FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 24, 2012

AGENDA

9:00	**Done**	Reception for Don Smith Award - Conference Center Reception Area
9:30	**Done**	Presentations
10:30	**Done**	Presentation of the Don Smith Award
10:40	**Done**	Board Appointments
10:50	**Adopted**	Report on General Assembly Activities
11:05	**Done**	Items Presented by the County Executive
	ADMINISTRATIVE ITEMS	
1	**Approved**	Supplemental Appropriation Resolution AS 12078 for the Fairfax County Office of Emergency Management to Accept Department of Homeland Security Urban Areas Security Initiative Subgrant Award from the Government of the District of Columbia Homeland Security and Emergency Management Agency
2	**Approved**	Streets into the Secondary System (Mount Vernon District)
3	**Approved**	Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Northern Virginia Community College Residential Permit Parking District, District 39 (Braddock District)
4	**Approved**	Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Providence Forest Drive (Providence District)
5	**Approved**	Approval of “Watch for Children” Signs as Part of the Residential Traffic Administration Program (Mount Vernon District)
6	**Approved**	Authorization to Advertise a Public Hearing on Amendments to the Home Child Care Facilities Ordinance, Chapter 30, Articles 1 and 3 of the Fairfax County Code
7	**Approved**	Authorization to Advertise Amendment to Chapter 112 (Zoning Ordinance) Re: Public Entertainment Establishments
8	**Approved**	Extension of Review Periods for 2232 Review (Braddock, Mason, and Providence Districts)

FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 24, 2012

ACTION ITEMS

1	**Approved**	Appointment of Members to the Fairfax County Solid Waste Authority
2	**Endorsed w/ amendment**	Endorsement of the Fairfax County Pre-Disaster Recovery Plan
3	**Approved**	Authorization for the Chairman of the Fairfax County Board of Supervisors to Execute the Blue Plains Inter-Municipal Agreement of 2012 Among Fairfax County, Virginia; District of Columbia; District of Columbia Water and Sewer Authority; Montgomery County, Maryland; Prince George's County, Maryland; and Washington Suburban Sanitary Commission
4	**Approved**	Endorsement of County Staff Comments on the Environmental Assessment for the I-395 HOV Ramp at Seminary Road in Alexandria (Mason District)
5	**Approved**	Authorization to Make a Loan to Wesley Mt. Vernon Owner LLC, for the Acquisition, and Rehabilitation of the 184-Unit Mt. Vernon Apartments as Part of the Housing Blueprint (Lee District)

INFORMATION ITEMS

1	**Endorsed w/amendment**	Endorsement of Tysons Corner Urban Design Guidelines (Hunter Mill and Providence Districts)
2	**Noted**	Transportation Plan Map 2011 (Reprint)
3	**Noted**	Annual Status Report on the Board's Second Four-Year Transportation Program and Other Active Transportation Projects (Countywide)
11:15	**Done**	Matters Presented by Board Members
12:05	**Done**	Closed Session
3:00	**Done**	Annual Meeting of the Fairfax County Solid Waste Authority

FAIRFAX COUNTY
BOARD OF SUPERVISORS
January 24, 2012

PUBLIC HEARINGS

3:30	**Deferred to 2/28/12 at 3:30 p.m.**	Public Hearing on SEA 87-M-103 (Fairfax County Board of Supervisors) to Amend SE 87-M-103 (Mason District)
3:30	**Approved**	Public Hearing on PCA 2004-DR-023-03 (Trinity Group LLC) to Amend the Proffers for RZ 2004-DR-023 (Dranesville District)
3:30	**Approved**	Public Hearing on SEA 00-D-006-04 (Trinity Group LLC) to Amend SE 00-D-006 (Dranesville District)
3:30	**Deferred to 2/28/12 at 3:30 p.m.**	Public Hearing on PCA 2008-PR-009 (Inova Health Care Services) to Amend the Proffers for RZ 2008-PR-009 (Providence District)
3:30	**Deferred to 2/28/12 at 3:30 p.m.**	Public Hearing on SEA 80-P-078-16 (Inova Health Care Services) to Amend SE 80-P-078 (Providence District)
4:00	**Approved**	Public Hearing on Spot Blight Abatement Ordinance for 7138 Beulah Street, Alexandria, VA 22315 (Lee District)
4:00	**Approved**	Public Hearing on Spot Blight Abatement Ordinance for 7209 Neuman Street, Springfield, VA 22150 (Lee District)
4:00	**Approved**	Public Hearing on Spot Blight Abatement Ordinance for 6321 Steinway Street, Alexandria, VA 22315 (Lee District)
4:00	**Approved**	Public Hearing on Spot Blight Abatement Ordinance for 7130 Little River Turnpike, Annandale, VA 22003 (Mason District)
4:30	**Approved**	Public Hearing on Spot Blight Abatement Ordinance for 7010 Old Dominion Drive, McLean, VA 22101 (Dranesville District)
4:30	**Approved**	Public Hearing on Spot Blight Abatement Ordinance for 7101 Vellex Lane, Annandale, VA 22003 (Mason District)
4:30	**Approved**	Public Hearing to Consider Changes to The Code of the County of Fairfax, Virginia, Chapter 82, Motor Vehicles and Traffic, Article 5, Sections 32 through 32.2

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Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
January 24, 2012

9:30 a.m.

DESIGNATIONS

- PROCLAMATION – To designate January 2012 as Mentoring Month in Fairfax County. Requested by Chairman Bulova.

- PROCLAMATION – To designate January 27, 2012, as Earned Income Tax Credit Awareness Day in Fairfax County. Requested by Chairman Bulova.

- PROCLAMATION – To designate February 2012 as African American History Month in Fairfax County. Requested by Chairman Bulova.

- PROCLAMATION – To designate February 19-25, 2012, as Engineers Week in Fairfax County. Requested by Chairman Bulova.

STAFF:
Merni Fitzgerald, Director, Office of Public Affairs
Bill Miller, Office of Public Affairs

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Board Agenda Item
January 24, 2012

10:30 a.m.

Presentation of the Don Smith Award

ENCLOSED DOCUMENTS:
None.

PRESENTED BY:
Randy R. Creller, Chairperson, Employee Advisory Council (EAC)

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Board Agenda Item
January 24, 2012

10:40 a.m.

Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups

ENCLOSED DOCUMENTS:
Attachment 1: Appointments to be heard January 24, 2012
(A final list will be distributed at the Board meeting.)

STAFF:
Catherine A. Chianese, Clerk to the Board of Supervisors

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NOTE: A revised list will be distributed immediately prior to the Board meeting.

APPOINTMENTS TO BE HEARD JANUARY 24, 2012

(ENCOMPASSING VACANCIES PROJECTED THROUGH JANUARY 31, 2012)

(Unless otherwise noted, members are eligible for reappointment)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE (1 year)

Incumbent History	Requirement	Nominee	Supervisor	District
Clifford L. Fields (Appointed 1/96-1/03 by Hanley; 1/04-1/08 by Connolly, 2/09-1/11 by Bulova) Term exp. 1/12	At-Large Chairman's Representative		Bulova	At Large Chairman's
Jane W. Gwinn (Appointed 2/04-1/09 by Bulova; 3/10-1/11 by Cook) Term exp. 1/12	Braddock District Representative		Bulova	Braddock
Kerrie Wilson Appointed 1/10-1/11 by Foust) Term exp. 1/12	Dranesville District Representative	**Kerrie Wilson**	Foust	Dranesville
Ronald Copeland (Appointed 1/05-1/11 by Hudgins) Term exp. 1/12	Hunter Mill District Representative		Hudgins	Hunter Mill
Joseph Blackwell (Appointed 1/06-1/08 by Kauffman, 1/09-1/11 by McKay) Term exp. 1/12	Lee District Representative		McKay	Lee

(Continued on next page)

A. HEATH ONTHANK MEMORIAL AWARD SELECTION COMMITTEE (1 year)

Continued

Incumbent History	Requirement	Nominee	Supervisor	District
Eileen J. Garnett (Appointed 1/03-1/11 by Gross) Term exp. 1/12	Mason District Representative		Gross	Mason
John R. Byers (Appointed 2/0-1/11 by Hyland) Term exp. 1/12	Mount Vernon District Representative		Hyland	Mount Vernon
Ernestine Heastie (Appointed 2/04-1/11 by Smyth) Term exp. 1/12	Providence District Representative	**Ernestine Heastie**	Smyth	Providence
Philip E. Rosenthal (Appointed 1/92-2/08 by McConnell, 1/10-1/11 by Herrity) Term exp. 1/12	Springfield District Representative	**Philip Rosenthal**	Herrity	Springfield

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Mark S. Ingrao (Appointed 1/03 by Mendelsohn; 5/05 by DuBois) Term exp. 5/09	Citizen Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 *Resigned*	Lending Institution Representative		By Any Supervisor	At-Large

AIRPORTS ADVISORY COMMITTEE (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Barbara Kreykenbohm; appointed 1/09 by Gross) Term exp. 1/11 *Resigned*	Mason District Representative		Gross	Mason

ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD (ASAP) (3 years)

CONFIRMATIONS NEEDED:

- Col. David M. Rohrer as the Chief of Police Representative
- Hon. Raymond Morrogh as the Commonwealth Attorney Representative
- Mr. James F. Davis as the Fairfax Bar Association Representative

ATHLETIC COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Clement Chan (Appointed 12/09 by Bulova) Term exp. 11/11	Diversity-At-Large Principal Representative		By Any Supervisor	At-Large
Michael Champness (Appointed 2/05&3/07 by DuBois; 3/09 by Foust) Term exp. 3/11	Dranesville District Principal Representative		Foust	Dranesville

AUDIT COMMITTEE (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Sean Coleman; appointed 9/06-1/10 by Bulova) Term exp. 1/12 *Resigned*	At-Large #1 Representative	**Chris Wade** (Bulova)	By Any Supervisor	At-Large
Michael Hershman (Appointed 1/96-1/02 by Hanley; 1/04-1/08 by Connolly; 1/10 by Bulova) Term exp. 1/12	At-Large #2 Representative		By Any Supervisor	At-Large

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE
(1 year)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Judy Seiff; appointed 9/10 by Foust) Term exp. 6/11 *Resigned*	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Regina Jordan; appointed 6/04&6/09 by Hudgins) Term exp. 6/10 *Resigned*	Hunter Mill District Representative		Hudgins	Hunter Mill
VACANT (Formerly held by Brian K. Halston; appointed 1/10-6/11 by McKay) Term exp. 6/12 *Resigned*	Lee District Representative		McKay	Lee
Rachel Rifkind (Appointed 5/09-6/09 by Gross) Term exp. 6/11	Mason District Representative		Gross	Mason
John R. Byers (Appointed 6/09-6/10 by Hyland) Term exp. 6/11	Mount Vernon District Representative		Hyland	Mt. Vernon
VACANT (Formerly held by Robert McDaniel; appointed 9/10 by Herrity) Term exp. 6/11 *Resigned*	Springfield District Representative		Herrity	Springfield

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS
(4 years)

(No official, technical assistant, inspector or other employee of the DPWES, DPZ, or FR shall serve as a member of the board.)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Brian K. Halston; appointed 1/10&2/10 by McKay) Term exp. 2/14 *Resigned*	Design Professional #6 Representative	**Lester Finkle** (McKay)	By Any Supervisor	At-Large

CHESAPEAKE BAY PRESERVATION ORDINANCE EXCEPTION REVIEW COMMITTEE
(4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Harrison Glasgow (Appointed 12/03 by Hanley; 9/07 by Connolly) Term exp. 9/11	At-Large #2 Representative		Bulova	At-Large Chairman's
VACANT (Formerly held by Michael Fraser; appointed 11/08 by Smyth) Term exp. 9/11 *Resigned*	Providence District Representative		Smyth	Providence
Christina Terpak-Malm (Appointed 12/3-9/07 by Frey) Term exp. 9/11	Sully District Representative		Frey	Sully

CHILD CARE ADVISORY COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Karen Hecker; appointed 10/03-9/09 by Hyland) Term exp. 9/11 *Resigned*	Mount Vernon District Representative		Hyland	Mt. Vernon
VACANT (Formerly held by Joan C. Holtz; appointed 5/09 by Smyth) Term exp. 9/11 *Resigned*	Providence District Representative		Smyth	Providence

CIVIL SERVICE COMMISSION (2 years)

[NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a member of a minority group.]
Current Membership: Males - 9 Females – 3 Minorities: 5

Incumbent History	Requirement	Nominee	Supervisor	District
Rosemarie Annunziata (Appointed 10/05-1/08 by Connolly; 12/09 by Bulova) Term exp. 12/11	At-Large #3 Representative		By Any Supervisor	At-Large
Jason Fong (Appointed 1/00 by Hanley; 2/04-1/08 by Connolly; 12/09 by Bulova) Term exp. 12/11	At-Large #4 Representative	**Jason Fong** (Bulova)	By Any Supervisor	At-Large
Richard Stacy (Appointed 11/05-1/08 by DuBois; 12/09 by Foust) Term exp. 12/11	At-Large #11 Representative		By Any Supervisor	At-Large

COMMISSION FOR WOMEN (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Toni Townes-Whitley; appointed 11/10 by Bulova) Term exp. 10/13 *Resigned*	At-Large Chairman's Representative		Bulova	At-Large Chairman's

COMMISSION ON AGING (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Eileen Duggan; appointed 5/09 &6/11 by Foust) Term exp. 5/13 *Resigned*	Dranesville District Representative		Foust	Dranesville

COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION
(4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Karl Simon (Appointed 1/97 by Dix; 1/00-1/08 by Hudgins) Term exp. 1/12	Hunter Mill District Representative		Hudgins	Hunter Mill
Norma Jean Young (Appointed 1/09 by Gross) Term exp. 1/12	Mason District Representative		Gross	Mason
Dorothy O'Rourke (Appointed 10/06-1/08 by Frey) Term exp. 1/12	Sully District Representative	**Dorothy O'Rourke**	Frey	Sully

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE II
(4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Ernest S. Wittich (Appointed 1/10 by Bulova) Term exp. 1/12	At-Large #4 Representative		By Any Supervisor	At-Large
Michael Paukstitus (Appointed 1/10 by Bulova) Term exp. 1/12	At-Large #5 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Anthony Balestrieri; appointed 1/10 by Bulova) Term exp. 1/12 *Resigned*	At-Large #6 Representative		By Any Supervisor	At-Large

ECONOMIC ADVISORY COMMISSION (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Denton Kent (Appointed 2/09 by Bulova) Term exp. 12/11	At-Large Chairman's #2 Representative	**Denton Kent** (Bulova)	Bulova	At-Large Chairman's
Joseph Spriggs (Appointed 12/08 by Bulova) Term exp. 12/11	Braddock District Representative		Cook	Braddock
James Socas (Appointed 1/09 by Foust) Term exp. 12/11	Dranesville District Representative		Foust	Dranesville

CONFIRMATION NEEDED:

- Hon. Grace H. Wolf as the Herndon Town Council Representative

ENVIRONMENTAL QUALITY ADVISORY COUNCIL (EQAC) (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Patricia Greenberg (Appointed 1/11 by Hudgins) Term exp. 1/12	Hunter Mill District Representative		Hudgins	Hunter Mill
Glen R. White (Appointed 3/09 by Gross) Term exp. 1/12	Mason District Representative		Gross	Mason

FAIRFAX AREA DISABILITY SERVICES BOARD
(3 years- limited to 2 full consecutive terms per MOU, after initial term)
[NOTE: Persons may be reappointed after being off for 3 years. State Code requires that membership in the local disabilities board include at least 30 percent representation by individuals with physical, visual or hearing disabilities or their family members. For this 15-member board, the minimum number of representation would be 5.

Incumbent History	Requirement	Nominee	Supervisor	District
Timothy Lavelle (Appointed 4/09 by Bulova) Term exp. 11/11	At-Large #2 Business Community Representative	**Timothy Lavelle** (Bulova)	By Any Supervisor	At-Large
VACANT (Formerly held by Thomas Choman; appointed 5/02 by Hanley; 11/04&1/08 by Connolly) Term exp. 11/10 *Resigned*	At-Large Fairfax County Representative		By Any Supervisor	At-Large
Ann Pimley (Appointed 9/03&11/06 by Frey) Term exp. 11/09 ***Not eligible for reappointment (need 3 year lapse)***	Sully District Representative		Frey	Sully

FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL
(2 years)

Incumbent History	Requirement	Nominee	Supervisor	District

CONFIRMATION NEEDED:

- Mr. Paul Browne as a Community/Religious Leader Representative

HEALTH SYSTEMS AGENCY BOARD
(3 years - limited to 2 full terms, may be reappointed after 1 year lapse)

Incumbent History	Requirement	Nominee	Supervisor	District
Carol Ann Coryell (Appointed 6/05-6/08 by Frey) Term exp. 6/11 ***(Not eligible for reappointment. Must have 1 year lapse)***	Consumer #6 Representative		By Any Supervisor	At-Large
Stephen Goldberger (Appointed 7/04-6/06 by Kauffman; 7/09 by McKay) Term exp. 6/11 ***(Not eligible for reappointment. Must have 1 year lapse)***	Provider #3 Representative		By Any Supervisor	At-Large

HISTORY COMMISSION (3 years)
[NOTE: The Commission shall include at least one member who is a resident from each supervisor district.] Current Membership:

Braddock - 3	Lee - 2	Providence - 1
Dranesville - 2	Mason - 2	Springfield - 2
Hunter Mill - 3	Mt. Vernon - 3	Sully - 2

Incumbent History	Requirement	Nominee	Supervisor	District
Esther McCullough (Appointed 3/00-11/02 by Hanley; 12/08-12/08 by Connolly) Term exp. 12/11 *Sully District*	Citizen #10 Representative		By Any Supervisor	At-Large

HUMAN RIGHTS COMMISSION (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Luis F. Padilla (Appointed 4/10 by Bulova) Term exp. 9/11	At-Large #11 Representative		By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Kevin Bell (Appointed 6/95-6/99 by Hanley; 7/03-7/07 by Connolly) Term exp. 7/11	At-Large #1 Chairman's Representative		Bulova	At-Large Chairman's
VACANT (Formerly Held by Wendy Breseman; appointed 9/09 by Cook) Term exp. 7/13 *Resigned*	Braddock District Representative		Cook	Braddock

INFORMATION TECHNOLOGY POLICY ADVISORY COMMITTEE (ITPAC) (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Walter Williams (Appointed 5/09 by Herrity) Term exp. 12/11	Springfield District Representative		Herrity	Springfield

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL
(2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Paul Langley (Appointed 4/10 by Cook) Term exp. 1/12	Braddock District Representative		Cook	Braddock
Robert Marro (Appointed 4/08-1/10 by Foust) Term exp. 1/12	Dranesville District Representative	**Robert Marro**	Foust	Dranesville
Brian Murray (Appointed 3/08-1/10 by McKay) Term exp. 1/12	Lee District Representative		McKay	Lee
Bernard Thompson (Appointed 6/10 by Gross) Term exp. 1/12	Mason District Representative		Gross	Mason
Michael Beattie (Appointed 7/11 by Smyth) Term exp. 1/12	Providence District Representative	**Michael Beattie**	Smyth	Providence
Melissa Smarr (Appointed 7/09-1/10 by Herrity) Term exp. 1/12	Springfield District Representative	**Melissa Smarr**	Herrity	Springfield

LIBRARY BOARD
(4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly Held by Jay Jupiter; appointed 12/10 by Hyland) Term exp. 7/13 *Resigned*	Mount Vernon District Representative		Hyland	Mount Vernon

MOSAIC DITRICT COMMUNITY DEVELOPMENT AUTHORITY (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Gary Hurst (Appointed 1/10 by Smyth) Term exp. 1/12	Community Representative	**Gary Hurst** (Smyth)	By Any Supervisor	At-Large
Hon. John Foust (Appointed 1/10 by Smyth) Term exp. 1/12	Dranesville District Representative	**John Foust** (Smyth)	By Any Supervisor	At-Large

PARK AUTHORITY (4 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Harrison Glasgow; appointed 12/04-1/09 by Connolly) Term exp. 12/12 *Resigned*	At-Large Chairman's Representative	**Janyce Hedetniemi**	Bulova	At-Large Chairman's

ROAD VIEWERS BOARD (1 year)

Incumbent History	Requirement	Nominee	Supervisor	District
Joseph Bunnell (appointed 9/05-12/06 by McConnell; 2/08-12/10 by Herrity) Term exp. 12/11	At-Large #1 Representative	**Joseph Bunnell** (Herrity)	By Any Supervisor	At-Large

SMALL BUSINESS COMMISSION, FAIRFAX COUNTY (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
Kelly Pride Hebron (Appointed 11/08 by McKay) Term exp. 12/11	Lee District Representative		McKay	Lee
Joe Brooks (Appointed 10/08 by Smyth) Term exp. 12/11	Providence District Representative	**Joe Brooks**	Smyth	Providence
Brett Coffee (Appointed 5/08&12/08 by Herrity) Term exp. 12/11	Springfield District Representative		Herrity	Springfield

SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Lawrence Bussey; appointed 3/05-3/09 by Hudgins) Term exp. 3/11 *Resigned*	Fairfax County #2 Representative		By Any Supervisor	At-Large

TENANT LANDLORD COMMISSION (3 years)

[NOTE: Per County Code Section 12-2-1, each member of this commission must be a County resident. Tenant Members: shall be a person who, prior to the time of his/her appointment, and throughout his/her term, shall be the lessee of and reside in a dwelling unit. Landlord Members: shall be a person who owns and leases, or serves as a manager for four (4) or more leased dwelling units in Fairfax County or is employed by a real estate management firm that manages more than four (4) rental units. Citizen Members: shall be anyone who is neither a lessee nor lessor of any dwelling unit in Fairfax County.]

Incumbent History	Requirement	Nominee	Supervisor	District
Angelina Panettieri (Appointed 6/11 by Smyth) Term exp. 1/12	Tenant Member #1 Representative	**Angelina Panettieri** (Smyth)	By Any Supervisor	At-Large
VACANT (Formerly held by Kevin Denton; appointed 4/10&1/11 by Smyth) Term exp. 1/14 *Resigned*	Tenant Member #3 Representative		By Any Supervisor	At-Large

TRAILS AND SIDEWALKS COMMITTEE (2 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Kala Quintana; appointed 10/09&1/10 by Bulova) Term exp. 1/12 *Resigned*	At-Large Chairman's Representative		Bulova	At-Large Chairman's
Thomas F. Kennedy (Appointed 6/09-1/10 by Cook) Term exp. 1/12	Braddock District Representative		Cook	Braddock

Continued on next page

TRAILS AND SIDEWALKS COMMITTEE (2 years)
continued

Incumbent History	Requirement	Nominee	Supervisor	District
Wade H. B. Smith (appointed 4/02 by Mendelsohn; 1/04-1/08 by DuBois; 1/10 by Foust) Term exp. 1/12	Dranesville District Representative	**Wade H. B. Smith**	Foust	Dranesville
Jeffrey Anderson (Appointed 5/11 by Hudgins) Term exp. 1/12	Hunter Mill District Representative		Hudgins	Hunter Mill
Robert Michie (Appointed 1/02-1/08 by Kauffman; 1/10 by McKay) Term exp. 1/12	Lee District Representative		McKay	Lee
Jan Reitman (Appointed 3/08-1/10 by Gross) Term exp. 1/12	Mason District Representative		Gross	Mason
Peter Christensen (Appointed 2/06-1/10 by Hyland) Term exp. 1/12	Mount Vernon District Representative		Hyland	Mount Vernon
Roger Diedrich (Appointed 11/05-1/10 by Smyth) Term exp. 1/12	Providence District Representative	**Roger Diedrich**	Smyth	Providence
VACANT (Formerly held by Lisa S. Willey; appointed 7/08-1/10 by Herrity) Term exp. 1/12 *(Resignation effective 2/1/12)*	Springfield District Representative		Herrity	Springfield
Paul Kent (Appointed 1/10 by Frey) Term exp. 1/12	Sully District Representative	**Paul Kent**	Frey	Sully

WATER AUTHORITY (3 years)

Incumbent History	Requirement	Nominee	Supervisor	District
VACANT (Formerly held by Richard Terwilliger; appointed 5/97-6/03 by Hanley; 6/06 by Connolly; 6/09 by Bulova) Term exp. 6/12 *Resigned*	At-Large Chairman's Representative		Bulova	At-Large Chairman's

AD HOC COMMITTEES

RESTON MASTER PLAN SPECIAL STUDY TASK FORCE (AD HOC)

CONFIRMATIONS NEEDED:

- Mr. Greg Trimmer as the JBG Companies Primary Representative
- Mr. Matt Valentini as the JBG Companies Alternate Representative

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Board Agenda Item
January 24, 2012

10:50 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:
None. Materials to be distributed to the Board of Supervisors on January 24, 2012

PRESENTED BY:
Supervisor Jeff McKay, Chairman, Board of Supervisor's Legislative Committee
Anthony H. Griffin, County Executive

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Board Agenda Item
January 24, 2012

11:05 a.m.

Items Presented by the County Executive

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Board Agenda Item
January 24, 2012

ADMINISTRATIVE – 1

Supplemental Appropriation Resolution AS 12078 for the Fairfax County Office of Emergency Management to Accept Department of Homeland Security Urban Areas Security Initiative Subgrant Award from the Government of the District of Columbia Homeland Security and Emergency Management Agency

ISSUE:
Board approval of Supplemental Appropriation Resolution AS 12078 for the Office of Emergency Management to accept a Department of Homeland Security (DHS) FY 2009 Urban Areas Security Initiative (UASI) sub-grant award from the State Administrative Agency (SAA) in the amount of $500,000. These funds are made available by DHS through the District of Columbia, which is serving as the SAA. DHS provides financial assistance to address the unique planning, training, equipment, and exercise needs of high-threat, high-density urban areas to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from acts of terrorism. The grant period for the FY 2009 subgrant award is retroactive from August 1, 2009 through April 30, 2012.

RECOMMENDATION:
The County Executive recommends that the Board approve Supplemental Appropriation Resolution AS 12078 for the Office of Emergency Management to accept funding from the Department of Homeland Security in the amount of $500,000. These funds will be used by the Office of Emergency Management to enhance security and overall preparedness by implementing the project summarized in Attachment 1. This project will be implemented in accordance with the program guidance documents.

TIMING:
Board Approval is requested on January 24, 2012.

BACKGROUND:
The Homeland Security Grant Program (HSGP) provides Urban Areas Security Initiative (UASI) funds from the Department of Homeland Security (DHS) as financial assistance to high risk urban areas, as defined in legislation, in order to address the unique planning, equipment, training, and exercise needs of those areas. These funds can also be used to build or sustain an enhanced capacity to prevent, respond to, and recover from acts of terrorism. These funds, however, may not be used to supplant ongoing, routine public safety activities, the hiring of staff for operational activities, or the construction and/or renovation of facilities. Fairfax County is one of 12 jurisdictions that

currently comprise the National Capital Region (NCR) as defined in the HSGP guidelines.

The UASI funding allocations are determined by a formula based on credible threat, presence of critical infrastructure, vulnerability, population and other relevant criteria. Grant awards are made to the identified urban area authorities through State Administrative Agencies (SAA). The NCR process for allocation of the UASI funds included the development of concept papers that were vetted and endorsed by the Metropolitan Washington Council of Governments (MWCOG) Regional Emergency Support Function (RESF) committees, review of proposals by the Chief Administrative Officers (CAO) committee, preparation and submission of project proposals and application documents by the RESFs, prioritization of proposals by the CAOs and ultimately the development of funding recommendations by the CAOs.

The Fairfax County Office of Emergency Management will act as sub-grantee for these funds and handle all of the financial management, audit, procurement and payment provisions of the subgrant award and grant program.

FISCAL IMPACT:
Grant funding in the amount of $500,000 is available in the DHS UASI grant funds through the District of Columbia. These funds will be used to enhance capabilities in emergency management by providing position specific training to Northern Virginia Emergency Operations Center (EOC) personnel. This action does not increase the expenditure level in the Federal/State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2012. Indirect costs are recoverable under this award. No Local Cash Match is required.

CREATION OF NEW POSITIONS:
No positions will be created by this grant.

ENCLOSED DOCUMENTS:
Attachment 1 – Grant Award Summary
Attachment 2 – Grant Award Document
Attachment 3 – Supplemental Appropriation Resolution AS 12078

STAFF:
Robert Stalzer, Deputy County Executive
David McKernan, Coordinator, Office of Emergency Management

Department of Homeland Security - FY 2011 Homeland Security Grant Program Applications and Awards
National Capital Region (NCR) Urban Areas Security Initiative (UASI) Funds
Projects to Implemented by Fairfax County

Attachment 1

	Project Title	Program Year	Award Amount	Award Status	Award Type	Implementing County Agency	Program Manager	Positions	Begin Date	End Date	Project Synopsis
	FY 2012 UASI AWARD AND APPLICATION										
1	ICS 320 Training - NVERS	FY2009	500,000.00	Received	New Award	Office of Emergency Management	Michael Guditus	0.0 SYE	8/1/2009	4/30/2012	Funding will support a NoVA Regional EOC SOP Team review of the regional plan and update, a confirmation/validation of outputs with the NoVA Emergency Managers, and a contractor that will conduct Incident Command System (ICS) 320 Training.
	Total:		**500,000.00**					**0.0 SYE**			

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Vincent C. Gray
Mayor

Millicent D. West
Director

December 13, 2011

Mr. Anthony H. Griffin
County Executive
Fairfax County Government
12000 Government Center Parkway
Fairfax, VA 22035

Dear Mr. Griffin:

I am pleased to send your FY09 Urban Areas Security Initiative (UASI) subgrant. Through this agreement, the Fairfax County Office of Emergency Management has been awarded the following subgrant:

- Project Title: ICS 320 Training - NVERS
- Amount: $500,000
- Project ID: 9UASI531-09 (please include this ID in correspondence with our office)
- CFDA No.: 97.067

The subgrant period of performance is August 1, 2009–April 30, 2012. You may request reimbursement for items procured during this period, consistent with the project intent. As a reminder, organizations that spend more than $500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB Circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

Included in this package of particular importance is the Certification of Compliance, for your signature. It certifies that you have read and understand Federal and SAA terms and conditions associated with accepting the grant.

Please review and sign the necessary attached documents and return them to my office by December 27, 2011. If you have questions regarding this award, please contact Tim Fitzsimmons at timothy.fitzsimmons@dc.gov or 202.727.6155.

Sincerely,

Millicent D. West
Director

2720 Martin Luther King Jr. Avenue, SE, 2nd fl., Washington, DC 20032 (202) 727-6161 Fax (202) 715-7288

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Homeland Security and Emergency Management Agency

FISCAL YEAR 2009 HOMELAND SECURITY GRANT PROGRAM
URBAN AREAS SECURITY INITIATIVE

SUBGRANT AWARD &
CERTIFICATION OF COMPLIANCE

- Subgrantee: Fairfax County Office of Emergency Management
- Project Title: ICS 320 Training - NVERS
- Amount: $500,000
- Project ID: 9UASI531-09

As the duly authorized representative of the above-listed organization, I hereby accept the subgrant award and certify that I have read and understand the terms and conditions presented in the following documents:

- FY 2009 Homeland Security Grant Program, Urban Areas Security Initiative, Guidance and Application Kit
- Department of Homeland Security, Preparedness Directorate, Office of Grants and Training, Special Conditions
- DC Homeland Security and Emergency Management Agency FY09 Terms & Conditions

Print name	Print title
Signature	Date

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 12078

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax Virginia on January 24, 2012, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2012, the following supplemental appropriation is authorized and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund (formerly Fund 102, Federal/State Grant Fund)	
Agency:	G9393, Office of Emergency Management	$500,000
Grants:	1HS0062, ICS320 Training - NVERS	

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	$500,000
Fund:	500-C50000, Federal-State Grant Fund (formerly Fund 102, Federal/State Grant Fund)	

Source of Funds: U.S. Department of Homeland Security, $500,000

A Copy - Teste:

Catherine A. Chianese
Clerk to the Board of Supervisors

Board Agenda Item
January 24, 2012

ADMINISTRATIVE – 2

Streets into the Secondary System (Mount Vernon District)

ISSUE:
Board approval of streets to be accepted into the State Secondary System.

RECOMMENDATION:
The County Executive recommends that the street listed below be added to the State Secondary System.

Subdivision	**District**	**Street**
Laurel Overlook	Mt. Vernon	Laurel Overlook Drive

TIMING:
Routine.

BACKGROUND:
Inspection has been made of the street, and it is recommended for acceptance into the State Secondary System.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Street Acceptance Form

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Michelle Brickner, Deputy Director, DPWES, Land Development Services

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Print Form

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

(43)

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.

VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA

REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.

PLAN NUMBER: 4204-SD-001

SUBDIVISION PLAT NAME: Laurel Overlook

COUNTY MAGISTERIAL DISTRICT: Mount Vernon

ENGINEERING MANAGER: Terry Yates, P.E.

BY: Nadia Alkhoury

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 11/18/2011

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Laurel Overlook Drive	CL Hooes Road (Route 636) - 1,284' SW CL Talbert Road (Route 1912)	712' N to End of Cul-de-Sac	0.14
		TOTALS:	0.14

NOTES:

670' of 5' Concrete Sidewalk on West Side to be maintained by VDOT.

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Board Agenda Item
January 24, 2012

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Northern Virginia Community College Residential Permit Parking District, District 39 (Braddock District)

ISSUE:
Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia*, to expand the Northern Virginia Community College (NVCC) Residential Permit Parking District (RPPD), District 39.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing.

TIMING:
The Board should take action on January 24, 2012, to advertise a public hearing for February 28, 2012, at 4:00 p.m.

BACKGROUND:
Section 82-5A-4(a) of *The Code of the County of Fairfax, Virginia*, authorizes the Board to establish RPPD restrictions encompassing an area within 2,000 feet walking distance from the pedestrian entrances and/or 1,000 feet from the property boundaries of an existing or proposed high school, existing or proposed rail station, or existing Virginia college or university campus if: (1) the Board receives a petition requesting the establishment or expansion of such a District, (2) such petition contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block face of the proposed District, and (3) the Board determines that 75 percent of the land abutting each block within the proposed District is developed residential. In addition, an application fee of $10 per address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Staff has verified that the proposed RPPD is within 2,000 feet walking distance to the NVCC pedestrian entrance. Therefore, the requirements to expand the RPPD have been met.

FISCAL IMPACT:
The cost of sign installation is estimated at $920 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

ENCLOSED DOCUMENTS:
Attachment I: Proposed Amendment to *The Code of the County of Fairfax, Virginia*
Attachment II: Map Depicting Proposed Limits of RPPD Establishment

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Selby Thannikary, Chief, Traffic Operations Section, FCDOT
Maria Turner, FCDOT
Hamid Majdi, FCDOT

Attachment I

Proposed Amendment

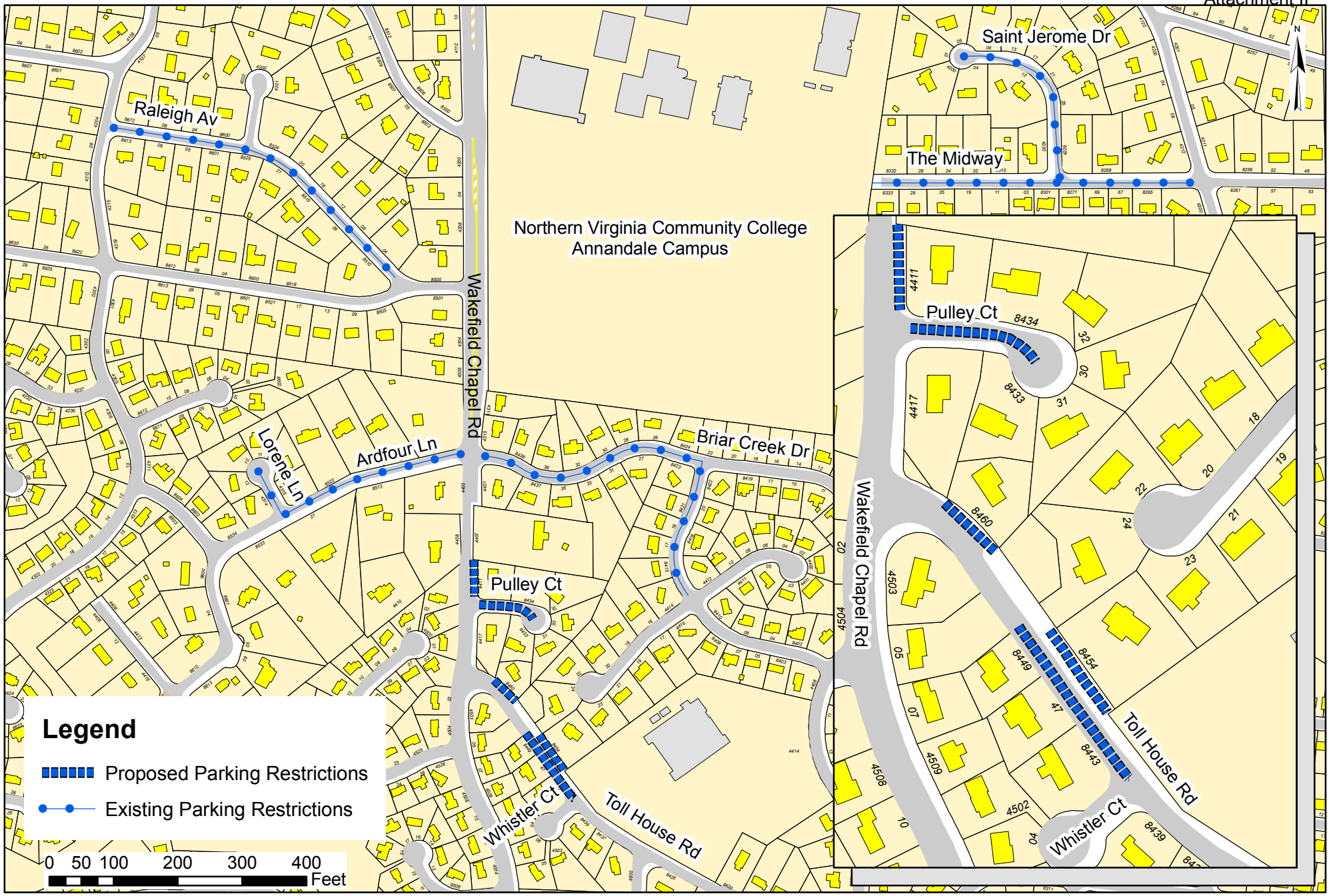
Amend *The Code of the County of Fairfax*, *Virginia*, by adding the following streets to Appendix G-39, Section (b), (2), Northern Virginia Community College Residential Permit Parking District, in accordance with Article 5A, of Chapter 82:

Pulley Court (Route 4398)
From Wakefield Chapel Road to the cul-de-sac inclusive.

Toll House Road (Route 4488)
From the eastern boundary to the western boundary of 8454 Toll House Road; from the eastern boundary to the western boundary of 8460 Toll House Road; and from the western boundary of 8449 Toll House Road to Whistler Court.

Wakefield Chapel Road (Route 710)
From Pulley Court to the northern boundary of 4411 Wakefield Chapel Road.

Attachment II



Fairfax County Department of Transportation
Traffic Operations Section
RESIDENTIAL PERMIT PARKING DISTRICT (RPPD)
Northern Virginia Community College (NVCC) # 39
Braddock District

December 9, 2011

Tax Map 70-1

Board Agenda Item
January 24, 2012

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Providence Forest Drive (Providence District)

ISSUE:
Board authorization to advertise a public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on the south side of Providence Forest Drive from Gallows Road to Hartland Road to prohibit commercial vehicles as defined in Section 82-5-7 of the Fairfax County Code, recreational vehicles and all trailers from parking on the south side of Providence Forest Drive from Gallows Road to Hartland Road from 9:00 p.m. to 6:00 a.m., seven days per week.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing.

TIMING:
The Board of Supervisors should take action on January 24, 2012, to provide sufficient time for advertisement of the public hearing on February 28, 2012, at 4:30 p.m.

BACKGROUND:
The Providence District office has forwarded the latest of several requests to review the long term parking situation on the south side of Providence Forest Drive from Gallows Road to Hartland Road.

The south side of Providence Forest Drive has long been used for the storage of commercial vehicles and trailers. Although this is a mixed use area, this long term parking has put a strain on the space available to park passenger vehicles for both residents and visitors of neighboring residential areas, as well as local businesses for both their customers and employees. Staff has contacted the sole business that has ingres/egress access on Providence Forest Drive, and they stated that they support the restriction for their residential neighbors and that it would not negatively affect them.

Board Agenda Item
January 24, 2012

Fairfax County Code Section 82-5-37.1 authorizes the Board of Supervisors to designate restricted parking in non-residential areas that diminishes the capacity of on-street parking for other uses. By prohibiting the parking of commercial and recreational vehicles and all trailers from 9:00 p.m. to 6:00 a.m., seven days per week, additional short term parking will be available for local residents and businesses in the immediate area.

FISCAL IMPACT:
The cost of sign installation is estimated at $600 to be paid out of Fairfax County Department of Transportation (FCDOT) funds.

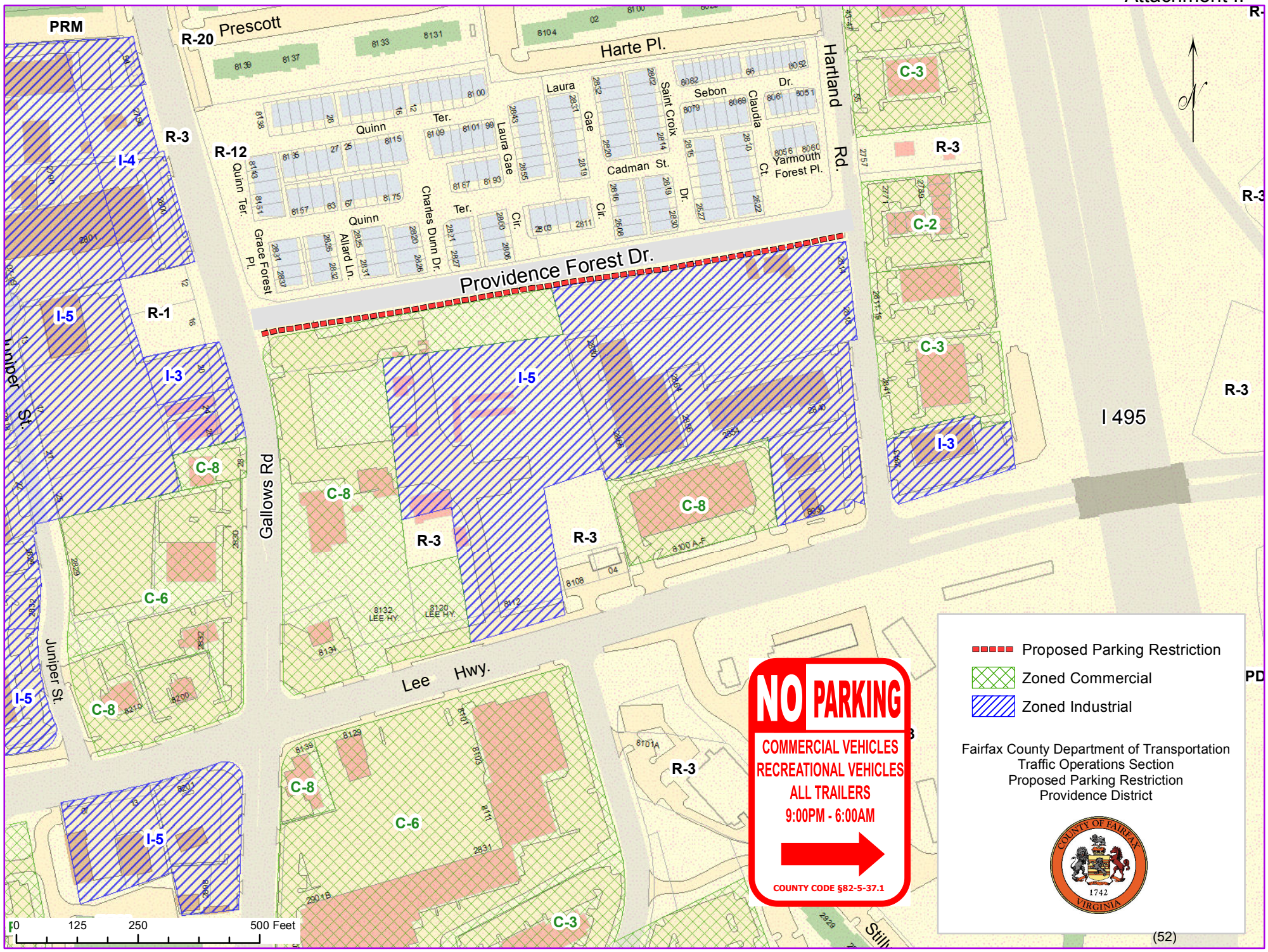
ENCLOSED DOCUMENTS:
Attachment I: Amendment to the Fairfax County Code, Appendix R (General Parking Restrictions)
Attachment II: Area Map of Proposed Parking Restriction

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Selby Thannikary, Chief, Traffic Operations Section, FCDOT
Maria Turner, FCDOT

APPENDIX R – Ordinances Designating Long Term Parking Restrictions.

Providence Forest Drive (Route 7749) from Gallows Road to Hartland Road. Commercial vehicles, recreational vehicles, and trailers as defined in Fairfax County Code Sections 82-5-7(b) and 82-5B-1 shall be restricted from parking on the south side of Providence Forest Drive (Route 7749) from Gallows Road to Hartland Road from 9:00 p.m. to 6:00 a.m., seven days per week.

Attachment II



October 18, 2011

(52)

Tax Map 49-2

Board Agenda Item
January 24, 2012

ADMINISTRATIVE - 5

Approval of "Watch for Children" Signs as Part of the Residential Traffic Administration Program (Mount Vernon District)

ISSUE:
Board endorsement of "Watch for Children" signs, as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:
The County Executive recommends the Board approve a resolution (Attachment I) for the installation of "Watch for Children" signs on the following roads:

- Morningside Lane (Mount Vernon District)
- Admiral Drive (Mount Vernon District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved measures as soon as possible.

TIMING:
Board action is requested on January 24, 2012.

BACKGROUND:
The RTAP allows for installation of "Watch for Children" signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. In particular, Section 33.1-210.2 of the *Code of Virginia* provides that the Board may request, by resolution to the Commissioner of Highways, signs alerting motorists that children may be at play nearby. FCDOT reviews each request to ensure the proposed signs will be effectively located and will not be in conflict with any other traffic control devices. On December 13, 2011, FCDOT received written verification from the appropriate local supervisor confirming community support for the referenced "Watch for Children" signs.

Board Agenda Item
January 24, 2012

FISCAL IMPACT:
The estimated cost of $600.00 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:
Attachment I: Board Resolution for a “Watch for Children" Signs

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Acting Director, Fairfax County Department of Transportation (FCDOT)
Eric M. Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Selby J. Thannikary, Chief, Traffic Operations Section, FCDOT

Attachment I

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
WATCH FOR CHILDREN SIGNS
Morningside Drive (Mount Vernon District)
Admiral Drive (Mount Vernon District)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia on Tuesday, January 24, 2012, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, "Watch for Children" signs are available to local communities as part of the Fairfax County Department of Transportation Residential Traffic Administration Program (RTAP); and

WHEREAS, Section 33.1-210.2, of the *Code of Virginia*, enables the Board of Supervisors to request by resolution to the Commissioner of Highways, signs alerting motorists that children may be at play nearby; and

WHEREAS, the Virginia Department of Transportation has indicated a willingness to install "Watch for Children" signs on the above-referenced streets;

NOW THEREFORE BE IT RESOLVED, that "Watch for Children" signs are endorsed for these streets;

AND FURTHER, the Virginia Department of Transportation is requested to install the "Watch for Children" signs at the earliest possible date, and to maintain same, with the cost of such signs to be funded from the Virginia Department of Transportation's countywide traffic services fund in the Fairfax County secondary road construction budget.

A Copy Teste:

_____
Catherine A. Chianese
Clerk to the Board of Supervisors

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Board Agenda Item
January 24, 2012

ADMINISTRATIVE – 6

Authorization to Advertise a Public Hearing on Amendments to the Home Child Care Facilities Ordinance, Chapter 30, Articles 1 and 3 of the *Fairfax County Code*

ISSUE:
Board authorization to advertise a public hearing to consider amendments to Chapter 30, Articles 1 and 3 of the *Fairfax County Code.* The amendments are the result of a comprehensive review of the ordinance by the Child Care Advisory Council, the Department of Family Services, Office for Children and the Office of the County Attorney. The ordinance has been reviewed and revised to reflect current health and safety regulations, practices and codes; best practices in the field, updated state home child care regulations; and to reorganize and reword the ordinance for clarity.

RECOMMENDATION:
The County Executive recommends that the Board authorize the advertisement of the public hearing.

TIMING:
Board action is requested on January 24, 2012, to provide sufficient time to advertise a public hearing on the proposed amendments on February 28, 2012 at 4:30 pm.

BACKGROUND:
Chapter 30, Article 3 of the *County Code* regulates Home Child Care Facilities in which a person cares for five or fewer children. The ordinance is intended to protect the health and safety of children who receive care in family child care homes. Home Child Care Facilities in which a person cares for more than five children are regulated by the Virginia Department of Social Services, Division of Licensing.

First approved in 1989, the County's Home Child Care Facility Ordinance was last significantly revised in 2001. The Board adopted an amendment regarding the storage of firearms in June 2010, and amendments regarding medication administration and national background checks in June 2011.

This past year the Child Care Advisory Council has worked with the Department of Family Services, Office for Children to comprehensively review and update the ordinance to reflect current health and safety regulations, practices and codes; best

practices in the field; updated state home child care regulations; and to reorganize and reword the ordinance for clarity. The Department of Family Services, Office for Children has worked in partnership with the Office of the County Attorney, the Health Department, the Fire and Rescue Department and the Department of Planning and Zoning during this process. Staff have also worked with county family child care associations, the City of Fairfax and the City of Falls Church.

As a result, staff proposes a number of amendments to *County Code*, Chapter 30, Article 1 (definitions and administration/enforcement provisions) and Article 3 (the Home Child Care Facilities ordinance). The Child Care Advisory Council has approved the amendments that staff is proposing. The following are proposed amendments that reflect the primary substantive changes to the ordinance:

<u>Section 30-1-1: Barrier offenses</u>
The list of offenses that bar an applicant from obtaining a County home child care permit have been updated so that they are the same as the offenses that bar an applicant from receiving a state child care license.

<u>Section 30-3-2 a: Annual permit application, issuance or denial</u>
The provider and all adult household members will be required to have a TB screening bi-annually. Currently the provider is the only adult in the household required to have a TB screening bi-annually.

Providers will be required to have a written emergency preparedness plan.

<u>Section 30-3-4 b: Operator Qualifications</u>
All new and renewing providers will be required to complete 16 hours of training annually. The new requirement will be phased in over a three-year period. Currently, new providers are required to complete 12 hours of training annually; renewing providers are required to complete 6 hours of training annually. The new requirement would bring County-permitted providers into parity with state-licensed child care providers, who must complete 16 hours of training annually.

<u>Section 30-3-6 c: Physical facilities, equipment and operation</u>
Providers will be required to provide adequate space for each child to allow free movement and active play indoors and out.

Providers are currently required to provide a crib for overnight care. The proposed amendments also would require the provider to provide appropriate sleeping equipment during rest times as identified by the United States Consumer Product Safety Commission.

Additionally, staff proposes adding the following new sections/items:

New Section 30-3-4.1: Substitute Care Providers
When a provider must be away from the home child care facility, a substitute care provider may be used. Substitute care shall not exceed 240 hours per calendar year. Any substitute care provider must be an adult. All substitutes must: pass criminal background checks, be certified in first aid, be certified annually in CPR and receive a TB screening bi-annually.

Currently, the ordinance does not allow for substitute care. This proposed new section will require an amendment to the Zoning Ordinance, Article 10, Part 10-103 so that both ordinances will be aligned regarding substitute care. The Department of Planning and Zoning intends to present the Zoning Ordinance amendment to the Board on March 20, 2012. Accordingly, Section 30-3-4.1 has a contingent effective date.

Section 30-3-6 q & r: Physical facilities, equipment and operation
The addition of regulations for swimming and wading activities including:

- The provider and another adult 18 years or older shall be present and able to supervise the children.
- The home child care facility shall annually obtain written permission from the parent of each child who participates.
- The provider must obtain a written statement from the parent advising of a child's swimming skills before the child is allowed in water above the child's shoulder height.
- An individual certified in basic water rescue, community water safety, water safety instruction, or lifeguarding must be on duty to supervise children. The certification shall be obtained from a national organization such as the American Red Cross or the YMCA.

The addition of a drowning hazard safety policy:

- Access to the water in above-ground swimming pools shall be prevented by locking and securing the ladder in place or storing the ladder in a place inaccessible to children.
- A non-climbable barrier at least four feet high such as, but not limited to, a fence or impenetrable hedge shall surround outdoor play areas located within 30 feet of drowning hazards such as, but not limited to, in-ground swimming or wading pools, ponds, or fountains not enclosed by safety fences.
- Hot tubs, spas, and whirlpools shall not be used by children in care, and shall be covered with safety covers while children are in care.

New Section 30-3-6-1: Home child care facility fire safety requirements
The Fire and Rescue Department has updated all fire safety items, currently Chapter 30, according to Fairfax County Code Chapter 62: Fire Protection Code. All fire safety items have been grouped into a new section. New requirements included in the proposed amendments include the following:

- A landline telephone will be required.
- Carbon monoxide alarms will be required.
- Stored machinery must be inaccessible to the children in care.
- Any room used as a sleeping area must have two means of exit, as required by the Virginia Uniform Statewide Building Code.
- Inspections will be required for fireplaces and wood stoves.

Some of the proposed amendments to the ordinance will result in additional costs to the provider. These include the requirement that additional adults in the household have a TB screening, CPR be renewed annually, the provider have emergency preparedness supplies, the provider have a landline telephone, the provider have carbon monoxide alarms and lithium battery ionization smoke alarms in the home, and fireplace and woodstove inspections if applicable.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Draft amendments to Chapter 30, Articles 1 and 3

STAFF:
Patricia D. Harrison, Deputy County Executive
Nannette M. Bowler, Director, Department of Family Services
Ronald L. Mastin, Chief, Fire and Rescue Department
Dereck A. Baker, Deputy Chief, Fire and Rescue Department
Erin C. Ward, Assistant County Attorney
Rosalyn Foroobar, Deputy Director for Health Services, Health Department
Eileen McLane, Zoning Administrator, Department of Planning and Zoning
Anne-Marie D. Twohie, Director, Office for Children

AN ORDINANCE AMENDING CHAPTER 30 OF THE FAIRFAX COUNTY CODE, RELATING TO HOME CHILD CARE FACILITIES

Draft of December 29, 2011

AN ORDINANCE to amend the Fairfax County Code by amending and readopting Sections 30-1-1, 30-3-2, 30-3-3, 30-3-4, 30-3-6, 30-3-7, 30-3-8, 30-3-9, 30-3-10, and by adopting two new Sections numbered 30-3-4.1 and 30-3-6.1, all relating to home child care facilities.

Be it ordained by the Board of Supervisors of Fairfax County:

1. That Sections 30-1-1, 30-3-2, 30-3-3, 30-3-4, 30-3-6, 30-3-7, 30-3-8, 30-3-9, 30-3-10 of the Fairfax County Code are amended and readopted, and two new Sections numbered 30-3-4.1 and 30-3-6.1 are adopted, as follows:

ARTICLE 1. - In General.

Section 30-1-1. - Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Adult means a person 18 years of age or older.

[Drafting note: The definition of "barrier offense" has been changed to mirror the list of offenses that bar receipt of a state child care permit.]

Barrier offense means offenses which bar an applicant from obtaining a home child care facility permit pursuant to this Chapter or mandate revocation of an outstanding permit. Barrier offenses are:

(1) If the ~~operator, a~~ provider~~,~~ or any person who resides in the home is convicted of (a) any of the following offenses set out in the Virginia Code: murder <u>or manslaughter</u> as set out in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2~~,~~<u>;</u> malicious wounding by mob as set out in § 18.2-41~~,~~<u>;</u> abduction as set out in § 18.2-47<u>(</u>A<u>)</u>~~,~~<u>;</u> abduction for immoral purposes as set out in § 18.2-48~~,~~<u>;</u> ~~assault~~ <u>assaults</u> and bodily wounding<u>s</u> as set out in Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2~~,~~<u>;</u> robbery as set out in

§ 18.2-58~~,~~; car jacking as set out in § 18.2-58.1~~,~~; ~~extortion by threat~~ threats of death or bodily injury as set out in § 18.2-60~~,~~; ~~any~~ felony stalking ~~violation~~ as set out in § 18.2-60.3~~,~~; sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2~~,~~; arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2~~,~~; burglary as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2~~,~~; any felony violation relating to possession or distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2~~,~~; drive-by shooting as set out in § 18.2-286.1~~,~~; use of a machine gun in a crime of violence as set out in § 18.2-289~~,~~; aggressive use of a machine gun as set out in § 18.2-290~~,~~; use of a sawed-off shotgun in a crime of violence as set out in § 18.2-300(A)~~,~~; pandering as set out in § 18.2-355~~,~~; crimes against nature involving children as set out in § 18.2-361~~,~~; incest as set out in § 18.2-366~~,~~; taking indecent liberties with children as set out in § 18.2-370 or § 18.2-370.1~~,~~; abuse and neglect of children as set out in § 18.2-371.1~~,~~; failure to secure medical attention for an injured child as set out in § 18.2-314~~,~~; obscenity offenses as set out in § 18.2-374.1~~,~~; possession of child pornography as set out in § 18.2-374.1:1~~,~~; electronic facilitation of pornography as set out in § 18.2-374.3~~,~~; abuse and neglect of incapacitated adults as set out in § 18.2-369~~,~~; employing or permitting a minor to assist in an act constituting an offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 as set out in § 18.2-379~~,~~; delivery of drugs to prisoners as set out in § 18.2-474.1~~,~~; escape from jail as set out in § 18.2-477~~,~~; felonies by prisoners as set out in § 53.1-203~~,~~; or (b) an equivalent offense in another state; or (c) any other felony unless ~~in the~~ five years ~~prior to~~ have elapsed since ~~the application date~~ the conviction. Convictions shall include prior adult convictions and juvenile convictions and adjudications of delinquency based on ~~an offense which~~ a crime that would ~~have been at the time of conviction~~ be a felony ~~conviction~~ if committed by an adult within or outside the Commonwealth.

(2) If the ~~operator, a~~ provider~~,~~ or a person who resides in the home is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth; and

(3) If the ~~operator~~ provider makes a false statement regarding a material fact on an application for a home child care permit under this Chapter; this bar shall remain in effect for a period of one year from the time the permit is denied or revoked on this basis.

Director of Health means the Director of the Fairfax County Health Department or the authorized agent of the Director of the Fairfax County Health Department.

Director of the Office for Children means the Director of the Fairfax County Office for Children or the authorized agent of the Director of the Fairfax County Office for Children.

Home child care facility means any facility located in a dwelling or mobile home, as defined in Article 20 of Chapter 112 of the Fairfax County Code (the Zoning Ordinance), where a person, for compensation, regularly provides care, protection, supervision and

guidance to one or more children who do not reside in the facility and who are not attended by a parent, guardian or legal custodian while they are in that facility, during a part of the day for at least four days of a calendar week. If, on a regular basis, a person receives compensation for the care, protection, supervision and guidance of one or more children in a structure other than a dwelling or mobile home, as defined in the Zoning Ordinance, that facility shall be deemed to be a child care center and included within those facilities defined in this Section. A home child care facility does not include: (i) any family day home licensed by the Commonwealth pursuant to Virginia Code § ~~63.1-196~~ 63.2-1701 or any facility exempted from licensure by Virginia Code § ~~63.1-196.3~~ 63.2-1715; (ii) any dwelling or mobile home where a person provides care solely for children who reside there; or (iii) any dwelling or mobile home where a person provides care solely for relatives of the resident owner or tenant. However, if on a regular basis, a person receives compensation for the care, protection, supervision and guidance of one or more children who do not reside in that dwelling or mobile home and who are not attended by a parent, guardian or legal custodian while they are in that dwelling or mobile home during a part of the day for at least four days of a calendar week, and a home child care facility is established thereby, then any children who are related to the person who provides such care and are present in that dwelling or mobile home and any other children who reside in that dwelling or mobile home shall be counted and considered in determining whether the facility complies with the provisions of this Chapter.

Occasional child care means care provided on an hourly basis, for one or more children between the ages of six weeks and twelve years of age, for a period not to exceed four hours within any one day, which is contracted for by a parent, guardian, or legal custodian for the same child not more than ten days within a calendar month.

Permit means authorization from the County to operate a private school, nursery school, child care center or home child care facility for the care, guidance, education, training or protection of children in compliance with this Chapter.

Private school, nursery school, or child care center means any place, home, facility, or institution, however designated, or any part thereof, that (1) is eligible for an exemption from state licensure pursuant to Virginia Code §§ ~~63.1-196.3 or 63.1-196.3:1~~63.2-1716 and 63.2-1717; (2) is operated for the purposes of providing care, guidance, education or training; and (3) receives on a regular basis, for any period of more than one hour but less than twenty-four hours in any twenty-four-hour period, one or more children under the age eligible for enrollment in the Fairfax County Public Schools who are not attended by a parent, guardian or person with legal custody. A home child care facility, as defined in this Section, shall not be included within this definition.

Provider means the ~~operator~~ adult responsible for obtaining the permit and for the day-to-day operation of ~~a~~ the home child care facility. The provider is responsible for ~~and any other person who provides~~ providing care, protection, supervision, and guidance to

children in a home child care facility ~~for compensation~~.

Substitute Care Provider means any person who provides care, protection, supervision, and guidance to children when the provider is away from the home child care facility.

Section 30-1-2. - Administration and enforcement of Chapter.

The Director of Health shall administer and enforce the provisions of Article 2 of this Chapter. The Director of the Office for Children and the Chief of the Fairfax County Fire and Rescue Department or the agent of the Chief ("the Fire Code Official") shall administer and enforce the provisions of Article 3 of this Chapter.

ARTICLE 3. - Home Child Care Facilities.

Section 30-3-2. - Annual permit application, issuance or denial.

(a) A person proposing to operate a home child care facility shall submit an application on a form prepared by the Director of the Office for Children, which shall include:

(i) The name and address of the home child care facility;

(ii) The name of the applicant;

(iii) A statement of whether the applicant currently holds or previously held a home child care facility permit in the County;

(iv) The names of ~~all providers and~~ all persons who reside in the home;

(v) Disclosures from the applicant~~, each provider,~~ and each adult who resides in the proposed facility stating whether he or she has committed any barrier offense, consent forms signed by the applicant~~, each provider,~~ and each adult who resides in the proposed facility allowing the Director of the Office for Children to request a search of the Central Criminal Records Exchange for files on each such person, and payment of an investigation fee in an amount equal to the fee established by the Virginia State Police for conducting a records search multiplied by the number of persons making disclosures and providing consent forms. When the Central

Criminal Records Exchange records indicate that any such person has a criminal record in another state, or when the Director otherwise deems appropriate, the Director may also require that the applicant~~, the provider,~~ or ~~the~~ such adult who resides in the proposed facility consent to and pay for a national criminal background check;

(vi) Statements from the applicant~~, each provider,~~ and each adult who resides in the proposed facility, and statements from a parent, guardian or legal custodian on behalf of all minors age 14 and older who reside in the proposed facility, consenting to the release of information to the Director of the Office for Children from child protective services investigating agencies reflecting whether any such individual has been the subject of a founded complaint of abuse or neglect; the term~~s~~ "child protective services" ~~and "investigating agencies"~~ shall have the meaning defined by Virginia law;

(vii) Copies of the applicant's certifications in pediatric first aid and pediatric cardiopulmonary resuscitation (CPR);

(viii) Proof of the applicant's compliance with the training requirements established in Section 30-3-4(b), which shall consist of records provided by the trainer or, if none are provided by the trainer, records maintained by the applicant;

(ix) A description of the structure in which the home child care facility is proposed to be operated, including a description of all places and areas to which the children shall have access;

(x) The proposed hours of operation;

(xi) A statement of whether the applicant is eighteen or more years old;

(xii) A certificate from a physician, physician's designee, or Health Department official stating that acceptable screening methods (tuberculin skin test and/or tuberculosis risk and symptom screen and/or chest X-ray), singly or in combination as determined appropriate by the signatory, indicate that the applicant and all ~~providers~~ adult household members are currently free from communicable tuberculosis. The screen must be performed ~~not more than 24 months~~ prior to coming into contact with children and it shall be conducted every two years ~~the date on which the application is submitted;~~ or more frequently as recommended by a physician or the local health department;

(xiii) A written policy describing what the applicant will do with children in care who are sick and a written emergency preparedness plan;

(xiv) Such other information, including, but not limited to, information concerning applicant's child care training and special skills, as the Director of the Office for Children may deem appropriate;

(xv) The application fee of $14, which is in addition to any business or occupation license tax imposed by the County, and any other taxes or fees that may be required to engage in the business.

During the term of the permit, the ~~operator~~ provider must report to the Director of the Office for Children any change in the information required by subsections (iv), (v), (vi), and (xii) within 21 days of learning of the change.

(b) Upon submission of an application to the Office for Children:

(i) The Director of the Office for Children shall inspect the proposed facility to determine whether it is in compliance with this Article and all applicable Virginia law that may affect the health and safety of the children who may attend or be present at the facility.

(ii) The ~~Chief of the Fairfax County Fire and Rescue Department or the agent of the Chief~~ Fire Code Official shall conduct a fire safety inspection of the proposed facility and advise the Director of the Office for Children of any noncompliance with this Article or any applicable Virginia law that may affect the health and safety of the children who may attend or be present at the facility.

(iii) If the applicant does not hold a permit under this Article at the time of the application, the Director of the Office for Children shall request a search of the Central Criminal Records Exchange to determine whether the applicant~~, any provider~~ or any persons who reside in the home have committed any crimes that constitute barrier offenses. When the Central Criminal Records Exchange records indicate that any such person has a criminal record in another state, or when the Director otherwise deems appropriate, the Director may also require that the applicant~~, the provider,~~ or ~~the~~ such adult who resides in the proposed facility consent to and pay for a national criminal background check. Otherwise, the Director may request a criminal records search if five or more years have passed since the last records search on an individual, or upon receipt of new information submitted in accordance with this section, or as the Director deems appropriate in

extenuating circumstances.

(iv) The Director of the Office for Children shall request information from child protective services investigating agencies as deemed necessary to determine whether the applicant~~, any provider~~ or any person age 14 and older who resides in the proposed facility has been the subject of a founded complaint of abuse or neglect.

(c) The Director of the Office for Children shall issue a permit to an applicant if the Director determines from the information contained in the permit application, the facility inspections, and the records searches that (i) the applicant is an adult; (ii) neither the applicant~~,~~ nor ~~any provider or~~ any person who resides in the facility has committed any barrier offense; and (iii) both the applicant and the proposed facility are in compliance with this Article and all applicable Virginia laws that may affect the health and safety of the children who may attend or be present at the proposed facility. The permit shall be displayed in the home child care facility by the ~~operator~~ provider ~~of that facility~~.

(d) The Director of the Office for Children shall deny a permit to any applicant if the Director determines from the information contained in the permit application, the facility inspections, and the records searches that (i) the applicant is not an adult; (ii) the applicant~~, any provider,~~ or any person who resides in the facility has committed any barrier offense; or (iii) either the applicant or the proposed facility is not in compliance with this Article and all applicable Virginia laws that may affect the health and safety of the children who may attend or be present at the proposed facility. If the denial is based on the results of the searches of the records of the Central Criminal Records Exchange, the national criminal background check, or the Department of Social Services, the Director shall provide the applicant a copy of the information upon which the denial was based.

Section 30-3-3. - Temporary permits.

(a) A person proposing to operate a home child care facility that is not in compliance with the requirements of this Article may apply to the Director of the Office for Children for a temporary permit to operate a home child care facility for a period of not more than six months. The Director of the Office for Children may grant such a temporary permit for a period of not more than six months if the applicant:

(i) Is an adult;

(ii) Certifies that all the requirements of this Article will be met within six months

from the date of issuance of the temporary permit or within such lesser period as may be approved by the Director;

(iii) Agrees to apply for a regular permit as soon as the facility is able to comply with the requirements of this Article;

(iv) Certifies that neither the applicant~~, any provider,~~ nor any adult who resides in the proposed facility has committed any barrier offense; and

(v) The Director of the Office for Children has no information which is contrary to the applicant's certification.

(b) If the holder of a temporary home child care facility permit is unable to comply with the requirements of this Article within the period authorized by the temporary permit period, the holder of the temporary permit may apply to the Director of the Office for Children for an extension of the temporary permit for an additional period of not more than six months. If in the judgment of the Director of the Office for Children the failure to comply with the provisions of this Article was the result of circumstances beyond the control of the holder of the temporary permit then the Director of the Office for Children may extend the temporary permit for an additional period of not more than six months.

Section 30-3-4. - ~~Operator~~ Provider Qualifications.

(a) ~~Each operator~~ The provider must be an adult.

[Drafting note: Training requirements are increased over time to match the training requirement that state regulations impose on family day home providers.]

(b) ~~Each operator~~ The provider must be trained in areas such as physical, intellectual, social, and emotional child development, behavior management and discipline techniques, health and safety in the home child care environment, art and music activities for children, nutrition, child abuse detection and prevention, ~~or~~ recognition and prevention of the spread of communicable diseases, emergency preparedness, and business practices of family child care. Until January 1, 2014, any ~~Any~~ applicant who does not hold a permit under this Article at the time he or she submits a permit application must attend 12 hours of training by an approved trainer during the term of the permit. ~~After January 1, 2002,~~ Until January 1, 2013, any applicant who holds a permit under this Article at the time he or she submits an application for a new permit must attend six hours of training by an approved trainer

within twelve months immediately preceding the date of the application. From January 1, 2013, until December 31, 2013, any applicant who holds a permit under this Article at the time he or she submits an application for a new permit must attend 12 hours of training by an approved trainer within twelve months immediately preceding the date of the application. From January 1, 2014, to December 31, 2014, any applicant must attend 14 hours of training by an approved trainer within twelve months immediately preceding the date of the application. Beginning January 1, 2015, any applicant must attend 16 hours of training by an approved trainer within twelve months immediately preceding the date of the application. The Director of the Office for Children shall maintain a list of entities that are approved as trainers. Upon request from ~~an applicant or operator~~ the provider, accompanied by information about the entity and/or the course, the Director of the Office for Children may approve additional trainers or a specific course.

(c) ~~Each operator~~ The provider must be certified in pediatric first aid and certified annually in pediatric cardiopulmonary resuscitation (CPR).

(d) In addition to the training required in subsection (b) above, and except as set forth in Section 30-3-6 ~~(bb) and (cc)~~ (o) and (p), ~~an operator~~ a provider who administers prescription medications or non-prescription medications to children in care must satisfactorily complete a training program for this purpose developed or approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist. Providers required to complete the training program shall be retrained at three-year intervals.

[Drafting note: Section 30-3-4.1 has a separate effective date; this proposed new section will take effect only if the Board adopts an amendment to the Zoning Ordinance to allow substitute care providers for home child care facilities. Staff expects that the Board will consider such a proposed Zoning Ordinance amendment on March 20, 2012.]

Section 30-3-4.1. – Substitute Care Providers.

(a) When a provider must be away from the home child care facility, a substitute care provider may be used. Substitute care shall not exceed 240 hours per calendar year. Any substitute care provider must be an adult.

(b) The substitute care provider shall submit to the Director of the Office for Children the disclosure and statement required of providers by Section 30-3-2(a), subsections (v) and (vi), along with payment of the applicable fees. A provider shall not use a substitute

care provider until the Director has notified the provider that the substitute care provider has not committed a barrier offense.

(c) The substitute care provider must be certified in pediatric first aid and certified annually in pediatric cardiopulmonary resuscitation (CPR). The provider must maintain copies of the certifications.

(d) The substitute care provider must have a tuberculosis screening in accordance with Section 30-3-2(xii). The provider must maintain copies of the screenings.

Section 30-3-6. - Physical facilities, equipment and operation.

(a) Providers shall supervise children in a manner which ensures that the provider is aware of what the children are doing at all times and can promptly assist or redirect activities when necessary. In deciding how closely to supervise children, providers shall consider the ages of the children, individual differences and abilities, layout of the house and play area, neighborhood circumstances or hazards and risk activities in which children are engaged.

(b) All rooms used for child care shall be dry, well-lighted and have adequate ventilation and shall be smoke free when any child in care is present. Windows that can be opened shall be screened from April 1 through November 1 of each year.

(c) ~~An outdoor recreation area shall be provided for use by the children.~~ The provider shall provide each child with adequate space to allow free movement and active play indoors and out. Indoor and outdoor areas shall provide developmentally appropriate activities, supplies, and materials that are safe and accessible. All areas shall be free of dangerous and hazardous conditions.

(d) Covered, washable waste receptacles shall be provided for all waste materials, diapers, garbage, and refuse. Trash and other waste materials shall be removed as often as necessary to prevent excessive accumulations and shall be deposited in ~~approved~~ trash or waste disposal containers.

(e) Toxic or dangerous materials shall be stored in areas that are inaccessible to children and separate from food supplies and areas in which food is prepared.

(f) Dogs and cats four months old or older that regularly are present at the facility shall be immunized for rabies, and records of such immunizations shall be kept

available at the facility for inspection by the Director of the Office for Children.

(g) A refrigerator shall be used for perishable food and that refrigerator shall maintain a constant temperature of 41 degrees Fahrenheit or less. Food brought into any home child care facility for consumption by nonresident children shall be clearly marked for consumption by the children for whom the food is intended. Meals or snacks shall be offered to the children at least once every three hours. Home child care facilities that provide meals or snacks to children in care shall follow the most recent, age-appropriate nutritional guidelines set forth by the United States Department of Agriculture, Food and Nutrition Service.

(h) Each home child care facility that is not served by a public water supply shall have a private water supply approved by the Department of Health. Each home child care facility that is not served by a public sewage disposal system shall have a private sewage disposal system approved by the Department of Health. Drinking water from a public water supply, well permitted by the Department of Health, or other source acceptable to the Department of Health shall be available for all children.

[Drafting note: The language currently in subsection (i) has been revised and moved to Section 30-3-6.1, along with other requirements that are related to fire safety. The language below now designated as subsection (i) was previously set forth as subsection (t) and has been relocated and relettered, but is otherwise unchanged.]

(i) Except for those rooms used by children while sleeping under covers, all rooms used for child care shall be maintained at a temperature of not less than 68 degrees Fahrenheit.

(j) Providers shall not use or allow any other person to use corporal punishment, physical, verbal, or emotional punishment, or any humiliating or frightening methods of discipline.

(k) Firearms of every type and purpose shall be stored unloaded in a locked container, compartment, or cabinet, and apart from ammunition. Ammunition shall be stored in a locked container, compartment, or cabinet during the home child care facility's hours of operation. If a key is used to lock the container, compartment, or cabinet, the key shall be inaccessible to children.

[Drafting note: Subsections (l) through (s) and (u) through (x), all relating to fire safety, have been revised and relocated to a new Section 30-3-6.1.]

~~(y)~~(l) Providers shall handle blood, bodily fluids, and other potentially infectious materials as if known to be infectious for human immunodeficiency virus, hepatitis B virus, and other bloodborne pathogens.

~~(z)~~(m)~~The operator shall have appropriate sleeping arrangements for all children in care~~. During rest times the provider shall provide appropriate sleeping equipment that meets the current standards of the United States Consumer Product Safety Commission for children birth through 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot or bed. If children are in care overnight on a regular or frequent basis, then the ~~operator~~ provider shall provide cribs that meet the current standards of the United States Consumer Product Safety Commission for full-size baby cribs for children from birth through 12 months of age and for children over 12 months of age who are not developmentally ready to sleep on a cot or bed.

~~(aa)~~(n) All home child care facilities shall be maintained free from rodents and insect infestation ~~insects and rodents~~.

~~(bb)~~(o) Except as set forth in subsection ~~(cc)~~ (p) below, whenever the home child care facility has agreed to administer prescription medications or non-prescription medications, the medication shall be administered in compliance with the Virginia Drug Control Act by a provider who has satisfactorily completed the training required by Section 30-3-4(d).

~~(cc)~~(p) Notwithstanding subsection ~~(bb)~~ (o) above, a provider may administer nonprescription topical skin products such as sunscreen, diaper ointment and lotion, oral teething medicine, and insect repellent, provided the following requirements are met:

(i) The provider has obtained written authorization, at least annually, from a parent or guardian noting any known adverse reactions;

(ii) The product is in the original container and, if the product is provided by the parent, labeled with the child's name;

(iii) The product is applied in accordance with the manufacturer's instructions;

(iv) Parents are informed immediately of any adverse reaction;

(v) The product shall not be used beyond the expiration date of the product;

(vi) Sunscreen must have a minimum sunburn protection factor (SPF) of 15; and

(vii) The product does not need to be kept locked, but shall be inaccessible to children.

[Drafting note: Provisions regarding swimming and wading are being added to impose requirements similar to those imposed by state regulations on family day homes.]

(q) The home child care facility shall annually obtain written permission from the parent of each child who participates in swimming or wading activities, and a written statement from the parent advising of a child's swimming skills before the child is allowed in water above the child's shoulder height.

(i) The provider shall have a system for accounting for all children in the water.

(ii) Outdoor swimming activities shall occur only during daylight hours.

(iii) When one or more children are in water that is more than two feet deep in a pool, lake, or other swimming area on or off the premises of the home child care facility:

a. The provider and another adult 18 years or older shall be present and able to supervise the children; and

b. An individual currently certified in basic water rescue, community water safety, water safety instruction, or lifeguarding shall be on duty supervising the children participating in swimming or wading activities at all times. The certification shall be obtained from a national organization such as the American Red Cross or the YMCA.

(r) Access to the water in above-ground swimming pools shall be prevented by locking and securing the ladder in place or storing the ladder in a place inaccessible to children.

(i) A non-climbable barrier at least four feet high such as, but not limited to, a

fence or impenetrable hedge shall surround outdoor play areas located within 30 feet of drowning hazards such as, but not limited to, in-ground swimming or wading pools, ponds, or fountains not enclosed by safety fences. Facilities permitted prior to the effective date of this ordinance must comply fully with the requirement of this subsection by January 1, 2013.

(ii) Portable wading pools without integral filter systems shall be emptied, rinsed, and filled with clean water after use by each group of children or more frequently as necessary; and shall be emptied, sanitized, and stored in a position to keep them clean and dry when not in use during the home child care facility's hours of operation. Portable wading pools shall not be used by children who are not toilet trained. Bathtubs, buckets, and other containers of liquid accessible to children shall be emptied immediately after use.

(iii) Hot tubs, spas, and whirlpools shall not be used by children in care, and shall be covered with safety covers while children are in care.

Section 30-3-6.1. – Home child care facility fire safety requirements.

[Most of these provisions have been relocated from Section 30-3-6 into this new Section 30-3-6.1 and revised. Underlining/strikeouts show changes from the corresponding current provision in Section 30-3-6.]

~~(i) An operational telephone shall be available and easily accessible within the home child care facility, and emergency telephone numbers for fire, police and medical assistance shall be posted near the telephone. Each such facility shall have the address of the building posted in a manner so as to be visible and distinguishable from the street or parking lot.~~

(a) A landline telephone (excluding a cordless or cell) shall be available, operable, and accessible during the home child care facility's hours of operation. Cordless or cell phones may be used in addition to the landline telephone.

(b) All telephones shall be labeled with 911 stickers approved by the Office of the Fire Code Official.

(c) Address numbers or building numbers shall be placed in a position that is plainly legible and visible from the street or road fronting the property.

~~(l) Each home child care facility shall be structurally sound and in a good state of repair. The operator shall not allow oil, grease, dust, lint, and other combustible materials to accumulate on cooking surfaces; heating, ventilation, and air conditioning equipment; clothes dryers; and other mechanical equipment.~~

(d) Combustible waste material, lint, and dust creating a fire hazard shall not be allowed to accumulate in or on dryers, heating appliances, and furnaces.

~~(o) Kitchen ranges, other cooking equipment and other appliances shall be kept in good working order and free from grease, dust, lint, and other combustible materials. Small appliances, including but not limited to hair dryers, toaster ovens, toasters, mixers, blenders, and food processors, shall remain unplugged except when in use.~~

(e) Kitchen ranges, ovens, and exhaust hoods, grease removal devices, fans, ducts, and other appurtenances shall be free of excessive grease.

~~(m) All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code. No exit door that has a double deadbolt lock shall be locked with the key removed from the interior side of the exit door during the hours of child care.~~

(f) All exit stairs, interior or exterior, shall be in good repair and shall be provided with handrails and guard rails as required by the Virginia Uniform Statewide Building Code.

(g) All egress pathway and exit doors shall be unlocked in the direction of egress and free from obstructions that would prevent their use, including debris, storage, and accumulations of snow and ice.

(h) Closet and bathroom doors shall be unlocked in the direction of egress and designed to permit opening of the locked door from the outside with a readily accessible opening device.

~~(n) Electric panels and equipment shall be in good working order and free of loose connections. Protective sheathing on all wiring shall be intact with no frayed ends or exposed wiring and shall be anchored or supported. Fuses or circuit breakers shall be of the proper size and type. Electric panels shall be readily accessible and a minimum clear space measuring three feet out from the panel and 30 inches wide must be maintained. The use of multi-plug adapters or extension cords to provide permanent power to electrical equipment is prohibited. However, the use of power strips with a~~

~~built-in fuse or circuit breaker is approved if such power strips are of the type approved and listed by a recognized testing authority, such as Underwriter's Laboratories or Factory Mutual Research Corporation.~~

(i) Electrical hazards identified by the Fire Code Official shall be abated in accordance with the Virginia Uniform Statewide Building Code.

(j) Extension cords, temporary wiring, and flexible cords shall not be substituted for permanent wiring. Extension cords and flexible cords shall not be affixed to structures, extended through walls, ceilings, or floors, or under doors or floor coverings, or be subject to environmental or physical damage.

(k) A working space of not less than 30 inches in width, 36 inches in depth, and 78 inches in height shall be provided in front of the electrical service equipment. Where the electrical service equipment is wider than 30 inches, the working space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated working space.

~~(p) Electric portable space heaters shall be of the type approved and listed by a recognized testing authority, such as Underwriter's Laboratories or Factory Mutual Research Corporation. Portable heaters shall be provided with suitable guards to prevent contact with the heating element and shall be located a minimum of three feet from combustible materials. The use of unvented, fuel-fired space-heating appliances designed for portable use is prohibited during the hours of child care.~~

(l) The use of portable unvented fuel-fired heating equipment is prohibited except in single-family dwellings classified R-5 by the Virginia Uniform Statewide Building Code. Where allowed, such equipment must be listed and approved by a nationally recognized testing laboratory.

(m) Where portable unvented fuel-fired heating equipment is allowed, the heating element or the combustion chamber shall be permanently guarded so as to prevent accidental contact by persons or combustible material.

~~(q) Fireplaces and chimneys shall be in good condition and free of cracks or voids in the firebox and flue liner. Fireplaces and chimneys shall be inspected and cleaned as often as necessary to remove the buildup of creosote and other flammable residues. A fireplace screen or other protective guard shall be required for all fireplaces.~~

(n) Fireplace screens, glass, or doors shall be in good condition and designed to guard against accidental contact with the combustion chamber contents. The fireplace screen, glass, or doors shall be affixed to prevent accidental release of embers or products of combustion.

~~(r) Wood stoves shall be tested by a recognized testing authority, such as Underwriter's Laboratories or Factory Mutual Research Corporation, and shall be installed and inspected as required by the Virginia Uniform Statewide Building Code. Wood stoves shall be inspected and cleaned as often as necessary to remove the buildup of creosote and other flammable residues. Providers shall take all precautions necessary to minimize potential injury from contact with hot surfaces by any child at the facility.~~

(o) Wood stoves shall be listed and approved by a nationally recognized testing laboratory. Wood stoves shall be used and installed in accordance with the manufacturer's specifications. The provider shall have the manufacturer's specifications available on site for the Fire Code Official's review upon request.

(p) Fireplaces, wood stoves, and chimneys shall be inspected and cleaned annually or as often as necessary to remove the buildup of creosote and other flammable residues. The provider shall have proof of inspection available on site for the Fire Code Official's review upon request.

~~(s) Ashes from fireplaces and woods stoves shall be removed to the outside and stored in a noncombustible container, with a tight fitting lid, that has been approved by the Fire Marshal.~~

(q) Ashes from fireplaces and wood stoves shall be removed to the outside and stored in a container, with a tight fitting lid, which has been listed and approved by a nationally recognized testing laboratory.

~~(w) The storage of flammable or combustible liquids or gases, hazardous chemicals, and other highly flammable or toxic materials shall not be permitted inside the facility unless approved by the Fairfax County Fire Marshal. Storage of other materials shall be neat and orderly with required clearances provided for furnaces, hot water heaters, portable heaters, electric panels, fireplaces, and wood stoves. The exterior of the property shall be kept free from trash or other materials which in the opinion of the Fairfax County Fire Marshal pose a fire or safety hazard.~~

(r) The furnace and other heating appliances shall maintain clearance from ignition

sources as specified by the equipment manufacturer, unless the provider can establish cause for an exception.

(s) Storage of combustible materials in buildings shall be orderly. Storage shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur.

(t) Heating systems and associated ductwork shall be clean and in good working order. Adequate combustion air must be provided as required by the Virginia Uniform Statewide Building Code. Flues for the exhaust of carbon monoxide and other by-products of combustion shall be free of leaks and in good repair. ~~Except for those rooms used by children while sleeping under covers, all rooms used for child care shall be maintained at a temperature of not less than 68 degrees Fahrenheit.~~

~~(u) An operable smoke detector shall be provided on each floor level and shall be tested at least once a month. Smoke detectors may be of the fixed-wired or battery type.~~

(u) An operable smoke alarm shall be provided outside of each sleeping area, with at least one such device on each floor. Each smoke alarm shall be tested at least once a month and records of testing provided to the Fire Code Official upon request. Smoke alarms may be of the fixed-wired or battery type.

(v) An operable carbon monoxide alarm shall be installed in homes according to the manufacturer's specifications where appliances may produce carbon monoxide. Each carbon monoxide alarm shall be tested at least once a month and records of testing provided to the Fire Code Official upon request.

~~(v) At least one portable fire extinguisher, having a minimum rating of 1A10BC shall be provided. The extinguisher shall be properly mounted, readily accessible and be located near the kitchen.~~

(w) Portable fire extinguishers having a minimum rating of 1A10BC shall be properly mounted and readily accessible (i) within 30 feet of cooking equipment; and (ii) in areas where flammable liquids are stored, used, or dispensed.

(x) Portable fire extinguishers shall be selected, installed, and maintained in accordance with the manufacturer's specifications. All fire extinguishers shall be replaced at least every six years.

~~(w) The storage of flammable or combustible liquids or gases, hazardous chemicals, and other highly flammable or toxic materials shall not be permitted inside the facility unless approved by the Fairfax County Fire Marshal. Storage of other materials shall be neat and orderly with required clearances provided for furnaces, hot water heaters, portable heaters, electric panels, fireplaces, and wood stoves. The exterior of the property shall be kept free from trash or other materials which in the opinion of the Fairfax County Fire Marshal pose a fire or safety hazard.~~

(y) Storage of flammable or combustible liquids inside buildings in containers and portable tanks shall be in accordance with the Virginia Statewide Fire Prevention Code and the manufacturer's recommendations. Areas of flammable and combustible liquid storage shall be secured to prevent access during the home child care facility's hours of operation.

(i) Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings, structures, or upon premises.

(ii) Areas of storage of machinery such as lawnmowers and power tools shall be inaccessible to the children in care.

~~(x) A fire drill shall be conducted at least once every month in accordance with instructions provided by the Fire Marshal at the annual inspection of the facility. A written record of each fire drill shall be kept available for inspection by any authorized code enforcement official.~~

(z) The provider shall prepare an emergency evacuation plan, which shall include the preferred method to notify employees, children, and other occupants of an emergency situation; emergency egress routes from each room where child care is permitted; procedures for accounting for employees, children, and other occupants; and the preferred and alternate plans to notify emergency response organizations.

(aa) Fire evacuation drills shall be conducted monthly in all home child care facilities. Records shall be maintained on site and provided to the Fire Code Official upon request. Each record shall include the identity of the person conducting each drill; the date and time of each drill; the notification/initiating method used; the number of occupants evacuated; special conditions simulated; problems encountered; weather conditions when occupants were evacuated; and the time required to accomplish a complete evacuation.

(bb) Rooms used for sleeping must provide two means of exit, one which leads directly

to the outside, as required by the Virginia Uniform Statewide Building Code.

Section 30-3-7. - Immunizations.

The ~~operator~~ provider shall not accept into care any child who has not been immunized, or exempted from mandatory immunization, in accordance with Virginia Code § 32.1-46. The ~~operator~~ provider shall maintain for each child a copy of the child's immunization records; or a statement from the parents certifying that they object on religious grounds but that, to the best of the parent's knowledge, the child is in good health; or a statement from a physician indicating that immunization is not currently advisable for specific health reasons and an estimated date when immunizations can be safely administered.

Section 30-3-8. - Inspection of facilities.

In addition to the inspections required by Section 30-3-2, with the consent of the owner, ~~operator~~ provider, or agent in charge of the facility, or pursuant to a duly issued inspection warrant, the Director of the Office for Children shall have the right at all reasonable times to inspect all areas of any home child care facility that are accessible to children for compliance with this Article. Warrants to inspect any such facility shall be based upon a demonstration of probable cause and supported by affidavit.

Section 30-3-9. - Enforcement.

(a) Any person operating a home child care facility without the permit required by this Article shall be guilty of a Class 2 misdemeanor as provided in Section 1-1-12 of this Code.

(b) Any person subject to this Article who fails to comply with any other requirement of this Article or the permit shall be subject to such administrative action as prescribed in this Section. However, administrative action by the Director of the Office for Children shall not preclude any other administrative, civil or criminal proceedings authorized by law as a result of the same conduct.

(c) The Director of the Office for Children may revoke any permit granted under this Article if during the term of the permit the home child care facility is found by the Director to be in violation of the permit or this Article or if any circumstances exist which, if existing at the time of the permit application, would have warranted denial of the application. The Director of the Office for Children may suspend any permit granted under this Article if during the term of the permit the Director reasonably suspects a violation of the permit, this Article, or any applicable Virginia laws that may affect the health and safety of the children who may attend or be present at the facility. Prior to suspending or revoking any permit, unless in the judgment of the Director of the Office for Children there are exigent health and safety conditions which justify immediate

suspension of a permit, the Director of the Office for Children shall give the ~~operator~~ provider at least ten calendar days written notice of the proposed suspension or revocation. In the case of exigent health and safety conditions which in the judgment of the Director of the Office for Children justify the immediate suspension of the permit, the Director of the Office for Children shall suspend the permit immediately and notify the ~~operator~~ provider as soon as is practicable.

(d) If a permit to operate a home child care facility is revoked or suspended by the Director of the Office for Children, the ~~operator~~ provider shall notify all clients. Evidence of such notification shall be submitted to the Director of the Office for Children.

Section 30-3-10. - Appeals from permit denials, revocations and suspensions.

Any applicant for a home child care facility permit whose application is denied and any ~~operator~~ provider whose permit is suspended or revoked may submit a written request to the Director of the Office for Children for a hearing on the matter. Any request for hearing must be submitted to the Director of the Office for Children within 10 ~~calendar~~ business days of the time the ~~operator~~ provider receives notice of the action regarding which the ~~operator~~ provider seeks a hearing, and must specify the grounds for appeal.

2. **That the provisions of this ordinance are severable, and if any provision of this ordinance or any application thereof is held invalid, that invalidity shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application.**

3. **That the provisions of this ordinance shall take effect on July 1, 2012, except as set forth in enactment clause 4 below.**

4. **That the provisions of Section 30-3-4.1 shall take effect only if the Board of Supervisors adopts an amendment to the Zoning Ordinance, Article 10, Accessory Uses, Accessory Service Uses, and Home Occupations, Part 1, Accessory Uses and Structures, Section 10-103, Use Limitations, by revising Paragraph 6B to allow use of substitute care providers for home child care facilities for up to 240 hours per calendar year.**

GIVEN under my hand this day of _____ 2012.

_____

Clerk to the Board of Supervisors

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Board Agenda Item
January 24, 2012

ADMINISTRATIVE - 7

Authorization to Advertise Amendment to Chapter 112 (Zoning Ordinance) Re: Public Entertainment Establishments

ISSUE:
The proposed amendment revises the eating establishment definition and sets forth a new public entertainment establishment definition to allow for a distinction to be drawn between a use that functions primarily as an eating establishment and a use that primarily offers entertainment for adults.

RECOMMENDATION:
The County Executive recommends the authorization of the proposed amendment by adopting the resolution set forth in Attachment 1.

TIMING:
Board action is requested on January 24, 2012, to provided sufficient time to advertise the proposed Planning Commission public hearing on February 23, 2012, at 8:15 p.m., and the proposed Board of Supervisors public hearing on March 6, 2012 at 4:00 p.m.

BACKGROUND:
The proposed amendment is on the 2011 Zoning Ordinance Amendment Work Program and is in response to a request by the Board to address certain uses that are initially approved as eating establishments, but function primarily as entertainment venues catering to adult customers without appropriate controls. Specifically, the amendment:

(1) Revises the eating establishment definition to clarify that entertainment provided for the enjoyment of the patrons that is clearly accessory or incidental to the principal dining function may be permitted and sets forth specific limits on the size of an accessory dance floor and the number of accessory pool/billiard tables.

(2) Requires the submission of a floor plan showing the number and location of seats, tables and counter/bar areas; the types and locations of accessory entertainment uses; and the location of kitchen, employee and other public areas prior to the issuance of a Non-Residential Use Permit (Non-RUP) for an eating establishment.

(3) Adds a new public entertainment establishment use which is defined as an establishment which is open to the general public wherein the primary occupation is to provide entertainment to adult customers to include such activities as dancing, billiard/pool, karaoke, hookah, and other similar entertainment activities.

(4) Allows public entertainment establishments in the C-6, C-7, C-8 and C-9 Districts by special exception approval and in the PDC, PRC, PRM and PTC Districts when depicted on an approved development plan and otherwise by special exception approval.

(5) Adds a new banquet/reception hall use to capture establishments such as the Waterford, that provide venues to be rented for private banquets, meetings and/or receptions and which are currently deemed to be eating establishments.

(6) Allows banquet/reception halls in the same commercial retail districts and P districts as hotels, which include by right in the C-7, C-8 and C-9 Districts, by special exception approval in the C-6 District, and in the PDC, PRC, PRM and PTC Districts when depicted on an approved development plan and otherwise by special exception approval.

(7) Adds a new hookah establishment definition and clarifies that a hookah establishment is deemed a public entertainment establishment.

(8) Revises the theatre definition to clarify that live performances and/or the showing of motion pictures shall be provided in a building in which fixed audience seating is provided; and that a dinner theatre shall be deemed a public entertainment establishment rather than an eating establishment as currently regulated.

A summary of the proposed amendment was provided to the Virginia Hospitality and Travel Association on December 2, 2011, but as of the date of the publication of this Board Item, staff has not received any comments from the association. A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

REGULATORY IMPACT:
The proposed amendment clarifies the amount and type of entertainment that would be permitted as accessory in an eating establishment. Codifies the existing requirement to submit a floor plan for an eating establishment prior to the issuance of a Non-RUP for an eating establishment. Establishes a new public entertainment establishment use wherein adult entertainment is primarily provided. Such use would require special exception approval in the commercial retail districts. The proposed amendment requires that billiard/pool halls, dance halls, karaoke, hookah, and other similar forms of

commercial recreation that function as a principal use that currently require special permit approval by the BZA receive special exception approval by the Board as a public entertainment establishment. In addition, the proposed amendment establishes a new banquet hall/reception use which had previously been deemed to be an eating establishment. Such banquet hall/reception use would be allowed by right in the C-7, C-8 and C-9 Districts, by special exception approval in the C-6 District where the use is currently permitted by right, and in certain P Districts.

FISCAL IMPACT:
The proposed amendment converts certain adult entertainment uses from a Group 5 commercial recreation special permit use to a new Category 5 public entertainment establishment special exception use. However, because the amendment converts a current special permit use to a special exception use and the application fee of $16,375 is retained, the fiscal impact would be minimal.

ENCLOSED DOCUMENTS:
Attachment 1 – Resolution
Attachment 2 – Staff Report

STAFF:
Robert A, Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Eileen M. McLane, Zoning Administrator, DPZ
Jack Reale, Senior Assistant to the Zoning Administrator, DPZ

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ATTACHMENT 1

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center Building, Fairfax, Virginia, on January 24, 2012, at which meeting a quorum was present and the following resolution was adopted:

WHEREAS, many businesses that have been issued permits to operate as eating establishments are conducting entertainment activities that go beyond what is permitted as accessory to an eating establishment, and such activities can adversely impact surrounding properties, and

WHEREAS, it may be appropriate to more clearly define the amount of entertainment activities that can be accessory to an eating establishment; and

WHEREAS, it may be appropriate to establish a new public entertainment establishment use wherein the occupation is to primarily provide entertainment to adult customers to include such activities as dancing, billiards/pool, karaoke, hookah and other similar entertainment activities, requiring special exception approval in the commercial retail districts, and

WHEREAS, it may be appropriate to establish a new banquet/reception hall use for establishments that are leased on a temporary basis for private wedding receptions, meetings, banquet and other similar events, and

WHEREAS, the public necessity, convenience, general welfare, and good zoning practice require consideration of the proposed revisions to Chapter 112 (Zoning Ordinance) of the County Code.

NOW THEREFORE BE IT RESOLVED, for the foregoing reasons and as further set forth in the Staff Report, the Board of Supervisors authorizes the advertisement of the proposed Zoning Ordinance amendment as recommended by staff.

A Copy Teste:

_____

Catherine A. Chianese
Clerk to the Board of Supervisors

ATTACHMENT 2

FAIRFAX COUNTY

STAFF REPORT

V I R G I N I A

PROPOSED ZONING ORDINANCE AMENDMENT

Public Entertainment Establishments

PUBLIC HEARING DATES

Planning Commission February 23, 2012 at 8:15 p.m.

Board of Supervisors March 6, 2012 at 4:00 p.m.

PREPARED BY
ZONING ADMINISTRATION DIVISION
DEPARTMENT OF PLANNING AND ZONING
703-324-1314

January 24, 2012

JER

Americans With Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

STAFF COMMENT

The proposed amendment is on the 2011 Zoning Ordinance Amendment Work Program and is in response to a request by the Board of Supervisors (Board) to address certain uses that are initially approved as eating establishments, but function primarily as entertainment venues catering to adult customers without appropriate controls. The proposed amendment revises the definition of an eating establishment and provides a new definition of a public entertainment establishment that allows for a distinction to be drawn between a use that functions primarily as an eating establishment and a use that primarily offers entertainment for adults.

Current Zoning Ordinance Provisions

Under current Zoning Ordinance regulations, eating establishments are permitted by right in the C-5 through C-9 Districts; by Category 5 special exception approval in the C-2 through C-4 and in the I-2 through I-6 Districts; as an accessory service use in the I-I District; and in P districts when represented on an approved development plan.

Under the current eating establishment definition, entertainment which is provided for the enjoyment of patrons is allowed as an accessory component to an eating establishment, to include dancing, provided the space available for such dancing does not exceed one-eighth (1/8) of the floor area available for dining. Other forms of entertainment, such as billiard/pool tables, karaoke, and hookah, may be permitted as accessory to the principal eating establishment use; however, an accessory use, as defined in the Zoning Ordinance, must be subordinate in purpose, area or extent to the principal use served and must be clearly subordinate to, customarily found in association with, and serves a principal use.

Additionally, under the Zoning Ordinance definition of theatre, a dinner theatre is deemed to be an eating establishment and establishments such as the Waterford, that provide venues to be rented for private banquets and/or receptions, are currently deemed to be an eating establishment and may locate in the same zoning districts as eating establishments.

Dancing and other entertainment activities that function as a principal use are subject to approval of a Group 5 Commercial Recreation special permit by the Board of Zoning Appeals (BZA). Under the current Zoning Ordinance, billiard/pool halls, and dance halls are specifically designated as Group 5 special permit uses, but uses such as karaoke and hookah are not specifically designated but fall under the Group 5 heading of "indoor firing ranges, archery ranges, fencing and other similar indoor recreation uses". From an enforcement standpoint this has caused some difficulty in trying to explain to the operator of a karaoke or hookah use that their use falls under the indoor firing range designation.

Background

Over the last few years, many businesses, approved as eating establishments, are operating primarily as entertainment establishments. Although such businesses must offer some food items to customers in order to meet Virginia Alcoholic Beverage Control regulations, it has often been observed that the entertainment activities such as dancing, billiards, hookah, and karaoke, either individually or some combination thereof, eclipse dining as the principal reason customers patronize these establishments.

It has become apparent that more and more businesses that have been issued permits to operate as eating establishments are conducting activities that go beyond what is permitted as accessory to an eating establishment. When an eating establishment increases its entertainment activities beyond a point of being accessory, such use must be recognized for the principal entertainment use that it is and regulated accordingly.

With regard to eating establishments with dancing, which has been particularly problematic from an enforcement standpoint over the last few years, it is noted that in 1975, the Zoning Ordinance eating establishment definition was amended to allow a dance floor as an accessory component, which could be up to 1/8 of the size of the dining area. At that time and until fairly recently, 1/8 of the dining area resulted in a small dance floor that was truly accessory to the eating establishment. However, over the past few years, the size of certain establishments have increased to the point where 1/8 of the dining area results in a dance floor of a size that can no longer be considered accessory or incidental to the principal use, but rather it becomes a principal use in and of itself. In the majority of these cases complaints were filed alleging that the use was really not functioning as an eating establishment, but rather as a night club or dance club and, therefore, not operating in accordance with the Zoning Ordinance. This has caused staff to take a closer look at the appropriateness of allowing a dance floor over a certain size in association with an eating establishment as it has become apparent that many of these uses were circumventing the need to obtain a special permit for a recreation/dance hall use by locating in fairly large spaces and obtaining an accessory dance permit in accordance with Chapter 27 of the County Code.

In accordance with the eating establishment definition, it is staff's position that the dance floor size of 1/8 of the dining area represents the upper most size limit rather than a size guarantee. Staff in prior years reviewed each dance floor request on a case by case basis, but only to ensure that the maximum 1/8 size limitation was not exceeded. However, over the last few years given the issues associated with larger dance floors, each dance permit request is evaluated with consideration given to the size of the establishment, layout and the type and size of other entertainment uses proposed. Staff had been imposing greater restrictions on the size of accessory dance floors and experience has proven that anything larger than a 150 square foot dance floor has resulted in the "eating establishment" functioning more similar to a recreation/dance hall use than an eating establishment. Based on staff research, the standard applied for sizing a dance floor is approximately 3 to 5 square feet per person, depending on the type of dance. Assuming that 3 to 4 square feet per person is the norm, than a 150 square foot dance floor could accommodate 38 to 50 patrons. It is staff's position that a dance floor of 150 square feet is the upper size limit which should be viewed as accessory. As a result, staff has imposed the standard of 150 square feet or 1/8 of the dining area, whichever results in a lesser area, to be the more appropriate limit to ensure that the dance component is truly accessory to the eating establishment. With regards to billiards, the standard size billiard/pool table requires approximately 250 square feet of space for the pool table and the area needed for players to move around the table. As a result, over the last six years it has been staff's position that no more than 2 billiard tables may be allowed as an accessory component to an eating establishment, based on the specifics of the particular use. Staff believes it appropriate to codify this practice by limiting the upper most number of billiard tables that may be permitted as accessory to no more than 2 tables.

There are a variety of impacts associated with businesses that provide entertainment activities for adults as a principal use that are not commonly found in association with eating establishments. Included among them is noise, site congestion, and loitering of patrons in parking lots and sidewalks

outside of buildings that are typically not screened from the view of adjacent properties. Neighboring properties can be impacted by increased vehicular traffic and by spill-over parking. Additionally, such establishments can require extensive outdoor lighting for parking and building security and for the safety and convenience of their customers and employees, but the additional lighting can also negatively impact adjacent properties. Staff has also observed that businesses that provide activities such as dancing, music performance, billiards or karaoke often attract crowds that surpass permitted occupancy limits. Such violations require increased involvement of both police and fire officials to ensure adequate safety for patrons and employees. Given the adverse impacts of entertainment/night club uses, it appears appropriate to require that such businesses receive additional review and scrutiny as a special exception use.

As noted above, under the definition for theatre, a dinner theatre is deemed an eating establishment. While staff is aware of only one dinner theatre operating in the County, this raises the question of whether it is appropriate for a use that combines entertainment and dining to be allowed by right in commercial districts that allow eating establishments by right. Staff believes that it would be impractical to differentiate between forms of theatrical or musical entertainment that might be combined with dining for the purpose of determining if a certain combination of dining and entertainment should be regulated as an eating establishment or as a public entertainment establishment. Therefore, staff believes that a dinner theatre should be a public entertainment establishment and subject to special exception approval. This approach is consistent with the approval processes required by Arlington County and the City of Alexandria for establishments that combine dining and entertainment. For example, the Birchmere in the City of Alexandria operates under a special use permit that is subject to use limitations. In Arlington County, IOTA, another business that combines dining and music entertainment, has been operating since 1993 under special exception approval.

Proposed Amendment

The proposed amendment revises the current eating establishment definition to clarify the amount and type of entertainment activity that may be permitted as accessory to an eating establishment use. The amendment establishes a new "public entertainment establishment" use subject to a Category 5 special exception approval to more appropriately classify a business that operates primarily as a place offering public entertainment, to include such activities as dancing, billiards, hookah and karaoke. The amendment provides a new banquet/reception use to provide a clear distinction between these facilities and an eating establishment and revises the theatre definition to further qualify that a theatre include fixed audience seating and to state that a dinner theatre shall be deemed a public entertainment establishment rather than an eating establishment. In addition, the amendment incorporates a new hookah establishment use which is defined as "a business consisting of on-premise smoking of tobacco or other legal substances through one or more pipes (commonly known as a hookah, waterpipe, shisha or narghile) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it." The definition has been added to define this activity which has recently become more prevalent in the County and to clarify that a hookah establishment is deemed to be a public entertainment establishment.

The eating establishment definition is revised to clarify that entertainment provided for the enjoyment of the patrons is only allowed if clearly accessory or incidental to the principal dining function. That the space made available for dancing shall not exceed the lesser of 150 square feet or

1/8 of that part of the area available for dining. That one billiard table may be considered accessory for any sized eating establishment, and that a maximum of 2 tables may only be considered if the dining area is 4000 square feet or greater in size. Additionally, it is recommended that given the amount of floor area needed to accommodate a dance floor and billiards, that in no event shall the combination of dancing and billiards be deemed accessory. Other forms of public entertainment, such as darts, karaoke and hookah, may be permitted if they are deemed accessory and incidental by the Zoning Administrator and as defined by the Zoning Ordinance. In order to facilitate this determination, the submission of a dimensioned floor plan is required prior to the issuance of a Non-Residential Use Permit (occupancy permit) for an eating establishment which shows the number and location of seats, tables and counter/bar areas; the types and locations of accessory entertainment uses; and the location of kitchen, employee and other public areas.

As mentioned above, staff is aware of two Waterford locations both in the C-7 District that provide facilities for wedding receptions and other similar private events and these uses have been permitted as eating establishments. This type of business is distinguishable from a public entertainment establishment in that the events held at such places are most similar to banquet and/or reception facilities associated with hotels. Given that the characteristics of this use are more aligned with a hotel's banquet/reception facilities rather than those of an eating establishment, staff believes that it would be appropriate to distinguish this use as a separate banquet/reception hall use and recommends permitting this use in the same commercial retail districts and P districts in which hotels/motels are currently allowed. In the commercial retail districts hotels/motels are permitted by right in the C-7, C-8 and C-9 Districts and in the C-6 District upon approval of a Category 5 special exception use; and in the PDC, PRC, PRM and PTC when shown on an approved development plan. As a Category 5 special exception use a hotel is subject to an application fee of $16,375. Staff recommends that the banquet/reception hall use be similarly regulated, and when permitted by special exception that it also be a Category 5 use with a $16,375 fee.

The proposed public entertainment establishment definition identifies the use as an establishment that is open to the general public wherein the primary occupation is to provide entertainment, such as dancing, billiards/pool, karaoke, hookah and other similar entertainment to adult customers. As proposed, public entertainment establishments would be permitted in the C-6, C-7, C-8 and C-9 Districts as a Category 5 special exception upon approval by the Board. In addition, public entertainment establishments may be allowed in the PDC, PRC, PRM and PTC Districts when specifically depicted on an approved development plan and otherwise by special exception approval.

As previously noted, many entertainment uses that currently require the approval of a Group 5 commercial recreation special permit by the BZA would now become a Category 5 special exception use requiring approval by the Board. The current application fee for a Group 5 special permit is $16,375 and all Category 5 special exception uses also have an application filing fee of $16,375. The new Category 5 special exception public entertainment establishments would also have an application fee of $16,375 and it is believed to be appropriate as it is consistent with other commercial recreation and Category 5 special exception uses.

All public entertainment establishments and those banquet/reception halls in the C-6 District would be subject to the general standards set forth in Sect. 9-006 of the Zoning Ordinance that apply to all special exceptions. Among others, the general standards require that the use be in harmony with the general purpose and intent of the applicable zoning district regulations; be harmonious with and not

adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan; and that the pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

Public entertainment establishments would also be subject to the additional standards contained in a new Sect. 9-534. The proposed additional standards are designed to protect adjacent properties from impacts due to noise, spill-over parking and other such neighborhood disturbances. Under these additional standards the Board may impose conditions and restrictions that it deems necessary to mitigate negative impacts, that may include but not limited to, hours of operation and other operational characteristics, site development or design standards, transitional screening and landscaping requirements, amount and location of parking, limitations on signs and outdoor lighting, noise mitigation and the amount and type of outdoor activity. In order to facilitate the review of a public entertainment establishment special exception application by staff, the Planning Commission and Board, a floor plan with dimensions must be submitted with the application which shows the type and location of the entertainment activity; the number and location of seats, tables and counter/bar areas; and the location of kitchen, employee and other public areas.

The proposed amendment also incorporates the new public entertainment establishment and banquet/reception hall uses in the Airport Noise Compatibility Table in Article 7, and sets forth the minimum parking requirements in Article 11 and the landscaping/screening requirements in the Transitional Screening and Barrier Matrix in Article 13. Public entertainment establishments located within a shopping center would be parked at the public entertainment establishment parking rate and not at the shopping center rate. This approach will help to ensure that adequate parking is provided when such uses are provided in shopping centers.

Summary

Staff believes that the proposed amendment effectively reduces the negative impacts associated with public entertainment establishments and provides a clear distinction between uses that are operated for different purposes. Therefore, staff recommends approval of the proposed amendment with an effective date of 12:01 a.m. on the day following adoption.

PROPOSED AMENDMENT

This proposed Zoning Ordinance amendment is based on the Zoning Ordinance in effect as of January 24, 2012 and there may be other proposed amendments which may affect some of the numbering, order or text arrangement of the paragraphs or sections set forth in this amendment, which other amendments may be adopted prior to action on this amendment. In such event, any necessary renumbering or editorial revisions caused by the adoption of any Zoning Ordinance amendments by the Board of Supervisors prior to the date of adoption of this amendment will be administratively incorporated by the Clerk in the printed version of this amendment following Board adoption.

Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions, by revising the eating establishment and theatre definitions, and adding the new public entertainment establishment, banquet/reception hall and hookah establishment definitions in their proper alphabetical sequence to read as follows:

BANQUET/RECEPTION HALL: Any establishment operated for profit wherein the facilities are leased on a temporary basis for private wedding receptions, meetings, banquets, and other similar events. Such establishments shall not be opened to the general public and may include food preparation facilities and areas for dancing, dining and other entertainment activities customarily found in association with banquets or receptions.

Off-site catering services may be permitted as an accessory use.

EATING ESTABLISHMENT: Any establishment, which provides as a principal use, the sale of food, frozen desserts, or beverages in a state ready for consumption within the establishment, and whose design and principal method of operation includes both of the following characteristics:

1. Customers are provided with an individual menu and are served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter at which said items are consumed.

2. The food, frozen desserts, or beverages are served on nondisposable plates or containers and nondisposable eating utensils are provided. Customers are not expected to clear their table or dispose of their trash.

   Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are: (a) generally consumed within the establishment; and (b) served on nondisposable plates or containers, and nondisposable eating utensils are provided shall be deemed an eating establishment.

   An eating establishment may provide carry-out service, provided that such carry-out service is clearly not the principal business of such establishment. For the purpose of this Ordinance, a fast food restaurant shall not be deemed an eating establishment. In addition, an eating establishment shall not be deemed to include a snack bar or refreshment stand at a public or non-private recreation facility which is operated solely by the agency or group operating the recreation facility for the convenience of the patrons of the facility.

Entertainment ~~which is~~ provided for the enjoyment of the patrons that is deemed by the Zoning Administrator as accessory and incidental to the principal dining function may be permitted. However, in no event shall the combination of dancing and billiard/pool tables be allowed, and if individually provided (a) the space made available for dancing shall not exceed the lesser of 150 square feet or one-eighth (1/8) of the floor area available for dining; or (b) one billiard/pool table may be permitted in a dining area containing up to 4000 square feet and up to 2 billiard/pool tables may be permitted for a dining area containing 4000 square feet or greater ~~shall be considered accessory to an eating establishment, to include dancing by patrons, provided the space made available for such dancing shall not be more than one-eighth (1/8) of that part of the floor area available for dining~~ Provisions for dancing made available under this definition shall be subject to the licensing requirements of Chapter 27 of The Code.

PUBLIC ENTERTAINMENT ESTABLISHMENT: An establishment which is open to the general public wherein the occupation is to primarily provide entertainment to adult customers to include such activities as dancing, billiards/pool, karaoke, hookah, and other similar entertainment activities. Provisions for dancing made available under this definition shall be subject to the licensing requirements of Chapter 27 of The Code. For the purpose of this Ordinance, a public entertainment establishment shall not be deemed to include an EATING ESTABLISHMENT, BANQUET/ RECEPTION HALL, COMMERCIAL RECREATION RESTAURANT, COMMERCIAL NUDITY ESTABLISHMENT, COUNTRY CLUB, CULTURAL CENTER, PRIVATE CLUB/PUBLIC BENEFIT ASSOCIATION or THEATRE.

The sale of food, frozen desserts, or beverages in a state ready for consumption within the public entertainment establishment may be permitted as an accessory use.

HOOKAH ESTABLISHMENT: A business consisting of on-premise smoking of tobacco or other legal substances through one or more pipes (commonly known as a hookah, waterpipe, shisha or narghile) designed with a tube passing through an urn of water that cools the smoke as it is drawn through it. For purposes of this Ordinance, a hookah establishment shall be deemed a PUBLIC ENTERTAINMENT ESTABLISHMENT.

THEATRE: A building or structure designed for the enactment of ~~dramatic~~ live performances and/or showing of motion pictures in which fixed audience seating is provided. For the purpose of this Ordinance, a dinner theatre shall be deemed a~~n~~ PUBLIC ENTERTAINMENT ESTABLISHMENT ~~EATING ESTABLISHMENT~~, and a drive-in motion picture theatre and an adult mini motion picture theatre shall be deemed separate and distinct uses.

Amend Article 4, Commercial District Regulations, as follows:

- **Amend the C-5 Neighborhood Retail Commercial District, Sect. 4-503, Special Permit Uses, by deleting Par. 3A and relettering the subsequent paragraphs accordingly.**

3. Group 5 – Commercial Recreation Uses, limited to:

~~A. Billiard and pool halls~~

- **Amend the C-6 Community Retail Commercial District as follows:**

- **Amend Sect. 4-603, Special Permit Uses, by deleting Paragraphs 3A and 3D, and relettering the subsequent paragraphs accordingly.**

  3. Group 5 – Commercial Recreation Uses, limited to:

     ~~A. Billiard and pool halls~~

     ~~D. Dance halls~~

- **Amend Section 4-604, Special Exception Uses, by adding new Paragraphs 4B and 4P to read as follows and relettering the subsequent paragraphs accordingly.**

  4. Category 5 – Commercial and Industrial Uses of Special Impact, limited to:

     B. Banquet/Reception halls

     P. Public entertainment establishments

- **Amend the C-7, C-8 and C-9 Districts as follows:**

  - **Amend Sections 4-702, 4-802 and 4-902, Permitted Uses, by adding a new Par. 3 to read as follows, and renumbering the subsequent paragraphs accordingly.**

    3. Banquet/Reception halls.

  - **Amend Sections 4-703, 4-803 and 4-903, Special Permit Uses, by deleting Paragraphs 3A and 3D from Sections 4-703 and 4-803, deleting Paragraphs 3A and 3E from Sect. 4-903, and relettering the subsequent paragraphs accordingly.**

    3. Group 5 – Commercial Recreation Uses, limited to:

       ~~A. Billiard and pool halls~~

       ~~D. or E. Dance halls~~

  - **Amend Sections 4-704, 4-804 and 4-904, Special Exception Uses, by adding a new Par. 4P to Sections 4-704 and 4-804 and a new Par. 4L to Sect. 4-904 to read as follows, and relettering the subsequent paragraphs accordingly.**

    4. Category 5 – Commercial and industrial Uses of Special Impact, limited to:

       P. or L. Public entertainment establishments

Amend Article 6, Planned Development District Regulations, as follows:

- **Amend the PDH Planned Development Housing District, Sect. 6-103, Secondary Uses Permitted, by deleting Par. 5A and relettering the subsequent paragraphs accordingly.**

The following secondary uses shall be permitted only in a PDH District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 106 below.

5. Commercial recreation uses (Group 5), limited to:

~~A. Billiard and pool halls~~

- **Amend the PDC Planned Development Commercial District, as follows:**

- **Amend Sect. 6-202, Principal Uses Permitted, by adding a new Par. 1 to read as follows and renumbering the subsequent paragraphs accordingly;**

The following principal uses shall be permitted subject to the approval of a final development plan prepared in accordance with the provisions of Article 16, and subject to the use limitations set forth in Sect. 206 below.

1. Banquet/Reception halls.

- **Amend Sect. 6-203, Secondary Uses Permitted, by adding a new Par. 4K to read as follows, deleting Par. 5A, and relettering the subsequent paragraphs accordingly.**

The following secondary uses shall be permitted only in a PDC District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 206 below.

4. Commercial and industrial uses of special impact (Category 5), limited to:

K. Public entertainment establishments, limited by the provisions of Sect. 206 below

5. Commercial recreation uses (Group 5), limited to:

~~A. Billiard and pool halls~~

- **Amend Sect. 6-206, Use Limitations, by adding a new Par. 16 to read as follows:**

16. A public entertainment establishment shall only be permitted when specifically identified on an approved development plan and shall be subject to the provisions of Sect. 9-534.

- **Amend the PRC Planned Residential Community District, as follows:**

  - **Amend Sect. 6-302, Permitted Uses, as follows:**

    - **Amend Par. C (Village Center), by adding a new Par. C (3)(i) to read as follows, deleting Paragraphs C(4)(a) and C(4)(d), and relettering the subsequent paragraphs accordingly.**

C. The following uses are permitted in those locations approved for a Village Center which should be a central location for activity of retail, community and leisure uses on a scale serving a number of neighborhoods. A village center should be easily accessible to both vehicles and pedestrians. Within such a center, the primary emphasis should be on the pedestrian circulation system. A village center should contain uses such as professional offices, a supermarket, a hardware store, specialty shops and other uses as listed below.

(3) Commercial and industrial uses of special impact (Category 5), limited to:

(i) Public entertainment establishments, limited by the provisions of Sect. 305 below

(4) Commercial recreation uses (Group 5), limited to:

~~(a) Billiard and pool halls~~

~~(d) Dance halls~~

    - **Amend Par. E (Convention/Conference Center), by adding a new Par. E (2) and a new Par. E(4)(f) to read as follows and relettering/renumbering the subsequent paragraphs accordingly.**

E. The following uses are permitted in those locations approved for a Convention/Conference Center, which should have the facilities to accommodate conventions or large meetings and retail or commercial establishments necessary to serve the people using such facilities and any residents of the Center.

(2) Banquet/Reception halls.

(~~3~~4) Commercial and industrial uses of special impact (Category 5), limited to:

(f) Public entertainment establishments, limited by the provisions of Sect. 305 below

- **Amend Sect. 6-305, Use Limitations, by adding a new Par. 14 to read as follows:**

14. A public entertainment establishment shall only be permitted when specifically identified on an approved development plan and shall be subject to the provisions of Sect. 9-534.

- **Amend the PRM Planned Residential Mixed Use District as follows:**

- **Amend Sect. 6-403, Secondary Uses Permitted, by adding new Paragraphs 4 and 6B, deleting Par. 7A and renumbering/relettering the subsequent paragraphs accordingly.**

The following secondary uses shall be permitted only in a PRM District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 406 below.

4. Banquet/Reception halls.

~~5~~6. Commercial and industrial uses of special impact (Category 5), limited to:

B. Public entertainment establishments, limited by the provisions of Sect. 406 below

~~6~~7. Commercial recreation uses (Group 5), limited to:

~~A. Billiard and pool halls~~

- **Amend Sect. 6-406, Use Limitations, by adding a new Par. 13 to read as follows:**

13. A public entertainment establishment shall only be permitted when specifically identified on an approved development plan and shall be subject to the provisions of Sect. 9-534.

- **Amend the PTC Planned Tysons Corner Urban District as follows:**

- **Amend Sect. 6-502, Permitted Uses, by revising the introductory paragraph and adding new Paragraphs 4 and 6J to read as follows, deleting Paragraphs 7A and 7D, and relettering/renumbering the subsequent paragraphs accordingly.**

The following uses shall be permitted subject to the approval of a final development plan prepared in accordance ~~and~~ with the provisions of Article 16, and subject to the use limitations set forth in Sect. 505 below.

4. Banquet/Reception halls.

~~5~~6. Commercial and industrial uses of special impact (Category 5), limited to:

J. Public entertainment establishments, limited by the provisions of Sect. 505 below

~~6~~7. Commercial recreation uses (Group 5), limited to:

~~A. Billiard and pool halls~~

~~D. Dance halls~~

- **Amend Sect. 6-505, Use Limitations, by adding a new Par. 20 to read as follows:**

20. A public entertainment establishment shall only be permitted when specifically identified on an approved development plan and shall be subject to the provisions of Sect. 9-534.

Amend Article 7, Overlay District and Commercial Revitalization District Regulations, Part 4, Airport Noise Impact Overlay District, Noise Compatibility Table, by deleting the billiard and pool halls and dance halls entries and adding new banquet/reception halls and public entertainment establishments entries in their correct alphabetical sequence.

	Noise Impact Areas (DNL dBA)		
Uses	**75+**	**70-75**	**65-70**
~~Billiard and pool halls~~	~~P2~~	~~P3~~	~~P~~
~~Dance halls~~	~~NP~~	~~P3~~	~~P~~
Banquet/Reception halls	P2	P3	P
Public entertainment establishments	P2	P3	P

Amend Article 8, Special Permits, Part 5, Group 5 Commercial Recreation Uses, as follows:

- **Amend Sect. 8-501, Group 5 Special Permit Uses, by deleting Paragraphs 1 and 5**

~~1. Billiard and pool halls.~~

~~5. Dance halls.~~

- **Amend Sect. 8-502, Districts in Which Group 5 Uses May be Located, by revising the PDH, PDC, PRM and PTC entries in Par. 1 and by revising the C-3, C-4, C-5, C-6, C-7, C-8 and C-9 District entries in Par. 2 to read as follows:**

1. Group 5 uses may be permitted by right in the following districts:

PDH District: Limited to uses ~~1,~~ 2, 4, 6, 8 and 9 when represented on an approved development plan
PDC District: Limited to uses ~~1,~~ 2, 4, 6, 7, 8, 9 and 10 when represented on an approved development plan
PRM District: Limited to uses ~~1,~~ 4, 6, indoor archery ranges, fencing and other similar indoor recreational uses, 8, 9, and 10 when represented on an approved development plan
PTC District: Limited to uses ~~1,~~ 2, 4, ~~5,~~ 6, indoor archery ranges, fencing and other similar indoor recreational uses, 8, 9 and 10 when represented on an approved development plan

2. Group 5 uses may be allowed by special permit in the following districts:

C-3, C-4 Districts: Limited to uses 2, ~~4,~~ (outdoor), archery ranges, fencing, and other similar indoor recreational uses, 8 (indoor) and 9 (indoor)
C-5 District: Limited to uses ~~1,~~ ~~4,~~ (outdoor), archery ranges, fencing, and other similar recreational uses, 8 (indoor) and 9 (indoor)
C-6 District: Limited to uses ~~1,~~ 2, 4 (outdoor), ~~5,~~ 7, 8 (outdoor) and 9 (indoor and outdoor)
C-7, C-8 Districts: Limited to uses ~~1,~~ 3, 4 (outdoor), ~~5,~~ indoor firing ranges, 8 (outdoor), 9 (outdoor) and 10
C-9 District: Limited to uses ~~1,~~ 2, 3, 4, ~~5,~~ 7, 8 and 9

Amend Article 9, Special Exceptions, Part 5, Category 5 Commercial and Industrial Uses of Special Impact, as follows:

- **Amend Sect. 9-501, Category 5 Special Exception Uses, by adding new Paragraphs 44 and 45 to read as follows:**

<u>44. Banquet/Reception halls.</u>

<u>45. Public entertainment establishments.</u>

- **Amend Sect. 9-502, Districts in Which Category 5 Uses May be Located, by revising the PDC, PRC, PRM, PTC, C-7, C-8 and C-9 District entries in Par. 1 and the C-6, C-7, C-8 and C-9 entries in Par. 2 to read as follows:**

1. Category 5 uses may be permitted by right or as an accessory service use in the following districts:

PDC District: Limited to uses 1, 2, 3, 6, 9, 10, 11, 14, 15, 17, 18, 20, 21, 22, 23, 25, 32, 33, 36, 38, 39, kennels (indoor), ~~and~~ 43, 44 and 45 when represented on an approved development plan
PRC District: Limited to uses 1, 2, 3, 6, 9, 11, 12, 14, 15, 17, 18, 20, 21, 22, 23, 25, 32, 33, 36, 37, 38, 39, kennels (indoor), 42, ~~and~~ 43, 44 and 45 when represented on an approved development plan
PRM District: Limited to uses 9, 11, 14, 17, 20, 22, 25, ~~and~~ 32, 44 and 45 when represented on an approved development plan
PTC District: Limited to uses 1, 3, 6, 9, 11, 12, 14, 16, 17, 18, 20, 21, 22, 23, 25, 29, 30, 33, 36, kennels (indoor), ~~and~~ 43, 44 and 45 when represented on an approved development plan

C-7 District: Limited to uses 1, 6, 9, 11, 12, 14, 17, 18, 20, 22, 23, 32, 36, kennels (indoor), ~~and~~ 43 and 44
C-8 District: Limited to uses 2, 6, 9, 11, 12, 14, 17, 18, 20, 22, 23, 26, 32, 36, kennels (indoor), ~~and~~ 43 and 44
C-9 District: Limited to uses 1, 6, 9, 11, 14, 17, 20, 22, 23, 32, 36, kennels (indoor), ~~and~~ 43 and 44

2. Category 5 uses may be allowed by special exception in the following districts:

C-6 District: Limited to uses 2, 3, 4, 6, 11, 14, 15, 17, 20, 21, 23, 25, 27, 30, 33, 34, 36, 37, 38, 39, ~~and~~ 43, 44 and 45
C-7 District: Limited to uses 2, 3, 4, 6, 7, 8, 10, 11, 15, 17, 20, 21, 23, 25, 26, 27, 30, 33, 34, 36, 37, 38, 39, ~~and~~ 43 and 45
C-8 District: Limited to uses 2, 3, 4, 6, 7, 10, 11, 15, 16, 17, 20, 21, 23, 24, 25, 27, 30, 33, 34, 36, 37, 38, 39, ~~and~~ 43 and 45
C-9 District: Limited to uses 2, 3, 4, 6, 10, 11, 17, 18, 20, 21, 23, 25, 26, 27, 33, 36, 37, ~~and~~ 43 and 45

- **Add a new Sect. 9-534 to read as follows:**

9-534 Additional Standards for Public Entertainment Establishments

1. In the C-6, C-7, C-8, C-9, PDC, PRC, PRM, and PTC Districts, the Board may approve a special exception to allow a public entertainment establishment provided that the Board determines that a public entertainment establishment shall be compatible with and not adversely impact adjacent properties and the neighboring community. In order to ensure such compatibility and to mitigate adverse impacts, the Board may impose conditions and restrictions as deemed necessary that may include, but not limited to, the following:

A. Hours of operation and other operational restrictions;

B. Site development or design standards;

C. Transitional screening and landscaping requirements;

D. Amount and location of parking;

E. Limitations on signage;

F. Limitations on outdoor lighting;

G. Ensuring that the building is adequately soundproofed and constructed so that there will be appropriate noise attenuation; and

H. Amount and type of outdoor activity.

2. A floor plan with dimensions shall be submitted with the application which shows the type and location of the entertainment activity; the number and location of seats, tables and counter/bar areas; and the location of kitchen, employee and other public areas.

Amend Article 11, Off-Street Parking and Loading, Private Streets, Part 1, Off-Street Parking, Sect. 11-104, Minimum Required Spaces for Commercial and Related Uses, by revising Par. 23 and adding new Paragraphs 1 and 18 to read as follows, and renumbering the subsequent paragraphs accordingly.

Minimum off-street parking spaces accessory to the uses hereinafter designated shall be provided as follows:

1. Banquet/Reception Hall:

One (1) space per two (2) persons based on maximum occupancy load, plus one (1) space per employee on the major shift, plus one (1) space per company vehicle

18. Public Entertainment Establishment:

One (1) space per two (2) persons based on maximum occupancy load, plus one (1) space per employee on the major shift

~~23~~25. Shopping Center:

A. 100,000 square feet of gross floor area or less: Four and three-tenths (4.3) spaces per 1000 square feet of gross floor area

B. Greater than 100,000 but equal to or less than 400,000 square feet of gross floor area: Four (4) spaces per 1000 square feet of gross floor area

C. Greater than 400,000 but less than 1,000,000 square feet of gross floor area: Four and eight tenths (4.8) spaces per 1000 square feet of gross floor area

D. 1,000,000 square feet of gross floor area or more: Four (4) spaces per 1000 square feet of gross floor area

For purposes of determining whether Par. A, B, C or D above is applicable, the size of the shopping center shall be based on the definition of gross floor area as set forth in Article 20, and shall be inclusive of any gross floor area devoted to offices, eating establishments, ~~and~~ hotels, banquet/reception halls and public entertainment establishments. The gross floor area calculation as qualified in Sect. 102 above shall then be used to determine the required number of parking spaces.

The off-street parking requirement set forth above shall be applicable to all uses in a shopping center, except that the area occupied by offices, eating establishments, ~~and~~ hotels, banquet/reception halls and public entertainment establishments shall be parked in accordance with the applicable standards for such uses as set forth in this Section. For shopping centers subject to Par. A, B or C above, the area occupied by theaters shall be parked in accordance with the applicable shopping center requirement, provided that for theaters with more than 2000 seats, an additional three-tenths (0.3) space shall be provided for each seat above 2000 seats. For shopping centers subject to Par. D above, the area occupied by theaters shall be parked in accordance with the applicable shopping center requirement, provided that for theaters with more than 750 seats, an additional six (6) spaces shall be provided for each 100 seats above 750 seats.

In addition, for all shopping centers, stacking spaces as required by this Part shall be provided for those uses which have drive-in facilities.

Amend Article 13, Landscaping and Screening, by revising the Transitional Screening and Barrier Matrix by adding banquet/reception halls and public entertainment establishments entries to Par. 9 in their proper alphabetical sequence.

9. Banquet/Reception halls

Public entertainment establishments

Amend Article 18, Administration, Amendments, Violations and Penalties, Part 7, Residential and Non-Residential Use Permits, Sect. 18-704, Minimum Requirements, by adding a new Par. 14 to read as follows:

The following minimum requirements shall be met prior to the issuance of a Residential or Non-Residential Use Permit:

14. For eating establishments, a dimensioned floor plan showing the number and location of seats, tables and counter/bar areas; the types and locations of accessory entertainment uses; and the location of kitchen, employee and other public areas.

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Board Agenda Item
January 24, 2012

ADMINISTRATIVE – 8

Extension of Review Periods for 2232 Review (Braddock, Mason, and Providence Districts)

ISSUE:
Extension of the review periods for specific 2232 Review applications to ensure compliance with the review requirements of *Section* 15.2-2232 of the *Code of Virginia*

RECOMMENDATION:
The County Executive recommends that the Board extend the review periods for the following applications: application FSA-P00-83-1 to April 6, 2012; application FSA-B09-38-1 to April 7, 2012; and application 2232-M11-22 to August 5, 2012.

TIMING:
Board action is required on January 24, 2012, to extend the review periods of the applications noted above before their expirations.

BACKGROUND:
Subsection B of *Section* 15.2-2232 of the *Code of Virginia* states: "Failure of the commission to act within sixty days of a submission, unless the time is extended by the governing body, shall be deemed approval." Subsection F of *Section* 15.2-2232 of the *Code of Virginia* states: "Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within ninety days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than sixty additional days."

The Board should extend the review period for applications FSA-P00-83-1 and FSA-B09-38-1 which were accepted for review by the Department of Planning and Zoning (DPZ) on November 8, 2011 and November 9, 2011 correspondingly. These applications are for telecommunications facilities and thus are subject to the State Code provision that the Board may extend the time required for the Planning Commission to act on these applications by no more than sixty additional days.

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The Board should extend the review period for application 2232-M11-22 which was accepted for review by the DPZ on December 7, 2011. This application is for a non-telecommunication public facility, and thus is not subject to the State Code provision for extending the review period by no more than sixty additional days.

The review periods for the following applications should be extended:

2232-M11-22	Dept. of Public Works and Environmental Services Temporary fire station 3521 Moncure Avenue, Falls Church Mason District
FSA-P00-83-1	AT&T Mobility Corporation Antenna collocation on building rooftop 9451 Lee Highway, Fairfax Providence District
FSA-B09-38-1	AT&T Mobility Corporation Antenna collocation on an existing monople/lightpole 5035 Sideburn Road, Fairfax Braddock District

The need for the full time of these extensions may not be necessary, and is not intended to set a date for final action.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred R. Selden, Director, Department of Planning and Zoning (DPZ)
Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ
Sandi M. Beaulieu, Planner, Facilities Planning Branch, Planning Division, DPZ

Board Agenda Item
January 24, 2012

Action - 1

Appointment of Members to the Fairfax County Solid Waste Authority

ISSUE:
Board of Supervisors' appointment of members to the Fairfax County Solid Waste Authority.

RECOMMENDATION:
The County Executive recommends that the Board appoint the successors to the members of the Fairfax County Solid Waste Authority.

TIMING:
Immediate. The Articles of Incorporation require the Fairfax County Solid Waste Authority members to be appointed every four years.

BACKGROUND:
According to the Articles of Incorporation of the Fairfax County Solid Waste Authority, each member of the authority's board of directors (the Authority Board) shall be appointed by the Fairfax County Board of Supervisors for a term not exceeding four years. Members shall hold office until their successors have been appointed, and any member shall be eligible for reappointment to succeed him/herself. The term of any member who is also a member of the Board of Supervisors shall expire upon his or her ceasing to hold such a position.

The following members are recommended for reappointment to the Authority Board for a four-year term:

Ms. Sharon Bulova
Ms. Penelope A. Gross
Mr. John C. Cook
Mr. John W. Foust
Mr. Michael R. Frey
Mr. Patrick S. Herrity
Ms. Catherine M. Hudgins
Mr. Gerald W. Hyland
Mr. Jeffrey C. McKay
Ms. Linda Q. Smyth

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FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
None

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services
Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery

Board Agenda Item
January 24, 2012

ACTION - 2

Endorsement of the Fairfax County Pre-Disaster Recovery Plan (PDRP)

ISSUE:
Endorsement of the Fairfax County Pre-Disaster Recovery Plan (PDRP) will allow the Office of Emergency Management, with stakeholder support, to coordinate training and exercises in regard to disaster recovery in order to test and make improvements to the plan. These actions will enhance Fairfax County's ability to prepare, respond, recover and mitigate against a major disaster affecting our community.

RECOMMENTATION:
The County Executive recommends that the Fairfax County Pre-Disaster Recovery Plan be endorsed.

TIMING:
Board action is requested on January 24, 2012, as the plan is scheduled to be tested in a county-wide table-top exercise on February 10, 2012.

BACKGROUND:
The intent of the Pre-Disaster Recovery Plan is to provide Fairfax County with approaches to prepare for and manage disaster recovery, particularly those incidents that are large or catastrophic. It is a guide for decision-making, establishing priorities, and identifying roles and responsibilities. It provides high-level objectives, strategies, and coordination for both prior to and after the occurrence of a natural or human-caused disaster or catastrophe in the short-, intermediate-, and long-term to expedite successful recovery and redevelopment.

The PDRP is designed to guide recovery actions that result in a resilient, safe, physically accessible, sustainable, and economically strong community. These actions address long-term community recovery planning, housing restoration and reconstruction, economic recovery, infrastructure and lifeline restoration and reconstruction, continued provision of public safety and security, continued provision of community services, and protection of natural and cultural resources. The PDRP provides for a recovery agency to be stood up post-disaster that will be transparent, understandable, and credible to County agencies, stakeholders and the public. The recovery agency will be advised by an ad hoc recovery policy advisory board.

Although government bears ultimate responsibility for public safety and welfare, in recovery the government's operational role is often that of an organizer, coordinator, and facilitating stakeholder. This is because many of the assets and actors implied in recovery objectives – including private-sector economic activity, private housing stock, and many essential infrastructure systems – are not under the ownership or direct control of the County. Recent examples of recovery demonstrate that the vast capabilities necessary to recover from disasters are collectively possessed by private businesses, non-profit organizations, houses of worship and associated faith-based groups, and ordinary residents. Government coordination and facilitation ensures the County's sustained engagement towards the ultimate realization in achieving the goals set forth by the recovery vision.

FISCAL IMPACT:
County resources and personnel will be realigned and deployed to meet requirement at the time the PDRP is activated.

ENCLOSED DOCUMENTS:
Attachment 1: Fairfax County Pre-Disaster Recovery Plan - available online at www.fairfaxcounty.gov/oem/pdrp/plan. Copy to Board delivered under separate cover.

STAFF:
Robert A. Stalzer, Deputy County Executive
David M. McKernan, Office of Emergency Management, Coordinator
Roy Shrout, Office of Emergency Management, Deputy Coordinator
Amanda Phan, Office of Emergency Management, Planner

ACTION - 3

Authorization for the Chairman of the Fairfax County Board of Supervisors to Execute the Blue Plains Inter-Municipal Agreement of 2012 Among Fairfax County, Virginia; District of Columbia; District of Columbia Water and Sewer Authority; Montgomery County, Maryland; Prince George's County, Maryland; and Washington Suburban Sanitary Commission

ISSUE:
Board authorization is needed for the Chairman of the Fairfax County Board of Supervisors to execute the Blue Plains Inter-municipal Agreement of 2012 among Fairfax County, Virginia; District of Columbia; District of Columbia Water and Sewer Authority; Montgomery County, Maryland; Prince George's County, Maryland, and Washington Suburban Sanitary Commission for conveyance of wastewater to the Blue Plains Wastewater Treatment Plant in the District.

RECOMMENDATION:
The County Executive recommends that the Board authorize the Chairman of the Fairfax County Board of Supervisors to execute the attached Blue Plains Inter-municipal Agreement of 2012 (2012 IMA).

TIMING:
Board action is requested on January 24, 2012, in order to update the County's service agreement for continued conveyance of wastewater from the northern portion of the County to the Blue Plains Wastewater Treatment Plant in the District.

BACKGROUND:
On August 21, 1958, Congress authorized the connection of Virginia sewerage systems with the sewerage systems of the District for protection of the Potomac River from pollution by wastewater and authorized the District's Commissioners to enter into sewer service agreements with various jurisdictions in Virginia. Public Law 85-703. On June 12, 1960, Congress authorized the construction of the Potomac Interceptor from the Dulles International Airport to the District to provide for conveyance of wastewater from jurisdictions in Virginia and Maryland to the District's Blue Plains Wastewater Treatment Plant. Public Law 86-515.

In response to the region's need for expansion of the Blue Plains Wastewater Treatment Plant to 370 million gallons per day, the Blue Plains Inter-municipal Agreement of 1985 (1985 IMA) was developed among the District, Fairfax, Montgomery, Prince George's, and WSSC. This agreement was designed to support regional growth and development, to set forth capacity and peak flow limitations, to protect the water quality in the Potomac River, to properly allocate costs among the

parties to the agreement, and to allow for regional coordination and collaboration to plan for the future needs of the metropolitan area.

The 1985 IMA has provided a structure for regional cooperation to address water quality and wastewater needs of the region for 26 years. However, it is in need of updating to reflect the changes that have occurred in the industry and the regulations in the past 26 years with an outlook towards the future needs of the region.

The 2012 IMA is designed to update the 1985 IMA and serve as a living document to address all that has changed since 1985 and recognize the dynamic nature of the regulations and regional needs. Some of the updates in the 2012 IMA include:

1. Recognition of the Blue Plains' capacity to meet the region's needs until 2040 due to slower overall growth in wastewater flows, construction of the Seneca and Broad Run Wastewater Treatment Plants, and District of Columbia flow management actions.
2. Recognition of Congressional legislation creating the District of Columbia Water and Sewer Authority in 1996 to operate the Blue Plains sewerage system and the Wastewater Treatment Plant.
3. The impacts of the Chesapeake Bay Program limits on nutrient loads.
4. The impacts of the District's Combined Sewer Overflow Long Term Control Plan.
5. Recognition of the higher than originally defined capacity of the Potomac Interceptor.
6. Better monitoring and management of the system capacity.
7. Improved cost allocation of joint-use facilities and identification of new joint-use facilities.

The 2012 IMA is structured to include a Core IMA and supporting Derivative Agreements. The Core IMA (Attachment 1) defines the fundamental principles and areas of agreement such as capacity allocations, peak flow limitations, and cost sharing arrangements, and is signed by the leadership of each jurisdiction's governing body. The Derivative Agreements address technical issues that may change over time but do not modify the fundamentals of the Core IMA. The Derivative Agreements are approved and signed by the Leadership Committee members of the 2012 IMA, who are the Chief Administrative Officers (CAOs) of the counties of Fairfax, Montgomery and Prince George's, the City Administrator of the District, and the General Managers (GMs) of DC Water and WSSC. Six Derivative Agreements are proposed to be signed by the Leadership Committee concurrently with the execution of the Core IMA (Attachment 2).

Fairfax County's flow capacity at the Blue Plains treatment plant remains at 31 MGD as it was in the 1985 IMA. However, the County's peak flow allocation in the Potomac Interceptor (PI) was increased from 81.1 million gallons per day (MGD) to 108.6 MGD in recognition of the PI's ability to handle higher than the originally defined capacity based on historical flow data.

The process of updating the IMA started many years ago and included the creation of an Annotated IMA in 2005 reflecting each jurisdiction's views on various issues created by the age of the 1985 IMA to address the changes in the industry and the regulations. Several technical studies were conducted from 2005 to 2011, using more advanced modeling tools in some cases, to better understand the complex hydraulic and permit conditions of the sewerage system. In 2009, led by Tony Griffin as the Chairman of the Leadership Committee, the CAOs of Fairfax, Montgomery, and Prince George's counties, the City Administrator of the District, and the GMs of DC Water and WSSC, each appointed two members to a Negotiation Team to update the 1985 IMA. The Negotiation Team was supported by the technical and legal groups that included representatives from the parties to the agreement. The 2012 IMA reflects the consensus of the Negotiation Team members of each of the parties

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Blue Plains Inter-municipal Agreement of 2012
Attachment 2: Derivative Agreements (for reference only)

STAFF:
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BLUE PLAINS INTERMUNICIPAL AGREEMENT of 2012

Among the

District of Columbia
DC Water
Fairfax County, Virginia
Montgomery County, Maryland
Prince George's County, Maryland
Washington Suburban Sanitary Commission

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BLUE PLAINS INTERMUNICIPAL AGREEMENT OF 2012

PREAMBLE

THIS BLUE PLAINS INTERMUNICIPAL AGREEMENT OF 2012, is made among the **DISTRICT OF COLUMBIA** (District)**,** the **DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY** (DC Water), **FAIRFAX COUNTY, Virginia** (Fairfax), **MONTGOMERY COUNTY**, **Maryland** (Montgomery), **PRINCE GEORGE'S COUNTY, Maryland** (Prince George's), and the **WASHINGTON SUBURBAN SANITARY COMMISSION** (WSSC), collectively, "the Parties." This Agreement shall be known as "this IMA" or "the 2012 IMA."

Witness:

WHEREAS, the Parties desire to protect the fish, wildlife, scenic and recreational qualities of the Chesapeake Bay, the Potomac River estuary, the Anacostia River, and other tributary waters, pursuant to the federal Clean Water Act, while providing wastewater collection and treatment services and related biosolids management for the Blue Plains Service Area (BPSA); and

WHEREAS, the District, Fairfax, Montgomery, Prince George's, and WSSC entered into the Blue Plains Intermunicipal Agreement of 1985 (the 1985 IMA) in order to resolve a variety of critical wastewater treatment, biosolids management, and cost allocation issues with the Blue Plains Wastewater Treatment Plant (Blue Plains); and

WHEREAS, much of the wastewater collection and all of the wastewater treatment and related biosolids management required by the 1985 IMA was provided by the District at Blue Plains until 1996, when the District created DC Water as an independent authority with regional responsibilities to provide these and other services through the operation and management of Blue Plains and Other Associated Facilities; and

WHEREAS, the District holds title to the real property, appurtenances, and fixtures of Blue Plains; and

WHEREAS, DC Water is the National Pollutant Discharge Elimination System (NPDES) permit holder for and operates Blue Plains; and

WHEREAS, WSSC is an agency created by the State of Maryland to provide water supply and wastewater collection and treatment and biosolids management services to Montgomery and Prince George's, whose governments each appoint three (3) of WSSC's six (6) Commissioners; WSSC, on behalf of the residents of Montgomery and Prince George's, contributes their allocated share of costs of wastewater services provided by DC Water; and

WHEREAS, the District, Fairfax, Montgomery, and Prince George's are governments, which have cooperated to provide wastewater collection and treatment and biosolids management to protect the public health of their residents and to provide

the infrastructure necessary to realize their respective current and long-range planning and development goals; additionally Fairfax purchases wastewater services directly from DC Water and retails such services to Fairfax customers; and

WHEREAS, the District and DC Water have individual service agreements with other entities, known as Non-Party Users, that have defined Allocated Flow Capacity within the IMA but are not Signatories to the IMA, and Fairfax and WSSC also have individual service agreements with other entities, known as Indirect Users, that share a portion of Fairfax or WSSC's Allocated Flow Capacity within the BPSA; and

WHEREAS, DC Water represents the interests of the Non-Party Users and is responsible for enforcing any Limited Party Agreements with Non-Party Users, whether those agreements are in the name of DC Water or the District, and Fairfax and WSSC are responsible for enforcing any Limited Party Agreements which they have with Indirect Users; and

WHEREAS, the existing institutional arrangements for wastewater treatment, biosolids management, and for Capital Cost and Operating and Maintenance (O&M) Cost allocations among the Parties set forth in the 1985 IMA had their origin in a series of agreements dating back to the 1950s; and

WHEREAS, the Parties have demonstrated their willingness to share in the burdens associated with the demands of regional wastewater collection and treatment and biosolids management for the BPSA; and

WHEREAS, the Parties desire to establish an equitable arrangement for allocating Capital Costs in relationship to their Allocated Flow Capacity and for allocating O&M Costs in relationship to their Actual Flows, with the potential need to allocate certain costs based on factors not linked to capacity allocation or flow (e.g. loadings); and

WHEREAS, the Parties desire to improve and formalize mechanisms for continued cooperation, coordination and communication among the Parties, including capacity planning and technical input regarding Blue Plains and Other Associated Facilities and the BPSA; and

WHEREAS, the Parties desire to provide for a continuing water quality monitoring and evaluation program to address Potomac River estuary, Anacostia River and Chesapeake Bay water quality issues, as well as to recognize the continued need for long-term regional water quality planning, wastewater planning, and biosolids management planning for the BPSA and the region as a whole; and

WHEREAS, the Parties desire to set forth their rights, obligations and responsibilities with respect to the use and management of facilities necessary for wastewater collection and treatment and for biosolids management for the BPSA; and

WHEREAS, the Parties acknowledge that changing conditions may require modifications to Allocated Flow Capacity, Peak Flow Limitations and cost allocations as well as constraints on loadings and potential load allocations; and

WHEREAS, the Parties acknowledge the need for flexibility and expedited responsiveness concerning many issues of wastewater collection and treatment systems and facilities, and biosolids management issues within the BPSA and, to that end, desire to authorize the use of Derivative Agreements to implement the intent of the Parties.

NOW, THEREFORE, the undersigned Parties agree that

1. This Blue Plains Intermunicipal Agreement of 2012 (this IMA) is entered into for the purposes of:
   a. Allocating the wastewater treatment capacity of Blue Plains and Other Associated Facilities and related peak flows for the collection system;

   b. Equitably allocating the Capital Costs of wastewater treatment and biosolids management;

   c. Equitably allocating O&M Costs;

   d. Defining the responsibilities of pretreatment and operational requirements and biosolids management;

   e. Defining the process of making future wastewater capacity planning decisions, including addressing load allocations;

   f. Providing a mechanism for continuing coordination, cooperation and communication; and

   g. Providing environmental stewardship.

2. Upon signing of this IMA by all Parties, this IMA shall replace the 1985 IMA, and as of such date the 1985 IMA shall be of no further force and effect, and the Blue Plains Regional Committee shall become the Regional Committee created by this IMA.

3. The terms used in this IMA are defined in **Section 12. Glossary**.

4. The headings used in this IMA are for reference purposes only.

-END OF PAGE-

SECTION 1. KEY PRINCIPLES

The provisions of this IMA, and the Derivative Agreements created to implement it, are based upon certain Key Principles. This IMA and the Derivative Agreements shall be governed by and consistent with these Key Principles. These Key Principles shall guide any interpretation or dispute resolution process.

1. **Ensure Best Management -** The Parties commit to continued cooperation, coordination and communication to ensure the best possible management of all Multi-Jurisdiction Use Facilities (MJUFs), including Blue Plains and Other Associated Facilities for the benefit of the District, Fairfax, Montgomery and Prince George's and their residents. In this regard, the Parties acknowledge that, irrespective of their individual agreements with Non-Party Users and Indirect Users of Blue Plains, the Parties shall meet their contractual obligations under this IMA.

2. **Capacity Allocations and Peak Flow Limitations** - The wastewater treatment flow capacity and Peak Flow Limitations, and associated loadings for Blue Plains, are defined and allocated among the Parties and Non-Party Users as set forth in this IMA.

3. **Management of Flows and Loads** - The Parties agree to manage their flows in accordance with their Allocated Flow Capacity and associated Peak Flow Limitations, and overall loads in accordance with Blue Plains Design Load Capacities.

4. **Assessment of Capital Costs** - All Capital Costs associated with Blue Plains and Other Associated Facilities which are MJUFs, shall be assessed in relationship to the District's, Fairfax's and WSSC's and Non-Party Users' Allocated Flow Capacity, Peak Flow Limitations, or other approved Usage Allocation as may be agreed among the Parties. The methodologies and tools used to make those determinations are defined in this IMA. DC Water shall assess Capital Costs against Non-Party Users in accordance with applicable contracts. These Capital Costs shall include the costs associated with rehabilitation of or other improvements to existing facilities, as well as construction of new facilities.

5. **Assessment of Operating and Maintenance (O&M) Costs and Other Costs** - All O&M Costs associated with MJUFs and processes shall be assessed in relationship to the Parties' and Non-Party Users' Billing Flows, or other approved Usage Allocation as may be agreed among the Parties; and DC Water shall be responsible for O&M Costs of Non-Party Users. The Parties also bear financial responsibility for certain fines, penalties and claims.

6. **Costs of Biosolids Management** - The Parties accept individual and collective regional responsibility for the long-term viability of management for biosolids generated by Blue Plains, and agree to appropriately share the biosolids management Capital Costs in proportion to their Allocated Flow Capacity, and O&M Costs in proportion to their Billing Flows.

7. **DC Water's Responsibility for Operation of Blue Plains** - While DC Water shall afford the other Parties due opportunity to review and comment on important technical and financial issues that may affect the other Parties' rights and obligations under this IMA, or that may have regional implications, DC Water shall continue to exercise its discretion and judgment with regard to the operation, maintenance and management of Blue Plains and Other Associated Facilities.

8. **Agreement to Cooperate with DC Water -** The Parties have historic, current and future responsibilities for the effective and efficient development of the region, and the provision and maintenance of the region's infrastructure, including wastewater collection and treatment, and biosolids management within the BPSA. These interconnected responsibilities require the close cooperation and collaboration by the other Parties with DC Water.

9. **Assessment of Projected Flow Capacity Needs and Future Expansion** - The Parties recognize that the wastewater flow capacity and loading requirements for all Parties and Non-Party Users within the BPSA must be assessed periodically and plans made to provide adequate wastewater collection and treatment facilities. They further recognize that the District shall always possess wastewater treatment capacity at Blue Plains sufficient to meet its Projected Flow Capacity Needs; and, therefore, that all future Projected Flow Capacity Needs may or may not be able to be met at Blue Plains. The Parties agree to establish procedures to define these Projected Flow Capacity Needs, identify options to provide for these needs, agree on time frames for notification and actions, and agree on the allocation of capacity and costs. The District has no obligation to expand the currently authorized capacity or loadings of Blue Plains, although an expansion option is not precluded. The Parties may decide to expand Blue Plains or Other Associated Facilities, or accommodate such future flows at facilities other than Blue Plains, based on a Jointly Managed Study. The Parties (and Non-Party Users, as appropriate) agree to share the costs of an expansion at Blue Plains or Other Associated Facilities, or at any other facilities, based on agreed upon capacity and loading allocations, and associated Peak Flow Limitations.

10. **Protection of Water Quality** – Stewardship and protection of the water quality of the Potomac River estuary, the Anacostia River, and contributing to the health of the Chesapeake Bay are fundamental values of the Parties. Achieving these goals is an inherent function of Blue Plains, manifested through its NPDES permit.

11. **Effect and Amendment of this IMA and Derivative Agreements** - This IMA remains in effect until amended, replaced or terminated by mutual consent of all the Parties. The Parties may amend this IMA in accordance with its terms. The Parties may create, amend or terminate any associated Derivative Agreements addressing implementation of this IMA, as provided in this IMA. Certain agreements, set forth in the Appendix, which were suspended, extinguished or superseded by the 1985 IMA, are extinguished and superseded by this IMA.

12. **Dispute Resolution** - The Parties agree to a dispute resolution process to resolve differences regarding interpretation of or disputes regarding this IMA or the Derivative Agreements.

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SECTION 2. GOVERNANCE

A. LEVELS OF AUTHORITY

The physical and financial interdependence of Blue Plains and Other Associated Facilities requires regular forums where technical, policy and financial issues affecting more than one Party can be presented and discussed, and where differences and disputes can be resolved. The Parties agree that they shall make every effort to achieve consensus decisions. In fulfilling these responsibilities, the Parties may proceed or act at three different levels of authority: (1) the policy level, (2) the administrative level or (3) the technical level.

B. AUTHORITY TO ACT AND GENERAL PARTY RESPONSIBILITIES

1. **Basis** - Authority for action or decision by each member of the three (3) bodies identified herein as levels of governance is pursuant to applicable enabling legislation, charter provisions or formal policies of each Party.

2. **General Party Responsibilities**
   a. Unless otherwise stated herein, each Party shall determine which of its officials or staff will act on its behalf.

   b. Unless otherwise stated herein, each Party shall be responsible for any notice to its officials, staff or constituents, pursuant to applicable legislation, charter provisions, or formal or informal policies of the Party.

   c. Consistent with the respective bylaws of the Leadership Committee and the Regional Committee, those Committees may allow observers invited by members of those committees to attend their meetings.

C. POLICY LEVEL: THE IMA SIGNATORIES

1. **Signatory** - The Signatories of this IMA are the highest level of officials of each Party, as designated below:
   a. District of Columbia – Mayor
   b. DC Water – Chairman, Board of Directors
   c. Fairfax County, Virginia – Chairman, Board of Supervisors
   d. Montgomery County, Maryland – President, County Council and County Executive
   e. Prince George's County, Maryland – Chair, County Council and County Executive
   f. Washington Suburban Sanitary Commission – Chair and Vice Chair

2. Each Signatory warrants that its signature is authorized.

3. Written agreement of the Parties, at the Signatory level, is required to revise, amend or terminate this IMA pursuant to **Section 10**.

4. Signatory review shall constitute the last or highest internal level of dispute resolution under **Section 10**.

D. ADMINISTRATIVE LEVEL: THE IMA LEADERSHIP COMMITTEE

1. **Composition** - The IMA Leadership Committee (the Leadership Committee) shall be composed of the governmental Chief Administrative Officers and the Operating Agencies' General Managers, i.e. six (6) members, consisting of one (1) member from each Party as designated below:
   a. District of Columbia – City Administrator
   b. DC Water – General Manager
   c. Fairfax County, Virginia – County Executive
   d. Montgomery County, Maryland – Chief Administrative Officer
   e. Prince George's County, Maryland – Chief Administrative Officer
   f. Washington Suburban Sanitary Commission – General Manager

2. **General Responsibility** - The Leadership Committee shall oversee the implementation of this IMA. The Committee shall convene at least annually to receive briefings and to resolve issues or endorse positions presented by the Regional Committee or a Party, including dispute resolution.

3. **Specific Functions** - The Leadership Committee is charged with overseeing this IMA which function includes, where appropriate or required, authorization, review and approval of:
   a. Derivative Agreements, except for Limited Party Agreements, and amendments to or termination of Derivative Agreements, except for Limited Party Agreements, entered into pursuant to **Section 11**, in order to address routine, procedural or operational elements of this IMA;

   b. Final interpretations of this IMA and Derivative Agreements for matters referred to it by the Regional Committee or when dispute resolution has been invoked;

   c. Action on issues covered by this IMA and Derivative Agreements that have a potential policy or fiscal impact on the Parties, or on the capability of Blue Plains to effectively provide wastewater treatment; and

   d. Other duties as set forth in this IMA.

4. **Procedures**
   a. The Leadership Committee shall act by the unanimous agreement of all of its members and formal action documented in minutes or other documents.

   b. The Leadership Committee may agree that certain decisions or actions implementing this IMA may be made by the unanimous agreement of the respective governmental Chief Administrative Officers or the unanimous agreement of the respective Operating Agency Representatives alone. The

Parties acknowledge that Fairfax is both a governmental entity and an Operating Agency, and may participate in either subgroup as appropriate.

c. The Leadership Committee shall select a chair and develop procedures consistent with this IMA.

5. **Regional Committee Input** - The Leadership Committee may seek the recommendation of and request reports from the Regional Committee.

E. TECHNICAL LEVEL: THE IMA REGIONAL COMMITTEE

1. **Composition** - The IMA Regional Committee (the Regional Committee) shall be composed of 12 members, consisting of two (2) members from each Party.

2. **Appointment** - Members of the Regional Committee shall be appointed by the members of the Leadership Committee for their respective Party, and shall consist of professional staff representatives from each of the Parties.

3. **General Responsibilities**
   a. The Regional Committee is created for the purpose of assisting in the interpretation, administration and implementation of this IMA and to resolve issues pertaining to Blue Plains that are within the scope of this IMA and the Derivative Agreements.

   b. The Regional Committee shall identify issues relevant to the implementation and oversight of this IMA, and shall coordinate, review and consider appropriate actions for the effective provision of wastewater collection and treatment and biosolids management to support the current and future Projected Flow Capacity Needs of the BPSA.

   c. The Regional Committee shall make recommendations to the Leadership Committee and, where appropriate, to other entities with respect to the rights and obligations of the Parties.

   d. The Regional Committee shall make decisions and take actions as delegated to it by the Leadership Committee.

4. **Specific Functions** - The Regional Committee is responsible for the following:
   a. Implementing this IMA and Derivative Agreements, including:
      1) Recommendations on policy issues;

      2) Initial resolution of disputes associated with implementation;

      3) Providing recommendations to the Leadership Committee on amendments to this IMA;

4) Providing recommendations to the Leadership Committee on creation, modification or termination of Derivative Agreements to address routine, procedural or operational elements of this IMA;

5) Providing guidance and recommendations for any other issues that may arise within the scope of this IMA.

b. Evaluating the terms of agreements with Non-Party Users and Indirect Users;

c. Evaluating population impacts, flow projections and service area boundaries;

d. Providing analysis of flow measurement and data collection efforts, as well as flow management programs and their flow capacity impacts;

e. Evaluating the Parties' flows and conformance with Allocated Flow Capacity and Peak Flow Limitations;

f. Defining and assessing the Parties' Projected Flow Capacity Needs, loading requirements and options;

g. Evaluating proposals regarding any capacity reallocation;

h. Evaluating proposed permit conditions, including potential capacity and financial impacts;

i. Establishing cost allocations for Capital Costs and O&M Costs of MJUFs;

j. Evaluating Blue Plains impacts and contributions towards meeting local and regional water quality goals;

k. Providing input and regional support for Blue Plains biosolids management program;

l. Evaluating the Parties' compliance with their requirements under Blue Plains Pretreatment Program;

m. Providing recommendations for DC Water's proposed "Capital Improvements Program Budget" and annual "Operating Budget" as they relate to MJUFs; and

n. Other duties as set forth in this IMA.

5. **Serve as a Forum** - The Regional Committee shall provide a forum for in-depth discussion and coordination regarding the wastewater and biosolids technical, policy and financial issues affecting Parties. Any Party may submit issues to the Regional Committee for review and comment prior to regional action or prior to Implementation by DC Water or any other Party.

6. **Procedures** - The Regional Committee shall act by the unanimous agreement of all of its members and formal action documented in minutes or other documents.

    a. The Regional Committee may agree that certain categories of decisions or actions may be made by the unanimous agreement of the representatives of the governmental entities alone or the unanimous agreement of the Operating Agency Representatives alone. The Parties acknowledge that Fairfax is both a governmental entity and an Operating Agency, and may participate in either subgroup, as appropriate.

    b. The Regional Committee shall select its own chair and develop its own procedures consistent with this IMA.

    c. The Regional Committee shall meet at least quarterly.

    d. The Regional Committee may create standing or ad-hoc subcommittees or work groups to address issues/topics as required. These subcommittees/work groups shall be responsible for addressing issues assigned to them, and for developing recommendations for the Regional Committee.

    e. The Operating Agency Representatives are a subset of members of the Regional Committee and shall be a standing work group of the Regional Committee.

7. **Annual Work Program and Budget for Secretariat Services** - The Regional Committee shall recommend, and the Leadership Committee shall approve, an annual work program and budget, and an agreement with an entity to provide secretariat services for the Leadership Committee, the Parties and the Regional Committee to carry out their responsibilities under this IMA, as set forth in a Service Agreement.

8. **Annual Work Program and Budget for a Regional Water Quality Management Program** - The Regional Committee shall recommend, and the Leadership Committee shall approve, an annual work program and budget, and an agreement with an entity to address a regional water quality management program, as set forth in a Service Agreement.

9. **Regional Committee Communication with Parties** - On behalf of the Leadership Committee, the Regional Committee shall prepare an annual report to the Parties regarding the implementation of this IMA, and shall provide such other reports on its activities as the Leadership Committee or Signatories may require.

-END OF PAGE-

SECTION 3. BLUE PLAINS PERMIT RESPONSIBILITIES AND TREATMENT PROCESS REQUIREMENTS

A. DC WATER'S OVERALL PERMIT RESPONSIBILITIES

As operator of Blue Plains and Other Associated Facilities, DC Water is responsible for monitoring pending federal, state and local statutory and regulatory developments; and for anticipating potential impacts on the Blue Plains National Pollution Discharge Elimination System (NPDES) permit, or other permit requirements, as a result of such developments. DC Water is also responsible for monitoring and analyzing other issues that can reasonably be expected to impact Blue Plains permit conditions, programs and process requirements. DC Water's assessment of these impacts shall include, but not be limited to, an assessment of the potential impacts on Blue Plains and Other Associated Facilities and Pretreatment Program requirements.

B. DC WATER'S NOTIFICATION RESPONSIBILITIES

If DC Water determines that any matter or issue in this **Section 3** may result in modification of permit conditions, programs or process requirements at Blue Plains and Other Associated Facilities, it shall determine the anticipated timing and potential financial impacts of such modifications on the Parties and Non-Party Users, and shall inform the Regional Committee. Potential financial impacts include Capital Costs, as well as O&M Costs. Once DC Water identifies the need for additional Capital Costs or O&M Costs, the other Parties shall have an opportunity to comment on the timing and other aspects of the projects prior to the projects proceeding.

C. INDIVIDUAL PARTY RESPONSIBILITIES

Each Party is responsible for its share of any financial commitment, including Capital Costs and O&M Costs, to address any modification of permit conditions, programs or process requirements at Blue Plains, as set forth in **Section 5**.

D. COLLECTIVE PARTY RESPONSIBILITIES

In addition to addressing the financial impacts of regulations, permit conditions, programs, and process impacts determined under this **Section 3**, the Parties agree to evaluate this IMA to determine if any elements, including, but not limited to, cost elements need to be amended.

E. REGIONAL WATER QUALITY MANAGEMENT PROGRAM SUPPORT

1. **Stewardship** - The Parties recognize their collective and regional responsibilities for the long-term protection of the Potomac River estuary and the Anacostia River water quality, and supporting restoration of the Chesapeake Bay; and responding to other environmental requirements impacting Blue Plains and Other Associated Facilities. The Parties agree to fulfill these objectives of regional water quality management planning, monitoring and modeling programs in the most cost-effective manner for Blue Plains.

2. **Program Activities** - The Parties shall actively support regional water quality and environmental programs to monitor and analyze state, federal and local water quality management policies and regulations, as well as wastewater treatment and biosolids management technologies and permitting issues, and engage in policy and technical advocacy.

F. DERIVATIVE AGREEMENT – Derivative Agreements shall address additional matters set forth in this **Section 3**. They may be replaced or supplemented by successor or other Derivative Agreements.

-END OF PAGE-

SECTION 4. BLUE PLAINS FLOW CAPACITY, LOADS, AND PEAK FLOWS - ALLOCATIONS AND LIMITATIONS

A. BLUE PLAINS ALLOCATED FLOW CAPACITY

1. **Basis for Capacity Allocations**
   a. The Allocated Flow Capacity for the District, Fairfax, WSSC, and Non-Party Users is defined in **Table 4-A** below**.**

   b. The Allocated Flow Capacity is based on Blue Plains current Design Flow Capacity and reflects the ability of Blue Plains to provide treatment of the incoming wastewater under Annual Average Hydrologic Conditions.

   c. It is recognized that the Captured Stormwater Flows (CSF) that receive treatment to meet the Combined Sewer Overflow Long-term Control Plan (CSO LTCP) requirements are not part of the District's Allocated Flow Capacity.

TABLE 4-A

BLUE PLAINS ALLOCATED FLOW CAPACITY	
ENTITIES	**ALLOCATIONS (MGD)**[1]
District of Columbia	152.50
Non-Party Users:	
Loudoun County Sanitation Authority, Virginia	13.80
Dulles Airport, Virginia	1.50
Town of Vienna, Virginia	1.50
Naval Ship Research & Development Center, Maryland	0.07
National Park Service, Maryland	0.03
Sub-total	16.90
District of Columbia – Total	**169.40**
WSSC[2] (for Prince George's County & Montgomery County), **Maryland – Total**	**169.60**
Fairfax County, Virginia[3] **- Total**	**31.00**
Grand Total – Blue Plains Design Flow Capacity	**370.00**

[1] Flows represent Annual Average Hydrologic Conditions.
[2] The Allocated Flow Capacity for WSSC is on behalf of Prince George's and Montgomery; with any sub-allocations determined by separate agreements between those entities. The WSSC allocation also includes wastewater from other political jurisdictions with which WSSC has separate agreements.
[3] The Allocated Flow Capacity for Fairfax also includes wastewater from other political jurisdictions with which Fairfax has separate agreements.

2. **Compliance with Capacity Allocations**
   a. The District, Fairfax and WSSC shall comply with their Allocated Flow Capacity.

   b. Compliance with the Allocated Flow Capacity by the District, Fairfax and WSSC shall be assessed based on their Adjusted Flow, and as calculated in **Operating Agreement #3.**

   c. Continued use of this Allocated Flow Capacity by the District, Fairfax, WSSC or Non-Party Users, however, shall be dependent on the respective entity making the financial contribution for its appropriate share of the Capital Cost and O&M Costs of all MJUFs in accordance with **Section 5**.

3. **Assessment of Future Needs** - Assessment of Projected Flow Capacity Needs for the District, Fairfax, WSSC and Non-Party Users, as compared to their Allocated Flow Capacity, shall be in accordance with **Section 7**.

4. **Compliance by Non-Party Users and Indirect Users**
   a. The District and DC Water shall use their best efforts to require Non-Party Users to comply with their Allocated Flow Capacity.

   b. Fairfax and WSSC shall use their best efforts to require Indirect Users to comply with their capacity allocations as defined under Limited Party Agreements with the Indirect Users.

   c. Irrespective of such efforts, all Parties shall be bound by their Allocated Flow Capacity.

5. **Conditions on Limited Party Agreements for a Transfer of Allocated Flow Capacity**
   a. Before a Limited Party Agreement, as permitted by **Section 11**, for a transfer of Allocated Flow Capacity can be executed:
      1) It must include terms which do not change the financial obligations required under this IMA to DC Water for the Allocated Flow Capacity being transferred; and

      2) It shall be reviewed by the Regional Committee to ensure, among other matters, that the proposed transfer does not change the rights and responsibilities of a Party as set forth in this IMA.

   b. Financial arrangements pursuant to a Limited Party Agreement for a transfer of Allocated Flow Capacity shall be determined by the involved parties.

-END OF PAGE-

B. BLUE PLAINS EFFLUENT LOADS AND BLUE PLAINS EFFLUENT LOAD ALLOCATIONS

1. **Basis for Blue Plains Effluent Loads and Blue Plains Effluent Load Allocations** - The Blue Plains Effluent Loads and the associated Blue Plains Effluent Load Allocations shall be consistent with Blue Plains permit and as defined in **Operating Agreement #1**.

2. **Requirements for Transfers of Flow and/or Effluent Load Allocations Outside Blue Plains or BPSA**
   a. If the District, Fairfax or WSSC determine that it will divert any or all of its current or projected wastewater flows originating in the BPSA from Blue Plains, the associated Effluent Load Allocation may be transferred away from Blue Plains.

   b. The transfer of any Effluent Load Allocations away from Blue Plains, whether by the District, Fairfax, WSSC or by others, shall result in a proportionate reduction in the usable Allocated Flow Capacity of the Party(ies) having their Effluent Load Allocations reduced; unless additional Blue Plains Load Allocations or Blue Plains Load Offsets are obtained. This shall not result in a change to the Allocated Flow Capacities defined in **Table 4-A.**

C. BLUE PLAINS INFLUENT LOADS AND INFLUENT DESIGN LOAD CAPACITY

1. **Basis for Blue Plains Influent Loads**
   a. The pollutant loads from all influent wastewater flows to Blue Plains, their concentrations, associated flow characteristics, and related design assumptions are related to Blue Plains Influent Load(s) and are expressed as the Design Load Capacity, as defined in **Operating Agreement #1**.

   b. The Design Load Capacity is based on Blue Plains current Design Flow Capacity and reflects the ability of Blue Plains to provide treatment of the incoming wastewater under maximum year flow conditions.

2. **Compliance with Blue Plains Influent Loads** - The Parties shall work to ensure that pollutant loads from all influent flows do not exceed Design Load Capacity(ies), as defined in **Operating Agreement #1;** unless pollutant loads in excess of the Design Load Capacity(ies) have been determined by DC Water to not pose a potential risk of contributing to Blue Plains Permit violations.

D. MONITORING OF AND RECOMMENDATIONS REGARDING INFLUENT FLOWS AND LOADS

1. DC Water shall routinely sample and monitor influent loads and wastewater process performance, with input from the other Parties, to determine if and when either the collective or individual influent concentrations from each Party appear to exceed normal variations in influent wastewater strength as determined by DC Water.

2. Such assessments shall address, but not be limited to addressing wastewater and Captured Stormwater Flow contributions, as well as Inflow/Infiltration ("I/I") impacts on influent loads.

3. DC Water shall determine whether these variations have the potential to impact Blue Plains plant performance, permit compliance, Allocated Flow Capacity, Effluent Load Allocations, or the Design Load Capacity, and make recommendations to the Regional Committee.

4. DC Water shall review influent flow rates and influent loads compared to Design Flow Capacity and Design Load Capacity values, and recommend whether plant-wide influent loads may need to be sub-allocated to the District, Fairfax, WSSC and Non-Party Users, or if any adjustments to the Allocated Flow Capacities might be required in order to meet NPDES permit requirements.

5. The Regional Committee shall routinely review all of these matters to determine whether the rights and responsibilities of the Parties are affected, and to make necessary recommendations to the Leadership Committee regarding, but not limited to, the following: cost elements, Effluent Load Allocations, and/or Allocated Flow Capacity. These recommendations shall address potential assignments to the District, Fairfax and WSSC, individually or collectively, as well as to Non-Party Users.

E. BLUE PLAINS SERVICE AREA (BPSA) PEAK FLOW LIMITATIONS - GENERAL CONDITIONS

1. **Peak Flow Limitations** - The Peak Flow Limitations for metered points of connection between the collection systems of two (2) or more Parties within the BPSA are defined as follows:
   a. Potomac Interceptor (PI) and other interceptors for WSSC, Fairfax and Non-Party Users' flows to collection systems operated by DC Water - **Table 4-B**.

   b. Interceptors for WSSC flows to collection systems operated by DC Water – **Table 4-C.**

   c. Interceptors for District flows to collection systems operated by WSSC - **Table 4-D.**

-END OF PAGE-

Table 4-B - PEAK FLOW LIMITATIONS[1] FOR WSSC, FAIRFAX COUNTY & NON-PARTY USERS FOR THE POTOMAC INTERCEPTOR & OTHER INTERCEPTORS OPERATED BY DC WATER

Jurisdiction / Agency Points of Connection	Flow Capacity (Annual Average in MGD)	Peak Flow Limitation (MGD)	Peak/ Average Ratio
WSSC			
Cabin John (to MUPI)[2]	**10.3**	**23.3**	**2.3**
Cabin John (to PI)	6.1	37.0	6.1
Muddy Branch	8.4	28.3	3.4
Watts Branch	5.8	16.5	2.8
Rock Run	1.3	5.6	4.3
Subtotal to PI	**21.6**	**87.4**	
WSSC Total to PI & UPI[3]	**31.9**	**110.7**	**3.5**
Fairfax County			
Sully Road #1	4.0	14.0	3.5
Sully Road #2	1.1	3.0	2.7
Rock Hill Road	0.9	2.4	2.7
Sugarland Run	4.0	14.0	3.5
Great Falls[4]	8.7	30.0	3.4
Scotts Run	2.9	10.2	3.5
Subtotal to PI	**21.6**	**73.6**	
Pimmit Run	9.4	35.0	3.7
Fairfax Total to PI & Pimmit Run	**31.0**	**108.6**	**3.5**
Loudoun County Sanitation Authority	**13.8**	**31.9**	
Other Non-Party Users	**1.5**	**3.5**	
Grand Total	**67.9**	**231.4**	

-END OF PAGE-

[1] The Peak Flow Limitations and peak flow ratios for the Potomac Interceptor are acknowledged to be greater than design and modeling values.
[2] MUPI - Maryland Upper Potomac Interceptor
[3] UPI - Upper Potomac Interceptor
[4] This excludes the flow from the Town of Vienna, Virginia.

TABLE 4-C – PEAK FLOW LIMITATIONS FOR WSSC FOR OTHER INTERCEPTORS OPERATED BY DC WATER

Jurisdiction / Agency Points of Connection	Flow Capacity (Annual Average in MGD)	Peak Flow Limitation (MGD)
WSSC		
Little Falls Trunk Sewer	7.6	20.8
Rock Creek Main Interceptor[1] and Relief	33.5	56.6
Anacostia Forcemain & Project 89	83.2	185.0
Watts Branch Interceptor (Prince George's County)	1.3	5.9
Upper Oxon Run Trunk Sewer	6.1	15.6
Barnaby Branch	2.8	8.4
Owens Road	1.7	5.5
Indian Head Highway	1.5	5.3
TOTAL	**137.7**	**N/A**

TABLE 4-D – PEAK FLOW LIMITATIONS FOR THE DISTRICT FOR OTHER INTERCEPTORS OPERATED BY WSSC

Jurisdiction / Agency Points of Connection	Flow Capacity (Annual Average in MGD)	Peak Flow Limitation (MGD)
DISTRICT		
Point M-Kennedy St.	0.7	4.4
Point S-Fort Dupont St.	0.4	3.0
Point W-30th St.	0.7	4.8

2. **Basis for Peak Flow Limitations** - The Peak Flow Limitations, defined in **Table 4-B, Table 4-C, and Table 4-D**, have been developed consistent with the Allocated Flow Capacity for the District, Fairfax, WSSC and Non-Party Users, and reflect the maximum flows that have been determined (through modeling and historical observation of system performance) that the BPSA collection systems can convey without exceeding the capacity of the sewer system during wet weather conditions (e.g., rainfall or snowmelt events).

3. **Constraints on Peak Flow Limitations**
   a. The Peak Flow Limitations, defined in **Table 4-B, Table 4-C, and Table 4-D**, are predicated on the assumption that the District, Fairfax, and WSSC shall not make piping/service area modifications that would increase or significantly alter the character of the peak flows delivered to these points of connection.

[1] This includes that portion of Silver Spring Maryland which enters the Rock Creek Main Interceptor Sewer within the District.

b. If the District, Fairfax or WSSC proposes to make such modifications, they shall submit requests to DC Water, and DC Water will evaluate the request to determine whether such modifications can be accommodated.

c. The District, Fairfax and WSSC shall manage their systems or flow management so that the peak flows or sustained peak flows are consistent with historical patterns and assumptions underlying the Peak Flow Limitations, as determined by DC Water.

4. **Adjustments to Peak Flow Limitations**

a. The peak flows from the District, Fairfax or WSSC can exceed their Peak Flow Limitations for any point of connection, as defined in **Table 4-B**, **Table 4-C,** and **Table 4-D,** if their Adjusted Flow does not exceed their Allocated Flow Capacity and if there are no adverse hydraulic impacts to the affected interceptors. Any peak flow shaving facilities or operations must be approved by DC Water with respect to proposed peak flow rates, duration, and overall interceptor system capacity.

b. DC Water shall routinely monitor all peak flows within the BPSA collection system, determine appropriate action for any problems which arise, and make recommendations to the Regional Committee, consistent with **Section 6**. Specific details for how this monitoring and assessment shall be conducted are described in **Operating Agreement #3.**

c. Should future model analysis or observation of system performance indicate a need to revise these Peak Flow Limitations, the affected Parties shall support appropriate modifications to these limits, or to the system to ensure compliance with permit and other legal and Operational Requirements.

5. **Compliance by District, Fairfax and WSSC with Peak Flow Limitations**

a. Except as otherwise provided herein, the District, Fairfax and WSSC shall comply with their Peak Flow Limitations at the various points of connection.

b. Continued use of these Peak Flow Limitations by the District, Fairfax and WSSC, however, shall be dependent on that entity making the financial contribution for its appropriate share of the Capital Cost and O&M Costs of all MJUFs in accordance with **Section 5**.

c. The Parties shall ensure that the District, Fairfax and WSSC's collection systems limit the amount of I/I entering these systems. Collection systems shall be maintained so that I/I volumes do not contribute to exceedances of the Peak Flow Limitations.

6. **Compliance by Non-Party Users & Indirect Users with Peak Flow Limitations**

a. Continued use of these Peak Flow Limitations by the Non-Party Users, however, shall be dependent on that entity making the financial contribution for its appropriate share of the Capital Cost and O&M Costs of all MJUFs in

accordance with **Section 5**.

b. The Parties shall use their best efforts to require Non-Party Users and Indirect Users to comply with the defined Peak Flow Limitations.

c. Except as otherwise provided herein, irrespective of such efforts, the Parties shall comply with the Peak Flow Limitations.

d. As appropriate and necessary, collection systems for the Non-Party Users and Indirect Users should limit the amount of I/I entering these systems.
   1) DC Water shall be responsible for ensuring that similar requirements are upheld by the Non-Party Users;

   2) Fairfax and WSSC shall be responsible for ensuring that similar requirements are upheld by the Indirect Users; and

   3) Irrespective of such efforts, and except as provided herein, the Parties shall be bound by these requirements.

7. **Wastewater Collection System Connections**
   a. **Additional Interconnections** - Subject to the conditions imposed by this IMA and any other conditions which might be imposed by the Parties at the time, additional interconnections between the wastewater collection systems of the District, Fairfax, WSSC and Non-Party Users shall be allowed.

   b. **No Requirement to Accept Flow Causing an Exceedance** - The District, Fairfax and WSSC shall not be required to accept flow into its wastewater collection system if that flow exceeds its own or the Non-Party User's Peak Flow Limitations.

   c. **Sewer Connection Approval** - Every connection of a sewer by the District, Fairfax or WSSC, or a Non-Party User, to the sewage collection system of another shall be made only based on prior written approval of the Operating Agency representative for that entity to whom the connection is being made, with notice provided to the Regional Committee.

F. ADDITIONAL BPSA PEAK FLOW LIMITATIONS – POTOMAC INTERCEPTOR (PI) CONDITIONS

1. **Additional Basis for PI Peak Flow Limitations** - These Peak Flow Limitations are based on analysis that indicates that the PI has not overflowed when the sum of the peak flows delivered has been limited to the 220-240 million gallons per day range. This performance is due to the large service area, timing of flows and rainfall variability.

2. **<u>Potential Modifications to Potomac Interceptor Peak Flow Limitations</u>**
   a. DC Water shall monitor flows and the performance of the PI system to determine if overflows do occur; and then shall work with Fairfax and WSSC to identify the reasons and to determine if revisions/reductions to the Peak Flow Limitations presented in **Table 4-B** are required.

   b. If DC Water determines based upon its monitoring and technical analysis that such revisions/reductions are necessary, it can require those reductions until this IMA is amended and Fairfax and WSSC shall comply with such determination.

G. <u>DERIVATIVE AGREEMENT</u> – Operating Agreement #1, Blue Plains Flow Capacity, Loads and Peak Flows – Allocations and Limitations, addresses additional matters set forth in this Section. It may be replaced or supplemented by successor or other Derivative Agreements.

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SECTION 5. FINANCIAL RESPONSIBILITIES OF PARTIES

A. ASSIGNMENT OF RESPONSIBLITIES

1. **Acknowledgements**
   a. The Parties acknowledge their financial responsibility for their respective shares of the Capital Costs and the O&M Costs of all MJUFs, including but not limited to Blue Plains and Other Associated Facilities. The Parties also bear financial responsibility for certain fines, penalties and claims.

   b. The Parties acknowledge that the "*Blue Plains Intermunicipal Agreement of 1985 Equity Payment Study*" (dated February, 1987), and the subsequent "equity payments" required by the 1985 IMA, reconciled all Capital Cost contributions for the Parties prior to 1987 and established a new baseline as of 1988 for calculating and allocating any future Capital Costs associated with Blue Plains.

2. **Leadership Committee** - The Leadership Committee shall ensure that the financial commitments of the Parties and Non-Party Users are met.

3. **Regional Committee**
   a. The Regional Committee shall agree upon MJUFs determinations and cost allocations, with detailed project lists and cost rationales, as well as billing and payment procedures.

   b. The Regional Committee shall address any new cost elements and cost allocation issues.

   c. The Regional Committee shall also ensure that a record is kept of calculations, procedures and agreements which implement this **Section 5**, including financial allocations for Capital Costs, O&M Costs, billing and payment procedures, User Fees, as well as fines, penalties and claims.

B. DETERMINATION OF MULTI-JURISDICTION USE FACILITIES (MJUFs)

1. **Basis for Making MJUF Determinations** - DC Water shall make determinations of the extent to which any facility is utilized by one or more entities and is, therefore, a MJUF; and, based thereon, shall make a recommendation regarding how the cost of building, operating, maintaining, or rehabilitating the facilities might be equitably shared among those entities, as more fully described in **Section 3.B.3**. below.

2. **Parties Commit to Pay Costs** - The District, Fairfax, WSSC and Non-Party Users are responsible for their respective share of all Capital Costs, O&M Costs, and other direct costs and indirect costs associated with MJUFs at Blue Plains and Other Associated Facilities. The costs include those associated with meeting permit requirements, as well as normal wastewater treatment process and biosolids management requirements for Blue Plains and Other Associated Facilities. These costs shall be developed to ensure full cost-recovery for the O&M, construction or

rehabilitation of the specified facilities. District costs are met through direct ratepayer payments.

3. **DC Water to Recommend Cost Allocations**
   a. DC Water shall utilize a methodology and associated technical tools that the Regional Committee has agreed to for making determinations whether a facility is a MJUF.

   b. DC Water shall make recommendations to the Regional Committee regarding MJUFs, and the proposed cost allocations proposed for those facilities, including providing specific project/program details and cost allocation rationale for making the MJUF determinations.

   c. DC Water shall inform the Regional Committee in a timely manner of the potential magnitude and anticipated timing of the necessary financial commitments to address their share of those commitments.

   d. DC Water shall consider Regional Committee input regarding the proposed amount and timing of those financial commitments. This process shall be an iterative process as regulatory requirements, process impacts, and major capital program requirements are defined and subsequently refined. The costs associated with the O&M, rehabilitation, construction or other use of these facilities shall be allocated among the Parties and Non-Party Users.

   e. The methodology and technical tools to be used in making these determinations shall be set out in **Operating Agreement #2**.

4. **Regional Committee to Endorse Cost Allocations and Identify Policy Issues** – The Regional Committee shall review DC Water's recommendations regarding MJUF designations and proposed cost allocations and, if appropriate, endorse the allocations, and identify any resultant policy issues associated with those recommendations.

5. **Regional Committee to Recommend Cost Allocation** - The Regional Committee shall recommend cost allocations to the Leadership Committee for approval.

C. CAPITAL COST RESPONSIBILITIES

1. **General Requirements - DC Water's Responsibility** - DC Water shall be responsible for addressing all of the obligations in this **Section 5** as they pertain to the Non-Party Users. Once DC Water identifies the need for additional Capital Costs, the other Parties shall be provided the opportunity to comment on the timing and other aspects of the projects. DC Water shall assess Fairfax and WSSC for their proportionate share of the Capital Costs incurred for MJUFs. DC Water shall assess District ratepayers using the same basis and reflecting the District's proportionate share of all costs.

2. **Blue Plains Capital Cost Allocations** - The costs for construction, installation, upgrade or expansion of any facilities which are built to manage wastewater, other than Captured Stormwater Flow, that is treated at Blue Plains, or the biosolids or other residuals from Blue Plains shall be allocated to the District, Fairfax, WSSC, and Non-Party Users, based on the methodology set forth in **Operating Agreement #2.**

3. **Other Associated Facilities' Capital Cost Allocations** – Except as provided herein, the costs for construction, installation, upgrade or expansion of any Other Associated Facilities shall be allocated to the District, Fairfax, WSSC and Non-Party Users in proportion to their Allocated Flow Capacity or other Usage Allocations.

4. **Capital Equipment Cost Allocations Relating to MJUFs** - Capital Equipment Costs, that are incurred to replace, extend the life of or increase capacity of Blue Plains assets, will be allocated consistent with Allocated Flow Capacity, Actual Flows or other Usage Allocations, as defined in **Operating Agreement #2**.

5. **Basis for Cost Allocations for Fairfax or WSSC MJUFs** - The District, Fairfax, WSSC, and Non-Party Users shall pay the costs for construction, installation, upgrade or expansion of any MJUFs which are built by Fairfax or WSSC for wastewater treatment or biosolids management, or management of residuals from Blue Plains, in proportion to their Allocated Flow Capacity or other Usage Allocations, or as otherwise may be provided by this IMA or Derivative Agreements.

6. **Basis for Non-Standard Cost Allocations** – Projects, whose basis of design or operation DC Water has determined are not inherently linked to standard systems developed for flow or capacity as otherwise set forth in this IMA, may have their Capital Costs allocated based on a Usage Allocation agreed upon by the Parties. Such cost methodologies and rationale shall be consistent with the Key Principles.

D. OPERATING AND MAINTENANCE (O&M) COST RESPONSIBILITIES

1. **Blue Plains O&M Cost Allocations**
   a. **Assessments for Proportionate Treatment Costs** - DC Water shall assess Fairfax and WSSC for their proportionate share of the O&M Costs incurred for MJUFs. DC Water shall assess District ratepayers using the same basis and reflecting the District's proportionate share of all costs. All O&M costs incurred shall include all direct costs and indirect costs as agreed by the Regional Committee.

   b. **Assessments for Blue Plains** -The District's, Fairfax's and WSSC's proportion of the annual Blue Plains O&M Costs shall be as defined in **Operating Agreement #2.**

   c. **Process to Address Differential Treatment Costs** - If it is determined, based on a Jointly Managed Study, that there is a significant financial impact and, therefore, a basis for having differential treatment costs applied to the flows from

various Parties and Non-Parties (i.e., based on strength of wastewater or other flow parameters), the Regional Committee shall be responsible for assessing and recommending how cost allocations should be borne by the Parties, and making recommendations to the Leadership Committee.

d. **Use of Revenue** - Any revenue earned from the by-products from the wastewater treatment and/or biosolids processes at Blue Plains shall be used to offset overall O&M expenses, and be attributed, as appropriate, in proportion to the Capital Cost and/or O&M Cost allocations for those associated MJUFs. Revenue shall include, but not be limited to, any revenue generated by: water reuse, methane gas, electricity, carbon trading, compost and any other biosolids-derived products.

2. **Pipelines and Appurtenances O&M Cost Allocations** – The District, Fairfax and WSSC shall each be assessed by DC Water for their proportionate share of the O&M costs for any MJUFs as defined in **Operating Agreement #2**.

3. **Other Associated Facilities' O&M Cost Allocations** – The District, Fairfax and WSSC shall each be assessed by DC Water for their proportionate share of the O&M Costs associated with these Other Associated Facilities, based on the proportion of their Actual Flow versus Total Flow through facilities, or based on other Usage Allocations as defined in **Operating Agreement #2**.

E. USER FEE RESPONSIBILITIES

1. **Annual User Fee** – Fairfax, WSSC and Non-Party User Loudoun County Sanitation Authority (LCSA or Loudoun Water) shall pay to DC Water an annual User Fee on behalf of the District. The initial fee was set at $1,500,000 per annum, effective July 1, 1986; with subsequent payments compounded annually by one and one half percent (1.5%).

2. **Apportionment** - DC Water shall annually calculate the User Fee for Fairfax, WSSC and LCSA, based in proportion to their share of the Allocated Flow Capacity at Blue Plains.

3. **DC Water's Use of the User Fee** - DC Water shall utilize the User Fee payments from Fairfax, WSSC and LCSA as a credit to the District's share of Blue Plains O&M Costs.

F. FINES, PENALTIES AND CLAIMS RESPONSIBILITIES

1. **Joint Responsibility** - The Parties shall have joint responsibility for and shall pay their respective shares of such fines, penalties or claims in accordance with their agreed shares of the O&M Costs or Capital Costs as appropriate for MJUFs or programs, provided that the following criteria are met:
   a. The fines, penalties or claims are associated with MJUFs;

b. The Party incurring the fines, penalties or claims demonstrated a reasonable effort to avoid imposition of such fines, penalties or claims, and dispute or contest any unreasonable charges; and

c. There is no judicial or adjudicative determination that the fines, penalties or claims are the result of gross negligence or willful misconduct of an employee or agent of the Party incurring the fine, penalty or claim.

2. **Reimbursement of Litigation Costs** - If litigation is filed against a Party for injuries to a third party resulting from operation of a MJUF, the Parties shall share the costs of defense or judgment in accordance with their proportionate shares of the associated O&M Costs or Capital Costs, as appropriate, as long as there is no determination by a court or arbitrator that any such judgment is the result of gross negligence or willful misconduct of an employee or agent of the defendant Party. If a determination is made that there has been gross negligence or willful misconduct of an employee or agent of the defendant Party, the defendant Party shall be solely responsible for the costs of defense and judgment.

3. **Review and Dispute Resolution** - The Regional Committee shall be responsible for reviewing these fines, penalties or claims and their associated costs, when they relate to billing disputes, and concurring with their applicability to the Parties. If there are disagreements regarding the responsibility of any of the appropriate Parties to pay for such costs, the Regional Committee shall address the issues in a timely manner, including, if necessary, referring the matter to the Leadership Committee for resolution.

G. ESTIMATES, BILLINGS, PAYMENTS, AND RECONCILIATION PROCEDURES

1. **General Requirements for Addressing DC Water Capital Costs and O&M Costs** – In accordance with the procedures outlined in Operating Agreement #2, DC Water shall:
   a. Assess costs based on estimated annual expenses;
   b. Prepare quarterly billings;
   c. Receive quarterly payments; and
   d. Reconcile all costs with payments.

2. **DC Water's Responsibility for Assessing Capital Costs and O&M Costs for MJUFs for Party and Non-Party Users** – DC Water is responsible for assessing all Capital Costs and O&M Costs associated with MJUFs for the District, Fairfax, WSSC and Non-Party Users. Assessments for each user will be based on their Allocated Flow Capacity or Billing Flows, or other approved Usage Allocations as appropriate.

3. **Fairfax's and WSSC's Responsibility for Assessing Capital Costs and O&M Costs for MJUFs for Party and Non-Party Users** – Fairfax and WSSC are responsible for assessing all Capital Costs and O&M Costs associated with MJUFs that they construct on behalf of the District, Fairfax, WSSC and Non-Party Users.

Assessments for each user will be based on their Allocated Flow Capacity or Billing Flows, or other approved Usage Allocation as appropriate.

4. **Allocation Method for Capital and O&M Costs for MJUFs** - The method for allocating project-specific Capital Costs and O&M Costs associated with all MJUFs, and the associated billing procedures are as defined in **Operating Agreement #2**.

5. **Party Rights to Documents** – The Parties have the right to audit DC Water's or another Party's billings, and access to all existing, relevant financial documents for any billing for which such Party is wholly or partially responsible. Upon written request by a Party, the billing Party shall make the supporting documentation for such billing available for inspection, copy or review by, or on behalf of, the requesting Party.

H. DERIVATIVE AGREEMENT – **Operating Agreement #2, Financial Responsibilities of Parties,** addresses additional matters set forth in this Section. It may be replaced or supplemented by successor or other Derivative Agreements.

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SECTION 6. FLOW AND LOAD MEASUREMENT AND MANAGEMENT

A. WASTEWATER FLOW AND LOAD MEASUREMENT, REPORTING AND MANAGEMENT

1. **Parties' Responsibility to Manage Flows** - The Parties shall take all reasonable actions to maintain their flows within their Allocated Flow Capacity, Peak Flow Limitations, and consistent with any load constraints for Blue Plains, as defined in **Section 4**. These actions shall include, but not be limited to, minimizing extraneous flows and loads in order to preserve capacity at Blue Plains and in the various wastewater collection systems within the BPSA. Based on recommendations from the Regional Committee, the Leadership Committee shall consider and recommend to any or all of the Parties programs, procedures or actions which will minimize wastewater flow and, therefore, preserve these capacities.

2. **Derivative Agreement to Address Procedures** - The methods for measuring monitoring, reporting and assessing Actual Flows within the BPSA and Billing Flows are described in **Operating Agreement #3** and shall include, but not be limited to addressing:
   a. An assessment of the quantity and timing of any flow management actions that any Party has committed to in order to ensure that they do not exceed their Allocated Flow Capacity, as defined in **Section 4,** and consistent with the long-term planning assumptions described in **Section 7**;

   b. The methods and frequency of reporting and assessing Actual Flows and Billing Flows;

   c. The process by which DC Water shall monitor and address any exceedances by the Non-Party Users, and by which Fairfax and WSSC shall monitor and address any exceedances by the Indirect Users as defined in **Operating Agreement #3**; and

   d. The Regional Committee shall routinely monitor and assess these methods and procedures and make recommendations to the Leadership Committee.

3. **Non-compliance** - If the District, Fairfax or WSSC, or Non-Party User does not comply with its Allocated Flow Capacity, Peak Flow Limitations or load allocations, as defined in **Section 4**; or fails to meet its flow management obligations, the Regional Committee shall address these issues on behalf of all of the Parties, including through use of dispute resolution, as necessary.

4. **District Commitment Regarding Management of Captured Stormwater Flows** - The District shall not expand the service area of its combined sewer system or take other actions that result in significantly increased Captured Stormwater Flow to Blue Plains above the amount set forth in **Operating Agreement #3** except as required for DC Water to meet its NPDES permit. If such actions are required, DC Water

shall make recommendations to the Regional Committee, and the other Parties shall address any resultant cost implications consistent with **Section 3**.

B. <u>CONTROL OF INFLOW AND INFILTRATION (I/I)</u>

1. **<u>Parties' Responsibility to Manage I/I</u>** - The Parties shall manage their collection systems to minimize the amount of I/I entering their systems. Collection systems shall be maintained so that the I/I volume does not contribute to or cause exceedances of capacities and assumptions defined for:
   a. Blue Plains,

   b. The Potomac Interceptor and other wastewater collection system capacities, and

   c. Facilities associated with the Combined Sewer Overflow Long-term Control Plan.

2. **<u>Non-Party User and Indirect Users' Responsibility to Manage I/I</u>** - DC Water shall work with the Non-Party Users to manage their collection systems to meet the requirements of **Subsection B.1.** above; and Fairfax and WSSC shall work with the Indirect Users to meet the same requirements. Irrespective of arrangements with Non-Party Users or Indirect Users, the Parties shall comply with the flow projection assumptions.

C. <u>DERIVATIVE AGREEMENT</u> – **Operating Agreement #3, Flow and Load Measurement and Management,** addresses matters set forth in this Section. It may be replaced or supplemented by successor or other Derivative Agreements.

-END OF PAGE-

SECTION 7. WASTEWATER PROJECTED FLOW CAPACITY NEEDS AND FUTURE OPTIONS

A. RATIONALE FOR CONDUCTING ANALYSIS OF PROJECTED FLOW CAPACITY NEEDS

1. **Major Regional Investment** - The Parties recognize that the scale of the BPSA and the associated wastewater collection system, the importance of wastewater treatment provided to the region, and the contributions to local water quality improvements that are provided by Blue Plains constitute a major regional investment by the Parties.

2. **Planning Required** - The Parties also recognize that the planning needed to address future wastewater needs for the BPSA, manage wastewater flows to Blue Plains and respond to evolving water quality issues and regulatory developments will require the Parties to continue to work together to address these interdependent matters.

3. **Commitment to District** – The Parties recognize that, due to the limited options available to the District, the Parties have an obligation to ensure that the District's wastewater flow capacity needs are addressed in a timely manner.

B. CONDUCTING PROJECTED FLOW CAPCITY NEEDS ANALYSIS

1. **Analysis and Determination of Options** - In order to assess wastewater flow capacity and loading requirements and define how future flows and loads will be treated, the Regional Committee shall routinely analyze future capacity and loading requirements. Once it has been determined that the facilities and processes at Blue Plains are not sufficient to meet those Projected Flow Capacity Needs, the Regional Committee shall conduct a thorough analysis which includes the following criteria:

   a. Options for managing and/or treating flows at Blue Plains, as well as other sites;

   b. A time frame for triggering management actions (including diverting flows and/or rental/sale of capacity);

   c. A process for notification of all entities potentially affected by those options, and

   d. A basis and formula for compensation, which includes development costs and the allocation of those costs among the Parties, and Non-Party Users, as appropriate.

2. **Process for Adjustments** - The Regional Committee shall analyze options, and recommend to the Leadership Committee any proposed construction or flow management options, associated cost allocations, and any necessary adjustments to this IMA or the Derivative Agreements. These planning elements shall be

conducted consistent with the requirements detailed in the following subsection C.

C. DETERMINATION OF PROJECTED FLOW CAPACITY NEEDS

1. **Respective Roles of Regional Committee and DC Water**
   a. **Regional Committee**
      1) Shall address the technical, policy and financial interests of the Parties when defining and assessing the Parties' flow capacity and loading requirements and options.
      2) Shall routinely evaluate and analyze projected flows and loads as compared with Actual Flows, Adjusted Flows and Allocated Flow Capacity, and confirm any potential permit or process implications.

   b. **DC Water** – DC Water shall represent the interests of and assess the future flow capacity and loading requirements of the Non-Party Users, and identify if there are any potential permit or process implications.

2. **Jointly Managed Study of Projected Flow Capacity Needs** - The Regional Committee shall also periodically and at least every five (5) years, assess and determine the individual and collective Projected Flow Capacity Needs of the Parties, and Non-Party Users, through a Jointly Managed Study. This Study shall project the Parties and Non-Party Users' future flow capacity and loading requirements and shall utilize the most recently approved projection methodology for the BPSA. The BPSA flow projection methodology shall be determined and shall include, but not be limited to, application and utilization of:

   a. The latest approved version of the BPSA Flow Forecast Model and COG's latest approved Cooperative Forecast demographic data, or other agreed upon methods; and

   b. The latest agreed upon wastewater flow factors and flow management assumptions of the Parties, including those programs, procedures or actions that minimize wastewater flow and, therefore, preserve capacity.

3. **Time Frame for Assessment of Future Projections** - A Jointly Managed Study for determining Projected Flow Capacity Needs will project both short-term (approximately 5-15 years) and long-term (approximately 20-30 years) flow capacity and loading requirements. This study must confirm all assumptions related to projecting future flows and loads, including but not limited to: growth, flows and loads, flow management, and flow factors. This study shall also evaluate whether projected peak flows may trigger additional capacity needs beyond current limitations. It will also project whether changes in climatalogical, system conditions, or any other conditions might cause potential capacity or permit exceedances.

-END OF PAGE-

D. DETERMINATION OF OPTIONS

1. **Flow Management Options to Address Projected Flow Exceedances**
   a. If, within the time frame of the long-term projections, the District, Fairfax, WSSC, or any Non-Party User's projected annual average flow is anticipated to exceed its Allocated Flow Capacity, or the associated peak flows exceed their Peak Flow Limitations, then the District, Fairfax or WSSC shall have the option of committing to specific flow management actions and a schedule that reconciles its projected flows with its Allocated Flow Capacity and Peak Flow Limitations.

   b. These flow management actions may include the temporary or permanent diversion of wastewater flows out of the BPSA.

   c. The BPSA flow projections shall then be adjusted to reflect such actions, and the Regional Committee shall be responsible for monitoring and assessing compliance with those actions, as defined in **Section 6**.

2. **Additional Options to Address Projected Flow Exceedances**
   a. If, after all flow management adjustments are accounted for, the projection results of a Jointly Managed Study for projected flow capacity requirements demonstrate that either the overall flows to Blue Plains generated within the BPSA exceed the plant's Design Flow Capacity or that one or more Parties' projected wastewater capacity requirements exceed their individual Allocated Flow Capacity (as defined in **Section 4**), the Regional Committee shall consider alternative technical and/or programmatic options to address these unmet Projected Flow Capacity Needs.

   b. These options may include, but are not limited to:
      1) Reduction of or improved management of wastewater flows to reduce I/I or any other flow or load contributions;
      2) Modification of treatment processes at Blue Plains;
      3) Diverting flows from the BPSA to other facilities;
      4) Sale or rental of excess capacity at Blue Plains between the Parties;
      5) Expansion of existing treatment facilities or the addition of new treatment facilities, whether in or out of the BPSA; and
      6) Construction of new wastewater treatment and/or storage facilities, whether in or out of the BPSA.

3. **Jointly Managed Studies to Develop Options**
   a. The development of specific technical and programmatic options and potential construction projects shall generally be based upon a Jointly Managed Study that includes participation of all of the Parties.

   b. The Regional Committee may determine, however, that a Jointly Managed Study is not required, and that development of specific technical or programmatic options and potential construction projects may be conducted by one or more of the Parties.

c. If the Regional Committee makes such a determination, the Party(ies) conducting the evaluation shall ensure that the Regional Committee has an opportunity to review and evaluate the resulting options in order to confirm that the proposed approach will adequately address the flow management requirements, and that the Allocated Flow Capacity of the other Parties not involved in the proposed approach are not modified or altered.

d. Each Jointly Managed Study to develop options shall include a recommendation on cost allocations.

4. **Regional Committee to Make Recommendation** – Based on a Jointly Managed Study, the Regional Committee shall recommend to the Leadership Committee those technical and/or programmatic options that address the individual and collective Projected Flow Capacity Needs of the Parties. The Regional Committee's recommendations shall include, but not be limited to, addressing:
   a. The proposed time frame for taking specific actions (whether due to changes in existing facilities or processes, or due to the construction of new facilities);

   b. The estimated cost of these actions;

   c. The proposed flow, load, and cost allocations and implications for each Party (and Non-Party User) associated with any options; and

   d. Whether a facility is to be a MJUF.

5. **Regional Committee to Develop Plan** - Once the Leadership Committee approves the proposed options and resulting allocations, the Regional Committee shall develop a plan to address those Projected Flow Capacity Needs that includes the costs associated with any agreed upon treatment options.

E. COST CONSIDERATIONS

1. The plan developed pursuant to **Section D.5** shall address at a minimum the following criteria:
   a. The estimated Capital Costs and O&M Costs and cost basis of any proposed facilities (whether new or modified at Blue Plains or at any other facilities or sites) shall be consistent with the MJUFs and cost allocations, as defined in **Section 5**;

   b. The proposed allocation of Capital Costs and O&M Costs;

   c. The anticipated schedule for when funds to support these actions are likely to be needed.

2. The rental or sale of Allocated Flow Capacity shall be at the discretion of the Party which is providing the Allocated Flow Capacity for rent or sale.

3. The Parties to the rental or sale transaction shall mutually agree on the cost basis for the rental or sale of Allocated Flow Capacity.

F. <u>IMPLEMENTATION OF PLAN TO ADDRESS PROJECTED FLOW CAPACITY NEEDS</u>

1. The Leadership Committee shall review and consider the Regional Committee's options and allocation recommendations on behalf of the Parties.

2. Once an option or set of options and allocations are agreed upon to meet the future Projected Flow Capacity Needs, the Parties shall, if necessary, amend this IMA, and the Leadership Committee shall create or modify the Derivative Agreement(s)**.** For example, if any of the options that are selected result in revisions to the Design Flow Capacity for Blue Plains, or Allocated Flow Capacity defined in **Section 4**, or to reconcile the associated Capital Costs and O&M Costs, as defined in **Section 5**, and any associated Derivative Agreements, the Parties shall make appropriate amendments to this IMA, and the Leadership Committee shall create or modify the Derivative Agreement(s).

3. Any Party which requests additional Allocated Flow Capacity is responsible for securing additional Blue Plains Effluent Load Allocations, or Blue Plains Effluent Load Offsets in proportion to the additional Allocated Flow Capacity which the Party seeks.

G. <u>DERIVATIVE AGREEMENT</u> – **Operating Agreement #4, Wastewater Projected Flow Capacity Needs and Future Options,** addresses matters set forth in this Section. It may be replaced or supplemented by successor or other Derivative Agreements.

-END OF PAGE-

SECTION 8. PRETREATMENT AND OPERATIONAL REQUIREMENTS

A. PRETREATMENT PROGRAM REQUIREMENTS

1. **Fairfax and WSSC Pretreatment Program Responsibilities**
   a. **Implementation of Programs** - Fairfax and WSSC shall adopt, implement and enforce Pretreatment Programs as required and approved by the United States Environmental Protection Agency (EPA). The Pretreatment Programs shall comply with federally imposed discharge limitations, prohibitions, and controls, as well as any Local Limits defined by DC Water, as needed to protect the collection system and treatment processes at Blue Plains and its biosolids management program requirements. Fairfax and WSSC shall set their Pretreatment Program standards to match or exceed any standards specifically required by DC Water.

   b. **Compliance and Recordkeeping** – Fairfax and WSSC shall conduct annual on-site inspections and obtain samples, and shall maintain documentation to verify compliance with, the Pretreatment Program and shall provide DC Water access to the pretreatment records. They shall also provide DC Water with reasonable access to all pretreatment records required by federal, state, and local regulations.

   c. **Indirect User Compliance** - To the extent applicable, Fairfax and WSSC shall ensure that the applicable Pretreatment Program terms and conditions which they impose on Indirect Users are consistent with those placed on the Parties.

2. **DC Water's Responsibilities**
   a. **Compliance by Fairfax and WSSC** - DC Water shall have the right to conduct sampling of the Fairfax and WSSC collection systems tributary to Blue Plains to ensure compliance with the provisions of these Pretreatment Programs. The Fairfax and WSSC Pretreatment Programs shall provide that, in the event of discovery of a case of noncompliance, they shall take corrective action, and Fairfax and WSSC, as applicable, shall compensate DC Water for the cost of sampling to identify and track resolution of the problem.

   b. **Non-Party User Compliance** - DC Water shall ensure that the applicable Pretreatment Program terms and conditions imposed upon the Non-Party Users are consistent with those placed upon the other Parties.

B. OPERATIONAL REQUIREMENTS

1. **Basis for Requirement** - The Parties recognize that, in addition to formal regulatory Pretreatment Program requirements, additional Operational Requirements are necessary to protect the operation and maintenance of Blue Plains wastewater, biosolids, residuals and other plant processes, facilities, and equipment.

2. **DC Water's Responsibility for Non-Party User Compliance** - DC Water shall ensure that the applicable Operational Requirements and conditions imposed upon

the Non-Party Users are consistent with those placed upon the other Parties. Irrespective of such efforts, DC Water shall be bound by the additional Operational Requirements.

3. **Fairfax and WSSC Responsibility for Indirect User Compliance** - Fairfax and WSSC shall ensure that the applicable Operational Requirements terms and conditions imposed upon Indirect Users within the BPSA are consistent with those placed upon the other Parties. Irrespective of such efforts, Fairfax and WSSC shall be bound by the additional Operational Requirements.

C. DERIVATIVE AGREEMENT – **Operating Agreement #5, Pretreatment and Operational Requirements,** addresses additional matters set forth in this Section. It may be replaced or supplemented by successor and other Derivative Agreements.

-END OF PAGE-

SECTION 9. BIOSOLIDS MANAGEMENT COMMITMENTS

A. BIOSOLIDS UTILIZATION AND DISPOSAL

1. **Collective Commitment to Blue Plains Biosolids Management Program** - The Parties recognize their collective interests in the sound management of all biosolids produced at Blue Plains and its regional implications, and commit to continued planning and coordination in all aspects of biosolids management.

2. **Legislative Support to DC Water** - The Parties shall provide regional coordination and support to DC Water to address proposed legislation, regulations and other related activities that may impact the Blue Plains biosolids management program.

3. **Support for DC Water's Efforts** - The Parties shall actively support DC Water's efforts to ensure that biosolids produced at Blue Plains can be managed in a cost-effective, equitable and environmentally sound manner, and in compliance with all Blue Plains permit requirements and applicable regulations.

4. **Contracting Responsibilities** - DC Water is responsible for the Blue Plains biosolids management program; however, the Parties may determine that Fairfax County or WSSC may also be responsible for portions of the biosolids management. Specific details regarding such contractual or programmatic responsibilities shall be as set forth in **Operating Agreement #6**.

5. **Allocation of Value from Sale of Biosolids or By-Products** - All benefits (including revenue, and cost savings derived from products recycled or generated at Blue Plains) are to first offset the biosolids program and, then to offset Blue Plains operating costs, thereby reducing costs for all Parties.

B. EMERGENCY CONDITIONS

1. **Emergency Conditions** – An "emergency condition" shall mean situations when various actions or events occur (or have the potential to occur) such as acute weather conditions, abrupt changes in regulatory or legal requirements, or unavoidable contract complications, that will or are likely to impact the normal wastewater treatment processes.

2. **Basis for Emergency Planning** - The Parties recognize that emergency conditions require DC Water take prompt action to protect the Blue Plains processes and permit, to quickly implement alternative management or disposal options for Blue Plains biosolids, or to take other actions, in order to ensure that wastewater operations at Blue Plains and Other Associated Facilities, or the biosolids management program, are not compromised and that all permit conditions continue to be met.

3. **Notice** - As part of its their shared biosolids management responsibilities, DC Water and/or any other Party sharing biosolids management responsibilities on behalf of

the Parties, shall alert the other Parties when an emergency condition is likely to or has occurred.

4. **Measures to be Taken** - Once the Parties are alerted that an emergency condition has been designated, the Parties shall work collectively, and in a timely manner, to provide active support to DC Water to address the situation and ensure that the Parties' collective and individual wastewater treatment needs at Blue Plains can continue to be provided, including, but not limited to, the following:
   a. Utilizing other existing contract mechanisms to handle management of all or portions of the biosolids;

   b. Working to identify additional land application or other management sites;

   c. Working with local and state regulatory officials to obtain land application or other management permits;

   d. Working with local and state regulatory officials to change regulations, legislation or legal action that are deemed harmful to the effective and environmentally sound management of biosolids; and

   e. Invoking the Parties' political leadership and other elected officials to support actions necessary to mitigate the impact of the designated emergency condition.

C. DERIVATIVE AGREEMENT – **Operating Agreement #6, Biosolids Management Commitments,** addresses additional matters set forth in this Section. It may be replaced or supplemented by successor or other Derivative Agreements.

-END OF PAGE-

SECTION 10. ADMINISTRATIVE PROVISIONS AND PROCEDURES

A. DURATION OF AGREEMENT

1. This IMA shall become effective upon the date the last Party executes it, as set forth below, subject to any orders of the United States District Court for the District of Columbia in State Water Control Board, et al., vs. Washington Suburban Sanitary Commission, et al., Civil Action No. 1813-73.

2. This IMA may be executed in counterparts, which together shall be regarded as one original.

3. This IMA remains in effect until amended, replaced or terminated by mutual consent of the Parties.

B. SEVERABILITY

Should any provision(s) of this IMA or a Derivative Agreement be deemed illegal or unenforceable by a Court of competent jurisdiction, the remainder of this IMA or the Derivative Agreement shall remain in full force and effect. Provided, however, that within 60 days of the date that such ruling becomes final, including appeals if any, the Signatories or Leadership Committee, as appropriate, shall determine, directly or through the Leadership Committee whether this IMA, or the applicable Derivative Agreement, must be amended to fulfill the original intent of the Parties and to maintain, insofar as possible, the service and financial relationships created by this IMA. Should a determination be made to amend this IMA or the applicable Derivative Agreements, the Parties or Leadership Committee, respectively, shall promptly act on the amendments.

C. AUTHORITY

Each Party represents that it has the authority to enter into this IMA, and that the individuals signing this IMA on its behalf, have the authority to bind the Party to the terms and conditions of this IMA. This IMA shall apply to, and be binding upon, the Parties hereto, their elected officials, officers, agents, employees, successors and assigns, all persons, firms and corporations acting under, through or for them, and upon those persons, firms and corporations in active concert with them in any matter affected by this IMA.

D. AMENDMENTS TO THIS IMA

This IMA may be amended in whole, or in part, by the Parties as follows:

1. Proposed amendments to this IMA may be offered by any Party, directly, or through the Regional Committee, which shall make its recommendations to the Leadership Committee and to the Parties; and

2. If the Leadership Committee unanimously recommends an amendment to this IMA, it shall be submitted in writing to the Parties and shall become effective upon approval and execution by the Signatories of all of the Parties.

E. DISPUTE RESOLUTION

1. **Goal** - On occasion the Parties may differ on matters including but not limited to: a) their interpretation of terms and conditions of this IMA; b) the implementation of this IMA; c) whether any Derivative Agreement should be created, revised or terminated; and d) whether an IMA amendment should be adopted. If the Parties are unable to reach consensus through their normal coordination processes, in order to promote continued regional cooperation, and to avoid litigation when possible, the Parties shall first utilize the informal dispute resolution process. If the Parties are unable to resolve the dispute through the informal process, the formal dispute resolution process set forth herein shall be implemented.

2. **Informal Resolution** - If disagreements regarding the interpretation or implementation of this IMA surface during its routine business, and the Regional Committee cannot reach a consensus, the Regional Committee shall refer the matter to the Leadership Committee for advice, comment or suggested direction, or if appropriate, for direct resolution of the matter.

3. **Formal Resolution** - Any Party may initiate the formal dispute resolution process if it believes an issue has not been adequately addressed through normal coordination processes or an informal dispute resolution process**.**

   The formal resolution process includes the following requirements:

   a. The aggrieved Party shall provide written notice to the Regional Committee that it has an issue for dispute resolution. The notice must contain the aggrieved Party's rationale, together with the assumptions, supporting documents and computations necessary for an understanding and potential resolution of the dispute.

   b. The Regional Committee must address this issue directly or refer it for non-binding arbitration or third-party mediation within 30 days, or other reasonable time agreed to by the aggrieved Party. The Regional Committee may ask for additional written analysis from the aggrieved Party or from any Party which objects to or disagrees with the aggrieved Party's submission.

   c. The Regional Committee may use a non-binding arbitration or third-party mediation process to resolve the dispute if the aggrieved Party agrees to bear the cost of such non-binding arbitration or third-party mediation services, or the Parties otherwise agree to share costs.

   d. If after consideration by the Regional Committee or, as a result of non-binding arbitration or third-party mediation, agreement is not reached, the Regional Committee shall refer the matter to the Leadership Committee.

   e. If the Regional Committee fails to resolve the issue or refer the matter to non-binding arbitration or third-party mediation within the prescribed time, and the

matter is not resolved, the aggrieved Party may then forward the issue to the Leadership Committee for resolution.

f. The Leadership Committee must address the matter within 30 days, or other reasonable time agreed to by the aggrieved Party, after receiving formal notice from the aggrieved Party. This notice should include the documentation previously submitted by the aggrieved Party to the Regional Committee.

g. The Leadership Committee may utilize non-binding arbitration or third-party mediation to assist it in reaching a unanimous decision on the dispute presented; if the aggrieved Party agrees to bear the costs of the non-binding arbitration or third-party mediation services, or the Parties otherwise agree to share costs.

h. If the Leadership Committee cannot resolve the issue within 30 days after presentation, or other reasonable time agreed to the aggrieved Party, the aggrieved Party may then inform the other Parties of the dispute, the inability to reach agreement, and its intention to seek legal or other resolution, including injunctive, declaratory or other relief. Upon receipt of such notice, the Parties agree to meet before any such litigation or other resolution is commenced by any Party or Parties against any other Party. No meeting shall be required as a condition precedent to litigation if such a meeting cannot be held within 30 days after the date on which the written notice was sent to all Parties or within in such other reasonable time agreed to by the aggrieved Party.

i. No Party may seek independent state or federal litigation or other resolution, including federal legislative assistance, of a dispute that has not yet completed this formal dispute resolution process.

F. NOTICES

1. **To Parties** - Whenever any formal notice is required to be given to any Party under this IMA, it shall be in writing and deemed to be given on the date of actual delivery (or rejection) if delivered by nationally recognized overnight service or by personal delivery. Notices shall be directed to the following officials at their officially designated business addresses:
   a. District of Columbia - City Administrator
   b. DC Water – General Manager
   c. Fairfax County, Virginia - County Executive
   d. Montgomery County, Maryland - Chief Administrative Officer
   e. Prince George's County, Maryland - Chief Administrative Officer
   f. Washington Suburban Sanitary Commission, Maryland - General Manager

2. **To Secretariat/Administrative Entity** - A copy of any formal notice shall also be sent to the offices of the secretariat/administrative entity, designated by the Leadership Committee, and to the Regional Committee.

3. **Responsibility** - Where notice is required to be given by this IMA or a Derivative Agreement and a specific Party is not designated to give notice, the notice shall be given by the secretariat/administrative entity.

4. **Timing** - Where time deadlines are given, all days are calendar days unless otherwise indicated.

5. **Electronic Notice** – In addition to service by U.S. mail or hand-delivery, the Parties may be served with notice electronically if the Party to be served has given written notice to the other Parties of its email address. Provided, however, that notices of changes to this IMA or a Derivative Agreement, court action or formal dispute resolution shall also be served in accordance with **Section F.1.**

G. PRIOR AGREEMENTS - As set forth in the introductory paragraphs of this IMA and in the Appendix, certain agreements preceded the 1985 IMA. Those agreements, which are set forth in the Appendix, as well as the 1985 IMA, are extinguished and superseded by this IMA.

-END OF PAGE-

SECTION 11. DERIVATIVE AGREEMENTS UNDER THIS IMA

A. USE AND PROCESS FOR DERIVATIVE AGREEMENTS

1. **Purpose** - Derivative Agreements are intended to implement the intent of the Parties in an efficient and effective manner without reopening or renegotiating the terms of this IMA. Derivative Agreements are limited to addressing issues that are authorized by this IMA. A Derivative Agreement shall not modify, negate or adversely impact any right or obligation of the Parties set forth in this IMA.

2. **Types** - Three (3) kinds of Derivative Agreements may implement this IMA: Operating Agreements, Service Agreements and Limited Party Agreements. These agreements are designed to address procedural, technical, operational and service issues.

3. **Amendments to Derivative Agreements or Supplemental or Successor Derivative Agreements** – Where this IMA refers to a Derivative Agreement such reference shall include any amendment(s) to that Derivative Agreement or supplemental or successor Derivative Agreement(s).

B. OPERATING AGREEMENTS

1. **Purpose** - Operating Agreements are made among all the Parties, but deal with a specific function or group of like functions. Specifically authorized functions for Operating Agreements include but are not limited to:
   a. Allocation and management of flow capacity, loads and peak flows and their associated allocations and limitations;
   b. Parties' financial responsibilities;
   c. Flow and load measurement and management;
   d. Pretreatment and operational requirements; and
   e. Biosolids management commitments.

2. **Current Agreements** - The Operating Agreements which are executed simultaneously with the execution of this IMA are:
   a. Blue Plains Flow Capacity, Loads and Peak Flows – Allocations and Limitations;
   b. Financial Responsibilities of Parties;
   c. Flow and Load Measurement and Management;
   d. Wastewater Projected Flow Capacity Needs and Future Options;
   e. Pretreatment and Operational Requirements; and
   f. Biosolids Management Commitments.

3. **Development and Approval Process** - The Regional Committee shall recommend Operating Agreements for Leadership Committee approval. The Leadership Committee must unanimously approve Operating Agreements, amendments thereto, or termination thereof, before they are effective.

4. **Notification to Parties and Effective Date** - Once the Leadership Committee approves a new/amended Operating Agreement, or termination thereof, it shall be forwarded to the Parties by the secretariat entity and be subject to a 60-day review period by the Signatories.

    a. If a Party objects in writing to the Operating Agreement or the amendment or termination thereof within the 60 day period, the Operating Agreement, or the amendment or termination of the Operating Agreement shall not be approved, and, the dispute resolution process may be commenced, as defined in **Section 10.E**.

    b. If no Party objects in writing within the 60 day period, the new or amended Operating Agreement or termination of an existing Operating Agreement shall take effect upon expiration of the 60 day period and the signature of the chair of the Leadership Committee.

C. SERVICE AGREEMENTS

1. **Purpose** - Service Agreements provide for specific function(s) for the benefit of regional wastewater treatment or for implementation of this IMA.

2. **Development and Approval Process** - The Regional Committee shall recommend Service Agreements for Leadership Committee approval. The Leadership Committee must unanimously approve Service Agreements, amendments thereto, or termination thereof, before they are effective.

3. **Effective Date** - Once the Leadership Committee approves a Service Agreement, the Agreement is effective. Service Agreements are not subject to the 60 day review period for Operating Agreements.

4. **Service Agreements -** Include, but are not limited to:

    a. **For Secretariat Services** - A Service Agreement pursuant to **Section 2** with an entity on behalf of the Parties to provide secretariat support; and

    b. **For Regional Water Quality Management Program** - A Service Agreement pursuant to **Sections 2 and 3** with an entity on behalf of the Parties to provide water quality monitoring and evaluation support to address Potomac River estuary, the Anacostia River, and Chesapeake Bay water quality issues.

D. LIMITED PARTY AGREEMENTS

1. **Purpose –** Limited Party Agreements include, but are not limited to, agreements to provide wastewater treatment services and transfers of capacity to satisfy Projected Flow Capacity Needs originating in the BPSA. Such transfers of capacity shall not modify any requirements of or allocations defined under this IMA.

2. **Permitted Limited Party Agreements** – Limited Party Agreements may be between the following entities: a) two (2) or more Parties; b) a Party(ies) and Non-Party User(s); or c) a Party(ies) and Indirect User(s). These include, but are not limited to:

   a. **DC Water and/or the District and Non-Party Users** – Agreements between DC Water and/or the District and Non-Party Users to provide wastewater treatment services using capacity allocated by this IMA, as defined in **Section 4**.

   b. **Fairfax and WSSC and Indirect Users** – Agreements between Fairfax or WSSC and Indirect Users to provide wastewater treatment services using capacity within their respective Allocated Flow Capacity, as defined in **Section 4**.

3. **Limited Party Agreements in Effect Upon Execution of this IMA** - Limited Party Agreements between DC Water and/or the District and Non-Party Users, or Fairfax or WSSC and Indirect Users which are in existence as of the execution of this IMA, and the rights given in those agreements, are valid under this IMA.

4. **Limited Party Agreements Convey No Rights in IMA -** Limited Party Agreements with Non-Party Users or Indirect Users do not convey any IMA rights to those Users.

5. **Regional Committee to Review Limited Party Agreements** – Limited Party Agreements shall be submitted to the Regional Committee for review to ensure that the terms and conditions do not negatively impact the other Parties' rights or responsibilities under the IMA.

6. **Notification to Parties and Effective Date for Limited Party Agreements** - Once the Regional Committee reviews a Limited Party Agreement, and does not object, the Agreement is effective. Limited Party Agreements are not subject to the 60 day review period for Operating Agreements. Once the Regional Committee has reviewed a Limited Party Agreement and not objected, the Limited Party Agreement becomes part of the IMA record.

-END OF PAGE-

SECTION 12. GLOSSARY

This Glossary defines terms that have a specific meaning and are used in this IMA.

Actual Flow(s) – Wastewater flow that is contributed by the District, Fairfax and WSSC, as well as by Non-Party Users and Indirect Users, that is delivered through various points of connection (both metered and unmetered flows) to Blue Plains for treatment.

Adjusted Flow(s) – Actual Flows for only the District, Fairfax and WSSC (less Captured Stormwater Flow in the case of the District), that have been normalized to reflect Annual Average Hydrologic Conditions in order to compare the values to their respective Allocated Flow Capacity.

Allocated Flow Capacity – Blue Plains annual average Design Flow Capacity that is apportioned among the District, Fairfax, WSSC, and Non-Party Users (expressed as annual average MGD under Annual Average Hydrologic Conditions).

Annual Average Hydrologic Conditions – Conditions based on an average amount of rainfall in a year developed based upon the available historical rainfall and groundwater level records.

Billing Flow(s) – Actual Flow for the District, Fairfax, WSSC, and Non-Party Users that has been calculated to account for any differential treatment cost impacts as have been defined or permitted in this IMA, and that is billed by DC Water.

Blue Plains - The wastewater treatment plant located at 5000 Overlook Avenue, S.W., Washington, D.C.

Blue Plains Effluent Load(s) – A maximum quantity of pollutants assigned to Blue Plains in its NPDES permit and associated Fact Sheet that may be discharged from Outfall #001 and/or Outfall #002 (generally expressed as pounds/day or pounds/year).

Blue Plains Effluent Load Allocation(s) – Blue Plains Effluent Load(s) that have been sub-allocated into District, Maryland and Virginia portions.

Blue Plains Effluent Load Offset(s) – An allocation of pollutants that can be secured by a Blue Plains User to increase its proportionate share of Blue Plains Effluent Load Allocation to compensate for any additional increase in wastewater flow that it wants to have treated at Blue Plains.

Blue Plains Influent Load(s) – Quantity of pollutants that are conveyed to Blue Plains in the incoming wastewater that may or may not be associated with Blue Plains Effluent Loads or any Blue Plain Effluent Load Allocations.

Blue Plains Service Area (BPSA) – The combined areas of all sewersheds within all jurisdictions that have historically been authorized to discharge wastewater flows to Blue Plains. This includes wastewater sources (metered or unmetered) that flow by gravity, as well as those that may be pumped into the system.

Capital Cost(s) - Costs incurred in the acquisition, construction, modification, replacement, enlargement, rehabilitation, or upgrade of fixed assets. Fixed assets shall include buildings and appurtenances, pipelines, and equipment. Capital Costs must expand facility capacity, improve the efficiency or output of a facility, or extend the useful life of an asset.

Captured Stormwater Flow (CSF) – Stormwater flow in the District's "Combined Sewer System" that is captured within the collection system and conveyed to Blue Plains for treatment in accordance with the CSO LTCP.

Chief Administrative Officers (CAOs) – Highest level non-elected government executive in the District of Columbia, Fairfax, Montgomery, and Prince George's Counties.

Combined Sewer Overflow Long-term Control Plan (CSO LTCP) – The approved plan controlling combined sewer overflows from the District that was prepared pursuant to the 1994 Combined Sewer Overflow Policy (55 Fed. Reg. 18688, issued 4/19/94 by the EPA) and Section 402(q) of the Clean Water Act and any supplements thereto.

Derivative Agreement(s) (DA) - A formal document, authorized by this IMA, which sets forth technical and procedural details as part of the implementation of this IMA.

Design Flow Capacity(ies) – The wastewater flow rates (expressed as MGD) used as the basis of wastewater treatment design for Blue Plains under various flow conditions (e.g., annual average, maximum 30-day, maximum year).

Design Load Capacity(ies) – The maximum quantity of pollutants in influent wastewater (expressed as pounds per day, or pounds per year) that is used as the basis of wastewater treatment design for Blue Plains.

Diversion(s) – Specific management actions taken by DC Water, Fairfax, WSSC, or Non-Party User to cause wastewater flows generated within the BPSA to be rerouted, pumped, or otherwise redirected from a BPSA sewershed with the result that that the Blue Plains User's flows are or will be reduced. These actions are generally taken to ensure that a Blue Plains User's flow does not or will not exceed either its Allocated Flow Capacity and/or its Peak Flow Limitations, but may also become appropriate to ensure the District's long-term wastewater treatment needs can be met at Blue Plains.

General Managers – Highest level executive in DC Water and WSSC.

Indirect User(s) – Those entities that send wastewater flow to Blue Plains pursuant to service agreements with WSSC or Fairfax. These entities have no direct rights under

this IMA, but the Parties have the responsibility to ensure that any agreements and activities associated with the Indirect Users do not infringe or threaten the rights of the Parties under this IMA.

Intermunicipal Agreement (this IMA) – The formal agreement that defines the rights, obligations, and relationships of the Parties.

Jointly Managed Study(ies) – A formal study that is conducted in order to address issues related to the interests of the Parties under this IMA where the Regional Committee: a) has direct input on preparing the scope of work; b) has input on selection of consultant/contractor (whether through contracting mechanisms of the Regional Committee, DC Water or any Party); and c) is actively involved in the review and acceptance of the work products from that study (e.g., the BPSA Long-term Planning Study, 2003).

Key Principle(s) - Statements of general philosophy and intent that govern this IMA and Derivative Agreements, and shall be used to guide any interpretation or dispute resolution process.

Leadership Committee – A committee established pursuant to **Section 2** of this IMA to oversee the implementation of this IMA, the members of which are the Chief Administrative Officer or General Manager of each Party.

Local Limit(s) – Specific discharge limits developed and enforced by DC Water, Fairfax and WSSC upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b), as amended.

Multi-Jurisdiction Use Facility(ies) (MJUFs) – A term that recognizes that more than one jurisdiction's flows are treated by or pass through a facility(ies) and that the costs associated with those facilities are shared among the Parties. It is comprised of those facilities that have something to do with wastewater collection or treatment or biosolids management that have some relationship to Blue Plains. Although such facilities are generally managed by DC Water, some facilities are operated by Fairfax or WSSC on behalf of the Parties. The term refers to any facilities that any of the Parties are operating/managing on behalf of all or some subset of the Parties.

Non-Party User(s) - Those entities that contribute wastewater flows to Blue Plains that are managed through separate service agreements either by DC Water directly or on behalf of the District. These include: Loudoun County Sanitation Authority (LCSA or Loudoun Water), Virginia; Town of Vienna, Virginia; Dulles Airport, Virginia; National Park Service, Maryland; and Naval Ship Research and Development Center, Maryland. These entities do not have contractual rights under the IMA; and their interests under this IMA are represented by DC Water.

Operating Agency(ies) – DC Water, Fairfax and WSSC (i.e., those Parties that have operational responsibility for wastewater collection and/or treatment within the BPSA, and the associated billing and payment responsibilities).

Operating Agency Representative(s) – The members of DC Water, Fairfax and WSSC on the Leadership or Regional Committee, as applicable.

Operating and Maintenance Cost(s) (O&M) - Costs incurred by DC Water, Fairfax or WSSC in providing wastewater collection, treatment, and biosolids management and disposal services. Such costs include labor, materials and the repair and upkeep of equipment, but do not include Capital Costs. Costs shall be recognized in accordance with generally accepted accounting principles. These costs include direct costs, indirect costs and overhead costs.

Operational Requirements – Constraints placed on the wastewater sent to Blue Plains that DC Water has determined are required in order to protect DC Water's wastewater collection system, or equipment, or the processes and equipment at Blue Plains, with which the District, Fairfax, WSSC and, as appropriate, the Non-Party Users and Indirect Users, must comply. These are in addition to any regulatory Pretreatment Program requirements.

Other Associated Facilities – All the other facilities, pipelines, and appurtenances within the District, and the Potomac Interceptor sewer system which are managed by DC Water, and are used for the storage and collection of wastewater sent to, or the management of biosolids generated by Blue Plains.

Party(ies) – Collectively those entities governed by and signatory to this IMA, being: the District of Columbia (District), the District of Columbia Water and Sewer Authority (DC Water), Fairfax County, Virginia (Fairfax), Montgomery County, Maryland (Montgomery), Prince George's County, Maryland (Prince George's), and the Washington Suburban Sanitary Commission (WSSC).

Peak Flow Limitation(s) – Maximum wastewater flow rate (MGD) allowed to be transmitted between the wastewater collection systems of two (2) of the Parties using Blue Plains, i.e. the District, Fairfax or WSSC.

Potomac Interceptor (PI) - The major wastewater interceptor built as a result of Public Law 86-0515 passed by Congress (June 12, 1960) that conveys wastewater from portions of suburban Virginia and Maryland to the District boundary and hence to Blue Plains for treatment.

Potomac Interceptor User(s) – Fairfax, Loudoun County Sanitation Authority (LCSA or Loudoun Water), Town of Vienna, and Dulles Airport, in Virginia; and WSSC, the National Park Service, the Naval Ship Research and Development Center, in Maryland, which utilize portions of the PI to transmit their wastewater flows to Blue Plains.

Pretreatment Program(s) – Formal programs established by the District, Fairfax and WSSC in compliance with the Clean Water Act, as amended, to reduce the amount of pollutants or that alter the nature of pollutant properties in wastewater to a less harmful

state prior to discharging such wastewater into the sewer system discharging to Blue Plains.

Projected Flow Capacity Need(s) – The formal determination, based on a Jointly Managed Study, of the long-term wastewater flows and associated treatment requirements (in MGD) that the District, Fairfax and WSSC and Non-Party Users are anticipated to generate within the BPSA, during or at the end of the agreed upon planning period. These projected wastewater flows are calculated as annual average flows under Annual Average Hydrologic Conditions and therefore do include an inherent contribution from Inflow and Infiltration, but do not include any Captured Stormwater Flow contributions, which are determined through separate processes.

Regional Committee - A committee established for the purpose of assisting in the interpretation, administration and implementation of this IMA and to resolve issues pertaining to Blue Plains and Other Associated Facilities that are within the scope of this IMA, its amendments and its associated Derivative Agreements.

Signatory(ies) – The representatives for the Parties that have the legal authority to bind their entities to the terms and conditions of this IMA.

Usage Allocation(s) - The basis for apportioning Capital Costs and O&M Costs of Multi-Jurisdiction Use Facilities (MJUFs) to the District, Fairfax, WSSC or Non-Party User that is not linked directly to the user's share of Allocated Flow Capacity or measured flow. This basis may include consideration of flow rates, percentage volume, modeled contributions, pollutant loadings (such as nutrients), or other methods for determining the District's, Fairfax's, WSSC's, or Non-Party User's portion of facilities, pipelines, and appurtenances and their associated costs.

User Fee(s) – A fee paid by Fairfax, WSSC and Non-Party User Loudoun County Sanitation Authority (LCSA or Loudoun Water) to DC Water, on behalf of the District, in accordance with **Section 5** of this IMA.

-END OF PAGE-

SIGNATORIES

WITNESS the following signatures of the Parties by their duly authorized representatives:

District of Columbia

_____

Mayor Date:

DC Water

_____

Chairman, Board of Directors Date:

Fairfax County, Virginia

_____

Chairman, Board of Supervisors Date:

Montgomery County, Maryland

_____

President, County Council Date:

_____

County Executive Date:

Prince George's County, Maryland

_____

Chair, County Council Date:

_____

County Executive Date:

Washington Suburban Sanitary Commission

_____

Chair Date:

_____

Vice Chair Date:

APPENDIX

HISTORICAL AGREEMENTS (These agreements are inapplicable as of the execution of this IMA. They are mentioned here solely for historical context)

1. The 1985 Blue Plains Intermunicipal Agreement (IMA).

2. Accordingly, except as otherwise provided herein and subject to any orders of the U.S. District Court for the District of Columbia in State Water Control Board, et al. vs. WSSC, et al., Civil Action No. 1813-73, this Agreement shall extinguish and supersede the following agreements, which were also previously suspended, extinguished or superseded by the 1985 IMA:
   a. Agreement No. DCF-A-766, dated August 12, 1954, between the District and WSSC;
   b. Agreement No. DCF-A-1357, dated April 28, 1959, between the District and Fairfax County;
   c. Memorandum of Understanding on Washington Metropolitan Regional Water Pollution Control Plan of October 1970 among the District, WSSC and Fairfax County;
   d. Interim Treatment Program Agreement, dated October 18, 1971, among the District, WSSC and Fairfax;
   e. The 1974 Blue Plains Sewage Treatment Plant Agreement, as amended;
   f. Agreement No. DCF-A-766, dated February 11, 1965, between the District and Fairfax County;
   g. Agreement No. DCF-A-2824, dated July 6, 1967, between the District and WSSC; and
   h. Agreement No. DCF-A-145-DES, dated April 21, 1976, between the District and WSSC.

-END OF PAGE-

2012 IMA
LIST OF DERIVATIVE AGREEMENTS

OPERATING AGREEMENTS		
NO.	TITLE	EFFECTIVE DATE
1.	BLUE PLAINS FLOW CAPACITY, LOADS AND PEAK FLOWS - ALLOCATIONS AND LIMITATIONS	
2.	FINANCIAL RESPONSIBILITIES OF PARTIES	
3.	FLOW AND LOAD MEASUREMENT AND MANAGEMENT	
4.	WASTEWATER PROJECTED FLOW CAPACITY NEEDS AND FUTURE OPTIONS	
5.	PRETREATMENT AND OPERATIONAL REQUIREMENTS	
6.	BIOSOLIDS MANAGEMENT COMMITMENTS	

OPERATING AGREEMENT #1

PARTIES' AGREEMENT REGARDING: BLUE PLAINS FLOW CAPACITY, LOADS, AND PEAK FLOWS - ALLOCATIONS AND LIMITATIONS

THIS OPERATING AGREEMENT ("Agreement"), made among the **DISTRICT OF COLUMBIA** (the District)**,** the **DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY** (DC Water), **FAIRFAX COUNTY, Virginia** (Fairfax), **MONTGOMERY COUNTY, Maryland** (Montgomery), **PRINCE GEORGE'S COUNTY, Maryland** (Prince George's), and the **WASHINGTON SUBURBAN SANITARY COMMISSION** (WSSC),

Witness:

WHEREAS, the Parties have entered into the Blue Plains Intermunicipal Agreement (2012 IMA); and

WHEREAS, the Parties have agreed to comply with the Allocated Flow Capacity values for the Blue Plains Wastewater Treatment Plant (Blue Plains), which apportion capacity among the District, Fairfax, WSSC and Non-Party Users, as set forth in the 2012 IMA, **Section 4**; and

WHEREAS, the Parties agree to comply with nutrient loads for Blue Plains effluent discharged through two Blue Plains effluent points, designated Outfall #001 and Outfall #002; and

WHEREAS, the Parties agree to routinely monitor their Actual Flows, Adjusted Flows and the associated nutrient loads to Blue Plains to ensure that all allocations and/or limitations for Blue Plains are not exceeded; and

WHEREAS, the Parties have agreed to regularly monitor all wastewater process, permit, regulatory and other developments that have the potential to impact either flow capacity, nutrient loads or other parameters that may affect Blue Plains and its ability to comply with its permit or process requirements as defined in **Section 6**; and

WHEREAS, the Parties recognize that the Blue Plains NPDES permit, applicable Total Maximum Daily Load (TMDLs) for the Potomac River Watershed, and associated state Watershed Implementation Plans (WIPs) must all be complied with, and that the load limits in Blue Plains' permit are applied to Outfall #001 and #002; and

WHEREAS, the Parties have agreed to regularly monitor their peak flows at the point of connection to the collection system owned by the District and operated by DC Water, and to comply with their Peak Flow Limitations, as set forth in the 2012 IMA, **Section 6**; and

WHEREAS, the Parties acknowledge their responsibility to ensure that the Non-Party Users and Indirect Users also comply with the terms of this Agreement as applicable; and

WHEREAS, Section 2 of the 2012 IMA authorizes the Leadership Committee to create, modify or terminate an Operating Agreement to implement the terms of the IMA consistent with **Section 11.**

NOW, THEREFORE, the Parties agree as follows:

PURPOSE: The purpose of this Agreement is to address matters relating to **Section 4** of the 2012 IMA

A. BLUE PLAINS EFFLUENT LOADS AND ALLOCATIONS

1. The Blue Plains Effluent Loads and Blue Plains Effluent Load Allocations (for Outfalls #001 and #002) are defined in **Table OA 1-A** below**.**

2. The Parties acknowledge that these Effluent Load Allocations are based on various state and District flow and concentration assumptions.

Table OA 1-A

BLUE PLAINS EFFLUENT LOADS[1],[2]		
ENTITIES WITH ALLOCATIONS	**LOAD ALLOCATIONS (LBS/YR)**	
	Total Nitrogen	**Total Phosphorus**
District of Columbia's Blue Plains Load Allocation[3] - Total	**2,114,542.00**	**87,993.54**
WSSC	*Not specified*	*Not specified*
Naval Ship Research & Development Center	*Not specified*	*Not specified*
National Park Service	*Not specified*	*Not specified*
Maryland's Blue Plains Load Allocation-Total[4]	**1,993,000.00**	**89,694.91**
Fairfax County	*Not specified*	*Not specified*
Loudoun County Sanitation Authority	*Not specified*	*Not specified*
Dulles Airport	*Not specified*	*Not specified*
Town of Vienna	*Not specified*	*Not specified*
Virginia's Blue Plains Load Allocation-Total	**581,458.00**	**26,166.00**
Blue Plains Effluent Loads (Grand Total)[1]	**4,689,000.00**	**203,854.45**

[1] Loads for Blue Plains and sub-allocations are as documented in EPA's Final TMDL (December 29, 2010), Section Q.
[2] Use of Allocated Flow Capacity is contingent on providing an allocation equivalent to at least 4.0 mg/L for TN and 0.18 mg/L for TP for Allocated Flow Capacity plus Captured Stormwater Flow, i.e. all flow out of Outfall 002. The District must also provide an allocation for flow discharged to Outfall 001.
[3] The load allocations shown for the District only address that portion associated with District flows to Blue Plains. Allocations for other Non-Party Users are reflected in the respective state allocations.
[4] WSSC use of allocated flow capacity is limited to 163.6 mgd due to diversion of nitrogen and phosphorus load allocations to the Seneca WWTP (i.e., loads associated with 6 mgd).

B. BLUE PLAINS INFLUENT DESIGN LOAD CAPACITY

1. Influent loads to Blue Plains must be limited so that the Blue Plains effluent loads meet permit requirements. The Parties agree that the Design Load Capacities are set forth in **Table OA 1-B**. If there are potential problems with meeting plant permits then the load capacities set forth in **Table OA 1-B** will apply.

2. The Design Load Capacity reflects Complete Treatment requirements for those flows that are discharged through Outfall #002, under Maximum Design Flow Capacity flows.

Table OA 1-B

BLUE PLAINS DESIGN LOAD CAPACITY FOR INFLUENT FLOWS[1]		
Parameters	**Loads (lb/day)**	
	Annual Average	**Maximum 30-Day Rolling Average**
BOD	525,977	694,290
TSS	562,282	747,836
TKN	104,940	137,471
NH_3,	55,390	64,252
TP	14,108	18,340
Associated Maximum Design Flow Capacity – Basis (mgd)		
Flow, Average Year	**384**	**485**
Flow, Maximum Year	**431**	**485**

GLOSSARY TERMS FOR OPERATING AGREEMENT #1

This Glossary identifies terms that have a specific and defined meaning for purposes of interpreting this Operating Agreement. Additional terms that are also used in the 2012 IMA Core Agreement are defined in the Glossary included in the IMA.

Complete Treatment – Flow that is discharged out of Outfall #002 and receives the following treatment: screening, grit removal, primary treatment, secondary treatment, nutrient reduction, disinfection, and de-chlorination.

Maximum Design Flow Capacity – Design flow capacity figures, used to develop design loads for complete treatment out of Outfall #002, that reflects flow assumptions during specific wet weather conditions (i.e., 60 inch Rain Year and after full implementation of the CSO LTCP and the Total Nitrogen and Wet Weather Plan).

[1] *Source: "Design - Level Plant Influent Flows and Loads Technical Memorandum", AECOM May 2009 and "Projected Flows and Sources – NT/Wet Weather Plan", Greeley and Hansen, July 2010.

EXECUTION

This Agreement is executed on behalf of the Parties by the Members of the IMA Leadership Committee who, by affixing their signatures, confirm the authorization of their respective Party to be bound thereby. It shall be effective on the date indicated by the Chair below.

DISTRICT OF COLUMBIA

_____
City Administrator Date

DC WATER

_____
General Manager Date

FAIRFAX COUNTY, VIRGINIA

_____
County Executive Date

MONTGOMERY COUNTY, MARYLAND

_____
Chief Administrative Officer Date

PRINCE GEORGE'S COUNTY, MARYLAND

_____
Chief Administrative Officer Date

WASHINGTON SUBURBAN SANITARY COMMISSION, MARYLAND

_____
General Manager Date

Approved by Leadership Committee: _____
Chair **Date**

All Parties have been notified, 60 days have passed from notification, no objection has been made by any Party, this Agreement is, therefore,

EFFECTIVE: _____
Chair **Date**

OPERATING AGREEMENT #2

PARTIES' AGREEMENT REGARDING: FINANCIAL RESPONSIBILITIES OF PARTIES

THIS OPERATING AGREEMENT (Agreement), made among the **DISTRICT OF COLUMBIA** (the District), the **DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY** (DC Water), **FAIRFAX COUNTY, Virginia** (Fairfax), **MONTGOMERY COUNTY, Maryland** (Montgomery), **PRINCE GEORGE'S COUNTY, Maryland** (Prince George's), and the **WASHINGTON SUBURBAN SANITARY COMMISSION** (WSSC),

Witness:

WHEREAS, the Parties have entered into the Blue Plains Intermunicipal Agreement (2012 IMA); and

WHEREAS, the Parties recognize their collective and mutual interests under the 2012 IMA include the authorization, review, or approval of actions that have a potential fiscal impact on the Parties, including, but not limited to billing, auditing and fiscal management; and

WHEREAS, the Parties agree to their collective and individual responsibility for complying with the fiscal allocations for Capital Costs, Operating and Maintenance (O&M) Costs, billing and payment procedures, User Fees, as well as fines, penalties and claims; and

WHEREAS, the Parties agree that their financial responsibilities and payment obligations for Capital Costs and O&M Costs of facilities include those implemented by DC Water and by Fairfax or WSSC, to the extent that those facilities are deemed to be Multi-Jurisdiction Use Facilities (MJUFs); and

WHEREAS, the Parties agree to work with DC Water and, as applicable, Fairfax and WSSC, to ensure that MJUF determinations and associated cost allocations are consistent with the 2012 IMA; and

WHEREAS, the Parties recognize that any significant changes in the wastewater flows, peak flows, and/or loads could require modification to the terms of the 2012 IMA, **Section 5,** and this Operating Agreement**;** and

WHEREAS, Section 2 of the 2012 IMA authorizes the Leadership Committee to create, modify or terminate an Operating Agreement to implement the terms of the IMA consistent with **Section 11.**

NOW, THEREFORE, the Parties agree as follows:

PURPOSE: This Operating Agreement shall set forth additional matters implementing **Section 5** of the 2012 IMA:

A. General Cost Responsibilities;
B. Capital Cost Responsibilities;
C. Operation and Maintenance Costs Responsibilities;
D. User Fees Responsibilities;
E. Fines, Penalties and Claims Responsibilities; and
F. Billing and Payment Procedures.

A. GENERAL COST RESPONSIBILITIES

1. **Timing** - Following agreement of the directly involved Operating Agency Representatives regarding the needs, location, size, allocation of capacity, and allocation of cost for new or expanded collection facilities, such facilities shall be constructed as promptly as needs require.

2. **Contingent Obligations**
   a. Construction of new or improved MJUFs shall be contingent on funding; however, failure to fund will result in a loss of allocation to the non-paying Party.

   b. No Operating Agency shall be obligated to commence construction or installation of any additional pipelines and appurtenances until:

      1) DC Water, Fairfax and WSSC have made their share of the cost available to the constructing Operating Agency or have otherwise satisfied the constructing Operating Agency that funds will be available as expended; and

      2) The constructing Operating Agency has available sufficient funds, including funds which the other Operating Agencies have made available or will make available as expended, to pay for all estimated costs of such facility.

3. **Cost Basis** – The cost basis for Capital Costs shall be actual incurred Capital Costs associated with the MJUFs. The cost basis for O&M costs shall be actual incurred O&M costs associated with the MJUFs.

4. **Billing Disputes** – If disputes regarding billings cannot be resolved through routine procedures, the affected Operating Agency Representatives shall endeavor to reach a consensus with DC Water and/or others involved. If a consensus cannot be reached, the dispute resolution process outlined in **Section 10** of the 2012 IMA will be used.

-END OF PAGE-

B. CAPITAL COST RESPONSIBILITIES

1. **Blue Plains Capital Cost Allocations** - Capital Costs for Blue Plains and Other Associated Facilities shall be allocated proportionate to the District, Fairfax, WSSC, and Non-Party Users' Allocated Flow Capacity or other Usage Allocations as defined in the 2012 IMA **Section 5**. Cost allocations for all Blue Plains wastewater treatment and biosolids management are as set forth in **Table OA 2-A** below**.**

TABLE OA 2-A

BLUE PLAINS ALLOCATED FLOW CAPACITY AND RESULTING COST ALLOCATIONS		
ENTITIES	**CAPACITY ALLOCATIONS (MGD)**	**COST ALLOCATIONS (Percent)**
District of Columbia	152.50	**41.216**
Non-Party Users:		
LCSA, Virginia	13.80	**3.730**
Dulles Airport, Virginia	1.50	**0.405**
Town of Vienna, Virginia	1.50	**0.405**
Naval Ship Research & Development Center, Maryland	0.07	**0.019**
National Park Service, Maryland	0.03	**0.008**
Sub-total	16.9	N/A
District of Columbia - Total[1]	**169.40**	45.783
WSSC[2] (for Prince George's County & Montgomery County), **Maryland - Total**	**169.60**	**45.838**
Fairfax County, Virginia[3] **- Total**	**31.00**	**8.378**
Grand Total	**370.00**	**100.000**

[1] Pursuant to the 2012 IMA, the District is responsible for costs on behalf of the Non-Party Users, which it then recovers through separate agreements with those entities.
[2] The Allocated Flow Capacity for WSSC is on behalf of Prince George's and Montgomery; with any sub-allocations determined by separate agreements between those entities. The WSSC allocation also includes wastewater from other political jurisdictions, including some within those Counties with which WSSC has separate agreements.
[3] The Allocated Flow Capacity for Fairfax also includes wastewater from other political jurisdictions with which Fairfax has separate agreements.

2. **Pipelines and Appurtenances Capital Cost Allocations Methodology for Determining MJUF Portions of Pipelines & Appurtenances** - Capital Costs associated with constructing, replacing, or rehabilitating the wastewater collection systems and facilities shall be allocated utilizing the MJUF capital cost allocation methodology. This methodology uses a computer model to calculate a percentage of use by each entity for each project, and for each portion of the facility being evaluated (i.e., node-to-node). This assessment determines the MJUF portion for every project and its components.

3. **CSO Long-term Control Plan (LTCP) Capital Cost Allocations**
   a. **Parties Agree to Pay MJUF Portion** - The Parties agree to pay proportionate shares of the Capital Costs of that portion of the CSO LTCP that has been determined to be a MJUF, as defined in **Table OA 2-B**.

   b. **Basis for Determining MJUF Portion of CSO LTCP Cost Allocations** - The MJUF portion of the approved CSO LTCP and resulting Capital Cost allocations are based on the modeling used in the development and assessment of the CSO LTCP**.** These Capital Cost allocations shall apply to the District, Fairfax, WSSC and Non-Party Users. Sub- allocations of those Capital Cost allocations for Fairfax, WSSC and the Non-Party Users shall be in proportion to their Allocated Flow Capacity.

   c. **Modification of the CSO LTCP** - DC Water shall evaluate performance assumptions associated with any modifications to the CSO LTCP to determine if the Capital Cost allocations should be modified; and present the findings to the Regional Committee.

   d. **Leadership Committee to Approve Modifications** - The Leadership Committee, after reviewing recommendations from the Regional Committee and determining that such modifications are desirable or required, shall approve and adopt revisions. The revisions may supplant the established Capital Cost allocations.

TABLE OA 2-B

COMBINED SEWER OVERFLOW LONG-TERM CONTROL PLAN CAPITAL COST ALLOCATIONS FOR MJUF DESIGNATED PORTIONS ONLY	
USER	**PERCENT**
District of Columbia	**92.90**
Fairfax County	**1.01**
WSSC	**5.54**
Non-Party Users	**0.55**
Sub-Total: Fairfax, WSSC & Non-Party Users	**7.10**
TOTAL	**100.00**

4. **<u>Capital Equipment Capital Cost Allocations</u>**
   a. Cost allocations for all capital equipment are set forth in **Table OA 2-C.**

   b. Those capital equipment assets which reflect capital that has a shorter life span (such as information technology equipment and fleet, etc.), will be allocated using capacity or flow rates. See **Table OA 2-C** for a list of items included in capital equipment costs and designation as to the cost allocation basis.

   c. Funding of the MJUF portion of capital equipment is derived by first allocating each pool of capital equipment costs to one or more agreed upon cost drivers. (These cost drivers include the number of full time employees, departmental budgets, etc.)

   d. Changes to these cost drivers can be proposed by DC Water, Fairfax or WSSC and are subject to future evaluation by the Regional Committee.

-END OF PAGE-

TABLE OA 2-C

CAPITAL EQUIPMENT COST ALLOCATION METHODOLOGY		
SERVICE AREA	**PROJECT**	**ALLOCATION METHODOLOGY**
Wastewater Treatment	Plant Model	Allocated Capacity
	Laboratory Equipment	Allocated Capacity
Maintenance Services	Maintenance	Allocated Capacity
	Pump Repairs/Replacement	Allocated Capacity
	Turbine, Aerator & Methanol	Allocated Capacity
	Maintenance Management System	Actual Flows
	Large Electric Motors	Allocated Capacity
	Potomac Sewage Pumping Station	Allocated Capacity
	High Priority Rehabilitation Program	Allocated Capacity
	Large Meter Testing	Allocated Capacity
	Centrifuge Repair/Replace	Allocated Capacity
Fleet	Vehicles	Actual Flows
	Indirect Fleet Allocation	Actual Flows
Information Technology	Financial Management	Actual Flows
	Radio Equipment	Actual Flows
	General IT Infrastructure	Actual Flows
	Payroll/HR System	Actual Flows
Facilities & Security	HVAC at Various Locations	Actual Flows
	Doors, Signage, Fencing, etc.	Actual Flows

-END OF PAGE-

5. **Other Capital Cost Allocation Calculations - Indirect Labor Cost Pools** – DC Water will segregate its Blue Plains indirect labor cost pool from its non-Blue Plains indirect labor cost pool. The Blue Plains indirect labor cost pool's allocation base will be the total costs of Blue Plains project/activities managed by DC Water's Engineering Department or its successor. The non-Blue Plains indirect labor cost pool's allocation base will be the total cost of all non-Blue Plains projects/activities managed by DC Water's Engineering Department or its successor.

C. OPERATION AND MAINTENANCE (O&M) COST RESPONSIBILITIES

1. **Determination of Billing Flow**
   a. Each of the District, Fairfax and WSSC's proportion of the annual MJUF O&M Costs shall be its Billing Flow divided by the Total Billing Flow. The Billing Flow will be the Actual Flow for each entity; except that the District Actual Flow is adjusted to account for any differential treatment cost impacts to calculate the District Billing Flow. The procedures for calculating these Billing Flows are set forth below in **Table OA 2-D**. For purposes of this calculation, all Actual Flows reflect Allocated Flow Capacities, and the Captured Stormwater Flow represents total estimated flows once the CSO LTCP is fully implemented.

   b. **Differential Treatment Cost Impacts** - Consistent with 2012 IMA **Section 5**, the calculation of Billing Flow from Actual Flow shall take into account any differential treatment cost impacts that have been determined based on a Jointly Managed Study.

   c. **District Billing Flows** - As of the date of this Agreement, the only agreed upon differential treatment cost applies to the District's CSF. The cost of treating CSF has been determined to be 49.28% of the cost of treating average strength wastewater (consistent with a technical review of DC Water analysis, 3/22/10). This percentage will be reviewed and updated periodically for changed conditions.

   d. **Annual Adjustment of Billing Flow** - The Billing Flow for any year will, therefore, be adjusted as follows:
      1) DC Water will calculate the CSF treated at Blue Plains using the measured rainfall and the CSO LTCP model. The CSO LTCP model, this calculation, and the nomograph in the **Appendix of OA #3** will be reviewed periodically by the Regional Committee.
      2) The calculated CSF will be subtracted from the Actual Flow.
      3) The CSF will be multiplied by the CSF cost ratio (i.e. the cost per gallon of treating CSF divided by the cost per gallon of treating average strength wastewater). This is the Adjusted CSF.
      4) The Billing Flow is calculated by adding the Adjusted CSF to the Actual Flow less the CSF.

-END OF PAGE-

NOTE: For purposes of this calculation, all Actual Flows reflect Allocated Flow Capacities, and the Captured Stormwater Flow represents total estimated flows once the CSO LTCP is fully implemented. Numbers are rounded for purposes of the example.

Actual Flow			
Flow Sources	**Flows (MGD)**	**Outfalls**	
		#001	**#002**
MD			
WSSC	169.60		
Navy	0.07		
NPS	0.03		
Sub-Total MD	**169.70**		
VA			
Fairfax	31.00		
Loudoun	13.80		
Dulles	1.50		
Vienna	1.50		
Sub-Total VA	**47.80**		
Suburb Total	**217.50**		
DC			
DC	152.5		
CSF	21		
Total DC	173.5		
Grand Total	**391.00**	**7.30**	**383.70**

TABLE OA 2-D

Billing Flow – Example Calculation		
1	Metered Plant Flow (Actual Flow), MGD	391
2	Metered **WSSC** (Actual Flow = Billing Flow), MGD	169.6
3	Metered **Fairfax** (Actual Flow = Billing Flow) MGD	31
4	Metered **Loudoun** (Actual Flow = Billing Flow)MGD	13.8
5	**Other PI Users** (Actual Flow = Billing Flow), MGD	3.1
6	Total Suburban (Actual Flow = Billing Flow), MGD	217.5
7	**District** (Actual Flow), MGD	391 – 217.5 =173.5
8	Captured Stormwater Flow (CSF) (from LTCP model), MGD	21
9	CSF Cost Ratio (from AECOM cost study)	49%[1]
10	Adjusted CSF Flow, MGD	(21)(.49) = 10.3
11	District Billing Flow, MGD	173.5 - 21 + 10.3 = 162.8
12	Total Billing Flow, MGD	217.5 + 162.8 = 380.3

[1] Cost ratio applied to Captured Stormwater Flow is based on determination cited in **Subsection C.1.c**.

2. **Blue Plains & Associated Facility O&M Cost Allocations**
   a. The District, Fairfax and WSSC and Non-Party Users shall be assessed by DC Water for their proportionate share of the cost of operating and maintaining Blue Plains.

   b. The DC Water Central Operations Facility (COF) building O&M Costs allocated to wastewater services shall be 54%. However, all Parties have the right to request a detailed analysis of this agreed allocation percentage if a circumstance occurs that materially changes the assumptions used in developing this ratio. Where practicable, DC Water will continue to segregate COF related costs from other cost pools in the Facilities Department or its successor.

3. **Pipelines and Appurtenances O&M Cost Allocations**
   a. The District, Fairfax and WSSC and Non-Party Users shall be assessed by DC Water for their proportionate share of the cost of operating and maintaining the interceptors (including the Potomac Interceptor) and appurtenances, and including wastewater pumping stations at locations other than Blue Plains which are determined to be MJUFs.

   b. WSSC shall assess DC Water, as appropriate, for its proportionate share of the cost of O&M of the interceptors, wastewater pumping stations, screen chambers and wastewater Flow meters that are operated and maintained by WSSC or any of the other parties to handle BPSA flows that are directed to Blue Plains.

   c. The District, Fairfax and WSSC's share of these O&M Costs shall be based on a node-to-node assessment methodology.

4. **CSO LTCP O&M Cost Allocations** – The District, Fairfax, WSSC and Non-Party Users shall be assessed by DC Water for their proportionate share of the cost of operating and maintaining that portion of the CSO LTCP that has been determined to be a MJUF by the Regional Committee based on the proportion of their Actual Flow versus Total Flow through the facility or based on other Usage determinations. Any methodology used shall be approved by the Regional Committee.

D. USER FEE RESPONSIBILITIES

1. **Payment** - The WSSC and Fairfax shall pay to the District an annual User Fee in accordance with **Section F.2**. of this Agreement. This fee shall be proportionately adjusted if the Allocated Flow Capacities defined in **Section 4** of the 2012 IMA are reduced.

2. **Annual Estimate** - In accordance with **Section 5** of the 2012 IMA, DC Water shall prepare an estimate of the User Fee prior to the beginning of each DC Water fiscal year and include it in the next billings rendered to Fairfax, Loudoun County Sanitation Authority (LCSA or Loudoun Water) and WSSC.

E. FINES, PENALTIES AND CLAIMS RESPONSIBILITIES

1. **Proportionate Allocation for Capital Projects** - Except as otherwise provided in the 2012 IMA, all fines, penalties and claims relating to Capital Projects will be allocated proportionately to the District, Fairfax and WSSC, and Non-Party Users based on Allocated Flow Capacity.

2. **Proportionate Allocation for O&M Activities** -Except as otherwise provided in the 2012 IMA, all fines, penalties and claims relating to O&M Activities will be allocated based on the Actual Flows of District, Fairfax, WSSC and Non-Party Users.

F. BILLING AND PAYMENT PROCEDURES

1. **DC Water to Annually Estimate Costs** - Before October 1 of each year, DC Water shall prepare an annual estimate of the Capital Costs and O&M Costs expected to be incurred during the following year and the estimated share of these costs for the District, Fairfax and WSSC. These estimates will be allocated in accordance with **Section 5.C. and 5.D**. As appropriate, the estimated share of the annual costs for each of these Parties shall be offset by each Party's estimate of the costs that it will incur in operating and maintaining its share of MJUFs for managing BPSA flows, or its share of managing Blue Plains biosolids or other residuals.

2. **Billing and Payment** - DC Water shall bill Fairfax and WSSC quarterly for Capital Costs and O&M Costs. Fairfax and WSSC shall remit quarterly payments to DC Water to cover 25% of their share of estimated annual Blue Plains O&M Costs and User Fees. Payments shall be made within 30 days of receipt of the invoices. If quarterly payments are not made on time, interest shall be charged at the Federal Reserve Bank's Discount Rate in effect on the due date of the bill. The Federal Reserve Bank Discount Rate will be determined quarterly at the end of each quarter.

3. **Reconciliation of Annual Bills**
   a. **Capital Costs** – DC Water shall submit a reconciled quarterly invoice, including the estimate for the following quarter.

   b. **O&M Costs -** No later than 90 days after the completion of the annual independent audit or March 31st, DC Water shall prepare an annual bill for the purpose of reconciling payments made during the year by Fairfax and WSSC. This bill shall be based upon the actual costs incurred by each Party; such information to be provided to DC Water by Fairfax and WSSC within 30 days after the close of each DC Water fiscal year.

   c. **Capital Costs and O&M Costs** - Any overpayments or underpayments shall be equally prorated to each quarterly payment date and simple interest calculated from the date the quarterly payment was paid until the overpayment is refunded or the underpayment is paid. See **Table OA 2-E** for an example of the computation of the interest discussed in this sub-section

TABLE OA 2-E

FEDERAL RESERVE DISCOUNT RATE INTEREST CALCULATION EXAMPLE *(For illustrative purposes only)*					
Quarter	**Interest Rate[1]**	**In Thousand Dollars**			**Period Outstanding[2] (Months)**
		Payment[3]	**Over/ <Under>[4]**	**Interest Owed[5]**	
1	2.00%	7,500.00	625.00	14.06	13.5
2	2.00%	7,500.00	625.00	10.94	10.5
3	2.50%	7,500.00	625.00	9.77	7.5
4	3.00%	7,500.00	625.00	7.03	4.5
Total Annual Payment		30,000.00	2,500.00	41.8	
Total Annual Actual		(27,500.00)			
Over/<Under>[4]		2,500.00			

* ** Assumes refund/payment received end of subsequent year Quarter 1.

4. **Maintenance and Review of Records -** DC Water, Fairfax and WSSC shall maintain books, accounts, records, documents and other evidence, employing generally accepted accounting principles and practices sufficient to show properly all direct and indirect costs of whatever nature they claim to have incurred or anticipate incurring. The foregoing records shall be subject at reasonable times to audit, examination, inspection or reproduction by DC Water, Fairfax or WSSC or a duly authorized representative of these Parties. Upon request, the Party shall provide a mutually acceptable electronic data processing medium containing all available computerized cost data to support the billing. Records shall be preserved for a period of at least three (3) years from the end of the fiscal year in which payment was made.

5. **Right to Audit** - All cost elements charged to DC Water, Fairfax, WSSC, or any Non-Party User may be audited by any Party. These cost elements include, but are not limited to: Capital Costs, O&M Costs, direct costs, indirect costs and flow data. Any adjustments made to DC Water, Fairfax or WSSC's bill as the result of an audit shall also automatically be made, as applicable, to other entities.

[1] Federal Reserve Discount Rate in effect at end of each Quarter.
[2] Number of months between making payment and time of refund/payment (true up). Assumes quarterly payment made in mid-quarter. Assumes true up received end of subsequent year Quarter 1. This would be 13.5 months for Quarter 1, 10.5 months for Quarter 2, etc.
[3] Quarterly payments based upon annual budget.
[4] Over or Underpayment equally prorated over each quarter. Annual difference is divided evenly between the quarters.
[5] Example interest calculation for the first quarter: (625) x (0.02) x (13.5/12) = 14.06

6. The right of any Party to any sum due pursuant to this Agreement shall not be barred by any statute of limitations.

7. **Biosolids Management Cost Procedures** - WSSC will incur Blue Plains biosolids management costs in accordance with **Operating Agreement #6, Biosolids Management Commitments**. The payment procedures for these costs shall be as follows:
   a. DC Water shall credit WSSC for all Blue Plains related biosolids costs incurred by WSSC less the share allocated to WSSC.
   b. DC Water shall then collect the share of these costs allocated to Fairfax by adding these costs to the regular payments due from Fairfax.
   c. DC Water shall also recover the costs paid on behalf of the Non-Party Users.

-END OF PAGE-

EXECUTION

This Agreement is executed on behalf of the Parties by the Members of the IMA Leadership Committee who, by affixing their signatures, confirm the authorization of their respective Party to be bound thereby. It shall be effective on the date indicated by the Chair below.

DISTRICT OF COLUMBIA

_____
City Administrator Date

DC WATER

_____
General Manager Date

FAIRFAX COUNTY, VIRGINIA

_____
County Executive Date

MONTGOMERY COUNTY, MARYLAND

_____
Chief Administrative Officer Date

PRINCE GEORGE'S COUNTY, MARYLAND

_____
Chief Administrative Officer Date

WASHINGTON SUBURBAN SANITARY COMMISSION, MARYLAND

_____
General Manager Date

Approved by Leadership Committee: _____
Chair **Date**

All Parties have been notified, 60 days have passed from notification, no objection has been made by any Party, this Agreement is, therefore,

EFFECTIVE: _____
Chair **Date**

OPERATING AGREEMENT #3

PARTIES' AGREEMENT REGARDING: FLOW AND LOAD MEASUREMENT AND MANAGEMENT

THIS OPERATING AGREEMENT (Agreement), among the **DISTRICT OF COLUMBIA** (the District), the **DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY** (DC Water), **FAIRFAX COUNTY, Virginia** (Fairfax), **MONTGOMERY COUNTY, Maryland** (Montgomery), **PRINCE GEORGE'S COUNTY, Maryland** (Prince George's), and the **WASHINGTON SUBURBAN SANITARY COMMISSION** (WSSC),

Witness:

WHEREAS, the Parties have entered into the Blue Plains Intermunicipal Agreement (2012 IMA); and

WHEREAS, the Parties agree to routinely monitor and assess their Actual Flows, Adjusted Flows, and the associated Pollutant/Nutrient Loads to Blue Plains to ensure that all allocations and/or limitations for Blue Plains are not exceeded, as set forth in **Section 4** of the 2012 IMA; and

WHEREAS, the Parties agree to regularly monitor and assess their Peak Flows at the point of connection to the BPSA's collection system; and comply with Peak Flow Limitations, as set forth in **Section 4** of the 2012 IMA and **Operating Agreement #1**; and

WHEREAS, the Parties acknowledge their responsibility to ensure that the Non-Party Users and Indirect Users also comply with the terms of this Operating Agreement; and

WHEREAS, Section 2 of the 2012 IMA authorizes the Leadership Committee to create, modify or terminate an Operating Agreement to implement the terms of the 2012 IMA consistent with **Section 11.**

NOW THEREORE, the Parties agree as follows:

PURPOSE: The purpose of this Agreement is to address matters related to **Section 6** of the 2012 IMA, including:

A. Flow Measurement, Reporting and Assessment;
B. Load Measurement, Reporting and Assessment; and
C. Load Management.

A. FLOW MEASUREMENT, REPORTING AND ASSESSMENT

1. Flow Measurement

a. For each sewer of a Party that has, or is expected to have, a discharge of 60,000 GPD or greater which discharges from a sewer of the District, Fairfax or WSSC into a sewer owned or operated by the District, DC Water, Fairfax or WSSC; the owner/manager of such discharging sewer(s) shall provide and install wastewater flow meters of the maximum practicable accuracy, at its own expense. The receiving Party directly involved shall mutually approve all such meter installations, shall designate who shall read, test, operate and maintain all such meters, and shall determine the methods and procedures to be followed. DC Water, Fairfax and WSSC may jointly read, test and inspect such meters at reasonable times at the request of any Party.

b. DC Water shall provide, operate and maintain metering of the total Blue Plains wastewater Flow, as well as Intra-plant Flows[1], in order to implement this agreement. DC Water, Fairfax and WSSC may jointly read, test and inspect such meters at reasonable times at the request of any Party.

c. In case a wastewater flow meter fails to function for any reason, the meter shall be repaired as expeditiously as possible. Wastewater flow for the period of such failure shall be deemed to be equal to the flow during the most recent equivalent period that the meter was in satisfactory operation. If there is no such corresponding period, the flow shall be determined or estimated in such a manner as shall be agreed upon by the Parties involved.

d. **Wastewater Units** - For each sewer that has, or is expected to have, a discharge of less than 60,000 GPD which discharges from a sewer of the District, Fairfax or WSSC into a sewer of another entity, the total annual estimated wastewater flow shall be calculated based upon the number of wastewater units connected to or discharging into such sewer. A wastewater unit shall equate to an annual discharge of 125,000 gallons. Each service connection shall be counted as one or more wastewater units depending upon the use of the premises served through such connections as follows:
   1) Each single family dwelling unit, whether detached or attached, shall constitute one (1) wastewater unit;
   2) Each apartment unit shall constitute one-half (0.5) of a wastewater unit;
   3) Wastewater units for premises used for other than residential purposes shall be determined by multiplying the annual water consumption by one and one-half (1.5)[2] and dividing by 125,000 gallons[3].

e. The monthly computation of the District, Fairfax, WSSC, and Non-Party User's Actual Flow shall include both its metered and unmetered flow entering the District's sewer system.

[1] Wastewater flow meters that are located within the Blue Plains WWTP that are used to help calculate District Flows.
[2] Ratio of 1.5 accounts for contributions from I/I sources to the estimated flows.
[3] 125,000 gallon figure reflects conversion of flows (water consumption and I/I) to estimated wastewater units.

f. The District's Actual Flow shall be calculated by subtracting the sum of Fairfax, WSSC and Non-Party Users' Actual Flows from the total plant Actual Flow.

g. Additional long-term flow meters to monitor flows to the Potomac Interceptor are critical to ensuring that there is adequate and detailed flow data to evaluate how well the PI system is functioning under various flow conditions; and to ensure that individually and collectively that the flows into and through the PI are consistent with those values set forth in **Section 4** of the IMA.

h. In order to address flow limitations necessary to ensure the proper performance of the Potomac Interceptor, the Regional Committee shall evaluate the need for developing a long-term rain gauge network, adding meters near Manholes #7 or #18 (i.e., section of PI where surcharging occurs), and addressing any other technical issues that would aid in this effort. The Regional Committee shall develop a plan to identify, fund, and implement this evaluation; which shall include defining specific tasks, roles and responsibilities, and a schedule for accomplishing this work.

2. **Flow Reporting**
   a. No later than 15 days after the end of each month, Fairfax, WSSC and each Non-Party User shall prepare and send to DC Water a report on the status of its Actual Wastewater Flows and commitments. DC Water shall compile these reports into a single report and distribute this report to the Parties no later than 30 days after the end of the month. DC Water shall also prepare an annual summary report for each calendar year and distribute this report to the Parties no later than February 15th of the following year.
   b. Fairfax, WSSC and Non-Party Users' report shall include at least the following information:
      1) The measured average flow and Peak Flow rate and duration during the month of the report for each metered point of connection between two (2) entities in the wastewater collection systems;
      2) The measured Actual Flow and the Peak Flow rate and duration for each metered point of connection between two (2) entities' wastewater collection systems for the 12 month period ending with the month for which the report is prepared;
      3) The estimated Actual Flow for the unmetered points of connection between the two (2) entities' wastewater collection systems, and the method used to estimate the annual average;
      4) The User's total daily average of all Actual Flows (i.e. the sum of all metered and unmetered flows) during the month for which the report is prepared;
      5) The total rainfall, as measured at Washington National Airport, during the 12 months ending with the month for which the report is prepared;
      6) The Highest Rolling Annual Average for its Actual Flow during the 12 months ending with the month for which the report is prepared;
      7) Such other related information/data as may be deemed necessary to implement the 2012 IMA.

   c. DC Water shall be responsible for ensuring that the Non-Party Users comply with these reporting requirements.

d. DC Water's monthly and annual summary reports shall include Actual Flow data at Blue Plains, including total flow through the plant, and the distribution of the flow to Outfall #001 and Outfall #002; and such other related information/data as may be deemed necessary to implement the 2012 IMA.

e. The District's Actual Flow for the purposes of flow management within the context of this Agreement shall be the total flow to Blue Plains less flows reported by Fairfax and WSSC and the Non-Party Users. The Parties recognize that a portion of the District's Actual Flow to Blue Plains is stormwater flow from its Combined Sewer area.

3. **Flow Assessment**
   a. DC Water shall monitor reported flows and calculate Adjusted Flows from Actual Flows provided by Fairfax, WSSC and Non-Party Users (i.e., to present normalized flows that reflect average hydrologic conditions). **Table OA 3-A** shows Adjusted Flow –Calculation Example.
   b. DC Water shall monitor the flow trends and any potential allocation or limit exceedances and alert the Parties each month if any reported flows or peak flow values indicate problems.
   c. DC Water shall prepare an annual BPSA flow report for the Regional Committee that assesses flow trends, as well as noting any instances where Adjusted Flows and/or Peak Flow values indicate that flows are or have the potential to exceed Allocated Flow Capacity and/or Peak Flow Limitations, as defined in **Section 4** of the 2012 IMA**.**
   d. DC Water shall also be responsible for assessing all flows, analyzing data and modeling flows as needed to make recommendations what and where peak flow reductions are required in the system and for potential modifications to the Peak Flows in the Potomac Interceptor defined in the **Section 4** of the 2012 IMA.
   e. The Regional Committee is responsible for reviewing the BPSA flow report and assessing what actions, if any, are required. These actions may include, but are not limited to, determining if additional flow management or documentation of flow management efforts are required from the District, Fairfax, WSSC and/or the Non-Party Users; and determining whether a comprehensive BPSA Long-term Planning Study and updated BPSA Flow Projections are needed in advance of their regularly scheduled 5-year update. These efforts will be used to formally assess Adjusted Flow and Peak Flow trends against Allocated Flow Capacity and Peak Flow Limitations, as well as flow management actions. The procedures for conducting this BPSA work are outlined in **Operating Agreement #4**.
   f. The Regional Committee shall report to and make recommendations to the Leadership Committee based on the results of the BPSA Long-term Planning Study.

4. **Flow Management**
   a. The District's, Fairfax's, WSSC's and Non-Party Users' Adjusted Flow shall at no time exceed its Allocated Flow Capacity as defined in **Section 4** of the 2012 IMA**.**
   b. If the Adjusted Flow of the District, Fairfax or WSSC exceeds the Allocated Flow Capacity for any reason, the District, Fairfax or WSSC shall immediately stop making any further commitments for hookups, connections and extensions to its

sewage system tributary to Blue Plains until three (3) consecutive months have passed during which the sum of the entity's Adjusted Flow shall not have exceeded its Allocated Flow Capacity. The sole exceptions to this prohibition shall be:

1) To eliminate an alternative method of wastewater disposal that has been certified by a duly constituted health officer in the District, Fairfax or WSSC's BPSA, or his designated local representative, to constitute a public health hazard. This certification shall be on a parcel by parcel basis;
2) For public service buildings, which include schools, hospitals, nursing homes, medical and dental clinics, and other structures used by public agencies in providing essential services for public health and welfare;
3) If the User has a plan approved by the Regional Committee to bring its Adjusted Flow within its Allocated Flow Capacity.

B. LOAD MEASUREMENT, REPORTING AND ASSESSMENT

1. DC Water shall be responsible for sampling, monitoring and assessing the influent flows to Blue Plains. If there are exceedances that create problems with the Blue Plains permit or other issues, then the Load Capacities set forth in **Table OA 1-B** of **Operating Agreement #1** will apply.

2. DC Water shall be responsible for providing annual reports to the Regional Committee regarding the results of these assessments and recommending any potential actions, including conducting detailed strength of influent wastewater studies.

3. The Regional Committee shall participate in DC Water-required Jointly Managed Studies to assess the strength of influent wastewater and to determine what changes, if any are required to Allocated Flow Capacity, Peak Flow Limitations or any Load Limitations in order to ensure that Blue Plains continues to have the ability to comply with all of its process and permit requirements.

4. Based on the results of such studies, the Regional Committee shall make recommendations to the Leadership Committee regarding changes that may be required to the flow, load and/or financial obligations of the Parties.

C. LOAD MANAGEMENT

1. The Regional Committee shall review options for managing loads in influent wastewater flows, including but not limited to, assessing the increase in loadings that result from extensive Inflow/Infiltration reductions in sewer collection system, use of garbage disposals, and potential Pretreatment requirements for commercial, household or other activities.
2. Based on the results of such studies, the Regional Committee may make recommendations to the Leadership Committee regarding any potential changes to the Flow Management responsibilities, Pretreatment obligations, and any other obligations of the Parties.

APPENDIX

Table OA 3-A

Adjusted Flow - Calculation Example
(for comparing to Allocated Flow Capacity)

1) **Actual Flows, Rainfall and Well Depths**

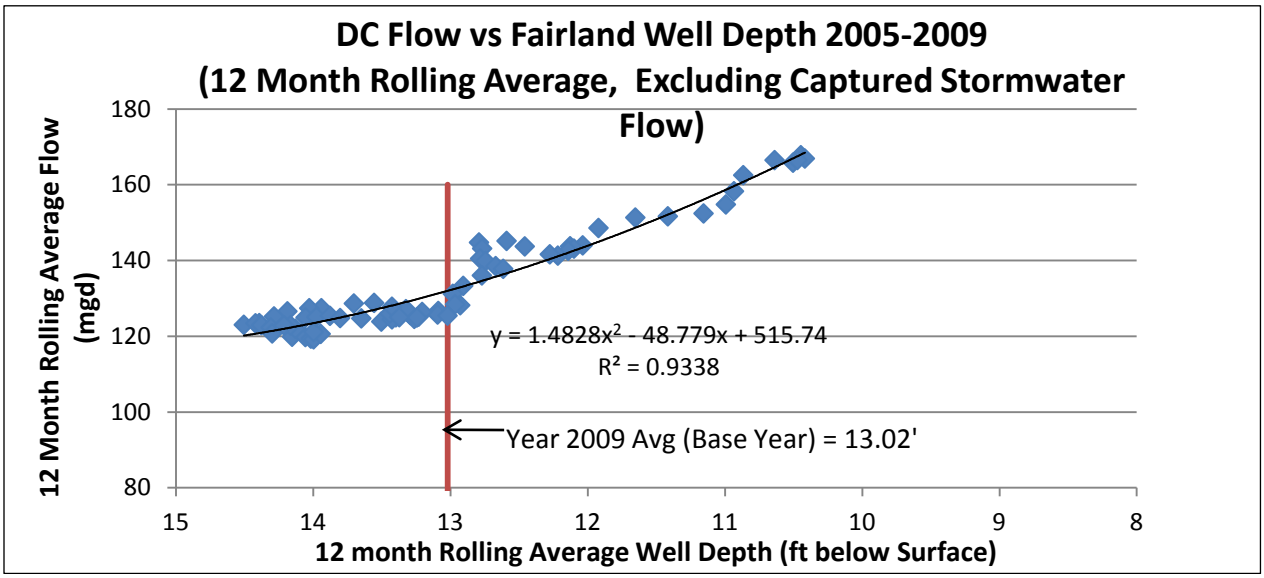
a) Assume it was a wet year and annual averages of Actual Flows were measured as follows:

Line	Item	Value (MGD)	Calculation
1	Blue Plains Outfall #002	400.00	
2	Blue Plains Outfall # 001	8.00	
3	Total Blue Plains	408.00	Lines 1 + Line 2
4			
5	Maryland		
6	WSSC	175.00	
7	Navy	0.07	
8	NPS	0.03	
9	**Sub-Total Maryland**	175.10	Sum of Lines 6,7,9
10			
11	Virginia		
12	Fairfax	30.00	
13	Loudoun	13.80	
14	Dulles	1.50	
15	Vienna	1.50	
16	**Sub-Total Virginia**	46.80	Sum of Lines 12 to 15
17			
18	**Total Suburban Flow**	221.9	Line 9 + Line 16
19			
20	**Total District Flow**	186.10	Line 3 minus Line 18

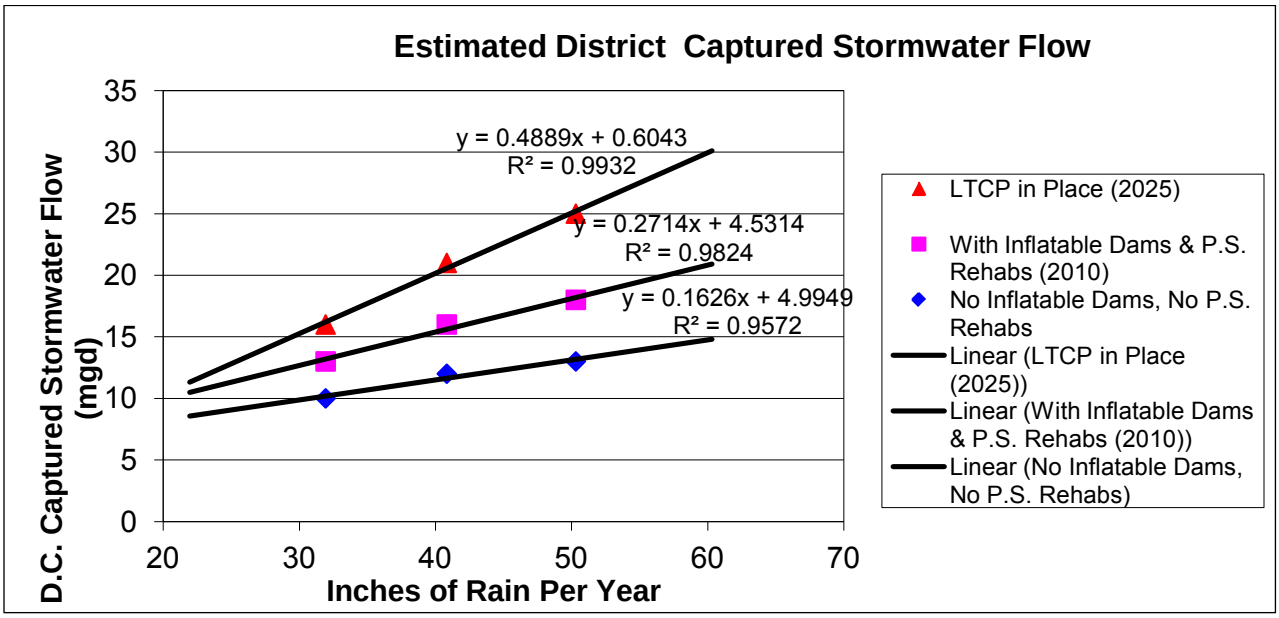
b) **Rainfall and Well Depths**
Assume 12 month rolling average rainfall and well depths were as follows:

Item	Value	Notes
Rainfall at National Airport	48 in.	12 month rolling average
Fairland Well Depth	11.5 ft	12 month rolling average
Prince William County Highway 600 Well Depth	7.50 ft	12 month rolling average

Nomographs Used to Calculate Flow Adjustments[1]



[1] These nomographs shall be reviewed periodically by the Regional Committee for accuracy and adjusted accordingly.


Estimated District Captured Stormwater Flow
D.C. Captured Stormwater Flow (mgd)
35
30
25
20
15
10
5
0
20
30
40
50
60
70
Inches of Rain Per Year
y = 0.4889x + 0.6043
R² = 0.9932
y = 0.2714x + 4.5314
R² = 0.9824
y = 0.1626x + 4.9949
R² = 0.9572
LTCP in Place (2025)
With Inflatable Dams & P.S. Rehabs (2010)
No Inflatable Dams, No P.S. Rehabs
Linear (LTCP in Place (2025))
Linear (With Inflatable Dams & P.S. Rehabs (2010))
Linear (No Inflatable Dams, No P.S. Rehabs)

SAMPLE CALCULATIONS

2) **WSSC Flow Calculation**
   a) Assume Actual Flow = 175.00 MGD (metered)

   b) Make adjustment to average hydrologic conditions using Fairland Well depth
      i) Assume actual 12 month rolling average Fairland well depth = 11.50 ft
      ii) Nomograph flow: y = - 9.3684 *(11.50) + 248.18 = 140.4 MGD
      iii) Base year (2009) 12 month rolling average Fairland well depth = 13.02 ft
      iv) Nomograph flow: y = - 9.3684 *(13.02) + 248.18 = 126.2 MGD
      v) Adjustment = 126.2-140.4 = - 14.2 MGD

   c) WSSC Adjusted Flow = 175.00 – 14.2 =160.8 MGD

3) **Fairfax Flow Calculation**
   a) Assume Actual Flow = 30 MGD (metered)

   b) Make adjustment to average hydrologic conditions using Prince William County Highway 600 Well depth
      i) Assume actual 12 month rolling average Prince William County well depth = 7.50 ft
      ii) Nomograph flow: y = -1.1407*(7.5) + 37.454= 28.9 MGD
      iii) Base year (2009) 12 month rolling average Prince William County well depth = 8.702 ft
      iv) Nomograph flow: y = -1.1407*(8.702) + 37.454= 27.5 MGD
      v) Adjustment = 27.5 – 28.9 = - 1.4 MGD

   c) Fairfax Adjusted Flow = 30 – 1.4 = 28.6 MGD

4) **District Flow Calculation**
   a) Assume Actual Flow = 186.1 MGD

   b) Make adjustment to average hydrologic conditions using Fairland Well depth
      i) Assume actual 12 month rolling average Fairland well depth = 11.50 ft
      ii) Nomograph flow: y = 1.4828*(11.50^2)-48.779*(11.50)+515.74 = 150.9 MGD
      iii) Base year (2009) 12 month rolling average Fairland well depth = 13.02 ft
      iv) Nomograph flow: y = 1.4828*(13.02^2)-48.779*(13.02)+515.74 = 132.0 MGD
      v) Adjustment = 132.0 – 150.9 = - 18.9 MGD

   c) Make adjustment for Captured Stormwater Flow (CSF)
      i) Assume LTCP is in place and 48” rainfall
      ii) CSF = 0.4889 *(48)+0.6043 = 24.1

   d) District Adjusted Flow = 186.1 – 18.9 - 24.1 = 143.1

5) **Comparison of Actual Flow and Adjusted Flow**

Line	Item	Actual Flow (MGD)	Adjusted Flow (MGD)
1	Blue Plains Outfall #002	400.00	
2	Blue Plains Outfall #001	8.00	
3	**Total Blue Plains**	408.00	349.40
4			
5	Maryland		
6	WSSC	175.00	160.80
7	Navy	0.07	0.07
8	NPS	0.03	0.03
9	**Sub-Total Maryland**	175.10	160.90
10			
11	Virginia		
12	Fairfax	30.00	28.60
13	Loudoun	13.80	13.80
14	Dulles	1.50	1.50
15	Vienna	1.50	1.50
16	**Sub-Total Virginia**	46.80	45.40
17			
18	**Total Suburban Flow**	221.9	206.30
19			
20	**Total District Flow**	186.10	143.10

-END OF PAGE-

EXECUTION

This Agreement is executed on behalf of the Parties by the Members of the IMA Leadership Committee who, by affixing their signatures, confirm the authorization of their respective Party to be bound thereby. It shall be effective on the date indicated by the Chair below.

DISTRICT OF COLUMBIA

_____
City Administrator Date

DC WATER

_____
General Manager Date

FAIRFAX COUNTY, VIRGINIA

_____
County Executive Date

MONTGOMERY COUNTY, MARYLAND

_____
Chief Administrative Officer Date

PRINCE GEORGE'S COUNTY, MARYLAND

_____
Chief Administrative Officer Date

WASHINGTON SUBURBAN SANITARY COMMISSION, MARYLAND

_____
General Manager Date

Approved by Leadership Committee: _____
Chair **Date**

All Parties have been notified, 60 days have passed from notification, no objection has been made by any Party, this Agreement is, therefore,

EFFECTIVE: _____
Chair **Date**

OPERATING AGREEMENT #4

PARTIES' AGREEMENT REGARDING: WASTEWATER PROJECTED FLOW CAPACITY NEEDS AND FUTURE OPTIONS

THIS OPERATING AGREEMENT (Agreement), among the **DISTRICT OF COLUMBIA** (the District), the **DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY** (DC Water), **FAIRFAX COUNTY, Virginia** (Fairfax), **MONTGOMERY COUNTY, Maryland** (Montgomery County), **PRINCE GEORGE'S COUNTY, Maryland** (Prince George's), and the **WASHINGTON SUBURBAN SANITARY COMMISSION** (WSSC),

Witness:

WHEREAS, the Parties have entered into the Blue Plains Intermunicipal Agreement (2012 IMA); and

WHEREAS, the Parties recognize their collective and mutual interests under the 2012 IMA, which includes the management of Wastewater flows generated in the Blue Plains Service Area (BPSA) and sent to the Blue Plains Wastewater Treatment Plant (Blue Plains); and

WHEREAS, the Parties recognize that the District has limited options available to it to address its own Projected Flow Capacity Needs; and

WHEREAS, the Parties agree to work together to address their individual and collective Projected Flow Capacity Needs for flows generated within the BPSA, including development of Jointly Managed Studies to determine these Projected Flow Capacity Needs and to develop alternatives for addressing these Projected Flow Capacity Needs as defined in **Section 7**; and

WHEREAS, Section 2 of the 2012 IMA authorizes the Leadership Committee to create, modify or terminate an Operating Agreement to implement the terms of the IMA consistent with **Section 11.**

NOW, THEREFORE, the Parties agree as follows:

PURPOSE: The purpose of this Agreement is to address matters relating to **Section 7** of the 2012 IMA, including:

A. Long-term Planning for BPSA;
B. Development of Options and Proposed Actions; and
C. Assessment and Notification Requirements.

A. LONG-TERM PLANNING FOR BPSA

1. **Jointly Managed Study** - The Regional Committee shall be responsible for conducting a Jointly Managed Study to produce a BPSA Long-term Planning Study at least every five (5) years, unless flow or load or other issues require this assessment to be done sooner. It is anticipated that 5-year updates for an

approximately 30-year planning horizon are adequate to assess and take necessary actions to protect the Parties' rights under this Agreement. As flows to the Blue Plains approach its Design Flow Capacity, the frequency of conducting such assessments may be increased.

2. **Flow Projection Methodology**
   a. The BPSA Long-term Planning Study shall address at a minimum:
      1) Updated flow projections for the District, Fairfax and WSSC, as well as for Non-Party Users and Indirect Users as well as for the overall BPSA, including:
         a) Incorporation of MWCOG's most recently adopted Cooperative Forecast, which includes regionally developed demographic data, or other mutually agreed forecast;
         b) Updates to all Parties' wastewater flow management actions and plans;
         c) Confirmed or updated wastewater flow factors;
         d) Confirmed or updated Inflow and Infiltration assumptions; and
         e) Updated base year flow figures (i.e. flow defined or calculated that best reflects annual average flows under average hydrologic conditions), that are used to develop Projected Flow Capacity Needs of the BPSA for each jurisdiction/entity that contributes flow to Blue Plains;

      2) Updated information regarding water quality issues, loading limits, state or federal regulations, and any other activities or initiatives that will or have the potential to impact the Blue Plains' permit and/or treatment process requirements;

      3) Updated information and assessments about peak flows generated in the BPSA; and

      4) Trend data and analysis as needed to assess the potential impacts all of these factors will or could have on the Allocated Flow Capacity, Peak Flow Limitations and/or load assumptions for the BPSA.

   b. As a result of this periodic assessment, the Parties agree to reconcile any differences between the total and individual projected Annual Average Design Capacity requirements and with each of the Parties' and Non-Party User's Allocated Flow Capacity. This reconciliation may include, but is not limited to, the application of the following:
      1) Flow management projects/programs that reduce and/or increase flows;
      2) Load management programs that reduce or increase loads; and
      3) Reallocation (via sale or rental) of Allocated Flow Capacity.

   c. Evaluation of projected Annual Average Design Flow Capacity requirements will address the associated flow allocations, limitations, definitions, and assumptions set forth in the Derivative Agreement(s), to determine if any flow parameters, allocations, and/or limitations require modification to reflect the new projections.

B. DEVELOPMENT OF OPTIONS AND PROPOSED ACTION

1. Based on the results of any Jointly Managed Study, as defined in **Section 7** of the 2012 IMA, the Regional Committee shall develop options (for the Parties and Non-Party Users, as appropriate) that address at a minimum the following elements and criteria:
   a. Provide wastewater capacity at Blue Plains to meet the District's Projected Flow Capacity Needs unless other options better meet the District's Projected Flow Capacity Needs;

   b. Give priority to the reallocation of annual average wastewater flow capacity that is not expected to be needed for more than 15 to 20 years;

   c. Use the following hierarchy for considering the location of any proposed new or expanded treatment options: at Blue Plains, at WSSC's facilities, or at Fairfax's facilities, all of which shall be deemed to be Multi-Jurisdiction Use Facilities (MJUF) as defined in **Section 5** of the 2012 IMA, unless the Regional Committee agrees to alternative site considerations;

   d. Evaluate storage options to identify any potential impacts on the peak flows and Allocated Flow Capacity defined in **Section 4** of the 2012 IMA;

   e. Evaluate the rental or sale of capacity to ensure it would be consistent with the terms and assumptions in **Sections 4** and **6** of the 2012 IMA, and the associated Derivative Agreement(s), considering that the rental or sale of capacity shall be at the discretion of the Party allocated the capacity.

   f. Consider that rental of capacity shall be viewed as a short-term solution and must be reassessed at least every five (5) years;

   g. Consider that the Non-Party Users' Projected Flow Capacity Needs may have unique contractual agreements and there may be limited options available for them to address their capacity requirements outside of Blue Plains;

2. The options developed during a Jointly Managed Study shall address the following elements for each Party and Non-Party User, as appropriate:
   a. The resulting Allocated Flow Capacities;
   b. The resulting Peak Flow Limitations; and
   c. The impact on Design Flow Capacities and Design Load Capacities.

3. The Regional Committee shall recommend to the Leadership Committee technical and/or programmatic options that address the individual and collective Projected Flow Capacity Needs of the Parties under **Section 7** of the 2012 IMA. These recommendations shall include, but not be limited to, addressing:
   a. The proposed time frame for taking specific actions (whether operational or construction);
   b. The estimated cost of these actions; and
   c. The proposed flow, load, and cost allocations and implications for each Party (and Non-Party User) associated with any options.

4. If suburban flows are diverted, nutrient loads associated with the diverted flows go with those flows and the District is responsible for finding nutrient offsets.

5. Any jurisdiction that requires additional flow capacity shall be responsible for finding nutrient offsets for that flow.

C. ASSESSMENT AND NOTIFICATION REQUIREMENTS

1. The Regional Committee shall periodically assess the Adjusted Flows set forth in **Section 6** and the flow projections set forth in **Section 7** of the 2012 IMA, and as set forth in this Agreement, to determine if the timing or the scope of the agreed upon actions are being implemented in a manner that protects the interests of all the Parties.

2. The Regional Committee shall develop an implementation plan that outlines the proposed actions to be taken and associated schedule and defines the Parties' responsibilities. For those options which require that additional flow or load capacity be provided at Blue Plains or at other sites, this implementation plan shall include, but not be limited to:
   a. A timeline with periodic milestones (generally every 5 to 10 years) that ensures that the necessary flow and/or load capacity is available when the Projected Flow Capacity Need is required;

   b. A reassessment of Projected Flow Capacity Needs versus agreed upon actions, whether addressed via flow management, rental/sale of capacity, or construction projects;

   c. A minimum 15-year advance notification period for any proposed action that requires capital funding.

3. Any Party that requires additional capacity in the BPSA in order to meet its Projected Flow Capacity Needs, which it cannot meet through its own flow management actions or are not being addressed through a Jointly Managed Study, shall provide 15-year advance notification to the Regional Committee that it requires such capacity, define those actions it must undertake to manage its future flows, and outline a schedule for those actions.

4. Unless otherwise agreed to by the Regional Committee, any diversions or reallocation of flow capacity by Fairfax or WSSC greater than five (5) MGD to meet District Projected Flow Capacity Needs shall occur at least one (1) year before the projected requirement for those flows.

EXECUTION

This Agreement is executed on behalf of the Parties by the Members of the IMA Leadership Committee who, by affixing their signatures, confirm their authorization of their respective Party to be bound thereby. It shall be effective on the date indicated by the Chair below.

DISTRICT OF COLUMBIA

_____
City Administrator Date

DC WATER

_____
General Manager Date

FAIRFAX COUNTY, VIRGINIA

_____
County Executive Date

MONTGOMERY COUNTY, MARYLAND

_____
Chief Administrative Officer Date

PRINCE GEORGE'S COUNTY, MARYLAND

_____
Chief Administrative Officer Date

WASHINGTON SUBURBAN SANITARY COMMISSION, MARYLAND

_____
General Manager Date

Approved by Leadership Committee: _____
Chair **Date**

All Parties have been notified, 60 days have passed from notification, no objection has been made by any Party, this Agreement is, therefore,

EFFECTIVE: _____
Chair **Date**

OPERATING AGREEMENT #5

PARTIES' AGREEMENT REGARDING: PRETREATMENT & OPERATIONAL REQUIREMENTS

THIS OPERATING AGREEMENT (Agreement), among the **DISTRICT OF COLUMBIA** (the District), the **DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY** (DC Water), **FAIRFAX COUNTY, Virginia** (Fairfax), **MONTGOMERY COUNTY, Maryland** (Montgomery), **PRINCE GEORGE'S COUNTY, Maryland** (Prince George's), and the **WASHINGTON SUBURBAN SANITARY COMMISSION** (WSSC),

Witness:

WHEREAS, the Parties have entered into the Blue Plains Intermunicipal Agreement (2012 IMA); and

WHEREAS, the 2012 IMA authorizes and requires the IMA Leadership Committee (the Leadership Committee), to set forth specific pretreatment and operational requirements, as well as monitoring and reporting processes, that they determine are appropriate to implement the provisions of **Section 8**;

WHEREAS, the Parties recognize their legal obligations to comply with all state, federal and local pretreatment requirements applicable to the Blue Plains Wastewater Treatment plant (Blue Plains) and its collection systems and their need to establish operational requirements for wastewater coming into Blue Plains as necessary to preclude damage to Blue Plains' wastewater and biosolids processes and equipment, to meet permit requirements, to avoid contributing any pollutants which cause or have the ability to cause wastewater, air, and/or biosolids permit exceedances, or that have any negative impacts at the plant;

WHEREAS, the Leadership Committee hereby agrees on behalf of the Parties to set forth specific requirements and monitoring and reporting processes necessary to protect the wastewater collection lines within the Blue Plains Service Area (BPSA), as well as the wastewater treatment processes and biosolids management programs at Blue Plains; and

WHEREAS, Section 2 of the 2012 IMA authorizes the Leadership Committee to create, modify or terminate an Operating Agreement to implement the terms of the IMA consistent with **Section 11.**

NOW, THEREFORE, the Parties agree as follows:

A. <u>SCOPE</u>

The requirements of this Agreement are intended to apply to only those regulations, requirements, and discharges in the BPSA and/or to the Blue Plains WWTP.

B. REGULATORY AUTHORITY

The Parties recognize their legal obligations to comply with all state, federal and local pretreatment requirements applicable to Blue Plains and its collection systems.

C. EXISTING AGREEMENTS

In addition to the 2012 IMA, the following agreements are applicable to this Agreement

1. **Agreements among Parties**
   a. **District & Fairfax,** *Wastewater Pretreatment Agreement* (June 27, 1986)
   b. **District & WSSC,** *Wastewater Pretreatment Agreement* (June 30, 1986)

2. **Agreements among Parties and Non-Party Users, and Parties and Indirect Users**

   Indirect User Agreements
   a. **Fairfax Co. & Herndon**, *Interjurisdictional Wastewater Pretreatment Agreement* (October 10, 1995)
   b. **Fairfax Co. & Arlington Co.,** *Sewage Conveyance, Treatment and Disposal* (October 03, 1994)
   c. **Fairfax Co. & Arlington Co.,** *Interjurisdictional Pretreatment Agreement* (June 17, 1994)

   Non-Party User Agreements
   a. **District & LCSA,** *Wastewater Pretreatment Agreement* (September 12, 1989)
   b. **District & LCSA**, *Amendment to the Agreement* (November, 11, 1998)
   c. **District & Vienna,** *Wastewater Pretreatment Agreement* (April 20, 1986)
   d. **District & US FAA,** General Agreement (January 1966)
   e. **District & the Navy,** General Agreement (April 27, 1965)
   f. **District & Fairfax County Park Authority,** General Agreement (January 23, 1964)
   g. **District & National Park Services,** General Agreement (August 18, 1964)

Copies of these agreements and all future agreements relating to Pretreatment and operational requirements between and among the Parties and Non-Party Users shall be maintained at the offices of DC Water and the IMA Secretariat. As these agreements are replaced or amended, their successor agreements will be appended to and incorporated by reference into this Derivative Agreement.

D. PRELIMINARY TREATMENT AND OPERATING REQUIREMENTS

1. Coarse screening shall be provided at any pumping station pumping more than an average of 2.5 mgd of flow, unless coarse screening is provided at a downstream facility. Screenings shall not be ground and returned to the wastewater flow under normal operations.

2. If necessary to bypass screens for more than four (4) hours, DC Water shall be notified within 24 hours.

3. If conditions arise requiring screening to be ground and returned to the wastewater flow, DC Water shall be notified within 24 hours.

4. Fairfax and WSSC shall generate a screenings report semi-annually which documents the location and total tonnage of screenings removed during each month within the six (6)-month period (January to June and July to December). The reports shall be due by the 30th of the month following the end of the reporting period (i.e., by July 30 and January 30) and shall be submitted to the DC Water Wastewater Treatment Manager:
   DC Water Wastewater Treatment Manager
   5000 Overlook Ave., SW, Washington, DC 20032
   202-787- 4008

E. TRUCKED WASTE MONITORING REQUIREMENTS

1. Trucked waste shall only be discharged at monitored location(s). Access control or surveillance cameras shall be required for unmanned stations.

2. Within 12 months of the 2012 IMA Agreement, all septage receiving stations that send waste to the BPSA shall have access control or surveillance cameras in operation, except when units are out of service for routine maintenance – a time period not to exceed one (1) week.

3. Surveillance camera records or gate records shall be reviewed as necessary to verify discharge activity. Camera records shall be maintained for 72 hours.

4. After proper notification and review, DC Water reserves the right to prohibit any wastes that are deemed to cause, or have the potential to cause, operational or system problems, and/or which cause or have the ability to cause wastewater, air, and/or biosolids permit exceedances.

5. DC Water shall be notified prior to the establishment of any new septage receiving sites in the BPSA.

6. Periodic self-monitoring data shall be required for existing discharges of non-domestic trucked waste, landfill leachate, or trucked waste containing sludge or other residuals. The Party shall determine the list of requested parameters and frequency of self-monitoring. Data shall be submitted to DC Water in the quarterly pretreatment program reports.

7. Each Party shall conduct random sampling of the trucked wastes at least semi-annually for all parameters. Data shall be submitted to DC Water in the quarterly pretreatment program reports.

F. PROHIBITED TRUCKED WASTES

Prohibited wastes shall not be discharged to the BPSA unless conditionally authorized under the terms outlined in Subsection G of this Agreement. Prohibited wastes include:

1. Trucked wastes that are generated outside of the counties included in the BPSA (i.e., out-of-state and out-of-county wastes), unless the out-of-state and/or out-of county waste is incidental to other waste collected from within the counties included in the BPSA;

2. Hazardous waste, as defined by EPA in 40 CFR 261 and/or in District of Columbia Code § 8-1302(2);

3. Wastes that are specifically prohibited by DC Water's prohibited discharge standards;

4. Wastes that exceed DC Water's local discharge standards or EPA's gas/vapor toxicity screening levels (EPA 812-B92-001), if measured in mg/L; or wastes that exceed EPA's Part 503 biosolids quality standards or applicable State biosolids standards, if measured in mg/kg; and

5. Portable toilet waste, where formaldehyde and 1,4-dichlorobenzene are used in deodorizer/sanitizer products. The prohibition of these products shall be implemented within 90 calendar days from the effective date of this Agreement.

G. <u>CONDITIONALLY AUTHORIZED TRUCKED WASTES</u>

DC Water may conditionally accept the following trucked wastes:

1. Grease trap waste – if no blockages or significant grease accumulation in the collection system or other issues arise;

2. Car wash waste – if no blockages or significant solids accumulation in the collection system or other issues arise;

3. Non-hazardous non-domestic waste - if characterized and approved by DC Water in advance;

4. Leachate from domestic landfills – if characterized and approved by DC Water in advance; and

5. Sludge or other residuals - if characterized and approved by DC Water in advance, and no blockages or significant solids accumulation in the collection system or other issues arise.

H. <u>AUTHORIZED TRUCKED WASTES</u>

DC Water will accept the following trucked wastes:

1. Portable toilet waste, where formaldehyde and 1,4-dichlorobenzene are not used in deodorizer/sanitizer products; and

2. Domestic septage.

I. CHARACTERIZATION AND MONITORING OF NEW TRUCKED WASTES

Any Party proposing to accept hauled waster from a new non-domestic source (i.e., those that have not already been approved by DC Water) shall submit a request for approval to DC Water for new discharges of non-domestic trucked waste, landfill leachate, or trucked waste containing sludge or other residuals. DC Water shall respond with a determination on such a request within 30 calendar days. DC Water shall hold Non-Party Users to these same conditions for requesting new discharges of non-domestic trucked waste, landfill leachate, or trucked waste containing sludge or other residuals. The request may include:

1. Analytical data representative of the discharge, including, but not limited to:
   a. pH,
   b. Total Solids,
   c. Total Suspended Solids,
   d. Volatile Suspended Solids,
   e. Biochemical Oxygen Demand,
   f. Total Phosphorus,
   g. Total Kjeldahl Nitrogen,
   h. Total Metals (i.e., arsenic, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, silver, and zinc),
   i. Total Petroleum Hydrocarbon/Oil and Grease, and
   j. Polychlorinated Biphenyls (PCBs).

2. Estimates of volume and frequency of discharge that DC Water will use to evaluate the effect of the loading on the wastewater and sludge treatment plant processes.
   a. If the sewage strength and/or load impacts warrant consideration of differential treatment cost, this will be negotiated among the Parties.
   b. If the discharge is accepted, periodic monitoring may be required, with frequency and parameters to be agreed upon by the affected Party and DC Water.
   c. If the discharge is prohibited, the limitations of **Subsection F.** apply.

J. TREATMENT PLANT RESIDUALS

Other Wastewater Treatment Plants or Water Treatment Plants within the BPSA shall not directly discharge sludge or other residuals into the Blue Plains sewage system, unless characterized and approved by DC Water in advance.

K. PRETREATMENT PERMITS

1. Significant Industrial Users (SIU) in the BPSA must obtain a pretreatment permit from DC Water, Fairfax, or WSSC, unless the SIUs are regulated through Limited Party Agreements with Non-Party Users or Indirect Users.

2. Permits must contain, at a minimum, effluent limitations that match or exceed DC Water's discharge standards, monitoring and reporting requirements, a statement of duration, a statement of non-transferability, a statement of applicable civil and criminal penalties, and any other conditions requested to be included in the permit by DC Water.

3. Permits shall require immediate notification to DC Water of a spill, slug, or other unplanned emergency discharge (such as decontamination Wastewater) to the sewer at 202-612-3400 (24 hours per day, 7 days a week), and written notification to the DC Water Pretreatment Supervisor within five (5) days following the event, to the:

   DC Water Pretreatment Supervisor
   5000 Overlook Ave., SW, Washington, DC 20032
   202-787- 4177

4. Such notification shall include:
   a. Name and address of the premises where the discharge occurred or is occurring;
   b. The precise location of the discharge at the premises;
   c. Type of waste discharged or being discharged;
   d. Volume and concentration of Wastewater discharged;
   e. Corrective actions conducted or planned to mitigate the incident and prevent reoccurrence; and
   f. Contact name and phone number.

5. Permits shall require immediate notification to DC Water of any changes at its facility affecting the potential for a slug discharge.

6. Permits shall indicate that DC Water has right of entry and inspection of pretreatment and sewer facilities, observation, measurement, sampling, testing, and access to (with the right to copy) all pertinent compliance records located on the premises of the SIU. Whenever DC Water exercises this right, advance reasonable notice shall be given to the Operating Agencies. The Operating Agencies shall make all necessary legal and administrative arrangements for these inspections.

L. REPORTING

1. **Quarterly Pretreatment Program Reports**
   a. Reports shall be due to DC Water 45 days following the last day of the quarter for the 1st, 2nd, 3rd and 4th quarters. However, the 4th quarter report due date may be extended an additional 30 days (if necessary, to allow additional time for completing the annual report).
   b. Reports shall be prepared in accordance with a format to be developed by DC Water. For example, report all violations during the quarter, compliance status of each SIU, the date enforcement action is taken or is anticipated to be taken, identify any SIUs with a substantial change in volume or character of pollutants, etc.
   c. Each Operating Agency/Jurisdiction shall submit all requested hauled waste documentation to DC Water in the quarterly report. Documentation shall include, but not be limited to:
      1) A current list of haulers (or changes to the list from the previous report), including approved sources (types) of waste, permitted vehicle information, and truck volume for each hauler;
      2) Results of all analytical monitoring done on the hauled waste during that quarter (either by the Operating Agency/Jurisdiction or the waste hauler);

3) Where possible, flow estimates or number of loads of each waste type received during the quarter; and
4) If requested, gate records or security camera records, for verification of discharge activity.

2. **Annual Pretreatment Program Reports**
   a. In addition to the quarterly reports, an annual report shall be prepared. However, if the fourth quarter report is expanded to incorporate all the requirements of the annual report noted below, that report will suffice to meet both reporting obligations
   b. Reports shall be prepared in accordance with instructions from EPA Region III. If a Party does not receive 'new or updated' guidance from DC Water by January 5, the same report format/procedures used the previous year shall apply.
   c. The annual report shall include a master list of permitted waste haulers. At a minimum, the list shall include hauler name, contact information, list of vehicles, permitted truck capacities, and permitted waste type. The master list can reference the list provided in the fourth quarter report, as long as it notes any subsequent changes.
   d. Reports shall be due to DC Water 45 days following the last day of the year (i.e., by February 15th), unless an alternate date is established in writing by DC Water.
   e. Reports shall be accurate and complete upon submittal. Allowable exceptions to this include the following:
      1) Significant Non-Compliance (SNC) for the July to December period shall be submitted no later than March 15).
      2) The publication of the SNC violators shall occur no later than June 30, when required, and proof of publication shall be submitted to DC Water immediately following publication.

3. Follow-up comments from DC Water and/or EPA Region III shall be addressed as soon as practicable or as required by a comment letter.

M. ENFORCEMENT

1. The Parties shall, in accordance with their approved Enforcement Response Plans, take escalating enforcement action against any industrial user or waste hauler in the BPSA that violates any provision of the approved DC Water or Parties' pretreatment program. If EPA Region III, or the delegated state agency for the Parties, reviews the enforcement action taken by the Party and requests further action, the Party shall comply with the request or show just cause why such action is not warranted.

2. If DC Water does not agree with a decision made by a Party regarding specific enforcement action against a SIU or waste hauler, the issue shall be raised to the Regional Committee for dispute resolution pursuant to the 2012 IMA.

N. REVISIONS TO LEGAL AUTHORITY

1. DC Water shall forward a copy of proposed revisions to its legal authority (DC Code § 8-105) and/or implementation regulations (21 DCMR Chapter 15), to the Parties prior to or at the time of submittal to EPA Region III. Similarly, whenever the

Parties revise their legal authority and/or implementation regulations, they shall forward a copy of the proposed revisions to DC Water prior to or at the time of submittal to their state approval authority. If there are significant changes to the regulations, EPA Region III review and approval may also be required.

2. Adopted Final Rulemaking or regulations shall be submitted to the Parties (or to DC Water, if the Parties adopted new regulations) within 30 days of the adoption date.

3. As necessary, the Parties shall adopt revisions (either directly or by reference) to their Sewer Use Ordinances (SUOs) pertaining to industrial waste pretreatment that are at least as stringent as those adopted by DC Water pertaining to industrial waste pretreatment. Proposed SUO revisions will be forwarded to DC Water within 180 days of receipt of DC Water's Final Rulemaking. If this schedule cannot be met, the Party shall notify DC Water in writing, and provide an alternate due date and reason why the schedule cannot be met. The Party shall then proceed to adopt the final regulations.

4. DC Water shall provide the Parties an opportunity to provide comments prior to making any revisions or additions to its Local Limits. Once DC Water makes any revisions or additions to its Local Limits, the Parties shall adopt any such revisions or additions and incorporate the new limits into all applicable SIU permits as soon as practical following receipt of the Final Rulemaking.

O. <u>COMPLIANCE BY NON-PARTY USERS</u>

DC Water shall require and enforce the same compliance by Non-Party Users, as applicable, with the substantive provisions of Subsections C through M**,** above, as is required of the Parties.

P. <u>PERIODIC REVIEW OF PRETREATMENT AND OPERATIONAL REQUIREMENTS</u>

1. The Regional Committee, as part of the review for its Annual Report, shall consider the efficiency and effectiveness of the practices and procedures of this Agreement. This review will include technical input from any appropriate Regional Committee work group(s). The Regional Committee will also consider, in a timely manner, any concerns that are raised by DC Water or any other Party over these practices and procedures or proposed modifications required by EPA or any state agency.

2. If the Regional Committee determines these requirements, practices or procedures should be modified, the Regional Committee shall recommend to the Leadership Committee any revisions that may be required to this Operating Agreement, the 2012 IMA or any associated Derivative Agreements.

-END OF PAGE-

EXECUTION

This Agreement is executed on behalf of the Parties by the Members of the IMA Leadership Committee who, by affixing their signatures, confirm the authorization of their respective Party to be bound thereby. It shall be effective on the date indicated by the Chair below.

DISTRICT OF COLUMBIA

_____
City Administrator Date

DC WATER

_____
General Manager Date

FAIRFAX COUNTY, VIRGINIA

_____
County Executive Date

MONTGOMERY COUNTY, MARYLAND

_____
Chief Administrative Officer Date

PRINCE GEORGE'S COUNTY, MARYLAND

_____
Chief Administrative Officer Date

WASHINGTON SUBURBAN SANITARY COMMISSION, MARYLAND

_____
General Manager Date

Approved by Leadership Committee: _____
Chair **Date**

All Parties have been notified, 60 days have passed from notification, no objection has been made by any Party, this Agreement is, therefore,

EFFECTIVE: _____
Chair **Date**

OPERATING AGREEMENT #6

PARTIES' AGREEMENT REGARDING: BIOSOLIDS MANAGEMENT COMMITMENTS

THIS OPERATING AGREEMENT (Agreement), among the **DISTRICT OF COLUMBIA** (the District), the **DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY** (DC Water), **FAIRFAX COUNTY, Virginia** (Fairfax), **MONTGOMERY COUNTY, Maryland** (Montgomery), **PRINCE GEORGE'S COUNTY, Maryland** (Prince George's), and the **WASHINGTON SUBURBAN SANITARY COMMISSION** (WSSC),

Witness:

WHEREAS, the Parties have entered into the Blue Plains Intermunicipal Agreement (2012 IMA); and

WHEREAS, DC Water, Fairfax and WSSC recognize their obligations to comply with all state, federal and local biosolids preparation and land application regulations applicable to the Blue Plains Wastewater Treatment plant (Blue Plains); and the need to remove biosolids from the sewage generated within the Blue Plains Service Area (BPSA); and

WHEREAS, DC Water, Fairfax and WSSC recognize the need to establish operational requirements for the manufacturing of biosolids products at Blue Plains or offsite; and

WHEREAS, the Parties desire to manage the biosolids resource by the most practical, sustainable, environmentally sound, and economically beneficial means;

WHEREAS, the 2012 IMA authorizes and requires the Leadership Committee to set forth specific operational processes and contractual support for biosolids management that they determine are appropriate to implement the provisions of **Section 9** of the 2012 IMA;

WHEREAS, Section 2 of the 2012 IMA authorizes the Leadership Committee to create, modify or terminate an Operating Agreement to implement the terms of the IMA consistent with **Section 11.**

NOW, THEREFORE, the Parties agree as follows:

PURPOSE: The purpose of this Agreement is to address matters relating to **Section 9** of the 2012 IMA. This Agreement confers no rights upon any person other than the Parties to this Agreement.

A. REGULATORY AUTHORITY

The Parties recognize their legal obligations to comply with all state, federal and local biosolids preparation and land application regulations applicable to Blue Plains.

B. REGIONAL COMMITTEE ASSIGNMENT AND REPORTING RESPONSIBILITIES

The Regional Committee shall periodically review and analyze the biosolids management activities of the Parties. The Regional Committee may request the assistance of Party experts and biosolids contractors in performing these analyses. The Regional Committee shall make recommendations to the Leadership Committee to maintain or improve the management of biosolids, including:

1. Utilizing contract mechanisms to handle management of all or portions of the biosolids;

2. Identification of additional land application or other management sites;

3. Working with local and state officials to obtain land application or other management permits;

4. Working with local and state officials to change regulations, legislation, or legal actions that are deemed harmful to the effective and environmentally sound management of biosolids;

5. Requesting support of the Leadership Committee and elected officials as necessary to support these efforts; and

6. Contracting for research that supports the biosolids management activities of the Parties.

C. BIOSOLIDS REUSE AND DISPOSAL OPTIONS – ALLOCATION, MATERIAL RESPONSIBILITY AND CONTRACTS

1. DC Water and WSSC shall independently contract for services related to reuse or disposal (if necessary) of biosolids produced at Blue Plains. The percentage of biosolids reuse and disposal managed by DC Water shall be no less than 50% and no greater than 70%. WSSC will manage the remainder. The percentages within these limits are to be based on a balance between financial and contractual security, and on programmatic needs as determined by the Regional Committee.

2. DC Water and WSSC may also, with concurrence of the Regional Committee, allocate tonnage to a user or a regional entity that has the opportunity to contract for sustainable reuse of biosolids. DC Water and WSSC shall separately issue one or more contracts for the sustainable reuse of biosolids resources for use in agriculture, mine reclamation, silviculture, composting, soil blending, energy production, or any other sustainable and economically feasible technology.

3. Other options, such as landfilling, may also be included in contracts by DC Water and WSSC for backup and emergency purposes or as recommended by the Regional Committee. In all scenarios, the Parties shall meet the biosolids management commitments set forth in the 2012 IMA. The Parties may consider regional contractual coordination, if another entity outside of DC Water is willing and interested in such collaboration. A recommendation in this direction would allow for

diversification of reuse options and geography, but should only be done if it furthers the biosolids commitments in the 2012 IMA.

D. PREPARATION OF CONTRACT SOLICITATIONS

1. DC Water and WSSC shall be responsible for the issuance and administration of their contract solicitations for the reuse of biosolids generated at Blue Plains.

2. The specifications, terms, conditions, and evaluating criteria for any biosolids reuse contract solicitations shall be developed by DC Water and WSSC with input from the Regional Committee.

3. The Regional Committee, either directly or through technical staff, may participate in the review of technical proposals or other contract documents for the hauling and reuse of biosolids received, pursuant to contract solicitations issued by DC Water and WSSC, and make recommendations for award to the respective contracting officers.

E. CONTRACT REVIEW

1. DC Water and WSSC shall each execute contracts awarded pursuant to the contract solicitations. They shall appoint contracting officers for such contracts and, in consultation with the other participating parties, administer all aspects of contract performance in accordance with their respective procurement laws and regulations.

2. With respect to DC Water and WSSC's contracts, the Regional Committee's functions and responsibilities shall include the following:
   a. Provide information, recommendations and requests to the contracting officer to remedy or avoid existing or potential problems caused by any contractors or subcontractors operating within any of the Parties' jurisdictions or caused by their operation in other areas that are or will adversely impact a Party; and

   b. Monitor the performance and administration of all contracts awarded and provide the contracting officer with the recommendations of the other participating jurisdictions on administrative actions that should be taken to protect the interests of such other parties in all such biosolids contracts; and

   c. Receive and assess progress and other relevant reports relating to the performance and administration of all biosolids contracts and reports on proposed actions contemplated by the contracting officers in the administration of such contracts; and

   d. Review research findings funded through the Regional Committee.

F. COST AND PAYMENT

All costs, including administrative costs, of managing the biosolids program will be borne by the Parties and shared based upon the methods and procedures described in **Section 5** of the 2012 IMA. The Parties will receive monthly reports of tonnage allocations to each contract and a final cost accounting at the end of the DC Water fiscal year.

G. EMERGENCY PROVISIONS

1. If any contractors for Blue Plains biosolids reuse and/or disposal service unexpectedly cease operations for any reason, all Parties shall cooperate in order to continue transportation and management of the quantities of Blue Plains biosolids defined in the 2012 IMA and this Agreement.

2. All Parties shall assist in making available, to the extent possible, disposal and reuse options in the region (landfills, incinerators, etc.). If necessary, all Parties shall commit to investigating regional cooperation on biosolids reuse with other parties. This investigation shall include, but not be limited to, other land application programs, composting, incineration, soil blending, etc., and emergency plans shall consider all these options.

3. Separately, or as part of the BPSA Emergency Operating Plan, the Parties shall include emergency back-up contingency plans for removal and transport of biosolids generated at Blue Plains.

H. PRODUCT MARKETING AND REVENUE

1. DC Water will produce into the foreseeable future a Class B stabilized biosolids cake products, as well as a Class A biosolids cake suitable (with further conditioning or mixing) for marketing. DC Water and WSSC shall market and reuse this material for all of the Parties in a manner advantageous to DC Water, Fairfax and WSSC. This marketing will promote the product's use and, if successful, will generate revenue. Potential products from the Blue Plains biosolids program include compost, blended soil, dried product, green energy/carbon credits, and electrical power. DC Water and WSSC will use all revenue to first offset biosolids program and, then, Blue Plains' operating costs thereby reducing costs for all Parties.

2. Each Party shall provide data monthly regarding the revenue or credits generated by DC Water and WSSC. At the end of each fiscal year, DC Water and WSSC shall calculate annual totals for each product, and calculate the percentage of each product for which each Party may take credit. These credits are not for monetary purposes (as the revenue will be used to offset biosolids program costs) but for the purposes of informing rate payers and regulators of efforts to produce valuable products, clean energy, and carbon credits.

3. DC Water and WSSC shall separately be responsible for preparing, negotiating and managing all contracts and agreements related to the sale or use biosolids products. Other products such as steam, electricity, and/or carbon/renewable energy credits produced at Blue Plains shall be managed by DC Water.

4. The Regional Committee shall cooperate in these distribution and marketing efforts with the DC Water biosolids manager to determine if there are markets and/or distribution points in their respective jurisdiction. The region has many potential uses for a Class A biosolids product, and the Parties shall work to maximize reuse within the BPSA. All users will work to inform end-users of the benefits and limited risks of using these products.

5. DC Water shall develop an agency-wide carbon footprint model and establish a baseline for registration with a certified entity. This model will be updated and audited, as necessary, to maintain certification. As improvements occur at Blue Plains (digesters, fine bubble diffusers, energy efficiency projects, etc.) the DC Water carbon footprint will shrink, possibly making carbon credits available for sale or trade. The production of energy from a renewable source (biosolids) may also make available Renewable Energy Credits (REC's) for sale or trade.

-END OF PAGE-

EXECUTION

This Agreement is executed on behalf of the Parties by the Members of the IMA Leadership Committee who, by affixing their signatures, confirm the authorization of their respective Party to be bound thereby. It shall be effective on the date indicated by the Chair below.

DISTRICT OF COLUMBIA

_____
City Administrator Date

DC WATER

_____
General Manager Date

FAIRFAX COUNTY, VIRGINIA

_____
County Executive Date

MONTGOMERY COUNTY, MARYLAND

_____
Chief Administrative Officer Date

PRINCE GEORGE'S COUNTY, MARYLAND

_____
Chief Administrative Officer Date

WASHINGTON SUBURBAN SANITARY COMMISSION, MARYLAND

_____
General Manager Date

Approved by Leadership Committee: _____
Chair **Date**

All Parties have been notified, 60 days have passed from notification, no objection has been made by any Party, this Agreement is, therefore,

EFFECTIVE: _____
Chair **Date**

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Board Agenda Item
January 24, 2012

ACTION – 4

Endorsement of County Staff Comments on the Environmental Assessment for the I-395 HOV Ramp at Seminary Road in Alexandria (Mason District)

ISSUE:
The Federal Highway Administration (FHWA) issued a Draft Environmental Assessment (EA) for the I-395 High Occupancy Vehicle (HOV) Ramp at Seminary Road, Alexandria, Virginia. The draft was made available on December 21, 2011, for review and comment. A public hearing is scheduled for January 25, 2012.

RECOMMENDATION:
The County Executive recommends that the Board approve the comments prepared by staff (see Attachment 1) and authorize the transmittal of these comments to the Federal Highway Administration.

TIMING:
Board action is requested on January 24, 2012, which is the first available Board date after the Draft Environmental Assessment was made available for public comment.

BACKGROUND:
As part of the 2005 Base Realignment and Closure (BRAC) process, the Department of Defense (DoD) will be relocating 6,400 personnel to Mark Center. Personnel relocation to the Mark Center is scheduled for completion in mid-2012. In addition, future expansion of the Institute for Defense Analysis, an existing tenant of Mark Center, is expected to bring 600 additional employees to the site.

A number of transportation studies have been conducted by the Army, the Virginia Department of Transportation (VDOT), FHWA, and the City of Alexandria to analyze potential traffic impacts of Mark Center/BRAC 133 to area roadways, and identify ways to meet future traffic demands for the projected 7,000 new employees. To help alleviate congestion to and from BRAC 133 site, each of these studies recommended further evaluation of a direct HOV access ramp from I-395 HOV lanes to Seminary Road to address employee travel demand originating from south of the Mark Center.

VDOT, in cooperation with FHWA, is evaluating a HOV direct access ramp from the existing I-395 HOV lanes along I-395 to Seminary Road in Alexandria to address the

high volume of employee travel originating from south of Mark Center, also designated as BRAC 133 by the DoD.

Staff reviewed the Draft EA through collective efforts involving a number of County agencies. Staff is seeking the Board's endorsement of the staff comments and will forward any additional comments the Board may have on the EA to the FHWA.

The public hearing will be held on January 25, 2012, from 7pm-9pm at Francis Hammond Middle School in Alexandria.

FISCAL IMPACTS:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Fairfax County comments for Draft Environmental Assessment for I-395 HOV Ramp at Seminary Road.

STAFF:
Robert A. Stalzer, Deputy County Executive
Fred Seldon, Director, Department of Planning and Zoning (DPZ)
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Mark G. Canale, Chief, Dulles Rail/BRAC Division, Fairfax County, FCDOT
Laura Miller, Fairfax County BRAC Coordinator, FCDOT
Marianne Gardner, Fairfax County Department of Planning and Zoning
Smitha Chellappa, BRAC Transportation Planner, FCDOT

01/12/12

Fairfax County Comments on Draft EA for the I-395 HOV Ramp at Seminary Road

(Draft EA dated December 20, 2011; approved for public availability December 21, 2011)

1) Section 1.3.1, *Transit and HOV Access* (Page 4) – Report reads, "Since available parking at BRAC is restricted to only 3,747 spaces for an anticipated 7,000 employees, SOV trips to the site will be severely limited." Should you include here a discussion of the parking cap that has been approved for the site, limiting parking to 2,000 with incremental increases as long as non-failing levels of service are maintained?

2) Section 1.3.2, *Roadway Operations* (Page 5) – The EA projects only a LOS C for the northbound off-ramp from I-395 to Seminary Road for 2015 AM peak conditions (see Table 1 on page 5). Wouldn't the influx of traffic from the south related to the BRAC 133 project have resulted in a more severe impact here, even in 2015? Also, Show LOS for all the intersections adjacent to Mark Center as a part of HOV lane project.

3) Section 2.2, *Alternatives Eliminated from Detailed Study* (Page 8) states, "…several studies have previously evaluated conceptual interchange, intersection, and transit improvements in the Mark Center study area. The alternatives reviewed in these studies form the basis for alternatives considered." Of the studies listed in Table 2, four of them [including the Army Transportation Management Plan (TMP) for the Mark Center] were identified in the Independent Engineering Assessment of the Army's Transportation Plan for BRAC Recommendation #133 as studies that relied on the unacceptable AM and PM peak hour traffic counts collected during periods impacted by holiday weekends or during the summer months, representing traffic volume scenarios which are lower than would be expected under an average peak condition.[1] The Strategy and Management Services (SAMS) Assessment further notes that because these studies were based on faulty baseline data, they failed to adequately address issues related to site ingress/egress.

   Based on the SAMS report and the Office of the Inspector General's Findings and Recommendations, to what extent do the alternatives considered in the draft EA accurately reflect the mitigation necessary to relieve future AM and PM peak traffic congestion?

[1] Prepared by Strategy and Management Services (SAMS), Inc. Independent Engineering Assessment of the Army's Transportation Plan for BRAC Recommendation #133 Project Fort Belvoir – Mark Center, Virginia (Report No. DODIG-2012-024). 30 November 2011. Page 12.

4) Section 2.3.1, *No Action or No-Build Alternative* (Page 10) lists improvements in the short and mid-term timeframe. The draft EA suggests the no-build alternative would not relieve the forecasted congestion. Presuming the forecasted congestion to some extent relies on the faulty existing traffic volume counts, will the no-build alternative be reconsidered using corrected existing traffic counts? While it is possible the no-build would be an even less feasible alternative since the traffic counts underestimated peak conditions, an accurate assessment of the no action/no-build alternative should be analyzed and documented.

5) Section 2.3, *Alternatives Carried Forward* (Page 10) – From the discussions at the BRAC 133 Advisory Group Meetings, the intent of the EA was to analyze three options – no-build, the HOV ramp with left turn to the Mark Center only, and the HOV ramp with left and right turns onto Seminary. Discussion of turning movements onto Seminary was omitted from the EA. It is not clear why. This document only analyzes the one option with no preferred alternative. Will traffic be able to turn left and right onto Seminary? If not, how is emergency vehicle traffic impacted? Any impact related to access to the hospital?

6) Section 3.1 *Introduction and Overview of Environmental Issues* (Table 4)

    a. Water Quality, page 17 – Can more detail be provided about the extent to which water quality of the nearby streams will be impacted? What types of stormwater management (SWM) techniques and erosion and sediment control (ESC) measures are being considered to mitigate the impacts? For instance, the noise section (3.9) discusses in great length the noise analysis that was undertaken and provides details regarding proposed noise barriers.

    b. Community Facilities, page 18 - States the proposed alternative would enhance access to community facilities and the proposed project would not result in negative impacts. Has analysis been conducted as to any visual impacts to these facilities listed in Sections 3.6 and 3.7? What about noise impacts during construction?

7) Section 3.2, *Property Impacts and Displacements* (Page 20) – Why isn't the acquisition of apartment complex parking included in Table 4? How much of the apartment's total parking will be taken? Will it be necessary for them to replace the lost parking?

8) Section 3.4, *Air Quality* (Page 22) – Does the average annual weekday traffic (AAWT) take use the existing traffic counts collected by Wells and Associates? If so the figures should be recalculated using valid data.

9) Section 3.7.4, *Economic Conditions* (Page 25) – The report states, "It is anticipated that the addition of these facilities and the increased size of the workforce would stimulate economic activity in the study area and vicinity." From what study or source is this information taken? Later in this section, the report states, "The proposed project would not result in any substantial negative economic impacts." Some of the residents in the City of Alexandria have stated, without supporting evidence, this project will result in a decrease to residential property values. Suggest you consult with the Economic Development Authority to obtain additional information to support the statements made in the document relative to Economic Conditions.

10) Section 3.9, *Noise Analysis* (Page 28) – Why does the design year proposed project conditions include the HOV Ramp and short and mid-term improvements? Wouldn't the proposed project only include the HOV ramp and pedestrian/bicycle improvements? The description of the proposed project on pages 11-15 seems to state that the short and mid-term improvements are only proposed for the no-build scenario. For consistency throughout the analysis, this should be clarified.

11) *General* – How will reversible HOV lane operations be handled in terms of barriers?

12) *General* – Was ramp metering a consideration with any of the alternatives?

13) *Technical* - Section 1.2, *History* (Page 1) – Where the report states that several studies have been done, refer to Table 2, which provides a more complete list. For all studies, indicate title, author and date – or refer to the References at the end of the report.

14) *Technical* - Section 1.2, History (Page 2) – indicate author of the *I-95/I-395 Bus Rapid Transit Study (April 2010)*

15) *Technical* - Section 1.3.1, *Transit and HOV Access* (Page 4) – "According to the BRAC 133 TMP, a large percentage of employees live to the south of Mark Center." Please identify the actual percentage and include it.

Board Agenda Item
January 24, 2012

ACTION - 5

Authorization to Make a Loan to Wesley Mt. Vernon Owner LLC, for the Acquisition, and Rehabilitation of the 184-Unit Mt. Vernon Apartments as Part of the Housing Blueprint (Lee District)

ISSUE:
The Board of Supervisors is requested to authorize funding in an amount not to exceed $4,800,000 to be loaned by the Fairfax County Redevelopment Authority (FCRHA) to Wesley Mt. Vernon Owner LLC as part of the overall financing for the acquisition and rehabilitation of the 184-unit Mt. Vernon Apartments.

RECOMMENDATION:
The County Executive recommends the approval of a loan in an amount not to exceed $4,800,000 as part of the overall financing for Mt. Vernon Apartments.

TIMING:
Wesley Housing Development Corporation (WHDC) has signed a contract with the seller, Russell Road Limited Partnership, with a Financing Contingency Period which expires on February 7, 2012. At that time, $500,000 of deposits made under the terms of the contract will become non-refundable to WHDC. WHDC needs the commitment of a Housing Blueprint Loan before their tax credit application is submitted to the Virginia Housing and Development Authority due March 16, 2012. This commitment from the local jurisdiction will provide additional points to the tax credit application which will make the application more competitive for the 9% tax credits. The credits are an important part of the overall financing for the project.

BACKGROUND:
Wesley Housing Development Corporation of Northern Virginia has been operating in Northern Virginia for over 30 years. The mission of WHDC is to: develop, own, operate, and maintain affordable housing and sustain quality communities for low- and moderate-income persons in Northern Virginia. WHDC combines affordable housing with supportive services to build strong, stable families and communities and has sponsored the development of 20 communities in Northern Virginia with 1,500 housing units serving more than 15,000 low- and moderate-income residents.

WHDC has 42 full-time and 2 part-time employees including site-based property management staff. Its operations include real estate, property management, finance, fundraising, social services and family programs. WHDC Property Management has 28 employees that manage 875 units in 15 properties, six of which are tax credit properties. Wesley Mt. Vernon Owner LLC (Mt. Vernon Owner) proposes to purchase and rehabilitate the 184-unit Mt. Vernon Apartments located at 8263 Russell Road, Alexandria, VA 22309 in the Lee District. The Mt. Vernon Apartments is located

approximately five miles from the Capital Beltway (I-495) and three miles from Fort Belvoir in the southeastern portion of Fairfax County. The site is a few blocks north of the South County Center and in reasonable distance to schools, grocery and medical facilities. (See Attachment 2)

Seller Information

The current owner of the property is Russell Road Limited Partnership (the Seller). WHDC has signed a Reinstatement to and Amendment to the Amended and Restated Purchase Sale Agreement with the Seller to purchase the property. WHDC's Original Agreement to purchase the property was contingent on obtaining financing. WHDC was unable to purchase the property as the transaction did not receive nine percent (9%) tax credits from Virginia Housing and Development Authority (VHDA) in 2011. WHDC intends to apply for nine percent (9%) tax credits again this year and has entered into a contract with the seller.

On January 6, 2012, WHDC made a deposit of $250,000 at the signing of the Reinstatement of and Amendment to the Amended and Restated Purchase Sale Agreement. A second deposit of $250,000 will be required at the time of the expiration of the Financing Contingency Period which is on February 7, 2012. At the time the Financing contingency period expires, the full deposit of $500,000 will become nonrefundable. Per the terms of the contract WHDC has eight months to purchase the property from the date of the execution of the contract; however, on sixty days' advance notice, the seller may accelerate the closing, but to no earlier than April 7, 2012. However, under no circumstances will the Housing Blueprint Loan be disbursed until the permanent lender(s) and the tax credit equity provider close.

According to the appraisal ordered by one of the interim lenders, United Bank, the property has a recent appraised value of $20.7 million. The contract to purchase the property is for $20.7 million. However, the seller will make a charitable contribution of $1.4 million toward the purchase price of $20.7 million. The 2011 assessed value of the property is $18,533,370, with the land valued at $5,490,000 and the buildings at $13,043,370.

Project Description

Built in 1964, the subject property is a market rate rental apartment project consisting of 184 one- two- and three-bedroom garden-style rental units in seven detached buildings situated on 7.73 acres. There are currently 72 one-bedroom, 90 two-bedroom, and 21 three-bedroom units. One unit is unused and will remain vacant. This unit is below the grade and has been vacant for more than 10 years.

WHDC has formed Wesley Mt. Vernon Owner LLC, limited liability corporation, to acquire the Mt. Vernon Apartment project to preserve the market rate property as affordable housing. Once the project is awarded tax credits, a tax credit investor will be admitted as a limited partner. The general partner will be an affiliate of WHDC, which will be the guarantor of the Wesley Mt. Vernon obligations under the partnership agreement.

Potential Benefits

The Development will assist in meeting the multiple Housing Blueprint goals and the project will result in the following benefits:

1. Mt. Vernon Apartments is a 184-unit market rate property; of which 174 units will be operated as Low Income Housing Tax Credit units, and nine (9) units will be operated as market rate up to 80% of Area Median Income (AMI) post-renovation.
2. This project will create 174 units as affordable for a minimum of 40 years, serving households at or below 30%, 50% and 60% of the Area Median Income. However, due to the ownership structure and WHDC as sponsor, it is likely that the project will remain affordable so long as Wesley Mt. Vernon remains the owner.
3. Seventy-five to Eighty percent (75% - 80%) of the total units will be affordable to low income households at 50% of AMI, of which 20% of the units will be affordable to extremely low income households at 30% of the AMI which will serve individuals and families that are homeless or at-risk of homelessness. The balance will be affordable at approximately 60% AMI plus 5% for workforce housing.
4. The project will provide nineteen (19) handicapped accessible units which will meet Section 504 requirements.
5. The project will incorporate Universal Design features to the greatest extent possible.
6. The project will be rehabilitated.

Rehabilitation

Interior improvements will include:

- replacing dated kitchens
- kitchen cabinets and countertops
- appliances
- bathroom fixtures and vanities
- HVAC systems
- Conversion of 36 1-bedroom units to 2-bedroom units

Exterior renovations will include:

- new roofs
- new windows
- new entranceways
- new trim and architectural accents
- lighting

Site improvements will include:

- tot lot upgrades
- landscaping
- community room and rental office improvements

Accessibility

- Nineteen (19) units will be fully accessible, meeting Section 504 requirements and community room and rental office improvements.

Affordability

WHDC proposes to provide affordable housing consistent with the Fairfax County's Housing Blueprint. The specific breakdown would be as follows:

Number of Units	Percentage of Units	Household Income Levels
36	20%	30% or below AMI
110	60%	50% or below AMI
28	15%	60% or below AMI
9	5%	Market Rate/Workforce
183	100%	TOTAL

In order to be able to ensure the affordability of units for very low and extremely low income households, (50% and 30% of AMI), WHDC has advised that it will be seeking forty-six (46) Project Based Vouchers (PBV) from the FCHRA under the current PBV solicitation. Currently, there are supposed to be 80% of the units at or below 50% of AMI. However, in order for WHDC to qualify for a higher first mortgage and to avoid dislocation of long-term residents; WHDC may be allowed to have 75% - 80% of the units at or below 50% of AMI.

The proposed rents are listed below:

Unit Type	**Number of Units**	**Square Footage**	**Gross Rents**	**Utility Allowance**	**Net Rent**
1BR/1BA	36	748	$995 to $1,150	$78	$917 to $1,072
2BR/1BA	126	748 & 912	$1,093 to $1,350	$100	$993 to $1,250
3BR/2BA	21	1,086	$1,375 to $1,550	$123	$1,252 to $1,427

The units are individually metered and the tenant will pay for the utilities.

Relocation

It is anticipated that all rehabilitation will be completed without relocating tenants off-site. However, $900,000 has been set aside in the development budget to cover any potential relocation expenses. A relocation plan has been provided and is currently under review by HCD Relocation staff.

Financing

WHDC is proposing the acquisition and rehabilitation of the 184 unit Mt. Vernon Apartments to be financed with a combination of 9% tax credits, FHA 221(d) (4) permanent mortgage financing and the proposed financing under the Housing Blueprint.

Sources	
First Mortgage	$15,485,000
FCRHA Housing Blueprint Loan	4,800,000
LIHTC Equity	16,167,371
Charitable Contribution	1,400,000
Deferred Developer Fee	1,500,000
Interim Income	552,678
Total Sources	**$39,905,049**
Uses	
Acquisition Costs	$21,182,160
Rehabilitation Costs	10,668,900
Architectural	586,790
Professional Services	153,890
Financing	937,997
Partnership Expenses	21,000
Developer's Fee	3,000,000
Carrying costs	1,791,679
Relocation	900,000
Reserves	662,633
Total Uses	**$39,905,049**

Should WHDC not be able to close by the time stipulated in the contract, WHDC may seek interim financing from other sources to purchase the property unless the seller extends the closing date under the contract. However, under no circumstances will the Housing Blueprint Loan be disbursed until the permanent lender(s) and the tax credit equity provider close.

In the event that WHDC uses interim financing to purchase the property by the stipulated date in the contract, WHDC would have until February 1, 2013 to close on the permanent financing. Failure to close by February 1, 2013 would result in de-obligation of the Housing Blueprint Loan to this project, unless the FCRHA and Board of Supervisors, at their sole discretion, decide to extend the deadline.

Terms of Housing Blueprint Loan

The Housing Blueprint Loan (Blueprint Loan) will be closed simultaneously with all other permanent funding sources in this transaction. The Blueprint Loan will have a minimum rate of two percent (2%) simple interest per annum with a maximum rate equal to the Applicable Federal Rate (AFR). Interest rate will start accruing at the time the first mortgage begins to amortize until then it will be zero percent (0%).

The payment of all principal and interest will be deferred with simple interest accruing for 40 years or such other term as is coterminous with the permanent loans. The entire indebtedness will become due and payable upon transfer of the Property, refinancing, or failure to comply with the Blueprint Loan documents requirements. During the 40 year term or such other term as is co-terminus with the permanent loans, refinancing may occur at the discretion of the FCRHA. Although the principal and interest are deferred, the loan from the FCRHA will be a cash flow loan which means that, should there be cash flow, it will get applied first to the accrued interest and then to the principal. At the end of the term of 40 years the outstanding principal balance along with any accrued interest shall become due and payable.

STATUS PENNY PORTFOLIO
This loan will be part of the larger preservation portfolio funded through the former Penny Fund. HCD regularly monitors the portfolio, which is comprised of properties owned by non-profits, for-profit developers, and the FCRHA. To date, there are eight (8) privately owned multifamily housing projects in this portfolio. All of the projects in the portfolio are monitored annually, including a performance review of the audited financials, physical inspection of the project, and inspection of tenants' files. The average occupancy in the portfolio is 96.44%. To date, the cash flow from deferred loans total $40,880,000.

Of the total loans, 94% are fully performing. One loan was foreclosed upon in 2009 due to the extraordinary downturn in the housing market; nevertheless, 40 units in this one foreclosed project will remain affordable throughout the thirty year (30) affordability period as projected in the original closing of the project. From the operations point of view, the portfolio is performing well.

CREATION OF POSITIONS:
None

FISCAL IMPACT:
Funding in an amount up to $4,800,000 will be allocated from Housing Blueprint program funds.

Housing Blueprint Funding Sources	Amount
HOME	$1,833,574
CDBG	836,345
Preservation Portfolio	2,000,000
Housing Trust Fund	130,081
Total	$4,800,000

There will also be an annual monitoring fee of $5,000 to be received by the FCRHA from the Wesley Mt. Vernon and placed in Fund 940, FCRHA General Operating Fund.

Board Agenda Item
January 24, 2012

ENCLOSED DOCUMENTS:
Attachment 1 – Housing Blueprint Term Sheet
Attachment 2 - Vicinity Map

STAFF:
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John Payne, Director, Real Estate, HCD
Aseem K. Nigam, Director, Real Estate Finance and Grants Management Division, HCD
Molly Norris, Associate Director, Real Estate Finance and Grants Management Division, HCD

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Housing Blueprint Loan
Summary Term Sheet

Borrower: Wesley Mr. Vernon Owner LLC

Address: Mt. Vernon Apartments, 8263 Russell Road
Alexandria, Fairfax County, Virginia (Property)

Amount: Not to exceed $4,800,000,

Interest Rate: To be determined - A minimum rate of 2% simple interest per annum with a maximum rate equal to the Applicable Federal Rate (AFR). Interest rate will start accruing at the time the first mortgage begins to amortize until then it will be zero percent (0%).

Amortization: N/A - will be deferred for repayment as provided below

Term: The payment of all principal and interest, except in the event of default and as provided in the Housing Blueprint Loan documents, will be deferred and simple interest will accrue for 40 years or such other term as is co-terminus with the permanent loans. However, the entire indebtedness will become due and payable upon transfer of the Property without the prior approval of the FCRHA, refinancing, or failure to comply with the requirements of the Housing Blueprint Loan documents. Although the principal and interest are deferred, the loan from the FCRHA will be a cash flow loan which means that, should there be cash flow, it will get applied first to the accrued interest and then to the principal. At the end of the term the outstanding principal balance along with any accrued interest shall become due and payable. During the term, refinancing may occur at the discretion of the FCRHA.

Security: Second Lien Deed of Trust on the Property, or such other lower priority lien position necessary to avoid reallocation of the tax credits under IRC Section 42 of the Internal Revenue Code, with reasonable assurance that the value of the Property exceeds the aggregate debt of the higher priority loans and the Housing Blueprint Loan.

Conditions:

1) This loan Housing Blueprint Loan is for the specific purpose of providing a loan associated with the Property consisting of 184 rental units located at 8263 Russell Road, Alexandria, Virginia (Fairfax County) (Tax Map Number:1014 01 0009). Borrower currently has a contract to purchase the Property.
2) The Housing Blueprint Loan will close simultaneously with the permanent mortgage lender(s) and the low income housing tax credit equity provider.

3) There will be no subordinate debt permitted to be placed on the Property, without the permission of the FCRHA.

4) In case of any material default under the senior lien Deed of Trust, terms acceptable to the FCRHA negotiator shall be provided to assist in the protection of the Housing Blueprint loan value which may include, but not be limited to, the right to cure or to acquire ownership of the senior debt or of the property or both rights.

5) Borrower will maintain the Property as affordable housing for households where the initial household incomes meet the categories listed below.

Number of Units	Percentage of Units	Household Income Levels
36	20%	30% or below AMI
110	60%	50% or below AMI
28	15%	60% or below AMI
9	5%	Market Rate
183	100%	TOTAL

The term “affordable” shall mean that rents will be set according to Section 42 of the Internal Revenue Code. These restrictions shall be established in the deed of trust for the Housing Blueprint Loan and by a recorded regulatory agreement and shall be in place and run with the land of the Property for at least 40 years.

6) Borrower will pay an annual monitoring fee of $5,000 for monitoring the Property.

7) Borrower and FCRHA shall execute a Right of First Refusal Agreement.

8) And the following conditions are required for loan closing and release of funds:

a. **Loan Terms**. Loan will (1) not exceed $4,800,000, (2) the loan will have an interest rate of no less than 2% per annum or a maximum rate of AFR, and (3) the payment of all principal and interest (which shall accrue) will be deferred for 40 years (or such other term as is co-terminus with the permanent loan(s)) but will become due and payable upon transfer of all or any part of any interest in the Property without the prior approval of the FCRHA, refinancing, or failure to comply with the loan document requirements. Although the principal and interest are deferred, the loan from the FCRHA will be a cash flow loan which means that, should there be cash flow, it will get applied first to the accrued interest and then to the accrued principal. During the 40 years, refinancing may occur at the discretion of the FCRHA.
b. **Lien Position**. The Housing Blueprint Loan is anticipated to be secured by a Deed of Trust in second lien position encumbering the Property, subject only to the first priority Deed of Trust.
c. **Title**. Borrower will provide (1) satisfactory title and judgment search of

Property and (2) satisfactory lender's title insurance commitments for the benefit of the FCHRA including, among other things, affirmative mechanics lien coverage, as prepared by a title company selected by the FCRHA.

d. **Loan Documentation**. All senior loan(s) and all Housing Blueprint Loan terms and any lease agreement terms, conditions, and documentation shall be acceptable to the FCRHA's authorized negotiator/representative and its counsel.

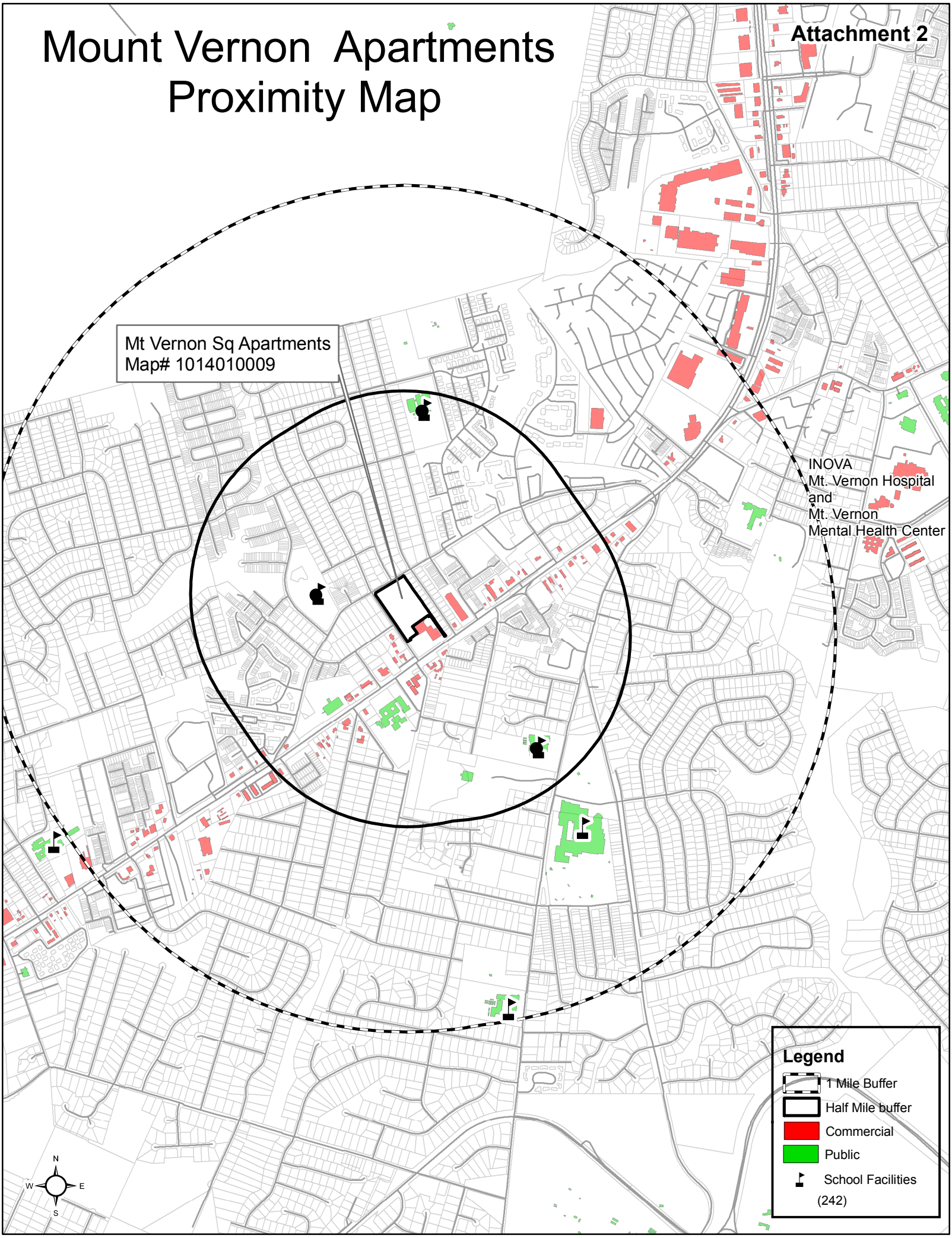
e. **Conditions to Disburse Funds**. The Housing Blueprint Loan closing and disbursement of funds will take place only with the approval of any Assistant Secretary of the FCRHA.

f. **Other Conditions to Close**. Closing will not take place until the following have been accomplished in form and substance acceptable to HCD on behalf of the FCRHA:
    i. LIHTC - Reservation of low-income housing tax credits, commitment from tax credit investor, and (simultaneously with FCRHA disbursement) closing on tax credit equity.
    ii. Permanent Financing - Commitments for permanent financing and (simultaneously with FCRHA disbursement) closing thereon.
    iii. Environmental reviews accepted and approved by the FCRHA.
    iv. Appraisal accepted and approved by the FCRHA. Appraisal has been received and is under review.
    v. Market Study accepted and approved by the FCRHA
    vi. Relocation plan accepted and approved by the FCRHA.
    vii. Award of 46 Project Based Vouchers.
    viii. Final underwriting acceptable to the FCRHA.
    ix. Zoning letter issued by the Fairfax County Department of Planning and Zoning with respect to the property and the proposed rehabilitation, and such rehabilitation approved by the FCRHA
    x. Other factors as deemed necessary to protect the interest of the FCRHA and Fairfax County.

g. **Note**:
    i. This is funded by a Housing Blueprint Loan and must meet the requirements of this funding source.
    ii. Any savings in the development budget, at the discretion of the FCRHA and provided it does not impact the tax credit basis, will be used to reduce the Housing Blueprint Loan.

Mount Vernon Apartments Proximity Map

Attachment 2



Board Agenda Item
January 24, 2012

INFORMATION - 1

Endorsement of Tysons Corner Urban Design Guidelines (Hunter Mill and Providence Districts)

On June 22, 2010, the Board of Supervisors amended the Comprehensive Plan for the Tysons Corner Urban Center. The new vision for Tysons Corner is based upon Transit Oriented Development (TOD) principles and is intended to result in an urban environment formed by dynamic walkable streets, an iconic skyline and quality public spaces. Excellence in urban design is critical to the achievement of the vision.

The structural framework for the urban design recommendations is set forth in the adopted Comprehensive Plan. When the Plan was adopted, it was envisioned that more detailed urban design guidelines (UDGs) would be developed, and one of the Board's twenty Follow-on Motions called for the completion of the UDGs.

The UDGs were developed by staff from OCRR in coordination with the various affected county departments and agencies, including but not limited to the Department of Planning and Zoning (DPZ), the Department of Public Works and Environmental Services (DPWES) and the Department of Transportation (DOT). A pro-bono Advisory Group comprised of private sector architects, landscape architects and urban planners volunteered their time and expertise to assist in the effort. Staff also coordinated closely with the Tysons Partnership and solicited comments from the general public.

The UDGs are not a regulatory document and are not intended to regulate or dictate a particular architectural style. They are intended to be used by the private sector design teams as they envision their projects and by staff in the evaluation of the projects. They are a companion document to the Plan and the Zoning Ordinance, providing detailed recommendations for elements such as streetscapes, hardscape elements, planting strategies, building mass and architectural form that emphasize high quality design concepts while allowing the flexibility for applicants to create their own distinct character within their projects.

Unless otherwise directed by the Board, staff will use the Tysons Corner Urban Design Guidelines in its review of development applications and will provide them to interested parties as a resource for addressing the Comprehensive Plan's design guidance and streetscape standards for Tysons Corner.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Tysons Corner Urban Design Guidelines available online at:
www.fairfaxcounty.gov/tysons/design/download/draft_tysons_udg.pdf
*Copies distributed to Board members on January 17, 2012 at the Board's Community Revitalization and Reinvestment Committee meeting.

STAFF:
Barbara A. Byron, Director, Office of Community Revitalization and Reinvestment (OCRR)
Lucia Hall, Revitalization Program Manager, OCRR
Matt Flis, Revitalization Program Manager, OCRR

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Board Agenda Item
January 24, 2012

INFORMATION - 2

Transportation Plan Map 2011 (Reprint)

The Fairfax County Department of Transportation (FCDOT) has reprinted the Transportation Plan Map to reflect adopted transportation changes through September 13, 2011.

Background on the Transportation Plan Map
The Transportation Plan Map, adopted in 1975, is an element of Fairfax County's Comprehensive Plan. The Map is the guiding document for major transportation improvements in the County.

The current Transportation Plan Map update was adopted by the Board on July 31, 2006, with an amended through date of August 6, 2007. In 2010, there were four major area plan amendments adopted by the Board: Springfield, Tysons Corner, Annandale, and Baileys Crossroads. These amendments along with other changes have necessitated a reprint of the large Transportation Plan Map, which has not been reprinted with these updates. Currently, these changes are reflected in the maps that are contained in the four Area Plan volumes of the Comprehensive Plan. The Transportation Plan Map incorporates the changes adopted by the Board since 2007 in the large print version of the Map. The Transportation Plan Map will still carry the adopted date of July 31, 2006, but will show a new amended through date of September 13, 2011, to reflect the most recent change to the Map. Available online at http://www.fairfaxcounty.gov/dpz/comprehensiveplan/

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Fairfax County Transportation Plan Map 2011 (Reprint) – Larger version of map delivered to Board members under separate cover.
Attachment 2: Items added or removed from the Transportation Plan Map amended through August 6, 2007 – Larger version delivered to Board members under separate cover.

STAFF:
Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Daniel B. Rathbone, FCDOT
Leonard Wolfenstein, FCDOT
Michael W. Garcia, FCDOT

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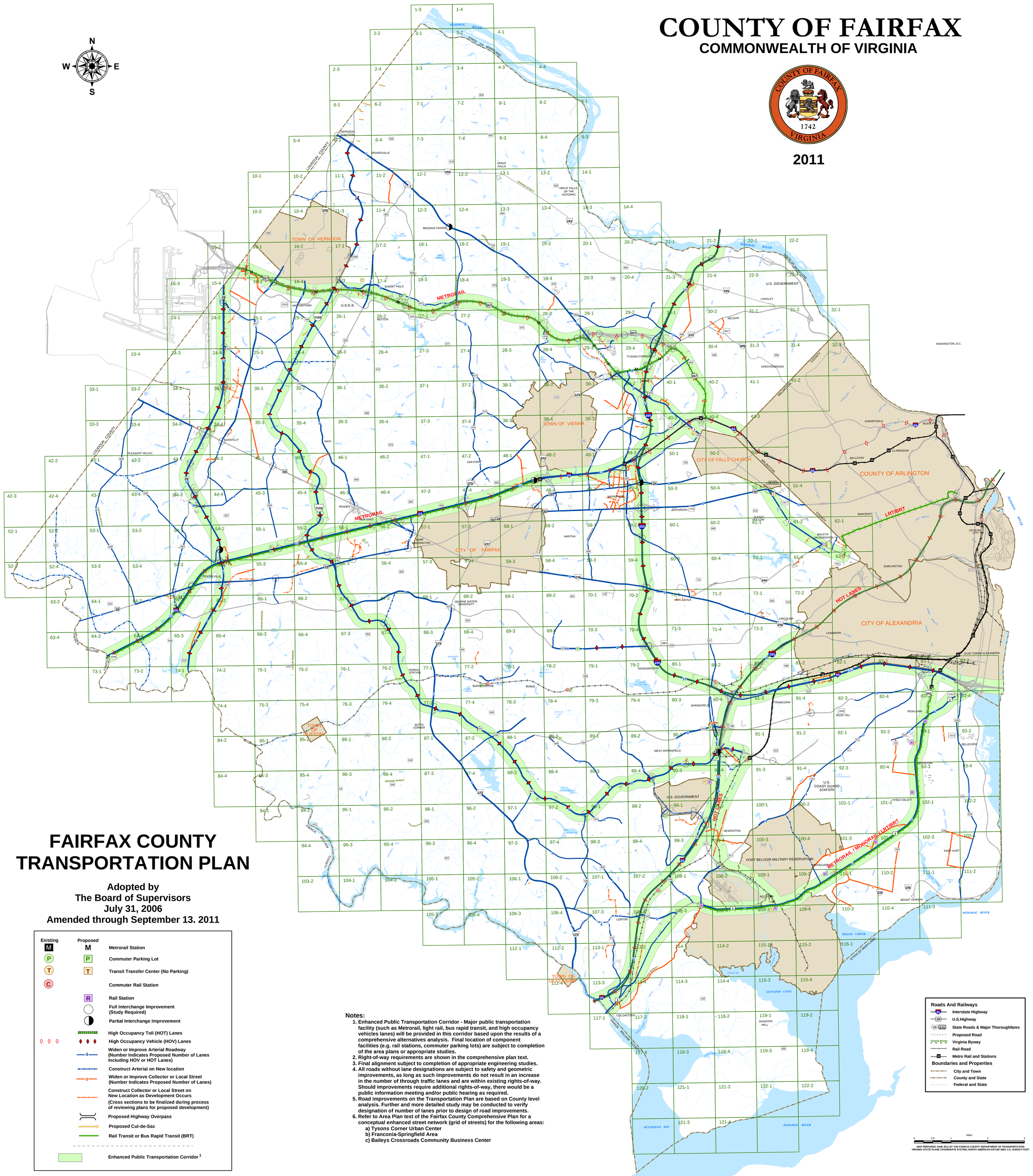
COUNTY OF FAIRFAX

COMMONWEALTH OF VIRGINIA

2011



FAIRFAX COUNTY TRANSPORTATION PLAN

Adopted by
The Board of Supervisors
July 31, 2006
Amended through September 13. 2011

Existing	Proposed	
M	M	Metrorail Station
P	P	Commuter Parking Lot
T	T	Transit Transfer Center (No Parking)
C		Commuter Rail Station
	R	Rail Station
		Full Interchange Improvement (Study Required)
		Partial Interchange Improvement
		High Occupancy Toll (HOT) Lanes
		High Occupancy Vehicle (HOV) Lanes
	4	Widen or Improve Arterial Roadway (Number Indicates Proposed Number of Lanes Including HOV or HOT Lanes)
		Construct Arterial on New location
	4	Widen or Improve Collector or Local Street (Number Indicates Proposed Number of Lanes)
		Construct Collector or Local Street on New Location as Development Occurs (Cross sections to be finalized during process of reviewing plans for proposed development)
		Proposed Highway Overpass
		Proposed Cul-de-Sac
		Rail Transit or Bus Rapid Transit (BRT)
		Enhanced Public Transportation Corridor [1]

Notes:

1. Enhanced Public Transportation Corridor - Major public transportation facility (such as Metrorail, light rail, bus rapid transit, and high occupancy vehicles lanes) will be provided in this corridor based upon the results of a comprehensive alternatives analysis. Final location of component facilities (e.g. rail stations, commuter parking lots) are subject to completion of the area plans or appropriate studies.
2. Right-of-way requirements are shown in the comprehensive plan text.
3. Final alignment subject to completion of appropriate engineering studies.
4. All roads without lane designations are subject to safety and geometric improvements, as long as such improvements do not result in an increase in the number of through traffic lanes and are within existing rights-of-way. Should improvements require additional rights-of-way, there would be a public information meeting and/or public hearing as required.
5. Road improvements on the Transportation Plan are based on County level analysis. Further and more detailed study may be conducted to verify designation of number of lanes prior to design of road improvements.
6. Refer to Area Plan text of the Fairfax County Comprehensive Plan for a conceptual enhanced street network (grid of streets) for the following areas:
   a) Tysons Corner Urban Center
   b) Franconia-Springfield Area
   c) Baileys Crossroads Community Business Center

Roads And Railways

- Interstate Highway
- U.S.Highway
- State Roads & Major Thoroughfares
- Proposed Road
- Virginia Byway
- Rail Road
- Metro Rail and Stations

Boundaries and Properties

- City and Town
- County and State
- Federal and State

0 0.5 1 2 3 Miles

MAP PREPARED JUNE 2011 BY THE FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
VIRGINIA STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983, U.S. SURVEY FOOT

(247)

Transportation Plan Map Updates as of September 13, 2011

Springfield

Item #	Action	Action Detail	Name/Description	Plan Amendment	Adopted	Current Plan Location
1	Add	Dashed blue line (4 lanes) from Franconia-Springfield Parkway to Loisdale Road	Frontier Drive extension	S09-CW-3CP	January 12, 2010	Area IV, Franconia-Springfield Area and Fort Belvoir North Planning District, Franconia Springfield Area, Area Wide Recommendations, Transportation, Street and Circulation Improvements
2	Add	Overpass symbol on Backlick Road crossing Old Keene Mill Road	Overpass on Backlick Road at Old Keene Mill Road	S09-CW-3CP	January 12, 2010	Area IV, Franconia-Springfield Area and Fort Belvoir North Planning District, Franconia Springfield Area, Area Wide Recommendations, Transportation, Street and Circulation Improvements
3	Add	Solid blue line (3 lanes) on Backlick Road from Calamo Street north to Highland Street	Couplet: Part of one way pair with Amherst Avenue from Calamo Street to Highland Street	S09-CW-3CP	January 12, 2010	Area IV, Franconia-Springfield Area and Fort Belvoir North Planning District, Franconia Springfield Area, Area Wide Recommendations, Transportation, Street and Circulation Improvements
4	Add	Solid blue line (3 lanes) on Amherst Avenue from Calamo Street north to Highland Street	Couplet: Part of one way pair with Backlick Road from Calamo Street to Highland Street	S09-CW-3CP	January 12, 2010	Area IV, Franconia-Springfield Area and Fort Belvoir North Planning District, Franconia Springfield Area, Area Wide Recommendations, Transportation, Street and Circulation Improvements
5	Add	Solid blue line (6 lanes) on Backlick Road from Franconia-Springfield Parkway to Calamo Street	Backlick Road widening	S09-CW-3CP	January 12, 2010	Area IV, Franconia-Springfield Area and Fort Belvoir North Planning District, Franconia Springfield Area, Area Wide Recommendations, Transportation, Street and Circulation Improvements
6	Add	Solid orange line (4 lanes) on Springfield Boulevard from Old Keene Mill Road to Backlick Road	Springfield Boulevard widening	S09-CW-3CP	January 12, 2010	Area IV, Franconia-Springfield Area and Fort Belvoir North Planning District, Franconia Springfield Area, Area Wide Recommendations, Transportation, Street and Circulation Improvements
7	Add	Solid orange line (4 lanes) on Metropolitan Center Drive from Franconia-Springfield Parkway to future Frontier Drive extension	Metropolitan Center Drive realignment and widening	S09-CW-3CP	January 12, 2010	Area IV, Franconia-Springfield Area and Fort Belvoir North Planning District, Franconia Springfield Area, Area Wide Recommendations, Transportation, Street and Circulation Improvements
8	Add	Solid blue line on Loisdale Road (4 lanes) from Spring Mall Road to Newington Road	Loisdale Road widening	ST09-IV-S1	April 6, 2010	Area IV, Springfield Planning District, I-95 Corridor Industrial Area, Land Unit K

Tysons Corner

Item #	Action	Action Detail	Name/Description	Plan Amendment	Adopted	Current Plan Location
9	Add	Full circle to represent an interchange on the Dulles Toll Road west of Leesburg Pike	Dulles Toll Road interchange with Boone Boulevard extension	S05-CW-1CP	June 22, 2010	Area II, Tysons Corner Urban Center, Area Wide Recommendations, Transportation
10	Add	Full circle to represent an interchange on the Dulles Toll Road east of Leesburg Pike and west of International Drive	Dulles Toll Road interchange with Greensboro Drive extension	S05-CW-1CP	June 22, 2010	Area II, Tysons Corner Urban Center, Area Wide Recommendations, Transportation
11	Add	Full circle to represent an interchange on the Dulles Toll Road east of International Drive and west of Westbranch Drive	Interchange connection from the Dulles Toll Road to Jones Branch Drive	S05-CW-1CP	June 22, 2010	Area II, Tysons Corner Urban Center, Area Wide Recommendations, Transportation
12	Add	Dashed orange line (4 lanes) with an overpass symbol from Jones Branch Drive to Scotts Crossing Road then a sold orange line to Dolley Madison Boulevard (Rte 123)	Extension of Scotts Crossing Road to Jones Branch Drive	S05-CW-1CP	June 22, 2010	Area II, Tysons Corner Urban Center, Area Wide Recommendations, Transportation
13	Add	Dashed orange line (4 lanes) from Jones Branch Drive to I-495 (shown as one feature with #12 above)	Hot Ramp connection to Jones Branch Drive	S05-CW-1CP	June 22, 2010	Area II, Tysons Corner Urban Center, Area Wide Recommendations, Transportation
14	Add	Dashed orange line with overpass symbol from Fashion Blvd/Ring Road intersection (Tysons Mall) to Old Meadow Drive/Kennedy Drive intersection	Tyson Corner Mall to Old Meadow transit and non-motorized crossing	S05-CW-1CP	June 22, 2010	Area II, Tysons Corner Urban Center, Area Wide Recommendations, Transportation
15	Add	The number 13 on I-495 between Route 7 and I-66	Widening of I-495 by one lane on the outer loop	S05-CW-1CP	June 22, 2010	Area II, Tysons Corner Urban Center, Area Wide Recommendations, Transportation
16	Remove	Interchange symbol at Gosnell Road/Westpark Drive and Route 7	Removal of interchange symbol	S05-CW-1CP	June 22, 2010	Area II, Tysons Corner Urban Center, Area Wide Recommendations, Transportation
17	Remove	Interchange symbol at International Drive and Route 123	Removal of interchange symbol	S05-CW-1CP	June 22, 2010	Area II, Tysons Corner Urban Center, Area Wide Recommendations, Transportation
18	Remove	Interchange symbol at Gallows Road/International Drive and Route 7	Removal of interchange symbol	S05-CW-1CP	June 22, 2010	Area II, Tysons Corner Urban Center, Area Wide Recommendations, Transportation
19	Remove	Dashed orange line on Greensboro Drive extended from Tyco Road to Route 7	Removal of a portion of Greensboro Drive extended	S05-CW-1CP	June 22, 2010	Area II, Tysons Corner Urban Center, Area Wide Recommendations, Transportation
20	Remove	Dashed orange line that connects Route 7 with Pinnacle Drive just north of the Route 123/Route 7 interchange	Removal of collector/local road	S05-CW-1CP	June 22, 2010	Area II, Tysons Corner Urban Center, Area Wide Recommendations, Transportation
21	Add	Dashed orange line that connects Greensboro Drive to the Interchange symbol just east of Route 7 and the Dulles Toll Road	Extension of Greensboro Drive	S05-CW-1CP	June 22, 2010	Area II, Tysons Corner Urban Center, Area Wide Recommendations, Transportation

Annandale

Item #	Action	Action Detail	Name/Description	Plan Amendment	Adopted	Current Plan Location
22	Add	Cul-de-sac at the end of Columbia Pike just north of Little River Turnpike	Cul-de-sac on Columbia Pike	ST10-CW-2CP	July 13, 2010	Area I, Annandale Planning District, Annandale Community Business Center, Transportation
23	Remove	Overpass across Little River Turnpike from Annandale Road to Ravensworth Road	Removal of overpass from Annandale Road to Ravensworth Road	ST10-CW-2CP	July 13, 2010	Area I, Annandale Planning District, Annandale Community Business Center, Transportation

Baileys Crossroads

Item #	Action	Action Detail	Name/Description	Plan Amendment	Adopted	Current Plan Location
24	Add	Solid blue line (6 lanes) on Columbia Pike from Leesburg Pike to Lacy Boulevard	Widen Columbia Pike	ST10-CW-3CP	July 13, 2010	Area I, Baileys Planning District, Baileys Crossroads Community Business Center, Area Wide Recommendations, Transportation
25	Add	Dashed blue line (4 lanes) from the Baileys Crossroads Shopping Center to Carlin Springs Road	Relocate/Realign Seminary Road	ST10-CW-3CP	July 13, 2010	Area I, Baileys Planning District, Baileys Crossroads Community Business Center, Area Wide Recommendations, Transportation
26	Add	Dashed orange line on Charles Street south of Route 7 to realign with Glen Forest Drive	Realigned Charles Street	ST10-CW-3CP	July 13, 2010	Area I, Baileys Planning District, Baileys Crossroads Community Business Center, Area Wide Recommendations, Transportation
27	Add	Dashed orange line from Courtland Drive/Columbia Pike south to Courtland Drive	Courtland Drive extension	ST10-CW-3CP	July 13, 2010	Area I, Baileys Planning District, Baileys Crossroads Community Business Center, Area Wide Recommendations, Transportation
28	Add	Dashed orange line from Moncure Avenue to relocated/realigned Seminary Road (item #25)	Local connection south of and parallel to Columbia Pike	ST10-CW-3CP	July 13, 2010	Area I, Baileys Planning District, Baileys Crossroads Community Business Center, Area Wide Recommendations, Transportation
29	Add	Dashed orange line from Route 7 to Columbia Pike east of the Route 7/Columbia Pike interchange	New local connection east of Route 7/Columbia Pike interchange	ST10-CW-3CP	July 13, 2010	Area I, Baileys Planning District, Baileys Crossroads Community Business Center, Area Wide Recommendations, Transportation
30	Add	Dashed orange line from Carlin Springs Road to Jefferson Street north of Route 7 just south of Goodwin House complex	New local connection from Carlin Springs Road to Jefferson Street	ST10-CW-3CP	July 13, 2010	Area I, Baileys Planning District, Baileys Crossroads Community Business Center, Area Wide Recommendations, Transportation

Rest of the County

Item #	Action	Action Detail	Name/Description	Plan Amendment	Adopted	Current Plan Location
31	Remove	Cul-de-sac on Rock Hill Road where it connects to Innovation Avenue north of the Dulles Toll Road and west of the Town of Herndon	Remove Rock Hill Road cul-de-sac	APR 08-III-7UP; APR 08-III-11UP, and APR 08-III-12UP	July 13, 2010	Area III, Upper Potomac Planning District, UP4 Greater Herndon Community Planning Sector
32	Add	Solid blue line (6 lanes) on Telegraph Road from Route 1 to the Fairfax County Parkway	Widen Telegraph Road	APR 09-IV-12LP	September 13, 2011	Area IV, Lower Potomac Planning District, LP2 Lorton-South Route 1 Community Planning Sector

Board Agenda Item
January 24, 2012

INFORMATION - 3

Annual Status Report on the Board's Second Four-Year Transportation Program and Other Active Transportation Projects (Countywide)

On October 15, 2007, the Board of Supervisors approved their Second Four-Year Transportation Program for FY 2008 through FY 2011. Supported by the $110 million Transportation Bond approved by voters in November 2007, the Second Four-Year Plan is multi-modal and includes projects for major roadways, pedestrian and spot improvements, and transit. The Plan also includes innovative project design and delivery and programs designed to serve special populations. In addition to the 2007 Transportation Bond Projects, the Second Four-Year Plan includes a number of projects funded through partnerships with State, Federal, and regional agencies. The Second Four-Year Transportation Plan is designed to enhance mobility, promote safety, and create choices for the commuting public. The Plan seeks to follow an ambitious schedule to implement these projects and programs within a four-year timeframe.

Enclosed is an annual status report on the Board's Four-Year Transportation Program and other active transportation projects. This report has been compiled by Fairfax County Department of Transportation (FCDOT) staff in consultation with their implementation partners in the Department of Public Works and Environmental Services (DPWES), the Virginia Department of Transportation (VDOT) Northern Virginia District, and the Washington Metropolitan Area Transit Authority.

The information provided in the attached December 2011 report is an update to the September 2011 quarterly status report, which was provided to the Board on November 1, 2011. The December 2011 report also includes the annual update of non-capital strategies and other transportation projects.

Staff provides a status update every quarter for the Four-Year Program and an annual report in the winter on all active transportation projects. The status reports are posted on the FCDOT website following the Board's review.

ENCLOSED DOCUMENTS:
Attachment 1: December 2011 Status Report on the Fairfax County Board of Supervisors' Four-Year Transportation Program for FY 2008 through FY 2011 and Other Active Transportation Projects

Board Agenda Item
January 24, 2012

STAFF:
Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental Services
Thomas P. Biesiadny, Director, Fairfax County Dept. of Transportation (FCDOT)
Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities
W. Todd Minnix, Chief, Transportation Design Division, FCDOT
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Karyn L. Moreland, Chief, Capital Projects Section, FCDOT
Michael Guarino, Capital Projects Section, FCDOT
Elizabeth Iannetta, Capital Projects Section, FCDOT

Status Report
on the
Fairfax County Board of Supervisors' Second Four-Year Transportation Program
FY 2008 Through FY 2011

Prepared by:
Department of Transportation
Capital Projects and Operations Division

FCDOT
Serving Fairfax County for 25 Years and More

December 2011

December 2011 Status Report on the Board's Four-Year Transportation Program for FY2008 Through FY2011

Summary of Highlights from January through December 2011

Capital Program Highlights

25 projects were completed in 2011, consisting of 6 roadway, 16 pedestrian, walkway, and trail, one bicycle, and two transit centers. In addition, 60 bus stop improvement projects were completed.

Completed projects are as follows:

- ***I-95 Fourth-Lane Widening*** (Lee, Mount Vernon)
- ***Georgetown Pike/Swinks Mill Road*** Flashing Beacon (Dranesville)
- ***Fairfax County Parkway/Sunrise Valley Drive*** (Hunter Mill)
- ***Franconia Road at Ridge View Drive and Wilton Road*** (Lee)
- ***West Ox Road/Fairfax County Parkway*** (Hunter Mill)
- ***Zion Drive*** (Braddock)
- ***Backlick Road Walkway*** from Wilburdale to Braddock Road (Mason)
- ***Beulah Road Trail,*** Segment D (Hunter Mill)
- ***Braddock Road/Guinea Road*** Pedestrian Intersection Improvements (Braddock)
- ***Burke Center Parkway Walkway*** (Braddock)
- ***Centreville Road Trail at Dulles Toll Road***, Phase II (Hunter Mill)
- ***Colts Neck Road Sidewalk,*** South Lakes Dr. to Hunter Woods Shopping Ctr. (Hunter Mill)
- ***Florence Lane Walkway*** (Lee)
- ***Franconia Road Walkway,*** North Side, Governor's Hill Dr. to Telegraph Rd. (Lee)
- ***Franconia Road Walkway,*** South Side, Governor's Hill Dr. to Telegraph Rd. (Lee)
- ***Great Falls Street/Haycock Road*** Pedestrian Intersection Improvements (Dranesville)
- ***Lincolnia Road Walkway*** (Mason)
- ***Mason Neck Trail 2A Walkway*** (Mount Vernon)
- ***Prosperity Avenue/Hilltop Drive*** Pedestrian Intersection Improvements (Providence)
- ***Soapstone Drive On Road Bike Lanes*** (Hunter Mill)
- ***Tyler Street Walkway*** (Mason)
- ***Vale Road/Flint Hill Road*** Pedestrian Intersection Improvements (Hunter Mill)
- ***Westmoreland St. Walkway*** from Temple Rodef Shalom to Chesterbrook Presbyterian Church (Dranesville)
- ***Herndon Bus Garage Facility Rehab – Phase 1*** (Dranesville, Hunter Mill)
- ***Seven Corners Transit Transfer Center*** (Mason)

39 projects are currently under construction. Some notable projects in construction are:

- ***I-495 Capital Beltway HOT Lanes*** (Countywide)
- ***I-66 Pavement Rehabilitation*** (Providence, Springfield)
- ***Woodrow Wilson Bridge****,* Telegraph Road Interchange (Lee, Mount Vernon)
- ***Route 29 @ Gallows Road*** (Providence)
- ***Route 50 Widening*** from Route 28 to Poland Road (Sully)
- ***Annandale Road/Kerns Road*** (Mason)
- ***Braddock Rd at Union Mill Road*** (Sully)
- ***Fairfax County Parkway EPG*** (Lee, Mount Vernon, Springfield)
- ***Fairfax County Pkwy/Fair Lakes Pkwy/Monument Dr. Interchange*** (Springfield, Sully)
- ***Guinea Road Culvert*** (Braddock)
- ***Mulligan Road and Telegraph Road*** from Beulah Rd. to Leaf Rd. (Lee, Mount Vernon)

December 2011 Status Report on the Board's Four-Year Transportation Program for FY2008 Through FY2011

Summary of Highlights from January through December 2011

- ***Poplar Tree Road*** (Sully)
- ***Silverbrook Road*** @ ***Hooes Road*** (Mount Vernon)
- ***Dulles Rail (Phase I)*** (Dranesville, Providence, Hunter Mill)
- ***Pohick Stream Valley Trail*** (Braddock)
- ***Spring Hill Road Walkway*** Old Dominion Dr. to Pettit Ct. (Dranesville)
- ***Wiehle Avenue Park and Ride Garage*** (Hunter Mill)

Innovative Project Design and Delivery

- ***Capital Beltway HOT Lanes PPTA***
  - Construction is approximately 80% complete.
  - Braddock Road, Little River Turnpike, Gallows Road, I-66, Idylwood Road, Leesburg Pike, Chain Bridge Road and Lewinsville Road interchanges all have new bridge spans completed and opened to traffic while work continues on building new HOT Lanes connections.
  - By the end of 2011, approximately 80% of all new sound walls were installed.
  - The Beltway HOT Lanes and surrounding improvements are scheduled to be completed and operational in December 2012.
  - For further information, go to http://www.VAmegaprojects.com.

- ***I-95 HOT Lanes PPTA***
  - In February 2011, the Governor put forward a revised I-95 HOT Lanes project to facilitate moving the project forward. Since then, the following milestones have been met:
    - Draft Environmental Assessment issued September 8, 2011. Finding of No Significant Impact (FONSI) issued on December 5, 2011.
    - Public Meetings held September 26, 28, and 29, 2011.
    - Project's Major Business Terms presented to CTB on December 7, 2011.

- ***Dulles Rail Phase I***
  - Construction is approximately 59% complete.
  - Utility relocation work is approximately 99% complete.
  - Construction completion is anticipated in December 2013.
  - For further information, go to http://www.dullesmetro.com.

- ***Dulles Rail Phase II***
  - Through the direction of the USDOT, a Memorandum of Agreement was reached between Fairfax County, Loudoun County, WMATA, MWAA, and the Commonwealth of Virginia in November 2011.
  - Final engineering plans, which will include an aerial station at Dulles International Airport, are expected in March 2012.
  - For further information, go to http://www.dullesmetro.com.

- ***Fairfax County Parkway***
  - **EPG Parkway Extension**
    - Phase IV was opened to traffic in June 2011. Phases I, II, and IV are complete, and accepted into VDOT's system. Phase III completion is anticipated in July 2012.

  - The Army dedicated right-of-way to VDOT for all four phases, and reached an agreement, allowing the Army to plant vegetation in the VDOT right-of-way.
- **Fairfax County Parkway Southbound from Route 29 to Braddock Road**
  - Survey is complete, and preliminary design has been distributed for review. Land acquisition may be required.
  - Construction completion is anticipated in early 2014.
- **Fairfax County Parkway/Fair Lakes Parkway Interchange**
  - Construction is approximately 40% complete.
  - In November 2011, the main ramps at the Fairfax County Parkway/Fair Lakes Parkway intersection were opened to traffic.
  - Grade-separated Fairfax County Parkway is expected to open to traffic December 2012.
  - Substantial completion of the interchange is expected in October 2013.
- **Fairfax County Parkway Median Safety Project**
  - VDOT is preparing a construction bid package with advertisement date in March 2012.
  - Construction is anticipated to begin in spring 2012, with completion in late summer 2012.

➢ ***Route 1***

- **Route 1 Widening (Mount Vernon Memorial Highway to Telegraph Road)**
  - On behalf of the project team, Fairfax County requested $180 million from the Office of Economic Adjustment for land acquisition and construction of this project on October 7, 2011. The funding was approved in full on November 1, 2011.
  - Fairfax County will spearhead the project with FHWA administering through a Design-Build contract. The project team includes FHWA, VDOT, Army and Fairfax County staff.
  - Current schedules vary depending on acquisition strategy, however, completion will likely be in 2016.
  - FHWA is conducting the EA in coordination with the Army, Fairfax County, and VDOT. Data collection, developing purpose and need, and the first CIM took place in late 2010. A second CIM was held in October 2011. FHWA expects to make a final decision on the EA in mid-2012.
- Staff continues to work with the Virginia Department of Rail and Public Transportation (DRPT) on a Transit Study for the Route 1 corridor, which will include: short-term Bus Rapid Transit (BRT) and a long-term vision plan; the Countywide Transit Network Study (managed by FCDOT); and the Fort Belvoir Transportation Management Plan (managed by the Army); to ensure coordination and no overlap between the study efforts. Fairfax County is also planning to perform an Alternatives Analysis for the Route 1 corridor, pending future funding toward the study.

➢ ***I-66***

- **I-66 from Route 15 to I-495 EIS**
  - A Tier 1 study of the I-66 corridor, from U.S. Route 15 in Prince William County to I-495 in Fairfax County, was initiated by VDOT in April 2011. The study will update forecasts and advance concepts to be evaluated in a Tier 2 NEPA document, including consideration of managed lanes and tolling.
  - CIM's were held in June 2011, and are scheduled again for late January and early February 2012, with a public hearing to be held in June 2012. The Final EIS and Record of Decision are expected to be completed by December 2012.

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- **I-66 Pavement Rehabilitation from Route 50 to I-495**
  - The base and intermediate layers of asphalt have been installed on the eastbound side with the final layer scheduled for spring 2012.
  - The base layer of asphalt has been installed on the westbound side, and the intermediate and final layers are scheduled for summer 2012.
  - By the end of 2011, 75% was completed eastbound, with 25% completed westbound.
  - Project completion is scheduled for November 2012.
- **I-66 Active Traffic Management (ATM)**
  - VDOT plans to provide different combinations of ATM treatments, including dynamic message signs, continuous camera coverage, and lane control systems, at five segments along the I-66 corridor between Washington, DC (Exit 74) and Haymarket (Exit 40/US-15).
  - Design and procurement activities are currently underway.
  - Citizen Information Meeting was held on July 28, 2011.
  - In September 2011, VDOT submitted a request to FHWA to obligate funds for design-build procurement. In October 2011, a RFQ was advertised. Contractor selection and award is anticipated spring to summer 2012.
  - ATM design and construction to occur in fall 2012 to winter 2013 with ATM full start-up anticipated in summer 2014.

➢ ***BRAC Implementation Plan***

- **Major milestones and achievements in 2011**
  - Supervisor Gross formed a Mason District BRAC 133 Task Force in January 2011, to review and offer recommendations to address potential adverse effects of commuter traffic and over-parking on neighborhood streets. The Task Force shortlisted various roadway improvements in the vicinity of the BRAC impacted areas in Fairfax County, including the heavily congested Little River Turnpike and Beauregard Street intersection.
  - Legislation passed as part of the National Defense Authorization Act caps parking at the Mark Center at 2,000 spaces for 6,400 employees. Once the spaces are in use, if non-failing levels of service over a 90-day period can be demonstrated, parking can be incrementally increased. This can be repeated at 90-day intervals. The legislation allows time to complete some of the planned road improvements and allows the Army time to re-do their traffic study and traffic management plan.
- **Projects In Construction**
  - **Mulligan Road and Telegraph Road Widening ($72M)**
    - Includes improvements to Telegraph Road from Beulah Street to Leaf Road, and realignment of the intersection of Mount Vernon Memorial Highway, Old Mill Road, and Route 1.
    - The construction contract was awarded in June 2011, with completion scheduled for late 2013. A challenge to the award was filed by one of the unsuccessful bidders, which caused a delay in the start of construction. This challenge has been resolved, and construction is in progress.
  - **Defense access ramps into EPG (I-95 at the Fairfax County Parkway) ($36M)**
    - I-95 southbound off-ramp is complete.
    - I-95 HOV Ramp into EPG: Structural concerns with the existing bridge are being studied. Notice to proceed with right-of-way acquisition is expected in March 2012. Construction of the ramp is scheduled for completion in June 2014.

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- **Projects in Design**
  - **Rolling Road Widening from Fullerton Road to Delong Drive (funded for design only, $1.3 M)**
    - Preliminary engineering began in summer 2009, and completion of preliminary design is anticipated in May 2013.
  - **Frontier Drive Extension/Franconia Springfield Metrorail Station (conceptual design/ feasibility study)**
    - Completion is scheduled for March 2012.
  - **Saratoga Park-and-Ride Lot**
    - Construction is scheduled to begin early 2012, with completion in late 2012.
  - **I-95/Fairfax County Parkway and Rolling Road Interchange (VDOT)**
    - Preliminary Design in progress. $14 million in funding has been identified for widening the Rolling Road loop ramp. Funding has not been identified for the I-95 northbound/Fairfax County Parkway ramp.
- **Studies**
  - **Mark Center Access Study (VDOT) – Alternatives Analysis**
  - **Fairfax County – Mark Center (BRAC 133) Traffic Study - Little River Turnpike and Van Dorn Street**
  - **BRAC Transportation Demand Management Plan**
  - **Fairfax County – Transit Development Plan Update**
  - **Other Studies:**
    - Fairfax County and City of Alexandria – BRAC 133 cut through traffic, parking, and traffic calming are being scoped for additional studies.
    - Mason District Spot Improvements – consider spot improvements that will mitigate impact within the county from Mark Center deployments.

<u>Special Programs Highlights</u>

- ***Pedestrian Program***
  - **Pedestrian Projects**
    - The Board directed FCDOT to lead efforts to improve pedestrian safety and mobility, including constructing pedestrian improvements in high-priority areas of the county. In 2006, the Board endorsed a 10-Year funding goal of $60 million for constructing high-priority pedestrian improvement projects. Through FY 2012, $58 million in federal, state and county funding has been designated. Major walkway and pedestrian intersection projects are complete along Route 7, Route 50, Route 123 and Route 236, and bus stop improvements are complete at priority stops identified in the Bus Stop Safety Study. Other improvements in support of pedestrian safety have included upgrading all signalized crosswalks in Fairfax County to LED countdown signals.
  - **I-495 HOT Lanes Pedestrian Projects**
    - Pedestrian and bicycle facilities are being constructed on all Beltway bridge crossings in the I-495 HOT Lanes project. These new facilities will remove some of the worst barriers to pedestrian and bicycle movement in Fairfax County, since most existing bridges have no pedestrian facilities. The Board designated additional CMAQ funding, which along with VDOT funding, will complete missing pedestrian facilities outside the limits and original scope of the I-495 HOT Lanes project.

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- **StreetSmart**
  - Fairfax County participates in the StreetSmart media campaign conducted by MWCOG for regionally coordinated pedestrian safety education and police enforcement. The twice-yearly campaign uses television, radio, print and bus advertising to promote safety awareness in both English and Spanish. Safety brochures are also distributed in several languages. As part of StreetSmart, FCDOT staff installed posters at over 200 bus shelters, and installed over 500 bus cards in all Fairfax Connector buses.
- **Pedestrian Lighting**
  - In coordination with DPWES, FCDOT continues to implement priority roadway lighting as a relatively inexpensive component of the Pedestrian Program at priority locations such as Metrorail stations.
- **Yield to Pedestrians Fine Sign Program**
  - Fairfax County is one of the few jurisdictions in Virginia allowed to designate certain crosswalks for Yield to Pedestrians in Crosswalk $100 - $500 Violation Fine signs. As of 2011 FCDOT has installed and maintains over 1,800 of these signs at over 450 intersections in the County.
- **Trail/Bike Lane/Sidewalk Waivers**
  - FCDOT staff processed and coordinated 30 waiver requests with the Trails and Sidewalks Committee, DPWES and DPZ.
- **Pedestrian Access and Safety**
  - FCDOT staff continued outreach to and coordination with groups such as FCPS on Safe Routes to Schools, INOVA, the TAC, the Trails and Sidewalks Committee and the Department of Justice ADA Compliance Team.

➢ ***Bicycle Program***

- **On-Road Bike Lane Initiative**
  - On-road bike lanes have been completed on Soapstone Drive and Lewinsville Road. Sleepy Hollow Road was lane-dieted providing a wide outside bike/parking lane and the repaving of southbound Dolley Madison Boulevard (Route 123) now includes a bikeable shoulder. Sully Park Drive and Huntington Avenue have been delayed until spring 2012.
  - Gallows Road Phase II Bike Lanes, funded by 2007 County Bonds, is scheduled to be bid in December with construction beginning in spring 2012.
- **Increase and Enhance Bicycle Parking**
  - 150 new bicycle racks and 30 new bicycle lockers were purchased and are being installed countywide. Bicycle lockers were installed at the new Sunset Hills Park-and-Ride Lot and Reston South Park-and-Ride Lot. The third phase of the installation program is scheduled to be completed by spring 2012.
  - FCDOT is coordinating with Comstock Partners to provide a secure bicycle parking room at the proposed Reston-Wiehle Avenue Station. When completed, the project will include 200 secure bicycle parking spaces, bicycle retail use, and future bicycle sharing.
  - Stringfellow Road Park-and-Ride Lot expansion is under design, including secure, covered bicycle parking for over 100 bikes and enhanced trail and sidewalk connections.
  - FCDOT is coordinating with WMATA staff regarding enhanced bicycle parking and access at Metrorail stations within the county. A new "Bike and Park" facility is under design for Franconia-Springfield Metrorail Station, scheduled to be operational late 2012.
  - Fairfax County bicycle parking guidelines, standards, and specifications will be released soon, providing guidance to developers and government agencies.

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- **Bicycle Master Plan**
  - Phase I (Greater Tysons Area including segments of McLean, Merrifield, and Vienna) was completed in June 2011.
  - Phase II will encompass the rest of Fairfax County. Work began in April 2011 and is scheduled to be completed by summer 2012. Four of the eight public outreach meetings have been completed.
- **Bobann Drive Bikeway (Design Only)**
  - Intermediate design is complete. One mile of paved, 10-foot wide shared use path from Wharton Lane to Stringfellow Road will provide improved bicycle access to and from the expanded Stringfellow Road Park-and-Ride Lot and Fair Lakes and Centreville areas.
- **Bike the Sites Map**
  - FCDOT is creating a family-friendly bicycle route map centered around historic sites in the western area of the County, funded by Federal Transportation Enhancement grant.
  - Federal authorization has been received and work can now begin.
  - Project initiation has been delayed and rescheduled for early 2012.
- **Bicycle Route Signage**
  - Several routes have been identified for signage. These include McLean, the Fairfax County Parkway, and the Vienna/Fairfax-GMU Metrorail Station (Mason 2 Metro).
- **Bicycle Route Map 3rd Addition (Revisions and Re-print)**
  - The Fairfax County Bicycle Route Map, originally issued in 2008, is now out of print. Work began in late 2011 to prepare map updates and investigate funding for the re-printing. In this three year period, over 45,000 bicycle route maps were distributed.
- **Bicycle Locker Rental Program**
  - FCDOT manages bicycle locker rentals at various park-and-ride lots in the county. 40 lockers are currently in the system with 30 more coming on line in spring 2012. FCDOT is responsible for operations and maintenance.

➢ ***Traffic Operations***

- Traffic Operations has analyzed and/or responded to approximately 145 citizens' concerns regarding traffic operations and signal timings throughout Fairfax County.
- A new County Code section was developed to provide guidelines for communities interested in using golf carts on residential roadways as an alternative form of transportation. Accomplishments included developing criteria for qualifying roadways within this program.
- Major operational safety analyses were conducted at several intersections such as Old Dominion Drive/Bellview Road, Georgetown Pike/Douglass Road, and Great Falls Street/ Sea Cliff Road, resulting in safety improvement recommendations for VDOT to consider.
- Traffic Operations participated in a detailed analysis of the Old Keene Mill Park-and-Ride facility in response to traffic operational issues related to internal circulation. Working with the Transit Services Division, a detailed circulation plan was developed and implemented.

➢ ***Traffic Calming Program***

- County staff is now responsible for traffic calming projects from initial qualification to overseeing construction related activities associated with installation. Activities include permit application development, contractor interactions, and inspection of the work.
- All traffic calming devices that have been installed since the inception of the program are now identified in a GIS file, which is updated as the traffic calming devices are installed.

- "After studies" are conducted periodically on devices installed to determine the measured effectiveness of the device when compared to data collected prior to device installation.
- In 2011, 33 traffic calming projects were initiated for study.
- 13 traffic calming projects were approved by the Board for installation. 10 sites have been completed.
- Five new Thru Truck Traffic projects were initiated. Six projects, including one from 2010, were approved by the Board to request VDOT to consider.
- Seven new Watch For Children sign project requests were received from the Board and initiated. All seven have been installed.
- Three new $200 Fine for Speeding sign projects were initiated. Including two that were carried over from 2010, five $200 Fine for Speeding sign projects were completed.
- To ensure that $200 Fine for Speeding and Watch for Children signs are installed as quickly as possible, FCDOT staff are completing field work to identify sign locations and create work orders for VDOT. While this has created additional workload for FCDOT staff, the work is typically done in conjunction with other field reviews, so staff time for this process change has not been impacted. With FCDOT staff completing VDOT work orders, the process has been streamlined and overall time required for sign installation has been reduced.

➢ ***Signage, CPD and RPPD Programs, and General Parking***

- Community Parking District Program (CPD) received 11 inquiries and six requests, issued two petitions, and held three public hearings.
- A total of 653 CPD signs have been eliminated throughout the county, most within large area CPDs, in an effort to reduce future maintenance costs.
- Residential Permit Parking District Program (RPPD) received 35 inquiries, conducted 17 parking studies, issued 12 petitions, and held four public hearings.
- Amended and expanded RPPD code to include residences within 1,000 feet of any Metrorail station high school, or university boundary, when assessing eligibility for the program.
- RPPD launched enhanced web information pages and an online form for 24/7 RPPD permit applications.
- Issued over 7,500 RPPD permits/passes.
- Logged over 200 temporary vehicle DTA registrations resulting from new pre-permanent RPPD permit validation process.
- Received 50 general parking requests, conducted 27 field reviews on roadways requesting parking changes and the Board approved five changes.
- The Board approved an amendment to County Code to impose parking restrictions in non-residential areas (82-5-37.1).
- BRAC 133's parking study was completed in preparation for Mark Center occupation and possible temporary to permanent RPPD requests.
- The annual sign inventory program is in the midst of assessing over 6,500 signs.
- In process of locating for installation over 200 new Yield to Pedestrian signs.

Tysons Planning Studies

- The Tysons Corner Comprehensive Plan Amendment was approved by the Board on June 22, 2010. By 2050, the plan envisions Tysons as home to up to 100,000 residents and 200,000

jobs. Since the plan was designed to take advantage of the four new Metrorail stations coming to Tysons Corner in 2013, 75% of future growth will be within a half mile of these stations.

- Tysons Corner will be transformed into a walkable, green, urban center based on the plan approved by the Board and the associated Zoning Ordinance for Tysons. The Board also adopted 20 follow-on motions to guide plan implementation. These follow-on motions included direction to conduct several studies, noted below.
- The Tysons Circulator Study examines in detail how the conceptual circulator system contained in the plan could be implemented. The study began in spring 2011, and is scheduled for completion in April 2012.
- The Dulles Toll Road (DTR) Ramps Study looks at new ramp connections between the DTR and Tysons that will help move traffic in and out of Tysons Corner. A consultant is currently performing an operational study, which will be followed by preliminary design.
- The three Consolidated Traffic Impact Analyses (CTIAs) examine how Tysons can be transformed into a walkable urban center through redevelopment of land and a corresponding grid of streets that would offer alternative streets for travel within Tysons. Staff, Tysons stakeholders and the county's consultant continue work on the CTIAs and expect completion of all three studies by spring 2012.
- Jones Branch Connector Study: Phase 1 (conceptual plan development) is complete. Phase 2 (30% preliminary design plans, traffic analysis, and environmental tasks) is underway. Currently refining the conceptual layout for the Jones Branch Connector, and developing the conceptual alignment for a connection between the DTR eastbound off ramp at Route 123 and Scotts Crossing Road.
- The Dulles Corridor Study is a major planning study that is expected to lead to a Comprehensive Plan amendment in 2012.

Transit Services and Fairfax Connector Highlights

- ***BRAC Transit Service***
  - Effective September 3, 2011, Fairfax Connector implemented South County BRAC Service changes to improve service to existing commuters and transit options to Fort Belvoir.
  - Direct Route 335 "Eagle Express" began in September 2011, providing on-post access to the new Fort Belvoir Community Hospital from the Franconia-Springfield Metrorail Station.
  - Additional bus service changes will be made to several routes in January 2012. These modifications are being made to ensure that the routes are timed correctly.

- ***Bus Stop Improvement Program***
  - A comprehensive inventory and study of all bus stops in Fairfax County identified undesirable bus stop conditions for priority action.
  - The Board identified $2.5 million from the general fund and $7.75 million in the 2007 Transportation Bond for improvements to the priority stops identified in the study.
  - A total of 60 bus stop improvements were completed this year, for a total of 164 sites completed since the bus stop improvement program began. There are currently 27 sites in project development, 68 in design, seven in land acquisition and 25 under construction.

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- ***Bus Shelter Advertising Program***
  - FCDOT is engaged in a public/private partnership to improve bus stops and increase the number of bus shelters in the county. This program is expected to raise $50,000 in FY 2013 through the sale of advertising space on bus shelters. The contractor sells advertising space to subsidize construction, maintenance, and operation of bus shelters, and will share a percentage of the surplus revenues with the county.
  - 60 existing bus shelters have been retrofit with advertising, and 19 sites are currently being scoped for new shelter and infrastructure improvements.
  - The program has raised $12,000 in revenue to date.

- ***Fairfax Connector Bus System***
  - In 2011, Fairfax Connector received 19 expansion buses used for BRAC and Transit Development Plan-related service changes as well as 12 replacement buses. All 31 buses are Mini-Hybrid buses equipped with Engineered Machined Product (EMP), which reduces fuel consumption. This expansion order results in a revenue fleet total of 269 for 2011.
  - FCDOT ordered 37 buses in FY2012. This order includes 25 buses for planned HOT Lanes bus service and 12 replacement buses. All of these buses are Mini-Hybrids, and are equipped with the newest emissions reduction equipment to meet the 2010 EPA standards. HOT lanes bus service is expected to begin in FY 2013.
  - Plans are currently being developed for the HOT lanes bus service and Dulles Rail Phase I Bus Service. The public process will begin in 2012.

- ***Reston East Park-and-Ride Relocation***
  - In April 2011, the Reston East Park-and-Ride Lot closed permanently for construction of the future Reston-Wiehle Avenue Metrorail Station Parking Garage.
  - From June 2010 to March 2011, FCDOT staff worked to identify alternative parking sites and construct an interim 500-space park-and-ride lot (the Sunset Hills Interim Park-and-Ride Lot) for the duration of the closure of Reston East.
  - In December 2013, the Wiehle Metrorail Station Parking Garage will open, providing 2,300 parking spaces for WMATA Metrorail commuters. At that time, the Sunset Hills Interim Park-and-Ride Lot will close permanently.

- ***Transit Studies***
  - The Advanced Public Transportation Systems (APTS) plan update was completed in 2011, making several recommendations for technology improvements to the Fairfax Connector bus system.
  - FCDOT is implementing various high-priority recommendations in the plan, including installing GPS systems on buses and providing real-time information to passengers. These technologies are expected to be fully functional on the Connector system by FY 2014. An RFP with product specifications is currently being written by FCDOT consultants.
  - In 2010, the Board funded and directed staff to conduct a Countywide Transit Network Study to plan a long-term efficient, high-quality transit system for the county's growing population and employment. This study will use Enhanced Public Transportation Corridors currently identified in the Fairfax County Comprehensive Plan as potential future mass transit corridors, developing a connected Countywide Transit Network. The RFP was advertised in summer 2011, and consultant selection completed in December 2011. This study will be a major undertaking in 2012 with the majority of the study complete by the end of the year.

- Transit Development Plan (TDP): Consultant staff completed work on preparing an appendix, including results of ancillary tasks, review of public information materials and media, and review of Fairfax Connector business model. Study has been completed.

➢ ***Transit Passenger Facilities***

- The Old Keene Mill Park-and-Ride Lot (former Springfield Circuit City) opened in late 2010, and is currently at capacity.
- The Reston South Park-and-Ride Lot was repaved in October 2011, and the Stone Road Park-and-Ride Lot was repaved in November 2011.
- The plan to improve the lighting at the Lorton VRE Park-and-Ride Lot is being developed and is expected to be completed in 2012.
- The transit center at the INOVA Fairfax Hospital was completed in November 2011.
- The Seven Corners Transit Transfer Center was completed in December 2011.
- The design for the expansion of the Stringfellow Park-and-Ride Lot began in 2011 and will be completed in 2012.
- The Rolling Road VRE and Lorton VRE parking lots will be repaved in spring 2012.
- The Herndon Monroe Park-and-Ride garage will be recaulked and sealed in spring 2012.
- The Reston Town Center Transit Station will be repaved in spring 2012.

➢ ***Bus Operational Facilities***

- In summer 2011, FCDOT completed a retrofit of the heating system at the West Ox Bus Operations Center to utilize methane gas from the I-66 landfill to heat 66% of the facility. This should reduce heating cost by 38%.
- The expansion of the West Ox Bus Operations Center parking lot was completed in fall 2011. This expansion provides 95 additional spaces for Connector bus parking and improves security and operational amenities.
- The design for the West Ox Phase II expansion has begun with an RFQ issued in August 2011. Award is expected in early 2012.
- The design work for the farebox/service lane upgrade and bus wash renovation project at the Huntington Garage is nearing completion and permits have been submitted. Construction contract award is anticipated in early 2012.

Marketing and TDM

➢ ***Telework and Outreach***

- The Fairfax County government telework program currently has 1,417 employee participants, and continues to encourage teleworking countywide.
- The Fairfax County Employer Services Program (FCESP) partners with major employers, developers and multi-family complexes to promote and encourage alternative commute options. To date, 223 Fairfax County employers have implemented a Level 3 or 4 transportation benefits program, and another 238 employers have implemented a Level 1 or 2 program. Level 1 and 2 programs may include commuter surveys, distributing transit information, implementing alternative work schedules, or hosting an on-site transportation fair. Level 3 and 4 programs may include shuttles to and from transit stations, implementing formal telework programs, offering transit subsidies, providing free or premium parking to carpools and vanpools, or implementing a comprehensive bike/walk program.

- The FCESP also supports the Congestion Mitigation Program for Dulles Rail and HOT Lanes by coordinating employer and community outreach with regional partners, including VDRPT, VDOT, DATA, MWCOG, TyTran and Best Workplaces for Commuters.

➢ ***Transportation Demand Management (TDM) and Mixed-Use Development***

- The County has integrated TDM strategies into the land development process. TDM proffers promote alternatives to single occupant vehicle trips. These proffers contain commitments to provide TDM services, goals for percentage trip reduction, and remedies or penalties for non-attainment of proffered goals. The TDM proffer coordinator negotiates proffers and monitors implementation and performance of existing proffers.
- A consultant study on integrating TDM into the land use and approval process is near completion. Data collection, research and draft reports have been completed, and recommendations for TDM and parking in transit areas will be presented for a second time to the PC and BOS transportation committees early in 2012.
- Application of the study recommendations will lead to more effective TDM strategies, and preliminary findings from the TDM study were used to inform staff recommendations for the TDM and Parking sections of the draft Tysons Plan. These findings have led to the creation of a more formalized TDM process and standardized requirements.

➢ **Safety, Traffic Flow, Signals, and Congestion Management**

- VDOT continues to actively participate in the implementation of the Traffic Management Plan (TMP) for the Capital Beltway HOT Lanes and other Northern Virginia Megaprojects to reduce congestion during construction. Efforts include providing Safety Service Patrollers to assist motorists and law enforcement/emergency personnel with incident management, public outreach, providing real-time traffic information, providing transit options and subsidies, and proactively managing incidents in construction work zones.
- In conjunction with a planned repaving project, a "road diet" was implemented on **Soapstone Road from Glade Drive to Sunrise Valley Drive**. The street was remarked from two lanes in each direction to one lane and a bicycle lane in each direction, separated by a center turning lane. This change has significantly improved safety.
- In conjunction with repaving projects, VDOT made minor modifications to pavement markings in many locations throughout Fairfax County. The changes are intended to improve traffic safety and operations, and include features such as new left-turn lanes, improved delineation of existing turn bays, and upgrades to meet current marking standards.
- VDOT has studied intersections for signals, signage, marking and traffic control devices and recommended improvements at various locations.

Completed Projects List

December 2011

Rt	Project Description	District	Completion Date
0001	Richmond Highway Public Transp. Initiative (Phase 1)	MV, LE	Oct-07
0007	Leesburg Pike/Glen Carlyn Road	MA	Apr-10
0007	Leesburg Pike/Magarity Road Pedestrian Improvements	DR, PR	Apr-10
0007	Leesburg Pike/Dranesville Road	DR	Apr-10
0007	Leesburg Pike @ Magarity Road	DR, PR	Nov-08
0028	Route 28 @ Willard Road PPTA	SU	Dec-09
0028	Route 28 @ Frying Pan Road PPTA	HM, SU	Dec-09
0028	Route 28 @ New Braddock Road	SU	Sep-09
0050	Route 50 Pedestrian Bridge	MA	Jun-09
0050	Arlington Boulevard/Olin Drive	MA	Apr-10
0050	Lee Jackson Highway Walkway	SP	Apr-10
0123	Route 123 @ Waverly Way	DR	Aug-10
0123	Dolley Madison Boulevard/Great Falls Street/Lewinsville Road	DR	Apr-10
0123	Dolley Madison Boulevard @ Ingleside Avenue	DR	Dec-09
0193	Georgetown Pike/Walker Road	DR	Dec-09
0193	Georgetown Pike Stone Rubble Masonry Signs	DR	Jul-10
0193	Georgetown Pike Walkway (Phase I)	DR	Jul-10
0193	Georgetown Pike/Swinks Mill Road	DR	Aug-11
0236	Route 236 @ Beauregard Street	MA	Jan-09
0236	Little River Turnpike/Backlick Road	MA	Apr-10
0236	Route 236 @ Braddock Road EB	MA	Nov-09
0236	Route 236 @ Braddock Road WB	MA	Nov-09
0236	Route 236 from Lake Drive to Pickett Road	MA, BR, PR	Jun-08
0242	Mason Neck Trail 2A	MV	Jun-11
0244	Columbia Pike Walkway	MA	May-09
0608	West Ox Road from Penderbrook Drive to Ox Trail	SU, PR	Jul-08
0608	West Ox Road @ Monroe Street	HM	Apr-08
0613	South Van Dorn Sidewalk	LE	Apr-09
0613	Lincolnia Road Walkway	MA	Sep-11
0617	Backlick Road Walkway (west side)	MA	Aug-11
0620	Braddock Road @ Route 236	MA	Sep-08
0620	Braddock Road/Guinea Road	BR	Apr-11
0620	Braddock Road @ Route 123	SP	Jun-09
0620	Braddock Road/Wakefield Chapel Road	BR	Oct-10
0620	Braddock Road at Thomas Jefferson HSS&T	MA	Jun-09

Rt	Project Description	District	Completion Date
0630	Quander Road Walkway	MV	Aug-09
0633	South Kings Highway @ Harrison Lane	LE	Aug-10
0643	Burke Centre Parkway at Roberts Parkway	BR	Jul-10
0643	Burke Center Parkway Walkway	BR	Aug-11
0644	Franconia Road Walkway (north side)	LE	Nov-11
0644	Franconia Road at Ridge View Drive and Wilton Road	LE	Sep-11
0644	Franconia Road Walkway (south side)	LE	Nov-11
0651	Guinea Road @ Falmead Road	BR	Sep-10
0653	Roberts Road Walkway	BR	Apr-10
0654	Zion Drive	BR	Dec-11
0657	Centreville Road from West Ox Road to Frying Pan Road	HM, SU	Jun-10
0657	Centreville Road Trail at Dulles Toll Road (Phase II)	HM	May-11
0657	Centreville Road Trail at Dulles Toll Road	HM, DR	Feb-08
0662	Stone Road from Route 29 to Awbrey Patent Drive	SU	Apr-08
0668	McLearen Road Walkway	HM	Apr-10
0672	Vale Road/Flint Hill Road	HM	Nov-11
0674	Hunter Mill Road Walkway	PR	Aug-09
0676	Clarks Crossing Road Walkway	HM	Jul-09
0681	Walker Road Trail (Walkway)	DR	Jul-10
0684	Spring Hill Road from Route 7 to International Drive	PR, HM	Sep-10
0693	Westmoreland Street Walkway	DR	Jun-11
0693	Westmoreland On-Road Bike Lanes	DR	Aug-08
0694	Lewinsville Road/Balls Hill Road	DR	Apr-10
0694	Great Falls Street/Haycock Road	DR	Aug-11
0696	Wolftrap Road Walkway	PR	Apr-10
0699	Prosperity Avenue/Hilltop Drive	PR	Sep-11
0701	Sutton Road Walkway	PR	Oct-10
0783	Edgelea Road Walkway	PR	Oct-10
0795	Tyler Street Walkway	MA	Apr-11
0824	Tuttle Road Trail	SP	Dec-09
1332	Huntington Avenue @ Fenwick Drive	MV	Aug-08
1723	Jefferson Avenue Walkway	PR	Apr-10
1898	Beverly Road @ Fleetwood Road	DR	Aug-09
3664	Lido Place Walkway	PR	Aug-09
3806	Danbury Forest Dr/Braddock Rd/Wakefield Chapel Rd Study	BR	N/A
4701	Colts Neck Road from South Lakes Drive to Hunters Woods Shoppi	HM	Nov-11
4701	Colts Neck Road Walkway (South Lakes Drive to Winterthur Lane)	HM	Oct-10
4720	Bicycle Pavement Marking Plan - Soapstone Drive	HM	Nov-11

Rt	Project Description	District	Completion Date
4720	Soapstone Drive Walkway (Sweetbay Lane to Glade Drive)	HM	Jul-09
7100	Fairfax County Parkway @ West Ox Road	HM, SU	Apr-11
7100	Fairfax County Parkway @ Sunrise Valley Drive	HM	Mar-11
7702	Tall Timbers Drive	SP	Oct-07
I-95	I-95 from Newington Interchange to Prince William County Line	LE, MV	Sep-11
XXXX	Fairfax Connector - Herndon Bus Garage Facility Rehab (Phase 1)	DR, HM	Sep-11
XXXX	Seven Corners Transit Transfer Center	MA	Dec-11
XXXX	West Falls Church Bus Canopy	DR	Jan-10
XXXX	Huntington Metro Parking Expansion	MV	Aug-08
XXXX	Burke Centre VRE Parking Expansion	BR	Nov-08
XXXX	West Ox Bus Operations Center	SP	Oct-08

Capital Projects Staff

CL *= Caijun Luo*
CW *= Chris Wells*
CWS *= Charlie Strunk*
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Status

Bid Ad
Complete
*Construction**
Design
Inactive
On Going
On Hold
Project Initiation
ROW = Land Acquisition
Study
Terminated
Utilities = Utility Relocation

** Construction phase begins when design and ROW are complete, and may include pre-advertisement activities, bid advertisement, and contract award.*

Funding Source

ARRA = *American Recovery & Reinvestment Act of 2009*
C & I = *Commercial and Industrial Tax*
CMAQ *= Congestion Mitigation & Air Quality*
County Bonds *= Fairfax County 4-Year Transportation Plan*
GCRP *= Governor's Congestion Relief Program*
HSIP *= Highway Safety Improvement Program (formerly HES)*
NVTC *= Northern Virginia Transportation Commission*
NVTD Bonds *= Northern Virginia Transportation District Bonds*
OPN Funds *= Open Container Program*
Primary *= Primary 6-Year Program*
RSTP *= Regional Surface Transportation Program*
Secondary *= Secondary 6-Year Program*
TAC Spot *= Transportation Advisory Commission Spots*
TIIF/WMATA *= Transit Investment & Infrastructure Fund*
VNDIA *= Virginia National Defense Industrial Authority*

Other

ADA *= Americans with Disabilities Act*
CIM *= Community Information Meeting*
CMD *= Construction Management Division*
COG *= Council of Governments*
CTB *= Commonwealth Transportation Board*
DTR *= Dulles Toll Road*
FCPS *= Fairfax County Public Schools*
FHWA *= Federal Highway Administration*
FY *= Fiscal Year*
MOA *= Memorandum of Agreement*
MUTCD *= Manual on Uniform Traffic Control Devices*
MWAA *= Metropolitan Washington Airports Authority*
N/A *= Not Available, or Not Applicable*
N/R *= Not Required*
NTP *= Notice to Proceed*
PFI *= Preliminary Field Inspection*
PNR *= Park-and-Ride*
PPTA *= Public-Private Transportation Act*
RFP *= Request for Proposals*
RFQ *= Request for Qualifications*
VDOT *= Virginia Department of Transportation*
WMATA *= Washington Metropolitan Area Transit Authority*

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Page Number	District	Project Description	Lead Agency	Total Project Cost ($ in Millions)	Amt in BOS's 4-Yr Plan ($ in Millions)	All Other Funds ($ in Millions)	Phase	Start Date	End Date	Status
Interstate & Primary Road Projects (listed numerically by route number)										
1	BR, DR, LE, MA, PR	**I-495, Capital Beltway HOT Lanes (PPTA Project):** Install two HOV/HOT lanes each direction from Springfield Interchange to the Dulles Toll Road	VDOT	$1,690.912		$1,701.908	D	Apr-05		👍
							R			
							U	Mar-08		👍
							C	May-08	Dec-12	👍
1	PR, SP	**I-66 from Capital Beltway to Route 50:** Pavement rehabilitation	VDOT	$47.700		$47.700	D	Jun-09	Dec-10	☺
							R	N/A	N/A	
							U	N/A	N/A	
							C	Apr-11	Nov-12	👍
2	PR, SP, SU	**I-66 from I-495 Capital Beltway to Route 15 in Haymarket:** I-66 Multi-Modal Transportation and Environmental Impact Study	VDOT	$20.300		$20.300	D	May-11	Dec-12	👍
							R	N/A	N/A	
							U	N/A	N/A	
							C	N/A	N/A	
2	PR	**Vienna Metro Enhanced Transit Access (I-66 Bus Ramp):** Construct bus ramp to increase accessibility to Vienna Metrorail Station for transit vehicles	VDOT	$41.100		$38.300	D	Nov-05	Jun-12	👍
							R	TBD	TBD	
							U	TBD	TBD	
							C	TBD	TBD	
3	LE, MV, MA	**I-95 HOT Lanes:** Add one HOV/HOT lane (3 total) from Edsall Road to Prince William Pkwy; Extend two HOV/HOT lanes to Stafford County; Construct HOV/Transit ramp at Seminary Road; Construct new Park-and-Ride lots	VDOT	$940.000		$940.000	D	Feb-11	TBD	👍
							R	TBD	TBD	
							U	TBD	TBD	
							C	2012	TBD	
3	LE, MV	**I-95 Woodrow Wilson Bridge & Interchanges:** Construct new drawbridge over Potomac River; Reconstruct 7.5 miles of the Capital Beltway (I-95/I-495) and 4 interchanges, two in VA and two in MD	VDOT, MDSHA, FHWA	$2,444.000		$2,444.000	D		Sep-96	☺
							R			☺
							U			☺
							C	2001	~~2012~~ to 2013	👎Δ
4	LE, MA	**I-95/395/495 Interchange Modifications Phase VIII (Mixing Bowl):** Construct HOV/HOT connections between I-95/I-395/I-495	VDOT	$128.085		$128.085	D		Jun-97	☺
							R	N/A	N/A	
							U	N/A	N/A	
							C	May-08	Dec-12	👍
4	LE, MV	**Richmond Highway Public Transportation Initiative (Phase 2):** Route 1 corridor improvements from Fort Belvoir to the Huntington Metro Station including intersection, bus shelters and pedestrian improvements to support express bus service	COUNTY	$54.500	$7.500	$28.574	D	Mar-06	TBD	👍
							R	Jul-10	TBD	👍
							U	TBD	TBD	
							C	TBD	TBD	
5	DR	**Leesburg Pike @ Towlston Road:** Add a left turn lane from NB Towlston Road to WB Route 7 (Leesburg Pike)	COUNTY	$0.750	$0.750		D	Nov-08	May-12	👍
							R	~~Nov-11~~ to Jan-12	~~May-12~~ to Jul-12	👎Δ
							U	TBD	TBD	
							C	Jun-12	Mar-13	
5	PR	**Route 29 @ Gallows Road:** Widen Route 29 to 6 lanes from I-495 to Merrilee Drive, and widen Gallows Road to 6 lanes from Gatehouse Road to Providence Forest Drive	VDOT	$99.638	$23.000	$132.810	D	Feb-04	Dec-07	☺
							R	Jan-07	Oct-08	☺
							U	May-08	Jun-11	☺
							C	Mar-11	~~Jun-13~~ to Jan-13	👍Δ
6	BR, SP	**Route 29 from Federalist Way to Forum Drive:** Construct segments of a new shared-use path and provide connection to existing trail on the west side of Route 29	COUNTY	$4.400		$3.415	D	Nov-06	Feb-12	👍
							R	N/A	N/A	
							U	Oct-11	Apr-12	👍
							C	~~Feb-12~~ to Mar-12	~~Sep-12~~ to Dec-12	Δ
6	BR, SP, SU	**Route 29 from Legato Road to Shirley Gate Road:** Widen to 3 lanes on NB Route 29; Intersection improvements at Shirley Gate Road	COUNTY	$4.000	$4.000		D	Dec-08	Feb-14	👍
							R	Mar-12	Oct-12	
							U	Apr-13	Mar-14	
							C	Apr -14	Jul-15	

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Page Number	District	Project Description	Lead Agency	Total Project Cost ($ in Millions)	Amt in BOS's 4-Yr Plan ($ in Millions)	All Other Funds ($ in Millions)	Phase	Start Date	End Date	Status
7	MA	**Arlington Boulevard @ Graham Road:** Install a 4-foot wide raised median on Graham Road	COUNTY	$0.750		$0.750	D	Oct-09	Mar-12	👍
							R	Jul-11	Feb-12	👍
							U	TBD	TBD	
							C	Apr-12	Aug-12	
7	PR	**Route 123 @ Jermantown Road:** Construct right turn lane from SB Route 123 onto WB Jermantown Road	COUNTY	$0.900		$0.900	D	Nov-10	~~Aug-12~~ to Sep-12	👎Δ
							R	~~Jan-12~~ to Feb-12	~~Apr-12~~ to Sep-12	Δ
							U	TBD	TBD	
							C	Oct-12	Aug-13	
Secondary Road Projects (listed alphabetically by project name)										
8	MA	**Braddock Road @ Backlick Road:** Install dual left turn lane on WB Braddock Road	COUNTY	$0.500	$0.500		D	Mar-08	TBD	
							R	TBD	TBD	
							U	TBD	TBD	
							C	TBD	TBD	
8	MV	**Cinder Bed Road @ Newington Road:** Intersection improvements including relocating the intersection 450 feet to the north, reconstruct Cinder Bed Road, sidewalk, and culvert at Long Branch Creek	COUNTY	$5.000	$5.000		D	Jul-08	Aug-12	👍
							R	~~Nov-11~~ to Jan-12	~~Jun-12~~ to Jul-12	Δ
							U	TBD	TBD	
							C	Aug-12	Nov-13	
9	HM	**Colts Neck Road from South Lakes Drive to Hunters Woods Shopping Center:** Construct sidewalk on west side of Colts Neck Road	COUNTY	$0.366		$0.366	D	Jul-05	Jun-11	☺
							R	Mar-06	Sep-06	☺
							U	Jun-11	Sep-11	☺
							C	Aug-11	Nov-11	☺
9	BR	**Danbury Forest Drive/Braddock Road/Wakefield Chapel Road Intersection Study:** Feasibility study of various intersection improvements and future roadway realignments	COUNTY	$0.170		$0.200	D	Jan-10	Sep-11	☺
							R	N/A	N/A	
							U	N/A	N/A	
							C	N/A	N/A	
10	LE, MV, SP	**Fairfax County Parkway (EPG):** Construct 4-lane divided, limited access highway within 6-lane ROW from Rolling Road/Franconia-Springfield Parkway to Fullerton Road, including 4 interchanges	FHWA	$177.450		$177.450	D	Mar-00	Feb-04	☺
							R	Jun-10	Oct-10	☺
							U	Oct-10	Jan-11	☺
							C	Nov-08	Jul-12	👍
10	SP, SU	**Fairfax County Parkway / Fair Lakes Parkway / Monument Drive Interchange:** Construct interchange and intersection improvements from I-66 to Route 50	VDOT	$69.660		$89.726	D	Oct-01	Jun-10	☺
							R	Sep-05	Dec-10	☺
							U	Mar-07	Dec-10	☺
							C	May-10	Oct-13	👍
11	SP	**Fairfax County Parkway from Route 29 to Braddock Road:** Add SB auxiliary lane	COUNTY	$1.000	$1.000		D	Feb-11	Feb-13	👍
							R	TBD	TBD	
							U	TBD	TBD	
							C	Apr-13	Jan-14	
11	HM	**Fox Mill Road/Monroe Street:** Install right turn lane on WB Fox Mill Road and add pedestrian improvements	COUNTY	$0.850		$0.850	D	Nov-10	Feb-13	👍
							R	Apr-12	Dec-12	
							U	TBD	TBD	
							C	Apr-13	Dec-13	
12	MV, SP	**Gambrill Road/Pohick Road:** Install right turn lane on SB Gambrill Road	COUNTY	$0.500		$0.500	D	Mar-10	~~Dec-11~~ to Sep-12	👎Δ
							R	TBD	TBD	
							U	TBD	TBD	
							C	~~Jan-12~~ to Oct-12	~~Nov-12~~ to Aug-13	Δ
12	BR	**Guinea Road Culvert:** Replace culvert over Long Branch	VDOT	$4.384		$4.414	D	Jul-10	Jul-11	☺
							R	N/A	N/A	
							U			
							C	Sep-11	Jun-12	👍

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Page Number	District	Project Description	Lead Agency	Total Project Cost ($ in Millions)	Amt in BOS's 4-Yr Plan ($ in Millions)	All Other Funds ($ in Millions)	Phase	Start Date	End Date	Status
13	PR	**Hunter Mill Road/Mystic Meadow Way:** Reconfigure intersection with roundabout and new pedestrian/bicycle facilities	COUNTY	$0.800		$0.800	D	Aug-10	Nov-12	👍
							R	~~Jan-12~~ to Feb-12	Sep-12	Δ
							U	TBD	TBD	
							C	Jan-13	Sep-13	
13	SU	**Lee Road Culvert:** Extend existing drainage structure and widen pavement from 500 feet south of culvert to Penrose Place	VDOT	$4.156		$2.870	D	Jun-10	TBD	👍
							R	Jul-11	2011	
							U	2013	2014	
							C	2014	TBD	$
14	MV	**Lorton Road/Furnace Road from Silverbrook Road to Route 123:** Widen to 4-lane divided section including on-road bike lanes, shared use path, low impact development practices, bridge crossings and wide median in Laurel Hill area	COUNTY	$60.000	$20.000	$30.000	D	Feb-08	~~Mar-12~~ to Jun-12	👎Δ
							R	~~Oct-11~~ to Dec-11	May-12	Δ
							U	Aug-11	Sep-12	👍
							C	Sep-12	Jun-14	$
14	LE, MV	**Mulligan Road from Route 1 to Telegraph Road:** Construct/widen to 4 lanes and extend from Route 1 to Telegraph Rd (Woodlawn Road replacement & Old Mill Road extension); Widen Telegraph Rd to 4 lanes from Beulah Street to Leaf Road	FHWA	$80.000		$80.000	D	Mar-07	May-11	☺
							R	Sep-10	May-11	☺
							U	Feb-11	TBD	👍
							C	~~Sep-11~~ to Feb-12	~~Jul-13~~ to Sep-13	👎Δ
15	DR	**Old Dominion Drive @ Spring Hill Road (Phase 2):** Relocate utility pole, extend shoulder, relocate/modify ditch	COUNTY	$2.000		$0.050	D	TBD	TBD	
							R	TBD	TBD	
							U	TBD	TBD	
							C	TBD	TBD	$
15	DR	**Old Dominion Drive @ Towlston Road:** Extend shoulder and relocate/modify ditch	COUNTY	$1.500		$0.050	D	TBD	TBD	
							R	TBD	TBD	
							U	TBD	TBD	
							C	TBD	TBD	$
16	SU	**Poplar Tree Road from Braddock Ridge Drive to Sequoia Farms Drive:** Widen to 4 lanes	COUNTY	$6.500	$6.500		D	May-07	Nov-10	☺
							R	Mar-10	Oct-10	☺
							U	Dec-10	May-11	☺
							C	Feb-11	May-12	👍
16	MV	**Saratoga Park-and-Ride Facility:** Construct approximately 535 parking spaces with transit, pedestrian, and bicycle accommodations	VDOT	$4.607		$4.600	D	Sep-10	Jan-12	👍
							R	N/A	N/A	
							U	TBD	TBD	
							C	Mar-12	Aug-12	
17	MV	**Silverbrook Road @ Hooes Road:** Intersection Improvements to configure turn lanes on WB approach of Silverbrook Road	COUNTY	$0.350		$0.350	D	Aug-07	Jan-11	☺
							R	N/A	N/A	
							U	N/A	N/A	
							C	Apr-11	~~Nov-11~~ to Jan-12	👎Δ
17	PR, HM	**Spring Hill Road from Route 7 to International Drive:** Widen to 4 lanes	COUNTY	$10.900		$10.900	D	Jul-02	Sep-03	☺
							R	Dec-03	Oct-05	☺
							U	Mar-06	Oct-07	☺
							C	Dec-08	Sep-10	☺
18	SU, SP	**Stringfellow Road from Route 50 to Fair Lakes Boulevard:** Widen to 4 lanes	VDOT	$61.443	$37.000	$19.400	D	Jul-04	Dec-10	☺
							R	Apr-10	~~Sep-11~~ to Jan-12	👎Δ
							U	Jul-09	~~TBD~~ to Jul-12	👍Δ
							C	Jul-12	Dec-13	$
18	LE	**Telegraph Road from South Van Dorn Street to South Kings Hwy:** Widen to 4 lanes and add pedestrian improvements	VDOT	$12.500		$12.300	D	Sep-09	Dec-12	👍
							R	Jun-11	TBD	👍
							U	TBD	TBD	
							C	Mar-13	Dec-13	

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Page Number	District	Project Description	Lead Agency	Total Project Cost ($ in Millions)	Amt in BOS's 4-Yr Plan ($ in Millions)	All Other Funds ($ in Millions)	Phase	Start Date	End Date	Status
19	PR, HM	**Tysons Priority Access Improvement Projects: Sites 1-7 & 9:** Construct missing links in the pedestrian circulation systems at four of eight locations in Tysons Corner	VDOT	$0.575		$1.300	D	Mar-04	Dec-08	☺
							R	Dec-08	Jul-11	☺
							U	TBD	TBD	
							C	~~Sep-11~~ to Nov-11	May-12	👎Δ
19	DR	**Walker Road:** Install road diet features and access lanes at business district intersections south of Georgetown Pike	COUNTY	$1.000		$1.000	D	Jul-10	Feb-12	👍
							R	TBD	TBD	⚑
							U	TBD	TBD	
							C	Apr-12	Oct-12	
20	DR	**Westmoreland Street @ Haycock Road:** Install right turn lane and concrete sidewalk along the west side of Westmoreland Street from Haycock Road to Temple Rodef Shalom	COUNTY	$0.880	$0.230	$0.650	D	Mar-11	Sep-12	👍
							R	Jan-12	Nov-12	
							U	TBD	TBD	⚑
							C	Dec-12	Sep-13	
20	BR	**Zion Drive:** Improve the horizontal curve at Zion Baptist Church	COUNTY	$1.700	$1.000	$0.700	D	Apr-08	Mar-11	☺
							R	Jul-10	Feb-11	☺
							U	May-11	Jun-11	☺
							C	Apr-11	~~Mar-12~~ to Dec-11	☺Δ
		Transit Projects (listed alphabetically by project name)								
21	DR, PR, HM	**Dulles Rail (Phase I):** Improvements from West Falls Church Station to Wiehle Avenue	MWAA	$2,740.000		$2,740.000	D	Apr-05	Jun-10	☺
							R	Jan-08	Nov-08	☺
							U	Feb-08	Jan-10	☺
							C	Jan-09	Jul-13	👍
21	BR, SP	**George Mason University Transit Center:** Construct transit center with up to 10 bus bays and amenities such as shelters and lighted kiosks	COUNTY	$1.000	$1.000		D	TBD	TBD	
							R	TBD	TBD	
							U	TBD	TBD	
							C	TBD	TBD	
22	BR	**Northern Virginia Community College Transit Center:** Construct transit center with up to 4 bus bays and amenities such as shelters and lighted kiosks	COUNTY	$1.000	$1.000		D	TBD	TBD	
							R	TBD	TBD	
							U	TBD	TBD	
							C	TBD	TBD	
22	MA	**Seven Corners Transit Transfer Center:** Construct transit transfer center at the Seven Corners Shopping Center; Improvements to existing bus stops	COUNTY	$1.182	$1.000	$0.512	D	Jan-07	Oct-10	☺
							R	N/A	N/A	
							U	Jun-10	Dec-10	☺
							C	May-11	Dec-11	☺
23	SU	**Stringfellow Road Bus Transfer Facility:** Provide 3 additional bus bays (total of 6) and a transit center facility with bicycle facilities	COUNTY	$1.500	$1.500		D	Apr-08	TBD	👍
							R	TBD	TBD	
							U	TBD	TBD	
							C	TBD	TBD	
23	SU	**Stringfellow Road Park & Ride Lot Expansion:** Construct an additional 300 spaces north of the existing 387 space facility	COUNTY	$4.000	$4.000		D	Apr-08	TBD	👍
							R	TBD	TBD	
							U	TBD	TBD	
							C	TBD	TBD	
24	PR	**Vienna Metrorail Staircase:** Add new staircase from platform to mezzanine at Vienna Metro Station	WMATA	$2.000	$2.000		D	Jun-09	Feb-11	☺
							R	N/A	N/A	
							U	N/A	N/A	
							C	Apr-11	~~Dec-11~~ to Feb-12	👎Δ
			Program Totals	$8,736.51	$116.980	$8,665.73				

I-495 I-495, Capital Beltway HOT Lanes (PPTA Project) — Construction

Install two HOV/HOT lanes in each direction from the Springfield Interchange to the Dulles Toll Road

District(s): BR, DR, LE, MA, PR

FCDOT Staff: WPH

Implementing Agency:	
VDOT	68805
Amount in Board's 4-Year Plan: ($ in Millions)	
N/A	
Type of Funding:	
Private, Interstate, State	

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design	282.209		Apr-05		👍
Land Acquisition	42.012				
Utility Relocation			Mar-08		👍
Construction	1366.691		May-08	Dec-12	👍
Total	1690.912	1701.908			

Activity Highlights:

Design/build project; Construction is 80% complete; Approximately 80% of the soundwalls have been constructed; More construction activity details are posted at www.virginiahotlanes.com or www.vamegaprojects.com

I-66 I-66 from Capital Beltway to Route 50 — Construction

Pavement rehabilitation

District(s): PR, SP

FCDOT Staff: CL

Implementing Agency:	
VDOT	93002
Amount in Board's 4-Year Plan: ($ in Millions)	
N/A	
Type of Funding:	
ARRA	

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			Jun-09	Dec-10	☺
Land Acquisition			N/A	N/A	
Utility Relocation			N/A	N/A	
Construction	47.700		Apr-11	Nov-12	👍
Total	47.700	47.700			

Activity Highlights:

New ITS sensors to be installed around the end of 2011; Construction will cease in December 2011 for the winter and resume in spring 2012; Project updates are posted at http://www.virginiadot.org/projects/northernvirginia/i-66_pavement_rehabilitation.asp

I-66 I-66 from I-495 Capital Beltway to Route 15 in Haymarket — Study

I-66 Multi-Modal Transportation and Environmental Impact Study (Study only)

District(s): PR, SP, SU

FCDOT Staff: SSS

Implementing Agency:	
VDOT	54911
Amount in Board's 4-Year Plan: ($ in Millions)	
N/A	
Type of Funding:	
Interstate	

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design	20.300		May-11	Dec-12	
Land Acquisition			N/A	N/A	
Utility Relocation			N/A	N/A	
Construction			N/A	N/A	
Total	20.300	20.300			

Activity Highlights:

Study being managed by VDOT Central Office in Richmond; Follow up CIM's to be held on January 31 and February 2, 2012; Public Hearing anticipated in mid-2012; Tier 1 Final EIS and Record of Decision expected by December 2012

I-66 Vienna Metro Enhanced Transit Access (I-66 Bus Ramp) — Design

Construct bus ramp to increase accessibility to Vienna Metrorail Station for transit vehicles

District(s): PR

FCDOT Staff: CL

Implementing Agency:	
VDOT	81009
Amount in Board's 4-Year Plan: ($ in Millions)	
N/A	
Type of Funding:	
CMAQ, RSTP	

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design	2.700		Nov-05	Jun-12	
Land Acquisition			TBD	TBD	
Utility Relocation			TBD	TBD	
Construction	38.400		TBD	TBD	
Total	41.100	38.300			

Activity Highlights:

VDOT submitted the Interchange Modification Report to FHWA in October 2011; Project team briefed Supervisor's office in December 2011; Potential design/build project; A CIM to discuss design alternatives is tentatively scheduled for January 2012; A Public Hearing regarding the preferred alternative will be held in late Spring 2012

I-95 I-95 HOT Lanes (PPTA Project) — Design

Add one HOV/HOT lane (3 total) from Edsall Road to Prince William Pkwy; Extend two HOV/HOT lanes to Stafford County; Construct HOV/Transit ramp at Seminary Road; Construct new Park-and-Ride lots

District(s): LE, MA, MV

FCDOT Staff: SAN

Implementing Agency:	
VDOT	
Amount in Board's 4-Year Plan: ($ in Millions)	
N/A	
Type of Funding:	
Private, Interstate	

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			Feb-11	TBD	
Land Acquisition			TBD	TBD	
Utility Relocation			TBD	TBD	
Construction			2012	TBD	
Total	940.000	940.000			

Activity Highlights:

VDOT and Fluor-Transurban have come to a principle agreement on the major commercial terms; Construction could begin as soon as spring 2012

I-95 I-95, Woodrow Wilson Bridge and Interchanges — Construction

Construct new drawbridge over Potomac River; Reconstruct 7.5 miles of the Capital Beltway (I-95/495) and 4 interchanges, two in VA and two in MD

District(s): LE, MV

FCDOT Staff: CWS

Implementing Agency:	
VDOT, MDSHA, FHWA	18136, 18138
Amount in Board's 4-Year Plan: ($ in Millions)	
N/A	
Type of Funding:	
Interstate	

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design				Sep-96	
Land Acquisition					
Utility Relocation					
Construction			2001	~~2012~~ 2013	Δ
Total	2444.0	2444.0			

Activity Highlights:

Construction is 94% complete; Reconstruction of the Telegraph Road interchange is the final phase of the Woodrow Wilson Bridge Project; Additional details found at www.wilsonbridge.com or www.vamegaprojects.com

I-95 I-95/395/495 Interchange Modifications Phase VIII (Mixing Bowl) — Construction

Construct HOV/HOT connections between I-95/I-395/I-495

District(s): LE, MA

FCDOT Staff: WPH

Implementing Agency:	
VDOT	14682
Amount in Board's 4-Year Plan: ($ in Millions)	
N/A	
Type of Funding:	
Interstate	

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design	21.192			Jun-97	☺
Land Acquisition			N/A	N/A	
Utility Relocation			N/A	N/A	
Construction	106.892		May-08	Dec-12	👍
Total	128.085	128.085			

Activity Highlights:

Construction in progress as part of the I-495 Beltway HOT Lanes project; Additional details found at www.virginiahotlanes.com or www.vamegaprojects.com

0001 Richmond Hwy Public Transportation Initiative (Phase 2) — Design

Route 1 corridor improvements from Fort Belvoir to Huntington Metro Station including intersection, bus shelter and pedestrian improvements to support express bus service

District(s): LE, MV

FCDOT Staff: CL

Implementing Agency:	
COUNTY	
Amount in Board's 4-Year Plan: ($ in Millions)	
7.500	
Type of Funding:	
Federal, State, Local	

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			Mar-06	TBD	👍
Land Acquisition			Jul-10	TBD	👍
Utility Relocation			TBD	TBD	
Construction			TBD	TBD	
Total	54.500	28.574			

Activity Highlights:

Construction authorized for Frye Road and Kings Highway intersections; ROW complete for 7 of 8 walkways; Next phase of sidewalks (10) and intersections (4) are being scoped; For additional details see DPWES report http://www.fairfaxcounty.gov/dpwes/construction/cap_quarter.htm

0007 Leesburg Pike @ Towlston Road — Design

Add a left turn lane from NB Towlston Road to WB Route 7

District(s): DR

FCDOT Staff: KPR

Implementing Agency:	
COUNTY	
Amount in Board's 4-Year Plan: ($ in Millions)	
0.750	
Type of Funding:	
2007 County Bonds	

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design			Nov-08	May-12	
Land Acquisition			~~Nov-11~~ Jan-12	~~May-12~~ Jul-12	Δ
Utility Relocation			TBD	TBD	
Construction			Jun-12	Mar-13	
Total	0.750	0.750			

Activity Highlights:

Pre-Final design in progress; Plats in progress; Preliminary signal design is complete; Currently researching stormwater management requirements

0029 Route 29 @ Gallows Road — Construction

Widen Route 29 to 6 lanes from I-495 to Merrilee Drive, and widen Gallows Road to 6 lanes from Gatehouse Road to Providence Forest Drive

District(s): PR

FCDOT Staff: SAN

Implementing Agency:	
VDOT	11395, 88600
Amount in Board's 4-Year Plan: ($ in Millions)	
23.000	
Type of Funding:	
Federal, State, Primary 6-Year	

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design	9.958		Feb-04	Dec-07	☺
Land Acquisition	71.880		Jan-07	Oct-08	☺
Utility Relocation			May-08	Jun-11	☺
Construction	17.800		Mar-11	~~Jun-13~~ Jan-13	Δ
Total	99.638	132.810			

Activity Highlights:

Roadway construction is underway and will be divided into four phases; The first phase of construction will end by mid-January 2012; Contractor is on schedule for substantial completion in December 2012

0029 Route 29 from Federalist Way to Forum Drive — Design

Construct segments of a new shared-use path and provide connection to existing trail on the west side of Route 29

District(s): BR, SP

FCDOT Staff: JYR

Implementing Agency:	
COUNTY	59094
Amount in Board's 4-Year Plan: ($ in Millions)	
N/A	
Type of Funding:	
Revenue Sharing	

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design			Nov-06	Feb-12	
Land Acquisition			N/A	N/A	
Utility Relocation			Oct-11	Apr-12	
Construction			~~Feb-12~~ Mar-12	~~Feb-13~~ Dec-12	Δ
Total	4.400	3.415			

Activity Highlights:

Utility relocation underway; VDOT permit application submitted; Final comment for the signage and pavement marking plan are being addressed

0029 Route 29 from Legato Road to Shirley Gate Road — Design

Widen to 3 lanes on NB Route 29 from Legato Road; Intersection improvements at Shirley Gate Road

District(s): BR, SP, SU

FCDOT Staff: JYR

Implementing Agency:	
COUNTY	
Amount in Board's 4-Year Plan: ($ in Millions)	
4.000	
Type of Funding:	
2007 County Bonds	

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design			Dec-08	Feb-14	
Land Acquisition			Mar-12	Oct-12	
Utility Relocation			Apr-13	Mar-14	
Construction			Apr-14	Jul-15	
Total	4.000	4.000			

Activity Highlights:

Scope of project revised to include improvements to Shirley Gate Road intersection; Pre-Final design in progress; Second meeting with Garden World held December 5, 2011; CIM is expected in January 2012

0050 Arlington Boulevard @ Graham Road — Design

Install a 4-foot wide raised median on Graham Road

District(s): MA

FCDOT Staff: TB

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
C & I

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			Oct-09	Mar-12	
Land Acquisition			Jul-11	Feb-12	
Utility Relocation			TBD	TBD	
Construction			Apr-12	Aug-12	
Total	0.750	0.750			

Activity Highlights:

Part of the C&I Project Program endorsed by the BOS on October 19, 2009; Final plan review comments are being addressed

0123 Route 123 @ Jermantown Road — Design

Construct right turn lane from SB Route 123 onto WB Jermantown Road

District(s): PR

FCDOT Staff: JYR

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
C & I

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			Nov-10	~~Aug-12~~ Sep-12	Δ
Land Acquisition			~~Jan-12~~ Feb-12	~~Apr-12~~ Sep-12	Δ
Utility Relocation			TBD	TBD	
Construction			Oct-12	Aug-13	
Total	0.900	0.900			

Activity Highlights:

C & I funding approved by BOS in March 2010; Pre-Final design in progress; Investigating scope changes to include additional improvements

0620 Braddock Road @ Backlick Road — On Hold

Install dual left turn lane on WB Braddock Road

District(s): MA

FCDOT Staff: KPR

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
0.500
Type of Funding:
2007 County Bonds

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			Mar-08	TBD	
Land Acquisition			TBD	TBD	
Utility Relocation			TBD	TBD	
Construction			TBD	TBD	
Total	0.500	0.500			

Activity Highlights:

Project on hold; County staff analyzing whether a roundabout will improve the intersection

0637 Cinder Bed Road @ Newington Road — Design

Intersection Improvements including relocating intersection 450 feet to the north, reconstruction of Cinder Bed Road, sidewalk, and culvert at Long Branch Creek

District(s): MV

FCDOT Staff: TB

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
5.000
Type of Funding:
2007 County Bonds

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			Jul-08	Aug-12	
Land Acquisition			~~Nov-11~~ Jan-12	~~Jun-12~~ Jul-12	Δ
Utility Relocation			TBD	TBD	
Construction			Aug-12	Nov-13	
Total	5.000	5.000			

Activity Highlights:

Intermediate plan comments being addressed; Entrance to DMVS added to scope

4701 Colts Neck Road from South Lakes Drive to Hunters Woods Shopping Center — Complete

Construct sidewalk on west side of Colts Neck Road

District(s): HM

FCDOT Staff: KPR

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
TAC Spot

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design			Jul-05	Jun-11	☺
Land Acquisition			Mar-06	Sep-06	☺
Utility Relocation			Jun-11	Sep-11	☺
Construction			Aug-11	Nov-11	☺
Total	0.366	0.366			

Activity Highlights:

Construction is complete

3806 Danbury Forest Dr/Braddock Rd/Wakefield Chapel Rd Study — Complete

Feasibility study of various intersection improvements and future roadway realignment

District(s): BR

FCDOT Staff: EAI

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
C & I

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design	0.170		Jan-10	Sep-11	☺
Land Acquisition			N/A	N/A	
Utility Relocation			N/A	N/A	
Construction			N/A	N/A	
Total	0.170	0.200			

Activity Highlights:

Part of the C&I Project Program endorsed by the BOS on October 19, 2009; Consultant submitted the Final Report for review in September 2011; The study is substantially complete

7100 Fairfax County Parkway (EPG) — Construction

Construct 4-lane divided, limited access highway within 6-lane ROW from Rolling Road/Franconia-Springfield Parkway to Fullerton Road, including 4 interchanges

District(s): LE, MV, SP

FCDOT Staff: TB

Implementing Agency:
FHWA
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
Federal, State, RSTP

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			Mar-00	Feb-04	☺
Land Acquisition			Jun-10	Oct-10	☺
Utility Relocation			Oct-10	Jan-11	☺
Construction			Nov-08	Jul-12	👍
Total	177.450	177.450			

Activity Highlights:

Project will be completed in four phases; Phases 1, 2 & 4, Fullerton Road, and I-95 SB exit to parkway are complete; Phase 3 completion July 2012

7100 Fairfax County Parkway / Fair Lakes Parkway / Monument Drive Interchange — Construction

Construct interchange and intersection improvements from I-66 to Route 50

District(s): SP, SU

FCDOT Staff: JYR

Implementing Agency:
VDOT
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
RSTP, ARRA

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design	8.905		Oct-01	Jun-10	☺
Land Acquisition	2.585		Sep-05	Dec-10	☺
Utility Relocation			Mar-07	Dec-10	☺
Construction	58.170		May-10	Oct-13	👍
Total	69.660	89.726			

Activity Highlights:

Project partially funded by ARRA; Construction underway and detours in effect; Through traffic on the parkway was diverted to the new ramps to allow bridge construction to begin; This new traffic pattern will be in place until December 2012

7100 Fairfax County Parkway from Route 29 to Braddock Road — Design

Add SB auxiliary lane

District(s): SP

FCDOT Staff: SSS

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
1.000
Type of Funding:
2007 County Bonds

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			Feb-11	Feb-13	
Land Acquisition			TBD	TBD	
Utility Relocation			TBD	TBD	
Construction			Apr-13	Jan-14	
Total	1.000	1.000			

Activity Highlights:

Preliminary design review comments received in October 2011; Awaiting cost proposal from geotech consultant for pavement design

0665 Fox Mill Road/Monroe Street — Design

Install right turn lane on WB Fox Mill Road and add pedestrian improvements

District(s): HM

FCDOT Staff: TB

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
C & I

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design	0.120		Nov-10	Feb-13	
Land Acquisition			Apr-12	Dec-12	
Utility Relocation			TBD	TBD	
Construction			Apr-13	Dec-13	
Total	0.850	0.850			

Activity Highlights:

Part of the C&I Project Program endorsed by the BOS on October 19, 2009; Intermediate plan comments being addressed

0640 Gambrill Road/Pohick Road — Design

Install right turn lane on SB Gambrill Road

District(s): MV, SP

FCDOT Staff: SSS

Implementing Agency:	
COUNTY	
Amount in Board's 4-Year Plan: ($ in Millions)	
N/A	
Type of Funding:	
C & I	

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design			Mar-10	~~Dec-11~~ Sep-12	Δ
Land Acquisition			TBD	TBD	
Utility Relocation			TBD	TBD	
Construction			~~Jan-12~~ Oct-12	~~Nov-12~~ Aug-13	Δ
Total	0.500	0.500			

Activity Highlights:

Part of the C&I Project Program endorsed by the BOS on October 19, 2009; Pre-Final design in progress; Project scope increased to include additional improvements; Traffic signal may need to relocated

0651 Guinea Road Culvert — Construction

Replace culvert over Long Branch

District(s): BR

FCDOT Staff: KPR

Implementing Agency:	
VDOT	
Amount in Board's 4-Year Plan: ($ in Millions)	
N/A	
Type of Funding:	
Secondary 6-Year	

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design			Jul-10	Jul-11	☺
Land Acquisition			N/A	N/A	
Utility Relocation					
Construction			Sep-11	Jun-12	
Total	4.384	4.414			

Activity Highlights:

Emergency replacement of failed culverts with Conspan arch bridge; Washington Gas line and sanitary sewer line relocations are complete; Road closures and detours are being coordinated for the upcoming water line relocation and phase one of the culvert construction

0674 Hunter Mill Road/Mystic Meadow Way — Design

Reconfigure intersection with roundabout and new pedestrian/bicycle facilities

District(s): PR

FCDOT Staff: SSS

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
C & I

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design			Aug-10	Nov-12	👍
Land Acquisition			~~Jan-12~~ Feb-12	Sep-12	Δ
Utility Relocation			TBD	TBD	
Construction			Jan-13	Sep-13	
Total	0.800	0.800			

Activity Highlights:

Part of the C&I Project Program endorsed by the BOS on October 19, 2009; Pre-Final design in progress; The roundabout feasibility analysis for reducing the diameter was conducted; A second stakeholder meeting was held December 12, 2011

0661 Lee Road Culvert — Design

Extend existing drainage structure and widen pavement from 500 feet south of culvert to Penrose Place

District(s): SU

FCDOT Staff: KPR

Implementing Agency:
VDOT
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
C & I, Proffers, RSTP

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design	0.750		Jun-10	TBD	👍
Land Acquisition	1.437		Jul-11	2011	
Utility Relocation			2013	2014	
Construction	1.969		2014	TBD	$
Total	4.156	2.870			

Activity Highlights:

Part of the C&I Project Program endorsed by the BOS on October 19, 2009; Utility relocation plans are being prepared; Project currently underfunded, but staff is working to reconcile the budget shortfall and accelerate the project schedule

0642 Lorton Road/Furnace Road from Silverbrook Road to Route 123 — ROW

Widen to 4-lane divided section including on-road bike lanes, shared use path, low impact development practices, bridge crossings and wide median in Laurel Hill area

District(s): MV

FCDOT Staff: SAN

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
20.000
Type of Funding:
2007 County Bonds, C&I

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design			Feb-08	~~Mar-12~~ Jun-12	👎 Δ
Land Acquisition			~~Oct-11~~ Dec-11	May-12	👎 Δ
Utility Relocation			Aug-11	Sep-12	👍
Construction			Sep-12	Jun-14	$
Total	60.000	50.000			

Activity Highlights:

Pre-Final design in progress; Partial NTP for ROW issued October 2011; Floodplain study resubmitted to VDOT in November 2011

0619 Mulligan Road from Route 1 to Telegraph Road — Construction

Construct/widen Mulligan Road to 4 lanes from Route 1 to Telegraph Rd (Woodlawn Road replacement & Old Mill Road Extension); Widen Telegraph Road to 4 lanes from Beaulah Street to Leaf Road

District(s): LE, MV

FCDOT Staff: JYR

Implementing Agency:
FHWA
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
DAR, State, RSTP, C&I

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design	8.350		Mar-07	May-11	☺
Land Acquisition	3.500		Sep-10	May-11	☺
Utility Relocation	6.777		Feb-11	TBD	👍
Construction	56.373		~~Sep-11~~ Feb-12	~~Jul-13~~ Sep-13	👎 Δ
Total	80.000	80.000			

Activity Highlights:

A contract award letter was reissued to Shirley Construction in September 2011, but was suspended due to a second bid protest; A U.S. Government Accountability Office decision regarding the contractor selection is expected in January 2012; Utility relocations are underway

0738 Old Dominion Drive @ Spring Hill Road (Phase 2) — On Hold

Relocate utility pole, extend shoulder and relocate/modify ditch

District(s): DR

FCDOT Staff: TB

Implementing Agency:		Project Cost	Project Funding	Schedule		Status
COUNTY		($ in Millions)		Start	End	
Amount in Board's 4-Year Plan: ($ in Millions)	**Design**			TBD	TBD	
N/A	**Land Acquisition**			TBD	TBD	
Type of Funding:	**Utility Relocation**			TBD	TBD	
C & I	**Construction**			TBD	TBD	$
	Total	2.000	0.050			

Activity Highlights:

Part of the C&I Project Program endorsed by the BOS on October 19, 2009; Schedule to be determined when funding is available

0738 Old Dominion Drive @ Towlston Road — On Hold

Extend shoulder and relocate/modify ditch

District(s): DR

FCDOT Staff: TB

Implementing Agency:		Project Cost	Project Funding	Schedule		Status
COUNTY		($ in Millions)		Start	End	
Amount in Board's 4-Year Plan: ($ in Millions)	**Design**			TBD	TBD	
N/A	**Land Acquisition**			TBD	TBD	
Type of Funding:	**Utility Relocation**			TBD	TBD	
C & I	**Construction**			TBD	TBD	$
	Total	1.500	0.050			

Activity Highlights:

Part of the C&I Project Program endorsed by the BOS on October 19, 2009; Coordinating with Supervisor's office to determine scope, level of interest/need

7021 Poplar Tree Road from Braddock Ridge Drive to Sequoia Farms Drive — Construction

Widen to 4 lanes

District(s): SU

FCDOT Staff: KPR

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
6.500
Type of Funding:
2007 County Bonds

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design			May-07	Nov-10	☺
Land Acquisition			Mar-10	Oct-10	☺
Utility Relocation			Dec-10	May-11	☺
Construction			Feb-11	May-12	👍
Total	6.500	6.500			

Activity Highlights:

Construction is 65% complete; Retaining wall construction underway

7900 Saratoga Park-and-Ride Facility — Design

Construct approximately 535 parking spaces with transit, pedestrian, and bicycle accommodations

District(s): MV

FCDOT Staff: TB

Implementing Agency:
VDOT
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
CMAQ

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design	0.800		Sep-10	Jan-12	👍
Land Acquisition			N/A	N/A	
Utility Relocation			TBD	TBD	
Construction	3.807		Mar-12	Aug-12	
Total	4.607	4.600			

Activity Highlights:

Bid proposal has been accepted and final design is underway; Project team is working to meet the project schedule

0600 Silverbrook Road @ Hooes Road — Construction

Intersection improvements to configure turn lanes on the WB approach of Silverbrook Road

District(s): MV

FCDOT Staff: JYR

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
TAC Spot

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design			Aug-07	Jan-11	☺
Land Acquisition			N/A	N/A	
Utility Relocation			N/A	N/A	
Construction			Apr-11	~~Nov-11~~ Jan-12	👎 Δ
Total	0.350	0.350			

Activity Highlights:

Construction is 65% complete; Conflict at proposed signal pole location required relocation; Permit revision for relocation received October 2011

0684 Spring Hill Road from Route 7 to International Drive — Complete

Widen to 4 lanes

District(s): PR, HM

FCDOT Staff: JYR

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
Secondary 6-Year

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design	0.950		Jul-02	Sept-03	☺
Land Acquisition	3.650		Dec-03	Oct-05	☺
Utility Relocation			Mar-06	Oct-07	☺
Construction	6.300		Dec-08	Sep-10	☺
Total	10.900	10.900			

Activity Highlights:

Construction substantially completed September 2010; Median construction authorized November 2011

0645 Stringfellow Road from Route 50 to Fair Lakes Boulevard — ROW

Widen to 4 lanes

District(s): SU, SP

FCDOT Staff: JYR

Implementing Agency:
VDOT
Amount in Board's 4-Year Plan: ($ in Millions)
37.000
Type of Funding:
2004 & 2007 Bonds, Revenue Sharing, C&I

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design	6.500		Jul-04	Dec-10	☺
Land Acquisition	25.315		Apr-10	~~Sep-11~~ Jan-12	👎 Δ
Utility Relocation			Jul-09	~~TBD~~ Jul-12	👍 Δ
Construction	29.628		Jul-12	Dec-13	$
Total	61.443	56.400			

Activity Highlights:

ROW acquisition and utility relocation are in progress; A soil contamination issues is under dispute between Colonial Pipiline, Plantation Pipeline and VDOT; Water relocation is delayed

0611 Telegraph Road from South Van Dorn Street to South Kings Highway — Design

Widen Telegraph Road to 4 lanes section and add pedestrian improvements

District(s): LE

FCDOT Staff: JYR

Implementing Agency:
VDOT
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
C & I, 2007 Bonds

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design	1.300		Sep-09	Dec-12	👍
Land Acquisition	3.000		Jun-11	TBD	👍
Utility Relocation			TBD	TBD	
Construction	8.200		Mar-13	Dec-13	
Total	12.500	12.300			

Activity Highlights:

Coordination with FCPA and environmental agencies is ongoing; ROW is underway

XXXX Tysons Priority Access Improvement Projects: Sites 1-7 & 9 — Bid Ad

Construct missing links in the pedestrian circulation systems at four of eight locations in Tysons Corner

District(s): PR, HM

FCDOT Staff: EAI

Implementing Agency:	
VDOT	
Amount in Board's 4-Year Plan: ($ in Millions)	
N/A	
Type of Funding:	
Federal JARC Grant	

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design	0.425		Mar-04	Dec-08	☺
Land Acquisition			Dec-08	Jul-11	☺
Utility Relocation			TBD	TBD	
Construction	0.150		~~Sep-11~~ Nov-11	May-12	👎 Δ
Total	0.575	1.300			

Activity Highlights:

Project consisted of eight locations for pedestrian improvements but only four to be constructed; Bid Ad approval was delayed and it was rescheduled for November 22, 2011

0681 Walker Road — Design

Install road diet features and access lanes at business district intersections south of Georgetown Pike

District(s): DR

FCDOT Staff: TB

Implementing Agency:	
COUNTY	
Amount in Board's 4-Year Plan: ($ in Millions)	
N/A	
Type of Funding:	
C & I	

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design	0.100		Jul-10	Feb-12	👍
Land Acquisition			TBD	TBD	⚑
Utility Relocation			TBD	TBD	
Construction	0.900		Apr-12	Oct-12	
Total	1.000	1.000			

Activity Highlights:

Part of the C&I Project Program endorsed by the BOS on October 19, 2009; Project is now fully funded; Pre-Final design in progress; ROW may be required which will delay the schedule

0693 Westmoreland Street @ Haycock Road — Design

Install right turn lane and concrete sidewalk along the west side of Westmoreland Street from Haycock Road to Temple Rodef Shalom

District(s): DR

FCDOT Staff: TB

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
0.230
Type of Funding:
2007 Bond, C & I

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design	0.200		Mar-11	Sep-12	
Land Acquisition			Jan-12	Nov-12	
Utility Relocation			TBD	TBD	
Construction			Dec-12	Sep-13	
Total	0.880	0.880			

Activity Highlights:

Pre-Final design in progress; Significant utility conflicts may delay schedule

0654 Zion Drive — Complete

Improve the horizontal curve at Zion Baptist Church

District(s): BR

FCDOT Staff: TB

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
1.000
Type of Funding:
2007 County Bonds

	Project Cost	Project Funding	Schedule Start	Schedule End	Status
	($ in Millions)				
Design	0.300		Apr-08	Mar-11	☺
Land Acquisition	0.100		Jul-10	Feb-11	☺
Utility Relocation	0.200		May-11	Jun-11	☺
Construction	1.100		Apr-11	~~Mar-12~~ Dec-11	☺Δ
Total	1.700	1.700			

Activity Highlights:

Construction is substantially complete

XXXX Dulles Rail (Phase 1) — Construction

Improvements from West Falls Church Station to Wiehle Avenue

District(s): DR, PR, HM

FCDOT Staff: SAN

Implementing Agency:
MWAA
Amount in Board's 4-Year Plan: ($ in Millions)
N/A
Type of Funding:
Federal, State, Local, Tax District, MWAA

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			Apr-05	Jun-10	☺
Land Acquisition			Jan-08	Nov-08	☺
Utility Relocation			Feb-08	Jan-10	☺
Construction			Jan-09	Jul-13	👍
Total	2740.000	2740.000			

Activity Highlights:

Overall construction is 59% complete; Utility relocation work is substantially complete as of December 2011; For further information, http://www.dullesmetro.com

XXXX George Mason University Transit Center — Project Initiation

Construct transit center with up to 10 bus bays and amenities such as shelters and lighted kiosks

District(s): BR, SP

FCDOT Staff: SAN

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
1.000
Type of Funding:
2007 County Bonds

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			TBD	TBD	
Land Acquisition			TBD	TBD	
Utility Relocation			TBD	TBD	
Construction			TBD	TBD	
Total	1.000	1.000			

Activity Highlights:

Funding agreement between the County and GMU is under review; GMU will administer the project

XXXX Northern Virginia Community College Transit Center — Project Initiation

Construct transit center with up to 4 bus bays and amenities such as shelters and lighted kiosks

District(s): BR

FCDOT Staff: CL

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
1.000
Type of Funding:
2007 County Bonds

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			TBD	TBD	
Land Acquisition			TBD	TBD	
Utility Relocation			TBD	TBD	
Construction			TBD	TBD	
Total	1.000	1.000			

Activity Highlights:

FCDOT continues discussions with NVCC to select transit center location on campus

XXXX Seven Corners Transit Transfer Center — Complete

Construct transit transfer center at the Seven Corners Shopping Center; Improvements to existing bus stops

District(s): MA

FCDOT Staff: TB

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
1.000
Type of Funding:
CMAQ

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			Jan-07	Oct-10	☺
Land Acquisition			N/A	N/A	
Utility Relocation			Jun-10	Dec-10	☺
Construction			May-11	Dec-11	☺
Total	1.182	1.510			

Activity Highlights:

Construction is complete; Ribbon cutting ceremony scheduled for January 25, 2012

XXXX Stringfellow Road Bus Transfer Facility — Design

Provide 3 additional bus bays (total of 6) and a transit center facility with bicycle facilities

District(s): SU

FCDOT Staff: EAI

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
1.500
Type of Funding:
2007 County Bonds

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			Apr-08	TBD	
Land Acquisition			TBD	TBD	
Utility Relocation			TBD	TBD	
Construction			TBD	TBD	
Total	1.500	1.500			

Activity Highlights:

Project combined with the Park and Ride Expansion; Phase II of the building design contract underway; Plans are being prepared for submission to the Arts & Architectural Review Board in Richmond; A pre-submission conference with BCOM is being scheduled for January 2012

XXXX Stringfellow Road Park & Ride Lot Expansion — Design

Construct an additional 300 spaces north of the existing 387 space facility

District(s): SU

FCDOT Staff: EAI

Implementing Agency:
COUNTY
Amount in Board's 4-Year Plan: ($ in Millions)
4.000
Type of Funding:
2007 County Bonds

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			Apr-08	TBD	
Land Acquisition			TBD	TBD	
Utility Relocation			TBD	TBD	
Construction			TBD	TBD	
Total	4.000	4.000			

Activity Highlights:

Project combined with the Bus Transfer Facility; A traffic impact analysis for the overall site has been authorized

XXXX Vienna Metrorail Staircase — Construction

Add new staircase from platform to mezzanine at Vienna Metro Station

District(s): PR

FCDOT Staff: KPR

Implementing Agency:
WMATA
Amount in Board's 4-Year Plan: ($ in Millions)
2.000
Type of Funding:
2007 County Bonds

	Project Cost	Project Funding	Schedule		Status
	($ in Millions)		Start	End	
Design			Jun-09	Feb-11	☺
Land Acquisition			N/A	N/A	
Utility Relocation			N/A	N/A	
Construction			Apr-11	~~Dec-11~~ Feb-12	👎 Δ
Total	2.000	2.000			

Activity Highlights:

Construction is in progress; Staircase structure to be completed in January 2012 and the finishes in place by the end of February 2012

December 2011 Summary Chart for Pedestrian and Bicycle Projects

Status Key: ☺ =Complete; 👍 =OnSchedule; 👎 =Behind Schedule; Δ =Change Since Previous Report; 🚩 =Schedule Concern; $ =Funding Concer

Phase Key: D=Design; R=Right-of-Way Acquisition; U=Utility Relocation; C=Construction(includes pre-ad, bid ad, and contract award

Route Number	District	Project Description	Lead Agency	Overall Status	Total Project Cost	Amt in BOS's 4-Yr Plan	Phase	Start Date	End Date	Status
0649	PR	**Annandale Road Walkway** Install 190 lf concrete sidewalk along the east side of Annandale Road from Brice Street to the Falls Church City line County Proj#: 4YP201-PB033	COUNTY	Construction	0.070	0.070	D	Aug-08	Aug-11	☺
							R	Jan-10	Sep-11	☺Δ
							U	N/A	N/A	Δ
							C	Sep-11	Mar-12	👍Δ
0749	SU	**Ashburton Avenue Walkway** Install 250 lf concrete sidewalk and stream crossing along the west side of Ashburton Avenue at Cedar Run County Proj#: 4YP201-PB022	COUNTY	Design	0.476	0.476	D	May-08	Jan-12	👎Δ
							R	Apr-10	Aug-10	☺
							U	Sep-11	Dec-11	👍
							C	Feb-12	Oct-12	Δ
0617	MA	**Backlick Road Walkway (east side)** Install concrete sidewalk along the east side of Backlick Road opposite the Wilburdale community County Proj#: 4YP201-PB025	COUNTY	On Hold	0.150	0.150	D	Feb-08	Sep-10	☺
							R	Jul-09	TBD	
							U	TBD	TBD	
							C	TBD	TBD	
0675	HM	**Beulah Road Walkway** Install asphalt sidewalk and crosswalks on alternate sides of Beulah Road from Abbotsford Drive to Coral Crest Lane and along Clarks Crossing Road County Proj#: 4YP201-PB009	COUNTY	Design	1.000	1.000	D	Nov-08	Jul-12	👎Δ
							R	Feb-12	Sep-12	Δ
							U	Sep-12	Oct-12	
							C	Nov-12	Jun-13	Δ
4720	HM	**Bicycle Pavement Marking Plan - Soapstone Drive** Prepare pavement marking and signage plan to include on-road bicycle facilities on Soapstone Drive from the deadend to Sunrise Valley Drive, approximately 2.65 miles County Proj#: PBFP01-00200	COUNTY	Complete	0.016	N/A	D	Feb-11	Jun-11	☺
							R	N/A	N/A	
							U	N/A	N/A	
							C	Oct-11	Nov-11	☺
XXXX	CW	**Bicycle Racks and Lockers - Countywide** Purchase and install 150 inverted "U" bicycle racks and 60 bicycle lockers at locations throughout Fairfax County County Proj#: Phase 3	COUNTY	Bid Ad	0.200	N/A	D	Jun-09	Jan-10	☺
							R	N/A	N/A	
							U	N/A	N/A	
							C	Jan-12	May-12	👎Δ

Status Key: ☺ =Complete; 👍 =OnSchedule; 👎 =Behind Schedule; Δ =Change Since Previous Report; ⚑ =Schedule Concern; $ =Funding Concer

Phase Key: D=Design; R=Right-of-Way Acquisition; U=Utility Relocation; C=Construction(includes pre-ad, bid ad, and contract award

Route Number	District	Project Description	Lead Agency	Overall Status	Total Project Cost	Amt in BOS's 4-Yr Plan	Phase	Start Date	End Date	Status
6493	BR	**Burke Commons Road Walkway** Add sidewalk from Merridith Circle to Roberts Parkway along north side County Proj#: PPTF01-02200	COUNTY	Design	0.230	N/A	D	Feb-10	Aug-12	👎Δ
							R	Jan-12	Aug-12	👎Δ
							U	TBD	TBD	
							C	Sep-12	Apr-13	Δ
3547	DR	**Chain Bridge Road/Tennyson Drive** Add signalized pedestrian crosswalks, signage, striping, and modify signal operations County Proj#: PPTF01-02800	COUNTY	Construction	0.250	N/A	D	Mar-10	Sep-11	☺
							R	Feb-11	Jul-11	☺
							U	Sep-11	Nov-11	☺
							C	Oct-11	Apr-12	👍Δ
0007	MA	**Columbia Pike Interchange (Rte. 7 Ped. Init)** Install sidewalk along both ramps from Columbia Pike to Leesburg Pike and along service road from Seminary Road to Leesburg Pike County Proj#: 4YP201-PB050	COUNTY	ROW	0.800	0.800	D	Oct-10	Jun-12	👍
							R	Oct-11	Apr-12	👎Δ
							U	TBD	TBD	
							C	Aug-12	Jun-13	
0244	MA	**Columbia Pike Walkway** Install concrete sidewalk along the south side of Columbia Pike from Gallows Road to the Annandale Methodist Church County Proj#: 4YP201-PB028	COUNTY	ROW	0.190	0.190	D	Aug-09	Mar-12	👎Δ
							R	Apr-11	Jan-12	👎Δ
							U	Jan-12	May-12	Δ
							C	May-12	Dec-12	Δ
0244	MA	**Columbia Pike Walkway** Install concrete sidewalk along the south side of Columbia Pike from Downing Street to Lincolnia Road County Proj#: 4YP201-PB026	COUNTY	ROW	0.430	0.430	D	May-08	Jan-12	👎Δ
							R	Aug-10	Dec-11	👎Δ
							U	Jan-12	Feb-12	Δ
							C	Feb-12	May-12	Δ
0244	MA	**Columbia Pike Walkway** Install concrete sidewalk along the north side of Columbia Pike from Maple Court to Blair Road County Proj#: 4YP201-PB027	COUNTY	Utilities	0.200	0.200	D	Jan-08	Dec-11	☺
							R	Apr-10	Oct-11	☺
							U	Oct-11	Jan-12	👍
							C	Jan-12	May-12	
0244	MA	**Columbia Pike Walkway Phase II** 600 lf of 8-foot wide walkway along south side from entrance to Holmes Run Stream Valley Park to Powell Lane; install bus shelter on Columbia Pike at Powell Lane County Proj#: 26008G-07002	DPWES	Construction	0.902	0.500	D	Nov-08	Jan-11	☺
							R	Jun-02	Nov-06	☺
							U	Nov-10	Feb-11	☺
							C	Mar-11	Feb-12	👎Δ

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Phase Key: D=Design; R=Right-of-Way Acquisition; U=Utility Relocation; C=Construction(includes pre-ad, bid ad, and contract award

Route Number	District	Project Description	Lead Agency	Overall Status	Total Project Cost	Amt in BOS's 4-Yr Plan	Phase	Start Date	End Date	Status
0673	PR	**Courthouse Road Walkway** Install 410 lf asphalt sidewalk along the north side of Courthouse Road from Chain Bridge Road to Oakton Plantation Lane County Proj#: 4YP201-PB034	COUNTY	Utilities	0.130	0.130	D	Feb-08	Feb-12	👎Δ
							R	Feb-09	Jun-11	☺
							U	Jul-11	Dec-11	👎Δ
							C	Mar-12	Aug-12	Δ
0007	MA	**Culmore Shopping Center to Church Street (Rte. 7 Ped. Init)** Install 1600 lf of sidewalk along the frontage of several shopping centers north of Columbia Pike County Proj#: 4YP201-PB049	COUNTY	ROW	0.750	0.750	D	Aug-10	Mar-12	👍
							R	Aug-11	Mar-12	👍
							U	Mar-12	Jun-12	
							C	Jul-12	May-13	Δ
0123	DR	**Dolley Madison Boulevard/Churchill Road** Add signalized pedestrian crosswalks, signage, striping, and modify signal operations County Proj#: PPTF01-02400	COUNTY	Design	0.250	N/A	D	Mar-10	Jan-12	👎Δ
							R	Dec-10	Mar-11	☺
							U	N/A	N/A	
							C	Feb-12	May-12	Δ
2248	MA	**Elmdale Road Walkway** Add sidewalk from Braddock Road to Old Columbia Pike along south side County Proj#: PPTF01-03000	COUNTY	Design	0.525	N/A	D	Jan-10	Jan-13	👎Δ
							R	Apr-12	Dec-12	Δ
							U	TBD	TBD	
							C	Mar-13	Nov-13	Δ
0007	MA	**First Christian Church of Falls Church (Rte. 7 Ped. Init.)** 6-foot asphalt walkway across church property and adding a bus pad to the existing bus stop. County Proj#: 4YP201-PB053	COUNTY	Utilities	0.230	N/A	D	Jun-10	Feb-12	👎Δ
							R	Dec-10	Jan-12	👎Δ
							U	Jan-12	Mar-12	Δ
							C	Mar-12	Jun-12	Δ
1825	DR	**Fleetwood Road Bicycle Route** Add bicycle wayfinding signage from Elm Street to Chain Bridge Road County Proj#:	COUNTY	Bid Ad	0.005	N/A	D	Dec-09	Oct-11	☺
							R	N/A	N/A	
							U	N/A	N/A	
							C	Jan-12	Feb-12	👎Δ
0665	HM	**Fox Mill Road Walkway** Install asphalt sidewalk along the south side of Fox Mill Road from Fairfax County Parkway to Mill Heights Drive County Proj#: 4YP201-PB011	COUNTY	Construction	0.100	0.100	D	Aug-08	Jul-11	☺
							R	Jun-09	Mar-10	☺
							U	N/A	N/A	
							C	Nov-11	Mar-12	👎Δ

Status Key: ☺ =Complete; 👍 =OnSchedule; 👎 =Behind Schedule; Δ =Change Since Previous Report; 🚩 =Schedule Concern; $ =Funding Concer

Phase Key: D=Design; R=Right-of-Way Acquisition; U=Utility Relocation; C=Construction(includes pre-ad, bid ad, and contract award

Route Number	District	Project Description	Lead Agency	Overall Status	Total Project Cost	Amt in BOS's 4-Yr Plan	Phase	Start Date	End Date	Status
0644	LE	**Franconia Road Walkway (north side)**	COUNTY	Complete	0.090	0.090	D	Sep-08	Jun-11	☺
		Install asphalt sidewalk along the north side of Franconia Road from Governor's Hill Drive to Telegraph Road					R	Jul-10	Sep-11	☺
							U	Jan-11	Apr-11	☺
		County Proj#: 4YP201-PB041					C	Sep-11	Nov-11	☺Δ
0644	LE	**Franconia Road Walkway (south side)**	DPWES	Complete	0.270	0.270	D	Oct-06	Aug-07	☺
		Install concrete sidewalk along south side of Franconia Road from Governor's Hill Drive to Telegraph Road					R	Aug-08	Jan-09	☺
							U	Dec-10	Jun-11	☺
		County Proj#: 4YP201-PB044					C	Jul-11	Nov-11	☺Δ
0650	PR	**Gallows On-Road Bike Lanes**	VDOT	Bid Ad	1.100	3.000	D	Sep-08	Aug-09	☺
		Tysons Corner area to the W&OD Trail; W&OD Trail to Dunn Loring Metrorail Station; Dunn Loring Metrorail Station to Merrifield CBC					R	N/A	N/A	
							U	N/A	N/A	
		County Proj#:					C	Dec-11	Sep-12	👍Δ
0193	DR	**Georgetown Pike Walkway (Phase II)**	DPWES	Design	0.400	N/A	D	Oct-08	Apr-12	👍
		Construct 1,750 lf walkway from Utterback Store Road (Krop Property) to Falls Chase Court					R	Apr-12	Dec-12	
							U	Jan-13	Apr-13	
		County Proj#: W00200-W202B					C	Jun-13	Oct-13	
0193	DR	**Georgetown Pike/Balls Hill Road**	COUNTY	Construction	0.250	N/A	D	Mar-10	Jul-11	☺
		Add signalized pedestrian crosswalks, signage, striping, and modify signal operations					R	N/A	N/A	
							U	N/A	N/A	
		County Proj#: PPTF01-02500					C	Jul-11	Dec-11	👎Δ
4721	HM	**Glade Drive Walkway**	COUNTY	Design	0.110	0.110	D	Dec-07	Dec-11	👎Δ
		Install concrete sidewalk along the north side of Glade Drive from Colts Neck Road to Shire Court					R	Oct-09	May-11	☺
							U	N/A	N/A	
		County Proj#: 4YP201-PB012					C	Feb-12	Jun-12	Δ
0007	MA	**Gorham Street to S. Fourteenth Street (Rte. 7 Ped. Init.)**	COUNTY	ROW	0.250	0.250	D	Jun-10	May-12	👍
		Install 2 smaller segments of walkway totaling 500 feet					R	Jul-11	Mar-12	👍
							U	TBD	TBD	
		County Proj#: 4YP201-PB051					C	Jul-12	Dec-12	

Status Key: ☺ =Complete; 👍 =OnSchedule; 👎 =Behind Schedule; Δ =Change Since Previous Report; ⚑ =Schedule Concern; $ =Funding Concer

Phase Key: D=Design; R=Right-of-Way Acquisition; U=Utility Relocation; C=Construction(includes pre-ad, bid ad, and contract award

Route Number	District	Project Description	Lead Agency	Overall Status	Total Project Cost	Amt in BOS's 4-Yr Plan	Phase	Start Date	End Date	Status
0674	HM	**Hunter Mill Road/Sunrise Valley Drive** Add signalized pedestrian crosswalks, signage, striping, and modify signal operations County Proj#: PPTF01-03100	COUNTY	Project Initiation	0.150	N/A	D	TBD	TBD	
							R	TBD	TBD	
							U	TBD	TBD	
							C	TBD	TBD	
6945	SP	**Hunter Village Drive Shoulder Widening** Add pedestrian improvements from Old Keene Mill Road to Painted Daisy Drive County Proj#: PPTF01-03200	COUNTY	Design	0.800	N/A	D	Mar-10	Jul-12	👍
							R	Feb-12	May-12	Δ
							U	Jun-12	Sep-12	Δ
							C	Sep-12	Jun-13	Δ
1816	DR	**Kurtz Road - Calder Road Bicycle Route** Add bicycle wayfinding signage on Kurtz Rd. from Dolley Madison Blvd to Calder Road and on Calder Rd. from Kurtz Rd. to Brawner Street County Proj#:	COUNTY	Bid Ad	0.003	N/A	D	Dec-09	Oct-11	☺
							R	N/A	N/A	
							U	N/A	N/A	
							C	Jan-12	Feb-12	Δ
0645	SU	**Lees Corner Road Trail** Add trail from Lee Jackson Highway to Bokel Drive along west side County Proj#: PPTF01-03300	COUNTY	Design	0.325	N/A	D	Apr-10	Nov-12	👎Δ
							R	Feb-12	Oct-12	Δ
							U	TBD	TBD	
							C	Dec-12	Aug-13	Δ
0007	DR, HM	**Leesburg Pike/Baron Cameron Avenue/Springvale Road** Add signalized pedestrian crosswalks, signage, striping, and modify signal operations County Proj#: PPTF01-01600	COUNTY	Design	0.200	N/A	D	Jan-09	May-12	👍Δ
							R	Nov-09	Aug-10	☺
							U	N/A	N/A	
							C	Aug-12	Nov-12	Δ
0007	DR	**Leesburg Pike/Colvin Run Road** Add signalized pedestrian crosswalks, signage, striping, and modify signal operations County Proj#: PPTF01-01800	COUNTY	Design	0.600	N/A	D	Oct-10	Jun-12	👎Δ
							R	N/A	N/A	
							U	TBD	TBD	
							C	Aug-12	Feb-13	Δ
0007	DR	**Leesburg Pike/Lewinsville Road** Add signalized pedestrian crosswalks, signage, striping, and modify signal operations County Proj#: PPTF01-02700	COUNTY	Design	0.150	N/A	D	Sep-10	Jun-12	👎Δ
							R	N/A	N/A	
							U	TBD	TBD	
							C	Aug-12	Nov-12	Δ

Status Key: ☺ =Complete; 👍 =OnSchedule; 👎 =Behind Schedule; Δ =Change Since Previous Report; 🚩 =Schedule Concern; $ =Funding Concer

Phase Key: D=Design; R=Right-of-Way Acquisition; U=Utility Relocation; C=Construction(includes pre-ad, bid ad, and contract award

Route Number	District	Project Description	Lead Agency	Overall Status	Total Project Cost	Amt in BOS's 4-Yr Plan	Phase	Start Date	End Date	Status
0007	MA	**Leesburg Pike/Patrick Henry Drive** Add signalized pedestrian crosswalks, signage, striping, and modify signal operations County Proj#: PPTF01-01700	COUNTY	Construction	0.500	N/A	D	Jun-07	Jul-11	☺
							R	Feb-10	Dec-10	☺
							U	N/A	N/A	
							C	Sep-11	Apr-12	👎Δ
0694	DR	**Lewinsville Road Median** Install a pedestrian safety median on Lewinsville Road at Spring Hill Elementary School County Proj#: 4YP201-PB003	COUNTY	Design	0.150	0.150	D	Jun-08	Apr-12	👍
							R	Jan-12	Apr-12	👎Δ
							U	TBD	TBD	
							C	Jun-12	Nov-12	
0694	DR	**Lewinsville Road Walkway Phase I** Construct walkway along north side from Windy Hill Road to Scotts Run Road County Proj#: PPTF01-03600	COUNTY	Design	0.300	N/A	D	Apr-10	Apr-12	👎Δ
							R	Oct-11	Apr-12	👎Δ
							U	TBD	TBD	
							C	Jun-12	Nov-12	
0694	DR	**Lewinsville Road Walkway Phase II** Construct walkway along south side from Snow Meadow Lane to Elsinore Avenue County Proj#: PPTF01-03500	COUNTY	ROW	0.500	N/A	D	Apr-10	Aug-12	👎Δ
							R	Nov-11	Jun-12	👎Δ
							U	TBD	TBD	
							C	Sep-12	Jun-13	Δ
0694	DR	**Lewinsville Road Walkway Phase III** Construct walkway along south side from Altamira Court to Woodhurst Boulevard Drive County Proj#: PPTF01-03400	COUNTY	Construction	0.250	N/A	D	Feb-10	Oct-11	☺
							R	Oct-10	Oct-11	☺
							U	TBD	TBD	
							C	Dec-11	Apr-12	Δ
0613	MA	**Lincolnia Road Walkway** Install concrete sidewalk along the north side of Lincolnia Road from Deming Avenue to North Chambliss Street County Proj#: 4YP201-PB030	COUNTY	Complete	0.050	0.050	D	Mar-08	Mar-11	☺
							R	Feb-10	Sep-10	☺
							U	Jan-11	May-11	☺
							C	Apr-11	Sep-11	☺
2244	MA	**Montrose Street Walkway** Install and upgrade concrete sidewalk along the west side of Montrose Street from Braddock Road to Grafton Street County Proj#: 4YP201-PB031	COUNTY	Construction	0.090	0.090	D	May-08	May-11	☺
							R	Mar-10	Sep-10	☺
							U	N/A	N/A	
							C	Sep-11	Jan-12	👍Δ

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Route Number	District	Project Description	Lead Agency	Overall Status	Total Project Cost	Amt in BOS's 4-Yr Plan	Phase	Start Date	End Date	Status
0235	MV	**Mt.Vernon Highway Walkway**	COUNTY	Design	0.500	N/A	D	Mar-10	Aug-12	👎Δ
		Add sidewalk from Richmond Highway (Rte 1) to retail north of Sunny View Drive along west side					R	Dec-11	Aug-12	Δ
							U	TBD	TBD	
		County Proj#: PPTF01-03900					C	Nov-12	Jun-13	Δ
0241	LE	**North Kings Highway Median**	COUNTY	Design	0.250	N/A	D	Mar-10	Feb-12	👎Δ
		Add concrete median from Fort Drive to North Metro Entrance					R	N/A	N/A	
							U	N/A	N/A	
		County Proj#: RSPI01-00900					C	Mar-12	May-12	Δ
0769	PR	**Oak Street Walkway**	COUNTY	On Hold	0.090	0.090	D	Jun-08	TBD	
		Install concrete sidewalk along the south side of Oak Street from Sandburg Street to west of Morgan Lane					R	TBD	TBD	
							U	TBD	TBD	
		County Proj#: 4YP201-PB038					C	TBD	TBD	
0738	DR	**Old Dominion Drive/ Whittier Avenue**	COUNTY	Construction	0.300	N/A	D	Nov-09	Sep-11	☺
		Add signalized pedestrian crosswalks on all four legs					R	N/A	N/A	
							U	N/A	N/A	
		County Proj#: PPTF01-04000					C	Oct-11	Mar-12	👍Δ
0623	MV	**Old Mill Road Walkway**	COUNTY	Construction	0.200	N/A	D	Mar-10	Oct-11	☺Δ
		Add 150 lf sidewalk from Falkstone Lane to McNair Drive					R	Apr-11	Aug-11	☺
							U	TBD	TBD	
		County Proj#: PPTF01-04100					C	Oct-11	Mar-12	👍Δ
XXXX	BR	**Pohick Stream Valley Trail**	FCPA	Construction	1.400	1.400	D	Jul-08	Nov-10	☺
		Install asphalt trail along Pohick Stream Valley from Burke Centre VRE to Burke Village					R	Nov-10	Jan-11	☺
							U	N/A	N/A	
		County Proj#: 4YP201-PB001					C	Apr-11	Mar-12	👍
2833	DR	**Powhatan Street Walkway**	COUNTY	ROW	0.200	N/A	D	Mar-10	Jun-12	👎Δ
		Construct walkway from Orland Street to Overbrook Street					R	Sep-11	May-12	👍Δ
							U	TBD	TBD	
		County Proj#: PPTF01-03700					C	Jul-12	Nov-12	

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Route Number	District	Project Description	Lead Agency	Overall Status	Total Project Cost	Amt in BOS's 4-Yr Plan	Phase	Start Date	End Date	Status
1879	DR	**Raymond Avenue Walkway** Construct walkway along east side from Churchill Road to Capital View Drive County Proj#: PPTF01-03800	COUNTY	ROW	0.150	N/A	D	Mar-10	Jun-12	👍
							R	Oct-11	Apr-12	👎Δ
							U	TBD	TBD	
							C	Jul-12	Nov-12	
0602	HM	**Reston Avenue Walkway** Install asphalt sidewalk along the west side of Reston Avenue from Southington Lane to Shaker Drive County Proj#: 4YP201-PB015	COUNTY	Construction	0.110	0.110	D	Dec-07	Sep-11	☺
							R	Jun-09	Mar-11	☺
							U	Sep-11	Dec-11	👍Δ
							C	Jan-12	Jun-12	Δ
0007	MA	**Rio Drive to Glenmore Drive (Rte. 7 Ped. Init.)** Install 2 segments of walkway, one on the east side and one on the west side, from the south side of Rio Drive to Glenmore Drive County Proj#: 4YP201-PB048	COUNTY	Design	0.750	0.750	D	Aug-10	Oct-12	👎Δ
							R	Jan-12	Aug-12	Δ
							U	TBD	TBD	
							C	Dec-12	Jul-13	Δ
0603	DR	**River Bend Road-Beach Mill Road Bicycle Route** Add "Share the Road" and "Bike Route" signs on River Bend Road from Old Dominion Drive to Beach Mill Road and on Beach Mill Road from River Bend to the County Line County Proj#:	COUNTY	On Hold	0.015	N/A	D	Dec-09	Jun-10	☺
							R	N/A	N/A	
							U	N/A	N/A	
							C	TBD	TBD	
0638	BR, SP	**Rolling Road/Burke Road** Add signalized pedestrian crosswalks, signage, striping, and modify signal operations County Proj#: PPTF01-02000	COUNTY	Design	0.150	N/A	D	Oct-10	Feb-12	👍
							R	TBD	TBD	
							U	TBD	TBD	
							C	Mar-12	Dec-12	
0007	MA	**Row Street (Rte. 7 Ped. Init.)** Install a 400 lf segment of walkway and curb on the east side of Route 7 on the north side of Row Street County Proj#: 4YP201-PB047	COUNTY	Design	0.225	0.225	D	Aug-10	Oct-12	👎Δ
							R	Feb-12	Sep-12	👎Δ
							U	TBD	TBD	
							C	Nov-12	Apr-13	Δ
0007	MA	**Seven Corners to Juniper Lane (Rte. 7 Ped. Init.)** Intersection improvements at three locations: Seven Corners, Thorne Road and Seven Corners Center County Proj#: 4YP201-PB052	COUNTY	Design	0.800	0.800	D	Aug-10	Jul-12	👎Δ
							R	Jan-12	Jun-12	Δ
							U	TBD	TBD	
							C	Oct-12	Jul-13	

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Route Number	District	Project Description	Lead Agency	Overall Status	Total Project Cost	Amt in BOS's 4-Yr Plan	Phase	Start Date	End Date	Status
0600	MV, SP	**Silverbrook Road Walkway** Install 650 lf asphalt sidewalk along the north side of Silverbrook Road from Silverthorn Road to Bayberry Ridge Road County Proj#: 4YP201-PB020	COUNTY	ROW	0.220	0.220	D	May-08	Sep-11	☺
							R	Feb-09	Feb-11	☺
							U	N/A	N/A	
							C	Jan-12	May-12	Δ
0600	MV	**Silverbrook Road Walkway** Install 820 lf asphalt sidewalk along the north side of Silverbrook Road from Southrun Road to Monacan Road County Proj#: 4YP201-PB018	COUNTY	ROW	0.060	0.060	D	May-08	Feb-12	👎Δ
							R	May-10	Feb-12	👎Δ
							U	N/A	N/A	
							C	Apr-12	Jun-12	Δ
4720	HM	**Soapstone Drive Walkway** Add sidewalk along west side from Sunrise Valley Drive to Hunters Green Court County Proj#: PPTF01-04300	COUNTY	ROW	0.100	N/A	D	Jan-10	Mar-12	👎Δ
							R	Mar-11	Jan-12	👎Δ
							U	Feb-12	Jun-12	Δ
							C	Jun-12	Oct-12	Δ
0684	DR	**Spring Hill Road Walkway** Install asphalt sidewalk along the east side of Spring Hill Road from Old Dominion Drive to Pettit Court County Proj#: 4YP201-PB004	COUNTY	Construction	0.480	0.480	D	May-08	Sep-11	☺
							R	Dec-09	Jun-11	☺
							U	TBD	TBD	
							C	Oct-11	Apr-12	👎Δ
0675	HM	**Sunset Hills Road Walkway** Install concrete sidewalk along the north side of Sunset Hills Road from the W&OD Trail to Michael Faraday Court County Proj#: 4YP201-PB017	COUNTY	ROW	0.240	0.240	D	Dec-07	Dec-11	👍
							R	Nov-10	Dec-11	👍
							U	Apr-11	TBD	👍
							C	Feb-12	Jul-12	
0640	SP	**Sydenstricker Road Walkway** Install asphalt sidewalk along the north side of Sydenstricker Road from Briarcliff Drive to Galgate Drive County Proj#: 4YP201-PB021	COUNTY	ROW	0.180	0.180	D	May-08	Aug-12	👎Δ
							R	May-10	Aug-12	👎Δ
							U	TBD	TBD	
							C	Sep-12	May-13	Δ
0611	LE	**Telegraph Road Walkway** Install asphalt sidewalk along west side of Telegraph Road from South Kings Highway to Lee District Park County Proj#: 4YP201-PB023	COUNTY	On Hold	0.800	0.800	D	TBD	TBD	
							R	TBD	TBD	
							U	TBD	TBD	
							C	TBD	TBD	

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Route Number	District	Project Description	Lead Agency	Overall Status	Total Project Cost	Amt in BOS's 4-Yr Plan	Phase	Start Date	End Date	Status
7541	DR	**Turner Avenue Walkway** Install concrete sidewalk along the east side of Turner Avenue from Williamsburg Pond Court to Haycock Road County Proj#: 4YP201-PB005	COUNTY	ROW	0.050	0.050	D	Dec-08	Apr-12	👎Δ
							R	Dec-09	Mar-12	👎Δ
							U	TBD	TBD	
							C	Apr-12	Jun-12	Δ
0672	HM	**Vale Road/Flint Hill Road** Add signalized pedestrian crosswalks, signage, striping, and modify signal operations County Proj#: PPTF01-01200	COUNTY	Complete	0.113	N/A	D	Jan-10	Jun-11	☺
							R	Jul-10	Dec-10	☺
							U	N/A	N/A	
							C	Jul-11	Nov-11	☺Δ
0693	DR	**Westmoreland Street @ Old Chesterbrook Road** Re-align intersection, new storm drainage, crosswalks on Westmoreland St. from entrance to McLean High School to Old Chesterbrook Rd County Proj#: PPTF01-04400	COUNTY	Design	0.150	N/A	D	Jan-10	Feb-13	👎Δ
							R	Jun-12	Jan-13	
							U	TBD	TBD	
							C	Apr-13	Dec-13	Δ
0828	HM	**Wiehle Avenue Walkway Phase II** Add sidewalk along east side from Chestnut Grove Square to North Shore Drive County Proj#: PPTF01-04500	COUNTY	ROW	0.350	N/A	D	Apr-10	Jul-12	👍
							R	Nov-11	Jul-12	👍
							U	TBD	TBD	
							C	Aug-12	Jan-13	

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Route Number	District	Project Description	Implementing Agency	Total Project Cost ($ in Millions)	Available Funding ($ in Millions)	Project Status	Notes	Phase	Start Date	End Date	Status
Interstate & Primary Road Projects (listed numerically by route number)											
I-66	DR	**I-66 Spot Improvements (Inside the Beltway):** Lengthen acceleration/deceleration lanes at three locations between interchanges; Spots 1 and 3 are in Arlington County, Spot 2 is from Sycamore Street/ Washington Blvd. to Dulles Airport Access Road which crosses into Fairfax County)	VDOT (78826)	$33.536	$3.400	**On Hold**	Spot 1 (Arlington Co.) open to traffic; Spots 2 and 3 on hold pending results of the I-66 Multi-Modal Study, scheduled for completion in May 2012	D	TBD	TBD	
								R	TBD	TBD	
								U	TBD	TBD	
								C	TBD	TBD	
I-66	PR	**I-66 @ Nutley Street:** Improve horizontal alignment of ramp from WB I-66 to Nutley Street	VDOT (81321)	$0.619	$0.627	**Construction**	Project is incorporated into the I-66 Pavement Rehabilitation project	D	Dec-09	Dec-10	☺Δ
								R	N/A	N/A	
								U	N/A	N/A	
								C	~~2011~~ to Apr-11	Nov-12	👍Δ
I-66	SU	**I-66 @ Route 28:** Extend SB Route 28 left turn lanes onto EB I-66, access improvements	VDOT (86333)	$1.383	$1.383	**Design**	HSIP project managed by VDOT; Design in progress; Scheduled for advertisement in mid-2013	D	Aug-10	~~Jun-11~~ to May-13	👎Δ
								R	N/A	N/A	
								U	N/A	N/A	
								C	~~Jun-12~~ to Jun-13	Dec-13	Δ
I-66	PR	**I-66 Arterial Crossings:** Install dynamic message signs on primary arterials leading onto I-66	VDOT (90114)	TBD	TBD	**Design**	Scoping meeting held in November 2011; Design underway	D	Nov-11	Jan-12	👍
								R	N/A	N/A	
								U	N/A	N/A	
								C	May-12	Oct-12	
I-95	LE MV	**I-95 NB Directional Off-Ramp to NB Fairfax County Parkway:** From Exit 166 to 0.6 miles west of Exit 166 (PE only)	VDOT (93033)	$8.100	$4.200	**On Hold**	PE only; Insufficient funds to start PE phase	D	TBD	TBD	$
								R	TBD	TBD	$
								U	TBD	TBD	$
								C	TBD	TBD	$
I-95	LE	**Ft. Belvoir Direct Access Ramps into Ft. Belvoir North Area (Phases 1 & 2):** Construct direct access ramps from I-95 into the north area of Fort Belvoir (EPG)	FHWA	$12.345	$12.345	**Construction**	Environmental issue delaying construction	D	~~Feb-09~~ to Aug-10	~~May-11~~ to Sep-11	☺Δ
								R	Jan-11	Sep-11	☺
								U	Jan-11	Sep-11	☺
								C	Sep-11	~~Dec-12~~ to Jul-13	👎Δ
0001	MV	**Richmond Highway from Old Mill Rd/ Mulligan Rd to Telegraph Road:** Widen to 6 lanes, including sidewalk/trail, and wide median for transit	COUNTY/ FHWA	$183.000	$183.000	**NEPA / Preliminary Design**	FHWA managing project thru NEPA process; Public hearing expected in March 2012; Fairfax County secured $180 million in federal funds for land acquisition and construction	D	~~Nov-09~~ to Mar-11	~~Dec-11~~ to Jun-12	👎Δ
								R	TBD	TBD	
								U	TBD	TBD	
								C	TBD	TBD	

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Route Number	District	Project Description	Implementing Agency	Total Project Cost ($ in Millions)	Available Funding ($ in Millions)	Project Status	Notes	Phase	Start Date	End Date	Status
0001	LE MV	**Route 1 Transit Center:** Study for location evaluation, conceptual design, and operational analysis	COUNTY	$0.144	$0.144	**Study**	Site selected at SE corner of Route 1 and Boswell Avenue, and three design alternatives evaluated; Conducting additional analysis because of proposed development at site	D	Aug-10	Jan-12	👍
								R	N/A	N/A	
								U	N/A	N/A	
								C	N/A	N/A	
0007	DR HM	**Leesburg Pike from Rolling Holly to Reston Avenue:** Widen to 6 lanes	VDOT (52327)	$36.700	$36.742	**Design**	Turn lane alt. being incorporated into design; Environmental document approval pending; ROW to begin upon env. doc. approval; Interaction w/ citizens ongoing regarding stormwater management	D	Jul-99	~~TBD~~ to Feb 12	👍Δ
								R	~~TBD~~ to Mar-12	~~TBD~~ to Mar-13	Δ
								U	~~Jun-11~~ to Apr-12	~~Jul-12~~ to Jun-13	Δ
								C	~~Jul-12~~ to Dec-12	~~Dec-14~~ to Jun-15	Δ
0007	DR HM PR	**Leesburg Pike from Reston Avenue to Lewinsville Road:** Widen to 6 lanes (PE Only)	VDOT (52328)	$300.000	$30.000	**Design**	Funded for design only in the VDOT 6-Year Program; Conceptual design phase to start early 2012	D	Jul-99	TBD	
								R	TBD	TBD	
								U	TBD	TBD	
								C	TBD	TBD	
0007	PR	**Route 7 from Route 123 to I-495:** Study of conceptual design and traffic operations to determine future cross section	COUNTY	TBD	TBD	**Study**	Developing scope and RFP	D	TBD	TBD	
								R	N/A	N/A	
								U	N/A	N/A	
								C	N/A	N/A	
0028	SU	**Route 28 Spot Improvements:** Three locations along the Route 28 corridor identified for improvement (PE only)	VDOT (95637)	$7.075	$7.075	**Design**	Funded for design only; Priority 1 is SB Route 28 between Sterling Blvd and Dulles Toll Road; 30% design plans complete; Rt. 28 Tax District Commission approved $6M for final design	D	Nov-09	TBD	👍
								R	N/A	N/A	
								U	N/A	N/A	
								C	N/A	N/A	
0029	SP	**Route 29 Bridge Replacement over Little Rocky Run:** Replace bridge including approaches from Pickwick Road to Union Mill Road	VDOT (77322)	$14.476	$14.476	**Design**	Funding for 4-lane replacement only; Preliminary Field Inspection held in Nov-09 for 6-lane bridge section; Possible delivery via design-build	D	Nov-09	TBD	👍
								R	2012	TBD	Δ
								U	2013	TBD	Δ
								C	~~2013~~ to May-14	Dec-15	Δ
0029	PR	**Route 29 Walkway:** Provide 5-ft. concrete sidewalk on the south side of Rt. 29 between Shreve Road and Fairview Park Drive	COUNTY	$0.250	$0.250	**On Hold**	On Hold due to overlap with VDOT I-495 HOT Lanes project; Coordination ongoing	D	Sep-07	TBD	👍
								R	TBD	TBD	
								U			
								C	TBD	TBD	

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0029	PR	**Route 29 at Nutley Street:** Construct raised concrete median along the east leg of Route 29, provide second EB left turn lane, and upgrade traffic signal	VDOT (100648)	$1.520	$1.520	**Project Initiation**	Pre-scoping meeting held in November 2011	D	TBD	TBD	
								R	TBD	TBD	
								U	TBD	TBD	
								C	TBD	TBD	
0050	SU	**Route 50 from Route 28 to Poland Road (Loudoun Co) :** Widen to 6 lanes from Route 28 to Poland Road in Loudoun County (Dulles Loop)	VDOT (68757)	$99.928	$103.478	**Construction**	Design-build; Construction underway; Team reviewing providing access from SB Rt. 28 to Lee Road	D	2006	~~2011~~ to Dec-11	👍
								R	~~2011~~ to Nov-11	~~TBD~~ to Nov-12	Δ
								U	~~2011~~ to Jun-12	~~2014~~ to Dec-12	Δ
								C	~~2011~~ to Mar-11	~~2014~~ to Dec-14	👍Δ
0123	PR	**Route 123 Bridge over I-66:** Rehabilitation of Route 123 SB and NB bridges over I-66	VDOT (92567)	TBD	TBD	**Project Initiation**	Pre-scoping meeting held in October 2011	D	TBD	TBD	
								R	N/A	N/A	
								U	N/A	N/A	
								C	TBD	TBD	
0193	DR	**Georgetown Pike Scenic Pulloff:** Install historic marker pulloff and parking area at Langley Fork	VDOT (56453)	$0.375	$0.375	**Construction**	Project advertised for construction April 2011, but bids were too high; re-advertised bids received 12/21/11; expect notice to proceed in March 2012	D		Jan-10	☺
								R	N/A	N/A	
								U	N/A	N/A	
								C	~~Mar-11~~ to Nov-11	~~Jun-11~~ to May-12	👎Δ
0267	DR	**Dulles Toll Road @ Fairfax County Parkway SB:** Safety improvement from SB Fairfax County Parkway right turn lane onto EB Dulles Toll Road.	VDOT (90213)	$0.698	$0.698	**Construction**	Project advertised for construction December 2011	D	~~2009~~ to Nov-10	Jun-11	☺Δ
								R	N/A	N/A	
								U	Oct-11	Feb-12	👍Δ
								C	~~2011~~ to Dec-11	May-12	👍Δ
0267	DR	**Dulles Toll Road @ Fairfax County Parkway NB:** Safety improvement from WB Dulles Toll Road Ramp to NB Parkway right turn lane	VDOT (90214)	$0.740	$0.740	**Construction**	Project advertised for construction December 2011	D	~~2009~~ to Nov-10	Jun-11	☺Δ
								R	N/A	N/A	
								U	Oct-11	Feb-12	👍Δ
								C	~~2011~~ to Dec-11	May-12	👍Δ
0267	DR PR	**Dulles Toll Road Tysons Ramps:** Study to evaluate alternatives for existing and up to 3 additional interchanges between the Dulles Toll Road and Tysons	COUNTY	$0.800	$0.800	**Study**	Baseline model completed; Working on 2030 no-build model; Potential alternatives discussed with MWAA and VDOT	D	May-11	Mar-12	👍
								R	N/A	N/A	
								U	N/A	N/A	
								C	N/A	N/A	

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Route Number	District	Project Description	Implementing Agency	Total Project Cost ($ in Millions)	Available Funding ($ in Millions)	Project Status	Notes	Phase	Start Date	End Date	Status
Secondary Road Projects (listed alphabetically)											
0650	MA	**Annandale Road @ Kerns Road:** Intersection improvements	COUNTY	$0.283	$0.283	**Construction**	Project being constructed with HOT Lanes project	D	Mar-09	Jun-11	☺
								R	Apr-10	Aug-10	☺
								U	N/A	N/A	
								C	~~Jun-11~~ to Aug-11	~~Jan-12~~ to Feb-12	👎Δ
0603	DR	**Beach Mill Road Bridge:** Repair/replace bridge over Nichols Branch	VDOT (84385)	$1.279	$1.279	**Design**	Emergency replacement completed in October 2011; Design exception for single-lane bridge approved; Project to be design-build	D	Nov-09	Jun-12	👍
								R	~~Jul-12~~ to N/A	~~Jun-13~~ to N/A	Δ
								U			
								C	~~Jul-13~~ to Apr-12	Dec-12	Δ
0702	DR HM	**Beulah Road Bridge:** Bridge Scour Repairs over Wolf Trap Run	VDOT (82213)	$0.580	$0.580	**Design**	Design underway; Advertisement scheduled for spring 2012	D	Jan-08	TBD	👍
								R	TBD	TBD	
								U	N/A	N/A	
								C	~~Dec-11~~ to Apr-12	TBD	Δ
0675	HM	**Beulah Road Bridge:** Widen, rehabilitate, and raise vertical clearance of bridge over Dulles Toll Road; Add pedestrian facility on west side	VDOT (99541)	$4.772	$4.772	**Design**	Advertisement scheduled for January 2012; Utilization of a privately owned stormwater management pond is under county's review	D	Feb-11	Dec-11	👍
								R	N/A	N/A	
								U	TBD	TBD	
								C	Jan-12	TBD	
0675	HM	**Beulah Road Trail:** Install 10-foot wide trail (Section D)	COUNTY	$0.165	$0.165	**Complete**	Construction substantially complete in September 2011	D	Sep-09	Sep-10	☺
								R	N/A	N/A	
								U	N/A	N/A	
								C	~~Jan-11~~ to Mar-11	~~Jul-11~~ to Sep-11	☺Δ
0620	BR	**Braddock Road @ Ravensworth Road:** Add dual left turn lane EB Braddock Road to NB Ravensworth Road	VDOT (93570)	$1.279	$0.629	**ROW**	HSIP project managed by VDOT; Final design, land acquisition, and utility relocation underway	D	Aug-10	Aug -11	☺
								R	Aug-11	Jul-12	👍
								U	Aug-11	Aug-12	👍Δ
								C	~~Aug-12~~ to Jul-14	~~Dec-12~~ to Nov-14	Δ
0620	BR, SP	**Braddock Road @ Rte. 123:** Interim improvements (add dual left turn lanes on Route 123, add through lane and left turn lane on Roanoke River Road, extend turn lanes at Braddock Road and Route 123)	COUNTY	$3.000	$3.000	**Design**	Intermediate design in progress; GMU taking over proposed improvements on Braddock Road and Roanoke River Road; Finalizing funding agreement with GMU	D	May-10	~~Jul-12~~ to Oct-12	👎Δ
								R	~~Jan-12~~ to Apr-12	~~Sep-12~~ to Dec-12	Δ
								U	TBD	TBD	
								C	~~Nov-12~~ to Feb-13	~~Jan-14~~ to Apr-14	Δ

Annual Update on Other Transportation Projects NOT Included in the BOS 4-Year Transportation Program

December 2011

Status Key: ☺=Complete; 👍=On Schedule; 👎=Behind Schedule; Δ=Change Since Previous Report; 🚩=Schedule Concern; $=Funding Concern

Phase Key: D=Design; R=Right-of-Way Acquisition; U=Utility Relocation; C=Construction(includes pre-ad, bid ad, and contract award)

Route Number	District	Project Description	Implementing Agency	Total Project Cost ($ in Millions)	Available Funding ($ in Millions)	Project Status	Notes	Phase	Start Date	End Date	Status
0620	SU	**Braddock Rd at Union Mill Road:** Construct dual EB and WB left turn lanes on Braddock Rd. into Union Mill Rd., eliminate permissive left turn movement	VDOT (96998)	$0.940	$0.940	**Construction**	Funded under countywide HSIP UPC 86628	D	Feb-10	Oct-11	☺Δ
								R	N/A	N/A	
								U	Feb-11	May-11	☺Δ
								C	~~Oct-11~~ to Nov-11	May-12	👍Δ
XXXX	PR	**Eskridge Road Extension:** Extend Eskridge Road from Merrifield Town Center (developer project) to Williams Drive	COUNTY	$3.000	$3.000	**Utilities**	Plans approved by DPWES and bonded; ROW acquisition in progress; Utility relocation design in progress	D	Oct-08	~~Dec-09~~ to Oct-11	☺Δ
								R	Dec-09	~~Sep-10~~ to Jan-12	👎Δ
								U	~~Jan-11~~ to Jan-12	~~TBD~~ to Mar-12	Δ
								C	~~TBD~~ to Mar-12	~~TBD~~ to Oct-12	Δ
2677	LE	**Frontier Drive Extension:** Study for traffic analysis and preliminary engineering for extension from Franconia-Springfield Parkway to Loisdale Road	COUNTY	$0.250	$0.250	**Study**	Finishing analysis of second alternative after operational issues with first alternative; Expect completion in February 2012 if second option works and a third alternative is not required	D	Apr-10	Feb-12	👍
								R	N/A	N/A	
								U	N/A	N/A	
								C	N/A	N/A	
4721	HM	**Glade Drive Walkway:** Walkway on the north side of Glade Drive from Colts Neck Road to Shire Court	COUNTY	$0.110	$0.110	**Design**	Final design underway; Investigating land rights issue at signal controller box	D	Aug-08	Jan-12	👍
								R	Oct-09	May-11	☺
								U	N/A	N/A	
								C	Feb-12	Jul-12	
0636	LE	**Hooes Road Bridge Superstructure Replacement:** Replace wooden deck with concrete deck at bridge over Accotink Creek	VDOT (97609)	$1.807	$1.807	**Bid Ad**	Design complete; Scheduled to advertise for construction in spring 2012	D		Dec-11	☺
								R	N/A	N/A	
								U	N/A	N/A	
								C	TBD	Oct-12	👍
8102	PR	**Jones Branch Connector:** Study for connector from Route 123 to Jones Branch Drive	COUNTY	$0.695	$0.695	**Study**	Conceptual plan complete; Preliminary design, traffic analysis, and environmental evaluation underway	D	Oct-11	Sep-12	👍
								R	N/A	N/A	
								U	N/A	N/A	
								C	N/A	N/A	
0789	LE	**Loisdale Road @ Loisdale Court:** Shift median to realign left turn lanes and signal upgrade	VDOT (86514)	$0.429	$0.516	**Construction**	Pre-construction conference held December 2011; Construction underway	D	Nov-09	~~TBD~~ to Aug-11	☺Δ
								R	N/A	N/A	
								U	N/A	N/A	
								C	~~TBD~~ to Nov-11	~~Nov-11~~ to May-12	👎Δ

Annual Update on Other Transportation Projects NOT Included in the BOS 4-Year Transportation Program

December 2011

Status Key: ☺=Complete; 👍=On Schedule; 👎=Behind Schedule; Δ=Change Since Previous Report; 🚩=Schedule Concern; $=Funding Concern

Phase Key: D=Design; R=Right-of-Way Acquisition; U=Utility Relocation; C=Construction(includes pre-ad, bid ad, and contract award)

Route Number	District	Project Description	Implementing Agency	Total Project Cost ($ in Millions)	Available Funding ($ in Millions)	Project Status	Notes	Phase	Start Date	End Date	Status
0690	DR	**Old Chesterbrook Road Bridge:** Superstructure replacement over Pimmit Run	VDOT (86904)	$1.189	$1.189	**ROW**	Advertisement scheduled for spring 2012	D	Jul-09	~~2011~~ to Dec-11	☺Δ
								R	~~Dec-09~~ to Oct-11	~~Jan-10~~ to Mar-12	👎Δ
								U			
								C	~~Sep-11~~ to Mar-12	Jun-13	Δ
0675	HM	**Plaza America Proffer Agreement (PA02B):** Proffer contribution for pedestrian enhancements: Sunset Hills Road from Reston Center to Town Center Parkway	COUNTY	$0.230	$0.230	**ROW**	Scope revised to 8-ft asphalt trail; Revised alignment to avoid fiber-optic line relocation; Schedule adjusted	D	Nov-03	~~May-11~~ to Feb-12	👎Δ
								R	Dec-10	~~Apr-11~~ to Feb-12	👎Δ
								U			
								C	~~May-11~~ to Mar-12	~~Sep-11~~ to Jul-12	Δ
0675	HM	**Plaza America Proffer Agreement (PA060J):** Proffer contribution for public transportation enhancements: EB Sunset Hills Road at Target	COUNTY	$0.030	$0.030	**On Hold**	Developer may provide bus stop improvement; Land acquisition unsuccessful	D	Feb-04	Oct-05	☺
								R	Oct-05	TBD	
								U	TBD	TBD	
								C	TBD	TBD	
0638	MV	**Rolling Road from Fullerton Street to DeLong Drive :** Widen to 4 lanes	COUNTY	$1.300	$1.300	**Design**	Funding for design only; VE study recommendations approved 10/25/11; Intermediate design in progress	D	Sep-10	~~Feb-13~~ to TBD	👍Δ
								R			
								U			
								C			
0638	SP	**Rolling Road Loop Ramp:** Additional lane on ramp from Rolling Road to NB Fairfax County Parkway	VDOT (81738)	$14.000	$14.000	**Project Initiation**	Evaluating design alternatives; Anticipate start of design in February 2012	D	TBD	TBD	
								R	TBD	TBD	
								U	TBD	TBD	
								C	TBD	TBD	
0613	MA	**Sleepy Hollow Road bridge over Tripps Run Creek repair:** Repair and paint steel ,replace expansion joints and overlay deck	VDOT (97608)	$1.177	$1.264	**Construction**	Construction underway	D	Oct -10	Jan-11	☺
								R			
								U			
								C	Jul-11	Mar-12	👍
4720	HM	**Soapstone Drive Walkway:** Install walkway along east side from South Lakes Drive to Snakeden Stream Valley	COUNTY	$1.870	$1.500	**Design**	Design is in progress; Design waiver submitted December 2011	D	Jul-08	Jun-12	👍
								R	~~Nov-11~~ to Feb12	~~Jun-12~~ to Sep-12	Δ
								U	~~Jul-12~~ to Oct-12	~~Jul-13~~ to Oct-13	Δ
								C	Aug-13	May -14	
4720	HM	**Soapstone Drive Connector/Overpass:** Feasibility study for connector/overpass from Sunrise Valley Drive to Sunset Hills Road	COUNTY	TBD	TBD	**Study**	Consultant proposal under review	D	TBD	TBD	
								R	N/A	N/A	
								U	N/A	N/A	
								C	N/A	N/A	

Annual Update on Other Transportation Projects NOT Included in the BOS 4-Year Transportation Program

December 2011

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Phase Key: D=Design; R=Right-of-Way Acquisition; U=Utility Relocation; C=Construction(includes pre-ad, bid ad, and contract award)

Route Number	District	Project Description	Implementing Agency	Total Project Cost ($ in Millions)	Available Funding ($ in Millions)	Project Status	Notes	Phase	Start Date	End Date	Status
8460	SU	**Stonecroft Boulevard Widening:** Widen Stonecroft Boulevard to 6 lanes from Conference Center Drive to Westfields Boulevard (*County responsible for 800-ft section in front of the Sully District Govt. Center*)	Developer/ COUNTY	$0.650	$0.650	**Construction**	Construction agreement approved at 10/19/10 BOS meeting; Developer addressing comments received on bond package	D	Aug-05	Mar-06	☺
								R	Apr-07	Jan-09	☺
								U	~~Jun-08~~ to TBD	~~Dec-08~~ to TBD	Δ
								C	TBD	TBD	
0676	DR HM	**Towlston Road Bridge:** Replace Bridge over Rocky Run (PE only)	VDOT (76247)	$1.343	$0.434	**Design**	Funded for design only; Funding balance to be provided by federal and state research funds in FY13; Preliminary engineering to start January 2012	D	~~Jul-09~~ to Jan-12	TBD	👎Δ
								R	TBD	TBD	
								U	N/A	N/A	
								C	TBD	TBD	
0676	DR HM	**Trap Road Pedestrian and Bicycle Bridge:** Construct pedestrian and bicycle bridge over Dulles Toll Road and connect to existing shared-use paths	FHWA (72695)	$2.242	$2.242	**Construction**	Funded by Federal Public Lands Discretionary funds; Construction scheduled to be completed July 2012	D		Aug-09	☺
								R	N/A	N/A	
								U	N/A	N/A	
								C	~~TBD~~ to Nov-11	~~TBD~~ to Jul-12	👍Δ
0681	DR	**Walker Road Bridge:** Replace Bridge over Piney Run	VDOT (84383)	$2.770	$0.892	**Design**	Funded for design and right-of-way only; Design will re-start January 2012	D	Nov-09	~~Nov-11~~ to TBD	👎Δ
								R	~~Dec-11~~ to TBD	~~Feb-13~~ to TBD	Δ
								U			
								C	~~Mar-13~~ to Jul-14	TBD	Δ
0657	SU	**Walney Road Bridge:** Bridge Replacement over Flatlick Branch	VDOT (82214)	$7.000	$7.000	**Design**	VE Study completed; Public hearing scheduled for March or April 2012; Intermediate design in progress	D	Jan-08	TBD	👍
								R	~~TBD~~ to Apr-12	~~TBD~~ to Feb-13	Δ
								U	N/A	N/A	
								C	~~TBD~~ to Feb-14	TBD	Δ
0828	HM	**Wiehle Avenue Walkway:** Install 6-foot asphalt walkway with retaining wall and drainage improvements on the west side from North Shore Drive to Baron Cameron Avenue	COUNTY	$0.480	$0.480	**Construction**	Construction authorized in October 2011; Construction is underway	D	May-09	Aug-11	☺
								R	Jan-02	Sep-08	☺
								U	N/A	N/A	
								C	Oct-11	Apr-12	👍

Annual Update on Other Transportation Projects NOT Included in the BOS 4-Year Transportation Program

December 2011

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Phase Key: D=Design; R=Right-of-Way Acquisition; U=Utility Relocation; C=Construction(includes pre-ad, bid ad, and contract award)

Route Number	District	Project Description	Implementing Agency	Total Project Cost ($ in Millions)	Available Funding ($ in Millions)	Project Status	Notes	Phase	Start Date	End Date	Status
Other Projects (listed alphabetically by project name)											
XXXX	MV	**Mason Neck Trail 2A:** Construct 1500 feet of trail along east side of Gunston Road from Pohick Bay Drive to Gunston Hall Plantation	COUNTY	$0.310	$0.310	**Complete**	Competed June 2011	D	Apr-06	Aug-09	☺
								R	Feb-09	Aug-09	☺
								U			
								C	~~Nov-10~~ to Aug-10	~~Feb-11~~ to Jun-11	☺Δ
XXXX	MV	**Mason Neck Trail 2B:** Install 9900 lf of 8-foot asphalt trail along Gunston Road from Pohick Bay Drive to the Pohick Bay golf course entrance	COUNTY	$2.340	$2.340	**Design**	Requested authorization from VDOT to enter right-of-way phase	D	Jun-11	Mar-12	👍
								R	TBD	TBD	
								U	TBD	TBD	
								C	TBD	TBD	
XXXX	HM	**Reston Transit Center Trail:** Install 180 lf of 8-foot asphalt walkway, upgrade curb ramps, install bike racks and lockers at transit center	COUNTY	$0.150	$0.150	**Construction**	Construction underway	D	Nov-10	Aug-11	☺
								R	Apr-11	Jun-11	☺
								U	N/A	N/A	
								C	Sep-11	Feb-12	👍
XXXX	LE	**Springfield CBC Commuter Parking Garage:** Construct approx. 1000 space garage with transit transfer facility on interim surface lot site	COUNTY	$30.000	$10.750	**Project Initiation**	Staff meeting to discuss next steps scheduled for January 2012	D	TBD	TBD	
								R	TBD	TBD	
								U	TBD	TBD	
								C	TBD	TBD	
XXXX	HM	**Wiehle Avenue Park and Ride Garage:** Construct 2300 Parking spaces, 10 bus bays, and 42 Kiss and Ride spaces at the Wiehle Avenue Metrorail Station	MWAA	$90.000	$90.000	**Construction**	Part of Dulles Rail Project; Design plans complete (final approval to be issued once land acquisition complete)	D	Mar-10	~~May-11~~ to Nov-11	☺Δ
								R	Oct-10	~~Sep-11~~ to Dec-11	👎Δ
								U	Dec-10	Jun-12	👍
								C	Apr-11	Sep-13	👍

County of Fairfax
Department of Transportation
4050 Legato Road, Suite 400
Fairfax, Virginia 22033
Phone: (703) 877-5600 Fax: (703) 877-5723

Board Agenda Item
January 24, 2012

11:15 a.m.

Matters Presented by Board Members

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Board Agenda Item
January 24, 2012

12:05 p.m.

CLOSED SESSION:

(a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).

(b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).

(c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).

1. Consent Order with the State Water Control Board Resolving Enforcement Action Regarding Unpermitted Discharges from Fairfax County's Sanitary Sewer System (Mount Vernon District)

2. *Chantilly Partners Limited Partnership v. Board of Supervisors of Fairfax County and Fairfax County, Virginia*, CL-2011-0018289 (Fx. Co. Cir. Ct.) (Springfield District)

3. *Virginia Department of Labor and Industry v. Fairfax County Police Department*, Inspection No. 312648520 (Mount Vernon District)

4. *Pflow Industries, Inc., and Anatares Monument, LLC, and Rim Pacific Management, Inc. v. Fairfax County Board of Supervisors*, Case No. CL-2010-18319 (Fx. Co. Cir. Ct.)

5. *Alvin Mosier v. Commonwealth of Virginia, et al.*, Case No. 1:11cv1381 (E.D. Va.)

6. *John David Cooper v. Raquel Perez, et al.*, Case No. CL-2011-0016520 (Fx. Co. Cir. Ct.)

7. *Gerald Edward Preston v. MV Transportation and Fairfax County DOT*, Case No. GV11033431-00 (Fx. Co. Gen. Dist. Ct.)

8. *Karen Rompalo v. Fairfax County Public Schools*, Case No. GV11020800-00 (Fx. Co. Gen. Dist. Ct.)

9. *Latisa M. Head, Trustee v. The Fairfax County Redevelopment and Housing Authority, the Board of Supervisors of Fairfax County, Virginia, and Vicki L. Dodge*, Case No. CL-2011-0001752 (Fx. Co. Cir. Ct.) (Springfield District)

10. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohammed J. Abdlazez*, Case No. CL-2008-0006965 (Fx. Co. Cir. Ct.) (Mason District)

11. *The Newberry Station Homeowners Association, Inc., Brandon Farlander, and Michael Miller v. Board of Supervisors of Fairfax County, Virginia, Iskalo CBR LLC, and the Washington Metropolitan Area Transit Authority*, Case No. CL-2011-0005030 (Fx. Co. Cir. Ct.) (Lee District)

12. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Khalil Arbid*, Case No. CL-2011-0003120 (Fx. Co. Cir. Ct.) (Hunter Mill District)

13. *Eileen M. McLane, Fairfax County Zoning Administrator v. Khanh Quach and Dao Tran*, Case No. CL-2010-0014970 (Fx. Co. Cir. Ct.) (Mason District)

14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Sheldon P. Ellison and Wauleah A. Ellison*, Case No. CL-2010-0017783 (Fx. Co. Cir. Ct.) (Mason District)

15. *Eileen M. McLane, Fairfax County Zoning Administrator v. James M. Shifflett, Sr., and Judith M. Shifflett*, Case No. CL-2009-0014727 (Fx. Co. Cir. Ct.) (Mount Vernon District)

16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Noel J. Gueugneau*, Case No. CL-2011-0006975 (Fx. Co. Cir. Ct.) (Mason District)

17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Vinh Le, Hien Thi Nguyen, and Johnny Le*, Case No. CL-2011-0015039 (Fx. Co. Cir. Ct.) (Mason District)

18. *Eileen M. McLane, Fairfax County Zoning Administrator v. Selim Eslaquit and Hamdi Eslaquit***,** Case No. CL-2011-0010916 (Fx. Co. Cir. Ct.) (Mount Vernon District)

19. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Eric R. Kenney*, Case No. CL-2011-0009050 (Fx. Co. Cir. Ct.) (Providence District)

20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Randy G. Curtis and Karen L. Curtis*, Case No. CL-2011-0010963 (Fx. Co. Cir. Ct.) (Providence District)

21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wallace Lee Oden*, Case No. CL-2011-0010556 (Fx. Co. Cir. Ct.) (Mount Vernon District)

22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Reynaldo C. Medrano and Carla Munoz-Lopez*, Case No. CL-2011-0000217 (Fx. Co. Cir. Ct.) (Mason District)

23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert George Chatman and Patricia A. Chatman*, Case No. CL-2011-0017307 (Fx. Co. Cir. Ct.) (Mason District)

24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kelly S. Mullaney*, Case No. CL-2011-0018023 (Fx. Co. Cir. Ct.) (Mason District)

25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Cornell S. Marschalko and Rose Marschalko*, Case No. CL-2011-0018096 (Fx. Co. Cir. Ct.) (Dranesville District)

26. *Eileen M. McLane, Fairfax County Zoning Administrator v. Phillip Shane Blevins and Denise Clare Blevins*, Case No. CL-2011-0018229 (Fx. Co. Cir. Ct.) (Springfield District)

27. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tyron Barth and Elizabeth Ann Pennell*, Case No. CL-2011-0018335 (Fx. Co. Cir. Ct.) (Mount Vernon District)

28. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter H. Young***,** Case No. CL-2012-0000077 (Fx. Co. Cir. Ct.) (Providence District)

29. *Eileen M. McLane, Fairfax County Zoning Administrator v. William E. Hughes and Margaret Hughes*, Case No. CL-2012-0000159 (Fx. Co. Cir. Ct.) (Sully District)

30. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jan Forbes and Virginia Forbes***,** Case No. CL-2012-0000223 (Fx. Co. Cir. Ct.) (Mount Vernon District)

31. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan Jose Valle and Angelica Maria Valle*, Case No. CL-2012-0000224 (Fx. Co. Cir. Ct.) (Dranesville District)

32. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Robert E. Stroup***,** Case No. CL-2012-0000352 (Fx. Co. Cir. Ct.) (Providence District)

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Board Agenda Item
January 24, 2012

3:00 p.m.

Annual Meeting of the Fairfax County Solid Waste Authority

ISSUE:
Fairfax County Solid Waste Authority annual meeting.

RECOMMENDATION:
The County Executive recommends that the Fairfax County Solid Waste Authority hold its annual meeting in accordance with the Bylaws for the Authority; appoint officers; approve the minutes of the January 25, 2011 meeting; and approve the financial statements.

TIMING:
Immediate. The Bylaws of the Fairfax County Solid Waste Authority require the annual meeting to coincide with the time for the last regular meeting of the Board of Supervisors set in January.

BACKGROUND:
According to the Bylaws of the Fairfax County Solid Waste Authority, the regular annual meeting of the Authority shall coincide with the time for the last regular meeting of the Board of Supervisors set in January. The proposed agenda of the Authority meeting is included as Attachment I. The Bylaws further require a review and approval of the minutes of the previous year's meetings (Attachment II) and that officers of the authority be appointed to serve for a one-year term.

During FY 2011, the I-95 Energy/Resource Recovery Facility (E/RRF) processed 1,024,904 tons of municipal solid waste. Service Agreement tons totaled 996,051 tons, 7.0% above the Guaranteed Annual Tonnage (GAT) of 930,750 tons required by the Service Agreement with Covanta Fairfax, Inc. (CFI), owner and operator of the facility. County waste delivered to the facility totaled 703,769 tons. This was below the GAT level but additional waste from the District of Columbia and Prince William County accounted for the remaining tons.

The June 2011 stack test documented emissions from the E/RRF that were well below regulatory and permit limits established by the U.S. Environmental Protection Agency (EPA) and the Virginia Department of Environmental Quality. The twice-yearly ash tests

also showed ash characteristics below regulatory limits. The independent engineering firm of Dvirka and Bartilucci confirmed in its October 2011 report that "CFI has complied with the requirements of the Service Agreement, as amended and has complied with the Facility's various environmental permit and regulatory obligations." During FY 2011 Covanta Fairfax became certified as a Virginia Extraordinary Environmental Excellence Enterprise Program (E4) participant.

The construction bonds for the facility were paid in February 2011, with a resultant reduction in the tip fee paid by the County to Covanta. The Service Agreement extension continues through February 1, 2016. Other financial information is contained in the Financial Statements (Attachment III).

County staff and the Board of Supervisors explored the option to buy the E/RRF. Following extensive analyses and public input, the Board decided to review future options for dealing with solid waste at a later time.

Construction of the reclaimed water project, in cooperation with the Noman M. Cole, Jr. Pollution Control Plant, continued this year and operation is imminent. This project benefits Fairfax County by using reclaimed water for industrial purposes instead of potable water and will help reduce the nutrient load being discharged to the Chesapeake Bay.

FISCAL IMPACT:
None

ENCLOSED DOCUMENTS:
Attachment I – Fairfax County Solid Waste Authority Meeting Agenda, January 24, 2012
Attachment II – Minutes of the January 25, 2011, Solid Waste Authority Meeting
Attachment III – Financial Statements and Supplemental Information

STAFF:
James W. Patteson, Director, Department of Public Works and Environmental Services
Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery

Attachment I

FAIRFAX COUNTY SOLID WASTE AUTHORITY

Annual Meeting Agenda

January 24, 2012

1. Call-to-Order

2. Appointment of Officers.

- Chairman	- Sharon Bulova, Chairman, Board of Supervisors
- Vice-Chairman	- Penelope A. Gross, Vice Chairman, Board of Supervisors
- Secretary	- Catherine A. Chianese, Clerk to the Board of Supervisors
- Treasurer	- Victor Garcia, Director, Department of Finance
- Attorney	- David P. Bobzien, County Attorney
- Executive Director	- Anthony H. Griffin, County Executive
- Authority Representative	- Joyce M. Doughty, Director, Division of Solid Waste Disposal and Resource Recovery

3. Approval of the minutes from the January 25, 2011 meeting.

4. Approval of the financial statements for the Authority.

5. Adjournment.

MINUTES OF THE ANNUAL MEETING OF THE SOLID WASTE AUTHORITY

January 25, 2011

At the Annual Meeting of the Fairfax County Solid Waste Authority held in accordance with Article III, Section I of the bylaws, in the Board Auditorium of the Government Center in Fairfax, Virginia, on Monday, January 25, 2011, at 4:27 p.m., there were present:

MEMBERS OF THE BOARD OF DIRECTORS AND OFFICERS:

Chairman Sharon Bulova, presiding

Supervisor John C. Cook, of Braddock District

Supervisor John W. Foust, of Dranesville District

Supervisor Michael R. Frey, of Sully District

Supervisor Penelope A. Gross, of Mason District

Supervisor Catherine M. Hudgins, of Hunter Mill District

Supervisor Jeffrey C. McKay, of Lee District

Supervisor Patrick S. Herrity, of Springfield District

Supervisor Linda Q. Smyth, of Providence District

Anthony H. Griffin, County Executive; Authority Executive Director

Nancy Vehrs, Clerk to the Board of Supervisors; Authority Secretary

David P. Bobzien, County Attorney; Authority Attorney

Joyce Doughty, Director, Division of Solid Waste Disposal and Resource Recovery, Department of Public Works and Environmental Services (DPWES); Authority Representative

Supervisor Gerald W. Hyland, of Mount Vernon District, and Victor Garcia, Director, Department of Finance, Treasurer, were absent from the entire meeting.

Meeting Minutes
The Fairfax County Solid Waste Authority
January 25, 2011

Supervisor Gross moved that the Board appoint the following officers and officials to the Fairfax County Solid Waste Authority:

OFFICERS

Sharon Bulova Chairman, Fairfax County Board of Supervisors	– Chairman
Penelope A. Gross Vice-Chairman, Fairfax County Board of Supervisors	– Vice-Chairman
Nancy Vehrs Clerk to the Fairfax County Board of Supervisors	– Secretary
Victor Garcia Director, Office of Finance	– Treasurer
David P. Bobzien County Attorney	– Attorney
Anthony H. Griffin County Executive	– Executive Director
Joyce M. Doughty Director, Division of Solid Waste Disposal and Resource Recovery, Department of Public Works and Environmental Services (DPWES)	– Authority Representative

Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

Supervisor Gross moved approval of the minutes from the January 26, 2010, meeting of the Fairfax County Solid Waste Authority. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

Meeting Minutes
The Fairfax County Solid Waste Authority
January 25, 2011

Supervisor Gross moved approval of the financial statements attached to the Board Agenda Item dated January 25, 2011. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

Chairman Bulova called the Board's attention to item five on the authority's agenda: Discussion of the I-95 Energy/Resource Recovery Facility Agreement. Ms. Doughty noted that the Board received the schedule earlier in the meeting and scheduled a public hearing. She briefly outlined the status of the I-95 Energy/Resource Recovery Facility Agreement and the schedule of the public meetings and the public hearing to be held before the Board.

Following an inquiry from Supervisor Smyth, Ms. Doughty stated that it appears that Covanta is ready to proceed with an extension of the time the County has to consider the purchase of the facility.

Chairman Bulova referenced the Board Matter she presented earlier in the regular Board of Supervisors meeting and reiterated that, in addition to the public hearing that the Board authorized for February 22 at 4:30 p.m., there are a number of community outreach discussion meetings as follows:

- Thursday, January 27, 7 p.m. at South County Secondary School (8501 Silverbrook Road, Lorton)
- Monday, January 31, 7 p.m. at the Fairfax County Government Center (12000 Government Center Parkway, Fairfax) in Conference Rooms 2 and 3
- Tuesday, February 1, 7 p.m. at the North County Governmental Center (12000 Bowman Towne Drive, Reston) in the community room

Chairman Bulova noted that in addition to holding these public meetings, the Office of Public Affairs (OPA) is utilizing the County's social media platform to collect comments and

distribute information. It has scheduled an *Ask Fairfax* live chat with Department of Public Works and Environmental Services staff for residents to ask questions and learn more about the proposal online. This will take place on Thursday, January 27 at 1:30 p.m. on the County's website, www.fairfaxcounty.gov.

Supervisor Gross moved to adjourn the Annual Meeting of the Fairfax County Solid Waste Authority. Supervisor McKay seconded the motion and it carried by a vote of nine, Supervisor Hyland being absent.

At 4:32 p.m., the Annual Meeting of the Fairfax County Solid Waste Authority was adjourned.

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Meeting Minutes
The Fairfax County Solid Waste Authority
January 25, 2011

The foregoing minutes record the actions taken by the Fairfax County Solid Waste Authority at its meeting held on Monday, January 25, 2011, and reflects matters discussed by the Authority. Audio or video recordings of all proceedings are available in the Office of the Clerk to the Board of Supervisors of Fairfax County, Virginia.

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Respectfully submitted,

Nancy Vehrs

Nancy Vehrs
Secretary
Solid Waste Authority

FAIRFAX COUNTY SOLID WASTE AUTHORITY

Financial Statements and Supplemental Information

June 30, 2011 and 2010

FAIRFAX COUNTY SOLID WASTE AUTHORITY

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FAIRFAX COUNTY SOLID WASTE AUTHORITY

Statements of Fiduciary Assets and Liabilities

June 30, 2011 and 2010

	2011	2010
Assets:		
Investments (note 3)	$ -	$ 31,630,071
Liabilities:		
Liability under reimbursement agreement	$ -	$ 31,630,071

See accompanying notes to financial statements.

FAIRFAX COUNTY SOLID WASTE AUTHORITY

Notes to Financial Statements

June 30, 2011 and 2010

1. Organization

The Fairfax County Solid Waste Authority (the Authority) was formed by resolution of the Board of Supervisors of the County of Fairfax, Virginia (the County), on July 27, 1987. The Authority's board consists of the County's Board of Supervisors. Therefore, the Authority is considered a blended component unit of the County.

The Authority was formed for the purpose of constructing and overseeing the operations of a resource recovery facility (the Facility) in Lorton, Virginia, on a site that was purchased in July 2002 by the County from the United States. Prior thereto, legal title to the site was vested in the United States to the benefit of the District of Columbia; the site was leased by the District to the County, and the County assigned the leased site to the Authority. The Assignment of Site Lease to the Authority, dated as of February 1, 1988, has not been amended, terminated, rescinded, or revoked, and remains in full force and effect in accordance with its terms.

The construction of the Facility was partially financed by $237,180,000 and $14,900,000 of Series 1988A tax-exempt and Series 1988B taxable industrial revenue bonds, respectively, issued by the Fairfax County Economic Development Authority (EDA) during 1988. The Series 1988B Bonds were retired in February 1996. The Authority invests all bond proceeds through a trust account with a major bank. The Authority is responsible for making all investment decisions and authorizing all disbursements from the trust.

On February 1, 1988, an Installment Sales Agreement between the EDA and the Authority was executed whereby the Facility and the bond proceeds were sold to the Authority. Concurrent with this Installment Sales Agreement, the Authority entered into a Conditional Sale Agreement whereby the Facility, the bond proceeds and the Authority's leasehold interest in the site were sold to Covanta Fairfax, Inc. Under a related service agreement, Covanta designed, constructed, and operates the Facility. The Facility was completed and began commercial operations in June 1990. The County and the Authority have agreed to provide guaranteed minimum annual amounts of waste and annual tipping fees to the Facility. Under the terms of the Conditional Sale Agreement, debt service on the bonds was paid by Covanta through the Authority; solely from solid waste system revenues generated by the Facility. The bonds were not general obligations of the Authority, the County, or the EDA.

During the year ended June 30, 1995, the EDA sold, at the request of the Authority for the benefit of the Facility, a call option on the Series 1988A Bonds to a financial institution for $10,250,000. The option, which was exercised in November 1998, required the EDA to issue new bonds to the institution at certain agreed–upon interest rates. The proceeds of the new Series 1998A Resource Recovery Revenue Refunding Bonds together with certain proceeds remaining from the Series 1988A Bonds and certain other available funds were used to refund the remaining outstanding Series 1988A Bonds in February 1999. The refunding bonds, which had a total principal amount of $195,505,000 and a final payment due date of February 1, 2011, were also not general obligations of the Authority, the County or the EDA. The final principal and interest payments were made on February 1, 2011.

2. Summary of Significant Accounting Policies

a. *Basis of Presentation*

The financial statements of the Authority are presented in accordance with accounting principles applicable to fiduciary funds - agency funds of governmental units in the United States of America.

b. *Basis of Accounting*

The accounts of the Authority are presented under the accrual basis of accounting. Under the accrual basis of accounting, as it relates to agency funds, additions to assets are recognized when susceptible to accrual and measurable.

c. *Investments*

The Authority invests primarily in discounted notes and money market securities with maturities of less than one year from the date of purchase. Investments are reported at either fair value or amortized cost, which approximates fair value. Changes in fair value are reported as additions or deletions to carrying values and liability under reimbursement agreement.

d. *Liability under Reimbursement Agreement*

Liability under reimbursement agreement reflects the Authority's obligation as agent under the terms of the agreements with Covanta. Under the agreements that govern the Authority, the Authority is responsible for collecting payments from Covanta, in amounts sufficient to meet annual debt service and related administrative costs. The Authority is responsible under the agreements to manage the excess proceeds of the bond issues and disburse the proceeds and related earnings for solid waste purposes, debt service, and related administrative costs.

3. Investments

The Authority's investment policy is outlined in the trust indenture. The trust indenture allows the Authority to invest in direct obligations of the U.S. Government or agencies thereof; direct obligations of U.S. Government-sponsored enterprises; direct obligations of any state or agency; instrumentality or unit of any state of the United States; negotiable certificates of deposit; commercial paper; money market funds; and repurchase agreements (the underlining collateral must have a market value of at least 102 percent of the cost of the repurchase agreement) with member banks of the Federal Deposit Insurance Corporation or bond dealers reporting to and trading with the Federal Reserve Bank. Per the trust indenture, the Authority's investments are limited to U.S. dollar denominated instruments; however, concentration of credit risk is not addressed.

The Authority minimizes the risk that its portfolio will realize a loss due to changes in market interest rates by structuring the investment portfolio so that sufficient securities mature to meet cash requirements for debt service payments and administrative expenses, thereby avoiding the need to sell securities on the open market prior to maturity.

The Authority's investments, as of June 30, 2011 and 2010, are summarized below at fair value:

	Investments at:	
	June 30, 2011	June 30, 2010
Money Market Mutual Fund	0	1,750,679
Federal Home Loan Mortgage Corporation (Freddie Mac) notes maturing July 30, 2010	0	4,100,391
Federal National Mortgage Association (Fannie Mae) notes maturing July 30, 2010	0	23,717,081
Federal Home Loan Bank (FHLBank) notes maturing July 20, 2010	0	2,061,920
Total investments	$ 0	31,630,071

The Authority minimizes the risk of loss due to the failure of an issuer or other counterparty to an investment to fulfill its obligations by pre-qualifying financial institutions, broker-dealers, intermediaries, and advisers with which the Authority does business. In addition, the Authority limits its investments to the safest types of securities and diversifies its investment portfolio so that potential losses on individual securities will be minimized. Also, new investments are not made in securities that are listed on Moody's Investors Service, Inc. (Moody's) Watchlist or Standard & Poor's, Inc. (S&P) Credit Watch with a negative rating. The trust indenture specifies that investments in U.S. Government-sponsored enterprise securities must have the highest possible credit ratings from Moody's and S&P of Aaa and AAA respectively.

Custodial credit risk is the risk that, in the event of the failure of a counterparty, the Authority will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. All of the investments purchased by the Authority are insured or registered, or securities held by the Authority or its agent in the Authority's name.

FAIRFAX COUNTY SOLID WASTE AUTHORITY

Supplemental Schedule of Changes in Assets – By Bond Fund

For the fiscal year ended June 30, 2011

	Series 1988B Bonds	Series 1998A Refunding Bonds			
	Excess Money Sub-Account	FCEDA Bond Interest Account	FCEDA Bond Principal Account	Debt Service Reserve Fund	Total
Assets at July 1, 2010	$ 1,748,970	1,061,656	9,256,046	19,563,399	31,630,071
Additions:					
Investment income	497	612	14,320	26,286	41,715
Payments from Covanta, Fairfax Inc.	-	1,484,787	12,895,063	-	14,379,850
Total additions	497	1,485,399	12,909,383	26,286	14,421,565
Deductions:					
Professional fees	1,677,912	-	-	-	1,677,912
Debt service payments:					
Principal	-	-	41,755,000	-	41,755,000
Interest	-	2,547,055	-	-	2,547,055
Total deductions	1,677,912	2,547,055	41,755,000	-	45,979,967
Transfers (net)	(71,555)	-	19,589,571	(19,589,685)	(71,669)
Increase (Decrease) in assets	(1,748,970)	(1,061,656)	(9,256,046)	(19,563,399)	(31,630,071)
Assets at June 30, 2011	$ -	-	-	-	-

See notes to supplemental information.

FAIRFAX COUNTY SOLID WASTE AUTHORITY

Supplemental Schedule of Changes in Assets – By Bond Fund

For the fiscal year ended June 30, 2010

	Series 1988B Bonds	Series 1998A Refunding Bonds			
	Excess Money Sub-Account	FCEDA Bond Interest Account	FCEDA Bond Principal Account	Debt Service Reserve Fund	Total
Assets at July 1, 2009	$ 1,865,715	1,505,556	7,283,334	19,594,067	30,248,672
Additions:					
Investment income	1,238	5,364	12,101	50,468	69,171
Payments from Covanta, Fairfax Inc.	-	3,164,071	19,359,475	-	22,523,546
Total additions	1,238	3,169,435	19,371,576	50,468	22,592,717
Deductions:					
Professional fees	117,983	-	-	-	117,983
Debt service payments:					
Principal	-	-	17,480,000	-	17,480,000
Interest	-	3,613,335	-	-	3,613,335
Total deductions	117,983	3,613,335	17,480,000	-	21,211,318
Transfers (net)	-	-	81,136	(81,136)	-
Increase (Decrease) in assets	(116,745)	(443,900)	1,972,712	(30,668)	1,381,399
Assets at June 30, 2010	$ 1,748,970	1,061,656	9,256,046	19,563,399	31,630,071

See notes to supplemental information.

FAIRFAX COUNTY SOLID WASTE AUTHORITY

Notes to Supplemental Information

June 30, 2011 and 2010

1. Description of Supplemental Schedules - Bond Funds

The following is a description of the bond funds under the Series 1988B Bond and the Series 1998A Refunding Bond indentures:

- FCEDA Bond Interest Account – This account was established for the Series 1998A Refunding Bonds, and amounts are deposited directly into it to pay interest on these bonds.
- FCEDA Bond Principal Account – This account was established for the Series 1998A Refunding Bonds, and amounts are deposited directly into it to pay principal on these bonds.
- Debt Service Reserve Fund – This fund is maintained to ensure that adequate amounts are available to pay bond principal and interest on the Series 1998A Refunding Bonds. In the event of default on any required principal or interest payment, a draw is made against the debt service reserve fund.
- Excess Money Sub-Account – This fund accounts for bond proceeds in excess of those which were needed to construct the facility. These excess funds are left on deposit in the Series 1988B Bonds Excess Money Sub-Account to fund any environmental control systems required under the Clean Air Act, and/or future facility or solid waste projects.

2. Schedule of Bonds Outstanding

As of June 30, 2011, there were no principal or interest amounts outstanding on Series 1998A Resource Recovery Revenue Refunding Bonds. The final principal and interest amounts of $41,755,000 and $1,273,528, respectively, were paid on February 1, 2011.

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Board Agenda Item
January 24, 2012

3:30 p.m.

Public Hearing on SEA 87-M-103 (Fairfax County Board of Supervisors), to Amend SE 87-M-103 Previously Approved for a Waiver of Minimum Lot Size and Lot Width Requirements to Permit Temporary Fire and Rescue Station and Modifications and Waivers in a CRD and Associated Modifications to Site Design and Development Conditions, Located on Approximately 28,540 Square Feet Zoned C-8, CRD, HC and SC, Mason District

This property is located at 3521 Moncure Avenue, Falls Church, VA 22041, Tax Map 61-2 ((19)) 5A.

PLANNING COMMISSION RECOMMENDATION:
The Planning Commission public hearing will be held on Wednesday, January 18, 2012. The Commission's recommendation will be forwarded to the Board of Supervisors subsequent to that date.

ENCLOSED DOCUMENTS:

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Brent M. Krasner, Staff Coordinator, DPZ

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Board Agenda Item
January 24, 2012

3:30 p.m.

Public Hearing on PCA 2004-DR-023-03 (Trinity Group LLC) to Amend the Proffers for RZ 2004-DR-023 Previously Approved for Private School of General Education to Permit Modification of Approved Proffers Associated with PCA 2004-DR-023 with an Overall Floor Area Ratio of 0.11, Located on Approximately 5.46 Acres Zoned R-1, Dranesville District (Concurrent with SEA 00-D-006-04)

This property is located in the northwest quadrant of the intersection of Georgetown Pike and Balls Hill Road, Tax Map 21-3 ((1)) 56A.

and

Public Hearing on SEA 00-D-006-04 (Trinity Group LLC) to Amend SE 00-D-006 Previously Approved for a Private School of General Education with Accessory Uses Including a Containment Structure to Permit a Place of Worship in Addition to the Existing Private School of General Education with Total Enrollment of 300 Students, a Reduction in Land Area and Associated Modifications to Site Design and Development Conditions, Located on Approximately 5.43 Acres Zoned R-1, Dranesville District (Concurrent with PCA 2004-DR-023-03)

This property is located at 850 Balls Hill Road, McLean, VA 22102, Tax Map 21-3 ((1)) 56A pt.

PLANNING COMMISSION RECOMMENDATION:
On Thursday, December 15, 2011, the Planning Commission voted unanimously (Commissioner Alcorn not present for the vote; Commissioner Harsel absent from the meeting) to recommend to the Board of Supervisors approval of the following actions pertinent to the subject applications:

- Approval of PCA 2004-DR-023-03, subject to the execution of proffers consistent with those dated December 8, 2011;

- Approval of SEA 00-D-006-04, subject to the development conditions dated December 14, 2011;

- Reaffirmation of the deviation from the provisions of Part 1 of Section 2-414 of the Zoning Ordinance, which requires the principal buildings of a non-residential use to be set back 75 feet from the right-of-way of an interstate highway (Interstate 495), to permit the modular classrooms to remain located 30 feet from Interstate 495, as shown on the GDP/SEA Plat, until their removal no later than August 2, 2015;

- Modification of the transitional screening requirement along the eastern and southern property lines to the existing landscaping as depicted on the GDP/SEA Plat; and

- Waiver of the barrier requirement along the eastern and southern property lines.

ENCLOSED DOCUMENTS:
Attachment 1 - Verbatim excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4364845.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Nicolas Rogers, Staff Coordinator, DPZ

Attachment 1

Planning Commission Meeting
December 15, 2011
Verbatim Excerpt

PCA 2004-DR-023-03 & SEA 00-D-006-04 – TRINITY GROUP, LLC

Decision Only During Commission Matters
(Public Hearing held on October 27, 2011)

Commissioner Donahue: Mr. Chairman, on October 27th the Planning Commission conducted a public hearing on the application in question, entitled Trinity Company LLC (sic), concerning a Proffered Condition Amendment and Special Exception application to allow a place of worship on the site of an existing school. Before going forward, I really want to thank Nick Rogers, Lori Greenlief, David Paul and Dick Schmitt, and also Glenn Youngkin. Those are various people from neighborhoods, applicants, and obviously staff. And the way they have worked together, frankly, has brought out what is the very best of the public hearing process on this application. It's been very rewarding, very wonderful to watch, and very, very enjoyable to be a part of it. We did have some work after the first – after the public hearing on the conditions. I think we've done that work. I think you've all probably gotten the conditions in the last 24 hours. You've seen them and had a chance to review them. I haven't had any complaints or comments, Mr. Chairman. So, without further ado, I'm going to make some motions on this application, the first being, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 2004-DR-023-03, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED DECEMBER 8TH, 2011.

Commissioners Sargeant and Lawrence: Second.

Chairman Murphy: Seconded by Mr. Sargeant and – who else? And Mr. Lawrence. And I think Mr. Migliaccio had a second in there too, didn't he?

Commissioner Migliaccio: No.

Chairman Murphy: Okay, well, is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors to approve PCA 2004-DR-023-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Donahue: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SEA 00-D-006-04, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 14TH, 2011.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 00-D-006-04, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Donahue: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS REAFFIRM THE PREVIOUS APPROVAL OF A DEVIATION FROM THE PROVISIONS OF PART 1 OF SECTION 2-414 OF THE ZONING ORDINANCE, WHICH REQUIRES THE PRINCIPAL BUILDINGS OF A NON-RESIDENTIAL USE TO BE SET BACK 75 FEET FROM THE RIGHT-OF-WAY OF AN INTERSTATE HIGHWAY, INTERSTATE 495, TO PERMIT THE MODULAR CLASSROOMS TO REMAIN LOCATED 30 FEET FROM INTERSTATE 495, AS SHOWN ON THE GDP/SEA PLAT UNTIL THEIR REMOVAL NO LATER THAN AUGUST 2ND, 2015.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Donahue: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE EASTERN AND SOUTHERN PROPERTY LINES TO THE EXISTING LANDSCAPING AS DEPICTED ON THE GDP/SEA PLAT.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Donahue: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A

WAIVER of the banner (sic) - - OF THE BARRIER REQUIREMENT ALONG THE EASTERN AND SOUTHERN PROPERTY LINES.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motions carried unanimously with Commissioner Alcorn not present for the vote; Commissioner Harsel absent from the meeting.)

JN

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Board Agenda Item
January 24, 2012

3:30 p.m.

Public Hearing on PCA 2008-PR-009 (Inova Health Care Services) to Amend the Proffers for RZ 2008-PR-009 Previously Approved for Medical Care and Related Facilities to Permit Building Additions and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio (FAR) of 0.80, Located on Approximately 65.46 Acres Zoned C-3, (Providence District)

The applicant property is located at 3300-3312 Gallows Road and 3300-3340 Woodburn Road, Falls Church, 22042. Tax Map 49-3 ((1)) 136C and 136C1; 59-2 ((1)) 1A1, 1B1 and 1C1. (Concurrent with SEA 80-P-078-16)

and

Public Hearing on SEA 80-P-078-16 (Inova Health Care Services) to Amend SE 80-P-078 Previously Approved for a Medical Care Facility and Increase in Building Height to Permit Building Addition and Associated Modifications to Site Design and Development Conditions, Located on Approximately 65.46 Acres Zoned C-3, (Providence District)

The applicant property is located at 3300-3312 Gallows Road and 3300-3340 Woodburn Road, Falls Church, 22042. Tax Map 49-3 ((1)) 136C and 136C1; 59-2 ((1)) 1A1, 1B1 and 1C1. (Concurrent with PCA 2008-PR-009)

PLANNING COMMISSION RECOMMENDATION:
On Thursday, December 8, 2011, the Planning Commission voted unanimously (Commissioners Hall and Harsel absent from the meeting) to recommend to the Board of Supervisors approval of the following actions pertinent to the subject applications:

- Approval of PCA 2008-PR-009, subject to the execution of proffers consistent with those dated December 5, 2011;

- Approval of SEA 80-P-078-16, subject to development conditions consistent with those dated December 5, 2011; and

- Reaffirmation of a modification of transitional screening and a waiver of the barrier requirements, in favor of that shown on the GDP/SEA plat.

ENCLOSED DOCUMENTS:
Attachment 1 - Verbatim excerpt
Staff Report previously furnished and available online at:
http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdwf/4366930.PDF

STAFF:
Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
William O'Donnell, Staff Coordinator, DPZ

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Attachment 1

Planning Commission Meeting
December 8, 2011
Verbatim Excerpt

PCA 2008-PR-009/SEA 80-P-078-16 - INOVA HEALTH CARE SERVICES

Decision Only During Commission Matters

(Public Hearing held on November 17, 2011)

Commissioner Lawrence: Thank you, Mr. Chairman. I have a couple things to do and I'll tackle first the decision, INOVA Health Care Services. I think everyone should have a copy of an elevation showing the garage. The question that we discussed at our public hearing – and to put it as succinctly as I can, they fixed it. And they did what I think is a very good job if you look at the top two stories of that garage – the ones that will be visible when the leaves are off. You don't see a garage structure anymore. You see a garage structure with some screening on it, very artfully placed, that breaks up those tell-tale outlines. And I think that satisfies the concern that staff had and that I had. Therefore, Mr. Chairman, I am ready to move this matter. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 2008-PR-009, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED DECEMBER 5TH, 2011.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 2008-PR-009, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Lawrence.

Commissioner Lawrence: I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA 80-P-078-16, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED DECEMBER 5TH, 2011.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 80-P-078-16, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Lawrence.

Commissioner Lawrence: Finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A REAFFIRMATION OF A MODIFICATION OF TRANSITIONAL SCREENING AND A WAIVER OF THE BARRIER REQUIREMENTS, IN FAVOR OF THAT SHOWN ON THE GDP/SEA PLAT.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of that motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motions carried unanimously with Commissioners Hall and Harsel absent from the meeting.)

JLC

Board Agenda Item
January 24, 2012

4:00 P.M.

Public Hearing on Spot Blight Abatement Ordinance for 7138 Beulah Street, Alexandria, VA 22315 (Lee District)

ISSUE:
Public Hearing to adopt a Spot Blight Abatement Ordinance for 7138 Beulah Street, Alexandria, VA 22315 (Tax Map No. 091-3-((03))-0007) and approval of a blight abatement plan for the property.

RECOMMENDATION:
The County Executive recommends that the Board adopt an ordinance to declare 7138 Beulah Street blighted, constituting a nuisance, and approve the blight abatement plan for the property.

TIMING:
On December 6, 2011, the Board authorized advertisement of this public hearing to be held Tuesday, January 24, 2012, at 4:00 p.m.

BACKGROUND:
Va. Code Ann. § 36-49.1:1 (2011) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered “blighted” under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

Board Agenda Item
January 24, 2012

In November 1996, the Board authorized the implementation of a Blight Abatement

Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition of “Blighted property” under Va. Code Ann. 36-3 (2011) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 7138 Beulah Street was referred to the Blight Abatement Program (BAP) on June 20, 2011. Located on the subject property is an abandoned, one story dwelling with a half basement. The property also contains several large piles of rubbish and at least twenty discarded automobile tires. The dwelling was placarded unfit/unsafe for human habitation on March 27, 2009 by staff of the Property Maintenance Code Official. The occupants of the dwelling were ordered by the Code Official to vacate the structure by March 30, 2009, due to a broken sewer line that was causing raw sewage to seep into the dwelling and up through the grounds. Inspection staff confirmed that the structure was vacant on April 17, 2009. Sometime during the summer of 2011 a large tree fell onto the structure causing yet more damage to the already compromised dwelling. The subject dwelling was boarded but recently blight staff found the rear door unsecured and evidence of squatters and homeless articles present on the property.

The above described residential structure was constructed in 1951 with an addition constructed in 1955 according to Fairfax County Tax Records. In its current condition BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on September 27, 2011 and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owners advising them of this determination. The owner’s cousin contacted staff and the property was discussed but no attempt was made to mitigate the safety concerns or abate the blighted conditions of the property. This property is located across the street from the Anthony T. Lane elementary school and in its current state poses an attractive nuisance to the surrounding community.

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may

declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. §15.2-1115 (2008). State

Code requires that the Board provide notice concerning adoption of such and ordinance. Notice was published on January 6, 2012 and January 13, 2012.

Although the County will continue to seek cooperation from the owners to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The county will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The county will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records and judgment records.

FISCAL IMPACT:
In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition from Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately $32,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:
Attachment 1: Property Photographs
Attachment 2: Ordinance for 7138 Beulah Street (Lee District)
Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:
Jeffrey L. Blackford, Director, Department of Code Compliance
Karen McClellan, Operations Manager, Department of Code Compliance
Steve Mason, Division Supervisor, Department of Code Compliance
Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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7138 Beulah Street
Alexandria, VA 22315
Tax Map # 91-3 ((3)) 7
Attachment 1

7138 Beulah Street
Alexandria, VA 22315
Tax Map # 91-3 ((3)) 7
Attachment 1

ATTACHMENT 2

ORDINANCE FOR 7138 BEULAH STREET
(LEE DISTRICT)

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (2011) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2008) or § 15.2-1115 (2008).

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities which are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 7138 Beulah Street (Lee District) identified on the Fairfax County Tax Map as 091-3-((03))-0007 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (2011);

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (2011);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (2011) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2008) as authorized by Va. Code Ann. § 36.49.1:1 (2011), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the nuisance has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

PROPERTY ADDRESS (DISTRICT)	**TAX MAP NUMBER**
7138 Beulah Street (Lee District)	091-3-((03))-0007

ATTACHMENT 3

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN

PROJECT TITLE (OWNERS): Assim Sanallah and Khan Kashif

CASE: # 45162/SR# 73050

OWNER'S ADDRESS: 3446 Payne Street, Falls Church, Virginia

ADDRESS OF BLIGHTED PROPERTY: 7138 Beulah Street, Alexandria, VA 22315

TAX MAP NO.: 091-3-((03)) 0007 **MAGISTERIAL DISTRICT:** Lee District

2011 ASSESSED VALUE: $221,790 **LAND:** $130,000 **IMPROVEMENTS:** $97,790

PROPERTY ZONING: R-1 (Residential 1 DU/AC) **YEAR BUILT:** 1951

TAX STATUS: Delinquent $267.50 through December, 2011

DESCRIPTION:
Located on the subject property is an abandoned, one story dwelling with a half basement that was constructed in 1951. The property also contains several large piles of rubbish and at least twenty discarded automobile tires. The dwelling was placarded unfit/unsafe for human habitation on March 27, 2009 due to a broken sewer line that was causing raw sewage to seep into the dwelling and up through the grounds. Sometime during the summer of 2011 a large tree fell onto the structure causing yet more damage to the already compromised dwelling. This property is an attractive nuisance in its current condition. BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

IMPACT OF PROPERTY ON SURROUNDING USES:
The property in its current state is an attractive nuisance and blight on the surrounding community.

NATURE OF COMPLAINTS:
The property located at 7138 Beulah Street was referred to the Blight Abatement Program (BAP) on June 20, 2011 reference its dilapidated and attractive nuisance conditions.

STAFF RECOMMENDATION:
BAP recommends demolishing the dilapidated structures and removing all debris on the property in the event that the owners fail to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owners.

Board Agenda Item
January 24, 2012

4:00 P.M.

Public Hearing on Spot Blight Abatement Ordinance for 7209 Neuman Street, Springfield, VA 22150 (Lee District)

ISSUE:
Public Hearing to adopt a Spot Blight Abatement Ordinance for 7209 Neuman Street, Springfield, VA 22150 (Tax Map No. 090-3-((04))-0006) and approval of a blight abatement plan for the property.

RECOMMENDATION:
The County Executive recommends that the Board adopt an ordinance to declare 7209 Neuman Street blighted, constituting a nuisance, and approve the blight abatement plan for the property.

TIMING:
On December 6, 2011 the Board authorized advertisement of this public hearing to be held Tuesday, January 24, 2012, at 4:00 p.m.

BACKGROUND:
Va. Code Ann. § 36-49.1:1 (2011) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered “blighted” under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

Board Agenda Item
January 24, 2012

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition of "Blighted property" under Va. Code Ann. 36-3 (2011) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 7209 Neuman Street was referred to the Blight Abatement Program (BAP) on June 10, 2011. Located on the subject property is an extensively fire damaged, one story dwelling with a full basement and two outbuildings. Sometime during the summer of 2011, a large tree fell onto the dwelling and impacted the brick chimney and penetrated the roof on the left side of the dwelling. The dwelling has been vacant since the fire which damaged the dwelling on June 7, 2008. The fire report estimated the damage at $75,000 dollars. On March 4, 2009, the dwelling was placarded unfit/unsafe for human habitation by staff of the Property Maintenance Code Official and ordered repaired or demolished. The subject dwelling is partially boarded but parts of the structure are so fire damaged that these areas cannot be secured.

The above described residential structure was constructed in 1954 according to Fairfax County Tax Records. In its current condition BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on September 27, 2011 and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owner advising him of this determination. The owner contacted staff and the property was discussed but the owner advised that he was in the process of foreclosure and had no money to abate the blighted conditions of the property. Certified and regular Notices were sent to the mortgage company, the substitute trustee, and the attorney for the substitute trustee. This property in its current state poses an attractive nuisance to the surrounding community.

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. §15.2-1115 (2008). State Code requires that the Board provide notice concerning adoption of such and

ordinance. Notice was published on January 6, 2012 and January 13, 2012.

Although the County will continue to seek cooperation from the owners to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The county will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The county will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records and judgment records.

FISCAL IMPACT:
In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition from Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately $34,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:
Attachment 1: Property Photographs
Attachment 2: Ordinance for 7209 Neuman Street (Lee District)
Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:
Jeffrey L. Blackford, Director, Department of Code Compliance
Karen McClellan, Operations Manager, Department of Code Compliance
Steve Mason, Division Supervisor, Department of Code Compliance
Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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7209 Neuman Street
Springfield, VA 22150
Tax Map # 90-3 ((4)) 6
Attachment 1

7209 Neuman Street
Springfield, VA 22150
Tax Map # 90-3 ((4)) 6
Attachment 1

ATTACHMENT 2

ORDINANCE FOR 7209 NEUMAN STREET
(LEE DISTRICT)

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (2011) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2008) or § 15.2-1115 (2008).

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities which are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 7209 Neuman Street (Lee District) identified on the Fairfax County Tax Map as 090-3-((04))-0006 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (2011);

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (2011);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (2011) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2008) as authorized by Va. Code Ann. § 36.49.1:1 (2011), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the nuisance has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

PROPERTY ADDRESS (DISTRICT)	**TAX MAP NUMBER**
7209 Neuman Street (Lee District)	090-3-((04))-0006

ATTACHMENT 3

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN

PROJECT TITLE (OWNERS): Mario A. Flores Bejarano

CASE: # 44115SR# 72655

OWNER'S ADDRESS: 7209 Neuman Street, Springfield, Virginia 22150

ADDRESS OF BLIGHTED PROPERTY: 7209 Neuman Street, Springfield, VA 22315
TAX MAP NO.: 090-3-((04))-0006 **MAGISTERIAL DISTRICT:** Lee District

2011 ASSESSED VALUE: $220,570 **LAND:** $144,000 **IMPROVEMENTS:** $76,570

PROPERTY ZONING: R-1 (Residential 1 DU/AC) **YEAR BUILT:** 1954

TAX STATUS: Current

DESCRIPTION:
Located on the subject property is an extensively fire damaged, ranch style dwelling unit with a full basement. A large tree has fallen on the left side of the home and there is significant structural damage to the roof and chimney. The property also contains two out buildings and rubbish throughout the property. It has been vacant since the fire which occurred on June 7, 2008. The fire report estimated the damage to the dwelling at approximately $75,000.

IMPACT OF PROPERTY ON SURROUNDING USES:
The property in its current state is an attractive nuisance and blight on the surrounding community.

NATURE OF COMPLAINTS:
The property located at 7209 Neuman Street was referred to the Blight Abatement Program (BAP) on June 10, 2011 reference its dilapidated condition.

STAFF RECOMMENDATION:
BAP recommends demolishing the dilapidated structures and removing all debris on the property in the event that the owners fail to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owners.

Board Agenda Item
January 24, 2012

4:00 P.M.

Public Hearing on Spot Blight Abatement Ordinance for 6321 Steinway Street, Alexandria, VA 22315 (Lee District)

ISSUE:
Public Hearing to adopt a Spot Blight Abatement Ordinance for 6321 Steinway Street, Alexandria, VA 22315 (Tax Map No. 091-3-((01))-0054A) and approval of a blight abatement plan for the property.

RECOMMENDATION:
The County Executive recommends that the Board adopt an ordinance to declare 6321 Steinway Street blighted, constituting a nuisance, and approve the blight abatement plan for the property.

TIMING:
On December 6, 2011 the Board authorized advertisement of this public hearing to be held Tuesday, January 24, 2012, at 4:00 p.m.

BACKGROUND:
Va. Code Ann. § 36-49.1:1 (2011) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered “blighted” under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of “spot blight.”

Board Agenda Item
January 24, 2012

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition of "Blighted property" under Va. Code Ann. 36-3 (2011) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 6321 Steinway Street was referred to the Blight Abatement Program (BAP) on June 15, 2011. Located on the subject property is an abandoned, one story dwelling with a 1/3 basement and two outbuildings. The dwelling was constructed in 1930 according to Fairfax County Tax Records and is listed in poor condition. The dwelling was placarded unfit/unsafe for human habitation on July 28, 2010 by staff of the Property Maintenance Code Official and ordered secured. The dwelling is extremely dilapidated and the roof is in danger of collapse. The property has been vacant for at least five years according to the neighbors and was vacant when the Property Maintenance Code Official placarded it on July 28, 2010. This property is an attractive nuisance to the surrounding community and in its current condition BAP staff feels that the dwelling and outbuildings are not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on September 27, 2011 and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owners advising them of this determination. After receiving Notice, one of the trustees of the property and his contractor visited the BAP office to discuss the property and (BAP) staff went over the County's demolition regulations and offered to assist them. Even though the contractor hired by the trustee is working to secure an approved demolition permit to raze all structures, there are serious safety concerns with this property and this item is being brought forward in order to ensure the public safety in the event that the trustees of the property fail to follow-through with their stated blight abatement plan.

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. §15.2-1115 (2008). State Code requires that the Board provide notice concerning adoption of such and

ordinance. Notice was published on January 6, 2012 and January 13, 2012.

Although the County will continue to seek cooperation from the owners to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The county will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The county will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records and judgment records.

FISCAL IMPACT:
In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition from Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately $30,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:
Attachment 1: Property Photographs
Attachment 2: Ordinance for 6321 Steinway Street (Lee District)
Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:
Jeffrey L. Blackford, Director, Department of Code Compliance
Karen McClellan, Operations Manager, Department of Code Compliance
Steve Mason, Division Supervisor, Department of Code Compliance
Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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6321 Steinway Street
Alexandria, VA 22312
Tax Map # 91-3 ((1)) 54A
Attachment 1

Roof in state of collapse

6321 Steinway Street
Alexandria, VA 22315
Tax Map # 91-3 ((1)) 54A
Attachment 1

ATTACHMENT 2

ORDINANCE FOR 6321 STEINWAY STREET
(LEE DISTRICT)

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (2011) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2008) or § 15.2-1115 (2008).

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities which are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 6321 Steinway Street (Lee District) identified on the Fairfax County Tax Map as 091-3-((01))-0054A ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (2011);

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (2011);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (2011) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2008) as authorized by Va. Code Ann. § 36.49.1:1 (2011), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the nuisance has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

PROPERTY ADDRESS (DISTRICT)	**TAX MAP NUMBER**
6321 Steinway Street (Lee District)	091-3-((01))-0054A

ATTACHMENT 3

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN

PROJECT TITLE (OWNERS): Reverend Tadessee Sisay & Awoke Haile – Trustees of the Ethiopian Orthodox Tewahedo Hamere Nahe Kidane Mehret Church

CASE: # 201004797/SR# 73297

OWNER'S ADDRESS: 75 South Bragg Street, Alexandria, Virginia

ADDRESS OF BLIGHTED PROPERTY: 6321 Steinway Street, Alexandria, VA 22315

TAX MAP NO.: 091-3-((01)) 0054A **MAGISTERIAL DISTRICT:** Lee District

2011 ASSESSED VALUE: $794,840 **LAND:** $716,000 **IMPROVEMENTS:** $78,840

PROPERTY ZONING: R-1 (Residential 1 DU/AC) **YEAR BUILT:** 1930

TAX STATUS: Current

DESCRIPTION:
The dwelling was constructed in 1930 according to Fairfax County Tax Records and is listed in poor condition. The dwelling was placarded unfit/unsafe for human habitation on July 28, 2010 by staff of the Property Maintenance Code Official and ordered secured. The dwelling is extremely dilapidated and the roof is in danger of collapse. The property has been vacant for at least five years according to the neighbors and was vacant when the Property Maintenance Code Official placarded it on July 28, 2010. This property is an attractive nuisance to the surrounding community and in its current condition BAP staff feels that the dwelling and outbuildings are not economically feasible to repair and recommends demolition.

IMPACT OF PROPERTY ON SURROUNDING USES:
The property in its current state is an attractive nuisance and blight on the surrounding community.

NATURE OF COMPLAINTS:
The property located at 6321 Steinway Street was referred to the Blight Abatement Program (BAP) on June 15, 2011 reference its dilapidated condition.

STAFF RECOMMENDATION:
BAP recommends demolishing the dilapidated structures and removing all debris on the property in the event that the owners fail to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owners.

Board Agenda Item
January 24, 2012

4:00 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 7130 Little River Turnpike, Annandale, VA 22003 (Mason District)

ISSUE:
Public Hearing to adopt a Spot Blight Abatement Ordinance for 7130 Little River Turnpike, Annandale, VA 22003 (Tax Map No. 071-1-((01))-0112) and approval of a blight abatement plan for the property.

RECOMMENDATION:
The County Executive recommends that the Board adopt an ordinance to declare 7130 Little River Turnpike blighted, constituting a nuisance, and approve the blight abatement plan for the property.

TIMING:
On December 6, 2011 the Board authorized advertisement of this public hearing to be held Tuesday, January 24, 2012, at 4:00 p.m.

BACKGROUND:
Va. Code Ann. § 36-49.1:1 (2011) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered “blighted” under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1(2011), under the process for determination of "spot blight."

Board Agenda Item
January 24, 2012

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered "blighted" for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition of "Blighted property" under Va. Code Ann. 36-3 (2011) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 7130 Little River Turnpike was referred to the Blight Abatement Program (BAP) on February 10, 2011. Located on the subject property is a single story, masonry commercial structure that was extensively damaged by fire on January 1, 2010. The fire report estimated the fire damage to the single story masonry commercial structure at 1.340 million dollars and it was noted on the fire report that the building was a total loss. The property also contains a two story storage building located at the rear of the property. This storage structure is located on this parcel and also spans the two adjacent parcels which are owned by the same property owner. This two story structure was not damaged by the fire but it has multiple building and fire code violations which staff is addressing separately. This storage structure is not being addressed as part of this Spot Blight Abatement item.

The single story masonry commercial structure that was extensively damaged by fire was constructed sometime in 1954 according to building permits records. The original use was retail hardware and building supply but at the time of the fire was being used as a frame factory and office space for Kruger's Antiques. In its current condition BAP staff feels that the fire damaged, single story commercial masonry structure is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on September 27, 2011 and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owner advising her of this determination. The owner has recently contracted with a demolition contractor, however, given the extensive damage to the structure and safety concerns, this item is being brought forward in order to ensure the public safety in the event that the owner fails to follow through with their stated blight abatement plan.

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve

abatement of blight as allowed under the Va. Code Ann. §15.2-1115 (2008). State Code requires that the Board provide notice concerning adoption of such and ordinance. Notice was published on January 6, 2012 and January 13, 2012.

Although the County will continue to seek cooperation from the owners to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statue. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The county will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The county will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records and judgment records.

FISCAL IMPACT:
In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition from Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately $68,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owners. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:
Attachment 1: Property Photographs
Attachment 2: Ordinance for 7130 Little River Turnpike
Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:
Jeffrey L. Blackford, Director, Department of Code Compliance
Karen McClellan, Operations Manager, Department of Code Compliance
Steve Mason, Division Supervisor, Department of Code Compliance
Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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7130 Little River Turnpike
Annandale, VA 22003
Tax Map # 71-1-((01))-0112
Attachment 1

7130 Little River Turnpike
Annandale, VA 22003
Tax Map # 71-1 ((1)) 112
Mason District

ATTACHMENT 2

ORDINANCE FOR 7130 LITTLE RIVER TURNPIKE (MASON DISTRICT)

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (2011) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2008) or § 15.2-1115 (2008).

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities which are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 7130 Little River Turnpike (Mason District) identified on the Fairfax County Tax Map as 071-1-((01))-0112 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (2011);

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (2011);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (2011) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2008) as authorized by Va. Code Ann. § 36.49.1:1 (2011), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the nuisance has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

PROPERTY ADDRESS (DISTRICT)	**TAX MAP NUMBER**
7130 Little River Turnpike (Mason District)	071-1-((01))-0112

ATTACHMENT 3

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN

PROJECT TITLE (OWNERS): Patricia A. Riesett **CASE:** # 201101663/SR# 69846

OWNER'S ADDRESS: 110 Conners Circle, Cary, North Carolina 27511-6650

ADDRESS OF BLIGHTED PROPERTY: 7130 Little River Turnpike, Annandale, VA 22003

TAX MAP NO.: 071-1-((01))-0112 **MAGISTERIAL DISTRICT:** Mason District

2011 ASSESSED VALUE: $1,272,790 **LAND:** $520,110 **IMPROVEMENTS:** $752,680

PROPERTY ZONING: C-6 (Community Retail) **YEAR BUILT:** 1900

TAX STATUS: Current

DESCRIPTION:
Located on the subject property is a single story, masonry commercial structure that was extensively damaged by fire on January 1, 2010. The fire report estimated the fire damage to the single story masonry commercial structure at 1.340 million dollars and it was noted on the fire report that the building was a total loss. The single story masonry commercial structure that was extensively damaged by fire was constructed sometime in 1954 according to building permits records. The original use was retail hardware and building supply but at the time of the fire was being used as a frame factory and office space for Kruger's Antiques. In its current condition BAP staff feels that the fire damaged, single story commercial masonry structure is not economically feasible to repair and recommends demolition.

IMPACT OF PROPERTY ON SURROUNDING USES:
The property in its current state is blight on the surrounding community.

NATURE OF COMPLAINTS:
The property located at 7130 Little River Turnpike was referred to the Blight Abatement Program (BAP) on February 10, 2011 reference it's dilapidated conditions.

STAFF RECOMMENDATION:
BAP recommends demolishing the dilapidated structure and removing all debris on the property in the event that the owner fails to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owner.

Board Agenda Item
January 24, 2012

4:30 p. m.

Public Hearing on Spot Blight Abatement Ordinance for 7010 Old Dominion Drive, McLean, VA 22101 (Dranesville District)

ISSUE:
Public Hearing to adopt a Spot Blight Abatement Ordinance for 7010 Old Dominion Drive, McLean, VA 22101 (Tax Map No. 030-2-((01))-0004) and approval of a blight abatement plan for the property.

RECOMMENDATION:
The County Executive recommends that the Board adopt an ordinance to declare 7010 Old Dominion Drive blighted, constituting a nuisance, and approve the blight abatement plan for the property.

TIMING:
On December 6, 2011 the Board authorized advertisement of this public hearing to be held Tuesday, January 24, 2012, at 4:30 p.m.

BACKGROUND:
Va. Code Ann. § 36-49.1:1 (2011) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered “blighted” under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of “spot blight.”

Board Agenda Item
January 24, 2012

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition of “Blighted property” under Va. Code Ann. 36-3 (2011) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 7010 Old Dominion Drive was initially referred to the Blight Abatement Program (BAP) on May 26, 2005 and has had a history of partial attempts at compliance by the owner, in response to requests by county staff, followed by further decline over these intervening years. Located on the subject property is an abandoned, two story dwelling with a full basement. The dwelling was constructed in 1939 according to Fairfax County Tax Records and the property has been vacant since February 2004, when it was purchased by the owner for redevelopment purposes. On August 24, 2005, the property was placarded as unsafe and its use or occupancy prohibited by staff of the Property Maintenance Code Official.

This property was initially reviewed by the Neighborhood Enhancement Task Force (NETF) on July 20, 2006 but the NETF Committee did not render a preliminary blight determination at that time. Instead the NETF Committee recommended that this property be referred for consideration under the Virginia Maintenance Code. A referral was made to the Virginia Maintenance Code Official for further review. On May 13, 2011, a citizen placed a complaint and advised staff that she had witnessed teenagers hanging around the property and that it was an attractive nuisance so (BAP) staff placed the property in the Blight Abatement Program.

On September 27, 2011, the property was reviewed by the Neighborhood Enhancement Task Force (NETF) and this time the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owner advising her of this determination. The owner made contact with staff and advised them that she was looking for contractors to repair the dwelling but that financing the project was an issue. The owner never submitted an acceptable blight abatement plan. This property has a long history of neglect by the owner and in its current state poses an attractive nuisance to the surrounding community.

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. §15.2-1115 (2008). State Code requires that the Board provide notice concerning adoption of such and ordinance. Notice was published on January 6, 2012 and January 13, 2012.

Although the County will continue to seek cooperation from the owners to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute. If the owners fail to abate the blighted conditions within thirty days after notification to the property owners of the Board's action, the County will proceed with the demolition process for the structures. The county will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The county will then pursue reimbursement from the owners who are ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records and judgment records.

FISCAL IMPACT:
In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition from Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the demolition estimated to cost approximately $43,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:
Attachment 1: Property Photographs
Attachment 2: Ordinance for 7010 Old Dominion Drive (Dranesville District)
Attachment 3: Blighted Property Technical Report and Abatement Plan

STAFF:
Jeffrey L. Blackford, Director, Department of Code Compliance
Karen McClellan, Operations Manager, Department of Code Compliance
Steve Mason, Division Supervisor, Department of Code Compliance
Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

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7010 Old Dominion
McLean, VA 22101
Tax Map # 30-2 ((1)) 4
Attachment 1

7010 Old Dominion Drive
McLean, VA 22101
Tax Map # 30-2 ((1)) 4
Attachment 1

ATTACHMENT 2

ORDINANCE FOR 7010 OLD DOMINION DRIVE (DRANESVILLE DISTRICT)

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (2011) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2008) or § 15.2-1115 (2008).

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities which are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 7010 Old Dominion Drive (Dranesville District) identified on the Fairfax County Tax Map as 030-2 -((01))-0004 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (2011);

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (2011);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (2011) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2008) as authorized by Va. Code Ann. § 36.49.1:1 (2011), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the nuisance has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

PROPERTY ADDRESS (DISTRICT)	**TAX MAP NUMBER**
7010 Old Dominion Drive (Dranesville District)	030-2-((01))-0004

ATTACHMENT 3

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN

PROJECT TITLE (OWNERS): Farzana Rashid **CASE:** # 201102701SR# 71306

OWNER'S ADDRESS: 27 Raleigh Lane, Stafford, Virginia 22554-8835

ADDRESS OF BLIGHTED PROPERTY: 7010 Old Dominion Drive, McLean, VA 22101

TAX MAP NO.: 030-2-((01))-0004 **MAGISTERIAL DISTRICT:** Dranesville District

2011 ASSESSED VALUE: $413,400 **LAND:** $404,000 **IMPROVEMENTS:** $9,400

PROPERTY ZONING: R-3 (Residential 3 DU/AC) **YEAR BUILT:** 1939

TAX STATUS: Current

DESCRIPTION:
Located on the subject property is an abandoned and neglected brick two story dwelling unit with a full basement. There are broken and boarded up windows throughout the dwelling unit. A screen porch attached to the dwelling unit is in a state of collapse. The lot is overgrown and debris is scattered throughout the property. It has been vacant since February 2004.

IMPACT OF PROPERTY ON SURROUNDING USES:
The property in its current state is an attractive nuisance and blight on the surrounding community.

NATURE OF COMPLAINTS:
The property located at 7010 Old Dominion Drive was referred to the Blight Abatement Program (BAP) on May 26, 2005 and May 13, 2011 in reference to its dilapidated and attractive nuisance conditions.

STAFF RECOMMENDATION:
BAP recommends demolishing the dilapidated structures and removing all debris on the property in the event that the owner fails to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement, including direct County administrative costs, would then be collected from the property owner.

Board Agenda Item
January 24, 2012

4:30 p.m.

Public Hearing on Spot Blight Abatement Ordinance for 7101 Vellex Lane, Annandale, VA 22003 (Mason District)

ISSUE:
Public Hearing to adopt a Spot Blight Abatement Ordinance for 7101 Vellex Lane, Annandale, VA 22003 (Tax Map No. 071-3-((09))-0038) and approval of a blight abatement plan for the property.

RECOMMENDATION:
The County Executive recommends that the Board adopt an ordinance to declare 7101 Vellex Lane blighted, constituting a nuisance, and approve the blight abatement plan for the property.

TIMING:
On December 6, 2011, the Board authorized advertisement of this public hearing to be held Tuesday, January 24, 2012, at 4:30 P.M.

BACKGROUND:
Va. Code Ann. § 36-49.1:1 (2011) (Spot Blight Abatement Statute) allows the Board, by ordinance, to declare a blighted property a nuisance, thereby enabling abatement in accordance with Va. Code Ann. § 15.2-900 (2008) or Va. Code Ann. § 15.2-1115 (2008) (Abatement of Nuisance Statutes). The Abatement of Nuisance Statutes permits the County to compel the abatement or removal of nuisances. If, after reasonable notice, the owner(s) fails to abate or obviate the nuisance the County may abate the nuisance in which event the property owner(s) may then be charged for the costs of abatement, which may be collected from the property owner(s) in any manner provided by law for the collection of state or local taxes.

Properties are considered “blighted” under the Spot Blight Abatement Statute as defined in Va. Code Ann. 36-3 (2011) as any individual commercial, industrial, or residential structure or improvement that endangers the public's health, safety, or welfare because the structure or improvement upon the property is dilapidated, deteriorated, or violates minimum health and safety standards, or any structure or improvement previously designated as blighted pursuant to § 36-49.1:1, under the process for determination of "spot blight."

Board Agenda Item
January 24, 2012

In November 1996, the Board authorized the implementation of a Blight Abatement Program using the Spot Blight Abatement Statute to address citizen concerns about specific properties in their communities which were abandoned, dilapidated, or otherwise kept in an unsafe state. Under guidelines established by the Board, a property can be considered “blighted” for purposes of a County Abatement Ordinance under the Spot Blight Abatement Statute if it meets the definition of “Blighted property” under Va. Code Ann. 36-3 (2011) and if it meets all of the following conditions:

1. It has been vacant and/or boarded up for at least one year.
2. It has been the subject of complaints.
3. It is no longer being maintained for useful occupancy.
4. It is in a dilapidated condition or lacks normal maintenance or upkeep.

The property located at 7101 Vellex Lane was initially referred to the Blight Abatement Program (BAP) in late 2004. The owner at that time made minimal attempts to clean up the property to make the property more presentable. In 2006, the property was once again called into the (BAP) due to neglect and maintenance concerns. At this point it was determined by staff that the property maintenance issues needed to be pursued under the Virginia Property Maintenance Code and the blight abatement case was closed. On September 8, 2011, BAP staff received a subsequent request to have this property reviewed for the blight abatement program.

Located on the subject property is an abandoned, one story dwelling that was constructed sometime in 1953. In 1993, the owner of the property obtained a building permit for a two story addition to the existing dwelling. The owner began construction on the addition in 1997, but never finished the addition with the required inspections and approvals. The dwelling has been vacant since at least late 2004, when staff first inspected the subject property and has remained vacant to date.

On September 2, 2010, staff of the Building Official placarded the dwelling as unfit/unsafe for human occupancy. The placard stated that the structural members and fasteners are not capable of supporting the imposed loads. Due to the extreme lack of maintenance over the course of at least 7 years plus the structural issues with the addition, BAP staff feels that the dwelling is not economically feasible to repair and recommends demolition.

This property was reviewed by the Neighborhood Enhancement Task Force (NETF) on September 27, 2011 and the NETF Committee found that the subject property met the blighted property guidelines and the property received a preliminary blight determination. Certified and regular Notice was sent to the owner advising him of this determination. The owner has subsequently applied for a grading plan and building permit to construct a two story addition.

On November 3, 2011, the owner received approval from the Zoning Administration

Branch for an administrative reduction for the subject property to allow the existing addition to the dwelling to remain 19.09 feet from the side lot line.

In accordance with the Spot Blight Abatement Statute, the Board, by Ordinance, may declare the Property to be blighted, and to constitute a nuisance, and approve abatement of blight as allowed under the Va. Code Ann. §15.2-1115 (2008). State Code requires that the Board provide notice concerning adoption of such and ordinance. Notice was published on January 6, 2012 and January 13, 2012.

Although the County will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, which constitutes a nuisance. At the public hearing, the County will also request authorization to contract for demolition of the blighted structure on site pursuant to Va. Code Ann. §15.2-1115 (2008) as authorized under the Spot Blight Abatement Statute or authorization to make or contract for the necessary repairs to cure the blighted conditions. If the owner fails to abate the blighted conditions within thirty days after notification to the property owner of the Board's action, the County will proceed with the demolition process or the necessary repairs for the structures. The County will incur the cost, expending funds that are available in Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records and judgment records.

FISCAL IMPACT:
In the event that the blighted conditions are not eliminated by the owner, the County will fund the demolition or repairs from Fund 303, County Construction, Project 009801, Strike Force Blight Abatement. Funding is available in Project 009801 to proceed with the repairs or the demolition estimated to cost approximately $35,000.

It is anticipated that all of the costs (including direct County administrative costs) of the blight abatement will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program in order to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:
Attachment 1: Property Photographs
Attachment 2: Ordinance for 7101 Vellex Lane (Mason District)
Attachment 3: Blighted Property Technical Report and Abatement Plan

Board Agenda Item
January 24, 2012

STAFF:
Jeffrey L. Blackford, Director, Department of Code Compliance
Karen McClellan, Operations Manager, Department of Code Compliance
Steve Mason, Division Supervisor, Department of Code Compliance
Victoria Dzierzek, Code Compliance Investigator III, Department of Code Compliance

7101 Vellex Lane
Annandale, VA 22003
Tax Map # 71-3 ((9)) 38
Attachment 1

7101 Vellex Lane
Annandale, VA 22003
Tax Map # 71-3 ((9)) 38
Attachment 1

Structure is unsecured

new framing over existing roof
not capable of supporting
additional loads

ATTACHMENT 2

ORDINANCE FOR 7101 VELLEX LANE
(MASON DISTRICT)

WHEREAS, a goal of the Fairfax County Board of Supervisors ("Board") is the preservation and improvement of residential neighborhoods and commercial areas; and

WHEREAS, the Code of Virginia empowers localities, by ordinance to declare any blighted property as defined in the Va. Code Ann. § 36.3 (2011) to constitute a nuisance and thereupon abate the nuisance pursuant to Va. Code Ann. § 15.2-900 (2008) or § 15.2-1115 (2008).

WHEREAS, the Board has approved the implementation of a blight abatement program authorized by State legislation; and

WHEREAS, citizens have expressed concern about specific properties in their communities which are abandoned, dilapidated or otherwise in an unsafe state; and

WHEREAS, it has been determined that the property located at 7101 Vellex Lane (Mason District) identified on the Fairfax County Tax Map as 071-3-((09)-0038 ("Property") meets the definition of blight as defined in Va. Code Ann. § 36.3 (2011);

WHEREAS, the Board desires that the blight constituting a nuisance be abated in accordance with Va. Code Ann. §15.2-1115 (2008), as authorized by Va. Code Ann. § 36-49.1:1 (2011);

NOW THEREFORE, BE IT RESOLVED, THAT BY ORDINANCE, the Property is deemed blighted as that term is defined in Va. Code Ann. § 36.3 (2011) and the Board hereby determines that the Property constitutes a nuisance.

BE IT FURTHER RESOLVED; THAT BY ORDINANCE the Board hereby directs that the aforementioned nuisance be abated in accordance with the terms of Va. Code Ann. § 15.2-1115 (2008) as authorized by Va. Code Ann. § 36.49.1:1 (2011), including without limitation that if the owner of the Property fails to abate or obviate the nuisance within thirty (30) days, Fairfax County may do so by repairing or demolishing the improvements on the Property and removing all debris from the site in which event the County may collect the costs thereof from the owner of the Property in any manner provided by law for the collection of state or local taxes.

Upon certification by the County Executive of Fairfax County or his designee that the nuisance has been abated and that all expenses of Fairfax County with respect thereto have been paid in full, this Ordinance shall be deemed of no further force or effect.

PROPERTY ADDRESS (DISTRICT)	**TAX MAP NUMBER**
7101 Vellex Lane (Mason District)	071-3-((09))-0038

ATTACHMENT 3

BLIGHTED PROPERTY TECHNICAL REPORT AND ABATEMENT PLAN

PROJECT TITLE (OWNERS): Richard H. Chiu **CASE:** # 200901004/SR# 76085

OWNER'S ADDRESS: 6524 Elmdale Road, Alexandria, Virginia 22312

ADDRESS OF BLIGHTED PROPERTY: 7101 Vellex Lane, Annandale, VA 22003

TAX MAP NO.: 071-3-((09))-0038 **MAGISTERIAL DISTRICT:** Mason

2011 ASSESSED VALUE: $317,610 **LAND:** $176,000 **IMPROVEMENTS:** $141,610

PROPERTY ZONING: R-1 (Residential 1 DU/AC) **YEAR BUILT:** 1985 with an incomplete addition started November 1993

TAX STATUS: Current

DESCRIPTION:
Located on the subject property is a ranch style dwelling with an incomplete two story addition constructed over a portion of the existing roof. The original residential structure was constructed in 1953 according to Fairfax County Tax Records. In 1993, the owner applied for a building permit to construct a two story addition partially over the existing single story roof. The owner partially completed the work without obtaining any of the required inspection approvals. The addition remains incomplete. On September 2, 2010 staff of the Building Official placarded the dwelling as Unfit/ Unsafe for Human Occupancy. The Structure has been vacant since at least late 2004 and has remained vacant to date. BAP staff recommends demolition or repair to cure the blighted conditions.

IMPACT OF PROPERTY ON SURROUNDING USES:
The property in its current state is an attractive nuisance and blight on the surrounding community.

NATURE OF COMPLAINTS:
This property was originally referred to the blight abatement program in late 2004, 2006 and again in September 2011, references its condition.

STAFF RECOMMENDATION:
BAP recommends repairing or demolishing the dilapidated structure and removing all debris on the property in the event that the owner fails to cure the blighted conditions of the property after receiving written notice of the Board's adoption of the Blight Abatement Ordinance. Costs of blight abatement (including direct County administrative costs) would then be collected from the property owner.

Board Agenda Item
January 24, 2012

4:30 p.m.

Public Hearing to Consider Changes to *The Code of the County of Fairfax, Virginia*, Chapter 82, Motor Vehicles and Traffic, Article 5, Sections 32 through 32.2

ISSUE:
Public hearing to consider changes to Sections 82-5-32 through 32.2, Removal and disposition of vehicles unlawfully parked on private or County property, of *The Code of the County of Fairfax, Virginia*.

RECOMMENDATION:
The County Executive recommends that the Board approve the proposed changes of Sections 82-5-32 through 32.2.

TIMING:
On December 6, 2011, the Board of Supervisors authorized the advertisement of the public hearing scheduled on January 24, 2012, 4:30 p.m. Upon a decision by the Board of Supervisors, the changes to Sections 82-5-32 through 32.2 will become effective upon adoption.

BACKGROUND:
Code of Virginia Section 46.2-1232 enables the County to regulate the removal or immobilization of trespassing vehicles and Section 46.2-1233 enables the County to regulate towing fees.

In 1993, the County appointed a Towing Advisory Board and subsequently adopted Section 82-5-32 of the *Code of the County of Fairfax, Virginia*, relating to the removal and disposition of vehicles unlawfully parked on private or County property. On March 1, 1994, Section 82-5-32 became effective and set standards for the notification of police, marking of property, towing operations, and maximum fees. Section 82-5-32 has not been reviewed or updated in detail since 1994.

On June 26, 2006, the Fairfax County Board of Supervisors established the Fairfax County Trespass Towing Advisory Board (TTAB) as required by Section 46.2-1233.2. Staff worked with TTAB and reviewed draft revisions to the County's trespass towing code with representatives from both large and small tow operators, tow industry organizations, property owner/manager representatives, and citizen advisory groups, and as a result, recommends changes to Sections 82-5-32 through 32.2.

A summary of the recommended changes is as follows:

1. Definitions added for clarity and to improve readability.
2. Tow operators must register annually with the County and update the County registration information when changes occur.
3. Reflective red on white signs designating a towing area must be clearly posted at every entrance and at least the size of a standard “NO PARKING” sign.
4. A tow operator must obtain a signature from an authorizing individual prior to every trespass tow to ensure there is an audit trail, or may execute a contract with the property owner delegating the responsibility of towing vehicles to a tow operator or the property owner’s agent prior to towing operations beginning.
5. Tow operators must take pictures clearly showing the reason for the tow and condition of the vehicle before connecting to the vehicle.
6. Trespassing vehicles will be towed directly from the trespass parking site to the tow operator’s storage lot and not be temporarily stored at any intermediate location for later relocation to a tow operator’s storage lot.
7. The current requirement for towed vehicles to remain within Fairfax County is retained.
8. County staff may enter trespass towing business establishments to obtain information, conduct surveys, audits, or investigations.
9. Rates and Charges
    a. At a minimum, tow operators must accept the following forms of payment at any site where payment is accepted: cash, credit cards, and debit cards. Personal checks must be accepted in lieu of a credit or debit card payment at any site if the card device is not operational.
    b. Fairfax County trespass towing rates are increased, similar to the State maximum allowable rates established in 2006, and they are in line with other local jurisdictions.
    c. A requirement to biennially review rates is established to determine if rate changes are necessary.
10. Release procedures and requirements.
    a. Trespass towing operations occur during all hours of the day and night. A vehicle towed to a storage facility shall be immediately available for release at the request of the owner.
    b. A receipt containing specified information for the reason for the tow, the time of the tow, and the fees assessed must be given to the vehicle owner upon payment.
11. Penalties and Remedies.
    a. The proposed amendments contain language that no fees can be charged for the tow if the tow operator fails to meet specified requirements.
    b. A valid tow is comprised of a lawful tow, proper storage, correct rates and timely release.

The Tenant-Landlord Commission (TLC), on September 15, 2011, voted unanimously to support the recommended changes.

The Consumer Protection Commission (CPC), on October 18, 2011, voted unanimously to support the recommended changes.

The Trespass Towing Advisory Board (TTAB), on November 16, 2011, after making certain changes, voted unanimously to support the recommended changes.

ENCLOSED DOCUMENTS:
Attachment 1 – Proposed draft Fairfax County Code Section 82-5-32 through 82-5-32.2
Attachment 2 – Staff Report.

STAFF:
Michael Liberman, Director, Department of Cable and Consumer Services
Cynthia A. Bailey, Assistant County Attorney, Office of the County Attorney
David Reidenbach, Chief, Regulation and Licensing Branch, DCCS

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Attachment 1

AN ORDINANCE TO AMEND AND REENACT ARTICLE 5 OF CHAPTER 82 REGARDING: (i) THE REMOVAL, IMMOBILIZATION, AND DISPOSITION OF VEHICLES UNLAWFULLY PARKED ON PRIVATE OR COUNTY PROPERTY; (ii) THE DUTIES OF THE TRESPASS TOWING ADVISORY BOARD; AND (iii) THE DUTIES OF THE FAIRFAX COUNTY DEPARTMENT OF CABLE AND CONSUMER SERVICES RELATED TO TRESPASS TOWING.

1. Be it ordained by the Board of Supervisors of Fairfax County that Article 5, Chapter 82 of the Code of the County of Fairfax is hereby amended and reacted as follows:

Section 82-5-32. – Removal, immobilization, and disposition of Vehicles unlawfully parked on private or County property.

(A) Definitions.

The following words and phrases shall have the meanings respectively ascribed to them in this Section:

"Advisory Board" or "TTAB" means the Fairfax County Trespass Towing Advisory Board;

"Board" means the Fairfax County Board of Supervisors;

"BTRO" means the Virginia Board of Towing and Recovery Operators.

"County" means the County of Fairfax, Virginia.

"Department" or "DCCS" means the Fairfax County Department of Cable and Consumer Services.

"Director" means the Director of the Fairfax County Department of Cable and Consumer Services.

"Driver" means a person who drives or is in actual physical control of a Tow Truck. A Driver shall have obtained an authorization document issued by the BTRO in order to operate a Tow Truck while providing Towing services.

"Drop Fee" means a fee that is charged a Vehicle Owner for disconnecting a Tow Truck from a Vehicle prior to leaving private property.

"Equipment" means any Tow Truck, Vehicle or related machinery or tools used to provide Towing.

"Immobilize" means a procedure or piece of Equipment, such as a boot, used to prevent a Vehicle from moving. Immobilization does not include attachment to a tow truck.

"Law-Enforcement Officer" means any officer authorized by law to direct or regulate traffic or to make arrests for violations of the Code of Virginia or local ordinances.

"Operator" or "Towing and Recovery Operator" means any person, including a business, corporation, or sole proprietor, offering services

involving the use of a Tow Truck and services incidental to the use of a Tow Truck.

“Personal Property” means any property in a Vehicle which is not attached to or considered to be necessary for the proper operation of the Vehicle.

"Private Property Tow” or “Trespass Tow" means requests for Towing services made by the owner, manager, or lessee of private property, or the authorized agent thereof, or under contract between such person and a Towing and Recovery Operator that specifies what Tows are to be made from the property when a Vehicle is on the property in violation of law or rules promulgated by the owner, manager, or lessee of the private property.

“Property Owner” means the owner, operator, authorized agent, or lessee of any land, space, or area used for parking, including any county, city, or Town, or authorized agent of the person having control of such premises.

“Storage Site” means a location where Vehicles are taken until the owner reclaims the Vehicle or it is sold. The location must meet all requirements specified in this Section.

"Tow" or “Towed” means when the Tow Truck has engaged a Vehicle by a physical or mechanical means that causes the Towed Vehicle to be removed from private property.

"Tow Truck" or “Truck” means a motor Vehicle for hire (i) designed to lift, pull, or carry another Vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross Vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes Vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or Tow another Vehicle, commonly referred to as "rollbacks."

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks.

“Vehicle Owner” means the owner, operator, authorized agent, or lessee of a Vehicle.

(B) Exclusions.

~~(a) It shall be lawful for any owner, operator, lessee, or authorized agent of the one having control of the premises of any parking area or space therein or part thereof, or of any other lot or building, including the County, to have any motor Vehicle occupying such lot, area, space or building or part thereof without the permission of such owner, operator, or authorized agent of the one having control of such premises removed by Towing or otherwise to a storage site which meets the requirements of this Section until called for by the owner or his agent; provided, that the following conditions are met:~~

(~~b~~1) This section shall not apply to: ~~police, fire or public health vehicles or when a vehicle shall, because of a wreck or other emergency, be parked or left temporarily upon the property of another.~~

(a) Federal, state, or local public service Vehicles.

(b) Vehicle repossession activities.

(c) Vehicles Towed, moved, or stored at the request of a Law-Enforcement officer.

(~~c~~2) The provisions of this Section shall not be construed to prohibit V~~v~~ehicles from being T~~t~~owed when such T~~t~~owing is otherwise permitted by law.

~~(1) A property owner shall erect and maintain a permanent sign, readable during daytime and nighttime hours, conspicuously posted at all entrances or otherwise so located as to be visible to any person parking a Vehicle on the property, notifying the public of parking restrictions and that Towing is enforced. The signs must have wording that indicates "private property," "reserved parking," or otherwise reasonably informs the public of parking restrictions and that Towing of Vehicles may occur. The words "If Towed, call 691-2131" must be affixed to the front of each sign; provided, however, that the requirement for signs shall not apply on any property used at the time of removal for one single-family residence or one two-family residence.~~

(C) Signs.

(1) Permanent signs, clearly visible during daytime and nighttime hours, shall be posted at all entrances to the parking area that conspicuously disclose that such Vehicle will be Towed or Immobilized**.**

(2) Such signs, at a minimum, shall: (all measurements are approximate)

(a) Be made of metal.

(b) Be 18 inches high and 12 inches wide.

(c) Contain reflective red letters and red reflective graphics on a reflective white background with a 3/8 inch reflective red trim strip 3/8 inch in from the entire outer edge of the sign.

(d) Contain the international Towing symbol that is at least 5 inches high by 11 inches wide as found in the Federal Highway Administration, "*Manual on Uniform Traffic Control Devices*".

(e) Use Series B or Clearview lettering found in the Federal Highway Administration, "*Manual on Uniform Traffic Control Devices*".

(f) Contain "Towing Enforced" in a font size of 2 inch letters.

(g) Contain "If Towed Call 703-691-2131" in a font size of 1 inch letters, which is the Fairfax County Department of Public Safety Communications' (DPSC) telephone number. However, if the Tow originated in the Town of Vienna, the sign shall contain, "If Towed Call 703-255-6366" and if the Tow originated in the Town of Herndon, the sign shall contain, "If Towed Call 703-435-6846".

(h) Paragraphs (2)(a) through (2)(e) will be effective January 1, 2015.

(3) Signs posted in a government road right-of-way must meet Virginia Department of Transportation standards and all applicable Virginia laws to include the bottom of the sign mounted at least 7 feet above the ground. Signs posted on private property are not required to meet this height requirement as long as they are clearly visible.

(4) Sign contents may also include additional information such as, but not limited to, the name of the property or name and telephone number of the designated Operator in a font size of 19/32 inch letters.

(5) In addition to the mandatory entrance signs, other area signs may be used to specify any other requirements for parking.

(6) The requirement for signs shall not apply to single-family residence or two-family residence properties.

(7) No signage of the type required in this section shall be required to effect the Towing of a Vehicle unlawfully parked in a spot reserved for persons with disabilities or in a "Fire Lane" that is approved and marked in accordance with County and state requirements.

(D) Property Owner.

(1) A Property Owner may have a Vehicle Towed to a Storage Site or Immobilized without the permission of the Vehicle Owner if the Vehicle is occupying property without permission of the Property Owner, and if conditions set forth in this section are met.

(a) The Property Owner must give written approval for the Tow or Immobilization of a Vehicle parked in violation of the Property Owner's parking policy.

(b) Copies of such written approvals shall be retained for three years after the date of the last Tow or Immobilization approved by the agreement.

(2) In lieu of having such Vehicle Towed or Immobilized, the Property Owner on which the Vehicle is located may request a Law Enforcement Officer issue, on the premises, a citation to the Vehicle Owner.

(E) Operator.

~~(2) A tow truck operator who tows a trespassing vehicle, parked in violation of the posted parking restrictions, from private or County property shall immediately notify the Fairfax County Public Safety Communications Center (PSSC); provided, however, whenever a Vehicle is towed from locations within the Town of Herndon or the Town of Vienna, the tow truck operator shall notify the law enforcement agency in that jurisdiction.~~

~~It shall be unlawful to fail to report such tow as required by this Section, and violation of the reporting requirement of this Section shall constitute a traffic infraction punishable by a fine of not more than $100.00. Such failure to report shall limit the amount which may be charged for the storage and safekeeping of the towed Vehicle to an amount no greater than that charged for one day of storage and safekeeping. The tow truck operator shall inform the law enforcement agency personnel of: (i) the name of the tow truck operator and the tow company removing the Vehicle; (ii) the make, model, color, year, vehicle identification number and the license plate of the Towed Vehicle; (iii) the address the vehicle was towed from; (iv) the time that the vehicle was towed; and (v) the storage site where the vehicle is located.~~

~~(3) The property owner, operator or lessee has directly or through an agent, expressly authorized the towing of the particular vehicle, or has by a written agreement or contract, delegated to a tow company and such company's tow truck operators, the authority to make the decision to remove a trespassing vehicle without express authorization. For each vehicle towed, a tow company shall maintain, for a period of six months, a record of the authorization to tow, including: (i) the information required to be provided to the PSSC or other state or local law enforcement agency~~

~~pursuant to subsection (a)(2) of this Section; (ii) the reason for the tow; (iii) the name, address, telephone number and authority of the person authorizing the tow, and that individual's signature, if expressly authorized; or (iv) reference to the written agreement delegating authority to the tow company and its tow truck operators to tow vehicles from the premises.~~

~~(4) Notwithstanding the foregoing provisions of this Section, if the owner or operator of the trespassing Vehicle is present and removes the trespassing vehicle from the premises before it is connected to the towing vehicle, the owner or operator shall not be charged any fee; if the towing vehicle has been connected to the trespassing vehicle, the trespassing vehicle shall not be towed, but the owner or operator of the trespassing vehicle shall be liable for a reasonable fee, not to exceed $25.00, in lieu of towing, provided that the owner or operator of the trespassing vehicle forthwith removes the trespassing vehicle from the premises.~~

~~(5) In lieu of having a trespassing vehicle removed by towing or otherwise, the owner, operator, lessee, or other authorized agent of the premises on which the trespassing vehicle is parked may cause the vehicle to be immobilized by a boot or other device that prevents a Vehicle from being moved by preventing a wheel from turning, provided that the boot or other device does not damage the Vehicle or wheel. The charge for removal of such device shall not exceed $25.00.~~

~~(6) In lieu of having such Vehicle removed by towing or otherwise, or causing the vehicle to be immobilized, the owner, operator, lessee or other authorized agent of the premises on which the trespassing vehicle is parked may request that a duly authorized local government official or law enforcement officer issue, on the premises, a notice of the violation of a parking ordinance to the registered owner of the Vehicle.~~

~~(b) This Section shall not apply to police, fire or public health vehicles or when a vehicle shall, because of a wreck or other emergency, be parked or left temporarily upon the property of another.~~

~~(c) The provisions of this Section shall not be construed to prohibit vehicles from being towed when otherwise permitted by law.~~

~~(d) A Tow truck operator shall not tow a motor vehicle from private property unless the property owner has, directly or through an agent, expressly authorized the towing of the particular vehicle. However, a tow company or tow operator, to whom the authority to make the decision to remove a trespassing vehicle has been delegated by the property owner or the owner's agent, may remove the trespassing vehicle at any time. Such operator must comply with all the requirements of this Article. A tow company or tow truck operator to whom the authority to make a decision to remove a trespassing vehicle has been delegated, shall not tow or remove a vehicle from private property unless the vehicle is parked~~

~~in violation of restrictions posted on the sign required by subsection (a) of this Section.~~

Operators must comply with all requirements of this Section.

(1) Registration.

(a) All Operators engaged in immobilizing or Towing Vehicles without the consent of Vehicle Owner shall register with the Department of Cable and Consumer Services prior to the initiation of any such operations and during January of each subsequent year.

(b) To obtain a registration certificate, the following information and documents must be provided to the Department:

(i) Name, address and telephone number of the business engaged in immobilizing or Towing;

(ii) Name and telephone number of the business owner or chief executive officer (CEO);

(iii) Copy of the business' Fairfax County Business, Professional and Occupational License (BPOL);

(iv) Address, telephone number, and Vehicle storage capacity of each Storage Site to which Vehicles will be Towed;

(v) Copy of each office and Storage Site Non-Residential Use Permit (non-RUP); and,

(vi) Number of Tow Trucks to be operated in Fairfax County.

(c) Any change to information provided at registration shall be provided to the Department within 30 calendar days of the change.

(2) Operational Requirements.

(a) The Operator will be open for business 24 hours a day and seven days per week unless the Operator has no cars Immobilized or in his possession.

(b) All Tow Truck safety devices must be operational, used, and comply with local, state, and federal laws and regulations.

(c) An Operator shall not Tow a Vehicle from private property or Immobilize a Vehicle on private property unless the Vehicle is parked in violation as specified by the Property Owner.

(d) All Tow Trucks shall have the following identifying markings of a contrasting color to the truck body on both sides of each Tow Truck:

(i) The Operator's business name as registered with the Department in a font not less than three inches in height.

(ii) The Operator's telephone number in a font not less than three inches in height.

(iii) Truck number in a font not less than four inches in height.

(e) Each tow vehicle, while trespass towing, shall have in the vehicle a copy of the current Fairfax County Trespass Towing registration certificate.

(f) Each Immobilization device will have a label, clearly visible while the device is in position Immobilizing a Vehicle, that lists the Operator's name and telephone number, Immobilization fee, and the Department's name and telephone number.

(g) The Fairfax County Department of Public Safety Communications (DPSC) will be notified no later than 30 minutes after initiating the Immobilization or Towing of a Vehicle. However, whenever a Vehicle is Towed or Immobilized from sites within the Town of Herndon or the Town of Vienna, the Operator, shall notify the law enforcement agency in those jurisdictions as applicable.

(h) Such notification shall include the:

(i) Operator name and Driver employee number who Towed or Immobilized the Vehicle;

(ii) Make, model, color, year, vehicle identification number of the Towed or Immobilized Vehicle;

(iii) License plate type (such as passenger car, truck, dealer, taxi, disabled), number, state, and year of license of the Towed or Immobilized Vehicle;

(iv) Address where the Vehicle was Towed or Immobilized from;

(v) Reason for the Tow or Immobilization;

(vi) Time such Tow or Immobilization was initiated; and

(vii) Storage Site address where the Vehicle is located and the Operator's telephone number.

(i) It shall be unlawful to fail to report a Tow or Immobilization as required by this section. Violation of the reporting requirements of this section shall constitute an invalid Tow resulting in no charge to the owner for the release of the Vehicle.

(j) An Operator must Tow each Vehicle directly to a Storage Site located within the boundaries of Fairfax County. The vehicle must remain in that lot for 30 calendar days if the owner fails to claim the vehicle.

(k) Photographic evidence clearly substantiating the Vehicle's condition, location, and reason for the Vehicle's Tow or Immobilization must be made prior to connecting the Tow Truck to the Vehicle.

(l) Once an Operator connects to a vehicle violating parking rules and Tows a Vehicle from private property, the Vehicle must be taken directly to a Tow Storage Site registered with the Department. Changing the Towing Vehicle shall not be permitted unless the original Towing Vehicle becomes non-operational.

(m) While being Towed, Vehicles shall be properly secured in accordance with all laws, regulations, and Tow Truck Vehicle manufacturer recommendations.

(n) Nothing in this section shall release the Tower from liability for failure to use reasonable care to prevent the load from shifting or falling.

(o) Records.

An Operator shall maintain written and electronic records for each Towed or Immobilized Vehicle for a period of three years after such Tow or Immobilization. Records to be retained shall include;

(i) A record of the Property Owner's approval;

(ii) The information required to be provided to the DPSC and other local law enforcement agencies pursuant to this Section;

(iii) A legible copy of the receipt provided to Vehicle Owner; and

(iv) Photographs and any other documentation supporting the tow.

(3) Storage Site Requirements.

(~~e~~a) Every site to which ~~t~~Trespassing ~~v~~Vehicles are ~~t~~Towed, stored, and available for return to the Vehicle Owner shall comply with the following requirements:

(~~1~~i) An ~~Tow truck~~ ~~o~~Operator must ~~t~~Tow each V~~v~~ehicle to a properly zoned ~~s~~Storage ~~s~~Site located within the boundaries of Fairfax County.

(~~2~~ii) A ~~s~~Storage ~~s~~Site shall be lighted during the hours of darkness to afford ~~distinct~~ clear visibility to all portions of the ~~facility~~ Storage Site.

(~~3~~iii) A Towed ~~v~~Vehicle shall not be stored more than a reasonable walking distance from the area where ~~t~~Towing and storage fee payments are received.

(4iv) The ~~Town~~ ~~o~~Operator shall exercise reasonable care to keep the ~~t~~Towed ~~v~~Vehicle and its contents safe and secure at all times, which shall include appropriate permanent fencing.

~~(5) Personal property in the Vehicle must be released in accordance with State law.~~

(~~6~~v) No ~~tow truck~~ ~~o~~Operator may take a ~~v~~Vehicle to a ~~s~~Storage ~~lot~~ Site which does not meet these standards and all other applicable ordinances and regulations:

(~~A~~A) ~~Whenever a storage site is closed, a~~ A clearly visible ~~conspicuous~~ sign must be posted at the entrance of the ~~s~~Storage ~~s~~Site ~~which~~ that provides instructions and a local telephone number for obtaining release of a ~~v~~Vehicle ~~when the site is not open~~; and

(~~B~~B) The ~~local~~ telephone for the posted number ~~posted in the notice required by the preceding subsection~~ shall be answered 24 hours a day.

~~(C) The Towed Vehicle shall be available for release within two hours from the time the owner calls for the Vehicle.~~

(C) A clearly visible sign with a list of all of the Operator's fees for trespass Immobilization, Towing and storage services, and the Operator's contact information.

(D) A clearly visible sign available from the Department of Cable and Consumer Services, listing the Department's Web site, office address, and telephone number.

(4) Personal Property.

(a) Nothing shall be removed from the Vehicle without the express consent of the Vehicle Owner

(b) Personal Property must be released immediately upon the Vehicle Owner's request without charge, and it shall be the duty of the Operator to return it to the Vehicle Owner if the Vehicle Owner claims the items prior to auction. Any lien created under this section shall not extend to any Personal Property.

(5) Vehicle Release.

(a) If the Vehicle Owner of the Vehicle is present and removes the Vehicle from the property or corrects the violation before the Vehicle is connected to the Towing Vehicle, no fee will be charged the Vehicle Owner;

(b) If the Vehicle has been connected to the Towing Vehicle and has not yet left private property, the Vehicle shall not be Towed upon request of the Vehicle Owner. The Vehicle Owner shall be liable for a Drop Fee, as set forth in this Section, in lieu of Towing, provided that the Vehicle Owner removes the Vehicle from the property or corrects the violation.

(c) A Vehicle moved to a Storage Site shall be immediately available for release at the request of the Vehicle Owner.

(d) The Operator shall accept the following forms of payment for any trespass Towing services:

(i) Cash;

(ii) Two major national credit cards;

(iii) MasterCard or Visa debit cards; and

(iv) Personal checks shall be accepted when credit/debit card machines are not available or are inoperable.

(e) In all cases when a Vehicle is Immobilized, Towed, or fees charged, the Operator will provide the Vehicle Owner with a receipt that bears the:

(i) Complete name, address, and telephone number of the Operator that Towed the Vehicle;

(ii) Time the Vehicle was Towed;

(iii) Address from which the Vehicle was Towed;

(iv) Authority for the Tow (Entity or person authorizing the tow);

(v) Reason for the Tow;

(vi) Driver employee number;

(vii) Time the Vehicle was released;

(viii) An itemized list of all fees assessed in the Immobilization, Towing, storage, and/or release of the Vehicle;

(ix) The printed name of the person to whom the Vehicle was released; and

(x) The Department contact information.

(f) If any requirements of this Section are not met, for such Immobilization or Tow, no fee shall be charged.

~~(f) All towing companies engaged in the business of towing vehicles from private property without the consent of the vehicle owner shall register with the Department of Cable Communications and Consumer Protection. Such registration shall contain the following information:~~

~~(1) Name, business address and telephone number of the towing company; and~~

~~(2) Address of each storage site to which trespassing vehicles are towed.~~

~~(g) Every tow company which engages in the towing of trespassing vehicles shall prominently display at its main place of business a comprehensive list of all its fees for Towing, recovery and storage services and the company's normal business~~

~~hours. A Tow operator shall not collect from the owner of a Towed Vehicle charges in excess of those posted.~~

~~This section shall not apply to Vehicles Towed, stored, or both Towed and stored at the request of a law enforcement officer.~~

(6) Compliance.

(a) The Operator will provide to the Vehicle Owner upon request, a copy of the authority for the Tow; including without limitation, photographs and other documentation supporting the tow.

(b) Right of Entry. Whenever it is necessary for the purposes of this Section, the duly authorized agent of the Director may enter any trespass Towing business, business establishment, or Storage Site property to obtain information, conduct surveys, audits, compliance reviews, or investigations.

(F) Rates and Charges.

(1) Change to Rates and Charges.

(a) Changes in rates and charges for trespass Towing services rendered by Operators shall be approved by the Board.

(b) The Board may consider changes in rates or charges upon recommendation of the Director or the Advisory Board.

(c) The Director shall conduct a review of rates every two years.

(d) Any review of rate changes as well as any recommended change to any rule, regulation, or practice thereto shall come before the Advisory Board pursuant to a public hearing, which shall be scheduled as soon as analysis, investigation, and administration permit. All recommendations of the Advisory Board and the Director shall be conveyed to the Board for its consideration and determination.

(e) When ever the Director or Advisory Board determines a rate change is warranted, all registered Operators shall provide notice to the public of proposed changes in rates and charges thereto, by means of a sign posted in a clearly visible place at each of their fixed places of business in Fairfax County. Such notice shall be on a document no smaller than 8.5 by 11.0 inches, printed in no smaller than 12-point type, and shall contain substantially the following information:

Notice of Proposed Rate Change
(Insert the Name of the trespass Tower)

A proposed change in trespass Towing rates is under consideration by the Fairfax County government. The proposed rates are: (Insert description of the proposed changes).

The proposed trespass Towing rate change will be considered by the Trespass Towing Advisory Board at a public hearing. The date, time and location of the public hearing may be obtained by calling the Department of Cable and Consumer Services. Any interested person may appear before the Advisory Board to be heard on this proposed change. Persons who wish to be placed on the speakers' list or who wish further information should call the Department of Cable and Consumer Services at 703-324-5966.

(f) Notices with respect to a proposed rate change shall be posted within ten days of the staff report for such change and shall remain posted until the change in rates is denied or becomes effective.

~~(1) The maximum fees allowed to be charged are:~~

~~(A) Initial hookup and Tow fee not to exceed $50.00.~~

~~(B) Vehicle storage at a rate not to exceed $25.00 for up to the first 24-hour period and shall not exceed $25.00 for each subsequent 24-hour period or any portion thereof for the safekeeping of Vehicles or trailers.~~

~~(C) Release fees may be charged for Vehicles claimed by the owner after normal business hours. No release fee may be more than $15.00. No other fees for release or administration may be charged.~~

~~(2) Towers may not charge additional fees for the use of a cable, flatbed, or dolly. Fees for extensive and unusual recovery and Towing operations, including but not limited to the use of specialty equipment, may be charged at a reasonable rate.~~

~~(3) In all cases where a fee is paid, the Tow truck company must provide the Vehicle owner with a receipt that bears the complete name and address and telephone number of the Tow truck company. Such receipt shall itemize all fees assessed in the Towing, storage, and release of said Vehicle. Such receipt shall include a printed notice stating that Towers shall agree to mediate all complaints submitted to the Department of C*able Communications and Consumer Protection* for resolution.~~

~~(h) A Tow company or Tow truck operator shall not require a Vehicle owner to sign any waiver of the owner's right to receive compensation for damages to the owner's Vehicle as a condition of the owner retrieving the Towed Vehicle.~~

~~(i) A Tow company shall prominently display at the storage site, in a conspicuous place in that portion of the premises normally issued for receipt of payment, a sign which is readily noticeable and readable. The sign shall be furnished by the Department of Cable Communications and Consumer Protection, listing the Department's telephone number and informing consumers that they may contact the Department for assistance.~~

~~(j) A Tow company or Tow truck operator shall neither offer nor give any rebate, payment, or other compensation to a property owner or other person contracting for, authorizing or requesting the Towing or removal of a Vehicle.~~

(2) Rates and Charges.

(a) It shall be unlawful for an Operator to charge any fees exceeding the fees set forth in this Section.

(i) Immobilization. An Operator may charge a Vehicle Owner a maximum fee of $75.00 for the release of a Vehicle when it is Immobilized. No other fee of any type may be charged.

(ii) Drop Fee. An Operator may charge a Vehicle Owner a maximum fee of $50.00 for the release of a Vehicle prior to Towing the Vehicle from private property. No other fee of any type may be charged.

(iii) Hookup and initial Towing fee shall not exceed:

A. $125.00 for Vehicles with a gross vehicle weight rating (GVWR) of 7,500 pounds or less.

B. $250.00 for Vehicles with a GVWR of 7,501 pounds through 10,000 pounds.

C. $500.00 for Vehicles with a GVWR greater than 10,000 pounds.

D. For towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, a maximum additional fee of $25 per instance may be charged; however, in no event shall more than two such fees be charged for towing any such vehicle.

E. No other fees or charges shall be imposed during the first 24 hour period.

(iv) Storage fee for the safekeeping of Vehicles:

A. No charge shall be made for storage and safekeeping of a Vehicle for the first 24 hours the Vehicle is on the Storage Site.

B. After the Vehicle is on the Storage Site for more than 24 hours, a Vehicle storage fee may be charged for each subsequent 24-hour period, or any portion thereof, at a rate not to exceed:

1. $50.00 for any Vehicle 22 feet long or less.

2. $5.00 per foot for any Vehicle over 22 feet in length.

(v) If a fee for notification of lien holder, owner, agent or other interested party is charged, it shall not exceed $75.00. This fee may only apply after the Vehicle is on the Storage Site over three full business days. If an administrative fee is charged, a copy of the Virginia Department of Motor Vehicles report will be attached to the receipt given to the Vehicle Owner.

(vi) No administrative fees will be charged, or any other charges unless expressly set forth herein.

(b) Upon Vehicle release, the Operator will give the Vehicle Owner a receipt itemizing all charges.

(c) An Operator shall not require a Vehicle Owner to sign any waiver of the Vehicle Owner's right to receive compensation for damages to the owner's Vehicle as a condition of the owner retrieving the Towed Vehicle.

(G) Penalties and Remedies for Violations.

It shall be unlawful for any person to violate any of the provisions of this Section, or any regulation adopted pursuant to this Section. Unless otherwise stated, these violations shall constitute traffic infractions punishable by a fine of not more than that provided for a Class 4 misdemeanor.

(H) Code or Regulatory Conflict.

In the event of a conflict between an action of the BTRO and the County, the County ordinance shall be controlling, provided such provisions are no less stringent than requirements imposed by action of the BTRO.

~~(k) Except as otherwise provided by this Section, any violation of Fairfax County Code § 82-5-32 shall be punishable as a Class 3 misdemeanor. (3-13-63; 1961 Code, § 16-135; 34-78-82; 19-79-82; 30-89-82; 1-94-82, § 1; 19-06-82)~~

Section 82-5-32.1. – Trespass Towing Advisory Board.

(A) Definitions.

"Citizen Member" means a Member who has no direct or indirect interest, other than as a consumer, in or relating to the Towing and recovery industry.

"Law-Enforcement Member" means a member who is a Fairfax County police officer and appointed by the Fairfax County Chief of Police to the Advisory Board.

"Member" means a Fairfax County resident appointed or confirmed by the Board of Supervisors to the Trespass Towing Advisory Board.

"Towing Member" means an individual who, prior to appointment, and throughout the appointment term, shall be an Operator of a Towing business in Fairfax County.

(~~a~~B) *~~Created; m~~Members; ~~S~~staff; and M~~m~~eetings*

(1) There ~~is hereby created~~ shall be a Trespass Towing Advisory Board ("Advisory Board"). The Advisory Board shall be composed of five members, two of whom shall represent ~~Towing~~ O~~o~~perators ~~(hereinafter called "Towing members")~~, two of whom shall represent local law-enforcement agencies, and one of whom shall represent the community at large ~~(hereinafter called "citizen")~~. All members shall be residents of Fairfax County, Virginia. Members of the Advisory Board shall be appointed or confirmed by the Board of Supervisors for terms of three years each. The terms shall be staggered with no more than two terms and no less than one term to commence in any one year. Vacancies shall be filled by the Board of Supervisors as they arise. A Chairperson shall be elected by the Trespass Towing Advisory Board from among the members of the Advisory Board. The Advisory Board may adopt bylaws and rules and regulations governing the conduct of its responsibilities and duties hereinunder.

~~(2) For purposes of membership on the Trespass Towing Advisory Board, a "Towing member" shall be defined as a person who, prior to the time of his or her appointment, and throughout his or her term, shall be an operator of a Towing business in Fairfax County; a local law-enforcement representative shall be defined as a Fairfax County police or sheriff.~~

~~(3) When a person occupying a "Towing," a "Law-enforcement," or a "public" position on the Advisory Board ceases to meet the qualifications for that position as defined above, he or she shall be deemed to have automatically and immediately vacated such position on the Advisory Board.~~

(~~4~~2) The Advisory Board shall meet at the call of the Chairperson, or two members of the Advisory Board after notice to all ~~m~~Members, or upon request of the Board of Supervisors, or upon the request of the Director. The staff of the Advisory Board shall be from the Department of Cable ~~Communications~~ and Consumer Services ~~Protection~~. The Director of the Department of Cable ~~Communications~~ and Consumer Services ~~Protection~~, or ~~his or her~~ Director's designee, shall attend all meetings of the Advisory Board.

(3) A quorum will consist of a Towing Member, a Law-Enforcement Member and a Citizen Member.

(~~b~~B) ~~*Section 82-5.1-2.*~~ *Duty~~ies~~ of the Trespass Towing Advisory Board*

The Advisory Board shall advise the Board and provide recommendation(s) to proposed changes related to the trespass Towing code.

~~(1) The Advisory Board shall provide information to the public concerning the rights and responsibilities of towers and citizens.~~

~~(2) The Advisory Board shall forward to the Board of Supervisors, as appropriate, recommendations for changes in legislation at all levels of government.~~

~~(3) The Advisory Board, or its duly appointed representatives, shall represent the County interests concerning tower-citizen matters before judicial, legislative, administrative and other public or private bodies upon direction of the Board of Supervisors.~~

~~(4) The Advisory Board shall advise the Board of Supervisors about the nature, causes and possible solutions to tower-citizen problems.~~

~~(5) The Advisory Board may hold public hearings and report its findings to the Board of Supervisors on tower-citizen issues that affect the public interest.~~

~~(6) The Advisory Board shall make towers and citizens aware of the conciliation and mediation services available through the Fairfax County Department of Cable Communications and Consumer Protection.~~

~~(7) The Advisory Board may arbitrate tower-citizen complaints, upon agreement of the parties, pursuant to the Rules of Procedures adopted by the Advisory Board.~~

~~(8) The Advisory Board shall report periodically to the Board of Supervisors on the activities of the Trespass Towing Advisory Board.~~

~~(c) *Section 82-5.1-3. Powers of the Trespass Towing Advisory Board.* In carrying out its duties as described in Section 82-5.1-2, the Advisory Board shall have the power to make findings of facts and to make and adopt such rules of procedure, which shall be published, as may be necessary or proper for carrying out its functions under the provisions of this Chapter. (19-06-82.)~~

Section 82-5-32.2. – Department of Cable ~~Communications~~ and Consumer ~~Protection~~ <u>Services.</u>

~~(a)~~ *Duties of the <u>Regulation and Licensing Branch,</u> Department of Cable ~~Communications~~ and Consumer ~~Protection~~ <u>Services.</u>*

<u>DCCS shall have the following duties:</u>

(~~1~~<u>A</u>) ~~The Department shall r~~<u>R</u>eceive, investigate, record, and attempt to resolve Towing complaints.

(~~2~~<u>B</u>) ~~The Department shall f~~<u>F</u>orward~~, when appropriate,~~ complaints that cannot be successfully mediated to the <u>BTRO.</u> ~~Trespass Towing Advisory Board for arbitration, upon agreement of the parties, pursuant to the arbitration procedures officially adopted by the Advisory Board.~~

(~~3~~<u>C</u>) ~~The Department shall r~~<u>R</u>efer~~, when appropriate,~~ suspected violations of law to the proper enforcing agency.

(~~4~~<u>D</u>) ~~The Department shall m~~<u>M</u>aintain records of Towing complaints and their disposition.

(~~5~~<u>E</u>) ~~The Department shall d~~<u>D</u>evelop programs of Towing education and information and disseminate such information.

(~~6~~<u>F</u>) ~~The Department may p~~<u>P</u>rovide advice and information on <u>trespass Towing</u> ~~tower and citizen relations~~ matters to judicial, legislative, administrative, and other public and private bodies.

(~~7~~G) ~~The Department shall a~~Analyze the nature of trespass Towing ~~Tower and citizen relations~~ problems in Fairfax County and recommend to the Board ~~of Supervisors~~ legislative and administrative changes.

(H) Receive and process annual Operator registrations.

(I) Conduct reviews, inspections, and investigations of Towing storage facilities and operations.

~~As to County parking regulations, see the Zoning Chapter of this Code. (19-06-82.)~~

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2. THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ADOPTION.

GIVEN under my hand this _____ day of January, 2012.

_____
Catherine Chianese
Clerk to the Board of Supervisors

Attachment 2

STAFF REPORT

Background

The Code of Virginia enables the County to regulate the removal or immobilization of trespassing vehicles and enables the County to regulate towing fees, Section 46.2-1232 and Section 46.2-1233 respectively.

In 1993 the Fairfax County Board of Supervisors (the Board) appointed a Towing Advisory Board and subsequently adopted Section 82-5-32 of the *Code of the County of Fairfax, Virginia*, relating to the removal and disposition of vehicles unlawfully parked on private or County property. On March 1, 1994, Section 82-5-32 became effective and set standards for, among other things, notification of police, marking of property, towing operation requirements, and maximum fees.

Changes addressing public safety and trespass towing were made to the Virginia Code during the 2006 Virginia state legislative session. Some of those changes were:

1. Enablement of local jurisdictions to require photographic evidence of trespass vehicle violations. Section 46.2-1232.
2. Establishment of maximum trespass towing fees if the local jurisdiction did not establish fees. Section 46.2-1233.1.
3. Mandate for local jurisdictions to not only have an advisory board when developing a towing code but to have an advisory board if they were going to change an existing local towing code. Section 46.2-1233.2.
4. Establishment of the Board for Towing and Recovery Operators (BTRO) to license, develop regulations, and enforce regulations governing the towing industry. Section 46.2-2800.
5. Requirement for towers to accept several forms of payment to include credit cards. Section 46.2-2825.9.

On June 26, 2006, the Fairfax County Board of Supervisors approved the addition of Section 82-5-32.1 to the Fairfax County Code establishing and specifying duties of the Fairfax County Trespass Towing Advisory Board as required in Code of Virginia Section 46.2-1233.2.

Section 82-5-32.2 of the Fairfax County Code was approved at the same time specifying certain staff duties of the Department of Cable Communications and Consumer Protection.

Staff conducted a review of the trespass towing industry. Towers, citizens, property owners/managers, insurance companies, and public safety officials were contacted to understand their considerations and needs. Staff developed suggested changes to the County's trespass towing code based on input from the following industry stakeholders:

American Automobile Association (AAA)

Apartment and Office Building Association (AOBA)
Board for Towing and Recovery Operators (BTRO)
Citizen input
Fairfax County organizations -
- Office of County Attorney (OCA)
- Consumer Protection Commission (CPC)
- Department of Public Safety Communications (DPSC)
- Police Department (FCPD)
- Tenant-Landlord Commission (TLC)
- Trespass Towing Advisory Board (TTAB)

Major Incident Heavy Recovery Operators Association (MIHROA)
Northern Virginia Apartment Association (NVAA)
Towing & Recovery Association of America (TRAA)
Virginia Association of Towing and recovery Operators (VATRO)
Wes Wilburn – Internationally recognized professional towing and recovery trainer

The TTAB played a key role in the review, providing a forum for public comments, and proposing changes to the draft. Staff provided briefings to the TTAB, CPC, and TLC below throughout the entirety of the ordinance drafting process and each voted unanimously to support the recommended changes.

A summary and discussion of the changes follow.

Recommended Changes to Fairfax Code

Section 82-5-32

Section 82-5-32(A)
Definitions of terms are proposed to specify precise meanings of terms.

Reason for change:
The definition section was added to clearly define the intent of terms and to prevent confusion among stakeholders' interpretations.

Section 82-5-32(C)
Code change standardizes signage to using Federal Highway Administration standards specifying color, reflectivity, minimum size, content, and placement.

Reason for change:
The current code specifies minimum sign content and is not specific on appearance or display. A reoccurring comment received by DCCS staff was that signs were not noticeable or easily seen. Investigations by staff found that signs varied widely in content, color, shape, and size.

1. Based on guidelines from the federal government, the new signage requirements will specify the content of signs, reflectivity, size, and location. The new requirements are intended to clearly identify that a parking area is not open to the public and will provide clear information regarding where a vehicle can be located in the event it is towed.
2. In order to mitigate the cost of replacing signs, this requirement will not become effective until January 1, 2015.

Section 82-5-32(D)
The code has been updated to specify a property owner's, or designated representative's, signature must be obtained before any trespass tow operation is conducted. This can be accomplished through a contract between the property owner and the tow operator or the property owner's signature on an authorization document prior to the tow.

Reason for change:
Relocating a vehicle without the owner's permission is a significant action, and the best way to fully establish that a tow was lawful, is to document who authorized the tow.

Section 82-5-32(E)(1)
The code has been revised to require tow operators to register annually with DCCS.

Reason for change:
The current code requires tow operators to register with the County before beginning trespass towing operations but does not require the tow operator to update the County records or notify the County when the tow operator no longer conducts trespass towing operations. As a result, the County's list of trespass tow operators is inaccurate. The new code provisions require tow operators to register initially when beginning trespass towing operations and in January of each year following initial registration. There is no cost to register.

Section 82-5-32(E)(2)(j)
The code continues to require trespass towed vehicles be stored in Fairfax County.

Section 82-5-32(E)(2)(k)
The amended code would require the tow operator to photograph all vehicles prior to connection to the vehicle to clearly demonstrate the violation and condition of the vehicle.

Reason for change:
Staff has received complaints from vehicle owners stating their vehicle was not in violation or was not damaged prior to being towed. Once vehicles have been moved from their parked location, there is no evidence as to whether the vehicle was trespassing, or whether it was damaged prior to the tow.

Section 82-5-32(E)(2)(l)
The proposed code requires a trespass towed vehicle must be taken directly to a storage lot and not temporarily stored in an intermediate site.

Reason for change:
Tow operators have relocated trespassing vehicles to another location near the parking violation site and return to the parking area one or more times to repeat the process of relocating other trespassing vehicles. These temporary storage locations are not secure, frequently not lighted, and often are unlawful parking locations themselves. This short term storage increases the possibility of the towed vehicle being stolen or damaged, delays the owner from reclaiming the vehicle, and slows down the reporting of the vehicle being reported to the DPSC as being towed.

Section 82-5-32(E)(5)(c)
The code would require a vehicle be available immediately when the owner requests its release.

Reason for change:
The current code allows the tower up to two hours to release a vehicle to its owner, which poses safety and security issues for the vehicle owner waiting for the vehicle.

Section 82-5-32(E)(5)(d)
The proposed code requires forms of payment other than cash be accepted, and requires that if the tow operator's credit card device is not available or operational, the tow operator must accept personal checks.

Reason for change:
Nearly all retail businesses take payment by credit and debit cards as they have become the norm for customers to pay for goods and services. Consumers now carry very little cash, and this change is intended to reflect current market realities. The ordinance is also being amended to specify that should the tow operator's card device not be operational, the tow operator must then also accept personal checks at any location.

Section 82-5-32(E)(5)(e)
The code will require the tow operator to provide an itemized receipt with vehicle towed information.

Reason for change:
Although the current ordinance requires that an itemized receipt be provided to a vehicle owner, additional items were added and current requirements were clarified.

Section 82-5-32(E)(6)(a)
Change to the code would require operators to provide a copy of the authority for the tow including pictures and documents when requested by the towed vehicle's owner.

Reason for change:
This requirement is necessary to be codified because tow operators sometimes refuse to provide vehicle owners with authorization and or justification documentation for the tow when requested.

Section 82-5-32(E)(6)(b)
This change will permit the Director of the Department of Cable and Consumer Services to enter any trespass tow operator's place of business to conduct surveys, audits or investigations.

Reason for change:
Allows the Director of the Department of Cable and Consumer Services and staff the ability to enter any trespass towing business to obtain information, conduct surveys, audits or investigations which is essential to providing safe and legal service to the owners of towed vehicles and property.

Section 82-5-32(F)(1)(c)
A requirement for the Director of Cable and Consumer Services to conduct a biennial trespass towing rate review is recommended.

Reason for change:
This requirement will ensure a rate review is conducted and fair periodic rate adjustments be considered in a timely adjustment interval.

Section 82-5-32.3.(F)(2)
The rates contained in the proposed Fairfax County Code sections will change the current rate structure to be similar to the Virginia state maximum rates with several additions.

Reason for change: The Fairfax County trespass towing rates were developed in 1993 and effective on March 1, 1994. Since that time, the Fairfax County rates have not been reviewed or changed.

In response to escalating costs, a number of neighboring jurisdictions have increased trespass towing rates. Staff recommended rates are within the range of those charged in neighboring jurisdictions. Both the $125 tow rate and the $50 storage rate fall within the lowest and highest charges in the region.

Analysis efforts resulted in the recommendation that the maximum rates in the new Fairfax County code should be similar to the State maximum allowable rates established in 2006 pursuant to Virginia Code Section 46.2-1233.

Consumers, tow operators, property owners and managers requested rates listed in the code should be a maximum rather than a fixed rate. Specifying maximum rates would allow market forces to work and may yield a lower cost to the individual whose vehicle was towed.

It should be noted there are trespass towed vehicles larger than a standard automobile. The new code makes allowances for these heavy and large vehicles that require a larger and more expensive tow truck.

The proposed maximum rates are:

Immobilization	$75.00
Drop fee	$50.00
Hookup and initial towing fee	
Vehicles 7,500 GVWR or less	$125.00
Vehicles 7,501 GVWR to 10,000 GVWR	$250.00
Vehicles 10,001 GVWR or more	$500.00
All Vehicles	
Additional fees (No more than two additional fees may be added)	

Towed between 7:00 PM and 8:00 AM	$25.00
Towed on a Saturday or Sunday	$25.00
Holiday	$25.00
Vehicle Storage	
Storage and safekeeping first twenty-four hours or less vehicle is on the lot.	None
Storage and safekeeping for every 24 hour period or portion there of a vehicle is on the lot after the first 24 hour period.	
22 feet or less in length	$50.00
over 22 feet in length	$5.00 per ft
Other fees or charges imposed while the vehicle is on the storage lot:	
During the first 72 hours	None
After first 72 hours - Administrative fee	$75.00

In addition, either as part of the receipt or separately, a list of allowable fees should be given to the person who reclaims the vehicle. Charges in excess of those posted shall not be collectable from any vehicle owner whose vehicle is towed and stored without the owner's consent.

Section 82-5-32(G)
The proposed code specifies that the penalty for violation is a traffic infraction punishable by a fine of not more than that provided for a Class 4 misdemeanor.

Reason for change: This section is changed to follow the level specified in the Code of Virginia.

Section 82-5-32.1

Section 82-5-32.1(A)
Definitions of members are proposed to specify precise meanings of terms.

Reason for change:
The definition section was added to clearly define the intent of terms and to prevent confusion among stakeholder interpretations.

Section 82-5-32.1(B)
Duties of the Trespass Towing Advisory Board are to be updated to reflect those specified in Virginia Code.

Section 82-5-32.2

Section 82-5-32.2
Duties of DCCS are delineated for clarification and additional specificity.

Recommendations

The proposed changes to the towing ordinance will significantly improve the towing industry in Fairfax County.

1. Staff recommends Section 82-5-32 be revised in conformance with the proposal. Specifically, the:

    a. Immobilization rate be increased from $25.00 to $75.00.
    b. Drop fee be increased from $25.00 to $50.00.
    c. Initial connection and towing fee, which includes the first 24 hours of storage, should be increased from $75.00 to $125.00.
    d. Additional fees of $25.00 each (maximum of two) added for towing after hours, on weekends, and on holidays.
    e. Rate for each succeeding 24 hour storage period charge should be increased from $25.00 to $50.00.
    f. Administrative fee of $75.00 may be charged after the vehicle is in storage in excess of 72 hours.

2. Staff recommends that other proposed revisions to Sections 82-5-32, 82-5-32.1, and 82.5.32.2 of the Fairfax County Code pertaining to trespass towing regulation, as attached hereto, be approved.

3. Staff further recommends the changes to Sections 82-5-32, 82-5-32.1, and 82-5-32.2 become effective upon adoption.

Enclosure A – Local comparison chart

Enclosure A

Local Comparison Chart

Jurisdiction	Regional Trespass Towing Fees				Effective Rates		Additional				Large Vehicles								
	Base Tow	Special Equipment	Night/weekend or After Hours	first 24 hours storage	Daytime	Nights and Weekends	Drop	Storage After 24 Hours	Administrative	Per mile towed	Vehicle Storage >22 feet	7,501 - 10,000 lbs	>7,501 lbs	>8,000 lbs	>8,001 lbs	>10,001 lbs	>11,001 lbs	>20,000 lbs	>26,001 lbs
Virginia State Code[1, 2]	125		25		125	150	25												
Fairfax County Current	50	35	15	25	110	125	25	25											
Arlington	125				125	125	25	50					250			500			
Falls Church	100				100	100	25	40											
Loudoun County (State)	125		25		125	150	25												
Prince William County[3]	125		50		125	175	50	50	50							175			300
Charlottesville (State)	125		25		125	150	25												
Fredericksburg	65				65	65	25	20											
Lynchburg	125				125	125	50												
Manassas (State)	125		25		125	150	25	20											
Richmond[4]	125				125	125	30	35	30										
Virginia Beach[5]	125				125	125	25	20	50								285		
District of Columbia	100			20	120	120	50	20						275					
Montgomery County[6, 7, 8]	100			10	110	110	50	25		4				160				320	

Median (mid-point)	125	-	25	20	125	125	25	25	50	-														
Proposed[9]	**125**		**25**		**125**	**150**	**50**		**75**		**5**	**250**						**500**						

[1] Under the State code, a towing company may charge an after-hours fee ($25) plus if applicable, a Saturday, Sunday, or Holiday fee ($25) for a maximum dual charge of $50.
[2] State code is silent as to the dollar amount that a towing company may charge for "storage and safekeeping" after the first 24 hours.
[3] Administrative Fee of $50 after "three full business days."
[4] Administrative Fee of $30 after 72 hours.
[5] Administrative fee of $50 after 72 hours.
[6] No drop fee is the vehicle is not at least six inches off the ground.
[7] Tow company may charge $4 per mile, actual distance to "nearest storage yard available to the towing service" in the County, to a maximum charge of 12 miles ($48).
[8] Vehicles 8,001 to 20,000 lbs: $5/mile tow, $80 drop, $15 first 24 hrs. storage, then $40/day. Over 20,000 lbs: $10/mile tow, $160 drop, $30 first 24 hrs., then $80/day.
[9] Storage fee charged per foot for vehicles over 22 feet in length.

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