

Fund 70000: Route 28 Tax District

Focus

Fairfax County, in partnership with Loudoun County, formed the Route 28 Highway Transportation Improvement District (District) on December 21, 1987. Under Virginia law, such a district may be formed only upon the joint petition of owners of at least 51 percent of the land area in each county, which is within the boundaries of the proposed district and which has been zoned or is used for commercial or industrial purposes. Fund 70000, Route 28 Tax District, was formed to provide improvements to State Route 28 (Route 28), which connects State Route 7 in eastern Loudoun County to U.S. Route 50 and Interstate 66 in western Fairfax County, running approximately parallel to the County's western border. Route 28 provides access to Dulles International Airport, along with the Dulles Access Road, which connects the Capital Beltway to Dulles International Airport. This District was formed upon landowner petition to accelerate planned highway improvements proposed by the state, which relied primarily on slower pay-as-you-go financing from the Northern Virginia region's share of the State Primary Road Fund allocation. Under the terms of the agreement with the state, the District will fund 75 percent of defined Phase I and Phase II improvements and the state will fund 25 percent.

The District, administered by a Commission appointed by the Board of Supervisors of both counties, may subject the owners of industrial and commercial property within the District to a maximum additional tax assessment of \$0.20 per \$100 of assessed value. The FY 2021 tax rate for this district was decreased from \$0.18 per \$100 of assessed value to \$0.17 per \$100 of assessed value. These funds, in addition to funds received through the State Primary Road Fund allocation formula, are to be used for the road improvements and debt service on bonds issued by the state. Improvements completed for Phase I of the Route 28 project included widening the existing road from two to six lanes and upgrading three major intersections. Legislation authorizing the issuance of Commonwealth Transportation Board (CTB) revenue bonds up to \$160.7 million plus issuance expenses to finance the Phase I improvements to Route 28 was enacted during the 1988 Virginia General Assembly and became effective July 1, 1988. This legislation stipulated that the additional tax assessment in the District and funds allocated to the highway construction district, in which Route 28 lies, would reimburse the state for its debt service payments on the bonds. The Commonwealth issued \$138.5 million in revenue bonds for the District in September 1988.

Fairfax County and Loudoun County entered into a contract with the District and agreed to levy the additional tax assessment, as requested by the District, collect the tax, and pay all tax revenues to a fiscal agent for distribution. The contract specifies that the counties shall pay all revenues collected on behalf of the District to trustees jointly designated by the CTB and the counties, and the District in turn shall notify the counties of the required payment and request a rate sufficient to collect that amount, up to a maximum of \$0.20 per \$100 of assessed value. The tax rate is decreased from \$0.18 per \$100 of assessed value to \$0.17 per \$100 of assessed value. In FY 2021, an amount of \$12.3 million has been included for Fairfax County collections based on estimated tax collections and an allowance for potential property buy outs, late payments, and penalties.

In August 2002, Fairfax County, Loudoun County, the CTB and the Fairfax County Economic Development Authority (EDA) entered into contractual agreements to provide for construction of a portion of additional improvements on Route 28 (Phase II improvements). Specifically, six separated grade interchanges would be constructed to ease traffic congestion. Funding totaling \$201.7 million was made available from a joint financing plan providing \$75.4 million from CTB funds allocated from the state six-year primary and secondary road plan, approximately \$36.3 million of remaining CTB Route 28 bond authorization, and approximately \$93.0 million of bond funds issued by the EDA in 2003 and 2004 and supported by the two counties. Construction of the first six interchanges was completed in FY 2008.

In October 2006, the CTB, the counties and EDA approved the financing plan for the construction of the final four interchanges at Willard Road, Frying Pan Park Road, CIT/Innovation Drive, and Nokes Boulevard. The plan included acceptance of a \$5.0 million grant and a \$20.0 million loan from the State Transportation Partnership Opportunity Fund (TPOF); issuance of Route 28 District revenue bonds; and use of surplus District tax revenues to fund the \$119.2 million project estimate. EDA Revenue bonds were planned to be issued in two series. A total of \$41.505 million were issued on February 27, 2007 and \$51.505 million were issued on July 9, 2008. On July 24, 2007, the CTB notified the District Commission that an additional \$23.9 million was approved in the CTB's FY 2008-2013 Six-Year Improvement Plan as payment toward the state obligation under the District contract. This additional funding fully replaced the \$20.0 million originally planned for the TPOF loan.

All bond issues are fully supported by District tax revenue. In order to maximize revenues available for new debt service, the CTB refunded its outstanding 1992 bonds in October 2002. At the same time, the CTB issued \$36.3 million of new bonds for construction, representing the balance of bond authorization remaining from the 1988 acts of the General Assembly. The EDA issued Transportation Contract Revenue bonds in the amount of \$33.375 million in October 2003, \$57.4 million in August 2004, \$41.505 million in February 2007 and \$51.505 million in July 2008. In the event that District revenues are not sufficient to make debt service payments, the state bonds are backed by the appropriated state allocations to the Northern Virginia Transportation District. The EDA bonds are supported by a Revenue Stabilization Fund (RSF) that is equal to the maximum annual EDA debt service and is created from surplus revenue collections. As a further credit enhancement for the proposed EDA bonds, both Fairfax and Loudoun Counties pledged a joint moral obligation in the event that tax revenues and the RSF are not sufficient to support EDA debt service. On March 18, 2009, the Route 28 District Advisory Board recommended a two-cent decrease in the tax rate from \$0.20 to \$0.18 per \$100 of assessed value, due to the strong financial status of the fund. This decrease was subsequently adopted by the Board of Supervisors on April 27, 2009.

In March 2011, the Route 28 District Advisory Board recommended to approve \$6.0 million in Project Completion Funds for final design plans for four priority sections of Route 28 widening from six to eight lanes (Hot Spot Improvements). These design areas included the following: Priority 1 – Route 28 southbound between Sterling Boulevard and the Dulles Toll Road; Priority 2 – the Route 28 southbound bridge over the Dulles Toll Road; Priority 3 – Route 28 northbound between McLearn Road and the Dulles Toll Road; and Priority 4 – Route 28 southbound between the Dulles Toll Road and Route 50.

Favorable market conditions in the spring of 2012 allowed for a refunding opportunity of outstanding District debt obligations. The District Commission approved a resolution to proceed with refunding the Series 2003 and Series 2004 EDA revenue bonds at their March 2012 annual meeting. Concurrent with the EDA refunding, the CTB agreed to a refunding of the Transportation Contract Revenue Refunding Bonds Series 2002 from its original Capital Appreciation Bonds (CABs) to Current Interest Bonds (CIBs). On May 9, 2012, two separate competitive bond sales occurred that resulted in combined savings of \$22.48 million.

In October 2012, the Commission considered the next steps for completion of Hot Spot Improvements. Staff recommended the Commission delay additional debt until the District's debt service coverage was stronger, and to apply for a series of TPOF grants or loans to construct the improvements. County staff recommended the use of a portion of the Route 28 District Project Completion Fund (PCF) to construct the Route 28 southbound bridge over the Dulles Toll Road, as has been designed. The estimated cost of this project was \$4.34 million.

Additionally, the Commission discussed the importance of constructing the northbound bridge over the Dulles Toll Road. This project was not originally included in the four spot widening projects that had recently been designed. However, discussions between the Route 28 Corridor Improvements contractor and the Metropolitan Washington Airports Authority (MWAA) highlighted the importance of construction of the bridges over the Dulles Toll Road in a timely manner. MWAA would begin construction of Phase II of the Dulles Corridor Metrorail Project in late 2014, which involved construction of facilities in the vicinity of the Route 28/Dulles Toll Road Intersection. MWAA noted that completion of any construction activities in this location was recommended prior to the mobilization of its contractor, to avoid any conflicts between the two contractors and allow their respective activities to be properly scheduled and coordinated. MWAA cautioned that construction of these bridge projects would be severely restricted during the Silver Line construction and its completion. Route 28 contractors estimated that substantial additional costs to the District would be incurred as a result of the delay and the restrictions.

Due to the timing of both projects, the Commission considered the need to move forward with the design for the northbound bridge. The Commission members then voted to recommend approval to fund the construction of the southbound bridge and design of the northbound bridge from the Route 28 PCF, in an amount no more than \$5.0 million. The Commission also voted to authorize Fairfax and Loudoun County staffs to apply immediately for TPOF grant funding in the amount of \$5.0 million (the maximum allowed under TPOF guidelines) for the northbound bridge in FY 2013 and to apply for further funding in FY 2014 to continue the remaining Hot Spot Improvements. The TPOF application was submitted in November 2012 and was awarded in February 2013.

As a result of the state transportation funding plan approved during the 2013 Session by the General Assembly (HB 2313), additional revenues became available to Northern Virginia jurisdictions pending annual review and approval from the Northern Virginia Transportation Authority (NVTA) for regional transportation projects and transit needs. In July 2013, NVTA approved the FY 2014 total project list of \$209.793 million that consisted of funding via Pay-As-You-Go (\$116.058 million) and bond financing (\$93.735 million). The balance of the District's Hot Spot Improvements (excluding the bridge widening over the Dulles Toll Road) were included to receive NVTA funds for construction as follows: \$6.4 million for southbound between Sterling Boulevard and the Dulles Toll Road (NVTA bond financing); \$20 million for southbound between the Dulles Toll Road to Route 50 (NVTA Paygo); \$11.1 million for northbound between McLearen Road and the Dulles Toll Road (NVTA Paygo). In January 2014, NVTA approved an additional \$6 million as part of FY 2014 Paygo funds to allocate for the balance of funds needed to complete the Hot Spot Improvements for southbound between Sterling Boulevard and the Dulles Toll Road.

To facilitate the implementation of the hot spot widening projects, NVTA and jurisdictional staff developed an agreement to govern the terms and conditions associated with the funding NVTA has agreed to provide to these regional projects and to ensure that the requirements of HB 2313 are met. The Standard Project Agreement (SPA) was approved by NVTA on March 13, 2014 to execute each project approval. Following the approval of the SPA, the Authority worked with the Virginia Department of Transportation (VDOT) on an agreement that could be used for projects that will be implemented directly by VDOT, which applies in this case to the Hot Spot Improvement projects for Route 28. Use of this agreement requires that VDOT will ultimately maintain the asset that is being constructed and/or it will be located in the VDOT right-of-way. NVTA approved the NVTA/VDOT SPA on October 6, 2014. The CTB authorized the Virginia Commissioner of Highways to execute these SPAs on November 12, 2014. On December 11, 2014, NVTA approved the SPAs for all Hot Spot Improvement projects for Route 28. A notice to proceed was issued in January 2015 and construction was completed in September 2017.

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At the March 2016 annual meeting, the Route 28 Commission approved the use of \$4.26 million in project completion funds to cover the cost of design for the widening portion of northbound from the Dulles Toll Road to Sterling Boulevard, and northbound from Route 50 to McLearen Road.

In August 2016, a refunding bond sale for the Series 2016A and 2016B was conducted in the amount of \$88.8 million. This provided net present value debt service savings of approximately \$12.94 million over the life of the bonds. This bond sale refunded outstanding debt on the originally issued Series 2007 and 2008 District Bonds. The following table displays the current financing structure following the Series 2016A and Series 2016B refunding bond sale:

| Bond Year | CTB Debt 2002 & 2012 Ref (State Issued) | EDA Debt Service – Unrefunded Series 2008, Series 2012, and Series 2016 | Total |
|--------------|---|---|----------------------|
| 2021 | \$8,644,519 | \$9,679,082 | \$18,323,601 |
| 2022 | 8,644,519 | 9,682,932 | 18,327,451 |
| 2023 | 8,644,519 | 9,679,332 | 18,323,851 |
| 2024 | 8,644,519 | 9,673,957 | 18,318,476 |
| 2025 | 8,644,519 | 9,679,907 | 18,324,426 |
| 2026 | 8,644,519 | 9,675,457 | 18,319,976 |
| 2027 | 8,644,519 | 9,675,907 | 18,320,426 |
| 2028 | 3,484,519 | 9,675,807 | 13,160,326 |
| 2029 | 3,481,169 | 9,680,057 | 13,161,226 |
| 2030 | 3,485,269 | 9,679,644 | 13,164,913 |
| 2031 | 3,480,269 | 9,680,044 | 13,160,313 |
| 2032 | 3,480,469 | 9,680,244 | 13,160,713 |
| 2033 | - | 18,225,369 | 18,225,369 |
| 2034 | - | 18,805,244 | 18,805,244 |
| 2035 | - | 18,798,825 | 18,798,825 |
| 2036 | - | 18,878,750 | 18,878,750 |
| 2037 | - | 18,879,900 | 18,879,900 |
| TOTAL | \$77,923,328 | \$209,730,458 | \$287,653,786 |

Due to the strong financial status of the District, the District Advisory Board and District Commission in spring 2020 both recommended a \$0.01 decrease in the tax rate from \$0.18 to \$0.17 per \$100 of assessed value for the FY 2021 Adopted Budget Plan.

Pandemic Response and Impact

County staff will regularly monitor the impact of the COVID-19 pandemic on the real estate market, and the corresponding impacts on assessed values and real estate tax revenues in this fund.

**FY 2021
Funding
Adjustments**

The following funding adjustments from the FY 2020 Adopted Budget Plan are necessary to support the FY 2021 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 May 12, 2020.

Fiscal Agent Payments **(\$161,121)**
A decrease of \$161,121 or 1.3 percent from the FY 2020 Adopted Budget Plan amount of \$12,498,009 for estimated payments to the fiscal agent is primarily due to anticipated assessed value adjustments and a decrease to the tax rate in FY 2021.

**Changes to
FY 2020
Adopted
Budget Plan**

The following funding adjustments reflect all approved changes in the FY 2020 Revised Budget Plan since passage of the FY 2020 Adopted Budget Plan. Included are all adjustments made as part of the FY 2019 Carryover Review, FY 2020 Third Quarter Review, and all other approved changes through April 30, 2020.

Carryover Adjustments **\$2,870**
As part of the FY 2019 Carryover Review, the Board of Supervisors approved an increase of \$2,870. All monies collected are required to be remitted to the Fiscal Agent on a monthly basis. The \$2,870 is the amount of remittances that were pending as of the end of the fiscal year.

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FUND STATEMENT

| Category | FY 2019 Actual | FY 2020 Adopted Budget Plan | FY 2020 Revised Budget Plan | FY 2021 Advertised Budget Plan | FY 2021 Adopted Budget Plan |
|--|---------------------|-----------------------------------|-----------------------------------|--------------------------------------|-----------------------------------|
| Beginning Balance | \$238 | \$0 | \$2,870 | \$0 | \$0 |
| Revenue: | | | | | |
| Real Estate Taxes-Current ¹ | \$11,087,786 | \$11,498,009 | \$11,498,009 | \$12,003,764 | \$11,336,888 |
| Revenue from Buy Outs | 0 | 1,000,000 | 1,000,000 | 1,000,000 | 1,000,000 |
| Interest on Investments | 12,196 | 0 | 0 | 0 | 0 |
| Total Revenue | \$11,099,982 | \$12,498,009 | \$12,498,009 | \$13,003,764 | \$12,336,888 |
| Total Available | \$11,100,220 | \$12,498,009 | \$12,500,879 | \$13,003,764 | \$12,336,888 |
| Expenditures: | | | | | |
| Payments to the Fiscal Agent | \$11,097,350 | \$12,498,009 | \$12,500,879 | \$13,003,764 | \$12,336,888 |
| Total Expenditures | \$11,097,350 | \$12,498,009 | \$12,500,879 | \$13,003,764 | \$12,336,888 |
| Total Disbursements | \$11,097,350 | \$12,498,009 | \$12,500,879 | \$13,003,764 | \$12,336,888 |
| Ending Balance² | \$2,870 | \$0 | \$0 | \$0 | \$0 |
| Tax rate per \$100 Assessed Value | \$0.18 | \$0.18 | \$0.18 | \$0.18 | \$0.17 |

¹ Estimate based on January 1, 2020, assessed values and an adopted tax rate of \$0.17 per \$100 of assessed value.

² As all monies collected are required to be remitted to the Fiscal Agent monthly as collected, the ending balance should be zero unless as of the closing period, there were pending remittances to the Fiscal Agent.