

RESOLUTION NO. 18-18

Amending the Metropolitan Washington Airports Authority Regulations Which Establish Toll Rates for the Dulles Toll Road and Related Matters

WHEREAS, The Metropolitan Washington Airports Authority (Airports Authority) operates the Dulles Toll Road (DTR) pursuant to a Permit and Operating Agreement (POA), dated as of December 29, 2006, between the Virginia Department of Transportation (VDOT) and the Airports Authority;

WHEREAS, Under the terms of the POA, responsibility to establish and adjust toll rates for use of the DTR lies solely with the Airports Authority;

WHEREAS, Under the terms of the POA, the Airports Authority is obligated to finance and construct the Dulles Corridor Metrorail Project (Project), an extension of the Washington, D.C., regional Metrorail system running from the West Falls Church Metrorail station on Interstate 66 in Fairfax County, along the Dulles Connector Road and the Dulles Airport Access Highway, through the Tysons Corner area of Fairfax County, to and through Washington Dulles International Airport (Dulles Airport), to a western terminus at Route 772/Ashburn in Loudoun County;

WHEREAS, The Project is being constructed in two phases, with Phase 1 running from Interstate 66 to Wiehle Avenue in Reston, Virginia, and Phase 2 running from Wiehle Avenue through Dulles Airport to Route 772 in Loudoun County;

WHEREAS, In 2014, construction of Phase 1 of the Project was completed in 2014 and revenue operations on this completed phase of the Project were initiated by the Washington Metropolitan Area Transit Authority (WMATA);

WHEREAS, Construction of Phase 2 of the Project is underway and substantial completion is projected for the latter part of 2019;



WHEREAS, Pursuant to a plan for the financing of the Project and capital improvements to the DTR and to its rights and obligations under the POA, in November 2009 the Airports Authority established three sets of new toll rates for the DTR, with the different sets becoming effective on January 1 of 2010, 2011 and 2012; and, in November 2014, the Airports Authority established two sets of new toll rates, with the different sets becoming effective on January 1 of 2013 and 2014;

WHEREAS, Pursuant to the plan of finance for Project and DTR improvements and to its rights and obligations under the POA, the Airports Authority has issued approximately \$1.3 billion in Dulles Toll Road revenue bonds – debt secured entirely by revenues generated by the toll road – to help fund the construction of the Project and capital improvements to the DTR;

WHEREAS, In June 2018, staff presented a set of potential new DTR toll rates, to become effective on January 1, 2019, to the Dulles Corridor and Finance Committees (Committees), along with a recommendation that the Committees authorize staff to initiate the process for amending Part 10 of the Airports Authority Regulations (Regulations) which part establishes toll rates for the DTR, and the Committees provided the authorization;

WHEREAS, On June 22, 2018, notice was published in *The Washington Post* (i) of the proposed amendment to Part 10 of the Regulations, the proposed new DTR toll rates and the effective date of these rates, (ii) of the dates, times and locations of three public hearings on the proposed amendment, and (iii) of the opportunities available to members of the public to submit comments on the proposed amendment during a formal 30-day comment period. The notice also stated four specific questions regarding the proposed toll rate and certain potential operational changes to the DTR (Questions), and invited the public to present comments on them;

WHEREAS, Public hearings on the proposed amendment were conducted on July 11, 2018, in McLean, Virginia, on July 17, 2018, in Reston, Virginia and on July 19, 2018, in Ashburn, Virginia;

WHEREAS, Over approximately 52 members of the public attended these hearings, and 190 comments on the proposed amendment and the Questions were submitted by individuals and organizations during the comment period;

WHEREAS, A report summarizing the public comments (as well as containing the comments themselves) (Report) and a separate staff paper responding to the comments have been submitted to the Committees and the Board of Directors;

WHEREAS, In October 2018, staff presented to the Dulles Corridor Advisory Committee (DCAC) a summary of the comments made during the 30-day public comment period on the proposed new DTR toll rates and the Questions, and a proposed series of actions that staff intended to later submit to the Committees and the Board of Directors for consideration, including adoption of the proposed amendment to Part 10 of the Regulations; and the DCAC concurred in the staff's proposed series of actions and recommended additional actions;

WHEREAS, At its meeting on November 14, 2018, the Committees received and discussed the Report, the staff paper, the public comments, and the recommendations and views of the DCAC adopted during its October 2018 meeting; concluded that it is necessary and appropriate to establish the proposed increased toll rates for the DTR; and voted to recommend to the Board that it (i) approve the proposed increases to the DTR toll rates that had been the subject of the public hearing and comment process and adopt the proposed amendment to Part 10 of the Regulations which would formally establish the new rates, effective January 1, 2019 (as provided in the first resolved paragraph of this Resolution), (ii) reserve an option to the Airports Authority, to be exercised by the Board no later than the end of calendar year 2020, regarding adjustments to toll rates at the entrance/exit ramps at certain DTR interchanges (as provided in the second resolved paragraph of this Resolution), and (iii) that it instruct staff to undertake certain actions in cooperation with the Virginia Department of Transportation, Fairfax County, Loudoun County and the Northern Virginia Transportation Authority (as provided in the third and fourth resolved paragraphs of this Resolution);

WHEREAS, After considering the Report, the staff paper, the public comments, the recommendations and views of the DCAC, and the recommendations of the Committees, the Board has determined that it is necessary and appropriate and in the best interests of the Airports Authority to authorize and take the following actions; now, therefore, be it

RESOLVED, That Part 10 (Dulles Toll Road) of the Metropolitan Washington Airports Regulations shall be and is hereby amended, effective January 1, 2019, to read as follows:

PART 10 - DULLES TOLL ROAD

§ 10.1. (Effective January 1, 2019) Tolls for Use of the Dulles Toll Road.

- (1) The tolls applicable to the Dulles Toll Road (also known as the Omer L. Hirst– Adelard L. Brault Expressway) shall be as follows:

Vehicle Class	Tolls	
	Main Line Plaza	Ramps
2-axle	\$3.25	\$1.50
3-axle	\$6.50	\$3.00
4-axle	\$7.75	\$3.50
5-axle	\$9.00	\$4.00
6 or more axles	\$10.25	\$4.50

- (2) Except for persons permitted free use of toll facilities under Virginia Code § 33.1-252, it shall be unlawful for any person operating a vehicle to use the Dulles Toll Road without payment of the tolls set forth in this section.

Note: In Resolution No. 18-18, adopted November 14, 2018, the Airports Authority reserved the option, which may be exercised no later than December 31, 2020, to reduce the toll rate from \$1.50 at one or more of the currently tolled entrance/exit ramps at the Dulles Toll Road's Springhill Road and Route 7 interchanges, and to establish a toll rate at \$1.50 or less at one or more of the entrance/exit ramps at the Dulles Toll Road's Route 7 interchange that are currently not tolled. Under Resolution No. 18-18, in the event this option is not exercised by the Airports Authority before the end of 2020, the option shall automatically expire and may not thereafter be exercised.

§ 10.2. Penalty.

Persons violating Section 10.1 shall be liable for a civil penalty, consistent with Virginia Code § 46.2-819.1, as follows:

- (1) for any violation not addressed in paragraphs (2) through (4) of this section, a penalty of \$50;

- (2) for the first violation occurring after, and within 12 months of, the violation described in paragraph (1) above, a penalty of \$100;
- (3) for the first violation occurring after, and within 24 months of, the violation described in paragraph (2) above, a penalty of \$250; and
- (4) for each violation occurring after the violation described in paragraph (3), and within 36 months of the violation described in paragraph (2) above, a penalty of \$500;

provided, that, for a first conviction of a person violating Section 10.1, the total amount for the first conviction shall not exceed \$2,200, including civil penalties, unpaid tolls and administrative fees, regardless of the total number of violations the person is convicted of on the date of that first conviction.

§ 10.3. Unpaid Tolls and Administrative Fee.

In addition to the penalty described in Section 10.2, and subject to the limitation in that section pertaining to a person's first conviction for violating Section 10.1, persons violating Section 10.1 shall be liable, in connection with each violation, for the unpaid toll and an administrative fee designed to recover the expense of collecting the unpaid toll;


2. That an option shall be and is hereby reserved, which may be exercised by the Board of Directors no later than the close of calendar year 2020, for the Airports Authority to reduce the toll rate (from \$1.50) at one or more of the currently tolled entrance/exit ramps at the Dulles Toll Road's Springhill Road and Route 7 interchanges, and to establish a toll rate (at \$1.50 or less) at one or more of the entrance/exit ramps at the Route 7 interchange that are currently not tolled. In the event this option is not exercised by the Airports Authority before the end of calendar year 2020, the option shall automatically expire and may not thereafter be exercised;

3. That Airports Authority staff are hereby directed to work with the Virginia Department of Transportation, Fairfax County, Loudoun County and, as appropriate, the Northern Virginia Transportation Authority to identify and evaluate (i) potential new strategies and initiatives for enhancing mobility in the Dulles Corridor (including the potential toll rate actions described above in resolved paragraph 2), and (ii) sources of funding for any such strategies and initiatives;

4. That Airports Authority staff are hereby directed to continue the Airports Authority's ongoing efforts to mitigate future Dulles Toll Road toll rate increases by working with its funding partners to pursue new sources of funding for construction and/or to lower the financing costs of the Metrorail Silver Line Project; and

5. That this Resolution shall be effective upon its adoption.

Adopted November 14, 2018


Monica R. Hargrove
Monica R. Hargrove, Secretary