


City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 19, 2009

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER 

SUBJECT: CONSIDERATION OF THE RECOMMENDATIONS OF THE BRAC-133 ADVISORY GROUP AND THE ALEXANDRIA TRANSPORTATION COMMISSION IN REGARD TO MARK CENTER TRANSPORTATION AND TRAFFIC ISSUES

ISSUE: Transportation and traffic concerns at new Department of Defense site at Mark Center.

RECOMMENDATION: Authorize the Mayor to send the attached letter (Attachment I) responding to the BRAC-133 Advisory Group and to the Alexandria Transportation Commission in regard to their recommendations (Attachments II and III) relating to Mark Center transportation and traffic issues. The proposed letter states that Council:

- (1) Reaffirms its strong support in principle for the provision of direct access from I-395 to the Mark Center,
- (2) Is committed to the City undertaking and completing no later than the end of October 2009:
 - a. a transportation analysis of the potential impact of the provision of such direct access from I-395 on traffic flows in affected areas in proximity to Mark Center, and
 - b. an analysis of the impact of not building and completing the Seminary and Beauregard local road improvements by September of 2011 when the BRAC-133 facility opens.
- (3) Directs the City Manager to defer, until Council otherwise directs, issuing any City permits which would authorize the previously contemplated local road improvements reflected in the 2004 Development Special Use Permit for the Mark Center, and

- (4) Requests that the City Manager docket, for no later than the second legislative meeting in November of 2009, a report on the transportation analyses, as well as recommendations relating to the implementation of transportation improvements including, but not limited to, those contained in the 2004 Development Special Use Permit for Mark Center.

BACKGROUND: As part of the federal 2005 Base Realignment and Closure (BRAC) process, significant shifts of Department of Defense (DoD) offices from leased space in Alexandria, Arlington and Fairfax County into more secure space on military installations in the Washington, D.C. region and throughout the country were approved by the BRAC Commission, and then allowed to become law by the President and Congress. The moves from leased to more secure, federally-owned locations were proposed by DoD to meet the stringent post 9-11 federal anti-terrorism standards. By federal statute all of these BRAC moves across the nation are required to be completed by September 15, 2011. In those BRAC recommendations, the City lost some 7,200 direct DoD jobs, as well as stands to lose many related defense contractor and private sector jobs, as that DoD workforce leaves the City.

As part of the 2005 BRAC moves some 18,000 jobs in the region (many from Arlington and some from Fairfax County) were slated to be moved onto the Ft. Belvoir post where substantial new construction would be required to house these new personnel. In the implementation planning for the more than 18,000 new employees on Ft. Belvoir, the determination was made that the road system that fed Ft. Belvoir could not handle the volume of jobs that the BRAC Commission decided should go to Ft. Belvoir. Negotiations among the Commonwealth of Virginia, Fairfax County and DoD did produce some road improvements, but not sufficient road and transit improvements to handle the volume of traffic that 18,000 DoD employees would generate. As a result, an agreement was struck to limit the number of new employees to be added to Ft. Belvoir to about 12,000.

That decision then resulted in DoD needing to find an alternative location for about 6,400 DoD employees who work for DoD offices such as the Washington Headquarters Service (WHS), the Office of Policy of the Office of the Secretary of Defense, other Secretary of Defense offices, Offices of the DoD Inspector General, as well as a number of other DoD agencies. While this move has often been labeled a "WHS activity," the array of DoD functions is actually very diverse. In DoD terms this is titled a "BRAC-133" office building project, which originates from the decision numbering system used by the 2005 BRAC Commission.

In order to find sufficient office space that met the federal anti-terrorism standards for the 6,400-worker BRAC-133 office relocation, the DoD, through the Army Corps of Engineers, conducted a site search in Northern Virginia by using a competitive selection process, as well as considered redeveloping the massive federal GSA warehouse space area in the Springfield area of Fairfax County. Specifications were issued and the private sector responded with many sites in Northern Virginia. The Army then winnowed down the sites to two sites in Alexandria (the Victory Center site on Eisenhower Avenue and the Mark Center site off of Seminary Road) as the best two private sector sites that could meet the Army's specifications. The two site owners were then asked to submit best and final proposals to the Army which then compared those proposals

to the option of redeveloping the Springfield warehouse site. The Army chose the Mark Center site in September of 2008, and held its first community meeting in December of 2008.

On February 10 of this year, Council created the BRAC-133 Advisory Group (Advisory Group) which is comprised of representatives from the neighboring civic and homeowners associations, Transportation Commission, Duke Realty, JBG, the Army, as well as other stakeholders. The Advisory Group has been meeting monthly since then and has been briefed and discussed many issues related to the DoD development at Mark Center such as traffic and transportation on local streets, as well as I-395 proposed and potential changes (direct access to Mark Center, HOT lanes), the triple left proposed for the Seminary and Beauregard intersection, DoD transportation management planning, mass transit plans and proposals, building architecture, proposed Mark Center site layout and site circulation, the revised Institute for Defense Analysis development proposal (approved by Council on June 13), the proposed Remote Inspection Facility (RIF), as well as other issues related to the DoD Mark Center development.

The primary concerns of the Advisory Group are transportation related such as the demands that the new 6,400 BRAC-133 workers will bring to the site; whether or not the 2004 Mark Center roadway improvements are all needed if direct access from I-395 is provided to the site, the adequacy of the to-be-developed DoD Transportation Management Plan (which is proposed to handle 40% of the added workers by non-single occupancy vehicle means); the ability of the roadways, mass transit systems, and other transportation plans and systems to handle this new demand, as well as the whether or not the 2004 Mark Center transportation improvements are all needed if there is direct access.

As an outcome of these discussions, the Advisory Group and, subsequently, the Alexandria Transportation Commission, have asked that the Council to adopt a resolution related to a number of transportation issues. In lieu of a resolution, a letter response (Attachment I) is proposed. The three issues these groups raised and the City's proposed responses are outlined as followed:

Direct Access from I-395 to Mark Center: Since early in the process of reviewing the transportation issues related to the BRAC-133 project at Mark Center, there has been interest in obtaining some direct access from I-395 to the Mark Center site. As designed and approved in 2004, the added transportation capacity needed to be provided to the site was focused on local (Seminary and Beauregard) roads, and not an I-395 direct access. In fact, it was widely understood in 2004 that gaining direct access would not be approved by the Federal Highway Administration (FHWA) which has the final authority in approving access to the any interstate highway such as I-395. The FHWA policy issue was not one of providing access, but one of providing access to a privately owned site.

In working through the site design issues early in this process, it became clear that there was recent precedent for a federal facility to be given direct access from an interstate to a federal office building site. As a result, the City, the Army Corps of Engineers, and Duke Realty initiated conversations with the Virginia Department of Transportation (VDOT) about providing access to the proposed DoD facility. The access conversations initially started as considering providing access from I-395 directly into one of the proposed DoD garages adjacent to the slip

ramp from Seminary Road towards I-395 South. Subsequently, FHWA staff proposed considering a second alternative of providing access from this same southbound slip ramp, but providing access in a location that could serve all of the Mark Center site. Direct Interstate access to the Mark Center would not only provide the workers at that site a more direct and efficient access to their workplace, but would also remove a to-be-determined amount of traffic from the local road system of Seminary Road and Beauregard where the local road improvements have been planned. These local road improvements under the 2004 City approved Mark Center DSUP plans, are to be funded by the developer, which in effect now means DoD would be paying for these improvements. No City funds are being used to fund these improvements.

During the spring, City staff, Duke Realty, the Army Corps of Engineer, FHWA, and VDOT met and discussed the process to consider providing such interstate access to the Mark Center. As per FHWA standard requirements, VDOT through its Megaprojects Office has initiated an Intersection Justification Report (IJR) study process which will study the feasibility and impact of providing direct access to the Mark Center site from the I-395. The study will look at various alternatives including, but not limited to, the direct DoD garage entry alternative, and the direct site entry alternative proposed by the City. The study will not only look at engineering feasibility, but also the impact such access would have on traffic. Of major concern to VDOT is the potential negative impact of traffic queues from vehicles seeking to enter the Mark Center site from I-395 which may develop and spill over into the existing I-395 Seminary Road interchange system, thereby causing backups, unsafe conditions and traffic delays.

The BRAC-133 Advisory Committee has requested that City Council “express its strong support in principle for direct access from I-395 to Mark Center.” It is recommended that Council reaffirm its strong support of the principle of the provision of direct access. This position reaffirms the position approved by Council as part of the City’s February 3, 2009, BRAC-133 comments to the National Capital Planning Commission.

In preparing for a possible positive outcome of the IJR process which also needs subsequent VDOT and FHWA approval of any access from I-395 to the Mark Center site, the City has worked with Congressman Moran to begin to seek federal funding for this possible access. Funding could come either through an earmark in the transportation funding process, or through the federal Defense Access Roads program.

Analysis of the Impact of Direct Access From I-395 on the Local Road Network: The BRAC-133 Advisory Group also is requesting City “staff to conduct a full analysis of the potential impact of such direct access from I-395 on traffic flows in all affected areas in proximity to Mark Center by October 2009.” The Advisory Group’s concern is that the planned local road improvements (widening of Seminary and Beauregard at the Mark Center site, as well as the creating of a triple left turn from northbound Seminary to southbound Beauregard) may not be needed if direct access from I-395 is provided to the Mark Center site. It is clear that direct access to the Mark Center site will reduce the traffic demand on Seminary Road and Beauregard, and might obviate the need for the triple left, but that is all speculative until a traffic analysis study is undertaken.

The Advisory Group requested October timing of when this proposed study is requested to be completed relates to the timetable for constructing those improvements. It had been Duke Realty's plans to receive City staff technical sign-off and permits this summer and start construction of the Seminary and Beauregard local road improvements this fall in order that the improvements were complete and in place by September, 2011 when the BRAC-133 office building is scheduled to open to its 6,400 employees. However, while opposing a delay of City approval of the proposed Seminary and Beauregard road improvements (Attachment IV), Duke Realty has indicated that the road improvements could be completed by September 2011, if City approval is provided no later than by the end of this coming November. This then provides a short window to conduct some transportation analyses.

In order to undertake a study in the timeframe requested, it would be necessary for the City to engage the services of a transportation consulting firm. The scope of work for such a study would include the review of study data from other prior and ongoing transportation studies of the immediate area, and potentially the collection of additional traffic data. Since the timeframe is short to complete this study, such a study will be largely limited by currently available data, as well as some of the IJR data being collected by VDOT.

The consultant study would be focused largely on answering two questions: (1) what would the impact of a direct access from I-395 to the Mark Center site have on local roads primarily on the Seminary and Beauregard roads adjacent to the Mark Center?, and (2) what would be the impact on the local road network of not building those Seminary and Beauregard local road improvements until after September 2011 when the 6,400 DoD employees will begin accessing the Mark Center site?

The estimated cost of the proposed study is \$100,000. City staff have requested that DoD fund this study as part of its BRAC-133 development costs. This request is under consideration by DoD, but if rejected existing City transportation study funds would need to be reprogrammed to cover this cost.

Placing a Freeze on Road Alterations Approved as Part of the 2004 Mark Center DSUP:

The Advisory Group has requested that a freeze on the local road improvements be approved by Council because of the pending VDOT IJR study of the potential of providing direct access to the Mark Center from I-395. While it is correct that the direct access may cause the proposed Seminary and Beauregard local road improvements not to be needed, it is not possible that such a direct access to the Mark Center from I-395 could be put in place by September 2011. This is because of the significant timing of an interstate project which has certain study steps first. The IJR study and VDOT's recommendations should be completed by year's end, and then FHWA approval is needed at FHWA's State office first, and then at the federal level. Federal approval could take into the spring of 2010. If approved, then an Environmental Assessment would need to be completed (12 to 18 months), and then the improvements would need to be designed, bid and constructed. At some point during this process funding would also need to be identified and approved by the federal government. All in all, in a best case scenario, it would likely not be until 2013 or 2014 until the interstate access could be provided to the Mark Center site. This timetable could be significantly longer if the access alternative is more complex than the slip ramp access options. This would mean that all of the DoD traffic would need to access the Mark

Center site from Seminary or Beauregard for two to three years at a minimum until the I-395 access could be provided. Therefore, putting a hold on the local transportation improvements beyond November of 2009 could have a serious impact on traffic and the Seminary and Beauregard interchange starting in 2011. By studying over the next four months the potential impact of the I-395 direct access and the consequence of not providing the local road improvements, then Council will be able to make a better informed decision on whether or not to authorize the necessary approvals for the Seminary and Beauregard improvements in November of 2009.

Finally, the Advisory Group requested in its May 27 letter that the City bring together all of the parties (the City, Duke Realty, the Army, VDOT, and FHWA) involved in the transportation planning. While all of these parties have been working cooperatively and meeting together on the IJR process, not all of the parties (i.e., FHWA) had been to an Advisory Group meeting. As a result for the Advisory Group's June 17 meeting, the City asked FHWA to attend along with Duke Realty, the Army, VDOT who regularly attend. The FHWA representative attended and briefly described the FHWA IJR process to the Advisory Board.

ATTACHMENTS:

- Attachment I. Proposed City Council Response to the BRAC-133 Advisory Group
- Attachment II. BRAC-133 Advisory Group Letter of May 27, 2009
- Attachment III. City Transportation Commission letter of June 10, 2009
- Attachment IV. Duke Realty letter of June 1, 2009

STAFF:

Mark Jinks, Deputy City Manager
Emily Baker, Interim Director, Transportation and Environmental Services
Jeffrey Farner, Deputy Director, Planning and Zoning
Tom Canfield, City Architect, Planning and Zoning
Patricia Escher, Principal Planner, Planning and Zoning

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June XX, 2009

Mr. David T. Dexter, Chair
BRAC-133 Advisory Group
5600 Harding Avenue
Alexandria, Virginia 22311

Mr. Sean Kumar, Chair
Alexandria Transportation Commission
510 East Windsor Avenue
Alexandria, Virginia 22301

Dear Chairmen Dexter and Kumar and Members of the BRAC-133 Advisory Group and Transportation Commission:

In response to your concerns about transportation and traffic issues and requests of Council related to the BRAC-133 office building project at Mark Center, by action taken on June 23 at its legislative meeting, the City Council:

- (1) Reaffirmed its strong support in principle for the provision of direct access from I-395 to the Mark Center,
- (2) Reaffirmed its commitment to the City undertaking and completing no later than the end of October 2009:
 - a. a transportation analysis of the potential impact of the provision of such direct access from I-395 on traffic flows in affected areas in proximity to Mark Center, and
 - b. an analysis of the impact of not building and completing the Seminary and Beauregard local road improvements by September of 2011 when the BRAC-133 facility opens.
- (3) Directed the City Manager to defer, until Council otherwise directs, issuing any City permits which would authorize the previously contemplated local road improvements reflected in the 2004 Development Special Use Permit for the Mark Center, and

Mr. David T. Dexter, Chair, BRAC-133 Advisory Group
Mr. Sean Kumar, Chair, Alexandria Transportation Commission
June XX, 2009
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- (4) Requested that the City Manager docket, for no later than the second legislative meeting in November of 2009, a report on the transportation analyses, as well as recommendations relating to the implementation of transportation improvements including, but not limited to, those contained in the 2004 Development Special Use Permit for Mark Center.

We believe that those activities parallel very closely those requested by the Advisory Group and the Transportation Commission, and pledge that the City will work diligently in the undertaking of the transportation analysis, and in subsequently determining the best transportation solutions.

Sincerely,

William D. Euille
Mayor

cc: The Honorable Members of City Council
James K. Hartmann, City Manager

BRAC/Mark Center Advisory Group

May 27, 2009

Mayor William D. Euille and Members of City Council
City Hall
301 King Street
Alexandria, VA 22314

Re: Recommendations Regarding BRAC/Mark Center Transportation and Traffic Issues

Dear Mayor Euille and Members of City Council:

In view of our concerns about the current state of transportation and traffic mitigation planning relating to the BRAC-133 project, the BRAC/Mark Center Advisory Group ("Advisory Group") urges the City Council ("Council") to adopt a resolution in which the Council:

- (1) expresses strong support in principle for direct access from I-395 to Mark Center;
- (2) requests City of Alexandria ("City") staff to conduct a full analysis of the potential impact of such direct access from I-395 on traffic flows in all affected areas in proximity to Mark Center by October 2009; and
- (3) places a freeze on implementation of road alterations approved in connection with the 2004 Special Use Permit (SUP) for Mark Center until the full analysis is completed.

When considering adoption of such a resolution, the Council should keep in mind that according to Duke Realty and the Army, plans for road improvements need to be in place by late November 2009 and construction must begin on road improvements by April 2010 in order for the road improvements to be completed by September 2011, when the BRAC campus is mandated to be operational. Accordingly, we request that the Council adopt the resolution before it adjourns at the end of June 2009, and that you assist us in bringing to the table all of the relevant parties involved in the of BRAC-related transportation planning process, including the Army, Duke Realty, the Virginia Department of Transportation ("VDOT"), the Federal Highway Administration ("FHWA"), and City staff.

1. Potential Benefits of Direct Access from I-395 to Mark Center

Recently, VDOT issued a Mark Center (BRAC) Transportation Study ("VDOT Study"), in which it was stated that "[d]irect access to Mark Center from I-395 general purpose and HOT lanes is desirable as it would provide an additional alternative for vehicular access to Mark Center. (See VDOT Study at page 2; a copy of the VDOT Study can be accessed at <http://alexandriava.gov/uploadedFiles/planning/info/VDOT%20Transportation.pdf>.)

A majority of the members of the Advisory Group share the view reflected in the VDOT Study and believe there may be significant benefits associated with direct access from I-395 to Mark Center. Therefore, we feel that it would be appropriate for the Council to adopt a resolution expressing strong support in principle for such direct access.

2. The Need for Full Analysis of the Potential Impact of Direct I-395 Access

Full analysis of the potential impact of direct access from I-395 on traffic flows in all affected areas in proximity to Mark Center is needed. Such an analysis should specifically consider traffic flows on the relevant portions of I-395; Seminary east and west of Beauregard; Beauregard north and south of Mark Center; and the applicable side streets. In addition, the analysis should evaluate how direct access would affect the viability and desirability of the road improvements that were approved as part of the 2004 SUP.

In the light of Duke Realty's assessment that plans for road improvements and the actual beginning of construction must fall within the time constraints stated above, the analysis would need to be completed by October 2009 so that the Advisory Group could review the results of the analysis and make recommendations to Council in November 2009.

City staff should be tasked with conducting the analysis. They are familiar with the areas involved and possess the necessary expertise, and therefore would be able to complete the review by October 2009. Accordingly, we recommend that Council direct City staff to conduct the full analysis in the resolution that we urge the Council to adopt.

3. Placing a Freeze on Road Alterations Approved as Part of the 2004 DSUP

Numerous members of the Advisory Group have noted that the circumstances today are quite different from when the SUP for Mark Center was approved in 2004. For example, security is now a major issue that can, and likely will, exacerbate traffic congestion; details of the I-395 HOT Lane project, including increased automobile traffic and the possibility of an inline transit station at Seminary Road, were not known; and the SUP did not contemplate an on-site transit center. In addition, direct access from I-395 to Mark Center was not considered a viable option in 2004, and now, it is very much on the table. In view of these changed circumstances, compelling arguments have been raised that the transportation improvements required in connection with the 2004 SUP may not be the best ones to make today.

In fact, similar conclusions were reached in the recently issued VDOT Study, which on page 2 stated:

The results of the traffic analysis indicate the proposed arterial improvements [approved as part of the 2004 SUP] do not adequately provide an acceptable LOS [Level of Service] and alternate access could be warranted. Direct access to Mark Center from I-395 general purpose and HOT lanes is desirable as it would provide an additional alternative for vehicular access to Mark Center.

The VDOT Study also recommended that certain other changes be made to the road alterations approved as part of the 2004 SUP (*e.g.*, dual left turns instead of triple left turns at Seminary Road and North Beauregard Street; see VDOT Study at page 25).

In light of the findings of the VDOT Study, it would seem advantageous for the Council to place a freeze on the implementation of any road alterations approved as part of the 2004 SUP pending completion of the full analysis. Therefore, we request that the Council include such a mandate in the resolution it adopts.

4. Bringing Together All of the Parties Involved in Transportation Planning

To date, the current approach to analyzing transportation and traffic issues related to the BRAC-133 project has been quite fragmented among Duke Realty, the Army, VDOT, FHWA, and the City. Moreover, there appears to be little coordination among the parties regarding the design, timing, and execution of the studies, or with respect to analyzing the results and developing recommendations in a holistic manner.

A recent example of the current fragmentation and lack of cooperation among the entities conducting the transportation and traffic studies was the response the Advisory Group received from City staff to a request for additional background materials on VDOT's I-95/I-395 Corridor Bus Rapid Transit Operational Analysis and VDOT's Seminary Road Interchange Justification Study. The Group was told that "Since the City is not contracting or managing either of these projects, we don't have the scope materials on hand."

Toward these ends, we request your assistance in helping to bring all of the relevant parties (*e.g.*, the Army, Duke Realty, VDOT, the FHWA, City staff, and the community) together to the table as soon as possible. The Advisory Group meeting to be held on June 17 at 7:00 p.m. at Burke Branch Library (4701 Seminary Road, Alexandria) represents an excellent opportunity to do so. We are confident that if you extend invitations to the relevant parties they will be eager to participate. Their participation would begin a positive dialogue among the relevant parties that the Advisory Group could seek to continue and build on in the future.

Mayor William D. Euille and Members of City Council
May 27, 2009
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Your consideration of our recommendations regarding these matters, which are of considerable concern to our community, is greatly appreciated. If you have any questions regarding our comments, please do not hesitate to contact me (davedexter09@starpower.net) or Vice Chair Geoffrey Goodale (Ggoodale@foley.com).

Sincerely,

David T. Dexter
Chair, BRAC/Mark Center Advisory Group

cc: BRAC/Mark Center Advisory Group
U.S. Senator Jim Webb
U.S. Senator Mark Warner
U.S. Representative Jim Moran
Eugene Keller, National Capital Planning Commission
Pierce R. Homer, Secretary of Transportation, Commonwealth of Virginia
Delegate Charniele L. Herring
Delegate Robert Hull

Mayor William D. Euille and Members of City Council
City Hall
301 King Street
Alexandria, VA 22314

June 10, 2009

Re: BRAC/Mark Center Advisory Group Recommendations

Dear Mayor Euille and Members of City Council:

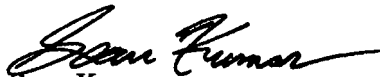
At its June 3, 2009 meeting, the Transportation Commission (Commission), after a brief opportunity for review, extended conceptual support for the recommendations identified in the BRAC/Mark Center Advisory Group's (Advisory Group) May 27, 2009 letter to you. In that letter the Advisory Group requested that the City Council (Council) adopt a resolution in which the Council:

- (1) expresses strong support in principle for direct access from I-395 to Mark Center;
- (2) requests City of Alexandria (City) staff to conduct a full analysis of the potential impact of such direct access from I-395 on traffic flows in all affected areas in proximity to Mark Center by October 2009; and
- (3) places a freeze on implementation of road alterations approved in connection with the 2004 Special Use Permit (SUP) for Mark Center until the full analysis is completed.

The Commission's support is in concept until further information is provided on the funding of the study and the timing of the study as it relates to the proposed transportation improvements. In addition the Commission has concerns about pedestrian access to the proposed transit center.

We appreciate your consideration of our conceptual support of the Advisory Group's recommendations.

Sincerely,



Sean Kumar
Chair, Alexandria Transportation Commission

cc: BRAC/Mark Center Advisory Group
Alexandria Transportation Commission
Pierce R. Homer, Secretary of Transportation, Commonwealth of Virginia
Eugene Keller, National Capital Planning Commission



June 1, 2009

The Honorable William Euille
Mayor
Members of the City Council
City of Alexandria
301 King Street
Alexandria, VA 22314

Dear Mayor Euille and Members of the City Council:

As you know, Duke Realty Corporation ("Duke") was asked to be a member of the City's BRAC/Mark Center Advisory Group ("Advisory Group") created by City Council Resolution 2322 dated February 10, 2009. Since the formation of the Advisory Group, Duke has actively participated in all of the Advisory Group meetings and discussions and we continue to support receiving input from the citizens. As a member of the Advisory Group, we are familiar with their letter dated May 27, 2009 requesting that the City Council enact a resolution that would affect our ability to move forward with approved improvements to the arterial roads surrounding Mark Center. These road improvements, approved by the City in 2004, are necessary to accommodate the traffic to be generated by the BRAC 133 administrative office complex at Mark Center, scheduled to be fully operational in September 2011. We believe that the risk that the Advisory Group is requesting the City to undertake – to create a situation where BRAC 133 is fully occupied and the regional roadway system surrounding Mark Center is unimproved – is unwarranted and unwise.

Accordingly, although a member of the Advisory Group, we do not support the recommendation to delay the implementation of the previously City approved road improvements around Mark Center. First, although we strongly support direct access via a "slip ramp" from I-395 into the BRAC site, the project remains speculative. The time required for the review, design, funding and construction process for the interchange is such that BRAC 133 will be fully operational long before decisions can be made about the "slip ramp." In the event that a "slip ramp" is constructed, and the triple left from Seminary onto North Beauregard is no longer needed for effective traffic management, there are engineering solutions to modify the intersection and return it to the present double left alignment.

Second, conditions upon which the 2004 approval was based have not changed. Duke, in reliance on the City's 2004 SUP approval, intends to proceed with the transportation improvements to the local arterial roads required as a condition of that approval. These improvements have been fully coordinated by and with the City in accordance with its statutory and regulatory procedures. It is important to point out that the City approved improvements were fully coordinated with the community at the time they were imposed on Mark Center development in 2004. There were public hearings and many, if not all, of the arguments now raised in opposition to these roadway improvements were raised in 2003 and fully considered by the staff and Council.

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www.dukerealty.com

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It is in reliance on that approval that significant funds have been expended and design completed for the road improvements. We must have final approval from the City of these road improvement plans as soon as possible, but in no event later than November 25, 2009, if we are to complete construction by the time BRAC 133 is fully occupied in September 2011. The worst case scenario would be the influx of several thousand more cars on the unimproved roadway system surrounding Mark Center.

Third, and finally, we believe that given the complexity of the road improvements under discussion, the on-going planning is proceeding in a coordinated manner. This is due in large part to the efforts of the City staff. We have worked, and are continuing to work, closely with the City staff on design and other issues to ensure that the complex reflects City design guidelines as much as possible. We have a good working relationship with City staff and significant progress has been made in incorporating many of the City's recommendations into our plans. We appreciate the City staff's efforts to expedite their review of our plans and their willingness to work collaboratively and offer suggestions that improve the design.

Timing of the "Slip Ramp"

There are presently several efforts underway to study potential improvements to the I-395 corridor. These include the "slip ramp" which would provide direct access into the BRAC 133 site from I-395. At the time Mark Center's development plans were under review in 2003, the City did not believe that it was realistic to pursue direct access into the complex from I-395, and that concept was eliminated from the conditions attached to our SUP approval. However, the selection of Mark Center for the BRAC 133 requirement has provided the impetus to pursue the improvement and we are strongly supporting the "slip ramp" as is the Department of the Army.

This is a well coordinated effort as noted in the City's letter dated January 21, 2009, to the National Capital Planning Commission ("NCPC"), in which the City expressed its official support for the "slip ramp." In its February 5, 2009 action approving the location, and preliminary and final building foundation plans for the BRAC 133 project, the NCPC recommended that the Army plan for the location of a slip-ramp to I-395 from the South Parking garage to accommodate federal employee traffic and include the final design of the ramp when the Army submits the BRAC 133 project for final review to the Commission.

The Virginia Department of Transportation ("VDOT") is currently preparing the required Interchange Justification Report (IJR) for submission to the Federal Highway Administration ("FHWA"). As stated, we strongly support the "slip ramp" and are hopeful that FHWA will approve a workable "slip ramp" design after completion of all of its required reviews and that funding, design and construction will expeditiously follow.

As noted by VDOT representatives at the May 20 Advisory Group meeting, the process for studying, reviewing, funding and designing this "slip ramp" is a lengthy one that is conservatively estimated to take a minimum of 3 ½ years – mid 2012 – not including its actual construction. Thus, the timeframe within which we could reasonably expect to know whether or not a "slip ramp" will even be constructed extends well beyond the date on which the BRAC 133 administrative complex will be fully operational in September 2011.

The possibility of a "slip ramp" does not render the approved road improvements unnecessary. Even if the decision is made to fund, design and construct the slip ramp, there will be a significant period of time during which traffic must be managed. The existing studies have shown that there must be road improvements to accommodate the traffic to be generated by the Mark Center development. In the event

that the "slip ramp" is ultimately approved and actually constructed, there are engineering solutions that would modify the triple left from Seminary onto North Beauregard and would return it to a double left.

Conditions Have Not Changed

Conditions have not changed since the City's 2004 SUP approval. The BRAC 133 office complex is bringing no additional density to Mark Center beyond that which was approved by the City Council when it approved the Mark Center development in January 2004. More importantly, the BRAC 133 office complex is bringing no additional traffic to Mark Center beyond that which was approved by the City Council in January 2004. In fact, given the Department of Defense's aggressive plans with respect to trip reduction, we expect that traffic in and out of Mark Center will be significantly less than the estimates upon which the City based its January 2004 Mark Center SUP approval.

The security requirements applicable to BRAC are not a "changed condition" that affects the road improvements. The traffic studies that have been completed and provided to the City staff clearly demonstrate that to the extent that any queuing occurs, it does not reach the public roads, much less I-395. Similarly, the fact that the BRAC 133 project provides the opportunity to develop a transit center, providing mass transit opportunities to Mark Center employees and visitors, as well as the public, does not represent a "changed condition" affecting the soundness of the City's 2004 approval.

Finally, as discussed above, the potential for a "slip ramp" providing direct access from I-395 to the BRAC site is not a changed condition, for the simple reason that it will be many months – if not years – before any conclusion is reached as to whether a "slip ramp" is viable.

Traffic Planning

The Advisory Group supports its request for City Council action in part because of its perception that the on-going planning and implementation of improvements is not well coordinated. Clearly, multiple jurisdictions – local, state, and federal – necessarily are involved in planning and executing roadway improvements. Notwithstanding the complexity of the regulatory scheme surrounding the road improvements, we believe that the City staff effectively is coordinating the on-going planning. We do not believe that the type of analysis the Advisory Group appears to request from the City by October 2009 is consistent with the on-going planning efforts and it is unclear whether such a "full analysis" would add appreciable value to the in-depth review by the Virginia Department of Transportation (VDOT) that is underway regarding the "slip ramp." Given the complexity of the various jurisdictions, the transportation improvements and planning are proceeding in as logical fashion as can be reasonably expected. Specifically:

- The Army, in deciding to select an Alexandria site for the BRAC relocation, relied on the City approvals in place, and is expecting that Duke comply with City imposed transportation improvement approvals. As indicated, these improvements were fully coordinated by the City and were the subject of public hearings.
- Transportation management for the BRAC project is being actively considered by the National Capital Planning Commission (NCPC), the federal government's central planning agency for development within the National Capital Region. The Army is preparing a comprehensive Traffic Management Plan (TMP) for Mark Center, which will be submitted to NCPC and which will reflect City and citizen input. The Army anticipates that its TMP will be completed within six months.

- Duke, working under direction of the Army, and in coordination with the City, is preparing its building design to accommodate the construction of a "slip ramp" should one be approved and funded in the future.
- VDOT has initiated the IJR for the "slip ramp", at the request of the Army, the City, and Duke, that will study the traffic and determine whether there is a need for direct access in to the BRAC site. Consistent with federal and state requirements, VDOT will submit the results of its review to the FHWA for its review, and then will conduct any necessary environmental reviews. At the request of City staff, a VDOT representative attended the most recent Advisory Group meeting and provided substantial detail regarding timing, scope, and other information regarding the Interchange Justification Report for the "slip ramp" as well as the Bus Rapid Transit Operational Study.
- VDOT is also coordinating the Bus Operational Rapid Transit study and the HOTLanes Interchange Justification Reports.

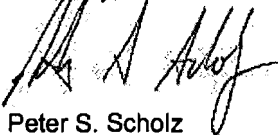
As noted above, we believe that the City staff already is fully engaged in these various efforts, each of which is either based on comprehensive traffic analyses or will produce comprehensive traffic analysis. We agree that it is important to have a coordinated effort and believe that the City staff is providing the necessary coordination.

Conclusion

We recognize how the critical nature of the transportation issue. As a substantial property owner in the West End community, Duke is sensitive to the effects of the BRAC 133 project on the area. We want the right solution and truly believe that timely completion of the road improvements is part of that multi-step solution.

We believe that the action requested of the City Council by the Advisory Group is neither necessary nor warranted. The City staff should continue to be actively engaged in coordinating the various transportation initiatives and the staff should continue to process our road improvement plans in a timely manner, in accordance with the 2004 SUP. We would encourage the City to take appropriate action to influence VDOT to complete the IJR for the "slip ramp" as quickly as possible.

Sincerely,



Peter S. Scholz
Senior Vice President
Washington DC Operations

cc: BRAC/Mark Center Advisory Group
James C. Turkel
Eugene Keller



NORTH BEAUREGARD STREET

NORTH

SEMINARY ROAD

MARK CENTER DRIVE

SEMINARY ROAD
ROAD

LEGEND

- EXISTING ROADWAY
- EXISTING PROPERTY
- PROPOSED ROADWAY
- PROPOSED SIDEWALK
- PROPOSED ROADWAY



- STRIPE
- LINE
- AY STRIPE
- AY
- CK

BRAC NORTH
PARKING GARAGE

APPROXIMATE
BRAC 133 PROJECT
BOUNDARY

BRAC 133

/ NORTH BEAUREGARD STREET
WAY IMPROVEMENTS
NOT TO SCALE

I-395