

# BALTIMORE TRANSIT AND FUNDING GOVERNANCE STUDY

## Working Group Meeting

Friday December 2, 2022

9 AM to 11 AM

### Welcome and Introductions

Mike Kelly, Executive Director of the Baltimore Metropolitan Council and Delegate Tony Bridges, Chairman of the Working Group welcomed everyone to the meeting and called the meeting to order. They explained that this was the fourth in a series of four meetings.

The purpose of this meeting was to “dive into the details” of the recommendations developed from the panel’s work in the previous three meetings, with the goal of coming to agreement on the recommendations to be presented to the new Governor, General Assembly and the public in the final report. Specifically, Mr. Kelly said that the intent was to make revisions in the slides to be presented today and come to an agreement on the recommendations. He said that following the meeting the presentation would be revised to incorporate input from the panel, and then posted on the BMC website for two weeks for public comment. Following that any needed changes would be made, and that version presented to the panel members for final acceptance, along with the draft version of the final report of the panel.

### Framing and Context

Bethany Whitaker from Nelson\Nygaard reviewed the purpose of the panel and the study, including the steps and the schedule. She also reviewed the context (from previous presentations), including the relative difference in the scale of the Baltimore core services and the Baltimore area LOTS, the large share of MDOT operations funding provided to MTA for transit (and the smaller proportion for capital), and the large variation in the amount LOTS funding between Baltimore and Washington area LOTS systems.

She listed the five areas of recommendation developed by the team from the previous input of the panel:

1. Reconstitute the Maryland Transportation Commission (MTC)

2. Revise the Consolidated Transportation Program (CTP) process to add priority letters from regions and regional tour meetings
3. Revise the LOTS funding process to increase transparency and equity
4. Create a Baltimore Regional Transportation Commission (BRTC) to oversee core transit services and to coordinate those with LOTS services in the region
5. Study the potential of a Regional Transit Authority for the Baltimore Region

## **Recommendations**

The consultant team – Bethany Whitaker from Nelson\Nygaard and Fred Fravel from the KFH Group – walked the Working Group through each of the five recommendations.

### **Improve state level decision-making**

The first recommendations related to improving state level decision-making and included adjustments to both the Maryland Transportation Commission (MTC) and CTP process. In the initial round of materials shared with the Working Group a handful of questions emerged around the recommended changes to the CTP process.

#### **CTP Process**

When Fred finished summarizing the recommendations about creating a regional input process for the CTP, a handful of clarifying questions were asked:

- Mike Kelly noted that including the regions in the CTP process does not necessarily require an additional meeting. The CTP could be included on an agenda of an existing Metropolitan Planning Organization or Regional Planning Commission meeting.
- Senator Washington asked if about the there was a mandated or required process used at the local level to develop the priority letters, and if so, did it include required public input?
- Don Halligan clarified that the legislation only requires MDOT to consult with the counties, and the local process to develop priorities is not specified in the Annotated Code. Each locality has its own process. Some rely on the public input obtained through other ongoing planning processes or project hearings, and then compile local priorities based on that, while other counties explicitly conduct a public process including public meetings or hearings.
- Adrea Turner explained in her experience the priority letter is shared among stakeholders and in April it becomes a public letter when it is sent to MDOT. In the tour, conversations are public.

- Senator Washington suggested that the public should be included in the process in a more deliberate way. She suggested adding meetings or Town Halls in the development of the letter. Working Group members discussed the importance of including the public in the process and if this should be required in the process and how specific the requirements should be.
- Senator Washington asked that the recommendations for changes in the CTP process include specific requirements for public input in the development of priority letters at the local level. There was concurrence that adding a requirement for community input should be included in the recommendation.

## **Allow local input into transit decision-making**

The second group of recommendations address the goal of allowing local input into transit decision-making.

### **Recommendations for a Baltimore Regional Transit Commission (BRTC)**

Bethany presented the recommendations regarding the proposed BRTC.

- Aaron Tomarchio asked if the BTC would morph into an Authority (the BRTA), and if so, how quickly?
- Bethany replied that there is another recommendation that would look at an RTA in more detail and if an RTA is the right solution, and when it should happen.
- Fred noted that making the BRTA the FTA grant recipient would bring with it responsibility for meeting federal compliance requirements including financial management oversight—aspects that are now addressed completely by MTA for its own services and through its oversight of the LOTS subrecipients.

### **LOTS Funding Recommendations**

Bethany then reviewed proposal to create a formula to explain LOTS funding, which is designed to increase transparency and equity in funding. One key detail of this recommendation addresses the need for increased Baltimore region LOTS funding, comparable to the Washington Area Grant provided to Washington Suburban jurisdictions. An equitable funding solution will require an expansion of funding to provide comparability between the regions.

- Sam Snead raised the issue of who would do the implementation of revised LOTS funding, suggesting that MTA should not be assumed as the agent. The new BRTC should provide oversight to this analysis and its implementation.

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- Adrea Turner asked if the LOTS funding is currently or should be determined statutorily. Fred answered that the Local Bus Service funding for the Washington suburbs is statutory, and so a comparable provision for the Baltimore region would also need to be.
- Ron Hartman asked if MTA developed a formula, would it bring that to the BRTC for approval? Again, for comparability that would need to be part of the recommended process.

The question and response prompted more discussion of the overall role of the BRTC, and if it parallels the WSTC. Fred answered that there are parallels in the structure and charge, but that the proposed BRTC would take a more active role in developing transit plans, providing budget oversight. and coordinating services.

### Discussion the Recommendations

The first comment, from Aaron Tomarchio, requested that the slide deck and report include a timeline for implementing the recommendations. Mike Kelly agreed, and Bethany suggested this as a way of prioritizing them. Adrea Turner also asked that it provide guidance as to which ones require legislation and which might be addressed administratively within existing legislation.

The Working Group discussed the MTC recommendation:

- Ron Hartman observed that the MTC recommendation is different, and perhaps it should be dropped or reduced in importance. He felt that it was statewide and multi-modal and did not focus on the Baltimore region, and so would not really advance the charge of the panel. It would bring in other actors and could dilute the key issues for the Baltimore region.
- Bethany responded that there are risks, and it could end up failing to address the region's concerns even as it increases transparency and public input to overall state transportation funding decisions.
- Jon Laria responded that we should include it because the fundamental issue is the relationship between state and local decision-making, and that ideally one would fix that issue first, and the MTC and BRTC recommendations are really on different axes.
- Ron Hartman asked if the MTC really needed to precede the BRTC.
- Mike Kelly noted that the MTC proposal is in part a reaction to the unilateral state decision to cancel Baltimore's Red Line, and that if no changes were made in the way the state makes decisions it could happen again even with a BRTC in place.

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- Jon Laria noted that this not just a regional issue, but statewide, and that having an MTC would also provide an escape mechanism for voters anywhere in the state.
- D’Andrea Walker commented that the MTC recommendation is large in scope, involving all modes, and the entire state. It is not addressing transit in Baltimore, and if the panel recommendations focus on that it will lose the opportunity to do something for Baltimore.
- Dr. Celeste Chavis said that the BRTC is the most important and should be done first.
- Aaron Tomarchio agreed that the BRTC is the priority, and the MTC is the grand bargain that would take much input.
- Senator Washington suggested that the panel could include the MTC recommendation.
- Ron Hartman said it could part of a list of recommendations to do.
- Chairman Bridges stated that we started by looking at problems, and the state transportation decision-making process is one of them, and so should be included.
- Mike Kelly suggested the recommendation use the word “reconstituting” in reference to the MTC, rather than “revising” or “revamping”. He proposed that the recommendation for reconstituting the MTC be further in the future to give time for the legislature to consider how it could be done.
- Jon Laria returned to the earlier request that the slide deck/report provide a sequence to the recommendations, perhaps with the 2023 legislature creating the BRTC and addressing the LOTS funding formula. The study of the MTC recommendation could take place in 2023 for proposed legislative action in 2024. The study of the BRTA by the BRTC could take place in 2024 to produce recommendations for legislative action in 2025.
  - Several members of the Working Group (Aaron Tomarchio, D’Andrea Walker, Ron Hartman, and Adrea Turner) agreed.
  - Jon Laria pointed out that the BRTC recommendation can benefit from having a new governor, looking for new solutions, and that doing too much too soon could make it difficult on proponents of reorganizing transit and funding for the Baltimore region. Again, he noted the risk that the rest of the state would be agreeable to whatever Baltimore wants but may not provide the support it (the Baltimore region) needs.
  - Adrea Turner asked if the panel needed to specify that the study of the MTC proposal be done by the legislature, or administratively. Responses were that this panel did not need to specify that.

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- Senator Washington called for the schedule to include the MTC study during the 2023 session for a recommendation in the 2024 legislative session and asked if this panel should be continued to provide continued input to this process.
- Dr. Celeste Chavis suggested the examination of the MTC not be called a “study”, that the public would ask why it is still being studied.
- Senator Washington responded that the public would need to recognize that this is part of the implementation process.

### **Specific Changes to the Presentation**

Mike Kelly suggested that the panel refer to the slides and make changes as needed to reflect the discussion. His initial focus was on the recommendations for public input to the CTP. Working Group members, Senator Washington, Sam Snead, Adrea Turner and Ron Hartman discussed this proposal. Questions included:

- The slide should include language requiring public input in the local development of priority letters.
- Sam Snead noted that a required public input process would make the schedule very tight. Adrea Turner asked if this could be amended to “encourage” public input. Ron Hartman asked how it would be “required”.
- Senator Washington again said it needs to be required to make it happen across the state.
- Aaron Tomarchio said this requirement could be changed legislatively, and Senator Washington agreed with that to the extent practicable.
- Mike Kelly asked if the panel was agreeable to a change that would call for legislation to require public input in the development of local priority letters and calling for regional input to the CTP process.

The next recommendation of focus was the BRTC. Discussion initially focused on the process by which the BRTC would have oversight of the budgets for core services.

- Ron Hartman asked if the intended process would have the BRTC develop budgets to present to the MTA.
- Jon Laria said he thought that MDOT would set the overall parameters, MTA would develop budgets, and the BRTC would have approval of the budgets following negotiation. He noted that there is a need to draft the powers and authorities of the BRTC. Ron Hartman pointed out that the BRTC would need staff to prepare budget information and respond.
- Aaron Tomarchio said the recommendations need to address where the BRTC is housed/staffed, and there was discussion of whether to name the BMC in the report or refer to an agency with all the characteristics of the BMC without naming it—

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- Senator Washington was concerned about naming BMC in any legislation. She said it was unusual for a bill to include the name of a specific agency; there are a variety of challenges with that approach, such as if BMC changes its name. Instead, she suggested describing the agency, for example, saying a regional organization in Baltimore that is focused on transportation planning.
- Adrea Turner asked about the funding of the Washington Office overseeing Maryland's funding for transit in the Washington area (it is part of the MDOT Secretary's Office).
- Mike Kelly suggested if the legislation is going to identify BMC as the "home" of the BRTC, the State should also provide funding to staff this work.
- Senator Washington had questions about the wording in the slide calling the BRTC a fiscal agent. She asked where revenues would be kept—would they be in a separate line at the state Comptroller? Ron Hartman also asked what was meant by "fiscal agent".
- Bethany stated that the intended meaning is that the BRTC could raise funds (tax) and issue bonds. Senator Washington explicitly asked if it would be able to act on behalf of other agencies. Bethany replied yes similar to the way in which the WSTC which collects a property tax on behalf of Prince George's County.
- Senator Washington asked if the BRTC would have its own accounts, and both Delegate Tony Bridges and Mike Kelly agreed that it should. Aaron Tomarchio noted that BMC already had the ability to receive federal, state, and local funds.
- Senator Washington suggested that BRTC would need to be more independent as it moves toward becoming an authority. Mike Kelly pointed out that the relationship could be like that of the BMC with the Baltimore Regional Transportation Board (BRTB).
- Ron asked about representation on the BRTC and the comment in the presentation that it would be weighted by the amount of services in each participating jurisdiction—he asked if it should include the LOTS?
- Adrea Turner said the panel needs to understand how the WSTC is organized, and what its authority is—how would the BRTC be like the WSTC, and how different?
- Mike suggested adding some language to the bullet in the slide emphasizing the independence of the BRTC.

The issue of LOTS funding was then addressed.

- Senator Washington requested an additional bullet on the slide requesting a study of the existing LOTS funding, including any formulas and the related requirements of each funding source. There was a discussion about whether the panel could request a copy of the MTA study of LOTS funding formulas (which is not public), and Fred

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noted that MTA also has a study of Washington Local Bus Funding, which may or may not be public. Del. Tony Bridges suggested that the panel could send a formal letter requesting these studies.

- The final slide reviewed addressed the consideration of the goal of the BRTA. It calls for a feasibility study, and Adrea Turner asked when that should happen?

This raised the question again of creating a schedule and priority for addressing these recommendations.

- Senator Washington suggested that the BRTA study legislation would take place in 2023, with the study in 2024 to deliver a proposal to the Maryland General Assembly in January of 2025. The LOTS issue would be addressed by a report in 2023 on how the funds are distributed, with the goal of adopting legislation to implement clear and equitable funding in 2024.
- Mike Kelly suggested that the recommendation address who should do the study—it could be requested of MTA in a letter, giving new the administration the opportunity to respond—and then legislation could be enacted if needed. Recommendations for changes in the CTP process could be adopted in 2023. The study of the reconstituting of the MTC would happen in 2024, requested in a letter to be submitted to the General Assembly and the Governor.
- Jon Laria asked if the study is a charge of the BRTC or would it be separate? Would it require legislation?
- Chairman Bridges said it could be included in the BRTC legislation.
- Mike Kelly suggested that the report could leave open the option for the administration or General Assembly to do the MTC study on its own.
- Jon Laria said this detail may not be that important but that this group wanted to make sure that it happened.
- Mike Kelly suggested that in the “Key Steps” column for this recommendation it could call for executive action to create a Blue-Ribbon Commission with a due date for the final report and recommendations in the fall of 2024.
- Aaron Tomarchio again called for a slide with the overall roadmap of the recommendations and their timing.

The Working Group discussed next steps for this effort. Mike Kelly said his team would update the slides based on this conversation and then post it to their website (using PublicInput.com) and encourage public feedback. They would leave it up for three weeks, starting on Monday, December 5. The team would then use the updated slides to complete the Working Group report. Mike said he would be in touch to finalize both he slides and the ultimate document.



Delegate Bridges thanked the Working Group for their hard work and care and then turned the floor over to public comment.

## **Public comment:**

Delegate Sheila Ruth of District 44B in west Baltimore voiced her support for the BRTA as the goal, with the goal of an independent agency that is regional. For both the MTC and BRTC proposals she said equity is a top-line consideration, and that these structures need to reflect the diversity of the state and region. She did not want the MTA membership on the BRTC to be +1 over local representation. She stated that the BRTA study should have meaningful input from residents of the Red Line service area, minority residents, and persons with disabilities.

Brian O'Malley of CMTA called for the BRTA to be the end goal of this process, and that the panel recommendations should reflect this and include a timeline and road map for its creation. He recognized that there is a risk to having an authority, and that it will require commitment to make it work. The LOTS may have a small role today, but the key is regional commitment. There are three problems he wants to solve:

- Transparency—which he thinks the BRTC provides, but perhaps reporting requirements should be added to the recommendation
- More local control—creating a structure with +1 membership appointed by the Governor doesn't accomplish this, suggesting that the panel ask for more local control and state commitment to providing funding—as it does for WMATA.
- State commitment—the LOTS study should address the state commitment to hold harmless the two major regional systems, including inflation, with comparisons by population to address expansion and meet needs.

Jimmy Rouse of Transit Choices, Inc. stated that its mission is to broadcast this report. He would like Mike Kelly and Del. Bridges to present it to the Transit Choices membership and put the revised Power Point on the BMC website. He felt that this process has been a great thing, an example of good government at work.

## **Attendees:**

### **Workgroup Members**

Del. Tony Bridges, Maryland State Representative District 41  
Dr. Celeste Chavis, Morgan State University  
Andrew Gena, Amalgamated Transit Union Research Division  
Tasha Gresham-James, Dundalk Ren  
Ron Hartman, WSP

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Jon Laria, Ballard Spahr

Michael McMillan, Amalgamated Transit Union Local 1300

Tony Scott, SW Partnership

Sam Snead, Anne Arundel County

Aaron Tomarchio, Tradepoint Atlantic

Adrea Turner, Urban Institute

D'Andrea Walker, Baltimore County Department of Public Works

Sen. Mary Washington, Maryland State Senator, District 43

### **Baltimore Metropolitan Council**

Don Halligan

Mike Kelly

Todd Lang

Sheila Mahoney

Jacob Took

### **Consultants**

Fred Fravel (KFH)

Bethany Whitaker (Nelson Nygaard)

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### Members of the Public

Zoom	In Person
Chelsea Allegra	Robin Budish (Transit Choices)
Regina Aris (BMC)	Anna Ellis
Tyson Byrne	Jimmy Rouse (Transit Choices)
Lillian Bunton (BMC)	Del. Sheila Ruth (Delegate, 44B)
Brooks Davis	Andrea Sherman (HDR)
Nora Corasaniti	Mark Stout (CMTA)
Melissa Einhorn	Brian O'Malley (CMTA)
Bruce Gartner (HoCo DOT)	
Ben Groff	
Alfred Harf	
John Hillegass (GWP)	
Dan Janousek (MDOT)	
Tiffanie McDonough	
Heather Murphy (MDOT)	
Molly O'Hara	
David S	
Neb Sertsu	
Andrea Sherman (HDR)	
Nancy Stout	
Kate Sylvester (MDOT)	
Holly	
Neb	