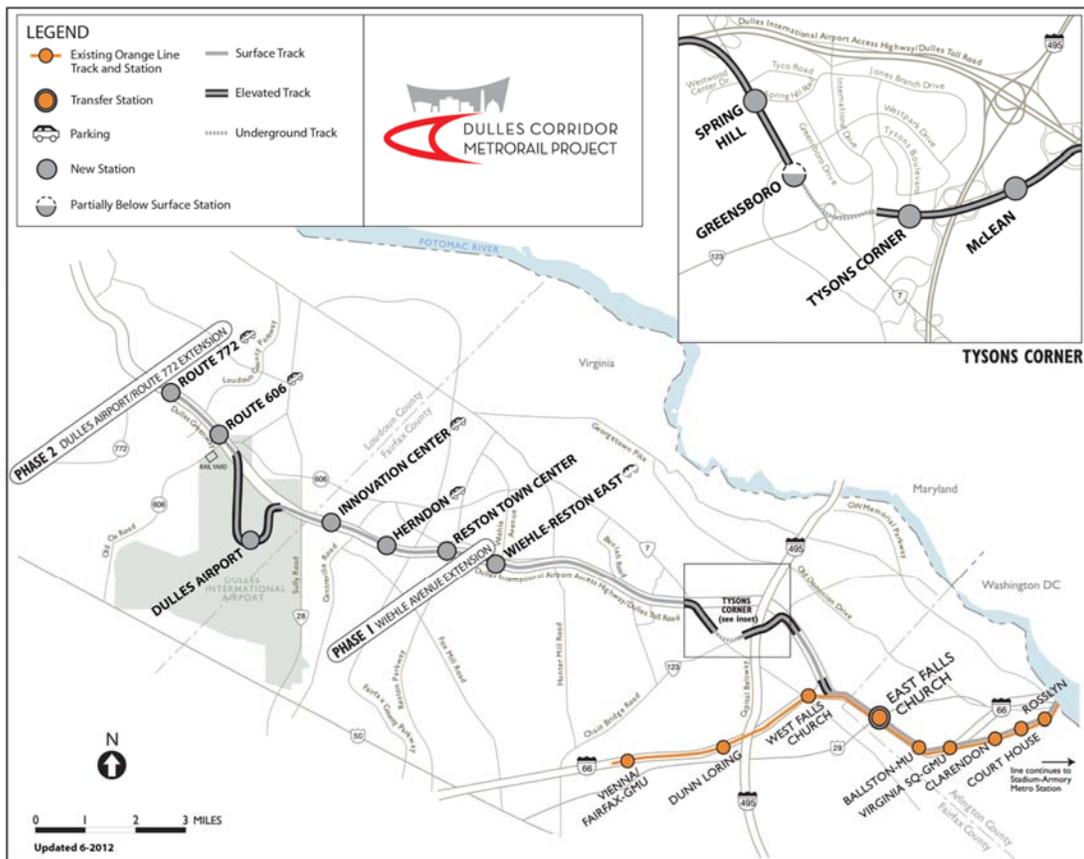


# Fund 40110

## Dulles Rail Phase I Transportation Improvement District

### Focus

Metrorail service is planned to be extended approximately 23 miles from an area east of West Falls Church station, along the median of the Dulles Connector Road (DCR) through Tysons Corner, then further along the Dulles International Airport Access Highway (DIAAH), through Dulles International Airport, to Route 772 in Loudoun County. The total cost of the Rail to Dulles Project currently is estimated to be \$5.9 billion. Due to financial constraints imposed by the federal government, the project will be completed in two phases. The Phase I cost is approximately \$2.9 billion for the segment from the Metrorail Orange line to Wiehle Avenue in Reston, and included construction of five new stations in Fairfax County: McLean, Tysons Corner, Greensboro, Spring Hill, and Wiehle-Reston East, and are noted on the map below.



The Phase I cost of \$2.9 billion is being financed by the federal government, the Commonwealth of Virginia, Fairfax County, and revenue from the Dulles Toll Road (DTR). In March 2009, the Federal Transit Administration (FTA) executed a Full Funding Grant Agreement with Metropolitan Washington Airports Authority (MWAA) for \$900.0 million for Phase I of the project. A portion of Fairfax County's share of Phase I, \$400.0 million, is being financed from the Phase I Transportation Improvement District (Phase I District); the remaining funding for Phase I is a combination of state and DTR funds.

The total project costs are expected to be shared by the federal government, the Commonwealth, Fairfax County, Loudoun County, MWAA, and operation of the Dulles Toll Road. Fairfax County's participation rate is determined on the basis of total project costs and sharing the cost of common features necessary to complete an operational line, such as soft costs, rail yards and power stations.

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### **Dulles Rail Phase I Transportation Improvement District**

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The primary source of revenue to support construction of the rail line is expected to be tolls from the DTR. Control and operation of the Dulles Toll Road was transferred to MWAAs on November 1, 2008. The local funding partners, Fairfax County, Loudoun County, and MWAAs have entered into an agreement which specifies the level of funding responsibility for each partner; the Fairfax County share is approximately 16.1 percent of total costs and approximately \$467.8 million for Phase I. The Phase I District will cover \$400.0 million of Fairfax County's total cost for Phase I. Additionally, landowners in Phase II submitted a petition to the Board of Supervisors to form a Phase II Transportation Improvement District which would commit \$330.0 million to the County's share of Phase II funding.

On January 21, 2004, a petition was filed with the Clerk to the Fairfax County Board of Supervisors (the Petition) by owners of commercial and industrial property (the Petitioners) asking the Board of Supervisors (Board) to create a Dulles Rail Phase I Transportation Improvement District (Phase I District), as provided by Chapter 15 of Title 33.1 of the Code of Virginia, as amended (the Act). The Act is similar although not identical to the law that empowered the Board and the Board of Supervisors of Loudoun County to create the Route 28 Highway Transportation Improvement District (the Route 28 District) in both counties in 1988.

The Phase I District was approved and established by the Board on February 23, 2004, following a public hearing. It is governed by a District Commission, consisting of four Board members and the Chairman of the Commonwealth Transportation Board (CTB) or his/her designee. The District Commission is advised by a District Advisory Board, composed of landowner representatives. This is the same governance structure used for the Route 28 Tax District.

Commercial and industrial property within the district created pursuant to the Act can be taxed to raise funds for transportation improvements in the district. Such a district can be created upon the petition of the owners of at least 51 percent, measured by land area or assessed value, of the real property located within the proposed district that is zoned or used for commercial or industrial purposes. The properties listed on the signature pages of the Petition constituted over 64 percent of such property located within the Phase I District, measured by assessed value.

Per the Code of Virginia § 33.1-435, properties zoned to permit multi-unit residential use but not yet used for that purpose and multi-unit properties primarily leased or rented to residential tenants or other occupants by an owner who is engaged in such a business are deemed to be in commercial use for purposes of the Act. No other residential properties are subject to any tax that may be levied on behalf of such a district, even if they are within the boundaries of such a district.

The boundaries, as proposed by the Petitioners, encompass most if not all of the Tysons Corner Urban Center, commercial and industrial properties near the Wiehle-Reston East Metrorail station, and the necessary Dulles Airport Access Road (DAAR) right-of-way. The proposed transportation improvements include that portion in the Phase I District of the capital improvements described as the Locally Preferred Alternative (LPA) in a resolution of the Board of Directors of the Washington Metropolitan Area Transit Authority (WMATA), adopted on November 21, 2002.

The Petitioners will contribute up to \$400.0 million of the County's share for Phase I through the imposition of a voluntary tax on commercial and industrial properties within the Phase I District. Included in the proposal was a provision for full coverage of the long-term financing costs for the County's net share of construction costs. At the maximum contribution, under the current plan, the total expected cost including interest costs over the life of the district to be provided by the tax on behalf of the

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### **Dulles Rail Phase I Transportation Improvement District**

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Phase I District is approximately \$882.5 million. As of December 2013, funds from the tax district are expected to fund 86 percent the County's expected share of Phase I costs. Funding requirements in excess of the amount to be provided by the District are expected to be funded by other available revenue sources.

The plan as set forth in the Petition contains specific provisions regarding timing, tax rates, total costs, and percentage of costs to be paid with Phase I District revenue. The plan contemplates the establishment of a Revenue Stabilization Fund (RSF) with early collection of taxes commencing in FY 2005 to build reasonable reserves to help maintain the rate parameters in view of the cyclic pattern of changes in assessed value from year to year. It is anticipated that the RSF and perhaps other rate or coverage covenants will be required by rating agencies to achieve an investment grade rating on bonds issued that are supported by Phase I District tax revenues.

Under the terms of the petition, before any Phase I District revenues are committed the tax rate is capped at \$0.22 per \$100 of assessed value, and taxes collected accumulate in the RSF. If a federal Full Funding Grant Agreement (FFGA) for Phase I is not executed, then the owners of 51 percent of the commercial and industrial property within the Phase I District may petition for its dissolution, and individual property owners can ask for the return of taxes previously paid and accumulated in the RSF. The FTA received the FFGA application on October 22, 2008, approved it and forwarded it to the Secretary of the United States Department of Transportation (USDOT) and the Office of Management and Budget on December 19, 2008 for approval. USDOT approved the FFGA on January 7, 2009, and forwarded it to the Congress for approval. The FFGA between the FTA and the MWA was executed on March 10, 2009.

Before committing Phase I District tax revenues, the District Commission needed to determine that the District's actual share of the financing would not exceed \$400 million of construction funds for Phase I costs, and that a tax rate of no more than \$0.29 per \$100 of assessed value would be sufficient to meet the Phase I District's obligations at an assumed rate of growth in assessed value of 1.5 percent. If at the time the District Commission expects either of those parameters to be exceeded, then they must seek approval from the owners of 51 percent of the commercial or industrial property within the Phase I District before proceeding to commit the revenues.

However, once Phase I District revenues have been committed, allowing the financing to be put into place for the sale of bonds supported by those revenues, there is no "hard" cap on the Phase I District tax rate other than the statutory cap of \$0.40 per \$100 of assessed value. Thus there would be full latitude to set the tax rate up to the statutory maximum, if necessary, to meet the obligations of the Phase I District, (e.g., if necessary to meet debt service requirements in the event assessed value growth rates cannot be sustained at 1.5 percent or greater).

On June 22, 2009, the Board of Supervisors approved preliminary bond documents for Phase I District financing and authorization of judicial proceedings to validate the bonds. It was determined that prior to the issuance of bonds by the Economic Development Authority (EDA), there should be a judicial determination of the validity of the bonds to ensure broad financial market acceptance of the bonds. The initial judicial review was completed at the Circuit Court level on August 28, 2009, at which time the County received a favorable ruling. On November 4, 2010, the Virginia Supreme Court affirmed the lower court ruling.

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## Dulles Rail Phase I Transportation Improvement District

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On May 26, 2011, the EDA issued the first series of Phase I District EDA bonds in the amount of \$205.7 million which provided \$220.1 million, including bond premium, for the construction of the Phase I project. On October 10, 2012, the second and final Phase I District EDA bonds were issued in the amount of \$42.4 million which provided \$48.4 million, including bond premium, for the construction of the Phase I project. These two issues together, with \$131.5 million in equity contribution from District taxes collected, fully funded the County's obligation of providing \$400 million for Phase I of the project.

On April 10, 2012 the Board confirmed the County's participation in Phase II which has a projected cost estimate of approximately \$2.8 billion. For additional cost and project information about Dulles Rail Phase II, please refer to Fund 40120, Dulles Rail Phase II Transportation Improvement District, contained in Volume 2, Capital Construction and Other Operating Funds.

MWAA transferred Phase I of the Silver Line to WMATA for final testing and training on May 27, 2014, and on July 26, 2014 the Silver Line opened for passenger service.

As part of the FY 2014 Adopted Budget Plan, there was joint concurrence from the Phase I Advisory Board as well as the Phase I Commission on the formal adoption of a Tax Rate Policy. Specifically, a series of criteria must be met to allow for a reduction in the tax rate that includes the following: maintaining targeted debt service coverage at 150 percent; historical debt service coverage will be at least 150 percent for two consecutive fiscal years before lowering the tax rate; and the tax rate will be lowered by no more than two cents in any given year provided coverage can still be maintained at 150 percent with the lower tax rate. For FY 2014, the tax rate decreased by \$0.01 from \$0.22 to \$0.21 per \$100 of assessed value. The tax rate remained unchanged as part of the FY 2015 Adopted Budget Plan.

On March 11, 2015, the Phase I District Advisory Board, in accordance with the Tax Rate Policy, recommended a \$0.02 reduction to the tax rate (from \$0.21 to \$0.19 per \$100 of assessed value) due to the growth in assessed value based on estimates as of January 1, 2015. The Phase I District Commission accepted the Advisory Board's recommendation on March 17, 2015 and the Board of Supervisors approved the tax rate reduction on April 28, 2015 as part of the FY 2016 Adopted Budget Plan.

On March 10, 2016, the Phase I District Advisory Board, in accordance with the Tax Rate Policy, recommended a \$0.02 reduction to the tax rate (from \$0.19 to \$0.17 per \$100 of assessed value) due to the growth in assessed value based on estimates as of January 1, 2016. The Phase I District Commission accepted the Advisory Board's recommendation on March 29, 2016 and the Board of Supervisors approved the tax rate reduction on April 26, 2016 as part of the FY 2017 Adopted Budget Plan.

### **FY 2017 Funding Adjustments**

*The following funding adjustments from the FY 2016 Adopted Budget Plan are necessary to support the FY 2017 program. Included are all adjustments recommended by the County Executive that were approved by the Board of Supervisors, as well as any additional Board of Supervisors' actions, as approved in the adoption of the budget on April 26, 2016.*

- ◆ **Debt Service Adjustments** **\$3,651**  
There is an increase of \$3,651, or 0.02 percent, from the FY 2016 Adopted Budget Plan amount of \$17,345,313 due to programmed debt service payments in FY 2017.

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**Changes to FY 2016 Adopted Budget Plan**

*The following funding adjustments reflect all approved changes in the FY 2016 Revised Budget Plan since passage of the FY 2016 Adopted Budget Plan. Included are all adjustments made as part of the FY 2015 Carryover Review, FY 2016 Third Quarter Review, and all other approved changes through April 30, 2016.*

- ◆ There have been no adjustments to this fund since approval of the FY 2016 Adopted Budget Plan.

# Fund 40110

## Dulles Rail Phase I Transportation Improvement District

### FUND STATEMENT

#### Fund 40110, Dulles Rail Phase I Transportation Improvement District

	FY 2015 Actual	FY 2016 Adopted Budget Plan	FY 2016 Revised Budget Plan	FY 2017 Advertised Budget Plan	FY 2017 Adopted Budget Plan
<b>Beginning Balance</b>	\$51,362,317	\$57,735,963	\$58,589,673	\$63,904,535	\$63,904,535
Revenue:					
Real Estate Taxes-Current	\$24,216,927	\$22,656,524	\$22,656,524	\$25,097,325	\$22,455,503
Interest on Investments	354,992	0	0	0	0
<b>Total Revenue</b>	\$24,571,919	\$22,656,524	\$22,656,524	\$25,097,325	\$22,455,503
<b>Total Available</b>	\$75,934,236	\$80,392,487	\$81,246,197	\$89,001,860	\$86,360,038
Expenditures:					
Debt Service	\$17,343,563	\$17,341,662	\$17,341,662	\$17,345,313	\$17,345,313
District Expenses	1,000	0	0	0	0
<b>Total Expenditures</b>	\$17,344,563	\$17,341,662	\$17,341,662	\$17,345,313	\$17,345,313
<b>Total Disbursements</b>	\$17,344,563	\$17,341,662	\$17,341,662	\$17,345,313	\$17,345,313
<b>Ending Balance<sup>1</sup></b>	\$58,589,673	\$63,050,825	\$63,904,535	\$71,656,547	\$69,014,725
<b>Tax rate per \$100 Assessed Value</b>	\$0.21	\$0.19	\$0.19	\$0.19	\$0.17

<sup>1</sup> The ending balance includes the Residual Fund, the Debt Service Reserve Fund, and the Revenue Stabilization Fund.