

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS
FOR MONTGOMERY COUNTY

-----X
:
:
PETITION OF COSTCO WHOLESALE : Case No. S-2863
CORPORATION : OZAH No. 13-12
:
-----X

A hearing in the above-entitled matter was held on
October 17, 2013, commencing at 9:42 a.m., at the Office of
Zoning and Administrative Hearings, 100 Maryland Avenue,
Rita Davidson Memorial Hearing Room, Rockville, Maryland
20850 before:

Martin L. Grossman
Hearing Examiner

A P P E A R A N C E S

Patricia Harris, Esq.
 Michael Goecke, Esq.
 Lerch Early & Brewer
 3 Bethesda Metro Center, Suite 460
 Bethesda, Maryland 20814

Michele Rosenfeld, Esq.
 The Law Office of Michele Rosenfeld, LLC
 11913 Ambleside Drive
 Potomac, Maryland 20854
 301-201-0913, (f) 301-990-0924
 rosenfeldlaw@verizon.net

Larry Silverman, Esq.

Abigail Adelman

Mark Adelman

Also Present:

Eric Brann, Costco Representative

Donna Savage

Virginia Sheard

Eleanor Duckett

C O N T E N T S

Witnesses:	Direct	Cross	Redirect	Recross
Karen Cordry	15			
By Mr. Goecke:			149	
By Ms. Rosenfeld:				197
Margaret Alpert	113			
By Ms. Harris:			127	
By Ms. Rosenfeld:				136
Patricia Mulready	221			
Larry Silverman	251			

E X H I B I T S

Exhibit No.		Marked/Received
323	Letter	9
324	12/13/05 Court of Special Appeals Decision	15
325	Excerpts from Annual Energy Outlook 2013	19
326(a)	2/2013 Press Release - University of Michigan Transportation Research Institute	33
326(b)	4/2013 Report - Environmental News Service	34
326(c)	9/2013 NBC News Report	34
327	Federal Highway Administration Policy Info	43

E X H I B I T S

Exhibit No.		Marked/Received
328(a)	8/2013 Vehicle Miles Driven Projection by Dough Short	45
328(b)	8/2013 Gasoline Volume Sales Projection by Doug Short	45
329	NPR Article	52
330	Research and Innovation Technology Administration Report	53
331	Motorization Study	54
332(a)	PIRG Report Dealing with Transportation	55
332(b)	PIRG Report - New Direction	55
332(c)	PIRG Report - Decline in Driving	57
333	9/2013 EPA Press Release	58
334	TCRP Report	61
335	Excerpts From Maryland Draft Transportation Plan for 2035	62
336	Excerpts From Maryland Greenhouse Emissions Reduction Act Plan	64
337	8/2013 Baltimore Sun Article	67
338	Comparative Gas Station Statistics	68
339	2010 U.S. Census	71

P R O C E E D I N G S

1

2 MR. GROSSMAN: This is the 16th day of public

3 hearing in the matter of Costco Wholesale Corporation, Board

4 of Appeals No. S-2863, OZAH No. 13-12, petition for special

5 exception pursuant to Zoning Ordinance Section 59-G-2.06 to

6 allow petitioner to construct and operate an automobile

7 filling station which would include 16 pumps. The subject

8 site is located at 11160 Veirs Mill Road, Silver Spring,

9 Maryland, Lot N-631, Wheaton Plaza, Parcel 10, also known as

10 Westfield Wheaton Mall, and is zoned C-2. That's general

11 commercial.

12 The hearing was begun on April 26th, 2013 and I'm

13 getting tired of listing all the dates so I'll skip that

14 this time. It was noticed to resume again today. The next

15 session has been noticed to Monday, October 21, 2013 here in

16 the second floor hearing room in this building, COB, at 9:30

17 a.m. This hearing is conducted on behalf of the Board of

18 Appeals. My name is Martin Grossman, I'm the Hearing

19 Examiner which means I will take evidence here and write a

20 report and recommendation to the Board of Appeals which will

21 make the decision in the case. Will the parties identify

22 themselves, please?

23 MR. BRANN: Eric Brann for Costco.

24 MS. HARRIS: Good morning. Pat Harris with Lerch

25 Early & Brewer.

Page 6

1 MR. GROSSMAN: Ms. Harris.
 2 MR. GOECKE: Mike Goecke on behalf of Costco.
 3 MR. ROSENFELD: Michele Rosenfeld for Kensington
 4 Heights.
 5 MR. GROSSMAN: Ms. Rosenfeld.
 6 MS. ADELMAN: Abigail Adelman for the coalition.
 7 MR. GROSSMAN: Ms. Adelman.
 8 MR. ADELMAN: Dr. Adelman.
 9 MR. GROSSMAN: Dr. Adelman.
 10 MR. ADELMAN: Dr. Mark Adelman for the coalition.
 11 MR. GROSSMAN: All right.
 12 MS. DUCKETT: Eleanor Duckett, Kensington View.
 13 MS. SHEARD: Virginia Sheard, Kensington View.
 14 MR. GROSSMAN: Anybody else who wishes to identify
 15 themselves here today?
 16 MS. ALPERT: Okay. Margaret Alpert, Kensington
 17 Heights.
 18 MS. SAVAGE: Sure. I'll say hello. Good morning.
 19 I've been absent for a while. Donna Savage, Kensington
 20 Heights.
 21 MR. GROSSMAN: Ms. Savage. Ms. Alpert, did you
 22 wish to be heard today, did you wish to testify today?
 23 MS. ALPERT: Yes. If possible.
 24 MR. GROSSMAN: Okay. As an individual?
 25 MS. ALPERT: Yes. Well, as representing

Page 7

1 Kensington, as an individual living in Kensington Heights.
 2 MR. GROSSMAN: Okay. And how do you spell your
 3 last name?
 4 MS. ALPERT: A-L-P-E-R-T.
 5 MR. GROSSMAN: All right. And I'll get your
 6 address when you come up. What's your schedule today,
 7 ma'am, because we try to accommodate citizens who come in.
 8 We will go the entire day today. What's your --
 9 MS. ALPERT: I have to leave here by four.
 10 MR. GROSSMAN: By four. Okay. All right. So
 11 we'll --
 12 MS. ALPERT: I can come back on Monday.
 13 MR. GROSSMAN: No. We won't make you come back.
 14 We'll take you after we finish with Ms. Cordry. Is that,
 15 does that make sense?
 16 MS. HARRIS: Sure.
 17 MR. GROSSMAN: Okay. All right. If I forget,
 18 just run up and hit me on the head.
 19 MS. ALPERT: Oh, gee. All right. I'll try.
 20 MR. GROSSMAN: All right. Okay. Let's discuss a
 21 couple of preliminary matters. Since the last session,
 22 there were the following significant filings and e-mail
 23 exchanges. Exhibit 306, Board of Appeals resolution to
 24 refer the motions for summary disposition to the Hearing
 25 Examiner for whatever disposition he deemed appropriate.

Page 8

1 The effective date of that was September 20, 2013. Exhibit
 2 312, my October 4, 2013 order denying the motions of
 3 Kensington Heights Civic Association and Dr. Mark Adelman
 4 for summary disposition.
 5 Exhibit 314, an e-mail from Ms. Rosenfeld on
 6 October 4, 2013 submitting additional documents for Ms.
 7 Cordry. Exhibit 316, e-mail from Ms. Rosenfeld on October
 8 11, 2013 submitting additional documents that may be used
 9 for upcoming testimony. Exhibit 318, a notice went out on
 10 October 4, 2013 cancelling the October 28, 2013 hearing date
 11 at the request of the petitioner and adding Costco hearing
 12 dates of Thursday, November 14, Tuesday, November 19,
 13 Thursday, November 21, Thursday, December 5 and Friday,
 14 December 6, all in 2013. Exhibit 321 is Dr. Adelman's Power
 15 Point presentation, part 1.
 16 Okay. I understand the witnesses scheduled today
 17 are to finish up with Ms. Cordry's testimony regarding need.
 18 Mr. Sheveiko, as I understand, has a back problem and will
 19 not be here today. Mr. Mulready will testify.
 20 MR. ROSENFELD: It's miss.
 21 MR. GROSSMAN: Oh, Ms. Mulready. Okay.
 22 MR. ROSENFELD: Patricia.
 23 MR. GROSSMAN: Okay. I see Pat so I -- okay.
 24 MR. ROSENFELD: Saturday Night Live. Yes.
 25 MR. GROSSMAN: I didn't say that. Is Ms. Mulready

Page 9

1 here?
 2 MR. ROSENFELD: Not yet.
 3 MR. GROSSMAN: Okay. And Mr. Silverman as needed.
 4 We also understand that Eleana Sheveiko was also proposed as
 5 a backup and Ms. Altman, who is here.
 6 MS. CORDRY: Alpert, I'm sorry. Ms. Alpert.
 7 MR. GROSSMAN: Alpert?
 8 MS. CORDRY: I think Michele spelled her name
 9 wrong when she sent it over.
 10 MR. GROSSMAN: Okay.
 11 MS. CORDRY: It's Alpert.
 12 MR. GROSSMAN: Yes. I see that.
 13 MS. CORDRY: As in Herb.
 14 MR. GROSSMAN: Right. Okay. Any other
 15 preliminary or procedural matters?
 16 MR. SILVERMAN: Good morning, Mr. Grossman. I
 17 apologize for being late.
 18 MR. GROSSMAN: Mr. Silverman. I see also on the
 19 table here was a letter from Ms. Rosenfeld on behalf of
 20 Kensington Heights Civic Association objecting to my order
 21 denying the motions for summary disposition, and we'll make
 22 that into, I'll get the exhibit list here, Exhibit 323.
 23 (Exhibit No. 323 was marked
 24 for identification.)
 25 MR. GROSSMAN: Okay.

Page 10

1 MR. ADELMAN: Mr. Grossman?
2 MR. GROSSMAN: Dr. Adelman?
3 MR. ADELMAN: I simply can't find the exhibits on
4 the exhibit list. I believe there were filings from the
5 first responders with respect to APFO evaluation. Do you
6 happen to know or can you point me to what exhibit numbers
7 those are?
8 MR. GROSSMAN: I don't know what you're talking
9 about.
10 MR. ADELMAN: From police and fire.
11 MR. GROSSMAN: Pardon?
12 MR. ADELMAN: From police and fire as to the
13 application meeting their requirement with respect to
14 adequate public facilities.
15 MR. GROSSMAN: I don't know. I mean, there are
16 over 300 exhibits in here. Do you know when these were
17 filed? Dr. Adelman, do you know when these were filed?
18 MR. ADELMAN: I believe they were filed originally
19 with planning staff. I'm not positive.
20 MR. GROSSMAN: Are they attachments to the, to the
21 technical staff report? Are they attachments to the
22 technical staff report?
23 MR. ADELMAN: I don't know.
24 MR. GROSSMAN: The technical staff report and its
25 attachments are part of the record so if they are, if they

Page 11

1 were filed with planning staff, that's where they may
2 reside, in the attachments to the technical staff report.
3 MR. ADELMAN: Oh, thank you.
4 MR. GROSSMAN: Any other preliminary matters?
5 MR. ROSENFELD: Um --
6 MR. GROSSMAN: Ms. Rosenfeld?
7 MR. ROSENFELD: Yes. Mr. Grossman, I've spoken
8 with Dr. Cole and he has depositions scheduled and a hearing
9 in another matter out of state and is unavailable to testify
10 on the 14th or the 19th or the 21st. He's going to be
11 elsewhere. He is available to testify on December 5th and
12 6th, so I just wanted to make you and Costco aware of that
13 fact.
14 MR. GROSSMAN: Is that December 5?
15 MS. HARRIS: That's acceptable but all that means,
16 obviously, is petitioner's rebuttal case won't occur on the
17 5th then and who knows about the 6th. That was our last day
18 of hearing scheduled.
19 MR. GROSSMAN: Right.
20 MS. HARRIS: But I know that Mr. Sullivan is
21 available on the 5th and 6th.
22 MR. GROSSMAN: All right. And the dates you
23 referred to, the 14th, 19th and 21, although you didn't
24 identify, are in November.
25 MR. ROSENFELD: Yes. November.

Page 12

1 MR. GROSSMAN: All right. Well, let's see how it,
2 how it proceeds. I presume it will be okay since we have
3 those listed, December 5 and 6, as hearing dates, so let's
4 see how that goes.
5 MS. ROSENFELD: And given the, the additional
6 dates, we are working to coordinate witnesses along the new
7 dates --
8 MR. GROSSMAN: Right.
9 MS. ROSENFELD: -- October 28th having been taken
10 off, so we will be sending an updated list of witnesses.
11 MR. GROSSMAN: I'm hoping that this actually moves
12 faster than it has previously and so I was hoping that we
13 wouldn't need all of those hearing dates but let's see how
14 this goes, how it goes and we'll adjust accordingly. All
15 right? Anything else? Any other preliminary matters?
16 Okay. So where did we leave off on your
17 testimony, Ms. Cordry?
18 MS. CORDRY: I think we left off at Exhibit 305
19 where we were just starting to get into the projections of
20 demand going forward.
21 MR. GROSSMAN: Okay. And I remind you that you
22 are still under oath.
23 MS. CORDRY: Thank you. Thank you.
24 (Witness previously sworn.)
25 MR. GROSSMAN: All right. You may proceed.

Page 13

1 MS. CORDRY: Before I start though, I would like
2 to point out that there was a brief discussion at the last
3 hearing about the result of a Court of Appeals of one of the
4 decision that I had put in which had been Exhibit 299 which
5 was S-2476, the Cloverly, proposed station at Cloverly. And
6 I had stated the decision affirmed the Board of Appeals'
7 position. Ms. Harris stated that it could have been
8 reversed on need. I did get the Court of Special Appeals
9 decision.
10 I think what would be most accurate, and we will
11 go ahead and put the decision in the record, is to say that
12 the Circuit Court reversed on the need. When it went up to
13 the Court of Appeals, it states that Safeway did not focus
14 on the reasons on which the Circuit Court agreed with it.
15 The Court of Appeals said Safeway was unjustified in
16 disregarding those two additional grounds relied upon by the
17 Board because we are required to conduct our own review of
18 the Board's decision independent of any decision made by the
19 Circuit Court.
20 The decision eventually was made based on the lack
21 of compliance with the master plan and at the end, the Court
22 of Special Appeals held that because we hold that the
23 Board's finding that the proposed use was not consistent
24 with the master plan was fairly debatable and supported by
25 substantial evidence, we need not decide whether the three

Page 14

1 other reasons the Board gave for denial of the special
2 appeal, special exception were valid. So I think the
3 accurate description is that those, there was no ruling by
4 the court one way or the other on, on the need issue so.
5 MR. GROSSMAN: They punted.
6 MS. CORDRY: They punted, yes.
7 MR. GROSSMAN: So what's the citation to that
8 case?
9 MS. CORDRY: It is an unreported decision and I
10 will give it to you.
11 MR. GROSSMAN: All right.
12 MS. CORDRY: The number is 250375 but in any case,
13 I will give it to you so you have the decision in the
14 record.
15 MR. ROSENFELD: Mr. Grossman, it's unreported by
16 the Court of Special Appeals of Maryland. It's Case No.
17 1693, September term 2004, Safeway, Inc. v. Montgomery
18 County, Maryland, filed December 13th, 2005. I do have an
19 extra.
20 MR. GROSSMAN: All right. We'll make it an
21 exhibit. Usually, unreported decisions are usually not
22 considered to be precedential. I don't know whether or not,
23 what the effect of that would be for this particular
24 decision given that it's, it is just affirming a Board of
25 Appeals ruling so.

Page 15

1 MS. CORDRY: I'm not sure it's precedential one
2 way or the other.
3 MR. GROSSMAN: Right.
4 MS. CORDRY: It's just the point is at this point,
5 there certainly was not a ruling against the Board of
6 Appeals position from the Court of Special Appeals. It's
7 neutral at this point, position.
8 MR. GROSSMAN: I understand.
9 MS. CORDRY: And the handwriting on there is
10 simply tying it back. I put on there the special exception
11 number and the exhibit to which that is, in this proceeding
12 to which that is the appeal.
13 MR. GROSSMAN: Okay. So --
14 MS. CORDRY: Exhibit 299 there. That's an appeal
15 of --
16 MR. GROSSMAN: Okay. So Exhibit 324 is Court of
17 Special Appeals unpublished decision no. 1693, dated
18 12/13/05 affirming Board of Appeals ruling in S-2476. Did I
19 fairly describe that?
20 MS. CORDRY: Yes.
21 MR. GROSSMAN: Now if I can read my handwriting,
22 that will be good. All right.
23 (Exhibit No. 324 was marked
24 for identification.)
25 DIRECT EXAMINATION

Page 16

1 MS. CORDRY: So to resume where I was in
2 testimony, I was at the point where I was noting that just
3 about every need report that I've seen in Mr. Flynn's report
4 in this case with no exception had included some discussion
5 about future job growth, population growth, the suggestion
6 that therefore, there will be continued additional need for
7 gasoline which will create additional demand for a station
8 to be able to fill.
9 MR. GROSSMAN: Right.
10 MS. CORDRY: And what I'm going to discuss is the
11 fact that we are kind of at a really dramatic inflection
12 point, that that no longer appears to be the case and that
13 the demand is going in a different direction, and I have a
14 number of exhibits to put in on that point. At that point,
15 the Exhibit 2012 had, and at that point, in Mr. Flynn's
16 report which he had looked at, I'm sorry, Exhibit 305 which
17 was the energy outlook for 2012, at that point, it looked to
18 have somewhat of a decline out for about a dozen years or
19 more and then a small increase out to 2035, so a very, a
20 very minimal change over the next 23 years.
21 But even that number has changed again because
22 that was done at a point where the new, as I started to
23 mention, the CAFE standards, which are the Corporate Average
24 Fuel Economy standards, had been proposed but had not yet
25 come into effect. And they did become effective in the fall

Page 17

1 of 2012 and have included a fairly dramatic rise in what is
2 required of car mileage, gasoline usage over time. And
3 the --
4 MR. GROSSMAN: I presume those standards will also
5 reduce the amount of pollution from, from gas engines.
6 MS. CORDRY: Well, as gasoline mileage goes down,
7 yes, unless you bring all the pollution to a particular
8 point and place in time, yes.
9 MR. GROSSMAN: Well, as I understand it, the CAFE
10 standards are not just aimed at reducing the amount of
11 gasoline use but also, the amount of pollution from gasoline
12 using vehicles. Is that --
13 MS. CORDRY: Well, I think there are, there are
14 different, there's some different standards going on. The
15 CAFE standards are primarily amount of gasoline usage. I
16 think there are also some different standards that are being
17 proposed to deal with, to try to also reduce greenhouse
18 gases from, and other kinds of emissions which are separate
19 from those. But again, it's also a question of where all
20 those gases and those pollutions go to but again, as we're
21 discussing here, that we are concentrating them in this area
22 here.
23 Okay. So just to finish up on Exhibit 305, which
24 again was the 2012 standard, it did discuss the potential
25 impact of those standards but again, that was not included

Page 22

1 the, that chart there that shows motor gasoline.
2 MR. GROSSMAN: Okay. So your essential point here
3 is that this undermines Mr. Flynn's projection that there
4 will be an increase in gasoline consumption over the future
5 years.
6 MS. CORDRY: What Mr. Flynn referred to, the 2012
7 report, which showed that very small increase starting in
8 2025 going out through 2035, the updated projection now
9 shows with the CAFE standards in effect that that projection
10 is no longer valid.
11 MR. GROSSMAN: Okay.
12 MS. CORDRY: So pages 8 to 10 discuss the CAFE
13 standards in substantially more detail, but they require
14 the, the gasoline mileage to continue to rise each year. It
15 talks about passenger cars and light duty trucks at the
16 bottom of page 8. The first phase includes standards,
17 estimates will result in a fleet-wide average of 40.3 miles
18 per gallon in year 2021. And then the second phase covering
19 years 2022 through 2025 requires additional improvements
20 leading to a fleet-wide average of 48.7 miles per gallon for
21 light duty vehicles in model year 2025.
22 MR. ROSENFELD: I'm sorry, Ms. Cordry. Which page
23 are you on?
24 MS. CORDRY: I'm on page 8 here.
25 MR. ROSENFELD: Thank you.

Page 23

1 MS. CORDRY: At the bottom there. The last
2 paragraph on that page. And it discusses over fairly good
3 detail exactly how those standards work and so forth. The
4 main point being here simply that this is the basis for
5 their changes in the referenced projections because these
6 standards will continue to rise corporate requirements for
7 cars each year and of course, that will continue to
8 propagate out as cars, older cars are retired and newer cars
9 continue to be bought after the 2025 year.
10 MR. GROSSMAN: Okay.
11 MS. CORDRY: Page 35, it then begins to discuss
12 vehicle miles traveled. And this becomes a very important
13 piece because it's not -- there's two components going on
14 here. One is for every mile traveled, what's the gasoline
15 mileage, the miles per gallon. But then also, if you're
16 reducing miles themselves, then that multiplies the effect
17 of the gasoline usage.
18 MR. GROSSMAN: All right. I see we jumped from
19 page 10 to 35.
20 MS. CORDRY: Yes.
21 MR. GROSSMAN: So the exhibit is actually excerpts
22 from the --
23 MS. CORDRY: Yes. This is probably a several
24 hundred page document.
25 MR. GROSSMAN: All right. So I'm going to change

Page 24

1 what I said was the definition of Exhibit 325 and just say
2 it's excerpts from the Annual Energy Outlook 2013 by the
3 U.S. Energy Information Administration.
4 MS. CORDRY: That's correct. That's correct.
5 MR. GROSSMAN: Okay.
6 MS. CORDRY: I trust no one really wants to know
7 the great details of --
8 MR. GROSSMAN: Well, it was thick enough I thought
9 it was the whole thing.
10 MS. CORDRY: No, no, no. Every document in this
11 case seems to be several hundred pages long. So we have
12 tried to pull out the relevant pages --
13 MR. GROSSMAN: I understand.
14 MS. CORDRY: -- so people don't have to sort
15 through those. Page 35 begins to have discussion about
16 vehicle miles traveled, noting that of course projected fuel
17 use is directly proportional to the vehicle miles traveled,
18 can be influenced by policy attempts to reduce miles, it can
19 be affected by market factors, demography, consumer
20 preferences. Talks about it may grow when the driving age
21 population is growing, if economic activity is robust, if
22 fuel prices are moderate and so forth. So those are a
23 variety of considerations they take into effect when they're
24 making these, these projections.
25 The next paragraph down talks about alternative

Page 25

1 models of travel could affect vehicle miles, travel to the
2 degree that they substitute other travel services for
3 personal light duty vehicles. Just the sort of standard
4 discussion that we use throughout here about trying to move
5 people to transit and away from cars.
6 MR. GROSSMAN: Okay.
7 MS. CORDRY: I'm not quite done with that one yet.
8 Page 69 again shows the effects of these average fuel mile
9 economy changes, figure 71 there. And then figure 72 shows
10 the projection that vehicle miles will continue to grow but
11 more slowly than in the past. As they noted, from 1970 to
12 2007, this would be under, it's on page 69 under figure 72,
13 it talks about vehicle miles traveled grew at a rate of
14 about 1 percent per year during that period but it then
15 declined because among other things, increasing fuel prices
16 in the economic recession, so but they have now moderated
17 that to show projected growth of only .3 percent per year
18 remaining below the 2007 level until 2029 and then growing
19 slowly back out to 2040. That's their current baseline
20 projection.
21 Page 70 under, figure 73, it talks about light
22 duty vehicles that use --
23 MR. GROSSMAN: I'm trying to take these two things
24 together. The idea is that the demand for personal vehicles
25 will grow but the amount of gasoline distributed for light

Page 26

1 personal vehicles will decline slightly as --
2 MS. CORDRY: Well, as you will see, it declines
3 significantly. We have 16 -- it suggests that even with all
4 of the, if you go back to page 4, that even with all the
5 growth of population over the period from 2010 through 2040,
6 there's still a projected drop from 16 to 14 quadrillion
7 BTUs so about, let's see, one-eighth, about a 12-and-a-half
8 percent drop overall even with the growing capacity of, the
9 growing population there.
10 MR. GROSSMAN: Okay.
11 MS. CORDRY: And that is to say is a reference
12 case at this point. Again, the point being that vehicle
13 miles traveled is growing much more slowly than it had in
14 the past while the fuel economy is growing much faster than
15 in the past so --
16 MR. GROSSMAN: I understand.
17 MS. CORDRY: So we are getting ahead of the curve
18 thankfully.
19 MR. GROSSMAN: Okay.
20 MS. CORDRY: And page 80 changed it from
21 quadrillion BTU, which is a little unwieldy number to think
22 about, it changed it into barrels per day on page 80. The
23 paragraph below figure 93, the middle paragraph there says
24 motor gasoline consumption drops by approximately 1.6
25 million barrels per day from 2011 to 2040 in the referenced

Page 27

1 case. Diesel is increasing, natural gas is increasing but
2 neither of those have anything to do with the station here.
3 Page 84, under figure 102, discusses that the,
4 again, that the more stringent efficiency standards will
5 require them to average, cars to average approximately 49
6 miles per gallon and increased use of ethanol, this could,
7 this combination contributes to decline in consumption of
8 motor gasoline and that motor gasoline consumption falls
9 despite an increase in vehicle miles traveled over the
10 projection period.
11 And the last pages here are some charts that they
12 have done showing the, two, the -- I guess it's three charts
13 all together here. Yeah. Three charts. One shows their
14 basic reference case. This is on page 136.
15 MR. GROSSMAN: Page 136 of?
16 MS. CORDRY: Of the same, still the same exhibit
17 here.
18 MR. GROSSMAN: Okay.
19 MS. CORDRY: 325. This shows their very summary
20 baseline case. It shows key indicators showing vehicle
21 miles traveled, showing, under energy efficiency
22 indications, growth in the CAFE standard and then energy use
23 by mode under light duty vehicles, sort of the bottom line
24 of putting those two numbers together showing a -.8 annual
25 growth rate for energy usage by light duty vehicles over

Page 28

1 that time.
2 Table B-2 gives you a couple of alternative
3 projections. It shows the reference case for the years
4 2020, 2030 and 2040.
5 MR. GROSSMAN: I'm sorry. Where do you see -.8?
6 MS. CORDRY: Okay. That is down under energy use
7 by mode. There's a third -- on page 136.
8 MR. GROSSMAN: I'm looking at 136.
9 MS. CORDRY: Okay. Right under energy --
10 MR. GROSSMAN: Energy use by mode.
11 MS. CORDRY: Light duty vehicles. If you go --
12 MR. GROSSMAN: Oh, I see. -.8. I see.
13 MS. CORDRY: Right.
14 MR. GROSSMAN: The first line.
15 MS. CORDRY: Right. Exactly. For the sum total
16 of the going up and coming down, it's a -.8 percent
17 projection.
18 MR. GROSSMAN: Okay.
19 MS. CORDRY: Table B-2 does the same kind of thing
20 but it does a couple of very, it does a set of variations in
21 that one is with no economic growth, high economic growth
22 and the reference case in the middle there. The line we're
23 using here, the meaningful line there, it's on page 164
24 under transportation at the top of page 164.
25 MR. GROSSMAN: Okay.

Page 29

1 MS. CORDRY: And you have motor gasoline usage
2 there. It's about the third line down.
3 MR. GROSSMAN: Yes.
4 MS. CORDRY: It starts with 16.31. Yeah. This
5 quadrillion BTU again number.
6 MR. GROSSMAN: Right.
7 MS. CORDRY: And what it shows, the middle number
8 is the reference case under each year. So 14.88 in 2020,
9 12.01 in, I'm sorry, 13.06 in 2030 and 12.64 in 2040. But
10 the numbers at either side say if you have low economic
11 growth, as you would expect, the number goes down more. If
12 you have high economic growth, its assumption is that there
13 will be more usage of cars and gasoline. But if you go out
14 to 2040, regardless of the case, even with high economic
15 growth, it's still showing a drop of 16.31 to 13.61, the
16 farthest line over there on that, the farthest column over
17 there.
18 MR. GROSSMAN: I see that.
19 MS. CORDRY: Okay. And then table C-2 is the same
20 kind of a relative change numbers only this time it's
21 looking at oil prices, variations in oil price where again,
22 low oil prices should drive up consumption and high oil
23 prices, as we all know, drives consumption down, not
24 surprisingly. And again --
25 MR. GROSSMAN: Well, I don't need to look at oil

Page 30

1 prices if I have direct figures on gasoline consumption,
2 isn't that true?
3 MS. CORDRY: Well, what I'm saying is this -- it's
4 using it saying okay, if oil prices are higher or lower,
5 what would the effect be on our reference case. So just as
6 high economic growth and low economic growth. And again,
7 the assumption is that again, it's the third line under
8 transportation, 16.31. Again, the reference case would be
9 12.64 but with low oil prices, even with low oil prices,
10 it's assuming in 2040 that it would still be down to 13.85
11 so --
12 MR. GROSSMAN: Right.
13 MS. CORDRY: Under every variation of this, they
14 assume there can be a substantial drop in gasoline
15 consumption.
16 MR. GROSSMAN: I understand. I understand. Well-
17 made.
18 MS. CORDRY: Okay. So done with that exhibit. So
19 the question becomes okay, these are projections. Mr.
20 Flynn, immediately after saying these were the gold
21 standards, then when he was asked to look at the fact the
22 projections were going down, said I disagree with them
23 because they're just projections. Okay. But they are made
24 by the people who have the most effective way of knowing
25 what they're doing with this presumably which is this is

Page 31

1 their job, this is all they do and now that they're back on
2 the payroll, hopefully, they'll go back to doing it again.
3 MR. GROSSMAN: One would hope.
4 MS. CORDRY: One would hope. Okay. So the
5 question is are these new standards actually working, are
6 people buying new cars, is the ratio going up. And I
7 actually have, I probably won't put it, I have a chart
8 that's year by year by year, the same kind of numbers there
9 but I don't know that we need those.
10 MR. GROSSMAN: I don't think we need that, right.
11 MS. CORDRY: Okay. We will let that go. Okay.
12 The question is are we in fact having an effect there, and
13 the bad news is we just had a recession. The good news is
14 that we have a lot, that created a lot of pent up demand for
15 new cars just at the point where the gas mileage standards
16 were going up. So I have exhibits here that talk about
17 current changes in gas mileage, and we can label these each
18 as three separate exhibits or we could label them as one.
19 MR. GROSSMAN: Let's do it as one, different
20 parts.
21 MS. ADELMAN: What are they called?
22 MS. CORDRY: It's the one that says fuel economy
23 now at all-time high. It's pretty short.
24 (Discussion off the record.)
25 MS. CORDRY: 326(a) would be fuel economy now at

Page 32

1 all-time high.
2 MR. GROSSMAN: What is this from?
3 MS. CORDRY: This is a press release put out by
4 the University of Michigan Transportation Research
5 Institute.
6 MS. ADELMAN: So the next one is Environmental
7 News Service, is that right?
8 MS. CORDRY: Yes. And the third one is the NBC
9 News report, the environmental news service --
10 MR. GROSSMAN: You gave me two copies of this last
11 one.
12 (Discussion off the record.)
13 MS. CORDRY: All right. So the first one is in
14 February of 2013, the second one dates April of 2013, and
15 the third one is September of 2013.
16 MR. GROSSMAN: All right. So these are
17 essentially press releases?
18 MS. CORDRY: Press releases or one, the first one
19 is a press release, the second one is a news report, the
20 third one is, again, an NBC News article. Each one --
21 MR. GROSSMAN: Right. So three --
22 MS. CORDRY: Each one is reporting on --
23 MR. GROSSMAN: So 326 --
24 MS. CORDRY: -- various reports of, they're coming
25 in about the fuel economy.

Page 33

1 MR. GROSSMAN: 326(a), (b) and (c).
2 MS. CORDRY: Right. These are talking about new
3 vehicle purchases that the first one, for instance, in
4 February 2013, says that there's been an increase of four
5 miles per gallon from just five years ago.
6 MR. GROSSMAN: Hold on one second.
7 MS. CORDRY: Sure.
8 MR. GROSSMAN: I just have to list these --
9 MS. CORDRY: Sure.
10 MR. GROSSMAN: -- what they are. So the first one
11 is a February 2013, you said that's a press release?
12 MS. CORDRY: Yes.
13 MR. GROSSMAN: Press release of what was the name
14 of the organization?
15 MS. CORDRY: It's University of Michigan
16 Transportation Research Institute. There are some web links
17 at the bottom there for where this is coming from.
18 MR. GROSSMAN: Fuel economy at high.
19 (Exhibit No. 326(a) was marked
20 for identification.)
21 MR. GROSSMAN: And then the next one is 326(b).
22 MS. CORDRY: Right.
23 MR. GROSSMAN: And that is also a press release
24 from Environmental News Service.
25 MS. CORDRY: Or just a report from them I guess.

Page 34

1 Thy are part of the press as opposed to a press release to
2 them.
3 MR. GROSSMAN: All right. This is dated 4/30/13.
4 MS. CORDRY: Correct.
5 MR. GROSSMAN: 4/30/13 release of Environmental
6 News Service, car buyers embrace new fuel standards.
7 (Exhibit No. 326(b) was marked
8 for identification.)
9 MR. GROSSMAN: And 326(c) is a September 10, 2013
10 NBC News statement that oil fuel efficiency hits record
11 high.
12 (Exhibit No. 326(c) was marked
13 for identification.)
14 MR. GROSSMAN: Okay.
15 MS. CORDRY: Okay. And so the second one
16 indicates, it's a discussion of fact that in fact, there is
17 a great deal of consumer demand for these. The people are
18 very satisfied with the new standards, that they support
19 them, that they are looking to get more fuel efficient cars.
20 They're very happy with that.
21 And the third one updates the increase in the fuel
22 economy through, from October 2010 through 20, through
23 August of 2013. At that point, that was 24.7 miles per
24 gallon so there's another couple of tenths of a mile per
25 gallon --

Page 35

1 MR. GROSSMAN: Okay.
2 MS. CORDRY: -- up in just a few months.
3 MR. GROSSMAN: All right. But is there anything
4 else on this point about fuel economy and fuel consumption
5 in the future because I think that you've made this point
6 sufficiently.
7 MS. CORDRY: Well, actually --
8 MR. GROSSMAN: Yes.
9 MS. CORDRY: Yes. I have quite a bit more that I
10 want to put in because I think this is really a critical
11 point in our testimony, that it's not just that it's going
12 down but that as it goes down, it indicates, again, as we've
13 made the point, this is not, there's not a growth area.
14 This is a point where every bit of growth is going to be
15 taking away from other existing stations so you're pulling
16 away from a diffuse model where any impacts and pollution
17 and so forth are spread around and you're pulling existing
18 and decreasing gas consumption into a single area that is
19 being --
20 MR. GROSSMAN: Yes, but I mean, haven't you,
21 haven't you established, unless I see anything to the
22 contrary from the other side, haven't you established that
23 point to a fare-thee-well?
24 MS. CORDRY: Well, I don't know. If they're going
25 to stipulate to that. I think you were also asking was

Page 36

1 there -- well, actually, the point is these are certain
2 cases. What I can show you is that, what I was going to
3 also show you is that the, this is probably the most
4 pessimistic version here is this degree of decrease in gas
5 mileage. There is in fact considerable evidence that it
6 will go down even more than that which is what the rest of
7 these are.
8 MR. GROSSMAN: All right. What about that, Ms.
9 Harris? Do you challenge these estimates that fuel
10 consumption for gasoline is going to decline at the rates
11 indicated in the federal energy projection in Exhibit 325?
12 MR. GOECKE: Right. I think that, Mr. Grossman,
13 we've seen some documentation that would suggest otherwise.
14 Mr. Flynn certainly testified about this. Obviously, there
15 are documents that project that that is what's going to
16 happen. As Mr. Flynn also testified, these are projections.
17 We don't know what's going to happen but that --
18 MR. GROSSMAN: No. Obviously, nobody can be
19 credited with always accurately foretelling the future.
20 MR. GOECKE: Right.
21 MR. GROSSMAN: You have contrary evidence as to
22 the future of gasoline fuel demand?
23 MS. HARRIS: Some of the materials that haven't
24 been submitted into the record but that Ms. Cordry provided
25 suggest somewhat the speculative nature of the projections

Page 37

1 because it is dependent on so many different factors
2 including the economy, including the fact that the aging
3 demographic, that while baby boomers are aging out of the
4 top --
5 MR. GROSSMAN: Right.
6 MS. HARRIS: -- percentage of buying gas, you have
7 a whole group of millennials that are coming into that group
8 and their behavior, while it may be doing, have a certain
9 way of behavior, behaving in their 20s and 30s, that could
10 dramatically change in their 40s or 50s when gas consumption
11 is typically the highest for those, for that demographic,
12 so I'm uncomfortable stipulating to it.
13 MR. GROSSMAN: Okay.
14 MS. CORDRY: So I'd be happy to put this in there
15 and if they actually, if they want to make arguments from
16 this, I think even those papers suggest that there's no
17 reason to believe that the numbers are --
18 MR. GROSSMAN: I'm going to let you proceed.
19 MS. CORDRY: All right.
20 MR. GROSSMAN: I didn't want us to waste a lot of
21 time on a point that wasn't actually controverted, that is
22 that there is this projection. I'm not sure ultimately how
23 it all, you know, how much it determines the determination
24 of need but it clearly is a factor so.
25 MS. CORDRY: Right. Well, again --

Page 38

1 MR. GROSSMAN: All right.
2 MS. CORDRY: -- if other need analyses rely on the
3 fact that demand, that the demand for gasoline, the need for
4 the purchasing is going up as a factor to showing need, I
5 think it's critically important for us to be able to show
6 that the need for gasoline is going down and that there is
7 not a need for it.
8 MR. GROSSMAN: Right. I understand your point,
9 and I didn't want to cut you off prematurely. I just didn't
10 want to have us gild the lily too much when we, if it's a
11 point that wasn't really contested.
12 MS. CORDRY: Right.
13 MR. GROSSMAN: But go ahead with your other --
14 MS. CORDRY: I will move through the rest of these
15 fairly quickly, as fast as I can. The next one, 327, is
16 again current volume trends. It's a three-page document.
17 MS. ADELMAN: Travel monitoring?
18 MS. CORDRY: Yes.
19 MS. HARRIS: Excuse me, Mr. Grossman. Actually,
20 can we spend five minutes to discuss whether we would be
21 willing to stipulate? That may be the most efficient way to
22 handle it.
23 MR. GROSSMAN: Okay. You mean you want a break?
24 MS. HARRIS: Yes.
25 MR. GOECKE: Please.

Page 39

1 MR. GROSSMAN: Okay.
2 MS. CORDRY: Okay.
3 MR. GROSSMAN: All right. We'll come back at 25.
4 MS. HARRIS: Thank you.
5 MR. GROSSMAN: All right. We'll break for five
6 minutes.
7 (Whereupon, at 10:29 a.m., a brief recess was
8 taken.)
9 MR. GROSSMAN: So have, has the petitioner decided
10 as to whether or not it wishes to stipulate that there will
11 be a decrease in demand for gasoline, or let's put it this
12 way, stipulate that the projections in the federal Annual
13 Energy Outlook of 2013, as reflected in Exhibit 325, are a
14 reasonable projection of the future?
15 MS. HARRIS: Yes. In the spirit of efficiency and
16 given the fact actually that Costco itself relies on those
17 CAFE standards and evaluates them in their market analysis,
18 we'd stipulate to the projections set forth in --
19 MR. GROSSMAN: Exhibit 325?
20 MS. HARRIS: Yes. Exhibit 325.
21 MR. GROSSMAN: All right. So I think that
22 eliminates the need to --
23 MS. CORDRY: Actually, it really doesn't, Your
24 Honor, because -- I did not say, I did not say I was
25 prepared to have that stipulation. That is the most --

Page 40

1 MR. GOECKE: She actually did.
2 MS. CORDRY: I said did they want to stipulate to
3 that as being a point but what I was going to say, that is
4 the most pessimistic view of where things -- they were
5 projecting, for instance, a .7 percent growth rate. It's
6 already dropped below that. You know, I can try to go
7 through these very quickly but to suggest that that's the
8 maximum decline that we would be talking about understates
9 the evidence and understates what we would be prepared to
10 put in.
11 MR. GROSSMAN: Okay. I mean --
12 MS. CORDRY: I will try to --
13 MR. GROSSMAN: -- I'm going to let you put it in
14 because I don't want to limit.
15 MS. CORDRY: Right.
16 MR. GROSSMAN: I think it's fair and relevant but
17 I think that we also don't want to be repetitious on a point
18 that's not going to make a difference because I have to tell
19 you that, that it seems to me that the most reliable
20 standards that I can apply here are not going to be the more
21 extreme projections of some people but rather, the Annual
22 Energy Outlook from 2013.
23 MS. CORDRY: I understand but --
24 MR. GROSSMAN: So I think --
25 MS. CORDRY: I understand.

Page 41

1 MR. GROSSMAN: -- you can assess whether or not it
2 makes sense to take a lot of time going through those.
3 MS. CORDRY: But if -- but I will, I will show you
4 that those, again, are the most cautious projections, that
5 other people who are not just people --
6 MR. GROSSMAN: I know but that's what I'm --
7 MS. CORDRY: The state, for instance is making
8 projections and so forth and those go into its analysis and
9 so forth so I would, I would just -- let me go through this
10 as quickly as possible.
11 MR. GROSSMAN: Go ahead.
12 MS. CORDRY: And I will deal with this.
13 MR. GROSSMAN: Go ahead. I know you put in a lot
14 of time with this.
15 MS. CORDRY: Yes.
16 MR. GROSSMAN: And I understand that and I can, I
17 can appreciate that but we don't want to waste a lot of time
18 on a point that is not going to affect what my analysis is
19 because I'm going to rely on the Annual Energy Outlook from
20 the federal government.
21 MS. CORDRY: Well, okay. I think you can also
22 rely on state projections. I think you can also rely on
23 evidence that indicates that it's already dropping below
24 those numbers and so forth so --
25 MR. GROSSMAN: All right.

Page 42

1 MS. CORDRY: Since Mr. Flynn wouldn't rely on it,
2 I, you know, anyway. Let me just try to go through this as
3 quickly as possible.
4 MR. GROSSMAN: All right.
5 MS. CORDRY: Because I think all of this is really
6 important for our case. The next one would be from, this is
7 the Federal Highway Administration. It's a three-page
8 document that shows that year-to-date, from June 2013
9 compared to June 2012, mileage in the South Atlantic area
10 which includes Maryland dropped by .5 percent. It didn't go
11 up.
12 MS. ADELMAN: Is this vehicle miles?
13 MS. CORDRY: Yes. It's this one. No, no. It's
14 this one.
15 MS. ADELMAN: And what's that exhibit number?
16 MR. GROSSMAN: We haven't given it an exhibit
17 number.
18 MS. CORDRY: 327.
19 MR. GROSSMAN: 327.
20 MS. CORDRY: It's labeled travel monitoring and
21 travel volumes.
22 MR. GROSSMAN: This is -- what state is this?
23 MS. CORDRY: This is, this is a national
24 prediction. I am trying to also draw down from national
25 to --

Page 43

1 MR. GROSSMAN: Okay. This is the Federal Office
2 of Highway policy info.
3 (Exhibit No. 327 was marked
4 for identification.)
5 MR. GROSSMAN: All right. And what does this
6 show?
7 MS. CORDRY: This shows a year-to-date, over June
8 2013 to June 2012, that vehicle mileage declined in the
9 regional area. Declined overall nationally but particularly
10 in the region, the South Atlantic regional area, it declined
11 by .5 percent so it's not a small increase, it's a decrease.
12 MR. GROSSMAN: Okay.
13 MS. CORDRY: The second page shows the 12 month
14 average on, on driving and again shows this dramatic drop
15 and the, the stagnation over the last several years rather
16 than any kind of growth. And the third page just shows
17 actually, actual mileage year-to-date.
18 MR. GROSSMAN: All right.
19 MS. CORDRY: Year over year. The next on, 328, is
20 two articles discussing, again, the vehicle miles driven and
21 gasoline volume sales, discussing the changes, the per
22 capita changes, the likelihood that these are simply due to
23 the recession and suggesting that they aren't.
24 MR. GROSSMAN: Who is Doug Short?
25 MS. CORDRY: Doug Short is a person who writes

Page 44

1 about these issues. He's an advisor of perspectives like,
2 I'll try to give you some more background on him at some
3 point if need be but --
4 MR. GROSSMAN: Well, I don't know anything about
5 Doug Short.
6 MS. CORDRY: But I'm mostly putting it in for his
7 charts which show the drop off in per capita, changes over
8 time and --
9 MR. GROSSMAN: All right. Exhibit 328 is Doug
10 Short's --
11 MS. CORDRY: And he is deriving these from things
12 like the Energy Information Administration and so forth.
13 MR. GROSSMAN: Doug Short's 8/23/13 projection
14 of --
15 MS. CORDRY: And he indicates the --
16 MR. GROSSMAN: Hold on.
17 MS. CORDRY: -- official publications he's drawing
18 the numbers from.
19 MR. GROSSMAN: Projection of vehicle miles driven.
20 MS. CORDRY: There's actually two articles so it
21 would be actually (a) and (b). The other one is gasoline
22 volume sales, demographics and our changing culture.
23 MR. GROSSMAN: This is all part of 328?
24 MS. CORDRY: Yeah. Uh-huh.
25 MR. GROSSMAN: Let's see, 328. I see. All right.

Page 45

1 So that's (a).
2 (Exhibit No. 328(a) was marked
3 for identification.)
4 MR. GROSSMAN: 328(b) is Doug Short's 8/21/13
5 projection of gas, gasoline volume sales.
6 (Exhibit No. 328(b) was marked
7 for identification.)
8 MR. GROSSMAN: And let's see what Mr. Short says.
9 What do you interpret the meaning of his charts on the
10 second --
11 MS. CORDRY: Well, those are showing -- okay. The
12 second page. Those are --
13 MR. GROSSMAN: It says gas, per capita gasoline
14 sales versus price per gallon.
15 MS. CORDRY: Right. So he's showing, in that
16 particular one, that is not, it's not just correlated to the
17 rising price or drop-off of gasoline sales. For instance,
18 below there he says the rapid rise in gasoline prices, this
19 would be on page 2 of the second report there, was
20 accompanied by a significant drop in sales volume. With the
21 official end of the recession in June 2009, sales reverse
22 direction, dot, dot, dot, slightly, hit an interim high in
23 November 2010 and then resumed contraction. The moving
24 average for the latest month is about 7.7 percent below the
25 pre-recession level and 4.6 percent off the November 2010

Page 46

1 interim high. The latest data point is a level achieved 15
2 years ago in June of 1998.

3 MR. GROSSMAN: What exactly are these squiggly
4 lines showing me on the next to the last page in Exhibit
5 328(b)? It's hard for me to -- I can't read the key very
6 well. The key doesn't, doesn't show me. I see the dots are
7 sales. Then the, it looks like it may be an unbroken line,
8 and I can't tell which is the unbroken line on the chart, is
9 the 12 month of sales and then the real price per gallon is
10 another one. Which is the real price per gallon on this
11 chart?

12 MS. CORDRY: Okay. The real price per gallon is
13 the, I think the number there that shows the huge variation
14 there, the --

15 MR. GROSSMAN: The really big valleys and peaks?
16 MS. CORDRY: Right. Right.

17 MR. GROSSMAN: Okay. So that's the real price per
18 gallon is going up in terms of a projection into the future
19 whereas the --

20 MS. CORDRY: Well, it went up and then it's kind
21 of been stabilizing around 350 for a while, and it shows
22 some recessions or --

23 MR. GROSSMAN: Actually, it's a, it's not a
24 projection. It's showing what's --

25 MS. CORDRY: That is --

Page 47

1 MR. GROSSMAN: -- what's happened in the past.
2 MS. CORDRY: Right. And showing that the
3 correlation is --

4 MR. GROSSMAN: And the same for the next one.
5 They're not really projections.

6 MS. CORDRY: No, no. But these are showing that
7 we have, over the last several years, we have stopped having
8 a strong correlation between gasoline prices and gasoline
9 sales, that although it certainly affects some but the
10 gasoline sales continue to go down even as the price
11 stabilizes for instance.

12 MR. GROSSMAN: All right.

13 MS. CORDRY: And the very last page, it talks
14 about in addition to improvements to fuel efficiency, the
15 decline in gasoline consumption is attributed in large part
16 to some powerful secular changes in U.S. demographics and
17 culture in general.

18 MR. GROSSMAN: That's not going to really help me.
19 How am I going to use that to make any, any, reach any
20 conclusion?

21 MS. CORDRY: Well, what I'm going to show you is
22 that there's a strong consensus emerging that there are many
23 factors coming together to bring down gasoline consumption,
24 that they will continue to bring it down in the future, that
25 they are distinctly applicable to Wheaton and that all of

Page 48

1 those go into the lack of need, the declining use and the
2 fact that any gasoline usage in this station area is going
3 to be drawn from existing stations rather than being drawn
4 from any kind of growth, that it will exacerbate the
5 tendency to put other stations out of business that
6 currently provide benefits to the proportion of the
7 population that cannot benefit from the Costco station.

8 MR. GROSSMAN: I mean, in fairness, you want me to
9 engage in an analysis that goes three steps back from what
10 the cause is of an apparent decline in the future of
11 gasoline sales when it's not necessary or even advisable for
12 me to engage in that kind of analysis. The only impact in
13 terms of need would be on the projection of whether or not
14 there's going to be a decline in gasoline sales. I don't
15 really, I don't care in terms of my analysis why that might
16 happen.

17 MS. CORDRY: But if it's, if it's happening
18 because, for instance, and this is one of the things that a
19 lot of these articles are discussing, has the recent peaking
20 and dropping off of gasoline sales is just simply a fact of
21 the fact that we went through a recession and as soon as we
22 come out of the recession, it will all be find and we'll go
23 back to having lots of cars and need will go up. If that's
24 the answer, then this is simply a temporary thing and
25 there's no point in worrying about it and we'll all go back

Page 49

1 to driving miles and miles and miles.

2 MR. GROSSMAN: That's not what the federal
3 projections say and --

4 MS. CORDRY: I understand that.

5 MR. GROSSMAN: -- that's what the applicant has
6 conceded so.

7 MS. CORDRY: But what I'm saying is that the
8 federal standard, at this point, only goes to a certain
9 level. The information that's here suggests that that is
10 conservative and that the numbers in fact are already
11 dropping below that projection and that come the next year
12 and the next year and the next year after that, as they
13 adjust their standards, the number will become even less.

14 MR. GROSSMAN: There's a lesson they should teach
15 in law school but they don't is that when you win a point,
16 you probably should stop.

17 MS. CORDRY: I --

18 MR. GROSSMAN: So --

19 MS. CORDRY: I understand that point very well,
20 Your Honor, and I, my only point is it's not just, you know,
21 if somebody says it's going to go down 10 percent and I say
22 there's strong reason to believe it's going to go down 30
23 percent, is having a concession on 10 percent really winning
24 the point? Let me just go ahead and put these exhibits in
25 and --

Page 50

1 MR. GROSSMAN: All right.
2 MS. CORDRY: Because I do want to be able to refer
3 to them.
4 MR. GROSSMAN: Okay.
5 MS. CORDRY: And I won't spend a lot of time on
6 them but each one, I'll just describe them and we'll go
7 through. 329 then would be, again, a discussion about why
8 car driving is going less and why, again, this is, you know,
9 likely to continue into the future. It's from, it's a
10 report on the NPR. It's an Associated Press discussion.
11 MR. GROSSMAN: I'm not going to -- I mean, I don't
12 even see a basis for taking Associated Press speculations
13 into consideration.
14 MS. CORDRY: Well, it's not that. They are
15 reporting on various researchers and what the, the
16 conclusions that various researchers are coming up with and
17 what the discussions are.
18 MR. GROSSMAN: Well, you've already put in the,
19 essentially the researcher's conclusions. Why would I want
20 to look at their, at somebody's --
21 MS. CORDRY: That was one report about one
22 research -- there's a lot of these reports.
23 MR. GROSSMAN: Yes.
24 MS. CORDRY: I mean, one of the points I'm making
25 is that this is an overwhelming trend and I would like to

Page 51

1 put it in there to indicate that this is coming from a
2 number of resources, a number of sources, that they're all
3 converging on the same point.
4 MR. GROSSMAN: I don't consider Associated Press
5 discussions of, which they, in which they conclude about
6 Americans' driving habits to be a significant reliable
7 source of information. So I haven't heard an objection from
8 the other side but I have to tell you I'm going to put an
9 exhibit number on it but it's not going to be a source of
10 any evaluation for me.
11 MS. CORDRY: Well, again, it's not their
12 speculation. They're reporting on, for instance, the first
13 page talks about a study by Department of Transportation
14 economists, Pickrell and Pace, which I will then put the
15 study in which talks about mileage dropping per month by 9
16 percent from 2004 to the present.
17 MR. ROSENFELD: Mr. Grossman, if I could suggest.
18 MR. GROSSMAN: Yes.
19 MR. ROSENFELD: You've made your views clear on
20 how much weight you plan to give to this evidence. We would
21 like to have it in the record.
22 MR. GROSSMAN: Right.
23 MR. ROSENFELD: So if we could just go through and
24 introduce it into the record and --
25 MR. GROSSMAN: I'm going to mark it as an exhibit

Page 52

1 and put it in the record subject to later objection by
2 anybody as to whether or not this kind of article would be
3 admitted as opposed to, you know, some of the other
4 scientific studies which have been allowed as well as
5 government statistics which, you know, we've certainly
6 allowed. But I'm marking it. I haven't heard an objection.
7 I'm allowing it to be marked for the record.
8 (Exhibit No. 329 was marked
9 for identification.)
10 MS. CORDRY: Okay. The next one, which would be
11 Exhibit 13, 330, is a report from scientists from the
12 Research and Innovation Transportation Administration, the
13 Volpe National Transportation Systems Center on their study.
14 And it's a, the first two pages is a press release on it and
15 the balance of it is the, is a Power Point discussion
16 showing, again, their evidence about the declining in
17 groups, that it's not just declining among those who are not
18 employed but it's also declining among even those who are
19 employed.
20 MR. GROSSMAN: All right. So this is from the
21 Research and Innovative Technology Administration.
22 MS. CORDRY: Page 2 of the Power Point says based
23 on analysis of historical and potential future growth in
24 motor vehicle use conducted by the Volpe Center for the
25 support of the Federal Highway Administration's Office of

Page 53

1 Highway Policy and Information.
2 MR. GROSSMAN: Discussion of whether growth of
3 auto use has ended.
4 (Exhibit No. 330 was marked
5 for identification.)
6 MR. GROSSMAN: Okay.
7 MS. CORDRY: 331 would be a report from the
8 University of Michigan Transportation Research Institute.
9 The title, Has Motorization in U.S. Peaked, from July 2013.
10 MR. GOECKE: I'm sorry. I thought the last one
11 was 331.
12 MR. GROSSMAN: No. That was 330.
13 MR. GOECKE: And the NPR article was 329 then?
14 MS. CORDRY: Yes. Uh-huh.
15 MR. GOECKE: Thank you.
16 MS. CORDRY: And the abstract, just to reference
17 the relevance of this, the abstract notes that the distance
18 driven per person per licensed driver per household and per
19 registered vehicles all reached their maximum 2004, four
20 years prior to the beginning of the current economic
21 downturn and all have decreased by five to nine percent
22 through 2011. These reductions likely reflect non-economic
23 changes in society that influence the need for vehicles.
24 Because the onset of the reductions was not the result of
25 short-term economic changes, the 2004 maximum have a

Page 54

1 reasonable chance of being long-term peaks as well.
2 MR. GROSSMAN: Ms. Adelman, you actually gave me
3 two copies of this one.
4 MS. ADELMAN: Oh, did I? Sorry, Mr. Grossman.
5 MR. GROSSMAN: All right. So 331 is study of
6 motorization. Has motorization in the U.S. peaked,
7 reference to light duty vehicles.
8 (Exhibit No. 331 was marked
9 for identification.)
10 MR. GROSSMAN: Okay.
11 MS. CORDRY: The next three are a series of
12 studies from the Public Interest Research Group dealing
13 primarily with often, a great deal, this is dealing with the
14 millennials and whether or not their behavior is going to,
15 how that has been influencing the, the changes. The first
16 one, which I'll call I guess 332, is transportation new
17 generation. And what I'm doing with these is I'm simply
18 putting in the executive summary in most cases or the
19 introduction. I have the entire documents if anybody wants
20 them but I'm putting in them to show the conclusions.
21 The first one, for instance, it notes on page 1
22 that while the average American is driving six fewer miles
23 in 2004 compared to 2011, uses a slightly different time
24 period, but from 2001 to 2009, it says the average number of
25 vehicle miles traveled by young people from 16 to 34

Page 55

1 decreased by 23 percent. And what this, this particular
2 report discusses is that young people tend to be leading the
3 way in terms of the reduction in vehicle miles.
4 MR. GROSSMAN: These are, all three of these are
5 from PIRG?
6 MS. CORDRY: PIRG, yes.
7 MR. GROSSMAN: All right. So we'll get 332(a)
8 will be the first one. The second one will be 332(b), a new
9 direction.
10 (Exhibit Nos. 332(a) and (b)
11 were marked for
12 identification.)
13 MS. CORDRY: And this one basically summarizes
14 that the driving boom is over is the sort of take-away line
15 from this report. But page 3, it discusses a number of
16 trends that might come and it shows that if you've gone back
17 to the existing levels of increases that we've had up
18 through the early 2000s, the dotted line shows a high rate
19 of growth and then shows a number of changes based on the
20 fact that over those several years, in fact, the growth rate
21 declined and the number of vehicle miles remained stagnant
22 and shows three possibilities, if it begins to grow again,
23 if it continues to be at a low level or if it continues to
24 decline in the way that it has been declining.
25 Page 4 is one of the points to make here, that,

Page 56

1 that there's already drops in driving usage compared to
2 projections that were made within only the last couple of
3 years by these official kinds of projections and so forth so
4 that there's, there is room to suggest that even the Energy
5 Information Agency is still being on the conservative side
6 of this point.
7 332(c) is called moving off the road, a state by
8 state analysis of the national decline in driving. And
9 again, this one attempts to determine whether the reduction
10 is simply related to current economic conditions or whether
11 it's likely to be a long-term trend. And its basic
12 conclusions are that it is not strongly related to the
13 economics. Obviously, that has an effect but that is going
14 down in virtually every state regardless of whether or not
15 they're doing well, doing poorly. They're all continuing to
16 decline in gasoline usage.
17 Page 22 shows that for Maryland, the peak miles
18 per capita was in 2007, and there's been a 4.1 percent
19 decline since then, since that peak year here.
20 MR. ROSENFELD: Ms. Cordry, I don't see page 22 in
21 my copy.
22 MS. ADELMAN: Which one are you on, (a), (b) or
23 (c)?
24 MS. CORDRY: (C).
25 MR. ROSENFELD: Mine has, mine goes 1, 2, 3, 4. I

Page 57

1 don't have a 22.
2 MS. CORDRY: Okay. I may not have put the whole
3 thing in but anyway.
4 MS. ADELMAN: Mine does too. Mine does too.
5 MS. CORDRY: Okay. So I have some other numbers
6 on Maryland on other exhibits so that's fine.
7 (Exhibit No. 332(c) was marked
8 for identification.)
9 MS. CORDRY: Exhibit 333 would be a report from
10 the EPA. It's actually, well, it's a press release
11 describing research they've been doing about trip generation
12 by mixed-use development and indicating that in fact, new
13 research shows that the current methods of projecting trips
14 substantially overstates how many tend to be generated and
15 tend to understate the benefits of mixed-use development and
16 describes a new spreadsheet model that they have --
17 MR. GROSSMAN: All right. So exhibit --
18 MS. CORDRY: -- authorized.
19 MR. GROSSMAN: Exhibit 333 is --
20 MS. CORDRY: It actually has three pieces in it as
21 well. The first is the press release --
22 MR. GROSSMAN: This is by the Environmental
23 Protection Agency.
24 MS. CORDRY: Right.
25 MR. GROSSMAN: So this is EPA, you say it's an

Page 62

1 MS. CORDRY: The next one would be from the
2 Maryland Draft, 2035 Draft Transportation Plan.
3 MR. GROSSMAN: Thank you.
4 MS. CORDRY: Excerpts from that. These again, all
5 of these are very long documents so I've --
6 MR. GROSSMAN: All right. So this is Exhibit 335,
7 and that is excerpts from 9/2013 Draft 2035 Maryland
8 Transportation Plan.
9 (Exhibit No. 335 was marked
10 for identification.)
11 MR. GROSSMAN: Okay. And what does that purport
12 to show?
13 MS. CORDRY: Okay. If you look at page 6 to 7,
14 they talk at the bottom there that, about vehicle miles
15 traveled in the state, that they had typically out-paced
16 population growth but since 2005, however, they've held
17 steady at between 55 to 56 billion miles per year. And the
18 demographic and economic trend data suggests that a return
19 to strong annual VMT growth is unlikely in per capita growth
20 is actually decreasing after decades of growth. And the
21 chart on the next page shows that leveling out and
22 stagnation of total miles traveled despite the growth and
23 population.
24 MR. GROSSMAN: The chart on page 12 you mean?
25 MS. CORDRY: No.

Page 63

1 MR. GROSSMAN: Oh, it's page 7 rather?
2 MS. CORDRY: Yes. Yes.
3 MR. GROSSMAN: And that shows an increase from
4 1980 to about 2005 and then a leveling out.
5 MS. CORDRY: Yes. Even though the population
6 obviously has continued to grow over that time.
7 MR. GROSSMAN: Okay. And that's Maryland highway
8 miles. This is Exhibit 335, leveling of highway miles.
9 Okay.
10 MS. CORDRY: And page 21 refers, of that exhibit,
11 I'm sorry, refers to the greenhouse gas Emissions Reduction
12 Act of 2009 in Maryland which mandates that the state
13 propose a plan to achieve a 25 percent statewide reduction
14 in greenhouse gas emissions by 2020 and that, it notes that
15 among other things, it will attempt to use technologies to
16 help reduce VMT, vehicle miles traveled, and promote
17 increased transit ridership as part of that, that plan to
18 reduce the greenhouse gases.
19 MR. GROSSMAN: Okay.
20 MS. CORDRY: That was 335, is that right?
21 MR. GROSSMAN: That's correct.
22 MS. CORDRY: Okay. 335, 336 is again, some
23 excerpts from that actual Greenhouse Gas Reduction Act Plan
24 that came out in July -- no.
25 MS. ADELMAN: Air quality conformity?

Page 64

1 MR. GROSSMAN: Okay. So this is Exhibit 336.
2 (Exhibit No. 336 was marked
3 for identification.)
4 MR. GROSSMAN: This is -- what's the status of
5 this plan?
6 MS. CORDRY: This plan is actually -- this was a
7 draft version and this is what I had looked up and sent
8 around to everyone. It has actually now come out in a much
9 nicer, glossier version here which I believe is actually
10 final and in place which came out in October 2013. There's
11 no difference in the effects of this so rather than try to
12 start a whole new exhibit with everybody, I only found this
13 one yesterday.
14 MR. GROSSMAN: All right. So this is Maryland
15 Greenhouse Emissions Reduction Act Plan.
16 MS. CORDRY: Right. And this talks about --
17 again, this is a very long report. I pulled out some pages
18 here that talk about the effects of VMT. In particular, at
19 the bottom of page 20, I'm sorry, bottom of page 72, and
20 this again is consistent with the point about that the
21 projections are already overstated, noted that they had
22 estimates from Maryland Department of Transportation in 2010
23 that had projected a 4 point, I'm sorry, 1.4 percent annual
24 VMT growth from 2006 to 2020 but that in fact, it has been
25 stagnant since 2008 and in 2011, total VMT was 56.1 billion,

Page 65

1 which is a .9 percent reduction from 2006, and 2012 VMT is
2 anticipated to remain the same as 2011.
3 At the top of the next page, to go back to the
4 projections they had, you would have had to have a
5 substantial increase in VMT growth and that's not
6 anticipated to occur.
7 MR. GROSSMAN: Just so -- you say VMT. It's VMT,
8 not BMT.
9 MS. CORDRY: VMT. No, VMT.
10 MR. GROSSMAN: Vehicle miles traveled.
11 MS. CORDRY: Vehicle miles traveled, correct.
12 MR. GROSSMAN: I just want to make sure that the
13 record is clear.
14 MS. CORDRY: So that they were able to reassess
15 the VMT growth rate associated with implementation of their
16 current plans and programs through 2020, this is the top of
17 page 73, that result in a reduction of 5.53 billion VMT in
18 2020 compared to the original plan, and that also lowered
19 their greenhouse gases by 2.78. I'm not quite sure what
20 this, this figure is here but they needed to do a total
21 reduction of 55.26 and a reduction in vehicle miles traveled
22 gave them 2.78 of those units. I think that's probably
23 something like perhaps million metric tons of CO2 emissions
24 but whatever that unit is, they got 2.78 out of, out of
25 being able to reduce the vehicles miles traveled based on --

Page 66

1 MR. GROSSMAN: This is the MMTCO2E.
2 MS. CORDRY: Right.
3 MR. GROSSMAN: Okay.
4 MS. CORDRY: I couldn't find where they actually
5 defined that, that figure but whatever it is, of the 55.78
6 that is shown on figure 6.3, they're getting 2.78 out of it
7 just from this vehicle miles traveled reduction.
8 MR. GROSSMAN: I see. Okay.
9 MS. CORDRY: And page 135 talks about Maryland
10 currently has some other options they can do to continue to
11 increase these, these reductions. One is to enforce the
12 anti-idling law. They say the law could be made more
13 stringent and enforced more consistently. Enforcement of
14 this law is essential to achieving greenhouse gas benefits.
15 MR. GROSSMAN: All right.
16 MS. CORDRY: Let's see whether I'm going to put
17 this one in or not. I think the last one that I would do on
18 these is then Exhibit 337 which, the Baltimore Sun article.
19 MR. GROSSMAN: Thank you.
20 MS. CORDRY: And this begins with a discussion
21 again of the PIRG reports but then also talks about a number
22 of the things that the state is planning on doing and
23 dealing with the effects of what that PIRG report was
24 discussing.
25 MR. GROSSMAN: August 29, '13 Baltimore Sun

Page 67

1 article on end of driving boom.
2 MS. CORDRY: Right.
3 (Exhibit No. 337 was marked
4 for identification.)
5 MR. GROSSMAN: Okay.
6 MS. CORDRY: All right. So net result of all of
7 this is I think there's a strong reason to believe that even
8 the numbers given by the Energy Administration are likely to
9 be too pessimistic, that we will be seeing additional drops
10 below those numbers and that this is a very significant
11 factor in terms of determining whether there is any need for
12 a station, especially one that will result in taking, can
13 only really take gasoline sales by taking them away from
14 other existing stations. It cannot rely on growth to
15 satisfy the volume that it's going to use.
16 There is -- just before I get to Mr. Flynn's
17 supplemental report, the one other piece that I wanted to
18 put in here was -- do you have this one Abigail?
19 MS. ADELMAN: Show me again, Karen.
20 MS. CORDRY: The comparative station statistics.
21 Should be probably at the bottom.
22 MR. GROSSMAN: Thank you, ma'am. All right. So
23 this is Exhibit 338.
24 MS. CORDRY: Yes.
25 MR. GROSSMAN: And this is --

Page 68

1 MS. CORDRY: This is one that I, that I compiled.
2 It was based on looking at some things that were done in
3 previous reports and also looking at what the Lucky Stores
4 case had suggested that one might want to do which was to
5 look at the ratios in a particular area versus the county.
6 Was the area underserved, over-served, that, that kind of
7 thing. In some previous ones, I had seen that they had used
8 statistics like this to indicate that a particular area had
9 less stations per person or per household or per car.
10 MR. GROSSMAN: These are gas stations, right?
11 MS. CORDRY: Gas stations, yes.
12 MR. GROSSMAN: So this is comparative gas station
13 statistics.
14 MS. CORDRY: Yes.
15 (Exhibit No. 338 was marked
16 for identification.)
17 MS. CORDRY: So what I put these together for was
18 for this area versus the county as a whole. The third page
19 in this document is a print-out from the U.S. Census Bureau
20 that shows the total number of gas stations in Montgomery
21 County as of 2010. I'll tell you, that's a hard number to
22 find, but this appears to be an accurate authoritative
23 number, so 183 of which 100 had convenience stores and 83
24 did not. So going back to --
25 MR. GROSSMAN: Where do you see the convenience

Page 69

1 store?
2 MR. ROSENFELD: Where is this?
3 MS. CORDRY: I'm sorry. The third page in this
4 document.
5 MR. GROSSMAN: I see the 183.
6 MS. CORDRY: Yes. And then you go down a little
7 bit further. Of the 183, there is gas stations with
8 convenience stores is 100.
9 MR. GROSSMAN: Oh, I see.
10 MS. CORDRY: And then below that 83 for the gas
11 stations.
12 MR. GROSSMAN: Oh, okay. I see.
13 MS. CORDRY: Other gas stations.
14 MR. GROSSMAN: I see. Thank you.
15 MS. CORDRY: So as far as what I called the study
16 area, which is the seven minute driving radius that has been
17 used by Mr. Flynn in his reports, at the time in 2010, there
18 was either 27 stations or 30, and I've just done the numbers
19 both ways so you don't need to resolve what the correct
20 issue is but within the study area as we call.
21 MR. GROSSMAN: I'd actually like to, I mean, I
22 think this might be a useful little add-on here, to give it
23 its own exhibit number, 338 (a). I mean, is it referenced
24 in your, in your first two pages?
25 MS. CORDRY: The census report?

Page 70

1 MR. GROSSMAN: Yes.
2 MS. CORDRY: I don't know.
3 MR. GROSSMAN: If it's not referenced, I would
4 just detach it and give it its own number.
5 MS. CORDRY: Well, okay. I, what I have done
6 there is at the top there where you see the bracket right
7 under no. 1, that's the --
8 MR. GROSSMAN: Total stations.
9 MS. CORDRY: Well, yeah. But right over there
10 where the bracket is, that's where I got the census report
11 from but it's fine to give it a separate report, number,
12 exhibit number if you want to.
13 MR. GROSSMAN: All right. It's as of 2010. But,
14 I mean, I think that's a -- so let's break it out.
15 MS. CORDRY: Do you want to do 338 (a) and (b)?
16 MR. GROSSMAN: I'll just make it 339.
17 MS. CORDRY: Okay.
18 MR. GROSSMAN: And then give it its own.
19 MS. CORDRY: Okay.
20 MR. GROSSMAN: Because I think it has some
21 independent statistical value for us.
22 MS. CORDRY: Okay.
23 MR. GROSSMAN: In terms of, I mean, it's of 2010
24 so it's a little bit older but it gives us something I
25 guess.

Page 71

1 MS. CORDRY: That's the most recent census that
2 was taken so.
3 MR. GROSSMAN: Right. So Exhibit 339 is U.S.
4 Census, year of 2010, loco gas stations.
5 (Exhibit No. 339 was marked
6 for identification.)
7 MR. GROSSMAN: All right.
8 MS. CORDRY: All right. And then for the study
9 area of course again, using Mr. Flynn's 2010 need report,
10 there's either 27 or 30 stations, depending on what we do
11 with those three stations in the Four Corners area, so I
12 calculated the ratios both ways. In terms of the county, I
13 then went to the Montgomery County snapshot for July 20, the
14 2010 snapshot. Go ahead and put this in. I had put the
15 2012 in but this --
16 MR. GROSSMAN: The snapshot is in there already.
17 MS. CORDRY: No. That was 2012.
18 MR. GROSSMAN: Okay.
19 MS. CORDRY: This is the 2010 snapshot so it has
20 the 2010 figures.
21 MR. GROSSMAN: All right.
22 MS. CORDRY: Which I guess would be Exhibit 340.
23 MR. GROSSMAN: Thank you. July 2010 Montgomery
24 County snapshot.
25 (Exhibit No. 340 was marked

Page 72

1 for identification.)
2 MR. GROSSMAN: Okay. Excerpts.
3 MS. CORDRY: And on page 22 -- I just have to
4 figure out. One moment. Actually, I'm sorry. We can
5 actually use the 2010 snapshot report because I forgot. It
6 was put out in 2010 but it actually was going back to 2009
7 because it didn't have the most up-to-date figures. The
8 2012 snapshot actually does discuss 2010 figures so --
9 MR. GROSSMAN: Okay. So what --
10 MS. CORDRY: So that --
11 MR. GROSSMAN: What was the exhibit number of the
12 2012 snapshot?
13 MS. CORDRY: Okay. That was 297.
14 MR. GROSSMAN: Okay.
15 MS. CORDRY: I'm sorry. So that's why I did that.
16 Okay.
17 MR. GROSSMAN: So we're not going to, you, we're
18 not going to have Exhibit 340?
19 MS. CORDRY: Yeah. I think we can, I don't think
20 we actually need that one in. Okay.
21 MR. GROSSMAN: Okay.
22 MS. CORDRY: So 297, page 22, I knew there was a
23 reason I did this, shows at the top in April 2010,
24 Montgomery County had a total population of 971,777 persons.
25 MR. GROSSMAN: Right.

Page 73

1 MS. CORDRY: And on page 23, for some reason, it
2 says the household population is 962,877. I'm not quite
3 sure who doesn't live in a household. Maybe it's, I don't
4 know if that's prisons or nursing homes or whatever but
5 anyway --
6 MR. GROSSMAN: Right.
7 MS. CORDRY: -- the numbers are very, very little
8 different. And let's see. The household number then --
9 okay. So on page 23 then it says, shows household number
10 357,086 which is the number I use on the chart. And on page
11 22 again, the persons per household is the 2.70 which again
12 I list here.
13 MR. GROSSMAN: Okay. So what's the upshot of all
14 of this?
15 MS. CORDRY: Okay. I'll just walk you through.
16 So cars -- let me go through the other chart there. On the
17 other side under the study area, the population 2010 I took
18 from Exhibit 7 which is his 2010 need report, the 97,864.
19 The households I note with a footnote there was a couple
20 different figures that you could come up with. I just
21 averaged the two of them. Somewhere between 35,449 to
22 35,847.
23 MR. GROSSMAN: Okay.
24 MS. CORDRY: Again, the numbers, it's not big
25 enough to make any real difference in terms of that so I

Page 74

1 used the average there. Again, from that same exhibit, the
2 persons per household was 2.73 so very similar to the county
3 as a whole. In terms of cars, he had a chart on there that
4 showed so many households have zero, so many households have
5 one car, so many households have two. I simply multiplied
6 all that up and counted it or you can multiply his average
7 number of cars per household, 1.69 times the 35,648, and you
8 come up with a figure of just under 60,000 cars in the study
9 area.

10 MR. GROSSMAN: Okay.

11 MS. CORDRY: 59,611. I don't have a comparable
12 figure for the county but what he said was in his report, he
13 said that he thought that there was, there's a note,
14 footnote here that he thought his area had more cars than
15 the average household so I reduced it from 1.69 to 1.55. He
16 had used figures for the five and the ten minute drive areas
17 as being 1.66 and 1.6 respectively so I reduced it even
18 below that just to make sure I wasn't overstating for the
19 county. You multiply the 1.55 times the 357,000 households,
20 you get 553,000 cars in the county. So those are my, those
21 are my base numbers.

22 So the ratios there, you simply divide it out.
23 Persons per gas station in the county as a whole. If you
24 take the, the total population and you divided it by the
25 number of households, 357, I'm sorry, by the number of gas

Page 75

1 stations, the 183, so you take that 971,000 figure and
2 divide by the 183, you get 5310.

3 MR. ROSENFELD: Are you on page 2?

4 MS. CORDRY: I'm on page 2, yes. I'm on the
5 ratios at this point.

6 MR. GROSSMAN: Okay.

7 MS. CORDRY: If you do the same thing within the
8 study area of the 97,864, you get either 3,624 persons per
9 station or 3,362, depending on whether you use the 27
10 stations versus the 30. If you do the households per
11 station, same kind of a calculation, you get 1951 in the
12 county as a whole but only 1320 in the study area and using
13 1188 if you consider 30 stations. Same thing if you do with
14 cars. 3,000 per station in the county as a whole, 2200 in
15 the study area or 1987 if you use the 30 station ratio.

16 MR. GROSSMAN: So your point is that there is a
17 lower number of cars and people in the station area than
18 there is on average in the county.

19 MS. CORDRY: In the study area, yes.

20 MR. GROSSMAN: Okay.

21 MS. CORDRY: Yes. So in other words, we have more
22 stations per person here than in the county.

23 MR. GROSSMAN: And the study area you're talking
24 about is what he called the general neighborhood.

25 MS. CORDRY: Yeah. The seven minute --

Page 76

1 MR. GROSSMAN: The larger --

2 MS. CORDRY: -- drive area.

3 MR. GROSSMAN: Right. Okay.

4 MS. CORDRY: The, the area there he had.

5 MR. GROSSMAN: Right.

6 MS. CORDRY: These 4, 5 and 6, I'm sorry, the
7 label is just, it should say county divided by study area,
8 not study county divided by area. The study needs to be
9 over with area, so this is just showing the ratio between
10 the county versus the study area. So again, if you look at
11 persons, the county has about one-and-a-half times more
12 persons per station than the study area.

13 MR. GROSSMAN: Okay.

14 MS. CORDRY: Households, roughly the same number,
15 cars, roughly the same number. So then using all of these,
16 it's about a one-and-a-half times more persons, cars,
17 households in the county as a whole than here. Put another
18 way, we have a substantially smaller number of cars,
19 households and persons per station.

20 MR. GROSSMAN: Right.

21 MS. CORDRY: So in other words, we have more
22 stations for all the people. Turn that off.

23 MR. GROSSMAN: All right. Let's all try to keep
24 our cell phones off.

25 MS. CORDRY: Nobody ever calls me on this number.

Page 77

1 Okay. So I also put in there some of the capture ratios
2 that you get from the, these things. You see same kind of
3 retail capture ratios that we did. I think I put them in
4 2010 so the 2012 report, I'll just leave this 2010 piece off
5 but you'll be able to see in the 2012 report that this area
6 tends to capture more gasoline sales than the county as a
7 whole. So in terms, again, of the question of is this area
8 underserved compared to the county or over-served, the
9 answer is we're over-served compared to the county as a
10 whole.

11 So the last piece here is just a walk-through his
12 supplemental report.

13 MR. GROSSMAN: Okay.

14 MS. CORDRY: Okay. I think this was done, as he
15 indicates, to respond to your request to see what the need
16 analysis would be if you looked at an area more closely
17 corresponding to what we might call the area of direct
18 impact of the station, the more limited neighborhood that --

19 MR. GROSSMAN: The defined, the general
20 neighborhood as defined by the technical staff.

21 MS. CORDRY: In terms of looking at the direct
22 impacts of the station on homes in the area and so forth.

23 MR. GROSSMAN: Right.

24 MS. CORDRY: They never use that in terms of
25 defining the need analysis.

Page 78

1 MR. GROSSMAN: That's correct. It traditionally
2 has been the broader drive time --
3 MS. CORDRY: Right.
4 MR. GROSSMAN: -- definition. However, a number
5 of people, and maybe it wasn't KHCA.
6 MS. CORDRY: No. It was not.
7 MR. GROSSMAN: It might have been Kensington View
8 Civic Association, raised the issue of the definition or the
9 requirement in the statute as calling for a need in the
10 general neighborhood, and it didn't distinguish between the
11 way general neighborhood is used and has been used in cases
12 regarding land use and general need in terms of, general
13 neighborhood in terms of need definition. So it's certainly
14 arguable that that's been misapplied over the years and that
15 the general neighborhood should be that as defined
16 traditionally which I think reasonably could be called the
17 area that technical staff defined as general neighborhood
18 here which is the mall and the residential areas to the
19 south and west.
20 MS. CORDRY: Okay. And I -- you're correct.
21 Kensington Heights did not argue that. We've been prepared
22 to work within the standard method of analysis and I think
23 it's always been used that way because realistically, the
24 area that has a direct impact from the station in terms of
25 light or noise and so forth is obviously far too small to

Page 79

1 ever support any gas station because those kind of impacts
2 typically are no more than, you know, a few hundred feet,
3 1,000 feet and so forth so that the number of people that
4 you would actually have within that very limited area around
5 the gas station would be, I can't really imagine anyone,
6 where a gas station would actually be supported by such a
7 small area.
8 MR. GROSSMAN: Well, this is an unusual situation
9 in which there's a mall so you get other users other than
10 the ones from the residences immediately in the area but
11 it's, I agree it's a debatable point but I thought it ought
12 to be covered in terms of the testimony since I think it is
13 a legitimate arguable point, and I haven't really decided
14 how I'm going to go in terms of my analysis of it.
15 MS. CORDRY: I mean, certainly, and I'm prepared
16 to discuss this. I would say that although I don't really
17 think it's particularly unusual to have a mall. I mean,
18 most gas stations are going to be located in commercial
19 areas where you have either shopping areas or office
20 buildings and so forth but in any case, we'll come back to
21 that
22 MR. GROSSMAN: I mean, the broader definition may
23 have started out with Lucky Stores, I'm not sure, but Lucky
24 Stores case discusses how the applicant did not introduce
25 evidence in terms of drive time but the opposition did in

Page 80

1 the drive time area and then that market, kind of market
2 analysis came to be applied. There may have been an earlier
3 case in which it was discussed as well. I'm not sure. But
4 it may have originated there and then every applicant
5 thereafter felt an obligation to do what the Court in Lucky
6 Stores said was missing from the applicant there. I don't
7 know if it was that way.
8 MS. CORDRY: I think Lucky Stores was not a new
9 analysis. I think it was within the line and so forth. In
10 any case, we'll come back to this.
11 MR. GROSSMAN: All right.
12 MS. CORDRY: But we have not made the argument.
13 We were prepared to make our analysis within the traditional
14 40 or 50 of them that we have here so.
15 MR. GROSSMAN: I understand. You indicated that
16 before.
17 MS. CORDRY: Okay. So although it purports to
18 show a limited neighborhood in the need analysis, I think as
19 we will show below, it's really just the same regional or
20 county need analysis wrapped up in a different packaging.
21 We also think the report confuses the data that it takes
22 from Mr. Guckert's, from the other sources from which it
23 makes its analysis and has at least one clearly incorrect
24 calculation again in this report so we don't think it begins
25 to, again, show a need under its aspects for a station of

Page 81

1 this size in this location.
2 So starting with the report, let's see, in section
3 2 on page 2, he again states that he's trying to evaluate
4 the specific components of need such as pass-by traffic,
5 employees, shoppers and the residents to the immediately
6 neighborhood rather than the Claritas report for the seven-
7 minute area which he said was the correct way to look at the
8 whole area, that you could get it from the Claritas report
9 but for this narrow area, he wanted to look at specific
10 components. All right.
11 So in section 3, which is listed as sources of
12 demand, he states that the, his Exhibit 1 is going to
13 allocate the demand that the traffic study presents. So
14 he's basically getting his data from the traffic study based
15 on the projected sale of 12 million gallons per year and an
16 average sale of 12 gallons per purchase. I would note that
17 there's nowhere in the traffic report where it actually says
18 12 gallons is an average per purchase but for purposes of
19 this, that's fine. We can use that as a guesstimated
20 average, and that would produce one million purchases a
21 year.
22 MR. GROSSMAN: One million gallons, one million
23 dollars, one million --
24 MS. CORDRY: One million purchases. In other
25 words, 12 million gallons divided by 12 gallons per purchase

Page 82

1 gives you one million purchases.
2 MR. GROSSMAN: Okay.
3 MS. CORDRY: Okay. One million shoppers, one
4 million customers.
5 MR. GROSSMAN: Okay.
6 MS. CORDRY: Okay. Now, the traffic report itself
7 does not attempt, there's nowhere in the traffic report
8 where it attempts to generate actual demand figures and none
9 of the data they've got from the other stations gave you a
10 basis to empirically calculate the total volume the station
11 would generate or where geographically that station, that
12 volume would come from. At most, it had three or four days,
13 or two days in a given year and you could perhaps multiply
14 those by, you know, a day by 365 and maybe come up with a
15 value.
16 But it was not attempting to determine what the
17 total volume was by based on the traffic study analysis. It
18 was looking at taking what appeared to be a typical or a
19 relatively high day and trying to come up with some numbers
20 for that for a peak hour that would add to peak traffic in
21 the area and come up with questions about whether or not the
22 traffic volumes would exceed the critical lane volumes. So
23 it was not being used for this kind of purpose here that Mr.
24 Flynn is now trying to use it for.
25 MR. GROSSMAN: In other words, you're saying that

Page 83

1 Guckert's traffic estimates were conservative.
2 MS. CORDRY: Well, I'm not --
3 MR. GROSSMAN: In the sense that they were, at the
4 very least, overstating or stating a maximum of traffic
5 impact whereas you shouldn't use those figures for
6 estimating gasoline consumption because they would be high?
7 MS. CORDRY: Well, I'm not, I'm not really --
8 MR. GROSSMAN: Is that what you're saying?
9 MS. CORDRY: It might be high, it might be low.
10 The point is it simply was not looking, it wasn't generating
11 those kind of numbers. It wasn't looking over the course of
12 an entire year as to what was sold or not sold or how you
13 would use that to determine the demand. It had a figure at,
14 they do, have given us a figure at Sterling. They have said
15 we are taking a worst case projection for Wheaton which we
16 think is 12 million gallons and they've done some things but
17 there's no way, there's nothing in the report that tried to
18 actually generate from whatever its traffic was back to a, a
19 demand number. They're simply done for different purposes.
20 MR. GROSSMAN: No, but I take it from what you
21 just said though that your, the implication of what you say
22 is that the estimate of gas demand is too high because the
23 traffic estimate is too high.
24 MS. CORDRY: No. I'm --
25 MR. GROSSMAN: You replied that way.

Page 84

1 MS. CORDRY: Okay. I'm not really --
2 MR. GROSSMAN: That's not what you're saying?
3 MS. CORDRY: No. I'm not really trying to say
4 that at all. I'm simply saying that the numbers in the
5 traffic report, there are not numbers in the traffic report
6 that correspond to what he's using them for here and that
7 he's, as we'll see, that he's sort of --
8 MR. GROSSMAN: No, but didn't you say that the
9 correspondence, the problem with the correspondence that
10 he's drawn is that he's given, he's using numbers that are
11 too high because the traffic estimates are conservative in
12 the sense that they're high.
13 MS. CORDRY: No.
14 MR. GROSSMAN: Is that not --
15 MS. CORDRY: I'm not trying to say that at all.
16 MR. GROSSMAN: Oh. All right.
17 MS. CORDRY: All I'm --
18 MR. GROSSMAN: I thought that's what you said.
19 MS. CORDRY: All I'm trying to say is that the
20 numbers, what mister -- okay. The traffic report was doing
21 a certain calculation which was pulling a high number and
22 using that to try to generate a high sense of whether or not
23 the traffic, at a maximum, would exceed things.
24 MR. GROSSMAN: Right.
25 MS. CORDRY: But it was not in any way from that

Page 85

1 particular report trying to generate a total number for the
2 year one way or the other and that Mr. Guckert, that the
3 number that's used here for the 12 million is simply an
4 assumption so, and it's not an empirically generated number
5 from the traffic report.
6 MR. GROSSMAN: Okay.
7 MS. CORDRY: That's all I'm trying to say. Okay.
8 So and because it's simply an assumed number, if you start
9 with that number, you're assuming what you need to prove.
10 That's, that's my point, that the traffic report does not
11 itself generate this 12 million gallon number. Okay.
12 Now, when they got the data from Elkridge and
13 various other Costco stations, and this is, if we go back to
14 Exhibit 292, this was some of the excerpts I pulled at that
15 point from, from the traffic report. Page 20 of that, in
16 that exhibit there, 292, the page 20 shows a discussion
17 about pass-by trips. In the first place, it discusses the
18 three categories, pass-by trips, new trips coming to the gas
19 station alone and trips they call internal capture which
20 goes to what is going to the warehouse.
21 MR. GROSSMAN: Ms. Cordry, you're not waiting for
22 me.
23 MS. CORDRY: Oh, I'm sorry. I thought -- did you
24 have it? I'm sorry. I didn't realize you -- okay, okay.
25 All right. So the three categories in the traffic report

Page 86

1 are pass-by trips, ones going by the station area that come
2 in, use the station and go on.
3 MR. GROSSMAN: Right.
4 MS. CORDRY: Internal capture which it defines on
5 page 20 is, are based on total of only 30 percent internal
6 capture generating exclusively from Costco, Costco
7 customers' cars using the Costco warehouse. And the pass-by
8 trips at 37 percent, 30 percent was the internal capture and
9 then so the remaining 33 percent were new trips just for the
10 gasoline station. And that is shown on Exhibit 8 which is
11 about the fourth page I think in that exhibit. Again, the
12 notes at the bottom say 37 percent for the pass-by traffic,
13 30 percent for the, being captured by the store and the
14 remaining balance, new trips that showed 138 and that,
15 divided by the 420 total trips, is the 33 percent it used
16 for new trips. Now, in his report, Mr. Flynn uses that same
17 breakdown, 37, 30 and 33.
18 MR. GROSSMAN: Right.
19 MS. CORDRY: But he doesn't, he doesn't break, he
20 doesn't use, he doesn't break them out in the same way. He
21 labels the first one as pass-by traffic, 37. He labels the
22 second internal on-site worker/shopper and he labels the
23 third as other, and here's the problem. The first problem.
24 I'll get to that in a minute but he, his pass-by traffic and
25 his breakdown between pass-by traffic and internal is not

Page 87

1 the breakdown that is being used in the traffic report, but
2 I'll come back to that in a moment.
3 The first part, his pass-by traffic, he says 37
4 percent and then he allocates it to the three roads around
5 there. Let me go back. First, he simply takes the assumed
6 12 million gallons and he multiplies 37 percent of that and
7 comes up with a figure of 4.4 million gallons. And then he
8 just allocates that out to the traffic on each one of the
9 three roads around there which again, so he, this is just
10 something, he's assuming 4.4 million gallons and then he
11 just allocates it to traffic around there and says okay, so
12 we'll get so many vehicles per day on each one of these and
13 calculates that of the total number of vehicles on the road,
14 if you assume that you're going to sell 12 million gallons
15 at 12 gallons per purchase coming up with 370,000 sales, if
16 you divide that out, you come up with a figure of 1.18
17 percent of all the pass-by traffic. I mean, that's true.
18 That's the number you get but it's not a number that derives
19 from anything. It simply is assuming what you are trying to
20 prove, which is how much demand you're going to get, and
21 then just taking that assumption and just dividing it by the
22 number of roads. That --
23 MR. GROSSMAN: It's chronological in effect.
24 MS. CORDRY: It's chronological. There's nowhere
25 where any number such as that 1.18 percent is generated

Page 88

1 anywhere in the traffic report for any other station.
2 MR. GROSSMAN: I understand.
3 MS. CORDRY: And then he says at the end the needs
4 analysis in agreement that traffic will account in demand
5 for 4.4 million gallons, 4.44 million gallons. I mean, he
6 may agree with it but I don't, I don't know what that
7 statement means because his own need analysis did not come
8 up with anything. This doesn't generate anything. This
9 just simply says if I assume 12 million gallons and I assume
10 37 percent of it, I come up with 4.4 million. Well, okay.
11 Those are not, nice assumptions but they don't, it doesn't
12 really prove anything so I don't see that that really gets
13 us any further than what we had when we started.
14 Then we get to the problem area. The second
15 source of demand called internal on-site shoppers is 30
16 percent which he says he thinks that's likely to be low.
17 The problem is what he is doing here is he is saying
18 everybody who is coming to the, who is working on the mall
19 or shopping on the mall he's putting into that 30 percent
20 category but if we recall, according to the traffic report,
21 the 30 percent, I'll quote you again, is generated
22 exclusively from Costco customers' cars using the Costco
23 warehouse. That 30 percent does not include people going
24 elsewhere in the mall, it does not include office workers,
25 it does not include any of that. So all of that other

Page 89

1 traffic is over in the pass-by traffic area. It has to be.
2 It's not a new trip just to the gas station. It's not a
3 trip that's captured by the people going to Costco
4 warehouse.
5 MR. GROSSMAN: Well, what is the impact of putting
6 it one in one box versus the other?
7 MS. CORDRY: Because he's double counting it then.
8 MR. GROSSMAN: You're saying it's double counted.
9 MS. CORDRY: Right. Because if he's, if he's
10 counting in his report all of this, all of these generated
11 sales and he's looking at Exhibit 3 for people going, people
12 working at the mall, working in the offices and then
13 shoppers at the mall and non-mall retail, all of those
14 aspects are already in the 4.4 million gallons.
15 MR. GROSSMAN: So what's your bottom line as to
16 first take his, the limited neighborhood that we're talking
17 about now, what's your bottom line as to what the demand,
18 the proper figure would be for the demand for the Costco gas
19 station?
20 MS. CORDRY: Well, I'm sorry.
21 MR. GROSSMAN: You're disputing his figures.
22 MS. CORDRY: Okay.
23 MR. GROSSMAN: His bottom line which what was his
24 bottom line?
25 MS. CORDRY: He had come up with a figure of 11.1.

1 MR. GROSSMAN: Right.
 2 MS. CORDRY: As we'll see, we're not going to get
 3 anywhere near that number there.
 4 MR. GROSSMAN: And what would your bottom line be?
 5 I'm jumping ahead. You can go back and explain it further.
 6 MS. CORDRY: I'm not sure I have a bottom line
 7 since I, it's not really a neighborhood that I think we
 8 would, we would look at but if we're trying, and again, it's
 9 a question of, and I made this point about, when we talked
 10 last time that, you know, does the Costco, does people
 11 bring, coming into the Costco warehouse count as part of the
 12 general neighborhood since it's a self-created, it's a
 13 regional operation bringing people there and then saying now
 14 look, I've created a neighborhood need.
 15 So if we look at, you know, a lot of people do a
 16 lot of these studies and, and they oftentimes may look at
 17 some of these things, what's generated here, what's
 18 generated there but his report never did that and this
 19 report is not doing it properly. I'm not sure I could tell
 20 you because I don't have the figures to try to, to deal with
 21 all of those things but I can tell you that this report is
 22 wrong.
 23 MR. GROSSMAN: Well, what's your best estimate?
 24 MS. CORDRY: In terms of is there any need for the
 25 station? Zero. We have 25, 27 gas stations in this area

1 all of which are not selling anywhere near capacity. Do we
 2 need another gas station to satisfy the need? No.
 3 MR. GROSSMAN: Well, I know the assumption is made
 4 that you could always, you could, and I think he even
 5 answered the question as to whether or not these gas
 6 stations could increase their output --
 7 MS. CORDRY: Clearly, they can.
 8 MR. GROSSMAN: -- to cover it so it's not, that's
 9 not the question I guess.
 10 MS. CORDRY: Well, I mean, the question simply is,
 11 I mean, it's two different questions. The answer is simply
 12 of the people that Costco draws from all of the county --
 13 MR. GROSSMAN: Right.
 14 MS. CORDRY: -- to come to its warehouse, what
 15 portion of those people will also buy some gasoline. And I
 16 don't actually have that figure. What I can tell you is the
 17 figure of people who go to the gasoline station and how many
 18 may go to the store but, you know, again, and the question
 19 is of, and this is what I pointed out before in this report,
 20 of that total 12 million gallons, which they apparently are
 21 saying people may come as far as Boyds or may come down to
 22 the District of Columbia and all over this place, how much
 23 of that entire universe that they're drawing to our
 24 neighborhood, how much is used for just the people in the
 25 very localized neighborhood.

1 I mean, in one respect, maybe his number here that
 2 he uses at page 5, the other sources where he's talking
 3 about the households that reside within, just within the
 4 general neighborhood. I mean, he came up with a figure of
 5 29,000 gallons and that's, I'll get to in just a moment, is
 6 undoubtedly far too high. So if we're talking about just
 7 the households in the neighborhood, that's obviously not a
 8 figure that needs anything. There's all kinds of ways you
 9 can, you can generate a number here but --
 10 MR. GROSSMAN: I seem to recall, going back to the
 11 broader neighborhood which you did study in --
 12 MS. CORDRY: Right.
 13 MR. GROSSMAN: -- in more detail, did you have a
 14 figure there?
 15 MS. CORDRY: Well, what I said there was using the
 16 Claritas report --
 17 MR. GROSSMAN: Right.
 18 MS. CORDRY: Breaking it down to gas stations
 19 without convenience stores --
 20 MR. GROSSMAN: Right.
 21 MS. CORDRY: -- which this clearly is, assuming
 22 that you would, you should capture 100 percent of that
 23 difference that they come up with which, again, as we
 24 pointed out, no one, including Mr. Flynn, ever suggested you
 25 capture 100 percent of that but even 100 percent of that

1 would be less than two million gallons. If you take, if you
 2 take the kind of figures that they had which is what I'll
 3 call the slippage, I've called the slippage, that between
 4 what 100 percent of those purchases would be versus the fact
 5 that you normally don't capture 100 percent, that there is
 6 some slippage there, that amount of slippage would
 7 undoubtedly far swallow up that two million gallons. That
 8 two million gallons is really no more than a reflection of
 9 the fact that everybody, such as myself when I go to the
 10 Eastern Shore, I obviously don't buy all my gasoline here
 11 because oftentimes I'll be out of gas on the Eastern Shore.
 12 So again, the maximum the Claritas report would
 13 show for the entire study area would be two million gallons.
 14 The reality is undoubtedly substantially less which is,
 15 comes back to the point that --
 16 MR. GROSSMAN: And how much in your, having
 17 studied it as thoroughly as you have, what is your estimate
 18 of what it would be?
 19 MS. CORDRY: Well --
 20 MR. GROSSMAN: Taking into the account the
 21 appropriate capture rate and so on.
 22 MS. CORDRY: Well, again, I think --
 23 MR. GROSSMAN: If it's under two million, what do
 24 you think it is?
 25 MS. CORDRY: It could, it could be anywhere from

1 two million to zero.

2 MR. GROSSMAN: You don't have a figure.

3 MS. CORDRY: Well, I don't -- because there was no
4 attempt made in his report to specify what is the existing
5 total usage in the area versus how much is actually
6 pumped -- I did give you a couple numbers there. I said
7 you might estimate that the, that the total usage in this
8 area is around, I'd have to go back and pull up the original
9 figures, you know, 35 million I think it was I said and
10 they're pumping about that so that there's really not much.
11 It depends on if you add other numbers in for traffic, for
12 other people coming in the area besides just the residents.
13 If you took the 65 percent, 65 to 70 percent of that higher
14 number, you'd still come out to about what is being sold
15 here.

16 I mean, I think on almost any kind of measure you
17 would do, if you do it the standard way, which was not done
18 by Mr. Flynn and he hasn't given us the numbers and I'm not
19 really in a position to do those, but if I, if I try to come
20 up with estimates, again, the number is anywhere from
21 probably zero to that maximum of two million gallons. I
22 think the Claritas report again, as I would say, pretty much
23 inherently states an absolute maximum of what the number
24 could be because again, that's assuming that it would
25 somehow be realistic to capture 100 percent of what people

1 buy in terms of gasoline.

2 MR. GROSSMAN: All right. And if you -- so you're
3 not willing to give me a figure.

4 MS. CORDRY: Well, 1.13 million gallons. I mean,
5 I've given you a range. I don't --

6 MR. GROSSMAN: Right. I understand. I'm just
7 saying.

8 MS. CORDRY: Okay. I --

9 MR. GROSSMAN: I'm not forcing you to do it. I'm
10 just saying, I'm trying to --

11 MR. ROSENFELD: Mr. Grossman, I understand what
12 you're doing but you've asked her three times and three
13 times she's said zero to two million and she --

14 MR. GROSSMAN: I know. And I'm asking her if
15 she's willing to give me a figure but if she's not, I'll
16 accept whatever the final --

17 MS. CORDRY: It's not that I'm unwilling. I am
18 giving you the best evidence I can based on the fact that I
19 am not the expert here.

20 MR. GROSSMAN: All right. Unwilling was the wrong
21 word.

22 MS. CORDRY: And remember --

23 MR. GROSSMAN: You're not unwilling or unable or
24 just choose not to.

25 MS. CORDRY: There's no evidence in the record,

1 from which one can gather this, based on the fact that the
2 applicant has the burden of putting evidence in the record
3 to show those kind of, that kind of information, not the
4 opponent to show. What I have shown you is that the
5 evidence does not exist. I have shown you that based on
6 what they have put in, that the maximum they could possibly
7 show is two million gallons versus a 12 million gallon
8 station, that the number is undoubtedly likely far lower and
9 that their number bases to say it's zero. I could pick a
10 number in between those two --

11 MR. GROSSMAN: Well, no. I'm not asking you --

12 MS. CORDRY: -- but that's the best I can do.

13 MR. GROSSMAN: -- to speculate but if you, if you
14 wish to. I'm trying to give you the opportunity to give a
15 figure if you wish to.

16 MS. CORDRY: Well --

17 MR. GROSSMAN: If you do not wish to, then you
18 certainly don't have to.

19 MS. CORDRY: Okay. I think I have given the
20 figure several times. My best judgment is that the figure
21 is zero.

22 MR. GROSSMAN: Okay.

23 MS. CORDRY: That under any numbers of bases
24 starting with the fact that we are considerably over-served
25 considering the number of stations there are here,

1 considering the volume at which they pump, the very small
2 percentage of which they pump, there is no need in any
3 reliable sense.

4 MR. GROSSMAN: All right. And what if you factor
5 in the suggestion in the case law of convenience to people
6 and price considerations or whatever that they would, that
7 people would in fact likely want to buy gasoline at a Costco
8 station?

9 MS. CORDRY: Well, if I figure in according to the
10 case law, which Lucky Stores say the value to a membership
11 store wanting to serve its own membership is not need in a
12 neighborhood, I would again come up with zero.

13 MR. GROSSMAN: I don't think they said that
14 exactly. That's not --

15 MS. CORDRY: Well, I think --

16 MR. GROSSMAN: But in any event, it was a Memco
17 store.

18 MS. CORDRY: Yeah. I think, I think that is
19 exactly what they did say. But in any case, yes. Can any
20 station, if it sells at a lower price, generate people
21 coming to the area and buying gasoline there, yes. I'm not
22 going to dispute that they are going to be able to sell a
23 lot of gasoline, but that's a different question from need
24 and I think when we come back to the question of benefit,
25 then you really put the crux of the issue there. Does the

Page 98

1 overall neighborhood, not just the small percentage of the
2 people who are members of Costco, and as we will see in a
3 moment, which I will get to, the small percentage of the
4 small percentage of Costco shoppers who buy at the gas
5 station, not do they benefit from a few cents a gallon
6 reduction in gasoline but does the neighborhood as a whole
7 benefit from it.

8 And that's really the question, the neighborhood
9 as a whole and not just that tiny minority. And will all of
10 the neighborhood, including the Costco shoppers, suffer if
11 stations go out of business which is one of the reasons why
12 we have so strongly emphasized the fact that demand is going
13 down and will continue to go down. Stations are going to be
14 in a real squeeze over the next 10, 15, 20, 30 years. It's
15 already, there's already a trend of stations going out of
16 business. The kind of -- and that's with growth, you know,
17 that was even though there was growing usage of gasoline
18 over that time. You still had consolidation and other uses
19 for gas stations like in Bethesda and so forth. But now
20 with, I've had somebody tell me and I'm sure he may come
21 back and tell you himself, something like --

22 MR. GROSSMAN: Don't tell me.

23 MS. CORDRY: Just the point being, you know, it's
24 obvious to see that if gas, if the total market goes down,
25 that you're going to be cannibalizing from other stores,

Page 99

1 from other stations. That cannot help but put more pressure
2 on them to, that will likely drive more out of business and
3 that will create lack of benefits for everyone including the
4 Costco shoppers. As we pointed out, Costco operates a very
5 minimal operation. It doesn't provide a lot of the services
6 that gas stations do and it's not open a lot of the time
7 that people need gas stations. So even the person who is a
8 Costco member who would buy at Costco from time to time, if
9 they come back after 7:00 p.m. I think it is on Saturday and
10 the car's, the light's blinking on empty and they want to
11 get gas, they're still going to have to go someplace else to
12 get it. So if that station is out of business now because
13 Costco isn't there anymore, I mean because --

14 MR. GROSSMAN: Costco --

15 MS. CORDRY: -- because Costco put them in because
16 Costco is there, that person is not going to be benefited by
17 it.

18 MR. GROSSMAN: Okay.

19 MS. CORDRY: So --

20 MR. GROSSMAN: All right.

21 MS. CORDRY: Just to, so just to finish off
22 quickly on this analysis here, as I say, so all of the sales
23 that are being represented in Exhibit 3, generally all of
24 those sales are ones that should already have been in the
25 4.4 million gallons. The sales, Exhibit 4, going to the

Page 100

1 mall and to non-mall retail, those go in as well. That's
2 about a million and a quarter gallons that you would reduce
3 from this 6.44 number that he has there. But the biggest
4 change is the fact that he's using a 30 percent capture rate
5 of shoppers at the Costco warehouse. He's assuming that for
6 every person who shops at the Costco warehouse, for every 10
7 persons --

8 MR. GROSSMAN: One-third. One-third of them.

9 MS. CORDRY: Yeah. Three will go and buy at the
10 gas station. He just divides that out to get 1,244. He
11 multiplies that times 12 gallons, times 365 days a year --

12 MR. GROSSMAN: Right.

13 MS. CORDRY: -- to come up with his 5.44 million
14 gallon figure.

15 MR. GROSSMAN: Right.

16 MS. CORDRY: He's backwards. The figure that is
17 used in the traffic report does not say that 30 percent of
18 shoppers buy gas. It says that the 30 percent of people
19 buying gas go to the store. Those are two very different
20 numbers.

21 MR. GROSSMAN: Yes.

22 MS. CORDRY: And as I worked through in that
23 supplemental report I filed, up until -- there's some value
24 to getting Mr. Sullivan's August 26th report. Up until
25 then, we didn't have any numbered from which I could have

Page 101

1 derived this but in his report, he gave you total sales for
2 the month of June at Sterling. They were on page 19 of his
3 report. If you add all those up over the course of the
4 month, you get 90,569 sales for that month.

5 MR. GROSSMAN: Right.

6 MS. CORDRY: Divide that by 30, you get 3,018
7 sales per day. Thirty percent of that is 905 transactions a
8 day by shoppers at Sterling who had also used the warehouse.
9 If you take the fact that Sterling, that Wheaton is expected
10 to have 87 percent of the sales at its gas station as
11 Sterling, which is the number that they've used, you know,
12 in many aspects of their report, then you would take 87
13 percent of that 905 figure which would reduce you to 7, you
14 would expect to have 744 sales per day from gasoline station
15 shoppers who would also be shopping at the warehouse, not
16 1244, 744. So you do that same calculation, 12 gallons per
17 times 365 days, and you get about 3.5 million gallons, not
18 5.5 million gallons. And just as an example of that, that
19 740 --

20 MR. GROSSMAN: I'm sorry. What do you get?

21 MS. CORDRY: Okay. About 3.5 million gallons, not
22 5.44 million gallons. So you take another 2 million gallons
23 off of that, that figure that he was coming up with.

24 MR. GROSSMAN: Okay.

25 MS. CORDRY: So and by the way, so that 744 is

1 about 18 percent of all the shoppers, not 30 percent. So
2 again, as we pointed out, we're not talking, the
3 neighborhood -- the Costco membership in terms of households
4 and so forth is 23 percent, perhaps as much as 27 percent
5 they expect it to go to over time of the entire
6 neighborhood.

7 MR. GROSSMAN: Right.

8 MS. CORDRY: Of that 20 --

9 MS. HARRIS: Excuse me. I wanted, and I should
10 have done it a couple minutes ago, I believe Ms. Cordry is
11 misinterpreting the traffic report in terms of the 30
12 percent issue.

13 MR. GROSSMAN: You think that it is saying what
14 Mr. Flynn said?

15 MS. HARRIS: Yes. That all the number of people
16 going to, that are shopping at the store, at least 30
17 percent of those shoppers are also buying gas. And then to
18 be conservative, what Mr. Guckert did was say okay, I'm not
19 going to add anything else onto that 30 percent in terms of
20 a person that went to Macy's that's also shopping. So he
21 just used a total of 30 percent but in fact, 30, it is 30
22 percent that are shopping at the Costco warehouse, if there
23 is a gas station, while they're in the same trip, buy gas.

24 MS. CORDRY: Well, that is not --

25 MR. GROSSMAN: Well, what's the experience at

1 Sterling in that, in that --

2 MS. HARRIS: And in fact, the traffic report, and
3 unfortunately, I thought I had it with me, that's the one
4 thing we didn't bring, noted that it was based on a number
5 of other empirical data from a number of other Costco
6 warehouses.

7 MR. GROSSMAN: Not only Sterling.

8 MS. CORDRY: I mean, it may be --

9 MS. HARRIS: Yes. Not only Sterling.

10 MS. CORDRY: -- higher, it may be not but I am
11 saying that from the traffic report, from the numbers they
12 used, from the numbers that they have asked you to work with
13 here, page 20 says 30 percent of Costco customers' cars
14 using the warehouse. On page 20 -- anyway, yeah. That's
15 the page there. So, you know, they're saying that --

16 MR. GROSSMAN: Well, depending on whose
17 interpretation is right, it's either 3.5 million gallons
18 from Costco shoppers or what was the figure Mr. Flynn used?

19 MS. CORDRY: Well, what he used was the other way.

20 MR. GROSSMAN: Right. And the other way. What
21 was his total?

22 MS. CORDRY: He said 30 percent of the shoppers
23 are going to go --

24 MR. GROSSMAN: I understand.

25 MS. CORDRY: Yes.

1 MR. GROSSMAN: And what did he say would generate
2 in terms of gas sales?

3 MS. CORDRY: He said 5.5 million gallons.

4 MR. GROSSMAN: Okay. So it's either 3.5 or 5.5
5 million depending on who's correct about this interpretation
6 of what Mr. Guckert said, is that correct?

7 MS. CORDRY: Yes. Right.

8 MR. GROSSMAN: Okay.

9 MS. CORDRY: And at this point, we don't have Mr.
10 Guckert or Mr. Flynn on the stand so I think I'd stick with
11 the -- and again, page 21, based on a conservative approach,
12 we are estimating 30 percent of the customers to the
13 gasoline station will also visit the Costco warehouse.

14 MR. GROSSMAN: Right.

15 MS. CORDRY: Those two numbers can't be the same
16 thing, you know, it's either 30 percent of the customers are
17 going to use the gas station or 30 percent of the gas --

18 MR. GROSSMAN: I understand that.

19 MS. CORDRY: Okay.

20 MR. GROSSMAN: It's either one or the other but --

21 MS. CORDRY: And I think the report very clearly
22 states that it's 30 percent of the gas station customers are
23 going to use the warehouse, not the other way around, so I
24 think that's very clearly another miscalculation there. So
25 again, you take that off. If you take that, you know, his

1 figure would say, you know, by the time you reduced it, now
2 you're down to like 8 million gallons as opposed to 11.2
3 which, or 11.1 which is what he said.

4 So at least a third of, if you assume you're going
5 to have 12 million gallons, at least a third of that is
6 going to have to come, even if you're using all of his
7 figures, a third of that is going to have to come from
8 outside this local neighborhood even if you're counting
9 sales to the Costco members as all somehow being local
10 neighborhood sales.

11 MR. GROSSMAN: Well, maybe they only sell 8
12 million. I mean --

13 MS. CORDRY: Well, but the point is you're talking
14 about, again, making a station that's far bigger than what
15 the local neighborhood could use, and the real point is it
16 simply --

17 MR. GROSSMAN: That's if you assume the local
18 neighborhood does not include the mall. I mean, doesn't it
19 include the mall?

20 MS. CORDRY: Well, but it, I think what this comes
21 to is the question about are we not just simply smuggling
22 the regional analysis back into the neighborhood
23 determination. If you build a regional store, you draw from
24 a huge area, bring them all here and then say ah, now I have
25 a neighborhood need because I brought them all here, I think

1 you said last time, it's a self-fulfilling prophecy. You've
2 created a need and, you know, by bringing everybody here and
3 then you say ah, now I have to satisfy it.

4 I mean, they don't need to satisfy it here. They
5 can satisfy it anywhere between their home and the Costco
6 warehouse. There is no need that need has to be satisfied
7 in this area other than the fact that the membership, a
8 small portion of the membership, 18 percent of the 23
9 percent of people who are Costco members want to buy gas at
10 the Costco station. I'm sure they view it as benefitting
11 them but in terms of the overall neighborhood here, whether
12 it's the small neighborhood or the seven minute
13 neighborhood, that neighborhood is not benefitting from that
14 store. So if you look at --

15 MR. GROSSMAN: I understand your point. I'm not
16 sure you're right or not. I do have to consider the mall as
17 it exists and it includes a Costco warehouse now as part of
18 what would generate need. It is part of the neighborhood by
19 any definition, whether it's the limited neighborhood, which
20 we used to call the general neighborhood, or the big,
21 broader market area neighborhood, it is part of the
22 neighborhood.

23 MS. CORDRY: Well --

24 MR. GROSSMAN: I do have to consider it. It's not
25 like it doesn't exist now and they're going to create a mall

1 and now do our gas. I mean, it's there and it's part of the
2 neighborhood, is it not?

3 MS. CORDRY: Well, again, as I say, it's a self-
4 fulfilling prophecy in the same sense that if you built a,
5 you know, to take a swimming pool analogy, if you build a
6 huge waterpark, said I'm going to build a huge waterpark,
7 I'm going to draw people from the entire county to my
8 waterpark and then I'm going to say ah, there's a community
9 need for my --

10 MR. GROSSMAN: No, but it's built.

11 MS. CORDRY: Well --

12 MR. GROSSMAN: The Costco warehouse exists. I
13 have nothing to do with that. It exists and so does the
14 mall an whatever customers are there. Do I not have to
15 consider that as part of whatever generates need?

16 MS. CORDRY: If you did not already have that need
17 satisfied in the area. I mean, there again, the point is
18 doing, do you need that. There again, that goes back to the
19 Claritas kind of determination there. You have this whole
20 area, you come up with these calculations, you come up with
21 what the need is and you don't have that.

22 I mean, the real problem here is we have, we're
23 sort of picking like, it's sort of a Chinese menu. I'm
24 going to take one fact from column A and one fact from
25 column B and two over here and I'm going to mush them

1 together. I'm not going to do a consistent analysis, I'm
2 not going to clarify things. I'm going to kind of pick and
3 choose different pieces and I'm going to say well, you
4 know --

5 MR. GROSSMAN: Well, that's not what I'm doing.
6 I'm asking you something about the whole thing. I mean,
7 don't I have to do, don't I have to look at the whole thing?

8 MS. CORDRY: If you --

9 MR. GROSSMAN: Whether the whole thing is the
10 general neighborhood including the mall and the immediate
11 environs, as technical staff defined it for general
12 neighborhood, or the broader, drive time neighborhood, don't
13 I have to look at the whole thing?

14 MS. CORDRY: Well, if you look at the whole thing,
15 then you look at --

16 MR. GROSSMAN: Including the mall and the demand
17 generated by the mall.

18 MS. CORDRY: Then you go back to the Claritas
19 report, and that does look at the whole area there. I mean,
20 I don't think you --

21 MR. GROSSMAN: Well, the Claritas report looks at
22 the more, the broader area but I'm saying even if I look at,
23 even if I look at the smaller general neighborhood, don't I
24 have to take into account the mall? It's not like I'm,
25 they're asking to build a mall to generate gas demand.

1 MS. CORDRY: But if you take into account the mall
2 in the general area, you have to also take into account what
3 is there to serve that.

4 MR. GROSSMAN: Of course.

5 MS. CORDRY: And that's really the question there.
6 You have an existing infrastructure that serves the mall,
7 all of its customers, vastly over-serves them as we've
8 indicated. So, you know, I don't think you can just pull
9 out and -- I think it's really artificially -- this was one
10 point, and I think Mr. Gang's point, he was saying well, you
11 know, in the land use report, we might need it because there
12 are no gas stations on the mall property itself. Well,
13 okay, but that's not really realistic. People -- you don't
14 say that the mall is --

15 MR. GROSSMAN: I don't want to get into Mr. Gang's
16 report or whether it's realistic or not but the point is I'm
17 trying to look at these two definitions and I do have to
18 consider the existing mall as part of --

19 MS. CORDRY: Right. And that's fine. You could
20 consider it. And all I'm saying is when you consider it,
21 you have to consider the environs and you have to consider
22 what is available to serve that and if you look at it on
23 that basis, there's clearly adequate and more than adequate
24 facilities to serve everyone, including the Costco
25 customers, on that mall.

1 MR. GROSSMAN: Okay.

2 MS. CORDRY: And if you look at overall benefit, I

3 think, as we've very clearly pointed out, there, this is not

4 the simple situation before that you had. This is someone

5 where there's -- it's really, again, unique because we don't

6 have other membership --

7 MR. GROSSMAN: I never seem to get a simple

8 situation, Ms. Cordry.

9 MS. CORDRY: I'm sorry. I'm sorry.

10 MR. GROSSMAN: I don't know why. All right.

11 MS. CORDRY: All right. So I think in terms of

12 that, that's pretty much what I had to say with his report.

13 MR. GROSSMAN: Okay.

14 MS. CORDRY: And so I really just in sum, you

15 know, you've heard this, our basic situation is what we have

16 here is a situation where the county as a whole, and

17 certainly this neighborhood, is well-served with gasoline

18 stations, a variety. If we needed anything, it might be,

19 you know, a nice Wawa that you could go into and get your

20 chicken or something like that but that's not what we,

21 that's not what's being proposed here. What we do have is a

22 situation in which gasoline usage that is spread out across

23 the county and which does not create problems because of its

24 diffusion is being concentrated into a single area. It

25 creates a whole slew of problems that do not now exist and

1 that do not need to exist because the area is already being

2 well-served.

3 And these are all these issues you're going to

4 hear the rest of our discussion. About the traffic.

5 Whatever new traffic is generated, it doesn't, even if it's

6 only a portion that comes as new traffic, it doesn't need to

7 come here. The health issues, the idling issues. All of

8 these sort of matters don't need to exist because all of

9 this need is already being served. I guess perhaps the

10 bottom line is if it ain't broke, don't fix it. We don't

11 need the station here under any of the analyses and when you

12 bring it here, you create a net negative effect on the

13 overall neighborhood.

14 MR. GROSSMAN: The opposite statement of if it

15 ain't broke, don't fix it is if it's not perfect, improve

16 it.

17 MS. CORDRY: Well --

18 MR. GROSSMAN: That's --

19 MS. CORDRY: -- but improve it for who?

20 MR. GROSSMAN: I don't know. I mean --

21 MS. CORDRY: Right.

22 MR. GROSSMAN: -- I'm just saying I don't know

23 if --

24 MS. CORDRY: Right. But improve it for --

25 MR. GROSSMAN: -- if you could apply if it ain't

1 broke, don't fix it analogy here.

2 MS. CORDRY: But improve it for who and create

3 problems. Again, we'll talk certainly much more about

4 idling at a different stage but the issue of idling,

5 greenhouse gases and so forth, wholly apart from the health

6 issues is a matter that's one point of the Greenhouse Gas

7 Plan here. The state has a current stated policy of

8 reducing greenhouse gases and reducing idling, reducing

9 vehicles miles traveled, and what we were doing is

10 deliberately, if we bring this here, is creating an idling

11 source and greenhouse gas source that doesn't now exist and

12 will never exist in the county because all of these vehicles

13 are spread out. They're not creating idling. When you

14 concentrate them here without enough pumps to handle them,

15 you create a problem that doesn't currently exist. So I

16 think that is something that would be broke and we don't

17 need to fix it.

18 MR. GROSSMAN: All right. Cross-examination?

19 MS. HARRIS: May we take a five minute break or a

20 two minute break?

21 MR. SILVERMAN: How about a lunch break?

22 MR. GROSSMAN: You're not hungry yet, Mr.

23 Silverman.

24 MS. HARRIS: Actually, a lunch break would be

25 helpful.

1 MR. GROSSMAN: All right. Well, if both sides

2 want a lunch break, then we can take a lunch break. I was

3 thinking I wanted to give Ms. Alpert -- how long do your

4 testimony, would your testimony take, Ms. Alpert?

5 MS. ALPERT: Not, maybe, no more than a half hour,

6 maybe less. It depends how fast I talk. I'm from Brooklyn.

7 I can go pretty fast.

8 MR. GOECKE: Have her testify now?

9 MR. GROSSMAN: That's what I was contemplating

10 rather than, and before cross-examination. Do you want to

11 do that? Does that make sense?

12 MR. GOECKE: That's fine.

13 MR. GROSSMAN: All right. So Ms. Cordry, let's

14 give you a break and Ms. Alpert, come to the stand. All

15 right. Have a seat, ma'am.

16 MS. ALPERT: Okay.

17 MR. GROSSMAN: Would you state your full name and

18 address, please?

19 MS. ALPERT: Margaret Alpert, 3003 Plyers Mill

20 Road, Kensington, Maryland.

21 MR. GROSSMAN: All right. Would you raise your

22 right hand, please?

23 (Witness sworn.)

24 MR. GROSSMAN: All right. You may proceed.

25 MS. ALPERT: Okay. Many of the comments that Ms.

1 Cordry had made will be touched upon in this. I am not an
2 environmentalist, I'm not a traffic controller, I'm not a
3 marketing person. I'm a child development specialist, I'm a
4 mother and a grandmother. And I lived in Kensington within
5 a mile of the plaza, and we used to call it Wheaton Plaza,
6 for 41 years. I raised two children here and I'm now
7 helping with my grandchildren. Two of them are on the
8 Kenmont Swim Team, one of whom has asthma.

9 Between 1975 and '85, my children and I would walk
10 to the Kenmont Swim Club and then walk to the plaza from the
11 swimming pool area for lunch or shopping or whatever we
12 needed. It was a relaxing way to spend the day. I would
13 also walk there to shop from my home. Needless to say that
14 the traffic from '75 to '85 was not impressive, was not an
15 issue. Most drivers, once they entered the plaza, would
16 park and walk around within the mall. Once they entered the
17 mall, there was little reason to get back in the car to go
18 anywhere else. There was one gas station where the Wendy's
19 is now and you could access it actually driving out of the
20 mall or from Veirs Mill Road. There was no need to go
21 through a maze and cross-cut within the mall area. Even
22 now, the attempt to walk is a very risky business.

23 There is much more traffic during business hours
24 which of course is the time when teenagers frequent the
25 area, and we just heard a traffic report from a traffic

1 person in Montgomery County whose name escapes me who stated
2 that the accidents occurring in parking lots are increasing,
3 and I guess the drivers back up out and people get hit and
4 we have our young people who love to go to malls as we know,
5 many of them don't drive and they're walking around these
6 parking lots. The Ring Road is difficult --

7 MR. GOECKE: Mr. Grossman, I would object to the
8 hearsay portion of this testimony.

9 MR. GROSSMAN: You mean the portion in which she
10 said that some traffic expert said that parking --

11 MR. GOECKE: Yes.

12 MR. GROSSMAN: I think that's, that's fair since
13 we don't know who said what.

14 MS. ALPERT: That's okay.

15 MR. GROSSMAN: All right. I sustain that.

16 MR. SILVERMAN: There are published reports.

17 MR. GROSSMAN: Well, then if there are, then they
18 can come in independently --

19 MS. ADELMAN: If it helps --

20 MR. GROSSMAN: -- but the hearsay portion of
21 this --

22 MS. ALPERT: Okay.

23 MS. ADELMAN: If it helps, Mr. Grossman, his name
24 is Jeffrey Dunckel for the county so just --

25 MR. GROSSMAN: Well, let's, Mr. Dunckel is not

1 here and I don't know whether that's, I don't know with the
2 addition of rear backup cameras, if that will change and so
3 on.

4 MS. ALPERT: Accepted. Accepted. The Ring Road
5 is difficult and congested for drivers and frightful for
6 pedestrians. When one walks up the swim club hill to the
7 road, the attempt to cross presents a safety hazard because
8 drivers do not look for walkers. The closest intersection
9 with a crosswalk is at the Ring Road and Valley View
10 entrance from University Boulevard, and that's where the
11 crosswalk is. I have tried to cross there. There is not
12 much opportunity to negotiate crossing with cars turning
13 from stop signs.

14 I'm aware that there is a plan to build an
15 elevated sidewalk around the mall, I believe it's the west
16 and south side, and I think this is great. I believe that
17 such a path is necessary given the high level of traffic
18 around Ring Road but in order to access the mall from the
19 Ring Road, you need to walk around the road until you find a
20 crosswalk. And I circled Ring Road yesterday just to make
21 sure that I knew what I was talking about and if you want, I
22 can show you where the crosswalks are. From the time you
23 enter Valley View from University Boulevard, there are
24 crosswalks there, that's true, but cars are turning and
25 stopping and it's dangerous to cross there. I have tried.

1 The next crosswalk, if you're going to the right around --

2 MR. GROSSMAN: Along the southern, moving easterly
3 along the southern Ring Road? Which direction --

4 MS. ALPERT: I'm dyslexic.

5 MR. GROSSMAN: Which direction are you going?

6 MS. ALPERT: I don't know. You're entering in
7 Valley View and you're turning right.

8 MR. GROSSMAN: Yes. Okay.

9 MS. ALPERT: Okay. Thank you.

10 MR. GROSSMAN: So that would be southerly and then
11 easterly along southern Ring Road.

12 MS. ALPERT: Okay. The next crosswalk does not
13 occur until you've come all the way around to the Sears
14 warehouse.

15 MR. GROSSMAN: Okay.

16 MS. ALPERT: And then there are three which are
17 from steps that are accessing from the neighborhood.

18 MR. GROSSMAN: Okay. So that's past -- in other
19 words, you'd go all the way from the entrance at Valley View
20 all the way around the southern Ring Road past the Costco
21 warehouse before you'd get to another crosswalk --

22 MS. ALPERT: Correct.

23 MR. GROSSMAN: -- across the Ring Road.

24 MS. ALPERT: Correct.

25 MR. GROSSMAN: Okay.

1 MS. ALPERT: Now, if I wanted to cross at Valley
 2 View, I could but as I said before, it's, it's almost
 3 impossible to get an opportunity to use the crosswalk.
 4 MR. GROSSMAN: So this problem would be helped by
 5 adding a crosswalk along the Ring Road somewhere in between
 6 there.
 7 MS. ALPERT: Well, the only -- see, that's all
 8 Costco parking lot there so you would be having a cross road
 9 into a parking lot, the difficulties of which I will address
 10 shortly, with all the traffic in there is deadly because I
 11 have parked there and had to negotiate the parking lot to
 12 get to and from my car to get to the mall, and I did this
 13 all in preparation for this. It's deadly. Truly deadly.
 14 MR. GROSSMAN: Okay.
 15 MS. ALPERT: Almost. I'm still alive so it's not
 16 totally deadly. It's mostly deadly. Okay. So from my
 17 observations of the gas station location plan, this would
 18 exacerbate the difficulty and danger and health issues. It
 19 would bring more cars into the mall that would otherwise be
 20 entering which was substantiated. We will get some more
 21 Costco members coming in that were not shopping there. This
 22 would include not only trips coming solely for gas but also
 23 those who are already in the mall area to shop who will be
 24 leaving their parking place to drive again to a gas station.
 25 Many of these cars will be using that area of Ring Road

1 where the Kenmont Swim Club is located. It is very
 2 difficult for drivers to use.
 3 Since you're already parked, you're going maybe
 4 not even to Costco, you're a member but wherever you're
 5 going, you've parked at the mall. In order to access the
 6 gas station, you have to get out of your parking lot, out
 7 of, you know, get back in your car, drive again and go to
 8 the gas station which is difficult. It will be backed up.
 9 The Ring Road will be backed up because as I understand due
 10 to this pedestrian walkway, the Ring Road will be reduced by
 11 one lane. That's, that was the -- am I wrong?
 12 UNIDENTIFIED SPEAKER: You're wrong.
 13 MS. ALPERT: Okay. Thank you. Thank you for the
 14 clarification. But even if it's not reduced by one lane,
 15 the congestion in that concentrated area of cars coming in,
 16 trying to get out and then of those cars negotiating in that
 17 crisscross fashion to get to the gas station. If they were
 18 just going out, it wouldn't be so bad but they're
 19 crisscrossing to get in position to get into a gas line.
 20 And I have watched at other gas stations where there were at
 21 least a minimum of three cars at each pump so --
 22 MR. GROSSMAN: You mean other Costco stations,
 23 ma'am?
 24 MS. ALPERT: Beltsville.
 25 MR. GROSSMAN: You're talking about other Costco

1 stations?
 2 MS. ALPERT: Yeah. Beltsville.
 3 MR. GROSSMAN: Okay.
 4 MS. ALPERT: And I -- okay. We're on Beltsville.
 5 I'll tell you. Before Costco opened here, I received a
 6 membership gift to Costco so I started going to Beltsville.
 7 The first time I went there, I saw the sign, you know, the
 8 gas was so cheap, oh, my goodness. So before I shopped,
 9 because in case I had refrigerated stuff, I went to the gas
 10 station, and I just turned around and left. The smell. The
 11 air was so dense my chest began to get tight, my nose was
 12 burning and here were these lines of cars idling, waiting in
 13 line to get this cheap gas. Well, I thought the money I
 14 saved on the gas would be expended sitting there waiting
 15 plus the additional pollution, so I never went back. I
 16 never got gas there.
 17 And since we're dealing with getting gas, Costco
 18 members who are the only ones allowed to use the Costco gas
 19 station, they have opportunities to -- I'm sure the only
 20 driving they do is not to Costco so the percentage of those
 21 that will actually be using gas because they're looking at
 22 their meter and they're low, how much is that? You drive
 23 around your neighborhood and oh, gee, I'm low. You could be
 24 on Rockville Pike, you could be on Veirs Mill Road, you
 25 could be anywhere. Gee, I need gas. So you're not going to

1 wait until you get to Costco and get it. And someone said
 2 well, people, it's a larger community because people are
 3 going to come from Boyds and from here and from there.
 4 Well, there are closer gas stations and closer Costcos than,
 5 than Boyds.
 6 And the fact is that in Gaithersburg, there is no
 7 gas station because it's a residential community. Pentagon
 8 City has no gas station. It's a residential community. So
 9 for someone to use Costco coming from Boyds, I'm sure there
 10 are I don't know how many gas stations between their home
 11 and Wheaton where they can get gas if they need it and
 12 maybe, you know, what's the percentage of needing it on
 13 route? My percentage is very high needing gas on route. So
 14 I don't have a particular station I patronize. It depends
 15 where I am and, you know, I don't know. Just go around the
 16 neighborhood. I've been there for 41 years. I know my
 17 neighborhood.
 18 So here are these cars that are already in the
 19 mall area to shop leaving their parking places, driving
 20 again, getting involved in this crisscross maze in the
 21 parking lot. This is in addition to the cars waiting to
 22 enter the mall at the Valley View intersection, and this
 23 intersection is adjacent to the Kenmont Swim Club. I mean,
 24 it's right there. There's just a very small, there's a
 25 grassy area and then there's the swim club, and all this

1 idling is going on right there.
2 These emissions will be increased for those
3 breathing deeply in the swim club engaging in swimming or
4 tennis or running around as preschoolers tend to do. If you
5 ever saw a three or four-year-old, they're, you know, they
6 don't stop and do you want these children to inhale these
7 emissions, the air from these emissions.

8 Okay. See the paper. Hold on. The other thing
9 is if the gas station is built, that will take up parking
10 space. It will also take up space that delivery trucks need
11 to negotiate getting in and out of their delivery station.

12 And here are cars --

13 MR. GROSSMAN: Meaning the Costco warehouse?

14 MS. ALPERT: In the Costco gas, the Costco parking
15 lot itself now.

16 MR. GROSSMAN: You're talking about delivery
17 trucks to the Costco warehouse?

18 MS. ALPERT: Yes.

19 MR. GROSSMAN: Okay. There has been, you haven't
20 been here but there has been an engineer who said that there
21 is adequate turning radius and in fact, it will not be any
22 smaller turning radius for those trucks to enter the
23 delivery docks than --

24 MS. ALPERT: Okay.

25 MR. GROSSMAN: -- is currently existing there.

1 MS. ALPERT: Okay. So that will not change, but
2 there will be traffic going in and out that will impede the
3 progress of these trucks, or impede the progress of the cars
4 so they're going to sit there and idle waiting for a truck
5 to get in and out. Again, increase idling. And if you're
6 walking, if you're parking your car somewhere and the only
7 spot you can find is somewhere in that vicinity, how are you
8 going to walk across that area to get into the mall, to
9 Costco or anywhere else in the mall? Okay.

10 So all right. And then you got baby carriages and
11 bike, I don't see anyone bike there anymore. I used to bike
12 there. I used to walk there. I don't do either one of
13 those anymore. My children used to walk there. I wouldn't
14 let them walk there now. Okay.

15 So I talked about the fact that I'm a member and I
16 went to Beltsville, and I do shop at the store but I only go
17 there like once every two months because there are only two
18 of us left in the household now. And unless I'm having a
19 party or need to do a potluck, I really don't frequent the
20 store that well. I go to Giant or, you know, supermarket
21 where I can have the quantities I need.

22 I, I am concerned about the data that's being
23 received. It seems to be inconsistent.

24 MR. GROSSMAN: What data are you referring to,
25 ma'am?

1 MS. ALPERT: The analysis report that I heard from
2 Mr. Sullivan, that he keeps changing it. So I'm not sure
3 how, how valid it is and at what point, you know, we could
4 use it to see if it's, if it's okay, I mean, if the gas
5 stations are okay. It is my understanding that EPA has
6 revised its standards many times to make them more
7 restrictive and that we are continually learning more about
8 the health effects of various pollutants and their
9 interactions. I don't want my grandchildren or anyone
10 else's to be the guinea pigs for what we will later on learn
11 from these new, new EPA results. The unique nature of
12 Costco gas concentrating fuel delivery in a very small area
13 is also its contribution to pollution and to the negative
14 effects of its existence.

15 It has already been established that vehicle
16 emissions are health hazard and create other environmental
17 problems. Why else would they forbid idling at business
18 building drop-off/pick-up locations, hotels, hospitals and
19 other large areas where there are designated pick-off, pick-
20 up/drop-off areas? There it says no idling. So if we are
21 trying to reduce greenhouse gases, why would we want to
22 create a new source of idling in our neighborhood that
23 creates such gases?

24 All of these concerns are underscored by the fact
25 that we have no need for additional gas station in the

1 Wheaton Kensington area. There are two dozen stations
2 within a radius of about two miles of every nature and
3 brand. Why do we need another station with limited hours
4 and services? At Costco gas, can I buy a bag of ice, get a
5 loaf of bread, an ice cream sandwich or a bottle of soda?
6 The answer is no, especially at 10:00 a.m., at 10:00 p.m. or
7 8:00 a.m. So why would we need another gas station with
8 such limited services, particularly one that might well put
9 some of those that I patronize for these additional services
10 out of business?

11 One final concern I have. Costco has proposed
12 greenery barriers, some kind of a --

13 MR. GROSSMAN: A green wall I guess.

14 MS. ALPERT: A green -- okay. Thank you. A green
15 wall around some of the areas of Ring Road. A living wall I
16 think they called it. As we heard in questioning, there's
17 neither a contract for installing these plans nor any
18 planned contract in place for the maintenance of these
19 living walls. Such installation require work. They do not
20 simply maintain themselves without any help. A good example
21 is the green, green wall that was mandated and built at the
22 Wendy's across from the bus base at the Metro station. It
23 is now mostly dead.

24 MR. GROSSMAN: Well, I think I can alleviate your
25 concerns somewhat about that because Costco would be

Page 126

1 responsible for maintenance of the green wall and it's
2 indicated that it would not oppose a condition and a special
3 exception if the Board of Appeals were to grant one which
4 would require them to maintain them. Is that correct, Mr.
5 Brann?
6 MR. BRANN: That's correct.
7 MS. ALPERT: Okay. Thank you. I'm --
8 MR. GROSSMAN: Right.
9 MS. ALPERT: Okay. Anyway, the bottom line for me
10 is that I live in the area. I know that population cannot
11 be controlled and Wheaton Plaza, as it used to be, is no
12 longer what it used to be, a nice, quiet little place, and I
13 can accept that. I can accept the additional traffic. Why,
14 with the things going through in the county for greenhouse
15 control and making the county green, why add this when we
16 really don't need it? There are too many gas stations
17 around anyway. To use the Costco gas station becomes really
18 a pain, a royal pain having to negotiate that area within
19 the parking lot. You're getting in your car anyway. You
20 know, you could just leave and get gas on the way home. So
21 that's it, and I thank you all very much for your attention.
22 MR. GROSSMAN: You're welcome. Hold on one
23 second. Any cross-examination?
24 MS. HARRIS: Thank you.
25 CROSS-EXAMINATION

Page 127

1 MS. HARRIS: It's Ms. Alpert, right?
2 MS. ALPERT: Herb, yeah.
3 MS. HARRIS: Right. It was B in the e-mail so I
4 had some confusion.
5 MR. GROSSMAN: Spell your last name because there
6 was some confusion.
7 MS. ALPERT: Okay. A-L-P-E-R-T.
8 MS. HARRIS: Thank you. You testified that you
9 had concerns regarding the level of congestion on the Ring
10 Road, is that correct?
11 MS. ALPERT: Well, no. Not -- well, congestion on
12 the Ring Road, yes, but my main concern about the Ring Road
13 was using it as a pedestrian crossway and the congestion for
14 that, you know, concerned me. And also, the congestion of
15 cars coming in and out, you know, with an added gas station.
16 There would, it was testified that there would be more, more
17 traffic anyway.
18 MS. HARRIS: But in regard to the pedestrians, is
19 your concern triggered by the fact that there are cars, too
20 many cars along the Ring Road?
21 MS. ALPERT: The -- my concern is that the viable
22 crossing point at University and Valley View when you come
23 in, you know, in back of the Giant. If I, if I walk and
24 come in that way, I have to cross. There are crosswalks.
25 MS. HARRIS: Right.

Page 128

1 MS. ALPERT: But it is so congested there that
2 with cars turning, the opportunity to actually cross, cars
3 are not used to seeing pedestrians so, and I'm not a very
4 big person so it's difficult and the next crosswalk is all
5 the way down by the Sears warehouse. And then the next one
6 is up at the corner where the L.A. Fitness is and then
7 there's not another one, I'm trying to remember, there's not
8 another one until, L.A. Fitness, until you get to the
9 Penney's area which is also a very bad intersection because
10 you have cars entering and exiting from Veirs Mill Road.
11 Even though there are crosswalks, again, you run into the
12 same problem as you do up at Valley View.
13 MS. HARRIS: And at Valley View and the Ring Road,
14 there's a paved path leading to intersect with the Ring Road
15 which then you cross the Ring Road, correct?
16 MS. ALPERT: There's no paved path now.
17 MS. HARRIS: It's just a path --
18 MS. ALPERT: There's no path.
19 MS. HARRIS: -- on the Ring Road.
20 MS. ALPERT: Wait.
21 MS. HARRIS: The connection from, there's a
22 crosswalk going across the Ring Road at Valley View Drive,
23 right?
24 MS. ALPERT: Yes.
25 MS. HARRIS: And when --

Page 129

1 MS. ALPERT: Yes.
2 MS. HARRIS: -- when you cross that, that walk,
3 then you're into the residential community.
4 MS. ALPERT: No. No. If I'm coming up, if I'm
5 coming up University, this is Giant.
6 MS. HARRIS: Yes.
7 MS. ALPERT: And this is the swim club.
8 MS. HARRIS: Yes.
9 MS. ALPERT: Okay. There's no sidewalk here. I'm
10 walking on the grass. There's no sidewalk on either side
11 here.
12 MS. HARRIS: Okay.
13 MS. ALPERT: I'm walking on the grass. I come up
14 here. There are intersections here. There is no sidewalk
15 here, there is no sidewalk here and there's no sidewalk
16 here.
17 MS. HARRIS: But you're aware that the pedestrian
18 path that's being proposed would commence at that juncture.
19 MS. ALPERT: Okay, yeah.
20 MS. HARRIS: Okay.
21 MS. ALPERT: That's fine.
22 MS. HARRIS: Okay. And then as you proceed south
23 and east --
24 MS. ALPERT: Uh-huh.
25 MS. HARRIS: -- and then you know that there's a

Page 130

1 crosswalk here.
2 MS. ALPERT: There are three.
3 MS. HARRIS: Right. But between those two points,
4 are there any other means of ingress into the neighborhood?
5 MS. ALPERT: No.
6 MS. HARRIS: So why would you need a crosswalk
7 anywhere else on the Ring Road?
8 MS. ALPERT: Why would I need a crosswalk?
9 Because this is difficult to negotiate. It's almost
10 impossible to cross here. So it would be nice to have one
11 over here.
12 MR. GROSSMAN: I can't see where you're pointing
13 to, ma'am.
14 MS. ALPERT: Oh. It would be nice to have one
15 further down.
16 MS. HARRIS: So you're suggesting if you commenced
17 your journey here and you're walking south --
18 MS. ALPERT: Right.
19 MS. HARRIS: -- and you don't want to come all the
20 way here.
21 MS. ALPERT: Right.
22 MS. HARRIS: Okay. So your point is that if we
23 were to, if an additional crosswalk were to be added --
24 MS. ALPERT: Or if --
25 MS. HARRIS: -- somewhere along there.

Page 131

1 MS. ALPERT: If I'm a Kenmont.
2 MR. GROSSMAN: But somewhere, just for the record,
3 somewhere along here is along the western side, southwestern
4 side of the Ring Road somewhere adjacent to the existing
5 parking lot.
6 MS. ALPERT: Correct.
7 MR. GROSSMAN: Okay.
8 MS. ALPERT: And if I were to come in from the
9 neighborhood, which I do by the way, if I'm walking, I come
10 in through the steps over here.
11 MS. HARRIS: Where there is a crosswalk.
12 MS. ALPERT: And there are crosswalks here, yes.
13 MS. HARRIS: Okay. So the point being that adding
14 another crosswalk would in fact alleviate that problem.
15 MS. ALPERT: For some.
16 MS. HARRIS: Yes.
17 MS. ALPERT: And a sidewalk. There are no
18 sidewalks there right now.
19 MS. HARRIS: No but again, the applicant, as a
20 condition of approval, has agreed to install a sidewalk.
21 MS. ALPERT: And this has nothing to do with the
22 gas station.
23 MS. HARRIS: No. It's a condition of approval.
24 If the gas station is approved, then the sidewalk will be
25 constructed.

Page 132

1 MS. ALPERT: So if the gas station isn't approved,
2 the traffic is still there and I still have no sidewalk,
3 right?
4 MR. GROSSMAN: Well, once again, now, the
5 answer --
6 MS. ALPERT: And a lot of the reason for the fact
7 that I'm having this difficulty is because Costco is there.
8 MS. HARRIS: Okay.
9 MR. GROSSMAN: Ms. Alpert, the sidewalk really is
10 not on the special exception site so the, the, neither the
11 Hearing Examiner nor the Board of Appeals has control over
12 what happens off of the site without the agreement of a non-
13 applicant here, the owner of Westfield.
14 MS. ALPERT: I understand.
15 MR. GROSSMAN: Westfield has agreed if the special
16 exception is granted, they have agreed to having that
17 sidewalk constructed on their property.
18 MS. ALPERT: Okay. I'll --
19 MR. GROSSMAN: Whether or not they do it
20 otherwise --
21 MS. ALPERT: I'll compromise.
22 MR. GROSSMAN: Well, let me finish.
23 MS. ALPERT: Yeah. Okay.
24 MR. GROSSMAN: Whether or not they do it otherwise
25 because of other agreements they have or other obligations

Page 133

1 they have is something that I have no jurisdiction over, nor
2 does the Board of Appeals.
3 MS. ALPERT: Sure.
4 MR. GROSSMAN: That's the point. It may be, it
5 may be constructed anyway. I have no idea. But that's --
6 MS. ALPERT: I will make a compromise. I'm making
7 this -- in the name of health, I will give up my sidewalks
8 not to have the gas station.
9 MR. GROSSMAN: All right. Any further cross-
10 examination questions?
11 MS. HARRIS: When you were out there, when you
12 walked the other day you noted, approximately how many
13 pedestrians did you see walking along the Ring Road at that
14 point in time?
15 MS. ALPERT: Well, actually, walking it, none.
16 MS. HARRIS: Okay.
17 MS. ALPERT: People were looking at me like --
18 MS. HARRIS: You're walking?
19 MS. ALPERT: -- you're walking?
20 MS. HARRIS: How bizarre.
21 MS. ALPERT: But that --
22 MS. HARRIS: That was fine. I was just curious
23 about that experience.
24 MS. ALPERT: No. There were, there were none but
25 there were many people in their cars driving short, you

1 know, it was, it was very congested. And when I went there
2 yesterday, it was 6:00 which not many people go to the mall
3 at 6:00, they're coming and going from work but it was
4 still -- I mean, that's not a research thing. It's just off
5 the top of my head. I don't have anything substantiating
6 that, but it was pretty crowded. And I know even when I go
7 there now, it's difficult to find parking and get in and out
8 and just, you know, it is not the relaxed place it used to
9 be.

10 MS. HARRIS: Were you aware that Mr. Guckert had
11 done a post-Costco warehouse, once the warehouse had opened,
12 he had evaluated the traffic levels within the parking lot
13 along the Ring Road and determined that there were what's
14 called a level of service A at the various points along the
15 Ring Road?

16 MS. ALPERT: What does level of service A mean?

17 MS. HARRIS: It means an acceptable level of
18 traffic.

19 MR. ROSENFELD: Objection. My first question

20 would be has she seen Mr. Guckert's report --

21 MR. GROSSMAN: I think --

22 MR. ROSENFELD: -- and does she have any basis
23 upon which to answer that question.

24 MR. GROSSMAN: But I think --

25 MS. HARRIS: I asked if she was surprised.

1 MR. GROSSMAN: I think she's not aware of it.

2 MS. HARRIS: Okay.

3 MR. GROSSMAN: Were you aware of any such study?

4 MS. ALPERT: No.

5 MR. GROSSMAN: No. Okay.

6 MS. HARRIS: Okay. You noted that you're
7 concerned about the loading, the potential conflict between
8 vehicles and the loading.

9 MS. ALPERT: I don't have a conflict, just a back-
10 up because cars will be sitting there waiting for a truck to
11 finish negotiating their, their maneuvers.

12 MS. HARRIS: Do you, are you aware of when the
13 vast majority of the loading for the Costco warehouse occurs
14 in terms of the hours?

15 MS. ALPERT: Well, my understanding is they can
16 come and go any time during the day.

17 MS. HARRIS: Would you be surprised to learn that
18 the vast majority occur before 4:00 in the morning and 8:00
19 in the morning?

20 MS. ALPERT: No. That's pretty typical for
21 delivery but if they do come during the day, there will be
22 that, that conflict and causing more emissions, more idling,
23 more standing, more waiting.

24 MS. HARRIS: No more questions.

25 MR. GROSSMAN: Any other cross-examination

1 questions?

2 MR. ROSENFELD: Yes. Thank you.

3 When you are at the mall, have you observed trucks
4 at the loading docks during the day?

5 MS. ALPERT: I don't go over there.

6 MR. ROSENFELD: Okay. When you were talking about
7 safe crossing from along the southern side of the Ring Road
8 into the mall property, for example, were you talking about
9 people who might be trying to access the mall parcel from
10 the pool?

11 MS. ALPERT: Yes.

12 MR. ROSENFELD: And I know that --

13 MS. ALPERT: That and -- yeah.

14 MR. GROSSMAN: Go ahead. Finish your answer.

15 That and --

16 MS. ALPERT: From, from the pool and at any other,
17 you know, any other convenient point. In other words, if I
18 were walking, I wouldn't want to go into Costco because
19 Costco is not the store you would go to to just purchase a
20 small item. You're out of, you know, a dozen eggs or
21 whatever. So you need a car to shop at Costco. You
22 wouldn't use public transportation either. So I wouldn't
23 want to go to Costco but I may want to go to the movies and
24 if I go to the movies, there is a crosswalk -- can I?

25 MR. GROSSMAN: Absolutely.

1 MS. ALPERT: The movies, I'm not good with maps
2 but I think the movies, yeah, okay, the movies are over
3 here.

4 MR. GROSSMAN: But I can't see where you're
5 pointing to, ma'am.

6 MS. ALPERT: Okay. I'm sorry. The movie --

7 MR. GROSSMAN: So the movies, the movies --

8 MS. ALPERT: -- theater is --

9 MR. GROSSMAN: -- are in the southeastern corner
10 of the mall.

11 MS. ALPERT: Right. And on the other side,
12 there's a FedEx I believe which I frequent and I would, I do
13 walk there. So if I come through the neighborhood and go up
14 the steps and manage to get over here --

15 MR. GROSSMAN: Entering on the southeastern
16 portion of the mall.

17 MS. ALPERT: Yeah. And then, you know, try to
18 make it around here, I could do that. If I go to the movies
19 and then afterwards, I want to have something to eat, get
20 some ice cream, the ability to get from here --

21 MR. GROSSMAN: From?

22 MS. ALPERT: From the movie theater --

23 MR. GROSSMAN: From the movie theater.

24 MS. ALPERT: -- over here to somewhere in here,
25 anywhere in the mall --

Page 138

1 MR. GROSSMAN: Yes.
2 MS. ALPERT: -- is, I come around here and I cross
3 over, I'm still not in the mall here. I have to go through
4 the garage. This is all parking lot.
5 MR. GROSSMAN: This being eastern parking lot.
6 That's far outside, I mean, the only thing that we can
7 address here is the Costco gas station application which is
8 far away from that area.
9 MS. ALPERT: I guess my point is that the traffic
10 will get worse.
11 MR. GROSSMAN: Okay.
12 MS. ALPERT: Not much worse but it's going to be
13 30 percent but people, if they're parked here to shop here
14 and they --
15 MR. GROSSMAN: Here being the eastern parking lot?
16 MS. ALPERT: Yeah. And if they're not at Costco
17 but they really need gas, they would still have to go around
18 or around, and that would again make it difficult to cross.
19 MR. GROSSMAN: I understand.
20 MR. ROSENFELD: While you're still at the map, on
21 the side of the mall where the pool is located, where is the
22 closest entrance to the mall facility itself?
23 MS. ALPERT: Valley --
24 MR. ROSENFELD: Into the mall structure.
25 MS. ALPERT: Into --

Page 139

1 MR. ROSENFELD: If you're going to go into --
2 MS. ALPERT: -- the mall structure?
3 MR. ROSENFELD: -- the mall and go shopping.
4 MS. ALPERT: Well, if you, if you crossed at an
5 intersection, it would be here.
6 MR. GROSSMAN: Here being the due western side.
7 MS. ALPERT: The Valley View.
8 MR. GROSSMAN: Valley View.
9 MS. ALPERT: The Valley View entrance where there
10 is a crosswalk and then you would, you have two choices. I
11 would go this way because there is a sidewalk.
12 MR. GROSSMAN: This way being north.
13 MS. ALPERT: And I would enter the Macy's/Target
14 area here, and that would be the way I could enter the mall.
15 MR. GROSSMAN: Here being on the western side of
16 the mall. I'm just trying to -- the record doesn't, when
17 you say here, the record doesn't reflect where you're
18 talking.
19 MS. ALPERT: I understand but I don't --
20 MR. GROSSMAN: So I'm just trying to add on the
21 locations.
22 MS. ALPERT: I get lost a lot. I don't know.
23 MR. GROSSMAN: I understand. I just want the
24 record to reflect what you're testifying to and if you say
25 here and there, the record won't unless --

Page 140

1 MS. ALPERT: I appreciate that.
2 MR. GROSSMAN: -- I add that on. Okay.
3 MS. ALPERT: I appreciate that.
4 MR. GROSSMAN: Sure.
5 MS. CORDRY: She'd actually be on the northern
6 side then of the Target area at that point.
7 MR. GROSSMAN: Right.
8 MR. ROSENFELD: And so, and in your experience, do
9 you see people from the pool walk over to the mall in the
10 summertime? You said you were --
11 MS. ALPERT: Yes.
12 MR. ROSENFELD: -- there yesterday. Teenagers,
13 parents?
14 MS. ALPERT: Yes.
15 MS. ROB: Who --
16 MS. ALPERT: Yes.
17 MR. ROSENFELD: Who --
18 MS. ALPERT: During the summer, parents with young
19 children, teenagers that do not get back into a car to drive
20 around and access by vehicles. There's a hill here that's
21 very worn because --
22 MR. GROSSMAN: Here being, where are you pointing
23 to there?
24 MS. ALPERT: East?. Am I east?
25 MR. GROSSMAN: Just east of the pool, just west of

Page 141

1 the mall.
2 MS. ALPERT: Okay. Just east of the pool. So
3 they would run up the hill and in the past, we just ran
4 across. You can't do that now. So now they have to walk up
5 here and access this way.
6 MR. GROSSMAN: Up here being up to the Valley
7 View.
8 MS. ALPERT: Up to the Valley View crosswalks,
9 yeah. And they don't do it anymore.
10 MR. ROSENFELD: And in your experience, as
11 teenagers as responsible about crossing in crosswalks --
12 MS. ALPERT: No.
13 MR. ROSENFELD: -- as you might be?
14 MS. ALPERT: That, that again is hearsay, you're
15 going to tell me it's hearsay.
16 MR. ROSENFELD: No. Have you observed that? Have
17 you observed that?
18 MS. ALPERT: I have observed children, teenagers
19 of any age. They may quickly look and then run across.
20 They do not observe crosswalks.
21 MR. GROSSMAN: I'm really not going to reach any
22 conclusions about teenage behavior in my report so --
23 MR. ROSENFELD: You had mentioned earlier that you
24 had gone to the Beltsville gas station.
25 MS. ALPERT: Yes.

Page 142

1 MR. ROSENFELD: The Costco gas station in
2 Beltsville. And I think you observed that there were a
3 number of cars in line.
4 MS. ALPERT: Yes.
5 MR. ROSENFELD: Is it your experience when you go
6 to other gas stations that there are similar queued lines?
7 MS. ALPERT: There's only one --
8 MR. GROSSMAN: By other gas stations, you mean
9 non-Costco?
10 MR. ROSENFELD: Non-Costco.
11 MR. GROSSMAN: Non-Costco.
12 MR. ROSENFELD: Non-Costco gas stations.
13 MS. ALPERT: I have -- honestly, no, but there,
14 there is one gas station on Connecticut Avenue that is \$3.25
15 a gallon. They do not accept credit cards. It's cash only.
16 There are cars queued there.
17 MR. ROSENFELD: Okay.
18 MS. ALPERT: They are queued there but I don't go
19 there because I won't sit in a queue.
20 MR. ROSENFELD: Okay. But as a general principal,
21 it's not your experience that gas stations routinely have
22 lines?
23 MS. ALPERT: No. I've never, I've never had to
24 wait for a pump to be available. And most gas stations I
25 think have, most of the gas stations I go to, they have two

Page 143

1 lines of three each so there are like six, six pumps. One
2 is diesel on both sides so one is -- yeah. So whatever.
3 Yeah. But I've never, I've never queued. I've never been
4 in a queue.
5 MR. ROSENFELD: Okay. And when you testified
6 earlier, you described the parking lot conditions. You used
7 the word deadly. It's deadly to walk in.
8 MS. ALPERT: Mostly deadly I said.
9 MR. GROSSMAN: She survived.
10 MR. ROSENFELD: But you survived, and we're --
11 MR. GROSSMAN: Not entirely.
12 MR. ROSENFELD: -- grateful for that .
13 MS. ALPERT: So it's only mostly deadly.
14 MR. ROSENFELD: Could you explain what you mean by
15 that phrase?
16 MS. ALPERT: Okay.
17 MR. ROSENFELD: What specifically happens that
18 causes you to have that reaction?
19 MS. ALPERT: Okay. If I come out of or into
20 Costco for instance or even Giant, any large parking lot
21 like this, if I'm parked over here, I have to cross over --
22 MR. GROSSMAN: Parked over here is in the parking
23 lot that is west --
24 MS. ALPERT: At a distance from the entrance to
25 the facility.

Page 144

1 MR. GROSSMAN: Okay. Western parking lot.
2 MS. ALPERT: Okay. Cars are, they don't go slowly
3 and if I have to cross a lane, you know, to progress toward
4 the entrance, cars are coming from both directions, cars are
5 backing out, they're pulling in and you're standing there.
6 It's like the cartoons. What was it, roadrunner where he's
7 standing there and everything's going fast and you can't get
8 across. You know, that's what I felt like. I mean, I
9 really felt immobilized.
10 MR. ROSENFELD: And is your experience at this --
11 MS. ALPERT: And to add that, I'm not an
12 incapacitated person so if you project this to someone who
13 has some physical disability or they don't walk very well or
14 fast, it just exacerbates that. I'm sorry.
15 MR. ROSENFELD: And is your experience at this
16 particular location different from when you go to other
17 malls?
18 MR. GROSSMAN: When you say at this particular
19 location, are you talking about particular --
20 MS. ROSENFELD: Within the mall parcel, is it your
21 observation that there is more traffic and more
22 congestion --
23 MS. ALPERT: I find --
24 MR. ROSENFELD: -- than at other mall locations?
25 MS. ALPERT: I find --

Page 145

1 MR. GROSSMAN: Hold on one second. Hold on one
2 second, Ms. Alpert. When you say other mall locations, you
3 mean other malls or other locations in this mall?
4 MR. ROSENFELD: Other malls.
5 MR. GROSSMAN: Okay.
6 MS. ALPERT: I can tell you right here. The one
7 to this one is small, three parking, major parking areas.
8 And even if you look at, this is much tighter. There's much
9 less room to walk and it's because it's so large, you have
10 to walk further so, and there are no medians or lanes to --
11 Montgomery Mall has medians separating so you can walk on a
12 median. There's nothing here. This is not that big. Nor
13 is this one.
14 MR. ROSENFELD: You're talking about the parking
15 lot next to the Giant --
16 MS. ALPERT: I'm --
17 MR. ROSENFELD: -- is more open?
18 MS. ALPERT: The parking lot next to the Giant,
19 this parking lot --
20 MR. GROSSMAN: The parking lot on the east?
21 MS. ALPERT: Yeah. Which is in back of the movie
22 theater, and I think this is Penney's, am I correct? Is
23 that Penney's?
24 MR. ROSENFELD: Yes.
25 MS. ALPERT: So on this, this is so large and

Page 146

1 takes so long to get to where you want to go that it's
2 scary.
3 MR. ROSENFELD: And by this, you're talking about
4 the area where the special exception would be located?
5 MR. GROSSMAN: Well, she referred to the whole --
6 MR. ROSENFELD: To the gas station.
7 MR. GROSSMAN: She referred to the whole mall.
8 She didn't just --
9 MS. ALPERT: No. I was saying --
10 MR. ROSENFELD: I think she's differentiating.
11 MS. ALPERT: -- this particular parking area,
12 because it's so large and you have to traverse it for a
13 longer time, spend a longer time walking across it than you
14 would either at the Giant or at the Penney's parking lots.
15 MR. ROSENFELD: So if I understand you correctly,
16 you're saying that even within this mall parcel, the parking
17 lot on the southwest is already more congested than the
18 other remaining parking lots?
19 MS. ALPERT: Yes. yes.
20 MR. ROSENFELD: And then my question had been, is
21 do you experience more congestion here or more concerns
22 about walking through this sparking area than you do at
23 other malls. For example, Westfield Montgomery.
24 MR. GROSSMAN: She already said. She answered
25 that question. She said yes, she does, that Montgomery Mall

Page 147

1 was safer because it had walking areas. She did answer that
2 question already.
3 MR. ROSENFELD: She did with respect to that one
4 mall. I just didn't know if she --
5 MS. ALPERT: I don't go to malls a lot so I, I
6 don't know. I go here because it's my neighborhood. I've
7 been going here for 41 years. Old habits are hard to break.
8 I remember when it was an open mall. I mean, it wasn't even
9 enclosed originally. So I, I don't go to many other places.
10 I mean, I went to White Flint until it got destroyed but
11 with the interior parking there, I didn't have any
12 difficulty walking.
13 MR. GROSSMAN: Okay.
14 MS. ALPERT: But I find this incredibly difficult
15 to negotiate and since Costco has opened -- and it's not
16 just Costco I guess. There's a Dick's there now and I don't
17 know what other stores are in here, but it's just very
18 crowded and difficult.
19 MR. GROSSMAN: Okay.
20 MR. ROSENFELD: Thank you. I have no further
21 questions.
22 MR. GROSSMAN: Anything else? All right. Thank
23 you very much, Ms. Alpert. I appreciate your taking the
24 time to come down here --
25 MS. ALPERT: My --

Page 148

1 MR. GROSSMAN: -- and share your views with us.
2 MS. ALPERT: Selfishly, my pleasure.
3 MR. ROSENFELD: Thank you.
4 MR. GROSSMAN: I take it by the way, I don't know
5 that you answered this question directly but I take it that
6 you oppose the special exception.
7 MS. ALPERT: Yes. Sorry.
8 MR. GROSSMAN: Okay.
9 (Discussion off the record.)
10 MR. GROSSMAN: All right then. So it's now 1:00.
11 Shall we come back, shall we break for lunch until 1:45?
12 MR. SILVERMAN: Do you think I'll be on today?
13 MR. GROSSMAN: Pardon?
14 MR. SILVERMAN: Do you think I'll testify today?
15 MR. GROSSMAN: How long do you anticipate Ms.
16 Cordry's cross-examination?
17 MR. GOECKE: About an hour.
18 MR. GROSSMAN: So, yes. I would anticipate. And
19 mister, I'm sorry. Ms. Mulready.
20 MS. MULREADY: Mulready.
21 MR. GROSSMAN: Mulready, I'm sorry.
22 MS. MULREADY: That's fine.
23 MR. GROSSMAN: How long would you estimate your
24 testimony would take, Ms. Mulready?
25 MS. MULREADY: I'm not sure. Half an hour, 45

Page 149

1 minutes.
2 MR. GROSSMAN: So, yes. I would assume that you
3 would be on today, Mr. Silverman. Okay. See you back at
4 1:45.
5 (Whereupon, at 1:02 p.m., a luncheon recess was
6 taken.)
7 MR. GROSSMAN: Ready to go back on the record. I
8 think we're missing Ms. Adelman.
9 UNIDENTIFIED SPEAKER: I didn't see her at lunch.
10 Do you know where she is?
11 MR. GROSSMAN: Your wife is missing in action.
12 MR. ADELMAN: She had to take a break. She said
13 she'll be back but she might be a bit late.
14 MR. GROSSMAN: All right. So I guess we'll
15 proceed in any event. All right. Are you ready for cross-
16 examination of Ms. Cordry?
17 MR. GOECKE: Yes.
18 MR. GROSSMAN: All right. Don't be too cross now.
19 MR. GOECKE: I'll try not.
20 MR. GROSSMAN: All right.
21 CROSS-EXAMINATION
22 MR. GOECKE: Okay. Ms. Cordry, I'd like to start
23 by asking you about what Costco needs to show in terms of
24 qualifying for a special exception. Specifically, per
25 Section 59-G-1.24 requires Costco to demonstrate a

1 neighborhood need for the filling station, right?
 2 MS. CORDRY: Yes.
 3 MR. GOECKE: And in your opinion, what is the
 4 applicable definition? I mean, what standard are you
 5 applying?
 6 MS. CORDRY: Well, I'm applying the standards that
 7 I see in the Lucky Stores case which I think looks to both a
 8 quality, quantitative as a kind of need in the sense of is
 9 there sufficient supply in the area, is the station over-
 10 served, the area over-served, underserved in their ability
 11 to buy. And then it also talks about it's not an absolute
 12 necessity in the sense which I read, as I think I said at
 13 the beginning of my discussion, I read that as going to the
 14 question, it came up in the question of constitutionality
 15 and whether or not this need requirement was being used as a
 16 way of deterring competition in sort of an anti-trust
 17 concern and they said, you know, no, you don't have to
 18 absolutely show that there's no, that the people there
 19 cannot possibly be displaced but that there has to be a, at
 20 the very least, there has to be some kind of showing of
 21 benefit in addition to sort of these quantitative issues.
 22 MR. GOECKE: Okay. So you, you agree that it's
 23 not an absolute necessity.
 24 MS. CORDRY: Well, I think it, the case says that.
 25 MR. GOECKE: And you agree.

1 MS. CORDRY: In my personal opinion, perhaps not
 2 but I go with what the case says.
 3 MR. GOECKE: Okay. So you acknowledge that that
 4 is the appropriate legal standard although you personally
 5 disagree with that standard.
 6 MS. CORDRY: Well, personally, I think what it
 7 says on need, I think you tend to do that but I understand
 8 that, the point is I understand the case is being that if
 9 you have people in the area and they could satisfy the need
 10 and they say that therefore, no one else could possibly come
 11 in and compete with us, that that has the anti-trust
 12 concerns that the court was concerned about in Lucky Stores.
 13 MR. GOECKE: And I think, correct me if I'm wrong,
 14 but you said you also have to analyze the benefits versus
 15 the burden of the proposed special exception, is that
 16 correct?
 17 MS. CORDRY: I think when it talks about having a
 18 benefit there, the question of a benefit is it's a net
 19 issue. Do you get a benefit, do you get a burden. You're
 20 burdened, then you're not benefitting and vice versa so.
 21 MR. GOECKE: Are there any cases that you reviewed
 22 that apply this benefit versus burden analysis?
 23 MS. CORDRY: Well, I think in the sense of looking
 24 at even the Lucky Stores case which talked about who was
 25 benefitting, who was getting this and, I haven't seen it

1 phrased generally in exactly that light but I think it's, it
 2 appears to be the basis of when you say that you have to
 3 accept the inherent adverse effects and conversely, is there
 4 a benefit that you get out of it. I think that's the, the
 5 combination you draw from that.
 6 MR. GOECKE: So you haven't seen any cases that
 7 use the words balancing a benefit versus burdens or
 8 something along those lines.
 9 MS. CORDRY: I don't know if I've seen the phrase
 10 in exactly that light, no.
 11 MR. GOECKE: And you agree that Lucky Stores is,
 12 remains good law?
 13 MR. ROSENFELD: Objection, Mr. Grossman.
 14 MR. GROSSMAN: Yes. I'll sustain that.
 15 MR. ROSENFELD: He really -- thank you.
 16 MR. GROSSMAN: She's not, she's --
 17 MR. ROSENFELD: She's here as a fact witness.
 18 MR. GROSSMAN: Right. Fact and opinion witness I
 19 guess you'd say but --
 20 MR. GOECKE: I'm just trying to find her opinions.
 21 I mean, she's already testified about a lot of these cases
 22 and what they mean already.
 23 MR. GROSSMAN: It's true but I think that --
 24 what's the point in, in pinning down her sense of what legal
 25 precedent means? I'm not quite sure I understand how

1 that --
 2 MR. GOECKE: Well --
 3 MR. GROSSMAN: -- where that gets us.
 4 MR. GOECKE: -- I think that we spent almost two
 5 days now talking about whether or not there's a need. I
 6 think part of the argument and why it's taken so long is
 7 because she's using different definitions about what
 8 constitutes need. She's cherry picking when she applies
 9 certain portions of cases and certain portions of other
 10 cases and I'm just trying to get a framework for what does
 11 she really think, what standards really apply, and maybe we
 12 could get some agreement on what standards apply. And if we
 13 can agree on what standards apply, then it might make the
 14 factual analysis that much easier.
 15 MS. ROB: I think Ms. Cordry's testified about the
 16 Lucky Stores case and the analysis in that case and beyond
 17 that, I don't think she's testified that she's done broader
 18 legal research on this issue.
 19 MR. GROSSMAN: Well, whether she has done
 20 research, broader legal research or not I don't really think
 21 is the, is the question for us because the legal questions
 22 will be a matter of legal argument, so I'm not sure where
 23 this really gets us.
 24 MR. GOECKE: Okay. I'll move along and then --
 25 MR. GROSSMAN: Okay. Thank you.

1 MR. GOECKE: -- if need be, I might come back to
 2 it or try to. Okay. And so Costco must show that there is
 3 a neighborhood need, right?
 4 MS. CORDRY: Yes. That's what the statute says,
 5 yes.
 6 MR. GOECKE: And what is your definition of
 7 neighborhood?
 8 MS. CORDRY: Well, I think as I said here, we've
 9 been prepared to accept the sort of structure of
 10 neighborhood that has been used in the prior analyses. We
 11 met with the Planning Board about three years ago and it was
 12 suggested then, and I don't recall whether they said that
 13 they were suggesting that area or whether they were saying
 14 the applicant had suggested the area but the seven minute
 15 drive range approximate was used. As we said, we looked at
 16 that and it seemed like terms of sort of natural boundaries
 17 of the area. That was not an unreasonable area. I think I
 18 looked at the Lucky Stores case at that point and it talked
 19 about a neighborhood as being sort of a flexible
 20 determination and it tended to look at trade areas. So for
 21 our purposes for here, we're prepared to look at that area
 22 generally.
 23 MR. GOECKE: That --
 24 MS. CORDRY: Going out to Four Corners, going up
 25 roughly to Glenmont, going over to Kensington and going down

1 roughly to the Beltway and the Seminary Road area there to
 2 the south.
 3 MR. GOECKE: Okay. And by anyone's definition, as
 4 Mr. Grossman has pointed out, the neighborhood includes the
 5 mall.
 6 MS. CORDRY: Yes. It's obviously part of that
 7 area there.
 8 MR. GOECKE: And the mall includes the shoppers at
 9 the mall.
 10 MS. CORDRY: The mall includes people coming to
 11 shop there, yes.
 12 MR. GOECKE: Okay. And so there's been submitted
 13 evidence before that around 4100 people a day are coming to
 14 the Costco warehouse. Do you recall that evidence?
 15 MS. CORDRY: I understand it was put into Mr.
 16 Flynn's supplemental report, yes.
 17 MR. GOECKE: Do you have any reason to dispute
 18 that number?
 19 MS. CORDRY: No. I'm just, that was -- it was
 20 never given to us before that point but, yes, that's, that's
 21 a number that's in there. He says he got it from Mr.
 22 Agliata. I have no reason to doubt that.
 23 MR. GOECKE: Do you have any reason to dispute
 24 that about 30 percent of Costco members get their gas from
 25 Costco?

1 MS. CORDRY: What I have read in the traffic
 2 report was that about 30 percent of the people going to the
 3 gas station went to the warehouse. That's what I've read.
 4 MR. GOECKE: That's your interpretation.
 5 MS. CORDRY: Well, that's, that's what I read.
 6 I've read you the quotes out of the report.
 7 MR. GOECKE: Let's assume that 30 percent of folks
 8 that shop at Costco buy their gas there. How much gas would
 9 that be in a given year?
 10 MS. CORDRY: I have no idea, sir. It's not my
 11 business to know these things. I can, I -- the question is
 12 do they buy it there every day? How much, how big are their
 13 cars? How often do they fill up? Do they buy it elsewhere?
 14 I couldn't tell you from the simple fact that 30 percent of
 15 the shoppers -- if I'm postulating a hypothetical which is
 16 not in the record at this point, 30 percent of the people
 17 buy their gas there, I couldn't tell you what that consists
 18 of.
 19 MR. GOECKE: Okay. So we would calculate that by
 20 taking 4100 multiplied by .3 times about 12 gallons per
 21 purchase, right?
 22 MS. CORDRY: Well, again, that was a number that
 23 was made up. We have no empirical evidence for that but if
 24 you want to take that. I mean --
 25 MR. GOECKE: Well, the 12 gallons, you've accepted

1 that number in some of your filings.
 2 MS. CORDRY: It's a number. You could use that
 3 number.
 4 MR. GOECKE: Okay. And then you would multiply
 5 that by 365 days a year.
 6 MR. GROSSMAN: Are you asking her to approve your
 7 method of calculation?
 8 MR. GOECKE: I am.
 9 MS. CORDRY: I'm saying, you know, I can look at
 10 his report, I can see how he got his 5.5 number. As I said,
 11 that's not the number that was in the traffic report. I
 12 don't know whether 12 gallons is or is not an appropriate
 13 figure but --
 14 MR. GOECKE: And you testified earlier that you
 15 think the number is closer to 3.5 million instead of 5.5
 16 million, is that right?
 17 MS. CORDRY: I'm saying yes. That if you take 30
 18 percent of the -- if you take the numbers from Sterling,
 19 which is where we got the sales per day, if you adjust those
 20 down for the presumed difference in the size of the sale of
 21 the stores, you would come up with a figure about 700,
 22 whatever I said, 784 I think it was or 744 versus the 1244.
 23 Yeah, 744.
 24 MR. GOECKE: How many gallons of gasoline does
 25 Costco need to show that it's going to sell in order to

1 establish need?
 2 MS. CORDRY: Well, the question is what do you
 3 mean by need? If you mean can Costco sell gasoline, I'm
 4 sure it can sell gasoline. I don't know. It's even
 5 possible it might sell more than 12 million gallons of
 6 gasoline depending on where it sets its price, which it has
 7 a great deal of flexibility to set because it's not subject
 8 to the same kind of market force as the independent gasoline
 9 stations are set for, but does that establish a need in the
 10 neighborhood in the sense of either a quantitative need,
 11 i.e., because the neighborhood unable to supply that, or
 12 does it show any benefit to the neighborhood overall. You
 13 know, I think those are different questions.
 14 MR. GOECKE: But you don't dispute that Costco
 15 could sell 12 million gallons of gasoline per year.
 16 MS. CORDRY: Depending on where it sets its price,
 17 it probably could, but I don't think it would sell it to
 18 people in this general neighborhood.
 19 MR. GOECKE: So if we apply the Lucky Stores
 20 standard, it has to be expedient, reasonably convenient and
 21 useful to the public. If people are buying 12 million
 22 gallons of gas, wouldn't you conclude that it's convenient
 23 for them to purchase their gas there?
 24 MS. CORDRY: No. I would not say it's convenient
 25 to the public. I would say it was convenient to the very

1 small portion of the public and the small, who are Costco
 2 members and the small portion of the Costco members who buy
 3 gas there. I would quote, to be exact from the Lucky Stores
 4 case, which says in short, the need is to serve Memco's
 5 selling policy. It does not establish a need by the
 6 population in the general neighborhood. So, no. I think
 7 the Lucky Stores case makes very different the fact of
 8 whether or not a store wants to sell solely to its
 9 membership versus whether the general neighborhood needs
 10 the, those sales.
 11 MR. GOECKE: So if a proposed special exception is
 12 a membership only enterprise, then it can never, can never
 13 establish need in your mind.
 14 MS. CORDRY: I'm not saying may never be able to
 15 establish need but I think it's a --
 16 MR. GOECKE: How would they?
 17 MS. CORDRY: Well, for one thing, you could show
 18 that there actually was some kind of need in the
 19 neighborhood for additional sales.
 20 MR. GOECKE: How would you do that?
 21 MS. CORDRY: By showing that there were not enough
 22 stations to sell gas for instance.
 23 MR. GOECKE: In other words, showing absolute
 24 necessity.
 25 MS. CORDRY: No. I'm not saying, I don't know

1 that that's -- there's a difference between showing that
 2 there is a lack of capacity versus showing absolute
 3 necessity. I think those are two somewhat different
 4 qualities.
 5 MR. GOECKE: So your point is that they have to
 6 show a lack of capacity.
 7 MS. CORDRY: I think that's at least one point of
 8 it. I think it's also a question how big is the membership
 9 compared to the neighborhood as a whole. I think it's also
 10 a question of how much burden is there put on the
 11 neighborhood by this, so does the neighborhood as a whole
 12 benefit. If you had a station that operated in the same way
 13 as other stations, if 50 to 75 percent of the neighborhood
 14 were members, there's any number of factors that you look
 15 at. I'm just looking at this particular station and its
 16 particular issues, and also looking at the current status of
 17 what is happening with gas sales and what is likely to
 18 happen in the future.
 19 MR. GROSSMAN: Draw for a second on the added
 20 burden issue. You mentioned earlier that question about
 21 double counting, but if I consider the added burden aspect,
 22 and I presume the added burden you're talking about includes
 23 potentially closed gas stations or compatibility issues and
 24 health issues and so on, is that, is that true? I think
 25 that's --

1 MS. CORDRY: All of those plus generalized idle
 2 and gas.
 3 MR. GROSSMAN: Right.
 4 MS. CORDRY: Am I not double counting that issue
 5 because don't I have to consider those things under
 6 compatibility and also under other concerns that are related
 7 to health? I mean, isn't need really a different question
 8 than those? Aren't those other kinds of burden questions?
 9 MS. CORDRY: Well, when they put need into the
 10 question of is there a benefit to the neighborhood, then I
 11 think, I think the special exception itself inherently
 12 creates that. It says you have to put up with certain
 13 inherent burdens but if there is a need in the sense of a
 14 benefit to the neighborhood, well, then okay, we're going to
 15 allow this. So I think the special exception itself, it may
 16 feature it in a number of places but we have nuisance at
 17 some place, we have specifics about light. I mean, there's
 18 any number of factors there that can overlap with each
 19 other.
 20 MR. GROSSMAN: Yes. It's just a, it's a problem
 21 analytically it seems to me how to -- whether or not they
 22 should really be separated out that way is one thing but
 23 they are separated out that way in the code. I just wonder
 24 what the appropriate approach to that is and whether I'm not
 25 giving too much emphasis to those aspects if I count them in

1 on the needs question in terms of, you know, the detriments
2 versus need.

3 MS. CORDRY: Well --

4 MR. GROSSMAN: I, you know, I don't mean to --

5 MS. CORDRY: -- it's all the reasons why.

6 MR. GROSSMAN: Yes. It's --

7 MS. CORDRY: It's difficult to take a standard
8 like need, which anybody reading it would say do you need it
9 and then turn it around to say can you, is it simply a
10 benefit to anybody and that --

11 MR. GROSSMAN: I understand.

12 MS. CORDRY: -- takes it out of the quantitative
13 sort of issue.

14 MR. GROSSMAN: It's a difficult standard to apply
15 but anyway --

16 MS. CORDRY: It is but I think it is one where the
17 code does have overlapping standards and issues may fall in
18 a number of categories so I don't think that detracts from
19 the position.

20 MR. GROSSMAN: All right. Go ahead, Mr. Goecke.

21 MR. GOECKE: Thank you. But the code doesn't talk
22 about balancing benefits and burdens, does it?

23 MS. CORDRY: It doesn't say it in those words but
24 it says you have to accept certain inherent burdens, that
25 you can't use just inherent burdens sufficiently in and of

1 itself to eliminate the station but you can show non-
2 inherent burdens as a way of doing it and then certainly,
3 the Lucky Stores case says well, look at the benefits. So
4 I, I put those two things together. It seems to me you have
5 benefits and you have burdens. You have to look at --

6 MR. GOECKE: But that's not under the need
7 requirement, what you just testified about.

8 MS. CORDRY: What are you saying?

9 MR. GOECKE: I'm saying the section I'm handing
10 you, 59-G-1.24, show me where in that section it talks about
11 burdens versus benefits.

12 MS. CORDRY: Well, I think I've said now a number
13 of times that the words don't appear in that version but
14 what I'm saying --

15 MR. GOECKE: So it's not part of the code.

16 MS. CORDRY: Well, of course it's part of the
17 code. The part of the code that talks about the overall
18 standards for applying special exceptions provides that you
19 have to accept, in essence, I can't find exact words right
20 here, but you have to accept the fact -- oh, here we go.
21 59-G-1.2.1, the standard for evaluation which governs
22 everything for a special exception says that must consider
23 both the inherent and non-inherent adverse effects on the
24 nearby properties in the general neighborhood. There are
25 inherent adverse effects and they are not alone a sufficient

1 basis for denial but non-inherent adverse effects can be a
2 basis or they can be a basis alone or in conjunction with it
3 so there are the burdens you have to take.

4 And if you look at need, which as I say, anybody
5 not understanding the history of this would look at need and
6 say do you actually have some supply issue in light of the
7 fact that you have available identical or similar uses in
8 the neighborhood, that would seem to me to say you have to
9 take the benefits, you have to look at is there a need for
10 it, but that need has been expanded in the case law to also
11 look at benefit. But, I mean, they're in two different
12 places, but you have benefits and you have burdens that you
13 have to take into effect.

14 MR. GOECKE: But those benefits and burdens, as
15 you just pointed out, it comes under the section that talks
16 about non-inherent adverse effects, not under the needs
17 section, right?

18 MS. CORDRY: I think I've answered that question.

19 MR. GROSSMAN: She has.

20 MR. GOECKE: You accept that about 25 percent of
21 the neighborhood are Costco members?

22 MS. CORDRY: I accept the fact that Costco has
23 said that, and I have no reason to know one way or the other
24 differently from that. Actually, I believe they said
25 currently 23 percent and they think it might go as high as

1 27 percent.

2 MR. GOECKE: And you agree that would be
3 convenient for those members to purchase their gas at the
4 proposed special exception location.

5 MS. CORDRY: Well, as we've heard from Ms. Alpert
6 today and as I've heard from numerous other people and as I
7 have observed myself, I think it would generally be quite
8 inconvenient most of the time to purchase it there because
9 of the lines that are in place which I guess is probably
10 why, you know, a lot of people, nowhere near all Costco
11 members buy their gas at Costco but is it there at the same
12 time that you go to the warehouse? Yes.

13 MR. GOECKE: So it would be so inconvenient for
14 folks that there would be long lines of people trying to buy
15 gas.

16 MS. CORDRY: There are people who will buy gas
17 there looking at the price and nothing else. I think there
18 are other ways that you can get the same price benefit but
19 there are people that will sit there and do that. But there
20 are people who will go well out of their way to save a few
21 cents on gas even if you show them that overall, they're not
22 saving any money. People are not necessarily completely
23 ration about how they buy their gasoline.

24 MR. GOECKE: And I believe Ms. Alpert also
25 testified that she had never seen lines at Costco or except,

Page 166

1 with one exception, she's not used to seeing lines at --
2 MS. CORDRY: I don't think that --
3 MR. GOECKE: -- gas stations.
4 MS. CORDRY: Well, wait a minute. You've got two
5 very different questions there. She said she's not used to
6 seeing lines at gas stations, yes. I don't think she said
7 in any way, shape or form that she didn't see lines at the
8 Costco gas stations.
9 MR. GOECKE: Right. That's correct.
10 MS. CORDRY: I think she would expect to see lines
11 at Costco, yes.
12 MR. GOECKE: Because people, a lot of people buy
13 their gas there.
14 MS. CORDRY: We have stipulated that, or not
15 stipulated. Anyway, we certainly do not dispute that there
16 are very long lines that get in the Costco station because
17 of the drawing people in from all over the region and
18 bringing them to this area and then having a number of pumps
19 that doesn't really satisfy the regional draw that you're
20 creating.
21 MR. GOECKE: So obviously, a lot of people want to
22 buy their gas there.
23 MS. CORDRY: People do want to buy gas at Costco.
24 MR. GOECKE: In fact, your point is that so many
25 people want to buy their gas there that they should have

Page 167

1 more pumps.
2 MS. CORDRY: I think if you had more pumps, you
3 would have less idling but you obviously don't want to
4 design your stations in that fashion.
5 MR. GOECKE: You keep making the point about the
6 neighborhood versus the county or the regional need so in
7 your mind, is there a distinction between folks who are
8 shopping at Costco based on where they came from?
9 MS. CORDRY: Well, again, if you were talking
10 about something where you were drawing from far outside the
11 neighborhood to come here and concentrate it here, it's one
12 of the points I try to make earlier in my testimony about
13 how extraordinarily small number of stores Costco has
14 compared to many other operations so that, as I think some
15 of your witnesses testified on some of the reports that they
16 say that they draw from 15, 20 or more miles away so that,
17 yes. I think you bring people from far outside this area
18 here to the Costco store.
19 MR. GOECKE: Right, but you didn't answer my
20 question. Once folks are shopping at Costco, that's part of
21 the neighborhood irrespective of where they live.
22 MS. CORDRY: They have come to the Costco store.
23 They've come past quite a few other gas stations on their
24 way to this neighborhood.
25 MR. GOECKE: And they become part of the

Page 168

1 neighborhood.
2 MS. CORDRY: If you assume that having drawn
3 somebody from all over the region to here makes them part of
4 the neighborhood, then they are currently here.
5 MR. GOECKE: The code doesn't limit the
6 neighborhood to the residential neighborhood, does it?
7 MS. CORDRY: No. But again, the question is if
8 you're going to distinguish something between a regional
9 need or a county need and a neighborhood need, at some
10 point, you have to look at the difference between what it
11 is, where you're drawing people from. If the only
12 suggestion is you build something draws from all over the
13 county and then say okay, now that they're here, now they're
14 a neighborhood need, then I think you really go off the
15 point of the distinction between those two kinds of need.
16 MR. GOECKE: And when you testified last time, you
17 talked about a report that Mr. Flynn had prepared in the
18 case of Henderson Corner and 355 LLC, do you remember that?
19 MS. CORDRY: I believe so, yes.
20 MR. GOECKE: And you were trying to show that
21 mister, or Mr. Cronyn, I'm sorry, in that case --
22 MS. CORDRY: Okay. Mr. Cronyn.
23 MR. GOECKE: -- had done things differently than
24 Mr. Flynn had done in this case, right?
25 MS. CORDRY: I'm not sure exactly where you're

Page 169

1 distinguishing there but --
2 MR. GOECKE: Okay. In that case, do you remember
3 that Mr. Cronyn analyzed the amount of purchasers by
4 transient people in the area?
5 MS. CORDRY: I believe he did a form of analysis
6 where he attempted to look at certain kind of resident
7 needs, certain kinds of transients. He used a number of
8 different sources in terms of demand.
9 MR. GOECKE: And was one of those sources
10 transient people?
11 MS. CORDRY: I expect so. Of course, he also
12 looked at all the gas stations in the area to determine what
13 supplies they were making, and he also looked at the
14 Claritas report to come up with an overall amount of demand
15 that he envisioned.
16 MR. GOECKE: And I believe that case was, or the
17 document used was entered as Exhibit 298.
18 MS. CORDRY: Yes.
19 MR. GOECKE: It was excerpts of that case. And on
20 page 30 of Exhibit 298, the first full paragraph reads the
21 next step in determining need is to look at residential
22 population in the area and also commuter traffic through the
23 area, including people who do not live in the market area
24 but who might be coming through for the retail uses at the
25 big shopping centers that are nearby. Does that refresh

Page 170

1 your recollection that Mr. Cronyn analyzed the commuters and
2 the transient folks and the shoppers in the area?
3 MS. CORDRY: I think I already said that, yes.
4 MR. GOECKE: Okay. And is that consistent with
5 other cases you have looked at where the people doing needs
6 analysis had factored in purchaser, purchases form transient
7 shoppers?
8 MS. CORDRY: Yes. They look at those to some
9 extent and then they also look at what is available in that
10 area already to serve those people.
11 MR. GOECKE: Are you aware of any case that
12 supports your theory that shoppers at Costco should be
13 discounted if they come from a certain distance?
14 MS. CORDRY: I don't know if they specifically say
15 that but I think, you know, again, we're looking at this
16 question of where are they drawing from and so forth.
17 Costco is a fairly unique operation here.
18 MR. GOECKE: So you're not aware of any cases?
19 MS. CORDRY: I --
20 MR. ROSENFELD: Are you asking about legal cases,
21 factual cases or what is your question?
22 MR. GOECKE: Any cases. Legal, factual.
23 MS. CORDRY: I think they certainly look at who is
24 there. They also, but they also don't assume that anyone
25 coming to that particular store is necessarily, or in that

Page 171

1 area is necessarily going to buy all their gas there. They
2 use different assumptions for what people would buy coming
3 through the area and so forth. And again, they look at the
4 supply in the area and whether that supply is sufficient to
5 meet any of those kinds of demands.
6 MR. GOECKE: So I don't think you answered my
7 question. Can you recall any case, factual or legal or
8 otherwise that supports your theory?
9 MS. CORDRY: Well, I'm not sure that I understand
10 the question really. I think --
11 MR. GOECKE: Okay. Let me break it down for you.
12 You're arguing that folks that come from a certain distance
13 away from Costco should not be included as part of the
14 neighborhood need. You're saying that that's a county need,
15 that's not a neighborhood need, right?
16 MS. CORDRY: Well, I am saying that, yes, when you
17 have something that you draw from the entire county or
18 beyond, going into the District and so forth, that there is
19 a differential kind of look at that in terms of whether
20 that's really satisfying a neighborhood need or whether
21 that's satisfying a county need. It's hard to figure what
22 you consider a county need if you don't look at how far away
23 people come and how far they're brought.
24 MR. GOECKE: So you would stipulate then that
25 everyone within the seven mile driving area, that sort of

Page 172

1 market area, would qualify as a resident of the
2 neighborhood?
3 MS. CORDRY: Seven --
4 MR. GOECKE: I'm sorry. Qualifies --
5 MS. CORDRY: Seven minute.
6 MR. GOECKE: Qualifies as part of the neighborhood
7 population that should be factored in when determining need?
8 MS. CORDRY: I think we looked at the seven
9 minute, seven minute, not seven mile driving area as being
10 the sort of generalized local neighborhood that they looked
11 at, yes.
12 MR. GOECKE: Right.
13 MS. CORDRY: I think I would actually, looking at
14 Mr. Cronyn's report, if you look at page 29 --
15 MR. GOECKE: I think you answered my question.
16 There's no question pending.
17 MS. CORDRY: All right.
18 MR. ROSENFELD: She's allowed to finish.
19 MR. GROSSMAN: Well, I think -- let's wait if
20 there's another question in fairness.
21 MR. GOECKE: So if I understand you correctly, you
22 think that the Costco gas station would not be expedient,
23 reasonably convenient or useful to the folks in that seven
24 minute driving area?
25 MS. CORDRY: I think it is of no value to the

Page 173

1 roughly 75 percent that are not Costco members. I think it
2 is only of partial use to even the ones that are Costco
3 members because they need to depend on other stations to
4 actually supply portions of their gasoline station needs at
5 the times when Costco is not available or for services that
6 Costco does not supply. I would look at, for instance, this
7 report here in Mr. Cronyn's opinion that the station was --
8 MR. GOECKE: You're not answering my question.
9 MS. CORDRY: I did.
10 MR. GOECKE: No, you're not. Let's break it down.
11 Expedient. Would it be expedient for Costco members who
12 live within the seven minute driving area of the Costco
13 station to buy their gas at the, at the gas station?
14 MS. CORDRY: Okay. So at this point, you're not
15 asking about the neighborhood. You're just asking about
16 Costco members.
17 MR. GOECKE: Costco members within the
18 neighborhood.
19 MS. CORDRY: The Costco members --
20 MR. GOECKE: As you've defined it.
21 MS. CORDRY: For the limited number of Costco
22 members within the neighborhood, they can certainly go to
23 that station and buy it as they can go to any of the others
24 stations in the area and buy.
25 MR. GOECKE: That's not my question. Is it

1 expedient for them to purchase their gas there?
2 MS. CORDRY: I'm not really sure what expedient
3 means but is it can they go there and purchase it? Of
4 course. Just like they can purchase at any of the other
5 stations.

6 MR. GOECKE: And it's more expedient for them to
7 buy it in Wheaton than it would be to purchase it in
8 Beltsville.

9 MS. CORDRY: Well, not necessarily, depending on
10 what part of the area they're in but certainly, Beltsville
11 is available to them in the sense that in the drawing area
12 that we're talking about, the 15 to 20 miles or more, then
13 it's certainly within the range to go to Beltsville.

14 MR. GOECKE: What if they're already at the
15 warehouse shopping? Where would be the most expedient place
16 for them to buy Costco gas?

17 MS. CORDRY: Obviously the place that's there
18 but --

19 MR. GOECKE: And that would also be the place
20 that's the most reasonably convenient for them as well.

21 MS. CORDRY: If the only question is where is the
22 most convenient place for them to buy Costco gas, but that's
23 not the question that I think the special exception asks you
24 to answer. It's is it available similar, identical uses --

25 MR. GOECKE: I understand you have different ideas

1 about what the special exception is asking. I'm asking you
2 where is the place that's most reasonably convenient for
3 Costco shoppers to buy gas when they're already shopping at
4 the Wheaton mall?

5 MS. CORDRY: Well, if -- okay. If we're going
6 back to gas again which is the question that the special
7 exception asks, similar identical uses which is gas, it is
8 quite likely not going to be there because during the time
9 when the warehouse is open, they're probably going to have
10 to go sit for 10 to 20 minutes in a line and I would find
11 it, myself, much more convenient, expedient and useful to
12 drive out of the mall and to go to one of the stations in
13 the area that I will pass by on the way to my home.

14 MR. GOECKE: Okay. So it's your contention that
15 the gas station, if it were to be located there, would not
16 be the most reasonably convenient place for Costco shoppers
17 when purchasing gas.

18 MS. CORDRY: Gas as a whole, no.

19 MR. GOECKE: And you say that because it's not
20 open all the time.

21 MS. CORDRY: Well, it's not open, it often has
22 very long lines waiting there, you have to navigate around
23 the mall. I think there is going to be substantial traffic
24 issues and backing up there. We'll get into much more of
25 that as we go through traffic, but I think it's going to be

1 a very inconvenient, very congested area that will cause a
2 lot of difficulty for people trying to use that.

3 MR. GOECKE: Uh-huh. Isn't that a bit like the
4 Yogi Berra expression, that if it's too crowded, nobody goes
5 there anymore? I mean, if this many folks are buying their
6 gas at the gas station, isn't it because it's convenient for
7 them, they want to buy there?

8 MS. CORDRY: Well, I would say --

9 MR. GROSSMAN: Yogi Bear or Yogi Berra?

10 MR. GOECKE: Yogi Berra.

11 MR. GROSSMAN: Yes.

12 MS. CORDRY: Yeah. Well, I would say --

13 MR. GOECKE: If Yogi Bear said it then, I'd love
14 to hear that.

15 MS. CORDRY: I don't, you know, I don't actually
16 know how many people will come here and I don't know whether
17 this station will actually be so congested that it will
18 actually draw, drive even more people away than that don't
19 go. I mean, as Ms. Alpert testified, you know, there are
20 plenty of people who don't go, Costco shoppers who don't go
21 use the Costco gas because it is inconvenient. I'm not
22 going to get into hearsay but, you know, that's the sort of
23 thing.

24 Other Costco stations that I have seen do not have
25 this degree of congestion. The Sterling store, for

1 instance, it's set off to the side. You come off on a
2 separate little roadway there. The traffic going to, to the
3 main part of the store goes on a road on the right-hand side
4 of Sterling. The traffic going to the gas station goes off
5 to the left and goes in there. You don't have this
6 crisscross. It's certainly nowhere near the loading docks.
7 The loading docks are on the back side of the store hundreds
8 of feet away from the gas station.

9 This particular locality, and again, we'll get
10 into a lot more of this when we get into traffic and
11 patterns and so forth, but this particular station here with
12 the trucks, the loading trucks coming in anywhere from 4:00
13 to 10:00 in the morning and 7:00 to 10:00 at night, which I
14 believe is actually the testimony as to when they can come,
15 during periods when the gas station is going to be open, the
16 traffic trying to go back and forth around the mall, trying
17 to get in through that road, I think it's going to be, you
18 know, fairly nightmarish. Whether that means people, you
19 know, either more people will not go, I can't say but it
20 would certainly convince me not to particularly go there.
21 But again, the question you asked, is it the most convenient
22 place to buy gas, and I think the answer is no. I think
23 there would be places where it's much easier for people to
24 buy gas without putting up with those kind of congestion and
25 annoyances.

1 MR. GOECKE: But you testified before that you
2 don't, you don't have any reason to dispute that about 30
3 percent of Costco members purchase their gas from Costco.

4 MS. CORDRY: Of course I dispute that. I have no
5 reason to believe that that's the correct number. The
6 number I see in the traffic report says that about 30
7 percent of gas shoppers go on over and shop at the
8 warehouse.

9 MR. GOECKE: Uh-huh.

10 MS. CORDRY: That's the only number I've seen.

11 MR. GOECKE: And if we assume that the 30 percent
12 number is accurate, then that would sort of support your
13 theory that 70 percent of Costco members, for whatever
14 reason, don't buy their gas there. Either they find it not
15 convenient or they run out of gas elsewhere, they don't plan
16 to purchase their gas there.

17 MS. CORDRY: Okay. Well, again, if you want me to
18 assume your figure which I see, have no evidence for, then,
19 yeah, 70 percent would go elsewhere. If I take my number
20 which says that about only 18 percent perhaps shop there
21 then it would be 82 percent but, yes. Most Costco shoppers,
22 it would appear, do not want to use this gas station either.

23 MR. GOECKE: Okay. And so if we assume the 30
24 percent, then that puts us at a projected total gasoline
25 sales of between three-and-a-half and five-and-a-half

1 million gallons a year, right?

2 MS. CORDRY: Well, if you use 18 percent to 30
3 percent, then that would give you somewhere in that range of
4 three-and-a-half to five-and-a-half million gallons, of
5 people already coming to the warehouse.

6 MR. GOECKE: When you were talking about your
7 concerns, sort of the byproducts if the gas station opens.
8 You talked about the threat on competition it might have but
9 you agree that this section, the need section, is not used
10 to curtail or eliminate new competition, don't you?

11 MS. CORDRY: It cannot be used solely to eliminate
12 competition but I think it's also a question -- again,
13 looking at Mr. Cronyn's report for instance, he noted that,
14 he found that there would be a benefit because there would
15 not be, it could be met without closing of the other filling
16 stations, be seriously compromised or go out of business,
17 and that was part of his assumption that it would therefore
18 be reasonably convenient and useful to the general public.
19 Certainly, the Lucky Stores case looks at the proliferation
20 of other gas stations and certainly, I think we've made very
21 clear why the fact that stations going out of business can
22 create a net loss of benefits to the neighborhood area
23 there.

24 And as I say, it's one thing -- again, because of
25 the nature of the membership station, because of the fact

1 that most people won't use it, it's really a different
2 situation when you have a new station that comes in that
3 everybody uses that is available to everybody and that
4 everyone can benefit from. If it puts another station out
5 of business that is reasonably similar to it, well, you
6 know, that's part of the idea about the lack of absolute
7 necessity and competition. But if you have a station that
8 most people can't use and it does not provide anything
9 remotely like similar services, you're having a situation
10 where the neighborhood then is having a net loss of benefit
11 so I think that doesn't satisfy the need standard.

12 MR. GOECKE: So you believe that it may, it may
13 not solely be used to eliminate competition but you believe
14 that may be one of the factors that's used in denying
15 special exceptions.

16 MS. CORDRY: Well, I think if the fact that the
17 lack of other competing stations causes a net loss of
18 benefits to the neighborhood as a whole, I think that is
19 quite clearly a factor that is of concern in the special
20 exception process.

21 MR. GOECKE: Okay. So it shouldn't be used to
22 curtail competition unless you can show that it's going to
23 somehow curtail benefits to the neighborhood.

24 MS. CORDRY: Well, as I said, I don't think simply
25 the fact of driving another station out of business is not a

1 solo factor probably for denying a special exception but the
2 fact that you do lose other stations, and that's certainly,
3 most of the special exception reports I look at point to the
4 fact that there is, theoretically, a lack of, there is a
5 need in the neighborhood and they look at these figures and
6 they say the pumping is this and the need is that and
7 therefore, there's room to put another station in there
8 because there's a gap between the need, the demand and the
9 supply and we can put another station in without putting
10 other stations out of business. That is typically the way
11 they look at these things, the ones that I have read. So I
12 would certainly say that it is, it is a factor that if you
13 were putting stations out of business whose services are not
14 being replaced for the public, that is a problem.

15 MR. GOECKE: I'm trying to find exactly where you
16 said it but in one of your filings, I think you wrote that
17 there's been no new gas stations built in this neighborhood
18 since 1991.

19 MS. CORDRY: I think in trying to look through the
20 special exceptions, that appeared to be what I could find.
21 It did not, it looked like -- I think a Freestate in fact, I
22 think was the last one that was approved.

23 MR. GOECKE: Do you think there's been any changes
24 in the construction of gas stations since 1991?

25 MS. CORDRY: I'm sure there have been. I mean --

1 MR. GOECKE: Do you think there's been any
2 improvements to the way they design gas stations?
3 MS. CORDRY: I'm sure that some things like tanks
4 and so forth have probably been improved.
5 MR. GOECKE: Do you agree that new business may be
6 able to offer services in a more efficient or superior
7 manner than older businesses.
8 MS. CORDRY: Well, not as just a generalized fact.
9 I mean --
10 MR. GOECKE: No?
11 MS. CORDRY: Some new business may, some may not.
12 MR. GOECKE: So it is possible.
13 MS. CORDRY: Anything's possible.
14 MR. GOECKE: And new businesses may be able to
15 provide a cheaper product as well.
16 MS. CORDRY: Some may, some may not. I can
17 certainly buy my gas generally cheaper than what I've gotten
18 at Costco by using the existing Giant stores discount
19 programs.
20 MR. GOECKE: But you agree that Costco sells gas
21 more cheaply than most gas stations in the neighborhood.
22 MS. CORDRY: It's, it's face price is generally
23 cheaper. As I say, there are a number of discount programs
24 and this appears to be proliferating all over the place.
25 Besides -- Safeway has a program, K-Mart has a program,

1 Giant has a program. Most of them allow me to get 20, 30,
2 40 cents a gallon off in gas with relatively minor amounts
3 of purchases so is the price posted on the sign less, no,
4 but is the price I actually pay at the pump less, quite
5 often substantially less than what I would get at Costco.
6 MR. GOECKE: Quite often.
7 MS. CORDRY: Um, yeah. I mean, I don't think I've
8 ever seen Costco sell for \$1.10 less than the neighboring
9 areas which is an amount that I've gotten off with my Giant
10 discount.
11 MR. GOECKE: So if the only thing motivating
12 people to purchase gas was the lowest price, you're saying
13 there are other options for them out there.
14 MS. CORDRY: I think if the question is are
15 there -- if Costco's main benefit is the cheap gas which it
16 provides, which seems to be the basis of Mr. Flynn's
17 analysis of benefit, his primary analysis of benefit, then,
18 yes, there are other places, other similar or identical uses
19 available to the neighborhood to get cheap gas.
20 MR. GOECKE: So the people purchasing gas from
21 Costco may not do it merely because it's the cheapest gas
22 available.
23 MS. CORDRY: I don't know what their reasons are.
24 MR. GOECKE: They might do it because it's a more
25 enjoyable shopping experience.

1 MS. CORDRY: I can't say I've ever found buying
2 gas to be particularly enjoyable one way or the other but I
3 would certainly doubt that after you've sat in line for 10
4 or 20 minutes that you'd find it all that enjoyable.
5 MR. GOECKE: So that's not possible.
6 MS. CORDRY: I have no ability to speculate on
7 what somebody finds enjoyable about buying gas.
8 MR. GOECKE: You heard the folks testify from the
9 community in favor of the gas station, did you not?
10 MS. CORDRY: I heard I think probably six or eight
11 people, maybe ten.
12 MR. GOECKE: But you were there that day when the
13 people testified in favor of Costco irrespective of how many
14 might have actually testified.
15 MS. CORDRY: I was there for part of it. I had to
16 come in late that day.
17 MR. GOECKE: Assume that the Hearing Examiner
18 found that Costco had established there was a need for a gas
19 station, should the competition it poses to other gas
20 stations be a reason to deny the application?
21 MS. CORDRY: Well, if he's going to find there's a
22 need -- apart from the fact of what the competition other
23 gas stations creates and the effect it may have on putting
24 them out of business and causing loss of benefits to the
25 neighborhood, I think those are kind of antithetical things.

1 I think you can't just isolate one without the other.
2 MR. GOECKE: I believe you testified last time
3 that when a Wawa opened in Beltsville, it caused two nearby
4 stations to go out of business. Is that accurate?
5 MS. CORDRY: I'm testifying -- what I testified
6 was that Mr. Flynn's report indicated that there were a
7 certain number of stations, I think it was nine, before the
8 Wawa opened and that after it opened, that there were seven
9 apart from the Wawa so that at some point in time coincident
10 with that, two stations went out of business.
11 MR. GOECKE: But is it your belief or is it your
12 testimony that it was because of the Wawa that those two
13 stations went out of business?
14 MS. CORDRY: I can't tell you for sure because I
15 haven't talked to those people. It's certainly coincident
16 time. It's certainly possible that it had an effect on them
17 going out of business.
18 MR. GOECKE: Did you investigate why those stores
19 went out of business?
20 MS. CORDRY: I have not spoken to anybody yet who
21 could tell me why those stores went out of business.
22 MR. GOECKE: You didn't talk to the owners or
23 anyone associated with those companies.
24 MS. CORDRY: Not yet, no.
25 MR. GOECKE: So you don't know the real reason why

Page 186

1 they went out of business.
2 MS. CORDRY: No. As I said, I have not talked,
3 spoken to anybody who could tell me precisely why they went
4 out of business.
5 MR. GOECKE: And it's possible that those gas
6 stations may have went out of business even if the Wawa had
7 not opened.
8 MS. CORDRY: It's possible, but they had been
9 there before and they closed during that time period so it's
10 at least a possibility. But again, the Wawa is open to
11 everyone. It does provide other services. It does provide
12 a major convenience store there so.
13 MR. GOECKE: Did the two gas stations that closed
14 provide any amenities to the neighborhood that were not
15 available at other gas stations?
16 MS. CORDRY: I don't know specifically the
17 details. Certainly, I would expect they probably would not
18 provide a convenience store, for instance, of the size and
19 variety that the Wawa has. I've been over in that general
20 area. I can't tell you what those stores are but I'm
21 reasonably sure there was not one similar to the Wawa in
22 that area before.
23 MR. GOECKE: But if I understand you correctly,
24 your concern that if Costco opens, it may cause other gas
25 stations to go out of business that offer certain amenities

Page 187

1 to the neighborhood, is that right?
2 MS. CORDRY: I'm certainly concerned that as the
3 gas volume drops and continues to drop from now out to the
4 next 25 years or so, that the diminishing volume will in
5 fact accelerate an ongoing trend and it will leave us with
6 this station that only sells gasoline and provides no
7 amenities and doesn't do anything for most of the
8 neighborhood.
9 MR. GOECKE: And by amenities, you mean what?
10 That it --
11 MS. CORDRY: Well, I mean a windshield washing
12 solution, air, service bays, place to buy a cup of coffee,
13 place to use the restroom. Any number of amenities such as
14 that.
15 MR. GOECKE: But isn't it possible that gas
16 stations that offer those types of amenities are less likely
17 to close as a result of competition from Costco because
18 people go there for the very reasons that you value them?
19 MS. CORDRY: Well, that's probably a reason that
20 not all stations are immediately going to close when Costco
21 gets there that's true, but providing me with a windshield
22 wiping solution doesn't really, it's not a profit source for
23 those, those companies, or the air for my tires and so
24 forth. Yes. Every station has its own ability to try to do
25 things and compete but it's certainly a fact that as volume

Page 188

1 is drawn away from the gas station area, it puts much more
2 pressure on those stations and I'll leave it to them. I'll
3 expect some will be wanting to come in at some point before
4 the end of this hearing to testify about their conditions,
5 but I think the witness who testified that same day, Mr.
6 Youssafieh I think his name was, was making the point that
7 the stations are really on the edge these days.
8 MR. GOECKE: But if I understand you correctly,
9 you're concerned about the loss of amenities to the
10 neighborhood, isn't that right?
11 MS. CORDRY: Well, I'm concerned about the loss of
12 amenities. I'm concerned about --
13 MR. GOECKE: Okay. Let's just, I just want to
14 focus on that for the moment. I know you're concerned about
15 a lot of things but I just want to focus on one thing at a
16 time.
17 MS. CORDRY: Okay. We'll start with amenities.
18 Yes.
19 MR. GOECKE: Okay. And my point is that isn't it
20 more likely that gas stations that offer these amenities
21 that you value and presumably, other people value, are less
22 likely to go out of business for that very reason?
23 MS. CORDRY: Well, on an absolute scale, yes.
24 That provides some reason for people to go there but, you
25 know, I don't use a service bay every day. I use gasoline

Page 189

1 much more than I will use the service bays and so forth, and
2 I think that's probably true of most people. So those
3 stations, on a day in and day out basis, also need the
4 gasoline sales to be able to carry the store, and that's the
5 other part of what I'm concerned about is loss of competing
6 of places that I can buy gasoline.
7 MR. GOECKE: And you testified that you didn't
8 investigate why those two stations near the Wawa closed.
9 I'm assuming you haven't done any viability analysis of the
10 other gas stations in this neighborhood.
11 MS. CORDRY: Do you mean have I tried to be, do an
12 economic analysis of them or, you know, I mean --
13 MR. GOECKE: Okay. Let's do it this way. You're
14 concerned that some of them might close. Which ones do you
15 think are most likely to close?
16 MS. CORDRY: Well, I think some of the ones in the
17 most near in vicinity have probably the most likelihood as
18 people come out of the mall, or people in this neighborhood
19 who might otherwise use it might go to the mall more. I
20 can't tell you which ones have the highest or lowest
21 profitability. I, it's not my --
22 MR. GOECKE: So you can't tell me or it's the ones
23 that are closest to the Costco gas station.
24 MS. CORDRY: I think those have --
25 MR. ROSENFELD: Mr. Grossman, objection. I mean,

Page 190

1 this is --

2 MR. GROSSMAN: I sustain the objection.

3 MR. ROSENFELD: Thank you.

4 MR. GROSSMAN: I mean, you know, where is this

5 leading us, Mr. Goecke. Nobody can predict with accuracy as

6 to whether or not these stations, other stations are going

7 to close, are going to be, have more of a burden or how much

8 additional burden would be of the competition, and this

9 witness can't so I don't know where this is leading us.

10 MR. GOECKE: I agree with that. My understanding

11 is that she's arguing that some of these stations that offer

12 amenities are going to go out of business.

13 MR. GROSSMAN: She's saying that it's a risk. I

14 mean, I think that if there's competition, there's always a

15 risk. I don't know that I can -- nobody has put a, you

16 know, an actual number on it in a way that I can factor it

17 indirectly in an analysis. I'd have to consider it a risk.

18 MR. GOECKE: Okay. I'll move along. Thank you.

19 You testified at the last hearing that the neighborhood is

20 actually underserved with gas stations that have a C store

21 attached to them, is that right?

22 MS. CORDRY: Well, I think what I testified was

23 that the Claritas report says that there is a small retail

24 gap, I'm sorry, that there was a retail gap for gas stations

25 without convenience stores. Again, I think I also testified

Page 191

1 that I think that that's overstated in the sense that the

2 assumption, that proceeds on the assumption that you would

3 buy 100 percent of your needs for any particular item in a

4 given area. That said, there aren't very many true

5 convenience stores, at least as I say in the Wawa or the

6 Sheetz or the Royal Farms kind of model in this, this

7 general neighborhood.

8 MR. GOECKE: So is it your contention that if

9 there's going to be a new gas station in the neighborhood,

10 it should be a gas station with a C store or no?

11 MS. CORDRY: Well, I would say that such a station

12 would probably be more likely to be able to demonstrate that

13 there was some lack of that kind of a station in the area

14 here. It's debatable still whether you need it but of the

15 two kinds of stores, that's the one that there is probably

16 less well-served with. Let's put it that way.

17 MR. GOECKE: So in your opinion, there is more

18 likely to be a need for a gas station with a C store than

19 the Costco gas station.

20 MS. CORDRY: To the extent that there is few, if

21 any, true convenience stores and gas stations in this area

22 and if people want a need for those, that's, that's where if

23 there's any need, it might be that. Again, whether this is

24 the sort of area where people want to use those as opposed

25 to more like out on the highway, it's hard to say but the

Page 192

1 Claritas report would seem to suggest a, you know, if there

2 is any gap, that's where the gap is.

3 MR. GOECKE: Would you agree that nearly three-

4 quarters of fuel customers at gas stations with convenience

5 stores do not purchase any items in a convenience store?

6 MS. CORDRY: I don't know if that's true or not.

7 I'm not sure I would agree with that but it might be the

8 case.

9 MR. GOECKE: I believe you provided this document

10 before, the U.S. Petroleum Industry statistics definitions.

11 This is not marked as an exhibit. I'm not submitting it as

12 an exhibit, Mr. Grossman. I just wanted to show it to the

13 witness to see if she recognizes this document.

14 MS. CORDRY: I think so, yes.

15 MR. GOECKE: And this is one that you provided,

16 that you identified as one that you might rely on in your

17 testimony.

18 MS. CORDRY: Okay. Some of that may have actually

19 been put in but in any case.

20 MR. GOECKE: I'm sorry?

21 MS. CORDRY: I think that was, that actually was,

22 I believe, put in, that document.

23 MR. GOECKE: Oh, this is an exhibit you think?

24 MS. CORDRY: Yes. I do believe so.

25 MR. GROSSMAN: What's the exhibit if you want --

Page 193

1 MS. CORDRY: It's 293 I believe.

2 MR. GROSSMAN: 293 is a received September 23

3 excerpt from National Association of Convenience Stores, re:

4 petroleum industry stats and station retailer stats.

5 Anyway, what's your point about that?

6 MR. GOECKE: My --

7 MR. GROSSMAN: Does it have some statistic that --

8 MR. GOECKE: It does. It does.

9 MR. GROSSMAN: -- as to amount of people who

10 use --

11 MR. GOECKE: Yes. So this report. I'll read it

12 right here, it's the highlighted section. It's on page, the

13 document is not numbered but it's on the one, two, three,

14 fourth page that's been provided to us and it says about

15 three-fourths of the way down, nearly three-quarters, 73

16 percent of all fuel customers at convenience stores do not

17 purchase an in-store item. Did I read that correctly?

18 MS. CORDRY: That's what the sentence is.

19 MR. GOECKE: Okay. And do you have any reason to

20 dispute that?

21 MS. CORDRY: No. I think that's an incomplete

22 point if the question is do you make use of the convenience

23 store amenities.

24 MR. GROSSMAN: The restroom?

25 MS. CORDRY: Yes. I'll have to say I use the

1 restrooms in the convenience stores a lot more often than I
2 necessarily purchase anything in the convenience stores.

3 MR. GROSSMAN: I actually had the same though
4 occur to me while you were reading that. I wondered if they
5 were including people who went in for other reasons. To
6 make a deposit rather than to purchase.

7 MS. CORDRY: I will say I often, though, do feel a
8 little guilty and I do try to buy a pack of crackers or
9 something like that to make up for using their facilities
10 but I don't always.

11 MR. GOECKE: So if only 27 percent of the people
12 are benefitting or using the benefits of the amenities, how
13 does that help show a stronger need?

14 MS. CORDRY: Well, I think in the first place, we
15 have just made the point that it's not necessarily only 27
16 percent use the other amenities, they may use many other
17 items, but it's also a question on any given point. Today,
18 I may not need to purchase something there. Tomorrow when I
19 go in, I may very well want to purchase something so it's
20 not necessarily that you, on every occasion, use every
21 amenity. I don't use the service bay at a station every
22 time I go in. I don't use the air, thank God I don't have
23 to use the air every time I go in but I definitely want to
24 have it there. I think I mentioned on my first testimony I
25 still miss the Shell that was at the corner where the

1 gasoline over the next 30 years, that doesn't mean that all
2 gas stations will sell 12.5 less gas than they're doing
3 today.

4 MS. CORDRY: Well, it actually might mean even
5 more than that because that includes the fact that you have
6 a per capita growth in population and people will be in
7 different areas and we probably will still not manage to
8 convince everybody to move back into the center city. You
9 quite possibly will have other areas of the country settled,
10 you have other gas stations being put other places so that
11 21.5 percent reduction in volume may be spread out over even
12 more gas stations, so an existing gas station could well
13 lose more than 12.5 to 17 percent.

14 MR. GROSSMAN: Yes. I mean, what am I going to
15 reason from this? I mean, I think you're asking me, as I
16 suggested to Ms. Cordry she was asking me to do, a level of
17 analysis beyond that which was advisable or going to be
18 helpful to me where you're asking me to slice the salami too
19 fine also. I mean, I don't think I'm going to analyze of
20 that stat, even if I ought to apply that stat, which gas
21 stations may or may not be subjected to it.

22 MR. GOECKE: Okay.

23 MR. GROSSMAN: I don't have that kind of evidence
24 and this hearing is not addressed to that kind of evidence.

25 MR. GOECKE: Bear with me one moment.

1 Wendy's is now because it had a free air pump and I did use
2 that from time to time.

3 MR. GROSSMAN: I miss those free air pumps too.
4 All right. So what's --

5 MS. CORDRY: And even if I have to pay for the
6 air, I appreciate having the air at a station.

7 MR. GOECKE: You testified earlier today that
8 there are many different organizations and agencies
9 predicting or forecasting a reduction in the consumption of
10 gasoline, right?

11 MS. CORDRY: Yes.

12 MR. GOECKE: And in one of your reports I think it
13 was a 12.5 percent reduction by 2040.

14 MS. CORDRY: I think one of the reports suggested
15 it was going to go from about eight-and-a-half million
16 gallons to about seven-and-a-half to seven million gallons,
17 so somewhere between 12 to 17 percent. Different
18 prediction, different numbers.

19 MR. GOECKE: And do you agree that the reduction
20 in consumption is not likely to be felt equally by all gas
21 stations?

22 MS. CORDRY: Well, I don't know.

23 MR. GOECKE: Don't you think that some gas
24 stations will lose -- let me take that back. Assuming
25 that's correct, that there's a 12.5 percent reduction in

1 (Discussion off the record.)

2 MR. GOECKE: And you would also agree, Ms. Cordry,
3 that if there is a reduction in gas and, as Mr. Grossman's
4 pointed out, Costco sells less gas than they're
5 anticipating, that would mean shorter lines, less traffic,
6 fewer emissions.

7 MR. GROSSMAN: Well, I asked that question. I
8 didn't point it out. I asked it.

9 MR. GOECKE: I like it though.

10 MS. CORDRY: Well, obviously, if Costco sells less
11 gas, there will be less lines. Well, there may or may not.
12 It just sort of depends whether what time of the day the
13 less gas is sold at but in general, you'd probably have
14 smaller lines, yes.

15 MR. GOECKE: I have no further questions. Thank
16 you.

17 MR. GROSSMAN: All right. Ms. Adelman, does the
18 coalition wish to cross-examine this witness?

19 MS. ADELMAN: No.

20 MR. GROSSMAN: All right. Does Kensington View,
21 no, Ms. Duckett? Any redirect?

22 MR. ROSENFELD: Yes. Thank you.

23 REDIRECT EXAMINATION

24 MR. ROSENFELD: Ms. Cordry, have you seen any
25 evidence from Costco that they expect to sell less than 12

Page 198

1 million gallons of gasoline a year even if overall gasoline
2 consumption decreases?
3 MS. CORDRY: I haven't seen anything where they
4 made those kind of analyses, no.
5 MR. ROSENFELD: Okay. I'm going to bring to you,
6 this is 59-G-1.24, neighborhood need. Would you just read
7 the full text of that clause, of that provision please?
8 MS. CORDRY: Okay.
9 MR. GROSSMAN: I've become frighteningly familiar
10 with it already you know.
11 MR. ROSENFELD: I know you have. This is for
12 purposes of the record.
13 MR. GROSSMAN: All right.
14 MS. CORDRY: In addition to the findings and
15 requirements of Article 59-G, the following special
16 exceptions may only be granted when the Board, the Hearing
17 Examiner or the District Council, as the case may be, finds
18 from a preponderance of the evidence of record that a need
19 exists for the proposed use to serve the population in the
20 general neighborhood considering the present availability of
21 identical or similar uses to that neighborhood, and number
22 one being an automobile filling station.
23 MR. ROSENFELD: Okay. Thank you. Ms. Cordry, in
24 that, in that paragraph, is the standard expedient listed
25 anywhere in that statutory provision?

Page 199

1 MS. CORDRY: No.
2 MR. ROSENFELD: The phrase reasonably convenient
3 listed anywhere in that provision?
4 MS. CORDRY: No.
5 MR. ROSENFELD: The term useful --
6 MS. CORDRY: No.
7 MR. ROSENFELD: -- contained anywhere in that
8 provision? Do you know whether at the time the Lucky Stores
9 case was decided those phrases were included in the
10 Montgomery County statute?
11 MS. CORDRY: I don't believe those specific
12 phrases were, no.
13 MR. ROSENFELD: Mr. Grossman, do you have a copy
14 of Exhibit 88(s) in your files?
15 MR. GROSSMAN: I'm sure they're in here somewhere.
16 MR. ROSENFELD: I'm sure they are.
17 MR. GROSSMAN: But I know that you filed and part
18 of, one of the, one of the papers that you filed pointed out
19 that the statute had been changed by the Council.
20 MR. ROSENFELD: That is correct.
21 MR. GROSSMAN: And some of that verbiage had been
22 removed, and then I think I had asked the parties if there
23 was legislative history that would indicate why in fact the,
24 those words had been removed. I don't think I have received
25 anything from the parties indicating why the Council did

Page 200

1 that.
2 MR. ROSENFELD: And I believe that as attachments
3 to that memo, there were both the iterations of the drafting
4 of that language as well as relevant excerpts from staff
5 reports to the extent that legislative history --
6 MR. GROSSMAN: I don't recall that.
7 MR. ROSENFELD: -- exists.
8 MR. GROSSMAN: It's possible. I mean, it's been a
9 while. What's the exhibit number again?
10 MR. ROSENFELD: 88(s).
11 MR. GROSSMAN: 88(s). All right. Let's see if we
12 have that. It might be in a different box. Yes. I think
13 I'll have to hit the boxes. 88. 88(s). Amazing. All
14 right. Let's see. You have ZTA 10-01 as submitted by the
15 Planning Board and 10-01 as adopted by the County Council.
16 MR. ROSENFELD: That's correct. And as you go
17 back through there, I think you'll find a staff report from
18 Michael Ma at the time at Park and Planning to Ralph Wilson
19 at the time at the County Council.
20 MR. GROSSMAN: Yes. I see that.
21 MS. ROSENFELD: And there is a recommendation that
22 the text including public convenience and service be
23 removed. And the subsequent attachment, Exhibit 6, shows
24 the text amendment as it was finally approved deleting the
25 terms for the public convenience and service, and a need

Page 201

1 exists for proposed use for service to serve the population
2 in the general neighborhood.
3 MR. GROSSMAN: All right. Well, let's see. It
4 appears that what Mr. Ma's memo, page 23, you included it,
5 would have 59-G-1.24 state, he eliminates a lot of language
6 but he would have it state in addition to the findings and
7 requirements of Article 59-G, the following special
8 exception, special exceptions may only be granted as
9 provided in, for in Section 59-G-1.1 where the following
10 additional findings are made. And then he's, he doesn't, it
11 doesn't indicate any additional findings according to what
12 you have here.
13 The bracketed, the bracketed portion eliminates
14 the following the language, when the Board, the Hearing
15 Examiner or District Council, as the case may be, finds from
16 a preponderance of the evidence of record that for the
17 public convenience and service, a need exists for the
18 proposed use for the service of the population of the
19 general neighborhood considering the present availability of
20 such uses in that neighborhood, but all of that is
21 bracketed.
22 MR. ROSENFELD: That's correct. And if you go to
23 the next exhibit --
24 MR. GROSSMAN: Okay.
25 MR. ROSENFELD: -- you will see the text --

Page 202

1 MR. GROSSMAN: So he would have, he -- if I
2 understand correctly, that recommendation is a
3 recommendation to eliminate all of the need language.
4 MR. ROSENFELD: That's correct. And then --
5 MR. GROSSMAN: Have no need, no need --
6 MR. ROSENFELD: No need requirement at all.
7 MR. GROSSMAN: -- requirement at all. Okay.
8 MR. ROSENFELD: And then I think that you'll find
9 that the Council reinstated --
10 MR. GROSSMAN: And the Council didn't remove all
11 the language. It just took out --
12 MR. ROSENFELD: I'm sorry. It didn't remove it
13 all.
14 MR. GROSSMAN: It just took out the words for the
15 public convenience and service and it took out proposed use
16 and it took out for service and then substituted to serve.
17 MR. ROSENFELD: That's correct.
18 MR. GROSSMAN: So I guess that the operative words
19 that it took out were for the public convenience and
20 service.
21 MS. ROSENFELD: That's correct. And then
22 further --
23 MR. GROSSMAN: Do we know why?
24 MR. ROSENFELD: No. I could not find any evidence
25 in the legislative history to support why that was done but

Page 203

1 clearly, they looked at this language and made a deliberate
2 decision to make this change. And further, you'll see they
3 say to serve the population of the general neighborhood
4 considering the present availability of, and they added
5 identical similar uses to that neighborhood.
6 MR. GROSSMAN: Yes. Instead of such uses, it says
7 identical or similar uses were substituted.
8 MR. ROSENFELD: Right.
9 MR. GROSSMAN: Right. Yes, but I, I just wondered
10 whether there was any, anything that told us why they did
11 that. Why they jumped --
12 MR. ROSENFELD: I'm sure you --
13 MR. GROSSMAN: I mean, the technical staff
14 recommends elimination of the whole requirement although not
15 clearly because it says, it left out consider this and then
16 it doesn't tell you what you're supposed to consider
17 according to that bracketed portion that it remove.
18 MR. ROSENFELD: Not --
19 MR. GROSSMAN: So it wasn't entirely clear what
20 they were doing. And then the Council eliminates some
21 words. There is nothing in committee reports or committee
22 recommendations or evidence in front of them?
23 MR. ROSENFELD: I assure you I scoured the record.
24 MR. GROSSMAN: Okay.
25 MR. ROSENFELD: And in my, my only response to

Page 204

1 that is regardless of what the Council's intention may have
2 been, the language speaks for itself and clearly, they
3 reviewed and considered this issue and deleted the words for
4 the public convenience and service from, from the finding of
5 need.
6 MR. GROSSMAN: Yes. Mr. Goecke, do you have a
7 response to that? Yes.
8 MS. HARRIS: Well, two things. One is you had
9 noted that, this is one of the questions that you had sort
10 of posed I believe --
11 MR. GROSSMAN: Right.
12 MS. HARRIS: -- in your 20 questions.
13 MR. GROSSMAN: Yes.
14 MS. HARRIS: And then if I understood you
15 correctly, did you just say that no one responded to that?
16 MR. GROSSMAN: No. I didn't see any, any
17 information from the legislative history that explained the
18 removal of those words from either side as I recall.
19 MS. HARRIS: Right. I agree with that. We did --
20 MR. GROSSMAN: I think you all filed something.
21 MS. HARRIS: -- brief it. Right.
22 MR. GROSSMAN: Right.
23 MR. ROSENFELD: Exactly.
24 MR. GROSSMAN: But I couldn't find any --
25 MR. ROSENFELD: No.

Page 205

1 MR. GROSSMAN: -- any answer to my question and
2 maybe there's no answer. It's out there --
3 MR. ROSENFELD: But I would note --
4 MR. GROSSMAN: -- in the clouds.
5 MR. ROSENFELD: -- that subsequently, after the
6 change, there have been subsequent special exception cases
7 and in fact, the, Chair Carrier at the time who was the
8 Zoning Hearing Examiner, in her view, she noted that she
9 thought it even strengthened, it had sort of reaffirmed the
10 Lucky Stores' interpretation, it didn't weaken it, and that
11 that has been applied subsequently in at least two other
12 special exception cases.
13 MR. GROSSMAN: Right. I understand. I'm not sure
14 whether Ms. Carrier was correct or the Board of Appeals was
15 correct in the way they treated that language or that change
16 in language. I just, I haven't, you know, stopped to figure
17 it all yet in advance. When the record is completed, I will
18 obviously, but it's certainly an issue. I think it's a very
19 legitimate, arguable issue.
20 MR. ROSENFELD: And just briefly to add onto that,
21 there was, and this is in the same filing of course, the
22 Brandywine case that evaluated the issue of need and said
23 that in the absence of the words convenience, public
24 convenience and --
25 MR. GROSSMAN: Well, they were working under a

1 different statute in a different county where they talked
2 about necessity as I recall in Brandywine.

3 MR. ROSENFELD: They were looking at necessity but
4 they looked to the Montgomery County statute in its former
5 iteration and said in that case, public convenience and
6 service was clearly a factor because it was identified in
7 the statute. Here, those are not identified in the statute
8 and so we look at an issue of pure necessity.

9 MR. GROSSMAN: I understand your point but they
10 contrasted the PG County I think it was or Baltimore, I
11 forget which one --

12 MR. ROSENFELD: Prince George's County.

13 MR. GROSSMAN: -- with the, with Montgomery County
14 in saying that, you know, one said necessity, the other had
15 other waffle language. I don't know that vitiates the
16 analysis in, in Lucky Stores or the application of the
17 convenience kind of standard that's grown up. I think it's
18 a legitimate point, Ms. Rosenfeld. I just don't know, I'm
19 not --

20 MR. ROSENFELD: Sure.

21 MR. GROSSMAN: -- reaching any conclusion now.

22 MR. ROSENFELD: I understand. My last point on
23 that would be that at the time that the County Council made
24 this legislative change, I believe in 2002, the Brandywine
25 case would have been out there and the legislature of course

1 is presumed to know what the common law is at the time it
2 amends statutes so.

3 MR. GROSSMAN: I'm not going to presume anything.

4 MR. ROSENFELD: I think that's a legal presumption
5 that the courts make. Okay.

6 MR. GROSSMAN: It's clearly an issue in the case
7 and it's been well-raised.

8 MR. ROSENFELD: And so, Ms. Cordry, you've been
9 asked extensively about the issue of expediently, reasonably
10 convenient and useful, and I think you've clarified your
11 position on that. With respect to the second portion of
12 this statute which says that the need exists for the
13 proposed use to serve the population in the general
14 neighborhood considering the present availability of
15 identical or similar uses to that neighborhood, are you
16 aware of identical or similar uses that are available to
17 this neighborhood?

18 MS. CORDRY: Well, obviously, if you're talking
19 about selling gas, there's 24 to 27 gasoline stations
20 selling identical products to this neighborhood, and that's
21 only within the seven minute neighborhood. If you consider
22 to to be a broader category that in is within the seven
23 minute area and perhaps to the neighborhood might be outside
24 that area, then obviously, there are even more similar or
25 identical uses to that neighborhood.

1 MR. ROSENFELD: Would you consider another Costco
2 gas station to be an identical use?

3 MS. CORDRY: Obviously, that would be an identical
4 use.

5 MR. ROSENFELD: And did the need analysis have
6 any, any projections as to how much, how many, I'm sorry,
7 how much volume of gasoline purchases would shift from the
8 Beltsville warehouse to the Wheaton warehouse, gas station?

9 MS. CORDRY: I believe there was a suggestion that
10 they thought that 35 to 40 percent of the sales might shift
11 based on Mr. Flynn's rather, I think he got that by taking
12 his limited survey of 2440 people and calculating how many
13 had zip codes closer to Wheaton than to Beltsville and from
14 that, he calculated 35 to 40 percent and it was a bracketed
15 4.2 to 4.8 million gallons.

16 MR. ROSENFELD: So at least the evidence proffered
17 by the applicant would suggest that there's a substantial
18 percentage of Costco, perspective Costco gasoline shoppers
19 in Wheaton who currently do have that service, identical
20 service available to them. Is that, would --

21 MS. CORDRY: Right.

22 MR. ROSENFELD: Would you agree?

23 MS. CORDRY: I would certainly suggest that anyone
24 in Wheaton has that service available to them in the sense
25 that it's within the kind of driving range that they say

1 people will come to for a Costco store because I think it's
2 about 10 miles or less over to Beltsville.

3 MR. ROSENFELD: So to the extent that the
4 neighborhood includes anybody who lives in or is a visitor
5 of or works at the Wheaton mall site, the Beltsville Costco
6 would be available to them.

7 MS. CORDRY: That would appear to be my
8 understanding of it.

9 MR. ROSENFELD: And were you able to hear the
10 testimony of everybody who spoke on the day the community
11 representatives came in to testify?

12 MS. CORDRY: I got there late that day so I didn't
13 hear everybody. I think I may have read their testimony but
14 I don't think I heard all of it.

15 MR. ROSENFELD: But did you hear people who
16 testified, individuals who testified that they currently
17 shop in Beltsville but would shop here if it were available?

18 MS. CORDRY: I believe so, yes.

19 MR. ROSENFELD: And so would you consider that to
20 be firsthand testimony that this identical use is available
21 to people who would potentially shop here but they do have
22 that use available to them?

23 MS. CORDRY: Yes. I mean, I certainly heard
24 people say that they were still going over there from time
25 to time and shopping or if they happen to be in that area,

Page 210

1 would shop, would buy the Costco gas there and that that was
2 something they could continue to do if they felt that need.
3 MR. ROSENFELD: And Mr. Goecke asked you if the
4 people who were at the mall parcel using, shopping at the
5 mall or potentially shopping at the gas station, if they
6 were within the neighborhood for purposes of the need. Do
7 you recall that question?
8 MS. CORDRY: Yes.
9 MR. ROSENFELD: Would you consider those people to
10 be within the neighborhood for any other of the special
11 exception criteria, health, safety, welfare, compatibility,
12 nuisance, those kinds of things?
13 MS. CORDRY: Well, certainly, they would be there
14 in terms of, I suppose, health issues, traffic issues and so
15 forth if they would drive around the mall or waiting in line
16 or shopping within the, the store where the air was coming
17 in.
18 MR. ROSENFELD: Okay. So to the extent that
19 Costco were considered to be, for them to be within the
20 neighborhood for purposes of need, certainly they're in the
21 neighborhood for purposes of everything else.
22 MS. CORDRY: That would be true, yes.
23 MR. GROSSMAN: While you're cogitating whether you
24 have additional redirect, if one were to adopt the more
25 restrictive interpretation of need as kind of as a

Page 211

1 necessity, which I think you're in effect suggesting, do you
2 run afoul of the concern raised in the Lucky Stores case
3 about the interfering with competition? I mean, they uphold
4 the standard as applied in Montgomery County's law with the
5 convenience aspect in it and distinguish it from other cases
6 that have held that it was improper application, the need
7 statute was an improper restriction on competition. If you
8 go, if you back off that based on the Council change, don't
9 you potentially run afoul of that, that concern.
10 MR. ROSENFELD: Well, my understanding of one
11 rationale for the need standard is the recognition that, for
12 example in this particular case, if you do put other gas
13 stations out of business, you are creating an
14 environmentally unhealthy site. You're creating, in effect,
15 a nuisance. And so I think one, the need standard is there
16 in part to, not necessarily to protect every business that
17 exists but to make sure there's some measure of analysis
18 that in fact you're not creating a land use situation that's
19 unacceptable in the neighborhood, that's not -- that it
20 really is done in order to protect land use concerns and not
21 market concerns per se.
22 MR. GROSSMAN: Right.
23 MS. CORDRY: Could I also explain that?
24 MR. GROSSMAN: Sure.
25 MS. CORDRY: Two things. I mean, one, in the

Page 212

1 Lucky Stores case, the District Court decision or Circuit
2 Court decision that was being upheld talked about the fact
3 that whenever the Board acts to deny the construction of a
4 commercial establishment because no need, therefore, has
5 been shown, such action must of necessity result to some
6 degree in the prevention of competition, but it's not the
7 question as to whether it's incidentally preventing
8 competition but whether that was solely the desire to
9 prevent competition, and I think there are reasons that you
10 would look at competition besides solely to do that. And I
11 would note of course that one of the concerns in Lucky was
12 the only people coming in and opposing that store were
13 competitors so that was certainly something that was really
14 in their head.
15 The other point is we have a number of regulatory
16 kinds of provisions in the law that do in fact have
17 certificate of need. Hospital beds, numbers of taxicabs,
18 things like that where there is a regulatory reason to have
19 a concern about destructive competition, that you can only
20 perhaps support X number of taxicabs or if you have too many
21 hospital beds, you will just fill them up and spend more
22 money because they want to do them.
23 So I don't think that there is an absolute
24 suggestion that you can never have a real suggestion just
25 based on how much need there is. That's not inherently

Page 213

1 inappropriate. I think that there is a looking at whether
2 it is simply and strictly to prevent competition but even
3 there, as I say on the taxicab situation, you might even, on
4 occasion, simply prevent competition where there is the idea
5 that if there's too many cabs running around and nobody can
6 get enough, very similar to this in some respects, if nobody
7 can get enough business to stay in operation and run a
8 clean, healthy, safe, well-maintained cab, then the
9 population suffers. So I think as a legal matter, I don't
10 think there's some absolutely inherent notion that you could
11 never have a true limitation of competition. Sometimes
12 there is a regulatory effect to that as well so.
13 MR. GROSSMAN: Right. I don't disagree with what
14 you just said. I'm just saying that in Lucky Stores, they
15 distinguish a number of cases which held need language to be
16 unconstitutional law, improper based on the language of the,
17 and the gloss on the language contained in the Montgomery
18 County Statute.
19 MS. CORDRY: Right.
20 MR. GROSSMAN: It says we're not unmindful that
21 some decisions of the courts of other states take the
22 position that similar type of provision in regard to need
23 for additional filling stations for the public convenience
24 and necessity is unconstitutional as an unreasonable
25 exercise of the police power and blah, blah, blah. I just

Page 214

1 wonder whether we don't potentially put ourselves back in
2 the pot there.

3 MS. CORDRY: Right. Again, I think it's really a
4 question of is it solely to prevent competition or are there
5 other reasons. And again, just going back and quoting from
6 that District Court case, if the fact that you protect a
7 competitor somehow automatically disqualifies, if a contrary
8 conclusion were to be reached, the practical effect would be
9 that the Board could not effectuate the purpose of the
10 Zoning Ordinance which is designed to prevent the
11 unreasonable and unnecessary accumulation of the same type
12 of commercial establishment in the same general area.

13 MR. GROSSMAN: I understand. I just, somewhere
14 along this continuum of how, of interpretation of the word
15 need. I have to factor that issue in. Okay.

16 MR. ROSENFELD: And certainly, I think that that's
17 tempered by the change in language that the Council made
18 when they said that there's not an identical or similar use
19 available to the neighborhood. They're not doing it on an
20 absolute need basis. You need to factor in whether or not
21 this is available elsewhere.

22 MR. GROSSMAN: Right. Of course then we get into
23 the question of whether this proposed station is identical
24 or similar to other gas stations in the neighborhood so I'm
25 not sure that's going to, that's going to, I mean, that's a

Page 215

1 factual kind of issue but that would be an issue also. Mr.
2 Silverman?

3 MR. SILVERMAN: Yes. I think an anti-competitive
4 approach would be the same, well, we don't want this
5 regional facility anywhere in the county because it's going
6 to compete with our people, that would be anti-competitive.
7 But we're --

8 MR. GROSSMAN: Well, that certainly would.

9 MR. SILVERMAN: Yes.

10 MR. GROSSMAN: But I'm not saying that --

11 MR. SILVERMAN: Right.

12 MR. GROSSMAN: As a continuum along the way, and I
13 agree that government does provide limits on access to
14 services, such as taxicabs and whatever, which one could
15 argue is anti-competitive too but has been upheld.

16 MR. ROSENFELD: And --

17 MR. GROSSMAN: So it's an issue.

18 MR. ROSENFELD: -- the evidence shows that there
19 is a, there is a Costco gas station within the market area
20 of this particular site so you're hardly --

21 MR. GROSSMAN: Within the market area?

22 MR. ROSENFELD: Within --

23 MR. GROSSMAN: It depends on how you define a
24 market area. Not within the defined market area.

25 MS. CORDRY: No.

Page 216

1 MR. ROSENFELD: Not within the defined market
2 area, but it's available to the neighborhood because --

3 MS. CORDRY: Within the way that Costco defines
4 its market area.

5 MR. ROSENFELD: -- that's the way Costco already
6 indicated that 30, 40 percent of the gas sales from
7 Beltsville will transfer to Wheaton. So you're not, you're
8 not pitting one retailer against another one. We're talking
9 about the same corporate entity that's looking to open a
10 second store but clearly, you already have that facility in
11 Beltsville servicing a significant number of people in the
12 Wheaton/Kensington area.

13 MR. GROSSMAN: Okay. Did you have any further
14 questions?

15 MR. ROSENFELD: Just one last topic. Ms. Cordry,
16 have you had a chance to take a look at the comparative
17 gasoline prices between Costco and other retailers in the
18 Wheaton, in the Beltsville area?

19 MS. CORDRY: I actually testified about that at
20 great length on the previous day.

21 MR. GOECKE: And I'm sorry. Mr. Grossman, could I
22 just make one comment on this --

23 MR. GROSSMAN: Yes.

24 MR. GOECKE: With respect to the anti-competitive
25 issue. I mean, my understanding is that the opposition is

Page 217

1 arguing that we have to do this benefit and burden balancing
2 test and that the risk of opening Costco is that we're going
3 to lose other service stations that provide valuable
4 amenities to, to the neighborhood but yet, they can see that
5 some of those amenities are not of value. They don't drive
6 profits although they could draw customers into the store.
7 But if people don't want to go there, if those stations are
8 closing anyway whether or not Costco is already there, then
9 it seems like it truly is an anti-competitive decision to
10 deny Costco from entering into this market area merely to
11 protect them. If people don't want to go there, if people
12 aren't shopping there, if they don't, if they would prefer
13 to go to Costco, then why do you have to protect them? What
14 are you protecting them from?

15 MR. ROSENFELD: I'm not sure there's any evidence
16 in the record that there's a foregone conclusion that any
17 gas stations are going to close.

18 MR. GOECKE: Exactly.

19 MR. ROSENFELD: I'm not --

20 MR. GOECKE: And not only that, we don't know
21 which ones are going to close. And they might be the ones
22 that offer no additional amenities, that aren't open 24
23 hours. It's so speculative.

24 MR. GROSSMAN: It's a double-edged sword --

25 MS. CORDRY: Okay.

Page 218

1 MR. GROSSMAN: -- essentially is what he's saying.
2 MS. CORDRY: I think I would say that there is no
3 station in the area that does not offer something beyond
4 what Costco does, either hours or additional facilities or
5 so forth. In terms of what might close, again, you have the
6 fact that this demand is going to come from all over, a much
7 broader area but that the, you know, the concentrated effect
8 might be felt here because this may be the place where as
9 you go by or as you're coming out of a store, you might
10 be -- the closest people to the Costco might be the ones
11 most likely to buy at the Costco so, you know, it's hard.
12 I'm not trying to say that we can exactly defend this and
13 it's certainly not the only lack of benefits from the store
14 is the competition area but it's something where we here in
15 this neighborhood are the ones who, you know, be the most
16 affected by these, these issues.
17 MR. GROSSMAN: Okay. All right.
18 MR. ROSENFELD: And --
19 MR. GROSSMAN: Have we said enough on this, on
20 this point right now?
21 MS. HARRIS: Well --
22 MR. GROSSMAN: I just want you to note -- yes. Go
23 ahead.
24 MS. HARRIS: Going back to the issue about the
25 market, and they said that the Beltsville Costco is

Page 219

1 available too. At what point do you, if there's a Costco in
2 New Carrollton, would that be available too? If it ended up
3 being in Bowie, would that be available too? So I, we
4 certainly don't accept the fact although there are customers
5 from Wheaton that drive to Beltsville, we would, we
6 certainly don't agree with the --
7 MR. GROSSMAN: I mean, I'm going to consider the,
8 what has been accepted by Kensington Heights Civic
9 Association as a reasonable market area, as to market area.
10 I'm not saying that that's the general neighborhood because
11 I think there are two competing definitions for that but I'm
12 not going beyond that in terms of what the market area is.
13 MS. CORDRY: Well, I think --
14 MR. GROSSMAN: That's --
15 MR. ROSENFELD: I --
16 MS. CORDRY: I think our point was that the Costco
17 has stated repeatedly in its documentation, including Mr.
18 Flynn's report, that their market area, what they sell to is
19 far beyond the seven minute drive range.
20 MR. GROSSMAN: But let's face it, folks. I mean,
21 I have to have some, something more definitional than that.
22 I have to have a neighborhood that I'm considering as the
23 neighborhood. And it may be the market area in terms of
24 what you've accepted, in terms of the drive time that's been
25 talked about or it may be the immediate, the technical staff

Page 220

1 general neighborhood but I'm not going beyond that so
2 let's --
3 MS. CORDRY: I think --
4 MR. GROSSMAN: Let's --
5 MS. CORDRY: Okay. Just if I might clarify. Our
6 point is that when you say something is available to the
7 neighborhood as distinguished from in the neighborhood, then
8 it can clearly be talking about something that is beyond the
9 boundaries of the neighborhood, and the question is what is
10 reasonably available. If you go talk about a Costco gas
11 station as being a unique feature and the question is is
12 that station available to the neighborhood, one of the
13 things we have to look at is what Costco itself defines as
14 its market area. I don't think you can have it both ways
15 and ask to --
16 MR. GROSSMAN: No, no. I think you're, I think
17 you're asking to have it both ways here.
18 MS. CORDRY: Well --
19 MR. GROSSMAN: But all I can say is, ladies and
20 gentlemen, if my head explodes when I'm writing this report,
21 it's going to be the fault of every one of you. All right.
22 Any other questions on redirect?
23 MR. ROSENFELD: No.
24 MR. GROSSMAN: Any recross?
25 MR. GOECKE: No.

Page 221

1 MR. GROSSMAN: I thank you very much, Ms. Cordry,
2 for your extensive detailed testimony. All right. I guess
3 we should take a brief break and then call Ms. Mulready.
4 Let's come back in five minutes, 25 after 3:00.
5 (Whereupon, at 3:19 p.m., a brief recess was
6 taken.)
7 MR. GROSSMAN: All right. We're ready to go back
8 on the record. Ms. Mulready, would you kindly join us up
9 here? Would you state your full name and address, please?
10 MS. MULREADY: Yes. My name is Patricia Mulready,
11 and what else?
12 MR. GROSSMAN: And your address.
13 MS. MULREADY: 10223 Capital View Avenue, Silver
14 Spring, Maryland.
15 MR. GROSSMAN: All right. Would you raise your
16 right hand, please?
17 (Witness sworn.)
18 MR. GROSSMAN: All right. You may proceed.
19 MS. MULREADY: I'm here today to talk mostly about
20 emergency preparedness and disaster preparedness and, but
21 first I'd like to mention that I have a head injury that
22 sometimes causes me to forget nouns and names so if I'm
23 flustered, feel free to yell out what I'm trying to tell
24 you. Otherwise, I will go around in circles for 10 minutes
25 trying to come up with the right word.

Page 222

1 MR. GROSSMAN: Well, I don't think they could yell
2 that out under our rules of procedure, but go ahead. We'll
3 try to help out as we go.
4 MS. MULREADY: Hopefully, I won't have to because
5 I did write most of it down.
6 MR. GROSSMAN: All right.
7 MS. MULREADY: I have some expertise in community
8 development.
9 MR. GROSSMAN: Are you testifying, purporting to
10 testify as an expert or --
11 MS. MULREADY: A semi-expert.
12 MR. GROSSMAN: A semi-expert.
13 MS. MULREADY: Yes. As a matter of fact, if you
14 want a solution to the neighborhood definition, I can get
15 you that.
16 MR. GROSSMAN: Well, hold on one second.
17 MS. MULREADY: Um --
18 MR. GROSSMAN: Hold on one second, ma'am.
19 MS. MULREADY: Okay.
20 MR. GROSSMAN: Ms. Rosenfeld, you're calling Ms.
21 Mulready as a witness?
22 MS. ADELMAN: The coalition.
23 MR. GROSSMAN: The coalition is calling Ms.
24 Mulready as a witness?
25 MS. ADELMAN: Yes.

Page 223

1 MR. GROSSMAN: Are you offering her as an expert
2 witness or as a lay witness.
3 MS. ADELMAN: I thought we were offering you as a
4 lay witness, Pat. Am I misinformed?
5 MS. MULREADY: Right, but I do have some
6 credentials.
7 MR. SILVERMAN: She's well-qualified.
8 MS. ADELMAN: She has --
9 MR. GROSSMAN: Well, the problem is she hasn't
10 been --
11 MS. ADELMAN: -- extensive background.
12 MR. GROSSMAN: I don't think she's been announced
13 as an expert witness.
14 MS. ADELMAN: That's correct.
15 MR. GROSSMAN: And an organization that plans to
16 submit an expert has to identify that fact.
17 MS. ADELMAN: Right.
18 MR. GROSSMAN: In advance.
19 MR. MULREADY: I'm not an expert in disaster
20 preparedness.
21 MR. ROSENFELD: No. I don't think she's being
22 offered as an expert. I do think that she plans to give
23 some of her background to help you assess the weight of her
24 testimony.
25 MR. GROSSMAN: I understand. And I'll listen to

Page 224

1 that but I did, I did want to mention that you can't testify
2 as an expert here without going through certain procedural
3 requirements.
4 MS. MULREADY: Oh, okay.
5 MR. GROSSMAN: Which includes what's called a voir
6 dire examination of your credentials and so on, and it has
7 to be somebody who's been identified well in advance of the
8 hearing so that the other side would have an opportunity to
9 prepare.
10 MS. MULREADY: Okay.
11 MR. GROSSMAN: So when you used the term semi-
12 expert, that's what perked up my ears.
13 MS. MULREADY: Okay.
14 MR. GROSSMAN: All right. Go ahead.
15 MS. ADELMAN: She's saying she has an extensive
16 background.
17 MR. GROSSMAN: I understand.
18 MS. MULREADY: The reason I know about
19 neighborhoods, since I was the Secretary of the UNNGO
20 Committee on Shelter and Community and they actually have a
21 definition of what is a neighborhood, and it's not Costco's
22 definition and it is closer to the Kensington Heights one
23 but that could be, if somebody wants that information, I can
24 find it. I also, in my capacity as a production coordinator
25 at NUS Corporation many, many years ago, helped prepare a

Page 225

1 safety analysis report so I am pretty good at power plants
2 and classified facilities so I do have some knowledge about
3 emergencies and disasters and what could happen but I'm not
4 an expert. What I am an expert on is retail and marketing
5 and consumer behavior but nobody wants me to talk about that
6 so I won't.
7 And just to add some humor because it's late and I
8 know you're all falling asleep, my significant other is a
9 longstanding member of the National Fire Protection
10 Association for more than 20 years. He's an internationally
11 renown fire protection engineer for nuclear power plants and
12 so I do know a little bit about fire protection, mostly
13 through osmosis and helping him proofread his stuff. He's
14 the expert. I tried to get him to come. He couldn't.
15 I note from my personal experience, living at, in
16 NYU's faculty housing in New York City, that my -- I had
17 recommended to Costco back in the Council hearings that
18 they, instead of building a gas station, that they make this
19 store model of, a new model for transit-oriented shopping
20 for warehouse stores and provide ways or different ways of
21 helping people without cars get their warehouse stuff home.
22 Even living across the street from the supermarket, six bags
23 is all I can carry home in my late 20s, early 30s and I
24 wouldn't even try six anymore. You have a wonderful
25 opportunity. I don't understand why you're not taking it

1 but that's -- I really am mystified.

2 Anyway, the Wheaton/Kensington area is very

3 different from most Costco gas station locations. It's

4 densely populated with infill which is supposed to increase,

5 and infill is the county and developer's way of packing

6 every square inch of empty land with a building until this

7 area looks like Manhattan or Brooklyn or some other place.

8 Neighborhoods throughout the in-county, such as Kensington

9 Heights and Capital View Park and the various Kensington

10 communities have been fighting this infill and whether we'll

11 win over time, who knows.

12 But right now, we have a dense area and it is

13 projected to get ever denser with people, buildings and so

14 on so what you see now is only going to be more people, more

15 buildings so whatever you affect today in terms of

16 emergencies and disasters and so on, it will only affect

17 more people and be more difficult in the future. How long

18 in the future? Well, I've heard stories about 20, 30 years

19 ago downtown Bethesda looked like downtown Kensington does

20 now, downtown Kensington, and Bethesda is like all high-

21 rises, so that's how quickly it can, can happen.

22 In this area, there's everyday gridlock. Any of

23 us who have driven during rush hour are well familiar with

24 getting stuck in traffic for no apparent reason. Background

25 research included for the Kensington Sector Plan, which was

1 completed last year, show that two of the east-west arteries

2 which are those that Costco assumes people will be coming to

3 their store on that intersect with Connecticut right below

4 where Connecticut intersects with University, are already

5 above capacity and are scheduled to not be fixed. They will

6 just be forever more over capacity. Right now, I think it

7 was like 1.2 for the Knowles and Connecticut exit, I mean

8 intersection, if I remember correctly. That's less than a

9 mile from Costco.

10 Now, I know that Costco complied with the county

11 guidelines and put in like a half mile's worth of traffic

12 data but in an area like this where you have to come through

13 those two roads that I'm most familiar with because that's

14 where Capital View Park intersects also, there are no other

15 ways really to get to Costco from the south, or the east and

16 west unless you're coming over those roads and then up

17 University. So I'm going to use those as the examples I

18 have for what happens with gridlock around here, but the

19 same thing happens on Georgia and the other side of

20 University.

21 Now, anything out of the ordinary can cause a

22 traffic jam. It doesn't even really have to be that out of

23 the ordinary. I've spent 90 minutes in one place on a road,

24 on Wisconsin Avenue actually, because it was the Wednesday

25 before Thanksgiving. It was bright and sunny, there were no

1 accidents. It was just too many cars. Then we have the

2 other extreme, what we call Snowmageddon. That's where a

3 lightning bolt hit a power substation on Metropolitan Avenue

4 right near my house and knocked the entire power system grid

5 off for most of Kensington and it was out for over a week.

6 We got about seven inches of snow, which is no big deal if

7 you live in Buffalo --

8 MR. GROSSMAN: Excuse me, Ms. Mulready. Can I ask

9 you to tie this in to the special exception? I don't --

10 MS. MULREADY: Yeah. I will.

11 MR. GROSSMAN: Can you get to that?

12 MS. MULREADY: Quickly? The point I'm trying to

13 make is there's a presumption, and because the fire and

14 police chiefs said in letters that they would have no

15 problems handling emergencies, I'm giving you an example

16 with Snowmageddon where they absolutely could not handle an

17 emergency and that in the D.C., in the Montgomery County

18 area, at least this part of the county, when one thing goes

19 wrong, everything goes wrong.

20 So Snowmageddon is like the worst case example

21 because you lose the power, you have people leaving their

22 cars all over the place and the fire trucks are behind me

23 down on Knowles and Beach Drive and even though they were

24 picking cars up and moving them out of the road, took them

25 20 minutes to be able to get to the fire house. Now,

1 luckily, that particular night, there was no fire at that

2 particular time but if there had been, there would have been

3 no emergency response. And I'm using that example because I

4 saw the fire trucks. I was able to move my car because I

5 have four wheel drive but all the people around me couldn't.

6 And so under normal circumstances, yes, the fire

7 and police can respond in time to an ordinary fire at a gas

8 station but what if there's even more problematic

9 situations. We have in this area bigger earthquakes than

10 we've ever had before, nothing's built for them. We have

11 tornadoes that we never used to get. We've had at least

12 three or four come through the Kensington area in the 20

13 years I've lived in this area, several very close to the

14 mall. We have maybe not gang warfare but we have shootings

15 at the mall. We are -- if there was a gas station, I was a

16 young kid with a gun, I'd head for the gas pumps. What cop

17 is going to fire at a gas pump because the cop would know

18 that he could hurt other, he or she could hurt other people.

19 So there's all these really exceptional things that we can

20 imagine could happen and then there's the unimaginable.

21 I brought up my work for NUS Corporation doing

22 final safety analysis reports for nuclear power plants not

23 because a gas station is a nuclear power plant. I know it

24 is not but back then in the '70s when the rules for Maryland

25 Law for gas stations were written, they said there are no

Page 230

1 earthquakes on the East Coast or in the center of the
2 country, airplanes above a DC-9 will never be built, there
3 will never be a flood on these various rivers that have now
4 all flooded their banks, et cetera, et cetera, and every one
5 of these things they said couldn't happen has happened. So
6 when you're building any kind of dangerous facility, you
7 have to take extra care in order to protect the citizens,
8 especially when you're in a dense residential area and the
9 closest house is about 125 or 150 feet from the gas station
10 that's being proposed.
11 Now, excuse me for just a sec. It's my
12 understanding that Section 59-G-1.21.1, that there's
13 differences for inherent and non-inherent adverse effects.
14 I think most of these are non-inherent affects. They do not
15 necessarily come with a gas station. A tornado doesn't come
16 with a gas station. Maybe mobile homes but not gas stations
17 so --
18 MR. GROSSMAN: I don't think that you, I don't
19 think that's what that's getting at. The question is
20 whether or not the conditions on the site or the special
21 exception itself has inherent or non-inherent adverse
22 effects, not whether or not there can be some unusual
23 circumstance such as a tornado or an earthquake so --
24 MS. MULREADY: Well, you're the expert but I think
25 it's still -- bad weather is to me a non-inherent affect

Page 231

1 that is impacting --
2 MR. GROSSMAN: That's not what the section is
3 getting at.
4 MS. MULREADY: It says creates unusual
5 characteristics of the site so --
6 MR. GROSSMAN: Right. And that's not, that's not
7 the special exception that's creating a tornado or, and nor
8 are there conditions of the site that you specify that are
9 non, that create non-inherent circumstances. I'm perfectly
10 willing to listen to what you have to say about --
11 MS. MULREADY: Okay. Because to me it says --
12 MR. GROSSMAN: -- non-inherent circumstances --
13 MS. MULREADY: -- inherent adverse effects are
14 physical and operational characteristics necessarily
15 associated with a particular use which would mean like fire
16 is an inherent problem with a gas station because there's
17 5,000 fires per year, according to the National Fire
18 Protection Association, at gas stations. Some of them are
19 minor, can be put out with a, you know, a fire extinguisher,
20 but some are major and can cause and have caused explosions.
21 There were several here in Maryland that had gas leaks that
22 contaminate water tables related with them. There were
23 some, at least one in Virginia that was a Costco gas station
24 that I have a picture of, you know, the whole car is
25 engulfed in flames.

Page 232

1 MR. GROSSMAN: All right. So risk of fire is an
2 inherent risk as of gas stations.
3 MS. MULREADY: Okay. So --
4 MR. GROSSMAN: I don't disagree with that so but -
5 MS. MULREADY: So I got that part right?
6 MR. GROSSMAN: It's not that it's right or wrong.
7 It's that part of my job is to see that the evidence that
8 comes in is relevant and addresses the situation, and so if
9 you have evidence that you want to offer that relates to I
10 think you listed as far as emergency planning or something
11 like that --
12 MS. MULREADY: Right. I'm getting to the whole --
13 MR. GROSSMAN: Rather than getting into whether
14 or --
15 MS. MULREADY: It's inherent or not inherent?
16 MR. GROSSMAN: -- non-inherent, just tell me what
17 it is that, you know, your concerns are related to this
18 particular gas station and what you recommend or say that
19 should be done that's not being done.
20 MS. MULREADY: Okay. First of all, it shouldn't
21 be built. And there has been no --
22 MR. GROSSMAN: Why do you say it shouldn't be
23 built?
24 MS. MULREADY: Well, first of all, because no
25 emergency management plan has been filed that I can find,

Page 233

1 and I've asked several other people who have been more
2 involved in this than me and they haven't found it either,
3 so I think that's part of what they're required to do.
4 MR. GROSSMAN: Well, they may be at some point but
5 not necessarily in advance of a special exception. They
6 would be required to follow every, one of the conditions
7 that's always imposed in any special exception in this
8 jurisdiction is that all local, state and federal
9 regulations are followed. And so to the extent that they
10 are required to file such a plan, they would have to file it
11 to be compliant with the applicable regulation.
12 MS. MULREADY: Okay. But why not before the
13 special exception?
14 MR. GROSSMAN: Well, they might. The might. I'm
15 not saying they can't but they don't, they don't have to if
16 it's not required at this point. They'll have to go through
17 other permitting processes. This is to determine from a
18 land use perspective whether or not what's called a
19 conditional use should be approved, a use that's been, that
20 is allowed under the Zoning Ordinance under specified
21 conditions. That's what this proceeding is about. And they
22 have had evidence here regarding their emergency procedures.
23 MS. MULREADY: Right. And I --
24 MR. GROSSMAN: This has been a multi-day hearing
25 and so --

1 MS. MULREADY: Yes. I saw at the open house what
 2 they were presenting. I don't know if it's stuff that was
 3 presented here. And for instance, the two hour battery is
 4 totally unacceptable because as I mentioned, with the
 5 gridlock we have here, if the power goes out, two hours will
 6 not be enough time to get a generator going under, you know,
 7 like normal blackout situations. The two hour battery is
 8 the thing that's relied upon to monitor the underground
 9 wells is my understanding. And according to Costco's own
 10 work with the storm water management, and this may have
 11 changed because I have missed, I haven't been here for most
 12 of the testimony, but they couldn't do bar holes or some
 13 kind of evaluation holes into the substratum for the storm
 14 water management because it's so loosely packed that that
 15 could cause more damage to the various streams that
 16 originate near Wheaton mall for instance.
 17 And so there could be a two hour period of time or
 18 more when there would be no idea whether or not gasoline was
 19 leaking into the water table so first of all, how do you
 20 mitigate that, which should be in the disaster emergency
 21 plan and part of the storm water plan and perhaps the forest
 22 plan which I know is a stretch, but it is not -- you know,
 23 when I brought this up at the open houses, I was kind of
 24 like told well, two hours is fine. So then I said to the
 25 various people, some of whom are here, have you ever driven

1 around here in bad weather, do you know what it's like, and
 2 every single one of them said, no, I never had.
 3 MR. GROSSMAN: I'm not going by anything that was
 4 said at an open houses. I'm going by what has been said in
 5 testimony.
 6 MS. MULREADY: Okay. Well --
 7 MR. GROSSMAN: By various witnesses.
 8 MS. MULREADY: It's hard to --
 9 MR. GROSSMAN: I don't know what was said at open
 10 houses. That's not before me.
 11 MS. MULREADY: It's hard to then say to somebody
 12 that, I mean, how am I supposed to present that then because
 13 it's not hearsay. They directly told me, no, we haven't, we
 14 don't think it's necessary.
 15 MR. GROSSMAN: Well, depending on who it is that
 16 said that, it may be an admission. I'm not --
 17 MS. MULREADY: Mr. Sullivan was another one. I
 18 can't remember if Pat did. Probably not. She's too smart.
 19 Two staffers who were running the emergency reel at the open
 20 house. So those are four people I talked to, and I think
 21 there were two others who I won't be able to remember so --
 22 MR. GROSSMAN: It's potluck. There's an exception
 23 to the hearsay rule. First of all, hearsay does not, is not
 24 always excluded in this kind of proceeding in any event but
 25 it has to be reliable and probative evidence if it's hearsay

1 and the problem is if you can't remember who told you and
 2 exactly what they told you --
 3 MS. MULREADY: Oh, no. I remember. I
 4 specifically -- I'm sorry. I don't remember your name
 5 because I don't remember names.
 6 MR. GROSSMAN: Mr. Brann.
 7 MR. BRANN: Eric Brann.
 8 MS. MULREADY: Okay. I asked him specifically
 9 have you driven in this area in bad weather and he replied,
 10 my recall, recollection is he replied, no, I haven't.
 11 MR. GROSSMAN: Yes. But that's not -- whether Mr.
 12 Brann has driven in this area in bad weather is not
 13 significant.
 14 MS. MULREADY: No. We were discussing emergency
 15 preparedness and how the fire trucks wouldn't be able to get
 16 through the traffic. Anyway, it's my opinion that because
 17 of these inherent problems here in this area, it is too
 18 dense, it's impossible to evaluate a disaster management
 19 plan when there is none for a hearing. And so I'm coming up
 20 with what I perceive as unacceptable risks.
 21 And my brothers, unlike most people in this room,
 22 not all of you but a lot of you, my brothers worked at gas
 23 stations. My brothers drive or have driven tanker trucks
 24 for a living. One of my brothers is a master driver and
 25 trains other drivers, and you cannot rely on the drives to

1 all be as good as some of them are because they're not.
 2 There's just an assumption that things are going to go right
 3 and I have learned over the years, and perhaps it's being
 4 married to the safety, you know, the safety fire protection
 5 engineer guy who says everything has to be redundant because
 6 nothing ever goes right. I don't believe that things are
 7 going to go right.
 8 I think that if there's a fire, it could catch
 9 onto pieces of fabric easily. The wind could blow it to the
 10 neighborhood or to the woods or to the store. If it's
 11 during a fire, I mean during a thunderstorm and the power's
 12 out and the roads are blocked, you will not be able to get a
 13 fire truck to that neighborhood. Now, how many houses will
 14 burn down? Maybe none because it's, after all, raining, but
 15 maybe a whole neighborhood could go up before there could be
 16 any reasonable and guaranteed solutions to come in.
 17 It's highly unlikely that a terrorist would pick
 18 Wheaton, Maryland to put a bomb in a gas station. And I
 19 know that sounds like a ridiculous scenario for a movie or
 20 something but who would think that a guy from Shelton,
 21 Connecticut, my hometown, would pack his car, put it in the
 22 middle of Times Square and walk away with a whole bunch of
 23 bombs in it that didn't, luckily, go off. So if some crazy
 24 from Shelton, Connecticut, which is like not Columbia, I
 25 don't even know, Boyds or something --

Page 238

1 MR. GROSSMAN: Ms. Mulready, what are --
2 MS. MULREADY: -- could do that --
3 MR. GROSSMAN: What are you suggesting should be
4 done that's --
5 MS. MULREADY: I'm suggesting that a gas station
6 is -- if there was no gas station, fine. Maybe then. But
7 there's 25 to 27 other viable gas stations in the area and
8 that this one is going to cause traffic jams, we have video
9 of, that Karen had, Attorney Cordry, ambulance or fire
10 trucks not able to get in the mall because traffic is
11 blocking it. That's a normal everyday road blockage. I
12 have been there where I have taken, it's taken me four
13 lights to get from University into the parking lot. I've
14 also witnessed people trying to kill each other. I had one
15 woman get out of her car and in her parking space and dare
16 me to run her over.
17 MR. GROSSMAN: Let's keep it to things that are --
18 MS. MULREADY: That's true.
19 MR. GROSSMAN: I don't doubt it's true. I'm just
20 saying --
21 MS. MULREADY: So somebody is going to get --
22 MR. GROSSMAN: -- let's keep it to things that are
23 relevant here.
24 MS. MULREADY: That's relevant if you're angry
25 because in New York City, they will blow you away for taking

Page 239

1 their parking space.
2 MR. GROSSMAN: And that has nothing to do with the
3 gas station.
4 MS. MULREADY: Yes, it does because the traffic is
5 going to be far worse. It is horrible there. I don't even
6 go shopping when I used to go shopping. Five people here
7 told me they don't go shopping when they used to go
8 shopping. Another person said she never goes there anymore.
9 And to somebody who teaches retail, that's a big deal
10 because it means --
11 MR. GROSSMAN: I thought you were here to testify
12 regarding emergency preparedness.
13 MS. MULREADY: I am. The emergency is the traffic
14 is blocking --
15 MR. GROSSMAN: I see. So this is the, this is --
16 Ms. Mulready is --
17 MS. MULREADY: -- the emergency vehicles.
18 MR. GROSSMAN: -- is the coalition's witness on
19 traffic?
20 MS. MULREADY: No.
21 MS. ADELMAN: No. She's just --
22 MR. GROSSMAN: Well, how many witness --
23 MS. MULREADY: I'm presenting every disaster that
24 could happen and that traffic, because of the traffic
25 situation, which a real traffic expert will discuss in

Page 240

1 greater detail, that it blocks emergency vehicles from
2 getting into the mall to help, and I'm giving you my
3 personal observations of what has happened at Saturday
4 afternoon at noon and 1:00.
5 MR. SILVERMAN: Mr. Grossman, she is, I think she
6 is just saying that this is a bad place to put a --
7 MS. MULREADY: Right.
8 MR. SILVERMAN: -- gas station because of, because
9 of --
10 MR. GROSSMAN: Well, don't, don't interpret it.
11 MR. SILVERMAN: -- the difficulty of emergency
12 preparedness.
13 MR. GROSSMAN: Mr. Silverman, don't interpret it.
14 The problem I'm having is in fairness, the coalition has
15 asked me if they can split up their testimony and have
16 different people testify on different discreet points in
17 this, on this matter and I said certainly. And so you've
18 told me that one person is going to testify about traffic,
19 another one about emergency issues, but you can't have every
20 person testifying about traffic and every person testifying
21 about other things. In fairness, you have to, if you're
22 going to do it, let's not have a repetitive thing from the
23 coalition, okay, or from any other organizations that are
24 presenting witnesses.
25 MS. MULREADY: But see the -- that would be fair

Page 241

1 if the traffic wasn't one of the overriding issues. It's
2 just like the pollution. The pollution bothers people's
3 allergies but it also bothers home values and a whole bunch
4 of other things. So like with this issue back to fire,
5 which I think we'd agree that fire is an emergency and could
6 be a disaster and that if somebody can't respond because
7 traffic's in the way, then that makes it a bigger emergency.
8 And the materials that Costco has put on the web
9 for people to look at said that people, there is one staff
10 member who is also going to be there to help handicapped
11 people, will be able to take the fires and clean, and put
12 them out with a fire extinguisher. Well, yeah, a small fire
13 but if it's a big fire, that's not going to be enough. And
14 you are counting on somebody who yes, gets a Union wage and
15 Costco should be commended for paying Union wages and I have
16 defended you endlessly because I think that's important, but
17 you can't expect somebody making \$17.00 an hour to risk
18 their lives if a fire is bigger than what a fire
19 extinguisher could handle.
20 MR. GROSSMAN: No. They'd be required --
21 MS. MULREADY: Most other guys would run the other
22 way.
23 MR. GROSSMAN: They'd be required to hit the
24 button and call 911 like anybody else to deal with a fire.
25 MS. MULREADY: That actually isn't in their, their

Page 242

1 video.

2 MR. GROSSMAN: Well, it's part of their testimony.

3 MS. MULREADY: Okay. And then you're assuming the

4 fire trucks can get through because of the traffic. Okay.

5 And again, a vehicle fully engulfed in flames is a, can

6 become an explosive hazard and can affect even things like

7 the Costco warehouse, the tire part is 80 feet away. I

8 mentioned power outages already. And they usually, this

9 year hasn't been too bad but we usually have three to five

10 major power outages every year. By major power outages,

11 we're talking area-wide and stores aren't open, nothing's

12 open. Nothing works for two or three days until they bring

13 in some generators. And, yes, I know Costco brought in

14 generators during Hurricane Sally and that's to be commended

15 also but again --

16 MR. GOECKE: Mr. Grossman, we have a limited

17 amount of time for these hearings. I'm concerned that this

18 is not relevant. It's not anything we haven't heard before

19 to a degree. I question whether --

20 MR. GROSSMAN: Is that an objection?

21 MR. GOECKE: This is an objection that this line

22 of questioning, this testimony --

23 MS. MULREADY: Well --

24 MR. GOECKE: -- is going on for too long and it's

25 not germane and it's wasting our time.

Page 243

1 MR. ROSENFELD: Well, she is here to testify about

2 disaster management and this is a different perspective than

3 we've heard so far.

4 MR. GROSSMAN: I'm trying to, I've tried to hone

5 her testimony in. I have to have a little bit of leeway

6 here.

7 MS. MULREADY: I'm almost done with that matter.

8 MR. GROSSMAN: I've honed her testimony in to

9 this, to this area in which she's been offered so I'm going

10 to overrule the objection and let Ms. Mulready testify as to

11 her points about disaster management.

12 MS. MULREADY: All right. That essentially, the

13 end thing is there's lots of emergencies and disasters you

14 can plan for and if it comes in a different stage, I will be

15 back at that stage to also complain, and I really think it

16 should be at this stage when the community is directly

17 involved but that's not my choice to make.

18 MR. GROSSMAN: It's not that we don't receive

19 evidence on safety, ma'am. I'm just saying that in terms of

20 what you've called an emergency disaster plan, I think

21 that's the terminology --

22 MS. MULREADY: That's what's in the statute.

23 MR. GROSSMAN: Right. When you say the statute,

24 what statute?

25 MS. MULREADY: Whatever I was handed. I don't,

Page 244

1 you're asking me. I can't -- I'm really sorry. I really

2 can't do names.

3 MR. GROSSMAN: Okay. Well, all I'm saying is that

4 if it's required by statute, it will have to be done. If

5 there, if there is a statutory requirement for an emergency

6 disaster plan, it will be a requirement of any special

7 exception if the Board of Appeals elects to grant this.

8 MS. MULREADY: Okay. My understanding was it was

9 required for Park and Planning but perhaps I'm wrong about

10 that, because we asked for it.

11 MR. GROSSMAN: And what did Park and Planning say?

12 MS. MULREADY: There is no disaster preparedness

13 plan and they rejected Costco's application but on other

14 grounds.

15 MR. GROSSMAN: Yes. They didn't reject it on

16 that. They rejected it on health concerns.

17 MS. MULREADY: Right.

18 MR. GROSSMAN: That was their recommendation. And

19 the Planning Board didn't reject it on emergency

20 preparedness either. They recommended rejection --

21 MS. MULREADY: Right, but they asked for the

22 document.

23 MR. GROSSMAN: -- based on master plan compliance

24 issues.

25 MS. MULREADY: Right, but they did note that it

Page 245

1 was missing.

2 MR. GROSSMAN: We've had extensive evidence here

3 as to their response to various emergency spills, fires, et

4 cetera.

5 MS. MULREADY: Right, and --

6 MR. GROSSMAN: They testified at length here.

7 MS. MULREADY: Okay. But to me --

8 MR. GROSSMAN: I know that you weren't here for

9 that but I'm --

10 MS. MULREADY: -- it's inadequate.

11 MR. GROSSMAN: Pardon me?

12 MS. MULREADY: What I saw and what I've read is

13 inadequate.

14 MR. GROSSMAN: Well, what you've seen and read,

15 you didn't read the transcript of the testimony, did you?

16 MS. MULREADY: I read part of it but obviously --

17 MR. GROSSMAN: Whose testimony did you review?

18 MS. MULREADY: I don't, I don't know.

19 MR. GROSSMAN: Okay.

20 MS. MULREADY: And I did, you know, they had told

21 me go look at these videotapes on line which I did, and they

22 specifically mentioned gas spills would be dealt with with

23 material that would absorb any --

24 MR. GROSSMAN: Depends on the size of the spill.

25 MS. MULREADY: Right. And that fires would be

Page 246

1 dealt with by fire extinguishers and bigger things they
2 would deal with by having, again, emergency people like the
3 police and fire come in but again, then we're back to how do
4 they get there if it's a major emergency. And I have one or
5 two more points.
6 Oh, the other point is that we can plan for things
7 like fire and maybe even earthquakes and such, even though
8 we're not used to doing that in this area, but what
9 emergencies don't we know about that are going to come like
10 the, you know, like the bigger earthquake that ever
11 expected, like planes that are twice the size as what they
12 used to be because this, this gas station will be there at
13 least 30 years probably, maybe longer if it's retrofitted,
14 and it may not always be owned by Costco. So even with
15 Costco's better than average retail reputation for
16 integrity, there's no guarantee they'll be there in five
17 years.
18 So I think all those things need to be taken into
19 consideration before something is built where it is not
20 needed in a densely populated area where it will cause
21 increased hazard, response to, increase in inadequate,
22 increased dangers and inadequate response to these dangers,
23 so I'm done.
24 MR. GROSSMAN: Let me ask you a question. Is
25 there anything that you suggest that ought to be in this

Page 247

1 emergency plan?
2 MS. MULREADY: If it's built? If the gas station
3 is built, they've got to have better than a two hour
4 battery.
5 MR. GROSSMAN: Okay.
6 MS. MULREADY: That is absolute.
7 MR. GROSSMAN: All right.
8 MS. MULREADY: They laughed at me when I mentioned
9 that at the hearing but, I mean --
10 MR. GROSSMAN: Anything else?
11 MS. MULREADY: There needs to be, and I'm not
12 the -- I know Diane Cameron was here and Danila Sheveiko on
13 forest and then groundwater. They would be the ones to ask
14 about how to protect the groundwater sources. Although my
15 understanding is there is no adequate way because there's so
16 many time springs and tributaries that flow into the, like
17 Spring Creek and Rock Creek and all these others, Silver
18 Stream and such, that there's no way to protect them
19 adequately, but maybe there is and Diane would be the person
20 to recommend such things.
21 MR. GROSSMAN: You mean if --
22 MS. MULREADY: As for fire, bigger fire
23 extinguishers. I think there should be at least two people
24 on staff at all times, probably three, which of course would
25 ruin the profit curve but, I mean, you're also assuming with

Page 248

1 one attendant that that attendant is not going to get sick
2 or have a heart attack or, you know, kill over because they
3 got too high the night before or whatever. And what you
4 would do about gang warfare, I don't know. You can laugh
5 but I, as I said, my brothers worked in these situations and
6 if you think 25-year-old young men are not getting blasted
7 on Friday night, then I don't think you're living in the
8 real world because every guy that worked at the places my
9 brothers worked at were drunk all weekend.
10 MR. GROSSMAN: Okay.
11 MS. MULREADY: Drunk and high.
12 MR. GROSSMAN: Cross-examination?
13 MS. HARRIS: No thank you.
14 MR. GROSSMAN: Anybody? All right. Thank you
15 very much, Ms. Mulready, for coming down and sharing with
16 us.
17 MS. HARRIS: Mr. Grossman?
18 MR. GROSSMAN: Yes.
19 MS. HARRIS: Before we get to our next witness,
20 can I ask a question or follow up on something that you had
21 noted that when I look at the list of witnesses, I do see a
22 number of witnesses testifying for the exact same thing and
23 is that, are we going to --
24 MR. GROSSMAN: Well, they are different groups
25 here and each group is entitled to have somebody testify as

Page 249

1 to those issues. So my concern was that I raised with Ms.
2 Adelman was, you know, was there another Costco, Stop Costco
3 Coalition person testifying on traffic if this witness was
4 going to testify on traffic but I think that Kensington
5 Heights is entitled to have somebody testify about traffic
6 and so is the coalition and indeed, so is Kensington View.
7 So I understand that may lead to a certain amount of
8 duplication and we'll try to avoid unduly repetitive, as
9 the, as the Montgomery County APA specifies, avoid unduly
10 repetitive testimony.
11 MS. HARRIS: And we --
12 MR. GROSSMAN: So I trust the parties will try to
13 do that.
14 MR. ROSENFELD: And, Mr. Grossman, we have tried
15 to coordinate so they're approaching them --
16 MR. GROSSMAN: Right.
17 MR. ROSENFELD: They have different perspectives
18 and they will be covering different components. There may
19 be some overlap but we are, we do not intend to produce --
20 MR. GROSSMAN: Duplicative.
21 MR. ROSENFELD: -- repetitive testimony.
22 MS. MULREADY: We also have --
23 MR. GROSSMAN: All right. They can be different
24 views. I mean, Kensington View, I believe, Ms. Duckett I
25 believe was the one who raised the question about general

Page 250

1 neighborhood and whether or not it should, the definition of
2 general neighborhood should be for, even for the need
3 analysis, should be the same as technical staff's whereas
4 Kensington Heights Civic Association has a view of the
5 broader drive time definition. So there can different views
6 about this sort of thing.
7 MS. MULREADY: We have video we were going to show
8 of the emergency vehicles trying to get into the mall. Do
9 you want that now or another time.
10 MR. GROSSMAN: A video.
11 MS. CORDRY: I think that's probably something I
12 might do.
13 MR. GROSSMAN: Okay.
14 MS. CORDRY: Just to be clear on one point though,
15 some of these things like traffic, because, because we're
16 not a traffic engineer who can sit there with cameras all
17 day long, some of these things in terms of what people
18 observe, more than one person may observe an issue and some
19 of these things --
20 MR. GROSSMAN: Right.
21 MS. CORDRY: -- you may, it's not that we're going
22 to have ten people testify about I watched the same traffic
23 but it may be --
24 MR. GROSSMAN: I understand. And I've been
25 very --

Page 251

1 MS. CORDRY: -- jut some people have some
2 different observations.
3 MR. GROSSMAN: -- tolerant about testimony here.
4 MS. CORDRY: Right.
5 MR. GROSSMAN: And I've tried to make sure that
6 the citizens' views are heard.
7 MR. ROSENFELD: And in light of the fact that the
8 28th is off and we have new dates, we're working to try and
9 come up with an updated list of witnesses so that you know
10 where we're going from here.
11 MR. GROSSMAN: Okay. A modus vivendi. All right.
12 Thank you. Are we ready for our next witness? Thank you,
13 Ms. Mulready. Thank you for taking the time to share your
14 views with us. All right. That's Mr. Silverman I take it.
15 (Discussion off the record.)
16 MR. GROSSMAN: All right. First of all, I guess
17 for the record, you should state your name and address.
18 MR. SILVERMAN: My name is Larry Silverman. I
19 live at 7308 Birch Avenue in Takoma Park, Maryland.
20 MR. GROSSMAN: All right. Would you raise your
21 right hand, please?
22 (Witness sworn.)
23 MR. GROSSMAN: All right. You may proceed.
24 MR. SILVERMAN: Thank you.
25 What I would like to talk about environmental

Page 252

1 policy. We've had a lot of testimony dealing with
2 environmental policy and I think that some corrections are
3 in order. I am just talking as a lay witness. I'll try not
4 to start an answer or with the words in my professional
5 opinion but I will give you such insights as my experience
6 might --
7 MR. GROSSMAN: And what is your experience? Why
8 don't you state that for the record.
9 MR. SILVERMAN: Thank you. Yes. I, I -- for the
10 last 20 years or so, I've been teaching at the Johns Hopkins
11 University Graduate School as an adjunct, and one of the
12 courses I teach is natural resources law and policy. I also
13 teach courses in public lands and some courses in
14 environmental law for developing countries. Beyond that and
15 really, more important than that, I have been practicing
16 environmental law and policy for about 40 years and I think
17 a lot of my experience is relevant to some of the, the
18 issues that come up here.
19 When I started out, my first job in Washington,
20 D.C. was dealing with the Clean Air Act except there was no
21 Clean Air Act. I used to get very annoyed at older, mostly
22 gentlemen, who said I've been in the environmental business
23 before the word environment was invented but now I like to
24 say I've been dealing with clean air and water before the
25 Clean Air Act and the Clean Water Act. And my first

Page 253

1 experience with, particularly with the Clean Air Act, was
2 focused very much on monitoring and modeling so in those
3 days, the coal companies and the electric companies were,
4 had very able modelers testifying that, and doctors,
5 testifying that one part per million of sulfur dioxide was a
6 safe standard. The standard today is 75 parts per billion.
7 So I have witnessed a lot of changes and I had a little bit
8 to do with some of them.
9 I was -- the first, the first enforcement action
10 of EPA that EPA ever brought was something I was very much
11 involved with in West Virginia in the Kanawha Valley which
12 Mr. Sullivan knows very well against Union Carbide. I
13 testified many times, usually as an advocate, but before
14 legislative bodies. I have, am very focused on and have
15 been throughout my career on the connection between law and
16 science. It's complicated and it's one of the subjects I
17 have my students work on and write about and provide
18 examples of, so this has been a great hearing because
19 there's been so much science and it makes it quite
20 interested but sometimes you get a little bit confused with
21 how it relates to the law and how science and law relate to
22 each other, and I'll talk about that in a moment.
23 I have -- I represent a lot of environmental
24 groups but I've also represented some businesses,
25 particularly people in innovative technology, trying to --

Page 254

1 MR. GROSSMAN: I'm sorry. Particularly in?
2 MR. SILVERMAN: Innovative technology, trying to
3 bring new technology into the environmental field which is a
4 very difficult thing to do because it is so government-
5 centric. It's hard for entrepreneurs to, to navigate the
6 shoals there. I'm very interested in this ARID permeator.
7 MR. GROSSMAN: I was going to say. At least
8 somebody invented the ARID permeator.
9 MR. SILVERMAN: Somebody invented the ARID
10 permeator but I'll talk about that in a little bit because I
11 think that I'm generally positive about it but I think
12 there's some questions which have not been answered.
13 MR. GROSSMAN: You think some of those smaller
14 molecules of, larger molecules of volatile organic compounds
15 can sneak through?
16 MR. SILVERMAN: Well, I, you know, it's a new
17 technology. It concerned me a great deal that Costco does
18 not use it in Sterling. I don't know why. I think the
19 focus of the technology, I think what makes them a real
20 private sector entrepreneur is they're saying to gas
21 stations it will pay for itself because we'll save so much
22 money, but my concern with it is it's almost too separate
23 from government. Right now, government, let's just say in
24 New Jersey and Maryland, are both taking steps with regard
25 to, I think I, stage 2, phase 2 recovery which has to do

Page 255

1 with the fuel pump itself.
2 MR. GROSSMAN: Right.
3 MR. SILVERMAN: And they're saying that's not
4 necessary, and I noticed that the chief executive and other
5 senior people in ARID have been writing papers and
6 submitting petitions saying don't do that so I, I --
7 MR. GROSSMAN: I thought there was some testimony.
8 I understood there was somewhat of a conflict between the
9 internal charcoal filters on the intake valves and those,
10 and those stage 2 recovery.
11 MR. SILVERMAN: Well, that's, that's why they're
12 getting rid of the stage 2 recovery, because of that, and
13 because they think it's unnecessary but evidently, there's
14 some, there's some detriment to the ARID technology. ARID
15 is a company.
16 MR. GROSSMAN: Right.
17 MR. SILVERMAN: At first I thought it was a dry
18 permeator but it's just the name of the company.
19 MR. GROSSMAN: Right, right.
20 MR. SILVERMAN: And I see --
21 MR. GROSSMAN: Does anybody else make a permeator
22 or only ARID?
23 MR. SILVERMAN: As far as I know, it's their
24 product and they're trying to sell it and, you know, they're
25 very entrepreneurial and trying to do it more or less in the

Page 256

1 private sector but my advice to them is you need to get
2 square with the government. If I was representing them,
3 that's what I would tell them and we would start lobbying
4 the Congress and the agencies so that government actions do
5 not interfere with what they're trying to do which I think
6 is happening. Also, you know, you have to wonder, it's a
7 new technology and we're talking about facilities that will
8 last 20 or 30 years so it remains to be seen. I hope it, I
9 hope it works. I, again, I'm very prone to support
10 innovative technologies.
11 I've done a lot of work in municipal
12 infrastructure and I'll tell you, selling new ideas to
13 cities is just really hard. They're always afraid they're
14 going to make a mistake and it's going to have political
15 consequences. It's very, very difficult to get new
16 technology and even really good technology in the municipal
17 sector. I worked with a lot of people on that.
18 I've had some experience with gas stations.
19 Mostly gas stations that have closed down. I represent a
20 lot, not a lot but maybe four, five, six cities which tend
21 to be sort of gritty cities, you know, Rust Belt kind of
22 places. A lot of poverty, a lot of troubles in West
23 Virginia, New Bedford, Massachusetts for many years and so
24 on, and the abandoned gas stations is a big feature and
25 working with the council, what is it, the Mayors

Page 257

1 Association, U.S. Conference of Mayors. I was trying to get
2 federal funds to deal with abandoned gas stations.
3 So when I hear about the possibility that gas
4 stations that are not doing well right now in Montgomery
5 County closing, I get a little alarmed and, you know, I
6 think one of the witnesses said oh, well, Montgomery County
7 is very progressive, they'll take care of it. Well, who's
8 paying for that. You know. I just, you know, it's good to
9 see change and it's good to see progress. I have a lot of
10 respect for Costco and their gas stations but, you know,
11 sometimes it can happen in a way that, that's so disruptive,
12 it causes other things you can't anticipate.
13 MR. GROSSMAN: Okay. I think I distracted you
14 from your planned presentation so I'll let you interpret
15 that.
16 MR. SILVERMAN: Okay, good. So let me -- also, I
17 have, I've spent a lot of time with, with state and federal
18 government, actually spending a lot of time on this case
19 with state and federal government, not always profitably but
20 I'm trying, and I have a sense of how things are divided.
21 And I, I just say in the old days, the EPA used to be in two
22 towers. One was the east tower, one was the west tower.
23 And I was going to visit someone in the east tower and I
24 somehow wound up at the west tower because I was thinking
25 about something else.

1 MR. GROSSMAN: All right. But let's go back to --

2 MR. SILVERMAN: Yeah. Well, I just want to, I
3 just want to say I looked at the bulletin board. I knew
4 every person on the bulletin board, so I've worked a lot
5 with EPA. That's all I want to say.

6 MR. GROSSMAN: Okay. All right.

7 MR. SILVERMAN: That's all. I won't tell too many
8 anecdotes here. Okay. First of all, let me talk about
9 science and policy. We've had some, a lot of testimony
10 actually about CASAC, the Clean Air Science Advisory
11 Committee.

12 MR. GROSSMAN: Right.

13 MR. SILVERMAN: And I think Dr. Chase in
14 particular talked about it but I think he was a little bit
15 confused as to how it is, and I have, I actually have found
16 a one-page description of how national ambient air quality
17 standards are set in the role of CASAC.

18 MR. GROSSMAN: Okay. I mean, he testified that
19 CASAC recommends a number of scientists and so on, and CASAC
20 recommended regulations and that the, it's the EPA that
21 ultimately adopts or doesn't adopt and then there can be a
22 lot of disputatious interaction but ultimately, that's --

23 MR. SILVERMAN: I think, I think -- he testified,
24 he did say that. He said other things as well. He
25 suggested they regulate which they don't really do but I

1 think the key thing is typically, EPA will ask them, EPA
2 will set up a plan for, on a particular pollutant dealing
3 with national ambient air quality standards. And they'll
4 develop a plan and then they'll do a science review to see
5 what the state of the science is. At that point, they go to
6 CASAC and they ask them very specific questions, what do you
7 think of this and so forth. Then they do, again separately,
8 do an impact review of, you know, who it's affecting and how
9 is it being affected, and then it will go back to CASAC.

10 CASAC makes recommendations quite, this is --

11 Under the law, the Clean Air Act, the standards
12 have to be reviewed every five years and, you know, I've
13 lobbied the clean air a lot and there's, always people say
14 it's, five years not long enough, it's too disruptive.
15 Well, it is very disruptive to change an air quality
16 standard. The recent change, for example, in, in the NO2
17 standard which was a year, two years ago, I don't quite
18 remember, but they, in their economic impact review, they
19 said its potential cost to the society of \$350 million.
20 They said there's a savings in terms of averted health costs
21 of I think \$6 billion but still, \$350 million is not a small
22 thing and you don't, you don't make these changes lightly.

23 And a five year, and a five year review schedule
24 is actually extremely tight and quite often, the agencies,
25 the EPA in particular, they fall behind and so they have to

1 move quickly to the extent they can and still be thorough.
2 So it often happens that, that in the course of considering
3 a new standard, that new, new information, new studies in
4 investigations will come forward and typically, the EPA does
5 not, in CASAC, they don't go and say what's the latest.
6 They stop at a certain point.

7 MR. GROSSMAN: How does that bear on this case?

8 MR. SILVERMAN: Well, it bears on this, it bears
9 on this case because, I mean, with regard to health effects,
10 we basically have two arguments. One is you don't, it's
11 not, you have not shown that you meet existing standards.

12 MR. GROSSMAN: Right.

13 MR. SILVERMAN: That's our, that's our strongest
14 case. Our second case is existing standards are not
15 necessarily protective of health. There's some information
16 that comes, it's always coming, it's coming constantly,
17 changing things where a health expert, which we'll have,
18 could say, you know, well, it's true, you're within the
19 standard but the standard has been changing, has recently
20 changed and is likely to change again although one can't
21 predict exactly how so. And happily, I don't think the
22 Hearing Examiner or the Board are asked to, to come up with
23 an EPA conclusion. They're asked to say whether it's
24 healthy or not healthy. And of course, EPA has a lot, a lot
25 of insight --

1 MR. GROSSMAN: Right.

2 MR. SILVERMAN: -- into that question but I don't
3 think it's, the fact that it may, it may, if there's an
4 argument that may meet the standard, it's necessary
5 conclusive for you because that's just the nature of the
6 beast. I don't want to make this point too strong because
7 we'll be categorized as saying that oh, we can't, we can't
8 say this is a bad project because it violates existing
9 standards. Well, we are going to say that. We are saying
10 that Dr. Cole will say that, Dr. Breyse will say it too.

11 But in terms of existing standards, keep in mind
12 existing standards have changed. They change so quickly.
13 Mr. Sullivan wasn't aware of them. There's a lot of, a lot
14 of materials that have come in this case have come in in the
15 last few months. Through 2013, 2012, 2011. This is a
16 rapidly changing field and it would have been helpful if the
17 expert present, the experts presented by the opposition were
18 keeping up with it. Not every field changes. A lot of
19 things don't change.

20 MR. GROSSMAN: You mean by the applicant?

21 MR. SILVERMAN: Yeah. The applicant, yes. By the
22 applicant. I'm sorry. Yeah. So I do, I do think it's --
23 the other thing too is, is that when, when a standard
24 changes, you know, it's not just one number. It's not as if
25 like you go to the Federal Register and say oh, the standard

Page 262

1 is changing from 15, (indiscernible) if that's what it is,
2 to 12.
3 MR. GROSSMAN: Right.
4 MR. SILVERMAN: And they write a book. It's a
5 long book and maybe, maybe Ms. Cordry can hand or hold up
6 one of those or Ms. Adelman. I won't bring it in. I won't
7 put it in evidence but that's --
8 MR. GROSSMAN: You're holding up the Federal
9 Register.
10 MR. SILVERMAN: The Federal Register. How many
11 pages is that?
12 MR. GROSSMAN: Is that part --
13 MS. ADELMAN: This one is just on particulates.
14 MR. SILVERMAN: On particulates, yeah.
15 Particulates 2.5. Not all particulates.
16 MR. GROSSMAN: And for the record, it's an inch
17 thick.
18 MR. SILVERMAN: An inch thick. Good enough.
19 MS. ADELMAN: 3,231 pages. Oh, no.
20 MR. SILVERMAN: Well, that's the page number.
21 MS. ADELMAN: It starts.
22 MR. SILVERMAN: An inch thick.
23 MS. ADELMAN: Oh, it's a little over 200 pages.
24 MR. SILVER: Yeah.
25 MR. GROSSMAN: It's long enough.

Page 263

1 MR. SILVERMAN: Long enough. There's a lot of
2 information there because when they change a standard like
3 that, they just don't change the standard. They say well,
4 how do we measure this.
5 MR. GROSSMAN: Right.
6 MR. SILVERMAN: Because, you know, in the last
7 year, both for NO2 and for PM2.5, fine particulate matter,
8 there has been the CASAC and EPA agreed in their regulations
9 to say well, the way we measure things should be changed.
10 Let me say something about the way, why monitors are where
11 they are. Mr. Sullivan referred to monitors in Arlington
12 and Beltsville and Rockville, there's one in D.C., I don't
13 know if he referred to that or not, that tends to run high,
14 and so forth. There's a number of monitors. Well, well,
15 the decision as to whether a region is in, in compliance, in
16 attainment with an air quality standard is a major decision.
17 It's a big decision.
18 And, you know, if the, if you read, if you read
19 the first pages of the Clean Air Act, it's all about the
20 state's rights. It's a little different from clean water
21 because the federal government has an interest in that, the
22 water. It constitutionally goes back to the beginning. But
23 in clean air, it's a little less clear so there's a huge
24 amount of discussion about state's rights, privacy of states
25 and so forth.

Page 264

1 So and on the other hand, if, if a region fails to
2 comply with an air quality standard, there are very severe
3 consequences. They could lose highway money. They, if they
4 don't come up with a plan for abating that problem, the
5 federal government can come up with a plan for them and
6 there's a huge amount of federal interference and nobody
7 wants that.
8 MR. GROSSMAN: Right.
9 MR. SILVERMAN: So the state of Maryland and the
10 council of governments which runs our region here in the
11 D.C. area, they're not really eager. I'm not saying they're
12 dishonest or anything but they're not eager to go to the
13 worst places.
14 MR. GROSSMAN: Right. But let's tie this into the
15 gas station.
16 MR. SILVERMAN: Okay. The gas station. Well, one
17 of the, one of the major issues with regard to the gas
18 station is -- there's two issues. How much will it add.
19 That's one issue. And then the other issue, which is what
20 this really goes to, is what is it adding it to. What is
21 the background levels. And I think the, what the background
22 levels are in fact is really not clear because the
23 monitoring stations which according to the latest advice
24 from EPA, the system for monitoring needs to be altered in a
25 rather dramatic way.

Page 265

1 Just a simple example. Mr. Sullivan I think said
2 well, you don't, you don't measure NOx, NO2 in the middle of
3 the road. Well, you know what, that's the way it's always
4 been. It's not, it's not necessarily that way anymore. And
5 even if you're not in the middle of the road, you set your
6 standard for the side of the road, keeping in mind that
7 what's in the middle of the road is much higher. So this is
8 changing. This is a changing, moving target and the, the
9 D.C. area hasn't, is not clear about this yet, has not, has
10 not implemented this. We're beginning to. State of
11 Maryland has got some new monitors on I-95 that they never
12 had before in the middle of traffic near road monitors but
13 they --
14 MR. GROSSMAN: So how does this tie in
15 specifically to the gas station?
16 MR. SILVERMAN: Well, specifically to the gas
17 station, the, you have to ask yourself a question, is there
18 a possibility that the gas station will cause a violation.
19 If the answer is there's no possibility the gas station will
20 cause a violation, then some of these concerns are less
21 poignant but in this case, the applicants themselves,
22 without knowing it, have suggested that if you use a
23 conservative, their very conservative approach, that you
24 will find then violations, there are violations. And as was
25 said by Mr. Goecke, some of the, well the, some of the

Page 266

1 violations are in the mall itself and as he said, the mall
2 is part of the neighborhood and it's true, and the people
3 who frequent it are part of the neighborhood. That's --
4 MR. GROSSMAN: Right.
5 MR. SILVERMAN: So but, so what do you do when,
6 when a -- let me start over. What EPA says you should do in
7 cases of factories and other things of that sort is to say,
8 do a very conservative analysis. If you find nothing and
9 you did it in the right way, move on. If you do a
10 conservative analysis and you find something, then you have
11 to do a lot of things. You know, how do, how do you get
12 around this.
13 MR. GROSSMAN: This is EPA's regulations regarding
14 large sources of pollution.
15 MR. SILVERMAN: Well --
16 MR. GROSSMAN: You said factories in there but
17 that's there, the case that you --
18 MR. SILVERMAN: Yes.
19 MR. GROSSMAN: -- you once referenced --
20 MR. SILVERMAN: Yes, yes.
21 MR. GROSSMAN: -- were specific set of regulations
22 about large producers of pollution.
23 MR. SILVERMAN: Yes. But it's also, it also
24 relates to air quality standards which is all of us. Yeah.
25 That's another -- let me make just a side point which I

Page 267

1 think is obvious at this point but I just want to get it
2 really clear. The fact that EPA does not regulate something
3 does not mean it's safe. Every regulation of EPA was fought
4 over and struggled over with a huge interest at stake.
5 There are many things they don't regulate. They regulate
6 gas stations in a way but not, they don't regulate the air
7 quality impact of gas stations. They regulate the
8 technology of gas stations.
9 MR. GROSSMAN: Well, they regulate, the regulate
10 the air quality in general and that --
11 MR. SILVERMAN: Yes.
12 MR. GROSSMAN: -- those standards would apply to
13 gas stations presumably.
14 MR. SILVERMAN: They would apply to all of us but,
15 but typically with larger facilities, with factories and so
16 on, you need to get a permit.
17 MR. GROSSMAN: Right.
18 MR. SILVERMAN: And the, and that permit process
19 is what Mr. Sullivan borrows from and I've been borrowing
20 from too but you don't do that with, with gas stations and
21 many other sources. You don't, you don't really do it with
22 highways except in certain special circumstances. What you
23 say to the local government is well, you're building gas
24 stations and highways in such a way that you're going to
25 cause a violation of the standards and you're going to be in

Page 268

1 nonattainment, and it's a broad, general thing. And then it
2 asks the locals, the state and local governments, to come up
3 with a plan.
4 So in this case, we have an initial, I won't -- I
5 use the word screening although Dr. Cole tells me that's not
6 quite the right word in this case but I see it as that. The
7 initial conservative analysis suggests that there's a
8 problem, and we could argue as to how conservative that
9 analysis was and we will but when there's a problem, what do
10 you do. Well, first thing you do is you go to the approving
11 authority. This is really critical and typically in these
12 cases, there is an, there is an agency, the state or the
13 federal government and their experts. They know a lot about
14 this. They deal with it all the time. They know a lot
15 about modeling.
16 MR. GROSSMAN: Right.
17 MR. SILVERMAN: And you see if you can, if you can
18 come up with a plan or a protocol in conjunction with the
19 approving authority that lets you get around this, this
20 restriction and get your permit because if you don't have
21 your permit, you can't build. So in this case, as Mr.
22 Sullivan said, you, sir, are the approving authority.
23 MR. GROSSMAN: Well, not really.
24 MR. SILVERMAN: Well --
25 MR. GROSSMAN: I'm a cog along the way but the

Page 269

1 Board of Appeals will make the decision on the special
2 exception. But the actual, the authorities that set the
3 standards or at least look at these issues more directly,
4 the ones who have the expertise, I don't want to say they
5 punted but I read their submissions to, when the, when the
6 zoning text amendment was --
7 MR. SILVERMAN: Right.
8 MR. GROSSMAN: -- was being considered. And so
9 they, they haven't contributed very much to the analysis so
10 I'm left, I'm left with standards that the EPA says because
11 I can't impose my own standards.
12 MR. SILVERMAN: Right.
13 MR. GROSSMAN: So I'm left with the air quality
14 standards by the EPA and maybe OSHA, depending on how that,
15 how that analyzes out.
16 MR. SILVERMAN: Well, that's right. But how, if
17 you were, if -- to take the analogy of the approving
18 authority here, and I agree with you. I mean, to me, one of
19 the most disturbing aspects of this case is that it raises
20 very high level and complex questions of modeling and air
21 quality, and there's no really qualified, no offense meant,
22 no really qualified --
23 MR. GROSSMAN: None taken.
24 MR. SILVERMAN: -- government agency to sort of
25 second guess it. Now what, what kind of things does a

1 government agency do when there's an initial screen that
2 suggests there's a problem and there are other initial
3 screens that suggest there's a problem. Well, one of the
4 things they do is they say all right, come up with another
5 model or modifications to model. And so, you know, Mr.
6 Sullivan or somebody would say well, you know, we used the
7 urban, we should have used the rural. Well, he doesn't have
8 free reign to do that. He can say it but one of the things
9 that the approving authority does is to say is this
10 appropriate in this case. And you know what, it's not an
11 easy question and in this case, the numbers may be great
12 enough that it doesn't matter so much but it may matter. So
13 that's one of the things to do.

14 Another thing they might do is typically what they
15 say is they'll build a taller stack. Build a taller
16 smokestack. Well, that doesn't, that's not applicable here.
17 Or put in some other controls and so they got their ARID
18 permeator. That's about it. Another thing they could do is
19 to say well, you know, close, close down some other
20 (indiscernible). And again, they're looking at the region.

21 MR. GROSSMAN: Right.

22 MR. SILVERMAN: They're looking at the region.

23 And then another thing they --

24 MR. GROSSMAN: Well, isn't one of the things that
25 they could do to limit quantities of potential pollution

1 until there's some monitoring of the actual situation on the
2 ground for some period of time?

3 MR. SILVERMAN: Well, they can but the monitoring,
4 you know, there's the monitor --

5 MR. GROSSMAN: At least for those, for those
6 chemicals that were considered at least borderline.

7 MR. SILVERMAN: Right. Well --

8 MR. GROSSMAN: Which is maybe NO2 one could argue
9 in this case.

10 MR. SILVERMAN: Yeah. I think to me, I'm quite
11 surprised and a little disappointed that there's not
12 actually been monitoring of what the actual backgrounds are.
13 Now, monitoring is not easy and Mr. Sullivan says it takes,
14 sometimes could take years. He had to get real solid
15 certainty about it. It could take years, but you probably
16 get some good information with just some monitoring over a
17 period of time and, you know, you have to know one of the
18 problems is where you place the monitor. We talk about near
19 road and far off road, and that has been since I've been in
20 this business, which is a long time, it's been the big
21 problem, where do you put your monitors, and it's really
22 easy to game the system and clever people do that a lot and
23 they've always done it and will always do it and that's
24 right.

25 But I mean, I'm not, you know, I -- as far as I'm

1 concerned, everybody that testified here is a person of
2 integrity. I'm not, I'm not questioning that. But on the
3 other hand, I'm not naive either and I'm sure you're not
4 either. You know, people have their points of view and
5 their interests. I'd like -- so another -- I said this, Mr.
6 Sullivan's own studies, when he didn't know it, his mistake,
7 he found violations. That, again, that triggers this whole
8 analysis and I don't think -- you know, the other thing --

9 MR. GROSSMAN: Well, he contends that he didn't
10 find violations. That's his, his contention.

11 MR. SILVERMAN: Well, I hope you decide the case
12 on that basis because it would be real simple. I think when
13 you hear Dr. Cole, you'll make your own determination. I
14 mean --

15 MR. GROSSMAN: He says that properly applying,
16 even no his original assumptions, properly applying EPA
17 guidelines on this on how to do it, you would not use the
18 rural dispersion techniques for the immediate area of the,
19 of the mall, and that for, for example, right around where
20 the loading docks are, you would have to do even some more
21 specific things regarding NO2 given the direct immediate
22 area there.

23 So his, his contention is that if you actually
24 follow the EPA procedures in a specific case that even under
25 his original assumptions he wasn't doing, they don't lead

1 over the top. And then of course he adds on that those
2 assumptions were too conservative anyway.

3 MR. SILVERMAN: Well --

4 MR. GROSSMAN: I don't want to, all I'm saying is
5 I don't want to assume that there's a violation based on
6 testimony. It may or may not be true but that's what he --

7 MR. SILVERMAN: Well, I --

8 MR. GROSSMAN: If I understood correctly.

9 MS. CORDRY: If we might suggest. I think he said
10 that the EPA guidance says to use the rural but in his
11 expert judgment, he was allowed to take a different position
12 on that.

13 MR. GROSSMAN: No. He, he, in his, when he
14 returned to the stand, he said that, he read from the EPA
15 guidelines saying that specific cases should be adjusted
16 specifically or something to that effect.

17 MS. CORDRY: Well, that's what I mean. The
18 standard EPA guideline says to use the rural. He said his,
19 that they say well, you can apply some judgments. Using an
20 expert judgment, I'm not going to follow that particular
21 judgment. I think -- and using his original assumptions, I
22 mean, I think you're kind of lumping some things together.
23 Even under his original assumptions, under either guideline,
24 if you remember, he went, his high point under the original
25 assumptions, even under the urban, went to 444 which is well

1 above 190.
 2 MR. GROSSMAN: I don't think I'm lumping anything
 3 together. I think I'm basing, I'm saying this is what, what
 4 Mr. Sullivan was saying when he came back to testify in his
 5 latest return. I think it was September 20. I'm not, I'm
 6 not saying he's right or wrong or that I accept it or don't
 7 accept it. I'm just saying I believe that we shouldn't have
 8 a premise that that is contested without mentioning that
 9 it's a contested premise. That's all I'm saying.
 10 MR. ROSENFELD: And there is the original and then
 11 there were the modified, there was the modified report.
 12 MR. GROSSMAN: Right.
 13 MR. ROSENFELD: And consistently, I think the
 14 applicant is asked to testify as to both scenarios and so I
 15 think Mr. Silverman is appropriate to talk about the
 16 original --
 17 MR. GROSSMAN: Sure he is. I'm not saying he's
 18 inappropriate.
 19 MR. ROSENFELD: Okay.
 20 MR. GROSSMAN: I'm just saying that there was a,
 21 there's a contested --
 22 MR. SILVERMAN: Yes. And -
 23 MR. GROSSMAN: -- premise here and I just wanted
 24 to make sure that the record is clear that --
 25 MR. SILVERMAN: And I --

1 MR. GROSSMAN: -- it was contested.
 2 MR. SILVERMAN: And I didn't mean to suggest that
 3 rural and urban were the only example. I mean, for example,
 4 for background, he uses Arlington for NO2. Had he used D.C.
 5 station, he would have had a different result. Now, he's a
 6 professional, he makes his professional judgment. I don't
 7 disrespect that but in an actual case where people are, you
 8 know, trying to protect health and there are professional
 9 people involved, they would question that judgment. They'd
 10 look to see that judgment.
 11 MR. GROSSMAN: Right. And you're going to
 12 presumably, your side will have witnesses that will --
 13 MR. SILVERMAN: We will.
 14 MR. GROSSMAN: -- testify about that
 15 MR. SILVERMAN: We will indeed. We will indeed.
 16 And there's another sort of trigger that causes, should
 17 cause a deeper analysis which are the school siting
 18 guidelines which I think we put in the testimony.
 19 MR. GROSSMAN: Yes.
 20 MR. SILVERMAN: And what school siting -- now, the
 21 school siting guidelines, unlike the Federal Register and
 22 some of the documents of the case and so on, they're not,
 23 they're not really regulatory, they're not really
 24 scientific, they're common sense and they're directed to
 25 people like you and other municipal officials and

1 particularly, school boards, and say here's stuff to watch
 2 out for.
 3 And some of the stuff they tell you to watch out
 4 for are pretty serious things obviously, you know.
 5 Decommissioned weapons facility or an old solid waste
 6 facility. There's a group of things, and one of the things
 7 in that group of sort of undesirable land use is what they
 8 say schools should stay away from are large gas stations
 9 which they define as 3.6 million gallons per year which is
 10 much smaller than what we're talking about here, whatever
 11 that number is. So that's another kind of a screen that
 12 should ring a bell and says all right. Now, you've got to
 13 really put to your prove. And again, in a typical
 14 situation, you have a regulatory agency helping you to, you
 15 sit down with the agency before you reach your conclusions
 16 and you develop a protocol.
 17 MR. GROSSMAN: Right.
 18 MR. SILVERMAN: This -- and I think they sort of
 19 tried to do that a little bit with Dr. Cole and we, we met
 20 with them and, you know, they said well, here's our
 21 protocol, we assume a certain level of traffic, we have
 22 these other assumptions. Now those assumptions have changed
 23 and if you're, if you're, if you were the regulator in
 24 charge, you would take some exception to that and you'd say
 25 well, hold on, let's stop and go through these protocols in

1 great detail to see what we're changing and what we're not
 2 changing.
 3 And they're not here, the agencies who should be
 4 here in my estimation. I can't tell you how hard we worked
 5 to get them here. We do have some letters from the state
 6 which are supportive of our position and I expect we'll have
 7 more.
 8 MR. GROSSMAN: When you say letters from the state
 9 that are supportive, are you talking about ones that were
 10 submitted in conjunction with the, with the zoning text
 11 amendment or are you talking about some additional letters?
 12 MR. SILVERMAN: No. Those two. Two. One with
 13 the zoning text amendment which was referenced in the, in
 14 the legislative history --
 15 MR. GROSSMAN: Right.
 16 MR. SILVERMAN: -- of the zoning text amendment.
 17 And then a subsequent one which was addressed to the state
 18 legislature because we tried to get --
 19 MR. GROSSMAN: Both of those are in --
 20 MR. SILVERMAN: In evidence, right.
 21 MR. GROSSMAN: Are in that record.
 22 MR. SILVERMAN: Yes. And I'm glad, I'm glad it is
 23 and I think you'll, I hope you'll consider them. I would
 24 prefer to have the MDE here frankly and we're thinking,
 25 thinking about that and how that could happen. But, I mean,

1 somebody, someone -- generally, you want to get that level
2 of involvement because as I said, the issues are complex and
3 I think it's, it's not a, the -- in my experience, there
4 have always been experts, people who are decent people who
5 take one side or another, and it's typically, my experience
6 is typical that that companies with a lot of resources can
7 always find some of those experts.

8 So the question is how do you, when you have been,
9 you've gotten two flags, one from the expert himself,
10 inadvertently, and one from the school siting guidelines,
11 and I'll say a third one, the County Council has also
12 expressed concern about having children too close to big gas
13 stations.

14 MR. GROSSMAN: Yes. But that's another one of
15 those double-edged swords. They, they looked at the letters
16 from MDE and so on and then they chose to impose a 300 foot
17 rather than 1,000 foot setback which was in the original
18 proposed ETA so what do I, what do I conclude from that?
19 They also chose not to include residences in that setback
20 when they had that opportunity even though the, they chose
21 to include residences in terms of light pollution when they
22 did the -- so what do I conclude from that in terms of
23 Council's intent?

24 MR. SILVERMAN: I'll answer. I have an answer for
25 that. I think, I think there's -- one interpretation is,

1 you know, they were standing there with Costco holding the
2 other end of the tape measure to 300 feet. I don't think
3 that's what happened. I think, I think they said to
4 themselves, you know, if we put a 1,000 foot limit, what
5 will this mean for the county and I don't think they had the
6 answer to that question. I later heard representatives of
7 the county executive say that, you know, for example, 1,000
8 foot buffer would, even if just against schools, would make
9 it impossible to expand gas stations on Georgia Avenue.
10 That may be a good thing but they, you know, in other words,
11 they didn't have the consequences.

12 What they had was a direct instruction from the
13 EPA school siting guidelines that says keep your schools
14 away from gas stations. And why didn't they do residences?
15 I think again, I don't think they really knew. There was no
16 investigation, there was no study.

17 MR. GROSSMAN: Well, it was one of the things
18 suggested in the legislative history so.

19 MR. SILVERMAN: Well, it certainly was suggested
20 but, you know, the, the Planning Commission, we went to the
21 Planning Commission. We said well, you should do a study of
22 gas stations in this area because I think you're screwing it
23 up. In fact, we've heard testimony from the applicant that
24 some of the gas stations which this body has approved are
25 dangerous. He said these, I forget the word, terrifying.

1 So, I mean, I think, I think they, the Council, my
2 interpretation of what the Council is doing is I think they
3 were looking out for their property, namely the schools that
4 they own and run, and try to give them a level of
5 protection. And if you listen to the debate during the
6 discussion, people were noting big gas stations, not as big
7 as this, big gas stations located across the street from
8 schools and they had some alarm. So they did what they
9 could do quickly and effectively and I think they, I hope
10 they haven't finished visiting this area but they kind of
11 left.

12 Then the other thing I think they were very
13 concerned about, they didn't really want to interfere with
14 your jurisdiction. I think they have, you may not believe
15 this, I think they have some respect for the lines.

16 MR. GOECKE: Objection. Hearsay.

17 MR. SILVERMAN: Well, I don't think it's hearsay.
18 It's a matter of public record. And I, I am an expert in, I
19 won't say I'm an expert, I am very, I have a lot of
20 experience with legislative debates and so on. I've been to
21 many, many, many and I think I've just giving you my
22 judgment of what, what they were saying, and we can produce
23 the record. I mean, if we, I mean, I could produce the
24 record.

25 MR. GROSSMAN: I'll overrule the objection --

1 MR. SILVERMAN: Thank you.

2 MR. GROSSMAN: -- in the context of this but --

3 MR. GOECKE: Just for the record, Mr. Grossman, he
4 is testifying about what the Council thinks and what
5 motivated them to make decisions and --

6 MR. GROSSMAN: I understand.

7 MR. GOECKE: -- he has no foundation for that.

8 MR. GROSSMAN: I'm considering that. I did ask
9 him the question so it's a -- what I asked him about is a, I
10 realize he's an attorney, it's a combination of a legal
11 factual question here that I pose to him because to me, I am
12 wrestling with the question of how I carry out the Council's
13 intent in this ZTA**. That's one of the things I have to, I
14 have to wrestle with and, in making recommendations and
15 conclusions in this case and they chose to include some
16 things and not other things, and that's, the same way I have
17 to consider that fact in terms of the need, the modification
18 of the need statute, I have to consider that in connection
19 with the, with the ZTA where they changed that provision.
20 So that's, that's an issue.

21 MR. SILVERMAN: Well, I think I, I expect that the
22 decision of the Board of Appeals will be, will be looked at
23 very carefully by the legislative bodies, both in the county
24 and the state, to see, you know, you're, I mean, your -- I
25 overstated something at one point in these proceedings. I

1 said you're the first person to listen to this. That's not
2 quite true. Other people, you corrected me, other people
3 have been listening hard but not to the thoroughness that
4 you put in here and I think your decision and the decision
5 of, your findings and the decision of the Board will be very
6 instrumental in the future development of fuel industry in
7 Montgomery County and elsewhere. I think it will have a big
8 impact.

9 I mean there is -- clearly, Costco has testified a
10 lot. You know they want to be in the, in the cities, in the
11 congested areas and they want to bring their gas stations
12 with them. They've had, there's not a lot of gas stations,
13 even in the Costco system, this big that are so close.
14 There are a few but as far as I can tell, there have been no
15 studies or investigations, no health investigations, no real
16 monitoring investigations, no one's looking at the
17 consequences. That's another thing that's a little
18 disturbing about this, this situation is, you know, if you
19 permit the, if you permit the gas station and it causes
20 injury to people, you won't know. And if you know, there
21 used to be an old saying before people started suing doctors
22 that doctors bury their mistakes. Well --

23 MR. GROSSMAN: I remember that saying.
24 MR. SILVERMAN: Yes. This is, this is going to be
25 very hard and Dr. Chase said oh, you could never tell. I

1 don't believe that but, but there's, it's not easy to tell.
2 How would you know.

3 MR. GROSSMAN: All right.
4 MR. SILVERMAN: Yeah.
5 MR. GROSSMAN: So you can monitor levels of the
6 pollutants and determine whether there has been a
7 significant increase I presume, at least ones that were
8 borderline.

9 MR. SILVERMAN: And then who do you, who do you
10 blame it on? I mean, this is not the only thing happening
11 in the county.

12 MR. GROSSMAN: No. I don't -- Well, I mean
13 presumably in this kind of case, you would set up monitors
14 at the property line, you know, of the nearby residences for
15 example and maybe at the school but, and you then have some
16 measurements both before the gas station was operational and
17 afterwards and see if the concerns that have been enunciated
18 by the community here are actually legitimate concerns.

19 MR. SILVERMAN: I think that --
20 MR. GROSSMAN: They're legitimate concerns but
21 whether they turn out to be factual.
22 MR. SILVERMAN: Right. Well, I think that's a
23 very good idea, particularly the before part but as Mr.
24 Sullivan will tell you, it's not so easy to do. It can be
25 done and I think, and I would, if I was in your situation, I

1 think I'd want it done. I think I'd want the county
2 government, the state government to help me develop a
3 scheme, a plan for monitoring that would give us a little
4 bit of the before and after.

5 MR. GROSSMAN: The only way that can be done in
6 the context of what I do is to recommend granting the
7 special exception subject to conditions.

8 MR. SILVERMAN: Well, that would be a condition
9 that would take some time to fulfill before --

10 MR. GROSSMAN: Right. But I mean --

11 MR. SILVERMAN: -- they start this.

12 MR. GROSSMAN: But they'd take some time to get a
13 gas station built and operational too so.

14 MR. SILVERMAN: Well, nothing like -- I mean, I
15 don't know. I forgot what their testimony is. I expect
16 that though, if they get this, they'll move fast because
17 we're doing what we can to stop them in every way. But I, I
18 mean, really.

19 MR. GROSSMAN: It's been my experience that
20 nothing about this case moves fast.

21 MR. SILVERMAN: Well, that's probably a good thing
22 in this case. The -- let me just -- oh, yeah. Another
23 thing I wanted to touch on was this business of small
24 increments. Again, this goes to the provision of the Clean
25 Air Act which was not always there. It came I think in

1 1990. George Bush, Senior was president. He was a good man
2 when it came to air pollution. Anyway, the, is prevention
3 of significant deterioration and this was, this dealt with
4 situations where there were areas that had pretty clean air
5 but, particularly national parks, but where they were
6 getting clouded. And, you know, the issue was, you know,
7 was the Clean Air Act a license to pollute up to the --

8 MR. GROSSMAN: UP to the level.

9 MR. SILVERMAN: -- up to the level, and the
10 Congress said, no, you can't do it so they -- on the other
11 hand, they also said well, we have to look at, we want to
12 prevent significant deterioration but we want to be
13 respectful of the economic development of the area and do
14 both those things at the same time. Well, of course when
15 you use, in a statute, when you use the word prevention of
16 significant deterioration, you have to define significant
17 and a large part of what EPA has done and what the Sierra
18 Club case was about was how they defined the word
19 significant.

20 Now, Mr. Sullivan, I don't know if he meant this
21 but he sort of suggested, as I heard him say, well, if, if
22 under the PSD, prevention of significant deterioration, it's
23 not a significant impact level, SIL, we love to swing that,
24 then it's not, it's not significant, it's not important.
25 Well, that's really a, it's really a misstatement of what

Page 286

1 this is all about.
2 It's not to say that small increments are never
3 important. It's in the context of should you let a power
4 plant locate in a pristine area and how much should you let
5 it pollute that area. I mean, that is a policy economic
6 judgment. A lot of things going into that judgment but that
7 has nothing to do with whether a certain amount is
8 significant. I mean, you know, the PSD rules talk about 40
9 tons but, you know, if we put a tailpipe in here with carbon
10 monoxide, in 30 minutes, we'd all be dead and it wouldn't
11 be, it would be less than an ounce. I mean, it wouldn't be
12 anything. It just depends on context. And when you look at
13 some of these numbers, you have to say well, what's the
14 context that that number being used in and if you look at
15 the, at Dr. --
16 MR. GROSSMAN: Chase?
17 MR. SILVERMAN: -- Chase, talked to, said well,
18 I'd have to go through all the minutes of the case I need
19 but we have been going through them. Ms. Cordry is
20 particularly adept at that. And, you know, there's a lot,
21 there's a lot of caveats and, and things go together. It's
22 not a simple, oh, this is the number, that's the only number
23 we have. Again, where our monitors, should we monitor two
24 things together, should we do it apart. There are a lot of
25 issues that come up.

Page 287

1 But I must say I've done a lot of research on
2 this. I have never found, and the applicant has not shown,
3 any case or instance where there has been a violation of
4 primary air quality standards as to health standards, no
5 matter how small, that was permitted. It just has not
6 happened, it does not happen. It does not happen because
7 it's one thing to prevent significant deterioration but when
8 they're talking about attainment of air quality, primary air
9 quality standards, health standards, there's no significant
10 in there, there's no economic analysis.
11 In fact, the big case in this area is something
12 called American Trucking Association v. Whitman which I
13 actually wrote, is 531 U.S. 457, 2001, which says that in
14 setting the primary air quality standards, EPA can only
15 consider health. They cannot consider anything else. No
16 economics. And, you know, that opinion was written by
17 Justice Scalia which shocked me but, I mean, that's how,
18 that's how basic the point is, uncontested that point is.
19 You cannot, you know, if you violate a health standard, you
20 violate the health standard. You better do something to get
21 you out of violation. The --
22 MR. GROSSMAN: Well, it's two minutes to 5:00 so
23 let's, how much longer do you think your testimony --
24 MR. SILVERMAN: I think, I would like to say
25 something about water. It's probably a lost cause but --

Page 288

1 MR. GROSSMAN: Well, I'm not cutting you off.
2 MR. SILVERMAN: Right.
3 MR. GROSSMAN: I'm just asking you how much more
4 do you think you have.
5 MR. SILVERMAN: I think I might, might need an
6 hour.
7 MR. GROSSMAN: Okay. So --
8 MR. SILVERMAN: I'd love to stop now. I think
9 we've come to a good point.
10 MR. GROSSMAN: Okay. Why don't we do that then.
11 That means that on, let's see, our next session is October
12 21st.
13 MR. SILVERMAN: Yeah. Monday.
14 MS. ADELMAN: Monday.
15 MR. GROSSMAN: Okay. And that will be at 9:30 in
16 this room, and we'll start out with you, Mr. Silverman, as
17 the primary victim. And then who else do we have planned
18 for Monday?
19 MR. ROSENFELD: We expect Mr. Jim Core (phonetic
20 sp.) to talk about traffic and pedestrian issues and
21 queuing, queuing and pedestrian, and Eleana Sheveiko.
22 MR. GROSSMAN: How's he doing? Oh, is it going to
23 be, Eleana.
24 MR. SILVERMAN: His mother, yeah. He's not doing
25 well.

Page 289

1 MS. HARRIS: And what is she testifying on?
2 MR. ROSENFELD: As a neighborhood resident on
3 nuisance and --
4 MR. GROSSMAN: Now, she already, she appeared and
5 questioned. I can't recall if she actually testified at
6 that time. I know she made some --
7 MR. ROSENFELD: No. I think she's --
8 MR. GROSSMAN: -- asked some pointed questions
9 about, as I recall.
10 MR. ROSENFELD: I think she was basically
11 challenging the accuracy of one of the exhibits but it was
12 not, it was not brought to us.
13 MR. SILVERMAN: I'd really like to quit because
14 I'm getting tired, but I just want to make one point.
15 MR. GROSSMAN: Yes, sir. Sure.
16 MR. SILVERMAN: Another thing about the science
17 and policy part, there's a big public involvement, you know,
18 it's not just scientists and bureaucrats. They have to have
19 public hearings. And essentially, the agencies have got to
20 justify their ways to at least inform the public, knowledge
21 to the public. I think your, I think, I hope, I think you
22 feel that you also, and the Board, are somewhat accountable
23 to the public --
24 MR. GROSSMAN: Of course.
25 MR. SILVERMAN: -- in this and, and I think you

1 have a very difficult road ahead. We heard testimony from
2 Ms. Alpert who said while there were big mistakes in the
3 original report. So how do you, how do you explain away
4 those mistakes? I mean, Mr. Sullivan did a masterful job
5 trying to recover but how do you, how does a municipal
6 government, a local government zoning official explain that
7 to the public who knows that a major error was committed
8 and, and how do you say well, despite that, we're still
9 good. I think that's, I don't know the answer to that
10 question but I think you face a very great challenge and I
11 wanted to bring it to your attention.

12 MR. GROSSMAN: Well, I face a great challenge.
13 All right. Ms. Harris?

14 MS. HARRIS: Yes. There were three, in addition
15 to Mr. Silverman, there are only two other witnesses
16 identified for Monday and then Thursday is right after that
17 so if we could get out --

18 MR. GROSSMAN: That's a good point.

19 MS. HARRIS: -- further lineup, that would be
20 helpful.

21 MR. ROSENFELD: And I -- we're trying to see if we
22 can have other people available on the 21st. So far I've
23 not been able to do that but we are trying to avoid short
24 days and will let you know as soon as I confirm another
25 witness.

1 MS. HARRIS: Well, it is Thursday.

2 MR. GROSSMAN: You have a lot of people on your,
3 on the long list that you presented. We should be able to
4 shake somebody up and put them in there, right?

5 MR. ROSENFELD: Well, I've been on the phone and
6 sent e-mails and as soon as I --

7 MR. GROSSMAN: Let me see. All right. Well, we
8 also have Dr. Adelman. He's always raring and ready to go.

9 MR. ROSENFELD: I'm sorry? What was --

10 MS. ADELMAN: He's scheduled --

11 MR. GROSSMAN: Dr. Adelman is always --

12 MS. ADELMAN: He's scheduled for the 24th.

13 MR. ROSENFELD: Right.

14 MR. GROSSMAN: Right, but I mean, we could take
15 him earlier if need be, right?

16 MR. ROSENFELD: I think the concern in part is
17 that it's information was submitted on the 24th.

18 MR. GROSSMAN: I know but if Ms. Harris doesn't
19 mind, I read it, even the quotes by (indiscernible).

20 MS. HARRIS: I haven't read it yet but I have it
21 with me to read this evening. I think what I'd like to do
22 is take a look at what was submitted and then --

23 MR. GROSSMAN: All right.

24 MS. HARRIS: -- I'll weigh in on that.

25 MR. GROSSMAN: All right.

1 MS. HARRIS: I mean, unfortunately I think a
2 little bit this filing things at the very last minute, you
3 know, we need to respect the 10-day rule to the extent
4 possible looking at these future dates as well.

5 MR. ADELMAN: I filed it as fast as I could and if
6 applicant needs the 10 days, then I'll testify later.

7 MR. GROSSMAN: Well, that's not exactly the way it
8 works.

9 MR. ADELMAN: Fine.

10 MR. GROSSMAN: It works that you have to have, we
11 have to have continuous witnesses in the case and so
12 everybody, if the opposition wants to have, put on
13 witnesses, they have to be available when we have the
14 hearing so, and those have to have a fair exchange of the
15 paperwork. I mean, paperwork exchange is not part of the
16 actual rules and regulations of these land use cases
17 technically. I've imposed it in this case because I think
18 in fairness, in a case that's as sophisticated as this one
19 is, it's most helpful to the fact finders to be able to have
20 people who are prepared to see what the evidence is so they
21 can intelligently cross-examine. I think that's worked out
22 well thus far and I plan to continue doing it in fairness to
23 both sides, but I do want to make sure that we have people
24 lined up who can, who can testify during these, during these
25 hearings.

1 MR. ADELMAN: To clarify, Mr. Grossman, I was
2 simply, I was asked when I'd testify earlier and I said yes
3 but I didn't file my stuff until someone --

4 MR. GROSSMAN: Right. I understand. No. I'm not
5 faulting you. I'm just saying. So, Ms. Harris, why don't
6 you take a look at what was filed by --

7 MS. HARRIS: Okay. I mean, I would note --

8 MR. GROSSMAN: And I don't think it's going to be
9 a problem.

10 MS. HARRIS: -- even if he were going to testify
11 on the 24th, that wasn't 10 days. I mean, I want to move
12 this along so if I look, if we look at it and realize that
13 he can go on the 21st, believe me, we'll be the first ones
14 to say, yes, let's go forward with it. But again, it
15 wouldn't have been 10 days even if he were going to testify
16 on the 24th so I don't want to keep having this discussion
17 every time we get ready to prepare for a witness.

18 MR. GROSSMAN: And also, you, it was suggested
19 that Ms. Cordry could put on more of her testimony. Then
20 you had suggested that you might not be prepared for that
21 cross-examination.

22 MS. HARRIS: Well, that was --

23 MS. CORDRY: Yes. I need to do the queuing piece.
24 I'm not going to do anything more than what I had previously
25 submitted in evidence.

1 MR. ROSENFELD: And mister --
 2 MR. GROSSMAN: So that's another thing we can, we
 3 can always --
 4 MR. ROSENFELD: And Mr. Core will also be talking
 5 about queuing so those two would --
 6 MR. GROSSMAN: Okay. They can queue up together.
 7 Maybe we can do that. Does that sound like a reasonable
 8 thing?
 9 MS. HARRIS: Yes.
 10 MR. GROSSMAN: Okay.
 11 MS. HARRIS: I mean, let me go back and look and
 12 see what Mr. Adelman filed and we may say he can go forward
 13 and we can sort of stick to that order.
 14 MR. GROSSMAN: I would, I think it would make
 15 sense to have Ms. Cordry on queuing at the same time as Mr.
 16 Core --
 17 MS. HARRIS: Okay.
 18 MR. GROSSMAN: -- on queuing so we, we complete
 19 that. Okay? Does that work out for everybody.
 20 MS. HARRIS: So just to be clear, Mr. Silverman,
 21 Mr. Core, Ms. Sheveiko and Core then Karen, Ms. Cordry, and
 22 then, then what?
 23 MR. ROSENFELD: And actually, if Ms. Sheveiko is
 24 available, perhaps she would go after Mr. Silverman so that
 25 she doesn't have to stick around for as much time.

1 MR. GROSSMAN: Sure.
 2 MR. ROSENFELD: And then Mr. Core and Ms. Cordry.
 3 MR. GROSSMAN: And if you say, if you give the go-
 4 ahead, Dr. Adelman. And you might, he could testify and
 5 then you could reserve your cross-examination until the
 6 following.
 7 MS. HARRIS: Okay. That's a way to do it too.
 8 That works.
 9 MR. GROSSMAN: Okay. So then you could be lined
 10 up and ready to go as well. Okay. It's a plan. All right.
 11 Anything else? Then we are adjourned until Monday. Same
 12 room, same time.
 13 (Whereupon, at 5:08 p.m., the hearing was
 14 concluded.)
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

C E R T I F I C A T E

DEPOSITION SERVICES, INC., hereby certifies that
 the attached pages represent an accurate transcript of the
 electronic sound recording of the proceedings before the
 Office of Zoning and Administrative Hearings for Montgomery
 County in the matter of:

Petition of Dr. Costco Wholesale Corporation
 Special Exception No. S-2863
 OZAH No. 13-12

By:

Josephine Hayes, Transcriber

	11:15;134:17	24:21	adds (1) 273:1	advisable (2) 48:11;196:17
\$	Accepted (5) 116:4,4;156:25; 219:8,24	acts (1) 212:3	Adelman (61) 6:6,6,7,8,8,9,10,10; 8:3;10:1,2,3,10,12,17, 18,23;11:3;19:6;31:21; 32:6;38:17;42:12,15; 54:2,4;56:22;57:4; 63:25;67:19;115:19, 23;149:8,12;197:17, 19;222:22,25;223:3,8, 11,14,17;224:15; 239:21;249:2;262:6, 13,19,21,23;288:14; 291:8,10,11,12;292:5, 9;293:1;294:12;295:4	advisor (1) 44:1
\$1.10 (1) 183:8	access (7) 114:19;116:18; 119:5;136:9;140:20; 141:5;215:13	actual (11) 18:2;43:17;59:10; 63:23;82:8;190:16; 269:2;271:1,12;275:7; 292:16	Adelman's (1) 8:14	Advisory (1) 258:10
\$17.00 (1) 241:17	accessing (1) 117:17	actually (77) 12:11;20:21;21:10; 23:21;31:5,7;35:7; 36:1;37:15,21;38:19; 39:16,23;40:1;43:17; 44:20,21;46:23;54:2; 57:10,20;58:11;59:25; 60:4;62:20;64:6,8,9; 66:4;69:21;72:4,5,6,8, 20;79:4,6;81:17;83:18; 91:16;94:5;112:24; 114:19;120:21;128:2; 133:15;140:5;159:18; 164:6,24;172:13; 173:4;176:15,17,18; 177:14;183:4;184:14; 190:20;192:18,21; 194:3;196:4;216:19; 224:20;227:24;241:25; 257:18;258:10,15; 259:24;271:12;272:23; 283:18;287:13;289:5; 294:23	adequate (5) 10:14;109:23,23; 122:21;247:15	advocate (1) 253:13
\$3.25 (1) 142:14	accommodate (1) 7:7	add (11) 82:20;94:11;101:3; 102:19;126:15;139:20; 140:2;144:11;205:20; 225:7;264:18	adequately (1) 247:19	affect (6) 25:1;41:18;226:15, 16;230:25;242:6
\$350 (2) 259:19,21	accompanied (1) 45:20	added (6) 127:15;130:23; 160:19,21,22;203:4	adjacent (2) 121:23;131:4	affected (3) 24:19;218:16;259:9
\$6 (1) 259:21	accomplish (1) 18:17	adding (4) 8:11;118:5;131:13; 264:20	adjoined (1) 295:11	affecting (1) 259:8
A	according (8) 59:9;88:20;97:9; 201:11;203:17;231:17; 234:9;264:23	addition (7) 47:14;116:2;121:21; 150:21;198:14;201:6; 290:14	adjunct (1) 252:11	affects (2) 47:9;230:14
abandoned (2) 256:24;257:2	account (6) 59:3;88:4;93:20; 108:24;109:1,2	add-on (1) 69:22	adjoining (1) 12:14;49:13;59:3; 157:19	affirmed (1) 13:6
abating (1) 264:4	accountable (1) 289:22	address (7) 7:6;113:18;118:9; 138:7;221:9,12;251:17	admirable (1) 286:20	affirming (2) 14:24;15:18
Abigail (2) 6:6;67:18	accumulation (1) 214:11	addresses (1) 232:8	admission (1) 235:16	afoul (2) 211:2,9
ability (4) 137:20;150:10; 184:6;187:24	accuracy (2) 190:5;289:11		admitted (1) 52:3	afraid (1) 256:13
able (25) 16:8;38:5;50:2; 61:10;65:14,25;77:5; 97:22;159:14;182:6, 14;189:4;191:12; 209:9;228:25;229:4; 235:21;236:15;237:12; 238:10;241:11;253:4; 290:23;291:3;292:19	accurate (5) 13:10;14:3;68:22; 178:12;185:4		Administration (8) 24:3;42:7;44:12; 52:12,21;60:15;61:4; 67:8	afternoon (1) 240:4
above (3) 227:5;230:2;274:1	accurately (1) 36:19		Administration's (1) 52:25	afterwards (2) 137:19;283:17
absence (1) 205:23	achieve (1) 63:13		admission (1) 235:16	again (110) 5:14;16:21;17:19,20, 24,25;25:8;26:12;27:4; 29:5,21,24;30:6,7,8; 31:2;32:20;35:12; 37:25;38:16;41:4; 43:14,20;50:7,8;51:11; 52:16;55:22;56:9; 60:10,17,19;62:4; 63:22;64:17,20;66:21; 67:19;71:9;73:11,11, 24;74:1;76:10;77:7; 80:24,25;81:3;86:11; 87:9;88:21;90:8;91:18; 92:23;93:12,22;94:20, 22,24;97:12;102:2; 104:11,25;105:14; 107:3,17,18;110:5; 112:3;118:24;119:7; 121:20;123:5;128:11; 131:19;132:4;138:18; 141:14;156:22;167:9; 168:7;170:15;171:3; 175:6;177:9,21; 178:17;179:12,24; 186:10;190:25;191:23; 200:9;214:3,5;218:5; 242:5,15;246:2,3; 256:9;259:7;260:20; 270:20;272:7;276:13; 279:15;284:24;286:23; 293:14
absent (1) 6:19	achieved (1) 46:1		adopt (2) 210:24;258:21	
absolute (10) 94:23;150:11,23; 159:23;160:2;180:6; 188:23;212:23;214:20; 247:6	achieving (1) 66:14		adopted (1) 200:15	
Absolutely (4) 136:25;150:18; 213:10;228:16	acknowledge (1) 151:3		adoption (1) 19:24	
absorb (1) 245:23	acronym (1) 18:9		adopts (1) 258:21	
abstract (2) 53:16,17	across (11) 110:22;117:23; 123:8;125:22;128:22; 141:4,19;144:8; 146:13;225:22;280:7		advance (4) 205:17;223:18; 224:7;233:5	
Academy (2) 61:6,7	Act (12) 63:12,23;64:15; 252:20,21,25,25;253:1; 259:11;263:19;284:25; 285:7		adverse (8) 152:3;163:23,25; 164:1,16;230:13,21; 231:13	
accelerate (1) 187:5	action (3) 149:11;212:5;253:9		advice (2) 256:1;264:23	
accept (14) 95:16;126:13,13; 142:15;152:3;154:9; 162:24;163:19,20; 164:20,22;219:4; 274:6,7	actions (1) 256:4			
acceptable (2)	activity (1)			

253:12;279:8 age (2) 24:20;141:19 agencies (5) 195:8;256:4;259:24; 277:3;289:19 Agency (7) 56:5;57:23;268:12; 269:24;270:1;276:14, 15 aging (2) 37:2,3 Agliata (1) 155:22 ago (8) 19:18;33:5;46:2; 102:10;154:11;224:25; 226:19;259:17 agree (21) 79:11;88:6;150:22, 25;152:11;153:13; 165:2;179:9;182:5,20; 190:10;192:3,7; 195:19;197:2;204:19; 208:22;215:13;219:6; 241:5;269:18 agreed (5) 13:14;131:20; 132:15,16;263:8 agreement (3) 88:4;132:12;153:12 agreements (1) 132:25 ah (3) 105:24;106:3;107:8 ahead (15) 13:11;26:17;38:13; 41:11,13;49:24;71:14; 90:5;136:14;162:20; 218:23;222:2;224:14; 290:1;295:4 aimed (1) 17:10 ain't (3) 111:10,15,25 Air (40) 63:25;120:11;122:7; 187:12,23;194:22,23; 195:1,3,6,6;210:16; 252:20,21,24,25;253:1; 258:10,16;259:3,11,13, 15;263:16,19,23; 264:2;266:24;267:6, 10;269:13,20;284:25; 285:2,4,7;287:4,8,8,14 airplanes (1) 230:2 alarm (1) 280:8 alarmed (1) 257:5 alive (1) 118:15	allergies (1) 241:3 alleviate (2) 125:24;131:14 allocate (1) 81:13 allocates (3) 87:4,8,11 allow (3) 5:6;161:15;183:1 allowed (6) 52:4,6;120:18; 172:18;233:20;273:11 allowing (1) 52:7 all-time (2) 31:23;32:1 almost (7) 94:16;118:2,15; 130:9;153:4;243:7; 254:22 alone (3) 85:19;163:25;164:2 along (20) 12:6;117:2,3,11; 118:5;127:20;130:25; 131:3,3;133:13; 134:13,14;136:7; 152:8;153:24;190:18; 214:14;215:12;268:25; 293:12 ALPERT (167) 6:16,16,21,23,25;7:4, 9,12,19;9:6,6,7,11; 113:3,4,5,14,16,19,19, 25;115:14,22;116:4; 117:4,6,9,12,16,22,24; 118:1,7,15;119:13,24; 120:2,4;122:14,18,24; 123:1;124:1;125:14; 126:7,9;127:1,2,7,11, 21;128:1,16,18,20,24; 129:1,4,7,9,13,19,21, 24;130:2,5,8,14,18,21, 24;131:1,6,8,12,15,17, 21;132:1,6,9,14,18,21, 23;133:3,6,15,17,19, 21,24;134:16;135:4,9, 15,20;136:5,11,13,16; 137:1,6,8,11,17,22,24; 138:2,9,12,16,23,25; 139:2,4,7,9,13,19,22; 140:1,3,11,14,16,18, 24;141:2,8,12,14,18, 25;142:4,7,13,18,23; 143:8,13,16,19,24; 144:2,11,23,25;145:2, 6,16,18,21,25;146:9, 11,19;147:5,14,23,25; 148:2,7;165:5,24; 176:19;290:2 A-L-P-E-R-T (2) 7:4;127:7	altered (1) 264:24 alternative (2) 24:25;28:2 although (11) 11:23;47:9;79:16; 80:17;151:4;203:14; 217:6;219:4;247:14; 260:20;268:5 Altman (1) 9:5 always (21) 36:19;78:23;91:4; 190:14;194:10;233:7; 235:24;246:14;256:13; 257:19;259:13;260:16; 265:3;271:23,23; 278:4,7;284:25;291:8, 11;294:3 Amazing (1) 200:13 ambient (2) 258:16;259:3 ambulance (1) 238:9 amendment (5) 200:24;269:6; 277:11,13,16 amends (1) 207:2 amenities (17) 186:14,25;187:7,9, 13,16;188:9,12,17,20; 190:12;193:23;194:12, 16;217:4,5,22 amenity (1) 194:21 American (2) 54:22;287:12 Americans' (1) 51:6 among (4) 25:15;52:17,18; 63:15 amount (15) 17:5,10,11,15;25:25; 93:6;169:3,14;183:9; 193:9;242:17;249:7; 263:24;264:6;286:7 amounts (1) 183:2 analog (3) 107:5;112:1;269:17 analyses (4) 38:2;111:11;154:10; 198:4 analysis (51) 39:17;41:8,18;48:9, 12,15;52:23;56:8; 58:15;77:16,25;78:22; 79:14;80:2,9,13,18,20, 23;82:17;88:4,7;99:22; 105:22;108:1;124:1;	151:22;153:14,16; 169:5;170:6;183:17, 17;189:9,12;190:17; 196:17;206:16;208:5; 211:17;225:1;229:22; 250:3;266:8,10;268:7, 9;269:9;272:8;275:17; 287:10 analytically (1) 161:21 analyze (2) 151:14;196:19 analyzed (2) 169:3;170:1 analyzes (1) 269:15 anecdotes (1) 258:8 angry (1) 238:24 announced (1) 223:12 annoyances (1) 177:25 annoyed (1) 252:21 Annual (10) 19:3,3,8;24:2;27:24; 39:12;40:21;41:19; 62:19;64:23 answered (7) 91:5;146:24;148:5; 164:18;171:6;172:15; 254:12 anticipate (3) 148:15,18;257:12 anticipated (2) 65:2,6 anticipating (1) 197:5 anti-competitive (5) 215:3,6,15;216:24; 217:9 anti-idling (1) 66:12 antithetical (1) 184:25 anti-trust (2) 150:16;151:11 anymore (8) 99:13;123:11,13; 141:9;176:5;225:24; 239:8;265:4 Anything's (1) 182:13 APA (1) 249:9 apart (4) 112:5;184:22;185:9; 286:24 APFO (1) 10:5 apologize (1)	9:17 apparent (2) 48:10;226:24 apparently (1) 91:20 appeal (3) 14:2;15:12,14 Appeals (22) 5:4,18,20;7:23;13:3, 8,13,15,22;14:16,25; 15:6,6,17,18;126:3; 132:11;133:2;205:14; 244:7;269:1;281:22 Appeals' (1) 13:6 appear (3) 163:13;178:22;209:7 appeared (3) 82:18;181:20;289:4 appears (5) 16:12;68:22;152:2; 182:24;201:4 applicable (4) 47:25;150:4;233:11; 270:16 applicant (16) 49:5;79:24;80:4,6; 96:2;131:19;132:13; 154:14;208:17;261:20, 21,22;274:14;279:23; 287:2;292:6 applicants (1) 265:21 application (6) 10:13;138:7;184:20; 206:16;211:6;244:13 applied (3) 80:2;205:11;211:4 applies (1) 153:8 apply (12) 40:20;111:25; 151:22;153:11,12,13; 158:19;162:14;196:20; 267:12,14;273:19 applying (5) 150:5,6;163:18; 272:15,16 appreciate (5) 41:17;140:1,3; 147:23;195:6 approach (4) 104:11;161:24; 215:4;265:23 approaching (1) 249:15 appropriate (7) 7:25;93:21;151:4; 157:12;161:24;270:10; 274:15 approval (2) 131:20,23 approve (1)
--	---	---	---	--

157:6 approved (6) 131:24;132:1; 181:22;200:24;233:19; 279:24 approving (5) 268:10,19,22; 269:17;270:9 approximate (1) 154:15 approximately (3) 26:24;27:5;133:12 April (4) 5:12;19:17;32:14; 72:23 area (176) 17:21;35:13,18;42:9; 43:9,10;48:2;58:16; 59:7;68:5,6,8,18;69:16, 20;71:9,11;73:17;74:9, 14;75:8,12,15,17,19, 23;76:2,4,7,8,9,10,12; 77:5,7,16,17,22;78:17, 24;79:4,7,10;80:1; 81:7,8,9;82:21;86:1; 88:14;89:1;90:25; 93:13;94:5,8,12;97:21; 105:24;106:7,21; 107:17,20;108:19,22; 109:2;110:24;111:1; 114:11,21,25;118:23, 25;119:15;121:19,25; 123:8;124:12;125:1; 126:10,18;128:9; 138:8;139:14;140:6; 146:4,11,22;150:9,10; 151:9;154:13,14,17,17, 21;155:1,7;166:18; 167:17;169:4,12,22,23, 23;170:2,10;171:1,3,4, 25;172:1,9,24;173:12, 24;174:10,11;175:13; 176:1;179:22;186:20, 22;188:1;191:4,13,21, 24;207:23,24;209:25; 214:12;215:19,21,24, 24;216:2,4,12,18; 217:10;218:3,7,14; 219:9,9,12,18,23; 220:14;226:2,7,12,22; 227:12;228:18;229:9, 12,13;230:8;236:9,12, 17;238:7;243:9;246:8, 20;264:11;265:9; 272:18,22;279:22; 280:10;285:13;286:4, 5;287:11 areas (17) 58:19;59:25;74:16; 78:18;79:19,19; 124:19,20;125:15; 145:7;147:1;154:20; 183:9;196:7,9;282:11;	285:4 area-wide (1) 242:11 arguable (3) 78:14;79:13;205:19 argue (4) 78:21;215:15;268:8; 271:8 arguing (3) 171:12;190:11;217:1 argument (5) 59:6;80:12;153:6,22; 261:4 arguments (2) 37:15;260:10 ARID (8) 254:6,8,9;255:5,14, 14,22;270:17 Arlington (2) 263:11;275:4 around (42) 35:17;46:21;64:8; 79:4;87:4,9,11;94:8; 104:23;114:16;115:5; 116:15,18,19;117:1,13, 20;120:10,23;121:15; 122:4;125:15;126:17; 137:18;138:2,17,18; 140:20;155:13;162:9; 175:22;177:16;210:15; 213:5;221:24;227:18; 229:5;235:1;266:12; 268:19;272:19;294:25 arteries (1) 227:1 article (10) 32:20;52:2;53:13; 58:1;60:9,10;66:18; 67:1;198:15;201:7 articles (3) 43:20;44:20;48:19 artificially (1) 109:9 asleep (1) 225:8 aspect (2) 160:21;211:5 aspects (5) 80:25;89:14;101:12; 161:25;269:19 assess (2) 41:1;223:23 assessment (1) 59:12 assist (1) 19:7 Associated (6) 50:10,12;51:4;65:15; 185:23;231:15 Association (11) 8:3;9:20;59:6;78:8; 193:3;219:9;225:10; 231:18;250:4;257:1;	287:12 assume (16) 30:14;87:14;88:9,9; 105:4,17;149:2;156:7; 168:2;170:24;178:11, 18,23;184:17;273:5; 276:21 assumed (2) 85:8;87:5 assumes (1) 227:2 assuming (11) 30:10;85:9;87:10,19; 92:21;94:24;100:5; 189:9;195:24;242:3; 247:25 assumption (9) 29:12;30:7;85:4; 87:21;91:3;179:17; 191:2,2;237:2 assumptions (10) 88:11;171:2;272:16, 25;273:2,21,23,25; 276:22,22 assure (1) 203:23 asthma (1) 114:8 Atlantic (2) 42:9;43:10 attached (1) 190:21 attachment (1) 200:23 attachments (5) 10:20,21,25;11:2; 200:2 attack (1) 248:2 attainment (2) 263:16;287:8 attempt (5) 63:15;82:7;94:4; 114:22;116:7 attempted (1) 169:6 attempting (2) 61:23;82:16 attempts (3) 24:18;56:9;82:8 attendant (2) 248:1,1 attention (2) 126:21;290:11 Attorney (2) 238:9;281:10 attributed (1) 47:15 August (3) 34:23;66:25;100:24 authoritative (1) 68:22 authorities (1)	269:2 authority (5) 268:11,19,22; 269:18;270:9 authorized (1) 57:18 auto (1) 53:3 automatically (1) 214:7 automobile (2) 5:6;198:22 availability (4) 198:20;201:19; 203:4;207:14 available (32) 11:11,21;109:22; 142:24;164:7;170:9; 173:5;174:11,24; 180:3;183:19,22; 186:15;207:16;208:20, 24;209:6,17,20,22; 214:19,21;216:2; 219:1,2,3;220:6,10,12; 290:22;292:13;294:24 Avenue (6) 142:14;221:13; 227:24;228:3;251:19; 279:9 Average (20) 16:23;18:10,11; 22:17,20;25:8;27:5,5; 43:14;45:24;54:22,24; 74:1,6,15;75:18;81:16, 18,20;246:15 averaged (1) 73:21 averted (1) 259:20 avoid (3) 249:8,9;290:23 aware (11) 11:12;116:14; 129:17;134:10;135:1, 3,12;170:11,18; 207:16;261:13 away (17) 25:5;35:15,16;67:13; 138:8;167:16;171:13, 22;176:18;177:8; 188:1;237:22;238:25; 242:7;276:8;279:14; 290:3 <p style="text-align: center;">B</p> B-2 (2) 28:2,19 baby (2) 37:3;123:10 back (66) 7:12,13;8:18;15:10; 25:19;26:4;31:1,2;	39:3;48:9,23,25;55:16; 65:3;68:24;72:6;79:20; 80:10;83:18;85:13; 87:2,5;90:5;92:10; 93:15;94:8;97:24; 98:21;99:9;105:22; 107:18;108:18;114:17; 115:3;119:7;120:15; 127:23;140:19;145:21; 148:11;149:3,7,13; 154:1;175:6;177:7,16; 195:24;196:8;200:17; 211:8;214:1,5;218:24; 221:4,7;225:17; 229:24;241:4;243:15; 246:3;258:1;259:9; 263:22;274:4;294:11 back- (1) 135:9 backed (2) 119:8,9 background (8) 44:2;223:11,23; 224:16;226:24;264:21, 21;275:4 backgrounds (1) 271:12 backing (2) 144:5;175:24 backup (2) 9:5;116:2 backwards (1) 100:16 bad (10) 31:13;119:18;128:9; 230:25;235:1;236:9, 12;240:6;242:9;261:8 bag (1) 125:4 bags (1) 225:22 balance (2) 52:15;86:14 balancing (3) 152:7;162:22;217:1 Baltimore (3) 66:18,25;206:10 banks (1) 230:4 bar (1) 234:12 barrels (2) 26:22,25 barriers (1) 125:12 base (2) 74:21;125:22 based (21) 13:20;52:22;55:19; 59:23;65:25;68:2; 81:14;82:17;86:5; 95:18;96:1,5;103:4; 104:11;167:8;208:11;
---	---	--	---	--

211:8;212:25;213:16; 244:23;273:5 baseline (3) 18:2;25:19;27:20 bases (2) 96:9,23 basic (4) 27:14;56:11;110:15; 287:18 basically (4) 55:13;81:14;260:10; 289:10 basing (1) 274:3 basis (13) 23:4;50:12;82:10; 109:23;134:22;152:2; 164:1,2,2;183:16; 189:3;214:20;272:12 battery (3) 234:3,7;247:4 bay (2) 188:25;194:21 bays (2) 187:12;189:1 Beach (1) 228:23 Bear (4) 176:9,13;196:25; 260:7 bears (2) 260:8,8 beast (1) 261:6 become (5) 16:25;49:13;167:25; 198:9;242:6 becomes (3) 23:12;30:19;126:17 Bedford (1) 256:23 beds (2) 212:17,21 began (1) 120:11 beginning (4) 53:20;150:13; 263:22;265:10 begins (6) 20:13;23:11;24:15; 55:22;66:20;80:24 begun (1) 5:12 behalf (3) 5:17;6:2;9:19 behaving (1) 37:9 behavior (5) 37:8,9;54:14;141:22; 225:5 behind (2) 228:22;259:25 belief (1)	185:11 bell (1) 276:12 below (13) 20:16;25:18;26:23; 40:6;41:23;45:18,24; 49:11;67:10;69:10; 74:18;80:19;227:3 Belt (1) 256:21 Beltville (22) 119:24;120:2,4,6; 123:16;141:24;142:2; 174:8,10,13;185:3; 208:8,13;209:2,5,17; 216:7,11,18;218:25; 219:5;263:12 Beltway (1) 155:1 benefit (26) 48:7;97:24;98:5,7; 110:2;150:21;151:18, 18,19,22;152:4,7; 158:12;160:12;161:10, 14;162:10;164:11; 165:18;179:14;180:4, 10;183:15,17,17;217:1 benefited (1) 99:16 benefits (20) 48:6;57:15;59:4; 60:11;66:14;99:3; 151:14;162:22;163:3, 5,11;164:9,12,14; 179:22;180:18,23; 184:24;194:12;218:13 benefitting (5) 106:10,13;151:20, 25;194:12 Berra (3) 176:4,9,10 besides (3) 94:12;182:25;212:10 best (4) 90:23;95:18;96:12, 20 Bethesda (3) 98:19;226:19,20 better (3) 246:15;247:3;287:20 beyond (9) 153:16;171:18; 196:17;218:3;219:12, 19;220:1,8;252:14 big (23) 46:15;73:24;106:20; 128:4;145:12;156:12; 160:8;169:25;228:6; 239:9;241:13;256:24; 263:17;271:20;278:12; 280:6,6,7;282:7,13; 287:11;289:17;290:2 bigger (7)	105:14;229:9;241:7, 18;246:1,10;247:22 biggest (1) 100:3 bike (3) 123:11,11,11 billion (5) 62:17;64:25;65:17; 253:6;259:21 Birch (1) 251:19 bit (15) 35:9,14;69:7;70:24; 149:13;176:3;225:12; 243:5;253:7,20; 254:10;258:14;276:19; 284:4;292:2 bizarre (1) 133:20 blackout (1) 234:7 blah (3) 213:25,25,25 blame (1) 283:10 blasted (1) 248:6 blinking (1) 99:10 blockage (1) 238:11 blocked (1) 237:12 blocking (2) 238:11;239:14 blocks (1) 240:1 blow (2) 237:9;238:25 BMT (1) 65:8 Board (31) 5:3,17,20;7:23;13:6, 17;14:1,24;15:5,18; 59:17;61:6;126:3; 132:11;133:2;154:11; 198:16;200:15;201:14; 205:14;212:3;214:9; 244:7,19;258:3,4; 260:22;269:1;281:22; 282:5;289:22 boards (1) 276:1 Board's (2) 13:18,23 bodies (2) 253:14;281:23 body (1) 279:24 bolded (1) 21:3 bolt (1) 228:3	bomb (1) 237:18 bombs (1) 237:23 book (2) 262:4,5 boom (2) 55:14;67:1 boomers (1) 37:3 borderline (2) 271:6;283:8 borrowing (1) 267:19 borrows (1) 267:19 both (18) 69:19;71:12;113:1; 143:2;144:4;150:7; 163:23;200:3;220:14, 17;254:24;263:7; 274:14;277:19;281:23; 283:16;285:14;292:23 bothers (2) 241:2,3 bottle (1) 125:5 bottom (20) 20:23;21:25;22:16; 23:1;27:23;33:17;61:5; 62:14;64:19,19;67:21; 86:12;89:15,17,23,24; 90:4,6;111:10;126:9 bought (1) 23:9 Boulevard (2) 116:10,23 boundaries (2) 154:16;220:9 Bowie (1) 219:3 box (2) 89:6;200:12 boxes (1) 200:13 Boyd's (5) 91:21;121:3,5,9; 237:25 bracket (2) 70:6,10 bracketed (5) 201:13,13,21; 203:17;208:14 brand (1) 125:3 Brandywine (3) 205:22;206:2,24 Brann (8) 5:23,23;126:5,6; 236:6,7,7,12 bread (1) 125:5 break (18)	38:23;39:5;70:14; 86:19,20;112:19,20,21, 24;113:2,2,14;147:7; 148:11;149:12;171:11; 173:10;221:3 breakdown (3) 86:17,25;87:1 Breaking (1) 92:18 breathing (1) 122:3 Brewer (1) 5:25 Breyse (1) 261:10 brief (5) 13:2;39:7;204:21; 221:3,5 briefly (1) 205:20 bright (1) 227:25 bring (16) 17:7;47:23,24;90:11; 103:4;105:24;111:12; 112:10;118:19;167:17; 198:5;242:12;254:3; 262:6;282:11;290:11 bringing (3) 90:13;106:2;166:18 broad (1) 268:1 broader (11) 78:2;79:22;92:11; 106:21;108:12,22; 153:17,20;207:22; 218:7;250:5 broke (4) 111:10,15;112:1,16 Brooklyn (2) 113:6;226:7 brothers (6) 236:21,22,23,24; 248:5,9 brought (7) 105:25;171:23; 229:21;234:23;242:13; 253:10;289:12 BTU (4) 21:7,8;26:21;29:5 BTUs (2) 20:10;26:7 Buffalo (1) 228:7 buffer (1) 279:8 build (9) 105:23;107:5,6; 108:25;116:14;168:12; 268:21;270:15,15 building (6) 5:16;124:18;225:18; 226:6;230:6;267:23
--	--	--	---	---

<p>buildings (3) 79:20;226:13,15</p> <p>built (13) 107:4,10;122:9; 125:21;181:17;229:10; 230:2;232:21,23; 246:19;247:2,3;284:13</p> <p>bulletin (2) 258:3,4</p> <p>bunch (2) 237:22;241:3</p> <p>burden (12) 96:2;151:15,19,22; 160:10,20,21,22;161:8; 190:7,8;217:1</p> <p>burdened (1) 151:20</p> <p>burdens (11) 152:7;161:13; 162:22,24,25;163:2,5, 11;164:3,12,14</p> <p>Bureau (1) 68:19</p> <p>bureaucrats (1) 289:18</p> <p>burn (1) 237:14</p> <p>burning (1) 120:12</p> <p>bury (1) 282:22</p> <p>bus (1) 125:22</p> <p>Bush (1) 285:1</p> <p>business (37) 48:5,98:11,16;99:2, 12;114:22,23;124:17; 125:10;156:11;179:16, 21;180:5,25;181:10, 13;182:5,11;184:24; 185:4,10,13,17,19,21; 186:1,4,6,25;188:22; 190:12;211:13,16; 213:7;252:22;271:20; 284:23</p> <p>businesses (3) 182:7,14;253:24</p> <p>button (1) 241:24</p> <p>buy (44) 91:15;93:10;95:1; 97:7;98:4;99:8;100:9, 18;102:23;106:9; 125:4;150:11;156:8, 12,13,17;159:2;165:11, 14,16,23;166:12,22,23, 25;171:1,2;173:13,23, 24;174:7,16,22;175:3; 176:7;177:22;178:14; 182:17;187:12;189:6; 191:3;194:8;210:1; 218:11</p>	<p>buyers (1) 34:6</p> <p>buying (9) 31:6;37:6;97:21; 100:19;102:17;158:21; 176:5;184:1,7</p> <p>byproducts (1) 179:7</p>	<p>58:25;66:10;67:12; 72:4,19;74:6;81:19; 90:5,21;91:7,16;92:9, 9;95:18;96:1,12;97:19; 106:5;109:8;113:2,7; 115:18;116:22;121:11; 123:7,21;125:4,24; 126:13,13;135:15; 136:24;138:6;145:6, 11;153:13;156:11; 157:9,10;158:3,4; 159:12,12;161:18; 162:9;163:1;164:1,2; 165:18;171:7;173:22, 23;174:3,4;177:14; 179:21;180:4,22; 181:9;182:16;189:6; 190:5,15,16;212:19,24; 213:5,7;217:4;218:12; 220:8,14,19;222:14; 224:23;225:23;226:21, 21;227:21;228:8,11; 229:7,19;230:22; 231:19,20;232:25; 240:15;242:4,5,6; 243:14;246:6;248:4, 20;249:23;250:5,16; 254:15;257:11;258:21; 260:1;262:5;264:5; 268:17,17;270:8; 271:3;273:19;278:6; 280:22;282:14;283:5, 24;284:5,17;287:14; 290:22;292:21,24,24; 293:13;294:2,3,6,7,12, 13</p>	<p>286:9</p> <p>cards (1) 142:15</p> <p>care (3) 48:15;230:7;257:7</p> <p>career (1) 253:15</p> <p>carefully (1) 281:23</p> <p>carriages (1) 123:10</p> <p>Carrier (2) 205:7,14</p> <p>Carrollton (1) 219:2</p> <p>carry (3) 189:4;225:23;281:12</p> <p>cars (61) 18:12;20:2;21:13,15, 16;22:15;23:7,8,8,8; 25:5;27:5;29:13;31:6, 15;34:19;48:23;73:16; 74:3,7,8,14,20;75:14, 17;76:15,16,18;86:7; 88:22;103:13;116:12, 24;118:19,25;119:15, 16,21;120:12;121:18, 21;122:12;123:3; 127:15,19,20;128:2,2, 10;133:25;135:10; 142:3,16;144:2,4,4; 156:13;225:21;228:1, 22,24</p> <p>car's (1) 99:10</p> <p>cartoons (1) 144:6</p> <p>CASAC (9) 258:10,17,19,19; 259:6,9,10;260:5; 263:8</p> <p>case (101) 5:21;11:16;14:8,12, 16;16:4,12;18:2,3,7; 19:22;20:23;21:5; 24:11;26:12;27:1,14, 20;28:3,22;29:8,14; 30:5,8;42:6;59:25; 68:4;79:20,24;80:3,10; 83:15;97:5,10,19; 120:9;150:7,24;151:2, 8,24;153:16,16; 154:18;159:4,7;163:3; 164:10;168:18,21,24; 169:2,16,19;170:11; 171:7;179:19;192:8, 19;198:17;199:9; 201:15;205:22;206:5, 25;207:6;211:2,12; 212:1;214:6;228:20; 257:18;260:7,9,14,14; 261:14;265:21;266:17; 268:4,6,21;269:19;</p>	<p>270:10,11;271:9; 272:11,24;275:7,22; 281:15;283:13;284:20, 22;285:18;286:18; 287:3,11;292:11,17,18</p> <p>cases (21) 36:2;54:18;78:11; 151:21;152:6,21; 153:9,10;170:5,18,20, 21,22;205:6,12;211:5; 213:15;266:7;268:12; 273:15;292:16</p> <p>cash (1) 142:15</p> <p>catch (1) 237:8</p> <p>categories (3) 85:18,25;162:18</p> <p>categorized (1) 261:7</p> <p>category (2) 88:20;207:22</p> <p>cause (13) 48:10;176:1;186:24; 227:21;231:20;234:15; 238:8;246:20;265:18, 20;267:25;275:17; 287:25</p> <p>caused (2) 185:3;231:20</p> <p>causes (6) 143:18;180:17; 221:22;257:12;275:16; 282:19</p> <p>causing (2) 135:22;184:24</p> <p>cautious (1) 41:4</p> <p>caveats (1) 286:21</p> <p>cell (1) 76:24</p> <p>Census (5) 68:19;69:25;70:10; 71:1,4</p> <p>Center (4) 52:13,24;196:8; 230:1</p> <p>centers (1) 169:25</p> <p>centric (1) 254:5</p> <p>cents (3) 98:5;165:21;183:2</p> <p>certain (20) 36:1;37:8;49:8; 84:21;153:9,9;161:12; 162:24;169:6,7; 170:13;171:12;185:7; 186:25;224:2;249:7; 260:6;267:22;276:21; 286:7</p> <p>certainly (41)</p>
---	--	--	--	--

<p>15:5;36:14;47:9; 52:5;78:13;79:15; 96:18;110:17;112:3; 163:2;166:15;170:23; 173:22;174:10,13; 177:6,20;179:19,20; 181:2,12;182:17; 184:3;185:15,16; 186:17;187:2,25; 205:18;208:23;209:23; 210:13,20;212:13; 214:16;215:8;218:13; 219:4,6;240:17;279:19</p> <p>certainty (1) 271:15</p> <p>certificate (1) 212:17</p> <p>cetera (3) 230:4,4;245:4</p> <p>Chair (1) 205:7</p> <p>challenge (3) 36:9;290:10,12</p> <p>challenging (1) 289:11</p> <p>chance (2) 54:1;216:16</p> <p>change (21) 16:20;23:25;29:20; 37:10;100:4;116:2; 123:1;203:2;205:6,15; 206:24;211:8;214:17; 257:9;259:15,16; 260:20;261:12,19; 263:2,3</p> <p>changed (10) 16:21;26:20,22; 199:19;234:11;260:20; 261:12;263:9;276:22; 281:19</p> <p>changes (17) 18:3;23:5;25:9; 31:17;43:21,22;44:7; 47:16;53:23,25;54:15; 55:19;181:23;253:7; 259:22;261:18,24</p> <p>changing (10) 44:22;124:2;260:17, 19;261:16;262:1; 265:8,8;277:1,2</p> <p>characteristics (2) 231:5,14</p> <p>charcoal (1) 255:9</p> <p>charge (1) 276:24</p> <p>chart (11) 18:19;20:20;22:1; 31:7;46:8,11;62:21,24; 73:10,16;74:3</p> <p>charts (6) 20:22;27:11,12,13; 44:7;45:9</p>	<p>Chase (4) 258:13;282:25; 286:16,17</p> <p>cheap (4) 120:8,13;183:15,19</p> <p>cheaper (3) 182:15,17,23</p> <p>cheapest (1) 183:21</p> <p>cheaply (1) 182:21</p> <p>chemicals (1) 271:6</p> <p>cherry (1) 153:8</p> <p>chest (1) 120:11</p> <p>chicken (1) 110:20</p> <p>chief (1) 255:4</p> <p>chiefs (1) 228:14</p> <p>child (1) 114:3</p> <p>children (7) 114:6,9;122:6; 123:13;140:19;141:18; 278:12</p> <p>Chinese (1) 107:23</p> <p>choice (1) 243:17</p> <p>choices (1) 139:10</p> <p>choose (2) 95:24;108:3</p> <p>chose (4) 278:16,19,20;281:15</p> <p>chronological (2) 87:23,24</p> <p>circled (1) 116:20</p> <p>circles (1) 221:24</p> <p>Circuit (4) 13:12,14,19;212:1</p> <p>circumstance (1) 230:23</p> <p>circumstances (4) 229:6;231:9,12; 267:22</p> <p>citation (1) 14:7</p> <p>cities (4) 256:13,20,21;282:10</p> <p>citizens (2) 7:7;230:7</p> <p>citizens' (1) 251:6</p> <p>City (4) 121:8;196:8;225:16; 238:25</p>	<p>Civic (6) 8:3;9:20;59:6;78:8; 219:8;250:4</p> <p>clarification (1) 119:14</p> <p>clarified (1) 207:10</p> <p>clarify (3) 108:2;220:5;293:1</p> <p>Claritas (11) 81:6,8;92:16;93:12; 94:22;107:19;108:18, 21;169:14;190:23; 192:1</p> <p>classified (1) 225:2</p> <p>clause (1) 198:7</p> <p>clean (17) 213:8;241:11; 252:20,21,24,25,25; 253:1;258:10;259:11, 13;263:19,20,23; 284:24;285:4,7</p> <p>clear (11) 51:19;65:13;179:21; 203:19;250:14;263:23; 264:22;265:9;267:2; 274:24;294:20</p> <p>clearly (17) 37:24;80:23;91:7; 92:21;104:21,24; 109:23;110:3;180:19; 203:1,15;204:2;206:6; 207:6;216:10;220:8; 282:9</p> <p>clever (1) 271:22</p> <p>close (13) 187:17,20;189:14, 15;190:7;217:17,21; 218:5;229:13;270:19, 19;278:12;282:13</p> <p>closed (5) 160:23;186:9,13; 189:8;256:19</p> <p>closely (1) 77:16</p> <p>closer (5) 121:4,4;157:15; 208:13;224:22</p> <p>closest (5) 116:8;138:22; 189:23;218:10;230:9</p> <p>closing (3) 179:15;217:8;257:5</p> <p>clouded (1) 285:6</p> <p>clouds (1) 205:4</p> <p>Cloverly (2) 13:5,5</p> <p>Club (8)</p>	<p>114:10;116:6;119:1; 121:23,25;122:3; 129:7;285:18</p> <p>CO2 (1) 65:23</p> <p>coal (1) 253:3</p> <p>coalition (9) 6:6,10;197:18; 222:22,23;240:14,23; 249:3,6</p> <p>coalition's (1) 239:18</p> <p>Coast (1) 230:1</p> <p>COB (1) 5:16</p> <p>code (7) 161:23;162:17,21; 163:15,17,17;168:5</p> <p>codes (1) 208:13</p> <p>coffee (1) 187:12</p> <p>cog (1) 268:25</p> <p>cogitating (1) 210:23</p> <p>coincident (2) 185:9,15</p> <p>Cole (5) 11:8;261:10;268:5; 272:13;276:19</p> <p>Columbia (2) 91:22;237:24</p> <p>column (3) 29:16;107:24,25</p> <p>combination (3) 27:7;152:5;281:10</p> <p>coming (39) 28:16;32:24;33:17; 37:7;47:23;50:16;51:1; 85:18;87:15;88:18; 90:11;94:12;97:21; 101:23;118:21,22; 119:15;121:9;127:15; 129:4,5;134:3;144:4; 155:10,13;169:24; 170:25;171:2;177:12; 179:5;210:16;212:12; 218:9;227:2,16; 236:19;248:15;260:16, 16</p> <p>commence (1) 129:18</p> <p>commenced (1) 130:16</p> <p>commended (2) 241:15;242:14</p> <p>comment (1) 216:22</p> <p>comments (1) 113:25</p>	<p>commercial (4) 5:11;79:18;212:4; 214:12</p> <p>Commission (2) 279:20,21</p> <p>committed (1) 290:7</p> <p>committee (4) 203:21,21;224:20; 258:11</p> <p>common (2) 207:1;275:24</p> <p>communities (1) 226:10</p> <p>community (11) 107:8;121:2,7,8; 129:3;184:9;209:10; 222:7;224:20;243:16; 283:18</p> <p>commuter (1) 169:22</p> <p>commuters (1) 170:1</p> <p>companies (5) 185:23;187:23; 253:3,3;278:6</p> <p>company (2) 255:15,18</p> <p>comparable (1) 74:11</p> <p>comparative (3) 67:20;68:12;216:16</p> <p>compared (9) 42:9;54:23;56:1; 58:19;65:18;77:8,9; 160:9;167:14</p> <p>compatibility (3) 160:23;161:6;210:11</p> <p>compete (3) 151:11;187:25;215:6</p> <p>competing (3) 180:17;189:5;219:11</p> <p>competition (24) 150:16;179:8,10,12; 180:7,13,22;184:19,22; 187:17;190:8,14; 211:3,7;212:6,8,9,10, 19;213:2,4,11;214:4; 218:14</p> <p>competitor (1) 214:7</p> <p>competitors (1) 212:13</p> <p>compiled (1) 68:1</p> <p>complain (1) 243:15</p> <p>complete (1) 294:18</p> <p>completed (2) 205:17;227:1</p> <p>completely (1) 165:22</p>
---	--	--	---	--

<p>complex (2) 269:20;278:2</p> <p>compliance (3) 13:21;244:23;263:15</p> <p>compliant (1) 233:11</p> <p>complicated (1) 253:16</p> <p>complied (1) 227:10</p> <p>comply (1) 264:2</p> <p>components (4) 23:13;81:4,10; 249:18</p> <p>compounds (1) 254:14</p> <p>compromise (2) 132:21;133:6</p> <p>compromised (1) 179:16</p> <p>conceded (1) 49:6</p> <p>concentrate (2) 112:14;167:11</p> <p>concentrated (3) 110:24;119:15;218:7</p> <p>concentrating (2) 17:21;124:12</p> <p>concern (14) 125:11;127:12,19, 21;150:17;180:19; 186:24;211:2,9; 212:19;249:1;254:22; 278:12;291:16</p> <p>concerned (15) 123:22;127:14; 135:7;151:12;187:2; 188:9,11,12,14;189:5, 14;242:17;254:17; 272:1;280:13</p> <p>concerns (16) 124:24;125:25; 127:9;146:21;151:12; 161:6;179:7;211:20, 21;212:11;232:17; 244:16;265:20;283:17, 18,20</p> <p>concession (1) 49:23</p> <p>conclude (4) 51:5;158:22;278:18, 22</p> <p>concluded (1) 295:14</p> <p>conclusion (5) 47:20;206:21;214:8; 217:16;260:23</p> <p>conclusions (7) 50:16,19;54:20; 56:12;141:22;276:15; 281:15</p> <p>conclusive (1)</p>	<p>261:5</p> <p>condition (4) 126:2;131:20,23; 284:8</p> <p>conditional (1) 233:19</p> <p>conditions (8) 56:10;143:6;188:4; 230:20;231:8;233:6, 21;284:7</p> <p>conduct (1) 13:17</p> <p>conducted (2) 5:17;52:24</p> <p>Conference (1) 257:1</p> <p>confirm (1) 290:24</p> <p>conflict (4) 135:7,9,22;255:8</p> <p>conformity (1) 63:25</p> <p>confused (2) 253:20;258:15</p> <p>confuses (1) 80:21</p> <p>confusion (2) 127:4,6</p> <p>congested (7) 116:5;128:1;134:1; 146:17;176:1,17; 282:11</p> <p>congestion (9) 119:15;127:9,11,13, 14;144:22;146:21; 176:25;177:24</p> <p>Congress (2) 256:4;285:10</p> <p>conjunction (3) 164:2;268:18;277:10</p> <p>Connecticut (6) 142:14;227:3,4,7; 237:21,24</p> <p>connection (3) 128:21;253:15; 281:18</p> <p>consensus (1) 47:22</p> <p>consequences (4) 256:15;264:3; 279:11;282:17</p> <p>conservative (13) 49:10;56:5;83:1; 84:11;102:18;104:11; 265:23,23;266:8,10; 268:7,8;273:2</p> <p>consider (27) 51:4;75:13;106:16, 24;107:15;109:18,20, 20,21,21;160:21; 161:5;163:22;171:22; 190:17;203:15,16; 207:21;208:1;209:19;</p>	<p>210:9;219:7;277:23; 281:17,18;287:15,15</p> <p>considerable (1) 36:5</p> <p>considerably (1) 96:24</p> <p>consideration (2) 50:13;246:19</p> <p>considerations (2) 24:23;97:6</p> <p>conduct (5) 14:22;204:3;210:19; 269:8;271:6</p> <p>considering (9) 96:25;97:1;198:20; 201:19;203:4;207:14; 219:22;260:2;281:8</p> <p>consistent (4) 13:23;64:20;108:1; 170:4</p> <p>consistently (2) 66:13;274:13</p> <p>consists (1) 156:17</p> <p>consolidation (1) 98:18</p> <p>constantly (1) 260:16</p> <p>constitutes (1) 153:8</p> <p>constitutionality (1) 150:14</p> <p>constitutionally (1) 263:22</p> <p>construct (1) 5:6</p> <p>constructed (3) 131:25;132:17;133:5</p> <p>construction (2) 181:24;212:3</p> <p>consumer (3) 24:19;34:17;225:5</p> <p>consumption (21) 20:7,25;21:2;22:4; 26:24;27:7,8;29:22,23; 30:1,15;35:4,18;36:10; 37:10;47:15,23;83:6; 195:9,20;198:2</p> <p>contained (2) 199:7;213:17</p> <p>contaminate (1) 231:22</p> <p>contemplating (1) 113:9</p> <p>contends (1) 272:9</p> <p>contention (4) 175:14;191:8; 272:10,23</p> <p>contested (5) 38:11;274:8,9,21; 275:1</p> <p>context (5)</p>	<p>281:2;284:6;286:3, 12,14</p> <p>continually (1) 124:7</p> <p>continue (13) 19:6;22:14;23:6,7,9; 25:10;47:10,24;50:9; 66:10;98:13;210:2; 292:22</p> <p>continued (2) 16:6;63:6</p> <p>continues (5) 20:11;21:8;55:23,23; 187:3</p> <p>continuing (2) 20:9;56:15</p> <p>continuous (1) 292:11</p> <p>continuum (2) 214:14;215:12</p> <p>contract (2) 125:17,18</p> <p>contraction (1) 45:23</p> <p>contrary (3) 35:22;36:21;214:7</p> <p>contrasted (1) 206:10</p> <p>contributed (1) 269:9</p> <p>contributes (1) 27:7</p> <p>contribution (1) 124:13</p> <p>control (2) 126:15;132:11</p> <p>controlled (1) 126:11</p> <p>controller (1) 114:2</p> <p>controls (1) 270:17</p> <p>controverted (1) 37:21</p> <p>convenience (29) 68:23,25;69:8;92:19; 97:5;186:12,18; 190:25;191:5,21; 192:4,5;193:3,16,22; 194:1,2;200:22,25; 201:17;202:15,19; 204:4;205:23,24; 206:5,17;211:5;213:23</p> <p>convenient (18) 136:17;158:20,22, 24,25;165:3;172:23; 174:20,22;175:2,11,16; 176:6;177:21;178:15; 179:18;199:2;207:10</p> <p>converging (1) 51:3</p> <p>conversely (1) 152:3</p>	<p>convince (2) 177:20;196:8</p> <p>Cooperative (3) 60:13,25;61:15</p> <p>coordinate (2) 12:6;249:15</p> <p>coordinator (1) 224:24</p> <p>cop (2) 229:16,17</p> <p>copies (2) 32:10;54:3</p> <p>copy (2) 56:21;199:13</p> <p>Cordry (560) 7:14;8:7,9;6,8,11,13; 12:17,18,23;13:1;14:6, 9,12;15:1,4,9,14,20; 16:1,10;17:6,13;18:6, 10,14,23,25;19:6,12; 20:21;21:4,15,20,23, 25;22:6,12,22,24;23:1, 11,20,23;24:4,6,10,14; 25:7;26:2,11,17,20; 27:16,19;28:6,9,11,13, 15,19;29:1,4,7,19;30:3, 13,18;31:4,11,22,25; 32:3,8,13,18,22,24; 33:2,7,9,12,15,22,25; 34:4,15;35:2,7,9,24; 36:24;37:14,19,25; 38:2,12,14,18;39:2,23; 40:2,12,15,23,25;41:3, 7,12,15,21;42:1,5,13, 18,20,23;43:7,13,19, 25;44:6,11,15,17,20, 24;45:11,15;46:12,16, 20,25;47:2,6,13,21; 48:17;49:4,7,17,19; 50:2,5,14,21,24;51:11; 52:10,22;53:7,14,16; 54:11;55:6,13;56:20, 24;57:2,5,9,18,20,24; 58:2,10,22;59:10,24; 60:2,4,17;61:2,5,8,13, 22;62:1,4,13,25;63:2,5, 10,20,22;64:6,16;65:9, 11,14;66:2,4,9,16,20; 67:2,6,20,24;68:1,11, 14,17;69:3,6,10,13,15, 25;70:2,5,9,15,17,19, 22;71:1,8,17,19,22; 72:3,10,13,15,19,22; 73:1,7,15,24;74:11; 75:4,7,19,21,25;76:2,4, 6,14,21,25;77:14,21, 24;78:3,6,20;79:15; 80:8,12,17;81:24;82:3, 6;83:2,7,9,24;84:1,3, 13,15,17,19,25;85:7, 21,23;86:4,19;87:24; 88:3;89:7,9,20,22,25; 90:2,6,24;91:7,10,14;</p>
--	--	---	--	---

<p>92:12,15,18,21;93:19, 22,25;94:3;95:4,8,17, 22,25;96:12,16,19,23; 97:9,15,18;98:23; 99:15,19,21;100:9,13, 16,22;101:6,21,25; 102:8,10,24;103:8,10, 19,22,25;104:3,7,9,15, 19,21;105:13,20; 106:23;107:3,11,16; 108:8,14,18;109:1,5, 19;110:2,8,9,11,14; 111:17,19,21,24;112:2; 113:13;114:1;140:5; 149:16,22;150:2,6,24; 151:1,6,17,23;152:9; 154:4,8,24;155:6,10, 15,19;156:1,5,10,22; 157:2,9,17;158:2,16, 24;159:14,17,21,25; 160:7;161:1,4,9;162:3, 5,7,12,16,23;163:8,12, 16;164:18,22;165:5, 16;166:2,4,10,14,23; 167:2,9,22;168:2,7,19, 22,25;169:5,11,18; 170:3,8,14,19,23; 171:9,16;172:3,5,8,13, 17,25;173:9,14,19,21; 174:2,9,17,21;175:5, 18,21;176:8,12,15; 178:4,10,17;179:2,11; 180:16,24;181:19,25; 182:3,8,11,13,16,22; 183:7,14,23;184:1,6, 10,15,21;185:5,14,20, 24;186:2,8,16;187:2, 11,19;188:11,17,23; 189:11,16,24;190:22; 191:11,20;192:6,14,18, 21,24;193:1,18,21,25; 194:7,14;195:5,11,14, 22;196:4,16;197:2,10, 24;198:3,8,14,23; 199:1,4,6,11;207:8,18; 208:3,9,21,23;209:7, 12,18,23;210:8,13,22; 211:23,25;213:19; 214:3;215:25;216:3, 15,19;217:25;218:2; 219:13,16;220:3,5,18; 221:1;238:9;250:11, 14,21;251:1,4;262:5; 273:9,17;286:19; 293:19,23;294:15,21; 295:2</p> <p>Cordry's (3) 8:17;148:16;153:15</p> <p>Core (6) 288:19;294:4,16,21, 21;295:2</p> <p>corner (6) 20:6,23;128:6;137:9;</p>	<p>168:18;194:25</p> <p>Corners (2) 71:11;154:24</p> <p>Corporate (5) 16:23;18:10,11;23:6; 216:9</p> <p>Corporation (3) 5:3;224:25;229:21</p> <p>corrected (1) 282:2</p> <p>corrections (1) 252:2</p> <p>correctly (9) 146:15;172:21; 186:23;188:8;193:17; 202:2;204:15;227:8; 273:8</p> <p>correlated (1) 45:16</p> <p>correlation (2) 47:3,8</p> <p>correspond (1) 84:6</p> <p>correspondence (2) 84:9,9</p> <p>corresponding (1) 77:17</p> <p>cost (1) 259:19</p> <p>Costco (188) 5:3,23;6:2;8:11; 11:12;39:16;48:7; 85:13;86:6,6,7;88:22, 22;89:3,18;90:10,11; 91:12;97:7;98:2,4,10; 99:4,4,8,8,13,14,15,16; 100:5,6;102:3,22; 103:5,13,18;104:13; 105:9;106:5,9,10,17; 107:12;109:24;117:20; 118:8,21;119:4,22,25; 120:5,6,17,18,20; 121:1,9;122:13,14,14, 17;123:9;124:12; 125:4,11,25;126:17; 132:7;135:13;136:18, 19,21,23;138:7,16; 142:1;143:20;147:15, 16;149:23,25;154:2; 155:14,24,25;156:8; 157:25;158:3,14; 159:1,2;164:21,22; 165:10,11,25;166:8,11, 16,23;167:8,13,18,20, 22;170:12,17;171:13; 172:22;173:1,2,5,6,11, 12,16,17,19,21;174:16, 22;175:3,16;176:20,21, 24;178:3,3,13,21; 182:18,20;183:5,8,21; 184:13,18;186:24; 187:17,20;189:23; 191:19;197:4,10,25;</p>	<p>208:1,18,18;209:1,5; 210:1,19;215:19; 216:3,5,17;217:2,8,10, 13;218:4,10,11,25; 219:1,16;220:10,13; 225:17;226:3;227:2,9, 10,15;231:23;241:8, 15;242:7,13;246:14; 249:2,2;254:17; 257:10;279:1;282:9,13</p> <p>Costco (1) 121:4</p> <p>Costco's (5) 183:15;224:21; 234:9;244:13;246:15</p> <p>costs (1) 259:20</p> <p>Council (19) 198:17;199:19,25; 200:15,19;201:15; 202:9,10;203:20; 206:23;211:8;214:17; 225:17;256:25;264:10; 278:11;280:1,2;281:4</p> <p>Council's (3) 204:1;278:23;281:12</p> <p>count (2) 90:11;161:25</p> <p>counted (2) 74:6;89:8</p> <p>counting (6) 89:7,10;105:8; 160:21;161:4;241:14</p> <p>countries (1) 252:14</p> <p>country (2) 196:9;230:2</p> <p>County (68) 14:18;59:14;68:5,18, 21;71:12,13,24;72:24; 74:2,12,19,20,23; 75:12,14,18,22;76:7,8, 10,11,17;77:6,8,9; 80:20;91:12;107:7; 110:16,23;112:12; 115:1,24;126:14,15; 167:6;168:9,13; 171:14,17,21,22; 199:10;200:15,19; 206:1,4,10,12,13,23; 213:18;215:5;226:5; 227:10;228:17,18; 249:9;257:5,6;278:11; 279:5,7;281:23;282:7; 283:11;284:1</p> <p>County's (1) 211:4</p> <p>couple (8) 7:21;28:2,20;34:24; 56:2;73:19;94:6; 102:10</p> <p>course (23) 19:16,16,23;7:24;16;</p>	<p>71:9;83:11;101:3; 109:4;114:24;163:16; 169:11;174:4;178:4; 205:21;206:25;212:11; 214:22;247:24;260:2, 24;273:1;285:14; 289:24</p> <p>courses (3) 252:12,13,13</p> <p>Court (17) 13:3,8,12,13,14,15, 19,21;14:4,16;15:6,16; 80:5;151:12;212:1,2; 214:6</p> <p>courts (2) 207:5;213:21</p> <p>cover (1) 91:8</p> <p>covered (1) 79:12</p> <p>covering (2) 22:18;249:18</p> <p>crackers (1) 194:8</p> <p>crazy (1) 237:23</p> <p>cream (2) 125:5;137:20</p> <p>create (11) 16:7;99:3;106:25; 110:23;111:12;112:2, 15;124:16,22;179:22; 231:9</p> <p>created (3) 31:14;90:14;106:2</p> <p>creates (5) 110:25;124:23; 161:12;184:23;231:4</p> <p>creating (7) 112:10,13;166:20; 211:13,14,18;231:7</p> <p>credentials (2) 223:6;224:6</p> <p>credit (1) 142:15</p> <p>credited (1) 36:19</p> <p>Creek (2) 247:17,17</p> <p>crisscross (3) 119:17;121:20;177:6</p> <p>crisscrossing (1) 119:19</p> <p>criteria (1) 210:11</p> <p>critical (3) 35:10;82:22;268:11</p> <p>critically (1) 38:5</p> <p>Cronyn (4) 168:21,22;169:3; 170:1</p> <p>Cronyn's (3)</p>	<p>172:14;173:7;179:13</p> <p>cross (15) 116:7,11,25;118:1,8; 127:24;128:2,15; 129:2;130:10;138:2, 18;143:21;144:3; 149:18</p> <p>cross- (2) 133:9;149:15</p> <p>cross-cut (1) 114:21</p> <p>crossed (1) 139:4</p> <p>Cross-examination (10) 112:18;113:10; 126:23,25;135:25; 148:16;149:21;248:12; 293:21;295:5</p> <p>cross-examine (2) 197:18;292:21</p> <p>crossing (4) 116:12;127:22; 136:7;141:11</p> <p>crosswalk (18) 116:9,11,20;117:1, 12,21;118:3,5;128:4, 22;130:1,6,8,23; 131:11,14;136:24; 139:10</p> <p>crosswalks (8) 116:22,24;127:24; 128:11;131:12;141:8, 11,20</p> <p>crossway (1) 127:13</p> <p>crowded (3) 134:6;147:18;176:4</p> <p>crux (1) 97:25</p> <p>culture (2) 44:22;47:17</p> <p>cup (1) 187:12</p> <p>curious (1) 133:22</p> <p>current (10) 20:16;25:19;31:17; 38:16;53:20;56:10; 57:13;65:16;112:7; 160:16</p> <p>currently (8) 48:6;66:10;112:15; 122:25;164:25;168:4; 208:19;209:16</p> <p>curtail (3) 179:10;180:22,23</p> <p>curve (2) 26:17;247:25</p> <p>customers (11) 82:4;104:12,16,22; 107:14;109:7,25; 192:4;193:16;217:6; 219:4</p>
---	--	--	---	---

<p>customers' (3) 86:7;88:22;103:13</p> <p>cut (2) 38:9;59:5</p> <p>cutting (1) 288:1</p>	<p>118:10,13,13,16,16; 143:7,7,8,13</p> <p>deal (13) 17:17;34:17;41:12; 54:13;90:20;158:7; 228:6;239:9;241:24; 246:2;254:17;257:2; 268:14</p> <p>dealing (8) 54:12,13;66:23; 120:17;252:1,20,24; 259:2</p> <p>dealt (3) 245:22;246:1;285:3</p> <p>debatable (3) 13:24;79:11;191:14</p> <p>debate (1) 280:5</p> <p>debates (1) 280:20</p> <p>decades (1) 62:20</p> <p>December (6) 8:13,14;11:11,14; 12:3;14:18</p> <p>decent (1) 278:4</p> <p>decide (2) 13:25;272:11</p> <p>decided (3) 39:9;79:13;199:9</p> <p>decision (24) 5:21;13:4,6,9,11,18, 18,20;14:9,13,24; 15:17;203:2;212:1,2; 217:9;263:15,16,17; 269:1;281:22;282:4,4, 5</p> <p>decisions (3) 14:21;213:21;281:5</p> <p>decline (16) 16:18;20:9,11;21:8, 20;26:1;27:7;36:10; 40:8;47:15;48:10,14; 55:24;56:8,16,19</p> <p>declined (5) 25:15;43:8,9,10; 55:21</p> <p>declines (4) 20:7,25;21:2;26:2</p> <p>declining (6) 20:10;48:1;52:16,17, 18;55:24</p> <p>Decommissioned (1) 276:5</p> <p>decrease (3) 36:4;39:11;43:11</p> <p>decreased (2) 53:21;55:1</p> <p>decreases (1) 198:2</p> <p>decreasing (2) 35:18;62:20</p>	<p>deemed (1) 7:25</p> <p>deeper (1) 275:17</p> <p>deeply (1) 122:3</p> <p>defend (1) 218:12</p> <p>defended (1) 241:16</p> <p>define (3) 215:23;276:9;285:16</p> <p>defined (10) 66:5;77:19,20;78:15, 17;108:11;173:20; 215:24;216:1;285:18</p> <p>defines (3) 86:4;216:3;220:13</p> <p>defining (1) 77:25</p> <p>definitely (1) 194:23</p> <p>definition (14) 24:1;78:4,8,13; 79:22;106:19;150:4; 154:6;155:3;222:14; 224:21,22;250:1,5</p> <p>definitional (1) 219:21</p> <p>definitions (4) 109:17;153:7; 192:10;219:11</p> <p>degree (5) 25:2;36:4;176:25; 212:6;242:19</p> <p>deleted (1) 204:3</p> <p>deleting (1) 200:24</p> <p>deliberate (1) 203:1</p> <p>deliberately (1) 112:10</p> <p>delivery (6) 122:10,11,16,23; 124:12;135:21</p> <p>demand (28) 12:20;16:7,13;25:24; 31:14;34:17;36:22; 38:3,3;39:11;81:12,13; 82:8;83:13,19,22; 87:20;88:4,15;89:17, 18;98:12;108:16,25; 169:8,14;181:8;218:6</p> <p>demands (1) 171:5</p> <p>demographic (3) 37:3,11;62:18</p> <p>demographics (2) 44:22;47:16</p> <p>demography (1) 24:19</p> <p>demonstrate (2)</p>	<p>149:25;191:12</p> <p>denial (2) 14:1;164:1</p> <p>dense (4) 120:11;226:12; 230:8;236:18</p> <p>densely (2) 226:4;246:20</p> <p>denser (1) 226:13</p> <p>deny (3) 184:20;212:3;217:10</p> <p>denying (4) 8:2;9:21;180:14; 181:1</p> <p>Department (2) 51:13;64:22</p> <p>depend (1) 173:3</p> <p>dependent (1) 37:1</p> <p>depending (9) 71:10;75:9;103:16; 104:5;158:6,16;174:9; 235:15;269:14</p> <p>depends (7) 94:11;113:6;121:14; 197:12;215:23;245:24; 286:12</p> <p>deposit (1) 194:6</p> <p>depositions (1) 11:8</p> <p>derived (1) 101:1</p> <p>derives (1) 87:18</p> <p>deriving (1) 44:11</p> <p>describe (2) 15:19;50:6</p> <p>described (1) 143:6</p> <p>describes (2) 57:16;60:10</p> <p>describing (1) 57:11</p> <p>description (2) 14:3;258:16</p> <p>design (2) 167:4;182:2</p> <p>designated (1) 124:19</p> <p>designed (1) 214:10</p> <p>desire (1) 212:8</p> <p>despite (3) 27:9;62:22;290:8</p> <p>destroyed (1) 147:10</p> <p>destructive (1) 212:19</p>	<p>detach (1) 70:4</p> <p>detail (5) 22:13;23:3;92:13; 240:1;277:1</p> <p>detailed (1) 221:2</p> <p>details (2) 24:7;186:17</p> <p>deterioration (5) 285:3,12,16,22; 287:7</p> <p>determination (5) 37:23;105:23; 107:19;154:20;272:13</p> <p>determine (6) 56:9;82:16;83:13; 169:12;233:17;283:6</p> <p>determined (1) 134:13</p> <p>determines (1) 37:23</p> <p>determining (3) 67:11;169:21;172:7</p> <p>detrerring (1) 150:16</p> <p>detracts (1) 162:18</p> <p>detriment (1) 255:14</p> <p>detriments (1) 162:1</p> <p>develop (3) 259:4;276:16;284:2</p> <p>developer's (1) 226:5</p> <p>developing (1) 252:14</p> <p>development (12) 57:12,15;59:2,19; 60:7,12,18,23;114:3; 222:8;282:6;285:13</p> <p>developments (3) 58:5,10,15</p> <p>Diane (2) 247:12,19</p> <p>Dick's (1) 147:16</p> <p>diesel (4) 20:8;21:2;27:1; 143:2</p> <p>difference (8) 18:19;40:18;64:11; 73:25;92:23;157:20; 160:1;168:10</p> <p>differences (1) 230:13</p> <p>different (50) 16:13;17:14,14,16; 31:19;37:1;54:23;73:8, 20;80:20;83:19;91:11; 97:23;100:19;108:3; 112:4;144:16;153:7;</p>
--	--	--	--	--

<p>158:13;159:7;160:3; 161:7;164:11;166:5; 169:8;171:2;174:25; 180:1;195:8,17,18; 196:7;200:12;206:1,1; 225:20;226:3;240:16, 16;243:2,14;248:24; 249:17,18,23;250:5; 251:2;263:20;273:11; 275:5 differential (1) 171:19 differentiating (1) 146:10 differently (2) 164:24;168:23 difficult (16) 115:6;116:5;119:2,8; 128:4;130:9;134:7; 138:18;147:14,18; 162:7,14;226:17; 254:4;256:15;290:1 difficulties (1) 118:9 difficulty (5) 118:18;132:7; 147:12;176:2;240:11 diffuse (1) 35:16 diffusion (1) 110:24 diminishing (1) 187:4 dioxide (1) 253:5 dire (1) 224:6 DIRECT (7) 15:25;30:1;77:17,21; 78:24;272:21;279:12 directed (1) 275:24 direction (5) 16:13;45:22;55:9; 117:3,5 directions (1) 144:4 directly (5) 24:17;148:5;235:13; 243:16;269:3 disability (1) 144:13 disagree (4) 30:22;151:5;213:13; 232:4 disappointed (1) 271:11 disaster (11) 221:20;223:19; 234:20;236:18;239:23; 241:6;243:2,11,20; 244:6,12 disasters (3)</p>	<p>225:3;226:16;243:13 discount (3) 182:18,23;183:10 discounted (1) 170:13 discreet (1) 240:16 discuss (12) 7:20;16:10;17:24; 18:6,15,18;22:12; 23:11;38:20;72:8; 79:16;239:25 discussed (2) 19:13;80:3 discusses (6) 23:2;27:3;55:2,15; 79:24;85:17 discussing (6) 17:21;43:20,21; 48:19;66:24;236:14 discussion (23) 13:2;16:4;24:15; 25:4;31:24;32:12; 34:16;50:7,10;52:15; 53:2;60:5;61:25;66:20; 85:16;111:4;148:9; 150:13;197:1;251:15; 263:24;280:6;293:16 discussions (2) 50:17;51:5 dishonest (1) 264:12 dispersion (1) 272:18 displaced (1) 150:19 disposition (4) 7:24,25;8:4;9:21 disputatious (1) 258:22 dispute (8) 97:22;155:17,23; 158:14;166:15;178:2, 4;193:20 disputing (1) 89:21 disqualifies (1) 214:7 disregarding (1) 13:16 disrespect (1) 275:7 disruptive (3) 257:11;259:14,15 distance (4) 53:17;143:24; 170:13;171:12 distinction (2) 167:7;168:15 distinctly (1) 47:25 distinguish (4) 78:10;168:8;211:5;</p>	<p>213:15 distinguished (1) 220:7 distinguishing (1) 169:1 distracted (1) 257:13 distributed (1) 25:25 District (6) 91:22;171:18; 198:17;201:15;212:1; 214:6 disturbing (2) 269:19;282:18 divide (4) 74:22;75:2;87:16; 101:6 divided (6) 74:24;76:7,8;81:25; 86:15;257:20 divides (1) 100:10 dividing (1) 87:21 docks (5) 122:23;136:4;177:6, 7;272:20 doctors (3) 253:4;282:21,22 document (13) 19:12;23:24;24:10; 38:16;42:8;68:19;69:4; 169:17;192:9,13,22; 193:13;244:22 documentation (2) 36:13;219:17 documents (6) 8:6,8;36:15;54:19; 62:5;275:22 dollars (1) 81:23 done (33) 16:22;25:7;27:12; 30:18;68:2;69:18;70:5; 77:14;83:16,19;94:17; 102:10;134:11;153:17, 19;168:23,24;189:9; 202:25;211:20;232:19, 19;238:4;243:7;244:4; 246:23;256:11;271:23; 283:25;284:1,5; 285:17;287:1 Donna (1) 6:19 dot (3) 45:22,22,22 dots (1) 46:6 dotted (1) 55:18 double (4) 89:7,8;160:21;161:4</p>	<p>double-edged (2) 217:24;278:15 doubt (3) 155:22;184:3;238:19 Doug (6) 43:24,25;44:5,9,13; 45:4 down (44) 17:6;19:23;24:25; 28:6,16;29:2,11,23; 30:10,22;35:12,12; 36:6;38:6;42:24;47:10, 23,24;49:21,22;56:14; 69:6;91:21;92:18; 98:13,13,24;105:2; 128:5;130:15;147:24; 152:24;154:25;157:20; 171:11;173:10;193:15; 222:5;228:23;237:14; 248:15;256:19;270:19; 276:15 downtown (3) 226:19,19,20 downturn (1) 53:21 dozen (3) 16:18;125:1;136:20 Dr (19) 6:8,9,10;8:3,14;10:2, 17;11:8;258:13; 261:10,10;268:5; 272:13;276:19;282:25; 286:15;291:8,11;295:4 Draft (4) 62:2,2,7;64:7 drafting (1) 200:3 dramatic (4) 16:11;17:1;43:14; 264:25 dramatically (1) 37:10 draw (10) 42:24;105:23;107:7; 152:5;160:19;166:19; 167:16;171:17;176:18; 217:6 drawing (7) 44:17;91:23;166:17; 167:10;168:11;170:16; 174:11 drawn (5) 48:3,3;84:10;168:2; 188:1 draws (2) 91:12;168:12 drive (26) 29:22;74:16;76:2; 78:2;79:25;80:1;99:2; 108:12;115:5;118:24; 119:7;120:22;128:22; 140:19;154:15;175:12; 176:18;210:15;217:5;</p>	<p>219:5,19,24;228:23; 229:5;236:23;250:5 driven (8) 43:20;44:19;53:18; 226:23;234:25;236:9, 12,23 driver (2) 53:18;236:24 drivers (6) 114:15;115:3;116:5, 8;119:2;236:25 drives (2) 29:23;236:25 driving (21) 24:20;43:14;49:1; 50:8;51:6;54:22;55:14; 56:1,8;67:1;69:16; 114:19;120:20;121:19; 133:25;171:25;172:9, 24;173:12;180:25; 208:25 drop (8) 26:6,8;29:15;30:14; 43:14;44:7;45:20; 187:3 drop-off (1) 45:17 drop-off/pick-up (1) 124:18 dropped (2) 40:6;42:10 dropping (4) 41:23;48:20;49:11; 51:15 drops (4) 26:24;56:1;67:9; 187:3 drunk (2) 248:9,11 dry (1) 255:17 Duckett (4) 6:12,12;197:21; 249:24 due (3) 43:22;119:9;139:6 Dunckel (2) 115:24,25 duplication (1) 249:8 Duplicative (1) 249:20 during (16) 25:14;114:23; 135:16,21;136:4; 140:18;175:8;177:15; 186:9;226:23;237:11, 11;242:14;280:5; 292:24,24 duty (15) 20:1,7,24;21:1,12,16, 18;22:15,21;25:3,22; 27:23,25;28:11;54:7</p>
---	---	---	--	---

dyslexic (1) 117:4	184:23;185:16;211:1, 14;213:12;214:8; 218:7;273:16	147:22;151:10;165:17; 210:21;221:11;241:24; 247:10;255:21;257:25; 287:15;288:17;295:11	16:17;18:16;19:3,9; 24:2,3;27:21,22,25; 28:6,9,10;36:11;39:13; 40:22;41:19;44:12; 56:4;67:8	283:17 environment (1) 252:23 Environmental (13) 32:6,9;33:24;34:5; 57:22;124:16;251:25; 252:2,14,16,22;253:23; 254:3 environmentalist (1) 114:2 environmentally (1) 211:14 environs (2) 108:11;109:21 envisioned (1) 169:15 EPA (31) 57:10,25;58:4;124:5, 11;253:10,10;257:21; 258:5,20;259:1,1,25; 260:4,23,24;263:8; 264:24;266:6;267:2,3; 269:10,14;272:16,24; 273:10,14,18;279:13; 285:17;287:14 EPA's (1) 266:13 equally (1) 195:20 Eric (2) 5:23;236:7 error (1) 290:7 escapes (1) 115:1 especially (3) 67:12;125:6;230:8 essence (1) 163:19 essential (3) 22:2;58:9;66:14 essentially (5) 32:17;50:19;218:1; 243:12;289:19 establish (5) 158:1,9;159:5,13,15 established (4) 35:21,22;124:15; 184:18 establishment (2) 212:4;214:12 estimate (6) 83:22,23;90:23; 93:17;94:7;148:23 estimates (6) 22:17;36:9;64:22; 83:1;84:11;94:20 estimating (2) 83:6;104:12 estimation (1) 277:4 et (3) 230:4,4;245:3
E	effective (4) 8:1;16:25;30:24; 60:21 effectively (1) 280:9 effectiveness (1) 60:10 effects (18) 25:8;60:17;61:16,20; 64:11,18;66:23;124:8, 14;152:3;163:23,25; 164:1,16;230:13,22; 231:13;260:9 effectuate (1) 214:9 efficiency (7) 20:14;21:7;27:4,21; 34:10;39:15;47:14 efficient (6) 20:6,24;21:1;34:19; 38:21;182:6 eggs (1) 136:20 eight (1) 184:10 eight-and-a-half (1) 195:15 either (24) 29:10;69:18;71:10; 75:8;79:19;103:17; 104:4,16,20;123:12; 129:10;136:22;146:14; 158:10;177:19;178:14, 22;204:18;218:4; 233:2;244:20;272:3,4; 273:23 Eleana (3) 9:4;288:21,23 Eleanor (1) 6:12 electric (1) 253:3 elects (1) 244:7 elevated (1) 116:15 eliminate (5) 163:1;179:10,11; 180:13;202:3 eliminates (4) 39:22;201:5,13; 203:20 elimination (1) 203:14 Elkridge (1) 85:12 else (21) 6:14;12:15;35:4; 99:11;102:19;114:18; 123:9;124:17;130:7;	else's (1) 124:10 elsewhere (7) 11:11;88:24;156:13; 178:15,19;214:21; 282:7 e-mail (4) 7:22;8:5,7;127:3 e-mails (1) 291:6 embrace (1) 34:6 emergencies (5) 225:3;226:16; 228:15;243:13;246:9 emergency (27) 221:20;228:17; 229:3;232:10,25; 233:22;234:20;235:19; 236:14;239:12,13,17; 240:1,11,19;241:5,7; 243:20;244:5,19; 245:3;246:2,4;247:1; 250:8 emerging (1) 47:22 emissions (12) 17:18;19:25;63:11, 14;64:15;65:23;122:2, 7,7;124:16;135:22; 197:6 emphasis (1) 161:25 emphasized (1) 98:12 empirical (2) 103:5;156:23 empirically (2) 82:10;85:4 employed (2) 52:18,19 employees (1) 81:5 empty (2) 99:10;226:6 enclosed (1) 147:9 encourage (4) 59:15,17;60:23; 61:23 end (7) 13:21;45:21;67:1; 88:3;188:4;243:13; 279:2 ended (2) 53:3;219:2 endlessly (1) 241:16 energy (19)	enforce (1) 66:11 enforced (1) 66:13 Enforcement (2) 66:13;253:9 engage (2) 48:9,12 engaging (1) 122:3 engineer (4) 122:20;225:11; 237:5;250:16 Engineers (1) 58:14 engines (1) 17:5 engulfed (2) 231:25;242:5 enjoyable (4) 183:25;184:2,4,7 enough (15) 24:8;59:4;73:25; 112:14;159:21;213:6, 7;218:19;234:6; 241:13;259:14;262:18, 25;263:1;270:12 enter (5) 116:23;121:22; 122:22;139:13,14 entered (3) 114:15,16;169:17 entering (5) 117:6;118:20; 128:10;137:15;217:10 enterprise (1) 159:12 entire (9) 7:8;54:19;83:12; 91:23;93:13;102:5; 107:7;171:17;228:4 entirely (2) 143:11;203:19 entitled (2) 248:25;249:5 entity (1) 216:9 entrance (6) 116:10;117:19; 138:22;139:9;143:24; 144:4 entrepreneur (1) 254:20 entrepreneurial (1) 255:25 entrepreneurs (1) 254:5 enuniated (1)	

<p>ETA (1) 278:18</p> <p>ethanol (1) 27:6</p> <p>evaluate (2) 81:3;236:18</p> <p>evaluated (2) 134:12;205:22</p> <p>evaluates (1) 39:17</p> <p>evaluation (4) 10:5;51:10;163:21; 234:13</p> <p>even (75) 16:21;26:3,4,8; 29:14;30:9;36:6;37:16; 47:10;48:11;49:13; 50:12;52:18;56:4;63:5; 67:7;74:17;91:4;92:25; 98:17;99:7;105:6,8; 108:22,23;111:5; 114:21;119:4,14; 128:11;134:6;143:20; 145:8;146:16;147:8; 151:24;158:4;165:21; 173:2;176:18;186:6; 195:5;196:4,11,20; 198:1;205:9;207:24; 213:2,3;225:22,24; 227:22;228:23;229:8; 237:25;239:5;242:6; 246:7,7,14;250:2; 256:16;265:5;272:16, 20,24;273:23,25; 278:20;279:8;282:13; 291:19;293:10,15</p> <p>evening (1) 291:21</p> <p>event (3) 97:16;149:15;235:24</p> <p>eventually (1) 13:20</p> <p>everybody (12) 64:12;88:18;93:9; 106:2;180:3,3;196:8; 209:10,13;272:1; 292:12;294:19</p> <p>everyday (2) 226:22;238:11</p> <p>everyone (6) 64:8;99:3;109:24; 171:25;180:4;186:11</p> <p>everything's (1) 144:7</p> <p>evidence (37) 5:19;13:25;36:5,21; 40:9;41:23;51:20; 52:16;79:25;95:18,25; 96:2,5;155:13,14; 156:23;178:18;196:23, 24;197:25;198:18; 201:16;202:24;203:22; 208:16;215:18;217:15;</p>	<p>232:7,9;233:22; 235:25;243:19;245:2; 262:7;277:20;292:20; 293:25</p> <p>evidently (1) 255:13</p> <p>exacerbate (3) 48:4;59:8;118:18</p> <p>exacerbates (1) 144:14</p> <p>exact (3) 159:3;163:19;248:22</p> <p>exactly (16) 23:3;28:15;46:3; 58:24;97:14,19;152:1, 10;168:25;181:15; 204:23;217:18;218:12; 236:2;260:21;292:7</p> <p>EXAMINATION (5) 15:25;133:10; 149:16;197:23;224:6</p> <p>Examiner (8) 5:19;7:25;132:11; 184:17;198:17;201:15; 205:8;260:22</p> <p>example (15) 101:18;125:20; 136:8;146:23;211:12; 228:15,20;229:3; 259:16;265:1;272:19; 275:3,3;279:7;283:15</p> <p>examples (2) 227:17;253:18</p> <p>exceed (2) 82:22;84:23</p> <p>except (3) 165:25;252:20; 267:22</p> <p>exception (38) 5:5;14:2;15:10;16:4; 126:3;132:10,16; 146:4;148:6;149:24; 151:15;159:11;161:11, 15;163:22;165:4; 166:1;174:23;175:1,7; 180:20;181:1,3;201:8; 205:6,12;210:11; 228:9;230:21;231:7; 233:5,7,13;235:22; 244:7;269:2;276:24; 284:7</p> <p>exceptional (1) 229:19</p> <p>exceptions (5) 163:18;180:15; 181:20;198:16;201:8</p> <p>excerpt (1) 193:3</p> <p>excerpts (11) 23:21;24:2;60:9; 61:16;62:4,7;63:23; 72:2;85:14;169:19; 200:4</p>	<p>exchange (2) 292:14,15</p> <p>exchanges (1) 7:23</p> <p>excluded (1) 235:24</p> <p>exclusively (2) 86:6;88:22</p> <p>Excuse (4) 38:19;102:9;228:8; 230:11</p> <p>executive (3) 54:18;255:4;279:7</p> <p>exercise (1) 213:25</p> <p>Exhibit (98) 7:23;8:1,5,7,9,14; 9:22,22,23;10:4,6; 12:18;13:4;14:21; 15:11,14,16,23;16:15, 16;17:23;18:21,25; 19:4,9,10;23:21;24:1; 27:16;30:18;33:19; 34:7,12;36:11;39:13, 19,20;42:15,16;43:3; 44:9;45:2,6;46:4;51:9, 25;52:8,11;53:4;54:8; 55:10;57:7,9,17,19; 58:6,9;60:8;61:18; 62:6,9;63:8,10;64:1,2, 12;66:18;67:3,23; 68:15;69:23;70:12; 71:3,5,22,25;72:11,18; 73:18;74:1;81:12; 85:14,16;86:10,11; 89:11;99:23,25; 169:17,20;192:11,12, 23,25;199:14;200:9, 23;201:23</p> <p>exhibits (9) 10:3,16;16:14;19:7; 31:16,18;49:24;57:6; 289:11</p> <p>exist (8) 96:5;106:25;110:25; 111:1,8;112:11,12,15</p> <p>existence (1) 124:14</p> <p>existing (17) 35:15,17;48:3;55:17; 67:14;94:4;109:6,18; 122:25;131:4;182:18; 196:12;260:11,14; 261:8,11,12</p> <p>exists (9) 106:17;107:12,13; 198:19;200:7;201:1, 17;207:12;211:17</p> <p>exit (1) 227:7</p> <p>exiting (1) 128:10</p> <p>expand (1)</p>	<p>279:9</p> <p>expanded (1) 164:10</p> <p>expect (13) 29:11;101:14;102:5; 166:10;169:11;186:17; 188:3;197:25;241:17; 277:6;281:21;284:15; 288:19</p> <p>expected (3) 21:13;101:9;246:11</p> <p>expedient (10) 158:20;172:22; 173:11,11;174:1,2,6, 15;175:11;198:24</p> <p>expediently (1) 207:9</p> <p>expended (1) 120:14</p> <p>experience (20) 102:25;133:23; 140:8;141:10;142:5, 21;144:10,15;146:21; 183:25;225:15;252:5, 7,17;253:1;256:18; 278:3,5;280:20;284:19</p> <p>expert (22) 95:19;115:10; 222:10;223:1,13,16,19, 22;224:2,12;225:4,4, 14;230:24;239:25; 260:17;261:17;273:11, 20;278:9;280:18,19</p> <p>expertise (2) 222:7;269:4</p> <p>experts (4) 261:17;268:13; 278:4,7</p> <p>explain (5) 90:5;143:14;211:23; 290:3,6</p> <p>explained (1) 204:17</p> <p>explodes (1) 220:20</p> <p>explosions (1) 231:20</p> <p>explosive (1) 242:6</p> <p>expressed (1) 278:12</p> <p>expression (1) 176:4</p> <p>extensive (4) 221:2;223:11; 224:15;245:2</p> <p>extensively (1) 207:9</p> <p>extent (8) 170:9;191:20;200:5; 209:3;210:18;233:9; 260:1;292:3</p> <p>extinguisher (3)</p>	<p>231:19;241:12,19</p> <p>extinguishers (2) 246:1;247:23</p> <p>extra (2) 14:19;230:7</p> <p>extraordinarily (1) 167:13</p> <p>extreme (2) 40:21;228:2</p> <p>extremely (1) 259:24</p> <p>eyeball (1) 59:12</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fabric (1) 237:9</p> <p>face (4) 182:22;219:20; 290:10,12</p> <p>facilities (7) 10:14;109:24;194:9; 218:4;225:2;256:7; 267:15</p> <p>facility (7) 138:22;143:25; 215:5;216:10;230:6; 276:5,6</p> <p>fact (81) 11:13;16:11;30:21; 31:12;34:16,16;36:5; 37:2;38:3;39:16;48:2, 20,21;49:10;55:20,20; 57:12;58:17;59:1,2; 60:20;64:24;93:4,9; 95:18;96:1,24;97:7; 98:12;100:4;101:9; 102:21;103:2;106:7; 107:24,24;121:6; 122:21;123:15;124:24; 127:19;131:14;132:6; 152:17,18;156:14; 159:7;163:20;164:7, 22;166:24;179:21,25; 180:16,25;181:2,4,21; 182:8;184:22;187:5, 25;196:5;199:23; 205:7;211:18;212:2, 16;214:6;218:6;219:4; 222:13;223:16;251:7; 261:3;264:22;267:2; 279:23;281:17;287:11; 292:19</p> <p>factor (11) 37:24;38:4;67:11; 97:4;180:19;181:1,12; 190:16;206:6;214:15, 20</p> <p>factored (2) 170:6;172:7</p> <p>factories (3) 266:7,16;267:15</p>
--	--	--	---	--

<p>factors (6) 24:19;37:1;47:23; 160:14;161:18;180:14</p> <p>factual (7) 153:14;170:21,22; 171:7;215:1;281:11; 283:21</p> <p>faculty (1) 225:16</p> <p>fails (1) 264:1</p> <p>fair (4) 40:16;115:12; 240:25;292:14</p> <p>fairly (8) 13:24;15:19;17:1; 18:18;23:2;38:15; 170:17;177:18</p> <p>fairness (6) 48:8;172:20;240:14, 21;292:18,22</p> <p>fall (4) 16:25;19:20;162:17; 259:25</p> <p>falling (1) 225:8</p> <p>falls (1) 27:8</p> <p>familiar (3) 198:9;226:23;227:13</p> <p>far (23) 69:15;78:25;91:21; 92:6;93:7;96:8;105:14; 138:6,8;167:10,17; 171:22,23;219:19; 232:10;239:5;243:3; 255:23;271:19,25; 282:14;290:22;292:22</p> <p>fare-thee-well (1) 35:23</p> <p>Farms (1) 191:6</p> <p>farthest (2) 29:16,16</p> <p>fashion (2) 119:17;167:4</p> <p>fast (8) 38:15;113:6,7;144:7, 14;284:16,20;292:5</p> <p>faster (2) 12:12;26:14</p> <p>fault (1) 220:21</p> <p>faulting (1) 293:5</p> <p>favor (2) 184:9,13</p> <p>feature (3) 161:16;220:11; 256:24</p> <p>February (3) 32:14;33:4,11</p> <p>federal (22)</p>	<p>36:11;39:12;41:20; 42:7;43:1;49:2,8; 52:25;60:14;61:3; 233:8;257:2,17,19; 261:25;262:8,10; 263:21;264:5,6; 268:13;275:21</p> <p>FedEx (1) 137:12</p> <p>feel (3) 194:7;221:23;289:22</p> <p>feet (6) 79:2,3;177:8;230:9; 242:7;279:2</p> <p>felt (6) 80:5;144:8,9;195:20; 210:2;218:8</p> <p>few (10) 18:17;35:2;59:25; 79:2;98:5;165:20; 167:23;191:20;261:15; 282:14</p> <p>fewer (2) 54:22;197:6</p> <p>field (3) 254:3;261:16,18</p> <p>fighting (1) 226:10</p> <p>figure (46) 18:19;21:10,20,22; 25:9,9,12,21;26:23; 27:3;65:20;66:5,6; 72:4;74:8,12;75:1; 83:13,14;87:7,16; 89:18,25;91:16,17; 92:4,8,14;94:2;95:3, 15;96:15,20,20;97:9; 100:14,16;101:13,23; 103:18;105:1;157:13, 21;171:21;178:18; 205:16</p> <p>figures (14) 30:1;71:20;72:7,8; 73:20;74:16;82:8;83:5; 89:21;90:20;93:2;94:9; 105:7;181:5</p> <p>file (3) 233:10,10;293:3</p> <p>filed (13) 10:17,17,18;11:1; 14:18;100:23;199:17, 18;204:20;232:25; 292:5;293:6;294:12</p> <p>files (1) 199:14</p> <p>filing (2) 205:21;292:2</p> <p>filings (4) 7:22;10:4;157:1; 181:16</p> <p>fill (3) 16:8;156:13;212:21</p> <p>filling (5)</p>	<p>5:7;150:1;179:15; 198:22;213:23</p> <p>filters (1) 255:9</p> <p>final (5) 19:24;64:10;95:16; 125:11;229:22</p> <p>finally (2) 20:13;200:24</p> <p>find (29) 10:3;48:22;66:4; 68:22;116:19;123:7; 134:7;144:23,25; 147:14;152:20;163:19; 175:10;178:14;181:15, 20;184:4,21;200:17; 202:8,24;204:24; 224:24;232:25;265:24; 266:8,10;272:10;278:7</p> <p>finders (1) 292:19</p> <p>finding (2) 13:23;204:4</p> <p>findings (5) 198:14;201:6,10,11; 282:5</p> <p>finds (4) 60:11;184:7;198:17; 201:15</p> <p>fine (13) 57:6;70:11;81:19; 109:19;113:12;129:21; 133:22;148:22;196:19; 234:24;238:6;263:7; 292:9</p> <p>finish (8) 7:14;8:17;17:23; 99:21;132:22;135:11; 136:14;172:18</p> <p>finished (1) 280:10</p> <p>fire (37) 10:10,12;225:9,11, 12;228:13,22,25;229:1, 4,6,7,17;231:15,17,19; 232:1;236:15;237:4,8, 11,13;238:9;241:4,5, 12,12,13,18,18,24; 242:4;246:1,3,7; 247:22,22</p> <p>fires (4) 231:17;241:11; 245:3,25</p> <p>first (42) 10:5;20:20;22:16; 28:14;32:13,18;33:3, 10;51:12;52:14;54:15, 21;55:8;57:21;69:24; 85:17;86:21,23;87:3,5; 89:16;120:7;134:19; 169:20;194:14,24; 221:21;232:20,24; 234:19;235:23;251:16;</p>	<p>252:19,25;253:9,9; 255:17;258:8;263:19; 268:10;282:1;293:13</p> <p>firsthand (1) 209:20</p> <p>Fitness (2) 128:6,8</p> <p>five (15) 33:5;38:20;39:5; 53:21;74:16;112:19; 221:4;239:6;242:9; 246:16;256:20;259:12, 14,23,23</p> <p>five-and-a-half (2) 178:25;179:4</p> <p>fix (4) 111:10,15;112:1,17</p> <p>fixed (1) 227:5</p> <p>flags (1) 278:9</p> <p>flames (2) 231:25;242:5</p> <p>fleet (1) 18:11</p> <p>fleet-wide (2) 22:17,20</p> <p>flexibility (1) 158:7</p> <p>flexible (1) 154:19</p> <p>Flint (1) 147:10</p> <p>flood (1) 230:3</p> <p>flooded (1) 230:4</p> <p>floor (1) 5:16</p> <p>flow (1) 247:16</p> <p>flustered (1) 221:23</p> <p>Flynn (16) 19:13;22:6;30:20; 36:14,16;42:1;69:17; 82:24;86:16;92:24; 94:18;102:14;103:18; 104:10;168:17,24</p> <p>Flynn's (10) 16:3,15;22:3;67:16; 71:9;155:16;183:16; 185:6;208:11;219:18</p> <p>focus (4) 13:13;188:14,15; 254:19</p> <p>focused (2) 253:2,14</p> <p>folks (10) 156:7;165:14;167:7, 20;170:2;171:12; 172:23;176:5;184:8; 219:20</p>	<p>follow (4) 233:6;248:20; 272:24;273:20</p> <p>followed (1) 233:9</p> <p>following (8) 7:22;19:1;21:10; 198:15;201:7,9,14; 295:6</p> <p>foot (4) 278:16,17;279:4,8</p> <p>footnote (2) 73:19;74:14</p> <p>forbid (1) 124:17</p> <p>force (1) 158:8</p> <p>forcing (1) 95:9</p> <p>forecasting (1) 195:9</p> <p>foregone (1) 217:16</p> <p>forest (2) 234:21;247:13</p> <p>foretelling (1) 36:19</p> <p>forever (1) 227:6</p> <p>forget (4) 7:17;206:11;221:22; 279:25</p> <p>forgot (2) 72:5;284:15</p> <p>form (3) 166:7;169:5;170:6</p> <p>former (1) 206:4</p> <p>forth (32) 20:2,8;23:3;24:22; 35:17;39:18;41:8,9,24; 44:12;56:3;77:22; 78:25;79:3,20;80:9; 98:19;102:4;112:5; 170:16;171:3,18; 177:11,16;182:4; 187:24;189:1;210:15; 218:5;259:7;263:14,25</p> <p>forward (4) 12:20;260:4;293:14; 294:12</p> <p>fought (1) 267:3</p> <p>found (8) 64:12;179:14;184:1, 18;233:2;258:15; 272:7;287:2</p> <p>foundation (1) 281:7</p> <p>four (12) 7:9,10;33:4;53:19; 71:11;82:12;154:24; 229:5,12;235:20;</p>
---	---	---	--	---

<p>238:12;256:20 fourth (3) 60:7;86:11;193:14 four-year-old (1) 122:5 framework (1) 153:10 frankly (1) 277:24 free (4) 195:1,3;221:23; 270:8 Freestate (1) 181:21 frequent (4) 114:24;123:19; 137:12;266:3 Friday (2) 8:13;248:7 frighteningly (1) 198:9 frightful (1) 116:5 front (1) 203:22 Fuel (29) 16:24;18:10;20:3,8, 14;21:3;24:16,22;25:8, 15;26:14;31:22,25; 32:25;33:18;34:6,10, 19,21;35:4,4;36:9,22; 47:14;124:12;192:4; 193:16;255:1;282:6 fulfill (1) 284:9 fulfilling (1) 107:4 full (4) 113:17;169:20; 198:7;221:9 fully (1) 242:5 fun ds (1) 257:2 further (12) 69:7;88:13;90:5; 130:15;133:9;145:10; 147:20;197:15;202:22; 203:2;216:13;290:19 future (17) 16:5;22:4;35:5; 36:19,22;39:14;46:18; 47:24;48:10;50:9; 52:23;59:18;160:18; 226:17,18;282:6;292:4</p>	<p>45:14;46:9,10,12,18; 85:11;96:7;98:5; 100:14;142:15;183:2 gallons (52) 81:15,16,18,22,25, 25;83:16;87:6,7,10,14, 15;88:5,5,9;89:14; 91:20;92:5;93:1,7,8, 13;94:21;95:4;96:7; 99:25;100:2,11; 101:16,17,18,21,22,22; 103:17;104:3;105:2,5; 156:20,25;157:12,24; 158:5,15,22;179:1,4; 195:16,16;198:1; 208:15;276:9 game (1) 271:22 gang (2) 229:14;248:4 Gang's (2) 109:10,15 gap (5) 181:8;190:24,24; 192:2,2 garage (1) 138:4 gas (288) 17:5;19:25;21:14; 27:1;31:15,17;35:18; 36:4;37:6,10;45:5,13; 63:11,14,23;66:14; 68:10,11,12,20;69:7, 10,13;71:4;74:23,25; 79:1,5,6,18;83:22; 85:18;89:2,18;90:25; 91:2,5;92:18;93:11; 98:4,19,24;99:6,7,11; 100:10,18,19;101:10; 102:17,23,23;104:2,17, 17,22;106:9;107:1; 108:25;109:12;112:6, 11;114:18;118:17,22, 24;119:6,8,17,19,20; 120:8,9,13,14,16,17,18, 21,25;121:4,7,8,10,11, 13;122:9,14;124:4,12, 25;125:4,7;126:16,17, 20;127:15;131:22,24; 132:1;133:8;138:7,17; 141:24;142:1,6,8,12, 14,21,24,25;146:6; 155:24;156:3,8,8,17; 158:22,23;159:3,22; 160:17,23;161:2; 165:3,11,15,16,21; 166:3,6,8,13,22,23,25; 167:23;169:12;171:1; 172:22;173:13,13; 174:1,16,22;175:3,6,7, 15,17,18;176:6,6,21; 177:4,8,15,22,24; 178:3,7,14,15,16,22;</p>	<p>179:7,20;181:17,24; 182:2,17,20,21;183:2, 12,15,19,20,21;184:2, 7,9,18,19,23;186:5,13, 15,24;187:3,15;188:1, 20;189:10,23;190:20, 24;191:9,10,18,19,21; 192:4;195:20,23; 196:2,2,10,12,12,20; 197:3,4,11,13;207:19; 208:2,8;210:1,5; 211:12;214:24;215:19; 216:6;217:17;220:10; 225:18;226:3;229:7, 15,16,17,23,25;230:9, 15,16,16;231:16,18,21, 23;232:2,18;236:22; 237:18;238:5,6,7; 239:3;240:8;245:22; 246:12;247:2;254:20; 256:18,19,24;257:2,3, 10;264:15,16,17; 265:15,16,18,19;267:6, 7,8,13,20,23;276:8; 278:12;279:9,14,22,24; 280:6,7;282:11,12,19; 283:16;284:13 gases (8) 17:18,20;63:18; 65:19;112:5,8;124:21, 23 gasoline (85) 16:7;17:2,6,11,11, 15;20:7,9,24;21:2,21; 22:1,4,14;23:14,17; 25:25;26:24;27:8,8; 29:1,13;30:1,14;36:10, 22;38:3,6;39:11;43:21; 44:21;45:5,13,17,18; 47:8,8,10,15,23;48:2, 11,14,20;56:16;59:20; 67:13;77:6;83:6;86:10; 91:15,17;93:10;95:1; 97:7,21,23;98:6,17; 101:14;104:13;110:17, 22;157:24;158:3,4,6,8, 15;165:23;173:4; 178:24;187:6;188:25; 189:4,6;195:10;196:1; 198:1,1;207:19;208:7, 18;216:17;234:18 gather (1) 96:1 gave (6) 14:1;32:10;54:2; 65:22;82:9;101:1 gee (3) 7:19;120:23,25 general (38) 5:10;47:17;75:24; 77:19;78:10,11,12,12, 15,17;90:12;92:4; 106:20;108:10,11,23;</p>	<p>109:2;142:20;158:18; 159:6,9;163:24; 179:18;186:19;191:7; 197:13;198:20;201:2, 19;203:3;207:13; 214:12;219:10;220:1; 249:25;250:2;267:10; 268:1 generalized (3) 161:1;172:10;182:8 generally (8) 99:23;152:1;154:22; 165:7;182:17,22; 254:11;278:1 generate (12) 82:8,11;83:18;84:22; 85:1,11;88:8;92:9; 97:20;104:1;106:18; 108:25 generated (12) 57:14;58:16;59:13; 60:8;85:4;87:25;88:21; 89:10;90:17,18; 108:17;111:5 generates (1) 107:15 generating (3) 58:11;83:10;86:6 generation (6) 54:17;57:11;58:5,14, 21;59:3 generator (1) 234:6 generators (2) 242:13,14 gentlemen (2) 220:20;252:22 geographically (1) 82:11 George (1) 285:1 George's (1) 206:12 Georgia (2) 227:19;279:9 germane (1) 242:25 gets (5) 88:12;153:3,23; 187:21;241:14 GHG (1) 19:25 Giant (10) 123:20;127:23; 129:5;143:20;145:15, 18;146:14;182:18; 183:1,9 gift (1) 120:6 gild (1) 38:10 given (17) 12:5;14:24;39:16;</p>	<p>42:16;67:8;82:13; 83:14;84:10;94:18; 95:5;96:19;116:17; 155:20;156:9;191:4; 194:17;272:21 gives (3) 28:2;70:24;82:1 giving (5) 95:18;161:25; 228:15;240:2;280:21 glad (2) 277:22,22 Glenmont (1) 154:25 gloss (1) 213:17 glossier (1) 64:9 go- (1) 295:3 God (1) 194:22 Goecke (181) 6:2,2;36:12,20; 38:25;40:1;53:10,13, 15;113:8,12;115:7,11; 148:17;149:17,19,22; 150:3,22,25;151:3,13, 21;152:6,11,20;153:2, 4,24;154:1,6,23;155:3, 8,12,17,23;156:4,7,19, 25;157:4,8,14,24; 158:14,19;159:11,16, 20,23;160:5;162:20, 21;163:6,9,15;164:14, 20;165:2,13,24;166:3, 9,12,21,24;167:5,19, 25;168:5,16,20,23; 169:2,9,16,19;170:4, 11,18,22;171:6,11,24; 172:4,6,12,15,21; 173:8,10,17,20,25; 174:6,14,19,25;175:14, 19;176:3,10,13;178:1, 9,11,23;179:6;180:12, 21;181:15,23;182:1,5, 10,12,14,20;183:6,11, 20,24;184:5,8,12,17; 185:2,11,18,22,25; 186:5,13,23;187:9,15; 188:8,13,19;189:7,13, 22;190:5,10,18;191:8, 17;192:3,9,15,20,23; 193:6,8,11,19;194:11; 195:7,12,19,23;196:22, 25;197:2,9,15;204:6; 210:3;216:21,24; 217:18,20;220:25; 242:16,21,24;265:25; 280:16;281:3,7 goes (25) 12:4,14,14;17:6; 29:11;35:12;48:9;49:8;</p>
G				
<p>Gaithersburg (1) 121:6 gallon (19) 20:4;22:18,20;23:15; 27:6;33:5;34:24,25;</p>	<p>172:22;173:13,13; 174:1,16,22;175:3,6,7, 15,17,18;176:6,6,21; 177:4,8,15,22,24; 178:3,7,14,15,16,22;</p>	<p>106:20;108:10,11,23;</p>	<p>12:5;14:24;39:16;</p>	<p></p>

<p>56:25;59:16;85:20; 98:24;107:18;176:4; 177:3,4,5;228:18,19; 234:5;237:6;239:8; 263:22;264:20;284:24</p> <p>gold (1) 30:20</p> <p>Good (24) 5:24;6:18;9:16; 15:22;23:2;31:13; 125:20;137:1;152:12; 225:1;237:1;256:16; 257:8,9,16;262:18; 271:16;279:10;283:23; 284:21;285:1;288:9; 290:9,18</p> <p>goodness (1) 120:8</p> <p>government (19) 41:20;52:5;215:13; 254:23,23;256:2,4; 257:18,19;263:21; 264:5;267:23;268:13; 269:24;270:1;284:2,2; 290:6,6</p> <p>government- (1) 254:4</p> <p>governments (2) 264:10;268:2</p> <p>governs (1) 163:21</p> <p>Graduate (1) 252:11</p> <p>grandchildren (2) 114:7;124:9</p> <p>grandmother (1) 114:4</p> <p>grant (2) 126:3;244:7</p> <p>granted (3) 132:16;198:16;201:8</p> <p>granting (1) 284:6</p> <p>grass (2) 129:10,13</p> <p>grassy (1) 121:25</p> <p>grateful (1) 143:12</p> <p>great (12) 24:7;34:17;54:13; 116:16;158:7;216:20; 253:18;254:17;270:11; 277:1;290:10,12</p> <p>greater (1) 240:1</p> <p>green (7) 125:13,14,14,21,21; 126:1,15</p> <p>greenery (1) 125:12</p> <p>greenhouse (15) 17:17;19:25;63:11, 14,18,23;64:15;65:19; 66:14;112:5,6,8,11; 124:21;126:14</p> <p>grew (1) 25:13</p> <p>grid (1) 228:4</p> <p>gridlock (3) 226:22;227:18;234:5</p> <p>gritty (1) 256:21</p> <p>GROSSMAN (841) 5:2,18;6:1,5,7,9,11, 14,21,24;7:2,5,10,13, 17,20;8:21,23,25;9:3,7, 10,12,14,16,18,25; 10:1,2,8,11,15,20,24; 11:4,6,7,14,19,22;12:1, 8,11,21,25;14:5,7,11, 15,20;15:3,8,13,16,21; 16:9;17:4,9;18:5,8,13, 21,24;19:5,8;20:18; 21:1,12,19,22,24;22:2, 11;23:10,18,21,25; 24:5,8,13;25:6,23; 26:10,16,19;27:15,18; 28:5,8,10,12,14,18,25; 29:3,6,18,25;30:12,16; 31:3,10,19;32:2,10,16, 21,23;33:1,6,8,10,13, 18,21,23;34:3,5,9,14; 35:1,3,8,20;36:8,12,18, 21;37:5,13,18,20;38:1, 8,13,19,23;39:1,3,5,9, 19,21;40:11,13,16,24; 41:1,6,11,13,16,25; 42:4,16,19,22;43:1,5, 12,18,24;44:4,9,13,16, 19,23,25;45:4,8,13; 46:3,15,17,23;47:1,4, 12,18;48:8;49:2,5,14, 18;50:1,4,11,18,23; 51:4,17,18,22,25; 52:20;53:2,6,12;54:2,4, 5,10;55:4,7;57:17,19, 22,25;58:4,8,20;59:5, 21;60:1,3,16,24;61:3,7, 10,15,20,24;62:3,6,11, 24;63:1,3,7,19,21;64:1, 4,14;65:7,10,12;66:1,3, 8,15,19,25;67:5,22,25; 68:10,12,25;69:5,9,12, 14,21;70:1,3,8,13,16, 18,20,23;71:3,7,16,18, 21,23;72:2,9,11,14,17, 21,25;73:6,13,23; 74:10;75:6,16,20,23; 76:1,3,5,13,20,23; 77:13,19,23;78:1,4,7; 79:8,22;80:11,15; 81:22;82:2,5,25;83:3,8, 20,25;84:2,8,14,16,18, 24;85:6,21;86:3,18; 87:23;88:2;89:5,8,15, 21,23;90:1,4,23;91:3,8, 13;92:10,13,17,20; 93:16,20,23;94:2;95:2, 6,9,11,14,20,23;96:11, 13,17,22;97:4,13,16; 98:22;99:14,18,20; 100:8,12,15,21;101:5, 20,24;102:7,13,25; 103:7,16,20,24;104:1, 4,8,14,18,20;105:11, 17;106:15,24;107:10, 12;108:5,9,16,21; 109:4,15;110:1,7,10, 13;111:14,18,20,22,25; 112:18,22;113:1,9,13, 17,21,24;115:7,9,12, 15,17,20,23,25;117:2, 5,8,10,15,18,23,25; 118:4,14;119:22,25; 120:3;122:13,16,19,25; 123:24;125:13,24; 126:8,22;127:5; 130:12;131:2,7;132:4, 9,15,19,22,24;133:4,9; 134:21,24;135:1,3,5, 25;136:14,25;137:4,7, 9,15,21,23;138:1,5,11, 15,19;139:6,8,12,15, 20,23;140:2,4,7,22,25; 141:6,21;142:8,11; 143:9,11,22;144:1,18; 145:1,5,20;146:5,7,24; 147:13,19,22;148:1,4, 8,10,13,15,18,21,23; 149:2,7,11,14,18,20; 152:13,14,16,18,23; 153:3,19,25;155:4; 157:6;160:19;161:3, 20;162:4,6,11,14,20; 164:19;172:19;176:9, 11;189:25;190:2,4,13; 192:12,25;193:2,7,9, 24;194:3;195:3; 196:14,23;197:7,17,20; 198:9,13;199:13,15,17, 21;200:6,8,11,20; 201:3,24;202:1,5,7,10, 14,18,23;203:6,9,13, 19,24;204:6,11,13,16, 20,22,24;205:1,4,13, 25;206:9,13,21;207:3, 6;210:23;211:22,24; 213:13,20;214:13,22; 215:8,10,12,17,21,23; 216:13,21,23;217:24; 218:1,17,19,22;219:7, 14,20;220:4,16,19,24; 221:1,7,12,15,18; 222:1,6,9,12,16,18,20, 23;223:1,9,12,15,18, 25;224:5,11,14,17; 228:8,11;230:18; 231:2,6,12;232:1,4,6, 13,16,22;233:4,14,24; 235:3,7,9,15,22;236:6, 11;238:1,3,17,19,22; 239:2,11,15,18,22; 240:5,10,13;241:20,23; 242:2,16,20;243:4,8, 18,23;244:3,11,15,18, 23;245:2,6,8,11,14,17, 19,24;246:24;247:5,7, 10,21;248:10,12,14,17, 18,24;249:12,14,16,20, 23;250:10,13,20,24; 251:3,5,11,16,20,23; 252:7;254:1,7,13; 255:2,7,16,19,21; 257:13;258:1,6,12,18; 260:7,12;261:1,20; 262:3,8,12,16,25; 263:5;264:8,14; 265:14;266:4,13,16,19, 21;267:9,12,17;268:16, 23,25;269:8,13,23; 270:21,24;271:5,8; 272:9,15;273:4,8,13; 274:2,12,17,20,23; 275:1,11,14,19;276:17; 277:8,15,19,21;278:14; 279:17;280:25;281:2, 3,6,8;282:23;283:3,5, 12,20;284:5,10,12,19; 285:8;286:16;287:22; 288:1,3,7,10,15,22; 289:4,8,15,24;290:12, 18;291:2,7,11,14,18, 23,25;292:7,10;293:1, 4,8,18;294:2,6,10,14, 18;295:1,3,9</p> <p>Grossman's (1) 197:3</p> <p>ground (1) 271:2</p> <p>grounds (2) 13:16;244:14</p> <p>groundwater (2) 247:13,14</p> <p>group (7) 37:7,7;54:12;60:8; 248:25;276:6,7</p> <p>groups (3) 52:17;248:24;253:24</p> <p>grow (5) 24:20;25:10,25; 55:22;63:6</p> <p>growing (7) 24:21;25:18;26:8,9, 13,14;98:17</p> <p>grown (1) 206:17</p> <p>grows (2) 20:8;21:3</p> <p>growth (35) 16:5,5;20:12;25:17; 26:5;27:22,25;28:21, 21;29:11,12,15;30:6,6; 35:13,14;40:5;43:16; 48:4;52:23;53:2;55:19, 20;59:1;62:16,19,19, 20,22;64:24;65:5,15; 67:14;98:16;196:6</p> <p>guarantee (1) 246:16</p> <p>guaranteed (1) 237:16</p> <p>Guckert (8) 58:20;59:10,21;85:2; 102:18;104:6,10; 134:10</p> <p>Guckert's (3) 80:22;83:1;134:20</p> <p>guess (19) 19:4;27:12;33:25; 54:16;70:25;71:22; 91:9;111:9;115:3; 125:13;138:9;147:16; 149:14;152:19;165:9; 202:18;221:2;251:16; 269:25</p> <p>guesstimated (1) 81:19</p> <p>guidance (1) 273:10</p> <p>guideline (2) 273:18,23</p> <p>guidelines (7) 227:11;272:17; 273:15;275:18,21; 278:10;279:13</p> <p>guilty (1) 194:8</p> <p>guinea (1) 124:10</p> <p>gun (1) 229:16</p> <p>guy (4) 177:24;237:5,20; 248:8</p> <p>guys (1) 241:21</p>	<p>26:5;27:22,25;28:21, 21;29:11,12,15;30:6,6; 35:13,14;40:5;43:16; 48:4;52:23;53:2;55:19, 20;59:1;62:16,19,19, 20,22;64:24;65:5,15; 67:14;98:16;196:6</p> <p>guarantee (1) 246:16</p> <p>guaranteed (1) 237:16</p> <p>Guckert (8) 58:20;59:10,21;85:2; 102:18;104:6,10; 134:10</p> <p>Guckert's (3) 80:22;83:1;134:20</p> <p>guess (19) 19:4;27:12;33:25; 54:16;70:25;71:22; 91:9;111:9;115:3; 125:13;138:9;147:16; 149:14;152:19;165:9; 202:18;221:2;251:16; 269:25</p> <p>guesstimated (1) 81:19</p> <p>guidance (1) 273:10</p> <p>guideline (2) 273:18,23</p> <p>guidelines (7) 227:11;272:17; 273:15;275:18,21; 278:10;279:13</p> <p>guilty (1) 194:8</p> <p>guinea (1) 124:10</p> <p>gun (1) 229:16</p> <p>guy (4) 177:24;237:5,20; 248:8</p> <p>guys (1) 241:21</p>	<p style="text-align: center;">H</p> <p>habits (2) 51:6;147:7</p> <p>half (3) 113:5;148:25;227:11</p> <p>hand (7) 113:22;221:16; 251:21;262:5;264:1; 272:3;285:11</p> <p>handed (1) 243:25</p> <p>handicapped (1) 241:10</p> <p>handing (1) 163:9</p>
---	---	--

<p>handle (4) 38:22;112:14; 228:16;241:19</p> <p>handling (1) 228:15</p> <p>handwriting (2) 15:9,21</p> <p>happen (15) 10:6;36:16,17;48:16; 160:18;209:25;225:3; 226:21;229:20;230:5; 239:24;257:11;277:25; 287:6,6</p> <p>happened (5) 47:1;230:5;240:3; 279:3;287:6</p> <p>happening (4) 48:17;160:17;256:6; 283:10</p> <p>happens (6) 59:13;132:12; 143:17;227:18,19; 260:2</p> <p>happily (1) 260:21</p> <p>happy (2) 34:20;37:14</p> <p>hard (13) 46:5;68:21;147:7; 171:21;191:25;218:11; 235:8,11;254:5; 256:13;277:4;282:3,25</p> <p>hardly (1) 215:20</p> <p>HARRIS (94) 5:24,24;6:1;7:16; 11:15,20;13:7;36:9,23; 37:6;38:19,24;39:4,15, 20;102:9,15;103:2,9; 112:19,24;126:24; 127:1,3,8,18,25; 128:13,17,19,21,25; 129:2,6,8,12,17,20,22, 25;130:3,6,16,19,22, 25;131:11,13,16,19,23; 132:8;133:11,16,18,20, 22;134:10,17,25;135:2, 6,12,17,24;204:8,12, 14,19,21;218:21,24; 248:13,17,19;249:11; 289:1;290:13,14,19; 291:1,18,20,24;292:1; 293:5,7,10,22;294:9, 11,17,20;295:7</p> <p>hazard (4) 116:7;124:16;242:6; 246:21</p> <p>head (6) 7:18;134:5;212:14; 220:20;221:21;229:16</p> <p>health (22) 111:7;112:5;118:18; 124:8,16;133:7;</p>	<p>160:24;161:7;210:11, 14;244:16;259:20; 260:9,15,17;275:8; 282:15;287:4,9,15,19, 20</p> <p>healthy (3) 213:8;260:24,24</p> <p>hear (7) 111:4;176:14;209:9, 13,15;257:3;272:13</p> <p>heard (21) 6:22;51:7;52:6; 110:15;114:25;124:1; 125:16;165:5,6;184:8, 10;209:14,23;226:18; 242:18;243:3;251:6; 279:6,23;285:21;290:1</p> <p>hearing (29) 5:3,12,16,17,18; 7:24;8:10,11;11:8,18; 12:3,13;13:3;132:11; 184:17;188:4;190:19; 196:24;198:16;201:14; 205:8;224:8;233:24; 236:19;247:9;253:18; 260:22;292:14;295:13</p> <p>hearings (4) 225:17;242:17; 289:19;292:25</p> <p>hearsay (11) 115:8,20;141:14,15; 176:22;235:13,23,23, 25;280:16,17</p> <p>heart (1) 248:2</p> <p>heavy (1) 21:18</p> <p>Heights (13) 6:4,17,20;7:1,8;3; 9:20;59:6;78:21;219:8; 224:22;226:9;249:5; 250:4</p> <p>held (4) 13:22;62:16;211:6; 213:15</p> <p>hello (1) 6:18</p> <p>help (10) 47:18;63:16;99:1; 125:20;194:13;222:3; 223:23;240:2;241:10; 284:2</p> <p>helped (2) 118:4;224:25</p> <p>helpful (5) 112:25;196:18; 261:16;290:20;292:19</p> <p>helping (4) 114:7;225:13,21; 276:14</p> <p>helps (2) 115:19,23</p> <p>Henderson (1)</p>	<p>168:18</p> <p>Herb (2) 9:13;127:2</p> <p>here's (3) 86:23;276:1,20</p> <p>high (30) 28:21;29:12,14,22; 30:6;31:23;32:1;33:18; 34:11;45:22;46:1; 55:18;82:19;83:6,9,22, 23;84:11,12,21,22; 92:6;116:17;121:13; 164:25;248:3,11; 263:13;269:20;273:24</p> <p>high- (1) 226:20</p> <p>higher (4) 30:4;94:13;103:10; 265:7</p> <p>highest (2) 37:11;189:20</p> <p>highlighted (1) 193:12</p> <p>highly (1) 237:17</p> <p>Highway (8) 42:7;43:2;52:25; 53:1;63:7,8;191:25; 264:3</p> <p>highways (2) 267:22,24</p> <p>hill (3) 116:6;140:20;141:3</p> <p>himself (2) 98:21;278:9</p> <p>historical (1) 52:23</p> <p>history (7) 164:5;199:23;200:5; 202:25;204:17;277:14; 279:18</p> <p>hit (6) 7:18;45:22;115:3; 200:13;228:3;241:23</p> <p>hits (1) 34:10</p> <p>hold (12) 13:22;21:22;33:6; 44:16;122:8;126:22; 145:1,1;222:16,18; 262:5;276:25</p> <p>holding (2) 262:8;279:1</p> <p>holes (2) 234:12,13</p> <p>home (8) 106:5;114:13; 121:10;126:20;175:13; 225:21,23;241:3</p> <p>homes (3) 73:4;77:22;230:16</p> <p>hometown (1) 237:21</p>	<p>hone (1) 243:4</p> <p>honed (1) 243:8</p> <p>honestly (1) 142:13</p> <p>Honor (2) 39:24;49:20</p> <p>hope (8) 31:3,4;256:8,9; 272:11;277:23;280:9; 289:21</p> <p>hopefully (2) 31:2;222:4</p> <p>hoping (2) 12:11,12</p> <p>Hopkins (1) 252:10</p> <p>horrible (1) 239:5</p> <p>Hospital (2) 212:17,21</p> <p>hospitals (1) 124:18</p> <p>hotels (1) 124:18</p> <p>hour (11) 82:20;113:5;148:17, 25;226:23;234:3,7,17; 241:17;247:3;288:6</p> <p>hours (7) 114:23;125:3; 135:14;217:23;218:4; 234:5,24</p> <p>house (5) 228:4,25;230:9; 234:1;235:20</p> <p>household (11) 53:18;68:9;73:2,3,8, 9,11;74:2,7,15;123:18</p> <p>households (13) 73:19;74:4,4,5,19, 25;75:10;76:14,17,19; 92:3,7;102:3</p> <p>houses (4) 234:23;235:4,10; 237:13</p> <p>housing (3) 60:18;61:17;225:16</p> <p>How's (1) 288:22</p> <p>huge (7) 46:13;105:24;107:6, 6;263:23;264:6;267:4</p> <p>humor (1) 225:7</p> <p>hundred (3) 23:24;24:11;79:2</p> <p>hundreds (1) 177:7</p> <p>hungry (1) 112:22</p> <p>Hurricane (1)</p>	<p>242:14</p> <p>hurt (2) 229:18,18</p> <p>hypothetical (1) 156:15</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>I-95 (1) 265:11</p> <p>ice (3) 125:4,5;137:20</p> <p>idea (7) 25:24;133:5;156:10; 180:6;213:4;234:18; 283:23</p> <p>ideas (2) 174:25;256:12</p> <p>identical (17) 164:7;174:24;175:7; 183:18;198:21;203:5, 7;207:15,16,20,25; 208:2,3,19;209:20; 214:18,23</p> <p>identification (22) 9:24;15:24;19:11; 33:20;34:8,13;43:4; 45:3,7;52:9;53:5;54:9; 55:12;57:8;58:7;61:19; 62:10;64:3;67:4;68:16; 71:6;72:1</p> <p>identified (5) 192:16;206:6,7; 224:7;290:16</p> <p>identify (6) 5:21;6:14;11:24; 60:24;61:10;223:16</p> <p>idle (2) 123:4;161:1</p> <p>idling (14) 111:7;112:4,4,8,10, 13;120:12;122:1; 123:5;124:17,20,22; 135:22;167:3</p> <p>ie (1) 158:11</p> <p>ii (1) 19:18</p> <p>iii (2) 19:19,23</p> <p>imagine (2) 79:5;229:20</p> <p>immediate (4) 108:10;219:25; 272:18,21</p> <p>immediately (4) 30:20;79:10;81:5; 187:20</p> <p>immobilized (1) 144:9</p> <p>impact (11) 17:25;48:12;77:18; 78:24;83:5;89:5;259:8,</p>
--	--	--	---	--

<p>18;267:7;282:8;285:23 impacting (1) 231:1 impacts (4) 18:16;35:16;77:22; 79:1 impede (2) 123:2,3 implementation (1) 65:15 implemented (1) 265:10 implication (1) 83:21 important (7) 23:12;38:5;42:6; 241:16;252:15;285:24; 286:3 impose (2) 269:11;278:16 imposed (2) 233:7;292:17 impossible (4) 118:3;130:10; 236:18;279:9 impressive (1) 114:14 improper (3) 211:6,7;213:16 improve (4) 111:15,19,24;112:2 improved (1) 182:4 improvements (3) 22:19;47:14;182:2 inadequate (4) 245:10,13;246:21,22 inadvertently (1) 278:10 inappropriate (2) 213:1;274:18 Inc (1) 14:17 incapacitated (1) 144:12 inch (4) 226:6;262:16,18,22 inches (1) 228:6 incidentally (1) 212:7 include (12) 5:7;18:1;21:13; 88:23,24,25;105:18,19; 118:22;278:19,21; 281:15 included (7) 16:4;17:1,25;171:13; 199:9;201:4;226:25 includes (12) 20:2;21:15;22:16; 42:10;106:17;155:4,8, 10;160:22;196:5;</p>	<p>209:4;224:5 including (12) 37:2,2;92:24;98:10; 99:3;108:10,16; 109:24;169:23;194:5; 200:22;219:17 incompatible (1) 59:18 incomplete (1) 193:21 inconsistent (1) 123:23 inconvenient (4) 165:8,13;176:1,21 incorporates (1) 21:5 incorrect (1) 80:23 in-county (1) 226:8 increase (17) 16:19;20:14;21:6; 22:4,7;27:9;33:4; 34:21;43:11;63:3;65:5; 66:11;91:6;123:5; 226:4;246:21;283:7 increased (5) 27:6;63:17;122:2; 246:21,22 increases (3) 20:3,13;55:17 increasing (4) 25:15;27:1,1;115:2 incredibly (1) 147:14 increments (2) 284:24;286:2 indeed (3) 249:6;275:15,15 independent (3) 13:18;70:21;158:8 independently (1) 115:18 indicate (4) 51:1;68:8;199:23; 201:11 indicated (6) 36:11;80:15;109:8; 126:2;185:6;216:6 indicates (5) 34:16;35:12;41:23; 44:15;77:15 indicating (2) 57:12;199:25 indications (1) 27:22 indicators (1) 27:20 indirectly (1) 190:17 indiscernible (3) 262:1;270:20;291:19 individual (2)</p>	<p>6:24;7:1 individuals (1) 209:16 Industry (3) 192:10;193:4;282:6 infill (3) 226:4,5,10 inflection (1) 16:11 influence (1) 53:23 influenced (1) 24:18 influencing (1) 54:15 info (1) 43:2 inform (1) 289:20 Information (14) 24:3;44:12;49:9; 51:7;53:1;56:5;96:3; 204:17;224:23;260:3, 15;263:2;271:16; 291:17 infrastructure (2) 109:6;256:12 ingress (1) 130:4 inhale (1) 122:6 inherent (16) 152:3;161:13; 162:24,25;163:2,23,25; 213:10;230:13,21; 231:13,16;232:2,15,15; 236:17 inherently (3) 94:23;161:11;212:25 initial (4) 268:4,7;270:1,2 injury (2) 221:21;282:20 Innovation (1) 52:12 Innovative (4) 52:21;253:25;254:2; 256:10 insight (1) 260:25 insights (1) 252:5 install (1) 131:20 installation (1) 125:19 installing (1) 125:17 instance (18) 19:17;33:3;40:5; 41:7;45:17;47:11; 48:18;51:12;54:21; 143:20;159:22;173:6;</p>	<p>177:1;179:13;186:18; 234:3,16;287:3 instead (3) 157:15;203:6;225:18 Institute (4) 32:5;33:16;53:8; 58:14 in-store (1) 193:17 instruction (1) 279:12 instrumental (1) 282:6 intake (1) 255:9 integrity (2) 246:16;272:2 intelligently (1) 292:21 intend (1) 249:19 intent (2) 278:23;281:13 intention (1) 204:1 interaction (1) 258:22 interactions (1) 124:9 Interest (3) 54:12;263:21;267:4 interested (2) 253:20;254:6 interests (1) 272:5 interfere (2) 256:5;280:13 interference (1) 264:6 interfering (2) 59:19;211:3 interim (2) 45:22;46:1 interior (1) 147:11 internal (8) 85:19;86:4,5,8,22, 25;88:15;255:9 internationally (1) 225:10 interpret (4) 45:9;240:10,13; 257:14 interpretation (8) 103:17;104:5;156:4; 205:10;210:25;214:14; 278:25;280:2 intersect (2) 128:14;227:3 intersection (6) 116:8;121:22,23; 128:9;139:5;227:8 intersections (1)</p>	<p>129:14 intersects (2) 227:4,14 into (66) 9:22;12:19;16:25; 18:4;19:2,21,22;24:23; 26:22;35:18;36:24; 37:7;41:8;46:18;48:1; 50:9,13;51:24;88:19; 90:11;93:20;105:22; 108:24;109:1,2,15; 110:19,24;118:9,19; 119:19;123:8;128:11; 129:3;130:4;136:8,18; 138:24,25;139:1; 140:19;143:19;155:15; 161:9;164:13;171:18; 175:24;176:22;177:10, 10;196:8;214:22; 217:6,10;232:13; 234:13,19;238:13; 240:2;246:18;247:16; 250:8;254:3;261:2; 264:14;286:6 introduce (2) 51:24;79:24 introduction (1) 54:19 invented (3) 252:23;254:8,9 investigate (2) 185:18;189:8 investigation (1) 279:16 investigations (4) 260:4;282:15,15,16 involved (5) 121:20;233:2; 243:17;253:11;275:9 involvement (2) 278:2;289:17 irrespective (2) 167:21;184:13 isolate (1) 185:1 issue (32) 14:4;69:20;78:8; 97:25;102:12;112:4; 114:15;151:19;153:18; 160:20;161:4;162:13; 164:6;204:3;205:18, 19,22;206:8;207:6,9; 214:15;215:1,1,17; 216:25;218:24;241:4; 250:18;264:19,19; 281:20;285:6 issues (27) 44:1;58:23;111:3,7, 7;112:6;118:18; 150:21;160:16,23,24; 162:17;175:24;210:14, 14;218:16;240:19; 241:1;244:24;249:1;</p>
--	--	--	--	---

<p>252:18;264:17,18; 269:3;278:2;286:25; 288:20 ITE (2) 58:23;59:23 item (3) 136:20;191:3;193:17 items (2) 192:5;194:17 iteration (1) 206:5 iterations (1) 200:3</p>	<p>Kanawha (1) 253:11 Karen (3) 67:19;238:9;294:21 keep (7) 76:23;167:5;238:17, 22;261:11;279:13; 293:16 keeping (2) 261:18;265:6 keeps (1) 124:2 Kenmont (5) 114:8,10;119:1; 121:23;131:1</p>	<p>knowing (2) 30:24;265:22 knowledge (2) 225:2;289:20 Knowles (2) 227:7;228:23 known (1) 5:9 knows (4) 11:17;226:11; 253:12;290:7</p>	<p>216:15;227:1;252:10; 256:8;261:15;263:6; 292:2 late (6) 9:17;149:13;184:16; 209:12;225:7,23 later (5) 19:15;52:1;124:10; 279:6;292:6 latest (5) 45:24;46:1;260:5; 264:23;274:5</p>	<p>123:18;177:5;203:15; 269:10,10,13;280:11 legal (12) 151:4;152:24; 153:18,20,21,22; 170:20,22;171:7; 207:4;213:9;281:10 legislative (10) 199:23;200:5; 202:25;204:17;206:24; 253:14;277:14;279:18; 280:20;281:23 legislature (2) 206:25;277:18 legitimate (5) 79:13;205:19; 206:18;283:18,20 length (2) 216:20;245:6 Lerch (1) 5:24 less (28) 49:13;50:8;68:9; 93:1,14;113:6;145:9; 167:3;183:3,4,5,8; 187:16;188:21;191:16; 196:2;197:4,5,10,11, 13,25;209:2;227:8; 255:25;263:23;265:20; 286:11 lesser (1) 20:13 lesson (1) 49:14 lets (1) 268:19 letter (1) 9:19 letters (5) 228:14;277:5,8,11; 278:15 level (19) 20:15;25:18;45:25; 46:1;49:9;55:23; 116:17;127:9;134:14, 16,17;196:16;269:20; 276:21;278:1;280:4; 285:8,9,23 leveling (3) 62:21;63:4,8 levels (8) 20:11,15;21:9;55:17; 134:12;264:21,22; 283:5 license (1) 285:7 licensed (1) 53:18 light (24) 18:12;20:1,2,7,24; 21:1,12,15;22:15,21; 25:3,21,25;27:23,25; 28:11;54:7;78:25;</p>
<p style="text-align: center;">J</p> <p>jam (1) 227:22 jams (1) 238:8 Jeffrey (1) 115:24 Jersey (1) 254:24 Jim (1) 288:19 job (5) 16:5;31:1;232:7; 252:19;290:4 Johns (1) 252:10 join (1) 221:8 journey (1) 130:17 judgment (10) 96:20;273:11,20,21; 275:6,9,10;280:22; 286:6,6 judgments (1) 273:19 July (4) 53:9;63:24;71:13,23 jumped (2) 23:18;203:11 jumping (1) 90:5 junction (1) 129:18 June (7) 42:8,9;43:7,8;45:21; 46:2;101:2 jurisdiction (3) 133:1;233:8;280:14 Justice (1) 287:17 justify (1) 289:20 jut (1) 251:1</p>	<p>Kensington (30) 6:3,12,13,16,19;7:1, 1;8:3;9:20;59:6;78:7, 21;113:20;114:4; 125:1;154:25;197:20; 219:8;224:22;226:8,9, 19,20,25;228:5; 229:12;249:4,6,24; 250:4 key (4) 27:20;46:5,6;259:1 KHCA (1) 78:5 kid (1) 229:16 kill (2) 238:14;248:2 kind (54) 16:11;19:12;21:17; 28:19;29:20;31:8; 43:16;46:20;48:4,12; 52:2;59:18;68:6;75:11; 77:2;79:1;80:1;82:23; 83:11;93:2;94:16;96:3, 3;98:16;107:19;108:2; 125:12;150:8,20; 158:8;159:18;169:6; 171:19;177:24;184:25; 191:6,13;196:23,24; 198:4;206:17;208:25; 210:25;215:1;230:6; 234:13,23;235:24; 256:21;269:25;273:22; 276:11;280:10;283:13 kindly (1) 221:8 kinds (10) 17:18;56:3;92:8; 161:8;168:15;169:7; 171:5;191:15;210:12; 212:16 K-Mart (1) 182:25 knew (4) 72:22;116:21;258:3; 279:15 knocked (1) 228:4</p>	<p style="text-align: center;">L</p> <p>LA (2) 128:6,8 label (3) 31:17,18;76:7 labeled (2) 19:3;42:20 labels (3) 86:21,21,22 lack (10) 13:20;48:1;99:3; 160:2,6;180:6,17; 181:4;191:13;218:13 ladies (1) 220:19 land (9) 59:16;78:12;109:11; 211:18,20;226:6; 233:18;276:7;292:16 lands (1) 252:13 lane (4) 82:22;119:11,14; 144:3 lanes (1) 145:10 language (16) 20:22,23;200:4; 201:5,14;202:3,11; 203:1;204:2;205:15, 16;206:15;213:15,16, 17;214:17 large (10) 47:15;124:19; 143:20;145:9,25; 146:12;266:14,22; 276:8;285:17 larger (4) 76:1;121:2;254:14; 267:15 Larry (1) 251:18 last (30) 7:3,21;11:17;13:2; 23:1;27:11;32:10; 43:15;46:4;47:7,13; 53:10;56:2;66:17; 77:11;90:10;106:1; 127:5;168:16;181:22; 185:2;190:19;206:22;</p>	<p>laugh (1) 248:4 laughed (1) 247:8 law (20) 49:15;66:12,12,14; 97:5,10;152:12; 164:10;207:1;211:4; 212:16;213:16;229:25; 252:12,14,16;253:15, 21,21;259:11 lay (3) 223:2,4;252:3 LDV (1) 21:8 LDVs (4) 20:1,3;21:6,7 lead (2) 249:7;272:25 leading (5) 22:20;55:2;128:14; 190:5,9 leaking (1) 234:19 leaks (1) 231:21 learn (2) 124:10;135:17 learned (1) 237:3 learning (1) 124:7 least (23) 80:23;83:4;102:16; 105:4,5;119:21; 150:20;160:7;186:10; 191:5;205:11;208:16; 228:18;229:11;231:23; 246:13;247:23;254:7; 269:3;271:5,6;283:7; 289:20 leave (6) 7:9;12:16;77:4; 126:20;187:5;188:2 leaving (3) 118:24;121:19; 228:21 leeway (1) 243:5 left (9) 12:18;120:10;</p>	
<p style="text-align: center;">K</p>				

152:1,10;161:17; 164:6;251:7;278:21 lightly (1) 259:22 lightning (1) 228:3 lights (1) 238:13 light's (1) 99:10 likelihood (2) 43:22;189:17 likely (19) 50:9;53:22;56:11; 67:8;88:16;96:8;97:7; 99:2;160:17;175:8; 187:16;188:20,22; 189:15;191:12,18; 195:20;218:11;260:20 lily (1) 38:10 limit (4) 40:14;168:5;270:25; 279:4 limitation (1) 213:11 limited (10) 77:18;79:4;80:18; 89:16;106:19;125:3,8; 173:21;208:12;242:16 limits (1) 215:13 line (30) 20:20;27:23;28:14, 22,23;29:2,16;30:7; 46:7,8;55:14,18;80:9; 89:15,17,23,24;90:4,6; 111:10;119:19;120:13; 126:9;142:3;175:10; 184:3;210:15;242:21; 245:21;283:14 lined (2) 292:24;295:9 lines (19) 46:4;120:12;142:6, 22;143:1;152:8;165:9, 14,25;166:1,6,7,10,16; 175:22;197:5,11,14; 280:15 lineup (1) 290:19 links (1) 33:16 list (8) 9:22;10:4;12:10; 33:8;73:12;248:21; 251:9;291:3 listed (5) 12:3;81:11;198:24; 199:3;232:10 listen (4) 223:25;231:10; 280:5;282:1	listening (1) 282:3 listing (1) 5:13 little (24) 26:21;69:6,22;70:24; 73:7;114:17;126:12; 177:2;194:8;225:12; 243:5;253:7,20; 254:10;257:5;258:14; 262:23;263:20,23; 271:11;276:19;282:17; 284:3;292:2 Live (8) 8:24;73:3;126:10; 167:21;169:23;173:12; 228:7;251:19 lived (2) 114:4;229:13 lives (2) 209:4;241:18 living (7) 7:1;125:15,19; 225:15,22;236:24; 248:7 LLC (1) 168:18 loading (8) 135:7,8,13;136:4; 177:6,7,12;272:20 loaf (1) 125:5 lobbied (1) 259:13 lobbying (1) 256:3 local (9) 105:8,9,15,17; 172:10;233:8;267:23; 268:2;290:6 locality (1) 177:9 localized (1) 91:25 locals (1) 268:2 locate (1) 286:4 located (7) 5:8;79:18;119:1; 138:21;146:4;175:15; 280:7 location (5) 81:1;118:17;144:16, 19;165:4 locations (6) 124:18;139:21; 144:24;145:2,3;226:3 loco (1) 71:4 long (21) 24:11;60:19;62:5; 64:17;113:3;146:1;	148:15,23;153:6; 165:14;166:16;175:22; 226:17;242:24;250:17; 259:14;262:5,25; 263:1;271:20;291:3 longer (7) 16:12;22:10;126:12; 146:13,13;246:13; 287:23 longstanding (1) 225:9 long-term (2) 54:1;56:11 look (70) 20:17;29:25;30:21; 50:20;61:8;62:13;68:5; 76:10;81:7,9;90:8,14, 15,16;106:14;108:7,13, 14,15,19,22,23;109:17, 22;110:2;116:8; 141:19;145:8;154:20, 21;157:9;160:14; 163:3,5;164:4,5,9,11; 168:10;169:6,21; 170:8,9,23;171:3,19, 22;172:14;173:6; 181:3,5,11,19;206:8; 212:10;216:16;220:13; 241:9;245:21;248:21; 269:3;275:10;285:11; 286:12,14;291:22; 293:6,12,12;294:11 looked (18) 16:16,17;64:7;77:16; 154:15,18;169:12,13; 170:5;172:8,10; 181:21;203:1;206:4; 226:19;258:3;278:15; 281:22 looking (31) 18:22;19:1;20:18; 28:8;29:21;34:19; 59:12;68:2,3;77:21; 82:18;83:10,11;89:11; 120:21;133:17;151:23; 160:15,16;165:17; 170:15;172:13;179:13; 206:3;213:1;216:9; 270:20,22;280:3; 282:16;292:4 looks (6) 46:7;60:17;108:21; 150:7;179:19;226:7 loosely (1) 234:14 lose (6) 181:2;195:24; 196:13;217:3;228:21; 264:3 loss (7) 179:22;180:10,17; 184:24;188:9,11;189:5 lost (2)	139:22;287:25 Lot (87) 5:9;31:14,14;37:20; 41:2,13,17;48:19;50:5, 22;90:15,16;97:23; 99:5,6;118:8,9,11; 119:6;121:21;122:15; 126:19;131:5;132:6; 134:12;138:4,5,15; 139:22;143:6,20,23; 144:1;145:15,18,19,20; 146:17;147:5;152:21; 165:10;166:12,21; 176:2;177:10;188:15; 194:1;201:5;236:22; 238:13;252:1,17; 253:7,23;256:11,17,20, 20,22,22;257:9,17,18; 258:4,9,22;259:13; 260:24,24;261:13,13, 18;263:1;266:11; 268:13,14;271:22; 278:6;280:19;282:10, 12;286:6,20,21,24; 287:1;291:2 lots (6) 48:23;115:2,6; 146:14,18;243:13 love (4) 115:4;176:13; 285:23;288:8 low (10) 29:10,22;30:6,9,9; 55:23;83:9;88:16; 120:22,23 lower (6) 20:15;30:4;58:13; 75:17;96:8;97:20 lowered (1) 65:18 lowest (2) 183:12;189:20 luckily (2) 229:1;237:23 Lucky (24) 68:3;79:23,23;80:5, 8;97:10;150:7;151:12, 24;152:11;153:16; 154:18;158:19;159:3, 7;163:3;179:19;199:8; 205:10;206:16;211:2; 212:1,11;213:14 lumping (2) 273:22;274:2 lunch (7) 112:21,24;113:2,2; 114:11;148:11;149:9 luncheon (1) 149:5	200:18 ma'am (9) 7:7;67:22;113:15; 119:23;123:25;130:13; 137:5;222:18;243:19 Macy's (1) 102:20 Macy's/Target (1) 139:13 main (4) 23:4;127:12;177:3; 183:15 maintain (2) 125:20;126:4 maintenance (2) 125:18;126:1 major (9) 145:7;186:12; 231:20;242:10,10; 246:4;263:16;264:17; 290:7 majority (2) 135:13,18 makes (10) 41:2;59:22;80:23; 159:7;168:3;241:7; 253:19;254:19;259:10; 275:6 making (11) 24:24;41:7;50:24; 105:14;126:15;133:6; 167:5;169:13;188:6; 241:17;281:14 Mall (90) 5:10;78:18;79:9,17; 88:18,19,24;89:12,13; 100:1;105:18,19; 106:16,25;107:14; 108:10,16,17,24,25; 109:1,6,12,14,18,25; 114:16,17,20,21; 116:15,18;118:12,19, 23;119:5;121:19,22; 123:8,9;134:2;136:3,8, 9;137:10,16,25;138:3, 21,22,24;139:2,3,14, 16;140:9;141:1; 144:20,24;145:2,3,11; 146:7,16,25;147:4,8; 155:5,8,9,10;175:4,12, 23;177:16;189:18,19; 209:5;210:4,5,15; 229:14,15;234:16; 238:10;240:2;250:8; 266:1,1;272:19 malls (6) 115:4;144:17;145:3, 4;146:23;147:5 man (1) 285:1 manage (2) 137:14;196:7 management (6)
--	--	---	---	---

M

Ma (1)

232:25;234:10,14; 236:18;243:2,11 mandated (1) 125:21 mandates (1) 63:12 maneuvers (1) 135:11 Manhattan (1) 226:7 manner (1) 182:7 many (48) 37:1;47:22;57:14; 74:4,4,5;87:12;91:17; 101:12;113:25;115:5; 118:25;121:10;124:6; 126:16;127:20;133:12, 25;134:2;147:9; 157:24;166:24;167:14; 176:5,16;184:13; 191:4;194:16;195:8; 208:6,12;212:20; 213:5;224:25,25; 228:1;237:13;239:22; 247:16;253:13;256:23; 258:7;262:10;267:5, 21;280:21,21,21 map (1) 138:20 maps (1) 137:1 Margaret (2) 6:16;113:19 Mark (3) 6:10;8:3;51:25 marked (25) 9:23;15:23;19:3,10; 33:19;34:7,12;43:3; 45:2,6;52:7,8;53:4; 54:8;55:11;57:7;58:6; 61:18;62:9;64:2;67:3; 68:15;71:5,25;192:11 market (24) 24:19;39:17;80:1,1; 98:24;106:21;158:8; 169:23;172:1;211:21; 215:19,21,24,24;216:1, 4;217:10;218:25; 219:9,9,12,18,23; 220:14 marketing (2) 114:3;225:4 marking (1) 52:6 married (1) 237:4 Martin (1) 5:18 Maryland (22) 5:9;14:16,18;42:10; 56:17;57:6;62:2,7; 63:7,12;64:14,22;66:9;	113:20;221:14;229:24; 231:21;237:18;251:19; 254:24;264:9;265:11 Ma's (1) 201:4 Massachusetts (1) 256:23 master (4) 13:21,24;236:24; 244:23 masterful (1) 290:4 material (1) 245:23 materials (3) 36:23;241:8;261:14 matter (13) 5:3;11:9;112:6; 153:22;213:9;222:13; 240:17;243:7;263:7; 270:12,12;280:18; 287:5 matters (5) 7:21;9:15;11:4; 12:15;111:8 maximum (9) 40:8;53:19,25;83:4; 84:23;93:12;94:21,23; 96:6 may (84) 8:8;11:1;12:25;18:6; 24:20;37:8;38:21;46:7; 57:2;58:17,23,23; 79:22;80:2,4;88:6; 90:16;91:18,21,21; 98:20;103:8,10; 112:19;113:24;133:4, 5;136:23;141:19; 159:14;161:15;162:17; 180:12,12,14;182:5,11, 11,14,16,16;183:21; 184:23;186:6,24; 192:18;194:16,18,19; 196:11,21,21;197:11, 11;198:16,17;201:8, 15;204:1;209:13; 218:8;219:23,25; 221:18;233:4;234:10; 235:16;246:14;249:7, 18;250:18,21,23; 251:23;261:3,3,4; 270:11,12;273:6,6; 279:10;280:14;294:12 Maybe (28) 59:8;73:3;78:5; 82:14;92:1;105:11; 113:5,6;119:3;121:12; 153:11;184:11;205:2; 229:14;230:16;237:14, 15;238:6;246:7,13; 247:19;256:20;262:5, 5;269:14;271:8; 283:15;294:7	Mayors (2) 256:25;257:1 maze (2) 114:21;121:20 MDE (2) 277:24;278:16 mean (126) 10:15;35:20;38:23; 40:11;48:8;50:11,24; 62:24;69:21,23;70:14, 23;79:15,17,22;87:17; 88:5;91:10,11;92:1,4; 94:16;95:4;99:13; 103:8;105:12,18; 106:4;107:1,17,22; 108:6,19;111:20; 115:9;119:22;121:23; 124:4;134:4,16;138:6; 142:8;143:14;144:8; 145:3;147:8,10;150:4; 152:21,22;156:24; 158:3,3;161:7,17; 162:4;164:11;176:5, 19;181:25;182:9; 183:7;187:9,11; 189:11,12,25;190:4,14; 196:1,4,14,15,19; 197:5;200:8;203:13; 209:23;211:3,25; 214:25;216:25;219:7, 20;227:7;231:15; 235:12;237:11;247:9, 21,25;249:24;258:18; 260:9;261:20;267:3; 269:18;271:25;272:14; 273:17,22;275:2,3; 277:25;279:5;280:1, 23,23;281:24;282:9; 283:10,12;284:10,14, 18;286:5,8,11;287:17; 290:4;291:14;292:1, 15;293:7,11;294:11 meaning (2) 45:9;122:13 meaningful (1) 28:23 means (10) 5:19;11:15;88:7; 130:4;134:17;152:25; 174:3;177:18;239:10; 288:11 meant (2) 269:21;285:20 measure (6) 94:16;211:17;263:4, 9;265:2;279:2 measured (1) 59:10 measurements (2) 59:22;283:16 median (1) 145:12 medians (2)	145:10,11 meet (3) 171:5;260:11;261:4 meeting (1) 10:13 member (5) 99:8;119:4;123:15; 225:9;241:10 members (21) 98:2;105:9;106:9; 118:21;120:18;155:24; 159:2,2;160:14; 164:21;165:3,11; 173:1,3,11,16,17,19, 22;178:3,13 membership (11) 97:10,11;102:3; 106:7,8;110:6;120:6; 159:9,12;160:8;179:25 Memco (1) 97:16 Memco's (1) 159:4 memo (2) 200:3;201:4 men (1) 248:6 mention (3) 16:23;221:21;224:1 mentioned (7) 141:23;160:20; 194:24;234:4;242:8; 245:22;247:8 mentioning (1) 274:8 menu (1) 107:23 merely (2) 183:21;217:10 met (3) 154:11;179:15; 276:19 meter (1) 120:22 method (2) 78:22;157:7 methods (2) 57:13;60:22 metric (1) 65:23 Metro (1) 125:22 Metropolitan (2) 60:21;228:3 Michael (1) 200:18 Michele (2) 6:3;9:8 Michigan (3) 32:4;33:15;53:8 middle (9) 26:23;28:22;29:7; 60:6;237:22;265:2,5,7,	12 might (51) 18:17;48:15;55:16; 68:4;69:22;77:17;78:7; 83:9,9;94:7;109:11; 110:18;125:8;136:9; 141:13;149:13;153:13; 154:1;158:5;164:25; 169:24;179:8;183:24; 184:14;189:14,19,19; 191:23;192:7,16; 196:4;200:12;207:23; 208:10;213:3;217:21; 218:5,8,9,10;220:5; 233:14,14;250:12; 252:6;270:14;273:9; 288:5,5;293:20;295:4 Mike (1) 6:2 mile (7) 23:14;25:8;34:24; 114:5;171:25;172:9; 227:9 mileage (11) 17:2,6;22:14;23:15; 31:15,17;36:5;42:9; 43:8,17;51:15 miles (46) 20:4,12;22:17,20; 23:12,15,16;24:16,17, 18;25:1,10,13;26:13; 27:6,9,21;33:5;34:23; 42:12;43:20;44:19; 49:1,1,1;54:22,25;55:3, 21;56:17;62:14,17,22; 63:8,8,16;65:10,11,21, 25;66:7;112:9;125:2; 167:16;174:12;209:2 mile's (1) 227:11 Mil (5) 5:8;113:19;114:20; 120:24;128:10 millennials (2) 37:7;54:14 million (66) 26:25;65:23;81:15, 20,22,22,23,24,25; 82:1,3,4;83:16;85:3, 11;87:6,7,10,14;88:5,5, 9,10;89:14;91:20;93:1, 7,8,13,23;94:1,9,21; 95:4,13;96:7,7,99:25; 100:2,13;101:17,18,21, 22,22;103:17;104:3,5; 105:2,5,12;157:15,16; 158:5,15,21;179:1,4; 195:15,16;198:1; 208:15;253:5;259:19, 21;276:9 mind (5) 159:13;167:7; 261:11;265:6;291:19
--	--	---	--	---

<p>Mine (4) 56:25,25;57:4,4 minimal (2) 16:20;99:5 minimum (1) 119:21 minor (2) 183:2;231:19 minority (1) 98:9 minute (19) 69:16;74:16;75:25; 81:7;86:24;106:12; 112:19,20;154:14; 166:4;172:5,9,9,24; 173:12;207:21,23; 219:19;292:2 minutes (13) 38:20;39:6;102:10; 149:1;175:10;184:4; 221:4,24;227:23; 228:25;286:10,18; 287:22 misapplied (1) 78:14 miscalculation (1) 104:24 misinformed (1) 223:4 misinterpreting (1) 102:11 miss (3) 8:20;194:25;195:3 missed (1) 234:11 missing (4) 80:6;149:8,11;245:1 misstatement (1) 285:25 mistake (2) 256:14;272:6 mistakes (3) 282:22;290:2,4 mister (4) 84:20;148:19; 168:21;294:1 mitigate (2) 60:22;234:20 mixed-use (7) 57:12,15;58:5,10,19; 60:6,12 MMTCO2E (1) 66:1 mobile (1) 230:16 mode (3) 27:23;28:7,10 model (10) 19:24;22:21;35:16; 57:16;58:22;191:6; 225:19,19;270:5,5 modelers (1) 253:4</p>	<p>modeling (3) 253:2;268:15;269:20 models (2) 25:1;58:25 moderate (1) 24:22 moderated (1) 25:16 modification (1) 281:17 modifications (1) 270:5 modified (2) 274:11,11 modus (1) 251:11 molecules (2) 254:14,14 moment (7) 72:4;87:2;92:5;98:3; 188:14;196:25;253:22 Monday (7) 5:15;7:12;288:13,14, 18;290:16;295:11 money (5) 120:13;165:22; 212:22;254:22;264:3 monitor (5) 234:8;271:4,18; 283:5;286:23 monitoring (12) 38:17;42:20;253:2; 264:23,24;271:1,3,12, 13,16;282:16;284:3 monitors (8) 263:10,11,14; 265:11,12;271:21; 283:13;286:23 monoxide (1) 286:10 Montgomery (19) 14:17;68:20;71:13, 23;72:24;115:1; 145:11;146:23,25; 199:10;206:4,13; 211:4;213:17;228:17; 249:9;257:4,6;282:7 month (7) 43:13;45:24;46:9; 51:15;101:2,4,4 months (4) 19:18;35:2;123:17; 261:15 more (102) 16:19;20:6,24;21:1; 22:13;25:11;26:13; 27:4;29:11,13;34:19; 35:9;36:6;40:20;44:2; 66:12,13;74:14;75:21; 76:11,16,21;77:6,16, 18;79:2;92:13;93:8; 99:1,2;108:22;109:23; 112:3;113:5;114:23;</p>	<p>118:19,20;124:6,7; 127:16,16;135:22,22, 23,23,24;144:21,21; 145:17;146:17,21,21; 158:5;167:1,2,16; 174:6,12;175:11,24; 176:18;177:10,19; 182:6,21;183:24; 188:1,20;189:1,19; 190:7;191:12,17,25; 194:1;196:5,12,13; 207:24;210:24;212:21; 219:21;225:10;226:14, 14,17,17;227:6;229:8; 233:1;234:15,18; 246:5;250:18;252:15; 255:25;269:3;272:20; 277:7;288:3;293:19,24 morning (6) 5:24;6:18;9:16; 135:18,19;177:13 most (46) 13:10;30:24;36:3; 38:21;39:25;40:4,19; 41:4;54:18;71:1;72:7; 79:18;82:12;114:15; 142:24,25;165:8; 174:15,20,22;175:2,16; 177:21;178:21;180:1, 8;181:3;182:21;183:1; 187:7;189:2,15,17,17; 218:11,15;222:5; 226:3;227:13;228:5; 230:14;234:11;236:21; 241:21;269:19;292:19 mostly (9) 44:6;118:16;125:23; 143:8,13;221:19; 225:12;252:21;256:19 mother (2) 114:4;288:24 motions (3) 7:24;8:2;9:21 motivated (1) 281:5 motivating (1) 183:11 motor (9) 20:7,24;21:2;22:1; 26:24;27:8,8;29:1; 52:24 Motorization (3) 53:9;54:6,6 move (10) 25:4;38:14;153:24; 190:18;196:8;229:4; 260:1;266:9;284:16; 293:11 moves (2) 12:11;284:20 movie (5) 137:6,22,23;145:21; 237:19</p>	<p>movies (8) 136:23,24;137:1,2,2, 7,7,18 moving (5) 45:23;56:7;117:2; 228:24;265:8 much (57) 26:13,14;37:23; 38:10;51:20;58:18,18; 59:7;64:8;87:20;91:22, 24;93:16;94:5,10,22; 102:4;110:12;112:3; 114:23;116:12;120:22; 126:21;138:12;145:8, 8;147:23;153:14; 156:8,12;160:10; 161:25;175:11,24; 177:23;188:1;189:1; 190:7;208:6,7;212:25; 218:6;221:1;248:15; 253:2,10,19;254:21; 264:18;265:7;269:9; 270:12;276:10;286:4; 287:23;288:3;294:25 Mulready (99) 8:19,21,25;148:19, 20,20,21,22,24,25; 221:3,8,10,10,13,19; 222:4,7,11,13,17,19,21, 24;223:5,19;224:4,10, 13,18;228:8,10,12; 230:24;231:4,11,13; 232:3,5,12,15,20,24; 233:12,23;234:1; 235:6,8,11,17;236:3,8, 14;238:1,2,5,18,21,24; 239:4,13,16,17,20,23; 240:7,25;241:21,25; 242:3,23;243:7,10,12, 22,25;244:8,12,17,21, 25;245:5,7,10,12,16, 18,20,25;247:2,6,8,11, 22;248:11,15;249:22; 250:7;251:13 multi-day (1) 233:24 multiplied (2) 74:5;156:20 multiplies (3) 23:16;87:6;100:11 multiply (4) 74:6,19;82:13;157:4 municipal (4) 256:11,16;275:25; 290:5 mush (1) 107:25 must (4) 154:2;163:22;212:5; 287:1 myself (3) 93:9;165:7;175:11 mystified (1)</p>	<p>226:1 <hr/>N<hr/>N-631 (1) 5:9 naive (1) 272:3 name (16) 5:18;7:3;9:8;33:13; 113:17;115:1,2,3; 127:5;133:7;188:6; 221:9,10;236:4; 251:17,18;255:18 namely (1) 280:3 names (3) 221:22;236:5;244:2 narrow (1) 81:9 national (12) 42:23,24;52:13;56:8; 61:6,7;193:3;225:9; 231:17;258:16;259:3; 285:5 nationally (1) 43:9 natural (3) 27:1;154:16;252:12 nature (6) 21:18;36:25;124:11; 125:2;179:25;261:5 navigate (2) 175:22;254:5 NBC (3) 32:8,20;34:10 near (10) 90:3;91:1;165:10; 177:6;189:8,17;228:4; 234:16;265:12;271:18 nearby (4) 163:24;169:25; 185:3;283:14 nearly (2) 192:3;193:15 necessarily (13) 165:22;170:25; 171:1;174:9;194:2,15, 20;211:16;230:15; 231:14;233:5;260:15; 265:4 necessary (5) 48:11;116:17; 235:14;255:4;261:4 necessity (12) 150:12,23;159:24; 160:3;180:7;206:2,3,8, 14;211:1;212:5;213:24 need (177) 8:17;12:13;13:8,12, 25;14:4;16:3,6;29:25; 31:9,10;37:24;38:2,3,4, 6,7;39:22;44:3;48:1,</p>
---	---	--	--	--

<p>13,23;53:23;67:11; 69:19;71:9;72:20; 73:18;77:15,25;78:9, 12,13;80:18,20,25; 81:4;85:9;88:7;90:14, 24;91:2,2;97:2,11,23; 99:7;105:25;106:2,4,6, 6,18;107:9,15,16,18, 21;109:11;111:1,6,8,9, 11;112:17;114:20; 116:19;120:25;121:11; 122:10;123:19,21; 124:25;125:3,7; 126:16;130:6,8; 136:21;138:17;150:1, 8,15;151:7,9;153:5,8; 154:1,3;157:25;158:1, 3,9,10;159:4,5,13,15, 18;161:7,9,13;162:2,8, 8;163:6;164:4,5,9,10; 167:6;168:9,9,14,15; 169:21;171:14,14,15, 20,21,22;172:7;173:3; 179:9;180:11;181:5,6, 8;184:18,22;189:3; 191:14,18,22,23; 194:13,18;198:6,18; 200:25;201:17;202:3, 5,5,6;204:5;205:22; 207:12;208:5;210:2,6, 20,25;211:6,11,15; 212:4,17,25;213:15,22; 214:15,20,20;246:18; 250:2;256:1;267:16; 281:17,18;286:18; 288:5;291:15;292:3; 293:23</p> <p>needed (5) 9:3;65:20;110:18; 114:12;246:20</p> <p>needing (2) 121:12,13</p> <p>Needless (1) 114:13</p> <p>needs (14) 76:8;88:3;92:8; 149:23;159:9;162:1; 164:16;169:7;170:5; 173:4;191:3;247:11; 264:24;292:6</p> <p>negative (2) 111:12;124:13</p> <p>negotiate (6) 116:12;118:11; 122:11;126:18;130:9; 147:15</p> <p>negotiating (2) 119:16;135:11</p> <p>neighborhood (160) 75:24;77:18,20; 78:10,11,13,15,17; 80:18;81:6;89:16;90:7, 12,14;91:24,25;92:4,7,</p>	<p>11;97:12;98:1,6,8,10; 102:3,6;105:8,10,15, 18,22,25;106:11,12,13, 13,18,19,20,21,22; 107:2;108:10,12,12,23; 110:17;111:13;117:17; 120:23;121:16,17; 124:22;130:4;131:9; 137:13;147:6;150:1; 154:3,7,10,19;155:4; 158:10,11,12,18;159:6, 9,19;160:9,11,11,13; 161:10,14;163:24; 164:8,21;167:6,11,21, 24;168:1,4,6,6,9,14; 171:14,15,20;172:2,6, 10;173:15,18,22; 179:22;180:10,18,23; 181:5,17;182:21; 183:19;184:25;186:14; 187:1,8;188:10; 189:10,18;190:19; 191:7,9;198:6,20,21; 201:2,19,20;203:3,5; 207:14,15,17,20,21,23, 25;209:4;210:6,10,20, 21;211:19;214:19,24; 216:2;217:4;218:15; 219:10,22,23;220:1,7, 7,9,12;222:14;224:21; 237:10,13,15;250:1,2; 266:2,3;289:2</p> <p>neighborhoods (2) 224:19;226:8</p> <p>neighboring (1) 183:8</p> <p>neither (3) 27:2;125:17;132:10</p> <p>net (6) 67:6;111:12;151:18; 179:22;180:10,17</p> <p>neutral (1) 15:7</p> <p>new (50) 12:6;16:22;20:3; 31:5,6,15;33:2;34:6, 18;54:16;55:8;57:12, 16;58:16;64:12;80:8; 85:18;86:9,14,16;89:2; 111:5,6;124:11,11,22; 179:10;180:2;181:17; 182:5,11,14;191:9; 219:2;225:16,19; 238:25;251:8;254:3, 16,24;256:7,12,15,23; 260:3,3,3,3;265:11</p> <p>newer (1) 23:8</p> <p>news (10) 31:13,13;32:7,9,9,19, 20;33:24;34:6,10</p> <p>next (34) 5:14;16:20;18:25;</p>	<p>19:4;24:25;32:6;33:21; 38:15;42:6;43:19;46:4; 47:4;49:11,12,12; 52:10;54:11;62:1,21; 65:3;98:14;117:1,12; 128:4,5;145:15,18; 169:21;187:4;196:1; 201:23;248:19;251:12; 288:11</p> <p>nice (5) 88:11;110:19; 126:12;130:10,14</p> <p>nicer (1) 64:9</p> <p>Night (5) 8:24;177:13;229:1; 248:3,7</p> <p>nightmarish (1) 177:18</p> <p>nine (2) 53:21;185:7</p> <p>NO2 (6) 259:16;263:7;265:2; 271:8;272:21;275:4</p> <p>nobody (9) 36:18;76:25;176:4; 190:5,15;213:5,6; 225:5;264:6</p> <p>noise (1) 78:25</p> <p>non (1) 231:9</p> <p>non- (2) 132:12;163:1</p> <p>nonattainment (1) 268:1</p> <p>non-Costco (4) 142:9,10,11,12</p> <p>none (8) 20:21,21;82:8; 133:15,24;236:19; 237:14;269:23</p> <p>non-economic (1) 53:22</p> <p>non-inherent (10) 163:23;164:1,16; 230:13,14,21,25;231:9, 12;232:16</p> <p>non-mall (2) 89:13;100:1</p> <p>noon (1) 240:4</p> <p>nor (5) 125:17;132:11; 133:1;145:12;231:7</p> <p>normal (3) 229:6;234:7;238:11</p> <p>normally (1) 93:5</p> <p>north (1) 139:12</p> <p>northern (1) 140:5</p>	<p>Nos (1) 55:10</p> <p>nose (1) 120:11</p> <p>note (9) 73:19;74:13;81:16; 205:3;212:11;218:22; 225:15;244:25;293:7</p> <p>noted (9) 25:11;64:21;103:4; 133:12;135:6;179:13; 204:9;205:8;248:21</p> <p>notes (4) 53:17;54:21;63:14; 86:12</p> <p>nothing's (2) 229:10;242:11</p> <p>notice (1) 8:9</p> <p>noticed (3) 5:14,15;255:4</p> <p>noting (3) 16:2;24:16;280:6</p> <p>notion (1) 213:10</p> <p>nouns (1) 221:22</p> <p>November (7) 8:12,12,13;11:24,25; 45:23,25</p> <p>nowhere (5) 81:17;82:7;87:24; 165:10;177:6</p> <p>NOx (1) 265:2</p> <p>NPR (2) 50:10;53:13</p> <p>nuclear (3) 225:11;229:22,23</p> <p>nuisance (4) 161:16;210:12; 211:15;289:3</p> <p>number (113) 14:12;15:11;16:14, 21;19:4;26:21;29:5,7, 11;42:15,17;46:13; 49:13;51:2,2,9,54;24; 55:15,19,21;66:21; 68:20,21,23;69:23; 70:4,11,12;72:11;73:8, 9,10;74:7,25,25;75:17; 76:14,15,18,25;78:4; 79:3;83:19;84:21;85:1, 3,4,8,9,11;87:13,18,18, 22,25;90:3;92:1,9; 94:14,20,23;96:8,9,10, 25;100:3;101:11; 102:15;103:4,5;142:3; 155:18,21;156:22; 157:1,2,3,10,11,15; 160:14;161:16,18; 162:18;163:12;166:18; 167:13;169:7;173:21;</p>	<p>178:5,6,10,12,19; 182:23;185:7;187:13; 190:16;198:21;200:9; 212:15,20;213:15; 216:11;248:22;258:19; 261:24;262:20;263:14; 276:11;286:14,22,22</p> <p>numbered (2) 100:25;193:13</p> <p>numbers (36) 10:6;27:24;29:10,20; 31:8;37:17;41:24; 44:18;49:10;57:5; 59:11;67:8,10;69:18; 73:7,24;74:21;82:19; 83:11;84:4,5,10,20; 94:6,11,18;96:23; 100:20;103:11,12; 104:15;157:18;195:18; 212:17;270:11;286:13</p> <p>numerous (1) 165:6</p> <p>nursing (1) 73:4</p> <p>NUS (2) 224:25;229:21</p> <p>NYU's (1) 225:16</p>
O				
			<p>oath (1) 12:22</p> <p>object (1) 115:7</p> <p>objecting (1) 9:20</p> <p>objection (12) 51:7;52:1,6;134:19; 152:13;189:25;190:2; 242:20,21;243:10; 280:16,25</p> <p>obligation (1) 80:5</p> <p>obligations (1) 132:25</p> <p>observation (1) 144:21</p> <p>observations (3) 118:17;240:3;251:2</p> <p>observe (3) 141:20;250:18,18</p> <p>observed (6) 136:3;141:16,17,18; 142:2;165:7</p> <p>obvious (2) 98:24;267:1</p> <p>obviously (19) 11:16;36:14,18; 56:13;63:6;78:25;92:7; 93:10;155:6;166:21; 167:3;174:17;197:10; 205:18;207:18,24;</p>	

<p>208:3;245:16;276:4 occasion (2) 194:20;213:4 occur (5) 11:16;65:6;117:13; 135:18;194:4 occurring (1) 115:2 occurs (1) 135:13 October (11) 5:15;8:2,6,7,10,10; 12:9;19:20;34:22; 64:10;288:11 off (37) 12:10,16,18;20:12, 15;21:9;31:24;32:12; 38:9;44:7;45:25;48:20; 56:7;61:25;76:22,24; 77:4;99:21;101:23; 104:25;132:12;134:4; 148:9;168:14;177:1,1, 4;183:2,9;197:1;211:8; 228:5;237:23;251:8, 15;271:19;288:1 offense (1) 269:21 offer (8) 182:6;186:25; 187:16;188:20;190:11; 217:22;218:3;232:9 offered (2) 223:22;243:9 offering (2) 223:1,3 Office (4) 43:1;52:25;79:19; 88:24 offices (1) 89:12 official (4) 44:17;45:21;56:3; 290:6 officials (1) 275:25 offset (1) 20:13 often (9) 54:13;156:13; 175:21;183:5,6;194:1, 7;259:24;260:2 oftentimes (2) 90:16;93:11 oil (9) 29:21,21,22,22,25; 30:4,9,9;34:10 old (6) 58:22,25;147:7; 257:21;276:5;282:21 older (4) 23:8;70:24;182:7; 252:21 once (7)</p>	<p>114:15,16;123:17; 132:4;134:11;167:20; 266:19 one (225) 13:3;14:4;15:1;19:3, 17;23:14;24:6;25:7; 27:13;28:21;31:3,4,18, 19,22;32:6,8,11,13,14, 15,18,18,19,20,20,22; 33:3,6,10,21;34:15,21; 38:15;42:6,13,14; 44:21;45:16;46:10; 47:4;48:18;50:6,21,21, 24;52:10;53:10;54:3, 16,21;55:8,8,13,25; 56:9,22;62:1;64:13; 66:11,17,17;67:12,17, 18;68:1,4;72:4,20; 74:5;80:23;81:20,22, 22,23,24;82:1,3,3;85:2; 86:21;87:8,12;89:6,6; 92:1,24;96:1;98:11; 103:3;104:20;107:24, 24;109:9;112:6;114:8, 18;116:6;119:11,14; 123:12;125:8,11; 126:3,22;128:5,7,8; 130:10,14;142:7,14; 143:1,2;145:1,1,6,7,13; 147:3;151:10;159:17; 160:7;161:22;162:16; 164:23;166:1;167:11; 169:9;175:12;179:24; 180:14;181:16,22; 184:2;185:1;186:21; 188:15;191:15;192:15, 16;193:13;195:12,14; 196:25;198:22;199:18, 18;204:8,9,15;206:11, 14;210:24;211:10,15, 25;212:11;215:14; 216:8,8,15,22;220:12, 21;222:16,18;224:22; 227:23;228:18;230:4; 231:23;233:6;235:2, 17;236:24;238:8,14; 240:18,19;241:1,9; 246:4;248:1;249:25; 250:14,18;252:11; 253:5,16;257:6,22,22; 260:10,20;261:24; 262:6,13;263:12; 264:16,17,19;269:18; 270:3,8,13,24;271:8, 17;276:6;277:12,17; 278:5,9,10,11,14,25; 279:17;281:13,25; 287:7;289:11,14; 292:18 one-and-a-half (2) 76:11,16 one-eighth (1) 26:7</p>	<p>one-page (1) 258:16 ones (21) 18:15;68:7;79:10; 86:1;99:24;120:18; 173:2;181:11;189:14, 16,20,22;217:21,21; 218:10,15;247:13; 269:4;277:9;283:7; 293:13 one's (1) 282:16 One-third (2) 100:8,8 ongoing (1) 187:5 only (53) 25:17;29:20;48:12; 49:8,20;56:2;59:25; 64:12;67:13;75:12; 86:5;103:7,9;105:11; 111:6;118:7,22; 120:18,19;123:6,16,17; 138:6;142:7,15; 143:13;159:12;168:11; 173:2;174:21;178:10, 20;183:11;187:6; 194:11,15;198:16; 201:8;203:25;207:21; 212:12,19;217:20; 218:13;226:14,16; 255:22;275:3;283:10; 284:5;286:22;287:14; 290:15 onset (1) 53:24 on-site (2) 86:22;88:15 onto (3) 102:19;205:20;237:9 open (17) 99:6;145:17;147:8; 175:9,20,21;177:15; 186:10;216:9;217:22; 234:1,23;235:4,9,19; 242:11,12 opened (7) 120:5;134:11; 147:15;185:3,8,8; 186:7 opening (1) 217:2 opens (2) 179:7;186:24 operate (1) 5:6 operated (1) 160:12 operates (1) 99:4 operation (4) 90:13;99:5;170:17; 213:7</p>	<p>operational (3) 231:14;283:16; 284:13 operations (1) 167:14 operative (1) 202:18 opinion (8) 150:3;151:1;152:18; 173:7;191:17;236:16; 252:5;287:16 opinions (1) 152:20 opponent (1) 96:4 opportunities (1) 120:19 opportunity (7) 96:14;116:12;118:3; 128:2;224:8;225:25; 278:20 oppose (2) 126:2;148:6 opposed (5) 21:17;34:1;52:3; 105:2;191:24 opposing (1) 212:12 opposite (1) 111:14 opposition (4) 79:25;216:25; 261:17;292:12 options (2) 66:10;183:13 order (9) 8:2;9:20;116:18; 119:5;157:25;211:20; 230:7;252:3;294:13 Ordinance (3) 5:5;214:10;233:20 ordinary (3) 227:21,23;229:7 organic (1) 254:14 organization (2) 33:14;223:15 organizations (2) 195:8;240:23 original (11) 65:18;94:8;272:16, 25;273:21,23,24; 274:10,16;278:17; 290:3 originally (2) 10:18;147:9 originate (1) 234:16 originated (1) 80:4 OSHA (1) 269:14 osmosis (1)</p>	<p>225:13 others (3) 173:23;235:21; 247:17 otherwise (7) 36:13;118:19; 132:20,24;171:8; 189:19;221:24 ought (4) 18:9;79:11;196:20; 246:25 ounce (1) 286:11 ourselves (1) 214:1 out (139) 8:9;11:9;13:2;16:18, 19;19:7,16,17;22:8; 23:8;24:12;25:19; 29:13;32:3;37:3;48:5, 22;61:13;62:21;63:4, 24;64:8,10,17;65:24, 24;66:6;70:14;72:4,6; 74:22;79:23;86:20; 87:8,16;91:19;92:24; 93:11;94:14;98:11,15; 99:2,4,12;100:10; 102:2;109:9;110:3,22; 112:13;114:19;115:3; 119:6,6,16,18;122:11; 123:2,5;125:10; 127:15;133:11;134:7; 136:20;143:19;144:5; 152:4;154:24;155:4; 156:6;161:22,23; 162:12;164:15;165:20; 175:12;178:15;179:16, 21;180:4,25;181:10, 13;183:13;184:24; 185:4,10,13,17,19,21; 186:1,4,6,25;187:3; 188:22;189:3,18; 190:12;191:25;196:11; 197:4,8;199:18; 202:11,14,15,16,19; 203:15;205:2;206:25; 211:13;218:9;221:23; 222:2,3;227:21,22; 228:5,24;231:19; 234:5;237:12;238:15; 241:12;252:19;269:15; 276:2,3;280:3;281:12; 283:21;287:21;288:16; 290:17;292:21;294:19 outages (3) 242:8,10,10 outlook (7) 16:17;19:3,9;24:2; 39:13;40:22;41:19 out-paced (1) 62:15 output (1) 91:6</p>
--	---	---	--	---

<p>outside (5) 105:8;138:6;167:10, 17;207:23</p> <p>over (69) 9:9;10:16;16:20; 17:2;22:4;23:2;26:5; 27:9,25;29:16,16;43:7, 15,19;44:7;47:7;55:14, 20;63:6;70:9;76:9; 78:14;83:11;89:1; 91:22;98:14,18;101:3; 102:5;107:25;130:11; 131:10;132:11;133:1; 136:5;137:2,14,24; 138:3;140:9;143:21, 21,22;154:25;166:17; 168:3,12;178:7; 182:24;186:19;196:1, 11;209:2,24;218:6; 226:11;227:6,16; 228:5,22;237:3; 238:16;248:2;262:23; 266:6;267:4,4;271:16; 273:1</p> <p>over- (1) 150:9</p> <p>overall (11) 26:8;43:9;98:1; 106:11;110:2;111:13; 158:12;163:17;165:21; 169:14;198:1</p> <p>over-estimated (1) 58:21</p> <p>overlap (2) 161:18;249:19</p> <p>overlapping (1) 162:17</p> <p>overriding (1) 241:1</p> <p>overrule (2) 243:10;280:25</p> <p>over-served (5) 68:6;77:8,9;96:24; 150:10</p> <p>over-serves (1) 109:7</p> <p>overstated (4) 59:9;64:21;191:1; 281:25</p> <p>overstatement (1) 58:18</p> <p>overstates (1) 57:14</p> <p>overstating (2) 74:18;83:4</p> <p>overwhelming (1) 50:25</p> <p>own (13) 13:17;59:12;69:23; 70:4,18;88:7;97:11; 187:24;234:9;269:11; 272:6,13;280:4</p> <p>owned (1)</p>	<p>246:14</p> <p>owner (1) 132:13</p> <p>owners (1) 185:22</p> <p>OZAH (1) 5:4</p> <p style="text-align: center;">P</p> <p>Pace (1) 51:14</p> <p>pack (2) 194:8;237:21</p> <p>packaging (1) 80:20</p> <p>packed (1) 234:14</p> <p>packing (1) 226:5</p> <p>page (80) 18:18,21;19:18;20:5, 20;21:10,23;22:16,22, 24;23:2,11,19,24; 24:15;25:8,12,21;26:4, 20,22;27:3,14,15;28:7, 23,24;43:13,16;45:12, 19;46:4;47:13;51:13; 52:22;54:21;55:15,25; 56:17,20;60:4,5,6,8; 62:13,21,24;63:1,10; 64:19,19;65:3,17;66:9; 68:18;69:3;72:3,22; 73:1,9,10;75:3,4;81:3; 85:15,16;86:5,11;92:2; 101:2;103:13,14,15; 104:11;169:20;172:14; 193:12,14;201:4; 262:20</p> <p>pages (13) 18:14,17;22:12; 24:11,12;27:11;52:14; 64:17;69:24;262:11, 19,23;263:19</p> <p>pain (2) 126:18,18</p> <p>paper (1) 122:8</p> <p>papers (3) 37:16;199:18;255:5</p> <p>paperwork (2) 292:15,15</p> <p>paragraph (6) 23:2;24:25;26:23,23; 169:20;198:24</p> <p>Parcel (5) 5:9;136:9;144:20; 146:16;210:4</p> <p>Pardon (3) 10:11;148:13;245:11</p> <p>parents (2) 140:13,18</p> <p>park (7)</p>	<p>114:16;200:18; 226:9;227:14;244:9, 11;251:19</p> <p>parked (6) 118:11;119:3,5; 138:13;143:21,22</p> <p>parking (41) 60:18;61:17,21; 115:2,6,10;118:8,9,11, 24;119:6;121:19,21; 122:9,14;123:6; 126:19;131:5;134:7, 12;138:4,5,15;143:6, 20,22;144:1;145:7,7, 14,18,19,20;146:11,14, 16,18;147:11;238:13, 15;239:1</p> <p>parks (1) 285:5</p> <p>part (51) 8:15;10:25;34:1; 44:23;47:15;59:22; 60:20;63:17;87:3; 90:11;106:17,18,21; 107:1,15;109:18; 153:6;155:6;163:15, 16,17;167:20,25; 168:3;171:13;172:6; 174:10;177:3;179:17; 180:6;184:15;189:5; 199:17;211:16;228:18; 232:5,7;233:3;234:21; 242:2,7;245:16;253:5; 262:12;266:2,3; 283:23;285:17;289:17; 291:16;292:15</p> <p>partial (1) 173:2</p> <p>particular (31) 14:23;17:7;20:22; 45:16;55:1;58:15; 64:18;68:5,8;85:1; 121:14;144:16,18,19; 146:11;160:15,16; 170:25;177:9,11; 191:3;211:12;215:20; 229:1,2;231:15; 232:18;258:14;259:2, 25;273:20</p> <p>particularly (12) 43:9;79:17;125:8; 177:20;184:2;253:1, 25;254:1;276:1; 283:23;285:5;286:20</p> <p>particulate (1) 263:7</p> <p>particulates (4) 262:13,14,15,15</p> <p>parties (4) 5:21;199:22,25; 249:12</p> <p>parts (2) 31:20;253:6</p>	<p>party (1) 123:19</p> <p>pass (1) 175:13</p> <p>pass-by (12) 81:4;85:17,18;86:1, 7,12,21,24,25;87:3,17; 89:1</p> <p>passenger (1) 22:15</p> <p>passing (1) 19:7</p> <p>past (8) 25:11;26:14,15;47:1; 117:18,20;141:3; 167:23</p> <p>Pat (4) 5:24;8:23;223:4; 235:18</p> <p>path (6) 116:17;128:14,16, 17,18;129:18</p> <p>Patricia (2) 8:22;221:10</p> <p>patronize (2) 121:14;125:9</p> <p>patterns (1) 177:11</p> <p>paved (2) 128:14,16</p> <p>pay (3) 183:4;195:5;254:21</p> <p>paying (2) 241:15;257:8</p> <p>payroll (1) 31:2</p> <p>peak (4) 56:17,19;82:20,20</p> <p>Peaked (2) 53:9;54:6</p> <p>peaking (1) 48:19</p> <p>peaks (2) 46:15;54:1</p> <p>pedestrian (5) 119:10;127:13; 129:17;288:20,21</p> <p>pedestrians (4) 116:6;127:18;128:3; 133:13</p> <p>pending (1) 172:16</p> <p>Penney's (4) 128:9;145:22,23; 146:14</p> <p>pent (1) 31:14</p> <p>Pentagon (1) 121:7</p> <p>people (163) 24:14;25:5;30:24; 31:6;34:17;40:21;41:5, 5;54:25;55:2;75:17;</p>	<p>76:22;78:5;79:3;88:23; 89:3,11,11;90:10,13, 15;91:12,15,17,21,24; 94:12,25;97:5,7,20; 98:2;99:7;100:18; 102:15;106:9;107:7; 109:13;115:3,4;121:2, 2;133:17,25;134:2; 136:9;138:13;140:9; 150:18;151:9;155:10, 13;156:2,16;158:18, 21;165:6,10,14,16,19, 20,22;166:12,12,17,21, 23,25;167:17;168:11; 169:4,10,23;170:5,10; 171:2,23;176:2,16,18, 20;177:18,19,23; 179:5;180:1,8;183:12, 20;184:11,13;185:15; 187:18;188:21,24; 189:2,18,18;191:22,24; 193:9;194:5,11;196:6; 208:12;209:1,15,21,24; 210:4,9;212:12;215:6; 216:11;217:7,11,11; 218:10;225:21;226:13, 14,17;227:2;228:21; 229:5,18;233:1; 234:25;235:20;236:21; 238:14;239:6;240:16; 241:9,9,11;246:2; 247:23;250:17,22; 251:1;253:25;255:5; 256:17;259:13;266:2; 271:22;272:4;275:7,9, 25;278:4,4;280:6; 282:2,2,20,21;290:22; 291:2;292:20,23</p> <p>people's (1) 241:2</p> <p>per (60) 20:4;22:18,20;23:15; 25:14,17;26:22,25; 27:6;33:5;34:23,24; 43:21;44:7;45:13,14; 46:9,10,12,17;51:15; 53:18,18,18,18;56:18; 62:17,19;68:9,9,9; 73:11;74:2,7,23;75:8, 10,14,22;76:12,19; 81:15,16,18,25;87:12, 15;101:7,14,16; 149:24;156:20;157:19; 158:15;196:6;211:21; 231:17;253:5,6;276:9</p> <p>perceive (1) 236:20</p> <p>percent (101) 25:14,17;26:8;28:16; 40:5;42:10;43:11; 45:24,25;49:21,23,23; 51:16;53:21;55:1; 56:18;58:18;63:13;</p>
--	---	--	---	--

<p>64:23;65:1;86:5,8,8,9, 12,13,15;87:4,6,17,25; 88:10,16,19,21,23; 92:22,25,25;93:4,5; 94:13,13,25;100:4,17, 18;101:7,10,13;102:1, 1,4,4,12,17,19,21,22; 103:13,22;104:12,16, 17,22;106:8,9;138:13; 155:24;156:2,7,14,16; 157:18;160:13;164:20, 25;165:1;173:1;178:3, 7,11,13,19,20,21,24; 179:2,3;191:3;193:16; 194:11,16;195:13,17, 25;196:11,13;208:10, 14;216:6</p> <p>percentage (9) 37:6;97:2;98:1,3,4; 120:20;121:12,13; 208:18</p> <p>perfect (1) 111:15</p> <p>perfectly (1) 231:9</p> <p>perhaps (12) 65:23;82:13;102:4; 111:9;151:1;178:20; 207:23;212:20;234:21; 237:3;244:9;294:24</p> <p>period (8) 25:14;26:5;27:10; 54:24;186:9;234:17; 271:2,17</p> <p>periods (1) 177:15</p> <p>perked (1) 224:12</p> <p>permeator (6) 254:6,8,10;255:18, 21;270:18</p> <p>permit (6) 267:16,18;268:20, 21;282:19,19</p> <p>permitted (1) 287:5</p> <p>permitting (1) 233:17</p> <p>person (22) 43:25;53:18;68:9; 75:22;99:7,16;100:6; 102:20;114:3;115:1; 128:4;144:12;239:8; 240:18,20,20;247:19; 249:3;250:18;258:4; 272:1;282:1</p> <p>personal (7) 25:3,24;26:1;59:12; 151:1;225:15;240:3</p> <p>personally (2) 151:4,6</p> <p>persons (10) 72:24;73:11;74:2,23;</p>	<p>75:8;76:11,12,16,19; 100:7</p> <p>perspective (3) 208:18;233:18;243:2</p> <p>perspectives (2) 44:1;249:17</p> <p>pessimistic (3) 36:4;40:4;67:9</p> <p>petition (1) 5:4</p> <p>petitioner (3) 5:6;8:11;39:9</p> <p>petitioner's (1) 11:16</p> <p>petitions (1) 255:6</p> <p>Petroleum (2) 192:10;193:4</p> <p>PG (1) 206:10</p> <p>phase (3) 22:16,18;254:25</p> <p>phone (1) 291:5</p> <p>phones (1) 76:24</p> <p>phonetic (1) 288:19</p> <p>phrase (3) 143:15;152:9;199:2</p> <p>phrased (1) 152:1</p> <p>phrases (2) 199:9,12</p> <p>physical (2) 144:13;231:14</p> <p>pick (3) 96:9;108:2;237:17</p> <p>pick- (1) 124:19</p> <p>picking (3) 107:23;153:8;228:24</p> <p>pick-off (1) 124:19</p> <p>Pickrell (1) 51:14</p> <p>pick-up (2) 20:2;21:16</p> <p>picture (1) 231:24</p> <p>piece (6) 23:13;59:16;67:17; 77:4,11;293:23</p> <p>pieces (3) 57:20;108:3;237:9</p> <p>pigs (1) 124:10</p> <p>Pike (1) 120:24</p> <p>pinning (1) 152:24</p> <p>PIRG (4) 55:5,6;66:21,23</p>	<p>pitting (1) 216:8</p> <p>place (27) 17:8;64:10;85:17; 91:22;118:24;125:18; 126:12;134:8;161:17; 165:9;174:15,17,19,22; 175:2,16;177:22; 182:24;187:12,13; 194:14;218:8;226:7; 227:23;228:22;240:6; 271:18</p> <p>places (11) 121:19;147:9; 161:16;164:12;177:23; 183:18;189:6;196:10; 248:8;256:22;264:13</p> <p>plan (39) 13:21,24;51:20;62:2, 8;63:13,17,23;64:5,6, 15;65:18;112:7; 116:14;118:17;178:15; 226:25;232:25;233:10; 234:21,21,22;236:19; 243:14,20;244:6,13,23; 246:6;247:1;259:2,4; 264:4,5;268:3,18; 284:3;292:22;295:10</p> <p>planes (1) 246:11</p> <p>planned (3) 125:18;257:14; 288:17</p> <p>planning (13) 10:19;11:1;59:17; 66:22;154:11;200:15, 18;232:10;244:9,11, 19;279:20,21</p> <p>plans (4) 65:16;125:17; 223:15,22</p> <p>plant (2) 229:23;286:4</p> <p>plants (3) 225:1,11;229:22</p> <p>Plaza (6) 5:9;114:5,5,10,15; 126:11</p> <p>please (8) 5:22;38:25;113:18, 22;198:7;221:9,16; 251:21</p> <p>pleasure (1) 148:2</p> <p>plenty (1) 176:20</p> <p>plus (2) 120:15;161:1</p> <p>Plyers (1) 113:19</p> <p>pm (5) 99:9;125:6;149:5; 221:5;295:13</p>	<p>PM2.5 (1) 263:7</p> <p>poignant (1) 265:21</p> <p>Point (130) 8:15;10:6;13:2;15:4, 4,7;16:2,12,14,14,15, 17,22;17:8;18:1;19:18, 21;20:14,15;22:2;23:4; 26:12,12;31:15;34:23; 35:4,5,11,13,14,23; 36:1;37:21;38:8,11; 40:3,17;41:18;44:3; 46:1;48:25;49:8,15,19, 20,24;51:3;52:15,22; 56:6;58:9;59:14,14; 64:20,23;75:5,16; 79:11,13;83:10;85:10, 15;90:9;93:15;98:23; 104:9;105:13,15; 106:15;107:17;109:10, 10,16;112:6;124:3; 127:22;130:22;131:13; 133:4,14;136:17; 138:9;140:6;151:8; 152:24;154:18;155:20; 156:16;160:5,7; 166:24;167:5;168:10, 15;173:14;181:3; 185:9;188:3,6,19; 193:5,22;194:15,17; 197:8;206:9,18,22; 212:15;218:20;219:1, 16;220:6;228:12; 233:4,16;246:6; 250:14;259:5;260:6; 261:6;266:25;267:1; 273:24;281:25;287:18, 18;288:9;289:14; 290:18</p> <p>pointed (10) 91:19;92:24;99:4; 102:2;110:3;155:4; 164:15;197:4;199:18; 289:8</p> <p>pointing (3) 130:12;137:5;140:22</p> <p>points (9) 50:24;55:25;130:3; 134:14;167:12;240:16; 243:11;246:5;272:4</p> <p>police (6) 10:10,12;213:25; 228:14;229:7;246:3</p> <p>policy (12) 24:18;43:2;53:1; 112:7;159:5;252:1,2, 12,16;258:9;286:5; 289:17</p> <p>political (1) 256:14</p> <p>pollutant (1) 259:2</p>	<p>pollutants (2) 124:8;283:6</p> <p>pollute (2) 285:7;286:5</p> <p>pollution (13) 17:5,7,11;35:16; 120:15;124:13;241:2, 2;266:14,22;270:25; 278:21;285:2</p> <p>pollutions (1) 17:20</p> <p>pool (8) 107:5;114:11; 136:10,16;138:21; 140:9,25;141:2</p> <p>poorly (1) 56:15</p> <p>populated (2) 226:4;246:20</p> <p>population (24) 16:5;20:12;24:21; 26:5,9;48:7;62:16,23; 63:5;72:24;73:2,17; 74:24;126:10;159:6; 169:22;172:7;196:6; 198:19;201:1,18; 203:3;207:13;213:9</p> <p>portion (13) 21:25;91:15;106:8; 111:6;115:8,9,20; 137:16;159:1,2; 201:13;203:17;207:11</p> <p>portions (3) 153:9,9;173:4</p> <p>pose (1) 281:11</p> <p>posed (1) 204:10</p> <p>poses (1) 184:19</p> <p>position (10) 13:7;15:6,7;94:19; 119:19;162:19;207:11; 213:22;273:11;277:6</p> <p>positive (3) 10:19;61:8;254:11</p> <p>possibilities (1) 55:22</p> <p>possibility (4) 186:10;257:3; 265:18,19</p> <p>possible (13) 6:23;41:10;42:3; 158:5;182:12,13; 184:5;185:16;186:5,8; 187:15;200:8;292:4</p> <p>possibly (4) 96:6;150:19;151:10; 196:9</p> <p>post-Costco (1) 134:11</p> <p>posted (1) 183:3</p>
---	--	--	---	---

<p>postulating (1) 156:15</p> <p>pot (1) 214:2</p> <p>potential (6) 17:24;52:23;59:8; 135:7;259:19;270:25</p> <p>potentially (5) 160:23;209:21; 210:5;211:9;214:1</p> <p>potluck (2) 123:19;235:22</p> <p>poverty (1) 256:22</p> <p>Power (16) 8:14;52:15,22; 213:25;225:1,11; 228:3,4,21;229:22,23; 234:5;242:8,10,10; 286:3</p> <p>powerful (1) 47:16</p> <p>power's (1) 237:11</p> <p>practical (1) 214:8</p> <p>practicing (1) 252:15</p> <p>precedent (1) 152:25</p> <p>precedential (2) 14:22;15:1</p> <p>precisely (1) 186:3</p> <p>predict (3) 58:15;190:5;260:21</p> <p>predicting (1) 195:9</p> <p>prediction (2) 42:24;195:18</p> <p>prefer (2) 217:12;277:24</p> <p>preferences (1) 24:20</p> <p>preliminary (4) 7:21;9:15;11:4; 12:15</p> <p>prematurely (1) 38:9</p> <p>premise (3) 274:8,9,23</p> <p>preparation (1) 118:13</p> <p>prepare (3) 224:9,25;293:17</p> <p>prepared (10) 39:25;40:9;78:21; 79:15;80:13;154:9,21; 168:17;292:20;293:20</p> <p>preparedness (8) 221:20,20;223:20; 236:15;239:12;240:12; 244:12,20</p>	<p>preponderance (2) 198:18;201:16</p> <p>pre-recession (1) 45:25</p> <p>preschoolers (1) 122:4</p> <p>present (7) 51:16;198:20; 201:19;203:4;207:14; 235:12;261:17</p> <p>presentation (2) 8:15;257:14</p> <p>presented (3) 234:3;261:17;291:3</p> <p>presenting (3) 234:2;239:23;240:24</p> <p>presents (2) 81:13;116:7</p> <p>president (1) 285:1</p> <p>press (16) 32:3,17,18,19;33:11, 13,23;34:1,1;50:10,12; 51:4;52:14;57:10,21; 58:2</p> <p>pressure (2) 99:1;188:2</p> <p>presumably (5) 30:25;188:21; 267:13;275:12;283:13</p> <p>presume (6) 12:2;17:4;59:23; 160:22;207:3;283:7</p> <p>presumed (2) 157:20;207:1</p> <p>presumption (2) 207:4;228:13</p> <p>pretty (9) 31:23;94:22;110:12; 113:7;134:6;135:20; 225:1;276:4;285:4</p> <p>prevent (7) 212:9;213:2,4;214:4, 10;285:12;287:7</p> <p>preventing (1) 212:7</p> <p>prevention (4) 212:6;285:2,15,22</p> <p>previous (3) 68:3,7;216:20</p> <p>previously (3) 12:12,24;293:24</p> <p>price (18) 29:21;45:14,17;46:9, 10,12,17;47:10;97:6, 20;158:6,16;165:17, 18;182:22;183:3,4,12</p> <p>prices (12) 24:22;25:15;29:21, 22,23;30:1,4,9,9;45:18; 47:8;216:17</p> <p>primarily (2) 17:15;54:13</p>	<p>primary (5) 183:17;287:4,8,14; 288:17</p> <p>Prince (1) 206:12</p> <p>principal (1) 142:20</p> <p>print-out (1) 68:19</p> <p>prior (2) 53:20;154:10</p> <p>prisons (1) 73:4</p> <p>pristine (1) 286:4</p> <p>privacy (1) 263:24</p> <p>private (2) 254:20;256:1</p> <p>probably (28) 23:23;31:7;36:3; 49:16;65:22;67:21; 94:21;158:17;165:9; 175:9;181:1;182:4; 184:10;186:17;187:19; 189:2,17;191:12,15; 196:7;197:13;235:18; 246:13;247:24;250:11; 271:15;284:21;287:25</p> <p>probative (1) 235:25</p> <p>problem (26) 8:18;59:8,9;84:9; 86:23,23;88:14,17; 107:22;112:15;118:4; 128:12;131:14;161:20; 181:14;223:9;231:16; 236:1;240:14;264:4; 268:8,9;270:2,3; 271:21;293:9</p> <p>problematic (1) 229:8</p> <p>problems (7) 110:23,25;112:3; 124:17;228:15;236:17; 271:18</p> <p>procedural (2) 9:15;224:2</p> <p>procedure (1) 222:2</p> <p>procedures (2) 233:22;272:24</p> <p>proceed (7) 12:25;37:18;113:24; 129:22;149:15;221:18; 251:23</p> <p>proceeding (3) 15:11;233:21;235:24</p> <p>proceedings (1) 281:25</p> <p>proceeds (2) 12:2;191:2</p> <p>process (3) 59:20;180:20;267:18</p>	<p>processes (1) 233:17</p> <p>produce (4) 81:20;249:19; 280:22,23</p> <p>producers (1) 266:22</p> <p>product (2) 182:15;255:24</p> <p>production (1) 224:24</p> <p>products (1) 207:20</p> <p>professional (4) 252:4;275:6,6,8</p> <p>proffered (1) 208:16</p> <p>profit (2) 187:22;247:25</p> <p>profitability (1) 189:21</p> <p>profitably (1) 257:19</p> <p>profits (1) 217:6</p> <p>Program (6) 60:14;61:1,16; 182:25,25;183:1</p> <p>programs (3) 65:16;182:19,23</p> <p>progress (4) 123:3,3;144:3;257:9</p> <p>progressive (1) 257:7</p> <p>project (3) 36:15;144:12;261:8</p> <p>projected (8) 20:3;24:16;25:17; 26:6;64:23;81:15; 178:24;226:13</p> <p>projecting (2) 40:5;57:13</p> <p>projection (18) 22:3,8,9;25:10,20; 27:10;28:17;36:11; 37:22;39:14;44:13,19; 45:5;46:18,24;48:13; 49:11;83:15</p> <p>projections (23) 12:19;23:5;24:24; 28:3;30:19,22,23; 36:16,25;39:12,18; 40:21;41:4,8,22;47:5; 49:3;56:2,3;59:22; 64:21;65:4;208:6</p> <p>proliferating (1) 182:24</p> <p>proliferation (1) 179:19</p> <p>promote (1) 63:16</p> <p>prone (1) 256:9</p>	<p>proofread (1) 225:13</p> <p>propagate (1) 23:8</p> <p>proper (1) 89:18</p> <p>properly (3) 90:19;272:15,16</p> <p>properties (1) 163:24</p> <p>property (5) 109:12;132:17; 136:8;280:3;283:14</p> <p>prophecy (2) 106:1;107:4</p> <p>proportion (1) 48:6</p> <p>proportional (1) 24:17</p> <p>propose (1) 63:13</p> <p>proposed (22) 9:4;13:5,23;16:24; 17:17;18:16,16;19:20; 110:21;125:11;129:18; 151:15;159:11;165:4; 198:19;201:1,18; 202:15;207:13;214:23; 230:10;278:18</p> <p>protect (9) 211:16,20;214:6; 217:11,13;230:7; 247:14,18;275:8</p> <p>protecting (1) 217:14</p> <p>Protection (7) 57:23;225:9,11,12; 231:18;237:4;280:5</p> <p>protective (1) 260:15</p> <p>protocol (3) 268:18;276:16,21</p> <p>protocols (1) 276:25</p> <p>prove (4) 85:9;87:20;88:12; 276:13</p> <p>provide (12) 48:6;99:5;180:8; 182:15;186:11,11,14, 18;215:13;217:3; 225:20;253:17</p> <p>provided (5) 36:24;192:9,15; 193:14;201:9</p> <p>provides (4) 163:18;183:16; 187:6;188:24</p> <p>providing (1) 187:21</p> <p>provision (7) 198:7,25;199:3,8;</p>
---	--	--	--	--

213:22;281:19;284:24 provisions (1) 212:16 PSD (2) 285:22;286:8 public (26) 5:2;10:14;54:12; 136:22;158:21,25; 159:1;179:18;181:14; 200:22,25;201:17; 202:15,19;204:4; 205:23;206:5;213:23; 252:13;280:18;289:17, 19,20,21,23;290:7 publications (1) 44:17 published (1) 115:16 pull (3) 24:12;94:8;109:8 pulled (2) 64:17;85:14 pulling (4) 35:15,17;84:21; 144:5 pump (8) 97:1,2;119:21; 142:24;183:4;195:1; 229:17;255:1 pumped (1) 94:6 pumping (2) 94:10;181:6 pumps (8) 5:7;112:14;143:1; 166:18;167:1,2;195:3; 229:16 punted (3) 14:5,6;269:5 purchase (22) 81:16,18,25;87:15; 136:19;156:21;158:23; 165:3,8;174:1,3,4,7; 178:3,16;183:12; 192:5;193:17;194:2,6, 18,19 purchaser (1) 170:6 purchasers (1) 169:3 purchases (8) 33:3;81:20,24;82:1; 93:4;170:6;183:3; 208:7 purchasing (3) 38:4;175:17;183:20 pure (1) 206:8 purport (1) 62:11 purporting (1) 222:9 purports (1)	80:17 purpose (2) 82:23;214:9 purposes (7) 81:18;83:19;154:21; 198:12;210:6,20,21 pursuant (1) 5:5 put (68) 13:4,11;15:10;16:14; 18:14;31:7;32:3;35:10; 37:14;39:11;40:10,13; 41:13;48:5;49:24; 50:18;51:1,8,14;52:1; 57:2;60:19;66:16; 67:18;68:17;71:14,14; 72:6;76:17;77:1,3; 96:6;97:25;99:1,15; 125:8;155:15;160:10; 161:9,12;163:4;181:7, 9;190:15;191:16; 192:19,22;196:10; 211:12;214:1;227:11; 231:19;237:18,21; 240:6;241:8,11;262:7; 270:17;271:21;275:18; 276:13;279:4;282:4; 286:9;291:4;292:12; 293:19 puts (4) 20:10;178:24;180:4; 188:1 putting (11) 27:24;44:6;54:18,20; 88:19;89:5;96:2; 177:24;181:9,13; 184:23	123:21;270:25 quarter (1) 100:2 quarters (1) 192:4 queue (3) 142:19;143:4;294:6 queued (4) 142:6,16,18;143:3 queuing (6) 288:21,21;293:23; 294:5,15,18 quickly (11) 38:15;40:7;41:10; 42:3;99:22;141:19; 226:21;228:12;260:1; 261:12;280:9 quiet (1) 126:12 quit (1) 289:13 quite (19) 25:7;35:9;65:19; 73:2;152:25;165:7; 167:23;175:8;180:19; 183:4,6;196:9;253:19; 259:10,17,24;268:6; 271:10;282:2 quote (2) 88:21;159:3 quotes (2) 156:6;291:19 quoting (1) 214:5	rate (8) 25:13;27:25;40:5; 55:18,20;65:15;93:21; 100:4 rates (1) 36:10 rather (12) 40:21;43:15;48:3; 63:1;64:11;81:6; 113:10;194:6;208:11; 232:13;264:25;278:17 ratio (3) 31:6;75:15;76:9 ration (1) 165:23 rational (1) 211:11 ratios (6) 68:5;71:12;74:22; 75:5;77:1,3 re (1) 193:3 reach (3) 47:19;141:21;276:15 reached (2) 53:19;214:8 reaching (1) 206:21 reaction (1) 143:18 read (24) 15:21;46:5;150:12, 13;156:1,3,5,6;181:11; 193:11,17;198:6; 209:13;245:12,14,15, 16;263:18,18;269:5; 273:14;291:19,20,21 reading (2) 162:8;194:4 reads (1) 169:20 Ready (7) 149:7,15;221:7; 251:12;291:8;293:17; 295:10 reaffirmed (1) 205:9 real (16) 46:9,10,12,17;73:25; 98:14;105:15;107:22; 185:25;212:24;239:25; 248:8;254:19;271:14; 272:12;282:15 realistic (3) 94:25;109:13,16 realistically (1) 78:23 reality (1) 93:14 realize (3) 85:24;281:10;293:12 really (87) 16:11;24:6;35:10;	38:11;39:23;42:5; 46:15;47:5,18;48:15; 49:23;67:13;79:5,13, 16;80:19;83:7;84:1,3; 88:12,12;90:7;93:8; 94:10,19;97:25;98:8; 109:5,9,13;110:5,14; 123:19;126:16,17; 132:9;138:17;141:21; 144:9;152:15;153:11, 11,20,23;161:7,22; 166:19;168:14;171:10, 20;174:2;180:1; 187:22;188:7;211:20; 212:13;214:3;226:1; 227:15,22;229:19; 243:15;244:1,1; 252:15;256:13,16; 258:25;264:11,20,22; 267:2,21;268:11,23; 269:21,22;271:21; 275:23,23;276:13; 279:15;280:13;284:18; 285:25,25;289:13 rear (1) 116:2 reason (24) 37:17;49:22;67:7; 72:23;73:1;114:17; 132:6;155:17,22,23; 164:23;178:2,5,14; 184:20;185:25;187:19; 188:22,24;193:19; 196:15;212:18;224:18; 226:24 reasonable (5) 39:14;54:1;219:9; 237:16;294:7 reasonably (12) 78:16;158:20; 172:23;174:20;175:2, 16;179:18;180:5; 186:21;199:2;207:9; 220:10 reasons (9) 13:14;14:1;98:11; 162:5;183:23;187:18; 194:5;212:9;214:5 reassess (1) 65:14 rebuttal (1) 11:16 recall (12) 88:20;92:10;154:12; 155:14;171:7;200:6; 204:18;206:2;210:7; 236:10;289:5,9 receive (1) 243:18 received (4) 120:5;123:23;193:2; 199:24 recent (3)
		R		
		Q		
	quadrillion (6) 20:10;21:7,8;26:6, 21;29:5 qualified (2) 269:21,22 Qualifies (2) 172:4,6 qualify (1) 172:1 qualifying (1) 149:24 qualities (1) 160:4 quality (16) 63:25;150:8;258:16; 259:3,15;263:16; 264:2;266:24;267:7, 10;269:13,21;287:4,8, 9,14 quantitative (4) 150:8,21;158:10; 162:12 quantities (2)	radius (4) 69:16;122:21,22; 125:2 raining (1) 237:14 raise (3) 113:21;221:15; 251:20 raised (5) 78:8;114:6;211:2; 249:1,25 raises (1) 269:19 Ralph (1) 200:18 ran (1) 141:3 range (6) 95:5;154:15;174:13; 179:3;208:25;219:19 rapid (1) 45:18 rapidly (1) 261:16 raring (1) 291:8		

<p>48:19;71:1;259:16 recently (1) 260:19 recess (3) 39:7;149:5;221:5 recession (6) 25:16;31:13;43:23; 45:21;48:21,22 recessions (1) 46:22 recognition (2) 59:4;211:11 recognizes (1) 192:13 recollection (2) 170:1;236:10 recommend (3) 232:18;247:20;284:6 recommendation (5) 5:20;200:21;202:2,3; 244:18 recommendations (3) 203:22;259:10; 281:14 recommended (3) 225:17;244:20; 258:20 recommends (2) 203:14;258:19 record (43) 10:25;13:11;14:14; 18:9;31:24;32:12; 34:10;36:24;51:21,24; 52:1,7;61:11,25;65:13; 95:25;96:2;131:2; 139:16,17,24,25;148:9; 149:7;156:16;197:1; 198:12,18;201:16; 203:23;205:17;217:16; 221:8;251:15,17; 252:8;262:16;274:24; 277:21;280:18,23,24; 281:3 recover (1) 290:5 recovery (3) 254:25;255:10,12 recross (1) 220:24 redirect (4) 197:21,23;210:24; 220:22 reduce (10) 17:5,17;24:18;60:23; 63:16,18;65:25;100:2; 101:13;124:21 reduced (5) 74:15,17;105:1; 119:10,14 reduces (1) 21:7 reducing (8) 17:10;23:16;58:12;</p>	<p>59:20;61:21;112:8,8,8 reduction (18) 55:3;56:9;63:11,13, 23;64:15;65:1,17,21, 21;66:7;98:6;195:9,13, 19,25;196:11;197:3 reductions (3) 53:22,24;66:11 redundant (1) 237:5 reel (1) 235:19 refer (2) 7:24;50:2 reference (14) 18:2;19:22;21:5; 26:11;27:14;28:3,22; 29:8;30:5,8;53:16; 54:7;60:5,7 referenced (7) 18:7;23:5;26:25; 69:23;70:3;266:19; 277:13 references (2) 19:21;60:20 referred (6) 11:23;22:6;146:5,7; 263:11,13 referring (1) 123:24 refers (5) 19:19,24;21:10; 63:10,11 reflect (3) 53:22;139:17,24 reflected (1) 39:13 reflection (1) 93:8 refresh (1) 169:25 refrigerated (1) 120:9 regard (5) 127:18;213:22; 254:24;260:9;264:17 regarding (7) 8:17;78:12;127:9; 233:22;239:12;266:13; 272:21 regardless (3) 29:14;56:14;204:1 region (8) 43:10;166:17;168:3; 263:15;264:1,10; 270:20,22 regional (10) 43:9,10;80:19;90:13; 105:22,23;166:19; 167:6;168:8;215:5 Register (4) 261:25;262:9,10; 275:21</p>	<p>registered (1) 53:19 regulate (8) 258:25;267:2,5,5,6,7, 9,9 regulation (2) 233:11;267:3 regulations (7) 18:3;233:9;258:20; 263:8;266:13,21; 292:16 regulator (1) 276:23 regulatory (5) 212:15,18;213:12; 275:23;276:14 reign (1) 270:8 reinstated (1) 202:9 reject (2) 244:15,19 rejected (2) 244:13,16 rejection (1) 244:20 relate (1) 253:21 related (5) 56:10,12;161:6; 231:22;232:17 relates (3) 232:9;253:21;266:24 relative (1) 29:20 relatively (2) 82:19;183:2 relaxed (1) 134:8 relaxing (1) 114:12 release (12) 32:3,19;33:11,13,23; 34:1,5;52:14;57:10,21; 58:2,4 releases (2) 32:17,18 relevance (1) 53:17 relevant (8) 24:12;40:16;200:4; 232:8;238:23,24; 242:18;252:17 reliable (4) 40:19;51:6;97:3; 235:25 relied (2) 13:16;234:8 relies (1) 39:16 rely (8) 38:2;41:19,22,22; 42:1;67:14;192:16;</p>	<p>236:25 remain (1) 65:2 remained (1) 55:21 remaining (4) 25:18;86:9,14; 146:18 remains (2) 152:12;256:8 remember (15) 95:22;128:7;147:8; 168:18;169:2;227:8; 235:18,21;236:1,3,4,5; 259:18;273:24;282:23 remind (1) 12:21 remotely (1) 180:9 removal (1) 204:18 remove (3) 202:10,12;203:17 removed (3) 199:22,24;200:23 renown (1) 225:11 repeatedly (1) 219:17 repetitious (1) 40:17 repetitive (4) 240:22;249:8,10,21 replaced (1) 181:14 replied (3) 83:25;236:9,10 report (111) 5:20;10:21,22,24; 11:2;16:3,3,16;18:15; 19:1,14,14,15;22:7; 32:9,19;33:25;45:19; 50:10,21;52:11;53:7; 55:2,15;57:9;60:13,19; 61:16;64:17;66:23; 67:17;69:25;70:10,11; 71:9;72:5;73:18;74:12; 77:4,5,12;80:21,24; 81:2,6,8,17;82:6,7; 83:17;84:5,5,20;85:1,5, 10,15,25;86:16;87:1; 88:1,20;89:10;90:18, 19,21;91:19;92:16; 93:12;94:4,22;100:17, 23,24;101:1,3,12; 102:11;103:2,11; 104:21;108:19,21; 109:11,16;110:12; 114:25;124:1;134:20; 141:22;155:16;156:2, 6;157:10,11;168:17; 169:14;172:14;173:7; 178:6;179:13;185:6;</p>	<p>190:23;192:1;193:11; 200:17;219:18;220:20; 225:1;274:11;290:3 reporting (3) 32:22;50:15;51:12 reports (15) 18:1;19:15;32:24; 50:22;66:21;68:3; 69:17;115:16;167:15; 181:3;195:12,14; 200:5;203:21;229:22 represent (2) 253:23;256:19 representatives (2) 209:11;279:6 represented (2) 99:23;253:24 representing (2) 6:25;256:2 reputation (1) 246:15 request (2) 8:11;77:15 require (4) 22:13;27:5;125:19; 126:4 required (10) 13:17;17:2;233:3,6, 10,16;241:20,23;244:4, 9 requirement (9) 10:13;78:9;150:15; 163:7;202:6,7;203:14; 244:5,6 requirements (4) 23:6;198:15;201:7; 224:3 requires (2) 22:19;149:25 Research (19) 32:4;33:16;50:22; 52:12,21;53:8;54:12; 57:11,13;60:14,25; 61:6,16;134:4;153:18, 20,20;226:25;287:1 researchers (2) 50:15,16 researcher's (1) 50:19 reserve (1) 295:5 reside (2) 11:2;92:3 residences (5) 79:10;278:19,21; 279:14;283:14 resident (3) 169:6;172:1;289:2 residential (7) 78:18;121:7,8;129:3; 168:6;169:21;230:8 residents (2) 81:5;94:12</p>
---	---	---	---	---

<p>resolution (1) 7:23</p> <p>resolve (1) 69:19</p> <p>resources (3) 51:2;252:12;278:6</p> <p>respect (9) 10:5,13;92:1;147:3; 207:11;216:24;257:10; 280:15;292:3</p> <p>respectful (1) 285:13</p> <p>respectively (1) 74:17</p> <p>respects (1) 213:6</p> <p>respond (3) 77:15;229:7;241:6</p> <p>responded (1) 204:15</p> <p>responders (1) 10:5</p> <p>response (6) 203:25;204:7;229:3; 245:3;246:21,22</p> <p>responsible (2) 126:1;141:11</p> <p>rest (3) 36:6;38:14;111:4</p> <p>restriction (2) 211:7;268:20</p> <p>restrictive (2) 124:7;210:25</p> <p>restroom (2) 187:13;193:24</p> <p>restrooms (1) 194:1</p> <p>result (9) 13:3;22:17;53:24; 65:17;67:6,12;187:17; 212:5;275:5</p> <p>results (1) 124:11</p> <p>resume (2) 5:14;16:1</p> <p>resumed (1) 45:23</p> <p>retail (9) 77:3;89:13;100:1; 169:24;190:23,24; 225:4;239:9;246:15</p> <p>retailer (2) 193:4;216:8</p> <p>retailers (1) 216:17</p> <p>retired (1) 23:8</p> <p>retrofitted (1) 246:13</p> <p>return (2) 62:18;274:5</p> <p>returned (1) 273:14</p>	<p>reverse (1) 45:21</p> <p>reversed (2) 13:8,12</p> <p>review (6) 13:17;245:17;259:4, 8,18,23</p> <p>reviewed (3) 151:21;204:3;259:12</p> <p>revised (1) 124:6</p> <p>rid (1) 255:12</p> <p>ridership (1) 63:17</p> <p>ridiculous (1) 237:19</p> <p>right (301) 6:11;7:5,10,17,19, 20;9:14;11:19,22;12:1, 8,15,25;14:11,20;15:3, 22;16:9;18:5;19:8,15; 21:4,24;23:18,25;28:9, 13,15;29:6;30:12; 31:10;32:7,13,16,21; 33:2,22;34:3;35:3; 36:8,12,20;37:5,19,25; 38:1,8,12;39:3,5,21; 40:15;41:25;42:4;43:5, 18;44:9,25;45:15; 46:16,16;47:2,12;50:1; 51:22;52:20;54:5;55:7; 57:17,24;58:4;59:24; 60:1;62:6;63:20;64:14, 16;66:2,15;67:2,6,22; 68:10;70:6,9,13;71:3,7, 8,21;72:25;73:6;76:3, 5,20,23;77:23;78:3; 80:11;81:10;84:16,24; 85:25;86:3,18;89:9; 90:1;91:13;92:12,17, 20;95:2,6,20;97:4; 99:20;100:12,15; 101:5;102:7;103:17, 20;104:7,14;106:16; 109:19;110:10,11; 111:21,24;112:18; 113:1,13,15,21,22,24; 115:15;117:1,7; 121:24;122:1;123:10; 126:8;127:1,3,25; 128:23;130:3,18,21; 131:18;132:3;133:9; 137:11;140:7;145:6; 147:22;148:10;149:14, 15,18,20;150:1; 152:18;154:3;156:21; 157:16;161:3;162:20; 163:19;164:17;166:9; 167:19;168:24;171:15; 172:12,17;179:1; 187:1;188:10;190:21; 193:12;195:4,10;</p>	<p>197:17,20;198:13; 200:11,14;201:3; 203:8,9;204:11,19,21, 22;205:13;208:21; 211:22;213:13,19; 214:3,22;215:11; 218:17,20;220:21; 221:2,7,15,16,18,25; 222:6;223:5,17; 224:14;226:12;227:3, 6;228:4;231:6;232:1,5, 6,12;233:23;237:2,6,7; 240:7;243:12,23; 244:17,21,25;245:5,25; 247:7;248:14;249:16, 23;250:20;251:4,11,14, 16,20,21,23;254:23; 255:2,16,19,19;257:4; 258:1,6,12;260:12; 261:1;262:3;263:5; 264:8,14;266:4,9; 267:17;268:6,16; 269:7,12,16;270:4,21; 271:7,24;272:19; 274:6,12;275:11; 276:12,17;277:15,20; 283:3,22;284:10; 288:2;290:13,16; 291:4,7,13,14,15,23, 25;293:4;295:10</p> <p>right-hand (3) 20:6,23;177:3</p> <p>rights (2) 263:20,24</p> <p>Ring (31) 115:6;116:4,9,18,19, 20;117:3,11,20,23; 118:5,25;119:9,10; 125:15;127:9,12,12,20; 128:13,14,15,19,22; 130:7;131:4;133:13; 134:13,15;136:7; 276:12</p> <p>rise (4) 17:1;22:14;23:6; 45:18</p> <p>rises (1) 226:21</p> <p>rising (1) 45:17</p> <p>risk (7) 190:13,15,17;217:2; 232:1,2;241:17</p> <p>risks (1) 236:20</p> <p>risky (1) 114:22</p> <p>rivers (1) 230:3</p> <p>Road (54) 5:8;56:7;87:13; 113:20;114:20;115:6; 116:4,7,9,18,19,19,20;</p>	<p>117:3,11,20,23;118:5, 8,25;119:9,10;120:24; 125:15;127:10,12,12, 20;128:10,13,14,15,19, 22;130:7;131:4; 133:13;134:13,15; 136:7;155:1;177:3,17; 227:23;228:24;238:11; 265:3,5,6,7,12;271:19, 19;290:1</p> <p>roadrunner (1) 144:6</p> <p>roads (6) 87:4,9,22;227:13,16; 237:12</p> <p>roadway (1) 177:2</p> <p>ROB (2) 140:15;153:15</p> <p>robust (1) 24:21</p> <p>Rock (1) 247:17</p> <p>Rockville (2) 120:24;263:12</p> <p>role (1) 258:17</p> <p>room (7) 5:16;56:4;145:9; 181:7;236:21;288:16; 295:12</p> <p>ROSENFELD (166) 6:3,3,5;8:5,7,20,22, 24;9:2,19;11:5,6,7,25; 12:5,9;14:15;22:22,25; 51:17,19,23;56:20,25; 69:2;75:3;95:11; 134:19,22;136:2,6,12; 138:20,24;139:1,3; 140:8,12,17;141:10,13, 16,23;142:1,5,10,12, 17,20;143:5,10,12,14, 17;144:10,15,20,24; 145:4,14,17,24;146:3, 6,10,15,20;147:3,20; 148:3;152:13,15,17; 170:20;172:18;189:25; 190:3;197:22,24; 198:5,11,23;199:2,5,7, 13,16,20;200:2,7,10, 16,21;201:22,25;202:4, 6,8,12,17,21,24;203:8, 12,18,23,25;204:23,25; 205:3,5,20;206:3,12, 18,20,22;207:4,8; 208:1,5,16,22;209:3,9, 15,19;210:3,9,18; 211:10;214:16;215:16, 18,22;216:1,5,15; 217:15,19;218:18; 219:15;220:23;222:20; 223:21;243:1;249:14, 17,21;251:7;274:10,13,</p>	<p>19;288:19;289:2,7,10; 290:21;291:5,9,13,16; 294:1,4,23;295:2</p> <p>roughly (5) 76:14,15;154:25; 155:1;173:1</p> <p>route (2) 121:13,13</p> <p>routinely (1) 142:21</p> <p>royal (2) 126:18;191:6</p> <p>ruin (1) 247:25</p> <p>rule (2) 235:23;292:3</p> <p>rules (4) 222:2;229:24;286:8; 292:16</p> <p>ruling (4) 14:3,25;15:5,18</p> <p>run (12) 7:18;128:11;141:3, 19;178:15;211:2,9; 213:7;238:16;241:21; 263:13;280:4</p> <p>running (3) 122:4;213:5;235:19</p> <p>runs (1) 264:10</p> <p>rural (5) 270:7;272:18; 273:10,18;275:3</p> <p>rush (1) 226:23</p> <p>Rust (1) 256:21</p>
S				
				<p>S-2476 (2) 13:5;15:18</p> <p>S-2863 (1) 5:4</p> <p>safe (4) 136:7;213:8;253:6; 267:3</p> <p>safer (1) 147:1</p> <p>safety (7) 116:7;210:11;225:1; 229:22;237:4,4;243:19</p> <p>Safeway (4) 13:13,15;14:17; 182:25</p> <p>salami (1) 196:18</p> <p>sale (3) 81:15,16;157:20</p> <p>sales (37) 43:21;44:22;45:5,14, 17,20,21;46:7,9;47:9, 10;48:11,14,20;67:13;</p>

77:6;87:15;89:11; 99:22,24,25;101:1,4,7, 10,14;104:2;105:9,10; 157:19;159:10,19; 160:17;178:25;189:4; 208:10;216:6 Sally (1) 242:14 same (45) 19:12;20:19;27:16, 16;28:19;29:19;31:8; 47:4;51:3;65:2;74:1; 75:7,11,13;76:14,15; 77:2;80:19;86:16,20; 101:16;102:23;104:15; 107:4;128:12;158:8; 160:12;165:11,18; 188:5;194:3;205:21; 214:11,12;215:4; 216:9;227:19;248:22; 250:3,22;281:16; 285:14;294:15;295:11, 12 sandwich (1) 125:5 sat (1) 184:3 satisfied (3) 34:18;106:6;107:17 satisfy (8) 67:15;91:2;106:3,4, 5;151:9;166:19;180:11 satisfying (2) 171:20,21 Saturday (3) 8:24;99:9;240:3 SAVAGE (3) 6:18,19,21 save (2) 165:20;254:21 saved (1) 120:14 saving (1) 165:22 savings (1) 259:20 saw (5) 120:7;122:5;229:4; 234:1;245:12 saying (66) 30:3,4,20;49:7; 58:20;82:25;83:8;84:2, 4;88:17;89:8;90:13; 91:21;95:7,10;102:13; 103:11,15;108:22; 109:10,20;111:22; 146:9,16;154:13; 157:9,17;159:14,25; 163:8,9,14;171:14,16; 183:12;190:13;206:14; 213:14;215:10;218:1; 219:10;224:15;233:15; 238:20;240:6;243:19;	244:3;254:20;255:3,6; 261:7,9;264:11;273:4, 15;274:3,4,6,7,9,17,20; 280:22;282:21,23; 293:5 scale (1) 188:23 Scalia (1) 287:17 scary (1) 146:2 scenario (1) 237:19 scenarios (1) 274:14 schedule (2) 7:6;259:23 scheduled (6) 8:16;11:8,18;227:5; 291:10,12 scheme (1) 284:3 school (9) 49:15;252:11; 275:17,20,21;276:1; 278:10;279:13;283:15 schools (5) 276:8;279:8,13; 280:3,8 Science (9) 61:7;253:16,19,21; 258:9,10;259:4,5; 289:16 scientific (2) 52:4;275:24 scientists (3) 52:11;258:19;289:18 scoured (1) 203:23 screen (2) 270:1;276:11 screening (1) 268:5 screens (1) 270:3 screwing (1) 279:22 se (1) 211:21 Sears (2) 117:13;128:5 seat (1) 113:15 sec (1) 230:11 second (25) 5:16;21:22;22:18; 32:14,19;33:6;34:15; 43:13;45:10,12,19; 55:8;60:4;86:22;88:14; 126:23;145:1,2; 160:19;207:11;216:10; 222:16,18;260:14;	269:25 Secretary (1) 224:19 Section (14) 5:5;81:2,11;149:25; 163:9,10;164:15,17; 179:9,9;193:12;201:9; 230:12;231:2 Sector (4) 226:25;254:20; 256:1,17 secular (1) 47:16 seeing (4) 67:9;128:3;166:1,6 seem (4) 92:10;110:7;164:8; 192:1 seemed (1) 154:16 seems (7) 24:11;40:19;123:23; 161:21;163:4;183:16; 217:9 self- (1) 107:3 self-created (1) 90:12 self-fulfilling (1) 106:1 Selfishly (1) 148:2 sell (16) 87:14;97:22;105:11; 157:25;158:3,4,5,15, 17;159:8,22;183:8; 196:2;197:25;219:18; 255:24 selling (5) 91:1;159:5;207:19, 20;256:12 sells (5) 97:20;182:20;187:6; 197:4,10 semi- (1) 224:11 semi-expert (2) 222:11,12 Seminary (1) 155:1 sending (1) 12:10 senior (2) 255:5;285:1 sense (20) 7:15;41:2;83:3; 84:12,22;97:3;107:4; 113:11;150:8,12; 151:23;152:24;158:10; 161:13;174:11;191:1; 208:24;257:20;275:24; 294:15 sent (3)	9:9;64:7;291:6 sentence (1) 193:18 separate (5) 17:18;31:18;70:11; 177:2;254:22 separated (2) 161:22,23 separately (1) 259:7 separating (1) 145:11 September (6) 8:1;14:17;32:15; 34:9;193:2;274:5 series (1) 54:11 serious (1) 276:4 seriously (1) 179:16 serve (11) 97:11;109:3,22,24; 159:4;170:10;198:19; 201:1;202:16;203:3; 207:13 served (2) 111:9;150:10 serves (1) 109:6 Service (24) 32:7,9;33:24;34:6; 134:14,16;187:12; 188:25;189:1;194:21; 200:22,25;201:1,17,18; 202:15,16,20;204:4; 206:6;208:19,20,24; 217:3 services (11) 25:2;99:5;125:4,8,9; 173:5;180:9;181:13; 182:6;186:11;215:14 servicing (1) 216:11 session (3) 5:15;7:21;288:11 set (11) 28:20;39:18;158:7,9; 177:1;258:17;259:2; 265:5;266:21;269:2; 283:13 setback (2) 278:17,19 sets (2) 158:6,16 setting (1) 287:14 settled (1) 196:9 seven (18) 69:16;75:25;106:12; 154:14;171:25;172:3, 5,8,9,9,23;173:12;	185:8;195:16;207:21, 22;219:19;228:6 seven- (1) 81:6 seven-and-a-half (1) 195:16 several (9) 23:23;24:11;43:15; 47:7;55:20;96:20; 229:13;231:21;233:1 severe (1) 264:2 shake (1) 291:4 Shall (2) 148:11,11 shape (1) 166:7 share (2) 148:1;251:13 sharing (1) 248:15 SHEARD (2) 6:13,13 Sheetz (1) 191:6 Shell (1) 194:25 Shelter (1) 224:20 Shelton (2) 237:20,24 Sheveiko (6) 8:18;9:4;247:12; 288:21;294:21,23 shift (2) 208:7,10 shoals (1) 254:6 shocked (1) 287:17 shootings (1) 229:14 shop (14) 114:13;118:23; 121:19;123:16;136:21; 138:13;155:11;156:8; 178:7,20;209:17,17,21; 210:1 shopped (1) 120:8 shoppers (26) 81:5;82:3;88:15; 89:13;98:4,10;99:4; 100:5,18;101:8,15; 102:1,17;103:18,22; 155:8;156:15;170:2,7, 12;175:3,16;176:20; 178:7,21;208:18 shopping (25) 79:19;88:19;101:15; 102:16,20,22;114:11; 118:21;139:3;167:8,
--	---	---	---	--

20;169:25;174:15; 175:3;183:25;209:25; 210:4,5,16;217:12; 225:19;239:6,6,7,8 shops (1) 100:6 Shore (2) 93:10,11 short (8) 31:23;43:24,25;44:5; 45:8;133:25;159:4; 290:23 shorter (1) 197:5 shortly (1) 118:10 Short's (3) 44:10,13;45:4 short-term (1) 53:25 show (38) 25:17;36:2,3;38:5; 41:3;43:6;44:7;46:6; 47:21;54:20;58:16,17; 62:12;67:19;80:18,19, 25;93:13;96:3,4,7; 116:22;149:23;150:18; 154:2;157:25;158:12; 159:17;160:6;163:1, 10;165:21;168:20; 180:22;192:12;194:13; 227:1;250:7 showed (3) 22:7;74:4;86:14 showing (20) 21:11;27:12,20,21, 24;29:15;38:4;45:11, 15;46:4,24;47:2,6; 52:16;76:9;150:20; 159:21,23;160:1,2 shown (8) 21:10;66:6;86:10; 96:4,5;212:5;260:11; 287:2 shows (33) 18:18;20:10;21:20; 22:1,9;25:8,9;27:13,19, 20;28:3;29:7;42:8; 43:7,13,14,16;46:13, 21;55:16,18,19,22; 56:17;57:13;62:21; 63:3;68:20;72:23;73:9; 85:16;200:23;215:18 sick (1) 248:1 side (25) 29:10;35:22;51:8; 56:5;73:17;116:16; 129:10;131:3,4;136:7; 137:11;138:21;139:6, 15;140:6;177:1,3,7; 204:18;224:8;227:19; 265:6;266:25;275:12;	278:5 sides (3) 113:1;143:2;292:23 sidewalk (13) 116:15;129:9,10,14, 15,15;131:17,20,24; 132:2,9,17;139:11 sidewalks (2) 131:18;133:7 Sierra (1) 285:17 sign (2) 120:7;183:3 significant (20) 7:22;18:19;45:20; 51:6;67:10;216:11; 225:8;236:13;283:7; 285:3,12,16,16,19,22, 23,24;286:8;287:7,9 significantly (1) 26:3 signs (1) 116:13 SIL (1) 285:23 Silver (4) 5:8;221:13;247:17; 262:24 Silverman (113) 9:3,16,18;112:21,23; 115:16;148:12,14; 149:3;215:2,3,9,11; 223:7;240:5,8,11,13; 251:14,18,18,24;252:9; 254:2,9,16;255:3,11, 17,20,23;257:16;258:2, 7,13,23;260:8,13; 261:2,21;262:4,10,14, 18,20,22;263:1,6; 264:9,16;265:16; 266:5,15,18,20,23; 267:11,14,18;268:17, 24;269:7,12,16,24; 270:22;271:3,7,10; 272:11;273:3,7; 274:15,22,25;275:2,13, 15,20;276:18;277:12, 16,20,22;278:24; 279:19;280:17;281:1, 21;282:24;283:4,9,19, 22;284:8,11,14,21; 285:9;286:17;287:24; 288:2,5,8,13,16,24; 289:13,16,25;290:15; 294:20,24 similar (19) 74:2;142:6;164:7; 174:24;175:7;180:5,9; 183:18;186:21;198:21; 203:5,7;207:15,16,24; 213:6,22;214:18,24 simple (6) 110:4,7;156:14;	265:1;272:12;286:22 simply (30) 10:3;15:10;20:15; 23:4;43:22;48:20,24; 54:17;56:10;58:22; 74:5,22;83:10,19;84:4; 85:3,8;87:5,19;88:9; 91:10,11;105:16,21; 125:20;162:9;180:24; 213:2,4;293:2 single (3) 35:18;110:24;235:2 sit (6) 123:4;142:19; 165:19;175:10;250:16; 276:15 site (9) 5:8;132:10,12;209:5; 211:14;215:20;230:20; 231:5,8 siting (5) 275:17,20,21; 278:10;279:13 sitting (2) 120:14;135:10 situation (16) 79:8;110:4,8,15,16, 22;180:2,9;211:18; 213:3;232:8;239:25; 271:1;276:14;282:18; 283:25 situations (4) 229:9;234:7;248:5; 285:4 six (8) 19:18;54:22;143:1,1; 184:10;225:22,24; 256:20 size (5) 81:1;157:20;186:18; 245:24;246:11 skip (1) 5:13 slew (1) 110:25 slice (1) 196:18 slightly (3) 26:1;45:22;54:23 slippage (4) 93:3,3,6,6 slowly (4) 25:11,19;26:13; 144:2 small (26) 16:19;22:7;43:11; 59:25;78:25;79:7;97:1; 98:1,3,4;106:8,12; 121:24;124:12;136:20; 145:7;159:1,1,2; 167:13;190:23;241:12; 259:21;284:23;286:2; 287:5	smaller (6) 76:18;108:23; 122:22;197:14;254:13; 276:10 smart (2) 59:1;235:18 smell (1) 120:10 smokestack (1) 270:16 smuggling (1) 105:21 snapshot (8) 71:13,14,16,19,24; 72:5,8,12 sneak (1) 254:15 snow (1) 228:6 Snowmageddon (3) 228:2,16,20 society (2) 53:23;259:19 soda (1) 125:5 sold (4) 83:12,12;94:14; 197:13 solely (7) 118:22;159:8; 179:11;180:13;212:8, 10;214:4 solid (2) 271:14;276:5 solo (1) 181:1 solution (3) 187:12,22;222:14 solutions (1) 237:16 somebody (19) 49:21;98:20;168:3; 184:7;224:7,23; 235:11;238:21;239:9; 241:6,14,17;248:25; 249:5;254:8,9;270:6; 278:1;291:4 somebody's (1) 50:20 somehow (5) 94:25;105:9;180:23; 214:7;257:24 someone (7) 110:4;121:1,9; 144:12;257:23;278:1; 293:3 someplace (1) 99:11 Sometimes (5) 213:11;221:22; 253:20;257:11;271:14 somewhat (6) 16:18;36:25;125:25;	160:3;255:8;289:22 Somewhere (13) 73:21;118:5;123:6,7; 130:25;131:2,3,4; 137:24;179:3;195:17; 199:15;214:13 soon (3) 48:21;290:24;291:6 sophisticated (1) 292:18 sorry (39) 9:6;16:16;22:22; 28:5;29:9;53:10;54:4; 58:8;63:11;64:19,23; 69:3;72:4,15;74:25; 76:6;85:23,24;89:20; 101:20;110:9,9;137:6; 144:14;148:7,19,21; 168:21;172:4;190:24; 192:20;202:12;208:6; 216:21;236:4;244:1; 254:1;261:22;291:9 sort (32) 24:14;25:3;27:23; 55:14;84:7;107:23,23; 111:8;150:16,21; 154:9,16,19;162:13; 171:25;172:10;176:22; 178:12;179:7;191:24; 197:12;204:9;205:9; 250:6;256:21;266:7; 269:24;275:16;276:7, 18;285:21;294:13 sound (1) 294:7 sounds (1) 237:19 source (7) 51:7,9;88:15;112:11, 11;124:22;187:22 sources (9) 51:2;80:22;81:11; 92:2;169:8,9;247:14; 266:14;267:21 South (8) 42:9;43:10;78:19; 116:16;129:22;130:17; 155:2;227:15 southeastern (2) 137:9,15 southerly (1) 117:10 southern (5) 117:2,3,11,20;136:7 southwest (1) 146:17 southwestern (1) 131:3 sp (1) 288:20 space (4) 122:10,10;238:15; 239:1
---	---	---	---	---

<p>sparkling (1) 146:22</p> <p>SPEAKER (2) 119:12;149:9</p> <p>speaks (1) 204:2</p> <p>special (46) 5:4;13:8,22;14:1,2, 16;15:6,10,17;126:2; 132:10,15;146:4; 148:6;149:24;151:15; 159:11;161:11,15; 163:18,22;165:4; 174:23;175:1,6; 180:15,19;181:1,3,20; 198:15;201:7,8;205:6, 12;210:10;228:9; 230:20;231:7;233:5,7, 13;244:6;267:22; 269:1;284:7</p> <p>specialist (1) 114:3</p> <p>specific (9) 59:4;81:4,9;199:11; 259:6;266:21;272:21, 24;273:15</p> <p>specifically (10) 143:17;149:24; 170:14;186:16;236:4, 8;245:22;265:15,16; 273:16</p> <p>specifics (1) 161:17</p> <p>specified (1) 233:20</p> <p>specifies (1) 249:9</p> <p>specify (2) 94:4;231:8</p> <p>speculate (2) 96:13;184:6</p> <p>speculation (1) 51:12</p> <p>speculations (1) 50:12</p> <p>speculative (2) 36:25;217:23</p> <p>spell (2) 7:2;127:5</p> <p>spelled (1) 9:8</p> <p>spend (5) 38:20;50:5;114:12; 146:13;212:21</p> <p>spending (1) 257:18</p> <p>spent (3) 153:4;227:23;257:17</p> <p>spill (1) 245:24</p> <p>spills (2) 245:3,22</p> <p>spirit (1)</p>	<p>39:15</p> <p>split (1) 240:15</p> <p>spoke (1) 209:10</p> <p>spoken (3) 11:7;185:20;186:3</p> <p>sponsored (2) 60:14;61:3</p> <p>spot (1) 123:7</p> <p>spread (4) 35:17;110:22; 112:13;196:11</p> <p>spreadsheet (1) 57:16</p> <p>Spring (3) 5:8;221:14;247:17</p> <p>springs (1) 247:16</p> <p>square (3) 226:6;237:22;256:2</p> <p>squeeze (1) 98:14</p> <p>squiggly (1) 46:3</p> <p>stabilizes (1) 47:11</p> <p>stabilizing (1) 46:21</p> <p>stack (1) 270:15</p> <p>staff (15) 10:19,21,22,24;11:1, 2;77:20;78:17;108:11; 200:4,17;203:13; 219:25;241:9;247:24</p> <p>staffers (1) 235:19</p> <p>staff's (1) 250:3</p> <p>stage (7) 112:4;243:14,15,16; 254:25;255:10,12</p> <p>stagnant (2) 55:21;64:25</p> <p>stagnation (2) 43:15;62:22</p> <p>stake (1) 267:4</p> <p>stand (3) 104:10;113:14; 273:14</p> <p>standard (38) 17:24;25:3;27:22; 49:8;59:1;78:22;94:17; 150:4;151:4,5;158:20; 162:7,14;163:21; 180:11;198:24;206:17; 211:4,11,15;253:6,6; 259:16,17;260:3,19,19; 261:4,23,25;263:2,3, 16;264:2;265:6;</p>	<p>273:18;287:19,20</p> <p>standardized (1) 58:13</p> <p>standards (58) 16:23,24;17:4,10,14, 15,16,25;18:3,11,12, 16,20;19:2,19;20:1; 21:5;22:9,13,16;23:3, 6;27:4;30:21;31:5,15; 34:6,18;39:17;40:20; 49:13;124:6;150:6; 153:11,12,13;162:17; 163:18;258:17;259:3, 11;260:11,14;261:9,11, 12;266:24;267:12,25; 269:3,10,11,14;287:4, 4,9,9,14</p> <p>standing (4) 135:23;144:5,7; 279:1</p> <p>stands (1) 18:9</p> <p>start (12) 13:1;19:18;21:4; 64:12;85:8;149:22; 188:17;252:4;256:3; 266:6;284:11;288:16</p> <p>started (6) 16:22;79:23;88:13; 120:6;252:19;282:21</p> <p>starting (5) 12:19;20:5;22:7; 81:2;96:24</p> <p>starts (3) 20:6;29:4;262:21</p> <p>stat (2) 196:20,20</p> <p>state (31) 11:9;41:7,22;42:22; 56:7,8,14;59:14;62:15; 63:12;66:22;112:7; 113:17;201:5,6;221:9; 233:8;251:17;252:8; 257:17,19;259:5; 264:9;265:10;268:2, 12;277:5,8,17;281:24; 284:2</p> <p>stated (5) 13:6,7;112:7;115:1; 219:17</p> <p>statement (3) 34:10;88:7;111:14</p> <p>states (8) 13:13;59:15;81:3,12; 94:23;104:22;213:21; 263:24</p> <p>state's (2) 263:20,24</p> <p>statewide (1) 63:13</p> <p>stating (1) 83:4</p> <p>station (164)</p>	<p>5:7;13:5;16:7;21:14; 27:2;48:2,7;59:17; 67:12,20;68:12;74:23; 75:9,11,14,15,17; 76:12,19;77:18,22; 78:24;79:1,5,6;80:25; 82:10,11;85:19;86:1,2, 10;88:1;89:2,19;90:25; 91:2,17;96:8;97:8,20; 98:5;99:12;100:10; 101:10,14;102:23; 104:13,17,22;105:14; 106:10;111:11;114:18; 118:17,24;119:6,8,17; 120:10,19;121:7,8,14; 122:9,11;124:25; 125:3,7,22;126:17; 127:15;131:22,24; 132:1;133:8;138:7; 141:24;142:1,14; 146:6;150:1,9;156:3; 160:12,15;163:1; 166:16;172:22;173:4, 7,13,13,23;175:15; 176:6,17;177:4,8,11, 15;178:22;179:7,25; 180:2,4,7,25;181:7,9; 184:9,19;187:6,24; 188:1;189:23;191:9, 10,11,13,18,19;193:4; 194:21;195:6;196:12; 198:22;208:2,8;210:5; 214:23;215:19;218:3; 220:11,12;225:18; 226:3;229:8,15,23; 230:9,15,16;231:16,23; 232:18;237:18;238:5, 6;239:3;240:8;246:12; 247:2;264:15,16,18; 265:15,17,18,19;275:5; 282:19;283:16;284:13</p> <p>stations (145) 35:15;48:3,5;67:14; 68:9,10,11,20;69:7,11, 13,18;70:8;71:4,10,11; 75:1,10,13,22;76:22; 79:18;82:9;85:13; 90:25;91:6;92:18; 96:25;98:11,13,15,19; 99:1,6,7;109:12; 110:18;119:20,22; 120:1;121:4,10,124:5; 125:1;126:16;142:6,8, 12,21,24,25;158:9; 159:22;160:13,23; 166:3,6,8;167:4,23; 169:12;173:3,24; 174:5;175:12;176:24; 179:16,20,21;180:17; 181:2,10,13,17,24; 182:2,21;184:20,23; 185:4,7,10,13;186:6, 13,15,25;187:16,20;</p>	<p>188:2,7,20;189:3,8,10; 190:6,6,11,20,24; 191:21;192:4;195:21, 24;196:2,10,12,21; 207:19;211:13;213:23; 214:24;217:3,7,17; 229:25;230:16;231:18; 232:2;236:23;238:7; 254:21;256:18,19,24; 257:2,4,10;264:23; 267:6,7,8,13,20,24; 276:8;278:13;279:9, 14,22,24;280:6,7; 282:11,12</p> <p>statistic (1) 193:7</p> <p>statistical (1) 70:21</p> <p>statistics (5) 52:5;67:20;68:8,13; 192:10</p> <p>stats (2) 193:4,4</p> <p>status (2) 64:4;160:16</p> <p>statute (17) 78:9;154:4;199:10, 19;206:1,4,7,7;207:12; 211:7;213:18;243:22, 23,24;244:4;281:18; 285:15</p> <p>statutes (2) 18:3;207:2</p> <p>statutory (2) 198:25;244:5</p> <p>stay (2) 213:7;276:8</p> <p>steady (1) 62:17</p> <p>step (1) 169:21</p> <p>steps (5) 48:9;117:17;131:10; 137:14;254:24</p> <p>Sterling (12) 83:14;101:2,8,9,11; 103:1,7,9;157:18; 176:25;177:4;254:18</p> <p>stick (3) 104:10;294:13,25</p> <p>still (24) 12:22;26:6;27:16; 29:15;30:10;56:5; 94:14;98:18;99:11; 118:15;132:2,2;134:4; 138:3,17,20;191:14; 194:25;196:7;209:24; 230:25;259:21;260:1; 290:8</p> <p>stipulate (7) 35:25;38:21;39:10, 12,18;40:2;171:24</p> <p>stipulated (2)</p>
---	---	--	---	--

<p>166:14,15 stipulating (1) 37:12 stipulation (1) 39:25 stop (8) 49:16;116:13;122:6; 249:2;260:6;276:25; 284:17;288:8 stopped (2) 47:7;205:16 stopping (1) 116:25 store (37) 69:1;86:13;91:18; 97:11,17;100:19; 102:16;105:23;106:14; 123:16,20;136:19; 159:8;167:18,22; 170:25;176:25;177:3, 7;186:12,18;189:4; 190:20;191:10,18; 192:5;193:23;209:1; 210:16;212:12;216:10; 217:6;218:9,13; 225:19;227:3;237:10 Stores (44) 68:3,23;69:8;79:23, 24;80:6,8;92:19;97:10; 98:25;147:17;150:7; 151:12,24;152:11; 153:16;154:18;157:21; 158:19;159:3,7;163:3; 167:13;179:19;182:18; 185:18,21;186:20; 190:25;191:5,15,21; 192:5;193:3,16;194:1, 2;199:8;206:16;211:2; 212:1;213:14;225:20; 242:11 Stores' (1) 205:10 stories (1) 226:18 storm (3) 234:10,13,21 Stream (1) 247:18 streams (1) 234:15 street (2) 225:22;280:7 strengthened (1) 205:9 stretch (1) 234:22 strictly (1) 213:2 stringent (2) 27:4;66:13 strong (6) 47:8,22;49:22;62:19; 67:7;261:6</p>	<p>stronger (1) 194:13 strongest (1) 260:13 strongly (2) 56:12;98:12 structure (3) 138:24;139:2;154:9 struggled (1) 267:4 stuck (1) 226:24 students (1) 253:17 studied (1) 93:17 studies (6) 52:4;54:12;90:16; 260:3;272:6;282:15 study (27) 51:13,15;52:13;54:5; 69:15,20;71:8;73:17; 74:8;75:8,12,15,19,23; 76:7,8,8,10,12;81:13, 14;82:17;92:11;93:13; 135:3;279:16,21 stuff (7) 120:9;225:13,21; 234:2;276:1,3;293:3 subject (4) 5:7;52:1;158:7; 284:7 subjected (1) 196:21 subjects (1) 253:16 submissions (1) 269:5 submit (1) 223:16 submitted (7) 36:24;155:12; 200:14;277:10;291:17, 22;293:25 submitting (4) 8:6,8;192:11;255:6 subsequent (3) 200:23;205:6;277:17 subsequently (2) 205:5,11 substantial (6) 13:25;30:14;59:4; 65:5;175:23;208:17 substantially (7) 22:13;57:14;58:12, 13;76:18;93:14;183:5 substantiated (1) 118:20 substantiating (1) 134:5 substation (1) 228:3 substitute (1)</p>	<p>25:2 substituted (2) 202:16;203:7 substratum (1) 234:13 suffer (1) 98:10 suffers (1) 213:9 sufficient (3) 150:9;163:25;171:4 sufficiently (2) 35:6;162:25 suggest (13) 36:13,25;37:16;40:7; 51:17;56:4;192:1; 208:17,23;246:25; 270:3;273:9;275:2 suggested (14) 59:18;68:4;92:24; 154:12,14;195:14; 196:16;258:25;265:22; 279:18,19;285:21; 293:18,20 suggesting (6) 43:23;130:16; 154:13;211:1;238:3,5 suggestion (6) 16:5;97:5;168:12; 208:9;212:24,24 suggests (5) 26:3;49:9;62:18; 268:7;270:2 suing (1) 282:21 sulfur (1) 253:5 Sullivan (15) 11:20;124:2;235:17; 253:12;261:13;263:11; 265:1;267:19;268:22; 270:6;271:13;274:4; 283:24;285:20;290:4 Sullivan's (2) 100:24;272:6 sum (2) 28:15;110:14 summarizes (1) 55:13 summary (6) 7:24;8:4;9:21;19:19; 27:19;54:18 summer (1) 140:18 summertime (1) 140:10 Sun (2) 66:18,25 sunny (1) 227:25 superior (1) 182:6 supermarket (2)</p>	<p>123:20;225:22 supplemental (4) 67:17;77:12;100:23; 155:16 supplies (1) 169:13 supply (8) 150:9;158:11;164:6; 171:4,4;173:4,6;181:9 support (7) 34:18;52:25;79:1; 178:12;202:25;212:20; 256:9 supported (2) 13:24;79:6 supportive (2) 277:6,9 supports (2) 170:12;171:8 suppose (1) 210:14 supposed (4) 58:12;203:16;226:4; 235:12 Sure (52) 6:18;7:16;15:1; 20:18;33:7,9;37:22; 65:12,19;73:3;74:18; 79:23;80:3;90:6,19; 98:20;106:10,16; 116:21;120:19;121:9; 124:2;133:3;140:4; 148:25;152:25;153:22; 158:4;168:25;171:9; 174:2;181:25;182:3; 185:14;186:21;192:7; 199:15,16;203:12; 205:13;206:20;211:17, 24;214:25;217:15; 251:5;272:3;274:17, 24;289:15;292:23; 295:1 surprised (3) 134:25;135:17; 271:11 surprisingly (1) 29:24 survey (1) 208:12 survived (2) 143:9,10 sustain (3) 115:15;152:14;190:2 SUVs (1) 21:17 swallow (1) 93:7 Swim (8) 114:8,10;116:6; 119:1;121:23,25; 122:3;129:7 swimming (3) 107:5;114:11;122:3</p>	<p>swing (1) 285:23 sword (1) 217:24 swords (1) 278:15 sworn (4) 12:24;113:23; 221:17;251:22 system (4) 228:4;264:24; 271:22;282:13 Systems (1) 52:13</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>table (5) 9:19;28:2,19;29:19; 234:19 tables (1) 231:22 tailpipe (1) 286:9 take-away (1) 55:14 Takoma (1) 251:19 talk (18) 31:16;62:14;64:18; 112:3;113:6;162:21; 185:22;220:10;221:19; 225:5;251:25;253:22; 254:10;258:8;271:18; 274:15;286:8;288:20 talked (14) 90:9;123:15;151:24; 154:18;168:17;179:8; 185:15;186:2;206:1; 212:2;219:25;235:20; 258:14;286:17 talking (35) 10:8;20:19;33:2; 40:8;75:23;89:16;92:2, 6;102:2;105:13; 116:21;119:25;122:16; 136:6,8;139:18; 144:19;145:14;146:3; 153:5;160:22;167:9; 174:12;179:6;207:18; 216:8;220:8;242:11; 252:3;256:7;276:10; 277:9,11;287:8;294:4 talks (17) 20:9;22:15;24:20,25; 25:13,21;47:13;51:13, 15;64:16;66:9,21; 150:11;151:17;163:10, 17;164:15 taller (2) 270:15,15 tanker (1) 236:23</p>
---	---	---	---	---

<p>tanks (1) 182:3</p> <p>tape (1) 279:2</p> <p>Target (2) 140:6;265:8</p> <p>taxicab (1) 213:3</p> <p>taxicabs (3) 212:17,20;215:14</p> <p>TCRP (1) 60:25</p> <p>teach (3) 49:14;252:12,13</p> <p>teaches (1) 239:9</p> <p>teaching (1) 252:10</p> <p>Team (1) 114:8</p> <p>technical (10) 10:21,22,24;11:2; 77:20;78:17;108:11; 203:13;219:25;250:3</p> <p>technically (1) 292:17</p> <p>techniques (1) 272:18</p> <p>technologies (2) 63:15;256:10</p> <p>Technology (11) 52:21;253:25;254:2, 3,17,19;255:14;256:7, 16,16;267:8</p> <p>teenage (1) 141:22</p> <p>teenagers (5) 114:24;140:12,19; 141:11,18</p> <p>tells (1) 268:5</p> <p>tempered (1) 214:17</p> <p>temporary (1) 48:24</p> <p>ten (3) 74:16;184:11;250:22</p> <p>tend (6) 55:2;57:14,15;122:4; 151:7;256:20</p> <p>tended (1) 154:20</p> <p>tendency (1) 48:5</p> <p>tends (2) 77:6;263:13</p> <p>tennis (1) 122:4</p> <p>tenths (1) 34:24</p> <p>term (3) 14:17;199:5;224:11</p> <p>terminology (1)</p>	<p>243:21</p> <p>terms (49) 20:10;46:18;48:13, 15;55:3;60:11,21; 67:11;70:23;71:12; 73:25;74:3;77:7,21,24; 78:12,13,24;79:12,14, 25;90:24;95:1;102:3, 11,19;104:2;106:11; 110:11;135:14;149:23; 154:16;162:1;169:8; 171:19;200:25;210:14; 218:5;219:12,23,24; 226:15;243:19;250:17; 259:20;261:11;278:21, 22;281:17</p> <p>terrifying (1) 279:25</p> <p>terrorist (1) 237:17</p> <p>test (1) 217:2</p> <p>testified (35) 36:14,16;127:8,16; 143:5;152:21;153:15, 17;157:14;163:7; 165:25;167:15;168:16; 176:19;178:1;184:13, 14;185:2,5;188:5; 189:7;190:19,22,25; 195:7;209:16,16; 216:19;245:6;253:13; 258:18,23;272:1; 282:9;289:5</p> <p>testify (29) 6:22;8:19;11:9,11; 113:8;148:14;184:8; 188:4;209:11;222:10; 224:1;239:11;240:16, 18;243:1,10;248:25; 249:4,5;250:22;274:4, 14;275:14;292:6,24; 293:2,10,15;295:4</p> <p>testifying (11) 139:24;185:5;222:9; 240:20,20;248:22; 249:3;253:4,5;281:4; 289:1</p> <p>testimony (42) 8:9,17;12:17;16:2; 35:11;79:12;113:4,4; 115:8;148:24;167:12; 177:14;185:12;192:17; 194:24;209:10,13,20; 221:2;223:24;234:12; 235:5;240:15;242:2, 22;243:5,8;245:15,17; 249:10,21;251:3; 252:1;255:7;258:9; 273:6;275:18;279:23; 284:15;287:23;290:1; 293:19</p> <p>thankfully (1)</p>	<p>26:18</p> <p>Thanksgiving (1) 227:25</p> <p>theater (4) 137:8,22,23;145:22</p> <p>theoretically (1) 181:4</p> <p>theory (3) 170:12;171:8;178:13</p> <p>thereafter (1) 80:5</p> <p>therefore (5) 16:6;151:10;179:17; 181:7;212:4</p> <p>thick (4) 24:8;262:17,18,22</p> <p>thinking (4) 113:3;257:24; 277:24,25</p> <p>third (15) 28:7;29:2;30:7;32:8, 15,20;34:21;43:16; 68:18;69:3;86:23; 105:4,5,7;278:11</p> <p>Thirty (1) 101:7</p> <p>thorough (1) 260:1</p> <p>thoroughly (1) 93:17</p> <p>thoroughness (1) 282:3</p> <p>though (13) 13:1;63:5;83:21; 98:17;128:11;194:3,7; 197:9;228:23;246:7; 250:14;278:20;284:16</p> <p>thought (15) 24:8;53:10;74:13,14; 79:11;84:18;85:23; 103:3;120:13;205:9; 208:10;223:3;239:11; 255:7,17</p> <p>threat (1) 179:8</p> <p>three (32) 13:25;27:12,13; 31:18;32:21;48:9; 54:11;55:4,22;57:20; 71:11;82:12;85:18,25; 87:4,9;95:12,12;100:9; 117:16;119:21;122:5; 130:2;143:1;145:7; 154:11;193:13;229:12; 242:9,12;247:24; 290:14</p> <p>three- (1) 192:3</p> <p>three-and-a-half (2) 178:25;179:4</p> <p>three-fourths (1) 193:15</p> <p>three-page (2)</p>	<p>38:16;42:7</p> <p>three-quarters (1) 193:15</p> <p>throughout (3) 25:4;226:8;253:15</p> <p>thunderstorm (1) 237:11</p> <p>Thursday (5) 8:12,13,13;290:16; 291:1</p> <p>thus (1) 292:22</p> <p>Thy (1) 34:1</p> <p>tie (3) 228:9;264:14;265:14</p> <p>tight (2) 120:11;259:24</p> <p>tighter (1) 145:8</p> <p>times (17) 74:7,19;76:11,16; 95:12,13;96:20; 100:11,11;101:17; 124:6;156:20;163:13; 173:5;237:22;247:24; 253:13</p> <p>tiny (1) 98:9</p> <p>tire (1) 242:7</p> <p>tired (2) 5:13;289:14</p> <p>tires (1) 187:23</p> <p>title (1) 53:9</p> <p>TOD (2) 61:16,21</p> <p>today (18) 5:14;6:15,22,22;7:6, 8;8:16,19;148:12,14; 149:3;165:6;194:17; 195:7;196:3;221:19; 226:15;253:6</p> <p>together (12) 25:24;27:13,24; 47:23;68:17;108:1; 163:4;273:22;274:3; 286:21,24;294:6</p> <p>told (8) 203:10;234:24; 235:13;236:1,2;239:7; 240:18;245:20</p> <p>tolerant (1) 251:3</p> <p>Tomorrow (1) 194:18</p> <p>tons (2) 65:23;286:9</p> <p>took (8) 73:17;94:13;202:11, 14,15,16,19;228:24</p>	<p>tool (5) 58:5;60:6,7,9,10</p> <p>tools (1) 58:16</p> <p>top (8) 28:24;37:4;65:3,16; 70:6;72:23;134:5; 273:1</p> <p>topic (1) 216:15</p> <p>tornado (3) 230:15,23;231:7</p> <p>tornadoes (1) 229:11</p> <p>total (22) 28:15;62:22;64:25; 65:20;68:20;70:8; 72:24;74:24;82:10,17; 85:1;86:5,15;87:13; 91:20;94:5,7;98:24; 101:1;102:21;103:21; 178:24</p> <p>totally (2) 118:16;234:4</p> <p>touch (1) 284:23</p> <p>touched (1) 114:1</p> <p>toward (1) 144:3</p> <p>tower (4) 257:22,22,23,24</p> <p>towers (1) 257:22</p> <p>tractor (1) 21:17</p> <p>trade (1) 154:20</p> <p>traditional (1) 80:13</p> <p>traditionally (2) 78:1,16</p> <p>traffic (101) 59:7,9,11;60:22; 81:4,13,14,17;82:6,7, 17,20,22;83:1,4,18,23; 84:5,5,11,20,23;85:5, 10,15,25;86:12,21,24, 25;87:1,3,8,11,17;88:1, 4,20;89:1,1;94:11; 100:17;102:11;103:2, 11;111:4,5,6;114:2,14, 23,25,25;115:10; 116:17;118:10;123:2; 126:13;127:17;132:2; 134:12,18;138:9; 144:21;156:1;157:11; 169:22;175:23,25; 177:2,4,10,16;178:6; 197:5;210:14;226:24; 227:11,22;236:16; 238:8,10;239:4,13,19, 24,24,25;240:18,20;</p>
---	---	---	--	---

241:1;242:4;249:3,4,5; 250:15,16,22;265:12; 276:21;288:20 traffic-oriented (1) 60:23 traffic's (1) 241:7 trailers (1) 21:18 trains (1) 236:25 transactions (1) 101:7 transcript (1) 245:15 transfer (1) 216:7 transient (4) 169:4,10;170:2,6 transients (1) 169:7 transit (7) 25:5;60:13,15,25; 61:3,15;63:17 transit-oriented (3) 59:1;60:18;225:19 transportation (15) 28:24;30:8;32:4; 33:16;51:13;52:12,13; 53:8;54:16;58:14;61:6; 62:2,8;64:22;136:22 travel (9) 25:1,1,2;38:17; 42:20,21;60:19;61:17, 21 traveled (19) 20:13;23:12,14; 24:16,17;25:13;26:13; 27:9,21;54:25;62:15, 22;63:16;65:10,11,21, 25;66:7;112:9 traverse (1) 146:12 treated (1) 205:15 trend (5) 50:25;56:11;62:18; 98:15;187:5 trends (2) 38:16;55:16 tributaries (1) 247:16 tried (11) 24:12;83:17;116:11, 25;189:11;225:14; 243:4;249:14;251:5; 276:19;277:18 trigger (1) 275:16 triggered (1) 127:19 triggers (1) 272:7	trip (9) 57:11;58:5,14,21; 59:3,19;89:2,3;102:23 trips (16) 57:13;58:12,18; 59:20;60:23;85:17,18, 18,19;86:1,8,9,14,15, 16;118:22 troubles (1) 256:22 truck (3) 123:4;135:10;237:13 Trucking (1) 287:12 trucks (18) 18:12;20:2,2;21:16; 22:15;122:10,17,22; 123:3;136:3;177:12, 12;228:22;229:4; 236:15,23;238:10; 242:4 true (18) 30:2;87:17;116:24; 152:23;160:24;187:21; 189:2;191:4,21;192:6; 210:22;213:11;238:18, 19;260:18;266:2; 273:6;282:2 Truly (2) 118:13;217:9 trust (2) 24:6;249:12 try (26) 7:7,19;17:17;40:6, 12;42:2;44:2;60:22; 64:11;76:23;84:22; 90:20;94:19;137:17; 149:19;154:2;167:12; 187:24;194:8;222:3; 225:24;249:8,12; 251:8;252:3;280:4 trying (51) 25:4,23;42:24;59:15, 16;81:3;82:19,24;84:3, 15,19;85:1,7;87:19; 90:8,95:10;96:14; 109:17;119:16;124:21; 128:7;136:9;139:16, 20;152:20;153:10; 165:14;168:20;176:2; 177:16,16;181:15,19; 218:12;221:23,25; 228:12;238:14;243:4; 250:8;253:25;254:2; 255:24,25;256:5; 257:1,20;275:8;290:5, 21,23 Tuesday (1) 8:12 turn (4) 20:5;76:22;162:9; 283:21 turned (1)	120:10 turning (6) 116:12,24;117:7; 122:21,22;128:2 twice (1) 246:11 two (80) 13:16;23:13;25:23; 27:12,24;32:10;43:20; 44:20;52:14;54:3; 69:24;73:21;74:5; 82:13;91:11;93:1,7,8, 13,23;94:1,21;95:13; 96:7,10;100:19; 104:15;107:25;109:17; 112:20;114:6,7; 123:17,17;125:1,2; 130:3;139:10;142:25; 153:4;160:3;163:4; 164:11;166:4;168:15; 185:3,10,12;186:13; 189:8;191:15;193:13; 204:8;205:11;211:25; 219:11;227:1,13; 234:3,5,7,17,24; 235:19,21;242:12; 246:5;247:3,23; 257:21;259:17;260:10; 264:18;277:12,12; 278:9;286:23;287:22; 290:15;294:5 two-thirds (1) 19:23 tying (1) 15:10 type (2) 213:22;214:11 types (1) 187:16 typical (4) 82:18;135:20; 276:13;278:6 typically (10) 37:11;62:15;79:2; 181:10;259:1;260:4; 267:15;268:11;270:14; 278:5	37:12 unconstitutional (2) 213:16,24 uncontestable (1) 287:18 under (38) 12:22;25:12,12,21; 27:3,21,23;28:6,9,24; 29:8;30:7,13;70:7; 73:17;74:8;80:25; 93:23;96:23;111:11; 161:5,6;163:6;164:15, 16;205:25;222:2; 229:6;233:20,20; 234:6;259:11;272:24; 273:23,23,24,25; 285:22 underground (1) 234:8 undermines (1) 22:3 underscored (1) 124:24 underserved (4) 68:6;77:8;150:10; 190:20 understate (1) 57:15 understates (2) 40:8,9 understood (3) 204:14;255:8;273:8 undesirable (1) 276:7 undoubtedly (4) 92:6;93:7,14;96:8 unduly (2) 249:8,9 unfortunately (2) 103:3;292:1 unhealthy (1) 211:14 UNIDENTIFIED (2) 119:12;149:9 unimaginable (1) 229:20 Union (3) 241:14,15;253:12 unique (4) 110:5;124:11; 170:17;220:11 unit (1) 65:24 United (1) 59:15 units (1) 65:22 universe (1) 91:23 University (12) 32:4;33:15;53:8; 116:10,23;127:22; 129:5;227:4,17,20;	238:13;252:11 unjustified (1) 13:15 unless (6) 17:7;35:21;123:18; 139:25;180:22;227:16 unlike (2) 236:21;275:21 unlikely (2) 62:19;237:17 unmindful (1) 213:20 unnecessary (2) 214:11;255:13 UNNGO (1) 224:19 unpublished (1) 15:17 unreasonable (3) 154:17;213:24; 214:11 unreported (3) 14:9,15,21 unusual (4) 79:8,17;230:22; 231:4 unwieldy (1) 26:21 unwilling (3) 95:17,20,23 up (112) 7:6,18;8:17;13:12; 17:23;28:16;29:22; 31:6,14,16;35:2;38:4; 42:11;46:18,20;48:23; 50:16;55:17;61:9;64:7; 73:20;74:6,8;80:20; 82:14,19,21;87:7,15, 16;88:8,10;89:25;92:4, 23;93:7;94:8,20;97:12; 100:13,23,24;101:3,23; 107:20,20;115:3; 116:6;119:8,9;122:9, 10;128:6,12;129:4,5, 13;133:7;135:10; 137:13;141:3,4,6,6,8; 150:14;154:24;156:13, 23;157:21;161:12; 169:14;175:24;177:24; 194:9;206:17;212:21; 219:2;221:8,25; 224:12;227:16;228:24; 229:21;234:23;236:19; 237:15;240:15;248:20; 251:9;252:18;257:24; 259:2;260:22;261:18; 262:5,8;264:4,5;268:2, 18;270:4;279:23; 283:13;285:7,8,9; 286:25;291:4;292:24; 294:6;295:10 up/drop-off (1) 124:20
--	--	---	--	--

<p>upcoming (1) 8:9</p> <p>updated (5) 12:10;19:14;22:8; 58:24;251:9</p> <p>updates (1) 34:21</p> <p>upheld (2) 212:2;215:15</p> <p>uphold (1) 211:3</p> <p>upon (4) 13:16;114:1;134:23; 234:8</p> <p>upshot (1) 73:13</p> <p>up-to-date (1) 72:7</p> <p>urban (3) 270:7;273:25;275:3</p> <p>usage (16) 17:2,15;20:9;21:21; 23:17;27:25;29:1,13; 48:2;56:1,16;59:20; 94:5,7,98;17;110:22</p> <p>use (98) 13:23;17:11;20:8,24; 21:8;24:17;25:4,22; 27:6,22;28:6,10;47:19; 48:1,52;24:53;3;59:8, 16,19;63:15;67:15; 72:5;73:10;75:9,15; 77:24;78:12;81:19; 82:24;83:5,13;86:2,20; 104:17,23;105:15; 109:11;118:3;119:2; 120:18;121:9;124:4; 126:17;136:22;152:7; 157:2;162:25;171:2; 173:2;176:2,21; 178:22;179:2;180:1,8; 187:13;188:25,25; 189:1,19;191:24; 193:10,22,25;194:16, 16,20,21,22,23;195:1; 198:19;201:1,18; 202:15;207:13;208:2, 4;209:20,22;211:18, 20;214:18;227:17; 231:15;233:18,19,19; 254:18;265:22;268:5; 272:17;273:10,18; 276:7;285:15,15; 292:16</p> <p>used (57) 8:8;58:19,24;68:7; 69:17;74:1,16;78:11, 11,23;82:23;85:3; 86:15;87:1;91:24; 100:17;101:8,11; 102:21;103:12,18,19; 106:20;114:5;123:11, 12,13;126:11,12;</p>	<p>128:3;134:8;143:6; 150:15;154:10,15; 166:1,5;169:7,17; 179:9,11;180:13,14,21; 224:11;229:11;239:6, 7;246:8,12;252:21; 257:21;270:6,7;275:4; 282:21;286:14</p> <p>useful (7) 69:22;158:21; 172:23;175:11;179:18; 199:5;207:10</p> <p>users (1) 79:9</p> <p>uses (19) 54:23;86:16;92:2; 98:18;164:7;169:24; 174:24;175:7;180:3; 183:18;198:21;201:20; 203:5,6,7;207:15,16, 25;275:4</p> <p>using (28) 17:12;28:23;30:4; 58:22;60:22;71:9; 75:12;76:15;84:6,10, 22;86:7;88:22;92:15; 100:4;103:14;105:6; 118:25;120:21;127:13; 153:7;182:18;194:9, 12;210:4;229:3; 273:19,21</p> <p>Usually (5) 14:21,21;242:8,9; 253:13</p>	<p>various (12) 32:24;50:15,16; 85:13;124:8;134:14; 226:9;230:3;234:15, 25;235:7;245:3</p> <p>vast (2) 135:13,18</p> <p>vastly (1) 109:7</p> <p>vehicle (28) 20:24;21:6;23:12; 24:16,17;25:1,10,13; 26:12;27:9,20;33:3; 42:12;43:8,20;44:19; 52:24;54:25;55:3,21; 62:14;63:16;65:10,11, 21;66:7;124:15;242:5</p> <p>vehicles (28) 17:12;20:1,7;21:2, 12,16,18;22:21;25:3, 22,24;26:1;27:23,25; 28:11;53:19,23;54:7; 65:25;87:12,13;112:9, 12;135:8;140:20; 239:17;240:1;250:8</p> <p>Vehicle's (1) 20:12</p> <p>Veirs (4) 5:8;114:20;120:24; 128:10</p> <p>verbiage (1) 199:21</p> <p>versa (1) 151:20</p> <p>version (5) 19:13;36:4;64:7,9; 163:13</p> <p>versus (18) 45:14;68:5,18;75:10; 76:10;89:6;93:4;94:5; 96:7;151:14,22;152:7; 157:22;159:9;160:2; 162:2;163:11;167:6</p> <p>viability (1) 189:9</p> <p>viable (2) 127:21;238:7</p> <p>vice (1) 151:20</p> <p>vicinity (2) 123:7;189:17</p> <p>victim (1) 288:17</p> <p>video (4) 238:8;242:1;250:7, 10</p> <p>videotapes (1) 245:21</p> <p>View (29) 6:12,13;40:4;78:7; 106:10;116:9,23; 117:7,19;118:2; 121:22;127:22;128:12,</p>	<p>13,22;139:7,8,9;141:7, 8;197:20;205:8; 221:13;226:9;227:14; 249:6,24;250:4;272:4</p> <p>views (6) 51:19;148:1;249:24; 250:5;251:6,14</p> <p>violate (2) 287:19,20</p> <p>violates (1) 261:8</p> <p>violation (6) 265:18,20;267:25; 273:5;287:3,21</p> <p>violations (5) 265:24,24;266:1; 272:7,10</p> <p>Virginia (4) 6:13;231:23;253:11; 256:23</p> <p>virtually (1) 56:14</p> <p>visit (2) 104:13;257:23</p> <p>visiting (1) 280:10</p> <p>visitor (1) 209:4</p> <p>vitiates (1) 206:15</p> <p>vivendi (1) 251:11</p> <p>VMT (13) 62:19;63:16;64:18, 24,25;65:1,5,7,7,9,9,15, 17</p> <p>voir (1) 224:5</p> <p>volatile (1) 254:14</p> <p>Volpe (2) 52:13,24</p> <p>volume (15) 38:16;43:21;44:22; 45:5,20;67:15;82:10, 12,17;97:1;187:3,4,25; 196:11;208:7</p> <p>volumes (3) 42:21;82:22,22</p>	<p>121:21;123:4;135:10, 23;175:22;210:15</p> <p>walk (22) 73:15;114:9,10,13, 16,22;116:19;123:8,12, 13,14;127:23;129:2; 137:13;140:9;141:4; 143:7;144:13;145:9, 10,11;237:22</p> <p>walked (1) 133:12</p> <p>walkers (1) 116:8</p> <p>walking (15) 115:5;123:6;129:10, 13;130:17;131:9; 133:13,15,18,19; 136:18;146:13,22; 147:1,12</p> <p>walks (1) 116:6</p> <p>walk-through (1) 77:11</p> <p>walkway (1) 119:10</p> <p>wall (5) 125:13,15,15,21; 126:1</p> <p>walls (1) 125:19</p> <p>wants (7) 24:6;54:19;159:8; 224:23;225:5;264:7; 292:12</p> <p>warehouse (37) 85:20;86:7;88:23; 89:4;90:11;91:14; 100:5,6;101:8,15; 102:22;103:14;104:13, 23;106:6,17;107:12; 117:14,21;122:13,17; 128:5;134:11,11; 135:13;155:14;156:3; 165:12;174:15;175:9; 178:8;179:5;208:8,8, 225:20,21;242:7</p> <p>warehouses (1) 103:6</p> <p>warfare (2) 229:14;248:4</p> <p>washing (1) 187:11</p> <p>Washington (2) 60:21;252:19</p> <p>waste (3) 37:20;41:17;276:5</p> <p>wasting (1) 242:25</p> <p>watch (2) 276:1,3</p> <p>watched (2) 119:20;250:22</p> <p>water (10)</p>
	<p>V</p>			
	<p>valid (3) 14:2;22:10;124:3</p> <p>Valley (17) 116:9,23;117:7,19; 118:1;121:22;127:22; 128:12,13,22;138:23; 139:7,8,9;141:6,8; 253:11</p> <p>valleys (1) 46:15</p> <p>valuable (1) 217:3</p> <p>value (9) 70:21;82:15;97:10; 100:23;172:25;187:18; 188:21,21;217:5</p> <p>values (1) 241:3</p> <p>valves (1) 255:9</p> <p>variation (2) 30:13;46:13</p> <p>variations (2) 28:20;29:21</p> <p>variety (3) 24:23;110:18;186:19</p>			
		<p>W</p>		
		<p>waffle (1) 206:15</p> <p>wage (1) 241:14</p> <p>wages (1) 241:15</p> <p>wait (5) 121:1;128:20; 142:24;166:4;172:19</p> <p>waiting (9) 85:21;120:12,14;</p>		

231:22;234:10,14, 19,21;252:24,25; 263:20,22;287:25 waterpark (3) 107:6,6,8 Wawa (11) 110:19;185:3,8,9,12; 186:6,10,19,21;189:8; 191:5 way (79) 14:4;15:2;19:23; 30:24;37:9;38:21; 39:12;55:3,24;76:18; 78:11,23;80:7;81:7; 83:17,25;84:25;85:2; 86:20;94:17;101:25; 103:19,20;104:23; 114:12;117:13,19,20; 126:20;127:24;128:5; 130:20;131:9;139:11, 12,14;141:5;148:4; 150:16;160:12;161:22, 23;163:2;164:23; 165:20;166:7;167:24; 175:13;181:10;182:2; 184:2;189:13;190:16; 191:16;193:15;205:15; 215:12;216:3,5;226:5; 241:7,22;247:15,18; 257:11;263:9,10; 264:25;265:3,4;266:9; 267:6,24;268:25; 281:16;284:5,17; 292:7;295:7 ways (10) 69:19;71:12;92:8; 165:18;220:14,17; 225:20,20;227:15; 289:20 weaken (1) 205:10 weapons (1) 276:5 weather (4) 230:25;235:1;236:9, 12 web (2) 33:16;241:8 Wednesday (1) 227:24 week (1) 228:5 weekend (1) 248:9 weigh (1) 291:24 weight (2) 51:20;223:23 welcome (1) 126:22 welfare (1) 210:11 Well- (1)	30:16 well-maintained (1) 213:8 well-qualified (1) 223:7 well-raised (1) 207:7 wells (1) 234:9 well-served (3) 110:17;111:2;191:16 Wendy's (3) 114:18;125:22;195:1 weren't (1) 245:8 west (9) 78:19;116:15; 140:25;143:23;227:16; 253:11;256:22;257:22, 24 western (4) 131:3;139:6,15; 144:1 Westfield (4) 5:10;132:13,15; 146:23 What's (32) 7:6,8;14:7;23:14; 36:15,17;42:15;46:24; 47:1;61:11;64:4;73:13; 89:15,17;90:17,17,23; 102:25;110:21;121:12; 134:13;152:24;192:25; 193:5;195:4;200:9; 224:5;233:18;243:22; 260:5;265:7;286:13 Wheaton (21) 5:9,10;47:25;83:15; 101:9;114:5;121:11; 125:1;126:11;174:7; 175:4;208:8,13,19,24; 209:5;216:7,18;219:5; 234:16;237:18 Wheaton/Kensington (2) 216:12;226:2 wheel (1) 229:5 whenever (1) 212:3 whereas (3) 46:19;83:5;250:3 Whereupon (4) 39:7;149:5;221:5; 295:13 wherever (1) 119:4 White (1) 147:10 Whitman (1) 287:12 whole (39) 18:12;24:9;37:7; 57:2;60:8;64:12;68:18;	74:3,23;75:12,14; 76:17;77:7,10;81:8; 98:6,9;107:19;108:6,7, 9,13,14,19;110:16,25; 146:5,7;160:9,11; 175:18;180:18;203:14; 231:24;232:12;237:15, 22;241:3;272:7 Wholesale (1) 5:3 wholly (1) 112:5 who's (3) 104:5;224:7;257:7 whose (4) 103:16;115:1; 181:13;245:17 wife (1) 149:11 willing (4) 38:21;95:3,15; 231:10 Wilson (1) 200:18 win (2) 49:15;226:11 wind (1) 237:9 windshield (2) 187:11,21 winning (1) 49:23 wiping (1) 187:22 Wisconsin (1) 227:24 wish (6) 6:22,22;96:14,15,17; 197:18 wishes (2) 6:14;39:10 within (36) 56:2;69:20;75:7; 78:22;79:4;80:9,13; 92:3,3;114:4,16,21; 125:2;126:18;134:12; 144:20;146:16;171:25; 173:12,17,22;174:13; 207:21,22;208:25; 210:6,10,16,19;215:19, 21,22,24;216:1,3; 260:18 without (14) 18:20;92:19;112:14; 125:20;132:12;177:24; 179:15;181:9;185:1; 190:25;224:2;225:21; 265:22;274:8 Witness (24) 12:24;113:23; 152:17,18;188:5; 190:9;192:13;197:18; 221:17;222:21,24;	223:2,2,4,13;239:18, 22;248:19;249:3; 251:12,22;252:3; 290:25;293:17 witnessed (2) 238:14;253:7 witnesses (14) 8:16;12:6,10;167:15; 235:7;240:24;248:21, 22;251:9;257:6; 275:12;290:15;292:11, 13 woman (1) 238:15 wonder (3) 161:23;214:1;256:6 wondered (2) 194:4;203:9 wonderful (1) 225:24 woods (1) 237:10 word (10) 95:21;143:7;214:14; 221:25;252:23;268:5, 6;279:25;285:15,18 words (20) 75:21;76:21;81:25; 82:25;117:19;136:17; 152:7;159:23;162:23; 163:13,19;199:24; 202:14,18;203:21; 204:3,18;205:23; 252:4;279:10 work (10) 23:3;78:22;103:12; 125:19;134:3;229:21; 234:10;253:17;256:11; 294:19 worked (9) 100:22;236:22; 248:5,8,9;256:17; 258:4;277:4;292:21 worker/shopper (1) 86:22 workers (1) 88:24 working (9) 12:6;31:5;59:11; 88:18;89:12,12; 205:25;251:8;256:25 works (6) 209:5;242:12;256:9; 292:8,10;295:8 world (1) 248:8 worn (1) 140:21 worrying (1) 48:25 worse (3) 138:10,12;239:5 worst (3)	83:15;228:20;264:13 worth (1) 227:11 wound (1) 257:24 wrapped (1) 80:20 wrestle (1) 281:14 wrestling (1) 281:12 write (4) 5:19;222:5;253:17; 262:4 writes (1) 43:25 writing (2) 220:20;255:5 written (2) 229:25;287:16 woods (11) 9:9;90:22;95:20; 119:11,12;151:13; 228:19,19;232:6; 244:9;274:6 wrote (2) 181:16;287:13
Y				
year (41) 19:24;22:14,18,21; 23:7,9;25:14,17;29:8; 31:8,8,8;43:19,19; 49:11,12,12;56:19; 61:13;62:17;71:4; 81:15,21;82:13;83:12; 85:2;100:11;156:9; 157:5;158:15;179:1; 198:1;227:1;231:17; 242:9,10;259:17,23,23; 263:7;276:9 years (38) 16:18,20;20:16;21:6; 22:5,19;28:3;33:5; 43:15;46:2;47:7;53:20; 55:20;56:3;78:14; 98:14;114:6;121:16; 147:7;154:11;187:4; 196:1;224:25;225:10; 226:18;229:13;237:3; 246:13,17;252:10,16; 256:8,23;259:12,14,17; 271:14,15 year's (1) 19:1 year-to-date (3) 42:8;43:7,17 yell (2) 221:23;222:1 yesterday (4) 64:13;116:20;134:2; 140:12				

<p>Yogi (5) 176:4,9,9,10,13</p> <p>York (2) 225:16;238:25</p> <p>young (6) 54:25;55:2;115:4; 140:18;229:16;248:6</p> <p>Youssafieh (1) 188:6</p>	<p>149:5</p> <p>1:45 (2) 148:11;149:4</p> <p>10 (15) 5:9;22:12;23:19; 34:9;49:21,23;98:14; 100:6;175:10;184:3; 209:2;221:24;292:6; 293:11,15</p> <p>10:00 (4) 125:6,6;177:13,13</p> <p>10:29 (1) 39:7</p> <p>100 (9) 68:23;69:8;92:22,25, 25;93:4,5;94:25;191:3</p> <p>10-01 (2) 200:14,15</p> <p>102 (1) 27:3</p> <p>10223 (1) 221:13</p> <p>10-day (1) 292:3</p> <p>11 (1) 8:8</p> <p>11.1 (2) 89:25;105:3</p> <p>11.2 (1) 105:2</p> <p>11160 (1) 5:8</p> <p>1188 (1) 75:13</p> <p>12 (29) 43:13;46:9;62:24; 81:15,16,18,25,25; 83:16;85:3,11;87:6,14, 15;88:9;91:20;96:7; 100:11;101:16;105:5; 156:20,25;157:12; 158:5,15,21;195:17; 197:25;262:2</p> <p>12.01 (1) 29:9</p> <p>12.5 (4) 195:13,25;196:2,13</p> <p>12.64 (2) 29:9;30:9</p> <p>12/13/05 (1) 15:18</p> <p>1244 (2) 101:16;157:22</p> <p>125 (1) 230:9</p> <p>12-and-a-half (1) 26:7</p> <p>13 (2) 52:11;66:25</p> <p>13.06 (1) 29:9</p> <p>13.61 (1) 29:15</p>	<p>13.85 (1) 30:10</p> <p>13-12 (1) 5:4</p> <p>1320 (1) 75:12</p> <p>135 (1) 66:9</p> <p>136 (4) 27:14,15;28:7,8</p> <p>138 (1) 86:14</p> <p>13th (1) 14:18</p> <p>14 (3) 8:12;21:8;26:6</p> <p>14.88 (1) 29:8</p> <p>14th (2) 11:10,23</p> <p>15 (5) 46:1;98:14;167:16; 174:12;262:1</p> <p>150 (1) 230:9</p> <p>16 (4) 5:7;26:3,6;54:25</p> <p>16.1 (1) 21:7</p> <p>16.31 (3) 29:4,15;30:8</p> <p>164 (2) 28:23,24</p> <p>1693 (2) 14:17;15:17</p> <p>16th (1) 5:2</p> <p>17 (2) 195:17;196:13</p> <p>18 (4) 102:1;106:8;178:20; 179:2</p> <p>183 (5) 68:23;69:5,7;75:1,2</p> <p>19 (2) 8:12;101:2</p> <p>190 (1) 274:1</p> <p>1951 (1) 75:11</p> <p>1970 (1) 25:11</p> <p>1975 (1) 114:9</p> <p>1980 (1) 63:4</p> <p>1987 (1) 75:15</p> <p>1990 (1) 285:1</p> <p>1991 (2) 181;18,24</p> <p>1998 (1)</p>	<p>46:2</p> <p>19th (2) 11:10,23</p> <p style="text-align: center;">2</p> <p>2 (14) 45:19;52:22;56:25; 60:5,6;75:3,4;81:3,3; 101:22;254:25,25; 255:10,12</p> <p>2.5 (1) 262:15</p> <p>2.70 (1) 73:11</p> <p>2.73 (1) 74:2</p> <p>2.78 (4) 65:19,22,24;66:6</p> <p>20 (24) 8:1;34:22;64:19; 71:13;85:15,16;86:5; 98:14;102:8;103:13, 14;167:16;174:12; 175:10;183:1;184:4; 204:12;225:10;226:18; 228:25;229:12;252:10; 256:8;274:5</p> <p>200 (1) 262:23</p> <p>2000s (1) 55:18</p> <p>2001 (2) 54:24;287:13</p> <p>2002 (1) 206:24</p> <p>2004 (5) 14:17;51:16;53:19, 25;54:23</p> <p>2005 (3) 14:18;62:16;63:4</p> <p>2006 (2) 64:24;65:1</p> <p>2007 (3) 25:12,18;56:18</p> <p>2008 (1) 64:25</p> <p>2009 (4) 45:21;54:24;63:12; 72:6</p> <p>2010 (23) 26:5;34:22;45:23,25; 64:22;68:21;69:17; 70:13,23;71:4,9,14,19, 20,23;72:5,6,8,23; 73:17,18;77:4,4</p> <p>2011 (7) 21:7;26:25;53:22; 54:23;64:25;65:2; 261:15</p> <p>2012 (18) 16:15,17;17:1,24; 18:15;19:15,20;22:6;</p>	<p>42:9;43:8;65:1;71:15, 17;72:8,12;77:4,5; 261:15</p> <p>2013 (28) 5:12,15;8:1,2,6,8,10, 10,14;19:4,9,16,17; 24:2;32:14,14,15;33:4, 11;34:9,23;39:13; 40:22;42:8;43:8;53:9; 64:10;261:15</p> <p>2017 (1) 19:24</p> <p>2020 (6) 28:4;29:8;63:14; 64:24;65:16,18</p> <p>2021 (1) 22:18</p> <p>2022 (1) 22:19</p> <p>2025 (8) 19:25;20:4;21:6,8; 22:8,19,21;23:9</p> <p>2029 (1) 25:18</p> <p>2030 (2) 28:4;29:9</p> <p>2035 (4) 16:19;22:8;62:2,7</p> <p>2036 (2) 20:11;21:9</p> <p>2039 (2) 20:12;21:9</p> <p>2040 (8) 25:19;26:5,25;28:4; 29:9,14;30:10;195:13</p> <p>20s (2) 37:9;225:23</p> <p>21 (5) 5:15;8:13;11:23; 63:10;104:11</p> <p>21.5 (1) 196:11</p> <p>21st (4) 11:10;288:12; 290:22;293:13</p> <p>22 (6) 56:17,20;57:1;72:3, 22;73:11</p> <p>2200 (1) 75:14</p> <p>23 (9) 16:20;55:1;73:1,9; 102:4;106:8;164:25; 193:2;201:4</p> <p>24 (3) 18:19;207:19;217:22</p> <p>24.7 (1) 34:23</p> <p>2440 (1) 208:12</p> <p>24th (4) 291:12,17;293:11,16</p> <p>25 (7)</p>
Z				
<p>zero (8) 74:4;90:25;94:1,21; 95:13;96:9,21;97:12</p> <p>zip (1) 208:13</p> <p>zoned (1) 5:10</p> <p>Zoning (9) 5:5;205:8;214:10; 233:20;269:6;277:10, 13,16;290:6</p> <p>ZTA (2) 200:14;281:19</p> <p>ZTA** (1) 281:13</p>				
0				
<p>0.8 (2) 28:12,16</p>				
1				
<p>1 (6) 8:15;25:14;54:21; 56:25;70:7;81:12</p> <p>1,000 (4) 79:3;278:17;279:4,7</p> <p>1,244 (1) 100:10</p> <p>1.13 (1) 95:4</p> <p>1.18 (2) 87:16,25</p> <p>1.2 (1) 227:7</p> <p>1.4 (1) 64:23</p> <p>1.55 (2) 74:15,19</p> <p>1.6 (2) 26:24;74:17</p> <p>1.66 (1) 74:17</p> <p>1.69 (2) 74:7,15</p> <p>1/28 (1) 61:16</p> <p>1:00 (2) 148:10;240:4</p> <p>1:02 (1)</p>				

39:3;63:13;90:25; 164:20;187:4;221:4; 238:7 250375 (1) 14:12 25-year-old (1) 248:6 26th (2) 5:12;100:24 27 (10) 69:18;71:10;75:9; 90:25;102:4;165:1; 194:11,15;207:19; 238:7 28 (1) 8:10 28th (2) 12:9;251:8 29 (2) 66:25;172:14 29,000 (1) 92:5 292 (2) 85:14,16 293 (2) 193:1,2 297 (2) 72:13,22 298 (2) 169:17,20 299 (2) 13:4;15:14	18;101:6;102:1,11,16, 19,21,21,21;103:13,22; 104:12,16,17,22; 138:13;155:24;156:2, 7,14,16;157:17; 169:20;178:2,6,11,23; 179:2;183:1;196:1; 216:6;226:18;246:13; 256:8;286:10 300 (3) 10:16;278:16;279:2 3003 (1) 113:19 305 (4) 12:18;16:16;17:23; 18:23 306 (1) 7:23 30s (2) 37:9;225:23 312 (1) 8:2 314 (1) 8:5 316 (1) 8:7 318 (1) 8:9 321 (1) 8:14 323 (2) 9:22,23 324 (2) 15:16,23 325 (9) 19:4,9,10;24:1; 27:19;36:11;39:13,19, 20 326 (1) 32:23 326a (3) 31:25;33:1,19 326b (2) 33:21;34:7 326c (2) 34:9,12 327 (4) 38:15;42:18,19;43:3 328 (4) 43:19;44:9,23,25 328a (1) 45:2 328b (3) 45:4,6;46:5 329 (3) 50:7;52:8;53:13 33 (3) 86:9,15,17 330 (3) 52:11;53:4,12 331 (4) 53:7,11;54:5,8 332 (1)	54:16 332a (2) 55:7,10 332b (1) 55:8 332c (2) 56:7;57:7 333 (4) 57:9,19;58:6,9 334 (2) 60:13;61:18 335 (5) 62:6,9;63:8,20,22 336 (3) 63:22;64:1,2 337 (2) 66:18;67:3 338 (4) 67:23;68:15;69:23; 70:15 339 (3) 70:16;71:3,5 34 (1) 54:25 340 (3) 71:22,25;72:18 35 (7) 23:11,19;24:15; 58:18;94:9;208:10,14 35,449 (1) 73:21 35,648 (1) 74:7 35,847 (1) 73:22 350 (1) 46:21 355 (1) 168:18 357 (1) 74:25 357,000 (1) 74:19 357,086 (1) 73:10 365 (4) 82:14;100:11; 101:17;157:5 37 (8) 58:18;86:8,12,17,21; 87:3,6;88:10 370,000 (1) 87:15	56:18 4.2 (1) 208:15 4.4 (6) 87:7,10;88:5,10; 89:14;99:25 4.44 (1) 88:5 4.6 (1) 45:25 4.8 (1) 208:15 4/30/13 (2) 34:3,5 4:00 (2) 135:18;177:12 40 (7) 80:14;183:2;208:10, 14;216:6;252:16;286:8 40.3 (1) 22:17 40s (1) 37:10 41 (3) 114:6;121:16;147:7 4100 (2) 155:13;156:20 420 (1) 86:15 444 (1) 273:25 45 (1) 148:25 457 (1) 287:13 47.3 (1) 20:4 48.7 (1) 22:20 49 (1) 27:5	50s (1) 37:10 531 (1) 287:13 5310 (1) 75:2 55 (1) 62:17 55.26 (1) 65:21 55.78 (1) 66:5 553,000 (1) 74:20 56 (1) 62:17 56.1 (1) 64:25 59,611 (1) 74:11 59-G (2) 198:15;201:7 59-G-1.1 (1) 201:9 59-G-1.2.1 (1) 163:21 59-G-1.21.1 (1) 230:12 59-G-1.24 (4) 149:25;163:10; 198:6;201:5 59-G-2.06 (1) 5:5 5th (3) 11:11,17,21
3				6
3 (7) 25:17;55:15;56:25; 81:11;89:11;99:23; 156:20 3,000 (1) 75:14 3,018 (1) 101:6 3,231 (1) 262:19 3,362 (1) 75:9 3,624 (1) 75:8 3.5 (5) 101:17,21;103:17; 104:4;157:15 3.6 (1) 276:9 3:00 (1) 221:4 3:19 (1) 221:5 30 (53) 18:18;49:22;69:18; 71:10;75:10,13,15; 86:5,8,13,17;88:15,19, 21,23;98:14;100:4,17,				6 (8) 8:14;12:3;21:10,20, 22;62:13;76:6;200:23 6.3 (1) 66:6 6.44 (1) 100:3 6:00 (2) 134:2,3 60,000 (1) 74:8 65 (2) 94:13,13 69 (2) 25:8,12 6th (3) 11:12,17,21
			5	7
		4		
		4 (12) 8:2,6,10;20:5,6,20; 26:4;55:25;56:25; 64:23;76:6;99:25 4- (1) 20:5 4.1 (1)	5 (9) 8:13;11:14;12:3; 20:5;21:23;42:10; 43:11;76:6;92:2 5,000 (1) 231:17 5.44 (2) 100:13;101:22 5.5 (5) 101:18;104:3,4; 157:10,15 5.53 (1) 65:17 5:00 (1) 287:22 5:08 (1) 295:13 50 (2) 80:14;160:13	7 (5) 40:5;62:13;63:1; 73:18;101:13 7.7 (1) 45:24

<p>7:00 (2) 99:9;177:13</p> <p>70 (4) 25:21;94:13;178:13, 19</p> <p>700 (1) 157:21</p> <p>70s (1) 229:24</p> <p>71 (1) 25:9</p> <p>72 (3) 25:9,12;64:19</p> <p>73 (3) 25:21;65:17;193:15</p> <p>7308 (1) 251:19</p> <p>740 (1) 101:19</p> <p>744 (5) 101:14,16,25; 157:22,23</p> <p>75 (4) 114:14;160:13; 173:1;253:6</p> <p>784 (1) 157:22</p>	<p>62:7</p> <p>9:30 (2) 5:16;288:15</p> <p>90 (1) 227:23</p> <p>90,569 (1) 101:4</p> <p>905 (2) 101:7,13</p> <p>911 (1) 241:24</p> <p>93 (1) 26:23</p> <p>962,877 (1) 73:2</p> <p>97,864 (2) 73:18;75:8</p> <p>971,000 (1) 75:1</p> <p>971,777 (1) 72:24</p>			
<p style="text-align: center;">8</p>				
<p>8 (8) 22:12,16,24;27:24; 28:5;86:10;105:2,11</p> <p>8/21/13 (1) 45:4</p> <p>8/23/13 (1) 44:13</p> <p>8:00 (2) 125:7;135:18</p> <p>80 (3) 26:20,22;242:7</p> <p>82 (1) 178:21</p> <p>83 (2) 68:23;69:10</p> <p>84 (1) 27:3</p> <p>85 (2) 114:9,14</p> <p>87 (2) 101:10,12</p> <p>88 (1) 200:13</p> <p>88s (4) 199:14;200:10,11,13</p>				
<p style="text-align: center;">9</p>				
<p>9 (2) 51:15;65:1</p> <p>9/15/13 (1) 58:4</p> <p>9/2013 (1)</p>				