
STATE OF MARYLAND
BOARD OF PUBLIC WORKS
GOVERNOR'S RECEPTION ROOM, SECOND FLOOR, STATE HOUSE
ANNAPOLIS, MARYLAND

July 19, 2018
10:12 a.m.

TREASURER KOPP: Right.

COMPTROLLER FRANCHOT: -- what's going on in the *New York Times* right now. I mean, it is a full blown disaster for New York State right now because their whole procurement process has been questioned because of scandals. And the Senate President just got convicted, and the Speaker got convicted, and it's a mess. And it's because it's all done in the dark. So this is open, sunlight. Kudos to the Governor.

TREASURER KOPP: One last plug, the Board of Public Works is unique. Maryland's Board system is unique among nations. And one of the reasons we get a AAA bond rating.

GOVERNOR HOGAN: Yeah.

TREASURER KOPP: Which I know you must be very interested in.

GOVERNOR HOGAN: Very good. Well thank you all so much. Are there any other questions on the Secretary's Agenda? Motion?

COMPTROLLER FRANCHOT: Yes, move approval.

GOVERNOR HOGAN: Second? Three-nothing on the Agenda. Now we're going to move on to the DNR Real Property Agenda.

MR. BELTON: Good morning, Governor, Mr. Comptroller, Madam Treasurer. For the record --

GOVERNOR HOGAN: Apparently everybody in the room is not interested in your DNR Agenda.

(Laughter.)

GOVERNOR HOGAN: They are all leaving.

MR. BELTON: They don't know what they're missing.

GOVERNOR HOGAN: Admiral Belton, I don't know what it is you said to turn them off. But no one is going to be around for this one. You'd better wait until they quiet down a little bit. All right. Let's go ahead, now.

MR. BELTON: All right. Thank you, Governor, Mr. Comptroller, Madam Treasurer. For the record, I'm Mark Belton, Secretary of the Maryland Department of Natural Resources and we have eight items on our Real Property Agenda for your approval this morning.

GOVERNOR HOGAN: Are there any questions on the DNR Agenda? Is there a motion? Motion on DNR?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second? Three-nothing. Next is DBM.

MR. NICOLE: Good morning, Mr. Governor, Mr. Comptroller, Madam Treasurer. For the record, Marc Nicole, Deputy Secretary of the Department of Budget and Management. The department has submitted eight items for today's Agenda. I have representatives here to answer any questions

you may have. Items 1-S and 3-S have been revised, and Item 8-S-MOD is a supplemental item.

GOVERNOR HOGAN: Very good. I have no questions.
Anybody else questions on DBM?

COMPTROLLER FRANCHOT: No, move approval.

GOVERNOR HOGAN: Second? Three-nothing. We're on a roll here. Now we're going to move on to the University System Agenda. Is anybody from the University System here?

SECRETARY MCDONALD: You know the, he might be coming in. They have, the University System has three items on the Agenda. And --

GOVERNOR HOGAN: Maybe we'll hold on --

SECRETARY MCDONALD: -- questions if there's questions.

GOVERNOR HOGAN: We'll hold the System Agenda since they are not here and we'll move on to Information Technology.

SECRETARY MCDONALD: All right.

MR. LEAHY: Good morning, Mr. Governor, Madam Treasurer, Mr. Comptroller. For the record, I'm Michael Leahy, Secretary of the Department of Information Technology. Today we started with nine items on the Agenda, one of which is supplemental, Item 9-IT. However, we are removing Item 1-GM, leaving us with eight items. And I do have agency representatives to answer any questions.

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GOVERNOR HOGAN: Great. I see we have a Jorge Tirigall signed up to speak in support of Item 8. Is Jorge with us?

SECRETARY MCDONALD: He's here.

GOVERNOR HOGAN: Good morning.

MR. TIRIGALL: And good morning to you, Mr. Hogan. I see that my new friends Mrs. Kopp and Mr. Franchot are willing to hear me again.

Now for those of you who don't know me, my name is Jorge Tirigall. I am a close associate of Catherine Scott, the granddaughter of the President of the Maryland Senate, Thomas V. Miller, Jr. And I'm also the descendent of Jose Marzano, who was a close friend of Jose de St. Martin, the founding father and liberator of Argentina and Peru.

Today, Mr. Hogan, I want to talk to you today about teaching these little juveniles a lesson to become good civilians. I believe that juveniles who commit crimes, let's say for example shoplifting, can be considered an easy fix because we can find a way to teach juveniles to be a good citizen. I believe that the Juvenile Services Program is a great way for juveniles who behave themselves and not to be lawless, and that teaches them the valuable lesson of an honest day's work here.

Now to be fair, and very honest, I'm very amused by the detail of the Juvenile Services Program. The same thing with how much you are giving to this program. And I see you are putting it into hard work. You are putting a lot

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of hard work into the Juvenile Services Program. You would not be laughing if you would ever see a former juvenile doing good to the community. And that by endorsing the Juvenile Services Program you are actually helping the community by giving a juvenile another chance, another chance to become another good civilian. Who knows? Maybe he will turn out to be a birthday party cutie bonanza or something.

So if I was you, I would pass the item and just let go of the bad memories, Mr. Hogan. Just move on. Be yourself. That's what every juvenile should be. That's what every juvenile should be when in fact he has to move forward and forget that nothing has happened. It could have been worse if the juvenile had been jailed or, you know, had probation. And I'll bet that this program could save their lives. Jesus Christ, I mean, it could save anyone's life.

So with one last gesture, Mr. Hogan, I am asking you to pass the item for the community, for the country, and for the State. Thank you.

GOVERNOR HOGAN: Thank you, Jorge. I appreciate that. Are there any other questions on the DoIT Agenda?

COMPTROLLER FRANCHOT: I have a question –

GOVERNOR HOGAN: Go ahead.

COMPTROLLER FRANCHOT: -- on Item 3.

GOVERNOR HOGAN: Thank you.

COMPTROLLER FRANCHOT: Thank you. Governor, we're being asked today to approve awarding a \$7.4 million contract to an affiliate of the Microsoft Corporation based in Reston, Virginia, for a new financial management system for the Department of Human Services. This is a three-year contract with two one-year renewal options. I have a quick question. I see that two Maryland based firms also submitted bids for this contract. The second technically ranked bidder was Creol Consulting from Bethesda, Maryland. I see that their bid was actually \$634,000 lower than the proposed awardee. Since Creol was ranked second that means that they would have been able to perform the requirements of the RFP. Can I get an explanation as to why the department went with Microsoft instead of the lower priced bidder?

MR. JAMES: Certainly. For the record, my name is Greg James. I'm Deputy Secretary for Operations at the Department of Human Services. And I'm joined here today by my CFO and my, Stafford Chipungu, and our Director of Procurement Sandy Johnson, as well as our Chief Information Officer Kenyatta Powers. And I'd like to ask Ms. Johnson to address the procurement issue.

MS. JOHNSON: Good morning, Mr. Governor, Madam Treasurer, and Mr. Comptroller. My name is Sandy Johnson. I'm the Director of Procurement for the Department of Human Services. When we did the oral presentations for these services, and Creol presented its oral presentation, the requirements that we asked for in the RFP that they responded that they could do,

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when we actually, when they gave their presentation some of the reporting requirements that we asked for they told us, yes, we said yes but we would have to build those reports. And it would take them in some cases four hours or longer to build the reports. And when we looked at that and because it wasn't in their pricing, we determined that that would actually probably end up costing us more for some of the services that they said that they could provide, those requirements, that they couldn't actually do or would have to build.

COMPTROLLER FRANCHOT: Who is the incumbent?

MS. JOHNSON: There is no incumbent. This is the first, this is the first procurement for this.

COMPTROLLER FRANCHOT: So they didn't respond to the RFP accurately?

MS. JOHNSON: Correct.

COMPTROLLER FRANCHOT: And there was something in the RFP about the, including the reporting?

MS. JOHNSON: Yes, there were. There were several requirements. We had about 45 requirements, different requirements.

COMPTROLLER FRANCHOT: And they said they were going to have to charge you more money?

MS. JOHNSON: They didn't say that. They said that they, if they did they would have to take it back and redo the, that portion of the proposal that

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they had submitted. Because we, because again, when we did the oral presentations they actually had to comment and actually give us a presentation of the services that they were going to provide of the actual system.

COMPTROLLER FRANCHOT: Okay.

MS. JOHNSON: And that system didn't have that information in it.

COMPTROLLER FRANCHOT: Thank you. Thank you, Governor.

GOVERNOR HOGAN: Thank you.

MS. JOHNSON: You're welcome.

GOVERNOR HOGAN: Any other questions on the DoIT Agenda?

TREASURER KOPP: I have a really brief question on Item 5 that I will then follow up. But it's the Department of Health, clinical and financial data repository. And my general question, I think actually -- I don't know if it's of the Health Department or of Secretary Leahy. But when we have things like this, large procurements like this one --

MR. LEAHY: Yes.

TREASURER KOPP: -- how do you, how and when do you work in the security aspect?

MR. LEAHY: Well it is worked in when we actually have looked at what the system is to procure. So DoIT at that point looks at whether it is

going to be based in our servers or in the Cloud and applies our security, and if there are specific security patches that are necessary because the vendor doesn't utilize them, we incorporate them into what we're building into the system. So we take responsibility --

TREASURER KOPP: So is it, so it's then it's not part of the RFP?

It's something that's applied after the --

MR. LEAHY: It is typically not. That is correct. Yes.

TREASURER KOPP: Okay. Thank you. I was just curious.

MR. LEAHY: Sure.

TREASURER KOPP: Thank you.

GOVERNOR HOGAN: Is there a motion on the DoIT Agenda?

COMPTROLLER FRANCHOT: Move approval.

GOVERNOR HOGAN: Second? Three-nothing. Now I see the University System has joined us. We're going to go back and jump back to the University System Agenda. Good morning.

MR. EVANS: Good morning. Joe Evans, representing the University System of Maryland. We have three items on the Agenda. We're here to answer any questions.

GOVERNOR HOGAN: Any questions on the University System?
Motion?

COMPTROLLER FRANCHOT: No, move approval.

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GOVERNOR HOGAN: Three-nothing.

MR. EVANS: Thank you.

GOVERNOR HOGAN: Good work. Now let's move to the Department of Transportation.

MR. LEWIS: Good morning, Madam Treasurer, Governor Hogan, Comptroller Franchot. For the record, my name is R. Earl Lewis, Jr., Deputy Secretary of the Maryland Department of Transportation. We have 20 items for your consideration today.

GOVERNOR HOGAN: I'd like to maybe have Administrator Smith from the Airport come up to describe Item 19 for us. And then I know that we have a number of folks signed up to speak on this item. Good morning.

MR. SMITH: Good morning, Governor, Madam Treasurer, Mr. Comptroller. I'm Ricky Smith, Executive Director of the Maryland Aviation Administration and I'm looking forward to presenting this item to you. But first I want to provide some background, if I can, on the project.

So back in 2004, we opened what we call the Southwest Airlines Terminal, but it's officially named the Concourse A/Concourse B Terminal. We opened that in 2004 based on an environmental assessment that was done in 2000. That environmental assessment that was done in 2000 was, we got a FONSI and a record of decision from the FAA based on forecasted operations at that time,

aircraft operations. Not passenger levels, but forecast aircraft operations and type of aircraft. So that approved 31 gates for that terminal.

In 2004, when we opened the terminal, we only needed 24 of those gates. So six of the gates remained undeveloped, although the infrastructure for those gates was in place.

So in 2017 Southwest Airlines began to express a need to have a terminal renovation to address concerns in the Airport. So let me talk about that a little bit. So our Terminal A/B, which was built in 2004, today is failing. Okay? If you go into the terminal at any time of the day for the most part the restrooms are overcrowded. People are walking over each other in the food court because there is no room to sit. People buy food, there's no space in the waiting areas for them to sit. The hold rooms, or the areas where you sit before you board an aircraft, are grossly overcrowded. And the baggage handling system has all but failed. As a matter of fact, I had a conversation with a gentleman yesterday who told me that he waited three hours for his bags. So our baggage handling system has failed and Southwest Airlines has expressed real concern about their ability to maintain existing operations without some improvements to the terminal.

So the project before you is an expedited project to add five additional gates onto Concourse A. Now these five additional gates, this is an enabling project. This is a project that will allow us to move Southwest Airlines traffic from an A/B Terminal project to the five additional gates while we do the

construction of a new baggage handling system. It does not result in additional capacity. It does not result in additional growth or operations. It's simply designed to maintain their existing operations. Okay?

So the project that this is enabling is a renovation of the Terminal A/B project, which addresses all the issues that I just raised, the customer service issues that I raised. Southwest has made it clear that they need to be able to operate in the renovated facility by 2022. In order for us to meet that schedule, we have to begin work on this enabling project, the five-gate extension, by January of next year, January of 2019. In order to meet that schedule, we're asking for an expedited procurement, which will save us approximately two months in the procurement schedule so that we can have a contract on board to start construction in January of 2019.

A companion issue with this is when Southwest Airlines acquired AirTran in 2011 they acquired operations on Concourse C. So they have seven gates on Concourse C. When this A/B project is completed, Southwest Airlines will consolidate its Concourse C operations onto C -- I'm sorry, onto the A/B Concourse, thereby freeing up gates on Concourse C. Again, this project will not result in any additional gates with respect to the five-gate expansion or the improvements to the Southwest Terminal.

With respect to the EA process, so as I mentioned earlier in 2000 we did an environmental assessment to enable us to complete the Southwest

Airlines Terminal. And that was a full-blown environmental assessment process.

It had public input, public comment --

TREASURER KOPP: Ricky, I'm sorry --

MR. SMITH: Yes?

TREASURER KOPP: -- did you say there would be no net expansion, period? Or for Southwest?

MR. SMITH: So when we complete the A/B Terminal --

TREASURER KOPP: Right.

MR. SMITH: -- okay?

TREASURER KOPP: And C moves to A/B, Southwest.

MR. SMITH: Okay. So we're going to add five gates on A. We're going to take away five gates on the A/B connector temporarily. They will come back.

TREASURER KOPP: Right.

MR. SMITH: And so there will be five additional gates --

TREASURER KOPP: Right.

MR. SMITH: -- net gates on the A/B Terminal. Southwest Airlines also has seven gates on C.

TREASURER KOPP: Right.

MR. SMITH: They will transfer those operations onto B.

TREASURER KOPP: Right.

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MR. SMITH: Right? So we're losing, Southwest will lose those gates --

TREASURER KOPP: So essentially it's net for Southwest but it's plus five for BWI.

MR. SMITH: It's not a, it's not a net for Southwest.

TREASURER KOPP: It's not?

MR. SMITH: Because Southwest will give up the five, five to seven gates that they have on C.

TREASURER KOPP: Right.

MR. SMITH: Okay? So right now Southwest Airlines has 38 gates. Right? They will have 38 gates when this is all done. They're giving up seven of those, five to seven of those gates --

TREASURER KOPP: -- net to BWI --

MR. SMITH: -- when they consolidate onto A/B. Those five gates left vacant on C --

TREASURER KOPP: Right.

MR. SMITH: -- right. Those five gates will be made available for whatever airline --

TREASURER KOPP: Right.

MR. SMITH: -- wants service.

TREASURER KOPP: So that's what I meant --

MR. SMITH: But not to Southwest.

TREASURER KOPP: -- when I say it's net to Southwest but it's five more gates to BWI.

MR. SMITH: It is, it is not net for Southwest. Southwest will maintain their existing gate level --

GOVERNOR HOGAN: That's what she's saying.

MR. SMITH: -- it's a net for the Airport.

TREASURER KOPP: That's what I -- no new and no less.

MR. SMITH: Correct.

TREASURER KOPP: In number.

MR. SMITH: That's correct.

TREASURER KOPP: Sorry.

MR. SMITH: That's correct.

TREASURER KOPP: Yeah. Yeah. I apologize. Yes. Okay.

MR. SMITH: Okay. So the EA that was done in 2000, again, was done with all the public input. That was done back in 2000. In 2017, to accommodate the project I just talked about, we went back to the FAA and asked what would be necessary in order to satisfy the environmental compliance requirements to move with the A/B project. And they determined that a reevaluation of the 2000 EA would be appropriate. And so they did the evaluation. And what they determined is that the forecasted operations based on

the project that will, based on the new project, that the operations would not increase. As a matter of fact, as an aside, over the last five years our operations have decreased by two percent. Operations are decreasing, not increasing. Airlines are increasing the size of their aircraft and so passenger levels are growing but operations are decreasing. And that's typically what drives additional noise. Okay?

Just one more note on the noise issue. So we've done a number of Airport development projects in the last few years and one could argue that some of those projects may lead to growth more so than the project that is on the Agenda today. The only difference is the FAA made a decision to shift the flight paths. Operations haven't increased. The Airport isn't producing more noise. The noise has just shifted to a new community that did not experience noise. Anne Arundel County, for example, who is well represented on the Roundtable, I mean, they are always concerned about noise. But they are not as outraged as we are experiencing with some of our friends in Ellicott City in Howard County. I'm a Howard County resident, by the way. And that is because they are experiencing new noise because the flight paths were shifted, not because operations have increased. And again, the project that we are proposing to you will not result in an increase in operations therefore it will not result in additional noise. And that's why we feel comfortable making that recommendation to the Board of Public Works.

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The schedule is important because, again, the terminal is failing from a customer service standpoint. It is very difficult for Southwest to meet its current operational needs. But even as they bring on, as they increase the size of their aircraft which is bringing more passengers into the terminal, it's putting more stress on a facility that is already failing. And again, the baggage handling system, it's a travesty. It's probably one of the worst in the country and it shouldn't be that way. We can do better than that. And this project is an enabling project to address the baggage handling system project.

So obviously I ask for the Board's consideration. I know that we have some members of our community that are concerned about the potential noise impact. But this project that's proposed to the Board will not drive additional noise and will not drive additional operations.

GOVERNOR HOGAN: Comptroller?

COMPTROLLER FRANCHOT: Thank you very much.

MR. SMITH: Yes, sir.

COMPTROLLER FRANCHOT: Mr. Smith, thank you for that testimony. But what is it that will take, will it take to get the FAA to comply with the State's environmental noise abatement laws? And look at the situation that they have created? Are they responding to your requests? Or I applaud the Governor for sending an administrative petition to the FAA but apparently they have told us to go jump in the lake and they have abandoned the process --

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GOVERNOR HOGAN: It's a little more complicated than that.

COMPTROLLER FRANCHOT: Well whatever --

GOVERNOR HOGAN: I have personally met with Director Huerta of the FAA --

COMPTROLLER FRANCHOT: Excellent.

GOVERNOR HOGAN: -- with Secretary Chao at the Department of Transportation. We filed suit against the FAA to try to stop this from happening and to revert back to the pre-Next Gen, when they changed all these flight patterns. We would have had a really good case. However, the previous administration agreed to these changes.

COMPTROLLER FRANCHOT: Mm-hmm.

GOVERNOR HOGAN: And signed off on them. And the Secretary of Transportation, Mr. Smith, has agreed to that. So we're coming back in with a new administration saying, this is uncalled for. How did this happen? We don't want this to happen. It has caused all these noise complaints. They go, here's the document where the State of Maryland agreed to it. So we do. We have filed suit. We directed the Attorney General to sue them. We've been pushing at every direction, at every single point. We've met with citizens. There is nobody pushing harder to try to change this back to the way it is. It's disgraceful. And should have never happened. And we're going to continue to do everything that we can do to change it back. That has nothing to do

whatsoever with this baggage claim, the area that we're trying to upgrade so that we don't lose Southwest and we can continue to provide better service to our customers,

MR. SMITH: The Governor is absolutely right. I mean, I'm talking to Airport directors all over the country. And I can't, I can't meet one of them without them asking about what's going on in Maryland. I mean, the Governor has led a very aggressive effort to try and change the FAA's handling of this situation. And --

COMPTROLLER FRANCHOT: What do you predict is going to be the upshot of all of that? I mean, I appreciate, I --

GOVERNOR HOGAN: The Attorney General thinks we have a pretty good case.

COMPTROLLER FRANCHOT: And how long is that going to take? As to, I don't know, is there anyone here that can tell me --

GOVERNOR HOGAN: Probably not.

MR. SMITH: I can't tell you when I think the FAA will react. I wish I had that answer.

GOVERNOR HOGAN: Why don't we go ahead and let some of the other folks testify?

MR. SMITH: Okay.

GOVERNOR HOGAN: Then we can, any questions, some of this is going to be addressed back and forth with the concerns. And so we have three people who have signed up to speak in opposition to the item and I'd like to get their comments. And then maybe have the Executive Director respond. And then we'll have other people who are speaking in favor of it and they can talk about that. But first, I think signed up is Mary Reese from the BWI Roundtable. Ms. Reese, good morning.

MS. REESE: Okay, my testimony is in opposition to the proposed expedited procurement for terminal expansion at BWI. I currently serve as Chairperson of the D.C. Metroplex BWI Community Roundtable. We are a group of legislatively appointed representatives for all districts in the State that are currently negatively impacted by the FAA's implementation of Next Gen at BWI.

For over a year, we have worked with the FAA with the assistance of the MAA and with the bipartisan support of our elected representatives and Governor Hogan to resolve the Next Gen crisis. Tens of thousands of Marylanders are experiencing physical harm, loss of enjoyment of their homes, and serious property devaluation under the low and concentrated flight paths that Next Gen created. I personally live over 17 miles from BWI in Anne Arundel County in Annapolis and an MAA sound survey completed on my property revealed 85-decibel flights over my home.

As Chair, I have heard from realtors who have buyers walking away from homes in prime real estate areas. And I have heard testimony from physicians who cite published studies linking aviation noise to serious health problems, including increased blood pressure, chronic sleep deprivation, and worse. And I hear testimony from residents suffering from those problems since Next Gen was implemented here. And to date we have no solution in sight.

On June 26th the State filed an administrative petition against the FAA and subsequently the FAA withdrew from all Next Gen related talks with our Roundtable and the MAA. It is worth noting that even before the petition was filed, the FAA's willingness to work with our Roundtable was ominously inefficient and evasive.

This past Tuesday, July 17th, the MAA's Director of Planning Kevin Clark confirmed to our Roundtable that this expedited procurement is an expansion that will result in a net gain of five gates within four to five years. Mr. Clark explained that this proposal is a part of a decision to expand BWI operations that was made two to two and a half years ago. That's significant. That's the same time that the FAA implemented Next Gen at BWI.

BWI's CEO Ricky Smith confirmed to WJZ News that the purpose of the construction is expansion. He said, "it's just all aimed at adding capacity so that our airlines can grow and offer more service to our public so that they can get wherever they want to go non-stop and conveniently."

The FAA has created an aviation noise crisis in our State and now that the FAA has ceased to communicate with the State and our Roundtable they may continue to implement tweaks and changes to the Next Gen system here without any advanced notice. In fact, at our last meeting with the FAA in April they revealed they had plans to add even more concentrated flight paths over more unsuspecting Maryland residents.

With so many unknown factors, and the FAA refusing to work to resolve the problems we now face, we have been told by the Attorney General that a lawsuit, there is a very high bar for the State of Maryland to sue at this point and it doesn't look like we have grounds to do so. Measures simply must be taken to not cause additional harm to Maryland residents. So we ask that this request for expansion be set aside until we have a solution to the aviation noise crisis at BWI.

COMPTROLLER FRANCHOT: Can I ask a question?

MS. REESE: Yes, sir.

COMPTROLLER FRANCHOT: Thank you for your testimony. Is it that the planes are lower in addition to changing the pattern?

MS. REESE: Correct. So they are lower and concentrated. So for the people who live under these paths, it can be non-stop, every 30-second intervals. They come over the City of Annapolis. People who are well outside of

any noise abatement zones are receiving, like I said, 85 noise decibel ratings. It's ruined our property value.

GOVERNOR HOGAN: Yeah, so the old patterns, people bought houses knowing that there was noise. And they got a great deal on their house because they were willing to put up with the noise. Now they have nice quiet. They moved them over top of people who paid a lot of money for their house that didn't have any noise and now do.

COMPTROLLER FRANCHOT: Yeah what I'm trying to figure out --

GOVERNOR HOGAN: -- and they lowered them --

COMPTROLLER FRANCHOT: -- is why the previous administration signed off on it --

GOVERNOR HOGAN: That's a great question but that's the biggest problem we have in this lawsuit is that there's actually a document signed by the O'Malley administration agreeing to the FAA changes.

COMPTROLLER FRANCHOT: And I hope that I didn't vote for it.

MS. REESE: Well to be honest with you this has been --

GOVERNOR HOGAN: Because I don't think you did. I think it was just the Department of Transportation that signed it.

MS. REESE: Next Gen would have been in the works for 20 to 30 years. So this is a long process. And --

GOVERNOR HOGAN: This was just done --

MS. REESE: -- the MAA recommended to the administration to move forward with it. So I wouldn't blame it on the administration.

COMPTROLLER FRANCHOT: Well think that I, it just, I mean, I can understand the --

TREASURER KOPP: It's the same thing we're facing at Reagan --

GOVERNOR HOGAN: Yeah, no, but we actually have a really good case --

COMPTROLLER FRANCHOT: -- the having them come in low and more frequently, I don't really understand the aviation reason for that. But my concern is that the FAA is just, as you say, it's a pretty slim hope that they are going to make any adjustments, despite the meetings, etcetera. I hope they do. I applaud the Governor for doing that. But what a mess.

MS. REESE: Right. Well gentlemen, we own the air space. And we're the taxpayers. And they work for us. So --

COMPTROLLER FRANCHOT: So you actually --

GOVERNOR HOGAN: I tried to explain that --

MS. REESE: -- I do believe we will hold them accountable.

GOVERNOR HOGAN: But thank you very much.

MS. REESE: You're welcome.

GOVERNOR HOGAN: Next we have Paul Davidson. Is Paul Davidson here?

SECRETARY MCDONALD: Yeah. He said that he was not --

GOVERNOR HOGAN: Okay. We have Laura Donovan.

SECRETARY MCDONALD: Correct.

MS. DONOVAN: Good morning. Thank you for letting me speak today. You all are pretty well up to date on what's going on. I don't have to say very much at all.

A couple of the biggest things that worry me is during the course of the Roundtable meetings, I had come up with, this is Observations on FAA's Efforts to Implement Reforms and Modernize the National Air Space. This is an inspector general's report about the FAA. This is the part that got me: "Addressing community concerns and implementing controller tools for PDN. It has been delayed due to community concerns over aircraft noise while regulations did not require FAA to fully assess the impact of aircraft noise." That's the part.

Now in these meetings one FAA person, Rob Owens, had stated three times that they were not regulated to do this, to look at the people on the ground. They are all about the air. They are all about air safety, passenger safety, getting it out on time, money, etcetera. And kudos. For the most part, I haven't had anything run into my house yet. Very happy about that. But we are not

considered on the ground. Even now, and I don't know how true this is because these days there's a hundred stories floating around about everything, I saw somewhere that 60 percent of the cost at the gates is coming from the Transportation Fund. I for one drive over a lot of bumpy roads, and I'm really maxed out on noise where I'm at. I lose sleep. I can't function. There's a lot of days I do not drive because I'm afraid I'm going to hit someone because I am not conscious. And I can go on and on. There's all kinds of horror stories. So that's the one thing. FAA is not looking out for us.

Another thing with these, I'm incredibly uneducated about these things. But with these NEPAs, they are really -- this is from Wikipedia. And I almost hate to read it because I'm not a big fan of the internet. And I wish I could have brought a study or something that did better. But they talk about how, that studies have been after NEPAs have been done and the two did not coincide. Let me see if I can find this real quick. Talking about uncertainty at all stages. Environmental assessments fail to predict accurately the impacts observed, how reported evidence of the intrinsic uncertainty attached to EIA predictions from a number of cases worldwide. I can provide this later but you get my point here.

The flight path changes are bad. I'm close to the Airport. I do not now, which I did have, a flight path right over my house. Now I have helicopters over my house. And I think, and I'm not sure, and I'm trying to find out, I think they were going down 295 and 95 and now they are going over my house. This is

so bad. You can stand in my living room and feel like you are being punched in the chest. I think they call it rotor wash. And the Airport has made numerous attempts -- here's where you all don't have much to do with this. The helicopters are barely regulated. They will tell you, yes, they are regulated. But when I tried to file a report before, I got a page back with one sentence that said, you do not have a complaint. And then I called and they said, well, you know, because of the nature of them, they can go higher, they can go lower.

These helicopters are like flying houses. These things are huge. I've been there since 1970. These things are mega and they shake and it's bad. I get umpteen military helicopters. I had a Red Cross military helicopter over -- I've got, my ear, I don't know what to call it. It feels like a snap. It's painful. It hurts. And then I can't hear right. I've had ringing in my ears since January. I have reported and reported. I have called military bases, going off track. That's my thing. That's for another day.

But this is the impact that it has had on me. Now, and when I go to the meetings and I ask, has anybody gotten any relief? Because as I said, real close, and I can see the planes going out. And now where they used to go straight, they are almost circling my house. And I don't know what's going on. Now the FAA is not talking. And we don't have to rehash this again. Very concerned.

GOVERNOR HOGAN: We appreciate --

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MS. DONOVAN: Very concerned. And I would love if Maryland, if some reps, I would like to have a long talk about what's going on over here. Because I almost feel like if somebody would have come to us and said, this is what it's going to be, make your arrangements. Right now, we just came off of a recession. I am cash strapped. I can't go out and buy a \$300,000 house. I don't want a mortgage again. I'm old. I don't want to do this again. I have plans for my life. And the really funny thing is, in the end I had hoped to retire to Brazil. The FAA has a letter of agreement with Brazil now. I can't get away from them.

(Laughter.)

MS. DONOVAN: Anyway --

GOVERNOR HOGAN: Thank you, Ms. Donovan.

MS. DONOVAN: -- I understand what's going on. I'm glad that we make money and the Airport is doing good. But this is a mess. And I know this one did this and this one did that. And I'm pretty much, the only thing I really want is a night's sleep. I want to be able to get up and function in my life. I don't want to worry about having a heart attack. And I have been told by people at these meetings not only do they wear earphone type head, they also put ear plugs in. I know people who can't sleep with a CPAC mask. I don't know how they are doing it.

Now me, with the helicopters, there is noise but there's a pressure thing. And that's what's -- I can't wear ear plugs. There's nothing I can do. I've

moved to three different rooms in my house and I cannot get away from this. So really stuck here.

GOVERNOR HOGAN: We're sorry you're going through this.

MS. DONOVAN: We need any help we can get.

GOVERNOR HOGAN: We appreciate you coming out.

MS. DONOVAN: I really hope that you postpone this until we get the other messes straightened out. And I thank you very much --

GOVERNOR HOGAN: Thank you.

MS. DONOVAN: -- for your time.

GOVERNOR HOGAN: Thank you very much.

MS. DONOVAN: Have a good day everyone. Thank you.

GOVERNOR HOGAN: Now we have a couple of folks signed up to speak in support of the item. We have Yousef Ahmad, CEO of the Northern Anne Arundel County Chamber of Commerce. Good morning.

MR. AHMAD: Good morning, Governor Hogan, Comptroller Franchot, Treasurer Kopp. My name is Yousef Ahmad. I'm the CEO for the Northern Anne Arundel County Chamber of Commerce. We are a member organization comprised of over 500 businesses, community organizations, and community members. And I am here today representing the Chamber in support of the expedited procurement request for the Concourse A five-gate project. And

I felt it was important to be here today to testify and trying to separate out the two issues.

Our businesses use the Airport as an avenue and as a vehicle for transportation to expand their business. The Airport truly is the economic driver for our region and one that our Chamber members rely on on a daily basis. It allows our local businesses to move from local companies to nationwide businesses. And as you guys know, the Airport is responsible for nearly \$600 million State and local combined tax revenue. This procurement request will allow the businesses that rely on the Airport everyday to continue to use the Airport as their main transportation hub, keeping the tax dollars in Maryland as opposed to having to go down to dollars for Reagan International. This is more about efficiency in getting through the Airport and in having our businesses catch their flights on time and having our people that use the Airport be able to traffic and go throughout the Airport and be a little bit more efficient with the planned projects.

We humbly ask that you approve this request. And on a quick side note, I'm a lifelong resident of the county. And first on the north side of the Airport in Linthicum, now on the west side in Hanover, and can personally testify that BWI and MAA have always been involved with the community in positive economic and social impacts.

GOVERNOR HOGAN: Thank you very much. I appreciate it. Next we have Ed Rothstein, Executive Director of the BWI Partnership.

COLONEL ROTHSTEIN: Good morning. Again, Colonel (Retired) Ed Rothstein. I am the Executive Director of the Partnership. It's a pleasure to be here this morning in support of the Airport. And I'd like to give you a couple of thoughts and some ideas about our relationship from the Partnership with the Airport.

The mission of the BWI Business Partnership is to facilitate quality relationships among leaders from businesses, government, and organizations who want to make a difference by accelerating positive growth within the region. The Airport plays a critical role in doing just that.

With the Partnership and of course the critical role the Airport plays in promoting strong transportation resources, and business infrastructure in Central Maryland. And we can't afford to have hiccups or delays within the business community. To educate employers about alternate transportation opportunities within Central Maryland; and also to advocate for policies, programs, and projects that benefit the region; to promote success of BWI Airport; support the Fort Meade community; and also the entire Central Maryland community.

Above and beyond BWI Airport's economic impact within the State and the region, I'm here to share with you the role as a key and critical

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partner that the Airport and the leadership and the team that Ricky has plays within our community. This project will enhance the abilities to continue and serve as a strong partner within the region, State, and community, and specifically obviously the business community.

On a side bar, in the character of the BWI Airport and Ricky and his team, there's a couple of projects that we have within the Partnership. One is a summer youth initiative program, where BWI Airport has really taken a lead in supporting our youth, our inner city youth, throughout the summer. And the second is a connector, a shuttle service that we just took over. And it allows employers, or excuse me employees, within the Airport to get to their place of employment without delay. And those are two things that, again, just as a side note that the team at the Airport has done to help us within the region and sow success. So thank you.

COMPTROLLER FRANCHOT: Yeah. So, if I could ask a question, what exactly do you predict is going to happen with the FAA? And the noise problem? You know, I appreciate the inner city youth --

COLONEL ROTHSTEIN: Absolutely.

COMPTROLLER FRANCHOT: -- reach out and giving money to this and that. Okay. When are they going to be revised so that we don't have this situation? Because obviously it's not just moving it from one area to another. It's not adding airlines.

COLONEL ROTHSTEIN: Correct.

COMPTROLLER FRANCHOT: It's allowing them to fly low and come in at these -- I don't know what the issue is. But obviously the Governor and others want them to make some adjustments. When are they going to do that?

GOVERNOR HOGAN: We want to get rid of it altogether. We're 100 percent in agreement with the citizens. But that doesn't have much to do with what we're talking about today or what he does with the Partnership.

COLONEL ROTHSTEIN: Yes, sir. And I appreciate it. My preparation for this morning is to share the partnership with the Airport and the need to continue the services that the Airport has for our community.

COMPTROLLER FRANCHOT: Yeah but let's face reality if we can --

COLONEL ROTHSTEIN: Regarding the FAA I am not prepared -

-

COMPTROLLER FRANCHOT: -- how do you actually get, you and your partnership, get the FAA to pay attention to this so that the Airport can get away from this non-compliance, I guess, with the State's noise laws? If I were, you know, I love Southwest. I fly it all the time. What do they call that? I get a companion pass I'm so locked into them. But ask them to go lobby the FAA.

COLONEL ROTHSTEIN: I think the best answer I can share with you is, from a leader, is participate in the Roundtables within the Airport, participate in community events, and understand the problem better. I'm not prepared at this point to share with you what the FAA can and cannot do.

COMPTROLLER FRANCHOT: Okay. Thank you.

COLONEL ROTHSTEIN: Sure.

GOVERNOR HOGAN: The Attorney General maybe can answer that question better than you.

COLONEL ROTHSTEIN: Yes, sir.

GOVERNOR HOGAN: Well thank you very much.

COLONEL ROTHSTEIN: Yes, sir.

GOVERNOR HOGAN: Look, I want to thank everybody who signed up to testify today. And it's very frustrating to hear some of the stories about the people that are concerned and what they are suffering from with this noise. And I can assure you that we are trying to do everything humanly possible to deal with the FAA, who is not a very responsive organization. But we have a whole team of people focused on it and working with the community. We're making great progress at Dulles and Reagan, which was causing the same noise problems in Montgomery County. This one is more difficult given the agreement that the State signed. But we are, we have filed suit. We are doing everything we

can. And we will continue to make every possible effort to revert these flight patterns back to what they used to be before.

But the purpose of the project that we're talking about before this Board today, this isn't being pushed by the FAA. The FAA couldn't care less about what we're doing with the baggage terminal or where we are moving the gates. It has nothing to do with the flight patterns. The purpose of this is primarily customer service and to upgrade a really outdated baggage handling system that is hampering efficiency and causing all kinds of problems for Southwest and for the customer experience of people that are traveling. We're the number one airport in the Washington metropolitan area. We get rave reviews from the people that are flying in and out of there except for some these particular concerns that this thing would take care of. And so to accomplish the upgrade of this system, this baggage handling system, we have to shut down five gates and switch to five other gates. That doesn't change any flight patterns. It doesn't add any planes. It does nothing.

Now sometime over the next five years, the old gates that are being shut down could be renovated and opened, which could result in more flights. Hopefully the FAA thing will be resolved by then. But if not, I think we would have an opportunity to come back and address it. So I would say I'm amenable to thinking about, I mean, these are not mutually exclusive goals. Let's upgrade the service at the Airport and let's continue to fight the FAA. But you know, I think

if we can address the baggage claim system, which is top priority for us, for Southwest, which is our largest client out there, that, once it's completed I would be amenable to doing a reevaluation of the noise issues before any, the other five gates are ever put back into service. And hopefully at that time we'll have made some progress with the FAA and if not, and if it looks like it's going to add to the noise, then we'll have to have a tough discussion then about whether or not we should open new gates or whether or not we should not. But I think that we should ascertain any effect that those, if we go with the additional five gates, what that would have. Hopefully it won't be an issue by then. But, you know, to hold up this project would be a disaster, in my opinion. And I don't think it adds any impact whatsoever on the noise or the FAA problem. I don't know if anybody has any questions --

COMPTROLLER FRANCHOT: Yeah, no, I happen to disagree. I think that the way to get FAA's attention is to get Southwest involved in this. And that would change --

GOVERNOR HOGAN: I don't think the FAA cares less about what we think or what Southwest thinks. I can tell you --

COMPTROLLER FRANCHOT: Well then that's --

GOVERNOR HOGAN: -- after four years of talking with them about it I can tell you that's true.

COMPTROLLER FRANCHOT: Okay --

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GOVERNOR HOGAN: They are not very responsive.

COMPTROLLER FRANCHOT: I'm just giving my personal viewpoint, that I don't think anything is going to happen on the noise levels based on the current strategy. Now, maybe the Governor is right and FAA will change their mind in two, three, four, five years, but it doesn't sound to me like they are going to, there's any reason for them to. They are not even participating in the Roundtable anymore. So I'm going to vote no, even though I love Southwest. I'd put a sign up --

GOVERNOR HOGAN: I hope they will still be around the next time you try to fly.

COMPTROLLER FRANCHOT: Yeah I'd put a --

(Laughter.)

GOVERNOR HOGAN: And they have a baggage handling system.

COMPTROLLER FRANCHOT: And I'd put a sign up in the baggage system, if you have a problem with your delayed baggage, write the FAA. Because they are the ones that have inflicted this noise pollution on our State. It's unfair, shouldn't be there. It's correctable. I don't know what Jim Smith, or whoever it was was the Transportation Secretary, signed. How long does that, how long is that in effect?

GOVERNOR HOGAN: It's forever.

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COMPTROLLER FRANCHOT: Well let's cancel it.

GOVERNOR HOGAN: That's what we've been trying to do for four years.

MR. LEWIS: That's what we're trying to do.

GOVERNOR HOGAN: I think --

COMPTROLLER FRANCHOT: Well at this point I don't think this is a, I mean, I appreciate the efforts. I just don't see it as a strategy that has any hope of success. I'm going to vote no and --

GOVERNOR HOGAN: Again, this is not a strategy to convince FAA. This is fixing an antiquated, failing baggage system. And so whether that helps convince anybody, no, I don't think it will. It just gives us, this has no relation whatsoever to the flight path.

COMPTROLLER FRANCHOT: Well that's why we have --

GOVERNOR HOGAN: I'm going to make a motion we approve.

COMPTROLLER FRANCHOT: -- different --

TREASURER KOPP: Ricky has something --

GOVERNOR HOGAN: Oh, Mr. Smith, do you have anything --

MR. LEWIS: Come up again, Ricky.

MR. SMITH: The only thing I would add is a couple of clarifications. The FAA, not the State of Maryland, has control over activities in the sky. The FAA also does regulate mitigation efforts to noise. We are, the

State of Maryland is in compliance with noise requirements. We have an approved, what's called a Part 150 Study, that includes all kinds of mitigation efforts: soundproofing cones, putting noise monitors in certain areas where we can monitor the impact of noise, and a host of other things. Airlines have transitioned to what's called stage three and stage four aircraft, which are much quieter. The new aircraft, for example, that Southwest Airlines is operating out of BWI Marshall Airport are stage three and stage four aircraft. They are very, they are the quietest aircraft that you can find. And so, you know, over the years the State of Maryland has spent millions of dollars mitigating noise.

COMPTROLLER FRANCHOT: Okay. Let me just interrupt for a minute.

MR. SMITH: Yes?

COMPTROLLER FRANCHOT: What do you say to the County Executive of Howard County, the Chairperson of the Howard County Council, who sent a letter to all of us saying, in conclusion, because of all this issue, Howard County asks that the Board allow time for consideration of the complex issues involved and defer action until the FAA has responded to the administrative petitions filed by the State and Howard County or at least until FAA takes concrete action to come into compliance with State noise abatement laws?

MR. SMITH: I would say --

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COMPTROLLER FRANCHOT: What do you say to that?

MR. SMITH: I would say the two issues are not connected.

COMPTROLLER FRANCHOT: And how long would it take --

MR. SMITH: I'm not --

COMPTROLLER FRANCHOT: -- how long is it going to take to respond to the administrative petitions? Is that something that Attorney General Frosh has to tell us?

MR. SMITH: Well --

COMPTROLLER FRANCHOT: How long are you expecting?

MR. SMITH: So the effort with the FAA that the State has taken is now in the FAA's hands. I don't know that anybody except for a representative of the FAA can honestly tell you how long they are going to take. As the Governor stated, they have been unresponsive. And we have been very aggressive. However, the FAA's mishandling of this situation should not tie the hands of the State of Maryland in trying to meet the needs of the customers using the Airport at standards that they would experience at any world-class airport in the country. Customers waiting for three hours for bags should not be subjected to that because the FAA decides to be missing in action. And all we're asking for is that the Board allows us to take steps to improve the Airport in a way that our customers are asking, that our airline is asking, that does not add additional operations, that does not support additional noise. It's a renovation to the

terminal that probably should have been done years ago. But we're now up against the wall and we have to do it or we're going to begin to compromise --

COMPTROLLER FRANCHOT: And what would be the bad things that would happen if we respond to the County Executive and the Chair of the Council and simply defer it for a couple of weeks or for four weeks until we see whether you are correct that the FAA could give a hoot whether it would impact their stubbornness?

GOVERNOR HOGAN: I don't know if you listened to what I said a minute ago but I put, I didn't put a motion on the floor, but I said we would agree to not add those five gates until we came back before here to see, to reevaluate the noise. Right now we're not talking about adding any gates.

MR. SMITH: Correct.

GOVERNOR HOGAN: We're talking about adding a better baggage terminal.

COMPTROLLER FRANCHOT: Yeah but that's not what --

GOVERNOR HOGAN: There is not a single flight that is going to change.

COMPTROLLER FRANCHOT: Yeah but that's not --

GOVERNOR HOGAN: It has nothing to do with FAA. They couldn't care less about our baggage claims.

COMPTROLLER FRANCHOT: The problem is not adding new capacity. The problem is the flights, the height, the altitude of the planes as they are coming in. I understand it's driven by the airlines, because they want to save money and they want to do this. So they are coming in where you can literally read Goodyear on the tires as it goes over your house. So for us to sit here and say, well, you know, they are not really responsive. Well, let Southwest go in and knock on their door.

MR. SMITH: Sir, I will appeal to you, Southwest has been knocking on their door. And --

COMPTROLLER FRANCHOT: On whose door?

MR. SMITH: On the FAA's door.

COMPTROLLER FRANCHOT: Oh really?

MR. SMITH: And I would appeal to you, sir, again, putting our customers in a substandard airport terminal is not going to faze the FAA. This is not the FAA's issue.

GOVERNOR HOGAN: You're punishing the wrong people.

MR. SMITH: Yes.

MR. LEWIS: Right. This is a customer service initiative.

COMPTROLLER FRANCHOT: Yeah --

MR. SMITH: It is not --

COMPTROLLER FRANCHOT: Can I get Mr. Richardson to come up? Is he here? Southwest Airlines? Where is he? Come on up.

MR. RICHARDSON: Hello, thank you. Thank you for the time. I wasn't planning to speak and I just want to --

SECRETARY MCDONALD: Could you introduce yourself for the record, please?

MR. RICHARDSON: Yes, I will. My name is David Richardson. I work for Southwest Airlines.

SECRETARY MCDONALD: Thank you.

MR. RICHARDSON: And a lifelong resident of the State of Maryland. So I echo the Governor's words as well as Ricky Smith. I thought Ricky very eloquent right here. So Southwest has been working with the FAA, trying to work with the FAA. I'll make a couple of points.

First, we did not support this Metroplex redesign. So the lawsuits, everything, Southwest did not support it. And I'll be happy to send you a Baltimore Sun article that explains our position on that regard.

COMPTROLLER FRANCHOT: Yeah, but it's your planes that are coming in low --

MR. RICHARDSON: Yes but the FAA --

GOVERNOR HOGAN: Because they are ordered to --

MR. RICHARDSON: The FAA manages the airspace. So a pilot can ask permission but ultimately the FAA is in control of the airspace. We have the most advanced fleet in the industry. So all our planes are stage four and stage five. So they are very quiet. That's a technical term. We ordered over 200 new Boeing 730 MAXs, which are 40 percent quieter. Our desire is to fly high and descend on idle. And all these planes are GPS based so also on departure we are capable of fanning out. So most of the concerns, maybe not 100 percent, but we believe most of the concerns can be addressed. And we're trying to work with the FAA. But I'll be honest with you, in my personal opinion --

COMPTROLLER FRANCHOT: Yeah.

MR. RICHARDSON: -- I don't think the lawsuit helps in that regard. I think it freezes things up. So there's issues all around the country. It's particularly acute in the greater D.C. area, I must say. But not alone.

COMPTROLLER FRANCHOT: So if we put this off for a month or a few months, would that incentivize you? Or depress you as far as your activity in getting the FAA to respond to your legitimate request? And it sounds like it was a technical fix. Obviously coming in higher or coming in on idle makes a lot of sense. But if they are going to just be stubborn and say no, why can't we take something like delaying this and then urging you to redouble your efforts?

MR. RICHARDSON: Well first, I agree with the Governor's comments. But moreover, with all due respect, you would be punishing our customers. You would not be punishing FAA. So we have millions of customers. And the one feedback I hear, not just from our customers, but from elected officials, is why don't you fly here? Why don't you fly there? And occasionally, actually, the one biggest complaint I hear is our baggage system. It was designed pre-9/11. 9/11 came, we finished the project. But the capacity of the, the footprint of the baggage handling system has never been great. It's always been a problem. So we definitely not only support but want to expedite this baggage handling system in the best interest of our customers, your constituents.

COMPTROLLER FRANCHOT: I don't know. I think it's a pretty fair request from County Executive Kittleman and Councilperson Sigaty. But I guess I'm in the minority here.

MR. RICHARDSON: Okay. Well thank you for letting me speak.

GOVERNOR HOGAN: Thank you. Any other questions on the -- do you want to pull this out so you can vote against the item?

COMPTROLLER FRANCHOT: Yes. Mm-hmm.

GOVERNOR HOGAN: Did you want to make --

TREASURER KOPP: Could I, Governor, you mentioned -- I'm really torn on this. I get it because I actually live in a flight path myself of Dulles.

But on the other hand, the situation at the Airport I think really is not sustainable. I fly in and out of BWI --

MR. LEWIS: Correct.

TREASURER KOPP: -- and I try to not check luggage because it's so difficult. You mentioned not, not going on to expand but to do this part of it. But that's not part of the motion that's before us.

GOVERNOR HOGAN: Mm-hmm.

TREASURER KOPP: Could the motion that's before us be made contingent, or conditioned by the understanding that there will not be an opening, an expansion of net, what I call net --

MR. LEWIS: Yes.

TREASURER KOPP: -- expansion of gates?

GOVERNOR HOGAN: Without coming back before us?

TREASURER KOPP: Without coming back before the Board of Public Works.

MR. SMITH: So if I understand correctly, the, where we --

TREASURER KOPP: C. Don't reopen C, is what I'm saying.

MR. SMITH: -- where we experience a surplus in gates will be the gates that Southwest Airlines will vacate on C. And if I understand correctly --

TREASURER KOPP: What I'm saying is no net increase --

MR. SMITH: -- we won't move on those, pardon me?

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TREASURER KOPP: No net increase in open -- I don't know how to say it.

GOVERNOR HOGAN: So it's what I suggested that she wants to put into a motion, which I'm okay with, to say we can move forward with the upgraded baggage claim. You can shut down the five gates. You can transfer the five new gates. But before we come back, which won't be for a while, to say, hey, we want to go back and renovate those old five gates and open them, that you would have to come back before the Board of Public Works.

MR. SMITH: These are the gates on Concourse C?

GOVERNOR HOGAN: C, yes.

TREASURER KOPP: So there's not an increase.

GOVERNOR HOGAN: Yeah, I would second that motion. Three-- nothing on that motion.

MR. SMITH: She still looks puzzled. I'm trying to understand --

TREASURER KOPP: No, I'm puzzled, if you're, I mean --

GOVERNOR HOGAN: It's pretty clear. It's the same thing I said.

MR. SMITH: Yeah. Yes.

TREASURER KOPP: Only this is --

GOVERNOR HOGAN: It addresses the concerns --

TREASURER KOPP: -- we may not be here --

GOVERNOR HOGAN: -- there's no more traffic --

TREASURER KOPP: -- but whoever is here --

GOVERNOR HOGAN: -- there's no more gates. And we can get our baggage claim in our new terminal.

TREASURER KOPP: And meanwhile, all of us work together to push the FAA to, A, speak to us; and B, change the plan.

GOVERNOR HOGAN: Well we have a lawsuit now. It's just been filed as of a couple of days ago.

MR. SMITH: It seems to me --

TREASURER KOPP: Yeah.

MR. SMITH: It seems to me the concern is that, the concern is that surplus gates will allow us to bring in more service and more operations.

TREASURER KOPP: Yes.

MR. SMITH: Right? That happens whenever Southwest Airlines vacates the gates on C. And so I think the Governor's motion is that before we take any steps to occupy or add service to those gates on C --

MR. LEWIS: C, yes.

GOVERNOR HOGAN: Yes.

MR. SMITH: -- that we come back to --

GOVERNOR HOGAN: Yes.

MR. LEWIS: Yes.

GOVERNOR HOGAN: Got the motion?

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SECRETARY MCDONALD: That's a motion to amend. And the motion to amend passed --

GOVERNOR HOGAN: It's been seconded and it's been voted on, three to nothing.

SECRETARY MCDONALD: So the motion is amended now, 19-EX.

GOVERNOR HOGAN: Right. So then we can move forward with the rest of the Agenda.

TREASURER KOPP: No, no.

SECRETARY MCDONALD: No, so the motion was amended but now I need a vote on the amended motion. I --

GOVERNOR HOGAN: Okay.

SECRETARY MCDONALD: -- need a motion for 19.

GOVERNOR HOGAN: All those in favor of the amended motion that's already been seconded and agreed to?

SECRETARY MCDONALD: Is it three-oh also?

GOVERNOR HOGAN: Yes.

COMPTROLLER FRANCHOT: No, I'm opposed to it.

TREASURER KOPP: No, it's two-one.

GOVERNOR HOGAN: Well then we'll withdraw it. I mean, we're only doing this to accommodate you. So if you don't want to do that --

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COMPTROLLER FRANCHOT: No, that's --

GOVERNOR HOGAN: -- if you don't want us to pull it out then we're going to move forward and --

COMPTROLLER FRANCHOT: No, I do want to pull it out.

TREASURER KOPP: No, we're not.

COMPTROLLER FRANCHOT: I thought we were asking for a vote.

GOVERNOR HOGAN: Okay.

TREASURER KOPP: If you don't want to make that motion --

SECRETARY MCDONALD: So currently I believe that Item 19 has been amended to add language, three-oh, just to add the language to the motion that there would be no opening of the surplus gates in C without coming back to the Board of Public Works. So that amended motion --

COMPTROLLER FRANCHOT: Do I have to then vote to pull it out?

SECRETARY MCDONALD: No. No, no, no. So --

GOVERNOR HOGAN: You don't have to --

SECRETARY MCDONALD: -- the amended motion needs to be voted on by the Board. You could also take the amendment out if you want. But yes. So that amended motion --

COMPTROLLER FRANCHOT: No, I didn't understand the Treasurer was doing that for my benefit. It doesn't really answer my question about the --

TREASURER KOPP: No, I wasn't doing it --

SECRETARY MCDONALD: She's doing it for her. I think --

GOVERNOR HOGAN: The Comptroller has a motion to withdraw the item from the Agenda.

COMPTROLLER FRANCHOT: No. I have --

GOVERNOR HOGAN: Is there a second?

COMPTROLLER FRANCHOT: I have a request to bring the item out and then have a vote on it.

SECRETARY MCDONALD: Right.

COMPTROLLER FRANCHOT: And that I think is the proper procedure.

SECRETARY MCDONALD: That's what we're doing right now.

COMPTROLLER FRANCHOT: Thank you.

GOVERNOR HOGAN: Okay.

COMPTROLLER FRANCHOT: So now the vote is on the motion as amended.

SECRETARY MCDONALD: As amended.

TREASURER KOPP: As amended.

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GOVERNOR HOGAN: Correct.

COMPTROLLER FRANCHOT: And I would like to indicate I'm voting no.

SECRETARY MCDONALD: No --

COMPTROLLER FRANCHOT: I would simply like to have it deferred based on what the County Executive and the Council President sent. I think that's entirely appropriate and I think it would have a positive impact on the, getting the attention of the FAA on a separate but related matter. So I would --

TREASURER KOPP: Can I just say for the record, if I thought it would do that, I would be with the Comptroller. But I've worked with the FAA for quite a while on a number of issues. And I don't think they are, I don't think they care.

MR. SMITH: Right.

COMPTROLLER FRANCHOT: Well --

GOVERNOR HOGAN: I will not vote for the motion either. So it does for the lack of a second. However, I will second the motion by the Treasurer.

COMPTROLLER FRANCHOT: I thought it was two to one.

SECRETARY MCDONALD: For --

COMPTROLLER FRANCHOT: Yeah, I think she was voting for it --

SECRETARY MCDONALD: Are you voting for it only if it's amended?

COMPTROLLER FRANCHOT: -- with you and I'm voting against it.

SECRETARY MCDONALD: I currently still have this --

GOVERNOR HOGAN: I thought you had a motion to postpone it for two weeks --

COMPTROLLER FRANCHOT: Yeah. No.

GOVERNOR HOGAN: -- and we're all saying no.

COMPTROLLER FRANCHOT: No, I just --

SECRETARY MCDONALD: Correct.

COMPTROLLER FRANCHOT: -- my statement was I'm voting no because I think it should be deferred. But I'm voting no --

SECRETARY MCDONALD: He's voting --

GOVERNOR HOGAN: Okay. So the motion carries two to one.

COMPTROLLER FRANCHOT: Thank you.

SECRETARY MCDONALD: There we go. The amended motion carries two to one.

GOVERNOR HOGAN: Now are there any other questions on the remainder of the Department of Transportation Agenda?

UNIDENTIFIED SPEAKER: (Indiscernible).

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GOVERNOR HOGAN: We don't have time for any more. I'm sorry.

TREASURER KOPP: Yeah I have --

GOVERNOR HOGAN: I'm talking about questions from these two. Well, somebody will have to explain it to you. But that concludes today's Board of Public Works.

MR. LEWIS: Thank you.

TREASURER KOPP: No, I have, I have one question.

SECRETARY MCDONALD: If you check the Board's website this afternoon, everything will be up on the Board's website with the Agenda.

GOVERNOR HOGAN: Yes.

TREASURER KOPP: MDOT Item 4, the paving over of seven acres.

MR. LEWIS: Yes. We have Director Steve Johnson of --

TREASURER KOPP: Is there anything --

MR. LEWIS: Go ahead.

TREASURER KOPP: -- that can be done besides putting up an impervious surface on seven acres that have been open?

MR. LEWIS: Actually because of the use of that service, we're not able to use impervious surface at that terminal given that it's --

TREASURER KOPP: You're not using an impervious surface?

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MR. LEWIS: We can't, MDE regulations prevent us from using a surface that would allow leakage through it.

TREASURER KOPP: That's pervious.

MR. LEWIS: Yes, pervious.

TREASURER KOPP: It will be impervious?

MR. LEWIS: Correct.

TREASURER KOPP: Great. I don't --

MR. LEWIS: Yeah.

GOVERNOR HOGAN: Yeah.

TREASURER KOPP: I find that difficult to believe, that there isn't something that can be done to alleviate that issue.

MR. LEWIS: Yeah, we'll have all the required stormwater systems that will capture the runoff from that terminal.

GOVERNOR HOGAN: So there's a motion to approve the remainder of the Transportation Agenda.

TREASURER KOPP: Except I'm not voting on that one.

SECRETARY MCDONALD: Voting no? Or are you not voting?

COMPTROLLER FRANCHOT: Move to approve --

SECRETARY MCDONALD: Voting no.

COMPTROLLER FRANCHOT: What are you voting no?

TREASURER KOPP: You can come back and show me.

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MR. LEWIS: We'll talk to you some more.

TREASURER KOPP: Come back and show me.

SECRETARY MCDONALD: So --

GOVERNOR HOGAN: She wants to review, pull that item out.

SECRETARY MCDONALD: Right. But I didn't know if she wanted, I didn't know if she's abstaining --

TREASURER KOPP: I'm abstaining.

SECRETARY MCDONALD: Abstaining. So two-zero on Item 4-C and the rest --

TREASURER KOPP: But that's okay. You come back and show me --

MR. LEWIS: We will.

SECRETARY MCDONALD: -- of the Agenda, three-zero.

TREASURER KOPP: Thank you.

GOVERNOR HOGAN: Got it. So it's three-nothing on the remainder of the Agenda.

MR. LEWIS: Thank you very much.

GOVERNOR HOGAN: Thank you.

(Whereupon, at 11:47 a.m., the meeting was concluded.)