

TABLE OF COMMENTS RECEIVED

PPTA Implementation Guidelines

Offeror	Location	Suggested Revision	Status
Fairfax County Department of Transportation (FCDOT)	p. 3, line 19	Insert: <i>"Proposals should document the benefits of the project to the public. Such documentation may include, but not be limited to, (i) proposed vs. programmed implementation of the project, (ii) burden of risk shifted from the public to the private sector, (iii) burden of project financing undertaken by the private sector, (iv) impact of transportation improvement on local land use and levels of service/congestion relief; and (v) total cost savings to the to the Commonwealth and local governments."</i>	
Southern Environmental Law Center (SELC)	p. 14, line 33	After: "provisions" Insert: ", and are responsible for taking the steps necessary"	
SELC	p. 16, line 9	Comment: The materials covered by this exemption should be narrowed. In addition, the statute should be amended to protect the responsible public entity alone since the private entity's interests are protected elsewhere.	
SELC	p. 17, line 26	Comment: Information should be posted and otherwise made available sooner than 10 days	
SELC	p. 17, line 28	Comment: Posting should be mandatory.	
SELC	p. 17, line 31	Comment: Public comments should be accepted when proposals are posted.	
FCDOT	p. 19, line 32	After : "IRP will Insert: "also"	
FCDOT	p. 20, line 12	Insert: <i>"v. Identify the financial, project implementation and land use benefits of the project, and guarantee the financial benefits of the proposal, at the risk of the private sector, to the Commonwealth and local governments."</i>	

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FCDOT	p. 21, line 28	Insert: <i>"The conceptual proposal has demonstrated and guaranteed immediate and long-term financial benefit to the Commonwealth and local governments."</i>	
SELC	p. 22, line 24	Comment: A public hearing should be required for projects where the total costs will exceed \$50 million	
FCDOT	p. 27, line 8	Insert: <i>"Do the public entities involved have a reduced level of financial participation, both immediate and long-term, based on financing strategies, assignment of risk or reduced cost of the project based on the implementation schedule than would have occurred through normal project programming? Does the proposal include user fees as a mechanism for financing the project and does the proposal identify the current and future levels of user fees required to support the financial plan and the impact of these fees on the community?"</i>	
FCDOT	p. 32, line 15	Insert: <i>"The right of the Department to assign the interim agreement or comprehensive agreement during the planning, design, or construction to a successor or assignee without the approval of the private entity."</i>	
SELC	p. D-5	Comment: Language should be broadened and should include public opposition as well.	

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General Comments from SELC:

1. Proposals should be consistent with transportation planning and the guidelines should be amended to help insure that proposals do not sidestep the normal transportation process
2. The role of the Oversight Board needs to be strengthened
3. The relationship between the PPTA and the National Environmental Policy Act (NEPA) needs to be clarified. The guidelines should say that no proposal shall proceed beyond initial quality control phase until the NEPA process is complete
4. The guidelines should include more information and clarity concerning consideration of the land use impacts of proposals
5. The public participation provisions of the guidelines need to be improved.
 - The public should be given an opportunity to weigh in before the Board makes its decision in order to give the public an opportunity to respond to the Independent Review Panel decision.
 - The public should have an opportunity to weigh in on any proposed comprehensive agreement before it is executed.