



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

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Agenda item # 12

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

July 16, 2009

MOTION

Made By: Mr. Dickens, Seconded By: Mr. Layne, Motion Carried, Unanimously

Title: Downtown Tunnel/Midtown Tunnel/MLK Extension Project: Independent Review Panel Recommendations to the Board

WHEREAS, VDOT issued a Solicitation for Conceptual Proposals (SFP) for the Downtown Tunnel/Midtown Tunnel/MLK Extension Project (Project) under the Public-Private Transportation Act (PPTA Act) (§56-556 et. seq. of the Code of Virginia) on May 30, 2008; and

WHEREAS, in accordance with the statutes of the Commonwealth of Virginia, including the PPTA and the PPTA Implementation Guidelines (Guidelines), the Secretary of Transportation designated an Independent Review Panel (IRP) to review and evaluate the Conceptual Proposal submitted by Elizabeth River Crossings LLC (ERC), in response to the Virginia Department of Transportation's (VDOT) SFP, based upon criteria set forth in the SFP, and for the purpose of developing recommendations to the Commonwealth Transportation Board (CTB) and VDOT, in connection with the Project; and

WHEREAS, the IRP held five public meetings to perform its responsibilities at: (1) the City of Portsmouth, Council Chambers on March 25, 2009, where ERC made a presentation regarding its Conceptual Proposal; (2) the City of Portsmouth, Council Chambers on April 21, 2009, where VDOT staff provided its technical evaluation of ERC's Conceptual Proposal and where the public was afforded the opportunity to address the panel with its comments regarding the Project; (3) the City of Norfolk, Council Chambers on April 22, 2009, where the public was provided another opportunity to comment; (4) the City of Norfolk, Council Chambers on May 13, 2009, where VDOT presented its financial evaluation of ERC's Conceptual Proposal; and (5) the City of Portsmouth Council Chambers on June 10, 2009, where the IRP developed its final recommendations to the CTB and VDOT; and

WHEREAS, proper notice to the public was given in advance of these meetings; and

WHEREAS, The IRP considered public comments, recommendations and comments from impacted jurisdictions, presentations provided by ERC and VDOT staff; the SFP and ERC's Conceptual Proposal in the development of its recommendations; and

WHEREAS, the IRP presented its recommendations to the CTB at its July 16, 2009 workshop and action meeting;

WHEREAS, the Guidelines allow the Department to proceed directly from the CTB recommendation to the negotiations phase for an Interim and/or Comprehensive Agreement;

NOW, THEREFORE, BE IT RESOLVED that ERC's Conceptual Proposal should advance and recommends that VDOT proceed to an Interim Agreement, as the Conceptual Proposal satisfies the minimum intent of the Act, the Guidelines, and the SFP.

BE IT FURTHER RESOLVED that the CTB supports the recommendations of the IRP for consideration by the Commonwealth Transportation Commissioner in implementing the Project:

- Accelerate the project procurement process (i.e. via an Interim Agreement) and the development of additional project data in an efficient and effective manner so as to evaluate and determine the financial feasibility of the proposed project in coordination with continued project development by the private sector.
- Continue to pursue public and private sector funding, with the intent of locating additional contributions that can be allocated to this project, in order to stabilize and/or reduce toll rates and other cost saving approaches to reduce cost. Consideration of public funds should include any existing maintenance backlog, existing public sector maintenance funding, and any other current public funding sources.
- Continue to work with FHWA to secure the approval to toll existing structures and to investigate and consider toll collection during the construction phase of the project through the Value Pricing Pilot Program (VPPP) framework.
- Continue to evaluate the proposed tolling regime and consider congestion pricing during peak periods and tolling escalation throughout the life of the concession.
- Consider the financial and technical feasibility of implementing operational and construction phasing of the project elements in an effort to reduce overall project costs.
- Form collaborative working groups to evaluate financial and technical scope issues, such as dredge disposal, tunnel ventilation systems, and other critical elements to minimize the overall cost, risk allocation, contingencies, and schedule.

- Continue to work collaboratively to develop an analysis identifying the technical, environmental and financial impacts of adding light rail transit and bus rapid transit options to the new parallel Midtown Tunnel.
- Focus on business outreach and development programs for the purpose of attaining fair and reasonable small-women-minority owned business and disadvantaged business enterprise goals for the project, which includes a plan to stimulate local job creation.
- Work in coordination with the private sector to consider employment to qualified VDOT personnel, who may be displaced as a result of the advancement of the project to include a comprehensive transition plan for all employees impacted.
- Employ a robust public involvement process in the continued development of the project to ensure effective communication and participation from citizens of the cities of Norfolk and Portsmouth.
- Coordinate closely with Virginia Department of Rail and Public Transportation (DRPT), Hampton Roads Transit (HRT) and the cities of Portsmouth and Norfolk in defining the proposed alignment of the parallel Midtown Tunnel and associated utility relocations so as not to preclude the efficient future development of a replacement tube for the existing tunnel and multi-modal opportunities, including light rail and bus rapid transit systems between Norfolk and Portsmouth.
- Continue efforts on a public outreach program to educate the public in the region on open road tolling, congestion pricing, and how user fees are applied.
- Cooperatively and proactively work with the cities of Portsmouth and Norfolk to lessen impacts to properties, in accordance with state and federal laws, and identify opportunities to advance context sensitive solutions that integrate aesthetics, landscaping, design, and other important concepts into the proposed project that blend into and enhance the existing urban environment and neighborhoods.
- Consider providing for priority access and tolling treatments for transit within the facility. This consideration would be focused on providing lower cost access.
- Work with the localities to identify additional efficiencies within the proposed project and the adjacent traffic network in order to maximize travel efficiency and throughput.

BE IT FURTHER RESOLVED, that the early tolling of the project during construction will lead to the moderation of toll rates in the long term; and,

BE IT FURTHER RESOLVED that any recommendations not to preclude the efficient development of multi-modal opportunities, including light rail and bus rapid transit systems, should not delay or financially impact the development of this project; and,

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BE IT FURTHER RESOLVED that VDOT should continue coordination efforts with CSX Railroad to identify and resolve outstanding issues and impacts associated with the alignment of the Martin Luther King Freeway Extension in the City of Portsmouth.

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