

JOINT BOARD MATTER
Supervisor Smyth, Chairman Connolly, Supervisors Kauffman and Dubois
March 12, 2007

Tysons Tunnel

Mr. Chairman, as the Board may be aware, Governor Kaine recently suggested on the WTOP call-in show "Ask the Governor," that he would act more forcefully on the tunnel option if he heard from us that the tunnel would be our preferred option. His comments were also captured in a subsequent Examiner article.

Accordingly, we move that the Chairman send what would be a third letter to the Governor re-confirming our preference and incorporating the following background and critical concerns:

BACKGROUND

Since the Board Matter of January 8, 2007, the State of Virginia and the Metropolitan Airports Authority have continued to negotiate with Dulles Transit Partners for construction of the elevated line even though deadlines have continually slipped for the final bid. Representatives of the tunnel firm have also submitted engineering and cost estimate documents to the State. Thus far the state has not decided to competitively bid the project, has used a consultant to MWAA to critique the tunnel, and has refused to consider tunnel engineers' responses to those critiques or the commitment of at least one alternative bid on the tunnel.

The Fairfax Board of Supervisors hereby reaffirms its Resolution of January 8, 2007 and its commitment to a tunnel design as an alternative, which has widespread support in our community. In addition, we wish to place in the record the following critical concerns:

1. Fairfax County, its taxpayers and businesses are contributing \$400 million or 16 % of the capital cost of the Dulles Rail project. Northern Virginia toll road users are providing \$ 925 million or 37 %. The State of Virginia is providing just \$51 million or 2 % toward the capital costs. The county will also be responsible for a significant share of the operating and maintenance costs, with the state providing little or no operating support, and WMATA will own the project once it is completed.
2. Fairfax County and WMATA have not been a direct party to the negotiations of the price and contract terms for the Dulles Rail project. The County is concerned that critical pricing documents have been kept confidential and may not be available for review, preventing the County from evaluating contract risks, including the risk of costly change orders and cost overruns and higher operating and maintenance costs.

3. The interests of the Metropolitan Washington Airports Authority (MWAA) with its responsibilities to Dulles Airport may not always be in alignment with those of Fairfax County, which depends on the success of its largest job center, Tysons Corner. MWAA cannot assume control of the toll road revenues or the rail project until contract negotiations are completed and a Full-Funding Grant Agreement is signed, creating a preference for quicker resolution rather than a full evaluation of competing contract bids.
4. Fairfax County is concerned with the approach taken by employing the services of a consultant to MWAA (Carter-Burgess) to review and critique the project outside standard procedures for a competitive process. This consultant's contracts with MWAA may suggest to some lack of independence necessary to fairly evaluate the tunnel proposal. In addition, the County understands that Carter-Burgess lacks experience with Metrorail engineering and that their review did not include engineering cost estimates submitted by the tunnel engineers nor did it consider the assumptions of risk made by Dragados, the construction firm. Furthermore, Carter-Burgess' conclusions are at odds with the independent review by the American Society of Civil Engineers.
5. Concerns articulated by the Board of Directors of the Metropolitan Washington Area Transit Authority (WMATA) have gone unanswered now for more than a year. Attached is a copy of the latest resolution adopted by the WMATA Board capturing our shared issues.
6. Negotiations in a situation where there is a guarantee of a sole-source contract and in which the State has -- in the eyes of the community -- frustrated the potential for a second proposal and may preclude cost containment opportunities in the future.
7. An open and competitive bidding process would allow for a level playing field for independent review of the competing proposals, full participation of Fairfax County and WMATA in the evaluation of the proposals, the opportunity for a lower price, and the opportunity to select the design which best supports the redesign of Tysons Corner to maximize ridership and project success.
8. Fairfax County reaffirms its call for an open and competitive bidding process to include the tunnel option, and participation and review of all engineering and contract documents submitted by all bidders. We also pledge to work with Governor Kaine, who has stated his desire to work for a locally supported rail option, and our other state and federal representatives to help us achieve what is clearly our community's goal.