

EXHIBIT NO. 1

# 2(L)  
9-14-02

*City of Alexandria, Virginia*

MEMORANDUM

DATE: SEPTEMBER 17, 2002

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: PHILIP SUNDERLAND, CITY MANAGER

FROM: RICHARD J. BAIER, P.E., DIRECTOR  
TRANSPORTATION & ENVIRONMENTAL SERVICES

SUBJECT: VDOT LETTER REGARDING CLERMONT INTERCHANGE

Attached is a copy of a letter from Tom Farley, VDOT District Administrator, we received last Friday. The letter addresses the possible repayment by the City of the \$14 million of federal and state funds that were expended on the construction of the Clermont Interchange. According to the letter, whether the City will need to repay any or all of those funds in the event a decision is made not to build an Eisenhower-Duke connector will depend on "[t]he process for reaching the decision, rather than the decision itself ...." The letter goes on to state that it "is very unlikely repayment will be necessary provided a good faith effort is made in considering the merits of each option, including 'no build,' and public participation is factored into the decision."

Upon receipt of the letter, I phoned Tom Farley, and he confirmed two important points:

- A "no build" or "no-build with improvements" decision with regard to the connector will not automatically cause the City to be responsible for the repayment of some or all of the \$14 million expended in constructing the interchange.
- The integrity of the process leading up to the decision will ultimately be the key determinant used by VDOT in considering the question of repayment. The two most important aspects of the process are (i) public involvement in the process and (ii) the "analytical methodology" used by the decision makers. Mr. Farley stated that the process should be "as quantifiable" as possible. On this matter, Mr. Farley stated that the information sent to him by George Foote, which related to the weighted matrix decision process to be used by the task force, appeared to meet the type of process that VDOT and FHWA have used previously. As the information Mr. Foote sent related to the ranking process that the task force decided not to use at its last meeting, Mr. Farley could not comment on the ranking process that the task force will now use.

I have asked Reggie Beasley of VDOT to be prepared for questions on this "repayment" matter at the September 18 task force meeting. I suspect that the task force members will have questions since Mr. Farley's September 12 letter presents a reversal of VDOT's earlier position on the "repayment" matter.

If you have any questions, please do not hesitate to give me a call at 703-838-4966.

Attachment VDOT Letter dated September 12, 2002

cc: Mark Jinks, Assistant City Manger  
Ignacio Pessoa, City Attorney  
Eisenhower Avenue-to-Duke Street Task Force Members



CITY MANAGER'S OFFICE  
ALEXANDRIA, VA

COMMONWEALTH of VIRGINIA <sup>7:57</sup> SEP 13 A 11:00

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway  
Chantilly, VA 20151  
(703) 383-VDOT (8388)

THOMAS F. FARLEY  
DISTRICT ADMINISTRATOR

PHILIP A. SHUCET  
COMMISSIONER

September 12, 2002

Mr. Philip Sunderland  
City Manager, City of Alexandria  
301 King Street  
Alexandria, VA 22314

Dear Mr. Sunderland:

Recent concern regarding the repayment of Federal and State funds to construct the Clermont Interchange have been made in association with the decision to construct a connector between Eisenhower Avenue and Duke Street. The purpose of this letter is to address these and assist those in choosing a preferred option.

The original environmental assessment for the Clermont Interchange included a connection between Eisenhower Avenue and Duke Street. Construction was split into two phases. The interchange with the Capital Beltway has since been completed. Approximately 14 million dollars of Federal and State funds were allocated for this purpose. Various options, including a "no build" option, are currently under review for the connector. Concerns have been voiced that selecting the "no build" option will require the repayment of Federal and State monies by the City of Alexandria. This is not correct.

The process for reaching the decision, rather than the decision itself, will be the determining factor on reimbursement. It is very unlikely repayment will be necessary provided a good faith effort is made in considering the merits of each option, including "no build" and public participation, is factored in the decision. To this end, information has been provided by Mr. George M. Foote describing the process to date. Further coordination will occur between the State's representative, Mr. Reginald Beasley, and City of Alexandria staff as the recommendation of the Duke Street Connector Taskforce is made to the City Council. Finally, the repayment concerns should not be a determining factor in the decision.

I trust the above is helpful for the City Council in making a decision. Please do not hesitate in contacting me if I can be of further assistance,

Sincerely,

Thomas F. Farley

cc: Roberto Fonseca-Martinez, FHWA  
Commissioner Philip A. Shucet, VDOT  
Richard Baier, City of Alexandria