



**MONTGOMERY COUNTY COUNCIL**  
ROCKVILLE, MARYLAND

August 9, 2021  
Maryland Board of Public Works  
Louis L. Goldstein Treasury Building  
80 Calvert Street  
Annapolis, MD 21401

Dear Governor Hogan, Comptroller Franchot and Treasurer Kopp:

As you know, Montgomery County has been in continuing dialogue with the Maryland Department of Transportation over Governor Hogan's initiative for a Public-Private Partnership to build toll lanes on I-270 and I-495.

Soon to come before the Board of Public Works is the Pre-Development Agreement for Phase 1 of this plan, running from the American Legion Bridge to I-270 in Frederick. Alongside its importance for the State's future transportation infrastructure, this contract will set the terms for a business partnership between the state and the selected concessionaire involving some \$6 billion in construction and enduring for more than half a century.

The Maryland P3 statute requires the State Treasurer's Office, in coordination with the Office of the Comptroller, to analyze the impact of a public-private partnership on the State's capital debt affordability limits. When the Treasurer reported to the General Assembly on July 9, she stated that she "was unable to fully engage the State's Financial Advisor and Bond Counsel to assist with the review" because the state Department of Budget and Management did not approve a request for \$100,000 to pay for that work. As a result, "key risks, costs, terms, and conditions" may not have been identified.

As you know, last month the majority of the Montgomery County Council supported including in the Transportation Planning Board's Long Range Plan the newly revised version of Phase 1, which incorporates substantial funding to construct with toll revenue either the Corridor Cities Transitway or the MD 355 Bus Rapid Transit Line. However, regardless of one's view of the policy merits of any project, the State should not enter into an agreement of this magnitude without due diligence to fully understand the contractual obligations we are assuming. Careful study of the contract by the Bond Counsel and Financial Advisor is a necessary part of that due diligence.

We therefore ask you to vote on the pre-development agreement only after funding for review by the Financial Advisor and Bond Counsel has been provided and these experts have completed their work and reported to you and the General Assembly. We ask that the State Department of Budget and Management provide funding as soon as possible so that the review by the Bond Counsel and Financial Advisor can be completed expeditiously.

Sincerely,



Tom Hucker  
Council President



Gabe Albornoz  
Council Vice President



Evan Glass  
Councilmember At-Large



Will Jawando  
Councilmember At-Large



Hans Riemer  
Councilmember At-Large



Andrew Friedson  
Councilmember District 1



Craig Rice  
Councilmember District 2



Sidney Katz  
Councilmember District 3



Nancy Navarro  
Councilmember District 4

CC:

The Honorable Marc Elrich, Montgomery County Executive  
The Honorable Angela Alsobrooks, Prince George's County Executive  
The Honorable Jan Gardner, Frederick County Executive  
The Honorable Craig Zucker, Chair, Montgomery County Senate Delegation  
The Honorable Marc Korman, Chair, Montgomery County House Delegation  
Greg Slater, Secretary, Maryland Department of Transportation  
Christopher Conklin, Director, Montgomery County Department of Transportation  
Casey Anderson, Chair, Montgomery County Planning Board