

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 2, 2016**

AGENDA

9:00	Held	Reception for Don Smith Award, Conference Center Reception Area
9:30	Done	Presentations
10:00	Done	Presentation of the Don Smith Award
10:10	Report Adopted	Report on General Assembly Activities
10:20	Done	Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

1	Approved	Approval of Traffic Calming Measure as Part of the Residential Traffic Administration Program (Dranesville District)
2	Approved	Street into the Secondary System (Springfield District)
3	Approved	Extension of Review Period for 2232 Application (Dranesville District)

ACTION ITEMS

1	Approved	Amendment of the Board's Statement of Policy Regarding Sewage Disposal to Revise Paragraph E-4
2	Approved	Approval of the Project Agreement Between the Virginia Department of Rail and Public Transportation (DRPT) and Fairfax County for Fiscal Year (FY) 2016 Funding for the I-95 Transit and Transportation Demand Management Plan Operating Assistance
3	Approved	Adjustment to Fairfax Center, Centreville, Tysons, Tysons-Wide and Tysons Grid of Streets Road Funds (Dranesville, Springfield, Braddock, Sully, Providence Districts)
4	Approved	Adoption of a Resolution Confirming the Declaration of Local Emergency and Consenting to all Actions Taken by the Director of Emergency Management and County Staff

**INFORMATION
ITEMS**

1	Noted	Contract Award – Real Estate Development Advisory Services
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**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 2, 2016**

10:30	Done	Matters Presented by Board Members
11:20	Held	Closed Session
	PUBLIC HEARINGS	
3:30	Decision Only deferred to 2/16/2016 at 3:30 p.m.	Decision Only to Approve a Real Estate Exchange Agreement Between the Board of Supervisors and AvalonBay Communities, Inc. ("AvalonBay") and to Approve the Purchase of Property from 5827 Columbia Pike Associates, LLC, an Affiliate of Landmark Atlantic, Inc. ("Landmark") (Mason District)
3:30	Public hearing deferred to 3/1/2016 at 3:30 p.m.	Public Hearing on SEA 79-D-071-02 (The Tea Center, LLC) (Dranesville District)
3:30	Approved	Public Hearing on SEA 87-L-012-02 (R Joun Enterprise LLC, Roland Joun, Trustee and Maria Joun, Trustee) (Lee District)
3:30	Approved	Public Hearing on SE 2015-HM-024 (Metropolitan Washington Airports Authority and The Virginia Department of Rail And Public Transportation on Behalf of the Washington Metropolitan Area Transit Authority and The Board of Supervisors of Fairfax County) (Hunter Mill District)
3:30	Approved	Public Hearing on PRC 86-C-121-05 (Metropolitan Washington Airports Authority and The Virginia Department of Rail And Public Transportation on Behalf of the Washington Metropolitan Area Transit Authority and The Board of Supervisors of Fairfax County) (Hunter Mill District)
4:00	Approved	Public Hearing to Consider Parking Restrictions on Hamaker Court (Providence District)
4:00	Approved	Public Hearing to Consider Parking Restrictions on Mariah Court (Sully District)
4:00	Approved	Public Hearing on Proposed Amendments to the Public Facilities Manual Re: National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Rainfall Data
4:00	Approved	Public Hearing to Consider Adopting an Ordinance Expanding the West Springfield Residential Permit Parking District, District 7 (Springfield District)
4:00	Approved	Public Hearing to Consider Adopting an Ordinance Expanding the Greenway Downs Residential Permit Parking District, District 13 (Providence District)

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
February 2, 2016**

**Public Hearings
(Continued)**

4:30	Approved	Public Hearing on SE 2015-HM-013 (Singh Properties II, LLC) (Hunter Mill District)
4:30	Public hearing deferred to 3/15/2016 at 3:30 p.m.	Public Hearing on RZ 2014-HM-024 (George Family Property Development LLC) (Hunter Mill District)
4:30	Decision Only deferred to 2/16/2016 at 3:30 p.m.	Public Hearing on SE 2015-MV-003 (First Years Learning Center LLC / Claudia Tramontana) (Mount Vernon District)

REVISED



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

Tuesday
February 2, 2016

9:30 a.m.

PRESENTATIONS

DESIGNATIONS

- PROCLAMATION – To designate February 2016 as African American History Month in Fairfax County. Requested by Chairman Bulova

STAFF:

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

Board Agenda Item
February 2, 2016

10:00 a.m.

Presentation of the Don Smith Award

ENCLOSED DOCUMENTS:

None.

PRESENTED BY:

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

Board Agenda Item
February 2, 2016

10:10 a.m.

Report on General Assembly Activities

ENCLOSED DOCUMENTS:

None. Materials to be distributed to the Board of Supervisors on February 2, 2016

PRESENTED BY:

Supervisor Jeff McKay, Chairman, Board of Supervisors' Legislative Committee
Edward L. Long Jr., County Executive



County of Fairfax, Virginia

MEMORANDUM

DATE: February 2, 2016
TO: Board of Supervisors
FROM: Edward L. Long, Jr., County Executive
SUBJECT: 2016 Legislative Report No. 1—Board Legislative Committee Meeting of January 29, 2016

The regular 2016 Session of the Virginia General Assembly convened on January 13, 2016 and is scheduled to adjourn on March 12, 2016. This is a “long” session of 60 days.

The 2016 General Assembly has been very active and the volume of legislation is comparable to years past. As of January 30, 2,681 bills and resolutions have been introduced. The majority of this legislation remains in various subcommittees and is expected to move forward in the coming weeks.

The Legislative Committee met on January 29 to consider several issues of importance to the County. This meeting was scheduled to be the Legislative Committee’s second meeting during the 2016 General Assembly; however, the first scheduled meeting was cancelled due to the blizzard. The Committee offers the following report and recommendations for action to the Board.

Legislative Committee Actions of January 29, 2016:

Members Present: Legislative Chairman McKay
Chairman Bulova
Supervisor Cook
Supervisor Foust
Supervisor Gross
Supervisor Herrity
Supervisor Hudgins
Supervisor Smith
Supervisor Smyth
Supervisor Storck

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Specific Issues

Budget Update: The Committee received a chart on budget proposals submitted by the Governor for FY 2017 and FY 2018. More detailed information may be found in the chart provided on handwritten pages 69-78 of the attachments to this memorandum.

Member Budget Amendments: The Committee received a handout on member budget amendments (see handwritten pages 79-85).

Priority Principles for Reviewing Legislation

1. Adequately fund K-12 education.
2. The Commonwealth should continue and build upon the successful enactment of significant, new transportation revenues by the 2013 General Assembly.
3. Restore the funding partnership between the state and localities with adequate state funding.
4. Preserve local government authority, particularly in taxation and land use; allow greater flexibility in the administration of government.

Specific Legislation

County Initiatives

HB 541 (Watts) (HCT) allows the disclosure of law-enforcement records concerning a juvenile who is referred to a court services unit-authorized diversion program. The bill prohibits further disclosure of such records by the diversion program or participants in the program. Law-enforcement officers may prohibit disclosure to protect a criminal investigation or intelligence information. (16101947D)

HB 1032 (Sickles) (House Floor) clarifies that a locality may impose a penalty of up to \$250 upon the resident owner annually for as long as the motor vehicle remains unregistered in Virginia. (16103965D)

Historical Positions of the Board

SUPPORT

HB 945 (Wilt) (HCCT)/ **SB 309** (Hanger) (SLG) extends the current moratorium on city annexations and county immunity actions by 10 years to 2028. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2026-2028 biennium. The Commission on Local Government is directed to evaluate the structure of cities and counties in the Commonwealth and the impact of annexation upon localities. In doing so, the Commission shall consider alternatives to the current moratorium on annexation by cities.

The Commission shall issue its findings and recommended policy changes to the General Assembly no later than December 1, 2025. Support; the Board has historically supported. (16103789D, 16103788D)

SB 681 (Vogel) (SLG) extends the current moratorium on city annexations and county immunity actions by two years to 2020. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2016-2018 biennium. Support; the Board has historically supported. (16104027D)

HJ 136 (Sickles) (HPE)/ **SJ 1** (Surovell) (SPE) ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress. Support; the Board has historically supported. (16101109D, 16100133D)

SB 258 (Surovell) (STRAN) provides that the votes of the nine nonlegislative citizen members of the Commonwealth Transportation Board who represent the nine highway construction districts shall be weighted on the basis of the population of each member's district as a percentage of the total population of the Commonwealth. Support; the Board has historically supported. (16100159D)

Courts

HB 223 (Stolle) (HCT)/ **SB 50** (Howell) (SCT) increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security. Support; Board has historically supported. (16101144D, 16101096D)

HB 96 (Lingamfelter) (HCT) establishes the Problem-Solving Court Act (the Act). The bill allows the establishment of problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service, mental illness, or societal reentry. The bill establishes a state problem-solving court docket advisory committee and requires localities intending to establish such courts to establish local advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1). Support; Board has historically supported. (16101603D)

SB 26 (Reeves) (SCT) establishes, by the Problem-Solving Docket Act (the Act), problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service, mental illness, or societal reentry. The bill establishes a state problem-solving docket advisory committee and requires localities

intending to establish such dockets to establish local problem-solving docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1). Support; Board has historically supported. (16100297D)

SB 317 (Alexander) (SCT) establishes, by the Veterans Docket Act (the Act), problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service. The bill establishes a state veterans docket advisory committee and requires localities intending to establish such dockets to establish local veterans docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1). Support; Board has historically supported. (16101974D)

SB 380 (Vogel) (SCT) establishes, by the Behavioral Health Docket Act (the Act), behavioral health courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have mental illness and co-occurring substance abuse issues. The bill establishes a state behavioral health docket advisory committee and requires localities intending to establish such dockets to establish local behavioral health docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (§ 18.2-254.1). Support; Board has historically supported. (16103760D)

Elections

HB 1216 (Aird) (HPE)/ **SB 188** (Miller) (SPE) entitles persons who will be age 65 or older on the date of an election for which an absentee ballot is requested to vote absentee. Support; Board has historically supported. (16102488D, 16104805D-S1)

SB 106 (Dance) (Senate Floor) allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail. Support; Board has historically supported. (16101476D)

Human Services

HB 828 (Torian) (HHWI) provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families benefits shall not be denied such benefits solely because he has been convicted of a felony offense of possession of a controlled substance, provided that he is not using illegal drugs, complies with all obligations imposed by the criminal court and the Department of Social Services, and is actively engaged in or has completed substance abuse treatment. Support; Board has historically supported. (16103602D)

HB 992 (Lopez) (HHWI) provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families (TANF) shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance, provided that he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed a substance abuse treatment program, and participates in drug screenings. The bill provides that a person who fails or refuses to participate in periodic drug testing or who tests positive for the use of illegal substances shall be ineligible to receive TANF benefits for a period of 12 months; however, such person is given one opportunity during the 12-month period to comply with the testing requirement and be reinstated to eligibility for TANF benefits. Support; Board has historically supported. (16103802D)

OPPOSE

HB 61 (Morris) (HGL) provides that in addition to the civil enforcement provisions of the Virginia Freedom of Information Act (FOIA), any officer, employee, or member of a public body who, without legal excuse or justification, deliberately, willfully, and knowingly violates certain FOIA provisions is guilty of a Class 1 misdemeanor. Oppose; Board has historically opposed. (16100894D)

HB 1164 (Morris) (HCCT) requires any locality establishing a stormwater management utility to waive charges for real estate exclusively occupied or used by a church or religious body for religious worship or for the residence of its minister. Oppose; Board has historically opposed. Stormwater management is a shared responsibility for all members of the community. Waiving charges for some entities will require others to bear a disproportionate burden of the costs. (16103512D)

HB 1293 (Hugo) (HCCT) provides that qualifying grievances shall advance to either an impartial panel hearing or a hearing before an administrative hearing officer as agreed upon by both parties, as set forth in the locality's grievance procedure; however, if both parties cannot come to an agreement, an impartial panel shall be used. The bill contains technical amendments. Oppose; the Board has historically opposed. (16104131D)

SB 439 (Obenshain) (SPE) requires electronic pollbooks to contain a photograph and identifying information received by the Department of Elections from the Department of Motor Vehicles for each registered voter for whom the Department of Motor Vehicles has such a photograph and identifying information. The bill prohibits lists of voters furnished pursuant to current law from containing any voter's photograph or identifying physical information. The bill also provides that if the electronic pollbook contains the voter's photograph and identifying information, the officer of election is required to access that photograph and identifying information and the voter is not required to present one of the statutorily required forms of identification however, the bill requires the officer of election to challenge the voter's vote if the voter does not appear to be the same person depicted in the photograph or in the pollbook.

The bill has a delayed effective date of July 1, 2017. Oppose; Board has historically opposed. (16101744D)

Education Funding

HB 191 (Minchew) (HED) requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay or "local composite index" utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestal production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation. Oppose; Board has historically opposed. Rather than modifying individual components of the LCI formula, a comprehensive approach should be taken, including addressing factors relating to cost of living. (16102974D)

HJ 50 (Webert) (HRUL) requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable (a) real estate devoted to agricultural use, (b) real estate devoted to horticultural use, (c) real estate devoted to forest use, and (d) real estate devoted to open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the Composite Index of Local Ability to Pay for each locality after taking into consideration such use values. Oppose. Rather than modifying individual components of the LCI formula, a comprehensive approach should be taken, including addressing factors relating to cost of living. (16101687D)

Human Services

HB 86 (Morris) (HHWI) requires the Department of Social Services to develop a pilot program for screening and assessing participants in the Virginia Initiative for Employment not Welfare program for use of illegal substances. The bill requires the Department to provide an interim report on implementation of the pilot program to the Governor and the General Assembly no later than December 1, 2016, and a final report on the results of the pilot program no later than December 1, 2017. Oppose unless amended to provide that added costs for additional drug testing will be paid by the state; Board has historically opposed similar bills unless amended. (16100987D)

HB 836 (Cline) (HHWI) requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department of Social Services shall require drug testing. Any person who fails or refuses to participate in a screening

or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year. Oppose unless amended to provide that added costs for additional drug testing will be paid by the state; Board has historically opposed similar bills unless amended. (16102825D)

Public Safety/Criminal Justice

HB 774 (Gilbert) (HCT) provides that no person arrested for a felony or misdemeanor may be released into the custody of a pretrial services agency without a secured bond unless he is determined by a court to be indigent. Oppose; Board has historically opposed. (16102820D)

HB 853 (Cline) (HMP) repeals the authority for localities to operate a photo-monitoring system for traffic light enforcement, colloquially known as a "photo red" program. Oppose; Board has historically opposed. (16102829D)

HB 1043 (Rasoul) (HCT) raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged. Oppose; the Board has historically opposed. (16102108D)

Transportation

HB 723 (LeMunyon) (HTRANS) transfers the powers and duties of the Northern Virginia Transportation Commission to the Northern Virginia Transportation Authority. Oppose; the Board has historically opposed. (16101990D)

HB 949 (Keam) (HTRANS)/**SB 113** (Petersen) (SRUL) increases from 17 to 18 the membership of the NVTa and provides that the additional non-legislative citizen member represent towns that receive funds for urban highway systems. Oppose; the Board had historically opposed. (16103101D, 16100883D)

HB 1382 (Keam) (HFIN) requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise. Oppose; Board has historically opposed. (16103084D)

AMEND

HJ 123 (Hugo) (SPE) provides that the General Assembly may provide for a local option to exempt from taxation the real property that is the primary residence of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel killed in the line of duty. Such tax exemption may not be claimed by a surviving spouse who has remarried. Amend to provide state funding for this initiative. (16101303D)

MONITOR

HB 141 (Marshall, Robert G.) (HMP) codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act by limiting the ability of law-enforcement and regulatory agencies to use license plate readers to collect and maintain personal information on individuals where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individuals. The bill provides that information collected by a license plate reader without a warrant shall only be retained for seven days and shall only be used for the investigation of a crime or a report of a missing person. The bill also prohibits an agency from acquiring personal information collected from license plate readers from a third-party private vendor if the agency would not have been permitted to collect or retain the information on its own. Monitor; retention period in bill may be insufficient. (16100776D)

SB 236 (Petersen) (SGL) provides that, unless a criminal or administrative warrant has been issued, law-enforcement and regulatory agencies shall not use surveillance technology to collect or maintain personal information where such data is of unknown relevance and is not intended for prompt evaluation and potential use regarding suspected criminal activity or terrorism by any individual or organization. The bill authorizes law-enforcement agencies to collect information from license plate readers, provided that such information is held for no more than seven days and is not subject to any outside inquiries or internal usage, except in the investigation of a crime or a missing persons report. After seven days, such collected information must be purged from the system unless it is being utilized in an ongoing investigation. The bill also adds to the definition of "personal information," for the purposes of government data collection and dissemination practices, vehicle license plate numbers and information that affords a basis for inferring an individual's presence at any place. Monitor; retention period in bill may be insufficient. (16102870D)

New Bills-2016 General Assembly

HB 308 (Morris) (HGL) requires that any person elected, reelected, appointed or reappointed to any public body not excepted from FOIA must use only official government-provided email accounts to conduct public business. The bill also provides that public officers, appointees, and employees shall use only official government-provided email accounts to conduct public business. However, if a public officer, appointee, or employee inadvertently uses a nongovernment email account to conduct public business, then the email and email address shall be forwarded to the appropriate official for retention as designated by the public body. The bill contains a technical amendment. Monitor. (16101186D)

HB 800 (Morris) (HGL) provides that a public body shall (i) make an audio recording of the entirety of every meeting that is closed to the public; (ii) use a means of recording that fully captures and can clearly reproduce all statements made during a closed meeting; and (iii) preserve the recording for a period of no less than two years. The bill provides that a recording made shall not be subject to the disclosure provisions of FOIA, but its production may be

compelled, and the recording used as evidence, in a proceeding to enforce the provisions of FOIA. Monitor. (16101188D)

HB 1260 (Hodges) (HCCT) increases from 14 days to 45 days the time in which a local governing body shall call a special session, if a regularly scheduled session is not held, in order to confirm the declaration of a local emergency. Support. (16103664D)

HB 1337 (James) (HCCT) provides that a task force appointed by the Governor to review state mandates imposed on localities and to recommend temporary suspension or permanent repeal of such mandates, in making its recommendations, shall consider the measure for Fiscal Stress published by the Commission on Local Government of the Department of Housing and Community Development and the impact of such fiscal stress upon the ability of certain localities to meet state mandates. In addition to its other responsibilities, the task force shall consider and recommend possible state incentives to encourage those localities that are designated by the Commission on Local Government as having above average fiscal stress to take actions or adopt procedures that may help alleviate such fiscal stress. Support. (16103020D)

Courts

HB 1125 (Loupassi) (HAPP) adds a fourth judge to the maximum number allowed in the 25th Judicial District, general district court (Alleghany, Augusta, Bath, Botetourt, Buena Vista, Covington, Craig, Highland, Lexington, Rockbridge, Staunton, and Waynesboro) and adds one juvenile and domestic relations district court judge to the 19th Judicial District (Fairfax, Fairfax County). This is a recommendation of the Committee on District Courts. Support. (16102150D)

SB 57 (Howell) (SFIN) increases from seven to eight the number of juvenile and domestic relations district court judges in the 19th Judicial District (Fairfax, Fairfax County) and increases from three to four the number of general district court judges in the 25th Judicial District (Covington, Lexington, Staunton, Buena Vista, Waynesboro, Highland, Augusta, Rockbridge, Bath, Alleghany, Botetourt, and Craig). This bill is a recommendation of the Committee on District Courts. Support. (16104448D-S1)

Elections

HB 9 (Cole) (HPE) specifies in greater detail the information that applicants for voter registration are required to provide on the voter registration application form. The bill also requires the general registrars to deny the application of any applicant who fails to provide his full name or indicate that he does not have a middle name; fails to provide his gender, date of birth, or social security number or indicate that he does not have a social security number; fails to provide his citizenship status or provides that he is not a U.S. citizen; fails to provide his residence address or indicate rural residence location or homelessness; fails to provide information regarding the circumstances of restoration of his voting rights after felony convictions, if any, or adjudications of mental incapacity, if any; fails to provide previous voter

registration information or indicate lack thereof; or fails to indicate that he will be, or indicates that he will not be, at least 18 years of age on or before the date of the next general election. Oppose; could create additional burden for voters. (16100569D)

HB 370 (Poindexter) (HPE) provides that no candidate shall be deemed to have been elected at a general election to any statewide office or to the United States Senate unless such candidate receives more than 50 percent of the total votes cast for that office. The bill requires that when no candidate for an office receives more than 50 percent of the total votes cast at the general election for that office, a run-off election between the candidates receiving the highest and next-highest number of votes for that office shall be held. However, no run-off election shall be held if the total number of write-in votes cast for an office and the total number of votes cast for the candidate receiving the highest number of votes for an office together equal more than 50 percent of the total votes cast for that office. The bill requires run-off elections to be held on the fourth Tuesday following the date of the certification of the results of the general election or, if a recount is conducted after the general election, on the fourth Tuesday following the date of the certification of the results of the recount, unless the fourth Tuesday falls on a legal holiday, in which case the run-off election will be held on the sixth Tuesday. The bill provides that in all other elections, including a general election of electors for the President and Vice-President of the United States, the person having the highest number of votes for an office shall be deemed to have been elected to such office and shall receive the certificate of election. Under current law, except in the case of a recount, the person having the highest number of votes cast at any election is deemed to have been elected to that office. Oppose. (16102393D)

HB 1004 (Levine) (HPE) provides that a voter who does not have one of the forms of identification required by law shall be permitted to vote provisionally, in which case he shall have his photograph taken by an officer of election. That photograph shall be transmitted to the electoral board, and no further action by the voter is required. If the electoral board determines that the voter was a qualified voter in the precinct in which he cast the provisional vote and confirms that a photograph of him taken by an officer of election has been received, the voter's provisional vote is required to be counted. Support concept of enabling provisional voters to meet voter ID requirements on Election Day rather than supplying a form of identification to the electoral board after Election Day. Support the state Department of Elections working with localities to develop a procedure to allow voter ID requirements to be met by provisional voters. Amend to retain current procedure for provisional voting to provide identification as an option for voters until an alternative is fully developed. (16103105D)

Absentee Voting

HB 237 (Lingamfelter) (HPE) provides that a person qualified to vote by absentee ballot because of his status as a member of a uniformed service on active duty may choose to receive and return his absentee ballot by electronic means. The bill requires the State Board of Elections to develop standards for the secure transmission and return, storage, and processing of these ballots, including methods for authentication and the encryption of ballots. The bill has a delayed effective date of January 1, 2017. Support concept; implementation issues need to be resolved. (16100759D)

SB 490 (DeSteph) (SPE) provides that any active duty member of a uniformed service who has been called to duty for deployment to a combat zone shall be permitted to use his digital signature associated with his Common Access Card issued by the U.S. Department of Defense to sign his application for a military-overseas ballot, the statement of voter accompanying his cast military-overseas ballot, and any other related documents. The bill also requires the system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information to be capable of accepting the submission of voted military-overseas ballots cast by active duty member of a uniformed service who has been called to duty for deployment to a combat zone. Support concept; implementation issues need to be resolved. (16103934D)

HB 1121 (Anderson) (HPE) requires the officers of elections to compare the signature on an absentee ballot envelope with the signature on that voter's voter registration application. Three officers, including one representative of each political party, are required to agree that the signatures match in order for the absentee ballot to be accepted. If less than three agree, the ballot is given provisional status and the electoral board makes the final determination of its validity. Notice by certified mail is required to be given to the voter. The bill also requires absentee ballot applications to be signed by the applicant's own handwriting or by electronic means, if such electronic signature is created by using a cursor, stylus, or similar device moved by the applicant to capture his signature. Any application signed by any other means shall be rejected. Oppose. (16103099D)

SB 603 (Howell) (Senate Floor) allows for any registered voter to vote by absentee ballot in person in any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning the twenty-first day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail, including the application requirement and the list of statutory reasons. Support. (16103418D)

Environment

HB 734 (Hope) (SACNR) establishes an advisory committee to evaluate the risks of a plant or part thereof that is being considered for designation as a noxious weed. The bill requires the advisory committee to assess the plant's (i) impact on water bodies, other plants, livestock, land, public health, the environment, and the economy and (ii) current and potential in-state commercial viability. The bill exempts from the definition of noxious weed any plant whose in-state production is commercially viable. Support. (16102674D)

HB 977 (Lopez) (HAG)/ **SB 581** (McEachin) (SACNR) requires any person who unlawfully discharges any deleterious substance into state waters to notify the State Water Control Board (the Board), the Department of Environmental Quality (the Department), or the coordinator of emergency services of the affected locality within 12 hours. Current law allows such a person 24 hours to give notice. The bill also requires that written notice follow to the Board, in

addition to the Department, and specifies that the required report of potentially detrimental discharges by the Board or the Department to local newspapers, television stations, and radio stations be provided to such media outlets as soon as practicable after receiving it. Amend to remove reduced notification time due to potential impossibility. (16102493D, 16102719D)

SB 56 (Locke) (Passed Senate) provides that in local grass cutting ordinances as applied to vacant developed property, foreign growth includes overgrown shrubs and trees. Support. (16101344D-E)

Water and Sewer Service

SB 542 (Obenshain) (SLG) allows a sewer authority that provides only sewer service to place a lien on the property receiving the service in the amount of any number of months of delinquent charges. Current law allows the placement of liens in the amount of up to three months of delinquent water and sewer charges. Monitor. (16102424D)

SB 547 (Edwards) (SLG) provides that certain liens for the unpaid fees and charges of a lessee or tenant shall be placed only if the owner of the property has agreed in writing at the time service is initiated to be responsible for such unpaid fees and charges. Monitor. (16103511D)

Stormwater

HB 787 (Adams) (HAG) allows persons applying for a stormwater permit to acquire nutrient credits for construction activities from credit providers located outside the tributary where the construction activity is occurring. Currently, the acquisition of such credits is generally limited to the same or adjacent eight-digit hydrologic code as defined by the U.S. Geological Survey. Oppose. (16100968D)

HB 1085 (Bulova) (HAG) establishes the Stormwater Local Assistance Fund to provide matching grants to local governments for the planning, design, and implementation of stormwater best management practices that address cost efficiency and commitments related to reducing water quality pollutant loads. Support. (16102371D)

SB 292 (Hanger) (SACNR) authorizes Municipal Separate Storm Sewer Systems (MS4) permittees to acquire and use sediment reduction credits as part of a compliance strategy for implementing the Chesapeake Bay TMDL. Currently, MS4s have similar authority for nitrogen and phosphorous; the bill adds a third pollutant, sediment. Support. (16101611D)

SB 468 (Wagner) (SLG) provides that a locality establishing a stormwater utility or service charge system shall waive charges to any real property that retains its stormwater on site and thereby permanently produces no stormwater flow or pollutant loading. Oppose. (16101308D)

SB 469 (Wagner) (SLG) requires any locality that operates a local stormwater management program to pay the private operator of a nutrient-reducing best management practice (BMP) if it requires such operator to accept stormwater runoff from an upstream property. The BMP

operator is to be paid 50 percent of the stormwater utility charge assessed to the upstream owner. Oppose. (16101309D)

SB 484 (DeSteph) (SACNR) prohibits the enforcement of any design criterion concerning water quality or quantity contained in Part II B of the stormwater management regulations until the State Water Control Board amends the design criteria to bring them up to date, correct the errors they contain, and coordinate them with the rest of the stormwater management regulations. Until the regulations are reissued, the design criteria contained in Part II C shall apply instead. Oppose. (16102418D)

Health

HB 313 (Orrock) (SEH) adds physician assistants, nurse practitioners, and licensed practical nurses to the types of health professionals who may administer vaccinations to children and may provide to the person who presents the child for immunizations a certificate stating that such immunizations have been administered. Under current law, physicians and registered nurses are authorized to administer vaccinations and provide such certificates. Support. (16101493D-E)

HB 354 (Greason) (HHWI) directs the Department of Health to conduct a two-year point of disease Lyme disease prevention pilot program. Support. (16104466D-H1)

HB 495 (Simon) (HED) places a three-year moratorium on the installation of synthetic turf that contains recycled crumb rubber from waste tires within the boundaries of a public or private elementary or secondary school, public or private preschool, or recreational park by any (i) public or private elementary or secondary school, (ii) public or private preschool, or (iii) local governing body. The bill also requires the Virginia Department of Health, in coordination with the Virginia Department of Conservation and Recreation and the Virginia Department of Education, to analyze the potential adverse health effects of synthetic turf that contains recycled crumb rubber from waste tires and report its findings to the General Assembly no later than July 1, 2017. Amend to remove moratorium on installation of synthetic turf fields while a comprehensive study is being conducted. (16100846D)

HB 629 (Hodges) (Passed House) provides that pharmacies may participate in voluntary drug disposal programs, provided that such programs are operated in accordance with state and federal law, and requires the Board of Pharmacy to maintain a list of such pharmacies on a website maintained by the Board. The bill also provides that a pharmacy that participates in a drug disposal program shall not be liable for any theft, robbery, or other criminal act related to its participation in the pharmacy drug disposal program or the collection, storage, or destruction of prescription drugs collected through such pharmacy drug disposal program, provided that the pharmacy practice site is acting in good faith and in accordance with applicable state and federal law and regulations. Support. (16102708D-E)

Human Services

HB 369 (Bell, Richard P.) (House Floor) adds to the membership of the State Executive Council for Children's Services (the Council)(i) the chairman of the state and local advisory team and (ii) a representative who has previously received services through the Children's Services Act, to be appointed by the Governor with recommendations from certain entities. The bill also adds to the membership of the state and local advisory team a representative who has previously received services through the Children's Services Act, to be appointed by the Council with recommendations from certain entities. Support. (16101738D)

HB 464 (Hope) (HAPP) provides that the proceeds from the sale of vacant buildings and land resulting from the closure or downsizing of any state training center that are deposited in the Behavioral Health and Developmental Services Trust Fund shall be used only for the purpose of providing community-based services to individuals with intellectual and developmental disabilities. Support. (16103534D)

HB 676 (Peace) (House Floor) directs the Commissioner of the Department for Aging and Rehabilitative Services to convene a work group composed of the Director of the Department for Planning and Budget or his designee, representatives of the Department of Social Services' Adult Protective Services unit and local department of social services' adult protective services units, law-enforcement agencies, and financial institutions in the Commonwealth to review founded cases of financial exploitation of adults and (i) determine the cost of financial exploitation of adults in the Commonwealth and (ii) develop recommendations for improving the ability of financial institutions to identify financial exploitation of adults, the process by which financial institutions report suspected financial exploitation of adults, and interactions between financial institutions and local adult protective services units investigating reports of suspected financial exploitation of adults. The work group shall also develop recommendations for a plan to educate adults regarding financial exploitation, including common methods of exploitation and warning signs that exploitation may be occurring, and shall report to the Governor and the General Assembly regarding its activities and recommendations by December 1, 2016. Support. (16104738D-H1)

HB 764 (Yost) (HHWI)/ **SB 535** (Deeds) (SFIN) establishes the Virginia Behavioral Health Practitioner Student Loan Repayment Fund and Program to provide student loan repayment grants to eligible behavioral health practitioners who agree to a 12-month employment obligation with a community services board, behavioral health authority, or Department of Behavioral Health and Developmental Services facility or with an entity that has entered into a contract with a community services board, behavioral health authority or Department of Behavioral Health and Developmental Services facility to provide behavioral health services. Grants may be up to \$10,000 per recipient per year, and the Department of Behavioral Health and Developmental Services may award up to 250 grants per year. Support. (16102766D, 16100825D)

Child Care

HB 474 (Filler-Corn) (HHWI) directs the Secretary of Health and Human Resources to convene a task force composed of child-care providers and other stakeholders to review requirements for certain categories of child-care providers, including those exempt from licensure pursuant to § 63.2-1715, and to develop recommendations to promote the health, safety, and development of children in child-care settings. The task force shall submit a report on its activities, findings, and conclusions to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by November 1, 2016. Support. (16103491D)

HB 500 (Filler-Corn) (HHWI)/ **SB 601** (Wexton) (SFIN) requires all applicants for licensure as a family day system, registration as a family day home, and approval as a family day home by a family day system, all child day centers that are exempt from licensure by the Department of Social Services, and all child day centers and family day homes that enter into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant, as well as all applicants for employment, employees, applicants to volunteer, and volunteers at such child day centers, family day homes, and family day systems, to undergo fingerprint-based national criminal history background checks beginning July 1, 2017. The bill also requires individuals currently employed by or serving as volunteers at a licensed child day center, family day home, or family day system, child day center exempt from licensure pursuant to § 63.2-1716, registered family day home, family day home approved by a family day system, or child day center or family day home that enters into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant to undergo a national background check to be completed by July 1, 2017. In addition, every (i) person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system; (ii) agent of a person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system or who will be involved in the day-to-day operations of the child day center, family day home, or family day system or who is or will be alone with, in control of, or supervising one or more children in a child day center, family day home, or family day system; and (iii) adult living in a licensed child day center or family day home, registered family day home, or family day home approved by a family day system, shall undergo a national background check to be completed by July 1, 2017. Support. (16103492D, 16103633D)

Foster Care

HB 203 (Lingamfelter) (HHWI) creates the Extended Foster Care Services and Support Program to provide foster care services and support, including foster care maintenance payments, to qualifying individuals age 18 to 21 who were formerly in the custody of a local board of social services. Support. (16104060D-H1)

SB 436 (Favola) (SFIN) establishes the Fostering Futures program to provide services and support to individuals between the ages of 18 and 21 who were formerly in foster care as a minor and are transitioning to full adulthood and self-sufficiency. Support. (16101846D)

Land Use

HB 367 (Davis) (HCCT) provides that a locality may by ordinance provide that an otherwise unlawful use of a subject property shall be a lawful nonconforming use if (i) the land use on a subject property has operated continuously for at least 15 years, (ii) there have been no building code or other local code violations or complaints arising out of the land use from neighboring property owners or other impacted parties, and (iii) all local taxes related to the property and business have been paid in a timely manner. Monitor. (16102442D)

HB 647 (Sullivan) (HCCT)/ **SB 361** (Favola) (Passed Senate) provides that the ordinance may allow a locality to post signs on private property that is proposed to be redeveloped with a single family home that notifies the public that an infill lot grading plan is pending for review before the governing body. Support with amendment to clarify that an infill lot grading plan can be approved by a county agency. (16103958D, 16104480D-S1)

HB 650 (Marshall, Robert G.) (HCCT) requires a locality to include in its subdivision ordinance a provision requiring a developer of property to give written notice to incorporated property owners' associations within a planned unit development at such time as prescribed in the ordinance under certain circumstances. Monitor. (16103677D)

HB 883 (Habeeb) (HCCT) provides that a proposed telecommunications tower shall be deemed to be substantially in accord with the comprehensive plan and planning commission approval shall not be required if the proposed telecommunications tower is located in a zoning district that allows such telecommunications towers by right. Oppose. (16102883D)

SB 414 (Barker) (SLG) authorizes the establishment of a land bank entity by any locality or two or more localities combined to assist in addressing vacant, abandoned, and tax-delinquent real properties. Under the bill, after a referendum has been held on the question of creating a land bank entity, the locality has the option of (i) creating an authority or a nonprofit, nonstock corporation or (ii) designating an existing nonprofit entity that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and eligible to receive donations from a locality pursuant to § 15.2-953 to carry out the functions of such land entity. The bill provides that land bank entities may acquire real property within participating localities or receive transfers and conveyances from the participating localities. Land bank entities are authorized to receive funding through grants and loans from participating localities, the Commonwealth, the federal government, and other public and private sources. In addition, the bill authorizes a locality to deem paid in full all accumulated taxes, penalties, interest, and other costs on any tax-delinquent property in exchange for conveyance of the property by the owner to a land bank entity. The bill also authorizes a participating locality to remit to the land bank entity up to 50 percent of the real property taxes collected on real property conveyed by a land bank entity for

up to 10 years after the conveyance. This bill is a recommendation of the Virginia Housing Commission. Monitor. (16103380D)

SB 426 (Vogel) (SLG) establishes the Virginia Community Impact Authority with the authority to (i) provide grants, investments, and loans to support job training programs, health care delivery systems, and affordable housing programs and initiatives; (ii) provide start-up capital and loans to assist private enterprises; (iii) provide grants to local community impact funds; (iv) support clean and energy-efficient programs and initiatives; and (v) support other initiatives that are determined by the Authority to have a meaningful community impact. The grants, investments, and loans are to be made from the Virginia Community Impact Fund, established by the bill, which is to be funded by allocation of one percent of the total consideration paid by state public bodies in state procurement contracts valued at more than \$300,000. Monitor. (16100552D)

Condemnation

SB 478 (Obenshain) (SCT) provides that costs and fees may be awarded in condemnation actions where the amount the owner is awarded at trial as compensation for the taking of or damage to his property is 20 percent or more greater than the amount of the condemnor's initial written offer. Under current law, such costs and fees may be awarded if the amount awarded as compensation at trial is 30 percent or more greater than the petitioner's final offer. The bill removes an exception for meeting the requirements for payment of costs and fees for condemnation actions involving easements valued at less than \$10,000.

The bill also replaces the word "petitioner" with "condemnor" in the provision of the Code allowing the court to award costs and fees and allows the court to order the condemnor to pay to the owner reasonable fees and travel costs incurred by the owner for up to three experts, or as many as called by the condemnor, whichever is greater, who testified at trial. Oppose. (16102425D)

SB 543 (Obenshain) (SCT) directs the court to reimburse a plaintiff for the costs of an inverse condemnation proceeding for "damaging" property if a judgment is entered for the plaintiff. Under current law, the court is directed to award costs only for the "taking" of property. The change made in this bill corresponds with the language of amendments to Article 1, Section 11 of the Constitution of Virginia, which became effective on January 1, 2013 Monitor. (16102426D)

Land Records

HB 636 (Marshall, Daniel W.) (HCT) provides that the governing body of a county or city may by ordinance require the clerk of the circuit court not to accept any deed transferring real property for recordation unless the locality has certified that no delinquent county or city taxes, fines, or similar charges or taxes are a lien on the property described in the deed. The ordinance shall provide that the clerk of the circuit court shall accept without certification certain deeds submitted for recordation under the supervision of a closing attorney. Monitor. (16102854D)

HB 1140 (Ransone) (HCCT) prohibits a circuit court clerk from recording a subdivision plat unless the plat is approved by the local planning commission and meets other requirements. Support. (16100838D)

SB 87 (Garrett) (SCT) requires circuit court clerks to preserve in paper form all land records that are in their possession in paper form on July 1, 2016, and all land records filed in paper form on or after July 1, 2016, and to convert to and preserve in paper form all land records filed electronically on or after July 1, 2016. Monitor. (16100681D)

Proffers

HB 770 (Gilbert) (HCCT)/ **SB 549** (Obenshain) (SLG) provides that no locality shall (i) request or accept any unreasonable proffer in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application, including an application for amendment to an existing proffer, for a new residential development or new residential use where such denial is based on an applicant's failure or refusal to submit, or remain subject to, an unreasonable proffer. A proffer shall be deemed unreasonable unless it addresses an impact that is specifically and uniquely attributable to a proposed new residential development or other new residential use applied for. An off-site proffer shall be deemed unreasonable pursuant to the above unless it addresses an impact to an off-site public facility, such that, (a) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment, and (b) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. In any action in which a locality has denied a rezoning or an amendment to an existing proffer and the aggrieved applicant proves by a preponderance of the evidence that it refused or failed to submit, or remain subject to, an unreasonable proffer that it has proven was suggested, requested, or required, formally or informally, by the locality, the court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial. The bill also provides that certain conditional rezoning proffers related to building materials, finishes, methods of construction, or design features on a new residential development are prohibited. Oppose. (16103862D, 16103808D)

Short-Term Residential Rentals

HB 812 (Peace) (HGL)/ **SB 416** (Vogel) (SFIN) establishes the Limited Residential Lodging Act (the Act), which allows property owners to rent out their homes or portions thereof for charge for periods of less than 30 consecutive days or do so through a hosting platform, under certain circumstances. The hosting platform may register with the Department of Taxation, in which case the hosting platform is responsible for the collection and remittance of all applicable taxes on behalf of the property owner. The bill defines "limited residential lodging,"

"booking transaction," and "hosting platform" and provides for penalties for violations of the Act. Oppose. (16103926D, 16101163D)

HB 1268 (Taylor) (HGL)/ **SB 751** (DeSteph) (SLG) establishes the Limited Residential Lodging and Short-term Rental Lodging Act (the Act), which allows (i) property owners to rent out their homes or portions thereof for a charge for periods of less than 30 consecutive days or (ii) short-term rentals of residential or commercial units; both of which may be transacted through a hosting platform, under certain circumstances. The bill requires an operator of either limited residential lodging or short-term rental lodging to register with the Department of Taxation. The hosting platform may register with the Department of Taxation, in which case the hosting platform is responsible for the collection and remittance of all applicable taxes on behalf of the property owner. The bill provides for the amount of license tax on such operators. The bill provides that any local ordinance requiring the use of the special exception, special use, or conditional use permit for short-term rental lodging contain specific provisions relating to noise, trash or recycling collection, and the posting of emergency information. The bill defines "limited residential lodging," "booking transaction," "hosting platform," "short-term lodger," short-term lodging operator," and "short-term rental lodging," and provides for penalties for violations of the Act. Oppose. (16104250D, 16104260D)

Payday Loans/Car Titles

HB 45 (Krizek) (HLC) prohibits the State Corporation Commission (SCC) from issuing a license for the operation of a payday lending office or motor vehicle title lending office if such office is within 20 miles of a casino facility located in any state. Casino facilities include Indian gaming operations conducted pursuant to the federal Indian Gaming Regulatory Act. The measure includes limitations on the SCC's authority to revoke or suspend an existing license when a violation of the 20-mile provision exists on July 1, 2016, or when a violation would be created by the opening of a casino facility after a license was issued. Support. (16101091D)

HB 391 (Krizek) (HLC) prohibits the State Corporation Commission from issuing a license for the operation of a motor vehicle title loan office if such office is within 10 miles of a military base. Support. (16100125D)

HB 634 (Bell, John J.) (HLC) prohibits the State Corporation Commission (SCC) from issuing a license for the operation of a payday lending office or motor vehicle title lending office if such office is within five miles of a military installation. The measure includes limitations on the SCC's authority to revoke or suspend an existing license when a violation of the five-mile provision exists on July 1, 2016, or when a violation would be created by the opening of a military installation after a license was issued. Support. (16102668D)

HJ 149 (Sickles) (HLC) requests the Bureau of Financial Institutions of the State Corporation Commission to study the reasonableness of interest rates on motor vehicle title loans, including the profitability of such loans and how such rates and profit levels compare with those for alternative types of loans. The Bureau is directed to report its findings to the Governor and the

General Assembly by the 2017 Regular Session of the General Assembly. Support. (16101587D)

Public Safety/ Criminal Justice

HB 118 (Albo) (HAG) amends the urban county executive form of government (which applies to Fairfax County) by providing that the division of police may include an animal protection police officer who shall have all of the powers of an animal control officer conferred by general law. In addition, the animal protection police officer and his deputies shall have all of the powers vested in law-enforcement officers, provided that they have met the minimum qualifications and have been certified. Support with amendment to address technical issue with legislation. (16101373D)

HB 301 (Herring) (HMP) requires the State Police to include justifiable homicides involving a law-enforcement officer in the annual Crime in Virginia report. The bill requires any law-enforcement or public safety officer required to report such homicides to receive training concerning such reporting requirement. Monitor. (16102619D)

HB 412 (Kilgore) (HCT) provides that no locality may regulate the use of privately owned, unmanned, autonomous aircraft within its boundaries. The provisions of the bill expire on July 1, 2019. Monitor. (16101685D)

HB 776 (Gilbert) (HCT) provides that a person may be released into the custody of a pretrial services agency only if he has been arrested (i) for a felony or certain misdemeanors involving acts or threats of violence, sexual offenses, or driving under the influence or (ii) if he has been determined to be indigent and incapable of executing a secure bond, for any other misdemeanor. Oppose. (16102826D)

HB 960 (Carr) (HAPP) provides that fines imposed under certain local ordinances dealing with DUI, disposition of children in juvenile and domestic relations district courts, and appropriate provisions of Title 46.2 (Motor Vehicles) of the Code of Virginia, when those ordinances incorporate Code of Virginia provisions, are to be paid in the following proportions: 50 percent to the school division of the locality in which the fines were imposed and 50 percent into the state treasury to the credit of the Literary Fund. Oppose; potential loss of revenue. (16101595D)

Body-Worn Cameras

HB 998 (Levine) (HCT)/ **HB 1327** (Davis) (HCT) requires localities to adopt and establish a written policy for the operation of a body-worn camera system that conforms to the model policy established by the Department of Criminal Justice Services (the Department) prior to purchasing or deploying a body-worn camera system. The bill requires such policy to provide that (i) recorded individuals have a right to view and make copies of any audiovisual recording in which they are depicted; (ii) recordings be destroyed within 60 days unless certain exceptions apply; and (iii) the locality deploying the system review the recordings on a

periodic basis to determine whether persons wearing the body-worn cameras are acting inappropriately or exhibiting bias. The bill provides that the Commonwealth shall reimburse each locality up to one-half of the costs of any body-worn camera system, provided that the locality has adopted and established a written policy that has been approved by the Department. The bill requires the Department to establish a model policy for the operation of body-worn camera systems and establish procedures for the reimbursement of counties and cities that purchase a body-worn camera system. Monitor. (16102838D, 16104389D)

HB 1143 (Lindsey) (HCT) provides that no state or local government agency may purchase or deploy body-worn cameras before the agency has adopted and made available for review and comment a policy for the deployment of such cameras. The policy must require that officers wearing such cameras be required to inform persons being recorded; that individuals may request that the camera be turned off when an officer enters their home; and that body-worn cameras shall not be used to conduct surveillance of members of the public participating in political or related gatherings. The policy must include a list of exceptions for when a body-worn camera may or shall be turned off once activated and must specify where video captured by body-worn cameras is stored, how long it is stored, and who has access to it. The policy must provide that all videos with appropriate redactions should be available to the public for review unless they are related to an open and active criminal investigation, and that individuals filmed by body-worn cameras have a right to review videos in which they appear. The policy must state that any videos captured by body-worn cameras will be destroyed within thirty days unless the video is evidence in an open and active criminal investigation or concerns any incident involving use of force or other conduct by an officer in violation of policy. The policy must expressly prohibit officers involved in a use of force or other serious incident from reviewing the body-camera video prior to writing a report of the incident. The Department of Criminal Justice Services is to develop model protocols for the deployment of body-worn cameras that meet these standards, in consultation with the Office of the Attorney General and representatives of affected agencies and departments, citizens' groups, and civil rights and civil liberties organizations. Monitor. (16104109D)

Taxation

HB 214 (LeMunyon) (HRUL) creates a joint subcommittee to perform a one-year study on reforming state and local taxes. The joint subcommittee will assume the tasks of the Joint Subcommittee to Evaluate Tax Preferences, which the bill dissolves. Amend to provide representation from local government on the study panel. (16103343D)

HB 544 (Watts) (HFIN) provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room. Support. (16102062D)

HB 546 (Watts) (HFIN) grants counties with a population density greater than 2,000 persons per square mile certain powers related to taxation, borrowing and payments for highway maintenance. Such powers currently are generally granted to cities and towns. Support concept of equalizing taxing authority between counties and cities, although the County has historically opposed any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties. (16102064D)

HB 1144 (Cole) (HFIN) permits localities to not pay interest on tax refunds caused by erroneous assessments that are due to the failure of taxpayers to file timely tax returns. Support. (16100738D)

SB 597 (Cosgrove) (SFIN) provides that an appeal to the circuit court for correction of an erroneous local tax assessment filed on or after July 1, 2016, may be conducted as a jury trial, at the discretion of the taxpayer, and prescribes the process for selecting jurors for such a proceeding. Additionally, the bill requires that prior to the release of confidential tax information in the course of such appeal, the court order the parties not to disclose such information to anyone not entitled to receive it and inform the parties that a violation of such an order is punishable as a Class 1 misdemeanor. Finally, the bill requires such a proceeding to follow the Uniform Pretrial Schedule Order provided in the Rules of Supreme Court unless the parties agree otherwise. Oppose. (16101076D)

Business Professional and Occupational Licenses (BPOL)

HB 545 (Watts) (HFIN) provides that a staffing firm may deduct from otherwise taxable gross receipts salaries, wages, and other benefits it pays to independent contractors hired to provide professional employer organization services or temporary help services on behalf of or for the benefit of the staffing firm's clients. Under current law, a staffing firm may deduct from otherwise taxable gross receipts salaries, wages, and other benefits it pays to its employees providing such services for clients of the staffing firm. The provisions of the bill are effective for license years beginning on or after January 1, 2017. Oppose. (16102363D)

Fuel Taxes

HB 1008 (Levine) (HFIN) places a floor on the 2.1 percent tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by ensuring that the average sales price be no less than the statewide average sales price on February 20, 2013, which is the date used as a floor on the statewide motor vehicle fuels sales tax. Support. (16101983D)

SB 477 (Wagner) (SFIN) places a floor on the 2.1 percent tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by ensuring that the tax is not imposed on a sales price less than the statewide average sales price on February 20, 2013, which is the date used as a floor on the statewide motor vehicle fuels sales tax. Support. (16103951D)

Transportation

HB 109 (Lingamfelter) (HTRAN) allows counties that have not withdrawn from the state secondary highway system to submit requests for maintenance and improvement of components of the state secondary highway system to the Department of Transportation (VDOT) and requires VDOT to take such requests into consideration when establishing priority in expending funds allocated for maintenance or improvement of the state secondary highway system. The bill requires the Department of Transportation and the Virginia Information and Technology Agency to develop a website on which (i) such counties may electronically submit such requests and (ii) the Commonwealth's secondary state highway maintenance and improvement plan is available to the public. Support. (16100755D)

HB 720 (LeMunyon) (HTRAN) requires the Department of Transportation (VDOT) or the Department of Rail and Public Transportation to hold a public hearing regarding any transportation project valued in excess of \$10 million in Planning District 8 at the conclusion of the project's preliminary design phase but before the detailed design phase begins and requires VDOT to evaluate such projects and make public the results of such evaluations not less than 14 days prior to such hearing. Oppose. (16103849D)

HB 732 (LeMunyon) (HTRAN) provides that in Planning District 8 (Northern Virginia) the Department of Transportation's review of a proposed rezoning shall consider the transportation impact of the proposed rezoning on all interstate, primary, and secondary roads within a five-mile radius of the proposed rezoning. Oppose. (16102707D)

SB 365 (Chafin) (STRAN) provides that projects on U.S. Route 460 and U.S. Route 121 are not subject to the prioritization process that the Commonwealth Transportation Board applies to projects eligible for state funding. Oppose. (16102524D)

Northern Virginia Transportation Authority

HB 190 (Bulova) (House Floor)/**SB 413** (Barker) (Passed Senate) provides that the population criterion required for decisions of the Northern Virginia Transportation Authority shall be the estimates, not the projections, made by the Weldon Cooper Center for Public Service of the University of Virginia. Oppose if amended to broaden intent. (16102274D, 16102469D)

HB 726 (LeMunyon) (HTRANS) establishes the Northern Virginia Excess Toll Revenue Fund into which all moneys collected by a toll facility in Planning District 8 that exceed amounts necessary for the design, development, operation, maintenance, or financing of the highway where the toll is collected will be deposited. Moneys in the Northern Virginia Excess Toll Revenue Fund will be distributed to the Northern Virginia Transportation Authority and used for alleviating highway congestion. Oppose. (16100314D)

HB 727 (LeMunyon) (Passed House) requires the Northern Virginia Transportation Authority to make certain information concerning projects in its regional transportation plan publicly available at least 30 days prior to any decision for the expenditure of funds to create or improve

a transportation facility. Support as amended in House Transportation Subcommittee #3. (16102294D)

HB 901 (Marshall, Robert G.) (HTRANS) requires that 50% of the funds the Northern Virginia Transportation Authority has remaining after distribution to localities be used for bus rapid transit on Interstate 66 or expansion of Virginia Railway Express that benefit the Interstate 66 corridor from Haymarket to Interstate 495, or Interstate 66 construction outside the Capital Beltway until July 1, 2031. Oppose. (16100729D)

HB 1346 (Villanueva) (HTRAN)/ **SB 471** (Wagner) (SRUL) increases from 17 to 19 the membership of the Commonwealth Transportation Board by the addition of two nonlegislative citizen members: one from the Hampton Roads Transportation Accountability Commission and one from the Northern Virginia Transportation Authority. The terms of the new nonlegislative citizen members begin July 1, 2016. Support. (16103803D, 16101332D)

I-66 Outside the Beltway

HB 380 (Marshall, Robert G.) (HTRAN) prohibits the imposition or collection of any toll on Interstate 66 from Haymarket to Interstate 495. Oppose. (16101826D)

HB 712 (Marshall, Robert G.) (HTRAN) prohibits the imposition or collection of any toll on Interstate 66 from Haymarket to Interstate 495 and requires the same portion of Interstate 66 to include not less than four lanes in each direction. Oppose. (16100730D)

HB 713 (Marshall, Robert G.) (HPE) provides for an advisory referendum in each county and city in Planning District 8 on the questions of whether tolls should be imposed and collected on Interstate 66 inside the Capital Beltway and whether tolls should be imposed and collected on Interstate 66 outside the Capital Beltway. The results of the referendum would be advisory only and are intended to demonstrate the preference of the qualified voters in those counties and cities that would be affected by tolling on Interstate 66. Oppose. (16103503D)

HB 841 (Webert) (HTRAN) prohibits tolls on any component of Interstate 66 outside the Capital Beltway existing prior to July 1, 2016. The bill provides that if additional lanes are added to an interstate highway, those additional lanes may be tolled. The bill prohibits HOV-2 lanes of Interstate 66 from being converted to HOV-3 lanes or a more restrictive designation and prohibits a HOT lane occupancy requirement of more than two. The bill allows vehicles bearing clean special fuel vehicle license plates to use HOT lanes; such vehicles may currently use HOV lanes. The bill contains a technical amendment. Oppose. (16101320D)

HB 916 (Bulova) (HTRAN) prohibits the imposition or collection of tolls on any component of Interstate 66 existing prior to July 1, 2016. Oppose. (16102207D)

HB 1067 (Jones) (HAPP)/ **SB 60** (Hanger) (SFIN) authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$1.5 billion plus financing costs to finance the costs of acquiring, constructing, and equipping

dynamically tolled lanes on a portion of Interstate 66. Issuance of the bonds is contingent on the Transportation Public-Private Partnership Advisory Committee, prior to January 1, 2018, finding that the issuance is necessary due to the inability of private parties to meet the term sheet published by the Department of Transportation in September 2015 pursuant to the procurement initiated under the Public-Private Transportation Act of 1995. Support. (16103031D, 16103324D)

HB 1244 (Marshall, Robert G.) (HPE) requires that localities in Planning District 8 that are located wholly or partially outside the Capital Beltway have voter approval by referendum before the imposition and collection of tolls for the use of Interstate 66 outside the Capital Beltway. Oppose. (16104460D)

SB 405 (Vogel) (STRAN) prohibits tolls on any component of Interstate 66 outside the Capital Beltway existing prior to July 1, 2016. The bill provides that if additional lanes are added to an interstate highway, those additional lanes may be tolled. The bill prohibits HOV-2 lanes of Interstate 66 from being converted to HOV-3 lanes or a more restrictive designation and prohibits a HOT lane occupancy requirement of more than two. The bill allows vehicles bearing clean special fuel vehicle license plates to use HOT lanes; such vehicles may currently use HOV lanes. The bill contains a technical amendment. Oppose. (16103688D)

Other Tolling-Related Legislation

HB 99 (Cole) (HTRAN) allows vehicles that have fewer than three occupants that display an installed E-ZPASS transponder and have paid the toll on the Interstate 95 HOT lanes to use HOV lanes of Interstate 395 during peak traffic periods. Oppose. (16100671D)

HB 224 (Marshall, Robert G.) (HTRAN) requires prior approval by the General Assembly before any tolls may be imposed or collected for the use of any component of the Interstate System. Oppose. (16101289D)

HB 225 (Albo) (HTRAN) requires approval of the General Assembly prior to the imposition and collection of tolls for the use of Interstate 395. The bill contains a technical amendment. The bill contains an emergency clause. Oppose. (16101375D)

HB 722 (LeMunyon) (HTRAN) prohibits the imposition or collection of tolls on primary, secondary, or urban highways in Planning District 8 not tolled as of January 1, 2016. Oppose. (16101113D)

SB 516 (McPike) (HTRAN) prohibits tolls on any component of interstate highways existing prior to July 1, 2016. The bill provides that if additional lanes are added to an interstate highway, those additional lanes may be tolled. The bill contains a technical amendment. Oppose. (16101817D)

Motor Vehicle Laws

HB 213 (LeMunyon) (House Floor) exempts from the motor vehicle inspection requirement vehicles that are parked in the designated parking area of an official inspection station. The bill contains technical amendments. Monitor. (16100509D)

HB 594 (Marshall, Robert G.) (HMP) requires that any law-enforcement vehicle used by an officer for enforcing traffic or motor vehicle laws be (i) marked in some distinctive manner that identifies the law-enforcement agency employing such officer and (ii) equipped with warning lights. The bill provides exceptions for an officer who (a) stops at the scene of an accident or to assist a disabled motor vehicle, (b) has probable cause to believe the operator of a motor vehicle has committed a felony or is driving under the influence, or (iii) stops the operator of a motor vehicle who the officer reasonably believes constitutes a risk of causing imminent and serious bodily injury to any person. Oppose. (16103547D)

Passing School Buses

HB 168 (Larock) (HCT) provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus. Support. (16103068D)

SB 120 (Carrico) (SCT) provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus. The bill also provides a means by which the existing presumption that the registered owner of the vehicle was the vehicle operator at the time of the violation can be rebutted and requires that this information be included with the mailing of the summons. The bill gives the summoned person 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation. Support. (16104540D-S1)

Public Transportation

HB 329 (Villanueva) (STRAN) allows publicly owned or operated transit buses to use flashing amber lights. Support. (16102601D)

SB 299 (Ebbin) (Passed Senate) allows publicly owned or operated transit buses to use flashing amber lights. Support. (16100712D-E)

HB 730 (LeMunyon) (HTRAN) requires that signage in commuter parking lots owned by the Virginia Department of Transportation in Planning District 8 clearly indicate that parking in

such lots is only for commuters using mass transit or who are car pool riders. Oppose. (16102700D)

SB 644 (Alexander) (SCT) provides that the punishment for battery of a person who is the operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties is a Class 1 misdemeanor, including a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. Support. (16103746D)

HB 1278 (Levine) (HTRAN)/ **SB 710** (Ebbin) (SRUL) changes from the U.S. Administrator of General Services to the Secretary of the U.S. Department of Transportation the appointing authority for the two federal members of the Board of Directors of the Authority and their alternates. The change is made in the WMATA Compact found in Title 33.2 of the Code of Virginia in order to conform with federal law. The bill contains an emergency clause. Monitor. (16104205D, 16104585D)

Workforce Credentials

HB 66 (Byron) (HED) establishes a grant program that would pay grants to certain individuals who complete eight hours of community service and who subsequently complete a noncredit workforce training program and earn the related credential in a high-demand field. The grant, in an aggregate amount of \$2,000, would be limited to payment of tuition charged for the training program, the cost of any required textbooks, and the cost of any examination required to earn the credential. The noncredit workforce training program must be provided or sponsored by (i) a Virginia community college, (ii) a private institution certified to operate in Virginia by the State Council of Higher Education for Virginia that has elected to participate in the grant program, or (iii) the Institute for Advanced Learning and Research, New College Institute, Roanoke Higher Education Center, Southern Virginia Higher Education Center, Southwest Virginia Higher Education Center, or Eastern Virginia Medical School. Individuals would apply for grants directly to the school that provided or sponsored the workforce training program. The bill requires the Virginia Board of Workforce Development to maintain on its website a list of high-demand fields and industry certifications that qualify as credentials. The bill has a delayed effective date of January 1, 2017. Monitor legislation; support associated funding in the Governor's budget. (16101082D)

HB 792 (James) (HLC)/ **HB 1206** (Greason) (HED)/ **SB 575** (Ruff) (SEH) establishes the Virginia Pathway to the Middle Class: Noncredit Workforce Credentials Program (Program), to be administered by the Virginia Community College System (System). The bill requires the System to approve (i) a plan and funding formula to support capacity building for and development and expansion of noncredit workforce credential programs at comprehensive community colleges that prepare students for in-demand noncredit workforce credentials that are aligned with the knowledge and skill sets that are required for the available occupations in each region, (ii) a plan for providing financial incentives to comprehensive community colleges that demonstrate exceptional performance or improvement in the development and expansion of such noncredit workforce credential programs, and (iii) a plan and timeline for

assessing the impact of a pilot set of noncredit workforce credentials on short-term and long-term job attainment and wages. The bill requires the System to submit a report to the General Assembly and the Virginia Board of Workforce Development no later than January 1 of each year with certain data from the previous fiscal year on noncredit workforce credential attainment by students at comprehensive community colleges. Monitor legislation; support associated funding in the Governor's budget (16102554D, 16104243D, 16102555D)

SB 576 (Ruff) (SEH) establishes the Community College Workforce Training Grant Program to provide a \$1,000 incentive payment to a community college for each student who (i) has successfully completed a noncredit workforce training program at the community college and (ii) subsequently obtains an industry-recognized certification or license in a high employer demand field in the region served by the community college, with such fields to be identified by the State Board for Community Colleges. Monitor legislation; support associated funding in the Governor's budget (16103188D)

Miscellaneous

HB 532 (Murphy) (HED) requires the state and local funding share formula, the composite index of local ability to pay, to take into consideration the population of the relevant locality, the number of enrolled English-language learners, and the number of enrolled students who are eligible to receive free or reduced-price lunch. Support. (16101018D)

HB 665 (Howell) (HRUL) creates the Commission on Employee Retirement Security and Pension Reform in the legislative branch to study and make recommendations relating to the financial soundness of retirement plans covering state and local government employees; the suitability of retirement plans offered or maintained for current state and local government employees and the attributes of retirement plans that will be suitable for future employees; the impact on state and local governments of the anticipated retirement of experienced employees between 2016 and 2026 and strategies for replacing such employees; and the elements of compensation and benefits packages that are essential to attracting and retaining a highly productive state and local government workforce. The Commission will be composed of 10 legislative members, seven nonlegislative citizen members, and two state officials. Legislative members from the House of Delegates will include the Speaker of the House of Delegates, the Chairman of the House Committee on Appropriations, the Chairman of the House Committee on Finance, and three members of the House of Delegates to be appointed by the Speaker of the House of Delegates. Legislative members from the Senate will include the Majority Leader of the Senate, any Chairman of the Senate Committee on Finance who is not the Majority Leader of the Senate, and two members of the Senate to be appointed by the Senate Committee on Rules. Four nonlegislative citizen members will be appointed by the Speaker of the House of Delegates, one of whom will be appointed from a list of five nominees jointly submitted by the Virginia Association of Counties and the Virginia Municipal League and one of whom will be appointed from a list of three nominees submitted by the Virginia Education Association. The Senate Committee on Rules will appoint three nonlegislative citizen members, one of whom will be appointed from a list of five nominees jointly submitted by the Virginia Sheriff's Association and the Virginia State Police Association. The Directors of the Department of

Human Resource Management and the Virginia Retirement System will serve on the Commission ex officio with nonvoting privileges. All other Commission members will have voting privileges. General Assembly members and the Directors of the Department of Human Resource Management and the Virginia Retirement System will serve terms coincident with their terms of office. Nonlegislative citizen members will serve a five-year term. Any vacancy will be filled in the same manner as the original appointment. The Commission will initially focus on the financial soundness of retirement plans covering state and local government employees and strategies for reducing unfunded liabilities under such plans. The Commission is authorized to employ actuaries and other experts, conduct statistical analyses, engage in financial modeling, and undertake such other activities as are consistent with its duties. The costs for such actuaries, experts, statistical analyses, and financial models utilized to study retirement plans, retirement options, and other retirement matters on behalf of state and local employees participating in the Virginia Retirement System will be paid by the Virginia Retirement System. The Division of Legislative Services will provide staff support to the Commission. Technical assistance will be provided by the staffs of the Department of Human Resource Management and the Virginia Retirement System. The bill provides for the Commission's work to end on July 1, 2021. Monitor. (16103269D)

SB 111 (Petersen) (Passed Senate) raises the punitive damages cap from \$350,000 to \$500,000 for any action accruing on or after July 1, 2016. Monitor. (16101414D)

SB 288 (DeSteph) (SRUL) removes the provision that allows a county, city, or town attorney to issue to a local officer or employee an advisory opinion that would shield that officer or employee from future prosecution for knowing violations of the State and Local Government Conflict of Interests Act. An advisory opinion issued by the attorney for the Commonwealth or the Virginia Conflict of Interest and Ethics Advisory Council will still shield the officer or employee from such prosecution. The bill provides that an advisory opinion issued to a local officer or employee by his county, city, or town attorney may be introduced at a trial for a knowing violation as evidence that he did not knowingly violate the Act. Oppose. (16101519D)

SB 629 (Stanley) (Senate Floor) prohibits any locality from barring or requiring a special use permit for camping by a landowner and his family or nonpaying guests in a tent or recreational vehicle on the landowner's property for a total of no more than two months per year. Monitor. (16103257D)

HJ 124 (Hugo) (HRUL) memorializes the Congress of the United States to reimburse Fairfax County for the cost of resettling and providing services to unaccompanied alien minors. Support concept; the County's federal legislative package includes support for federal funding for federally-connected children, including reimbursement for costs associated with unaccompanied minors placed in Fairfax County through the Office of Refugee Resettlement, and full funding of the federal Impact Aid program. (16102152D)

Legislation Provided for Discussion

HB 479 (Kory) (HAG) requires a locality, upon receipt of notification from the Department of Environmental Quality that a water quality violation has occurred that poses an imminent threat to the health, safety, or welfare of the public, to post signage at public access points to affected waters warning residents that the water body may be polluted. Monitor. (16101024D)

HB 879 (Hugo) (HGL) clarifies that for farm wineries or limited breweries "on land zoned agricultural" means land zoned as an agricultural district or classification and does not include any other zoning classification or designation that permits agricultural uses. The bill provides that it does not apply to any farm winery or limited brewery holding a valid license granted by the Alcoholic Beverage Control Board before July 1, 2016. Amend to allow local regulation and to clarify the applicable zoning district. (16102102D)

Public Safety/Criminal Justice

HB 461 (Anderson) (HTRAN) expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global position system for the purposes of navigation. The bill eliminates the current exemption from the prohibition on using a handheld personal communications device while operating a motor vehicle when the vehicle is stopped or not moving; the current exemption from the prohibition when the vehicle is parked is not affected. Support. (16100911D)

SB 778 (Barker) (STRAN) expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global positioning system for the purposes of navigation. Support. (16104156D)

Northern Virginia Transportation Commission

HB 181 (Minchew) (Passed House)/**SB 277** (Wexton) (SRUL) increases the number of nonlegislative citizen members of the Northern Virginia Transportation Commission from 13 to 14 by increasing from one to two the members who represent Loudoun County. Oppose; membership should be addressed holistically instead of piecemeal. (16102789D, 16102452D)

HB 724 (LeMunyon) (Passed House) provides quorum and voting procedures for the Northern Virginia Transportation Commission that are analogous to those followed by the Northern Virginia Transportation Authority. Oppose. (16101437D)

HB 725 (LeMunyon) (Passed House) allows the governing body of each participating county and city in the Northern Virginia Transportation Commission (NVTC) to appoint commissioners to the NVTC who are not members of the governing body. Oppose. (16101103D)

HB 731 (LeMunyon) (Passed House) allows the Northern Virginia Transportation Commission to reimburse its members appointed to the board of directors of the Washington Metropolitan Area Transit Authority for expenses incurred and compensate them in the amount of \$200 per day for attending WMATA meetings. Monitor. (16100791D)

Miscellaneous Transportation

HB 717 (LeMunyon) (HTRAN) directs the Department of Transportation to complete evaluations of certain significant transportation projects in the Northern Virginia Transportation District by December 31, 2016. Oppose. (16100543D)

SJ 84 (Surovell) (SRUL) requests that the Department of Rail and Public Transportation (the Department) evaluate the level of study necessary to identify and advance potential public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base Quantico in Prince William and Stafford Counties, including the feasibility of extending the Blue Line and other multimodal options such as bus rapid transit along Interstate 95 and U.S. Route 1. Following the evaluation, the Department shall proceed to the recommended level of study for improved public transportation services along the U.S. Route 1 corridor. The Department shall report on its findings and recommendations on the first day of the 2017 and 2018 Regular Sessions of the General Assembly. Monitor. (16102006D)

HB 1069 (Jones) (HTRAN) prohibits tolling any highway, bridge, or tunnel without approval of the General Assembly except in limited circumstances. The bill requires the Department of Transportation to allow E-ZPass account holders to provide an email or phone number and to electronically notify account holders of a toll violation and further requires toll operators to notify the Department of such toll violations. The bill amends the definition of high-occupancy toll (HOT) lanes to ensure that mass transit vehicles and commuter buses meet the high-occupancy requirement. The bill lengthens from 30 to 60 days the period following notification of an unpaid toll on HOT lanes after which, if the toll is still unpaid, the owner or operator of the vehicle is in violation. The bill decreases the civil penalties for an unpaid toll violation on the HOT lanes, making them equal to civil penalties for other toll violations, and allows the HOT lanes operator to offer reduced civil penalties if the owner of the vehicle pays within 14 days prior to the hearing date, which is also permitted for other toll operators. For violations on any toll road, the bill provides that for a first court appearance there are reduced civil penalties and places a cap of \$2,200 on civil penalties and administrative fees. Finally, the bill provides

for a 10-day grace period for unpaid tolls and requires toll operators to attempt to process and collect unpaid tolls twice during such period. Monitor. (16103861D)

I-66 Inside the Beltway

HB 1 (LeMunyon) (HTRAN)/ **HB 631** (Bell, John J.) (HTRAN) prohibits tolls on existing components of Interstate 66 inside the Beltway. This bill contains a technical amendment. Oppose. (16100913D, 16102609D)

HB 721 (LeMunyon) (HTRAN) requires funds allocated from the Toll Facilities Revolving Account to be evaluated using the statewide prioritization process. Oppose. (16101248D)

HB 1243 (Marshall, Robert G.) (HPE) requires that localities in Planning District 8 that are located wholly or partially inside the Capital Beltway have voter approval by referendum before the imposition and collection of tolls for the use of Interstate 66 inside the Capital Beltway. Oppose. (16104445D)

HB 1374 (Bulova) (HTRAN) provides that the Commonwealth Transportation Board may impose tolls for the use of Interstate 66 from Interstate 495 to Route 29 in Rosslyn only if such tolls are collected at the same time Interstate 66 eastbound is being widened from the Dulles Connector Road to Ballston. Oppose. (16103824D)

HJ 110 (LeMunyon) (HRUL) requests the Secretary of Transportation to study alternatives to add vehicle capacity to Interstate 66 inside the Capital Beltway. Oppose. (16102491D)

SB 234 (Petersen) (STRAN) prohibits tolls on existing components of Interstate 66 east of mile marker 67. The bill provides that if additional lanes are added after January 1, 2017, toll revenues from use of the additional lanes shall be used only for the construction and maintenance of such additional lanes. Oppose. (16100868D)

I-66 Outside the Beltway

HB 715 (LeMunyon) (HTRAN) applies the minimum requirements that the Department of Transportation (the Department) must satisfy prior to a change in HOV-2 designation to a more restrictive designation on Interstate 66 to all interstate highways in Planning District 8. The bill adds to the criteria on which the Commonwealth Transportation Board must base its decision whether the change in designation has been screened and evaluated by the Department in accordance with its responsibilities for analysis of transportation projects in the Northern Virginia Transportation District. Oppose. (16100367D)

Legislation No Longer Under Consideration

HB 27 (Ware) (HRUL) requires local fiscal impact bills to be introduced no later than the first calendar day of the regular session of the General Assembly, unless requested by the Governor or filed in accordance with the rules of the General Assembly. (16100577D)

HB 306 (O'Quinn) (HED) permits local school boards to display advertising material on the sides and rear of school buses, provided that no such material obstructs the name of the school division or the number of the school bus or pertains to alcohol, gambling, or tobacco. (16101828D)

HB 995 (Levine) (HCL) establishes a procedure by which a local alternative minimum wage may be imposed in any locality. If imposed by ordinance of the local governing body, the alternative minimum wage requirement shall become effective on the July 1 that follows delivery of a certified copy of the ordinance to the Commissioner of Labor and Industry. A local alternative minimum wage requires every employer to pay to each of his employees, for work performed by them within the locality, wages at a rate to be determined by local ordinance up to and including \$10 per hour beginning July 1, 2016; thereafter, the maximum local alternative minimum wage shall be adjusted based on the CPI. If the federal minimum wage exceeds the levels specified in an alternative local minimum wage requirement, the federal minimum wage will prevail. (16103902D)

SB 8 (Ebbin) (SCL) prohibits the State Corporation Commission (SCC) from issuing a license for the operation of a payday lending office or motor vehicle title lending office if such office is within 20 miles of a casino facility located in any state. Casino facilities include Indian gaming operations conducted pursuant to the federal Indian Gaming Regulatory Act. The measure includes limitations on the SCC's authority to revoke or suspend an existing license when a violation of the 20-mile provision exists on July 1, 2016, or when a violation would be created by the opening of a casino facility after a license was issued. (6100699D)

SB 218 (Marsden) (SFIN) provides that gross receipts for a staffing firm shall not include employee benefits for an independent contractor by including both employees who receive a Form W-2 and independent contractors who receive a Form 1099 in the definition of "contract employee." (16100823D)

HB 1339 (Price) (HMP) allows localities to regulate the possession of firearms, ammunition, or components or combination thereof in or the carrying of firearms, ammunition, or components or combination thereof into any building owned or used by such locality for governmental purposes. Current law prohibits localities from adopting or enforcing any ordinance, resolution, or motion regarding firearms, ammunition, or components or combination thereof unless expressly authorized by statute. (16104047D)

Administration of Government

HB 129 (Bell, Robert P.) (HCCT) gives localities alternatives to publication in a newspaper of general circulation in the locality for legal ads and other notices of proposed action. These alternatives include publication in at least two of the following forms of publication: (i) in a newspaper of general circulation in the locality, including such newspaper's online publication, if any; (ii) on the locality's website; (iii) on any public access channel operated by the locality, to be aired during prime-time programming and at least two other times during the day; (iv) using any automated voice or text alert systems used by the locality; or (v) posting at the local public library established pursuant to § 42.1-33, if any. In addition, the bill provides that any resident of the locality annually filing a written request for notification with the locality shall be provided notice by the locality in a manner mutually agreed upon by the locality and such individual. The request shall include the resident's name, address, zip code, daytime telephone number, and email address, if available. In selecting the methods of publication, the bill requires the locality to publish/advertise in a manner gauged to ensure that the maximum number of persons within the locality are likely to be informed of the existence and content of the proposed action. The bill contains technical amendments. (16100921D)

HB 286 (Head) (HCCT) allows localities with a population of 50,000 or greater to meet certain legal notice requirements by advertising on local radio or television stations or publishing on the locality's website instead of publishing in a newspaper of general circulation. (16100334D)

HB 698 (Kory) (HGL) requires that every public body afford an opportunity for public comment during any open meeting. A public body may adopt reasonable rules governing the public comment portion of the meeting, including imposing reasonable restrictions on time, place, and manner. The bill contains technical amendments. (16102577D) *Referred to the FOIA Council.*

HB 757 (Bell, Robert B.) (HCCT) requires a local or regional public body to disseminate to the public an agenda for a public meeting at least seven days prior to the meeting or 24 hours prior to an emergency meeting. The bill also requires such body to provide at least five minutes for public comment on each agenda item at the public meeting. (16103903D)

HB 956 (Keam) (HCCT) provides that in any town within the Counties of Fairfax, Loudoun, and Prince William, legal notices may be published on the locality's website instead of in a newspaper having general circulation in the locality. (16103096D)

Health and Human Services

HB 81 (Cole) (HHWI) provides that, notwithstanding any other provision of law, the Commissioner of Social Services shall reserve all records related to foster care cases for a period of 22 years after the date of birth of the child who is the subject of the foster care case. (16100565D)

HB 468 (Head) (HHWI) requires the Department of Social Services to develop a pilot program for screening and assessing participants in the Virginia Initiative for Employment not Welfare program for use of illegal substances. The bill also requires the Department to provide an interim report on implementation of the pilot program to the Governor and the General Assembly no later than December 1, 2016, and a final report on the results of the pilot program to the Governor and the General Assembly no later than December 1, 2017. (16100833D)

HB 1021 (Sickles) (HHWI) requires every provider with whom the Department of Medical Assistance Services enters into a contract for the provision of nonemergency transportation services to individuals eligible for medical assistance to conduct national fingerprint-based criminal history background checks for every applicant hired for employment at the time of hiring and annually thereafter and establishes crimes conviction of which shall constitute a barrier to employment. (16100573D)

Environment

HB 134 (Ward) (HCCT) provides that in local grass cutting ordinances as applied to vacant developed property, foreign growth includes overgrown shrubs, trees and other natural growth. (16101050D)

HB 288 (Helsel) (HCCT) allows any locality by ordinance to prohibit the distribution, sale, or offer of disposable plastic shopping bags to consumers. The bill exempts from any such prohibition reusable bags of a certain thickness; bags that are used to carry certain products, such as ice cream or meat; and garbage bags that are sold in multiples. (16101743D)

Firearms

HB 422 (Murphy) (HMP) authorizes any locality to adopt an ordinance regulating or prohibiting anyone from engaging in the business of selling firearms at retail, providing gunsmithing services, or operating a sports shooting range, within 1,000 feet of a school. (16101016D)

HB 423 (Simon) (HMP) provides, with certain exceptions, that an individual who knowingly possesses any firearm while such person is in a school zone, defined by the bill as the area within a distance of 1,000 feet from a school, is guilty of a Class 1 misdemeanor. An individual is permitted to possess a firearm in a school zone if (i) he is on private property, (ii) he possesses a valid concealed handgun permit, (iii) the firearm is unloaded and is in either a closed container or a locked firearms rack in or upon a motor vehicle, (iv) he possesses a firearm as part of the school's curriculum or activities or as part of a school-sponsored or school-authorized program, (v) he possesses such firearm in accordance with a contract with the school, or (vi) he is a law-enforcement officer or armed security officer hired by a private or religious school. (16100371D)

HB 424 (Simon) (HMP) authorizes a locality to adopt an ordinance prohibiting an individual from knowingly possessing any firearm while such person is in a school zone, which is defined

as the area within a distance of 1,000 feet of a school. Such ordinance shall not apply to (i) an individual who is on private property, (ii) an individual who possesses a valid concealed handgun permit, (iii) a firearm that is unloaded and is either in a closed container or a locked firearms rack in or upon a motor vehicle, (iv) an individual who possesses a firearm as part of the school's curriculum or activities or as part of a school-sponsored or school-authorized program, (v) an individual who possesses such firearm in accordance with a contract with the school, or (vi) a law-enforcement officer or armed security officer hired by a private or religious school. The penalty for an offense set forth in such ordinance shall not exceed a Class 1 misdemeanor. (16100372D)

SB 138 (Favola) (SCT) authorizes any locality to adopt an ordinance regulating or prohibiting anyone from engaging in the business of selling firearms at retail within 1,000 feet of a school. (16101542D)

Public Safety/Criminal Justice

HB 570 (Albo) (HPE) requires an elected police chief in any county that votes by referendum to establish a county police force and requires any county that has established a county police force prior to the effective date of the bill to provide for the election of a police chief no later than January 1, 2018. (16101258D)

HB 542 (Watts) (HCT) provides that a person who, through the use of force, fraud, deceit, duress, or other form of constraint, induces or solicits any adult to enter into a contract or agreement or for payment for goods and services is guilty of a Class 1 misdemeanor. The bill also provides that such actions may be subject to the Virginia Consumer Protection Act. (16102068D)

HB 737 (Orrock) (HCT) makes it a Class 3 misdemeanor to use an unmanned aircraft system to capture an image of private property or an individual located on such private property after having been given written notice by the landowner or other person lawfully in charge of such private property that the individual, landowner, or other person objects to having such images taken. The bill also provides that the sale or dissemination of such a captured image is punishable as a Class 2 misdemeanor. (16101067D)

HB 819 (LeMunyon) (HGL) requires the release of any audio or video recording or combination thereof made by a correctional officer, jail officer, or deputy sheriff of an individual imprisoned in a penal institution in the Commonwealth being subdued by the correctional officer, jail officer, or deputy sheriff in a manner that results in the death of the individual being subdued or rendering him unconscious. The bill defines "correctional officer," "jail officer," and "deputy sheriff." The requirement applies to any audio or video recording that exists on or after July 1, 2016, regardless of when the audio or video recording was made. The bill contains a technical amendment. (16103656D) *Referred to the FOIA Council.*

SB 605 (Edwards) (SCT) punishes reckless driving or a violation of the "move-over" law that causes death or permanent and significant physical impairment by striking a law-enforcement

officer, emergency medical services personnel, highway worker, firefighter, or a DMV size and weight compliance agent who was not in a vehicle and on a public roadway or work zone engaged in his duties as a Class 5 felony with a \$2,500 mandatory minimum fine. The bill further requires the court to suspend the offender's driver's license for one year. In addition, the court may impose a civil penalty of up to \$10,000 and the proceeds shall be deposited into the general fund. (16103490D)

Taxation

HB 217 (LeMunyon) (HFIN) prohibits a locality from increasing its business machinery and tools tax, merchants' capital tax, and local license (BPOL) fees and taxes above the locality's rates in effect as of January 1, 2016. (16102288D)

HB 1034 (Sickles) (HFIN) requires certain entities (e.g., homeowner's associations and apartment complexes), if requested, to send to the commissioner of the revenue of the county or city in which the entity is located the license plate numbers of their homeowners' or tenants' motor vehicles. Current law requires such entities to provide, upon request, the name and address of such homeowners or tenants. (16101108D)

SB 506 (Sturtevant, Jr.) (SFIN) waives any tax penalties for a small business during its first two years of operation as long as the business enters into an installment agreement with the Tax Commissioner for the payment of taxes. (16101358D)

Cigarette Taxes

HB 1192 (Murphy) (HFIN) permits any county to impose a cigarette tax at a rate not to exceed twice the state cigarette tax rate. (16103605D)

HB 1198 (Kory) (HFIN) allows Fairfax and Arlington Counties to increase their cigarette tax to double the amount levied under state law. Under current law, Fairfax and Arlington Counties can impose a tax equal to that imposed under state law, currently \$0.30. The bill provides that if a county raises its taxes as a result of this bill, the revenues gained thereby shall annually be dedicated to spending on both elementary and secondary education. (16103265D)

SB 155 (Favola) (SFIN) allows Fairfax and Arlington Counties to increase their cigarette tax to double the amount levied under state law. Under current law, Fairfax and Arlington Counties can impose a tax equal to that imposed under state law, currently \$0.30. The bill provides that if a county raises its taxes as a result of this bill, the revenues gained thereby shall annually be dedicated to spending on elementary or secondary education. (16101949D)

Transportation

HB 126 (Marshall, Daniel W.) (HTRAN) establishes a minimum speed limit of 45 miles per hour on interstate highways or other limited access highways with divided roadways,

nonlimited access highways having four or more lanes, and all state primary highways. (16101508D)

HB 75 (Campbell) (HCT) extends from 10 days to one year from the date of conviction the time during which a person who is convicted of a misdemeanor offense of reckless driving has a right to appeal such conviction if he was tried in his absence. (16100507D)

HB 201 (Marshall, Daniel W.) (HTRAN) allows localities, after holding a public hearing, to prohibit commercial motor vehicles from traveling in the left-most lane of highways with four or more lanes. (16101524D)

HB 716 (LeMunyon) (HTRAN) requires the congestion mitigation factor to be given a weight twice that of all other factors combined by the Commonwealth Transportation Board when evaluating projects in the Northern Virginia highway construction district using the statewide prioritization process. (16103832D)

HB 947 (Keam) (HTRAN) requires the Department of Transportation to consider the concept of induced demand when conducting a review employing value engineering as required in certain projects. The bill defines "induced demand" as the concept that new roads will create new drivers, resulting in the intensity of traffic staying the same. (16103445D)

HB 1010 (Rush) (HTRAN) allows the Department of Transportation to require semitrailers to use tire chains from October 15 to April 15 whenever such requirement is posted using smart roadway technology. (16100984D)

SB 379 (Vogel) (STRAN) allows a county to provide by ordinance that fines for speeding on a nonlimited access highway having four or more lanes in such county are doubled. (16103692D)

SB 591 (Obenshain) (STRAN) requires localities to adopt ordinances requiring that a criminal history background check be performed before an individual is authorized as a driver and at least once every two years thereafter. The background check shall require individuals to submit fingerprints and personal identifying information to be provided directly to the Central Criminal Records Exchange, which shall forward the results of the state and national records search to the local government or chief law-enforcement officer of the locality. (16102430D)

SB 630 (Garrett) (STRAN) allows individuals age 21 or older to operate or ride a motorcycle without wearing a helmet. (16103768D)

Legislation Requiring Further Review

HB 127 (Knight) (HFIN) clarifies that "killed in action" includes a service member who dies of wounds received in action after reaching a medical treatment center, for purposes of the real property tax exemption on the residence of the surviving spouse. (16100683D)

HB 1345 (Jones) (HAPP) revises the Line of Duty Act (the Act) by codifying revisions to the Act from the appropriation act and, among other changes, transferring overall administration of the Act to the Virginia Retirement System, transferring administration of health insurance benefits under the Act to the Department of Human Resource Management, and creating the Line of Duty Health Benefits Plan, a separate health benefits plan for beneficiaries under the Act. The bill has a delayed effective date of July 1, 2017. (16103506D)

SB 99 (Cosgrove) (SFIN) clarifies that "killed in action" includes a service member who dies of wounds received in action after reaching a medical treatment center, for purposes of the real property tax exemption on the residence of the surviving spouse. (16101278D)

SB 150 (Reeves) (SGL) prohibits a public body from requiring that an offeror state any exception to any liability provisions in responding to a Request for Proposal for information technology goods and services. If selected for negotiation after the proposal is submitted, the offeror must state any exception to the liability provisions in writing at the beginning of the negotiation. This bill is a recommendation of the Joint Commission on Technology and Science. (16101094D)

SB 248 (Black) (SEH) provides that a minor who is believed to be the victim of a sexual assault shall be deemed an adult for purposes of consenting to a physical evidence recovery kit examination. (16100895D)

HB 195 (Lingamfelter) (HCL) adds colorectal cancer and testicular cancer to, and removes rectal cancer from, the list of cancers that are presumed to be an occupational disease compensable under the Virginia Workers' Compensation Act if contracted by certain firefighters and certain other employees who have had contact with a toxic substance in the line of duty. (16101604D)

HB 378 (Farrell) (HAPP) directs the Workers' Compensation Commission (the Commission) to adopt regulations establishing fee schedules setting the maximum pecuniary liability of the employer for medical services provided to an injured person pursuant to the Virginia Workers' Compensation Act, in the absence of a contract under which the provider has agreed to accept a specified amount for the medical service. The regulations implementing the fee schedules shall become effective on January 1, 2018. The initial fee schedules will set amounts based on a reimbursement objective, which is the average of all amounts paid to providers in the same category of providers for the medical service in the same medical community. The Commission is required to retain a firm to assist it in establishing the initial fee schedules. The firm will recommend a methodology that will provide statistically valid estimates of the reimbursement objective for fee scheduled medical services within the medical communities. Reimbursements for medical services provided to treat traumatic injuries and serious burns are excluded from the fee schedules and liability for their treatment costs will be based, absent a contract, on 80 percent of the provider's charges. However, the required reimbursement will be 100 percent of the provider's charges if the employer unsuccessfully contests the compensability of the claim. The Commission is required to review and revise the fee schedules in the year after they become effective and biennially thereafter. The liability of the

employer for certain medical services not included in a fee schedule will be set by the Commission. A stop-loss feature allows hospitals to receive payments or reimbursements that exceed the fee schedule amount for certain claims when the total charges exceed a charge outlier threshold, which initially is 150 percent of the maximum fee for the service set forth in the applicable fee schedule. Providers are prohibited from using a different charge master or schedule of fees for any medical service provided for workers' compensation patients than the provider uses for health care services provided to patients who are not claimants. The measure requires the Commission, when determining whether the employee's attorney's work with regard to a contested claim resulted in an award of benefits that inure to the benefit of a third-party insurance carrier or health care provider, and in determining the reasonableness of the amount of any fee awarded to an attorney, to consider only the amount paid by the employer or insurance carrier to the third-party insurance carrier or health care provider for medical services rendered to the employee through a certain date and not to consider additional amounts previously paid to a health care provider or reimbursed to a third-party insurance carrier. The Commission shall have an independent, peer-reviewed study conducted every two years. The regulations setting fee schedules are exempt from the Administrative Process Act if the Commission utilizes a regulatory advisory panel to assist in the development of such regulations and provides an opportunity for public comment on the regulations prior to adoption. The measure prohibits certain practices involving the use by third parties of contracts whereby a provider agrees to accept payment of less than the fee scheduled amount, including restricting the sale, lease, or other dissemination of information regarding the payment amounts or terms of a provider contract without the express written consent and prior notification of all parties to the provider contract and prohibiting an employer from shopping for the lowest discount for a specific provider among the provider contracts held in multiple PPO networks. The regulatory advisory panel is directed to make recommendations to the Commission prior to July 1, 2017, on workers' compensation issues relating to (i) pharmaceutical costs not previously included in the fee schedules; (ii) durable medical equipment costs not previously included in the fee schedules; (iii) certain awards of attorney fees; (iv) peer review of medical costs; (v) prior authorization for medical services; and (vi) other issues that the Commission assigns to it. The existing peer review provisions are repealed. The measure has an emergency clause. (16100358D)

HB 1146 (Hope) (HCCT) prohibits a locality from requiring notice to or consent of a condominium association or homeowners' association prior to the issuance of a permit, certificate, or license, including a building permit or a business license. (16101246D)

HB 1039 (Pogge) (HCT) provides that no locality shall adopt any ordinance, procedure, or policy that restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. (16102952D)

SB 270 (Garrett) (SLG) provides that no locality shall adopt any ordinance, procedure, or policy that restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law. The General Assembly shall reduce state funding to the extent permitted by state and federal law to any locality found to have violated the provisions of the bill. (16100723D)

SB 705 (Black) (SLG) provides that a sanctuary city, defined in the bill as any locality that adopts any ordinance, procedure, or policy that restricts the enforcement of federal immigration laws to less than the full extent permitted by federal law, shall be responsible for the full amount of any personal injury or property damage caused by an illegal alien within such locality. (16103669D)

Education

HB 547 (Watts) (HED) directs the General Assembly, in apportioning the state and local share of the costs of meeting the Standards of Quality, beginning July 1, 2016, to implement a formula that determines each locality's ability to pay based on the ratios of (i) the reimbursement payment made to the locality for providing tangible personal property tax relief to the reimbursement payments made statewide for providing tangible personal property tax relief; (ii) the total value of real estate in the locality adjusted by the average of the cost of competing index if used for instructional personnel and for support positions to the statewide value of real estate per person; (iii) the local one percent sales tax revenue collected by the locality to the statewide total local sales tax revenue collected; (iv) the assessed value of the personal property taxed by the locality to the statewide assessed value of the local personal property tax; and (v) revenue collected from local lodging, local cigarette, and local meals taxes to the revenue collected statewide from such local lodging, cigarette, and meals taxes.

To determine each locality's composite index of ability to pay, (a) the sum of the ratios calculated on the basis of average daily membership for each locality shall be divided by the sum of the average daily membership ratios for all localities; (b) the sum of the ratios calculated on a per capita basis for each locality shall be divided by the sum of the per capita ratios for all localities; and (c) the locality's ratio calculated on the basis of average daily membership shall be multiplied by 0.66, and the locality's ratio calculated on a per capita basis shall be multiplied by 0.33. The sum of the two adjusted ratios in clause (c) shall be the local composite index of ability to pay. (16102351D)

SB 500 (Sturtevant) (HGL) requires every locality and school division located within the locality to post on the public government website of the locality a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including credit card purchases with the same information. The bill also provides for the Commonwealth Data Point website administered by the Auditor of Public Accounts to include the same information for each state agency and institution, including each independent agency. Currently, the website includes such information for major state agencies. (16100936D)

HJ 1 (Bell, Robert B.) (HPE)/ **SJ 6** (Obenshain) (SPE) grants the Board of Education authority, subject to criteria and conditions prescribed by the General Assembly, to establish charter schools within the school divisions of the Commonwealth. (16100594D, 16100904D)

HJ 112 (Landes) (HRUL)/ **SJ 85** (Deeds) (SEH) establishes a two-year joint committee consisting of seven members of the House Committee on Education and five members of the Senate Committee on Education and Health to study the need for revisions to or reorganization of the standards of quality set forth in Chapter 13.2 (§ 22.1-253.13:1 et seq.) of the Code of Virginia, with a particular emphasis on the role that the effective use of educational technology plays in ensuring that an educational program of high quality that meets the standards of quality is established and continually maintained. (16102865D, 16102585D)

Courts

HB 251 (Minchew) (HCT) allows one cover sheet to be used for multiple deeds or instruments filed concerning the same interest in real property. The bill further allows one cover sheet to be used where a deed or other instrument has multiple titles. The bill provides that, where one cover sheet is required, only one filing fee may be assessed by the clerk. Finally, the bill requires only one certificate of satisfaction to release liens when full or partial payment has been made on a debt secured by one or more instruments. (16103366D)

HB 537 (Minchew) (HCT) directs the clerk of the circuit court to pay local fees and fines collected by the general district or juvenile and domestic relations district courts directly the local government. (16102991D)

HB 1057 (Bell, Robert B.) (HCT) requires the Supreme Court of Virginia to promulgate guidelines for the establishment of separate dockets by any court in the Commonwealth. The bill provides further that cases heard on a separate docket established by any court shall be treated in the same manner and subject to the same dispositions as cases not heard on such special docket. (16102275D)

Conflict of Interest Bills

HB 152 (Simon) (HCT) authorizes the Virginia Conflict of Interest and Ethics Advisory Council to investigate alleged violations of the State and Local Government Conflict of Interests Act and the General Assembly Conflicts of Interests Act (the Acts). The Council may initiate an investigation upon its own motion or in response to a citizen complaint. Before beginning an investigation in response to a citizen complaint, the Council is required to conduct a preliminary inquiry to determine whether the facts stated in the complaint, when taken as true, are sufficient to show a violation of the Acts warrants an investigation. The bill details (i) the authority of the Council to issue subpoenas and the rights of the subject of an investigation; (ii) prerequisites for a finding of a violation of the Acts, including the conduct of a public hearing; and (iii) the requirements for referral of a violation of the Acts to appropriate authorities. (16100854D)

HB 153 (Simon) (HCT) requires the Virginia Conflict of Interest and Ethics Advisory Council to conduct a semiannual inspection of a random sample of disclosure statements filed with the Council to determine compliance with applicable disclosure requirements and limitations on

gifts, the accuracy of information disclosed, and whether filing deadlines were met. (16100886D)

HB 154 (Simon) (HCT) provides that the aggregated value of a bundled gift is subject to the \$100 limitation on certain gifts and is to be attributed to each person contributing to the bundled gift. The bill also requires lobbyists to disclose any gift or entertainment event with a value greater than \$50 to which the lobbyist or lobbyist's principal contributed, regardless of the value of the lobbyist's or principal's share. The bill defines a bundled gift to mean separate gifts that are paid for or otherwise provided by multiple sources but delivered to the recipient by a single source. (16100914D)

HB 155 (Simon) (HCT) requires the disclosure on the General Assembly Conflicts of Interests Act Statement of Economic Interests form of any tax credit allowed under the Code of Virginia that (i) the filer, (ii) a member of the filer's immediate family, (iii) a business owned by the filer or a member of the filer's immediate family, or (iv) a business in which the filer or a member of the filer's immediate family owns or controls an interest in excess of \$5,000 claimed during the previous tax year, when the amount claimed is \$1,000 or more. Disclosure of certain tax credits is not required. Disclosure is required only on the semiannual statement that is filed in June. (16100916D)

HB 779 (Gilbert) (HCT) provides that the filing of a single current statement of economic interests by an individual required to file such form shall satisfy the filing requirement for all positions or offices held or sought by such individual during a single reporting period. Additionally, the filing of a single current financial disclosure statement by an individual required to file such form shall satisfy the filing requirement for all positions or offices held or sought by such individual. Currently, this exemption for duplicative filing applies only to state officers and employees holding or seeking multiple state positions or offices. (16101930D)

HB 780 (Gilbert) (HCT) makes technical amendments to reflect the change in filing cycles and the role of the Council in receiving certain disclosures and to clarify the time period for aggregation for purposes of the prohibited gift cap. (16100698D)

HB 889 (Gilbert) (HCT) clarifies that lobbying disclosure reports are filed with the Virginia Conflict of Interest and Ethics Advisory Council and are open to public inspection and copying in the office of the Council. Currently, language still provides for filing and inspection of such reports with the Secretary of the Commonwealth. (16102556D)

HB 890 (Gilbert) (HCT) clarifies that candidates for statewide office, the General Assembly, and constitutional office are required to file a statement of economic interests with the Virginia Conflict of Interest and Ethics Advisory Council. The bill also requires the Council to transmit certain information related to such candidates to the State Board of Elections and updates language to reflect the change from annual to semiannual disclosures. (16102571D)

HB 891 (Gilbert) (HCT) clarifies that travel provided to facilitate attendance by a legislator at certain meetings where attendance is approved by the House or Senate Committee on Rules or

the Chairman of either committee is not a gift. Currently, such travel is deemed not a gift only when approved by the House or Senate Committee on Rules. (16102587D)

HB 892 (Gilbert) (HCT) removes from the Code the formatted forms of the lobbyist disclosure statement, the Statement of Economic Interests for state and local government officers and employees and members of the General Assembly, and the financial interests form for citizen members of certain governmental boards, commissions, and councils. The Council is required to prescribe the forms to be used to comply with disclosure requirements. The bill has a delayed effective date of January 1, 2017. (16101366D)

HB 857 (McClellan) (HCT) clarifies that gifts to certain members of an individual's family are not considered gifts. Currently, the definition of gift says that gifts from certain members of an individual's family are not considered gifts. (16102553D)

HB 860 (McClellan) (HCT) provides that records relating to formal advisory opinions or informal advice of the Council or its designee, including records of requests, notes, correspondence, and draft versions of such opinions or advice shall be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act. (16100707D)

HB 862 (McClellan) (HCT) clarifies that for purposes of the gift limitations, gifts shall be aggregated by reporting year, defined as the period beginning November 1 and ending October 31. Current law requires aggregation of gifts by calendar year. (16102562D)

HB 868 (McClellan) (HCT) provides that for purposes of the laws governing lobbyists and lobbyist disclosure, the definition of procurement transaction is limited to those in which the stated or expected value of the contract is equal \$5 million or more. The bill contains an emergency clause. (16100708D)

HB 1361 (Gilbert) (HCT) prohibits the name of a legislative or executive official, or a member of his immediate family, who attends a reportable entertainment event from being disclosed by the principal if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance, or the attendance of a member of his immediate family, at the entertainment event. Reimbursement shall be calculated using the average value for each person attending the event. (16104044D)

HB 1362 (Gilbert) (HCT) requires the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts to be filed annually. Lobbyists are required to file by July 1 for the preceding 12-month period complete through the last day of April. Persons subject to the conflict of interests acts are required to file on or before January 15. The bill contains technical amendments to reflect the change in filing cycles. The bill also requires the Governor, Lieutenant Governor, Attorney General, members of the Governor's Cabinet, and members of the General Assembly to file on or before May 1 a separate report of gifts received during the regular session of the General Assembly. (6104043D)

SB 213 (Black) (SRUL) exempts food and beverages from the definition of a gift for purposes of the gift cap and disclosure. (16100211D)

SB 539 (Surovell) (SRUL) requires the members of local electoral boards and general registrars to file, as a condition of assuming office or employment and semiannually thereafter, the statement of economic interests disclosure prescribed by § 2.2-3117. (16103157D)

SB 652 (Lewis) (SRUL) provides an exception to the prohibition against officers and employees having contracts with their employing agencies for contracts by an officer or employee of a soil and water conservation district to participate in the Virginia Agricultural Best Management Practices Cost-Share Program. The exception does not apply to subcontracts or other agreements entered into to provide services for implementation of a cost-share contract established under the Program. Under the bill, the exception applies to contracts entered into prior to July 1, 2016. (16104370D)

SB 657 (Newman) (SRUL) prohibits the name of a legislative or executive official, or a member of his immediate family, who attends a reportable entertainment event from being disclosed by the principal if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance, or the attendance of a member of his immediate family, at the entertainment event. Reimbursement shall be calculated using the average value for each person attending the event. (16104081D)

SB 692 (Norment) (SRUL) requires the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts to be filed annually. Lobbyists are required to file by July 1 for the preceding 12-month period complete through the last day of April. Persons subject to the conflict of interests acts are required to file on or before January 15. The bill contains technical amendments to reflect the change in filing cycles. The bill also requires the Governor, Lieutenant Governor, Attorney General, members of the Governor's Cabinet, and members of the General Assembly to file on or before May 1 a separate report of gifts received during the regular session of the General Assembly. (16104228D)

SB 738 (Norment) (SRUL) exempts gifts with a value of less than \$20 from the definition of gift. (16104227D)

Economic Development

HB 834 (Cox) (HAPP) establishes the Virginia Growth and Opportunity Board to administer grants from the Virginia Growth and Opportunity Fund for regional economic and workforce development projects. The bill provides that regional councils will be established across the Commonwealth, consisting of representatives of government and the business and education communities, and councils may submit applications for collaborative projects in their region that enhance private-sector growth, competitiveness, and workforce development. A portion of the grant funds will be awarded on a population basis and a portion on a competitive basis. (16102688D)

HB 846 (Hugo) (HAPP) creates the Virginia Collaborative Economic Development Performance Grant Fund. Two or more localities that collaborate and adopt a collaborative economic development plan will be eligible for grants from the fund over a period of six years if the collaboration results in the location or expansion of a company in the Commonwealth that (i) creates at least 200 new jobs with average salaries at least 25 percent higher than the average wage and (ii) makes a capital investment of at least \$25 million. The total amount of the grant applied for shall not exceed the total investment of the localities in executing the collaborative economic development plan, and each annual installment of the grant may not exceed 50 percent of the total annual amount of personal income tax withheld by the certified company from the newly created jobs. Of each annual installment of the grant, 85 percent will be distributed to the participating localities in accordance with the terms of the collaborative economic development plan, and 15 percent will be retained by the Virginia Economic Development Partnership to be used to enhance regional and statewide economic development marketing and promotion. (16102377D)

Elections

HB 832 (Landes) (HPE)/ **SB 308** (Hanger) (SPE) allows the governing body of a county or city in which a vacancy in a constitutional office has occurred to request in its petition for a writ of election that the circuit court order the special election to be held at the next ensuing general election and allows the court to issue such writ. The bill also authorizes the governing body to petition the circuit court to request that no special election be ordered when the vacancy occurs within the 12 months immediately preceding the end of the term of that office and requires the court to grant such a request. The bill also contains technical amendments. (16103844D, 16103711D)

SB 69 (Wexton) (SPE) adds to the list of accepted forms of identification for purposes of voting a valid identification card that contains a photograph of the voter and is issued by any private entity that is licensed or certified, in whole or in part, by the State Department of Health, the Department of Social Services, the Department of Medical Assistance Services, or the Department of Behavioral Health and Developmental Services. An employee of any such private entity is currently permitted to use his employee identification card, provided that the card contains a photograph of the voter, for purposes of voting; the bill allows a resident or other person who receives services from such private entity to use a valid identification card issued by the private entity, provided that the card contains a photograph of the voter. (16101430D)

HB 1027 (Sickles) (HPE) requires special elections to be held on the Tuesday following the first Monday in February, August, or November, or the first Tuesday in May. The bill exempts from the quarterly schedule those special elections held to fill vacancies in the General Assembly that exist after the date of the November general election but before the second Wednesday in January; such vacancies are permitted to be filled at a special election held on any date, provided the date is a Tuesday and the writ otherwise complies with current law. The

bill amends the deadlines for filing declarations and petitions of candidacy to reflect the quarterly schedule for special elections. Recommend monitor. (16101863D)

Environment

HB 941 (Toscano) (HCCT) expands the scope of clean energy programs by including certain residential properties that are currently excluded from the voluntary special lien assessment provisions. (16102233D)

HB 1162 (Tyler) (HAG) directs the State Water Control Board to establish a voluntary ground water conservation incentive program. The program is designed to provide incentives to those ground water permittees who agree to adopt measures that would (i) substantially reduce their reliance on ground water, (ii) transition to alternative water sources, or (iii) develop necessary infrastructure. The permittee would have to agree to either a 50 percent reduction in the amount authorized by its permit or certificate that is in effect on January 1, 2015, or achieve a comparable level of conservation by any combination of authorized withdrawal amount reduction and alternative options approved by the Board. These conditions are referred to as "qualification criteria" and will be used to determine the permittee's eligibility for the program. If a permittee is accepted into the program he will have a transition period, not to exceed 15 years, to meet the criteria. Each permittee that agrees to the qualification will have the benefit of a "regulatory certainty" period of 20 years during which the amount of withdrawal cannot be reduced, except in limited circumstances. (16103963D)

SB 443 (Hanger) (Senate Floor) directs the State Water Control Board (the Board) to establish a system for priority consideration of an application for a land conversion project, with a \$10,000 fee. The Department of Environmental Quality will be required to review such a priority application ahead of normal applications and approve it within 30 days. The bill also directs the Board to certify credits that are located in tributaries outside the Chesapeake Bay Watershed. (16102219D)

HB 1250 (Wilt) (HAG)/ **SB 673** (Hanger) (SACNR) combines existing statutory programs relating to soil erosion and stormwater management and operated by localities, directing the State Water Control Board (the Board) to permit, regulate, and control both erosion and stormwater runoff. Also, directs depositing charges or penalties to the Stormwater Local Assistance Fund and DEQ to evaluate fees for erosion and stormwater management. (16103814D, 16104330D)

SB 558 (DeSteph) (SACNR) requests the Chesapeake Bay Program, a regional partnership directing the restoration of the Chesapeake Bay, to approve a certain type of dredging as a creditable practice for pollutant removal and to assign to it a number of total maximum daily load (TMDL) credits equivalent to those assigned to the removal of pollutants by street sweeping. (16101473D)

SB 698 (Wexton) (SACNR) authorizes the Director of the Department of Conservation and Recreation to disburse moneys from the Fund in the form of grants to private entities that own

dams in order to protect public safety and welfare. The grants can be used for the design, repair, and the safety modifications of dams identified in safety reports. The bill specifies homeowners' associations and planned unit developments among those private entities owning dams that are eligible to receive grants and loans from the Fund. (16103914D)

SB 720 (Lewis) (SLG) allows localities to establish a voluntary environmental cleanup program to provide recognition to retailers that establish practices such as credit to consumers who use reusable bags or the recycling of plastic bags. The bill allows for imposition of a fee on retailers that do not participate in the program and allows the locality to use collected fees for environmental cleanup. (16104267D)

SB 726 (Edwards) (SACNR) clarifies that the permission given to utility companies to file annually general erosion and sediment control standards and specifications with the Department of Environmental Quality does not apply to a project that disturbs 50 acres of land or more in any one locality. A utility company undertaking such a project will be required to file a project-specific plan. (16103811D)

Freedom of Information Act

HB 334 (Pogge) (HGL) provides that in an enforcement action, if the court finds the public body violated certain meeting notice requirements, the court may invalidate any action of the public body taken at such meeting. (16101035D)

HB 383 (Marshall, Robert G.) (HGL) removes any building permit submitted to a locality for final approval from an exclusion from the provisions of the Freedom of Information Act (FOIA) that otherwise protects confidential proprietary records of a private business pursuant to a nondisclosure agreement made with a public body and provides that any proposed plat, site plan, or plan of development that is officially submitted to the local planning commission for approval shall be considered a public record subject to disclosure under FOIA. (16101590D)

HB 432 (Villanueva) (HGL) limits the application of the exemption for criminal investigative files to active criminal investigative files. As a result, closed or inactive criminal investigative files would be subject to mandatory disclosure, if requested. (16103040D)

HB 818 (LeMunyon) (HGL) requires certain local public bodies to post a FOIA rights and responsibilities document on its respective public government website. The bill also requires all state public bodies created in the executive branch of state government, including state authorities, and all local public bodies that are subject to FOIA to designate and publicly identify one or more FOIA officers whose responsibility is to serve as a point of contact for members of the public in requesting public records and to oversee the public body's compliance with the provisions of FOIA. The bill sets out where contact information for the designated FOIA officer is to be posted. The bill requires that any such FOIA officer shall possess specific knowledge of the provisions of this chapter and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council. (16103655D)

Health and Human Services

HB 319 (Rasoul) (HHWI) authorizes the Department of Health to enter into written agreements with health care providers for the provision of health care services, without compensation, to low-income individuals receiving health services through a local health department or a health care facility licensed by the Department and operated by a nonprofit entity; provides that health care providers who have entered into such agreements shall enjoy the protection of the Commonwealth's sovereign immunity to the same extent as paid staff of the Department while acting within the scope of the volunteer agreement; and allows health care providers who provide health care services pursuant to such agreements to use such service to satisfy continuing education requirements. (16101102D)

HB 338 (Pogge) (HAPP) prohibits the Commonwealth and its political subdivisions from using any personnel or financial resources to enforce, administer, or cooperate with the federal Patient Protection and Affordable Care Act. The funding or administration of certain regulatory activities, including those related to the Medicaid and CHIP programs, are exempt from the prohibition. (16101110D)

HB 435 (Stolle) (HHWI) exempts adult day care centers that provide services only to individuals enrolled in a Program of All-Inclusive Care for the Elderly program from the requirement of a license issued by the Department of Social Services. (16101299D)

HB 505 (Filler-Corn) (HHWI) directs the Department of Medical Assistance Services (Department) to allow a parent to be approved for reimbursement for providing consumer-directed personal care services to his child, who is at least 18 years of age and lives under the same roof as the parent seeking reimbursement, pursuant to the Elderly or Disabled with Consumer Direction waiver, provided the parent meets all other qualifications set forth in Department regulations. (16103180D)

HB 552 (Watts) (HHWI) requires local departments of social services and local law-enforcement agencies that initiate an investigation upon receipt of a valid report of suspected abuse, neglect, or exploitation of an adult 60 years old or older or incapacitated in a custodial setting or by a licensed health care professional to convey to all appropriate licensing, regulatory, or legal authorities (i) the name of the facility, program, or individual and (ii) the final disposition of such investigations. The bill requires any licensing, regulatory, or legal authorities receiving such information to retain it on file with any other information associated with the facility, program, or individual and, upon receiving the final disposition, to discard the initial report. The bill exempts any information exchanged under these provisions from the disclosure requirements of the Virginia Freedom of Information Act. (16102298D)

HB 620 (Krzek) (HHWI) authorizes a financial institution and its staff to refuse to execute a transaction or disburse funds if the financial institution or its staff (i) in good faith believes the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult or (ii) makes, or has actual knowledge that another person has made, a

report to the local adult protective services department or adult protective services hotline stating a good faith belief that the transaction or disbursement may involve, facilitate, result in, or contribute to the financial exploitation of an adult. (16101474D)

HB 648 (Knight) (HHWI) provides for the State Health Commissioner to develop a procedure for processing requests to approve an installed treatment works. The bill authorizes the Commissioner or his agent to approve a nonconforming treatment works under certain conditions and for an owner of real property to accept a voluntary upgrade as a condition for the approval of a nonconforming treatment works. In addition, the bill designates persons who may certify that the sewage treatment available for a building is safe, adequate, and proper. (16103556D)

HB 1080 (Hodges) (HHWI) clarifies that designs for treatment works from individuals licensed as professional engineers shall comply with horizontal setback requirements applicable to public and private drinking water sources, lakes and other impounded waters, streams and rivers, shellfish waters, and karst-related surface features necessary to protect public health and the environment. The bill also provides that effluent and ground water sampling requirements of the Board of Health shall not apply to alternative onsite sewage systems sized at 1,000 gallons per day or smaller unless a Notice of Violation has been issued and that the Board of Health shall not have the authority to regulate, restrict, define, or prohibit any ground modification or improvement techniques associated with standard engineering practice for the purpose of meeting any performance requirements. (16102849D)

HB 881 (Hugo) (HHWI) exempts from the child day program licensure requirements any martial arts program operated during the summer months if children under the age of five do not attend, the program operates between the hours of 9:00 a.m. and 5:00 p.m., and the program does not serve food or administer medicine to program participants unless it is necessary for the well-being of the child. (16102897D)

Public Safety

HB 543 (Watts) (HCT)/ **SB 566** (Barker) (SCT) clarifies that for the purposes of petitioning for the involuntary psychiatric treatment of an inmate in a local correctional facility, the petition shall be filed by the sheriff or other officer in charge of the local correctional facility where the inmate is incarcerated. (16102369D, 16103564D)

HB 817 (LeMunyon) (HGL)/ **SB 494** (Surovell) (SGL) reverses the holding of the Virginia Supreme Court in the case of Department of Corrections v. Surovell, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or

other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of Department of Corrections v. Surovell by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. The bill contains technical amendments. (16103657D, 16103660D)

HB 1211 (Leftwich) (HAG) requires animal control officers hired on or after July 1, 2017, to complete a basic animal control course within one year after the date of hire. Current law requires completion of such training course within two years after the date of hire. (16103893D)

HB 1313 (Simon) (HMP) provides that a person who is protected by a protective order request that the order include as a condition either (i) that such person be permitted to carry a concealed handgun or (ii) that the person who is subject to the order surrender any firearms in his possession to law enforcement. The bill also would impose additional conditions on either of these options. (16104419D)

HB 1318 (Fowler) (HGL) clarifies that the FOIA exclusion for noncriminal incidents and reports applies to any public body that engages in criminal law-enforcement activities and does not rely on the definition of "noncriminal incidents records" in § 15.2-1722 of the Code of Virginia. The bill addresses a decision of the Virginia Supreme Court in Fitzgerald v. Loudoun County Sheriff's Office. (16104029D)

SB 208 (Garrett) (SGL) authorizes the use of consumer fireworks in the Commonwealth and distinguishes by definition consumer fireworks from display fireworks and permissible fireworks. The bill defines "consumer fireworks" as small fireworks devices (i) containing restricted amounts of pyrotechnic composition designed primarily to produce visible or audible effects by combustion and (ii) complying with certain federal regulations regarding composition and labeling. The bill also provides that the storage and transportation of consumer fireworks are to be considered the same hazard class as the storage and transportation of 1.4G explosives under the Statewide Fire Prevention Code (SFPC) and Uniform Statewide Building Code. The bill excludes from the provisions of the SFPC, unless prohibited by a local ordinance, (a) the sale of permissible or consumer fireworks, (b) any person using, igniting, or exploding permissible or consumer fireworks on residential or agricultural property with the consent of the owner of such property, or (c) such permissible or consumer fireworks when they are being transported from a locality where they were legally obtained to a locality where they are legally permitted. Current law only excludes sale of permissible fireworks or the use of such fireworks on private property. The provisions of the bill have a delayed effective date of January 1, 2017. The bill contains technical amendments. (16100528D)

Drones

HB 89 (Cole) (HCT) provides that a person is guilty of a Class 1 misdemeanor if he uses or attempts to use an unmanned aircraft system while committing or attempting to commit a crime or obstructing or attempting to obstruct law-enforcement officers, animal control officers, or emergency medical services agency personnel in the performance of their duties. (16101781D)

HB 269 (Cole) (HCT) creates a civil cause of action for the physical and constructive invasion of privacy where a person enters onto the land or into the airspace above the land of another person to capture an image, as specified in the bill, of private property or an individual located on the private property without consent or uses any device, including an unmanned aircraft system, to capture such an image in lieu of physically entering the land or airspace. The bill allows a plaintiff to recover the greater of actual damages or \$1,000, along with reasonable attorney fees and costs. The bill allows a court to award punitive damages when actual damages are awarded. (16100629D)

HB 538 (Minchew) (HCT) provides that a locality may by ordinance prohibit the use of unmanned aircraft to trespass upon the property of others within its boundaries. Such ordinance may provide that landowners may exclude such aircraft from a column of airspace extending from the surface of their land up to 350 feet above ground level. A person shall be guilty of a Class 4 misdemeanor if he operates such aircraft in violation of the ordinance. (16103835D)

HB 561 (Lingamfelter) (HCT) makes it a Class 3 misdemeanor to use an unmanned aircraft system to capture an image of private property or an individual located on such private property without the consent of the landowner or other person lawfully in charge of such private property with the intent to conduct surveillance on such property or individual. The bill also provides that the sale or dissemination of such a captured image is punishable as a Class 2 misdemeanor. (16102410D)

HB 878 (Hugo) (HCT)/ **HB 1141** (Fariss) (HCT) creates a civil cause of action for the physical and constructive invasion of privacy where a person, with the intent to coerce, intimidate, or harass enters onto the land or into the airspace above the land of another person to capture an image, as specified in the bill, of private property or an individual located on the private property without consent or uses any device, including an unmanned aircraft system, to capture such an image in lieu of physically entering the land or airspace. The bill allows a plaintiff to recover the greater of actual damages or \$1,000, along with reasonable attorney fees and costs. The bill allows a court to award punitive damages when actual damages are awarded. (16102094D, 16101570D)

HB 1248 (Albo) (HCT) provides that a landowner of any private real property also owns the airspace above the property up to an altitude of 500 feet. (16104512D)

SB 584 (McEachin) (SCT) creates a civil cause of action for the physical and constructive invasion of privacy where a person uses an unmanned aircraft system to enter into the airspace

above the land of another person to capture an image, as specified in the bill, of private property or an individual located on the private property without consent or uses an unmanned aircraft system to capture such an image in lieu of physically entering the land or airspace. The bill allows a plaintiff to recover the greater of actual damages or \$1,000, along with reasonable attorney fees and costs. The bill allows a court to award punitive damages when actual damages are awarded. The bill also creates crimes for using an unmanned aircraft for unauthorized surveillance of property and persons on the property, peeping and spying, and for taking photographs after receiving written notice that the landowner or individual objects. (16103144D)

SB 729 (Stuart) (HCT) provides that a person is guilty of a Class 1 misdemeanor if he uses or attempts to use an unmanned aircraft system while committing or attempting to commit a crime or obstructing or attempting to obstruct law-enforcement officers, animal control officers, or emergency medical services agency personnel in the performance of their duties. (16103638D)

Transportation

HB 140 (Cole) (HTRAN) increases the maximum gross weight of a motor vehicle eligible for an overload permit, based on axle spacing and number of axles on such vehicle, from 84,000 pounds to 90,000 pounds. (16100568D)

HB 796 (Bell, John J.) (HTRAN) requires the Department of Transportation to employ practical design standards for any highway system project, including all projects costing more than \$5 million. "Practical design standards" are defined in the bill as standards that incorporate maximum flexibility in application of standards that reduce the cost of project delivery while preserving and enhancing safety and mobility. (16101357D)

HB 938 (Wilt) (HTRAN) allows a person that is certified as a third-party tester that administers a test program for testing commercial driver's license applicants by the Department of Motor Vehicles (DMV) to be licensed as a driver training school that provides training in the operation of commercial motor vehicles. The bill requires DMV to repeal corresponding regulations. (16101349D)

HB 1157 (Bell, Richard P.) (HCT) provides that a person who commits a third offense of driving while intoxicated within a 20-year period is guilty of a Class 6 felony and the punishment for a person who commits a fourth or subsequent offense within such period must include a mandatory minimum sentence of one year and a mandatory minimum fine of \$1,000. Under current law, the relevant time period for applying enhanced penalties for subsequent offenses is 10 years. (16103697D)

HB 1359 (Peace) (HTRAN) establishes the Transit Capital Project Revenue Advisory Board (the Board) within the Department of Rail and Public Transit to examine the effects of the loss of state transit capital funds and identify additional sources of revenue. The Advisory Board shall expire on July 1, 2019. (16103888D)

SB 515 (McPike) (STRAN) allows mobile food vending units to apply for a permit and pay a fee with the Department of Transportation that would allow them to sell food in commuter lots in Planning District 8. The Department would use the fees to pay for security cameras and increase security in such commuter lots. The bill also requires the Department to publish the permit application on its website and establish a fee for the permit. (16101816D)

SB 742 (Wagner) (SFIN) changes the regional gas tax in Hampton Roads to a cents per gallon tax that decreases as the price of gas increases. The tax would be imposed on the basis of the price of gas as determined by the Commissioner of the Department of Motor Vehicles using a prescribed formula to calculate the average wholesale price. (16104266D)

Legislation to be Monitored by Staff; State Revenue/Policy Implications

HB 512 (Bulova) (HCCT) provides that a locality's subdivision ordinance shall include the submission of a certification by the developer of a common interest community subject to the Property Owners' Association Act (§ 55-508 et seq.) that the developer has reviewed the best practices developed under subdivision A 8 of § 54.1-2349 of the Code of Virginia and given consideration to the best practices in drafting the declaration. (16102264D)

HB 919 (Mason) (HCCT) shortens from two months to 30 days the period after which a locality providing water or sewer service may shut off service for unpaid charges and shortens from 60 days to 45 days the period during which the locality is required to shut off service to a lessee or tenant if it wishes to place a lien on the property for unpaid charges. (16102730D)

SB 109 (Petersen) (Passed Senate) requires commissioners in eminent domain proceedings to be summoned at least 30 days prior to service. Under current law, such summons is required at least one week prior to service. (16103009D)

Elections

HB 1030 (Sickles) (HPE)/ **SB 574** (McEachin) (SPE) requires all officers of election to receive training every two years and whenever a change is made to the election laws or regulations that alters the duties and conduct of the officers. The State Board of Elections is required to develop standardized training programs and provide standardized training materials for use by the electoral boards and general registrars in conducting the training for the officers of election. The bill requires that such materials be reviewed every two years in the year immediately following a general election for federal office. The bill also requires the electoral boards to certify to the State Board that the officers of election have received the required training. (16102856D, 16101969D)

SB 772 (Ebbin) (SPE) requires the State Board of Elections to provide on the Department of Elections website a training course for officers of election and requires the electoral boards to ensure that each officer of election has completed the online training course not less than three days before each November general election. The electoral boards are still responsible for

training chief and assistant chief officers of election and certifying to the State Board that such training has been conducted. (16102227D)

SB 84 (Favola) (SPE) requires the envelope provided to the voter for the return of the absentee ballot to include prepaid postage. (16100600D)

Environment

HB 448 (Cox) (HAG) allows a new or expanding facility registered under the Watershed General Permit to acquire nutrient offset credits, on land located in the same tributary as the facility, on which best management practices have been implemented that would achieve reductions greater than those currently required by federal or state law or the Chesapeake Bay TMDL Watershed Implementation Plan. The bill provides that any such acquisition is subject to approval by the State Water Control Board. The bill also enables an applicant under the Watershed General Permit to join the Virginia Nutrient Credit Exchange Association. (16101504D)

SB 37 (Carrico) (SACNR) directs the Board of Game and Inland Fisheries to adopt regulations exempting the black vulture (*Coragyps atratus*) from the prohibition against taking or possessing a wildlife species that is not classified as game, furbearer, or nuisance. The bill also prohibits the Department of Game and Inland Fisheries (the Department) from devoting any state resources to the enforcement of provisions of the federal Migratory Bird Treaty Act or the regulations adopted thereunder by the U.S. Fish and Wildlife Service that protect the black vulture. In addition, the bill allows the Department to continue to participate in federally permitted black vulture studies and management programs, including obtaining or supporting the issuance of federal migratory bird depredation permits to allow, in some cases, the killing of black vultures. (16104253D-S1)

SB 314 (Dance) (SACNR) allows a new or expanding facility registered under the Watershed General Permit to acquire nutrient offset credits, on land located in the same tributary as the facility, on which best management practices have been implemented that would achieve reductions greater than those currently required by federal or state law or the Chesapeake Bay TMDL Watershed Implementation Plan. The bill provides that any such acquisition is subject to approval by the State Water Control Board. The bill also enables an applicant under the Watershed General Permit to join the Virginia Nutrient Credit Exchange Association. (16101628D)

Public Safety

HB 73 (O'Bannon) (HTRAN) Increases the fines for texting while driving from \$125 to \$250 for a first offense and from \$250 to \$500 for a second or subsequent offense. (16100461D)

Asset Forfeiture

HB 48 (Cole) (HCT) requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner of the property has not submitted a written demand for the return of the property within one year from the date the property was seized. (16100574D)

SB 108 (Petersen) (SCT) requires that any action for the forfeiture of property used in connection with the commission of a crime be stayed until the person whose property is the subject of the forfeiture action has been found guilty of the crime authorizing the forfeiture, regardless of whether he has been sentenced. The bill provides that property may be forfeited even though no finding of guilt is made if (i) the forfeiture is ordered by the court pursuant to a plea agreement or (ii) the owner of the property has not submitted a written demand for the return of the property within one year from the date the property was seized. (16101412D)

HB 771 (Gilbert) (HCT)/ **SB 423** (Howell) (Senate Floor) prohibits a law-enforcement agency from requesting, requiring, or otherwise inducing a person who asserts a lawful right to property seized for the purpose of forfeiture to waive his interest in or rights to the property until an information is filed. The bill allows attorneys for the Commonwealth to electronically notify the Department of Motor Vehicles, in a manner approved by the Commissioner, that a vehicle has been seized. A provision is added allowing a forfeiture proceeding to be stayed if it is also related to a warrant. The Department of Criminal Justice Services will be required to prepare an annual report to the Governor and General Assembly regarding information on all drug and nondrug asset seizures and forfeitures. The report shall be available to the public. This bill is a recommendation of the Virginia State Crime Commission. (16102895D, 16102898D)

SB 457 (Carrico) (SCT) changes the Commonwealth's burden of proof to clear and convincing evidence from preponderance of the evidence in proving that the property is subject to forfeiture in civil asset forfeiture cases. (16102622D)

Firearms

HB 766 (Gilbert) (HMP) authorizes any person 21 years of age or older who is not prohibited from purchasing, possessing, or transporting a firearm and is protected by an unexpired protective order to carry a concealed handgun for 45 days after the protective order was issued. The bill provides that if the person issued the protective order applies for a concealed handgun permit during such 45-day period, such person will be authorized to carry a concealed handgun for an additional 45 days and be given a copy of the certified application, which shall serve as a de facto concealed handgun permit. The bill requires such person to have the order or certified application and photo identification on his person when carrying a concealed handgun and to

display them upon demand by a law-enforcement officer; failure to do so is punishable by a \$25 civil penalty. (16100429D)

Transportation

HB 1070 (Jones) (HTRAN) allows the Commonwealth to enter into agreements with other states to provide for the enforcement of tolling violations occurring in Virginia on out-of-state residents and to enforce tolling violations in other states on Virginia residents. Reciprocity agreements with other states would provide for notification of the Commissioner of the Department of Motor Vehicles (DMV) or other similar entity in another state so that violators who have not paid would have their registration suspended in accordance with the agreement. The bill allows for agreements between toll operators or high-occupancy toll (HOT) lanes operators and DMV to include necessary information to enforce reciprocity agreements. The bill states that a toll violation on the HOT lanes is a traffic infraction and that a HOT lanes operator shall mail the statutorily required invoice for unpaid tolls, as is the case for other toll violations. The bill clarifies references to the issuance of summonses for toll violations. The bill provides for a two-year statute of limitations for all toll violations. The bill contains technical amendments. (16104010D)

Legislation Provided for Information

HB 336 (Pogge) (HGL) protects from mandatory disclosure library records that can be used to identify any library patron under the age of 18 years. The bill provides that access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For records of persons under the age of 18 years who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person under the age of 18 years who is the subject of the record may waive, in writing, the protections afforded by the bill. If the protections are so waived, the public body shall open such records for inspection and copying. (16101104D)

HB 481 (Marshall, Robert G.) (HMP) requires the Director of the Department of Corrections or other official in charge of the facility in which an alien is incarcerated to comply with any detainer received from U.S. Immigration and Customs Enforcement. The bill provides that no alien subject to the detainer shall be released except to transfer custody of the alien to another facility or to the U.S. Immigration and Customs Enforcement, provided that no alien may be held in custody in excess of the date that he would otherwise be released from custody. The bill also waives sovereign immunity for any tortious injury or act committed by an alien released in violation of this requirement after his release. (16103509D)

HB 822 (LeMunyon) (HCCT) requires that bills to subscribers from a cable operator include a concise explanation of any itemized charge that the cable operator attributes to taxes, educational fees, or other governmental obligations. The bill provides that in lieu of printing the explanatory text on the bill, the cable operator may include the address of a website that displays the explanation. (16103682D)

HB 1231 (Collins) (HAG) allows the district court to order the confinement indoors or in a securely enclosed and locked structure that prevents escape or direct contact with persons or other animals any dog that has been found to have injured or killed livestock or poultry. The bill requires a dog under such disposition to be leashed and muzzled when off the owner's property. Under current law, the court is required to order that dogs found to be livestock or poultry killers be killed immediately or removed to another state and prohibited from returning to the Commonwealth. (16104040D)

SB 78 (Wexton) (Senate Floor) allows Loudoun County and any town located within Loudoun County, in adopting a voluntary boundary agreement, to attach to their petitions to the circuit court a Geographic Information System (GIS) map depicting the boundary change. Under current law, such use of a GIS map is permitted only regarding the boundary between the Counties of Louisa and Goochland. The bill contains a technical amendment. (16101904D)

SB 389 (Surovell) (SGL) prohibits a locality from requiring notice to or consent of a condominium association or homeowners' association prior to the issuance of a permit, certificate, or license, including a building permit or a business license. (16101243D)

SB 481 (Ebbin) (SLG) requires either that a vacant building be vacant for 12 months or that it meet the definition of "derelict building" under § 15.2-907.1 before cities and certain towns may require the building's owner to register it and pay an annual registration fee. Current law requires that such a building comply with both the vacancy period and the definition of "derelict building." (16102779D)

Education

Miscellaneous

HB 46 (Greason) (HED) directs the Secretary of Education to establish a 21-member Early Education Workforce Committee with the key goal of ensuring an effective professional development and credentialing system for the early childhood education workforce in the Commonwealth, including the (i) development of a competency-based professional development pathway for practitioners who teach children birth to age five in both public and private early childhood education programs; (ii) consideration of articulation agreements between associate and baccalaureate degree programs; (iii) refinement of teacher licensure and education programs to address competencies specific to early childhood development; (iv) alignment of existing professional development funding streams; and (v) development of innovative approaches to increasing accessibility, availability, affordability, and accountability of the Commonwealth's workforce development system for early childhood education teachers and providers. (16100918D)

SB 224 (Miller) (SEH) requires each school board, by July 1, 2017, to develop and implement a policy to prohibit the use of tobacco products on a school bus, on school property, or at a

school-sponsored activity. The bill also replaces the term "electronic cigarette" with a defined term, "nicotine vapor product." (16101813D)

HB 520 (LeMunyon) (HED) requires each school division that provides for the redistricting of school boundaries to permit any enrolled student who is assigned to a different school in the school division as a result of such redistricting to remain, at the request of his parent, at the school at which he is currently enrolled until he completes the highest grade level at such school. The bill permits each school division to require any parent who makes such a request to provide for the transportation of his child, at the parent's own expense, to the school at which the student remains. The bill specifies that (i) any enrolled elementary school student assigned to a different middle school or high school as a result of the redistricting of school boundaries does not have the right to attend the middle school or high school to which he would have been assigned before such redistricting and (ii) any enrolled middle school student assigned to a different high school as a result of the redistricting of school boundaries does not have the right to attend the high school to which he would have been assigned before such redistricting. (16100173D)

HB 565 (Lingamfelter) (HED) makes several changes to the provisions for the establishment and operation of public charter schools, including (i) requiring public charter schools to be administered and managed by a nonprofit education organization under the control of a governing board in lieu of a management committee and (ii) making changes and providing greater specificity regarding (a) the applicability of various laws, regulations, policies, and procedures to public charter schools; (b) the contents of charter applications; (c) the procedure for executing charter contracts and the contents of such contracts; and (d) the method of funding public charter schools. (16101093D)

SB 360 (Howell) (SEH) requires the Superintendent of Public Instruction to develop and implement a system to track teacher turnover and to annually report his findings to the General Assembly and the Governor. (16101735D)

Physical Education

HB 357 (Loupassi) (HED) requires at least 20 minutes of physical activity per day or an average of 100 minutes per week during the regular school year for students in grades kindergarten through five. This requirement becomes effective beginning with the 2018-2019 school year. The current requirement for a program of physical activity available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year is not changed. (16100009D)

SB 211 (Miller) (SEH) requires at least 20 minutes of physical activity per day or an average of 100 minutes per week during the regular school year for students in grades kindergarten through five. This requirement becomes effective beginning with the 2018-2019 school year. The current requirement for a program of physical activity available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year is not changed. (16101487D)

School Calendar

HB 93 (Kory) (HED) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill contains technical amendments. (16101710D)

HB 788 (Adams) (HED) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill contains technical amendments. (16103134D)

SB 340 (Garrett) (SEH) makes local school boards responsible for setting the school calendar and determining the opening day of the school year and eliminates the post-Labor Day opening requirement and "good cause" scenarios for which the Board of Education may grant waivers of this requirement. The bill contains technical amendments. (16100520D)

High School Athletic Programs

HB 131 (Bell, Robert B.) (HED)/ **SB 612** (Garrett) (SEH) prohibits public schools from joining an organization governing interscholastic programs that does not deem eligible for participation a student who (i) receives home instruction; (ii) has demonstrated evidence of progress for two consecutive academic years; (iii) is in compliance with immunization requirements; (iv) is entitled to free tuition in a public school; (v) has not reached the age of 19 by August 1 of the current academic year; (vi) is an amateur who receives no compensation but participates solely for the educational, physical, mental, and social benefits of the activity; (vii) complies with all disciplinary rules and is subject to all codes of conduct applicable to all public high school athletes; and (viii) complies with all other rules governing awards, all-star games, maximum consecutive semesters of high school enrollment, parental consents, physical examinations, and transfers applicable to all high school athletes. The bill provides that no local school board is required to establish a policy to permit students who receive home instruction to participate in interscholastic programs. The bill permits reasonable fees to be charged to students who receive home instruction to cover the costs of participation in such interscholastic programs, including the costs of additional insurance, uniforms, and equipment. The bill has an expiration date of July 1, 2021. (16102337D, 16103767D)

Elections

HB 32 (Sullivan) (HPE) adds to the list of acceptable forms of voter identification a valid student photo identification card issued by any institution of higher education located in any other state or territory of the United States. Current law allows students from any institution of higher education located in the Commonwealth to use their student photo identification cards for purposes of voting. (16100847D)

HB 104 (O'Bannon) (HPE)/ **SB 315** (Dance) (SPE) provides that if a voting or counting machine secured by removal of a data storage device containing the only record of votes cast for any office or on any question and the machine itself does not contain such a record, that machine is not required to remain locked and sealed until the deadline to request a recount has passed or any contest or recount has been concluded. The sealed envelopes containing the equipment keys for such machines are required to be delivered to the electoral board no later than noon on the day following the election. The bill also provides that the requirements for locking and sealing voting equipment do not apply to any ballot marking device and its data storage device provided to meet accessibility requirements, where the number of persons voting in the election or the number of votes cast for any office or on any question are not recorded by the ballot marking device. All other voting systems are subject to current provisions for the locking and sealing of equipment. (16101461D, 16101528D)

HB 161 (Spruill) (HPE) requires elections for mayors, councils, and elected school boards of cities and towns to be held on the date of regular general elections in November. Currently, cities and towns have the option to elect governing bodies and school boards in May or November. The bill adjusts corresponding dates to reflect the repeal of May elections. (16101577D)

HB 258 (LaRock) (HPE) provides that any candidate nominated by a political party or at a primary election shall be identified on the ballot by the name of his political party. Currently, only candidates for federal, statewide, and General Assembly offices are so identified. (16101809D)

HB 375 (Pogge) (HPE) provides that a candidate for a local governing body who is nominated by a political party or at a primary election shall be identified on the ballot by the name of his political party. Currently, only candidates for federal, statewide, and General Assembly offices are so identified. (16102980D)

HB 806 (Lingamfelter) (HPE) adds political party affiliation to the information that an applicant is asked to provide when registering to vote. The applicant may indicate that he is an independent. Voters registered prior to January 1, 2017, will be designated as independent unless they provide a political party affiliation in writing to the general registrar. No more than one change to a voter's party affiliation or independent status on his registration record shall be permitted within a twelve-month period. Voters may change their party affiliation at any time before the registration records are closed prior to an election, except that voters who are designated as independent may change their independent designation to a political party affiliation at any point after registration records are closed prior to a primary election, including on the day of the primary. Only voters who are registered as being affiliated with the political party may participate in that party's primary. (16100762D)

SB 767 (Suetterlein) (SPE) provides that any candidate nominated by a political party or at a primary election shall be identified on the ballot by the name of his political party. Currently, only candidates for federal, statewide, and General Assembly offices are so identified. (16103756D)

HB 937 (Wilt) (HPE) authorizes the State Board of Elections to conduct a pilot program under which one or more counties or cities whose plan for participation in the pilot program is unanimously approved by the State Board would be permitted to use vote centers in the June primary elections. The governing body of a county or city applying to participate in the pilot program is required to submit a plan for participation that includes (i) the number of vote center precincts to be established in the county or city and the boundaries of such precincts and (ii) the number of vote centers to be established in each vote center precinct and the location of each such vote center. The bill defines "vote center precinct" to mean the territory established by a county or city pursuant to the pilot program, to be served by one or more vote centers; "vote center" is defined to mean the structure at which any qualified voter who is a resident of the vote center precinct may vote in a June primary election. The bill contains requirements for a minimum number of vote centers based on the number of registered voters in a vote center precinct and the size of the vote center precinct. The State Board is directed to publish a report on the implementation and effectiveness of the pilot program. The provisions of the bill expire on December 31, 2020. (16101891D)

HB 1003 (Levine) (HPE) requires any electronic voting system approved by the State Board of Elections to retain each paper ballot cast or to produce a voter-verifiable paper record of each ballot cast that is available for inspection and verification by the voter at the time the ballot is cast. The bill defines a "voter-verifiable paper record" to mean a tangible record of the ballot cast by the voter that is printed on paper and is physically separate from any other similar document. For purposes of sealing and delivering to clerks of the circuit courts and retention by the clerks, such paper records are treated in the same manner as counted ballots. (16103155D)

SB 43 (Carrico) (Senate Floor) clarifies that a city or town may move the time of its local elections pursuant to statutory authority notwithstanding any contrary provisions of its charter. (16101686D)

SB 89 (Marsden) (SPE) requires the posting of minutes of the local electoral boards' meetings on the local electoral board's website or the official website of the county or city. Draft meeting minutes are required to be posted no later than 10 days after the meeting and final approved meeting minutes are required to be posted within three working days of approval. (16100826D)

Environment

HB 1340 (Hodges) (HAG) requires the Department of Environmental Quality to operate stormwater management programs that regulate land-disturbing activities that disturb from 2,500 square feet to up to one acre in localities east of Interstate 95 that fall under the provisions of the Chesapeake Bay Preservation Act and that elect not to operate such a program. (16104198D)

SB 282 (Lewis) (SACNR) establishes the Virginia Shoreline Resiliency Fund for the purpose of creating a low-interest loan program to help residents and businesses that are subject to

recurrent flooding. Moneys from the Fund may be used to mitigate future flood damage. (16101182D)

SB 598 (DeSteph) (SACNR) clarifies that certain flow rate capacity and velocity requirements for plans approved on and after July 1, 2014, shall be satisfied by compliance with Virginia Stormwater Management Program (VSMP) Permit Regulations where the land-disturbing activity is conducted in accordance with extended permit coverage regulations. (16102415D)

SB 407 (Wexton) (Senate Floor) provides that any locality that has a record of the location of conventional onsite sewage systems and alternative discharging systems and that meet certain other criteria may adopt an ordinance establishing a uniform schedule of civil penalties for violations of specified provisions for the operation and maintenance of such systems. Currently, the provisions apply only to alternative onsite sewage systems. (16101922D)

Health and Human Services

HB 314 (Orrock) (HHWI) provides that a prescriber may authorize an employee of a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or a private school accredited in accordance with standards prescribed by the Board of Education pursuant to § 22.1-19 by a state-recognized accrediting member approved by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia pursuant to a written order or standing protocol and provides immunity from civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment to such employees, provided that the insulin is administered in accordance with the child's medication schedule or such employee has reason to believe the individual receiving the glucagon is suffering or about to suffer life-threatening hypoglycemia. The bill also allows nurse practitioners and physician assistants to provide training programs on the administration of drugs to students of private schools accredited in accordance with standards prescribed by the Board of Education by state-recognized accrediting members approved by the Virginia Council for Private Education. (16101466D)

HB 477 (Cox) (HAPP) authorizes the Virginia Public Building Authority to issue bonds in the amount of \$29.3 million plus financing costs to construct veterans care centers in Northern Virginia and Hampton Roads. (16102049D)

HB 1035 (Rasoul) (HFIN) establishes elderly care savings trust accounts to be administered by the Virginia College Savings Plan to facilitate the saving of private funds to defray the medical and health-related expenses of the elderly. (16100268D)

SB 231 (Miller) (SLG) expands the definition of "smoking" in the Virginia Indoor Clean Air Act to include vapor products. Vapor stores are excluded from the scope of Act. (16101811D)

Food Safety

HB 62 (Morris) (HAG) exempts persons who own three or fewer milking cows and three or fewer goats from the oversight of the Milk Commission and the Board of Agriculture and Consumer Services' requirements governing the quality, grading, and sanitary standards for milk so long as the milk their cows or goats produce is sold directly to consumers and contains a label stating that the product has not been inspected by the state and the consumer is purchasing the product at his own risk. (16100893D)

HB 619 (Bell, Robert B.) (HAG) exempts food products and food made from milk processed or prepared in private homes or farms from Board of Agriculture and Consumer Services regulations, so long as (i) the sale is made directly to end consumers and (ii) the product is labeled with the producer's name and address, the product's ingredients, and a disclosure statement indicating the product is not for resale and is processed and prepared without state inspection. The bill also exempts private homes or farms that meet the same conditions from examinations conducted by the State Health Commissioner of establishments in which crustacea, finfish, and shellfish are handled. (16102338D)

Public Safety/ Criminal Justice

HB 91 (Hope) (HAPP) prohibits entities or agencies of the Commonwealth or political subdivisions thereof from receiving commission payments from companies that provide inmate telephone services. (16101247D)

HB 198 (Lingamfelter) (HMP) provides that no official or employee of a school board or locality may apply for the appointment of a special conservator of the peace without attaching a written assessment of the need for such appointment from the sheriff or chief of police to the application. (16100766D)

HB 1182 (Aird) (HCCT)/ **SB 266** (Dance) (Senate Floor) allows sheriffs' offices to use marked motor vehicles painted in any solid color. Current law requires the sheriff to obtain the concurrence of the local governing body to use any color other than dark brown. (16103368D, 16101480D)

SB 281 (Wexton) (SCL) removes the authority of the mayor to take command of the police during emergencies and deputize assistant policemen to maintain order and enforce laws during such emergency. (16102517D)

SB 651 (Cosgrove) (SACNR) requires animal control officers hired on or after July 1, 2017, to complete a basic animal control course within one year after the date of hire. Current law requires completion of such training course within two years after the date of hire. (16103320D)

Fire and Rescue

HB 199 (Boysko) (HCCT)/ **SB 79** (Wexton) (Senate Floor) allows any locality to fund the cost of participation in mental health treatment and counseling programs by a member of a volunteer fire or rescue company. A mental health program in which such volunteers are eligible to participate must be comparable to an employee assistance program offered to paid employees of the locality. (16101889D, 16104529D-S1)

HB 1104 (Murphy) (HCCT) provides that a firefighter who is the subject of an order of quarantine or an order of isolation as a result of potential exposure that occurred in the line of duty is entitled to the continued payment of compensation from his local employer during the period of such quarantine or isolation. (16103930D)

Law Enforcement

HB 1047 (Rasoul) (HCCT) allows any locality by ordinance to provide that the owner of any property is liable for a civil penalty of \$100 for the use of the premises for the illegal consumption of alcohol, provided the owner knew or reasonably should have known that the premises was being used for this purpose. (16103993D)

SB 527 (Stuart) (SLG) authorizes any locality to provide by ordinance that a person convicted of a felony violation of the bomb threat statute or the statute that penalizes the incitement of a bomb threat shall be liable for the reasonable expense, not to exceed \$1,000, of an appropriate emergency response to the threat. Current law allows such an ordinance to subject a person to liability for the expense of the emergency response to an imitation version of a weapon of terrorism or fire bomb or other explosive device. (16100380D)

Taxation

HB 1095 (Cline) (HFIN) reduces the top marginal individual income tax rate from 5.75 percent on income in excess of \$17,000 to five percent on income in excess of \$5,000 beginning with taxable year 2017. (16102774D)

HB 539 (Watts) (HFIN) lowers the corporate income tax rate from six percent to 5.75 percent for taxable years beginning on or after January 1, 2017. (16101906D)

SB 326 (Saslaw) (SFIN) lowers the corporate income tax rate from six percent to 5.75 percent for taxable years beginning on or after January 1, 2017. (16101908D)

SB 244 (Petersen) (SFIN) authorizes localities to impose a local fuels tax, not to exceed five cents per gallon of fuel. The tax would be paid by the distributor at the point of sale to a retail distributor in the same manner as regional fuel taxes. The Commonwealth would make an annual payment to localities for the difference between revenues that were collected from the tangible personal property tax on vehicles, including personal property tax relief, and the amount of revenues collected by a five-cents-per-gallon fuels tax. The bill also repeals the

personal property tax relief program. The bill has a delayed effective date of January 1, 2019, and is contingent on passage of a constitutional amendment making motor vehicles used for nonbusiness purposes exempt from taxation. (16100872D)

SB 400 (Marsden) (SFIN) includes as Virginia taxable income any funds that are contributed to a campaign committee but used by the taxpayer for personal use. (16103600D)

Transportation

Miscellaneous

HB 384 (Marshall, Robert G.) (HTRAN) requires any meeting of the Commonwealth Transportation Board that involves a discussion or vote related to a transportation project valued in excess of \$5 million be held in the highway construction district where the project being considered is located. (16103504D)

HB 407 (Bulova) (HTRAN) prohibits HOV-2 lanes of Interstate 66 from being converted to HOV-3 lanes or a more restrictive designation prior to January 1, 2020. (16102796D)

HB 719 (LeMunyon) (House Floor) requires the Commonwealth Transportation Board to make public the criteria used to determine the value of each factor used in the statewide prioritization process for project selection no later than 30 days prior to a vote on such project or strategy. (16100315D)

HB 728 (LeMunyon) (HTRAN) requires that the results of Department of Transportation reviews of proposed local comprehensive plan amendments for issues related to homeland security be provided concurrently to the submitting locality and the Northern Virginia Transportation Authority. (16102290D)

HB 733 (LeMunyon) (HTRAN) requires half of the performance evaluations of Department of Transportation and Department of Rail and Public Transportation employees in Planning District 8 to be based on the extent to which congestion in the planning district has been relieved. (16100369D)

HB 826 (Torian) (HTRAN) creates the Prince William County Metrorail Improvement District to provide a means of financing an extension of commuter rail service from Fairfax County into Prince William County. (16102614D)

Transportation Funding

HB 1122 (Bloxom) (HST)/ **SB 46** (Carrico) (SFIN) extends through fiscal year 2020-2021 the annual transfer of \$9.5 million from the Transportation Trust Fund to the Commonwealth Space Flight Fund. Under current law, the transfer would cease in fiscal year 2016-2017. (16102808D, 16102284D)

HJ 139 (LaRock) (HPE) requires the General Assembly to maintain permanent and separate Transportation Funds to include the Commonwealth Transportation Fund, Transportation Trust Fund, Highway Maintenance and Operating Fund, and other funds established by general law for transportation. All revenues dedicated to Transportation Funds on January 1, 2017, by general law, other than a general appropriation law, shall be deposited to the Transportation Funds, unless the General Assembly by general law, other than a general appropriation law, alters the revenues dedicated to the Funds. The amendment limits the use of Fund moneys to transportation and related purposes. The amendment specifies that the General Assembly may borrow from the Funds for other purposes only by a vote of two-thirds plus one of the members voting in each house and that the loan must be repaid with reasonable interest within four years. (16103263D)

SB 32 (Lucas) (SGL) creates the Virginia Casino Gaming Commission as the licensing body for casino gaming, specifies licensing requirements for casino gaming, and imposes penalties for violations of the casino gaming law. Casino gambling shall be limited to certain localities. The distribution of the proceeds of the gross receipts tax and admission tax imposed on casino gaming operators will be: (i) 10 percent to the locality where the casino operation is located and (ii) 90 percent into the Toll Mitigation Fund, established by the bill, to mitigate the tolls for the Dominion Boulevard Bridge and Roadway Improvement Project and the Downtown Tunnel/Midtown Tunnel/Martin Luther King Freeway Extension Project. (16100321D)

SB 33 (Lucas) (SGL) creates the Virginia Casino Gaming Commission as the licensing body for casino gaming, specifies licensing requirements for casino gaming, and imposes penalties for violations of the casino gaming law. Casino gaming shall be limited to localities that have passed a referendum allowing casino gaming in the locality. The distribution of the proceeds of the imposed taxes will be: (i) one percent into the Problem Gambling Treatment and Support Fund, established in the bill, ii) 10 percent to the locality in which the casino gaming operation is located, and (iii) 89 percent into the Toll Mitigation Fund, to be used to mitigate the tolls for the Dominion Boulevard Bridge and Roadway Improvement Project and the Downtown Tunnel/Midtown Tunnel/Martin Luther King Freeway Extension Project. (16100677D)

SB 34 (Lucas) (SGL) authorizes casino gaming in the state to be regulated by the Virginia Lottery Board (the Board), specifies the licensing requirements for casino gaming, and imposes penalties for violations of the casino gaming law. Casino gaming shall be limited to localities that have passed a referendum allowing a casino gaming in the locality. The distribution of the proceeds of the imposed taxes will be: (i) one percent into the Problem Gambling Treatment and Support Fund, established in the bill, ii) 10 percent to the locality in which the casino gaming operation is located, and (iii) 89 percent into the Toll Mitigation Fund, to be used to mitigate the tolls for the Dominion Boulevard Bridge and Roadway Improvement Project and the Downtown Tunnel/Midtown Tunnel/Martin Luther King Freeway Extension Project. (16100685D)

Transportation Safety

HB 78 (O'Quinn) (HTRAN) increases the fine for failing to drive on the right side of highways or failing to observe traffic lanes from no more than \$250 to \$300 per violation. (16100593D)

HB 410 (Ingram) (HTRAN) prohibits the use of a toy vehicle on any roadway or highway by eliminating exceptions that currently allow the use of toy cars on roadways and highways that have speed limits no greater than 25 miles per hour, have no more than two travel lanes, or are located within a residence district. (16101690D)

HB 1185 (Sickles) (HCT) raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour if the applicable speed limit is 70 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged. (16103705D)

Hampton Road Transportation Accountability Commission

HB 274 (Yancey) (HAPP) ensures that the moneys in the Hampton Roads Transportation Fund are distributed to the Hampton Roads Transportation Accountability Commission and allows the Commission to invest moneys in excess of those required to meet current needs in accordance with applicable law. (16101176D)

HB 275 (Yancey) (HTRAN) allows an elected official of any of the four counties embraced by the Hampton Roads Transportation Accountability Commission who serves on the county's governing body and has been appointed by resolution of such governing body to represent the county on the Commission to serve on the Commission. Currently, only the chief elected officer of such county may serve on the Commission. (16101178D)

HB 276 (Yancey) (HTRAN) allows the Hampton Roads Transportation Accountability Commission to spend Hampton Roads Transportation Fund moneys on administrative and operating expenses and removes the requirement that, if no other funds are available, administrative expenses of the Commission be allocated among the localities within Planning District 23 on the basis of relative population. The bill states that it does not result in the expiration of the contingently effective provisions of Chapter 896 of the Acts of Assembly of 2007 or Chapter 766 of the Acts of Assembly of 2013. (16101179D)

HB 1111 (Villanueva) (HTRAN) ensures that the moneys in the Hampton Roads Transportation Fund are distributed to the Hampton Roads Transportation Accountability Commission and allows the Commission to invest moneys in excess of those required to meet current needs in accordance with applicable law. Allows the Hampton Roads Transportation Accountability Commission to spend Hampton Roads Transportation Fund moneys on administrative and operating expenses and removes the requirement that, if no other funds are available, administrative expenses of the Commission be allocated among the localities within Planning District 23 on the basis of relative population. The bill states that it does not result in

the expiration of the contingently effective provisions of Chapter 896 of the Acts of Assembly of 2007 or Chapter 766 of the Acts of Assembly of 2013. The bill allows an elected official of any of the four counties embraced by the Hampton Roads Transportation Accountability Commission who serves on the county's governing body and has been appointed by resolution of such governing body to represent the county on the Commission to serve on the Commission. Currently, only the chief elected officer of such county may serve on the Commission. The bill also allows a member representing a city or county to designate a current elected officer of the same governing body to serve in his place on the Commission after making such designation to the Chairman and limits such designation to two meetings or 25% percent of the Commission's meetings per year. (16103721D)

HB 1208 (Tyler) (HTRAN) allows the chairman of the board of supervisors of a county within Planning District 23 to designate a current elected officer of the same governing body to serve in his place on the Hampton Roads Transportation Accountability Commission. (16103552D)

SB 47 (Lucas) (SRUL) allows the chairman of the board of supervisors of a county within Planning District 23 to designate a current elected officer of the same governing body to serve in his place on the Hampton Roads Transportation Accountability Commission. (16101376D)

SB 470 (Wagner) (SFIN) increases the tax on the sales price charged by a distributor for fuels sold to a retail dealer in Hampton Roads from 2.1% to 5.1%. (16101311D)

SB 472 (Wagner) (SRUL) allows a chief elected officer to designate a current elected officer of the same governing body to serve in his place on the Hampton Roads Transportation Accountability Commission for one meeting if 48-hour notice is provided to the Chairman. (16102175D)

SB 476 (Wagner) (SRUL) ensures that the moneys in the Hampton Roads Transportation Fund are distributed to the Hampton Roads Transportation Accountability Commission and allows the Commission to invest moneys in excess of those required to meet current needs in accordance with applicable law. Allows the Hampton Roads Transportation Accountability Commission to spend Hampton Roads Transportation Fund moneys on administrative and operating expenses and removes the requirement that, if no other funds are available, administrative expenses of the Commission be allocated among the localities within Planning District 23 on the basis of relative population. The bill states that it does not result in the expiration of the contingently effective provisions of Chapter 896 of the Acts of Assembly of 2007 or Chapter 766 of the Acts of Assembly of 2013. The bill allows an elected official of any of the four counties embraced by the Hampton Roads Transportation Accountability Commission who serves on the county's governing body and has been appointed by resolution of such governing body to represent the county on the Commission to serve on the Commission. Currently, only the chief elected officer of such county may serve on the Commission. The bill also allows a member representing a city or county to designate a current elected officer of the same governing body to serve in his place on the Commission after making such designation to the Chairman and limits such designation to two meetings or 25% percent of the Commission's meetings per year. (16103742D)

SB 682 (Miller) (STRAN) requires that any construction or expansion project on a bridge or tunnel by the Department of Transportation or the Hampton Roads Accountability Commission include a multimodal component. (16103332D)

Tolls

HB 97 (Cole) (HTRAN) directs the Department of Transportation to enter into negotiations with the toll operator of the existing HOT lanes on Interstate 95 to extend the HOT lanes south to U.S. Route 17 in Stafford County by 2020. (16100566D)

HB 169 (Albo) (HTRAN) requires a HOT lanes operator to notify the registered owner of a vehicle that entered or used HOT lanes without payment of the toll. Such notification must be given within 24 hours of the violation if the registered owner of the vehicle has an account with the HOT lanes operator or within 24 hours of identification of a registered owner who does not have such an account. The bill requires at the Department of Transportation to notify an account holder when his account reaches a low balance status, if the account holder has requested such notification. (16100778D)

HB 414 (James) (HTRAN) lowers the administrative fee that is paid after 30 days of nonpayment of an unpaid toll from \$100 to \$50 and lengthens such period of nonpayment from 30 days to 60 days. The time period for notice to contest liability for a toll violation is extended from 60 to 90 days. The time period to file an affidavit stating that the owner of the vehicle was not the operator of the vehicle during the unpaid toll violation is extended from 14 to 30 days. (16102422D)

HB 729 (LeMunyon) (HTRAN) requires the Department of Transportation (VDOT) to request email addresses and personal cell phone numbers from every account holder of an electronic toll collection device, commonly known as E-ZPass. The bill further requires VDOT to notify account holders via text message or email when the vehicle associated with the E-ZPass is operated without payment of a required toll, when the account reaches an amount preestablished by the account holder as a low balance, or when any other account irregularity occurs. (16103163D)

HB 1042 (Villanueva) (HTRAN) exempts toll facility operators or their agents from being assessed a charge by the Department of Motor Vehicles for supplying information for official use. (16102630D)

HB 1071 (Heretick) (HTRAN) provides that no action to recover an unpaid electronic toll shall be brought until at least 120 days have elapsed from the date of the violation. Any such action shall only be brought in the locality in which the vehicle is registered, if registered in the Commonwealth, or in the locality in which the violation occurred, if the vehicle is registered outside the Commonwealth. No judgment resulting from such action shall exceed five times the amount of the unpaid toll, including administrative fees and penalties. The bill provides for a one-year statute of limitations for all toll violations. The bill requires toll facilities that do not

offer manual toll collection to accept cash at a physical location or by electronic funds transfer within 72 hours of the unpaid toll. The bill requires such toll operator to display signage notifying drivers of alternative routes that are not tolled and that payment in cash may be accepted within 72 hours of the unpaid toll. (16101937D)

SB 255 (Surovell) (SRUL) requires the Department of Transportation to conduct a survey of other states' toll relief programs and evaluate potential methods of toll relief for citizens of the Commonwealth. The Department shall submit a report of its findings no later than the first day of the 2017 Regular Session of the General Assembly. (16103393D)

SB 256 (Surovell) (SCT) clarifies that the 12-month statute of limitations applies to all unpaid tolls, penalties, administrative fees, and costs from violations on HOT lanes. (16100122D)

SB 257 (Surovell) (STRAN) provides that increased fines for subsequent violations of the high-occupancy requirement on HOV and for driving an unauthorized vehicle on the HOT lanes shall be imposed only after conviction of the prior offense. (16100158D)

SB 295 (Lucas) (STRAN) lowers the administrative fee that is paid after 30 days of nonpayment of an unpaid toll from \$100 to \$50 and lengthens such period of nonpayment from 30 days to 60 days. The time period for notice to contest liability for a toll violation is extended from 60 to 90 days. The time period to file an affidavit stating that the owner of the vehicle was not the operator of the vehicle during the unpaid toll violation is extended from 14 to 30 days. (16102028D)

SB 334 (Locke) (STRAN) lowers the administrative fee that is paid after 30 days of nonpayment of an unpaid toll from \$100 to \$50 and lengthens such period of nonpayment from 30 days to 60 days. The time period for notice to contest liability for a toll violation is extended from 60 to 90 days. The time period to file an affidavit stating that the owner of the vehicle was not the operator of the vehicle during the unpaid toll violation is extended from 14 to 30 days. (16102119D)

SB 431 (Ebbin) (STRAN) lengthens the time period to pay an unpaid toll from 30 to 45 days before the administrative fee is increased. The bill decreases the civil penalties for an unpaid toll, making them equal to civil penalties for other toll violations, and makes subsequent increased civil penalties applicable only after conviction of a prior offense and allows for consideration of extenuating circumstances. The bill also places a cap on civil penalties and administrative fees of \$2,200 for a driver or owner's first court appearance for unpaid tolls and requires an annual report by the Department of Transportation on toll violations, penalties, and fees to the Chairmen of the House and Senate Transportation Committees. (16102120D)

SB 514 (McPike) (STRAN) prohibits the Department of Transportation from charging fees for or requiring users to exchange their E-ZPass flex transponder as a result of inactivity. (16101815D)

Towing

HB 37 (Kory) (HTRAN) prohibits tow truck drivers and towing and recovery operators from knowingly towing a motor vehicle occupied by a companion animal. (16100210D)

HB 946 (Kearney) (HTRAN) bans the use of spotters by tow truck drivers and towing and recovery operators and requires the authorization or presence of the owner of the property from which a trespassing vehicle is being towed; the use of spotters and towing without such authorization are included as acts for which a consumer can file a complaint with the Division of Consumer Counsel at the Office of the Attorney General. The bill also includes as violations of the Virginia Consumer Protection Act prohibited acts by tow truck drivers and towing and recovery operators, violations of police towing, and violations of local ordinances regulating police towing, price, and trespass towing. (16103070D)

HB 1060 (Hugo) (HTRAN) provides that localities in Planning District 8 shall establish by ordinance (i) an initial hookup and towing fee of at least \$135; (ii) an additional fee of at least \$25 for towing at night, on weekends, or on a holiday; and (iii) that no fee pursuant to clause (ii) shall be charged more than twice for a tow. Under current law, \$135 is the maximum hookup and initial towing fee and \$25 is the permissible charge for towing at night, on weekends, or on a holiday. (16103047D)

Transportation Studies

HJ 109 (LeMunyon) (HRUL) requests the Governor to review the Washington Metropolitan Area Transit Authority Compact of 1966 and enter into discussions with his counterparts in Washington, D.C., and Maryland to identify possible improvements to the agreement, particularly with regard to the governance, financing, and operation of the Authority. (16100168D)

HJ 171 (Pogge) (HRUL)/ **SJ 107** (Marsden) (SRUL) urges localities to make a collaborative effort to provide affordable cross-jurisdictional public transportation to persons with disabilities by modifying and expanding current transportation routes and services. The resolution urges localities to enter into memoranda of understanding to accomplish this goal and to work with all relevant agencies, organizations, and other stakeholders. The resolution is a recommendation of the Disability Commission. (16103712D, 16103709D)

Attachments: Supplementary documents

cc: Joe Mondoro, Chief Financial Officer
Patricia Harrison, Deputy County Executive
David J. Molchany, Deputy County Executive
Dave Rohrer, Deputy County Executive
Robert A. Stalzer, Deputy County Executive
David P. Bobzien, County Attorney
Catherine A. Chianese, Assistant County Executive and Clerk to the Board
Richmond Team
Tom Biesiadny, Director, Department of Transportation
Gail Langham, Deputy County Attorney

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February 2, 2016

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**FAIRFAX COUNTY
LEGISLATIVE SUMMARY**

2016 GENERAL ASSEMBLY

January 31, 2016

Fairfax County Legislative Summary 2016 General Assembly

Board of Supervisors Report Key

Bill No. – Patron, (District No.) Bill Title	Committee/Floor Actions	Bold = Date Position taken by full Board of Supervisors [] = Date position taken by BOS Legislative Committee <i>Italics</i> = <i>Date position recommended by staff</i>
HB 589 - Watts (39) Blue Star Memorial Highway; designating as portion of Old Keene Mill Road in Fairfax County.	1/10/2006 House: Referred to Committee on Transportation	12/5/2005
Initiate (067916260) Summary: Designates a portion of Old Keene Mill Road in Fairfax County a "Blue Star Memorial Highway."		

Bold = Board Position, **[]** = BOS Legislative Committee Position, *Italics=Staff Recommended Position Changes* (LD No. is version of bill on which position was taken)
Summary -- Reflects latest version of summary available on the Legislative Information System Web Site (If not noted otherwise, reflects summary as introduced)

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<u>HB 541</u> Watts, V	Juveniles; disclosure of law-enforcement records.
<u>HB 1032</u> Sickles, M	Vehicle registration; locality may impose penalty on owner annually as long as vehicle unregistered.

<i>Fairfax County Positions</i>	
<i>(Oppose or Amend) :</i>	<i>Pages 14-35</i>

<u>HB 1</u> LeMunyon, J	Interstate 66; tolls on existing components east of mile marker 67 prohibited.
<u>HB 9</u> Cole, M	Voter registration; required information on application form.
<u>HB 61</u> Morris, R	Virginia Freedom of Information Act; misdemeanor violations, penalty.
<u>HB 86</u> Morris, R	VIEW; pilot program for substance abuse screening and assessment.
<u>HB 99</u> Cole, M	High-occupancy vehicle (HOV) lanes; certain vehicles use of HOT lanes on Interstate 395, exceptions.
<u>HB 181</u> Minchew, J	Northern Virginia Transportation Commission; increases membership.
<u>HB 190</u> Bulova, D	Northern Virginia Transportation Authority; use of population estimate in connection with decisions.
<u>HB 191</u> Minchew, J	Composite index of local ability-to-pay; use value of real estate in certain localities.
<u>HB 214</u> LeMunyon, J	Tax reform, state and local; joint subcommittee to study.
<u>HB 224</u> Marshall, R	Interstate System components; approval of tolls.
<u>HB 225</u> Albo, D	Interstate System components; approvals of tolls on I-395.
<u>HB 370</u> Poindexter, C	Elections; run-off elections for statewide offices and United States Senate.
<u>HB 380</u> Marshall, R	Interstate 66; tolls prohibited from Haymarket to Interstate 495.
<u>HB 495</u> Simon, M	Synthetic turf; three-year moratorium on installation at schools and parks.
<u>HB 545</u> Watts, V	License tax, local; staffing firm deductions.

<u>HB 594</u> Marshall, R	Traffic or motor vehicle laws; enforcement of laws, marked law-enforcement vehicles.
<u>HB 631</u> Bell, J	Tolling on Interstate 66.
<u>HB 712</u> Marshall, R	Interstate 66; tolls prohibited from Haymarket to Interstate 495.
<u>HB 713</u> Marshall, R	Interstate 66; advisory referendum on collection of tolls.
<u>HB 715</u> LeMunyon, J	Interstate 66; requirements that VDOT must satisfy prior to change in HOV-2 designation.
<u>HB 717</u> LeMunyon, J	Transportation projects; evaluation of in Northern Virginia.
<u>HB 720</u> LeMunyon, J	Transportation projects in Planning District 8; public hearings.
<u>HB 721</u> LeMunyon, J	Toll Facilities Revolving Account; statewide prioritization process.
<u>HB 722</u> LeMunyon, J	Tolls; prohibits imposition or collection of tolls on certain highways in Planning District 8.
<u>HB 723</u> LeMunyon, J	NOVA; transfer of powers and duties to NOVA Authority.
<u>HB 724</u> LeMunyon, J	Northern Virginia Transportation Commission; quorum and voting procedures.
<u>HB 725</u> LeMunyon, J	Northern Virginia Transportation Commission; membership.
<u>HB 726</u> LeMunyon, J	Northern Virginia Excess Toll Revenue Fund; created.
<u>HB 730</u> LeMunyon, J	Commuter parking; lot signage in Planning District 8.
<u>HB 732</u> LeMunyon, J	State and local transportation planning; review of proposed rezoning, impact on roads.
<u>HB 770</u> Gilbert, C	Conditional zoning; provisions applicable to all proffers.
<u>HB 774</u> Gilbert, C	Conditions of release; pretrial services agency.
<u>HB 776</u> Gilbert, C	Conditions of release; pretrial services agency.
<u>HB 787</u> Adams, L	Construction activities; acquisition of nutrient credits.
<u>HB 812</u> Peace, C	Limited Residential Lodging Act; established, penalty.
<u>HB 836</u> Cline, B	VIEW; substance abuse screening and assessment of public assistance applicants and recipients.
<u>HB 841</u> Webert, M	Interstate 66; prohibits tolls on any component.
<u>HB 853</u> Cline, B	Traffic lights; use of photo-monitoring systems.

<u>HB 879</u> Hugo, T	Alcoholic beverage control; farm wineries and limited brewery licenses, land zoned agricultural.
<u>HB 883</u> Habeeb, G	Telecommunications towers; in accordance with comprehensive plan.
<u>HB 901</u> Marshall, R	Northern Virginia Transportation Authority; use of certain revenues.
<u>HB 916</u> Bulova, D	Interstate 66; prohibits imposition or collection of tolls on any component.
<u>HB 949</u> Keam, M	Northern Virginia Transportation Authority (NVTa); membership composition.
<u>HB 960</u> Carr, B	Fines under certain local ordinances; payment to local school division and Literary Fund.
<u>HB 977</u> Lopez, A	State waters; unlawful discharge of deleterious substance into waters.
<u>HB 1043</u> Rasoul, S	Reckless driving; raises threshold for speeding.
<u>HB 1121</u> Anderson, R	Absentee voting; verification of signatures by officers of elections.
<u>HB 1164</u> Morris, R	Local stormwater utility; waiver of charges for church or religious body.
<u>HB 1243</u> Marshall, R	Interstate 66; referendum for tolling.
<u>HB 1244</u> Marshall, R	Interstate 66; referendum for tolling.
<u>HB 1268</u> Taylor, S	Limited Residential Lodging and Short-term Rental Lodging Act; established, penalty.
<u>HB 1293</u> Hugo, T	Employee grievance procedure, local; impartial panel hearing, etc.
<u>HB 1374</u> Bulova, D	Interstate 66; Commonwealth Transportation Board may impose tolls to use.
<u>HB 1382</u> Keam, M	Real property tax; tax on commercial and industrial property in certain localities.
<u>HJ 50</u> Webert, M	Composite Index of Local Ability to Pay; DOE to study effect of local use value assessment
<u>HJ 110</u> LeMunyon, J	Interstate 66; Secretary of Transportation to study tolling alternatives.
<u>HJ 123</u> Hugo, T	Constitutional amendment; real property tax exemption.
<u>SB 113</u> Petersen, J	Northern Virginia Transportation Authority; membership composition.
<u>SB 234</u> Petersen, J	Interstate 66; tolls on existing components east of mile marker 67 prohibited.
<u>SB 277</u> Wexton, J	Northern Virginia Transportation Commission; increases membership.
<u>SB 288</u> DeSteph, Jr., B	Conflict of Interests Act, State and Local Government; advisory opinions for local officers.

<u>SB 365</u> Chafin, A	Prioritization of statewide transportation projects; exceptions.
<u>SB 405</u> Vogel, J	Tolling additional capacity and designations of HOV and HOT lanes on Interstate 66.
<u>SB 413</u> Barker, G	Northern Va. Transportation Authority; use of population estimates in connection with decisions.
<u>SB 416</u> Vogel, J	Limited Residential Lodging Act; established, records available only in response to written request.
<u>SB 439</u> Obenshain, M	Voter identification; information contained in electronic pollbook.
<u>SB 468</u> Wagner, F	Local stormwater utility; waiver of charges to real property, retention of water on site.
<u>SB 469</u> Wagner, F	Local stormwater utility; payment to best management practice (BMP) operator accepting runoff.
<u>SB 478</u> Obenshain, M	Eminent domain; reimbursement of costs.
<u>SB 484</u> DeSteph, Jr., B	Stormwater management regulations; water quality and quantity design criteria.
<u>SB 516</u> McPike, J	Tolls; use for additional lanes on interstate highways.
<u>SB 549</u> Obenshain, M	Conditional zoning.
<u>SB 581</u> McEachin, A	Discharge of deleterious substance into state waters; notice.
<u>SB 597</u> Cosgrove, J	Appeal of local tax assessments; confidentiality, trial by jury.
<u>SB 751</u> DeSteph, Jr., B	Limited Residential Lodging and Short-term Rental Lodging Act; penalty.

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(Support):

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<u>HB 45</u> Krizek, P	Payday loan offices and motor vehicle title loan offices; distance from casino facility.
<u>HB 96</u> Lingamfelter, L	Problem-Solving Court Act; established, report.
<u>HB 109</u> Lingamfelter, L	Secondary state highway system; maintenance or improvement of components within county.
<u>HB 118</u> Albo, D	Urban county executive form of government; animal protection police officer.
<u>HB 168</u> LaRock, D	Passing stopped school buses; mailing of summons.
<u>HB 203</u> Lingamfelter, L	Extended Foster Care Services and Support Program; established.

<u>HB 223</u> Stolle, C	Courthouse and courtroom security; assessment.
<u>HB 237</u> Lingamfelter, L	Absentee voting by electronic means; overseas military voters.
<u>HB 313</u> Orrock, Sr., R	Immunizations; adds type of health professionals who may administer.
<u>HB 329</u> Villanueva, R	Amber lights, flashing; allows publicly owner or operated transit buses to use.
<u>HB 354</u> Greason, T	Lyme disease; prevention pilot program.
<u>HB 369</u> Bell, R	State Executive Council for Children's Services; state and local advisory team; membership.
<u>HB 391</u> Krizek, P	Motor vehicle title loan offices; distance from military base.
<u>HB 461</u> Anderson, R	Handheld personal communications devices; use while driving, penalty.
<u>HB 464</u> Hope, P	Behavioral Health and Developmental Services Trust Fund; use of funds.
<u>HB 474</u> Filler-Corn, E	Child-care providers; criminal history background checks.
<u>HB 500</u> Filler-Corn, E	Child care providers; criminal history background checks.
<u>HB 532</u> Murphy, K	Composite index of local ability to pay; additional factors to be considered.
<u>HB 544</u> Watts, V	Retail sales and transient occupancy taxes; taxes on room rentals.
<u>HB 546</u> Watts, V	Certain counties; additional powers.
<u>HB 629</u> Hodges, M	Prescription drugs; pharmacies may participate in voluntary drug disposal programs.
<u>HB 634</u> Bell, J	Payday loan offices and motor vehicle title loan offices; distance from military installation.
<u>HB 647</u> Sullivan, Jr., R	Tree conservation; locality to post signs on private property that is proposed to be redeveloped.
<u>HB 676</u> Peace, C	Financial exploitation of adults; DARS work group to study.
<u>HB 727</u> LeMunyon, J	Northern Virginia Transportation Authority; decision-making procedure.
<u>HB 734</u> Hope, P	Noxious weeds; advisory committee to evaluate risks of a plant.
<u>HB 764</u> Yost, J	Virginia Behavioral Health Practitioner Student Loan Repayment Fund and Program, created.
<u>HB 828</u> Torian, L	TANF eligibility; drug-related felonies.
<u>HB 945</u> Wilt, T	Annexation; extends current moratorium on city annexations and county immunity actions.

<u>HB 992</u> Lopez, A	TANF eligibility; drug-related felonies.
<u>HB 1004</u> Levine, M	Provisional voting; voter photograph taken at polling place.
<u>HB 1008</u> Levine, M	Motor vehicle fuels; sales tax in certain transportation districts, price floor.
<u>HB 1067</u> Jones, S	Bonds; tolls on I-66.
<u>HB 1085</u> Bulova, D	Stormwater Local Assistance Fund; established.
<u>HB 1125</u> Loupassi, G	Number of judges; general district court; 25th Judicial District.
<u>HB 1140</u> Ransone, M	Subdivision plats; approval before recordation.
<u>HB 1144</u> Cole, M	Local taxes; interest on refunds.
<u>HB 1216</u> Aird, L	Elections; absentee voting by persons age 65 or older.
<u>HB 1260</u> Hodges, M	Declaration of local emergency; increases time in which localities call a session.
<u>HB 1337</u> James, M	Local fiscal stress; task force appointed by Governor to review state mandates imposed on locality.
<u>HB 1346</u> Villanueva, R	Commonwealth Transportation Board; regional membership.
<u>HJ 124</u> Hugo, T	Unaccompanied alien minors; reimbursement to Fairfax County for cost.
<u>HJ 136</u> Sickles, M	United States Constitution; ratifies Equal Rights Amendment that was proposed by Congress in 1972.
<u>HJ 149</u> Sickles, M	Motor vehicle title loans; Bureau of Financial Institution of State Corporation Commission to study.
<u>SB 26</u> Reeves, B	Problem-Solving Docket Act; established, report.
<u>SB 50</u> Howell, J	Courthouse and courtroom security; assessment.
<u>SB 56</u> Locke, M	Grass, weeds, and other foreign growth; local cutting ordinances include overgrown shrubs and trees.
<u>SB 57</u> Howell, J	Judges; increases number in 19th and 25th Judicial Districts.
<u>SB 60</u> Hanger, Jr., E	Commonwealth of Virginia Transform I-66 Corridor Outside the Beltway Bond Act of 2016; created.

<u>SB 106</u> Dance, R	Absentee voting; no-excuse, in-person.
<u>SB 120</u> Carrico, Sr., C	Passing stopped school buses; mailing of summons.
<u>SB 188</u> Miller, J	Elections; absentee voting by persons age 65 or older.
<u>SB 258</u> Surovell, S	Commonwealth Transportation Board; voting weighted by population.
<u>SB 292</u> Hanger, Jr., E	Sediment reduction credits.
<u>SB 299</u> Ebbin, A	Amber lights, flashing; allows publicly owned or operated transit buses to use.
<u>SB 309</u> Hanger, Jr., E	Annexation.
<u>SB 317</u> Alexander, K	Veterans Docket Act; established, report.
<u>SB 361</u> Favola, B	Tree conservation; locality to post signs on private property that is proposed to be redeveloped.
<u>SB 380</u> Vogel, J	Behavioral Health Docket Act; established, report.
<u>SB 436</u> Favola, B	Fostering Futures program; established.
<u>SB 471</u> Wagner, F	Commonwealth Transportation Board; increases regional membership.
<u>SB 477</u> Wagner, F	Motor vehicle fuels; sales tax in certain transportation districts, price floor.
<u>SB 490</u> DeSteph, Jr., B	Uniform Military and Overseas Voters Act; applying for and casting military-overseas ballots.
<u>SB 535</u> Deeds, R	Virginia Behavioral Health Practitioner Student Loan Repayment Fund and Program.
<u>SB 601</u> Wexton, J	Child care providers; criminal history background checks.
<u>SB 603</u> Howell, J	Absentee voting; no-excuse in-person available 21 days prior to election.
<u>SB 644</u> Alexander, K	Battery; public transportation operators; penalty.
<u>SB 681</u> Vogel, J	Annexation moratorium; extends for city annexations and county immunity actions.
<u>SB 778</u> Barker, G	Use of handheld personal communications devices while driving; penalty.
<u>SJ 1</u> Surovell, S	United States Constitution; ratifying the Equal Rights Amendment.

***Fairfax County Positions
(Monitor) :***

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<u>HB 66</u> Byron, K	New Economy Industry Credential Assistance Training Grants; grants for earning training credentials.
<u>HB 141</u> Marshall, R	Government Data Collection and Dissemination Practices Act; license plate readers.
<u>HB 213</u> LeMunyon, J	Motor vehicle inspection; exceptions to inspection requirement.
<u>HB 301</u> Herring, C	Justifiable homicide; reporting requirement of State Police.
<u>HB 308</u> Morris, R	Virginia Freedom of Information Act; use of government email accounts required.
<u>HB 367</u> Davis, G	Nonconforming uses; unlawful use of subject property, etc.
<u>HB 412</u> Kilgore, T	Aircraft, certain; local regulation.
<u>HB 479</u> Kory, K	Water pollution; signage notice to public.
<u>HB 636</u> Marshall, III, D	Clerk of circuit court; recordation of certain deeds.
<u>HB 650</u> Marshall, R	Local government; mandatory provisions of a subdivision ordinance, notice to homeowner associations.
<u>HB 665</u> Howell, W	Employee Retirement Security & Pension Reform, Commission on; established, report, sunset provision.
<u>HB 731</u> LeMunyon, J	Members of transportation district commissions; compensation.
<u>HB 792</u> James, M	Virginia Pathway to Middle Class: Noncredit Workforce Credentials Act; established, report.
<u>HB 800</u> Morris, R	Virginia Freedom of Information Act; audio recording of closed meetings required.
<u>HB 998</u> Levine, M	Law-enforcement agencies, local; body-worn cameras.
<u>HB 1069</u> Jones, S	Tolls; period of nonpayment, limitations on tolling, notification of toll violations.
<u>HB 1143</u> Lindsey, J	Body-worn cameras; required policies.
<u>HB 1206</u> Greason, T	Comprehensive community colleges; Noncredit Workforce Credentials Act.
<u>HB 1278</u> Levine, M	Washington Metropolitan Area Transit Authority Compact of 1966; membership.
<u>HB 1327</u> Davis, G	Local law-enforcement agencies; body-worn cameras.

<u>SB 87</u>	Circuit court clerks; preservation of land records in paper form.
Garrett, T	
<u>SB 111</u>	Punitive damages; raises cap for any action accruing on or after July 1, 2016.
Petersen, J	
<u>SB 236</u>	Government Data Collection & Dissemination Practices Act; collection & use of personal information.
Petersen, J	
<u>SB 414</u>	Land Bank Entities Act.
Barker, G	
<u>SB 426</u>	Virginia Community Impact Authority and Fund; created, report.
Vogel, J	
<u>SB 542</u>	Delinquent sewer charges; lien on property, unlimited time.
Obenshain, M	
<u>SB 543</u>	Inverse condemnation proceeding; reimbursement of owner's costs.
Obenshain, M	
<u>SB 547</u>	Water and sewer service; certain liens for delinquent charges.
Edwards, J	
<u>SB 575</u>	Comprehensive community colleges; noncredit workforce credentials.
Ruff, Jr., F	
<u>SB 576</u>	Community College Workforce Training Grant Program; established, Fund created.
Ruff, Jr., F	
<u>SB 629</u>	Camping; special use permit.
Stanley, Jr., W	
<u>SB 710</u>	Composition of the Washington Metropolitan Area Transit Authority Compact of 1966.
Ebbin, A	
<u>SJ 84</u>	Public transportation services; DRPT to evaluate study necessary to identify, etc.
Surovell, S	

Fairfax County Initiatives

Bills Introduced at Fairfax County's Request

Bills	General Assembly Actions	Date of BOS Position
HB 541 - Watts (39) Juveniles; disclosure of law-enforcement records.	1/9/2016 House: Referred to Committee for Courts of Justice 1/27/2016 Criminal Law Subcommittee recommends reporting (8-Y 0-N)	[1/29/2016]
[Initiate] (16101947D) Summary: Law-enforcement records concerning juveniles; disclosure. Allows the disclosure of law-enforcement records concerning a juvenile who is referred to a court services unit-authorized diversion program. The bill prohibits further disclosure of such records by the diversion program or participants in the program. Law-enforcement officers may prohibit disclosure to protect a criminal investigation or intelligence information.		
HB 1032 - Sickles (43) Vehicle registration; locality may impose penalty on owner annually as long as vehicle unregistered.	1/13/2016 House: Referred to Committee on Transportation 1/28/2016 House: Reported from Transportation (21-Y 0-N)	[1/29/2016]
[Initiate] (16103965D) Summary: Vehicle registration. Clarifies that a locality may impose a penalty of up to \$250 upon the resident owner annually for as long as the motor vehicle remains unregistered in Virginia.		

Fairfax County Positions
(Oppose or Amend)

* * *

Bills	General Assembly Actions	Date of BOS Position
HB 1 - LeMunyon (67) Interstate 66; tolls on existing components east of mile marker 67 prohibited.	11/16/2015 House: Referred to Committee on Transportation	[1/29/2016]
[Oppose] (16100913D) - See also HB 631 (Bell, John J.). Summary: Tolling on Interstate 66. Prohibits tolls on existing components of Interstate 66 inside the Beltway. This bill contains a technical amendment.		
HB 9 - Cole (88) Voter registration; required information on application form.	11/16/2015 House: Referred to Committee on Privileges and Elections	[1/29/2016]
[Oppose] (16100569D) - Could create additional burden for voters. Summary: Voter registration; application; form and required information. Specifies in greater detail the information that applicants for voter registration are required to provide on the voter registration application form. The bill also requires the general registrars to deny the application of any applicant who fails to provide his full name or indicate that he does not have a middle name; fails to provide his gender, date of birth, or social security number or indicate that he does not have a social security number; fails to provide his citizenship status or provides that he is not a U.S. citizen; fails to provide his residence address or indicate rural residence location or homelessness; fails to provide information regarding the circumstances of restoration of his voting rights after felony convictions, if any, or adjudications of mental incapacity, if any; fails to provide previous voter registration information or indicate lack thereof; or fails to indicate that he will be, or indicates that he will not be, at least 18 years of age on or before the date of the next general election.		
HB 61 - Morris (64) Virginia Freedom of Information Act; misdemeanor violations, penalty.	12/4/2015 House: Referred to Committee on General Laws	[1/29/2016]
[Oppose] (16100894D) - Board has historically opposed. Summary: Virginia Freedom of Information Act; misdemeanor violations; penalty. Provides that in addition to the civil enforcement provisions of the Virginia Freedom of Information Act (FOIA), any officer, employee, or member of a public body who, without legal excuse or justification, deliberately, willfully, and knowingly violates certain FOIA provisions is guilty of a Class 1 misdemeanor.		
HB 86 - Morris (64) VIEW; pilot program for substance abuse screening and assessment.	12/10/2015 House: Referred to Committee on Health, Welfare and Institutions	[1/29/2016]
[Oppose Unless Amended] (16100987D) - Oppose unless amended to provide that added costs for additional drug testing will be paid by the state; Board has historically opposed similar bills unless amended.		

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
Summary: Department of Social Services; pilot program for substance abuse screening and assessment for VIEW; report. Requires the Department of Social Services to develop a pilot program for screening and assessing participants in the Virginia Initiative for Employment not Welfare program for use of illegal substances. The bill requires the Department to provide an interim report on implementation of the pilot program to the Governor and the General Assembly no later than December 1, 2016, and a final report on the results of the pilot program no later than December 1, 2017.		
HB 99 - Cole (88) High-occupancy vehicle (HOV) lanes; certain vehicles use of HOT lanes on Interstate 395, exceptions.	12/14/2015 House: Referred to Committee on Transportation	[1/29/2016]
[Oppose] (16100671D) Summary: Use of HOV lanes; exceptions. Allows vehicles that have fewer than three occupants that display an installed E-ZPASS transponder and have paid the toll on the Interstate 95 HOT lanes to use HOV lanes of Interstate 395 during peak traffic periods.		
HB 181 - Minchew (10) Northern Virginia Transportation Commission; increases membership.	12/23/2015 House: Referred to Committee on Transportation 1/26/2016 House: Reported from Transportation (21-Y 0-N) 1/29/2016 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)	[1/29/2016]
[Oppose] (16102789D) - Membership should be addressed holistically instead of piecemeal. See also SB 277 (Wexton). Summary: Northern Virginia Transportation Commission; membership. Increases the number of nonlegislative citizen members of the Northern Virginia Transportation Commission from 13 to 14 by increasing from one to two the members who represent Loudoun County.		
HB 190 - Bulova (37) Northern Virginia Transportation Authority; use of population estimate in connection with decisions.	12/26/2015 House: Referred to Committee on Transportation 1/26/2016 House: Reported from Transportation (21-Y 0-N) 1/29/2016 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)	[1/29/2016]
[Oppose] (16102274D) - Oppose if amended to broaden intent. See also SB 413 (Barker). Summary: Northern Virginia Transportation Authority. Provides that the population criterion required for decisions of the Northern Virginia Transportation Authority shall be the estimates, not the projections, made by the Weldon Cooper Center for Public Service of the University of Virginia.		
HB 191 - Minchew (10) Composite index of local ability-to-pay; use value of real estate in certain localities.	12/27/2015 House: Referred to Committee on Education	[1/29/2016]

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p>[Oppose] (16102974D) - Board has historically opposed. Rather than modifying individual components of the LCI formula, a comprehensive approach should be taken, including addressing factors relating to cost of living.</p> <p>Summary: Requires, for the purpose of determining the state and local shares of basic aid funding, that the composite index of local ability-to-pay or "local composite index" utilize the use value of all applicable real estate (i) devoted to agricultural use, horticultural use, forest use, and open-space use in each locality that has adopted an ordinance by which it provides for the use valuation and taxation of such real estate and (ii) used in agricultural and forestal production within an agricultural district, forestal district, agricultural and forestal district, or agricultural and forestal district of local significance in each locality that provides for the use valuation and taxation of such real estate, regardless of whether it has adopted a local land-use plan or local ordinance for such valuation and taxation.</p>		
<p>HB 214 - LeMunyon (67) Tax reform, state and local; joint subcommittee to study.</p>	12/28/2015 House: Referred to Committee on Rules	[1/29/2016]
<p>[Amend] (16103343D) - Amend to provide representation from local government on the study panel.</p> <p>Summary: Study; state and local tax reform; report. Creates a joint subcommittee to perform a one-year study on reforming state and local taxes. The joint subcommittee will assume the tasks of the Joint Subcommittee to Evaluate Tax Preferences, which the bill dissolves.</p>		
<p>HB 224 - Marshall (13) Interstate System components; approval of tolls.</p>	12/29/2015 House: Referred to Committee on Transportation	[1/29/2016]
<p>[Oppose] (16101289D)</p> <p>Summary: Tolls for use of Interstate System components. Requires prior approval by the General Assembly before any tolls may be imposed or collected for the use of any component of the Interstate System.</p>		
<p>HB 225 - Albo (42) Interstate System components; approvals of tolls on I-395.</p>	12/29/2015 House: Referred to Committee on Transportation	[1/29/2016]
<p>[Oppose] (16101375D)</p> <p>Summary: Tolls for use of Interstate System components. Requires approval of the General Assembly prior to the imposition and collection of tolls for the use of Interstate 395. The bill contains a technical amendment. The bill contains an emergency clause.</p>		
<p>HB 370 - Poindexter (9) Elections; run-off elections for statewide offices and United States Senate.</p>	1/6/2016 House: Referred to Committee on Privileges and Elections	[1/29/2016]

Bold – Indicates BOS formal action
 [] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p>[Oppose] (16102393D)</p> <p>Summary: Elections; run-off elections. Provides that no candidate shall be deemed to have been elected at a general election to any statewide office or to the United States Senate unless such candidate receives more than 50 percent of the total votes cast for that office. The bill requires that when no candidate for an office receives more than 50 percent of the total votes cast at the general election for that office, a run-off election between the candidates receiving the highest and next-highest number of votes for that office shall be held. However, no run-off election shall be held if the total number of write-in votes cast for an office and the total number of votes cast for the candidate receiving the highest number of votes for an office together equal more than 50 percent of the total votes cast for that office. The bill requires run-off elections to be held on the fourth Tuesday following the date of the certification of the results of the general election or, if a recount is conducted after the general election, on the fourth Tuesday following the date of the certification of the results of the recount, unless the fourth Tuesday falls on a legal holiday, in which case the run-off election will be held on the sixth Tuesday. The bill provides that in all other elections, including a general election of electors for the President and Vice-President of the United States, the person having the highest number of votes for an office shall be deemed to have been elected to such office and shall receive the certificate of election. Under current law, except in the case of a recount, the person having the highest number of votes cast at any election is deemed to have been elected to that office.</p>		
<p><u>HB 380</u> - Marshall (13) Interstate 66; tolls prohibited from Haymarket to Interstate 495.</p>	<p>1/6/2016 House: Referred to Committee on Transportation</p>	<p>[1/29/2016]</p>
<p>[Oppose] (16101826D)</p> <p>Summary: Tolls for use of Interstate 66. Prohibits the imposition or collection of any toll on Interstate 66 from Haymarket to Interstate 495.</p>		
<p><u>HB 495</u> - Simon (53) Synthetic turf; three-year moratorium on installation at schools and parks.</p>	<p>1/8/2016 House: Referred to Committee on Education</p>	<p>[1/29/2016]</p>
<p>[Amend] (16100846D) - Amend to remove moratorium on installation of synthetic turf while a comprehensive study is conducted.</p> <p>Summary: Three-year moratorium on installation of synthetic turf that contains recycled crumb rubber from waste tires at schools and recreational parks. Places a three-year moratorium on the installation of synthetic turf that contains recycled crumb rubber from waste tires within the boundaries of a public or private elementary or secondary school, public or private preschool, or recreational park by any (i) public or private elementary or secondary school, (ii) public or private preschool, or (iii) local governing body. The bill also requires the Virginia Department of Health, in coordination with the Virginia Department of Conservation and Recreation and the Virginia Department of Education, to analyze the potential adverse health effects of synthetic turf that contains recycled crumb rubber from waste tires and report its findings to the General Assembly no later than July 1, 2017.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 545 - Watts (39) License tax, local; staffing firm deductions.	1/9/2016 House: Referred to Committee on Finance	[1/29/2016]
<p>[Oppose] (16102363D)</p> <p>Summary: Local license tax; staffing firms. Provides that a staffing firm may deduct from otherwise taxable gross receipts salaries, wages, and other benefits it pays to independent contractors hired to provide professional employer organization services or temporary help services on behalf of or for the benefit of the staffing firm's clients.</p>		
HB 594 - Marshall (13) Traffic or motor vehicle laws; enforcement of laws, marked law-enforcement vehicles.	1/11/2016 House: Referred to Committee on Transportation 1/19/2016 House: Referred from Transportation by voice vote 1/19/2016 House: Referred to Committee on Militia, Police and Public Safety	[1/29/2016]
<p>[Oppose] (16103547D)</p> <p>Summary: Enforcement of traffic or motor vehicle laws; marked law-enforcement vehicles. Requires that any law-enforcement vehicle used by an officer for enforcing traffic or motor vehicle laws be (i) marked in some distinctive manner that identifies the law-enforcement agency employing such officer and (ii) equipped with warning lights. The bill provides exceptions for an officer who (a) stops at the scene of an accident or to assist a disabled motor vehicle, (b) has probable cause to believe the operator of a motor vehicle has committed a felony or is driving under the influence, or (iii) stops the operator of a motor vehicle who the officer reasonably believes constitutes a risk of causing imminent and serious bodily injury to any person.</p>		
HB 631 - Bell (87) Tolling on Interstate 66.	1/11/2016 House: Referred to Committee on Transportation	[1/29/2016]
<p>[Oppose] (16102609D) - See also HB 1 (LeMunyon).</p> <p>Summary: Prohibits tolls on existing components of Interstate 66 east of mile marker 67. The bill contains a technical amendment.</p>		
HB 712 - Marshall (13) Interstate 66; tolls prohibited from Haymarket to Interstate 495.	1/11/2016 House: Referred to Committee on Transportation	[1/29/2016]
<p>[Oppose] (16100730D)</p> <p>Summary: Interstate 66. Prohibits the imposition or collection of any toll on Interstate 66 from Haymarket to Interstate 495 and requires the same portion of Interstate 66 to include not less than four lanes in each direction.</p>		
HB 713 - Marshall (13) Interstate 66; advisory referendum on collection of tolls.	1/11/2016 House: Referred to Committee on Privileges and Elections	[1/29/2016]
[Oppose] (16103503D)		

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Bills	General Assembly Actions	Date of BOS Position
Summary: Voter referendum; tolling on I-66. Provides for an advisory referendum in each county and city in Planning District 8 on the questions of whether tolls should be imposed and collected on Interstate 66 inside the Capital Beltway and whether tolls should be imposed and collected on Interstate 66 outside the Capital Beltway. The results of the referendum would be advisory only and are intended to demonstrate the preference of the qualified voters in those counties and cities that would be affected by tolling on Interstate 66.		
HB 715 - LeMunyon (67) Interstate 66; requirements that VDOT must satisfy prior to change in HOV-2 designation.	1/11/2016 House: Referred to Committee on Transportation	[1/29/2016]
[Oppose] (16100367D) Summary: HOV designation in Planning District 8. Applies the minimum requirements that the Department of Transportation (the Department) must satisfy prior to a change in HOV-2 designation to a more restrictive designation on Interstate 66 to all interstate highways in Planning District 8. The bill adds to the criteria on which the Commonwealth Transportation Board must base its decision whether the change in designation has been screened and evaluated by the Department in accordance with its responsibilities for analysis of transportation projects in the Northern Virginia Transportation District.		
HB 717 - LeMunyon (67) Transportation projects; evaluation of in Northern Virginia.	1/11/2016 House: Referred to Committee on Transportation	[1/29/2016]
[Oppose] (16100543D) Summary: Evaluation of significant transportation projects in Northern Virginia. Directs the Department of Transportation to complete evaluations of certain significant transportation projects in the Northern Virginia Transportation District by December 31, 2016.		
HB 720 - LeMunyon (67) Transportation projects in Planning District 8; public hearings.	1/11/2016 House: Referred to Committee on Transportation	[1/29/2016]
[Oppose] (16103849D) Summary: Department of Transportation; transportation projects in Planning District 8. Requires the Department of Transportation (VDOT) or the Department of Rail and Public Transportation to hold a public hearing regarding any transportation project valued in excess of \$10 million in Planning District 8 at the conclusion of the project's preliminary design phase but before the detailed design phase begins and requires VDOT to evaluate such projects and make public the results of such evaluations not less than 14 days prior to such hearing.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 721</u> - LeMunyon (67) Toll Facilities Revolving Account; statewide prioritization process.	1/11/2016 House: Referred to Committee on Transportation	[1/29/2016]
[Oppose] (16101248D) Summary: Requires funds allocated from the Toll Facilities Revolving Account to be evaluated using the statewide prioritization process.		
<u>HB 722</u> - LeMunyon (67) Tolls; prohibits imposition or collection of tolls on certain highways in Planning District 8.	1/11/2016 House: Referred to Committee on Transportation	[1/29/2016]
[Oppose] (16101113D) Summary: Tolling on highway systems. Prohibits the imposition or collection of tolls on primary, secondary, or urban highways in Planning District 8 not tolled as of January 1, 2016.		
<u>HB 723</u> - LeMunyon (67) NOVA; transfer of powers and duties to NOVA Authority.	1/11/2016 House: Referred to Committee on Transportation	[1/29/2016]
[Oppose] (16101990D) - Board has historically opposed. Summary: Northern Virginia Transportation Commission; Northern Virginia Transportation Authority. Transfers the powers and duties of the Northern Virginia Transportation Commission to the Northern Virginia Transportation Authority.		
<u>HB 724</u> - LeMunyon (67) Northern Virginia Transportation Commission; quorum and voting procedures.	1/11/2016 House: Referred to Committee on Transportation 1/29/2016 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)	[1/29/2016]
[Oppose] (16101437D) Summary: Quorum and action by the Northern Virginia Transportation Commission. Provides quorum and voting procedures for the Northern Virginia Transportation Commission that are analogous to those followed by the Northern Virginia Transportation Authority.		
<u>HB 725</u> - LeMunyon (67)	1/11/2016 House: Referred to Committee on Transportation 1/26/2016 House: Reported from Transportation with amendment	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
Northern Virginia Transportation Commission; membership.	(21-Y 0-N) 1/29/2016 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)	
<p>[Oppose] (16101103D) Summary: Allows the governing body of each participating county and city in the Northern Virginia Transportation Commission (NVTC) to appoint commissioners to the NVTC who are not members of the governing body.</p>		
HB 726 - LeMunyon (67) Northern Virginia Excess Toll Revenue Fund; created.	1/11/2016 House: Referred to Committee on Transportation	[1/29/2016]
<p>[Oppose] (16100314D) Summary: Northern Virginia Excess Toll Revenue Fund. Establishes the Northern Virginia Excess Toll Revenue Fund into which all moneys collected by a toll facility in Planning District 8 that exceed amounts necessary for the design, development, operation, maintenance, or financing of the highway where the toll is collected will be deposited. Moneys in the Northern Virginia Excess Toll Revenue Fund will be distributed to the Northern Virginia Transportation Authority and used for alleviating highway congestion.</p>		
HB 730 - LeMunyon (67) Commuter parking; lot signage in Planning District 8.	1/11/2016 House: Referred to Committee on Transportation	[1/29/2016]
<p>[Oppose] (16102700D) Summary: Commuter parking lot signage. Requires that signage in commuter parking lots owned by the Virginia Department of Transportation in Planning District 8 clearly indicate that parking in such lots is only for commuters using mass transit or who are car pool riders.</p>		
HB 732 - LeMunyon (67) State and local transportation planning; review of proposed rezoning, impact on roads.	1/11/2016 House: Referred to Committee on Transportation	[1/29/2016]
<p>[Oppose] (16102707D) Summary: State and local transportation planning. Provides that in Planning District 8 (Northern Virginia) the Department of Transportation's review of a proposed rezoning shall consider the transportation impact of the proposed rezoning on all interstate, primary, and secondary roads within a five-mile radius of the proposed rezoning.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 770</u> - Gilbert (15) Conditional zoning; provisions applicable to all proffers.	1/12/2016 House: Referred to Committee on Counties, Cities and Towns 1/29/2016 House: Reported from Counties, Cities and Towns with substitute (19-Y 2-N)	[1/29/2016]
<p>[Oppose] (16103862D) - See also SB 549 (Obenshain).</p> <p>Summary: Conditional zoning. Provides that no locality shall (i) request or accept any unreasonable proffer in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application, including an application for amendment to an existing proffer, for a new residential development or new residential use where such denial is based on an applicant's failure or refusal to submit, or remain subject to, an unreasonable proffer. A proffer shall be deemed unreasonable unless it addresses an impact that is specifically and uniquely attributable to a proposed new residential development or other new residential use applied for. An off-site proffer shall be deemed unreasonable pursuant to the above unless it addresses an impact to an off-site public facility, such that, (a) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment, and (b) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. In any action in which a locality has denied a rezoning or an amendment to an existing proffer and the aggrieved applicant proves by a preponderance of the evidence that it refused or failed to submit, or remain subject to, an unreasonable proffer that it has proven was suggested, requested, or required, formally or informally, by the locality, the court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial. The bill also provides that certain conditional rezoning proffers related to building materials, finishes, methods of construction, or design features on a new residential development are prohibited.</p>		
<u>HB 774</u> - Gilbert (15) Conditions of release; pretrial services agency.	1/12/2016 House: Referred to Committee for Courts of Justice	[1/29/2016]
<p>[Oppose] (16102820D) - Board has historically opposed.</p> <p>Summary: Provides that no person arrested for a felony or misdemeanor may be released into the custody of a pretrial services agency without a secured bond unless he is determined by a court to be indigent.</p>		
<u>HB 776</u> - Gilbert (15) Conditions of release; pretrial services agency.	1/12/2016 House: Referred to Committee for Courts of Justice	[1/29/2016]
<p>[Oppose] (16102826D)</p> <p>Summary: Provides that a person may be released into the custody of a pretrial services agency only if he has been arrested (i) for a felony or certain misdemeanors involving acts or threats of violence, sexual offenses, or driving under the influence or (ii) if he has been determined to be indigent and incapable of executing a secure bond, for any other misdemeanor.</p>		
<u>HB 787</u> - Adams (16) Construction activities; acquisition of nutrient credits.	1/12/2016 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/29/2016]
[Oppose] (16100968D)		

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Bills	General Assembly Actions	Date of BOS Position
Summary: Acquisition of nutrient credits for construction activities. Allows persons applying for a stormwater permit to acquire nutrient credits for construction activities from credit providers located outside the tributary where the construction activity is occurring. Currently, the acquisition of such credits is generally limited to the same or adjacent eight-digit hydrologic code as defined by the U.S. Geological Survey.		
HB 812 - Peace (97) Limited Residential Lodging Act; established, penalty.	1/12/2016 House: Referred to Committee on General Laws 1/28/2016 House: Reported from General Laws with substitute (18-Y 3-N)	[1/29/2016]
[Oppose] (16103926D) - See also SB 416 (Vogel). Summary: Limited Residential Lodging Act; penalty. Establishes the Limited Residential Lodging Act (the Act), which allows property owners to rent out their homes or portions thereof for charge for periods of less than 30 consecutive days or do so through a hosting platform, under certain circumstances. The hosting platform may register with the Department of Taxation, in which case the hosting platform is responsible for the collection and remittance of all applicable taxes on behalf of the property owner. The bill defines "limited residential lodging," "booking transaction," and "hosting platform" and provides for penalties for violations of the Act.		
HB 836 - Cline (24) VIEW; substance abuse screening and assessment of public assistance applicants and recipients.	1/12/2016 House: Referred to Committee on Health, Welfare and Institutions	[1/29/2016]
[Oppose Unless Amended] (16102825D) - Oppose unless amended to provide that added costs for additional drug testing will be paid by the state; Board has historically opposed similar bills unless amended Summary: Substance abuse screening and assessment of public assistance applicants and recipients. Requires local departments of social services to screen each VIEW program participant to determine whether probable cause exists to believe the participant is engaged in the use of illegal drugs. The bill provides that when a screening indicates reasonable cause to believe a participant is using illegal drugs, the Department of Social Services shall require drug testing. Any person who fails or refuses to participate in a screening or assessment without good cause or who tests positive for the use of illegal drugs shall be ineligible to receive TANF payments for a period of one year.		
HB 841 - Webert (18) Interstate 66; prohibits tolls on any component.	1/12/2016 House: Referred to Committee on Transportation	[1/29/2016]
[Oppose] (16101320D) Summary: Tolling additional capacity and designations of HOV and HOT lanes on Interstate 66. Prohibits tolls on any component of Interstate 66 outside the Capital Beltway existing prior to July 1, 2016. The bill provides that if additional lanes are added to an interstate highway, those additional lanes may be tolled. The bill prohibits HOV-2 lanes of Interstate 66 from being converted to HOV-3 lanes or a more restrictive designation and prohibits a HOT lane occupancy requirement of more than two. The bill allows vehicles bearing clean special fuel vehicle license plates to use HOT lanes; such vehicles may currently use HOV lanes. The bill contains a technical amendment.		

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Bills	General Assembly Actions	Date of BOS Position
HB 853 - Cline (24) Traffic lights; use of photo-monitoring systems.	1/12/2016 House: Referred to Committee on Militia, Police and Public Safety 1/29/2016 House: Passed by indefinitely in Militia, Police and Public Safety (12-Y 9-N)	[1/29/2016]
[Oppose] (16102829D) - Board has historically opposed. Summary: Use of photo-monitoring systems for traffic lights; repeal. Repeals the authority for localities to operate a photo-monitoring system for traffic light enforcement, colloquially known as a "photo red" program.		
HB 879 - Hugo (40) Alcoholic beverage control; farm wineries and limited brewery licenses, land zoned agricultural.	1/12/2016 House: Referred to Committee on General Laws	[1/29/2016]
[Amend] (16102102D) - Amend to allow local regulation and to clarify the applicable local zoning districts. Summary: Alcoholic beverage control; farm wineries and limited brewery licenses; land zoned agricultural. Clarifies that for farm wineries or limited breweries "on land zoned agricultural" means land zoned as an agricultural district or classification and does not include any other zoning classification or designation that permits agricultural uses. The bill provides that it does not apply to any farm winery or limited brewery holding a valid license granted by the Alcoholic Beverage Control Board before July 1, 2016.		
HB 883 - Habeeb (8) Telecommunications towers; in accordance with comprehensive plan.	1/12/2016 House: Referred to Committee on Counties, Cities and Towns	[1/29/2016]
[Oppose] (16102883D) Summary: Comprehensive plan; telecommunications towers. Provides that a proposed telecommunications tower shall be deemed to be substantially in accord with the comprehensive plan and planning commission approval shall not be required if the proposed telecommunications tower is located in a zoning district that allows such telecommunications towers by right.		
HB 901 - Marshall (13) Northern Virginia Transportation Authority; use of certain revenues.	1/12/2016 House: Referred to Committee on Transportation	[1/29/2016]
[Oppose] (16100729D) Summary: Use of certain revenues by the Northern Virginia Transportation Authority. Requires that 50% of the funds the Northern Virginia Transportation Authority has remaining after distribution to localities be used for bus rapid transit on Interstate 66 or expansion of Virginia Railway Express that benefit the Interstate 66 corridor from Haymarket to Interstate 495, or Interstate 66 construction outside the Capital Beltway until July 1, 2031.		

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Bills	General Assembly Actions	Date of BOS Position
HB 916 - Bulova (37) Interstate 66; prohibits imposition or collection of tolls on any component.	1/12/2016 House: Referred to Committee on Transportation	[1/29/2016]
[Oppose] (16102207D) Summary: Tolling on interstate highways. Prohibits the imposition or collection of tolls on any component of Interstate 66 existing prior to July 1, 2016.		
HB 949 - Keam (35) Northern Virginia Transportation Authority (NVTa); membership composition.	1/12/2016 House: Referred to Committee on Transportation	[1/29/2016]
[Oppose] (16103101D) - Board has historically opposed. See also SB 113 (Petersen). Summary: Increases from 17 to 18 the membership of the NVTa and provides that the additional non-legislative citizen member represent towns that receive funds for urban highway systems.		
HB 960 - Carr (69) Fines under certain local ordinances; payment to local school division and Literary Fund.	1/12/2016 House: Referred to Committee on Appropriations	[1/29/2016]
[Oppose] (16101595D) - Potential loss of revenue. Summary: Fines under certain local ordinances paid to local school division and Literary Fund. Provides that fines imposed under certain local ordinances dealing with DUI, disposition of children in juvenile and domestic relations district courts, and appropriate provisions of Title 46.2 (Motor Vehicles) of the Code of Virginia, when those ordinances incorporate Code of Virginia provisions, are to be paid in the following proportions: 50 percent to the school division of the locality in which the fines were imposed and 50 percent into the state treasury to the credit of the Literary Fund.		
HB 977 - Lopez (49) State waters; unlawful discharge of deleterious substance into waters.	1/12/2016 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/29/2016]
[Amend] (16102493D) - Amend to remove reduced notification time due to potential impossibility. See also SB 581 (McEachin). Summary: Discharge of deleterious substance into state waters; notice. Requires any person who unlawfully discharges any deleterious substance into state waters to notify the State Water Control Board (the Board), the Department of Environmental Quality (the Department), or the coordinator of emergency services of the affected locality within 12 hours. Current law allows such a person 24 hours to give notice. The bill also requires that written notice follow to the Board, in addition to the Department, and specifies that the required report of potentially detrimental discharges by the Board or the Department to local newspapers, television stations, and radio stations be provided to such media outlets as soon as practicable after receiving it.		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 1043</u> - Rasoul (11) Reckless driving; raises threshold for speeding.	1/13/2016 House: Referred to Committee for Courts of Justice 1/29/2016 House: Subcommittee recommends laying on the table by voice vote	[1/29/2016]
<p>[Oppose] (16102108D) - Board has historically opposed.</p> <p>Summary: Speeding; reckless driving. Raises the threshold for per se reckless driving for speeding from driving in excess of 80 miles per hour to driving in excess of 85 miles per hour. The threshold for per se reckless driving for speeding for driving at or more than 20 miles per hour in excess of the speed limit remains unchanged.</p>		
<u>HB 1121</u> - Anderson (51) Absentee voting; verification of signatures by officers of elections.	1/13/2016 House: Referred to Committee on Privileges and Elections	[1/29/2016]
<p>[Oppose] (16103099D)</p> <p>Summary: Absentee voting; signature requirement; verification of signatures by officers of elections. Requires the officers of elections to compare the signature on an absentee ballot envelope with the signature on that voter's voter registration application. Three officers, including one representative of each political party, are required to agree that the signatures match in order for the absentee ballot to be accepted. If less than three agree, the ballot is given provisional status and the electoral board makes the final determination of its validity. Notice by certified mail is required to be given to the voter. The bill also requires absentee ballot applications to be signed by the applicant's own handwriting or by electronic means, if such electronic signature is created by using a cursor, stylus, or similar device moved by the applicant to capture his signature. Any application signed by any other means shall be rejected.</p>		
<u>HB 1164</u> - Morris (64) Local stormwater utility; waiver of charges for church or religious body.	1/14/2016 House: Referred to Committee on Counties, Cities and Towns	[1/29/2016]
<p>[Oppose] (16103512D) - Board has historically opposed. Stormwater management is a shared responsibility for all members of the community. Waiving charges for some entities will require others to bear a disproportionate burden of the costs.</p> <p>Summary: Local stormwater utility; waiver of charges; religious body. Requires any locality establishing a stormwater management utility to waive charges for real estate exclusively occupied or used by a church or religious body for religious worship or for the residence of its minister.</p>		
<u>HB 1243</u> - Marshall (13) Interstate 66; referendum for tolling.	1/19/2016 House: Referred to Committee on Privileges and Elections	[1/29/2016]
<p>[Oppose] (16104445D)</p> <p>Summary: Referendum for tolling Interstate 66. Requires that localities in Planning District 8 that are located wholly or partially inside the Capital Beltway have voter approval by referendum before the imposition and collection of tolls for the use of Interstate 66 inside the Capital Beltway.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 1244</u> - Marshall (13) Interstate 66; referendum for tolling.	1/19/2016 House: Referred to Committee on Privileges and Elections	[1/29/2016]
<p>[Oppose] (16104460D)</p> <p>Summary: Referendum for tolling Interstate 66. Requires that localities in Planning District 8 that are located wholly or partially outside the Capital Beltway have voter approval by referendum before the imposition and collection of tolls for the use of Interstate 66 outside the Capital Beltway.</p>		
<u>HB 1268</u> - Taylor (85) Limited Residential Lodging and Short-term Rental Lodging Act; established, penalty.	1/20/2016 House: Referred to Committee on General Laws	[1/29/2016]
<p>[Oppose] (16104250D) - See also SB 751 (DeSteph).</p> <p>Summary: Limited Residential Lodging and Short-term Rental Lodging Act; penalty. Establishes the Limited Residential Lodging and Short-term Rental Lodging Act (the Act), which allows (i) property owners to rent out their homes or portions thereof for a charge for periods of less than 30 consecutive days or (ii) short-term rentals of residential or commercial units; both of which may be transacted through a hosting platform, under certain circumstances. The bill requires an operator of either limited residential lodging or short-term rental lodging to register with the Department of Taxation. The hosting platform may register with the Department of Taxation, in which case the hosting platform is responsible for the collection and remittance of all applicable taxes on behalf of the property owner. The bill provides for the amount of license tax on such operators. The bill provides that any local ordinance requiring the use of the special exception, special use, or conditional use permit for short-term rental lodging contain specific provisions relating to noise, trash or recycling collection, and the posting of emergency information. The bill defines "limited residential lodging," "booking transaction," "hosting platform," "short-term lodger," short-term lodging operator," and "short-term rental lodging," and provides for penalties for violations of the Act.</p>		
<u>HB 1293</u> - Hugo (40) Employee grievance procedure, local; impartial panel hearing, etc.	1/21/2016 House: Referred to Committee on Counties, Cities and Towns	[1/29/2016]
<p>[Oppose] (16104131D) - Board has historically opposed.</p> <p>Summary: Local employee grievance procedure. Provides that qualifying grievances shall advance to either an impartial panel hearing or a hearing before an administrative hearing officer as agreed upon by both parties, as set forth in the locality's grievance procedure; however, if both parties cannot come to an agreement, an impartial panel shall be used. The bill contains technical amendments.</p>		
<u>HB 1374</u> - Bulova (37) Interstate 66; Commonwealth Transportation Board may impose tolls to use.	1/22/2016 House: Referred to Committee on Transportation	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Oppose] (16103824D) Summary: Tolls for use of Interstate 66. Provides that the Commonwealth Transportation Board may impose tolls for the use of Interstate 66 from Interstate 495 to Route 29 in Rosslyn only if such tolls are collected at the same time Interstate 66 eastbound is being widened from the Dulles Connector Road to Ballston.</p>		
<p><u>HB 1382</u> - Keam (35) Real property tax; tax on commercial and industrial property in certain localities.</p>	1/22/2016 House: Referred to Committee on Finance	[1/29/2016]
<p>[Oppose] (16103084D) - Board has historically opposed. Summary: Real property tax on commercial and industrial property. Requires counties to appropriate 30 percent of the revenue from the special tax on commercial and industrial property attributable to property located within any town that constructs and maintains its streets to such town, unless the county and town agree otherwise.</p>		
<p><u>HJ 50</u> - Webert (18) Composite Index of Local Ability to Pay; DOE to study effect of local use value assessment</p>	12/28/2015 House: Referred to Committee on Rules	[1/29/2016]
<p>[Oppose] (16101687D) - Board has historically opposed. Rather than modifying individual components of the LCI formula, a comprehensive approach should be taken, including addressing factors relating to cost of living. Summary: Study; Department of Education; effect of local use value assessment of certain real estate on the Composite Index of Local Ability to Pay; report. Requests the Department of Education to (i) determine, for each of the 95 localities that have adopted ordinances to provide for the use value assessment and taxation of certain real estate, the use value of all applicable (a) real estate devoted to agricultural use, (b) real estate devoted to horticultural use, (c) real estate devoted to forest use, and (d) real estate devoted to open-space use, as those terms are defined in the Code of Virginia, and (ii) recalculate the Composite Index of Local Ability to Pay for each locality after taking into consideration such use values.</p>		
<p><u>HJ 110</u> - LeMunyon (67) Interstate 66; Secretary of Transportation to study tolling alternatives.</p>	1/11/2016 House: Referred to Committee on Rules	[1/29/2016]
<p>[Oppose] (16102491D) Summary: Study; Secretary of Transportation; tolling alternatives on Interstate 66; report. Requests the Secretary of Transportation to study alternatives to add vehicle capacity to Interstate 66 inside the Capital Beltway.</p>		
<p><u>HJ 123</u> - Hugo (40) Constitutional</p>	1/12/2016 House: Referred to Committee on Privileges and Elections	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
amendment; real property tax exemption.	1/29/2016 House: Reported from Privileges and Elections (21-Y 0-N)	
<p>[Amend] (16101303D) - Amend to provide state funding for this initiative.</p> <p>Summary: Constitutional amendment (second resolution); real property tax exemption. Provides that the General Assembly may provide for a local option to exempt from taxation the real property that is the primary residence of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel killed in the line of duty. Such tax exemption may not be claimed by a surviving spouse who has remarried.</p>		
SB 113 - Petersen (34) Northern Virginia Transportation Authority; membership composition.	12/28/2015 Senate: Referred to Committee on Rules	[1/29/2016]
<p>[Oppose] (16100883D) - Board has historically opposed. See also HB 949 (Keam).</p> <p>Summary: Northern Virginia Transportation Authority (NVTa); membership composition. Increases from 17 to 18 the membership of the NVTa and provides that the additional nonlegislative citizen member represent towns that receive funds for urban highway systems.</p>		
SB 234 - Petersen (34) Interstate 66; tolls on existing components east of mile marker 67 prohibited.	1/6/2016 Senate: Referred to Committee on Transportation	[1/29/2016]
<p>[Oppose] (16100868D)</p> <p>Summary: Tolling on Interstate 66. Prohibits tolls on existing components of Interstate 66 east of mile marker 67. The bill provides that if additional lanes are added after January 1, 2017, toll revenues from use of the additional lanes shall be used only for the construction and maintenance of such additional lanes.</p>		
SB 277 - Wexton (33) Northern Virginia Transportation Commission; increases membership.	1/7/2016 Senate: Referred to Committee on Rules 1/29/2016 Senate: Rereferred to Transportation	[1/29/2016]
<p>[Oppose] (16102452D) - Membership should be addressed holistically instead of piecemeal. See also HB 181 (Minchew).</p> <p>Summary: Northern Virginia Transportation Commission; membership. Increases the membership of the Northern Virginia Transportation Commission from 14 to 15 by increasing the members from Loudoun County from one to two.</p>		
SB 288 - DeSteph, Jr. (8) Conflict of Interests	1/7/2016 Senate: Referred to Committee on Rules	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
Act, State and Local Government; advisory opinions for local officers.		
<p>[Oppose] (16101519D)</p> <p>Summary: State and Local Government Conflict of Interests Act; advisory opinions for local officers and employees. Removes the provision that allows a county, city, or town attorney to issue to a local officer or employee an advisory opinion that would shield that officer or employee from future prosecution for knowing violations of the State and Local Government Conflict of Interests Act. An advisory opinion issued by the attorney for the Commonwealth or the Virginia Conflict of Interest and Ethics Advisory Council will still shield the officer or employee from such prosecution. The bill provides that an advisory opinion issued to a local officer or employee by his county, city, or town attorney may be introduced at a trial for a knowing violation as evidence that he did not knowingly violate the Act.</p>		
<u>SB 365</u> - Chafin (38) Prioritization of statewide transportation projects; exceptions.	1/11/2016 Senate: Referred to Committee on Transportation	[1/29/2016]
<p>[Oppose] (16102524D)</p> <p>Summary: Provides that projects on U.S. Route 460 and U.S. Route 121 are not subject to the prioritization process that the Commonwealth Transportation Board applies to projects eligible for state funding.</p>		
<u>SB 405</u> - Vogel (27) Tolling additional capacity and designations of HOV and HOT lanes on Interstate 66.	1/12/2016 Senate: Referred to Committee on Transportation	[1/29/2016]
<p>[Oppose] (16103688D)</p> <p>Summary: Prohibits tolls on any component of Interstate 66 outside the Capital Beltway existing prior to July 1, 2016. The bill provides that if additional lanes are added to an interstate highway, those additional lanes may be tolled. The bill prohibits HOV-2 lanes of Interstate 66 from being converted to HOV-3 lanes or a more restrictive designation and prohibits a HOT lane occupancy requirement of more than two. The bill allows vehicles bearing clean special fuel vehicle license plates to use HOT lanes; such vehicles may currently use HOV lanes. The bill contains a technical amendment.</p>		
<u>SB 413</u> - Barker (39) Northern Va. Transportation Authority; use of population estimates in connection with decisions.	1/12/2016 Senate: Referred to Committee on Transportation 1/27/2016 Senate: Reported from Transportation (13-Y 0-N)	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Oppose] (16102469D) - Oppose if amended to broaden intent. See also HB 190 (Bulova).</p> <p>Summary: Northern Virginia Transportation Authority. Provides that the population criterion required for decisions of the Northern Virginia Transportation Authority shall be the estimates, not the projections, made by the Weldon Cooper Center for Public Service of the University of Virginia and provides that the population estimates shall be adjusted once the estimates are available for July 1 of the fifth year after the decennial census. Under current law the population estimates are adjusted on July 1 of the fifth year, which requires them to use the previous year's data.</p>		
<p><u>SB 416</u> - Vogel (27) Limited Residential Lodging Act; established, records available only in response to written request.</p>	<p>1/12/2016 Senate: Referred to Committee for Courts of Justice 1/18/2016 Senate: Rereferred to General Laws and Technology 1/20/2016 Originating Committee: General Laws 1/25/2016 Senate: Reported from General Laws and Technology with substitute (12-Y 2-N) 1/25/2016 Senate: Rereferred to Finance</p>	<p>[1/29/2016]</p>
<p>[Oppose] (16101163D) - See also HB 812 (Peace).</p> <p>Summary: Limited Residential Lodging Act; penalty. Establishes the Limited Residential Lodging Act (the Act), which allows property owners to rent out their homes or portions thereof for charge for periods of less than 30 consecutive days or do so through a hosting platform, under certain circumstances. The hosting platform may register with the Department of Taxation, in which case the hosting platform is responsible for the collection and remittance of all applicable taxes on behalf of the property owner. The bill defines "limited residential lodging," "booking transaction," and "hosting platform" and provides for penalties for violations of the Act.</p>		
<p><u>SB 439</u> - Obenshain (26) Voter identification; information contained in electronic pollbook.</p>	<p>1/12/2016 Senate: Referred to Committee on Privileges and Elections</p>	<p>[1/29/2016]</p>
<p>[Oppose] (16101744D) - Board has historically opposed.</p> <p>Summary: Voter identification; photograph and identifying information contained in electronic pollbook; challenge of voter. Requires electronic pollbooks to contain a photograph and identifying information received by the Department of Elections from the Department of Motor Vehicles for each registered voter for whom the Department of Motor Vehicles has such a photograph and identifying information. The bill prohibits lists of voters furnished pursuant to current law from containing any voter's photograph or identifying physical information. The bill also provides that if the electronic pollbook contains the voter's photograph and identifying information, the officer of election is required to access that photograph and identifying information and the voter is not required to present one of the statutorily required forms of identification. However, the bill requires the officer of election to challenge the voter's vote if the voter does not appear to be the same person depicted in the photograph or in the pollbook. The bill has a delayed effective date of July 1, 2017.</p>		
<p><u>SB 468</u> - Wagner (7) Local stormwater utility; waiver of</p>	<p>1/12/2016 Senate: Referred to Committee on Local Government</p>	<p>[1/29/2016]</p>

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Bills	General Assembly Actions	Date of BOS Position
charges to real property, retention of water on site.		
<p>[Oppose] (16101308D) Summary: Local stormwater utility; waiver of charges; retention of water on site. Provides that a locality establishing a stormwater utility or service charge system shall waive charges to any real property that retains its stormwater on site and thereby permanently produces no stormwater flow or pollutant loading.</p>		
SB 469 - Wagner (7) Local stormwater utility; payment to best management practice (BMP) operator accepting runoff.	1/12/2016 Senate: Referred to Committee on Local Government	[1/29/2016]
<p>[Oppose] (16101309D) Summary: Local stormwater utility; payment to BMP operator accepting runoff. Requires any locality that operates a local stormwater management program to pay the private operator of a nutrient-reducing best management practice (BMP) if it requires such operator to accept stormwater runoff from an upstream property. The BMP operator is to be paid 50 percent of the stormwater utility charge assessed to the upstream owner.</p>		
SB 478 - Obenshain (26) Eminent domain; reimbursement of costs.	1/12/2016 Senate: Referred to Committee for Courts of Justice	[1/29/2016]
<p>[Oppose] (16102425D) Summary: Provides that costs and fees may be awarded in condemnation actions where the amount the owner is awarded at trial as compensation for the taking of or damage to his property is 20 percent or more greater than the amount of the condemnor's initial written offer. Under current law, such costs and fees may be awarded if the amount awarded as compensation at trial is 30 percent or more greater than the petitioner's final offer. The bill removes an exception for meeting the requirements for payment of costs and fees for condemnation actions involving easements valued at less than \$10,000.</p>		
SB 484 - DeSteph, Jr. (8) Stormwater management regulations; water quality and quantity design criteria.	1/12/2016 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources	[1/29/2016]
<p>[Oppose] (16102418D) Summary: Stormwater management regulations; water quality and quantity design criteria; unenforceable unless amended. Prohibits the enforcement of any design criterion concerning water quality or quantity contained in Part II B of the stormwater management regulations until the State Water Control Board amends</p>		

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the design criteria to bring them up to date, correct the errors they contain, and coordinate them with the rest of the stormwater management regulations. Until the regulations are reissued, the design criteria contained in Part II C shall apply instead.		
SB 516 - McPike (29) Tolls; use for additional lanes on interstate highways.	1/13/2016 Senate: Referred to Committee on Transportation	[1/29/2016]
[Oppose] (16101817D) Summary: Tolling on interstate highways. Prohibits tolls on any component of interstate highways existing prior to July 1, 2016. The bill provides that if additional lanes are added to an interstate highway, those additional lanes may be tolled. The bill contains a technical amendment.		
SB 549 - Obenshain (26) Conditional zoning.	1/13/2016 Senate: Referred to Committee on Local Government	[1/29/2016]
[Oppose] (16103808D) - See also HB 770 (Gilbert). Summary: Provides that no locality shall (i) request or accept any unreasonable proffer in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application, including an application for amendment to an existing proffer, for a new residential development or new residential use where such denial is based on an applicant's failure or refusal to submit, or remain subject to, an unreasonable proffer. A proffer shall be deemed unreasonable unless it addresses an impact that is specifically and uniquely attributable to a proposed new residential development or other new residential use applied for. An off-site proffer shall be deemed unreasonable pursuant to the above unless it addresses an impact to an off-site public facility, such that, (a) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment, and (b) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. In any action in which a locality has denied a rezoning or an amendment to an existing proffer and the aggrieved applicant proves by a preponderance of the evidence that it refused or failed to submit, or remain subject to, an unreasonable proffer that it has proven was suggested, requested, or required, formally or informally, by the locality, the court shall presume, absent clear and convincing evidence to the contrary, that such refusal or failure was the controlling basis for the denial. The bill also provides that certain conditional rezoning proffers related to building materials, finishes, methods of construction, or design features on a new residential development are prohibited.		
SB 581 - McEachin (9) Discharge of deleterious substance into state waters; notice.	1/13/2016 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources	[1/29/2016]
[Amend] (16102719D) - Amend to remove reduced notification time due to potential impossibility. See also HB 977 (Lopez). Summary: Requires any person who unlawfully discharges any deleterious substance into state waters to notify		

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Bills	General Assembly Actions	Date of BOS Position
the State Water Control Board (the Board), the Department of Environmental Quality (the Department), or the coordinator of emergency services of the affected locality within 12 hours. Current law allows such a person 24 hours to give notice. The bill also requires that written notice follow to the Board, in addition to the Department, and specifies that the required report of potentially detrimental discharges by the Board or the Department to local newspapers, television stations, and radio stations be provided to such media outlets as soon as practicable after receiving it.		
<u>SB 597</u> - Cosgrove (14) Appeal of local tax assessments; confidentiality, trial by jury.	1/13/2016 Senate: Referred to Committee on Finance	[1/29/2016]
<p>[Oppose] (16101076D)</p> <p>Summary: Appeal of local tax assessments; confidentiality; trial by jury. Provides that an appeal to the circuit court for correction of an erroneous local tax assessment filed on or after July 1, 2016, may be conducted as a jury trial, at the discretion of the taxpayer, and prescribes the process for selecting jurors for such a proceeding. Additionally, the bill requires that prior to the release of confidential tax information in the course of such appeal, the court order the parties not to disclose such information to anyone not entitled to receive it and inform the parties that a violation of such an order is punishable as a Class 1 misdemeanor. Finally, the bill requires such a proceeding to follow the Uniform Pretrial Schedule Order provided in the Rules of Supreme Court unless the parties agree otherwise.</p>		
<u>SB 751</u> - DeSteph, Jr. (8) Limited Residential Lodging and Short-term Rental Lodging Act; penalty.	1/22/2016 Senate: Referred to Committee on Local Government	[1/29/2016]
<p>[Oppose] (16104260D) - See also HB 1268 (Taylor).</p> <p>Summary: Establishes the Limited Residential Lodging and Short-term Rental Lodging Act (the Act), which allows (i) property owners to rent out their homes or portions thereof for a charge for periods of less than 30 consecutive days or (ii) short-term rentals of residential or commercial units; both of which may be transacted through a hosting platform, under certain circumstances. The bill requires an operator of either limited residential lodging or short-term rental lodging to register with the Department of Taxation. The hosting platform may register with the Department of Taxation, in which case the hosting platform is responsible for the collection and remittance of all applicable taxes on behalf of the property owner. The bill provides for the amount of license tax on such operators. The bill provides that any local ordinance requiring the use of the special exception, special use, or conditional use permit for short-term rental lodging contain specific provisions relating to noise, trash or recycling collection, and the posting of emergency information. The bill defines "limited residential lodging," "booking transaction," "hosting platform," "short-term lodger," short-term lodging operator," and "short-term rental lodging," and provides for penalties for violations of the Act.</p>		

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Fairfax County Positions
(Support)

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 45</u> - Krizek (44) Payday loan offices and motor vehicle title loan offices; distance from casino facility.	11/24/2015 House: Referred to Committee on Commerce and Labor	[1/29/2016]
<p>[Support] (16101091D) Summary: Prohibits the State Corporation Commission (SCC) from issuing a license for the operation of a payday lending office or motor vehicle title lending office if such office is within 20 miles of a casino facility located in any state. Casino facilities include Indian gaming operations conducted pursuant to the federal Indian Gaming Regulatory Act. The measure includes limitations on the SCC's authority to revoke or suspend an existing license when a violation of the 20-mile provision exists on July 1, 2016, or when a violation would be created by the opening of a casino facility after a license was issued.</p>		
<u>HB 96</u> - Lingamfelter (31) Problem-Solving Court Act; established, report.	12/14/2015 House: Referred to Committee for Courts of Justice 1/20/2016 Originating Committee: Courts of Justice	[1/29/2016]
<p>[Support] (16101603D) - Board has historically supported. Summary: Problem-Solving Courts; established. Establishes the Problem-Solving Court Act (the Act). The bill allows the establishment of problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service, mental illness, or societal reentry. The bill establishes a state problem-solving court docket advisory committee and requires localities intending to establish such courts to establish local advisory committees. The Supreme Court of Virginia is given administrative oversight for the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (Â§ 18.2-254.1).</p>		
<u>HB 109</u> - Lingamfelter (31) Secondary state highway system; maintenance or improvement of components within county.	12/15/2015 House: Referred to Committee on Transportation	[1/29/2016]
<p>[Support] (16100755D) Summary: Program Recognition of Maintenance Priorities in Transportation. Allows counties that have not withdrawn from the state secondary highway system to submit requests for maintenance and improvement of components of the state secondary highway system to the Department of Transportation (VDOT) and requires VDOT to take such requests into consideration when establishing priority in expending funds allocated for maintenance or improvement of the state secondary highway system. The bill requires the Department of Transportation and the Virginia Information and Technology Agency to develop a website on which (i) such counties may electronically submit such requests and (ii) the Commonwealth's secondary state highway maintenance and improvement plan is available to the public.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 118</u> - Albo (42) Urban county executive form of government; animal protection police officer.	12/16/2015 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/29/2016]
[Support w/ Amend.] (16101373D) - Support with amendment to address technical issue with legislation. Summary: Amends the form of government applicable to Fairfax County by providing that the division of police may include an animal protection police officer who shall have all of the powers of an animal control officer conferred by general law. In addition, the animal protection police officer and his deputies shall have all of the powers vested in law-enforcement officers, provided that they have met the minimum qualifications and have been certified.		
<u>HB 168</u> - LaRock (33) Passing stopped school buses; mailing of summons.	12/23/2015 House: Referred to Committee on Transportation 1/26/2016 House: Referred from Transportation by voice vote 1/26/2016 House: Referred to Committee for Courts of Justice	[1/29/2016]
[Support] (16103068D) Summary: Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus.		
<u>HB 203</u> - Lingamfelter (31) Extended Foster Care Services and Support Program; established.	12/28/2015 House: Referred to Committee on Health, Welfare and Institutions 1/28/2016 House: Reported from Health, Welfare and Institutions with substitute (22-Y 0-N) 1/28/2016 House: Referred to Committee on Appropriations	[1/29/2016]
[Support] (16104060D-H1) Summary: Extended foster care services and support. Creates the Extended Foster Care Services and Support Program to provide foster care services and support, including foster care maintenance payments, to qualifying individuals age 18 to 21 who were formerly in the custody of a local board of social services.		
<u>HB 223</u> - Stolle (83) Courthouse and courtroom security; assessment.	12/29/2015 House: Referred to Committee for Courts of Justice 1/27/2016 House: Reported from Courts of Justice (15-Y 7-N) 1/27/2016 House: Referred to Committee on Appropriations	[1/29/2016]
[Support] (16101144D) - Board has historically supported. See also SB 50 (Howell). Summary: Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security.		
<u>HB 237</u> - Lingamfelter (31)	12/29/2015 House: Referred to Committee on Privileges and Elections	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
Absentee voting by electronic means; overseas military voters.		
<p>[Support] (16100759D) - Support concept; implementation issues need to be resolved.</p> <p>Summary: Provides that a person qualified to vote by absentee ballot because of his status as a member of a uniformed service on active duty may choose to receive and return his absentee ballot by electronic means. The bill requires the State Board of Elections to develop standards for the secure transmission and return, storage, and processing of these ballots, including methods for authentication and the encryption of ballots. The bill has a delayed effective date of January 1, 2017.</p>		
<u>HB 313</u> - Orrock, Sr. (54) Immunizations; adds type of health professionals who may administer.	1/5/2016 House: Referred to Committee on Health, Welfare and Institutions 1/21/2016 House: Reported from Health, Welfare and Institutions with amendments (21-Y 1-N) 1/27/2016 House: VOTE: PASSAGE (99-Y 0-N) 1/28/2016 Senate: Referred to Committee on Education and Health	[1/29/2016]
<p>[Support] (16101493D-E)</p> <p>Summary: Administration of immunizations. Adds physician assistants, nurse practitioners, and licensed practical nurses to the types of health professionals who may administer vaccinations to children and may provide to the person who presents the child for immunizations a certificate stating that such immunizations have been administered. Under current law, physicians and registered nurses are authorized to administer vaccinations and provide such certificates.</p>		
<u>HB 329</u> - Villanueva (21) Amber lights, flashing; allows publicly owner or operated transit buses to use.	1/5/2016 House: Referred to Committee on Transportation 1/21/2016 House: Reported from Transportation (20-Y 0-N) 1/27/2016 House: VOTE: BLOCK VOTE PASSAGE (99-Y 0-N) 1/28/2016 Senate: Referred to Committee on Transportation	[1/29/2016]
<p>[Support] (16102601D)</p> <p>Summary: Amber lights on public transit buses. Allows publicly owned or operated transit buses to use flashing amber lights.</p>		
<u>HB 354</u> - Greason (32) Lyme disease; prevention pilot program.	1/5/2016 House: Referred to Committee on Health, Welfare and Institutions 1/28/2016 House: Reported from Health, Welfare and Institutions with substitute (22-Y 0-N)	[1/29/2016]
<p>[Support] (16104466D-H1)</p> <p>Summary: Directs the Department of Health to conduct a two-year point of disease Lyme disease prevention pilot program.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 369 - Bell (20) State Executive Council for Children's Services; state and local advisory team; membership.	1/5/2016 House: Referred to Committee on General Laws 1/26/2016 House: Reported from General Laws (21-Y 0-N)	[1/29/2016]
<p>[Support] (16101738D) Summary: Adds to the membership of the State Executive Council for Children's Services (the Council)(i) the chairman of the state and local advisory team and (ii) a representative who has previously received services through the Children's Services Act, to be appointed by the Governor with recommendations from certain entities. The bill also adds to the membership of the state and local advisory team a representative who has previously received services through the Children's Services Act, to be appointed by the Council with recommendations from certain entities.</p>		
HB 391 - Krizek (44) Motor vehicle title loan offices; distance from military base.	1/6/2016 House: Referred to Committee on Commerce and Labor	[1/29/2016]
<p>[Support] (16100125D) Summary: Prohibits the State Corporation Commission from issuing a license for the operation of a motor vehicle title loan office if such office is within 10 miles of a military base.</p>		
HB 461 - Anderson (51) Handheld personal communications devices; use while driving, penalty.	1/8/2016 House: Referred to Committee on Militia, Police and Public Safety 1/15/2016 House: Referred from Militia, Police and Public Safety by voice vote 1/15/2016 House: Referred to Committee on Transportation	[1/29/2016]
<p>[Support] (16100911D) Summary: Use of handheld personal communications devices while driving; penalty. Expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global position system for the purposes of navigation. The bill eliminates the current exemption from the prohibition on using a handheld personal communications device while operating a motor vehicle when the vehicle is stopped or not moving; the current exemption from the prohibition when the vehicle is parked is not affected.</p>		
HB 464 - Hope (47) Behavioral Health and Developmental Services Trust Fund; use of funds.	1/8/2016 House: Referred to Committee on Appropriations	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Support] (16103534D)</p> <p>Summary: Provides that the proceeds from the sale of vacant buildings and land resulting from the closure or downsizing of any state training center that are deposited in the Behavioral Health and Developmental Services Trust Fund shall be used only for the purpose of providing community-based services to individuals with intellectual and developmental disabilities.</p>		
<p><u>HB 474</u> - Filler-Corn (41) Child-care providers; criminal history background checks.</p>	1/8/2016 House: Referred to Committee on Health, Welfare and Institutions	[1/29/2016]
<p>[Support] (16103491D)</p> <p>Summary: Secretary of Health and Human Resources; task force to study requirements for criminal history background checks for child-care providers; report. Directs the Secretary of Health and Human Resources to convene a task force composed of child-care providers and other stakeholders to review requirements for certain categories of child-care providers, including those exempt from licensure pursuant to Â¿ 63.2-1715, and to develop recommendations to promote the health, safety, and development of children in child-care settings. The task force shall submit a report on its activities, findings, and conclusions to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by November 1, 2016.</p>		
<p><u>HB 500</u> - Filler-Corn (41) Child care providers; criminal history background checks.</p>	1/8/2016 House: Referred to Committee on Health, Welfare and Institutions	[1/29/2016]
<p>[Support] (16103492D) - See also SB 601 (Wexton).</p> <p>Summary: Requires all applicants for licensure as a family day system, registration as a family day home, and approval as a family day home by a family day system, all child day centers that are exempt from licensure by the Department of Social Services, and all child day centers and family day homes that enter into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant, as well as all applicants for employment, employees, applicants to volunteer, and volunteers at such child day centers, family day homes, and family day systems, to undergo fingerprint-based national criminal history background checks beginning July 1, 2017. The bill also requires individuals currently employed by or serving as volunteers at a licensed child day center, family day home, or family day system, child day center exempt from licensure pursuant to Â¿ 63.2-1716, registered family day home, family day home approved by a family day system, or child day center or family day home that enters into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant to undergo a national background check to be completed by July 1, 2017. In addition, every (i) person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system; (ii) agent of a person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system or who will be involved in the day-to-day operations of the child day center, family day home, or family day</p>		

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system or who is or will be alone with, in control of, or supervising one or more children in a child day center, family day home, or family day system; and (iii) adult living in a licensed child day center or family day home, registered family day home, or family day home approved by a family day system, shall undergo a national background check to be completed by July 1, 2017.		
<u>HB 532</u> - Murphy (34) Composite index of local ability to pay; additional factors to be considered.	1/9/2016 House: Referred to Committee on Education	[1/29/2016]
[Support] (16101018D) Summary: Composite index of local ability to pay; additional factors. Requires the state and local funding share formula, the composite index of local ability to pay, to take into consideration the population of the relevant locality, the number of enrolled English-language learners, and the number of enrolled students who are eligible to receive free or reduced-price lunch.		
<u>HB 544</u> - Watts (39) Retail sales and transient occupancy taxes; taxes on room rentals.	1/9/2016 House: Referred to Committee on Finance	[1/29/2016]
[Support] (16102062D) Summary: Retail sales and transient occupancy taxes on room rentals. Provides that retail sales and hotel taxes on transient room rentals are computed based upon the total charges or the total price paid for the use or possession of the room. For those cases in which a hotel or similar establishment contracts with an intermediary to facilitate the sale of the room and the intermediary charges the customer for the room and such facilitation efforts, the bill would require the intermediary to separately state the taxes on the bill or invoice provided to the customer and to collect the taxes based upon the total charges or the total price paid for the use or possession of the room.		
<u>HB 546</u> - Watts (39) Certain counties; additional powers.	1/9/2016 House: Referred to Committee on Finance	[1/29/2016]
[Support] (16102064D) - Support concept of equalizing taxing authority between counties and cities, although the County has historically opposed any legislation that would require the transfer of secondary road construction and maintenance responsibilities to counties. Summary: Additional powers of certain counties. Grants counties with a population density greater than 2,000 persons per square mile certain powers related to taxation, borrowing and payments for highway maintenance. Such powers currently are generally granted to cities and towns.		
<u>HB 629</u> - Hodges (98) Prescription drugs; pharmacies may participate in voluntary	1/11/2016 House: Referred to Committee on Health, Welfare and Institutions 1/26/2016 House: Reported from Health, Welfare and Institutions with amendments (22-Y 0-N)	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
drug disposal programs.	1/29/2016 House: Read third time and passed House BLOCK VOTE (97-Y 0-N) 1/29/2016 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)	
<p>[Support] (16102708D-E)</p> <p>Summary: Prescription drug disposal. Provides that pharmacies may participate in voluntary drug disposal programs, provided that such programs are operated in accordance with state and federal law, and requires the Board of Pharmacy to maintain a list of such pharmacies on a website maintained by the Board. The bill also provides that a pharmacy that participates in a drug disposal program shall not be liable for any theft, robbery, or other criminal act related to its participation in the pharmacy drug disposal program or the collection, storage, or destruction of prescription drugs collected through such pharmacy drug disposal program, provided that the pharmacy practice site is acting in good faith and in accordance with applicable state and federal law and regulations.</p>		
<u>HB 634</u> - Bell (87) Payday loan offices and motor vehicle title loan offices; distance from military installation.	1/11/2016 House: Referred to Committee on Commerce and Labor	[1/29/2016]
<p>[Support] (16102668D)</p> <p>Summary: Payday loan offices and motor vehicle titleloan offices; distance from military installation. Prohibits the State Corporation Commission (SCC) from issuing a license for the operation of a payday lending office or motor vehicle title lending office if such office is within five miles of a military installation. The measure includes limitations on the SCC's authority to revoke or suspend an existing license when a violation of the five-mile provision exists on July 1, 2016, or when a violation would be created by the opening of a military installation after a license was issued.</p>		
<u>HB 647</u> - Sullivan, Jr. (48) Tree conservation; locality to post signs on private property that is proposed to be redeveloped.	1/11/2016 House: Referred to Committee on Counties, Cities and Towns	[1/29/2016]
<p>[Support w/ Amend.] (16103958D) - Support with amendment to clarify that an infill lot grading plan can be approved by a county agency. See also SB 361 (Favola).</p> <p>Summary: Tree conservation ordinance. Provides that the ordinance may allow a locality to post signs on private property that is proposed to be redeveloped with a single family home that notifies the public that an infill lot grading plan is pending for review before the governing body.</p>		
<u>HB 676</u> - Peace (97) Financial exploitation of adults; DARS work group to study.	1/11/2016 House: Referred to Committee on Health, Welfare and Institutions 1/28/2016 House: Reported from Health, Welfare and Institutions with substitute (22-Y 0-N)	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Support] (16104738D-H1)</p> <p>Summary: DARS; work group to study financial exploitation of adults in the Commonwealth. Directs the Commissioner of the Department for Aging and Rehabilitative Services to convene a work group composed of the Director of the Department for Planning and Budget or his designee, representatives of the Department of Social Services' Adult Protective Services unit and local department of social services' adult protective services units, law-enforcement agencies, and financial institutions in the Commonwealth to review founded cases of financial exploitation of adults and (i) determine the cost of financial exploitation of adults in the Commonwealth and (ii) develop recommendations for improving the ability of financial institutions to identify financial exploitation of adults, the process by which financial institutions report suspected financial exploitation of adults, and interactions between financial institutions and local adult protective services units investigating reports of suspected financial exploitation of adults. The work group shall also develop recommendations for a plan to educate adults regarding financial exploitation, including common methods of exploitation and warning signs that exploitation may be occurring, and shall report to the Governor and the General Assembly regarding its activities and recommendations by December 1, 2016.</p>		
<p>HB 727 - LeMunyon (67)</p> <p>Northern Virginia Transportation Authority; decision-making procedure.</p>	<p>1/11/2016 House: Referred to Committee on Transportation</p> <p>1/26/2016 House: Reported from Transportation with amendment (21-Y 0-N)</p> <p>1/29/2016 House: Read third time and passed House BLOCK VOTE (97-Y 0-N)</p> <p>1/29/2016 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)</p>	<p>[1/29/2016]</p>
<p>[Support] (16102294D) - Support as amended in House Transportation Subcommittee #3.</p> <p>Summary: Requires the Northern Virginia Transportation Authority to make certain information concerning projects in its regional transportation plan publicly available at least 30 days prior to any decision for the expenditure of funds to create or improve a transportation facility.</p>		
<p>HB 734 - Hope (47)</p> <p>Noxious weeds; advisory committee to evaluate risks of a plant.</p>	<p>1/12/2016 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources</p> <p>1/20/2016 House: Reported from Agriculture, Chesapeake and Natural Resources (22-Y 0-N)</p> <p>1/26/2016 House: Read third time and passed House BLOCK VOTE (98-Y 0-N)</p> <p>1/26/2016 House: VOTE: BLOCK VOTE PASSAGE (98-Y 0-N)</p> <p>1/27/2016 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources</p>	<p>[1/29/2016]</p>
<p>[Support] (16102674D)</p> <p>Summary: Noxious weeds. Establishes an advisory committee to evaluate the risks of a plant or part thereof that is being considered for designation as a noxious weed. The bill requires the advisory committee to assess the plant's (i) impact on water bodies, other plants, livestock, land, public health, the environment, and the economy and (ii) current and potential in-state commercial viability. The bill exempts from the definition of noxious weed any plant whose in-state production is commercially viable.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 764</u> - Yost (12) Virginia Behavioral Health Practitioner Student Loan Repayment Fund and Program, created.	1/12/2016 House: Referred to Committee on Health, Welfare and Institutions 1/26/2016 House: Reported from Health, Welfare and Institutions with amendments (22-Y 0-N) 1/26/2016 House: Referred to Committee on Appropriations	[1/29/2016]
<p>[Support] (16102766D) - See also SB 535 (Deeds).</p> <p>Summary: Virginia Behavioral Health Practitioner Student Loan Repayment Fund and Program. Establishes the Virginia Behavioral Health Practitioner Student Loan Repayment Fund and Program to provide student loan repayment grants to eligible behavioral health practitioners who agree to a 12-month employment obligation with a community services board, behavioral health authority, or Department of Behavioral Health and Developmental Services facility or with an entity that has entered into a contract with a community services board, behavioral health authority or Department of Behavioral Health and Developmental Services facility to provide behavioral health services. Grants may be up to \$10,000 per recipient per year, and the Department of Behavioral Health and Developmental Services may award up to 250 grants per year.</p>		
<u>HB 828</u> - Torian (52) TANF eligibility; drug-related felonies.	1/12/2016 House: Referred to Committee on Health, Welfare and Institutions	[1/29/2016]
<p>[Support] (16103602D) - Board has historically supported.</p> <p>Summary: Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families benefits shall not be denied such benefits solely because he has been convicted of a felony offense of possession of a controlled substance, provided that he is not using illegal drugs, complies with all obligations imposed by the criminal court and the Department of Social Services, and is actively engaged in or has completed substance abuse treatment.</p>		
<u>HB 945</u> - Wilt (26) Annexation; extends current moratorium on city annexations and county immunity actions.	1/12/2016 House: Referred to Committee on Counties, Cities and Towns	[1/29/2016]
<p>[Support] (16103789D) - Board has historically supported. See also SB 309 (Hanger).</p> <p>Summary: Annexation. Extends the current moratorium on city annexations and county immunity actions by 10 years to 2028. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2026-2028 biennium. The Commission on Local Government is directed to evaluate the structure of cities and counties in the Commonwealth and the impact of annexation upon localities. In doing so, the Commission shall consider alternatives to the current moratorium on annexation by cities. The Commission shall issue its findings and recommended policy changes to the General Assembly no later than December 1, 2025.</p>		
<u>HB 992</u> - Lopez (49) TANF eligibility; drug-related felonies.	1/12/2016 House: Referred to Committee on Health, Welfare and Institutions	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Support] (16103802D) - Board has historically supported.</p> <p>Summary: Eligibility for TANF; drug-related felonies. Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families (TANF) shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance, provided that he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed a substance abuse treatment program, and participates in drug screenings. The bill provides that a person who fails or refuses to participate in periodic drug testing or who tests positive for the use of illegal substances shall be ineligible to receive TANF benefits for a period of 12 months; however, such person is given one opportunity during the 12-month period to comply with the testing requirement and be reinstated to eligibility for TANF benefits.</p>		
HB 1004 - Levine (45) Provisional voting; voter photograph taken at polling place.	1/13/2016 House: Referred to Committee on Privileges and Elections	[1/29/2016]
<p>[Support] (16103105D) - Support concept of enabling provisional voters to meet voter ID requirements on Election Day rather than supplying a form of identification to the electoral board after Election Day. Support the state Department of Elections working with localities to develop a procedure to allow voter ID requirements to be met by provisional voters. Amend to retain current procedure for provisional voting to provide identification as an option for voters until an alternative is fully developed.</p> <p>Summary: Provides that a voter who does not have one of the forms of identification required by law shall be permitted to vote provisionally, in which case he shall have his photograph taken by an officer of election. That photograph shall be transmitted to the electoral board, and no further action by the voter is required. If the electoral board determines that the voter was a qualified voter in the precinct in which he cast the provisional vote and confirms that a photograph of him taken by an officer of election has been received, the voter's provisional vote is required to be counted.</p>		
HB 1008 - Levine (45) Motor vehicle fuels; sales tax in certain transportation districts, price floor.	1/13/2016 House: Referred to Committee on Finance	[1/29/2016]
<p>[Support] (16101983D)</p> <p>Summary: Motor vehicle fuels sales tax in certain transportation districts; price floor. Places a floor on the 2.1 percent tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by ensuring that the average sales price be no less than the statewide average sales price on February 20, 2013, which is the date used as a floor on the statewide motor vehicle fuels sales tax.</p>		
HB 1067 - Jones (76) Bonds; tolls on I-66.	1/13/2016 House: Referred to Committee on Appropriations	[1/29/2016]
<p>[Support] (16103031D) - See also SB 60 (Hanger).</p> <p>Summary: Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$1.5 billion plus financing costs to finance the costs of acquiring, constructing, and equipping dynamically tolled lanes on a portion of Interstate 66. Issuance of the bonds is</p>		

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Bills	General Assembly Actions	Date of BOS Position
contingent on the Transportation Public-Private Partnership Advisory Committee, prior to January 1, 2018, finding that the issuance is necessary due to the inability of private parties to meet the term sheet published by the Department of Transportation in September 2015 pursuant to the procurement initiated under the Public-Private Transportation Act of 1995.		
HB 1085 - Bulova (37) Stormwater Local Assistance Fund; established.	1/13/2016 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/29/2016]
[Support] (16102371D) Summary: Stormwater Local Assistance Fund. Establishes the Stormwater Local Assistance Fund to provide matching grants to local governments for the planning, design, and implementation of stormwater best management practices that address cost efficiency and commitments related to reducing water quality pollutant loads.		
HB 1125 - Loupassi (68) Number of judges; general district court; 25th Judicial District.	1/13/2016 House: Referred to Committee for Courts of Justice 1/27/2016 House: Reported from Courts of Justice (22-Y 0-N) 1/27/2016 House: Referred to Committee on Appropriations	[1/29/2016]
[Support] (16102150D) - See also SB 57 (Howell). Summary: Adds a fourth judge to the maximum number allowed in the 25th Judicial District, general district court (Alleghany, Augusta, Bath, Botetourt, Buena Vista, Covington, Craig, Highland, Lexington, Rockbridge, Staunton, and Waynesboro)) and adds one juvenile and domestic relations district court judge to the 19th Judicial District (Fairfax, Fairfax County). This is a recommendation of the Committee on District Courts.		
HB 1140 - Ransone (99) Subdivision plats; approval before recordation.	1/13/2016 House: Referred to Committee on Counties, Cities and Towns	[1/29/2016]
[Support] (16100838D) Summary: Prohibits a circuit court clerk from recording a subdivision plat unless the plat is approved by the local planning commission and meets other requirements.		
HB 1144 - Cole (88) Local taxes; interest on refunds.	1/13/2016 House: Referred to Committee on Finance	[1/29/2016]
[Support] (16100738D) Summary: Permits localities to not pay interest on tax refunds caused by erroneous assessments that are due to the failure of taxpayers to file timely tax returns.		
HB 1216 - Aird (63) Elections; absentee	1/18/2016 House: Referred to Committee on Privileges and Elections	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
voting by persons age 65 or older.		
<p>[Support] (16102488D) - Board has historically supported. See also SB 188 (Miller). Summary: Entitles persons who will be age 65 or older on the date of an election for which an absentee ballot is requested to vote absentee.</p>		
HB 1260 - Hodges (98) Declaration of local emergency; increases time in which localities call a session.	1/20/2016 House: Referred to Committee on Counties, Cities and Towns	[1/29/2016]
<p>[Support] (16103664D) Summary: Declaration of local emergency. Increases from 14 days to 45 days the time in which a local governing body shall call a special session, if a regularly scheduled session is not held, in order to confirm the declaration of a local emergency.</p>		
HB 1337 - James (80) Local fiscal stress; task force appointed by Governor to review state mandates imposed on locality.	1/21/2016 House: Referred to Committee on Counties, Cities and Towns	[1/29/2016]
<p>[Support] (16103020D) Summary: Local fiscal stress. Provides that a task force appointed by the Governor to review state mandates imposed on localities and to recommend temporary suspension or permanent repeal of such mandates, in making its recommendations, shall consider the measure for Fiscal Stress published by the Commission on Local Government of the Department of Housing and Community Development and the impact of such fiscal stress upon the ability of certain localities to meet state mandates. In addition to its other responsibilities, the task force shall consider and recommend possible state incentives to encourage those localities that are designated by the Commission on Local Government as having above average fiscal stress to take actions or adopt procedures that may help alleviate such fiscal stress.</p>		
HB 1346 - Villanueva (21) Commonwealth Transportation Board; regional membership.	1/21/2016 House: Referred to Committee on Transportation	[1/29/2016]
<p>[Support] (16103803D) - See also SB 471 (Wagner). Summary: Increases from 17 to 19 the membership of the Commonwealth Transportation Board by the addition of two nonlegislative citizen members: one from the Hampton Roads Transportation Accountability Commission and one from the Northern Virginia Transportation Authority. The terms of the new nonlegislative citizen members begin July 1, 2016.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HJ 124 - Hugo (40) Unaccompanied alien minors; reimbursement to Fairfax County for cost.	1/12/2016 House: Referred to Committee on Rules	[1/29/2016]
<p>[Support] (16102152D) - Support concept; the County's federal legislative package includes support for federal funding for federally-connected children, including reimbursement for costs associated with unaccompanied minors placed in Fairfax County through the Office of Refugee Resettlement, and full funding of the federal Impact Aid program.</p> <p>Summary: Memorializing Congress regarding unaccompanied alien minors in Fairfax County. Memorializes the Congress of the United States to reimburse Fairfax County for the cost of resettling and providing services to unaccompanied alien minors.</p>		
HJ 136 - Sickles (43) United States Constitution; ratifies Equal Rights Amendment that was proposed by Congress in 1972.	1/13/2016 House: Referred to Committee on Privileges and Elections	[1/29/2016]
<p>[Support] (16101109D) - Board has historically supported. See also SJ 1 (Surovell).</p> <p>Summary: United States Constitution; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.</p>		
HJ 149 - Sickles (43) Motor vehicle title loans; Bureau of Financial Institution of State Corporation Commission to study.	1/13/2016 House: Referred to Committee on Commerce and Labor	[1/29/2016]
<p>[Support] (16101587D)</p> <p>Summary: Study; reasonableness of interest rates on motor vehicle title loans; report. Requests the Bureau of Financial Institutions of the State Corporation Commission to study the reasonableness of interest rates on motor vehicle title loans, including the profitability of such loans and how such rates and profit levels compare with those for alternative types of loans. The Bureau is directed to report its findings to the Governor and the General Assembly by the 2017 Regular Session of the General Assembly.</p>		
SB 26 - Reeves (17) Problem-Solving Docket Act; established, report.	12/10/2015 Senate: Referred to Committee for Courts of Justice	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Support] (16100297D) - Board has historically supported.</p> <p>Summary: Problem-Solving Dockets; established. Establishes, by the Problem-Solving Docket Act (the Act), problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service, mental illness, or societal reentry. The bill establishes a state problem-solving docket advisory committee and requires localities intending to establish such dockets to establish local problem-solving docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (Â§ 18.2-254.1).</p>		
<u>SB 50</u> - Howell (32) Courthouse and courtroom security; assessment.	12/16/2015 Senate: Referred to Committee for Courts of Justice 1/18/2016 Senate: Reported from Courts of Justice (10-Y 5-N) 1/18/2016 Senate: Rereferred to Finance	[1/29/2016]
<p>[Support] (16101096D) - Board has historically supported. See also HB 223 (Stolle).</p> <p>Summary: Increases from \$10 to \$20 the maximum amount a local governing body may assess against a convicted defendant as part of the costs in a criminal or traffic case in district or circuit court to fund courthouse and courtroom security.</p>		
<u>SB 56</u> - Locke (2) Grass, weeds, and other foreign growth; local cutting ordinances include overgrown shrubs and trees.	12/16/2015 Senate: Referred to Committee on Local Government 1/19/2016 Senate: Reported from Local Government with amendments (12-Y 1-N)	[1/29/2016]
<p>[Support] (16101344D-E)</p> <p>Summary: Cutting of grass, weeds, and other foreign growth. Provides that in local grass cutting ordinances as applied to vacant developed property, foreign growth includes overgrown shrubs and trees.</p>		
<u>SB 57</u> - Howell (32) Judges; increases number in 19th and 25th Judicial Districts.	12/16/2015 Senate: Referred to Committee for Courts of Justice 1/18/2016 Senate: Reported from Courts of Justice with substitute (10-Y 5-N) 1/18/2016 Senate: Rereferred to Finance	[1/29/2016]
<p>[Support] (16104448D-S1) - See also HB 1125 (Loupassi).</p> <p>Summary: Number of district court judges. Increases from seven to eight the number of juvenile and domestic relations district court judges in the 19th Judicial District (Fairfax, Fairfax County) and increases from three to four the number of general district court judges in the 25th Judicial District (Covington, Lexington, Staunton, Buena Vista, Waynesboro, Highland, Augusta, Rockbridge, Bath, Alleghany, Botetourt, and Craig). This bill is a recommendation of the Committee on District Courts.</p>		
<u>SB 60</u> - Hanger, Jr. (24) Commonwealth of Virginia Transform I-66 Corridor Outside the	12/17/2015 Senate: Referred to Committee on Finance	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
Beltway Bond Act of 2016; created.		
<p>[Support] (16103324D) - See also HB 1067 (Jones).</p> <p>Summary: Bonds; tolls on I-66. Authorizes the Treasury Board to issue bonds pursuant to Article X, Section 9 (c) of the Constitution of Virginia in an amount up to \$1.5 billion plus financing costs to finance the costs of acquiring, constructing, and equipping dynamically tolled lanes on a portion of Interstate 66. Issuance of the bonds is contingent on the Transportation Public-Private Partnership Advisory Committee, prior to January 1, 2018, finding that the issuance is necessary due to the inability of private parties to meet the term sheet published by the Department of Transportation in September 2015 pursuant to the procurement initiated under the Public-Private Transportation Act of 1995.</p>		
<u>SB 106</u> - Dance (16) Absentee voting; no-excuse, in-person.	12/28/2015 Senate: Referred to Committee on Privileges and Elections 1/26/2016 Senate: Reported from Privileges and Elections (7-Y 6-N)	[1/29/2016]
<p>[Support] (16101476D) - Board has historically supported.</p> <p>Summary: Elections; absentee voting; no-excuse, in-person. Allows qualified voters to vote absentee in person without providing an excuse for not being able to vote in person on election day. The bill retains the statutory list of specific reasons allowing a voter to cast an absentee ballot by mail.</p>		
<u>SB 120</u> - Carrico, Sr. (40) Passing stopped school buses; mailing of summons.	12/28/2015 Senate: Referred to Committee on Transportation 1/20/2016 Senate: Reported from Transportation with substitute (10-Y 1-N 1-A) 1/20/2016 Senate: Rereferred to Courts of Justice	[1/29/2016]
<p>[Support] (16104540D-S1)</p> <p>Summary: Passing stopped school buses; mailing of summons; rebutting presumption. Provides that a locality that has authorized by ordinance the installation and operation of a video-monitoring system on school buses for recording violations of unlawfully passing a stopped school bus may execute a summons for such violation by mailing a copy of the summons to the owner of a vehicle that unlawfully passed a stopped school bus. The bill also provides a means by which the existing presumption that the registered owner of the vehicle was the vehicle operator at the time of the violation can be rebutted and requires that this information be included with the mailing of the summons. The bill gives the summoned person 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.</p>		
<u>SB 188</u> - Miller (1) Elections; absentee voting by persons age 65 or older.	1/4/2016 Senate: Referred to Committee on Privileges and Elections 1/26/2016 Senate: Reported from Privileges and Elections with substitute (12-Y 1-N)	[1/29/2016]
<p>[Support] (16104805D-S1) - Board has historically supported. See also HB 1216 (Aird).</p> <p>Summary: Entitles persons who will be age 65 or older on the date of an election for which an absentee ballot is requested to vote absentee.</p>		

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Bills	General Assembly Actions	Date of BOS Position
SB 258 - Surovell (36) Commonwealth Transportation Board; voting weighted by population.	1/6/2016 Senate: Referred to Committee on Transportation	[1/29/2016]
[Support] (16100159D) - Board has historically supported. Summary: CTB; voting weighted by population. Provides that the votes of the nine nonlegislative citizen members of the Commonwealth Transportation Board who represent the nine highway construction districts shall be weighted on the basis of the population of each member's district as a percentage of the total population of the Commonwealth.		
SB 292 - Hanger, Jr. (24) Sediment reduction credits.	1/7/2016 Senate: Referred to Committee on Agriculture, Conservation and Natural Resources 1/28/2016 Senate: Reported from Agriculture, Conservation and Natural Resources with substitute (15-Y 0-N)	[1/29/2016]
[Support] (16101611D) Summary: Authorizes Municipal Separate Storm Sewer Systems (MS4) permittees to acquire and use sediment reduction credits as part of a compliance strategy for implementing the Chesapeake Bay TMDL. Currently, MS4s have similar authority for nitrogen and phosphorous; the bill adds a third pollutant, sediment.		
SB 299 - Ebbin (30) Amber lights, flashing; allows publicly owned or operated transit buses to use.	1/8/2016 Senate: Referred to Committee on Transportation 1/20/2016 Senate: Reported from Transportation with amendment (12-Y 0-N)	[1/29/2016]
[Support] (16100712D-E) Summary: Amber lights on public transit buses. Allows publicly owned or operated transit buses to use flashing amber lights.		
SB 309 - Hanger, Jr. (24) Annexation.	1/8/2016 Senate: Referred to Committee on Local Government	[1/29/2016]
[Support] (16103788D) - Board has historically supported. See also HB 945 (Wilt)> Summary: Extends the current moratorium on city annexations and county immunity actions by 10 years to 2028. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2026-2028 biennium. The Commission on Local Government is directed to evaluate the structure of cities and counties in the Commonwealth and the impact of annexation upon localities. In doing so, the Commission shall consider alternatives to the current moratorium on annexation by cities. The Commission shall issue its findings and recommended policy changes to the General Assembly no later than December 1, 2025.		
SB 317 - Alexander (5) Veterans Docket Act; established, report.	1/8/2016 Senate: Referred to Committee for Courts of Justice	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Support] (16101974D) - Board has historically supported.</p> <p>Summary: Veterans Dockets; established. Establishes, by the Veterans Docket Act (the Act), problem-solving courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have special conditions and needs based on military service. The bill establishes a state veterans docket advisory committee and requires localities intending to establish such dockets to establish local veterans docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (Â§ 18.2-254.1).</p>		
<p><u>SB 361</u> - Favola (31) Tree conservation; locality to post signs on private property that is proposed to be redeveloped.</p>	<p>1/11/2016 Senate: Referred to Committee on Local Government 1/19/2016 Senate: Reported from Local Government with substitute (7-Y 3-N)</p>	<p>[1/29/2016]</p>
<p>[Support w/ Amend.] (16104480D-S1) - Support with amendment to clarify that an infill lot grading plan can be approved by a county agency. See also HB 647 (Sullivan).</p> <p>Summary: Tree conservation ordinance. Provides that the ordinance may allow a locality to post signs on private property that is proposed to be redeveloped with a single family home that notifies the public that an infill lot grading plan is pending for review before the governing body.</p>		
<p><u>SB 380</u> - Vogel (27) Behavioral Health Docket Act; established, report.</p>	<p>1/11/2016 Senate: Referred to Committee for Courts of Justice</p>	<p>[1/29/2016]</p>
<p>[Support] (16103760D) - Board has historically supported.</p> <p>Summary: Behavioral Health Dockets; established. Establishes, by the Behavioral Health Docket Act (the Act), behavioral health courts as specialized court dockets within the existing structure of Virginia's court system, offering judicial monitoring of intensive treatment and supervision of offenders who have mental illness and co-occurring substance abuse issues. The bill establishes a state behavioral health docket advisory committee and requires localities intending to establish such dockets to establish local behavioral health docket advisory committees. The bill gives the Supreme Court of Virginia administrative oversight of the implementation of the Act. The Act is modeled on the Drug Treatment Court Act (Â§ 18.2-254.1).</p>		
<p><u>SB 436</u> - Favola (31) Fostering Futures program; established.</p>	<p>1/12/2016 Senate: Referred to Committee on Rehabilitation and Social Services</p>	<p>[1/29/2016]</p>
<p>[Support] (16101846D)</p> <p>Summary: Fostering Futures program. Establishes the Foster Futures program to provide services and support to individuals between the ages of 18 and 21 who were formerly in foster care as a minor and are transitioning to full adulthood and self-sufficiency.</p>		
<p><u>SB 471</u> - Wagner (7) Commonwealth Transportation Board;</p>	<p>1/12/2016 Senate: Referred to Committee on Rules</p>	<p>[1/29/2016]</p>

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Bills	General Assembly Actions	Date of BOS Position
increases regional membership.		
<p>[Support] (16101332D) - See also HB 1346 (Villanueva).</p> <p>Summary: Commonwealth Transportation Board; regional membership. Increases from 17 to 19 the membership of the Commonwealth Transportation Board by the addition of two nonlegislative citizen members: one from the Hampton Roads Transportation Accountability Commission and one from the Northern Virginia Transportation Authority. The terms of the new nonlegislative citizen members begin July 1, 2016.</p>		
SB 477 - Wagner (7) Motor vehicle fuels; sales tax in certain transportation districts, price floor.	1/12/2016 Senate: Referred to Committee on Finance	[1/29/2016]
<p>[Support] (16103951D)</p> <p>Summary: Motor vehicle fuels sales tax in certain transportation districts; price floor. Places a floor on the 2.1 percent tax imposed on motor vehicle fuels sold in Northern Virginia and Hampton Roads by ensuring that the tax is not imposed on a sales price less than the statewide average sales price on February 20, 2013, which is the date used as a floor on the statewide motor vehicle fuels sales tax.</p>		
SB 490 - DeSteph, Jr. (8) Uniform Military and Overseas Voters Act; applying for and casting military-overseas ballots.	1/12/2016 Senate: Referred to Committee on Privileges and Elections	[1/29/2016]
<p>[Support] (16103934D) - Support concept; implementation issues need to be resolved.</p> <p>Summary: Provides that any active duty member of a uniformed service who has been called to duty for deployment to a combat zone shall be permitted to use his digital signature associated with his Common Access Card issued by the U.S. Department of Defense to sign his application for a military-overseas ballot, the statement of voter accompanying his cast military-overseas ballot, and any other related documents. The bill also requires the system through which a covered voter may apply for and receive voter registration materials, military-overseas ballots, and other information to be capable of accepting the submission of voted military-overseas ballots cast by active duty member of a uniformed service who has been called to duty for deployment to a combat zone.</p>		
SB 535 - Deeds (25) Virginia Behavioral Health Practitioner Student Loan Repayment Fund and Program.	1/13/2016 Senate: Referred to Committee on Education and Health 1/21/2016 Senate: Reported from Education and Health (15-Y 0-N) 1/21/2016 Senate: Rereferred to Finance	[1/29/2016]
<p>[Support] (16100825D) - See also HB 764 (Yost).</p> <p>Summary: Establishes the Virginia Behavioral Health Practitioner Student Loan Repayment Fund and</p>		

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Bills	General Assembly Actions	Date of BOS Position
<p>Program to provide student loan repayment grants to eligible behavioral health practitioners who agree to a 12-month employment obligation with a community services board, behavioral health authority, or Department of Behavioral Health and Developmental Services facility or with an entity that has entered into a contract with a community services board, behavioral health authority or Department of Behavioral Health and Developmental Services facility to provide behavioral health services. Grants may be up to \$10,000 per recipient per year, and the Department of Behavioral Health and Developmental Services may award up to 250 grants per year.</p>		
<p>SB 601 - Wexton (33) Child care providers; criminal history background checks.</p>	<p>1/13/2016 Senate: Referred to Committee on Rehabilitation and Social Services 1/29/2016 Senate: Reported from Rehabilitation and Social Services with amendments (14-Y 0-N) 1/29/2016 Senate: Rereferred to Finance</p>	<p>[1/29/2016]</p>
<p>[Support] (16103633D) - See also HB 500 (Filler-Corn). Summary: Requires all applicants for licensure as a family day system, registration as a family day home, and approval as a family day home by a family day system, all child day centers that are exempt from licensure by the Department of Social Services, and all child day centers and family day homes that enter into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant, as well as all applicants for employment, employees, applicants to volunteer, and volunteers at such child day centers, family day homes, and family day systems, to undergo fingerprint-based national criminal history background checks beginning July 1, 2017. The bill also requires individuals currently employed by or serving as volunteers at a licensed child day center, family day home, or family day system, child day center exempt from licensure pursuant to Â¿ 63.2-1716, registered family day home, family day home approved by a family day system, or child day center or family day home that enters into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant to undergo a national background check to be completed by July 1, 2017. In addition, every (i) person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system; (ii) agent of a person who is licensed as a child day center, family day home, or family day system, registered as a family day home, or approved as a family day home by a family day system or who will be involved in the day-to-day operations of the child day center, family day home, or family day system or who is or will be alone with, in control of, or supervising one or more children in a child day center, family day home, or family day system; and (iii) adult living in a licensed child day center or family day home, registered family day home, or family day home approved by a family day system, shall undergo a national background check to be completed by July 1, 2017.</p>		
<p>SB 603 - Howell (32) Absentee voting; no-excuse in-person available 21 days prior to election.</p>	<p>1/13/2016 Senate: Referred to Committee on Privileges and Elections 1/26/2016 Senate: Reported from Privileges and Elections (12-Y 1-N)</p>	<p>[1/29/2016]</p>
<p>[Support] (16103418D) Summary: Allows for any registered voter to vote by absentee ballot in person in any election in which he is qualified to vote without providing a reason or making prior application for an absentee ballot. The bill makes absentee voting in person available beginning the twenty-first day prior to the election and ending at 5:00 p.m. on the Saturday immediately preceding the election. The bill retains the current provisions for voting an absentee ballot by mail, including the application requirement and the list of statutory reasons.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>SB 644</u> - Alexander (5) Battery; public transportation operators; penalty.	1/18/2016 Senate: Referred to Committee for Courts of Justice	[1/29/2016]
<p>[Support] (16103746D) Summary: Provides that the punishment for battery of a person who is the operator of a vehicle operated by a public transportation service who is engaged in the performance of his duties is a Class 1 misdemeanor, including a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.</p>		
<u>SB 681</u> - Vogel (27) Annexation moratorium; extends for city annexations and county immunity actions.	1/20/2016 Senate: Referred to Committee on Local Government	[1/29/2016]
<p>[Support] (16104027D) - Board has historically supported. Summary: Annexation moratorium. Extends the current moratorium on city annexations and county immunity actions by two years to 2020. Provisions that would trigger the early expiration of the moratorium if the General Assembly fails to appropriate certain amounts for local law-enforcement expenditures are exempted through the 2016-2018 biennium.</p>		
<u>SB 778</u> - Barker (39) Use of handheld personal communications devices while driving; penalty.	1/25/2016 Senate: Referred to Committee on Transportation	[1/29/2016]
<p>[Support] (16104156D) Summary: Expands the prohibition on manually entering multiple letters or text in a handheld communications device while operating a motor vehicle to also prohibit the manual selection of multiple icons and removes the condition that such manual entry is prohibited only if performed as a means of communicating with another person. The bill prohibits the operator of a motor vehicle from reading any information displayed on the device; current law prohibits reading an email or text message. The bill provides that this prohibition does not apply to reading any information displayed through the use of a global positioning system for the purposes of navigation.</p>		
<u>SJ 1</u> - Surovell (36) United States Constitution; ratifying the Equal Rights Amendment.	11/22/2015 Senate: Referred to Committee on Privileges and Elections 1/19/2016 Senate: Reported from Privileges and Elections with substitute (7-Y 6-N)	[1/29/2016]
<p>[Support] (16100133D) - Board has historically supported. See also HJ 136 (Sickles). Summary: United States Constitution; Equal Rights Amendment. Ratifies the Equal Rights Amendment to the</p>		

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United States Constitution that was proposed by Congress in 1972. The joint resolution advocates the position that the 1972 Equal Rights Amendment remains viable and may be ratified notwithstanding the expiration of the 10-year ratification period set out in the resolving clause, as amended, in the proposal adopted by Congress.

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Fairfax County Positions
(Monitor)

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 66</u> - Byron (22) New Economy Industry Credential Assistance Training Grants; grants for earning training credentials.	12/4/2015 House: Referred to Committee on Education	[1/29/2016]
<p>[Monitor] (16101082D) - Monitor legislation; support associated funding in Governor's budget.</p> <p>Summary: Grants for earning workforce training credentials; New Economy Industry Credential Assistance Training Grants. Establishes a grant program that would pay grants to certain individuals who complete eight hours of community service and who subsequently complete a noncredit workforce training program and earn the related credential in a high-demand field. The grant, in an aggregate amount of \$2,000, would be limited to payment of tuition charged for the training program, the cost of any required textbooks, and the cost of any examination required to earn the credential. The noncredit workforce training program must be provided or sponsored by (i) a Virginia community college, (ii) a private institution certified to operate in Virginia by the State Council of Higher Education for Virginia that has elected to participate in the grant program, or (iii) the Institute for Advanced Learning and Research, New College Institute, Roanoke Higher Education Center, Southern Virginia Higher Education Center, Southwest Virginia Higher Education Center, or Eastern Virginia Medical School. Individuals would apply for grants directly to the school that provided or sponsored the workforce training program. The bill requires the Virginia Board of Workforce Development to maintain on its website a list of high-demand fields and industry certifications that qualify as credentials. The bill has a delayed effective date of January 1, 2017.</p>		
<u>HB 141</u> - Marshall (13) Government Data Collection and Dissemination Practices Act; license plate readers.	12/21/2015 House: Referred to Committee on Militia, Police and Public Safety	[1/29/2016]
<p>[Monitor] (16100776D) - Board has historically monitored. Retention period in bill may be insufficient.</p> <p>Summary: Codifies an opinion of the Attorney General regarding the Government Data Collection and Dissemination Practices Act by limiting the ability of law-enforcement and regulatory agencies to use license plate readers to collect and maintain personal information on individuals where a warrant has not been issued and there is no reasonable suspicion of criminal activity by the individuals. The bill provides that information collected by a license plate reader without a warrant shall only be retained for seven days and shall only be used for the investigation of a crime or a report of a missing person. The bill also prohibits an agency from acquiring personal information collected from license plate readers from a third-party private vendor if the agency would not have been permitted to collect or retain the information on its own.</p>		
<u>HB 213</u> - LeMunyon (67) Motor vehicle inspection; exceptions to inspection requirement.	12/28/2015 House: Referred to Committee on Transportation 1/21/2016 House: Reported from Transportation (20-Y 0- N) 1/27/2016 House: VOTE: BLOCK VOTE PASSAGE (99- Y 0-N) 1/28/2016 Senate: Referred to Committee on Transportation	[1/29/2016]

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Bills	General Assembly Actions	Date of BOS Position
<p>[Monitor] (16100509D) Summary: Exceptions to motor vehicle inspection requirement. Exempts from the motor vehicle inspection requirement vehicles that are parked in the designated parking area of an official inspection station. The bill contains technical amendments.</p>		
<p>HB 301 - Herring (46) Justifiable homicide; reporting requirement of State Police.</p>	<p>1/4/2016 House: Referred to Committee on Militia, Police and Public Safety</p>	<p>[1/29/2016]</p>
<p>[Monitor] (16102619D) Summary: Justifiable homicide; reporting requirement. Requires the State Police to include justifiable homicides involving a law-enforcement officer in the annual Crime in Virginia report. The bill requires any law-enforcement or public safety officer required to report such homicides to receive training concerning such reporting requirement.</p>		
<p>HB 308 - Morris (64) Virginia Freedom of Information Act; use of government email accounts required.</p>	<p>1/4/2016 House: Referred to Committee on General Laws</p>	<p>[1/29/2016]</p>
<p>[Monitor] (16101186D) Summary: Requires that any person elected, reelected, appointed or reappointed to any public body not excepted from FOIA must use only official government-provided email accounts to conduct public business. The bill also provides that public officers, appointees, and employees shall use only official government-provided email accounts to conduct public business. However, if a public officer, appointee, or employee inadvertently uses a nongovernment email account to conduct public business, then the email and email address shall be forwarded to the appropriate official for retention as designated by the public body. The bill contains a technical amendment.</p>		
<p>HB 367 - Davis (84) Nonconforming uses; unlawful use of subject property, etc.</p>	<p>1/5/2016 House: Referred to Committee on Counties, Cities and Towns</p>	<p>[1/29/2016]</p>
<p>[Monitor] (16102442D) Summary: Nonconforming uses. Provides that a locality may by ordinance provide that an otherwise unlawful use of a subject property shall be a lawful nonconforming use if (i) the land use on a subject property has operated continuously for at least 15 years, (ii) there have been no building code or other local code violations or complaints arising out of the land use from neighboring property owners or other impacted parties, and (iii) all local taxes related to the property and business have been paid in a timely manner.</p>		
<p>HB 412 - Kilgore (1) Aircraft, certain; local regulation.</p>	<p>1/7/2016 House: Referred to Committee for Courts of Justice</p>	<p>[1/29/2016]</p>
<p>[Monitor] (16101685D) Summary: Local regulation of certain aircraft. Provides that no locality may regulate the use of privately owned, unmanned, autonomous aircraft within its boundaries. The provisions of the bill expire on July 1, 2019.</p>		

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Bills	General Assembly Actions	Date of BOS Position
HB 479 - Kory (38) Water pollution; signage notice to public.	1/8/2016 House: Referred to Committee on Agriculture, Chesapeake and Natural Resources	[1/29/2016]
<p>[Monitor] (16101024D) Summary: Posting notice of possible water pollution. Requires a locality, upon receipt of notification from the Department of Environmental Quality that a water quality violation has occurred that poses an imminent threat to the health, safety, or welfare of the public, to post signage at public access points to affected waters warning residents that the water body may be polluted.</p>		
HB 636 - Marshall, III (14) Clerk of circuit court; recordation of certain deeds.	1/11/2016 House: Referred to Committee for Courts of Justice	[1/29/2016]
<p>[Monitor] (16102854D) Summary: Provides that the governing body of a county or city may by ordinance require the clerk of the circuit court not to accept any deed transferring real property for recordation unless the locality has certified that no delinquent county or city taxes, fines, or similar charges or taxes are a lien on the property described in the deed. The ordinance shall provide that the clerk of the circuit court shall accept without certification certain deeds submitted for recordation under the supervision of a closing attorney.</p>		
HB 650 - Marshall (13) Local government; mandatory provisions of a subdivision ordinance, notice to homeowner associations.	1/11/2016 House: Referred to Committee on Counties, Cities and Towns	[1/29/2016]
<p>[Monitor] (16103677D) Summary: Local government; mandatory provisions of a subdivision ordinance; notice to homeowner associations. Requires a locality to include in its subdivision ordinance a provision requiring a developer of property to give written notice to incorporated property owners' associations within a planned unit development at such time as prescribed in the ordinance under certain circumstances.</p>		
HB 665 - Howell (28) Employee Retirement Security & Pension Reform, Commission on; established, report, sunset provision.	1/11/2016 House: Referred to Committee on Rules	[1/29/2016]
<p>[Monitor] (16103269D) Summary: Creates the Commission on Employee Retirement Security and Pension Reform in the legislative branch to study and make recommendations relating to the financial soundness of retirement plans covering state and local government employees; the suitability of retirement plans offered or maintained for current state and local government employees and the attributes of retirement plans that will be suitable for future employees; the impact on state and local governments of the anticipated retirement of experienced employees between 2016 and 2026 and strategies for replacing such employees; and the elements of compensation and benefits packages that are essential to attracting and retaining a highly productive state and local government workforce.</p>		

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Bills	General Assembly Actions	Date of BOS Position
<u>HB 731</u> - LeMunyon (67) Members of transportation district commissions; compensation.	1/11/2016 House: Referred to Committee on Transportation 1/26/2016 House: Reported from Transportation with substitute (21-Y 0-N) 1/29/2016 House: VOTE: BLOCK VOTE PASSAGE (97-Y 0-N)	[1/29/2016]
<p>[Monitor] (16100791D)</p> <p>Summary: Allows the Northern Virginia Transportation Commission to reimburse its members appointed to the board of directors of the Washington Metropolitan Area Transit Authority for expenses incurred and compensate them in the amount of \$200 per day for attending WMATA meetings.</p>		
<u>HB 792</u> - James (80) Virginia Pathway to Middle Class: Noncredit Workforce Credentials Act; established, report.	1/12/2016 House: Referred to Committee on Commerce and Labor	[1/29/2016]
<p>[Monitor] (16102554D) - Monitor legislation; support associated funding in Governor's budget. See also HB 1206 (Greason) and SB 575 (Ruff).</p> <p>Summary: Comprehensive community colleges; noncredit workforce credentials; Virginia Pathway to the Middle Class: Noncredit Workforce Credentials Act. Establishes the Virginia Pathway to the Middle Class: Noncredit Workforce Credentials Program (Program), to be administered by the Virginia Community College System (System). The bill requires the System to approve (i) a plan and funding formula to support capacity building for and development and expansion of noncredit workforce credential programs at comprehensive community colleges that prepare students for in-demand noncredit workforce credentials that are aligned with the knowledge and skill sets that are required for the available occupations in each region, (ii) a plan for providing financial incentives to comprehensive community colleges that demonstrate exceptional performance or improvement in the development and expansion of such noncredit workforce credential programs, and (iii) a plan and timeline for assessing the impact of a pilot set of noncredit workforce credentials on short-term and long-term job attainment and wages. The bill requires the System to submit a report to the General Assembly and the Virginia Board of Workforce Development no later than January 1 of each year with certain data from the previous fiscal year on noncredit workforce credential attainment by students at comprehensive community colleges.</p>		
<u>HB 800</u> - Morris (64) Virginia Freedom of Information Act; audio recording of closed meetings required.	1/12/2016 House: Referred to Committee on General Laws	[1/29/2016]
<p>[Monitor] (16101188D)</p> <p>Summary: Virginia Freedom of Information Act (FOIA); audio recording of closed meetings required. Provides that a public body shall (i) make an audio recording of the entirety of every meeting that is closed to the public; (ii) use a means of recording that fully captures and can clearly reproduce all statements made during a closed meeting; and (iii) preserve the recording for a period of no less than two years. The bill provides that a recording made shall not be subject to the disclosure provisions of FOIA, but its production may be compelled, and the recording used as evidence, in a proceeding to enforce the provisions of FOIA.</p>		

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<u>HB 998</u> - Levine (45) Law-enforcement agencies, local; body-worn cameras.	1/13/2016 House: Referred to Committee for Courts of Justice	[1/29/2016]
<p>[Monitor] (16102838D) - See also HB 1327 (Davis).</p> <p>Summary: Local law-enforcement agencies; body-worn cameras. Requires localities to adopt and establish a written policy for the operation of a body-worn camera system that conforms to the model policy established by the Department of Criminal Justice Services (the Department) prior to purchasing or deploying a body-worn camera system. The bill requires such policy to provide that (i) recorded individuals have a right to view and make copies of any audiovisual recording in which they are depicted; (ii) recordings be destroyed within 60 days unless certain exceptions apply; and (iii) the locality deploying the system review the recordings on a periodic basis to determine whether persons wearing the body-worn cameras are acting inappropriately or exhibiting bias. The bill provides that the Commonwealth shall reimburse each locality up to one-half of the costs of any body-worn camera system, provided that the locality has adopted and established a written policy that has been approved by the Department. The bill requires the Department to establish a model policy for the operation of body-worn camera systems and establish procedures for the reimbursement of counties and cities that purchase a body-worn camera system.</p>		
<u>HB 1069</u> - Jones (76) Tolls; period of nonpayment, limitations on tolling, notification of toll violations.	1/13/2016 House: Referred to Committee on Transportation	[1/29/2016]
<p>[Monitor] (16103861D)</p> <p>Summary: Tolling civil penalties; period of nonpayment; limitations on tolling; notification of toll violations. The bill prohibits tolling any highway, bridge, or tunnel without approval of the General Assembly except in limited circumstances. The bill requires the Department of Transportation to allow E-ZPass account holders to provide an email or phone number and to electronically notify account holders of a toll violation and further requires toll operators to notify the Department of such toll violations. The bill amends the definition of high-occupancy toll (HOT) lanes to ensure that mass transit vehicles and commuter buses meet the high-occupancy requirement. The bill lengthens from 30 to 60 days the period following notification of an unpaid toll on HOT lanes after which, if the toll is still unpaid, the owner or operator of the vehicle is in violation. The bill decreases the civil penalties for an unpaid toll violation on the HOT lanes, making them equal to civil penalties for other toll violations, and allows the HOT lanes operator to offer reduced civil penalties if the owner of the vehicle pays within 14 days prior to the hearing date, which is also permitted for other toll operators. For violations on any toll road, the bill provides that for a first court appearance there are reduced civil penalties and places a cap of \$2,200 on civil penalties and administrative fees. Finally, the bill provides for a 10-day grace period for unpaid tolls and requires toll operators to attempt to process and collect unpaid tolls twice during such period.</p>		
<u>HB 1143</u> - Lindsey (90) Body-worn cameras; required policies.	1/13/2016 House: Referred to Committee for Courts of Justice	[1/29/2016]
<p>[Monitor] (16104109D)</p> <p>Summary: Law-enforcement agencies; body-worn cameras; required policies. Requires localities to adopt and establish a written policy for the operation of a body-worn camera system that conforms to the model policy</p>		

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established by the Department of Criminal Justice Services prior to purchasing or deploying a body-worn camera system. The bill requires such policy to provide that (i) recorded individuals have a right to review any audiovisual recording in which they are depicted; (ii) recordings be destroyed within 30 days unless certain exceptions apply; and (iii) the locality deploying the system review the recordings on a periodic basis to determine whether persons wearing the body-worn cameras are acting inappropriately or exhibiting bias.		
HB 1206 - Greason (32) Comprehensive community colleges; Noncredit Workforce Credentials Act.	1/18/2016 House: Referred to Committee on Education	[1/29/2016]
<p>[Monitor] (16104243D) - Monitor legislation; support associated funding in Governor's budget. See also HB 792 (James) and SB 575 (Ruff).</p> <p>Summary: Comprehensive community colleges; noncredit workforce credentials; Virginia Pathway to the Middle Class: Noncredit Workforce Credentials Act. Establishes the Virginia Pathway to the Middle Class: Noncredit Workforce Credentials Program (Program), to be administered by the Virginia Community College System (System). The bill requires the System to approve (i) a plan and funding formula to support capacity building for and development and expansion of noncredit workforce credential programs at comprehensive community colleges that prepare students for in-demand noncredit workforce credentials that are aligned with the knowledge and skill sets that are required for the available occupations in each region, (ii) a plan for providing financial incentives to comprehensive community colleges that demonstrate exceptional performance or improvement in the development and expansion of such noncredit workforce credential programs, and (iii) a plan and timeline for assessing the impact of a pilot set of noncredit workforce credentials on short-term and long-term job attainment and wages. The bill requires the System to submit a report to the General Assembly and the Virginia Board of Workforce Development no later than January 1 of each year with certain data from the previous fiscal year on noncredit workforce credential attainment by students at comprehensive community colleges.</p>		
HB 1278 - Levine (45) Washington Metropolitan Area Transit Authority Compact of 1966; membership.	1/20/2016 House: Referred to Committee on Transportation	[1/29/2016]
<p>[Monitor] (16104205D) - See also SB 710 (Ebbin).</p> <p>Summary: Appointing authority for Board of Directors of Washington Metropolitan Area Transit Authority. Changes from the U.S. Administrator of General Services to the Secretary of the U.S. Department of Transportation the appointing authority for the two federal members of the Board of Directors of the Authority and their alternates. The change is made in the WMATA Compact found in Title 33.2 of the Code of Virginia in order to conform with federal law. The bill contains an emergency clause.</p>		
HB 1327 - Davis (84) Local law-enforcement agencies; body-worn cameras.	1/21/2016 House: Referred to Committee for Courts of Justice	[1/29/2016]
<p>[Monitor] (16104389D) - See also HB 998 (Levine).</p> <p>Summary: Requires localities to adopt and establish a written policy for the operation of a body-worn camera</p>		

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<p>system that conforms to the model policy established by the Department of Criminal Justice Services (the Department) prior to purchasing or deploying a body-worn camera system. The bill requires such policy to provide that (i) recorded individuals have a right to view and make copies of any audiovisual recording in which they are depicted; (ii) recordings be destroyed within 60 days unless certain exceptions apply; and (iii) the locality deploying the system review the recordings on a periodic basis to determine whether persons wearing the body-worn cameras are acting inappropriately or exhibiting bias. The bill provides that the Commonwealth shall reimburse each locality up to one-half of the costs of any body-worn camera system, provided that the locality has adopted and established a written policy that has been approved by the Department. The bill requires the Department to establish a model policy for the operation of body-worn camera systems and establish procedures for the reimbursement of counties and cities that purchase a body-worn camera system.</p>		
<p>SB 87 - Garrett (22) Circuit court clerks; preservation of land records in paper form.</p>	<p>12/22/2015 Senate: Referred to Committee for Courts of Justice</p>	<p>[1/29/2016]</p>
<p>[Monitor] (16100681D) Summary: Requires circuit court clerks to preserve in paper form all land records that are in their possession in paper form on July 1, 2016, and all land records filed in paper form on or after July 1, 2016, and to convert to and preserve in paper form all land records filed electronically on or after July 1, 2016.</p>		
<p>SB 111 - Petersen (34) Punitive damages; raises cap for any action accruing on or after July 1, 2016.</p>	<p>12/28/2015 Senate: Referred to Committee for Courts of Justice 1/27/2016 Senate: Reported from Courts of Justice (11-Y 4-N)</p>	<p>[1/29/2016]</p>
<p>[Monitor] (16101414D) Summary: Punitive damages cap. Raises the punitive damages cap from \$350,000 to \$500,000 for any action accruing on or after July 1, 2016.</p>		
<p>SB 236 - Petersen (34) Government Data Collection & Dissemination Practices Act; collection & use of personal information.</p>	<p>1/6/2016 Senate: Referred to Committee on General Laws and Technology</p>	<p>[1/29/2016]</p>
<p>[Monitor] (16102870D) - Board has historically monitored. Retention period in bill may be insufficient. Summary: Government Data Collection and Dissemination Practices Act; collection and use of personal information by law-enforcement agencies. Provides that, unless a criminal or administrative warrant has been issued, law-enforcement and regulatory agencies shall not use surveillance technology to collect or maintain personal information where such data is of unknown relevance and is not intended for prompt evaluation and potential use regarding suspected criminal activity or terrorism by any individual or organization. The bill authorizes law-enforcement agencies to collect information from license plate readers, provided that such information is held for no more than seven days and is not subject to any outside inquiries or internal usage, except in the investigation of a crime or a missing persons report. After seven days, such collected information must be purged from the system unless it is being utilized in an ongoing investigation. The bill also adds to the definition of "personal information," for the purposes of government data collection and dissemination</p>		

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practices, vehicle license plate numbers and information that affords a basis for inferring an individual's presence at any place.		
SB 414 - Barker (39) Land Bank Entities Act.	1/12/2016 Senate: Referred to Committee on Local Government	[1/29/2016]
<p>[Monitor] (16103380D)</p> <p>Summary: Authorizes the establishment of a land bank entity by any locality or two or more localities combined to assist in addressing vacant, abandoned, and tax-delinquent real properties. Under the bill, after a referendum has been held on the question of creating a land bank entity, the locality has the option of (i) creating an authority or a nonprofit, nonstock corporation or (ii) designating an existing nonprofit entity that is exempt from taxation under Â§ 501(c)(3) of the Internal Revenue Code and eligible to receive donations from a locality pursuant to Â§ 15.2-953 to carry out the functions of such land entity. The bill provides that land bank entities may acquire real property within participating localities or receive transfers and conveyances from the participating localities. Land bank entities are authorized to receive funding through grants and loans from participating localities, the Commonwealth, the federal government, and other public and private sources. In addition, the bill authorizes a locality to deem paid in full all accumulated taxes, penalties, interest, and other costs on any tax-delinquent property in exchange for conveyance of the property by the owner to a land bank entity. The bill also authorizes a participating locality to remit to the land bank entity up to 50 percent of the real property taxes collected on real property conveyed by a land bank entity for up to 10 years after the conveyance. This bill is a recommendation of the Virginia Housing Commission.</p>		
SB 426 - Vogel (27) Virginia Community Impact Authority and Fund; created, report.	1/12/2016 Senate: Referred to Committee on Local Government	[1/29/2016]
<p>[Monitor] (16100552D)</p> <p>Summary: Virginia Community Impact Authority and Fund. Establishes the Virginia Community Impact Authority with the authority to (i) provide grants, investments, and loans to support job training programs, health care delivery systems, and affordable housing programs and initiatives; (ii) provide start-up capital and loans to assist private enterprises; (iii) provide grants to local community impact funds; (iv) support clean and energy-efficient programs and initiatives; and (v) support other initiatives that are determined by the Authority to have a meaningful community impact. The grants, investments, and loans are to be made from the Virginia Community Impact Fund, established by the bill, which is to be funded by allocation of one percent of the total consideration paid by state public bodies in state procurement contracts valued at more than \$300,000.</p>		
SB 542 - Obenshain (26) Delinquent sewer charges; lien on property, unlimited time.	1/13/2016 Senate: Referred to Committee on Local Government	[1/29/2016]
<p>[Monitor] (16102424D)</p> <p>Summary: Delinquent sewer charges; lien; unlimited time. Allows a sewer authority that provides only sewer service to place a lien on the property receiving the service in the amount of any number of months of delinquent charges. Current law allows the placement of liens in the amount of up to three months of delinquent water and sewer charges.</p>		

Bold – Indicates BOS formal action
[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<u>SB 543</u> - Obenshain (26) Inverse condemnation proceeding; reimbursement of owner's costs.	1/13/2016 Senate: Referred to Committee for Courts of Justice	[1/29/2016]
<p>[Monitor] (16102426D) Summary: Directs the court to reimburse a plaintiff for the costs of an inverse condemnation proceeding for "damaging" property if a judgment is entered for the plaintiff. Under current law, the court is directed to award costs only for the "taking" of property. The change made in this bill corresponds with the language of amendments to Article 1, Section 11 of the Constitution of Virginia, which became effective on January 1, 2013</p>		
<u>SB 547</u> - Edwards (21) Water and sewer service; certain liens for delinquent charges.	1/13/2016 Senate: Referred to Committee on Local Government	[1/29/2016]
<p>[Monitor] (16103511D) Summary: Water and sewer service provided by locality. Provides that certain liens for the unpaid fees and charges of a lessee or tenant shall be placed only if the owner of the property has agreed in writing at the time service is initiated to be responsible for such unpaid fees and charges.</p>		
<u>SB 575</u> - Ruff, Jr. (61) Comprehensive community colleges; noncredit workforce credentials.	1/13/2016 Senate: Referred to Committee on Education and Health	[1/29/2016]
<p>[Monitor] (16102555D) - Monitor legislation; support associated funding in Governor's budget. See also HB 792 (James) and HB 1206 (Greason). Summary: Comprehensive community colleges; noncredit workforce credentials; Virginia Pathway to the Middle Class: Noncredit Workforce Credentials Act. Establishes the Virginia Pathway to the Middle Class: Noncredit Workforce Credentials Program (Program), to be administered by the Virginia Community College System (System). The bill requires the System to approve (i) a plan and funding formula to support capacity building for and development and expansion of noncredit workforce credential programs at comprehensive community colleges that prepare students for in-demand noncredit workforce credentials that are aligned with the knowledge and skill sets that are required for the available occupations in each region, (ii) a plan for providing financial incentives to comprehensive community colleges that demonstrate exceptional performance or improvement in the development and expansion of such noncredit workforce credential programs, and (iii) a plan and timeline for assessing the impact of a pilot set of noncredit workforce credentials on short-term and long-term job attainment and wages. The bill requires the System to submit a report to the General Assembly and the Virginia Board of Workforce Development no later than January 1 of each year with certain data from the previous fiscal year on noncredit workforce credential attainment by students at comprehensive community colleges.</p>		
<u>SB 576</u> - Ruff, Jr. (61) Community College Workforce Training Grant Program; established, Fund created.	1/13/2016 Senate: Referred to Committee on Education and Health	[1/29/2016]

Bold – Indicates BOS formal action

[] Indicates BOS Legislative Committee Action

Bills	General Assembly Actions	Date of BOS Position
<p>[Monitor] (16103188D) - Monitor legislation; support associated funding in Governor's budget.</p> <p>Summary: Community colleges; workforce training. Establishes the Community College Workforce Training Grant Program to provide a \$1,000 incentive payment to a community college for each student who (i) has successfully completed a noncredit workforce training program at the community college and (ii) subsequently obtains an industry-recognized certification or license in a high employer demand field in the region served by the community college, with such fields to be identified by the State Board for Community Colleges.</p>		
<p>SB 629 - Stanley, Jr. (20) Camping; special use permit.</p>	<p>1/15/2016 Senate: Referred to Committee on Local Government 1/26/2016 Senate: Reported from Local Government (12-Y 1-N)</p>	<p>[1/29/2016]</p>
<p>[Monitor] (16103257D)</p> <p>Summary: Special use permit; camping in tent or recreational vehicle. Prohibits any locality from barring or requiring a special use permit for camping by a landowner and his family or nonpaying guests in a tent or recreational vehicle on the landowner's property for a total of no more than two months per year.</p>		
<p>SB 710 - Ebbin (30) Composition of the Washington Metropolitan Area Transit Authority Compact of 1966.</p>	<p>1/21/2016 Senate: Referred to Committee on Rules</p>	<p>[1/29/2016]</p>
<p>[Monitor] (16104585D) - See also HB 1278 (Levine).</p> <p>Summary: Appointing authority for Board of Directors of Washington Metropolitan Area Transit Authority. Changes from the U.S. Administrator of General Services to the Secretary of the U.S. Department of Transportation the appointing authority for the two federal members of the Board of Directors of the Authority and their alternates. The change is made in the WMATA Compact found in Title 33.2 of the Code of Virginia in order to conform with federal law. The bill contains an emergency clause.</p>		
<p>SJ 84 - Surovell (36) Public transportation services; DRPT to evaluate study necessary to identify, etc.</p>	<p>1/13/2016 Senate: Referred to Committee on Rules</p>	<p>[1/29/2016]</p>
<p>[Monitor] (16102006D)</p> <p>Summary: Study; Department of Rail and Public Transportation; improved transportation services; report. Requests that the Department of Rail and Public Transportation (the Department) evaluate the level of study necessary to identify and advance potential public transportation services from the Franconia-Springfield Metro Station to Marine Corps Base Quantico in Prince William and Stafford Counties, including the feasibility of extending the Blue Line and other multimodal options such as bus rapid transit along Interstate 95 and U.S. Route 1. Following the evaluation, the Department shall proceed to the recommended level of study for improved public transportation services along the U.S. Route 1 corridor. The Department shall report on its findings and recommendations on the first day of the 2017 and 2018 Regular Sessions of the General Assembly.</p>		

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**BUDGET PROPOSALS FOR FY 2016 - FY 2018 DURING THE 2016
GENERAL ASSEMBLY SESSION
as of January 21, 2016**

Estimated Impact to Fairfax County - Increase Over Prior Fiscal Year

	Governor	
	FY 2017	FY 2018
Direct County Impact		
HB 599 Law Enforcement Funding	\$0.9	\$0.0
Address Salary Compression for Sheriff's Employees	\$0.3	\$0.3
2% Salary Increase for Constitutional Officers	\$0.0	\$0.4
TOTAL DIRECT COUNTY IMPACT	\$1.2	\$0.7
TOTAL OVER THE BIENNIUM	\$1.9	

Impact to the Fairfax County Public Schools (FCPS)

Proposed Budget

Governor McAuliffe's Budget: Based on FCPS' Proposed Budget, Governor McAuliffe's Budget includes \$6.1 million more in state aid than FCPS projected. (FCPS had projected no increase in state funding.)

**BUDGET PROPOSALS FOR FY 2016 - FY 2018 DURING THE 2016 GENERAL ASSEMBLY SESSION
as of January 21, 2016**

Budget Bill Item #	Issue	Fairfax County Impact
Compensation Board		
<u>State-Supported Employee Compensation</u>		
69	<u>Sheriffs</u> Governor McAuliffe's Budget: Provides \$3.6 million in FY 2017 and \$8.7 million in FY 2018 to address salary compression for sheriff's employees.	Results in additional salary reimbursement for Fairfax County of approximately \$290,000 in FY 2017 and \$580,000 in FY 2018.
475	<u>All Constitutional Officers</u> Governor McAuliffe's Budget: Provides 2% salary increase for all constitutional officers and employees effective August 1, 2017, contingent on a stable revenue forecast in FY 2018.	Results in additional salary reimbursement of approximately \$360,000 for Fairfax County in FY 2018.
67 of Caboose	<u>Inmate Per Diem Funding</u> Governor McAuliffe's Budget: Includes \$11.3 million in FY 2016 to address the increased cost of housing inmates. However, no additional funding was recommended for the projected growth in FY 2017 and FY 2018.	Funding to localities will be based on actual inmate population.
Public Safety		
400	<u>State Aid to Localities with Police Departments (HB 599)</u> Governor McAuliffe's Budget: Provides \$6.7 million in FY 2017 and \$6.7 million in FY 2018. HB 599 has remained flat in recent years despite the statutory policy of growing payments at the rate of GF revenue growth.	Results in an increase of \$920,000 for Fairfax County in FY 2017 with level funding for FY 2018.
Central Appropriations		
468 of Caboose	<u>Reimbursement of Presidential Primary Expenses</u> Governor McAuliffe's Budget: Includes \$3.8 million in FY 2016 for reimbursement of presidential primary expenses.	The Office of Elections estimates that the County's cost for this year's presidential primary will be between \$650,000 to \$750,000. This proposal results in a reimbursement in the amount of \$400,000 in FY 2016.
Other Items of Interest		
301 of Caboose	<u>Water Quality Improvement Fund</u> Governor McAuliffe's Budget: Provides \$61.7 million of the FY 2015 surplus for the mandatory Water Quality Improvement Fund deposit.	TBD
	<u>Department of Justice Settlement Agreement Costs</u> Governor McAuliffe's Budget: Includes a total of \$14.6 million for facility closure costs and savings resulting from compliance with the Department of Justice settlement agreement. Reflects the estimated impact of closing the Northern Virginia Training Center in March 2016.	TBD

**BUDGET PROPOSALS FOR FY 2016 - FY 2018 DURING THE 2016 GENERAL ASSEMBLY SESSION
as of January 21, 2016**

Budget Bill Item #	Issue	Fairfax County Impact
	Human Services	
	<u>Housing</u>	
108	Governor McAuliffe's Budget: Adds \$6 million GF in each year of the biennium to the Virginia Housing Trust Fund. Language is included to place priority on addressing homelessness among youth and families.	Support for increased appropriations to the Trust Fund is included in the County's Human Services Issue Paper.
	<u>Pre-K</u>	
138	Governor McAuliffe's Budget: Provides \$3 million GF over the biennium to provide grants to incentivize local solutions for public-private delivery of pre-K services to at-risk children.	TBD.
	<u>Virginia Preschool Initiative</u>	
139	Governor McAuliffe's Budget: Adds language on eligibility criteria to permit up to 15 percent of a division's slots to be filled based on locally-established eligibility criteria.	Likely positive. Changes to eligibility criteria included in budget language passed in 2015 would have limited the participation of some County children in VPI; this proposal provides some flexibility to meet local needs.
	<u>Medicaid Expansion</u>	
306; 477	Governor McAuliffe's Budget: Directs DMAS to implement coverage for newly-eligible individuals under the Affordable Care Act by July 1, 2016, or as soon as feasible thereafter. To provide the state's share of the costs, DMAS is provided the authority to require payment of an assessment on private acute care hospitals; DMAS is to work with stakeholders to develop an assessment methodology; the assessment is not to exceed 3 percent of a hospital's annual net patient revenue.	Support for the expansion of Medicaid as envisioned by the Affordable Care Act is included in the County's Legislative Program.
	<u>Medicaid Waivers</u>	
306; 313	Governor McAuliffe's Budget: Funds the implementation of three redesigned Medicaid waivers, including a 5.4 percent average rate increase. Also funds 16 new positions in the Department of Behavioral Health and Developmental Services (DBHDS) to work with Community Service Boards to assist in the transition of individuals into the new system.	TBD; full funding of this initiative will be critical to ensure that an appropriate level of services continues for individuals who are presently receiving those services in the community.
306	Governor McAuliffe's Budget: Provides funding for enhancements necessary to meet federal requirements to allow the state to apply for a waiver to expand substance abuse disorder treatment coverage.	TBD; likely positive. The Board supported the Commonwealth's efforts to redesign its substance use disorder treatment package in a letter to DMAS in fall 2015.
306	Governor McAuliffe's Budget: Provides funding to increase rates for personal care, respite care, and companion care by two percent in the EDCD and ID/DD waivers.	TBD; likely positive.
306	Governor McAuliffe's Budget: Provides authority for DMAS to limit overtime hours for attendants providing care under the Medicaid waivers' consumer-directed service option. This action is taken in response to federal regulations.	TBD
	<u>Early Intervention/Part C</u>	
315	Governor McAuliffe's Budget: Provides \$1.7 million GF in FY 2017 and \$2.5 million GF in FY 2018 to address anticipated caseload growth in the Early Intervention/Part C program.	Likely positive; support for Early Intervention/Part C is included in the County's Human Services Issue Paper.

**BUDGET PROPOSALS FOR FY 2016 - FY 2018 DURING THE 2016 GENERAL ASSEMBLY SESSION
as of January 21, 2016**

Budget Bill Item #	Issue	Fairfax County Impact
	<u>Behavioral Health</u>	
315	Governor McAuliffe's Budget: Provides \$4.3 million GF in FY 2017 and \$5.3 million GF in FY 2018 for crisis stabilization services. This appropriation includes funding for two eight-bed therapeutic homes, in addition to funds for mobile crisis services, respite services for children; crisis coordinators in each region; and crisis specialists in mental health facilities to reduce unnecessary institutionalization.	TBD
315	Governor McAuliffe's Budget: Provides \$5.6 million over the biennium to expand rental assistance programs for individuals with ID/DD and \$800,000 over the biennium to provide ongoing support for the Rental Choice VA program, which offers assistance with housing costs to individuals with intellectual and developmental disabilities who are currently living in institutional or congregate residential settings to enable them to live more independently in safe, affordable housing in the community.	TBD
	<u>Northern Virginia Training Center (NVTC)</u>	
306	Governor McAuliffe's Budget: Adds a total of 855 new waiver slots to the ID and DD waiver programs over the biennium, as mandated by the DOJ settlement agreement; this total includes 180 slots for individuals transitioning out of facilities (90 each year).	TBD; likely positive.
306	Governor McAuliffe's Budget: Funds 100 reserve slots in the ID, DD, and Day Support waivers; among other purposes, reserve slots may be used for individuals transitioning from an Intermediate Care Facility or nursing facility to the community in compliance with the DOJ settlement.	TBD
313	Governor McAuliffe's Budget: Funds 19 positions in the Department of Behavioral Health and Developmental Services (DBHDS) to support DOJ settlement compliance.	TBD
314	Governor McAuliffe's Budget: Funds five additional positions in the Individual and Family Supports Program to link individuals on the ID/DD waitlists with available services and supports, pursuant to the Independent Reviewer's interpretation of the DOJ settlement.	TBD
314	Governor McAuliffe's Budget: Provides \$500,000 GF per year to transition individuals into the community who are not eligible for Medicaid.	TBD
315	Governor McAuliffe's Budget: Provides \$1.1 million GF over the biennium to support individuals leaving the training center. The funding will support needs that are not covered by Medicaid, including assistive technology, home and vehicle modifications, and specialized durable medical equipment.	TBD
333	Governor McAuliffe's Budget: Provides \$1.5 million GF over the biennium for publicly-appointed guardians for individuals with intellectual disabilities who have been determined to be incapacitated. Funding is intended to support individuals who are residing in training centers but do not have an assigned guardian; in order to move an individual from a training center, he/she must have an assigned decision maker.	TBD
	<u>Mental Health</u>	
315	Governor McAuliffe's Budget: Provides \$1.2 million over the biennium for post-arrest diversion pilot programs for persons with mental illness.	TBD
315	Governor McAuliffe's Budget: Provides \$4.5 million over the biennium for services for the mentally ill, including discharge assistance planning funds to assist in placements from state hospitals to the community, and one position to monitor, evaluate, and prioritize individuals waiting for transfer to a state facility from local jails.	TBD
393	Governor McAuliffe's Budget: Provides \$4.4 million GF over the biennium for mental health services for offenders on probation or parole, and cognitive programming in pilot local or regional jails for offenders who will be released from jail to probation supervision.	TBD
398	Governor McAuliffe's Budget: Provides \$5 million over the biennium for pilot programs in local and regional jails for inmates with mental illness.	TBD

**BUDGET PROPOSALS FOR FY 2016 - FY 2018 DURING THE 2016 GENERAL ASSEMBLY SESSION
as of January 21, 2016**

Budget Bill Item #	Issue	Fairfax County Impact
	<u>Foster Care/Adoption Assistance</u>	
285; 346	Governor McAuliffe's Budget: Includes support for the Fostering Futures Initiative, which implements a provision in the federal Fostering Connections Act that permits an extension to age 21 of foster care supports and services to youth who turn 18 in foster care. The Governor's budget removes \$512,000 GF in FY 2017 and \$1.5 million GF in FY 2018 from the Children's Services Act and includes \$1 million GF/\$1 million NGF in FY 2017 and \$3 million GF/\$2.9 million NGF in FY 2018 in the Department of Social Services appropriation.	Positive; support for this initiative is included in the County's Human Services Issue Paper.
285; 346	Governor McAuliffe's Budget: Includes \$428,000 GF each year of the biennium in CSA for a two percent increase for non-IV-E foster care payments. Also includes \$826,000 GF/\$586,000 NGF each year of the biennium for VDSS to increase foster care and adoption rates by two percent.	TBD; positive.
	<u>Local Eligibility Workers</u>	
343	Governor McAuliffe's Budget: Provides \$1.4 million GF/\$4 million NGF in FY 2017 and \$2.2 million GF/\$6.4 million NGF in FY 2018 to provide additional resources for local workers to handle a portion of the increased volume of applications associated with an expansion of Medicaid.	TBD; likely positive.
	<u>Healthy Families</u>	
348	Governor McAuliffe's Budget: Increases funding for programs following the Healthy Families America home visiting model by \$6.75 million NGF (TANF funds) in each year of the biennium.	TBD; likely positive.

BUDGET PROPOSALS FOR FY 2016 - FY 2018 DURING THE 2016 GENERAL ASSEMBLY SESSION
as of January 21, 2016

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Public Education	Fairfax County Public Schools Impact
Direct Aid to Public Education Recalculation of Local Composite Index for 2016-2018 Governor McAuliffe's Budget: The Local Composite Index (LCI) is calculated every two years for the state's biennium budget. Counties and cities with a lower composite index receive more state funding, while those with a higher index receive less funding. The recalculation of the LCI results in additional state funding of \$25.2 million in the first year and \$25.3 million in the second year (this funding benefits localities with declining LCIs).	FCPS composite index went up from 0.6804 to 0.6844 for the new biennium.
Update Costs of the Standards of Quality (SOQ), Sales Tax and Basic Aid Governor McAuliffe's Budget: Provides \$183.2 million in FY 2017 and \$214.9 million in FY 2018 to fully fund the biennial rebenchmarking of K-12 SOQ costs. These increases do not reflect changes in policy but adjust the cost of continuing current programs with the required data revisions. Updates Sales Tax revenue projections, increasing state funding by \$31.3 million in FY 2017 and \$53.3 million in FY 2018.	TBD
Update Lottery Proceeds Governor McAuliffe's Budget: Total Lottery proceeds are projected to increase by \$9.6 million to \$541.2 million in each year of the biennium.	TBD
Salary Increase in FY 2018 Governor McAuliffe's Budget: Provides \$83.3 million in FY 2018 for the state's share of 2% salary increase for instructional and support positions, effective July 10, 2017. This is contingent on a stable revenue forecast in FY 2018.	Impact is in FY 2018. Based on VDOE Superintendent's Memo, funding of \$7.6 million is included for the state share in FY 2018 for FCPS.
Virginia Retirement System (VRS) Contributions Governor McAuliffe's Budget: Increases state funding for fringe benefit rates by \$15.9 million in FY 2017 and \$71.0 million in FY 2018 based on: 1) VRS contribution rate of 14.66% for FY 2017 (up from 14.06% in FY 2016) and 16.32% in FY 2018; 2) retiree health care credit rate of 1.11% in FY 2017 and 1.23% in FY 2018; 3) employer rate for group life of 0.47% in FY 2017 and 0.52% in FY 2018. The rates are based on 90% of VRS actuarial rates in FY 2017 and 100% in FY 2018.	Impact is in FY 2018. The acceleration from FY 2019 to FY 2018 to 100% of the actuarial rate for VRS in FY 2018 will increase the employer rate for VRS, increasing FCPS expenditures.
Full Restoration of Cost-of-Competing (COCA) Governor McAuliffe's Budget: Provides \$40.6 million in FY 2018 to fully restore the cost-of-competing funding for support staff in Northern Virginia.	Impact is in FY 2018. Though FCPS would have to provide information about how much of that COCA funding would likely go to FCPS, in the past the County has received approximately 35 percent of the region's COCA funding (about \$14 million).
At-Risk Program Governor McAuliffe's Budget: Provides \$24.8 million in FY 2017 and \$24.9 million in FY 2018 to enhance funding for the At-Risk program, which provides funding to support the additional costs of educating at-risk students.	TBD
Additional Instructional Positions Governor McAuliffe's Budget: Provides \$42.7 million in FY 2017 and \$96.4 million in FY 2018 for the state's share of funding nearly 2,500 new teachers statewide. Maintenance of effort is required and funding cannot be used to support existing or central office positions.	Based on VDOE Superintendent's Memo, funding of \$3.0 million in FY 2017 and \$5.4 million in FY 2018 is included for FCPS. No local match is required for this program.

Impact to the Fairfax County Public Schools (FCPS) FY 2017 Proposed Budget

Governor McAuliffe's Budget: Based on FCPS' FY 2017 Proposed Budget, Governor McAuliffe's Budget includes \$6.1 million more in state aid than FCPS projected. (FCPS had projected no increase in state funding.)

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Budget Proposals for the 2014 - 2016 Biennium Caboose - Transportation

Budget Item #	Issue	Fairfax County Impact
	HB 2313 Regional Implementation	
447	Governor's Budget: includes the regional funds provided for in HB 2313, including \$614.2 million for distribution of Northern Virginia Transportation Authority Fund Revenues over the biennium, which is \$17.8 million more than originally projected.	Over the biennium, Fairfax County should receive approximately \$92 million to allocate for local projects approved by the Board of Supervisors, minus the respective shares provided to Vienna and Herndon (30% funding returned to localities). NVTA will allocate approximately \$430 million, of which approximately \$215 million should benefit the County (70% funding retained by NVTA). Fairfax County should benefit from approximately \$8.9 million of the increase.
	I-95 Transit/Transportation Demand Management (TDM)	
439	Governor's Budget: retains language directing the allocation of funding from the Mass Transit Fund to implement transit and transportation demand management improvements identified in the I-95 corridor, including direct transit capital and operating costs and TDM activities.	Fairfax County has worked with the Commonwealth to fund the purchase and operations of five buses on this corridor.
	Highway Maintenance and Construction	
444	Governor's Budget: increases overall funding for Highway System Acquisition and Construction by \$337 million for the biennium. Within that account, dedicated and statewide construction increases by \$41.7 million; interstate construction increases by \$57.9 million, primary construction increases by \$178.2 million, secondary construction increases by \$30.1 million, and urban construction increases by \$27.9 million.	Many of these funds are expected to be subject to the new HB 2 prioritization process, so the impact to Fairfax County is currently unclear.
445	Governor's Budget: increases funding for Highway System Maintenance and Operations by \$15.8 million for the biennium; with a \$40.6 million increase for Interstates, an \$85.4 million increase for primaries, a \$81.8 million decrease for secondaries, and a \$27.3 million decrease for Transportation Operations Services.	Using historical estimates, an estimated additional \$2.7 million may be available for maintenance within Northern Virginia.

Budget Proposals for the 2016-2018 Biennium - Transportation

Budget Item #	Issue	Fairfax County Impact
	HB 2313 Regional Implementation	
277	Governor's Budget: retains language authorizing the Department of Taxation to request and receive a treasury loan to fund the necessary start-up costs associated with the regional taxes imposed by HB 2313. The treasury loan will be repaid by the tax revenues. Additionally, the Department is authorized to retain sufficient revenues to recover its costs incurred administering these taxes.	Funds retained by Taxation could be used, instead, on regional projects. As Fairfax County is expected to benefit from approximately half of the Northern Virginia regional funds, approximately half of the NVTA funds retained by Taxation could be allocated to projects within the County. As such, Taxation should ensure that their expenses are reasonable. Between October 2013 and January 2015, \$933,627 was retained by Taxation. No funds have been retained since that time.

Budget Item #	Issue	Fairfax County Impact
456	<p>Governor's Budget: includes the regional funds provided for in HB 2313, including \$672.8 million for distribution of Northern Virginia Transportation Authority Fund Revenues over the biennium, which is an additional \$58.6 million increase from the FY2016 budget.</p>	<p>Over the biennium, Fairfax County should receive approximately \$100 million to allocate for local projects approved by the Board of Supervisors, minus the respective shares provided to Vienna and Herndon (30% funding returned to localities). NVTa will allocate approximately \$470 million, of which approximately \$235 million should benefit the County (70% funding retained by NVTa). Fairfax County should benefit from approximately \$29 million of the increase.</p>
	<p>Local Project Funding</p> <p>Governor's Budget: removes language directing the Secretary of Transportation to report to the General Assembly by December 1, 2014, on methods to provide assistance for local transportation projects. The recommendations must consider geographic equity, as well as the needs of local governments, transit agencies, and metropolitan planning organizations.</p>	<p>To date, the report has not been released. It is currently unclear how the changes to roadway funding formulas provided for in HB 1887 (2015) will affect this issue.</p>
438	<p>Dulles Airport Funding</p> <p>Governor's Budget: includes language providing \$50 million for the Metropolitan Washington Airports Authority to reduce the passenger cost per enplanement at Dulles International Airport to help attract and retain air carriers. The funding will be provided from the Highway Maintenance and Operations Fund, which is expected to increase by \$255 million over the biennium.</p> <p>Governor's Budget: removes language requiring sound walls to be constructed along residential property from the beginning of the Dulles Toll Road to I-66.</p> <p>Governor's Budget: removes language prohibiting the state from providing an incentive in their scoring favoring entities entering into project labor agreements.</p>	<p>The County may not directly benefit from these funds, but the funds could help improve the competitiveness of Dulles, which is consistent with the Board's Federal Legislative Strategy.</p> <p>The implementation of this project is underway.</p> <p>Since Dulles Rail Phase II is under contract, the removal of this language has no impact on the project. Existing statutory language addresses this issue.</p>
448	<p>Mass Transit Funding</p> <p>Governor's Budget: increases funding for Financial Assistance for Public Transportation for FY 2016 biennium by \$49.6 million, with \$8 million more available for Operating Assistance and \$6.5 million more available for Capital Assistance.</p>	<p>Fairfax County will receive approximately the same amount of funds received in years past, for funds allocated through the old formula. Any new funds, allocated through the formula created by SB 1140 (2013), will be based on performance metrics and the proposed capital programs for the County and its transit systems. As a result, it is unclear what portion of the increase will be ultimately allocated to Fairfax County.</p>
448	<p>Vanpool Service Expansion</p> <p>Governor's Budget: provides \$3.9 million for the expansion of vanpool service.</p>	<p>This may help to create additional vanpools in Fairfax County.</p>

Budget Item #	Issue	Fairfax County Impact
448	<p>Washington Metropolitan Area Transit Authority (WMATA)</p> <p>Governor's Budget: retains language requiring WMATA to submit quarterly reports to the Department of Rail and Public Transportation Director, the Chairs of the House and Senate Transportation Committees, and the Chairs of the House Appropriations and Senate Finance Committees on actions taken to address recommendations of the USDOT's 2014 Systems Review. The language also requires WMATA to provide a copy of the audited financial statements and plans to remedy any deficiencies.</p>	WMATA continues to provide the reports, as required.
	<p>Air Quality Monitoring - 95 HOT Lane NB Terminus</p> <p>Governor's Budget: no longer includes language dedicating funding for air quality monitoring at the I-395 express lanes terminus.</p>	There is no fiscal impact to the County. The previous provision may have been associated with the air quality monitoring requested by the Overlook neighborhood in Fairfax County. This may no longer be needed now that the Express Lanes are open.
1	<p>Highway Maintenance and Construction</p> <p>Governor's Budget: funds previously provided to primary, secondary, and urban construction formulas prior to FY 2010 that are not committed and expected to be expended by January 1, 2018, may be consolidated to fund and advance priority projects within the respective district or locality. If any funds remain, the funds will be deallocated and transferred to the State of Good Repair (SOGR) unless such funds are allocated to a fully funded and active project.</p>	Since there have been no new secondary road funds since 2010, funds the County received through that program have already been allocated to projects. The only funds that may be at risk are approximately \$300,000 in unpaved road funds, which is not sufficient to complete a paving project on the few unpaved roads in the County.
453	<p>Governor's Budget: increases Highway Construction Programs overall funding by \$64.5 million above the FY 2016 budget. Within that account, \$20.2 million is provided for State of Good Repair; \$150.9 for the High Priority Projects Program; \$150.9 million for the Construction District Grant Programs; \$2.1 billion for Specialized State and Federal Programs; and \$1.3 billion is available for Legacy Construction Formula Programs. Of the Specialized State and Federal Programs: \$180 million is for the Regional Surface Transportation Program (RSTP); \$106 million is for the Highway Safety Improvement Program (HSIP); \$131.6 million is for the Congestion Mitigation and Air Quality (CMAQ) Program; \$250 million is for Revenue Sharing; \$37.7 million is for the Transportation Alternatives Program (TAP); \$6.9 million is for the Virginia Transportation Infrastructure Bank; and \$3.5 million is for the Transportation Partnership Opportunity Fund.</p> <p>Governor's Budget: includes language noting that the proceeds from the lease or sale of surplus and residue property will be applied to the State of Good Repair Program. The proceeds were previously directed to the system and locality where the property was located.</p> <p>Governor's Budget: provides \$31.1 million in funds remaining from Transportation Partnership Opportunity Fund (TPOF) funds authorized in the 2007-2008 budget to road improvements at military installations and improvements at interstate rest areas.</p>	<p>Many of these funds are subject to the new HB 1887 formula and HB 2 prioritization process, so the impact to Fairfax County is currently unclear. However, the decrease in Revenue Sharing funding (it received approximately \$185 million in FY 2016) could be detrimental to the County, which regularly applies for, and receives, the \$10 million maximum award. RSTP, HSIP, CMAQ, and TAP funds are similar to what was allocated in previous years.</p> <p>Impacts to the County are currently being researched.</p> <p>Depending on how the funding is allocated, the County may benefit from this transfer. However, the impact is currently unclear.</p>

Budget Item #	Issue	Fairfax County Impact
	<p>Governor's Budget: states that the State of Good Repair (SOGR) funding will not be subject to the distribution requirements set forth in HB 1887 (2015). Additionally, before the funds are provided to state of good repair projects, \$12 million will be provided for improvements to interstate rest areas.</p>	<p>Impacts to the County are currently unknown, as decisions will be made by the CTB. However, Northern Virginia was expected to receive approximately 10.6% of SOGR funds (approximately \$2.1 million). Additionally, there are currently only 2 rest areas in Northern Virginia, neither of which is in Fairfax County.</p>
454	<p>Governor's Budget: excluding the \$50 million provided to Dulles International Airport, increases funding for Highway System Maintenance and Operations by \$205.2 million for the biennium from the FY2016 budget; with \$46 million more for Interstates, \$122.2 million more for primaries, and \$50.4 million more for secondaries, and \$17.4 million more for Transportation Operations Services.</p>	<p>Using historical estimates, an estimated additional \$34.9 million may be available for maintenance within Northern Virginia.</p>

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**Key House and Senate Member Budget Amendments for Fairfax County
2016 General Assembly**

Support

Cost of Competing Adjustment for Support Positions

House: Item 139 #7h (Bell, J.)

Provides \$32.8 million the first year and also adds an additional \$40.6 million the second year to the proposed \$40.6 million in the introduced budget for a Cost of Competing Adjustment (COCA) supplement for SOQ-funded support positions.

House: Item 139 #20h (Albo)

Senate: Item 139 #5s (Howell)/#25s (Black)

Provides funding in the first year for the state's share of costs for COCA for SOQ-funded support positions. The entire Fairfax County delegation signed on as co-patrons for the amendments sponsored by Delegate Albo and Senator Howell.

School Funding Formula

House: Item 139 #2h (Carr)

Provides \$69.3 million the first year and \$71.6 million the second year from the General Fund to increase the number of assistant principals such that the funding ratio is 1 assistant principal per 400 students in membership. *(Amendment requested by VACo/VML.)*

House: Item 139 #8h (Kory)

Senate: Item 139 #26s (Favola)

Provides \$15.4 million the first year and \$16.5 million the second year from the General Fund to increase the number of English-as-a-Second Language (ESL) teachers funded from 17 to 22 per 1,000 ESL students. These ESL teachers are in addition to the teachers already funded through the Basic Aid formula.

Senate: Item 139 #6s (Howell)/#14s (Vogel)

Increases the state appropriation for English as a Second Language students by \$10 million in each year of the biennium to recognize the additional personnel and finance resources required in order for ESL students to pass Standards of Learning tests. *(Amendments requested by VACo/VML.)*

House: Item 139 #17h (Hester)

Provides \$156 million each year from the General Fund to provide a new SOQ funding formula ratio for teacher aides of 15 aides per 1,000 students, with an average salary of \$17,108 per aide. *(Amendment requested by VACo/VML.)*

House: Item 139 #19h (Plum)

Provides \$40 million each year from the General Fund to fund a proposed Standards of Quality (SOQ) funding formula change which would exclude the use of zeroes in the linear weighted average calculation of the support non-personal costs for the purpose of calculating prevailing costs included in the SOQ. The state made this technical change to the formula several years ago, which has the effect of lowering what the state pays for K-12. *(Amendment requested by VACo/VML.)*

Study of School Funding

House: Item 33 #3h (Watts)

Directs JLARC to examine and conduct an update of its 2002 Review of Elementary and Secondary School Funding. The study shall identify and evaluate opportunities to improve the efficiency and effectiveness of public education in the Commonwealth, and make recommendations to such effect. JLARC shall complete its study and submit a final report by December 15, 2016.

Senate: Item 1 #7s (Locke)

Establishes a two-year joint legislative subcommittee on Standards of Quality funding. The goals and objectives of the Joint Subcommittee will be to consider increasing accountability, flexibility, innovation, financial stability, and clarification of the state's role and policy relating to providing high-quality educational opportunities for all of Virginia's children. As part of its work, the joint Subcommittee shall focus on how other states pay for public education, specifically those states using a foundation program with add-ons for English as a Second Language, special education, economically-disadvantaged at-risk children, and gifted children. The Subcommittee shall also focus on the respective funding responsibilities of state and local governments to pay for public education.

Judgeships

House: Item 42 #1h (Sickles)

Senate: Item 42 #1s (Surovell)/#3s (Howell)/#7s (Petersen)

Expresses the intent of the General Assembly to fund an additional position for the 19th Circuit Court. Currently, the Code of Virginia authorizes 15 judges for this Circuit, but only 14 are currently funded.

House: Item 44 #1h (Hugo)/#2h (Sickles)

Senate: Item 44 #1s (Howell)/#2s (Petersen)/#3s (Surovell)

Expresses the intent of the General Assembly to fund an additional position for the 19th District Juvenile and Domestic Relations Court. Currently, the Code of Virginia authorizes 15 judges for this Circuit, but only 14 are currently funded.

Jail Per Diems

House: Item 70 #1h (Lingamfelter)

Provides for the total estimated cost to the General Fund of per diem payments to local and regional jails in both years of the biennium.

Senate: Item 70 #1s (Barker)

Provides \$11.3 million in the first year from the General Fund for the state's share of local and state responsible inmates.

State Support for Locally-Administered Health Departments

Senate: Item 295 #1s (Howell)

Restores funding in each year of the biennium for the only two locally-administered health departments (Fairfax County and Arlington County). In FY 2016, funding for these health departments was reduced as part of savings strategies in the Governor's budget. This funding would restore those reductions.

Senate: Item 290 #1s (Howell) (FY 2016 "caboose" budget)

Restores funding in FY 2016 for Fairfax County and Arlington County health departments.

Comprehensive Services Act

House: Item 285 #1h (Peace)/#4h (Hester)

Senate: Item 285 #1s (Vogel)/#4s (Locke)/#5s (Favola)

Provides \$1.1 million each year from the General Fund for local administrative costs of providing oversight, accountability and administration for the Children's Services Act (CSA). Local administrative duties include implementing the mandatory assessment tool and process, developing service plans for children, managing expenditures, collecting input and outcome data by child, negotiating rates and contracts with vendors, and maximizing the use of federal funds. (*Amendments requested by VACo/VML.*)

House: Item 285 #2h (Peace)

Senate: Item 285 #2s (Vogel)/#6s (Hanger)/#7s (Favola)

Provides \$10.7 million each year from the General Fund to fund the educational costs for students placed in psychiatric or residential treatment facilities for non-educational reasons. (*Amendments requested by VACo/VML.*)

House: Item 285 #3h (Heretick)

Senate: Item 285 #3s (Barker)

Provides \$28.5 million each year from the General Fund to remove the local match required in the Children's Services Act program for children placed in residential treatment centers and for certain foster care case management costs. Currently, localities are required to pay a portion of the non-federal Medicaid match for children eligible for Medicaid reimbursed services. (*Amendments requested by VACo/VML.*)

Northern Virginia Training Center

House: Item 312 #1h (Filler-Corn)

Senate: Item 312 #1s (Howell)/#2s (Favola)

Assures that the revenues from the sale of state training center properties are used only to facilitate transition of individuals with intellectual disabilities from state training centers to community-based services, and to serve the transitional or crisis-driven needs of others with intellectual and developmental disabilities (I/DD) using community-based services. The amendments will keep the funds in the region where a training center closed.

Temporary Assistance to Needy Families

House: Item 342 #1h (Krizek)

Senate: Item 342 #1s (Marsden)

Increases the cash benefit for the Temporary Assistance to Needy Families (TANF) program by 10 percent each year.

House: Item 342 #5h (Kory)

Directs Department of Social Services to annually review and adjust the Temporary Assistance to Needy Families (TANF) benefit payments to recipients by the percentage change in the Consumer Price Index.

Community Action Agencies

House: Item 348 #3h (Garrett)/#4h (Kilgore)

Senate: Item 348 #3s (Lucas)/#4s (Carrico)/#5s (Edwards)

Provides \$3 million each year in federal Temporary Assistance for Needy Families (TANF) block grant funds for Community Action Agencies.

Domestic Violence and Sexual Assault

House: Item 398 #6h (Peace)

Senate: Item 398 #7s (Howell)

Provides an additional \$4 million over the biennium to increase support for sexual assault crisis centers that provide services to victims of sexual violence.

House: Item 398 #12h (Peace)

Provides \$500,000 from the General Fund each year to local sexual and domestic violence agencies to match new federal funding made available through the Victims of Crime Act.

Stormwater

House: Item 370 #1h (Lopez)

Provides \$50 million each year to the Stormwater Local Assistance Fund administered by the Department of Environmental Quality.

House: Item 370 #2h (Lindsey)

Provides \$50 million in the first year to the Stormwater Local Assistance Fund administered by the Department of Environmental Quality. *(Amendment requested by VACo/VML.)*

House: Item C-47 #5h (Landes)

Senate: Item C-47 #12s (Hanger)

Provides \$100 million in bond proceeds over the biennium for the Stormwater Local Assistance Fund.

HB 599

House: Item 400 #1h (Lingamfelter)

Provides \$18.3 million GF in FY 2017 and \$36.6 million GF in FY 2018.

House: Item 400 #2h (Ingram)

Provides \$20 million GF in each year of the biennium.

Senate: Item 400 #1s (Wagner)

Provides \$36.6 million GF in each year of the biennium.

Virginia Railway Express

House: Item 436 #4h (Dudenhefer)

Senate: Item 436 #8s (Reeves)

Directs the CTB to review the long range plan and financial analysis of the Virginia Railway Express, and evaluate the impact of its services on the I-66, I-95 and I-395 corridors.

Revenue Sharing

House: Item 453 #6h (Knight)

Senate: Item 453 #16s (Wagner)

Directs VDOT to maintain the revenue sharing program at FY 2016 levels.

Elections Administration

Senate: Item 86 #7s (Vogel)

Provides \$7.1 million in FY 2018 from the General Fund to supplant federally-funded Help America Vote Act (HAVA) grant proceeds, which have been used to fund the agency's general operations, as recommended by the State Board of Elections and requested by the Department of Elections.

Oppose

I-66 Outside the Beltway

House: Item 436 #1h (Webert)

Senate: Item 436 #2s (Vogel)

Prohibits the use of any general or nongeneral transportation funds to convert any existing or new travel lanes of I-66 east of mile marker 40 (Haymarket/Route 15) to high occupancy toll (HOT) lanes.

House: Item 436 #2h (Webert)

Senate: Item 436 #5s (Vogel)

Prohibits the use of any general or nongeneral transportation funds to convert any existing or new travel lanes of I-66 east of mile marker 40 (Haymarket/Route 15) to high occupancy toll (HOT) lanes unless HOV and clean fuel vehicles are authorized to utilize the HOT lanes free of charge.

House: Item 4-5.03 #3h (Marshall, R.G.)

Prohibits the use of any state, federal or regional funds appropriated in the budget to facilitate the development of tolled lanes on I-66 from the Capital Beltway to Haymarket.

Dulles Airport

House: Item 438 #1h (Marshall, R.G.) and Item 453 #7h (Marshall, R.G.)

Eliminates the Governor's proposal to provide \$25 million each year from the Priority Transportation Fund to the Metropolitan Washington Airports Authority to reduce the per passenger enplanement costs at Dulles Airport, and redirects these funds to the expansion of I-66 eastbound from I-495 to the Route 29 exit in Arlington County.

Board Discussion (companion bills on agenda)

Blue Line Transit Study

House: Item 448 #1h (Torian)

Senate: Item 448 #2s (Surovell)

Directs the Department of Rail and Public Transportation to study the extension of transit service from the Franconia-Springfield Metro Station to Marine Corps Base Quantico in Prince William and Stafford Counties, including the feasibility of extending the Blue Line of the Metro Rail and other multimodal options (such as bus rapid transit), along I-95 and U.S. Route 1 and to report on its findings to the General Assembly transportation and money committees.

I-66 Inside the Beltway

House: Item 4-5.03 #1h (Marshall, R.G.)/#2h (LeMunyon)

Prohibits the use of any state, federal or regional funds appropriated in this Act to facilitate the development of tolled lanes on the existing lanes of I-66 inside the Capital Beltway. Tolling on newly constructed lanes would still be permissible.

Senate: Item 4-5.03 #1s (Wexton)

Prohibits the use of any state, federal or regional funds appropriated in this Act to facilitate the development of tolled lanes on the existing lanes of I-66 inside the Capital Beltway. Tolling on newly constructed lanes would still be permissible.

Board Agenda Item
February 2, 2016

10:20 a.m.

Items Presented by the County Executive

ADMINISTRATIVE - 1

Approval of Traffic Calming Measure as Part of the Residential Traffic Administration Program (Dranesville District)

ISSUE:

Board endorsement of Traffic Calming measure as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends that the Board endorse a traffic calming plan for Vernon Drive consisting of the following:

- One Speed Hump on Vernon Drive (Dranesville District)

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

TIMING:

Board action is requested on February 2, 2016.

BACKGROUND:

As part of the RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners' or civic association. Traffic calming employs the use of physical devices such as multi-way stop signs (MWS), speed humps, speed tables, raised pedestrian crosswalks, chokers, median islands, or traffic circles to reduce the speed of traffic on a residential street. Staff performed engineering studies documenting the attainment of qualifying criteria. Staff worked with the local Supervisors' office and community to determine the viability of the requested traffic calming measures to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff that plan is then submitted for approval to residents of the ballot area in the adjacent community. On December 4, 2015, FCDOT received verification from the local Supervisor's office confirming community support for the above referenced traffic calming plan.

Board Agenda Item
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FISCAL IMPACT:

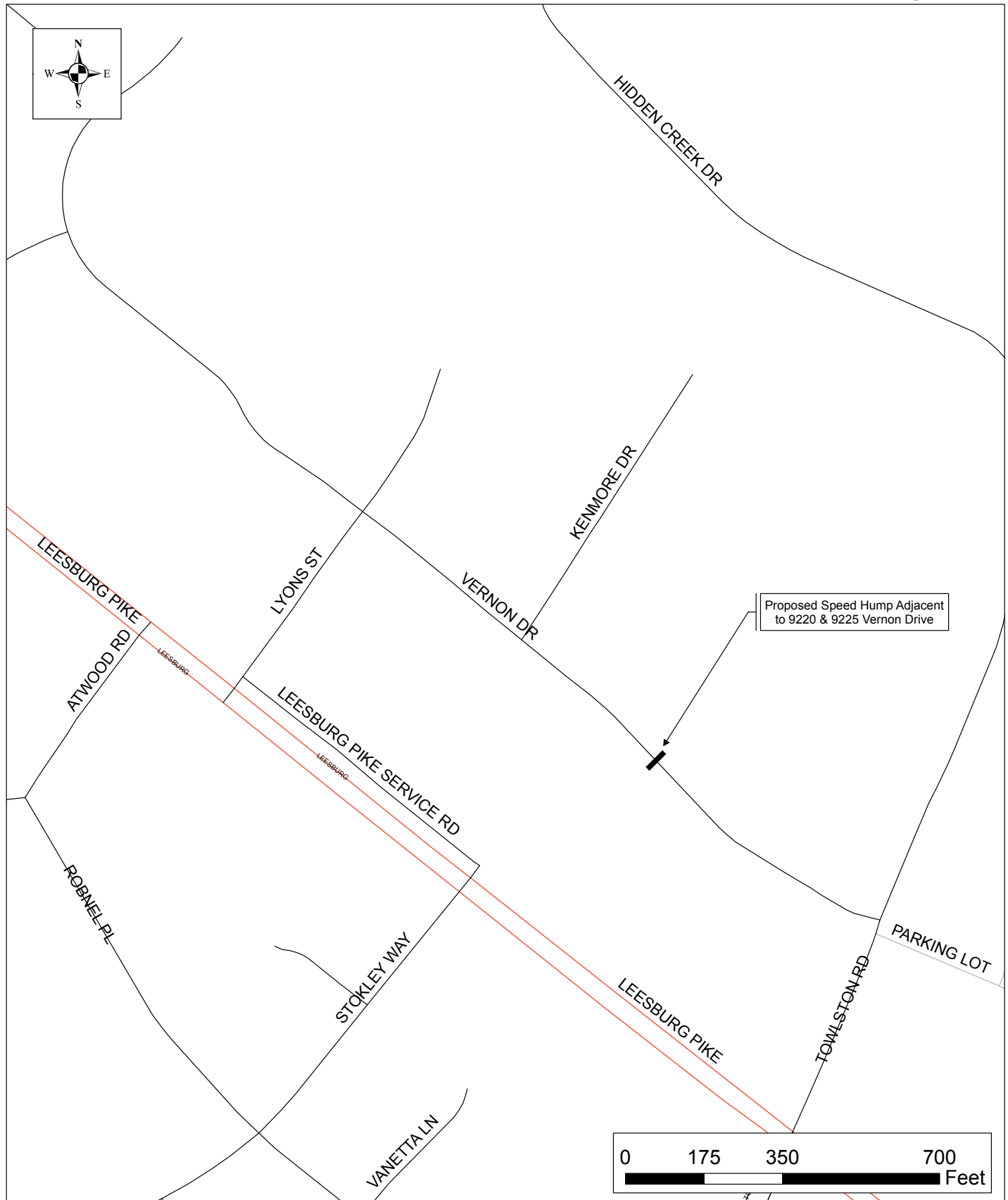
Funding in the amount of \$7,000 for the traffic calming measure associated with the Vernon Drive project is available in Fund 300-C30050, General Fund, under Job Number 2G25-076-000.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Plan for Vernon Drive

STAFF:

Robert A. Stalzer, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Operations Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT



December, 2015

Fairfax County Department of Transportation
Residential Traffic Administration Program (RTAP)
TRAFFIC CALMING PLAN
VERNON DRIVE
Dranesville District



A Fairfax Co. Va., publication



Tax Map: 19-4

Board Agenda Item
February 2, 2016

ADMINISTRATIVE – 2

Street into the Secondary System (Springfield District)

ISSUE:

Board approval of a street to be accepted into the State Secondary System.

RECOMMENDATION:

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

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Will H Krause-Beechwood Drive (Extension)	Springfield	Beechwood Drive

TIMING:

Routine.

BACKGROUND:

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Form

STAFF:

Robert A. Stalzer, Deputy County Executive
James W. Patteson, Director, Department of Public Works and Environmental
Services (DPWES)
William D. Hicks, P.E., Director, Land Development Services, DPWES

Street Acceptance Form For Board Of Supervisors Resolution - June 2005

**FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA**

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

ENGINEERING MANAGER: Imad A. Salous, P.E.

BY: Nadine Alphonse

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

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

PLAN NUMBER: 7675-SD-02

SUBDIVISION PLAT NAME: Will H Krause - Beechwood Drive (Extension)

COUNTY MAGISTERIAL DISTRICT: Springfield

FOR OFFICIAL USE ONLY

DATE OF VDOT INSPECTION APPROVAL: 11/10/2015

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Beechwood Drive	Existing Beechwood Drive (Route 10488) - at CL Rose Garden Lane (Route 10267)	636' SE to Beginning of Temporary Turnaround Easement.	0.12
NOTES:			TOTALS: 0.12

Board Agenda Item
February 2, 2016

ADMINISTRATIVE – 3

Extension of Review Period for 2232 Application (Dranesville District)

ISSUE:

Extension of review period for 2232 application to ensure compliance with review requirements of *Section 15.2-2232* of the *Code of Virginia*.

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-D15-14

TIMING:

Board action is required February 2, 2016, to extend the review period of the application noted above before its expiration date.

BACKGROUND:

Subsection B of *Section 15.2-2232* of the *Code of Virginia* states: "Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval." The need for the full time of an extension may not be necessary, and is not intended to set a date for final action.

The review period for the following application should be extended:

2232-D15-14	Metropolitan Washington Airports Authority / Virginia Department of Rail and Public Transportation / Washington Metropolitan Area Transit Authority 2205 Rock Hill Road, Herndon, VA Dranesville District Accepted December 11, 2015 Extend to August 9, 2016
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FISCAL IMPACT:

None

ENCLOSED DOCUMENTS:

None

Board Agenda Item
February 2, 2016

STAFF:

Robert A. Stalzer, Deputy County Executive

Fred R. Selden, Director, Department of Planning and Zoning, DPZ

Chris B. Caperton, Chief, Facilities Planning Branch, Planning Division, DPZ

Douglas W. Hansen, Senior Planner, Facilities Planning Branch, Planning Division, DPZ

Board Agenda Item
February 2, 2016

ACTION - 1

Amendment of the Board's Statement of Policy Regarding Sewage Disposal to
Revise Paragraph E-4

ISSUE:

Board of Supervisors' approval is needed to amend Paragraph E-4 of the Board's Statement of Policy Regarding Sewage Disposal.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the proposed revisions to Paragraph E-4 as shown on Attachment A.

TIMING:

Board action is requested on February 2, 2016.

BACKGROUND:

On June 16, 1980, the Board adopted a Statement of Policy Regarding Sewage Disposal (Policy) (Attachment B) outlining certain policies and procedures relating to sewer service in the County. Paragraph E-4 of the Policy establishes a process by which a property owner who extends a sewer line at his own cost can receive partial reimbursement of his costs. The reimbursement funds are obtained from the connection charges assessed to property owners who apply to connect directly to the privately funded sewer line extension. The connection charge is calculated based on the lot frontage of the property connecting to the sewer line, and reimbursement is available for only five (5) years after the sewer line is completed.

Staff recommends that the Paragraph E-4 of the Sewer Policy be amended to (1) encourage privately funded extensions of the County's sanitary sewer system, (2) make public sewer more accessible to others who cannot afford the substantial cost of constructing a sewer extension, and (3) calculate connection charges more equitably. Paragraph E-4 accomplishes these purposes by eliminating the five-year limitation on reimbursement (making the Policy consistent with the County's current Extension and Improvement policy, which imposes connection charges in perpetuity), and calculating the connection charge based on the number of dwellings that could connect to the sewer line, not property frontage. Also, in order to discourage speculative use of the Policy, an individual who constructs the sewer line is ineligible for reimbursement if the individual owns more than two of the dwellings that would be

Board Agenda Item
February 2, 2016

eligible to connect to the sewer line or ceases to own at least one of the dwellings connected to the sewer extension in the five-year period following the completion of the sewer extension.

Therefore, staff recommends that the Board approve the attached revision to Paragraph E-4 as shown on Attachment A.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment A – Proposed Paragraph E-4 revision
Attachment B – Current Statement of Policy Regarding Sewage Disposal

STAFF:
Robert A. Stalzer, Deputy County Executive
James Patteson, Director, Department of Public Works and Environmental Services (DPWES)
Randy Bartlett, Deputy Director, Stormwater and Wastewater Management Divisions, DPWES
Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, DPWES

Proposed Paragraph E-4 revision

E-4 Subject to execution of an application with the County, a property owner who privately funds an extension of the public sanitary sewer will be reimbursed under the following circumstances and according to the following policy:

- a. The public sanitary sewer line extension is available to and serves two or more single-family detached residential properties in a subdivision by direct connection and the applicant owns no more than two of such residential properties, one of which must be occupied by the applicant; and
- b. Upon the County's receipt of a Surcharge, as described in E-4(c) below, which shall be collected at the time any person files an application to connect to or contributes sewage to the privately funded sanitary sewer line extension, such surcharge shall be paid in January as partial reimbursement to the property owner funding the extension; and
- c. The Surcharge amount equals the quotient obtained by dividing the cost of the sanitary sewer extension by the total number of single-family residential properties eligible to be served by the sewer line extension or the County's current maximum Connection Charge for a single-family residential property, whichever is less. The cost of the sanitary sewer extension for purposes of determining the Surcharge is limited to installation costs (including, but not limited to, engineering, easement, permit, and construction costs) of that section of the sanitary sewer line that is used jointly by the connecting single-family residential properties.
- d. The applicant will forfeit any right to reimbursement under this policy in the event the applicant ceases to own at least one of the residential dwellings for which the extension of the sewer line was constructed in the five-year period following the completion of the sewer extension. The applicant will also forfeit the right to reimbursement if the applicant fails to maintain a valid mailing address with the County in accordance with the terms and conditions of the reimbursement application.
- e. This policy applies only to lawful sewer line extensions and connections that fully comply with all of the provisions of the Board's adopted Statement of Policy Regarding Sewage Disposal.

OFFICE OF WASTE MANAGEMENT
DEPARTMENT OF PUBLIC WORKS
FAIRFAX COUNTY, VIRGINIA

STATEMENT OF POLICY REGARDING SEWAGE DISPOSAL

Adopted by the Board of Supervisors June 16, 1980

Revised February 2, 1981

Revised April 30, 2001

Revised June 17, 2002

Revised September 12, 2005

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SECTION A -GENERAL

A-1 The County Integrated Sewage System is operated and maintained by the Department of Public Works, as established by the Board of Supervisors, for the purpose of ultimately providing public sewer service to Fairfax County in accordance with adopted plan.

A-2 The immediate policy, to bridge the gap between present development and ultimate complete system development, is to provide service to areas as designated by the Board to encourage the orderly growth of the County.

SECTION B - POLICY REGARDING DEVELOPMENT AREAS

B-1 Development areas shall be defined as those areas (a) that are within the sewer service areas as designated by the formal action of the Board of Supervisors; (b) that are undeveloped; and (c) that are being subdivided at time of application for service for residential, industrial, commercial, and/or public use requiring public sewerage service.

B-2 The delineation of the sewer service area boundary is to include the immediately adjacent area which can be served by the smallest allowable gravity lines installed in accord with normal engineering practices which will result in the safest and most cost-effective operation. Any extension of a sewer line across the surface drainage divide of an approved sewer service area shall not exceed a distance of 400 feet nor a manhole depth of 12 feet without the approval of the Board of Supervisors. Notwithstanding the above, an ejector pump may be used to pump sewage from one basement level in a structure to a gravity-flow lateral line, provided that the other floor(s) of the structure are served by a gravity-flow lateral line and the ejector pump is used to pump the sewage to such gravity-flow lateral line.

Notwithstanding the foregoing requirement specifying that only gravity lines can be installed in the area immediately adjacent to the approved sewer service area under the 400-foot rule, a limited exception to that rule will be allowed under specified circumstances so as to allow the utilization of a sewage pump when gravity lines cannot be utilized. Such extensions of sewer lines across the surface drainage divide of an approved sewer service area may be allowed to pump the sewage generated by that property, even in those areas where the Board has determined that the 400-foot rule does not apply, if all of the following requirements set forth in either Paragraph 1 (subparagraphs 1(a) through 1(l) below) or Paragraph 2 (subparagraphs 2(a) through 2(r) below) are satisfied:

PARAGRAPH 1 REQUIREMENTS:

1(a) the parcel in question must have been developed with an existing residential structure served by an onsite sewage disposal system;

1(b) the residence on the parcel in question must have been used for human habitation for more than 75% of the time during the three years immediately preceding the request for the sewer line extension;

1(c) in the event the residence on the parcel in question was constructed pursuant to a building permit approved no more than 20 years before the request for the sewer line extension is

made, the onsite sewage disposal system serving that residence must have been approved by the Fairfax County Health Department in accordance with all requirements set forth in the statutes, ordinances, and regulations of the Commonwealth of Virginia and/or Fairfax County;

1(d) the Fairfax County Health Department must have concluded that the onsite sewage disposal system on the parcel in question is failing, constitutes a health hazard, and cannot reasonably be repaired or replaced;

1(e) the Fairfax County Health Department, in consultation with the Department of Public Works and Environmental Services, must have determined that, other than a connection to the public sewer with the use of a sewer pump, there is no reasonable alternative method of sewage disposal available to the parcel with the failing onsite sewage disposal system;

1(f) the parcel to be served by the proposed sewer line cannot be located any more than 400 feet from the boundary of the existing approved sewer service area;

1(g) the lateral to be used by the parcel to be served by the proposed sewer line cannot extend any more than 300 feet from the connection to the public sewer;

1(h) the lateral and the sewage pump to be used by the property in question shall be owned, maintained by, and remain the sole responsibility of the owner of the property proposed to be served by such lateral and pump;

1(i) the sewage pump to be used by the parcel to be served by the proposed sewer line shall be located on that property;

1(j) none of the cost of extending the County sewer line to such a parcel, including the cost of installing the sewage pump, laterals and any other appurtenant devices, shall be borne by the County;

1(k) the extension of the County sewer line, any laterals and all appurtenant devices necessary to provide sewer service to the parcel must be built and/or installed by the property owner in accordance with all of the applicable requirements of the Fairfax County Department of Public Works and Environmental Services and the Fairfax County Health Department; and

1(l) the extension of the County sewer line must be dedicated to and accepted by Fairfax County for ownership and maintenance.

PARAGRAPH 2 REQUIREMENTS:

2(a) the parcel in question must have been developed with an existing residential structure served by an onsite sewage disposal system;

2(b) the residence on the parcel in question must have been used for human habitation for more than 75% of the time during the three years immediately preceding the request for the sewer line extension;

2(c) in the event the residence on the parcel in question was constructed pursuant to a building permit approved no more than 20 years before the request for the sewer line extension is made, the onsite sewage disposal system serving that residence must have been approved by the

Fairfax County Health Department in accordance with all requirements set forth in the statutes, ordinances, and regulations of the Commonwealth of Virginia and/or Fairfax County;

2(d) the Virginia Department of Transportation (VDOT) and/or the Board of Supervisors of Fairfax County must have concluded that a portion of the parcel in question is needed for the construction of a public road project and must be acquired by eminent domain or other means for use in that public road project;

2(e) that the acquisition by eminent domain or other means by VDOT and/or the Board of Supervisors of Fairfax County of a portion of the parcel in question and the construction of the public road project would necessarily result in the incapacitation of the onsite sewage disposal system serving the residence on the parcel in question;

2(f) that the Fairfax County Health Department must have determined that the residence on the parcel in question at the time a portion of said parcel is acquired by VDOT and/or the Board of Supervisors of Fairfax County could no longer be served by the existing onsite sewage disposal system and that the incapacitation of the existing onsite sewage disposal system could not reasonably be repaired or replaced on the remaining portion of the parcel in question;

2(g) that the provision of sanitary sewer to the parcel in question cannot and will not be used for the purpose of constructing any additional residences on the parcel in question;

2(h) that the Fairfax County Health Department must have concluded that the existing onsite sewage disposal system on the parcel in question would constitute a health hazard in the event the existing onsite sewage disposal system would be incapacitated by the public road project;

2(i) the Fairfax County Health Department, in consultation with the Department of Public Works and Environmental Services, must have determined that, other than a connection to the public sewer with the use of a sewer pump, there is no reasonable alternative method of sewage disposal available to the parcel with the onsite sewage disposal system that would be incapacitated by the public road project;

2(j) the parcel to be served by the proposed sewer line cannot be located any more than 400 feet from the boundary of the existing approved sewer service area;

2(k) the lateral to be used by the parcel to be served by the proposed sewer line cannot extend any more than 300 feet from the connection to the public sewer;

2(l) the lateral and the sewage pump to be used by the property in question shall be owned, maintained by, and remain the sole responsibility of the owner of the property proposed to be served by such lateral and pump;

2(m) the sewage pump to be used by the parcel to be served by the proposed sewer line shall be located on that property;

2(n) none of the cost of extending the County sewer line to such a parcel, including the cost of installing the sewage pump, laterals and any other appurtenant devices, shall be borne by the County unless the County is solely responsible for designing, funding, and constructing the

public road project that caused the incapacitation of the onsite sewage disposal system on such parcel;

2(o) the extension of the County sewer line, any laterals and all appurtenant devices necessary to provide sewer service to the parcel must be built and/or installed by or on behalf of the owner of the parcel in question in accordance with all of the applicable requirements of the Fairfax County Department of Public Works and Environmental Services and the Fairfax County Health Department;

2(p) the extension of the County sewer line must be dedicated to and accepted by Fairfax County for ownership and maintenance;

2(q) in the event of a VDOT public road project, a parcel that satisfies all of the foregoing Paragraph 2 requirements will be allowed to connect to the public sewer before the actual incapacitation of the onsite sewage disposal system on that parcel in the event VDOT certifies in writing to the Fairfax County Department of Public Works and Environmental Services that the Commonwealth Transportation Board has taken formal action to award a construction contract for the work that is anticipated to incapacitate that system; and

2(r) in the event of a public road project of the Board of Supervisors of Fairfax County, a parcel that satisfies all of the foregoing applicable Paragraph 2 requirements (2(a) through 2(p)) will be allowed to connect to the public sewer before the actual incapacitation of the onsite sewage disposal system on that parcel in the event the Fairfax County Department of Public Works and Environmental Services certifies in writing to the Board of Supervisors that there is full funding for the public road project that is anticipated to incapacitate that system.

B-3 Development should be encouraged to seek areas already provided with basic sewerage facilities, such as trunk sewers and treatment plants.

B-4 Developers desiring sewerage service, for certain specified areas, shall make application to the Department of Environmental Management and agree to perform all construction in accordance with plans and specifications approved by the Department and in accordance with all current standards of design and construction.

B-5 Developers will be required to provide enlarged sewers within the area developed when required by the Department of Public Works to service adjacent and/or upstream areas in accordance with general plans promulgated from time to time. An agreement to provide for reimbursing a portion of the increased cost to the developer, as set forth in Section E-2, may be executed prior to construction.

B-6 All sewerage facilities constructed by developers shall be a minimum of 8 inches inside diameter, be constructed in public rights-of-way or upon private land with recorded perpetual easements, free of cost to the County, providing free unobstructed, uninterrupted rights-of-way with provisions for ingress and egress for inspection, operation, maintenance, enlargement, replacement, alteration and extension of the facility.

SECTION C - POLICY REGARDING DEVELOPED COMMUNITIES

C-1 Developed communities which may be served by the County are defined as those areas within the service area (as designated by the Board of Supervisors) already populated by separate owners and/or renters, including commercial, industrial, and/or public use establishments, not provided with public sewerage facilities.

C-2 Developed communities may receive public sewerage facilities from the County by one of the following methods:

C-2.1 Bond Program based upon engineering and financial feasibility reports with a County-wide referendum to permit the County to issue sewer bonds to finance the recommended program.

C-2.2 Fund Advancement by the community and/or individuals upon execution of agreement and deposit of sufficient funds to construct the facilities. Such funds shall be subject to partial reimbursement as provided in Section E-2.

C-2.3 Extension and Improvement Funds. After all requirements of the system have been met (i.e., Operation and Maintenance, Debt Service and required reserve), funds may be budgeted for construction of extensions, providing (a) the project is justifiable for the health and welfare of the area; (b) the finances of the system are such as to warrant the necessary expenditures; (c) at least one-half of the potential users of the facilities agree to connect immediately upon completion of the facility, and to pay in cash in advance, the applicable availability charges.

C-2.4 County General Fund Contributions. If the purpose of the project is to abate a public health hazard, the General Fund of the County may, to the extent that the financial condition of the General Fund permits, contribute to the capital cost of such project in amounts up to a fraction thereof, the numerator of which being the number of potential users contributing to the public health hazard and the denominator of which being the total potential users of the project.

C-3 All properties within E&I project area will be evaluated by the Division of Environmental Health, Fairfax County Health Department and assigned into one of the following classes which are used in establishing the priority rating of a project.

Class I - Properties in this class are presently served by on site sewage disposal systems that are malfunctioning and creating an immediate hazard to the community.

Class II - Properties in this class are served by on site sewage disposal systems that have a history of problems, occasionally malfunction, are installed in poor soil conditions, or are otherwise not expected to function satisfactorily for any length of time. Sand filter systems are also included in this class since they do discharge effluent into streams and must be abandoned when public sewer is made available. Properties in this class are a potential hazard to the community.

Class III - Properties in this class are served by pit privies and pose no serious hazard to the community if maintained properly. However, the minimum Housing Hygiene Code of

Fairfax County requires that basic facilities be provided to all dwellings. These properties cannot comply with these requirements without the availability of public sewer.

C-3.1 All projects will be installed in order of their priority rating. The Division of Environmental Health assigns preliminary priorities on the basis of potential health hazards. These priorities are then reviewed jointly with the Department of Public Works and adjustments are made taking into consideration the economic feasibility of the preliminary list.

SECTION D - POLICY REGARDING REVENUES AND CHARGES

D-1 The system is organized and must operate on a basis designed to raise sufficient revenue to pay all costs and provide all appropriate reserves.

D-2 Sources or revenue of the sewer facilities of the County are (1) Availability Charges; (2) Connection Charges; (3) Lateral Spur Charges; (4) Service Charges; and (5) Account Charges.

D-2.1 Availability Charge is a one time charge collected from all users prior to connection to the system to cover in part the applicant's proportional share of the cost of facilities required beyond the collector system. Such facilities beyond the collector system include subtrunk sewers, trunk sewers, pumping stations and treatment facilities.

D-2.2 The fundamental principle in determining the availability fee shall be that:

The needed total annual revenue requirements of sewage works shall be contributed by users and non-users (or by users and properties) for whose use, need and benefit the facilities of the works are provided, approximately in proportion to the cost of providing the use and the benefits of the works.

D-2.3 Availability fee revenues may be used for construction of new capital facilities to the extent such facilities will benefit new subscribers to the system ("new customers"). Availability fee revenues will not be used for improvements to the extent such improvements will only "benefit" "existing" or "current" users of the system. Availability fee revenues may be used to meet the cost of remedying significant operational emergencies, and provision will be made for the timing of reimbursement of the capital for any such emergency disbursements.

D-2.4 Separate accountability for availability fee revenues and capital expenditures will be maintained.

D-2.5 Review of the availability fee consistent with the principles set forth herein will occur annually and will coincide with the County's budget cycle at which time the availability fee schedule for the ensuing year will be set by the Board of Supervisors.

D-2.6 Connection Charge (Front Footage Charge) is a one-time charge collected from all users prior to connection to the system in those cases where service can be obtained from facilities provided by and at the expense of the County, or persons, firms, or corporations other than the applicant. It is levied as a partial repayment of the costs of collector sewers.

D-2.7 Lateral Spur Charge is a one-time charge collected from all users who connect to the lateral spur. This charge must be paid prior to connection to the system and is levied as a partial repayment of the cost of a lateral spur, pursuant to VDH&T requirements that all sanitary sewer facilities to be located within the right-of-way of public highways be installed at one time, under a single permit.

D-2.8 Service Charges are continuing charges based upon water consumption at a cost per 1,000 gallons as established by the rate ordinance.

D-2.9 Account Charges are to defray the cost incurred by reason of special services rendered (repair of developer constructed facilities, temporary treatment, etc.) and agreements or regulatory requirements for which costs are not covered by other charges.

SECTION E - POLICY REGARDING REIMBURSEMENT AND FUNDS ADVANCED TO COUNTY

E-1 Facilities will be constructed only after sufficient funds are advanced by others to finance said construction, or after the reserves of the system are adequate to finance said construction, or after the issue and sale of revenue bonds.

E-1.1 Investments by developers in local collector and lateral facilities in their respective development areas will not be refunded by, or become an obligation of, the County, as such investments are considered as accrued benefits to the improved property and will be recovered through the increase in value of the property.

E-1.2 Individual owners located adjacent to or within reach of service by sewers installed by and at the expense of the County, or by persons, firms or corporations other than the individual owner, will be required to pay the applicable Availability and Connection charges upon application for service.

E-2 Enlarged Sewers within the area under development as required by paragraph B-5 which are greater than required for the facilities being developed and/or off-site sewers constructed by agreement may be reimbursed for the cost differential as set forth in the agreement according to the following policy:

E-2.1 The amount to be reimbursed shall not exceed the original cost of the enlarged facility multiplied by the quotient obtained by dividing the total acreage and/or units served less the development acreage and/or units served by the total acreage and/or units served by said enlarged facility. This amount is subject to the interest rate of paragraph E-2.3.

E-2.2 Only sewers with an internal diameter exceeding ten (10) inches will be considered as enlarged sewers.

E-2.3 Reimbursement payments will be made as provided in the agreement, subject to the following limitations:

- A. The funds and interest for aforesaid payment shall be collected from other users and an Account Charge as provided in paragraph D-2.4.
- B. The interest rate shall not exceed 10% per annum for a period of time longer than fifteen (15) years from the date of completion and acceptance of the facility.
- C. Annual payments to the developer, his assignee or successor, will be made annually in January for not more than twenty (20) consecutive years.
- D. While it is generally believed that a substantial portion of the additional cost will be reimbursed in the twenty (20) year period, the County shall incur no liabilities for failure to collect aforesaid sums of money. Any loss of anticipated reimbursement is considered fully compensated by accrued benefits to the improved property resulting from advancement of the date when sewage service would have become available.

E-3 Extensions of sewers to the development boundary of single family subdivisions to facilitate service to adjoining properties will generally be constructed concurrent with the construction of facilities within the subdivision. Costs incurred by developer will be reimbursed from available E&I funds, which will be replenished by an Account Charge to adjoining property.

E-4 Direct connections to a development's sewers installed along the boundary, serving the development on one side and available to serve the adjoining property will be reimbursed if applied for according to the following policy:

- A. Reimbursement to be made only for connection made within 5 years after completion of sewer.
- B. No interest or handling charges will be paid.
- C. Payments will be made annually in January from revenue collected from Connection charges of connections made directly to said sewer. The percentage of said charges refunded will be set forth in an agreement with the developer, but shall not exceed the cost of the sewer multiplied by the quotient obtained by dividing the front footage of property other than that for which the extension was made by the total front footage served by the said sewer.

SECTION F – LIMITATION OF STATEMENT OF POLICY

F-1 This statement of policy is published for the information of developers and the general public as a guide to understanding the policy of the Department of Public Works in its administration of the Integrated Sewerage System of Fairfax County. As such, no statement herein contained should be construed as binding upon the County.

ACTION - 2

Approval of the Project Agreement Between the Virginia Department of Rail and Public Transportation (DRPT) and Fairfax County for Fiscal Year (FY) 2016 Funding for the I-95 Transit and Transportation Demand Management Plan Operating Assistance

ISSUE:

Approval for the Director of the Department of Transportation to sign the Project Agreement with DRPT, to enable the County to receive FY 2016 funding for the I-95 Transit and Travel Demand Management (TDM) Plan operating assistance.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Director of the Department of Transportation to sign the Project Agreement between DRPT and Fairfax County, in substantial form, to fund Fairfax County's I-95 Transit and TDM Plan operating assistance.

TIMING:

The Board of Supervisors should act on this item on February 2, 2016, so that DRPT can release FY 2016 funding for the TDM Plan operating assistance.

BACKGROUND:

The I-95 Corridor Transit and TDM Plan was developed to provide the Commonwealth of Virginia with recommendations, including both operations and capital investments, to complement the I-95 High Occupancy Toll/High Occupancy Vehicle (HOT/HOV) lanes improvements. The plan pivots off of the 2008 DRPT I-95/I-395 Transit/TDM Study. This plan maximizes utilization of the HOT/HOV lanes network and responds to the demand for increased public transportation and ridesharing. The I-95 Transit and TDM Plan was developed in collaboration with the Secretary of Transportation and the Virginia Public-Private Transportation Act (PPTA) Office. A multi-jurisdictional stakeholder group was formed early in the study process to provide technical input into the study. The stakeholder group held meetings at three key points during the course of the study.

FISCAL IMPACT:

State grant funding in the amount of \$371,356 was approved in the FY 2016 Six Year Improvement Program. Funding from the Commonwealth is provided on a reimbursement basis. Funding in the amount of \$322,000 is currently appropriated for this grant in Fund 40000, County Transit Systems. The balance of \$49,356 will be

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appropriated to the same fund at the *FY 2016 Third Quarter Review*. There will be no general fund impact, if this item is approved.

ENCLOSED DOCUMENTS:

Attachment 1 – Project Agreement for Grant # 71316-11: I-95 Transit and TDM Plan Operating Assistance

Attachment 2 - Fairfax County Board of Supervisors Agreement Execution Resolution for the I-95 Transit and TDM Plan Operating Assistance Project Agreement

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT

Susan Cooke, Assistant County Attorney

Malcolm Watson, Coordination and Funding Division, FCDOT

**Project Agreement for Use of
Commonwealth Transportation Funds
Fiscal Year 2016
Six Year Improvement Program Approved Project
Grant Number 71316-11**

This Project Agreement ("Agreement") effective July 1, 2015, by and between the Commonwealth of Virginia Department of Rail and Public Transportation ("Department") and Fairfax County ("Grantee") (collectively, the "Parties") is for the provision of funding for the I-95 Transit and TDM Plan operating assistance ("Project").

WHEREAS, the Grantee submitted an application to the Department for funding in the Fiscal Year 2016 Six Year Improvement Program for I-95 Operating Assistance; and

WHEREAS, the Department has approved funding for the Project; and

WHEREAS, on June 17, 2015, the Commonwealth Transportation Board ("CTB") allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of each Party, the manner of performing the necessary Work, the method and time of payment, and to set out additional conditions associated with the Project.

NOW, THEREFORE, in consideration of the covenants and agreements set forth, and other good and valuable consideration, the sufficiency of which is acknowledged, the Parties agree as follows:

ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET

1. The Work under the terms of this Agreement is as follows:
 - a. I-95 Transit and TDM Plan operating assistance.
2. The Department agrees to provide funding as detailed below:
 - a. State grant funding in the amount of \$371,356 for the Project approved in the Fiscal Year 2016 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Agreement.
3. The Grantee acknowledges that state grant funding for this grant cannot exceed the amount allocated by the CTB and that state grant funding is contingent upon appropriation by the General Assembly of Virginia.
4. The State grant funding amount is calculated based on a 45 percent farebox recovery rate. If the farebox recovery rate exceeds 45 percent for the grant period, the Department will

reduce future grants to the Grantee by the overfunded amount. If the actual farebox recovery rate falls below 45% for the grant period, the Grantee can request an amendment to this Agreement to provide for the additional net operating costs incurred.

**ARTICLE 2. INCORPORATION OF MASTER AGREEMENT
FOR USE OF COMMONWEALTH FUNDS**

The Parties hereby agree to incorporate the Master Agreement for Use of Commonwealth Transportation Funds, dated May 30, 2012, as if set out in full herein.

This space intentionally left blank

Appendix 1

Grantee: Fairfax County

**Project: I-95 Transit and TDM Plan Operating
Assistance**

State Project Agreement

Project Number: 71316-11

Project Start Date: July 1, 2015

Project Expiration Date: June 30, 2016

Fund Code		Item Amount
477	Grant Amount (State share of Project cost 100%)	\$371,356
	Total Project Expense	\$371,356

In no event shall this grant exceed \$371,356.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by their duly authorized officers, all as of the day, month, and year first written.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: _____
Director

Date Signed: _____

By: _____

Title: _____

Date Signed: _____

Fairfax County Board of Supervisors Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia, on Tuesday, February 2, 2016, at which meeting a quorum was present and voting, the following resolution was adopted.

AGREEMENT EXECUTION RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Fairfax, Virginia, authorizes the Director of the Department of Transportation to execute, on behalf of the County of Fairfax, a Project Agreement with the Virginia Department of Rail and Public Transportation (DRPT) for the provision of funding for the I-95 Transit and Transportation Demand Management Plan operating assistance.

Adopted this 2nd day of February 2016, Fairfax, Virginia

ATTEST _____
Catherine A. Chianese
Clerk to the Board of Supervisors

ACTION - 3

Adjustment to Fairfax Center, Centreville, Tysons, Tysons-Wide and Tysons Grid of Streets Road Funds (Dranesville, Springfield, Braddock, Sully, Providence Districts)

ISSUE:

Adjustments to Fairfax Center, Centreville, Tysons, Tysons-Wide and Tysons Grid of Streets Road Funds are needed to compensate for inflation, as defined in the Consumer Price Index, to keep pace with increases in construction costs for which the fund areas were established.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the attached rate schedule, including a 0.25 percent adjustment of the existing contribution rates in all fund areas with the new rate effective February 3, 2016.

TIMING:

Board action is requested on February 2, 2016, so that the new rates can take effect on February 3, 2016.

BACKGROUND:

One of the principles of the Comprehensive Plan for the Fairfax Center Area is that development above the baseline level established in the plan may be approved, if the developer contributes to a fund for the provision of off-site road improvements. Each of the other funds function in the same manner.

Attachment 1 reflects the increase in developer contribution rates as calculated with the 0.25 percent inflation since 2014. The 0.25 percent is taken from the Consumer Price Index (CPI) as required by the Code of Virginia. The rate increase is necessary to keep pace with inflationary construction cost increases. Attachment 2 includes projects previously approved by the Board. County staff is not requesting approval of any new projects at this time.

Attachment 3 includes the guidelines for the Fairfax Center, Tysons-Wide, and Tysons Grid of Streets Road Funds. No changes are proposed to any of the guidelines at this time.

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FISCAL IMPACT:

Adoption of the revised rates will increase the funds contributed by developers to Fund 30040, Contributed Roadway Improvements, by approximately 0.25 percent over previously anticipated amounts. However, the Procedural Guidelines for the Fairfax Center, Tysons-Wide, and Tysons Grid of Streets specifically stipulate that the contribution amount is determined by the effective rate at the time of development approval by the Board, and that such amounts are fixed for site plans submitted for that approved development during a two-year period. Thus, the primary effects of this increase will be felt in future fiscal years.

ENCLOSED DOCUMENTS:

Attachment 1: Calculation of Revised Contribution Rate for 2016

Attachment 2: Fund 30040 Projects Previously Approved by the Board

Attachment 3: Procedural Guidelines for Annual Review Process; Fairfax Center Area, Tysons-Wide Area and Tysons Grid of Streets Area

STAFF:

Robert A. Stalzer, Deputy County Executive

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

Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT

Kenneth Kanownik, Transportation Planner II, FCDOT

CALCULATION OF REVISED CONTRIBUTION RATE - 2016

Inflation rate for 2015 based on the Consumer Price Index published by the US Department of Labor, Bureau of Labor Statistics

Proposed 2016 Contribution Rate

Road Fund Area	Type	Current Rate	Inflationary Increase	Proposed Rate
Tysons	non-residential	\$4.36	x 1.0025	\$4.37
	residential	\$968	x 1.0025	\$970
Tysons-Wide	non-residential	\$5.87	x 1.0025	\$5.90
	residential	\$1,042	x 1.0025	\$1,045
Tysons-Grid of Streets	non-residential	\$6.71	x 1.0025	\$6.73
	residential	\$1,042	x 1.0025	\$1,045
Fairfax Center	non-residential	\$5.93	x 1.0025	\$5.94
	residential	\$1,313	x 1.0025	\$1,316
Centreville	non-residential	\$6.36	x 1.0025	\$6.38
	residential	\$2,516	x 1.0025	\$2,522

FUND 30040 Projects Approved by the Board

PROJECT	PROJECT DESCRIPTION	PRELIMINARY COST ESTIMATES*	STATUS
FAIRFAX CENTER AREA			
Route 50/Waples Mill Road Interchange	Design of entire interchange including at-grade and flyover components; construction to be phased depending on funding availability.	\$5.8 M (at-grade)	Construction of at-grade improvements completed in December 2006.
Tall Timbers Drive	Construct an east-west roadway, connecting Fields Brigade Drive and North Lake Drive.	\$1.8 M	Completed in February 2007.
CENTREVILLE AREA			
Old Centreville Road at Route 28	Construct improvements to Old Centreville Road approach to Route 28.	\$0.2 M	Complete.
Stone Road	Construct center raised median with left turn lanes between Granville Lane and Sully Park Drive.	\$1.0 M	Completed in July 2008.
Clifton Road	Widen to 4-lanes between Braddock Road and Lee Highway (Route 29).	\$4.3 M	Completed in 2006.
Centreville Fire Station Emergency Signal	Preemptive Emergency Signal for Centreville Fire Station Access to Old Centreville Road	\$.03 M	Construction Complete, final VDOT approval pending

*Project cost estimates are done without any survey and right-of-way needs information, and could change significantly

**Funding amount represents Board Authorized Funding from Fund 30040, project total is listed in parenthesis ().

TYSONS CORNER AREA	PROJECT DESCRIPTION	PRELIMINARY COST ESTIMATES*	STATUS
Pedestrian Facilities in Tysons	Supplemental funding for design of projects funded by Job Access and Reverse Commute Grant.	\$0.8 M	Complete
Route 7 & Route 123	Complete selected improvements as proposed in Route 7/123 Transportation Corridor Study prepared by Patton Harris Rust and Associates; construction to be phased based on funding availability.	\$3.3 M	Complete
Conceptual Engineering and Design of Boone Boulevard and Greensboro Drive	Determine the feasibility and impacts of extending Boone Boulevard and Greensboro Drive.	\$0.8 M	Complete
Tysons Corner Metrorail Access Management Program (TMSAMS)	On March 30, 2009, the Board of Supervisors requested that multi-modal access to the four Tysons Corner Metrorail stations be studied and that citizens and businesses from the three surrounding magisterial districts and the Town of Vienna be represented on this study group.	\$0.35 M	TMSAMS was conducted in 2010 and 2011 and the final report on this was presented to the board on December 6, 2011. Updates are provided here: http://www.fairfaxcounty.gov/fc_dot/silverline/tysonsimp.htm for individual project updates.

*Project cost estimates are done without any survey and right-of-way needs information, and could change significantly

**Funding amount represents Board Authorized Funding from Fund 30040, project total is listed in parenthesis ().

TYSONS CORNER AREA PROJECT	PROJECT DESCRIPTION	PRELIMINARY COST ESTIMATES*	STATUS
Conceptual Design and Engineering of Sections of the Proposed Tysons Corner Street Grid	The proposed Tysons grid of streets is a critical element of the future plan for Tysons Corner. It disperses vehicle traffic and improves mobility for pedestrians and bicyclists. The grid of streets will be supported by a street hierarchy that allows different types of trips to use different streets. People wishing to travel across Tysons can choose to use a major arterial, such as Route 7. Others who only need to travel a couple of blocks will have a choice to travel on a smaller street within the grid of streets.	\$2.5 M	To enhance the redevelopment of Tysons, it is necessary to finalize the location and associated right-of-way needs for the grid of streets, including the requirements of the proposed circulator system. This project is complete.
Tysons Circulator Feasibility Study	To advance the conceptual Circulator System, more detailed design, with consideration given to the desired development pattern, will need to be done. Details of the final Circulator alignment that will need to be assessed include. The specific connections between the Circulator and the Metrorail system. Location of Circulator stops throughout Tysons. Circulator routes to connect the desired Circulator stops, including identification of how the Circulator fits into the roadway right-of-way. Design of the Circulator platforms and stops, including access and circulation plans for pedestrians, transit, bikes, and autos, and integration with the surrounding land uses.	\$0.5 M	The Tysons Circulator Study was published in February 2013 and is posted at http://www.fairfaxcounty.gov/tysons/transportation/download/tysons_circulator_study_final_report.pdf

*Project cost estimates are done without any survey and right-of-way needs information, and could change significantly

**Funding amount represents Board Authorized Funding from Fund 30040, project total is listed in parenthesis ().

TYSONS CORNER AREA PROJECT	PROJECT DESCRIPTION	PRELIMINARY COST ESTIMATES*	STATUS
Route 7 – from Route 123 to I-495/Capital Beltway	Widening of Route 7 from Route 123 to I-495.	\$29.0 M	Currently in Phase II Tysons Improvements project list, scheduled from 2013-2020. Initial project design is underway
Tysons East Super Streets Simulation	Conduct a simulation for a portion of Route 123 in the Tysons East area to demonstrate the feasibility of a potential super street concept. The super street concept modifies left turn movements to facilitate regional through movement. The analysis will assist in the preliminary design of the super street section currently being developed.	\$0.152 M	The preliminary design (30% level) plans of the super street section are being finalized.
Tysons Transportation Management Association – Start Up Funding	To assist TYTRAN in establishing a TMA in Tysons. Funding will allow a Tysons TMA to operate over the next five years. After this five year period the TMA will be funded through dues from TYTRAN membership.	As Proffers Dictate	To date \$317,000 has been transferred to the Tysons TMA
TYSONS CORNER AREA PROJECT	PROJECT DESCRIPTION	PRELIMINARY COST ESTIMATES*	STATUS
State Street Study	Develop and evaluate concepts for a new roadway named State Street, which will connect	\$39,000	Study report drafted and currently under review.

*Project cost estimates are done without any survey and right-of-way needs information, and could change significantly

**Funding amount represents Board Authorized Funding from Fund 30040, project total is listed in parenthesis ().

	the future Boone Boulevard and Greensboro Drive in Tyson Corner area. Study will assess the potential alignments, property impacts, costs and feasibility		
Cleveland Ramp Alternatives Analysis	Develop and assess design concepts for a new ramp connecting the Dulles Airport Access Road to the new Tysons East grid of streets	\$145,000	Alternative development and analysis stage is underway. Completion anticipated in Spring 2016.
Route 7/Route 123 Street Simulation and Operational Analysis	Develop plan for widening Route 7 and potential improvements to the Route 7 /Route 123 Interchange. This work will include Operational Analysis of the road and interchange, conceptual engineering design of Route 7 corridor and schematic design of recommended improvements to the Route 7/Route 123. Plans will assess the potential alignments property impacts and construction cost.	\$600,000	Final simulation and operational analysis report to be completed at the end of January 2016.
Jones Branch Connector	The Jones Branch Connector will provide an alternative route between Tysons East (Route 123) and West (Jones Branch Drive), bypassing the I-495/Route 123 Interchange. The proposed connection is anticipated to improve the operations along the adjacent road systems. Currently the existing Jones Branch Connector carries traffic between Jones Branch Drive and the I-495 Express Lanes ramps. This project will also provide improved access to the I-495 Express Lanes from the east side of Tysons.	\$7,200,000** (\$56,000,000)	Final design is scheduled for completion in Summer 2016. Construction is scheduled to begin in early 2017

*Project cost estimates are done without any survey and right-of-way needs information, and could change significantly

**Funding amount represents Board Authorized Funding from Fund 30040, project total is listed in parenthesis ().

TYSONS CORNER AREA PROJECT	PROJECT DESCRIPTION	PRELIMINARY COST ESTIMATES*	STATUS
Route 123 “Superstreets” Outside/Inside the Beltway	This project implements a Restricted Crossing U-turn (Superstreet) design concept along Route 123 between International Drive and I-495. This concept would restrict certain left turn movements at intersections and allow for U-turns along Chain Bridge Road to facilitate these movements. The design incorporates pedestrian facilities along the corridor. Funding will be used for the analysis and design of the Route 123 Superstreet segments outside the Beltway and also support the future preliminary engineering related efforts for the segments inside the Beltway. Funding will also be used to assess how the segments outside and inside the Beltway are to be implemented (i.e consecutively, or in parallel).	\$3,000,000** (\$34,000,000)	Outside the Beltway: Scope of work is being developed. Inside the Beltway: 30% level design plans complete.
Route 123 / Route 7 Interchange	This project consists of reconstructing the interchange of Route 123 & Route 7 to improve operation and safety for all travel modes. Various design concepts are under consideration which incorporate shared use pathways and shared use lanes. Funding will be used to analyze design concepts with input from stakeholders, finalize a preferred concept and begin design work.	\$5,000,000** (\$52,000,000)	Design charrette scheduled with Tysons Partnership and local Stakeholders in January 2016 to discuss Route 7 and Route 123 intersection design.
Cleveland Ramps	This project consists of modifying the existing interchange of the Dulles Connector with Dolley Madison Boulevard (Route 123) to facilitate a direction connection from the	\$2,000,000** (\$80,000,000)	An initial Alternatives Analysis is in the final stages of completion, a final report should be available in Spring 2016. This analysis

*Project cost estimates are done without any survey and right-of-way needs information, and could change significantly

**Funding amount represents Board Authorized Funding from Fund 30040, project total is listed in parenthesis ().

	<p>eastbound Dulles Connector Ramp to Scotts Crossing Road. This connection will provide an alternate route to the already congested Route 123. To facilitate this connection changes will need to be made to the eastbound-off ramps and eastbound on-ramps of the Dulles Connector. These changes include adding new signals, possible reconstruction of the eastbound Dulles Connector bridge over Route 123, and the addition of lanes to Route 123 and the eastbound Dulles connector to facilitate merging traffic.</p>		<p>identified two preferred alternatives, a Braided Ramp Concept and an Auxiliary Lane concept, to be carried forward in an Interchange Modification Report (IMR).</p>
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*Project cost estimates are done without any survey and right-of-way needs information, and could change significantly

**Funding amount represents Board Authorized Funding from Fund 30040, project total is listed in parenthesis ().

**PROCEDURAL GUIDELINES
FOR THE
ANNUAL REVIEW PROCESS
FAIRFAX CENTER AREA**

Adopted by

**FAIRFAX COUNTY
BOARD OF SUPERVISORS**

November 22, 1982

April 1, 1995

ANNUAL REVIEW PROCESS FOR THE FAIRFAX CENTER AREA

The following guidelines serve to direct staff in the implementation of the Fairfax Center Area Plan. These procedures were adopted by the Board of Supervisors on November 22, 1982, and revised periodically since their adoption. Guidelines for the monitoring of development in the Area as well as a procedure for reviewing the roadway contribution formula are included herein.

A. MAINTENANCE / REVIEW OF LAND USE DATA

It is the intent of the Board of Supervisors that the target or goal for development intensity of the Fairfax Center Area be Level B, as recommended by the Planning Commission. The annual review process will be utilized to assure the achievement of this goal. In addition the Department of Planning and Zoning and the Department of Systems Management for Human Services will collect and maintain the following information with respect to land use development in the Fairfax Center Area:

- o the development status of parcels, land development units and unit groups (including acreage, existing zoning, existing land use, planned land use, number and type of dwelling units, and amount and type of non-residential floor area); and
- o the identification of activity in the development pipeline for each parcel, land development unit and unit group (including the following stages of development: rezonings pending, rezonings granted, site plans submitted, site plans approved, building permits issued, and projects under construction).

Staff will prepare an annual summary document of this information for presentation to the Board of Supervisors.

B. ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS

The following excerpt from the Comprehensive Plan identifies the intention of the Board of Supervisors to review the method by which the private sector contributes to funding of roadway improvements in the Fairfax Center Area:

The proportional share of the transportation improvements provided by the private sector will be established by the Board of Supervisors and reviewed periodically through an established public process such as the Annual Plan Review.

The paragraphs that follow specify the review process to be undertaken by the Board and County staff. Clarification on the Contribution Formula, Roadway Improvements Prioritization, and the Road Fund Account are also provided.

An appraisal of funding and implementation of roadway improvements in the Fairfax Center Area will be made annually and presented to the Board. The appraisal will include but not be limited to the following items:

- o identification of total funds contributed by the private sector and the funds contributed over the previous year(s);

- o review of trends in roadway construction costs reflecting inflation (or deflation) rates;
- o listing of right-of-way dedications, roadway construction, and other commitments/contributions provided in previous year(s);
- o examination of the development pipeline toward re-assessment of programming of roadway projects; and
- o discussion regarding the ability of current funding mechanisms to satisfactorily provide for necessary roadway improvements.

This annual appraisal will not be conducted as a full-scale traffic analysis and roadway needs study. Rather, it will evaluate the suitability of roadway project implementation with respect to specific site developments and the overall Fairfax Center Area development. In addition to these items, staff will make recommendations with respect to the prioritization of roadway projects. An examination of the funding formula will also be presented for reconsideration by the Board.

C. CONTRIBUTION FORMULA

The Contribution Formula is designed to represent the participation of the private sector in the funding and implementation of 'off-site' roadway projects and provision of land and facilities for transit-related purposes. 'Off-site' roadway projects are defined for the purposes of this document as:

- o those projects which include major improvements to non-interstate primary facilities such as Routes 29 and 50;
- o improvements to secondary roadways functioning as arterial roadways, including Fairfax County Parkway, Waples Mill Road, Shirley Gate Road, West Ox Road, Stringfellow Road, and Clifton Road;
- o bridges and interchanges on interstate and primary roadways;
- o traffic signals which are not otherwise required within the boundaries of or adjacent to sites subject to development; and
- o those portions of roads internal to the Fairfax Center Area which are not within the boundaries of or adjacent to sites subject to development.

These 'off-site' roadway improvements are identified in the next section titled "Prioritization of Roadway Improvements."

This formula does not relate to the dedication of right-of-way for, or the construction of, local and collector roads traversing the Fairfax Center Area where such roads lie within or adjacent to sites being developed. In addition, this formula does not apply to those improvements necessary for site access (i.e., turn lanes, traffic signals or service drives)¹. It is expected that

¹ Turning lanes and traffic signals provided on major arterials (e.g. Route 29) are considered to be 'off-site' improvements.

these improvements will be provided solely by the owner/developer of the site. These improvements are referred to as 'on-site' projects.

'Transit-related purposes' are defined as the following:

- o rail stations and facilities peripheral to their function
- o park-n-ride lots
- o bus transit transfer stations and facilities peripheral to their function

The formula does not apply to facilities or activities designed to address site-specific needs to reduce the number of single-occupant vehicle (SOV) trips, such as construction of bus shelters and implementation of TDM programs.

As a minimum, the contribution formula will be as follows¹:

- o for any application requesting a level of development above the baseline, the contribution will be \$2.50 per gross square foot of building structure of the total proposed non-residential space and \$577 per unit of the proposed residential uses;
- o up to one-third of the total contribution required can be credited by the dedication of right-of-way for 'off-site' roadway projects or 'transit-related' projects provided no density credits have been granted for the same right-of-way;
- o the total contribution requirement can be provided in part or in total by the construction of major portions of 'off-site' roadway projects or 'transit-related' projects.

For the purpose of interpreting these guidelines, development 'above the baseline' shall be construed to mean any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of land use modification (rezoning, Special Exception, or other).

The need for a contribution for each application will be identified prior to development approval. Upon approval, the contribution rate at the time of approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate which is in effect at the time of site plan submission or final subdivision plat submission will be utilized to identify the total contribution required. The total contribution will then be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution. 'In-kind'

¹ Contribution amounts to the fund have subsequently been modified. A twenty year track of previous revisions is provided at the end of the document.

contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of 'off-site' roadways, or 'transit-related' purposes as defined previously.

Credit for land dedicated for the described purposes will be based upon the property's existing County assessment which is in effect at the time of site plan submission or final subdivision plan submission. The value of the land to be dedicated can be credited to no more than one-third of the total required contribution, provided density credits have not been granted for this same dedicated land area. That is, the applicant will have the opportunity to receive credit, based upon right-of-way dedication, for either density of development or partial satisfaction of the total required contribution. The applicant, prior to development approval, should indicate his intent with regard to the credit opportunities for land dedicated in accordance with these guidelines. Dedication of land for site access improvements will not be eligible for consideration with respect to the total required contribution.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of 'off-site' roadway projects or 'transit-related' projects, a cost estimate will be provided by the applicant and reviewed by the Department of Public Works and Environmental Services consistent with bonding practice prior to plan or subdivision plat approval. These costs, once verified and accepted by the Department of Public Works and Environmental Services, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway construction projects will be completed before the respective 'off-site' roadway or 'transit-related' project construction bonds are released.

Prior to or upon site plan or subdivision plat approval, the applicant will contribute 10 percent of the total required contribution minus any applicable credits as discussed previously. The remaining 90% will be required before building permits are issued. If the sum of the cost estimate for the 'in-kind' roadway and 'transit-related' projects and the value of the dedicated land (up to one-third of the total required contribution) is less than the total required contribution, the applicant will supply 10 percent of this differential monetary contribution prior to or upon site plan or subdivision plat building permit. In the event that the combined value of the dedicated land for the 'off-site' roadways or 'transit-related' projects (up to one-third of the total contribution) and the cost estimate for the construction of same exceeds the projected contribution, then it shall be determined that the applicant's commitment to the Fairfax Center Area Road Fund has been met.

As the Fairfax Center Area develops, a schedule for roadway improvements will be established. However, dedicated rights-of-way or monetary contributions will not be conditioned on a specific roadway project or the completion of a project by a specified date.

D. PRIORITIZATION OF ROADWAY IMPROVEMENTS

The timing of the roadway improvements is crucial to the manner in which the Fairfax Center Area develops. The following improvements are considered as high priority and should be scheduled for implementation as closely as possible to the order in which they are listed. Physical, fiscal, and developmental constraints may shift the priorities of the projects as identified through the annual analysis of road improvement needs. The improvement priorities were adopted by the Board of Supervisors on January 9, 2001. (Note: ~~strikeout~~ indicates completed project.)

- o Advanced right-of-way acquisition for:
 - ~~Monument Drive west of Fields Brigade Road~~
 - ~~Stringfellow Road relocation~~
- o At-grade improvements/construction:
 - ~~West Ox Road / Route 29 at-grade improvements~~
 - ~~Completion of Monument Drive west of Fields Brigade Road~~
 - ~~Stringfellow Road widening between Fair Lakes Parkway to Route 29~~
 - ~~Widen Route 50 to 6 lanes east of Stringfellow Road~~
 - ~~Waples Mill Road / Route 50 at-grade improvements~~
 - Widening of Waples Mill Road to six lanes between Route 50 and Route 29
 - Widening of Rugby Road to four lanes between Fairfax County Parkway and Route 50
 - Widening of Route 50 to 8 lanes between Waples Mill Road and I-66
 - Construction of local and collector roads internal to the Fairfax Center Area which are not within the boundaries of or adjacent to sites under development
- o Interchanges:
 - ~~Fairfax County Parkway / Route 29 / West Ox Road~~
 - ~~Fairfax County Parkway / Route 50~~
 - ~~Waples Mill Road / Route 50~~
 - ~~Fairfax County Parkway / Fair Lakes Parkway / Monument Drive with widening of the Parkway to 6 lanes between I-66 and Route 50~~
- o Route 29 reconstruction:
 - East of West Ox Road, including interchanges at Shirley Gate Road and Monument Drive
 - West of West Ox Road, including an interchange at Clifton Road/Stringfellow Road
- o Fairfax County Parkway widening:
 - ~~Construction of 4 lanes between Route 29 and Braddock Road~~
 - ~~Widening to 6 lanes between I-66 and Route 50 in conjunction with the construction of an interchange at Fair Lakes Parkway / Monument Drive~~
 - Construction of 6 through lanes between I-66 and Route 29

This priority listing will change due to development and financial considerations. It is important that development not occur without the availability of sufficient roadway access and capacity. This is especially important in the development of those parcels that would utilize the sub-connectors traversing or adjoining their property.

Roadway construction and/or right-of-way dedication by either the private or public sector will not necessarily follow the aforementioned priority listing. However, construction of development projects by the private sector may be predicated upon the completion of adjacent roadways in order that the roadway system can satisfactorily accommodate the change in travel patterns resulting from additional development.

E. ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. Monies received prior to or upon site plan approval, subdivision plat approval, or building permit issuance, will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less one-half of one percent for administration.

The monies in this account will be utilized to help fund and implement roadway projects in the Fairfax Center Area as closely as possible to the order in the aforementioned priority list. The widening of I-66 and the construction of sub-connector roads (unless included in the listing of priorities) will not be funded from this account.

Any monies from previous proffers and specified for off-site roadway improvements will go into the road fund account unless otherwise designated in the proffers.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE FAIRFAX CENTER AREA ROAD FUND IN ACCORDANCE WITH THE PROCEDURAL GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON NOVEMBER 22, 1982 AS REVISED EFFECTIVE MARCH 18, 2002.

STEP 1: Total required Contribution:

gsf (or # dwelling units) multiplied by the appropriate rate =
total required contribution.

STEP 2: Anticipated Land Credits (if applicable):

sq. feet of land dedicated for 'off-site' and/or 'transit-related' projects
multiplied by the per foot assessed value of the land at time of site plan
submission or final subdivision plan submission.*

STEP 3: Anticipated "In-Kind" contributions:

Cost to construct a portion or portions of 'off-site' roadway and/or 'transit-
related' projects consistent with bonding practices and verified and accepted
by DPWES prior to plan or subdivision plat approval.

STEP 4: Total Required Contribution Minus Applicable Credits

Dollar value in Step 1 minus the sum of Steps 2 + 3 will result in the net
contribution due the FCAR fund. (Note: if the sum of Steps 2 + 3 is
greater then the value of Step 1 then the commitment to the fund is met with
dedication of right-of way and 'in-kind' construction.)

*NOTE: This value cannot exceed one-third of the total required contribution calculated
in Step 1 provided no density credits have been granted for this land.

Appendix B

Rate Adjustment History

Effective Date	Precent Increase	Non-Residential Rate per square foot	Residential Rate per unit
January 27, 1992	0	\$3.97	\$883
March 1, 1993	1.75	\$4.04	\$898
March 1, 1994	0.5	\$4.06	\$902
April 1, 1995	0.5	\$4.08	\$906
June 28, 1999	0	\$4.08	\$906
January 8, 2001	2.5	\$4.18	\$928
March 18, 2002	2	\$4.26	\$946
March 24, 2003	3	\$4.39	\$974
March 15, 2004	2	\$4.48	\$993
February 28, 2005	6	\$4.75	\$1,053
September 24, 2007	3.2	\$5.07	\$1,124
September 22, 2008	3.6	\$5.25	\$1,164
November 6, 2010	1.013	\$5.32	\$1,179
December 1, 2011	3.89	\$5.53	\$1,225
January 1, 2013	2.88	\$5.69	\$1,260
February 1, 2014	1.98	5.8	\$1,285

PROCEDURAL GUIDELINES
FOR THE
ANNUAL REVIEW PROCESS
Tysons-Wide Road Fund Area

Adopted by
FAIRFAX COUNTY
BOARD OF SUPERVISORS

January 8, 2013

GUIDELINES FOR THE TYSONS-WIDE TRANSPORTATION FUND (the Tysons-Wide Fund)

The following guidelines shall be used to establish, implement, and operate a fund for Tysons-Wide road improvements listed in Table 7 of the Comprehensive Plan. The fund is intended to collect monies in conjunction with development of property within the Tysons Corner Urban Center pursuant to any PTC rezoning action in this area. This will include Special Exception and Special Permit applications that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP).

Proffered commitments to provide monetary contributions to the fund are anticipated from zoning applications for land use changes that propose construction of new building square footage. The funds will be used to construct or implement transportation projects identified as "Tysons-Wide" in Table 7.

The street sections constructed utilizing Tyson-Wide Transportation Fund monies will include pedestrian and bicycle facilities in their design as recommended in the TCP. Illustrations of the expected cross-sections for road improvements are included with the Comprehensive Plan text and the Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia, and Commonwealth of Virginia, Department of Transportation for design standards and related responsibilities for maintenance of streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011. The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, will also apply.

The following criteria were adopted by the Board of Supervisors on January 8, 2013.

TYSONS-WIDE TRANSPORTATION FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Tysons-Wide Transportation Fund improvements provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to administer the Fund.

A number of improvements to the existing roadway and transportation infrastructure are necessary to improve access to, and within, the Tysons Corner Urban Center. These improvements are identified as "Tysons-Wide Road Improvements" in Table 7 of the Comprehensive Plan and are listed in Appendix C of these guidelines. These projects include, but are not limited to, new access points from the Dulles Toll Road, and expanded capacity to interstate and arterial roads. The Tysons-Wide Transportation Fund represents part of the private sector's participation in the funding and implementation of road projects that serve a broader public transportation function.

The contribution rate is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be \$5.63 per gross square foot ("GSF") of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The amount of the financial contribution anticipated from each application will be estimated prior to the rezoning approval. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of rezoning to determine if an improvement is eligible for credit and the amount of credit (in whole or in part based on the Applicant's proportional impact on said improvement) as applicable. At site plan submittal, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution. 'In-kind' contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the design and construction of qualifying Tysons-Wide road projects.

Credit for land dedicated for the described purposes will be based upon the property's County assessment which is in effect at the time of site plan submission, provided density credits have not been granted for the land to be dedicated. The applicant, prior to rezoning approval, shall indicate his intent to either seek credit for a Tysons-wide dedication or density credit. Dedication of land for site access improvements (i.e., turn lanes at driveways) will not be eligible for credit toward the required contribution.

If an applicant elected at rezoning to construct or provide sufficient funds to construct a portion or portions of Tysons-Wide transportation project(s), beyond improvements identified and proffered in the zoning review as necessary to offset site-generated traffic, and is requesting credit against the contribution, a cost estimate will be provided by the applicant and reviewed by FCDOT consistent with bonding practice prior to site plan approval. Copies of these documents shall also be submitted to DPWES for review and comment at the time of site plan approval.

The applicant will contribute 100% of the total required contribution for each building, less applicable credits, at the time non-residential use permits (Non-RUPs) or residential use permits (RUPs) are issued, based on the actual GSF and/or number of units in each building, subject to the provisions in the Virginia Code.

Applicants seeking rezoning actions in the Tysons Urban Center may receive credit against their contribution to the Tysons-Wide Transportation Fund under specific circumstances. Creditable improvements will be applicable to the entire rezoning application. Unless otherwise approved by the Board of Supervisors at the time of rezoning, the criteria for receiving credit are described as follows:

- Construction of road projects specifically identified in Appendix that are not otherwise required to address the impact of site generated traffic (construction credit);
- Dedication of land or right-of-way from the applicable site for road projects specifically identified in Appendix C (dedication credit) that are not for site access or otherwise not required to address the impact of site generated traffic. Right-of-way will be valued at County assessment at the time of site plan submission. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved

Virginia state board licensed MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal;

- Acquisition of off-site land for construction of road projects specifically identified in Appendix C. Land that receives acquisition credit is not eligible for dedication credit; and,
- Construction of road projects specifically identified in Appendix C in advance of the development timelines negotiated and approved by FCDOT.

TYSONS-WIDE TRANSPORTATION FUND ACCOUNT

A transportation fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January 8, 2013). The monies in this account will be utilized to help fund and implement Tysons-wide projects in the Tysons Area.

Annual Assessment

An annual assessment shall be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons-Wide Transportation Fund, projects and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other Transportation Fund Area review processes, to ensure a sustainable balance between development and transportation infrastructure.

It is understood that this review may result in adjustments to ensure that: the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms and projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. If improvements beyond those identified in Table 7 are needed before 2050, and such are considered to be more effective in addressing traffic congestion, consideration could be given to substituting those improvements for projects currently included in Table 7, provided that such adjustments are consistent with and sustain the integrity of the recommended policies and

overall allocation of funding responsibilities. This review will consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual assessment.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS WIDE TRANSPORTATION FUND IN ACCORDANCE WITH THE PROCEDURAL GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON JANUARY 8, 2013.

STEP 1: Total required Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons-Wide Transportation Fund rate = total required contribution.

STEP 2: Anticipated "In-Kind" contributions:

The cost to construct a portion or portions of 'off-site' Tysons-wide projects consistent with bonding practices and verified and approved by FCDOT prior to site approval. Plus, if applicable, the value of Right of Way to be dedicated according to the procedures in the guidelines.

STEP 3: Total Required Contribution Minus Applicable Credits

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons-Wide Transportation Fund. (Note: if the sum of Step 2 is greater then the value of Step 1 then any additional credits may be applied to future Tysons-Wide Road Fund obligations.)

STEP 4: Reconciliation of the Tysons-Wide Road Fund Contribution and Actual "In-Kind" Construction Costs Associated With the Construction of Tysons-Wide Road Projects

Upon completion of Tysons-Wide "In-Kind" construction projects, an applicant shall follow the "Creditable Expense" Guidelines, contained herein, for final reconciliation of the Tysons-Wide Road Fund Contribution (or applicable refund) and Actual "In-Kind" Construction Costs.

APPENDIX B

A GUIDE TO APPLY FOR THE 'OFF-SITE' CONSTRUCTION/Right-of-Way COST CREDIT (Also Known as a 'Creditable Expense')

Assuming credit for a contribution to the Fund that has not already been provided under the criteria described in the guidelines, it is recommended that developers adhere to the following guidance to seek a credit or refund for 'off-site' construction expenditures. Upon completion of 'off-site' construction projects approved by FCDOT and DPWES, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved 'off-site' construction project should be submitted. If construction is done simultaneously with other parts of the development then the applicant must provide a separate accounting of the portion that applies to the 'off-site' project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved rezoning case with approved 'off-site' project cost estimates.
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed and approved by the department director or his designee, the applicant will receive notification in writing. The applicant shall be notified of the appropriate credit or receive the refund shortly after approval.

Appendix C

Tysons-Wide Transportation Costs: 2012-2051 (December 4, 2012 Estimate)		
	Project	Estimate (2012)
1	Rt.7 Widening from Rt.123 to I-495	\$22,000,000
2	Boone Blvd Extension west from Rt.123 to Ashgrove Lane	\$126,000,000
3	Extension of Jones Branch Connection to inside I-495 (Jones Branch Connector to Route 123)	\$41,000,000
4	Rt.7 Widening from the Dulles Toll Road to Reston Avenue	\$300,000,000
5	Greensboro Drive Extension west from Spring Hill Road to Rt.7	\$58,000,000
6	Dulles Toll Road Ramp to Greensboro Drive Extension	\$28,000,000
7	Dulles Toll Road Westbound Collector Distributor	\$124,000,000
8	Dulles Toll Road Eastbound Collector Distributor	\$62,000,000
9	Dulles Toll Road Ramp to Boone Blvd Extension	\$79,000,000
10	Rt.123 Widening from Rt.7 to I-495	\$20,000,000
11	Rt.123 Widening from Old Courthouse Road to Rt.7	\$8,000,000
12	Rt.7 Widening between I-495 and I-66	\$71,000,000
13	Widen Magarity Road from Lisle/Rt.7 to Great Falls Street	\$63,000,000
14	I-495 Overpass at Tysons Corner Center	\$18,000,000
15	Widen Gallows Road from Rt.7 to Prosperity Ave.	\$94,000,000
16	I-495 Additional Lane (Outer Loop between Rt. 7 and I-66)	\$74,000,000
17	Ramps Connecting Dulles Toll Road to Jones Branch Drive	\$38,000,000
	Total for road projects	\$1,226,000,000

PROCEDURAL GUIDELINES
FOR THE
ANNUAL REVIEW PROCESS
Tysons Grid of Streets Road Fund Area

Adopted by
FAIRFAX COUNTY
BOARD OF SUPERVISORS

January 8, 2013

GUIDELINES FOR THE TYSONS GRID OF STREETS TRANSPORTATION FUND (the Tysons Grid Fund)

The following guidelines shall be used to establish, implement and operate the Tysons Grid of Streets Transportation Fund. The Fund is intended to collect monies in conjunction with development of property within the Tysons Corner Urban Center pursuant to any PTC rezoning action in this area. This will include Special Exception and Special Permit applications that result in an increase in building square footage. The boundary of the Tysons Corner Urban Center is defined in Area II of the 2010 Edition of the Tysons Corner Urban Center Comprehensive Plan (TCP).

Proffered commitments to provide monetary contributions to the Tysons Grid Fund are anticipated during review of zoning applications for land use changes that propose construction of new building square footage. The funds will be used to construct sections of streets that cannot otherwise be built through private development in Tysons. Projects utilizing these funds are expected to be street links that will enhance transportation service within Tysons. The street sections constructed utilizing Tysons Grid Fund monies will include pedestrian and bicycle facilities in their design as recommended in the TCP. Illustrations of the expected cross-sections for grid streets are included with the Comprehensive Plan text and the Memorandum of Agreement between the Board of Supervisors of Fairfax County, Virginia and Commonwealth of Virginia, Department of Transportation for design standards and related responsibilities for maintenance of streets as outlined in the Transportation Design Standards for Tysons Corner Urban Center signed September 13, 2011. The Tysons Corner Urban Design Guidelines endorsed by the Board of Supervisors on January 24, 2012, will also apply.

These guidelines were adopted by the Board of Supervisors on January 8, 2013.

TYSONS GRID FUND CONTRIBUTION CRITERIA

The cash contribution rate for the Tysons Grid of Streets Transportation Fund provided by the private sector has been established by the Board of Supervisors and will be reviewed and adjusted annually in conformance with Virginia Code Section 15.2-2303.3, Subsection B. The paragraphs that follow discuss the process to be undertaken to administer the Fund.

The minimum contribution rate is as follows:

For any zoning application proposing reconstruction of an improved site, construction on an unimproved site, or additional construction on an improved site, the contribution will be \$6.44 per gross square foot ("GSF") of building structure of the total proposed new non-residential space and \$1,000 per unit of the proposed new residential uses. The contribution formula does not apply to the GSF for public use facilities.

The Grid of Streets described within the TCP is needed to provide convenient connections within Tysons, distribute multi-modal traffic efficiently, and enhance the quality of the network through the use of 'complete streets'. The grid of streets is generally comprised of the street network that provides site access and circulation within Tysons. The TCP recommends that the private sector be responsible for on-site improvements, including construction of on-site portions of the grid, as well as for contributions to the Tysons Grid Fund to support the construction of off-site portions of the grid. The Tysons Grid Fund does not include the dedication of right-of-way for, or the construction of, streets traversing the Tysons Corner Urban Center when such roads lie within the site being developed.

The amount of the financial contribution expected for each application will be estimated prior to rezoning approval. Site Traffic Impact Analysis, Consolidated Traffic Impact Analysis, and/or traffic operational analysis data will be used at the time of rezoning to determine if an improvement is eligible for credit and the amount of credit (in whole or in part based on the Applicant's proportional impact on said improvement) as applicable. At site plan, the total financial contribution will be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution. Creditable improvements will be applicable to the entire rezoning application. 'In-kind' contributions are defined as those commitments made by the private sector towards the provision, in part or in total, of the construction of off-site grid projects as defined previously.

If an applicant elects at rezoning to construct or provide sufficient funds to construct a portion or portions of 'off-site' Grid of Streets transportation project(s), and is requesting credit against the contribution, a cost estimate will be provided by the applicant and reviewed by FCDOT consistent with bonding practice prior to site plan approval. Copies of these documents shall also be submitted to DPWES for review and comment.

Prior to or upon site plan approval for non-residential development, the applicant will contribute 25 percent of the total required contribution based on the actual GSF, minus any approved applicable credits as discussed previously. The remaining 75 percent, less any further approved applicable credits, will be required before building permits are issued and will be assessed at the then current rate. This contribution approach is intended to facilitate the construction of Tysons Grid Transportation improvements prior to the occupancy of the new development.

For residential development, the applicant will contribute 100% of the total required contribution based on the actual number of units in each building, less applicable credits, at the time residential use permits (RUPs) are issued, subject to the provisions in the Virginia Code.

Applicants seeking rezoning actions in the Tysons Urban Center may receive credit against their contribution to the Grid of Streets Transportation Fund under specific circumstances. Creditable improvements will be applicable to the entire rezoning application. 'Off-site' street grid projects are defined for the purposes of this document as:

- those portions of streets identified for construction in the TCP internal to the Tysons Corner Urban Center which are not within the boundaries of sites subject to the proposed development;
- construction of capacity and/or operational improvements to grid streets which are not otherwise required to address the impact of site generated traffic, and are not within the boundaries of sites subject to the proposed development;
- traffic signals for grid street connections which are not otherwise required to address the impact of site generated traffic, and are not within the boundaries of or directly adjacent to sites subject to the proposed development;
- advance off-site land acquisition for construction of grid streets;
- construction of on-site grid of streets sections in advance of the development timelines negotiated and approved by FCDOT; and,
- dedication of land or right-of-way for 'off-site' Grid of Streets projects, in which density credit has not been granted for the land to be dedicated. Right-of-way will

be valued at the current County assessment. Alternatively, the applicant may elect to provide an appraisal in place of the assessment. In this circumstance the applicant must procure, at its own expense, a County approved Virginia State Board licensed, MAI or SRA American Institute designated general appraiser who uses standard appraisal techniques in preparing the appraisal.

Unless otherwise approved by the Board of Supervisors at the time of rezoning, construction of qualifying projects to advance the grid which meet the criteria above are eligible to receive credit up to equal value of the development's contribution to the fund.

TYSONS GRID TRANSPORTATION FUND ACCOUNT

A transportation fund account will be established and maintained by the County. All monies received will be placed in the account. Interest on monies in the account will accrue to the account and not the General Fund at the prevailing interest rate earned by the County, less up to one-half of one percent for administration. Any interest expended from the fund for administration will be reported annually to the Tysons Service District Advisory Board (created January, 8 2013). The monies in this account will be utilized to help fund and implement grid roadway projects in the Tysons Urban Center.

Annual Assessment

An annual assessment shall be conducted by the Department of Transportation and submitted to the Tysons Service District Advisory Board for review of the Tysons Grid of Streets Fund, the Grid of Streets projects and the contribution rates subject to the following:

Review the pace and location of residential and commercial development within Tysons, as well as the construction schedule, funding status, and the funding mechanisms for Tysons' transportation improvements, in concurrence with other Transportation Fund Area review processes, to ensure a sustainable balance between development and transportation infrastructure.

It is understood that this review may result in adjustments to ensure that: the estimated funding levels for such improvements are coordinated with the anticipated construction spending and the timing of construction; that the funding is being spent in an appropriate and efficient manner; and, that the pace of the transportation improvements and the pace of residential and non-residential development are proceeding substantially in tandem, as set forth in the Comprehensive Plan.

This review should be based on the most current data and information available at the time of the review, including whether the assumptions upon which the proposed funding mechanisms projects were based are still valid or whether they should be changed. The review should include a process that incorporates participation from all stakeholders. If improvements beyond those identified in Table 7 are needed before 2050, and such are considered to be more effective in addressing traffic congestion, consideration could be given to substituting those improvements for projects currently included in Table 7, provided that such adjustments are consistent with and sustain the integrity of the recommended policies and overall allocation of funding responsibilities. This review will also consider any new funding sources (such as parking fees) that have been established.

Changes to these guidelines, as appropriate, may be submitted with the annual assessment.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE TYSONS GRID OF STREETS FUND IN ACCORDANCE WITH THE PROCEDURAL GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON JANUARY 8, 2013.

STEP 1: Total required Contribution:

Amount of GSF (and/or # dwelling units) multiplied by the current Tysons Grid Transportation Fund rate = total required contribution.

STEP 2: Anticipated "In-Kind" contributions:

Cost to construct a portion or portions of 'off-site' grid street projects consistent with bonding practices and verified and approved by FCDOT prior to site plan approval.

STEP 3: Total Required Contribution Minus Applicable Credits

Dollar value in Step 1 minus the sum of Step 2 will result in the net contribution due the Tysons Grid Transportation Fund. (Note: if the sum of Step 2 is greater than the value of Step 1 then any additional credits may be applied to future Tysons Grid of Streets Fund obligations.)

STEP 4: Reconciliation of the Tysons-Wide Road Fund Contribution and Actual "In-Kind" Construction Costs Associated With the Construction of Tysons-Wide Road Projects

Upon completion of Tysons-Wide "In-Kind" construction projects, an applicant shall follow the "Creditable Expense" Guidelines, contained herein, for final reconciliation of the Tysons-Wide Road Fund Contribution (or applicable refund) and Actual "In-Kind" Construction Costs.

APPENDIX B

A GUIDE TO APPLY FOR THE 'OFF-SITE' CONSTRUCTION COST REFUND (Also Known as a 'Creditable Expense')

Assuming credit for contribution to the Fund has not already been provided under the criteria described in the guidelines, it is recommended that developers adhere to the following guidance to seek a credit or refund for 'off-site' construction expenditures. Upon completion of 'off-site' construction projects approved by FCDOT and DPWES, the developer may submit documentation for reimbursement of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved 'off-site' construction project should be submitted. If construction is done simultaneously with other parts of the development then the applicant must provide a separate accounting of the portion that applies to the 'off-site' project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved rezoning case with approved 'off-site' project cost estimates.
- Any documents recording the release of bond or acceptance of the project into the public right of way.

After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant shall be notified of the appropriate credit or receive the refund shortly after approval.

ACTION – 4

Adoption of a Resolution Confirming the Declaration of Local Emergency and Consenting to all Actions Taken by the Director of Emergency Management and County Staff

ISSUE:

Board of Supervisors adoption of a resolution confirming the declaration of local emergency and consenting to actions taken by the Director of Emergency Management and County Staff.

RECOMMENDATION:

The County Executive recommends that the Board:

- 1) Confirms the Declaration of Local Emergency effective 12:00 p.m. January 22, 2016, through 12:00 p.m. January 25, 2016;
- 2) Approves and consents to all actions taken by the Director of Emergency Management and County staff pursuant to the Declaration of Local Emergency and the Fairfax County Emergency Operations Plan.

TIMING:

Board action is requested on February 2, 2016, which is the next regularly scheduled meeting of the Board following the Declaration of Local Emergency by the County Executive, in his capacity as the Director of Emergency Management.

BACKGROUND:

Due to the blizzard affecting the area, the County Executive, in his capacity as the Director of Emergency Management, signed a Declaration of a Local Emergency effective 12:00 p.m. January 22, 2016, through 12:00 p.m. January 25, 2016. The Declaration officially activated the County's Emergency Operations Plan and authorized the furnishing of aid and assistance under the Plan in order to mitigate the results of the blizzard. The County Executive determined that all coordinated local government emergency actions had been taken and decided not to extend the Declaration of Local Emergency beyond 12:00 p.m. January 25, 2016.

The Commonwealth of Virginia Emergency Services and Disaster Law of 2000, codified at Virginia Code §§ 44-146.13 through 44-146.28.1, authorizes the Director of Emergency Management to declare the existence of a local emergency when the

Board Agenda Item
February 2, 2016

governing body cannot convene, subject to confirmation by the governing body at its next regularly scheduled meeting or at a special meeting within fourteen days of the declaration, whichever occurs first. Va. Code Ann. § 44-146.21(a) (2013). As February 2, 2016, is the Board's next regularly scheduled meeting following the Declaration of a Local Emergency, the Board is requested to adopt a Resolution to confirm the Declaration of Local Emergency and to approve and consent to all actions taken by the Director of Emergency Management and County staff pursuant to the declaration and the Fairfax County Emergency Operations Plan.

FISCAL IMPACT:

The Declaration of a Local Emergency by the governing body is necessary for the County to seek funds for such actions as recovery, clean-up and evaluation should such funds become available.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution

Attachment 2: Declaration of a Local Emergency effective 12:00 p.m. January 22, 2016, through 12:00 p.m. January 25, 2016

Attachment 3: Declaration of a State of Emergency for the Commonwealth of Virginia

STAFF:

Edward L. Long Jr, County Executive

**Resolution Confirming The
Declaration of Local Emergency**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia on Tuesday, February 2, 2016, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Commonwealth of Virginia Emergency Services and Disaster Law of 2000, as amended, and set forth in Chapter 3.2 of Title 44 of the Code of Virginia, authorizes the Director of Emergency Management to declare the existence of a local emergency when the governing body cannot convene, subject to confirmation by the governing body at its next regularly scheduled meeting or at a special meeting within fourteen days of the declaration; and

WHEREAS, circumstances associated with a massive snow storm created the potential of an emergency that threatened to be of sufficient severity and magnitude to warrant coordinated state and local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby; and

WHEREAS, the potential of such an emergency necessitated the Declaration of a State Emergency by the Governor of the Commonwealth of Virginia on January 21, 2016; and

WHEREAS, the potential of such an emergency necessitated the Declaration of a Local Emergency by the Director of Emergency Management, effective 12:00 p.m. January 22, 2016, through 12:00 p.m. January 25, 2016; and

WHEREAS, circumstances did not permit the governing body to convene to consent to the declaration of a local emergency; and

WHEREAS, the Director of Emergency Management determined that all coordinated local government emergency actions had been taken and it was not necessary to extend the Declaration of Local Emergency beyond 12:00 p.m. January 25, 2016; and

WHEREAS, the Board of Supervisors of Fairfax County seeks to confirm the Declaration of Local Emergency and to approve and consent to all actions taken by the Director of Emergency Management and County staff pursuant to the declaration and the Fairfax County Emergency Operations Plan; now therefore be it

RESOLVED that the Board of Supervisors of Fairfax County

1. Confirms the Declaration of Local Emergency effective 12:00 p.m. January 22, 2016, through 12:00 p.m. January 25, 2016; and

2. Approves and consents to all actions taken by the Director of Emergency Management and County staff pursuant to the Declaration of Local Emergency and the Fairfax County Emergency Operations Plan.

A Copy Teste:

Catherine A. Chianese
Clerk of the Board of Supervisors

DECLARATION OF LOCAL EMERGENCY FAIRFAX COUNTY, VIRGINIA

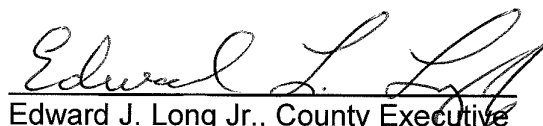
WHEREAS, as a result of a very large snowstorm that is expected to occur in the Commonwealth of Virginia on January 22 and 23, 2016, the Governor of the Commonwealth of Virginia has declared a state emergency to facilitate coordinated government action by state agencies to prevent or alleviate the damage, loss, hardship, or suffering caused by the existence of that emergency; and

WHEREAS, as that very large snowstorm also is expected to occur in Fairfax County, Virginia, and a storm of this magnitude is expected to present dangerous conditions of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering caused by the existence of this emergency; and

WHEREAS, due to this expected snowstorm, a condition of extreme peril to life and property necessitates the proclamation of the existence of an emergency; and now therefore, it is hereby

DECLARED, subject to confirmation by the Board of Supervisors on or before February 2, 2016, that, effective 12:00 p.m. on January 22, 2016, a local emergency will exist throughout Fairfax County because this snowstorm will create the potential for an emergency that threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship, or suffering threatened pursuant to Virginia Code §§ 44-146.16 and 44-146.21(a), and that this declaration shall expire at 12:00 p.m. on January 25, 2016, unless extended or terminated earlier by the County Executive; and it is

FURTHER DECLARED that the Fairfax County Emergency Operations Plan is now in effect.


Edward J. Long Jr., County Executive
Director of Emergency Management



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER 51 (2016)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO A SEVERE WINTER STORM EVENT

Importance of the Issue

On this date, January 21, 2016, I am declaring a state of emergency to exist for the Commonwealth of Virginia based on National Weather Service forecasts projecting a severe winter storm event beginning today in parts of the Commonwealth with the potential for significant snow and ice accumulations as well as high wind speeds through the weekend, which could create transportation issues and significant power outages.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this incident constitute a disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the *Code of Virginia*.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the *Code of Virginia*, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued on this date, January 21, 2016, whereby I am proclaiming that a state of emergency exists, and I am directing that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the winter storm, alleviate any conditions resulting from the incident, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far as possible. Pursuant to § 44-75.1(A)(3) and (A)(4) of the *Code of Virginia*, I am also directing that the Virginia National Guard and the Virginia Defense Force be called forth to state active duty to be prepared to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia Department of State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State

Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety and Homeland Security, may find necessary.

In order to marshal all public resources and appropriate preparedness, response, and recovery measures to meet this threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the *Code of Virginia*, I hereby order the following protective and restoration measures:

A. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Support Team (VEST) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VEST coordinate state actions in support of affected localities, other mission assignments to agencies designated in the COVEOP, and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety and Homeland Security, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technologies Agency, and with the consultation of the Secretary of Public Safety and Homeland Security, making all systems assets available for use in providing adequate communications, intelligence, and warning capabilities for the incident, pursuant to § 44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of the winter storm as appropriate. Following a declaration of a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the *Code of Virginia*, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the VEOC, acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Also, in those localities that have declared a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if the local governing body determines that controlling movement of persons is deemed necessary for the preservation of life, public safety, or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the *Code of Virginia*, I authorize the control of ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation, and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the

authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1 of the *Code of Virginia*, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation, and communications personnel, equipment, and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the *Code of Virginia*.

F. The authorization of the Departments of State Police, Transportation, and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential emergency relief supplies, livestock or poultry, feed or other critical supplies for livestock or poultry, heating oil, motor fuels, or propane, or providing restoration of utilities (electricity, gas, phone, water, wastewater, and cable) in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination. Such exemptions shall not be valid on posted structures for restricted weight.

All over width loads, up to a maximum of 12 feet, and over height loads up to a maximum of 14 feet must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes vehicles en route and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service by any carrier when transporting essential emergency relief supplies, passengers, property, livestock, poultry, equipment, food, feed for livestock or poultry, fuel, construction materials, and other critical supplies to or from any portion of the Commonwealth for purpose of providing direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.

The foregoing overweight/over width transportation privileges as well as the regulatory exemption provided by § 52-8.4(A) of the *Code of Virginia*, and implemented in § 19 VAC 30-20-40(B) of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety and Homeland Security in consultation with the Secretary of Transportation, whichever is earlier.

G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties. I hereby delegate to the Secretary of Public Safety and Homeland Security, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

H. The authorization of a maximum of \$1,800,000 in state sum sufficient funds for state and local governments mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act. This

funding is also available for state response and recovery operations and incident documentation. Out of this state disaster sum sufficient, \$500,000, or more if available, is authorized for the Department of Military Affairs for the state's portion of the eligible disaster related costs incurred for salaries, travel, and meals during mission assignments authorized and coordinated through the Virginia Department of Emergency Management.

I. The authorization of a maximum of \$250,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when presidentially authorized), to be paid from state funds.

J. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28(b) of the *Code of Virginia*. § 44-146.24 of the *Code of Virginia* also applies to the disaster activities of state agencies.

K. Designation of members and personnel of volunteer, auxiliary, and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, Citizen Corps Programs such as Medical Reserve Corps (MRCs), Community Emergency Response Teams (CERTs), and others identified and tasked by the State Coordinator of Emergency Management for specific disaster related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of § 44-146.23(a) and (f) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

L. The authorization of appropriate oversight boards, commissions, and agencies to ease building code restrictions and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting, and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties.

M. The activation of the statutory provisions in § 59.1-525 et seq. of the *Code of Virginia* related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible during a time of disaster after issuance of a state of emergency. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this disaster event.

N. The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or

desirable to assist in preparations for this incident and in alleviating the human suffering and damage to property.

2. Pursuant to § 52-6 of the *Code of Virginia*, I authorize the Superintendent of the Department of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers as deemed necessary. These police officers shall have the same powers and perform the same duties as the State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the *Code of Virginia* shall be provided for them at the expense of the Commonwealth.

3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the *Code of Virginia* and are not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

a. Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof; and, in addition,

b. The same benefits, or their equivalent, for injury, disability, and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the *Code of Virginia*, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

5. The following conditions apply to service by the Virginia Defense Force:

a. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;

b. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

c. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the *Code of Virginia*;

d. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers' Compensation Act, subject to the requirements and limitations thereof.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the *Code of Virginia*, other than costs defined in the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of this Executive Order

This Executive Order shall be effective January 21, 2016, and shall remain in full force and effect until March 1, 2016, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 21st day of January, 2016.

Terence R. McAuliffe, Governor

Attest:

Levar M. Stoney, Secretary of the Commonwealth

INFORMATION - 1

Contract Award – Real Estate Development Advisory Services

The Department of Public Works and Environmental Services (DPWES) issued a Request for Proposal (RFP) for Real Estate Development Advisory Services, under the authority of the County Purchasing Agent. DPWES and other County agencies require consultant support services for land development and public private partnership projects. The resultant contracts will be indefinite delivery, indefinite quantity contracts to provide a ready roster of specialized consultants to be used on an as-needed basis by all County agencies.

The RFP was publicly advertised in accordance with the requirements of the Fairfax County Purchasing Resolution. Thirteen offerors submitted responsive proposals before the due date. The Selection Advisory Committee (SAC), approved by the Deputy Director, DPWES, evaluated the proposals in accordance with the criteria established in the RFP. Upon completion of the evaluation of the proposals, the SAC decided to negotiate with the top eight offerors due to their strong qualifications and relevant range of experience in the proposed service areas. After negotiations the SAC recommended award of eight contracts to Delta Associates, HR & A Advisors, Inc., Jones Lang LaSalle Americas, Inc., MuniCap Inc., RKG Associates Inc., Savills Studley, Streetsense, and Whiteoak Properties LLC. A summary of each firm is outlined below. The SAC recommended contracts be awarded to each of the firms for all the services associated with Real Estate Development based on their demonstrated ability to meet the County requirements defined in the RFP.

Contractor Name	Services
Delta Associates	Development and real estate advisory, and negotiations services, market analysis and valuation, financial analysis, and research services.
HR&A Advisors, Inc.	Development and real estate advisory, and negotiations services, market analysis and valuation, financial and fiscal impact analysis, special tax district, affordable housing finance, retail and leasing services.
Jones Lang LaSalle Americas, Inc.	Development and real estate advisory, and negotiations services, market analysis and valuation, financial analysis, acquisitions & brokerage services, special tax district, affordable housing finance, retail and leasing services.
MuniCap, Inc.	Development and real estate advisory, financial analysis, and special tax district services.
RKG Associates, Inc.	Development and real estate advisory, market analysis and valuation, financial and fiscal impact analysis services.

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Savills Studley, Inc	Development, negotiations, and real estate advisory, market analysis and valuation, financial and fiscal Impact, acquisitions, brokerage, special tax district, affordable housing finance, retail and leasing services.
Streetsense Consulting, LLC	Real estate advisory, market analysis and valuation, and retail and leasing services.
Whiteoak Properties, LLC	Development, negotiations, and real estate advisory, market analysis and valuation, financial analysis, acquisitions, and affordable housing finance advisory services.

The Department of Tax Administration has verified that the selected firms meet Fairfax County Business, Professional, and Occupational License (BPOL) requirements.

Unless otherwise directed by the Board of Supervisors, the Purchasing Agent will proceed to award contracts to Delta Associates, HR & A Advisors, Inc., Jones Lang LaSalle Americas, Inc., MuniCap Inc., RKG Associates Inc., Savills Studley, Streetsense Consulting, LLC., and Whiteoak Properties LLC. The contract term is five years from the award date and may be renewed for (5) one year terms.

FISCAL IMPACT:

Services rendered through these contracts are projected to be approximately \$1,500,000 over the five-year term. Funding will be available during this period from various project funds utilizing the advisory services as needed.

ENCLOSED DOCUMENTS:

Attachment 1: List of Offerors

STAFF:

Cathy Muse, Director, Department of Purchasing and Supply Management
James Patteson, Director, Department of Public Works and Environmental Services
Ronald N. Kirkpatrick, Deputy Director, Public Works and Environmental Services, Capital Facilities.

RFP 15-1 – List of Successful Offerors

Name	SWAM Status
Delta Associates	Large
HR&A Advisors, Inc.	Small
Jones Lang LaSalle Americas, Inc.	Large
MuniCap, Inc.	Small
RKG Associates, Inc.	Small
Savills Studley, Inc.	Large
Streetsense Consulting, LLC	
Whiteoak Properties LLC	Small

RFP 15-1 – List of Unsuccessful Offerors

The Concourse Group	Small
Alvarez & Marsal Real Estate Advisory Group	Large
Partners for Economic Solutions	Women-Owned Small
BAE Urban Economics Inc.	Women-Owned Small
Vantage Point Economic & Transportation Development Strategies LLC	Small

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10:30 a.m.

Matters Presented by Board Members

11:20 a.m.

CLOSED SESSION:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
 - (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
 - (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
-
- 1. *David J. Laux and Tara K. Laux a/k/a Tara K. Long v. Board of Supervisors of Fairfax County, James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services, and the Commonwealth of Virginia*, Civil Action No. 15cv1334 (E.D. Va.) (Mason District)
 - 2. *Patricia Tomasello v. Fairfax County, Virginia*, Case No. 1:15-cv-95 (E.D. Va.)
 - 3. *Saad Lodhi, a/k/a Quratulain Balouch v. Officer Sepehri, John Doe I, and Fairfax County, Virginia*, Case No. 1:15-cv-425 (E.D. Va.)
 - 4. *Amy Marshall v. Damien Cichocki*, Case No. CL-2015-0009608 (Fx. Co. Cir. Ct.)
 - 5. *Walgreen Co. v. County of Fairfax, Virginia*, Case No. CL-2014-0016554 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 6. *Walgreen Co. v. County of Fairfax, Virginia, and Town of Herndon*, Case No. CL-2014-0016555 (Fx. Co. Cir. Ct.) (Dranesville District)
 - 7. *Walgreen Co. v. County of Fairfax, Virginia*, Case No. CL-2014-0016556 (Fx. Co. Cir. Ct.) (Mount Vernon District)
 - 8. *Walgreen Co. v. County of Fairfax, Virginia and Town of Vienna*, Case No. CL-2014-0016557 (Fx. Co. Cir. Ct.) (Hunter Mill District)

9. *Victor Vega v. Larry Collins, Fairfax County Board of Supervisors, Fairfax County Police Department, Fairfax County Department of Risk Management, and Colonel Edwin C. Roessler Jr., Case No. CL-2015-0017926 (Fx. Co. Cir. Ct.)*
10. *Leslie B. Johnson, Fairfax County Zoning Administrator v. John L. Butterfield and Nancy S. Butterfield, Case No. CL-2014-0010617 (Fx. Co. Cir. Ct.) (Dranesville District)*
11. *Board of Supervisors of Fairfax County and James W. Patteson, Director, Fairfax County Department of Public Works and Environmental Services v. David J. Laux and Tara K. Laux, a/k/a Tara K. Long, Case No. CL-2014-0013597 (Fx. Co. Cir. Ct.) (Mason District)*
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Roberto Abarca, Case No. CL-2014-0012936 (Fx. Co. Cir. Ct.) (Providence District)*
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Steven C. Bryant, Case No. CL-2009-0005546 (Fx. Co. Cir. Ct.) (Sully District)*
14. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jorge Alberto Broide, Case No. CL-2010-0017885 (Fx. Co. Cir. Ct.) (Providence District)*
15. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Tina M. Howard, Case No. CL-2011-0017608 (Fx. Co. Cir. Ct.) (Providence District)*
16. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abateneh Mulugeta and Genet Chala, Case No. CL-2015-0008843 (Fx. Co. Cir. Ct.) (Mason District)*
17. *Leslie B. Johnson, Fairfax County Zoning Administrator, and Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Philip W. Bradbury, Case No. CL-2015-0008844 (Fx. Co. Cir. Ct.) (Mount Vernon District)*
18. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Jeffrey Gearhart, Case No. CL-2015-0012282 (Fx. Co. Cir. Ct.) (Providence District)*

19. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert H. Pearson, Jr.*, Case No. CL-2015-0015903 (Fx. Co. Cir. Ct.) (Providence District)
20. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Christopher L. Soderger*, Case No. CL-2015-0016908 (Fx. Co. Cir. Ct.) (Springfield District)
21. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hongfei Shi and Jiang Westerhoff Yang*, Case No. CL-2015-0017903 (Fx. Co. Cir. Ct.) (Sully District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Maria Arrieta*, Case No. CL-2016-0000685 (Fx. Co. Cir. Ct.) (Mason District)
23. *Tarsha S. Warren v. Officer Ryan Wever*, Case No. GV15-024483 (Fx. Co. Gen. Dist. Ct.)
24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. The Southland Corporation*, Case Nos. GV15-026243, GV15-026244, and GV15-026245 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
25. *Abelardo Brito-Trujillo v. Moufid M. Khoury*, Case No. GV15-023706 (Fx. Co. Gen. Dist. Ct.)
26. *Gilbert Rivera v. Fairfax County Board of Supervisors and Chad Crawford, Director of Maintenance and Stormwater Management*, Case No. GV15-018984 (Fx. Co. Gen. Dist. Ct.)
27. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Philip John Sokolowski*, Case No. GV15-026453 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ray Claire Gonzalez and Meranda De Martinez*, Case No. GV15-027883 (Fx. Co. Gen. Dist. Ct.) (Mason District)

3:30 p.m.

Decision Only to Approve a Real Estate Exchange Agreement Between the Board of Supervisors and AvalonBay Communities, Inc. ("AvalonBay") and to Approve the Purchase of Property from 5827 Columbia Pike Associates, LLC, an Affiliate of Landmark Atlantic, Inc. ("Landmark") (Mason District)

ISSUE:

Decision only to consider the disposition of County-owned property totaling approximately 1.49 acres identified as Tax Maps 61-2 ((19)) parcels 5A and 11A ("County Land") as required by Va. Code Ann. § 15.2-1800 (2012). The disposition of the County Land will be considered through a Real Estate Exchange Agreement ("REEA") between the Board of Supervisors and AvalonBay concerning a portion of the property identified as Tax Maps 61-2 ((1)) parcels 113, 113A, 113C and 114 and 61-4 ((30)) parcels 15 and 17, totaling approximately 4.47 acres ("Avalon Land"). The public hearing will also consider the purchase by the Board of adjoining land identified as Tax Map 61-2 ((1)) parcel 12A and totaling approximately 1.44 acres, from Landmark ("Landmark Land") for the primary purpose of a road connection to Seminary Road and new open space. The County Land, Avalon Land and Landmark Land shall hereafter be collectively known as the "Subject Property." It is intended that, in the future, a rezoning action will be considered on the Subject Property to permit residential development by AvalonBay and a future County office site, as well as the connection to Seminary Road.

RECOMMENDATION:

The County Executive recommends the Board approve the disposition of the County Land through an REEA with AvalonBay providing for an exchange of real property and joint infrastructure development in conjunction with the development of the Subject Property, and that the Board approve the purchase of the Landmark Land, primarily for public roads and open space.

TIMING:

On December 8, 2015, the Board authorized advertisement of the public hearing to be held on January 12, 2016, at 3:00 p.m. After the public hearing was held on January 12, 2016, decision only was deferred to February 2, 2016, at 3:30 p.m.

BACKGROUND:

The County is the owner of the County Land (approximately 1.49 acres), AvalonBay is the contract purchaser of the Avalon Land (approximately 4.47 acres), and Landmark is the owner of the Landmark Land (approximately 1.44 acres). These land areas are

shown, approximately, on Attachment 1, with the County Land shown as Area A, the Avalon Land shown as Areas B1 and B2, and the Landmark Land shown as Area C.

The Comprehensive Plan recommends that, with consolidation of at least five acres, the Subject Property may be appropriate for retail/office/residential mixed-use development at an intensity of up to 2.25 FAR. In addition, the Comprehensive Plan calls for a road realignment to connect Seminary Road with Columbia Pike and Moncure Avenue through the eastern portion of the Subject Property. The road realignment through the Subject Property will necessitate the removal of the office building on the Landmark Land.

The County Land is the site of the Baileys Crossroads Community Shelter ("Shelter"), identified in the adopted Capital Improvements Plan ("CIP") for reconstruction. In addition, the CIP identifies a need for a number of community services, currently housed in leased space in the area, to be consolidated into County-owned space in an East County Human Services Center ("ECHSC"), which could be constructed on the future County office site.

AvalonBay will seek rezoning of the Subject Property to permit the construction of a residential mid-rise apartment development of approximately 375 dwelling units, a future County office building, which may house the ECHSC, and the connection to Seminary Road. As proposed, the residential development would be located on the western portion of the site, fronting Moncure Avenue. The County office building would be located on the eastern portion of the site, fronting on the new road (the first phase of the connection to Seminary Road envisioned by the Comprehensive Plan).

The initial step in this process is for the County to purchase the Landmark Land (Area C shown on Attachment 1) to effectuate the first phase of the road network envisioned by the Comprehensive Plan and to allow for development of the entire site in a more comprehensive, cost effective manner. After purchase of the Landmark Land, the County's holdings will total approximately 2.93 acres (Areas A and C). The second step is for the County and AvalonBay, through the REEA, to exchange an equal amount of real estate such that AvalonBay's property is located on the western side of the site (Areas A and B1) and the County's property is consolidated on the eastern side of the site (Areas B2 and C). The REEA will provide for common infrastructure and rezoning costs to be shared between the County and AvalonBay.

The REEA will not require the County to move forward with any specific development of the future County office site, such as, for example, the ECHSC; any such design and construction will be subject to future Board approval. The Shelter on the County Land will be relocated to another site in the area prior to the AvalonBay residential development. The design and construction of both the temporary and permanent locations of the Shelter will also be subject to future Board approval.

Major terms of the Purchase Agreement with Landmark are as follows:

1. Purchase of the Landmark Land (Area C shown on Attachment 1) for a total of \$6,600,000; \$ 6,350,000 of which will be paid by the County and \$250,000 of which will be paid by AvalonBay pursuant to the REEA.
2. The purchase is contingent upon approval of the joint rezoning application to be pursued by AvalonBay.
3. Provided that the building on the Landmark Land is vacant, the County is prepared to close on this transaction within 30 days after approval. At closing, the existing lease of a County-sponsored dental clinic located within the existing Landmark building will terminate, and all rent will abate (which would otherwise be the County's responsibility through June 30, 2018).

Major terms of the REEA with AvalonBay are as follows:

1. Exchange of the County Land (Area A shown on Attachment 1) for approximately 1.49 acres of the Avalon Land (Area B2 shown on Attachment 1).
2. Closing on this exchange is contingent upon approval of the joint rezoning application to be pursued by AvalonBay, which shall not be later than July 1, 2017.
3. AvalonBay will place an \$800,000 deposit in escrow which will be forfeited in the event of a default on the REEA by AvalonBay.

The full text of the Purchase Agreement with Landmark and the REEA with AvalonBay are available online at: <http://www.fcrevite.com/SEQDocuments.pdf>

FISCAL IMPACT:

The County will pay \$6,350,000 to purchase the Landmark Land with an estimated \$880,000 in additional funds required for the demolition of the office building currently on the Landmark Land. Total funding is available in Fund 40010, County and Regional Transportation Projects, in the amount of \$7,230,000 for the property as Right of Way (ROW) acquisition for a future street connection between Columbia Pike and Seminary Road. Transportation staff will return to the Board in February 2016 to request this authorization, and the funding will formally be moved as part of the FY 2016 Carryover Review.

The County's share of the rezoning and common infrastructure costs to support the Development Agreement with AvalonBay will be approximately \$147,000. Funding is available to authorize the Development Agreement in Fund 30010, General Construction and Contributions, Project 2G25-085-000, Public Private Partnership Development.

The estimated cost for the relocation of the Shelter to a temporary location will be \$2,100,000. Funds are available in the amount of \$1,100,000 in Fund 30010, General

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Construction and Contributions, Project HS-000013, Bailey's Homeless Shelter. The additional \$1,000,000 will be reallocated from balances available in Project HS-000005, Merrifield Center, as part of the FY 2016 Third Quarter Review.

ENCLOSED DOCUMENTS:

Attachment 1: Approximate land areas of ownership on the Subject Property

The full text of the Purchase Agreement with Landmark and the REEA with AvalonBay are available online at: <http://www.fcrevite.com/SEQDocuments.pdf>

STAFF:

Robert A. Stalzer, Deputy County Executive

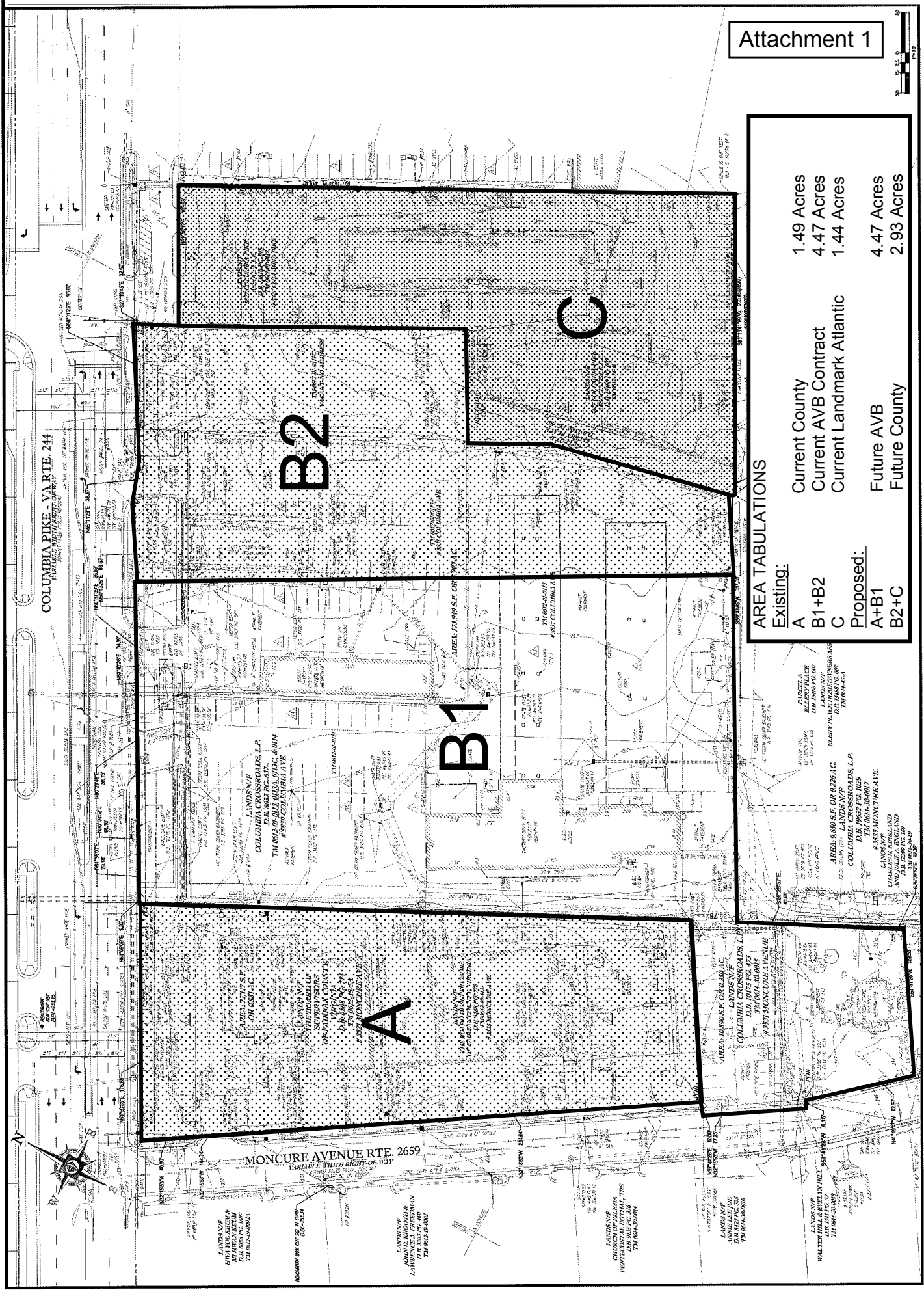
Alan Weiss, Office of the County Attorney

James Patterson, Department of Public Works and Environmental Services

Barbara Byron, Office of Community Revitalization

Katayoon Shaya, Department of Public Works and Environmental Services

Tracy Strunk, Office of Community Revitalization



AREA TABULATIONS

Existing:

A	1.49 Acres
B1+B2	4.47 Acres
C	1.44 Acres
Proposed:	
A+B1	4.47 Acres
B2+C	2.93 Acres

Current County
Current AVB Contract
Current Landmark Atlantic

Future AVB
Future County

Board Agenda Item
February 2, 2016

3:30 p.m.

Public Hearing on SEA 79-D-071-02 (The Tea Center, LLC) to Amend SE 79-D-071
Previously Approved for a Private Club to Permit a Child Care Center and
Associated Modifications to Site Design and Development Conditions, Located on
Approximately 3.00 Acres of Land Zoned R-1 (Dranesville District)

This property is located at 999 Balls Hill Road McLean 22101. Tax Map 21-3 ((1))
66B

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, December 9, 2015, the Planning Commission voted 9-0-3
(Commissioners Hurley, Migliaccio, and Strandlie abstained from the vote) to
recommend the following actions to the Board of Supervisors:

- Approval of SEA 79-D-071-02, subject to Development Conditions dated November 30, 2015;
- Approval of a modification of the peripheral parking lot landscaping requirement along the Balls Hill Road frontage of the application property in favor of the existing landscape, as shown on the SEA Plat; and
- Approval of a modification of the transitional screening and barrier requirements along the southern property line in favor of the existing conditions, as shown on the SEA Plat.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4505926.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Mike Van Atta, Planner, DPZ

SEA 79-D-071-02 – THE TEA CENTER, LLC

Decision Only During Commission Matters
(Public Hearing held on November 19, 2015)

Commissioner Ulfelder: Thank you, Mr. Chairman. I have a decision only this evening involving a Special Exception application for a before- and after-school program in the Dranesville District for The Tea Center, LLC. Would the applicant and her representative come on down? If you will recall, at the public hearing some questions were raised about the provisions proposed – development conditions concerning the – how the school could be expanded from between 40 to 70 students. And there was expressed in the original proposed development conditions a – sort of an administrative process combined with a full operational traffic study analysis. After taking a look at that, after – at the suggestion of Commissioner Hart checking with the County Attorney's Office, it was determined that that raised some serious questions and we have revised the conditions to eliminate that. So, now what we're looking at is an application with a set of proposed development conditions that would allow a program for up to 40 students. And that's reflected in - without the additional expansion and – so that if in the future the applicant decides she wants to expand, she would have to come back with a Special Exception Amendment and would likely be required still to have the traffic analysis as part of that process. We've also cleaned up a couple of the other conditions in the proposed development conditions. So with that, I first would like to ask the applicant or her representative as to whether they would confirm for the record that you're in agreement with the proposed development conditions now dated November 30th, 2015.

Jane Kelsey, Esquire, Applicant's Agent, Jane Kelsey & Associates, Inc.: Jane Kelsey, representing the applicant. I will ask Ms. Mendis to respond to that, please.

Commissioner Ulfelder: Okay, thank you.

Mayosha H. Mendis, Applicant: Yes.

Commissioner Ulfelder: Okay, fine. Thank you very much. With that Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 79-D-071-02, SUBJECT TO DEVELOPMENT CONDITIONS DATED NOVEMBER 30TH, 2015.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SEA 79-D-071-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. –

Commissioner Hurley: Mr. – Mr. Chairman, I need to abstain. I was not present for the public hearing.

Chairman Murphy: All right.

Commissioner Migliaccio: The same –

Chairman Murphy: Okay, Mr. Migliaccio and Ms. Hurley abstain; not present for the public hearing.

Commissioner Strandlie: Mr. Chairman?

Chairman Murphy: Yes.

Commissioner Strandlie: I was also not here – not here.

Chairman Murphy: I'm sorry?

Commissioner Strandlie: I also would like to abstain. I was not here for the hearing on November 19th.

Chairman Murphy: Okay, three abstentions.

Commissioner Ulfelder: Just before Thanksgiving.

Chairman Murphy: Mr. Ulfelder.

Commissioner Ulfelder: I also MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE FOLLOWING MODIFICATIONS:

- MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENT ALONG THE BALLS HILL ROAD FRONTAGE OF THE APPLICATION PROPERTY IN FAVOR OF THE EXISTING LANDSCAPE, AS SHOWN ON THE SEA PLAT; AND
- MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS ALONG THE SOUTHERN PROPERTY LINE IN FAVOR OF THE EXISTING CONDITIONS, AS SHOWN ON THE SEA PLAT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Discussion of that motion? All those in favor of the motion as articulated by Mr. Ulfelder, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries, same abstentions.

//

(Each motion carried by a vote of 9-0-3. Commissioners Hurley, Migliaccio, and Strandlie abstained from the vote.)

JN

Board Agenda Item
February 2, 2016

3:30 p.m.

Public Hearing on SEA 87-L-012-02 (R Joun Enterprise LLC, Roland Joun, Trustee and Maria Joun, Trustee) to Amend SE 87-L-012 Previously Approved for a Service Station and Quick Service Food Store to Permit Site Modifications and Modification to the Development Conditions, Located on Approximately 30,476 Square Feet of Land Zoned C-6, HC, SC, and CRD (Lee District)

This property is located at 6703 Backlick Road, Springfield, 22150. Tax Map 90-2 ((1)) 25A and 25B.

This public hearing was deferred by the Board of Supervisors from the January 12, 2016 meeting to February 2, 2016 at 3:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 10, 2015, the Planning Commission voted 11-0 (Commissioner Lawrence was absent from the meeting) to recommend to the Board of Supervisors approval of SEA 87-L-012-02, subject to the Development Conditions dated December 9, 2015, with the following revisions:

- Removal of the last sentence in Condition 12;
- Revise Condition 13 as follows: "The development shall consist of two phases. Phase I improvements shall consist of those improvements listed in Development Conditions 18, 19, 20, 21, 23, and 28 below. Phase II shall consist of the installation of two exterior auto lifts, as show on the SEA Plat. Phase II shall not be constructed until all improvements listed in Phase I have been completed. The exterior auto lifts shall require any applicable site plan and permit approvals prior to their installation"; and
- The addition of the following Condition: "To reduce noise levels associated with any impact guns for outdoor vehicle service, the employees of the service station shall use Quiet Gun Impact Guns during outdoor vehicle service."

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4508279.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Mike Van Atta, Planner, DPZ

SEA 87-L-012-02 – R JOUN ENTERPRISE LLC; ROLAND JOUN, TRUSTEE & MARIA JOUN, TRUSTEE

Decision Only During Commission Matters
(Public Hearing Held on December 9, 2015)

Commissioner Migliaccio: Thank you Mr. Chairman. Last night we held a public hearing on an SEA for a service station on Backlick Road in the Springfield CRD. Unlike most cases in Lee District, this application had speakers. While these speakers did not participate through the well-established Lee District community land use process, it does not discount the land use concerns they raised as a neighbor to the service station. My hope is that through the new development conditions before the Planning Commission, we are able to address many of those concerns. What we are not able to address is the sincerity of the applicant to follow through on these conditions or any past personal issues not land use related. The applicant is fully aware that his gas station is under scrutiny by his neighbor and is fully expected to live up to these development conditions. That is why the outdoor lifts, which have caused the greatest concern, are conditioned to only go in after all other development conditions listed in Phase One are implemented. Other conditions address the parking issue with new striping of spaces, signage directing customers to park onsite and not in adjacent lots, and the extra pavement on the site, will allow for a drive aisle to better circulate vehicles, provided all others are properly parked. I believe that this path forward is the best route to bring the applicant into compliance and to give all a so-called clean slate moving forward. The Lee District Land Use Advisory Committee also believes this and voted 19-0-1 to pursue this path. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SEA 87-L-012-02, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED DECEMBER 9, 2015, WITH THE FOLLOWING REVISIONS –

Chairman Murphy: Hold on a minute. Do you want to bring up the applicant?

Commissioner Migliaccio: After, Mr. Chairman, after I –

Chairman Murphy: Okay.

Commissioner Migliaccio: – read my revision; REMOVAL OF THE LAST SENTENCE IN CONDITION 12; REVISE CONDITION 13 TO STATE “THE DEVELOPMENT SHALL CONSIST OF TWO PHASES. PHASE I IMPROVEMENTS SHALL CONSIST OF THOSE IMPROVEMENTS LISTED IN DEVELOPMENT CONDITIONS 18, 19, 20, 21, 23, AND 28 BELOW. PHASE II SHALL CONSIST OF THE INSTALLATION OF TWO EXTERIOR AUTO LIFTS, AS SHOW ON THE SEA PLAT. PHASE II SHALL NOT BE CONSTRUCTED UNTIL ALL IMPROVEMENTS LISTED IN PHASE I HAVE BEEN COMPLETED. THE EXTERIOR AUTO LIFTS SHALL REQUIRE ANY APPLICABLE SITE PLAN AND PERMIT APPROVALS PRIOR TO THEIR INSTALLATION”; AND THE ADDITION OF THE FOLLOWING CONDITION: TO REDUCE NOISE LEVELS ASSOCIATED WITH ANY IMPACT GUNS FOR OUTDOOR VEHICLE SERVICE, THE EMPLOYEES OF THE

SERVICE STATION SHALL USE QUIET GUN IMPACT GUNS DURING OUTDOOR VEHICLE SERVICE.

Commissioner Sargeant: Second.

Commissioner Migliaccio: Thank you, and can I get the applicant to come down, please.

Roland Joun, Applicant: Yes, my name is Roland Joun.

Commissioner Migliaccio: Did you have a chance to read the development conditions and understand the development conditions that I just revised? And do you agree to abide by these?

Mr. Joun: Yes, I do.

Commissioner Migliaccio: Thank you.

Chairman Murphy: Would you state your name for the record please?

Mr. Joun: My name is Roland G. Joun. J-O-U-N.

Chairman Murphy: Thank you very much. That motion was seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the board of supervisors that it approve SEA 87-L-012-02, subject to development conditions as amended tonight by Mr. Migliaccio, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 11-0. Commissioner Lawrence was absent from the meeting.)

JN

Board Agenda Item
February 2, 2016

3:30 p.m.

Public Hearing on SE 2015-HM-024 (Metropolitan Washington Airports Authority and The Virginia Department of Rail And Public Transportation on Behalf of the Washington Metropolitan Area Transit Authority and The Board of Supervisors of Fairfax County) to Permit Electrically-Powered Regional Rail Transit Facilities, Located on Approximately 1.69 Acres of Land Zoned PRC (Hunter Mill District) (Concurrent with PRC 86-C-121-05)

and

Public Hearing on PRC 86-C-121-05 (Metropolitan Washington Airports Authority and The Virginia Department of Rail And Public Transportation on Behalf of the Washington Metropolitan Area Transit Authority and The Board of Supervisors of Fairfax County) to Permit Electrically-Powered Regional Rail Transit Facilities, Located on Approximately 1.69 Acres of Land Zoned PRC(Hunter Mill District) (Concurrent with SE 2015-HM-024)

This property is located approximately 1,200 Feet West of its Intersection with Reston Parkway on the South Side of Sunset Hills Road. Proposed Tax Map 17-3 ((1)) 35C, Formerly Part of 17-3 ((1)) 35B.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, January 13, 2016, the Planning Commission voted 9-0-1 (Commissioner Keys-Gamarra abstained; Commissioner Hurley was not present for the vote; and Commissioner Migliaccio was absent from the meeting) to recommend to the Board of Supervisors approval of SE 2015-HM-024 and PRC 86-C-121-05, subject the proposed Development Conditions, dated December 30, 2015.

In a related action, On Wednesday, January 13, 2016, the Planning Commission voted 9-0-1 (Commissioner Keys-Gamarra abstained; Commissioner Hurley was not present for the vote; and Commissioner Migliaccio was absent from the meeting) to approve 2232-H15-10, as amended.

The Planning Commission noted that the application satisfies the criteria of location, character, and extent as specified in Section 15-2-2232 of the *Code of Virginia*, as amended, and that it is in substantial accord with the Comprehensive Plan.

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ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4511218.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Mary Ann Tsai, Planner, DPZ

PRC 86-C-121-05/SE 2015-HM-025/2232-H15-10 – VIRGINIA DEPARTMENT OF RAIL
AND PUBLIC TRANSPORTATION (VDRPT) O/B/O THE METROPOLITAN
WASHINGTON AIRPORTS AUTHORITY (MWAA) & THE BOARD OF SUPERVISORS
OF FAIRFAX COUNTY, VIRGINIA

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. de la Fe.

Commissioner de la Fe: Thank you very much, Mr. Chairman. This - these multiple applications are primarily to clear the way legally for the Reston Towne Center north entrance up to the Silver Line, which is under construction already, and we need take these actions in order to, you know, for that to proceed. Could – Mr. Chairman, could I have the applicant's representative please step forward?

Chairman Murphy: Mr. McBride?

Commissioner de la Fe: Mr. McBride, do you – could you confirm for the record agreement to the proposed SE and PRC development conditions that are both dated December 30th, 2015?

John McBride, Applicant's Agent, Odin, Feldman & Pittleman P.C.: Yes, we do agree.

Commissioner de la Fe: Thank you very much. Thank you very much. Mr. Chairman, I CONCUR WITH THE STAFF'S CONCLUSION THAT THE PROPOSED ELECTRICALLY POWERED REGIONAL RAIL TRANSIT FACILITY SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT AS SPECIFIED IN SECTION 15-2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED, AND THAT IT IS IN SUBSTANTIAL ACCORD WITH THE COMPREHENSIVE PLAN, AND I MOVE THE PLANNING COMMISSION APPROVE THIS 2232.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to approve 2232-H15-10, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. de la Fe.

Commissioner de la Fe: Mr. Chairman, I move that the planning Commission – oh right there – I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-HM-024 AND PRC 86-C-121-05, SUBJECT THE PROPOSED SE AND PRC DEVELOPMENT CONDITIONS, DATED DECEMBER 30TH, 2015.

Commissioner Lawrence: Second.

Chairman Murphy: Seconded by Mr. Lawrence. Is there a discussion of the motion? All those in favor of the motion to approve SE 2015-HM-024 and PRC 86-C-121-05, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Ms. Gamarra, did you want to abstain on them?

Commissioner Keys-Gamarra: Yes.

Chairman Murphy: All right, please note that Ms. Gamarra's abstaining on all these motions, okay? All those in favor, say aye. Opposed? Motion carries.

//

(The motion carried by a vote of 9-0-1. Commissioner Keys-Gamarra abstained. Commissioner Hurley was not present for the vote. Commissioner Migliaccio was absent from the meeting.)

TMW

Board Agenda Item
February 2, 2016

4:00 p.m.

Public Hearing to Consider Parking Restrictions on Hamaker Court (Providence District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Hamaker Court in the Providence District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment to Appendix R, of the Fairfax County Code, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Chapter 82 of the Fairfax County Code from parking on Hamaker Court from 6:00 p.m. to 9:00 a.m., seven days per week.

TIMING:

The public hearing was authorized on January 12, 2016, for February 2, 2016, at 4:00 p.m.

BACKGROUND:

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

Property managers representing all of the landowners along Hamaker Court sent a letter to the Providence District office requesting assistance to restrict long term parking of large out of the area vehicles on Hamaker Court to allow parking for their tenants and tenant's customers. They are specifically requesting a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the entire length of Hamaker Court from 6:00 p.m. to 9:00 a.m., seven days per week.

Staff has reviewed this area on several occasions over a period of time in excess of 30 days and verified that long term parking of large commercial vehicles, recreational vehicles, and trailers is occurring. Such long term parking results in a lack of parking for the customers and employees of the businesses located on this street.

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February 2, 2016

FISCAL IMPACT:

The cost of sign installation is estimated at \$800 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed amendment to Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction

STAFF:

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

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

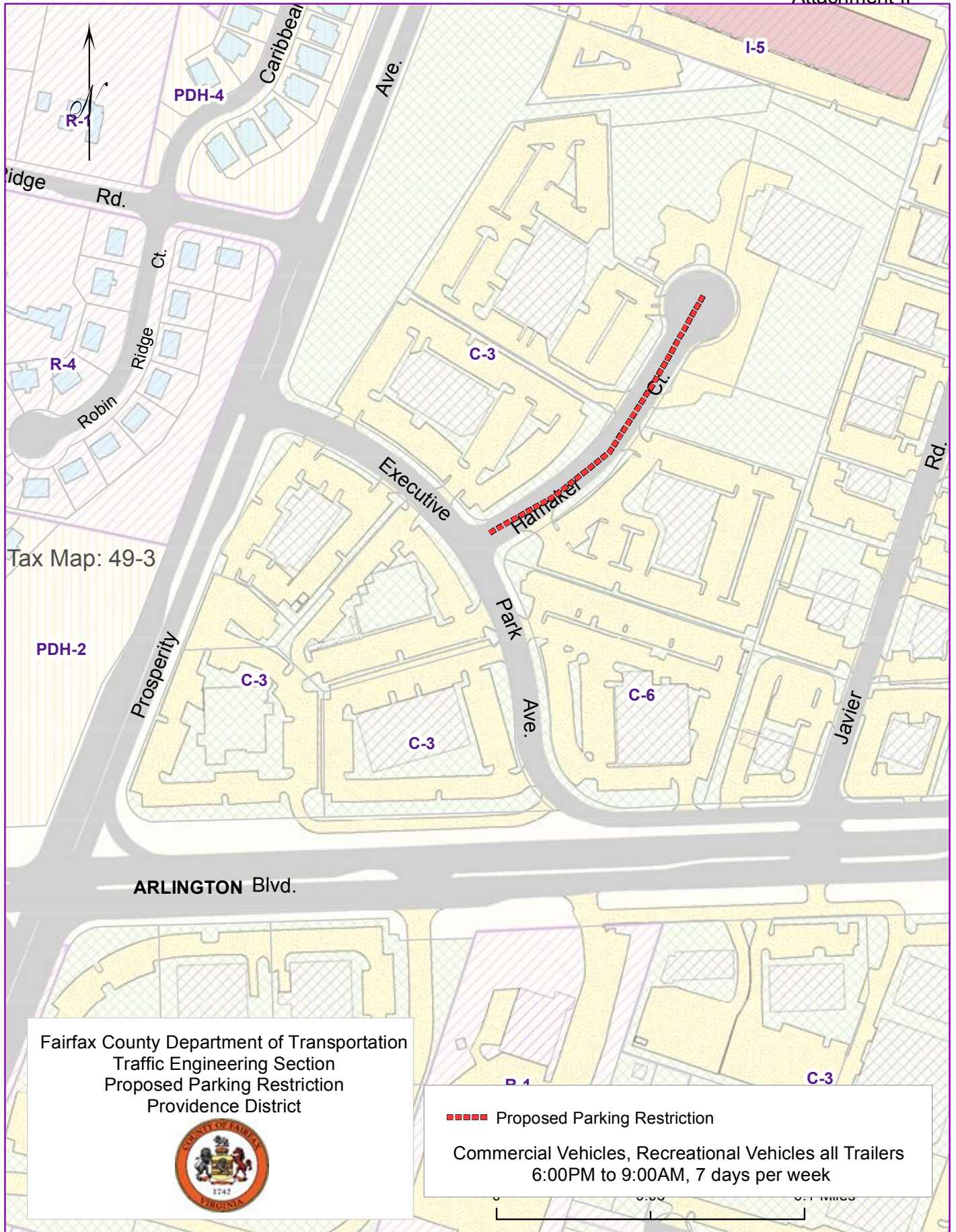
PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX R

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

Hamaker Court (Route 6993).

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



Board Agenda Item
February 2, 2016

4:00 p.m.

Public Hearing to Consider Parking Restrictions on Mariah Court (Sully District)

ISSUE:

Public hearing to consider a proposed amendment to Appendix R of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish parking restrictions on Mariah Court in the Sully District.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix R, of the Fairfax County Code, to prohibit commercial vehicles, recreational vehicles and all trailers as defined in Chapter 82 of the Fairfax County Code from parking on Mariah Court from 9:00 p.m. to 6:00 a.m., seven days per week.

TIMING:

The public hearing was authorized on January 12, 2016, for February 2, 2016, at 4:00 p.m.

BACKGROUND:

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

The Chantilly Corporate Center Condominium Owners Association and property owners of various parcels along Mariah Court contacted the Sully District office seeking assistance to restrict long term parking of large out of the area vehicles on Mariah Court. They are specifically requesting a parking restriction for all commercial vehicles, recreational vehicles, and all trailers along the entire length of Mariah Court from 9:00 p.m. to 6:00 a.m., seven days per week.

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

Board Agenda Item
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FISCAL IMPACT:

The cost of sign installation is estimated at \$800 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed amendment to Fairfax County Code, Appendix R (General Parking Restrictions)

Attachment II: Area Map of Proposed Parking Restriction

STAFF:

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

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

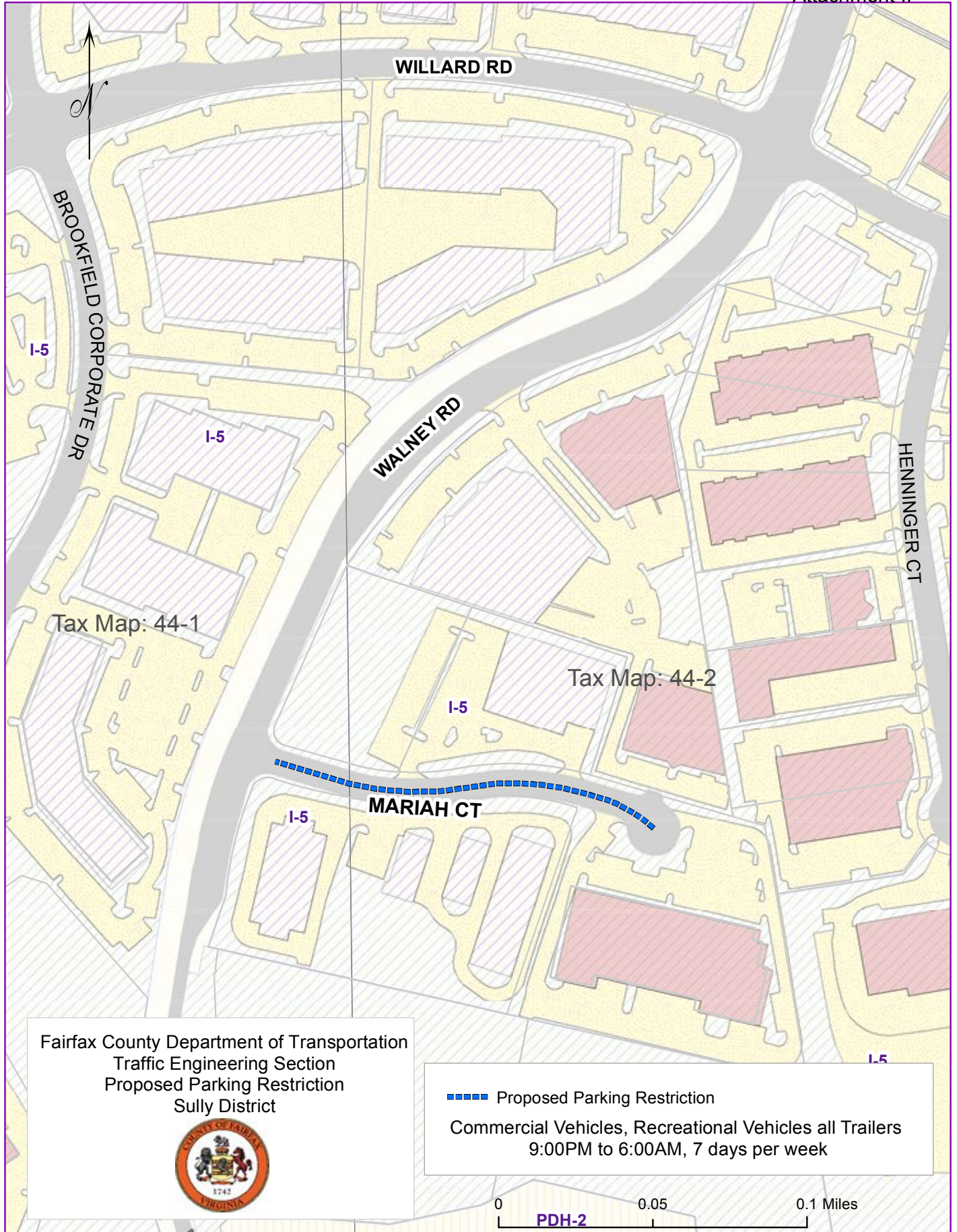
PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA
APPENDIX R

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

Mariah Court (Route 8313).

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



Board Agenda Item
February 2, 2016

4:00 p.m.

Public Hearing on Proposed Amendments to the Public Facilities Manual Re: National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Rainfall Data

ISSUE:

Board of Supervisors' adoption of proposed amendments to Chapter 6 (Storm Drainage) and Chapter 13 (PFM Structure, Interpretations, Definitions, Abbreviations, and Unit Conversion Tables) of the Public Facilities Manual (PFM) related to National Oceanic and Atmospheric Administration (NOAA) Atlas 14 rainfall data. The proposed amendments are necessary to utilize the latest and most comprehensive rainfall data available in the design of storm drainage facilities, floodplain determinations, and adequate outfall determinations.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, December 9, 2015, the Planning Commission voted 12-0, with all members present and voting, to recommend that the Board adopt the proposed amendments as set forth in the Staff Report dated November 17, 2015, with the revision in Attachment 2 dated December 9, 2015.

RECOMMENDATION:

The County Executive recommends that the Board adopt the proposed amendments as set forth in the Staff Report dated November 17, 2015, with the revision in Attachment 2 dated December 9, 2015, as recommended by the Planning Commission.

The proposed amendments to the PFM have been prepared by the Department of Public Works and Environmental Services (DPWES) and coordinated with the Office of the County Attorney. The proposed amendments have been recommended for approval by the Engineering Standards Review Committee.

TIMING:

Board action is requested on February 2, 2016. On November 17, 2015, the Board authorized the advertising of public hearings. The Planning Commission held a public hearing on December 9, 2015. The amendments will become effective at 12:01 a.m. on February 3, 2016.

BACKGROUND:

Rainfall intensity, duration, amount, and frequency data is used in the design of storm sewers, ditches, channels, inlets, and stormwater management systems including detention and water quality control facilities. Rainfall data is also used to determine flows in streams to calculate floodplain limits and the adequacy of stormwater outfalls. The data in NOAA Atlas 14 *Precipitation-Frequency Atlas of the United States* (NOAA Atlas 14) supersedes the data in Weather Bureau Technical Paper No. 40 *Rainfall Frequency Atlas of the United States* (TP-40) and National Weather Service (NWS) NOAA Technical Memorandum NWS Hydro-35 *Five- to 60-Minute Precipitation Frequency for the Eastern and Central United States* (Hydro-35) rainfall atlases that were published in 1961 and 1977, respectively. NOAA Atlas 14 is based on more recent and extended data sets, currently accepted statistical approaches, and improved mapping techniques. The rainfall data in the PFM, which is based on TP-40 and Hydro-35 rainfall atlases, needs to be updated to reflect the best available data. Additionally, use of NOAA Atlas 14 rainfall data is required under the County's Stormwater Management Ordinance for the 24-hour duration design storms specified in the ordinance. Pursuant to a May 6, 2014, Technical Bulletin from the Department of Public Works and Environmental Services (DPWES) the industry was advised of the requirement to use NOAA Atlas 14 rainfall data and, since that date, has been using the NOAA Atlas 14 data to design stormwater management facilities.

NOAA Atlas 14 rainfall data is available for three weather stations in or near the County. While it is true that rainfall intensities and amounts can vary significantly at different locations for a given storm event, statistically, rainfall intensities and amounts for the design storms used for engineering analysis in the PFM are similar at all three stations. Therefore, for consistency and ease of application, DPWES staff determined that data from only the Vienna Tysons Corner station should be used in the PFM. The Vienna Tysons Corner station was selected because it is the most centrally located and therefore most representative of long term statistics for the County as a whole. It is also the most conservative (i.e. has the highest value) of the three stations for 100-year 24-hour rainfall amounts.

Most computer software that performs hydrologic computations available from both federal government and private sector sources has been updated to incorporate NOAA Atlas 14 rainfall data. NOAA Atlas 14 rainfall data is distributed online through NOAA's Precipitation Frequency Data Server.

PROPOSED AMENDMENTS:

Using NOAA Atlas 14 rainfall data from the Vienna Tysons Corner Station, the proposed amendments update tables, plates, and example problems in the PFM. This update also includes several new plates, the deletion of several existing plates, and some

Board Agenda Item
February 2, 2016

additional explanatory material for the acceptable hydrologic methods included in the PFM. Portions of the new rainfall intensity-duration-frequency curves in PFM plates 3A-6 and 3B-6 were generated using regression equations, based on NOAA Atlas 14 data, from the Virginia Department of Transportation (VDOT) Drainage Manual.

REGULATORY IMPACT:

No new regulatory requirements are proposed. A small number of existing floodplain studies must be reviewed prior to using flood elevations and boundaries from those studies for design and regulatory purposes to determine if revisions to the studies are needed. This will occur during the normal development review process as plans are submitted for approval. The floodplain studies that were performed to determine the floodplain limits and elevations of Special Flood Hazard areas depicted on Federal Emergency Management Agency (FEMA) maps are not impacted by the NOAA Atlas 14 data.

FISCAL IMPACT:

There is no fiscal impact to the County. Due to greater 100-year storm rainfall amounts, new stormwater management ponds will need to be slightly larger (height or footprint) resulting in increased construction costs.

ENCLOSED DOCUMENTS:

Attachment 1 – Staff Report Dated November 17, 2015

Attachment 2 – Revision to Advertised Amendments Dated December 9, 2015

Attachment 3 – Planning Commission Verbatim December 9, 2015

STAFF:

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

William D. Hicks, P.E., Director, Land Development Services, DPWES

DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

STAFF REPORT

- ☐ PROPOSED COUNTY CODE AMENDMENT
- ☒ PROPOSED PFM AMENDMENT
- ☐ APPEAL OF DECISION
- ☐ WAIVER REQUEST

Proposed Amendments to the Public Facilities Manual Re: National Oceanic and Atmospheric Administration (NOAA) Atlas 14 Rainfall Data

Authorization to Advertise	November 17, 2015
Planning Commission Hearing	December 9, 2015
Board of Supervisors Hearing	February 2, 2016
Prepared by:	Code Development and Compliance Division JAF (703) 324-1780 November 17, 2015

STAFF REPORT

A. Issues:

Proposed amendments to Chapter 6 (Storm Drainage) and Chapter 13 (PFM Structure, Interpretations, Definitions, Abbreviations, and Unit Conversion Tables) of the Public Facilities Manual (PFM) related to National Oceanic and Atmospheric Administration (NOAA) Atlas 14 rainfall data. The proposed amendments are necessary to utilize the latest and most comprehensive rainfall data available in the design of storm drainage facilities, floodplain determinations, and adequate outfall determinations.

B. Recommended Action:

Staff recommends that the Board of Supervisors (the Board) adopt the proposed amendments to Chapter 6 (Storm Drainage) and Chapter 13 (PFM Structure, Interpretations, Definitions, Abbreviations, and Unit Conversion Tables) of the PFM.

C. Timing:

Board of Supervisors authorization to advertise – November 17, 2015

Planning Commission Public Hearing – December 9, 2015

Board of Supervisors Public Hearing – February 2, 2016

Effective Date – February 3, 2016 at 12:01 a.m.

D. Source:

Department of Public Works and Environmental Services (DPWES)

E. Coordination:

The proposed amendments to the PFM have been prepared by the Department of Public Works and Environmental Services and coordinated with the Office of the County Attorney. The proposed amendments have been recommended for approval by the Engineering Standards Review Committee.

F. Background:

Rainfall intensity, duration, amount, and frequency data is used in the design of storm sewers, ditches, channels, inlets, and stormwater management systems including detention and water quality control facilities. Rainfall data is also used to determine flows in streams to calculate floodplain limits and the adequacy of

stormwater outfalls. The data in NOAA Atlas 14 *Precipitation-Frequency Atlas of the United States* (NOAA Atlas 14) supersedes the data in Weather Bureau Technical Paper No. 40 *Rainfall Frequency Atlas of the United States* (TP-40) and National Weather Service (NWS) NOAA Technical Memorandum NWS Hydro-35 *Five- to 60-Minute Precipitation Frequency for the Eastern and Central United States* (Hydro-35) rainfall atlases that were published in 1961 and 1977, respectively. NOAA Atlas 14 is based on more recent and extended data sets, currently accepted statistical approaches, and improved mapping techniques. The rainfall data in the PFM, which is based on TP-40 and Hydro-35 rainfall atlases, needs to be updated to reflect the best available data. Additionally, use of NOAA Atlas 14 rainfall data is required under the County's Stormwater Management Ordinance for the 24-hour duration design storms specified in the ordinance. Pursuant to a May 6, 2014, Technical Bulletin from DPWES the industry was advised of the requirement to use NOAA Atlas 14 rainfall data and, since that date, has been using the NOAA Atlas 14 data to design stormwater management facilities.

NOAA Atlas 14 rainfall data is available for three weather stations in or near the County. While it is true that rainfall intensities and amounts can vary significantly at different locations for a given storm event, statistically, rainfall intensities and amounts for the design storms used for engineering analysis in the PFM are similar at all three stations. Therefore, for consistency and ease of application, DPWES staff determined that data from only the Vienna Tysons Corner station should be used in the PFM. The Vienna Tysons Corner station was selected because it is the most centrally located and therefore most representative of long term statistics for the County as a whole. It is also the most conservative (i.e. has the highest value) of the three stations for 100-year 24-hour rainfall amounts.

Most computer software that performs hydrologic computations available from both federal government and private sector sources has been updated to incorporate NOAA Atlas 14 rainfall data. NOAA Atlas 14 rainfall data is distributed online through NOAA's Precipitation Frequency Data Server.

G. Proposed Amendments

Using NOAA Atlas 14 rainfall data from the Vienna Tysons Corner Station, the proposed amendments update tables, plates, and example problems in the PFM. This update also includes several new plates, the deletion of several existing plates, and some additional explanatory material for the acceptable hydrologic methods included in the PFM. Portions of the new rainfall intensity-duration-frequency curves in PFM Plates 3A-6 and 3B-6 were generated using regression equations, based on NOAA Atlas 14 data, from the Virginia Department of Transportation (VDOT) Drainage Manual.

H. Regulatory Impact:

No new regulatory requirements are proposed. A small number of existing floodplain studies must be reviewed prior to using flood elevations and boundaries from those studies for design and regulatory purposes to determine if revisions to the studies are needed. This will occur during the normal development review process as plans are submitted for approval. The floodplain studies that were performed to determine the floodplain limits and elevations of Special Flood Hazard areas depicted on Federal Emergency Management Agency (FEMA) maps are not impacted by the NOAA Atlas 14 data.

I. Fiscal Impact:

There is no fiscal impact to the County. Due to greater 100-year storm rainfall amounts, new stormwater management ponds will need to be slightly larger (height or footprint) resulting in increased construction costs.

J. Attached Documents:

Attachment A – Amendments to Chapter 6 (Storm Drainage)

Attachment B – Amendments to Chapter 13 (PFM Structure, Interpretations, Definitions, Abbreviations, and Unit Conversion Tables)

**Proposed Amendments to Chapter 6 (Storm Drainage)
of
The Fairfax County Public Facilities Manual**

Amend §6-0800 (Hydrologic Design), subsection 6-0802 (NRCS Hydrology) by revising it to read as follows:

NRCS Hydrology consists of Technical Release Number 20 (TR-20), ~~and Technical Release Number 55 (TR-55), NRCS National Engineering Handbook (NEH) Part 630, and associated software applications including the COE HEC-1 and HEC-HMS software, NRCS applications.~~ This hydrology is preferred and acceptable for all applications except where prior floodplain studies for adopted floodplains used the Anderson Formula. Supplemental Curve Number (CN) values developed for certain runoff reduction practices are provided herein. The NOAA C 24-hour rainfall distribution shall be used with NRCS Hydrology (Plates 47A-6, 47B-6, & 48-6).

Amend §6-0800 (Hydrologic Design), subsection 6-0803 (Rational Formula) by revising the introductory paragraph to read as follows:

The Rational Formula, $Q = C_f CIA$, is acceptable for the determination of peak flows for drainage areas of 200 acres and under, except it is not authorized for designing detention/retention facilities with drainage areas greater than 20 acres. The Rational Formula (i.e. Modified Rational Method) may be used for the design of detention/retention facilities of 20 acres and less provided that the "C" factor for unimproved areas does not exceed 0.15 on storm frequencies of 2 years or less and the facility is in full compliance with all other requirements of § 6-1600 et seq. The product of $C_f \times C$ should not exceed 1.0.

Q = Rate of runoff (cfs)

C_f = Correction Factor for ground saturation

C = Runoff Coefficient (ratio of runoff to rainfall)

I = Rainfall Intensity (in./hr.)

A = Area of drainage basin (acres)

C_f Values

1.0 - 10-year or less

1.1 - 25-year

1.2 - 50-year

1.25 - 100-year

Amend §6-0800 (Hydrologic Design), subsection 6-0803 (Rational Formula) by revising paragraph 6-0803.2 to read as follows:

6-0803.2 Rainfall Intensity (I) shall be determined from the rainfall frequency curves shown in Plate 3A-6 or the table in Plate 3B-6 Table 6.6 (for incremental unit hydrograph). The 2-hour unit hydrographs in Table 6.6 and the 2-hour rainfall distributions in Table 6.18 shall be used for the design of detention facilities unless other unit hydrographs or rainfall distributions are

approved by the Director as appropriate for specific applications. When using the Modified Rational Method in determining the required storage volume for detention facilities, an iterative process is normally used to determine the critical storm duration and hydrograph that results in the maximum storage volume to be detained. For ease of application and uniformity in design of detention facilities, use of the unit hydrographs in Table 6.6 replaces that iterative process. The 10-year storm frequency shall be used to design the storm drains (minor drainage systems); the 100-year storm frequency shall be used to design the drainageways of the major drainage system.

Amend §6-0800 (Hydrologic Design), subsection 6-0805 (Other Hydrologies) by revising it to read as follows:

6-0805 Other Hydrologies.

It is recognized that there are many hydrologies available, especially in the form of computer software. Other hydrologies may be approved by the Director for specific applications provided it is demonstrated that the alternatives are appropriate for the purpose intended.

6-0806 Runoff Coefficients and Inlet Times (Table 6.5)

6-08056.1 The lowest range of runoff coefficients may be used for flat areas (areas where the majority of the grades are 2 percent and less).

6-08056.2 The average range of runoff coefficients should be used for intermediate areas (areas where the majority of the grades are from 2 percent to 5 percent).

6-08056.3 The highest range of runoff coefficients shall be used for steep areas (areas where the majority of the grades are greater than 5 percent), for cluster areas, and for development in clay soils areas.

6-08067 Incremental Unit Hydrograph – 1 Impervious Acre Inch of Runoff per Acre

Two-hour unit hydrographs for use with rational formula hydrology are presented in Table 6.6. To use the unit hydrographs, multiply the total rainfall amount (inches) in Table 6.19 for the 2-hour design storm by the rational formula runoff coefficient, including the correction factor for ground saturation, and drainage area (acres) to obtain the runoff volume in inches per acre. Multiply the runoff volume by the unit hydrograph values in Table 6.6 to generate the hydrograph values (cfs) for the design storm.

Amend §6-0800 (Hydrologic Design), Table 6.6 (Incremental Unit Hydrograph Intensities-Inches/Hour) by revising it to read as follows:

1

TIME (Minute)	$t_c=5$ Minute				$t_c=10$ Minute				$t_c=15$ Minute			
	2-YR	10-YR	25-YR	100-YR	2-YR	10-YR	25-YR	100-YR	2-YR	10-YR	25-YR	100-YR
—5	5.45	7.27	8.27	9.84	2.57	3.25	3.42	3.68	1.65	2.20	2.44	2.81
—10	3.51	4.68	5.34	6.37	4.60	5.92	6.77	8.10	3.18	4.24	5.92	5.99
—15	2.60	3.46	3.95	4.73	3.40	4.53	5.29	6.47	3.90	5.10	5.86	7.05
—20	2.08	2.77	3.15	3.74	2.36	3.14	3.65	4.44	3.27	4.36	4.88	5.69
—25	1.72	2.29	2.62	3.13	1.82	2.43	2.85	3.50	2.31	3.08	3.40	3.89
—30	1.46	1.94	2.23	2.65	1.49	1.99	2.33	2.86	1.76	2.34	2.66	3.17
—35	1.28	1.68	1.93	2.33	1.25	1.67	2.97	2.43	1.42	1.89	2.22	2.73
—40	1.10	1.47	1.70	2.07	1.06	1.41	1.71	2.17	1.17	1.56	1.89	2.40
—45	1.00	1.31	1.53	1.88	0.91	1.21	1.49	1.93	0.97	1.29	1.63	2.16
—50	0.89	1.18	1.38	1.69	0.78	1.04	1.33	1.78	0.80	1.07	1.42	1.98
—55	0.82	1.08	1.26	1.55	0.69	0.92	1.21	1.67	0.67	0.89	1.26	1.83
—60	0.74	0.99	1.16	1.42	0.60	0.80	1.10	1.58	0.55	0.73	1.10	1.68
—65	0.68	0.91	1.06	1.30	0.55	0.73	1.01	1.45	0.50	0.67	1.01	1.54
—70	0.62	0.83	0.97	1.18	0.50	0.67	0.92	1.32	0.46	0.61	0.92	1.40
—75	0.56	0.74	0.87	1.07	0.45	0.60	0.83	1.19	0.41	0.55	0.83	1.26
—80	0.49	0.66	0.77	0.95	0.40	0.53	0.73	1.05	0.37	0.49	0.73	1.12
—85	0.43	0.58	0.68	0.83	0.35	0.47	0.64	0.92	0.32	0.43	0.64	0.98
—90	0.37	0.50	0.58	0.71	0.30	0.40	0.55	0.79	0.28	0.37	0.55	0.84
—95	0.31	0.41	0.48	0.59	0.25	0.33	0.46	0.66	0.23	0.30	0.46	0.70
100	0.25	0.33	0.39	0.47	0.20	0.27	0.37	0.53	0.18	0.24	0.37	0.56
105	0.19	0.25	0.29	0.36	0.15	0.20	0.28	0.40	0.14	0.18	0.28	0.42
110	0.12	0.17	0.19	0.24	0.10	0.13	0.18	0.26	0.09	0.12	0.18	0.28
115	0.06	0.08	0.10	0.12	0.05	0.07	0.09	0.13	0.05	0.06	0.09	0.14
120	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2

1

TIME (Minute)	$t_c=20$ Minute				$t_c=25$ Minute				$t_c=30$ Minute			
	2-YR	10-YR	25-YR	100-YR	2-YR	10-YR	25-YR	100-YR	2-YR	10-YR	25-YR	100-YR
—5	1.49	1.98	1.77	1.43	0.96	1.28	1.16	0.98	0.60	0.80	0.87	0.97
—10	2.53	3.37	3.37	3.36	1.80	2.40	2.35	2.26	1.18	1.57	1.69	1.88
—15	3.15	4.20	4.64	5.33	2.44	3.25	3.46	3.79	1.74	2.32	2.51	2.80
—20	3.42	4.56	5.25	6.32	2.87	3.83	4.31	5.05	2.25	3.00	3.31	3.79
—25	3.12	4.16	4.55	5.15	3.02	4.03	4.70	5.75	2.64	3.52	3.99	4.73
—30	2.27	3.02	3.32	3.78	2.92	3.89	4.39	5.17	2.76	3.71	4.30	5.22
—35	1.67	2.22	2.54	3.03	2.51	3.35	3.60	3.99	2.61	3.48	3.99	4.78
—40	1.37	1.83	2.11	2.55	2.01	2.68	2.77	2.90	2.27	3.03	3.38	3.92
—45	1.19	1.58	1.83	2.23	1.54	2.05	2.14	2.28	1.87	2.49	2.70	3.04
—50	1.06	1.41	1.64	2.00	1.19	1.58	1.73	1.96	1.48	1.97	2.18	2.52
—55	0.95	1.27	1.50	1.87	0.97	1.29	1.48	1.77	1.19	1.58	1.82	2.20
—60	0.88	1.17	1.40	1.75	0.84	1.12	1.33	1.65	0.99	1.32	1.57	1.97
—65	0.81	1.07	1.28	1.60	0.77	1.03	1.22	1.51	0.91	1.21	1.44	1.81
—70	0.73	0.98	1.17	1.46	0.70	0.93	1.11	1.38	0.83	1.10	1.31	1.64
—75	0.66	0.88	1.05	1.31	0.63	0.84	1.00	1.24	0.74	0.99	1.18	1.48
—80	0.59	0.78	0.93	1.17	0.56	0.75	0.89	1.10	0.66	0.88	1.05	1.31
—85	0.51	0.68	0.82	1.02	0.49	0.65	0.78	0.96	0.58	0.77	0.92	1.15
—90	0.44	0.59	0.70	0.88	0.42	0.56	0.67	0.83	0.50	0.66	0.79	0.99
—95	0.37	0.49	0.58	0.73	0.35	0.47	0.55	0.69	0.41	0.55	0.65	0.82
100	0.29	0.39	0.47	0.58	0.28	0.37	0.44	0.55	0.33	0.44	0.52	0.66
105	0.22	0.29	0.35	0.44	0.21	0.28	0.33	0.41	0.25	0.33	0.39	0.49
110	0.15	0.20	0.23	0.29	0.14	0.19	0.22	0.28	0.17	0.22	0.26	0.33
115	0.07	0.10	0.12	0.15	0.07	0.09	0.11	0.14	0.08	0.11	0.13	0.16
120	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

2

1

Table 6.6 Incremental Unit Hydrograph CFS						
TIME (Minute)	<u>t_c=5 Minute</u>	<u>t_c=10 Minute</u>	<u>t_c=15 Minute</u>	<u>t_c=20 Minute</u>	<u>t_c=25 Minute</u>	<u>t_c=30 Minute</u>
5	2.451	1.103	0.754	0.540	0.359	0.259
10	1.582	2.127	1.579	1.003	0.714	0.505
15	1.171	1.638	1.805	1.353	1.036	0.749
20	0.934	1.132	1.506	1.517	1.275	0.984
25	0.775	0.881	1.052	1.328	1.382	1.179
30	0.658	0.721	0.819	0.969	1.299	1.262
35	0.574	0.608	0.676	0.735	1.075	1.176
40	0.502	0.525	0.571	0.610	0.833	1.002
45	0.453	0.456	0.488	0.530	0.643	0.807
50	0.407	0.403	0.421	0.473	0.515	0.649
55	0.373	0.365	0.367	0.432	0.436	0.537
60	0.341	0.329	0.317	0.401	0.389	0.460
65	0.313	0.301	0.290	0.368	0.357	0.422
70	0.285	0.275	0.265	0.335	0.325	0.384
75	0.256	0.247	0.238	0.301	0.292	0.345
80	0.227	0.219	0.212	0.268	0.260	0.307
85	0.199	0.192	0.185	0.234	0.227	0.269
90	0.171	0.164	0.160	0.201	0.195	0.231
95	0.142	0.137	0.132	0.168	0.162	0.191
100	0.114	0.110	0.105	0.133	0.129	0.153
105	0.086	0.083	0.080	0.100	0.097	0.115
110	0.057	0.054	0.052	0.067	0.065	0.077
115	0.028	0.027	0.027	0.034	0.032	0.038
120	0.000	0.000	0.000	0.000	0.000	0.000

2

Amend §6-1000 (Open Channels), subsections 6-1009 (Example – Paved Ditch Computations), 6-1010 (Example – Paved Ditch Computations), and 6-1011 (Example – Paved Ditch Computations) by revising them to read as follows:

6-1009 Example – Paved Roadside Ditch Computations.

Example based on the VDOT method for design of roadside ditches (See VDOT Drainage Manual). The Rational Formula is used to determine the flow in each ditch segment beginning with the most upstream segment and proceeding downstream. To calculate the flow in each successive downstream segment, the Rational Formula CA values from all the upstream segments are added to the CA value for the segment being analyzed. The rainfall intensity for the segment being analyzed is the lesser of the rainfall intensity for that segment or the rainfall intensity of the previous segment minus 0.1 in/hr. This is a simplifying assumption or approximation of the actual rainfall intensity that is used for computational efficiency. If the computed flow in any segment decreases from the previous segment, the flow is held at the higher value until the flow for the next segment increases. After computing the flows, determine the velocities, depth of flow, and the need for channel linings in accordance with § 6-1002. Given or assumed (values below vary with projects):

6-1009.1 $Q = CIA$

Where:

$C = 0.9$ for paved area

$C = 0.5$ for unpaved drainage area within normal rights-of-way

$C = 0.3$ for drainage area outside normal rights-of-way (ROW)

“ I ” is based on the 2-year rainfall curve with time of concentration dependent upon average width, grade and type of cover, (5 percent and average grass in this case).

$A = \frac{100 \times \text{Width Strip}}{43,560}$

Where:

A = area (acres)

Width Strip = width (ft.)

Length of ditch segment = 100 feet

6-1009.2 Typical Section: 24-foot pavement, road is crowned and 12 feet of pavement drains to ditch, ditch having 3:1 front slope and 2:1 back slope.

6-1009.3 (91-06-PFM) From “Virginia Erosion and Sediment Control Handbook,” Chapter 5, mostly silt loam with a short section of ordinary firm loam.

6-1009.4 (91-06-PFM) Allowable Velocity: From Table 5-22 in the “Virginia Erosion and Sediment Control” use 3 fps as permissible velocity for silt loam and 3.5 fps for ordinary firm loam.

6-1009.5 Normal right-of-way width = ~~440~~ 50 feet.

6-1009.6 Width Strip Drained: To be determined from cross-sections, aerial photographs, topographical sheets or field observation (to be measured from outside edge of pavement of the ROW to the nearest multiple of 10 feet).

6-1009.7 (61-98-PFM) Where vegetative linings are used, $n=0.050$ should be used and a velocity of 4 fps should be the upper permitted maximum.

6-1010 Example – Paved Roadside Ditch Computations (continued).

“C” “A” “CA” Values for 100 feet of ditch, using various widths and roughness factors.

		Col. 1 No Pavement	Col. 1 + 0.025* 12 ft. Pavement	Col. 1 + 0.050** 24 ft. Pavement	
$\frac{30 \times 100 \times 0.5}{43,560}$	=	0.035	0.060	0.085	*12 ft. Pavement Computations
$\frac{40 \times 100 \times 0.5}{43,560}$	=	0.046	0.071	0.096	$\frac{12 \times 100 \times 0.9}{43,560} = 0.025$
$\frac{60 \times 100 \times 0.48}{43,560}$	=	0.066	0.091	0.116	
$\frac{100 \times 100 \times 0.41}{43,560}$	=	0.094	0.119	0.144	**24 ft. Pavement Computations
$\frac{150 \times 100 \times 0.37}{43,560}$	=	0.128	0.153	0.178	$\frac{24 \times 100 \times 0.9}{43,560} = 0.050$
$\frac{200 \times 100 \times 0.35}{43,560}$	=	0.161	0.186	0.211	

Note: See § 6-1002 and VDOT Drainage Manual.

<u>Width of strip outside ROW</u>	<u>CA unpaved area outside ROW</u>		<u>CA unpaved area in ROW</u>		<u>CA pavement in ROW</u>	<u>CA Total</u>
<u>W</u>	$\frac{W \times 100 \times 0.3}{43,560}$		$\frac{13 \times 100 \times 0.5}{43,560}$		$\frac{12 \times 100 \times 0.9}{43,560}$	
<u>30</u>	<u>0.021</u>	+	<u>0.015</u>	+	<u>0.025</u>	= <u>0.061</u>
<u>40</u>	<u>0.028</u>	+	<u>0.015</u>	+	<u>0.025</u>	= <u>0.068</u>
<u>60</u>	<u>0.041</u>	+	<u>0.015</u>	+	<u>0.025</u>	= <u>0.081</u>
<u>100</u>	<u>0.069</u>	+	<u>0.015</u>	+	<u>0.025</u>	= <u>0.109</u>
<u>150</u>	<u>0.103</u>	+	<u>0.015</u>	+	<u>0.025</u>	= <u>0.143</u>
<u>200</u>	<u>0.138</u>	+	<u>0.015</u>	+	<u>0.025</u>	= <u>0.178</u>

From 2-year Curve – RAINFALL

Duration (minutes)	6	7	8	9	10	11	12	13	14	15
Intensity	4.8	4.6	4.4	4.3	4.1	4.0	3.9	3.7	3.6	3.5
	<u>5.0</u>	<u>4.7</u>	<u>4.5</u>	<u>4.4</u>	<u>4.2</u>			<u>3.8</u>		

Table 6.17 Time of Concentration to Use – Paved Ditch

30 ft.	Width Strip	t_c	6 minutes,	I 4.8 in./hr.
40 ft.	Width Strip	t_c	7 minutes,	I 4.6 in./hr.
60 ft.	Width Strip	t_c	9 minutes,	I 4.3 in./hr.
100 ft.	Width Strip	t_c	10 minutes,	I 4.1 in./hr.
150 ft.	Width Strip	t_c	12 minutes,	I 3.9 in./hr.
200 ft.	Width Strip	t_c	14 minutes,	I 3.6 in./hr.

Table 6.17 Time of Concentration to Use* – Roadside Ditch

<u>Width of strip outside ROW</u>	<u>Time of concentration (t_c)</u>	<u>Rainfall intensity (I)</u>
<u>feet</u>	<u>minutes</u>	<u>in./hr.</u>
<u>30</u>	<u>6</u>	<u>5.0</u>
<u>40</u>	<u>7</u>	<u>4.7</u>
<u>60</u>	<u>9</u>	<u>4.4</u>
<u>100</u>	<u>10</u>	<u>4.2</u>
<u>150</u>	<u>12</u>	<u>3.9</u>
<u>200</u>	<u>14</u>	<u>3.6</u>

* Time of Concentration is based on Plate 4-6.

6-1011 Example – Paved Roadside Ditch Computations (continued). Decrease “I” value 0.1 in./hr. for each additional 100 feet that water flows in the ditch.

Time of Concentration is based on Plate 4-6.

COMPUTATIONS

Sta. 136 + 00 to 142 + 00 (Ditch #1) and Sta. 149 + 50 to 157 + 50 (Ditch #2)

<u>Check Point</u>	<u>Width of strip Outside ROW</u>	<u>CA segment</u>	<u>CA total</u>	<u>I</u>	<u>(CA) x I = Q</u>
<u>Ditch #1</u>					
<u>Sta. 136+00</u>					
	<u>30 feet</u>	<u>0.061</u>	<u>0.061</u>	<u>5.0 in/hr</u>	<u>0.061 x 5.0 = 0.3050 cfs</u>
<u>Sta. 137+00</u>		<u>0.060</u>			<u>0.060 x 4.8 = 0.2880 cfs</u>
	<u>40 feet</u>	<u>0.068</u>	<u>0.129</u>	<u>4.7 in/hr</u>	<u>0.129 x 4.7 = 0.6063 cfs</u>

1	Sta. 138+00		<u>0.071/0.131</u>			<u>0.131 x 4.6 = 0.6026 cfs</u>
2		<u>100 feet</u>	<u>0.109</u>	<u>0.238</u>	<u>4.2 in/hr</u>	<u>0.238 x 4.2 = 0.9996 cfs</u>
3	Sta. 139+00		<u>0.119/0.250</u>			<u>0.250 x 4.1 = 1.0250 cfs</u>
4		<u>100 feet</u>	<u>0.109</u>	<u>0.347</u>	<u>4.1 in/hr</u>	<u>0.347 x 4.1 = 1.4227 cfs</u>
5	Sta. 140+00		<u>0.119/0.369</u>			<u>0.369 x 4.0 = 1.4760 cfs</u>
6		<u>40 feet</u>	<u>0.068</u>	<u>0.413</u>	<u>4.0 in/hr</u>	<u>0.413 x 4.0 = 1.6520 cfs</u>
7	Sta. 141+00		<u>0.071/0.440</u>			<u>0.440 x 3.9 = 1.7160 cfs</u>
8		<u>40 feet</u>	<u>0.068</u>	<u>0.481</u>	<u>3.9 in/hr</u>	<u>0.481 x 3.9 = 1.8759 cfs</u>
9	Sta. 142+00		<u>0.071/0.511</u>			<u>0.511 x 3.8 = 1.9418 cfs</u>
10						
11	<u>Ditch #2</u>					
12						
13	<u>Sta. 157+ 50</u>					
14		<u>40 feet</u>	<u>0.068</u>	<u>0.068</u>	<u>4.7 in/hr</u>	<u>0.068 x 4.7 = 0.3196 cfs</u>
15	Sta. 156+50		<u>0.096</u>			<u>0.096 x 4.6 = 0.6228 cfs</u>
16		<u>60 feet</u>	<u>0.081</u>	<u>0.149</u>	<u>4.4 in/hr</u>	<u>0.149 x 4.4 = 0.6556 cfs</u>
17	Sta. 155+50		<u>0.116/0.212</u>			<u>0.212 x 4.3 = 0.9116 cfs</u>
18		<u>100 feet</u>	<u>0.109</u>	<u>0.258</u>	<u>4.2 in/hr</u>	<u>0.258 x 4.2 = 1.0836 cfs</u>
19	Sta. 154+50		<u>0.144/0.356</u>			<u>0.356 x 4.1 = 1.4596 cfs</u>
20		<u>200 feet</u>	<u>0.178</u>	<u>0.436</u>	<u>3.6 in/hr</u>	<u>0.436 x 3.6 = 1.5696 cfs</u>
21	Sta. 153+50		<u>0.211/0.567</u>			<u>0.567 x 3.6 = 2.0412 cfs</u>
22		<u>200 feet</u>	<u>0.178</u>	<u>0.614</u>	<u>3.5 in/hr</u>	<u>0.614 x 3.5 = 2.1490 cfs</u>
23	Sta. 152+50		<u>0.211/0.778</u>			<u>0.778 x 3.5 = 2.7230 cfs</u>
24		<u>150 feet</u>	<u>0.143</u>	<u>0.757</u>	<u>3.4 in/hr</u>	<u>0.757 x 3.4 = 2.5738 cfs</u>
25	Sta. 151+50		<u>0.178/0.956</u>			<u>0.956 x 3.4 = 3.2504 cfs</u>
26		<u>100 feet</u>	<u>0.109</u>	<u>0.866</u>	<u>3.3 in/hr</u>	<u>0.866 x 3.3 = 2.8578 cfs</u>
27	Sta. 150+50		<u>0.119/1.075</u>			<u>1.075 x 3.3 = 3.5475 cfs</u>
28		<u>60 feet</u>	<u>0.081</u>	<u>0.947</u>	<u>3.2 in/hr</u>	<u>0.947 x 3.2 = 3.0304 cfs</u>
29	Sta. 149+50		<u>0.091/1.166</u>			<u>1.166 x 3.2 = 3.7312 cfs</u>
30						

Amend §6-1300 (Retention, Detention, and Low Impact Development Facilities), subsection 6-1302 (Rooftop Storage) by revising it to read as follows:

6-1302 Rooftop Storage

6-1302.1 Rooftop storage shall be designed to meet the water quantity control requirements of the Storm Water Management Ordinance ~~detain the 10-year, 2-hour storm, and emergency overflow provisions must be adequate to discharge the 100-year, 30-minute storm (See § 6-1302.5 and Tables 6.18 and 6.19).~~

6-1302.2 ~~(116-14 PFM)~~ The roof drainage system shall be designed in accordance with the Uniform Statewide Building Code, including emergency overflow requirements ~~If a proper design is submitted for the 10-year storm, sufficient storage will normally be provided for the 2-year storm and the 1-year storm, and separate calculations need not be made.~~

6-1302.3 ~~Rainfall from this design storm results in an accumulated storage depth of 3 inches.~~ The roof shall be designed to address the live load requirements of the Uniform Statewide Building Code taking into consideration the maximum water surface elevation produced by the design storm for emergency overflow.

~~6-1302.3A Because roof design in the County is currently based on a snow load of 30 PSF or 5.8 inches of water, properly designed roofs are structurally capable of holding 3 inches of detained stormwater with a reasonable factor of safety.~~

~~6-1302.3B Roofs calculated to store depths greater than 3 inches shall be required to show structural adequacy of the roof design.~~

~~6-1302.4 No less than two roof drains shall be installed in roof areas of 10,000 square feet or less, and at least four drains in roof areas over 10,000 square feet in area. Roof areas exceeding 40,000 square feet shall have one drain for each 10,000 square feet area.~~

~~6-1302.5 Emergency overflow measures adequate to discharge the 100-year, 30-minute storm must be provided.~~

~~6-1302.5A If parapet walls exceed 3 inches in height, the designer shall provide openings (scuppers) in the parapet wall sufficient to discharge the design storm flow at a water level not exceeding 5 inches.~~

~~6-1302.5B One scupper shall be provided for every 20,000 square feet of roof area, and the invert of the scupper shall not be more than 3½ inches above the roof level. If such openings are not practical, then detention rings shall be sized accordingly.~~

6-1302.64 Detention rings shall be placed around all roof drains that do not have controlled flow.

6-1302.64A The number of holes or size of openings in the rings shall be computed based on the area of roof drained and runoff criteria.

6-1302.64B The minimum spacing of sets of holes is 2 inches center-to-center.

6-1302.64C The height of the ring is determined by the roof slope and shall be ~~3~~ 2.56 inches maximum.

6-1302.64D The diameter of the rings shall be sized to accommodate the required openings and, if scuppers are not provided, to allow the ~~100-year~~ emergency overflow design storm to overtop the ring (overflow design is based on weir computations with the weir length equal to the circumference of the detention ring).

~~6-1302.6E Conductors and leaders shall also be sized to pass the expected flow from the 100-year design storm.~~

6-1302.7 The maximum time of drawdown on the roof shall not exceed ~~47~~ 24 hours for the 10-year design storm.

6-1302.8 Josam Manufacturing Company and Zurn Industries, Inc. market “controlled-flow” roof drains. These products, or their equivalent, are accepted by the County.

6-1302.9 Computations required on plans:

6-1302.9A Roof area in square feet

6-1302.9B Storage provided at ≥ 2.56 inches depth

6-1302.9C Maximum allowable discharge rate

6-1302.9D Inflow-outflow hydrograph analysis or acceptable charts. (For Josam Manufacturing Company and Zurn Industries, Inc. standard drains, the peak discharge rates as given in their charts are acceptable for drainage calculation purposes without requiring full inflow-outflow hydrograph analysis.)

6-1302.9E Number of drains required

6-1302.9F Sizing of openings required in detention rings

6-1302.9G Sizing of ring to accept openings and to pass ~~100-year~~ the emergency overflow design storm

6-1302.10 Example:

Given:

Building with flat roof 200 feet x 50 feet;

Pre-development coefficient of runoff, $C = 0.40$;

Post-development coefficient of runoff, $C = 0.9$;

Pre-development time of concentration, $t_c = 10$ minutes;

Post-development time of concentration, $t_c = 5$ minutes;

Pre-development rainfall intensity for a 10-year storm with a $t_c = 10$ minutes, $I = 5.45$ in/hr;

Post-development rainfall intensity for a 100-year storm with a $t_c = 5$ minutes, $I = 9.1$ in/hr;

Total rainfall for a 2-hour 10-year storm is 2.56 inches.

Computations:

6-1302.10A Roof Area = 200 ft. x 50 ft. = 10,000 ft²

6-1302.10B Storage provided at ≥ 2.56 inches of depth: Vol. = (10,000 ft²)(≥ 2.56 in.)(1/12) = ~~2,500~~ 2133.33 ft³

6-1302.10C Maximum allowable discharge (pre-development rate of runoff) for the 10-year storm

$Q = CIA = (0.4)(5.92 \text{ } \cancel{5.45})(927.2 \text{ } \cancel{0.93})(10,000/43,560)$

$Q = 0.54 \text{ } \underline{0.50}$ cfs

6-1302.10D From Plate 37-6, One set of holes with ~~3~~ 2.56 inches of water will ~~produce runoff~~
~~or have a discharge of 6~~ 5.12 gpm or ~~0.0134~~ 0.0113 cfs. See Plate 38-6 for a diagram of a typical
 ponding ring.

6-1302.10E Number of drains required for 10,000 square feet roof area ~~equals~~ under the
Uniform Statewide Building Code is two.

6-1302.10F Sizing of openings:

Allowable discharge per drain = 0.50 cfs/2 = 0.25 cfs

Number of hole sets = allowable discharge divided by ~~0.0134~~ 0.0113 cfs/one set of holes

~~Number of holes = 0.54 cfs/two drains~~

0.0134 cfs/one set of holes

~~20.1 sets of holes per drain (use 20 sets of holes)~~

Number of hole sets = 0.25 cfs / 0.0113 cfs = 22.1 sets of holes per drain (use 22 sets of holes)

6-1302.10G Size of ring:

Hole sets spaced 2 inches on center

Circumference = ~~B~~ π x diameter

~~(20~~ 22 sets) (2 inches/set) = ~~B~~ π x diameter

D = ~~42.73~~ 14.01 inches, use 15 inches (see below if separate emergency overflow is not
 provided).

6-1302.11 If detention rings are to act as emergency overflow measures and assuming a 100-
year design storm:

Q₁₀₀=CIA; t_c = 5 minutes; C = 1.0 (including correction factor for 100-year frequency storm);

A = 10,000 ft²/43,560 = 0.23 ac.

Q₁₀₀ = (1.0)(9.84 9.10)(0.23 ac.) = ~~2.26~~ 2.09 cfs (use 1.045 cfs per drain)

Weir formula: $Q = CLH^{3/2}$

C = 3.33

L = ~~B~~ π D (circumference)

H = ~~2 in. or 0.17 ft.~~ 2.56 in. or 0.21 ft.

Assume all hole sets are clogged and the maximum allowable water depth on the roof is 5 inches,
 or 2.44 inches above the ~~32.56~~-inch high ring.

$Q = CLH^{3/2}$

Q (per drain) = ~~2.26~~ 1.045 cfs = 3.33 ~~B~~ π D(~~0.17~~0.21)^{3/2}

D = ~~3.08 ft. or 36.98 in.~~ 1.04 ft. or 12.46 in.

Use diameter of ~~37~~ 15 inches

Amend §6-1300 (Retention, Detention, and Low Impact Development Facilities), subsection 6-1305 (Retention and Detention Ponds), paragraph 1305.9 by revising it to read as follows:

6-1305.9 Table 6.6 and Plate 40-6 shows inflow hydrographs for various 10-year, 2-hour storms with times of concentration from 5 minutes to 30 minutes.

Amend §6-1300 (Retention, Detention, and Low Impact Development Facilities), Table 6.18 (Rainfall Distribution) and Table 6.19 (Storm Volume in Inches of Rainfall), by revising them to read as follows:

Table 6.18 Rainfall Distribution				
Time minutes	Total Precip in.	Total Precip ft.	Increment Precip in.	Increment Precip ft.
<u>1-Year, 2-Hour Storm</u>				
5	.36	.030	.36	.03
10	.57	.047	.21	.018
15	.71	.059	.14	.012
20	.81	.067	.10	.008
30	.97	.081	.16	.014
40	1.06	.089	.09	.008
50	1.14	.095	.08	.007
60	1.21	.101	.07	.006
70	1.25	.105	.04	.004
80	1.29	.108	.04	.003
90	1.33	.111	.04	.003
100	1.36	.113	.03	.003
110	1.39	.116	.03	.003
120	1.42	.119	.03	.002
<u>2-Year, 2-Hour Storm</u>				
5	.44	.036	.44	.036
10	.70	.058	.26	.022
15	.88	.073	.18	.015
20	1.01	.084	.13	.011
30	1.20	.100	.19	.016
40	1.34	.112	.14	.011
50	1.44	.120	.10	.009
60	1.53	.127	.08	.007
70	1.57	.131	.04	.004
80	1.61	.134	.04	.003
90	1.65	.137	.04	.003
100	1.68	.140	.03	.003
110	1.71	.142	.03	.003
120	1.74	.145	.03	.002
<u>10-Year, 2-Hour Storm</u>				
5	.60 .56	.05 .047	.60 .56	.05 .047
10	.99 .91	.083 .076	.39 .34	.032 .029
15	1.28 1.15	.107 .096	.29 .25	.024 .020
20	1.52 1.34	.127 .112	.24 .19	.020 .016
30	1.85 1.63	.154 .136	.33 .29	.027 .024
40	2.11 1.84	.176 .154	.26 .21	.022 .018
50	2.33 2.01	.194 .168	.22 .17	.018 .014
60	2.50 2.16	.208 .180	.17 .14	.014 .012
70	2.62 2.24	.218 .187	.12 .08	.010 .007
80	2.72 2.32	.226 .193	.10 .08	.008 .006

90	2.82 <u>2.38</u>	.235 <u>.199</u>	.10 <u>.07</u>	.008 <u>.006</u>
100	2.89 <u>2.45</u>	.241 <u>.204</u>	.07 <u>.06</u>	.006 <u>.005</u>
110	2.95 <u>2.51</u>	.246 <u>.209</u>	.06 <u>.06</u>	.005 <u>.005</u>
120	3.00 <u>2.56</u>	.250 <u>.213</u>	.05 <u>.05</u>	.004 <u>.005</u>
100-Year, 30 Minute 2-Hour Storm				
5	1.11 <u>0.76</u>	.093 <u>.063</u>	.11 <u>.76</u>	.093 <u>.063</u>
10	1.71 <u>1.21</u>	.143 <u>.101</u>	.60 <u>.46</u>	.050 <u>.038</u>
15	2.16 <u>1.55</u>	.179 <u>.129</u>	.45 <u>.34</u>	.036 <u>.028</u>
20	2.46 <u>1.83</u>	.204 <u>.153</u>	.30 <u>.28</u>	.025 <u>.023</u>
30	3.00 <u>2.28</u>	.250 <u>.190</u>	.54 <u>.45</u>	.046 <u>.038</u>
40	<u>2.65</u>	<u>.221</u>	<u>.37</u>	<u>.031</u>
50	<u>2.97</u>	<u>.247</u>	<u>.32</u>	<u>.026</u>
60	<u>3.25</u>	<u>.271</u>	<u>.28</u>	<u>.023</u>
70	<u>3.39</u>	<u>.283</u>	<u>.14</u>	<u>.012</u>
80	<u>3.52</u>	<u>.293</u>	<u>.13</u>	<u>.011</u>
90	<u>3.64</u>	<u>.303</u>	<u>.12</u>	<u>.010</u>
100	<u>3.75</u>	<u>.312</u>	<u>.11</u>	<u>.009</u>
110	<u>3.85</u>	<u>.321</u>	<u>.10</u>	<u>.008</u>
120	<u>3.94</u>	<u>.328</u>	<u>.09</u>	<u>.008</u>

1

Table 6.19 Storm Volume in Inches of Rainfall*										
Duration of Storm										
Frequency	5 Min	10 Min	15 Min	30 Minute	1 Hr	2 Hr	3 Hr	6 Hr	12 Hr	24 Hr
1 Yr	<u>0.355</u>	<u>0.567</u>	<u>0.708</u>	1.0 <u>0.971</u>	1.4 <u>1.21</u>	1.7 <u>1.42</u>	1.8 <u>1.52</u>	2.1 <u>1.87</u>	2.5 <u>2.28</u>	2.7 <u>2.62</u>
2 Yr	<u>0.426</u>	<u>0.681</u>	<u>0.856</u>	1.3 <u>1.18</u>	1.8 <u>1.48</u>	2.0 <u>1.74</u>	2.1 <u>1.85</u>	2.6 <u>2.27</u>	3.0 <u>2.75</u>	3.2 <u>3.17</u>
5 Yr	<u>0.506</u>	<u>0.810</u>	<u>1.02</u>	1.7 <u>1.46</u>	2.2 <u>1.87</u>	2.6 <u>2.20</u>	2.7 <u>2.35</u>	3.2 <u>2.87</u>	3.7 <u>3.49</u>	4.5 <u>4.07</u>
10 Yr	<u>0.565</u>	<u>0.904</u>	<u>1.14</u>	2.0 <u>1.66</u>	2.6 <u>2.16</u>	3.0 <u>2.56</u>	3.2 <u>2.75</u>	3.7 <u>3.36</u>	4.6 <u>4.12</u>	5.2 <u>4.87</u>
25 Yr	<u>0.641</u>	<u>1.02</u>	<u>1.30</u>	2.3 <u>1.92</u>	3.0 <u>2.56</u>	3.5 <u>3.08</u>	3.8 <u>3.32</u>	4.2 <u>4.08</u>	5.1 <u>5.08</u>	6.0 <u>6.09</u>
50 Yr	<u>0.698</u>	<u>1.11</u>	<u>1.41</u>	2.6 <u>2.12</u>	3.4 <u>2.87</u>	4.0 <u>3.50</u>	4.4 <u>3.79</u>	5.1 <u>4.70</u>	6.0 <u>5.92</u>	7.0 <u>7.18</u>
100 Yr	<u>0.754</u>	<u>1.20</u>	<u>1.52</u>	3.0 <u>2.32</u>	4.0 <u>3.20</u>	4.5 <u>3.95</u>	4.9 <u>4.29</u>	5.4 <u>5.37</u>	6.3 <u>6.85</u>	7.3 <u>8.41</u>
Max Prob								<u>27.0</u>		
* Storm Volumes from NOAA Atlas 14 for the Vienna Tysons Corner Station (Station ID:44-8737) except for the maximum probable storm which is from NWS Hydrometeorological Report No. 51.										
Average Relationship — 30 Minute Storm										
5 Minutes — .37 of 30 Minutes										
10 Minutes — .57 of 30 Minutes										
15 Minutes — .72 of 30 Minutes										

2

3 **Amend §6-1600 (Design and Construction of Dams and Impoundments), subsection 6-1603**
4 **(Hydrologic Design Criteria for Dams Regulated by the County), by revising paragraph 6-**
5 **1603.1A to read as follows:**

6

7 6-1603.1A The SDF shall be determined based on a spillway design storm determined from
8 Plates 46-6, ~~and 47A-6, and 47B-6.~~ The spillway design storm total rainfall amount shall also be
9 determined from Plate 46-6. The minimum storm duration shall be 24-hour. A storm hyetograph
10 shall be constructed using the ~~NRSC NOAA C~~, 24-hour duration, ~~Type II~~ rainfall distribution
11 shown in Plates ~~47A-6, 47B6,~~ and 48-6. Once the spillway design storm hyetograph is
12 constructed, the SDF hydrograph shall be determined using standard NRCS unit hydrograph
13 techniques.
14

Amend §6-1600 (Design and Construction of Dams and Impoundments), subsection 6-1603 (Hydrologic Design Criteria for Dams Regulated by the County), by revising paragraph 6-1603.2E to read as follows:

6-1603.2E The 10-, 25-, and 50-year recurrence interval floods mentioned in § 6-1603.2A thru § 6-1603.2D shall be developed as hydrographs using a minimum 24-hour storm duration, rainfall amounts from Table 6.19, storm distribution from Plates 47A-6 and 47B-6, and standard NRCS unit hydrograph techniques for converting the rainfall hyetograph to a runoff hydrograph.

Amend Chapter 6 (Storm Drainage) by deleting existing Plate No. 3-6 (Intensity Duration Frequency Curves) and replacing it with new Plate No. 3A-6 (Intensity Duration Frequency Curves) and Plate 3B-6 (Intensity Duration Frequency Values):

Amend Chapter 6 (Storm Drainage) by revising Plate No. 38-6 (Typical Rainfall Ponding Ring Section) as noted:

Amend Chapter 6 (Storm Drainage) by deleting plates 39-6 (Mass Diagram), 40-6 (Unit Inflow Hydrograph – 10-Year – 2-Hour Storm – 1 Impervious Acre), and 41-6 (Unit Hydrograph per Impervious Acre 100-Year Frequency Storm):

Amend Chapter 6 (Storm Drainage) by revising Plate No. 46-6 (24 Hour Design Storm Chart for Spillway Design Flood (SDF)) as noted:

Amend Chapter 6 (Storm Drainage) by deleting existing Plate No. 47-6 (County 100 Year, 24 Hour Rainfall Distribution) and replacing it with new Plate No. 47A-6 (24 Hour Rainfall Distribution) and Plate 47B-6 (24 Hour Rainfall Distribution):

Amend Chapter 6 (Storm Drainage) by deleting existing Plate No. 48-6 (100 Year, 24 Hour Rain Distribution (Hyetograph)) and replacing it with new Plate No. 48-6 (24 Hour Rainfall Distribution (Hyetograph)):

RAINFALL INTENSITY IN INCHES PER HOUR

20.0
15.0
10.0
8.0
6.0
4.0
2.0
1.0
0.8
0.6
0.4
0.2
0.1
0.08
0.06
0.04
0.02

5 10 15 20 30 40 50 60 2 3 4 5 6 8 10 12 18 24

MINUTES HOURS

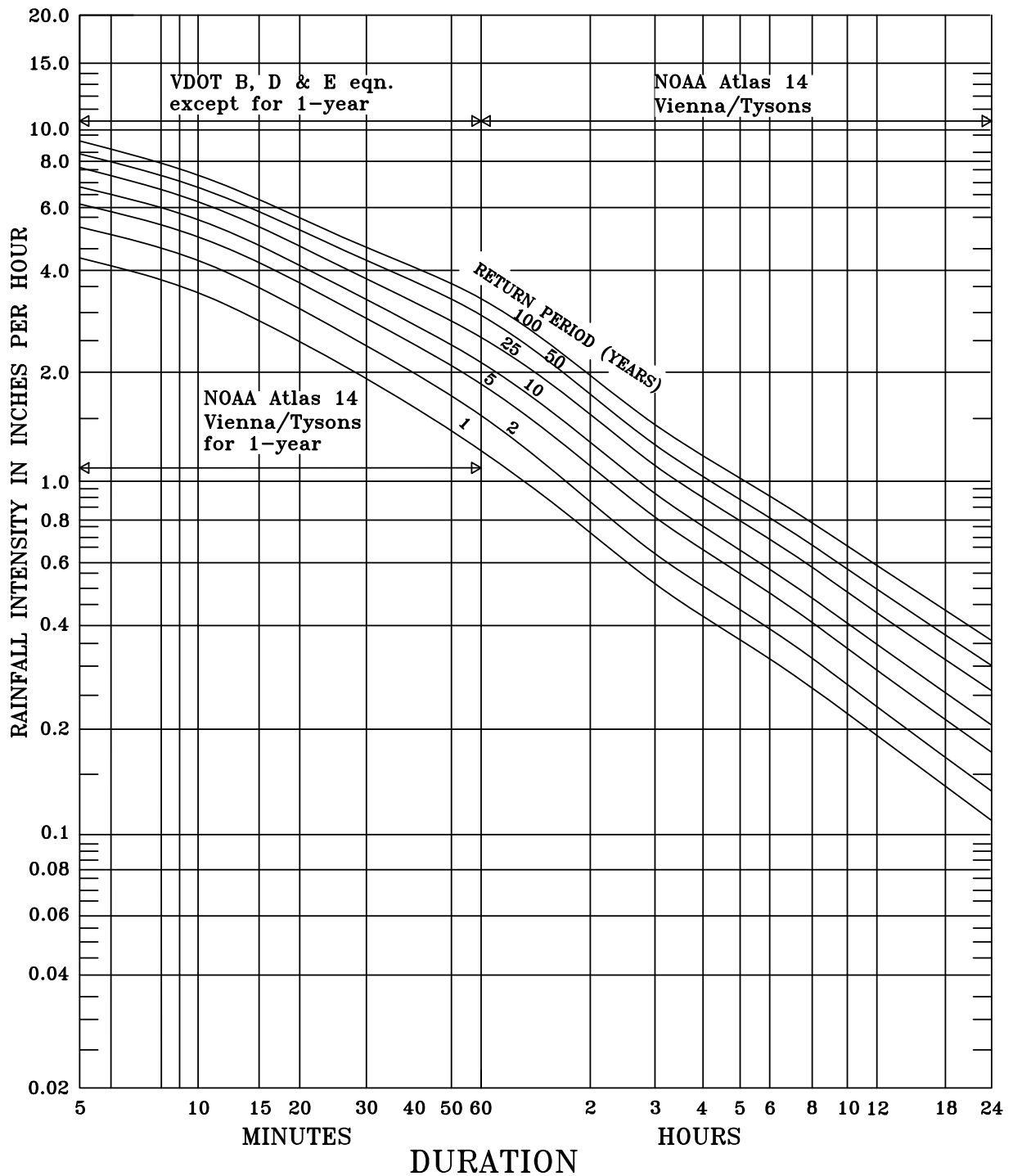
DURATION

RETURN PERIOD (YEARS)
100
25 50
5 10
2

-Note-
Frequency analysis by method of extreme
values, after Gumbel

Ref. Sec. 6-0803.2, 6-1305.10A(1), 6-1305.8B Rev. 1-00, 2011 Reprint	INTENSITY DURATION FREQUENCY	PLATE NO.	STD. NO.
	CURVES	3-6	

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



Ref. Sec. 6-0803.2

INTENSITY DURATION FREQUENCY CURVES

PLATE NO.

3A-6

STD. NO.

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

Rainfall Intensity (in/hr)

Frequency	1-year	2-year	5-year	10-year	25-year	50-year	100-year
Duration							
5 minutes	4.26	5.23	6.06	6.77	7.69	8.39	9.10
10 minutes	3.40	4.19	4.89	5.45	6.15	6.76	7.28
15 minutes	2.83	3.51	4.13	4.62	5.22	5.77	6.22
30 minutes	1.94	2.41	2.88	3.26	3.73	4.20	4.57
1 hour	1.21	1.53	1.87	2.16	2.54	2.93	3.25
2 hours	0.711	0.868	1.10	1.28	1.54	1.75	1.97
3 hours	0.507	0.617	0.783	0.915	1.10	1.26	1.43
6 hours	0.312	0.379	0.479	0.560	0.682	0.785	0.897
12 hours	0.189	0.228	0.289	0.342	0.421	0.491	0.569
24 hours	0.109	0.132	0.170	0.203	0.254	0.299	0.351

NOTES:

1. VDOT equations (Fairfax County B, D & E values) were used to generate rainfall intensities for storm durations from 5 minutes to 1 hour for the 2, 5, 10, 25, 50 & 100-year storms.
2. NOAA Atlas 14 data for the Vienna/Tysons station was used for storm durations greater than 1 hour.
3. NOAA Atlas 14 data for the Vienna/Tysons station was used for the 1-yr storm. VDOT never performed a regression analysis of the NOAA Atlas 14 data for the 1-year storm.
4. The VDOT equations although developed from a regression analysis of NOAA Atlas 14 data will not yield exactly the same values as the published NOAA Atlas 14 data for the 5, 10, 15, 30 & 60-minute durations because of the curve fitting process.

Ref. Sec. 6-0803.2

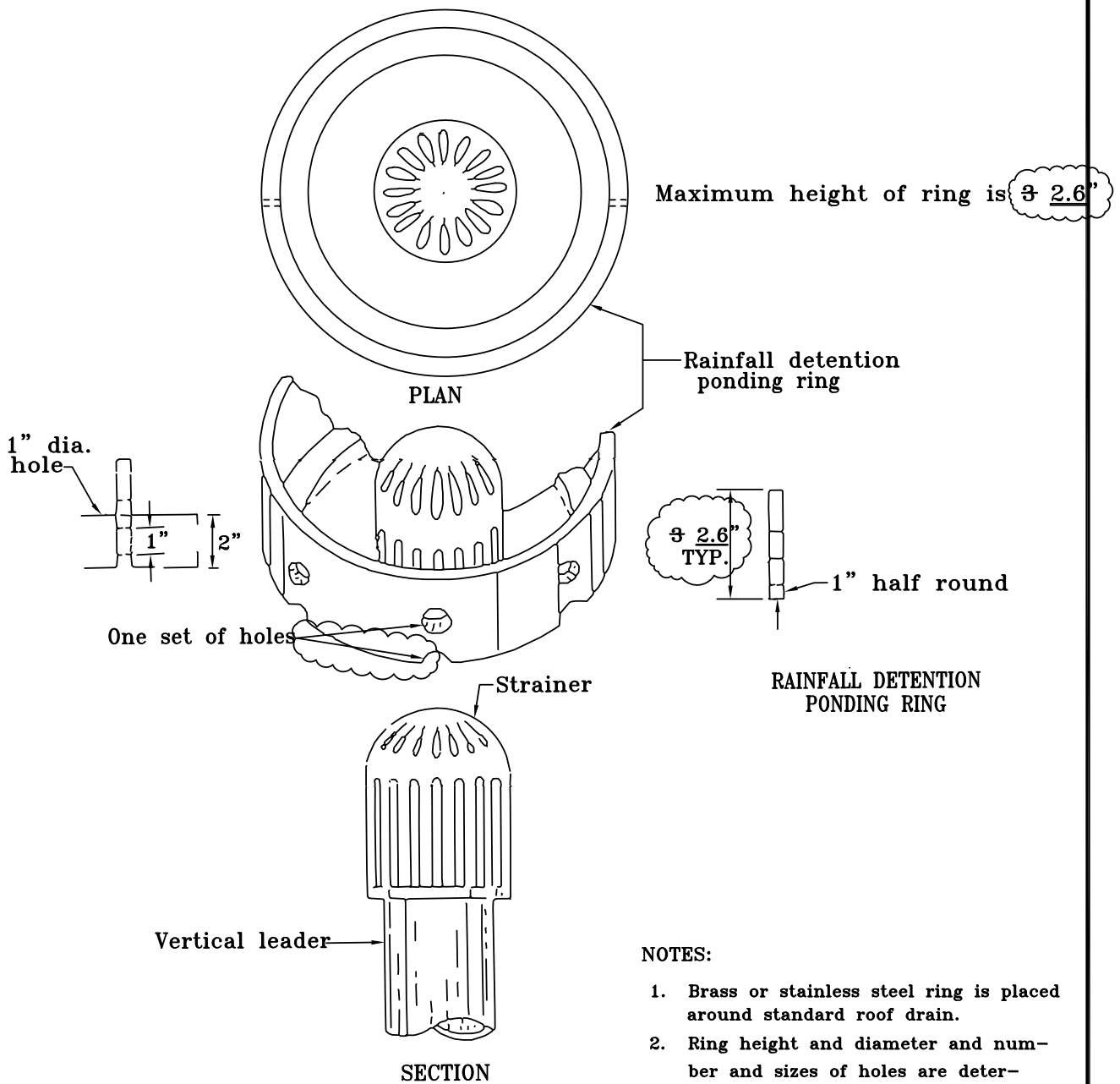
INTENSITY DURATION FREQUENCY
VALUES

PLATE NO.

3B-6

STD. NO.

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



NOTES:

1. Brass or stainless steel ring is placed around standard roof drain.
2. Ring height and diameter and number and sizes of holes are determined by roof area drained, number of drains and rainfall design criteria.

Ref. Sec. 6-1302.10D

TYPICAL RAINFALL PONDING RING SECTIONS

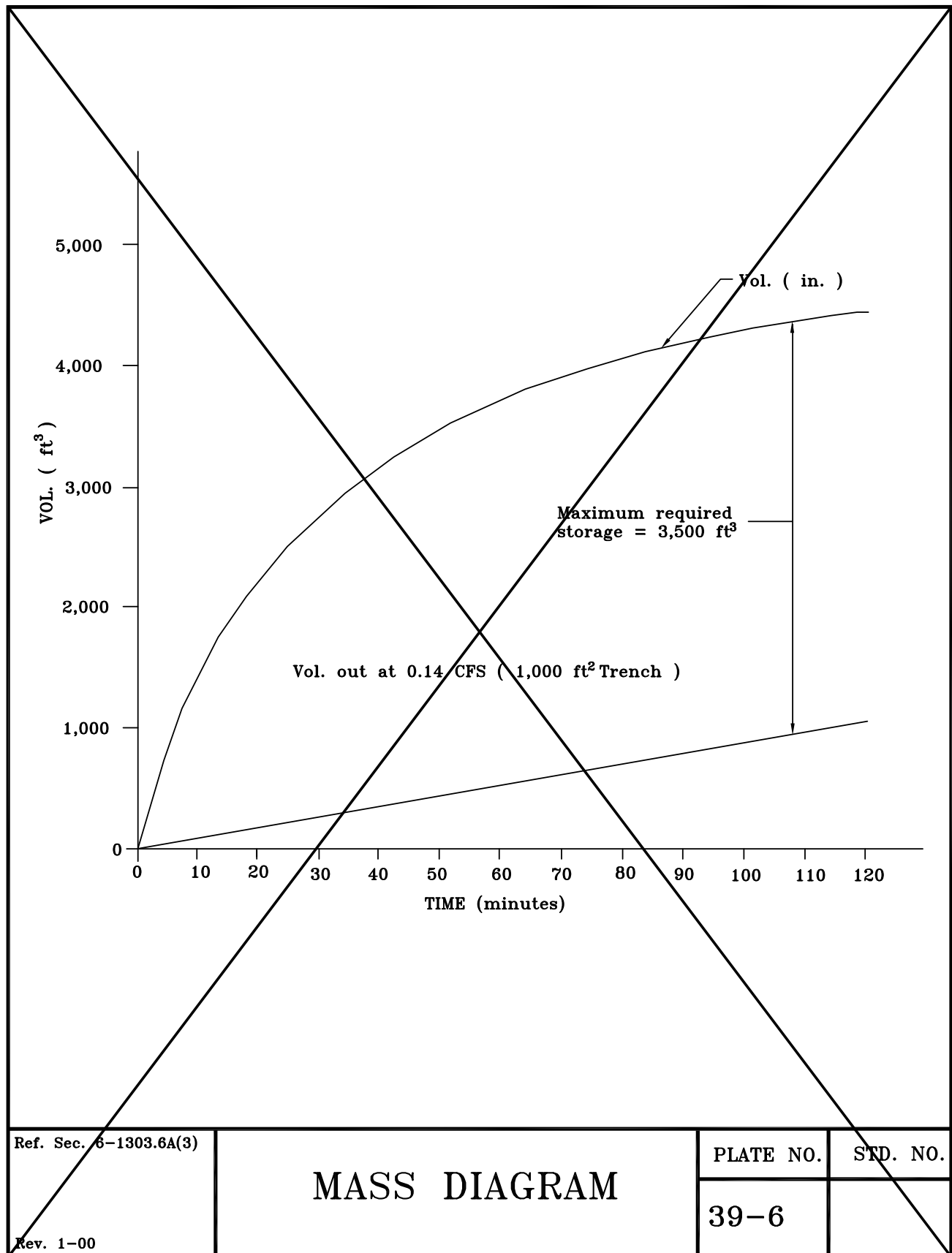
PLATE NO.

STD. NO.

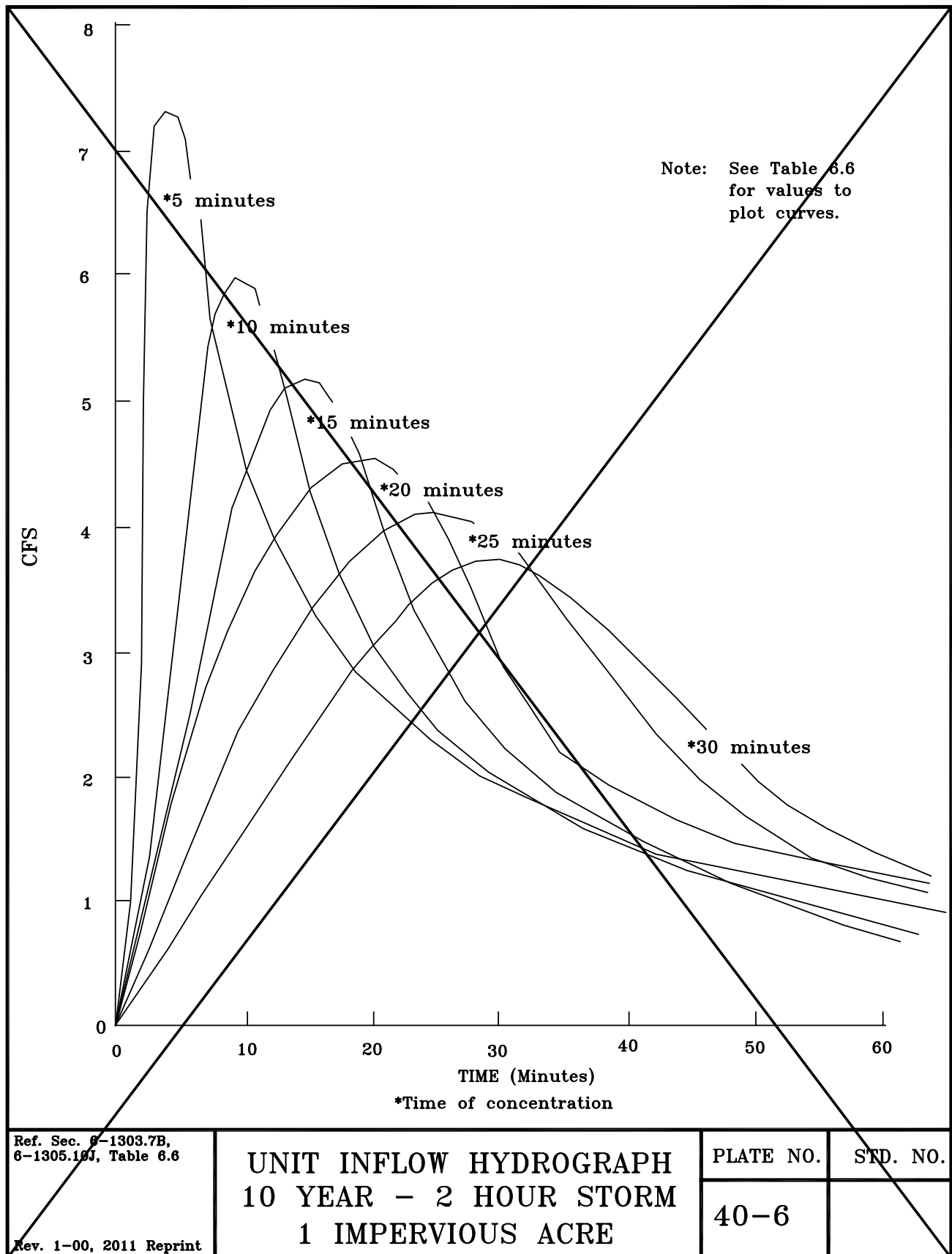
38-6

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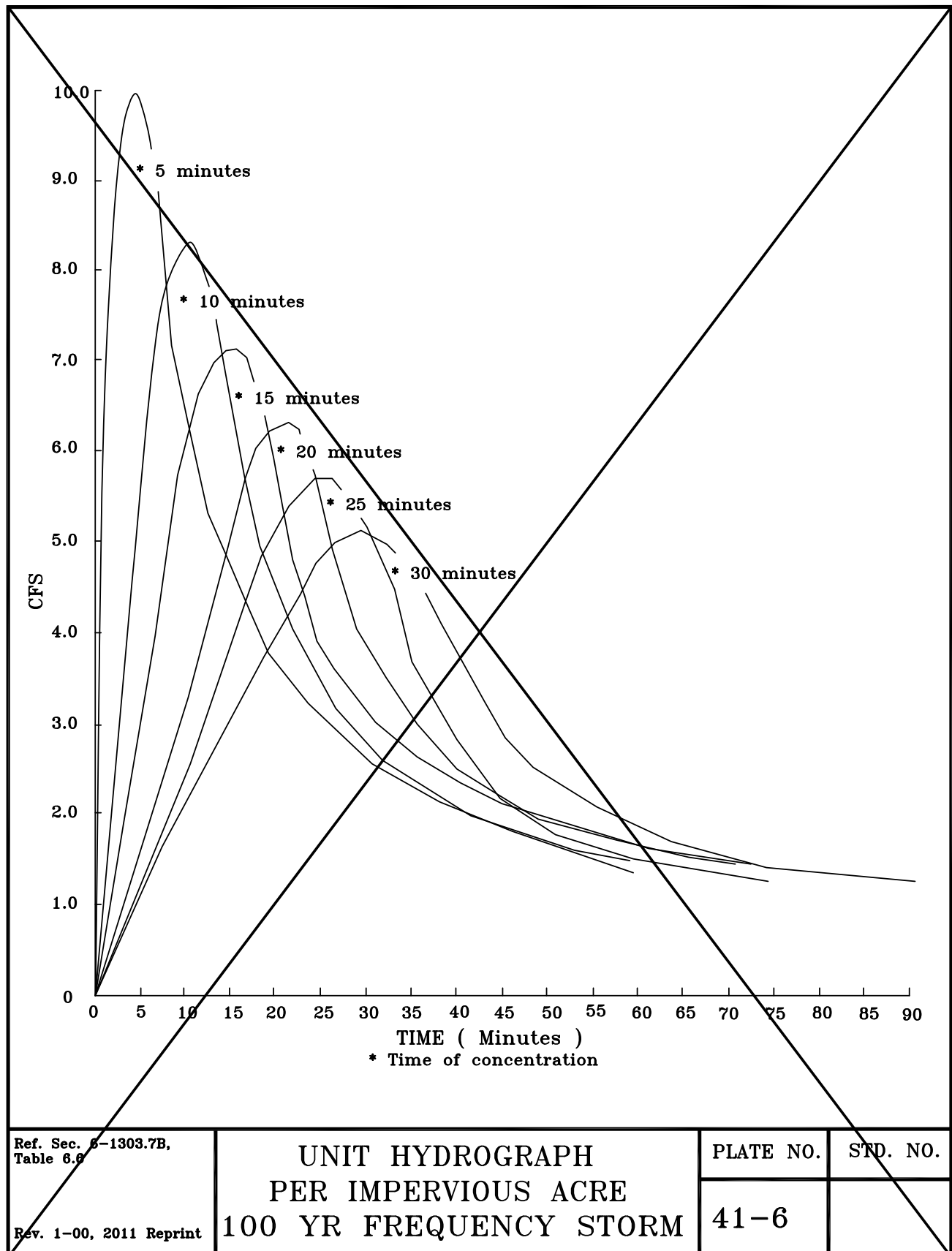
FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



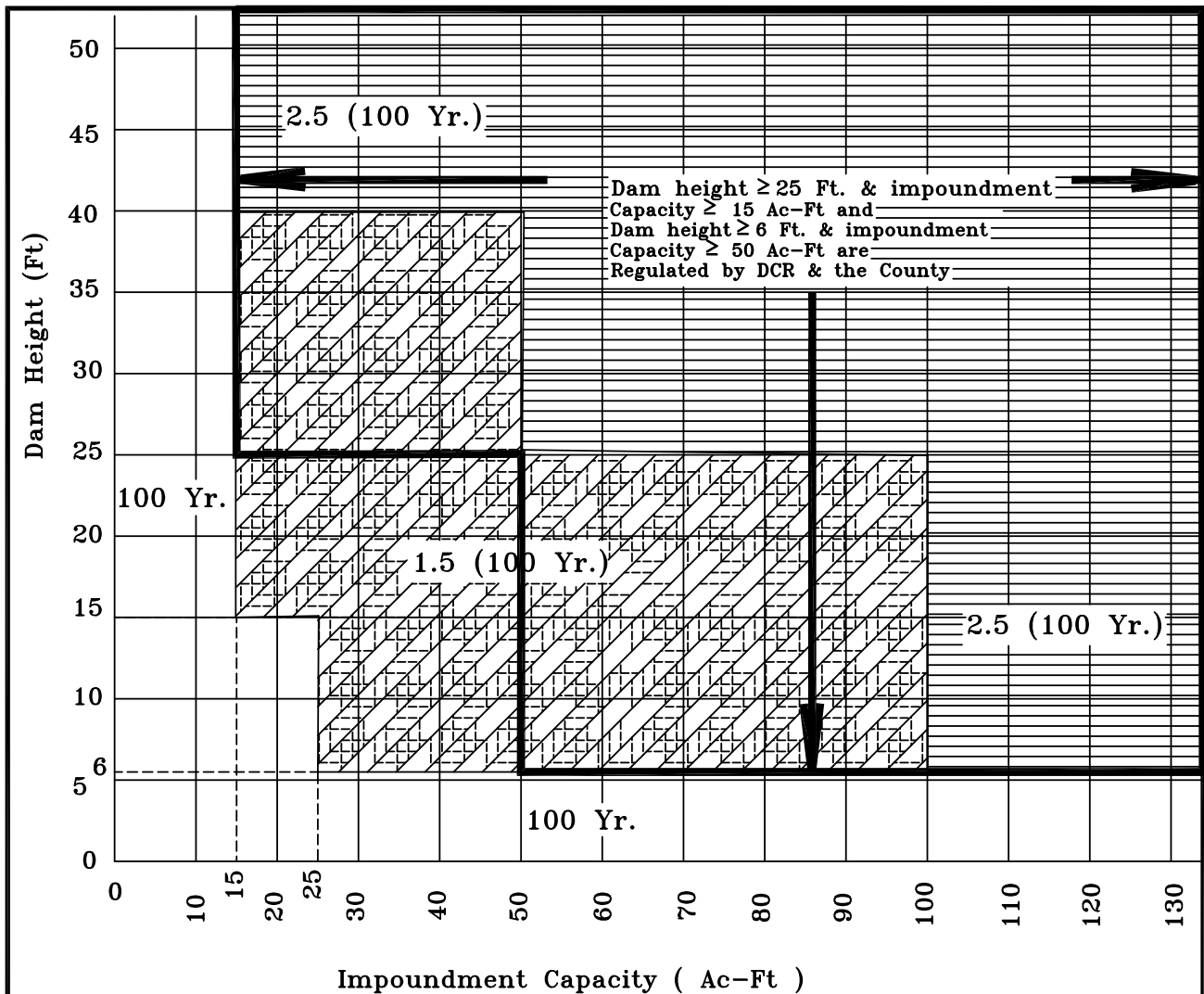
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100 Yr., 24 Hr. = 7.3 8.41" (Ref: NWS TP-40 NOAA Atlas 14)
PMP, 24 Hr. = 35.5" (Ref: NWS HMR-51)

Design Storm Ranking*

100 Yr. \cong	0.2 PMP
1.5 X (100 Yr.) \cong	0.3 PMP
2.5 X (100 Yr.) \cong	0.5 PMP
3.5 X (100 Yr.) \cong	0.7 PMP
5.0 X (100 Yr.) \cong	1.0 PMP

*The above ranking shall be used when selecting
'Next Highest Storm' for freeboard hydrograph

Ref. Sec. 6-1603.1A,
6-1603.1B, 6-1603.4B,
6-1603.4E, 6-1601.1

Rev. 1-00, 1-04, 2011
Reprint

24 HOUR DESIGN STORM CHART FOR SPILLWAY DESIGN FLOOD (SDF)

PLATE NO.

STD. NO.

46-6

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

Time (Hr.:Min.)	Incre. Precip. (In.)	Cum. Precip. (In.)	Cum. Precip. (%)	Time (Hr.:Min.)	Incre. Precip. (In.)	Cum. Precip. (In.)	Cum. Precip. (%)	Time (Hr.:Min.)	Incre. Precip. (In.)	Cum. Precip. (In.)	Cum. Precip. (%)
0:00	0.00	0.00	0.0	8:00	0.04	0.88	12.0	16:00	0.04	6.43	88.1
0:15	0.01	0.01	0.2	8:15	0.04	0.92	12.6	16:15	0.05	6.48	88.7
0:30	0.03	0.04	0.5	8:30	0.05	0.97	13.3	16:30	0.04	6.52	89.3
0:45	0.02	0.06	0.8	8:45	0.05	1.02	14.0	16:45	0.04	6.56	89.8
1:00	0.02	0.08	1.1	9:00	0.05	1.07	14.7	17:00	0.03	6.59	90.3
1:15	0.02	0.10	1.4	9:15	0.06	1.13	15.5	17:15	0.04	6.63	90.8
1:30	0.02	0.12	1.7	9:30	0.06	1.19	16.3	17:30	0.03	6.66	91.3
1:45	0.03	0.15	2.0	9:45	0.07	1.26	17.2	17:45	0.04	6.70	91.8
2:00	0.02	0.17	2.3	10:00	0.06	1.32	18.1	18:00	0.03	6.73	92.2
2:15	0.02	0.19	2.6	10:15	0.07	1.39	19.1	18:15	0.03	6.76	92.6
2:30	0.02	0.21	2.9	10:30	0.09	1.48	20.3	18:30	0.03	6.79	93.0
2:45	0.02	0.23	3.2	10:45	0.11	1.59	21.8	18:45	0.03	6.82	93.4
3:00	0.03	0.26	3.5	11:00	0.13	1.72	23.6	19:00	0.03	6.85	93.8
3:15	0.02	0.28	3.8	11:15	0.16	1.88	25.7	19:15	0.03	6.88	94.2
3:30	0.02	0.30	4.1	11:30	0.19	2.07	28.3	19:30	0.03	6.91	94.6
3:45	0.02	0.32	4.4	11:45	0.76	2.83	38.7	19:45	0.03	6.94	95.0
4:00	0.03	0.35	4.8	12:00	2.01	4.84	66.3	20:00	0.02	6.96	95.3
4:15	0.03	0.38	5.2	12:15	0.32	5.16	70.7	20:15	0.02	6.98	95.6
4:30	0.03	0.41	5.6	12:30	0.21	5.37	73.5	20:30	0.02	7.00	95.9
4:45	0.03	0.44	6.0	12:45	0.16	5.53	75.8	20:45	0.02	7.02	96.2
5:00	0.03	0.47	6.4	13:00	0.13	5.66	77.6	21:00	0.02	7.04	96.5
5:15	0.03	0.50	6.8	13:15	0.11	5.77	79.1	21:15	0.03	7.07	96.8
5:30	0.03	0.53	7.2	13:30	0.10	5.87	80.4	21:30	0.02	7.09	97.1
5:45	0.02	0.55	7.6	13:45	0.08	5.95	81.5	21:45	0.02	7.11	97.4
6:00	0.03	0.58	8.0	14:00	0.07	6.02	82.5	22:00	0.02	7.13	97.7
6:15	0.04	0.62	8.5	14:15	0.07	6.09	83.4	22:15	0.02	7.15	98.0
6:30	0.04	0.66	9.0	14:30	0.06	6.15	84.2	22:30	0.03	7.18	98.3
6:45	0.03	0.69	9.5	14:45	0.05	6.20	84.9	22:45	0.02	7.20	98.6
7:00	0.04	0.73	10.0	15:00	0.05	6.25	85.6	23:00	0.02	7.22	98.9
7:15	0.04	0.77	10.5	15:15	0.05	6.30	86.3	23:15	0.02	7.24	99.2
7:30	0.03	0.80	11.0	15:30	0.04	6.34	86.9	23:30	0.02	7.26	99.5
7:45	0.04	0.84	11.5	15:45	0.05	6.39	87.5	23:45	0.03	7.29	99.8
								24:00	0.01	7.30	100.0

Source: NRCS 24 Hr., Type II Rainfall Distribution

Ref. Sec. 6-1603.1A,
6-1603.2A

Rev. 1-00, 2011
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COUNTY 100 YEAR, 24 HOUR RAINFALL DISTRIBUTION

PLATE NO.

STD. NO.

47-6

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)	Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)	Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)	Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)
0.0	0.000	0.000	3.0	0.131	3.528	6.0	0.161	7.925	9.0	0.281	14.605
0.1	0.128	0.128	3.1	0.132	3.660	6.1	0.165	8.090	9.1	0.295	14.900
0.2	0.103	0.231	3.2	0.133	3.793	6.2	0.169	8.259	9.2	0.310	15.210
0.3	0.104	0.335	3.3	0.134	3.927	6.3	0.173	8.432	9.3	0.326	15.536
0.4	0.106	0.441	3.4	0.135	4.062	6.4	0.177	8.609	9.4	0.340	15.876
0.5	0.106	0.547	3.5	0.137	4.199	6.5	0.181	8.790	9.5	0.355	16.231
0.6	0.107	0.654	3.6	0.137	4.336	6.6	0.185	8.975	9.6	0.371	16.602
0.7	0.109	0.763	3.7	0.138	4.474	6.7	0.189	9.164	9.7	0.385	16.987
0.8	0.109	0.872	3.8	0.139	4.613	6.8	0.192	9.356	9.8	0.400	17.387
0.9	0.110	0.982	3.9	0.140	4.753	6.9	0.197	9.553	9.9	0.416	17.803
1.0	0.111	1.093	4.0	0.141	4.894	7.0	0.201	9.754	10.0	0.430	18.233
1.1	0.113	1.206	4.1	0.142	5.036	7.1	0.205	9.959	10.1	0.445	18.678
1.2	0.113	1.319	4.2	0.143	5.179	7.2	0.209	10.168	10.2	0.461	19.139
1.3	0.114	1.433	4.3	0.145	5.324	7.3	0.212	10.380	10.3	0.475	19.614
1.4	0.115	1.548	4.4	0.145	5.469	7.4	0.217	10.597	10.4	0.490	20.104
1.5	0.117	1.665	4.5	0.146	5.615	7.5	0.221	10.818	10.5	0.506	20.610
1.6	0.117	1.782	4.6	0.147	5.762	7.6	0.224	11.042	10.6	0.563	21.173
1.7	0.118	1.900	4.7	0.148	5.910	7.7	0.229	11.271	10.7	0.620	21.793
1.8	0.119	2.019	4.8	0.149	6.059	7.8	0.232	11.503	10.8	0.678	22.472
1.9	0.121	2.140	4.9	0.150	6.209	7.9	0.237	11.740	10.9	0.735	23.206
2.0	0.121	2.261	5.0	0.151	6.360	8.0	0.241	11.981	11.0	0.793	23.999
2.1	0.122	2.383	5.1	0.152	6.512	8.1	0.244	12.225	11.1	0.900	24.899
2.2	0.123	2.506	5.2	0.153	6.665	8.2	0.249	12.474	11.2	1.008	25.907
2.3	0.125	2.631	5.3	0.154	6.819	8.3	0.252	12.726	11.3	1.115	27.022
2.4	0.125	2.756	5.4	0.155	6.974	8.4	0.256	12.982	11.4	1.223	28.245
2.5	0.126	2.882	5.5	0.156	7.130	8.5	0.261	13.243	11.5	1.305	29.550
2.6	0.127	3.009	5.6	0.157	7.287	8.6	0.264	13.507	11.6	2.022	31.572
2.7	0.128	3.137	5.7	0.158	7.445	8.7	0.269	13.776	11.7	2.128	33.700
2.8	0.130	3.267	5.8	0.159	7.604	8.8	0.272	14.048	11.8	2.918	36.618
2.9	0.130	3.397	5.9	0.160	7.764	8.9	0.276	14.324	11.9	4.051	40.669

Source: NOAA_C Rainfall Distribution

Ref. Sec. 6-1603.1A,
6-1603.2E

24 HOUR RAINFALL DISTRIBUTION

PLATE NO.

STD. NO.

47A-6

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)	Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)	Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)	Time (hour)	Incre. Precip. (%)	Cum. Precip. (%)
12.0	6.991	47.660	15.0	0.295	85.395	18.0	0.165	92.075	21.0	0.132	96.472
12.1	11.671	59.331	15.1	0.281	85.676	18.1	0.161	92.236	21.1	0.131	96.603
12.2	4.051	63.382	15.2	0.276	85.952	18.2	0.160	92.396	21.2	0.130	96.733
12.3	2.918	66.300	15.3	0.272	86.224	18.3	0.159	92.555	21.3	0.130	96.863
12.4	2.128	68.428	15.4	0.269	86.493	18.4	0.158	92.713	21.4	0.128	96.991
12.5	2.022	70.450	15.5	0.264	86.757	18.5	0.157	92.870	21.5	0.127	97.118
12.6	1.305	71.755	15.6	0.261	87.018	18.6	0.156	93.026	21.6	0.126	97.244
12.7	1.223	72.978	15.7	0.256	87.274	18.7	0.155	93.181	21.7	0.125	97.369
12.8	1.115	74.093	15.8	0.252	87.526	18.8	0.154	93.335	21.8	0.125	97.494
12.9	1.008	75.101	15.9	0.249	87.775	18.9	0.153	93.488	21.9	0.123	97.617
13.0	0.900	76.001	16.0	0.244	88.019	19.0	0.152	93.640	22.0	0.122	97.739
13.1	0.793	76.794	16.1	0.241	88.260	19.1	0.151	93.791	22.1	0.121	97.860
13.2	0.735	77.529	16.2	0.237	88.497	19.2	0.150	93.941	22.2	0.121	97.981
13.3	0.678	78.207	16.3	0.232	88.729	19.3	0.149	94.090	22.3	0.119	98.100
13.4	0.620	78.827	16.4	0.229	88.958	19.4	0.148	94.238	22.4	0.118	98.218
13.5	0.563	79.390	16.5	0.224	89.182	19.5	0.147	94.385	22.5	0.117	98.335
13.6	0.506	79.896	16.6	0.221	89.403	19.6	0.146	94.531	22.6	0.117	98.452
13.7	0.490	80.386	16.7	0.217	89.620	19.7	0.145	94.676	22.7	0.115	98.567
13.8	0.475	80.861	16.8	0.212	89.832	19.8	0.145	94.821	22.8	0.114	98.681
13.9	0.461	81.322	16.9	0.209	90.041	19.9	0.143	94.964	22.9	0.113	98.794
14.0	0.445	81.767	17.0	0.205	90.246	20.0	0.142	95.106	23.0	0.113	98.907
14.1	0.430	82.197	17.1	0.201	90.447	20.1	0.141	95.247	23.1	0.111	99.018
14.2	0.416	82.613	17.2	0.197	90.644	20.2	0.140	95.387	23.2	0.110	99.128
14.3	0.400	83.013	17.3	0.192	90.836	20.3	0.139	95.526	23.3	0.109	99.237
14.4	0.385	83.398	17.4	0.189	91.025	20.4	0.138	95.664	23.4	0.109	99.346
14.5	0.371	83.769	17.5	0.185	91.210	20.5	0.137	95.801	23.5	0.107	99.453
14.6	0.355	84.124	17.6	0.181	91.391	20.6	0.137	95.938	23.6	0.106	99.559
14.7	0.340	84.464	17.7	0.177	91.568	20.7	0.135	96.073	23.7	0.106	99.665
14.8	0.326	84.790	17.8	0.173	91.741	20.8	0.134	96.207	23.8	0.104	99.769
14.9	0.310	85.100	17.9	0.169	91.910	20.9	0.133	96.340	23.9	0.103	99.872
									24.0	0.128	100.000

Source: NOAA_C Rainfall Distribution

Ref. Sec. 6-1603.1A,
6-1603.2E

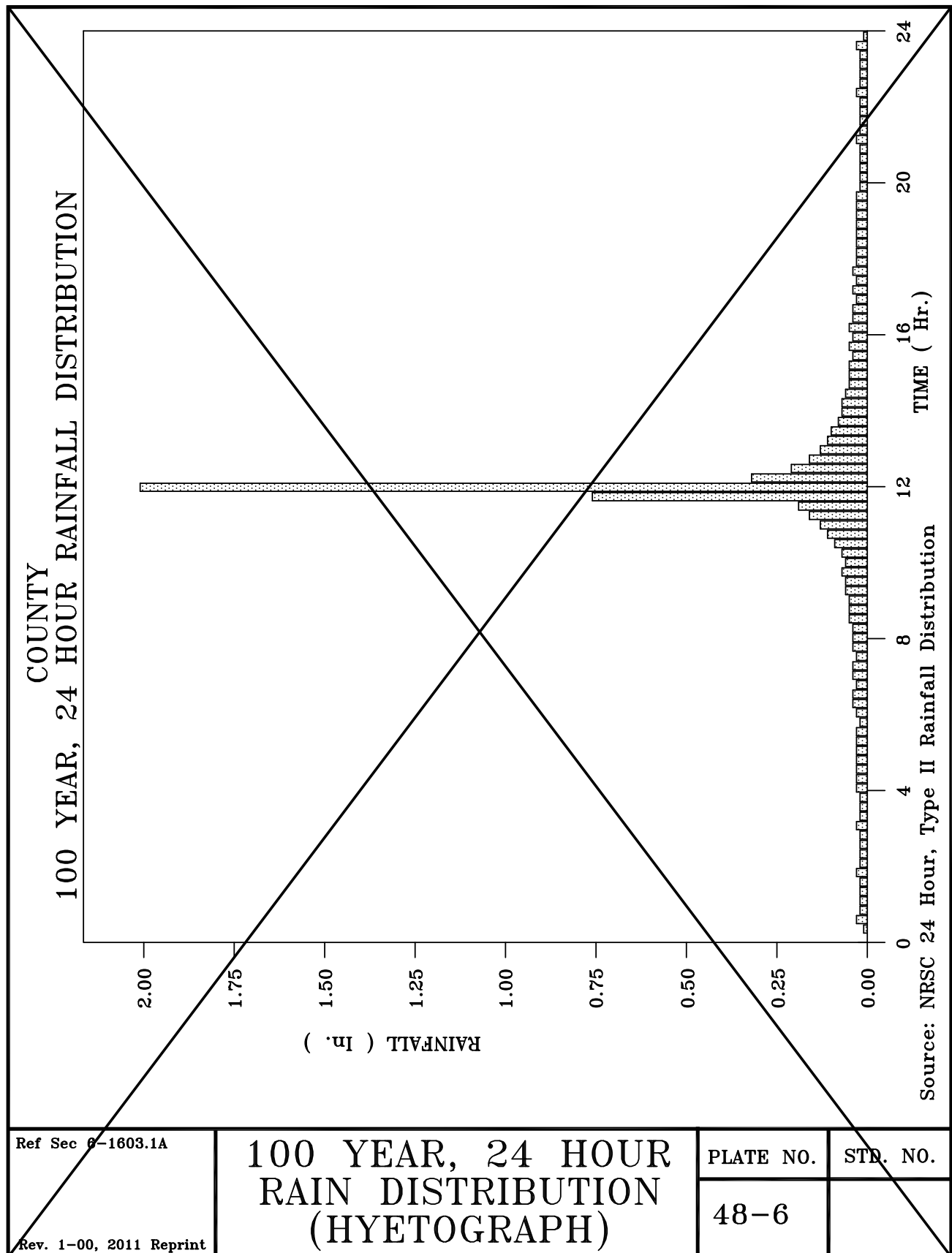
24 HOUR RAINFALL DISTRIBUTION

PLATE NO.

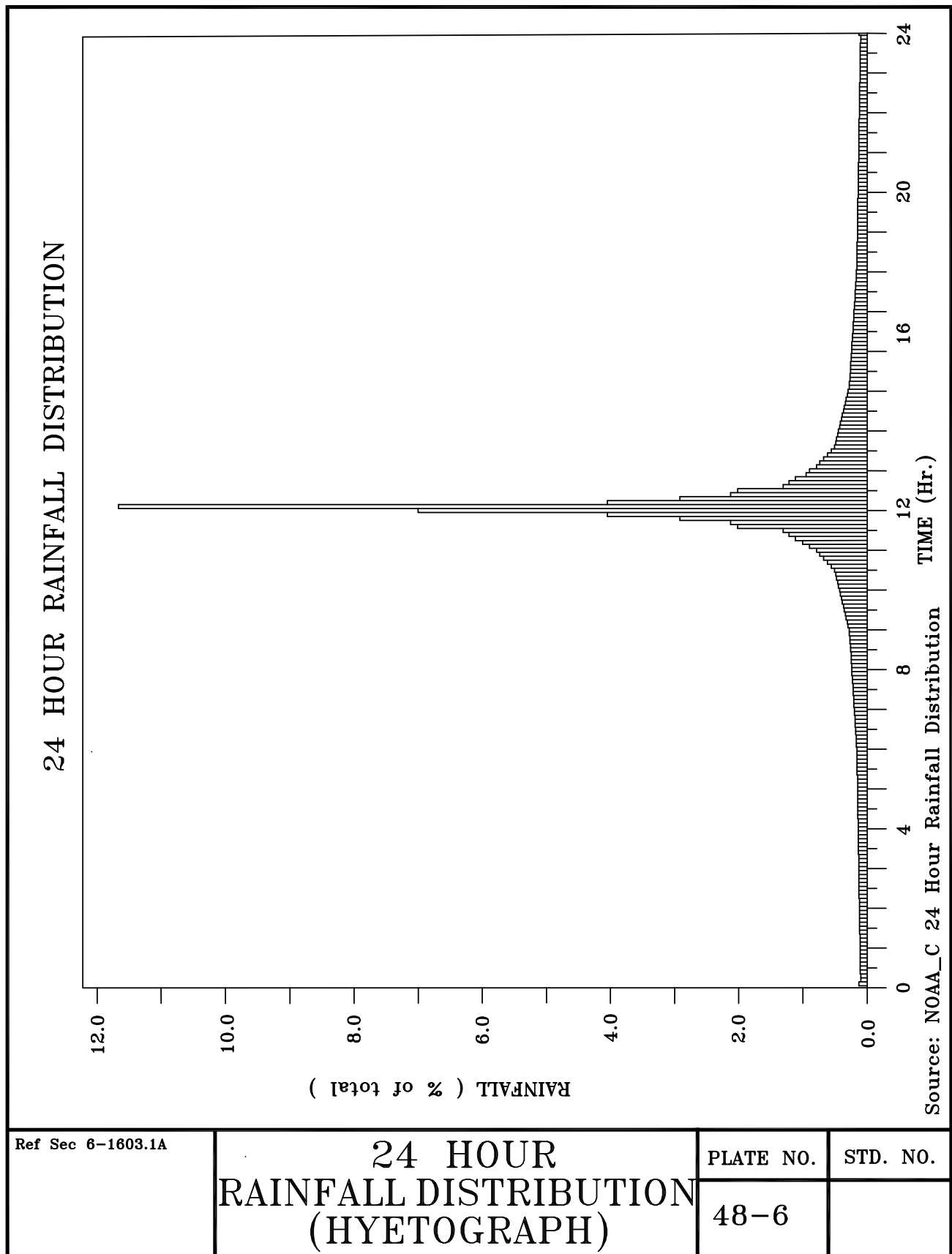
STD. NO.

47B-6

FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



FAIRFAX COUNTY PUBLIC FACILITIES MANUAL



**Proposed Amendments to Chapter 13 (PFM Structure, Interpretations, Definitions,
Abbreviations, and Unit Conversion Tables)
of
The Fairfax County Public Facilities Manual**

Amend §13-0300 (Definitions and Abbreviations) by adding the following definition:

NOAA – National Oceanic and Atmospheric Administration

**Proposed Amendments to Chapter 6 (Storm Drainage)
of
The Fairfax County Public Facilities Manual**

**Revisions to advertised amendments recommend by staff and the Planning Commission
December 9, 2015**

The following is not the full text of the advertised amendments to the Public Facilities Manual. Only those parts of the advertised amendments for which changes are proposed are set forth below. Advertised amendments (11/17/15) are indicated by single strikethroughs and single underlines. Revisions (12/09/15) to the advertised amendments recommended by staff are indicated by double strikethroughs and double underlines.

1 Amend §6-0800 (Hydrologic Design), by revising 6-0806 (Incremental Unit Hydrograph – 1
2 Impervious Acre) to read as follows:

3
4 **6-0806~~7~~ Incremental Unit Hydrograph – 1 ~~Impervious Acre~~ Inch of Runoff per Acre**

5
6 Two-hour unit hydrographs for use with rational formula hydrology are presented in Table 6.6.
7 To use the unit hydrographs, multiply the total rainfall amount (inches) in Table 6.19 for the 2-
8 hour design storm by the rational formula runoff coefficient, including the correction factor for
9 ground saturation, ~~and drainage area (acres)~~ to obtain the runoff ~~volume in~~ (inches) ~~per acre~~.

10 Multiply the runoff (inches) ~~volume~~ by the unit hydrograph values in Table 6.6 and the drainage
11 area (acres) to generate the hydrograph values (cfs) for the design storm.

Planning Commission Meeting
December 9, 2015
Verbatim Excerpt

PUBLIC FACILITIES MANUAL (PFM) AMENDMENT – NATIONAL OCEANIC AND
ATMOSPHERIC ADMINISTRATION (NOAA) ATLAS 14 RAINFALL DATA (Countywide)

After Close of the Public Hearing

Chairman Murphy: Public hearing is closed; recognize Mr. Hart.

Commissioner Hart: Thank you, Mr. Chairman. This is a straightforward amendment. It has staff's favorable recommendation with which I concur. And therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT THE BOARD ADOPT THE PROPOSED AMENDMENT TO CHAPTERS 6 AND 13 OF THE PUBLIC FACILITIES MANUAL AS SET FORTH IN THE STAFF REPORT DATED NOVEMBER 17, 2015, WITH THE REVISION TO SECTION 6-0807, INCREMENTAL UNIT HYDROGRAPH, 1 INCH OF RUNOFF PER ACRE, DATED DECEMBER 9, 2015, DISTRIBUTED TO THE PLANNING COMMISSION THIS EVENING.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion as articulated by Mr. Hart, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(The motion carried by a vote of 12-0.)

JN

Board Agenda Item
February 2, 2016

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the West Springfield Residential Permit Parking District, District 7 (Springfield District)

ISSUE:

Public Hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the West Springfield Residential Permit Parking District (RPPD), District 7.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of the Fairfax County Code, to expand the West Springfield RPPD, District 7.

TIMING:

On January 12, 2016, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of the Fairfax County Code, to take place on February 2, 2016, at 4:00 p.m.

BACKGROUND:

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

Board Agenda Item
February 2, 2016

Staff has verified that Cardinal Hill Place from the northern property boundary of 6301 Cardinal Hill Place south to the cul-de-sac; and on the west side from Tuttle Road to the cul-de-sac inclusive, is within 1,000 feet of the property boundary of West Springfield High School, and all other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$250 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code

Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

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

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Maria Turner, Sr. Transportation Planner, FCDOT

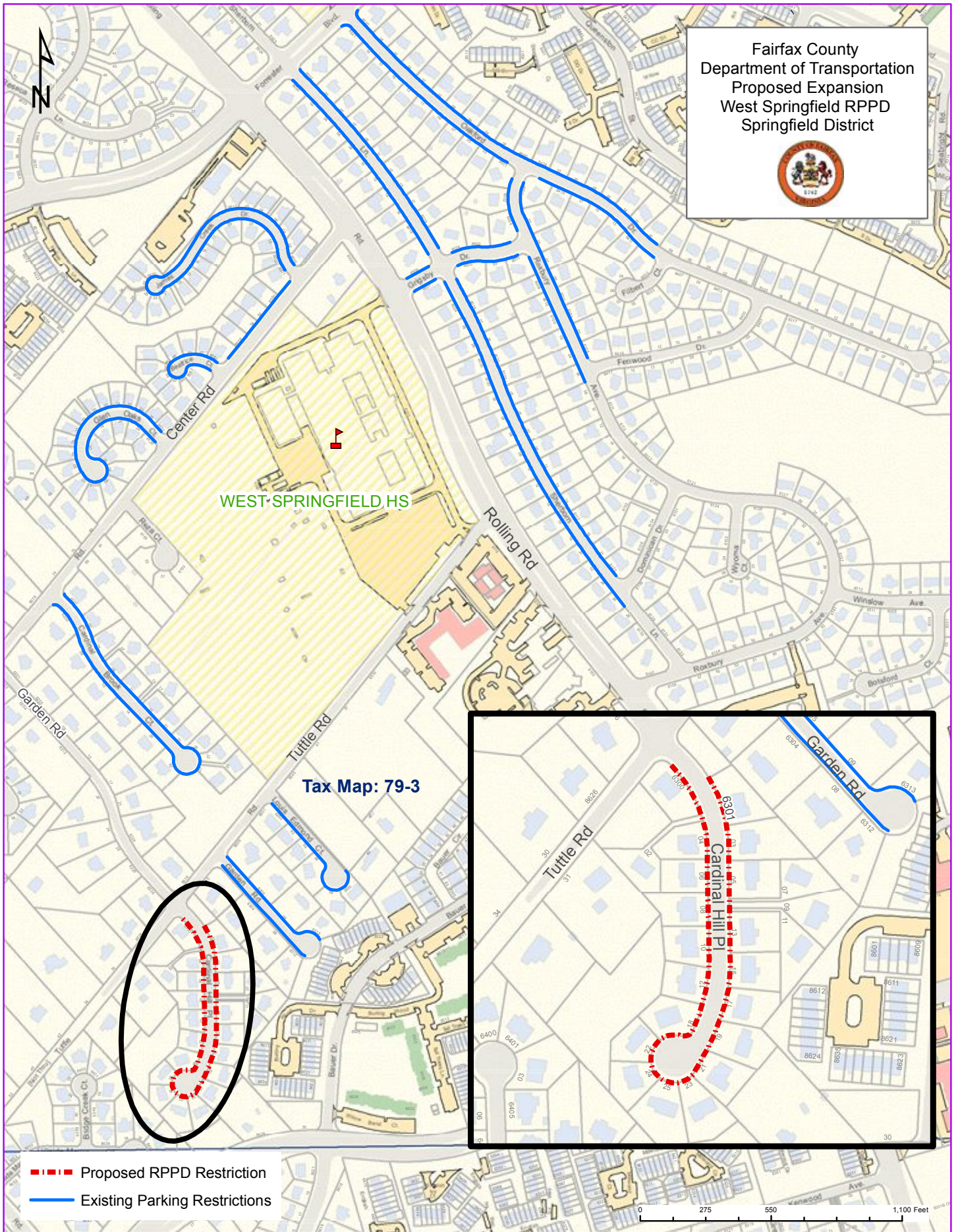
Charisse Padilla, Transportation Planner, FCDOT

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by amending the following streets in Appendix G-7, Section (b), (2), West Springfield Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Cardinal Hill Place (Route 8602):

From the northern property boundary of 6301 Cardinal Hill Place south to the cul-de-sac, and on the west side from Tuttle Road to the cul-de-sac inclusive



Board Agenda Item
February 2, 2016

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Greenway Downs Residential Permit Parking District, District 13 (Providence District)

ISSUE:

Public Hearing to consider a proposed amendment to Appendix G, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Greenway Downs Residential Permit Parking District (RPPD), District 13.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G, of the Fairfax County Code, to expand the Greenway Downs RPPD, District 13.

TIMING:

On January 12, 2016, the Board authorized a Public Hearing to consider the proposed amendment to Appendix G, of the Fairfax County Code, to take place on February 2, 2016, at 4:00 p.m.

BACKGROUND:

Section 82-5A-4(b) of the Fairfax County Code, authorizes the Board to establish or expand an RPPD in any residential area of the County if: (1) the Board receives a petition requesting establishment or expansion of an RPPD that contains signatures representing at least 60 percent of the eligible addresses of the proposed District and representing more than 50 percent of the eligible addresses on each block of the proposed District, (2) the proposed District contains a minimum of 100 contiguous or nearly contiguous on-street parking spaces 20 linear feet in length per space, unless the subject area is to be added to an existing district, (3) 75 percent of the land abutting each block within the proposed District is developed residential, and (4) 75 percent of the total number of on-street parking spaces of the petitioning blocks are occupied, and at least 50 percent of those occupied spaces are occupied by nonresidents of the petitioning blocks, as authenticated by a peak-demand survey. In addition, an application fee of \$10 per petitioning address is required for the establishment or expansion of an RPPD. In the case of an amendment expanding an existing District, the foregoing provisions apply only to the area to be added to the existing District.

Board Agenda Item
February 2, 2016

On June 30, 2015, a peak parking demand survey was conducted for the requested area. The results of this survey verified that more than 75 percent of the total number of on-street parking spaces of the petitioning blocks were occupied by parked vehicles, and more than 50 percent of those occupied spaces were occupied by nonresidents of the petitioning blocks. All other requirements to expand the RPPD have been met.

FISCAL IMPACT:

The cost of sign installation is estimated at \$2,000 to be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Maria Turner, Sr. Transportation Planner, FCDOT
Charisse Padilla, Transportation Planner, FCDOT

Proposed Amendment

Amend *The Code of the County of Fairfax, Virginia*, by adding the following streets in Appendix G-13, Section (b), (2), Greenway Downs Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Cavalier Trail (Route 1712):

From Winchester Way to the northern property boundary of 6801 Cavalier Trail; east side only

Greenway Boulevard (Route 1715):

From the northern property boundary of 2754 Greenway Boulevard to the southern property boundary of 2804 Greenway Boulevard; west side only

From the northern property boundary of 2757 Greenway Boulevard to the southern property boundary of 2805 Greenway Boulevard; east side only

Summerfield Road (Route 1713):

From the northern property boundary of 2756 Summerfield Road to Cavalier Trail; west side only

From the northern property boundary of 2759 Summerfield Road to Custis Parkway; east side only

Winchester Way (Route 1726):

From Cavalier Trail to Bolling Road



FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
 PROPOSED EXPANSION
 GREENWAY DOWNS RPPD
 PROVIDENCE DISTRICT



Board Agenda Item
February 2, 2016

4:30 p.m.

Public Hearing on SE 2015-HM-013 (Singh Properties II, LLC) to Permit a Medical Care Facility, Located on Approximately 23.81 Acres of Land Zoned R-1 (Hunter Mill District)

This property is located at 10819 Leesburg Pike Reston 20194. Tax Map 12-3 ((1)) 4.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 10, 2015, the Planning Commission voted 11-0 (Commissioner Lawrence was absent from the meeting) to recommend the following actions to the Board of Supervisors:

- Approval of SE 2015-HM-013, subject to Development Conditions dated December 7, 2015;
- Approval of modifications of the transitional screening and barrier requirements of Section 13-303 and 304 of the Zoning Ordinance in favor of the landscaping and barriers shown on the Special Exception Plat;
- Approval of a waiver of the service drive requirement of Section 17-201 of the Zoning Ordinance along Leesburg Pike; and
- Approval of a waiver of an increase in the wall height above seven feet, pursuant to Section 10.104(3)(h) of the Zoning Ordinance to permit the walls, as shown on the Special Exception Plat.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4503512.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Carmen Bishop, Planner, DPZ

SE 2015-HM-013 – SINGH PROPERTIES, II, LLC

Decision Only During Commission Matters
(Public Hearing Held on October 21, 2015)

Commissioner de la Fe: Mr. Chairman, on – excuse me – on October 21st, we held a public hearing on SE 2015-HM-013, in the name of Singh Properties II, LLC, and – which is for a medical facility in the Hunter Mill District right off Route – right on Route 7. The – yesterday you received a written response from the applicant addressing the major issues that could be addressed that were raised at the public hearing and new development conditions were passed out tonight to reflect the changes. They're relatively minor. The new condition 12 has been added to limit the hours of trash and/or recycling collection, and food and linen deliveries to 8:00 a.m. to 6:00 p.m., Monday through Friday. Condition 17 has been modified to reflect the applicant's commitment to install a seven foot tall solid wood fence along the rear of the loading area and supplemental evergreens to address concerns from the community regarding light and noise impacts. And a new condition 25 has been added to reflect the applicant's agreement to grant a sanitary sewer easement to serve the residential properties to the west. And before I move to – on this, could I request the applicant's representative come forward.

David Houston, Esquire, Applicant's Agent, Reed Smith, LLP: Yes, Sir. David Houston with [inaudible] representing the applicant.

Commissioner de la Fe: Thank you very much. Mr. Houston, do you as the applicant's representative agree to the development conditions now dated December 7th?

Mr. Houston: Yes, sir.

Commissioner de la Fe: Okay, thank you very much. I have my motions here somewhere. And let me check and see what I did with them.

Chairman Murphy: Here they come. Billy's coming with them.

Commissioner de la Fe: How could they disappear so quickly. Mr. Chairman, I – I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-HM-013, SUBJECT TO CONDITIONS DATED DECEMBER 7TH, 2015.

Commissioners Hart and Flanagan: Second.

Chairman Murphy: Seconded by Mr. Hart and Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2015-HM-013, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: And, Mr. Chairman, I further MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS: 1) APPROVAL OF MODIFICATIONS OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS OF SECTION 13-303 AND 304 OF THE ZONING ORDINANCE IN FAVOR OF THE LANDSCAPING AND BARRIERS SHOWN ON THE SPECIAL EXCEPTION PLAT; AND 2) APPROVAL OF A WAIVER OF THE SERVICE DRIVE REQUIREMENT OF SECTION 17-201 OF THE ZONING ORDINANCE ALONG LEESBURG PIKE; THIRD, AN INCREASE IN THE WALL HEIGHT ABOVE SEVEN FEET, PURSUANT TO SECTION 10.104(3)(H) OF THE ZONING ORDINANCE TO PERMIT THE WALLS, AS SHOWN ON THE SPECIAL EXCEPTION PLAT.

Commissioners Hart and Flanagan: Second.

Chairman Murphy: Same seconds. Is there a discussion of the motion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(Each motion carried by a vote of 11-0. Commissioner Lawrence was absent from the meeting.)

JN

Board Agenda Item
February 2, 2016

4:30 p.m.

Public Hearing on RZ 2014-HM-024 (George Family Property Development LLC) to Permit Residential Development with an Overall Density of 1.05 Dwelling Units per Acre and Approval of the Conceptual Development Plan, Located on Approximately 20.09 Acres of Land Comprehensive Plan Recommended Residential 1-2 du/ac (Hunter Mill District)

This property is located West of the Terminus of Crim Dell Lane and North of the Terminus of Higdon Drive. Tax Map 28-4 ((1)) 19, 19A, 21, 21B, 25, 25A, and 25C.

PLANNING COMMISSION RECOMMENDATION:

On Thursday, December 10, 2015, the Planning Commission voted 11-0 (Commissioner Lawrence was absent from the meeting) to recommend to the Board of Supervisors approval of RZ 2014-HM-024 and the associated conceptual Development Plan, subject to the execution of proffers consistent with those dated November 24, 2015.

In a related action, the the Planning Commission voted 11-0 (Commissioner Lawrence was absent from the meeting) to approve FDP 2014-HM-024, subject to the Development Conditions dated November 24, 2015, and the Board of Supervisors' approval of RZ 2014-HM-024 and the associated Conceptual Development Plans.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4508328.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ),
Carmen Bishop, Planner, DPZ

RZ/FDP 2014-HM-024 – GEORGE FAMILY PROPERTY DEVELOPMENT, LLC

After the Close of the Public Hearing

Chairman Murphy: Public hearing is closed; Mr. de la Fe.

Commissioner de la Fe: Thank you very much, Mr. Chairman. This case, I really want to thank staff and the applicant and the neighbors for diligently – who – to come to this, where we have a redevelopment, rezoning in an established neighborhood and there seems to be, you know, no – no major objections, or actually we haven't heard any major objections. There haven't been taken – any objections that haven't been taken care of by the applicant's concessions and proffer changes. So, given that, Mr. Chairman – and as the applicant stated, the land use committee did approve this and I'm happy to say that they actually did approve it - - the land use committee over the last few months has had trouble getting a full quorum. And they – they actually did have one – more than a quorum for – when they considered this application, so it is a recommendation for approval. Could the applicant please step forward?

Scott Adams, Esquire, Applicant's Agent, McGuireWoods, LLP: Yes.

Commissioner de la Fe: Do you agree to the development conditions that are contained in the staff report?

Mr. Adams: Yes, we do.

Commissioner de la Fe: Thank you very much.

Mr. Adams: Thank you.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ 2014-HM-024 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN, SUBJECT TO THE EXECUTION OF PROFFERS CONSISTENT WITH THOSE DATED NOVEMBER 24TH, 2015.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve RZ 2014-HM-024, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner de la Fe: Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDP 2014-HM-024, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED NOVEMBER 24, 2015, AND THE BOARD OF SUPERVISORS' APPROVAL OF RZ 2014-HM-024 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLANS.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Mr. Flanagan. Discussion? All those in favor of the motion to approve FDP 2014-HM-024, subject to the Board's approval of the rezoning and the conceptual development plans, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

//

(Each motion carried by a vote of 11-0. Commissioner Lawrence was absent from the meeting.)

JN

Board Agenda Item
February 2, 2016

4:30 p.m.

Public Hearing on SE 2015-MV-003 (First Years Learning Center LLC / Claudia Tramontana) to Permit a Home Child Care Facility, Located on Approximately 10,488 Square Feet of Land Zoned PDH-2 (Mount Vernon District)

This property is located at 6614 Winstead Manor Court, Lorton, 22079. Tax Map 99-2 ((17)) 34.

On June 23, 2015, the Board of Supervisors deferred this public hearing to July 28, 2015, at 3:00 p.m.; and then was deferred to September 22, 2015 at 3:00 p.m.; and, then was deferred to October 6, 2015 at 3:00 p.m.; and then deferred to October 20, 2015 at 5:30 p.m.; and once again was deferred to January 12, 2016; at which time it was deferred to February 2, 2016 at 4:30 p.m.

PLANNING COMMISSION RECOMMENDATION:

On Wednesday, July 22, 2015, the Planning Commission voted 10-0 (Commissioners Lawrence and Migliaccio were absent from the meeting) to recommend to the Board of Supervisors approval of SE 2015-MV-003, subject to the development conditions dated July 21, 2015.

ENCLOSED DOCUMENTS:

Attachment 1: Planning Commission Verbatim Excerpt
Staff Report previously furnished and available online at:
<http://ldsnet.fairfaxcounty.gov/ldsnet/ldsdfw/4488469.PDF>

STAFF:

Barbara Berlin, Director, Zoning Evaluation Division, Department of Planning and Zoning (DPZ)
Mary Ann Tsai, Planner, DPZ

SE 2015-MV-003 - FIRST YEARS LEARNING CENTER LLC/CLAUDIA TRAMONTANA

During Commission Matters

Commissioner Flanagan: Mr. Chairman. I have a decision only tonight, SE 2015-MV-003 First Years Learning Center, and I request that the applicant, come forward to the lectern and confirm for the record, agreement to the proposed development conditions now dated July 21, 2015, with two changes – recent changes - to the conditions and with the inclusion of the following language to condition one, which restricts the special exception approval to the applicant only. Do you agree with the conditions?

Lawrence McClafferty, Applicant's Agent, McCandlish & Lillard, PC: Mr. Flanagan and Mr. Chairman and members of the Commission, we hereby agree with that additional condition.

Commissioner Flanagan: Thank you.

Chairman Murphy: Sir, identify yourself for the record please, just to make it –

Mr. McClafferty: Lawrence McClafferty, of McCandlish & Lillard, here on behalf of the applicant, First Years Learning Center, LLC and Claudia Tramontana.

Chairman Murphy: Thank you very much, Mr. Flanagan.

Commissioner Flanagan: The conditions, are we on – verbatim?

Chairman Murphy: Yes.

Commissioner Flanagan: - okay, the conditions, number one that I refer to, was passed out to all the Commissioners in the handouts so you should all have that text, I will repeat it here. But based upon public testimony not previously available to staff and the applicant's willingness to achieve neighborhood harmony by amending staff's conditions so as to improve pipestem traffic and parking by eventually reducing the number of children on the site from 12 to 9. Second, improve playground safety by adding play equipment ground cover and fencing as recommended by Commissioners Strandlie and Hedetniemi and limiting the SE to the applicant rather than the site, as we are doing this evening. I therefore Mr. Chairman, MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-MV-003, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED JULY 21, 2015.

Commissioner Litzenberger: Second.

Chairman Murphy: Seconded by Mr. Litzenberger.

Commissioner Sargeant: Mr. Chairman.

Chairman Murphy: Is there a discussion of the motion?

Commissioner Sargeant: Mr. Chairman.

Chairman Murphy: Mr. Sargeant.

Commissioner Sargeant: I was not present for the public hearing however, I have reviewed the information and also the video recording of the public testimony and I intend to vote.

Chairman Murphy: Further discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2015-MV-003, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

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(The motion carried by a vote of 10-0. Commissioner Lawrence and Migliaccio absent from the meeting.)

TMW