



Maryland Department of Transportation
The Secretary's Office

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Deputy Secretary

October 6, 2006

Docket Management System
U.S. Department of Transportation
Nassif Building
Room PL-401
400 Seventh Street, SW
Washington, DC 20590-001

RE: Federal Transit Administration
Docket Number: FTA-2006-25750
Policy on When High-Occupancy Vehicle (HOV) lanes Converted to High-Occupancy/Toll (HOT) Lanes Shall Be Classified as Fixed Guideway Miles for Federal Transit Administration's (FTA) Funding Formulas and When HOT Lanes Shall Not Be Classified as Fixed Guideway Miles for FTA's Funding Formulas

Dear Sir or Madam:

The Maryland Department of Transportation (MDOT) has a Statewide Vision for Express Toll Lanes (ETLs) throughout the State of Maryland (see attached), which would provide extensive benefits to transit vehicles, who would ride for free or at a discounted rate, as well as to single-occupant vehicles willing to pay a user fee for a relatively congestion-free trip whenever they need it most. Rates would vary, of course, based on demand, either by time of day or actual traffic conditions, to ensure that the Express Toll Lanes maintain an adequate level of service.

The MDOT is currently in the middle of several studies to evaluate and implement these variably priced ETLs along several key corridors in central Maryland, including I-270, I-495 (the Capital Beltway), northern sections of I-95 and a section of US 301, as well as projects moving forward in both design and construction, such as the Inter-County Connector and I-95 north of Baltimore (I-895 to MD 43). Most of these ETLs are in newly constructed lanes. Conversion of HOV lanes are only under consideration on I-270 and US 50, which are only a small portion of the entire Vision for the State. These new lanes create infrastructure for regional express bus service in the busiest commuting routes around the State, with a reliable, relatively free-flowing travel time for time-sensitive transit trips. In addition to providing the infrastructure and opportunity for reliable transit solutions through a regionally integrated bus system optimizing efficiency and maximizing flexibility of schedules, these ETLs allow the State to build this sustainable capacity much sooner than otherwise feasible through a new revenue source.

However, we support the FTA proposed rule making to allow converted HOV lanes that currently count towards "fixed guideway" lane miles in the transit funding formula administered by the FTA. The State of Maryland believes it is **critical that new variably priced ETLs miles also count toward** "fixed guideway" lane miles in the transit funding formula administered by the FTA. In a 2002 policy letter from the FTA regarding the I-15 FasTrak facility in San Diego, California, the FTA clearly recognizes that both existing HOV lanes converted to variably priced lanes and new variably priced lanes can provide for unimpeded transit service, as required for inclusion as "fixed guideway" lane miles in the federal transit funding formula.

The State of Maryland supports our Metropolitan Planning Organization (MPO) for the Washington region, the National Capital Regional Transportation Planning Board (TPB) and their October 19, 2005 and August 28, 2006 letters to the FTA on this issue and offers the following policy statement adopted by this group from a document entitled "Goals for a Regional System of Variably-Priced Lanes" (adopted April, 2005):

"Toll revenues from variably priced lane projects may finance construction, service debt, and pay for operation and maintenance of the priced lanes. Should toll lanes operate at a revenue surplus, consideration should be given to enhancing transit service."

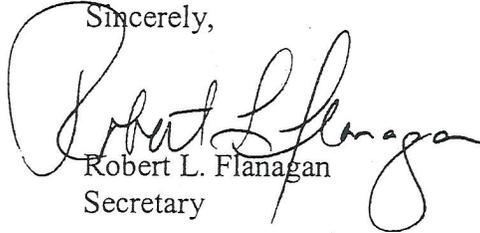
The MDOT offers this statement in objection to the FTA's condition that toll revenues on variably priced facilities must be used for mass transit purposes. This represents a serious limitation for the MDOT, as well as for our Maryland Transportation Authority (MdTA), the entity in Maryland that owns, operates and maintains our current toll facilities. Their bonds and statutes have restrictions for the use of toll revenue monies that would be required to pay for debt service for the entire system of toll facilities prior to any other use.

Again, the MDOT supports this proposed policy; however, it is only logical that **all** variably priced ETLs that provide for unimpeded transit service, regardless of how the toll revenues are used, should be classified as "fixed guideway" lane miles and be included in the federal transit funding formula. Therefore, the MDOT urges you to adopt an explicit policy stating that all variably priced lanes that provide for unimpeded transit service may be included as "fixed guideway" lane miles in the federal transit funding formula.

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Thank you for your consideration. If you have any questions or comments, do not hesitate to contact me at 410-865-1001, toll-free at 800-713-1414 or by email at rflanagan@mdot.state.md.us.

Sincerely,



Robert L. Flanagan
Secretary

Attachments

cc: Ms. Lisa L. Dickerson, Administrator, Maryland Transit Administration
Ms. Trent M. Kittleman, Executive Secretary, MdTA
Mr. Neil J. Pedersen, Administrator, State Highway Administration

bcc: Ms. Carol Arscott, Assistant Secretary for Policy, Government Affairs and Communications, MDOT
Mr. Tony Brown, Deputy Director, Office of Planning, Maryland Transit Administration
Ms. Missy Cassidy, Director, Office of Policy and Governmental Affairs, MDOT
Ms. Lyn Erickson, Assistant Director, Regional Planning and Programming, Office of Planning, MDOT
Mr. Bruce Gartner, Director, Strategic Development, MdTA
Mr. Steven J. Gaudio, Manager, Office of Policy and Research, State Highway Administration
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Mr. Michael J. Haley, Chief, Regional and Intermodal Planning, Office of Planning and Preliminary Engineering, SHA
Ms. Elizabeth Kreider, Deputy Administrator, Statewide Planning, Maryland Transit Administration
✓ Ms. Michelle D. Martin, Manager, Development Services Group, Office of Planning – Real Estate Division, MDOT
Mr. Samuel F. Minnitte, Jr., Director, Office of Planning, MDOT
Mr. Douglas H. Simmons, Deputy Administrator/Chief Engineer, Department of Administrative Planning and Engineering, State Highway Administration
Mr. Dennis Simpson, Manager, Office of Planning and Capital Programs, MdTA
Mr. Simon Taylor, Planning Director, Office of Planning, Maryland Transit Administration
Ms. Simela Triandos, Director, Office of Planning and Capital Programs, MdTA
Mr. Raja Veeramachaneni, Director, Office of Planning and Preliminary Engineering, State Highway Administration
Mr. Joseph Waggoner, Deputy Executive Secretary, Facility Development, MdTA
Mr. Richard Y. Woo, Director, Office of Policy and Research, State Highway Administration