



## **Terrence Heubert**

### **Government Relations Professional**

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Washington, D.C.

Terrence Heubert has been advocating for a variety of interests in Washington, DC for 15 years, focusing mainly on health care and transportation & infrastructure work. He has experience working with both the Pennsylvania and federal governments and has represented clients from across the country, including local governments, transit systems, airports and ports. Further, Terry has done significant work with health systems and health insurance plans, including work with CMS payment regulations, competitive bidding, telemedicine and star ratings, among other things.

Prior to his tenure at Buchanan, Terry was the primary federal government advisor to Pennsylvania Governor Mark Schweiker and directed the Governor's Washington Office; he also served under Gov. Tom Ridge. Under Terry's leadership, the Governor's Washington Office secured more than \$150 million in federal funds to assist with rebuilding the Philadelphia School District, to pay for the rescue of the mine workers trapped underground in Southwestern Pennsylvania and to arm the Pennsylvania Air National Guard with a new psychological warfare aircraft. Additional issues areas where Terry was instrumental include: driver license security/biometric identification issues, homeland security, correctional institution issues, gun control, public education reform and welfare. Further, he was the Governor's representative to the National Governors Association and the Republican Governors Association, ensuring that the governor's views were considered within those organizations.

Terry has worked on campaigns at all levels of government and served on the Bush-Cheney Presidential Transition Team in 2001.

### **Civic and Charitable**

Ambassador's Council, Network for Teaching Entrepreneurship  
Board Chair, Landless Theatre Company

### **Publications and Speeches**

**10/3/2013**

Buchanan Ingersoll & Rooney Hosts Luncheon for San Diego Regional Chamber of Commerce

**3/26/2013**

Buchanan Ingersoll & Rooney's Terrence Heubert to Chair Landless Theatre's Board

### **Practices**

Government Relations

### **Education**

B.A., The College of Wooster,  
History and Political Science,  
1998



## James O'Toole, Jr.

### Shareholder

james.otoole@bipc.com

T: 215 665 3857 | F: 215 665 8760

Philadelphia

As co-chair of the Energy Section, Jim handles complex environmental, commercial and class action litigation, and environmental regulatory, compliance and permitting for a variety of clients throughout the country. Additionally, he chairs the firm's Renewable Energy Task Force and works with clients on Brownfield development matters. Jim is also a member of the firm's Advisory Committee.

For more than 20 years, Jim has served as trial and appellate counsel for Waste Management, Inc., and as common litigation counsel to numerous PRP groups on environmental matters in Pennsylvania, New Jersey and New York.

Jim has litigated complex multi-party environmental, contractual indemnity, fraud, successor liability, landfill permitting claims; criminal waste disposal investigations, toxic tort class actions, and multiple multi-million dollar cost recovery actions.

With almost 25 years of litigation experience, Jim has prosecuted and defended a variety of civil, commercial and antitrust matters on behalf of clients in the waste disposal, chemical, petrochemical, real estate, health care, hotel, beverage, retail, securities, insurance and military defense industries. Jim has consistently been selected to the *Pennsylvania Super Lawyers*<sup>®</sup> list, as noted in *Philadelphia Magazine* and *Law and Politics* magazine.

Representative environmental matters include:

- Regularly representing Waste Management, Inc. on environmental and toxic tort litigation, regulatory counseling, Brownfield development, renewable energy and SEC environmental compliance matters. He serves as an advisor to senior management and counsel within the company.
- Represents various Waste Management entities in connection with USEPA mandated multi-party regional sediment and surface water investigation into the Berry's Creek Study Area.
- On behalf of Waste Management of New Jersey, successfully litigated and then negotiated the Brownfield redevelopment of a 49 acre former Superfund site in North Jersey. The former landfill will be redeveloped into a distribution center serving the Ports of New York and New Jersey, and a Jersey City public park.
- Represent Labatt's Brewing Company, Ltd. in federal litigation involving alleged remedial obligations at former production facility in

### Practices

Energy  
Environmental  
Oil & Gas  
Litigation  
Antitrust & Trade Regulation

### Education

J.D., Temple University  
Beasley School of Law, 1985  
M.B.A., Drexel University,  
1982, with honors  
B.S., LaSalle University, 1978

### Admissions

Pennsylvania  
New Jersey  
U.S. District Court for the  
Eastern District of  
Pennsylvania  
U.S. District Court for the  
District of New Jersey  
U.S. Court of Appeals for the  
Third Circuit  
Supreme Court of the United  
States



Pennsylvania.

- Through aggressive litigation (including injunctive relief) and implementing an inventive remedial strategy, substantially reduced \$120 million initial cost-recovery claim by over 80 percent, thus facilitating a global settlement among over 100 PRPs.
- On behalf of Waste Management of Illinois, successfully litigated and settled a 400 property toxic tort class action and third-party PRP claims involving alleged groundwater contamination, vapor intrusion and diminution in property value. In over four years of litigation in both Illinois federal and state courts, the class was never certified.
- Represented ArcelorMittal LLC in state litigation with tenet involving lease obligations and issues relating to residual waste general permits and stormwater.
- Represented military defense contractor in challenging adverse "solid waste" determination under RCRA, and reporting requirements under Emergency Planning and Community Right to Know Act (EPCRA).
- Advise Tampa General Hospital on environmental due diligence and remedial matters connected to real estate acquisitions.
- Successfully defended and argued before the New Jersey Supreme Court, a NJDEP cost-recovery and NRD action leading to a favorable consent decree and settlement on behalf of multiple PRP groups.
- Represented CSX Transportation in complex Brownfield real estate transaction.
- Represented BP/Amoco and gas station operators in UST and related environmental litigations.

Representative commercial litigation and investigations include:

- Defended and prosecuted several substantial claims for construction cost overruns, attorney malpractice and environmental liability in connection with a highly publicized road construction project in New Jersey.
- Defeated a million dollar trespass and property diminution claim, and further saved the municipality approximately \$400,000 in remediation costs related to an undisclosed landfill.
- Conducted internal investigations of alleged political corruption and financial mismanagement of municipality's redevelopment project.
- Lead internal investigation on behalf of charter school alleged to have mismanaged federally funded programs.
- Represented GE Corporation and directed a multistate internal investigation in connection with a federal criminal investigation into military defense contracts.
- Defended Grumman Corporation in government contracts litigation involving a terminated subcontractor.
- Managed an international medical device manufacturer's FDA compliance audit, product recall investigation and response to a Hazard Notice issued by the UK's Medical Device Agency.
- Defended an international wire manufacturer in connection with alleged fraudulent trading of metals futures and related RICO claims.
- Served as national counsel to Continuum Healthcare Inc., selecting and managing outside counsel and advising the company on employment, contractual, intellectual property and medical malpractice issues.

Representative antitrust matters include:

- Provided antitrust advice and market analyses to numerous hospitals in connection with joint ventures, mergers, third-party payer and provider contracts and managed care initiatives involving strategic alliances with competitor hospitals, acquisition of physician practices and development of IPAs and PHOs.
- Counseled numerous physician practices, medical societies and physician organizations on antitrust compliance issues, including the representation of a Wilmington, Delaware hospital staff in connection with an alleged illegal boycott of a proposed managed care contract, and defense of orthopedic surgeon groups in connection with the FTC's investigation of an alleged physician boycott and civil action against a national physician union.
- Defended and advised the American Board of Plastic Surgery on antitrust challenges raised by a rival accrediting board.
- Represented FTC-appointed trustee on antitrust and contracting issues in connection with mandated biomedical and pharmaceutical technology transfer as part of a sanctioned merger between pharmaceutical companies.
- Represented Acme Markets, Inc. in a successful trial and appellate defense of federal antitrust and RICO claims by a disgruntled real estate developer.
- Developed antitrust compliance programs and provided Robinson-Patman counseling for national-purchasing cooperatives in the home products and publishing industries.
- Former national coordinating defense counsel to the Invisible Fence Corporation in connection with numerous antitrust and fair dealing claims relating to terminated dealers/distributors.

#### **Affiliations**

**Environmental, Litigation and Antitrust Law Sections**, American Bar Association

Pennsylvania Bar Association

New Jersey State Bar Association

Philadelphia Bar Association

**Dean's Executive Board**, iSchool at Drexel University

**Lecturer**, Temple University School of Law

#### **Publications and Speeches**

**1/10/2014**

Buchanan Team Hired to Evaluate Chevy Chase, Maryland's Transit Plans; Noted in *The Washington Post*

**12/10/2013**

Buchanan's Energy Section and Federal Government Relations Group Collaborate on Article Published in *Oil and Gas Monitor*

**11/18/2013**

Forty Buchanan Ingersoll & Rooney Attorneys Named to *2013 Super Lawyers® Business Edition List*



**5/30/2013**

17 Buchanan Ingersoll & Rooney Philadelphia Attorneys Named to 2013 *Pennsylvania Super Lawyers®* and *Rising Stars* Lists

**4/5/2013**

Shareholder James O'Toole Quoted in *Commercial Property Executive* about Brownfield Remediation

**10/16/2012**

Environmental Shareholder James O'Toole Talks Fracking Law Appeal in *Law360*

**7/13/2012**

58 Buchanan Ingersoll & Rooney Attorneys Named to 2012 *Super Lawyers®* Lists

**7/9/2012**

Buchanan Ingersoll & Rooney Team Assists Client Carlyle Group in Energy Joint Venture

**12/31/2011**

Buchanan's Internal Social Network Spotlit by *Philadelphia Business Journal*

**5/25/2011**

Eighteen Philadelphia Attorneys from Buchanan Ingersoll & Rooney Honored by 2011 *Pennsylvania Super Lawyers®*

**04/04/2011**

Powering Brownfield Development Through Renewable Energy, *moderator and panelist, Brownfields 2011 Conference*

**11/30/2010**

Buchanan Shareholder Jim O'Toole Featured in *Philadelphia Inquirer* About Firm's Cutting-Edge Technology, *Philadelphia Inquirer*

**6/16/2009**

Mandating and Funding Green Building Initiatives, *presenter*

**1/1/2009**

Martindale-Hubbell's Counsel to Counsel Forum — Ten Steps to Better Manage Your Litigation Portfolio and Litigation Team, *April 1-2*

**10/23/2008**

Supreme Court to Review Apportionment of Liability Under CERCLA

**10/1/2008**

Enhanced Public Outreach Requirements for Persons Responsible for the Clean-Up of Contaminated Soils

**4/15/2008**

Buchanan Attorneys Complete Complex Brownfield Redevelopment Deal for Client Waste Management of New Jersey

**11/13/2007**

Attorneys Edward Kelbon and James O'Toole Publish Article on Supreme Court Decision in *Waste News*

FEBRUARY 11, 2014

## Government Relations Capabilities

*Prepared for*

**Patricia A. Burda**

*Mayor, Chevy Chase, Maryland*

*Town Office*

*4301 Willow Lane*

*Chevy Chase, MD, 20815*

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## Executive Summary

Buchanan Ingersoll & Rooney PC ("Buchanan") is pleased to submit this proposal to provide federal government relations services to the Town of Chevy Chase, Maryland ("Chevy Chase"). Our Government Relations professionals have experience at all levels of federal government and backgrounds in both major political parties. Having served in key senior leadership roles in government at the executive and legislative levels, our team has the experience with the legislative process and with agencies that are essential to addressing the needs of Chevy Chase with regard to its transportation goals.

To date, Buchanan has been engaged with Chevy Chase for two months and has made significant progress in developing and implementing a comprehensive transportation agenda and strategy to achieve its objectives, including meetings with key decision makers.

Due to the multi-faceted nature of this project, Buchanan has enlisted the expertise of Chambers, Conlon & Hartwell, LLC ("CC&H") to advise on Federal Transit Administration (FTA) matters. CC&H has an excellent reputation and is a firm with which we have a strong working relationship. This team will provide Chevy Chase with a coordinated strategy to address transportation issues at the federal level. Though we work with many members of the House Transportation & Infrastructure Committee, Buchanan team member Bob Shuster does not lobby T&I Committee Chairman Bill Shuster.

It is important that we continue to coordinate closely with the Mayor and the Chevy Chase Council, as well as their respective staffs, to further advance the Town's agenda.



## Buchanan Office Locations

Buchanan is known from coast to coast for our extensive resources, dedicated attorneys and collaborative teams. Our many offices throughout the United States let us reach out and serve more clients more efficiently, and because we maintain offices in so many different regions, it is easy for us to handle multijurisdictional matters.



### **Alexandria**

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Alexandria, VA 22314-2727  
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### **Philadelphia**

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Philadelphia, PA 19102-2555  
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### **Aventura**

Country Club Center  
19950 W. Country Club Dr.,  
Ste. 101  
Aventura, FL 33180-2402  
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### **Pittsburgh**

One Oxford Centre  
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Pittsburgh, PA 15219-1410  
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### **Buffalo**

Key Center at Fountain Plaza  
50 Fountain Plaza, Suite 1230  
Buffalo, NY 14202  
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### **Princeton**

700 Alexander Park, Suite 300  
Princeton, NJ 08540-6347  
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### **Charlotte**

Carillon Building  
227 West Trade Street, Suite 1920  
Charlotte, NC 28202-1675  
T: 704 444 3300 | F: 704 444 3490



### **San Diego**

One America Plaza  
600 West Broadway, Suite 1100  
San Diego, CA 92101-3387  
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### **Harrisburg**

409 North Second Street, Suite 500  
Harrisburg, PA 17101-1357  
T: 717 237 4800 | F: 717 233 0852



### **Tampa**

Sun Trust Financial Centre  
401 E. Jackson Street, Suite 2400  
Tampa, FL 33602-5236  
T: 813 222 8180 | F: 813 222 8189



**Miami**  
Miami Tower  
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3500  
Miami, FL 33131-2158  
T: 305 347 4080 | F: 305 347  
4089



**Washington, D.C.**  
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Washington, DC 20006-3807  
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**Newark**  
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Newark, NJ 07102-4582  
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**Wilmington**  
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Wilmington, DE 19801-1054  
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**New York City**  
1290 Avenue of the Americas,  
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New York, NY 10104-3001  
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4401



## Firm Overviews

### Buchanan Ingersoll & Rooney

Founded in 1850, Buchanan Ingersoll & Rooney is a full-service law firm with approximately 450 lawyers and government relations professionals who serve the legal and business needs of regional, national and international clients. Our 15 offices are located in Pennsylvania, New Jersey, Delaware, Virginia, Washington, D.C., New York, Florida, North Carolina and California.

Buchanan has been recognized as a "powerhouse national law firm" by the *National Law Journal* and a "go-to law firm" by *Corporate Counsel Magazine*. The firm received 23 national honors and 45 first-tier metropolitan rankings on U.S. News & World Report--Best Lawyers 2012-13 "Best Law Firms" list. Buchanan's core service areas include: corporate finance and commercial law; litigation; energy law; intellectual property; labor and employment; financial institutions; tax; health care; real estate; bankruptcy and creditors' rights; and government relations, government contracts and other regulatory-related counsel.

The proof of our commitment is in what our clients report about us. Buchanan is consistently recognized as a "Client Service A-Team" firm in the independent survey conducted annually by BTI, a market research and management consulting firm that interviews corporate counsel at large and Fortune 1000 companies. Buchanan has made the Honor Roll in BTI's "Key Factors that Drive Superior Client Relationships" for the past eight years in a row.

### Chambers, Conlon & Hartwell

Chambers, Conlon & Hartwell is a Washington, DC based government relations firm that assists private corporations, municipalities, state governments, public agencies, universities and trade associations in their dealings with the federal government. With over 30 years of experience, CC&H has built a solid foundation on a strong network of relationships throughout federal agencies and within both political parties in Congress. CC&H has the professional expertise and the knowledge necessary to provide clients with effective federal representation.

## Buchanan Government Relations

Buchanan Ingersoll & Rooney's leading government relations practice is not only annually ranked among Washington's top lobby shops by *Influence Magazine*, but it was also the highest rated in Pennsylvania for government relations by *The Best Lawyers in America 2012*. In the White House and the governor's cabinet and throughout the halls of both capitols, our lobbyists have served at the highest levels of state and federal government. As former legislators, members of the governor's administration and key government officials in Pennsylvania, we have collective experience and bi-partisan relationships that span 40 years, eight gubernatorial terms and 23 sessions of the General Assembly. And for over 35 collective years, we have served in senior staff positions on both sides of the aisle, in the U.S. House of Representatives, the U.S. Senate, the West Wing and various federal executive and regulatory agencies.

Together with the firm's diverse legal team, we can tackle every issue with a comprehensive, strategic approach. We listen to the needs and concerns of our clients, so that every action we take works toward achieving their goals. By utilizing our ability to understand business issues from multiple perspectives, we have demonstrated our ability to be a trusted partner to our clients.

From offices located in Harrisburg, Philadelphia, Pittsburgh and Washington, D.C., our government relations team provides clients with seamless representation and valued guidance. Our services include:

**Strategic Planning** – We leverage our government affairs aptitude, professional experience and legal acumen to develop strategic lobbying plans including policy development, organizational growth initiatives and targeted legislative objectives.

**Legislation & Regulatory Advocacy** – We maintain excellent relationships with the White House, the Governor's Office, the Congress and the General Assembly and key legislators and staff. As such, our team is able to initiate and enhance relationships that are essential to our clients' success.

**Appropriations & Procurement** – Our thorough understanding and strategic approach to the appropriations process allows us to assist in securing government grants and other public funding opportunities for clients. We also guide clients through the policies, regulations and requirements necessary to be eligible for state and federal contracts as well as local public works jobs.

**Coalition Building** - We guide our clients to arrive at a common vision and work compatibly as partners. Coalitions require close management so that the collective knowledge, power and resources represented by their members can be used effectively. To that end, we determine the coalition's structure and focus, assist in the creation of its mission, advise on short- and long-term goals, propose the best implementation path forward and steer efforts toward success.

**Issue Development & Monitoring** – We constantly monitor relevant legislation introduced in the General Assembly and Congress and provide updates on a regular basis with respect to legislative activity. As the legislation process advances, we continue to keep clients up to speed on the status of legislation, the prospects of enactment by the General Assembly or Congress and the possibility of it being signed into law.

**Business Development** – We consistently keep our clients aware of development opportunities and design customized approaches that enable their business ventures to be considered by key decision makers.



## Municipalities

Buchanan Ingersoll & Rooney's Government Relations team has represented municipalities for many decades on matters before state governments and the United States government. As a provider of services that assist with mandates from state and federal government, municipalities are in need of counsel and advocacy in order to position them in a strategic way that will help meet their goals.

Teamwork is the hallmark of our approach to client service, and it enables us to comprehensively serve client needs. Buchanan provides its clients with strategic advice and government consulting services regarding substantive legislative efforts. To achieve this, our group works with the legislative and administrative branches of local, state and federal government.

Additionally, Buchanan consistently raises awareness of client issues; such as the impact of proposed legislation and outcomes of state and federal regulation. We regularly schedule meetings with key legislators and members of the administration to discuss these legislative issues.

Most recently, professionals in our Government Relations team were responsible for the following key accomplishments:

- Directed an effort on behalf of the City of Pittsburgh, Allegheny County, Port Authority, the Pittsburgh Pirates and Pittsburgh Steelers to acquire federal funding for the extension of the Light Rail Transit Line (North Shore Connector), a \$530 million project and various highway improvements to enhance the development of Pittsburgh's downtown including a federal Surface Transportation Grant of \$34 million for the street grid and infrastructure to permit further development on the North Shore.
- Assisted the Port Authority of Allegheny County in acquiring in excess of \$100 million of federal funding for Busway Expansion Projects. Secured \$1.6 million for a municipally owned intermodal transportation center, plus technical language to supply and additional \$200,000 to complete the project.
- Raised awareness of the unfunded mandates on local municipalities affected by Pennsylvania's Chesapeake Bay Strategy.
- Securing public funding for several municipalities to address security needs.
- Securing public funding for a municipal authority to enhance and continue parking improvements.
- Developing and implementing a strategy to highlight an airport's role in mitigating aviation congestion.
- Securing a Department of Community and Economic Development revolving loan funding for a small borough.
- Securing a state grant to benefit a local economic development authority.

## Environmental

Buchanan Ingersoll & Rooney's Environmental Law Group provides the sophisticated and knowledgeable legal support required by the regulated community. Our multi-disciplinary Environmental Group includes former state regulatory attorneys, intellectual property attorneys and litigators with more than 30 years of experience defending clients in a wide variety of environmental, occupational safety and health, toxic tort litigation and natural resources issues.

Our attorneys help clients avoid environmental pitfalls and turn environmental programs into business opportunities. We work closely with clients to develop strategies that are legally sound, cost-sensitive and consistent with their business goals.

Buchanan provides environmental law counseling and litigation services in the following primary areas:

- General environmental regulatory counseling
- Environmental and land use litigation
- Real estate and corporate transactions

### Environmental and Land Use

We routinely represent clients in civil and criminal environmental and land use litigation matters in both federal and state courts, as well as contested administrative law matters. This experience includes the representation of clients in CERCLA (Superfund) and state and federal enforcement matters, natural resources damages claims, as well as in OSHA and toxic tort defense matters. Our attorneys have litigated successfully land use issues involving local regulation of environmentally sensitive facilities, including, but not limited to, oil terminals, shopping centers and sewage sludge disposal facilities. In Delaware, our attorneys have been involved in several matters concerning Delaware's unique Coastal Zone Act, as well as other administrative and litigation matters involving Delaware's environmental statutes and regulations. We have:

- Represented clients in criminal investigations and prosecutions involving New Jersey's solid waste, air pollution laws and the NJ Pollution Discharge and Elimination System program.
- On behalf of Quality Aggregates, defended a permit for a limestone quarry that citizens groups sought to overturn before the Pennsylvania Environmental Hearing Board.
- Served as national counsel for an automobile manufacturer with respect to environmental issues associated with a former rental car subsidiary with 80 rental car facilities.
- Represented the private owners of an "inholding" in the Monongahela National Forest in a dispute with the United States Forest Service regarding right-of-way, access to the property and clients' charges of harassment against the Forest Service in the United States District Court for the Northern District of West Virginia.
- In a matter involving a Superfund site, successfully obtained liability protection under Pennsylvania's Act 2 program for a party acquiring property that was adjacent to a Superfund site that had contaminated groundwater from the Superfund site beneath the property and contaminated surface water from the site adjacent to the property.
- Represented one of the eight original defendant and third-party plaintiffs in an action brought under state and federal superfund laws for recovery of past and future response costs and a related CERCLA Section 106 order to undertake site remediation in Minnesota.



## Strategy and Pricing of Engagement

We recommend the following approach to our general transportation counseling and government relations work on behalf of Chevy Chase. A general outline of our approach is detailed below.

We ask for a monthly retainer of \$29,000 to perform these services. This fee is inclusive of Buchanan Ingersoll & Rooney as well as all subcontractors. Termination of the engagement requires either party to submit a notice of termination to be executed at the end of the 30-day period in which the request is made. Expenses for travel, meals, telephone, printing, deliveries, and other incidentals will be billed at cost. Consulting fees and expenses shall be billed monthly and shall be paid within 30-days from receipt of invoice. This fee arrangement is subject to Buchanan's standard engagement letter.

While we must be flexible in the strategy, our efforts will most likely follow this approach:

- Arrange a series of strategic meetings with Members of Congress and their staffs to discuss issues of concern to Chevy Chase.
- Continually notify senior decision makers at the Federal Transit Administration (FTA) of all facts and concerns prior to FTA issuing any decisions on transit matters impacting Chevy Chase.
- Assist Chevy Chase leaders to develop a grassroots strategy to engage with key leaders who impact transportation issues on the federal level.
- Engage with the Environment & Public Works Committee, Transportation & Infrastructure Committee and others on Capitol Hill regarding the Surface Transportation Bill reauthorization.

### Services to Other Clients:

Buchanan monitors compliance with its obligations under the Federal Lobbying Disclosure Law, which restricts Buchanan from providing lobbying services for a client on a subject matter in which another client has directly adverse interests. If unforeseen circumstances arise that cause either Buchanan or Chevy Chase to become concerned that our services for Chevy Chase could be adversely affected by services provided to another client, we will work with Chevy Chase to resolve the situation.

### Confidential Information:

Buchanan will treat as confidential Chevy Chase's proprietary, sensitive and confidential information which may be disclosed to Buchanan in connection with the government relations services provided ("Confidential Information"). Except as necessary to perform the services and comply with applicable law, including the registration and reporting requirements of the Federal Lobbying Disclosure Law, Buchanan will not disclose Chevy Chase's Confidential Information to third parties without Chevy Chase's written consent. The term Confidential Information does not include information about Chevy Chase which is publicly available (through no fault of Buchanan or its personnel). Buchanan's obligations with respect to Chevy Chase's Confidential Information shall survive the termination or expiration of their engagement.

Legal services will be provided in accordance with the Lawyers Rules of Professional Conduct.



# Biographies



## Robert L. Shuster

Shareholder

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Washington, D.C. and Harrisburg

Robert L. Shuster has provided counsel to clients on general business matters and legislative/public issues. These matters include transportation issues, employment issues, industrial development opportunities and state and federal appropriations.

Robert has experience dealing with legislative matters with both the federal government and the Commonwealth of Pennsylvania. Previously, he has worked for the Chrysler Corporation; the government relations section of a Washington, D.C., law firm; Senator Robert C. Jubelirer, the former president pro tempore of the Pennsylvania State Senate; and Congressman William F. Clinger, Jr., former chairman of the House Reform and Oversight Committee.

Robert's practice has been primarily in the area of infrastructure projects and appropriations for transportation, defense and health care. He was a member of the President George W. Bush Transportation Transition Team. He has served as the director and coordinator of two successful statewide judicial campaigns and as a regional field operative in gubernatorial campaigns. He served on Governor Ridge's transition task forces for the Department of Community and Economic Development and the Department of Transportation, as well as on Attorney General Mike Fisher's Transition Team. Most recently, he was named as a member of Governor Ed Rendell's Transportation Transition Team.

Robert has been involved in a number of start-up companies, acting as legal counsel and consultant. His responsibilities have included corporate structuring, government affairs and attracting angel/venture capital investments. The companies with which he has been associated have been technology, media, health care and transportation infrastructure oriented business.

He has been published in West's *Lobbying, PAC and Campaign Finance: 50 State Handbook*, and has lectured on the Pennsylvania and Federal Lobbying Acts. Robert continues to provide counsel to various campaign committees and private organizations on the intricacies of these areas of law.

### Affiliations

Pennsylvania Bar Association  
Dauphin County Bar Association  
District of Columbia Bar

### Practices

Government Relations  
Oil & Gas  
Energy

### Education

J.D., The Penn State  
Dickinson School of Law,  
1992

B.S., The Pennsylvania State  
University, Business  
Logistics, 1987

### Admissions

Pennsylvania  
District of Columbia





**James C. Wiltraut, Jr.**  
Director of Federal Government Relations  
james.wiltraut@bipc.com  
T: 202 452 7943 | F: 202 452 6057  
Washington, D.C.

Jim Wiltraut assists clients through the arduous federal legislative and appropriations process and was recognized in Stars and Stripes newspaper for his talent at navigating clients around Capitol Hill and throughout the federal government. He is not an attorney.

Jim effectively takes client concerns to government officials when policies or changes in law would negatively impact their ability to do business and provides companies with access to decision makers interested in hearing from experts in a variety of fields.

Though best known in Washington for representing clients in the areas of national defense and homeland security, Jim also has extensive experience representing energy companies, including those involved in the trading of biofuels, oil, gas, coal and other commodities.

Jim has helped energy companies navigate the complex web of state licensing boards and has facilitated the building of new partnerships with local, state and federal governments in order to better link companies to the communities in which they operate.

Some of Jim's recent accomplishments have included:

- Successfully fighting for millions of dollars in much-needed modernization funding for one of America's leading shipbuilding contractors.
- Developing the initial policy arguments to prevent the U.S. Secretary of Defense from deactivating the 111th Fighter Wing of the Pennsylvania Air National Guard, stationed at Joint Reserve Base (JRB) Willow Grove. Buchanan lawyers used that argument as the foundation for the only successful lawsuit to challenge a base closure recommendation made by the Department of Defense to the BRAC Commission.
- On behalf of the Animal Drug Alliance, twice defeating legislation that would have adversely affected the generic veterinary pharmaceutical industry.

As a senior policy advisor to former Congressman Paul McHale (D-PA), Jim wrote legislation and created strategies for the passage of a variety of initiatives, including those dealing with national security issues such as force restructuring and troop "quality-of-life" reforms.

#### Practices

Government Relations  
Government Contracts  
Cybersecurity & Data  
Protection

#### Education

Joint Forces Staff College,  
2006  
United States Naval War  
College, 2005  
B.A., University of  
Massachusetts, 1990



In addition, Jim played a key role in the formation of and was the minority staff associate to the National Guard and Reserve Components Caucus in the U.S. House of Representatives, where he organized and managed the National Guard and Reserve Equipment (NG&RE) list, providing more than \$600 million annually in equipment modernization to U.S. Reserve forces.

A 30-year veteran of the military, Jim is a public affairs officer in the United States Navy Reserve. As part of Operation Enduring Freedom, he served as an advisor to the Joint United States Military Assistance Group in Manila, providing strategic communication guidance to military leaders of the Republic of the Philippines.

Jim is a graduate of the U.S. Naval War College and the Joint Forces Staff College at National Defense University.

### **Affiliations**

American League of Lobbyists

Public Relations Society of America

### **Publications and Speeches**

#### **10/3/2013**

Buchanan Ingersoll & Rooney Hosts Luncheon for San Diego Regional Chamber of Commerce

#### **08/31/2011**

Buchanan Ingersoll & Rooney's James C. Wiltraut, Jr. Published in *American Pharmaceutical Review*



## Terrence Heubert

### Government Relations Professional

terrence.heubert@bipc.com

T: 202 452 6041 | F: 202 452 7989

Washington, D.C.

Terrence Heubert has been advocating for a variety of interests in Washington, DC for 15 years, focusing mainly on health care and transportation & infrastructure work. He has experience working with both the Pennsylvania and federal governments and has represented clients from across the country, including local governments, transit systems, airports and ports. Further, Terry has done significant work with health systems and health insurance plans, including work with CMS payment regulations, competitive bidding, telemedicine and star ratings, among other things.

Prior to his tenure at Buchanan, Terry was the primary federal government advisor to Pennsylvania Governor Mark Schweiker and directed the Governor's Washington Office; he also served under Gov. Tom Ridge. Under Terry's leadership, the Governor's Washington Office secured more than \$150 million in federal funds to assist with rebuilding the Philadelphia School District, to pay for the rescue of the mine workers trapped underground in Southwestern Pennsylvania and to arm the Pennsylvania Air National Guard with a new psychological warfare aircraft. Additional issues areas where Terry was instrumental include: driver license security/biometric identification issues, homeland security, correctional institution issues, gun control, public education reform and welfare. Further, he was the Governor's representative to the National Governors Association and the Republican Governors Association, ensuring that the governor's views were considered within those organizations.

Terry has worked on campaigns at all levels of government and served on the Bush-Cheney Presidential Transition Team in 2001.

### Civic and Charitable

Ambassador's Council, Network for Teaching Entrepreneurship  
Board Chair, Landless Theatre Company

### Publications and Speeches

**10/3/2013**

Buchanan Ingersoll & Rooney Hosts Luncheon for San Diego Regional Chamber of Commerce

**3/26/2013**

Buchanan Ingersoll & Rooney's Terrence Heubert to Chair Landless Theatre's Board

### Practices

Government Relations

### Education

B.A., The College of Wooster,  
History and Political Science,  
1998





## James O'Toole, Jr.

### Shareholder

james.otoole@bipc.com

T: 215 665 3857 | F: 215 665 8760

Philadelphia

As co-chair of the Energy Section, Jim handles complex environmental, commercial and class action litigation, and environmental regulatory, compliance and permitting for a variety of clients throughout the country. Additionally, he chairs the firm's Renewable Energy Task Force and works with clients on Brownfield development matters. Jim is also a member of the firm's Advisory Committee.

For more than 20 years, Jim has served as trial and appellate counsel for Waste Management, Inc., and as common litigation counsel to numerous PRP groups on environmental matters in Pennsylvania, New Jersey and New York.

Jim has litigated complex multi-party environmental, contractual indemnity, fraud, successor liability, landfill permitting claims; criminal waste disposal investigations, toxic tort class actions, and multiple multi-million dollar cost recovery actions.

With almost 25 years of litigation experience, Jim has prosecuted and defended a variety of civil, commercial and antitrust matters on behalf of clients in the waste disposal, chemical, petrochemical, real estate, health care, hotel, beverage, retail, securities, insurance and military defense industries. Jim has consistently been selected to the *Pennsylvania Super Lawyers*® list, as noted in *Philadelphia Magazine* and *Law and Politics* magazine.

Representative environmental matters include:

- Regularly representing Waste Management, Inc. on environmental and toxic tort litigation, regulatory counseling, Brownfield development, renewable energy and SEC environmental compliance matters. He serves as an advisor to senior management and counsel within the company.
- Represents various Waste Management entities in connection with USEPA mandated multi-party regional sediment and surface water investigation into the Berry's Creek Study Area.
- On behalf of Waste Management of New Jersey, successfully litigated and then negotiated the Brownfield redevelopment of a 49 acre former Superfund site in North Jersey. The former landfill will be redeveloped into a distribution center serving the Ports of New York and New Jersey, and a Jersey City public park.
- Represent Labatt's Brewing Company, Ltd. in federal litigation involving alleged remedial obligations at former production facility in

### Practices

Energy  
Environmental  
Oil & Gas  
Litigation  
Antitrust & Trade Regulation

### Education

J.D., Temple University  
Beasley School of Law, 1985  
M.B.A., Drexel University,  
1982, with honors  
B.S., LaSalle University, 1978

### Admissions

Pennsylvania  
New Jersey  
U.S. District Court for the  
Eastern District of  
Pennsylvania  
U.S. District Court for the  
District of New Jersey  
U.S. Court of Appeals for the  
Third Circuit  
Supreme Court of the United  
States



Pennsylvania.

- Through aggressive litigation (including injunctive relief) and implementing an inventive remedial strategy, substantially reduced \$120 million initial cost-recovery claim by over 80 percent, thus facilitating a global settlement among over 100 PRPs.
- On behalf of Waste Management of Illinois, successfully litigated and settled a 400 property toxic tort class action and third-party PRP claims involving alleged groundwater contamination, vapor intrusion and diminution in property value. In over four years of litigation in both Illinois federal and state courts, the class was never certified.
- Represented ArcelorMittal LLC in state litigation with tenet involving lease obligations and issues relating to residual waste general permits and stormwater.
- Represented military defense contractor in challenging adverse "solid waste" determination under RCRA, and reporting requirements under Emergency Planning and Community Right to Know Act (EPCRA).
- Advise Tampa General Hospital on environmental due diligence and remedial matters connected to real estate acquisitions.
- Successfully defended and argued before the New Jersey Supreme Court, a NJDEP cost-recovery and NRD action leading to a favorable consent decree and settlement on behalf of multiple PRP groups.
- Represented CSX Transportation in complex Brownfield real estate transaction.
- Represented BP/Amoco and gas station operators in UST and related environmental litigations.

Representative commercial litigation and investigations include:

- Defended and prosecuted several substantial claims for construction cost overruns, attorney malpractice and environmental liability in connection with a highly publicized road construction project in New Jersey.
- Defeated a million dollar trespass and property diminution claim, and further saved the municipality approximately \$400,000 in remediation costs related to an undisclosed landfill.
- Conducted internal investigations of alleged political corruption and financial mismanagement of municipality's redevelopment project.
- Lead internal investigation on behalf of charter school alleged to have mismanaged federally funded programs.
- Represented GE Corporation and directed a multistate internal investigation in connection with a federal criminal investigation into military defense contracts.
- Defended Grumman Corporation in government contracts litigation involving a terminated subcontractor.
- Managed an international medical device manufacturer's FDA compliance audit, product recall investigation and response to a Hazard Notice issued by the UK's Medical Device Agency.
- Defended an international wire manufacturer in connection with alleged fraudulent trading of metals futures and related RICO claims.
- Served as national counsel to Continuum Healthcare Inc., selecting and managing outside counsel and advising the company on employment, contractual, intellectual property and medical malpractice issues.

Representative antitrust matters include:

- Provided antitrust advice and market analyses to numerous hospitals in connection with joint ventures, mergers, third-party payer and provider contracts and managed care initiatives involving strategic alliances with competitor hospitals, acquisition of physician practices and development of IPAs and PHOs.
- Counseled numerous physician practices, medical societies and physician organizations on antitrust compliance issues, including the representation of a Wilmington, Delaware hospital staff in connection with an alleged illegal boycott of a proposed managed care contract, and defense of orthopedic surgeon groups in connection with the FTC's investigation of an alleged physician boycott and civil action against a national physician union.
- Defended and advised the American Board of Plastic Surgery on antitrust challenges raised by a rival accrediting board.
- Represented FTC-appointed trustee on antitrust and contracting issues in connection with mandated biomedical and pharmaceutical technology transfer as part of a sanctioned merger between pharmaceutical companies.
- Represented Acme Markets, Inc. in a successful trial and appellate defense of federal antitrust and RICO claims by a disgruntled real estate developer.
- Developed antitrust compliance programs and provided Robinson-Patman counseling for national-purchasing cooperatives in the home products and publishing industries.
- Former national coordinating defense counsel to the Invisible Fence Corporation in connection with numerous antitrust and fair dealing claims relating to terminated dealers/distributors.

#### **Affiliations**

**Environmental, Litigation and Antitrust Law Sections**, American Bar Association

Pennsylvania Bar Association

New Jersey State Bar Association

Philadelphia Bar Association

**Dean's Executive Board**, iSchool at Drexel University

**Lecturer**, Temple University School of Law

#### **Publications and Speeches**

**1/10/2014**

Buchanan Team Hired to Evaluate Chevy Chase, Maryland's Transit Plans; Noted in *The Washington Post*

**12/10/2013**

Buchanan's Energy Section and Federal Government Relations Group Collaborate on Article Published in *Oil and Gas Monitor*

**11/18/2013**

Forty Buchanan Ingersoll & Rooney Attorneys Named to 2013 *Super Lawyers® Business Edition* List

**5/30/2013**

17 Buchanan Ingersoll & Rooney Philadelphia Attorneys Named to 2013 *Pennsylvania Super Lawyers®* and *Rising Stars* Lists

**4/5/2013**

Shareholder James O'Toole Quoted in *Commercial Property Executive* about Brownfield Remediation

**10/16/2012**

Environmental Shareholder James O'Toole Talks Fracking Law Appeal in *Law360*

**7/13/2012**

58 Buchanan Ingersoll & Rooney Attorneys Named to 2012 *Super Lawyers®* Lists

**7/9/2012**

Buchanan Ingersoll & Rooney Team Assists Client Carlyle Group in Energy Joint Venture

**12/31/2011**

Buchanan's Internal Social Network Spotlighted by *Philadelphia Business Journal*

**5/25/2011**

Eighteen Philadelphia Attorneys from Buchanan Ingersoll & Rooney Honored by 2011 *Pennsylvania Super Lawyers®*

**04/04/2011**

Powering Brownfield Development Through Renewable Energy, *moderator and panelist, Brownfields 2011 Conference*

**11/30/2010**

Buchanan Shareholder Jim O'Toole Featured in *Philadelphia Inquirer* About Firm's Cutting-Edge Technology, *Philadelphia Inquirer*

**6/16/2009**

Mandating and Funding Green Building Initiatives, *presenter*

**1/1/2009**

Martindale-Hubbell's Counsel to Counsel Forum — Ten Steps to Better Manage Your Litigation Portfolio and Litigation Team, *April 1-2*

**10/23/2008**

Supreme Court to Review Apportionment of Liability Under CERCLA

**10/1/2008**

Enhanced Public Outreach Requirements for Persons Responsible for the Clean-Up of Contaminated Soils

**4/15/2008**

Buchanan Attorneys Complete Complex Brownfield Redevelopment Deal for Client Waste Management of New Jersey

**11/13/2007**

Attorneys Edward Kelbon and James O'Toole Publish Article on Supreme Court Decision in *Waste News*



## Kevin Karpinski

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**From:** Graham, Kara E. <kara.graham@bipc.com>  
**Sent:** Friday, February 07, 2014 11:13 AM  
**To:** Todd Hoffman  
**Cc:** Heubert, Terrence E.; Wiltraut, James C.; Shuster, Robert L.; Strazzella, Michael P.  
**Subject:** Buchanan Ingersoll & Rooney Proposal  
**Attachments:** Buchanan Government Relations Proposal - Town of Chevy Chase - Feb 7 2014.pdf

Todd,

Please see our attached proposal.

Thank you,

**Kara Graham**  
**Manager-Business Development**

1700 K Street, N.W., Suite 300  
Washington, DC 20006-3807  
202 452 7902 (o)  
202 617 1288 (c)  
[kara.graham@bipc.com](mailto:kara.graham@bipc.com)

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**Buchanan Ingersoll & Rooney PC**

**KNOW GREATER PARTNERSHIP**

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FEBRUARY 7, 2014

## Government Relations Capabilities

*Prepared for*

**Patricia A. Burda**

*Mayor, Chevy Chase, Maryland*

*Town Office*

*4301 Willow Lane*

*Chevy Chase, MD, 20815*

---

**Robert L. Shuster**

1700 K Street, NW  
Suite 300  
Washington, D.C. 20006  
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202-452-6054

**James C. Wiltraut, Jr.**

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Washington, D.C., 20006  
james.wiltraut@bipc.com  
202-452-7943

**Terrence Heubert**

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Washington, D.C., 20006  
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202-452-6041

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Terrence Heubert .....	15



## Executive Summary

Buchanan Ingersoll & Rooney PC ("Buchanan") is pleased to submit this proposal to provide federal government relations services to the Town of Chevy Chase, Maryland ("Chevy Chase"). Our Government Relations professionals have experience at all levels of state government and federal government and backgrounds in both major political parties. Having served in key senior leadership roles in government at the executive and legislative levels, our team has the experience with the legislative process and with agencies that are essential to addressing the needs of Chevy Chase with regard to its transportation goals.

To date, Buchanan has been engaged with Chevy Chase for two months and has made significant progress in developing and implementing a comprehensive transportation agenda and strategy to achieve its objectives, including meetings with key decision makers.

Due to the multi-faceted nature of this project, Buchanan has enlisted the expertise of Maryland law firm, Alexander & Cleaver ("A&C") for state guidance and Chambers, Conlon & Hartwell, LLC ("CC&H") to advise on Federal Transit Administration (FTA) matters. These are firms with excellent reputations and ones with which we have strong working relationships. This team will provide Chevy Chase with a coordinated strategy to address transportation issues at all levels.

It is important that we continue to coordinate closely with the Mayor and the Chevy Chase Council, as well as their respective staffs, to further advance the Town's agenda.

## Buchanan Office Locations

Buchanan is known from coast to coast for our extensive resources, dedicated attorneys and collaborative teams. Our many offices throughout the United States let us reach out and serve more clients more efficiently, and because we maintain offices in so many different regions, it is easy for us to handle multijurisdictional matters.



### Alexandria

1737 King Street, Suite 500  
Alexandria, VA 22314-2727  
T: 703 836 6620 | F: 703 836  
2021



### Philadelphia

Two Liberty Place  
50 S. 16th Street, Suite 3200  
Philadelphia, PA 19102-2555  
T: 215 665 8700 | F: 215 665  
8760



### Aventura

Country Club Center  
19950 W. Country Club Dr.,  
Ste. 101  
Aventura, FL 33180-2402  
T: 305 933 5600 | F: 305 933  
2350



### Pittsburgh

One Oxford Centre  
301 Grant Street, 20th Floor  
Pittsburgh, PA 15219-1410  
T: 412 562 8800 | F: 412 562  
1041



### Buffalo

Key Center at Fountain Plaza  
50 Fountain Plaza, Suite 1230  
Buffalo, NY 14202  
T: 716 853 2330 | F: 716 854  
4227



### Princeton

700 Alexander Park, Suite 300  
Princeton, NJ 08540-6347  
T: 609 987 6800 | F: 609 520  
0360



### Charlotte

Carillon Building  
227 West Trade Street, Suite  
1920  
Charlotte, NC 28202-1675  
T: 704 444 3300 | F: 704 444  
3490



### San Diego

One America Plaza  
600 West Broadway, Suite  
1100  
San Diego, CA 92101-3387  
T: 619 239 8700 | F: 619 702  
3898



### Harrisburg

409 North Second Street, Suite  
500  
Harrisburg, PA 17101-1357  
T: 717 237 4800 | F: 717 233  
0852



### Tampa

Sun Trust Financial Centre  
401 E. Jackson Street, Suite  
2400  
Tampa, FL 33602-5236  
T: 813 222 8180 | F: 813 222  
8189



**Miami**  
Miami Tower  
100 S.E. Second Street, Suite  
3500  
Miami, FL 33131-2158  
T: 305 347 4080 | F: 305 347  
4089



**Washington, D.C.**  
1700 K Street, N.W., Suite 300  
Washington, DC 20006-3807  
T: 202 452 7900 | F: 202 452  
7989



**Newark**  
550 Broad Street, Suite 810  
Newark, NJ 07102-4582  
T: 973 273 9800 | F: 973 273  
9430



**Wilmington**  
1105 North Market Street,  
Suite 1900  
Wilmington, DE 19801-1054  
T: 302 552 4200 | F: 302 552  
4295



**New York City**  
1290 Avenue of the Americas,  
30th Floor  
New York, NY 10104-3001  
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4401



## Firm Overviews

### Buchanan Ingersoll & Rooney

Founded in 1850, Buchanan Ingersoll & Rooney is a full-service law firm with approximately 450 lawyers and government relations professionals who serve the legal and business needs of regional, national and international clients. Our 15 offices are located in Pennsylvania, New Jersey, Delaware, Virginia, Washington, D.C., New York, Florida, North Carolina and California.

Buchanan has been recognized as a "powerhouse national law firm" by the *National Law Journal* and a "go-to law firm" by *Corporate Counsel Magazine*. The firm received 23 national honors and 45 first-tier metropolitan rankings on U.S. News & World Report—Best Lawyers 2012-13 "Best Law Firms" list. Buchanan's core service areas include: corporate finance and commercial law; litigation; energy law; intellectual property; labor and employment; financial institutions; tax; health care; real estate; bankruptcy and creditors' rights; and government relations, government contracts and other regulatory-related counsel.

The proof of our commitment is in what our clients report about us. Buchanan is consistently recognized as a "Client Service A-Team" firm in the independent survey conducted annually by BTI, a market research and management consulting firm that interviews corporate counsel at large and Fortune 1000 companies. Buchanan has made the Honor Roll in BTI's "Key Factors that Drive Superior Client Relationships" for the past eight years in a row.

### Alexander & Cleaver

Alexander & Cleaver is a law firm and government relations firm designed to provide high-quality service to all clients. Its professionals demonstrate a passion to achieve results for each client. A&C has experience in a wide variety of areas that reach across the entire State of Maryland. The firm is heavily involved in all aspects of Maryland government, from helping the passage or defeat of a bill before the General Assembly or a regulation proposed by a state agency, to assisting clients in procurements to obtain contracts with the government. A&C professionals maintain close relationships with both Governor O'Malley and Lieutenant Governor Brown.

### Chambers, Conlon & Hartwell

Chambers, Conlon & Hartwell is a Washington, DC based government relations firm that assists private corporations, municipalities, state governments, public agencies, universities and trade associations in their dealings with the federal government. With over 30 years of experience, CC&H has built a solid foundation on a strong network of relationships throughout federal agencies and within both political parties in Congress. CC&H has the professional expertise and the knowledge necessary to provide clients with effective federal representation.



## Buchanan Government Relations

Buchanan Ingersoll & Rooney's leading government relations practice is not only annually ranked among Washington's top lobby shops by *Influence Magazine*, but it was also the highest rated in Pennsylvania for government relations by *The Best Lawyers in America 2012*. In the White House and the governor's cabinet and throughout the halls of both capitols, our lobbyists have served at the highest levels of state and federal government. As former legislators, members of the governor's administration and key government officials in Pennsylvania, we have collective experience and bi-partisan relationships that span 40 years, eight gubernatorial terms and 23 sessions of the General Assembly. And for over 35 collective years, we have served in senior staff positions on both sides of the aisle, in the U.S. House of Representatives, the U.S. Senate, the West Wing and various federal executive and regulatory agencies.

Together with the firm's diverse legal team, we can tackle every issue with a comprehensive, strategic approach. We listen to the needs and concerns of our clients, so that every action we take works toward achieving their goals. By utilizing our ability to understand business issues from multiple perspectives, we have demonstrated our ability to be a trusted partner to our clients.

From offices located in Harrisburg, Philadelphia, Pittsburgh and Washington, D.C., our government relations team provides clients with seamless representation and valued guidance. Our services include:

**Strategic Planning** – We leverage our government affairs aptitude, professional experience and legal acumen to develop strategic lobbying plans including policy development, organizational growth initiatives and targeted legislative objectives.

**Legislation & Regulatory Advocacy** – We maintain excellent relationships with the White House, the Governor's Office, the Congress and the General Assembly and key legislators and staff. As such, our team is able to initiate and enhance relationships that are essential to our clients' success.

**Appropriations & Procurement** – Our thorough understanding and strategic approach to the appropriations process allows us to assist in securing government grants and other public funding opportunities for clients. We also guide clients through the policies, regulations and requirements necessary to be eligible for state and federal contracts as well as local public works jobs.

**Coalition Building** – We guide our clients to arrive at a common vision and work compatibly as partners. Coalitions require close management so that the collective knowledge, power and resources represented by their members can be used effectively. To that end, we determine the coalition's structure and focus, assist in the creation of its mission, advise on short- and long-term goals, propose the best implementation path forward and steer efforts toward success.

**Issue Development & Monitoring** – We constantly monitor relevant legislation introduced in the General Assembly and Congress and provide updates on a regular basis with respect to legislative activity. As the legislation process advances, we continue to keep clients up to speed on the status of legislation, the prospects of enactment by the General Assembly or Congress and the possibility of it being signed into law.

**Business Development** – We consistently keep our clients aware of development opportunities and design customized approaches that enable their business ventures to be considered by key decision makers.

## Municipalities

Buchanan Ingersoll & Rooney's Government Relations team has represented municipalities for many decades on matters before state governments and the United States government. As a provider of services that assist with mandates from state and federal government, municipalities are in need of counsel and advocacy in order to position them in a strategic way that will help meet their goals.

Teamwork is the hallmark of our approach to client service, and it enables us to comprehensively serve client needs. Buchanan provides its clients with strategic advice and government consulting services regarding substantive legislative efforts. To achieve this, our group works with the legislative and administrative branches of local, state and federal government.

Additionally, Buchanan consistently raises awareness of client issues; such as the impact of proposed legislation and outcomes of state and federal regulation. We regularly schedule meetings with key legislators and members of the administration to discuss these legislative issues.

Most recently, professionals in our Government Relations team were responsible for the following key accomplishments:

- Directed an effort on behalf of the City of Pittsburgh, Allegheny County, Port Authority, the Pittsburgh Pirates and Pittsburgh Steelers to acquire federal funding for the extension of the Light Rail Transit Line (North Shore Connector), a \$530 million project and various highway improvements to enhance the development of Pittsburgh's downtown including a federal Surface Transportation Grant of \$34 million for the street grid and infrastructure to permit further development on the North Shore.
- Assisted the Port Authority of Allegheny County in acquiring in excess of \$100 million of federal funding for Busway Expansion Projects. Secured \$1.6 million for a municipally owned intermodal transportation center, plus technical language to supply and additional \$200,000 to complete the project.
- Raised awareness of the unfunded mandates on local municipalities affected by Pennsylvania's Chesapeake Bay Strategy.
- Securing public funding for several municipalities to address security needs.
- Securing public funding for a municipal authority to enhance and continue parking improvements.
- Developing and implementing a strategy to highlight an airport's role in mitigating aviation congestion.
- Securing a Department of Community and Economic Development revolving loan funding for a small borough.
- Securing a state grant to benefit a local economic development authority.



## Strategy and Pricing of Engagement

We recommend the following approach to our general transportation counseling and government relations work on behalf of Chevy Chase. A general outline of our approach is detailed below.

We ask for a monthly retainer of \$29,000 to perform these services. This fee is inclusive of Buchanan Ingersoll & Rooney as well as all subcontractors. Termination of the engagement requires either party to submit a notice of termination to be executed at the end of the 30-day period in which the request is made. Expenses for travel, meals, telephone, printing, deliveries, and other incidentals will be billed at cost. Consulting fees and expenses shall be billed monthly and shall be paid within 30-days from receipt of invoice. This fee arrangement is subject to Buchanan's standard engagement letter.

While we must be flexible in the strategy, our efforts will most likely follow this approach:

- Arrange a series of strategic meetings with Members of Congress and their staffs to discuss issues of concern to Chevy Chase.
- Arrange a series of strategic meetings with key decision makers in Annapolis to discuss issues of concern to Chevy Chase.
- Ensure that senior decision makers at the Federal Transit Administration (FTA) are aware of all facts and issues prior to issuing any decisions on transit matters impacting Chevy Chase.
- Assist Chevy Chase leaders to develop a grassroots strategy to engage with key leaders who impact transportation issues both at the state and federal levels.
- Engage with the Environment & Public Works Committee, Transportation & Infrastructure Committee and others on Capitol Hill regarding the Surface Transportation Bill reauthorization.

# Biographies





## Robert L. Shuster

### Shareholder

robert.shuster@bipc.com

T: 202-452-6045 | F: 202-452-6057

T: 717 237 4806 | F: 717 233 0852

Washington, D.C. and Harrisburg

Robert L. Shuster has provided counsel to clients on general business matters and legislative/public issues. These matters include transportation issues, employment issues, industrial development opportunities and state and federal appropriations.

Robert has experience dealing with legislative matters with both the federal government and the Commonwealth of Pennsylvania. Previously, he has worked for the Chrysler Corporation; the government relations section of a Washington, D.C., law firm; Senator Robert C. Jubelirer, the former president pro tempore of the Pennsylvania State Senate; and Congressman William F. Clinger, Jr., former chairman of the House Reform and Oversight Committee.

Robert's practice has been primarily in the area of infrastructure projects and appropriations for transportation, defense and health care. He was a member of the President George W. Bush Transportation Transition Team. He has served as the director and coordinator of two successful statewide judicial campaigns and as a regional field operative in gubernatorial campaigns. He served on Governor Ridge's transition task forces for the Department of Community and Economic Development and the Department of Transportation, as well as on Attorney General Mike Fisher's Transition Team. Most recently, he was named as a member of Governor Ed Rendell's Transportation Transition Team.

Robert has been involved in a number of start-up companies, acting as legal counsel and consultant. His responsibilities have included corporate structuring, government affairs and attracting angel/venture capital investments. The companies with which he has been associated have been technology, media, health care and transportation infrastructure oriented business.

He has been published in West's *Lobbying, PAC and Campaign Finance: 50 State Handbook*, and has lectured on the Pennsylvania and Federal Lobbying Acts. Robert continues to provide counsel to various campaign committees and private organizations on the intricacies of these areas of law.

### Affiliations

Pennsylvania Bar Association  
Dauphin County Bar Association  
District of Columbia Bar

### Practices

Government Relations  
Oil & Gas  
Energy

### Education

J.D., The Penn State  
Dickinson School of Law,  
1992

B.S., The Pennsylvania State  
University, Business  
Logistics, 1987

### Admissions

Pennsylvania  
District of Columbia





**James C. Wiltraut, Jr.**  
Director of Federal Government Relations  
james.wiltraut@bipc.com  
T: 202 452 7943 | F: 202 452 6057  
Washington, D.C.

Jim Wiltraut assists clients through the arduous federal legislative and appropriations process and was recognized in Stars and Stripes newspaper for his talent at navigating clients around Capitol Hill and throughout the federal government. He is not an attorney.

Jim effectively takes client concerns to government officials when policies or changes in law would negatively impact their ability to do business and provides companies with access to decision makers interested in hearing from experts in a variety of fields.

Though best known in Washington for representing clients in the areas of national defense and homeland security, Jim also has extensive experience representing energy companies, including those involved in the trading of biofuels, oil, gas, coal and other commodities.

Jim has helped energy companies navigate the complex web of state licensing boards and has facilitated the building of new partnerships with local, state and federal governments in order to better link companies to the communities in which they operate.

Some of Jim's recent accomplishments have included:

- Successfully fighting for millions of dollars in much-needed modernization funding for one of America's leading shipbuilding contractors.
- Developing the initial policy arguments to prevent the U.S. Secretary of Defense from deactivating the 111th Fighter Wing of the Pennsylvania Air National Guard, stationed at Joint Reserve Base (JRB) Willow Grove. Buchanan lawyers used that argument as the foundation for the only successful lawsuit to challenge a base closure recommendation made by the Department of Defense to the BRAC Commission.
- On behalf of the Animal Drug Alliance, twice defeating legislation that would have adversely affected the generic veterinary pharmaceutical industry.

As a senior policy advisor to former Congressman Paul McHale (D-PA), Jim wrote legislation and created strategies for the passage of a variety of initiatives, including those dealing with national security issues such as force restructuring and troop "quality-of-life" reforms.

### Practices

Government Relations  
Government Contracts  
Cybersecurity & Data  
Protection

### Education

Joint Forces Staff College,  
2006  
United States Naval War  
College, 2005  
B.A., University of  
Massachusetts, 1990

In addition, Jim played a key role in the formation of and was the minority staff associate to the National Guard and Reserve Components Caucus in the U.S. House of Representatives, where he organized and managed the National Guard and Reserve Equipment (NG&RE) list, providing more than \$600 million annually in equipment modernization to U.S. Reserve forces.

A 30-year veteran of the military, Jim is a public affairs officer in the United States Navy Reserve. As part of Operation Enduring Freedom, he served as an advisor to the Joint United States Military Assistance Group in Manila, providing strategic communication guidance to military leaders of the Republic of the Philippines.

Jim is a graduate of the U.S. Naval War College and the Joint Forces Staff College at National Defense University.

### **Affiliations**

American League of Lobbyists

Public Relations Society of America

### **Publications and Speeches**

#### **10/3/2013**

Buchanan Ingersoll & Rooney Hosts Luncheon for San Diego Regional Chamber of Commerce

#### **08/31/2011**

Buchanan Ingersoll & Rooney's James C. Wiltraut, Jr. Published in *American Pharmaceutical Review*





## **Terrence Heubert**

### **Government Relations Professional**

terrence.heubert@bipc.com

T: 202 452 6041 | F: 202 452 7989

Washington, D.C.

Terrence Heubert has been advocating for a variety of interests in Washington, DC for 15 years, focusing mainly on health care and transportation & infrastructure work. He has experience working with both the Pennsylvania and federal governments and has represented clients from across the country, including local governments, transit systems, airports and ports. Further, Terry has done significant work with health systems and health insurance plans, including work with CMS payment regulations, competitive bidding, telemedicine and star ratings, among other things.

Prior to his tenure at Buchanan, Terry was the primary federal government advisor to Pennsylvania Governor Mark Schweiker and directed the Governor's Washington Office; he also served under Gov. Tom Ridge. Under Terry's leadership, the Governor's Washington Office secured more than \$150 million in federal funds to assist with rebuilding the Philadelphia School District, to pay for the rescue of the mine workers trapped underground in Southwestern Pennsylvania and to arm the Pennsylvania Air National Guard with a new psychological warfare aircraft. Additional issues areas where Terry was instrumental include: driver license security/biometric identification issues, homeland security, correctional institution issues, gun control, public education reform and welfare. Further, he was the Governor's representative to the National Governors Association and the Republican Governors Association, ensuring that the governor's views were considered within those organizations.

Terry has worked on campaigns at all levels of government and served on the Bush-Cheney Presidential Transition Team in 2001.

### **Civic and Charitable**

Ambassador's Council, Network for Teaching Entrepreneurship  
Board Chair, Landless Theatre Company

### **Publications and Speeches**

**10/3/2013**

Buchanan Ingersoll & Rooney Hosts Luncheon for San Diego Regional Chamber of Commerce

**3/26/2013**

Buchanan Ingersoll & Rooney's Terrence Heubert to Chair Landless Theatre's Board

### **Practices**

Government Relations

### **Education**

B.A., The College of Wooster,  
History and Political Science,  
1998



**Kevin Karpinski**

---

**From:** Heubert, Terrence E. <terrence.heubert@bipc.com>  
**Sent:** Friday, March 28, 2014 2:35 PM  
**To:** Pat Burda; Todd Hoffman  
**Attachments:** Chevy Chase Memo.docx

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## MEMORANDUM

**To:** Terrence Heubert  
Buchanan Ingersoll & Rooney

**From:** Xenophon Strategies

**Date:** March 27, 2014

**Re:** Proposed Public Relations Strategy

---

Terry,

We are pleased to share our thoughts concerning an education campaign to inform the public on the current configuration of the proposed Purple Line.

The primary goals of this effort will be to:

- Highlight the impact the Purple Line will have on the quality-of-life for home owners and businesses along the proposed route;
- Allow all voices to be heard in conversations about the project;
- Respond to misinformation;
- Gather support for appropriate alternatives, such as the BRT

Strategically, all of the above would be designed to create awareness, but also help motivate action on the part of individuals and organizations who would be most affected by the Purple Line. In effect, it would support the development of a grassroots coalition.

Considering timing and budget, we would prioritize the following elements to quickly achieve impact:

### 1. Message & Campaign Development

The Xenophon team will help craft messages which will serve as the foundation for all future communications materials, including collaterals such as press releases, websites, advertising, or others. These messages will act as talking points for spokespersons which might include local elected officials or municipal staff, local HOA board members, commuters, members of the business community, and other individuals and families directly impacted by the Purple Line.

While messages are being solidified, we would work to develop a campaign that would include a more specific timeline and plan for activities over the short, medium and longer terms. The goal of the campaign would be to show, not tell, and provide the public with a visual representation of how the Purple Line, in its current configuration, will affect resident, commuters, business people locally and, potentially, the wider region.

Timing: 1 to 2 weeks

## **2. Media Relations**

Xenophon would not only help respond to media inquiries and stories that appear in mainstream and local media, but also, we would help develop opportunities to create news about the Purple Line. For instance:

- Announcement of the launch of a branded advocacy campaign (and potentially a website, etc.)
- Press release and spot news stories with commentary on FEIS study or other data released by the project developer
- Provide reporters access to third-party, expert sources who can discuss estimates of ridership on the Purple Line
- Feature story pitch to mainstream and local print and electronic media, focusing on a local homeowner or business who will be affected by the Purple Line
- Encourage local HOAs and community groups to report news on the Purple Line in their newsletters, websites and social media channels.

Timing: Immediately and ongoing

## **3. Video**

Develop a video or series of videos with “man on the street”-style interviews of Crescent Trail users and home and small-business owners who will be directly impacted by the proposed Purple Line. The videos would be featured on a website, in social media, in online advertising, sent directly to key audiences via email distribution, as well as to media.

Timing: 3 weeks to 3 months, depending on style and format

In addition to the above, there are an array of other tactics we can implement, depending on time and resources. Listed in order of priority, these include:

## **4. Email newsletters**

An important aspect of a sustainable grassroots campaign would be gathering of email addresses of supporters. A lot of the activities, including the website and social media, would be geared toward email list sign-ups. The newsletter would be distributed periodically, or as necessary, to provide information directly to those who are most interested in this topic.

Timing: 2 to 6 weeks, depending on availability of existing lists

## **5. Website**

While not essential, the hub of the campaign could be a website, which would host statements from local municipalities, fact sheets, infographics, photos and video about the Purple Line, links to news media coverage of the Purple Line, etc. Moreover, it would be a central location to gather key contact information of supporters—such as



email addresses and phone numbers—so that they can be reached again in the future with additional information.

Timing: 2 to 4 weeks and ongoing

#### **6. Infographics**

Create graphical representations of data (Cost of Purple Line, Ridership, Environmental Data, Noise, Safety, etc.) that helps to highlight and focus audience attention on main message points.

Timing: 1 to 2 weeks, and ongoing

#### **7. Photo Essay**

Hire professional photographer to tour the areas that will be directly impacted by the Purple Line including the Capital Crescent Trail and backyards of homeowners. A photo of a retaining wall 10 feet from a home tells the story better than words can.

Timing: 4 weeks, or longer

#### **8. Social Media Program**

Social media can be a natural complement to gather audiences around a shared interest and to drive audience to the website. The use of social media will largely depend on the kind of campaign developed during the planning phase. We would select social media methods that allow the message to be effectively delivered. If a grassroots component is involved, social media may be integral to the campaign's success. A social media program would include the following components:

- Audit and analyze the current social media environment, and provide recommendations.
- Develop strategies and a tactical plan for each digital platform (Twitter, Facebook, or other key social media channels) and create message materials.
- Provide training and assistance with implementation of the social media strategy to prepare local elected officials or municipal staff—and others—to manage their digital strategy moving forward.

Timing: In coordination with the website launch, and ongoing

#### **9. Paid advertisements**

For this purpose, we'd recommend political-style campaign ads such as:

- **Audience-directed online advertising** which can be highly targeted to specific audiences such as local residents, commuters and business people. This tactic can also be used to provide information to FTA staff or State and Federal legislators. In the best case, online ads are among the most cost-effective advertising methods.

Timing: 2 weeks to create a campaign; 30-days of ads, not necessarily consecutively

- **Outdoor Ads** such as door-hangers and/ or campaign signs might also be effective in this case, in retail shop windows or on homeowner lawns, as appropriate.

Timing: This would be rolled out at an appropriate time, perhaps in conjunction with a major announcement or just in advance of a public meeting or decision on the Purple Line

-more-

## Budget Outline

<b>COST SUMMARY</b>					
<b>Professional Services</b>	<b>Monthly Base Services</b>	<b>Recommendations</b>	<b>Units</b>	<b>Annual Project Cost</b>	
<b>Account Services</b>	\$ 9,977.00	\$ 9,977.00	12.00	\$	119,724.00
Message & Campaign Development					
Media Relations					
Social Media					
<b>Graphic/ Web Design</b>	\$ -	\$ 1,900.00	12.00	\$	22,800.00
Website maintenance					
Infographics					
<b>Professional Services Subtotal</b>	\$ 9,977.00	\$ 11,877.00		\$	142,524.00
<b>Estimated Expenses</b>					
<b>Routine Expense Fee (6%)</b>	\$ 598.62	\$ 598.62	12.00	\$	7,183.44
<b>Travel</b>	\$ -	\$ -		\$	-
<b>Website creation</b>	\$ -	\$ 5,000.00	1.00	\$	5,000.00
<b>Video</b>	\$ -	\$ 10,000.00	1.00	\$	10,000.00
<b>Photo Essay</b>	\$ -	\$ 5,000.00	1.00	\$	5,000.00
<b>Audience Directed Ads</b>	\$ -	\$ 15,000.00	1.00	\$	15,000.00
<b>Outdoor Ads</b>	\$ -	\$ 10,000.00	1.00	\$	10,000.00
<b>Expenses Subtotal</b>	\$ 598.62	\$ 45,598.62		\$	52,183.44
<b>Grand Total</b>	\$ 10,575.62			\$	194,707.44



###

## Kevin Karpinski

---

**From:** Diane Marczak <dmarczak@samschwartz.com>  
**Sent:** Friday, September 05, 2014 4:01 PM  
**To:** Todd Hoffman  
**Cc:** Kate Sargent  
**Subject:** SSE invoice 62252  
**Attachments:** Inv 62252 Aug 14.pdf

Good afternoon,

Attached is SSE invoice #62252 for the project: Chevy Chase Ridership Data Review. Should you have any questions, feel free to contact us.

Thank you.

**Diane M. Marczak**  
Senior Office Administrator

[dmarczak@samschwartz.com](mailto:dmarczak@samschwartz.com)  
phone: (630) 213-1000 x 419  
[1000 W. Irving Park Road, Suite 130, Itasca, IL 60143](#)



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**Sam Schwartz Engineering, DPC**

322 Eighth Avenue

Fifth Floor

New York, NY 10001

Accounts Receivable

**The Town of Chevy Chase**

4301 Willow Lane

Chevy Chase, MD 20815

Todd Hoffman

**INVOICE**

No. 62252

09/05/2014

**Chevy Chase Ridership Data Review****14-01-3530**

For Services Rendered Through 8/29/2014

**Professional Services**

	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
<b>001 Ridership Data Review</b>			
Berkowsky, Daniel	5.50	115.00	\$632.50
Sargent, Kathryn	1.00	163.00	\$163.00
Schechtman, Harris	5.00	240.00	\$1,200.00
<b>Total for 001 Ridership Data Review</b>	<b>11.50</b>		<b>\$1,995.50</b>
<b>Total Professional Services</b>	<b>11.50</b>		<b>\$1,995.50</b>
<b>Invoice Amount</b>			<b>\$1,995.50</b>



## Kevin Karpinski

---

**From:** Harris Schechtman <hschechtman@samschwartz.com>  
**Sent:** Friday, August 29, 2014 3:17 PM  
**To:** Todd Hoffman  
**Cc:** Harris Schechtman; hmschech@gmail.com; Kate Sargent  
**Subject:** Chevy Chase Modified 8-29-14  
**Attachments:** Chevy Chase Modified 8-29-14.docx

Todd,

Due to some technical difficulties, this will not be completed this afternoon. But I want you to have a chance to review and comment on the material as it stands now. The rest on Tuesday. Have a great weekend.

Harris

## Memorandum

To: Town of Chevy Chase

From: Sam Schwartz Engineering

Date: August 29, 2014

Re: Review of Purple Line Environmental Impact Statement Analysis Questions

Project No: 14-01-3530

At the request of the Town of Chevy Chase (the Town), Sam Schwartz Engineering (SSE) has reviewed the documentation compiled during our previous effort which assessed the analysis and findings contained in the Maryland Transit Administration's (MTA) Alternatives Analysis/Draft Environmental Impact Statement (AA/DEIS) for the Purple Line. The purpose of this review is to provide the Town with a summary of issues and questions related to its ridership projections developed during SSE's review. These are presented for the Town's use in continuing its advocating efforts.

1. MTA used one variation of the MWCOC model to develop statistics for the AA/DEIS, then recalibrated its model **after** the LPA was selected to one that generated over 4,000 more daily rides for LRT, which was used to obtain New Starts funding. Why was this change made, and how did the "accuracy" of the model change so much in three years, when the public was assured in the LPA-selection process that the earlier version was sound?
2. The FTA requires that model inputs use current fare structure, unless a new fare policy has been officially adopted. No such new policy has been adopted for Purple Line, yet MTA's September 2008 Purple Line Travel Demand Forecasting Technical Report (p2-9) states that some "means of electronic fare collection would enable an integrated fare structure and convenient transfer with other transit services". This hints that something less than a full Purple Line + full Red Line fare was used to forecast use of LRT for Walter Reed/NIH-bound trips. If this was done, then it artificially inflated Purple Line ridership estimates. What fare was actually used, and how did the resultant ridership projection differ from what would have been had the FTA formula been used?
3. Total trip time is a major component of the trip generation model. These questions deal with projected travel time on the Purple Line segment only, and specifically assumptions about the High Investment LRT and BRT alternatives (It should be noted that the HIBRT was analyzed by MTA [the source of data used here], yet inexplicably not advanced to final consideration, even though its projected ridership was 14% less and both its construction and operating costs lower).
  - a. P. 2.8 of MTA's Travel Demand Forecasting Technical Report states "The High Alternative LRT Alternative is nearly identical to the High Investment BRT

Alternative, except that it only serves the south entrance of the Bethesda Metro Station."

- i. Based on this, why does MTA Table 2-6 assign a 50 minute running time to LRT, but 59 minutes to BRT? What would the BRT ridership projection have been with a 50 minute running time?
  - ii. Table 2-7 shows that it would take HIBRT 3.1 minutes longer to travel along CCT between Bethesda and Connecticut Avenue. How can this be, since both follow the identical route eastbound? What would the projected HIBRT ridership rise to without this penalty?
  - iii. Table 2-10 projects 13,000 daily LRT boardings in Bethesda (one station) vs. only 9,000 total for HIBRT at two stations in Bethesda. Since people boarding at South Metro have the identical trip, why would BRT boardings be so much lower? Since people boarding BRT at North Metro are closer to all destinations in central and north downtown, and actually have a shorter trip than LRT (since they don't have to walk and take escalators or elevators to reach the street), shouldn't that attract more, not fewer boardings?
  - iv. Why did MTA assign the longest, slowest possible routing for HIBRT through downtown Bethesda, when a clockwise loop or a direct BRT turnaround at Woodmont Plaza (where the LRT tail tracks are scheduled to go) would have generated the same or similar running times as LRT? Is there any reason to believe that HIBRT would not then have the same projected ridership as LRT?
4. What impact have the BRAC changes had on future ridership projections? Have ridership projections for trips generated by the medical center been increased from the unrealistically low 60 trips originally reported? What is the difference in BRAC-generated ridership between the LRT/Red Line transfer option and the BRT one-seat service along Jones Bridge Road?
5. Have ridership projections been revised to reflect the transfer penalty associated with passenger transfers between Purple Line, Metro, and local buses? The AA/DEIS evaluated Capital Crescent Trail (CCT) alternatives using a free transfer for Medical Center-bound passengers transferring between the Purple Line and the Red Line despite the fact that this transfer was not, in fact, determined to be free.
6. Additionally, has the MTA applied a further penalty due to passenger perceptions of wait times for this transfer in their ridership projections?
7. Has the MTA revised the catchment areas used to estimate ridership generated around station areas? It previously used catchment areas larger than the industry standard of a maximum radius of 0.5 miles around stations, inflating projected ridership. As of May, 2009, the MTA had revised graphics and maps to reflect the appropriate catchment area size, but had not revised the actual numbers.
8. Has the MTA revised its ridership estimates for the Purple Line to exclude ridership generated from the areas of downtown Bethesda and North Woodmont that are over 0.5 miles from the proposed Bethesda terminus? Industry practice dictates that these areas are outside of the typical catchment area for the station and would therefore be unlikely to attract riders.



9. What modal bonus, independent of individual features of each mode, was given for rail compared to bus for ridership projections?
10. Many light rail services that have opened in the last decade are in practice running relatively infrequent service, particularly in off-peak and evening hours, resulting in poor ridership. What are the plans to ensure that funding is consistently available going forward to operate the Purple Line with the frequencies currently promised (six-minute headways during the peak and 10 to 20-minute headways during off peak periods)?
11. What percentage of projected trips that involve the Purple Line would be less 30 minutes total (including connections)?
12. How do projected total trip times for trips involving the Purple Line compare to current average total trip times in the study area on existing modes?
13. Was an origin-destination study conducted involving major employment centers in the study area? If so, how were the findings incorporated into the ridership model?
14. What is the percentage of zero-car households within one-half mile walking distance of planned Purple Line stations?
15. What percentage of Purple Line commuters during peak hours are destined for Washington DC?
16. Was a survey conducted to determine existing travel behavior and circumstances under which people would leave their car at home and take the Purple Line instead? If so, how were the survey results incorporated into the ridership model?
17. Is the MTA aware of a suburb-to-suburb light rail service that has produced comparable ridership projections – particularly at the densities that exist along the Purple Line corridor?

## Kevin Karpinski

---

**From:** Harris Schechtman <hschechtman@samschwartz.com>  
**Sent:** Wednesday, August 27, 2014 2:46 PM  
**To:** Todd Hoffman  
**Subject:** FW: The Antiplanner > No one's riding light rail, so reduce fares and build more Read more

Todd,

Interesting article. Given this is the Cato Institute, I would give more credence to its descriptions of the Virginia experience than their statistics, which are selectively culled from favorable sources.

Harris

**Subject:** The Antiplanner > No one's riding light rail, so reduce fares and build more Read more

The Antiplanner > No one's riding light rail, so reduce fares and build more [Read more](#)

**Samuel I. Schwartz, P.E.**  
President + CEO  
[sschwartz@samschwartz.com](mailto:sschwartz@samschwartz.com)  
phone: (212) 598-9010 x 110  
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[322 Eighth, 5th Fl | NY, NY 10001](#)



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## Kevin Karpinski

---

**From:** Kate Sargent <ksargent@samschwartz.com>  
**Sent:** Tuesday, August 12, 2014 2:20 PM  
**To:** Todd Hoffman; Harris Schechtman  
**Subject:** RE: Chevy Chase ridership model review proposal

Thank you, Todd.

Here is a link to upload data. Apologies – I thought that my colleague Dan provided it yesterday.

<https://sse.sharefile.com/r/ra7b034154b049938>

Once we receive the data we will get started right away.

**From:** Todd Hoffman [mailto:thoffman@townofchevy Chase.org]  
**Sent:** Tuesday, August 12, 2014 2:16 PM  
**To:** Harris Schechtman  
**Cc:** Laura Toole; Kate Sargent  
**Subject:** RE: Chevy Chase ridership model review proposal

Thanks Harris. Attached is the signed proposal. Kate, could you provide the data upload information?

---

Todd Hoffman  
Town Manager  
Town of Chevy Chase, Maryland  
4301 Willow Lane  
Chevy Chase, MD 20815  
301-654-7144 (P)  
301-718-9631 (F)  
[thoffman@townofchevy Chase.org](mailto:thoffman@townofchevy Chase.org)

**From:** Harris Schechtman [mailto:hschechtman@samschwartz.com]  
**Sent:** Tuesday, August 12, 2014 11:30 AM  
**To:** Todd Hoffman  
**Cc:** Laura Toole; Kate Sargent  
**Subject:** Chevy Chase ridership model review proposal

Todd,

We have incorporated the wording changes requested by Kathy Strom to remove any question on the Town's part about its ability to use and/or transmit the questions that SSE will produce under this contract, and have done so in both the first and the third paragraphs of the proposal.

With this change, I hope the proposal is good for acceptance. Feel free to call with any questions.

Harris



**Kevin Karpinski**

---

**From:** Harris Schechtman <hschechtman@samschwartz.com>  
**Sent:** Tuesday, August 12, 2014 11:30 AM  
**To:** Todd Hoffman  
**Cc:** Laura Toole; Kate Sargent  
**Subject:** Chevy Chase ridership model review proposal  
**Attachments:** Chevy Chase ridership model review proposal.docx

Todd,

We have incorporated the wording changes requested by Kathy Strom to remove any question on the Town's part about its ability to use and/or transmit the questions that SSE will produce under this contract, and have done so in both the first and the third paragraphs of the proposal.

With this change, I hope the proposal is good for acceptance. Feel free to call with any questions.

Harris

611 Broadway, Suite 415  
New York, NY 10012  
phone: (212) 598-9010  
samschwartz.com

August 12, 2014

Todd Hoffman  
Town Manager  
Town of Chevy Chase, Maryland  
4301 Willow Lane  
Chevy Chase, MD 20815

Dear Mr. Hoffman:

The following scope of services outlines the request made of Sam Schwartz Engineering (SSE) to review ridership modeling data provided to the Town of Chevy Chase ("the Town") by the Maryland Transit Administration (MTA) and to develop and provide to the Town questions for use by the Town and for possible submission by the Town to the MTA.

SSE will review the ridership model information that was provided to the Town by MTA within the last month via CD ROM. SSE will determine if any of the provided data is comprehensible without purchasing proprietary modeling software, and if so, SSE will review the modeling data inputs and seek areas that may not conform to standard transit modeling practice, or to actual conditions in the study area, to the best of SSE's knowledge.

Whether or not SSE is able to decipher the provided modeling data inputs, SSE will develop and provide to the Town questions, for use by the Town and for possible submission by the Town to the MTA, about inputs to and outputs of the ridership model that MTA may be able to answer using its proprietary software, or by access to data not made available. These questions will focus on conformance to standard transit modeling practice (to the best of SSE's knowledge), and to the derivation of findings whose validity may be critical to the study's conclusions, recommendations, and/or reported impacts (or lack thereof) on the Town of Chevy Chase.

This will be a high level effort driven by SSE's experience and knowledge, the breadth of which will reflect the Town's budget and quick turnaround constraints. SSE's efforts outlined in this scope of services will be provided at a cost not-to-exceed **\$2,000**, according to the attached rate schedule and standard terms and conditions. SSE is prepared to start work immediately upon receipt of approval to proceed, by authorized signature below.

## **Sam Schwartz Engineering**

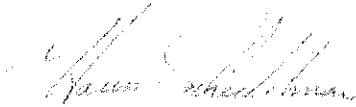
+ Analyzing  
Inventing  
Engaging  
Researching  
Planning  
Strategizing  
Collaborating  
Evaluating  
Designing  
Organizing  
Solving  
Specifying  
Updating  
Inspecting  
Surveying  
Coordinating  
Assessing  
Maximizing  
Publicizing  
Directing  
Activating  
Expanding  
Timing  
Identifying  
Measuring  
Publishing  
Integrating  
Partnering  
Managing  
Anticipating  
Envisioning  
Consulting  
Interacting  
Creating  
Implementing  
Building  
Transforming  
Connecting  
Changing

**D.P.C.**

Todd Hoffman  
August 12, 2014  
Page 2

We are pleased to again have the opportunity to assist the Town of Chevy Chase in this important job. Please feel free to call with any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harris Schechtman".

Harris Schechtman  
Principal + National Transit Director

Approved \_\_\_\_\_  
(for Town of Chevy Chase) Date



## Kevin Karpinski

---

**From:** Kate Sargent <[ksargent@samschwartz.com](mailto:ksargent@samschwartz.com)>  
**Sent:** Thursday, August 07, 2014 12:45 PM  
**To:** Todd Hoffman  
**Cc:** Harris Schechtman  
**Subject:** Scope of Services  
**Attachments:** Chevy Chase ridership model review proposal.pdf

Hello, Todd. Please see attached scope of services, per our discussion earlier this week, for your signature. We are prepared to start as soon as we receive a signed scope and the data to review.

If you haven't already put the CD's in the mail, I can send a link where the data could be uploaded to our sharefile site instead.

Thank you.

**Kate Sargent, AICP**  
Associate + Project Manager

***We've moved! Please note our new location below.***

[ksargent@samschwartz.com](mailto:ksargent@samschwartz.com)  
phone: (212) 598-9010 x 164  
cell: (917) 843-8642  
toll free: (877) 729-7249  
[322 Eighth Avenue, Fifth Floor | NY, NY 10001](#)



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August 7, 2014

Todd Hoffman  
Town Manager  
Town of Chevy Chase, Maryland  
4301 Willow Lane  
Chevy Chase, MD 20815

Dear Mr. Hoffman:

The following scope of services outlines the request made of Sam Schwartz Engineering (SSE) to review ridership modeling data provided to the Town of Chevy Chase ("the Town") by the Maryland Transit Administration (MTA) and to develop questions for the Town to submit to MTA.

SSE will review the ridership model information that was provided to the Town by MTA within the last month via CD ROM. SSE will determine if any of the provided data is comprehensible without purchasing proprietary modeling software, and if so, SSE will review the modeling data inputs and seek areas that may not conform to standard transit modeling practice, or to actual conditions in the study area, to the best of SSE's knowledge.

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## **Sam Schwartz Engineering**

Analyzing  
Inventing  
Engaging  
Researching  
Planning  
Strategizing  
Collaborating  
Evaluating  
Designing  
Organizing  
Solving  
Specifying  
Updating  
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Surveying  
Coordinating  
Assessing  
Maximizing  
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Directing  
Activating  
Expanding  
Timing  
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Measuring  
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Anticipating  
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Changing

**D.P.C.**

Todd Hoffman  
August 7, 2014  
Page 2

We are pleased to again have the opportunity to assist the Town of Chevy Chase in this important job. Please feel free to call with any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harris Schechtman".

Harris Schechtman  
Principal + National Transit Director

Approved

\_\_\_\_\_  
(for Town of Chevy Chase)

\_\_\_\_\_  
Date



## 2014 Consulting Fees

	2014 Hourly Rate
<b>Management</b>	
President	\$650
Executive Vice President	\$335
Senior Vice President	\$285
Senior Principal	\$285
Vice President	\$240
Principal	\$240
Director	\$200
Sr. Project Manager/Deputy Director	\$185
Project Manager	\$163
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Civil Engineer I	\$81
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Sr. Civil Designer I	\$113
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Technician	\$50
<b>Construction Related Services</b>	
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Engineer/MPT	\$130
Senior Resident Engineer	\$191
Resident Engineer	\$151
Office Engineer/Senior Inspector	\$130
Inspector	\$108
Sr. Technician	\$63
Technician	\$50
<b>Community Outreach Services</b>	
Sr. Outreach Coordinator	\$108
Outreach Coordinator	\$93
Traffic Monitor	\$80
Technician	\$50
<b>Technical Support Services</b>	
Sr. CADD Operator	\$103
CADD Operator	\$81
Senior Graphic Designer	\$103
Graphic Designer	\$81
<b>Administrative Services</b>	
Sr. Project Coordinator	\$81
Project Coordinator	\$70
Administrator II	\$60
Administrator I	\$49

**Sam Schwartz Engineering, D.P.C. (SSE)**  
Standard Terms and Conditions

- A. Basic Services:** Compensation for the Basic Services shall be billed monthly in accordance with the SSE's standard invoicing practices or as otherwise provided in below. Employee hourly rates are subject to reasonable annual increases.
- B. Additional Services:** Additional Services shall be billed at employee hours times standard hourly rates for each applicable class of services rendered in accordance with the attached rate sheet or an agreed fixed amount.
- C. Client Supplied Information:** SSE is entitled to rely upon the accuracy of any and all information supplied by Client or consultant(s) retained by Client.
- D. Reimbursable Expenses:** Reimbursable Expenses are direct project related expenses for travel, tolls, mileage, lodging, meals, long distance telephone calls, fees paid for securing approval of governmental authorities, printing, copying, cost of any reproduction and postage. Reimbursable expenses shall be billed monthly at cost plus 15%.

Copying & Printing	0.25 per page
Plotter Printing	1.50 per square foot
Blue Prints	0.35 per square foot

- E. Sub-Consultants:** Sub-Consultant expenses are direct project related expenses billed to SSE for work performed on project plus the Sub-Consultant's associated reimbursable expenses and shall be billed monthly at cost plus 15%.
- F. Billing/Payments:** Invoices for SSE's services shall be submitted, at SSE's option, either upon completion of such services or on a monthly basis. Invoices shall be payable within 30 days of the invoice date. If the invoice is not paid within 30 days, SSE may, without liability, after giving seven days written notice to Client, suspend services under this Agreement until SSE has been paid in full all amounts due for services, expenses and other related charges. Payments will be credited first to interest and then to principal. Retainers will be credited on the final invoice.
- G. Late Payments:** Invoices unpaid 60 days after the invoice date shall be subject to a monthly service charge of 1.5 % (or the maximum prevailing rate) on overdue balances. In the event any portion, or all, of an account remains unpaid 90 days after billing, the Client shall pay all costs of collection including reasonable attorney's fees.
- H. Indemnification:** The Client shall, to the fullest extent permitted by law, defend, indemnify, and hold harmless SSE, its officers, directors, employees, agents and subconsultants, from and against all damage, liability and cost, including reasonable attorney's fees, arising out of or in any way connected with the Project or performance by SSE or the Client in connection with the services under this agreement, excepting only those damages, liabilities or costs, attributable to the negligence, breach or willful misconduct of SSE.

**Sam Schwartz Engineering, D.P.C. (SSE)**  
Standard Terms and Conditions

- I. Standard of Care:** SSE will perform services under this Agreement in a manner consistent with the level of care and skill ordinarily exercised by members of the engineering and planning profession practicing contemporaneously under similar conditions in the locality of the project. No other representation, expressed or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document, or otherwise.
- J. Certification, Guarantees and Warranties:** SSE shall not be required to execute any document that would result in its certifying, guaranteeing, stamping or warranting the existence of conditions unless it agrees to do so by a separate written agreement.
- K. Limitation of Liability:** In recognition of the relative risks, rewards and benefits of the project for both the Client and SSE, the Client agrees that to the fullest extent permitted by law, SSE's total liability to the Client for any and all injuries, claims, losses, expenses, damages, or claim expenses arising out of this agreement from any cause or causes, shall not exceed SSE's fee for the Project. Such causes include, but are not limited to, the SSE's negligence, errors, omissions, strict liability, breach of contract or breach of warranty.
- L. Termination of Services:** This agreement may be terminated by either party upon thirty (30) days written notification should the other party fail substantially to perform in accordance with its terms through no fault of the party initiating the termination. The Client, upon thirty (30) days written notice, may terminate this agreement with SSE in the event that the Project is permanently abandoned. In the event of a termination as a result of either the above circumstances, the Client shall pay SSE for all services rendered to the date of termination, all reimbursable expenses, and reasonable termination expenses.
- M. Ownership of Documents:** All documents produced by SSE under this agreement shall remain the property of SSE and may not be used by the Client for any other endeavor without the written consent of SSE.
- N. Dispute Resolution:** Any claims or disputes arising from or relating to the Project between the Client and SSE shall be submitted to nonbinding mediation. The Client and SSE agree to a similar mediation agreement with all contractors, subcontractors, subconsultants, suppliers and fabricators, thereby providing for mediation as the primary method for dispute resolution between all parties. All litigation is subject to New York State Law and will be resolved in the state of New York.



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- O. Access to Site:** SSE will have access to the work site for activities necessary for the performance of services. SSE will take precautions to minimize the damage due to these activities, but has not included in the fee nor shall it be responsible for the cost of restoration of any resulting damage. Further, SSE is not responsible for job site safety. The Project contractor(s) will retain full responsibilities for the means and methods of construction and safety for workmen and third parties.
- P. Confidentiality:** Sub-Consultant, its employees, affiliates, agents, contractors, representatives and officers shall not, without prior written approval of Client, disclose any information not already in the public domain with respect to their Agreement and the Services of the Project, any potential development regarding or related to the same, including issuance of any public relations or other publicity.

611 Broadway, Suite 415  
New York, NY 10012  
phone: (212) 598-9010  
samschwartz.com

August 7, 2014

Todd Hoffman  
Town Manager  
Town of Chevy Chase, Maryland  
4301 Willow Lane  
Chevy Chase, MD 20815

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Harris Schechtman  
Principal + National Transit Director

Approved \_\_\_\_\_  
(for Town of Chevy Chase) Date



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**Kevin Karpinski**

---

**From:** Kate Sargent <ksargent@samschwartz.com>  
**Sent:** Monday, July 28, 2014 1:58 PM  
**To:** Todd Hoffman  
**Subject:** PL materials

Hi Todd,

Actually, I think this is the info that was on the CD: <https://sse.sharefile.com/d/sa6706dbf4354d758>

## Kevin Karpinski

---

**From:** Kate Sargent <ksargent@samschwartz.com>  
**Sent:** Wednesday, July 09, 2014 11:07 AM  
**To:** Todd Hoffman  
**Subject:** RE: MTA Response to Dec 2008 PIA Request  
**Attachments:** MTA FOIA response letter.pdf; MPIA Request.pdf; letter from Madden 10.24.08.pdf

Hello, Todd. Please see the attached documents and the documents uploaded here:  
<https://sse.sharefile.com/d/sf9aad90dd7d49fba>

I found a letter from Mike Madden dated 10.24.08 rather than 10.8.08. Is this maybe what you are looking for?

This is what I could find in the electronic file. We may have additional things in the hard copy file but it was sent to our off-site archive. If it would be helpful for me to look through that archive, I can put in a request to have the archive pulled.

Hope this helps.

**Kate Sargent, AICP**  
Associate + Project Manager

***We've moved! Please note our new location below.***

[ksargent@samschwartz.com](mailto:ksargent@samschwartz.com)  
phone: (212) 598-9010 x 164  
cell: (917) 843-8642  
toll free: (877) 729-7249  
[322 Eighth Avenue, Fifth Floor | NY, NY 10001](#)



[samschwartz.com](http://samschwartz.com) | [TransCentral e-News](#)

THIS MESSAGE IS CONFIDENTIAL AND MAY  
CONTAIN PRIVATE INFORMATION. IT IS INTENDED  
ONLY FOR THE INDIVIDUAL(S) NAMED HEREIN.  
IF YOU ARE NOT THE NAMED ADDRESSEE(S) YOU  
MUST DELETE THIS EMAIL IMMEDIATELY. DO NOT  
DISSEMINATE, DISTRIBUTE OR COPY. SSE IS NOT  
RESPONSIBLE FOR ANY DAMAGES OR OTHER  
ISSUES ARISING FROM THE UNAUTHORIZED USE  
OF THIS MESSAGE BY UNINTENDED RECIPIENTS.  
*Please consider the environment before  
printing this e-mail*

**From:** Todd Hoffman [<mailto:thoffman@townofchevy Chase.org>]  
**Sent:** Tuesday, July 08, 2014 4:09 PM  
**To:** Kate Sargent  
**Subject:** MTA Response to Dec 2008 PIA Request

Kate,

In addition to the document I called about earlier, we are also looking for the document referenced above. The law firm of Sidley Austin made the request on behalf of the Town and the response should have come in after January 2009. Thanks for checking.



---

Todd Hoffman  
Town Manager  
Town of Chevy Chase, Maryland  
4301 Willow Lane  
Chevy Chase, MD 20815  
301-654-7144 (P)  
301-718-9631 (F)  
[thoffman@townofchevyCHASE.org](mailto:thoffman@townofchevyCHASE.org)



**MARYLAND TRANSIT ADMINISTRATION**

**MARYLAND DEPARTMENT OF TRANSPORTATION**

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor  
John D. Porcari, Secretary • Paul J. Wiedefeld, Administrator

January 13, 2009

Stacey L. Wilson, Esq.  
Sidley Austin LLP  
1501 K Street N.W.  
Washington DC 20005

Re: **Public Information Act Request**  
**AA/DEIS Related Documents**

Dear Ms. Wilson:

I am in receipt of your Public Information Act ("PIA") request letter dated December 15, 2008, which I received via cc on December 18, 2008. I am the custodian of the records you are requesting. Your request is granted in part and denied in part. See below for the specific breakdown.

1. Electronic workpapers in spreadsheet formats that detail the development of the annual incremental O & M expenses included in Tables 4-7 and 4-8 of the O & M Technical Report. **Your request is both granted and denied. All the information necessary to replicate the operating and maintenance costs is available in the Operating and Maintenance Cost Technical Report, which will be provided. The spreadsheets used are a propriety tool of a private entity, that was developed independent of contract with the MTA, thus the request is denied pursuant to State Gov't Art., § 10-617(d). (23 pages)**
2. Any spreadsheet of materials documenting the link, between the statistics shown in Table 4-6 of the O&M Technical Report to the statistics used to develop the annual incremental O&M Expenses in the same report. **The PIA does not contemplate answering questions, however, see Section 3 of the Technical Report. (1 page)**
3. Electronic copy of the cost information database used to develop the capital costs for each alternative as described in Sections 4.2.3 and 4.2.4 of the Capital Cost Report, including all links to the UCL and links to any separate databases which contain the quantity and units for each transit alternative. **Your request is both granted and denied. A print copy of all estimate back-up sheets will be provided. The spreadsheets used are a propriety tool of PB, that was developed independent of contract with the MTA, thus the request is denied pursuant to State Gov't Art., § 10-617(d). (148 pages)**
4. Electronic copy of the cost information database used to develop the capital costs for each alternative as described in Sections 4.2.3 and 4.2.4 of the Capital Cost

Report, including all links to the UCL and links to any separate databases which contain the quantity and units for each transit alternative. **This is repeat of number 3.**

5. Electronic workpapers used to develop the capital cost estimates shown in Table 6-1 of the Capital Cost Report. **Your request is both granted and denied. A print copy of all estimate back-up sheets will be provided. The spreadsheets used are a propriety tool of a private entity, that was developed independent of contract with the MTA, thus the request is denied pursuant to State Gov't Art., § 10-617(d). (148 pages)**
6. Electronic work papers used to calculate the Annualized Capital Costs shown in Table 6-3 of the DEIS. **Your request is granted, however, it is being provided as printed documents, not electronically. (1 page)**
7. Electronic workpapers used to develop the Annualized Cost Per Hour of Unit Benefits shown in Tables 6-2 and 6-3 of the DEIS. **Your request is granted, however, it is being provided as printed documents, not electronically. (1 page)**
8. Electronic workpapers used to develop the Annualized Cost Per New Rider Relative to the No Build Alternative shown in Table 6-2 of the DEIS. **Your request is granted, however, it is being provided as printed documents, not electronically. (1 page)**
9. The AECOM Transit original mode choice calibration report, including all mode choice coefficient values. **Your request is granted. (9 pages)**
10. To the extent that the MTA recalibrated the MWCOG/AECOM Transit model, please provide the calibration report, including all mode choice coefficient values. **This request is granted in part. No calibration report exists. Calibration coefficient values will be provided. (2 pages)**
11. Please provide all workpapers supporting the figures shown in Table 3-58 ("Non-Included Attributes") in the Travel Demand Forecasting Technical Report. **Your request is granted. (1 page)**
12. For each alternative described in Section 2 of the Travel Demand Forecasting Technical Report, please provide the zonal walk times and percent walk to transit included in the AECOM Transit model input file. **This request is denied because no document exists responsive to this request.**
13. Electronic worksheets in spreadsheet formats that detail the annual change in System wide Farebox Revenues included in table 5-2 of the Purple Line Alternatives Analysis Draft Environmental Impact Statement ("DEIS"). **Your request is granted, however, it is being provided as printed documents, not electronically. (5 pages)**

This agency charges a fee of \$0.25 per page for copies. MTA is producing 191 pages at a total cost of \$47.75. Please forward a check in the amount of \$47.75 made payable to the Maryland Transit Administration to: Stacey Freedman, Office Manager, Maryland Transit Administration, Office of the Attorney General, 6 St. Paul St., 12<sup>th</sup> Floor, Baltimore, Maryland 21202. As soon as Ms. Freedman receives the check, the documents will be released. The page count in parenthesis for each request total more than 191. This is due to the fact that some documents are responsive to more than one request.

Pursuant to § 10-622 of the State Government Article, you are entitled to an administrative review with this agency upon request. If requested such review will be conducted in accordance with State Government Article §§ 10-205 to 10-221 and hearing regulations of the Maryland Department of Transportation published at COMAR 11.01.13.11 and 11.01.14.01 through .14. You may also pursue judicial enforcement remedies under § 10-623 of the State Government Article.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. Madden". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Madden, Chief  
Project Development-Office of Planning



Stacey L. Wilson  
Sidley Austin LLP  
1501 K Street N.W.  
Washington, D.C. 20005  
202-736-8059

December 15, 2008

Transportation Secretary John D. Porcari  
Office of Secretary  
Department of Transportation  
7201 Corporate Center Drive  
Hanover, MD 21076

**PURPLE LINE MPIA REQUEST**

Dear Secretary Porcari:

This is a request under the Maryland Public Information Act, State Government Article §§10-611 to 628. I am making this request on behalf of the Town of Chevy Chase. In this capacity, I request access to and copies of the following information used to prepare the Maryland Transit Administration's Purple Line Alternatives Analysis/Draft Environmental Impact Statement:

1. Electronic workpapers in spreadsheet formats that detail the development of the annual incremental O&M expenses included in Tables 4-7 and 4-8 of the O&M Technical Report.
2. Any spreadsheets or materials documenting the link between the statistics shown in Table 4-6 of the O&M Technical Report to the statistics used to develop the annual incremental O&M Expenses in the same report.
3. Electronic copy of the cost information database used to develop the capital costs for each alternative as described in Sections 4.2.3 and 4.2.4 of the Capital Cost Report, including all links to the UCL and links to any separate databases which contain the quantity and units for each transit alternative.
4. Electronic copy of the cost information database used to develop the capital costs for each alternative as described in Sections 4.2.3 and 4.2.4 of the Capital Cost Report, including all links to the UCL and links to any separate databases which contain the quantity and units for each transit alternative.
5. Electronic workpapers used to develop the capital cost estimates shown in Table 6-1 of the Capital Cost Report.
6. Electronic workpapers used to calculate the Annualized Capital Costs shown in Table 6-3 of the DEIS.
7. Electronic workpapers used to develop the Annualized Cost Per Hour of Unit Benefits shown in Tables 6-2 and 6-3 of the DEIS.

8. Electronic workpapers used to develop the Annualized Cost Per New Rider Relative to the No Build Alternative shown in Table 6-2 of the DEIS.
9. The AECOM Transit original mode choice calibration report, including all mode choice coefficient values.
10. To the extent that the MTA recalibrated the MWCOG/AECOM Transit model, please provide the calibration report, including all mode choice coefficient values.
11. All workpapers supporting the figures shown in Table 3-58 ("NonIncluded Attributes") in the Travel Demand Forecasting Technical Report.
12. For each alternative described in Section 2 of the Travel Demand Forecasting Technical Report, please provide the zonal walk times and percent walk to transit included in the AECOM Transit model input files.
13. Electronic workpapers in spreadsheet formats that detail the annual change in Systemwide Farebox Revenues included in table 5-2 of the Purple Line Alternatives Analysis Draft Environmental Impact Statement ("DEIS").

If all or any part of this request is denied, I request that I be provided with a written statement of the grounds for the denial. If you determine that some portions of the requested records are exempt from disclosure, please provide me with the portions that can be disclosed.

I also anticipate that I will want copies of some or all of the records sought. Therefore, please advise me as to the cost, if any, for obtaining a copy of the records and the total cost, if any, for all the records described above. If you have adopted a fee schedule for obtaining copies of records and other rules or regulations implementing the Act, please send me a copy.

I look forward to receiving disclosable records promptly and, in any event, to a decision about all of the requested records within 30 days. Thank you for your cooperation. If you have any questions regarding this request, please telephone me at the above number.

Thank you for your assistance.

Sincerely,



Stacey L. Wilson

cc: Mr. Michael D. Madden  
Chief, Project Development  
Office of Planning  
Maryland Transit Administration



**MARYLAND TRANSIT ADMINISTRATION**

**MARYLAND DEPARTMENT OF TRANSPORTATION**

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor  
John D. Porcari, Secretary • Paul J. Wiedefeld, Administrator

October 24, 2008

The Honorable Kathy Strom  
Mayor, Town of Chevy Chase  
4301 Willow Lane  
Chevy Chase, MD 20815

Dear Mayor Strom:

This letter has been written as the second response to your request (dated September 15<sup>th</sup>) for additional project information to be reviewed by you and your consultant with regards to the ongoing planning for the Purple Line AA/DEIS.

This letter responds to the remaining items on the list you provided earlier. In an effort to maintain clarity between the questions you asked and the responses provided we have retained the original text of your request (noted in italics below) and have provided our response immediately following each item. Much of the information requested is contained in the AA/DEIS and associated technical reports which have been referenced where appropriate.

As this response represents the final deliverable for the list of needs identified by your consultant we would like to request the scheduling of the meeting to discuss any additional technical questions or input required. We understand that there may be more questions generated by review of DEIS documents which can also be discussed at this meeting. Please let us know what dates and times work for you consultant for this meeting, we will work to insure that team members responsible for various parts of the project are available for that meeting.

The items requested:

***1. Inputs used for the Transit Signal Priority (TSP) analysis:***

- *How many seconds were the buses permitted to borrow from the other signal phases?*
- *Was borrowed time returned to the other signal phases in the following traffic cycle to prevent queuing?*
- *What was the assumed bus headway?*
- *How many passengers per bus were assumed in order to arrive at "Reduced person Hours of Delay"?*
- *Was an increase in BRT ridership due to travel time savings factored into the analysis of "Reduced person Hours of Delay"?*

- *BRAC-generated traffic is expected to impact these intersections. Are there signal timing changes associated with BRAC? What are they and how will they affect both northbound and southbound delays?*

MTA Response: Additional information on the methodology employed by the MTA on this analysis has been included for clarity. The MTA conducted a detailed evaluation of an early green / red truncation TSP strategy for BRT vehicles along Jones Bridge Road to determine the potential travel time savings for the BRT and the potential impacts to general vehicular traffic at the key intersections along Jones Bridge Road. Rather than evaluate every possible implementation of early green / red truncation, MTA's detailed analysis focused on a strategy which would provide the fastest overall travel times for BRT vehicles along Jones Bridge Road; this also allowed MTA to evaluate SSE's assertion that average travel speeds in excess of 14 mph could easily be attained along Jones Bridge Road.

MTA's evaluation indicated that approximately 2.1 minutes of delay could be reduced along Jones Bridge Road if a highly aggressive early-green / red truncation TSP strategy was implemented at the intersections of Jones Bridge Road with MD 355 (Rockville Pike) and MD 185 (Connecticut Avenue). Based on this travel time reduction of 2.1 minutes, MTA estimates an average speed along Jones Bridge Road of 14.8 mph could be attained. This average speed is in line with the average speed (14.4 mph) which SSE asserts MTA should have assumed for the Jones Bridge Road section of the Low BRT alternative. So, while the TSP strategy evaluated is only one such possible strategy, it provides travel times consistent with those proposed by SSE.

This TSP strategy resulted in substantial travel time savings for the BRT vehicles at the key intersections, but also substantial increases in delay for the high volume movements along MD 185 and MD 355. When compared on a basis of total person-delay, the negative impacts to the cross-street traffic exceeded the potential benefits for the BRT riders. Based on the substantial negative impacts to the cross-street traffic, MTA does not feel it is appropriate to assume such an aggressive TSP strategy, which would be required to attain the travel times suggested by SSE, at this planning level of analysis. During preliminary engineering and future project phases, MTA will continue to evaluate and pursue priority signal treatments for BRT or LRT vehicles (depending on the selected mode) wherever possible.

It must be noted that as these are state highways, any change to the signals at MD 185 and MD 355 would need to be acceptable to the State Highway Administration (SHA).

In order to achieve the level of travel time savings which would provide travel speeds consistent with SSE's estimates:



1. Buses were allowed to borrow up to 105 seconds from other signal phases at MD 355 and up to 67 seconds from other signal phases at MD 185. In each case, minimum green times were maintained for non-priority phases to ensure safe pedestrian crossings. In the Los Angeles system, which SSE frequently uses as a point of comparison, buses are only allowed to borrow up to 10 seconds from other phases (and only if the headway between it and the previous bus exceeds the scheduled headway by more than 50%). However, in order to achieve the speeds for the BRT suggested by SSE, significantly higher levels of green time needed to be made available for the BRT vehicles traveling along Jones Bridge Road.
2. Signal priority calls could not be made in two consecutive cycles.
3. Assumed bus headways were 6 minutes in each direction. 10 buses per hour per direction.
4. 60 passengers per bus (articulated bus seating capacity) were assumed for the reduced hours of person delay. If a seated + standing capacity (90 to 100 persons per bus) was assumed, the increase in person delay on the cross-streets still significantly exceeds the reduction in person-delay for the BRT passengers.
5. The same level of riders (60 per bus) was assumed for both the "without TSP" and "with TSP" cases. Assuming increased ridership under the "with signal priority" case would have actually reduced the amount of total person-delay savings at the intersection. For example, assume an average delay of 120 seconds per bus, with 60 passengers per bus, and 10 buses per hour. Total person-delay is 20 hours. Now assume an average delay of 60 seconds per bus, 60 passengers per bus, and 10 buses per hour. Total person delay is 10 hours; a reduction of 10 hours. Now assume average delay of 60 seconds per bus, 90 passengers per bus (50% ridership increase), and 10 buses per hour. Total person delay is now 15 hours (since there are more riders), and the reduction is only 5 hours of person-delay. Therefore, MTA elected to maintain the ridership levels for an apples-to-apples comparison.
6. MTA is coordinating with SHA regarding its current evaluation of improvements at the intersections of Jones Bridge Road with MD 185 and MD 355 to help accommodate the influx of additional traffic to the Jones Bridge Road corridor due to BRAC. To date, SHA has begun the design of its conceptual improvements, but has not held workshops on the proposed improvements or selected a final design. As such, this evaluation assumes no changes to the existing intersection configuration due to BRAC. It should be noted that the improvements at these intersections could reasonably be expected to lower the delay for various movements and may make the implementation of some limited form of early-green / red truncation signal priority treatments at these intersections a more realistic option.

2. ***Please provide copies of MTA videos and artist renderings shown at the meeting at the Town of Chevy Chase on August 26, 2008, along with a written description of the exact location and characteristics they are intended to show, for the Jones Bridge Road (JBR) and CCT alternatives.***

MTA Response: Artist renderings of the corridor were provided in the disk provided previously. Dynamic renderings (videos) are not provided as they are in a continuing state of development.

3. ***What travel cost (fare) assumptions were used as inputs into the ridership model? If transfers were assumed to be free, please provide justification/documentation and indicate where this revenue reduction was quantified in the report.***

MTA Response: The Metropolitan Washington Council of Government regional travel forecasting model used for the corridor forecasts includes the fare structures for the regional transit systems. The fare structure for the No-Build, TSM and all Build Alternatives under consideration would be consistent with the current local bus fare structure, recognizing that this would increase over time. SmartCard, or some other means of electronic fare collection, would enable an integrated fare structure and convenient transfer with the other transit services in the corridor.

4. ***Were queue jumps studied at any intersection besides Connecticut Avenue and Rockville Pike? What was MTA's methodology for deciding which intersections to study?***

MTA Response: All locations with queue jumps are detailed in the AA/DEIS. The consideration of various BRT priority treatments was dependent on the assumed type of running way (shared, dedicated, exclusive), the traffic conditions, the potential property impacts, and potential costs. At each signalized intersection, potential treatments were considered which fit within the general parameters of the alternative being evaluated (i.e. Low Investment BRT included low cost measures).

5. ***Will the new Medium-Investment BRT alternatives be included in the Alternatives Analysis/DEIS being released in September? Were they submitted to the Federal Transit Administration (FTA)?***

MTA Response: These concepts have been included in the AA/DEIS released in October as variations of the Medium Investment BRT Alternative. Information is provided in Chapters 2 (Alternatives), 3 (Transportation Impacts), 4 (Environmental Impacts), 5 (Costs), and 6 (Evaluation). This information was reviewed by FTA and deemed an appropriate response to and documentation of suggested concept

6. ***Capital costs for the new SSE Medium-Investment JBR BRT are higher than for the new (MTA) Medium-Investment CCT BRT to Medical Center in the MTA white paper. Since the new Medium-Investment CCT BRT to Medical Center still***

*includes the cost of building the trail and an entirely new right-of-way, please document how the Jones Bridge Road alignment could cost more. Was the cost of the new Medical Center Metro entrance included in this cost after stating in the white paper that it would not be? What is the full capital cost of the CCT BRT between Jones Mill Road and Woodmont Avenue?*

MTA Response: The cost of the Medical Center Metro entrance was included in the cost calculations in the summary table, as described. Capital cost information for the AA/DEIS alternatives can be found in the Capital Cost Estimating Methodology Technical Report. The capital cost estimate for the segment of the Master Plan Medium BRT alignment referred to above is \$80.26 million dollars.

- 7. *In addition to the capital cost calculations requested in the previous section, please also include these calculations for the two new Medium-Investment BRT alternatives.***

MTA Response: Capital costs for the Jones Bridge Road alignment (with no connection to the Red Line Metro at Medical Center) are estimated at \$37.1 million dollars. A \$60 million dollar cost estimate was included to construct an underground connection to the Red Line, including access from both the NIH and NNMC sides of Rockville Pike.

- 8. *What ridership estimates, by station, were used to evaluate the cost-effectiveness of the two new Medium-Investment BRT alternatives?***

MTA Response: Cost effectiveness calculations are not based on station-level ridership forecasts. Instead, the transportation system user benefits forecasts in units of time (minutes, hours) are used along with capital and operating & maintenance cost estimates. This information is provided in the White Paper (Medium Investment BRT Variations Serving Medical Center) and in Table 6-4 of the AA/DEIS.

- 9. *MTA states that penalties were assigned to the Low-Investment BRT alternatives on Jones Bridge Road for time waiting at traffic lights. What exactly were these penalties? Were these penalties also assigned to the new Medium-Investment JBR BRT? Please provide a citation for the use of these penalties in accepted transportation planning practice.***

MTA Response: Please cite a report and page number specifically so that we may better address your question. A discussion of calculated travel speeds associated with intersection delays is included in the response to question 1.

- 10. *Please identify all mode-specific constants used for the Purple Line FTA submission – which alternatives they were applied to, how they were applied, and their value***

MTA Response: The mode-specific constants for the alternatives were developed using a methodology developed for all three New Starts corridor studies in Maryland following FTA's Proposed New Starts and Small Starts Policies, February 2007.

- 11. What is the predicted travel time for the Low-Investment JBR BRT alternative during off-peak periods? Please provide these travel times between all stations.***

MTA Response: Station-to-station travel times for the Year 2030 peak periods were used since this is the input required for the Metropolitan Washington Council of Government regional travel forecasting model used for the corridor forecasts. Off-peak times are not needed for the evaluation of alternatives but would be prepared as for further analysis of the Locally Preferred Alternative.

- 12. Since the study was largely produced in 2007-08, and will not be submitted for new Start funding before 2009, please provide an explanation of why 2007 construction costs were used.***

MTA Response: Capital cost and operating & maintenance cost estimates were prepared and first presented at community meetings in late 2007. To avoid confusion by changing numbers solely for escalation, the estimates in 2007 dollar will be used for comparison among alternatives throughout the alternatives analysis process in the AA/DEIS document. Once a Locally Preferred Alternative is selected, the estimates will be updated to current year dollars for the New Start criteria submission.

- 13. Since MTA's new Medium-Investment BRT alternatives to Medical Center will involve buses traveling through the Woodmont pedestrian plaza throughout the day, please provide the assumptions used for speed, elapsed time, and plaza safety treatments.***

MTA Response: This alignment configuration was always the case for the Medium and High Investment BRT alternatives throughout the planning process. The new Medium-Investment BRT alternatives to the Medical Center do not involve any new configurations that have not been considered in the past. Plaza safety treatments are considered to be covered under planning level cost estimates developed for the station area.

- 14. It appears that the proposed Chevy Chase Land Company development at Connecticut Avenue has increased ridership for all alternatives except the JBR BR, yet the JBR Connecticut Avenue Station appears to be within the ½ mile catchment area. Please provide ridership data related to the Chevy Chase Land Company for all alternatives.***

MTA Response: The ridership estimates for all the alternatives are based on the population and employment forecasts for the Year 2030 contained in the "Round 7.0a" of the Metropolitan Washington Council of Governments regional travel forecasting model. These demographic forecasts develop in collaboration with the



local planning jurisdiction, including Maryland-National Capital Park and Planning Commission, at the TAZ level and do not identify specific development projects. That development is only included in the forecast to the extent that the current master plan for the county includes the project.

- 15. MTA has now removed from the Bethesda catchment area the third TAZ that SSE identified as being more than ½ mile from the Bethesda Purple Line station, yet High-Investment LRT ridership has increased. Please provide an explanation.**

MTA Response: We do not fully understand your question. All TAZs in the regional forecasting model are considered in developing forecasts. Please provide further information for clarification.

- 16. What are the ridership estimates for all CCT alternatives if the new south entrance to Bethesda Station is not built? If this has not been calculated, please explain why.**

MTA Response: The implementation of the Bethesda Station south entrance is being undertaken by Montgomery County as a considered part of the 2030 Future No-Build condition, meaning that it is a separate project with independent utility. Under current plans, it will be in place by the time any Purple Line Project would be operational. Therefore, all ridership forecasts assume the South Bethesda entrance.

- 17. MTA has continually stated that although 16 miles in length, most Purple Line trips will be short. This would mean that the spread of travel time differences for most trips will be considerably less than the end-to-end travel time difference of 46 minutes. Why, then, does the model still generate such great disparities in projected ridership?**

MTA Response: These differences are not disparities but the result of the relative travel time differences among the alternatives for trips of various lengths for the auto and transit choices trip makers would have.

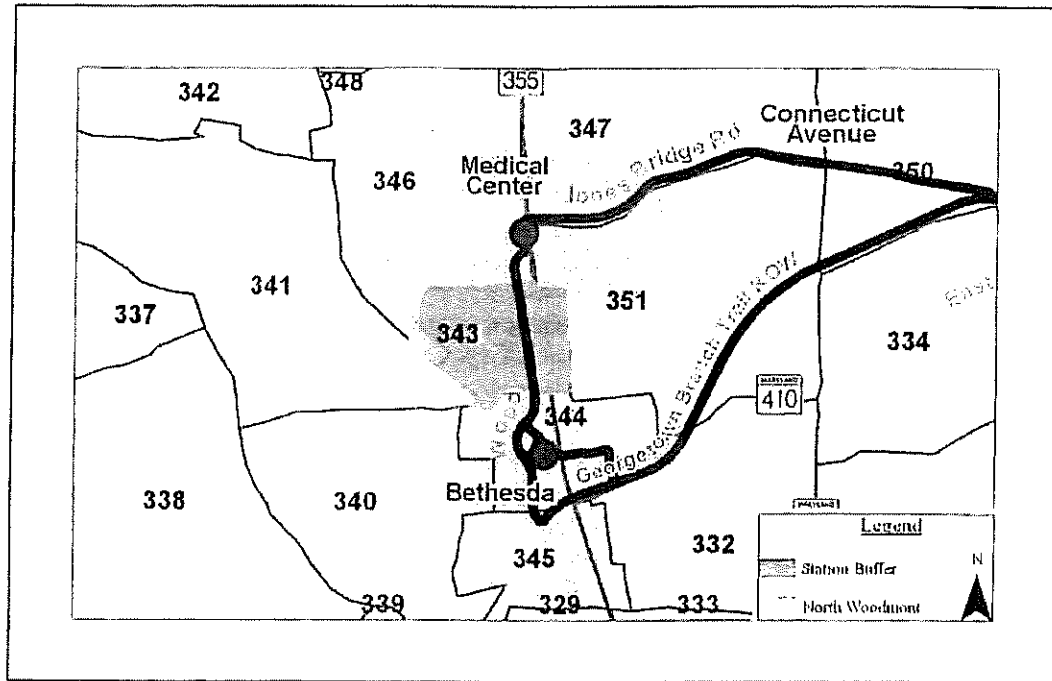
- 18. The 1-1/4 mile extension to Medical Center in MTA's new Medium-Investment CCT BRT alternative only increased capital costs over the originally proposed Medium-Investment BRT by less than 1%. Please provide calculations show how this is possible.**

MTA Response: This alignment would be expected to utilize the existing station at the Medical Center Metro station and existing street alignments along Woodmont Avenue and Wisconsin Avenue – requiring little by way of additional capital costs.

- 19. Ridership estimates for the new North Woodmont Station.**

MTA Response: SSE has maintained throughout that the North Woodmont area was not served by alternatives developed to date. The travel forecasting model accounts

for all population and employment in the TAZ in developing forecasts of the number of trip that would use a particular mode (auto or transit) for travel and assigns it to a most convenient station in the case of transit. The map depicted below identifies that the ½ mile walk shed overlaps for the stations identified in the AA/DEIS for the Low Investment BRT options provide service to approximately 90% of the TAZ identified (see map below). Ridership estimates for the North Woodmont area would then be expected to be shared among the NIH/NNMC station, the Bethesda Metro Station and the new North Woodmont station. The combined ridership for those three stations is 7,800.



20. MTA indicated at the August 26<sup>th</sup> meeting that a new alignment had been adopted through the University of Maryland. Please provide details for all six alternatives, including station location(s), running time, and projected ridership. Please compare with previous routing. Was this alignment incorporated into the MTA's July 31<sup>st</sup> presentation data?

MTA Response: Alignment information for the University of Maryland is provided in the AA/DEIS as are station locations and ridership. The determination of routing alternatives through UMD has been an ongoing process. However, existing alternative routes have been set for some time. Please identify the reference to "previous routing".

21. During the past 10 month of public outreach, there have been extensive verbal and written allegations that BRT would employ "smelly, polluting diesel buses." In

*response to SSE's analysis, MTA states that there will be no significant difference in emissions between the two modes. We can find no reference to this, though, in any reports or presentations that MTA has made public. Please document where and how MTA has disseminated this information.*

MTA Response: The AA/DEIS identifies the differences in emissions expected for LRT and BRT on a regional level for existing power generation sources / transit emissions. It is, has been, and will remain MTA's position that both modes provide environmental benefits when compared to auto travel.

- 22. *We have read that MTA has added two new stations along Wayne Avenue in response to the community. Please confirm, and if so, indicate running time impact for all six alternatives and whether this is included in the data presented by MTA on July 31<sup>st</sup>.***

MTA Response: Station locations are noted in the AA/DEIS. Running times are included in the Transportation Tech Memo and Chapter 3 of AA/DEIS.

- 23. *MTA has assumed that all projected new Purple Line trips are diverted auto users. Why is there no allowance for new trips by non-auto users? What impact would this have on cost-effectiveness calculations?***

MTA Response: The MTA has differentiated between trips that are new users from automobiles as well as those that are expected to be diverted from other transit services. Cost-effectiveness calculations were derived based on model results – as is standard practice. FTA procedures for ridership forecasting use a fixed future trip table where trips are either auto trips or transit trips and do not allow for the inclusion of “induced” (new non-auto users) trips are included. There is some evidence in the industry that fixed guideway transit does generate “induced” trips, especially in the off-peak periods, but FTA does not permit these to be included in the cost-effectiveness calculations.

Thank you for your continued input on the Purple Line project. We look forward to scheduling the meetings to meet with Town residents to understand their concerns relative to the Purple Line master plan alignment and also with your consultants to provide any additional clarification on project analysis to date.

Sincerely,



Michael D. Madden  
Chief, Project Development  
Office of Planning

cc: John D. Porcari, Secretary, MDOT  
Henry M. Kay, Deputy Administrator, Planning and Engineering, MTA



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