

## DRAFT 2013 Fairfax County Legislative Program

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## **DRAFT 2013 Fairfax County Legislative Program**

Fairfax County and the Commonwealth have long maintained a strong partnership in promoting economic development. The County has created a strong business climate, with a fair and competitive tax structure, excellent schools, an educated workforce, and services and amenities that attract new businesses every year. Both the Commonwealth and the County have benefitted from this partnership.

Unfortunately, it has been the practice of the Commonwealth to significantly underfund core services, leaving localities to fill funding gaps with local revenues in order to maintain essential services. This poses a particular threat to economic development efforts, as state funding cuts in recent years, coupled with the impact the recession has had on local revenues, threaten to destroy the very attributes that draw and retain businesses. In fact, Virginia fell from first to third place in CNBC's annual listing of the best states for business, largely due to declines in state investments for transportation and infrastructure. With dwindling state funding and a commute that is among the worst in the country, Virginia dipped to number 33 in that category, down from 10th a year ago. Without solutions that provide funding to keep pace with the growth of Virginia's economy, the state is at risk of slipping further in economic competitiveness.

The Commonwealth's partnership with localities is a key factor in maintaining that competitiveness. It is clear at this time that state revenues are improving, as evidenced by three consecutive years of "surplus." Now is the time for the Commonwealth to begin the process of rebuilding the state's funding partnership with local governments, by providing adequate funding for core services, while avoiding shifting additional state costs and responsibilities onto localities. Importantly, the state must also eliminate the "local aid to the Commonwealth" that was instituted in FY 2009, whereby localities were required to pay money to the state (\$50 million per year in FY 2009 - FY 2010, increasing to \$60 million per year in FY 2011- FY 2012) to help the state balance its budget. Though the amount was reduced in the 2012-2014 biennium budget (to \$50 million in FY 2013 and \$45 million in FY 2014), these payments should not be required at all at a time when the Commonwealth continues to post budget "surpluses." A recent national report indicates that Virginia has relied on cuts to localities and school divisions to balance its budget to a greater extent than most other states, and that trend must be reversed.

Virginia must invest the resources necessary to educate its citizens at all levels, ensure the rule of law, protect its natural resources, provide for the basic needs of the less fortunate and build a sound infrastructure, in order to remain a competitive state and an attractive place for economic development. The critical state-local funding partnership must be restored so that the Commonwealth can emerge from the current fiscal crisis even stronger, as an investment in Virginia will pay dividends for years to come.

## Priorities

### Funding Core Services

#### **1.) K-12 Funding – Proposed Joint Position with the Fairfax County School Board**

**It is essential that the state fully meet its Constitutional responsibility to adequately fund K-12 education, including full funding for the biennial re-benchmark of Virginia's Standards of Quality (SOQ). *(Regional position.)***

Critical gaps continue to widen between the SOQ, the funding for those standards, and the actual local costs of providing a high quality education. Fairfax County and other Northern Virginia localities more than meet their responsibilities for K-12 education through large contributions to the State General Fund, strong local effort, and the effect of high local composite indices, which diverts State funding away from this region. Conversely, state funding for K-12 has declined significantly in recent years – in FY 2009, K-12 funding comprised over 35 percent of the state General Fund, but by FY 2012, K-12 comprised less than 30 percent.

The Boards oppose state budget cuts that disproportionately target or affect Northern Virginia, and support realistic and fully-funded Standards of Quality. The Boards also strongly oppose formula changes which further weaken the partnership between the state and localities, including but not limited to, any reduction in the current 55 percent State share of SOQ costs, capping state funding for support costs and the elimination or reduction of cost of competing funding to Northern Virginia localities. In fact, the Boards strongly support restoration of full funding for cost of competing in FY 2013 and FY 2014 (the budget adopted by the 2012 GA reduced this funding, costing Fairfax County more than \$10 million over the biennium).

Unfortunately, these budgets adopted by the General Assembly exacerbate the stresses on the state-local K-12 partnership, by making permanent, structural cuts that localities expressly sought to avoid. By relying on one-time, temporary actions to at least partially offset these cuts (e.g. reduced VRS rates, federal stimulus funds), these current budgets have understated the overall impact of these structural changes, while artificially lowering the state baseline for funding K-12 going forward.

#### **Transportation Funding**

**Major new revenue sources for transportation must be enacted during the 2013 General Assembly session. Current revenue sources are not generating sufficient funding to meet Virginia's critical highway needs or its statutory share of eligible transit costs.**

- The General Assembly must **adopt a long-term solution** to fully address the needs of our transportation operations, maintenance, and construction programs for all modes.
- A transportation solution must include **new dedicated, sustainable, reliable, and permanent multimodal revenues for the state and region**. Further, the state must work with the Federal Government to ensure that it provides sufficient resources to address transportation needs. *(Regional position.)*
- The County seeks **reinstatement of exclusive Northern Virginia revenues of at least \$300 million annually**, as well as 100 percent of its contribution of statewide revenues, to address multi-modal transportation needs.
- The 2013 General Assembly must provide **state assistance to mitigate the significant effects of BRAC** actions at Fort Belvoir.

- The Board has approved a funding plan for Tysons Corner, which assumes significant funding from Fairfax County and developers. However, it is important that **the state and federal governments recognize the importance of Tysons and provide funding assistance as well.**
- The Commonwealth must **commit additional funding for the Dulles Metrorail extension**, to ensure its success and to reduce future impacts on toll road users.
- Existing Commonwealth General Fund revenue streams are required for other core services, such as education and public safety. These locally provided core services have already experienced significant cuts. **Using the General Fund to assume the state's transportation funding responsibility only increases local budget pressures without providing true transportation solutions. (*Regional position.*)**

*State Perspective:* Transportation needs are catastrophic throughout the Commonwealth. The Virginia Department of Transportation has estimated that almost \$1.9 billion is needed annually just for the maintenance and operations of the roads and bridges it maintains and for the third year in a row, secondary road construction has been unfunded. Over \$230 million of additional funding is required for transit projects and eligible operating costs included in the Six Year Program. Efforts to alter statewide transit formulas, which could significantly impact Fairfax County and other jurisdictions throughout the Commonwealth, are currently being proposed by the Administration, as part of its report to the General Assembly, which requested a transit study in 2011 through SJ 297. While there are benefits to considering performance measures, the proposed approach is problematic, as it drastically changes the current transit formula without increasing funding, thereby just reallocating current limited funding among transit agencies. Further, the County finds the proposed peer groups problematic, as they do not take into account the inherent differences between transit agencies. The County is opposed to changes to the transit formula that will reduce the stability of statewide funds and reduce funding to the region, unless the new formula is applied solely to any new revenues added to the Mass Transit Fund. (*Concern over changes to the transit formula without increased funding is a regional position.*)

Without action, the Commonwealth risks serious disinvestment, which is evidenced by the Commonwealth's fall from #1 to #3 in CNBC's rankings of "America's Top States for Business". This was largely attributed to Virginia's decline in ranking for Infrastructure and Transportation from #10 to #33. A modern, efficient, multimodal transportation system is essential to the Commonwealth, and is intrinsically tied to continued economic development and the ability to compete in a global economy.

*Northern Virginia:* In Northern Virginia alone, the TransAction 2040 Long-Range Transportation Plan estimates that the region needs \$950 million per year in additional transportation funding to address its transportation problems, and these needs continue to grow. While the region may occasionally receive more statewide transportation funding than it generates in a given year, this does not always occur, and the funds Northern Virginia is receiving still fall far short of addressing the area's needs. Further, in a recent Fairfax County survey, 82 percent of respondents said that traffic congestion had a moderate, significant, or very significant impact on their daily commute. The respondents also supported keeping funds generated in the County to be spent on projects in the County. In the survey, 85 percent of respondents indicated that they would be supportive of a County-wide effort to find a source of revenue to address transportation needs. Most of the revenue options favored by respondents require General Assembly approval.

*BRAC Impacts:* Fairfax County continues to be significantly impacted by the 2005 Base Realignment and Closure Commission (BRAC) recommendations. 21,300 personnel from numerous Department of Defense agencies and commands have moved into and adjacent to Fairfax County. The County is facing significant shortfalls in the capacity of current infrastructure to support these additional commuters. While federal funding has been provided for projects along the Fairfax County Parkway and Richmond Highway, overall federal assistance has been insufficient to address the transportation capacity needs for this large influx of personnel into an

already congested area. This is compounded by cuts in state funding to the County's secondary road program, adversely affecting projects that could address the BRAC transportation impacts at Fort Belvoir Main Post, Fort Belvoir North Area, and locations in Fairfax County adversely impacted by the Mark Center.

*Tysons:* Tysons is a major employment center and generator of public benefit for the County and the Commonwealth. However, for Tysons to remain successful and accommodate predicted growth, it must transform into a sustainable, transit-oriented, and walkable community. Fairfax County is transforming Tysons into an urban center with 100,000 residents and 200,000 jobs. Metrorail through Tysons will provide transit options, but funding from all partners is needed to ensure that pedestrian, bicycle, and transit use are allowed to thrive and roadway congestion is addressed, thereby ensuring the continued economic competitiveness of the area, as well as the Commonwealth. The Board has approved a 40-year, \$3.1 billion funding plan for Tysons, which assumes significant funding from Fairfax County and developers. However, it is important that the state and federal governments recognize the importance of Tysons, and provide funding assistance as well.

*Dulles Rail:* The Dulles Metrorail project will serve the entire Dulles Corridor, providing a significant benefit to the region and the Commonwealth. It will increase transit options for residents and employees of one of the most rapidly growing areas and biggest economic generators in the Commonwealth, as well as those traveling to and from Dulles International Airport, one of the Commonwealth's major economic "power-houses." The Board is concerned that the current agreement, which shifted considerable costs to Fairfax and Loudoun Counties, will have a significant impact, especially related to the agreement that the County take on the added responsibility for the Innovation Center Station, which will serve Fairfax County, Loudoun County, and the Commonwealth's Center for Innovative Technology development. Due to the importance of the project, Fairfax County believes that Virginia must commit to additional funding, to ensure its success and to provide relief to the toll road users are otherwise funding much of the project. Further, the Board supports expanding funding to include soundwall installations along the Dulles Toll Road.

*Summary:* Transportation is fundamentally a state responsibility and the Commonwealth must lead the efforts to provide more revenue for our transportation infrastructure. Current state transportation revenues are vastly insufficient to maintain and build the multimodal infrastructure Virginia needs to remain an active and dynamic participant in a 21<sup>st</sup> Century economy. Virginia needs real transportation solutions that provide significant increases in transportation funding for all modes from new stable, reliable, permanent, and balanced sources. Fairfax County, along with localities throughout the state, continues to provide millions in local funds for transportation each year, but the state must do its part, otherwise future generations will pay the price for the current inaction. *(Revises and updates previous transportation funding position.*

### **3.) State Budget**

**The Commonwealth should rebalance its resources and responsibilities so that the funding partnership with localities is restored, ensuring the delivery of critically needed services in communities throughout Virginia. State established standards for locally delivered services must be accompanied by state funding that is adequate to successfully provide those services, and accountability for successes and failures should be reciprocal, ensuring both the state and localities accept responsibility commensurate with their respective roles. (*Position on accountability for locally-delivered services is shared regionally.*)**

The depth and breadth of state cuts to localities in recent years has severely stressed the state-local funding partnership. State aid to localities decreased by approximately \$1 billion since FY 2009. Beginning that year, the Commonwealth began requiring localities to return funds to the state in order to help balance the state's budget – essentially creating a new reverse concept of “local aid to the Commonwealth.” In FY 2009 and FY 2010, the state required localities to “give back” \$50 million in funds each year, increasing to \$60 million per year in FY 2011 and FY 2012. Over the last five years, this has translated into over \$20 million in state funding cuts to Fairfax County. Though the Governor and the General Assembly reduced the cut in Aid to Localities in the 2012-2014 biennium budget (to \$50 million in FY 2013 and \$45 million in FY 2014), the fact is that this state cut should be completely eliminated. If the state has had three years of state budget “surpluses” then there is no longer any need for localities to help the state balance its budget.

Additionally, while direct aid to localities was 52 percent of the General Fund in FY 2009, it only accounts for 45 percent of the General Fund in FY 2012. And K-12, the most critical core service shared by the state and localities, dropped from 35 percent of the General Fund in FY 2009 to less than 30 percent in FY 2012. The allocation of resources is, in fact, a way of prioritizing areas of critical importance for the state. If core services and shared state-local programs are not at the top of that list, the pro-business environment Virginia has become known for will be jeopardized.

In addition to the two County priorities of K-12 and Transportation, action should be taken at the 2013 General Assembly on the following budget items:

- Elimination of the across-the-board statewide cut in aid to localities of \$50 million in FY 2013 and \$45 million in FY 2014, which reduces state funding for local police departments, jails, Comprehensive Services Act for At-risk Youth and libraries. (see also page 8) (*Regional position.*)
- Full restoration of Cost of Competing Adjustment (COCA) funding for K-12 support positions in FY 2014. (*Regional position.*)
- Restoration of funding for HB 599 law enforcement funding, as statutorily required. (see also page 9) (*Regional position.*)
- Restoration of funding for human services programs, which serve the most vulnerable Virginians. (see also the Draft Human Services Issue Paper)

Regrettably, the Commonwealth has continued the trend of relying on fees, accounting maneuvers, debt and other non-GF revenues, rather than ensuring a modern, broad-based, tax and revenue structure for the state's General Fund (GF). More than \$4 billion in federal stimulus funding has largely sustained the GF in recent years. Finally, current state “surpluses” have been generated in part by localities throughout Virginia. A recent national report indicates that only a handful of state governments in recent years cut more funds to local governments and school districts than did Virginia. Though the Commonwealth's budget shortfall was the 20<sup>th</sup> largest in

the nation, the state funding cut to localities was third highest among states. Essentially, Virginia has relied on cuts to localities and school divisions to a greater extent than most other states.

A top priority of the 2013 General Assembly should be to rebalance the state's resources and responsibilities in order to rebuild the state-local funding partnership, ensuring that the Commonwealth can meet its Constitutional, statutory and contractual obligations to fund the essential services that localities deliver. *(Revises and updates previous position.)*

## **Governance**

A strong state and local partnership is essential to Virginia's success and the ability of both levels of government to respond to the needs of their residents. As the form of government closest to the people, local government must be provided the flexibility to serve the needs of residents, which can vary greatly from one part of the Commonwealth to another.

### **4.) Local Authority**

**Existing local government authority should be preserved, particularly in such key areas as taxation and land use, where local governments must have sufficient authority to govern effectively. Further, local authority should be enhanced to provide localities more flexibility in the administration of local government, as appropriate community solutions differ significantly from one area of the state to another. *(Position on preservation of local taxing authority is shared by region.)***

The local tax structure, which has become outdated and over-reliant on property taxes, must be modernized. Local government revenues must be diversified, including the provision of equal taxing authority for counties and cities, without state mandated restrictions on use, or caps on capacity. Where possible, the state should consider updating state and local taxes to reflect changes in the economy or technology; avoid any expansion of revenue-sharing mechanisms controlled by the state; avoid any new state mandates while fully funding and/or reducing current requirements; avoid any diminution of current local taxing authority (including BPOL and machinery and tools taxes) and lessen restrictions currently imposed on local revenues; or lessen current restrictions on the use of state funds now provided to localities for shared responsibilities.

Local land use authority must also be preserved. Local government is the level of government best suited to equitably and effectively deal with these issues, ensuring orderly and balanced growth or redevelopment while providing meaningful and direct public participation and accountability in this critical process. Further restrictions on local use of eminent domain in addition to the Constitutional amendment recently passed by the General Assembly are unnecessary; Fairfax County has been extremely judicious in its use of condemnation. Moreover, additional legislation in this area should be avoided while courts adjudicate this anticipated change to a long-settled area of law.

Each level of government has unique strengths. However, as a Dillon Rule state, local governments in Virginia are significantly restricted in their authority, which impedes the ability of localities to react quickly and efficiently to emerging problems. In many instances, an overemphasis on statewide uniformity does not adequately consider the particular issues experienced in growing and urbanizing localities in Northern Virginia. At a minimum, the state should empower localities to solve their own problems, by providing increased authority or discretion for services that have no compelling priority or impact for the Commonwealth, thus eliminating the need to seek permission for ministerial matters from the General Assembly each year. *(Updates and reaffirms previous position; incorporates statement on eminent domain, which was previously a stand-alone position.)*

## Position Statements

### *Environment*

#### **Global Climate Change**

Support efforts to reduce greenhouse gas (GHG) emissions through conservation, use of renewable fuels, regulations, and market-based or other incentives. As a signatory to the Cool Counties initiative, support the reduction of GHG emissions to 80 percent below current levels by 2050, which translates to an average annual reduction of 2 percent per year. As an avenue toward pursuing this goal, support implementation of strategies to reduce GHG emissions set forth in the Virginia Energy Plan, including: a 10 percent reduction in energy consumption by 2022; establishment and expansion of energy research and development programs; funding of renewable-energy grant programs; and incentives to assist the development and growth of energy-businesses and technologies. Support opportunities for consumers to purchase renewable energy.

Support legislation which would provide state income tax incentives for businesses or residents to defray a portion of the cost of new construction or improvements which save energy and mitigate adverse environmental impacts. *(Updates and reaffirms previous positions.)*

Support legislation clarifying that third-party power purchase agreements (PPAs) for renewable energy are legal within the established limits for net metering customers of investor-owned utilities. PPAs can facilitate the adoption of renewable energy by homeowners and other energy consumers by reducing the up-front costs of installation, thus assisting in reducing greenhouse gas emissions and other forms of pollution. *(New position.)*

#### **Land Conservation**

Support the Governor's goal to preserve 400,000 acres statewide. Under the current Administration, approximately 115,370 acres have been preserved, as of May 15, 2012. Additionally, continue to support prioritizing the Virginia Land Preservation Tax Credit to encourage the preservation of land for public use. In addition to other benefits, the preservation of open space contributes to watershed protection, an important issue as the state works to reduce nutrient pollution in the Chesapeake Bay. *(Updates and reaffirms previous position.)*

#### **Reducing Environmental Contamination from Plastic and Paper Bags**

Support legislation or other efforts which would encourage the use of reusable shopping bags, consistent with the County's waste reduction goals and environmental stewardship efforts. As in previous sessions, it is anticipated that legislation to ban plastic bags or impose a fee for their use may be introduced again in 2013. Such legislation would need to be examined by the County for efficacy, cost, and ease of administration. *(Updates and reaffirms previous position. EQAC has requested that this position remain in the Program.)*

### *Funding*

#### **Aid to Localities**

Support the elimination of the current \$50 million annual across-the-board funding cut for programs operated by local governments. *(Regional position.)*

The 2009 General Assembly began requiring localities to return funds to the state to help the state deal with its revenue shortfall – essentially requiring “local aid to the Commonwealth.” This across-the-board cut to all localities was set at \$50 million per year in FY 2009 and FY 2010, and was increased to \$60 million per year in FY 2011 and FY 2012. After several years of state budget “surpluses,” the 2012-2014 biennium budget finally reduced this cut to \$50 million in FY 2013 and \$45 million in FY 2014. The state prescribes to localities which programs may be cut to meet this requirement, reducing state funding for local police departments, jails, Comprehensive Services Act for At-Risk Youth and libraries. In addition to numerous other state budget cuts, the reduction in Aid to Localities has resulted in over \$20 million in state funding cuts to Fairfax County between FY 2009 and FY 2013. In light of recent state budget surpluses and the improvement of the state’s revenues, the Commonwealth should eliminate this funding reduction to local government programs. (*Updates and reaffirms previous position.*)

### **Public Safety/Courts Funding**

Public safety is a core service for the Commonwealth, as it is for localities. Protecting the Commonwealth’s residents and ensuring the successful operation of all aspects of the justice system requires appropriate state funding for this state-local partnership, including law enforcement, the courts, and jails/corrections. Continued and substantial state cuts in recent years, in addition to the underfunding that already exists, have placed an increased burden on localities to fund these state responsibilities. To that end, Fairfax County supports reversing this trend through adequate state funding for the following:

- **HB 599 – The Commonwealth should restore and increase funding for HB 599 commensurate with increasing state revenues, as required by statute.** (*Regional position.*) This critical funding, provided to localities with police departments, must be maintained. Approximately 65 percent of all Virginians currently depend on local police departments for public safety services. This program strives to equalize state funding between cities, counties, and towns with police departments and localities in which the sheriff provides law enforcement. If state funding had increased with state revenues, as is required, Fairfax County would have received approximately \$10 million in additional funding over the past three years. (*Reaffirms longstanding Board position.*)
- **Line of Duty – The 2013 GA should return this funding responsibility to the state.** The Virginia Line of Duty program provides benefits for state and local public safety officers or their beneficiaries due to death or disability resulting from the performance of duties. Funding for this state program was partially shifted to localities by the 2010 GA, and the 2013 GA should reverse this cost shift back to the state. (*Updates and reaffirms previous position.*)
- **Local Fines and Fees – The Commonwealth should reverse the diversion of local funding to the state.** (*Regional position.*) The 2008-2010 biennium budget changed the state share of excess court fees (paid to local courts for administrative expenses associated with home sales, refinancings and wills) from one-third to two-thirds – a funding loss that disproportionately affected higher cost Northern Virginia localities and continues today. Additionally, the 2012-2014 biennium budget requires the deposit into the Literary Fund of half of all fines and fees collected at the local level for enforcement of local ordinances that are in excess of 50 percent of the total local and state collections for that locality. Though Fairfax County is not affected by this new requirement at the 50 percent threshold, it is a bad precedent for allowing the state to divert local funds in the future. (*Updates and reaffirms previous position, and adds new position on local fines and fees.*)
- **Jails – The Commonwealth should adequately compensate localities at a level which is commensurate with the State’s responsibility for local jail operations.** Local governments in Virginia have historically borne a disproportionate burden of

supporting jail confinement costs, as a result of significant underfunding by the Commonwealth. (*Updates and reaffirms previous position.*)

- **Courts – The Commonwealth should adequately fund Virginia’s courts, to ensure a well-functioning judicial branch.** The underfunding of Virginia’s court system places additional burdens on localities, and the courts continue to feel the effects of repeated state underfunding. (*Updates and reaffirms previous position.*)
- **Juvenile Justice – The Commonwealth should provide adequate funding through the Virginia Juvenile Community Crime Control Act (VJCCCA).** In the last ten years, funding for these programs, which are designed to maintain youth in community based programs, facilitate re-entry and prevent recidivism, has been reduced by over 67 percent. (*Updates and reaffirms previous County position.*)

### **Water Quality Funding**

**Support budget action at the 2013 General Assembly to ensure adequate state appropriations to the Water Quality Improvement Fund to make full and timely payments under point source upgrade contracts with local governments; also support the continuation of Virginia’s membership, and the restoration of funding for that membership, in the Interstate Commission on the Potomac River Basin (ICPRB).**

Fairfax County and local governments throughout Virginia face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs). The state has made progress in providing funding in recent years, including deposits to the WQIF of surplus funds in each of the last three years. However, current funding falls short of the \$100 million needed for mandated stormwater improvements, by up to \$18 million. Additionally, there is a projected need of approximately \$300 million over the next several years for wastewater treatment plant upgrades in the Chesapeake Bay watershed, to meet federal Chesapeake Bay requirements. The state must partner with localities in order to meet these federal mandates to ensure the success of this effort.

The scientific information provided by the ICPRB is critical to regional water quality and supply planning. While the 2012 GA maintained the Commonwealth’s membership in the ICPRB, it did not maintain funding for the state’s annual dues payment. Fairfax County continues to strongly support continuing Virginia’s membership (with accompanying dues payments) in this critical organization. Loss of that membership could result if the state does not resume paying the required dues, which would seriously undermine its ability to perform vital scientific tasks that support key Northern Virginia water supply and management efforts.

## ***General Laws***

### **Elections**

Support legislation to promote participation in elections, including allowing any registered voter to vote absentee without requiring that the voter state a reason (“no-excuse” absentee voting), and providing for extended polling hours statewide to allow voters additional time to reach polling places. Legislation intended to enhance security regarding elections must be carefully analyzed to ensure that it strikes a balance between ensuring the integrity of elections while not discouraging the exercise of the franchise. The effects of recently-enacted voter ID legislation should be examined for potential harmful consequences before further legislation in this area is introduced. Monitor consideration of an option for local governments to extend polling hours in the case of an emergency. Support greater state financial support for election administration. (*Updates and reaffirms previous position.*)

### **Sexual Orientation**

Support legislation to permit the County, as an urban county executive form of government, to prohibit discrimination in the areas of housing, real estate transactions, employment, public accommodations, credit, and education on the basis of sexual orientation. Fairfax County has already taken actions pursuant to existing State enabling legislation in the preceding areas on the basis of race, color, religion, sex, pregnancy, childbirth, and disability. *(Reaffirms previous position.)*

### **Videoconferencing of Advisory Boards**

Support legislation to establish a limited exception to provisions of the Virginia Freedom of Information Act that would permit certain local citizen boards, authorities, and commissions to conduct meetings via videoconferencing, which would serve several goals, including (1) increasing volunteerism, especially among senior citizens, (2) reducing time commitments and long commutes on congested roads that now serve as impediments to those persons who serve on advisory panels, and (3) conserving fuel and lowering greenhouse gas emissions. Such a proposal could be crafted to apply only to entities that meet in an advisory capacity and are not required by statute. *(Reaffirms previous position; a study by the Joint Commission on Technology and Science is currently examining the issue of electronic meetings. Allowing electronic meetings by public bodies under certain circumstances was a recommendation of the Governor's Commission on Government Reform and Restructuring in 2010.)*

## ***Health***

### **Administration of Epinephrine in Schools**

Support legislation to clarify a statute enacted last year regarding the stocking and administration of epinephrine in local schools to provide that County-employed school health clinic aides are authorized to participate in the operation of the program in local school divisions. In addition, support adequate and ongoing state funding for the cost of the mandate. *(New position.)*

### **Alternative On-Site Sewage Systems**

Support legislation that would restore local government's authority to regulate the operation and maintenance of alternative onsite sewage systems (AOSS) within the locality. Oppose legislation that would further restrict local government authority to regulate the installation of such systems, including but not limited to authority to establish minimum setback distances and installation depths and prohibit such systems within or near wetlands and other environmentally sensitive areas unless such systems are approved by the Virginia Department of Health for use in the particular circumstances and conditions in which the proposed system is to be operating. Support legislation that would provide localities with additional tools to abate or remedy violations of laws regarding the operation and/or maintenance of such systems. Support legislation that would require sellers of residential property to disclose to prospective purchasers that an AOSS is on the property and that the system will have to be operated and maintained in accordance with applicable standards and requirements. *(Updates previous position to reflect proposals currently under consideration by the Virginia Housing Commission and a work group of stakeholders.)*

### **Lyme Disease**

Support funding initiatives that will advance research, surveillance, reporting, diagnostics, and treatment for Lyme disease, as recommended by the Lyme Disease Task Force convened last year by the Governor and the Secretary of Health and Human Resources. Cases of Lyme disease have been on the rise in Virginia, with over 900 confirmed cases reported to the Centers for Disease Control and Prevention in 2010. *(Updates and reaffirms previous position.)*

## *Human Services*

### **Early Intervention Services for Infants and Toddlers with Disabilities/Part C**

**Support sustainable funding and infrastructure for Part C Early Intervention, which is an entitlement program that provides services for Virginia's infants and toddlers. In order to address immediate concerns, support increasing funding for Early Intervention services by \$8.5 million statewide in FY 2013, and support a continued increase in funding of approximately that magnitude in FY 2014 and beyond, if necessary based on continued enrollment growth. (*Regional position.*)**

The Commonwealth of Virginia has long contracted with the Fairfax-Falls Church Community Services Board (CSB) to provide Early Intervention therapeutic services for infants and toddlers with developmental delays in areas such as speech, eating, learning and movement. The CSB, which is the Local Lead Agency for Fairfax County as part of the state's compliance with the federal Individuals with Disabilities Education Act (IDEA) Part C grant, provides services through the Infant Toddler Connection (ITC) program. ITC is funded through a combination of federal, state, local and insurance sources.

As the benefits of early intervention have become more widely known throughout the nation, enrollment in this program has grown from about eight percent per year to 38 percent in the last two years. The Fairfax-Falls Church CSB has gone from serving 789 children on average each month in FY 2010 to serving 1155 children on average per month by FY 2012. This type of explosive growth vastly exceeds committed state funding, not just in Fairfax County but throughout Virginia. In the last two years, some of this funding shortfall has been filled by one-time federal funds and some stopgap funding from the Commonwealth, but the Fairfax County ITC program is still facing at least a \$1 million shortfall for FY 2013. Additionally, this shortfall assumes only a minimal increase in children to be served, contrary to recent trends, which could increase the size of the funding gap.

Current state funding levels are simply not sufficient to keep pace with enrollment growth. Fairfax County already provides \$2.8 million in local funds to this vital program, which comprises one-third of the ITC budget. If additional state funding is not committed, the shortfall could require the placement of newly eligible families on a waiting list beginning in February 2013. The Fairfax-Falls Church CSB would also likely assess the feasibility of continuing as the local lead agency for this program if adequate state funding is not provided. (*New position.*)

### **Funding – Northern Virginia Training Center (NVTC)**

**Support additional state funding for community placements for individuals leaving the Northern Virginia Training Center, and increased Medicaid waiver rates to support those placements, to ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement. (*Regional position.*)**

As a result of a settlement agreement negotiated with the U. S. Department of Justice, the Commonwealth will be closing four of the state's training centers, which provide residential treatment for individuals with intellectual and developmental disabilities, including the Northern Virginia Training Center. Consequently, the 150 individuals currently receiving services at NVTC will need to be transitioned to the community by June 30, 2015, in order to receive community based services.

Unfortunately, existing community based service capacity is not sufficient to serve these individuals at present; therefore, additional capacity must be created. It is estimated that in FY 2013, approximately \$7.7 million in state start-up funding is needed in Northern Virginia to expand community based residential placements and day support services, including the

creation of 14 new community Intermediate Care Facilities (ICF) and 20 Intellectual Disabilities waiver homes.

In addition to creating this expanded capacity, it is estimated that state funding of approximately \$10.1 million per year, above the current ID Medicaid Waiver rates and beginning in FY 2013, will be needed to operate these services. Fairfax County has long supported increasing Medicaid waiver rates for all recipients, which allow Medicaid reimbursement for services provided in the home and community for people with intellectual and developmental disabilities, among others. However, meeting the unique conditions of those transitioning from NVTC requires both increasing and restructuring some existing waiver rates, and should be an essential component of any state solution. Waiver rates are currently well below the cost of providing necessary services, and do not provide sufficient flexibility to meet the needs of the NVTC population. Support changes to waivers that would:

- Increase waiver rates to compensate for higher congregate rates for group homes serving four or fewer;
- Establish higher rates to address the needs of individuals with high, complex and intense needs for support, including employment and day services;
- Increase reimbursement rates to enable the hiring of professional nurses;
- Enhance or reconfigure waiver services to fully reimburse nursing and behavioral supports;
- Adjust billing units of service to streamline and assist providers in achieving adequate quality, and;
- Include appropriate levels of funding to create community residential arrangement and infrastructure.

Successfully implementing the Department of Justice settlement is the Commonwealth's responsibility and obligation, and sufficient state funding for the NVTC population is an essential component of that effort. (*New position.*)

#### **Medicaid Eligibility and Access to Care**

**Support increasing Medicaid eligibility in Virginia to 133 percent of the federal poverty level, as envisioned by the federal health care reform law, ensuring critical health coverage for some of the most vulnerable Virginians.**

Virginia's Medicaid program provides access to health care services for people in particular categories (low income children and parents, pregnant women, older adults, and persons with disabilities). Costs are shared between the federal government and the states, and states are permitted to set their own income and asset eligibility criteria within federal guidelines. Virginia's current eligibility requirements are so strict that although it is the 11th largest state in terms of population and 7th in per capita personal income, Virginia ranked 43rd in Medicaid enrollment as a proportion of the state's population and 47th in per capita Medicaid spending.

The national recession has placed additional pressures on Medicaid, resulting in more Americans being eligible for this essential program, and the Commonwealth now faces a critical decision, as it decides whether or not to pursue the Medicaid expansion included in the federal health care reform law, along with the sizable federal funding provided for those newly eligible enrollees. **It is estimated that the expansion would provide coverage to as many as 430,000 Virginians, including 25,000-30,000 individuals in Fairfax County. Newly eligible individuals would include low income adults (individuals earning less than \$15,302 per year or families earning less than \$31,155 per year), low income children who lose Medicaid when they turn 19, and adults with disabilities not eligible for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).**

**It is clear at this time that the cost to the Commonwealth will be minimal in the first few years, while the savings in indigent and uncompensated care could be significant. Additionally,**

increasing less expensive preventative care and reducing more expensive emergency care could improve the overall health of residents of the Commonwealth, while slowing the growth in insurance premiums and reducing the “hidden tax” currently borne by all Virginians. As a result, Fairfax County supports increasing Medicaid eligibility in Virginia to 133 percent of the federal poverty level, as envisioned in the federal health care reform law, ensuring critical health coverage for some of the most vulnerable Virginians.

**Oppose actions that shift Medicaid costs to localities, such as through Medicaid service funding reductions, changes to eligibility that shrink access, or other rule changes that erode the social safety net.**

Irrespective of Virginia's decision on the Medicaid expansion, or of any other federal funding cuts or reductions in federal requirements which may be considered in the next Congress, it is essential that the Commonwealth avoid taking actions that effectively shift costs to localities. Due to the increasingly critical shortage of private providers, poor reimbursement rates, and other factors that play a role in an overall increase in Medicaid program costs, ensuring success with any cost containment strategies will require close cooperation between the Commonwealth and local governments, as localities are frequently the service providers for the Medicaid population. Fairfax County supports cost containment measures that utilize innovation, increase efficiency and targeted service delivery, and use of technology to reduce Medicaid fraud, in order to ensure the best allocation of resources without reducing services or access to care. *(Revises and reaffirms previous position.)*

## ***Land Use***

### **Proffers**

Existing local authority to accept cash and in-kind proffers from developers to assist localities in providing the capital facilities and infrastructure needed to serve new development must be retained without restrictions. Any proposal for replacing such proffer commitments with development impact fees must be at the option of each locality. *(Reaffirms previous position.)*

## ***Public Safety***

### **Accessibility**

Support ensuring the inclusion of people with disabilities throughout the Commonwealth by increasing accessibility.

Fairfax County supports access for people with disabilities and older adults in public and private facilities; in particular, the County supports increasing accessibility and visitability through incentives, voluntary standards for accessible housing and educational outreach to businesses, building officials, advocacy groups and the Commonwealth, as recommended in the recently published study on accessibility by the Departments of Housing and Community Development and Rehabilitative Services. While significant progress has been made toward ensuring the equality and inclusion of people with disabilities in the 20 years since the passage of the Americans with Disabilities Act (ADA), continued advancement is needed. Improved accessibility in public buildings, housing, transportation and employment benefits all Virginians, by allowing people with disabilities to remain active, contributing members of their communities, while retaining their independence and proximity to family and friends. *(Updates and reaffirms previous position.)*

**Dangerous Weapons in Public Facilities**

Support legislation to allow local governments to prohibit the possession of dangerous weapons in or on any facility or property owned or leased by the locality, with certain exceptions, including any person who has been issued a permit to carry a concealed handgun. Violation of such an ordinance would be punishable as a misdemeanor. It is particularly important that the County have such authority for any facility or property owned or leased by the County serving large populations of youth under the age of 18. Current law permits private property owners to decide whether or not to permit dangerous weapons on their property. *(Reaffirms previous position.)*

**Financial Exploitation of Incapacitated Adults**

Initiate/support legislation to make the financial exploitation of an individual suffering from a diminished mental capacity a criminal act, whether the victim is impaired due to advanced age, mental illness, mental retardation, physical illness or disability, or other causes. For example, there has been a fifty percent increase in reported cases of elder fraud between 2008 and 2009. Moreover, this statistic likely does not capture the true extent of the problem, as instances of financial exploitation are often not reported due to victims' embarrassment, fear of loss of independence, or inability to recognize that they have been victimized. *(The County's 2011 and 2012 initiatives on this subject were unsuccessful due in part to budgetary concerns with proposed criminal statutes. The Crime Commission has agreed to undertake a study of the issue and will be briefed by its staff in November.)*

**Pedestrian Safety**

Support revisions to Virginia's existing pedestrian legislation to clarify the responsibilities of drivers and pedestrians in order to reduce the number of pedestrian injuries and fatalities that occur each year. In particular, support legislation that would require motorists to stop for pedestrians in crosswalks at unsignalized intersections on roads where the speed is 35 mph or less and at unsignalized crosswalks in front of schools. This issue is of special importance for pedestrians with physical or sensory disabilities, who are at particular risk of injury when crossing streets. *(Reaffirms previous position.)*

**Pneumatic Guns**

Initiate legislation that would authorize a locality to adopt an ordinance that would ban the possession of pneumatic guns on school grounds, with an exemption for persons participating in school-sponsored activities. Pneumatic guns, particularly those fired by pump action or carbon dioxide gas cartridges, are capable of muzzle velocities that can result in skin or ocular penetration. A particular concern of County law enforcement is that modern pneumatic guns often strongly resemble firearms. Given the potential for injury caused by these guns, legislation which would allow localities to ban their possession on school property would provide important protection. The General Assembly has already banned the possession of a long list of weapons on school grounds, thus recognizing that schools should be a "safe zone." *(Reaffirms previous position, which was previously included as an initiative. The County's 2012 bill on this subject passed the Senate, but failed in a House subcommittee.)*

**Teen Driving**

Support legislation to make the following infractions primary offenses for drivers under the age of 18: violation of the ban on use of wireless communication devices while operating a motor vehicle; violation of curfew; violation of limits on underage passengers; and violation of the seat belt law. These acts are currently secondary offenses, which require observations of a primary offense for a law enforcement officer to initiate enforcement action. *(Reaffirms previous position.)*

## ***Transportation***

### **Secondary Road Devolution**

Oppose any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties, especially if these efforts are not accompanied with corresponding revenue enhancements. While there are insufficient resources to adequately meet the maintenance and improvement needs of secondary roads within the Commonwealth, the solution to this problem is not to simply transfer these responsibilities to local government that have neither the resources nor the expertise to fulfill them. Further, oppose any legislative or regulatory moratorium on the transfer of newly constructed secondary roads to VDOT for the purposes of ongoing maintenance. (*Reaffirms previous position.*)

# FAIRFAX COUNTY

## 2013 Transportation Fact Sheet

### Transportation Needs

Fairfax County's Secondary Road Program has declined from \$29 million (FY 2004) to \$240,000 (FY 2010) to *literally zero* (FY 2011 through FY 2013). It is projected to remain at zero through at least FY 2018.

Only 69 percent of all roads in Fairfax County have pavement in Fair or Better Condition. This is 12 percent lower than the statewide average of 81 percent; and far short of VDOT's target of 82 percent.

According to the Texas Transportation Institute (TTI), the amount of delays endured by the average commuter in the Northern Virginia and the Washington Capitol Region in 2010 was 74 hours, more than double the national average and enough to rank the region as the worst among the nation's 439 urban areas.

Transit agencies provide approximately 90,000 daily passenger trips in Northern Virginia, and the TTI has found that the Washington, D.C. region's past investments in transit saved \$726 million annually in reduced fuel use and delay in traffic.

Northern Virginia needs at least an additional \$900 million per year, above existing revenue streams, to address its transportation problems (TransAction 2040 – completed in 2012).

### The Current Situation

- In FY2012, approximately \$450 million was transferred from the Highway Construction Fund to the Highway Maintenance and Operations Fund to keep up with the needs of the Commonwealth's highway system, which continues to age and degrade. Additionally, vehicles' improved fuel efficiency and the lack of indexing or increasing the Commonwealth's motor fuels tax have prevented revenues from keeping pace with costs. It has long been projected that by 2017, Virginia would run out of state construction funds, thereby no longer being able to match federal funds. However, Commonwealth Transportation Board members have recently said that, as of now, no more funds or bonding authority are available for construction. Additional revenue sources must be provided to stop the maintenance crossover and ensure that Virginia has a non-federal construction program and can match federal funds.
- The repercussions of transportation underfunding are already beginning to be felt, as evidenced by the recent CNBC Rankings "America's Top States for Business." In the study, which was released on July 13, 2012, the Commonwealth's overall ranking in state competitiveness dropped from #1 to #3, and its ranking for Infrastructure and Transportation dropped from #10 to #33.
- This summer, local elected officials from throughout the Urban Crescent, which encompasses localities from Northern Virginia through the Richmond region to Hampton Roads, met to discuss the necessity for additional funding to address transportation infrastructure needs throughout our state. The consensus at the meeting was that Virginia's transportation system is significantly underfunded and the situation continues to deteriorate. Following the meeting, 38 local elected officials from throughout the Crescent sent a letter to State leaders asserting that Virginia needs real transportation solutions that provide significant increases in state transportation funding for all modes from new stable, reliable, permanent, and balanced source(s).
- The Northern Virginia localities continue to provide millions in local funds for transportation each year, but the state must do its part as well, as future generations will pay the price for the current inaction.

Sample project costs:

- Traffic Signal Upgrade: \$300,000
- Major Interchange: \$70 million
- Major Intersection Improvement: \$110 million
- Road Widening Project: \$45 million
- Multi-modal Transit Center: \$40 million
- Metrorail Car: \$2 million
- Transit Bus: \$485,000

## **2013 Fairfax County Human Services Issue Paper**

**(Revisions/Additions since November 27 Legislative Committee Meeting Highlighted)**

This human services issue paper is a supplement to the 2013 Fairfax County Legislative Program. Fairfax County has long recognized that investments in critical human services programs can and do save public funds by minimizing the need for more costly services. This is not the time to abandon those essential investments.

The Great Recession has taken a toll on our most vulnerable residents, causing many Virginians to lose their footing, or even diminishing their ability to help themselves out of their present situation. The number of people living in poverty in Virginia increased significantly in 2011, with 44,000 more people living in poverty than in 2010 – a poverty rate of 11.5 percent. Additionally, the number and rate of people living in deep poverty – with an income less than about \$9,265 for a family of three – jumped 10 percent in 2011. That figure is even more alarming when translated into actual people – almost 417,000 Virginians lived in deep poverty in 2011.<sup>[1]</sup>

The impending federal “fiscal cliff,” as it is being described by many, could further complicate the economic recovery and adversely impact an already struggling population. In 2013, sequestration could result in cuts to domestic discretionary spending of \$38 billion, with an additional \$11 billion cut to Medicare and a \$5 billion cut to other mandatory spending programs. While the potential impact of sequestration on state and local governments is not yet well understood, it is clear that significant cuts to domestic programs could begin to unravel the social safety net.

Unfortunately, such cuts could result in shifting the costs of maintaining an adequate safety net to the states, and the end result could very well be a shifting of problems down to the local level, particularly in states that are either unwilling or unable to make up the difference. In Virginia, the state and local partnership to fund core services has already been weakened by state budget actions over the past two biennia. Further stressing a weakened state/local partnership in Northern Virginia is the need for additional state funding to adequately accommodate individuals transitioning out of the Northern Virginia Training Center, in compliance with the Department of Justice (DOJ) settlement with the Commonwealth.

All of these short and long-term uncertainties continue to threaten the safety net provided by local governments at a time when their own fiscal health has not been fully restored. And yet, a safety net for our most vulnerable populations is more essential now than in any time in recent memory.

In order to achieve the stated public policy goals, state and local governments should partner to achieve the following outcomes:

- Protect the vulnerable;
- Help people and communities realize and strengthen their capacity for self-sufficiency;
- Whenever needed, help link people to health services, adequate and affordable housing and employment opportunities;
- Ensure that children thrive and youth successfully transition to adulthood;
- Ensure that people and communities are healthy through prevention and early intervention;

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<sup>[1]</sup> The Commonwealth Institute. “Census Data Presents Mixed Bag for Virginia.” September 2012.

- Increase capacity in the community to address human service needs; and,
- Build a high-performing and diverse workforce to achieve these objectives.

It is the goal of the Fairfax County Board of Supervisors to work with the County's General Assembly delegation to achieve these objectives.

**PRIORITIES**

***Early Intervention Services for Infants and Toddlers with Disabilities/Part C***

**Support sustainable funding and infrastructure for Part C Early Intervention, which is an entitlement program that provides services for Virginia’s infants and toddlers. In order to address immediate concerns, support increasing funding for Early Intervention services by \$8.5 million statewide in FY 2013, and support a continued increase in funding of approximately that magnitude in FY 2014 and beyond, if necessary based on continued enrollment growth. *(Regional position.)***

The Commonwealth of Virginia has long contracted with the Fairfax-Falls Church Community Services Board (CSB) to provide Early Intervention therapeutic services for infants and toddlers with developmental delays in areas such as speech, eating, learning and movement. The CSB, which is the Local Lead Agency for Fairfax County as part of the state’s compliance with the federal Individuals with Disabilities Education Act (IDEA) Part C grant, provides services through the Infant Toddler Connection (ITC) program. ITC is funded through a combination of federal, state, local and insurance sources.

As the benefits of early intervention have become more widely known throughout the nation, enrollment in this program has grown from about eight percent per year to 38 percent in the last two years. The Fairfax-Falls Church CSB has gone from serving 789 children on average each month in FY 2010 to serving 1155 children on average per month by FY 2012. This type of explosive growth vastly exceeds committed state funding, not just in Fairfax County but throughout Virginia. In the last two years, some of this funding shortfall has been filled by one-time federal funds and some stopgap funding from the Commonwealth, but the Fairfax County ITC program is still facing at least a \$1 million shortfall for FY 2013. Additionally, this shortfall assumes only a minimal increase in children to be served, contrary to recent trends, which could increase the size of the funding gap.

Current state funding levels are simply not sufficient to keep pace with enrollment growth. Fairfax County already provides \$2.8 million in local funds to this vital program, which comprises one-third of the ITC budget. If additional state funding is not committed, the shortfall could require the placement of newly eligible families on a waiting list beginning in February 2013. The Fairfax-Falls Church CSB would also likely assess the feasibility of continuing as the local lead agency for this program if adequate state funding is not provided. *(Revises and reaffirms previous position)*

***Funding -- Northern Virginia Training Center (NVTC)***

**Support additional state funding for community placements for individuals leaving the Northern Virginia Training Center, and increased Medicaid waiver rates to support those placements, to ensure the Commonwealth fulfills its responsibility to implement the federal settlement agreement. *(Regional position.)***

As a result of a settlement agreement negotiated with the U. S. Department of Justice, the Commonwealth will be closing four of the state’s training centers, which provide residential treatment for individuals with intellectual and developmental disabilities, including the Northern Virginia Training Center.

Consequently, the 150 individuals currently receiving services at NVTC will need to be transitioned to the community by June 30, 2015, in order to receive community based services.

Unfortunately, existing community based service capacity is not sufficient to serve these individuals at present; therefore, additional capacity must be created. It is estimated that in FY 2013, approximately \$7.7 million in start-up funding is needed in Northern Virginia to expand community based residential placements and day support services, including the creation of 14 new community Intermediate Care Facilities (ICF) and 20 Intellectual Disabilities waiver homes.

In addition to creating this expanded capacity, it is estimated that state funding of approximately \$10.1 million per year, above the current ID Medicaid Waiver rates, and beginning in FY 2013, will be needed to operate these services. Fairfax County has long supported increasing Medicaid waiver rates for all recipients, which allow Medicaid reimbursement for services provided in the home and community for people with intellectual and developmental disabilities, among others. However, meeting the unique conditions of those transitioning from NVTC requires both increasing and restructuring some existing waiver rates, and should be an essential component of any state solution. Waiver rates are currently well below the cost of providing necessary services, and do not provide sufficient flexibility to meet the needs of the NVTC population. Support changes to waivers that would:

- Increase waiver rates to compensate for higher congregate rates for group homes serving four or fewer;
- Establish higher rates to address the needs of individuals with high, complex and intense needs for support, including employment and day services;
- Increase reimbursement rates to enable the hiring of professional nurses;
- Enhance or reconfigure waiver services to fully reimburse nursing and behavioral supports;
- Adjust billing units of service to streamline and assist providers in achieving adequate quality, and;
- Include appropriate levels of funding to create community residential arrangement and infrastructure.

Successfully implementing the Department of Justice settlement is the Commonwealth's responsibility and obligation, and sufficient state funding for the NVTC population is an essential component of that effort. *(New position)*

### ***Medicaid Eligibility and Access to Care***

**Support increasing Medicaid eligibility in Virginia to 133 percent of the federal poverty level, as envisioned by the federal health care reform law, ensuring critical health coverage for some of the most vulnerable Virginians.**

Virginia's Medicaid program provides access to health care services for people in particular categories (low income children and parents, pregnant women, older adults, and persons with disabilities). Costs are shared between the federal government and the states, and states are permitted to set their own income and asset eligibility criteria within federal guidelines. Virginia's current eligibility requirements are so strict that although it is the 11th largest state in terms of population and 7th in per capita personal income,

Virginia ranked 43rd in Medicaid enrollment as a proportion of the state's population and 47th in per capita Medicaid spending.

The national recession has placed additional pressures on Medicaid, resulting in more Americans being eligible for this essential program, and the Commonwealth now faces a critical decision, as it decides whether or not to pursue the Medicaid expansion included in the federal health care reform law, along with the sizable federal funding provided for those newly eligible enrollees. It is estimated that the expansion would provide coverage to as many as 430,000 Virginians, including 25,000-30,000 individuals in Fairfax County. Newly eligible individuals would include low income adults (individuals earning less than \$15,302 per year or families earning less than \$31,155 per year), low income children who lose Medicaid when they turn 19, and adults with disabilities not eligible for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI).

It is clear at this time that the cost to the Commonwealth will be minimal in the first few years, while the savings in indigent and uncompensated care could be significant. Additionally, increasing less expensive preventative care and reducing more expensive emergency care could improve the overall health of residents of the Commonwealth, while slowing the growth in insurance premiums and reducing the "hidden tax" currently borne by all Virginians. As a result, Fairfax County supports increasing Medicaid eligibility in Virginia to 133 percent of the federal poverty level, as envisioned in the federal health care reform law, ensuring critical health coverage for some of the most vulnerable Virginians.

**Oppose actions that shift Medicaid costs to localities, such as through Medicaid service funding reductions, changes to eligibility that shrink access, or other rule changes that erode the social safety net.**

Irrespective of Virginia's decision on the Medicaid expansion, or of any other federal funding cuts or reductions in federal requirements which may be considered in the next Congress, it is essential that the Commonwealth avoid taking actions that effectively shift costs to localities. Due to the increasingly critical shortage of private providers, poor reimbursement rates, and other factors that play a role in an overall increase in Medicaid program costs, ensuring success with any cost containment strategies will require close cooperation between the Commonwealth and local governments, as localities are frequently the service providers for the Medicaid population. Fairfax County supports cost containment measures that utilize innovation, increase efficiency and targeted service delivery, and use of technology to reduce Medicaid fraud, in order to ensure the best allocation of resources without reducing services or access to care. *(Revises and reaffirms previous position.)*

## POSITIONS

### **State Resource Investments for Keeping People in Their Communities**

Human services programs serve a wide range of people, including low income individuals and families; children at risk for poor physical and mental health, and educational outcomes; older adults, persons with physical and intellectual disabilities; and those experiencing mental health and substance use issues. These individuals want the same opportunities every Virginian wants – not just to survive, but to thrive, by receiving the services they need while remaining in their homes and communities, allowing continued connections to family, friends, and their community resources. In recent years, changes in philosophy have led public policy to embrace this direction, as a more cost-effective, beneficial approach – allowing those with special needs to lead productive lives in their own communities, through care and support that is much less expensive than institutional care.

Meeting these needs requires a strong partnership between the Commonwealth and local government. This is particularly true in the area of funding, which is necessary to create and maintain these home and community based services, and must be seen as an investment in the long-term success of the Commonwealth. Unfortunately, it has increasingly become the practice of the Commonwealth to significantly underfund core human services or neglect newer best practice approaches, leaving localities to fill gaps in the necessary services through local revenues in order to meet these critical needs. Fairfax County understands the fiscal challenges the Commonwealth has faced; however, while state revenues are recovering, local revenues are not bouncing back as quickly.

The process of fundamentally reorganizing and restructuring programs and outdated service delivery systems for vulnerable populations in order to more successfully achieve positive outcomes requires an adequate state investment, which will ultimately pay dividends for years to come.

#### ***Medicaid Waivers***

#### **Support funding and expansion for Virginia’s Medicaid waivers that provide critical home and community based services for qualified individuals.**

Medicaid funds both physical and mental health services for people in particular categories (low income children and parents, pregnant women, older adults, persons with disabilities). It is financed by the federal and state governments and administered by the states. Federal funding is provided based on a state’s per capita income – the federal match rate for Virginia is 50 percent. Because each dollar Virginia puts into the Medicaid program draws down a federal dollar, what Medicaid will pay for is a significant factor in guiding the direction of state human services spending. However, states set their own income and asset eligibility criteria within federal guidelines; Virginia’s requirements are so strict though it is ranked 7<sup>th</sup> in per capita personal income, it is 47<sup>th</sup> in Medicaid spending for persons with intellectual and developmental disabilities.

For the most part, each state also has the discretion and flexibility to design its own Medicaid service program and can choose from a menu of optional services and waiver services in the state plan. Virginia offers fewer optional Medicaid services than many other states (in addition to federally mandated

services), though Medicaid recipients in Virginia may also receive coverage through home and community-based “waiver” programs, which allow states to “waive” the requirement that an individual must live in an institution to receive Medicaid funding. Waivers result in less expensive, more beneficial care. Waiver services are especially important for low-income families, older adults, people with disabilities and seriously ill individuals in Virginia, where Medicaid eligibility is highly restrictive. The average cost of institutionalizing a person at a state training center is approximately \$216,000 per year. By contrast, the cost of providing services for a person in the community through the use of a waiver is approximately \$138,000 on average.<sup>1</sup> Virginia can serve nearly three people in the community for each person in a training center.

The number and type of waivers is set by the General Assembly, and the extensive waiting lists for some demonstrate the significant barriers that exist in the Commonwealth (current Virginia waivers include AIDS, Alzheimer’s, Day Support for Persons with Intellectual Disabilities, Elderly or Disabled with Consumer-Direction, Intellectual Disabilities, Technology Assisted and Individual and Family Developmental Disabilities Support).

Fairfax County supports the following adjustments in Medicaid waivers:

- **Support automatic rate increases.** While nursing homes receive annual cost of living adjustments, this rate adjustment is not available to providers of Medicaid waiver services. Virginia ranks 47<sup>th</sup> among the states in the provision of home and community based services. To reduce reliance on institutions such as nursing homes and state training centers, increase the source of less costly community-based services, and ensure the availability and quality of Medicaid providers for personal care and other Medicaid community based services, a fundamental rebalancing of reimbursements within Virginia’s Medicaid program is necessary. At a minimum, this includes restoring reductions to Virginia’s Medicaid waiver services from the 2010-2012 biennial budget; rates should equal at least 90% of cost.
- **Create new consolidated waiver.** Merge the Intellectual Disability (MR/ID) Waiver with the Individual and Family Developmental Disabilities (DD) Waiver and expand services to individuals with autism spectrum disorders. Extend waiver funding for residential services to all recipients of the new consolidated waiver. Assign services under the new consolidated waiver on the basis of urgency of need, rather than length of time on waiting list. As waivers are being revised and new approaches to eligibility are being established, the new eligibility rules should not be structured in a way that would cause individuals who would be eligible today, such as people who are blind, to be deemed ineligible in the future. (*New position*)
- **Support a new waiver for individuals with brain injuries.** Waiver services are also critically needed for individuals with brain injuries who would not be eligible for the new consolidated ID/DD waiver.
- **Support increased waiver funding.** For example, funding is needed to serve the more than 7,200<sup>2</sup> people statewide who are eligible but waiting for ID or DD waiver services. In Fairfax County (as of July 2012), over 1,180 people with intellectual disabilities are on the wait list for services; of those, more than 730 are considered to have “urgent” needs, one crisis away from requiring emergency services and potential institutionalization. More than 800 of those needing ID services qualify for waivers. Increased funding would allow individuals to receive services in the

<sup>1</sup> Updated cost figures from Virginia Department of Behavioral Health and Developmental Services.

<sup>2</sup> Updated cost figures from Virginia Department of Behavioral Health and Developmental Services.

community rather than in a nursing facility or institution, would assist in the requirements and spirit of the DOJ settlement with the Commonwealth, and bring Virginia into compliance with the Olmstead Decision.

- **Support funding for an expansion of services.** Additional medical and behavioral services are needed under Virginia's existing Medicaid waivers, for individuals whose needs extend beyond the standard benefits available. Waiver enhancements such as increased medical and behavioral support components, higher rates for these and other waiver services, and higher Northern Virginia differentials are needed to enhance success in community-based services for individuals transitioning out of training centers under the DOJ settlement with the Commonwealth as well as for people currently on waiting lists.
- **Support Expansion of Home and Community Based Services.** New federal initiatives such as the Community First Choice option allow for states to streamline and improve their Medicaid plans to expand home and community based services at a higher federal reimbursement rate. At a time when Virginia is planning to move residents from state training centers into the community, the Commonwealth should apply for Community First Choice and other opportunities to serve older adults and people with disabilities in their homes and communities.
- **Support consumer empowerment.** Services to help consumers enhance life skills, achieve greater independence, and offer the option of consumer directions and choice should be a priority.
- **Support Dual Eligible Proposal.** Fairfax County and the Community Services Board support Virginia's effort to receive a federal waiver to manage the care of individuals eligible for both Medicaid and Medicare with a plan that includes adequate funding for long term services for the populations served by the Community Services Board. The involvement of the CSB in the planning and implementation would greatly enhance the ability of the new plan to meet special service needs. *(New position)*

## *Children and Families*

### Comprehensive Services Act

**Support continued state responsibility for funding mandated CSA foster care and special education services on a sum-sufficient basis, and support continuation of the current CSA local match rate structure, which incentivizes serving children in the least restrictive community and family-based settings. Also, support the current structure which requires that service decisions are made at the local level and are provided based on the needs of the child, and oppose any changes to the current CSA program that would shift costs to local governments or disrupt the responsibilities and authorities as assigned by the Comprehensive Services Act.**

The Comprehensive Services Act is a 1993 Virginia law that provided for the pooling of eight funding streams used to plan and provide services to children who have serious emotional or behavioral problems; who may need residential care or services beyond the scope of standard agency services; who need special education through a private school program; or who receive foster care services. It is a state-local partnership which requires a 46.11% local funding match. The purpose of CSA is to provide high quality, child centered, family focused, cost effective, community-based services to high-risk youth and their families. Children receiving certain special education and foster care services are the only groups considered mandated for service. Because there is "sum sufficient" language attached to these two categories of service, this means that for these youth, whatever the cost, funding must be provided by state

and local government. Fairfax County strongly opposes any efforts to cap state funding or eliminate the sum sufficient requirement, as the Commonwealth must not renege on its funding commitment to CSA.

In recent years, the state changed the local match rate structure, in order to incentivize the provision of community based services, which are less expensive and more beneficial to the children and families participating in CSA. Since that time, overall costs for CSA have declined, illustrating the success that the state can achieve by working cooperatively with local governments. It is essential that this state and local partnership be maintained – changes to CSA law, policy or implementation guidelines should focus on solutions that acknowledge the critical roles played by both levels of government, but should not favor one side of the partnership over the other.

#### Child Day Care Services

**Support state child care funding for economically disadvantaged families not participating in TANF/VIEW, known as “Fee System Child Care,” and support an increase in child care service rates.**

Particularly during periods of economic downturn, a secure source of General Fund dollars is needed statewide to defray the cost of child care, protecting state and local investments in helping families move off of welfare and into long-term financial stability.

Research clearly indicates that the employment and financial independence of parents is jeopardized when affordable child care is outside of their reach. Parents may be forced to abandon stable employment to care for their children or they may begin or return to dependence on welfare programs. In order to maintain their employment, some parents may choose to place their children in unregulated, and therefore potentially unsafe, child care settings. Without subsidies to meet market prices, low-income working families may not access the quality child care and early childhood education that helps young children enter kindergarten prepared to succeed. In the Fairfax community, where the median annual income of families receiving fee-system child care subsidies is just under \$25,000, the cost of full-time child care for a preschooler ranges from \$8,000 to over \$13,000 per year. Many of these families are truly ‘the working poor’ who require some assistance with child care costs in order to help them achieve self-sufficiency.

#### Foster Care/Kinship Care

**Support legislation and resources to encourage the increased use of kinship care, keeping children with their families. Also support legislation that would allow youth in Foster Care to be adopted between the ages of 18-20 and extend the availability of subsidy for this population.**

In 2008, Virginia embarked on a Children’s Services Transformation effort, to identify and develop ways to find and strengthen permanent families for older children in foster care, and for those who might be at risk of entering foster care. The Transformation, founded on the belief that everyone deserves and needs permanent family connections to be successful, is leading to significant revisions in Virginia’s services for children. Through kinship care (when a child lives with a relative), children remain connected to family and loved ones, providing better outcomes. However, without a formal statewide Kinship Care program, many relatives in Virginia are unable to care for children in their family due to financial hardship, resulting in foster care placements.

Additionally, once a youth turns 18, he or she can continue to receive services through foster care, but he or she is no longer eligible for an adoption subsidy. This lack of financial support may impact families’

ability to adopt older youth. By extending the adoption subsidy to age 21, more Virginia youth may have the opportunity to find permanent homes.

Community Based Services

**Support increased capacity for crisis response and intensive community services for children and youth.**

The General Assembly and the Governor are to be commended for supporting funding in FY 2013 for more community-based crisis response for youth and their families. To respond effectively to the need, this service model must be fully funded, as outlined in the VACSB/Voices for Virginia's Children budget amendment. Additional capacity in the Child and Family service system is necessary to address the needs of children and their families requiring intensive community services, to help maintain children safely in their own homes and reduce the need for foster care or residential treatment as the first alternative. One of the programs of concern is the Healthy Families program, which is a nationally recognized home visiting program that has produced tangible positive outcomes in the Commonwealth. Significant funding reductions in recent years have resulted in the elimination of programs in some jurisdictions and threaten the viability of remaining Healthy Families sites. The program provides home-based education and support to first-time parents who have social histories that put them at risk starting during pregnancy until the child reaches age three.

***Older Adults and Adults with Disabilities***

Area Agencies on Aging

**Support increased state general funds for Area Agencies on Aging.**

As a result of the 2010 Census, state general funds supporting services provided by Area Agencies on Aging were reallocated in FY 2013. The reallocation reflected changes in the older adult population in the state. The 2012 General Assembly approved new funding for the Area Agencies on Aging, but there was not sufficient funding to reflect the true changes in the population. Some Area Agencies on Aging lost funding from FY 2012, and others, like Fairfax, did not receive additional funds based on the actual increase in population. Additional funding is needed by all the Area Agencies on Aging to provide services to the increasing population of older adults. (*New position*)

Home and Community Based Services for Older Adults and People with Disabilities

**Support the reinstatement of funding for home and community-based services, nutrition, transportation, in-home, chore and companion services, that help people live in their own homes, including returning the Long Term Care Medicaid eligibility threshold from 267% to 300% of SSI, restoring the cap on attendant service hours for Elderly and Disabled with Consumer Directed (ECDC) Medicaid waiver and HIV/AIDS waiver recipients from 48 hours to 56 hours per week and by restoring the respite care service hours to a maximum of 720 hours a year.**

Home and Community-Based Services – such as personal care, home-delivered meals, transportation, care coordination, and adult day/respite care – provided by the Commonwealth's twenty-five Area Agencies on Aging (AAAs) save Virginia tax-payers money while helping older Virginians function independently, keeping them in the least restrictive setting of their choice, building on family support,

decreasing the risk of inappropriate institutionalization, and improving life satisfaction. In addition, chore and companion services are funded locally and by the Virginia Department for Social Services and assist eligible older adults and adults with disabilities with activities of daily living (bathing and housekeeping).

During our current economic recession, it is especially important that the Commonwealth spend its long-term care dollars wisely by investing in its home and community-based workforce. Currently, Virginia ranks 45<sup>th</sup> in average wages for personal care providers. Yet, starting July 2011, a cap of 56 hours of personal care per week was imposed in the EDCD and HIV/AIDS waivers. Also, the FY 2012 budget included a 1% cut for home and community-based Medicaid providers, as well as a cut of 240 respite hours for Medicaid consumers and a cap of 48 hours of personal care per consumer per week in the EDCD waiver. The HIV/AIDS waiver was eliminated altogether. These cuts are increasing turnover rates, thus making it more difficult for older adults and people with disabilities to get the support and services they need.

#### Psychiatric Services for Older Adults

**Support coordinated strategies to meet the growing need for psychiatric services for older adults, promoting recovery and community inclusion.**

The need for psychiatric services for older adults is growing, but the capacity to meet the growing need is limited. Services must be cost-efficient, accessible, and outcome driven. Strategies are needed to coordinate and combine the best of traditional approaches with emerging best practices to promote recovery and community inclusion, including:

- recognition of the need to work holistically with the older adult population;
- revision of policies that perpetuate service silos;
- easier navigation of the support system for older adults and their families;
- better education for health professionals and the community about disorders that can affect older adults and how best to help them; and
- affordable and accessible housing and transportation resources to help the growing population of older adults with psychiatric service needs to allow them to continue to live safely in the community.

#### People with Disabilities

**Support maintenance and expansion of services that promote the independence, self-sufficiency, and community integration of youth and adults with disabilities through direct state General Fund monies on an annual basis.**

Virginia's highly restrictive Medicaid eligibility requirements preclude many low-income Virginians with disabilities from receiving much needed services. Funds would be used to provide independent living and other services and supports that preserve existing, community living situations and keep families together; prevent unnecessary and more costly institutional placement; promote pursuit of training and employment options; and improve an individual's quality of life and ability to contribute to society.

Disability Services Board (DSB)

**Support reinstatement of state funding sufficient to enable every locality, either singly or regionally, to have a Disability Services Board (DSB), so that the key provisions of §51.5-48 can be implemented.**

DSBs enable localities to assess local service needs and advise state and local agencies of their findings; to serve as a catalyst for the development of public and private funding sources; and to exchange information with other local boards regarding services to persons with physical and sensory disabilities and best practices in the delivery of those services. Without such a network of local representatives with expertise in these issues, the opportunity for valuable statewide collaboration will be lost.

Accessibility

Support ensuring the inclusion of people with disabilities throughout the Commonwealth by increasing accessibility.

Fairfax County supports access for people with disabilities and older adults in public and private facilities; in particular, the County supports increasing accessibility and visitability through incentives, voluntary standards for accessible housing and educational outreach to businesses, building officials, advocacy groups and the Commonwealth, as recommended in the recently published study on accessibility by the Departments of Housing and Community Development and Rehabilitative Services. While significant progress has been made toward ensuring the equality and inclusion of people with disabilities in the 20 years since the passage of the Americans with Disabilities Act (ADA), continued advancement is needed. Improved accessibility in public buildings, housing, transportation and employment benefits all Virginians, by allowing people with disabilities to remain active, contributing members of their communities, while retaining their independence and proximity to family and friends.

***Health, Well Being, and Safety***

Adult Protective Services

**Support state funding for additional Adult Protective Services social workers**

*Adult Protective Services*

The number of Adult Protective Services (APS) investigations is growing in the state and in Fairfax County as the aged population grows. In Fairfax County, investigations have increased from 818 in FY 2007 to 1040 in FY 2012. Access to community-based services can reduce personal and family stresses that sometimes lead to APS calls. APS Services may include case management, home-based care, transportation, adult day services, and screenings for residential long-term care. Local Adult Protective Services APS programs investigate reports of suspected adult abuse, neglect or exploitation and can arrange for health, housing, counseling, and legal services to stop the mistreatment and prevent further abuse.

Temporary Assistance for Needy Families (TANF)

**Support an increase in the TANF reimbursement rates in Virginia, which have only been increased once since 1985.**

Virginia's TANF reimbursement rates have only been raised one time in the last 25 years, which was an increase of 10 percent in 2000. Currently, a family of three receives less than \$3,840 per year, only a fifth of the federal poverty level. While the TANF caseload in Virginia has been reduced by 58 percent since the start of Welfare Reform in 1995, Fairfax County's average monthly TANF caseload has increased from 1,268 in FY 2008 to 1,632 in FY 2012 (a 29% increase). In the future, if rates were indexed for inflation, it would prevent further erosion of recipients' ability to meet the basic needs of children in their own care or in kinship care (relative care).

Community Action Agencies

**Support continued state funding for Community Action Agencies.**

Community Action Agencies in Virginia develop a wide range of educational, employment, housing, crisis intervention, community and economic development opportunities for people with very low incomes (under 125 percent of poverty). Since 1988, Virginia has supplemented federal Community Services Block Grant (CSBG) dollars provided to localities with state funding (through a combination of state General Funds and TANF funds). This critical funding has led to economic stability for hundreds of thousands of Virginia's poorest citizens and improved their communities. However, since FY 2010, the state has decreased its funding for this essential program, and nearly eliminated all state funding in FY 2012. While the County received \$762,019 for this program in FY 2009 (including the state contribution), in FY 2013, it is anticipated that the County will only receive approximately \$545,031, a 28% decrease. In addition, there is much uncertainty about the federal CSBG dollars as funds are vulnerable to be cut in FY 14. The state needs to ensure that these vital services to low income residents are maintained.

***Mental Health***

Mental Health

**Support the continuation of efforts for mental health reform at the state level and support additional state funding, as part of the promised down payment of such funding to improve the responsiveness of the mental health system.**

It is critical that the state provide adequate resources to ensure that the hundreds of Fairfax County residents with serious mental illness and disabling substance dependence receive intensive community treatment following an initial hospitalization or incarceration.

Substance Use Disorder

**Support increased capacity to address and prevent substance use disorder through robust community based prevention programs.**

Studies show that substance use disorder is among the most costly health problems in the United States. Effective community based prevention programs can reduce rates of substance use disorder and can delay

the age of first use. Additionally, prevention programs can contribute to cost savings by reducing the need for treatment – a win-win for all involved.

Emergency Responsiveness

**Support sufficient state funding for those county residents who need acute care service within local hospitals or within our local crisis stabilization programs.**

Drastically reduced state resources for psychiatric hospital beds have caused a shortage of available psychiatric beds during mental health emergencies. This can result in the release of people from custody who meet criteria for detention and are a danger to themselves or others, putting an increased burden on police and emergency staff. The funding the Commonwealth provides for emergency responsiveness does not reflect increased costs over time. As a result, the costs of treating this critical population are increasingly shifted to localities.

Northern Virginia Mental Health Institute Beds

**Support \$1.4 million in FY 2014 for additional psychiatric beds at the Northern Virginia Mental Health Institute (NVMHI). Also support sufficient state funding for acute care service within local hospitals or local crisis stabilization programs. (*Regional position.*)**

State funding for 19 psychiatric beds at NVMHI was eliminated in the spring of 2010, which reduced the number of beds at the state facility from 129 to 110. Thirteen of the nineteen beds were restored using one-time state funding and local and regional funds; however, that funding will run out June 30, 2013. In FY 2014, \$1.4 million in state funding is needed to restore these essential beds.

While overall state funding for psychiatric beds statewide has been drastically reduced in recent years, and the costs of treating this critical population are increasingly being shifted to localities, the need for state-funded, safety net beds in Northern Virginia is particularly critical, as the region currently has fewer state and private hospital beds per capita than any other region in the state. While other areas of the state are requesting additional funds to purchase beds in private hospitals to address bed shortages (LIPOS, or Local Inpatient Purchase of Services), the quantity of private psychiatric hospital beds in Northern Virginia continues to decline.

As a result, the number of beds is not sufficient to address the need, creating a shortage of psychiatric beds during mental health emergencies, which sometimes leads to Northern Virginians being hospitalized in areas far outside the region, removing them from their community connections and placing an increased burden on police and emergency staff. Even more alarming, some individuals are prematurely released from custody, even though they meet the criteria for detention and are a danger to themselves or others. Acknowledging this growing concern, the 2012 General Assembly included budget language requiring a report on a long-term plan to ensure adequate capacity is available to serve individuals who require an inpatient bed for the treatment of acute mental illness in Northern Virginia; the study is expected to be published imminently, and may contain findings useful to pursuing additional state funding for NVMHI beds. (*New position*)

## **FAIRFAX COUNTY**

### ***2013 Human Services Fact Sheet***

#### **Poverty in Fairfax County**

Poverty for a family of four in Fairfax County in 2012 is defined by the federal government as a family annual income of less than \$22,350. The poverty rate in Fairfax County is 6.8% of the population, or 73,794 people.

In Fairfax County in 2011 (*latest data available – reported Sept 2012*):

- 25,577 (or 9.7%) of all children (under age 18) live in poverty;
- 6,076 (or 5.5%) of all persons over the age of 65 live in poverty;
- 10,925 (or 10.6%) of African Americans live in poverty;
- 27,205 (or 15.7%) of Hispanics live in poverty;
- 15,571 (or 2.6%) of Non-Hispanic Whites live in poverty;
- 30.1% of women living in a household with children under 18 and no husband present live in poverty;
- 3.8% of people living in married couple households with children under 18 live in poverty
- 183,884 (or 16.8%) of County residents have incomes under 200% of poverty (\$44,100 year for a family of four).
- 66% of people receiving County services for mental illness, substance use disorder or intellectual disabilities in 2010 had incomes below \$10,000.

#### **Employment**

- The unemployment rate in July 2012 was 4.2% (up from 3.0% in July 2008, but down from a high of 5.6% in January of 2010). This represents approximately 25,800 unemployed residents looking for work.

#### **Housing**

- In 2010, the average monthly rent of a one-bedroom apartment was \$1,216, an increase of 22% since 2001.
- In 2011, over 1,150 individuals who receive County services for mental illness, intellectual disability and/or substance use disorders needed housing but could pay no more than \$205/month for rent.

#### **Health**

- An estimated 132,872 or 12.2% of County residents were without health insurance in 2010.

#### **Linguistic Isolation**

- 7.4 % of County households are linguistically isolated (meaning no one over the age of 14 speaks English “very well”).

### **Child Care**

- The cost of full-time child care for a preschooler ranges from \$8,000 to over \$13,000 per year. Full time care for an infant costs 14,500 to \$16,000 per year. By way of comparison, tuition and fees for an average college in Virginia costs \$8,800.

### **Food**

- In 2011-2012 school year, Fairfax County Public Schools reported that 46,117 students (or 26.2 percent of enrollment) were eligible for free and reduced lunch.

### **Caseloads Have Increased Significantly in Fairfax County:**

- The overall Public Assistance caseload is up 50% from FY 2008 (51,939) to FY 2012 (78,279).
- The County's TANF average monthly caseload increased from 1,268 in FY 2008 to 1,632 in FY 2012 (a 29% increase).
- The County's SNAP (Food Stamp) average monthly caseload increased from 11,610 in FY 2008 to 24,063 in FY 2011 (a 107% increase).
- Compared to FY 2010, total participation in FY 2011 decreased 0.6% to 19,490 clients. Averaged over five years, however, WIC enrollment has continued to climb.
- In FY 2011, the Community Health Care Network (CHCN) enrolled 26,588 patients, an increase of 1.6 percent over FY 2010's annual enrollment of 26,157. During the first half of FY 2011, the increase in the number of patients was mirroring the nearly 30 percent growth of the prior year. Consequently, CHCN initiated a wait list for the first time in five years. Nonetheless, enrollment has continued for many priority populations, and collaboration continues with the Department of Family Services' Health Access Assistance Team to provide off-site eligibility assessment and enrollment at health fairs and community-based programs, in an effort to reach vulnerable and difficult-to-reach populations.
- The County's Infant and Toddler Connection (ITC) early intervention services for children with developmental delays experienced a 46% increase in demand in the last two years, from an average of 789 children served per month in FY 2010 to an average of 1,155 children per month in FY 2012.

## INTRODUCTION/OVERVIEW RECOMMENDED STRATEGIES FOR 113<sup>th</sup> CONGRESS

December 4, 2012

The ongoing weak economy, increasing federal deficit and debt, and lasting concerns over high unemployment levels and a “jobless” economic recovery have continued the fiscal debate in Washington and throughout the nation. As governments at every level face declining revenues and increasing needs, federal programs that were once considered sacrosanct are fair game for reexamination. Given this environment, there is great fiscal uncertainty, much of which can be attributed to the six-month Continuing Resolution (CR) and uncertainty about how the President and Congressional leaders are going to resolve the pending so-called “fiscal cliff” of large spending cuts and tax increases in 2013.

### **Fairfax County Economic Impacts and Strategy**

It is unknown at this point what the final outcome of negotiations will be in both the short and long term; however, as defense and other government contracting is a crucial sector of Fairfax County’s economy, these negotiations take on an even greater importance for the County. The uncertainty already seems to be taking a toll on the Northern Virginia economy, as small defense contractors in Northern Virginia are reportedly feeling the effects of federal spending cutbacks resulting from a slowdown in the awarding of contracts as federal agencies await the outcome of the budget negotiations. **Because the County’s economy is so strongly connected to the federal government and federal contracting, the automatic cuts included in sequestration would have a more significant impact on Fairfax than almost any other county in the nation.** Fairfax County should work closely with the Northern Virginia Congressional delegation to highlight the importance of restoring certainty to the regional economy by quickly resolving the looming fiscal cliff.

Additionally, in anticipation of possible long-term reductions in federal funding, the County should continue to pursue a strategic approach to the federal funding process for FY 2014, realizing that there are going to be some federal funding reductions, but there may be other non-traditional funding opportunities to explore. **Staff recommends focusing on the County’s role in the National Capital Region and its connection to the functioning of the federal government, while continuing to monitor federal funding cuts that could affect the County and local economy.**

Finally, further federal consolidation of government programs and offices may actually present long range economic development opportunities for Fairfax County, allowing the County to leverage its location in the National Capital Region, well-educated workforce and strong business climate to attract additional federal facilities, consolidations of personnel and increased government contracting opportunities. One such example of potential new economic growth for the County could be related to the pending Cybersecurity Act of 2012, which would require new cyber defense standards for government agencies, including standards for defensive measures that might require agencies to reach outside their own networks. Whether through Congressional action or an executive order from the Obama Administration, it seems likely that this issue will move forward, creating an opportunity for the County to encourage businesses that develop the cyber security infrastructure to locate here. The potential for future BRAC rounds will present additional opportunities. Staff will continue to monitor these and other opportunities for the County to reposition itself in the weeks and months ahead.

## **Update – Lame Duck Session and Fiscal Cliff**

On November 13<sup>th</sup>, 2012, Congress returned for a “lame duck” session with a seven-week deadline to address the fiscal cliff. After the first week, there is optimism that sequestration will be avoided, as Congressional leaders and the President are clearly feeling the pressure of the recession that could be triggered without an agreement. While Republicans and Democrats agree on the need to avoid the pending sequestration, as well as the need for long-term deficit reduction and revisions of the tax code, both parties continue to disagree over the extension of tax cuts, the possibility of revenue increases, and entitlement reform, among other matters.

### **Possible Legislative Scenarios:**

While negotiations are very fluid at this point, and scenarios outlined will almost certainly continue to evolve, there is a general consensus (or hope) that Congress will agree to some legislation in the lame duck session to extend most or all expired and expiring tax breaks for six months to a year, with an agreement to undertake fundamental tax reform legislation, possibly even including an agreed-upon amount in overall deficit reduction over the next decade. Such an agreement could also include a mandate for further deficit reduction in the 113<sup>th</sup> Congress, possibly including revisions to entitlement programs such as Medicare and Medicaid.

Additionally, another fiscal hurdle could present itself by February 2013, as the Treasury Department has indicated that federal debt ceiling will need to be raised towards the end of 2012 or by February, 2013. Federal law requires Congress to authorize the government to borrow any money needed to pay for the running of the federal government, and while this was done routinely in the past, in 2011 the debt ceiling debate became the central battleground for the budget conflict between the Republicans who took control of the House in 2010, and President Obama and the Senate Democrats; the Republicans refused to raise the debt limit without a deficit reduction package. The need to raise the debt ceiling soon could become a leverage point for Congress in negotiations with the President over the fiscal cliff. Congressional leaders have already made it clear that the debt ceiling will be part of the coming negotiations, raising financial analysts’ worries about a financial market panic if the federal government were unable to pay its bills.

Whether the President can secure Congressional support for an increase in the debt limit ceiling during this lame duck session may ultimately depend on whatever deal is reached. For Republicans, the trade-off might be a one-year extension of the Bush-era tax cuts, including those for married couples making more than \$250,000, tied to an agreement to pursue fundamental tax and entitlement reform next year. In the meantime, these issues have to be decided by March 27<sup>th</sup>, 2013, when the current Continuing Resolution (CR) funding the federal government at FY 2012 levels expires.

**SUMMARY PAGE  
RECOMMENDED STRATEGIES FOR 113<sup>TH</sup> CONGRESS**

**STRATEGIC APPROACH TO FEDERAL FUNDING CUTS AND SEQUESTRATION.....4**

- Support a balanced approach to federal deficit reduction solutions, including a timely resolution in order to eliminate uncertainty. *(new)*
- Oppose deficit reduction actions that shift costs, impose unfunded mandates, or pre-empt local programs and taxing authority.
- Support a proactive approach to repositioning the County in anticipation of possible long-term reductions in federal funding. *(new)*

**BRAC/DEFENSE RELATED LEGISLATION.....4**

- Provide needed funding for transportation projects essential for BRAC mitigation
- Continue Mark Center parking cap *(new)*
- Maximize use of funding for Defense Access Road program
- Seek legislative language requiring: traffic impact analyses of recommendations in future BRAC proposals; greater coordination between military installations and host communities for Transportation Demand Management (TDM) *(new)*; and coordination with host community for relocations to leased space *(new)*

**TRANSPORTATION LEGISLATION.....7**

- Continue consultation with localities regarding Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) Regulations
- Pursue funding opportunities and options for Phase 2 of the Rail to Dulles Metrorail extension through the US Department of Transportation (USDOT) and other federal agencies
- Expand the federal government’s funding partnership with Fairfax County for Tysons transportation improvements to ensure continuation of the region’s economic vitality
- Continue to provide dedicated funding for the Washington Metropolitan Area Transit Authority (WMATA)
- Support funding for state-supported Amtrak service in appropriations legislation

**OTHER FEDERAL PRIORITIES/LEGISLATION.....10**

- Support a Moving to Work designation for the Fairfax County Redevelopment and Housing Authority (FCRHA) *(new)*
- Support relocation of the FBI headquarters to the Springfield GSA site in Fairfax County *(new)*

## RECOMMENDED STRATEGIES FOR 113<sup>TH</sup> CONGRESS

December 4, 2012

### OVERALL FEDERAL FUNDING AND SEQUESTRATION

*The County supports a balanced approach to federal deficit reduction solutions, including a timely resolution of the impending sequester, in order to eliminate the uncertainty that is already taking a toll on the Northern Virginia economy, as federal agencies slow the procurement and contracting process while awaiting the outcome of budget negotiations. The County also opposes deficit reduction actions that shift costs to localities, impose unfunded mandates, or pre-empt local programs and taxing authority. Finally, the County supports a proactive approach to repositioning itself in anticipation of possible long-term reductions in federal funding, leveraging the County's location in the National Capital Region, well-educated workforce and strong business climate to attract additional federal facilities, consolidations of personnel and increased government contracting opportunities (including additional BRAC rounds, expansion of cybersecurity contracting and other agency consolidations).*

The County's fiscal outlook is uniquely affected by the federal budget negotiations, due to the large number of federal contractors and federal employees who participate in the Northern Virginia economy. In addition to the larger fiscal consequences and assessments the County must make on the budget negotiations as a whole and possible impacts to the Commonwealth and County, potential direct federal funding cuts will be assessed through a strategic approach which primarily focuses on two principles for federal funding – the social safety net and transportation. Fairfax County is aware of the challenges posed by the growing federal deficit, and the need to reassess, and perhaps redirect, the allocation of federal resources. However, the County also acknowledges that federal assistance to state and local governments can help mitigate the effects of further layoffs, and that federal investments in state and local infrastructure projects helps produce private sector jobs and improve our competitiveness. As the Congress undertakes the daunting task of seeking to avoid the fiscal cliff, it is essential to avoid significant reductions to high priority programs affecting the lives of Fairfax County residents.

### BRAC/DEFENSE RELATED LEGISLATION

- ***Provide needed funding for transportation projects essential for BRAC mitigation:*** The Fort Belvoir Base Realignment and Closure (BRAC) plan relocated 12,000 personnel to Fairfax County and created the immediate need for infrastructure improvements in the surrounding area. The total estimated costs of Fairfax County transportation projects necessitated by the BRAC moves vary from \$626 million (U.S. Army identified improvements) to \$1.6 billion (Fairfax County and the VDOT identified improvements). Although some federal funding has been provided, there are still significant unfunded transportation needs associated with this BRAC decision.

Additionally, the arrival of approximately 6,400 employees to the Mark Center site is affecting Fairfax County both in the short-term due to construction impacts on transit and traffic, and in the long-term due to increased traffic through the County to the facility. To mitigate these impacts, there are currently several projects being constructed to improve and provide capacity for frontage roads, including some short- and mid-term improvements funded by \$20 million

from the Department of Defense (DOD). In addition, environmental work and preliminary engineering have commenced on a long-term improvement project, the I-395 HOV Ramp to Seminary Road, which will provide transit and HOV access to the site. While the majority of important projects are within the City of Alexandria, there are essential projects required within Fairfax County to accommodate the Mark Center, as well.

Federal commitments made in response to the BRAC relocations have significantly improved the current situation. The Army has capped the number of personnel at Fort Belvoir North Area (FBNA) at 8,500 until additional transportation infrastructure is provided to serve that location. The I-95 HOV Ramp to FBNA, which is a Defense Access Roads (DAR) funded project, began construction this year. Additionally, DOD awarded \$180 million in funding to widen U.S. Route 1 through the Fort Belvoir Main Post. This project will provide relief for patients of the new Fort Belvoir Community Hospital and for commuters on Route 1, which include many DoD personnel. Finally, DOD contributed funding to construct Mulligan Road, the Route 1 to Telegraph Road connector that replaces Woodlawn Road and Beulah Street, which were closed following the events of September 11, 2001. The loss of that connection has placed a burden on commuters to Fort Belvoir and through the southern portion of Fairfax County for more than a decade. With these commitments, solutions to some of the greatest transportation challenges facing the County are moving forward.

- **Provide funding for the ongoing priority BRAC projects:** Essential projects remain to mitigate the impacts of BRAC 2005, and the County is requesting funding for the following priority projects that will be the focus of the County’s ongoing efforts for BRAC mitigation. The list has been updated from last year in response to ongoing activity:

<b>Short &amp; Mid-Term Rt. 236/Beauregard St. Intersection Improvements</b>	<b>\$ 20 million</b>
<b>Short &amp; Mid-Term Rt. 236/Local St. Intersection Improvements</b>	<b>\$ 3 million</b>
<b>Short &amp; Mid-Term Route 236/I-395 Interchange Improvements</b>	<b>\$ 3 million</b>
<b>I-95 HOV Ramp to FBNA Phase II (total cost - \$40 million)</b>	<b>\$ 10 million</b>

- **Provide Funding for Other Transportation Improvements and Unfunded Project Costs:** In addition to the priority projects noted above, transportation improvements and total unfunded project costs to address its impacts, above and beyond what is incorporated in existing plans, include the following:

Fort Belvoir Main Post and Fort Belvoir North Area (FBNA - Formerly EPG)

Fairfax County Parkway / Neuman Street Interchange	\$ 50 million
Additional intersection improvements in the impacted areas	\$ 4 million
Improvements to Fairfax County Parkway between I-95 and Kingman Road	\$ 55 million
Interchange at Fairfax County Parkway and Kingman Road	\$ 30 million
Transit Center and Ridesharing Facility(s)	\$ 45 million
Implementation of expanded bus service and circulator service	\$ 75 million
Improvements to Beulah, Telegraph, Backlick, Loisdale, Rolling and Newington Roads	\$ 50 million

Interchange at US Route 1 and Fairfax County Parkway	\$ 55 million
Public Transit Enhancement to Fort Belvoir	\$600 million
Completion of Van Dorn Street/Franconia Road Interchange	\$ 90 million

Mark Center

I-395/Route 236 (Duke Street/Little River Turnpike) Interchange	\$20 million
Beauregard Street/Route 236 Intersection Improvements	\$10 million
Local Transit and Bus Rapid Transit Services	\$10 million
I-95/I-395 (Shirley Highway) Transit Service	\$10 million

Notwithstanding funding, the DOD has the authority to mitigate the effects and extent of BRAC occupancy through agency initiatives. Fairfax County supports these efforts, such as mandating that employees stationed at the facility telecommute or arrive at work before or after peak rush hour, assign parking to carpool users, and other options.

- ***Continue Mark Center parking cap:*** Northern Virginia’s Congressional Delegation included a parking cap of 2,000 spaces at the Mark Center (BRAC 133) in FY 2013 funding legislation; FY 2013 Department of Defense Appropriations bill language and the FY 2013 Military Construction, Veterans Affairs Appropriations bill extends this parking cap. The County supports the parking cap language included in previous appropriations bills and requests that it be included in future legislation. *(New)*
- ***Maximize use of funding for Defense Access Road Program:*** The 2011 National Defense Authorization Act (NDAA) contained a provision on the DAR program which modified the criteria for the program allowing federal funding of projects “outside the fence” under DAR when mitigation is needed due to BRAC. This allows for improved planning for BRAC effects and more flexibility for off-base improvements, including multi-modal solutions, elimination of the “doubling of traffic” requirement and provision of an additional funding source. These changes would be applicable to the 2005 round of BRAC, and would benefit transportation projects such as: reconstruction of I-95-Newington Interchange; the Fairfax County Parkway/Neuman Street Interchange, and potentially opening up an entire new funding source for other mitigation projects. The County appreciates these efforts and requests that funding be included in the DAR program to provide for some of these needed projects.
- ***Seek legislative language requiring traffic impact analyses of recommendations in future BRAC proposals:*** The BRAC Commission is authorized by Congress periodically to review and determine which DOD bases and military installations should be closed and/or realigned. The County requests that, if Congress reauthorizes another BRAC round, the Commission or other appropriate body should be required to analyze the transportation impacts of a recommendation, both on the facility and to the surrounding community, before final recommendations are made.
- ***Seek legislative language requiring greater coordination between military installations and host communities for Transportation Demand Management (TDM):*** DOD regulations prohibit the use of federal funding to provide transit services that duplicate existing services. With the BRAC 2005 relocations, many DOD personnel were transferred from sites with robust transit

services to sites without those services. In an effort to ease the transition, several individual agencies offered shuttle service to their employees and, in many cases, the shuttles were not coordinated, either with other tenant agencies on the installation or with services provided by Fairfax County in cooperation with Garrison Command.

To eliminate duplication of services, the County supports legislation that would assign planning of transit services to Garrison Command and would require individual tenant agencies to coordinate requests for transit support and services through the installation. The County further supports DOD funding of a full-time, permanent Transportation Management Coordinator as part of the Garrison staff. Among other responsibilities, this Coordinator would help plan and advertise changes to transit services, coordinate maintenance of traffic during construction, work with Fairfax County to encourage ride sharing and transit use, and implement other transportation demand management strategies by tenant agencies and individuals on the installation. Unfortunately, the TDM Coordinator position that was established with the 2005 BRAC record of decision will terminate in December 2012 due to lack of funding. The County is concerned about loss of continuity and lack of a defined plan on how this position's duties will be undertaken in the future. *(New)*

- ***Seek legislative language requiring coordination with host community for relocations to leased space:*** Over the past year, an additional BRAC deployment occurred in the County, the co-location of four commands collectively known as the Defense Health Headquarters (DHHQ). This BRAC recommendation was a lease action that renovated an existing building adjacent to an area of the County historically designated for relatively low-intensity activities. Since this BRAC action did not require new construction or environmental analysis, there was limited coordination with Fairfax County prior to the move. As such, there have been several issues that DHHQ and County have had to resolve after the relocation of 3,000 DOD personnel was complete, including DOD employee and contractor parking in adjacent neighborhoods, inconvenient access to the nearby Metrorail station, and controlling traffic to comply with a long-standing proffer on the site. The County supports legislation or regulations that would require coordination with host communities for all relocations (including to leased spaces) so that proactive planning can occur, both for moves of large groups, or for the aggregation of personnel through multiple minor moves. *(New)*

## TRANSPORTATION LEGISLATION

- ***Continue consultation with localities regarding Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) regulations:*** Last year's strategy included supporting transportation funding programs which may benefit Fairfax County. MAP-21, which passed in July 2012, is a two-year transportation reauthorization bill (instead of the typical six-year bills that have been enacted in the past) providing \$120 billion for federal transportation programs from July 1, 2012 – September 30, 2014. The bill does not direct funding towards specific projects (earmarks). The U.S. Department of Transportation (USDOT), in consultation with states, Metropolitan Planning Organizations (MPOs) and other stakeholders, is developing rules to establish performance measures and standards for the National Highway Performance Program (NHPP), Highway Safety Improvement Program (HSIP), Congestion Mitigation and Air Quality (CMAQ) program, and the new Transportation Alternatives program. Funding for Transportation Infrastructure

Finance and Innovation Act (TIFIA) is a key component of the legislation, and is increased to \$750 million in FY 2013 and \$1 billion in FY 2014 (up from \$120 million per year as provided in the previous transportation reauthorization bill, SAFETEA-LU). The County supports continued consultation by the federal government with localities and Metropolitan Planning Organizations (MPOs) as MAP-21 regulations are adopted, and as work on a longer-term bill commences.

The County supports language, included through the efforts of the County's Congressional delegation, which gives priority to highway transportation funding for evacuation routes surrounding military facilities. Such language benefits the area around Fort Belvoir, as well as other smaller facilities in the County. Staff will continue working with the delegation and the Federal Highway Administration to ensure that Fort Belvoir and the surrounding area are able to take advantage of this benefit.

### **Rail to Dulles Phase II**

- ***Pursue funding opportunities and options for Phase 2 of the Rail to Dulles Metrorail extension through the US Department of Transportation (USDOT) and other federal agencies:*** Fairfax County has made a significant financial commitment to fund Phase 2 of the Metrorail project and, with the exception of the Dulles Toll Road users, is the largest financial contributor to this project. The County's share of the project is approximately \$1 billion, exceeding both the federal and state shares. Fairfax County supports additional federal and state funding for Phase 2, as a demonstration of the continued partnership to improve transportation in the National Capital Region. Since over 50 percent of this project is funded by revenue generated by the Dulles Toll Road users, toll rates could be significantly mitigated through additional federal and state funding contributions. The County has recently met with the Congressional delegation and US Secretary of Transportation LaHood to discuss the increase in TIFIA funding in MAP-21, and the potential for TIFIA financing for the project. Stakeholders are working closely with USDOT on this application. Fairfax County will continue to seek Congressional support for federal and state funding as discussions on this vital project continue.

In addition to the new Metrorail extension, other projects are needed within the area to prepare for the new system. Priority projects include those incorporated within the multimodal access management plans recommended by the Tysons Metrorail Station Access Management Study (TMSAMS) and the Reston Metrorail Access Group (RMAG), along with funds for reexamining sound walls requirements at various locations along the corridor.

### **Tysons**

- ***Expand the federal government's funding partnership with Fairfax County for Tysons transportation improvements to ensure continuation of the region's economic vitality:*** Tysons is a major employment center and generator of public benefit for the County and the region. Fairfax County is transforming Tysons from a suburban office development to a transit-oriented, mixed-use area that will continue to provide significant revenues for the region well into the future. The Board has approved a 40-year, \$3.1 billion funding plan for Tysons, which assumes significant funding from Fairfax County and developers. However, it is important that the state and federal governments recognize the importance of Tysons and provide funding assistance as well. Fairfax County is considering options for federal funding, in particular the Transit-

Oriented Development (TOD) planning grant authorized in MAP-21, which could provide some needed funding. Additionally, since extensive federal support functions are located in the area, infrastructure must continue to be addressed to ensure efficient federal government operations. Priority projects include the extension of the Route 7 widening from Route 123 to I-495; Route 7 improvements from the Dulles Toll Road to Reston Avenue; design work for other Tysons-wide transportation improvements; and neighborhood improvements outside of Tysons.

**WMATA Funding**

- ***Continue to provide dedicated funding for the Washington Metropolitan Area Transit Authority (WMATA):*** WMATA is the only major transit provider in the country without a permanent, dedicated revenue source for a significant part of its revenue base. Congress passed legislation that authorizes \$1.5 billion for WMATA over ten years, if the region adopts a dedicated funding source(s) and provides an additional \$1.5 billion to match the federal funds. All three signatory jurisdictions have passed the compact amendments required to receive the federal funding, and the non-federal matches are in place. This authorization must continue to be accompanied by annual federal appropriations.

**Amtrak Service**

- ***Support funding for state-supported Amtrak service in appropriations legislation:*** The current FY 2013 House and Senate THUD Appropriations bills provide funding for Amtrak's operating costs of state-supported trains. State-supported Amtrak trains provide service throughout the Commonwealth, including a stop in Burke Centre. As such, the County requests that ancillary federal funding for state-supported trains continue.

*Please Note: Additional transportation projects are included in the attachment to this document.*

## OTHER FEDERAL PRIORITIES/LEGISLATION

### *Moving to Work Application through Department of Housing and Urban Development (HUD)*

- ***Support a Moving to Work designation for the Fairfax County Redevelopment and Housing Authority (FCRHA):*** The FCRHA applied for a Moving to Work (MTW) designation with the Department of Housing and Urban Development (HUD) in August. The County received significant community support for this application, and worked with the Congressional delegation on a letter of support to HUD. With an MTW designation, the FCRHA would be able to expand its already strong community partnerships with non-profit organizations to provide residents with job skills training, “ready-to-rent” training, homebuyer education, and support services. In addition, the MTW designation will allow housing staff to redirect their focus, spending less time on administrative paperwork and more time working directly with residents to ensure they are connected to the services they need most. (*New*)

### *Relocation of Federal Bureau of Investigation (FBI) Headquarters to Springfield GSA Site:*

- ***Support relocation of the FBI headquarters to the Springfield GSA site in Fairfax County:*** The FBI is seeking a new location for its headquarters, which would likely encompass staff from the J. Edgar Hoover building in Washington, DC, along with the consolidation of staff from various satellite offices. The process for seeking such a facility relocation is unique – it requires that a Committee Resolution be passed by both the House Transportation and Infrastructure (T&I) Committee and Senate Environment and Public Works (EPW) Committee for the General Services Administration (GSA) to proceed with lease agreements. There is no action by the full House or Senate and no Presidential signature required, in contrast to joint or concurrent resolutions.

As a result, the Senate EPW Committee passed a resolution in December 2011 authorizing GSA to seek a new FBI headquarters facility with certain parameters – the site must be within two miles of a Metrorail station, 2.5 miles from the Beltway, and up to 55 acres. The House T&I Committee has not yet acted on this issue, but the Senate resolution will continue to be in effect during the 113<sup>th</sup> Congress, awaiting House action. A House resolution could include different parameters than the Senate resolution, in which case GSA would follow guidance from both and adhere to the most specific requirements in either resolution – no floor or Presidential action would be required even in that case. If resolutions are approved by both committees, GSA negotiates a private sector lease transaction, which is then approved by another resolution at the House T&I and Senate EPW Committees. As part of this process, GSA is planning to issue a Request for Information (RFI), in order to gain industry input to assist in the acquisition planning process, and gain a greater knowledge of industries’ ability to provide these services. Though the RFI has no legislative authority, it seems to indicate that GSA is interested in moving this process forward.

Last January, the Board sent a letter to the directors of the FBI and GSA, expressing the County’s support for moving the FBI headquarters to the Springfield GSA. The site meets the objectives contained in the Senate resolution, as it is within two miles of a Metrorail station, 2.5 miles from the Beltway, has the ability to meet security standards and, at 70 acres, is larger than the required 55 acres. It is also federally owned property, which makes the site more appealing

for the federal government and for the County, as it would not require land to be removed from current County tax rolls.

The County will actively engage the GSA to consider the Springfield GSA site, working closely with the County's Congressional delegation. The delegation has already indicated consensus in support of this site, as best meeting all the requirements of the Senate resolution. County staff with work with the Fairfax County Economic Development Authority (EDA) in support of this site selection. *(New)*

**FAIRFAX COUNTY**  
**OTHER 2013 KEY TRANSPORTATION PROJECTS**

Fairfax County understands that funding opportunities are not in the traditional project-specific format used in the past. However, should any federal transportation funds become available the County supports the following key transportation priorities:

**Richmond Highway Public Transportation Initiative:**

The Richmond Highway (U.S. Route 1) Corridor is one of the most heavily transit dependent areas of Fairfax County. It is also one of the most congested and economically disadvantaged. Currently, pedestrians and transit passengers have significant difficulty crossing the six lanes and numerous turn lanes on Richmond Highway. The Route 1 Corridor Bus Study found that transit service would be better utilized if transit facilities are upgraded. This project, which includes design work, land acquisition, and construction of a transit center and park-and-ride lot, as well as a study to examine long-term transit and highway solutions for U.S. Route 1, will help increase transit ridership, reduce traffic congestion, and promote economic revitalization in the area.

**Rolling Road between Fairfax County Parkway and Old Keene Mill Road:**

This project will widen this section of Rolling Road from two lanes to four lanes. This portion, the only one north of the FBNA that is not four lanes, experiences constant congestion, making it extremely difficult for those living on the road to access their residences. Additionally, Rolling Road is a main route to access the Engineer Proving Grounds from the north. As portions of Rolling Road are currently without sidewalks, the improvements will help provide the missing links for pedestrian access. It also includes wide curb lanes for bike access, which is needed, because Rolling Road connects to the Cross County Trail, the primary multiuse north/south trail in the County.

**I-66/Route 28 Interchange:**

Currently, the interchange does not fully accommodate all directional movements. In some instances, left-turn signals are required to travel on and off the interstate, which creates extensive congestion. Removing the signalized movements and providing more direct access would greatly improve vehicle flow and significantly reduce traffic and congestion. VDOT has begun a feasibility study to develop a plan for improvements.

**Route 7 Widening Reston Avenue to Dulles Toll Road:**

This project will widen Route 7 from four to six lanes, significantly improving extensive congestion along this and nearby roadways. Route 7 is a major thoroughfare into Tysons, one of the largest employment centers in the nation, and is continually subject to overcrowding. Though Fairfax County is working to transform Tysons into a more pedestrian and transit accessible area, vehicle access is still critical and widening Route 7 is essential to ensuring employees can reach their place of work. This project includes multi-use trails on both sides of the roadway, which currently has no place for pedestrians to walk, allowing for greater access for pedestrians and those on bicycles. The project also includes intersection improvements, further improving the safety of the roadway.

**Study for High Occupancy Vehicle (HOV) Lanes on Braddock Road:**

Travel demand modeling indicates high volumes of vehicles from the Burke area of Fairfax County accessing the I-495 Beltway. To address this issue and address the demand, HOV lanes on Braddock Road, east of Burke Lake Road, have been added to the County's comprehensive plan. However, additional funding is necessary to study the needs of the road and determine the best plan on how to address those needs.

**Soapstone Connector:** Fairfax County is currently conducting a Feasibility Study for the Soapstone Drive Connector/Overpass over the Dulles Toll Road, which would provide connectivity and accessibility to the new Wiehle-Reston East Metrorail Station by connecting major east west roads- Sunset Hills Road and Sunrise Valley Drive located north and south of the Toll Road. The study of the project is underway and additional funding will be necessary to design and construct the project once the study is complete.

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### **PRIORITY PRINCIPLES** (see also “*Recommended Strategies for 113<sup>th</sup> Congress*”)

#### **Overall Federal Funding and Sequestration**

##### *Principles for Sequestration legislation:*

- Support a balanced approach to federal deficit reduction solutions, acknowledging that federal assistance to state and local governments can help mitigate further layoffs and that federal investments in state and local infrastructure projects helps produce private sector jobs and improve our competitiveness; *(New position)*
- Oppose deficit reduction actions that shift costs to localities, impose unfunded mandates, or pre-empt local programs and taxing authority. *(New position)*
- Support a proactive approach to repositioning the County in anticipation of possible long-term reductions in federal funding, leveraging the County’s location in the National Capital Region, well-educated workforce and strong business climate to attract additional federal facilities, consolidations of personnel and increased government contracting opportunities (including additional BRAC rounds, expansion of cybersecurity contracting and other agency consolidations). *(New position)*
- Support timely resolution of the impending sequester, in order to eliminate the uncertainty that is already taking a toll on the Northern Virginia economy, as federal agencies slow the procurement and contracting process while awaiting the outcome of budget negotiations. *(New position)*

#### **BRAC**

##### *Principles for BRAC legislation:*

- Support the inclusion of sufficient funds to ensure significant fiscal resources to address the enormous planning, infrastructure, and transportation issues raised by the relocation of over 21,000 defense workers to Fort Belvoir, resulting from the 2005 Base Realignment and Closure Commission (BRAC) *(112<sup>th</sup> Congress position)*
- Ensure sufficient funding for the transportation improvements required to implement this Federal plan, and appropriate consultation between the Army and Department of Defense and local governments on planning and land use decisions, which are critical priorities. *(112<sup>th</sup> Congress position)*
- Support state and local government efforts in securing Federal land required to provide the necessary road improvements and other public facilities required as part of this Federal action. *(112<sup>th</sup> Congress position)*
- Ensure sufficient funding for other BRAC impacts, including significant increases in students to Fairfax County Public Schools. *(112<sup>th</sup> Congress position)*
- Support required coordination with host communities for all relocations (including to leased spaces) for moves of large groups, or for the aggregation of personnel through multiple minor moves, so that proactive planning can occur and the County can be well-positioned to receive additional federal personnel in the future. *(New position)*

#### **Transportation**

##### *Principle for Transportation funding:*

The level of federal investment in the nation’s transportation infrastructure, including both maintenance of the existing system and expansion, must increase significantly. Investments in transportation are necessary for a strong economy, and in the current climate, could help spur growth. Northern Virginia’s need for transportation solutions for all modes will continue to grow in size and scope, particularly in the immediate future as a result of BRAC. Fairfax County has taken actions to substantially increase local funding for transportation infrastructure and service, but the state and federal governments must also do their part, as future generations will pay the price for the current inaction.

##### *Principles for Transportation legislation:*

- Urge Congress to appropriate the annual portion of the \$1.5 billion in federal funds authorized for the Washington Metropolitan Area Transit Authority’s critical capital needs (\$150 million per year for 10 years). Each of the WMATA signatory jurisdictions has approved the Compact amendments required for WMATA to qualify for these federal funds and the non-federal matches have been identified. *(112<sup>th</sup> Congress position)*
- Urge Congress to continue to appropriate funding for Phase 1 of the extension of Metrorail to Washington Dulles International Airport, consistent with the Full Funding Grant Agreement for the project. Additionally, urge Congress and the Administration to provide federal financial support for Phase 2 of the project. *(112<sup>th</sup> Congress position)*

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- Support legislation that caps liability for rail passenger accidents to provide additional protection for freight railroads, but only if those railroads are: 1) compelled to offer access to their facilities to public rail passenger services on terms that are fair to all parties; and 2) prohibited from demanding levels of insurance that exceed the cap. (*112<sup>th</sup> Congress position*)

### *Principles for the next Surface Transportation Program Authorization:*

- Support legislation that standardizes the federal approval process for significant highway and transit projects. (*112<sup>th</sup> Congress position*)
- The time required to complete the federal review process of significant new transportation projects must be reduced, and the approval process must be consistent across all modal administrations. (*112<sup>th</sup> Congress position*)
- Greater decision-making authority for determining how transportation funding is spent should be given to metropolitan areas and local governments. (*112<sup>th</sup> Congress position*)
- Safety must continue to be an important focus of transportation projects. (*112<sup>th</sup> Congress position*)

## **Social Safety Net**

### *Principle for Social Safety Net funding:*

It is the responsibility of government at all levels – federal, state and local – to help Americans who are unable to fully meet their own needs. As a result of current economic hardships, those needs are greater now than ever. Healthy and productive individuals, families, and communities are the foundation of the United States’ present and future security and prosperity, and ensuring this foundation requires a strong partnership among all levels of government to maintain the critical safety net.

In assessing potential federal cuts to the social safety net, the County will consider the significance of the impact, both fiscally to the County and the potential magnitude of the impact on individuals living at subsistence levels, in accordance with the following objectives:

- Support programs that help residents of Fairfax County meet their basic needs, from food insecurity to homeless prevention and affordable housing;
- Support programs that get Americans back to work and support economic development, including job training and child care;
- Support programs and funding streams that provide local flexibility to meet the needs of a changing and challenging economic climate, while avoiding penalties to localities that exhibit prudent fiscal management;
- Support programs that promote school readiness for at-risk children;
- Support programs that protect the health and well-being of vulnerable residents;
- Oppose changes that shift additional responsibilities to localities, weakening the federal/state/local partnership, particularly in a state where financial support for the social safety net tends to be minimal;
- Support adequate federal funding to meet federal mandates, as costly federal mandates must be accompanied by appropriate funding, or at a minimum, adequate flexibility to ensure the success of priority programs.

### *Principles for Human Services/Education legislation:*

- Fully fund costs of mandates and support flexibility and additional resources to carry them out, such as the No Child Left Behind Act (NCLB) and Individuals with Disabilities Education Improvement Act (IDEA). (*112<sup>th</sup> Congress position*)
- Support elimination of the current “prior use” rule for tax credits on school renovation and reconstruction, which disallows these credits when the building is rehabilitated and used in the same manner as before the rehabilitation. This could provide a tool for rehabilitating aging County schools. (*112<sup>th</sup> Congress position*)
- Support incentives for affordable housing creation and preservation. (*112<sup>th</sup> Congress position*)
- Support federal funding initiatives that will advance research, surveillance, reporting, and diagnostics for Lyme disease. (*112<sup>th</sup> Congress position*)
- Support funding which improve access to affordable, quality child care for families with low income, including increases to the Child Care and Development Block Grant and Head Start. (*112<sup>th</sup> Congress position*)
- Support efforts to improve access to affordable immunosuppressant drug coverage for kidney transplant patients. Patients with end stage renal disease are already provided special Medicare coverage, but while Medicare already

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covers immunosuppressant drugs for transplant patients under age 65, coverage is only for a three year period. (112<sup>th</sup> Congress position)

- Support federal funding to the states for adult protective services as well as funding for state long-term care ombudsman programs. (112<sup>th</sup> Congress position)

### Federal Bureau of Investigation (FBI) Relocation

*Principles for Federal Bureau of Investigation (FBI) Relocation legislation:*

- Support relocation of the FBI headquarters to a site in Fairfax County with close proximity to transit and numerous transportation options, in order to mitigate transportation impacts while encouraging redevelopment and job growth in the County. (New position)
- Support relocation of the FBI to existing federal land within Fairfax County, and oppose actions that remove property from the County's tax rolls. (New position)

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## CONTINUING PRINCIPLES

### Public Safety – Gangs

*Principles for Gang legislation:*

- Support greater federal efforts to assist localities with gang prevention or intervention programs. (112<sup>th</sup> Congress position)
- Support stronger prevention measures. (112<sup>th</sup> Congress position)

### Public Safety – Weapons

*Principles for Weapons legislation:*

- Support efforts to reauthorize the federal assault weapons ban included in the Violent Crime Control and Law Enforcement Act of 1994. (112<sup>th</sup> Congress position)

### Energy/Climate Change

*Principles for Environmental/Energy legislation:*

- Support legislation providing funding for state and local governments to address issues related to global climate change, including energy conservation, use of renewable energy sources (including waste to energy), green buildings and vehicles, reduced emissions and greenhouse gases. (112<sup>th</sup> Congress position)
- Support legislation to reduce global warming emissions to 80 percent below current levels by the year 2050, including eliminating barriers to energy alternatives by homeowners, such as prohibitions on the use of solar panels. (112<sup>th</sup> Congress position)
- Support funding and incentives to increase research and development for emerging energy efficient and renewable technologies. (112<sup>th</sup> Congress position)
- Support incentives and innovations that encourage environmental preservation and resource conservation. (112<sup>th</sup> Congress position)

### Environment

*Principles for Environmental legislation:*

- Support incentives and innovations that encourage environmental preservation and resource conservation. (112<sup>th</sup> Congress position)
- Support incentives for open space preservation. (112<sup>th</sup> Congress position)
- Support adequate funding to local governments and achievable timelines for any new federal environmental regulations or mandates, particularly requirements related to the Chesapeake Bay watershed. (112<sup>th</sup> Congress position revised)

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### Homeland Security/Emergency Operations

*Principles for Homeland Security/Emergency Operations legislation:*

- Support greater funding for “high risk” areas such as Northern Virginia and Fairfax County. (112<sup>th</sup> Congress position)
- Support timely delivery of funds and ways to achieve greater flexibility for use of funds, while maintaining strong accountability standards. (112<sup>th</sup> Congress position)

### Immigration

*Principles for Immigration legislation:*

- Support stricter federal action to improve the enforcement of federal immigration laws and policies by federal agencies. (112<sup>th</sup> Congress position)
- The Board opposes action that would compromise its ability to deliver local government programs and services that benefit or protect the community as a whole. (112<sup>th</sup> Congress position)
- The Board further opposes legislation that would mandate local governments to enforce federal immigration laws, especially in the area of law enforcement. (112<sup>th</sup> Congress position)

### Elections

*Principles for Elections legislation:*

- Support security and reliability of elections equipment and results. (112<sup>th</sup> Congress position)
- Oppose costly, unfunded mandates for elections equipment and unrealistic timelines for implementation of new federal mandates. (112<sup>th</sup> Congress position)
- Support sufficient federal funding to assist localities in implementing any new federal mandates for elections equipment, including accessibility requirements. (112<sup>th</sup> Congress position)

### Local Taxation Legislation

*Principles for Local Taxation legislation:*

- Preserve existing local taxing authority. Encroachment upon local authority skews local accountability and hampers efforts to provide for constituent needs in the most cost effective and efficient manner. (112<sup>th</sup> Congress position)
- Support federal legislation to repeal provisions of the Tax Increase Prevention and Reconciliation Act that would require local governments to withhold three percent of their payments to vendors and contractors on behalf of the federal government. (112<sup>th</sup> Congress position)

### Telecommunications/Communications

*Principles for Telecommunications legislation:*

- Oppose any preemption or circumvention of local governments’ historical control over land use decisions and oppose any attempt to eliminate local governments’ right to charge, on a non-discriminatory basis, fair and reasonable compensation for use of public property. (112<sup>th</sup> Congress position)
- Oppose any reduction or diminution of local government authority to: address consumer needs; regulate consumer services; and negotiate and enforce cable franchises that include provisions such as redlining prohibitions, franchise fees, public, educational, and governmental channels and financial support, customer service provisions, and technical construction standards. (112<sup>th</sup> Congress position)
- Support the allocation of additional 700MHz radio frequency spectrum for public safety. Also support sufficient federal funding to ensure deployment of wireless public safety broadband data communications networks. (112<sup>th</sup> Congress position)

### Land Use

*Principles for Land Use legislation:*

- Oppose any diminution of local land use authority, either by further limiting the scope of local regulatory authority or by creating new and more elaborate land use regulatory structures. (112<sup>th</sup> Congress position)
- The County supports the concept that disputes over land use authority are local in character and should be solved at the local level. Further, the County requests that the development community and regional entities discuss any concerns or problems with the County before seeking legislative solutions. (112<sup>th</sup> Congress position)

# Federal Funding & Legislative Principles

## 113<sup>th</sup> Congress

Draft of December 4, 2012

### **Federal Contracting**

*Principles for Federal Contracting legislation:*

- Support efforts to streamline and increase efficiency and productivity in federal government operations, by maximizing the strengths of both federal contractors and federal government employees. Such efforts to strike this balance should be accomplished in a thoughtful, open process that is not arbitrary in nature. (*112<sup>th</sup> Congress position*)
- Support the critical partnership that exists between the public and private sectors in the conduct of federal government operations. This is particularly important in Fairfax County, where federal employees and federal contractors each contribute significantly to the local and state economy. (*112<sup>th</sup> Congress position*)

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