



Special Commission Meeting
Open Session Minutes
February 27, 2020

The Maryland-National Capital Park and Planning Commission met via teleconference from the Prince George's County Administration Building (CAB) Auditorium in Upper Marlboro, Maryland and the Montgomery Regional Office (MRO) Auditorium in Silver Spring, Maryland.

PRESENT

Montgomery County Commissioners

Casey Anderson, Chair
Gerald Cichy
Natali Fani-Gonzalez
Tina Patterson
Partap Verma

Prince George's County Commissioners

Elizabeth M. Hewlett, Vice-Chair
Dorothy Bailey
William Doerner

NOT PRESENT

A. Shuanise Washington
Manuel Geraldo

Chair Anderson convened the meeting at 9:35 a.m.

ITEM 1 APPROVAL OF COMMISSION AGENDA

ACTION: Motion of Hewlett to approve the amended Commission agenda
Seconded by Bailey
8 approved the motion

ITEM 2 ACTION AND PRESENTATION ITEMS

- a) Follow-up Discussion on Proposed Amendments to HB 1249: I-495 and I-270 P3 Agreement Requirements (MDOT Promises Act of 2020); and HB 1424: P3 Process and Oversight (Rubin/Borden)

At the Commission's request following its "support with amendments to two bills that are pending in the Maryland State legislature that will impact the I-495 and I-270 Managed Lanes Study, Special Project Manager Carol Rubin and Deputy General Counsel Debra Borden discussed the specific amendments staff were recommending. Ms. Rubin noted the Montgomery County Council has agreed to support HB 1249 as written. The proposed amendments fell into three categories: i) directly within the M-NCPPC's purview; ii) outside the agency's purview but would improve both bills for the residents of Prince George's and Montgomery counties. The third category, technical non-substantive amendments, was not presented for discussion. If approved, M-NCPPC would work with the bills' sponsors to add the amendments.

After reviewing recommended amendments (included with the packet), Ms. Rubin and Ms. Borden took questions and comments from Commissioners.

Commissioner Doerner asked how the cultural value of land would be determined when the State Highway Administration (SHA) decides it needs a certain amount of park land and whether a qualitative disagreement go to litigation. Ms. Borden said the amendments will reinforce existing legislation that says the M-NCPPC cannot give up land unless it is replaced by a resource of equal or greater natural, cultural or recreational value. Commissioner Doerner asked that any land be replaced, and mitigation occur within the same watershed.

Commissioner Doerner asked if the SHA might simply take watershed land from the M-NCPPC and asked if they had the legal authority to do so. Deputy General Counsel Borden indicated the State must follow the process, statutes and regulations for the transfer of public land. Chair Anderson suggested a closed session might be scheduled later to discuss the legal position of the State acquiring public land. Commissioner Doerner agreed.

Commissioner Doerner asked about the amendments on data sharing, and whether the clause should be eliminated. He cautioned if the clause were struck, the SHA may simply not cooperate in sharing its data.

Deputy General Counsel Borden answered there was a concern that the clause did not include a comprehensive list and that the agency must follow the Maryland Public Information Act (MPIA) process. Ms. Rubin suggested a clarification that the two agencies would enter a non-disclosure agreement (NDA) to allow the release of confidential information would close a possible loophole. Commissioner Doerner supported the suggestion of an NDA but suggested leaving the specified provisions in the bill and adding the NDA process. Vice-Chair Hewlett suggested stating that any listed items were not all-inclusive. Ms. Rubin said they will keep that suggestion as a language alternative with the sponsor.

Commissioner Cichy spoke in support of having the SHA engage with Virginia to identify provisions for alternative transit along both the American Legion Bridge and the Woodrow Wilson Bridge, suggested examining the Federal Highway 3C Plan, and identifying the study area as a “region”. He explained that the United States Department of Transportation / Federal Highway program dictates a comprehensive regional plan that may have provisions for State and local jurisdictions. He noted adding rail to the two bridges would engender a measure of community support, as it makes the project more acceptable to the public. He approved of the plan to include pedestrian bridges and walkways in the bridge plans, linking the trail systems in the bridge plans.

Commissioner Cichy also suggested exploring an agreement which would provide additional compensation to property owners in the event that some property was critically needed to be acquired for the project.

Commissioner Fani-Gonzalez asked why there was no mention of CSX, MARC or other heavy rail. Ms. Rubin replied there is other legislation pending that requires the Maryland Department of Transportation (MDOT) talk to CSX about extending its service beyond Union Station into VA, noting one of the staff comments was to require MDOT to engage in those discussions and add negotiations for expanded service in Montgomery County. Commissioner Fani-Gonzalez noted if the project is serious about reducing traffic flow in the

study area, serious rail investment is required, and asked that the M-NCPPC explore including it in this legislation. Ms. Rubin indicated she would share the Commissioner's comments with the General Counsel to consider combining the legislation.

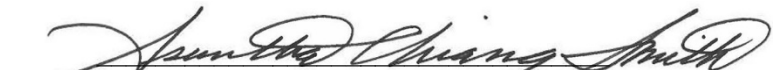
ACTION: Vice-Chair Hewlett moved to support the amendments.
Commissioner Fani-Gonzalez seconded.
The motion was supported unanimously

There being no further business to discuss, Chair Anderson adjourned the meeting.

The meeting ended at 10:10 a.m.



James F. Adams, Senior Technical Writer



Asuntha Chiang-Smith, Executive Director