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September 7, 2010

The Honorable Robert F. McDonnell  
Governor, Commonwealth of Virginia  
Patrick Henry Building, 3rd Floor  
1111 East Broad Street  
Richmond, VA 23219

Dear Governor McDonnell:

We are looking forward to our meeting later today with you to discuss transportation issues of mutual concern. We greatly appreciate your willingness to meet with us to discuss how we might resolve the remaining technical issues of concern on the I-95/I-395 HOT Lanes Project while financial and legal issues are being addressed simultaneously.

As you know, over the next year, more than 19,000 employees will be relocated to Fort Belvoir installations at Mark Center, the former Engineering Proving Ground, and the main base. The I-95/I-395 corridor provides the primary access to each of these three military installations. As such, it is imperative that transit and vehicular capacity enhancements as part of the I-95/I-395 HOT Lanes Project move forward expeditiously to increase person throughput within the corridor.

In an attempt to facilitate our dialogue, Fairfax County, Arlington County, and the City of Alexandria have compiled the attached list of technical issues that all three jurisdictions concur need to be addressed. This is a consensus document.

Fairfax County, Arlington County, and the City of Alexandria want to engage the Commonwealth in an open and constructive dialogue that ensures meaningful progress is made toward full resolution of the remaining issues associated with all phases of the Project north of the Occoquan River. We believe that a commitment to address these concerns will lay the foundation for resolving any remaining Project issues and ultimately lead to the successful completion of the I-95/I-395 HOT Lanes Project.

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Again, we appreciate your review and comment on this document and look forward to this evening's discussion. We hope you will support our local communities on these important issues.

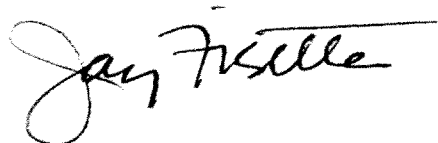
Sincerely,



Sharon Bulova, Chairman  
Fairfax County Board of Supervisors



William Euille, Mayor  
City of Alexandria



Jay Fiset, Chairman  
Arlington County Board

Attachment

cc: Members, Alexandria City Council  
Members, Arlington County Board  
Members, Fairfax County Board of Supervisors  
The Honorable Sean Connaughton, Secretary of Transportation  
Gregory A. Whirley, Commissioner, Virginia Department of Transportation  
Mal Kerley, Chief Engineer, Virginia Department of Transportation  
Morteza Salehi, Northern Virginia District Administrator, Virginia Department of Transportation

## I-95/395 High Occupancy Toll (HOT) Lanes

### FAIRFAX COUNTY, CITY OF ALEXANDRIA, AND ARLINGTON COUNTY PROPOSAL FOR MOVING DISCUSSIONS FORWARD

Since the announcement of plans for a public-private HOT lanes project in the I-95/395 corridor (Project), Fairfax County, the City of Alexandria, and Arlington County, among others, have expressed concerns about the design and operation of the Project and its effects on transit and other high occupancy vehicles (HOV), and traffic generally, particularly at interchanges along the corridor. For a little more than a year, after the announcement of a delay in the Project because of concerns about the Project's financial viability, the Virginia Department of Transportation (VDOT) and its private partner, Fluor-Transurban (FTU), have been working to resolve significant financial issues associated with the I-95/I-395 HOT lanes Project. In addition, VDOT and Arlington County have been involved in litigation over the Project.

During this time, there has been little visible progress and a much-reduced dialogue between the technical staffs representing the state and the 3 jurisdictions toward reaching closure on the substantial technical issues and questions that remain. Fairfax County, Arlington County, and the City of Alexandria want to engage VDOT in a dialogue that ensures meaningful progress is made toward full resolution of technical issues associated with all phases of the Project north of the Occoquan River, including on-going operation of the facility after construction, while financial and legal issues are being addressed. As such, the three jurisdictions have jointly prepared a list of items that all three jurisdictions concur need to be addressed as soon as possible in cooperation and coordination with VDOT and other public entities.

**The jurisdictions request that a technical workgroup of staff from, at a minimum, the three jurisdictions, VDOT, and the Department of Rail and Public Transportation (DRPT) be established immediately to discuss and resolve the items listed below, so that a mutually agreeable resolution of the identified issues can be crafted so when the Project is ultimately positioned to move forward financially and legally, it can do so without significant technical and institutional issues remaining to be overcome.** This technical workgroup should continue on an on-going basis after initial implementation as further elements of the Project are added. Other organizations, such as the Washington Metropolitan Area Transit Authority (WMATA), the Department of Defense (DoD), Washington Headquarters Service (WHS), and others will, of course, need to be represented in the technical workgroup discussion for certain of these issues, while others will be able to be addressed simply between the three jurisdictions and state representatives.

**Performance Standards** - - The jurisdictions wish to discuss with VDOT seeking confirmation that the following will be permanent features of the Project, that are committed to by the Commonwealth as well as incorporated in any long term agreement between the Commonwealth and its private partner for operation of the Project:

1. HOV-3 and higher traffic will remain free 24 hours a day-7 days a week.
2. I-95/395 HOT lanes will continue to qualify as fixed guide-way miles in the Federal Transit Administration's allocation formulas.
3. Travel speeds of buses will not be degraded in the corridor from today's posted speed limits of 55 mph inside the Beltway and 65 mph outside the Beltway. This is a particular concern to the three jurisdictions since increased transit travel times will result in significant financial exposure for the jurisdictions and the transit systems they support.
4. Person throughput in the HOV/HOT lanes shall remain at the same levels as seen today or better.
5. Transit and HOV-3 capacity and travel times in the HOV/HOT lanes shall remain at current or improved levels.

**Project Status Update** - - The jurisdictions request that they be updated on the current status of a number of issues, specifically:

1. Project Features:
  - a. What Project elements/features/options, including access points, are still expected to be included when the Project or an initial phase of the Project does move forward? What Project elements are no longer likely to be included in the Project? What Project elements are still being considered, are undecided, or uncertain?
  - b. To the extent the Project will be implemented in phases, how is the phasing proposed to occur?
2. Project Design Plans: Provide the most current set of comprehensive design plans for the Project. Such plans should identify the current Project termini and include comprehensive implementation plans for each Project phase, to the extent that the Project will be implemented in phases.
3. Shoulder Widths/Emergency Breakdown Areas: The above set of plans should provide specificity about shoulder widths and lane widths throughout the corridor, particularly the number and spacing of emergency pull-offs and a detailed plan of the location of these pull-offs.
4. Slip Ramps: The above set of plans should identify whether slip ramps that allow access from the HOT lanes to the general purpose lanes will be used, the locations of each of them in the corridor, and how they are proposed to be used.

5. Bus Rapid Transit (BRT) Study and Public Transit Investments: An update is needed on the status of the BRT analysis conducted as an element of the Project. Confirmation is needed of the continued inclusion of \$195 M for public transit in the Project package.

**Assurances** - - The jurisdictions believe the following elements are critical to the success of the Project and the acceptance of the Project by the community and therefore wish to discuss with VDOT receiving a commitment from the Commonwealth on each of the following items:

1. Traffic impacts on local intersections up to a mile (or less based on specific situation) from Project interchange points will be identified through traffic modeling and/or simulation for initial Project phase(s) as well as future modifications, additions, and phases prior to construction and operation of the phase, modification, or addition.
2. Project-related traffic impacts on connecting roadways resulting from a phase or future modification, addition, or phase will be mitigated to the nearest major cross street concurrent with implementation of the phase, modification, or addition.
3. Traffic signal priority will be provided for buses at all HOT lane exit ramps onto connecting roadways and at each major signalized cross street up to one mile from the interchange.
4. Bike and pedestrian connections will be constructed per the local jurisdictions' Comprehensive Plans on and under all bridges which are to be re-constructed with the Project (non-limited access facilities) to the next closest cross-street as part of any phase.
5. Noise abatement measures will be constructed as the initial phase of any construction segment except where not feasible due to proposed grade changes or other mitigating factors.
6. Noise walls or other noise abatement measures will be constructed wherever predicted traffic noise levels of the total I-95/I-395 facility (including traffic in all-purpose, HOT, HOV, and auxiliary lanes) approach or exceed established federal noise abatement criteria for the adjacent land uses or where the predicted traffic noise levels substantially exceed existing noise levels regardless of the level of environmental analysis ultimately required to be completed for the Project or whether the Project is ultimately designated as a Type I or a Type II Project.
7. Adjacent affected jurisdictions will be consulted on the appearance and materials to be used in the construction of noise walls and other noise

abatement measures, and their comments will be considered in a good faith effort to reach consensus.

8. Technical and transit operations staff of the three jurisdictions, WMATA, and the Department of Defense (force protection and facilities) will be consulted to review and fully explore the proposed geometrics and operations of the proposed ramps, including bus only ramps, at the Pentagon in both the AM and PM directions as well as potential alternatives, and their comments will be considered in a good faith effort to reach consensus.
9. Technical and transit operations staff of the three jurisdictions, WMATA, and the Department of Defense (force protection and facilities) will be consulted to review and fully explore the proposed geometrics and operations, as well as potential alternatives, of the proposed Seminary Road interchange with the goal of providing a fully functional solution for transit and HOV access, at a minimum, as part of the first construction phase of the Project, and their comments will be considered in a good faith effort to reach consensus.
10. An incident management plan will be prepared prior to Project implementation that includes a visual monitoring component and a description of the technology being proposed, as well as a long term operational and financial commitment to its on-going monitoring and adjustment. The plan will be presented to bus service providers and public safety personnel (first responders) serving the region for comment, and their comments will be considered in a good faith effort to reach consensus.
11. A robust traffic management program (TMP), comparable to the Springfield interchange, Dulles Metrorail, and I-495 TMPs, to be used during each phase of Project construction will be prepared for review and comment by the affected jurisdictions which plan will include a consultative process with local governments to monitor and adjust the program after implementation. Comments will be considered in a good faith effort to reach consensus.
12. A method for measurement of bus travel speed performance will be developed to determine whether bus travel speeds are being maintained on an ongoing basis after Project implementation, which method focuses on the comparison between base line and future travel times from access points to corresponding exit points.
13. The remedies that will be available if bus travel speeds are not maintained must be established and a commitment must be made to provide those remedies.
14. The "basic elements" of the commercial agreement between the Commonwealth and its private partner will be provided to all affected jurisdictions at least 45 days prior to its approval for review and comment, and

all comments regarding changes or additions to the agreement will be considered in a good faith effort to reach consensus.

**Design Review, Analysis, and Mitigation** - - In order to ensure there are no unintended adverse effects of the Project, and that impacts of the Project are properly mitigated, the jurisdictions request establishment of the following process which would be applicable to implementation of the first phase of the Project and any subsequent phase, as well as modifications of a phase, and would remain in place throughout lifetime of Project:

1. Establishment of a technical working group consisting of at least one representative from each of the affected jurisdictions to review, coordinate, and provide recommendations on Project details during design, construction, and subsequent operations. The group would function collaboratively with VDOT in a consultative role and provide comments to VDOT which would give reasonable consideration to all comments in a good faith effort to achieve consensus with the group. This includes review of design plans and engineering drawings, recommendations for further analysis of potential impacts caused by specific Project details, review of analysis data, identification of impacts based on analysis, and recommendation of measures to mitigate identified impacts.
2. Development of methods for identification of traffic impacts on local intersections up to a mile (or less based on specific situations) from Project interchange points, as well as other areas adjacent to the corridor as mutually agreed, through traffic modeling and or simulation for all Project phases and modifications to phases.
3. Development of procedures for identification of mitigation measures that address identified traffic impacts.
4. Development of process for funding and implementing mitigation measures concurrent with implementation of the phase or modification.