



County of Fairfax, Virginia

MEMORANDUM

DATE: July 20, 2010

TO: Members, Transportation Advisory Committee

FROM: Selby Thannikary, P.E., Chief, Traffic Operations Section
Department of Transportation

SUBJECT: Update on Commercial Vehicle Code Changes

Background

In 2009, the Board of Supervisors requested the Fairfax County Department of Transportation (FCDOT) revise Fairfax County Code 82-5-7, updating the definition of a commercial vehicle and restricting the parking of commercial vehicles on public streets within residential districts. The changes to County Code 82-5-7 were initiated after numerous complaints about vehicles perceived as commercial and parking in residential areas were received by several Board Offices. At a public hearing on December 7, 2009, the Board approved the code changes to 82-5-7 with an effective date of February 1, 2010, with a 30-day grace period in which police issued warnings instead of tickets.

Highlights of the revised code consisted of the following:

- Changes to the code requirement for taxicabs and limousines requiring registration in the Commonwealth of Virginia but retaining the limit of no more than one (1) such vehicle licensed and registered to each single family dwelling unit;
- Expansion of the definition of a commercial vehicle to include vehicles more than 21' long, more than 8' high including appurtenances, a width of 102" or more, or a gross vehicle weight of 12,000 or more pounds;
 - Exceptions to this definition (unless restricted elsewhere in the Code from parking in a residential area) include commercial vehicles used by a public service company, watercraft or motor home, school buses used on current and regular basis for students, privately owned vehicles displaying accessible parking placards or license plates driven by or used for transporting persons with disabilities, commercial vehicles for cable television service, moving vehicles within 48 hours of leasing (U-Haul type) and commercial vehicles for propane gas service;
- Vehicles carrying commercial freight in plain view are considered commercial vehicles;
- Trailers or semi-trailers except campers, boats or single axle utility vehicles are considered commercial vehicles;
- Any vehicles with 3 or more axles are considered commercial vehicles.

Community Outreach

In August 2009, letters were sent to 12 chambers of commerce in the Fairfax County area requesting input to the proposed code language. In addition, County staff offered to attend a future meeting of the chamber of commerce to answer any questions regarding the code changes. A second correspondence was sent to each chamber of commerce informing them of the December 7, 2009 public hearing should they or any of the businesses they represent want to attend and provide comment. In addition, the proposed code language was featured on the Fairfax County website along with photographs depicting vehicles that would and would not meet the new commercial vehicle definition.

Through the Cable and Consumer Services Department, a flyer was created for taxicab and limousine companies describing the process by which their vehicles should register in the Commonwealth of Virginia's Department of Motor Vehicles. Police officers issuing warnings and tickets also provided similar information to taxicabs and limousines.

Working Group

After the Board approved the code changes to 82-5-7, several Fairfax County agencies formed a working group to evaluate the potential areas where commercial vehicles in residential areas could be relocated and to monitor the effects of the code changes. The group also evaluated existing County codes and zoning requirements, the challenges of a County-sponsored commercial parking program, and conducted community outreach. As part of the community outreach, the group recognized that the communication with taxicabs and limousines were separate and distinct from the communication needed with other commercial vehicle entities. The County agencies involved consisted of:

- Department of Transportation
- Department of Planning and Zoning
- Facilities Management Department
- Park Authority
- Sheriff's Department
- Police Department
- Office of the County Attorney
- Office of Public-Private Partnerships
- Risk Management
- Cable and Consumer Services

Police Enforcement

The Fairfax County Police Department began issuing warnings to commercial vehicles in residential districts on February 1, 2010 and began issuing tickets on March 1, 2010. Tickets issued for commercial vehicles are cataloged with Residential Permit Parking District (RPPD) violations and Community Parking District (CPD) violations by the Police Department, making it difficult to isolate these different types of violations. Therefore, the following table

illustrating the number of tickets issued in March, April, May and June include tickets to commercial vehicles (per the revised definition above), RPPD violations and CPD violations. For comparison purposes, the number of tickets issued during the same months of 2009 is also provided. 2009 violations include tickets to commercial vehicles (per the previous definition), RPPD violations and CPD violations.

Month, Year	Number of Warnings & Tickets Issued
March 2009	30
March 2010	375 (only warnings issued to commercial vehicles)
April 2009	37
April 2010	391
May 2009	78
May 2010	310
June 2009	47
June 2010	286

The data provided by the Police Department does not separate taxicabs and limousines from trucks or other vehicles now included in the definition of a commercial vehicle.

Zoning Restrictions and Requirements

Based upon discussions within the working group, several options were evaluated as alternative zoning districts for the parking of commercial vehicles. The Department of Planning and Zoning determined that only areas zoned I-5, General Industrial District, or I-6, Heavy Industrial District carried the appropriate zoning to accommodate the parking of commercial vehicles. Current zoning maps indicate the majority of the I-5 and I-6 Zoning Districts in Fairfax County are limited to areas surrounding Washington-Dulles International Airport (along Route 50 and Route 28), Merrifield, the Fairfax County Parkway & I-495 interchange, and Fort Belvoir, with a few smaller I-5 and I-6 zoned parcels in the Sunset Hills, Tysons Corner, Fair Oaks, Burke Centre and Lorton areas. In many cases, the areas currently zoned I-5 and I-6 are occupied with existing uses such as warehousing and distribution facilities. Unimproved I-5 and I-6 zoned properties would require significant infrastructure improvements before commercial vehicles could be permitted to park. Other Industrial Zone designations were determined to be inappropriate to accommodate the parking of commercial vehicles.

As reflected in the code, the limitation of parking commercial vehicles is for public streets within residential areas. Unless existing signage denotes otherwise, commercial vehicles are still permitted to park on public streets within non-residential areas.

County-Provided Parking Option

Through the Office of Public-Private Partnerships, the County contacted local businesses currently offering parking to determine occupancy levels. In most cases, occupancy levels were at or close to 100% with little room to expand. Due to this limited availability, one option evaluated by the working group involved Fairfax County providing the space for commercial vehicle parking.

In order for the County to provide parking for commercial vehicles, any property to be utilized would still need to fall within the I-5 or I-6 zoning designation, either as current zoning or through a re-zoning. As the providers of this sanctioned parking, the County would become responsible for the well-being of individuals on site and liable for any property damages that occur. In addition to providing infrastructure improvements to the property, fencing, staffing and security would be required as sites are likely to be accessed on a daily or routine basis. The working group was also concerned with providing free parking for commercial vehicles, which may be conceived as competition to the for-profit businesses offering similar parking for a fee, as well as the potential need to establish a maximum time limit a commercial vehicle could utilize the parking lot. In addition, a single location for this County-provided property may not be adequate to serve the entire County or the needs of commercial vehicle owners, limiting the potential effectiveness of the County-provided parking option.

The working group also explored the option of utilizing County Park property to accommodate the parking of commercial vehicles. However, with limited parking space within parks and the potential impacts to Park patrons, it was determined that parking commercial vehicles on Park property was not a viable option. In addition, much of the commercial vehicle parking occurs overnight, when parks are generally closed.

A third option evaluated by the working group involved using other County property, such as the Government Center, to accommodate commercial vehicle parking. However as the property is not zoned I-5 or I-6, the parking of commercial vehicles would not be permitted without a re-zoning.

Summary

- Based upon the discussions and findings of the working group, an outreach program to taxicabs and limousines was launched to provide them the information necessary to properly register their vehicles in Virginia. This information is dispersed through the Cable and Consumer Services Department, Police Department and Department of Transportation. Approximately 12 chambers of commerce in Fairfax County were also contacted through the course of developing the revisions to County Code 82-5-7, though little to no input was received by FCDOT.
- Any land or property designated for the parking of commercial vehicles requires an I-5 or I-6 zoning. I-5 and I-6 zoning districts are limited to a few locations within Fairfax County, and mostly occupied already with warehouses and distribution facilities.
- Existing businesses offering parking for commercial vehicles are generally at or near 100% occupancy. The option of County-provided property for parking would require an I-5 or I-6 zoning and increase County liability. In addition, the County would be responsible for providing infrastructure costs, maintenance costs, and staffing and security costs. A county-provided option with no fee or time limitations may have an adverse impact to existing businesses currently serving this need.
- The parking restrictions for commercial vehicles are for public streets within residential areas. Commercial vehicles are still permitted to park on public streets within non-residential areas, unless existing signage indicates otherwise.

cc: Katharine D. Ichter, Director, Fairfax County Department of Transportation
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Corrine Lockett, Assistant County Attorney
Bob Otten, Fairfax County Police Department
Maria Turner, Senior Transportation Planner