



**RESOLUTION NO. 12-29**

**Amending the Metropolitan Washington Airports Regulations  
Which Establish Toll Rates for the Dulles Toll Road**

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 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 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, construction of Phase 1 of the Project commenced in March 2009 and is expected to be substantially completed in August 2013, and the competitive procurement of a design-build contractor for the major portion of Phase 2 is underway and is expected to be completed in the spring of 2013;

WHEREAS, pursuant to plan for the financing of the Project and capital improvements to the DTR, in November 2009 the Airports Authority established a series of new toll rates for the DTR to become effective on January 1 of the three ensuing years;

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 produced by the toll road – to help fund the design and construction of Phase 1 of the Project and capital improvements to the DTR;

WHEREAS, in July 2012, based upon an updated plan of finance for the Project and DTR improvements, staff presented a set of potential new DTR toll rates, to become effective in 2013, 2014 and 2015, 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) to establish new DTR toll rates, and the Committees provided the authorization;

WHEREAS, in August 2012 notice was published in The Washington Post and other media publications (i) of the proposed amendment to Part 10 of the Regulations, the proposed new DTR toll rates and the effective dates 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;

WHEREAS, public hearings on the proposed amendment were conducted on September 6, 2012, in Ashburn, Virginia, on September 12 Reston, and on September 13 in Mclean;

WHEREAS, over approximately 200 members of the public attended these hearings, and over 580 comments on the proposed amendment were submitted by individuals during the comment period;

WHEREAS, a report summarizing the public comments (as well as stating 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 September 2012, staff presented to the Dulles Corridor Advisory Committee (DCAC) (i) an updated plan of finance for the Project and capital improvements to the DTR, (ii) the proposed series of adjustments to DTR toll rates, which would become effective on January 1 of 2013, 2014 and 2015, that had been presented during the public hearing process, and (iii) a summary of the comments on the proposed new rates that had been submitted during the comment period; and the DCAC concurred in and recommended adoption by the Airports Authority of a series of adjusted rates to become effective on January 1 of 2013, 2014 and 2015 (DCAC Schedule of Rates);

WHEREAS, at its meeting on October 17, 2012, the Committees received and discussed the Report, the staff paper, the public comments, the updated plan of finance for the Project and capital improvements to the DTR, and the recommendation of the

DCAC, and continued their discussion of the DTR toll rate adjustments to their November 14, 2012, meeting;

WHEREAS, at its meeting on November 14, 2012, the Committees again received these same materials and, following discussion, concluded that it would be premature at this time to establish DTR toll rates for 2015 because a number of factors may, in the upcoming months, affect the extent to which revenues from the DTR are required to fund the design and construction of the Project and, as a result, may also affect the toll rates that need to be in effect in 2015 and subsequent years, including the following:

(a) *Phase 2 construction cost* – while the cost to design and construct Phase 2 of the Project has been estimated on the basis of preliminary design and engineering work, a considerably stronger indicator of this cost will become available in the spring of 2013 when procurement of the major component of Phase 2 work will be completed and a competitively-established fixed price for that work will be contractually set; this fixed-price cost, if significantly different than the current Phase 2 cost estimate, may affect the amount of Project financing that is to be provided by the DTR and DTR revenue bonds;

(b) *TIFIA funding* – the amount of Project financing to be provided by the DTR revenue bonds may also be affected by decisions reached by the U.S. Department of Transportation in the upcoming months regarding the amount, if any, of one or more federal loans the department would make to the Airports Authority for use in funding the Project under the department's Transportation Infrastructure Finance and Innovation Act (TIFIA) program; and

(c) *Further assistance from Commonwealth* – the amount of Project funding provided by the DTR, and consequently, the level of toll rates in and following 2015 will also be affected by any additional financial assistance the Project receives from the Commonwealth of Virginia; the current plan for finance for the Project reflects a new Commonwealth contribution of \$150 million to the Project which is scheduled to be used to offset otherwise required DTR toll rate increases in the upcoming years; additional assistance from the Commonwealth, whether in the form of grants, loans or steps to enhance the credit of the DTR, could affect the DTR toll rates required to be in effect in 2015 and later years;

WHEREAS, at its November 14, 2012, meeting, the Committees also concluded (i) that, at the present time, it is necessary and appropriate to establish new toll rates for the DTR for years 2013 and 2014 only, but that it may be necessary to establish new rates for 2015 if the factors identified in the prior paragraph do not occur in a manner making unnecessary an increase in the 2015 rates, and therefore (ii) that the Airports Authority, in amending the Regulations, should

reserve the option to increase rates effective January 1, 2015, if that because necessary; the Committees further concluded, and recommended, that this option to increase 2015 rates, in order to be exercised based upon the Airports Authority's regulatory amendment process that has just been completed, should be limited to the period between the adoption of this Resolution and June 30, 2013, and may not result in any toll rate for 2015 that exceeds the corresponding rate in the DCAC Schedule of Rates for 2015;

WHEREAS, at its November 14, 2012, meeting, the Committees agreed with the position and recommendation of the DCAC as to the new toll rates to become effective on January 1 of 2013 and 2014, and voted to recommend to the Board that it adopt the rates in the DCAC Schedule of Rates to become effective on those dates, and that it establish those rates, and reserve the option relating to 2015 rates identified in the prior paragraph, through the amendment to Section 10.1 of the Airports Authority Regulations that is set out below in paragraph 1 of this Resolution; and

WHEREAS, after considering the Report, staff paper, the public comments, the updated plan of finance for the Project and capital improvements to the DTR, the recommendation of the DCAC, and the recommendation of the Committees, including that new toll rates be established at this time only for years 2013 and 2014 and an option be reserved to later increase rates for 2015, the Board has determined that it is necessary and appropriate to adopt the recommended amendment to Section 10.1 of the Regulations, as set out in paragraph 1 of this Resolution, and to increase the DTR toll rates in accordance with the series of rate increases and effective dates that are set out in the amended Section 10.1;

**NOW, THEREFORE, BE IT RESOLVED**

1. That Section 10.1 of the Metropolitan Washington Airports Regulations is hereby amended to read as, and with the effective dates as, follows:

**PART 10 - DULLES TOLL ROAD**

**§ 10.1. (Effective January 1, 2013.) 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	\$1.50 \$1.75	\$0.75 \$1.00
3-axle	\$1.75 \$3.50	\$1.00 \$2.00
4-axle	\$2.00 \$4.50	\$1.25 \$2.50
5-axle	\$2.25 \$5.25	\$1.50 \$3.00
6 or more axles	\$2.50 \$6.25	\$1.75 \$3.50

(2) Except for persons those 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.

**§ 10.1. (Effective January 1, 2014.) Tolls for Use of the Dulles Toll Road. (See note following this section)**

(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	\$1.75 \$2.50	\$1.00
3-axle	\$3.50 \$5.00	\$2.00
4-axle	\$4.50 \$6.25	\$2.50
5-axle	\$5.25 \$7.50	\$3.00
6 or more axles	\$6.25 \$8.75	\$3.50

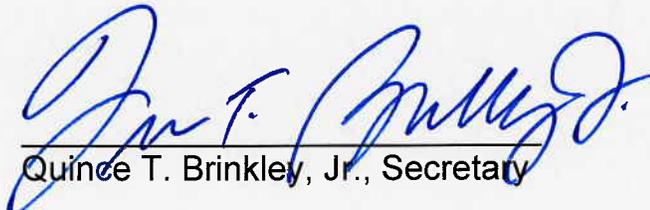
- (2) Except for persons those permitted free use of toll facilities under Virginia Code § 33.1-252, it shall be unlawful for any person operating a vehicle to use the Dulles Toll Road without payment of the tolls set forth in this section.

Note: In Resolution No. 12-29, adopted November 14, 2012, the Airports Authority has reserved the option, which may be exercised no later than June 30, 2013, to adjust the toll rates for the Dulles Toll Road, effective January 1, 2015, to levels no higher than the rates set out in the following table.

Vehicle Class	Tolls	
	Main Line Plaza	Ramps
2-axle	\$3.00	\$1.50
3-axle	\$6.00	\$3.00
4-axle	\$7.50	\$3.75
5-axle	\$9.00	\$4.50
6 or more axles	\$10.50	\$5.25

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

Adopted November 14, 2012

  
Quince T. Brinkley, Jr., Secretary