

Phase 1B Begins as Loudoun Tops 15K COVID-19 Cases

BY NORMAN K. STYER
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Loudoun public health officials this week opened the next phase of COVID-19 vaccinations, expanding the eligibility to residents age 75 and older, teachers, firefighters and other essential workers.

The widening vaccine availability comes amid a post-holiday spike in cases that has resulted in a record level of coronavirus-related hospitalizations and average daily test positivity rates in excess of 18%, the highest since May. This week, the number of hospitalized patients climbed to 64, double the number four weeks ago. Loudoun continues to record about 120 new COVID-19 cases per day.

Elected leaders and public health officials are looking to vaccinations to stem the growing community spread.

As of Tuesday morning, just over 7,800 doses have been administered to Loudoun residents and 710 have completed the vaccination with the second required shot, according to the state health department. Statewide, 181,300 residents had received at least one of the two required doses, with 19,100 having received both shots. Currently, the federal government is allocating about 110,000 doses of vaccine to Virginia each week, with Loudoun County is receiving a portion of the available vaccine.

Until this week, vaccinations had been limited to healthcare workers and nursing home residents, dubbed group 1A. Now, eligibility is expanded to include residents age of 75 and older; police, fire and hazmat workers; corrections and homeless shelter workers; childcare/K-12 teachers/staff;



Renss Greene/Loudoun Now

A bottle of the Moderna COVID-19 vaccine.

food and agriculture workers; manufacturing workers; grocery store workers; public transit workers; mail carriers; and officials needed to maintain continuity of government.

Because supply of the COVID-19 vaccine is limited, the health department is coordinating vaccination opportunities during the initial expansion into Phase 1B. In the weeks ahead, the vaccine is expected to become increasingly available through individuals' health care providers and area pharmacies. The state health department has contracted with more than 2,000 providers across the commonwealth to distribute the vaccine. In addition, the Loudoun County government is expected to host public vaccination events as needed.

Many members of the Phase 1A and 1B priority groups may be enrolled for

vaccination by their employers. Others should contact the Loudoun Health Department directly to get instructions. That can be done by sending an email that includes your name, organization and basis for inclusion in Phase 1A or 1B to health@loudoun.gov; or by calling the county's COVID-19 information line at 703-737-8300 between 8:30 a.m. and 5 p.m.

"We know that our essential workers and older adults are eager to get vaccinated, and we are eager to facilitate vaccination for as many people as possible in the weeks ahead," stated Loudoun County Health Director Dr. David Goodfriend in announcing the expanded rollout. "Right now, we are asking those who are next in line to get vaccinated—those in Phase 1B—to contact their employer or the Health Department for information about how to receive vaccine."

Closer to the Finish Line

The rollout of the vaccines was the key focus of a Jan. 4 Board of Supervisors briefing from Goodfriend.

"This will be a happier year," he told supervisors, while cautioning that there are still tough times ahead.

"This is the weather the COVID virus likes," he said, adding that it will take a while for the vaccine to take hold in the community. "We're getting close to the finish line."

Although there has been an increase in COVID-related hospitalizations in Loudoun, Goodfriend said hospital capacity in the region remains adequate.

However, the increasing positivity rate of COVID-19 PCR tests, he said, was

"alarming."

"It is out there. Wherever you go, there is probably someone with COVID there," Goodfriend said.

Ultimately, he said, it will be warmer weather and widespread vaccinations that will bring the pandemic under control.

Goodfriend said the vaccine rollout was going well. After a cautious start to firm up safe protocols, his office is ramping up to 500 shots per day. Those are in addition to vaccinations being provided by the region's hospital systems, Inova and HCA. As more vaccines become available, the shots are expected to be available in neighborhood pharmacies and doctor's offices as well.

"Right now, we've received all the vaccine we've asked for," Goodfriend told supervisors.

Vaccines Begin for Teachers

Even after it became evident that teachers would be added to the vaccination pool, the Loudoun County School Board last Thursday adopted a resolution calling for state leaders to move teachers to the head of the line.

The 1B group includes about 1.2 million Virginians, about 285,000 of whom are teachers.

School Board Vice Chairwoman Atoosa Reaser (Algonkian) proposed the resolution in hopes that teacher vaccinations could be accelerated within that large group.

Assistant Superintendent for Pupil Services Asia R. Jones said the staff also is gearing up a new program intended to get

PHASE 1B continues on page 17

Loudoun's Lawmakers Unite for New Greenway Tolls Bill

BY RENSS GREENE
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After years of division, some of Loudoun's state lawmakers have rallied behind a bill to curb the Dulles Greenway's toll increases and the financing loopholes the operator uses to raise cash at the expense of drivers.

Legislation to limit the Greenway's constant toll increases has failed in the General Assembly year after year, typically with Loudoun's own state delegation split on proposed bills. But a new bill, House Bill 1832, was announced with backing from a swath of Loudoun's state delegation. Its patrons in the House of Delegates are Dels. Suhas Subra-

manyam (D-87), Wendy W. Gooditis (D-10) and David A. Reid (D-32), with support from Sen. John J. Bell (D-13). County Chair Phyllis J. Randall (D-At Large) and Supervisor Matthew F. Letourneau (R-Dulles) also support the bill and were on hand for its announcement.

David I. Ramadan, who formerly represented the 87th House District and has long led the fight against Greenway toll increases, said the bill is "not just a bipartisan effort," but the result of lessons learned over years of that fight.

"This is an effort that started in 2013, and what's been put together now by Del. [Suhas] Subramanyam (D-87) and Sen. [John J.] Bell (D-13), with the support of everybody else on this on this call, is a

culmination of a very well-thought and deliberative process that took eight years in the making," Ramadan said. "So, what they put together here is a real solution, a fair solution, a solution that takes into account all the all the concerns that we heard in the past from the Greenway and other stakeholders, and that will take care of our constituents."

"This legislation provides a framework that will allow for fair decision making," Bell said. "If you look at the stops that we've had before—losses at [State Corporation Commission] court cases, et cetera—there have been reasons we haven't succeeded. This legislation addresses all of those reasons."

The owner of the private highway,

Toll Road Investors Limited Partnership II and its parent Atlas Arteria, are well-connected in Richmond. In 2020, one of its lobbyists was Whitt Clement, a former seven-term state delegate and former secretary of Transportation under then-Gov. Mark Warner. A recently added member of its board of directors, Pierce Homer, was the state's next secretary of Transportation after Clement, serving from 2005 to 2010 under Warner and then-Governor Tim Kaine. And on July 21 the Greenway announced it had appointed Renée Hamilton, formerly the Virginia Department of Transportation's deputy district administrator for North-

GREENWAY TOLLS continues on page 9



Daren Burr



James Burr



Tyrell Jefferson

Grand Jury Indicts 3 in Sterling Hotel Stabbing Case

BY PATRICK SZABO
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A Loudoun grand jury Monday indicted Daren Burr, James Burr and Tyrell Jefferson on charges of felony aggravated malicious wounding and felony malicious wounding by a mob.

Both Burrs and Jefferson were charged following the stabbing of a man Lawrence Terry Charles at the Hyatt Place Hotel on Ridgetop Circle in Sterling shortly before midnight Sept. 1, 2020. According to an affidavit filed by Sheriff's Office Det. Sean McCormack in support of a Sept. 8 search warrant that sought to obtain digital information from the suspects, Charles was stabbed five times in the neck, chest, hip, arm and buttocks. He was taken to the hospital and placed on a ventilator.

According to McCormack's affidavit, Charles said he was attacked by the men in the hallway when he walked to the ice machine. McCormack noted that Charles told him both Burrs stabbed him but was unsure if Jefferson did. Charles also told the detective that \$700 was missing from his hotel room.

Jefferson faces a March 8-16 jury trial and Daren Burr faces an April 19-27 jury trial. James Burr's next hearing will be scheduled on Jan. 14.

A fourth suspect, Nicole Robinson, 27, also was charged with aggravated malicious wounding. According to McCormack's affidavit, Robinson was in the hotel room with Charles before he left to get ice. She fled the hotel along with the three men.

Robinson faces a Jan. 19 preliminary hearing in General District Court. ■

SAFETY *briefs*

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recruit who made outstanding improvements throughout the recruit academy.

The recruits completed an extensive academy that included 1,000 hours of both emergency medical technician and firefighting training in a 30-week program. They will now begin their careers

as Loudoun County Firefighter/EMTs, assigned to various fire and rescue stations throughout the County.

Recruit Class 40 includes Timothy Adkins, Christian Arias-Williams, Bradford Burgeson, John Camarella, Matthew Cipparuolo, Kyle Fogle, Keith Gehman, Abdul Aleem Gonsalves, Meaghan Gruber, Cannon Harris, Robert Hill, Grant Les-calleet, Lawson Sauser, Cameron Tadie, John Thomas, Zachary Thompson, and Graham Wiles. ■



Loudoun County Fire-Rescue

Loudoun County Fire and Rescue's 40th recruit class celebrates their graduation at a small ceremony Monday, Jan. 4.

Greenway tolls

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ern Virginia, as its new CEO.

"It's not gonna be an easy thing," Ramadan said. "The very highly-paid lawyers and lobbyists, who would be doing their jobs in Richmond on the other side, will try to kill this legislation, but we will do everything we can together to get this passed."

In addition to creating more concrete rules for when the State Corporation Commission may grant toll increases to the Greenway—long a goal in tougher versions of proposed legislation—the bill seeks to box in the Greenway in on a number of financial strategies the company has employed before.

"The fundamental problem and difference with the Greenway [is], when the county builds a road, we take out debt sometimes to pay for it, we pay a contractor, and then we're done with it. The Greenway has done that many times over, because they have cashed out, paid investors, and now they expect toll rate payers to pay for all those different maneuvers that have been made—financial maneuvers—over all these years," Letourneau said. "That's how you have a road that was built all that long time ago, that now has debt that's several times what it originally cost them to do. And that's fundamentally unfair."

The bill would require the Greenway to petition the State Corporation Commission before refinancing its debt, and require among other things that refinancing is "necessary to operate, maintain, enlarge, or expand the roadway" and "that such refinancing will not increase toll rates."

Additionally, if the Greenway seeks to extend or transfer its authority to operate—which expires in 2056, when the road is scheduled to become publicly owned—it must submit financial disclosures and have at least a BBB- bond rating from a major credit ratings agency, the lowest investment-grade rating.

Currently none of the three major bond ratings agencies rate the Greenway that highly. Moody's gives the Greenway a Ba1, a rating that has held steady since upgrading from Ba2 in 2016. Fitch gives the Greenway's bonds a BB-, on a steady slide downward since June 2019 when it was downgraded from BB+ to BB, then BB- in April 2020. And Standard and Poor's, the ratings agency that has been kindest to the Greenway, in December lowered its rating from BBB- to BB+ on worse-than-expected traffic recovery.

"In the end, I think, the road was not

intended to be a financial instrument, and that's basically what that gets at," Subramanyam said. "It prevents the road from continuing to be a financial instrument for these investors."

The new legislation could also further impact those credit ratings, which in the past have been made in an environment where the Greenway was guaranteed annual toll increases. Fitch specifically cited "the limited visibility into TRIP II's short-term, rate-making predictability following expiration of the previously approved schedule" in its latest bond rating announcement.

"The Greenway is an equity issue, amongst other things," Randall said. "People who can afford to take the Greenway will, or whose companies will pay for them to take the Greenway, they will take it. But the people who can't afford it—those are the people who are sitting in traffic. And they want to get home to their children also, they want to see their kids' soccer game, or their daughter be a daisy on stage, and that they can't, because the Greenway is cost-prohibitive."

There are no immediate plans to push tolls back down, or to purchase the road and make it public.

"I think the Greenway has made a certain set of business decisions in this particular operating environment that they've had for the last, you know, 20, 30 years, in which they've essentially been allowed to get regular rate increases, and then ultimately have that approved by the General Assembly for a period of time," Letourneau said. "They may choose something different in the future if they have a different environment—we don't know."

And Bell asked members of the public to testify on behalf of the bill.

"We love to have that, because I think the most powerful voices in Richmond are the citizens when they testify," Bell said.

Even as lawmakers prepare to the 2021 General Assembly session, the Dulles Greenway is before the State Corporation Commission asking for five more years of annual toll increases. Those range from a 5% increase on off-peak traffic for 2022 to a 6.8% increase on peak hour traffic in 2025. If approved, tolls would stand at \$6.15 per one-way trip in off-peak hours, and \$7.90 in peak hours by 2025.

A commuter taking the Greenway to and from work every day under those toll rates could spend more than \$4,000 a year just in tolls. Today those tolls are \$4.75 and \$5.80. ■

Loudoun

Greenway Tolls Bill Clears Committee

BY RENSS GREENE
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A bill aimed at curbing Dulles Greenway toll increases has cleared a House of Delegates committee and is headed to the floor for a vote.

House Bill 1832, introduced by Del. Suhas Subramanyam (D-87) with backing from Dels. Wendy W. Gooditis (D-10), David A. Reid (D-32), Dan I. Helmer (D-40), Karrie K. Delaney (D-67), Kaye Kory (D-38), and Kathleen Murphy (D-34) and Sen. Barbara A. Favola (D-31), seeks to put in place more concrete rules for when the State Corporation Commission may grant toll increases for the private highway, as well as close some of the company's financial loopholes.

"This is a big win for the people of Loudoun County and for Northern Virginia commuters who want transparency and accountability on how toll prices are being set," Subramanyam said. "While there is more work for the Loudoun delegation to do to ensure passage, we are encouraged by the broad, bipartisan support from our colleagues in the General Assembly."

If it clears a House of Delegates floor vote, the bill will head to the state Senate.

In particular, the bill creates metrics for measuring whether higher tolls would discourage use—something they are not per-

mitted to do—and provide oversight to the refinancing of the project.

It would require the Greenway's owners to petition the State Corporation Commission before refinancing its debt, and require among other things that refinancing is "necessary to operate, maintain, enlarge, or expand the roadway" and "that such refinancing will not increase toll rates."

Additionally, if the Greenway seeks to extend or transfer its authority to operate—which expires in 2056, when the road is scheduled to become publicly owned—it must submit financial disclosures and have at least a BBB- bond rating from a major credit ratings agency, the lowest investment-grade rating. Currently none of the three major bond ratings agencies rate the Greenway that highly. With Standard and Poor's, the ratings agency that has been kindest to the Greenway, in December lowered its rating from BBB- to BB+ on worse-than-expected traffic recovery.

The bill's proponents include Loudoun residents, local elected officials and the Loudoun County Chamber of Commerce. Last week, Chamber Vice President of Membership & Government Affairs Grafton deButts testified in favor of the bill in front of the Transportation Systems Subcommittee, telling lawmakers what many in Loudoun already know—the tolls discourage drivers from using the road.

"The extremely high cost of the tolls on the Dulles Greenway for our employees that drive to, and through our community, have demonstrably discouraged the use of the roadway," DeButts said. "Those drivers now seek alternatives on local roads and streets." He cited pre-COVID-19 figures from the Virginia Department of Transportation, finding that while traffic on surrounding routes has increased as Loudoun has grown, in 2018, traffic at the Greenway's main toll plaza declined by 4.5%.

DeButts urged the committee to vote in favor of the bill so that "the Greenway will become an economic asset for our community and not a liability."

The Dulles Greenway is before the State Corporation Commission asking for five more years of annual toll increases. Those range from a 5% increase on off-peak traffic for 2022 to a 6.8% increase on peak hour traffic in 2025. If approved, tolls would stand at \$6.15 per one-way trip in off-peak hours, and \$7.90 in peak hours by 2025.

A commuter taking the Greenway to and from work every day under those toll rates could spend more than \$4,000 a year in tolls. Today, those tolls are \$4.75 and \$5.80.

The House of Delegates transportation committee voted 19-0, with three members not voting, on Tuesday, Jan. 26 to recommend passage of the bill. ■

Supervisors Donate \$10K To Aid Deputy

BY RENSS GREENE
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County supervisors have voted to donate \$10,000 to the Loudoun First Responders Foundation, asking the organization to use the money to support the long-term recovery of Sheriff's Office Deputy Camron Gentry.

Gentry and two Walmart loss prevention officers were shot as they sought to detain a larceny suspect at the Sterling Walmart on Jan. 2. Police pursued a suspect down Rt. 28 into Fairfax County before being arresting him on Pennsboro Drive in Chantilly after a nearly two-hour search. Steven E. Thodos has been arraigned in General District Court on 11 felony charges and now faces a May 13 preliminary hearing.

The two Walmart employees have both been released from the hospital, but according to the latest updates from a GoFundMe page supporting his recovery, Gentry remains hospitalized undergoing physical therapy, with extensive additional surgeries still planned.

As of Tuesday morning, that GoFundMe raising money to support Gentry's recovery has collected more than \$116,000. The fundraising goal, originally \$25,000, has been raised to \$125,000 as donations have poured in.

The fundraising page was launched by the Loudoun Dulles Fraternal Order of Police.

"Camron is humbled by all the prayers, well wishes, supportive Friends, Family, and His Loudoun Family too," the page reports. "As well as the outpouring of concern from the Public. People he's never met from all over the Country."

"I realize it's county taxpayer money, I do, and I realized this can't happen all the time, but there are times I think exceptions should be made, and for me, this is one of those exceptions," said County Chair Phyllis J. Randall (D-At Large).

The donation may have opened the door to future donations to help wounded deputies.

"Hopefully this doesn't happen so frequently that it becomes a regular thing that we have to do, but it's just something for us to just kind of consider, maybe in the future if this happens, you know, as just kind of a practice going forward," said Supervisor Matthew F. Letourneau (R-Dulles). Other supervisors agreed.

Supervisors approved that donation 8-0-1, with Supervisor Tony R. Buffington (R-Blue Ridge) absent. ■

ON THE Agenda

COLT Joins Aldie-St. Louis Land Swap Opposition

The Coalition of Loudoun Towns has added its voice to those opposing a Board of Supervisors proposal to buy land slated for development near St. Louis from the developer, in exchange for \$1.5 million and the county-owned Aldie Tavern property.

The deal is meant to forestall a 30-home subdivision near the village of St. Louis, and to help restore the Aldie Tavern buildings—with the addition of a retail center, artist studio and bed-and-breakfast.

"To state it candidly, we do not believe the proposed transaction is in the best interests of the County or the citizens and communities of Aldie or St. Louis," wrote the mayors of Loudoun's seven incorporated towns in a letter to the Board

of Supervisors.

The letter echoes concerns voiced by other opponents of the deal: that they do not trust the developer, MOJAX LLC, the subject of a number of official complaints; and price is too high, having originally been only the \$1.5 million.

"There are no perfect solutions to these issues, and many times it falls to which is the least bad path, but COLT strongly feels that a deliberative process that encourages competition between parties interested in purchasing the Aldie property will best serve the long-term best interests of Loudoun and our citizens," the letter reads.

Loudoun Joins National Day of COVID-19 Remembrance

Loudoun County joined a national call for a day of remembrance for those lost to the COVID-19 pandemic with a luminary display and ceremonial resolution Jan. 19.

While vaccinations against the virus have begun, for many the vaccine comes too late—since the pandemic came to Loudoun in March, it has contributed to the deaths of 170 people. Luminaries were placed along the paths in the lawn at the county government center in Leesburg last Tuesday night, one for each lost life.

"In times like this, my challenge and the faith community's challenge to all of us, is to rally around and to support in this time of need. Carry one another's burdens that we might walk together," said Pastor Jim Supp at a brief ceremony in the county boardroom. "And so the other word of encouragement that I would have is to grieve well. It is my travels around the world that I have discovered many cultures grieve, if I might put it this way, much better than we do. We tend to encourage one another to pull it together and that sort of thing, and

ON THE AGENDA continues on page 5



Renss Greene/Loudoun Now

Drivers hit an afternoon backup on the Dulles Greenway near Leesburg.

Greenway Bill Passes House, Senate Committee

BY RENSS GREENE
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A bill intended to curb toll rate increases on the Dulles Greenway has unanimously passed the House of Delegates and cleared the Virginia Senate's transportation committee, putting it only a few steps away from becoming law.

House Bill 1832 passed in the full House of Delegates on Friday 99-0, with one delegate listed not voting.

The House bill was introduced by Del. Suhas Subramanyam (D-87) with backing from Dels. Wendy W. Gooditis (D-10), David A. Reid (D-32), Dan I. Helmer (D-40), Karrie K. Delaney (D-67), Kaye Kory (D-38), and Kathleen Murphy (D-34) and Sen. Barbara A. Favola (D-31). As of Feb. 1, the bill has arrived in the Senate and been sent to the Committee on Commerce and Labor.

"We are thrilled that this passed unanimously and feel optimistic that it will be signed into law," Subramanyam stated. "This bill is a critical step towards ensuring proper oversight over future toll prices and will make it harder for the road's operators to price gouge Loudoun commuters."

It is the companion bill to Senate Bill 1259, which was introduced by Sen. John J. Bell (D-13) with Sen. Jennifer B. Boysko (D-31) as chief co-patron, and Dels. David A. Reid (D-32) and Suhas Subramanyam (D-87) the House patrons. Bell expressed confidence about the bill's prospects.

"We've got bipartisan support," Bell said. "The biggest thing with the Greenway, frankly, is educating people who don't live in our area what it is and what are the unique issues that we're trying to resolve, because it's really a one-of-a-kind road."

Bell and Subramanyam, the House bill's chief patron, have coordinated to keep both bills identical so far, avoiding any need for a conference committee to hammer out the differences between chambers and streamlining the bill's passage.

Current law forbids the State Corporation Commission, which oversees the tolls on the privately owned highway, from granting toll hikes that would discourage drivers from using the private highway—but with no definition in the law for discouraging use, tolls have continued to go up even as drivers head to other, public roads in droves. The bill creates a definition for "materially discourage use."

The bill also seeks to close a financing loophole by requiring the Greenway's owners to petition the SCC before refinancing its debt, and require among other things that they demonstrate any refinancing is "necessary to operate, maintain, enlarge, or expand the roadway" and "that such refinancing will not increase toll rates."

Additionally, if the Greenway seeks to extend or transfer its authority to operate—which expires in 2056, when the road is scheduled to become publicly owned—it must submit financial disclosures and have at least a BBB- bond rating from a major credit ratings agency, the lowest investment-grade rating. Currently none of the three major bond ratings agencies rate the Greenway that highly, with Standard and Poor's dropping its bond rating in December from BBB- to BB+ on worse-than-expected traffic recovery.

And the bill would also restrict the Greenway from applying for toll increases one year at a time. The Dulles Greenway is currently before the State Corporation Commission asking for five more years of

annual toll increases. Those range from a 5% increase on off-peak traffic for 2022 to a 6.8% increase on peak-hour traffic in 2025. If approved, tolls would stand at \$6.15 per one-way trip in off-peak hours, and \$7.90 in peak hours by 2025.

Arguments were completed in that case in November 2020; Loudoun and the Greenway are still waiting on a decision from the SCC.

Although the SCC, which operates like a court, has not yet issued a decision, much of the language of this year's Greenway bills in the General Assembly was based on findings in an SCC hearing examiner's report in the case. But the SCC's decision will still be based on the current law, not the new bills, which would go into effect July 1. Although they do not coordinate with legislators, Bell said the SCC is aware of the bills working their way through the state capitol, and pointed out the hearing examiner's report recommended against some toll increases.

"It wouldn't surprise me at all if they just do a one-year decision, which would then mean next year would be under these rules," Bell said. "But they have to follow the current law. This won't go into effect until July 1 if it passes, but they're clearly aware of the discussion that's happening right now."

The Senate transportation committee voted 12-3 on Thursday, Jan. 28 to recommend passing the bill. Ayes included both Loudoun senators on the committee, Sen. Jennifer B. Boysko (D-33) and Sen. Barbara A. Favola (D-31). Votes against came from Lynchburg, Virginia Beach and Chesapeake. As of Feb. 1, the Senate has voted to dispense with reading the bill on the floor, clearing the way for a vote at any time this week. ■

AT&T Promises Better Service with Short Hill Tower Project

BY RENSS GREENE
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Representatives for telecom giant AT&T promised better cell service in northwestern Loudoun if the company is allowed to build a 125-foot tower on top of Short Hill Mountain.

With that, the company's representatives say, will come cell network coverage for AT&T subscribers, the FirstNet network dedicated to first responders, and space on the tower to lease to other mobile providers.

The monopole proposal was first discussed publicly in 2018. After a well-attended open house in Lovettsville, the proposed tower was revised downward from 155 feet to 125 feet high with, the company's representatives say, no lighting on top.

Attorney Greg Rapisarda, from the firm Saul Ewing Arnstein & Lehr LLP, said at a virtual community meeting Jan. 27 that the reduction in height was "mostly in response to community concerns and some feedback from the county."

"I do not think it's going to draw anybody's eye," Rapisarda said. "We've got minimal visual impact, and that that's also feedback we got from people that were on the ground that day at the balloon test—and that includes members of the community, too, not just our team."

People living in the area have viewed the company's applications with suspicion; it is the same site where, in 2016, the company attempted to build what it called a utility substation, but which local experts said looked like a data center. Under intense pressure the company withdrew its application after it had already been approved by the Loudoun County Planning Commission.

AT&T's representatives took questions from the community during the meeting, including why there can't instead be two towers downslope on either side of the ridgeline—pointing out Loudoun County's comprehensive plan and zoning regulations discourage building on ridgelines—and why AT&T can't use other towers on the mountain.

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FEBRUARY 11, 2021

Supervisors Question School Leaders as Budget Work Begins

BY NORMAN K. STYER
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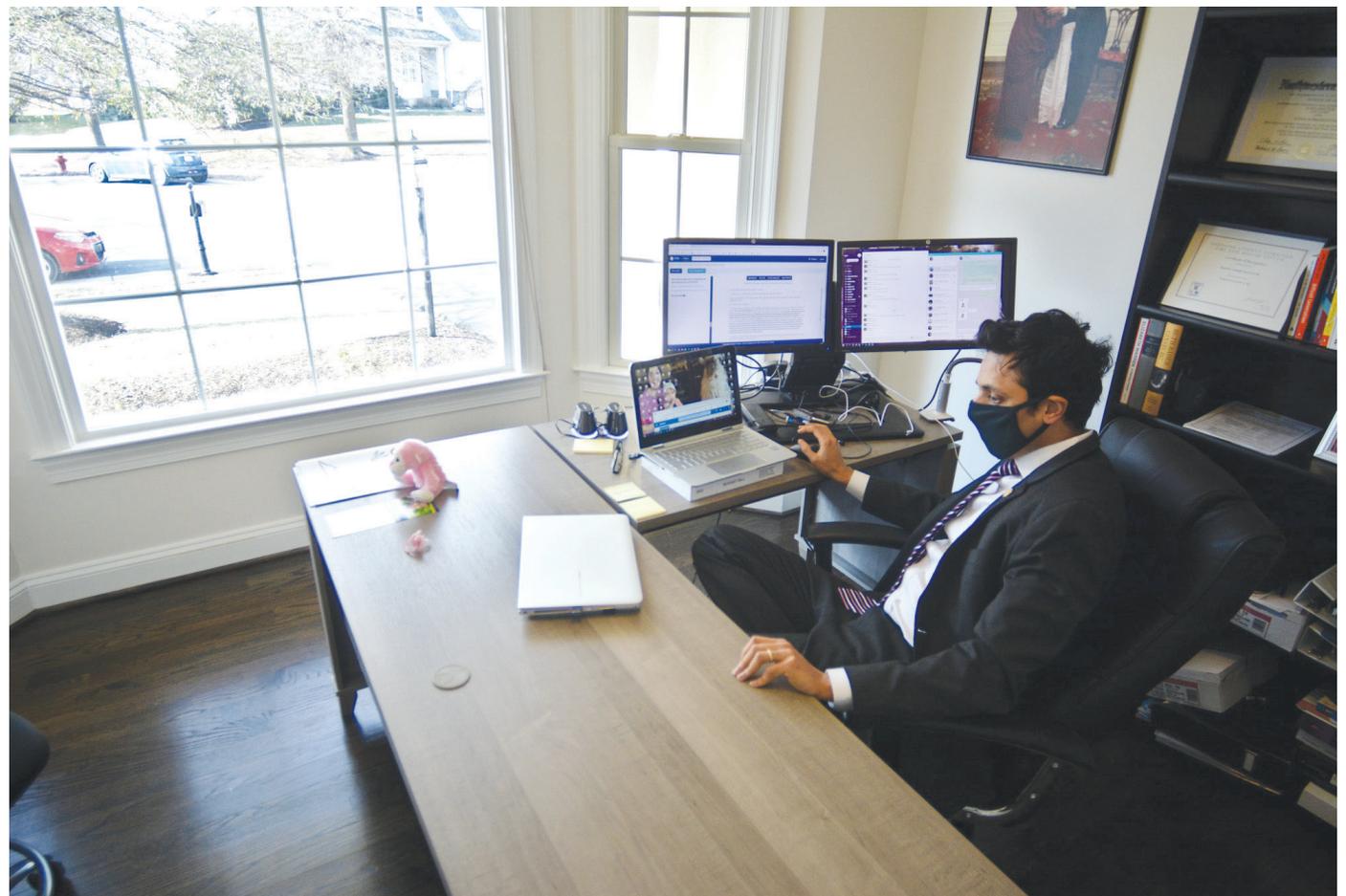
Members of the Board of supervisors got their first look at the \$1.5 billion school division budget for Fiscal Year 2022 on Monday night and raised some of the same questions the School Board's critics have been asking over the past year.

The School Board adopted its budget Feb. 2. It envisions a return to normal operations next fall, along with a post-COVID enrollment bounce back and expanded distance learning opportunities.

The \$1,492,724,899 budget includes 12,735.8 full-time equivalent positions. The largest portion of the increase, \$63.3 million, is earmarked for pay raises, including step increases, 3.5% across-the-board market adjustments and classification changes.

During the initial round of questioning with Interim Superintendent Scott A. Zeigler and School Board members, supervisors asked for more details on how the current year's \$1.395 billion was spent and for details on savings generated because campuses were largely shut down during most of the year; how much federal pandemic aid was received, how was it used and how much is left to spend; for more information on how virtual learning options could continue for students who thrive in that environment; and whether the adopted package of staff raises and other compensation increases is out of step with the economic

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Renss Greene/Loudoun Now

Del. Suhas Subramanyam works from his home office, where he has been voting on landmark legislation during the House of Delegates' first virtual session.

A Big, Strange General Assembly Session

Local Delegation Votes on Landmark Laws, In and Out of Richmond

BY RENSS GREENE
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Under the chaotic national headlines of a deadly pandemic, fights in Congress over relief bills for people struggling in

that pandemic, and a second presidential impeachment, state legislators are busy passing laws that could change life in the commonwealth for everyone.

The 2021 General Assembly session is unusual in almost every way: the pandemic has many members participating online

from home for the first time. The session's calendar has been extended by Gov. Ralph Northam, giving legislators more time to work. And the General Assembly has already passed or is well on its way to passing

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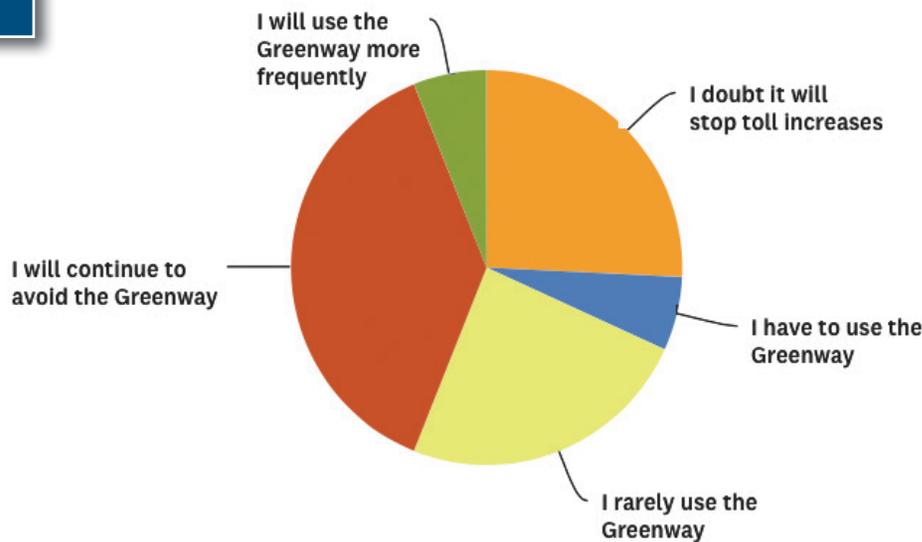
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Readers' Poll

LAST WEEK'S QUESTION:

Will the latest General Assembly effort to address Dulles Greenway tolls affect your commute?



THIS WEEK'S QUESTION:

The General Assembly is on a path to legalize the use of recreational marijuana during this session. What is your view?

Share your views at loudounnow.com/polls

LETTERS to the Editor

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enrollment outcomes as a strategic goal in its LCPS Gifted Program. Every year, LCPS seeks to increase enrollment in the EDGE, Propel, and Level-Up programs by 10% and expand access to schools with the highest enrollment of so-called “underrepresented groups” in the LCPS Gifted Program; LCPS seeks to increase enrollment in gifted programs that do not limit any student from joining based on race. Currently, in the Academies of Loudoun, LCPS reports 47% Asian, 35% White, 20% Hispanic, and 5% Black students. These students should be identified by their exceptional talent not their race. How far is LCPS willing to go to impact statistics based solely on students’ racial makeup? Is LCPS ready to lower the standards and undermine grading practices to achieve the “outcome” they seek?

Discrimination exists everywhere humans do, in all forms. We cannot and should not lie to our children by telling them that we can reliably force equitable outcomes for them. We should instead combat prejudice in all its forms with our current laws while increasing our focus on the unifying principles of equality and opportunity for all students, regardless of their skin color. Leveling the playing field so children have equal opportunity is the wisest approach to ensuring our children enjoy security, liberty, and prosperity in Loudoun County, Virginia, and America.

— Scott Goodspeed, Leesburg

Replace Them

Editor:

The recent letters to the editor from

Shelly Slebrch, Ann Muhall, and Geary Higgins speak loudly to current issues we the people of Loudoun County have with our elected representatives: The Board of Supervisors and the Loudoun County School Board.

It appears that the way to get elected officials to listen is to threaten their power by our votes. Look at the real traction in California for a recall petition of Gov. Gavin Newsome. Seems as though he is starting to listen and somehow miraculously declared it might be time to re-open that economy. Not surprisingly many governors and mayors had changes of heart about shutdowns and school closings on Jan. 7. Elected officials believe that it is more important to tear down historical statues, rename streets, erase history, and promote racism against all things white instead of dealing with the economic and public health issues that we are facing today.

We all need to get out and vote in every election that affects our lives, especially local elections. If our school board is failing us—then let’s replace them. If our Board of Supervisors are self-serving and playing politics—then let’s replace them. Our children are the big losers in all this, and we simply cannot let it continue. We do not need to sit by idly and be forced to deal with problems affecting our children, families, and communities with our hands tied behind our backs. It is time to take back our state and local governments and demand that they represent us, the residents of Loudoun County.

— A. Troche, Leesburg

Rural broadband

continued from page 4

alongside a coalition of four Northern Neck-area counties.

And, Friedrich indicated, in general smaller providers like All Points are so far the best candidates for those kinds of projects, with large communications franchisees expressing little interest in expanding their networks further than they have to.

Meanwhile, some parts of the county’s broadband plans are still getting off the ground.

One plan, to establish a uniform fee for telecommunications land development applications, will require a zoning ordi-

nance amendment, a legislative process expected to begin in March.

County staff members have met about establishing a “Telecommunications Application Ombudsman” program but have not yet decided who could take on that responsibility. And county staff members are still discussing among themselves an idea to coordinate with power companies to extend broadband service.

County Chair Phyllis J. Randall (D-At Large) urged staff members to seek temporary, interim solutions while those longer-term fixes are in the works.

“All the issues we’re having right now, we’re having right now,” Randall said. “Telehealth, telelearning—all of it is right now, and it does provide an unequal disadvantage for people who can’t get this.” ■

Greenway tolls

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Matthew F. Letourneau (R-Dulles), who has pushed the state to curb toll increases for years.

“The argument that will be made is that they would only agree to something that’s beneficial to the county, and as the chair said, I believe that the individuals involved do believe that, but I also think that we’ve been dealing with the Greenway for a very long time,” Letourneau said. “The Greenway wants this bill, and there’s a reason they want this bill, and they’re looking for certain things that will make it easier for them down the road, which is not necessarily in our interests.”

And, he pointed out, the bill is not necessary to hold similar negotiations.

“We don’t shut down negotiations—all

we do is shut down the ability to execute them without any say from the General Assembly or from anybody else,” Letourneau said. “So, I think let them go and have a discussion all summer long and see if there is a deal, and then bring that back to the General Assembly next year, and let it be transparent and public.”

“We still have no power, and we lose four million dollars,” Randall said of the bill. “It’s one thing to have no power and some money, but now we’re going to have no power and no money. That makes just no sense at all to me.”

Reid did not respond to a request for an interview.

The House passed the bill 90-9, with one delegate abstaining. In the Senate, it was sent to review in the Committee on Transportation and was continued to the 2021 special session. ■

Loudoun

Rural Broadband Expansion Plans Moving Ahead

BY RENSS GREENE
rgreene@loudounnow.com

The effort to extend broadband internet access to under-served parts of the county is moving ahead in bits and pieces, according to the first quarterly update on the multi-projected program.

One part of that program, approved by county supervisors in November 2020, is already done—streamlining the approval process for building new telecommunications projects by no longer requiring pre-application meetings before applying to start projects that need a sign-off from the Board of Supervisors.

Additionally, \$191,000 has been moved in the county budget from a contingency fund to issue a request for proposals for connecting western county government properties, possibly laying down a backbone for later private connections. And the county administrator is expected to include in his capital budget proposal Feb. 10 that supervisors move funding up from fiscal years 2023 through 2025 to immediately help pay for that work once a vendor is found.

And CARES Act money has already been used to set up wi-fi hot spots at various locations in around the county, including public libraries and the Loudoun Valley Community Center.

Other initiatives are moving ahead, although county staff members provided few details during the Board of Supervisors' Feb. 2 meeting, such as possible private sector partners to apply for Virginia Telecommunication Initiative grant funding for last-mile broadband projects.

IT department Assistant Director Dave Friedrich said there are "no current partnerships that we're in a position to discuss at this time."

"There's one or two of them that have a potential opportunity, and we hope to hear something in the very near term," Friedrich said. He said those organizations have already been through that grant process with other localities.

Some broadband providers in Loudoun won Virginia Telecommunication Initiative grants last year in other areas, such as All Points Broadband which won funding

RURAL BROADBAND
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Supervisors Sign Off on Rt. 15 Design

BY RENSS GREENE
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While some details are still being hammered out, county supervisors have agreed to the overall scope of Rt. 15 improvement plans north of Leesburg.

While supervisors gave guidance on what should be done about the two-lane road in previous votes, with a unanimous vote Feb. 2, the years-long project to reduce congestion on Rt. 15 has some concrete plans for what the road will look like in the future. That includes widening Rt. 15 to a four-lane divided road between Battlefield Parkway and Montresor Road; installing a stoplight and "T" intersection at North King Street; and installing a new roundabout at the Limestone School Road and Montresor Road intersection. With Rt. 15 designated a National Scenic Byway, supervisors also have directed county staff members to incorporate the Journey Through Hallowed Ground's design guidelines "where feasible," although the road also falls under design standards as a rural principal arterial road according to the Virginia Department of Transportation, and is designated part of the National Highway System by the Federal Highway Administration.

The project will also incorporate a pedestrian and bike path.

Department of Transportation and Capital Infrastructure Design Program Manager Mark Hoffman said the design incorporates some adjustments after public feedback. But it is also boxed in by a narrow right-of-way.

"We are trying to utilize the existing right-of-way and the existing roadway alignment as much as possible through this section of the corridor to minimize impacts to adjacent properties," Hoffman said. "There really is not a whole lot of opportunity to reroute this without creating significant impacts, and frankly, significant costs."

While some people have called for a roundabout instead of an intersection at Whites Ferry Road, county staff members and some supervisors have warned that would set the project back both in schedule and budget.



Traffic packs Rt. 15 near Leesburg.

Reness Greene/Loudoun Now

"At this point of where we are in the project, if we were to make that big of a change in the design, that would set us back quite a bit schedule-wise," Hoffman said. "As well as, the way the project is currently funded, we would fall short on funding, and so basically it would not make the project viable at this point in time."

"I think we've gone long enough, and I'm ready to move forward," said Supervisor Koran T. Saines (D-Sterling), recounting the many previous votes the Board of Supervisors has taken on the road. "And I know at the end of the day, just like most things, some people are going to be happy, there's are going to be some people who are not happy." But he and other supervisors agreed Rt. 15 is a dangerous today.

"So, I actually think that this road may be one of the more dangerous roads in all of Loudoun, not just in the Catocin District, because when you look at road accidents, this road doesn't have fender benders, it has deaths or serious injuries," said County Chair Phyllis J. Randall (D-At Large).

Work remains to be done; county staff members and contractors will now work on final design and construction documents, as well as continued studies such as on environmental impact and limestone geography. ■

Greenway-backed Tolls Bill Passes House of Delegates

BY RENSS GREENE
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A Dulles Greenway-backed bill on tolls has passed the House of Delegates, even as most of Loudoun's state delegation attempts to pass a different law designed to curb toll increases and close financing loopholes.

On Jan. 11, most of Loudoun's representatives in Richmond came together to push a bill that has many of the pieces toll opponents have been trying to get through the state capitol for years, along with some new provisions to stop the Greenway owners from refinancing its debt at the cost of toll payers. But that moment of unity did not last.

The next day, one of the legislators who took part in that meeting, Del. David A. Reid (D-32), joined by Del. Ibraheem S.

Samirah (D-86) and Richmond Del. Dolores L. McQuinn (D-70), filed a different bill: House Bill 2104, which would cut a new deal with the Greenway entirely and put it in the hands of the Virginia Department of Transportation negotiate and execute. Both the Northam administration and the Dulles Greenway's lobbyists have expressed support for the bill as it has advanced through committees.

Samirah has since said he intended to vote against the bill on the House floor.

That bill would abolish the current law governing the Greenway if the administration is able to strike a deal, putting it under a new framework. But Loudouners would have no say in that deal—and under the proposal, the Greenway, which is the county's second-largest real estate taxpayer, would be exempt from paying taxes.

In addition, according to County

Attorney Leo Rogers, there is no state money offered, leaving the county to pick up any costs of a new deal. Supervisors directed the county's lobbyists in Richmond to oppose the bill.

County Chair Phyllis J. Randall (D-At Large) said she believes the people pushing the bill "have good intentions and believe they're doing the right thing."

"It's a Loudoun County road, and so for us to have no say whatsoever is not something that I think we should sign onto right now, and from what we know, it's more of an agreement to agree versus actually giving us some facts of what's going to happen," Randall said.

The Greenway's support for the bill also raised red flags for Supervisor

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General Assembly

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landmark bills legalizing recreational marijuana use, abolishing the death penalty and requiring schools to reopen in the fall.

For Loudoun's Richmond delegation, too, 2021 stands to be a big year. For one thing, after decades of trying and getting stopped short, bills to fight toll increases on the Dulles Greenway have cruised through both chambers with overwhelming support.

"I think in the past, the Greenway and its operators have essentially divided the delegation, and confused people on some of the basic facts around this," said Del. Suhas Subramanyam (D-87), who along with other Loudoun representatives this year introduced a bill designed to curb toll increases and close financing loopholes.

"I think this year is different because the entire delegation is united, and because I think there's been enough education and enough awareness of what needs to get done," Subramanyam said. "[...] I think it was just a matter of in the past educating our general assembly colleagues, I think we did that with a lot of hard work and preparation this year."

That bill incorporates not only some of the main points pushed since it was first introduced years ago by then-Del. David I. Ramadan, Subramanyam's predecessor in the seat, but also addresses some of the issues pointed to by a State Corporation Commission hearing examiner in an ongoing application to increase tolls for the next five years.

"It wasn't a Republican solution or a Democratic solution, and this is the first time it's been a joint solution of the Richmond delegation and the local officials, so it's the first time we've all been on the same page—that's huge," said Sen. John J. Bell (D-13). "Second, we just got an examiner's report from the SCC on the rate case, and that really gave us all the specific recommendations we needed."

"We've tried to work with the representatives of the Greenway to try to get them to do something on their own, and we haven't had that success," said Sen. Jennifer B. Boysko (D-33). "I know that the Secretary of Transportation has been trying as well, and I think the thought behind it for us as legislators is, we've got to take action. No more waiting. We've tried in good faith to bring everybody to the table."

"I think a lot of it has to do with our wonderful Board of Supervisors, because they came together," said Del. Wendy W. Gooditis (D-10). "It was hard for us to be together in Richmond when our localities weren't getting together yet."

With hundreds of bills wending through

“Legislation on trying to put and keep Dominion in check, the Greenway bill—these are pocketbook issues, that people may not realize it, but what we’re doing this session is trying to put money back in their pockets with this legislation.”

— Del. Suhas Subramanyam (D-87)

the state legislature in the space of several weeks, many passed without grabbing headlines but will have real impacts on day-to-day living. For example, Subramanyam has signed on to several bills to increase oversight of Dominion Energy Virginia's prices and bookkeeping practices, intended to push power bills down.

The Dominion and Greenway bills, which have passed the House and are in the Senate, represent victories over what once were seen as unassailable lobbying forces in Richmond.

"I think you have to find friends, and then you have to talk to people who have been in the way before, and educate them on why this is so important," Subramanyam said of that success. "People don't realize that a lot of the reasons why big things have not gotten done Richmond is because of misconceptions that have been performed by the lobbyists representing those special interests, and so it was just a matter of educating my colleagues. You know, my colleagues in the General Assembly—we're not beholden some money, you know, a couple thousand dollars isn't going to buy anyone's vote, no matter what people think, but what will get their vote is when you make a really strong case for why something needs to get done."

Another bill, the Consumer Data Protection Act, would stand up some privacy protections around the data companies like Facebook or Google collect on people living in Virginia, including granting Virginians rights to access, correct, delete, and obtain a copy of their personal data and to opt out of the processing of their personal data for targeted advertising.

"My niche has been finding issues that other delegates aren't working on as much, and maybe the public isn't even aware of, and fighting for Virginians on that front," Subramanyam said. "Because there are a lot

of issues where, especially, monopolies or special interests have just completely controlled the General Assembly."

Gooditis, on the other hand, called herself the "emoter delegate," and tends to tie bills back to an experience from her own life to explain their importance.

"I'm definitely sort of emotion-based. My sense of wanting to care for the world is pretty overwhelming," Gooditis said. "So in terms of minimum wage, and benefits, and unions, the right to form unions—all of those things are, for me, a sense of caring for the people who, in many, many, many cases have not been as fortunate as I have."

That includes a bill this year that the Virginia Workers' Compensation Act would no longer exclude domestic service, after the experience of her own parents who died in May.

"The reason they died peacefully, at home, with no COVID, in a beautifully clean house with the most carefully prepared meals a person could have was because of domestic workers," Gooditis said. "We had wonderful home healthcare aids who took care of them as though they were their own parents."

But she recalled her father's stubborn refusal to use a cane or wheelchair, which meant those aids supporting him while he walked and took the occasional fall. One of those aids was a 72-year-old woman, she said, who was her house's only source of income.

"The thought of, if she had wrenched her back when my father pulled her down, and of her not having the right to worker's comp, it's actually ludicrous," Gooditis said. "Why on Earth would someone like that not deserve worker's comp? It's time."

And the sight of empty grocery store shelves early in the pandemic contributed to her support for bills to support small- and medium-sized agriculture businesses, such as a Local Food and Farming Infrastructure Grant Program with grants up to \$25,000, and a Virginia Agriculture Food Assistance Program for Virginia farmers and food producers to donate or sell their products to charitable food assistance organizations.

"I think that if COVID taught us anything, hopefully it taught us that supply chains are not that reliable," Gooditis said. "And if a lot of them are out of state or suppliers that aren't local, then when you do have a crisis, not only are we not supporting our local producers, but we're risking our own resources, our own supply chain."

Meanwhile in the Senate, Bell has proposed allowing localities to create tourism improvement districts, with fees charged to businesses and used to fund tourism promotions and capital improvements. The locality would be authorized to contract with a nonprofit—such as many visitor

bureaus, and in Loudoun's case likely Visit Loudoun—to administer that program. Another bill would allow restaurants and farm wineries to sell mixed drinks to go.

All of that, he said, is meant to help small businesses and the economy recover from the COVID-19 pandemic—with tourism and restaurants some of the hardest-hit.

"The most important thing coming into this session was, what can we do to help our economy return?" Bell said.

Boysko has introduced a bill revising how Commonwealth's Attorney Office staffing and pay levels are determined, and signed on to criminal justice reforms such as eliminating some mandatory minimum sentences and the death penalty. Many of those are meant to create a more flexible criminal justice system, support "diversion dockets" such as drug courts or mental health dockets, or better handle people with developmental or intellectual disabilities who have been charged with a crime.

"There are many examples, and I work closely with the ARC of Northern Virginia, and have sat down with families who have loved ones who got caught up in something that they really didn't understand what they were doing and their lives were completely ruined because of it," Boysko said. "So I think giving the judges—that's their job, they are the experts here—the opportunity to be able to listen and deliberate is what the system was intended to do."

She, too, said she has prioritized legislation to usher a recovery from the pandemic, such as expanding the number of people who can qualify to administer a vaccine.

Sometimes the less attention-grabbing bills, said some lawmakers, will have the biggest effect on day-to-day life for Virginians.

"Legislation on trying to put and keep Dominion in check, the Greenway bill—these are pocketbook issues, that people may not realize it, but what we're doing this session is trying to put money back in their pockets with this legislation," Subramanyam said. "So while guns and abortion may make the front page or marijuana may be a big issue, I think what's going to affect their everyday lives are those issues."

Gooditis pointed to raising the minimum wage, expanding workers' ability to unionize, and criminal justice reform bills, and said they will change life for people affected by system inequalities.

"I think it's time to try to undo some of the systemic racism, and so for me some of the criminal reform stuff including repeal of the death penalty, that goes a little way towards repealing some of those huge decades, centuries-long injustices," Gooditis said.

Track bills and legislators' votes on the General Assembly's Legislative Information System at lis.virginia.gov. ■

LoudounNow

FAMILY OWNED BUSINESSES
A SPECIAL FEATURE
SECTION INSIDE
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Renss Greene/Loudoun Now

Leesburg Mayor Kelly Burk and Business Development and Retention Manager Melanie Scoggins stand by the bar at Black Hoof Brewing Company, which was featured in an episode of Locally Leesburg.

Locally Leesburg Puts Focus on Town Businesses, Recovery

BY KARA C. RODRIGUEZ
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On any given weekday, one can find Leesburg's economic development and communications team taking to the streets of the county seat, putting a camera and mic in a local business owners' face to give them what many have lacked over the past turbulent year—a marketing spotlight.

In fact, help with marketing, advertising and promotion of a shop local campaign

was the second most common response of local businesses in a recent survey conducted by the town when asked how best the town could support them this year. The first request? More funding.

Economic Development Director Russell Seymour pointed to the town's recent round of funding grants to local businesses. A mere 72 hours passed from when the applications went live until all of the \$500,000 set aside by the Town Council had been spoken for. It was the third round of funding distributed by the town government

since the COVID-19 pandemic took hold last spring, although the first that used local funds, not federal CARES Act funding, to distribute to businesses.

"When a locality puts money, whether it's an incentive, a grant, or something along those lines, when you put it into the business community that's an investment—an investment that pays pretty good dividends," Seymour said. "What the town is

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Greenway Tolls Bill Passes; Reid Bill Dropped

BY RENSS GREENE
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After years battling the Dulles Greenway's powerful lobbying firm—and often some of Loudoun's own elected representatives—Loudoun's state legislators have pushed a bill to fight the Greenway's ever-increasing tolls through the General Assembly and sent it to the governor's desk.

The Virginia Senate on Tuesday voted 33-5 to pass Del. Suhas Subramanyam (D-87)'s House Bill 1832. Its companion bill, Sen. John J. Bell (D-13)'s Senate Bill 1259 had already passed in both chambers. And now that language goes to Governor Ralph Northam to be signed into law.

"I think many people in the delegation, including myself, had tried in good faith to find a solution that worked for everybody, including the Greenway, and we just found that that was never going to happen unless we pass legislation to protect Loudoun County commuters first," Subramanyam said. "The Greenway is still welcome to come to the table and present a proposal that works

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LET'S TALK!

Greenway tolls

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for everyday commuters and for their business.”

The Greenway is the only privately-owned highway in Virginia, and governed by a law that applies to no other road in the state. For roughly a decade it was governed by a temporary law that guaranteed annual toll increases, but limited them—a reaction to years of rapidly-escalating tolls.

That legislation expired last year, putting the Greenway back under the it was meant to replace. The Greenway’s owners immediately filed with the state requesting five more years of annual toll increases, increasing rates more quickly than they have in the past decade. The State Corporation Commission, which rules on those requests, has not yet announced a decision in that case, although a hearing examiner’s report questioning some of the Greenway’s arguments informed the language in the new bill, its authors say.

The real test for the proposed law, if it is signed, will be if the Greenway’s owners, Australian-based firm Atlas Arteria, continue to ask for higher tolls. Then, Loudoun County’s attorneys will try their luck fighting those tolls under the new law at the SCC.

This year’s bill has many elements of bills introduced and killed every year since 2015 by then-Del. David I. Ramadan, Subramanyam’s predecessor. Even after leaving office, Ramadan stayed involved, helping assemble the coalition of lawmakers that pushed the bill this year.

Ramadan recalled how over the years, he and others have worked on the issue through every avenue—legislation, seeking deals with the company, even a lawsuit.

“Their lawyers and their lobbyists played every game in the book,” Ramadan said. “And when all avenues were exhausted, and when everybody that over the years that had come into this circle of stakeholders got at one point or another disappointed by them, finally we were able to put together a coalition this year of current and former legislators, along with the county, in a bipartisan manner.”

The new bill, he said, for the first time gives the SCC parameters for ruling on the Greenway’s requests for higher tolls.

The bill seeks to create measurable standards for evaluating whether proposed toll increases would discourage use. Under the law governing the Greenway, toll increases should not discourage

its use. Many Loudouners already say they avoid Greenway tolls when they can.

It also seeks to close the financing loopholes that today mean that instead of paying off its debt the Greenway, which cost several hundred million dollars to build and was finished in 1995, now has around a billion dollars in outstanding debt. It would require that refinancing its debt be done only if necessary to operate, maintain, or expand the road and will not increase toll rates.

“None of that money has gone into maintenance or upgrades of the Dulles Greenway, has it?” said Franklin County Sen. William M. Stanley Jr. (R-20) in the Senate’s transportation committee Thursday, Feb. 18. “It’s just debt service they’ve piled onto it as a collateral asset.”

If the Greenway seeks to stay privately owned beyond 2056, it must make financial disclosures and have at least a BBB-bond rating from a major credit ratings agency, the lowest investment-grade rating. Currently none of the three major bond ratings agencies rate the Greenway that highly.

And the bill would also restrict the Greenway to applying for toll increases one year at a time, something Subramanyam highlighted in particular.

All that, said Loudoun Supervisor Matthew F. Letourneau (R-Dulles), another veteran of the Greenway tolls fight, means the county will have a better shot in the next tolls battle at the SCC.

“The most important thing to me is that the firm grip that the Greenway and their lobbyists had on the General Assembly has now really been broken,” Letourneau said. “There was just this firewall in place for all of this time that prevented any kind of legislation on this topic from moving forward. That has now been broken, I think that is something that the Greenway is going to have to consider, because that’s always kind of been their backstop.”

The only hurdle left will be if the governor decides to amend or veto the bill.

“I call on the governor to stand with the people on this and sign this Subra-

manyam and Bell bill as quickly as possible,” Ramadan said.

Greenway: Bill Will Increase Costs

Hunton Andrews Kurth lobbyist Myles Louria argued in the Senate transportation committee the bill would increase costs for everyone.

“What do yearly trips to the SCC for toll adjustments actually get you? Well, if you’re the SCC, it gets you a huge headache and a huge increase in the time and resources necessary to decide rate cases. If you’re the Greenway, it increases the costs associated with the SCC proceedings, which will unfortunately flow back to the toll road users in the form of increased tolls. And if you’re Loudoun County, it increases your costs associated with the SCC again,” Louria said.

The Greenway until last year went to the SCC for toll increases every year. The five years of percent increases the Greenway is seeking now are several times higher each year than the toll increases it sought when it was going to the SCC annually.

“It’s an equity issue. A lot of working families in my community and others in Loudoun County, they can’t afford to take the road, and it’s in many ways the only way to get to work every day,” Subramanyam told the committee. “They’re spending thousands of dollars. I know one person who said they spent \$1,000 a month on the road.”

The Greenway lobbyists’ influence—and other lawmakers’ level of awareness about Northern Virginia’s road network—was on display in committee discussion. Virginia Beach Sen. Bill DeSteph (R-8), who formerly lived in the region, suggested Rt. 28—which Subramanyam pointed out is mostly perpendicular to the Greenway—is a toll-free alternative route. He also suggested Loudoun County should buy the Greenway—“heck, I’m sure if you gave them a pretty decent return on investment, they’d be happy to sell it to you”—something the state has studied before, and found too expensive due to the

massive debt costs the Greenway has built.

While Loudoun County has invested hundreds of millions of dollars into building or expanding Greenway alternatives—roads that are then turned over to the state, with road networks nominally a state responsibility—Sen. Jennifer B. Boysko pointed out there are still difficulties avoiding the Greenway.

“I do live about a mile off of the toll road, and it can take me 20 minutes to get from the Town of Herndon to Leesburg if I take the Greenway. It will take me, if we have rush hour traffic, 45 minutes to an hour and a half, and I do have to go through neighborhoods to get into onto 28 and Rt. 7,” Boysko said.

Greenway-Backed Bill Dropped

A separate bill that was supported by the Greenway was left in committee Thursday, Feb. 18. House Bill 2104 was presented as a Northam administration bill, and would have sidelined the State Corporation Commission and county by giving the administration carte blanche to negotiate and execute a new deal with the Greenway directly. It would also have exempted the Greenway, the county’s second-largest real estate taxpayer, from paying taxes. The Loudoun Board of Supervisors has voted unanimously to oppose the bill.

Reid withdrew his support for the bill, although under questioning from committee members—“I’m being very serious, I’m looking for your preference on this,” said one member; “I’m to ask you straight out how you want me to go” said another—would not directly ask them to vote it down.

“I think at this point in the discussions with the administration that it is probably not the Board of Supervisor’s desire that this bill go forward, and so therefore I am respectful of that,” Reid said.

The committee voted to let the bill die in committee for the year 9-6. ■



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Supervisors Get New Proposal for Aldie Tavern

BY RENSS GREENE
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With a new proposal in hand to purchase the Aldie Tavern, county supervisors have stepped back from a previous plan meant to save both that historic structure and protect the village of St. Louis from a planned development, but which saw increasing opposition.

In exchange for the 16-acre St. Louis property, where developer MOJAX LLC had planned a 30-home subdivision, supervisors proposed handing over the county-owned Aldie Tavern property, \$1.5 million, and \$600,000 in escrow for matching funds to work on the tavern building and install an access road to a private park behind it. That park is also owned by one of the developers behind MOJAX, Jack Andrews. That deal was meant to forestall the development near St. Louis and provide a path to restoring the Aldie Tavern and surrounding buildings, county-owned properties also known as the Aldie Assemblage.

But that proposal faced mounting opposition from conservation organizations, people living in Aldie, and from the county supervisor who first pushed it, Supervisor Tony R. Buffington (R-Blue Ridge). Meanwhile, the Aldie property sat empty, deteriorating with the passing seasons, while the asking price for the St. Louis land continued to balloon—as of a county staff report April 20, at least \$2.7 million and possibly more.

Instead, a new proposal from Aldie resident Guy Gerachis, a member of the Aldie Heritage Association, has won support from conservation organizations, some supervisors and the Coalition of Loudoun Towns, a group of the county's seven town mayors.

"We feel this offer proposes a use and community vision for the property which the Board should accept," reads an April

15 letter from the coalition to the county board. "It uniquely offers a path to revitalize the area in a way that protects and honors the history of Aldie. It also creates an open and welcoming environment for visitors to enjoy the small village in the way it was meant to be, and which Loudoun is known for."

"His offer is a community-driven offer that evolved in response to calls for the Aldie community provide a solution for the best, appropriate use of the Aldie Assemblage properties," said Virginia Piedmont Heritage Area Chairman Dulany Morrison. "Mr. Gerachis' offer provides the county with a straightforward cash exchange that would swiftly rid the county of any further drain on county resources related to these parcels. The Virginia Piedmont Heritage area and the Aldie community have full confidence that his plan would bring appropriate, new life to Aldie at a scale that would be consistent with the historic fabric of the village."

According to his proposal to the county, Gerachis' work has been seen in Loudoun before. After leaving a job as vice president of construction for Van Metre Companies, he founded Gerachis Construction Group in 2003 and has finished projects including the pavilion at the Pink Box in Middleburg and the barrel room at Hillsboro's Breaux Vineyards.

At the Aldie Assemblage, Gerachis wrote he would restore the Aldie Tavern and nearby Satterfield Cottage as homes, and refurbish the 19th century "Cellar House." Other buildings in the assemblage would be renovated for retail space and possibly another residence. There are no new buildings proposed. His offering price has not been disclosed.

Supervisors voted 9-0 to put the Aldie property up for sale, and to consider Gerachis' offer and any that may be submitted during a closed session in June, following

state-designated processes for selling publicly-owned land.

But with the old swap off the table, MOJAX still holds the land near St. Louis and the people in the village are still worried about the impacts of the planned development, including the construction of new wells.

That includes people like Sharon Peterson, whose family, she said, has been in St. Louis for centuries. Today, she said, she is a retired widow on a budget, who can't afford to drill a new well if too many houses are built nearby and hers well runs dry.

"The water smells now, and I don't want the day to come when I turn on the faucet and nothing comes out," Peterson told supervisors at their April 20 meeting. "St. Louis has had to fight, and we have gotten where I am asking that you do for us what we have done for the rest of the county: protect us from the development. Protect us from MOJAX. We thought everything was going to be taken care of, and now that is not so."

Sean Clancy called for immediate, "emergency" zoning changes near St. Louis.

"This is simply to right a wrong, to follow the 2019 Comprehensive Plan," Clancy said. "This village cannot handle this type of development."

Supervisors hinted they have plans in mind for St. Louis, but have not said what those are.

Loudoun County acquired the Aldie Tavern when it was the third property supervisors purchased as a site for the new Aldie fire station. It was also the third site where, after negotiating a property purchase behind closed doors, the county was chased off of those plans for a fire station by community opposition. The new Aldie fire station finally found a home on a fourth site at Gilbert's Corner, the intersection of Rt. 15 and Rt. 50. ■

Northam Signs Greenway Bill

Gov. Ralph Northam has signed into law legislation designed to curb toll increases on the Dulles Greenway.

The bill, introduced by Del. Suhas Subramanyam (D-87) and Sen. John J. Bell (D-13), has many elements of bills introduced and killed every year since 2015 by then-Del. David I. Ramadan, Subramanyam's predecessor. It gives the State Corporation Commission more clearly defined parameters for ruling on the Greenway's requests for higher tolls.

Under the law governing the Greenway, toll increases should not discourage use of the highway. The new law seeks to create measurable standards for evaluating whether proposed toll increases would discourage motorists from taking the road. It also would allow debt refinancing only if it when necessary to operate, maintain, or expand the road and would not increase toll rates—a measure seeking to close a loophole that allowed the Greenway to amass around a billion dollars in outstanding debt and count that against its profitability.

If the Greenway seeks to stay privately owned beyond 2056, it must make financial disclosures and have at least a BBB- bond rating from a major credit ratings agency, the lowest investment-grade rating. Currently none of the three major bond ratings agencies rate the Greenway that highly.

And the bill would also limit the Greenway to apply for toll increases one year at a time. The SCC is currently deliberating a request from the Greenway, filed before the law, that would see five years of toll increases. ■

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Loudoun Officials Praise New Greenway Tolls Law

BY RENSS GREENE
rgreene@loudounnow.com

Loudoun County leaders have praised a new law designed to curb toll increases, introduced in the General Assembly this year by Del. Suhas Subramanyam (D-87) and Sen. John J. Bell (D-13) and which Gov. Ralph Northam signed into law on March 25.

After news that Northam had signed the bill, Loudoun County sent out reactions from state and county officials through the government's official channels.

"This legislation will have a meaningful impact on the people of Loudoun County," stated County Chair Phyllis J. Randall (D-At Large). "This has been about equity and quality of life for our residents, who may now finally be able to afford to pay to use the Greenway, which will help them spend less time in their cars commuting to and from work and more time with their families."

The new law seeks to create measurable standards for evaluating whether proposed toll increases would discourage motorists from taking the road, which is not permitted. It also would allow debt refinancing only when necessary to operate, maintain, or expand the road and would not increase toll rates, seeking to close a loophole that allowed the Greenway to amass around a billion dollars in outstanding debt and count that against its profitability when applying for toll in-

creases.

If the Greenway seeks to stay privately owned beyond 2056, when it is set to become public property, it must make new financial disclosures and have at least a BBB- bond rating from a major credit ratings agency, the lowest investment-grade rating. Currently, none of the three major bond ratings agencies rate the Greenway that highly.

And the bill would also limit the Greenway to apply for toll increases one year at a time. The SCC is currently deliberating a request from the Greenway, filed before the law, that would see five years of toll increases. Loudoun County government has unsuccessfully fought against toll increases at the SCC before; this time, the SCC still has not issued a decision, more than five months after the last arguments.

"This bipartisan effort by the Loudoun elected officials and Loudoun residents is a big step forward for commuters," stated Subramanyam. "We will finally be able to prevent multi-year guaranteed toll increases and allow for real oversight and accountability when it comes to price increases. Toll operators will need to have a good reason to increase tolls and poor financials will not be enough to justify them. This is a huge win."

"We have been working on this issue for a long time, and with strong bipartisan support from the Loudoun Delegation and the Loudoun County Board of Supervisors, we were able to deliver a

solution to stop excessive and unfair toll increases," stated Bell. "This is a huge win for Loudoun County, and will bring much needed relief to our residents and commuters."

The law also allows the Virginia Department of Transportation to independently review all traffic-related analyses submitted by the Greenway operator to argue for higher tolls.

"This new law will be an important tool to ensure a level playing field and ap-

ply common-sense logic to Greenway toll rate cases," stated Supervisor Matthew F. Letourneau (R-Dulles). "This legislation literally took years of effort, but our determination to provide some relief to our citizens has finally prevailed."

"The legislation signed by Northam provides objective criteria for any future toll increases on the Greenway, which will better protect the interests of the citizens of Loudoun County," stated County Attorney Leo Rogers.

The new legislation takes effect on July 1, 2021, but does not apply to the rate case the SCC is currently deciding. ■

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County Schedules Free COVID-19 Testing Through May

Loudoun County continues to hold free, drive-through COVID-19 testing events, with more scheduled through the month of May.

The events are scheduled for Tuesdays from 10 a.m. to 1 p.m., at the following locations:

April 27: Ray Muth Sr. Memorial Park, 20971 Marblehead Drive, Ashburn

May: 4: Franklin Park, 17501 Franklin Park Drive, Purcellville

May 11: Philip A. Bolen Memorial Park, 42405 Claudia Drive, Leesburg

May 18: Cascades Library, 21030 Whitfield Place, Potomac Falls

May 25: Dulles South Recreation & Community Center, 24950 Riding

Center Drive, South Riding

The testing events are free and open to everyone, with no age or residency requirements and no prescriptions or appointments necessary. A person does not have to exhibit symptoms of COVID-19 to be tested. A PCR test will be administered with a nasal swab. No antibody or rapid tests will be offered, no COVID-19 vaccine will be available at these events.

The county encourages people who plan to attend to complete a registration form in advance to help reduce wait times. The form is available in English and Spanish at loudoun.gov/COVID19testing. Forms will also be available at the events. ■

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Renss Greene/Loudoun Now

Old Glory DC, the newest pro sports team to Loudoun, plays their first-ever home game at Segra Field, a come-from-behind victory over Rugby ATL.

SCC Rejects Greenway Toll Increases

BY RENSS GREENE

rgreene@loudounnow.com

The State Corporation Commission on April 26 handed Loudoun commuters a rare victory over the Dulles Greenway, denying most of the requests for toll increases over the next five years.

The Dulles Greenway's operators, Toll Road Investors Partnership II, which is owned by an Australian company, had asked to raise both peak and off-peak tolls every year for the next five years. The decision from the SCC, issued more than five months after the final arguments in the case, mostly knocked that down: instead, the SCC approved only off-peak toll increases in 2021 and 2022.

That will mean a 5.3% increase in off-peak tolls this year to \$5, and another 5% increase next year to \$5.25. It also means that this year, for the first time in years, there will be no peak-hour toll increase on the Greenway, currently \$5.80, unless the Greenway files and wins approval for another request.

"The SCC's decision represents the most significant victory in opposition to TRIP II's continued toll increases—ever," stated Supervisor Matthew F. Letourneau (R-Dulles).

GREENWAY TOLLS

continues on page 35

Springtime at Segra

Loudoun's Pro Sports Teams Return to the Field

BY RENSS GREENE

rgreene@loudounnow.com

In 2019, Loudoun United opened the gates at the county's first professional sports venue: Segra Field, just outside of Leesburg at Philip A. Bolen Memorial Park.

Including the stadium, practice fields, team headquarters and training facilities, it was the product of secret negotiations

with county officials, tens of millions of dollars of financing both public and private, and plenty of hype—and Loudoun United kicked off its inaugural season in front of a sold-out crowd.

But only a few months after the team's first season wrapped up in October 2019, the COVID-19 pandemic hit, scrambling the league schedule and closing sporting venues across the country to the public.

That was hugely disruptive to the deal

at Segra, where the team was expected to pay back more than a half-million dollars in 2020. The county ultimately plans to be paid back all the money it put up in financing—as well as owning the stadium. But with fans locked out of the stadium, county supervisors voted to defer \$621,233 in rent, spreading that payment

SPRINGTIME AT SEGRA

continues on page 34

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Greenway tolls

continued from page 1

“The County mounted a serious, well-reasoned legal effort to prevent these large toll increases, and I appreciate the work of our County Attorney and the entire team. I’m also thankful to our many citizens who participated in this process and allowed the SCC to hear firsthand just how impactful continued large toll increases are to them, their families and their businesses. There’s no doubt that our challenges with high toll rates are not over, but this decision is a step in the right direction.”

“We are pleased with this decision by the SCC, since a toll rate increase of this magnitude would have put a heavy economic burden on Loudoun County motorists,” stated County Chair Phyllis J. Randall (D-At Large). “The proposed toll increase would have had a disproportionate effect on small businesses and lower income citizens, many of whom cannot afford to use the Greenway at the current toll rates.”

Toll hikes on the Greenway each year were routine for years under a state law all but guaranteeing them. That law expired in 2020, giving Greenway toll opponents some hope that for the first time they could successfully push back on those increases. But at the same time, the Greenway’s owners filed for five years of annual toll increases as soon as the old law expired.

They ranged from a 5% increase on off-peak traffic for 2022 to a 6.8% increase on peak-hour traffic in 2025. If approved in full, tolls would have been at \$6.15 per one-way trip in off-peak hours, and \$7.90 in peak hours by 2025.

Loudouners made their feelings known on that idea, swamping the SCC with incredulous and outraged comments during the public comment phase of that case. Some questioned how the Greenway, which was built 25 years ago for hundreds of millions, today carries debt of close to a \$1 billion. Others said they are already avoiding the road because of the tolls—referencing a law that toll increases on the Greenway should not discourage its use.

Then in 2021, Loudoun’s delegation in Richmond got together behind a bill intended to give the state stronger oversight over those toll increases. It was the latest version of a bill introduced and killed in the General Assembly for years, but this time passed and signed into law.

The current and former state legislators behind that bill cheered the news in a joint press release.

“This decision is one of the biggest victories we have achieved in our fight against high tolls on the Dulles Greenway,” stated Sen. John J. Bell (D-13), who introduced a Senate version of that bill. “Toll increases

on the Greenway have gone unchecked for too long, but it stops today. I’m proud to have carried this bill that puts the needs of Loudoun County commuters over Greenway profit margins. This is a bipartisan win, and I’m grateful to all of the Loudoun officials who supported us in getting here today.”

“My goal has always been no more toll increases. Laws passed years ago allowed these increases, which is why we fought successfully to change this moving forward by preventing multi-year toll increases and making it harder to justify any increases. This ruling was a great outcome given the current law, but with my bill we can protect commuters even more moving forward,” stated Del. Suhas Subramanyam (D-87), who introduced the bill in the House of Delegates.

“Loudoun County deserves credit for marshaling resources to fight this round of Greenway’s toll increases,” stated former delegate David Ramadan, Subramanyam’s predecessor, and who introduced the first version of the bill in 2015. “The County’s legal experts and analysis were successful in demonstrating that the majority of toll increases weren’t warranted. In the future, the new legislation passed earlier this year by Senator John Bell and Delegate Suhas Subramanyam will impose a higher burden on Greenway operators which will improve protections for commuters even further. I appreciate their bipartisan work and thank them for carrying on this fight which I started eight years ago.”

The new law seeks to create measurable standards to determine whether toll increases would discourage motorists from taking the road. It also would allow debt refinancing only when necessary to operate, maintain, or expand the road and would not increase toll rates—seeking to close the loophole that allowed the Greenway to amass around a billion dollars in outstanding debt and count that against its profitability.

If the Greenway seeks to stay privately owned beyond 2056, when it is set to become public property, it must make new financial disclosures and have at least a BBB- bond rating from a major credit ratings agency, the lowest investment-grade rating. Currently, none of the three major bond ratings agencies rate the Greenway that highly.

And the bill also limits the Greenway to apply for toll increases one year at a time in the future.

The SCC ruling this week, which was filed in 2020, was not governed by the new law. ■

Pivoting

continued from page 3

signed on with a better, and more expensive, marketing team. She happily reported the fourth quarter of 2020 was her best ever.

Tony Stafford of Ford’s Fish Shack said he was faced with the unfortunate reality of having to furlough 180 employees last spring, when the restaurant industry was among the hardest hit in the early days of the pandemic. He, like other business owners, started new initiatives, like offering takeout and family meals. Perhaps his most successful venture was being very engaged with Ford’s social media presence, posting regular updates and telling their story. He said that struck a chord with his followers, and it’s now become part of his regular routine.

Like Woods, he said it was important for his business to not skimp on the quality customers have come to expect, even if it would cut costs.

“You stay strong with your brand, stay strong with what’s gotten you where you’re at. You don’t lose that,” he said. “We sell an 8 ounce chicken breast on our sandwich. I could’ve gone to a 6 ounce, or a different brand. You don’t lose sight of what got you where you’re at, as much as you want to be

scared and pull your head back like a turtle.”

For Justin Dobson of Comfenergy, his rapidly growing business and workforce also came to a grinding halt last spring. Fortunately, in just the previous fall, his business had begun to offer new services that deemed Comfenergy an essential business when quarantine began. He increased his marketing budget, and the company also offered fogging and disinfecting services, which became popular as the pandemic set in.

Mother Nature also threw them a bone. “It got to be 95 degrees for 20 days straight and then it rained for a month. We fix hot houses and we fix wet basements, so the challenge [was] we got too much work and not enough people. [The extra marketing money] paid off,” he said.

All three panelists encouraged conference attendees to stay true to their brand, and never quit, even in the face of extreme adversity. It’s a challenge all small business owners face, even in non-pandemic years, they agreed.

“That feeling, I’m not sure it ever goes away,” Woods said. As a small business owner, “you’re always learning to overcome, adapt, take risks. Sometimes it’s mentally exhausting. Our industries are different but in that way we’re all the same.” ■

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Supervisors Eye \$80M Year-End Budget Surplus

BY RENSS GREENE
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Supervisors on the county finance committee have voted on how the county should use the \$80 million in the county's year-end balance sheet, including some projects such as renaming Route 50 and Route 7, the Conservation Easement Assistance Program, the Unmet House Needs Strategic Plan, and a Child Protective Services program in crisis.

Under the recommendation of the finance committee, most of the money will roll into the next fiscal year as is normal practice, with \$40 million going to bolster the next budget and \$15 million going into the county's 10% fiscal reserve.

Another \$5.4 million would go into the Unmet Housing Needs Strategic Plan, with \$5 million going to establish a short-term revolving loan for nonprofit affordable housing developers who are seeking

to purchase and preserve existing affordable housing—the county's existing Affordable Multi-Family Home Loan Program is meant for new construction. The other \$400,000 would toward consulting fees and new hires to get started on the plan's 76 near-term goals.

Three hundred and ninety thousand dollars would go to Child Protective Services, adding seven more positions to an office in crisis with half of its 12 positions empty. Another \$250,000 would go to the Youth Crisis Stabilization Center.

"This is an area that's very concerning, and I think within reason most of us would say, whatever money we need to spend, let's spend to fix it, because the idea of children being at risk is something I don't think any of us can live with," said finance committee Chairman Matthew F. Letourneau (R-Dulles).

Nine hundred and seventy five thousand dollars will go toward staffing the Lovettsville District Park, and another

\$15,000 will go to bolster the Conservation Easement Assistance Program, helping landowners defray the cost of protecting their land from development by putting it under conservation easement. \$650,000 would go to cover the estimated cost of replacing signs on Route 50 and Route 7, which the county has recently asked the state to rename. \$75,000 will go to hire a facilitator to gather guided input from the public on the Path to Freedom project at the Loudoun courthouse.

Nearly \$16 million will go to a contingency fund for county construction projects. With supply chain issues causing construction costs to grow even more quickly in the region's already-hot market, Letourneau also wondered if the contingency fund is large enough—supervisors have been forced before to add funding to projects that cost more than anticipated as county staff members have worked to create accurate cost projections.

"We've made a lot of improvements

to our cost estimating methodology, so we've been able to use the contingency funding a lot less in the past two years," said Finance and Budget Assistant Director Megan Bourke. "However as everyone is well aware, there is a supply chain issue and we are starting to see some changes in our construction bids that are coming in."

Transportation and Capital Infrastructure Director Joe Kroboth said supervisors have cause to be concerned, and that he would keep them updated.

"For about 18-24 months, we have been bringing almost all of our projects—the bid prices—in below our estimates and the budget, but the past three projects that we have open bid, as last as this afternoon, the bids are coming in significantly higher than the budget," Kroboth said.

Supervisors voted to recommend that spending plan to the full Board of Supervisors 3-0-2, with Supervisors Koran T. Saines (D-Sterling) and Caleb E. Kershner (R-Catoctin) absent. ■

Reid, Boysko Resurrect Greenway-Backed Tolls Bill

BY RENSS GREENE
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Del. David A. Reid (D-32) and Sen. Jennifer B. Boysko (D-33) have announced they plan next year to file a bill in the General Assembly governing Dulles Greenway tolls. The bill is similar to one filed in 2021 with support from the Greenway, but which was defeated in the face of opposition from other Loudoun state and local lawmakers.

Reid introduced a similar bill during the 2021 session while the rest of the Loudoun delegation to the General Assembly was working to pass a different bill, carried by Del. Suhas Subramanyam (D-87) and Sen. John J. Bell (D-13), strengthening the State Corporation's Commission oversight of the Greenway's tolls. The Subramanyam-Bell bill ultimately passed, building on a decade of effort by lawmakers in both parties from Loudoun—and was followed by the SCC's first decision to deny toll increases on the Greenway, following arguments also based on those years of experience.

Reid and Boysko's bill would take reg-

ulation of the Greenway's tolls out from under the oversight of the State Corporation Commission and instead allow the state Commissioner of Highways to negotiate a new deal. That deal would not be subject to approval by the General Assembly or oversight by the Loudoun Board of Supervisors; the state would "solicit input from the impacted jurisdictions" and hold two public hearings prior to negotiating a deal, and publish and solicit feedback on the terms of that deal before the commissioner negotiates and signs a new comprehensive agreement.

Loudoun supervisors and the Loudoun County Attorney would be permitted to receive information about the Greenway's secretive finances, but the new bill also adds passages further hiding that information from the public. The bill includes new language not only ordering the state and local officials involved to sign a non-disclosure agreement about the Greenway's finances before entering negotiations, but also creating a new Freedom of Information Act exemption specifically for that information.

If the Commissioner of Highways were

to negotiate a new deal, it would govern the Greenway under the Public Private Transportation Act, exempting the owners from paying real estate taxes. According to the most recent county annual financial report, the Greenway is the fifth-largest real estate taxpayer in Loudoun, with land assessed at more than \$331 million in Fiscal Year 2021. At the current tax rate of \$0.98 per \$100, that makes it worth more than \$3.2 million to county taxpayers.

In a document promoting the bill, Reid and Boysko stated it would lead to distance-based tolls, and that according to analysis by the Northam administration, it could result in a 50% reduction in tolls. Although the Commissioner of Highways is directed to consider those issues in evaluating whether to negotiate a new deal, none of that is required in the draft language of the bill.

"This legislative initiative exceeds the goals of the Loudoun Board of Supervisors 2022 Policy Statement on the Dulles Greenway, because the Board has publicly stated that it is '... seeking requirements to deploy distance-based and time-based tolling that materially bene-

fits users both peak and off peak....' This legislation seeks to both reduce tolls and implement distance-based pricing," the document reads.

Some of the veterans of the long battle to rein in toll increases warned against the bill.

"What this bill does is it takes the SCC away from this picture, puts the road under a different agency, and authorizes the state government ... to pay for the Greenway or part of the Greenway and make a deal without going back to the General Assembly, nor does it require approval of Loudoun County," said David Ramadan, a former state delegate who years ago introduced the first version of the Greenway legislation that passed in 2021. "This is definitely a negation of a decade-old effort, and as we read in the media so far, it is a welcome move by the operators of the Greenway, which definitely means it's not in the best interest of Loudoun and its citizens."

Subramanyam, who now holds Ramadan's former seat in the House of

GREENWAY BILL continues on page 5

County's Bles Park Expansion Plans Raise Ecological Concerns

BY RENSS GREENE
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The county government's plans to add new recreation facilities at Bles Park has conservationists and some planners worried it will make one of the biggest green spaces in eastern Loudoun less green.

The 132-acre park follows the Broad Run almost to Rt. 7, widening at the mouth of the stream at the Potomac River and hosting four soccer fields along with the wetlands, trails and playground. The county now has plans expand the park and its amenities with more playgrounds, skate spots, a canoe and kayak launch, tennis and pickleball courts, additional parking, and a boardwalk through a wetland.

The Planning Commission has already recommended denial of those plans, finding they are against the county's 2019 comprehensive plan and would destroy the habitats for rare and sensitive plant and animal species found in the park. The commission also took the unusual further step of voting the recommend that the Board of Supervisors work to develop in-house expertise on wildlife biology, natural ecosystems, and native plant and animal communities, and to look into alternatives for the plans for parking and other facilities.

The commission's denial voted 5-2-2, with Commissioners Mark Miller (Catocin) and Jeff Salmon (Dull-

es) opposed, and Commissioners Ad Barnes (Leesburg) and Roger Vance (Blue Ridge) absent.

The concerns were raised by conservationists at public hearings at both the Planning Commission and the Board of Supervisors level. The Loudoun Wildlife Foundation has called for changes such as eliminating the proposed boardwalk, preventing vehicular traffic along the edge of the wetlands expected to serve the canoe launch, removal of a lawn area, and a reduction the number of parking spaces.

However, some supervisors are defending the proposal, including district Supervisor Juli E. Briskman (D-Algonkian), who published a statement indicating she supports the plans. She cited reductions to the original plan, such as removing a parks and recreation maintenance facility out of the park, removing five proposed pavilions and reducing the amount of parking and lawn area.

"This may sound like a lot, but the increased structures in the flood plain amount to 0.89 acres. This is not development in the traditional sense, and it is not an expansion. Those terms are misleading to describe the project," Briskman stated. "The Algonkian community has been asking for a dog park and more pickleball courts for years and I am proud that we are finally building them."

Supervisors will vote on the plans at their Jan. 18 meeting. ■

Greenway bill

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Delegates, said he would keep an open mind—he said he hasn't heard from Reid or Boysko—but was also skeptical.

"A lot of the things about lowering tolls sound good, and it's all things I want, and I totally support, but last year, the bill didn't have language that would allow the General Assembly or Loudoun County to approve of any such deal, and without that you could end up with a really bad deal," Subramanyam said.

He also said he wants to wait to see how the bill that passed last year plays out.

"Part of, I think, what will happen long-

term is we can get to some of these goals like lowering tolls and distance-based tolling, but in order to do that I think we have to make sure that any sort of leverage we have is not conceded in the process," Subramanyam said.

The Dulles Greenway is owned by Australian multinational firm Atlas Arteria. A 2020 VDOT study reported that in 2018, the road saw 18.3 million tolls paid generating \$90.4 million in revenue. It also found it would not be feasible for the state to buy the road as, during multiple rounds of refinancing, it has accrued about a billion dollars in debt, which would cost as much as \$1.9 billion to retire early.

Reid and Boysko agreed to interviews after press time. ■

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