

VA: Companies tasked with I-95 Express Lanes are big-time campaign donors

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ALEXANDRIA — The two companies tasked with building and managing Virginia's heralded public-private transportation projects, Transurban USA Inc. and Fluor Corp., are cozy with state politicians on both sides of the aisle.

Together, they have contributed roughly \$800,000 to Virginia campaigns and committees during the past decade — not to mention personal gifts, like expensive dinners for state legislators.

Transurban USA, the U.S. subsidiary of Australia-based toll road developer Transurban Group, is constructing the I-95 Express Lanes in Northern Virginia. It also built the Pocahontas Parkway in southern Virginia and the I-495 Express Lanes in Northern Virginia.

For the I-95 Express Lanes venture, Transurban and Fluor are dubbed 95 Express Lanes LLC. The joint venture is financing all but \$71 million — the state's portion — of the roughly \$1 billion project, mostly through loans. In turn, the private partners will collect tolls, which will vary depending on vehicle size and time of day. The 29-miles of high occupancy toll lanes both ways will stretch from Stafford County in the south to I-395 in the north by 2015.

Transurban has donated at least \$200,000 since 2005, according to the Virginia Public Access Project's campaign finance portal. More than \$90,000 of those contributions was made since 2011.

Since 2005, the top recipients were Dominion Leadership Trust, a PAC founded by House of Delegates Speaker William Howell, R-Fredericksburg, receiving \$26,500; the Republican Party-Virginia House Campaign Committee with \$25,000; and the Democratic Party-Commonwealth Victory Fund, \$19,000.

But Transurban's contributions pale compared with Fluor's nearly \$600,000 in political campaigns and committees between 2001 and 2012, according to VPAP records. The top recipients were the Democratic Party- Commonwealth Victory Fund receiving \$66,500, followed by the Republican Party-Virginia House Campaign Committee, \$55,000.

Fluor, the Texas-based engineering and construction firm responsible for 10 percent of the road work on the I-95 Express Lanes project, did not return calls for comment.

Since 2005, Transurban has supported both sides of the aisle, but Republicans walked away with the lion share of 62 percent in contributions, according to VPAP. Recipients range from Tim Kaine for governor to John Cook for Fairfax County Board of Supervisors.

Transurban's giving records also reveal personal perks for legislators, like \$40 to \$150 dinners for state Delegates Barbara Comstock, R-McLean; David Bulova, D-Fairfax; Rich Anderson, R-Woodbridge; and Howell — all in regions affected by the I-95 and I-495 express lanes.

Transurban spokeswoman Jennifer Aument, a registered lobbyist, according to VPAP and opensecrets.org, a nonprofit resource for federal campaign contributions, did not return calls for comment.

In 2008, Transurban USA admitted to making more than \$180,000 in illegal campaign contributions to Virginia officials between 2005 and 2008.

The contributions were illegal, because Transurban USA's Australian parent company was involved, violating federal elections laws that prohibit foreign company participation in federal, state or local campaign donations. Contributions by a U.S. subsidiary are generally permitted without the involvement of a parent company, according to the Federal Election Commission, but the subsidiary must foot the bill.

Transurban made the contributions on faulty advice from government relations firm Vector Corp., according to FEC documents. Transurban leaders initiated an internal investigation and, taking advantage of FEC's voluntary disclosure program, paid \$33,000 in fines, according to FEC records.

Most state lawmakers — who said they were unaware of the violation — returned the funds to Transurban.

Transurban, in its 2009 sustainability report, said it “did not make any political donations in the U.S.” in fiscal 2009, a statement that campaign finance documents support. But, in 2010, the donations surged again.

Stephen Spaulding, staff counsel for Common Cause, a nonprofit, nonpartisan lobbying group for a more transparent government, said the 2010 U.S. Supreme Court decision in *Citizens United v. Federal Election Commission* made the laws regarding U.S. subsidiary contributions murkier, “opening the door” for potential violations.

Tim Lee, an adjunct scholar at the libertarian-leaning Cato Institute, told Virginia Watchdog that lobbying often restricts the free-market argument pushed by proponents of public-private partnerships.

“Sometimes, you have lobbying to actually restrict competition,” Lee said.

Transurban and Fluor had one major competitor in the bidding process over the I-95 Express Lanes — partners Clark Construction Group LLC, and Shirley Contracting Co. LLC. The Clark-Shirley team was the first to introduce a high occupancy toll lane proposal in 2003. Fluor-Transurban followed.

Combined, the Clark-Shirley team contributed just a few thousand dollars to Virginia groups in recent years. Shirley Contracting donated roughly \$5,000 to the Virginia Transportation Construction Alliance, a state association that advocates for the

transportation construction industry, between 2008 and 2011, according to VPAP records. Since 1999, Clark Construction has donated \$500 each to a county supervisor campaign and the Commercial Development PAC.

Fluor-Transurban's and Clark-Shirley's proposals were approved by an initial review committee, then by the governor-appointed members of the Commonwealth Transportation Board.

In November 2005, a panel of experts selected Fluor-Transurban.

Citizen information meetings followed, and the final agreement was signed in July of this year.

The Virginia Department of Transportation did not return calls for comment.