

ITEM 7 – Action

May 18, 2011

Approval of an Amendment to the FY 2011-2016 Transportation Improvement Program (TIP) that is Exempt from the Air Quality Conformity Requirement to Add Funding for the I-95/Contee Road Project

Staff Recommendation: Adopt Resolution R17 -2011 to amend the FY 2011-2016 TIP to add funds for the I-95/Contee Road Project, as described in the attached materials.

Issues: None

Background: The Maryland Department of Transportation (MDOT) has requested an amendment to the FY 2011-2016 TIP to add funding for the I-95/Contee Road Project. The project will construct a new interchange at Contee Road Relocated with two lane collector-distributor roads northbound and southbound at I-95.

**NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD
777 North Capitol Street, N.E.
Washington, D.C. 20002**

**RESOLUTION ON AN AMENDMENT TO
THE FY 2010- 2015 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) THAT IS
EXEMPT FROM THE AIR QUALITY CONFORMITY REQUIREMENT TO INCLUDE
THE I-95 INTERCHANGE AT CONTEE ROAD PROJECT, AS REQUESTED BY THE
MARYLAND DEPARTMENT OF TRANSPORTATION (MDOT)**

WHEREAS, the National Capital Region Transportation Planning Board (TPB), which is the metropolitan planning organization (MPO) for the Washington Region, has the responsibility under the provisions of Safe, Accountable, Flexible, and Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU) for developing and carrying out a continuing, cooperative and comprehensive transportation planning process for the Metropolitan Area; and

WHEREAS, the TIP is required by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) as a basis and condition for all federal funding assistance to state, local and regional agencies for transportation improvements within the Washington planning area; and

WHEREAS, on November 17, 2010 the TPB adopted the FY 2011-2016 TIP; and

WHEREAS, in the attached letter of May 11, 2011 MDOT has requested an amendment to the FY 2011-2016 TIP to include the I-95 Interchange at Contee Road Project with \$26.5 million in Interstate Maintenance and matching funds, and \$23.5 million in National Highway System and matching funds, as described in the attached materials; and

WHEREAS, this project is included in the Air Quality Conformity Analysis of the 2010 CLRP and the FY 2011-2016 TIP;

NOW, THEREFORE, BE IT RESOLVED THAT the National Capital Region Transportation Planning Board amends the FY 2011-2016 TIP to include the I-95 Interchange at Contee Road Project with \$26.5 million in Interstate Maintenance and matching funds, and \$23.5 million in National Highway System and matching funds, as described in the attached materials.



Maryland Department of Transportation
The Secretary's Office

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Beverly K. Swaim-Staley
Secretary

Darrell B. Mobley
Deputy Secretary

May 11, 2011

The Honorable Muriel Bowser, Chair
National Capital Region Transportation Planning Board
Metropolitan Washington Council of Governments
777 North Capitol Street, N.E., Suite 300
Washington DC 20002

Dear Chairman Bowser:

The Maryland Department of Transportation (MDOT) requests an amendment to the State Highway Administration portion of the FY 2011-2016 Transportation Improvement Program (TIP) as described in the attached memo. The purpose of this amendment is to add a new project, the I-95/Contee Road Project, to the TIP. This project is included in the currently approved air quality conformity analysis.

The I-95/Contee Road Project will construct a new interchange at Contee Road which is located north of the future Intercounty Connector (ICC)/I-95 Interchange (see attachment for project details). MDOT is requesting \$7.1 million in funding for right-of-way and \$43 million in funding for construction. There will be a combination of NHS and IM funding used for both phases. Right-of-way funding has been made available through general cash flow assumptions and quarterly monitored cash flow changes. Construction funding has become available resulting from a three-party agreement between MDOT, Prince George's County, and the Konterra developer. Under the agreement, the parties agree to construct a set of highway improvements to facilitate access from I-95 and the ICC, and to enable planned development in the area to proceed forward, in exchange for Konterra's donation of the land needed for the ICC and related highway improvements (agreement summary attached).

MDOT requests that this amendment be approved by the Transportation Planning Board (TPB) on its May 18, 2011 meeting.

We appreciate your cooperation in this matter. If you have any questions or comments, please do not hesitate to contact Ms. Lyn Erickson, at 410-865-1279, toll-free at 888-713-1414 or via email at lerickson@mdot.state.md.us. Of course, please feel free to contact me directly.

My telephone number is _____
Toll Free Number 1-888-713-1414 TTY Users Call Via MD Relay
7201 Corporate Center Drive, Hanover, Maryland 21076

Mr. Muriel Bowser
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Thank You,



Donald A. Halligan, Director
Office of Planning and Capital Programming

Attachments

- cc: Ms. Mary Deitz, Director, Regional and Intermodal Planning Division, State Highway Administration
Ms. Lyn Erickson, Manager, Office of Planning and Capital Programming, Maryland Department of Transportation
Mr. Ronald Kirby, Director of Transportation, Metropolitan Washington Council of Governments
Mr. Michael Nixon, Manager, Office of Planning and Capital Programming, Maryland Department of Transportation



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor


Beverly K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

MEMORANDUM

TO: Mr. Don Halligan, Director
Office of Planning and
Capital Programming

ATTN: Ms. Lyn Erickson
Mr. Mike Nixon

FROM: Mary Deitz, Chief 
Regional and Intermodal Planning Division

DATE: April 27, 2011

SUBJECT: Amendment Request to the Fiscal Year (FY) 2011 Transportation Improvement Program (TIP) for the National Capital Region – Contee Road (Revised)

The SHA would like to request an amendment to the I-95/Contee Road project (agency ID #PG4191). This project will construct a new interchange at Contee Road, which is located north of the future Intercounty Connector (ICC)/I-95 Interchange. (Attachment A). The Contee Road interchange is included in the current Prince George's County Master Plan and has been identified by Prince George's County as a high transportation priority.

Specifically, we would like to amend: (Attachment B)

- \$43 million for Construction and \$7.1 million for R/W purchases.

The project funding (\$43 million) for I-95/Contee Road is made available as a result of a developer (Konterra) settlement pertaining to the ICC (Attachment C). The developers agreed, in lieu of payment, to donate to the State Highway Administration (SHA) approximately 240 acres required to build the ICC, plus another 83 acres required for additional improvements. The parties agreed to construct a set of highway improvements (including the I-95/Contee Road interchange) which will enable planned development in the area to proceed forward. The funds programmed for this will be a combination of National Highway System (NHS) and Interstate Maintenance (IM) funds. This money is budgeted by SHA for the fourth quarter in Maryland's Consolidated Transportation Program.

The funding for R/W (\$7.1 million) is available through programmed IM and NHS funds that are available due to SHA general cash flow assumptions and cash flow changes.

No other projects in the state were placed on hold in order to advance this project.



This project last appeared 2009-2014 TIP. The project completed planning and NEPA approval in 2007.

Description

The Contee Road/I-95 interchange will tie into the collector distributor (C-D) lanes along I-95 southbound from north of MD 198 to the Intercounty Connector (ICC) and northbound from the ICC to MD 198. (Attachment D)

The proposed work includes:

- Loop ramps in the southeast and southwest quadrants;
- Ramp connections to/from the I-95 C-D roads;
- Improvements to the Sweitzer Lane intersection; and
- Construction of the northern Contee Road Bridge over I-95. (replacing the existing Van Dusen Road Bridge over I-95)

The length of the new mainline construction of Contee Road is approximately 1.2 miles, extending east and west of I-95. Tie-in roads from Contee Road to Van Dusen Road would be provided east and west of the proposed interchange. An intersection with Van Dusen Road that would align to an entrance to the proposed Konterra development would be constructed on the east side. Sweitzer Road would connect with Contee Road and the I-95 ramps via a four-leg signalized intersection.

I-95/Contee Road Project History

The SHA initiated project planning studies for the I-95/Contee Road Transportation Study in April 2001. The purpose and need of the project is to improve access to and from I-95 to facilitate planned economic development in a Prince George's County Priority Funding Area. The planned development includes a proposed mixed-use development by Konterra, which would be accessed primarily via a new I-95/Contee Road interchange and realigned Van Dusen Road between Old Gunpowder Road and Virginia Manor Road (to be renamed Contee Road). The I-95/Contee Road Interchange Finding of No Significant Impact (FONSI) was issued in April 2007.

Schedule

The I-95/Contee Road Interchange is scheduled for Advertisement in summer 2011. Notice to Proceed will be winter 2011 and completion date is to be determined.

Justification/Benefits

For the past four years, the Maryland Department of Transportation (MDOT) and Prince George's County have participated in discussions with the owners of Konterra to acquire 240 acres of Konterra property needed for construction of the ICC and related interchanges and service roads. The three parties have reached an agreement that brings eminent domain proceedings to an amicable resolution.

Mr. Don Halligan
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Under the agreement, the parties agree to construct a set of highway improvements to facilitate access from I-95 and the ICC, and to enable planned development in the area to proceed forward, in exchange for Konterra's donation of the land needed for the ICC and related highway improvements.

This is a good deal for the State, because it is getting needed highway improvements instead of simply acquiring land. This eliminates considerable risk that the State could have been paying significantly more for right-of-way acquisition alone without getting any transportation improvements. The Konterra settlement freed up funds and enabled MDOT to fund the I-95/Contee Road interchange. No other projects in the state were placed on hold in order to advance this project.

The roadway improvement will enable high-end economic development to proceed forward in Prince George's County; such economic development activity is a policy priority for both the State of Maryland and Prince George's County.

The Transportation Improvement Program continues to be fiscally constrained. The cost does not affect the portion of the federal funding, which was programmed for transit, or any allocations of state aid in lieu of federal aid to local jurisdictions. If you have any questions, please do not hesitate to contact me or Reena Mathews, Regional Planner, SHA, at 410-545-5668 or via email at rmathews@sha.state.md.us.

Attachments

cc: Mr. Vaughn Lewis, Assistant Regional Planner, SHA
Ms. L'Kiesha Markley, Assistant Chief, Regional and Intermodal Planning Division, SHA
Ms. Reena Mathews, Regional Planner, SHA
Mr. Scott Pomento, Deputy Director, Program Development Division, SHA
Mr. Gregory I. Slater, Director, Office of Planning and Preliminary Engineering, SHA

Attachment A – I 95/Contee Road Project Location



Attachment B – TIP Amendment Request

11/17/2010

FY 2011 - 2016

**SUBURBAN MARYLAND
TRANSPORTATION IMPROVEMENT PROGRAM
CAPITAL COSTS (in \$1,000)**

Source	Fed/ST/Loc	Previous Funding	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16	Source Total
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MDOT/State Highway Administration

Interstate

I 95

TIP ID: 3033 Agency ID: PG4191 Title: I 95 Complete: 2020

Facility: I 95 Contee Road Relocated w/ C/D Roads	IM	90/10/0	3,897 a	2,000 b	3,050 b	8,588 c			26,553
From:				2,803 c	10,112 c				
To:	NHS	80/20/0	50 b	2,000 b	10,112 c	8,587 c			23,553
				2,804 c					

Total Funds: 50,106

Description: Construct a new interchange at Contee Road Relocated with two lane collector-distributor roads northbound and southbound at I-95 and Contee Road Relocated. 

Amendment - Add New Project
Amend project to the FY 2011-2016 TIP with \$43 million for Construction and \$7.1 million for RW acquisition using both NHS and IM funds. Requested on: 5/18/2011

Maryland, Prince George’s County and Konterra Agreement

Fact Sheet

For the past four years, the Maryland Department of Transportation (MDOT) and Prince George’s County have participated in discussions with the owners of Konterra to acquire 240 acres of Konterra property needed for construction of the ICC and related interchanges and service roads. The three parties have reached an agreement that brings eminent domain proceedings to an amicable resolution. Under the agreement, the parties agree to construct a set of highway improvements to facilitate access from I-95 and the ICC, and to enable planned development in the area to proceed forward, in exchange for Konterra’s donation of the land needed for the ICC and related highway improvements.

MAJOR TERMS OF THE AGREEMENT

The major terms of the agreement are as follows:

- Owners of Konterra agreed, in lieu of payment, to donate to SHA the approximately 240 acres required to build the ICC, plus another 83 acres required for additional SHA improvements in the area.
- SHA will proceed with construction of a modified version of the remaining two ICC contracts (formerly known as contracts D and E), which will extend the ICC from the I-95 interchange east to Van Dusen Road; SHA also will construct service roads along I-95 north of the ICC interchange.
- SHA also will construct a planned interchange connecting I-95 with Contee Road Extended in the vicinity of the current Van Dusen Road Bridge over I-95; this interchange is included in the current Prince George’s County Master Plan and has been identified by Prince George’s County as a high transportation priority.
- Prince George’s County will construct a new roadway to be known as Virginia Manor Road Extended, which will connect the ICC/Virginia Manor Road interchange with the new I-95/Contee Road interchange, and will continue west to connect this new interchange with Old Gunpowder Road.
- This new road will become a state highway once four lanes are opened to traffic; MDOT will pay \$30 million toward the cost for this new roadway, with Prince George’s County repaying the State a combination of \$10 million in cash and county-owned land that is needed by the state.

BENEFITS OF THE AGREEMENT

This agreement is beneficial and advantageous to the State for several reasons:

- At no cost, the State acquires 240 acres of land needed for the ICC while staying within budget and the ICC financial plan. Had the case gone to court, the ruling could have been for far more money than the state anticipated paying.
- In addition, SHA received another 83-acre parcel of land from Konterra that the State would have eventually had to purchase for state highway improvements.
- The State will now be able to use funds that would have been used to purchase land from Konterra for safety improvements to I-95 and an unfunded planned interchange with Contee Road.
- A very high transportation priority project for Prince George's County, the I-95/Contee Road interchange can now proceed, enabling access from I-95 to the South Laurel area and planned economic development.
- A new roadway, Virginia Manor Road Extended, which is included in state and county master plans as a state highway, will be constructed and provide significantly improved access to the South Laurel area.
- The roadway improvements that will be funded will enable high-end economic development to proceed forward in Prince George's County; such economic development activity is a policy priority for both the State of Maryland and Prince George's County.
- Economic impact studies show there will be considerable tax revenues for both the state and the county from the economic development supported by these highway improvements; economic analyses show that these investments would be paid back in additional tax revenues within a relatively short period of time.

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April 19, 2011

Attachment D - I 95/Contee Road Detail

