



JAN 26 2007

The Honorable James P. Moran  
2239 Rayburn House Office Building  
Washington, DC 20515

The Honorable Tom Davis  
2348 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Moran and Congressman Davis:

Thank you for your letter of January 19, 2007, regarding the Dulles Corridor Metrorail Project – Extension to Wiehle Avenue (the Dulles Project). I understand the importance of the Dulles Project to you and many of your constituents, and I appreciate your continued efforts to ensure the most favorable results for Northern Virginia.

Your letter inquires specifically about the Federal Transit Administration's (FTA) ability to evaluate, rate and advance a project with a mainly aerial design in the Tysons Corner area within the New Starts program, while concurrently performing environmental review and preliminary engineering on a major variation of the project that includes a four-mile tunnel design. You have referred to this as "dual tracking."

→ At the direction of the project sponsor--the Commonwealth of Virginia--FTA is willing to hold the current locally preferred option of the aerial design in Preliminary Engineering while the Commonwealth decides whether to proceed with the aerial or the tunnel option. Please note, however, that the project's Preliminary Engineering work has essentially been completed. In addition, the project has received a Record of Decision under the National Environmental Policy Act. The only significant outstanding issue at this time is whether or not the project's estimated cost would comply with the New Starts criteria.

Specifically, FTA is prohibited by law from advancing any project into Final Design unless it meets the criteria of 49 U.S.C. Section 5309(d). Under this statute, FTA can only approve a project into Final Design when it has determined that the project is highly likely to advance toward a Full Funding Grant Agreement. When the project sponsor is still considering a significant variation in the project, with a different scope, unvalidated cost, and unknown financial plan, approval of the project into Final Design would be inappropriate.


Simply put, admitting projects into Final Design when a major design decision is undetermined would be contrary both to the New Starts process established by statute and with long-standing FTA oversight practices.

As the project sponsor, the Commonwealth is free to decide which design option it wishes to pursue. However, as we noted in our meeting in September 2006, there are scheduling and environmental review consequences that should be considered if the Commonwealth decides to undertake additional study of a tunnel option.

→ I believe we can all agree that the Dulles Corridor Metrorail Project has encountered uncertainties and progress has been slow. Most recently, the project sponsor is now over a month late in providing critical cost information. Please be assured that FTA remains committed to working with you and the project sponsor in whatever course of action the sponsor pursues so long as that course comports with all federal requirements.

Thank you again for your continued interest in this important transportation project in Northern Virginia. As always, please do not hesitate to contact me directly if you have any additional questions or concerns.

Sincerely,

  
James S. Simpson

# Congress of the United States

Washington, DC 20515

January 19, 2007

The Honorable James S. Simpson  
Administrator  
Federal Transit Administration  
400 Seventh Street, S.W.  
Washington, D.C. 20590

Dear Administrator Simpson:

We appreciate your interest and assistance on the Dulles Rail project. This is a project of critical importance to Northern Virginia.

As you know, there has been considerable discussion over this project's alignment -- aerial or tunnel -- through the Tysons Corner area of Northern Virginia. Last fall, the Commonwealth of Virginia, the project's sponsor, decided to proceed with an aerial alignment through the Tysons area.

Enclosed is a copy of a recent letter from former U.S. Transportation Secretary William T. Coleman, Jr. that he prepared after a meeting with USDOT and FTA officials. In this letter, Mr. Coleman states his belief that a rail tunnel through Tysons "is clearly the right solution for our community and the future of this region." He then urges the Commonwealth and FTA, and others, to work together in a manner that would enable the FTA to undertake a simultaneous, dual-track review of the aerial and tunnel alignments.

Any such FTA review, of course, would require significant documentation on the tunnel alignment through the Tysons area. We understand that, over the past few months, a private effort has been made to prepare this documentation -- specifically, preliminary engineering and environmental reports -- and that these materials are nearing completion. The tunnel proponents claim the design work they have prepared will meet FTA requirements, thereby allowing the Commonwealth of Virginia to make an "apples-to-apples" comparison between the aerial and tunnel alignments and allowing FTA to determine whether both options would be eligible for federal funding.

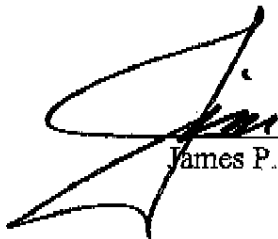
We would appreciate your comments on what would amount to a "dual-track" process that (i) would enable the FTA, initially utilizing these materials, to review and consider the tunnel alignment through Tysons, so that an "apples-to-apples" comparison could be made, based on applicable FTA New Starts criteria, between the project with an aerial alignment through Tysons and with a tunnel alignment, and (ii) would not delay the agency's review of the project as currently proposed by the Commonwealth, or otherwise compromise the project's current review schedule which, we understand, has a full funding grant agreement for the project being executed this fall if the project continues to meet FTA requirements.

We would also appreciate your providing, either as part of or in addition to these comments, a response to the following questions.

1. We understand that the Commonwealth can only submit one alignment for final design approval. Does the FTA, in the New Starts review of the Dulles Rail project, have the authority to independently undertake a simultaneous "dual-track" review of the tunnel and aerial alignments through Tysons Corner?
2. Assuming such authority, what are the major factors the FIA would consider in determining whether to "dual-track" this project at this time, and which such factors, if any, does FIA now believe would or might prevent it from doing so?
3. What are the most significant actions that would need to be undertaken in order to facilitate the agency's review of the tunnel alignment and to enable that review to "catch up" with the agency's review of the aerial alignment?
4. What matters, in addition to those referenced in paragraphs 1-3, would significantly affect an FTA dual-track review of the Dulles Rail tunnel and aerial alignments through Tysons Corner?

We thank you for your consideration of this request and look forward to receiving a timely response.

Sincerely,



James P. Moran



Tom Davis

cc: The Honorable Tim Kaine