockville and D.C. providing presentations for the next three months.

## **4. Report of the Citizens Advisory Committee**

Referring to the handout report, Mr. Jaffe said that the Citizens Advisory Committee (CAC) met on February 12. The committee discussed a number of procedural issues, including the need to develop suggestions to the TPB as to how more timely appointments might be made in the future.

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The committee also discussed a number of issues related to the TPB's Time to Act brochure.

Mr. Jaffe said that Chairman Zimmerman had been invited to speak at its March meeting. He said that the CAC will be holding a public meeting in April on the Anacostia Light Rail project.

## **5. Report of the Program Committee**

Referring to the mailout packet, Mr. Kirby called attention to two items that were approved by the Program Committee at its meeting on February 6. One was a minor amendment to the Unified Planning Work Program for this year to reflect an accounting reduction in funding from the Virginia Department of Transportation. The other was a resolution to program preliminary engineering and advance right-of-way funding for a section of the Fairfax County Parkway.

Mr. Kirby called attention to a number of e-mails and faxes that had been received regarding the Intercounty Connector. He said the handout packet also included copies of the transmittal letters to the region's Congressional delegation regarding the Time to Act brochure. He said copies of the brochure had also been sent to members of the Virginia legislature.

## **6. Chairman's Remarks**

Chairman Zimmerman spoke about the press conference that had occurred that morning to release the Time to Act brochure. He said he hoped everyone would use the brochure in developing the new partnership that the brochure called for. He spoke about the urgency of the region's funding needs. He said the region would be in a lot more trouble in three or four years if steps are not taken now to alleviate the problems. He said the legislation on Capitol Hill represented a key opportunity that will soon be gone. He said that while these are big dollar numbers, they're also numbers very much within reach in an economy of the size of the National Capital region.

Ms. Petzold asked if there were copies of the brochure for her to take to the Maryland legislature.

Chairman Zimmerman said there were.

## **7. Appointment of the Members of the 2004 Citizens Advisory Committee**

Referring to the handout memorandum, Chairman Zimmerman listed the names of the nominees for the Citizens Advisory Committee for 2004.

- District of Columbia: Don Edwards, Harold Foster, Dennis Jaffe, Lee Schoenecker, Merle

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Van Horne, Lawrence Martin (alternate), Alphonso Coles (alternate)

- Suburban Maryland: Ephrem Asebe, Nathaniel Bryant, Stephen Caflisch, Mark Friis, Emmet Tydings
- Northern Virginia: Stephen Cerny, Robert Chase, Michael LaJuene, Allen Muchnick, Stewart Schwartz

A motion was made to approve the nominations. The motion was seconded and was passed unanimously.

### **8. Review and Release for Public Comment of the FY 2005 Unified Planning Work Program (UPWP) Draft**

Referring to the handout, Mr. Kirby described various elements of the Unified Planning Work Program (UPWP).

Chairman Zimmerman asked what the impact would be of the decrease in funding for the Household Travel Survey.

Mr. Kirby said that if the money is not restored, the work would have to be deferred. He said a deferral would not be good because new data are needed to refresh the travel demand models. He noted that travel behavior has changed a lot in recent years. He mentioned increases in telecommuting and the Metrochek program as examples of recent changes.

Chairman Zimmerman asked what was the date of the data currently being used in the models.

Mr. Kirby said the data was from the 1994 Household Travel Survey. Mr. Kirby noted that the models have included adjustments to reflect telecommuting increases among other things. He noted that the Omnibus Appropriations bill provided more money for some of this survey work, but a major unknown question was how high the funding levels in the federal reauthorization bill would be.

Ms. Petzold moved release of the UPWP for public comment. The motion was seconded by Vice Chairman Knapp and approved unanimously.

### **9. Review and Release for Public Comment of the Fiscal Year 2005 Commuter Connections Work Program Draft**

Referring to the handout material, Mr. Ramfos described various elements of the Commuter Connections Work Program (CCWP).

Mr. Fellows said the effectiveness of the programs was impressive and asked if they could be

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expanded.

Mr. Ramfos answered that several committees look at transportation emission reduction measures (TERMs) as they relate to the overall conformity process. Those TERMS are reviewed on an annual basis. There is always an option of expanding certain measures, which the TPB has done with some of the Commuter Connections programs, including the telecommuting program.

Mr. Fellows commented that the numbers showing the programs' achievements should be persuasive regarding future funding commitments.

Ms. Hudgins moved release of the CCWP for public comment. The motion was seconded by Vice Chairman Knapp and approved unanimously.

#### **10. Briefing on the Project Submissions for the 2004 Constrained Long Range Plan and Fiscal Years 2005-2010 Transportation Improvement Program**

Referring to the mailout material, Mr. Kirby said that this item was in reference to projects that were submitted for inclusion in the conformity analysis this year for amending the Constrained Long Range Plan and the Transportation Improvement Program, which is a critical step along the approval road for individual projects. He said that a revised version of the mailout material was being distributed, which contained some corrections. He said the material had been released for public comment at the Citizens Advisory Committee on February 12 and the public comment period would end on March 12. The Board would be asked to approve the submissions at its March 17 meeting. He said this was an important step because once the conformity process is started, it is not easy to go back and start over because of the sequential nature of the process.

Chairman Zimmerman asked how staff would have enough time to put together responses to comments if the public comment period closes on March 12.

Mr. Kirby said that responses would be put together for those comments received before the TPB mailout on March 11. Responses to additional comments would be provided in an e-mail to Board members.

Chairman Zimmerman said this would not permit very much time for responses to be prepared.

Mr. Kirby said the Board would have to consider at the March 17 meeting whether the responses are adequate and if it is comfortable moving forward.

Mr. Kirby explained the tables of significant project submissions that were included for this item, including the changes that were being presented. He said that one item that was omitted on the TIP sheet for the Intercounty Connector (ICC) is that there is a funding table, that was not transmitted

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in the mailout. He indicated that two corridors for the ICC would be modeled because the EIS is not yet completed. He said that modeling two options is not normal practice because it involves additional work, but he said that two options have been modeled for certain projects in the past, including the Wilson Bridge. Mr. Kirby also noted that the material included a funding plan for the ICC, which was an essential component because federal law requires that the CLRP and TIP include only projects for which funding can be reasonably expected to be available.

Vice Chairman Knapp said that project number 6 in the new handout, Montgomery County M-83, Mid-County Highway extended, should be "study," not "construct."

Mr. Gonzalez said this was correct. It should be a study.

Mr. Kirby said it was staff's understanding is that this is a construction project in the 2020 time frame.

Mr. Gonzalez said that was incorrect.

Mr. Kirby said it would be corrected.

Chairman Zimmerman said this correction underscored his concern about whether there was adequate time for the public comment.

Mr. Kirby said that some comments received during the public comment period come from implementing agencies.

Chairman Zimmerman said the key question is how a member of the public who would wish to comment on this project would have the right information to be able to put in a comment in time for this body to take it under consideration. He said the information would now have to be reissued in a corrected format, and the public would have even less time to comment. He said he was skeptical as to whether there would be adequate time.

Vice Chairman Mendelson asked for a definition of the General Anticipation Revenue Vehicle (GARVEE) bond, which was being proposed as a financial mechanism to fund the ICC.

Mr. Kirby said that in simple terms, it is a bond floated in anticipation of future federal money.

Chairman Zimmerman said it is a way to spend next month's rent money for this month's groceries.

Ms. Kaiser said a GARVEE bond is no different than a mortgage on a home. She said the Maryland Transportation Trust Fund is built on bond financing. She said MDOT has, and expects to maintain, a AA rating on its Transportation Trust Fund. She said that GARVEE bonding is something the state legislature passed legislation to grant. She said a number of states in the

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country have used this funding mechanism. She said the proposed GARVEE funds would represent a very low percentage of the federal dollars expected in the forthcoming reauthorization. She said MDOT believes this is a prudent way to pay for a very large project that in the long run will save money if it can be built with bond financing rather than having to build it over a 20-year time span.

Vice Chairman Mendelson asked if his understanding was correct that the proposal was to borrow \$600 million, although it could be as high as a \$1 billion.

Ms. Kaiser said that at this time it is a concept for financing that will be tightened up as the Draft Environmental Impact Statement (DEIS) is finished, and a record of decision is developed. At that point, MDOT will know how much funding in GARVEE bonds will need to be floated.

Vice Chairman Mendelson again asked if it was correct that the GARVEE funding could be \$600 million, but could be as high as \$1 billion.

Ms. Kaiser said the numbers in the document represented a potential range.

Vice Chairman Mendelson asked if it could be as high as \$1 billion.

Ms. Kaiser said it could be that high. She said it is a \$1.7 billion project, not a \$3 billion project as the Board may have heard.

Vice Chairman Mendelson asked what is the status of the Environmental Impact Statement (EIS).

Ms. Kaiser said the EIS process is currently underway.

Vice Chairman Mendelson asked when it would be completed.

Mr. Gonzalez said the Draft EIS (DEIS) would be completed in the fall of 2004 and the final EIS would be produced in the summer of 2005.

Vice Chairman Mendelson asked whether public comment would be received after the DEIS is released.

Mr. Gonzalez said yes, public comment would be received by MDOT after the DEIS is released and then a record of decision would be developed.

Vice Chairman Mendelson asked why the project was being included in the CLRP at this stage when there is no record of decision.

Mr. Kirby said that it was common to start the conformity analysis in parallel with the EIS process.

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He said the major consideration, though, is that in order to include a project in the conformity process, specifications about it must be known, including number of lanes, alignment and number of interchanges. He said this in this case, MDOT had asked that two alignments be modeled.

Vice Chairman Mendelson said his primary question was why the ICC was being included at this time, more than a year before the EIS is completed and the preferred alignment is known. He said the CLRP could be amended later.

Ms. Kaiser said that MDOT would like to have the project in the CLRP because it is the MDOT's number-one transportation priority. She said it is a project MDOT knows will be funded, whether or not MDOT gets another revenue increase. She said inclusion of the project helps to make sure it stays on schedule. She noted the project is on President Bush's Environmental Streamlining Program. She said that MDOT has asked the TPB to model both alignments so MDOT can make a decision on what to use in the conformity determination. Because there has been a lot of concern expressed regarding the project, she said that MDOT did not want to appear to be prejudicing one option by picking it at this time before the EIS is finished. She said MDOT had a number of reasons for wanting the project in the plan at this time, and those reasons were similar to the reasons VDOT had for wanting the Dulles Corridor Project in the CLRP.

Vice Chairman Mendelson said he was concerned that there is too much that is indefinite about the project to warrant its being included at this time. He said he was concerned about a number of issues, including air quality impacts.

Ms. Kaiser said the conformity analysis would provide information on air quality.

Vice Chairman Mendelson said that he hoped before the Board was asked to vote that some assurance about air quality impacts could be provided. He said he was also concerned about a number of other potential impacts, including funding for Transportation Emission Reduction Measures (TERMs). He noted that an enormous amount of money would be spent on the project and he said he was concerned about the effects this would have on funding for other important regional transportation projects. He also said he was concerned about the impact the project would have on the region's economy, and in particular on his jurisdiction.

Chairman Zimmerman said that Vice Chairman Mendelson had a number of good points. He reminded the Board that it was not acting on this item today, but it was a good time to get comments in. He said he did not hear anything in Ms. Kaiser's comments about why it was vital that the project be included in the CLRP at this time, when the conclusion of the EIS process is more than a year away. He said he did not believe that the schedule for including Dulles Rail was so accelerated.

Chairman Zimmerman said he did not understand why MDOT would want to have a vote on this project in March because it could look like MDOT is trying to avoid getting any response to

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comments when, in fact, the responses might actually be helpful to MDOT's cause.

Chairman Zimmerman said that he believed that bonding is prudent for capital projects that are in service for a long period of time and he said that bonding against revenues from tolls or from general obligation funding was relatively straight-forward. But he said he believed that GARVEE financing was a lot tougher because it bonds against the promise of future money from the federal government. He said Virginia has experience with GARVEE bonding. He said federal funding is not a sure flow of money, but more importantly he said that inevitably decisions makers in the future will be left with options that are severely limited because the federal money that will be coming in will be already spent. He said he believed this was a way of avoiding making decisions today on funding, even though decision makers may know their plans call for more funding than even the future flow of federal funds will ultimately bring.

Mr. Harrington said the Prince George's County Council agreed with the statements of the two previous speakers. He said the County Council had expressed concern that this funding could be used on other kinds of projects, including rail projects, within the county. He said the Council had passed a resolution in opposition to the ICC. He said he was concerned that the project, in its current stage, was too conceptual. He said the project needs more public input. He said that although he was new to the TPB process, it seemed that this project should be deferred from consideration. He asked for a continuance of the ICC until more information is received.

Chairman Zimmerman clarified that the Board was not being asked to act on this item today; the agenda item was an informational briefing. He said the schedule called for the Board to act on March 17, and therefore the important issue at this time was for the TPB members to go back to their jurisdictions and discuss this item before the March meeting. However, he said he still doubted whether the March meeting would be too early to act on this item.

Mr. Harrington asked whether the answers to Vice Chairman Mendelson's questions would be provided to Board members.

Chairman Zimmerman said the responses to comments will be shared with every member, as is usual practice.

Vice Chairman Knapp said that this is the time to get issues on the table so they can be addressed. He emphasized that the timing for the item was normal for the TPB's standard process and did not represent any kind of expedited consideration. He asked Mr. Kirby if this was correct.

Mr. Kirby said that was correct.

Vice Chairman Knapp said that as the comment period proceeds, the Board should assess whether there is adequate time to address the comments received. He encouraged all interested individuals and organizations to get their comments in.

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Ms. Petzold said that the ICC has been under consideration for decades; it was the subject of one of the first community meetings she attended in her neighborhood 39 years ago. She said she feels strongly about the safety improvements the ICC will bring. She said that two-lane neighborhood roads are currently handling traffic volumes they were not designed for. She said that to delay consideration of this item sends a message to her community that their safety is not important.

Ms. Porter agreed with Ms. Petzold that this issue has been the subject of much public discussion for years. She said, however, that she is extremely concerned about the proposed financing options for the ICC. She said that if the non-GARVEE options are added up, they do not equal the costs of the project. Therefore in order to make it possible, GARVEE bonds will have to be included. She said that this financing concerned her because GARVEE bonds would capture not just current funding sources but future funding sources for whatever project happens to be in line first. She said there are other very important projects within Montgomery County and within Maryland, which would call upon the same federal funds that would be dedicated to the ICC. She said that because a decision is being made to dedicate future federal funds to the ICC, other projects would be precluded from using that funding, without any public discussion of pros and cons, or comparing one project to another. She said that before doing that, there needs to be some discussion of what projects need to be delayed.

Mr. Salles said it is good that the TPB was having this level of discussion because the ICC is an important project and a lot of money is at stake. He said there have been very healthy discussions among MDOT, Prince George's County, Montgomery County and the public. He said he did not want people to think that this discussion at the TPB is occurring in a vacuum.

Mr. Gonzalez made three points. 1) The members of the TPB need to start thinking about what the body is responsible for doing under federal requirements. He said that the CLRP has a 2030 horizon, and if every project in the plan has to go through a final environmental impact statement, the CLRP would have many fewer projects. He urged the members to think about the precedent that might be set if the body starts inventing rules because a particular project may not be popular. 2) Many questions have been raised, and those questions are supposed to be addressed through the National Environmental Policy Act (NEPA) process. He said it was not for the TPB to start debating every single argument that is presented in a draft or a final environmental impact statement. 3) He said he accepted and respected comments made by the jurisdictions in Maryland regarding financing for the project, but he said it was not appropriate for jurisdictions outside Maryland to tell the governor of Maryland where to put the state's money. He said it was the prerogative of the governor and legislature to determine priorities and make decisions on where to spend the money.

Chairman Zimmerman said he did not believe TPB members were inventing new rules. He said he had not said anything about where Maryland should spend its money. He simply was commenting on GARVEE financing from Virginia's experience. He said that in regard to the overall process,

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the TPB is required to get public comment, and he again said he was concerned that the March 17 meeting might be too soon to act on the item. Regarding regional considerations that Vice Chairman Mendelson raised, he said he believed it was legitimate for anybody who is a major representative in the region to raise questions about the regional impact of a project of this magnitude.

Vice Chairman Mendelson said he hoped that Mr. Gonzalez's argument would not be articulated at next month's meeting. He said that the TPB is a Metropolitan Planning Organization and therefore, every member has a right to participate and vote, and to question. Otherwise, the suggestion is that the TPB is nothing more than a rubber stamp, and he said he thought that suggestion was inappropriate. He said that questions under discussion were issues of regional significance.

Ms. Kaiser said that MDOT would be more than happy to answer Mr. Mendelson's and other questions expressed at the meeting, even those questions that go above and beyond what is required to put a project in the CLRP. She said that the economic impacts of the project were the subject of a study by the University of Maryland, which would be done sometime in April. She said this project would go above and beyond what is required. In terms of the use of GARVEE bonding, she said that less than 10 percent of the state's federal highway allocation would be used for the project. She said this is a very small amount and this approach is very prudent. She said that four financial advisors are working on this. She said they have testified before state legislative committees that have the responsibility for the finances of the state of Maryland and those bodies should have the final say of whether or not the project moves forward with GARVEE financing. She said they have worked hard to put together funding for a project that has been on the books for 50 years to meet the development that has already occurred in Montgomery and in portions of Prince George's County. She said that to say that a project that has been on the books for 50 years should not get funding was unfair to that project and to the people in that part of the region. Regarding air quality issues, she said that those impacts could not be known until the conformity analysis is performed. She said MDOT would be more than happy to fund emissions reductions measures for emissions increases that might need to be offset. But she reminded the Board that the project would be a managed lane facility with express bus service.

Mr. Harrington said that he saw no reason to change the project in the CLRP from the "study" to the "construct" category.

Chairman Zimmerman said that was a question that would be taken up at future meetings.

## **11. Briefing on Draft Scope of Work for the Air Quality Conformity Assessment for the 2004 CLRP and FY 2005-2010 TIP**

This item was deferred to the March 17 meeting. Chairman Zimmerman noted that members could

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independently review the materials for item 11, which were in the mailout packet.

## **12. Briefing on TPB Brochure on Near Term Regional Transportation Funding Needs, Funding Availability, and Project/Program Priorities**

Because the meeting was running late, Chairman Zimmerman asked that, without objection, the meeting agenda pass over item 12. He said this item had essentially been covered at the press conference that morning.

## **13. Report of Ozone Transport in the Washington Region**

Mr. Kirby introduced Mr. Tad Aburn and recommended his presentation to members of the TPB.

Mr. Aburn said he manages the Air Quality Planning Program in Maryland and is involved in the planning process for the Metropolitan Washington Air Quality Committee (MWAQC). He said he would be talking about ozone pollution that gets transported into Maryland from outside regions.

Vice Chairman Mendelson asked if Mr. Aburn would be speaking about Maryland or the Washington region.

Mr. Aburn said both; it's hard to differentiate between air quality in Baltimore and Washington.

Referring to the handout material, Mr. Aburn went through his presentation on ozone transport. He said that Maryland produces relatively low emissions, but still has high pollution levels. This is because on the worst air quality days, well over half the measured ground-level ozone originates in upwind states. He explained the meteorological reasons for this phenomenon.

Mr. Aburn said the mobile source reductions of the Washington area are needed because every little bit helps, but he said their usefulness has its limits. He suggested that other areas to the south and the west of the Washington area be subject to the same level of mobile source controls now required in D.C. He said that although power plants should be well controlled, moving ahead with the mobile source control programs is also a very good thing. The reality, he said, is that conformity requirements are not likely to go away.

Ms. Porter asked if the material presented by Mr. Aburn had been put into a short summary.

Mr. Aburn said that a two-page summary was available.

Ms. Porter asked that the summary be provided to the Board.

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Mr. Snyder suggested that this information be used to develop some sort of legislative action plan.

Mr. Salles congratulated Mr. Aburn. He said the presentation was the most interesting he had seen in the last couple of years.

#### **14. Report on Recent Coordination and Planning Activities**

Referring to the handout presentation, Mr. Snyder quickly focused on a few points. He said the Regional Emergency Preparedness Council would be meeting on March 4. He said the transportation annex to the Emergency Coordination Plan was being revised. He said that three major gaps have been identified in this region that have to be addressed: 1) public education in advance; 2) provision of up-to-date, accurate information to the public when an event is going on; and 3) the actual coordination between jurisdictions and agencies during an event. Various institutional improvements are under consideration for improving coordination and communication. Mr. Snyder said that these issues will be considered by the Emergency Preparedness Council and that some follow-up issues would need to be brought back to the TPB.

#### **15. Other Business**

There being no other business, the meeting was adjourned at 2:33 p.m.