



## **Dulles Rail Phase II: A Common Sense Approach**

This spring the Fairfax and Loudoun County Board of Supervisors will be required to make a final decision to opt in or out of Phase II of the Dulles Rail project. Rail through Tysons past the airport and into Loudoun is the largest public works project in the history of the Commonwealth and it has significant financial implications to the counties, its residents and businesses, and especially to the users of the Dulles Toll Road. As the Dulles corridor and Tysons are the economic engines of the region and the Commonwealth the project also has telling implications on our future job growth.

Dulles Rail enjoys overwhelming support among residents of both counties for its perceived transportation benefits. What many fail to realize is that Phase II falls short as a transportation project. For example

- Federal Transportation Administration administrator Peter Rogoff clearly told the Board of Supervisors the project fails to meet even President Obama's liberalized cost benefit standards for new transit projects. This is why the federal government is not able to contribute to the cost of Phase II.
- The project will only increase the transit ridership mode split in the corridor by approximately 3%-5% in 2025.
- Because there are no express routes and over 14 stops, the trip from Dulles Airport to the Potomac River on a completed Silver Line is projected to take over one hour (average speed less than 25 MPH) - longer if they fail to figure out the current congestion at the Rosslyn crossing. There is no time advantage over the car or express bus.
- According to the project's projections, the Dulles airport station will only generate about 10% of the traffic on the Silver line, the majority being airport employees, not travelers, and handle less than 15% of the airport's total traffic.

That said, the project has the potential to be a huge economic boom to the corridor and Fairfax County; at least it did until the cost went up along with the projected tolls on the Dulles Toll Road that will finance 75% of the project. The new projections of the tolls necessary to finance the debt have not been released. Even with federal TIFIA financing that pushes the first debt payments out 10 years, it is a good bet that the tolls will exceed \$8 each way by 2020 excluding the Greenway.

The same overwhelming majority of people that favor Dulles Rail Phase II also say that they would not live, work or start a business in a corridor where there are \$8 tolls. What will the tolls do to the economic engine of the County and the Commonwealth? Will they do more harm than the benefit of rail? These are questions that I have repeatedly tried to get the Fairfax County Board to study and address without success.

We lost a chance to further improve the project when we approved the Memorandum of Agreement (MOA) on December 6th. Unfortunately our next vote will be under a tight timeline - 90 days after we get the engineering numbers and the projections for tolls - and it will be an up or down vote. It is imperative that we use the time between now and the vote to do everything in our power to improve the project and its finances and to have all of the information we need to make an informed decision available. We need to ask the tough questions, negotiate hard and put ourselves in the best position possible to make the most critical decision the Board of Supervisors will make this term.

The following are the common sense steps that I believe we should take now in order to ensure that we are in the position to negotiate the best deal we can for the citizens of Fairfax County and make the right decision in the spring. Unfortunately time is short and most of these actions are not currently being taken.

**Immediately begin a study of the economic impact of the tolls on the Dulles corridor and Tysons.** It is critical that we understand the impact that the high tolls will have on the economic engine of Fairfax County and the Commonwealth. Will the high tolls strangle the corridor and chase businesses and residents away? I do not have the answer but my discussions with residents and business leaders give me great pause. On April 26th, 2011, I proposed such a study but it was rejected on a party line vote. We should not be afraid to have this answer in front of us before we vote - in fact it is critical that we do have it.

**Explore and begin negotiation on additional funding sources.** At the December 6th meeting I proposed that we have the County Executive begin looking at additional revenue sources including the sale of air rights over the toll road at the stations, development rights at the airport station and/or a modest toll on the access road as ways to relieve the burden on the toll road users. While air rights may not be practical in today's environment they could be negotiated now to relieve the debt payments in 10 years. I believe there are other potential funding sources - including a potential private partner that would help fund the project.

**Work to immediately improve the MWAA Board.** In 2005, then Governor Kaine gave the Dulles Toll Road and the Dulles Rail project to MWAA - an interstate body with no elected representatives and a majority of appointees that live outside of Virginia. This was done without the approval or consent of the General Assembly or local governments. By all accounts the relationship between the partners and MWAA is not good at best. In order to work the best deal possible for both the airport and the county we need to have a partner that is open to talk.

Congressman Wolf worked a solution to improve Virginia's representation through Congress. It was signed into law by President Obama and adds two Virginia, one DC and one Maryland representative to the MWAA Board. Unfortunately MWAA refused to seat the new members until the compact changes have been ratified. Senator Colgan has introduced emergency legislation (SB 237) to ratify and seat the two new Virginia members immediately. Emergency legislation requires 80% approval and the bill has bi-partisan support - even that of Delegate Ken Plum a Dulles Rail supporter for many years who believes it is the right thing to do.

Unfortunately, despite the bi-partisan and business community support, the Board voted twice (most recently on January 23rd) on a party line basis against supporting these efforts to improve the MWAA Board on the basis that it wasn't in the best interest of "regionalism". As the Washington Post pointed out (January 26th) "a prolonged period of confusion could delay the Silver Line's progress, possibly by casting doubts on the viability of contracts". We need to fix the MWAA Board immediately.

**Clarify No Mandatory Project Labor Agreement (PLA).** Not only did former Governor Kaine transfer the project and the toll road to MWAA, he added insult to injury by appointing the Vice President of LIUNA, a Maryland-based union that represents and is paid by the union workers on Phase I (and potentially Phase II), to represent Virginia on the MWAA Board. Since then he has been working behind the scenes to make sure that Phase II contains a Project Labor Agreement (PLA). The Fairfax County Board had a chance to clarify that there would be no mandatory PLA when the MOA was being negotiated and they opted not to. Now Delegate Comstock has submitted legislation that would prohibit a mandatory PLA (but not prevent a voluntary one as in Phase I) and despite broad support from across northern Virginia, the Fairfax County Board has yet to endorse it. Governor McDonnell has made it clear that he will not support exporting the jobs outside of Virginia - 96% of Virginia's workers are non union. We need to clarify that there will be no mandatory project labor agreement or we risk exporting these jobs outside Virginia and eliminate any financial contribution from the state - be it \$150M or \$500M.

**Continue working to drive down the project's cost.** The negotiations around the MOA approved in December resulted primarily in shifting cost from the Phase II project to the other jurisdictions - parking garages to Loudoun and parking garages and the Route 28 station to Fairfax County - not real cost reduction. Relocating the airport station resulted in the only true material cost savings. I understand that efforts are underway to engineer additional cost savings and these discussions need to continue. I believe we should also reach out to the American Society of Civil Engineers, located in Reston, to see if they have any suggestions or recommendations.

**Understand the impact of Loudoun's decision.** We need to clearly understand the impact on the project (do the stations still get built), the finances of the project (who picks up their share), and the operating expenses if Loudoun opts out of the project. The Loudoun Board has seven new members and many are questioning the cost and benefit of Phase II. According to Chairman Scott York, Loudoun County's participation in the project is unclear at this point.

**Understand the impact of the ongoing operating expenses of Phase II.** On January 23rd the Board approved my request for a 15 year projection of operating expenses that Fairfax County taxpayers will be on the hook to pay as a result of operating deficits. The operating deficit is shared among jurisdictions based on a complicated formula that includes the number of stations. I also asked for other potential capital costs for ongoing maintenance and expansion.

**Develop and understand the scenarios if we were to opt out of the project.** I fully expect the Fairfax County Board to vote to stay in the project but the Board and the public should understand what happens if Fairfax County were to opt out of the project. Does the line get built anyway without the stations or does the project die? What are the other options? Montgomery County recently looked at their options for the I-270 corridor and chose a Bus Rapid Transit (BRT) system over a rail system because of the cost, speed in completing,

flexibility, and the ability to run express trips. Loudoun County is working on understanding its options and we should as well.

**Determine if the private sector can fund the Route 28 station without County investment.** Supervisor Frey has repeatedly asked about the ability of the private sector to build the Route 28 station. We also need to understand the opportunity cost of them building the station -what doesn't get done in terms of other transportation infrastructure if they do build the station.

**Determine how we will fund the project shortfall and any overruns.** We have a shortfall of over \$100 million already identified on the project. We have not yet identified the source of funds to cover the shortfall - with all of the transportation needs in Tysons and throughout the County. I believe it is critical to be transparent on how we intend to pay for the shortfall, the operating expense deficits and any project overruns.

**Get new projections on ridership and assess the impact of the changes.** The latest ridership forecasts were made as part of the Environmental Impact Statement in 2002. A lot has changed in Loudoun and Fairfax since then. We need to know the latest numbers and their impact on the project and its finances.

**Get input from the public.** Thanks to the repeated efforts of Supervisor Cook, the Board has agreed to hold a public hearing before the Board of Supervisor's vote on the project. I believe it is important that we hear from the public on this critical project.

These common sense steps should be taken now in order to ensure that we are in the position to negotiate the best deal we can for the citizens of Fairfax County and that we have the information we need to make an informed decision on Phase II so Tysons and the Dulles Corridor can continue to prosper as it has over the last 20 years.

Please give me your thoughts on Phase II. Whether you live in Springfield, Clifton or McLean, this project will impact you because it impacts the economic engine of Fairfax County and the Commonwealth.

## **Supervisor Herrity's Annual State of the District Address, January 31st, 7 p.m.**

Please join me and the Springfield District Council in the West Springfield Governmental Center's Community Room (6140 Rolling Road, Springfield) at 7 p.m. on January 31st for my annual State of the District Address.

As part of my commitment to open communication with Springfield's constituents I will again be addressing all interested persons in what I think we did well, and what I think we did not so well as a county over the last twelve months.

Once again the event is being graciously hosted by the Springfield District Council, and I encourage all interested parties to attend - hope to see you there!

## **Citizen Information Meeting on I-66 Tier 1 Environmental Impact Statement**

A Tier 1 Environmental Impact Statement (EIS) is being developed by the Virginia Department of Transportation, the Federal Highway Administration and the Virginia Department of Rail and Public Transportation to study potential multimodal improvements that will address existing and future transportation needs in the I-66 corridor from Route 15 in Prince William County to I-495 in Fairfax County.

The meeting is on February 2nd from 5 to 8 p.m. at VDOT's Northern Virginia District office, 4975 Alliance Drive, Fairfax, VA 22030, and is intended to gather additional public input to further define the transportation problems in the corridor and refine the purpose and need for the study. The preliminary purpose and need is based on input received at public meetings held last June, transit and traffic data from various sources and other information about the existing transportation network.

For those unable to attend, we invite you to visit the VDOT I-66 Tier 1 EIS webpage, found at [www.helpfix66.com](http://www.helpfix66.com), for further details and project updates. Additionally, please email comments to the study team's leadership (reference "I-66 Tier 1 EIS: Public Comments" in your subject line): [CG.Collins@VDOT.Virginia.gov](mailto:CG.Collins@VDOT.Virginia.gov) or [Stephen.C.Walter@Parsons.com](mailto:Stephen.C.Walter@Parsons.com)