

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
May 17, 2016**

**AGENDA**

- |       |             |   |
|-------|-------------|---|
| 9:30  | <b>Done</b> | Presentations                           |
| 10:00 | <b>Done</b> | Board Appointments                      |
| 10:10 | <b>Done</b> | Items Presented by the County Executive |

**ADMINISTRATIVE  
ITEMS**

- |    |                 |  |
|----|-----------------|--|
| 1  | <b>Approved</b> | Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Park Center Road (Sully District)   |
| 2  | <b>Approved</b> | Authorization to Advertise a Public Hearing to Remove Parking Restrictions on Dorr Avenue (Providence District)  |
| 3  | <b>Approved</b> | Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Marshall Street (Providence District)   |
| 4  | <b>Approved</b> | Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Summerfield Road (Providence District)  |
| 5  | <b>Approved</b> | Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic   |
| 6  | <b>Approved</b> | Authorization to Advertise a Public Hearing to Make Editorial Amendments to Section 82-5-37(4) and to Establish Parking Restrictions on Vogue Road (Springfield District)  |
| 7  | <b>Approved</b> | Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Ladson Lane (Lee District)  |
| 8  | <b>Approved</b> | Authorization to Advertise a Public Hearing to Consider Amendments to The Code of the County of Fairfax, Virginia - Chapter 30 (Minimum Private School and Child Care Facility Standards), Article 3 (Home Child Care Facilities)                        |
| 9  | <b>Approved</b> | Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Jones Branch Connector - Final Design (Providence District)  |
| 10 | <b>Approved</b> | Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for a Justice and Mental Health Collaboration Program Grant |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
May 17, 2016**

**ADMINISTRATIVE  
ITEMS  
(Continued)**

- 11            **Approved**            Authorization for the Health Department to Apply for and Accept Grant Funding from the Virginia Department of Health to Expand Latent Tuberculosis Testing and Treatment
- 12            **Approved**            Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance Amendment Re: Approval Process for Monopoles and Towers

**ACTION ITEMS**

- 1            **Approved**            Approval of a Memorandum of Understanding Between Fairfax County and the HIDTA-NVFI Task Force
- 2            **Approved**            Approval of a Memorandum of Understanding Between Fairfax County and the Counties of Arlington, Loudoun, and Prince William; the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; the Towns of Herndon, Leesburg, and Vienna; and the Virginia State Police Regarding the Northern Virginia Regional Gang Task Force
- 3            **Approved**            Approval of a One Year Extension to the Washington Metropolitan Area Transit Authority's (WMATA) Capital Funding Agreement and Opting Out of WMATA Issued Long Term Debt for FY 2017
- 4            **Approved**            Approval of Each Memorandum of Understanding (1) Between the Town of Vienna, Fairfax County and the Fairfax-Falls Church Community Services Board; (2) Between the City of Fairfax, Fairfax County and the Fairfax-Falls Church Community Services Board, (3) Between the Town of Herndon, Fairfax County and the Fairfax-Falls Church Community Services Board; and (4) Between the Northern Virginia Community College, Fairfax County and the Fairfax-Falls Church Community Services Board; Each Establishing Collaboration Among these Entities' Law Enforcement Agencies at the Merrifield Crisis Response Center for People Experiencing a Psychological Crisis
- 5            **Approved**            Approval of Fairfax Connector June 2016 Service Changes

**INFORMATION  
ITEMS**

- 1            **Noted**                Contract Award – Financial Services, Wastewater Management Program

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
May 17, 2016**

**INFORMATION  
ITEMS  
(Continued)**

2	<b>Noted</b>	Contract Award – Pharmacy Services & Pharmaceuticals
10:20	<b>Done</b>	Matters Presented by Board Members
11:10	<b>Done</b>	Closed Session

**PUBLIC HEARINGS**

3:30	<b>Deferred Indefinitely</b>	Public Hearing on AA 2012-SU-001 (Jon & Kim Hickox) (Sully District)
3:30	<b>Approved</b>	Public Hearing on SE 2015-MV-033 (Olethea Gilmore Lee’s Home Daycare) (Mount Vernon District)
3:30	<b>Approved</b>	Public Hearing on SEA 2004-MV-001-02 (The Trustees of First Virginia Baptist Church) (Springfield District)
3:30	<b>Approved</b>	Public Hearing on PCA 75-7-004-03 (Meridian Science 7980 LP) (Providence District)
3:30	<b>Approved</b>	Public Hearing on SE 2015-PR-021 (Meridian Science 7980 LP) (Providence District)
3:30	<b>Approved</b>	Public Hearing on AR 91-Y-001-03 (Tom V. Richardson and Joan J. Richardson) (Sully District)
3:30	<b>Approved</b>	Public Hearing on SEA 98-Y-011 (RWG Ventures Inc.) (Sully District)
4:00	<b>Approved</b>	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Richmond Highway Public Transportation Initiative (RHPTI) Rt 1-PH5-Virginia Lodge to Huntington Ave SW (Mount Vernon District)
4:00	<b>Deferred to 6/7/16 at 3:00 p.m.</b>	Public Hearing on PCA 89-D-007 (Fairfax County School Board) (Dranesville District)
4:00	<b>Approved</b>	Public Hearing on RZ 2014-LE-008 (PHD Associates, LLC) (Lee District)
4:00	<b>Approved</b>	Public Hearing on RZ 2015-HM-010 (Christopher W. Warner and Mary J. Warner) (Hunter Mill District)

**REVISED**



*Fairfax County, Virginia*  
**BOARD OF SUPERVISORS**  
**AGENDA**

**Tuesday**  
**May 17, 2016**

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9:30 a.m.

**PRESENTATION TO FAIRFAX COUNTY**

The Washington Area Bicyclist Association will present Fairfax County with its Take the Lane Award for the greatest number of bike lanes striped in one year.

**SPORTS/SCHOOLS**

- CERTIFICATE – To recognize the Westfield High School basketball team for winning the Virginia 6A state championship. Requested by Supervisor Smith.
- CERTIFICATE – To recognize athletes from Chantilly and Westfield High Schools for winning Virginia 6A state championships. Requested by Supervisor Smith.
- RESOLUTION – To recognize the Langley High School Model United Nations Club for its numerous achievements. Requested by Supervisor Foust.

— more —

Board Agenda Item  
May 17, 2016

DESIGNATIONS

- PROCLAMATION – To designate May 2016 as Older Americans Month and Adult Abuse Prevention Month in Fairfax County. Requested by Supervisor Herrity.
- PROCLAMATION – To designate May 2016 as Mental Health Awareness Month in Fairfax County requested by Supervisor Cook and May 5, 2016, as Children’s Mental Health Awareness Day in Fairfax County requested by Supervisors Hudgins and McKay.
- PROCLAMATION – To designate May 15-21, 2016, as Public Works Week in Fairfax County. Requested by Chairman Bulova.
- PROCLAMATION – To designate May 2016 as Fight the Bite Awareness Month in Fairfax County. Requested by Chairman Bulova.

STAFF:

Tony Castrilli, Director, Office of Public Affairs  
Bill Miller, Office of Public Affairs

Board Agenda Item  
May 17, 2016

10:00 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard May 17, 2016  
(An updated list will be distributed at the Board meeting.)

STAFF:

Catherine A. Chianese, Assistant County Executive and Clerk to the Board of Supervisors

**FINAL COPY**

**APPOINTMENTS TO BE HEARD MAY 17, 2016**  
**(ENCOMPASSING VACANCIES PROJECTED THROUGH MAY 31, 2016)**  
 (Unless otherwise noted, members are eligible for reappointment)

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

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
Ernestine Heastie (Appointed 2/04-1/15 by Smyth) Term exp. 1/16	Providence District Representative	<b>Ernestine Heastie</b>	L. Smyth	Providence

**ADVISORY SOCIAL SERVICES BOARD**  
**(4 years – limited to 2 full consecutive terms)**

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
VACANT (Formerly held by Margaret Osborne; appointed 12/14 by McKay) Term exp. 9/16 <i>Resigned</i>	Lee District Representative		McKay	Lee

**AFFORDABLE DWELLING UNIT ADVISORY BOARD (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Arthur R. Genuario; appointed 4/96-5/12 by Hyland) Term exp. 9/13 <i>Resigned</i>	Builder (Single Family) Representative		By Any Supervisor	At-Large
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 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 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

**AIRPORTS ADVISORY COMMITTEE (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Francine De. Ferreire Kemp (Appointed 1/13 by Foust) Term exp. 1/16	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Brian Elson; appointed 7/13-1/15 by Hyland) Term exp. 1/18 <i>Resigned</i>	Mount Vernon District Business Representative		Storck	Mount Vernon
VACANT (Formerly held by Robert A. Peter; appointed 2/09-1/13 by Smyth) Term exp. 1/16 <i>Resigned</i>	Providence District Representative		L. Smyth	Providence

**ANIMAL SERVICES ADVISORY COMMISSION (2 years)**  
 [Note: In addition to attendance at Commission meetings, members shall volunteer at least 24 hours per year in some capacity for the Animal Services Division.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Barbara Hyde; appointed 9/13-9/14 by Gross) Term exp. 2/16 <i>Resigned</i>	Mason District Representative		Gross	Mason
Gina Marie Lynch (Appointed 11/97-3/14 by Hyland) Term exp. 2/16	Mount Vernon District Representative		Storck	Mount Vernon

**ARCHITECTURAL REVIEW BOARD (3 years)**

[NOTE: Members shall be appointed by the Board of Supervisors as follows: at least two (2) members shall be certified architects; one (1) landscape architect authorized to practice in Virginia; one (1) lawyer with membership in the Virginia Bar; six (6) other members shall be drawn from the ranks of related professional groups such as archaeologists, historians, lawyers, and real estate brokers.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Susan W. Notkins (Appointed 11/96-9/03 by Hanley; 9/06 by Connolly; 10/09-10/12 by Bulova) Term exp. 9/15 <i>Architect</i>	Related Professional Group #3 Representative		By Any Supervisor	At-Large

**ATHLETIC COUNCIL (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Terry Adams (Appointed 11/11-7/13 by Gross) Term exp. 6/15	Mason District Alternate Representative		Gross	Mason
Elmer Arias (Appointed 4/10-5/14 by Bulova) Term exp. 3/16	Member-At-Large Principal Representative		Bulova	At-Large Chairman

**AUDIT COMMITTEE (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Christopher Wade (Appointed 1/12-1/14 by Bulova) Term exp. 1/16	At-Large #1 Representative		By Any Supervisor	At-Large

**BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE  
(1 year)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Brett Kenney; appointed 10/13-9/15 by Hyland) Term exp. 6/16 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon

**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.)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
John B. Scott (Appointed 2/08-2/11 by Frey) Term exp. 2/15	Alternate #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Susan Kim Harris; appointed 5/09-2/11 by Hudgins) Term exp. 2/15 <i>Resigned</i>	Alternate #4 Representative		By Any Supervisor	At-Large

**CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS  
(2 years – limited to 3 consecutive terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jill Patrick (Appointed 9/09-9/14 by Gross) Term exp. 9/15 <i>Not eligible for reappointment</i>	At-Large #3 Representative		By Any Supervisor	At-Large

**CHESAPEAKE BAY PRESERVATION ORDINANCE  
EXCEPTION REVIEW COMMITTEE (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Stephen Kirby; appointed 12/03-1/08 by Kauffman; 9/11 by McKay) Term exp. 9/15 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by Brian Loo; appointed 7/12 by Smyth) Term exp. 9/15 <i>Resigned</i>	Providence District Representative		L. Smyth	Providence

**CHILD CARE ADVISORY COUNCIL (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Pamela Nilsen; appointed 6/13-9/13 by McKay) Term exp. 9/15 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by Eric Rardin; appointed 4/13 by Hyland) Term exp. 9/15 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon

**CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Andrew Levy; appointed 10/09-5/14 by Bulova) Term exp. 5/16 <i>Resigned</i>	At-Large Chairman's Representative		Bulova	At-Large Chairman's
James Sobecke (Appointed 6/14 by Cook) Term exp. 5/16	Braddock District Representative	<b>James Sobecke</b>	Cook	Braddock
Wes Callender (Appointed 7/12-6/14 by Foust) Term exp. 5/16	Dranesville District Representative		Foust	Dranesville
Lance Lorenz (Appointed 3/15 by Hudgins) Term exp. 5/16	Hunter Mill District Representative		Hudgins	Hunter Mill
Linda J. Waller (Appointed 9/14 by McKay) Term exp. 5/16	Lee District Representative	<b>Linda J. Waller</b>	McKay	Lee
Brian P. Foley (Appointed 7/14 by Gross) Term exp. 5/16	Mason District Representative	<b>Brian P. Foley</b>	Gross	Mason
Jonathan Kiell (Appointed 4/15 by Hyland) Term exp. 5/16	Mount Vernon District Representative		Storck	Mount Vernon
Alan Potter (Appointed 3/14 by Smyth) Term exp. 5/16	Providence District Representative		L. Smyth	Providence

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**CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2 years)**  
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
James R. Kirkpatrick (Appointed 9/08-5/14 by Herrity) Term exp. 5/16	Springfield District Representative		Herrity	Springfield
Karrie K. Delaney (Appointed 10/10- 5/14 by Frey) Term exp. 5/16	Sully District Representative		K. Smith	Sully

**COMMISSION FOR WOMEN (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Julia Boone; appointed 2/13 by Hudgins) Term exp. 10/15 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill

**COMMISSION ON AGING (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Eleanor Fusaro; appointed 1/14-5/14 by Hudgins) Term exp. 5/16 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter
Sharron Dreyer (Appointed 9/14 by McKay) Term exp. 5/16	Lee District Representative	<b>Sharron Dreyer</b>	McKay	Lee
VACANT (Formerly held by Denton Urban Kent; Appointed 9/14 by Gross) Term exp. 5/16 <i>Resigned</i>	Mason District Representative		Gross	Mason
Robert Kuhns (Appointed 2/15 by Hyland) Term exp. 5/16	Mount Vernon District Representative		Storck	Mount Vernon

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Charles Dane; appointed 7/02-1/06 by Bulova; 1/10-1/14 by Cook) Term exp. 1/18 <i>Deceased</i>	Braddock District Representative		Cook	Braddock

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**COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION**

**(4 years)**

Continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Benjamin Gibson; appointed 4/11 by McKay) Term exp. 1/15 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by William Stephens; appointed 9/02-1/03 by McConnell; 1/07-1/11 by Herrity) Term exp. 1/15 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

**COMMUNITY ACTION ADVISORY BOARD (CAAB)**

**(3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jeannine Deem Purdy; appointed 2/12-3/15 by McKay) Term exp. 2/18 <i>Resigned</i>	Lee District Representative	<b>Tara J. Bright</b>	McKay	Lee
Gregory W. Packer (Appointed 9/10-2/13 by Hyland) Term exp. 2/16	Mount Vernon District Representative		Storck	Mount Vernon

**CONFIRMATIONS**

- Ms. Shari Zamarrá as the Faith in Communities In Action Representative
- Ms. Elethia as the North Target Area Representative

<b>CONSUMER PROTECTION COMMISSION (3 years)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Leah Durant; appointed 6/13 by Herrity) Term exp. 7/15 <i>Resigned</i>	Fairfax County Resident #12 Representative	<b>Denis Gulakowski</b> (Cook)	By Any Supervisor	At-Large

<b>CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3 years)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Justin Fairfax; appointed 1/13-2/15 by Gross) Term exp. 2/18 <i>Resigned</i>	Mason District Representative		Gross	Mason
VACANT (Formerly held by Joseph A. Jay, appointed 11/06 by McConnell; 9/09-9/12 by Herrity) Term exp. 8/15 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

<b>ENGINEERING STANDARDS REVIEW COMMITTEE (3 years)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by James M. Dougherty; appointed 9/10-3/12 by Smyth) Term exp. 3/15 <i>Resigned</i>	Citizen #2 Representative	<b>John W. Ewing</b> (Bulova)	By Any Supervisor	At-Large

**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.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Petra Osborne; appointed 5/12 by Bulova) Term exp. 11/15 <i>Resigned</i>	At-Large Fairfax County Representative		By Any Supervisor	At-Large
Jacqueline Browne (Appointed 9/08-12/11 by Gross) Term exp. 11/14	Mason District Representative		Gross	Mason

**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION**  
**BOARD OF DIRECTORS**  
**(3 years)**  
 [Note: Established by Board on 6/21/04 for the general administration and proper operation of the Fairfax County Convention and Visitors Corporation.]

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Ken Balbuena (Appointed 9/13 by Cook) Term exp. 6/16	Braddock District Representative	<b>Ken Balbuena</b>	Cook	Braddock
Arvind Manocha (Appointed 6/13 by Foust) Term exp. 6/16	Dranesville District Representative	<b>Arvind Manocha</b>	Foust	Dranesville
Curtis G. Viebranz (Appointed 1/13-7/13 by Hyland) Term exp. 6/16	Mount Vernon District Representative		Storck	Mount Vernon

**FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL**  
(2 years)

**CONFIRMATIONS:**

- Mr. Tom Bash as the Commission on Aging Representative
- Ms. Cheryl Rodakowski as a Long Term Care Providers Representative

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**  
(3 years – limited to 3 full terms)

[NOTE: In accordance with *Virginia Code* Section 37.2-501, "prior to making appointments, the governing body shall disclose the names of those persons being considered for appointment." Members can be reappointed after 1 year break from initial 3 full terms, VA Code 37.2-502.

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
Pamela Barrett (Appointed 9/09-6/12 by Bulova) Term exp. 6/15	At-Large #1 Chairman's Representative		Bulova	At-Large Chairman's
Jane Haycock Woods (Appointed 11/08 by Connolly; 6/10-6/13 by Bulova) Term exp. 6/16	At-Large #2 Representative	<b>Jane Haycock Woods</b> (Bulova)	By Any Supervisor	At-Large
Paul Luisada (Appointed 4/13-9/13 by Hyland) Term exp. 6/16	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Jeffrey M. Wisoff; appointed 6/13-6/14 by Smyth) Term exp. 6/17 <i>Resigned</i>	Providence District Representative		L. Smyth	Providence

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**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**

**(3 years – limited to 3 full terms)**

Continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Dallas Sweezy; appointed 5/13 by Frey) Term exp. 6/16 <i>Resigned</i>	Sully District Representative	<b>Sarah Meiburg</b> <i>(To be confirmed on June 21, 2016)</i>	K. Smith	Sully

**CONFIRMATION**

- Captain Basilio Cachuela as the Sheriff’s Office Representative

**HEALTH CARE ADVISORY BOARD**

**(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Michael C. Trahos (Appointed 7/12 by Bulova) Term exp. 6/12	At-Large Chairman’s Representative	<b>Michael C. Trahos</b>	Bulova	At-Large Chairman’s
Ann Zuvekas (Appointed 9/10-6/12 by Cook) Term exp. 6/16	Braddock District Representative	<b>Ann Zuvekas</b>	Cook	Braddock
David A. West (Appointed 11/76-6/92 by Alexander; 6/96-9/04; 6/08-6/12 by McKay) Term exp. 6/16	Lee District Representative		McKay	Lee

**HEALTH CARE ADVISORY BOARD (4 years)**  
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
William Finerfrock (Appointed 9/92-6/04 by McConnell; 6/08- 7/12 by Herrity) Term exp. 6/16	Springfield District Representative		Herrity	Springfield
Deborah Rimmer Leser (Appointed 2/16 by K. Smith) Term exp. 6/16	Sully District Representative	<b>Deborah Rimmer Leser</b>	K. Smith	Sully

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Sally Patterson (Appointed 7/12 by Bulova) Term exp. 6/15 <i>Not eligible for reappointment</i> (need 1 year lapse)	Consumer #3 Representative		By Any Supervisor	At-Large
Sally S. Horwartt (Appointed 1/14 by Hudgins) Term exp. 6/16	Provider #4 Representative		By Any Supervisor	At-Large

<p><b>HISTORY COMMISSION (3 years)</b></p> <p>[NOTE: The Commission shall include at least one member who is a resident from each supervisor district.] Current Membership:</p>		
Braddock - 3	Lee - 2	Providence - 1
Dranesville - 2	Mason - 1	Springfield - 2
Hunter Mill - 3	Mt. Vernon - 2	Sully - 2

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
<p>VACANT (Formerly held by Carrie Ann Alford; appointed 1/15 by Hyland) Term exp. 12/16 <i>Resigned</i> <i>Mt. Vernon District</i></p>	<p>At-Large #2 Representative</p>		<p>By Any Supervisor</p>	<p>At-Large</p>
<p>VACANT (Formerly held by Rachel Rifkind; appointed 12/13 by Gross) Term exp. 9/16 <i>Resigned</i> <i>Mason District</i></p>	<p>Citizen #7 Representative</p>		<p>By Any Supervisor</p>	<p>At-Large</p>

**HUMAN SERVICES COUNCIL (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jennifer A. Bishop; Appointed 7/10 by Bulova; 7/11-7/15 by Cook) Term exp. 7/19 <i>Resigned</i>	Braddock District #2 Representative	<b>Patrice M. Winter</b>	Cook	Braddock
VACANT (Formerly held by Mark K. Deal; appointed 11/11-7/13 by Gross) Term exp. 7/17 <i>Resigned</i>	Mason District #2 Representative		Gross	Mason
VACANT (Formerly held by Robert Gaudian; appointed 6/04-11/04 by McConnell; 11/08-11/12 by Herrity) Term exp. 11/16 <i>Resigned</i>	Springfield District #2 Representative		Herrity	Springfield

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Debra Kathman; appointed 3/15 by Cook) Term exp. 1/16 <i>Resigned</i>	Braddock District Representative		Cook	Braddock
Robert J. Marro (Appointed 4/08-1/14 by Foust) Term exp. 1/16	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Brian Murray; appointed 3/08-1/14 by McKay) Term exp. 1/16 <i>Resigned</i>	Lee District Representative		McKay	Lee
Michael J. Beattie (Appointed 7/11-1/14 by Smyth) Term exp. 1/16	Providence District Representative		L. Smyth	Providence

**LIBRARY BOARD (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Sheila Janega (Appointed 11/15 by Hudgins) Term exp. 6/16	Hunter Mill District Representative	<b>Sheila Janega</b>	Hudgins	Hunter Mill
VACANT (Formerly held by Joseph Sirh; appointed 9/92-6/05 by McConnell; 6/09- 6/13 by Herrity) Term exp. 6/17 <i>Resigned</i>	Springfield District Representative	<b>Yearn Hong Choi</b>	Herrity	Springfield

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by William Uehling; appointed 3/10-7/12 by Bulova) Term exp. 6/15 <i>Resigned</i>	Braddock District Representative		Cook	Braddock
VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Adam Parnes; appointed 9/03-6/12 by Hudgins) Term exp. 6/15 <i>Resigned</i>	Hunter Mill District Representative		Hudgins	Hunter Mill

Continued on next page

**OVERSIGHT COMMITTEE ON DRINKING AND DRIVING (3 years)**  
continued

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Richard Nilsen; appointed 3/10-6/10 by McKay) Term exp. 6/13 <i>Resigned</i>	Lee District Representative		McKay	Lee
VACANT (Formerly held by Jeffrey Levy; Appointed 7/02-6/13 by Hyland) Term exp. 6/16 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Tina Montgomery; appointed 9/10-6/11 by Smyth) Term exp. 6/14 <i>Resigned</i>	Providence District Representative		L. Smyth	Providence

**POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Craig Dyson; appointed 1/06-11/13 by Hyland) Term exp. 12/17 <i>Resigned</i>	Citizen At-Large Representative		By Any Supervisor	At-Large

**REDEVELOPMENT AND HOUSING AUTHORITY  
(4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Willard O. Jasper (Appointed 6/97-3/00 by Hanley; 4/04-4/08 by Connolly; 5/12 by Bulova) Term exp. 4/16	At-Large #1 Representative		Bulova	At-Large

**ROAD VIEWERS BOARD (1 year)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Joseph Bunnell; appointed 9/05-12/06 by McConnell; 2/08- 11/13 by Herrity) Term exp. 12/14 <i>Resigned</i>	At-Large #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Stephen E. Still; appointed 6/06-12/11 by Smyth) Term exp. 12/12 <i>Resigned</i>	At-Large #4 Representative		By Any Supervisor	At-Large

**SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Robert Dim; appointed 3/05-3/12 by Hudgins) Term exp. 3/14 <i>Resigned</i>	Fairfax County #5 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Cleveland Williams; appointed 12/11-3/13 by Hudgins) Term exp. 3/15 <i>Resigned</i>	Fairfax County #7 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Linda Diamond; appointed 3/07-4/13 by Hudgins) Term exp. 3/15 <i>Resigned</i>	Fairfax County #8 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Morsel Osman; (Appointed 1/15 by Hudgins) Term exp. 3/16 <i>Resigned</i>	Fairfax County #9 (Youth) Representative		By Any Supervisor	At-Large

**TENANT LANDLORD COMMISSION (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Sally D. Liff; appointed 8/04-1/11 by Smyth) Term exp. 1/14 <i>Deceased</i>	Condo Owner Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Evelyn McRae; appointed 6/98-8/01 by Hanley; 12/04-1/08 by Connolly; 4/11 by Bulova) Term exp. 1/14 <i>Resigned</i>	Tenant Member #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Kevin Denton; appointed 4/10&1/11 by Smyth) Term exp. 1/14 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

**TRAILS AND SIDEWALKS COMMITTEE (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Paul Kent (Appointed 1/10-1/14 by Frey) Term exp. 1/16	Sully District Representative	<b>Nora Perry</b>	K. Smith	Sully

**TREE COMMISSION (3 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Scott J. Pearson; appointed 3/11-10/13 by Gross) Term exp. 10/16 <i>Resigned</i>	Mason District Representative		Gross	Mason
VACANT (Formerly held by Dean Dastvar; appointed 11/13 by Herrity) Term exp. 10/16 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

**TYSONS TRANSPORTATION SERVICE DISTRICT ADVISORY BOARD (2 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael Bogasky; appointed 2/13 by Smyth) Term exp. 2/15 <i>Resigned</i>	Residential Owners and HOA/Civic Association Representative #1		L. Smyth	Providence

**UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES (4 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Daniel Duncan; appointed 10/13 by Bulova) Term exp. 10/17 <i>Resigned</i>	Citizen appointed by BOS #4 Representative		By Any Supervisor	At-Large

**WETLANDS BOARD (5 years)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Elizabeth Martin (Appointed 11/09 by Gross) Term exp. 12/13	At-Large #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Gavin Carter; appointed 1/13-11/14 by Hyland) Term exp. 12/19 <i>Resigned</i>	Mount Vernon District #3 Representative	<b>Leslie E. Jacobs</b>	Storck	Mount Vernon

Board Agenda Item  
May 17, 2016

10:10 a.m.

Items Presented by the County Executive

Board Agenda Item  
May 17, 2016

ADMINISTRATIVE - 1

Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Park Center Road (Sully 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 Park Center Road in the Sully District.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for June 7, 2016, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to Appendix R, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Chapter 82 of the Fairfax County Code from parking on Park Center Road from 6:00 p.m. to 9:00 a.m., seven days per week.

TIMING:

The Board of Supervisors should take action on May 17, 2016, to provide sufficient time for advertisement of the public hearing on June 7, 2016, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5-37(5) authorizes the Board of Supervisors to designate restricted parking in non-residential areas where long term parking of vehicles diminishes the capacity of on-street parking for other uses.

Several property management companies contacted the Sully District office and this office seeking assistance to restrict long term parking of large out of the area vehicles on Park Center Road. Staff subsequently contacted tenants along the street and additional property management companies, and the consensus was to restrict parking. Staff is recommending a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the entire length of Park Center Road from 6:00 p.m. to 9:00 a.m., seven days per week.

Staff has reviewed this area on several occasions over a period of time in excess of 30 days and verified that long term parking of large commercial vehicles, recreational vehicles, and trailers is occurring.

Board Agenda Item  
May 17, 2016

FISCAL IMPACT:

The cost of sign installation is estimated at \$800 to be paid from Fairfax County Department of Transportation 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 Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

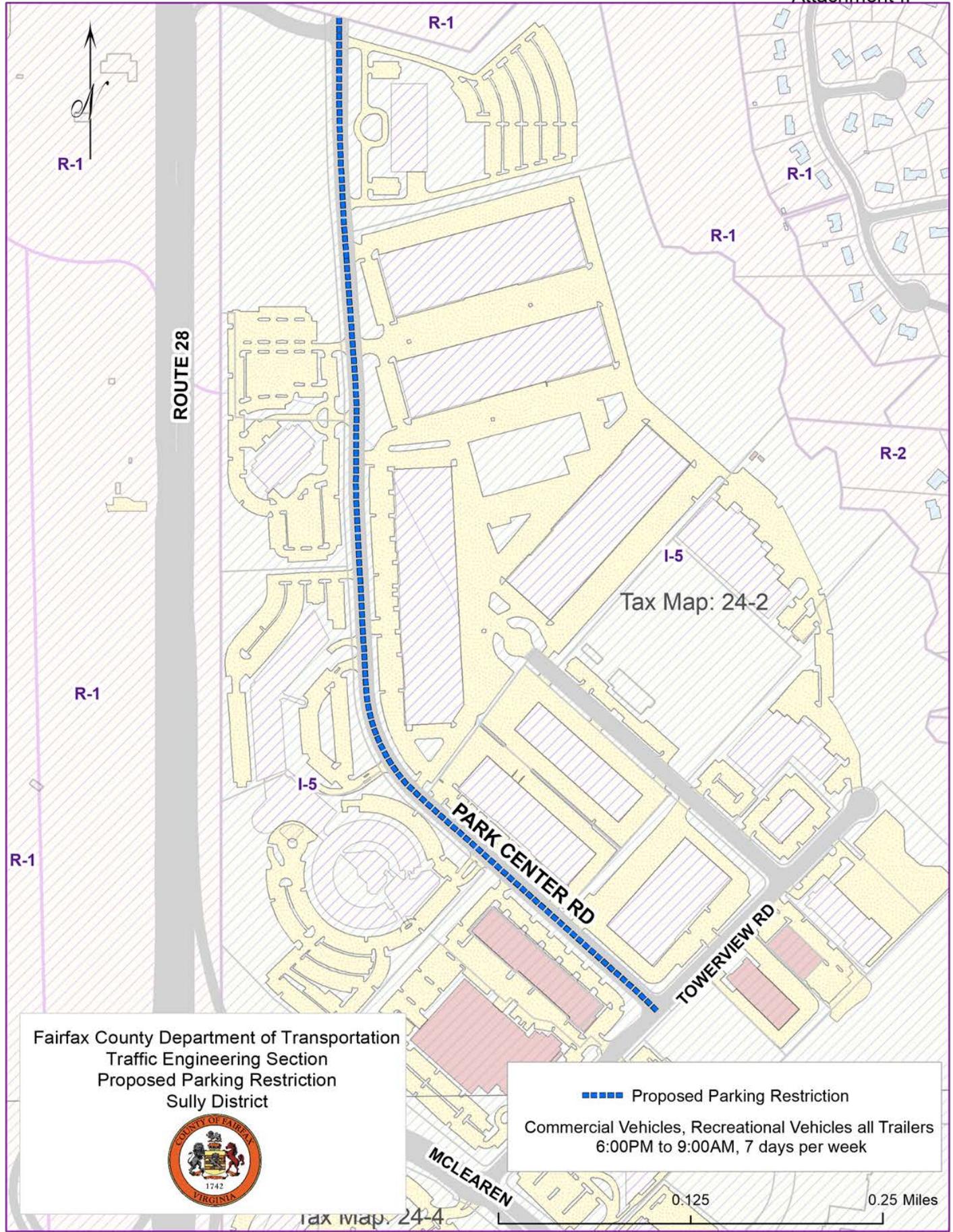
PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

Park Center Road (Route 3865).

Commercial vehicles, recreational vehicles, and trailers as defined in Chapter 82 of the Fairfax County Code shall be restricted from parking on Park Center Road from Towerview Road to the cul-de-sac inclusive from 6:00 p.m. to 9:00 a.m., seven days per week.



Fairfax County Department of Transportation  
 Traffic Engineering Section  
 Proposed Parking Restriction  
 Sully District



----- Proposed Parking Restriction  
 Commercial Vehicles, Recreational Vehicles all Trailers  
 6:00PM to 9:00AM, 7 days per week

0.125 0.25 Miles

Board Agenda Item  
May 17, 2016

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing to Remove Parking Restrictions on Dorr Avenue (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 remove parking restrictions on Dorr Avenue in the Providence District.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for June 7, 2016, at 4:00 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to Appendix R, to remove parking restrictions that designated no parking, except government vehicles, on a portion of Dorr Avenue.

TIMING:

The Board of Supervisors should take action on May 17, 2016, to provide sufficient time for advertisement of the public hearing on June 7, 2016, at 4:00 p.m.

BACKGROUND:

In 2011, a request was forwarded from the Fairfax County Police Department on behalf of U.S. Immigration and Customs Enforcement, to restrict parking on a portion of the north end of Dorr Avenue.

On July 31, 2012, the Board, pursuant to Fairfax County Code Section 82-5-37 (Designation of Restricted Parking), amended Appendix R. The Dorr Avenue parking restriction was included in Appendix R at that time.

During a sign inventory last year, staff found that the previously restricted area had been redeveloped resulting in a shifting of a portion of the roadway. The Virginia Department of Transportation has designated the section that remained, no parking, seven days per week.

FISCAL IMPACT:

There is no cost for sign removal.

Board Agenda Item  
May 17, 2016

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Previous Parking Restriction

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by removing the following from Appendix R, in accordance with Section 82-5-37:

*~~Dorr Avenue (Route 4605) beginning 40 feet south of the southern boundary of 2705  
Dorr Avenue for a distance of 120 feet.~~*

~~No parking except government vehicles along Dorr Avenue beginning 40 feet south  
of the southern boundary of 2705 Dorr Avenue and continuing north for a distance  
of approximately 120 feet, seven days per week.~~



Board Agenda Item  
May 17, 2016

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Marshall Street (Providence District)

ISSUE:

Board authorization to advertise a public hearing to be held on Tuesday, June 7, 2016, 4:30 p.m., for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Marshall Street between Lee Highway and Arlington Boulevard.

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Marshall Street between Lee Highway and Arlington Boulevard to be included in the RTAP for a through truck traffic restriction.

TIMING:

The Board should take action on May 17, 2016, to provide sufficient time for advertisement of the proposed public hearing scheduled for June 7, 2016, 4:30 p.m. (Attachment I).

BACKGROUND:

On February 8, 2016, Supervisor Smyth requested staff to work with the Virginia Department of Transportation (VDOT) to implement a through truck traffic restriction on Marshall Street, due to continuing safety concerns of residents regarding through trucks utilizing Marshall Street as a shortcut between Lee Highway and Arlington Boulevard. The increased truck traffic has exacerbated safety concerns for the neighborhood. A possible alternate route is via Lee Highway to Graham Road to Arlington Boulevard (Attachment III).

Section 46.2-809, of the *Code of Virginia* requires a local jurisdiction to hold a duly advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on a portion of this road (Attachment II) has been prepared for adoption and transmittal to VDOT, which will conduct the formal engineering study of the through truck restriction request.

Board Agenda Item  
May 17, 2016

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Resolution to Restrict Through Truck Traffic Marshall Street

Attachment II: Area Map of Proposed Through Truck Traffic Restriction

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

**RESOLUTION**

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
THROUGH TRUCK TRAFFIC RESTRICTION  
MARSHALL STREET  
PROVIDENCE DISTRICT

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 Tuesday, June 7, 2016, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the residents who live along Marshall Street have expressed concerns regarding the negative impacts associated with through truck traffic on this road; and

**WHEREAS**, a reasonable alternate route has been identified for Marshall Street starting at Marshall Street and Arlington Boulevard to the intersection of the Graham Road and Arlington Boulevard, and from the intersection of the Graham Road and Arlington Boulevard to the intersection of the Lee Highway and Graham Road and then on to the intersection of Marshall Street and Lee Highway; and

**WHEREAS**, it is the intent of the Fairfax County Board of Supervisors to ensure that the proposed through truck restriction be enforced by the Fairfax County Police Department; and

**WHEREAS**, a public hearing was held pursuant to Section 46.2-809 of the *Code of Virginia*;

**NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors of Fairfax County, Virginia, has determined that in order to promote the health, safety, and general welfare of the citizens of Fairfax County, it is beneficial to prohibit through truck traffic on Marshall Street, between Arlington Boulevard and Lee Highway, as part of the County's Residential Traffic Administration Program (RTAP).

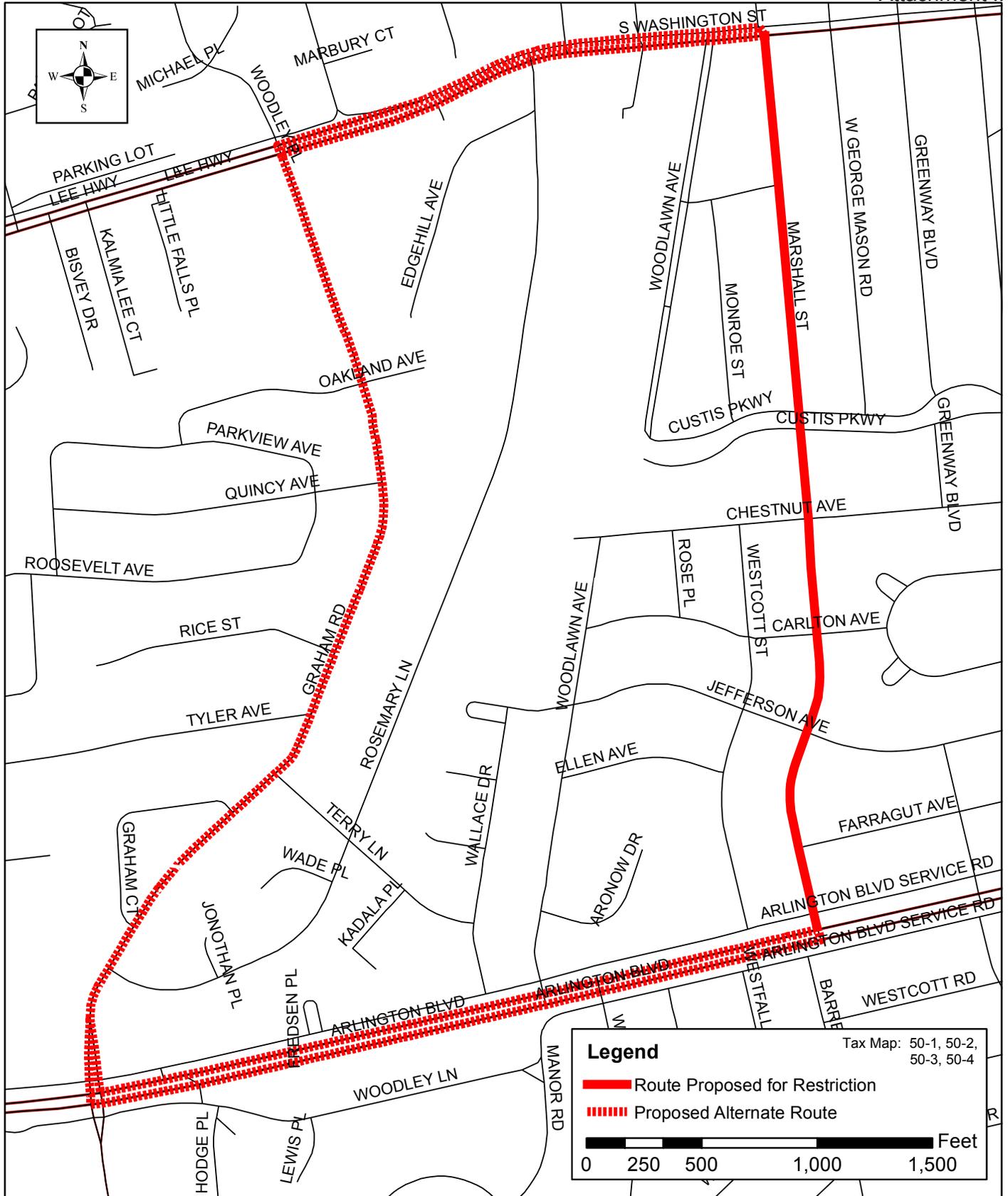
**FURTHER BE IT RESOLVED**, that the Commonwealth Transportation Board is hereby formally requested to take necessary steps to enact this prohibition.

**ADOPTED** this 7th day of June, 2016.

A Copy Teste:

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Catherine A. Chianese  
Clerk to the Board of Supervisors



**Fairfax County Department of Transportation  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
PROPOSED THROUGH TRUCK RESTRICTION  
MARSHALL STREET  
Providence District**



Board Agenda Item  
May 17, 2016

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on a Proposal to Prohibit Through Truck Traffic on Summerfield Road (Providence District)

ISSUE:

Board authorization to advertise a public hearing to be held on Tuesday, June 7, 2016, 4:30 p.m., for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Summerfield Road between Lee Highway and Arlington Boulevard.

RECOMMENDATION:

The County Executive recommends the Board authorize advertisement of a public hearing for the purpose of endorsing Summerfield Road between Lee Highway and Arlington Boulevard to be included in the RTAP for a through truck traffic restriction.

TIMING:

The Board should take action on May 17, 2016, to provide sufficient time for advertisement of the proposed public hearing scheduled for June 7, 2016, 4:30 p.m.

BACKGROUND:

On February 8, 2016, Supervisor Smyth requested staff to work with the Virginia Department of Transportation (VDOT) to implement a through truck traffic restriction on Summerfield Road, due to continuing safety concerns of residents regarding through trucks utilizing Summerfield Road as a shortcut between Lee Highway and Arlington Boulevard. The increased truck traffic has exacerbated safety concerns for the neighborhood. A possible alternate route is via Lee Highway to Graham Road to Arlington Boulevard (Attachment II).

Section 46.2-809, of the *Code of Virginia* requires a local jurisdiction to hold a duly advertised public hearing on any proposal to restrict through truck traffic on a primary or secondary road. Further, a resolution pertaining to prohibiting through truck traffic on a portion of this road (Attachment I) has been prepared for adoption and transmittal to VDOT, which will conduct the formal engineering study of the through truck restriction request.

Board Agenda Item  
May 17, 2016

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Resolution to Restrict Through Truck Traffic Summerfield Road

Attachment II: Area Map of Proposed Through Truck Traffic Restriction

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

**RESOLUTION**

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
THROUGH TRUCK TRAFFIC RESTRICTION  
SUMMERFIELD ROAD  
PROVIDENCE DISTRICT

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 Tuesday, June 7, 2016, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the residents who live along Summerfield Road have expressed concerns regarding the negative impacts associated with through truck traffic on this road; and

**WHEREAS**, a reasonable alternate route has been identified for Summerfield Road starting at Summerfield Road and Arlington Boulevard to the intersection of the Graham Road and Arlington Boulevard, and from the intersection of the Graham Road and Arlington Boulevard to the intersection of the Lee Highway and Graham Road and then on to the intersection of Summerfield Road and Lee Highway; and

**WHEREAS**, it is the intent of the Fairfax County Board of Supervisors to ensure that the proposed through truck restriction be enforced by the Fairfax County Police Department; and

**WHEREAS**, a public hearing was held pursuant to Section 46.2-809 of the *Code of Virginia*;

**NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors of Fairfax County, Virginia, has determined that in order to promote the health, safety, and general welfare of the citizens of Fairfax County, it is beneficial to prohibit through truck traffic on Summerfield Road, between Arlington Boulevard and Lee Highway, as part of the County's Residential Traffic Administration Program (RTAP).

**FURTHER BE IT RESOLVED**, that the Commonwealth Transportation Board is hereby formally requested to take necessary steps to enact this prohibition.

**ADOPTED** this 7th day of June, 2016.

A Copy Teste:

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Catherine A. Chianese  
Clerk to the Board of Supervisors



Board Agenda Item  
May 17, 2016

ADMINISTRATIVE – 5

Authorization to Advertise a Public Hearing on Amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic

ISSUE:

Public Hearing on amendments to the Code of the County of Fairfax, Chapter 82, Motor Vehicles and Traffic, Section 82-1-6, Adoption of State Law, Section 82-6-38.1, Use of a Protective Helmet While Operating a Bicycle, and the repeal of Section 82-9-6, Playing on streets or highways, etc.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the advertisement of a public hearing on the proposed amendments to Chapter 82.

TIMING:

Authorization to advertise the proposed amendments and repeal on May 17, 2016; Board of Supervisors' public hearing scheduled for June 21, 2016, at 3:30 p.m.

BACKGROUND:

As a housekeeping measure to update Chapter 82, portions of Section 82-1-6 (Adoption of State Law) have been amended to reflect changes made to the *Code of Virginia* by the 2016 General Assembly. Additionally, Section 82-6-38.1 has been amended to reflect the change in promulgating organization of the required minimum safety standard. Finally, Section 82-9-6, playing on streets or highways, etc., is being repealed because it was previously incorporated by reference into Section 82-1-6. A summary of the changes as a result of the 2016 General Assembly amendments affecting Chapter 82 is provided in Attachment 4.

FISCAL IMPACT:

None.

Board Agenda Item  
May 17, 2016

ENCLOSED DOCUMENTS:

Attachment 1 - Proposed Amendments to Chapter 82, Motor Vehicles and Traffic  
Attachment 2 – Proposed Amendment to Section 82-6-38.1, Use of a protective helmet while operating a bicycle.  
Attachment 3- Repeal of Section 82-9-6, Playing on streets or highways, etc.  
Attachment 4 - Summary of 2016 General Assembly Amendments Affecting Chapter 82, Motor Vehicles and Traffic.

STAFF:

David M. Rohrer, Deputy County Executive  
Colonel Edwin C. Roessler Jr., Chief of Police  
Karen L. Gibbons, Senior Assistant County Attorney

Proposed Amendments to  
Chapter 82, Motor Vehicles and Traffic

**Article 1. – In General.**

**Section 82-1-6. Adoption of State Law**

Pursuant to the authority of Section 46.2-1313 of the Virginia Code, all provisions and requirements of the following sections of the Code of Virginia, as in effect on July 1, ~~2015~~ 2016, except those provisions and requirements the violation of which constitutes a felony, are hereby incorporated into the Fairfax County Code by reference, effective July 1, ~~2015~~ 2016, ~~except where noted.~~

18.2-266	18.2-268.12	46.2-111
18.2-266.1	18.2-269	46.2-112
18.2-267	18.2-270	46.2-203.1
18.2-268.1	18.2-270.01	46.2-218
18.2-268.2	18.2-270.1	46.2-300
18.2-268.3	18.2-271	46.2-301
18.2-268.4	18.2-271.1	46.2-301.1
18.2-268.5	18.2-272	46.2-302
18.2-268.6	<u>46.2-100</u>	46.2-329
18.2-268.7	46.2-102	46.2-334.001
18.2-268.8	46.2-104	46.2-341.20:5
18.2-268.9	46.2-108	46.2-341.21
18.2-268.10	46.2-109	46.2-346
18.2-268.11	46.2-110	46.2-349

46.2-357	46.2-801	46.2-826
46.2-371	46.2-802	46.2-827
46.2-373	46.2-803	46.2-828
46.2-376	46.2-804	46.2-828.2
46.2-379	46.2-805	46.2-829
46.2-380	46.2-806	46.2-830
46.2-391.01	46.2-807	46.2-831
46.2-391.2	46.2-808	46.2-832
46.2-391.3	46.2-808.1	46.2-833
46.2-392	46.2-810	46.2-833.1
46.2-393	46.2-811	46.2-834
46.2-398	46.2-812	46.2-835
46.2-602.3	46.2-814	46.2-836
46.2-613	46.2-816	46.2-837
46.2-616	46.2-817	46.2-838
46.2-617	<u>46.2-818.1</u>	46.2-839
46.2-618	46.2-819.4	46.2-841
46.2-704	46.2-820	46.2-842
46.2-715	46.2-821	46.2-842.1
46.2-716	46.2-822	<u>46.2-844</u>
46.2-724	46.2-823	46.2-845
46.2-730	46.2-824	46.2-846
46.2-800	46.2-825	46.2-848

46.2-849	46.2-871	46.2-893
46.2-850	46.2-872	46.2-894
46.2-851	46.2-873	46.2-895
46.2-852	46.2-874	46.2-896
46.2-853	46.2-876	46.2-897
46.2-854	46.2-877	46.2-898
46.2-855	46.2-878	46.2-899
46.2-856	46.2-878.1	46.2-900
46.2-857	46.2-878.2	46.2-902
46.2-858	46.2-878.3	46.2-903
46.2-859	46.2-879	46.2-905
46.2-860	46.2-880	46.2-906
46.2-861	46.2-882	46.2-908.1
46.2-862	46.2-883	46.2-909
46.2-863	46.2-884	46.2-910
46.2-864	46.2-885	46.2-911.1
46.2-865	46.2-886	46.2-912
46.2-865.1	46.2-887	46.2-914
46.2-866	46.2-888	46.2-915
46.2-868	46.2-889	46.2-915.2
46.2-868.1	46.2-890	46.2-918
46.2-869	46.2-891	46.2-919
46.2-870	46.2-892	46.2-919.1

46.2-920	46.2-1012	46.2-1037
46.2-921	46.2-1013	46.2-1038
46.2-921.1	46.2-1014	46.2-1039
46.2-922	46.2-1015	46.2-1040
46.2-923	46.2-1016	46.2-1041
46.2-924	46.2-1017	46.2-1043
46.2-926	46.2-1018	46.2-1043.1
46.2-927	46.2-1019	46.2-1044
46.2-928	46.2-1020	46.2-1047
46.2-929	46.2-1021	46.2-1049
46.2-930	46.2-1022	46.2-1050
46.2-932	46.2-1023	46.2-1052
46.2-936	46.2-1024	46.2-1053
46.2-937	<u>46.2-1025</u>	46.2-1054
46.2-940	46.2-1026	46.2-1055
46.2-942	46.2-1027	46.2-1056
46.2-1001.1	<u>46.2-1030</u>	46.2-1057
46.2-1001	46.2-1031	46.2-1058
46.2-1002	46.2-1032	46.2-1059
46.2-1003	46.2-1033	46.2-1060
46.2-1004	46.2-1034	46.2-1061
46.2-1010	46.2-1035	46.2-1063
46.2-1011	46.2-1036	46.2-1064

46.2-1065	46.2-1090	46.2-1158.01
46.2-1066	46.2-1091	46.2-1158.02
46.2-1067	46.2-1092	46.2-1158.1
46.2-1068	46.2-1093	46.2-1172
46.2-1070	46.2-1102	46.2-1173
46.2-1071	46.2-1105	46.2-1218
46.2-1072	46.2-1110	46.2-1219.2
46.2-1076	46.2-1111	46.2-1234
<u>46.2-1077</u>	<u>46.2-1112</u>	46.2-1240
46.2-1077.01	46.2-1115	46.2-1242
46.2-1078	46.2-1116	46.2-1250
46.2-1078.1	46.2-1118	46.2-1309
46.2-1079	46.2-1120	46.2-1508.2
46.2-1080	46.2-1121	46.2-1552
46.2-1081	46.2-1130	46.2-1561
46.2-1082	46.2-1137	46.2-2812
46.2-1083	46.2-1150	46.2-2910
46.2-1084	46.2-1151	
46.2-1088	46.2-1154	
46.2-1088.1	46.2-1155	
46.2-1088.2	46.2-1156	
46.2-1088.5	46.2-1157	
46.2-1088.6	46.2-1158	

References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the County. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein; and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-270.1, 18.2-271, 18.2-271.1 and 18.2-272 of the *Code of Virginia* which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-271, 18.2-270.1, 18.2-271.1 and 18.2-272 of the *Code of Virginia*.

Proposed Amendments to  
Chapter 82, Motor Vehicles and Traffic

**Article 6. – Equipment.**

**Section 82-6-38.1. Use of a protective helmet while operating a bicycle.**

Any person under the age of fifteen years of age shall wear a protective helmet that at least meets the Consumer Product Safety Commission Standard standards promulgated by the American National Standards Institute or the Snell Memorial Foundation while riding or being carried on a bicycle on any highway, sidewalk, or public bicycle path. The term "highway" has the meaning set forth in *Code of Virginia*, Section 46.2-100. Any person who violates this section shall be punishable by a fine of twenty-five dollars. However, such a fine shall be suspended for first-time violators and for violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by this section.

A violation of this section shall not constitute negligence, assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of operation of any bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

## ATTACHMENT 3

### Proposed Amendments to Chapter 82, Motor Vehicles and Traffic

#### **Article 9. – Protection of Pedestrians.**

~~Section 82-9-6. – Playing on streets or highways; roller skates, toys or devices on wheels or runners; use of motor powered vehicles on sidewalks and other posted property; persons riding bicycles, etc.~~<sup>[165]</sup>

- ~~(a) — It shall be unlawful for any person to play in or on a street or highway, other than upon the sidewalks thereof.~~
- ~~(b) — It shall be unlawful for any person to use on a street or highway roller skates, toys or other devices on wheels or runners, except that any bicycle, electric personal assistive mobility device, electric power assisted bicycle, or moped may be operated on a street or highway in accordance with Virginia Code Section 46.2-905.~~
- ~~(c) — It shall further be unlawful for any person to ride (1) a bicycle or other similar such wheeled, rider propelled device, (2) an electric personal assistive mobility device, or (3) an electric power assisted bicycle on sidewalks where such activity has been prohibited. Signs indicating such prohibition shall be conspicuously posted in general areas where the riding of such devices is prohibited; provided, that this Section shall not be deemed to prohibit the ordinary use of devices for the assistance of the physically handicapped or bicycles and similar rider-propelled devices used by police officers in furtherance of their duties.~~
- ~~(d) — For purposes of this Section, the term "sidewalk" shall be deemed to include any privately owned system of defined pedestrian ways, when the owner thereof shall have requested in writing that the governing body treat such private pedestrian ways as sidewalks for purposes of this Section, and such owner posts notice of that fact at typical points of access from the public right-of-way to such privately owned systems of pedestrian ways. Such owner may request such treatment with respect to some or all of the devices prohibited by this Section, and notices required hereby shall describe the devices prohibited on such privately owned system of walkways.~~
- ~~(e) — Nothing in this Section shall be construed to prohibit the designation of play areas for sledding and other activities under the provisions of Section 82-5-5. (3-13-63; 5-26-71; 1-10-71; 1961 Code, § 16-226; 16-73-16; 17-74-16; 28-74-16; 37-76-82; 9-78-82; 34-78-82; 35-89-82; 35-02-82.)~~

165. ~~For state law as to playing on highways and as to skating, etc., see Va. Code Ann., § 46.2-932. For similar state law, see Va. Code Ann. § 46.2-932, adopted in § 82-1-6.~~

## ATTACHMENT 4

### SUMMARY OF 2016 GENERAL ASSEMBLY AMENDMENTS AND REPEAL AFFECTING CHAPTER 82

The information presented below summarizes changes to Title 18.2 and Title 46.2 of the *Code of Virginia*, portions of which are adopted by reference into Chapter 82 of the *Code of the County of Fairfax*.

Be it enacted by the General Assembly of Virginia:

*An Act to amend and reenact [46.2-100](#) of the Code of Virginia, Gas-powered low-speed vehicles.* Includes in the definition of "low-speed vehicle" gas-powered vehicles that have a maximum speed of more than 20 miles per hour but not more than 25 miles per hour and are manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500. The current definition of "low-speed vehicle" only includes electrically powered vehicles that meet these criteria.

*An Act to amend and reenact [46.2-818.1](#) of the Code of Virginia, Opening and closing motor vehicle doors.* Requires drivers to wait for a reasonable opportunity to open vehicle doors on the side adjacent to moving traffic. A violation constitutes a traffic infraction punishable by a fine of not more than \$50.

*An Act to amend and reenact [46.2-844](#) of the Code of Virginia, Passing stopped school buses; mailing of summons; rebutting presumption.* Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus. The bill also provides a means by which the existing presumption that the registered owner of the vehicle was the vehicle operator at the time of the violation can be rebutted and requires that this information be included with the mailing of the summons. The bill gives the summoned person 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.

*An Act to amend and reenact [46.2-1025](#) of the Code of Virginia, Amber lights on public transit buses.* Allows publicly owned or operated transit buses to use flashing amber lights.

*An Act to amend and reenact [46.2-1030](#) of the Code of Virginia is amended and reenacted as follows: General illumination lights; motorcycles.* Increases from four to five the maximum number of lights allowed on a motorcycle and used for general illumination ahead of the motorcycle. Current law restricts all motor vehicles to no more than four lights, including headlights, fog lights, etc., to provide general illumination ahead of the vehicle.

*An Act to amend and reenact [46.2-1077](#) of the Code of Virginia, Motor vehicles equipped with television and video. Provides that motor vehicles may be equipped with visual displays of moving images if the equipment is factory-installed and has an interlock device that disables the equipment when the motor vehicle operator is performing a "driving task," which is defined by the bill. Current law allows equipment with a visual display of a television broadcast or signal if the equipment's interlock disables when the motor vehicle is driven. The bill would allow the viewing of a visual display while the vehicle is being operated autonomously. The bill also provides that vehicles used by universities for vehicle technology research are not required to have government plates.*

*An Act to amend and reenact [46.2-1112](#) of the Code of Virginia, Length of vehicle combinations. Clarifies that the provision limiting vehicles coupled with another vehicle to a maximum combined length of 65 feet applies to motor homes and buses. The bill is declarative of existing law.*

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ADMINISTRATIVE - 6

Authorization to Advertise a Public Hearing to Make Editorial Amendments to Section 82-5-37(4) and to Establish Parking Restrictions on Vogue Road (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed editorial amendment clarifying *The Code of the County of Fairfax, Virginia* (Fairfax County Code) Section 82-5-37(4) and a proposed amendment to Appendix R of the Fairfax County Code to establish parking restrictions on Vogue Road in the Springfield District.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for June 7, 2016, at 4:00 p.m. to consider adoption of an editorial amendment clarifying Fairfax County Code amendment Section 82-5-37(4) (Attachment I) and a proposed amendment to Appendix R of the Fairfax County Code, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Chapter 82 of the Fairfax County Code from parking on the east side of Vogue Road along commercially zoned areas, seven days per week (Attachment II).

TIMING:

The Board of Supervisors should take action on May 17, 2016, to provide sufficient time for advertisement of the public hearing on June 7, 2016, at 4:00 p.m.

BACKGROUND:

A resident contacted the Springfield District office seeking assistance to restrict commercial vehicles, recreational vehicles and all trailers from parking on the Fairfax Station Square side of Vogue Road. This portion of roadway is located directly across the street from residentially zoned parcels. Staff at the Springfield District office subsequently contacted the property manager of the commercial center, and his written statement indicates that he is not opposed to the restriction.

In 2010, the Board of Supervisors approved the Springfield Large Area Community Parking District (CPD). As a result, recreational vehicles and all trailers are prohibited from parking in areas zoned residential throughout the district. In keeping with the residential character that exists on the remaining portion of Vogue Road, staff is recommending a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the commercially zoned area on the east side of Vogue Road,

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seven days per week.

Fairfax County Code Section 82-5-37(4) currently authorizes the Board of Supervisors to designate restricted parking "[i]n the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for nonresidential use on which parking is restricted on the residential side of that street which is zoned for a use other than residential would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety, and general welfare of the abutting residential community. "

This amendment will clarify the requirements of Section 82-5-37(4) and replace the language "which is zoned for a use other than residential" with ", a restriction on the nonresidential side of the street." This amendment also will clarify that a parking restriction may be placed on the nonresidential side of a street that serves as a boundary between a residentially zoned area and a nonresidentially zoned area.

FISCAL IMPACT:

The cost of sign installation is estimated at \$300 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the Fairfax County Code, Section 82-5-37(4)

Attachment II: Amendment to the Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment III: 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 Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

SECTION 82-5-37(4)

Amend *The Code of the County of Fairfax, Virginia*, with the following alterations to Section 82-5-37(4):

- (4) In the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for nonresidential use on which parking is restricted on the residential side of that street ~~which is zoned for a use other than residential,~~ a restriction on the nonresidential side of the street would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety, and general welfare of the abutting residential community; or

PROPOSED CODE AMENDMENT

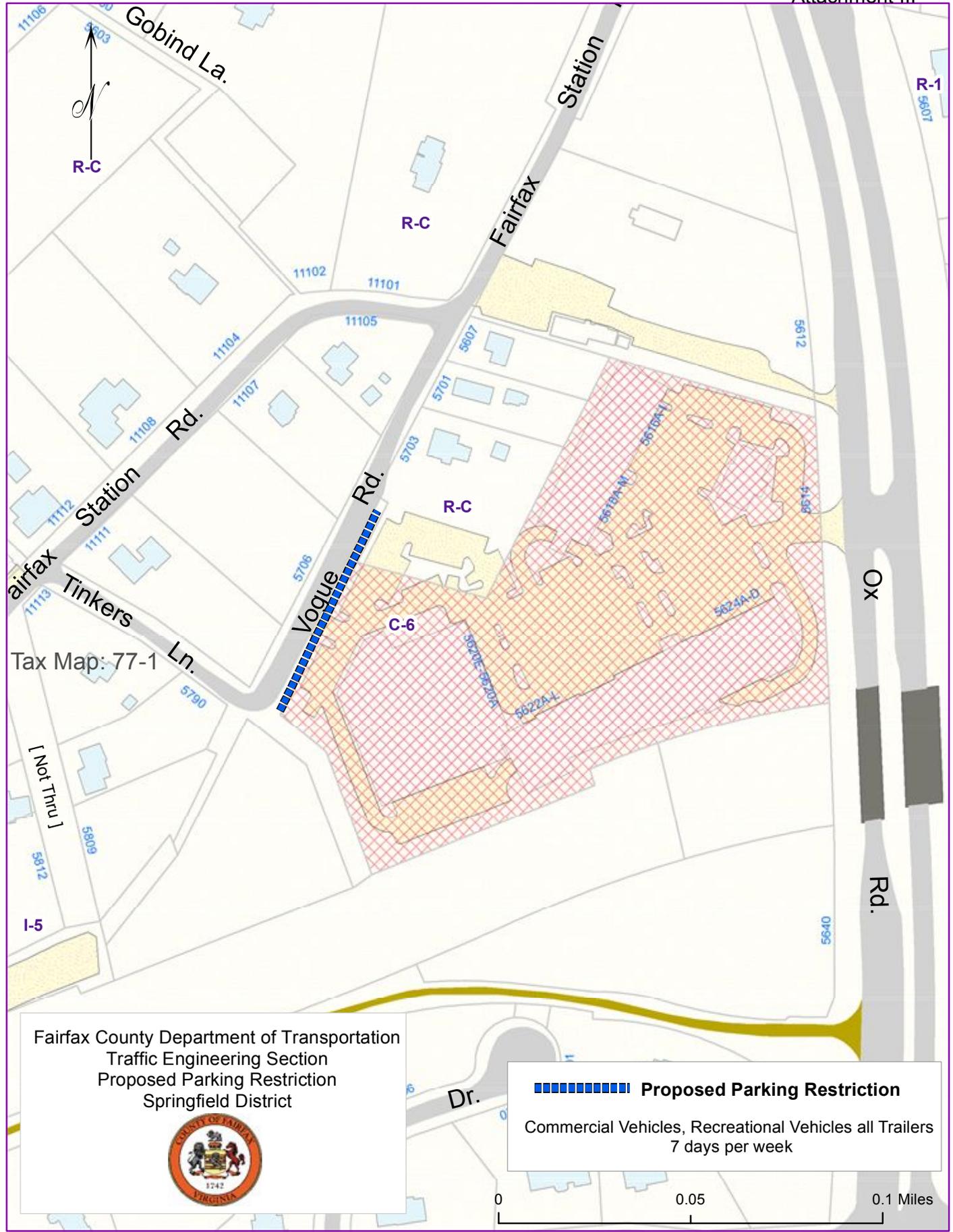
THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA

APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

Vogue Road (Route 762).

Commercial vehicles, recreational vehicles, and trailers as defined in Chapter 82 of the Fairfax County Code shall be restricted from parking on the east side of Vogue Road along commercially zoned areas, seven days per week.



Fairfax County Department of Transportation  
 Traffic Engineering Section  
 Proposed Parking Restriction  
 Springfield District



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ADMINISTRATIVE - 7

Authorization to Advertise a Public Hearing to Establish Parking Restrictions on Ladson Lane (Lee 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 Ladson Lane in the Lee District.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for June 7, 2016, at 4:30 p.m. to consider adoption of a Fairfax County Code amendment (Attachment I) to Appendix R, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Chapter 82 of the Fairfax County Code from parking on Ladson, seven days per week.

TIMING:

The Board of Supervisors should take action on May 17, 2016, to provide sufficient time for advertisement of the public hearing on June 7, 2016, at 4:30 p.m.

BACKGROUND:

Fairfax County Code Section 82-5-37(4) authorizes the Board of Supervisors to designate restricted parking in the case of any street which serves as a boundary between an area zoned for residential use and an area zoned for nonresidential use on which parking is restricted on the residential side of that street which is zoned for a use other than residential would further the residential character of the abutting residential community, would facilitate the free and unrestricted vehicular travel along that street, and would promote the health, safety, and general welfare of the abutting residential community.

The president of the Avery Park community contacted the Lee District office seeking assistance to restrict commercial vehicles, recreational vehicles and all trailers from parking on the east side of Ladson Lane directly across from their residential community. Following this inquiry, the Audubon residential community, as well as the Costco Wholesale business, were contacted and neither were opposed to the requested restriction.

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In 2009, the Board of Supervisors approved the Lee Large Area Community Parking District (CPD). As a result, recreational vehicles and all trailers are prohibited from parking in areas zoned residential throughout the district. In keeping with the residential character that is present on the residential portion of Ladson Lane, staff is recommending a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the east side of Ladson Lane along the commercially zoned area that is directly across from residentially zoned areas, seven days per week.

FISCAL IMPACT:

The cost of sign installation is estimated at \$200 to be paid from Fairfax County Department of Transportation 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 Traffic Engineering Division, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

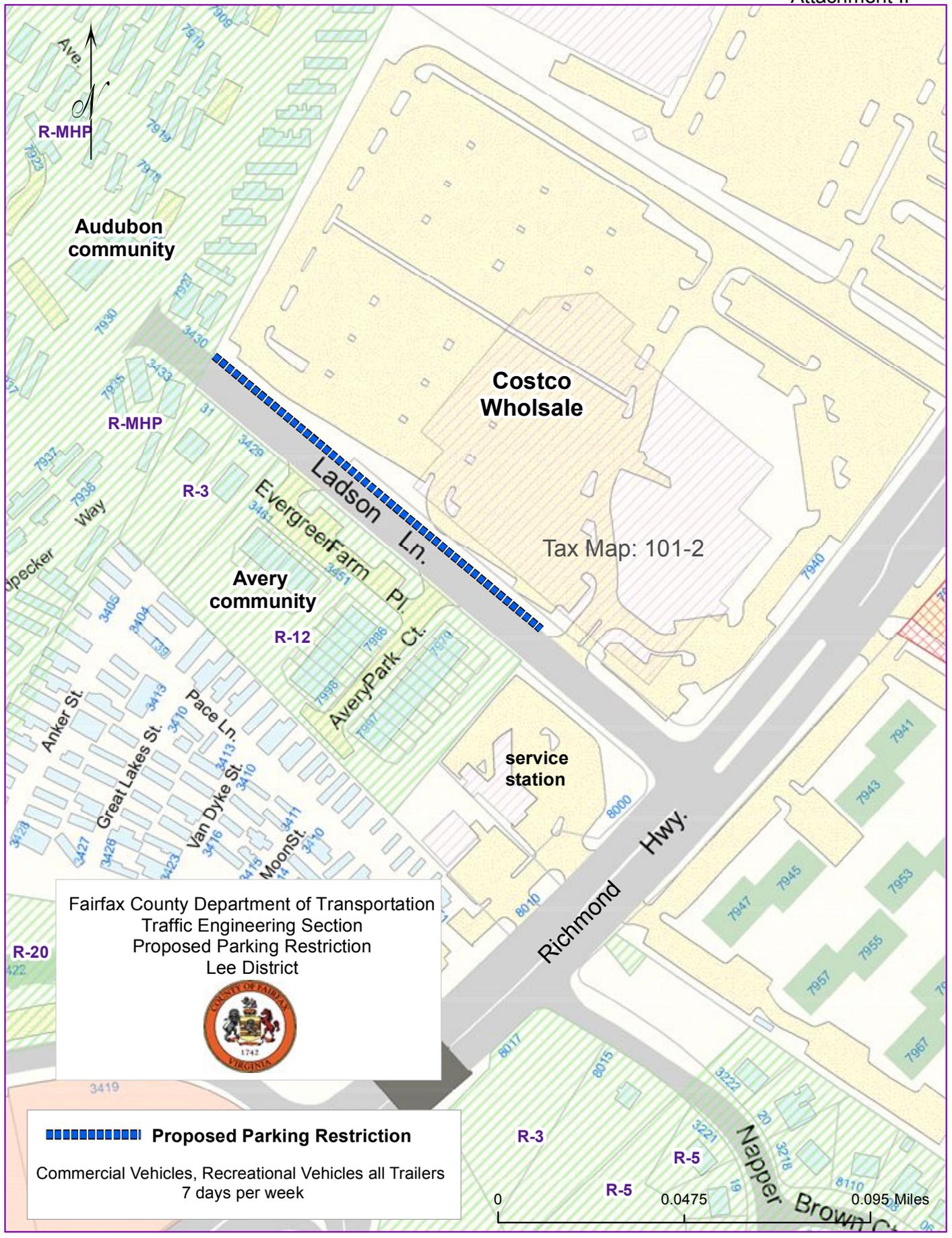
PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX R

Amend *The Code of the County of Fairfax, Virginia*, by adding the following to Appendix R, in accordance with Section 82-5-37:

Ladson Lane (Route 921).

Commercial vehicles, recreational vehicles, and trailers as defined in Chapter 82 of the Fairfax County Code shall be restricted from parking on the east side of Ladson Lane along commercially zoned areas that are directly across from residentially zoned areas, seven days per week.



Fairfax County Department of Transportation  
 Traffic Engineering Section  
 Proposed Parking Restriction  
 Lee District



**Proposed Parking Restriction**  
 Commercial Vehicles, Recreational Vehicles all Trailers  
 7 days per week

0 0.0475 0.095 Miles

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ADMINISTRATIVE - 8

Authorization to Advertise a Public Hearing to Consider Amendments to The Code of the County of Fairfax, Virginia—Chapter 30 (Minimum Private School and Child Care Facility Standards), Article 3 (Home Child Care Facilities)

ISSUE:

Authorization to advertise a public hearing to consider amendments to *The Code of the County of Fairfax*, Chapter 30, Article 3.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the public hearing on June 21, 2016, at 4:00 p.m., to consider adoption of these amendments.

TIMING:

Board action is requested on May 17, 2016 to provide sufficient time to advertise a June 21, 2016 public hearing on the proposed amendments.

BACKGROUND:

Chapter 30, Article 3, of the County Code regulates Home Child Care Facilities in which a person cares for five or fewer children. Section 30-3-5 of this Chapter sets forth the requirements of the number of children that are allowed in care by Fairfax County permitted family child care providers. Section 30-3-2 of this Chapter sets forth the requirements for the applicant of a proposed home child care facility and each adult resident in the facility. Section 30-3-6 sets forth requirements of the physical facilities, equipment and operations of the home child care facility.

Section 30-3-5(a) currently allows permitted family child care providers to care for a maximum of five non-resident children in their respective homes at any one time. The proposed amendment to Section 30-3-5 will reduce the maximum number of non-resident children in care at any one time to four. The amendment is required in order to comply with an amendment to Virginia Code Section 63.2-100. State law currently requires family child care providers to obtain a state license if they care for six or more children, not including the provider's own children or resident children. The amendment to Virginia Code Section 63.2-100, which is effective on July 1, 2016, reduces that threshold number from six to five children. Fairfax County is only authorized to issue

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permits to family child care providers who are not licensed by the state and the threshold number reduction requires that Fairfax amend its ordinance to accurately reflect its permitting authority. The proposed amendment will be effective on July 1, 2016, to coincide with the effective date of the state amendments.

Section 30-3-2(a) currently requires the applicant and each adult resident in the proposed facility to disclose annually whether he or she has committed any barrier offense. The Office for Children is proposing to amend the ordinance to clarify that this disclosure is a sworn statement.

Section 30-3-6(g) currently requires that a refrigerator used for the storage of perishable foods is maintained at a constant temperature of 41 degrees Fahrenheit or less. The Office for Children is proposing to amend this requirement to reflect that a refrigerator used for perishable food be maintained at a constant temperature of 40 degrees Fahrenheit or less. The amendment will align refrigerator temperature requirements with those found in the Virginia Department of Social Services Standards for Licensed Family Day Care, § 22 VAC 40-111-940. The amendment will also align the County requirements with the recommendations from the United States Department of Agriculture on refrigeration safety.

The Child Care Advisory Council has reviewed and endorsed the proposed amendments to the ordinance.

FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Amendments to *The Code of the County of Fairfax*, Chapter 30, Article 3.

STAFF:

Patricia D. Harrison, Deputy County Executive  
Nannette M. Bowler, Director, Department of Family Services  
Anne-Marie D. Twohie, Director, Office for Children, Department of Family Services  
Daniel Robinson, Assistant County Attorney

1 AN ORDINANCE AMENDING  
2 ARTICLE 3 OF CHAPTER 30 OF THE FAIRFAX COUNTY CODE, RELATING TO  
3 HOME CHILD CARE FACILITIES

4  
5 Draft of April 12, 2016

6  
7 AN ORDINANCE to amend the Fairfax County Code by amending and  
8 readopting Sections 30-3-2, 30-3-5 and 30-3-6, all relating to home child  
9 care facilities.  
10

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

12 1. That Sections 30-3-2, 30-3-5 and 30-3-6 are amended and readopted as follows:

13 Article 3. – Home Child Care Facilities.

14  
15 Section 30-3-2. - Annual permit application, issuance or denial.

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

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

19 (ii) The name of the applicant;

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

22 (iv) The names of all persons who reside in the home;

23 (v) ~~Disclosures~~ A sworn statement from the applicant and each adult who resides in the  
24 proposed facility stating whether he or she has committed any barrier offense, consent  
25 forms signed by the applicant and each adult who resides in the proposed facility allowing  
26 the Director of the Office for Children to request a search of the Central Criminal Records  
27 Exchange for files on each such person, and payment of an investigation fee in an amount  
28 equal to the fee established by the Virginia State Police for conducting a records search  
29 multiplied by the number of persons making disclosures and providing consent forms.  
30 When the Central Criminal Records Exchange records indicate that any such person has  
31 a criminal record in another state, or when the Director otherwise deems appropriate, the  
32 Director may also require that the applicant or such adult who resides in the proposed  
33 facility consent to and pay for a national criminal background check;

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

- 1 (vii) Copies of the applicant's current certifications in first aid and cardiopulmonary  
2 resuscitation (CPR);
- 3 (viii) Proof of the applicant's compliance with the training requirements established in Section  
4 30-3-4(b), which shall consist of records provided by the trainer or, if none are provided  
5 by the trainer, records maintained by the applicant;
- 6 (ix) A description of the structure in which the home child care facility is proposed to be  
7 operated, including a description of all places and areas to which the children shall have  
8 access;
- 9 (x) The proposed hours of operation;
- 10 (xi) A statement of whether the applicant is 18 or more years old;
- 11 (xii) A certificate from a physician, physician's designee, or Health Department official stating  
12 that acceptable screening methods (tuberculin skin test and/or tuberculosis risk and  
13 symptom screen and/or chest X-ray), singly or in combination as determined appropriate  
14 by the signatory, indicate that the applicant and all adult household residents are currently  
15 free from communicable tuberculosis. The screen must be performed every two years or  
16 more frequently as recommended by a physician or the local health department;
- 17 (xiii) A written policy describing what the applicant will do with children in care who are sick  
18 and a written emergency preparedness plan;
- 19 (xiv) Such other information, including, but not limited to, information concerning applicant's  
20 child care training and special skills, as the Director of the Office for Children may deem  
21 appropriate;
- 22 (xv) The application fee of \$14, which is in addition to any business or occupation license tax  
23 imposed by the County, and any other taxes or fees that may be required to engage in the  
24 business.

25 If the information the provider submits in accordance with subsections (iv), (v), (vi), and (xii)  
26 changes during the term of the permit, the provider must report the change to the Director of the  
27 Office for Children within 21 days and must promptly submit updated information and documents.

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

- 29 (i) The Director of the Office for Children shall inspect the proposed facility to determine  
30 whether it is in compliance with this Article and all applicable Virginia law that may  
31 affect the health and safety of the children who may attend or be present at the facility.
- 32 (ii) The Fire Code Official shall conduct a fire safety inspection of the proposed facility and  
33 advise the Director of the Office for Children of any noncompliance with this Article or  
34 any applicable Virginia law that may affect the health and safety of the children who may  
35 attend or be present at the facility.
- 36 (iii) If the applicant does not hold a permit under this Article at the time of the application,  
37 the Director of the Office for Children shall request a search of the Central Criminal  
38 Records Exchange to determine whether the applicant or any persons who reside in the  
39 home have committed any crimes that constitute barrier offenses. When the Central  
40 Criminal Records Exchange records indicate that any such person has a criminal record  
41 in another state, or when the Director otherwise deems appropriate, the Director may also

1 require that the applicant or such adult who resides in the proposed facility consent to and  
2 pay for a national criminal background check. Otherwise, the Director may request a  
3 criminal records search if three or more years have passed since the last records search  
4 on an individual, or upon receipt of new information submitted in accordance with this  
5 section, or as the Director deems appropriate in extenuating circumstances.

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

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

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

28 **Section 30-3-5. - Permitted Numbers of Children.**

29 No home child care facility shall care for more children than specified in each of the following  
30 provisions:

31 (a) The total number of nonresident children at a home child care facility at any one time  
32 shall not exceed ~~five~~four; and

33 (b) The total number of children at a home child care facility at any one time who are less  
34 than two years of age, including any resident children, shall not exceed four; and

35 (c) The total number of children at a home child care facility at any one time who are under  
36 the age at which they are required to be enrolled in a public or private school pursuant to  
37 Virginia Code § 22.1-254, including any resident children, shall not exceed six; and

38 (d) The total number of children at a home child care facility at any one time, including any  
39 resident children who are less than ten years of age, shall not exceed eight.

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

- 1 (a) Providers shall supervise children in a manner which ensures that the provider is aware of  
2 what the children are doing at all times and can promptly assist or redirect activities when  
3 necessary. In deciding how closely to supervise children, providers shall consider the ages of  
4 the children, individual differences and abilities, layout of the house and play area,  
5 neighborhood circumstances or hazards and risk activities in which children are engaged.
- 6 (b) All rooms used for child care shall be dry, well-lighted and have adequate ventilation and shall  
7 be smoke free when any child in care is present. Windows that can be opened shall be screened  
8 from April 1 through November 1 of each year.
- 9 (c) The provider shall provide each child with adequate space to allow free movement and active  
10 play indoors and out. Indoor and outdoor areas shall provide developmentally appropriate  
11 activities, supplies, and materials that are safe and accessible. All areas shall be free of  
12 dangerous and hazardous conditions.
- 13 (d) Covered, washable waste receptacles shall be provided for all waste materials, diapers,  
14 garbage, and refuse. Trash and other waste materials shall be removed as often as necessary  
15 to prevent excessive accumulations and shall be deposited in trash or waste disposal  
16 containers.
- 17 (e) Toxic or dangerous materials shall be stored in areas that are inaccessible to children and  
18 separate from food supplies and areas in which food is prepared.
- 19 (f) Dogs and cats four months old or older that regularly are present at the facility shall be  
20 immunized for rabies, and records of such immunizations shall be kept available at the facility  
21 for inspection by the Director of the Office for Children.
- 22 (g) A refrigerator shall be used for perishable food and that refrigerator shall maintain a constant  
23 temperature of ~~41~~40 degrees Fahrenheit or less. Food brought into any home child care facility  
24 for consumption by nonresident children shall be clearly marked for consumption by the  
25 children for whom the food is intended. Meals or snacks shall be offered to the children at  
26 least once every three hours. Home child care facilities that provide meals or snacks to  
27 children in care shall follow the most recent, age-appropriate nutritional guidelines set forth  
28 by the United States Department of Agriculture, Food and Nutrition Service.
- 29 (h) Each home child care facility that is not served by a public water supply shall have a private  
30 water supply approved by the Department of Health. Each home child care facility that is not  
31 served by a public sewage disposal system shall have a private sewage disposal system  
32 approved by the Department of Health. Drinking water from a public water supply, well  
33 permitted by the Department of Health, or other source acceptable to the Department of Health  
34 shall be available for all children.
- 35 (i) Except for those rooms used by children while sleeping under covers, all rooms used for child  
36 care shall be maintained at a temperature of not less than 68 degrees Fahrenheit.
- 37 (j) Providers shall not use or allow any other person to use corporal punishment, physical, verbal,  
38 or emotional punishment, or any humiliating or frightening methods of discipline.
- 39 (k) Firearms of every type and purpose shall be stored unloaded in a locked container,  
40 compartment, or cabinet, and apart from ammunition. Ammunition shall be stored in a locked  
41 container, compartment, or cabinet during the home child care facility's hours of operation. If

1 a key is used to lock the container, compartment, or cabinet, the key shall be inaccessible to  
2 children.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (iii) When one or more children are in water that is more than two feet deep in a pool, lake,  
38 or other swimming area on or off the premises of the home child care facility, the provider  
39 and another person 15 years or older shall be present at all times and either the provider  
40 or the other person must be currently certified in basic water rescue, community water

1 safety, water safety instruction, or lifeguarding. The certification shall be obtained from  
2 a national organization such as the American Red Cross or the YMCA.

3 (r)

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

6 (ii) A non-climbable barrier at least four feet high such as, but not limited to, a fence or  
7 impenetrable hedge shall surround outdoor play areas located within 30 feet of drowning  
8 hazards such as, but not limited to, in-ground swimming or wading pools, ponds, or  
9 fountains not enclosed by safety fences.

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

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

18  
19  
20 **2. That the provisions of this ordinance are severable, and if any provision of this**  
21 **ordinance or any application thereof is held invalid, that invalidity shall not affect the other**  
22 **provisions or applications of this ordinance that can be given effect without the invalid**  
23 **provision or application.**

24  
25  
26 **3. That this Ordinance is effective on July 1, 2016.**  
27

28  
29 GIVEN under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2016

30  
31 \_\_\_\_\_  
32 Clerk to the Board of Supervisors  
33

ADMINISTRATIVE – 9

Authorization to Advertise a Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Jones Branch Connector - Final Design (Providence District)

ISSUE:

Board authorization to advertise a Public Hearing on the acquisition of certain land rights necessary for the construction of Project AA1400093-13, Jones Branch Connector - Final Design, Fund 50000; Federal-State Grants, and Project 2G40-062-000, Jones Branch Connector, in Fund 40010.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for June 21, 2016, at 4:00 p.m.

TIMING:

Board action is requested on May 17, 2016, to provide sufficient time to advertise the proposed Public Hearing on the acquisition of certain land rights necessary to keep this project on schedule.

BACKGROUND:

This project consists of a connection between Route 123 and the I-495 Express Lane ramps and ultimately to Jones Branch Drive. The project involves the reconstruction and extension of Scotts Crossing Road from Route 123 across I-495 and tying to the existing Jones Branch Connector and Jones Branch Drive. The project will require widening of the existing I-495 Express Lane bridges over the I-495 outer loop (southbound) and construction of new bridges spanning the I-495 inner loop (northbound) and Express Lanes.

Land rights for these improvements are required on 10 properties, one of which has already been acquired by the Land Acquisition Division (LAD). The construction of this project requires the acquisition of deeds of dedication, perpetual street easement, traffic signal equipment easement, ingress-egress easement, retaining wall easement, terminable retaining wall easement, **Washington Gas easement, and** grading agreement and temporary construction easements to accommodate the appropriate work area to construct the roadway project.

Negotiations are in progress with the affected property owners; however, because resolution of these acquisitions is not imminent, it may be necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. §§ 15.2-1903 through 15.2-1905 (as amended). Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

FISCAL IMPACT:

Funding is available in Project AA1400093-13, Jones Branch Connector - Final Design, Fund 50000, Federal-State Grant Fund and Project 2G40-062-000, Jones Branch Connector, in Fund 40010, County & Regional Transportation Projects. This project is included in the Adopted FY 2017 – FY 2021 Capital Improvement Program (with future Fiscal Years to FY 2026). No additional funding is being requested from the Board.

CREATION OF NEW POSITIONS:

There are no new positions associated with this grant.

ENCLOSED DOCUMENTS:

Attachment A - Project Location Map

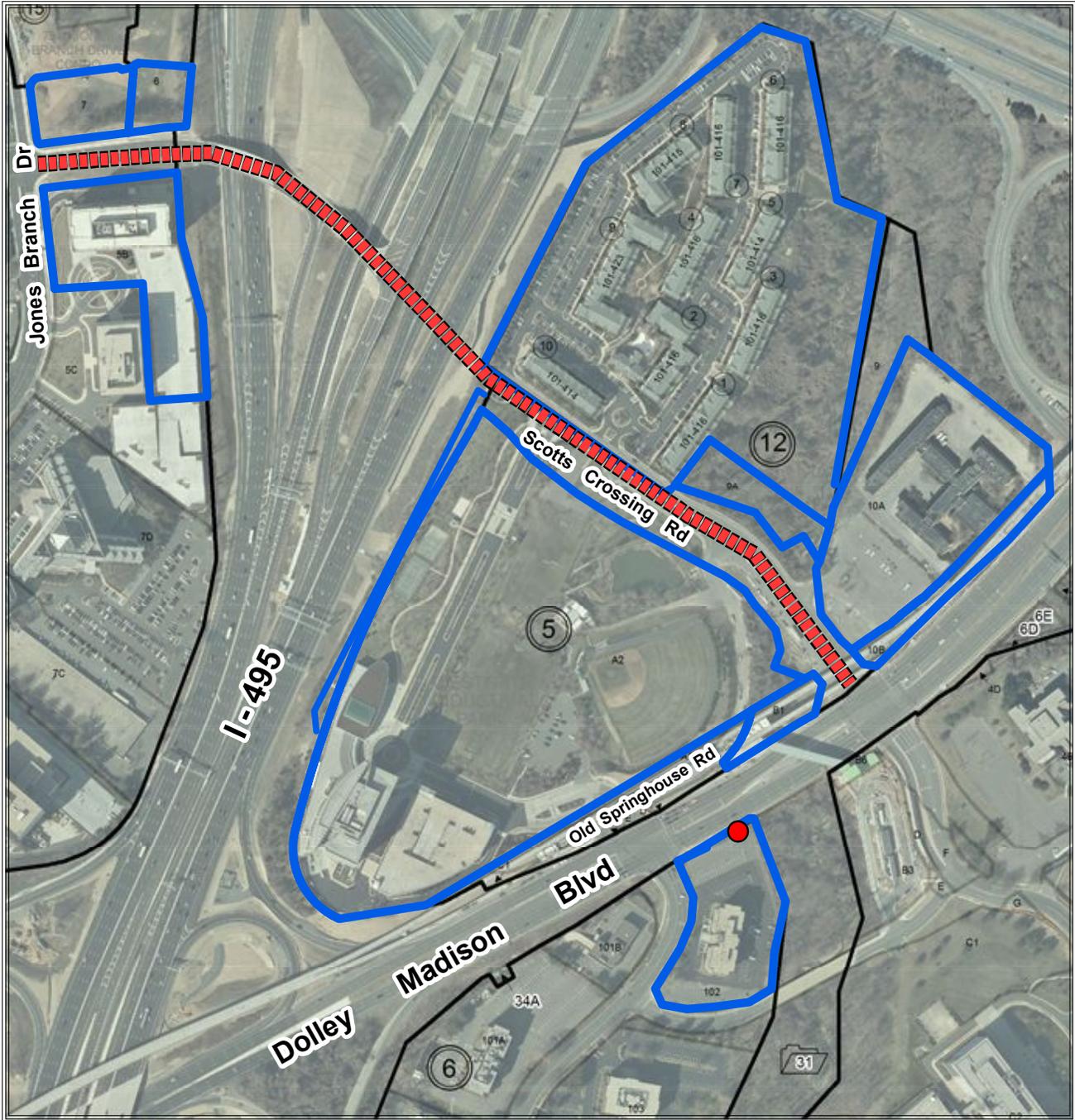
**Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachments 1 through 8C)**

STAFF:

Robert A. Stalzer, Deputy County Executive

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities



### JONES BRANCH CONNECTOR

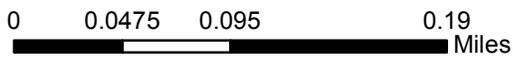
Tax Map: 29-4

Project AA140093-13

Providence District

Affected Properties: 

Proposed Improvements:  



ATTACHMENT B

**RESOLUTION**

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 Tuesday, June 21, 2016, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, certain Project AA1400093-13, Jones Branch Connector - Final Design, Fund 50000; Federal-State Grants, and Project 2G40-062-000, Jones Branch Connector, in Fund 40010, County & Regional Transportation Projects, had been approved; and

**WHEREAS**, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

**WHEREAS**, the property interests that are necessary have been identified; and

**WHEREAS**, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than June 30, 2016.

**NOW THEREFORE BE IT RESOLVED**, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through ~~8B~~ 8C by gift, purchase, exchange, or eminent domain; and be it further

**RESOLVED**, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the purpose of constructing new roadway, sidewalk improvements and to provide adequate storm drainage as shown and described

in the plans of Project AA1400093-13, Jones Branch Connector - Final Design, Fund 50000; Federal-State Grants, and Project 2G40-062-000, Jones Branch Connector, in Fund 40010, County & Regional Transportation Projects, on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

**RESOLVED**, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or subsequent to June 22, 2016, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

**RESOLVED**, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings, if necessary.

LISTING OF AFFECTED PROPERTIES  
Project AA1400093-13  
Jones Branch Connector - Final Design  
(Providence District)

PROPERTY OWNER(S)

- |   |                                    |
|---|------------------------------------|
| 1. Cleveland 1820 Dolley Madison, LLC                                 | 029-4-05-0009-A<br>029-4-05-0010-A |
| Address:<br>1820 Dolley Madison Blvd.<br>McLean, Virginia 22102       |                                    |
| 2. Grant 1651 Old Meadow Road, LLC                                    | 029-4-06-0102                      |
| Address:<br>1651 Old Meadow Road, Suite 650<br>McLean, Virginia 22102 |                                    |
| 3. Pentagon Federal Credit Union                                      | 029-2-15-0006<br>029-2-15-0007     |
| Address:<br>Jones Branch Drive,<br>McLean, Virginia 22102             |                                    |
| 4. Tysons Park Place II, LLC  | 029-4-07-0005-B                    |
| Address:<br>7930 Jones Branch Drive<br>McLean, Virginia 22102         |                                    |
| 5. Capital One Bank   | 029-4-05-A2                        |
| Address:<br>1680 Capital One Drive<br>McLean, Virginia 22102          |                                    |

6. Gates of McLean Condominium  
Unit Owners Association

029-4-12-CONDO

Address:  
1600 Spring Gate Drive  
McLean, Virginia 22101

A Copy – Teste:

---

Catherine A. Chianese  
Clerk to the Board of Supervisors

ATTACHMENT 1

AFFECTED PROPERTY

Tax Map Number: 029-4-05-0009-A

Street Address: 1820 Dolley Madison Blvd.  
McLean, Virginia 22102

OWNER(S): Cleveland 1820 Dolley Madison, LLC

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Grading Agreement and Temporary Construction Easement – 96 sq. ft.

VALUE

Estimated value of interests and damages:

(Proffered)

ATTACHMENT 2

AFFECTED PROPERTY

Tax Map Number: 029-4-05-0010-A

Street Address: 1820 Dolley Madison Blvd.  
McLean, Virginia 22102

OWNER(S): Cleveland 1820 Dolley Madison, LLC

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Deed of Dedication - 702 sq. ft.

Grading Agreement and Temporary Construction Easement - 3,692 sq. ft.

VALUE

Estimated value of interests and damages:

(Proffered)

ATTACHMENT 3

AFFECTED PROPERTY

Tax Map Number: 029-4-06-0102  
Street Address: 1651 Old Meadow Road, Suite 650  
McLean, Virginia 22102

OWNER(S): Grant 1651 Old Meadow Road, LLC

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Deed of Dedication - 213 sq. ft.  
Grading Agreement and Temporary Construction Easement - 376 sq. ft.

VALUE

Estimated value of interests and damages:

ONE HUNDRED SEVEN THOUSAND SEVEN HUNDRED DOLLARS  
(\$107,700.00)

ATTACHMENT 4

AFFECTED PROPERTY

Tax Map Number: 029-2-15-0006  
Street Address: Jones Branch Drive,  
McLean, Virginia 22102

OWNER(S): Pentagon Federal Credit Union

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Grading Agreement and Temporary Construction Easement -1,166 sq. ft.

VALUE

Estimated value of interests and damages:

(Special Exception)

ATTACHMENT 5

AFFECTED PROPERTY

Tax Map Number: 029-2-15-0007

Street Address: Jones Branch Drive,  
McLean, Virginia 22102

OWNER(S): Pentagon Federal Credit Union

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Deed of Dedication - 651 sq. ft.  
Grading Agreement and Temporary Construction Easement -3,933 sq. ft.

VALUE

Estimated value of interests and damages:

NINETY-THREE THOUSAND FIVE HUNDRED DOLLARS (\$93,500.00)  
Deed of Dedication only, Grading and Temporary Construction Easement  
(Special Exception)

ATTACHMENT 6

AFFECTED PROPERTY

Tax Map Number: 029-4-07-0005-B

Street Address: 7930 Jones Branch Drive  
McLean, Virginia 22102

OWNER(S): Tysons Park Place II, LLC

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Deed of Dedication – 2,932 sq. ft.  
Retaining Wall Easement – 2,776 sq. ft.  
Grading Agreement and Temporary Construction Easement 5,534 sq. ft.

VALUE

Estimated value of interests and damages:

FIVE HUNDRED SEVENTY THOUSAND DOLLARS (\$570,000.00)

AFFECTED PROPERTY

Tax Map Number: 029-4-05-A2

Street Address: 1680 Capital One Drive  
McLean, Virginia 22102

OWNER(S): Capital One Bank

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Retaining Wall Easement – 3,125 sq. ft.

Perpetual Street Easement – 2,452 sq. ft.

Grading Agreement and Temporary Construction Easement - 9,057 sq. ft.

Terminable Retaining Wall Easement – 2,515 sq. ft.

VALUE

Estimated value of interests and damages:

SEVEN HUNDRED THOUSAND (\$700,000.00)

AFFECTED PROPERTY

Tax Map Number: 029-4-12-CONDO

Street Address: 1600 Spring Gate Drive  
McLean, Virginia 22101

OWNER(S): Gates of McLean Condominium  
Unit Owners Association

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Ingress-Egress Easement – 3,084 sq. ft.

Grading Agreement and Temporary Construction Easement - 32,680 sq. ft.

Traffic Signal Equipment Easement - 629 sq. ft.

**Washington Gas Easement – 1432.05 sq. ft.**

VALUE

Estimated value of interests and damages:

**SIX HUNDRED EIGHTY THOUSAND DOLLARS (\$680,000.00)** SIX HUNDRED  
NINETY-THREE THOUSAND ONE HUNDRED DOLLARS (\$693,100.00)

VDOT PROJ. #102-24-068

LOT 9A  
WESTGATE  
INDUSTRIAL PARK  
D.B. 4673, PG. 540  
TM# 024-4 ((05)) 0004A  
CLEVELAND 1820  
DOLLEY MADISON LLC  
D.B. 21145, PG. 100

THE GATES OF MCLEAN  
VFC  
CANNERS  
UNITS  
PARKING  
LOT 100  
D.B. 024-4 ((12)) 00050  
TM# 024-4 ((12)) 00050

EX. 10' SANITARY  
SEWER EASEMENT  
D.B. 11549 PG. 666

GRADING AGREEMENT AND  
TEMPORARY CONSTRUCTION  
EASEMENT

N10°41'08"W 242.42'

N61°13'28"W 121.63'

IFF  
N61°13'28"W 121.63'  
N61°13'28"W 121.63'  
N61°13'28"W 121.63'

LOT 9A PARK  
INDUSTRIAL PARK  
D.B. 4673, PG. 540  
CLEVELAND 1820  
DOLLEY MADISON LLC  
D.B. 21145, PG. 100

SCOTTS CROSSING ROAD  
ROUTE 8201  
VARIABLE WIDTH  
D.B. 20515 PG. 566  
D.B. 15421 PG. 825  
D.B. 15421 PG. 834  
D.B. 4674 PG. 622  
D.B. 4673 PG. 540  
D.B. 11712 PG. 1032  
VDOT PROJ. #D100-024-108, R#201

NOTES:

1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
2. THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.
3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
4. THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.
5. DENSITY/INTENSITY CREDIT APPROVED ON BEHALF OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, PURSUANT TO SECTION 2.30B-4-A(3) OF THE FAIRFAX COUNTY ZONING ORDINANCE AND REFERENCED IN THE DEED OF DEDICATION AND CONVEYANCE AND GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT ATTACHED HERETO.
6. THERE IS AN APPROVED PUBLIC COMMITTEE PARK-AND-RIDE LOT AGREEMENT DATED DECEMBER 31, 2013 REGARDING THE DONATION OF LAND RIGHTS BETWEEN CLEVELAND 1820 DOLLEY MADISON LLC AND THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY.
7. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 024-4 ((05)) 0004A.

GRADING AGREEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT

JONES BRANCH CONNECTOR  
PROJECT NUMBER:  
FCDOT: AA1400043-15

LINE TABLE		
LINE	BEARING	LENGTH
L1	N86°28'05"E	6.26'
L2	S59°28'05"E	30.71'
L3	N10°41'08"W	32.03'

FAIRFAX COUNTY, VIRGINIA  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

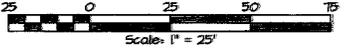
PLAT SHOWING  
GRADING AGREEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT  
THROUGH  
LOT 9A  
WESTGATE INDUSTRIAL PARK  
D.B. 4673, PG. 540  
PROPERTY BEING IN THE NAME OF  
CLEVELAND 1820 DOLLEY MADISON LLC  
D.B. 21145, PG. 100



PLAT PREPARED BY:  
RICE ASSOCIATES  
10661 BASKING HAY  
MANASSAS, VA 20109  
703-468-3200  
WWW.RICESURVEYS.COM

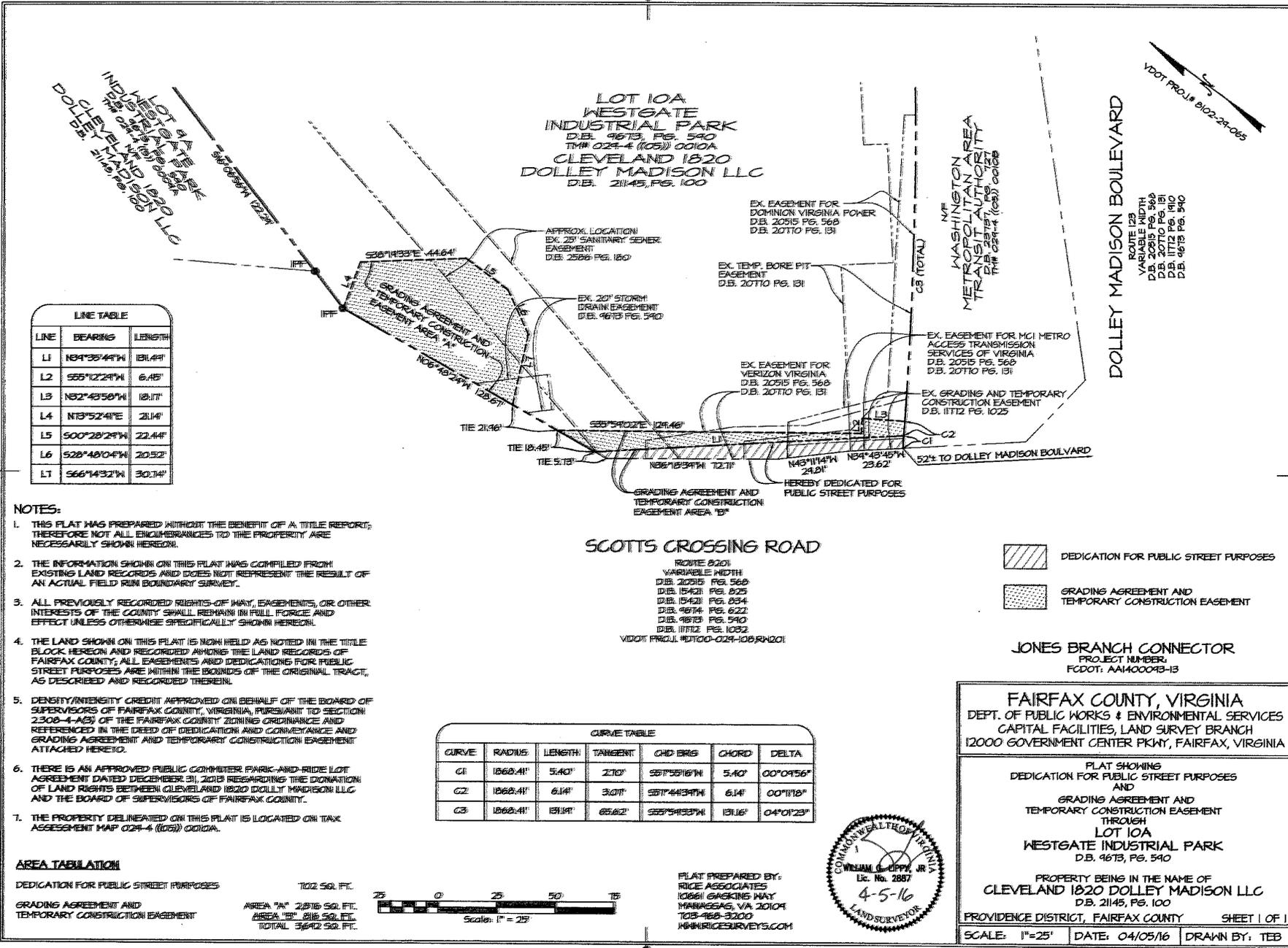
AREA TABULATION

GRADING AGREEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT 46 SQ. FT.



PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1  
SCALE: 1"=25' DATE: 04/05/2016 DRAWN BY: TEB

ATTACHMENT 1A



LOT 9A WESTGATE INDUSTRIAL PARK  
 D.B. 2015 PG. 568  
 T.M. 0221-4 (105) 0010A  
 CLEVELAND 1820 DOLLEY MADISON LLC  
 D.B. 21145 PG. 100

LOT 10A WESTGATE INDUSTRIAL PARK  
 D.B. 4673, PG. 540  
 T.M. 0221-4 (105) 0010A  
 CLEVELAND 1820 DOLLEY MADISON LLC  
 D.B. 21145, PG. 100

WASHINGTON AREA METROPOLITAN AREA TRANSPORTATION AUTHORITY  
 T.M. 0221-4 (105) 0010B

DOLLEY MADISON BOULEVARD

VDOT PROJ. # 8102-24-065

ROUTE 125  
 VARIABLE WIDTH  
 D.B. 20770 PG. 181  
 D.B. 20770 PG. 190  
 D.B. 11712 PG. 190  
 D.B. 4673 PG. 540

LINE	BEARING	LENGTH
L1	N84°35'44"W	181.44'
L2	S55°12'24"W	6.45'
L3	N52°49'58"W	18.17'
L4	N73°52'41"E	21.14'
L5	S00°28'24"W	22.44'
L6	S28°48'10"W	20.52'
LT	S66°14'32"W	30.74'

**NOTES:**

- THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
- THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.
- ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
- THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.
- DENSITY/INTENSITY CREDIT APPROVED ON BEHALF OF THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA, PURSUANT TO SECTION 2308-4-A(3) OF THE FAIRFAX COUNTY ZONING ORDINANCE AND REFERENCED IN THE DEED OF DEDICATION AND CONVEYANCE AND GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT ATTACHED HERETO.
- THERE IS AN APPROVED PUBLIC COMMUTER PARK-AND-RIDE LOT AGREEMENT DATED DECEMBER 31, 2013 REGARDING THE DONATION OF LAND RIGHTS BETWEEN CLEVELAND 1820 DOLLEY MADISON LLC AND THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY.
- THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 021-4 (105) 0010A.

**SCOTTS CROSSING ROAD**

ROUTE 8201  
 VARIABLE WIDTH  
 D.B. 20915 PG. 568  
 D.B. 15421 PG. 825  
 D.B. 15421 PG. 834  
 D.B. 4674 PG. 622  
 D.B. 4673 PG. 540  
 D.B. 11712 PG. 1832  
 VDOT PROJ. # 1010-021-103/R1201

DEDICATION FOR PUBLIC STREET PURPOSES  
 GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT

JONES BRANCH CONNECTOR  
 PROJECT NUMBER  
 FCDOT: AA1400043-13

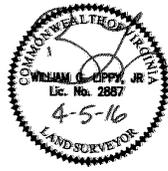
CURVE	RADIUS	LENGTH	TANGENT	CHD BRG	CHORD	DELTA
C1	1868.41'	5.40'	270°	S57°55'16"W	5.40'	00°04'56"
C2	1868.41'	6.14'	3.07'	S57°44'34"W	6.14'	00°11'18"
C3	1868.41'	13.14'	65.62'	S57°54'33"W	13.16'	04°01'23"

**AREA TABULATION**

DEDICATION FOR PUBLIC STREET PURPOSES 1022 SQ. FT.  
 GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT  
 AREA "A" 22716 SQ. FT.  
 AREA "B" 8116 SQ. FT.  
 TOTAL 36442 SQ. FT.



PLAT PREPARED BY:  
 RICE ASSOCIATES  
 10861 GACKING WAY  
 MANASSAS, VA 20107  
 703-468-3200  
 WWW.RICESURVEYS.COM



FAIRFAX COUNTY, VIRGINIA  
 DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
 CAPITAL FACILITIES, LAND SURVEY BRANCH  
 12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING  
 DEDICATION FOR PUBLIC STREET PURPOSES  
 AND  
 GRADING AGREEMENT AND  
 TEMPORARY CONSTRUCTION EASEMENT  
 THROUGH  
 LOT 10A  
 WESTGATE INDUSTRIAL PARK  
 D.B. 4673, PG. 540  
 PROPERTY BEING IN THE NAME OF  
 CLEVELAND 1820 DOLLEY MADISON LLC  
 D.B. 21145, PG. 100  
 PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1  
 SCALE: 1"=25' DATE: 04/05/16 DRAWN BY: TEB

ATTACHMENT 2A

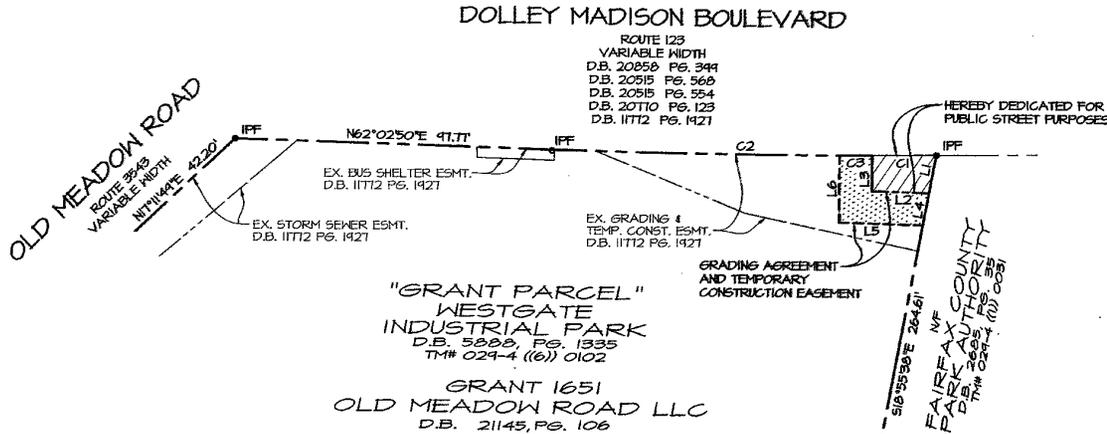
LINE TABLE		
LINE	BEARING	LENGTH
L1	S18°55'30"E	11.84'
L2	S62°06'28"W	11.73'
L3	N24°24'24"W	10.48'
L4	S18°55'30"E	10.12'
L5	S62°06'28"W	25.87'
L6	N24°24'24"W	20.65'

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHD BRG	CHORD	DELTA
C1	2444.74'	19.90'	9.45'	N54°54'33"E	19.90'	00°23'14"
C2	2444.74'	119.84'	54.93'	N60°52'53"E	119.83'	02°14'54"
C3	2444.74'	10.00'	5.00'	N60°12'00"E	10.00'	00°11'40"



**NOTES:**

1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
2. THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.
3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
4. THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.
5. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 024-4 ((6)) 0102.



**JONES BRANCH CONNECTOR**  
PROJECT NUMBER:  
FCDOT: AA1400043-13

**FAIRFAX COUNTY, VIRGINIA**  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING  
DEDICATION FOR PUBLIC STREET PURPOSES  
AND  
GRADING AGREEMENT AND TEMPORARY  
CONSTRUCTION EASEMENT  
THROUGH  
"GRANT PARCEL"  
WESTGATE INDUSTRIAL PARK  
D.B. 5888, PG. 1335

PROPERTY BEING IN THE NAME OF  
**GRANT 1651 OLD MEADOW ROAD LLC**  
D.B. 21145, PG. 106

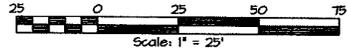
PROVIDENCE DISTRICT, FAIRFAX COUNTY      SHEET 1 OF 1

SCALE: 1"=25'      DATE: 04/01/16      DRAWN BY: TEB

- DEDICATION FOR PUBLIC STREET PURPOSES
- GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT

**AREA TABULATION**

DEDICATION FOR PUBLIC STREET PURPOSES	215 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT	376 SQ. FT.



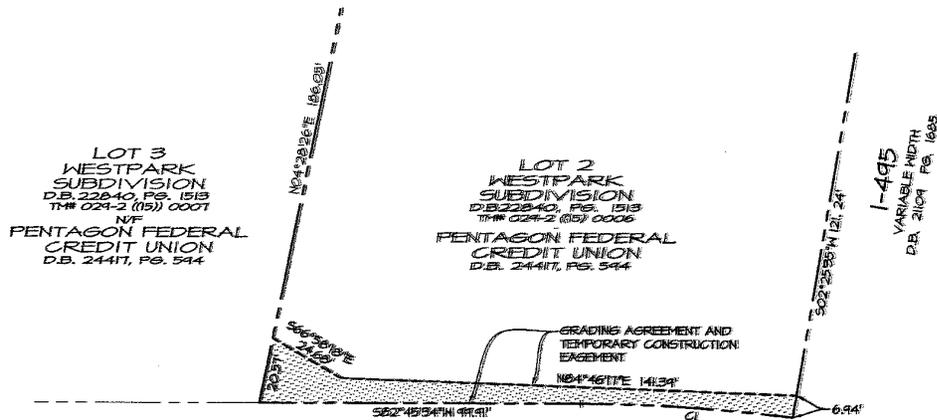
PLAT PREPARED BY:  
RICE ASSOCIATES  
10661 EASKINS WAY  
MANASSAS, VA 20104  
703-468-3200  
WWW.RICESURVEYS.COM



ATTACHMENT 3A

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHD BRG	CHORD	DELTA
C1	528.00'	65.84'	32.94'	S06°20'05"W	65.85'	07°04'02"

VDOT PROJ# 0102-024-065



**NOTES:**

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4. THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.
5. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 024-2 (15) 0006.

**RAMP TO I-495 EXPRESS LANES**

VARIABLE WIDTH  
D.B. 22840 P.G. 1513

**JONES BRANCH CONNECTOR**  
PROJECT NUMBER:  
FGDOT: AA1400093-13

**FAIRFAX COUNTY, VIRGINIA**  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING  
GRADING AGREEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT  
THROUGH  
LOT 2  
WESTPARK SUBDIVISION  
D.B. 22840, P.G. 1513

PROPERTY BEING IN THE NAME OF  
**PENTAGON FEDERAL CREDIT UNION**  
D.B. 2441T, P.G. 544

PROVIDENCE DISTRICT, FAIRFAX COUNTY **SHEET 1 OF 1**  
SCALE: 1"=25' DATE: 01/31/15 DRAWN BY: TED

GRADING AGREEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT

**AREA TABULATION**

GRADING AGREEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT

1,166 SQ. FT.



PLAT PREPARED BY:  
RICE ASSOCIATES  
10661 GASKINS HAY  
MANASSAS, VA 20109  
703-968-3200  
WWW.RICESURVEYS.COM



ATTACHMENT 4A

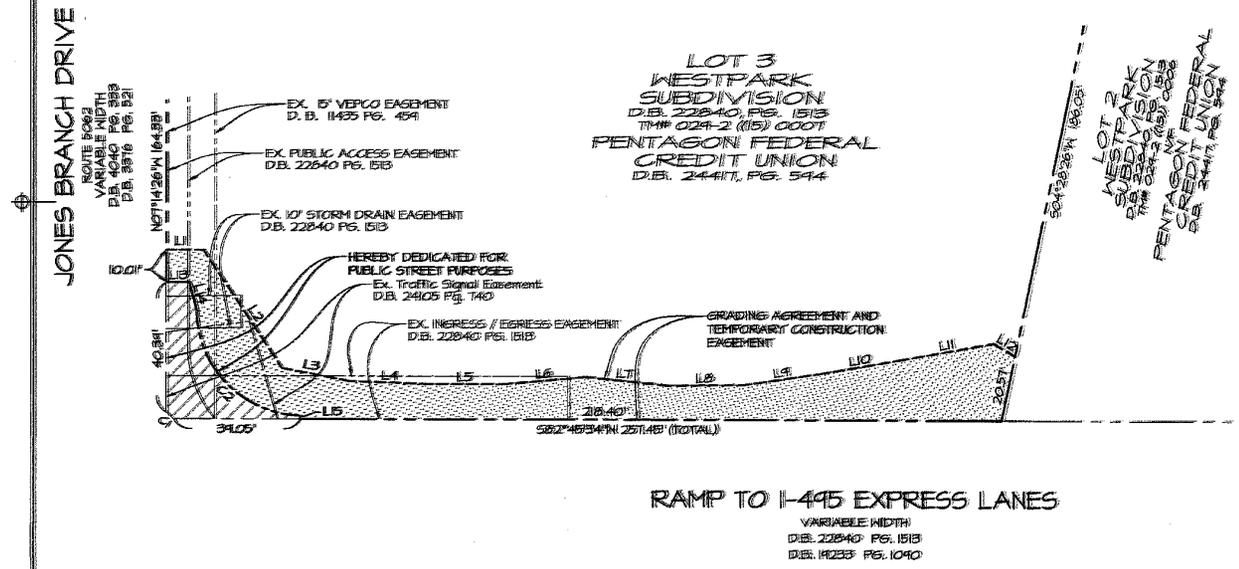
LINE TABLE					
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N82°50'14"E	11.48'	L9	N14°18'07"E	24.48'
L2	S40°45'16"E	43.87'	L10	N12°51'55"E	25.22'
L3	S86°25'04"E	21.02'	L11	N12°26'24"E	24.07'
L4	N84°44'17"E	24.08'	L12	S66°58'18"E	7.84'
L5	N82°51'34"E	24.34'	L13	S82°45'34"W	71.4'
L6	N17°43'23"E	25.60'	L14	N21°52'00"W	8.90'
L7	N88°33'14"E	25.53'	L15	N05°31'56"W	11.02'
L8	N82°15'45"E	23.76'			

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHD BRG	CHORD	DELTA
G1	33.70'	3.06'	153'	N54°01'31"W	3.06'	05°12'04"
G2	32.42'	50.67'	31.90'	N51°25'33"W	45.81'	88°12'06"

VDOT FILE # 8102-004-005

**NOTES:**

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5. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 024-2 (15) 0007.



**JONES BRANCH CONNECTOR**  
PROJECT NUMBER:  
PGDOT: AA1400043-13

**FAIRFAX COUNTY, VIRGINIA**  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING  
DEDICATION FOR PUBLIC STREET PURPOSES  
AND  
GRADING AGREEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT  
THROUGH  
**LOT 3**  
**WESTPARK SUBDIVISION**  
D.B. 22840, PGS. 1513

PROPERTY BEING IN THE NAME OF  
**PENTAGON FEDERAL CREDIT UNION**  
D.B. 24417, PGS. 594

PROVIDENCE DISTRICT, FAIRFAX COUNTY      SHEET 1 OF 1  
SCALE: 1"=25'      DATE: 04/07/16      DRAWN BY: TEB

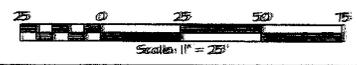


PLAT PREPARED BY:  
RICE ASSOCIATES  
10680 GASKINS WAY  
MANASSAS, VA 20109  
703-468-3200  
WWW.RICESURVEYS.COM

- DEDICATION FOR PUBLIC STREET PURPOSES
- GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT

**AREA TABULATION**

DEDICATION FOR PUBLIC STREET PURPOSES	651 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT	3,433 SQ. FT.



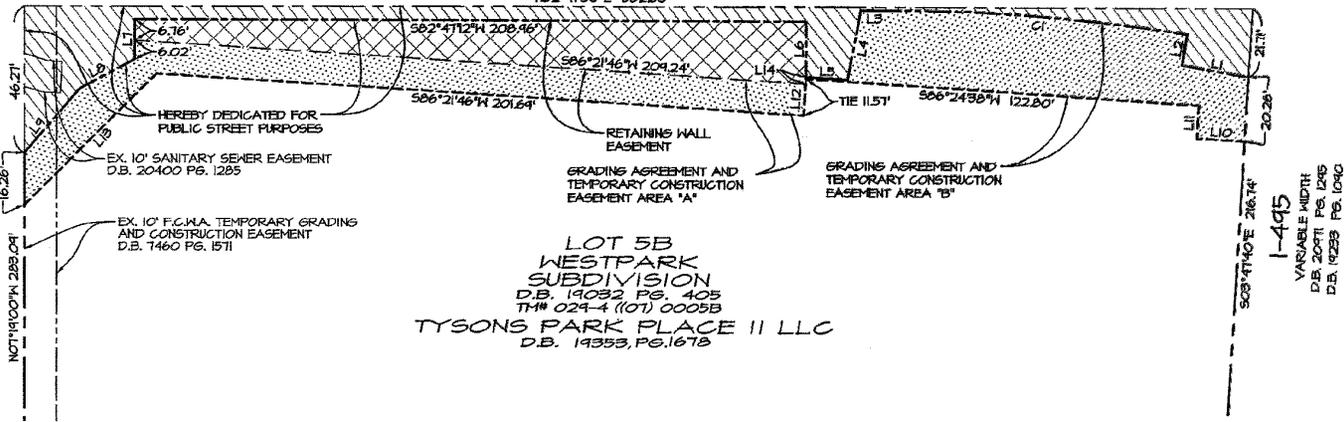
ATTACHMENT 5A

RAMP TO I-495 EXPRESS LANES

VARIABLE WIDTH  
D.B. 22840 PG. 1513  
D.B. 14233 PG. 1040

JONES BRANCH DRIVE

ROUTE 5062  
VARIABLE WIDTH  
D.B. 4040 PG. 833  
D.B. 3576 PG. 521



LOT 5B  
WESTPARK  
SUBDIVISION  
D.B. 19032 PG. 405  
TM# 029-4 ((07) 0005B  
TYSONS PARK PLACE II LLC  
D.B. 19353, PG. 1678

NOTES:

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4. THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.
5. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 029-4 ((07) 0005B.

LINE TABLE					
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N87°14'12"W	20.90'	L8	S54°09'50"W	14.31'
L2	N01°42'14"E	10.00'	L9	S33°01'40"W	26.50'
L3	S82°47'12"W	8.40'	L10	S86°12'20"W	14.81'
L4	S03°20'58"W	22.28'	L11	N03°46'26"W	10.33'
L5	S85°54'31"W	12.86'	L12	S03°38'14"E	10.00'
L6	N07°12'48"W	17.70'	L13	S31°31'56"W	58.16'
L7	S07°12'48"E	12.78'	L14	S03°38'14"E	2.11'

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHD BRG	CHORD	DELTA
C1	571.54'	43.89'	47.05'	N87°02'41"W	43.74'	04°18'54"

AREA TABULATION

DEDICATION FOR PUBLIC STREET PURPOSES	2,432 SQ. FT.
RETAINING WALL EASEMENT	2,716 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT	AREA "A" 2,878 SQ. FT. AREA "B" 2,256 SQ. FT. TOTAL 5,134 SQ. FT.



PLAT PREPARED BY:  
RICE ASSOCIATES  
10661 GASKINS WAY  
MANASSAS, VA 20109  
703-468-3200  
WWW.RICESURVEYS.COM



- DEDICATION FOR PUBLIC STREET PURPOSES
- RETAINING WALL EASEMENT
- GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT

JONES BRANCH CONNECTOR  
PROJECT NUMBER:  
FCDOT: AA1400093-13

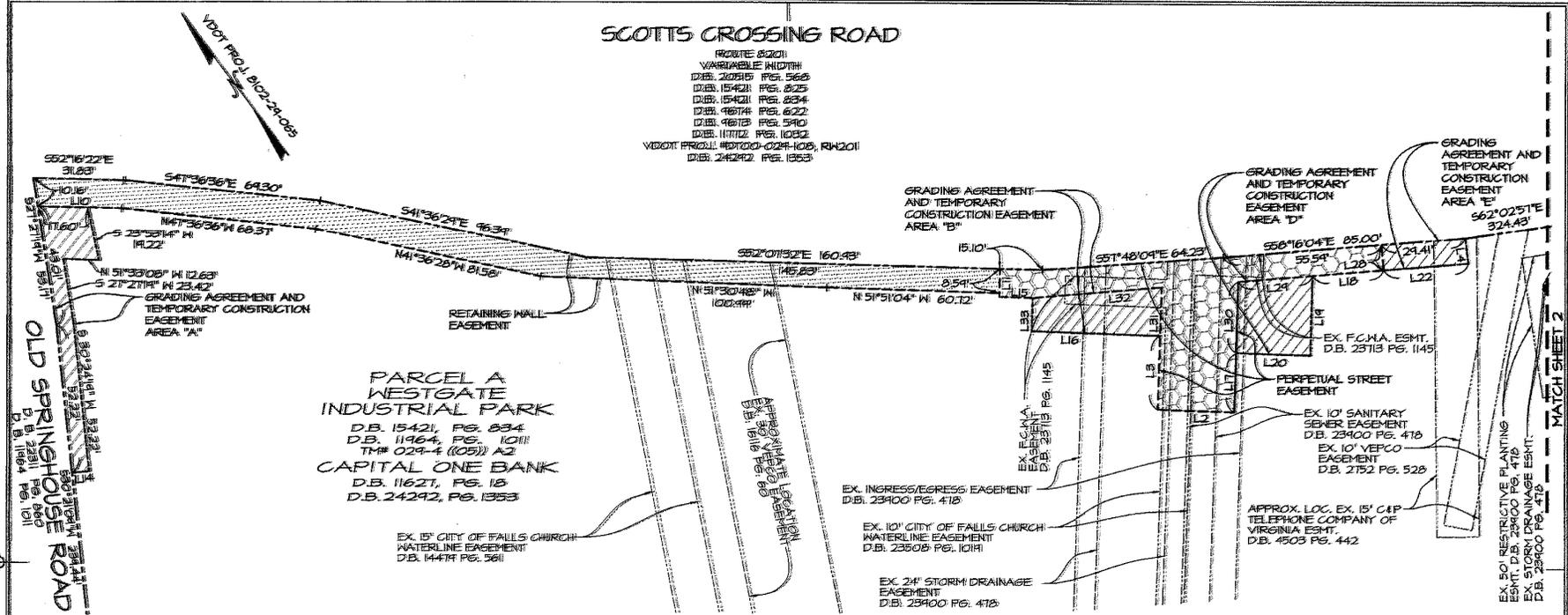
FAIRFAX COUNTY, VIRGINIA  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING  
DEDICATION FOR PUBLIC STREET PURPOSES,  
RETAINING WALL EASEMENT  
AND  
GRADING AGREEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT  
THROUGH  
LOT 5B  
WESTPARK SUBDIVISION  
D.B. 19032, PG. 405  
PROPERTY BEING IN THE NAME OF  
TYSONS PARK PLACE II LLC  
D.B. 19353, PG. 1678  
PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1  
SCALE 1"=25' DATE: 07/31/15 DRAWN BY: TEB

ATTACHMENT 6A

# SCOTT'S CROSSING ROAD

ROUTE 8201  
 VARIABLE WIDTH  
 D.B. 20515 PG. 566  
 D.B. 15421 PG. 825  
 D.B. 15421 PG. 834  
 D.B. 16774 PG. 622  
 D.B. 16719 PG. 340  
 D.B. 11172 PG. 1032  
 VDOT PROJ. #024-024-108, RM201  
 D.B. 24242 PG. 1353



**PARCEL A WESTGATE INDUSTRIAL PARK**  
 D.B. 15421, PG. 834  
 D.B. 11964, PG. 1011  
 TM# 024-4 (105) A2  
**CAPITAL ONE BANK**  
 D.B. 11621, PG. 15  
 D.B. 24242, PG. 1353

EX. 15' CITY OF FALLS CHURCH WATERLINE EASEMENT  
 D.B. 14477 PG. 361

EX. INGRESS/EGRESS EASEMENT  
 D.B. 23900 PG. 418

EX. 10' CITY OF FALLS CHURCH WATERLINE EASEMENT  
 D.B. 23508 PG. 101R1

EX. 24' STORM DRAINAGE EASEMENT  
 D.B. 23900 PG. 418

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT AREA 'D'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT AREA 'E'

EX. F.C.N.A. ESMT.  
 D.B. 23113 PG. 1145

PERPETUAL STREET EASEMENT

EX. 10' SANITARY SEWER EASEMENT  
 D.B. 23400 PG. 418

EX. 10' VEP/CO EASEMENT  
 D.B. 2152 PG. 528

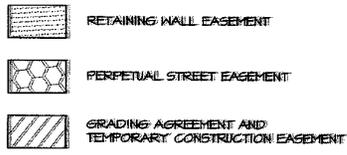
APPROX. LOC. EX. 15' CAP TELEPHONE COMPANY OF VIRGINIA ESMT.  
 D.B. 4503 PG. 442

EX. 50' RESTRICTIVE PLANTING ESMT. D.B. 23900 PG. 418  
 EX. STORM DRAINAGE ESMT. D.B. 23900 PG. 418

**NOTES:**

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- THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 024-4 (105) A2.

LINE TABLE					
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L2	N51°43'14"W	271.03'	L1R	S53°02'44"W	26.28'
L3	N83°18'21"E	25.84'	L20	N51°41'52"W	25.47'
L4	N24°12'51"E	4.01'	L22	N83°18'03"W	24.81'
L10	N52°16'22"W	24.61'	L28	S51°43'57"W	4.00'
L11	S37°52'24"W	4.91'	L24	N83°18'03"W	24.12'
L14	N64°38'51"W	6.08'	L30	S33°08'40"W	25.27'
L15	N51°41'30"W	11.84'	L31	N83°18'21"E	17.31'
L16	N51°41'32"W	45.93'	L32	N83°18'04"W	45.83'
L17	S33°08'40"W	20.82'	L33	N83°18'07"E	11.84'
L18	S53°16'03"E	24.46'			



**JONES BRANCH CONNECTOR**  
 PROJECT NUMBER:  
 FCDOT: AA1400043-13

**FAIRFAX COUNTY, VIRGINIA**  
 DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
 CAPITAL FACILITIES, LAND SURVEY BRANCH  
 12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING  
 RETAINING WALL EASEMENT, PERPETUAL STREET EASEMENT  
 AND  
 GRADING AGREEMENT AND  
 TEMPORARY CONSTRUCTION EASEMENT  
 THROUGH  
**PARCEL A WESTGATE INDUSTRIAL PARK**  
 D.B. 15421, PG. 834  
 PROPERTY BEING IN THE NAME OF  
**CAPITAL ONE BANK**  
 D.B. 11621, PG. 15  
 D.B. 24242, PG. 1353  
 PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 1 OF 2  
 SCALE: 1"=25' DATE: 04/06/16 DRAWN BY: TEB



PLAT PREPARED BY:  
 RICE ASSOCIATES  
 10661 GASKINS WAY  
 MANASSAS, VA 20104  
 703-468-3200  
 WWW.RICESURVEYS.COM



**AREA TABULATION**

RETAINING WALL EASEMENT	3125 SQ. FT.
PERPETUAL STREET EASEMENT	2,452 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT	AREA "A" 802 SQ. FT. AREA "B" 664 SQ. FT. AREA "C" 6624 SQ. FT. AREA "D" 695 SQ. FT. AREA "E" 261 SQ. FT. TOTAL 4,057 SQ. FT.

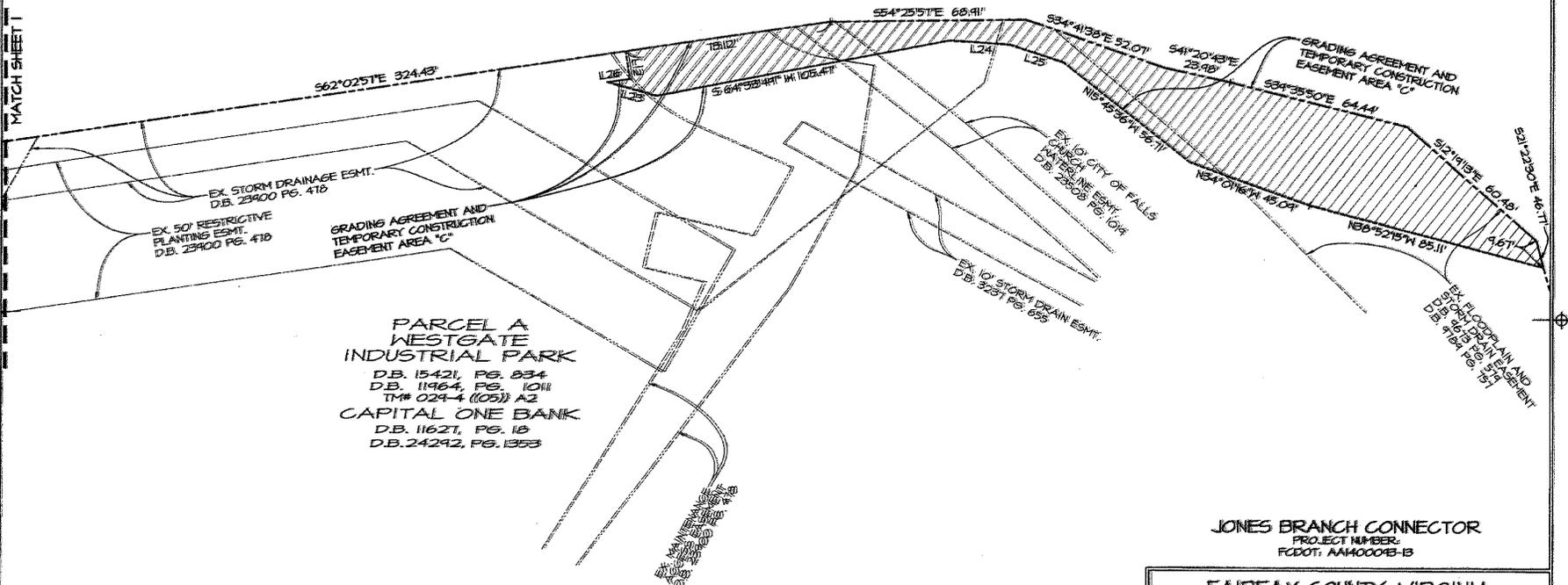
ATTACHMENT 7A

**SCOTTS CROSSING ROAD**

ROUTE 8201  
 VARIABLE WIDTH  
 D.B. 20915 PG. 568  
 D.B. 15421 PG. 825  
 D.B. 15421 PG. 834  
 D.B. 4614 PG. 822  
 D.B. 4613 PG. 540  
 D.B. 11112 PG. 1032  
 VDOT PROJ. #DT00-024-108, RH2011  
 D.B. 24242 PG. 1353

VDOT PROJ. #102-24-085

MATCH SHEET



**PARCEL A  
 WESTGATE  
 INDUSTRIAL PARK**  
 D.B. 15421, PG. 834  
 D.B. 11964, PG. 1011  
 TM# 024-4 ((05)) A2  
**CAPITAL ONE BANK**  
 D.B. 11621, PG. 18  
 D.B. 24242, PG. 1353

**JONES BRANCH CONNECTOR**  
 PROJECT NUMBER:  
 FCDOT: AAM0008-13

**FAIRFAX COUNTY, VIRGINIA**  
 DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
 CAPITAL FACILITIES, LAND SURVEY BRANCH  
 12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING  
 RETAINING WALL EASEMENT, PERPETUAL STREET EASEMENT  
 AND  
 GRADING AGREEMENT AND  
 TEMPORARY CONSTRUCTION  
 THROUGH  
**PARCEL A  
 WESTGATE INDUSTRIAL PARK**  
 D.B. 15421, PG. 834  
 PROPERTY BEING IN THE NAME OF  
**CAPITAL ONE BANK**  
 D.B. 11621, PG. 18  
 D.B. 24242, PG. 1353

PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 2 OF 2  
 SCALE: 1"=25' DATE: 04/06/16 DRAWN BY: TEB

LINE TABLE		
LINE	BEARING	LENGTH
L12	S21°5'10.8" W	10.00'
L23	N86°14'08.7" W	18.07'
L24	N44°42'06.7" W	21.32'
L25	N85°25.5" W	20.22'
L26	N62°02.5" W	8.14'

GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT



PLAT PREPARED BY:  
 RICE ASSOCIATES  
 10661 GASKINS WAY  
 MANASSAS, VA 20104  
 703-466-3200  
 WWW.RICESURVEYS.COM

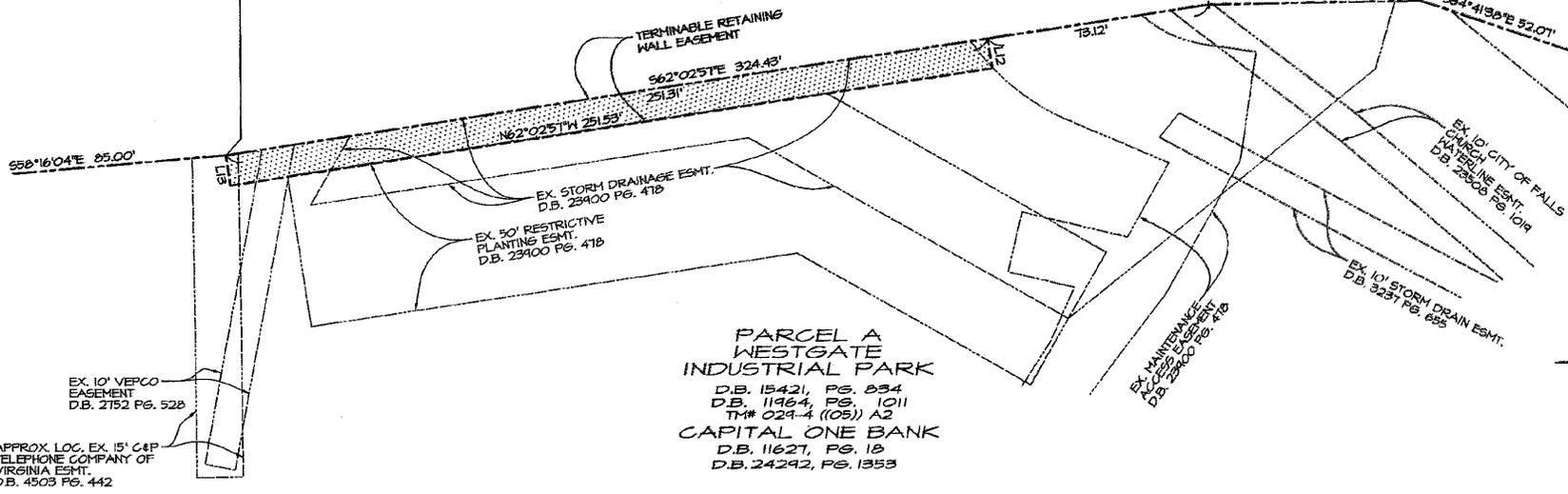
ATTACHMENT 7A

SCOTTS CROSSING ROAD

ROUTE 8201  
 VARIABLE WIDTH  
 D.B. 20515 PG. 568  
 D.B. 15421 PG. 825  
 D.B. 15421 PG. 834  
 D.B. 4674 PG. 622  
 D.B. 4678 PG. 540  
 D.B. 11112 PG. 1032  
 D.B. 24242 PG. 1353

VDOT PROJ. #102-30-085

510'± TO OLD SPRINGHOUSE ROAD



PARCEL A  
 WESTGATE  
 INDUSTRIAL PARK  
 D.B. 15421, PG. 834  
 D.B. 11964, PG. 1011  
 T.M. 024-4 ((05)) A2  
 CAPITAL ONE BANK  
 D.B. 11627, PG. 18  
 D.B. 24242, PG. 1353

EX. 10' VEP CO EASEMENT  
 D.B. 2152 PG. 52B  
 APPROX. LOC. EX. 15' C&P TELEPHONE COMPANY OF VIRGINIA ESMT.  
 D.B. 4503 PG. 442

EX. STORM DRAINAGE ESMT.  
 D.B. 23400 PG. 47B  
 EX. 50' RESTRICTIVE PLANTING ESMT.  
 D.B. 23400 PG. 47B

EX. MAINTENANCE ACCESS ESMT.  
 D.B. 23400 PG. 47B

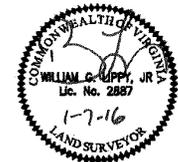
EX. 10' CITY OF FALLS CURBLINE ESMT. 10' D.B. 28008 PG. 19  
 EX. 10' STORM DRAIN ESMT. D.B. 3237 PG. 685

NOTES:

1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
2. THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.
3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
4. THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.
5. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 024-4 ((05)) A2.

JONES BRANCH CONNECTOR  
 PROJECT NUMBER:  
 PCDOT: AA1400048-13

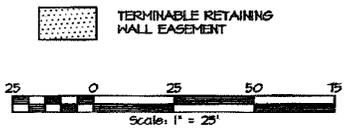
FAIRFAX COUNTY, VIRGINIA  
 DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
 CAPITAL FACILITIES, LAND SURVEY BRANCH  
 12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA



PLAT PREPARED BY:  
 RICE ASSOCIATES  
 10661 GASKINS WAY  
 MANASSAS, VA 20104  
 703-468-3200  
 WWW.RICESURVEYS.COM

PLAT SHOWING  
 TERMINABLE RETAINING WALL EASEMENT  
 THROUGH  
 PARCEL A  
 WESTGATE INDUSTRIAL PARK  
 D.B. 15421, PG. 834  
 PROPERTY BEING IN THE NAME OF  
 CAPITAL ONE BANK  
 D.B. 11627, PG. 18  
 D.B. 24242, PG. 1353

LINE TABLE		
LINE	BEARING	LENGTH
L12	S21°57'03\"W	10.00'
L13	N24°12'51\"E	10.00'



AREA TABULATION

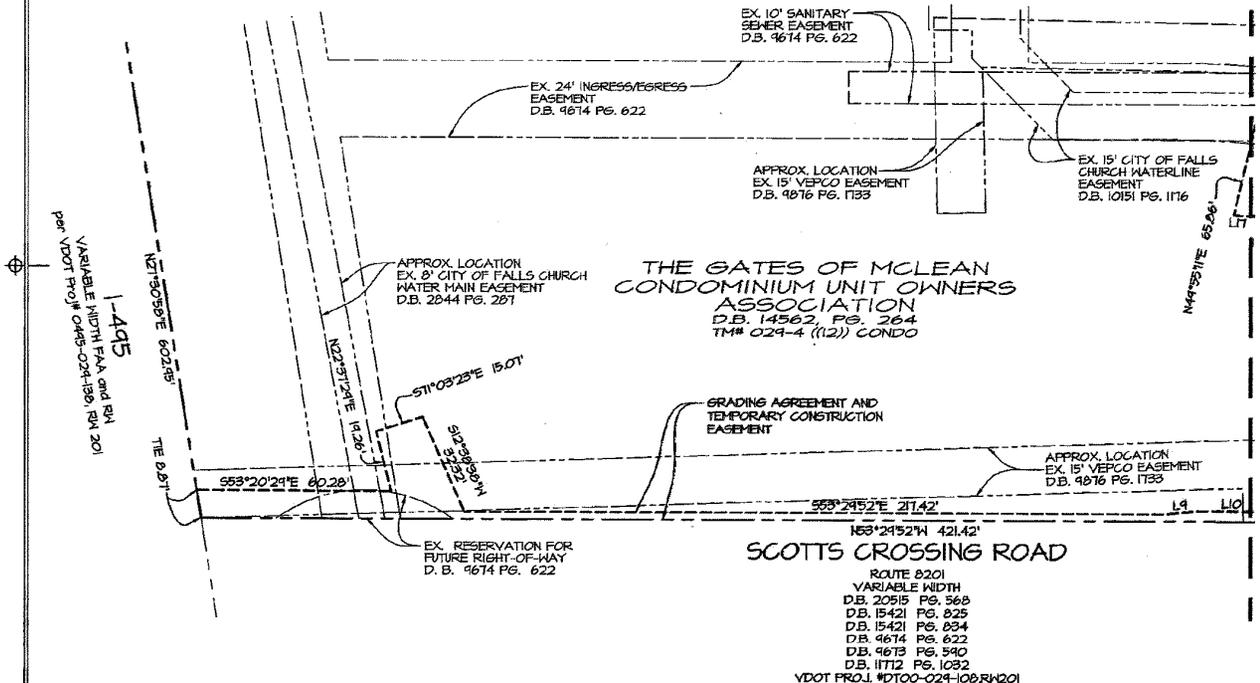
TERMINABLE RETAINING WALL EASEMENT 2515 SQ. FT.

PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1  
 SCALE: 1\"/>

ATTACHMENT 7B

LINE TABLE		
LINE	BEARING	LENGTH
L4	S58°21'11"E	11.53'
L10	S53°19'33"E	29.43'
L17	N50°35'24"W	16.25'

VDOT PROJ. #10100-024-108



- NOTES:**
1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
  2. THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.
  3. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
  4. PORTION OF EASEMENT WITHIN DEDICATION FOR PUBLIC STREET PURPOSES HEREBY VACATED.
  5. THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.
  6. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 024-4 (112) CONDO.

**JONES BRANCH CONNECTOR**

PROJECT NUMBER:  
FCDOT: AA1400093-13

**FAIRFAX COUNTY, VIRGINIA**  
DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES, LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING  
INGRESS/EGRESS EASEMENT  
AND  
GRADING AGREEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT  
AND  
VACATION OF INGRESS/EGRESS EASEMENT

THROUGH THE PROPERTY BEING  
**THE GATES OF MCLEAN  
CONDOMINIUM UNIT OWNERS ASSOCIATION**  
AS DECLARED AND RECORDED AT  
D.B. 14562, PG. 264

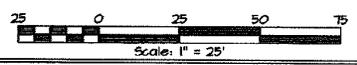
PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 1 OF 2

SCALE: 1"=25' DATE: 07/31/15 DRAWN BY: TEB

**AREA TABULATION**

INGRESS/EGRESS EASEMENT  
AREA "A" 12 SQ. FT.  
AREA "B" 455 SQ. FT.  
AREA "C" 2171 SQ. FT.  
TOTAL 3,084 SQ. FT.

GRADING AGREEMENT AND  
TEMPORARY CONSTRUCTION EASEMENT  
32,680 SQ. FT.



**SCOTTS CROSSING ROAD**

ROUTE 8201  
VARIABLE WIDTH  
D.B. 20515 PG. 568  
D.B. 15421 PG. 825  
D.B. 15421 PG. 834  
D.B. 9674 PG. 622  
D.B. 9673 PG. 540  
D.B. 11712 PG. 1032  
VDOT PROJ. #DT00-024-108/RW201

PLAT PREPARED BY:  
RICE ASSOCIATES  
10661 GASKINS WAY  
MANASSAS, VA 20109  
703-960-3200  
WWW.RICESURVEYS.COM

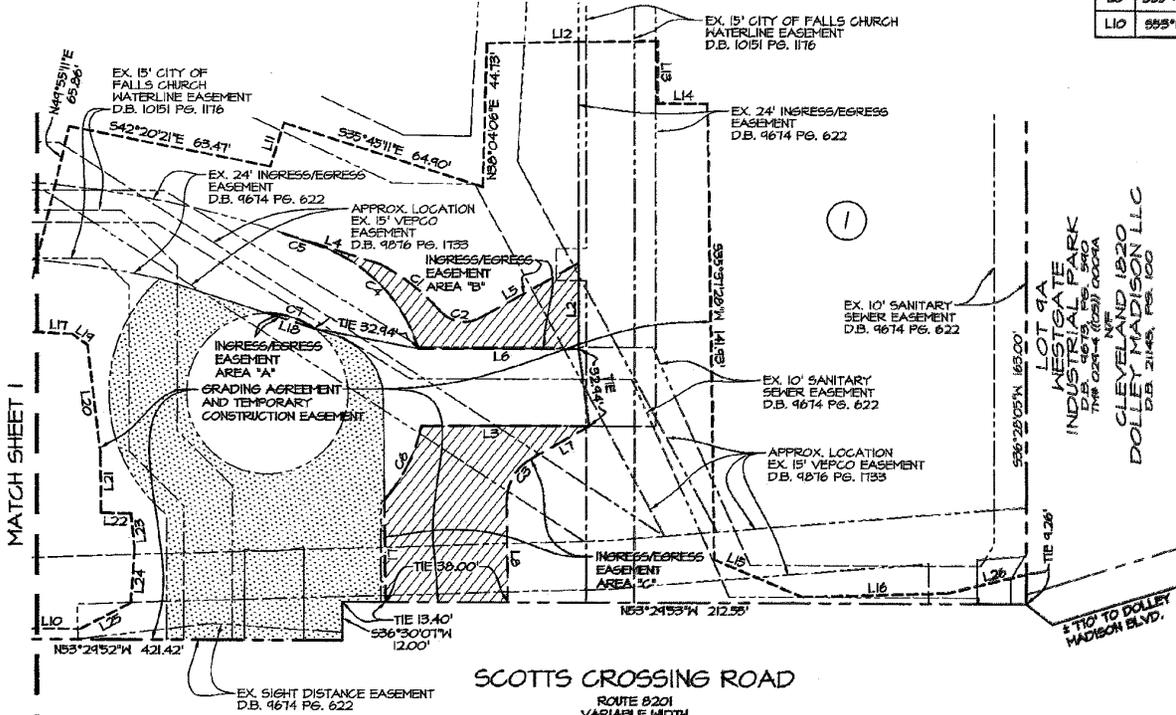


ATTACHMENT 8A

VDOT PROJ. #102-024-005

CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHD BRG	CHORD	DELTA
C1	63.00'	23.98'	12.14'	S15°28'19"W	23.84'	21°48'51"
C2	10.00'	13.61'	8.15'	S49°49'51"E	12.63'	78°19'48"
C3	15.00'	16.04'	8.88'	S66°25'42"W	15.29'	61°16'31"
C4	44.00'	48.48'	46.53'	S08°30'20"E	46.53'	56°41'15"
C5	312.00'	9.84'	4.92'	S84°04'54"E	9.84'	01°48'28"
C6	44.00'	25.85'	13.23'	N65°14'40"E	25.53'	50°18'24"
C7	25.00'	15.52'	8.02'	S35°32'52"E	15.21'	35°34'10"

LINE TABLE								
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N85°41'04"E	31.90'	L11	N54°14'44"E	14.20'	L4	N71°20'25"W	5.87'
L2	N56°24'01"E	26.98'	L12	S54°22'32"E	53.04'	L20	N24°34'11"E	34.26'
L3	S55°38'03"E	52.83'	L13	S56°24'44"W	19.48'	L21	N85°41'04"E	18.14'
L4	S35°45'11"E	31.71'	L14	S52°26'38"E	15.54'	L22	N52°02'27"W	4.22'
L5	S62°53'51"E	35.28'	L15	S50°43'23"E	24.69'	L23	N50°25'44"E	10.42'
L6	S53°38'33"E	44.98'	L16	S55°04'33"E	44.98'	L24	N40°26'57"E	16.40'
L7	N62°56'03"W	20.70'	L17	N50°35'24"W	16.25'	L25	S61°05'51"E	17.78'
L8	S35°41'26"W	31.24'	L18	S33°32'32"E	13.21'	L26	S67°08'36"E	25.30'
L10	S55°14'33"E	24.48'						



①  
**THE GATES OF MCLEAN CONDOMINIUM UNIT OWNERS ASSOCIATION**  
 D.B. 14582 PG. 264  
 T.M. 024-4 (112) CONDO

**JONES BRANCH CONNECTOR**  
 PROJECT NUMBER:  
 PGDOT. AA140093-13

**FAIRFAX COUNTY, VIRGINIA**  
 DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
 CAPITAL FACILITIES, LAND SURVEY BRANCH  
 12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

PLAT SHOWING  
 INGRESS/EGRESS EASEMENT  
 AND  
 GRADING AGREEMENT AND  
 TEMPORARY CONSTRUCTION EASEMENT  
 AND  
 VACATION OF INGRESS/EGRESS EASEMENT

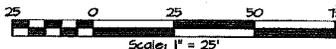
THROUGH THE PROPERTY BEING  
**THE GATES OF MCLEAN CONDOMINIUM UNIT OWNERS ASSOCIATION**  
 AS DECLARED AND RECORDED AT  
 D.B. 14582, PG. 264

PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 2 OF 2  
 SCALE: 1"=25' DATE: 07/31/15 DRAWN BY: TED

**SCOTTS CROSSING ROAD**  
 ROUTE 8201  
 VARIABLE WIDTH  
 D.B. 20315 PG. 569  
 D.B. 15421 PG. 825  
 D.B. 1542 PG. 834  
 D.B. 4674 PG. 622  
 D.B. 4673 PG. 540  
 D.B. 1172 PG. 1032  
 VDOT PROJ. #100-024-108/RK201

PORTION OF EXISTING INGRESS/EGRESS EASEMENT  
 D.B. 4674 PG. 622  
 HEREBY VACATED

INGRESS/EGRESS EASEMENT

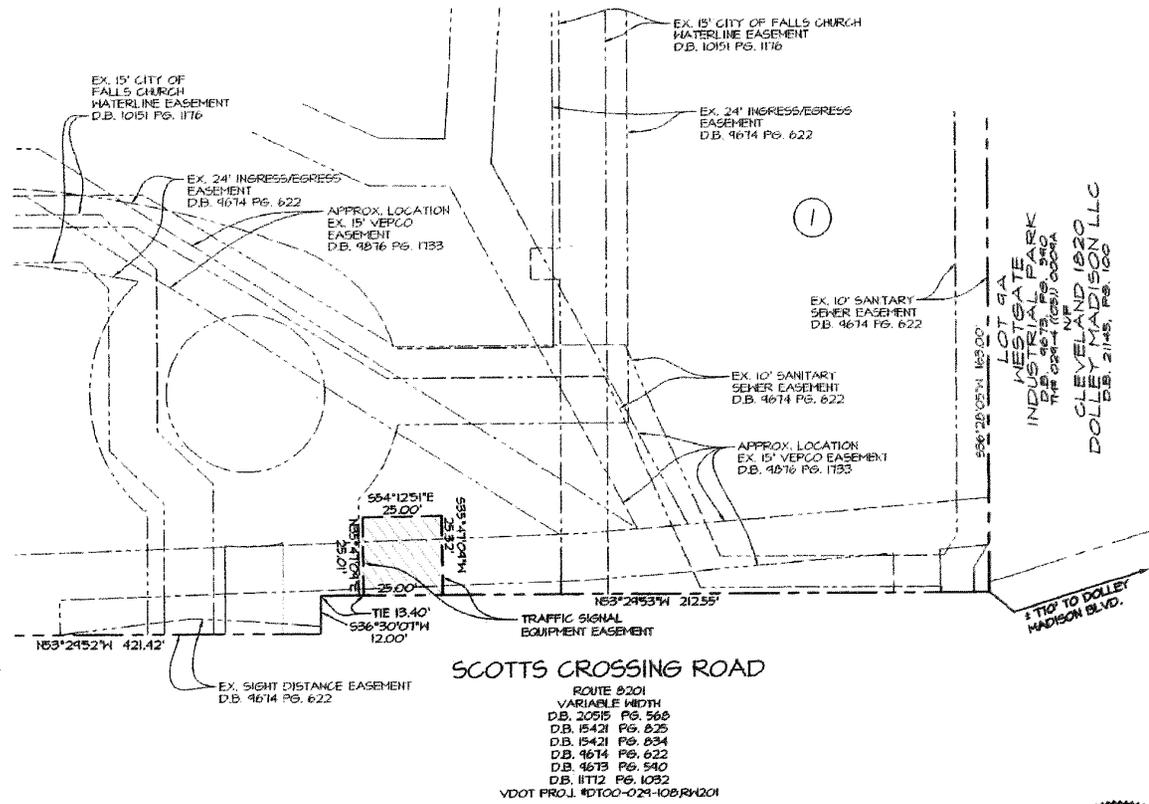


PLAT PREPARED BY:  
 RICE ASSOCIATES  
 10661 GASKING HAY  
 MANASSAS, VA 20109  
 703-468-3200  
 WWW.RICESURVEYS.COM



ATTACHMENT 8A

①  
**THE GATES OF MCLEAN  
 CONDOMINIUM UNIT OWNERS  
 ASSOCIATION**  
 D.B. 14562, PG. 264  
 T.M. 029-4 (112) CONDO



- NOTES:**
1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
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  5. THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 029-4 (112) CONDO.

**JONES BRANCH CONNECTOR**

PROJECT NUMBER:  
 FCDOT: AA1400093-13

**FAIRFAX COUNTY, VIRGINIA**  
 DEPT. OF PUBLIC WORKS & ENVIRONMENTAL SERVICES  
 CAPITAL FACILITIES, LAND SURVEY BRANCH  
 12000 GOVERNMENT CENTER PKWY, FAIRFAX, VIRGINIA

FLAT SHOWING  
 TRAFFIC SIGNAL EQUIPMENT EASEMENT

THROUGH THE PROPERTY BEING  
**THE GATES OF MCLEAN  
 CONDOMINIUM UNIT OWNERS ASSOCIATION**  
 AS DECLARED AND RECORDED AT  
 D.B. 14562, PG. 264

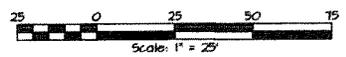
PROVIDENCE DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1

SCALE: 1"=25' DATE: 07/31/15 DRAIN BY: TEB

TRAFFIC SIGNAL EQUIPMENT EASEMENT

**AREA TABULATION**

TRAFFIC SIGNAL EQUIPMENT EASEMENT 629 SQ. FT.



PLAT PREPARED BY:  
 RICE ASSOCIATES  
 10661 GASKINS WAY  
 MANASSAS, VA 20109  
 703-468-3200  
 WWW.RICESURVEYS.COM

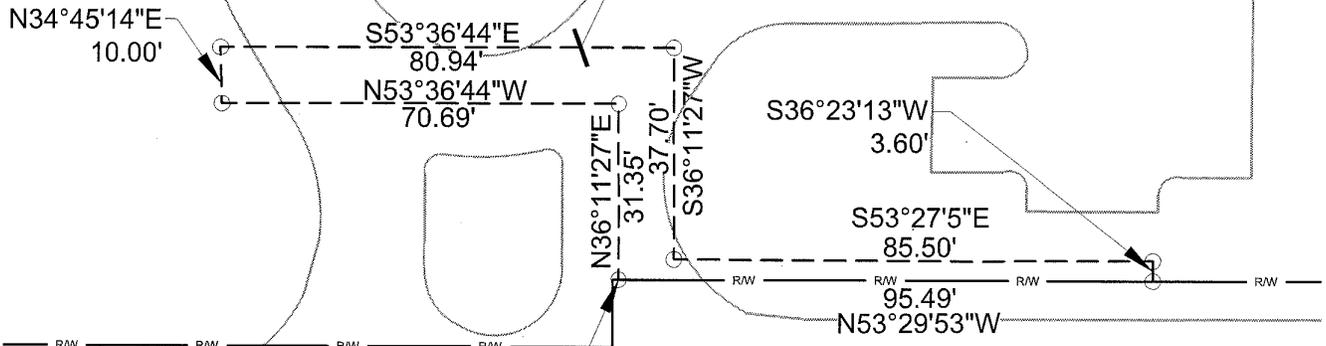


ATTACHMENT 8B

THE GATES OF MCLEAN  
 CONDOMINIUM UNIT OWNERS  
 ASSOCIATION  
 D.B. 14562, PG. 264  
 TM# 029-4 ((12)) CONDO

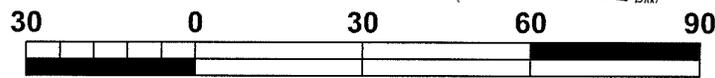
**SPRING GATE DR**

**PROPOSED  
 WGL EASEMENT  
 1,432.05 SQ. FT.**



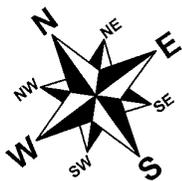
**SCOTTS CROSSING RD  
 (RT 3543)**

POB



1 INCH = 30 FEET

**WGL EASEMENT  
 AGREEMENT**



**Washington  
 Gas**

PROJECT:  
**BCA# 177240  
 JONES BRANCH  
 CONNECTOR**

DATE: **05-10-2016**

EASEMENT DRAFTER INITIALS:  
**(ENE) AC**

ADMINISTRATIVE – 10

Authorization for the Fairfax-Falls Church Community Services Board to Apply for and Accept Funding from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for a Justice and Mental Health Collaboration Program Grant

ISSUE:

Board authorization for the Fairfax-Falls Church Community Services Board (CSB) to apply for and accept grant funding, if received, from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) to fund the Justice and Mental Health Collaboration Program. If awarded, grant funding of \$250,000 over two years will support 1/1.0 FTE new grant Management Analyst III position to develop system-wide policies and practices for collecting, using, sharing and reporting data related to individuals with mental illnesses or co-occurring mental health and substance abuse disorders who come into contact with the justice system. The grant period is October 1, 2016 to September 20, 2018. A required local match of 20 percent will be met with in-kind resources. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board authorize the CSB to apply for and accept funding, if received, from BJA for the Justice and Mental Health Collaboration Program. Federal funding of \$250,000 over two years will support 1/1.0 FTE new grant position to develop and manage a system-wide data collection and reporting effort for Fairfax County's Diversion First initiative. A required local match of 20 percent will be met with in-kind resources.

TIMING:

Board action is requested on May 17, 2016, as the application is due on May 17, 2016.

BACKGROUND:

The Justice and Mental Health Collaboration Program supports innovative cross-system collaboration to serve individuals with mental illnesses or co-occurring mental health and substance abuse disorders who come into contact with the justice system. BJA seeks to fund projects to facilitate collaboration among the criminal justice and mental health and substance abuse treatment systems to increase access to mental health and other treatment services for this population. BJA's focus on and investment in such system-wide enhancements include support for the Stepping Up Initiative, a national

Board Agenda Item  
May 17, 2016

initiative, including Fairfax County, to reduce the number of people with mental illnesses and co-occurring mental health and substance abuse disorders in jails. Funding will support 1/1.0 FTE new grant Management Analyst III position to develop and manage a system-wide data collection and reporting effort for Fairfax County's Diversion First initiative, including outcome reporting. This proposal seeks to expand and diversify funding for Fairfax County's Diversion First efforts.

FISCAL IMPACT:

Grant funding in the amount of \$250,000 is being requested from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance to fund the Justice and Mental Health Collaboration Program. A required local match of 20 percent will be met with in-kind resources. This grant does allow for the recovery of indirect costs; however, because of the highly competitive nature of the award, the CSB did not include indirect costs as part of the application. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards.

CREATION OF NEW POSITIONS:

There is 1/1.0 FTE new grant position is associated with this award. The County is under no obligation to continue funding this position when the grant funding expires.

ENCLOSED DOCUMENTS:

Attachment 1: Summary of Grant Proposal

STAFF:

Patricia Harrison, Deputy County Executive  
Dave Rohrer, Deputy County Executive  
Tisha Deeghan, Executive Director, Fairfax-Falls Church Community Services Board  
Laura Yager, Director Integrated Systems, Fairfax-Falls Church Community Services Board

**Justice and Mental Health Collaboration Program  
Summary of Grant Proposal**

Please note: the actual grant application is not yet complete; therefore, this summary has been provided detailing the specifics of this application.

<b>Grant Title:</b>	Justice and Mental Health Collaboration Program
<b>Funding Agency:</b>	U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance
<b>Applicant:</b>	Fairfax-Falls Church Community Services Board (CSB)
<b>Funding Amount:</b>	Federal funding of \$250,000; a required local match of 20 percent will be met with in-kind resources.
<b>Proposed Use of Funds:</b>	This grant project will support the development of cross system policies and practices for the use of data and how it can be shared across systems to facilitate analysis and help track progress, measure prevalence rates, utilize evidence-based screening and assessment tools, supporting efforts to report on outcomes. It will also review existing policies and practices for using risk and need assessment tools to enhance diversion opportunities throughout our law enforcement, justice, and CSB systems. A 1/1.0 FTE Management Analyst III grant position will be established to manage the cross system policy and practice efforts including data collection, development of prevalence measures and rates across systems, complete data analysis, assure data sharing protocol development, and support outcome reporting.
<b>Performance Measures:</b>	<ol style="list-style-type: none"> <li>1- Establishment of a cross systems data work group and a Management Analyst III position to manage this effort.</li> <li>2- Development of policies and practices to support this effort and help sustain change after the funding period ends.</li> <li>3- Utilize evidence-based assessment and screening tools across multiple systems that will identify mental illness, assess risk and need, and help support decision-making across systems.</li> <li>4- Develop data-sharing protocols to assure timely exchange of information and other data related to Diversion efforts.</li> <li>5- Assure tracking systems developed and utilized to obtain relevant data related to this process.</li> <li>6- Develop process to identify service utilizers across system to refine approaches to meeting their unique needs.</li> </ol>
<b>Grant Period:</b>	October 1, 2016 – September 20, 2018

ADMINISTRATIVE – 11

Authorization for the Health Department to Apply for and Accept Grant Funding from the Virginia Department of Health to Expand Latent Tuberculosis Testing and Treatment

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Health Department to apply for and accept grant funding, if received, from the Virginia Department of Health (VDH) in the amount of \$465,000. The VDH is applying for a federal Centers for Disease Control and Prevention (CDC) grant to expand latent tuberculosis (TB) testing and treatment to high risk communities, and Fairfax County has been asked to participate in the state's application as a sub-grantee via a Memorandum of Agreement (MOA) to administer the program in the community. Funding will support a program to provide testing, treatment, and treatment adherence management to several ethnic communities in the County that experience a disproportionate morbidity of TB disease. The grant period is August 16, 2016 through August 15, 2017, with two annually appropriated renewals for a total grant period of three years. Funding will support 1/1.0 FTE new grant position. If the program is successful, the Health Department plans to continue to support and maintain the program and associated position in the General Fund through realignment of existing resources to integrate the program into its current TB services. Additional General Fund resources will not be requested once grant funding has expired. There is no Local Cash Match associated with this award. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Health Department to apply for and accept grant funding, if received, from the VDH as a sub-grantee of federal CDC funding. Funding in the amount of \$465,000 will support a program to provide testing, treatment, and treatment adherence management to several ethnic communities in the County that experience a disproportionate morbidity of TB disease. There is 1/1.0 FTE new grant position associated with this award. There is no Local Cash Match required.

TIMING:

Board action is requested on May 17, 2016. Due to an application deadline of May 4, 2016, the application was submitted pending Board approval. This Board item is being presented at the earliest subsequent Board meeting. If the Board does not approve this request, the application will be immediately withdrawn.

BACKGROUND:

The incidence of TB disease in the United States has leveled off, but the rate of decline has stalled. It is becoming apparent that current public health measures aimed at preventing the spread of the disease have been effective, however, new strategies are needed to address the cause of the disease. Thus, a focus on treatment of Latent TB infection (LTBI) is emerging as a priority for reducing and eliminating active TB disease worldwide. LTBI occurs when a person is exposed to TB germ, but does not develop the actual disease, meaning they do not have signs or symptoms of disease, nor radiological or bacteriologic evidence of TB. These infected individuals remain at risk for developing active disease in the future, and in some cases, become contagious. Treatment for latent TB disease is shorter in duration than treatment for active disease, and can eliminate the risk of developing illness and spreading disease.

Targeted testing is one of the CDC's key strategies for controlling and preventing TB disease. In targeted testing, data is used to determine which specific populations are most at risk for developing active disease, or in which there is a high prevalence of latent disease. Targeted testing differs from unfocused population-based testing in that only those at highest risk are tested and recommended for treatment. It is more cost-effective and reduces unnecessary testing and treatment.

Several barriers to testing and treatment for latent disease have been identified. These include the stigmatization of TB disease, fear of medication side effects, inconvenience, and lack of acceptance of latent TB diagnosis. These barriers have inhibited individuals from completing LTBI treatment, and undermined the efforts to reduce the incidence of disease. Targeted testing and treatment aims to reduce these barriers.

The focus on targeted testing as a strategy to reduce TB disease has led to a funding opportunity for targeted testing programs. While the funding opportunity is limited to state and local entities that are currently funded by CDC cooperative agreements, the Virginia Department of Health has expressed interest in partnering with Fairfax County on a proposal.

The incidence of TB in Fairfax County is substantial, with one third of all TB cases in the Commonwealth of Virginia occurring in Fairfax residents. The County's ethnically diverse population contributes to this statistic, as about 60 percent of cases nationwide occur in foreign-born individuals. Many of the individuals with active TB disease in Fairfax County are from countries where TB is still endemic. Therefore, Fairfax County has ample evidence of the need for programs to enhance LTBI treatment.

In its proposal for the innovative program to provide testing and treatment for LTBI, the Health Department and the VDH have created a three-part strategy. The strategy includes targeted testing of ethnic communities with very high rates of TB disease, and provision of culturally appropriate outreach and community partnerships. This strategy builds on the Health Department's current work to promote public health practices through partnerships with certain ethnic communities. Testing for the targeted

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population will be at no-cost, and provided in health department clinics and in the community. The second part is provision of no-cost treatment, using a newer treatment regimen that takes far less time to complete than traditional regimens. The final part is assurance of treatment completion by providing comprehensive nurse case management for clients, incentives for treatment completion, and a culturally centered clinic model. Each part of the strategy is evidence-based, and designed to meet goals of testing and treatment.

The Health Department is proposing the creation of 1/1.0 FTE new Management Analyst II grant position that will serve as the project manager, coordinate day-to-day activities of the program, and provide guidance and support to program staff. Benefits eligible staff will be utilized to carry out the functions of the program.

FISCAL IMPACT:

Grant Funding in the amount of \$465,000 is being requested to support a program to provide testing, treatment, and treatment adherence management to several ethnic communities in the County that experience a disproportionate morbidity of TB disease. There is no Local Cash Match required to accept this award. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards. This grant does allow the recovery of indirect costs and the Health Department anticipates that the County will recover \$53,475 in indirect costs for this grant.

CREATION OF NEW POSITIONS:

There is 1/1.0 FTE new grant position is associated with this award. The County is under no obligation to continue funding this position when the grant funding expires.

ENCLOSED DOCUMENTS:

Attachment 1- Summary of Grant Proposal

STAFF:

Gloria Addo-Ayensu, MD, MPH, Health Director  
Rosalyn Foroobar, Deputy Director for Health Services  
Michelle Milgrim, Director, Patient Care Services  
Katherine Brewer, Assistant Director, Patient Care Services  
Sherryn Craig, Health Planner

**Expansion of Latent Tuberculosis Testing and Treatment  
Summary of Grant Proposal**

<b>Grant Title:</b>	A Program to Expand Latent Tuberculosis Testing and Treatment to High-Risk Communities
<b>Funding Agency:</b>	Virginia Department of Health (VDH)
<b>Funding Amount:</b>	\$465,000
<b>Proposed Use of Funds:</b>	<p>The incidence of TB in Fairfax County is substantial, with one third of all TB cases in the state of Virginia occurring in Fairfax residents. The County's ethnically diverse population contributes to this statistic, as about 60 percent of cases nationwide occur in foreign-born individuals. The Fairfax County Health Department is proposing to provide access to targeted testing and clinical evaluation services for at least 2,500 foreign-born individuals per year, and identify and remove barriers to increase capacity at the community level for acceptance of TB testing, treatment, and completion of treatment among high-risk communities. Stigmatization of TB disease, fear of medications, and lack of acceptance of latent TB diagnosis are some of the barriers that have been identified to effectively providing treatment and testing. The Health Department and the VDH have designed an evidence-based, culturally-centered clinical model to provide less invasive, no-cost treatments and case management to break down these barriers and ensure that more patients complete treatment regimens. Using targeted testing for treatment of high-risk communities is a more cost-effective method than unfocused population-based testing and reduces unnecessary treatment.</p>
<b>Performance Measures:</b>	<p>Performance will be measured using the following outcome measures:</p> <ul style="list-style-type: none"> <li>• 90 percent of providers receiving targeted education and outreach will report an increase in knowledge of LTBI prevalence in patient population</li> <li>• Number of individuals being tested, who do so as a result of provider recommendation, will increase 10 percent per year over year-one baseline</li> <li>• Number of individuals who seek testing as a result of outreach activities will increase 10 percent per year over year-one baseline</li> <li>• 2,500 individuals from the target population will be tested annually</li> <li>• 90 percent of individuals testing positive will opt for LTBI treatment</li> <li>• 80 percent of clients will complete treatment in the appropriate treatment regimen time frame</li> <li>• 20 percent reduction per year in TB case rate of foreign-born individuals in Fairfax Health District, after year one of project</li> <li>• Measurement of cost effectiveness of program (costs to the health department for care of TB disease vs. LTBI treatment)</li> </ul>
<b>Grant Period:</b>	August 16, 2016 – August 15, 2017, with two annually appropriated renewals, for a total grant period of three years.

ADMINISTRATIVE - 12

Authorization to Advertise Public Hearings on a Proposed Zoning Ordinance  
Amendment Re: Approval Process for Monopoles and Towers

ISSUE:

The proposed amendment has been requested by the Board of Supervisors (Board) and is in response to House Bill 883 which was adopted by the 2016 Virginia General Assembly with an effective date of July 1, 2016. This legislation provides that telecommunications towers and monopoles located in a zoning district that allows such facilities by right, shall be deemed to be substantially in accord with the County's Comprehensive Plan and Planning Commission approval under §15.2-2232 of the *Code of Virginia* (2232 Review) shall not be required. Currently monopoles and towers up to 199 feet in height are permitted by right in certain zoning districts when specific standards are met, and monopoles up to 199 feet in height are allowed by right in all zoning districts when located in major utility easements or on County owned and controlled properties when certain standards are met. Given that such facilities can have adverse impacts on surrounding properties, an amendment is proposed that would require all mobile and land based telecommunication monopoles and towers to be subject to special exception approval from the Board.

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 May 17, 2016, to provide sufficient time to advertise the proposed Planning Commission public hearing on June 15, 2016, at 8:15 p.m., and the proposed Board public hearing on June 21, 2016, at 3:30 p.m.

BACKGROUND:

House Bill 883 pertains to the approval process for telecommunication towers and monopoles and stipulates that when these facilities are located in a zoning district where such facilities are permitted by right the telecommunications tower shall be deemed to be substantially in accord with the Comprehensive Plan and Planning Commission approval under §15.2-2232 of the *Code of Virginia* (2232 Review) shall not be required. The new state code provisions eliminate the current 2232 Review process for monopoles and towers that are permitted by right in the Zoning Ordinance. Given

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that monopoles and towers can have adverse impacts on adjacent properties, particularly at a height of 199 feet, and in response to House Bill 883, the proposed Zoning Ordinance amendment would require special exception approval by the Board prior to the installation of all monopoles and telecommunication towers in lieu of the current Zoning Ordinance provisions which allow monopoles and towers by right in certain zoning districts and monopoles by right in all zoning districts when located in major utility easements or on County owned and controlled properties, and when all applicable zoning regulations are met. If the proposed amendment is adopted, all monopoles and towers would continue to require 2232 Reviews and would be subject to the expedited timelines associated with such reviews.

The proposed Zoning Ordinance Amendment does the following:

- 1) Deletes Paragraphs 3 and 4 of Sect. 2-514, thereby requiring special exception approval from the Board of Supervisors prior to the installation of any mobile and land based telecommunications monopole or tower.
- 2) Adds a new telecommunications facility definition which states that such facilities process information through the use of telecommunication, including telegraph or telephone central offices and repeat stations. A telecommunication facility shall not include a mobile and land based telecommunication facility, a radio and television broadcasting tower facility, microwave facility or a satellite earth station.
- 3) Clarifies that mobile and land based telecommunication facilities include those facilities that are subject to Sect. 2-514 of the Zoning Ordinance and Va. Code Sect. 15.2-2232, including monopoles and telecommunications towers.
- 4) Revises the cross references in Par. 5 of Sect. 2-514 to reflect the renumbered paragraphs that have resulted from the deletion of Paragraphs 3 and 4.

In the future, it may be appropriate to consider allowing certain monopoles and tower by right in certain situations with a maximum height that is greatly reduced from 199 feet and/or with minimum setbacks from all property lines. Historically, staff has worked closely with both the telecommunication facility industry as well as citizens in developing the mobile and land based telecommunication zoning and Comprehensive Plan provisions, and it is anticipated that staff will work closely with the Planning Commission and interested stakeholders in the development of any future by right provisions for telecommunications monopoles and towers.

A more detailed discussion of the proposed amendment is set forth in the Staff Report enclosed as Attachment 2.

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REGULATORY IMPACT:

The proposed Zoning Ordinance would require special exception approval by the Board for all telecommunications monopoles and towers. Currently monopoles and towers up to 199 feet in height in certain locations are permitted by right, when certain standards are met. In addition, all telecommunications monopoles and towers would still be subject to the Planning Commission review under §15.2-2232 of the *Code of Virginia*. The 2232 Review and special exception processes would be conducted concurrently and the review timelines required by §15.2-2232, among others, must still be met.

FISCAL IMPACT:

The special exception requirement for the establishment of all monopoles and towers will cost the monopole and tower providers the special exception application filing fee, which currently is \$16,375. There has been and will continue to be no application filing fee for the Planning Commission 2232 Review. Since 2012, there have been approximately two monopoles and towers each year that have received Planning Commission approval under §15.2-2232 of the *Code of Virginia* and had met the by right conditions under the Zoning Ordinance. Therefore, it would appear that there will be a minimal increase in the staff work load with the additional special exception application requirements for all monopoles and towers.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution  
Attachment 2 – Staff Report

STAFF:

Robert A. Stalzer, Deputy County Executive  
Fred Selden, Director, Department of Planning and Zoning (DPZ)  
Leslie B. Johnson, Zoning Administrator, DPZ  
Lorrie Kirst, Senior Deputy Zoning Administrator, DPZ

**RESOLUTION**

At a regular meeting of the Board of Supervisors of Fairfax County, held in the Board Auditorium in the Government Center Building, Fairfax, Virginia, on May 17, 2016, at which meeting a quorum was present and the following resolution was adopted:

WHEREAS, the 2016 Virginia General Assembly adopted House Bill 883 with an effective date of July 1, 2016, and House Bill 883 requires that when telecommunication towers and facilities are located in a zoning district where such facilities are permitted by right, the telecommunications tower shall be deemed to be substantially in accord with the Comprehensive Plan and Planning Commission approval under §15.2-2232 of the *Code of Virginia* (2232 Review) shall not be required;

WHEREAS, under the current Zoning Ordinance, monopoles and towers up to 199 feet in height are permitted by right at certain zoning districts, provided that certain standards are met, and it is believed that such monopoles and towers could have adverse impacts on adjacent properties;

WHEREAS, it may be appropriate to amend the Zoning Ordinance to require that the installation of all mobile and land based telecommunication monopoles and towers receive special exception approval from the Board of Supervisors, and thereby continuing to require 2232 Review by the Planning Commission;

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:

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Catherine A. Chianese  
Clerk to the Board of Supervisors



**FAIRFAX  
COUNTY**

ATTACHMENT 2

**STAFF REPORT**

V I R G I N I A

**PROPOSED ZONING ORDINANCE AMENDMENT**

Approval Process for Monopoles and Towers

**PUBLIC HEARING DATES**

**Planning Commission**

June 15, 2016 at 8:15 p.m.

**Board of Supervisors**

June 21, 2016 at 3:30 p.m.

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

May 17, 2016

LK



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 has been requested by the Board of Supervisors and is in response to House Bill 883 which was adopted by the 2016 Virginia General Assembly with an effective date of July 1, 2016. House Bill 883 (see Attachment A) pertains to the approval process for telecommunication towers and stipulates that when telecommunication towers are located in a zoning district where they are permitted by right, the telecommunication tower shall be deemed to be substantially in accord with the Comprehensive Plan and Planning Commission approval under §15.2-2232 of the *Code of Virginia* (2232 Review) shall not be required. Given that monopoles and towers can have adverse impacts on adjacent properties, it is appropriate to have staff analysis and Planning Commission review (including in some cases a public hearing to allow citizen input) prior to approval and the installation of such structures. The new State Code provisions eliminate the 2232 Review process for monopoles and towers that are permitted by right in the Zoning Ordinance. To ensure that there is still a staff review and some sort of legislative consideration, the proposed Zoning Ordinance amendment would require special exception approval by the Board of Supervisors prior to the installation of any monopole or telecommunication tower. This would be in lieu of the current Zoning Ordinance provisions which allow monopoles and towers to be permitted by right at certain locations and when all applicable zoning regulations are met. If the proposed amendment is adopted, all monopoles and towers would continue to be reviewed through the 2232 Review process which would run concurrently with the special exception application.

### **Background**

The County's 2232 Review process is mandated by §15.2-2232 of the *Code of Virginia* which provides for a review by the Planning Commission of all public facility, public utility and public service corporation proposals to determine if their general location, character and extent are substantially in accordance with the County's adopted Comprehensive Plan. Prior to the effective date of House Bill 883 on July 1, 2016, all new telecommunication towers and monopoles required a 2232 Review by staff and the Planning Commission irrespective of the approval process required for such structure under the Zoning Ordinance. Under the County's 2232 Review process, all proposed monopoles and towers are submitted to the County as a 2232 Review application and are reviewed based on the adopted policies for Mobile and Land-Based Telecommunications Services as set forth in the Public Facilities section of the Policy Plan volume of the Comprehensive Plan. A basic requirement of any such proposal is that it meets all Zoning Ordinance requirements. Thus upon receipt of a 2232 Review application for a monopole or tower, staff determines its compliance with the Zoning Ordinance. In addition, staff reviews the proposal to determine whether it substantially conforms to the Mobile and Land Based Telecommunication Policy in the Comprehensive Plan.

The zoning regulations pertaining to mobile and land based telecommunication facilities, including monopoles and towers, as uses permitted by right, are set forth in Sect. 2-514 of the Zoning Ordinance. This section sets forth limitations on the location, size, dimensions, color, illumination and screening of mobile and land based telecommunication facilities. If any of the provisions of Sect. 2-514 are not met, a special exception must be granted by the Board of Supervisors prior to

the installation of the facility. Par. 3 of Sect. 2-514 deals specifically with monopoles, and Par. 4 of Sect. 2-514 addresses towers.

Mobile and land based telecommunication facilities, monopoles and towers are defined in Article 20 of the Zoning Ordinance as follows:

**MOBILE AND LAND BASED TELECOMMUNICATION FACILITY:**

Omnidirectional and directional antennas such as whip antennas, panel antennas, cylinder antennas, microwave dishes, and receive-only satellite dishes and related equipment for wireless transmission with low wattage transmitters not to exceed 500 watts, from a sender to one or more receivers, such as for mobile cellular telephones and mobile radio system facilities. For the purposes of this Ordinance, a mobile and land based telecommunication facility shall include a mobile and land based telecommunication hub site.

**MONOPOLE:** A single, ground-mounted, self-supporting pole-type structure, tapering from base to top and supporting a fixture designed to hold one or more antennas. Under the Zoning Ordinance, any treepole, flagpole, bell tower, clock tower, windmill or other similar ground-mounted, self-supporting structure that is designed to disguise antennas and their support structures shall also be deemed to be a monopole, however a monopole shall not be deemed to be a transmission tower.

**TRANSMISSION TOWER:** A lattice-type structure, guyed or self-supporting, used to support antennas or other utility equipment. Also called a communications tower, radio tower or utility tower.

Monopoles are permitted by right in:

- (1) All commercial zoning districts, in the I-1 through I-6 Districts, and commercial areas of P districts;
- (2) Any zoning district when located in a utility transmission easement which is 90 feet or greater in width; and
- (3) Any zoning district on property owned or controlled by a public use or Fairfax County governmental unit.

Towers are permitted by right in the I-1 through I-6 Districts.

The height, minimum required yard, transitional screening and equipment cabinet/structure requirements are the same for monopoles and towers and are summarized in the following table.

<b>Height</b>	<b>Yards</b>	<b>Equipment Cabinets &amp; Structures</b>	<b>Transitional Screening</b>
Maximum height of 199', including antennas. However, the height of a tower/monopole, including antennas, cannot exceed 199' when located in a utility transmission easement with a width of 90' or more, provided that the height of the tower/monopole cannot exceed the height of the existing transmission towers by more than 30'.	Subject to the minimum yard requirements of the district in which located. However, not subject to the angle of bulk plane requirement. Towers/Monopoles located in a utility easement with a width of at least 90' or in a street right-of-way (ROW) must be located at least 20' from the easement or ROW line.	The equipment cabinet or structure cannot exceed 12' in height or 750 sq. ft. of gross floor area for each carrier. Equipment cabinets must meet the minimum yard requirements of the zoning district in which located. Equipment located in a utility easement of at least 90' in width or street ROW must be located at least 20' from the easement or ROW line.	Must meet the Zoning Ordinance transitional screening requirements. However, cabinets in a utility easement with a width of at least 90' or in road ROW must be screened by a solid evergreen hedge, fence, wall, or combination thereof, with a planted height of 4' and an ultimate height of 8'.

Prior to the enactment of House Bill 883, the location of monopoles and towers that were permitted by right in Paragraphs 3 and 4 were subject to 2232 Review and approval. As part of the 2232 Review, the location, character and extent of the proposed structure and its impact on adjacent properties were considered, including the height of the structure, the location of the structure on the property, the existence of trees or tall buildings which help block the view of the structure from adjoining properties, the proposed screening, and the use of stealth structures, such as a tree poles, flagpole or bell tower, to help disguise the structure. Although the Zoning Ordinance would allow for monopoles and structures up to 199 feet to be allowed by right in certain situations, the 2232 Review was the controlling process which allowed for staff analysis, citizen input and compatibility considerations by the Planning Commission. With the enactment of House Bill 883 and the current Zoning Ordinance provisions, there would no longer be a 2232 Review process for towers up to 199 feet in height in industrial districts and monopoles up to 199 feet in height in commercial and industrial districts, major utility easements in any zoning district, or on public property in any zoning district, such as parks and schools. It is staff's opinion that such towers and monopoles could have adverse impacts on surrounding areas, particularly on nearby residences. Staff believes that there should be a 2232 Review process for such structures and recommends that all towers and monopoles be subject to special exception approval which would allow staff to continue to use the 2232 Review process to evaluate request for telecommunications towers and monopoles subject to the timelines associated with such reviews.

In the future, it may be appropriate to consider allowing certain monopoles and tower by right in certain situations with a maximum height that is greatly reduced from 199 feet and/or with minimum setbacks from all property lines. Historically, staff has worked closely with the Planning Commission and the telecommunications facility industry (as well as citizens) in developing the regulations and process for reviewing mobile and land based telecommunications facilities. It is anticipated that staff will work closely with the Planning Commission and all stakeholders in the development of any future by right provisions for monopoles and towers.

### **Proposed Amendment**

The proposed Zoning Ordinance amendment would delete Paragraphs 3 and 4 of Sect. 2-514 in their entirety. The deletion of these paragraphs would result in all mobile and land based telecommunication monopoles and towers to require the Board's approval of a Category 1 Special Exception. The height, location, and design of monopoles and towers would be considered as part of the special exception approval process.

In order to clarify that monopoles and towers that are subject to §15.2-2232 of the *Code of Virginia* are deemed to be mobile and land based telecommunication facilities under the Zoning Ordinance, the mobile and land based telecommunications facility definition has been revised to clarify that such facilities are subject to the provisions of Sect. 2-514 and/or §15.2-2232 of the *Code of Virginia*, including monopoles and telecommunication towers. There is a separate telecommunication facility use in the Zoning Ordinance which is different from a mobile and land based telecommunication facility. Although telecommunication is defined in the Zoning Ordinance, a telecommunication facility is not defined. Therefore in order to more clearly distinguish between telecommunication uses, the following new telecommunications facility definition is being added:

TELECOMMUNICATION FACILITY: Facilities that process information through the use of TELECOMMUNICATION, including telephone or telegraph central offices and repeat stations. For the purposes of this Ordinance, a telecommunication facility shall not be deemed a MOBILE AND LAND BASED TELECOMMUNICATION FACILITY, a radio and television broadcasting tower facility, microwave facility or a SATELLITE EARTH STATION.

In addition, given the proposed deletion of Paragraphs 3 and 4 in Sect. 2-514, a cross reference in the previous Par. 5 of Sect. 2-514 must be revised to reflect the renumbered paragraphs.

### **Conclusion**

Given that House Bill 883 becomes effective on July 1, 2016 and would result in monopoles and towers that are permitted by right in the Zoning Ordinance to no longer require a staff and Planning Commission review under §15.2-2232 of the *Code of Virginia* and such monopoles and towers could be as tall as 199 feet in height and adversely impact adjacent properties, staff believes that the proposed amendment which would require special exception approval by the Board for all monopoles and towers is appropriate as it would have the effect of reinstating the 2232 Review process which has served Fairfax County well as a mechanism to review telecommunications monopoles and towers and implement the adopted telecommunications policies contained in our Comprehensive Plan. 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 May 17, 2016 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.*

1 **Amend Article 20, Ordinance Structure, Interpretations and Definitions, Part 3, Definitions,**  
 2 **by revising the Mobile and Land Based Telecommunication Facility definition and adding a**  
 3 **new Telecommunications Facility definition in its alphabetical order to read as follows:**

4  
 5 **MOBILE AND LAND BASED TELECOMMUNICATION FACILITY:** Omnidirectional and  
 6 directional antennas such as whip antennas, panel antennas, cylinder antennas, microwave dishes,  
 7 and receive-only satellite dishes and related equipment for wireless transmission with low wattage  
 8 transmitters not to exceed 500 watts, from a sender to one or more receivers, such as for mobile  
 9 cellular telephones and mobile radio system facilities. For the purposes of this Ordinance, a mobile  
 10 and land based telecommunication facility shall include those facilities subject to the provisions of  
 11 Sect. 2-514 of this Ordinance and/or Sect. 15.2-2232 of the Code of Virginia, including monopoles  
 12 and telecommunication towers a mobile and land based telecommunication hub site.

13  
 14 TELECOMMUNICATION FACILITY: Facilities that process information through the use of  
 15 TELECOMMUNICATION, including telephone or telegraph central offices and repeat stations.  
 16 For the purposes of this Ordinance, a telecommunication facility shall not be deemed a MOBILE  
 17 AND LAND BASED TELECOMMUNICATION FACILITY, a radio and television broadcasting  
 18 tower facility, microwave facility or a SATELLITE EARTH STATION.

19  
 20  
 21 **Amend Article 2, General Regulations, Part 5, Qualifying Use, Structure Regulations,**  
 22 **Sect. 2-514, Limitations on Mobile and Land Based Telecommunication Facilities, as**  
 23 **follows:**

24  
 25 - **Delete Paragraphs 3 and 4 in their entirety and renumber the subsequent paragraphs**  
 26 **accordingly.**

27  
 28 3. ~~Monopoles, with related unmanned equipment cabinets and/or structures:~~

29  
 30 A. ~~Shall be permitted as follows and in accordance with the provisions of~~  
 31 ~~Paragraphs 3B through 3K below:~~  
 32

- 1 (1) In all C Districts, I-1, I-2, I-3, I-4, I-5 and I-6 Districts, and commercial  
 2 areas of PDH, PDC, PRC, PRM and PTC Districts.  
 3
- 4 (2) In any zoning district in a utility transmission easement which is ninety  
 5 (90) feet or more in width.  
 6
- 7 (3) In any zoning district on property owned or controlled by a public use or  
 8 Fairfax County governmental unit.  
 9
- 10 B. The height of a monopole:
- 11
- 12 (1) Allowed under Paragraphs 3A(1) or 3A(3) above shall not exceed 199  
 13 feet, including antennas.  
 14
- 15 (2) Allowed under Par. 3A(2) above shall not exceed 199 feet, including  
 16 antennas, except that the height of the monopole when located in a utility  
 17 transmission easement of 90 feet or more in width may exceed 199 feet,  
 18 provided however, the height of the monopole shall not exceed the  
 19 height of the existing transmission towers by more than 30 feet in any  
 20 circumstance.  
 21
- 22 C. Dish antennas attached to monopoles shall not exceed three (3) feet in diameter.  
 23
- 24 D. Monopoles shall be subject to the minimum yard requirements, with the  
 25 exception of the angle of bulk plane, of the zoning district in which located,  
 26 except that monopoles allowed under Par. 3A(2) above or are located within a  
 27 street right of way shall be located a minimum of twenty (20) feet from the  
 28 utility transmission easement or street right of way line.  
 29
- 30 E. The related unmanned equipment cabinet or structure for each provider shall not  
 31 exceed 12 feet in height or a total of 750 square feet of gross floor area. Such  
 32 structure shall be located in accordance with the minimum yard requirements of  
 33 the zoning district in which located, except that equipment cabinets or structures  
 34 associated with monopoles allowed under Par. 3A(2) above or are located within  
 35 a street right of way shall be located a minimum of twenty (20) feet from the  
 36 utility transmission easement or street right of way line.  
 37
- 38 F. Transitional screening shall be provided in accordance with the provisions of  
 39 Article 13 for a light public utility use, provided, however, and notwithstanding  
 40 the fence/wall height limitations of Sect. 10-104, associated equipment cabinets  
 41 or structures for monopoles allowed under Par. 3A(2) above shall be screened by  
 42 a solid fence, wall or berm eight (8) feet in height, an evergreen hedge with an  
 43 ultimate height of eight (8) feet and a planted height of forty eight (48) inches, or  
 44 an eight (8) foot tall fence, wall, berm and/or landscaping combination.  
 45

- 1 G. ~~Unless otherwise required by the Federal Communications Commission or the~~  
 2 ~~Federal Aviation Administration, monopoles shall have a galvanized finish or be~~  
 3 ~~painted silver, gray or brown, or have an exterior finish manufactured and~~  
 4 ~~designed to resemble a tree, flagpole, bell tower, clock tower, windmill or other~~  
 5 ~~similar structure designed to disguise antennas.~~  
 6
- 7 H. ~~No signals, lights or illumination shall be permitted on an antenna unless~~  
 8 ~~required by the Federal Communications Commission, the Federal Aviation~~  
 9 ~~Administration or the County, provided, however, that on all antenna structures~~  
 10 ~~which exceed 100 feet in height, a steady red marker light shall be installed and~~  
 11 ~~operated at all times, unless the Zoning Administrator waives the red marker~~  
 12 ~~light requirement upon a determination by the Police Department that such~~  
 13 ~~marker light is not necessary for flight safety requirements for police and~~  
 14 ~~emergency helicopter operations. All such lights shall be shielded to prevent the~~  
 15 ~~downward transmission of light.~~  
 16
- 17 I. ~~Except for a flag mounted on a flagpole as permitted under the provisions of Par.~~  
 18 ~~2 of Sect. 12-103, no commercial advertising or signs shall be allowed on any~~  
 19 ~~monopole, antenna, antenna support structure, or related equipment cabinet or~~  
 20 ~~structure.~~  
 21
- 22 J. ~~If any additions, changes or modifications are to be made to the monopole, the~~  
 23 ~~Director shall have the authority to require proof, through the submission of~~  
 24 ~~engineering and structural data, that the addition, change, or modification~~  
 25 ~~conforms to structural wind load and all other requirements of the Virginia~~  
 26 ~~Uniform Statewide Building Code.~~  
 27
- 28 K. ~~All monopoles and related equipment cabinets or structures shall be removed~~  
 29 ~~within 120 days after such monopoles or related equipment cabinets or structures~~  
 30 ~~are no longer in use.~~  
 31
- 32 4. ~~Towers, with related unmanned equipment cabinets and/or structures, shall be~~  
 33 ~~permitted in the I-1, I-2, I-3, I-4, I-5 and I-6 Districts but only when in accordance with~~  
 34 ~~the following paragraphs:~~  
 35
- 36 A. ~~The Zoning Administrator and the Department of Information Technology~~  
 37 ~~determine that there is not an existing alternative structure which will reasonably~~  
 38 ~~meet the engineering and service needs of the telecommunications facility~~  
 39 ~~applicant.~~  
 40
- 41 B. ~~The height of such tower shall not exceed 199 feet, including antennas, except~~  
 42 ~~that the height of the tower when located in a utility transmission easement of 90~~  
 43 ~~feet or more in width, may exceed 199 feet, provided however, the height of the~~  
 44 ~~tower shall not exceed the height of the existing transmission towers by more~~  
 45 ~~than 30 feet in any circumstance.~~  
 46

- 1 C. Dish antennas attached to the towers shall not exceed six (6) feet in diameter.  
2
- 3 D. Towers shall be subject to the minimum yard requirements, with the exception of  
4 the angle of bulk plane, of the zoning district in which located, except that  
5 towers located in a utility transmission easement shall be located a minimum of  
6 twenty (20) feet from the utility transmission easement line.  
7
- 8 E. The related unmanned equipment cabinet or structure for each provider shall not  
9 exceed 12 feet in height and a total of 750 square feet of gross floor area. Such  
10 structure shall be located in accordance with the minimum yard requirements of  
11 the zoning district in which located, except that equipment cabinets or structures  
12 located in a utility transmission easement shall be located a minimum of twenty  
13 (20) feet from the utility transmission easement line.  
14
- 15 F. Transitional screening shall be provided in accordance with provisions of Article  
16 13 for a light public utility use, provided, however, and notwithstanding the  
17 fence/wall height limitations of Sect. 10-104, equipment cabinets or structures  
18 associated with towers located in a utility transmission easement shall be  
19 screened by a solid fence, wall or berm eight (8) feet in height, an evergreen  
20 hedge with an ultimate height of eight (8) feet and a planted height of forty-eight  
21 (48) inches, or an eight (8) foot tall fence, wall, berm and/or landscaping  
22 combination.  
23
- 24 G. Unless otherwise required by the Federal Communications Commission or the  
25 Federal Aviation Administration, towers shall have a galvanized finish or be  
26 painted silver, gray or brown.  
27
- 28 H. No signals, lights or illumination shall be permitted on an antenna unless  
29 required by the Federal Communications Commission, the Federal Aviation  
30 Administration or the County, provided, however, that on all antenna structures  
31 which exceed 100 feet in height, a steady red marker light shall be installed and  
32 operated at all times, unless the Zoning Administrator waives the red marker  
33 light requirement upon a determination by the Police Department that such  
34 marker light is not necessary for flight safety requirements for police and  
35 emergency helicopter operations. All such lights shall be shielded to prevent the  
36 downward transmission of light.  
37
- 38 I. No commercial advertising or signs shall be allowed on any tower, antenna,  
39 antenna support structure, or related equipment cabinet or structure.  
40
- 41 J. If any additions, changes or modifications are to be made to the tower, the  
42 Director shall have the authority to require proof, through the submission of  
43 engineering and structural data, that the addition, change or modification  
44 conforms to structural wind load and all other requirements of the Virginia  
45 Uniform Statewide Building Code.  
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K. ~~All towers and related equipment cabinets or structures shall be removed within 120 days after such towers or related equipment cabinets or structures are no longer in use.~~

- **Amend Renumbered Par 3F to read as follows:**

53. Mobile and land based telecommunication hub sites:

F. A mobile and land based telecommunication facility hub site that is located within an existing or principal or accessory structure shall not be subject to the Paragraphs ~~5B~~ 3B through ~~5E~~ 3E above.

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

ATTACHMENT A

CHAPTER 613

*An Act to amend and reenact § 15.2-2232 of the Code of Virginia, relating to comprehensive plan.*

[H 883]

Approved April 1, 2016

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-2232 of the Code of Virginia is amended and reenacted as follows:**

**§ 15.2-2232. Legal status of plan.**

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. 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 90 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 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

*G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.*

Board Agenda Item  
May 17, 2016

ACTION - 1

Approval of a Memorandum of Understanding Between Fairfax County and the HIDTA-NVFI Task Force

ISSUE:

Board approval of a Memorandum of Understanding between the Northern Virginia High Intensity Drug Trafficking Area (HIDTA)-Northern Virginia Financial Initiative (NVFI) Task Force and the Fairfax County Police Department. The agreement establishes the procedures and responsibilities of the HIDTA-NVFI and the Fairfax County Police Department for assignment of personnel, overtime, other related expenses, and equitable sharing of forfeited assets occurring as a result of the task force's investigations.

RECOMMENDATION:

The County Executive recommends the Board authorize the Chief of Police to sign the Memorandum of Understanding between HIDTA-NVFI Task Force and the Fairfax County Police Department.

TIMING:

The Board of Supervisors' action is requested on May 17, 2016.

BACKGROUND:

The Fairfax County Police Department has been an original member of the HIDTA-NVFI Task Force since 2003 and has one sworn officer assigned to the task force. This Memorandum of Understanding delineates the responsibilities within the HIDTA-NVFI to maximize interagency cooperation and formalize the relationships between the member agencies.

The HIDTA-NVFI is a collaboration of federal, state, and local law enforcement agencies within the task force designed and operated as a regional program in the intervention, prevention, and enforcement efforts in addressing the issues surrounding organized crime, and money laundering, and financial criminal activity.

FISCAL IMPACT:

The Fairfax County Police Department assigns one full-time detective to the task force. The United States Secret Service pays for overtime funds and a rental vehicle for the detective. There are no additional costs incurred by the Police Department.

Board Agenda Item  
May 17, 2016

ENCLOSED DOCUMENTS:

Attachment 1 - Memorandum of Understanding

STAFF:

David M. Rohrer, Deputy County Executive for Public Safety  
Colonel Edwin C. Roessler Jr., Chief of Police  
Karen L. Gibbons, Senior Assistant County Attorney



**Memorandum of Understanding Between the  
HIDTA-NVFI Task Force and the Fairfax County Police Department  
With the Assignment of Personnel, Overtime, Other Related Expenses, and Equitable  
Sharing of Forfeited Assets Incurred at the Annandale HIDTA-NVFI Task Force**

**1. Life of Agreement:**

This agreement between the HIDTA-NVFI (Northern Virginia Financial Initiative) and the Fairfax County Police Department shall be in effect on the date it is signed by representatives of both departments and is to remain in effect until canceled or terminated by either department. All modifications to this original agreement that might arise at a later date and would be considered substantial would only take effect if both parties agree to the modifications at which time an addendum would be added with the appropriate required signatures.

**2. Purpose of Agreement:**

This agreement establishes the procedures and responsibilities of the HIDTA-NVFI and the Fairfax County Police Department for assignment of personnel, reimbursement of overtime and other expenses incurred relating to the investigations and seizures and equitable sharing of forfeited assets occurring as a result of the task force's investigations.

**3. Name of Task Force / Joint Operation:**

The Northern Virginia High Intensity Drug Trafficking Area, HIDTA- NVFI Task Force is a HIDTA sponsored Task Force, managed by HIDTA and supported by the United States Attorney's Office for the Eastern District of Virginia. The task force is a joint operation of Federal, State, and Local Law Enforcement and regulatory entities.

**4. Type of Task Force:**

The task force's primary responsibility is to work closely with the United States Attorney's Office for the Eastern District of Virginia (EDVA) in identifying, prosecuting, and seizing the assets of individuals who utilize financial institutions in violation of current financial and banking laws for the purpose of depositing, transferring, laundering, and conspiring with others in an attempt to legitimize their ill-gotten gains. This type of enforcement action is expected to and will help ensure financial compliance by all, while identifying and disclosing a variety of illegal activity.

#### **5. Parties Participants:**

The task force will, for the most part, be comprised of law enforcement agencies operating in the EDVA jurisdictional areas. The Task Force has included or does include members of the following departments/agencies:

- The United States Postal inspection Service (USPIS)
- The United States Secret Service (USSS)
- The Internal Revenue Service CID (IRS-CID)
- The Metro Washington Airports Authority Police Department (MWAAPD)
- The Alexandria Police Department (APD)
- The Arlington County Police (ACPD)
- The Fairfax County Police Department (FCPD)
- The Falls Church Police Department (FPD)
- The Prince William County Police (PWCPD)
- The Virginia State Police (VSP)

Other such law enforcement agencies which may wish to enter agreements to participate in Task Force Investigations.

#### **6. Personnel Assigned**

To the maximum extent possible, the Fairfax County Police Department will assign at least one dedicated officer / Special Agent to the task force on a full time basis. Fairfax County Police Department will ensure that the officer(s) they select for assignment to the task force are individuals capable of working under minimal supervision, present themselves in a professional manner, are capable of conducting complex and thorough financial investigations that include analyzing financial documents, preparing fifteen to twenty page federal search and seizure warrants, executing federal search and seizure warrants, can conduct thorough follow up investigations and have good court case presentation skills.

#### **7. Supervision**

The Washington Baltimore HIDTA provides a full time supervisor for the NVFI who will be responsible for the day to day administration of the Task Force and with the input of participating agencies shall establish the direction and any internal policy for the task force.

Each Task Force Member Agency shall retain control over their assigned employees. Task Force operations shall be conducted as joint operations with all participating agencies acting as partners in the endeavor.

#### **8. Type of investigations:**

The primary type of investigations the Fairfax County Police Department Special Agent / Investigator will be responsible for are violations of Federal Law concerning the structuring of cash deposits / withdrawals and the operation of unlicensed money service businesses. Additionally, the officer may be required to investigate drug trafficking, white collar fraud, money laundering, suspected terrorist financing, and other violations of Federal law that may arise out of the HIDTA-NVFI Task Force.

#### **9. Authority to enforce Federal Law:**

All assigned officers, to the extent possible, are supported by the United States Secret Service in obtaining deputation with the United States Marshals Service for enforcement of Federal Laws applicable to the task force's mission. The USSS will retain overall supervisory authority over Task Force Members operating under the scope of the deputation authority.

#### **10. Prosecutions**

All prosecutions shall be referred to the United States Attorney's Office for the Eastern District of Virginia. In the event that prosecution does not lie with that office, or there is a conflict as to the proper venue or jurisdiction, any dispute shall be resolved by agreement of all parties having interest in the investigation.

#### **11. Forfeiture/ Equitable Sharing:**

Forfeiture of all assets seized during Task Force operations will be pursued. It is agreed that the lead agency processing the forfeiture proceedings will be entitled to an equitable share of twenty percent (20%) of the value forfeited plus advertising costs incurred. Generally, the USPIS has been the primary forfeiture processing agency for the NVFI. Task Force members shall equally share the remaining eighty percent (80%) of forfeiture proceeds in NVFI cases unless a particular disparity in investigative participation is noted.

The NVFI supervisor, in consultation with Task Force Member Agency representatives, may alter the equitable sharing to ensure that all agencies receive an equitable share commensurate to their participation.

**12. Reimbursement of Overtime and Other Related Expenses:**

All requests for reimbursement of expenses incurred by Fairfax County Police Department for overtime, vehicle use, travel and other expenses that may arise related to the investigation of cases concerning the HIDTA-NVFI Task Force, will be submitted to the task force group supervisor for signature on the appropriate HIDTA or U.S. Secret Service reimbursement forms. The reimbursement forms will then be forwarded to HIDTA or the U.S. Secret Service. It will be the responsibility of the Fairfax County Police Department to insure that payment is received from HIDTA or from the U. S Secret Service, in regards to Treasury Executive Office of Asset Forfeiture (TEOAF) grants and funding allotted for such expenditures. Separate memorandums of understanding (MOUs) with the U.S. Secret Service for this are to be in place.

The maximum reimbursement entitlement to Fairfax County Police Department for overtime worked on behalf of the HIDTA-NVFI will be determined yearly by the actual TEOAF grants received for such expenditures. The maximum reimbursement entitlement to Fairfax County Police Department for vehicle purchases, lease or use by HIDTA is \$7,500.00 per officer per year.

**13. Other Responsibilities:**

The Fairfax County Police Department acknowledges that they remain fully responsible for their obligations as the employer of the officer(s) they assign to the task force and are responsible for the payment of overtime earnings, withholdings, insurance coverage, basic equipment and any other benefits the officer(s) may be entitled to while employed by the Fairfax County Police Department

  
\_\_\_\_\_  
Steve Gurdak, Task Force Supervisor  
Washington Baltimore HIDTA-NVFI

03/03/2016  
Date

\_\_\_\_\_  
Colonel Edwin C. Roessler Jr. (or designee)  
Chief of Police  
Fairfax County Police Department

\_\_\_\_\_  
Date

Board Agenda Item  
May 17, 2016

ACTION - 2

Approval of a Memorandum of Understanding Between Fairfax County and the Counties of Arlington, Loudoun, and Prince William; the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; the Towns of Herndon, Leesburg, and Vienna; and the Virginia State Police Regarding the Northern Virginia Regional Gang Task Force

ISSUE:

Board approval of a Memorandum of Understanding between Fairfax County and the counties of Arlington, Loudoun, and Prince William; the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; the towns of Herndon, Leesburg, and Vienna; and the Virginia State Police regarding the Northern Virginia Regional Gang Task Force (NVRGTF).

RECOMMENDATION:

The County Executive recommends the Board authorize the Chief of Police to sign the Memorandum of Understanding between Fairfax County and the counties of Arlington, Loudoun, and Prince William; the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park; the towns of Herndon, Leesburg, and Vienna; and the Virginia State Police regarding the NVRGTF.

TIMING:

The Board of Supervisors' action is requested on May 17, 2016.

BACKGROUND:

The Fairfax County Police Department has been an original member of the NVRGTF since 2003 and has two sworn officers assigned to the task force. This Memorandum of Understanding delineates the responsibilities within the NVRGTF to maximize interagency cooperation and formalize the relationships between the member agencies.

The NVRGTF is a collaboration of state and local law enforcement agencies with the task force designed and operated as a regional program in the intervention, prevention, and enforcement efforts in addressing the issues surrounding gang recruitment, involvement, and criminal activity. This agreement is needed between the participating jurisdictions concerning their respective rights and responsibilities in the acquisition, operation, and maintenance of the task force.

Board Agenda Item  
May 17, 2016

FISCAL IMPACT:

The Fairfax County Police Department assigns two full-time detectives to the task force. In addition, each participating jurisdiction funds the task force annually with \$25,000 to off-set operational costs. Funding is included in the Police Department's baseline budget to cover these costs.

ENCLOSED DOCUMENTS:

Attachment 1 - Memorandum of Understanding

STAFF:

David M. Rohrer, Deputy County Executive for Public Safety  
Colonel Edwin C. Roessler Jr., Chief of Police  
Karen L. Gibbons, Senior Assistant County Attorney

**GANG TASK FORCE FUNDING AGREEMENT**

This AGREEMENT, entered into this 1<sup>st</sup> day of July 2015, by and among the jurisdictions of Arlington County, City of Alexandria, City of Fairfax, City of Falls Church, Fairfax County, City of Manassas, City of Manassas Park, Town of Herndon, Loudoun County, Prince William County, Town of Leesburg, Town of Vienna and the Virginia State Police, hereinafter known as “participating jurisdictions,” is entered into pursuant to the authority conferred on Virginia localities and the Department of State Police pursuant to Va. Code Ann. § 15.2-1726.

WITNESSETH

WHEREAS federal funding for the Northern Virginia Regional Gang Task Force began in 2003 and ceased August 31, 2012; and

WHEREAS, the governing bodies of the participating jurisdictions have appropriated an equal share of funds necessary to acquire, maintain, and operate the Northern Virginia Regional Gang Task Force, hereinafter known as the “Task Force”; and

WHEREAS, an agreement is needed between the participating jurisdictions concerning their respective rights and responsibilities in the acquisition, operation, and maintenance of the Task Force; and

WHEREAS, the Task Force is an integral part of a regional program in the intervention, prevention, and enforcement efforts in addressing the issues surrounding gang recruitment, involvement, and criminal activity.

WHEREAS, the governing bodies of the participating jurisdictions will be required to provide shared funding, as more fully described in Article II, for the acquisition, operation, and maintenance of the Task Force.

#### ARTICLE I – Project Title and Purpose

The participating jurisdictions as set forth in Article II desire to enter into a regional project to be known as the Northern Virginia Regional Gang Task Force. The Task Force is a multi-discipline and multi-jurisdictional partnership whose goal is to address criminal street gang activity in Northern Virginia using intervention, prevention, and enforcement strategies.

#### ARTICLE II – Share of Costs

The participating jurisdictions will share equally the costs associated with the administrative staffing, equipment, and training functions of the Task Force. Each participating jurisdiction with personnel assigned to the Task Force will be responsible for funding its personnel costs as well as providing its personnel with vehicles and individual equipment. The cost for the vehicle(s) and individual equipment may be reimbursed by the Task Force if asset seizure or grant money is available.

The participation jurisdictions in this agreement are:

Arlington County  
City of Alexandria  
City of Fairfax  
City of Falls Church  
City of Manassas  
City of Manassas Park  
Fairfax County  
Loudoun County

Prince William County  
Town of Herndon  
Town of Leesburg  
Town of Vienna  
Virginia State Police

The fiscal year for the Task Force will run from July 1<sup>st</sup> to June 30<sup>th</sup> of each year. The sharing of costs and the budget will be reviewed in the fall of each year in order to allow the participating jurisdictions to plan for the upcoming fiscal year. Any participating jurisdiction that wants to withdraw from this agreement shall notify the Chairman of the Board of Directors in writing no later than November 1<sup>st</sup> in the calendar year prior to the start of the fiscal year. Previously purchased equipment shall remain the property of the Task Force.

#### ARTICLE III – Task Force Board of Directors

The Chief of Police/Superintendent/Sheriff of the participating jurisdictions, or their designated representative, shall serve as members of the Task Force Board of Directors. If problems occur with the administration of the Task Force, the Board of Directors will be convened to seek resolution of the issues.

#### ARTICLE IV – Task Force Executive Director

The Board of Directors shall appoint an Executive Director who will be responsible for Task Force management. The Executive Director will report to the Chairman of the Board of Directors. The Executive Director serves at the pleasure of the Northern Virginia Gang Task Force Board of Directors.

#### ARTICLE V – Administration

The Task Force Executive Director shall be responsible for all administrative requirements of the Task Force. The Executive Director shall prepare and provide all necessary and responsible reports, prepare budget proposals, and administer the Task Force procedures as directed by the Board of Directors.

#### ARTICLE VI – Ownership

All equipment and supplies purchased through the Task Force budget shall be commonly owned items among the participation jurisdictions. Ownership will be established at a rate equal to the percentage of individual participant's contribution to the Task Force Budget. The Task Force will maintain an inventory of all Task Force equipment. All equipment purchased with grant or seizure funds will be property of the Task Force. Any determination to surplus equipment will be made by the Executive Director who will report the surplus to the Board of Directors.

In the event that Task Force ceases to exist the Board of Directors will determine the disposition of Task Force equipment.

#### ARTICLE VII – Operating Procedures

The Board of Directors and the Executive Director shall establish written Standard Operating Procedures (SOPs). It shall be the responsibility of the Executive Director to ensure that Task Force operations are in accordance with such SOPs.

#### ARTICLE VIII – Purchases

Equipment and supplies which are required for operation of the Task Force shall be purchased through the Town of Vienna purchasing and supply procedures.

Procurement of each participating jurisdiction's office supplies shall be the responsibility of that jurisdiction.

#### ARTICLE IX – Resolution of Disputes

Any disagreements arising between or among the participating jurisdictions related to the Task Force operation or cost sharing shall be resolved by the Executive Director, in consultation with the Chairman of the Board of Directors, or if needed, the entire Board of Directors.

#### ARTICLE – X – Seizure Funds Allocation

All funds seized by the Task Force will be administered by the Town of Vienna. The Board of Directors will approve all distribution of seized funds to reimburse the participating jurisdictions for their costs in accordance with federal asset seizure equitable sharing guidelines and guidelines of the Commonwealth of Virginia Department of Criminal Justice Services.

The amount of reimbursement will be determined by the local jurisdiction's rate for the assigned member's overtime salary and contract cost of the lease vehicle.

#### ARTICLE XI – Term of Agreement

This agreement shall be effective July 1, 2015, and shall continue until dissolved by agreement of all participating jurisdictions. The terms of this agreement are contingent upon continued appropriations by each participating jurisdiction to support the

continued operation of the Task Force. Any jurisdiction whose governing body fails to appropriate funding shall automatically be withdrawn from this agreement and all previously purchased equipment shall remain the property of the Task Force.

#### ARTICLE XII – Liability

Each participating jurisdiction shall be solely responsible for its personnel assigned to the Task Force and its employees remain the employees of the participating jurisdiction. Neither participating jurisdictions nor their employees shall be considered as the agents of any other participating jurisdiction. Nothing herein waives or limits qualified or sovereign immunity under federal or state constitutional provisions or laws.

#### ARTICLE XIII - Personnel

Personnel assigned to the Task Force remain under the supervision and control of their respective participating jurisdictions, including but not limited to, the participating jurisdiction's rules and regulations.

#### ARTICLE XIV – Entire Agreement

This agreement constitutes the entire understanding between the participating jurisdictions. Any modifications to this agreement shall be reduced to writing, and accepted and signed by each member of the Board of Directors.

Northern Virginia Regional Gang Task  
Force TASK FORCE FUNDING  
AGREEMENT EFFECTIVE JULY 1,  
2015

IN WITNESS THEREOF, the parties have executed this

Proposal: On Behalf

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f

Fairfax County, Virginia

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Col Edwin C. Roessler, Jr., Chief of Police

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Date

Board Agenda Item  
May 17, 2016

ACTION - 3

Approval of a One Year Extension to the Washington Metropolitan Area Transit Authority's (WMATA) Capital Funding Agreement and Opting Out of WMATA Issued Long Term Debt for FY 2017

ISSUE:

Board approval of a one year extension of the Washington Metropolitan Area Transit Authority (WMATA) Capital Improvement Program (CIP), authorization of the County Executive to execute an amendment to the Capital Funding Agreement; and opting out of WMATA issued long term debt in FY 2017. The current six year Capital Funding Agreement (CFA) addresses system rehabilitation, and the purchase of new rail cars and buses, and is designed to keep the system in a "state of good repair." The current agreement expires in FY 2016, and WMATA is requesting a one year extension of the current agreement.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors: (1) approve, in substantially the form of Attachment I, the amendment to the current CFA (Attachment II), which extends the agreement through FY 2017; (2) authorize the County Executive to sign the Amendment to the CFA; and (3) opt out of any long term debt issued by WMATA in FY 2017.

TIMING:

Board action is requested on May 17, 2016, because the current CFA expires on June 30, 2016.

BACKGROUND:

In FY 2005, WMATA began the Metro Matters program, which provided \$1.5 billion in urgent capital funding needed to maintain the Metro transit system and respond to the increasing ridership demands for transit services in our region through FY 2010. The \$1.5 billion plan included maintenance of the rolling stock and facilities, as well as 120 new railcars, 185 new buses, and the ancillary facilities associated with operating and maintaining these vehicles.

The current WMATA CFA began in FY 2011, and is in effect through June 30, 2016. WMATA has requested that the regional partners extend the current CFA for one year to allow WMATA's new General Manager to perform a detailed examination of the WMATA budget during FY 2017, and propose a new budget, CIP and multi-year CFA for FY 2018 through FY 2023. The proposed Amendment, among other things: (1)

Board Agenda Item  
May 17, 2016

extends the term of the CFA to June 30, 2017; (2) sets the maximum of Long-Term Debt to be issued at \$58,300,000; (3) incorporates the FY2017 Annual Work Plan; (4) and sets the County's FY2017 contribution at not more than \$36.3 million. Since the Amendment leaves the current CFA largely unchanged, below is a discussion of the key provisions of the current CFA.

The CFA includes WMATA's CIP, which consists of capital projects to be funded over a six year period, including useful life projections for each project. The first six year period of the CIP in the current CFA was from FY 2011 to FY 2016. The CIP is updated for each successive six year period through the Annual Work Plan (AWP) and annual budget approval at WMATA. Signatories of the WMATA CFA agree to use all reasonable efforts to secure funding for the CIP.

Under the CFA, WMATA bills its capital program on an expenditure basis instead of an obligation basis. This allows the jurisdictions to fund projects as they progress versus fully funding a project before it begins. It also means that projects started near the end of the CFA term may require funding after the end of the agreement to complete them. The CFA commits all jurisdictions to completing all projects that are started within the current CFA term. Payment obligations on any debt financing incurred during the agreement period also continue after the agreement expires. The current WMATA CFA includes the following major points:

- Supersedes the Metro Matters funding agreement and includes any capital expenditures carried over from the Metro Matters Agreement.
- Signatories of the WMATA CFA agree to use all reasonable efforts to secure funding for the CIP.
- The Board of Supervisors approved the current CFA on June 22, 2010.
- If there is a shortfall in revenue for the capital program, WMATA will develop a recovery plan, to be approved by the WMATA Board of Directors, which could include: use of interim funding; project redesign; project rescheduling; project deferrals; and, subject to agreement of the jurisdictions, increased contributions.
- If federal or other revenue is greater than anticipated, WMATA will use the excess revenue to fund any unfunded portions of the CIP or apply the funds to any outstanding indebtedness, thereby reducing the allocated contribution of the jurisdictions. This provision also applies to funds received under the Metro Matters Funding Agreement.
- WMATA will perform quarterly analysis and update the Annual Work Plan. The CIP will be reconciled annually and updated for the next six years.
- The jurisdictions have the ability to audit WMATA.

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- Each jurisdiction's obligation is contingent on participation by all jurisdictions.

Lastly, the current CFA gives each jurisdiction the option of paying cash, issuing its own debt, or having WMATA issue debt on the jurisdiction's behalf to fund its share of the WMATA CIP. In the past, the County has both issued its own debt to fund the County's share of WMATA's CIP and allowed WMATA to issue debt on the County's behalf. These decisions are made at the time a long term debt issuance is needed. Due to its AAA bond rating, the County is currently able to borrow money at a lower cost than WMATA. In FY 2017, WMATA is planning to issue \$58.3 million in long term debt for the entire system, and County staff does not plan to have WMATA issue debt on behalf of the County for its share (\$8.5 million) of this \$58.3 million. This \$58.3 million is a portion of the total WMATA FY 2017 Capital Budget of \$898.9 million.

The County's total estimated FY 2017 capital costs for its share of the entire WMATA capital budget is approximately \$36.3 million, assuming the County opts out of WMATA issued long term debt. If approved by Fairfax County voters, the County's fall 2016 bond referendum will provide \$120 million to help fund the WMATA CFA requirements for several years. This gives the Board of Supervisors the ability to pay the County's ongoing capital payments and opt-out of WMATA-issued long term debt in FY 2017. Previously, the Board of Supervisors requested that WMATA continue to work with County staff and other stakeholders to identify funding sources for future years of the growing CIP needs. This extended agreement continues to address this request.

FISCAL IMPACT:

This one year extension of the WMATA CFA allows the County to fund its share of WMATA's capital budget in FY 2017 which is approximately \$36.3 million of a total FY 2017 WMATA Capital Budget of \$898.9 million, including the County opting out of the \$58.3 million WMATA issued long term debt for FY 2017. The County intends to use the proceeds of the \$120 million transportation bond referendum (if approved on November 8, 2016), state funding, and gas tax to meet the County's share of WMATA capital obligations over the next several years. Debt service costs associated with the transportation bond referendum have been incorporated into the County's long term debt ratio projections, and are referenced in the FY 2017-FY 2021 Adopted Capital Improvement Program (With Future Fiscal Years to 2026) and in Fund 30000, Metro Operations and Construction.

ENCLOSED DOCUMENTS:

Attachment I – Amendment to the WMATA Capital Funding Agreement  
Attachment II – Current WMATA Capital Funding Agreement

Board Agenda Item  
May 17, 2016

STAFF:

Robert A. Stalzer, Deputy County Executive

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)

Joe Mondoro, Chief Financial Officer, Department of Management and Budget

Patricia McCay, Assistant County Attorney

Todd Wigglesworth, Chief, Coordination and Funding Section, FCDOT

**FIRST AMENDMENT TO THE  
CAPITAL FUNDING AGREEMENT**

**Among**

**The State of Maryland;**

**The District of Columbia;**

**Arlington County, Virginia;**

**Fairfax County, Virginia;**

**The City of Alexandria, Virginia;**

**The City of Fairfax, Virginia;**

**The City of Falls Church, Virginia;**

**And**

**The Washington Metropolitan Area Transit Authority**

**Effective Date: \_\_\_\_\_**

**FIRST AMENDMENT TO THE  
CAPITAL FUNDING AGREEMENT**

THIS FIRST AMENDMENT TO THE CAPITAL FUNDING AGREEMENT (Amendment) is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2016, by and among **the Washington Metropolitan Area Transit Authority (WMATA)**, a body corporate and politic created by interstate compact between Maryland, Virginia, and the District of Columbia; **the State of Maryland, acting by and through the Washington Suburban Transit District and the Department of Transportation; the District of Columbia; Arlington County, Virginia; Fairfax County, Virginia; the City of Alexandria, Virginia; the City of Fairfax, Virginia; and the City of Falls Church, Virginia (Contributing Jurisdictions):**

**RECITALS**

1. The Parties to this Amendment desire to extend the term of that Capital Funding Agreement entered into by the Parties as of July 1, 2010 (CFA).
2. The Parties to this Amendment desire to continue the funding and work of WMATA on the same terms and conditions currently in place under the CFA for an additional year (the Extension Term).
3. The Parties will continue to negotiate in good faith toward a longer-term capital funding agreement during the Extension Term.

NOW, THEREFORE, in consideration of the mutual promises and obligations hereinafter set forth, the Parties hereby agree as follows:

## **SEC. 1 DEFINITIONS**

Unless defined otherwise in this Amendment all terms used in this Amendment shall have the same meaning as is found in the CFA.

## **SEC. 2 EXTENSION OF TERM AND AMENDMENT OF LONG TERM DEBT OBLIGATIONS**

Pursuant to Section 11 of the CFA, the Parties agree to extend the term of the CFA for one additional year, from July 1, 2016 through June 30, 2017 (FY2017) on the same terms and conditions agreed to under the CFA. The maximum amount of Long-Term Debt authorized for issuance in FY2017 (before June 30, 2017) to be used in support of the Capital Improvement Program shall not exceed \$58,300,000. Each of the Parties acknowledge and agree that this debt issuance must be approved by the respective Jurisdictions pursuant to the opt-out provisions of the CFA, subject to appropriations and the limitations stated in § 4(b)(3) of the CFA and § 4(b)(3) of the DCLFA. In the event that WMATA desires to issue additional debt during FY2017, WMATA shall follow the processes established for such issuance in the CFA.

## **SEC. 3 CAPITAL IMPROVEMENT PROGRAM**

- A. As is contemplated by the CFA, it is anticipated that the WMATA Board of Directors will adopt a new Fiscal Year 2017 Capital Budget on or before June 30, 2016. It is the intent of the Parties that the CFA is amended to incorporate the FY2017 Annual Work Plan as adopted by the Board so long as the amounts to be billed to the Contributing Jurisdictions in FY2017 shall not exceed \$247,800,000, excluding Passenger Rail and Improvement Act (PRIIA) funding.
- B. Attachment A contains the proposed budget funding plan, including PRIIA funding.

C. The District of Columbia's Allocated Contribution to the FY2017 Annual Work Plan shall not exceed \$92,100,000, excluding PRIIA funding, and this amount shall be added to the amount contained in Section 4(b)(1)(C)(i) of the CFA to constitute the new limitation on required Allocated Contributions for the District of Columbia in the total maximum amount not to exceed \$489,414,000, excluding PRIIA funding, to be paid from the District of Columbia Capital Funds.

#### **SEC. 4 CONTINUING EFFECT**

This First Amendment amends certain terms and conditions of the CFA. All other terms and conditions of the CFA that are not modified by this First Amendment shall remain in full force and effect. Should there be any conflict between the terms and conditions in this First Amendment and the CFA the terms and conditions of this First Amendment, and in the case of the District of Columbia the First Amendment to the Local Capital Funding Agreement, shall control.

#### **SEC. 5 COUNTERPARTS**

This Amendment may be executed in identical counterparts, each of which shall constitute an original and all of which shall constitute, collectively, one agreement. The counterpart with the most recent date shall determine the date of entry of this Agreement by the Parties.

IN WITNESS WHEREOF, WMATA and the Contributing Jurisdictions have executed this Amendment by their representatives' signatures below.

WASHINGTON METROPOLITAN AREA  
TRANSIT AUTHORITY

Attest:

By:

\_\_\_\_\_  
Secretary

\_\_\_\_\_[Seal]  
Paul J. Wiedefeld  
General Manager/Chief Executive Officer

Dated: \_\_\_\_\_

Approved as to Form and Legal Sufficiency:

By: \_\_\_\_\_  
Office of General Counsel

[signatures continued on following page]

FAIRFAX COUNTY, VIRGINIA

Attest:

\_\_\_\_\_  
Clerk to the Board of Supervisors

By: \_\_\_\_\_ [Seal]  
County Executive  
Fairfax County, Virginia

Approved as to Form and Legal Sufficiency:

By: \_\_\_\_\_  
County Attorney

Dated: \_\_\_\_\_

[signatures continued on following page]



# Washington Metropolitan Area Transit Authority

Revised FY2017 Capital Improvement Program (CIP) Proposed Budget

## ATTACHMENT A

		Revised State/Local Contributions and Debt Opt-Out Allocation							
# in millions	Total	District of Columbia	State of Maryland	City of Alexandria	Arlington County	City of Fairfax	Fairfax County	City of Falls Church	Commonwealth of Virginia
Federal	469.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Non-Federal	33.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
State and Local	338.1	119.9	115.4	8.5	15.8	0.5	27.8	0.6	49.5
Debt (Opt-Out)	58.3	21.7	20.3	2.6	4.9	0.2	8.5	0.2	0.0
<b>Total</b>	<b>\$898.9</b>	<b>\$141.6</b>	<b>\$135.7</b>	<b>\$11.1</b>	<b>\$20.7</b>	<b>\$0.7</b>	<b>\$36.3</b>	<b>\$0.8</b>	<b>\$49.5</b>

**CAPITAL FUNDING AGREEMENT**

**Among**

**The State of Maryland;**

**The District of Columbia;**

**Arlington County, Virginia;**

**Fairfax County, Virginia;**

**The City of Alexandria, Virginia;**

**The City of Fairfax, Virginia;**

**The City of Falls Church, Virginia;**

**And**

**The Washington Metropolitan Area Transit Authority**

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**ATTACHMENT 3 District of Columbia Local Capital Funding Agreement**

## CAPITAL FUNDING AGREEMENT

THIS CAPITAL FUNDING AGREEMENT (Agreement) is made and entered into this <sup>15<sup>th</sup></sup> day of July, 2010, by and among **the Washington Metropolitan Area Transit Authority (WMATA)**, a body corporate and politic created by interstate compact between Maryland, Virginia, and the District of Columbia; **the State of Maryland, acting by and through the Washington Suburban Transit District and the Department of Transportation; the District of Columbia; Arlington County, Virginia; Fairfax County, Virginia; the City of Alexandria, Virginia; the City of Fairfax, Virginia; and the City of Falls Church, Virginia (Contributing Jurisdictions):**

### RECITALS

1. The WMATA transit system has played a critical role in the growth and prosperity of the National Capital Region and environs, and WMATA's continued economic vitality is essential to the regional transportation system and the environmental quality, economic, educational and cultural life of the Washington region.
2. The WMATA system was built and is operated through the substantial investment of public funds by the Federal Government and by State and local governments in the region.
3. The lack of sufficient secure and reliable funding to rehabilitate and maintain the WMATA transit system and to replace rail cars, buses, and other key transit assets is creating a transportation crisis, threatening the continued health and vitality of the system and jeopardizing the public investment.
4. Previously, the Parties entered into an agreement covering specific capital projects for FY2005 through FY10 (Metro Matters Funding Agreement) along with associated financing arrangements to cover those capital projects. That agreement expires on July 1, 2010 and the

---

Parties wish to create a follow-on agreement for both funding FY2011-2016 on an expenditure basis and to provide an ongoing master agreement for future support of WMATA's capital needs.

NOW, THEREFORE, in consideration of the mutual promises and obligations hereinafter set forth, the Parties hereby agree as follows:

## **SEC. 1 DEFINITIONS**

As used in this Agreement, the following terms shall have the following meanings, unless the context otherwise requires:

- (1) "Agreement" means this Capital Funding Agreement.
- (2) "Allocated Contribution" means the financial share of the cost of the Capital Improvement Program to be contributed by a Contributing Jurisdiction, in accordance with the terms of this Agreement but shall not include funds to be provided to match the Dedicated Funding (PRIIA) funds.
- (3) "Annual Work Plan" means the annual plan developed by WMATA on both obligation and expenditure bases and submitted to the Contributing Jurisdictions which identifies the Capital Improvement Program projects and activities to be undertaken in the Capital Budget for a specific fiscal year and the estimated annual cash requirement of those projects and activities and the sources of funds expected to be used on an expenditure basis to meet that cash requirement.
- (4) "Authorized Representative" means the individual designated by the chief executive officer (or comparable official) of a Contributing Jurisdiction or WMATA to take actions on behalf of that Party regarding issues that arise in carrying out this Agreement.
- (5) "Capital Budget" is synonymous with the term Annual Work Plan.

(6) “Capital Improvement Program” (“CIP”) means the list of project elements including the useful life computations for each project contained therein for the period of July 1, 2010 through June 30, 2016 approved by the WMATA Board of Directors for the period of July 1, 2011 – June 30, 2016 as may subsequently be updated for this or each successive six-year period (for planning purposes only) and specific fund sources for use in supporting the specific scope, schedule, and budget (expressed in both obligation and expenditure terms) of projects that advance the Authority’s strategic objectives. See Attachment 1 for the FY2011-2016 CIP. The CIP is not considered a payment schedule. The CIP shall be updated annually as described in this Agreement.

(7) “Contributing Jurisdictions” means the State of Maryland acting by and through the Washington Suburban Transit District and the Department of Transportation; the District of Columbia; Arlington County, Virginia; Fairfax County, Virginia; the City of Alexandria, Virginia; the City of Fairfax, Virginia; and the City of Falls Church, Virginia.

(8) “Days” means calendar days, unless otherwise specifically provided.

(9) “Debt” means any bond, security, debt issuance, certificate of participation, Grant Anticipation Debt, or other evidence of indebtedness issued by a public body, and includes commercial paper, lines of credit, and letters of credit to finance the program of projects to be completed under the terms of this Agreement. Debt shall be classified as either Short-Term Debt or Long-Term Debt.

(10) “Dedicated Funding” (PRIIA) means those federal funds provided to WMATA under the Passenger Rail Investment and Improvement Act of 2008 (Pub. L. 110-432). The PRIIA matching funds will be made available to WMATA pursuant to the applicable laws of the District of Columbia, Maryland, and the Commonwealth of Virginia.

(11) “Discretionary Grant” means any award of discretionary Federal financial assistance for a new or existing fixed guideway system from the capital investment grant program authorized under Section 5309 of Title 49 of the U.S. Code, or from any other discretionary grant program from any federal agency under which funds are provided on other than a formula basis.

(12) “Federal grant” means an award of financial assistance, including formula grants, discretionary grants, and cooperative agreements, in the form of money, or property in lieu of money, by the Federal Government through the Federal Transit Administration or any other federal agency to an eligible grantee. The term does not include technical assistance which provides services instead of money, or other assistance in the form of revenue sharing, loans, loan guarantees, interest subsidies, insurance, or direct appropriations. Also, the term does not include assistance, such as a fellowship or other lump sum award, which the grantee is not required to account for.

(13) “FTA” means the Federal Transit Administration.

(14) “Formula grant” means any award of Federal financial assistance from the urban formula program authorized under Section 5307 of Title 49 of the U.S. Code or the fixed guideway modernization program authorized under Section 5309 of Title 49 of the U.S. Code, or similar successor programs.

(15) “Funding Sources” shall be the various categories of funds to be used to pay for the projects covered in the CIP. These funds may be either from federal or non-federal sources. Where the Agreement requires a more detailed description of the funding source, then the following categories shall be used: Dedicated Funding, Dedicated Funding matching funds,

Formula Grants, Formula Grants matching funds, Other Federal Grants, Other Federal Grants matching funds, System Performance Funds, and Other funds.

(16) “Grant Anticipation Debt” means any debt issuance the principal and interest on which are to be paid with the proceeds of Federal grant funds.

(17) “Interim Funding Sources” means one or more letters of credit or lines of credit and related reimbursement agreements, standby bond purchase agreements, commercial paper, or similar agreements or obligations, or any combination of the foregoing, issued to or for WMATA or entered into with WMATA by a bank, insurance company, or other financial institution, or one or more resolutions, indentures, or other security agreements providing for bonds or other evidence of indebtedness of WMATA.

(18) “Long-Term Debt” means Debt with a maturity greater than 1 year.

(19) “Metro Matters Funding Agreement” means the capital funding agreement dated October 25, 2004 by and among the Washington Metropolitan Area Transit Authority; the State of Maryland acting by and through the Washington Suburban Transit District and the Department of Transportation; the District of Columbia; Arlington County, Virginia; Fairfax County, Virginia; the City of Alexandria, Virginia; the City of Fairfax, Virginia; and the City of Falls Church, Virginia and covering projects in WMATA’s Fiscal Years 2005-2010.

(20) “Minimum Annual Allocated Contribution” means that annual amount of funds payable by a Contributing Jurisdiction sufficient to provide any required matching funds for (a) all federal formula and other federal grant funds awarded to WMATA and expected to be expended in the current Annual Work Plan excluding the local match to be provided by the District of Columbia, Virginia and Maryland for the Dedicated Funding (PRIIA) funds, and (b)

the System Performance Funds necessary to meet any maintenance of effort requirement for WMATA to receive Dedicated Funding.

(21) “Non-Federal funds” means funds provided by State and local sources and debt sources.

(22) “Party” or “Parties” means WMATA and the Contributing Jurisdictions.

(23) “Preventive Maintenance” means upgrades to, repairs to, and maintenance of, capital assets that provides additional value to the capital asset. The FTA definition of “preventive maintenance” is separate from and not connected to Preventive Maintenance as defined herein.

(24) “Reprogramming” means a change to an Annual Work Plan or Capital Budget that occurs outside of the Annual Work Plan process.

(25) “Short-Term Debt” means Debt with a maturity of 1 year or less.

(26) “System Performance Funds” means jurisdictional funds over and above those funds required to match any Federal grant and to be used for Capital Improvement Plan projects contained in the applicable Annual Work Plan.

(27) “WMATA” or “Authority” means the Washington Metropolitan Area Transit Authority.

## **SEC. 2 CAPITAL IMPROVEMENT PROGRAM**

(a) **Agreement of the Parties.** -- WMATA and the Contributing Jurisdictions hereby agree to and adopt the Capital Improvement Program attached as Attachment 1. The Parties further agree to comply with the terms and conditions of this Agreement and to fully and faithfully carry out their respective obligations under this Agreement. Any commitment or agreement of any Contributing Jurisdiction required by this Agreement shall be subject to the

annual appropriation of funds and other limitations on expenditures or obligations under the law of the Contributing Jurisdiction or under other applicable law as described in Section 4(b)(3)(B). This Agreement shall not constitute an indebtedness of the Contributing Jurisdictions until funds are duly appropriated and quarterly payments become due pursuant to Section 5(c)(3) of this Agreement, nor shall it constitute an obligation for which the Contributing Jurisdictions are obligated to levy or pledge any form of taxation or for which the Contributing Jurisdiction has levied or pledged any form of taxation. Nothing in this Agreement affects requirements placed on the District of Columbia, State of Maryland and Commonwealth of Virginia by the Passenger Rail Investment and Improvement Act of 2008.

**(b) Elements of Capital Improvement Program.**

(1) Program Elements. – The Capital Improvement Program proposed to be funded by this Agreement consists of those projects identified for funding along with the sources of that funding in the annually approved CIP as they are updated in accordance with this Agreement. The CIP may include any capital project or purchase eligible for capital funding and may include, for example, projects in any of the following categories:

- (A) Vehicles and Vehicle Parts, such as replacement or purchase of new rail cars, buses, paratransit vehicles and/or service vehicles, rehabilitation of rail cars and buses and replacement parts to maintain the rail fleet.
- (B) Rail System Infrastructure Rehabilitation, such as multiple systems and equipment within the rail stations and tunnels that enable safe, reliable Metrorail service.
- (C) Maintenance Facilities, such as rehabilitation, maintenance, replacement and/or new bus garages and rail yards to support repairs to vehicle fleet.
- (D) Systems and Technology, such as technology systems, software and equipment supporting transit operations and business functions.

- (E) Track and Structures, such as steel running rail that guides Metrorail trains, the cross ties and fasteners that hold the rail in place, the ballast bed that supports the cross ties and the third rail that provides power to the train. Structures include the retaining walls that protect the track bed and underground tunnels, the concrete pads that keep the track bed properly elevated and the bridges that span roads and bodies of water.
- (F) Passenger Facilities, such as facilities at Metrorail stations, including bus loops, bus stops, parking garages, surface lots, Kiss-and-Ride spaces, access roads and bus loops, bike racks and lockers.
- (G) Maintenance Equipment such as equipment to rehabilitate track and maintain the vehicle fleet (rail and bus).
- (H) Other Facilities, such as facilities that house administrative offices, training rooms, revenue processing activities, material storage, police work and a print shop.
- (I) Program Management and Support including Credit Facility and Other Financial Fees and Expenses and Program Contingencies.
- (J) Safety and Security Projects.
- (K) Preventive Maintenance as defined in this Agreement.

(2) **Description.** -- The specific projects and activities and the sources of funding to support those specific projects and activities will be set forth in the Annual Work Plan.

(c) **Cost.** -- The estimated program cost of the initial Capital Improvement Program is approximately \$5,000,000,000 in year of expenditure dollars and covering a six-year period. The initial CIP covering FY 2011-2016 is provided as Attachment 1.

(d) **Schedule.** -- The initial Capital Improvement Program will be implemented over the period beginning WMATA fiscal year 2011 and ending fiscal year 2016. There will be an

Annual Work Plan for each fiscal year, as more specifically described in Section 4 of this Agreement.

(e) **Agreement to Fund Capital Improvement Program.** -- WMATA and the Contributing Jurisdictions hereby concur in and agree to fund the Capital Improvement Program in accordance with 4(b)(1)(B) of this Agreement.

(f) **Authorized Representative.** -- Within 30 days after the Effective Date of this Agreement, WMATA and each of the Contributing Jurisdictions shall designate an Authorized Representative to act on that Party's behalf in implementing this Agreement.

### **SEC. 3 CAPITAL IMPROVEMENT PROGRAM FINANCIAL PLAN**

(a) **Funding Sources.**

The projects and activities in the Capital Improvement Program shall be funded in the most cost effective manner from one or more of the following sources: (A) Funding Sources; (B) the issuance of Debt by WMATA, with WMATA's debt service to be paid with funds received from the Contributing Jurisdictions unless a Contributing Jurisdiction has opted out of the Long-Term Debt issue in accordance with this Agreement; and (C) such other funding sources, cash management strategies or financing methods as the WMATA Board determines to be appropriate to accomplish the goals of the Capital Improvement Program. The specific amounts estimated from each Funding Source will be set forth in each Annual Work Plan.

(b) **Formula for Contributing Jurisdiction Funding.** -- The Allocated Contributions of the Contributing Jurisdictions for the Capital Improvement Program will be based on the Board-adopted FY 2010 Operations Allocation Formulas applied to each project as shown in the FY2011-2016 CIP applied to each element of the Capital Improvement Program as follows:

- (1) The Rail allocation formula will apply to Rail projects and debt issued for Rail projects.
- (2) The Bus allocation formula will apply to Bus projects and debt issued for Bus projects.
- (3) The Paratransit formula will apply to Paratransit projects and debt issued for Paratransit projects.
- (4) An average of the Rail and Bus allocation formulas will apply to General financing expenditures and for project expenditures that cannot be allocated to Rail, Bus, or Paratransit.
- (5) Dedicated Funding funded projects – Will be divided equally among the District of Columbia, State of Maryland, and Commonwealth of Virginia subject to the provisions of the various state laws establishing dedicated funding sources to match federal funds made available under the Passenger Rail Investment and Improvement Act of 2008.

The allocation formulas will be recalculated every three (3) years to reflect the then-current approved Operating Budget allocation and applied prospectively to the three subsequent Annual Work Plans.

(c) **Debt Service.** – Debt service on obligations agreed to by the Contributing Jurisdictions and issued under the Metro Matters Funding Agreement shall become obligations issued under this Agreement. The Contributing Jurisdictions shall continue to make any debt service payments as were required under the terms of the Metro Matters Funding Agreement. New debt service for obligations issued under the terms of this Agreement will be funded by the Contributing Jurisdictions as more fully set forth in Section 4(b)(2) of this Agreement.

(d) **FY 2010 Capital Projects.** -- WMATA and the Contributing Jurisdictions agree that all projects whose funding was obligated under the Metro Matters Funding Agreement but for which expenditures will occur during the scope of this Agreement will become projects under this Agreement and governed by the terms of this Agreement including the funding obligations

of the Contributing Jurisdictions thereto. It is the intent of the Parties to terminate the Metro Matters Funding Agreement and incorporate all its capital commitments into this Agreement.

#### **SEC. 4 IMPLEMENTATION OF CAPITAL IMPROVEMENT PROGRAM**

**(a) Programmatic Aspects.**

**(1) Long Term Programming** -- To assist in the prioritization of projects, each Contributing Jurisdiction will, at the execution of this Agreement, provide a schedule of funds expected to be made available to WMATA for the 2011-2016 period and successor periods (for planning purposes only) covered by this Agreement. The schedule for WMATA fiscal years 2012 - 2016 is subject to adjustment as the submitting Contributing Jurisdiction obtains more updated information. It is not binding on any Party and shall not be considered as a payment schedule. The Annual Work Plan will contain the actual funding requirements and sources of funds for the current year. The WMATA Board of Directors will approve a six-year capital program each year, with such program covering potential funding sources, a description of the project prioritization process, an explanation of how the CIP would further the strategic goals of WMATA, and an identification of the performance metrics by which the outcome of the CIP will be measured. The prioritization process shall rank and select projects based on the projects' support of WMATA's strategic goals and funding availability.

The annual documentation of the capital program will describe qualitatively and quantitatively the broad outlines of the proposed capital spending and sources for that spending for the forthcoming fiscal year and the outcomes expected to be achieved by the proposed program. The discussion of the proposed spending shall include at least the following: (i) the sources of funds for the proposed spending, (ii) expenditures by mode (e.g. bus, rail, paratransit), (iii) expenditures by project phase (e.g. planning, design, land acquisition, construction), (iv) the

indicators of the outcomes to be achieved by the proposed projects, and (v) projected spending compared to prior year actual spending rate.

(2) **Annual Work Plan.** -- WMATA shall, as a part of its annual budget process each year during this Agreement, develop and submit to the Contributing Jurisdictions a draft Annual Work Plan for the Capital Improvement Program which shall include the preliminary results of the Budget Reconciliation process contained in section 5 of this Agreement. The Annual Work Plan shall be based upon and be consistent with the updated Capital Improvement Program prepared pursuant to the reconciliation process under Section 5 of this Agreement. The Annual Work Plan along with the Capital Program will be approved by the WMATA Board of Directors prior to the start of the fiscal year covering the specific Annual Work Plan.

(3) **Contents of Plan.** -- The Annual Work Plan shall include --

(A) an identification of the projects and activities in the Capital Improvement Program for which funds will be obligated or expended during the next WMATA fiscal year;

(B) a budget for the Annual Work Plan that includes a cost estimate and source of funds for each project and activity in the Plan, by CIP category;

(C) a statement of each Contributing Jurisdiction's required Allocated Contribution for the Annual Work Plan, based on a schedule of projected quarterly cash needs including an identification of what portion of that contribution is a direct capital contribution, and what portion (if any) is to be used by WMATA to pay debt service on WMATA Long-Term Debt and WMATA Short-Term Debt (each to be stated separately in the Plan);

(D) a summary of the CIP projects and activities undertaken in the then-current WMATA fiscal year, together with the costs incurred to date and the estimated remaining costs for those projects and activities; and

(E) the preliminary results of the Budget Reconciliation process contained in section 5 of this Agreement and a revised proposed CIP.

**(4) Schedule for Approval of CIP and Annual Work Plan.** To ensure a coordinated program, the Parties agree that each annual program will be developed and approved under the following schedule:

(A) The updated 6-year CIP will be made available to the Contributing Jurisdictions no later than the 10th business day in October.

(B) A presentation will be offered to the Northern Virginia Transportation Commission at a scheduled meeting no later than the November meeting.

(C) A presentation will be offered to the Mayor and Council of the District of Columbia no later than the Wednesday immediately prior to Thanksgiving.

(D) Subject to consultation with the Maryland Department of Transportation, a public presentation will be offered in both Prince George's County and Montgomery County no later than the Wednesday immediately prior to Thanksgiving.

(E) WMATA will also present the capital program and the Annual Work Plan information to affected legislative bodies as requested.

(F) The draft Annual Work Plan shall be submitted to the Contributing Jurisdictions by December 15.

(G) Comments are due from the Contributing Jurisdictions no later than February 15th. WMATA may not be able to consider comments received after February 15<sup>th</sup> in the development of the proposed Annual Work Plan.

(H) The proposed Annual Work Plan shall be provided to the Contributing Jurisdictions immediately following the March WMATA Board meeting and shall be used by the staff of the Contributing Jurisdictions to consult with WMATA Board representatives. The amount included as the Minimum Allocated Contribution on this final Annual Work Plan will remain substantially the same for the upcoming fiscal year, subject to downward adjustment as provided in Section 4(b)(3)(B), or as otherwise requested by the WMATA Board and approved by the Contributing Jurisdictions. The final CIP and Annual Work Plan will be adopted by the WMATA Board no later than the June meeting.

**(5) WMATA Implementation Responsibilities.**

(A) General. -- WMATA will administer the Capital Improvement Program and carry out all necessary procurement actions and management oversight. All procurement actions will be undertaken in accordance with WMATA procurement policies and applicable law.

(B) Federal Grants. -- To the extent that Federal financial assistance is provided for any project or activity in the Capital Improvement Program, WMATA will develop the required Federal grant applications and/or other necessary documentation to meet FTA or other Federal program requirements, and will carry out the federally assisted project or activity in compliance with all applicable Federal requirements.

**(6) Funding Methodology For Projects in the Annual Work Plan.** New projects for the Annual Work Plan will be listed with their funding identified by both year and

Funding Source. A project may be funded by more than one type of funding. If a project is a multi-year project, then in the second and succeeding years, that project will have the first call on that funding source unless another funding source is identified. In every case, funds needed for debt service including Short Term Debt and Interim Financing and funds needed for annual “state of good repair” items shall have first claim on all funds that may legally be spent on such projects. Projects which are underway but which have remaining amounts budgeted for them in the CIP shall have the unexpended funds “rolled over” to the succeeding fiscal year. The unexpended funds shall be in addition to the succeeding year’s CIP funding requirements.

**(b) Financial Aspects.**

**(1) Cash Sources.**

(A) Federal Funds. -- WMATA commits to take all necessary and appropriate actions to secure Federal funding in the CIP (including Federal formula and discretionary grant funds under the Federal transit/highway program, the Passenger Rail Investment and Improvement Act of 2008, and such other Federal financial assistance as may be made available during the term of this Agreement) to assist in the funding of the Capital Improvement Program. WMATA will manage the Capital Improvement Program within the funding amounts agreed to by the Contributing Jurisdictions, except as otherwise provided in paragraph (C) of this subsection.

**(B) Jurisdictional Commitments.**

(i) To the extent applicable, each Contributing Jurisdiction agrees to make its Allocated Contribution to fund the Capital Budget component of the CIP and the CIP as a whole as adjusted annually in accordance with this Agreement; provided, however, that in no case will the Allocated Contribution be less than the Contributing Jurisdiction’s estimated

annual share of any required matching funds for (1) all federal formula and other federal grant funds awarded to WMATA and expected to be expended in the current Annual Work Plan, and (2) the System Performance Funds necessary to meet any maintenance of effort requirement for WMATA to receive Dedicated Funding (“Minimum Annual Allocated Contributions”). Such contributions shall be made in accordance with the requirements and procedures in subsection (3) of this Section. The source of funds for such capital contributions is in the discretion of each Contributing Jurisdiction; provided that such funds must qualify as local match under applicable FTA or other agency grant program requirements. WMATA agrees to provide each Contributing Jurisdiction with their estimated Allocated Contribution by the 10<sup>th</sup> business day in October each year.

(ii) If the expected amount of federal grant funds requiring a non-federal match increases by more than 20% over the previous year’s grant funds received by WMATA, then the Parties will confer within 30 days to determine if a change to the funding requirement contained in Section 4(b)(1)(B)(i) of this Agreement is appropriate.

(iii) Additionally, each Contributing Jurisdiction agrees to make its best efforts to provide necessary System Performance Funds to pursue the projects in the Annual Work Plan to be funded with System Performance Funds above those required to obtain Dedicated Funding. Each Contributing Jurisdiction shall inform WMATA of the amount of any such System Performance Funds to WMATA in sufficient time for WMATA staff to prepare the draft and final capital program and Annual Work Plan. The System Performance Funds will be programmed into the CIP and Annual Work Plan using the WMATA funding formulas described in Section 3(b) of this Agreement. Only those amounts which are balanced among the

Contributing Jurisdictions based on the aforementioned funding formulas will be programmed into the CIP and Annual Work Plan.

(C) Additional Limitations.

(i) As authorized in Section 4(b)(7) of this Agreement, WMATA and the District of Columbia have entered into a separate Local Capital Funding Agreement of even date herewith (“DCLCFA”) to address certain issues concerning the implementation of this Agreement that must be handled separately according to District of Columbia law. The implementation of District of Columbia obligations, representations, and warranties under this Agreement shall be controlled by the provisions of the DCLCFA set forth on Attachment 3 to the extent of any inconsistency between this Agreement and the provisions of the DCLCFA identified on Attachment 3. Section 4(b)(2)(D) of the DCLCFA provides that, if the District of Columbia exercises its prepayment rights for all long-term debt under 4(b)(2)(D) of this Agreement, then notwithstanding anything to the contrary herein, the Allocated Contribution of the District of Columbia, as shown on Table 1 of Attachment 1 of this Agreement, may not be increased above the aggregate amount of \$397,314,000 to be paid from District of Columbia capital funds, without written approval of the District of Columbia. Payments for Long Term Debt service on Metro Matters Funding Agreement debt and Long Term Debt service anticipated in this Agreement, are not included in the Allocated Contribution aggregate cap for the District of Columbia.. For informational purposes, only, the District of Columbia represents that payments for amounts such as Long Term Debt service under the Metro Matters Funding Agreement and funds associated with debt service for projects under this Agreement are funded through annual appropriations in its Operating Budget. For example, the District of Columbia has included in its proposed operating budget for FY 2011 the sum of

\$258,318,034 for payment to WMATA, which includes an amount sufficient to pay Long Term Debt service for FY 2011.

(ii) The District of Columbia agrees to review its Allocated Contributions annually to determine if any adjustments may be made. If the District of Columbia agrees to increase the District of Columbia Allocated Contributions cap by an amendment to the DCLCFA, then such increase will be incorporated into this Agreement pursuant to the Annual Work Plan process.

(iii) In the event that (i) WMATA proposes an increase that would cause the District of Columbia's Allocated Contribution to exceed an aggregate amount of \$397,314,000; and (ii) the District of Columbia denies or withholds approval of the increase in excess of that stated amount, all other Contributing Jurisdictions shall be relieved of any obligation to fund the increase proposed by WMATA in their Allocated Contributions.

(iv) In the event that the District of Columbia denies or withholds approval of such increase, all Parties shall cooperate to develop alternative solutions to any resulting revenue or program shortfalls.

**(2) Debt Sources.**

(A) General. -- In accordance with the Annual Work Plan, all or any portion of the Capital Improvement Program may be funded through short- or long-term debt financing as described in this subsection and in accordance with Section 21 and Articles IX and X of the WMATA Compact.

(B) WMATA Responsibility. -- WMATA may issue debt to assist in the financing of the Capital Improvement Program. The WMATA Board may authorize the issuance of such debt, in one or more issuances during the term of this Agreement, at such times

as it determines appropriate, in its discretion, taking into account factors such as the cash flow needs of the CIP, market conditions for financing, and WMATA's debt capacity. Any debt issued by WMATA under this subsection may be secured by a lien and pledge of WMATA's gross revenues, or (subject to any required FTA approval) of WMATA's capital assets. Any such debt secured by WMATA's gross revenues may be on parity with or subordinate to the 2003 Gross Revenue Transit Refunding Bonds, the Gross Revenue Transit Bonds Series 2009A, and the Gross Revenue Transit Bonds Series 2009B. For any such debt that is secured by WMATA's capital assets, WMATA will endeavor, consistent with the cash flow needs of the CIP and with market demands, to match the length of the debt financing to the useful life of the pledged assets, unless WMATA determines that market or other financial considerations make a different debt length more prudent. In addition to debt secured by gross revenues or capital assets as described in this paragraph, WMATA may issue debt in accordance with subsection (f) of this Section.

(C) Contributing Jurisdiction Responsibility. -- The Contributing Jurisdictions which have not elected to prepay pursuant to paragraph (D) of this subsection each commit, subject to annual appropriations, to make the annual contributions necessary in order that WMATA can make payments of debt service on debt issued by WMATA under paragraph (B) of this subsection. The amount of such contributions will be included in the respective Allocated Contribution amounts of the Contributing Jurisdictions set forth in the CIP. Such contributions shall be made in accordance with the requirements and procedures in subsection (3) of this Section. The obligation to make contributions to pay such debt service shall survive the term of this Agreement and shall remain in effect throughout the term of the WMATA debt issuance involved.

(D) Prepayment Alternative for Contributing Jurisdictions.

(1) Election. -- A Contributing Jurisdiction may elect to prepay its portion of the debt financing (other than commercial paper, letter of credit, or line of credit) needed to fund the Capital Improvement Program, as described in the CIP, in lieu of making annual contributions to pay WMATA debt service pursuant to paragraph (3) of this subsection. The elections and commitments of the Contributing Jurisdictions to make such prepayments, as of the Effective Date of this Agreement, are reflected in the CIP. If any update to the CIP during the term of this Agreement contemplates long-term debt issuances by WMATA, then the Contributing Jurisdictions shall have an opportunity to change their elections regarding prepayment, by notice to WMATA. Such notice shall be provided in writing no later than one hundred twenty (120) days after the date WMATA notifies the Contributing Jurisdictions of the need to make an election regarding such additional debt issuance.

(2) Responsibility for Repayment. -- If a Contributing Jurisdiction issues debt to make its prepayment under this paragraph, it shall pay the proceeds of such debt issuance directly to WMATA in accordance with its Allocated Contribution as set forth in the CIP and in accordance with the procedures set forth in Attachment 2. Such Contributing Jurisdiction shall be solely responsible for the repayment of the principal and interest of any debt it issues under this paragraph.

(3) **Contributing Jurisdiction Commitment.**

(A) General. -- The maximum amount of the Contributing Jurisdictions' Allocated Contribution of the costs of the CIP is subject to the provisions of Section 4(b)(1)(C) of this Agreement. Nothing in this Agreement shall be construed to obligate a Contributing Jurisdiction to have, as of the date that it enters into this Agreement, funding or an

appropriation in the full amount of its Allocated Contribution of the costs of the CIP. The Contributing Jurisdictions shall be solely responsible for their Allocated Contributions of the cost of the CIP. Each Contributing Jurisdiction commits, subject to its constitutional or legally equivalent provisions and throughout the term of this Agreement, to use all reasonable efforts including, but not limited to, a request by the responsible official to include the Minimum Annual Allocated Contribution as described in the draft Annual Work Plan in the Contributing Jurisdiction's annual proposed budget or other financial submission to its fiscal authority and to pursue all legally available means to secure the necessary and appropriate budget, legislative, and appropriations actions in order to obtain funding in the full amount of its Allocated Contribution of the costs of the Capital Improvement Program. Each Contributing Jurisdiction shall be solely responsible for providing its Allocated Contribution to the cost of the CIP, and in no circumstance shall one Contributing Jurisdiction be responsible for the Allocated Contribution or other obligations of any other Contributing Jurisdiction under this Agreement.

(B) Annual Commitment. -- Each Contributing Jurisdiction shall annually provide WMATA with written notice, concurrent with comments on WMATA's proposed budget, that funds have been, are intended to be, or will not be appropriated to cover its Allocated Contribution for WMATA's upcoming fiscal year, and committing to make payment of such Allocated Contribution to WMATA. No CIP or Annual Work Plan shall be approved without the certification of each Contributing Jurisdiction that the funding levels are reasonable and accurate reflections of funds to be made available. If a Contributing Jurisdiction's appropriations process is not completed by June 1, such Contributing Jurisdiction shall provide to WMATA: (i) a written explanation for the failure to make such submissions by June 1 and confirmation that amounts equal to its Allocated Contribution have been or will be included in

the next fiscal year budget to be considered by the Contributing Jurisdiction's fiscal authority; and (ii) written assurances that all reasonable efforts will be undertaken to secure the ultimate appropriation of funds in a prompt and timely fashion, or if funds will not be appropriated, then the Contributing Jurisdiction shall notify WMATA and all other Contributing Jurisdictions through their representatives listed in section 12 of this Agreement or as may be updated by each Contributing Jurisdiction in the future within five business days of the fiscal body's action. If there is a failure to appropriate the full annual Allocated Contribution, the Annual Work Plan shall be revised to conform to the available funds and submitted to the WMATA Board of Directors and the other Contributing Jurisdictions for approval.

(C) Quarterly Payments. -- Each Contributing Jurisdiction's Allocated Contribution shall be based on the approved Annual Work Plan and any subsequent adjustments derived from the Annual Budget Reconciliation Process for the quarter covered by the invoice, and paid to WMATA on a quarterly basis in advance, no later than the first day of each quarter, throughout the term of this Agreement. Any debt service included in the invoice for either Short-Term Debt or Long-term Debt shall be separately identified on the invoice. WMATA shall submit bills to the Contributing Jurisdictions for such quarterly payments forty-five (45) days prior to the date such payments are due. Thus, for example, for the July-September quarter WMATA will bill the amount in the Annual Work Plan as approved or adjusted for July-September and send each Contributing Jurisdiction an invoice for its Allocated Contribution no later than the immediately preceding May 15<sup>th</sup>. Contributing Jurisdiction payments must be received by WMATA no later than July 1. The sum of each Contributing Jurisdiction's quarterly invoices during a given fiscal year shall not exceed that Contributing Jurisdiction's Allocated Contribution in the approved Annual Work Plan.

**(4) Transitional System for FY2011 Billings** -- To transition to the billing system covered by this Agreement, WMATA shall:

(A) Bill the Contributing Jurisdictions  $\frac{1}{4}$  of the Allocated Contribution amounts for each of the first two quarters in FY2011 instead of the expected cash flow needs.

(B) Issue the final Annual Work Plan for FY2011 on or before July 1, 2010.

(C) Apply the Annual Budget Reconciliation Process to FY2011.

(D) Start the Quarterly Reporting required under the Agreement for the 1st quarter which closes on September 30, 2010, with the content of the report being progressively refined to meet the requirements of section 4(b)(5) and coming into full compliance with the report covering the 3<sup>rd</sup> quarter of FY2011.

**(5) Quarterly Reports.** At the conclusion of every quarter, WMATA shall prepare a report on the result of the preceding quarter for submittal to the Contributing Jurisdictions no later than forty five (45) days following the close of the quarter. Such report shall contain a review of capital project scope, cost, and schedule changes; the status of contracts necessary for the implementation of capital projects; the status of year-to-date expenditures relative to budget and the Annual Work Plan; the status of all cash and debt sources relative to budget and the Annual Work Plan; updated project cash flow projections and program cash requirements; and a comparison of the billed amount to amounts actually paid out for the preceding quarter. Such report shall be provided in a quarterly financial report to the WMATA Board.

**(6) Timeliness of Payment.**

(A) Treatment of Payments. -- Interest shall accrue on all payments made by a Contributing Jurisdiction until the funds are expended. WMATA shall place such funds so contributed into an interest earning account, with interest to be compounded monthly at WMATA's then current earnings rate for its short-term investments. Interest earned on funds contributed by a Contributing Jurisdiction shall be applied as a credit against future payments for Allocated Contributions due from that jurisdiction under this Agreement, unless otherwise directed in writing by that jurisdiction.

(B) Non-Payment or Late Payments. -- If a Contributing Jurisdiction fails to make a quarterly payment in full to WMATA when such payment is due after certification by the Contributing Jurisdiction as required under section 4(b)(3)(B), WMATA shall notify the other Contributing Jurisdictions and may issue debt or otherwise advance funds as deemed necessary by the WMATA General Manager to replace the amount of payment not timely received. In the event that WMATA issues debt, WMATA shall charge such Contributing Jurisdiction an amount equal to the sum of (i) the financing and interest costs and expenses (or lost interest earnings) incurred by or on behalf of WMATA in connection with such debt issuance or advance of funds; (ii) any administrative costs incurred by WMATA in connection with obtaining such replacement funding; and (iii) any penalties or losses incurred by WMATA assessed by a third party as a result of such late or non-payment. The total amount of the charges assessed under this paragraph, together with the unpaid quarterly payment, shall be due and payable to WMATA no later than thirty (30) days after the date of assessment by WMATA plus interest compounded monthly at the WMATA short-term investment earnings rate until the date of full payment.

(7) **Local Capital Funding Agreements.** -- WMATA, with the approval of the WMATA Board, may enter into Local Capital Funding Agreements with some or all of the Contributing Jurisdictions, consistent with this Agreement and the Attachments hereto, to establish arrangements to implement the Contributing Jurisdiction's commitment to pay its Allocated Contribution of the cost of the Capital Improvement Program, in the event that the budgetary process of a Contributing Jurisdiction makes such an agreement necessary or appropriate.

(8) **Interim Funding Sources and Security Interests.**

(A) **Interim Funding Authority.** -- The WMATA Board of Directors is authorized to use Interim Funding Sources, including borrowing, on behalf of WMATA in such amounts and at such times as, in the Board's sole judgment, are necessary and appropriate for the purpose of implementing the projects and activities in the Capital Improvement Program and any Annual Work Plan funded through direct capital contributions.

(B) **Security Interests.** -- WMATA may create security interests in its rights and interests in amounts paid or received as direct capital contributions from the Contributing Jurisdictions under this Agreement, as such amounts shall become available and are paid to or for the account of WMATA under the terms of this Agreement. Such amounts may be pledged as security for the costs of Interim Funding Sources. Each Contributing Jurisdiction shall comply with any reasonable and legal request of WMATA to execute, acknowledge, and deliver appropriate instruments and assurances as may be necessary or desirable to confirm and effectuate any such security interest created by WMATA in connection with Interim Funding Sources. Nothing in this subsection shall be construed as requiring any Contributing Jurisdiction to make any payment under this Agreement to anyone other than WMATA. For purposes of this

subsection, the “cost of Interim Funding Sources” includes payments of principal and interest thereunder and all fees, expenses, and other amounts incurred or payable under any Interim Funding Sources.

(C) Limitation. -- The borrowing authority authorized by this subsection may not be used by any Contributing Jurisdiction to satisfy its funding obligations under this Agreement.

(9) WMATA Risk Mitigation. -- Section 22 of the WMATA Compact prohibits WMATA from making any commitment or incurring any obligations with respect to the construction or acquisition of any transit facilities “until funds are available therefor.” The Parties acknowledge that the commitments of the Contributing Jurisdictions under this Agreement are intended to satisfy the requirements of Section 22 under an expenditure-based budget. In order to address the risk of non-appropriation or late payment of funds by a Contributing Jurisdiction or insufficient funding by the Federal Government, and to assure compliance with Section 22 of the WMATA Compact, WMATA intends to continue to maintain a risk mitigation credit facility using one or more of the following: a line of credit, letter of credit, commercial paper program, or other credit facility determined by WMATA in its discretion to be appropriate and feasible. Such risk mitigation credit facility shall be in addition to any other credit facility which may be put in place as a working capital or other cash flow aid.

(10) Annual Changes to the CIP -- In addition to making the funding commitments described in this Section and subject to the provisions of the District of Columbia Local Capital Funding Agreement (attached as Attachment 3), the Parties agree to adjust the program of projects included in the scope of this Agreement, each year within the term of this agreement on a rolling basis, in order to provide the funding required to meet WMATA’s

ongoing and updated CIP needs and other capital needs, and for planning WMATA's ongoing and updated CIP needs and other capital needs on a rolling basis for years beyond the term of this agreement.

## **SEC. 5 ANNUAL BUDGET RECONCILIATION PROCESS**

(a) **Reconciliation.** -- As part of its annual budget process in each year during the term of this Agreement, WMATA shall prepare a reconciliation of --

(1) the actual expenditures for projects and activities under the current Capital Improvement Program to date, and for that fiscal year, as compared to the planned expenditures for such projects and activities for the same fiscal year;

(2) the actual Allocated Contribution of each of the Contributing Jurisdictions to date, as compared to the scheduled Allocated Contribution of each Contributing Jurisdiction for the current CIP;

(3) the projected Allocated Contributions of each Contributing Jurisdiction for the current CIP;

(4) the actual amount of Federal grant funds received for the Capital Improvement Program, as compared to the budgeted or projected amount of Federal grant funds for the same fiscal year; and

(5) the current forecast of expenditures; and

(6) the estimated cost to complete the remaining projects and activities in the current Capital Improvement Program and expected sources of those funds.

(b) **Application of Reconciled Payment Amounts.** On or before October 15<sup>th</sup>, WMATA shall have performed the reconciliation described in the above section, including whether there is a surplus of funds paid in by the Contributing Jurisdictions. The results of this

reconciliation shall be used in the Annual Work Plan currently under development as well as to review the Annual Work Plan for the fiscal year then currently in effect at the time that the reconciliation is completed. If the results of the reconciliation indicate a need to adjust the then-current year's Annual Work Plan billing amounts, those adjustments shall become effective with the billing for the 3<sup>rd</sup> quarter, which begins on January 1. The surplus amount may be made available to the Contributing Jurisdictions only if there is no expectation that those funds will be needed within the next six succeeding quarters measured from WMATA's fiscal year 3<sup>rd</sup> quarter (beginning on January 1) and that the refund of the surplus will not result in WMATA receiving less funds (including the surplus funds) than is required to be needed to meet the expected costs of the program over the next six calendar quarters. If surplus funds are provided to the Contributing Jurisdictions, the funds will be made available prior to the 3<sup>rd</sup> or 4<sup>th</sup> quarter of the fiscal year in which the reconciliation was completed.

(c) **Revenue Shortfalls.** -- If the reconciliation process conducted under subsection (a) of this Section reveals that there are shortfalls in revenues for the Capital Improvement Program due to late or insufficient contributions by a Contributing Jurisdiction or to the receipt of less than the assumed level of Federal funds, or other funds that support the CIP, WMATA shall develop a recovery plan for addressing such shortfalls. Such recovery plan, as approved by the WMATA Board of Directors through its annual budget process, shall include one or more of the following alternatives: (1) utilization of Interim Funding Sources; (2) value engineering, project re-design, or other cost reduction measures for future projects or activities; (3) re-scheduling of projects or activities in the Capital Improvement Program; (4) subject to agreement of the Contributing Jurisdictions, increasing the levels of Allocated Contributions from the

Contributing Jurisdictions; and/or (5) the implementation of Project Deferrals under subsection (e) of this Section.

(d) **Revenue Increases.** If the reconciliation process conducted under subsection (a) of this Section reveals that Federal or other funds have been received which substantially exceed the assumed level of funding, such excess funds shall be applied to (1) to the unfunded priorities in the Capital Needs Inventory or to other needs identified by the WMATA Board; or (2) to any outstanding indebtedness, thereby reducing the Allocated Contributions of the Contributing Jurisdictions, as determined by the WMATA Board of Directors through its annual budget process.

(e) **Project Deferrals.** If WMATA is unable to satisfactorily address revenue shortfalls under subsection (c) of this Section, the WMATA Board may, through the next WMATA budget process, modify the Capital Improvement Program to defer certain projects or activities in order to assure that the Capital Improvement Program can be funded during the term of this Agreement within the amount of available financial resources.

(f) **Updated Capital Improvement Program.** The WMATA staff shall, as soon as practical after each annual reconciliation process conducted under this Section, develop an updated Capital Improvement Program. This updated document, if approved by the WMATA Board, will replace and supercede all previous versions of the Capital Improvement Program and.

(g) **Reprogramming of Funds and Projects During the Term of This Agreement.** The Parties recognize that the scope, pricing or desirability of some projects will change during the term of this Agreement. To address these possibilities, WMATA agrees to provide the

Contributing Jurisdictions with advance notice of any request to reprogram funds in an amount greater than \$1,000,000 per project.

(h) **Final Distribution.** In the event that this Agreement is terminated pursuant to section 8 of this Agreement, any amounts remaining at the expiration of this Agreement shall be first used to fund any remaining unfunded projects or activities in the Capital Improvement Program as indicated in the attached Capital Improvement Program, and then, if any funds remain, will be credited or refunded to the Contributing Jurisdictions, as directed by the Contributing Jurisdictions.

(i) **Financial Records.**

(1) **Maintenance of Records.** -- During the term of this Agreement, WMATA agrees to maintain separate and complete accounting records which are consistent with generally accepted governmental accounting procedures and which accurately reflect all income and expenditures of funds which may be provided under this Agreement. WMATA will retain all such CIP records for the same period that records are required to be kept for the FTA or other federal grants, unless there is an outstanding written Contributing Jurisdiction or FTA financial or audit question, which is not resolved by the Contributing Jurisdiction or FTA auditor. The records of WMATA must be in sufficient detail to determine the character and timing of fund items; and of contract obligation and expenditure transactions authorized by this Agreement.

(2) **Audits.**

(A) **Timing for Performance.** -- A Contributing Jurisdiction or its agent may perform an audit of WMATA's expenditures of funds and the sources of those funds provided by this Agreement for a period of up to three (3) fiscal years preceding a request for audit from the Contributing Jurisdiction provided that the request is received no later than one

hundred eighty (180) days after the release of the WMATA audit for the preceding year and transmittal of the audit to the Contributing Jurisdictions with a notice of their audit rights under this Agreement. Any such audit shall be commenced within sixty (60) days after the date of the request, and shall be completed (to the maximum extent practicable) within 180 days after the date it is commenced. The Contributing Jurisdiction will assume all financial responsibility for any costs associated with the performance of such audits. If more than one Contributing Jurisdiction initiates an audit on a timely basis under this paragraph, the audits shall be consolidated into a single audit for the applicable fiscal years and the Contributing Jurisdictions participating in the audit shall share in the cost of the audit. WMATA agrees to cooperate fully with a Contributing Jurisdiction or its authorized agent or designee in the conduct of any audit carried out in accordance with this paragraph. In addition to the foregoing, in the event that any Contributing Jurisdiction's bond, the proceeds of which were used to meet the funding obligation of the Agreement or any transaction pertaining to such Contributing Jurisdiction's bond, is the subject of any tax, securities or similar federal or state law investigation, inquiry or suit, WMATA shall promptly allow the Contributing Jurisdiction access, at the Contributing Jurisdiction's expense, to any record it may have relating to WMATA's use of the proceeds of such Contributing Jurisdiction's bond so that the Contributing Jurisdiction may participate and respond to any aspect of such investigation, inquiry or suit. In the event WMATA is notified that any Contributing Jurisdiction's bond, the proceeds of which were used to meet funding obligations of this Agreement or any transaction pertaining to any such Contributing Jurisdiction's bond, is the subject of any tax, securities or similar federal or state law investigation, inquiry or suit, WMATA shall promptly notify the Contributing Jurisdiction and

allow the Contributing Jurisdiction to participate in all aspects of the conduct or any response WMATA may make in such regard.

(B) Audit Results. -- If it is determined as a result of such an audit under this paragraph that the Contributing Jurisdiction has made payments in excess of or less than the amount(s) provided for pursuant to the terms and conditions of this Agreement and the CIP, WMATA will make appropriate adjustments in the amount due to WMATA from such Contributing Jurisdiction in the next fiscal year. The audit rights provided under this paragraph shall survive the termination date of this Agreement.

## **SEC. 6 DISPUTES**

(a) Informal Resolution -- The Parties agree to use all reasonable efforts to resolve any disputes, which arise under or otherwise relate to this Agreement. If the Parties, at staff level, cannot resolve such a dispute through initial discussions within thirty (30) days after the date it first arises, then the Party seeking a resolution shall, through its Authorized Representative, provide written notice of the nature of the dispute and the issues involved to the Authorized Representatives of each other Party involved. Such other Parties shall respond within thirty (30) days, stating their position on the issue presented and their proposal for resolution. The Authorized Representatives shall then meet within the next thirty (30) days in an attempt to resolve the dispute. If the dispute is not resolved within thirty (30) days following the date of the last meeting, any Party to the dispute may refer the matter to the WMATA Board for resolution.

(b) Alternative Resolution. -- If a dispute arising under this Agreement is not resolved pursuant to subsection (a) of this Section, the Parties thereto may agree to pursue a mutually acceptable alternative dispute resolution procedure. If such a procedure is not utilized

or does not result in a final and binding resolution of the dispute, any Party thereto may pursue a civil action for appropriate relief in a court of competent jurisdiction.

## **SEC. 7 REPRESENTATIONS AND WARRANTIES**

(a) **By WMATA.** -- WMATA makes the following representations as of the Effective Date of this Agreement as a basis for the undertakings pursuant to this Agreement.

(1) WMATA has full power and authority to enter into the transactions contemplated by this Agreement and to carry out its obligations hereunder;

(2) WMATA by proper WMATA Board action has duly authorized the execution and delivery of this Agreement;

(3) When executed and delivered by the Contributing Jurisdictions and by WMATA, this Agreement will constitute the legal, valid and binding obligation of WMATA enforceable in accordance with its terms, except as such enforceability is limited by annual appropriations, bankruptcy, reorganization, insolvency, moratorium or other laws affecting the enforcement of creditors' rights generally.

(4) No director, officer, or employee of WMATA who exercises or has exercised any functions or responsibilities over any procurement contract in connection with the Capital Improvement Program shall have or obtain a personal or financial interest or benefit from any activity in connection with the procurement contract or have an interest in any contract, subcontract, or agreement with respect thereto during the term of this Agreement.

(b) **By Contributing Jurisdictions.** -- Each Contributing Jurisdiction makes the following representations as of the Effective Date of this Agreement as a basis for the undertakings pursuant to this Agreement.

(1) The Contributing Jurisdiction has all necessary power and authority to enter into the transactions contemplated by this Agreement and to carry out its individual obligations hereunder;

(2) Each Contributing Jurisdiction has individually duly authorized the execution and delivery of this Agreement;

(3) When executed and delivered by each Contributing Jurisdiction, this Agreement will constitute the legal, valid and binding obligation of the individual entity enforceable in accordance with its terms, except as such enforceability is limited by annual appropriations, bankruptcy, reorganization, insolvency, moratorium or other laws affecting the enforcement of creditors' rights generally;

(4) No officer, or employee of any Contributing Jurisdiction who exercises or has exercised any functions or responsibilities over a procurement contract in connection with the Capital Improvement Program shall have or obtain a personal or financial interest or benefit from any activity in connection with the procurement contract or have an interest in any contract, subcontract, or agreement with respect therewith during the term of this Agreement.

## **SEC. 8 EFFECTIVE DATE AND TERM OF AGREEMENT**

(a) Effective Date. The Parties acknowledge and agree that this Agreement is in consideration of and contingent upon the execution of the Local Funding Agreement for Capital Funding by and between WMATA and the District of Columbia to be executed concurrently with the execution of this Agreement. Accordingly, this Agreement shall take effect on the date of execution by the last signatory to either this Agreement or the District of Columbia Local Funding Agreement for Capital Funding.

(b) Term. The term of this Agreement shall begin on the Effective Date and shall terminate on June 30, 2016. Where there are projects which have been started during the term of the Agreement or where bonds or other financial instruments have been issued pursuant to the Metro Matters Funding Agreement (for those Contributing Jurisdictions who did not opt out of the Long Term Debt issuance) or pursuant to this Agreement, the Contributing Jurisdictions, subject to annual appropriations, agree to continue to make their Allocated Contributions for those projects or debt service until the conclusion of the projects or the final maturity of the bonds or other financial instruments.

(c) Future Negotiations. No later than June 30, 2015, WMATA and the Contributing Jurisdictions agree to commence discussions for a successor capital funding agreement. WMATA will ask each Contributing Jurisdiction for an affirmative response to whether it wishes to participate in a successor agreement. Each Contributing Jurisdiction shall give an affirmative notice in accordance with Section 12 of this Agreement no later than October 1, 2015, either that: (1) it intends to continue under the Agreement, subject to amendment only of the projects included in the CIP and the cost of a new 6 year CIP and the renegotiation of the Local Funding Agreement with the District of Columbia (2) it requests negotiation of additional terms of the agreement in addition to those specified in the preceding clause or (3) it wishes to terminate the agreement as of June 30, 2016. It is the Parties' desire to limit negotiations only to the items listed in clause (1) if at all possible. A failure to timely respond will be deemed an election to terminate the Agreement. If a Contributing Jurisdiction gives or is deemed to give the required notice that it is terminating its participation in this Agreement, then the Agreement shall terminate as of June 30, 2016, except as covered by subsection (b), above.

**SEC. 9 RECITALS**

The Recitals set forth in this Agreement are material parts of this Agreement and are binding on the Parties to the same extent as the other terms and conditions hereof.

**SEC. 10 NO THIRD PARTY BENEFICIARIES**

The Parties to this Agreement do not intend any non-signatory to this Agreement or any other third Party to be a third Party beneficiary to this Agreement, nor do the Parties intend for any such third Party to have any rights or benefits under this Agreement or to have standing to bring an action or claim in any court or other forum to enforce any provision of this Agreement.

**SEC. 11 AMENDMENTS**

This Agreement may be amended or modified only by written agreement duly executed by all the Parties.

**SEC. 12 NOTICES**

All notices under this Agreement shall be in writing and shall be deemed to have been sufficiently given or served when presented personally or sent by the U.S. Postal Service or by a courier service or national overnight delivery service, to any Party as follows:

To the State of Maryland:  
Department of Transportation:

Director, Washington Area Transit Programs  
Maryland Department of Transportation  
4351 Garden City Drive, Suite 305  
Hyattsville, MD 20785

with a copy to:

Chairman, Washington Suburban Transit District  
4351 Garden City Drive, Suite 305  
Hyattsville, MD 20785

To the District of Columbia:

Director  
District Department of Transportation  
2000 14<sup>th</sup> Street, N.W.  
Washington, D.C. 20009

With copies to:

Chief Financial Officer for the District of Columbia  
John A. Wilson Building, Room 203  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Attorney General for the District of Columbia  
John A. Wilson Building, Room 409  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004

To Arlington County, Virginia:

Director  
Department of Management and Finance  
2100 Clarendon Boulevard, Suite 501  
Arlington, VA 22201

with a copy to:

Director  
Department of Environmental Services  
2100 Clarendon Boulevard, Suite 900  
Arlington, VA 22201

To Fairfax County, Virginia:

Director  
Fairfax County Department of Transportation  
12055 Government Center Parkway, 10<sup>th</sup> Floor  
Fairfax, VA 22035-5511

To the City of Alexandria, Virginia:

City Manager  
City of Alexandria  
301 King Street  
Alexandria, VA 22314

To the City of Fairfax, Virginia:

Mayor  
City of Fairfax  
10455 Armstrong Street  
Fairfax, VA 22030

with a copy to:

Transportation Director  
City of Fairfax  
10455 Armstrong Street  
Fairfax, VA 22030

To the City of Falls Church, Virginia:

City Manager  
City of Falls Church  
300 Park Avenue  
Falls Church, VA 22046

To the Washington Metropolitan Area Transit Authority:

General Manager  
600 Fifth Street, N.W.,  
Washington, D.C. 20001

with a copy to:

The General Counsel  
Washington Metropolitan Area Transit Authority  
600 Fifth Street, N.W., Second Floor  
Washington, D.C. 20001

### **SEC. 13 SUCCESSORS AND ASSIGNS**

This Agreement shall be binding on the successors and assigns of the Contributing Jurisdictions and WMATA.

### **SEC. 14 NO DEBT GUARANTEES**

No Contributing Jurisdiction guarantees the debt of WMATA or any other Contributing Jurisdiction, nor any obligation of WMATA or any other Contributing Jurisdiction.

**SEC. 15 REQUIREMENT FOR ANNUAL APPROPRIATIONS**

Notwithstanding any other provisions of this Agreement, all obligations of the Contributing Jurisdictions are subject to discretionary annual appropriation of funds by the governing bodies thereof or other appropriate legislative bodies thereof and shall be consistent with the anti-deficiency laws applicable to each Contributing Jurisdiction.

**SEC. 16 COUNTERPARTS**

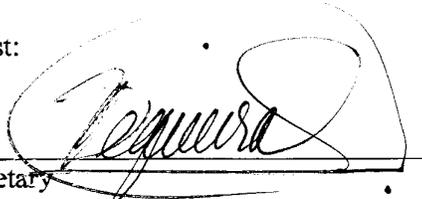
This Agreement may be executed in identical counterparts, each of which shall constitute an original and all of which shall constitute, collectively, one agreement. The counterpart with the most recent date shall determine the date of entry of this Agreement by the Parties listed on page one.

IN WITNESS WHEREOF, WMATA and the Contributing Jurisdictions have executed this Agreement on this 1<sup>st</sup> day of July, 2010.

WASHINGTON METROPOLITAN AREA  
TRANSIT AUTHORITY

Attest:

Secretary



By:

Richard Sarles  
Interim General Manager



[Seal]

Dated:

7/1/10

Approved as to Form and Legal Sufficiency:

By:

Office of General Counsel



[signatures continued on following page]

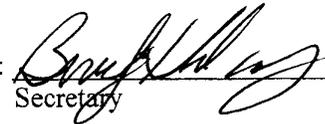
STATE OF MARYLAND

acting by and through the Washington Suburban Transit District and the Department of  
Transportation

MARYLAND DEPARTMENT OF  
TRANSPORTATION

Attest:

  
Witness

By:  [Seal]  
Secretary

and

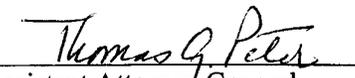
WASHINGTON SUBURBAN  
TRANSIT DISTRICT

Attest:

  
Witness

By:  [Seal]  
Chairman

Approved as to Form and Legal Sufficiency:

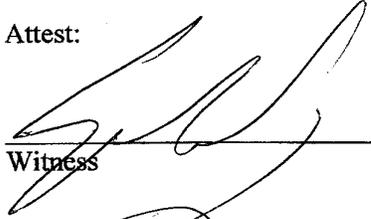
By:   
Assistant Attorney General

Date: June 16, 2010

[signatures continued on following page]

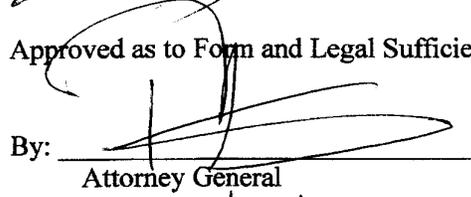
DISTRICT OF COLUMBIA

Attest:

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
By: Mayor [Seal]

Approved as to Form and Legal Sufficiency:

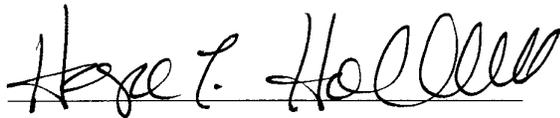
  
\_\_\_\_\_  
By: Attorney General

Dated: 6/30/10

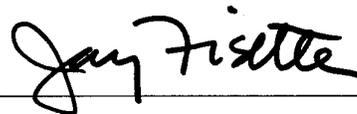
[signatures continued on following page]

COUNTY BOARD OF ARLINGTON  
COUNTY, VIRGINIA

Attest:

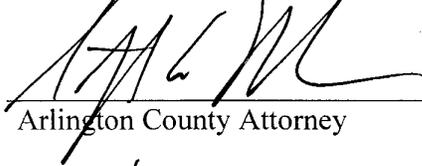
  
\_\_\_\_\_

Clerk to the County Board

By:  [Seal]  
\_\_\_\_\_

Chair  
County Board  
Arlington County, Virginia

Approved as to Form and Legal Sufficiency:

By:   
\_\_\_\_\_

Arlington County Attorney

Dated: 7/2/10

[signatures continued on following page]

FAIRFAX COUNTY, VIRGINIA

Attest:

Nancy Vekas  
Clerk to the Board of Supervisors

By: At Ginty [Seal]  
County Executive  
Fairfax County, Virginia

Approved as to Form and Legal Sufficiency:

By: David P. Bolger  
County Attorney

Dated: 6/30/10

[signatures continued on following page]

CITY OF ALEXANDRIA, VIRGINIA

Attest:

Jackie M. Henderson  
City Clerk

By: [Signature] [Seal]  
City Manager

Approved as to Form and Legal Sufficiency:

By: [Signature]  
City Attorney

APPROVED AS TO FORM:  
[Signature]  
DEPUTY CITY ATTORNEY

Dated: 7/22/10

[signatures continued on following page]

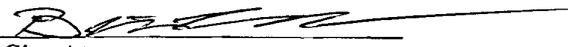
CITY OF FAIRFAX, VIRGINIA

Attest:

  
\_\_\_\_\_  
City Clerk

By:  [Seal]  
\_\_\_\_\_  
Mayor

Approved as to Form and Legal Sufficiency:

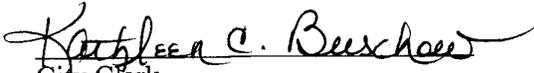
By:   
\_\_\_\_\_  
City Attorney

Dated: 7/14/2010

[signatures continued on following page]

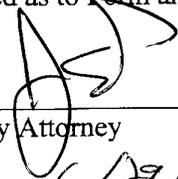
CITY OF FALLS CHURCH, VIRGINIA

Attest:

  
Kathleen C. Buschauer  
City Clerk

By:  [Seal]  
City Manager

Approved as to Form and Legal Sufficiency:

  
By: \_\_\_\_\_  
City Attorney

Dated: 6/29/10

ACTION – 4

Approval of Each Memorandum of Understanding (1) Between the Town of Vienna, Fairfax County and the Fairfax-Falls Church Community Services Board; (2) Between the City of Fairfax, Fairfax County and the Fairfax-Falls Church Community Services Board, (3) Between the Town of Herndon, Fairfax County and the Fairfax-Falls Church Community Services Board; and (4) Between the Northern Virginia Community College, Fairfax County and the Fairfax-Falls Church Community Services Board; Each Establishing Collaboration Among these Entities' Law Enforcement Agencies at the Merrifield Crisis Response Center for People Experiencing a Psychological Crisis

ISSUE:

The Fairfax-Falls Church Community Services Board (CSB) provides emergency screening for individuals detained through emergency custody (ECO), temporary detention (TDO), and for others in search of crisis intervention and support. Each Memorandum of Understanding allows law enforcement officers (LEO) from each of these jurisdictions within the CSB service area to have the opportunity to have the Crisis Intervention trained police officer or deputy sheriff on duty at the Merrifield Crisis Response Center (MCRC) take custody of an individual in lieu of being charged with a minor crime, being held by an LEO through an ECO, allowing the LEO to return to patrol or other duties as assigned by their respective jurisdictions.

RECOMMENDATION:

The County Executive recommends approval of each Memorandum of Understanding.

TIMING:

Board action is requested on May 17, 2016, to allow for stronger collaboration with law enforcement agencies from other jurisdictions within the CSB service area, and to serve individuals in crisis at the MCRC in the best way possible.

BACKGROUND:

Diversion First offers alternatives to incarceration for people with mental illness (with or without a co-occurring substance use disorder), or for those with an intellectual or developmental disability, who may come into contact with law enforcement for minor crimes. Diversion First helps prevent unnecessary entry into the criminal justice system by sending people experiencing psychological crisis to assessment and treatment when jail is clearly not the appropriate place for them.

The MCRC opened on January 1, 2016, and is located within the Merrifield Emergency Services of the CSB. The MCRC is staffed with on-duty Crisis-Intervention-trained

Board Agenda Item  
May 17, 2016

officers of both the Fairfax County Police Department and the Fairfax County Office of the Sheriff (the MCRC officers). Law enforcement officers on patrol are able to transport individuals experiencing psychological crisis to the Merrifield site for assessment, hospitalization if necessary, or other stabilization services. The MCRC officers on site are able to take custody of the individuals in crisis, allowing the LEO who originally detained the individual to return to patrol. The MCRC officer may also be able to transport the individual to the facility of temporary detention.

Each Memorandum of Understanding provides the legal basis and procedures for the MCRC officers to take custody from LEOs from these other jurisdictions instead of having to remain with the individual they detained at the site through the entire assessment and TDO process, which can last several hours.

FISCAL IMPACT:

None. The staffing at the MCRC has been achieved through realignment of existing resources. Funding has already been approved in the FY 2017 Adopted Budget Plan to support these activities which are a part of the larger Diversion First initiative.

ENCLOSED DOCUMENTS:

- Attachment 1: MOU between Town of Vienna, Fairfax County and the Fairfax-Falls Church Community Services Board
- Attachment 2: MOU between City of Fairfax, Fairfax County and the Fairfax-Falls Church Community Services Board
- Attachment 3: MOU between Town of Herndon, Fairfax County and the Fairfax-Falls Church Community Services Board
- Attachment 4: MOU between Northern Virginia Community College, Fairfax County and the Fairfax-Falls Church Community Services Board

STAFF:

- Patricia Harrison, Deputy County Executive
- David Rohrer, Deputy County Executive
- Laura Yager, Diversion First Project Manager, Office of County Executive
- Tisha Deeghan, Executive Director, Fairfax-Falls Church Community Services Board

**MEMORANDUM OF UNDERSTANDING BETWEEN THE FAIRFAX COUNTY  
BOARD OF SUPERVISORS, THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD,  
AND THE TOWN COUNCIL FOR THE TOWN OF VIENNA**

**I. PARTIES:**

This Memorandum of Understanding (MOU) is entered into this \_\_\_ day of \_\_\_\_\_ 2016, by and between the Board of Supervisors of Fairfax County, Virginia (County), the Fairfax-Falls Church Community Services Board (CSB), and the Town Council for the Town of Vienna, Virginia (Town of Vienna), for the purpose of identifying responsibilities of each party to the Crisis Intervention Team Program (CIT), a collaborative mental health and criminal justice program serving the CSB's service area which includes the County of Fairfax (County), the City of Falls Church, the City of Fairfax, the Town of Vienna, the Town of Herndon, the Town of Clifton, George Mason University's campus, located in the City of Fairfax, and the Northern Virginia Community College campus, located in the County.

**II. TERM:**

The term of this MOU shall commence on \_\_\_\_\_, 2016 and end on December 31, 2016. This MOU may be extended for five successive one year periods upon the agreement of the parties hereto in writing. Extensions shall not be automatic and shall be by written amendment signed by the parties hereto.

**III. AUTHORITY:**

- A. The CSB is an administrative policy community services board established by the County, the City of Fairfax and the City of Falls Church to provide appropriate services for persons with mental illness and substance abuse, or co-occurring disorders and/or those with intellectual disabilities.
- B. Pursuant to Va. Code Ann. §§ 37.2-808, -810 and 16.1-340, -340.2 because the CSB serves more than one jurisdiction, a magistrate shall specify the primary law-enforcement agency, or any other willing law enforcement agency, to provide transportation and execute the order of temporary detention within the CSB's service area where the person who is the subject of the emergency custody order is taken into custody. If the person has not yet been taken into custody, the primary law-enforcement agency specified by the magistrate to execute the order and provide transportation is the one from the jurisdiction where the person is then presently located.

- C. The CIT Merrifield Crisis Response Center (MCRC) is a licensed facility with, pursuant to this MOU, and in conjunction with the Fairfax County Police Department (FCPD) and the Fairfax County Sheriff's Office (Sheriff's Office), who will provide the MCRC with the ability to provide the level of security necessary to protect persons and others from harm and, in conjunction with the FCPD and the Sheriff's Office, is capable of providing such security. The CSB agrees to provide the Town of Vienna with a copy of its licensure. The MCRC is a facility located in Merrifield, Virginia, less than .5 miles of the INOVA Fairfax Hospital and the Northern Virginia Mental Health Institute. The MCRC will be staffed by CSB Emergency Services clinical staff who are Virginia Certified Prescreeners (CSB Prescreener). A function of the MCRC is to provide an assessment of persons in the custody of a law enforcement officer as a result of an emergency custody order (ECO) issued by a County magistrate pursuant to Va. Code Ann. §§ 37.2-808 (A) through (F) and (I) through (O), or Va. Code Ann. §§ 16.1-340 (A) through (F) and (I) through (O), or in the emergency custody of a law enforcement officer pursuant to Va. Code Ann. §§ 37.2-808 (G) or (H), or Va. Code Ann. §§ 16.2-340 (G) or (H), (paperless ECO).
- D. Va. Code Ann. §§ 37.2-808 (E) and 16.1-340(E) provides for a licensed facility, such as the CSB's MCRC within CSB Emergency Services, to enter into an MOU with the FCPD and with the Sheriff's Office to provide the requisite level of safety and security necessary to protect such person and others from harm while at the MCRC. Va. Code Ann. §§ 37.2-810 and 16.1-340.2 provides that the FCPD and the Sheriff's Office may each agree to be a willing law enforcement agency specified by a magistrate to provide transportation and execute the order of temporary detention within the CSB's service area.

#### **IV. PURPOSE:**

To establish the terms and conditions under which the MCRC will function and, in conjunction with the FCPD and the Sheriff's Office, provide the level of security necessary to protect persons and others from harm while detained at the MCRC. This MOU is only applicable to persons who are in the custody of an FCPD law enforcement officer (FCPD officer), Sheriff's deputy, or another law enforcement officer in Virginia, such as a Town of Vienna law enforcement officer with which the Fairfax County Board of Supervisors has entered into this agreement with the Vienna Town Council (Qualified Officer), to allow a CIT trained law enforcement officer assigned to the MCRC, as defined below in Part V(A)(2), to take custody of a person detained by such Qualified Officer, as a result of an ECO issued by a County magistrate pursuant to Va. Code Ann. §§ 37.2-808 (A) through (F), and (I) through (O), or Va. Code Ann. §§ 16.1-340 (A) through (F) and (I) through (O), or in the emergency custody of a Qualified Officer pursuant to Va. Code Ann. §§ 37.2-808 (G) or (H), or Va. Code Ann. §§ 16.2-340 (G) or (H).

**V. RESPONSIBILITIES OF CSB:**

The CSB will have sole responsibility for obtaining the appropriate licensing for the MCRC and for complying with all applicable regulations for the facility. The CSB will also have sole responsibility for maintaining the MCRC facility and staffing CSB Prescreeners and any other individual necessary to complete the evaluation process or preliminary medical screening.

**VI. RESPONSIBILITIES DURING THE ECO PROCESS:**

Pursuant to the stated purpose of this MOU, the County, the CSB and the Town of Vienna agree to the following responsibilities and procedures:

- A. When a Qualified Officer who has probable cause to believe that a person meets the criteria of Va. Code Ann. § 37.2-808(A) or, if a juvenile, Va. Code Ann. § 16.1-340(A), and requires an assessment pursuant to a magistrate issued ECO or takes a person into emergency custody through a paperless ECO, the County, the CSB and the Town of Vienna agree that the following shall occur:
  - 1. The Qualified Officer, as required by Va. Code Ann. § 37.2-808(J) or Va. Code Ann. § 16.1-340(J), as soon as practicable after execution of the ECO or after the person has been taken into custody pursuant to a paperless ECO, will call **703-573-5679** to notify the CSB Prescreener who is responsible for conducting the required evaluation under §§ 37.2-808 or 16.1-340 to inform the MCRC that a person has been taken into custody pursuant to §§ 37.2-808 or 16.1-340, provide the name, date of birth, and any other available information regarding the person in custody, and provide the estimated time of arrival at the MCRC of the Qualified Officer and the person in custody.
  - 2. The FCPD and the Sheriff's Office have separately agreed, pursuant to Va. Code Ann. §§ 37.2-810 and 16.1-340.2, to each be a willing law enforcement agency to provide transportation and execute the order of temporary detention, and the FCPD and the Sheriff's Office have each also agreed to assign to the MCRC, only an FCPD officer(s) and a deputy sheriff(s) who has successfully completed crisis intervention team training in accordance with the *Essential Elements for the Commonwealth of Virginia's Crisis Intervention Team Programs (CIT)*, the CIT Program Development Guidance, Department of Criminal Justice Services and Department of Behavioral Health Services, September 8, 2011 (updated October 1, 2014) (MCRC officer). Such MCRC officer will be available, as provided below between the hours of 11:30 a.m. one day to 8:00 a.m. the following day, seven days a week.
  - 3. A Qualified Officer who has a person in custody will enter the MCRC through the designated Emergency Services lower level entrance and inform the MCRC officer of his or her arrival with the person in custody.
  - 4. The Qualified Officer, the MCRC officer, and the CSB Prescreener will discuss the facts and circumstances leading the Qualified Officer to take the person into

emergency custody, or the reason, if known, that an ECO was issued by a County magistrate. The MCRC officer will decide, in his or her sole discretion, whether or not the MCRC officer is able at that time to take custody of that person and to provide the level of security necessary for the person in custody, based on the MCRC officer's evaluation of the needs of the person in custody, the staffing levels and needs of any other persons being served at the MCRC and/or the CSB's Emergency Services facility where the MCRC is located, including but not limited to, the safety and provision of services by staff to all persons present at either facility, and any other factors the MCRC officer believes are relevant.

B. Determination based on this evaluation:

1. Upon determination by the MCRC officer that he or she is able to provide the necessary level of security during the period of time the person in the Qualified Officer's custody will need to remain at the MCRC, the MCRC officer will take custody of that person while at the MCRC, and the Qualified Officer may leave the MCRC only after the MCRC officer has taken custody and directed that the Qualified Officer may leave the MCRC.
2. If the MCRC officer decides for any reason that the level of security the MCRC officer is able to provide is not sufficient to protect the MCRC, its staff, the person being detained, any other person at the Merrifield Center, or a member of the public, the MCRC officer will so inform the Qualified Officer who then must maintain the custody of the person detained for the entire period of time that such person is required to remain at the MCRC, and the Qualified Officer will then transport such detained person to the facility designated in the Temporary Detention Order (TDO) by the magistrate, if issued, including to obtain medical clearance for the person who is the subject of the TDO, and/or to follow any other order contained in the TDO.
3. At any time, the MCRC officer, based on his or her sole determination, may require the Qualified Officer who originally had custody of the person being detained at the MCRC, or another Qualified Officer from the same locality or entity as the original Qualified Officer, to return to the MCRC to take custody of that person for whatever reason, including, but not limited to, a change in the level of security required at the MCRC to maintain the peace and good order at the MCRC, and/or to transport the person being detained at the MCRC to the facility of temporary detention as ordered in the TDO, if issued, including to obtain medical clearance for the person who is the subject of the TDO, and/or to carry out any other order in the TDO as required.
4. Once inside the MCRC, or other such treatment room as designated by the MCRC officer or the CSB Prescreener, the CSB Prescreener will conduct the evaluation required by the Code of Virginia and provide the necessary services, if any, pursuant to the policies of the CSB, and the CSB Prescreener will conduct a preliminary medical screening as part of the pre-admission screening process.

5. It is understood by the parties that a person detained at the MCRC may require further medical evaluation or treatment at INOVA Fairfax Hospital or another hospital emergency department as deemed necessary by the CSB Prescreener, or as required by the facility of temporary detention designated in the TDO. If any transportation of the person detained at the MCRC is required for any reason, the MCRC officer will determine whether or not the MCRC officer or Qualified Officer who originally had custody of the person then detained at the MCRC, or another Qualified Officer from the same locality or entity as the original Qualified Officer, will take custody of the person detained and provide the transportation to a hospital emergency room.

#### **VII. RESPONSIBILITIES IN THE EVENT THE RESPONDENT IS RELEASED FROM THE ECO:**

The CSB Prescreener is responsible for determining whether a person does not meet, or no longer meets, the criteria set for in Va. Code Ann. §§ 37.2-808 or 16.1-340 for the person's continued detention. If the CSB Prescreener makes this determination, then the person will be immediately released from custody of any law enforcement officer at the MCRC. The person will also be released from custody at the MCRC after the eight (8) hour period during which any ECO is valid has expired.

- A. If the person who was previously in custody at the MCRC asks to be transported to the place from which he or she was originally detained, then a Peer Specialist, other CSB staff member, family member, or other individual that serves as a support mechanism may transport the previously detained person to return him or her to the place where he or she was originally detained or to another supportive environment within a reasonable distance from the place of original detention. If none of the above-listed people are available to transport the previously detained person, the CSB may provide the previously detained person with suitable public transportation.
- B. As required, the CSB Prescreener will transmit the completed ECO paperwork by facsimile to the court and/or facility of temporary detention designated by the issuing magistrate pursuant to Va. Code Ann. §§ 37.2-808(C) or 16.1-340(C).

#### **VIII. RESPONSIBILITIES DURING TDO PROCESS:**

- A. When a TDO is issued for an individual who is currently located at the MCRC, the following procedures will apply:
  1. The Prescreener who located the facility of temporary detention for the person who is the subject of the TDO will request the magistrate to transmit the TDO paperwork by facsimile to the MCRC at **703-876-1640** when the TDO is issued.
  2. The MCRC officer, or whichever Qualified Officer executes the TDO, will send a copy of the fully executed TDO to the County Attorney's Office, using only the secure facsimile number, at **703- 653-1366**. Whichever officer executes the TDO may have

the CSB Prescreener include a copy of the executed TDO in the transmission to that secure facsimile number of the Petition and Prescreen, if a copy of the executed TDO is available at the time of that transmission.

- B. When a TDO is issued for an individual who is located in a facility other than the MCRC (e.g., a hospital emergency department or hospital of temporary detention), the Qualified Officer who originally detained the person, or another Qualified Officer from the same locality or entity as the original Qualified Officer will, upon receipt of the TDO at the hospital or elsewhere by secure facsimile transmission from the magistrate or otherwise, execute the TDO and transport that person to the temporary detention facility designated on the TDO, including obtaining any medical clearance for the person who is the subject of the TDO, and/or to carry out any other order in the TDO as required.

**IX. FEES OR COSTS ASSOCIATED WITH ECO/TDO AND CUSTODY PROCESS:**

- A. Nothing herein shall be constructed to obligate the County, the CSB, the FCPD, the Sheriff's Office, or the locality or entity of the Qualified Officer for the payment of any fees, expenses, or damages incurred during the ECO/TDO processes.
- B. Any and all fees or costs associated with the medical screening and assessment services or any treatment provided during the ECO process or during a TDO period of detention shall be paid by the Commonwealth as provided in Va. Code Ann. §§ 37.2-804 or 16.1- 347.

**X. MCRC SECURITY:**

- A. Any Qualified Officer who has a person in his or her custody is responsible for the safety and security of that person and the general public, until and unless that Qualified Officer has placed the person in his or her custody into the custody of another Qualified Officer, the MCRC officer, or another law enforcement officer.
- B. The primary duty of the MCRC officer will be to maintain the safety and control of the person in his or her custody at all times, and to assist, when possible, in maintaining the safety of all CSB staff and individuals receiving services at the MCRC and the Merrifield Center. All other facility related security will be provided by the private security personnel hired by the CSB to maintain the peace and good order of the Merrifield Center, where the MCRC is located. CSB will also be responsible for maintaining the Merrifield Center, including the security of the building and access to the building. At the discretion of the CIT Coordinator in conjunction with the CSB Director of Emergency Services, and in coordination with the FCPD and/or the Sheriff's Office, other law enforcement services may be provided by the FCPD and/or the Sheriff's Office or others.
- C. When the MCRC officer has a person in his or her custody, the MCRC officer will have the sole discretion to allow another law enforcement officer or CSB staff members into the area where the MCRC officer has a person in custody, to ensure the ability of the MCRC officer to maintain the safety and control of the person he has in custody and

those in the immediate area. Any family, witness, or significant other who come to the Merrifield Center will enter through the Emergency Services entrance, and will only be allowed into the area where the MCRC officer has a person custody if allowed to do so by the MCRC officer, at his or her sole discretion, after the MCRC officer's evaluation of the need for such person to be in the area where the MCRC officer has a person in custody and, if such person is needed, then the totality of the circumstances and any safety concerns then present may still prohibit such person from being in the area where the MCRC officer has a person in custody.

**XI. CSB EMERGENCY SERVICES:**

The CSB agrees to provide the MCRC with a CSB Prescreener on a full-time basis during the hours of operation of the MCRC, from 11:30 a.m. one day to 8:00 a.m. the following day, and seven days a week. Law enforcement officers can contact CSB Emergency Services at **703-573-5679**, 24 hours a day, seven days a week.

**XII. REQUIREMENTS FOR THE CUSTODY OF THE DETAINED PERSON TO BE PLACED WITH THE MCRC OFFICER:**

- A. An MCRC officer MUST be on duty and present at the MCRC.
- B. The MCRC officer will make an initial risk assessment of potential aggression or violence of the person detained by a Qualified Officer to determine the current capability of the MCRC officer to take custody of the person detained by a Qualified Officer.
- C. The MCRC officer will list the client number and/or name of any detained person who remains in the custody of the Qualified Officer who originally detained and/or brought the person to the MCRC in the "Log of Referrals Declined from the MCRC" and mark one of the following:
  - a. MCRC officer at capacity
  - b. Other (Explain)
- D. When the MCRC officer declines to take custody of the detained person, then the Qualified Officer who originally detained the person and/or brought the person to the MCRC (original Qualified Officer), or another Qualified Officer from the same locality or entity as the original Qualified Officer, must remain at the Merrifield Center to have the evaluation required by the Code of Virginia performed by a CSB Prescreener.
- E. When the MCRC officer determines that it is not required that the Qualified Officer who originally detained the person and/or brought the person to the MCRC remain at the MCRC, that Qualified Officer may leave the MCRC; however, that Qualified Officer who originally detained the person and/or brought the person to the MCRC, or another Qualified Officer from the same locality or entity as the original Qualified Officer, may need to report to the MCRC to assist with the security or safety of the MCRC or to transport the detained person to another facility as necessary.

### **XIII. MEDICAL ASSESSMENT:**

- A. At the time of the initial call to the MCRC and upon arrival at the MCRC, the CSB Prescreener will initiate a clinical triage process that includes questions regarding medical issues. Non-emergency medical conditions will be deferred.
- B. Any sign or report of the following by or regarding the person detained will require immediate consultation with a licensed CSB psychiatrist on duty, and following any recommendations, including calling 911, as needed:
  - 1. Chest pains
  - 2. Significantly Elevated or Depressed Blood Pressure
  - 3. Difficulty Breathing
  - 4. Dizziness
  - 5. Pulse outside of normal range
  - 6. Reported/suspected overdose
  - 7. Temperature outside normal range
  - 8. Suspected/reported head injury
  - 9. Untreated medical condition with potential immediate harm
  - 10. Dehydration/malnutrition
  - 11. Other suspected health condition that may be serious in nature
- C. If further medical assessment is recommended, a MCRC officer will transport or have a Qualified Officer from the same locality or entity as the original Qualified Officer report to the MCRC to transport the detained person to INOVA Fairfax Emergency Department or another designated emergency department. As necessary, any available person or staff at the MCRC will call 911 to respond to treat the detained person with emergency medical needs who shall remain in the custody of the MCRC officer or a Qualified Officer from the same locality or entity as the original Qualified Officer and who, along with the detained person, will be transported by emergency medical equipment and staff to the closest available hospital capable of handling the person's medical needs. Such MCRC officer or a Qualified Officer from the same locality or entity as the original Qualified Officer must maintain such custody of the person until a TDO has been issued, executed, and the person is in the custody of the detention facility named in the TDO, or until the person is otherwise released from the custody of such officer.

- D. If the detained person must be transported to INOVA Fairfax ED or another emergency department prior to the completion of a Prescreening evaluation, the CSB Prescreener will provide the preadmission screening assessment as soon as possible thereafter.

**XIV. MODIFICATION OF THIS MOU:**

This MOU shall not be modified without the agreement of the parties as to such modification, which shall be in writing and signed by an authorized representative of each party. No modification shall take effect until thirty (30) days after both parties have signed such written agreed modification.

**XV. SUSPENSION OF SERVICES:**

The County and/or the CSB each retain the right to suspend services in the event any of the following occur:

- A. The Town of Vienna policies and procedures are found by the County or the CSB to conflict with the policies and procedures of the County and /or the CSB;
- B. The FCPD and/or the Sheriff's Office, for whatever reason, reduces or eliminates its commitment to provide MCRC officer(s) in accordance with their respective MOUs with the County and/or the CSB;

Services shall remain suspended until the event causing the suspension is cured, the parties agree in writing to a modification of the MOU, or this MOU is terminated.

**XVI. TERMINATION WITHOUT CAUSE:**

Any party may at any time, and for any reason, unilaterally terminate this MOU by giving written notice to the other parties specifying the termination date, which shall be no less than thirty (30) days from the date such notice is received. Such written notice to terminate shall be made to a party by delivery to the person for another party whose signature appears below, or their duly appointed successor, at their usual place of business.

**XVII. INSURANCE:**

- A. Each party to this MOU will, to the extent provided by law, be responsible for the acts and omissions of its respective employees while such employees are acting within the scope of their employment. Each party will also be responsible, to the extent provided by law, for any compensation or benefits owed to that party's employee under the Virginia Worker's Compensation Act.
- B. The County is self-insured as is the FCPD and the CSB. The County also self-insures all vehicles owned by the County, and provides protection against liability arising from the operation of County-owned vehicles. The acts and omissions of persons employed by the

County are governed by the Fairfax County Board of Supervisors' Indemnification and Representation Resolution, as amended.

- C. The Sheriff's Office, the Sheriff, Deputy Sheriffs and any other employees of the Sheriff and/or the Sheriff's Office, are covered under the self-insurance and/or any other insurance provided by the Commonwealth of Virginia to the Sheriff's Office, the Sheriff, Deputy Sheriffs and any other employees of the Sheriff and the Sheriff's Office. Liability protection for the Fairfax Sheriff, her appointees and employees is provided by the Commonwealth of Virginia pursuant to the Code of Virginia, § 2.2-1839.
- D. The Town of Vienna's employees are insured while such employees are acting within the scope of their employment, through the Town of Vienna's Property and Casualty Policy underwritten by the Virginia Municipal League Insurance Programs (VMLIP).

**XIII. COMPLIANCE WITH APPLICABLE LAWS:**

The parties agree to comply with all federal, state and local statutes, ordinances, regulations, and guidelines now in effect or hereafter adopted, in the performance of the description of services set forth herein. The County, the CSB and the Town of Vienna each represent that it has all necessary licenses and permits required to conduct its services, and will furnish copies to any other party upon request. Further, the County, the CSB and the Town of Vienna shall at all times observe all health and safety measures and precautions necessary for the safe performance of its obligations hereunder.

FAIRFAX-FALLS CHURCH  
COMMUNITY SERVICES BOARD

TOWN OF VIENNA

By: \_\_\_\_\_  
Tisha Deeghan  
Executive Director

By: \_\_\_\_\_  
Mercury Payton  
Town Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

FAIRFAX COUNTY

By: \_\_\_\_\_

Edward E. Long Jr.

County Executive

Date: \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING BETWEEN THE FAIRFAX COUNTY  
BOARD OF SUPERVISORS, THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD,  
AND THE CITY COUNCIL FOR THE CITY OF FAIRFAX**

**I. PARTIES:**

This Memorandum of Understanding (MOU) is entered into this \_\_\_ day of \_\_\_\_\_ 2016, by and between the Board of Supervisors of Fairfax County, Virginia (County), the Fairfax-Falls Church Community Services Board (CSB), and the City Council for the City of Fairfax, Virginia (City of Fairfax), for the purpose of identifying responsibilities of each party to the Crisis Intervention Team Program (CIT), a collaborative mental health and criminal justice program serving the CSB's service area which includes the County of Fairfax (County), the City of Falls Church, the City of Fairfax, the Town of Vienna, the Town of Herndon, the Town of Clifton, George Mason University's campus, located in the City of Fairfax, and the Northern Virginia Community College campus, located in the County.

**II. TERM:**

The term of this MOU shall commence on \_\_\_\_\_, 2016 and end on December 31, 2016. This MOU may be extended for five successive one year periods upon the agreement of the parties hereto in writing. Extensions shall not be automatic and shall be by written amendment signed by the parties hereto.

**III. AUTHORITY:**

- A. The CSB is an administrative policy community services board established by the County, the City of Fairfax and the City of Falls Church to provide appropriate services for persons with mental illness and substance abuse, or co-occurring disorders and/or those with intellectual disabilities.
- B. Pursuant to Va. Code Ann. §§ 37.2-808, -810 and 16.1-340, -340.2 because the CSB serves more than one jurisdiction, a magistrate shall specify the primary law-enforcement agency, or any other willing law enforcement agency, to provide transportation and execute the order of temporary detention within the CSB's service area where the person who is the subject of the emergency custody order is taken into custody. If the person has not yet been taken into custody, the primary law-enforcement agency specified by the magistrate to execute the order and provide transportation is the one from the jurisdiction where the person is then presently located.
- C. The CIT Merrifield Crisis Response Center (MCRC) is a licensed facility with, pursuant to this MOU, and in conjunction with the Fairfax County Police Department (FCPD) and the Fairfax County Sheriff's Office (Sheriff's Office), who will provide the MCRC with the

ability to provide the level of security necessary to protect persons and others from harm and, in conjunction with the FCPD and the Sheriff's Office, is capable of providing such security. The CSB agrees to provide the City of Fairfax with a copy of its licensure. The MCRC is a facility located in Merrifield, Virginia, less than .5 miles of the INOVA Fairfax Hospital and the Northern Virginia Mental Health Institute. The MCRC will be staffed by CSB Emergency Services clinical staff who are Virginia Certified Prescreeners (CSB Prescreener). A function of the MCRC is to provide an assessment of persons in the custody of a law enforcement officer as a result of an emergency custody order (ECO) issued by a County magistrate pursuant to Va. Code Ann. §§ 37.2-808 (A) through (F) and (I) through (O), or Va. Code Ann. §§ 16.1-340 (A) through (F) and (I) through (O), or in the emergency custody of a law enforcement officer pursuant to Va. Code Ann. §§ 37.2-808 (G) or (H), or Va. Code Ann. §§ 16.2-340 (G) or (H), (paperless ECO).

- D. Va. Code Ann. §§ 37.2-808 (E) and 16.1-340(E) provides for a licensed facility, such as the CSB's MCRC within CSB Emergency Services, to enter into an MOU with the FCPD and with the Sheriff's Office to provide the requisite level of safety and security necessary to protect such person and others from harm while at the MCRC. Va. Code Ann. §§ 37.2-810 and 16.1-340.2 provides that the FCPD and the Sheriff's Office may each agree to be a willing law enforcement agency specified by a magistrate to provide transportation and execute the order of temporary detention within the CSB's service area. Nothing in this MOU will, nor is it intended to, alter, amend or change any other agreement, understanding or practice between the Sheriff's Office and the City of Fairfax or its employees regarding the transportation by the Sheriff's Office of persons who need to be transported to available facilities in Virginia outside of the CSB's service area.

#### **IV. PURPOSE:**

To establish the terms and conditions under which the MCRC will function and, in conjunction with the FCPD and the Sheriff's Office, provide the level of security necessary to protect persons and others from harm while detained at the MCRC. This MOU is only applicable to persons who are in the custody of an FCPD law enforcement officer (FCPD officer), Sheriff's deputy, or another law enforcement officer in Virginia, such as a City of Fairfax law enforcement officer with which the Fairfax County Board of Supervisors has entered into this agreement with the Fairfax City Council (Qualified Officer), to allow a CIT trained law enforcement officer assigned to the MCRC, as defined below in Part V(A)(2), to take custody of a person detained by such Qualified Officer, as a result of an ECO issued by a County magistrate pursuant to Va. Code Ann. §§ 37.2-808 (A) through (F), and (I) through (O), or Va. Code Ann. §§ 16.1-340 (A) through (F) and (I) through (O), or in the emergency custody of a Qualified Officer pursuant to Va. Code Ann. §§ 37.2-808 (G) or (H), or Va. Code Ann. §§ 16.2-340 (G) or (H).

#### **V. RESPONSIBILITIES OF CSB:**

The CSB will have sole responsibility for obtaining the appropriate licensing for the MCRC and for complying with all applicable regulations for the facility. The CSB will also have sole responsibility

for maintaining the MCRC facility and staffing CSB Prescreeners and any other individual necessary to complete the evaluation process or preliminary medical screening.

#### **VI. RESPONSIBILITIES DURING THE ECO PROCESS:**

Pursuant to the stated purpose of this MOU, the County, the CSB and the City of Fairfax agree to the following responsibilities and procedures:

- A. When a Qualified Officer who has probable cause to believe that a person meets the criteria of Va. Code Ann. § 37.2-808(A) or, if a juvenile, Va. Code Ann. § 16.1-340(A), and requires an assessment pursuant to a magistrate issued ECO or takes a person into emergency custody through a paperless ECO, the County, the CSB and the City of Fairfax agree that the following shall occur:
  1. The Qualified Officer, as required by Va. Code Ann. § 37.2-808(J) or Va. Code Ann. § 16.1-340(J), as soon as practicable after execution of the ECO or after the person has been taken into custody pursuant to a paperless ECO, will call **703-573-5679** to notify the CSB Prescriber who is responsible for conducting the required evaluation under §§ 37.2-808 or 16.1-340 to inform the MCRC that a person has been taken into custody pursuant to §§ 37.2-808 or 16.1-340, provide the name, date of birth, and any other available information regarding the person in custody, and provide the estimated time of arrival at the MCRC of the Qualified Officer and the person in custody.
  2. The FCPD and the Sheriff's Office have separately agreed, pursuant to Va. Code Ann. §§ 37.2-810 and 16.1-340.2, to each be a willing law enforcement agency to provide transportation and execute the order of temporary detention, and the FCPD and the Sheriff's Office have each also agreed to assign to the MCRC, only an FCPD officer(s) and a deputy sheriff(s) who has successfully completed crisis intervention team training in accordance with the *Essential Elements for the Commonwealth of Virginia's Crisis Intervention Team Programs (CIT)*, the CIT Program Development Guidance, Department of Criminal Justice Services and Department of Behavioral Health Services, September 8, 2011 (updated October 1, 2014) (MCRC officer). Such MCRC officer will be available, as provided below between the hours of 11:30 a.m. one day to 8:00 a.m. the following day, seven days a week.
  3. A Qualified Officer who has a person in custody will enter the MCRC through the designated Emergency Services lower level entrance and inform the MCRC officer of his or her arrival with the person in custody.
  4. The Qualified Officer, the MCRC officer, and the CSB Prescriber will discuss the facts and circumstances leading the Qualified Officer to take the person into emergency custody, or the reason, if known, that an ECO was issued by a County magistrate. The MCRC officer will decide, in his or her sole discretion, whether or not the MCRC officer is able at that time to take custody of that person and to provide the level of security necessary for the person in custody, based on the MCRC officer's evaluation of the needs of the person in custody, the staffing levels and

needs of any other persons being served at the MCRC and/or the CSB's Emergency Services facility where the MCRC is located, including but not limited to, the safety and provision of services by staff to all persons present at either facility, and any other factors the MCRC officer believes are relevant.

B. Determination based on this evaluation:

1. Upon determination by the MCRC officer that he or she is able to provide the necessary level of security during the period of time the person in the Qualified Officer's custody will need to remain at the MCRC, the MCRC officer will take custody of that person while at the MCRC, and the Qualified Officer may leave the MCRC only after the MCRC officer has taken custody and directed that the Qualified Officer may leave the MCRC.
2. If the MCRC officer decides for any reason that the level of security the MCRC officer is able to provide is not sufficient to protect the MCRC, its staff, the person being detained, any other person at the Merrifield Center, or a member of the public, the MCRC officer will so inform the Qualified Officer who then must maintain the custody of the person detained for the entire period of time that such person is required to remain at the MCRC, and the Qualified Officer will then transport such detained person to the facility designated in the Temporary Detention Order (TDO) by the magistrate, if issued, including to obtain medical clearance for the person who is the subject of the TDO, and/or to follow any other order contained in the TDO.
3. At any time, the MCRC officer, based on his or her sole determination, may require the Qualified Officer who originally had custody of the person being detained at the MCRC, or another Qualified Officer from the same locality or entity as the original Qualified Officer, to return to the MCRC to take custody of that person for whatever reason, including, but not limited to, a change in the level of security required at the MCRC to maintain the peace and good order at the MCRC, and/or to transport the person being detained at the MCRC to the facility of temporary detention as ordered in the TDO, if issued, including to obtain medical clearance for the person who is the subject of the TDO, and/or to carry out any other order in the TDO as required.
4. Once inside the MCRC, or other such treatment room as designated by the MCRC officer or the CSB Prescreener, the CSB Prescreener will conduct the evaluation required by the Code of Virginia and provide the necessary services, if any, pursuant to the policies of the CSB, and the CSB Prescreener will conduct a preliminary medical screening as part of the pre-admission screening process.
5. It is understood by the parties that a person detained at the MCRC may require further medical evaluation or treatment at INOVA Fairfax Hospital or another hospital emergency department as deemed necessary by the CSB Prescreener, or as required by the facility of temporary detention designated in the TDO. If any

transportation of the person detained at the MCRC is required for any reason, the MCRC officer will determine whether or not the MCRC officer or Qualified Officer who originally had custody of the person then detained at the MCRC, or another Qualified Officer from the same locality or entity as the original Qualified Officer, will take custody of the person detained and provide the transportation to a hospital emergency room.

#### **VII. RESPONSIBILITIES IN THE EVENT THE RESPONDENT IS RELEASED FROM THE ECO:**

The CSB Prescreener is responsible for determining whether a person does not meet, or no longer meets, the criteria set for in Va. Code Ann. §§ 37.2-808 or 16.1-340 for the person's continued detention. If the CSB Prescreener makes this determination, then the person will be immediately released from custody of any law enforcement officer at the MCRC. The person will also be released from custody at the MCRC after the eight (8) hour period during which any ECO is valid has expired.

- A. If the person who was previously in custody at the MCRC asks to be transported to the place from which he or she was originally detained, then a Peer Specialist, other CSB staff member, family member, or other individual that serves as a support mechanism may transport the previously detained person to return him or her to the place where he or she was originally detained or to another supportive environment within a reasonable distance from the place of original detention. If none of the above-listed people are available to transport the previously detained person, the CSB may provide the previously detained person with suitable public transportation.
- B. As required, the CSB Prescreener will transmit the completed ECO paperwork by facsimile to the court and/or facility of temporary detention designated by the issuing magistrate pursuant to Va. Code Ann. §§ 37.2-808(C) or 16.1-340(C).

#### **VIII. RESPONSIBILITIES DURING TDO PROCESS:**

- A. When a TDO is issued for an individual who is currently located at the MCRC, the following procedures will apply:
  - 1. The Prescreener who located the facility of temporary detention for the person who is the subject of the TDO will request the magistrate to transmit the TDO paperwork by facsimile to the MCRC at **703-876-1640** when the TDO is issued.
  - 2. The MCRC officer, or whichever Qualified Officer executes the TDO, will send a copy of the fully executed TDO to the County Attorney's Office, using only the secure facsimile number, at **703- 653-1366**. Whichever officer executes the TDO may have the CSB Prescreener include a copy of the executed TDO in the transmission to that secure facsimile number of the Petition and Prescreen, if a copy of the executed TDO is available at the time of that transmission.

- B. When a TDO is issued for an individual who is located in a facility other than the MCRC (e.g., a hospital emergency department or hospital of temporary detention), the Qualified Officer who originally detained the person, or another Qualified Officer from the same locality or entity as the original Qualified Officer will, upon receipt of the TDO at the hospital or elsewhere by secure facsimile transmission from the magistrate or otherwise, execute the TDO and transport that person to the temporary detention facility designated on the TDO, including obtaining any medical clearance for the person who is the subject of the TDO, and/or to carry out any other order in the TDO as required.

**IX. FEES OR COSTS ASSOCIATED WITH ECO/TDO AND CUSTODY PROCESS:**

- A. Nothing herein shall be constructed to obligate the County, the CSB, the FCPD, the Sheriff's Office, or the locality or entity of the Qualified Officer for the payment of any fees, expenses, or damages incurred during the ECO/TDO processes.
- B. Any and all fees or costs associated with the medical screening and assessment services or any treatment provided during the ECO process or during a TDO period of detention shall be paid by the Commonwealth as provided in Va. Code Ann. §§ 37.2-804 or 16.1- 347.

**X. MCRC SECURITY:**

- A. Any Qualified Officer who has a person in his or her custody is responsible for the safety and security of that person and the general public, until and unless that Qualified Officer has placed the person in his or her custody into the custody of another Qualified Officer, the MCRC officer, or another law enforcement officer.
- B. The primary duty of the MCRC officer will be to maintain the safety and control of the person in his or her custody at all times, and to assist, when possible, in maintaining the safety of all CSB staff and individuals receiving services at the MCRC and the Merrifield Center. All other facility related security will be provided by the private security personnel hired by the CSB to maintain the peace and good order of the Merrifield Center, where the MCRC is located. CSB will also be responsible for maintaining the Merrifield Center, including the security of the building and access to the building. At the discretion of the CIT Coordinator in conjunction with the CSB Director of Emergency Services, and in coordination with the FCPD and/or the Sheriff's Office, other law enforcement services may be provided by the FCPD and/or the Sheriff's Office or others.
- C. When the MCRC officer has a person in his or her custody, the MCRC officer will have the sole discretion to allow another law enforcement officer or CSB staff members into the area where the MCRC officer has a person in custody, to ensure the ability of the MCRC officer to maintain the safety and control of the person he has in custody and those in the immediate area. Any family, witness, or significant other who come to the Merrifield Center will enter through the Emergency Services entrance, and will only be allowed into the area where the MCRC officer has a person custody if allowed to do so by the MCRC officer, at his or her sole discretion, after the MCRC officer's evaluation of

the need for such person to be in the area where the MCRC officer has a person in custody and, if such person is needed, then the totality of the circumstances and any safety concerns then present may still prohibit such person from being in the area where the MCRC officer has a person in custody.

**XI. CSB EMERGENCY SERVICES:**

The CSB agrees to provide the MCRC with a CSB Prescreener on a full-time basis during the hours of operation of the MCRC, from 11:30 a.m. one day to 8:00 a.m. the following day, and seven days a week. Law enforcement officers can contact CSB Emergency Services at **703-573-5679**, 24 hours a day, seven days a week.

**XII. REQUIREMENTS FOR THE CUSTODY OF THE DETAINED PERSON TO BE PLACED WITH THE MCRC OFFICER:**

- A. An MCRC officer **MUST** be on duty and present at the MCRC.
- B. The MCRC officer will make an initial risk assessment of potential aggression or violence of the person detained by a Qualified Officer to determine the current capability of the MCRC officer to take custody of the person detained by a Qualified Officer.
- C. The MCRC officer will list the client number and/or name of any detained person who remains in the custody of the Qualified Officer who originally detained and/or brought the person to the MCRC in the “Log of Referrals Declined from the MCRC” and mark one of the following:
  - a. MCRC officer at capacity
  - b. Other (Explain)
- D. When the MCRC officer declines to take custody of the detained person, then the Qualified Officer who originally detained the person and/or brought the person to the MCRC (original Qualified Officer), or another Qualified Officer from the same locality or entity as the original Qualified Officer, must remain at the Merrifield Center to have the evaluation required by the Code of Virginia performed by a CSB Prescreener.
- E. When the MCRC officer determines that it is not required that the Qualified Officer who originally detained the person and/or brought the person to the MCRC remain at the MCRC, that Qualified Officer may leave the MCRC; however, that Qualified Officer who originally detained the person and/or brought the person to the MCRC, or another Qualified Officer from the same locality or entity as the original Qualified Officer, may need to report to the MCRC to assist with the security or safety of the MCRC or to transport the detained person to another facility as necessary.

### **XIII. MEDICAL ASSESSMENT:**

- A. At the time of the initial call to the MCRC and upon arrival at the MCRC, the CSB Prescreener will initiate a clinical triage process that includes questions regarding medical issues. Non-emergency medical conditions will be deferred.
  
- B. Any sign or report of the following by or regarding the person detained will require immediate consultation with a licensed CSB psychiatrist on duty, and following any recommendations, including calling 911, as needed:
  - 1. Chest pains
  - 2. Significantly Elevated or Depressed Blood Pressure
  - 3. Difficulty Breathing
  - 4. Dizziness
  - 5. Pulse outside of normal range
  - 6. Reported/suspected overdose
  - 7. Temperature outside normal range
  - 8. Suspected/reported head injury
  - 9. Untreated medical condition with potential immediate harm
  - 10. Dehydration/malnutrition
  - 11. Other suspected health condition that may be serious in nature
  
- C. If further medical assessment is recommended, a MCRC officer will transport or have a Qualified Officer from the same locality or entity as the original Qualified Officer report to the MCRC to transport the detained person to INOVA Fairfax Emergency Department or another designated emergency department. As necessary, any available person or staff at the MCRC will call 911 to respond to treat the detained person with emergency medical needs who shall remain in the custody of the MCRC officer or a Qualified Officer from the same locality or entity as the original Qualified Officer and who, along with the detained person, will be transported by emergency medical equipment and staff to the closest available hospital capable of handling the person's medical needs. Such MCRC officer or a Qualified Officer from the same locality or entity as the original Qualified Officer must maintain such custody of the person until a TDO has been issued, executed, and the person is in the custody of the detention facility named in the TDO, or until the person is otherwise released from the custody of such officer.

- D. If the detained person must be transported to INOVA Fairfax ED or another emergency department prior to the completion of a Prescreening evaluation, the CSB Prescreener will provide the preadmission screening assessment as soon as possible thereafter.

**XIV. MODIFICATION OF THIS MOU:**

This MOU shall not be modified without the agreement of the parties as to such modification, which shall be in writing and signed by an authorized representative of each party. No modification shall take effect until thirty (30) days after both parties have signed such written agreed modification.

**XV. SUSPENSION OF SERVICES:**

The County and/or the CSB each retain the right to suspend services in the event any of the following occur:

- A. The City of Fairfax policies and procedures are found by the County or the CSB to conflict with the policies and procedures of the County and /or the CSB;
- B. The FCPD and/or the Sheriff's Office, for whatever reason, reduces or eliminates its commitment to provide MCRC officer(s) in accordance with their respective MOUs with the County and/or the CSB;

Services shall remain suspended until the event causing the suspension is cured, the parties agree in writing to a modification of the MOU, or this MOU is terminated.

**XVI. TERMINATION WITHOUT CAUSE:**

Any party may at any time, and for any reason, unilaterally terminate this MOU by giving written notice to the other parties specifying the termination date, which shall be no less than thirty (30) days from the date such notice is received. Such written notice to terminate shall be made to a party by delivery to the person for another party whose signature appears below, or their duly appointed successor, at their usual place of business.

**XVII. INSURANCE:**

- A. Each party to this MOU will, to the extent provided by law, be responsible for the acts and omissions of its respective employees while such employees are acting within the scope of their employment. Each party will also be responsible, to the extent provided by law, for any compensation or benefits owed to that party's employee under the Virginia Worker's Compensation Act.
- B. The County is self-insured as is the FCPD and the CSB. The County also self-insures all vehicles owned by the County, and provides protection against liability arising from the operation of County-owned vehicles. The acts and omissions of persons employed by the County are governed by the Fairfax County Board of Supervisors' Indemnification and Representation Resolution, as amended.

- C. The Sheriff's Office, the Sheriff, Deputy Sheriffs and any other employees of the Sheriff and/or the Sheriff's Office, are covered under the self-insurance and/or any other insurance provided by the Commonwealth of Virginia to the Sheriff's Office, the Sheriff, Deputy Sheriffs and any other employees of the Sheriff and the Sheriff's Office. Liability protection for the Fairfax Sheriff, her appointees and employees is provided by the Commonwealth of Virginia pursuant to the Code of Virginia, § 2.2-1839.
- D. The City of Fairfax's employees are insured with VML Insurance Programs while such employees are acting within the scope of their employment.

**XIII. COMPLIANCE WITH APPLICABLE LAWS:**

The parties agree to comply with all federal, state and local statutes, ordinances, regulations, and guidelines now in effect or hereafter adopted, in the performance of the description of services set forth herein. The County, the CSB and the City of Fairfax each represent that it has all necessary licenses and permits required to conduct its services, and will furnish copies to any other party upon request. Further, the County, the CSB and the City of Fairfax shall at all times observe all health and safety measures and precautions necessary for the safe performance of its obligations hereunder.

FAIRFAX-FALLS CHURCH  
COMMUNITY SERVICES BOARD

CITY OF FAIRFAX

By: \_\_\_\_\_  
Tisha Deeghan  
Executive Director

By: \_\_\_\_\_  
Robert Sisson  
City Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

FAIRFAX COUNTY

By: \_\_\_\_\_  
Edward E. Long Jr.  
County Executive

Date: \_\_\_\_\_

**MEMORANDUM OF UNDERSTANDING BETWEEN THE FAIRFAX COUNTY  
BOARD OF SUPERVISORS, THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD,  
AND THE TOWN COUNCIL FOR THE TOWN OF HERNDON**

**I. PARTIES:**

This Memorandum of Understanding (MOU) is entered into this \_\_\_ day of \_\_\_\_\_ 2016, by and between the Board of Supervisors of Fairfax County, Virginia (County), the Fairfax-Falls Church Community Services Board (CSB), and the Town Council for the Town of Herndon, Virginia (Town of Herndon), for the purpose of identifying responsibilities of each party to the Crisis Intervention Team Program (CIT), a collaborative mental health and criminal justice program serving the CSB's service area which includes the County of Fairfax (County), the City of Falls Church, the City of Fairfax, the Town of Vienna, the Town of Herndon, the Town of Clifton, George Mason University's campus, located in the City of Fairfax, and the Northern Virginia Community College campus, located in the County.

**II. TERM:**

The term of this MOU shall commence on \_\_\_\_\_, 2016 and end on December 31, 2016. This MOU may be extended for five successive one year periods upon the agreement of the parties hereto in writing. Extensions shall not be automatic and shall be by written amendment signed by the parties hereto.

**III. AUTHORITY:**

- A. The CSB is an administrative policy community services board established by the County, the City of Fairfax and the City of Falls Church to provide appropriate services for persons with mental illness and substance abuse, or co-occurring disorders and/or those with intellectual disabilities.
  
- B. Pursuant to Va. Code Ann. §§ 37.2-808, -810 and 16.1-340, -340.2 because the CSB serves more than one jurisdiction, a magistrate shall specify the primary law-enforcement agency, or any other willing law enforcement agency, to provide transportation and execute the order of temporary detention within the CSB's service area where the person who is the subject of the emergency custody order is taken into custody. If the person has not yet been taken into custody, the primary law-enforcement agency specified by the magistrate to execute the order and provide transportation is the one from the jurisdiction where the person is then presently located.

- C. The CIT Merrifield Crisis Response Center (MCRC) is a licensed facility who, pursuant to this MOU, and in conjunction with the Fairfax County Police Department (FCPD) and the Fairfax County Sheriff's Office (Sheriff's Office), will provide the MCRC with the ability to provide the level of security necessary to protect persons and others from harm and, in conjunction with the FCPD and the Sheriff's Office, is capable of providing such security. The CSB agrees to provide the Town of Herndon with a copy of its licensure. The MCRC is a facility located in Merrifield, Virginia, less than .5 miles of the INOVA Fairfax Hospital and the Northern Virginia Mental Health Institute. The MCRC will be staffed by CSB Emergency Services clinical staff who are Virginia Certified Prescreeners (CSB Prescreener). A function of the MCRC is to provide an assessment of persons in the custody of a law enforcement officer as a result of an emergency custody order (ECO) issued by a County magistrate pursuant to Va. Code Ann. §§ 37.2-808 (A) through (F) and (I) through (O), or Va. Code Ann. §§ 16.1-340 (A) through (F) and (I) through (O), or in the emergency custody of a law enforcement officer pursuant to Va. Code Ann. §§ 37.2-808 (G) or (H), or Va. Code Ann. §§ 16.2-340 (G) or (H), (paperless ECO).
- D. Va. Code Ann. §§ 37.2-808 (E) and 16.1-340(E) provides for a licensed facility, such as the CSB's MCRC within CSB Emergency Services, to enter into an MOU with the FCPD and with the Sheriff's Office to provide the requisite level of safety and security necessary to protect such person and others from harm while at the MCRC. Va. Code Ann. §§ 37.2-810 and 16.1-340.2 provides that the FCPD and the Sheriff's Office may each agree to be a willing law enforcement agency specified by a magistrate to provide transportation and execute the order of temporary detention within the CSB's service area.

**IV. PURPOSE:**

To establish the terms and conditions under which the MCRC will function and, in conjunction with the FCPD and the Sheriff's Office, provide the level of security necessary to protect persons and others from harm while detained at the MCRC. This MOU is only applicable to persons who are in the custody of an FCPD law enforcement officer (FCPD officer), Sheriff's deputy, or another law enforcement officer in Virginia, such as a Town of Herndon law enforcement officer (Qualified Officer) with which the Fairfax County Board of Supervisors has entered into this agreement with the Herndon Town Council, to allow a CIT trained law enforcement officer assigned to the MCRC, as defined below in Part V(A)(2), to take custody of a person detained by such Qualified Officer, as a result of an ECO issued by a County magistrate pursuant to Va. Code Ann. §§ 37.2-808 (A) through (F), and (I) through (O), or Va. Code Ann. §§ 16.1-340 (A) through (F) and (I) through (O), or in the emergency custody of a Qualified Officer pursuant to Va. Code Ann. §§ 37.2-808 (G) or (H), or Va. Code Ann. §§ 16.2-340 (G) or (H).

**V. RESPONSIBILITIES OF CSB:**

The CSB will have sole responsibility for obtaining the appropriate licensing for the MCRC and for complying with all applicable regulations for the facility. The CSB will also have sole responsibility for maintaining the MCRC facility and staffing CSB Prescreeners and any other individual necessary to complete the evaluation process or preliminary medical screening.

## VI. RESPONSIBILITIES DURING THE ECO PROCESS:

Pursuant to the stated purpose of this MOU, the County, the CSB and the Town of Herndon agree to the following responsibilities and procedures:

- A. When a Qualified Officer who has probable cause to believe that a person meets the criteria of Va. Code Ann. § 37.2-808(A) or, if a juvenile, Va. Code Ann. § 16.1-340(A), and requires an assessment pursuant to a magistrate issued ECO or takes a person into emergency custody through a paperless ECO, the County, the CSB and the Town of Herndon agree that the following shall occur:
  1. The Qualified Officer, as required by Va. Code Ann. § 37.2-808(J) or Va. Code Ann. § 16.1-340(J), as soon as practicable after execution of the ECO or after the person has been taken into custody pursuant to a paperless ECO, will call **703-573-5679** to notify the CSB Prescreener who is responsible for conducting the required evaluation under §§ 37.2-808 or 16.1-340 to inform the MCRC that a person has been taken into custody pursuant to §§ 37.2-808 or 16.1-340, provide the name, date of birth, and any other available information regarding the person in custody, and provide the estimated time of arrival at the MCRC of the Qualified Officer and the person in custody.
  2. The FCPD and the Sheriff's Office have separately agreed, pursuant to Va. Code Ann. §§ 37.2-810 and 16.1-340.2, to each be a willing law enforcement agency to provide transportation and execute the order of temporary detention, and the FCPD and the Sheriff's Office have each also agreed to assign to the MCRC, only an FCPD officer(s) and a deputy sheriff(s) who has successfully completed crisis intervention team training in accordance with the *Essential Elements for the Commonwealth of Virginia's Crisis Intervention Team Programs (CIT)*, the CIT Program Development Guidance, Department of Criminal Justice Services and Department of Behavioral Health Services, September 8, 2011 (updated October 1, 2014) (MCRC officer). Such MCRC officer will be available, as provided below between the hours of 11:30 a.m. one day to 8:00 a.m. the following day, seven days a week.
  3. A Qualified Officer who has a person in custody will enter the MCRC through the designated Emergency Services lower level entrance and inform the MCRC officer of his or her arrival with the person in custody.
  4. The Qualified Officer, the MCRC officer, and the CSB Prescreener will discuss the facts and circumstances leading the Qualified Officer to take the person into emergency custody, or the reason, if known, that an ECO was issued by a County magistrate. The MCRC officer will decide, in his or her sole discretion, whether or not the MCRC officer is able at that time to take custody of that person and to provide the level of security necessary for the person in custody, based on the MCRC officer's evaluation of the needs of the person in custody, the staffing levels and needs of any other persons being served at the MCRC and/or the CSB's Emergency

Services facility where the MCRC is located, including but not limited to, the safety and provision of services by staff to all persons present at either facility, and any other factors the MCRC officer believes are relevant.

B. Determination based on this evaluation:

1. Upon determination by the MCRC officer that he or she is able to provide the necessary level of security during the period of time the person in the Qualified Officer's custody will need to remain at the MCRC, the MCRC officer will take custody of that person while at the MCRC, and the Qualified Officer may leave the MCRC only after the MCRC officer has taken custody and directed that the Qualified Officer may leave the MCRC.
2. If the MCRC officer decides for any reason that the level of security the MCRC officer is able to provide is not sufficient to protect the MCRC, its staff, the person being detained, any other person at the Merrifield Center, or a member of the public, the MCRC officer will so inform the Qualified Officer who then must maintain the custody of the person detained for the entire period of time that such person is required to remain at the MCRC, and the Qualified Officer will then transport such detained person to the facility designated in the Temporary Detention Order (TDO) by the magistrate, if issued, including to obtain medical clearance for the person who is the subject of the TDO, and/or to follow any other order contained in the TDO.
3. At any time, the MCRC officer, based on his or her sole determination, may require the Qualified Officer who originally had custody of the person being detained at the MCRC, or another Qualified Officer from the same locality or entity as the original Qualified Officer, to return to the MCRC to take custody of that person for whatever reason, including, but not limited to, a change in the level of security required at the MCRC to maintain the peace and good order at the MCRC, and/or to transport the person being detained at the MCRC to the facility of temporary detention as ordered in the TDO, if issued, including to obtain medical clearance for the person who is the subject of the TDO, and/or to carry out any other order in the TDO as required.
4. Once inside the MCRC, or other such treatment room as designated by the MCRC officer or the CSB Prescreener, the CSB Prescreener will conduct the evaluation required by the Code of Virginia and provide the necessary services, if any, pursuant to the policies of the CSB, and the CSB Prescreener will conduct a preliminary medical screening as part of the pre-admission screening process.
5. It is understood by the parties that a person detained at the MCRC may require further medical evaluation or treatment at INOVA Fairfax Hospital or another hospital emergency department as deemed necessary by the CSB Prescreener, or as required by the facility of temporary detention designated in the TDO. If any transportation of the person detained at the MCRC is required for any reason, the

MCRC officer will determine whether or not the MCRC officer or Qualified Officer who originally had custody of the person then detained at the MCRC, or another Qualified Officer from the same locality or entity as the original Qualified Officer, will take custody of the person detained and provide the transportation to a hospital emergency room.

**VII. RESPONSIBILITIES IN THE EVENT THE RESPONDENT IS RELEASED FROM THE ECO:**

The CSB Prescreener is responsible for determining whether a person does not meet, or no longer meets, the criteria set for in Va. Code Ann. §§ 37.2-808 or 16.1-340 for the person's continued detention. If the CSB Prescreener makes this determination, then the person will be immediately released from custody of any law enforcement officer at the MCRC. The person will also be released from custody at the MCRC after the eight (8) hour period during which any ECO is valid has expired.

- A. If the person who was previously in custody at the MCRC asks to be transported to the place from which he or she was originally detained, then a Peer Specialist, other CSB staff member, family member, or other individual that serves as a support mechanism may transport the previously detained person to return him or her to the place where he or she was originally detained or to another supportive environment within a reasonable distance from the place of original detention. If none of the above-listed people are available to transport the previously detained person, the CSB may provide the previously detained person with suitable public transportation.
- B. As required, the CSB Prescreener will transmit the completed ECO paperwork by facsimile to the court and/or facility of temporary detention designated by the issuing magistrate pursuant to Va. Code Ann. §§ 37.2-808(C) or 16.1-340(C).

**VIII. RESPONSIBILITIES DURING TDO PROCESS:**

- A. When a TDO is issued for an individual who is currently located at the MCRC, the following procedures will apply:
  - 1. The Prescreener who located the facility of temporary detention for the person who is the subject of the TDO will request the magistrate to transmit the TDO paperwork by facsimile to the MCRC at **703-876-1640** when the TDO is issued.
  - 2. The MCRC officer, or whichever Qualified Officer executes the TDO, will send a copy of the fully executed TDO to the County Attorney's Office, using only the secure facsimile number, at **703- 653-1366**. Whichever officer executes the TDO may have the CSB Prescreener include a copy of the executed TDO in the transmission to that secure facsimile number of the Petition and Prescreen, if a copy of the executed TDO is available at the time of that transmission.

- B. When a TDO is issued for an individual who is located in a facility other than the MCRC (e.g., a hospital emergency department or hospital of temporary detention), the Qualified Officer who originally detained the person, or another Qualified Officer from the same locality or entity as the original Qualified Officer will, upon receipt of the TDO at the hospital or elsewhere by secure facsimile transmission from the magistrate or otherwise, execute the TDO and transport that person to the temporary detention facility designated on the TDO, including obtaining any medical clearance for the person who is the subject of the TDO, and/or to carry out any other order in the TDO as required.

**IX. FEES OR COSTS ASSOCIATED WITH ECO/TDO AND CUSTODY PROCESS:**

- A. Nothing herein shall be constructed to obligate the County, the CSB, the FCPD, the Sheriff's Office, or the locality or entity of the Qualified Officer for the payment of any fees, expenses, or damages incurred during the ECO/TDO processes.
- B. Any and all fees or costs associated with the medical screening and assessment services or any treatment provided during the ECO process or during a TDO period of detention shall be paid by the Commonwealth as provided in Va. Code Ann. §§ 37.2-804 or 16.1- 347.

**X. MCRC SECURITY:**

- A. Any Qualified Officer who has a person in his or her custody is responsible for the safety and security of that person and the general public, until and unless that Qualified Officer has placed the person in his or her custody into the custody of another Qualified Officer, the MCRC officer, or another law enforcement officer.
- B. The primary duty of the MCRC officer will be to maintain the safety and control of the person in his or her custody at all times, and to assist, when possible, in maintaining the safety of all CSB staff and individuals receiving services at the MCRC and the Merrifield Center. All other facility related security will be provided by the private security personnel hired by the CSB to maintain the peace and good order of the Merrifield Center, where the MCRC is located. CSB will also be responsible for maintaining the Merrifield Center, including the security of the building and access to the building. At the discretion of the CIT Coordinator in conjunction with the CSB Director of Emergency Services, and in coordination with the FCPD and/or the Sheriff's Office, other law enforcement services may be provided by the FCPD and/or the Sheriff's Office or others.
- C. When the MCRC officer has a person in his or her custody, the MCRC officer will have the sole discretion to allow another law enforcement officer or CSB staff members into the area where the MCRC officer has a person in custody, to ensure the ability of the MCRC officer to maintain the safety and control of the person he has in custody and those in the immediate area. Any family, witness, or significant other who come to the Merrifield Center will enter through the Emergency Services entrance, and will only be allowed into the area where the MCRC officer has a person custody if allowed to do so

by the MCRC officer, at his or her sole discretion, after the MCRC officer's evaluation of the need for such person to be in the area where the MCRC officer has a person in custody and, if such person is needed, then the totality of the circumstances and any safety concerns then present may still prohibit such person from being in the area where the MCRC officer has a person in custody.

**XI. CSB EMERGENCY SERVICES:**

The CSB agrees to provide the MCRC with a CSB Prescreener on a full-time basis during the hours of operation of the MCRC, from 11:30 a.m. one day to 8:00 a.m. the following day, and seven days a week. Law enforcement officers can contact CSB Emergency Services at **703-573-5679**, 24 hours a day, seven days a week.

**XII. REQUIREMENTS FOR THE CUSTODY OF THE DETAINED PERSON TO BE PLACED WITH THE MCRC OFFICER:**

- A. An MCRC officer MUST be on duty and present at the MCRC.
- B. The MCRC officer will make an initial risk assessment of potential aggression or violence of the person detained by a Qualified Officer to determine the current capability of the MCRC officer to take custody of the person detained by a Qualified Officer.
- C. The MCRC officer will list the client number and/or name of any detained person who remains in the custody of the Qualified Officer who originally detained and/or brought the person to the MCRC in the "Log of Referrals Declined from the MCRC" and mark one of the following:
  - a. MCRC officer at capacity
  - b. Other (Explain)
- D. When the MCRC officer declines to take custody of the detained person, then the Qualified Officer who originally detained the person and/or brought the person to the MCRC (original Qualified Officer), or another Qualified Officer from the same locality or entity as the original Qualified Officer, must remain at the Merrifield Center to have the evaluation required by the Code of Virginia performed by a CSB Prescreener.
- E. When the MCRC officer determines that it is not required that the Qualified Officer who originally detained the person and/or brought the person to the MCRC remain at the MCRC, that Qualified Officer may leave the MCRC; however, that Qualified Officer who originally detained the person and/or brought the person to the MCRC, or another Qualified Officer from the same locality or entity as the original Qualified Officer, may need to report to the MCRC to assist with the security or safety of the MCRC or to transport the detained person to another facility as necessary.

### **XIII. MEDICAL ASSESSMENT:**

- A. At the time of the initial call to the MCRC and upon arrival at the MCRC, the CSB Prescreener will initiate a clinical triage process that includes questions regarding medical issues. Non-emergency medical conditions will be deferred.
  
- B. Any sign or report of the following by or regarding the person detained will require immediate consultation with a licensed CSB psychiatrist on duty, and following any recommendations, including calling 911, as needed:
  - 1. Chest pains
  - 2. Significantly Elevated or Depressed Blood Pressure
  - 3. Difficulty Breathing
  - 4. Dizziness
  - 5. Pulse outside of normal range
  - 6. Reported/suspected overdose
  - 7. Temperature outside normal range
  - 8. Suspected/reported head injury
  - 9. Untreated medical condition with potential immediate harm
  - 10. Dehydration/malnutrition
  - 11. Other suspected health condition that may be serious in nature
  
- C. If further medical assessment is recommended, a MCRC officer will transport or have a Qualified Officer from the same locality or entity as the original Qualified Officer report to the MCRC to transport the detained person to INOVA Fairfax Emergency Department or another designated emergency department. As necessary, any available person or staff at the MCRC will call 911 to respond to treat the detained person with emergency medical needs who shall remain in the custody of the MCRC officer or a Qualified Officer from the same locality or entity as the original Qualified Officer and who, along with the detained person, will be transported by emergency medical equipment and staff to the closest available hospital capable of handling the person's medical needs. Such MCRC officer or a Qualified Officer from the same locality or entity as the original Qualified Officer must maintain such custody of the person until a TDO has been issued, executed, and the person is in the custody of the detention facility named in the TDO, or until the person is otherwise released from the custody of such officer.

- D. If the detained person must be transported to INOVA Fairfax ED or another emergency department prior to the completion of a Prescreening evaluation, the CSB Prescreener will provide the preadmission screening assessment as soon as possible thereafter.

**XIV. MODIFICATION OF THIS MOU:**

This MOU shall not be modified without the agreement of the parties as to such modification, which shall be in writing and signed by an authorized representative of each party. No modification shall take effect until thirty (30) days after both parties have signed such written agreed modification.

**XV. SUSPENSION OF SERVICES:**

The County and/or the CSB each retain the right to suspend services in the event any of the following occur:

- A. The Town of Herndon policies and procedures are found by the County or the CSB to conflict with the policies and procedures of the County and /or the CSB;
- B. The FCPD and/or the Sheriff's Office, for whatever reason, reduces or eliminates its commitment to provide MCRC officer(s) in accordance with their respective MOUs with the County and/or the CSB;

Services shall remain suspended until the event causing the suspension is cured, the parties agree in writing to a modification of the MOU, or this MOU is terminated.

**XVI. TERMINATION WITHOUT CAUSE:**

Any party may at any time, and for any reason, unilaterally terminate this MOU by giving written notice to the other parties specifying the termination date, which shall be no less than thirty (30) days from the date such notice is received. Such written notice to terminate shall be made to a party by delivery to the person for another party whose signature appears below, or their duly appointed successor, at their usual place of business.

**XVII. INSURANCE:**

- A. Each party to this MOU will, to the extent provided by law, be responsible for the acts and omissions of its respective employees while such employees are acting within the scope of their employment. Each party will also be responsible, to the extent provided by law, for any compensation or benefits owed to that party's employee under the Virginia Worker's Compensation Act.
- B. The County is self-insured as is the FCPD and the CSB. The County also self-insures all vehicles owned by the County, and provides protection against liability arising from the operation of County-owned vehicles. The acts and omissions of persons employed by the County are governed by the Fairfax County Board of Supervisors' Indemnification and Representation Resolution, as amended.

- C. The Sheriff's Office, the Sheriff, Deputy Sheriffs and any other employees of the Sheriff and/or the Sheriff's Office, are covered under the self-insurance and/or any other insurance provided by the Commonwealth of Virginia to the Sheriff's Office, the Sheriff, Deputy Sheriffs and any other employees of the Sheriff and the Sheriff's Office. Liability protection for the Fairfax Sheriff, her appointees and employees is provided by the Commonwealth of Virginia pursuant to the Code of Virginia, § 2.2-1839.
- D. The Town of Herndon's employees are insured as follows while such employees are acting within the scope of their employment: Virginia Municipal League Insurance Pool.

**XIII. COMPLIANCE WITH APPLICABLE LAWS:**

The parties agree to comply with all federal, state and local statutes, ordinances, regulations, and guidelines now in effect or hereafter adopted, in the performance of the description of services set forth herein. The County, the CSB and the Town of Herndon each represent that it has all necessary licenses and permits required to conduct its services, and will furnish copies to any other party upon request. Further, the County, the CSB and the Town of Herndon shall at all times observe all health and safety measures and precautions necessary for the safe performance of its obligations hereunder.

FAIRFAX-FALLS CHURCH  
COMMUNITY SERVICES BOARD

TOWN OF HERNDON

By: \_\_\_\_\_  
Tisha Deeghan  
Executive Director

By: \_\_\_\_\_  
Arthur A. Anselene  
Town Manager

Date: \_\_\_\_\_

Date: \_\_\_\_\_

FAIRFAX COUNTY

By: \_\_\_\_\_  
Edward E. Long Jr.  
County Executive

Date: \_\_\_\_\_

**ATTACHMENT 4**

**MEMORANDUM OF UNDERSTANDING BETWEEN THE FAIRFAX COUNTY  
BOARD OF SUPERVISORS, THE FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD,  
AND NORTHERN VIRGINIA COMMUNITY COLLEGE**

**I. PARTIES:**

This Memorandum of Understanding (MOU) is entered into this \_\_\_ day of \_\_\_\_\_ 2016, by and between the Board of Supervisors of Fairfax County, Virginia (County), the Fairfax-Falls Church Community Services Board (CSB), and Northern Virginia Community College (NOVA), for the purpose of identifying responsibilities of each party to the Crisis Intervention Team Program (CIT), a collaborative mental health and criminal justice program serving the CSB's service area which includes the County of Fairfax (County), the City of Falls Church, the City of Fairfax, the Town of Vienna, the Town of Herndon, the Town of Clifton, George Mason University's campus, located in the City of Fairfax, and the Northern Virginia Community College campus, located in the County.

**II. TERM:**

The term of this MOU shall commence on \_\_\_\_\_, 2016 and end on December 31, 2016. This MOU may be extended for five successive one year periods upon the agreement of the parties hereto in writing. Extensions shall not be automatic and shall be by written amendment signed by the parties hereto.

**III. AUTHORITY:**

- A. The CSB is an administrative policy community services board established by the County, the City of Fairfax and the City of Falls Church to provide appropriate services for persons with mental illness and substance abuse, or co-occurring disorders and/or those with intellectual disabilities.
  
- B. Pursuant to Va. Code Ann. §§ 37.2-808, -810 and 16.1-340, -340.2 because the CSB serves more than one jurisdiction, a magistrate shall specify the primary law-enforcement agency, or any other willing law enforcement agency, to provide transportation and execute the order of temporary detention within the CSB's service area where the person who is the subject of the emergency custody order is taken into custody. If the person has not yet been taken into custody, the primary law-enforcement agency specified by the magistrate to execute the order and provide transportation is the one from the jurisdiction where the person is then presently located.

- C. The CIT Merrifield Crisis Response Center (MCRC) is a licensed facility with, pursuant to this MOU, and in conjunction with the Fairfax County Police Department (FCPD) and the Fairfax County Sheriff's Office (Sheriff's Office), who will provide the MCRC with the ability to provide the level of security necessary to protect persons and others from harm and, in conjunction with the FCPD and the Sheriff's Office, is capable of providing such security. The CSB agrees to provide NOVA with a copy of its licensure. The MCRC is a facility located in Merrifield, Virginia, less than .5 miles of the INOVA Fairfax Hospital and the Northern Virginia Mental Health Institute. The MCRC will be staffed by CSB Emergency Services clinical staff who are Virginia Certified Prescreeners (CSB Prescreener). A function of the MCRC is to provide an assessment of persons in the custody of a law enforcement officer as a result of an emergency custody order (ECO) issued by a County magistrate pursuant to Va. Code Ann. §§ 37.2-808 (A) through (F) and (I) through (O), or Va. Code Ann. §§ 16.1-340 (A) through (F) and (I) through (O), or in the emergency custody of a law enforcement officer pursuant to Va. Code Ann. §§ 37.2-808 (G) or (H), or Va. Code Ann. §§ 16.2-340 (G) or (H), (paperless ECO).
- D. Va. Code Ann. §§ 37.2-808 (E) and 16.1-340(E) provides for a licensed facility, such as the CSB's MCRC within CSB Emergency Services, to enter into an MOU with the FCPD and with the Sheriff's Office to provide the requisite level of safety and security necessary to protect such person and others from harm while at the MCRC. Va. Code Ann. §§ 37.2-810 and 16.1-340.2 provides that the FCPD and the Sheriff's Office may each agree to be a willing law enforcement agency specified by a magistrate to provide transportation and execute the order of temporary detention within the CSB's service area.

#### **IV. PURPOSE:**

To establish the terms and conditions under which the MCRC will function and, in conjunction with the FCPD and the Sheriff's Office, provide the level of security necessary to protect persons and others from harm while detained at the MCRC. This MOU is only applicable to persons who are in the custody of an FCPD law enforcement officer (FCPD officer), Sheriff's deputy, or another law enforcement officer in Virginia, such as a NOVA law enforcement officer with which the Fairfax County Board of Supervisors has entered into this agreement with NVCC (Qualified Officer), to allow a CIT trained law enforcement officer assigned to the MCRC, as defined below in Part V(A)(2), to take custody of a person detained by such Qualified Officer, as a result of an ECO issued by a County magistrate pursuant to Va. Code Ann. §§ 37.2-808 (A) through (F), and (I) through (O), or Va. Code Ann. §§ 16.1-340 (A) through (F) and (I) through (O), or in the emergency custody of a Qualified Officer pursuant to Va. Code Ann. §§ 37.2-808 (G) or (H), or Va. Code Ann. §§ 16.2-340 (G) or (H).

**V. RESPONSIBILITIES OF CSB:**

The CSB will have sole responsibility for obtaining the appropriate licensing for the MCRC and for complying with all applicable regulations for the facility. The CSB will also have sole responsibility for maintaining the MCRC facility and staffing CSB Prescreeners and any other individual necessary to complete the evaluation process or preliminary medical screening.

**VI. RESPONSIBILITIES DURING THE ECO PROCESS:**

Pursuant to the stated purpose of this MOU, the County, the CSB and NOVA agree to the following responsibilities and procedures:

- A. When a Qualified Officer who has probable cause to believe that a person meets the criteria of Va. Code Ann. § 37.2-808(A) or, if a juvenile, Va. Code Ann. § 16.1-340(A), and requires an assessment pursuant to a magistrate issued ECO or takes a person into emergency custody through a paperless ECO, the County, the CSB and NOVA agree that the following shall occur:
1. The Qualified Officer, as required by Va. Code Ann. § 37.2-808(J) or Va. Code Ann. § 16.1-340(J), as soon as practicable after execution of the ECO or after the person has been taken into custody pursuant to a paperless ECO, will call **703-573-5679** to notify the CSB Prescreener who is responsible for conducting the required evaluation under §§ 37.2-808 or 16.1-340 to inform the MCRC that a person has been taken into custody pursuant to §§ 37.2-808 or 16.1-340, provide the name, date of birth, and any other available information regarding the person in custody, and provide the estimated time of arrival at the MCRC of the Qualified Officer and the person in custody.
  2. The FCPD and the Sheriff's Office have separately agreed, pursuant to Va. Code Ann. §§ 37.2-810 and 16.1-340.2, to each be a willing law enforcement agency to provide transportation and execute the order of temporary detention, and the FCPD and the Sheriff's Office have each also agreed to assign to the MCRC, only an FCPD officer(s) and a deputy sheriff(s) who has successfully completed crisis intervention team training in accordance with the *Essential Elements for the Commonwealth of Virginia's Crisis Intervention Team Programs (CIT)*, the CIT Program Development Guidance, Department of Criminal Justice Services and Department of Behavioral Health Services, September 8, 2011 (updated October 1, 2014) (MCRC officer). Such MCRC officer will be available, as provided below between the hours of 11:30 a.m. one day to 8:00 a.m. the following day, seven days a week.
  3. A Qualified Officer who has a person in custody will enter the MCRC through the designated Emergency Services lower level entrance and inform the MCRC officer of his or her arrival with the person in custody.
  4. The Qualified Officer, the MCRC officer, and the CSB Prescreener will discuss the facts and circumstances leading the Qualified Officer to take the person into

emergency custody, or the reason, if known, that an ECO was issued by a County magistrate. The MCRC officer will decide, in his or her sole discretion, whether or not the MCRC officer is able at that time to take custody of that person and to provide the level of security necessary for the person in custody, based on the MCRC officer's evaluation of the needs of the person in custody, the staffing levels and needs of any other persons being served at the MCRC and/or the CSB's Emergency Services facility where the MCRC is located, including but not limited to, the safety and provision of services by staff to all persons present at either facility, and any other factors the MCRC officer believes are relevant.

B. Determination based on this evaluation:

1. Upon determination by the MCRC officer that he or she is able to provide the necessary level of security during the period of time the person in the Qualified Officer's custody will need to remain at the MCRC, the MCRC officer will take custody of that person while at the MCRC, and the Qualified Officer may leave the MCRC only after the MCRC officer has taken custody and directed that the Qualified Officer may leave the MCRC.
2. If the MCRC officer decides for any reason that the level of security the MCRC officer is able to provide is not sufficient to protect the MCRC, its staff, the person being detained, any other person at the Merrifield Center, or a member of the public, the MCRC officer will so inform the Qualified Officer who then must maintain the custody of the person detained for the entire period of time that such person is required to remain at the MCRC, and the Qualified Officer will then transport such detained person to the facility designated in the Temporary Detention Order (TDO) by the magistrate, if issued, including to obtain medical clearance for the person who is the subject of the TDO, and/or to follow any other order contained in the TDO.
3. At any time, the MCRC officer, based on his or her sole determination, may require the Qualified Officer who originally had custody of the person being detained at the MCRC, or another Qualified Officer from the same locality or entity as the original Qualified Officer, to return to the MCRC to take custody of that person for whatever reason, including, but not limited to, a change in the level of security required at the MCRC to maintain the peace and good order at the MCRC, and/or to transport the person being detained at the MCRC to the facility of temporary detention as ordered in the TDO, if issued, including to obtain medical clearance for the person who is the subject of the TDO, and/or to carry out any other order in the TDO as required.
4. Once inside the MCRC, or other such treatment room as designated by the MCRC officer or the CSB Prescreener, the CSB Prescreener will conduct the evaluation required by the Code of Virginia and provide the necessary services, if any, pursuant to the policies of the CSB, and the CSB Prescreener will conduct a preliminary medical screening as part of the pre-admission screening process.

5. It is understood by the parties that a person detained at the MCRC may require further medical evaluation or treatment at INOVA Fairfax Hospital or another hospital emergency department as deemed necessary by the CSB Prescreener, or as required by the facility of temporary detention designated in the TDO. If any transportation of the person detained at the MCRC is required for any reason, the MCRC officer will determine whether or not the MCRC officer or Qualified Officer who originally had custody of the person then detained at the MCRC, or another Qualified Officer from the same locality or entity as the original Qualified Officer, will take custody of the person detained and provide the transportation to a hospital emergency room.

**VII. RESPONSIBILITIES IN THE EVENT THE RESPONDENT IS RELEASED FROM THE ECO:**

The CSB Prescreener is responsible for determining whether a person does not meet, or no longer meets, the criteria set for in Va. Code Ann. §§ 37.2-808 or 16.1-340 for the person's continued detention. If the CSB Prescreener makes this determination, then the person will be immediately released from custody of any law enforcement officer at the MCRC. The person will also be released from custody at the MCRC after the eight (8) hour period during which any ECO is valid has expired.

- A. If the person who was previously in custody at the MCRC asks to be transported to the place from which he or she was originally detained, then a Peer Specialist, other CSB staff member, family member, or other individual that serves as a support mechanism may transport the previously detained person to return him or her to the place where he or she was originally detained or to another supportive environment within a reasonable distance from the place of original detention. If none of the above-listed people are available to transport the previously detained person, the CSB may provide the previously detained person with suitable public transportation.
- B. As required, the CSB Prescreener will transmit the completed ECO paperwork by facsimile to the court and/or facility of temporary detention designated by the issuing magistrate pursuant to Va. Code Ann. §§ 37.2-808(C) or 16.1-340(C).

**VIII. RESPONSIBILITIES DURING TDO PROCESS:**

- A. When a TDO is issued for an individual who is currently located at the MCRC, the following procedures will apply:
  1. The Prescreener who located the facility of temporary detention for the person who is the subject of the TDO will request the magistrate to transmit the TDO paperwork by facsimile to the MCRC at **703-876-1640** when the TDO is issued.
  2. The MCRC officer, or whichever Qualified Officer executes the TDO, will send a copy of the fully executed TDO to the County Attorney's Office, using only the secure facsimile number, at **703- 653-1366**. Whichever officer executes the TDO may have

the CSB Prescreener include a copy of the executed TDO in the transmission to that secure facsimile number of the Petition and Prescreen, if a copy of the executed TDO is available at the time of that transmission.

- B. When a TDO is issued for an individual who is located in a facility other than the MCRC (e.g., a hospital emergency department or hospital of temporary detention), the Qualified Officer who originally detained the person, or another Qualified Officer from the same locality or entity as the original Qualified Officer will, upon receipt of the TDO at the hospital or elsewhere by secure facsimile transmission from the magistrate or otherwise, execute the TDO and transport that person to the temporary detention facility designated on the TDO, including obtaining any medical clearance for the person who is the subject of the TDO, and/or to carry out any other order in the TDO as required.

**IX. FEES OR COSTS ASSOCIATED WITH ECO/TDO AND CUSTODY PROCESS:**

- A. Nothing herein shall be constructed to obligate the County, the CSB, the FCPD, the Sheriff's Office, or the locality or entity of the Qualified Officer for the payment of any fees, expenses, or damages incurred during the ECO/TDO processes.
- B. Any and all fees or costs associated with the medical screening and assessment services or any treatment provided during the ECO process or during a TDO period of detention shall be paid by the Commonwealth as provided in Va. Code Ann. §§ 37.2-804 or 16.1- 347.

**X. MCRC SECURITY:**

- A. Any Qualified Officer who has a person in his or her custody is responsible for the safety and security of that person and the general public, until and unless that Qualified Officer has placed the person in his or her custody into the custody of another Qualified Officer, the MCRC officer, or another law enforcement officer.
- B. The primary duty of the MCRC officer will be to maintain the safety and control of the person in his or her custody at all times, and to assist, when possible, in maintaining the safety of all CSB staff and individuals receiving services at the MCRC and the Merrifield Center. All other facility related security will be provided by the private security personnel hired by the CSB to maintain the peace and good order of the Merrifield Center, where the MCRC is located. CSB will also be responsible for maintaining the Merrifield Center, including the security of the building and access to the building. At the discretion of the CIT Coordinator in conjunction with the CSB Director of Emergency Services, and in coordination with the FCPD and/or the Sheriff's Office, other law enforcement services may be provided by the FCPD and/or the Sheriff's Office or others.
- C. When the MCRC officer has a person in his or her custody, the MCRC officer will have the sole discretion to allow another law enforcement officer or CSB staff members into the area where the MCRC officer has a person in custody, to ensure the ability of the MCRC officer to maintain the safety and control of the person he has in custody and

those in the immediate area. Any family, witness, or significant other who come to the Merrifield Center will enter through the Emergency Services entrance, and will only be allowed into the area where the MCRC officer has a person custody if allowed to do so by the MCRC officer, at his or her sole discretion, after the MCRC officer's evaluation of the need for such person to be in the area where the MCRC officer has a person in custody and, if such person is needed, then the totality of the circumstances and any safety concerns then present may still prohibit such person from being in the area where the MCRC officer has a person in custody.

**XI. CSB EMERGENCY SERVICES:**

The CSB agrees to provide the MCRC with a CSB Prescreener on a full-time basis during the hours of operation of the MCRC, from 11:30 a.m. one day to 8:00 a.m. the following day, and seven days a week. Law enforcement officers can contact CSB Emergency Services at **703-573-5679**, 24 hours a day, seven days a week.

**XII. REQUIREMENTS FOR THE CUSTODY OF THE DETAINED PERSON TO BE PLACED WITH THE MCRC OFFICER:**

- A. An MCRC officer MUST be on duty and present at the MCRC.
- B. The MCRC officer will make an initial risk assessment of potential aggression or violence of the person detained by a Qualified Officer to determine the current capability of the MCRC officer to take custody of the person detained by a Qualified Officer.
- C. The MCRC officer will list the client number and/or name of any detained person who remains in the custody of the Qualified Officer who originally detained and/or brought the person to the MCRC in the "Log of Referrals Declined from the MCRC" and mark one of the following:
  - a. MCRC officer at capacity
  - b. Other (Explain)
- D. When the MCRC officer declines to take custody of the detained person, then the Qualified Officer who originally detained the person and/or brought the person to the MCRC (original Qualified Officer), or another Qualified Officer from the same locality or entity as the original Qualified Officer, must remain at the Merrifield Center to have the evaluation required by the Code of Virginia performed by a CSB Prescreener.
- E. When the MCRC officer determines that it is not required that the Qualified Officer who originally detained the person and/or brought the person to the MCRC remain at the MCRC, that Qualified Officer may leave the MCRC; however, that Qualified Officer who originally detained the person and/or brought the person to the MCRC, or another Qualified Officer from the same locality or entity as the original Qualified Officer, may need to report to the MCRC to assist with the security or safety of the MCRC or to transport the detained person to another facility as necessary.

### **XIII. MEDICAL ASSESSMENT:**

- A. At the time of the initial call to the MCRC and upon arrival at the MCRC, the CSB Prescreener will initiate a clinical triage process that includes questions regarding medical issues. Non-emergency medical conditions will be deferred.
- B. Any sign or report of the following by or regarding the person detained will require immediate consultation with a licensed CSB psychiatrist on duty, and following any recommendations, including calling 911, as needed:
  - 1. Chest pains
  - 2. Significantly Elevated or Depressed Blood Pressure
  - 3. Difficulty Breathing
  - 4. Dizziness
  - 5. Pulse outside of normal range
  - 6. Reported/suspected overdose
  - 7. Temperature outside normal range
  - 8. Suspected/reported head injury
  - 9. Untreated medical condition with potential immediate harm
  - 10. Dehydration/malnutrition
  - 11. Other suspected health condition that may be serious in nature
- C. If further medical assessment is recommended, a MCRC officer will transport or have a Qualified Officer from the same locality or entity as the original Qualified Officer report to the MCRC to transport the detained person to INOVA Fairfax Emergency Department or another designated emergency department. As necessary, any available person or staff at the MCRC will call 911 to respond to treat the detained person with emergency medical needs who shall remain in the custody of the MCRC officer or a Qualified Officer from the same locality or entity as the original Qualified Officer and who, along with the detained person, will be transported by emergency medical equipment and staff to the closest available hospital capable of handling the person's medical needs. Such MCRC officer or a Qualified Officer from the same locality or entity as the original Qualified Officer must maintain such custody of the person until a TDO has been issued, executed, and the person is in the custody of the detention facility named in the TDO, or until the person is otherwise released from the custody of such officer.

- D. If the detained person must be transported to INOVA Fairfax ED or another emergency department prior to the completion of a Prescreening evaluation, the CSB Prescreener will provide the preadmission screening assessment as soon as possible thereafter.

**XIV. MODIFICATION OF THIS MOU:**

This MOU shall not be modified without the agreement of the parties as to such modification, which shall be in writing and signed by an authorized representative of each party. No modification shall take effect until thirty (30) days after both parties have signed such written agreed modification.

**XV. SUSPENSION OF SERVICES:**

The County and/or the CSB each retain the right to suspend services in the event any of the following occur:

- A. NOVA policies and procedures are found by the County or the CSB to conflict with the policies and procedures of the County and /or the CSB;
- B. The FCPD and/or the Sheriff's Office, for whatever reason, reduces or eliminates its commitment to provide MCRC officer(s) in accordance with their respective MOUs with the County and/or the CSB;

Services shall remain suspended until the event causing the suspension is cured, the parties agree in writing to a modification of the MOU, or this MOU is terminated.

**XVI. TERMINATION WITHOUT CAUSE:**

Any party may at any time, and for any reason, unilaterally terminate this MOU by giving written notice to the other parties specifying the termination date, which shall be no less than thirty (30) days from the date such notice is received. Such written notice to terminate shall be made to a party by delivery to the person for another party whose signature appears below, or their duly appointed successor, at their usual place of business.

**XVII. INSURANCE:**

- A. Each party to this MOU will, to the extent provided by law, be responsible for the acts and omissions of its respective employees while such employees are acting within the scope of their employment. Each party will also be responsible, to the extent provided by law, for any compensation or benefits owed to that party's employee under the Virginia Worker's Compensation Act.
- B. The County is self-insured as is the FCPD and the CSB. The County also self-insures all vehicles owned by the County, and provides protection against liability arising from the operation of County-owned vehicles. The acts and omissions of persons employed by the

County are governed by the Fairfax County Board of Supervisors' Indemnification and Representation Resolution, as amended.

- C. The Sheriff's Office, the Sheriff, Deputy Sheriffs and any other employees of the Sheriff and/or the Sheriff's Office, are covered under the self-insurance and/or any other insurance provided by the Commonwealth of Virginia to the Sheriff's Office, the Sheriff, Deputy Sheriffs and any other employees of the Sheriff and the Sheriff's Office. Liability protection for the Fairfax Sheriff, her appointees and employees is provided by the Commonwealth of Virginia pursuant to the Code of Virginia, § 2.2-1839.
- D. NOVA's employees are employees of the Commonwealth of Virginia and are insured as follows while such employees are acting within the scope of their employment: thorough the Commonwealth of Virginia Department of the Treasury Division of Risk Management which has the primary responsibility is to establish and administer various risk management plans as required by state law.

**XIII. COMPLIANCE WITH APPLICABLE LAWS:**

The parties agree to comply with all federal, state and local statutes, ordinances, regulations, and guidelines now in effect or hereafter adopted, in the performance of the description of services set forth herein. The County, the CSB and NOVA each represent that it has all necessary licenses and permits required to conduct its services, and will furnish copies to any other party upon request. Further, the County, the CSB and NOVA shall at all times observe all health and safety measures and precautions necessary for the safe performance of its obligations hereunder.

FAIRFAX-FALLS CHURCH  
COMMUNITY SERVICES BOARD

FAIRFAX COUNTY, VIRGINIA

By: \_\_\_\_\_  
Tisha Deeghan  
Executive Director

By: \_\_\_\_\_  
Edward L. Long Jr.  
County Executive

Date: \_\_\_\_\_

Date: \_\_\_\_\_

NORTHERN VIRGINIA COMMUNITY COLLEGE

By: \_\_\_\_\_  
Scott Ralls  
President

Date: \_\_\_\_\_

AND

By: \_\_\_\_\_  
Daniel A. Dusseau  
Chief of Police

Date: \_\_\_\_\_

Board Agenda Item  
May 17, 2016

ACTION – 5

Approval of Fairfax Connector June 2016 Service Changes

ISSUE:

Board of Supervisors' approval of Fairfax Connector's June 2016 service changes that address needed service reliability improvements system-wide, commence weekend service in the Centreville and Chantilly areas, and balance resources with ridership.

RECOMMENDATION:

The County Executive recommends that the Board approve the June 2016 service change proposal as outlined below.

TIMING:

Board approval is requested on May 17, 2016, to allow for implementation on June 18, 2016.

BACKGROUND:

The June 2016 service change proposal includes minor schedule adjustments to improve on-time performance and connections with Metrorail and Virginia Railway Express (VRE); weekend service in Centreville and Chantilly to improve connectivity and reduce congestion in the I-66 corridor; and additional service between the expanded Stringfellow Road Park-and-Ride Lot and Vienna Metrorail Station. Except for new West County service in the I-66 corridor to and from the Vienna Metrorail Station, the service proposal is cost-neutral and focuses on increasing ridership, responding to rider feedback, and improving on-time performance. In general, the service changes preserve connections with and between neighborhoods, job and activity centers, Metrorail stations, and other destinations. Staff is also recommending the elimination of Route 734, due to low ridership, alternate bus service available, and limited opportunities to improve ridership.

Routes included in the proposal: 231, 232, 310, 401, 402, 422, 424, 461, 463, 466, 556, 574, 624, 630, 634, 640, 644, 650, 651, 724, and 734.

Recommendations are consistent with Fairfax Connector's Transit Development Plan endorsed by the Board of Supervisors on March 15, 2016.

Proposal Highlights

- New weekend service in Centreville and Chantilly on routes 630, 640, and 650 in response to public requests to expand transit options in the I-66 corridor, and to provide bus service in growing areas of the county where only weekday service currently exists;
- Additional service frequency to the expanded Stringfellow Road Park-and-Ride Lot during weekday rush hours to reduce crowding on existing service, expand capacity to accommodate additional commuters, and reduce congestion on I-66;
- Minor route modifications to routes 422, 463, 651, and 724; and
- The elimination of Route 734 in response to low ridership and alternate bus service available at the majority of stops along the route.

To inform the public of the service changes and receive feedback from riders, staff posted detailed information on the Fairfax Connector website and social media accounts, disseminated information via Fairfax Alerts, installed flyers on buses, hosted two “pop-up” events and two public meetings to directly engage the public, and reviewed and responded to comments and questions. Public comment was reviewed and rider requests were incorporated into the proposal, where feasible. A public feedback summary is included as Attachment I.

Service Expansion

**Routes 624, 634 – Stringfellow Road-Fair Lakes** (Springfield, Sully)

- Implement expanded peak direction rush hour service on new Route 634 between the expanded Stringfellow Road Park-and-Ride Lot and Vienna Metrorail Station via the I-66/Stringfellow Road High Occupancy Vehicle (HOV) ramp to serve additional commuters and reduce congestion on I-66.
- Implement reverse-commute rush hour service on new Route 624 between the Vienna Metrorail Station and Stringfellow Road Park-and-Ride Lot. (Service on Route 624 will be operated with buses assigned to Route 634 that would otherwise operate out of service in the counter-flow direction.) Route 624 reverse-commute service will travel local via Fair Lakes, due to peak direction operation of the HOV ramp (westbound to Stringfellow Road in the mornings and eastbound to the Vienna Metrorail Station in the afternoons), providing improved transit access to area employment sites.
- Rush hour service frequency in the peak direction of travel between the Stringfellow Road Park-and-Ride Lot and Vienna Metrorail Station would change from approximately every 15 minutes combined on routes 631 and 632 to approximately every 10 minutes combined on routes 631, 632, and 634. Existing rush hour service between the Stringfellow Road Park-and-Ride Lot and Vienna Metrorail Station on routes 631 and 632 experiences overcrowding, with some riders having to wait for a later bus. Overcrowding is anticipated to grow and become more problematic as additional commuters are attracted to the

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May 17, 2016

expanded park-and-ride lot, which includes 300 additional parking spaces and other improvements. Prior to the park-and-ride expansion, the lot frequently filled to capacity.

- To reduce crowding and wait time for riders, Fairfax Connector supervisors dispatch a strategic bus at the busiest rush hour travel times. The Route 624 and 634 proposal formally programs resources being used to address crowding and late service.
- Estimated annual ridership change: 210,000; approximate annual cost change: \$500,000.

**Route 630 – Stringfellow Road-Centreville South** (Springfield, Sully)

- Implement hourly Saturday and Sunday service on Route 630 between Centreville and the Vienna Metrorail Station via Fair Oaks Mall.
- Weekend service in Centreville has been consistently and frequently requested by the public since conversion of the former Metrobus 12-series routes in June 2009. Centreville is one of the few areas of the county with no weekend bus service. The closest weekend service option is Route 605 which operates at a 70 minute weekend frequency of service between Fair Oaks and Reston, and serves bus stops along Stringfellow Road and Fair Lakes Boulevard, an approximate 3.75-miles from the area near Centreville Square at Lee Highway and Centreville Drive.
- Adding weekend service on Route 630 will increase the attractiveness of transit service in the congested I-66 corridor, provide a daily connection to Metrorail and other bus service, and serve the Centre Ridge, Faircrest (Centreville Farms), and Little Rocky Run neighborhoods; and Centreville Square, Fair Lakes, and Fair Oaks Mall commercial centers.
- Estimated annual ridership change: 150,000; approximate annual cost change: \$300,000.

**Route 640 – Stone Road-Centreville North** (Springfield, Sully)

- Implement hourly Saturday and Sunday service between Centreville and the Vienna Metrorail Station via I-66.
- As noted in the Route 630 description above, weekend service in Centreville has been consistently and frequently requested by the public since conversion of the former Metrobus 12-series routes in June 2009. The closest weekend service option for Route 640 riders is Route 605, which operates at a 70 minute weekend frequency of service between Fair Oaks and Reston, and serves bus stops along Stringfellow Road and Fair Lakes Boulevard, an approximate four miles from the area near the Centreville (Stone Road) Park-and-Ride Lot at Lee Highway and Stone Road.
- Adding weekend service on Route 640 will increase the attractiveness of transit service in the congested I-66 corridor, provide a daily connection to Metrorail and

other bus service, and serve residential neighborhoods via bus stops along Stone Road between Lee Highway and Braddock Road, and the Fair Lakes and Sully Station commercial centers.

- To improve service, a new weekday schedule will reflect bus travel times adjusted for traffic conditions.
- Estimated annual ridership change: 150,000; approximate annual cost change: \$300,000.

**Route 650 – Chantilly** (Springfield, Sully)

- Implement hourly Saturday and Sunday service on Route 650 between Chantilly and the Vienna Metrorail Station via Lee Jackson Memorial Highway (US-50).
- Weekend service in Chantilly has been consistently and frequently requested by the public since conversion of the former Metrobus 20-series routes in June 2009. Chantilly has very limited weekend bus service with Route 605, which operates at a 70-minute weekend frequency of service between Fair Oaks and Reston via a portion of Stringfellow Road and US-50 in the Greenbriar area.
- Adding weekend service on Route 650 will increase the attractiveness of transit service in the congested I-66 and US-50 corridors, provide a daily connection to Metrorail and other bus service; and provide weekend service to the Brookfield, Fair Ridge, Greenbriar, and Meadows of Chantilly neighborhoods, and various businesses and commercial centers along the corridor.
- Estimated annual ridership change: 150,000; approximate annual cost change: \$300,000.

Service Adjustments

**Route 310 – Franconia Road-Rolling Valley** (Lee, Mount Vernon, Springfield)

- On weekends, the time between buses will change from every 60 minutes on Saturdays and Sundays to every 40 minutes on Saturdays and every 50 minutes on Sundays in response to ridership, and to improve frequency on a high ridership route serving the Franconia Road and Old Keene Mill Road corridors, Metrorail, and the Springfield Town Center.
- Route 310 carries, on average, 1,600 riders on a typical weekday, and close to 1,000 riders on Saturdays and Sundays – a top five ridership route in the system.
- Improved frequency will improve connections to Metrorail and other bus service, including Richmond Highway bus service at the Huntington Metrorail Station and Route 401/402 in Springfield. At present, missed connections require an hour wait until the next scheduled bus.

**Route 401/402 – Backlick Road-Gallows Road** (Lee, Mason, Providence)

- To improve service, a new weekend schedule will reflect bus travel times adjusted for traffic conditions and added running time. The time between buses will change from every 30 minutes to approximately every 25 minutes. At

present, in response to ridership and to recover late service on weekends, supervisors dispatch extra buses. This proposal formally builds extra time into the schedule to have bus travel times reflect ridership and traffic conditions.

- Route 401/402 carries, on average, 4,500 riders on a typical weekday, 3,000 riders on a typical Saturday, and 2,500 riders on a typical Sunday. In an average month, Route 401/402 serves approximately 120,000 riders – the highest ridership route in the system.
- Service operates between Springfield and Tysons via Backlick Road, Gallows Road, and Greensboro Drive connecting several activity centers, including Annandale, INOVA Fairfax Hospital, Mosaic District, Springfield Town Center, Tysons Corner Center, and Tysons West\*Park Transit Station. The route provides a link between the Blue, Orange, and Silver Line branches of the Metrorail system in the county, allowing riders more direct access to destinations and other bus service without the need to travel into the region's core via Metro Center or Rosslyn.

**Route 422 – Boone Boulevard-Howard Avenue (Providence)**

- Restructure service and implement a new schedule to align resources with ridership, focusing service on route segments with higher ridership, with a service frequency of approximately every 15 minutes.
  - Maintain 422 service along International Drive, Gallows Road, Old Courthouse Road, Howard Avenue, and Boone Boulevard – the busiest portions of the route.
  - Remove service from Tysons One Place (formerly Shoptysons Boulevard) and Gallows Branch Road due to overlap with other bus service that connects with the Tysons Corner Metrorail Station and Tysons Corner Center, and low ridership on Route 422 at stops along these streets.
- Riders along the Boone Boulevard and Howard Avenue portions of the route will have a faster, more direct trip to the Tysons Corner Metrorail Station, making service more attractive to riders.
- Alternate service is available on Fairfax Connector routes 401/402 and 462, and Metrobus routes 28A and 28X at bus stops along, or proximate to, the portions of the route to be discontinued. Connections now available to Tysons Corner Center and the Tysons Corner Metrorail Station will be maintained via alternate service.

**Route 424 – Jones Branch Drive (Providence)**

- Implement Saturday service in response to ridership, public requests, and new development in Tysons. Route 424 is the busiest circulator route in Tysons, carrying approximately 800 weekday passengers.
- Staff continue to monitor bus ridership, development, and travel patterns in Tysons since the start of Silver Line Phase 1. New residential projects under

construction (or already open) continue to transform Tysons from a commuter-focused business center to a higher density mixed-use hub of commercial and residential activity, including in areas served by Route 424.

- To attract riders to Fairfax Connector and Silver Line Metrorail service, serve those traveling on Saturdays, and promote a mix of transportation options, including bike share, and reduce congestion on Tysons roadways, Saturday service is recommended for this route. Sunday service is not recommended at this time, but may be considered in the future depending on how Saturday service performs.

**Route 461 – Flint Hill-Vienna; Route 466 Oakton-Vienna** (Hunter Mill, Providence)

- Implement an interline between routes 461 and 466 to balance service with ridership. With the interline, buses will operate on both routes, with a terminal at the Vienna Metrorail Station.
- On Route 461, the time between buses will increase from approximately every 20 to 30 minutes to approximately every 25 to 35 minutes. On Route 466, the time between buses will decrease from approximately every 30 to 35 minutes to approximately every 25 to 30 minutes.
- Additional trips will be added to the Route 466 schedule in response to ridership and the elimination of Metrobus Route 15M (effective June 2016) to maintain service along Chain Bridge Road in Oakton.

**Route 463 – Maple Avenue-Vienna** (Hunter Mill, Providence)

- In response to rider feedback, the elimination of Metrobus Route 15M, and to better balance bus bay programming at the Tysons Corner Metrorail Station, buses will operate to the north side of the Tysons Corner Metrorail Station (instead of the south side) via International Drive and Tysons Boulevard to provide more direct routing to and from Chain Bridge Road.
- A new schedule will reflect trip time adjustments, due to the Tysons routing changes.

**Route 574 – Reston-Tysons** (Hunter Mill, Providence)

- To improve service, a new schedule will reflect bus travel times adjusted for traffic conditions. The time between buses during weekday rush hours will change from every 30 minutes to every 35 minutes for some trips, due to traffic congestion on Leesburg Pike.

**Routes 651 – Chantilly** (Springfield, Sully)

- Route 651 buses will travel via westbound Willard Road between Brookfield Corporate Drive and Daly Drive, bypassing the short diversion via Brookfield Corporate Drive and Daly Drive, due to low ridership and to have Route 650 and

651 buses serve the same stops along Willard Road, reducing confusion for passengers and complexity between the two routes.

**Route 724 – Lewinsville Road** (Dranesville, Providence)

- Modify the route to operate between the McLean Metrorail Station and Tysons West\*Park Transit Station via Lewinsville Road and Farm Credit Bureau, discontinuing service between the Spring Hill Metrorail Station and Tysons West\*Park Transit Station via south-westbound Spring Hill Road and north-eastbound Tyco Road due to low ridership and available alternate service on Route 574 or the Silver Line.
- Silver Line connections on the new route will be maintained at the McLean Metrorail Station. The majority of riders on the route connect with the Silver Line at the McLean Metrorail Station, and slightly reducing the route length will allow for a modest, cost-neutral frequency improvement, providing more attractive service along Lewinsville Road.
- The minor route change removes Route 724 buses from Leesburg Pike traffic, where buses serve the station in an on-street bus lane adjacent to the northern-most westbound travel lane. Reducing bus congestion at the station will improve service reliability for riders and bus operations on routes 424, 432, 494, 495, and 574 (routes 432, 494, 495, and 574 connect with Metrorail only at the Spring Hill Metrorail Station; these connections will be maintained).

**Holiday Weekday Service Plan** (County-wide)

- Modify the Holiday Weekday Service plan to add routes 231, 232, 422, 461, 556, and 644 as routes that will not operate on Martin Luther King, Jr. Day, George Washington's Day, Columbus Day, Veteran's Day, and the Friday after Thanksgiving in response to lower holiday ridership and alternate service options available at, or proximate to, most bus stops along these routes. During Holiday Weekday Service, some riders may have to use alternate service, bus stops, and/or transfer between routes to complete their trips.

Service Elimination

**Route 734 – McLean-West Falls Church** (Dranesville)

- Eliminate service to due to low ridership and overlap with other existing Fairfax Connector and Metrobus service.
- Route 734 operates between the McLean and West Falls Church Metrorail stations via Great Falls Street and Westmoreland Street. Service on Route 734 commenced with the start of Silver Line Phase 1 in July 2014. FCDOT staff continuously monitor ridership and on-time performance, and have paid particular attention to service that was affected by the Silver Line. Unfortunately, Route 734 serves few riders, and has had consistent low ridership since its inception.

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- Route 734 operates in a community served by other existing bus routes. Along Chain Bridge Road, alternate service at all Route 734 bus stops is available on Fairfax Connector Route 721 which serves the McLean Metrorail Station and Tysons Corner Center. Along Westmoreland Street, alternate service at all Route 734 bus stops is available on Metrobus routes 15K and 15L which serve the East Falls Church Metrorail Station.
- Along Great Falls Street, no direct alternate service would be available, however, alternate service is available at bus stops along Chain Bridge Road near Great Falls Street, and along Westmoreland Street near Kirby Road, Lemon Road, Sea Cliff Road/Clearview Drive and Southridge Drive. (Kirby Road, Lemon Road, Sea Cliff Road/Clearview Drive, and Southridge Drive connect Great Falls and Westmoreland streets.)
- In response to a rider request, additional bus stops were added along Great Falls Street north of Haycock Road. However, these additional stops did not result in any significant change in ridership.

Service changes proposed for implementation in June 2016 were reviewed as mandated by the Federal Transit Administration (FTA) in Circular C 4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients. The analysis showed that the proposed service changes will not create a negative disparate impact on minority riders or a negative disproportionate burden on low-income riders; and that the service changes will result in an overall service improvement for Fairfax Connector riders and the communities in which the routes serve. The Title VI analysis is included as Attachment IV.

FISCAL IMPACT:

I-66 Corridor service improvements (Centreville and Chantilly weekend service and expanded Stringfellow Road Park-and-Ride Lot service; routes 624, 630, 634, 640, and 650): This proposal expands service by approximately 14,500 annual revenue hours. Based one month of operation, approximately \$124,400 is required in FY 2016 to incorporate the service changes. Annualized funding of \$1.49 million is included in the FY 2017 budget in Fund 40000, County Transit Systems. Funding to support this service expansion is from Fund 40010, County and Regional Transportation Projects, and is consistent with the county's Transportation Priorities Plan. There is no impact to the General Fund.

Except for the fiscal impact noted above for I-66 Corridor service, other route proposals reallocate existing resources, requiring no increase in annual revenue hours or service costs if approved as proposed.

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ENCLOSED DOCUMENTS:

Attachment I – Public comment summary  
Attachment II – News release and public outreach information  
Attachment III – Route change maps  
Attachment IV – Service Equity Analysis (Title VI)

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Ray Johnson, Transportation Planner, Coordination and Funding Division, FCDOT  
Judy Carleton, Transportation Planner, Coordination and Funding Division, FCDOT

## Public Comment Summary

The following is a public comment summary regarding the June 2016 service change proposal, including comments received at two public meetings, two “pop-up” events hosted at Metrorail stations, and by e-mail, social media, and telephone.

- Public meetings: Chantilly High School in Chantilly and Stenwood Elementary School in Vienna
  - Seven attendees
- Pop-up Events: McLean and Vienna Metrorail Stations
  - Approximately 250 interactions
- E-mail, Social Media, and Telephone
  - 76 comments

Route(s)	Comment	Summary Response
310	Request for additional evening trip between the Franconia-Springfield Metrorail Station and Rolling Valley Park-and-Ride Lot.	On weekends, the time between buses will change from every 60 minutes on Saturdays and Sundays, to every 40 minutes on Saturdays and every 50 minutes on Sundays in response to ridership, and to improve frequency on a high ridership route serving the Franconia Road and Old Keene Mill Road corridors. Trips will operate later into the evening.
401, 402	Request for improved weekend service.  Concern about the service change and reduction in weekday service.	To improve service, staff are proposing a new weekend schedule that will reflect bus travel times adjusted for traffic conditions and added running time. The time between buses will change from every 30 minutes to approximately every 25 minutes.  Staff explained to the rider that the service change proposal is to improve weekend service frequency and add running time to have bus schedules reflect current traffic conditions. The rider was under the impression the service change proposal was to reduce weekday service, which is not the case. Weekday service will continue to operate approximately every 15 to 20 minutes during most times of the day.
463	Support for more direct routing in Tysons to the north side of Tysons Corner Metrorail Station, bypassing the mall loop and Old Courthouse Road.  Suggestion to revise Route 463 to include portions of Chain Bridge Road, Sutton Road, and Virginia Center	In response to rider feedback, the elimination of Metrobus Route 15M (effective June 2016), and to better balance bus bay programming at the Tysons Corner Metrorail Station, buses will operate to the north side of the Tysons Corner Metrorail Station (instead of the south side) to provide more direct routing to and from Chain Bridge Road.  Additional trips are proposed to be added to the Route 466 schedule to account for the

	Boulevard/County Creek Road due to the elimination of Metrobus Route 15M and rush hour only operation of Route 466.	elimination of Metrobus Route 15M and respond to ridership on Route 466 in Oakton.
623	Suggestion to operate Route 623 every half hour on average.	During weekday rush hours, Route 623 operates approximately every 30 minutes. During weekday middays and evenings, Route 621 operates approximately every 40 to 60 minutes. Route 621 operates over both the 622 and 623 routes at off-peak times of lower ridership.
630, 640, 650 Weekend Service	Requests and support for weekend service in Centreville and Chantilly. Approximately 210 comments and interactions were received supporting the weekend service proposal.	Adding weekend service in Centreville and Chantilly on routes 630, 640, and 650 will increase the attractiveness of transit service in the congested I-66 corridor, and provide connections to Metrorail and other bus service, residential communities, and commercial centers in western Fairfax County.
631, 632, 634	Request for increased rush hour frequency between the Vienna Metrorail Station and Stringfellow Road Park-and-Ride Lot. Approximately 20 comments and all interactions at the Vienna Metrorail Station supported the additional service.  Maintain connections between Route 631 and Metrobus routes 1A and 1Z at the Vienna Metrorail Station.	Implementing expanded peak direction rush hour service on new Route 634 between the expanded Stringfellow Road Park-and-Ride Lot and Vienna Metrorail Station via the I-66/Stringfellow Road High Occupancy Vehicle (HOV) ramp will serve additional commuters, reduce crowding on the existing service, and reduce congestion on I-66.  A new Route 631 schedule will reflect new trips times to account for running time changes and to evenly space service between the Stringfellow Road Park-and-Ride Lot and Vienna Metrorail Station combined on routes 631, 632, and 634. Connections will be maintained to Metrobus routes 1A and 1Z.
641	Request for later weekday and weekend service.	The Route 641 service area is served on weekdays, midday and evenings, by Route 630. Route 630 weekend service is proposed as part of this service change (see 630 weekend service comments above). In addition, the last weekday Route 630 evening departure to Centreville will be shifted later to depart the Vienna Metrorail Station at approximately 9:20 p.m. Route 630 provides weekday midday service along Centrewood Drive to the areas served by Route 641, which operates during weekday rush hours only.)
642	On-time performance concern.	Minor schedule adjustments will occur on Route 642 to increase on-time performance. Also, an additional eastbound Route 642 trip will be added to the schedule.

	Request for weekend service	Weekend service is proposed on Route 640 in Centreville (see 640 weekend service comments above). Route 640 provides weekday midday service along Stone Road to the area served by Route 642, which operates during weekday rush hours only.
651, 652	Request to increase service frequency between 8 and 9 a.m. along Lee Jackson Memorial Highway.	Route 651 and 652 buses operate at a combined 20-30 minute frequency of service during weekday rush hours along Lee Jackson Memorial Highway. Capacity exists on these two routes to serve riders. In the future, frequency improvements will be considered as ridership warrants and resources are available.
721	Request for increased frequency on Route 721.  Request to maintain Route 721 service, due to bus stop locations relative to Metrobus Route 3T.	Route 721 is not proposed for service changes at this time. Service operates every 20 minutes during weekday rush hours and every 30 minutes during weekdays, middays and evenings, and weekends. Staff will continue to monitor ridership or consider adjustments as necessary.
724	Request to modify the schedule to ensure buses do not have to hold at the Farm Credit Bureau timepoint and continue in service to the McLean Metrorail Station.  Request for additional service and increased frequency.	A new schedule will reflect adjusted trip times. Staff will review running time allocated to the portion of the route between Farm Credit Bureau and the McLean Metrorail Station to ensure through riders do not hold at the timepoint.  Route 724 is proposed to operate between the McLean Metrorail Station and Tysons West*Park Transit Station via Lewinsville Road and Farm Credit Bureau. Service will operate approximately every 25 to 30 minutes, similar to today's service. Capacity available is sufficient to served existing ridership. Staff will continue to monitor ridership or consider adjustments as necessary.
734	Opposition to the elimination of Route 734. Eight comments were received and five interactions were recorded opposing the proposal to eliminate Route 734.  Requests for a reroute of bus service from Chain Bridge Road and Westmoreland Street.  A request to add bus stops.	Route 734 operates between the McLean and West Falls Church Metrorail stations via Great Falls Street and Westmoreland Street. Service on Route 734 commenced with the start of Silver Line Phase 1 in July 2014. FCDOT staff has continuously monitored ridership and on-time performance, and have paid particular attention to service that was affected by the Silver Line. Unfortunately, Route 734 serves few riders, and has had consistent low ridership since its inception. In response to public request, additional bus stops were added along Great Falls Street north of Haycock Road. Unfortunately, ridership did not increase.

		<p>Route 734 operates in an area served by other existing bus routes. Along Chain Bridge Road, alternate service at all Route 734 bus stops is available on Fairfax Connector Route 721 which serves the McLean Metrorail Station and Tysons Corner Center. Along Westmoreland Street, alternate service at all Route 734 bus stops is available on Metrobus routes 15K and 15L which serve the East Falls Church Metrorail Station. Along Great Falls Street, no direct alternate service would be available, however, alternate service is available at bus stops along Chain Bridge Road near Great Falls Street, and along Westmoreland Street near Kirby Road, Lemon Road, Sea Cliff Road/Clearview Drive and Southridge Drive. (Kirby Road, Lemon Road, Sea Cliff Road/Clearview Drive, and Southridge Drive connect Great Falls and Westmoreland streets.)</p>
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## **FCDOT News Release and Public Outreach Information, March 25, 2016**

### **Fairfax Connector Proposes Service Changes, Sets Public Meetings for April**

Fairfax Connector proposes service changes for implementation in June 2016 not only to serve the greatest number of riders as effectively as possible and to increase ridership, but also to enhance the customer experience through increased on-time performance, improved service reliability and reduced crowding. Proposed improvements target high-ridership corridors, as well as the Stringfellow Road Park and Ride expansion along I-66, which is scheduled for completion this spring.

#### **Proposal Highlights**

- Begin weekend service in Centreville and Chantilly on routes 630, 640, and 650 to improve transit connections and reduce traffic congestion on I-66;
- Improve weekday rush hour service between the Vienna Metrorail station and expanded Stringfellow Road Park and Ride to reduce passenger crowding;
- Implement minor route modifications on routes 422, 463, and 651 to provide more direct service; and
- Eliminate Route 734 in response to low ridership and alternate bus service available along the majority of the route.

**Routes included in the proposal are** 231, 232, 310, 401, 402, 422, 424, 461, 463, 466, 556, 574, 605, 624, 630, 634, 640, 644, 650, 651, 724, and 734.

#### **Public Outreach Events and Public Comment**

Fairfax Connector will host four outreach events to explain the proposed changes and take comments from the public:

##### **Tuesday, April 5, 2016; 6 - 8 p.m. (7 p.m. presentation)**

- Chantilly High School – Room 114
- 4201 Stringfellow Road, Chantilly
- Transit access: Fairfax Connector 605, 650, 651, 652

##### **Wednesday, April 6, 2016; 4 - 7 p.m.**

- Vienna Metrorail Station – South Side
- 9550 Saintsbury Drive, Vienna
- Transit access: Fairfax Connector 461, 463, 466, 600-series I-66 routes; Metrobus 1A, 1Z, 2B; 15M, 29N; Orange Line

##### **Thursday, April 7, 2016; 6 - 8 p.m. (7 p.m. presentation)**

- Stenwood Elementary School – Cafeteria
- 2620 Gallows Road, Vienna
- Transit access: Fairfax Connector 401, 402, 462; Metrobus 1B, 1C, 2A, 2B, 2T; Orange Line

##### **Tuesday, April 12, 2016; 4 - 7 p.m.**

- McLean Metrorail Station
- 1824 Dolley Madison Boulevard, McLean
- Transit access: Fairfax Connector 721, 724, 734; Metrobus 3T, 23A, 23T; Silver Line

#### **For more information or to comment on the proposed service changes riders should:**

- Visit [fairfaxconnector.com](http://fairfaxconnector.com);
- Attend an outreach event;
- E-mail [fairfaxconnector@fairfaxcounty.gov](mailto:fairfaxconnector@fairfaxcounty.gov); or

- call 703-339-7200, TTY 711.

**Public comment will be accepted until 5 p.m., Wednesday, April 13, 2016.**

**Proposed Changes by Route**

**Route 310 – Franconia Road-Rolling Valley**

- On weekends, the time between buses will change from every 60 minutes on Saturdays and Sundays, to every 40 minutes on Saturdays and every 50 minutes on Sundays.

**Routes 401, 402 – Backlick Road-Gallows Road**

- On weekends, the time between buses will change from every 30 minutes to approximately every 25 minutes to improve on-time performance and reduce crowding.

**Route 422 – Boone Boulevard-Howard Avenue**

***\*\*Proposed route map\*\****

- Modify the route to align resources with ridership, maintaining service to bus stops along International Drive, Gallows Road, Old Courthouse Road, Howard Avenue, and Boone Boulevard. Service along Gallows Branch Road will be discontinued due to low ridership and overlap with other bus service, with alternate service available on Fairfax Connector routes 401 and 402, and Metrobus routes 28A and 28X.
- Riders using bus stops along International Drive, Gallows Road, Boone Boulevard, and Howard Avenue will have more direct trip to and from the Tysons Corner Metrorail Station.
- The time between buses will be approximately 15 minutes.

**Route 424 – Jones Branch Drive**

- Implement Saturday service in response to ridership, public requests, and new development in Tysons.
- On Saturdays, the time between buses will be approximately every 30 minutes.

**Route 461 – Flint Hill-Vienna; Route 466 – Oakton-Vienna**

- Implement an interline between routes 461 and 466 to align service with ridership. Buses will operate on both routes, through-routing at the Vienna Metrorail station.
- On Route 461, the time between buses will increase from approximately every 20 to 30 minutes to approximately every 25 to 30 minutes. On Route 466, the time between buses will decrease from approximately every 30 to 35 minutes to approximately every 25 to 30 minutes.
- An earlier afternoon trip will be added to the Route 466 schedule.

**Route 463 – Maple Avenue-Vienna**

***\*\*Proposed route map\*\****

- Buses will serve the north side of the Tysons Corner Metrorail station via Tysons Boulevard to provide more direct routing to and from Chain Bridge Road, Maple Avenue, and Vienna.
- Service along portions of Tysons One Place and Gallows Branch Road will be discontinued, with alternate service available on Fairfax Connector routes 401 and 402, and Metrobus routes 28A and 28X.
- A new schedule will reflect minor adjustments due to the routing changes in Tysons.

**Route 574 – Reston-Tysons**

- To improve on-time performance, a new schedule will reflect bus travel times adjusted for traffic conditions. The time between buses during weekday rush hours will change from every 30 minutes to every 35 minutes for some trips due to traffic congestion on Leesburg Pike.

**Routes 624, 634 – Stringfellow Road-Fair Lakes**

***\*\*Proposed route maps: 624 / 634\*\****

- Implement new weekday rush hour service between the Vienna Metrorail station and expanded Stringfellow Road Park and Ride. Route 624 reverse-peak direction service will travel local via Fair Lakes and Route 634 peak direction service will travel non-stop via I-66 and the Stringfellow Road HOV ramp.
- Rush hour service frequency in the peak direction of travel between the Vienna Metrorail station and Stringfellow Road Park and Ride will change from approximately every 15 minutes combined on routes 631 and 632 to approximately every 10 minutes combined on routes 631, 632, and 634 to reduce passenger crowding.

**Route 630 – Stringfellow Road-Centreville South**

- Implement Saturday and Sunday service between the Vienna Metrorail station and Centreville via Fair Oaks Mall.
- The time between buses will be approximately every 60 minutes.

**Route 640 – Stone Road-Centreville North**

- Implement Saturday and Sunday service between the Vienna Metrorail station and Centreville via Stone Road.
- The time between buses will be approximately every 60 minutes.

**Route 650 – Chantilly**

- Implement Saturday and Sunday service between the Vienna Metrorail station and Chantilly via Lee Jackson Memorial Highway.
- The time between buses will be approximately every 60 minutes.

**Route 651 – Chantilly-Brookfield**

***\*\*Proposed route map\*\****

- Buses will travel via westbound Willard Road between Brookfield Corporate Drive and Daly Drive. Service along Brookfield Corporate Drive and Daly Drive will be discontinued due to low ridership and to have Route 650 and 651 buses serve the same stops along Willard Road.

**Route 724 – Lewinsville Road**

***\*\*Proposed route map\*\****

- Modify the route to operate between the McLean Metrorail station and Tysons West\*Park Transit Station. Service between Tysons West\*Park and the Spring Hill Metrorail station will be discontinued due to low ridership and to reduce bus bay congestion along westbound Leesburg Pike at the Metro station.
- Metrorail connections will be maintained at the McLean Metrorail station.

**Route 734 – McLean-West Falls Church**

***\*\*Proposed alternate service map\*\****

- Eliminate service to due to low ridership and overlap with other bus service.
- Along Chain Bridge Road, alternate service at all bus stops is available on Fairfax Connector Route 721, which connects with the McLean Metrorail station.
- Along Westmoreland Street, alternate service at all bus stops is available on Metrobus routes 15K and 15L, which connect with the East Falls Church Metrorail station.
- Along Great Falls Street, no alternate service would be available. Alternate service is available at bus stops along Chain Bridge Road near Great Falls Street, and Westmoreland Street near Kirby Road, Lemon Road, Sea Cliff Road/Clearview Drive and Southridge Drive. (Kirby Road, Lemon Road, Sea Cliff Road/Clearview Drive, and Southridge Drive provide connections between Great Falls and Westmoreland streets.) In addition, bicycle, kiss-and-ride, and park-and-ride options are available at both the McLean and West Falls Church Metrorail stations.

**Routes 231, 232, 422, 461, 556, 644 – Holiday Weekday Service**

- Modify the [Holiday weekday service plan](#) to add routes 231, 232, 422, 461, 556, and 644 as routes that will not operate on Martin Luther King, Jr. Day, George Washington's Day,

Columbus Day, Veteran's Day, and the Friday after Thanksgiving in response to lower holiday ridership and alternate service options proximate to bus stops along these routes.

- On days when Holiday weekday service operates, some riders may have to use alternate bus stops, plan for additional travel time, or transfer between routes to complete trips.

###

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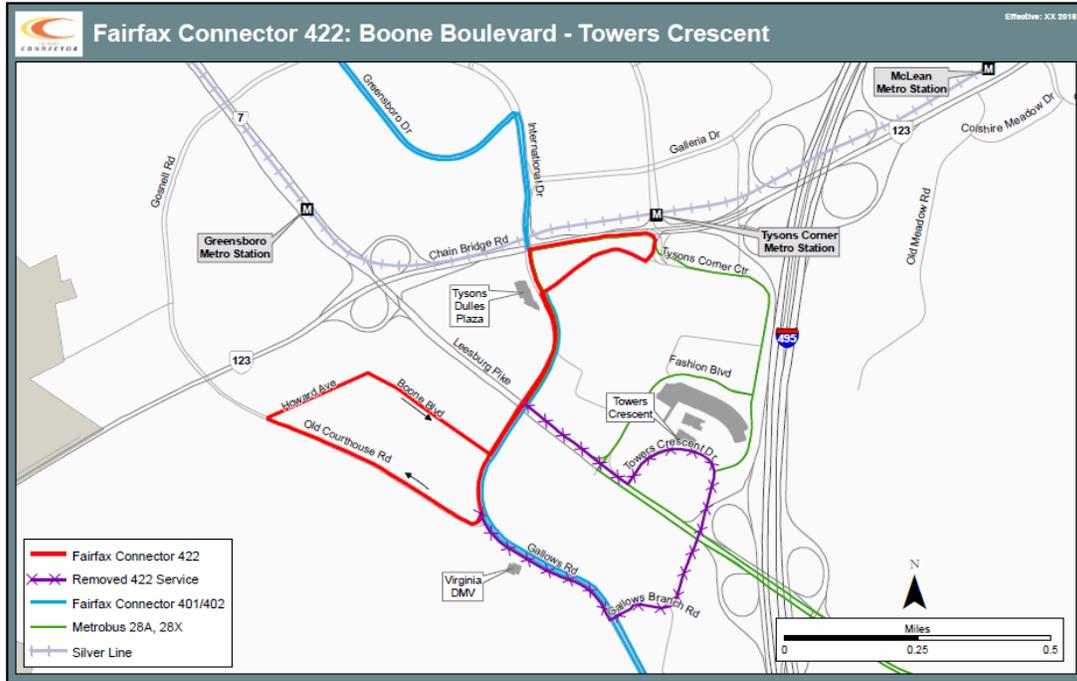
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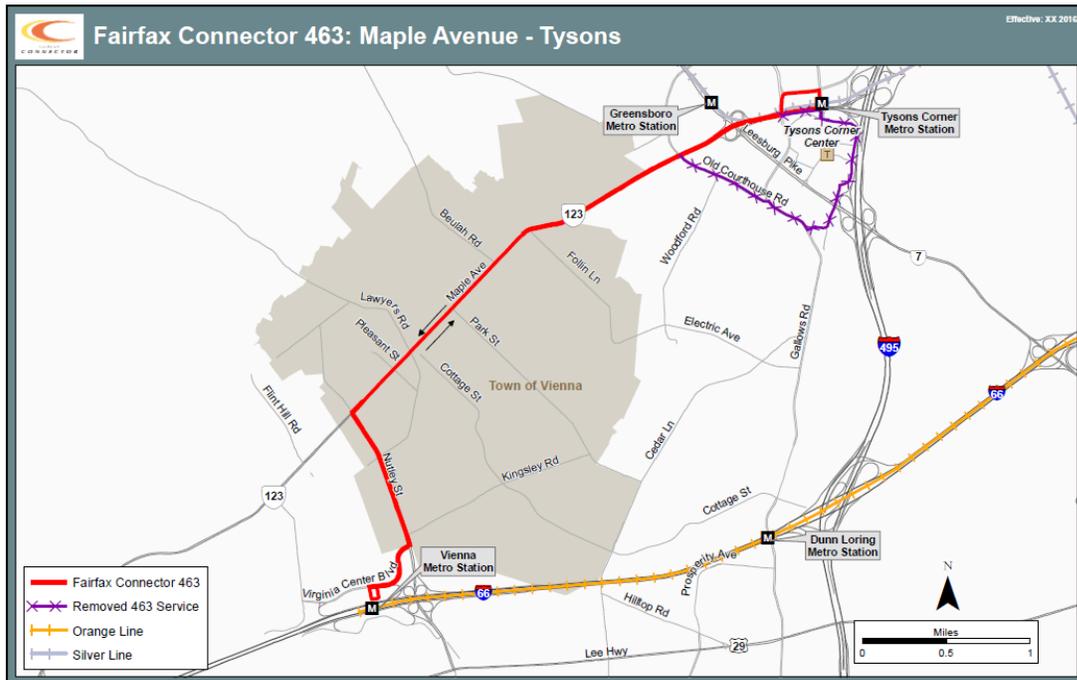
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### Route Change Maps

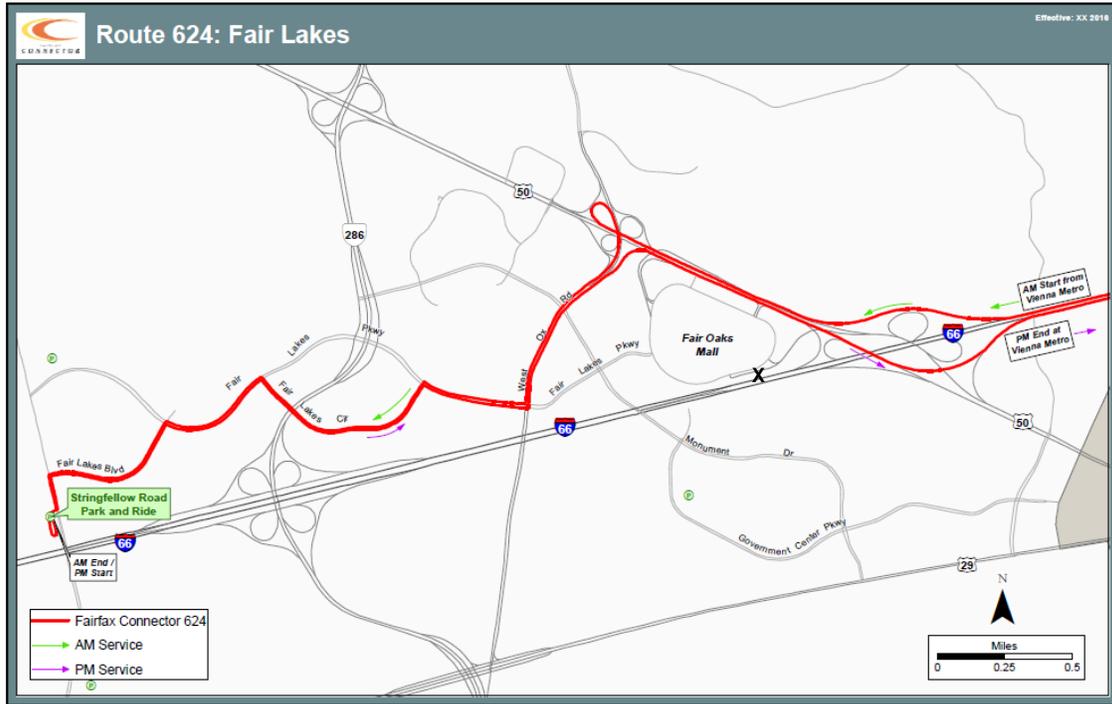
#### Route 422



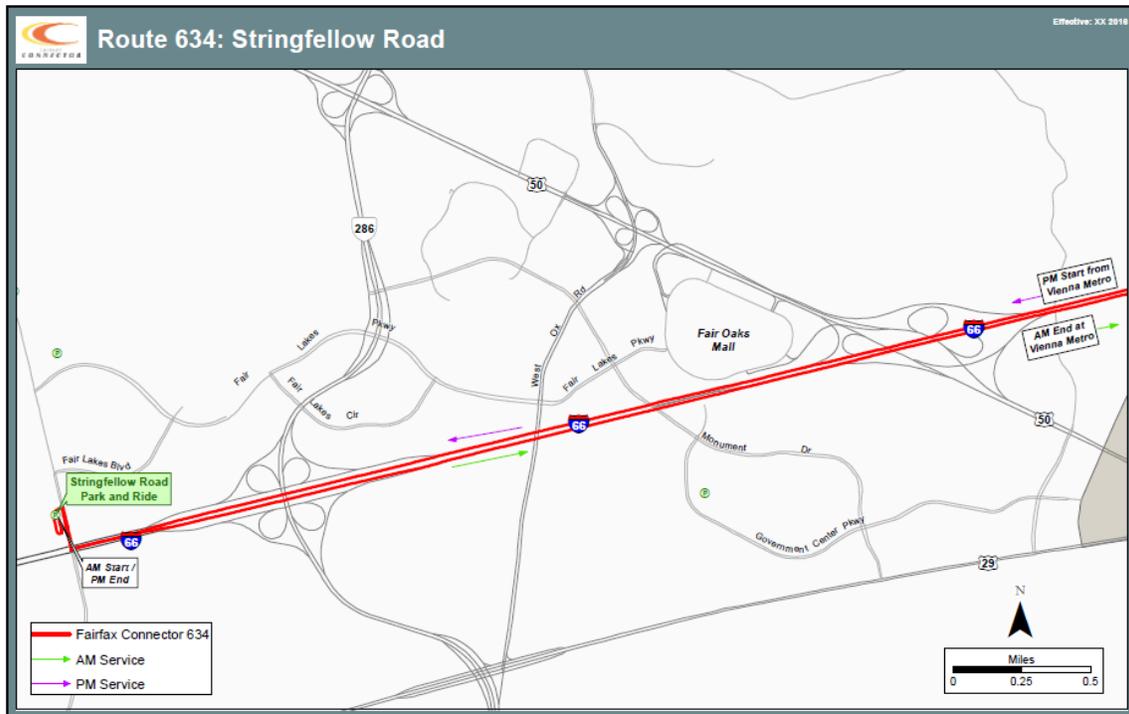
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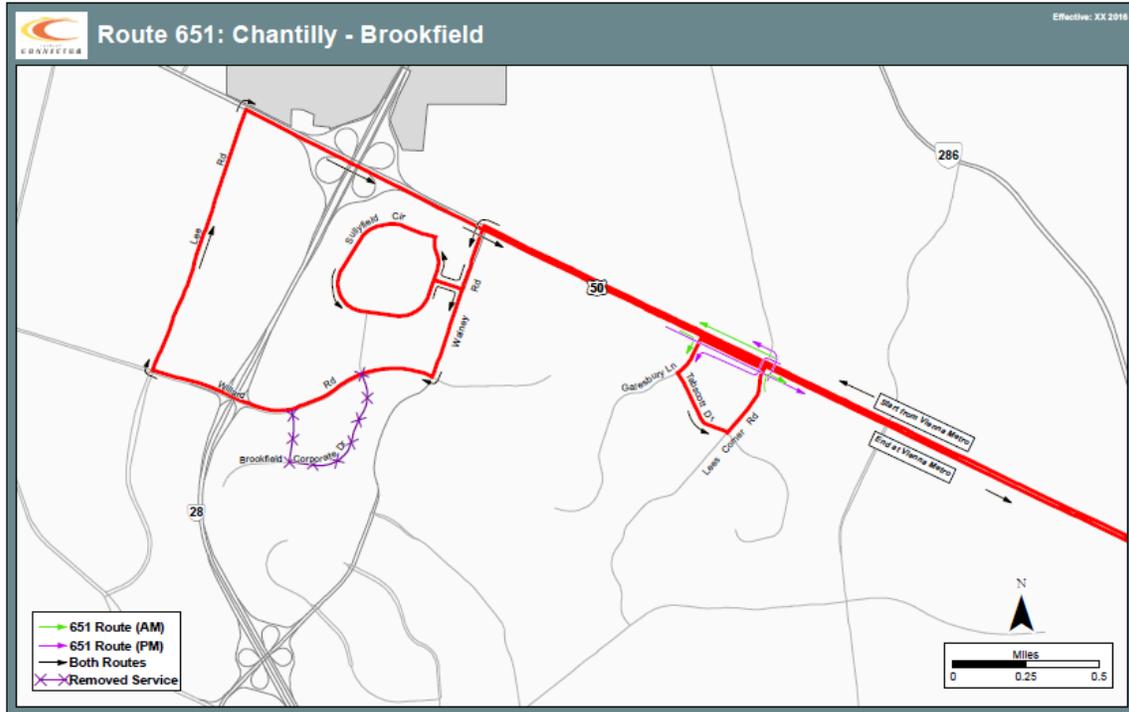
### Route 624



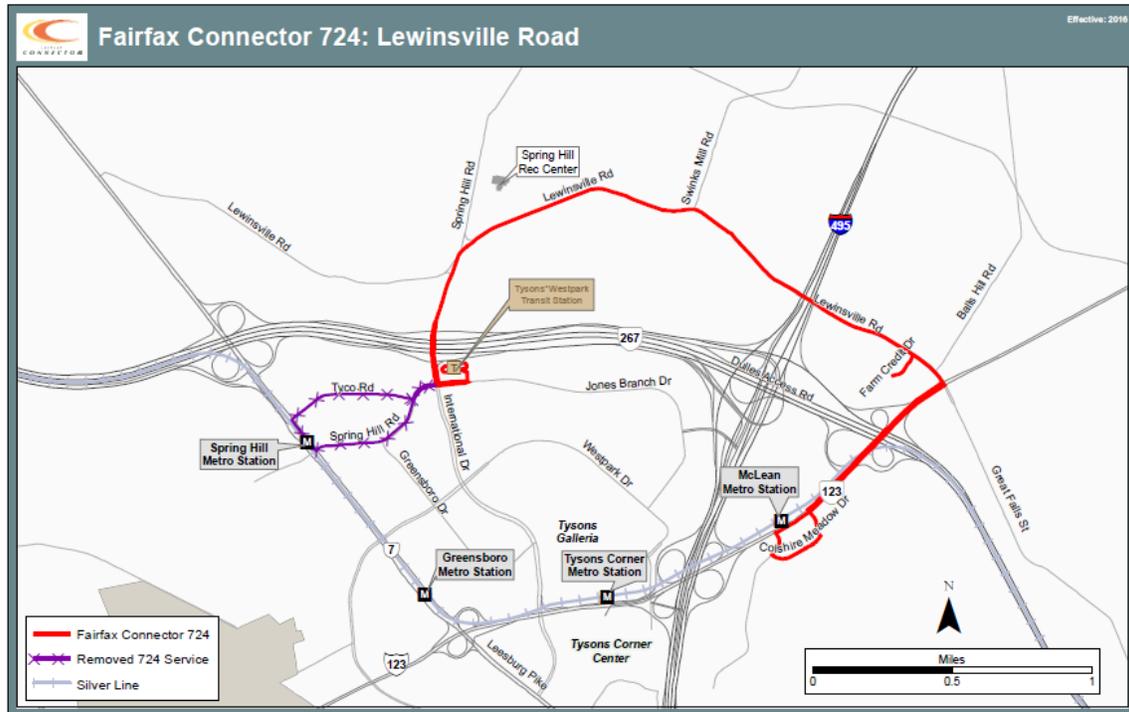
### Route 634



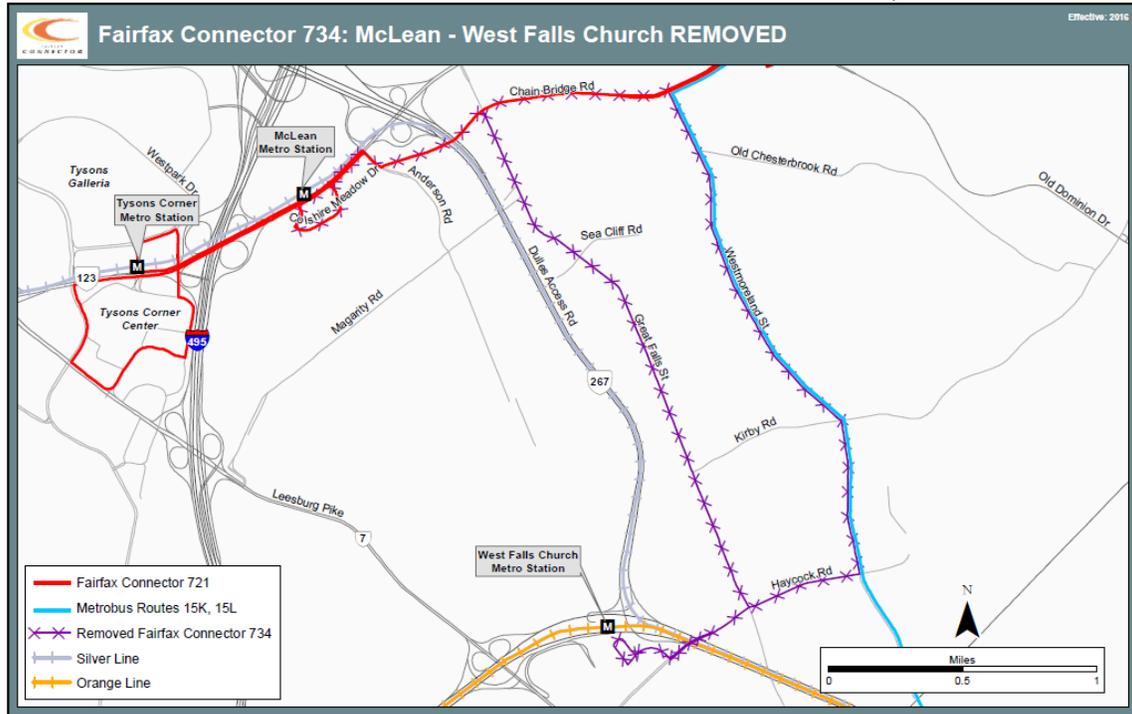
## Route 651



## Route 724



**Route 734 – Alternate Service via Fairfax Connector 721 and Metrobus 15K,L**



## Title VI Service Equity Analysis – Proposed June 2016 Fairfax Connector Service Changes

### Summary of Analysis Results

The service changes proposed for implementation in June 2016 were reviewed as mandated by the Federal Transit Administration (FTA) in Circular C 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. Twelve routes are involved in these changes. Of those, two routes qualified as experiencing a major service change. Further analysis of the proposed changes to these two routes established that they would not create a disparate impact on the minority riders or a disproportionate burden on the low-income riders of the routes.

### Relevant Fairfax County Title VI Program Elements

A service equity analysis may require the evaluation of as many as four items, depending on the nature of the route, the proposed changes to it, and the environment that it serves. The policies listed in this section are contained in the County's Title VI Program, as approved by the Board of Supervisors on July 1, 2014.

A major service change is a change (due to a reduction in service, route restructuring, or addition of service) of 25 percent or more of total daily revenue service hours or miles on an individual route basis.

A disparate impact occurs when the difference between the system-wide percentage of minority riders and the percentage of minority riders affected by a proposed service change or fare change is 10 percent or greater.

A disproportionate burden occurs when the difference between the system-wide percentage of low-income riders and the percentage of low-income riders affected by a proposed service change or fare change is 10 percent or greater.

An adverse effect occurs when the proposed service change meets any of the following criteria for minority populations and low-income populations:

- *New or Additional Service*: if other service was eliminated to release resources to implement it;
- *Headway Changes*: if headway(s) increase by at least 20 percent;
- *Alignment Changes*: if at least 15 percent of the alignment is eliminated or modified;
- *Span of Service Changes*: if the span of service decreases by at least 10 percent; or
- *Elimination of an entire route*.

"If a transit provider chooses not to alter the proposed service changes despite the potential disparate impact on minority populations, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service change, the transit provider may implement the service change *only* if:

- "the transit provider has a substantial legitimate justification for the proposed service change; **and**
- "the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals." (Circular C 4702.1B, page IV-16; emphasis in original.)

FCDOT measured the minority population living within one quarter mile of the affected route alignments and compared the percentage of minority population within that area to the percentage of minorities living in the entire service area to determine whether the service change will cause a disparate impact. For this analysis, the service area average is used, which is 49.1% minority overall. The percentage of low-income households within one quarter mile of the route alignment is also measured and compared to the percentage of low-income households in the service area to determine whether a service change will cause a disproportionate burden. The service area average, which is 25.7% low-income overall, is used in this analysis.

**Overview**

Schedule changes to 15 Fairfax Connector routes (routes 310, 401/402, 422, 424, 463, 466, 574, 624, 630, 634, 640, 650, 724 and 734) are proposed to take place in June 2016 to improve on-time performance, enhance connectivity between routes, and improve connections with Metrorail and Virginia Railway Express.

Proposal Highlights

- New weekend service in Centreville and Chantilly on routes 630, 640, and 650 in response to public requests to expand transit options in the I-66 corridor, and to provide bus service in growing areas of the county where only weekday service currently exists;
- Additional service frequency to the expanded Stringfellow Road Park-and-Ride Lot during weekday rush hours to reduce crowding on existing service, expand capacity to accommodate additional commuters, and reduce congestion on I-66;
- Minor route modifications to routes 422, 463, 651, and 724; and
- The elimination of Route 734 in response to low ridership and alternate bus service available at the majority of stops along the route.

Each of the 15 routes included in the service change was first evaluated against the Major Service Change threshold defined in the County's Title VI Program. Table 1 shows that changes to nine routes, 422, 424, 466, 624, 630, 634, 640, 650, and 734, meet the Major Service Change threshold.

**Table 1: Service Changes Triggering a Major Service Change or Adverse Effect**

Route	Proposed Service Changes	Percent Changes in Revenue Hours			Percent Changes in Revenue Miles		
		Weekday	Sat	Sun	Weekday	Sat	Sun
310	Improve weekend headway		12.9%	3.4%		12.9%	3.4%
401/402	Improve weekend headway		22.0%	22.0%		10.0%	10.0%
422	Modify alignment (major service change)	-43.9%			-28.6%		
424	New Saturday service (major service change)		100.0%			100.0%	
461	Interline with 466, increase headway						
463	Modify alignment				-13.8%	-13.8%	-13.8%
466	Interline with 461, decrease headway (major service change)	51.7%			43.0%		
574	Bus travel time adjustment to reflect congestion						

<b>624</b>	New weekday service (major service change)	100.0%			100.0%		
<b>630</b>	New weekend service (major service change)		100.0%	100.0%		100.0%	100.0%
<b>634</b>	New weekday service (major service change)	100.0%			100.0%		
<b>640</b>	New weekend service (major service change)		100.0%	100.0%		100.0%	100.0%
<b>650</b>	New weekend service (major service change)		100.0%	100.0%		100.0%	100.0%
<b>724</b>	Modify alignment					-10.0%	
<b>734</b>	Eliminate route (major service change)	-100.0%				-100.0%	

The following sections examine each of the nine routes that will experience a major service change. The routes are organized by the type(s) of change that have been proposed:

- Eliminated Service (1 route)
- Alignment Modification (1 route)
- Headway Modification (1 route)
- Expanded Service (6 routes)

Each route has been examined to determine whether or not the proposed service change creates a disparate impact and/or disproportionate burden. If such an impact is identified, then further justification for the service change is provided.

**Eliminate Service**

**Route 734 – McLean-West Falls Church**

Route 734 is proposed for elimination due to low ridership and overlap with other existing Fairfax Connector and Metrobus service. The elimination of service, either the span of service for a period of the day or the entire route, constitutes a Major Service Change, according to the policies adopted by the Fairfax County Board of Supervisors. FTA Circular 4702.1B requires the performance and documentation of an analysis of any proposed service change that meets or exceeds the Major Service Change threshold.

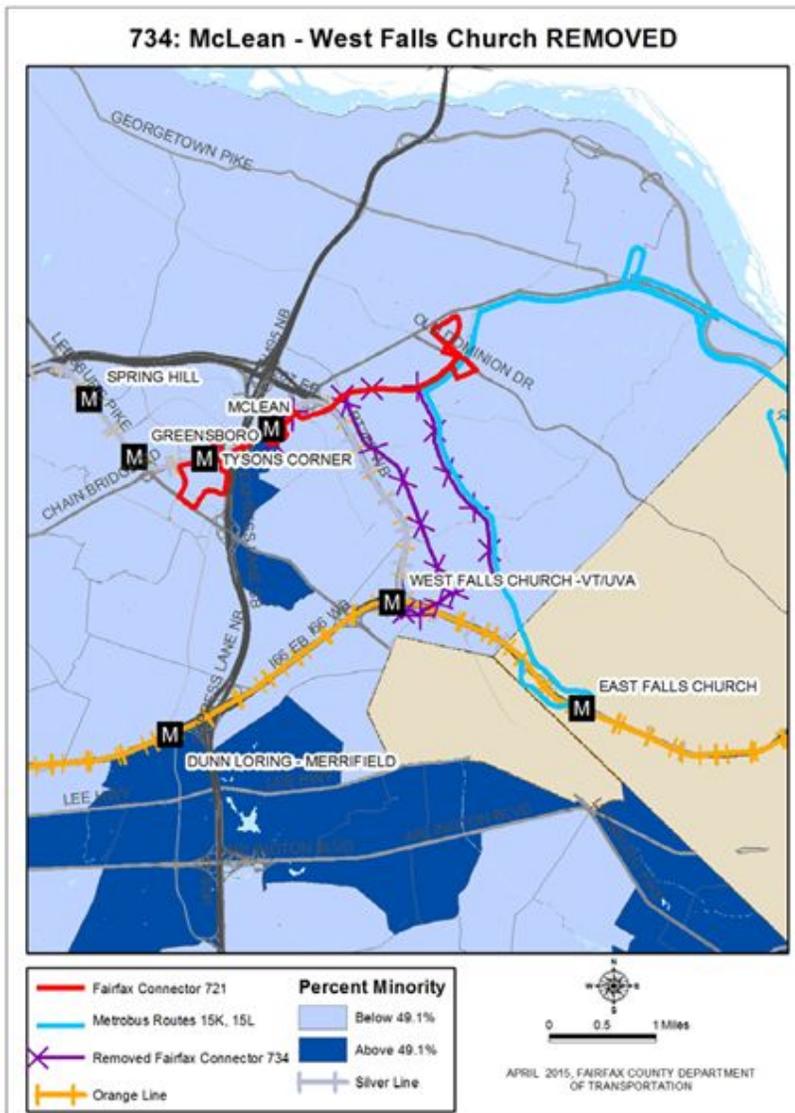
*Disparate Impact:* The population that lives within a quarter mile of Route 734 is 33.3 percent (Table 2). System-wide, minority riders are 49.1 percent of Fairfax Connector ridership. The difference between the percentages of Route 734 and system-side minority riders is 15.8 percent lower, which does not exceed the disparate impact threshold of 10 percent above the system-wide average. Therefore, the proposed changes will not create a disparate impact.

**Table 2: Service Elimination Disparate Impact**

Route	Minority Population	Route Population	Service Area Minority	Route Minority	Difference	Disparate Impact
734	4,680	14,048	49.1%	33.3%	15.8% below the system-wide average	No

Figure 1 shows the current route alignment in relation to predominantly minority census tracts.

**Figure 1: Route 734 Minority Population Map**



*Disproportionate Burden:* The households within a quarter mile of Route 734 are 17.6 percent low-income (Table 3). This is 8.1 percent lower than the system-wide average of 25.7 percent low-income households. The difference between the percentages of Route 734 and system-wide low-income

households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing proposed changes to Route 734 will not create a disproportionate burden on low-income households.

**Table 3: Service Elimination Disproportionate Burden**

Route	Low-Income Households	Total Households along Route	Service Area Low-Income	Route Low-Income	Difference	Disproportionate Burden
734	997	5,675	25.7%	17.6%	8.1% below the system-wide average	No

Figure 2 shows the current route alignment in relation to predominantly low-income census tracts.

**Figure 2: Route 734 Low-income Population Map**



*Adverse Effects:* Route 734 is being eliminated due to low ridership and overlap with other existing Fairfax Connector and Metrobus service. Route 734 operates in a community served by other existing bus routes. As shown in Figure 2, along Chain Bridge Road, alternate service at all Route 734 bus stops is available on Fairfax Connector Route 721 which serves the McLean Metrorail Station and Tysons Corner Center. Along Westmoreland Street, alternate service at all Route 734 bus stops is available on Metrobus routes 15K and 15L which serve the East Falls Church Metrorail Station. Along Great Falls Street, no direct alternate service would be available; however, alternate service is available at bus stops along Chain Bridge Road near Great Falls Street, and along Westmoreland Street near Kirby Road, Lemon Road, Sea Cliff Road/Clearview Drive and Southridge Drive.

**Alignment Modification**

**Route 422 – Boone Boulevard-Howard Avenue**

Route 422 is restructured to better align resources to route segments with higher ridership, with a service frequency of approximately every 15 minutes.

Alignment modifications may constitute a Major Service Change, according to the policies adopted by the Fairfax County Board of Supervisors. FTA Circular 4702.1B requires the performance and documentation of an analysis of any proposed service change that meets or exceeds the Major Service Change threshold.

*Major Service Change:*

- Route 422 Services from Tysons One Place (formerly Shoptysons Boulevard) and Gallows Branch Road were proposed for elimination due to overlap with other available bus service. This will decrease weekday revenue hours by 43.9 percent, and revenue miles will decrease by 28.6 percent, which exceeds the major service change threshold of at least 25 percent.

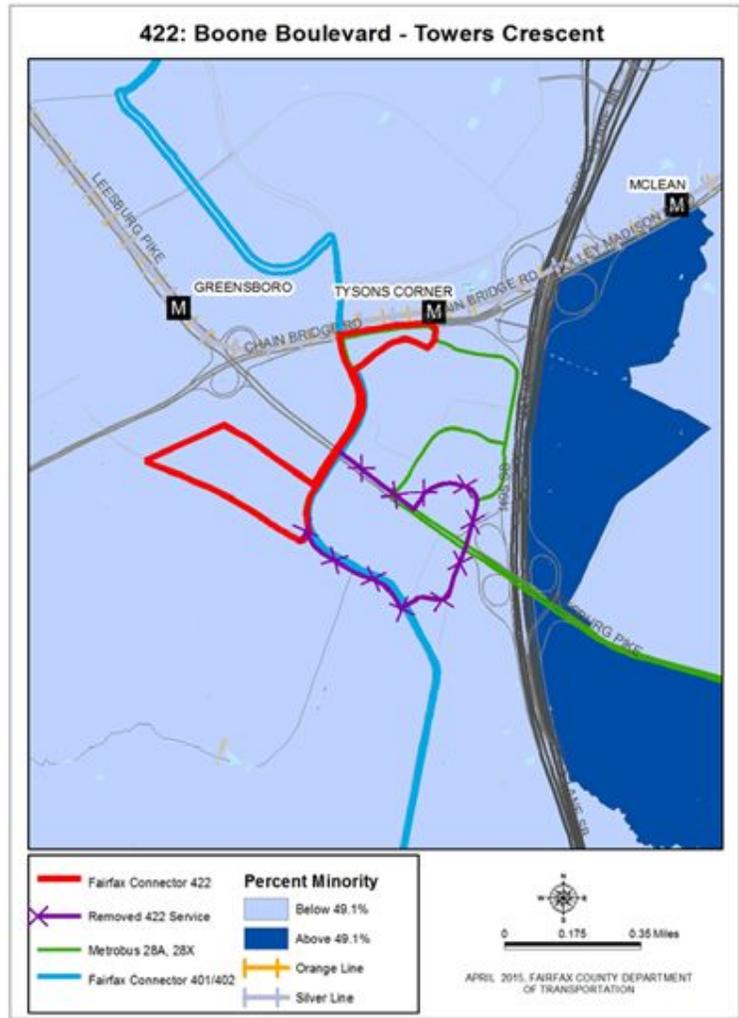
*Disparate Impact:* Table 4 provides an overview of any potential impact from the proposed route alignment on Route 422 on minority population living in the vicinity. The minority population that lives within a quarter mile of Route 422 is 40.6 percent. System-wide, minority riders are 49.1 percent of Fairfax Connector ridership. The difference between the percentages of Route 422 and system-side minority riders is 8.5 percent below the system-wide average, which does not exceed the disparate impact threshold of 10 percent. Therefore, the proposed changes to alignment modification will not create a disparate impact.

**Table 4: Alignment Modification Disparate Impact**

Route	Minority Population	Route Population	Service Area Minority	Route Minority		Disparate Impact
422	1,478	3,642	49.1%	40.6%	8.5% below the system-wide average	No

Figure 3 shows the current route alignment in relation to predominantly minority census tracts.

Figure 3: Route 422 Minority Population Map



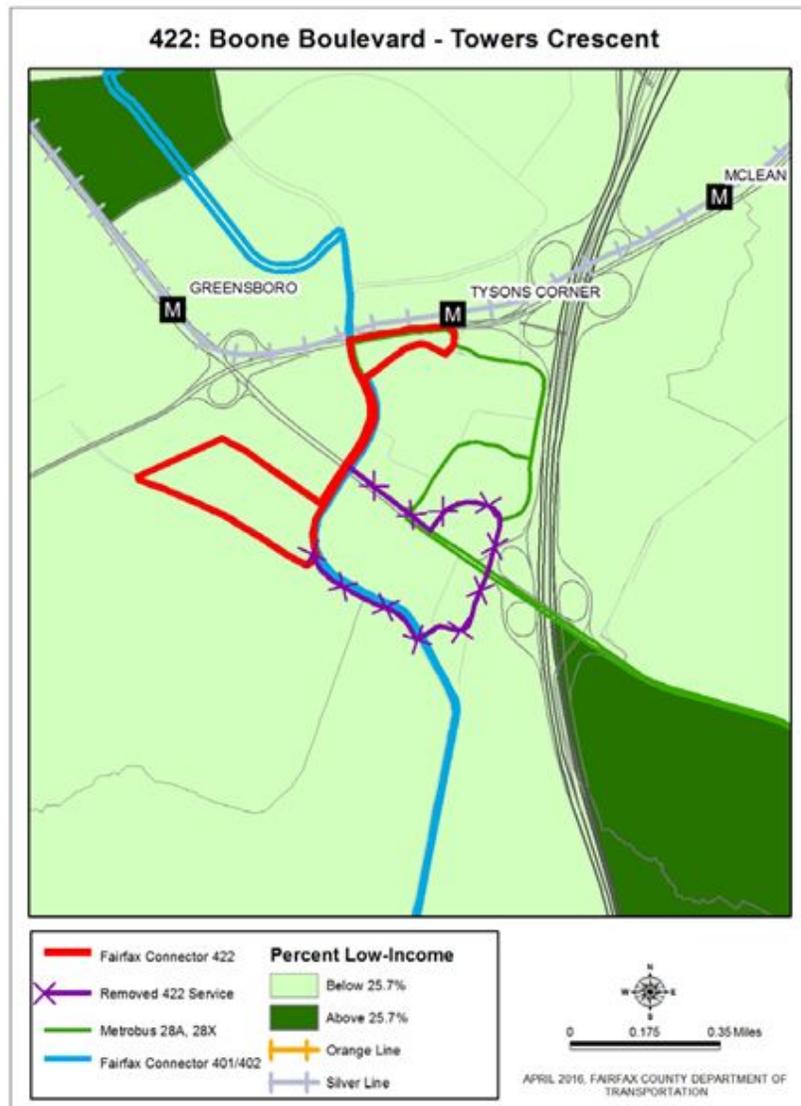
*Disproportionate Burden:* The households within a quarter mile of Route 422 are 18.1 percent low-income (Table 5). This is 7.6 percent lower than the system-wide average of 25.7 percent low-income households. The difference between the percentages of Route 422 and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing proposed changes to Route 422 will not create a disproportionate burden on low-income households.

Table 5: Alignment Modification Disproportionate Burden

Route	Low-Income Households	Total Households along Route	Service Area Low-Income	Route Low-Income	Difference	Disproportionate Burden
422	283	1,560	25.7%	18.1%	7.6% below the system-wide average	No

Figure 4 shows the current route alignment in relation to predominantly low-income census tracts.

**Figure 4: Route 422 Low-income Population Map**



*Adverse Effects:* The proposed changes to Route 422 does not meet the criteria for either a disparate impact to minority riders or a disproportionate burden to low-income passengers. Therefore, analysis for adverse effects is not required.

For the eliminated segment on Route 422, alternative service is available on Fairfax Connector routes 401/402 and 462, and Metrobus routes 28A and 28X at bus stops along, or proximate to, the portions of the route to be discontinued. Connections now available to Tysons Corner Center and the Tysons Corner Metrorail Station will be maintained via alternate service.

For the proposed route segment, riders along the Boone Boulevard and Howard Avenue portions of the route will have a faster, more direct trip to the Tysons Corner Metrorail Station, making service more attractive to riders.

**Headway Modification**

**Route 466 – Oakton-Vienna**

The headway for Route 466 will decrease from approximately every 30 to 35 minutes to approximately every 25 to 30 minutes.

*Major Service Change:*

- Weekday revenue hours for Route 466 will increase by 51.7 percent, and revenue miles will increase by 43 percent, which exceed the threshold for a major service change of at least 25 percent.

*Disparate Impact:* Table 6 shows the minority population living within a quarter mile of Route 466 is 39.3 percent. System-wide, minority riders are 49.1 percent of Fairfax Connector ridership. The difference between the percentages of Route 466 and system-wide minority riders is 9.8 percent below the system-wide average, which does not exceed the disparate impact threshold of 10 percent. Therefore, the proposed changes to alignment modification will not create a disparate impact.

**Table 6: Headway Modification Disparate Impact**

Route	Minority Population	Route Population	Service Area Minority	Route Minority	Difference	Disparate Impact
466	6,088	15,475	49.1%	39.3%	9.8% below the system-wide average	No

Figure 5 shows the current route alignment in relation to predominantly minority census tracts.

**Figure 5: Route 466 Minority Population Map**



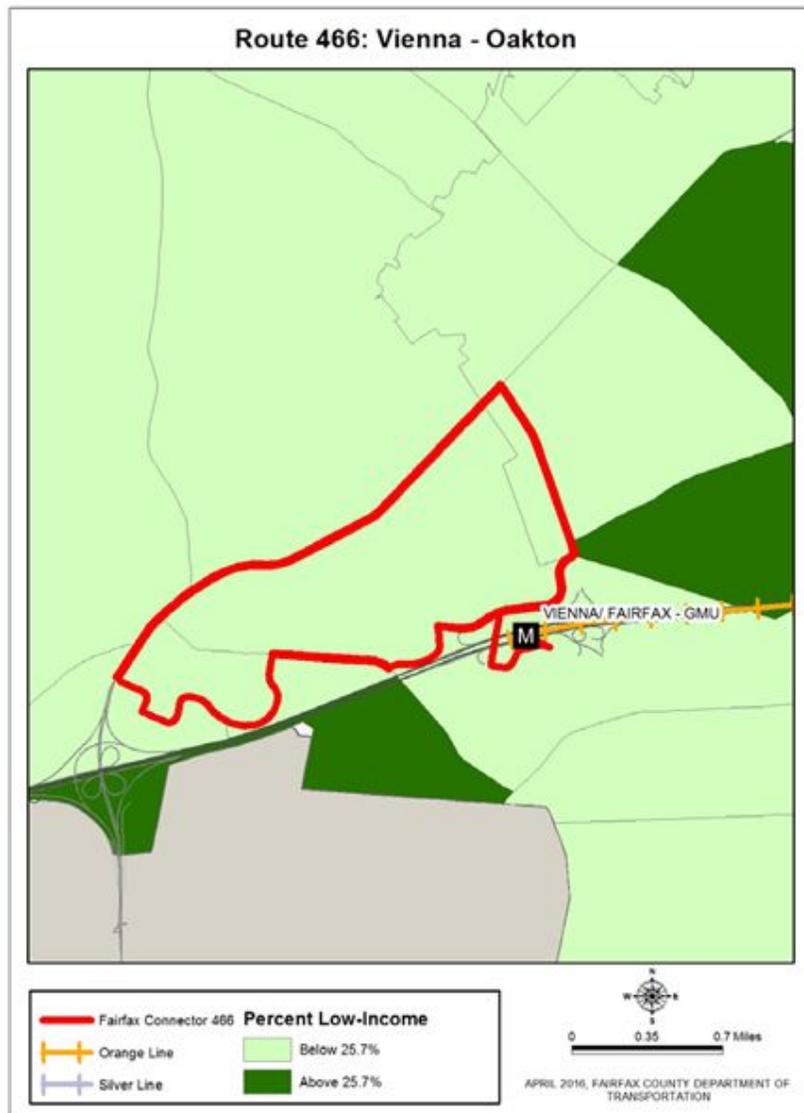
*Disproportionate Burden:* The households within a quarter mile of Route 466 are 17.7 percent low-income (Table 7). This is 8 percent lower than the system-wide average of 25.7 percent low-income households. The difference between the percentages of Route 466 and system-wide low-income households is less than the disproportionate burden threshold of 10 percent. Therefore, implementing proposed changes to Route 466 will not create a disproportionate burden on low-income households.

**Table 7: Headway Modification Disproportionate Burden**

Route	Low-Income Households	Total Households along Route	Service Area Low-Income	Route Low-Income	Difference	Disproportionate Burden
466	1,032	5,831	25.7%	17.7%	8.0% below the system-wide average	No

Figure 6 shows the current route alignment in relation to predominantly low-income census tracts.

**Figure 6: Route 466 Low-income Population Map**



*Adverse Effects:* The proposed changes to Route 466 does not meet the criteria for either a disparate impact to minority riders or a disproportionate burden to low-income passengers. Therefore, analysis for adverse effects is not required.

### **Expanded Service Overview**

The service change proposes to add two new routes, 624 and 634 from the Stringfellow Road Park-and-Ride Lot and Fair Lakes to the Vienna Metrorail Station; new weekend service in Centreville and Chantilly on routes 630, 640, and 650; and Saturday service on Route 424, in response to public requests to expand transit options in the I-66 corridor and Tysons, and to provide bus service in growing areas of the county where only weekday service currently exists.

Table 8 provides an overview of any potential impact from the proposed new service. The table also shows the demographics of each of the proposed new service routes. Four routes are slightly more minority than the service area as a whole, which benefits these communities.

**Table 8: New Service Disparate Impact**

Route	Minority Population	Route Population	Service Area Minority	Route Minority	Difference	Disparate Impact
424	2,014	4,974	49.1%	40.5%	8.6% below the system-wide average	No
624	13,022	26,537	49.1%	49.1%	0.1% below the system-wide average	No
630	26,243	49,244	49.1%	53.3%	4.2%	No
634	11,925	23,646	49.1%	50.4%	1.3%	No
640	26,374	52,053	49.1%	50.7%	1.6%	No
650	15,072	30,650	49.1%	49.2%	0.1%	No

Table 9 provides an overview of household income along the six routes proposed for new service. The table shows five proposed routes will serve neighborhoods that contain slightly more low-income households than the service area as a whole, which benefits these communities.

**Table 9: New Service Disproportionate Burden**

Route	Low-Income Households	Total Households along Route	Service Area Low-Income	Route Low-Income	Difference	Disproportionate Burden
424	685	2,585	25.7%	26.5%	0.8%	No
624	2,963	11,043	25.7%	26.8%	1.1%	No
630	5,335	19,325	25.7%	27.6%	1.9%	No
634	2,543	9,732	25.7%	26.1%	0.4%	No
640	5,404	19,781	25.7%	27.3%	1.6%	No
650	2,998	11,803	25.7%	25.4%	0.3% below the system-wide average	No

### Service Equity Analysis by Route

#### Route 424 – Jones Branch Drive

Route 424 proposes to add Saturday service in response to ridership, public requests, and new development in Tysons.

#### Major Service Change:

- Adding new Saturday services meets the major service change threshold.

*Disparate Impact:* The minority population living within a quarter mile of Route 424 is 40.5 percent (Table 8). System-wide, minority riders are 49.1 percent of Fairfax Connector ridership. The difference between the percentages of Route 424 and system-wide minority riders is 8.6 percent below the system-wide average, which does not exceed the disparate impact threshold of 10 percent. Therefore, the proposed changes to alignment modification will not create a disparate impact.

Figure 7 shows the current route alignment in relation to predominantly minority census tracts.

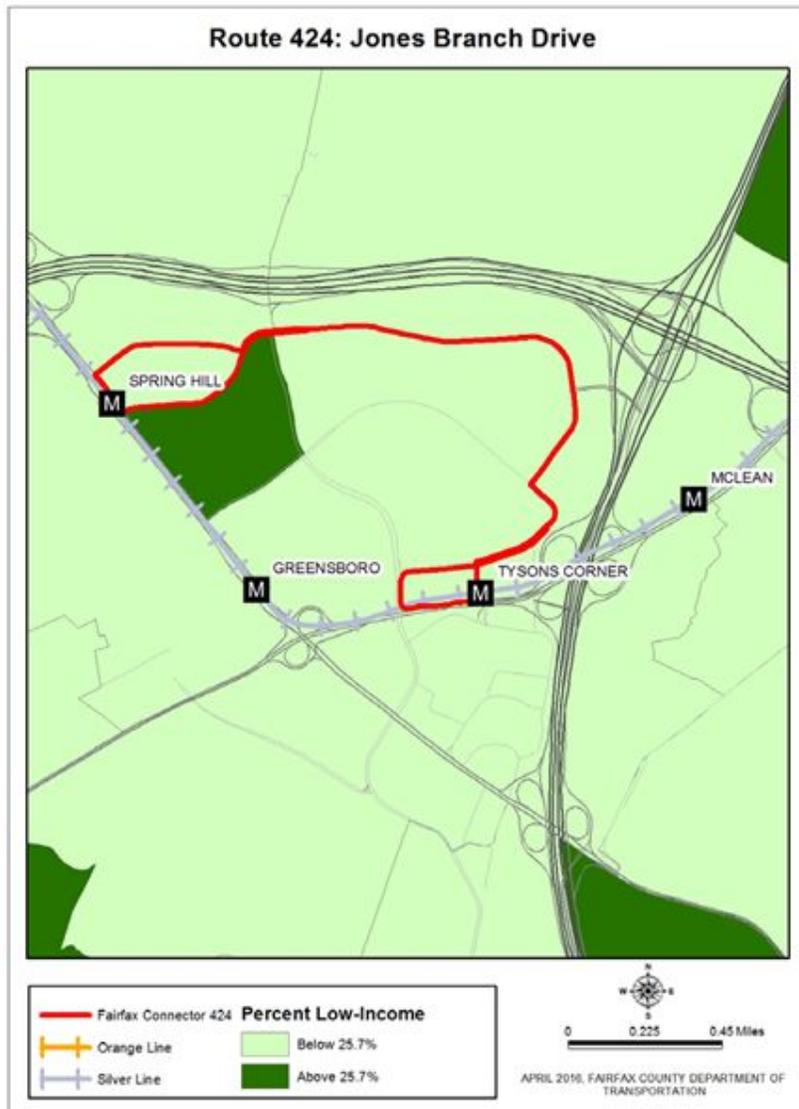
**Figure 7: Route 424 Minority Population Map**



*Disproportionate Burden:* Households within a quarter mile of Route 424 are 26.5 percent low-income (Table 9). This is 0.8 percent higher than the system-wide average of 25.7 percent low-income households. The difference between the percentages of Route 424 and system-wide low-income households is lower than the disproportionate burden threshold of 10 percent. Therefore, implementing proposed changes to Route 424 will not create a disproportionate burden on low-income households.

Figure 8 shows the current route alignment in relation to predominantly low-income census tracts.

**Figure 8: Route 424 Low-income Population Map**



*Adverse Effects:* The proposed changes to Route 424 does not meet the criteria for either a disparate impact to minority riders or a disproportionate burden to low-income passengers. Therefore, analysis for adverse effects is not required.

**Route 624 – Fair Lakes**

Route 624 implements reverse-commute rush hour service on new Route 624 between the Vienna Metrorail Station and Stringfellow Road Park-and-Ride Lot, which will travel local via Fair Lakes, due to peak direction operation of the HOV ramp. Route 624 will provide improved transit access to area employment sites.

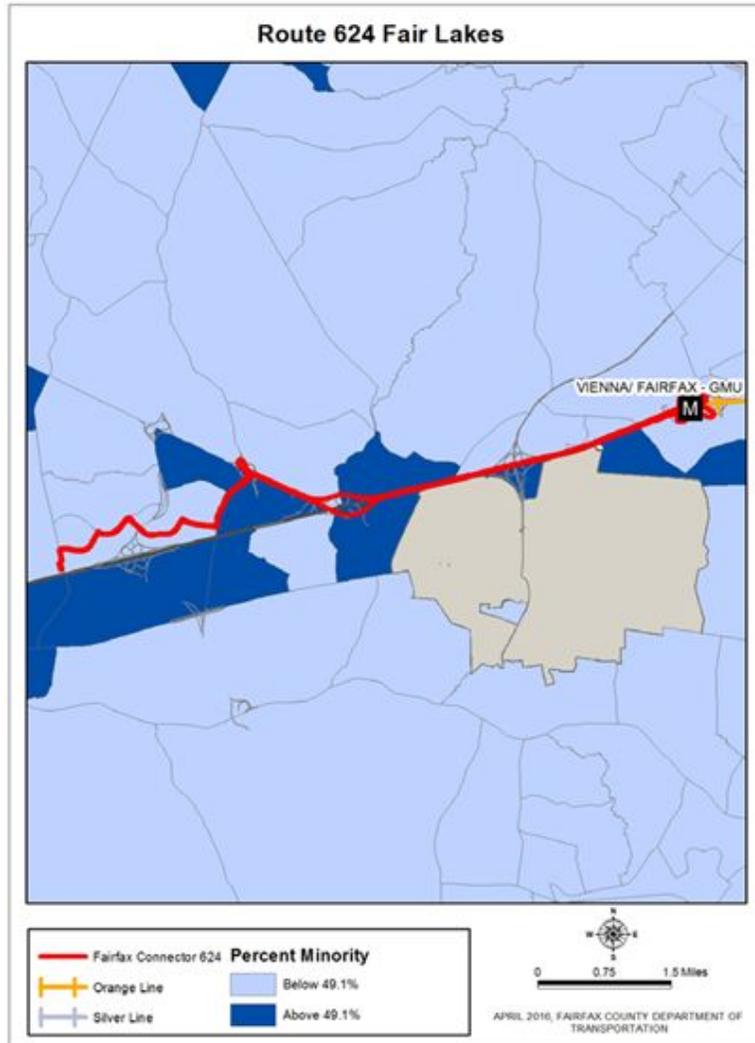
*Major Service Change:*

- Adding new route services meets the major service change threshold.

*Disparate Impact:* The minority population living within a quarter mile of Route 624 is 49.1 percent (Table 8). System-wide, minority riders are 49.1 percent of Fairfax Connector ridership. The difference between the percentages of Route 624 and system-wide minority riders is 0.1 percent below the system-average, which does not exceed the disparate impact threshold of 10 percent. Therefore, the proposed changes to alignment modification will not create a disparate impact.

Figure 9 shows the current route alignment in relation to predominantly minority census tracts.

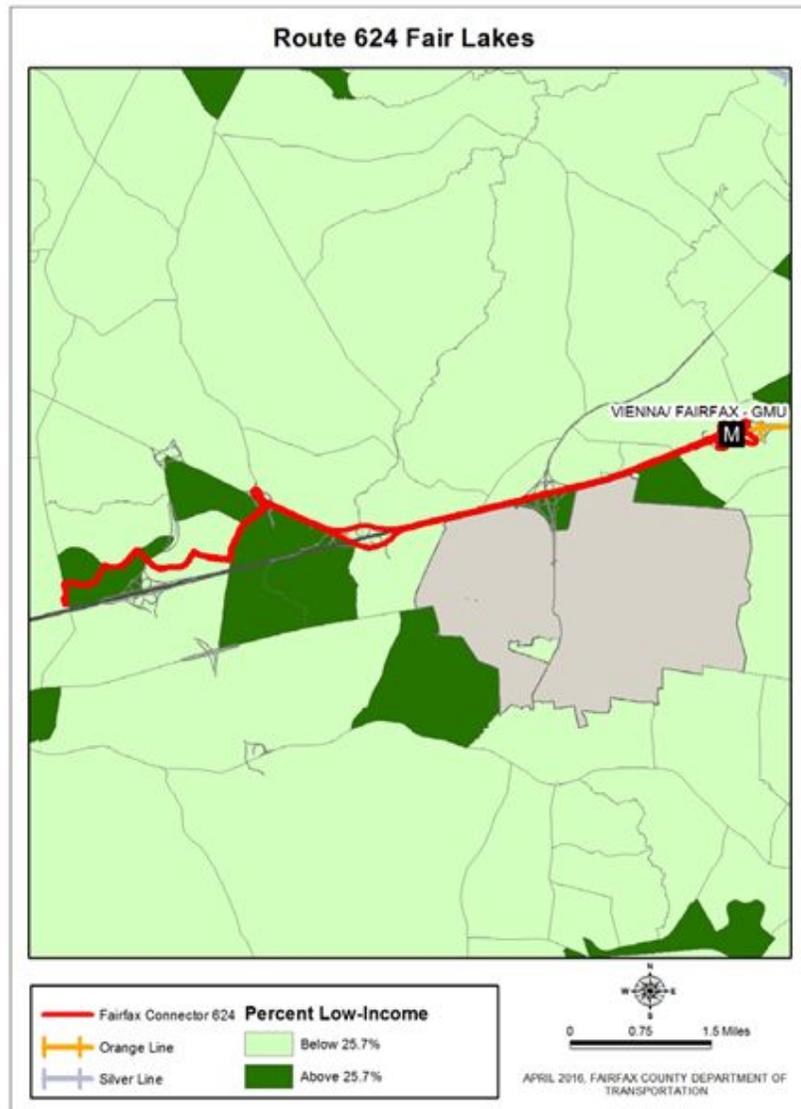
**Figure 9: Route 624 Minority Population Map**



*Disproportionate Burden:* The households within a quarter mile of Route 624 are 26.8 percent low-income (Table 9). This is 1.1 percent higher than the system-wide average of 25.7 percent low-income households. The difference between the percentages of Route 624 and system-wide low-income households is lower than the disproportionate burden threshold of 10 percent. Therefore, implementing proposed changes to Route 624 will not create a disproportionate burden on low-income households.

Figure 10 shows the current route alignment in relation to predominantly low-income census tracts.

**Figure 10: Route 624 Low-income Population Map**



*Adverse Effects:* The proposed changes to Route 624 does not meet the criteria for either a disparate impact to minority riders or a disproportionate burden to low-income passengers. Therefore, analysis for adverse effects is not required.

**Route 634 – Stringfellow Road**

Route 634 implements expanded peak direction rush hour service between the expanded Stringfellow Road Park-and-Ride Lot and Vienna Metrorail Station via the I-66/Stringfellow Road High Occupancy Vehicle (HOV) ramp to serve additional commuters and reduce congestion on I-66.

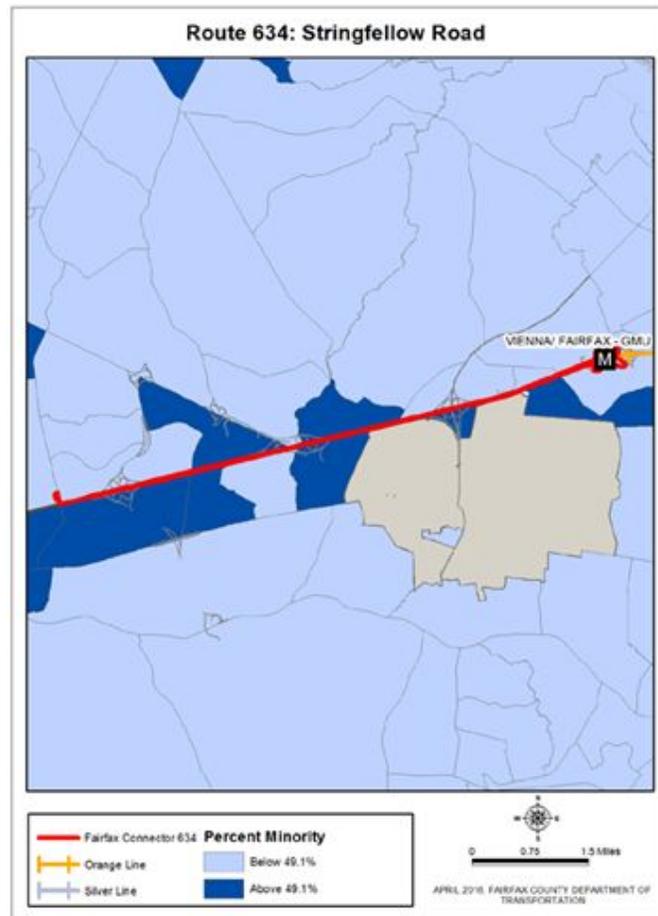
*Major Service Change:*

- Adding new route services meets the major service change threshold.

*Disparate Impact:* The minority population living within a quarter mile of Route 634 is 50.4 percent (Table 8). System-wide, minority riders are 49.1 percent of Fairfax Connector ridership. The difference between the percentages of Route 634 and system-wide minority riders is 1.3 percent, which does not exceed the disparate impact threshold of 10 percent. Therefore, the proposed new service will not create a disparate impact.

Figure 11 shows the current route alignment in relation to predominantly minority census tracts.

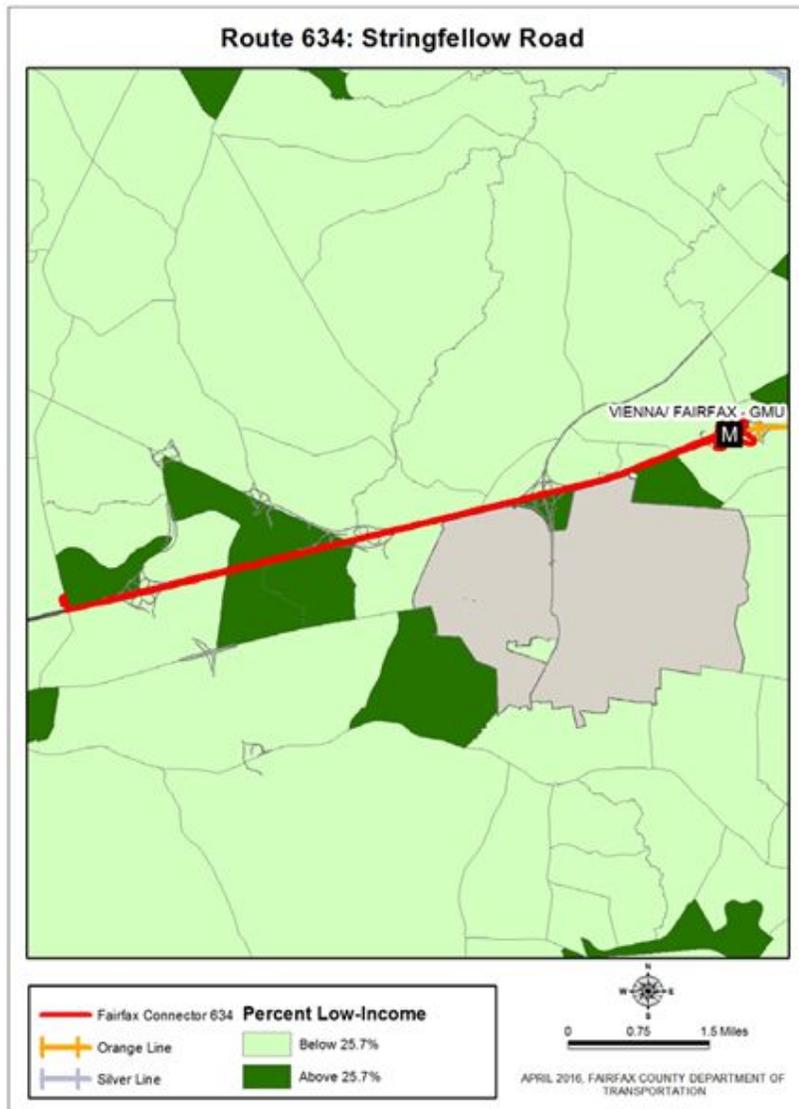
**Figure 11: Route 634 Minority Population Map**



*Disproportionate Burden:* The households within a quarter mile of Route 634 are 26.1 percent low-income (Table 9). This is 0.4 percent higher than the system-wide average of 25.7 percent low-income households. The difference between the percentages of Route 634 and system-wide low-income households is lower than the disproportionate burden threshold of 10 percent. Therefore, implementing proposed changes to Route 634 will not create a disproportionate burden on low-income households.

Figure 12 shows the current route alignment in relation to predominantly low-income census tracts.

**Figure 12: Route 634 Low-income Population Map**



*Adverse Effects:* The proposed changes to Route 634 does not meet the criteria for either a disparate impact to minority riders or a disproportionate burden to low-income passengers. Therefore, analysis for adverse effects is not required.

**Routes 630 – Stringfellow Road**

The proposal adds hourly Saturday and Sunday service on Route 630 between Centreville and the Vienna Metrorail Station via Fair Oaks Mall. Adding weekend service on Route 630 will increase the attractiveness of transit service in the congested I-66 corridor, provide a daily connection to Metrorail and other bus service, and serve the Centre Ridge, Faircrest (Centreville Farms), and Little Rocky Run neighborhoods; and Centreville Square, Fair Lakes, and Fair Oaks Mall commercial centers.

*Major Service Change:*

- Adding new hourly weekend service meets the major service change threshold.

*Disparate Impact:* The minority population living within a quarter mile of Route 630 is 53.3 percent (Table 8). System-wide, minority riders are 49.1 percent of Fairfax Connector ridership. The difference between the percentages of Route 630 and system-wide minority riders is 4.2 percent, which does not exceed the disparate impact threshold of 10 percent. Therefore, the proposed changes to alignment modification will not create a disparate impact.

Figure 13 shows the current route alignment in relation to predominantly minority census tracts.

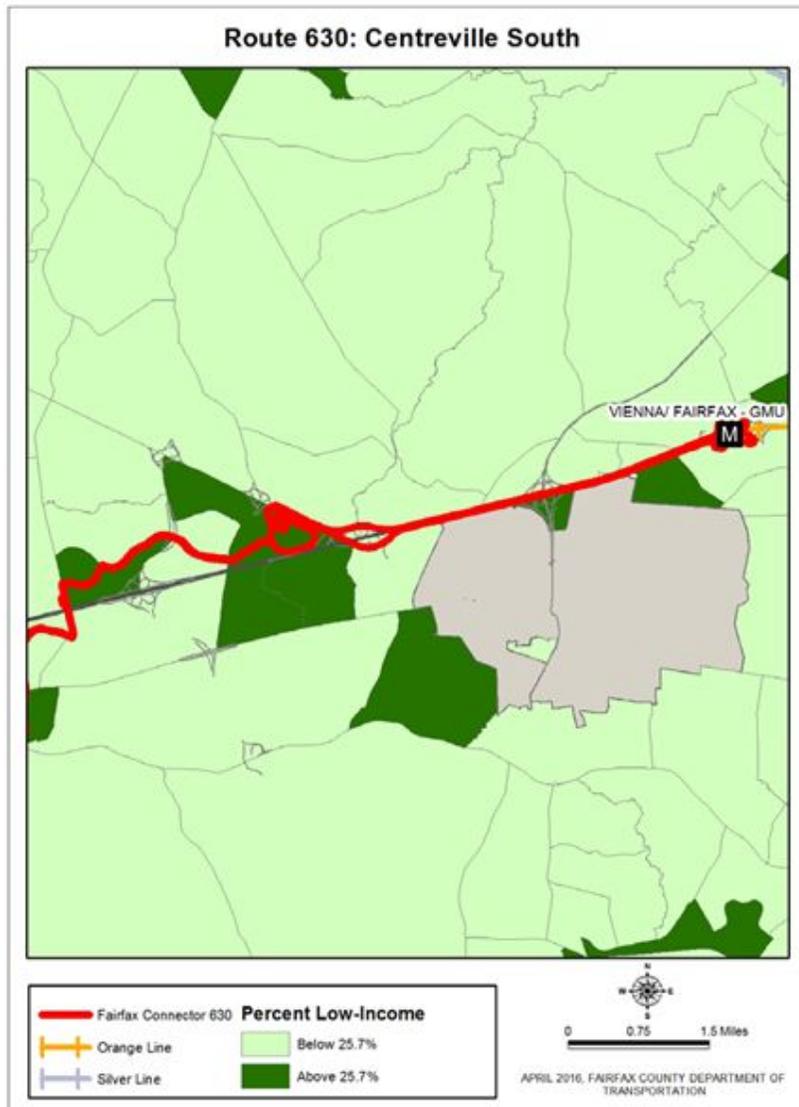
**Figure 13: Route 630 Minority Population Map**



*Disproportionate Burden:* The households within a quarter mile of Route 630 are 27.6 percent low-income (Table 9). This is 1.9 percent higher than the system-wide average of 25.7 percent low-income households. The difference between the percentages of Route 630 and system-wide low-income households is lower than the disproportionate burden threshold of 10 percent. Therefore, implementing proposed changes to Route 630 will not create a disproportionate burden on low-income households.

Figure 14 shows the current route alignment in relation to predominantly low-income census tracts.

**Figure 14: Route 630 Low-income Population Map**



*Adverse Effects:* The proposed changes to Route 630 do not meet the criteria for either a disparate impact to minority riders or a disproportionate burden to low-income passengers. Therefore, analysis for adverse effects is not required.

**Route 640 – Stone Road-Centreville North**

The proposal adds hourly Saturday and Sunday service on Route 640 between Centreville and the Vienna Metrorail Station via I-66 and Stone Road. Adding weekend service on Route 640 will increase the attractiveness of transit service in the congested I-66 corridor, provide a daily connection to Metrorail and other bus service, and serve residential neighborhoods via bus stops along Stone Road between Lee Highway and Braddock Road, and the Fair Lakes and Sully Station commercial centers.

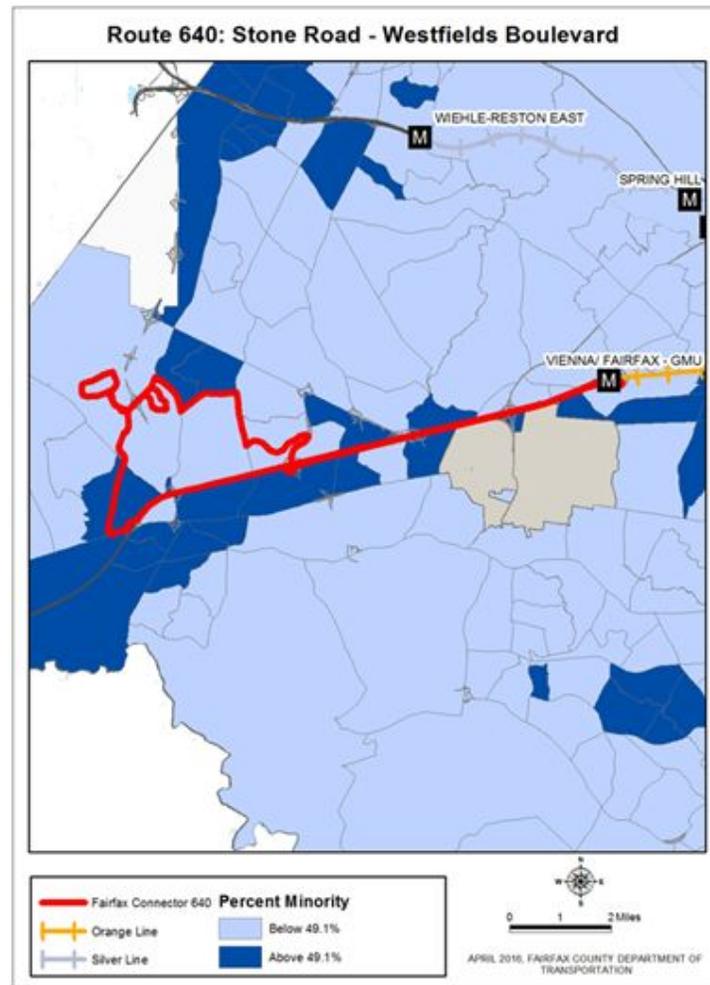
*Major Service Change:*

- Adding new hourly weekend service meets the major service change threshold.

*Disparate Impact:* The minority population living within a quarter mile of Route 640 is 50.7 percent (Table 8). System-wide, minority riders are 49.1 percent of Fairfax Connector ridership. The difference between the percentages of Route 640 and system-wide minority riders is 1.6 percent, which does not exceed the disparate impact threshold of 10 percent. Therefore, the proposed changes to alignment modification will not create a disparate impact.

Figure 15 shows the current route alignment in relation to predominantly minority census tracts.

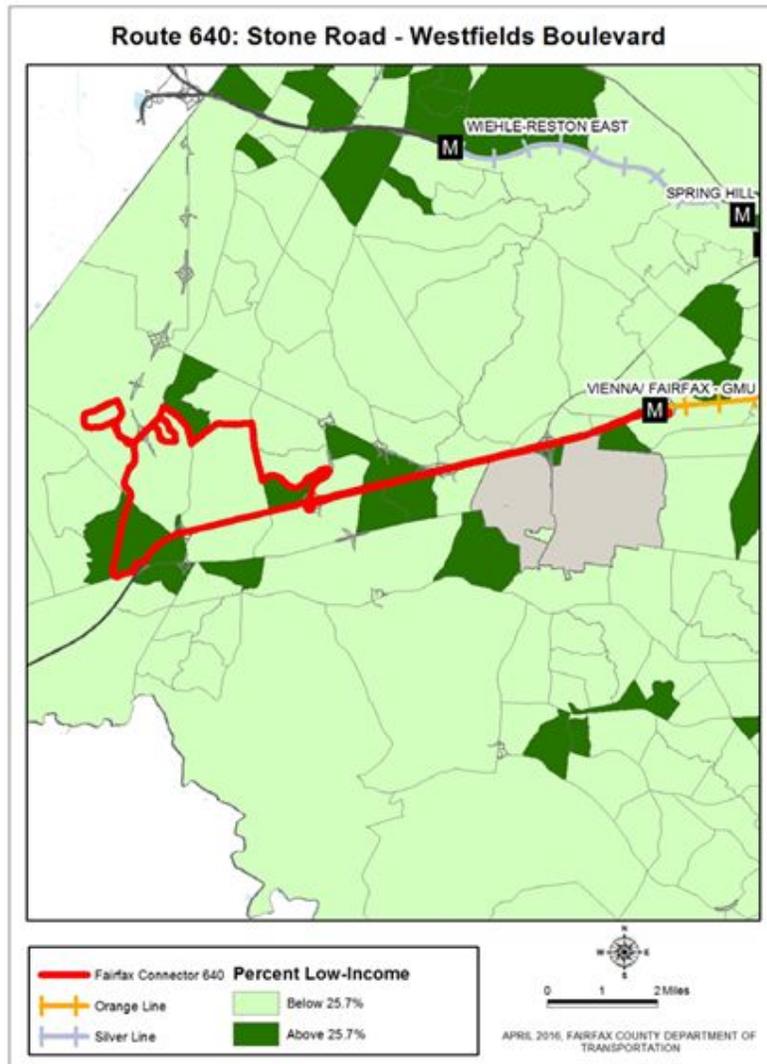
**Figure 15: Route 640 Minority Population Map**



*Disproportionate Burden:* The households within a quarter mile of Route 640 are 27.3 percent low-income (Table 9). This is 1.6 percent higher than the system-wide average of 25.7 percent low-income households. The difference between the percentages of Route 640 and system-wide low-income households is lower than the disproportionate burden threshold of 10 percent. Therefore, implementing proposed changes to Route 640 will not create a disproportionate burden on low-income households.

Figure 16 shows the current route alignment in relation to predominantly low-income census tracts.

Figure 16: Route 640 Low-income Population Map



*Adverse Effects:* The proposed changes to Route 640 does not meet the criteria for either a disparate impact to minority riders or a disproportionate burden to low-income passengers. Therefore, analysis for adverse effects is not required.

**Routes 650 – Chantilly**

The proposal adds hourly Saturday and Sunday service on Route 650 between Chantilly and the Vienna Metrorail Station via Lee Jackson Memorial Highway (US-50). Adding weekend service on Route 650 will increase the attractiveness of transit service in the congested I-66 and US-50 corridors, provide a daily connection to Metrorail and other bus service; and provide weekend service to the Brookfield, Fair Ridge, Greenbriar, and Meadows of Chantilly neighborhoods, and various businesses and commercial centers along the corridor.

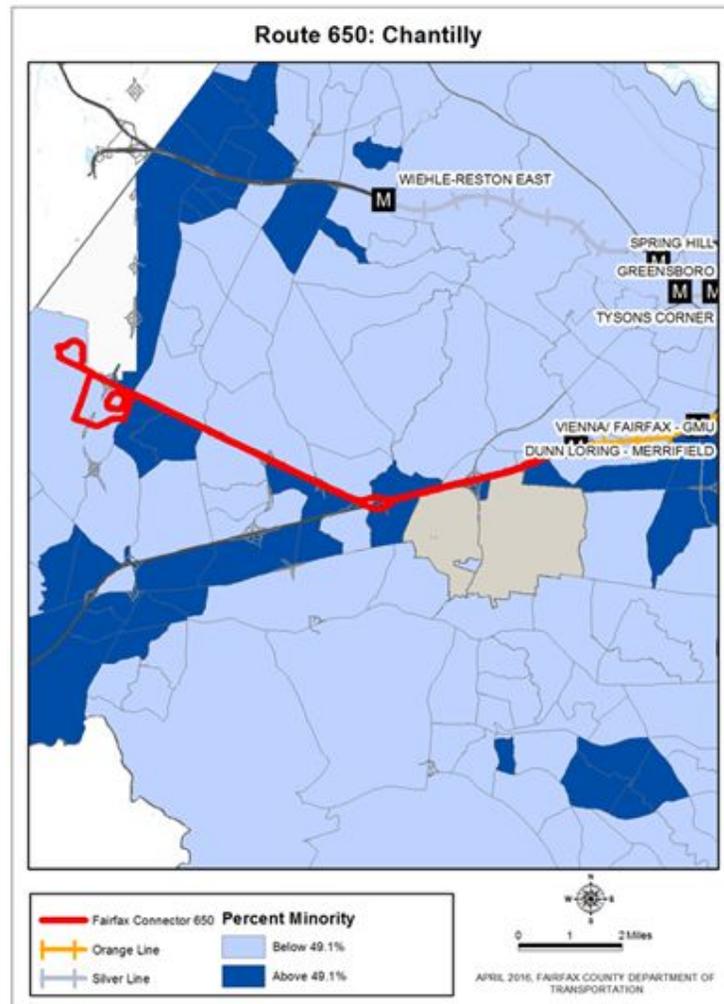
*Major Service Change:*

- Adding new hourly weekend service meets the major service change threshold.

*Disparate Impact:* The minority population living within a quarter mile of Route 650 is 49.2 percent (Table 8). System-wide, minority riders are 49.1 percent of Fairfax Connector ridership. The difference between the percentages of Route 650 and system-wide minority riders is 0.1 percent, which does not exceed the disparate impact threshold of 10 percent. Therefore, the proposed changes to alignment modification will not create a disparate impact.

Figure 17 shows the current route alignment in relation to predominantly minority census tracts.

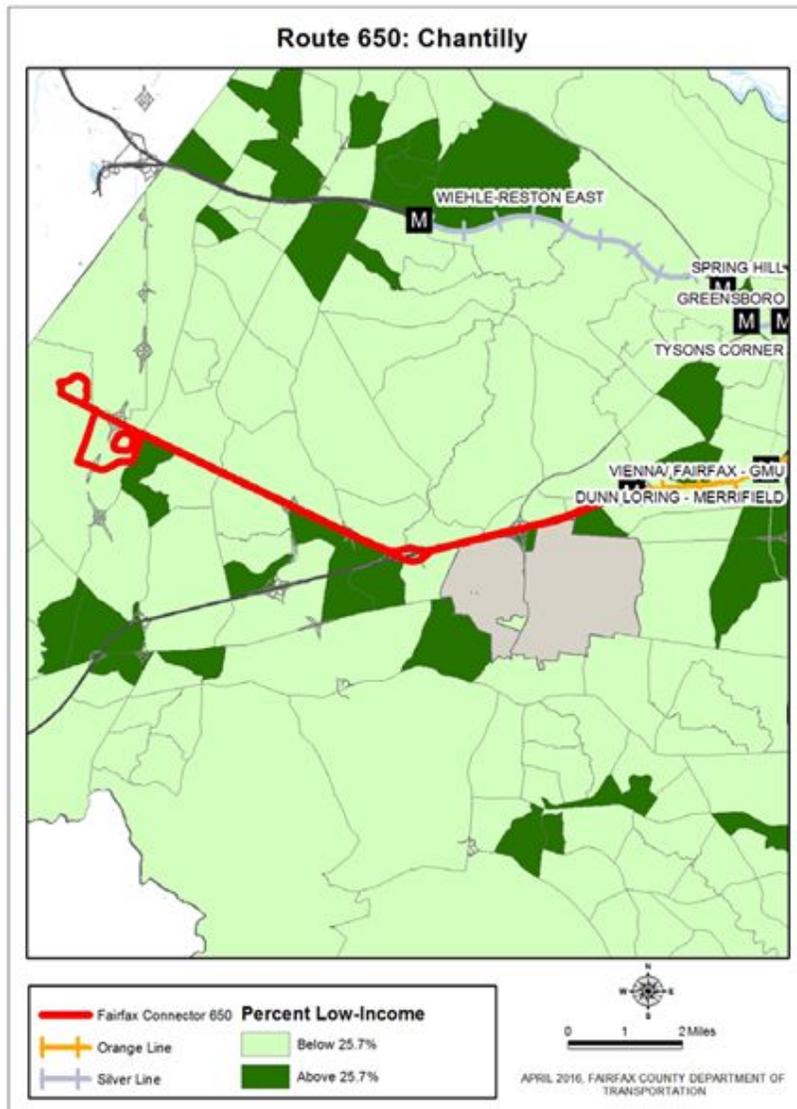
**Figure 17: Route 650 Minority Population Map**



*Disproportionate Burden:* The households within a quarter mile of Route 650 are 25.4 percent low-income (Table 9). This is 0.3 percent lower than the system-wide average of 25.7 percent low-income households. The difference between the percentages of Route 650 and system-wide low-income households is lower than the disproportionate burden threshold of 10 percent. Therefore, implementing proposed changes to Route 650 will not create a disproportionate burden on low-income households.

Figure 18 shows the current route alignment in relation to predominantly low-income census tracts.

Figure 18: Route 650 Low-income Population Map



*Adverse Effects:* The proposed changes to Route 650 does not meet the criteria for either a disparate impact to minority riders or a disproportionate burden to low-income passengers. Therefore, analysis for adverse effects is not required.

**Conclusion**

The service changes proposed for implementation in June 2016 were reviewed as mandated by the Federal Transit Administration (FTA) in Circular C 4702.1B, *Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. The analysis showed that the proposed service changes will not create a negative disparate impact on minority riders or a negative disproportionate burden on low-income riders. The service changes will result in an overall service improvement for Fairfax Connector riders and the communities in which the routes serve.

INFORMATION - 1

Contract Award – Financial Services, Wastewater Management Program

The Department of Purchasing and Supply Management (DPSM) issued a Request for Proposal (RFP2000001852) soliciting proposals from consultants to provide Financial Services for the Wastewater Management Program, Department of Public Works and Environmental Services (DPWES). The contractor will be tasked with preparing a five-year financial forecast that projects the sources and uses of funds, recommend a five-year rate schedule for sewer service charge, base charge, and availability fee. The report shall address the issues that are impacting the wastewater industry and investigate the financial impact these issues may have on the Wastewater Management Program. The strategic financial report addresses the impacts based on likelihood of occurrence and timing, between 6 to 10 years and issues beyond 10 years. This contract will replace an existing contract for like services.

A request for proposal (RFP) was publicly advertised in accordance with the requirements of the Fairfax County Purchasing Resolution. The County received two offerors before the due date. The Selection Advisory Committee (SAC) evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the evaluation of the proposals, the SAC decided to negotiate with both of the offerors. After negotiations the SAC recommended award to Public Resources Management Group, Inc. (PRMG) for all the services associated with Financial Services related to the Wastewater Management Program proposed by PRMG. Public Resources Management Group Inc. is classified as a small business.

Public Resources Management Group Inc. is a utility rate and financial planning firm with proven expertise in providing strategic financial planning services to both the program and the utility industry. The PRMG project team offers the necessary skills and experience to successfully implement the future business, financial, and planning requirements of the program. Their project team consists of certified public accountants, rate and financial analysts, economists, and certified government financial managers.

The Department of Tax Administration has verified that the selected firm is not required to have a Fairfax County Business, Professional, and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award a contract to Public Resources Management Group, Inc. The contract term is five years from July 1, 2016 through December 30, 2022, with no renewal options.

FISCAL IMPACT:

Services rendered through this contract are projected to be approximately \$500,000.00 over the five-year term. Funding will be available during this period from DPWES Wastewater Management Sewer Operation and Maintenance fund (690-C-69010).

Board Agenda Item  
May 17, 2016

ENCLOSED DOCUMENTS:  
Attachment 1 - List of Offerors

STAFF:  
Cathy Muse, Director, Department of Purchasing and Supply Management  
James Patteson, Director, Public Works & Environmental Services  
Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division

Attachment 1

RFP 2000001852 List of Offerors

Name	SWAM Status
Public Resources Management Group, Inc.	Small, Corporation
Municipal & Financial Services Group	Small, Corporation

INFORMATION – 2

Contract Award – Pharmacy Services & Pharmaceuticals

In May 2015, the Department of Purchasing and Supply Management issued RFP 2000001624 for the provision of integrated pharmacy services for both primary care and behavioral health services in the Health Department and the Fairfax-Falls Church Community Services Board (CSB).

Background:

Changes enacted with The Patient Protection and Affordable Care Act of 2010 (ACA) coupled with the work of the Fairfax County Health Collaborative have resulted in initiatives to consolidate and coordinate health care related services across the Human Services System. Contracted pharmacy services and subsidized pharmaceuticals for the uninsured and Medicaid populations were identified as an area for potential efficiencies. Currently, the county has two separate contracts that provide pharmacy services: one contract for the Community Health Care Network's (CHCN) primary care clinics overseen by the Health Department that include pharmacies and one contract for pharmacy services provided to behavioral health clients of the (CSB). The contract resulting from this solicitation will consolidate services provided through the two current contracts.

The County received one proposal in response to the RFP for pharmacy services. The Selection Advisory Committee (SAC), appointed by the County Purchasing Agent, evaluated the proposal in accordance with the criteria established in the RFP. The SAC received additional clarifications from the offeror and conducted an interview. After reviewing all of the information, the SAC conducted negotiations and recommended contract award to Genoa, A QoL Healthcare Company, for the provision of integrated pharmacy services and pharmaceuticals for CHCN patients and CSB consumers.

Since 2010, the county has contracted with Genoa, A QoL Healthcare Company (formerly known as QoL Meds), to provide access to affordable pharmaceutical services and support medication compliance for CSB clients at site-based pharmacies including full-service pharmacies at the Merrifield Center and at the Gartlan Center. Genoa currently fills prescriptions for CSB clients with insurance and for those for whom the

CSB partially or fully subsidizes medications based on eligibility. In addition to the Fairfax County sites, Genoa operates over 250 on-site pharmacies within 35 states and the District of Columbia, serving over 300,000 consumers annually. Their pharmacies are located within behavioral health centers or Federally Qualified Health Centers. They specialize in taking care of all medication needs including prescriptions written by psychiatrists, primary care providers, or other specialty providers.

Board Agenda Item  
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The Department of Tax Administration has verified that Genoa, A QoL Healthcare Company possesses the appropriate Fairfax County Business, Professional and Occupational License (BPOL).

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award this contract to Genoa, a QoL Healthcare Company. This contract will begin on July 1, 2016 and terminate on June 30, 2018. This contract is a seven year contract that includes five (5) one-year renewal options. The total estimated amount of this contract over seven years is \$17,500,000.

FISCAL IMPACT:

The Fairfax-Falls Church Community Services Board and the Health Department will have approximately \$2,500,000 in state and local funds budgeted for Fiscal Year 2017 for the pharmacy services and pharmaceuticals purchased for eligible patients and consumers.

ENCLOSED DOCUMENTS:

Attachment 1 – List of Offerors

STAFF:

Patricia A. Harrison, Deputy County Executive  
Cathy A. Muse, Director Department of Purchasing and Supply Management  
M. Gail Ledford, Director Department of Administration for Human Services  
Tisha Deeghan, Director, Fairfax-Falls Church Community Services Board  
Dr. Gloria Addo-Ayensu, Director, Health Department

List of Offerors

1. Genoa, A QoL Healthcare Company

Board Agenda Item  
May 17, 2016

10:20 a.m.

Matters Presented by Board Members

Board Agenda Item  
May 17, 2016

11:10 a.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. *Anthony D. Craft v. County of Fairfax, Virginia*, Case No. 1:16cv86 (E.D. Va.)
  - 2. *Adrienne Yvonne Hall v. Fairfax County, Virginia*, Case No. 1:16cv6 (GB/TCB) (E.D. Va.)
  - 3. *Board of Supervisors of Fairfax County and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long*, Case No. CL-2014-0013597 (Fx. Co. Cir. Ct.) (Mason District)
  - 4. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Mohammad Ali*, Case No. CL-2015-0009648 (Fx. Co. Cir. Ct.) (Dranesville District)
  - 5. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Yongchao Wang and Equity Trust Company, Custodian, FBO Shujun Ding IRA*, Case No. CL-2016-0001188 (Fx. Co. Cir. Ct.) (Sully District)
  - 6. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Romulo Castro and Blanca B. Castro*, Case No. CL-2015-0013768 (Fx. Co. Cir. Ct.) (Providence District)
  - 7. *Board of Supervisors of Fairfax County and James W. Patteson, Director of the Fairfax County Department of Public Works and Environmental Services v. Nirmaladevi Jayanthan and Jayanthan Balasubram, a/k/a Balasubram Jayanthan, Jayanthan Bala, Bala Jayanthan, and Jay Bala*, Case No. CL-2015-0008179 (Fx. Co. Cir. Ct.) (Dranesville District)

8. In Re: *Decision of January 6, 2016, of the Board of Zoning Appeals of Fairfax County, Virginia; Medhi Rofougaran and Tournament Drive, LLC v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2016-0001763 (Fx. Co. Cir. Ct.) (Mason District)
9. *Sharon Messina v. Adam Nicholas Thomes*, Case No. CL-2015-0010574 (Fx. Co. Cir. Ct.)
10. *Michael Evans v. Cigna Health and Life Insurance Company Health Insurance Plan and County of Fairfax*, Case No. CL-2016-02267 (Fx. Co. Cir. Ct.)
11. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Edward Eugene Ankers, Jr.*, Case No. CL-2016-0005534 (Fx. Co. Cir. Ct.) (Hunter Mill District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Muhsin Sislioglu*, Case No. CL-2016-0005751 (Fx. Co. Cir. Ct.) (Dranesville District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Marisol Ferrel*, Case No. CL-2016-0005993 (Fx. Co. Cir. Ct.) (Providence District)
14. *Fairway I Residential LLC v. Department of Family Services*, Case Nos. GV16-004247, GV16-004248, GV16-004249, GV16-004250 (Fx. Co. Gen. Dist. Ct.)
15. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph G. Seeber and Francine B. Seeber*, Case Nos. GV15-015624 and GV16-004925 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
16. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. William S. Pournaras*, Case No. GV16-004926 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
17. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Janice T. McCallum*, Case No. GV16-004924 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Michael P. Galson and Charlotte M. Wilkes*, Case No. GV16-004602 (Fx. Co. Gen. Dist. Ct.) (Mason District)

19. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Donald W. Major, Richard B. Major, and Dennis G. Major, Case No. GV16-004579 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District/Town of Vienna)*
20. *Tarsha S. Warren v. Officer Ryan Wever, Case No. GV15-024483 (Fx. Co. Gen. Dist. Ct.)*
21. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Ali Matthew Bastani, Case No. GV16-002242 (Fx. Co. Gen. Dist. Ct.) (Providence District)*
22. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Gilbert L. Southworth Jr., Case No. GV16-007299 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)*
23. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jolanta U. Coleman, Trustee of the Jolanta U. Coleman Trust Agreement, Case No. GV16-014952 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)*

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Board Agenda Item  
May 17, 2016

**To be Deferred  
Indefinitely**

3:30 p.m.

Public Hearing on AA 2012-SU-001 (Jon & Kim Hickox) to Permit an Amendment of a Previously Approved Agricultural and Forestal District to Add Approximately 60 Acres of Land Area, Located on Approximately 81.0 Acres of Land Zoned R-C, HD, and WS (Sully District)

This Property is located at 6780 Bull Run Post Office and 15950 Lee Highway Centreville 20120. Tax Map 64-1 ((4)) 7 Z and 64-1 ((7)) A.

The Board of Supervisors deferred this public hearing on March 15, 2015 at 3:30 p.m. to May 17, 2016 at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On April 13, 2016, the Planning Commission deferred the public hearing on this application indefinitely.

ENCLOSED DOCUMENTS:

Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4515443.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),  
Michael Lynskey, Planner, DPZ

Board Agenda Item  
May 17, 2016

3:30 p.m.

Public Hearing on SE 2015-MV-033 (Olethea Gilmore Lee's Home Daycare) to Permit a Home Child Care Facility, Located on Approximately 1,500 Square Feet of Land, Zoned PDH-3 (Mount Vernon District)

This property is located at 8652 Bent Arrow Court, Springfield 22153. Tax Map 98-1 ((4)) 802.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 13, 2016, the Planning Commission voted 12-0 to recommend to the Board of Supervisors approval of SE 2015-MV-033, subject to the revised Development Conditions dated March 29, 2016.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdf/4520562.pdf>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),  
Laura Arseneau, Planner, DPZ

SE 2015-MV-033 – OLETHEA GILMORE/LEE’S DAYCARE

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed. Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. The – one of the things that I was impressed with this application was the – it was one of the best daycare – staff reports that I’ve had the opportunity to review. I think it’s really – I don’t know who wrote it, whether it was the – for the staff, but it was quite well done and I really want to let you know how much I like this particular staff report. The – in that case though, Mr. Chairman, I request that the applicant confirm, for the record, their agreement to the proposed development conditions dated March 29, 2016.

Chairman Murphy: Ms. Gilmore, do you agree?

Olethea Gilmore, Applicant/Title Owner: I do.

Commissioner Flanagan: Thank you. And with that, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-MV-033, SUBJECT TO THE REVISED DEVELOPMENT CONDITIONS NOW DATED MARCH 29, 2016.

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 SE 2015-MV-003, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 12-0.)

JLC

Board Agenda Item  
May 17, 2016

3:30 p.m.

Public Hearing on SEA 2004-MV-001-02 (The Trustees of First Virginia Baptist Church) Permit Continuation of the Use to a Newly Modified Site and Associated Modifications to Site Design and Development Conditions, Located on Approximately 3.98 Acres of Land Zoned R-1 (Springfield District)

This property is located at 8616 Pohick Road, Springfield, 22153. Tax Map 98-1 ((1)) 21.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 13, 2016, the Planning Commission voted 12-0 to recommend the following actions to the Board of Supervisors:

- Approval of SEA 2004-MV-001-02, subject to the Development Conditions contained in the staff report; and
- Approval of the reaffirmation of the modification of the transitional screening and barrier requirements along the western, northern, and southern property lines in favor of the plantings shown on the SEA Plat.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4520978.pdf>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),  
Casey Gresham, Planner, DPZ

SEA 2004-MV-001-02 – THE TRUSTEES OF FIRST VIRGINIA BAPTIST CHURCH

After Close of the Public Hearing

Vice Chairman de la Fe: Close the public hearing. Mr. Murphy.

Commissioner Murphy: Thank you very much. I would ask Mr. Painter to please come forward and reaffirm the fact that he has read the development conditions, he understands them, and he would abide by them, so help you God.

Andrew Painter, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: We do.

Commissioner Murphy: Okay, thank you very much. This is basically a housekeeping application to make the Plan consistent with this Special Exception Amendment – with an application filed by the BZA, which was approved. So therefore, Mr. Chairman, I WOULD MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SEA 2004-MV-001-02, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN THE STAFF REPORT.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

Commissioner Murphy: Thank you very much.

Vice Chairman de la Fe: Thank you very much.

Commissioner Murphy: I have one more. I would-

Vice Chairman de la Fe: Oh, I'm sorry.

Commissioner Murphy: Mr. Chairman, I WOULD MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE THE REAFFIRMATION OF THE MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE WESTERN, NORTHERN, AND SOUTHERN PROPERTY LINES IN FAVOR OF THE PLANTINGS SHOWN ON THE SEA PLAT.

Commissioner Hart: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart. Any discussion? Hearing and seeing none, all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries. Thank you very much.

Commissioner Murphy: Thank you very much.

//

(Each motion carried by a vote of 12-0.)

JLC

Board Agenda Item  
May 17, 2016

3:30 p.m.

Public Hearing on PCA 75-7-004-03 (Meridian Science 7980 LP) to Amend the Proffers for RZ 75-7-004 Previously Approved for Industrial Development to Permit Office and Public Field and Associated Modifications to Proffers and Site Design with an Overall Floor Area Ratio of 0.46 with an Option to Increase to 0.50, Located on Approximately 14.40 Acres of Land Zoned I-3 (Providence District) (Concurrent with SE 2015-PR-021)

This property is located approximately 600 feet East of the Intersection of Science Application Court and Kidwell Drive. Tax Map 39-2 ((1)) 13D and 13E

and

Public Hearing on SE 2015-PR-021 (Meridian Science 7980 LP) to Permit a Containment Structure Associated with Outdoor Recreation/Sports Facility Playing Fields/Courts, Located on Approximately 5.75 Acres of Land Zoned I-3, HC (Providence District) (Concurrent with PCA 75-7-004-03)

This property is located at 7910 and 7980 Science Application Court, Vienna 22182. Tax Map 39-2 ((1)) 13D pt. and 13E pt.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 13, 2016, the Planning Commission voted 10-0-2 (Commissioners Hurley and Migliaccio abstained from the vote) to recommend the following actions to the Board of Supervisors:

- Approval of PCA 75-7-004-03, subject to the proffers consistent with those dated April 11<sup>th</sup>, 2016;
- Approval of SE 2015-PR-021, subject to the Development Conditions dated April 13<sup>th</sup>, 2016; and
- Approval of the following waivers and modifications:
  - Modification of Paragraph 2 of Section 2-506 of the Zoning Ordinance to allow for a parapet wall, cornice or similar projection to exceed the height limit established by more than three (3) feet to a maximum height of 4.5 feet, as shown on the General Development Plan/Special Exception (GDP/SE) Plat;

Board Agenda Item  
May 17, 2016

- Modification of Paragraph 4 of Section 11-202 of the Zoning Ordinance requiring a minimum distance of forty (40) feet from a loading space in proximity to a drive aisle in favor of that shown on the GDP/SE Plat;
- Waiver of the maximum length of private streets as provided in Paragraph 2 of Section 11-302 of the Zoning Ordinance to allow private streets in excess of 600 feet in length;
- Modification of peripheral landscape requirements for the existing surface lot (southeast of proposed field), as allowed by Paragraph 3 of Section 13-203 of the Zoning Ordinance, in favor of the existing and proposed landscaping as shown on the GDP/SE Plat;
- Modification of the transitional screening and barrier requirements is requested for the eastern property boundary adjacent to I-495 to that shown on the GDP/SE Plat;
- Modification of the transitional screening and barrier requirements along the southern property line (Science Applications Court) in favor of the proposed streetscape design and containment structure as shown on the GDP/SE Plat;
- Modification of Paragraph 2 of Section 17-201 of the Zoning Ordinance regarding the construction of trails and bike trails, in favor of the streetscape and on-road bike trail system shown on the GDP/SE Plat;
- Waiver of Paragraph 3 of Section 17-201 of the Zoning Ordinance to provide additional interparcel connection to adjoining parcels other than those specifically identified on the GDP/SE Plat;
- Waiver of Paragraph 4 of Section 17-201 of the Zoning Ordinance to not require any further dedication, construction or widening of existing roads beyond that for which is indicated on the GDP/SE Plat. Dedication and improvements shown on the SE/GDP Plan shall be deemed to meet all comprehensive policy plan requirements;
- Modification of Paragraphs 12, 13 and 14 of Section 17-201 of the Zoning Ordinance and requirement to provide improvements in a phased sequence as outlined in the GDP/SE Plat and proffers and to be determined with the site plan;

Board Agenda Item  
May 17, 2016

- Modification of Section 12-0510 and 12-0511 of the PFM for required 10% tree canopy coverage on individual lots/land bays, to allow for canopy coverage to be calculated as depicted on the GDP/SE Plat; and
- Modification of Standard E of Sect. 9-624 of the Zoning Ordinance to permit signage at all entry points to the field.

In a related action, on Wednesday, April 13, 2016, the Planning Commission voted 9-0-3 (Commissioners Hurley, Migliaccio, and Ulfelder abstained from the vote) to recommend to the Board of Supervisors that dedicated county staff including, but not limited, to Park Authority staff be assigned to monitor the status and progress of pending Federal studies into possible health and environmental impact of crumb rubber athletic fields and report to the Planning Commission and the Board of Supervisors regarding investigational results.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdf/4511211.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),  
Kelly Atkinson, Planner, DPZ

PCA 75-7-004-03/SE 2015-PR-021 – MERIDIAN SCIENCE 7980, LP

Decision Only During Commission Matters  
(Public Hearing held on January 13, 2016)

Commissioner Lawrence: Secondly, I have a decision to – decision only to move tonight. This is in the matter of Meridian Science – PCA 75-7-004-03/7E 2015-PR-021 [sic]. Mr. Chairman, we had the public hearing some time ago and the decision has been deferred while we were working on some issues raised then. These included a couple of principle matters, one of them being the use of crumb rubber as the material for the field. One of my colleagues here tonight will have a follow-on motion concerning that. We have resolved it, I do believe. Another issue was security and that turned out, essentially, to be a matter of law enforcement. And the third issue was noise. And working on the noise aspect, there are really two things to say. One is that someone – some people from the apartments up on Kidwell refer to the possible problem of noise – and I believe we're okay there because they're screened by the parking structure that will be erected. They're distant from the field. And I think we're – I think the – any noise will abate by the time it gets to them, so as not to be a problem. That's not the case at the other end of the field. And what the applicant has now proposed to do is to put a noise wall close to the Beltway and that's the biggest source of noise at that end of the field. There is still a little bit of tweaking to be done with that noise wall – the height of it and minor changes in one location. So what we're going to do is to take care of that before the thing comes up before the Board. And I think with that that – that issue is also resolved. And those were the principle things that we were concerned about. I must observe that the applicant and staff have worked very hard at close cooperative – cooperation during this period of time to get this to the position it is tonight. And tonight, I feel that I can move it. Therefore, Mr. Chairman, I move that the Planning – and I have three – three motions to make. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE PCA 75-7-004-03, SUBJECT TO THE PROFFERS CONSISTENT WITH THOSE NOW DATED APRIL 11<sup>TH</sup>, 2016.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? Ms. Hurley.

Commissioner Hurley: Thank you, Mr. Chairman. Just one notation on the barrier wall – that it's cutting awfully close to that corner, which is very tight for a corner kick – people are playing soccer. So just – in that new barrier wall that you just referred to – to be careful not to cut into for the space needed for-

Commissioner Lawrence: -to make a corner kick.

Commissioner Hurley: -such as a corner kick.

Commissioner Lawrence: Understood. Understood. Applicant, is that noted? Thank you.

Chairman Murphy: All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 75-7-004-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Mr. Chairman?

Chairman Murphy: Yes?

Commissioner Migliaccio: Abstain. Not here for the public hearing.

Chairman Murphy: Okay. Mr. Migliaccio abstains. Not present for the public hearing. Mr. Lawrence.

Commissioner Lawrence: Second, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVE SE 2015-PR-021, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE NOW DATED APRIL 13<sup>TH</sup>, 2016.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of that motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-PR-021, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries and we have two abstentions on both, Ms. Hurley and Mr. Migliaccio abstain.

Commissioner Lawrence: And now, Mr. Chairman, before my final motion, I need a representative of the applicant to come forward for the record.

David Gill, Applicant's Agent, McGuireWoods LLP: Thank you. My name is David Gill with McGuireWoods – here today on behalf of the applicant.

Commissioner Lawrence: Thank you, Mr. Gill. First of all, are you – is it clear to your client that we will be doing some fiddling with the proffer on the noise wall before this goes to the Board.

Mr. Gill: Understood – that we'll continue to work with staff to sharpen that further.

Commissioner Lawrence: Thank you. Secondly, do you agree with the development conditions associated with this section?

Mr. Gill: We do.

Commissioner Lawrence: Thank you very much. Mr. Chairman, finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS

APPROVE THE WAIVERS AND MODIFICATIONS PROVIDED UNDER A SEPARATE ATTACHMENT AND DATED APRIL 13<sup>TH</sup>, 2016, AND AS NOTED IN THE STAFF REPORT.

Chairman Murphy: Seconded-

Commissioner Flanagan: I seconded.

Chairman Murphy: -by Mr. Flanagan. Is there a discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Lawrence: Mr. Chairman, if I could have a moment.

Chairman Murphy: Ms. Strandlie?

Commissioner Lawrence: There is a follow-on motion coming, but I would like to express my thanks to Kelly Atkinson of County staff for who – for who handled this thing extremely well, I think – and to the applicant for being so cooperative. Thank you very much indeed. I yield to my colleague.

Commissioner Strandlie: Thank you, Commissioner Lawrence. We have been discussing for some time the science available on – on the crumb rubber fields. And since we've had the hearing, there is – there is now an ongoing federal study on this. And Proffer Number 8A currently is written that the installation will be in accordance with the proffers at the time – at this time. And Commissioner Lawrence and I have discussed this and I feel very strongly and we're going to make a motion to amend that so that it's the – according to the science that is in effect at the time the field is installed. And we also had discussed the – having staff very closely monitoring these studies. I checked in with Senator Blumenthal's office today. They're expecting an interim report by the end of the year and, perhaps, a more definitive report in the next two years. As the Chairman of the CPSC has stated, the limited studies to date have not shown a danger. The research does not, however – does not comprehensively evaluate the concerns about health risks from exposure to the tire crumb. And, in fact, he stated that the 2008 declaration from the fields were safe was overstated. So, therefore-

Chairman Murphy: Are we making the motion to change the proffers? Or-

Commissioner Strandlie: Yes. It's to amend Proffer 8A.

Commissioner de la Fe: Yeah, we can't – we can't do that.

Commissioner Hart: We can't.

Chairman Murphy: We can't do that.

Commissioner Hart: We're not allowed to.

Chairman Murphy: We're not allowed to do that.

Commissioner de la Fe: Proffers are voluntary. They come – you know, development conditions are different. You can't do that for proffers.

Commissioner Strandlie: It's in the material that was distributed tonight and we had talked about it beforehand.

Chairman Murphy: Well, that's all well and good, but-

Commissioner Lawrence: Let's see, what could we do?

Chairman Murphy: Mister-

Commissioner Strandlie: We – we had agreed before to amend it to require that the applicant install the field in accordance with scientific studies and research available at the time of installation, as long as the cost is comparable.

Chairman Murphy: Hold on. Mr. Gill, come on up. Let's get this resolved.

Mr. Gill: We understand the Commissioner's concerns and we'll be likely amending the proffer consistent with that before the-

Chairman Murphy: Before the Board?

Mr. Gill: -Board of Supervisors hearing.

Chairman Murphy: Okay.

Mr. Gill: So that you will – you will be consistent with that, but when we bring it to the Board.

Commissioner Lawrence: All right. So it would be what there is at the time the field is actually built, as long as the cost is comparable.

Mr. Gill: Exactly. That's our intent is – we'll use whatever materials is the Fairfax County park standards, as long as it doesn't increase the cost to the applicant, as of today.

Commissioner Lawrence: That satisfy your concern?

Commissioner Strandlie: Yes. And then I had the other part of the – the motion is TO MOVE THAT THE PLANNING COMMISSION RECOMMENDS TO THE BOARD OF SUPERVISORS THAT DEDICATED COUNTY STAFF INCLUDING, BUT NOT LIMITED, TO PARK AUTHORITY STAFF BE ASSIGNED TO MONITOR THE STATUS AND PROGRESS OF PENDING FEDERAL STUDIES INTO POSSIBLE HEALTH AND ENVIRONMENTAL IMPACT OF CRUMB RUBBER ATHLETIC FIELDS AND REPORT TO

THE PLANNING COMMISSION AND THE BOARD OF SUPERVISORS REGARDING  
INVESTIGATIONAL RESULTS.

Commissioner Lawrence: So that's a separate motion altogether, not a – not about the proffer here.

Chairman Murphy: Okay.

Commissioner Lawrence: Second that motion.

Chairman Murphy: You second it, Mr. Lawrence? All right. Is there a discussion of the motion? All those-

Commissioner Sargeant: Just to – just a reminder, Mr. Chairman. During the CIP process, we did indeed make some recommendations regarding the risk and financial analysis, pending those studies and outcome. So this would be in addition – but monitoring, I think, is consistent, if not parallel, to what we recommended.

Commissioner Strandlie: Yes.

Chairman Murphy: All right.

Commissioner Strandlie: I had that in mind when I drafted this.

Chairman Murphy: All those in favor of the motion – as an add-on motion, not as an amendment to the proffers – say aye.

Commissioners: Aye.

Commissioner Migliaccio: Mr. Chairman, I abstain also, just to be consistent throughout this.

Chairman Murphy: Okay. Two abstentions again – Ms. Hurley and Mr. Migliaccio. Mr. Ulfelder?

Commissioner Ulfelder: I abstain.

Chairman Murphy: Mr. Ulfelder abstains. Further discussion, all those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries with three abstentions, as noted. Thank you very much.

//

(The first three motion carried by a vote of 10-0-2. Commissioners Hurley and Migliaccio abstained from the vote.)

(The fourth motion carried by a vote of 9-0-3. Commissioners Hurley, Migliaccio, and Ulfelder abstained from the vote.)

JLC

Board Agenda Item  
May 17, 2016

3:30 p.m.

Public Hearing on AR 91-Y-001-03 (Tom V. Richardson and Joan J. Richardson) to Permit Renewal of a Previously Approved Agricultural and Forestal District, Located on Approximately 40.0 Acres of Land Zoned R-C, WS (Sully District)

This property is located at 6001 Bull Run Post Office Road Centreville, 20120 Tax Map 42-4 ((1)) 15Z.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 20, 2016, the Planning Commission voted 11-0 (Commissioner Flanagan was absent from the meeting) to recommend to the Board of Supervisors approval of AR 91-Y-001-03 and amend Appendix X – F of the County Code to renew the Richardson Local Agricultural and Forestal District for an additional eight-year term, subject to ordinance provisions consistent with those contained in the staff report.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4521526.pdf>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),  
Michael Lynskey, Planner, DPZ

AR 91-Y-001-03 – TOM V. RICHARDSON AND JOAN J. RICHARDSON

After Close of the Public Hearing

Chairman Murphy: Without objection, the public hearing is closed. Recognize Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: Thank you. As I stated, with respect to the Richardson Local Agricultural and Forestal District, I'd like to make a motion to recommend approval. I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE AR 91-Y-001-03 AND AMEND APPENDIX X – F, as in Frank, OF THE COUNTY CODE TO RENEW THE RICHARDSON LOCAL AGRICULTURAL AND FORESTAL DISTRICT FOR AN ADDITIONAL EIGHT-YEAR TERM, SUBJECT TO ORDINANCE PROVISIONS CONSISTENT WITH THOSE CONTAINED IN THE STAFF REPORT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve AR 91-Y-001-03, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

//

(The motion carried by a vote of 11-0. Commissioner Flanagan was absent from the meeting.)

JLC

Board Agenda Item  
May 17, 2016

3:30 p.m.

Public Hearing on SEA 98-Y-011 (RWG Ventures Inc.) to Amend SE 98-Y-011, Previously Approved for a Service Station, Quick Service Food Store, and a Car Wash, to Permit Modifications to the Development Conditions, Located on Approximately 1.20 Acres of Land Zoned I-5 WS (Sully District)

This property is located at 14709 Lee Highway, Centreville 20121. (Identified as 14717 Lee Highway on DTA Tax Records Tax Map 54-3 ((3))5A

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, May 4, 2016, the Planning Commission voted 9-0 (Commissioners Flanagan, Lawrence and Ulfelder were absent from the meeting) to recommend to the Board of Supervisors approval of SEA 98-Y-011, subject to Development Conditions consistent with those dated April 20<sup>th</sup>, 2016, and approval of the following reaffirmations and modifications, in favor of the alternatives as shown on the proposed plat and as conditioned, pursuant to Section 13-305 of the Zoning Ordinance:

- Reaffirmation of the modification of the transitional screening requirement along the western boundary adjacent to the single-family attached development;
- Modification of the barrier requirement along the western boundary adjacent to the single-family attached development; and
- Reaffirmation of the modification of the barrier requirement along the northern boundary adjacent to the child care center.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdf/4523571.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),  
Joe Gorney, Planner, DPZ

SEA 98-Y-011 - RWG VENTURES, INC

After close of the public hearing.

Chairman Murphy: Public hearing is closed; recognize Ms. Keys-Gamarra.

Commissioner Keys-Gamarra: Okay, so we've already confirmed the record with the applicant then Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION.

Chairman Murphy: Wait a minute, hold on. Now you gotta bring the applicant up to reaffirm.

Commissioner Keys-Gamarra: Oh, okay.

Chairman Murphy: To reaffirm that they understand, well she understands.

Commissioner Keys-Gamarra: I'm sorry. I request that the applicant confirm the record agreement to the development conditions dated April 20<sup>th</sup>, 2016.

Lynne Strobel, Esquire, Walsh, Colucci, Lubeley & Walsh, P.C.: Yes, the applicant is in agreement with the conditions, thank you.

Commissioner Keys-Gamarra: Thank you. Now, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SEA 98-Y-011, SUBJECT TO DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED APRIL 20<sup>TH</sup>, 2016 AND I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE FOLLOWING REAFFIRMATIONS AND MODIFICATIONS, IN FAVOR OF THE ALTERNATIVES AS SHOWN ON THE PROPOSED PLAT AND AS CONDITIONED, PURSUANT TO SECTION 13-305 OF THE ZONING ORDINANCE:

- REAFFIRMATION OF THE MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT ALONG THE WESTERN BOUNDARY ADJACENT TO THE SINGLE-FAMILY ATTACHED DEVELOPMENT;
- MODIFICATION OF THE BARRIER REQUIREMENT ALONG THE WESTERN BOUNDARY ADJACENT TO THE SINGLE-FAMILY ATTACHED DEVELOPMENT; AND
- REAFFIRMATION OF THE MODIFICATION OF THE BARRIER REQUIREMENT ALONG THE NORTHERN BOUNDARY ADJACENT TO THE CHILD CARE CENTER.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetneimi. Is there a discussion of the motions? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 98-Y-011, with the accompanying reaffirmations and modifications as listed in the staff report, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motions carried by a vote of 9-0. Commissioners Flanagan, Lawrence and Ulfelder were absent from the meeting.)

TMW

Board Agenda Item  
May 17, 2016

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Richmond Highway Public Transportation Initiative (RHPTI) Rt 1-PH5-Virginia Lodge to Huntington Ave SW (Mount Vernon District)

ISSUE:

Public Hearing on the acquisition of certain land rights necessary for the construction of Richmond Highway Public Transportation Initiative (RHPTI) Rt 1-PH5-Virginia Lodge to Huntington Ave SW.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:

On April 26, 2016, the Board authorized advertisement of a public hearing to be held on May 17, 2016, commencing at 4:00 p.m.

BACKGROUND:

This project consists of sidewalk improvements within a corridor of 2,000 feet along Route 1. The improvements include approximately 1,350 linear feet of concrete sidewalk, several upgraded curb ramps, and driveway entrances along the east side of Route 1, between Virginia Lodge and Huntington Avenue. The improvements also include extension of an existing 5' x 5' box culvert.

Land rights for these improvements are required on five (5) properties, 2 of which have been acquired by the Land Acquisition Division (LAD). The remaining properties require deeds of dedication, storm drainage easements, Fairfax County Water Authority easements, traffic signal equipment easement and grading agreement and temporary construction easements to accommodate the appropriate work area to construct the sidewalk.

Negotiations continue with the remaining owners of these properties; however, because resolution of these acquisitions is not imminent, it may become necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, Va. Code Ann. Sections 15.2-1903 through 15.2-1905 (as amended). Pursuant to these public

Board Agenda Item  
May 17, 2016

provisions, a hearing is required before property interests can be acquired in such an accelerated manner

FISCAL IMPACT:

Funding is available in Grant 1400080-2012, Richmond Highway Public Transportation Initiative (RHPTI) Rt 1-PH5-Virginia Lodge to Huntington Ave SW, in Fund 50000, Federal-State Grant Fund. This project is included in the Adopted FY2016-FY2020 Capital Improvement Program (with future Fiscal years to FY2025). No additional funds are required at this time for land acquisition.

CREATION OF NEW POSITIONS:

There are no new positions associated with this grant.

ENCLOSED DOCUMENTS:

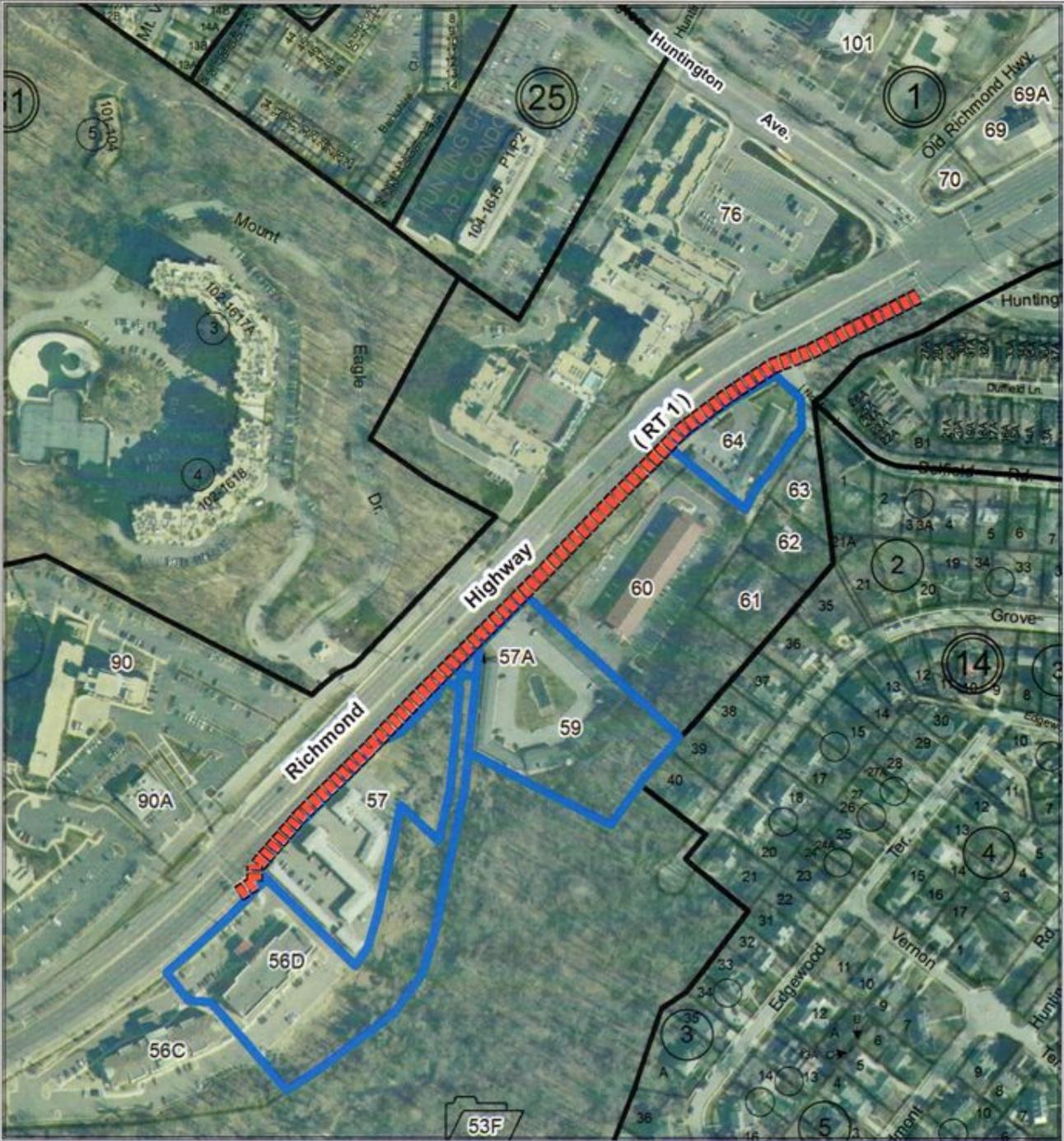
Attachment A – Project Location Map

Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachments 1 through 3A).

STAFF:

James W. Patteson, Director, Department of Public Works and Environmental Services (DPWES)

Ronald N. Kirkpatrick, Deputy Director, DPWES, Capital Facilities



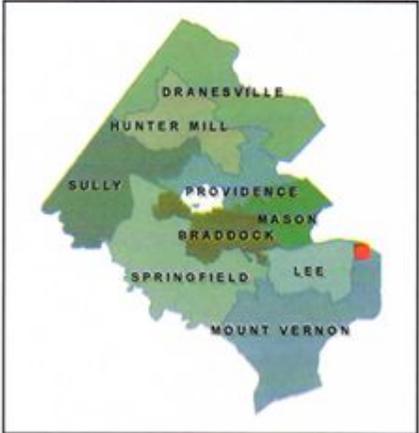
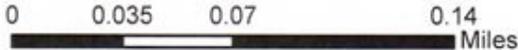
ROUTE 1 PH5 - VIRGINIA LODGE TO HUNTINGTON AVENUE

Tax Map: 83-3

Project AA1400080-12  
Mount Vernon District

Affected Properties: 

Proposed Improvements: 



**RESOLUTION**

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 Tuesday, May 17, 2016, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, certain Grant 1400080-2012, Richmond Highway Public Transportation Initiative (RHPTI) Rt 1-PH5-Virginia Lodge to Huntington Ave SW had been approved; and

**WHEREAS**, a public hearing pursuant to advertisement of notice was held on this matter, as required by law; and

**WHEREAS**, the property interests that are necessary have been identified; and

**WHEREAS**, in order to keep this project on schedule, it is necessary that the required property interests be acquired not later than May 27, 2016.

**NOW THEREFORE BE IT RESOLVED**, that the Director, Land Acquisition Division, in cooperation with the County Attorney, is directed to acquire the property interests listed in Attachments 1 through 3A by gift, purchase, exchange, or eminent domain; and be it further

**RESOLVED**, that following the public hearing, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the purpose of constructing sidewalk improvements and to provide adequate storm drainage as shown and described in the

plans of Grant 1400080-2012, Richmond Highway Public Transportation Initiative (RHPTI) Rt 1-PH5-Virginia Lodge to Huntington Ave SW on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further

**RESOLVED**, that this Board does hereby exercise those powers granted to it by the Code of Virginia and does hereby authorize and direct the Director, Land Acquisition Division, on or subsequent to May 18, 2016, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the Code of Virginia as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

**RESOLVED**, that the County Attorney is hereby directed to institute the necessary legal proceedings to acquire indefeasible title to the property and property interests identified in the said certificates by condemnation proceedings, if necessary.

LISTING OF AFFECTED PROPERTIES

Grant 1400080-2012

Richmond Highway Public Transportation Initiative (RHPTI) Rt 1-PH5-Virginia Lodge to  
Huntington Ave SW  
(Mount Vernon District)

PROPERTY OWNER(S)

TAX MAP NUMBER

1. Old Town Holdings, LLC

083-3-01-0056-D

Address:  
6055 Richmond Highway  
Alexandria, Virginia 22303

2. William V. Wren, Trustee

083-3-01-0057

Address:  
6027 Richmond Highway  
Alexandria, Virginia 22303

3. VRAJ Enterprises, Inc.

083-3-01-0064

Address:  
5963 Richmond Highway  
Alexandria, Virginia 22303

A Copy – Teste:

---

Catherine A. Chianese  
Clerk to the Board of Supervisors

AFFECTED PROPERTY

Tax Map Number: 083-3-01-0056-D

Street Address: 6055 Richmond Highway  
Alexandria, Virginia 22303

OWNER(S): Old Town Holdings, LLC

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Fairfax County Water Authority Easement - 244 sq. ft.

Storm Drainage Easement – 707 sq. ft.

Grading Agreement and Temporary Construction Easement – 2,562 sq. ft.

VALUE

Estimated value of interests and damages:

NINE THOUSAND NINE HUNDRED DOLLARS (\$9,900.00)

**NOTES:**

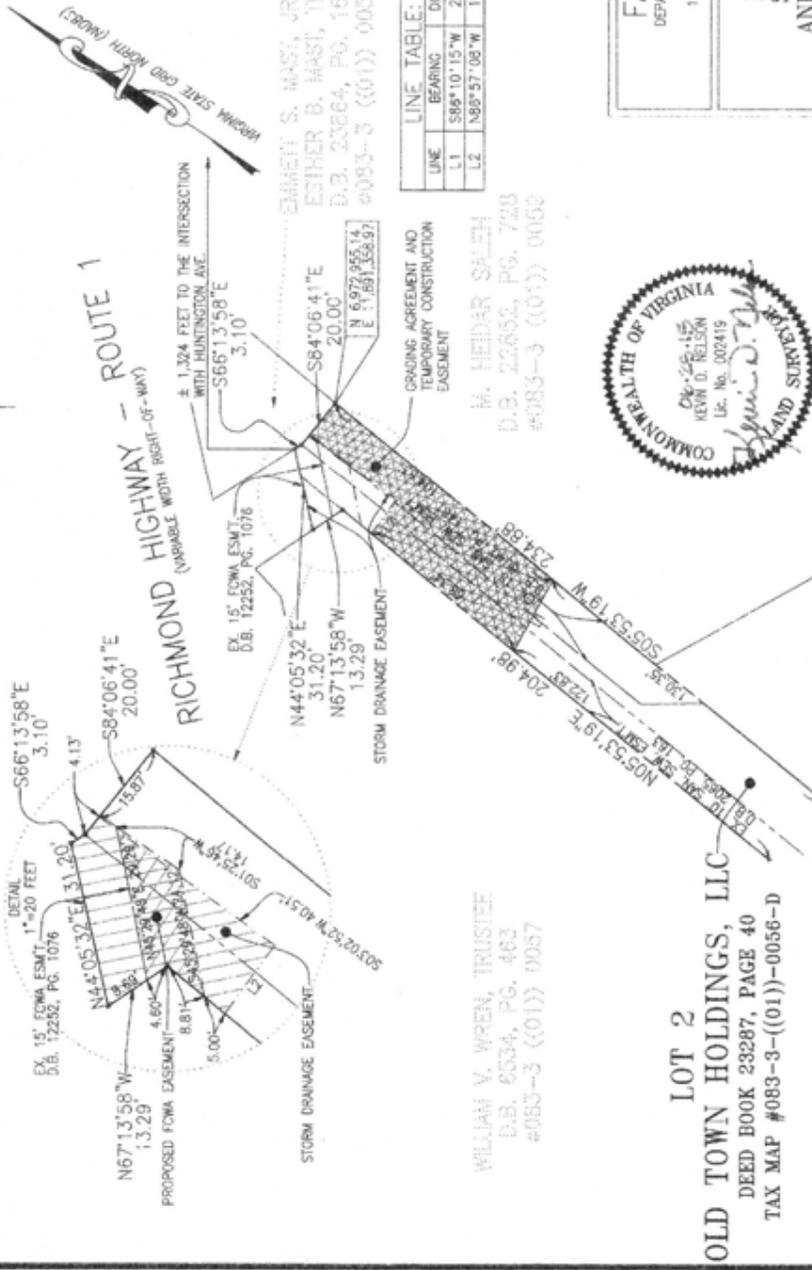
1. THE PROPERTY DELINEATED ON THIS PLAT IS SHOWN ON FAIRFAX COUNTY TAX ASSESSMENT MAP 083-3 (011) 00560 AND IS ZONED C-8.
2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
3. THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.
4. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
5. THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR THE PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.

TAX MAP # 083-3-(011)-0056-D  
 PROJECT PHASE 3 (WALKWAY) PROJECT  
 REVISED: DECEMBER 12, 2014  
 APRIL 22, 2015  
 MAY 11, 2015  
 JUNE 5, 2015  
 JUNE 14, 2015  
 RTE 1 NB VIRGINIA LODGE TO HUNTINGTON AVE  
 PROJECT NO. 1400030-2012

**FAIRFAX COUNTY, VIRGINIA**  
 DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES  
 CAPITAL FACILITIES, LAND SURVEY BRANCH  
 12000 GOVERNMENT CENTER PARKWAY, FAIRFAX, VIRGINIA

PLAT SHOWING  
**PROPOSED FCWA EASEMENT,  
 STORM DRAINAGE EASEMENT  
 AND A GRADING AGREEMENT AND  
 TEMPORARY CONSTRUCTION EASEMENT**  
 THROUGH  
**LOT 2, OLD TOWN HOLDINGS, LLC**  
 DEED BOOK 23287, PAGE 40  
 PROPERTY BEING IN THE NAME OF  
**OLD TOWN HOLDINGS, LLC**  
 DEED BOOK 11377, PAGE 1909  
 MOUNT VERNON DISTRICT  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE: 1" = 40' DATE AUGUST 18, 2014

2825-0301 3138 JAG ACAD FILE: 2825-0301\_23\_01-00560 SHEET 1 OF 1



**LINE TABLE:**

LINE	BEARING	DISTANCE
L1	S86°10'15\"W	28.96'
L2	N89°57'06\"W	15.68'



PLAT PREPARED BY:

**Gordon**  
 PROGRAMMING AND PLANNING  
 CIVIL ENGINEERING  
 LANDSCAPE ARCHITECTURE  
 SURVEY AND MAPPING  
 SECURITY CONSULTING

4501 Duly Drive  
 Chantilly, VA 20151  
 Phone: 703-263-1900  
 www.gordon.us.com

**AREA TABULATION:**

PROPOSED FCWA EASEMENT	244 SQ. FT.
STORM DRAINAGE EASEMENT	707 SQ. FT.
GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT	2,562 SQ. FT.



**LOT 2**  
**OLD TOWN HOLDINGS, LLC**  
 DEED BOOK 23287, PAGE 40  
 TAX MAP #083-3-(011)-0056-D

**WILLIAM V. WREN, TRUSTEE**  
 D.B. 6534, PG. 463  
 #083-3 (011) 0057

**EMMETT S. MAST, JR., &  
 ESTHER B. MAST, TRS.**  
 D.B. 23664, PG. 1806  
 #083-3 (011) 0057A

**M. HEIDAR SALEH**  
 D.B. 22852, PG. 720  
 #083-3 (011) 0058

N 6°57'20.50\"E  
 E 11°56'34.86\"W

AFFECTED PROPERTY

Tax Map Number: 083-3-01-0057

Street Address: 6027 Richmond Highway  
Alexandria, Virginia 22303

OWNER(S): William V. Wren, Trustee

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Deed of Dedication – 3,440 sq. ft.

Storm Drainage Easement – 227 sq. ft.

Fairfax County Water Authority Easement – 198 sq. ft.

Grading Agreement and Temporary Construction Easement – 12,267 sq. ft.

Traffic Signal Equipment Easement - 509 sq. ft.

VALUE

Estimated value of interests and damages:

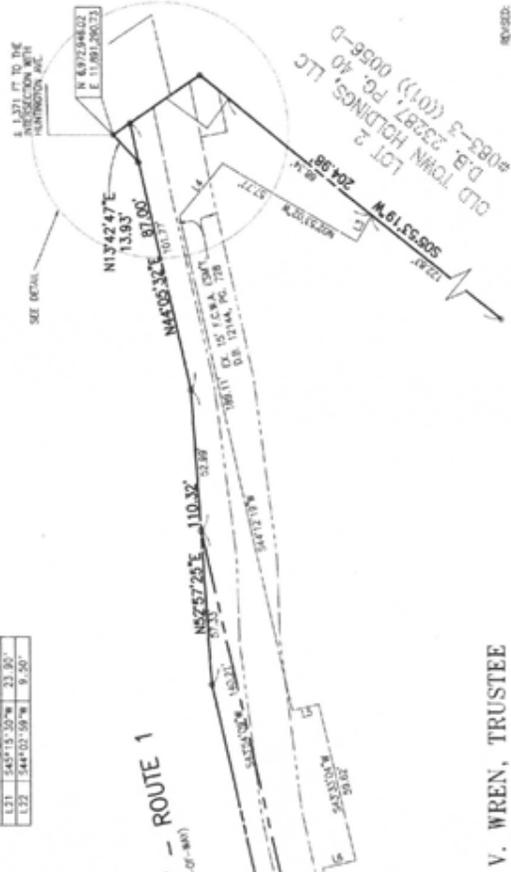
ONE HUNDRED NINETY-SEVEN THOUSAND SIX HUNDRED DOLLARS  
(\$197,600.00)

**NOTES:**

1. THE PROPERTY DEPICTED ON THIS PLAT IS SHOWN ON FAIRFAX COUNTY TAX ASSESSMENT MAP 083-3 (011) 0057 AND IS ZONED C-4.
2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THE PROPERTY OWNER ASSUMES TO THE PROPERTY AND NECESSARILY SHOWN HEREON.
3. THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM AERIAL PHOTOGRAPHS AND FIELD SURVEY TO REPRESENT THE RESULT OF AN ACTUAL FIELD BOUNDARY SURVEY.
4. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER EFFECT INTERESTS IN THE PROPERTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS SPECIFICALLY SHOWN HEREON.
5. THE LAND SHOWN ON THIS PLAT IS USE HELD AS ZONED IN THE FARM TRACT MAP AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR THE PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDARIES OF THE ORIGINAL TRACT, AS RECORDED AND RECORDED THEREIN.



LINE	BEARING	DISTANCE
L1	N88°52'09"W	13.53'
L2	N02°02'32"E	18.89'
L3	S88°10'13"W	11.92'
L4	S88°45'21"W	25.36'
L5	S45°12'41"E	10.01'
L6	N08°28'28"W	12.96'
L7	S88°10'13"W	15.89'
L8	S44°02'21"W	18.80'
L9	N45°50'38"W	28.62'
L10	S44°02'21"W	14.90'
L11	S40°08'59"E	2.86'
L12	S43°51'34"W	19.89'
L13	S45°20'28"E	10.00'
L14	N45°50'38"W	22.32'
L15	S44°10'53"W	10.41'
L16	S28°40'53"W	4.31'
L17	N45°50'38"W	28.62'
L18	N45°50'38"W	28.62'
L19	N45°50'38"W	28.62'
L20	N45°50'38"W	28.62'
L21	S45°13'10"W	23.80'
L22	S44°02'19"W	9.50'



**WILLIAM V. WREN, TRUSTEE**  
 DEED BOOK 6534, PG. 463  
 #083-3 (011) 0057

PLAT SHOWING:  
 DEDICATION FOR PUBLIC STREET PURPOSES,  
 STORM DRAINAGE EASEMENT,  
 PROPOSED FCWA EASEMENT,  
 AND A GRADING AGREEMENT AND  
 TEMPORARY CONSTRUCTION EASEMENT

THIS IS THE PROPERTY OF:  
**WILLIAM V. WREN, TRUSTEE**

FAIRFAX COUNTY, VIRGINIA  
 DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES  
 CAPITAL FACILITIES AND SURVEY BRANCH  
 12000 GOVERNMENT CENTER PARKWAY, FALLS CHURCH, VIRGINIA

DATE: DECEMBER 22, 2014  
 REVISIONS:  
 MAY 14, 2015  
 MAY 21, 2015  
 MAY 27, 2015  
 JUNE 14, 2015  
 JUNE 14, 2015  
 AUGUST 27, 2015

TAX MAP # 83-3 (011)-0057  
 FAIRFAX COUNTY, VIRGINIA  
 REC 1 IN THE VIRGINIA BOOK TO HARRINGTON AVE  
 PROJECT NO. 1400286-2012



PLAT PREPARED BY:

**Gordon**  
 4501 Duly Drive  
 Chantilly, VA 20151  
 Phone: 703-263-1900  
 www.gordonva.com



**AREA TABULATION:**

1,449.56 FT.
227.96 FT.
15.18 FT.
12,287.78 FT.

DEDICATION FOR PUBLIC STREET PURPOSES  
 STORM DRAINAGE EASEMENT  
 PROPOSED FCWA EASEMENT  
 GRADING AGREEMENT AND TEMPORARY CONSTRUCTION EASEMENT

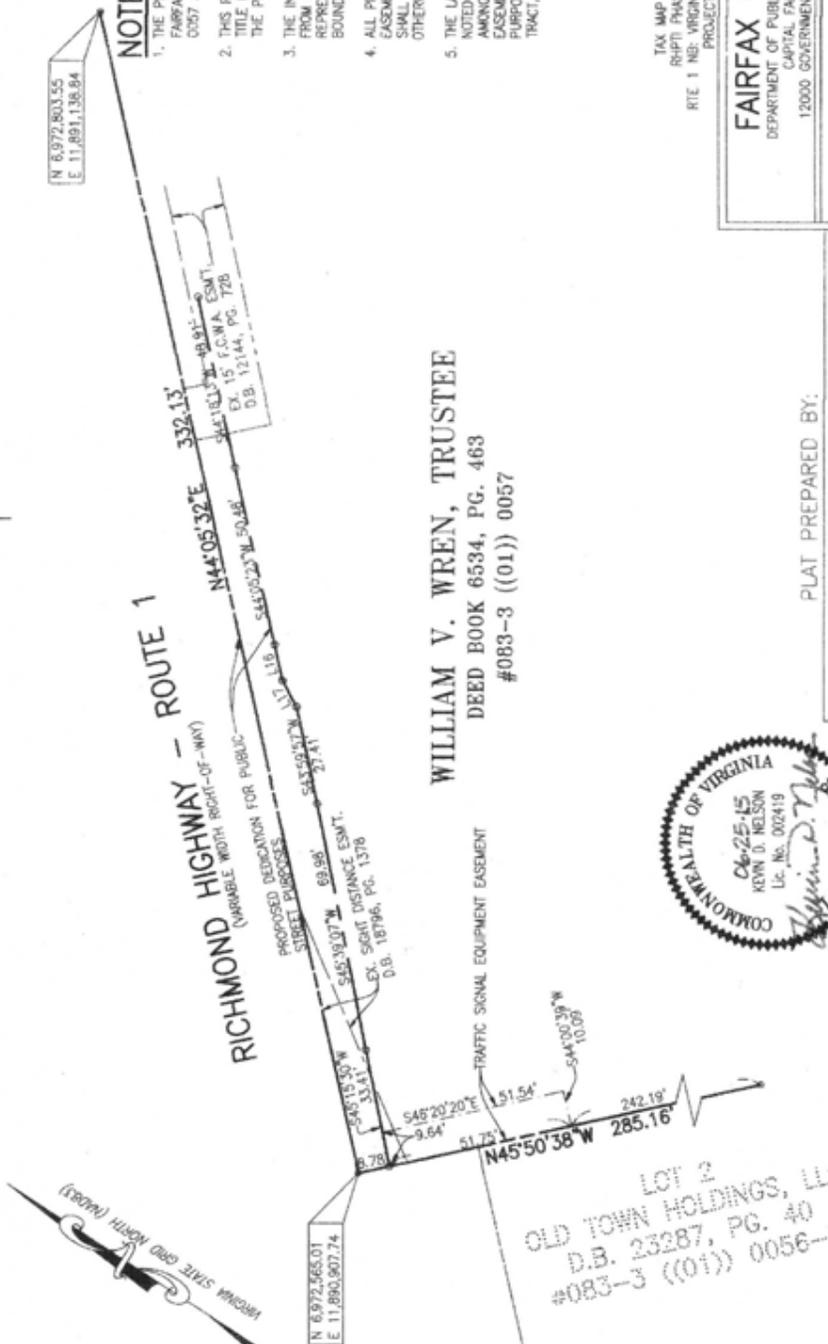
N 6,972,803.55  
E 11,891,136.84

**NOTES:**

1. THE PROPERTY DELINEATED ON THIS PLAT IS SHOWN ON FAIRFAX COUNTY TAX ASSESSMENT MAP 083-3 ((01)) 0057 AND IS ZONED C-8.
2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
3. THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.
4. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
5. THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY. ALL EASEMENTS AND DEDICATIONS FOR THE PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.

**ROUTE 1**

**RICHMOND HIGHWAY - ROUTE 1**  
(VARIABLE WIDTH RIGHT-OF-WAY)



TAX MAP # 83-3-((01))-0057  
RIGHT PHASE 5 WALKWAY PROJECT  
RTE 1 NB VIRGINIA LODGE TO HUNTINGTON AVE REUSED-  
PROJECT NO. 1400080-2012 JUNE 14, 2015

**FAIRFAX COUNTY, VIRGINIA**  
DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES  
CAPITAL FACILITIES LAND SURVEY BRANCH  
12000 GOVERNMENT CENTER PARKWAY, FAIRFAX, VIRGINIA

PLAT SHOWING  
**TRAFFIC SIGNAL EQUIPMENT EASEMENT**  
THROUGH THE PROPERTY OF  
**WILLIAM V. WREN, TRUSTEE**  
DEED BOOK 6534, PAGE 463  
MOUNT VERNON DISTRICT FAIRFAX COUNTY, VIRGINIA  
SCALE: 1"=30'

PLAT PREPARED BY:

**Gordon**  
PROGRAMMING AND PLANNING  
CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE  
SURVEY AND MAPPING  
SECURITY CONSULTING

4501 Daily Drive  
Chantilly, VA 20151  
Phone: 703-263-1900  
www.gordonus.com



**AREA TABULATION:**  
TRAFFIC SIGNAL EQUIPMENT EASEMENT 509 SQ. FT.

AFFECTED PROPERTY

Tax Map Number: 083-3-01-0064

Street Address: 5963 Richmond Highway  
Alexandria, Virginia 22303

OWNER(S): VRAJ Enterprises, Inc.

INTEREST(S) REQUIRED: (As shown on attached plat/plan)

Deed of Dedication – 2,145 sq. ft.

Grading Agreement and Temporary Construction Easement – 2,379 sq. ft.

VALUE

Estimated value of interests and damages:

EIGHTY-THREE THOUSAND NINE HUNDRED (\$83,900.00)

**NOTES:**

1. THE PROPERTY DELINEATED ON THIS PLAT IS SHOWN ON FAIRFAX COUNTY TAX ASSESSMENT MAP 083-3 ((01)) 0064 AND IS ZONED C-B.
2. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT, THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.
3. THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULT OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.
4. ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.
5. THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR THE PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREON.



TAX MAP # 083-3-((01))-0064  
 PHPTI PHASE 5, WALKWAY PROJECT  
 RTE 1 NB, VIRGINIA LODGE TO HUNTINGTON AVE  
 PROJECT NO. 1400080-2012  
 REVISED: DECEMBER 10, 2014

**FAIRFAX COUNTY, VIRGINIA**  
 DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES  
 CAPITAL FACILITIES, LAND SURVEY BRANCH  
 12000 GOVERNMENT CENTER PARKWAY, FAIRFAX, VIRGINIA

PLAT SHOWING  
**DEDICATION FOR PUBLIC STREET PURPOSES,  
 AND A GRADING AGREEMENT AND  
 TEMPORARY CONSTRUCTION EASEMENT**  
 THROUGH THE PROPERTY OF  
**VRAJ ENTERPRISES, INCORPORATED**

DEED BOOK 11236, PAGE 15  
 MOUNT VERNON DISTRICT DATE: AUGUST 4, 2014

2825-0301 31108 JAG ACAD FILE: 2825-0301\_23\_01-0064 SHEET 1 OF 1

**RICHMOND HIGHWAY - ROUTE 1**  
 (VARIABLE WIDTH RIGHT-OF-WAY)

**BELFIELD ROAD - ROUTE 1323**  
 (VARIABLE WIDTH RIGHT-OF-WAY)



**VRAJ ENTERPRISES, INCORPORATED**  
 DEED BOOK 11236, PAGE 15  
 TAX MAP #083-3-((01))-0064

**CURVE TABLE:**

CURVE	ARC LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	234.92'	1256.33'	10°42'49"	117.80'	234.58'	N56°21'49"E
C2	222.00'	1351.12'	9°24'51"	111.25'	221.75'	S55°36'31"W
C3	21.86'	497.00'	2°31'12"	10.93'	21.86'	S49°38'29"W
C4	220.52'	1342.12'	9°24'51"	110.51'	220.28'	S55°36'31"W
C5	19.97'	488.00'	2°20'43"	9.99'	19.97'	S49°43'43"W

**LINE TABLE:**

LINE	BEARING	DISTANCE
L1	S60°18'56"W	20.72'
L2	S60°18'56"W	23.49'

**AREA TABULATION:**  
 DEDICATION FOR PUBLIC STREET PURPOSES 2,145 SQ. FT.  
 GRADING AGREEMENT AND TEMPORARY CONSTRUCTION 2,379 SQ. FT.



GRAPHICAL SCALE: 1" = 30'

PLANNING AND PLANNING  
 CIVIL ENGINEERING  
**Gordon**  
 ARCHITECTURE  
 SURVEY AND MAPPING  
 SECURITY CONSULTING

PLAT PREPARED BY:



4501 Daily Drive  
 Chantilly, VA 20151  
 Phone: 703-263-1900  
 www.gordon.us.com

FMW RRI II LLC  
 D.B. 21878, PG. 432  
 #083-3 ((01)) 0060

Board Agenda Item  
May 17, 2016

4:00 p.m.

Public Hearing on PCA 89-D-007 (Fairfax County School Board) to Amend the Proffers for RZ 89-D-007 Previously Approved for a Public School to Permit an Increase in GFA to Permit Site Modifications and Building Additions with an Overall Floor Area Ratio of 0.24, Located on Approximately 40.67 Acres of Land Zoned R-3 (Dranesville District)

This property is located on the North side of Bennett Street and East side of Dranesville Road. Tax Map 10-2 ((1)) 6A.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 13, 2016, the Planning Commission voted 11-0 (Commissioner Keys-Gamarra was not present for the votes) to recommend to the Board of Supervisors the following actions:

- Approval of PCA 89-D-007, subject to the execution of proffers consistent with those dated April 7, 2016;
- Approval of a modification of the transitional screening requirements along all property boundaries in favor of that shown on the Generalized Development Plan (GDP); and
- Approval of a modification of the barrier requirements along the northern, eastern, and western boundaries in favor of the fencing shown on the GDP and a waiver of the barrier requirement along the southern boundary.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4517678.pdf>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),  
Bob Katai, Planner, DPZ

PCA 89-D-007 – FAIRFAX COUNTY SCHOOL BOARD

Decision Only During Commission Matters  
(Public Hearing held on March 16, 2016)

Commissioner Ulfelder: Thank you, Mr. Chairman. Yes, we had a public hearing on March 16<sup>th</sup> on the plans for the expansion and renovation of the Herndon High School, the applicant being the Fairfax County School Board. Could – we have received a set of revised proffers. I think the one proffer that had raised a number of questions at the public hearing has been eliminated. And I think there was a memo that included information in response to some of the questions that some of the Commissioners raised at the public hearing concerning the adequacy of the cafeteria and the auditorium and the gymnasium and parking and seating. And I think those have been answered as well with that memorandum. With that, I'd like to – would you please ask a representative of the applicant to come forward?

Susan K. Yantis, Applicant's Agent, Hunton & Williams, LLP: Yes. I'm Susan Yantis. I'm a land use planner with Hunton & Williams.

Commissioner Ulfelder: Before we – I ask you the – whether you agree with the proffers – this evening, about 15 minutes ago, we received a letter from a neighbor who lives over in – on Kingsville Circle, which is on the side where the buses currently park for the Herndon High School – requesting some relief, both from the noise and the fumes. Will the – I would like to request that the school – the School Board consider, as part of the project, what it might do to alleviate some of the problems that that letter is raising in connection to the bus parking for this application.

Ms. Yantis: Yes. I'm happy to relay his concerns to the schools, in terms of the location of the parking in the near future to address it in the interim, prior to the renovation. And then, subsequent to the renovation, the bus parking will be relocated in front of the school. There is going to be adequate parking there that they can utilize.

Commissioner Ulfelder: Thank you. With that, do you agree with the – does the applicant agree with the revised development – proffers now dated April 7<sup>th</sup>, 2016?

Ms. Yantis: Yes. We do.

Commissioner Ulfelder: Okay. Thank you. With that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 89-D-007, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED APRIL 7, 2016.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. 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 89-D-007, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: Two more motions. I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENTS ALONG ALL PROPERTY BOUNDARIES IN FAVOR OF THAT SHOWN ON THE GENERALIZED DEVELOPMENT PLAN.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: And finally, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE BARRIER REQUIREMENTS ALONG THE NORTHERN, EASTERN, AND WESTERN BOUNDARIES IN FAVOR OF THE FENCING SHOWN ON THE GENERALIZED DEVELOPMENT PLAN AND A WAIVER OF THE BARRIER REQUIREMENT ALONG THE SOUTHERN BOUNDARY.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: Thank you. And thank you, Mr. Katai.

//

(Each motion carried by a vote of 11-0. Commissioner Keys-Gamarra was not present for the votes.)

JLC

Board Agenda Item  
May 17, 2016

4:00 p.m.

Public Hearing on RZ 2014-LE-008 (PHD Associates, LLC) to Rezone from R-1 to PDH-3 to Permit Residential Development with an Overall Density of 2.28 Dwelling Units Per Acre and Approval of the Conceptual Plan, Located on Approximately 15.33 Acres of Land, Comprehensive Plan Recommended 3-4 du/ac (Lee District)

This property located North of and abutting the terminus of the un-constructed Thomas Grant Drive right-of-way. Tax Map 90-4 ((1)) 17.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, April 13, 2016, the Planning Commission voted 11-0 (Commissioner Sargeant recused himself from the votes) to recommend the following actions to the Board:

- Approval of RZ 2014-LE-008, subject to proffers dated April 7<sup>TH</sup>, 2016;
- Approval of a modification of the requirements of PFM Section 7-0406.8A to allow a minimum 30-foot pavement radius within the cul-de-sac terminating the extension of Thomas Grant Drive; and
- Approval of a modification of the transitional screening and barrier requirements along all sides of the applicant property in favor of the existing landscaping, as shown on the CDP/FDP.

In a related action, on Wednesday, April 13, 2016, the Planning Commission voted 11-0 (Commissioner Sargeant recused himself from the votes) to approve FDP 2014-LE-008, subject to Development Conditions dated February 23<sup>rd</sup>, 2016, subject to the Board's Approval of the concurrent rezoning.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4516401.pdf>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),  
Mike Van Atta, Planner, DPZ

RZ/FDP 2014-LE-008 – LONG BRANCH PARTNERS, LLC AND PHD ASSOCIATES, LLC

Decision Only During Commission Matters  
(Public Hearing held on March 9, 2016)

Commissioner Migliaccio: Thank you, Mr. Chairman. We had a public hearing last month on RZ/FDB – FDP 2014-LE-008. And I believe Mr. Sargeant needs to make a comment before I move on it.

Commissioner Sargeant: Thank you. Mr. Chairman, as you recall, I have recused myself from this particular application. A – in the affidavit for this particular application is the reference to a person who contributed to my 2015 campaign for Supervisor so I'm going to recuse myself from this decision too. Thank you.

Chairman Murphy: Okay, thank you very much.

Commissioner Migliaccio: Thank you, Mr. Chairman. Let me first begin by thanking Mike Van Atta and all of our professional County staff that have worked on this application. As you – as I noted before, it's RZ 2014. So this has been around for two-plus years. In those two-plus years, Mike has moved to a different division – a different job, but he has retained the lead staff coordinator on this. And I thank you for all your work on this. As I mentioned, last month we held a public hearing for this application to rezone land located at the end of Thomas Grant Drive from R-1 to PDH-3 to allow 35 townhomes to be built. At the public hearing and via other correspondence, three items were raised repeatedly by citizens – density, access, and marine clay. Let me take just a moment to address each. The density allowed per the Comprehensive Plan for this parcel is three to four dwelling units per acre. This is similar to adjacent subdivisions. Island Creek is zoned PDH-4 and Amberleigh is zoned R-5. When all of the County environmental regulations are applied, the allowable density on this 15 acre site is 3.12 dwelling units. The application before us tonight is for only 2.28 dwelling units per acre. As for the access to this site, that was established long ago when the land for the 1,100 or so homes in Island Creek was rezoned. When the old Hunter Tract was rezoned, this 15-acre parcel of land was designated to have access through a public road – Thomas Grant Drive. At no time was this property to cut through the floodplain, RPA, and wetlands to access Cinder Bed Road. The items – the item that perhaps garnered the most discussion throughout the community outreach process and with County staff was how to – how to safely deal with the Marine Clay onsite and still respect the environmentally sensitive areas. Marine Clay is not unique to this site. Marine Clay can be found in much of southeastern Fairfax County. In fact, much of the Kingstowne and the neighboring subdivisions were built on sites with identified problem soils. To address the concerns of the community, the applicant did much of the engineering normally left to the site plan process earlier in the process and provided this information for all to examine. As we heard at the public hearing, Island Creek's own engineer acknowledged that if done to proper engineering protocols, this site can be built upon safely. One other item that kept being brought up during this public hearing and throughout the process was misinformation about this site being built on a floodplain. Let me reiterate, not a single home is being built in the floodplain. This application has the support of our Lee District – my Lee District Land Use Committee and our professional planning staff. And therefore I have a few motions to make tonight, Mr. Chairman. I MOVE

THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2014-LE-008, SUBJECT TO PROFFERS DATED APRIL 7<sup>TH</sup>, 2016.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-LE-06 – 008, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: And Mr. Chairman, I believe I need the applicant to come down on one – one item. I should've given you more warning.

Lynne Strobel, Applicant's Agent, Walsh, Colucci, Lubeley & Walsh, PC: I apologize. I should've come down sooner.

Chairman Murphy: A grand entrance.

Ms. Strobel: My name is Lynne Strobel with the law firm of Walsh Colucci. I represent the applicant.

Commissioner Migliaccio: And do you agree with the development conditions attached to FDP 2014-LE-008 dated February 23<sup>rd</sup>, 2016?

Ms. Strobel: Yes.

Commissioner Migliaccio: Thank you. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2014-LE-008, SUBJECT TO DEVELOPMENT CONDITIONS DATED FEBRUARY 23<sup>RD</sup>, 2016, SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT REZONING.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion to approve FDP 2014-LE-008, subject to the Board's approval of the rezoning, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING MODIFICATIONS – ONE, MODIFICATION OF THE REQUIREMENTS OF

PFM SECTION 7-0406.8A TO ALLOW A MINIMUM 30-FOOT PAVEMENT RADIUS WITHIN THE CUL-DE-SAC TERMINATING THE EXTENSION OF THOMAS GRANT DRIVE.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: And finally, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG ALL SIDES OF THE applicant – APPLICATION PROPERTY IN FAVOR OF THE EXISTING LANDSCAPING, AS SHOWN ON THE CDP/FDP.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of that motion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Migliaccio: Thank you, Mr. Chairman.

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(Each motion carried by a vote of 11-0. Commissioner Sargeant recused himself from the votes.)

JLC

Board Agenda Item  
May 17, 2016

4:00 p.m.

Public Hearing on RZ 2015-HM-010 (Christopher W. Warner and Mary J. Warner) to Rezone from R-1 to R-3 to Permit Residential Development with a Total Density of 2.25 Dwelling Units per Acre and a Waiver of the Minimum Lot Width Requirements, Located on Approximately 1.34 Acres of Land (Hunter Mill District)

This property is located on the South Side of Clarks Crossing Road at its Intersection with Ballycor Drive. Tax Map 28-3 ((1)) 46.

The Board of Supervisors deferred this public hearing on April 26, 2016, until May 17, 2016, at 4:00 p.m.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, March 16, 2016, the Planning Commission voted of 7-4 (Commissioners Flanagan, Keys-Gamarra, Lawrence, and Strandlie voted in opposition. Commissioner Murphy was absent from the meeting) to recommend the following action to the Board of Supervisors:

- Approval of RZ 2015-HM-010 and the Generalized Development Plan, subject to the execution of proffered conditions consistent with those dated March 7, 2016; and
- Approval of a modification of Section 9-610 of the Zoning Ordinance to permit the width of Lot 3 to be a minimum of 10 feet wide.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt  
Staff Report previously furnished and available online at:  
<http://www.fairfaxcounty.gov/dpz/staffreports/bos-packages/>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),  
Laura Arseneau, Planner, DPZ

RZ 2015-HM-010 – CHRISTOPHER W. AND MARY J. WARNER

Decision Only During Commission Matters  
(Public Hearing held on February 17, 2016)

Commissioner de la Fe: Thank you very much, Mr. Chairman. The public hearing for RZ 2015-HM-010, in the name of Christopher W. and Mary J. Warner was held on February 17<sup>th</sup>, 2016. At that time, there were a number of folks that appeared – some in support – some opposed. And the – I would say that the major issue was how many additional housing – houses would be built, based on this rezoning, whether one or two. We are being asked to provide two additional houses. The third house would be the one that the Warners live in and they would remain there. The configuration of the two new houses presented a great deal of angst among the neighbors, particularly the ones across the street, in that they felt that the houses would be stacked one on top of the other and they – as one – more than one person said it would create a more urban feel to their neighborhood. I, frankly, don't think that these two additional houses would create, what I would consider, an urban feel, but that is their belief. The other major issue had to do with the modification being requested as being a very significant modification to the front lot line to permit a – Lot 3 to have a minimum width of 10 feet along Clarks Crossing Road. The issue of lot shape factor was brought up and I believe staff has – they have issued two addenda to this report, one dated March 9<sup>th</sup> and one dated February 10<sup>th</sup>. But I believe that the issue of shape factor has been adequately resolved. The houses have been moved so that, in effect, they're not straight – lined up straight. There have been a number of other changes with the addition of plantings and a number of other things. And staff has recommended approval for this. I – the public hearing for this case was deferred. First, it was partly – it was partly weather, but it was also to permit the Hunter Mill Land Use Committee to make a recommendation. They – after the public hearing, they – before – rather before the public hearing, they did not have a quorum to make a recommendation. I deferred the decision until tonight so that they could make a recommendation one way or another at their meeting last night. Their meeting last night was also cancelled because they did not have a quorum. I don't believe that it is fair or equitable to the applicant to continue to defer decision for a case to await a recommendation of the Land Use Committee when I can't guarantee that they will have a quorum at their next meeting. And they – whatever we decide tonight, the Land Use Committee can look at it again before it goes to the Board of Supervisors with our recommendation. I realize that – that there is a great deal of concern amongst some of the neighbors about the – particularly the severity of the lot width modification. However, I – after looking at a number of possible reconfigurations, I believe that this – this modification permits the best way to save as many trees as possible and to reduce the impervious surface that would be required in some of those models – as well as the fact that, even in those models, there would probably have to be waivers and modifications of the lot width – not as severe as this one, but – you know, they would be required for modifications. I believe that the applicants have a right to develop their land. The staff has recommend approval and, although I do not have a recommendation and there is no recommendation from the Land Use Committee – since I can't guarantee that they will have a quorum at their next meeting, I have decided that I agree with staff with the recommendation and will move on this case without the Land Use Committee recommendation. I know that this is something that I – I'm not sure that I have ever done it before, although I may have. I've been in the Commission a long, long time. But I really don't think it's fair – I mean, in effect, the Land Use Committee has had – I

think you have – the applicant has appeared at least three times and the Land Use Committee has had an opportunity to consider this at least four times. And they just have not been able to come up with a quorum for this, but it has been presented. So I just don't think it is fair to continue to defer this case. So Mr. Chairman, I – as I said – I believe that, in this case – let me look at my – RZ 2015-HM-010, in the name of Christopher Warner and Mary J. Warner – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ H – 2015-HM-010 AND THE GENERALIZED DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERED CONDITIONS CONSISTENT WITH THOSE DATED, I BELIEVE IT'S JANUARY 29<sup>TH</sup>, 2016 [sic].

Secretary Hart: The motion has been made by Commissioner de la Fe. Is there a second?

Commissioner Sargeant: Second.

Laura Arseneau, Zoning Evaluation Division, Department of Planning and Zoning: Mr. Hart? It should – the development condition should be – I'm sorry, proffer should be March 7<sup>th</sup>, 2016.

Commissioner de la Fe: MARCH 7<sup>TH</sup>, 2016.

Secretary Hart: Is there a second of the motion?

Commissioner Sargeant: Second.

Secretary Hart: Second by Commissioner Sargeant. Is there any discussion? Commissioner Lawrence.

Commissioner Lawrence: Mr. Chairman, thank you. I cannot support this motion. Let me say why. The existence of the new home on the property means that it turns its back on the new houses. The necessity for access for a third house on the property ends us up, no matter what we do, with a situation in which there isn't a convivial grouping of the houses. If you look at the patterns of groupings around this property on other sites, you see such groupings in clusters that are there. The applicant sent in a memo showing why a suggested seconded design for the thing wouldn't work. I agree they wouldn't work. I don't think the first design would work. I don't think it fits into the fabric of the community. Therefore, I cannot support the motion. Thank you.

Commissioner Hart: Further discussion on the motion? Seeing none, we'll move to a vote. All those in favor of the motion, as articulated by Commissioner de la Fe, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed?

Commissioners Flanagan, Keys-Gamarra, Lawrence, and Strandlie: No.

Secretary Hart: A division. All right. Commissioner Ulfelder?

Commissioner Ulfelder: Aye.

Secretary Hart: Commissioner Hurley?

Commissioner Hurley: Aye.

Secretary Hart: Commissioner Migliaccio?

Commissioner Migliaccio: Aye.

Secretary Hart: Commissioner Sargeant?

Commissioner Sargeant: Aye.

Secretary Hart: Commissioner de la Fe?

Commissioner de la Fe: Aye.

Secretary Hart: Commissioner Lawrence?

Commissioner Lawrence: No.

Secretary Hart: Commissioner Flanagan?

Commissioner Flanagan: No.

Secretary Hart: Commissioner Hedetniemi?

Commissioner Hedetniemi: Aye.

Secretary Hart: Commissioner Strandlie?

Commissioner Strandlie: No.

Secretary Hart: Commissioner Keys-Gamarra?

Commissioner Keys-Gamarra: No.

Secretary Hart: Someone count.

Commissioner de la Fe: Four to Seven.

Secretary Hart: Seven to four?

Commissioner de la Fe: Six.

Secretary Hart: All right. Chair votes aye, motion carries. Commissioner de la Fe?

Commissioner de la Fe: Okay, thank you very much. Mr. Chairman, I MOVE APPROVAL OF A MODIFICATION OF SECTION 9-610 OF THE ZONING ORDINANCE TO PERMIT THE WIDTH OF LOT 3 TO BE A MINIMUM OF 10 FEET WIDE.

Secretary Hart: Is there a second?

Commissioner Ulfelder: Second.

Secretary Hart: Commissioner – the motion’s seconded by Commissioner Ulfelder. Discussion on that motion? Seeing none, we’ll move to a vote. All those in favor of the motion, as articulated by Commissioner de la Fe, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed?

Commissioners Flanagan, Keys-Gamarra, Lawrence, and Strandlie: No.

Secretary Hart: I’ll assume it’s the same division. That motion carries.

Commissioner de la Fe: Thank you very much. I am sorry that I could not wait for the Land Use Committee to render a decision, but I think it would not be fair to do so. Thank you.

//

(Each motion carried by a vote of 7-4. Commissioners Flanagan, Keys-Gamarra, Lawrence, and Strandlie voted in opposition. Commissioner Murphy was absent from the meeting.)

JLC