



# Request for Information

## Interstate 66 Corridor Improvements

From US Route 15 in Prince William County

To Interstate 495 in Fairfax County



# REQUEST FOR INFORMATION

## Regarding the Interstate 66 Corridor Improvements (From US Route 15 in Prince William County To Interstate 495 in Fairfax County)

**RFI Issuance Date: June 27, 2013**  
**RFI Closing Date: November 25, 2013**

### 1. Introduction

The Office of Transportation Public Private Partnerships (“OTP3”), in coordination with the Virginia Department of Transportation (“VDOT”) and the Virginia Department of Rail and Public Transportation (“DRPT”), is issuing this Request for Information (“RFI”) in order to solicit responses to the questions presented in this document in connection with proposed development of I-66 Corridor Improvements from U.S. Route 15 in Prince William County to Interstate 495 in Fairfax County (the “Project”). Together with VDOT and DRPT, OTP3 is seeking information that may help with the evaluation of potential options for development, financing, procurement and delivery of the Project, which should include the improvement concepts advanced by the Commonwealth Transportation Board (“CTB”) or other potential improvement concepts such as Metrorail extension and light rail transit. This RFI is intended solely to obtain such information to assist OTP3, VDOT, and DRPT on an administrative level and in connection with ongoing evaluation of scope and delivery options and the further development of a financial plan for the Project.

This RFI is intended to solicit responses from individuals, firms, teams or organizations that have experience in developing and/or financing large transportation infrastructure projects and that may be interested in designing, building, financing, operating and/or maintaining the Project. This RFI is intended to inform potential respondent of this potential opportunity and solicit private sector interest and innovation in the delivery of the Project. Specifically, the RFI:

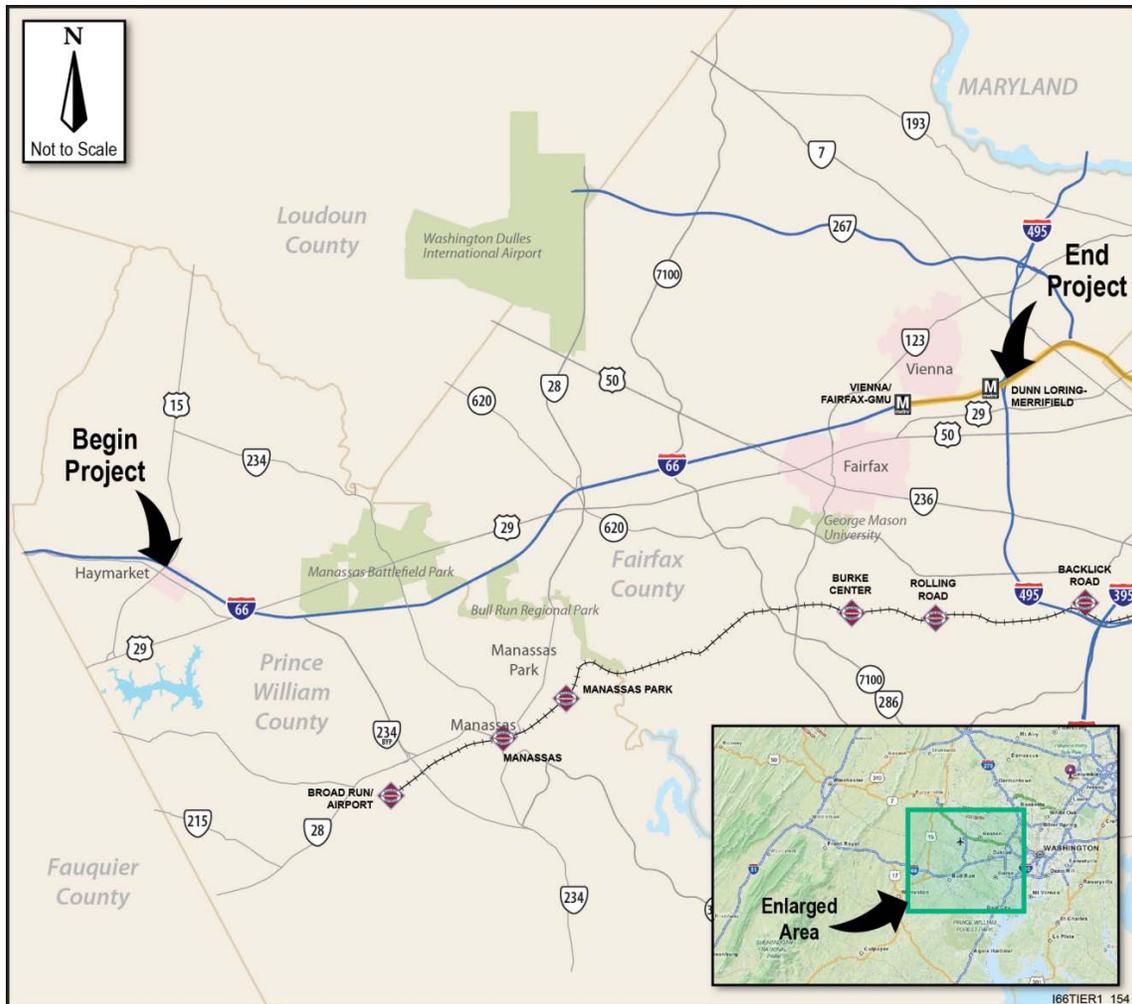
- Provides general background information related to the Project; and
- Solicits input from industry on a variety of issues, including potential scope and phasing of the proposed Project, and the financing and delivery method(s) that may have the greatest potential to satisfy the purpose and need and overall goals and objectives for the Project as identified in Tier 1 Draft Environmental Impact Statement issued in February 2013(the “Tier 1 DEIS”).

This RFI is an inquiry only. No contract or agreement will be entered into as a result of this process, nor does this RFI initiate a formal procurement or represent a commitment to issue an RFQ or an RFP in the future. However, the information contained in the responses to this RFI will help OTP3, in coordination with VDOT and DRPT, to advance evaluation, planning and development efforts for the Project, which may result in the launch of a formal procurement pursuant to the PPTA or otherwise. Responding to this RFI is not a pre-requisite to participating in a future procurement process. Therefore, those choosing to respond to this RFI will not, merely by virtue of submitting such a response, be deemed to be “bidders” on the Project in any sense, and no such respondent will have any preference, special designation, advantage or disadvantage whatsoever in any subsequent procurement process related to the Project.

## 2. Background

### The Project

VDOT, in cooperation with the Federal Highway Administration (“FHWA”), DRPT, and numerous other state and federal agencies, has prepared the Tier 1 DEIS that evaluates the effectiveness of potential highway and transit improvements in meeting critical transportation needs identified along an approximately 25-mile long section of the I-66 corridor.



The portion of the I-66 corridor under study was opened to traffic in stages between 1958 and 1964. The highway has been expanded numerous times and currently has eight lanes between U.S. Route 50 and U.S. Route 29 in Gainesville, Prince William County, with one lane restricted to HOV-2 use during the peak hours in the peak direction. The section of I-66 from 1.2 miles west of U.S. Route 15 near the Town of Haymarket to 0.2 miles west of U.S. Route 29 in Gainesville has four lanes, but work is underway to widen it to eight lanes by 2016, with one lane restricted to HOV-2 use during the peak hours in the peak direction. The proposed improvement concepts would need to be coordinated with this project, and other existing projects within the I-66 corridor

I-66 Corridor Improvements Existing Corridor Configuration						
Segment	#GP Lanes WB	#GP Lanes EB	#HOV Lanes WB	#HOV Lanes EB	# Peak Shoulder Travel Lanes	# Peak Shoulder Travel Lanes
US 15, James Madison Highway to US 29 Gainesville	2	2	0	0	0	0
US 29, Gainesville to US 50	3	3	1	1	0	0
US 50 to I-495	2	2	1	1	1	1

Despite the expansion of highway capacity in the I-66 corridor, there is a critical need for additional improvements as illustrated by the following:<sup>1</sup>

- Over half of the corridor's peak direction roadway miles operate at a Level of Service (LOS) E or LOS F in the a.m. peak.
- Nearly two-thirds of the corridor's peak direction roadway miles operate at a LOS E or LOS F in the p.m. peak.
- Peak period congestion in the eastern portion of the corridor is 4-5 hours per day (in each direction).
- Seven of twenty (one-way) segments within the corridor experience crash rates above the statewide average for urban interstates.

Metro orange line began service in 1986 extending to the current Vienna station in the median of I-66. Although there is extensive transit service in the area, including transit service provided by two Metrorail stations and many local and express bus routes, transit options are limited during off-peak periods and in the reverse peak direction.

By 2040, peak period congestion in the eastern portion of the corridor is expected to increase to 8-10 hours per day (in each direction), affecting both vehicular operations as well as the reliability of bus transit services.

In December 2009, DRPT, in coordination with local jurisdictions and partnering agencies, published the results of a transit/transportation demand management ("TDM") study for the I-66 corridor from Washington, D.C. to Haymarket, Virginia. The study primarily focused on short- and medium-term transit and TDM improvements but potential highway, Metrorail, commuter rail, and bicycle and pedestrian improvements were also evaluated.

Upon completion of the TDM study, the I-66 corridor was divided into two sections for more detailed analysis of the recommendations. The eastern section between I-495 and downtown Washington, DC is the subject of a separate, ongoing mobility study; the western segment between US 15 and I-495 is the subject of the Tier 1 Environmental Impact Statement ("EIS") that was initiated in April 2011.

The CTB has directed VDOT and DRPT, in cooperation with FHWA, to finalize the Tier 1 EIS. A Tier 1 Record of Decision is anticipated to be provided by FHWA in summer 2013. The purpose of this Tier 1

<sup>1</sup> Examples of existing and future conditions along I-66 in this RFI are from the Tier 1 DEIS.

EIS is to address existing and future transportation problems on I-66. The study evaluates the effectiveness of both highway and transit improvements in meeting the identified needs. The identified needs to be addressed include:

- transportation capacity deficiencies,
- major points of congestion,
- limited travel mode choices,
- safety deficiencies, and
- lack of transportation predictability.

On May 15, 2013, the CTB advanced seven improvement concepts for further consideration and detailed study in the Tier 2 analyses. Four of the concepts involve targeted interventions that may improve travel conditions relative to a “no-build” scenario but they do not expand overall transportation capacity. Those targeted improvements include:

- *Improved Spot Locations/Chokepoints*: Improvements that address operations constraints at discrete locations (chokepoints) such as individual interchanges or specific junction points within the interchanges (i.e., merge, diverge, or weaving areas).
- *Intermodal Connectivity*: Improvements that increase the availability and functionality of connections between travel modes.
- *Safety Improvements*: Improvements that address both location-specific and corridor-wide safety concerns.
- *Transportation Communication and Technology*: Continued enhancements to ITS technology for all modes in the corridor, including traveler information, corridor and incident management, and transit technology.

The following three of the seven concepts advanced by the CTB expand overall transportation capacity:

- *General Purpose Lanes (“GP”)*: Construction of additional highway lanes that will remain untolled and open to all traffic.
- *Managed Lanes (“ML”)*: Conversion of the existing concurrent HOV-2 (two occupants or more) lane into either a one or two lane (in each direction) facility that would operate as a high-occupancy toll facility where only high-occupant vehicles, buses, and emergency vehicles would be exempt from paying a toll.
- *Bus Rapid Transit (“BRT”)*: Separate guideway bus rapid transit located in the median of I-66 extending west from Vienna to Haymarket.

As described in the Tier 1 DEIS, none of the improvement concepts meets the transportation needs in the I-66 corridor on a stand-alone basis. Therefore, different combinations of the improvement concepts advanced by the CTB, as well as the other improvement concepts in the Tier 1 DEIS (such as Metrorail extension and light rail transit), are under consideration as part of this RFI. OTP3, VDOT and DRPT welcome industry input on best practices and innovative approaches, on the mentioned highway and transit improvement concepts, that can be used to address the Project’s purpose and need, help to deliver or preserve the potential for rail extension, or provide improvements to the adjacent roadway/network that affects efficient operations within key I-66 interchange.

## **Legal Authority**

On March 25, 1995, the Governor of the Commonwealth of Virginia signed into law, effective July 1, 1995, the Public-Private Transportation Act (as amended) (the "PPTA"). The PPTA allows public agencies to enter into an agreement with private entities to develop and operate qualifying transportation facilities in a timely and cost-effective fashion.

It is likely that legislation would be needed under a scenario whereby VDOT would issue toll revenue bonds. No special state or federal legislation is anticipated to be needed for other scenarios.

## **Status of Project Studies and Approvals**

A Tier 1 Record of Decision (ROD) for the Tier 1 Final EIS is anticipated in summer 2013. Subsequently, Tier 2 NEPA studies and analyses of the resulting "Build" concepts identified in the Tier 1 Final EIS/ROD will be initiated.

In February 2013, OTP3 reviewed the Tier 1 DEIS and other available documents and recommended that the I-66 Corridor Improvements be advanced to the Detail-Level screening phase of the PPTA project screening process. Key factors cited in the High-Level Project Screening Report included the opportunity to leverage private sector expertise and innovation to address the complex challenges associated with constructing improvements in a developed corridor, and the potential ability to secure financing in the capital markets by leveraging the net toll revenue that could be generated if a ML concept is utilized.

The Detail-Level project screening process for the Project was initiated in April 2013. The primary objectives were to examine the current status of the Project in greater detail, to identify potential risk elements and to ascertain potential for successful delivery of the Project under the PPTA. The improvement concepts advanced by the CTB were assessed using the screening criteria provided in the PPTA Implementation Manual and Guidelines

On June 21, 2013, the PPTA Steering Committee accepted the recommendations of the Detail-Level project screening that the ML and BRT concepts for the I-66 Corridor Improvements should be identified as a short-term project priority, and that this RFI be issued to obtain industry input on a range of best practices and innovative approaches to developing and financing highway and transit improvements associated with the Project with the goals of:

- preserving the potential for rail extension, and
- focusing improvements within existing right of way to minimizing impact to residents along the I-66 corridor

## **Project Delivery Methodology and Revenue Generation Considerations**

As a potential PPTA project, the agreement for the Project is anticipated to include, at a minimum, the design and construction of a managed lane facility as well as potentially a BRT facility. It may also include the financing, right-of-way acquisition, maintenance, or operation of the Project. In general, VDOT and DRPT are considering developing the Project under one or more of the following models:

- a toll concession for additional capacity,
- an availability payment structure (as described below), or
- a design/build agreement or design-bid-build agreements with traditional tax exempt toll revenue bonds.

Under a toll concession for additional capacity, current capacity on I-66 (General Purposes Lanes and HOV) will remain free. Only users of the additional capacity, HOT vehicles, will pay user fees. Under an availability payment structure, VDOT and DRPT may make milestone and/or availability payments to compensate the developer for capital costs, operating/maintenance costs and financing costs, including a return on equity. Payments would be subject to appropriation in accordance with Virginia law. The payments will also be subject to deductions due to a failure on the part of the developer to comply with prescribed performance standards.

This RFI also welcomes any innovative approaches and suggestions that may help to deliver a rail extension or preserve the potential for future rail extension.

### 3. Completed Activities and Anticipated Milestones

Completed Activities	Completion Date
Tier 1 DEIS initiated by VDOT	April 2011
Tier 1 DEIS available from VDOT	February 2013
High-level Project screening initiated by OTP3	February 2013
High-level Project screening completed by OTP3	March 2013
Public hearings on Tier 1 DEIS	March 2013
Detail-Level Project screening initiated by OTP3	April 2013
Detail-Level Project screening completed by OTP3	June 2013
PPTA Steering Committee advanced the project as PPTA Project	June 2013
RFI Issued by OTP3	June 2013

Milestones	Expected Completion Date
Tier 1 Record of Decision from FHWA (dependent on FHWA)	Summer 2013
Tier 2 NEPA initiated by VDOT	Fall 2013
Potential RFQ issued by OTP3	March 2014
Expected date to announce short-listed proposers	May 2014
Expected Completion of Tier 2	February 2015
Potential final RFP issued by OTP3	February 2015
Expected Commercial/Financial Close	Summer 2015

## 4. Instructions for Respondents

The questions to which OTP3 is seeking responsive information are set forth below in Section 5. While there is no page limit in answering the questions, any other information, including marketing materials, shall be limited to 3 pages. The respondent should be as concise as possible. Responses should demonstrate an understanding of, and express clearly the respondent's perspective on, the issues involved with a given question. However, a respondent need not feel compelled to provide a response to each and every question. ***The OTP3 is not requesting a proposal, detailed plans, marketing materials, budgetary information or proprietary information in response to this RFI.***

Respondents should submit their responses as follows:

***An electronic version of the written response (in a searchable format) may be sent via e-mail to [i66ppta@vdot.virginia.gov](mailto:i66ppta@vdot.virginia.gov)***

Responses shall be submitted on or before **Monday, November 25, 2013**. Responses should include the name and address of the respondent and the phrase "OTP3 Request for Information Response – Interstate 66" clearly indicated either in the Subject line of the e-mail accompanying the electronic version of the response or on the outside of a sealed envelope containing two paper copies of the written response.

Upon receiving a response, OTP3 will initiate a review and may contact some or all of the respondents to follow up with additional questions and clarifications, or to offer to conduct one-on-one meetings with some or all the respondents. The opportunity to participate in such meetings, if any, will be communicated separately to respondents that have provided a point of contact.

## 5. Information Requested

OTP3 welcomes feedback on the Project and understands that a variety of individuals, firms, teams and organizations will respond to this RFI. Please answer any or all questions that you or your organization deem relevant. OTP3, in coordination with VDOT and DRPT, intends to consider the information gathered through this RFI for potential development of the Project. Thank you in advance for your participation.

### a. **General:**

1. Please describe your firm, its experience in relation to public-private partnership projects, and its potential interest in relation to the Project (e.g., design/engineering firm, construction firm, operations and maintenance firm, lender, equity investor, etc.)?
2. Are there any particular concerns with any of the information that has been provided in this RFI, the Detail-Level Project Screening Report or the DEIS? Please explain any concerns and provide any proposed solutions or mitigations to address those concerns.
3. What, if any, advantages will the Commonwealth potentially gain by entering into an agreement in which operations and maintenance, lifecycle responsibility, and/or traffic and revenue risk are transferred to the private sector? How do you assess the likely magnitude of such advantages? What are the potentially offsetting disadvantages?

**b. Procurement Process:**

4. Do you have any particular concerns with or major observations about the milestone schedule provided in this RFI? Please provide your views on proposed solutions to address these concerns?
5. What are the critical path items for the procurement of this Project and why?
6. Looking ahead over the next two to three years, do you believe your firm will be interested in submitting a committed proposal for the development of the Project (any or all of the build concepts)? Are there any particular concerns that may prevent your firm from getting engaged in the project development? How might those concerns be resolved?
7. What is the minimum amount of time that your firm requires to develop and submit a committed detailed proposal for the Project after issuance of potential RFP?

**c. Technical Challenges and Alternative Solutions<sup>2</sup>**

8. Based on your experience in the development of similar projects and characteristics of the I-66 corridor, please explain the technical challenges that may be encountered with the highway and transit improvement concepts described in the Tier 1 DEIS. Please provide recommendations for mitigating or overcoming those challenges.
9. Do you believe a bifurcated highway system along the I-66 corridor is technically feasible? Please provide any experience and supportive information that you may be able to share from similar projects.
10. What are the most significant cost drivers in the development and operation of the ML and BRT concepts along the I-66 corridor? How can these concepts be implemented in such a way as to preserve the potential for rail extension?
11. What, if any interoperability issues do you foresee with the current tolling system on I-495 Express Lanes.
12. What suggestions do you have for better coordination between this Project and other projects currently under design or construction along the I-66 corridor?
13. What challenges are associated with managing the lifecycle costs for the improvement concepts as described in the Tier 1 DEIS? What measures would you suggest to mitigate these risks?
14. What adjustments to the Project scope, or development strategies (including potential phasing of project elements) would you consider/recommend to reduce the upfront capital costs and/or the lifecycle costs of the overall project costs?
15. Please explain in detail any alternative technical solutions that may enhance the development of the Project. Identify the risks associated with the alternative technical solutions and discuss the potential cost of each technical solution.

**d. Commercial and Financial Structure:**

16. Please explain your firm's interest in the improvement concepts discussed in the Tier 1 DEIS. What is your recommended approach for financing the capital cost of each concept?

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<sup>2</sup> Alternative Solutions must be confined to the scope of Tier 1 DEIS.

17. Please discuss your firm's interest in:
  - a. Accepting traffic and revenue risk in a toll concession
  - b. Accepting performance risk in an availability structure
18. What is a reasonable concession term for a ML or a BRT concept? Why?

**e. Additional Considerations:**

19. If your firm is a Disadvantaged Business Enterprise ("DBE") or a Small, Women-owned, and Minority-owned Business ("SWaM"), please provide any suggestions or comments on how OTP3, VDOT or DRPT can help to develop teaming opportunities with prime contractors.
20. Based on characteristics of the I-66 corridor, suggest the number of persons per vehicle that should be required to qualify as a high-occupant vehicle. Explain why selecting this number may be in public interest and beneficial to comply with the federal Clean Air Act of 1990? Please provide quantitative and qualitative evidence to supports your arguments.
21. What additional challenges or risks should OTP3, VDOT, DRPT or CTB be aware of in regard to Project's scope, procurement process, delivery method, term of contract, technical and financial feasibility, etc.?
22. Other than the answers that you have already provided, what information would help your firm to make the business decision to engage in the development of the Project?

## **6. Confidentiality/Freedom of Information Act/ Rights Reserved**

The Virginia Freedom of Information Act, § 2.2-3700 the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees. All materials submitted by respondent shall be shall be handled in accordance with the Freedom of Information Act and any other laws and regulations applicable to the disclosure of documents submitted under this RFI. In no event shall OTP3, VDOT, DRPT or any of their agents, representatives, consultants, directors, officers or employees be liable to a respondent for the disclosure of any materials or information submitted in response to this RFI.

The OTP3 may disclose the contents of all responses to this RFI, except the parts that may be treated as confidential in accordance with § 2.2-3706 of Freedom of Information Act. Each respondent, by submitting a response to this RFI, consents to such disclosure and expressly waives any right to contest such disclosure under the Freedom of Information Act.

If a respondent has special concerns about information which it desires to make available to OTP3 but which it believes constitutes a trade secret, proprietary information, or other information exempted from disclosure, such respondent shall specifically and conspicuously designate that information by placing "CONFIDENTIAL" in the header or footer of each such page affected, and in a separate letter explain why that material should be exempt from public disclosure. Blanket designations that do not identify the specific information shall not be acceptable and may be cause for OTP3 to treat the entire response as public information. OTP3 will not advise a submitting party as to the nature or content of documents entitled to protection from disclosure under the Freedom of Information Act or other applicable laws, as to the interpretation of such laws, or as to definition of trade secret. The provisions of the Freedom of Information Act or other laws shall control in the event of a conflict between the procedures described above and the applicable law.

In the event of any proceeding or litigation concerning the disclosure of any response or portion thereof, the respondent shall be responsible for otherwise prosecuting or defending any action concerning the materials at its sole expense and risk; provided, however, that OTP3 reserves the right, in its sole discretion, to intervene or participate in the litigation in such manner as it deems necessary or desirable. All costs and fees (including attorneys' fees and costs) incurred by OTP3 in connection with any litigation, proceeding or request for disclosure shall be reimbursed and paid by the respondent whose response is the subject thereof.

## **7. Other/General Information**

- RFI Issuance Date: June 27, 2013
- RFI Closing Date: November 25, 2013
- Potential One-on-One meetings: summer and fall 2013
- Page limits: While there is no page limit to the response to questions in Section 5, any other information, including marketing materials is limited to 3 pages.
- Format: electronic copy (in a searchable format)
- The documents referred to in this RFI – Tier 1 DEIS, High-Level project screening report and Detail-Level project screening report- are available on <http://i66ppta.org>

## **8. Point of Contact**

All communications and questions associated with this RFI must be addressed to the following point of contact:

Morteza Farajian  
Office of Transportation Public-Private Partnerships  
600 E. Main Street, Suite 2120  
Richmond, VA 23219  
[morteza.farajian@vdot.virginia.gov](mailto:morteza.farajian@vdot.virginia.gov)  
Phone. 804-786-0470