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Congress of the United States
House of Representatives

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The Honorable Sean Connaughton
Secretary
Virginia Department of Transportation
1111 E Broad St Rm 3054
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Dear Sean:

As you know, I have long supported extending mass transit out the Dulles corridor. Rail to Dulles is perhaps the most significant transportation project in the region since the construction of the initial 103-mile Metrorail system.

Northern Virginians spend far too much time stuck in traffic, leaving us too little time to do the things we want. This project will get more cars off our roads, providing relief to the thousands of commuters who drive the Dulles corridor and its connecting roads every day. In addition, the project will lead to continued economic growth in the Dulles corridor and Loudoun County as more businesses locate in the region, providing more job opportunities for area residents.

Completing this project on budget – or even better, under budget – is critical. I have said this from day one. I opposed the tunnel in Tysons Corner because of the added cost. I opposed the underground station at Dulles airport because of the added cost. I am opposed to the Metropolitan Washington Airports Authority's (MWAA) decision to give a "10-point preference" to contractors who agree to sign a Project Labor Agreement (PLA) on Phase 2 of the project because of the added cost. All of these costs will mean higher tolls on the Dulles Toll Road.

Everything possible must be done to control costs on this project to keep tolls on the toll road as low as possible. MWAA's most recent toll projections show that by 2020 – just eight short years from now – commuters will pay $6.75 for a one-way trip on the toll road, with costs escalating in subsequent years. Mothers, fathers, students and other commuters are not going to be able to afford to use the road if the tolls get too high and the subsequent impact on side roads in the corridor would be dramatic. High tolls also will impact whether businesses locate or even continue to stay here. The real estate market also will suffer from high tolls. No one wants this project to have an adverse effect on either the region's job market or real estate market.

Enclosed is a letter I sent today to MWAA chairman Michael Curto expressing my continued concerns over the projected tolls on the toll road and asking that MWAA explore other

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possible sources of revenue. Options could include the limited use of Passenger Facility Charges, increased parking fees at the airport or charging a toll on the Dulles Access Road for airport users.

Knowing that MWAA has released 100 percent preliminary engineering (PE) estimates for Phase 2 of the Dulles Rail project on March 6, opening the 90-day window for the funding partners to review the project, I want to remind you of three project audits being conducted by the U.S. Department of Transportation's Inspector General (IG).

The first is on Phase 1 of the project, which among other things, focuses on the soundness of the pillars being used at the intersection of I-66 and the Dulles Connector Road. I expect this report to be released in the near future.

The second is examining the MWAA board, including its operations, contracting practices, transparency, ethics and travel. I requested this audit in February 2011 after MWAA rejected my December 2010 request to appoint an independent auditor to monitor the rail project. I have lost total confidence in the MWAA board, which is dysfunctional and lacks transparency. Moreover, I have grown increasingly concerned that some members of MWAA's board are not acting in the best interests of the airports, the rail project and the region.

The IG has told me that an interim report on this audit will be released no later than May 15. It is expected to address a number of issues, including concerns about contracting practices and governance. The IG has agreed to have the audit team brief you, Fairfax Chairwoman Sharon Bulova and Loudoun Chairman Scott York on the interim report. My staff will help coordinate these briefings.

The third review, which is just getting underway, is looking at the assumptions MWAA made regarding revenue and toll projections for the Dulles Toll Road to see if they are sound. Preliminary findings will be included in the May 15 interim report.

You will recall that I also was able to include changes to MWAA in legislation signed into law last November. The size of the board has been increased from 13 to 17, with Virginia getting two new appointments and Maryland and the District of Columbia each getting one additional board member. In addition, the new law allows for Virginia, Maryland and District of Columbia board members to be removed "for cause," just as the federal appointees are allowed to be removed. Most importantly, the new law prevents board members from serving past the end of their terms. Until now, board members served until their replacement was appointed. Amazingly, a board member whose term expired in 2009 was allowed to cast votes in absentia while he was under house arrest in the Ivory Coast.

These changes were non-controversial and received bipartisan support in Congress before being signed into law by President Obama. Despite the clarity of the new law, MWAA not only has refused to comply, it has taken the extreme step of using airport funds to hire outside law firms to issue opinions on how the board can avoid compliance, which I have asked the audit team to include in its review. Instead of embracing the new law, the board actively lobbied the

Virginia General Assembly to defeat a bill that would have allowed the governor to immediately appoint the two new board members Virginia has been allocated. As a result of the board's defiance of federal law, two members whose terms have expired continue to sit on the board and take recorded votes – similar to the board member from the District of Columbia who continued to serve despite being under house arrest in the Ivory Coast.

As this project moves ahead, I cannot stress enough how important it is to contain costs so that the tolls on the toll road are kept as low as possible to protect the moms, dads, students and commuters who use the road every day to get to and from work or school.

Please do not hesitate to contact me if you have any questions.

Best wishes.

Sincerely,

Frank R. Wolf
Member of Congress

FRW:cw
enclosure

Best Wishes