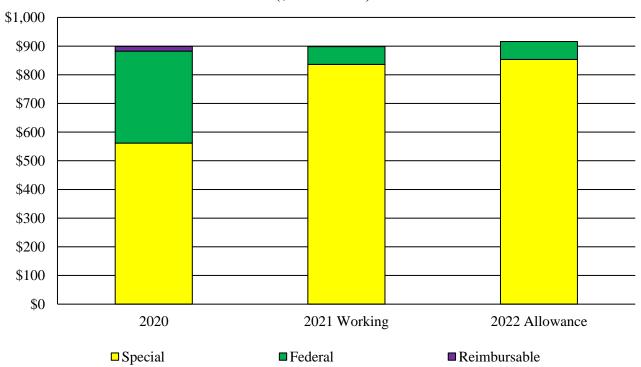
# J00H01 Maryland Transit Administration Maryland Department of Transportation

### **Executive Summary**

The Maryland Transit Administration (MTA) is responsible for the construction, operation, and maintenance of the Baltimore metropolitan area transit system and commuter services in suburban areas of the State. Transit modes include the Baltimore Metro, light rail, bus (local and commuter), and commuter rail.

### Operating Budget Summary

Fiscal 2022 Budget Increases \$17.9 Million, or 2.0%, to \$916.1 Million (\$ in Millions)



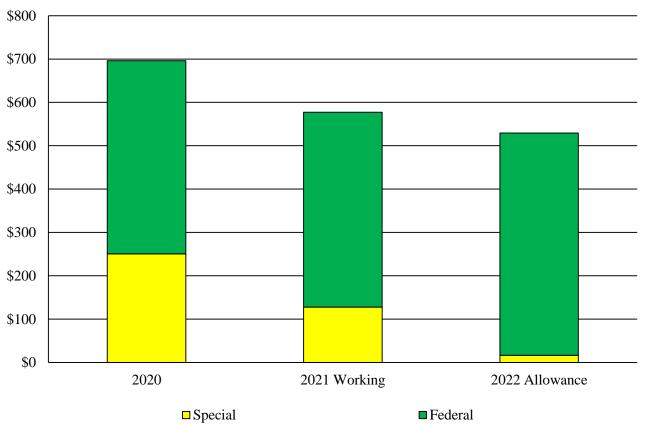
Note: The fiscal 2021 appropriation includes deficiencies, planned reversions, and a general salary increase. The fiscal 2022 allowance includes contingent reductions and annualization of the fiscal 2021 general salary increase.

• The fiscal 2022 allowance shows an increase of nearly \$18 million because the fiscal 2021 budget is reduced by \$43 million through deficiency appropriations. Absent the reduction to the fiscal 2021 base, the allowance would decrease by \$25.1 million.

For further information contact: Steven D. McCulloch

## PAYGO Capital Budget Summary

Fiscal 2022 PAYGO Budget Decreases \$48.3 Million, or 8.4%, to \$529.1 Million (\$ in Millions)



Note: The fiscal 2021 appropriation includes deficiencies, planned reversions, and a general salary increase. The fiscal 2022 allowance includes contingent reductions and annualization of the fiscal 2021 general salary increase.

### **Key Observations**

- The COVID-19 pandemic has had a significant impact on MTA's ridership and revenues.
- The fiscal 2022 budget as introduced does not comply with mandated operating budget funding levels. Recognizing the unforeseen circumstances resulting from the COVID-19 pandemic, the mandate should be modified or eliminated through the Budget Reconciliation and Financing Act.

#### **Operating Budget Recommended Actions**

1. Concur with Governor's allowance.

#### **PAYGO Budget Recommended Actions**

1. Concur with Governor's allowance.

#### **Budget Reconciliation and Financing Act Recommended Actions**

1. Amend Transportation Article §7-205 to modify or eliminate the requirement that the fiscal 2022 operating budget of the Maryland Transit Administration increase by at least 4.4% over the fiscal 2021 appropriation.

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### **Budget Analysis**

#### **Program Description**

The Maryland Department of Transportation (MDOT) supports transit in Maryland through the Maryland Transit Administration (MTA). MTA consists of the following operating budget programs:

- **Transit Administration** provides executive direction and support services for MTA.
- **Bus Operations** manages bus services in Baltimore City and surrounding counties. These services include the operation of fixed route and paratransit lines and contracts with commuter and paratransit service providers.
- Rail Operations includes the Baltimore Metro heavy rail line and the Baltimore area light rail line as well as the management of the Maryland Area Regional Commuter (MARC) service operated on rail lines owned by Amtrak and CSX Transportation.
- Statewide Programs Operations provides technical assistance and operating grants to local jurisdictions' transit services, including Montgomery County's "Ride-On," Prince George's County's "the Bus," and Baltimore City's "Charm City Circulator" services. Assistance is also provided to several short-line freight railroads to support the maintenance of State-owned rail lines.

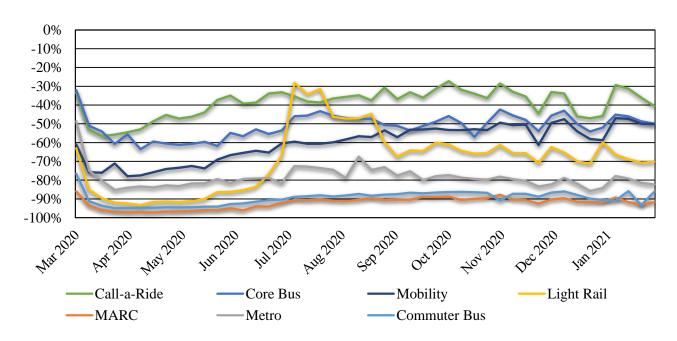
The administration shares the key goals identified by MDOT:

- ensuring a safe, secure, and resilient transportation system;
- maintaining a high standard and modernizing Maryland's multimodal transportation system;
- improving the quality and efficiency of the transportation system to enhance the customer's experience;
- providing better transportation choices and connections; and
- facilitating economic opportunity and reducing congestion in Maryland through strategic system expansion.

#### **Covid-19 Impacts**

The COVID-19 pandemic has had a significant impact on MTA's revenues, services, and budget. **Exhibit 1** shows the change in ridership by mode of service compared to the same week the prior year. MARC and commuter bus service have seen the deepest and longest sustained reduction in ridership during the pandemic, with average declines relative to the same period a year prior of 92% and 90%, respectively. Core bus, which represents the largest segment of MTA's ridership, saw ridership fall 64% early in the pandemic, with the average decline from March 2020 to January 2021 at just over 51%.

Exhibit 1 Change in Ridership Compared to Prior Year March 2020 to January 2021



MARC: Maryland Area Regional Commuter

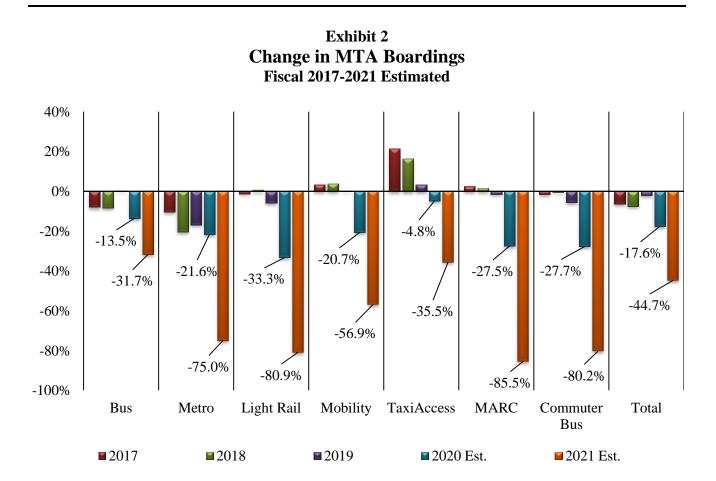
Source: Maryland Department of Transportation; Department of Legislative Services

Lower ridership translates directly into lower revenues. MTA operating revenues in fiscal 2022 are forecast to be nearly 68% lower (-\$104 million) than the level assumed in the pre-pandemic forecast released in January 2020. The January 2021 Transportation Trust Fund (TTF) forecast assumes a gradual improvement in ridership and MTA revenues; however, for fiscal 2025, the final year contained in the January 2020 forecast, MTA revenues are projected at 18% less than had been assumed in the January 2020 forecast. Over the five-year period that the two forecasts overlap (fiscal 2021 to 2025), total revenues have been written down by \$267 million (-29.3%).

### Performance Analysis: Managing for Results

### 1. Pandemic Causes Steep Decline in Transit Ridership

MTA has a goal to encourage transit ridership. One method of measuring transit ridership is the number of boardings that occur during a specific period. **Exhibit 2** shows the percent change in boardings from the prior year for fiscal 2017 through 2021 (estimated). For all modes of MTA service, there were 77.5 million boardings in fiscal 2020, representing a 17.6% decrease from the prior year and reflecting the impact of the COVID-19 pandemic for just more than the last quarter of the fiscal year. Total ridership is projected to fall another 44.7% in fiscal 2021, with the effects of the pandemic felt during the entire fiscal year.



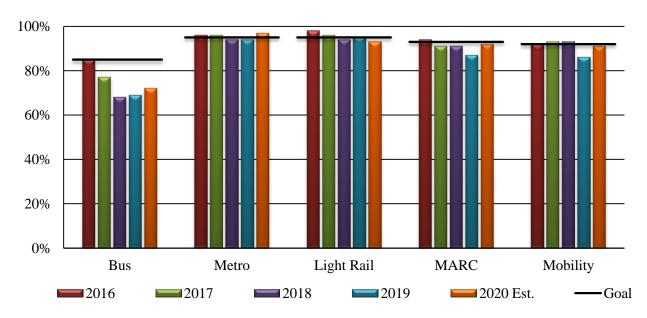
MARC: Maryland Area Regional Commuter MTA: Maryland Transit Administration

Source: Governor's Fiscal 2022 Budget Books; Department of Legislative Services

#### 2. MetroLink Only Service to Meet On-time Performance Goal in Fiscal 2020

As part of its goal to enhance the customer experience, MTA strives to provide high on-time performance with goals of 85% on-time performance for core bus service, 95% for Metro and Light Rail service, 93% for MARC service, and 92% for Mobility services. **Exhibit 3** shows the percent of on-time service by mode for fiscal 2016 through 2020. Only Metro met its goal in fiscal 2020, although performance improved for every other mode except Light Rail.

Exhibit 3
On-time Performance
Fiscal 2016-2020 Estimated



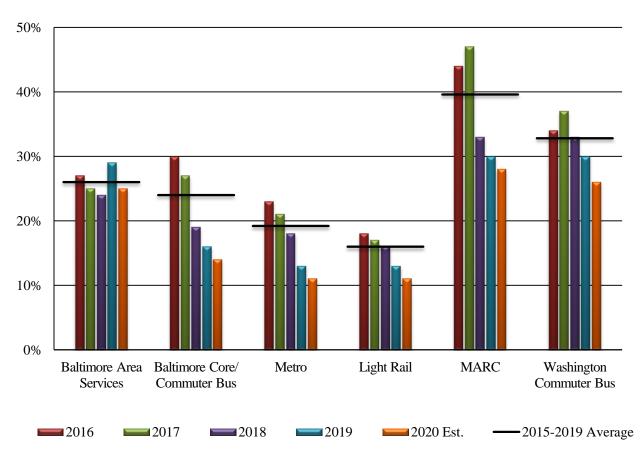
MARC: Maryland Area Regional Commuter

Source: Governor's Fiscal 2022 Budget Books; Department of Legislative Services

#### 3. Farebox Recovery

Although there is no longer a farebox recovery goal set in statute, one of MTA's objectives is to optimize farebox recovery for the Baltimore-area core services and MARC service. **Exhibit 4** compares the farebox recovery rates by mode of transit and for the Baltimore-area services as a whole for fiscal 2016 through 2020 (estimated) to the average rates for the five-year period ending with fiscal 2019. The farebox recovery rates fell in fiscal 2020 compared to the prior year for all modes, largely due to decreased ridership during the final quarter of the fiscal year due to the COVID-19 pandemic.

Exhibit 4
Farebox Recovery
Fiscal 2016-2020 Estimated



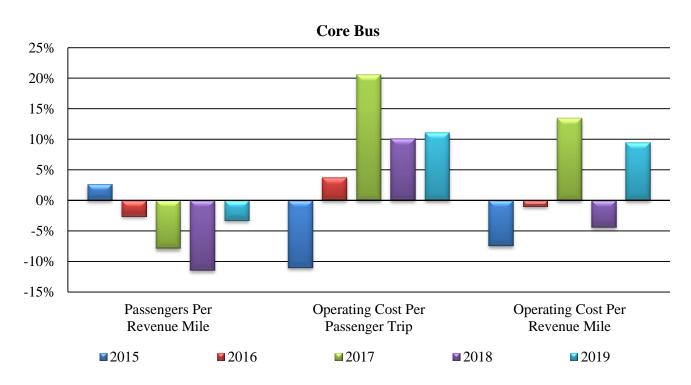
MARC: Maryland Area Regional Commuter

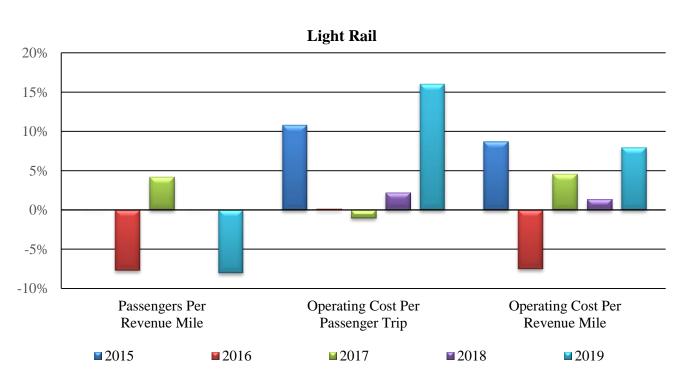
Source: Governor's Fiscal 2022 Budget Books; Department of Legislative Services

#### 4. Transit Performance Measures

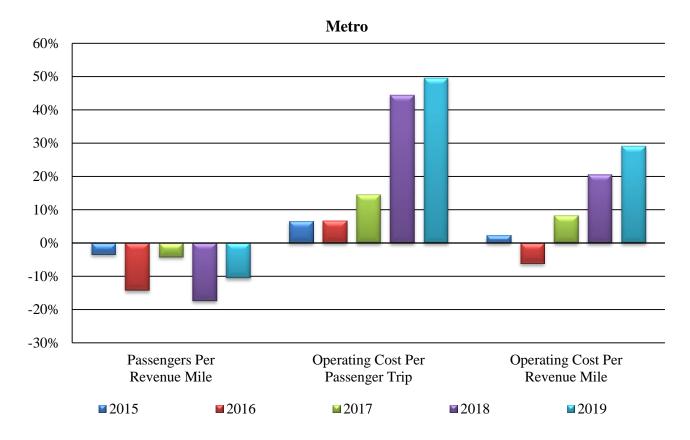
Section 7-208 of the Transportation Article requires MTA to report performance measures by mode for passenger trips per vehicle revenue mile and operating expenses per passenger trip and per vehicle revenue mile. As a recipient of federal transit funding, MTA is also required to report this and other performance data to the Federal Transit Administration. **Exhibit 5** shows the percent change from the prior year for these performance measures for core bus, Light Rail, and Metro services for fiscal 2015 to 2019, the most recent year for which reported data is available.

#### Exhibit 5 Transit Performance Measures Fiscal 2015-2019





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Note: For measures with the same value in each year, the percent change is zero and it appears as if the bar is missing.

Source: Federal Transit Administration, National Transit Database; Department of Legislative Services

#### 5. MTA Performance Compared to Peer Systems Is Mixed

MTA is required by statute to submit an annual report that compares itself to other similar transit systems nationwide. **Exhibit 6** shows this comparison for local bus systems for operating expenses per vehicle revenue mile, operating expenses per passenger trip, and passenger trips per vehicle revenue mile based on fiscal 2019 data, the most recent year for which data is available. MTA's performance compares favorably for operating expenses per passenger trip and passenger trips per vehicle revenue mile, having the third best performance among its peers. On the operating expenses per vehicle revenue mile measure, however, five of the peer systems had better performance than MTA, and MTA's reported expenses were slightly above the average for the group.

Exhibit 6
Local Bus Performance Compared to Peer Systems
Fiscal 2019

|                | Operating Expenses Per<br>Vehicle Revenue Mile | Operating Expenses Per<br><u>Passenger Trip</u> | Passenger Trips Per<br><u>Vehicle Revenue Mile</u> |
|----------------|--|---|--|
| Baltimore      | \$16.03  | \$5.31  | 3.0  |
| Average        | 15.34  | 6.26  | 2.8  |
| Atlanta        | 8.50   | 4.65  | 1.8  |
| Dallas         | 10.10  | 7.74  | 1.3  |
| Houston        | 10.05  | 6.03  | 1.7  |
| New York       | 31.15  | 3.88  | 8.0  |
| Pittsburgh     | 15.50  | 5.90  | 2.6  |
| San Jose       | 16.74  | 9.72  | 1.7  |
| Seattle        | 17.03  | 5.95  | 2.9  |
| Salt Lake City | 8.75   | 7.46  | 1.2  |
| Washington, DC | 19.56  | 5.93  | 3.3  |

Note: Shaded entries indicate better performance by the peer system relative to that of Baltimore.

Source: Federal Transit Administration, National Transit Database (2018); Department of Legislative Services

#### Fiscal 2020

MTA used \$260.5 million in federal COVID-19 relief aid for operations in fiscal 2020.

#### Fiscal 2021

#### **Proposed Deficiency**

The budget as introduced includes deficiency appropriations totaling a net reduction of \$43 million. Increased funding for enhanced cleaning and personal protective equipment and vehicle modifications to address COVID-19 are offset by \$59.7 million in cost containment reductions.

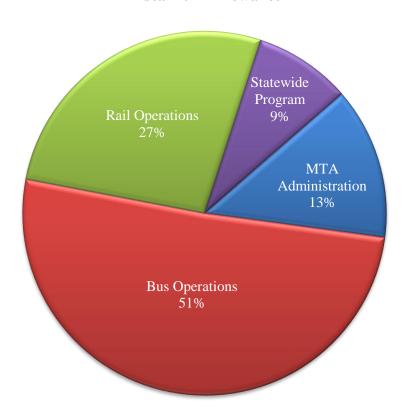
#### **Cost Containment**

As discussed, the \$43 million net reduction being made through deficiency appropriations include cost containment reductions.

#### Fiscal 2022 Overview of Agency Spending

**Exhibit 7** shows the share of the fiscal 2022 operating budget for each of the units within MTA. The bus operations accounts for over half of MTA operating spending with rail service making up more than a quarter of total operating spending in fiscal 2022.

Exhibit 7 Overview of Agency Spending Fiscal 2022 Allowance



Total: \$916.1 Million

Source: Governor's Fiscal 2022 Budget Books; Department of Legislative Services

#### **Proposed Budget Change**

As shown in **Exhibit 8**, the fiscal 2022 allowance for MTA increases \$17.9 million over the adjusted fiscal 2021 working appropriation. If the fiscal 2021 deficiency appropriations were excluded from the calculation, the fiscal 2022 budget would decrease \$25.1 million. Because MTA has not yet allocated the fiscal 2021 deficiency reductions to specific contracts or items, the spending changes between fiscal 2021 and 2022 shown in Exhibit 8 may vary from the amounts shown; however, the total change is as indicated. Increased personnel expenses account for \$7.9 million of the increase. The nonpersonnel increases occur in transit administration (\$1.7 million), bus operations (\$4.3 million), and rail operations (\$4.0 million).

# Exhibit 8 Proposed Budget MDOT – Maryland Transit Administration (\$ in Thousands)

| How Much It Grows:                | Special<br><u>Fund</u> | Federal<br><u>Fund</u> | Reimb.<br><u>Fund</u> | <u>Total</u> |
|-----------------------------------|------------------------|------------------------|-----------------------|--------------|
| Fiscal 2020 Actual                | \$561,669              | \$321,011              | \$16,138              | \$898,818    |
| Fiscal 2021 Working Appropriation | 836,031                | 62,108                 | 0                     | 898,139      |
| Fiscal 2022 Allowance             | <u>853,403</u>         | 62,660                 | <u>0</u>              | 916,063      |
| Fiscal 2021-2022 Amount Change    | \$17,372               | \$552                  | \$0                   | \$17,924     |
| Fiscal 2021-2022 Percent Change   | 2.1%                   | 0.9%                   | n/a                   | 2.0%         |

| Where It Goes:  | <b>Change</b> |
|---|---------------|
| Personnel Expenses  |               |
| Transit employees collectively bargained 3% general salary increase                                 | \$5,900       |
| Remove fiscal 2021 deficiency   | 2,300         |
| Turnover adjustments  | 1,905         |
| Additional assistance   | 1,300         |
| Human Resources position transfer, operating/capital position swaps, vacant positions reset to base | 1,055         |
| Unemployment compensation   | 617           |
| Fiscal 2021 general salary increase annualization   | 590           |
| Employee and retiree health insurance   | 347           |
| Retirement and pension contributions  | -109          |
| Workers' compensation premium assessment  | -2,682        |
| Overtime  | -3,300        |
| Other fringe benefit adjustments  | 2             |

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| Where It Goes:   | Change   |
|--|----------|
| Transit Administration   |          |
| Enhanced cleaning expenses due to COVID-19   | 8,850    |
| Vehicle and personal protective equipment due to COVID-19  | 7,000    |
| Liability insurance  | 1,600    |
| Rent   | 129      |
| Software maintenance   | -1,000   |
| Unallocated fiscal 2021 deficiencies   | -14,850  |
| Bus Operations   |          |
| Unallocated fiscal 2021 deficiency   | 28,850   |
| Preventive maintenance work for bus fleet  | 1,800    |
| Rent   | 58       |
| Reduced routine travel due to COVID-19   | -50      |
| Commuter bus and Mobility contract savings due to reductions in demand   | -26,400  |
| Rail Operations  |          |
| Unallocated fiscal 2021 deficiency   | 14,656   |
| Elevator and escalator maintenance based on asset age  | 500      |
| Reduced routine travel due to COVID-19   | -50      |
| Grounds maintenance contractual services   | -1,000   |
| Rent   | -1,338   |
| Diesel savings from reduced MARC service   | -3,000   |
| Contractual services savings from reduced MARC service   | -5,752   |
| Statewide Operations   |          |
| Unallocated fiscal 2021 deficiency   | 12,045   |
| Reduction in operating grants to Locally Operated Transit Systems due to federal aid available through the Coronavirus Aid, Relief and Economic Security Act | -12,045  |
| Other  | -4       |
| Total  | \$17,924 |

MARC: Maryland Area Regional Commuter MDOT: Maryland Department of Transportation

Note: Numbers may not sum to total due to rounding.

### Operating and PAYGO Personnel Data

| 1 0                                     |                        |                         |                           |                           |  |
|---|------------------------|-------------------------|---------------------------|---------------------------|--|
|   | FY 20<br><u>Actual</u> | FY 21<br><u>Working</u> | FY 22<br><u>Allowance</u> | FY 21-22<br><u>Change</u> |  |
| Regular Operating Budget Positions      | 3,274.50               | 3,272.00                | 3,274.50                  | 2.50                      |  |
| Regular PAYGO Budget Positions          | 90.50                  | <u>92.00</u>            | 90.50                     | <u>-1.50</u>              |  |
| <b>Total Regular Positions</b>          | 3,365.00               | 3,364.00                | 3,365.00                  | 1.00                      |  |
| Operating Budget FTEs                   | 11.00                  | 15.00                   | 15.00                     | 0.00                      |  |
| PAYGO Budget FTEs                       | 0.00                   | 1.00                    | 1.00                      | 0.00                      |  |
| Total FTEs                              | 11.00                  | 16.00                   | 16.00                     | 0.00                      |  |
| <b>Total Personnel</b>                  | 3,376.00               | 3,380.00                | 3,381.00                  | 1.00                      |  |
| Vacancy Data: Regular Positions         |                        |                         |                           |                           |  |
| Turnover and Necessary Vacancies, Ex    | cluding New            | 95.87                   | 2.85%                     |                           |  |
|   |                        |                         |                           |                           |  |
| Positions and Percentage Vacant as of 1 | 12/31/20               | 152.00                  | 4.52%                     |                           |  |
| Vacancies Above Turnover                |                        | 56.13                   |                           |                           |  |

• The number of positions increases by 1 in the allowance, comprising the transfer in of a human resources position from the Motor Vehicle Administration. The allowance also includes the transfer of 1.5 positions from MTA's capital complement to operating.

#### **PAYGO Capital Program**

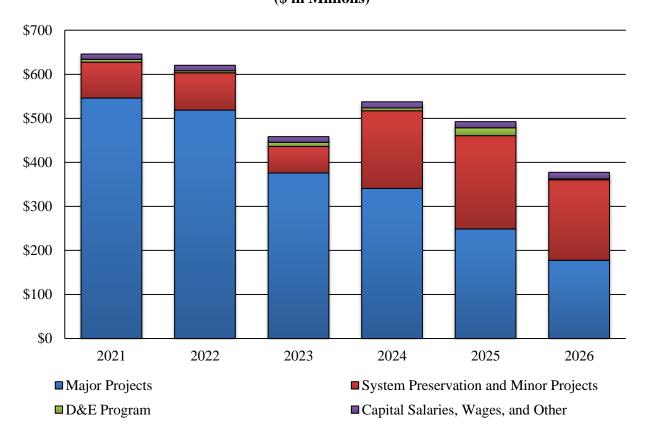
#### **Program Description**

MTA's capital program provides funds to support the design, construction, rehabilitation, and acquisition of facilities and equipment for bus, rail, and statewide programs. The program also provides State and federal grants to local jurisdictions and nonprofit organizations to support the purchase of transit vehicles and the construction of transit facilities.

#### Fiscal 2021 to 2026 Consolidated Transportation Program

The fiscal 2021 to 2026 capital program for MTA totals \$3.1 billion, an increase of \$125 million compared to the prior year's six-year capital program. **Exhibit 9** shows funding by category for each year of the program. While major project funding decreases each year of the six-year program, system preservation funding increases significantly for fiscal 2024 to 2026 and totals more than two-and-a-half times the amount programmed in the first three years of the program.

Exhibit 9
Programmed Capital Spending for MTA
Fiscal 2021-2026
(\$ in Millions)



D&E: development and evaluation MTA: Maryland Transit Administration

Source: Maryland Department of Transportation, 2021-2026 Consolidated Transportation Program

#### Fiscal 2022 Capital Allowance

MTA's capital program in fiscal 2022, including other funds that do not flow through MTA's budget, totals \$620.4 million, a decrease of \$25.6 million from the current year working appropriation. **Exhibit 10** shows the programmed fiscal 2022 capital spending by project and program along with the estimated total project cost and six-year funding included in the *Consolidated Transportation Program* (CTP).

# Exhibit 10 Maryland Transit Administration PAYGO Capital Fiscal 2022 (\$ in Millions)

| Project\Program Title  | <u>2022</u> | Total<br><u>Cost</u> | Six-year<br><u>Total</u> |
|--|-------------|----------------------|--------------------------|
| Projects   |             |                      |                          |
| MARC Maintenance, Layover, and Storage Facilities              | \$41.8      | \$101.9              | \$74.5                   |
| MARC Improvements on Camden, Brunswick, and Penn Lines         | 33.4        | 464.0                | 194.0                    |
| MARC Coaches – Overhauls and Replacement                       | 14.4        | 70.4                 | 45.7                     |
| MARC Locomotives – Overhauls and Replacements                  | 5.9         | 88.9                 | 85.8                     |
| Homeland Security  | 0.2         | 8.2                  | 0.9                      |
| Light Rail Vehicle Overhaul                                    | 17.5        | 212.0                | 70.1                     |
| Howard Street Rail and Interlocking Replacement                | 17.2        | 4.2                  | 40.2                     |
| Rail State of Good Repair                                      | 14.7        | 113.1                | 55.2                     |
| Metro Railcar and Signal System Overhauls and Replacement      | 91.9        | 531.1                | 367.9                    |
| Metro Interlocking Renewals                                    | 9.3         | 77.8                 | 43.9                     |
| Metro Maintenance Facility Improvements                        | 6.0         | 18.6                 | 17.8                     |
| Zero Emission Bus Pilots                                       | 2.5         | 5.9                  | 5.9                      |
| Bus Communications Systems Upgrade                             | 4.0         | 38.6                 | 13.7                     |
| Bus Network Improvements                                       | 2.4         | 40.5                 | 8.2                      |
| Beyond the Bus Stop  | 0.5         | 5.6                  | 5.3                      |
| North Avenue Rising  | 4.0         | 27.6                 | 14.4                     |
| Fare Collection System Enhancements and Equipment Preservation | 2.3         | 93.4                 | 39.0                     |
| Agencywide Roof Replacement Program                            | 3.7         | 36.3                 | 20.8                     |
| Agencywide Radio and Telecommunications Upgrade                | 6.1         | 30.2                 | 16.1                     |
| Downtown Transfer Center                                       | 1.7         | 3.1                  | 2.7                      |
| Purple Line  | 117.2       | 1,678.3              | 278.9                    |
| Purple Line – County Funded Projects                           | 36.3        | 148.5                | 88.0                     |
| Transit Innovation Grant                                       | 1.1         | 4.5                  | 4.2                      |
| D&E: Regional Transit Plan Corridor Studies                    | 0.8         | 3.3                  | 3.3                      |
| D&E: Central Maryland Regional Coordination Studies            | 0.4         | 0.8                  | 0.8                      |
| D&E: Eastern Bus Facility                                      | 1.0         | 25.1                 | 25.0                     |
| MARC Penn-Camden Connector                                     | 0.3         | 1.5                  | 1.5                      |
| Subtotal – Projects  | \$436.6     | \$3,833.3            | \$1,523.9                |

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| Project\Program Title  | 2022    | Total<br><u>Cost</u> | Six-year<br><u>Total</u> |
|--|---------|----------------------|--------------------------|
| Programs   |         |                      |                          |
| System Preservation and Minor Projects   | \$84.7  | \$0.0                | \$797.5                  |
| Freight Rail Program   | 3.2     | 0.0                  | 5.0                      |
| Bus Procurement  | 33.0    | 0.0                  | 318.4                    |
| Mobility Vehicle Procurement   | 7.2     | 0.0                  | 47.2                     |
| Locally Operated Transit Systems Capital Procurement Projects  | 19.6    | 0.0                  | 135.6                    |
| Assistance to Private Nonprofit Agencies for the Transportation of the Elderly and Persons with Disabilities | 5.9     | 0.0                  | 28.8                     |
| Montgomery County Local Bus Program  | 2.5     | 0.0                  | 13.0                     |
| Prince George's County Local Bus Program   | 1.1     | 0.0                  | 6.3                      |
| Agencywide Elevator and Escalator Rehabilitation   | 12.1    | 0.0                  | 108.8                    |
| D&E: Zero Emission Vehicles and Environmental Planning Initiatives   | 1.3     | 0.0                  | 9.1                      |
| D&E: Locally Operated Transit Systems Transit Development Plan   | 0.8     | 0.0                  | 2.6                      |
| Capital Salaries and Wages   | 12.5    | 0.0                  | 80.6                     |
| Subtotal – Programs  | \$183.8 | \$0.0                | \$1,552.8                |
| Total – Projects and Programs  | \$620.4 | \$3,833.3            | \$3,076.7                |

D&E: development and evaluation

MARC: Maryland Area Regional Commuter

PAYGO: pay-as-you-go

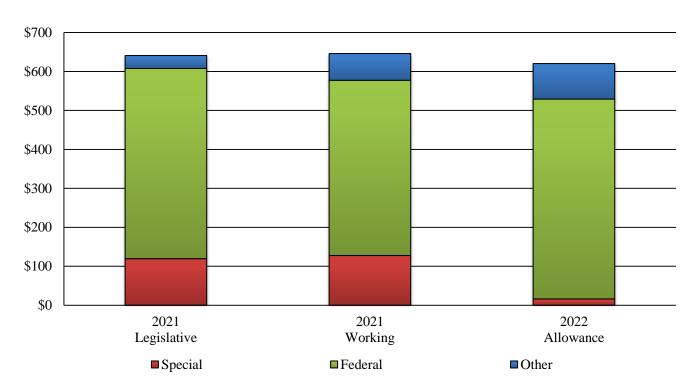
Note: Programs have no total cost as each added year of spending increases the total.

Source: Maryland Department of Transportation, 2021-2026 Consolidated Transportation Program

#### Fiscal 2021 to 2022 Cash Flow Analysis

**Exhibit 11** shows the changes in MTA capital funding, including other funds that do not flow through the MTA budget, between the fiscal 2021 legislative and working appropriations and between the fiscal 2021 working appropriation and the fiscal 2022 allowance.

#### Exhibit 11 Cash Flow Changes Fiscal 2021-2022 (\$ in Millions)



Source: Maryland Department of Transportation, 2021-2026 Consolidated Transportation Program; Department of Legislative Services

#### **Fiscal 2021 Cash Flow Changes**

As shown in **Exhibit 12**, the fiscal 2021 working appropriation is a net \$5.1 million higher than the legislative appropriation. Increases in funding for major projects and projects in the development and evaluation program are partially offset by decreases in system preservation and minor project and capital salary funding.

# Exhibit 12 Cash Flow Changes Fiscal 2021 Legislative to Working Appropriations (\$ in Millions)

|  |        | <b>Change</b> |
|--|--------|---------------|
| Major Projects   |        | <b>\$2.1</b>  |
| Bus Procurement  | \$22.1 |               |
| Purple Line – County Funded Projects   | 15.2   |               |
| Rail State of Good Repair  | 15.0   |               |
| Locally Operated Transit Systems Capital Procurement Projects                      | 6.8    |               |
| MARC Improvements on Camden, Brunswick, and Penn Lines                             | 4.2    |               |
| Bus Network Improvements   | 3.9    |               |
| MARC Positive Train Control  | 3.2    |               |
| North Avenue Rising  | 1.9    |               |
| MARC Camden Station Improvements   | 1.3    |               |
| Zero Emission Bus Pilots   | 1.0    |               |
| MARC BWI Marshall Airport Station Upgrades and Repairs                             | 1.0    |               |
| Kirk Bus Facility Replacement  | 0.9    |               |
| Homeland Security  | 0.8    |               |
| Fare Collection System Enhancements and Equipment Preservation                     | 0.7    |               |
| Prince George's County Local Bus Program   | 0.6    |               |
| Assistance to Private Nonprofit Agencies for the Transportation of the Elderly and |        |               |
| Persons with Disabilities  | 0.4    |               |
| Light Rail Vehicle Overhaul  | 0.3    |               |
| Downtown Transfer Center   | 0.2    |               |
| Howard Street Rail and Interlocking Replacement                                    | -0.1   |               |
| Transit Innovation Grant   | -0.2   |               |
| Bus Communications Systems Upgrade   | -0.3   |               |
| Montgomery County Local Bus Program  | -0.4   |               |
| MARC Locomotives – Overhauls and Replacements                                      | -0.6   |               |
| Agencywide Roof Replacement Program  | -1.0   |               |
| Agencywide Radio and Telecommunications Upgrade                                    | -1.0   |               |
| Agencywide Elevator and Escalator Rehabilitation                                   | -1.2   |               |
| Mobility Vehicle Procurement   | -1.7   |               |
| Beyond the Bus Stop  | -2.5   |               |
| Metro Safety Improvements  | -2.6   |               |
| Freight Rail Program   | -2.9   |               |
| MARC Coaches – Overhauls and Replacement   | -3.3   |               |
| Metro Maintenance Facility Improvements  | -3.7   |               |

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|  | <b>Change</b> |
|--|---------------|
| MARC Maintenance, Layover and Storage Facilities -4.0                    |               |
| , ,  |               |
| Metro Interlocking Renewals -5.8   |               |
| Light Rail Safety Improvements -13.2                                     |               |
| Purple Line -16.1  |               |
| Metro Railcar and Signal System Overhauls and Replacement -17.0          |               |
| Development and Evaluation Projects                                      | \$4.4         |
| D&E: Zero Emission Vehicles and Environmental Planning Initiatives \$1.9 |               |
| D&E: Agency Innovation and Technology Initiatives 0.9                    |               |
| D&E: Regional Transit Plan 0.7   |               |
| D&E: Central Maryland Regional Coordination Studies 0.4                  |               |
| D&E: Regional Transit Plan Corridor Studies 0.3                          |               |
| D&E: LOTS Transit Development Plan 0.1                                   |               |
| D&E: Shared Mobility and Micro-Transit Work Plan 0.1                     |               |
| MARC Penn-Camden Connector 0.1   |               |
| D&E: Transit Oriented Development Initiatives -0.1                       |               |
| System Preservation and Minor Projects                                   | -\$1.0        |
| Capital Salaries and Wages   | -\$0.4        |
| Total Change   | <b>\$5.1</b>  |

BWI Marshall Airport: Baltimore/Washington International Thurgood Marshall Airport

D&E: development and evaluation LOTS: Locally Operated Transit Systems MARC: Maryland Area Regional Commuter

Note: Numbers may not sum to totals due to rounding.

Source: Maryland Department of Transportation, 2020-2025 and 2021-2026 Consolidated Transportation Program; Department of Legislative Services

#### Cash Flow Changes – Fiscal 2021 to 2022

As shown in **Exhibit 13**, fiscal 2022 capital funding (including other funds) decreases by \$25.6 million.

# Exhibit 13 Cash Flow Changes Fiscal 2021-2022 (\$ in Millions)

|  |        | <b>Change</b> |
|--|--------|---------------|
| Major Projects   |        | -\$27.3       |
| Metro Railcar and Signal System Overhauls and Replacement  | \$38.8 |               |
| MARC Maintenance, Layover and Storage Facilities   | 26.0   |               |
| Howard Street Rail and Interlocking Replacement  | 16.7   |               |
| Agencywide Elevator and Escalator Rehabilitation   | 9.7    |               |
| Metro Maintenance Facility Improvements  | 4.5    |               |
| Agencywide Radio and Telecommunications Upgrade  | 4.1    |               |
| MARC Coaches – Overhauls and Replacement   | 1.8    |               |
| Freight Rail Program   | 1.5    |               |
| Zero Emission Bus Pilots   | 1.5    |               |
| Downtown Transfer Center   | 1.4    |               |
| MARC Improvements on Camden, Brunswick, and Penn Lines   | 1.1    |               |
| Fare Collection System Enhancements and Equipment Preservation   | 1.0    |               |
| Transit Innovation Grant   | 0.8    |               |
| Assistance to Private Nonprofit Agencies for the Transportation of the Elderly and Persons with Disabilities | 0.7    |               |
| Mobility Vehicle Procurement   | 0.2    |               |
| MARC Locomotives – Overhauls and Replacements  | 0.1    |               |
| Rail State of Good Repair  | -0.3   |               |
| Homeland Security  | -0.6   |               |
| Agencywide Roof Replacement Program  | -0.7   |               |
| MARC BWI Marshall Airport Station Upgrades and Repairs   | -1.1   |               |
| MARC Camden Station Improvements   | -1.3   |               |
| Beyond the Bus Stop  | -1.9   |               |
| Bus Network Improvements   | -2.1   |               |
| Prince George's County Local Bus Program   | -2.2   |               |
| Light Rail Vehicle Overhaul  | -2.7   |               |
| Metro Interlocking Renewals  | -5.0   |               |
| MARC Positive Train Control  | -5.0   |               |
| Bus Communications Systems Upgrade   | -5.7   |               |
| North Avenue Rising  | -6.3   |               |
| Purple Line – Montgomery County Funded Projects  | -15.4  |               |
| Purple Line  | -16.6  |               |
| Locally Operated Transit Systems Capital Procurement Projects  | -18.4  |               |

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|  | <b>Change</b> |
|--|---------------|
| Wide Day Feelilles Dealessand                                      | 0.6           |
| Kirk Bus Facility Replacement -1                                   | 9.6           |
| Bus Procurement -3   | 2.0           |
| Development and Evaluation Projects                                | -\$1.9        |
| D&E: Eastern Bus Facility \$                                       | 1.0           |
| D&E: Regional Transit Plan Corridor Studies                        | 0.5           |
| MARC Penn-Camden Connector   | 0.3           |
| D&E: Shared Mobility and Micro-Transit Work Plan                   | 0.1           |
| D&E: Zero Emission Vehicles and Environmental Planning Initiatives | 0.7           |
| D&E: Agency Innovation and Technology Initiatives -                | 1.0           |
| D&E: Regional Transit Plan   | 1.7           |
| System Preservation and Minor Projects                             | \$3.2         |
| Capital Salaries and Wages   | \$0.4         |
| Total Change   | -\$25.6       |

BWI Marshall Airport: Baltimore/Washington International Thurgood Marshall Airport

D&E: development and evaluation

MARC: Maryland Area Regional Commuter

Note: Numbers may not sum to totals due to rounding.

Source: Maryland Department of Transportation, 2021-2026 Consolidated Transportation Program; Department of Legislative Services

#### **Significant Changes from the Previous CTP**

**Exhibit 14** lists significant changes from the fiscal 2020-2025 CTP, which comprises additions to the construction and development and evaluation programs and the move of one project from the development and evaluation program to the construction program.

# Exhibit 14 Major Project Significant Changes from the 2020 to 2025 CTP (\$ in Millions)

| Projects Added to the Construction Program Zero Emission Bus Pilots                          | \$5.9 |
|--|-------|
| Projects Moved from Development and Evaluation to Construction Program                       |       |
| Downtown Transfer Center   | 3.1   |
| Projects Added to the Development and Evaluation Program                                     |       |
| Regional Transit Plan Corridor Studies   | 3.3   |
| MARC Penn-Camden Connector   | 1.5   |
| Central Maryland Regional Coordination Studies   | 0.8   |
| CTP: Consolidated Transportation Program MARC: Maryland Area Regional Commuter               |       |
| Source: Maryland Department of Transportation, 2021-2026 Consolidated Transportation Program |       |

#### Issues

#### 1. Budget as Submitted Does Not Satisfy Operating Budget Funding Mandate

The Maryland Metro/Transit Funding Act of 2018 (Chapters 351 and 352) included provisions mandating increases of at least 4.4% in MTA's operating appropriation for fiscal 2020 to 2022 and at least \$29.1 million more in MTA's capital funding for these same years than was programmed in the 2018 CTP. The fiscal 2022 capital appropriation in the allowance is \$70.4 million higher than was programmed for fiscal 2022 in the 2018 CTP, well in excess of the \$29.1 million required increase. On the operating side, however, the allowance is \$67.1 million less than the amount required to satisfy the mandate.

MDOT notes that additional federal COVID-19 relief aid from the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 for which allocations are not yet available will provide supplemental funding for MTA in fiscal 2022, which will help meet the mandated appropriation. MDOT further notes that the combined operating and capital appropriations in the allowance are sufficient to meet the combined mandated amounts. Chapters 351 and 352, however, do not provide the flexibility upon which MDOT appears to rely.

Given the extraordinary challenges that MDOT faces as a result of the pandemic, with decreased revenues, increased costs, and widely varying changes in demand for services, it is understandable that the fiscal 2022 budget structure would be significantly different from what it would have been had there not been a pandemic. This changed reality, however, does not allow State agencies to simply ignore funding mandates. If MDOT believed that the mandated level of funding for MTA was no longer appropriate, it should have sought relief through the Budget Reconciliation and Financing Act (BRFA). The Department of Legislative Services recommends that the BRFA be amended to reduce or eliminate the fiscal 2022 operating mandate.

The Secretary should explain to the committees why the department did not seek relief through the BRFA from the operating budget mandate established by Chapters 351 and 352.

#### 2. Purple Line Work Progressing as New Design-build Contractor Sought

In spring 2016, MDOT MTA selected the Purple Line Transit Partners (PLTP) to design, build, finance, operate, and maintain the Purple Line light rail system through a 36-year public-private partnership (P3) concession comprising a 6-year construction period followed by a 30-year operations and maintenance period. The P3 agreement provided for PLTP to be compensated through construction progress and milestone payments during project construction, a revenue service availability payment at the time revenue operations of the transit line commenced, and semi-annual availability payments (AP) during the operations and maintenance period of the concession.

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The planning, design, construction, and equipping phase of the project had a projected cost of \$2.4 billion to be funded from the following sources:

- \$900 million of Federal Section 5409 New Starts funds;
- \$36 million of Federal 5307 Urbanized Area Formula funds;
- \$450 million of State/local funds; and
- \$1,021 million of PLTP financing (private equity and borrowed funds including a federal Transportation Infrastructure Finance and Innovation Act (TIFIA) loan).

Revenue service was expected to begin in March 2022.

Before construction began, however, a lawsuit brought by a group opposing the construction of the project resulted in the U.S. District Court for the District of Columbia vacating the record of decision (ROD) in August 2016, which prevented the expenditure of federal funds for the project until the ROD was reinstated by the U.S. Court of Appeals for the District of Columbia Circuit in August 2017. This and other alleged delays and events led the design-build contractor for the project, the Purple Line Transit Constructors (PLTC), to file time and compensation claims. MDOT MTA granted a portion of the time extension related to the vacation of the ROD but denied other time extension claims and compensation claims.

#### **Litigation and Cost/Delay Disputes**

Citing the disputed time and compensation claims, PLTC informed PLTP of its intent to exit the project in May 2020 and, in June 2020, PLTP notified MDOT MTA of its intent to terminate the P3 due to extended delay. MDOT MTA disputed the right of PLTP to terminate the P3 agreement and sought relief through the Baltimore City Circuit Court but was ultimately unsuccessful. MDOT MTA entered into an assignment and assumption agreement dated September 28, 2020, the purpose of which was to convey to MDOT MTA key contracts and subcontracts for the project. Litigation was initiated by both parties, but discussions resulted in a settlement agreement to resolve the various disputes and claims.

#### **Settlement Agreement**

On December 16, 2020, the Board of Public Works (BPW) approved a settlement agreement between MDOT MTA and PLTP resolving the disputes and litigation and providing a path forward for the Purple Line project to be completed under the P3 agreement. Major terms of the settlement comprise:

a settlement payment by MDOT MTA in two installments (\$100 million made December 28, 2020, and the remaining \$150 million to be provided on the earlier of the closing on new financing for the project or the 12-month anniversary of the effective date of the settlement);

- the complete exiting from the project by Fluor Enterprises, Inc. and any of its affiliates;
- the selection of a replacement design-build contractor by PLTP in coordination with MDOT MTA within 9 months:
- continuation of management of the project by MDOT MTA during the design-build contractor replacement period with incurred costs shared 50/50 with PLTP and PLTP's contribution capped at \$50 million (work during this period will focus on completing design, securing needed permits and right-of-way, and utility relocations all activities that should reduce risk with the project and add value in the rebidding of the design-build contract); and
- new financing for the project combined with restructuring of the TIFIA loan.

The second installment of MDOT MTA's settlement payment is expected to be financed by PLTP through the new financing for the project with repayment to PLTP made through the APs over the 30-year operations period of the P3 concession. Although not anticipated to be triggered, the settlement includes provisions terminating the P3 agreement on the sixtieth day following the nine-month anniversary of the effective date of the settlement agreement if a replacement design-build contractor or new financing has not been secured.

**Exhibit 15** shows the expected timeline of the solicitation for a replacement design-build contractor.

# **Exhibit 15 Replacement Design-build Contractor Solicitation Timeline**

**Anticipated Date** 

| Send Out Request for Qualifications               | Early January 2021   |
|---|----------------------|
| Receive Qualifications Packages                   | Mid-February 2021    |
| Issue Request for Proposals                       | Early March 2021     |
| Proposers Due Diligence                           | March and April 2021 |
| Receive Technical and Price Proposals             | Late May 2021        |
| Select Replacement Design-build Contractor        | Mid-June 2021        |
| Finalization of Replacement Design-build Contract | July and August 2021 |
| Financial Close and End of Solicitation           | Mid-September 2021   |

Source: Maryland Department of Transportation

Activity

Until a new design-build contractor is onboard and the new financing structure has been put in place, the revised project cost and schedule will not be known. Additional amendments to the P3 agreement will be needed to implement these changes. These amendments will require BPW approval.

#### 3. Fare Capping Study Report Released

The 2019 *Joint Chairmen's Report* included a request that MTA study the feasibility of implementing a fare capping system across State-funded commuter rail services and other public transportation services that receive funding from the TTF or the General Fund. A fare capping system tracks a transit rider's usage of single-ticket fare products over a specified timeframe and, once the cost of the rider's use of such projects equals that of a daily, weekly or monthly pass, the rider is no longer charged for additional trips for the duration of the corresponding pass. Fare capping is intended to address inequities among users of public transit systems with respect to fares paid.

MTA released its study in October 2020. Some of the key findings of the study include:

- adoption of fare capping policies is extremely limited among transit agencies;
- of the agencies that have deployed fare capping, some have used these policies to drive changes in customer behavior and improve equity;
- existing fare collection systems in Maryland do not have the capability of supporting a fare capping policy;
- implementation of a fare capping system in the future would require changes to fare structures and methods for collecting fares;
- enabling support for fare capping would add \$1 million to \$2 million to the cost of procuring a next-generation electronic fare collection system; and
- fare capping policies have the potential for a material reduction in revenue.

MTA has an active procurement in progress for a new Electronic Fare Collection System, which will be capable of supporting fare capping policies. As indicated in its report, a fare collection system capable of enabling fare capping is just one element needing to be addressed in actually implementing a fare capping system. **MTA should brief the committees on:** 

- when the fare collection system currently under procurement will be operational; and
- when and how it will determine whether to pursue implementation of a fare capping policy.

## Operating Budget Recommended Actions

1. Concur with Governor's allowance.

## PAYGO Budget Recommended Actions

1. Concur with Governor's allowance.

## Budget Reconciliation and Financing Act Recommended Actions

1. Amend Transportation Article §7-205 to modify or eliminate the requirement that the fiscal 2022 operating budget of the Maryland Transit Administration increase by at least 4.4% over the fiscal 2021 appropriation.

# Appendix 1 2020 Joint Chairmen's Report Responses from Agency

The 2020 *Joint Chairmen's Report* (JCR) requested that the Maryland Transit Administration (MTA) prepare one report. Electronic copies of the full JCR responses can be found on the Department of Legislative Services Library website.

• Brunswick Parking Garage Study: MTA was asked to conduct a study on where a parking garage in Brunswick, Maryland that is in close proximity to the Maryland Area Regional Commuter (MARC) station and the downtown area could be constructed. It concluded that the best location for a parking garage at the MARC Brunswick Station is on any number of properties located between the existing station parking lot and West Potomac Street. However, it further concluded that there is currently available capacity in the existing MARC Brunswick Station parking lot to accommodate current and future projected ridership.

# Appendix 2 Budget Amendments for Fiscal 2021 Maryland Department of Transportation Maryland Transit Administration – Operating

| <b>Status</b> | <b>Amendment</b>                           | <b>Fund</b>                        | <u>Justification</u>  |
|---------------|--|------------------------------------|---|
| Approved      | -\$533,602<br>-67,350<br><b>-\$600,952</b> | Special<br>Federal<br><b>Total</b> | Reduction of Unemployment Insurance statewide as approved by the Board of Public Works on July 1, 2020. |
| Approved      | \$534,589                                  | Special                            | Annualization of 1% general salary increase that took effect January 1, 2020.                           |

Source: Maryland Department of Transportation

# Appendix 3 Budget Amendments for Fiscal 2021 Maryland Department of Transportation Maryland Transit Administration – Capital

| <b>Status</b> | <b>Amendment</b>                                   | <b>Fund</b>                        | <b>Justification</b>   |  |  |  |
|---------------|--|------------------------------------|--|--|--|--|
| Approved      | -\$23,149  | Special                            | Reduction of Unemployment Insurance statewide as approved by the Board of Public Works on July 1, 2020.            |  |  |  |
| Approved      | \$89,001   | Special                            | Annualization of 1% general salary increase that took effect January 1, 2020.                                      |  |  |  |
| Pending       | \$8,222,771<br>-38,310,142<br><b>-\$30,087,371</b> | Special<br>Federal<br><b>Total</b> | Adjusts the amended appropriation to agree with the final fiscal 2021 to 2026 Consolidated Transportation Program. |  |  |  |

Source: Maryland Department of Transportation

# Appendix 4 Object/Fund Difference Report Maryland Department of Transportation – Maryland Transit Administration

FY 21 FY 20 FY 22 Working FY 21 - FY 22 Percent Object/Fund Actual Appropriation Allowance **Amount Change** Change **Positions** 2.50 0.1% 01 Regular 3,274.50 3,272.00 3.274.50 02 Contractual 11.00 15.00 15.00 0.00 0% **Total Positions** 3,287.00 3,285.50 3,289.50 2.50 0.1% **Objects** Salaries and Wages \$ 386,999,603 \$ 392.034.820 \$ 5.035,217 \$ 373,705,359 1.3% Technical and Spec. Fees 0.2% 745.855 1,273,896 1,276,326 2,430 Communication 2,430,718 0 0% 03 2,566,091 2,430,718 04 Travel 604,855 504,855 -100,000 631,553 -16.5% Fuel and Utilities 0% 13,214,593 13,455,984 13,454,761 -1,22307 Motor Vehicles 63,193,751 62,283,940 65,833,940 3,550,000 5.7% 325,720,793 -27,957,006 08 Contractual Services 368,168,080 340,211,074 -7.6% 7,988,480 09 Supplies and Materials 6,533,653 13,533,653 7,000,000 107.1% Equipment – Replacement 135,829 111,490 111,490 0 0% Equipment – Additional 31,250 130.635 130,635 0 0% 12 Grants, Subsidies, and Contributions 103,523,761 90,138,721 78,094,177 -12,044,544 -13.4% Fixed Charges 7,292,852 8,337,403 7,186,177 -1,151,226 -13.8% 0.0% 14 Land and Structures 68,166 **Total Objects** \$898,818,333 \$ 940,468,978 \$ 914,802,626 -\$ 25,666,352 -2.7% **Funds** Special Fund \$ 561,669,350 \$878,418,998 \$ 852,142,602 -\$ 26,276,396 -3.0% Federal Fund 321,010,748 62,049,980 62,660,024 610,044 1.0% Reimbursable Fund 16,138,235 0 0.0% **Total Funds** \$898,818,333 \$ 940,468,978 \$ 914,802,626 -\$ 25,666,352 -2.7%

Analysis of the FY 2022 Maryland Executive Budget, 2021

Note: The fiscal 2021 appropriation does not include deficiencies, targeted revenues, or across-the-board reductions. The fiscal 2022 allowance does not include contingent reductions or cost-of-living adjustments.

Analysis of the FY 2022 Maryland Executive Budget, 2021

Appendix 5
Fiscal Summary
Maryland Department of Transportation – Maryland Transit Administration

|                                     | FY 20            | FY 21            | FY 22            |                 | FY 21 - FY 22 |
|-------------------------------------|------------------|------------------|------------------|-----------------|---------------|
| Program/Unit                        | <b>Actual</b>    | Wrk Approp       | <b>Allowance</b> | <b>Change</b>   | % Change      |
|                                     |                  |                  |                  |                 |               |
| 01 Transit Administration           | \$ 110,816,234   | \$ 102,356,537   | \$ 122,638,685   | \$ 20,282,148   | 19.8%         |
| 02 Bus Operations                   | 442,420,605      | 490,979,375      | 466,048,115      | -24,931,260     | -5.1%         |
| 04 Rail Operations                  | 241,844,216      | 256,284,418      | 247,311,722      | -8,972,696      | -3.5%         |
| 05 Facilities and Capital Equipment | 684,315,762      | 567,687,672      | 525,145,082      | -42,542,590     | -7.5%         |
| 06 Statewide Programs Operations    | 103,737,278      | 90,848,648       | 78,804,104       | -12,044,544     | -13.3%        |
| 08 Major IT Development Projects    | 11,700,137       | 9,727,187        | 4,000,000        | -5,727,187      | -58.9%        |
| Total Expenditures                  | \$ 1,594,834,232 | \$ 1,517,883,837 | \$ 1,443,947,708 | -\$ 73,936,129  | -4.9%         |
| Special Fund                        | \$ 812,231,040   | \$ 1,006,037,999 | \$ 868,471,046   | -\$ 137,566,953 | -13.7%        |
| Federal Fund                        | 766,464,957      | 511,845,838      | 575,476,662      | 63,630,824      | 12.4%         |
| Total Appropriations                | \$ 1,578,695,997 | \$ 1,517,883,837 | \$ 1,443,947,708 | -\$ 73,936,129  | -4.9%         |
| Reimbursable Fund                   | \$ 16,138,235    | \$0              | \$ 0             | \$ 0            | 0.0%          |
| <b>Total Funds</b>                  | \$ 1,594,834,232 | \$ 1,517,883,837 | \$ 1,443,947,708 | -\$ 73,936,129  | -4.9%         |

IT: information technology

Note: The fiscal 2021 appropriation does not include deficiencies, targeted revenues, or across-the-board reductions. The fiscal 2022 allowance does not include contingent reductions or cost-of-living adjustments.