



July 16, 2009

David S. Ekern, P.E.  
Commonwealth Transportation Commissioner  
1401 East Broad Street  
Richmond, Virginia 23219

Dear Commissioner Ekern:

The Secretary of Transportation appointed and tasked the Downtown Tunnel/Midtown Tunnel/MLK Extension Project's (Project) Independent Review Panel (IRP) to review and evaluate the Conceptual Proposal submitted by the Elizabeth River Crossings LLC (ERC) in response to VDOT's Solicitation for Conceptual Proposal (SFP) issued May 30, 2008. In addition, the IRP was also tasked with determining any other recommendations that were either necessary or desirable to successfully implement the Project.

In order to accomplish these tasks the IRP, consisting of thirteen members from the CTB, VDOT, academia, the public, and other involved public agencies, held five meetings that were open to the public. These meetings were held in the Cities of Norfolk and Portsmouth and allowed for ERC presentations on its Conceptual Proposal, VDOT Staff presentations of its technical and financial evaluation of ERC's Conceptual Proposal, and comments from the public and localities. The IRP based its evaluation and recommendations on the criteria in the SFP and the information presented over the course of the five meetings (i.e. ERC's presentations, the evaluations provided by VDOT, and the comments provided by the public and local jurisdictions).

In regards to ERC's qualifications and advancement within the procurement, the IRP has determined ERC has a team that is qualified and capable to undertake the development and operations of the Project. Therefore, the IRP recommends advancing ERC's Conceptual Proposal to the next phase of the procurement.

*Hampton Roads, America's First Region*



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The IRP has also developed additional recommendations, for consideration, regarding policy, financial or project development issues that are either necessary or desirable to successfully implement the Project, which are attached.

The members of the IRP would like to thank you and the Secretary of Transportation for the opportunity to serve on this panel. The panel is hopeful that these recommendations will be accepted and useful in the further development of this important project.

Sincerely,

E. Dana Dickens  
IRP Chairman

Attachment

*Hampton Roads, America's First Region*

**Downtown Tunnel/Midtown Tunnel/MLK Extension Project  
Independent Review Panel (IRP)  
Recommendations to Commonwealth Transportation Commissioner and  
Commonwealth Transportation Board  
July 16, 2009**

The following recommendations were developed and approved by the IRP at its meeting on June 10, 2009:

- Accelerate the project procurement process (i.e. via an Interim Agreement) and the development of additional project data in an efficient and effective manner so as to evaluate and determine the financial feasibility of the proposed project in coordination with continued project development by the private sector.
- Continue to pursue public and private sector funding, with the intent of locating additional contributions that can be allocated to this project, in order to stabilize and/or reduce toll rates and other cost saving approaches to reduce cost. Consideration of public funds should include any existing maintenance backlog, existing public sector maintenance funding, and any other current public funding sources.
- Continue to work with FHWA to secure the approval to toll existing structures and to investigate and consider toll collection during the construction phase of the project through the Value Pricing Pilot Program (VPPP) framework.
- Continue to evaluate the proposed tolling regime and consider congestion pricing during peak periods and tolling escalation throughout the life of the concession.
- Consider the financial and technical feasibility of implementing operational and construction phasing of the project elements in an effort to reduce overall project costs.
- Form collaborative working groups to evaluate financial and technical scope issues, such as dredge disposal, tunnel ventilation systems, and other critical elements to minimize the overall cost, risk allocation, contingencies, and schedule.
- Continue to work collaboratively to develop an analysis identifying the technical, environmental and financial impacts of adding light rail transit and bus rapid transit options to the new parallel Midtown Tunnel.
- Focus on business outreach and development programs for the purpose of attaining fair and reasonable small-women-minority owned business and disadvantaged business enterprise goals for the project, which includes a plan to stimulate local job creation.
- Work in coordination with the private sector to consider employment to qualified VDOT personnel, who may be displaced as a result of the advancement of the project to include a comprehensive transition plan for all employees impacted.

**Downtown Tunnel/Midtown Tunnel/MLK Extension Project  
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- Employ a robust public involvement process in the continued development of the project to ensure effective communication and participation from citizens of the cities of Norfolk and Portsmouth.
- Coordinate closely with Virginia Department of Rail and Public Transportation (DRPT), Hampton Roads Transit (HRT) and the cities of Portsmouth and Norfolk in defining the proposed alignment of the parallel Midtown Tunnel and associated utility relocations so as not to preclude the efficient future development of a replacement tube for the existing tunnel and multi-modal opportunities, including light rail and bus rapid transit systems between Norfolk and Portsmouth.
- Continue efforts on a public outreach program to educate the public in the region on open road tolling, congestion pricing, and how user fees are applied.
- Cooperatively and proactively work with the cities of Portsmouth and Norfolk to lessen impacts to properties, in accordance with state and federal laws, and identify opportunities to advance context sensitive solutions that integrate aesthetics, landscaping, design, and other important concepts into the proposed project that blend into and enhance the existing urban environment and neighborhoods.
- Consider providing for priority access and tolling treatments for transit within the facility. This consideration would be focused on providing lower cost access.
- Work with the localities to identify additional efficiencies within the proposed project and the adjacent traffic network in order to maximize travel efficiency and throughput.