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ANNUAL REPORT ON THE ENVIRONMENT

**CHAPTER IX**

**NOISE, LIGHT  
POLLUTION AND  
VISUAL BLIGHT**

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# IX-1. NOISE

## A. OVERVIEW

Noise is a byproduct of our everyday lives, and noise that one group finds tolerable may be considered noise pollution to another. To some, sounds coming from an airport are the sounds of the economy working and growing, while others feel that this noise deprives them of their privacy and quiet.

Recent studies suggest a growing intolerance among residents and communities for noise associated with airports, traffic, construction and athletic events, etc. The impacts of noise on a community include:

- Diminished privacy and quiet at home or at an outdoor recreation event, vacation or rest site (private cabin at the lake, river or beach).
- Interrupted sleep.
- Interrupted entertainment and conversation.
- Interruptions at work or school.
- Property damage such as broken windows.

Any regulation of noise pollution must be based on scientific findings and not solely on human perception. Noise is measured by scientific instruments that receive the sound and determine its location and intensity as it radiates from the source. The resulting intensity levels and locations allow for noise levels to be regulated when society calls for abatement. For an explanation of how sound is measured and perceived, see the county Web site at <http://www.fairfaxcounty.gov/dpz/environment/noise/>.

In response to an EQAC recommendation for the development and distribution of educational materials to the public regarding noise issues, county staff has established a Web site containing information and links addressing noise issues. The site is available at <http://www.fairfaxcounty.gov/dpz/environment/noise/>.

In the next sections of this report some key noise pollution concerns will be addressed, followed by recommendations to alleviate their impacts.

## **B. AIRPORT NOISE**

### **1. Operations and Associated Noise Impacts at Ronald Reagan Washington National Airport and Washington Dulles International Airport**

Fairfax County is served by Ronald Reagan Washington National Airport (Reagan National) and Washington Dulles International Airport (Dulles). Reagan National and Dulles are vital to the region's overall economy, connecting the Washington area with 140 domestic and international destinations. At Reagan National, most flights are short to mid-range jet aircraft flights operated by major airlines, but at Dulles, all types and sizes of aircraft are found. On a typical day, about 4,000 airplanes will fly in the skies over the Washington region. Most of these flights are to and from Reagan National, Dulles, Baltimore-Washington International Airport or Andrews Air Force Base. Many additional flight operations also occur at the many general aviation airfields in the region. In addition, it is EQAC's perception that low-flying helicopter traffic has markedly increased over Fairfax County's residential neighborhoods in the last several years.

According to the Metropolitan Washington Airport Authority's Web site, in 2008, 41.9 million passengers traveled through Reagan National and Dulles Airport on roughly 640,000 flights. This represented a drop in the number of passengers of 3.5% from the previous year at Reagan National, with only a 1% drop in the number of flights. At Dulles, the number of passengers also dropped 3.5% from the previous year, but the number of flights dropped almost 6%. This is the first significant decrease in traffic since the terrorist attacks in 2001 and is largely due to the combination of record high fuel prices and the overall downturn in the economy.

The number of daily operations at Dulles varies significantly, with weekday operations typically exceeding weekend day operations by several hundred flights. Most flights operate between 7:00 A.M. and 10:00 P.M., with many flights in some hours and a relatively small number in other hours. Peaks are typically at 7 A.M., 12 P.M., 5 P.M. and 8 P.M., with low times at 10 A.M., 2 P.M., 6 P.M. and between 10 P.M. and 6A.M.

Reagan National has about half as many flights as Dulles, with more than 700 flights on a typical day. Weekday operations are typically greater than weekend day operations. Most flights occur between 7 A.M. and 10 P.M., with a fairly consistent number of scheduled operations for each hour within this period.

Because Reagan National is located near centers of political power and residential areas, aircraft at National are subject to several restrictions. There are four No Fly zones, which are the U.S. Capital, the National Mall, the White

House and the Vice President's house at the Naval Observatory. Under the Federal Aviation Administration's High Density Rule, carriers are limited, with some exceptions, to 37 scheduled operations per hour and the commuter carriers to 13 scheduled operations per hour. In addition, Reagan National has one of the strictest noise regulations in place at any major airport in the United States. All aircraft operating between 10:00 P.M. and 7:00 A.M. (with a half hour grace period) must satisfy the airport's nighttime noise limits or face monetary fines of \$5,000 maximum per violation. There are approximately 5-10 noise violations each year.

The Metropolitan Washington Airports Authority, which operates both Reagan National and Dulles Airports, has historically monitored aircraft and community noise around the clock at 32 locations in the Washington, D.C. Metropolitan Area. The monitoring equipment has evaluated different sound events and has separated those events likely to have been caused by aircraft from the remaining events, which have been attributed to the community. The Metropolitan Washington Council of Governments' Aviation Policy Committee (formerly known as the Committee on Noise Abatement and Aviation at National and Dulles Airports) and the Airports Authority selected the monitoring sites from recommendations offered by the local governments. Due to the age of the monitoring system, the system had become unreliable, and MWAA has discontinued publication of quarterly monitoring reports.

A new monitoring system has been acquired and became operational at the end of 2008. It monitors noise at 40 locations throughout the metropolitan Washington area, with 20 sites for Reagan National and 20 for Dulles, including 15 locations in Fairfax County. The Fairfax County locations are listed below:

Monitor locations serving primarily Reagan National:

- Great Falls Elementary School
- Langley Forest
- Marlan Forest
- Sandburg Middle School
- Springfield

Monitor locations serving primarily Dulles:

- Armstrong Elementary School
- Chantilly Post Office
- Crossfield Elementary School
- Cub Run Elementary School
- Floris Elementary School
- London Towne Elementary School
- Pleasant Valley Golf Course
- Union Mill Elementary School
- Virginia Run Elementary
- Westfield High School

MWAA is working with COG to determine the reporting format. EQAC looks forward to reviewing the 2009 monitoring data when they are available.

The new system will, for the first time, allow on-line reporting of noise complaints with real time noise complaint response feedback. This feature should be available by the end of the year. Until the new system is operational, complaints can be made to the Airport Authority's noise complaint centers at Reagan National and Dulles. In 2008, the center at Reagan National received 83 complaints, which is down from 102 in 2007. At the Dulles center there were 166 complaints, a significant increase from 112 in 2007. This is largely due to the changes in flight patterns caused by the renovation of the middle runway.

Resources: Metropolitan Washington Airports Authority	
Community Relations and Noise Abatement	703-417-8745
Reagan National Noise Complaints	703-417-8020
Dulles Noise Complaints	703-572-8215
Federal Aviation Administration	
Reagan National	703-413-1530
Dulles	703-471-1270
FAA Noise Ombudsman	202-493-5047

## **2. Additions to Washington Dulles International Airport**

On October 14, 2005, the Federal Aviation Administration published a Record of Decision for the construction of new runways, terminal facilities and related facilities at Dulles Airport. The publication of this document completed the lengthy Environmental Impact Statement process for this project, providing the Metropolitan Washington Airports Authority with the approval needed to proceed. Two new runways have been authorized: a north-south oriented runway to be constructed parallel to and 4,300 feet west of the westernmost of two existing north-south runways and a runway roughly oriented east-west that will be constructed parallel to and 4,300 feet south of the existing east-west runway.

The new north-south runway, 9,400 feet long, 150 feet wide and made of concrete, was opened for use in November 2008. The entire project includes the new runway, a parallel taxiway, connector taxiways and cross-field taxiways that connect to the terminal and existing airfield areas. With this new runway available to handle traffic, the middle north-south runway was taken out of operation for maintenance purposes beginning in July 2009 and should be available for use by late fall.

Noise from the new runway has been monitored since September 2008 from a station at Pleasant Valley Golf Course in Fairfax County and four additional

stations in Chantilly. EQAC strongly believes that evaluation of noise impact (to include both 24-hour noise monitoring and analysis to identify operational approaches that can be pursued to reduce noise) should be reported quarterly and provided to a number of stakeholders including the Fairfax County Board of Supervisors, EQAC and relevant county staff. MWAA staff has suggested that at least one year of data from the new runway configuration is needed to be able to evaluate operations on the new runways as they relate to community noise impacts and whether or not such impacts would suggest the need for consideration of operational changes.

Construction dates for the fifth runway will be set in the future.

There are many other projects under way at Dulles Airport, including:

- The construction of an “Aero Train” system to replace the existing Mobile Lounges with an underground rail system (scheduled to open in the second half of 2009).
- Improvements to the airport roadway system and connections to Route 28 and the Dulles Access Road.
- Expansion of the International Arrivals Building.
- Rail to Dulles.

### **3. Part 150 Noise Compatibility Planning for Ronald Reagan Washington National Airport**

Portions of the following discussion have been excerpted and modified slightly from the Web site of the Metropolitan Washington Council of Governments.

MWAA has prepared a major update of the Noise Compatibility Study for Reagan National. This study, conducted in accordance with the provisions of the Federal Aviation Administration’s “Part 150” process, has been designed to forecast future noise contours at Reagan National and to propose abatement and mitigation actions to reduce community noise impacts. A study report containing a series of recommended noise abatement and mitigation measures was released in September 2004. Noise abatement recommendations include, among other things, the application of improved technology to keep arriving and departing aircraft over the Potomac River up to their designated turning points, an improved distribution of turning points from the Potomac River between five and ten miles south of the River and the improvement of the airport’s noise monitoring and flight tracking system. In October 2004, the Fairfax County Board of Supervisors endorsed staff comments concerning these recommendations; the comments were generally supportive of the noise abatement recommendations but recommended a follow-up assessment of the effectiveness of these measures.

Because of the importance of this issue to the community, COG's Committee on Noise Abatement and Aviation at National and Dulles Airports (now known as the Aviation Policy Committee) partnered with MWAA throughout the process of development of the noise abatement and mitigation recommendations. A Part 150 Study Advisory Committee was established to assist and advise the Airport Authority in this study; indeed, the Advisory Committee's recommendations were incorporated into the Part 150 Study document. In all, the Part 150 Study recommended eight noise abatement measures (measures designed to reduce noise impacts) and six noise mitigation measures (measures taken to promote compatibility with and awareness of noise impacts). The recommended noise abatement measures were:

- Efforts supporting the use of advanced navigation technology.
- Two measures addressing the dispersal of flight paths in the area between five and ten miles south of the airport.
- Revision to the Airport Facility Directory reflecting current noise abatement procedures.
- Phasing out of "hushkitted" Stage 3 aircraft.
- Updating the airports noise monitoring and flight tracking system.
- Establishing a system to report airline compliance with noise abatement measures.
- Enhancement of the noise complaint system.

Five of the six mitigation measures were directed toward neighboring localities (e.g., disclosure of noise impacts; building code modifications; noise overlay zoning) and the sixth recommended an expanded MWAA airport noise information program.

MWAA submitted the Part 150 study to FAA, and FAA completed its review of, and issued a Record of Approval for, the Noise Compatibility Program in early 2008. Four of the eight proposed noise abatement measures were approved, and all six of the mitigation measures were approved with the acknowledgment that these measures were beyond the authority of FAA. Four noise abatement measures were disapproved for the purposes of Part 150—in disapproving these measures, FAA noted that the noise exposure model and noise compatibility program for the airport showed "no present or forecasted incompatible land uses within the DNL 65 dB" contour. Effectively, FAA is supporting the use of agency funds only for noise abatement projects that support actions that would be applied in areas inside the DNL 65 dBA contour, with the recognition that MWAA or Air Traffic Control could pursue similar or supportive actions at their discretion (and in the case of noise monitoring and flight tracking, at MWAA's expense). As noted in FAA's Record of Approval, a working group has been formed to develop advanced navigation procedures for arrivals and departures and to encourage the use of this technology, and MWAA is updating the noise monitoring and flight tracking system.

Nevertheless, EQAC continues to share the concerns of communities both north and south of Reagan National regarding noise impacts associated with airport operations and holds that noise impacts do not stop at the DNL 65 dBA model contour shown in the Part 150 study. The DNL 65 dBA contour for Reagan National encompasses a relatively small area that is located largely on airport property and within the Potomac River; some commercial, industrial and governmental areas are also located within this area, as is park land. No residences are located in areas that are currently exposed to, or that are projected to be exposed to, noise impacts of DNL 65 dBA or above. However, there have been significant concerns about airport noise impacts well outside this area, and operational noise abatement procedures have been established to minimize such impacts both north and south of the airport. Deviations to noise abatement procedures north of the airport have been documented by the McLean Citizens Association in collaboration with Congressman Wolf's office. While these impacts have occurred well beyond the DNL 65 dBA contour, they have had a significant and adverse impact to residents of the area.

#### **4. The Aviation Policy Committee**

The APC is a committee of COG that provides guidance to the COG Board of Directors on airport and aviation policy-related matters and that has been delegated by the COG Board of Directors to speak on its behalf on noise policy matters. The APC, which changed its name in 2006 from the Committee on Noise Abatement and Aviation at National and Dulles Airports, provides a broad, balanced and integrated perspective on matters relating to airport and aircraft policies.

The APC has collaborated and will continue to collaborate with MWAA in implementing major recommendations resulting from the Part 150 Noise Compatibility Study for Ronald Reagan Washington National Airport. The committee will also continue to focus on noise abatement strategies for implementation at Reagan National and Dulles, with emphasis on review of emerging national legislation and studies on their impact on local noise strategies. Toward this end, the committee drafted a resolution that was adopted by the COG Board in June 2008 opposing efforts to usurp regional and local authority over the region's airports and to weaken the slot and perimeter rules affecting operations at Reagan National. The committee will also focus on the growing role general aviation plays in economic development and quality of life in the region. To that end, the APC will continue work on developing implementation strategies for the recently completed Regional Helicopter System Plan.

The APC has collaborated and will continue to collaborate with MWAA in implementing major recommendations resulting from the Part 150 Noise Compatibility Study for Reagan National Airport.

In 2009, the COG Board of Directors made another enhancement to the APC by approving the following actions:

1. Retain the APC as currently constituted as a standing policy advisory committee to the COG Board of Directors through the end of calendar year 2009.
2. At the outset of FY 2010 (July 1, 2009), the focus of the committee would be ensuring a vibrant exchange of information with the regional community through conducting regular forums on important aviation policy issues. In addition, in cooperation with MWAA, implement improvements to COG's aviation policy Web site and maintain this enhanced Web presence on an ongoing basis.
3. Beginning in January 2010, to the extent that aviation policy matters require action by COG, these would be advanced through COG staff or board members for consideration by the board acting as a "committee of the whole" on aviation policy matters.
4. Allocate COG local funds at half the level being provided during FY 2009 for FY 2010 to provide ongoing support for this initiative. Staff believes this funding level (\$43,368) will be adequate to carry out the revised aviation policy program.
5. COG's Executive Director would evaluate the effectiveness of the new approach in approximately one year and report to the board on appropriate refinements or other modifications that may be necessary to ensure an effective aviation policy program at COG. This should include possible integration of aviation policy into the recently established Climate, Energy and Environment Policy Committee.

These actions will maintain the appropriate presence within COG for addressing aviation policy issues. This conclusion is based on discussions with and concurrence by the COG staff including COG's Executive Director, Environmental Director, and Principal Environmental Planner who is lead staff for COG's aviation policy program. It further reflects the results of a recent survey with members of the APC and conversations with senior staff of MWAA.

## **C. HIGHWAY NOISE**

### **1. Background**

As the Washington metropolitan area continues to grow, so does traffic and traffic-related noise, degrading quality of life especially in residential areas adjacent to these roadways.

Noise has become an important environmental consideration for highway planners and designers. The U.S. Department of Transportation and state

transportation agencies are charged with the responsibility of optimizing compatibility of highway operations with environmental concerns. Highway noise has been addressed by numerous investigations, including distinguishing among different sources of noise at receptor locations, studying noise perception by the human ear, and calculating highway noise reference energy mean emission levels. In addition, the effects of site geometry, meteorology, ground surface conditions and barriers on noise propagation are estimated and considered. While the study of noise and its perception has become more sophisticated, there is still a need for precise, uniform noise measurement procedures for assessing impacts of traffic noise in the vicinity of roadways, as well as a need for effective cost-efficient noise barriers.

When measurements indicate that noise abatement is required, the following procedures are options:

- The construction of barriers/walls or raised berms.
- The provision of landscaping/vegetation.
- The provision of acoustical design techniques.

In densely populated areas such as Fairfax County, noise barrier walls remain one of the most reasonable and feasible measures to abate traffic noise upon adjacent residential properties.

## **2. State Policy**

Virginia adopted its original noise abatement policy in 1989. The policy established criteria for providing noise protection in conjunction with proposed highway projects in the state. Implementation of the policy has aided in the construction, or construction approval, of more than 100 federally-funded sound barriers. Experience with this policy created considerable feedback from residents and elected officials. As a result, the Commonwealth Transportation Board decided to evaluate the policy for possible changes. The major source of information used was a survey of 15 state departments of transportation in the eastern U.S. The culmination of this process was the adoption of changes to the state policy in November 1996, which became effective in January 1997.

The key changes to the policy were to:

- Raise the cost-effectiveness ceiling from \$20,000 per protected receptor to \$30,000 per protected residential property based on other state practices.
- Clarify that Virginia will not participate in any retrofit project along an existing highway when not in conjunction with an improvement for that highway.
- Add the possibility for third party funding of the amount above VDOT's \$30,000 ceiling if the abatement measure otherwise satisfies the criteria.

### 3. State Projects in Fairfax County

The largest of several highway projects planned for FY 09-10 is the I-495 Capital Beltway High Occupancy Toll/Bus/High Occupancy Vehicle Lanes Project, which will add a total of four new lanes for a 14-mile stretch between the Springfield interchange and the American Legion Bridge.

The potential noise impact of the I-495 HOT Lanes Project was assessed in accordance with Federal Highway Administration and VDOT guidelines. To determine the degree of impact of highway traffic noise, traffic noise levels during the loudest hour of the day were determined for the existing (1998) conditions and the design-year (2020) no-build and build conditions. Noise levels for the design-year no-build scenario are expected to increase on average by approximately 1 dB because of an increase in projected traffic volumes and the mix of heavy trucks during the loudest hour. In comparison, noise levels for the build scenario were estimated to increase an average of approximately 4 dB, with noise impacts in some areas increasing up to 19 dB and in others actually decreasing. The majority of impacted residences would be exposed to design-year traffic noise levels that approach or exceed an average of 67 dBA during the loudest hour of the day, a level that qualifies them for noise barriers if the following conditions for feasibility and reasonableness are also met:

- Noise barriers must be physically feasible and capable of providing at least 5 decibels of noise reduction.
- The noise barriers must meet VDOT's cost-effectiveness criterion of a maximum of \$30,000 per protected or benefited dwelling unit, unless additional funding is provided by a third party.

Recommendations from the study led to subsequent approval of nine new sound barrier systems, as well as the replacement/enhancement/extension of eight existing sound walls which will need to be removed in order to widen the highway. Sound walls, therefore, will protect almost all residential areas on both sides of the highway adjacent to the 14-mile stretch of the project, with gaps where walls could not be built because of terrain or access issues, or, in a few cases, where a proposed barrier was not approved because it did not meet the criterion of either sound reduction or cost-effectiveness.

The study also estimated the impact of highway traffic noise on non-residential areas such as parks, schools, places of worship and recreation areas. Reasonableness for these areas was determined during final design on a case-by-case basis with respect to the type and duration of activity, size of the affected area, severity of impact, total cost and the amount of noise reduction.

Barriers constructed by VDOT since the early 1990s in Fairfax County have consisted of a solid wall of absorptive concrete that breaks the line of sight between vehicles and homes. Although noise barriers typically have a

maximum decibel reduction of 20 dBA, most only provide a reduction of 10-12 dBA. Walls for the I-495 HOT Lanes Project will look similar to those sound walls built in the past in Fairfax County. Noise barriers to be built for this project will range in height from about seven to 39 feet.

The following noise barriers have been approved for the following highway construction projects in Fairfax County currently underway during FY09-10:

- Replacement/enhancement/extension of eight existing sound barrier systems plus construction of an additional nine new sound barrier systems associated with the I-495 HOT Lanes Project (as discussed above).
- One replacement and enhanced noise barrier system and two new sound barrier systems associated with the Interstate 95/Telegraph Road interchange improvements associated with the Woodrow Wilson Bridge Project.
- One replacement and five new noise barrier systems associated with the Interstate 95 4<sup>th</sup> Lane Widening Project.
- Two new noise barrier systems plus two new third party funding barrier systems associated with Phase I and Phase III construction of the Fairfax County Parkway Extension through Fort Belvoir Engineering Proving Grounds Project.
- Six new noise barrier systems associated with the construction of the new Fairfax County Parkway/Fair Lakes Parkway Interchange Project.

No construction of approved noise barriers was accomplished during FY 08-09.

#### **4. Other Noise Barriers**

Barrier heights for other noise walls constructed in the county (e.g., walls constructed in conjunction with development projects) had been restricted, but in 2000, the Board of Supervisors adopted Zoning Ordinance Amendment ZO 00-330, which permits noise barriers in excess of the Zoning Ordinance fence/wall height limitations where needed to reduce adverse impacts of highway noise on properties adjacent to major thoroughfares, or to reduce adverse noise impacts of commercial and industrial uses on adjacent properties. A noise impact study is required to demonstrate the need for the noise barrier and the proposed height and level of mitigation to be achieved by the noise barrier.

## **D. METRO YARD NOISE**

The Metro Service and Inspection Yard, located near the West Falls Church Metro station, services trains using a short-radius loop track. As the trains move along the track, “wheel squeal” is generated, which is extremely irritating to residents in nearby neighborhoods. An expansion of this yard has been proposed by the Washington Metropolitan Area Transit Authority in order to provide support for the coming Silver Line, and as part of the expansion, the Federal Transit Authority is requiring a sound box to be built over the noisiest portion of the loop track. The sound box must meet a development condition of DNL 55 dBA as well as requirements of the county’s noise ordinance (Chapter 108.1 of the Fairfax County Code)--a requirement of a maximum noise level of 55dBA and also maximum noise thresholds in specific frequency-based octave bands. The sound box is still in the design phase but is expected to meet all of the conditions. It will cover approximately 1,000 linear feet of track and should be completed by 2013.

## **E. STEWARDSHIP**

The Fairfax County Restoration Project, a public-private partnership, is expected to launch in spring of 2010 with its initial focus on restoration of areas negatively impacted by the I-495 HOT Lanes Project. FCRP is working with VDOT to modify its landscaping plans to include restoration of cloverleaf areas and areas inside and outside the sound walls. Vegetation planted inside and outside the sound walls will provide many benefits, including reduction in stormwater runoff, habitat for pollinators, birds and small mammals and visual relief for both motorists and residents. Anyone interested in joining the efforts should contact the FCRP at [info@fcrpp3.org](mailto:info@fcrpp3.org).

## **F. COMMENTS AND ONGOING CONCERNS**

1. Continue to support airport noise-compatible land use planning near airports in the county through the implementation of policies and regulations that reference the most current airport noise contour projections for the airports and that are at least as stringent as federal noise compatibility guidelines.
2. Continue to encourage the use of opportunities provided by the Virginia Department of Transportation that allow for third party contributions to noise barrier construction when the VDOT cost criteria preclude VDOT’s construction of such barriers. Through this VDOT policy, neighborhoods affected by high levels of highway noise can participate in the funding of barriers that would not otherwise be constructed.
3. Staff should continue to review all airport and highway studies that require Environmental Assessments or Environmental Impact Statements under the National

Environmental Policy Act for consistency with county policies addressing transportation-related noise and mitigation and report its findings to the board. In turn, the Board of Supervisors should, when appropriate, adopt resolutions with specific requests and/or recommendations and transmit these to the Metropolitan Washington Airports Authority, Federal Aviation Administration, Commonwealth Transportation Board, Virginia Department of Transportation and other state and federal agencies as applicable.

4. Encourage the retention and planting of noninvasive vegetation to provide visual shielding of residents from highways. Where possible, support the provision of vegetated areas adjacent to highways that are wide enough and dense enough to provide noise reduction benefits to residential areas near the highways. Where feasible and appropriate, pursue such approaches in lieu of noise walls.
5. EQAC is pleased that a series of Web pages have been established on the county's Web site addressing noise issues. The county should ensure that this page is kept current through regular updates.
6. EQAC looks forward to reviewing results from the new noise monitoring system for Washington Dulles International and Ronald Reagan Washington National Airports, which became effective in fall 2008. EQAC assumes that results will be reported to the Fairfax County Board of Supervisors, relevant county staff, EQAC and other stakeholders on a quarterly basis.
7. With the goal of minimizing community noise exposure from the new runway configuration at Dulles Airport, EQAC and county staff plan to meet with Metropolitan Washington Airports Authority and Federal Aviation Authority staff to explore options, and EQAC also intends to coordinate with the Fairfax County Airports Advisory Committee. In addition, EQAC would like to discuss with the Airports Advisory Committee and staff the Federal Aviation Administration's views on the scope of Part 150 studies to determine what, if anything, the county can and should do in response to limits on noise abatement measure that are accepted by FAA. EQAC may recommend further action subsequent to this coordination.

## **REFERENCES**

Cuttler, William C., July 1, 2009 letter to James P. Zook, Director, Fairfax County Department of Planning and Zoning.

Fairfax County Virginia Noise Web site:

<http://www.fairfaxcounty.gov/dpz/environment/noise/>

Federal Aviation Administration, 2007, Ronald Reagan Washington National Airport, Volume 1, FAR Part 150 Noise Exposure Maps and Noise Compatibility Program (available at [http://www.metwashairports.com/\\_/File/\\_/NCProgramUdpate.PDF](http://www.metwashairports.com/_/File/_/NCProgramUdpate.PDF))

Metropolitan Washington Airports Authority Web sites:  
<http://www.metwashairports.com/> (Home page)

Metropolitan Washington Council of Governments Web sites: (<http://www.mwcog.org>  
(Home page)

Metropolitan Washington Council of Governments, Aviation Policy Committee Web site:  
<http://www.mwcog.org/environment/airport/conaanda/>

Phillips, Neal, June 23, 2008 letter to James P. Zook, Director, Fairfax County  
Department of Planning and Zoning

## **IX-2. LIGHT POLLUTION**

### **A. OVERVIEW**

Light pollution is a general term used to describe light output, primarily from exterior (outdoor) sources, in commercial, residential and roadway settings that is excessive in amount and/or that causes harmful glare to be directed into the path of travel or into residential neighborhoods. Light pollution is thus both a safety issue and a quality of life issue. With the increasing urbanization of Fairfax County, exterior (outdoor) lighting and light pollution in its many forms have become pressing issues to our communities. In the past, Fairfax County had some regulations regarding exterior lighting, but they were minimal and out of date. A major effort was undertaken in 2002 to write a totally new and modern Outdoor Lighting Ordinance that took into account the numerous advances that have been made in lighting technology in recent years. This highly successful effort utilized several workshops, in which EQAC and a number of local experts participated, and came to fruition in the early summer of 2003 with the adoption of the new Outdoor Lighting Ordinance. It is regarded by experts in the outdoor lighting community as being one of the best such ordinances in the mid-Atlantic region and has been cited and largely copied by localities in Connecticut, Illinois and California. However, there are a few areas that could not be adequately addressed by the new ordinance, since suitable standards and convenient measurement technology were not available. This report will focus on these areas.

### **B. RESPONSE OF THE HUMAN EYE TO LIGHT**

To put the following sections in proper context it is helpful to briefly review how the human eye perceives and reacts to light. The various cells of retina of the eye contain what are called visual pigments. These pigments, in the fully dark-adapted condition, are complex proteins consisting of two linked components. The pigments respond to light by “bleaching” (actually the dissociation of the two protein moieties). The brighter the light, the greater is the bleaching and the longer the regeneration time. The greater the bleaching, the lower is the sensitivity of the retinal cell. The retina contains three types of sensory cells:

The rods which are most numerous toward the periphery of the retina and contain the visual pigment rhodopsin. They are useful primarily in low light and provide monochromatic images.

Three types of cones, mostly concentrated in the central portion of the retina and which provide color vision. They contain respectively photopsin I (erythrolabe), photopsin II (chlorolabe), and photopsin III (cyanolabe). Their peak sensitivities are in the red, green, and blue portions of the spectrum just like the sensor chip in a digital camera. (George Wald received the 1967 Nobel Prize in Medicine for his work on the three kinds of cone photopsins.)

The spidery retinal ganglion cells, containing the visual pigment melanopsin. These cells perform two different functions: control of the size of the pupil of the eye in response to light and as the control that resets the body's day-night cycle clock. Prolonged exposure of melanopsin to bright lights during normally dark periods of the evening and night can result in significant disturbances of the sleep-wake cycle.

## **C. ISSUES AND PROBLEMS**

The main issues and problems of exterior lighting and light pollution may be summarized as follows:

### **1. Glare**

Glare, as defined by the Illuminating Engineering Society of North America, falls into three main categories:

- Disability glare – Disability glare (sometimes less accurately referred to as veiling luminance) is caused by overly bright light sources that shine directly into one's eyes and is dangerous because it is blinding (i.e., it totally overloads the eye's light sensor cells).
- Discomfort glare – Discomfort glare may not necessarily reduce the ability to see an object, but it produces a sensation of discomfort due to high contrast or non-uniform distribution of light in the field of view.
- Nuisance or annoyance glare – Nuisance glare is that which causes complaints such as, "The light is shining in my window."

Glare is a significant and pervasive problem that seriously impairs both safety and quality of life. Glare demands attention in that one's eyes are naturally attracted to bright light, and at night this destroys the eye's dark adaptation (the eye's sensitivity to lower light levels), which is a serious hazard for both drivers and pedestrians. Obtrusive lighting by commercial establishments to attract attention is a serious problem as is selection of inappropriate fixtures for exterior residential lighting. A major problem is the high intensity lighting of sports facilities, such as ball fields and tennis courts, adjacent to residential neighborhoods. Glare and excessive illumination (which are two separate problems) cast into surrounding residential neighborhoods not only detracts from the quality of life but can make it difficult for pedestrians and homeowners to see their surroundings.

## 2. Light Trespass

Light trespass is the poor control of outdoor lighting such that it crosses property lines and detracts from the property value and quality of life of those whose property is so invaded. It is particularly common when obtrusive commercial or recreational lighting is immediately adjacent to residential neighborhoods or when a homeowner uses inappropriate fixtures, light levels and lighting duration, often in the interest of “security.” It is generally categorized in two forms:

- Adjacent property is illuminated by unwanted light.
- Excessive brightness (often called “glare”) occurs in the normal field of view.

Both of these forms may be present in a given situation. Illumination, that is, the amount of light energy falling on a surface, is readily measured by simple hand held instruments and is expressed in foot candles. The new ordinance establishes 0.5 foot candles as the limit of illumination at the property line of the property producing the illumination. Illumination levels above that are regarded as prohibited light trespass onto adjacent properties.

Glare or excessive brightness is a more complex and difficult-to-measure phenomenon. It is experienced when the light producing source (the bulb) is directly visible, but also depends on the luminance of the source and on the contrast between that source and the surrounding background. For example, even a very bright light source viewed against a noonday sky doesn’t seem particularly glaring or objectionable, but the same source viewed against a night sky is very objectionable and seems so bright as to be almost painful. One of the problems in addressing this kind of light trespass, or more properly glare trespass, is that there have not been good standards for acceptable limits, and instruments to measure this kind of glare are necessarily complex and difficult to operate.

## 3. Security

Much outdoor lighting is used in the interest of providing security. These safety concerns often result in bad lighting rather than real security. One reason often cited for today's bright lights is that high wattage is needed to deter crime. However, studies have shown that if light is overly bright with excessive glare it makes it easier for a person to hide in the deep shadows created by objects in the harsh glaring light. This might actually encourage crime rather than discourage it. The debate as to whether or not additional light provides more safety has been emotional rather than factual. The few rigorous studies that have been done reveal no connection between higher lighting levels and lower crime rates. This may be due to people with nefarious intent taking

more risks in better lit areas. For example, the National Institute of Law Enforcement and Criminal Justice found no statistically significant evidence that lighting impacts the level of crime (Uppgren, 1996). Thus, the supposed correlation between a high level of security lighting and reduced crime appears to be nothing more than a popular myth.

#### **4. Urban Sky Glow**

Urban sky glow is brightening of the night sky due to manmade lighting that passes upward with the light rays reflected off of submicroscopic dust and water particles in the atmosphere. Although urban sky glow was first noted as a problem by the astronomical community, it is by no means any longer solely an astronomical issue. With the increasing urbanization of many areas of the U.S., all residents in those areas are now being affected. In Fairfax County, which is now a mostly urban county, improper lighting has seriously degraded the darkness of our local night skies into a pallid luminescence that many of our residents find objectionable.

#### **5. Energy Usage**

Smart lighting techniques, which direct all of the light generated onto the target area, reduce energy consumption and hence the use of fossil fuels. Several engineering estimates suggest that at least 30 percent of outdoor lighting is being wasted through light energy spilling upward and outward rather than being directed downward onto the target area. Also, many installations are greatly over-illuminated as well as being lighted for unnecessary durations, further compounding the energy wastage. Inefficient lighting incurs both direct financial costs and hidden environmental costs. It has been estimated by national organizations studying light pollution that in excess of \$8 billion of electricity is being wasted annually on obtrusive and inefficient outdoor lighting (see data from Virginia Outdoor Lighting Task Force and the International Dark-Sky Association). Since electricity generation in the eastern part of this country is mostly from fossil fuels, every unnecessary kilowatt of electrical energy generated also produces air pollution, unnecessary greenhouse gases and acid rain.

### **D. CURRENT COUNTY STANDARDS AND REGULATIONS**

In EQAC's view, Fairfax County now has an excellent ordinance that prescribes limits for the maximum wattage of light sources and for the amount of illumination and glare in commercial and residential districts. However, existing installations that were noncompliant under the new ordinance are allowed under state law to continue until such time as the fixture requires replacement. Also, these standards do not cover roadways that are under the jurisdiction of the Virginia Department of Transportation,

and a number of these roadway fixtures represent a continuing source of glare and light pollution

**An important shortcoming of the otherwise excellent ordinance is that the effects of glare into residential neighborhoods from sources such as nearby park lights and lights on nearby commercial buildings and school facilities are not fully addressed.**

Fairfax County's Policy Plan: The Countywide Policy Element of the Comprehensive Plan (2007 Edition) recognizes the nuisance of light emissions arising from increasing urbanization and recommends that efforts be made to avoid creating sources of glare that interfere with residents' and/or travelers' visual acuity. To put this into practice, the county's Zoning Ordinance contains standards for illumination limits. **However, the issue of glare, as opposed to illumination level, has not yet been addressed adequately. EQAC is currently collaborating with the Park Authority in preparation of a white paper on athletic field lighting with a section on glare and the scientific limitations on its control. That will provide a basis for addressing glare from all sources.**

## **E. ADDRESSING THE PROBLEM**

While the new ordinance very adequately addresses new and replacement installations of outdoor lighting and fixtures in commercial and residential districts, much roadway lighting remains a problem because it is prescribed by VDOT, which is not subject to local control. The recently passed Virginia law and policy to use henceforth only fully shielded fixtures will eventually mitigate these problems as older fixtures are replaced. Ensuring that new residential installations meet code requirements represents a potentially significant compliance problem and will require that both review and inspection personnel be fully aware of the new code requirements and diligent in the application and enforcement of them.

One of the most common street lights in use, the drop-lens, cobra-head fixture, draws 150 watts. A fixture with reflective backing and shielding can direct all light below the horizontal plane with the same illumination of streets and homes and use only 100 watts. The same possibility exists with the popular 175 watt unshielded mercury vapor lamp. Both the 150-watt cobra-head fixture and the 175-watt mercury vapor lamp cast light laterally as well as down. As a result, substantial glare is often cast directly into the eyes of drivers. This glare destroys drivers' dark adaptation, creating potential safety hazards. In many cases the driver is not able to see the roadway as well as he or she would with lower-wattage properly shielded lights, and in many cases his or her vision is made much worse. Because they cut down on glare, shielded fixtures not only are safer for drivers, but,

according to experts (see references), actually make it easier for pedestrians and home owners to see their surroundings.

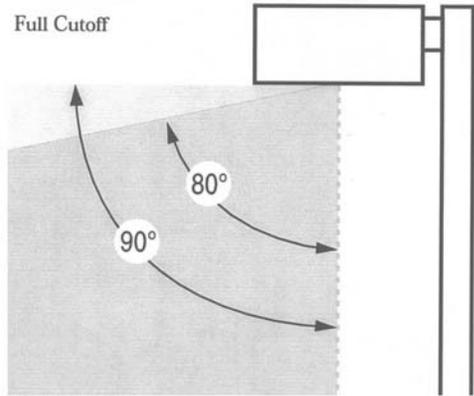
By redirecting this wasted energy, lower wattage lights provide the same amount of illumination in the areas where it is needed. These fixtures have reflective backing and full cut-off shielding to direct all light below the horizontal plane, with 90 percent of the light directed below an angle of 20 degrees from the horizontal. For example, a 50-watt metal halide lamp with a reflective shield will provide as much illumination below the horizontal plane as the 150-watt cobra-head fixture or the 175-watt unshielded mercury vapor lamp. These newer types of fixtures, which are recommended by the Illuminating Engineering Society of North America, are widely available and direct all light below the horizontal plane, thereby eliminating lateral glare (see Figure IX-2-1). It is estimated that it takes only three years of energy savings to recoup the initial investment in these fixtures. The lower wattage fixtures provide energy savings, improved driver safety, better visibility for pedestrians and an improved ambiance and security for neighborhoods. Several municipalities, such as Tucson, Arizona, San Diego, California and Sanibel Island, Florida, have adopted street lighting ordinances requiring these newer fixtures.

Most security lighting is overdone, with high wattage lights burning from dusk to dawn. As noted earlier, constant levels of illumination tend to be largely ignored because they are commonplace, and they waste a huge amount of energy. The large amount of glare produced by high intensity sources creates shadows that provide hiding places for intruders. Moreover, the constant glare and light trespass onto adjacent properties is a major source of annoyance to their occupants. On the other hand, lights that are activated by motion within a controlled area attract immediate attention and, at the same time, use very little energy and create intrusion on adjacent properties only when such attention is desired. For example, if one is using 300 watts of security lighting for an average of 10 hours each night and converts to an infrared motion sensor control that turns on the lights only when there is motion in the controlled area, energy cost is reduced to almost nil. In addition, the cost of the added sensor-control hardware can be recovered in as little as two to four months due to the energy saving. At the same time, security is increased rather than decreased and glare and light trespass onto adjacent properties is largely eliminated.

Glare is a significant and pervasive problem, but one that is relatively easily solved by installing "full cut-off", i.e., fully shielded light fixtures, or in some cases using supplementary shielding panels, to prevent light trespass onto adjacent residential properties. Where it is not possible to completely eliminate glare through the use of shielded fixtures, inexpensive motion detector controls can limit the harsh light to only a few minutes when it is really needed. However, glare like that experienced from high-intensity sources, like those used to light athletic fields, is a result of the background contrast ratio. A light seen against a very dark sky seems very intense and intrusive, but if seen against a day time sky seems hardly noticeable. One can readily prove this by viewing a full moon at, say, 2 or 3 o'clock in the morning when it appears as an intense

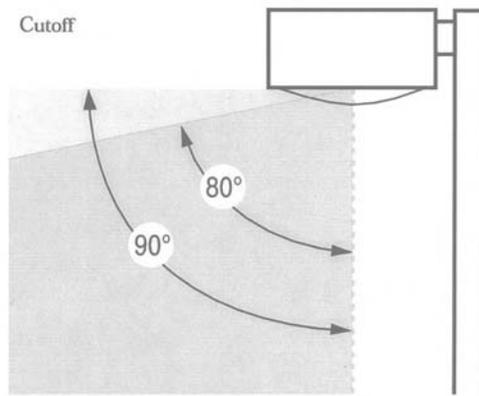
Figure IX-2-1

Effects of Cut-off and Non Cut-off Luminaires



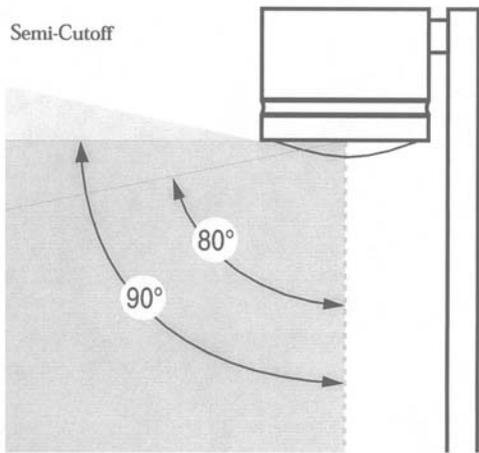
**ALLOWS:**

- No light at 90 degrees
- 100 cd per 1000 Lamp Lumens at 80 degrees



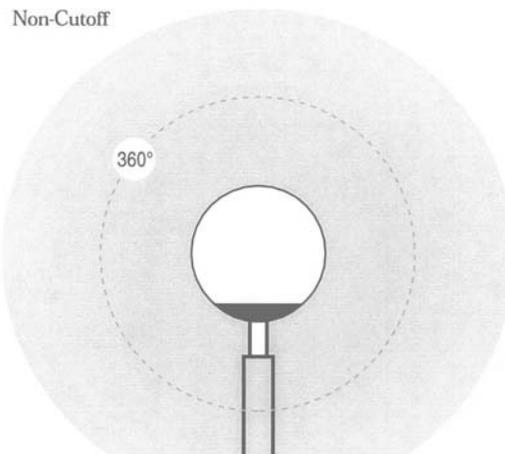
**ALLOWS:**

- 25 cd per 1000 Lamp Lumens at 90 degrees
- 100 cd per 1000 Lamp Lumens at 80 degrees



**ALLOWS:**

- 50 cd per 1000 Lamp Lumens at 90 degrees
- 200 cd per 1000 Lamp Lumens at 80 degrees



**ALLOWS:**

- Unrestricted distribution of light at any angle

(Sources: Paulin, Douglas, *Full Cutoff Lighting: The Benefits*, IESNA Web site, and Shaflik, Carl, *Environmental Effects of Roadway Lighting*, Information Sheet Number 125, International Dark-Sky Association, Tucson, Arizona, August 1997.)

disc so bright that it shows no features. However, the same moon viewed at, say, 9 or 10 o'clock the next morning is a very pale appearing disc with only slight contrast against the day light sky and shows an extensive array of features. This effect is due to the great difference in contrast with the background against which it is viewed. The mathematical difference between the source and the background is known as the background contrast ratio.

Light trespass is a term of relatively recent origin and denotes (1) glare that is generated by sources on one property that lie within the normal field of view of the occupants of another property and (2) light that spills over the boundaries of one property onto another, thereby producing unwanted illumination of it. Increasingly, such light intrusions are being regarded as trespass violations every bit as serious as physical trespass of a person onto the property of another. Such problems can now be readily avoided by the selection of proper fixtures, intensity levels and the use of timers and sensors/controllers.

Sky glow is also readily addressed by the selection of properly designed modern fixtures for new installations and phased retrofit of current inadequate installations. The cost of such retrofits is normally recoverable within a reasonable time period (usually estimated at about three years) through efficiently placing all of the light onto the desired area and the resulting lower energy usage.

Adherence to the following four principles will do much to mitigate or eliminate light pollution.

- Always illuminate with properly shielded fixtures that prevent the light source itself, and the resultant glare, from being directly visible. This is done by using cutoff fixtures or supplementary shielding that keeps all of the illumination below the horizontal plane and directed onto the target area.
- Do not over-illuminate. Never use more illumination than needed for the task at hand. Using a 400 watt floodlight to illuminate a small parking area or a flag at night is overkill and wastes a great deal of energy. A properly shielded and adjusted 250 watt luminaire (light source + fixture) can illuminate an area just as effectively as an older style 1,000 watt light source.
- Always aim lighting downward, keeping all of its distribution within the property lines and below the horizontal plane so that it is not a source of glare. Light trespass onto adjacent properties is unnecessary, inconsiderate and potentially illegal.
- Do not burn lighting all night long with the intention of improving security. Using infrared motion sensor-controlled lighting that comes on instantly when there is motion in the designated area is far more effective as a security measure. That rapid change from dark to light draws the immediate attention of everyone in the surrounding area, including security and law enforcement

personnel on patrol, and may well be unsettling enough to cause illicit intruders to immediately flee. Lighting that stays on all night draws no special attention and is an enormous waste of energy.

## **F. PUBLIC AGENCY RESPONSIBILITIES**

Ensuring compliance with glare standards for residences and other private property is the responsibility of the county's Zoning Enforcement Branch. The county has 18 Zoning Inspectors (two per magisterial district) to oversee all Zoning Ordinance enforcement. Any enforcement activity dealing with light is complaint-driven. Typically, light-related complaints represent about 0.5 percent of total complaints. The county does not respond to anonymous complaints. Complaints are either filed directly with the Zoning Enforcement Branch or are forwarded by the staff of a member of the Board of Supervisors. The causes of the complaints have usually been fast food establishments, security lighting for residences, athletic facilities (e.g., ball fields, driving ranges), or churches. The Zoning Inspectors typically resolve violations with informal enforcement such as a verbal warning that there is a violation and how it may be remedied. A written notice of violation or civil action can be used if needed. Beyond the general glare standards, the county frequently is able to impose additional "before-the-fact" restrictions through the rezoning, special permit and special exception processes.

The Fairfax County Park Authority and the Fairfax County Public Schools are the two largest users of recreational and sports field lighting in the county. Parks and schools by their very nature are usually located in the midst of residential communities where their outdoor lighting, if inadequately designed, can seriously impact the surrounding residents. Schools, particularly high schools, often have sports practice sessions extending into the early evening hours and games that begin after the dinner hour and run into the later evening hours. In addition, schools of all categories often have "security" lights that burn from dusk to dawn, although they could perhaps be better served by motion-detector activated lights. Our park system, faced with increasing demand for team athletic facilities, will necessarily have to turn to synthetic turf and lighting during the evening to enable greater utilization of its existing fields. It is the responsibility of both organizations to utilize the best designs and equipment in addressing these needs. To do less would unnecessarily and unfairly impact the surrounding neighborhoods and diminish both property values and quality of life.

One of the most onerous sources of light pollution is the obtrusive lighting of commercial and industrial facilities, particularly commercial retail and service establishments. While their desire to attract attention to themselves is understandable, abusive excesses degrade the overall ambience of our commercial areas and materially degrade the quality of life in adjacent residential neighborhoods. This is of particular concern in the case of "by-right" development, where there are no public hearings (e.g., Planning Commission, Board of Zoning

Appeals, Board of Supervisors) at which adjacent property owners and neighborhoods can register their concerns and see approval conditioned on appropriate restrictions. In such “by-right” cases, the initial responsibility would necessarily fall almost entirely upon the Land Development Services function of the Department of Public Works and Environmental Services, which reviews all proposed plans before a building permit is issued and subsequently conducts inspections to ensure that the work is in compliance with regulations. Evaluation of plans for compliance would add a small amount of effort to the review process but would add only a negligible amount to the inspection process.

At this time, the county has no formal policies regarding street lighting. Some neighborhoods within the county prefer to have local streets lighted, while others do not. Whether or not the county provides street lighting is often driven by budget priorities, and, unless there is a demonstrable public safety need, the priority for retrofitting an established community is usually low. More often, street lighting is addressed in the overall planning of new subdivisions. In these cases, the Land Development Services function of DPWES would have responsibilities for both reviewing the plan and inspecting the implementation of it.

Responsibility for the lighting of main roadways is under the jurisdiction of the Virginia Department of Transportation. Historically, local communities and neighborhoods have had to deal directly with VDOT or through their local Supervisor’s office over roadway lighting issues. It has proven very difficult to influence VDOT’s choice of fixtures and technical standards, even when it can be demonstrated that their proposed implementation will result in unacceptable levels of glare and light trespass in adjacent residential neighborhoods. However, quite recently, encouraging headway has been made in getting VDOT to recognize the severity of the problem and to take some limited first steps to address it.

## **G. PUBLIC EDUCATION AND AWARENESS NEEDS**

The general public needs awareness of the sources and problems of light pollution and of the methods by which these can be best addressed. The county staff has prepared an excellent and very informative 16 page booklet to explain the new Outdoor Lighting Ordinance (available at [www.fairfaxcounty.gov/DPZ/Zoning/lightingbrochure.PDF](http://www.fairfaxcounty.gov/DPZ/Zoning/lightingbrochure.PDF)). It can also be made available in printed version to individuals, homeowners groups and community associations directly through appropriate county offices and through the district offices of the members of the Board of Supervisors. The complete ordinance in convenient form is available on the Fairfax County Web site at [www.fairfaxcounty.gov/DPZ/Zoningordinance/articles/Art14.PDF](http://www.fairfaxcounty.gov/DPZ/Zoningordinance/articles/Art14.PDF). In addition, the International Dark Sky Association and the Illuminating Engineering Society of North America maintain Web sites with a variety of technical information on lighting issues and technology.

Our county's 16 page booklet provides much of the information that architects, contractors and electricians need to familiarize themselves with our lighting codes and specifically what is not permitted (e.g., unshielded security lights, angle-directed post or building mounted fixtures, wall packs without shielding or baffling, excessive wattage or unshielded floodlights, light-trespass onto other properties, etc.) and what practices are recommended. Our county review and inspection personnel should make sure that members of the development, contractor and building management communities with whom they deal will be fully aware from the outset of the revised standards in the new ordinance and how best to address them.

There is an excellent Web site ([www.qualityoutdoorlighting.com](http://www.qualityoutdoorlighting.com)) that illustrates many examples of good, bad and ill-conceived lighting practices right here in our local area. It can play a central role in education of the public.

## H. CONCLUSIONS

The principal means to prevent poor exterior lighting practices is a comprehensive code or ordinance, because this provides well thought out standards for, and enforceable legal restrictions on, specific lighting practices that affect the community and its quality of life. Numerous jurisdictions have adopted codes and ordinances that have proven very effective in reducing light pollution and preventing light trespass. A properly conceived and well written code permits all forms of necessary illumination at reasonable intensities, but requires shielding and other measures to prevent light pollution and light trespass. A good code applies to all forms of outdoor lighting, including streets, highways and exterior signs, as well as lighting on dwellings, parks, schools, commercial and industrial buildings, parking areas and construction sites. A good code also provides for reasonable exceptions for special uses within acceptable time periods and subject to effective standards. In EQAC's opinion, Fairfax County's recently adopted Outdoor Lighting Ordinance is an outstanding example of such a code. As the county has gained experience with application of the new ordinance, some areas have been identified where adjustments and fine-tuning are urgently needed, but the solid foundation has been laid and should serve us well into the future.

**The Fairfax County Park Authority, because of its need to increase the hours of utilization of existing sports fields by installing lights to illuminate them, bears a special responsibility to ensure that such lighting systems minimize adverse impacts on adjacent residential properties. The results with a test rectangular field that was outfitted with lights and artificial turf have been very informative. While the illumination of the field surface is excellent and the illumination at the property line with respect to light spillover meets the ordinance standards, the glare from the fully exposed, 1,500 watt lamps on 70 foot poles facing a residential neighborhood is intense (in the range of 12,000 lumens at 200 feet). A second field outfitted with an advanced model of fixtures of the same type shows no improvement in glare. The Park**

**Authority's recently drafted specifications fully address the light spill problem but are unable to address the glare problem since it is primarily governed by the fundamental laws of nature over which man has no real control. However, the International Dark-Sky Association in its outdoor lighting handbook has colored illustrations of a field lighted with full cutoff fixtures that minimize the glare problem. Specification of well-engineered fixtures should make it possible for the Park Authority to expand the use of lighting for fields while minimizing adverse impacts. This same concern applies equally to the Fairfax County Public Schools, which also uses lighted sports fields and security lighting which burns all night.**

The county needs to work closely with VDOT to achieve better lighting practices on roadways within Fairfax County that are under VDOT jurisdiction. Current VDOT lighting and proposed new installations are regarded as being very intrusive by adjacent neighborhoods. However, it should be noted that a newly enacted law requiring the commonwealth to acquire only shielded fixtures should materially improve VDOT practices in this regard on new installations and as old fixtures are replaced.

Much of the security lighting, both residential and commercial, in Fairfax County is poorly conceived, excessive in intensity and improperly directed and controlled. These deficiencies could be corrected at relatively low initial costs that would be rapidly recovered through the energy savings realized. This will require considerable public education to familiarize the using public with the issues and the available technology.

Much lighting in residential neighborhoods uses old style fixtures (or new but poorly designed ones) that cause excessive glare and light trespass onto adjacent properties. The new comprehensive ordinance and an intensive public awareness campaign should be used to address correction of these problems. Single family dwellings especially need to be brought into compliance with the spirit and provisions of the revised ordinance, for that is where the majority of us live and where our quality of life is most affected by intrusive lighting.

Poor lighting design, particularly in commercial areas, is contributing to excessive and highly objectionable sky glow. The new ordinance and retrofitting or adjustment of fixtures can eliminate the worst of this effect.

## **I. COMMENTS AND ONGOING CONCERNS**

- 1. In response to a recommendation in earlier EQAC Annual Reports on the Environment the Fairfax County Park Authority commissioned a study of sports field lighting design and technology. EQAC felt that this study had serious flaws in terms of the study objectives, the methodology and the evaluation criteria. The Park Authority issued a set of specifications, dated**

**November 2006 (and largely based on this study), for new athletic field lighting installations that, in EQAC's view, did not address the issue of glare adequately. The Park Authority also commissioned a consultant to prepare a "White Paper" that would serve to justify the specifications. EQAC felt that this document contained serious scientific errors and thus created confusion rather than clarity. The Park Authority Director of Planning and Development informed us that they have done extensive rework of this material and requested EQAC to collaborate with his staff to revise the section on glare and to review the entire document. This effort is currently in progress.**

- 2. The EQAC 2004 Annual Report recommendation that the Department of Planning and Zoning place high on its work plan priorities for 2005 a modest revision of the Outdoor Lighting Ordinance was not addressed. Unfortunately, following the same recommendation in the 2005 Annual Report, the issue was placed on the "Priority 2" list of the Adopted 2006 Zoning Ordinance Amendment Work Program and has therefore not been addressed. In 2007 this item was moved to the DPZ Priority 1 list, but to date work on it has barely begun.**
3. EQAC recommends that the Board of Supervisors work with VDOT and Virginia elected officials to eliminate unnecessary roadway lighting and whenever possible to accelerate replacement of existing poorly designed fixtures under the control of VDOT with full cut-off fixtures.

## **J. RECOMMENDATIONS**

1. The Zoning Administration Division of the Department of Planning and Zoning should attempt to have a draft of the proposed revisions to the Outdoor Lighting Ordinance by summer 2010. EQAC will collaborate with them to this end.
2. The Fairfax County Park Authority should attempt to have a finished draft of the "white paper", which discusses the scientific basis for the glare problem and the limitation for a solution to it, and improved technical design specifications for athletic field lighting design ready for publication by late spring 2010.

## LIST OF REFERENCES

Fairfax County Department of Planning and Zoning, A guide to Fairfax County's Outdoor Lighting Standards, 16 pp.

Arthur R. Upgren, Night Blindness, The Amicus Journal, Winter 1996, page 22-25.

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Some Lighting Myths, Information Sheet Number 42, International Dark-Sky Association, Tucson, Arizona, January 1991.

Fairfax County, Virginia, Policy Plan: The Countywide Policy Element of the Comprehensive Plan, 2007 Edition.

Fairfax County, Virginia, Zoning Ordinance (Chapter 112 of the Fairfax County Code)

Illuminating Engineering Society of North America Web site, [www.iesna.org](http://www.iesna.org) (There are numerous subsidiary and related Web sites)

International Dark-Sky Association Web site, [www.darksky.org/](http://www.darksky.org/)

National Electrical Manufacturers Association Web site, [www.nema.org/](http://www.nema.org/) (Particularly see their White Paper on Outdoor Lighting Code Issues.)

Virginia Outdoor Lighting Taskforce Web site, [www.volt.org/](http://www.volt.org/).

Quality Outdoor Lighting Web site, [www.qualityoutdoorlighting.com/](http://www.qualityoutdoorlighting.com/).

## **IX-3. VISUAL BLIGHT**

### **A. OVERVIEW**

Visual blight is considered by almost everyone who has studied it, to exist mainly in the subjective realm. In other words, one person's definition of visual blight may not be the same as someone else's. An example might be a building that is out of place in local architecture, but considered beautiful by at least a minority of observers. Meanwhile, people with a different perspective would define the same building as garishly ugly.

While people can disagree about what constitutes visual blight, there are some examples that the vast majority of people would classify as such. This short treatise deals with two of these – cigarette butts and illegal roadside signs.

### **B. CIGARETTE BUTTS**

Cigarette butts are a ubiquitous problem in Fairfax County. While many cigarette smokers are often otherwise stellar citizens, it is a peculiarity of this habit that smokers often stamp them out on the ground or toss them out of car windows.

Cigarette butts tossed out of cars are excellent examples of visual blight. In April 2009, the author of this section of the report picked up 952 cigarette butts in a 100-foot stretch of a left turn lane on US 29. In addition, over the years, millions and millions of cigarette butts have been washed into local streams and rivers. This behavior constitutes an environmental problem with known consequences, not to mention the undeniable visual blight they create.

The Fairfax County Web site<sup>1</sup> points out that “Section 33.3-346 of the Code of Virginia makes littering or dumping trash a Class 1 misdemeanor, punishable by up to 12 months in jail and/or a fine up to \$2,500.”

### **C. ILLEGAL SIGNS**

*“Here in the United States we turn our rivers and streams into sewers and dumping grounds, we pollute the air, we destroy forests, exterminate fishes, birds, and mammals -- not to speak of vulgarizing charming landscapes with hideous advertisements.” - Theodore Roosevelt (Theodore Roosevelt, “Our Vanishing Wildlife,” Literary Essays (vol. 12 of The Works of Theodore Roosevelt, national ed.), chapter 46, p. 420 (1926). Originally appeared in The Outlook, January 25, 1913.)*

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<sup>1</sup> <http://www.fairfaxcounty.gov/nvswcd/newsletter/buttlitter.htm>

The struggle to regulate advertising on public highways and their rights-of-way has been underway for over a century. The first attempt by Virginia to regulate this practice was in 1938 via §2154 (247). Since then the law has been modified several times.

The result is that the Commonwealth of Virginia has one of the most progressive and no-nonsense laws in the United States. Under this law, no one can put a sign in the right-of-way of state-maintained highways without a permit. The cogent parts of this law say: “§ 33.1-373.... any advertisement within the limits of any highway shall be assessed a civil penalty of \$100. Each occurrence shall be subject to a separate penalty...Advertisements placed within the limits of the highway are hereby declared a public and private nuisance and may be forthwith removed, obliterated, or abated by the Commonwealth Transportation Commissioner or his representatives without notice.”

Subsequently, it also appears that a bill exempting Fairfax County from complying with that law has been passed. Specifically, § 33.1-375.1, sponsored by Delegate Orrock and approved in 1998, appears to allow signs in the right-of-way. It also appears that Fairfax County would be required to negotiate with VDOT to take over responsibility for the right-of-way and a subsequent public hearing would need to be held.

## **D. COMMENTS**

1. In regard to cigarette butts, there are two key issues that EQAC would like to discuss with county staff prior to the development of recommendations: enforcement and public outreach. EQAC is interested in exploring whether there are any impediments to the issuance of citations for littering and in whether a public education program can be established to support responsible cigarette butt disposal.
2. With respect to illegal signs, EQAC plans to meet with appropriate county staff and with VDOT to clarify the rules governing signs in the VDOT rights-of-way; EQAC may develop recommendations on this matter based on the findings from these discussions.

**ATTACHMENT IX-3.1 - § 33.1-373**

§ 33.1-373. Advertising on rocks, poles, etc., within limits of highway; civil penalty. Any person who in any manner (i) paints, prints, places, puts or affixes any advertisement upon or to any rock, stone, tree, fence, stump, pole, mile-board, milestone, danger-sign, guide-sign, guidepost, highway sign, historical marker, building or other object lawfully within the limits of any highway or (ii) erects, paints, prints, places, puts, or affixes any advertisement within the limits of any highway shall be assessed a civil penalty of \$100. Each occurrence shall be subject to a separate penalty. All civil penalties collected under this section shall be paid into the Highway Maintenance and Operating Fund. Advertisements placed within the limits of the highway are hereby declared a public and private nuisance and may be forthwith removed, obliterated, or abated by the Commonwealth Transportation Commissioner or his representatives without notice. The Commonwealth Transportation Commissioner may collect the cost of such removal, obliteration, or abatement from the person erecting, painting, printing, placing, putting, affixing or using such advertisement. When no one is observed erecting, painting, printing, placing, putting, or affixing such sign or advertisement, the person, firm or corporation being advertised shall be presumed to have placed the sign or advertisement and shall be punished accordingly. Such presumption, however, shall be rebuttable by competent evidence. In addition, the Commissioner or his representative may seek to enjoin any recurring violator of this section.

The provisions of this section shall not apply to signs or other outdoor advertising regulated under Chapter 7 (§ 33.1-351 et seq.) of this title or to a public transit bus shelter that is owned by a city, town, or county. The prohibition in subdivision (8) of § 33.1-369 against placing signs within 15 feet of the nearest edge of pavement of any highway shall not apply to such sign. However, the message shall not be visible to traffic in either direction on the main-traveled way of any highway. Signs on bus shelters visible from federal-aid highways shall conform with provisions of 24 VAC 30-120-80.

**ATTACHMENT IX-3.2 - § 33.1-375.1**

§ [33.1-375.1](#). Commissioner may enter into certain agreements; penalties.

A. The Commonwealth Transportation Commissioner may enter into agreements with the local governing body of Fairfax County authorizing local law-enforcement agencies or other local governmental entities to act as agents of the Commissioner for the purpose of (i) enforcing the provisions of § [33.1-373](#) and (ii) collecting the penalties and costs provided for in that section. However, no local governing body shall enter into any such agreement until it has held a public hearing thereon.

B. Notwithstanding the provisions of § [33.1-373](#), one-half of the penalties and costs collected under this section shall be paid to the affected locality, and the remainder shall be remitted to the Commissioner and paid into the Highway Maintenance and Operating Fund.

C. Notwithstanding the foregoing provisions of this section, the following signs and advertising shall not be subject to the agreements provided for in subsection A of this section:

1. Signs and advertising supporting an individual's candidacy for elected public office or other ballot issues, provided this exception shall not include signs and advertising in place more than three days after the election to which they apply.
2. Signs and advertising promoting and/or providing directions to a special event to be held at a specified date stated on the sign or advertising, provided this exception shall not include special event signs in place more than three days after the conclusion of the special event.
3. Other signs and advertising erected for no more than three days.

D. Notwithstanding the foregoing provisions of this section, the Commissioner may enter into agreements with the local governing bodies of localities to which the foregoing provisions of this section do not apply to authorize those governing bodies to act as agents of the Commissioner and the Department in enforcing the provisions of § [33.1-373](#). The limitations applicable to agreements entered into under subsections A through C of this section shall not apply to agreements entered into under this subsection.

(1998, c. 835; 1999, c. 195; 2003, c. 311.)

**ATTACHMENT IX.3-3  
Evolution of §33.1-373**

<b>Year</b>	<b>Statute</b>
<b>1938</b>	<b>§2154 (247) Outdoor Advertising on Highways</b>
	Misdemeanor for placing an advertisement on "any sign rock stone...pole, highway sign, et. al....within the limits of a highway." Originally passed in 1938 but not "codified" until 1942.
<b>1950</b>	<b>§33-319. Advertising on rocks, poles, etc., within limits of highway</b>
	Same as §2154 (247). No affixing of signs to a variety of objects.
<b>1970</b>	<b>§33.1-373. Advertising on rocks, poles, etc., within limits of highway</b>
	Same as §2154 (247) and §33-319. No affixing of signs to a variety of objects. Renumbered in a major overhaul of Virginia code.
<b>1993</b>	<b>§33.1-373. Advertising on rocks, poles, etc., within limits of highway</b>
	Drastic overhaul which includes language of previous renditions of this law but adds significant definition. Now it is illegal to place, put or affix "any advertisement within the limits of a highway". It is now a Class 1 misdemeanor to do so and a \$2,500.00 fine. Declares such advertisements "a public and private nuisance which may be removed by the Commonwealth Transportation Commissioner or his representatives without notice. Likewise the Commissioner can recover the cost of this removal from whoever put the sign up.
<b>1994</b>	<b>§33.1-373. Advertising on rocks, poles, etc., within limits of highway</b>
	Reduces the Class 1 misdemeanor charge to a "civil penalty of \$100. Each occurrence shall be subject to a separate penalty. All civil penalties collected under this section shall be paid in the Highway Maintenance and Operating Fund." Also adds that the provisions of §33.1-373 do not "apply to signs or other outdoor advertising regulated under Chapter 7 (§33.1-351 et seq) of this title.

**ATTACHMENT IX.3-4**  
**Modifications & Changes to §33.1-373 beginning in 1994**  
**(Items in bold are of particular note)**

<b>Year</b>	<b>Bill ID</b>	<b>Patron</b>	<b>Summary</b>	<b>Final Status</b>
1994	SB572	Saslaw, others	§33.1-373 - Sought to exempt political campaign signs and real estate directional signs plus other categories. Wanted to make these types of signs subject to local jurisdiction. (See 1 below)	
1994	SB572ER	Saslaw, others	§33.1-373 - Dropped Class 1 misdemeanor penalty for a \$100 civil penalty for each occurrence, dropped exemption for political and real estate signs, etc.	
1994	SB572S1	Saslaw, others	§33.1-373 - Dropped Class 1 misdemeanor penalty for a \$100 civil penalty, dropped exemption for political and real estate signs	
1994	CHAP0696	Saslaw, others	§33.1-373 - Dropped Class 1 misdemeanor penalty for a \$100 civil penalty (See 2 below)	Approved 4/10/1994
1997	HB2065	Orrock	§33.1-373 - Sought to divide fine revenue equally between state and county, town, city	
1998	HB603	Orrock, others	§33.1-375.1 - Introduced §33.1-375 which would allow local governments to enforce §33.1-373 and §33.1-375. Splits collection of revenue. Sought to exempt political signs and special event signs	
1998	HB603EH1	Orrock, others	§33.1-375.1 - Added 3 day take-down rule to campaign signs and also added "other signs and advertising erected for no more than 3 days" (See 3 below)	
1998	HB603ER	Orrock, others	§33.1-375.1 - Added "other signs and advertising erected for no more than 3 days	
1998	CHAP0835	Orrock, others	§33.1-375.1 - Added "other signs and advertising erected for no more than 3 days	§33.1-375 approved 4/22/1998
1999	HB1994	Rollison	§33.1-375.1 - Added clause to Orrock allowing local governing bodies to enter into agreements with the Commissioner to enforce 33.1-373	
1999	HB199RER	Rollison	§33.1-375.1 - Added clause to Orrock allowing local governing bodies to enter into agreements with the Commissioner to enforce 33.1-373	

DETAILED REPORT--NOISE, LIGHT POLLUTION AND VISUAL BLIGHT

<b>Year</b>	<b>Bill ID</b>	<b>Patron</b>	<b>Summary</b>	<b>Final Status</b>
1999	CHAP0195	Rollison	§33.1-375.1 - Added clause to Orrock allowing local governing bodies to enter into agreements with the Commissioner to enforce 33.1-373. Local governing body must hold a public hearing first.	Approved 3/17/1999
2000	HB642	Sen Comm on Trans/ Rollison	§33.1-375.1 - Added in a clause allowing local governments to enforce 33.1-373 and collect all the revenue. Repealed Repeals July 1, 2000, "sunset" on authorization for the Commonwealth Transportation Commissioner to enter into agreements with local government authorities for removal of illegal signs and other illegal advertising from highway rights-of-way.	
2000	HB642S1	Sen Comm on Trans	§33.1-375.1 - Added in a clause allowing local governments to enforce 33.1-373 and collect all the revenue. Repealed July 1, 2000, "sunset" on authorization for the Commonwealth Transportation Commissioner to enter into agreements with local government authorities for removal of illegal signs and other illegal advertising from highway rights-of-way.	Approved 4/26/2000
<b>2002</b>	<b>SB166</b>	<b>Byrne</b>	<b>§33.1-373 - Increased fine to \$1,000.00 per sign for Planning District 8 only. (See 4 below)</b>	
2002	HB764	Watts, others	§33.1-375.1 - Sought to exempt political signs and allow other "signs and advertising for more than 3 days. Would allow localities to prohibit campaign sign erection more than 45 days before an election or larger than six square feet - if they had entered into an agreement with the Commissioner in enforcing 33.1-373	
2002	HB264	McQuigg	§33.1-375.1 - Same as HB764 except struck political sign clause and allowed "the placement of temporary directional signs through the use of permits".	
2003	HB2152E	Rust	§33.1-355 - Not relevant since affects 33.1-355 except when it applies to signs authorized by counties that are affixed to county-owned public transit passenger shelters	

Year	Bill ID	Patron	Summary	Final Status
2003	HB2152ER	Rust	§33.1-355 - Not relevant since affects 33.1-355 except when it applies to signs authorized by counties that are affixed to county-owned public transit passenger shelters	
2003	CHAP0321	Rust	§33.1-355 Not relevant since affects 33.1-355 except when it applies to signs authorized by counties that are affixed to county-owned public transit passenger shelters	Approved 3/16/2003
2003	HB1857	House - Scott, etc. Senate - Byrne , etc.	§33.1-375.1 - Similar to HB 764 and 264 but adds that "...limitations applicable to agreements entered into under subsections A through C of this section <b>need</b> not apply to agreements entered into under this subsection.	
2003	HB1857E	House - Scott, etc. Senate - Byrne , etc.	§33.1-375.1 - Deletes weird population requirement in HB1857 and replaces <b>need</b> with <b>shall</b> .	
2003	HB1857ER	House - Scott, etc. Senate - Byrne , etc.	§33.1-375.1 - Amends and allows localities to enter into agreements with the Commissioner to "act as his agent in removing illegal signs from highway rights-of-way	
2003	CHAP0311	House - Scott, etc. Senate - Byrne , etc.	§33.1-375.1 - Amends 33.1-375.1 and allows localities to enter into agreements with the Commissioner to "act as his agent in removing illegal signs from highway rights-of-way"	Approved 3/16/2009
2003	HB264	McQuigg	§33.1-375.1 - same as HB 264 2002 version	
2004	HB941	Pollard	§33.1-355 - Not relevant since affects §33.1-355 except when it applies to signs authorized by counties that are affixed to county-owned public transit passenger shelters	
<b>2004</b>	<b>HB941</b>	<b>Petersen</b>	<b>§33.1-355 and §33.1-375.1 - Contains numerous definitions of "advertising" and includes political signs as advertising. It also allows political signs but only for 3 days prior and 3 days after elections.</b>	
2005	HB804	Petersen	§33.1-355 and §33.1-375.1 - Slightly modified version of HB941	
2005	SB845	Deeds	§33.1-375.1 - Similar to HB 264, allows Charlottesville to enforce ROW.	

DETAILED REPORT--NOISE, LIGHT POLLUTION AND VISUAL BLIGHT

<b>Year</b>	<b>Bill ID</b>	<b>Patron</b>	<b>Summary</b>	<b>Final Status</b>
2005	HB1632	Van Yahres	§33.1-375.1 - Similar to HB 264, allows Charlottesville to enforce ROW.	
2008	HB692	Armstrong	§33.1-355 - Not relevant since affects §33.1-355 except when it applies to signs authorized by counties that are affixed to county-owned public transit passenger shelters	
2008	HB373	Carrico	§33.1-355 - Not relevant since affects §33.1-355 except when it applies to signs authorized by counties that are affixed to county-owned public transit passenger shelters	
2009	SB830S1	Sen Comm on Trans	§33.1-373 and §33.1-375.1 - Modifies §33.1-375.1 includes 3 day rule for political signs, etc. Re civil penalties, changes "shall" to "may".	
2009	SB530ES1	Cuccinelli	§33.1-373 and §33.1-375.1 - Substitutes "may" for "shall" regarding \$100 civil penalty. Substitutes "may" for "shall" regarding fine for each occurrence. Modifies enforcement so that each locality has same authority as Commissioner to enforce 33.1-373	
2009	SB830	Cuccinelli	§33.1-375.1 - "any county, city, or town" may act as agents to enforce §33.1-373.	
2009	HB1992	Bulova	§33.1-375.1 - all penalties and costs go to the "affected locality". Commercial signs and advertising OK Saturday thru following Monday.	
			1 - Precursor of §33.1-375?	
			2 - A black day for §33.1-373	
			3 - This might be the first example of rule that political signs must be taken down 3 days after election	
			4 - Planning district 8 = Arlington, Loudoun, Prince William, Fairfax, and City of Alexandria	