You may have heard about legislation related to the Dulles Greenway in this year's session. Today, the Loudoun Times-Mirror published my new op-ed that discusses those bills, and explains why the Board of Supervisors voted 6-2-1 to oppose them.

As an update, the House of Delegates Transportation Committee has voted to send this legislation to 2023, meaning no action will be taken this year, which is a good outcome. The House will ask the County to work with the Secretary of Transportation and TRIP II on toll reduction and distance based pricing, which is exactly what we planned to do. The Virginia Senate has not yet dispensed of this bill, so we continue to work to ensure that it does not pass.

Here's the op-ed:

**Now Is Not the Time to Bail Out the Dulles Greenway**

The Dulles Greenway has been a constant source of frustration for many years. Owned by a private, foreign based corporation, it has become the poster child for how not to build infrastructure, and in fact is the only road of its kind in Virginia for that very reason. The Greenway is supposed to be regulated by the State Corporation Commission, but for years benefited from vague laws and poor oversight resulting in yearly toll increases to cover its ever-
increasing amount of debt service. After more than 25 years of collecting tolls, a road that cost about $400 million to build is now billions of dollars in debt. Loudoun commuters are paying for that debt, and the beneficiaries are private profits and investments around the world.

Almost every politician that has represented Loudoun during the last two decades has had plenty to say about the Greenway, but it wasn’t until last year that something meaningful actually was achieved. In the past several years, there have been several turning points. The Board of Supervisors decided to fully engage the County in the fight against Greenway tolls, bringing the full resources of the County Attorney’s office, our internal and external lobbying team, and outside counsel. When the Greenway requested a 5 year, 35% increase in tolls, we were ready, and for the first time the Greenway was denied almost everything it requested from the State Corporation Commission.

Meanwhile, in Richmond, legislation that was drafted several years ago by former Delegate David Ramadan was rekindled by Delegate Suhas Subramanyam and Senator John Bell. With the bipartisan support of our delegation, the General Assembly finally acted to impose regulatory reforms that will make it much more difficult for the Greenway to obtain endless toll rate increases. The law went into effect on July 1, and the Greenway hasn’t attempted a toll rate increase since.

The Greenway’s business model is based on the ability to receive toll rate increases. With the new law in place, the County is now in a much better position to affect the future of the Dulles Greenway, including lower tolls and distance-based pricing. The threat to the survival of the Greenway grows with each passing month due to their growing debt obligations. Preliminary discussions between the County Attorney, County Administrator and the

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Greenway have occurred, and now the County is in a much better negotiating position. Unfortunately, a new threat has emerged to snatch defeat from the jaws of victory. Delegate Reid and Senator Boysko have introduced a bill (HB 859/SB 445) that will have the effect of bailing out the Greenway at the worst possible time. Delegate Reid is selling his bill as a distanced-based pricing bill, but in reality, it is not. The bill will allow the Secretary of Transportation—a brand new one given the new Administration—to negotiate a deal with the Greenway under the Private Public Partnership Act (PPTA). Under the PPTA, the Administration essentially has carte blanche to negotiate any deal, without ratification by the General Assembly, let alone the Board of Supervisors. Delegate Reid’s “concessions” are to allow either the County Attorney or County Administrator (but not both) and two Supervisors to be part of the Non-Disclosure Agreement in order to monitor negotiations. There is no actual role for the County, let alone veto power, in the event of an agreement that may not be favorable. Open-government advocates have criticized the bill because it allows the entire process to take place behind closed doors, far beyond the eyes of the toll payers in Loudoun County.

There are many possible outcomes of a PPTA, but a likely one is an extension of the Greenway’s operating license beyond 2056, when it is currently set to expire. Under a PPTA, the Greenway will no longer pay taxes to the County (about $4 million), so there could be some initial toll relief based on that reduced expenditure. However, over time, that billion plus in debt obligations still must be met, so you can believe that the Greenway will ensure its terms are favorable.

This time, the Greenway is doing everything possible to ensure it doesn’t lose in Richmond. In addition to their longtime lobbyists, Hunton Andrews Kurth, they’ve now engaged the most...
powerful firm of all—McGuireWoods, which many around Richmond refer to as the “shadow government.” The County has seen evidence that both are engaged in lobbying for the Reid-Boysko bill.

Over the years, the County has developed considerable technical expertise about the Greenway, its financing and operations—far greater than exists in Richmond. It is no surprise then that the Reid-Boysko bill has been assigned a fiscal impact of $2.5 million. Some of that is what it will cost just for the Commonwealth to get up to speed to be able to even conduct negotiations.

There is no legislation required for the County and VDOT to negotiate with the Greenway. If a deal can be struck, and the PPT Act makes sense as a vehicle to implement it, then the County can request this same authority in the General Assembly in the next session or take a different legislative approach entirely. What is clear is that now is not the time to give the Greenway a lifeline, and that is why the Board of Supervisors voted to oppose this bill. All of us share the same goals—relief for our commuters—but the County’s strategy makes much more sense then handing the Greenway a lifeline just when the tide has finally turned.

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