

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
October 25, 2022**

AGENDA

- 9:30 Presentations
- 9:30 Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups
- 9:30 Matters Presented by Board Members
- 9:30 Items Presented by the County Executive

**ADMINISTRATIVE
ITEMS**

- 1 Streets into the Secondary System (Dranesville District)
- 2 Authorization to Advertise a Public Hearing on Chapter 62 of the Code of the County of Fairfax, Proposed Amendments
- 3 Extension of Review Period for 2232 Applications (Mason District)
- 4 Supplemental Appropriation Resolution AS 23093 for the Fairfax-Falls Church Community Services Board to Accept Grant Funding from the Virginia Department of Behavioral Health and Developmental Services Supporting the Mental Health Docket Program

ACTION ITEMS

- 1 Approval of Letter of Support for Loudoun County's Grant Application for the Virginia Department of Rail and Public Transportation (DRPT) Transit Ridership Incentive Program (TRIP)
- 2 Approval of the Fairfax County's Disadvantaged Business Enterprise (DBE) Goal Update for the Federal Transit Administration (FTA)
- 3 Approval of Additional Funding for Phase 2 of the Dulles Corridor Metrorail Project (Dranesville & Hunter Mill Districts)

**CONSIDERATION
ITEMS**

- 1 Adoption of a Resolution Dissolving the Historical Marker Project Voting Committee

**FAIRFAX COUNTY
BOARD OF SUPERVISORS
October 25, 2022**

CLOSED SESSION

Closed Session

**PUBLIC
HEARINGS**

3:30	Public Hearing on SEA 85-C-010-02 (Reston Commerce, LLC) (Hunter Mill District)
3:30	Public Hearing on SEA 83-A-026 (Capital Services, Inc. DBA Ravensworth Shell) (Braddock District)
4:00	Public Hearing to Consider Adopting an Ordinance Expanding the Herndon Residential Permit Parking District, District 26 (Dranesville District)
4:00	Public Comment



Fairfax County, Virginia

BOARD OF SUPERVISORS

AGENDA

**Tuesday
October 25, 2022**

9:30 a.m.

PRESENTATIONS

- RESOLUTION — To recognize the Glass Recycling Network for its service to the community. Requested by Supervisor Herrity.
- PROCLAMATION — To designate Monday, October 24, 2022 as Polio Awareness Day. Requested by Supervisor Gross.
- RESOLUTION — To recognize Metropolitan Washington Council of Governments Executive Director Chuck Bean for his service to the region. Requested by Chairman McKay.
- PROCLAMATION — To designate October 2022 as Domestic Violence Awareness Month. Requested by Chairman McKay and Supervisors Walkinshaw and Palchik.

STAFF:

Tony Castrilli, Director, Office of Public Affairs
Jeremy Lasich, Office of Public Affairs

Board Agenda Item
October 25, 2022

9:30 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard October 25, 2022

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

DRAFT

APPOINTMENTS TO BE HEARD OCTOBER 25, 2022
(ENCOMPASSING VACANCIES PROJECTED THROUGH **OCTOBER 31, 2022)**
 (Unless otherwise noted, members are eligible for reappointment)

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

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Clifford L. Fields; appointed 1/96-1/03 by Hanley; 1/04-1/08 by Connolly; 2/09- 1/20 by Bulova) Term exp. 1/21 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's
Kerrie Wilson (Appointed 1/10-7/21 by Foust) Term exp. 1/22	Dranesville District Representative		Foust	Dranesville
VACANT (Formerly held by Mary Frances Tunick; appointed 10/20-3/21 by Gross) Term exp. 1/22 <i>Resigned</i>	Mason District Representative		Gross	Mason

ADVISORY SOCIAL SERVICES BOARD
(4-year terms – limited to 2 full terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Nancy Dalton Hall (Appointed 9/14-9/18 by Gross) Term exp. 9/22 <i>Not eligible for reappointment</i>	Mason District Representative		Gross	Mason

AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Richard N. Rose (Appointed 7/97-4/01 by Hanley; 9/05-5/09 by Connolly; 6/13- 6/17 by Bulova) Term exp. 5/21	Builder (Multi-Family) Representative		By Any Supervisor	At-Large
Renko R. Hardison (Appointed 6/18 by McKay) Term exp. 5/22	Citizen Representative		By Any Supervisor	At-Large
James H. Scanlon (Appointed 6/93-5/17 by Bulova) Term exp. 5/21	Engineer/Architect/ Planner #1 Representative		By Any Supervisor	At-Large
Mark Drake (Appointed 2/09-5/12 by McKay) Term exp. 5/16	Engineer/Architect/ Planner #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by James Francis Carey; appointed 2/95-5/02 by Hanley; 5/06 by Connolly) Term exp. 5/10 <i>Resigned</i>	Lending Institution Representative		By Any Supervisor	At-Large

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AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)

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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Francis C. Steinbauer (Appointed 8/02-5/18 by Hudgins) Term exp. 5/22	Non-Profit Housing Representative		By Any Supervisor	At-Large

**ALCOHOL SAFETY ACTION PROGRAM LOCAL
POLICY BOARD (ASAP) (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Grant J. Nelson Appointed 10/95-5/01 by Hanley; 6/04-9/07 by Connolly; 6/10- 9/19 by Bulova) Term exp. 6/22	At-Large #2 Representative		By Any Supervisor	At-Large
Darren Dickens (Appointed 11/96- 5/01 by Hanley; 6/04- 10/07 by Connolly; 6/10-9/19 by Bulova) Term exp. 6/22	At-Large #3 Representative		By Any Supervisor	At-Large
Jayant Reddy (Appointed 1/16-7/18 by Bulova) Term exp. 8/21	At-Large #4 Representative		By Any Supervisor	At-Large
Linda Perlstein (Appointed 4/05- 10/19 by Hudgins) Term exp. 10/22	At-Large #6 Representative		By Any Supervisor	At-Large

ANIMAL SERVICES ADVISORY COMMISSION (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Christina Anderson (Appointed 1/18-2/20 by Gross) Term exp. 2/22	Mason District Representative		Gross	Mason

ARCHITECTURAL REVIEW BOARD (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jason F. Zellman (Appointed 5/18-9/19 by Herrity) Term exp. 9/22	Attorney Representative		By Any Supervisor	At-Large

ATHLETIC COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Terry Adams; appointed 11/11-7/13 by Gross) Term exp. 6/15 <i>Resigned</i>	Mason District Alternate Representative		Gross	Mason
Michael W. Thompson (Appointed 1/09-6/20 by Herrity) Term exp. 6/22	Springfield District Principal Representative		Herrity	Springfield
Jenni R. Cantwell (Appointed 9/10-6/20 by Herrity) Term exp. 6/22	Women's Sports Principal Representative		By Any Supervisor	At-Large

BARBARA VARON VOLUNTEER AWARD SELECTION COMMITTEE (1-year term)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Raymond Smith; appointed 7/20-6/22 by Walkinshaw) Term exp. 6/23 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock
VACANT (Formerly held by Barbara Glakas; appointed 1/12-6/19 by Foust) Term exp. 6/20 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
Kim S. Farington (Appointed 1/19-6/21 by Herrity) Term exp. 6/22	Springfield District Representative		Herrity	Springfield

BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS (4-year terms)

NOTE: No official, technical assistant, inspector or other employee of the Department of Public Works and Environmental Services, Department of Planning and Development, or Fire and Rescue Department shall serve as a member on this Board.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Wayne Bryan; appointed 6/13-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Alternate #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Thomas J. Schroeder; appointed 06/92-2/17 by Bulova) Term exp. 2/21 <i>Resigned</i>	Design Professional #1 Representative		By Any Supervisor	At-Large

**BOARD OF EQUALIZATION OF REAL ESTATE
ASSESSMENTS (BOE) (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Dolores Quintela; appointed 2/20-11/21 by McKay) Term exp. 12/23 <i>Resigned</i>	Professional #1 Representative		By Any Supervisor	At-Large

CATHY HUDGINS COMMUNITY CENTER ADVISORY COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Amer Bayoumi; appointed 1/21 by Alcorn) Term exp. 3/22 <i>Resigned</i>	Fairfax County #9 (Youth) Representative		By Any Supervisor	At-Large

**CELEBRATE FAIRFAX, INC. BOARD OF DIRECTORS
(2-year terms- limited to 3 full terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Anna Fay Dixon (Appointed 12/21 by Lusk) Term exp. 9/22	At-Large #1 Representative		By Any Supervisor	At-Large

CHILD CARE ADVISORY COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Wynne Busman (Appointed 11/12-9/20 by Gross) Term exp. 9/22	Mason District Representative		Gross	Mason
Kerry O'Brien (Appointed 5/18-9/20 by Herrity) Term exp. 9/22	Springfield District Representative		Herrity	Springfield

CITIZEN CORPS COUNCIL, FAIRFAX COUNTY (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Andrea C. McCarthy; appointed 6/20 by Alcorn) Term exp. 5/22 <i>Resigned</i>	Hunter Mill District Representative		Alcorn	Hunter Mill
VACANT (Formerly held by Joseph Hansen; appointed 9/20 by Storck) Term exp. 5/22 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon
VACANT (Formerly held by Nathaniel Baldwin; appointed 7/20-5/24 by Palchik) Term exp. 5/24 <i>Resigned</i>	Providence District Representative		Palchik	Providence

CIVIL SERVICE COMMISSION (2-year terms)

NOTE: The Commission shall include at least 3 members who are male, 3 members who are female, and 3 members who are from a minority group.

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Vanessa Jordan (Appointed 6/20 by Walkinshaw) Term exp. 12/21	At-Large #8 Representative		By Any Supervisor	At-Large

COMMISSION FOR WOMEN (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Alyssa N. Batchelor (Appointed 10/21 by McKay) Term exp. 10/22	At-Large Chairman's Representative		McKay	At-Large Chairman's
Alesia Taylor-Boyd (Appointed 5/22 by Lusk) Term exp. 10/22	Lee District Representative		Lusk	Lee
VACANT (Formerly held by Jane M. Materna; appointed 2/19-10/19 by Gross) Term exp. 10/22 <i>Resigned</i>	Mason District Representative		Gross	Mason
Lanita R. Thweatt (Appointed 2/22 by Storck) Term exp. 10/22	Mount Vernon District Representative		Storck	Mount Vernon
Pamela Montesinos (Appointed 5/22 by Smith) Term exp. 10/22	Sully District Representative		Smith	Sully

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COMMISSION FOR WOMEN (3-year terms)

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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Lesbian-Gay-Bisexual-Queer-Intersex-Asexual ("LGBQIA+") Representative		McKay	At-Large Chairman's
NEW POSITION	Transgender Woman Representative		McKay	At-Large Chairman's

CONFIRMATION NEEDED:

- Ms. Alessandra Simmons-Robles as the Student Representative

COMMISSION ON AGING (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Kathleen Hoyt (Appointed 12/16-2/21 by Gross) Term exp. 5/22	Mason District Representative		Gross	Mason

COMMUNITY ACTION ADVISORY BOARD (CAAB) (3-year terms)**CONFIRMATIONS NEEDED:**

- Ms. Ann Macpherson as the AARP Representative
- Mr. Ken McMillon as the Elected - Central Target Area #3 Representative
- Ms. Shari Zamarra as the Faith Communities In Action Representative

CONSUMER PROTECTION COMMISSION (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jacqueline G. Rosier (Appointed 9/08 by Connolly; 7/10-9/19 by Bulova) Term exp. 7/22	Fairfax County Resident #1 Representative		By Any Supervisor	At-Large

CRIMINAL JUSTICE ADVISORY BOARD (CJAB) (3-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jennifer Chronis; appointed 12/16-7/18 by Herrity) Term exp. 8/21 <i>Resigned</i>	Springfield District Representative		Herrity	Springfield

DULLES RAIL TRANSPORTATION IMPROVEMENT DISTRICT ADVISORY BOARD, PHASE I (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Michael J. Cooper; appointed 3/04-7/18 by Smyth) Term exp. 3/22 <i>Resigned</i>	At-Large #6 Representative		By Any Supervisor	At-Large

ECONOMIC DEVELOPMENT AUTHORITY (EDA) (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Roderick Mitchell (Appointed 10/20 by McKay) Term exp. 7/22	At-Large #3 Citizen Representative		By Any Supervisor	At-Large

ENGINEERING STANDARDS REVIEW COMMITTEE (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Howard J. Guba; appointed 6/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #2 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Maya Huber; appointed 12/09-1/14 by Confirmation; 5/18 by Bulova) Term exp. 3/21 <i>Resigned</i>	Citizen #4 Representative		By Any Supervisor	At-Large

**FAIRFAX COMMUNITY LONG TERM CARE
COORDINATING COUNCIL (2-year terms)**

CONFIRMATION NEEDED:

- Ms. Sabrina Hsu as the Long Term Care Providers #8 Representative

HEALTH SYSTEMS AGENCY BOARD (3-year terms -limited to 2 full terms)

NOTE: Members may be reappointed after 1 year break

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Maria Zlotnick; appointed 6/20 by Alcorn) Term exp. 6/22 <i>Resigned</i>	Provider #4 Representative		By Any Supervisor	At-Large

HUMAN RIGHTS COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Emanuel Solon (Appointed 9/95-7/01 by Connolly; 9/04- 9/19 by Smyth) Term exp. 9/22	At-Large #5 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Elliot Bell-Krasner; appointed 1/20 by Palchik) Term exp. 9/22 <i>Resigned</i>	At-Large #6 Representative		By Any Supervisor	At-Large

HUMAN SERVICES COUNCIL (4-year terms)
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jeff Dannick; appointed 4/14-7/17 by Cook; 7/21 by Walkinshaw) Term exp. 7/25 <i>Resigned</i>	Braddock District #1 Representative		Walkinshaw	Braddock
Robert L. Faherty (Appointed 9/99-7/02 by Kauffman; 7/06- 7/18 by McKay) Term exp. 7/22	Lee District #2 Representative		Lusk	Lee
VACANT (Formerly held by Lanita R. Thweatt; appointed 6/19-7/20 by Storck) Term exp. 7/24 <i>Resigned</i>	Mount Vernon District #1 Representative		Storck	Mount Vernon
Adwoa Rey (Appointed 2/22 by Storck) Term exp. 7/22	Mount Vernon District #2 Representative		Storck	Mount Vernon

JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jan B. Reitman appointed 7/14-1/20 by Gross) Term exp. 1/22 <i>Resigned</i>	Mason District Representative		Gross	Mason

**OVERSIGHT COMMITTEE ON DISTRACTED AND
IMPAIRED DRIVING (3-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Annette Koklauner (Appointed 1/16 by Bulova) Term exp. 6/19	At-Large Chairman's Representative		McKay	At-Large Chairman's
VACANT (Formerly held by William Uehling; appointed 3/10-7/12 by Bulova) Term exp. 6/15 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock
VACANT (Formerly held by Amy K. Reif; appointed 8/09-6/12 by Foust) Term exp. 6/15 <i>Resigned</i>	Dranesville District Representative		Foust	Dranesville
Sarah McCue (Appointed 3/19 by Alcorn) Term exp. 6/21	Hunter Mill District Representative		Alcorn	Hunter Mill
Nabil S. Barbari (Appointed 1/07-9/16 by Gross) Term exp. 6/19	Mason District Representative		Gross	Mason
VACANT (Formerly held by Jeffrey Levy; appointed 7/02-6/13 by Hyland) Term exp. 6/16 <i>Resigned</i>	Mount Vernon District Representative		Storck	Mount Vernon

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**OVERSIGHT COMMITTEE ON DISTRACTED AND
IMPAIRED DRIVING (3-year terms)**

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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Tina Montgomery; appointed 9/10-6/11 by Smyth) Term exp. 6/14 <i>Resigned</i>	Providence District Representative		Palchik	Providence
Peyton Smith (Appointed 10/17 by Smith) Term exp. 6/20	Sully District Representative		Smith	Sully

POLICE CIVILIAN REVIEW PANEL (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Shirley A. Norman- Taylor appointed 2/19 by Bulova; 2/20 by McKay) Term exp. 2/23 <i>Resigned</i>	Seat #3 Representative		By Any Supervisor	At-Large

POLICE OFFICERS RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
James E. Bitner (Appointed 5/17- 10/18 by Bulova) Term exp. 6/22	Citizen At-Large #3 Representative		By Any Supervisor	At-Large

**ROUTE 28 HIGHWAY TRANSPORTATION
DISTRICT ADVISORY BOARD (4-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Jeffrey J. Fairfield (Appointed 11/04- 1/18 by Hudgins) Term exp. 1/22	Resident/Owner Route 28 District #3 Representative		By Any Supervisor	At-Large

TENANT LANDLORD COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Vincent J. Fusaro; appointed 1/20 by Herrity) Term exp. 1/23 <i>Resigned</i>	Citizen Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Eric Fielding; appointed 6/15-1/19 by Bulova) Term exp. 12/21 <i>Resigned</i>	Citizen Member #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Christopher Lee Kocsis; appointed 3/99-11/00 by Hanley; 1/04-12/06 by Connolly; 12/09-1/16 by Bulova) Term exp. 12/18 <i>Deceased</i>	Landlord Member #2 Representative		By Any Supervisor	At-Large

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TENANT LANDLORD COMMISSION (3-year terms)

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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Anup Nair; appointed 6/21 by Palchik) Term exp. 1/24 <i>Resigned</i>	Tenant Member #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Jade Harberg; appointed 7/17 by Bulova; 1/20 by McKay) Term exp. 1/23 <i>Resigned</i>	Tenant Member #3 Representative		By Any Supervisor	At-Large

TRANSPORTATION ADVISORY COMMISSION (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Alexis Glenn (Appointed 9/20 by Lusk) Term exp. 6/22	Lee District Representative		Lusk	Lee

TREE COMMISSION (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Robert D. Vickers (Appointed 4/07 by DuBois; 11/09-10/18 by Foust) Term exp. 10/21	Dranesville District Representative		Foust	Dranesville
Kevin Holland (Appointed 12/16- 10/19 by Gross) Term exp. 10/22	Mason District Representative		Gross	Mason
Cory A. Suter (Appointed 2/20 by Herrity) Term exp. 10/22	Springfield District Representative		Herrity	Springfield

TRESPASS TOWING ADVISORY BOARD (3-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
John Theodore Fee (Appointed 6/06-9/07 by Connolly; 9/10- 0/19 by Bulova) Term exp. 9/22	Citizen Representative		By Any Supervisor	At-Large
Alvin C. Leach (Appointed 7/06-9/07 by DuBois; 10/10- 9/19 by Foust) Term exp. 9/22	Towing #2 Representative		By Any Supervisor	At-Large

**TYSONS TRANSPORTATION SERVICE DISTRICT
ADVISORY BOARD (2-year terms)**

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Barry Mark; appointed 3/15-2/17 by Bulova) Term exp. 2/19 <i>Resigned</i>	Commercial or Retail Ownership #3 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Brad Swanson; appointed 2/21-2/21 by Alcorn) Term exp. 2/23 <i>Resigned</i>	Hunter Mill District #1 Representative		Alcorn	Hunter Mill

UNIFORMED RETIREMENT SYSTEM BOARD OF TRUSTEES (4-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Frank Henry Grace (Appointed 5/01-6/02 by Hanley; 10/06 by Connolly; 7/10-7/18 by Bulova) Term exp. 7/22	Citizen Appointed by BOS #1 Representative		By Any Supervisor	At-Large
VACANT (Formerly held by Maria Teresa Valenzuela; appointed 7/16-11/17 by Bulova) Term exp. 10/21 <i>Resigned</i>	Citizen Appointed by BOS #4 Representative		By Any Supervisor	At-Large

YOUNG ADULTS ADVISORY COMMITTEE
(2-year terms - limited to 2 full terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Sarah Bufano; appointed 7/20-1/22 by Walkinshaw) Term exp. 1/24 <i>Resigned</i>	Braddock District Representative		Walkinshaw	Braddock
VACANT (Formerly held by Jessica Sun; appointed 6/20-2/22 by Palchik) Term exp. 1/24 <i>Resigned</i>	Providence District Representative		Palchik	Providence

NEW BOARDS

AFFORDABLE HOUSING ADVISORY COUNCIL (AHAC) (2-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
NEW POSITION	Mason District Representative		Gross	Mason

CONFIRMATIONS NEEDED:

- Ms. Michele Hymer Blitz as the Disability Services Board Representative
- Dr. Gerald V. Poje as the Human Services Council Representative
- Mr. Richard J. Kennedy as the Redevelopment and Housing Authority Representative

FAIRFAX COUNTY 250TH COMMISSION (6-year terms)

<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Bobbi Bowman; appointed 10/21 by McKay) Term exp. 6/27 <i>Resigned</i>	At-Large Chairman's Representative		McKay	At-Large Chairman's

Board Agenda Item
October 25, 2022

9:30 a.m.

Matters Presented by Board Members

Board Agenda Item
October 25, 2022

9:30 a.m.

Items Presented by the County Executive

Board Agenda Item
October 25, 2022

ADMINISTRATIVE – 1

Streets into the Secondary System (Dranesville District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the street(s) listed below be added to the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Bull Neck	Dranesville	Dower Lane
Meadows at Great Falls	Dranesville	Branton Lane

TIMING:

Board approval is requested on October 25, 2022.

BACKGROUND:

Inspection has been made of these streets, and they are recommended for acceptance into the State Secondary System.

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment 1 – Street Acceptance Forms

STAFF:

Rachel Flynn, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services

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.		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: 8868-SD-001	
		SUBDIVISION PLAT NAME: Bull Neck	
		COUNTY MAGISTERIAL DISTRICT: Dranesville	
ENGINEERING MANAGER: Robert H. Burton BY: <u>Nadia Alphonse</u>		FOR OFFICIAL USE ONLY DATE OF VDOT INSPECTION APPROVAL: <u>09/12/2022</u>	
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Dower Lane	Existing Dower Lane - 233' NE CL Langley Ridge Road, Route 1970	232' NE to End of Cul-de-Sac	0.04
TOTALS:			0.04
NOTES:			

Street Acceptance Form For Board Of Supervisors Resolution

FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA Pursuant to the request to inspect certain streets in the subdivisions as described, the Virginia Department of Transportation has made inspections, and recommends that same be included in the secondary system.		VIRGINIA DEPARTMENT OF TRANSPORTATION OFFICE OF LAND USE - FAIRFAX PERMITS REQUEST TO THE PERMITS MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.	
		PLAN NUMBER: 4605-SD-001	
		SUBDIVISION PLAT NAME: Meadows at Great Falls	
		COUNTY MAGISTERIAL DISTRICT: Dranesville	
VDOT PERMITS MANAGER: Robert H. Burton BY: <u>Nadia Alphonse</u>		FOR OFFICIAL USE ONLY VDOT INSPECTION APPROVAL DATE: <u>09/20/2022</u>	
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Branton Lane	Existing Branton Lane - 826' NE CL Sherlin Lane, Route 8398	624' NW to End of Cul-de-Sac	0.12
NOTES:			TOTALS: 0.12
5' Concrete Sidewalk on the South Side to be maintained by VDOT			

ADMINISTRATIVE - 2

Authorization to Advertise a Public Hearing on Chapter 62 of the Code of the County of Fairfax, Proposed Amendments

ISSUE:

The Commonwealth of Virginia adopted the Virginia Statewide Fire Prevention Code (SFPC) which went into effect on July 1, 2021. Any local governing body may adopt regulations that are more restrictive or more extensive in scope than the SFPC within certain parameters. Chapter 62 of the Code of the County of Fairfax (attachment 1) are the local amendments to the SFPC.

RECOMMENDATION:

The County Executive recommends that the Board authorize advertisement of a public hearing for Chapter 62 of the Code of the County of Fairfax on December 6th, 2022, at 4:30 p.m.

TIMING:

On October 25, 2022, the Fire Marshal will request that the Board authorize advertisement of a public hearing to consider this matter on December 6, 2022.

BACKGROUND:

The 2018 Statewide Fire Protection Code (SFPC) provides safety regulations for activities, vehicles, and structures. The SFPC incorporates the 2018 International Fire Prevention Code (IFPC) and modifies provisions of that code for enforcement in Virginia. The Fairfax Fire Prevention Code, Chapter 62 of the Ordinance, may be more restrictive than the SFPC, however, Chapter 62 can never be less restrictive than the state regulation.

From time to time, Virginia adopts a new fire prevention code. In response, the Fire and Rescue Department reviews and updates Chapter 62 to ensure that both codes align. Additionally, the Fire Marshal can propose new regulations better tailored to meet the unique needs of Fairfax County.

Fees may be charged by both the local enforcing agencies and the State Fire Marshal's Office. To align with the County's adoption of the PLUS system in November, the Fire Marshal proposes recoding the current fee schedule. The

amendments to that schedule can be found at Table 107.2.

A previous iteration of this Chapter 62 amendment deleted all three amendments to Section 501.3, which governs the designation and enforcement of fire lanes. This amendment deletes the first two exceptions and replaces them with highly similar provisions of the SFPC. This amendment proposes keeping the third exception so that, when and if the fire code official exercises his power to designate and enforce fire lanes on older private roads pursuant to Section 507.3, those subdivisions built before 1980 retain the option to seek a code modification pursuant to the 501.3 Exception (3) and Section 106.5.

Attached to this staff report is the full set of code revisions proposed by the Fire Marshal. Where a local regulation is being deleted, a reference follows providing the provision of the SFPC or the IFPC that would take effect if that regulation is deleted. These reference sections are not intended to be included in the codified version the Fairfax County Fire Prevention Code.

FISCAL IMPACT:

None.

CREATION OF POSITIONS:

There will be no new position(s) created.

ENCLOSED DOCUMENTS:

Attachment 1 – Chapter 62

STAFF:

Thomas Arnold, Deputy County Executive
John S. Butler, Fire Chief, Fire and Rescue Department
John L. Walser, Deputy Chief, Fire and Rescue Department

ASSIGNED COUNSEL:

Patrick V. Foltz, Assistant County Attorney

CHAPTER 62. – Fire Protection

Article 1. – In General

Section 62-1-1. – Penalty.

Any person, firm, or corporation who shall violate any of the Sections of this Chapter or any provisions of the Fire Prevention Code of Fairfax County adopted by Section 62-2-6 or shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall fail to comply with such an order within the time fixed therein shall separately for each and every such violation and noncompliance respectively, be guilty of a violation of this Chapter and the violation shall be deemed a Class 1 misdemeanor, and shall, upon conviction, be punishable by imprisonment not to exceed 12 months or by a fine not to exceed \$2,500.00 or both. Each day that a violation continues after a service of notice as provided for in this Code shall be deemed a separate offense.

Section 62-1-2. – Use of fire apparatus, equipment, etc., within Fairfax County.

- a. It shall be unlawful for any person to operate or cause to be operated, upon a public highway or street in the County, any vehicle or equipment used, intended to be used, or designed to be used for the purpose of fighting fires, unless such vehicle or equipment is owned by a recognized firefighting company of the County.
- b. For the purpose of this Section, a recognized ~~fire-fighting~~ firefighting company of the County shall be construed to mean one that has been recognized as such by resolution of the Board of Supervisors.
- c. This Section shall not apply to the operation of ~~fire-fighting~~ firefighting vehicles and equipment owned by any ~~fire-fighting~~ firefighting company outside of the County when such vehicle or equipment is traveling in or through the County for a parade or other non-firefighting purposes or in response to a call from the ~~County fire-alarm headquarters~~ Fairfax County Department of Public Safety Communications.

Section 62-1-3. – Damage or injury to fire department equipment or personnel.

It shall be unlawful for any person to damage or deface, or attempt, or conspire to damage or deface any fire department vehicle at any time, or to injure, or attempt to injure, or conspire to injure fire department personnel while such personnel are in the performance of departmental duties.

Section 62-1-4. – Unlawful boarding or tampering with fire department vehicles.

It shall be unlawful for any person, without proper authorization from the fire department officer-in-charge of said vehicle, to cling to, attach himself to, climb upon or into, board, or swing upon any fire department vehicle, whether such vehicle is in motion or at rest, or to sound any warning device thereon, or to manipulate, tamper with or destroy, or attempt to manipulate, tamper with or destroy any lever, valve, switch, starting device, brake, pump, or any equipment, protective clothing, or tool on or a part of such fire department vehicle.

ARTICLE 2. – Fire Marshal

Section 62-2-1. County Fire Marshal and Deputy Fire Marshal – Creation of office; appointment; powers and duties generally.

~~The Office of County Fire Marshal~~ The Fairfax County Office of the Fire Marshal is hereby created. The County Executive shall appoint a County Fire Marshal whose powers and duties shall be as set forth in this Chapter. ~~He shall receive such annual salary as the Board of Supervisors may allow.~~

Section 62-2-2. – Same – Tenure.

The County Fire Marshal shall not be appointed for a definite tenure but shall continue contingent upon and subject to the personnel rules of the County.

Section 62-2-3. Oaths of ~~fire~~ Fire marshal ~~Marshal~~ and ~~members of his staff~~ Technical Assistants to the Fire Marshal.

The County Fire Marshal, Deputy County Fire Marshal, and ~~members of the fire marshal's staff~~ Technical Assistants to the Fire Marshal, before entering upon their duties, shall, respectively, take an oath, before any officer authorized to administer oaths, faithfully to discharge the duties of their office.

Section 62-2-4. Investigation and notification of fires and injuries.

- a. The Fire Marshal shall investigate or cause to be investigated, every fire or explosion occurring within the County that is of a suspicious nature, or which involves the loss of life, or causes injury to persons, or causes destruction of or damage to property. Such investigation shall be made at the time of the fire or at a subsequent time, depending on the nature and circumstances of the fire. The Fire Marshal shall take charge immediately of the physical evidence, and in order to preserve any physical evidence relating to the cause or origin of such fire or explosion, take means to prevent access by any person or persons to such building, structure, or premises until such evidence has been properly processed. ~~The County Police Department~~ appropriate police department, upon request of the County Fire Marshal, shall assist in the investigation, as needed. The results of any such investigation shall be forwarded by the Fire Marshal to the Commonwealth's Attorney for proper disposition.
- b. A medical professional who is primarily responsible for the treatment of an individual for a burn injury described below shall, as soon as practicable, notify the Fairfax County Fire Marshal and the Department of Public Safety Communications. The treating physician or designee shall be responsible for giving the notice required by this section.

1. The provisions of this subsection apply to:
 - i. any burn injury from the result of direct flame contact causing 2nd degree burns (partial thickness) to 5 percent or more of the patient's body and all 3rd degree burns (full thickness), regardless of the percentage of burned area.
 - ii. all chemical burns regardless of severity.
 - iii. any upper respiratory burn injury requiring advanced airway intervention and/or support.
 - iv. any burn injury which causes death or
 - v. any burn injury which is likely to cause death.
2. The provisions of this section do not apply to sunburn.
3. Notice under this section shall include:
 - i. The name and address of the patient, if known.
 - ii. A description of the burn injury.
 - iii. The reported cause of the burn injury, if given.
 - iv. The patient's prognosis.
 - v. Any other fact concerning the burn injury which may assist in determining the origin and cause of the fire.

Section 62-2-5. – Powers of arrest.

The Fire Marshal and all members of the Fire Marshal's staff permitted under Title 27 of the Code of Virginia to do so shall have the same police powers as a regular member of the County Police Department in the investigation and prosecution of all offenses involving fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances, and fire bombs, storage, use, and transportation of hazardous materials and hazardous waste, environmental crimes, and other offenses involving the calling or summoning of fire or rescue equipment without just cause in violation of the Code of Virginia or the Code of the County of Fairfax, and other criminal or civil offenses arising out of or incidental to the investigation of the enumerated offenses.

Section 62-2-6. Enforcement of the Virginia Statewide and Fairfax County Fire Prevention Codes.

The County of Fairfax shall enforce the Virginia Statewide Fire Prevention Code promulgated by the Board of Housing and Community Development of the Commonwealth of Virginia pursuant to Section 27-98 of the Code of Virginia. The provisions of the Virginia Statewide Fire Prevention Code and the Fire Prevention Code of the County of Fairfax shall be enforced by the County Fire Marshal, and, under the authority of the Fire Marshal, by the Deputy County Fire Marshal and members of the Fire Marshal's staff, also herein referred to as the Office of the Fire Marshal, Fire Marshal's Office, the Fire Marshal, members of the Fire

1 Marshal's staff, the Fire Prevention Division, code official, fire code official, or the fire official.
 2 The Fire Marshal, the Deputy Fire Marshal, and members of the Fire Marshal's staff shall
 3 have all the powers of the local fire official and the local arson investigator and the local fire
 4 marshal and their assistants set forth in Title 27 of the Code of Virginia, and all of the powers
 5 of the fire official and the enforcing agency set forth in the Virginia Statewide Fire Prevention
 6 Code and the Fire Prevention Code of the County of Fairfax.

7
 8 **Section 62-2-7. – Fairfax County Fire Prevention Code.**

9
 10 The regulations set forth herein shall be known as the Fire Prevention Code of the
 11 County of Fairfax and shall be herein referred to as such or as this Code.

12
 13 **Section 62-2-8. – Amendments, additions, deletions to the Virginia Statewide Fire**
 14 **Prevention Code.**

15
 16 The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant
 17 to Section 27-97 of the Code of Virginia in the following respects:

18
 19 ~~**106.1.1. Impersonation.** Add Subsection as follows: **106.1.1 Impersonation.** It shall~~
 20 ~~be unlawful for any unauthorized person to use a badge, uniform, or any other credentials so~~
 21 ~~as to gain access to any building, marine vessel, vehicle, or premises, or to otherwise falsely~~
 22 ~~identify himself as the fire official or his designated representative.~~

23
 24 **106.3.2 Inspection by others.** Add Subsection as follows: **106.3.2 Inspection by**
 25 **others.** The Chief of the Fire Department may designate such other persons as they deem
 26 necessary to make fire safety inspections. Such persons shall use the Virginia Statewide
 27 Fire Prevention Code and this Code as the basis for such inspections.

28
 29 ~~**106.5. Modifications.** Delete and substitute: **106.5 Modifications.** The fire official~~
 30 ~~shall have the power to modify any provision or requirement of this Code, upon written~~
 31 ~~application by the owner, lessee, occupant or their legal representative, when there is~~
 32 ~~practical difficulty in meeting the strict letter of the Code. However, in all cases of~~
 33 ~~modification, the spirit and intent of the Code shall be met to ensure the health, safety, and~~
 34 ~~welfare of persons is protected.~~

35
 36 **[FOR REFERENCE ONLY: To be replaced by Section 106.5 of the**
 37 **Statewide Fire Protection Code, as follows:** 106.5 Modifications. The fire official
 38 may grant modifications to any provision of the SFPC upon application by the owner or
 39 the owner's agent provided the spirit and intent of the SFPC are observed and public
 40 health, welfare, and safety are assured.

41
 42 On review, this section expands the classes of persons that may apply for a
 43 modification is less restrictive than the SFPC. The limitation to owner and owner's
 44 agents also expressly tracks Section 106.3 of the Uniform Statewide Building Code.]

1 ~~**106.8. Responsibility.**~~ Add Subsection as follows: ~~**106.8 Responsibility.**~~ It
2 shall be the responsibility of the fire department officer-in-charge, or his designee, to
3 file with the Chief of the Fire Department, in such form as he shall prescribe, a report
4 of every fire, explosion, or incident to which apparatus or equipment responds. Such
5 reports shall be filed at such time and location prescribed by the Chief of the Fire
6 Department.

7
8 ~~**106.9**~~ **106.8. Summoning the Fire Marshal.** Add Subsection as follows:
9 **106.9 Summoning the Fire Marshal.** The fire department officer-in-charge of any
10 fire, explosion, or incident scene shall immediately summons the Fire Marshal to such
11 scene to investigate the circumstances involved where such circumstances require
12 investigation as outlined in Section 62-2-4 of this Code.

13
14 ~~**106.10**~~ **106.9 Notification of fire department.** Add Subsection as follows: **106.10**
15 **Notification of fire department.** In any building, when a fire or evidence of a fire is
16 discovered, even though it has apparently been extinguished, it shall be immediately reported
17 to the chief of the fire department, or his designee. This shall be the duty of the owner,
18 manager, or person in control of such building at the time of discovery. This requirement shall
19 not be construed to forbid the owner, manager, or person in control of said building from using
20 all diligence necessary to extinguish such fire prior to the arrival of the fire department.

1
2
3

<u>Line Code</u> <u>#</u> <u>Reference</u>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
Section 1 - Detailed Operational Permit Requirements				
1a	5101.2	Aerosol Products, Level 2 or 3: Store or Handle, an Aggregate Quantity in Excess of 500 Pounds Net Weight	\$150	
1	108.1.1	Aerosol Products, Level 2 or 3: Manufacture, Store, or Handle, an Aggregate Quantity in Excess of 500 Pounds Net Weight	\$150	
1b	5101.2		\$150	
2	108.1.1	Special Amusement Buildings	\$150	
3	108.1.1 2001.3 2301.2 5301.2	Aviation Facilities (Group H or S Occupancies): Aircraft Servicing or Repair and Aircraft Fuel Servicing Vehicles	\$150	
4	108.1.1 403.11.2 403.11.3	Carnivals, Circuses, Fairs, and Festivals Outdoor Assembly 500 persons or more (except A or E use groups) Outdoor Assembly 1000 persons or more (30-Day Permit)	\$150	
5	108.1.1 601.2	Battery Systems: Install Stationary Lead-Acid Battery Systems Having a Liquid Capacity of More Than 50 Gallons	\$150	
6a	108.1.1 6501.2	Cellulose Nitrate (Pyroxylin Plastic): Assembly or Manufacturing of Articles Involving Any Amount	\$150	
76b	108.1.1 6501.2	Cellulose Nitrate (Pyroxylin Plastic): Storage or Handling, More Than 25 Pounds	\$150	
87	108.1.1 301.2	Cellulose Nitrate Film: Store, Handle, or Use Store, Use, or Handle, in a Group A Occupancy	\$150	
98	108.1.1 2201.2	Combustible Dust Producing Operations	\$150	
109	108.1.1 5201.3	Combustible Fibers: Storage and Handling of Greater Than 100 Cubic Feet Exception: Agricultural Storage	\$150	
10a	5301.2 5001.5 5401.2	Compressed Gas - Corrosive: Store or Handle, in Excess of 200 Cubic Feet at Normal Temperature and Pressure Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	\$150	
11	108.1.1 5301.2	Compressed Gas - Corrosive: Storage, Use, or Handling, Store, Use, or Handle, in Excess of 200 Cubic Feet at Normal Temperature and Pressure	\$150	
10b	5001.5 5401.2	Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	\$150	
11a	5301.2 2301.2 5001.5 5501.2 5801.2 6101.2	Compressed Gas - Flammable: Store or Handle, in Excess of 200 Cubic Feet at Normal Temperature and Pressure including Hydrogen Gases stored in Metal Hydrides. Exceptions: 1. Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle 2. Cryogenic Fluids and Liquefied Petroleum Gases	\$150	
12	108.1.1 5301.2 2301.2	Compressed Gas - Flammable: Storage, Use, or Handling, Store, Use, or Handle, in Excess of 200 Cubic Feet at Normal Temperature and Pressure including hydrogen gases stored in metal hydrides.	\$150	
11b	5001.5 5501.2 5801.2 6101.2	Exceptions: 1. Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle 2. Cryogenic Fluids and Liquefied Petroleum Gases	\$150	

<u>Line Code</u> <u>#</u> <u>Reference</u>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
12a	5301.2 5001.5 6001.2	Compressed Gas - Toxic or Highly Toxic: Store or Handle, Any Amount	\$150	
13 12b	108.1.1 5301.2 5001.5 6001.2	Compressed Gas - Toxic or Highly Toxic: Storage, Use, or Handling, Store, Use, or Handle, Any Amount	\$150	
13a	5301.2 5001.5	Compressed Gas - Inert or Simple Asphyxiant: Store or Handle, in Excess of 6000 Cubic Feet at Normal Temperature and Pressure Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	\$150	
14 13b	108.1.1 5301.2 5001.5	Compressed Gas - Inert or Simple Asphyxiant: Storage, Use, or Handling, Store, Use, or Handle, in Excess of 6000 Cubic Feet at Normal Temperature and Pressure Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	\$150	
14a	5301.2 5001.5 6301.2	Compressed Gas - Oxidizing (Including Oxygen): Store or Handle, in Excess of 504 Cubic Feet at Normal Temperature and Pressure Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	\$150	
15 14b	108.1.1 5301.2 5001.5 6301.2	Compressed Gas - Oxidizing (Including Oxygen): Storage, Use, or Handling, Store, Use, or Handle, in Excess of 504 Cubic Feet at Normal Temperature and Pressure Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle	\$150	
15a	5301.2 5001.5 6401.2	Compressed Gas - Pyrophoric: Store or Handle, Any Amount	\$150	
16 15b	108.1.1 5301.2 5001.5 6401.2	Compressed Gas - Pyrophoric: Storage, Use, and Handling of Store, Use, or Handle, Any Amount	\$150	
16a	5501.2 2301.2 5001.5 5801.2	Cryogenic Fluids - Flammable: Store, Transport on Site, or Handle, More Than 1 Gallon Inside a Building or More Than 60 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$150	
16b	5501.2 2301.2 5001.5 5801.2	Cryogenic Fluids - Flammable: Produce, Store, Transport on Site, Use, or Handle, More Than 1 Gallon Inside a Building or More Than 60 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$150	
17 16c	108.1.1 5501.2 2301.2 5001.5 5801.2	Cryogenic Fluids - Flammable: Produce, Store, Transport on Site, Use, Handle, or Dispense, More Than 1 Gallon Inside a Building or More Than 60 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$150	

<u>Line Code</u> <u>#</u> <u>Reference</u>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
17a	5501.2	Cryogenic Fluids – Inert: Store, Transport on Site, or Handle, More Than 60 Gallons Inside a Building or More Than 500 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$150	
17b	5501.2	Cryogenic Fluids – Inert: Produce, Store, Transport on Site, Use, or Handle, More Than 60 Gallons Inside a Building or More Than 500 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$150	
18 17c	108.1.1 5501.2	Cryogenic Fluids – Inert: Produce, Store, Transport on Site, Use, Handle, or Dispense, More Than 60 Gallons Inside a Building or More Than 500 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$150	
18a	5501.2 5001.5 6301.2	Cryogenic Fluids – Oxidizing (Includes Oxygen): Store, Transport on Site, or Handle, More Than 10 Gallons Inside a Building or More Than 50 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$150	
18b	5501.2 5001.5 6301.2	Cryogenic Fluids – Oxidizing (Includes Oxygen): Produce, Store, Transport on Site, Use, or Handle, More Than 10 Gallons Inside a Building or More Than 50 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$150	
19 18c	108.1.1 5501.2 5001.5 6301.2	Cryogenic Fluids – Oxidizing (Includes Oxygen): Produce, Store, Transport on Site, Use, Handle, or Dispense, More Than 10 Gallons Inside a Building or More Than 50 Gallons Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$150	
19a	5501.2 5001.5	Cryogenic Fluids – Physical or Health Hazard Not Otherwise Specified: Store, Transport on Site, or Handle, Any Amount Inside a Building or Any Amount Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$150	
19b	5501.2 5001.5	Cryogenic Fluids – Physical or Health Hazard Not Otherwise Specified: Produce, Store, Transport on Site, Use, or Handle, Any Amount Inside a Building or Any Amount Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$150	

<u>Line Code</u> <u>#</u> <u>Reference</u>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
20 19c	108.1.1 5501.2 5001.5	Cryogenic Fluids—Physical or Health Hazard Not Otherwise Specified: Produce, Store, Transport on Site, Use, Handle, or Dispense, Any Amount Inside a Building or Any Amount Outside a Building Exception: Operational Permits are not Required for Vehicles Equipped For and Using Cryogenic Fluids as a Fuel for Propelling the Vehicle or for Refrigerating the Lading	\$150	
21 20	108.1.1 901.3	Commercial Kitchen Operation Requiring a Type I Hood Exception: Assembly/Educational Occupancies Having a Fire Prevention Code Permit	\$150	
22 21	108.1.1 2101.2	Dry Cleaning—Any Type Plant Using Any Class of Solvent or Changing to a More Hazardous Cleaning Solvent Used in Existing Dry Cleaning Equipment	\$150	
23 22	108.1.1 5601.2	Explosives: Explosives Use, Each Site or Location (6 Month Permit)	\$180	
24 23	108.1.1 5601.2	Explosives: Transportation, Each Vehicle (6 Month Permit)	\$78	
25 24	108.1.1 5601.2	Explosives: Firm or Company License	\$150	
26 25	108.1.1 5601.2	Explosives: Storage and Display of Black Powder or Smokeless Propellant Indoors	\$150	
27 26	108.1.1 5601.2	Explosives: Approved Overnight Storage, Any Quantity (6 Month Permit)	\$600	
28 27	108.1.1 5601.2	Explosives: Laboratory Use (6 Month Permit)	\$150	
29 28	108.1.1 5601.2	Explosives: Temporary Storage, Any Quantity (1 day permit)	\$600	
29a	5701.4	Flammable Liquids—Class I: Store or Handle, in Excess of 5 Gallons in a Building or in Excess of 10 Gallons Outside a Building Exceptions: 1. Storage or Use in the Fuel Tank of a Motor Vehicle, Aircraft, Motorboat, Mobile Power Plant, or Mobile Heating Plant, Unless Such Storage, in the Opinion of the Fire Official, Would Cause an Unsafe Condition 2. Storage or Use of Paints, Oils, Varnishes, or Similar Flammable Mixtures When Such Liquids are Stored for Maintenance, Painting, or Similar Purposes for a Period of Not More Than 30 Days	\$150	
30 29b	108.1.1 5701.4	Flammable Liquids—Class I: Store, Handle, or Use Store, Use, or Handle, in Excess of 5 Gallons in a Building or in Excess of 10 Gallons Outside a Building Exceptions: 1. Storage or Use in the Fuel Tank of a Motor Vehicle, Aircraft, Motorboat, Mobile Power Plant, or Mobile Heating Plant, Unless Such Storage, in the Opinion of the Fire Official, Would Cause an Unsafe Condition 2. Storage or Use of Paints, Oils, Varnishes, or Similar Flammable Mixtures When Such Liquids are Stored for Maintenance, Painting, or Similar Purposes for a Period of Not More Than 30 Days	\$150	
30a	5701.4	Combustible Liquids—Class II or IIIA: Store or Handle, in Excess of 25 Gallons in a Building or in Excess of 60 Gallons Outside a Building Exception: Fuel Oil Used in Connection with Oil-burning Equipment	\$150	
31 30b	108.1.1 5701.4	Combustible Liquids—Class II or IIIA: Store, Handle, or Use Store, Use, or Handle, in Excess of 25 Gallons in a Building or in Excess of 60 Gallons Outside a Building Exception: Fuel Oil Used in Connection with Oil-burning Equipment	\$150	

<u>Line Code</u> <u>#</u> <u>Reference</u>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
32	108.1.1			
31	5701.4	Flammable/Combustible Liquid Tank – Underground Storage Only	\$150	
33	108.1.1	Flammable/Combustible Liquid Tank – Underground Storage Utilizing Dispensing Equipment	\$150	
32	5701.4			
34	108.1.1	Flammable/Combustible Liquid Tank – Above-ground Storage Only	\$150	
33	5701.4			
35	108.1.1	Flammable/Combustible Liquid Tank – Above-ground Storage Utilizing Dispensing Equipment	\$150	
34	5701.4			
36	108.1.1	Flammable/Combustible Liquids: Bulk Storage Facility – in Excess of 100,000 Gallons	\$150	
35	5701.4			
37	108.1.1	Flammable/Combustible Liquid Tank – Installation, Above-ground or Below-ground Underground Tank (90-Day Permit)	\$150	
36	5701.4			
38	108.1.1	Flammable/Combustible Liquid Tank – Alter or Relocate an Existing Tank (90-Day Permit)	\$150	
37	5701.4			
39	108.1.1	Flammable/Combustible Liquid Tank – Place Temporarily Out of Service	\$150	
38	5701.4			
40	108.1.1	Flammable/Combustible Liquid Tank – Underground Abandonment (90-Day Permit)	\$150	
39	5701.4			
41	108.1.1	Flammable/Combustible Liquid Tank – Underground Removal (Commercial – 90-Day Permit)	\$150	
40	5701.4			
42	108.1.1	Flammable/Combustible Liquid Tank – Underground Removal (Residential – 90-Day Permit)	\$150	
41	5701.4			
43	108.1.1	Flammable/Combustible Liquid Tank – Above-ground Removal (Commercial – 90-Day Permit)	\$150	
42	5701.4			
43	5701.4	Flammable/Combustible Liquid Tank – Above-ground Removal (Residential – 90-Day Permit)	\$150	
44	108.1.1	Flammable/Combustible Liquid Tank – Install Product Lines/Dispensing Equipment (90-Day Permit)	\$150	
	5701.4			
45	108.1.1	Flammable/Combustible Liquids: Manufacture, Process, Blend, or Refine	\$300	
	5701.4			
46	108.1.1	Flammable/Combustible Liquid Tank: Change the Contents Stored to a Greater Hazard	\$150	
	5701.4			
47	108.1.1	Floor Finishing or Surfacing Exceeding 350 Square Feet Using Class I or Class II Liquids (30-Day Permit)	\$78	
	2701.3			
		Fruit- and/or Crop-Ripening Facility or Conduct a Fruit-ripening Process Using Ethylene Gas		
48	108.1.1	<u>COMMENTARY</u> 2012 edition: Changed wording to keep in agreement with VSFPC 2012	\$150	
	2501.2			
49	108.1.1	Fumigation or Thermal Insecticidal Fogging or Maintaining a Room, Vault or Chamber in Which a Toxic or Flammable Fumigant is Used (15-Day Permit)	\$150	
	2601.2			
50a	5401.2	Corrosive Liquids: Store, Transport on Site, or Dispense, in Excess of 55 Gallons	\$150	
	5001.5			
50b	108.1.1	Corrosive Liquids: Store, Transport on Site, Dispense, Use, or Handle <u>Store, Transport on site, Use, Handle, or Dispense, in Excess of 55 Gallons</u>	\$150	
	5401.2			
51a	5001.5	Corrosive Solids: Store, Transport on Site, or Dispense, in Excess of 1000 Pounds	\$150	

<u>Line Code</u> <u>#</u> <u>Reference</u>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
51b	108.1.1 5401.2 5001.5	Corrosive Solids: Store, Transport on Site, Dispense, Use, or Handle Store. Transport on site, Use, Handle, or Dispense, in Excess of 1000 Pounds	\$150	
52a	5901.2 5001.5	Flammable Solids: Store, Transport on Site, or Dispense, in Excess of 100 Pounds	\$150	
52b	108.1.1 5901.2 5001.5	Flammable Solids: Store, Transport on Site, Dispense, Use, or Handle Store. Transport on site, Use, Handle, or Dispense, in Excess of 100 Pounds	\$150	
53a	6001.2 5001.5	Highly Toxic Liquids: Store, Transport on Site, or Dispense, Any Amount	\$150	
53b	108.1.1 6001.2 5001.5	Highly Toxic Liquids: Store, Transport on Site, Dispense, Use, or Handle Store. Transport on site, Use, Handle, or Dispense, Any Amount	\$150	
54a	6001.2 5001.5	Highly Toxic Solids: Store, Transport on Site, or Dispense, Any Amount	\$150	
54b	108.1.1 6001.2 5001.5	Highly Toxic Solids: Store, Transport on Site, Dispense, Use, or Handle Store. Transport on site, Use, Handle, or Dispense, Any Amount	\$150	
55a	6301.2 5001.5	Oxidizing Liquids, Class 4: Store, Transport on Site, or Dispense, Any Amount	\$150	
55b	108.1.1 6301.2 5001.5	Oxidizing Liquids, Class 4: Store, Transport on Site, Dispense, Use, or Handle Store. Transport on site, Use, Handle, or Dispense, Any Amount	\$150	
56a	6301.2 5001.5	Oxidizing Liquids, Class 3: Store, Transport on Site, or Dispense, in Excess of 1 Gallon	\$150	
56b	108.1.1 6301.2 5001.5	Oxidizing Liquids, Class 3: Store, Transport on Site, Dispense, Use, or Handle Store. Transport on site, Use, Handle, or Dispense, in Excess of 1 Gallon	\$150	
57a	6301.2 5001.5	Oxidizing Liquids, Class 2: Store, Transport on Site, or Dispense, in Excess of 10 Gallons	\$150	
57b	108.1.1 6301.2 5001.5	Oxidizing Liquids, Class 2: Store, Transport on Site, Dispense, Use, or Handle Store. Transport on site, Use, Handle, or Dispense, in Excess of 10 Gallons	\$150	
58a	6301.2 5001.5	Oxidizing Liquids, Class 1: Store, Transport on Site, or Dispense, in Excess of 55 Gallons	\$150	
58b	108.1.1 6301.2 5001.5	Oxidizing Liquids, Class 1: Store, Transport on Site, Dispense, Use, or Handle Store. Transport on site, Use, Handle, or Dispense, in Excess of 55 Gallons	\$150	
59a	6301.2 5001.5	Oxidizing Solids, Class 4: Store, Transport on Site, or Dispense, Any Amount	\$150	
59b	108.1.1 6301.2 5001.5	Oxidizing Solids, Class 4: Store, Transport on Site, Dispense, Use, or Handle Store. Transport on site, Use, Handle, or Dispense, Any Amount	\$150	
60a	6301.2 5001.5	Oxidizing Solids, Class 3: Store, Transport on Site, or Dispense, in Excess of 10 Pounds	\$150	
60b	108.1.1 6301.2 5001.5	Oxidizing Solids, Class 3: Store, Transport on Site, Dispense, Use, or Handle Store. Transport on site, Use, Handle, or Dispense, in Excess of 10 Pounds	\$150	

<u>Line Code</u> <u>#</u> <u>Reference</u>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
61a	6301.2 5001.5	Oxidizing Solids, Class 2: Store, Transport on Site, or Dispense, in Excess of 100 Pounds	\$150	
64b	108.1.1 6301.2 5001.5	Oxidizing Solids, Class 2: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, in Excess of 100 Pounds	\$150	
62a	6301.2 5001.5	Oxidizing Solids, Class 1: Store, Transport on Site, or Dispense, in Excess of 500 Pounds	\$150	
62b	108.1.1 6301.2 5001.5	Oxidizing Solids, Class 1: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, in Excess of 500 Pounds	\$150	
63a	6201.2 5001.5 5601.2	Organic Peroxides, Liquid, Class I: Store, Transport on Site, or Dispense, Any Amount	\$150	
63b	108.1.1 6201.2 5001.5 5601.2	Organic Peroxides, Liquid, Class I: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, Any Amount	\$150	
64a	6201.2 5001.5 5601.2	Organic Peroxides, Liquid, Class II: Store, Transport on Site, or Dispense, Any Amount	\$150	
64b	108.1.1 6201.2 5001.5 5601.2	Organic Peroxides, Liquid, Class II: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, Any Amount	\$150	
65a	6201.2 5001.5 5601.2	Organic Peroxides, Liquid, Class III: Store, Transport on Site, or Dispense, in Excess of 1 Gallon	\$150	
65b	108.1.1 6201.2 5001.5 5601.2	Organic Peroxides, Liquid, Class III: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, in Excess of 1 Gallon	\$150	
66a	6201.2 5001.5 5601.2	Organic Peroxides, Liquid, Class IV: Store, Transport on Site, or Dispense, in Excess of 2 Gallons	\$150	
66b	108.1.1 6201.2 5001.5 5601.2	Organic Peroxides, Liquid, Class IV: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, in Excess of 2 Gallons	\$150	
67a	6201.2 5001.5 5601.2	Organic Peroxides, Solid, Class I: Store, Transport on Site, or Dispense, Use, or Handle Any Amount	\$150	
67b	108.1.1 6201.2 5001.5 5601.2	Organic Peroxides, Solid, Class I: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, Any Amount	\$150	
68a	6201.2 5001.5 5601.2	Organic Peroxides, Solid, Class II: Store, Transport on Site, or Dispense, Any Amount	\$150	

<u>Line Code</u> <u>#</u> <u>Reference</u>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
68b	108.1.1 6201.2 5001.5 5601.2	Organic Peroxides, Solid, Class II: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, Any Amount	\$150	
69a	6201.2 5001.5 5601.2	Organic Peroxides, Solid, Class III: Store, Transport on Site, or Dispense, in Excess of 10 Pounds	\$150	
69b	108.1.1 6201.2 5001.5 5601.2	Organic Peroxides, Solid, Class III: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, in Excess of 10 Pounds	\$150	
70a	6201.2 5001.5 5601.2	Organic Peroxides, Solid, Class IV: Store, Transport on Site, or Dispense, in Excess of 20 Pounds	\$150	
70b	108.1.1 6201.2 5001.5 5601.2	Organic Peroxides, Solid, Class IV: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, in Excess of 20 Pounds	\$150	
71a	6401.2 5001.5	Pyrophoric Material, Liquid: Store, Transport on Site, or Dispense, Any Amount	\$150	
71b	108.1.1 6401.2 5001.5	Pyrophoric Material, Liquid: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, Any Amount	\$150	
72a	6401.2 5001.5	Pyrophoric Material, Solid: Store, Transport on Site, or Dispense, Any Amount	\$150	
72b	108.1.1 6401.2 5001.5	Pyrophoric Material, Solid: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, Any Amount	\$150	
73	108.1.1 5001.5	Hazardous Production Facilities (HPM): Store, Handle, or Use Store, Use, or Handle, Hazardous Production Materials	\$150	
74	108.1.1 3201.2 301.2 5001.5 5101.2 5201.2 5701.2	High Piled Storage: Use a Building or a Portion Thereof as a High-piled Storage Area Exceeding 500 Square Feet.	\$150	
75a	108.1.1 3501.2 5301.2	Hot Work and Welding: Public Exhibitions and Demonstrations (Each Exhibitor/Demo. – 10 Day Permit)	\$78	
76 75b	108.1.1 3501.2 5301.2	Hot Work and Welding: Small Scale Hot Work	\$150	
77 75c	108.1.1 3501.2 2001.3 5301.2	Hot Work and Welding: Fixed-Site Hot Work Equipment (Example: Welding Booth)	\$150	

<u>Line Code</u> <u>#</u> <u>Reference</u>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
78	108.1.1 <u>3501.2</u> <u>2001.3</u> <u>5301.2</u>	Hot Work and Welding: Cutting or Welding, All Locations	\$150	
79	108.1.1 <u>3501.2</u> <u>5301.2</u>	Hot Work and Welding: Open Flame Device Roofing Operation (Each Site/Location - 90 Day Permit)	\$150	
80	108.1.1 <u>3501.2</u> <u>2001.3</u> <u>5301.2</u>	Hot Work and Welding: Torch or Open Flame Operations other than Roofing (Each Site/Location - 30 Day permit)	\$78	
81	108.1.1 <u>3001.2</u>	Industrial Ovens	\$150	
82	108.1.1 <u>2801.2</u>	Lumber Yards and Woodworking Plants: Storage or Processing of Lumber Exceeding 100,000 Board Feet	\$150	
83	108.1.1 <u>301.2</u>	Electric, Liquid or Gas-Fueled Vehicles: Display Inside Any Building (Each Event - 6 Month Permit) COMMENTARY 2012 edition: Added "electric" to conform to the proposed change to the code section.	\$150	
84	108.1.1 <u>6101.2</u> <u>5301.2</u>	LP-Gas: Storage and/or Use Inside Any Structure Exception: One and two family detached single family dwellings and townhouses	\$150	
79b	<u>6101.2</u> <u>5301.2</u>	LP-Gas: Storage Outside and Use Inside Any Structure Exception: One and two family detached single family dwellings and townhouses COMMENTARY 2012 edition: Added permit to address situations that do not exactly fit into existing permits	\$150	
85	108.1.1 <u>6101.2</u> <u>5301.2</u>	LP-Gas: Storage and/or Use Outside, Portable Installation, per Event, more than 10 gallons aggregate (30 day permit)	\$78	
86	108.1.1 <u>6101.2</u> <u>5301.2</u>	LP-Gas: Permanent Storage and/or Use Outside, per Year, more than 10 gallons aggregate Exception: One and two family detached single family dwellings and townhouses	\$150	
87	108.1.1 <u>6101.2</u> <u>5301.2</u>	LP-Gas: Dispensing and Cylinder Refill Location	\$150	
88	108.1.1 <u>6101.2</u> <u>5301.2</u>	LP-Gas: Retail Cylinder Exchange Location	\$150	
89	108.1.1 <u>301.2</u> <u>2001.3</u>	Combustible Storage: Storage Inside Any Building or Upon Any Premises - in Excess of 2500 Cubic Feet	\$150	
90	108.1.1 <u>301.2</u>	Open Burning: Bonfire (10 Day Permit)	\$150	
91	108.1.1 <u>301.2</u>	Open Burning: Silvicultural / Controlled Burning (90 Day Permit)	\$150	
92	108.1.1 <u>301.2</u>	Open Flame and/or Candles: Public Meetings/Gatherings in A and E Use Groups (Each Event)	\$78	

<u>Line Code</u> <u>#</u> <u>Reference</u>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
93	108.1.1	Open Flame and/or Candles: Restaurants and Drinking Establishments, Assembly and Dining Areas Assembly areas, Dining areas of Restaurants or Drinking establishments		
82b	301.2	COMMENTARY 2012 edition: Changed wording to keep in agreement with VSFPC 2012	\$150	
94	108.1.1	Organic Coatings: Manufacturing Operation Producing More Than 1 Gallon in One Day	\$150	
83	2901.2			
95	108.1.1			
84	401.2.1	Place of Assembly/Education – Occupant Load 50 or Greater	\$150	
	108.1.1			
	5601.2			
96	5605.1.1	Pyrotechnics and Fireworks: Retail Sales of Permissible Fireworks – Any Amount (45 Day Permit)	\$720	
85a	5001.5			
	108.1.1			
	5601.2			
97	5605.1.1	Pyrotechnics and Fireworks: Wholesale of Permissible Fireworks – Any Amount (45 Day Permit)	\$720	
85b	5001.5			
	108.1.1			
	5601.2			
98	5605.1.1	Pyrotechnics and Fireworks: Outdoor Fireworks Display (Aerial/Proximate Audience) (One Day Permit)	\$480	
85c	5001.5			
	108.1.1			
	5601.2			
99	5605.1.1	Pyrotechnics and Fireworks: Indoor Pyrotechnic Display and Special Effects (One Day Permit)	\$480	
85d	5001.5			
100	108.1.1	Refrigeration Equipment and Systems Having a Refrigerant Circuit Containing More Than 220 Pounds of Group A1 or 30 Pounds of any other Group Refrigerant	\$150	
86	601.2			
101	108.1.1			
87a	2301.2	Repair Garages and Service Stations: Automotive Repair Garage Only	\$150	
102	108.1.1			
87b	2301.2	Repair Garages and Service Stations: Automotive Service Station Only	\$150	
	108.1.1			
	2301.2			
103	5301.2	Repair Garages and Service Stations: Automotive Repair Garage and Service Station	\$150	
87c				
	108.1.1			
	2301.2			
104	5301.2			
87d	6101.2	Repair Garages and Service Stations: LP Gas Motor Vehicle Fuel Dispensing	\$150	
	108.1.1			
	2301.2			
105	5301.2	Repair Garages and Service Stations: Compressed Natural Gas Motor Vehicle Fuel Dispensing	\$150	
87e				
	108.1.1			
	2301.2			
	5301.2			
106	5501.2	Repair Garages and Service Stations: Hydrogen Motor Fuel Dispensing and Generation Station	\$150	
87f	5801.2			
107	108.1.1			
87g	2301.2	Repair Garages and Service Stations: Marine and Watercraft Service Station	\$150	

<u>Line Code</u> <u>#</u> <u>Reference</u>		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	<i>Flat Fee</i>	<i>Hourly Fee</i>
108 87h	108.1.1 2301.2	Repair Garages and Service Stations: Unattended Vehicle Service Station	\$150	
109 88	108.1.1 2001.3	Rooftop Heliports	\$150	
		Solar Photovoltaic Systems		
89	601.2	COMMENTARY 2012 edition: This is a new permit required by the VSFPC	\$150	
110 90a	108.1.1 2401.3	Spraying or Dipping Operations: Flammable/Combustible Liquid Spray Finishing Operation	\$150	
111 90b	108.1.1 2401.3	Spraying or Dipping Operations: Flammable/Combustible Liquid Dip-Tank Operation	\$150	
112 90c	108.1.1 2401.3	Spraying or Dipping Operations: Application of Combustible Powders/Spray/Fluidized	\$150	
113 90d	108.1.1 2401.3	Spraying or Dipping Operations: Dual-Component Coatings With Organic Peroxides – Organic Peroxides and Dual-component coatings COMMENTARY 2012 edition: Changed wording to keep in agreement with VSFPC 2012	\$150	
114 91	108.1.1 5001.5	Swimming Pool Chemical Dispensing Operation	\$150	
		Temporary Membrane Structures and Tents (6 Month Permit) Exceptions: 1. Tents used Exclusively for Recreational Camping Purposes 2. Tents and Air-supported Structures that Cover an Area of 900 Square Feet or Less, Including all Connecting Areas or Spaces with a Common Means of Egress and with an Occupant Load of less than 50 Persons		
115 92	108.1.1 3103.2	and with an Occupant Load of less than 50 Persons	\$150	
116 93	108.1.1 3401.2	Tire Rebuilding Plants	\$150	
117 94	108.1.1 3401.2	Tire Storage: Establish, Conduct, or Maintain Storage of Scrap Tires and Tire Byproducts that Exceeds 2500 Cubic Feet of Total Volume of Scrap Tires and for Indoor Storage of Tires and Tire Byproducts	\$150	
95a	6001.2	Toxic Materials – Liquids – Store, Transport on Site, or Dispense in Excess of 10 Gallons	\$150	
118 95b	108.1.1 6001.2	Toxic Materials – Liquids – Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Gallons	\$150	
96a	6001.2	Toxic Materials Solids – Store, Transport on Site, or Dispense in Excess of 100 Pounds	\$150	
119 96b	108.1.1 6001.2	Toxic Materials Solids – Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	\$150	
97a	6601.2	Unstable (Reactive) Materials: Liquids, Class 1 – Store, Transport on Site, or Dispense in Excess of 10 Gallons	\$150	
120 97b	108.1.1 6601.2	Unstable (Reactive) Materials: Liquids, Class 1 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 10 Gallons	\$150	
98a	6601.2	Unstable (Reactive) Materials: Liquids, Class 2 – Store, Transport on Site, or Dispense in Excess of 5 Gallons	\$150	
121 98b	108.1.1 6601.2	Unstable (Reactive) Materials: Liquids, Class 2 – Store, Transport on Site, Dispense, Use, or Handle in Excess of 5 Gallons	\$150	
99a	6601.2	Unstable (Reactive) Materials: Liquids, Class 3 – Store, Transport on Site, or Dispense Any Amount	\$150	

Line Code # Reference		Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
122 99b	108.1.1 6601.2	Unstable (Reactive) Materials: Liquids, Class 3—Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$150	
100a	6601.2	Unstable (Reactive) Materials: Liquids, Class 4—Store, Transport on Site, or Dispense Any Amount	\$150	
123 100b	108.1.1 6601.2	Unstable (Reactive) Materials: Liquids, Class 4—Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$150	
101a	6601.2	Unstable (Reactive) Materials: Solids, Class 1—Store, Transport on Site, or Dispense in Excess of 100 Pounds	\$150	
124 101b	108.1.1 6601.2	Unstable (Reactive) Materials: Solids, Class 1—Store, Transport on Site, Dispense, Use, or Handle in Excess of 100 Pounds	\$150	
102a	6601.2	Unstable (Reactive) Materials: Solids, Class 2—Store, Transport on Site, or Dispense in Excess of 50 Pounds	\$150	
125 102b	108.1.1 6601.2	Unstable (Reactive) Materials: Solids, Class 2—Store, Transport on Site, Dispense, Use, or Handle in Excess of 50 Pounds	\$150	
103a	6601.2	Unstable (Reactive) Materials: Solids, Class 3—Store, Transport on Site, or Dispense Any Amount	\$150	
126 103b	108.1.1 6601.2	Unstable (Reactive) Materials: Solids, Class 3—Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$150	
104a	6601.2	Unstable (Reactive) Materials: Solids, Class 4—Store, Transport on Site, or Dispense Any Amount	\$150	
127 104b	108.1.1 6601.2	Unstable (Reactive) Materials: Solids, Class 4—Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$150	
105a	6701.2	Water-reactive Materials: Liquids, Class 1—Store, Transport on Site, or Dispense in Excess of 55 Gallons	\$150	
128 105b	108.1.1 6701.2	Water-reactive Materials: Liquids, Class 1—Store, Transport on Site, Dispense, Use, or Handle in Excess of 55 Gallons	\$150	
106a	6701.2	Water-reactive Materials: Liquids, Class 2—Store, Transport on Site, or Dispense in Excess of 5 Gallons	\$150	
129 106b	108.1.1 6701.2	Water-reactive Materials: Liquids, Class 2—Store, Transport on Site, Dispense, Use, or Handle in Excess of 5 Gallons	\$150	
107a	6701.2	Water-reactive Materials: Liquids, Class 3—Store, Transport on Site, or Dispense Any Amount	\$150	
130 107b	108.1.1 6701.2	Water-reactive Materials: Liquids, Class 3—Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$150	
108a	6701.2	Water-reactive Materials: Solids, Class 1—Store, Transport on Site, or Dispense in Excess of 500 Pounds	\$150	
131 108b	108.1.1 6701.2	Water-reactive Materials: Solids, Class 1—Store, Transport on Site, Dispense, Use, or Handle in Excess of 500 Pounds	\$150	
109a	6701.2	Water-reactive Materials: Solids, Class 2—Store, Transport on Site, or Dispense in Excess of 50 Pounds	\$150	
132 109b	108.1.1 6701.2	Water-reactive Materials: Solids, Class 2—Store, Transport on Site, Dispense, Use, or Handle in Excess of 50 Pounds	\$150	
110a	6701.2	Water-reactive Materials: Solids, Class 3—Store, Transport on Site, or Dispense Any Amount	\$150	
133 110b	108.1.1 6701.2	Water-reactive Materials: Solids, Class 3—Store, Transport on Site, Dispense, Use, or Handle Any Amount	\$150	
134 111a	108.1.1 5201.3	Waste Handling: Wrecking Yard or Junk Yard	\$150	

<u>Line Code</u> <u>#</u> <u>Reference</u>	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS			<i>Flat Fee</i>	<i>Hourly Fee</i>
135 141b	108.1.1 5201.3	Waste Handling: Waste Material Handling Facility		\$150	
136 142	108.1.1 2801.2	Wood Products: Storage of Chips, Hogged Material, Lumber, or Plywood in Excess of 200 Cubic Feet		\$150	
113	5901.2	Magnesium: Melt, Cast, Heat treat or Grind more than 10 pounds COMMENTARY 2012 edition: Added permit to keep in agreement with VSEPC 2012		\$150	

Table 107.2. Delete and Substitute as follows: Table 107.2. Duration of permit is 365 days, unless otherwise noted. Amended as follows:

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
Section 1 - Detailed Operational Permit Requirements. Note: All permit fees are per line item that applies				
1	5101.2	Aerosol Products, Level 2 or 3. An operational permit is required to manufacture, store or handle, an aggregate quantity in excess of 500 pounds net weight.	\$150	
2	107.2	Amusement Buildings: Permanent. An operational permit is required to operate a special amusement building.	\$150	
3	107.2 403.12.2	Amusement Buildings: Temporary or Mobile. An operational permit is required to operate a special amusement building, (e.g., Haunted House). (60-day permit)	\$150	
4	2001.3	Aviation Facilities. An operational permit is required to use a Group H or Group S Occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.	\$150	
5	107.2	Assembly, Indoor (to include Exhibits and Trade Shows). An operational permit is required to operate exhibits and trade shows. Permit is valid for up to 30 days, but not past event date.	\$150	
6	107.2 403.12.2 403.12.3	Assembly, Outdoor (to include Carnivals, Circuses, Fairs, and Festivals). An operational permit is required to conduct an outdoor gathering of 500 persons or more, at one time. Permit is valid for up to 30 days, but not past event date.	\$150	
7	107.2	Assembly, Place of or Education – Occupant Load 50 or Greater	\$150	
8	1206.2	Battery Systems, Stationary Storage An operational permit is required for the operation of stationary storage battery systems regulated by Chapter 12.	\$150	
9	301.2	Cellulose Nitrate Film: An operational permit is required to store, handle, or use cellulose nitrate film in a Group A Occupancy.	\$150	
10	2201.2	Combustible Dust-Producing Operations. An operational permit is required is required to operate a grain elevator, flour starch mill feed mill, or a plant pulverizing aluminum coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	\$150	
11	107.2	Combustible Fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 Cubic Feet. Exception: An operational permit is not required for agricultural storage.	\$150	

Line #	Code Reference	Table 107.2	Flat Fee	Hourly Fee
		FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS		
12	609.3	Commercial Kitchen Operation Requiring a Type I Hood. An operational permit is required for the operation of a commercial kitchen requiring a Type I hood. Exceptions: 1. Assembly (Group A) or Educational (Group E) Occupancies having a Fire Prevention Code Permit (FPCP). 2. Mobile food preparation vehicles.	\$150	
13	5301.2 5001.5 5401.2	Compressed Gas: Corrosive. An operational permit is required for the storage, use, or handling of corrosive gas in excess of 200 cubic feet at normal temperature and pressure (NTP). Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$150	
14	5301.2 5801.2 5001.5	Compressed Gas: Flammable. An operational permit is required for the storage, use, or handling of flammable gas in excess of 200 cubic feet at normal temperature and pressure (NTP). Exceptions: 1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle, 2. cryogenic fluids; and 3. liquified petroleum gases.	\$150	
15	5301.2 6001.2 5001.5	Compressed Gas: Toxic or Highly Toxic. An operational permit is required for the storage, use, or handling of any toxic or highly toxic gas in any amount.	\$150	
16	5301.2 5001.5	Compressed Gas: Inert or Simple Asphyxiant. An operational permit is required for the storage, use, or handling of inert or simple asphyxiant gas in excess of 6,000 cubic feet at normal temperature and pressure (NTP). Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$150	
17	5301.2 6301.2 5001.5	Compressed Gas: Oxidizing (including Oxygen). An operational permit is required for the storage, use, or handling of oxidizing gas in excess of 504 cubic feet at normal temperature and pressure (NTP). Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$150	
18	5301.2 6401.2 5001.5	Compressed Gas: Pyrophoric. An operational permit is required for the storage, use, or handling of pyrophoric gas in any amount.	\$150	
19	107.2	Covered and open mall buildings. An operational permit is required for: 1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall. 2. The display of liquid-fired or gas-fired equipment or vehicles in the mall. 3. The use of open-flame or flame-producing equipment in the mall.	\$150	

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee	
20	5501.2 2301.2 5001.5 5801.2	Cryogenic Fluids. An operational permit is required to produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amounts listed below.			
		Exception: Vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.			
		Type of Cryogenic Fluid	Inside Building (gallons)	Outside Building (gallons)	
		Flammable	More than 1	60.....	\$150
		Inert	60	500.....	\$150
		Oxidizing (Includes oxygen)	10	50.....	\$150
		Physical or health hazard not indicated above	Any amount	Any amount.....	\$150
21	2101.2	Dry Cleaning Plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.	\$150		
<u>22</u>	<u>601.2</u>	<u>Electrified Security Fence</u>	<u>\$150</u>		
23	5601.2	Explosives: Explosives Use, Each Site or Location (6 Month Permit).	\$180		
24	5601.2	Explosives: Firm or Company License.	\$150		
25	5601.2	Explosives: Storage and Display of Black Powder or Smokeless Propellant Indoors Exception: Storage in Group R-3 or R-5 occupancies of smokeless propellant, black powder, and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, Exceptions 4 and 12.	\$150		
26	5601.2	Explosives: Laboratory Use (6 Month Permit).	\$150		
<u>27</u>	<u>3308.2</u>	<u>Fire Prevention Program Manager: A permit is required for the Fire Prevention Program Manager designated by the owner for safeguarding construction, alteration, and demolition operations.</u> <u>Exception: Building less than 5 stories above average grade plane and less than 50,000 square feet in size.</u>	<u>\$0</u>		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
28	5701.4	<p>Flammable and combustible liquids. An operational permit is required:</p> <ol style="list-style-type: none"> To use or operation of a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the U.S. Department of Transportation (DOT), nor does it apply to piping systems. Class I: Store, Handle, or Use in Excess of 5 Gallons in a Building or in Excess of 10 Gallons Outside a Building. <p>Exceptions:</p> <ol style="list-style-type: none"> Storage or Use in the Fuel Tank of a Motor Vehicle, Aircraft, Motorboat, Mobile Power Plant, or Mobile Heating Plant, Unless Such Storage, in the Opinion of the Fire Official, Would Cause an Unsafe Condition. Storage or Use of Paints, Oils, Varnishes, or Similar Flammable Mixtures When Such Liquids are Stored for Maintenance, Painting, or Similar Purposes for a Period of Not More Than 30 Days. <ol style="list-style-type: none"> Class II or IIIA: Store, Handle or Use in Excess of 25 Gallons in a Building or in Excess of 60 Gallons Outside a Building, except for Fuel oil used in conjunction with oil burning equipment. To remove Class I or Class II liquids from an underground storage tank used for fuel fueling motor vehicles by any means other than the approved, stationary, on-site pumps normally used for dispensing purposes To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed. 	<p>\$150</p> <p>\$150</p> <p>\$150</p> <p>\$150</p> <p>\$150</p> <p>\$150</p> <p>\$150</p>	
29	5701.4	<p>Flammable/Combustible Liquid Tank. An operational permit is required for the following:</p> <ol style="list-style-type: none"> Underground Storage, with or without dispensing equipment..... Above-ground Storage, with or without dispensing equipment..... Bulk Storage Facility – in Excess of 100,000 Gallons..... Installation, Above ground or Underground Tank (90 Day Permit)..... Alter or Relocate an Existing Tank (90 Day Permit)..... Place Temporarily Out of Service..... Underground Abandonment (90 Day Permit)..... Underground Removal (Commercial - 90 Day Permit)..... Underground Removal (Residential - 90 Day Permit)..... Above-ground Removal (Commercial - 90 Day Permit)..... Above-ground Removal (Residential - 90 Day Permit)..... Install Product Lines/Dispensing Equipment (90 Day Permit)..... Manufacture, Process, Blend, or Refine..... <p>Note: Installation permits are based on the fee Table in Appendix Q of Chapter 61 of the Code of the County of Fairfax.</p>	<p>\$150</p> <p>\$150</p> <p>\$150</p> <p>\$150</p> <p>\$150</p> <p>\$150</p> <p>\$150</p> <p>\$150</p> <p>\$150</p> <p>\$150</p> <p>\$150</p> <p>\$150</p>	
30	2401.3	Floor finishing: An operational permit is required for floor finishing or surfacing exceeding 350 square feet using class I or class II liquids (30-day permit).	\$78	
31	2501.2	Fruit or crop-ripening: An operational permit is required to operate a fruit or crop ripening facility or conduct a fruit-ripening process using ethylene gas.	\$150	

Line #		Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
32	2601.2	Fumigation, thermal insecticidal and fogging: An operational permit is required to operate a business of fumigation, thermal or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used. (15-day permit).		\$150	
33	5001.5	Hazardous Materials. An operational permit is required to store, transport on site , dispense, use or handle hazardous materials in excess of the amounts shown below:			
34		Combustible Liquids: refer to flammable and combustible liquids			
35		Corrosive Gases: refer to Compressed Gases			
36	5401.2	Corrosive Liquids: greater than 55 Gallons		\$150	
37	5401.2	Corrosive Solids: greater than 1000 Pounds		\$150	
38		Explosives: refer to Explosive Materials			
39		Flammable Gasses: refer to Compressed Gases			
40		Flammable Liquids: refer to Flammable and Combustible Liquids			
41	5901.2	Flammable Solids: greater than 100 Pounds		\$150	
42		Highly Toxic Gases: refer to Compressed Gases			
43	6001.2	Highly Toxic Liquids: any amount		\$150	
44	6001.2	Highly Toxic Solids: any amount		\$150	
45		Oxidizing Gases: refer to Compressed Gases			
46	6301.2	Oxidizing Liquids:			
		a. Class 4: any amount.....	\$150		
		b. Class 3: greater than 1 gallon.....	\$150		
		c. Class 2: greater than 10 gallons.....	\$150		
47	6301.2	Oxidizing Solids:			
		a. Class 4: any amount.....	\$150		
		b. Class 3: greater than 10 pounds.....	\$150		
		c. Class 2: greater than 100 pounds.....	\$150		
48	6201.2	Organic Peroxides, Liquid			
		a. Class I: any amount.....	\$150		
		b. Class II: any amount.....	\$150		
		c. Class III: greater than 1 gallon.....	\$150		
49	6201.2	Organic Peroxides, Solids:			
		a. Class I: any amount.....	\$150		
		b. Class II: any amount.....	\$150		
		c. Class III: greater than 10 pounds.....	\$150		
50	6401.2	Pyrophoric Material:			
		a. Gas: any amount.....	\$150		
		b. Liquid: any amount.....	\$150		
		c. Solid: any amount	\$150		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
51	6001.2	Toxic Materials: a. Gases: refer to compressed gases..... b. Liquids: 10 gallons..... c. Solids: 100 pounds.....	\$150 \$150 \$150	
52	6601.2	Unstable (Reactive) Materials: Liquids: a. Class 1: greater than 10 gallons..... b. Class 2: greater than 5 gallons..... c. Class 3: any amount..... d. Class 4: any amount..... Solids: a. Class 1: greater than 100 pounds..... b. Class 2: greater than 50 pounds..... c. Class 3: any amount..... d. Class 4: any amount.....	\$150 \$150 \$150 \$150 \$150 \$150 \$150 \$150	
53	6701.2	Water-reactive Materials: Liquids: a. Class 1: greater than 55 gallons..... b. Class 2: greater than 5 gallons..... c. Class 3: greater than any amount..... Solids: a. Class 1: greater than 500 pounds..... b. Class 2: greater than 50 pounds..... c. Class 3: any amount.....	\$150 \$150 \$150 \$150 \$150 \$150	
54	5001.5	Hazardous Production Facilities (HPM): An operational permit is required to store, handle or use hazardous production materials.	\$150	
55	3201.2	High Piled Storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet.	\$150	
56	3501.2	Hot Work and Welding: Public Exhibitions and Demonstrations (Each Exhibitor/Demo – 10 Day Permit)	\$78	
57	3501.2	Hot Work and Welding: An operational permit is required for: a. Small Scale Hot Work b. Fixed-Site Hot Work Equipment (Example: Welding Booth)..... c. Cutting or Welding, All Locations..... d. Open Flame Device Roofing Operation, to include Rubberized Asphalt Melter Operations (Each Site/Location – 90 Day permit)..... e. Torch or Open-Flame Operations other than Roofing (Each Site/Location – 30 Day permit).....	\$150 \$150 \$150 \$150 \$78	
58	3001.2	Industrial Ovens: An operational permit is required for operation of industrial ovens regulated by Chapter 30.	\$150	

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
59	2801.2	Lumber Yards and Agro-Industrial Solid Biomass and Woodworking Plants. Storage or Processing of Lumber Exceeding 100,000 Board Feet (8,333 ft³) (236 m³).	\$150	
53	6701.2	Water-reactive Materials: Liquids: a. Class 1: greater than 55 gallons..... b. Class 2: greater than 5 gallons..... c. Class 3: greater than any amount..... Solids: a. Class 1: greater than 500 pounds..... b. Class 2: greater than 50 pounds..... c. Class 3: any amount.....	\$150 \$150 \$150 \$150 \$150 \$150	
54	5001.5	Hazardous Production Facilities (HPM): An operational permit is required to store, handle or use hazardous production materials.	\$150	
55	3201.2	High Piled Storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet.	\$150	
56	3501.2	Hot Work and Welding: Public Exhibitions and Demonstrations (Each Exhibitor/Demo – 10 Day Permit)	\$78	
57	3501.2	Hot Work and Welding: An operational permit is required for: a. Small Scale Hot Work b. Fixed-Site Hot Work Equipment (Example: Welding Booth)..... c. Cutting or Welding, All Locations..... d. Open Flame Device Roofing Operation, <u>to include Rubberized Asphalt Melter Operations</u> (Each Site/Location – 90 Day permit)..... e. Torch or Open-Flame Operations other than Roofing (Each Site/Location – 30 Day permit).....	\$150 \$150 \$150 \$150 \$78	
58	3001.2	Industrial Ovens: An operational permit is required for operation of industrial ovens regulated by Chapter 30.	\$150	
59	2801.2	Lumber Yards and Agro-Industrial Solid Biomass and Woodworking Plants. Storage or Processing of Lumber Exceeding 100,000 Board Feet (8,333 ft³) (236 m³).	\$150	
60	<u>109.1</u>	<u>Live/Work Units: An operational permit is required for each Live/Work Unit that does not function solely as a dwelling unit.</u>	<u>\$150</u>	
61	6101.2	LP-Gas: An operational permit is required for: a. Storage or use of LP-gas, (inside or outside any structure).	\$150	

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
62	6101.2	LP-Gas: An operational permit is required for storage and/or use outside, portable installation, per event, more than 10 gallons aggregate (30-day permit). Exception: Single-and two-family dwellings.	\$78	
63	6106 6109	LP-Gas: An operational permit is required for: a. Dispensing and Cylinder Refill Location b. Retail cylinder exchange location..... c. Automated cylinder exchange location.....	\$150 \$150 \$150	
64	315.2	Miscellaneous Combustible Storage: Storage inside any building or upon any premises - in excess of 2500 cubic feet.	\$150	
65	107.2	Mobile food preparation vehicle: A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease laden vapors.	\$150	
66	301.2	Open Burning: An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground, as follows: a. Bonfire (10 Day Permit)..... b. Silvicultural / Controlled Burning (90 Day Permit).....	\$150 \$150	
67	301.2	Open Flame and Candles. An operational permit is required to use open flames or candles in connection with assembly areas, educational use, dining areas of restaurants or drinking establishments. a. Public meetings or gatherings in assembly or educational use (Each Event)..... b. Assembly areas or dining areas of restaurants or drinking establishments.....	\$78 \$150	
68	2901.2	Organic Coatings: An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon in one day.	\$150	
69	107.2	Private Fire Hydrant – An operational permit is required for the removal from service, use or operation of private fire hydrants.	\$150	
70	5601.2	Pyrotechnics and Fireworks: An operational permit is required for: a. Outdoor Fireworks Display (Aerial Audience) (One Day Permit)	\$480	
71	5601.2	Pyrotechnics and Fireworks. An operational permit is required for Retail Sales (inside mercantile establishment) of Permissible Fireworks - Any Amount (45-day permit).	\$720	
72	5601.2	Pyrotechnics and Fireworks. An operational permit is required for Wholesale Sales of Permissible Fireworks - Any Amount (21-day permit. With a minor site plan, up to 45-day permit).	\$720	
73	6501.2	Pyroxylin Plastic: Storage or handling, more than 25 pounds of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastic.	\$150	
74	601.2	Refrigeration Equipment: An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	\$150	
75	2301.2	Repair garages and service stations: An operational permit is required for operation of repair garages and automotive, marine and fleet service station.	\$150	
76	2001.3	Rooftop Heliports: An operational permit is required to operate a rooftop heliport.	\$150	
77	1204	Solar photovoltaic power systems. An operational permit is required for the installation and operation of a solar photovoltaic power system.	\$150	

Line #		Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
78	2401.3	Spraying or dipping operations: An operational permit is required for the following: a. Flammable/Combustible Liquid Spray Finishing Operation..... b. Flammable/Combustible Liquid Dip Tank Operation..... c. Application of Combustible Powders/Spray/Fluidized d. Organic Peroxides and Dual-component coatings.....		\$150 \$150 \$150 \$150	
79	5001.5	Swimming Pool Operation: The operation of a public or community pool requires an operational permit.		\$150	
80	3103.2	Temporary membrane structures and tents, (6 Month Permit). Exceptions: 1. Tents used exclusively for recreational camping purposes. 2. Tents and air-supported structures that cover an area of 900 square feet or less, including all connecting areas or spaces with a common means of egress and with an occupant load of less than 50 persons.		\$150	
81	3401.2	Tire-rebuilding Plants: An operational permit is required for the operation and maintenance of a tire-rebuilding plant.		\$150	
82	3401.2	Tire Storage (scrap tires and tire byproducts): An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet of total volume of scrap tires and for indoor storage of tires and tire byproducts.		\$150	
83	107.2	Waste Handling: An operational permit is required for the operation of wrecking yards, junk yards and waste material handling facilities.		\$150	
84	2801.2	Wood Products: An operational permit is required to store chips, hogged material, lumber, or plywood in excess of 200 cubic feet.		\$150	
Note: All permit fees are per line item that applies					
Section 2 – Plan Review Fees					
85	3201.4	Fire Safety and Evacuation Plan Review for High-Piled Combustible Storage Areas in Excess of 500 Square Feet.			\$156
86	3201.3	High-piled Storage Plan Review			\$156
87	2803.7	Lumber Yard or Woodworking Facility Plan Review			\$156
88	6109	Site and Installation Plan Review for LP-gas Cylinder Exchange Program			\$156
89	5001.5.1	Hazard Communication: Hazardous Material Management Plan Review			\$156
90	5001.6.3	Hazardous Material Facility Closure Plan Review			\$156
91	5001	Hazardous materials facility emergency response plan, above the threshold planning quantity of extremely hazardous substances.		\$100	
92	5001	Tier II submissions, per chemical, to a maximum of \$200.		\$25	
Section 3 - Inspection and Testing Fees					
	107.10	Office For Children Home Day Care Fire Inspections (Includes 1 Follow-up Inspection)		\$25	
93	107.10	County and State Licensing Fire Inspections (each inspection).		\$25	
94	107.10	Certificate of Occupancy Inspections (Towns of Vienna and Herndon).			\$156
95	107.10	Fire Prevention Permit Inspections, Follow-ups, Performance Testing, and Re-inspections.			\$156
96	107.10	Technical Fire Code Inspection (Not Otherwise Specified), (i.e., Pre-Occupancy Punch List – Each Inspector).			\$156
97	901.6.3.1	Testing and Reinspection of Existing Fire Protection Systems (Each Inspector).			\$156
98	907.8.5	Faulty Unwanted or Nuisance Fire Alarm Inspections, Follow-ups, and Re-inspections.			\$156

107.4.1 Duration of permit. Add Subsection as follows: **107.4.1 Duration of permit.** Permits shall remain in effect for 12 months from the date issued unless otherwise specified by Table 107.2 or unless suspended or revoked in accordance with this Code.

~~**107.5. Conditions of permit.** Insert "from one address to another." after the words "Permits are not transferable"~~

[FOR REFERENCE ONLY: To be replaced by Section 107.5 of the Statewide Fire Prevention Code, as follows: 107.5 Conditions of permit. A permit shall constitute permission to store or handle materials or to conduct processes in accordance with the SFPC and shall not be construed as authority to omit or amend any of the provisions of this code. Permits shall remain in effect until revoked or for such period as specified on the permit. Permits are not transferable.]

~~**108.3.8. Certificate.** Add Subsection as follows: 108.3.8 Certificate. An operational permit shall be contingent on a valid certificate of occupancy and/or use permit issued by the Fairfax County Building Official and/or the Zoning Administrator.~~

~~**108.4. (6) Revocation.** Delete and substitute as follows:~~

~~6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code or any other code or county ordinance within the time provided herein.~~

~~**108.4. Revocation.** Add to the end of the Subsection as follows:~~

~~8. The certificate of occupancy and/or use permit has been revoked or suspended.~~

~~9. The building has been deemed unsafe, uninhabitable, or presents a hazardous condition to occupants.~~

108.4 Revocation. Delete and substitute as follows: 108.4 Revocation. The fire official is authorized to revoke an operational permit issued under the provisions of this Code upon a finding of any of the following, whether found by inspection or otherwise: that there has been a false statement, misrepresentation, or other intervening act by the applicant as to the material facts in the application or documents on which the permit or approval was based including, but not limited to, any one of the following:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than listed on the permit.
3. Conditions and limitations set forth in the permit have been violated.
4. Inclusion of any false statements or misrepresentation as to a material fact in the application for permit or plans submitted or a condition of the permit.
5. The permit is used by a different person or firm than the person or firm for which it was issued.

6. The permittee failed, refused, or neglected to comply with orders or notices duly served in accordance with the provisions of this code or any other code or county ordinance within the time provided herein.
7. The permit was issued in error or in violation of an ordinance, a regulation, or this code.
8. The Certificate of Occupancy and/or Use Permit has been revoked or suspended.
9. The building has been deemed unsafe, uninhabitable, or presents a hazardous condition to occupants.

[FOR REFERENCE ONLY: The language in the 2018 Statewide Fire Prevention Code is provided for reference:

108.4 Revocation.

The fire official is authorized to revoke an operational permit issued under the provisions of this code when it is found by inspection or otherwise that there has been a false statement or misrepresentation as to the material facts in the application or documents on which the permit or approval was based including, but not limited to, any one of the following:

- 1.The permit is used for a location or establishment other than that for which it was issued.
- 2.The permit is used for a condition or activity other than that listed in the permit.
- 3.Conditions and limitations set forth in the permit have been violated.
- 4.Inclusion of any false statements or misrepresentations as to a material fact in the application for permit or plans submitted or a condition of the permit.
- 5.The permit is used by a different person or firm than the person or firm for which it was issued.
- 6.The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of this code within the time provided therein.
- 7.The permit was issued in error or in violation of an ordinance, a regulation, or this code.]

[FOR REFERENCE ONLY: The charging language in the section indicates that a false statement or misrepresentation of fact is when a permit can be revoked. However, the list of items includes items that are outside of the scope of false statement or misrepresentation, .e. conditions and limitations in the permit were violated, permit issued in error, etc. Therefore the charging paragraph is recommended to be updated to omit the conditions from the SFPC. The original condition is still contained within the list and two others (#8 and #9) were added to include circumstances when either the Zoning Official or the Building Official revoke their approvals.]

~~108.5. Special locking arrangements. Add Subsection as follows: 108.5. Special locking arrangements. A permit is required for installation or modification of delayed egress locks, access-controlled egress locks, interior means of egress stairway door locks, and special locking arrangements in occupancies with areas in which the clinical~~

needs of patients require restraint of movement. Maintenance performed to ensure compliant operation of approved special locking arrangements is not a modification and does not require a permit.

109.4 Approvals. Add Subsection as follows: **109.4 Approvals.** Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel provisions of this Code or of other ordinances of the jurisdiction shall not be valid.

109.5 Follow-up inspections resulting from noncompliance. Add Subsection as follows: **109.5 Follow-up inspections resulting from noncompliance.** Where follow-up inspections are required as a result of noncompliance with this Code, fees shall be assessed as listed under Table 107.2.

109.6 Inspections performed outside business hours. Add Subsection as follows: **109.6 Inspections performed outside business hours.** Inspections may be performed outside business hours at the sole discretion of the fire official. Fees for these inspections shall be assessed at twice the rate listed under Table 107.2. Fees shall be assessed in 30-minute increments.

~~**110.2.1 Person, firm, or corporation responsible.** Add Subsection as follows:~~
~~110.2.1 Person, firm, or corporation responsible. A person, firm, or corporation in charge of, or responsible for, any building, structure, vehicle, device, other property, substance, material, gas, liquid, chemical, or condition regulated either by this code or by an ordinance under the fire marshal's jurisdiction shall be responsible for compliance with all such code and ordinance provisions and regulations relating thereto.~~

[FOR REFERENCE ONLY: The language in the 2018 Statewide Fire Prevention Code is provided for reference:

110.2 Maintenance.

The owner shall be responsible for the safe and proper maintenance of any structure, premises or lot. In all structures, the fire protection equipment, means of egress, alarms, devices and safeguards shall be maintained in a safe and proper operating condition as required by the SFPC and applicable referenced standards.

110.3 Occupant responsibility.

If a building occupant creates conditions in violation of this code, by virtue of storage, handling and use of substances, materials, devices and appliances, such occupant shall be held responsible for the abatement of said hazardous conditions.

111.2 Service.

The written notice of violation of this code shall be served upon the owner, a duly authorized agent or upon the occupant or other person responsible for the conditions under violation. Such notice shall be served either by delivering a copy

of same to such persons by mail to the last known post office address, by delivering in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or, in the case such person is not found upon the premises, by affixing a copy thereof in a conspicuous place at the entrance door or avenue of access. Such procedure shall be deemed the equivalent of personal notice. When the owner is not the responsible party to whom the notice of violation or correction notice is issued, a copy of the notice shall also be delivered to the owner or owner's agent.

AGENT. A person who shall have charge, care or control of any structure as owner, or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person representing the actual owner shall be bound to comply with the provisions of this code to the same extent as if that person was the owner.]

110.5.1 Imminent threat to human health or safety or to property. Add Subsection as follows: **110.5.1 Imminent threat to human health or safety or to property.** If the fire official shall adjudge that the violation creates an imminent threat to human health or safety or to property, the fire official may restrain, correct, or abate such violation and institute appropriate legal proceeding to collect the full cost of such response from the owner and the tenant or other person in control of the premises.

112.1.1 Fairfax County Board of Fire Prevention Code Appeals. Add Subsection as follows: **112.1.1 Fairfax County Board of Fire Prevention Code Appeals.** The Fairfax County Board of Building Code Appeals is the Local Board of Fire Prevention Code Appeals (BFPCA) for Fairfax County.

~~**112.5.1 Scope.** Add subsection as follows: **112.5.1 Scope.** Appeals arising from a notice of violation pursuant to the Fire Prevention Code of Fairfax County shall be limited to the factual findings of the fire code official and not the application of this code or any other law to those factual findings.~~

Section 202, DEFINITIONS. Add as follows:

Section 202 GENERAL DEFINITIONS

ELECTRIFIED SECURITY FENCE. Any fence, other than used in an agricultural setting, that meets the following requirements:

1. The fence is powered by an electrical energizer with both of the following output characteristics:
 - a. The impulse repetition rate does not exceed 1 hertz (hz).
 - b. The impulse duration does not exceed 10 milliseconds, or $10/10000$ of a second.

2. The fence is used to protect and secure commercial or industrial property.

FIRE CHIEF. Delete and substitute as follows: **FIRE CHIEF.** The head of the County Fire and Rescue Department, County of Fairfax, Virginia, also referred to as the Fire Chief or Chief of the Fire and Rescue Department, or a duly authorized representative.

FIRE MARSHAL'S OFFICE. Add as follows: **FIRE MARSHAL'S OFFICE.** The County Fire Marshal, and, under the authority of the Fire Marshal, the Deputy Fire Marshal and members of the Fire Marshal's staff, also referred to as the Fire Prevention Division, fire code official, or the fire official.

~~**IMMEDIATELY.** Add as follows: Immediately. The term "immediately" means without delay.~~

LEGAL OFFICER. Add as follows. **LEGAL OFFICER.** County Attorney or the Commonwealth's Attorney for the County of Fairfax.

OCCUPANT. Add as follows. **OCCUPANT.** Any person physically located or situated in or on any property, structure, space, or vehicle irrespective of the length of time or the reason for such occupancy.

RUBBERIZED ASPHALT MELTER (MELTER). Portable equipment used for the heating of rubberized asphalt material. The term applies only if both the material being heated is a mix of asphalt and inert material and when an indirect method of heating is used. An indirect method of heating refers to a fully enclosed double-shell oil or air system that transfers heat from a burner(s) or electric heating element(s) to the oil or air jacket around the outside of a material vat which then heats the rubberized asphalt material. Melters can be fueled by means of diesel or electric means. Melters are not considered asphalt (tar) kettles or pots as addressed in Section 303.

301.2 Permits. Delete and substitute: **301.2 Permits.** Permits shall be required as set forth in Sections 107 and 108 for the activities or uses regulated by Sections 306, 307, 308, and 315, **and 319.**

304.2.1 Handling readily combustible materials. Add Subsection as follows: **304.2.1 Handling readily combustible materials.** No person producing, using, storing, or having charge of, or under their control, any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or other combustible waste material, shall neither fail nor neglect, at the close of each day, to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal, metal-lined, or approved noncombustible and covered, receptacles or bins. Baling equipment deemed suitable by the fire official shall be installed in stores, apartment buildings, factories, and other buildings where accumulations of paper and waste materials are not removed at least every day.

305.4.1 Mischievous fire play. Add Subsection as follows: **305.4.1 Mischievous fire play.** It shall be unlawful for any person to ignite or use fire or other ignition sources in a

deliberate, negligent, or unlawful manner for the purpose of impulsive or mischievous play or reckless experimentation.

307.2. Permit required. ~~Delete and substitute: 307.2 Permit required. If under the requirements of the County of Fairfax Air Pollution Control Chapter, a bonfire or controlled burning is allowed, a permit for each such fire shall be obtained from the fire official. This permit requirement does not apply to recreational fires, fire set for the training of firefighters under the direction of the Chief of the Fire Department, or fire set by a public health or safety officer where a health or fire hazard cannot be abated by any other means.~~

307.2 Permit required. Delete and substitute as follows: 307.2 Permit required. If under the requirements of the Commonwealth of Virginia or the County of Fairfax Air Pollution Control Chapter, a bonfire or controlled burning is allowed, a permit for each such fire shall be obtained from the fire official, in accordance with Section 107.2, prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Exceptions:

1. Recreational fires.
2. Fire set for the training of firefighters under the direction of the Chief of the Fire Department.
3. Fire set by a public health or safety officer where a health or fire hazard cannot be abated by any other means.

307.4.4 Outdoor solid fuel burning devices. Add Subsection as follows: **307.4.4 Outdoor solid fuel burning devices.** Outdoor fireplaces, fire pits, chimineas, and other similar portable devices designed for outdoor use shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or a residential occupancy.

Exception: Detached one- and two- family dwellings and townhouses.

307.5.1 Endangering other property. Add Subsection as follows: **307.5.1 Endangering other property.** No person shall kindle, authorize to be kindled, or maintain any permitted fire in such a manner that will endanger the property of another.

307.6 Negligence. Add Subsection as follows: **307.6 Negligence.** If any person shall carelessly or negligently set fire to, burn or cause to be burned any property, either real or personal, whether the property be his or that of another, he shall be subject to the penalties set forth in Section 62-1-1 of this Code.

308.1.3 Torches for removing paint, sweating pipe joints, or roofing operations. Delete and substitute as follows: **308.1.3 Torches for removing paint, sweating pipe joints, or roofing operations.** Persons utilizing a torch or other flame-producing device for removing paint from a structure, sweating pipe joints, or roofing operations, shall provide a minimum of

one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. Combustible material in close proximity to the work shall be protected against ignition by shielding, wetting, or other approved means. The person doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized.

308.1.3.1 Permit. Add Subsection as follows: **308.1.3.1 Permit.** A permit in accordance with Section 107 and 108 shall be secured from the fire official prior to the utilization of a torch or flame-producing device in or on any building or structure.

308.1.4 Open-flame cooking devices. Delete and substitute as follows: **308.1.4 Open-flame cooking devices.** Charcoal burners and other open-flame cooking devices fueled by combustible or flammable gases, liquids, and solids shall not be operated or stored on a balcony or deck of any structure or within 15 feet of combustible construction or residential occupancy.

Exceptions:

1. Detached one-and two-family dwellings and townhouses.
2. Cooking devices using electricity as a heating source and listed by a recognized testing authority.

308.1.4.1 Notification of tenants. Add Subsection as follows: **308.1.4.1 Notification of tenants.** The management of multi-family residential occupancies which have balconies, decks, or patios shall notify their tenants in writing of the prohibitions outlined in section 308.1.4 of this Code when the tenant or occupant initially occupies the building and periodically thereafter as may be necessary to ensure compliance.

308.3 Group A occupancies. Delete and substitute as follows: 308.3 Group A occupancies. Open-flame devices shall not be used in a Group A occupancy.

Exceptions:

1. Open-flame devices are allowed to be used in the following situations, provided *approved* precautions are taken to prevent ignition of a combustible material or injury to occupants:
 1. Where necessary for ceremonial or religious purposes in accordance with Section 308.1.7.
 2. On stages and platforms as a necessary part of a performance in accordance with Section 308.3.2.
 3. Where candles on tables are securely supported on substantial noncombustible bases and the candle flames are protected.
 4. Where used in an approved manner to maintain the temperature of prepared food items, on a table used only to serve food.
2. Heat-producing equipment complying with Chapter 6 and the *applicable building code*.

- 1 3. Gas lights are allowed to be used provided adequate precautions satisfactory to
2 the *fire code official* are taken to prevent ignition of combustible materials.
3
4

5 **~~311.2.2. Fire Protection.~~** In exception #2, change 'fire chief' to 'Fire Code
6 Official'.
7

8 **~~315.1. General.~~** Delete last sentence.
9

10 **~~315.1.1. Permit.~~** Add subsection as follows: 315.1.1 Permit. A permit shall be
11 obtained in accordance with Sections 107 and 108 for combustible storage in excess
12 of 2500 cubic feet inside any building or upon any premises.
13
14
15

Add Section as follows:

SECTION 320

RUBBERIZED ASPHALT MELTERS FOR ROOF DECK SYSTEMS

320.1 General. The provisions of this section shall apply to any type of fully enclosed chassis-mounted or portable *rubberized asphalt melter* using indirect heating of a mix of asphalt and inert material for application on roof decks. There shall be no direct burner or flame impingement on the material vat with indirect heating. Temperature rise in the material vat is gradual and controlled.

320.2 Permits. Permits shall be required in accordance with Section 107.2 and Chapter 35.

320.2.1 Torches. Any use of torches or burners shall require a separate permit in accordance with Chapter 35.

320.3 Location. The melter shall be located and operated in a controlled area. The area shall be as designated by the *fire code official* and identified by the use of traffic cones, barriers, and other suitable means. Where *rubberized asphalt melters* are staged and operated on roof decks, the design load of the roof deck shall be capable of supporting the weight of the *rubberized asphalt melter* where loaded to capacity with rubberized asphalt material. The design load of the roof deck shall be as determined on building drawings or by a design professional as approved by the *fire code official*. *Rubberized asphalt melters* shall be chocked in place on the roof deck at locations identified by the design professional and as approved by the *fire code official*. Rubberized asphalt cakes for use in *rubberized asphalt melters* shall be located on the roof at a location agreed upon by the applicant and the *fire code official*.

320.3.1 Buildings. Rubberized asphalt melters shall not be located inside buildings.

320.3.2 Air intakes. Air intakes into the building in the area of work shall be identified and shut off and an alternate supply of outdoor air into the building shall be coordinated, such as by temporarily covering air intakes to make them smoke and odor proof.

320.3.3 Exits. *Rubberized asphalt melters* shall not be located within 20 feet of any exit or combustible material. *Rubberized asphalt melters* shall not block any means of egress.

320.3.4 Combustible materials. Combustible materials on the roof deck shall be protected in accordance with Section 3504.

320.4 Fire Extinguishers. Not less than two approved 4-A:40-B:C fire extinguishers complying with Section 906 shall be provided and maintained within 25 ft. of the *rubberized asphalt melter*. A minimum of one approved 4-A:40-B:C fire extinguisher shall be provided in close proximity to the roofing material application. Each employee shall be instructed on the

proper use of fire extinguishers and in the event of a fire to turn off all *rubberized asphalt melter* power supply, engines, and burners. Employees shall notify the fire department.

320.5 Attendant Supervision. An operating *rubberized asphalt melter* shall be attended by an employee who is knowledgeable and solely dedicated to the operation of the equipment and associated hazards. The employee shall always be within sight of the melter. The employee shall remain in the area of the melter for a minimum of one-hour after the device is shut down in compliance with Section 3504.2.

320.6 Minimum Melter Design Requirements. A *Rubberized asphalt melter* shall be operated as a complete unit as designed and built by the manufacturer. Field changes that override controls or safety features are prohibited. Material vats shall be a permanent integral part of the *rubberized asphalt melter* unit. The *rubberized asphalt melter* chassis shall be substantially constructed and capable of carrying the load imposed upon it whether it is standing still or being transported.

320.6.1 Lids. *Rubberized asphalt melter* shall have lids permanently attached. The lids shall be kept closed at all times, except to add rubberized asphalt membrane cakes to the *rubberized asphalt melter*. Loading doors shall be designed as a safety door integral to the roofing material tank and shall be provided with handles that allow rubberized asphalt cakes to be lowered into the tank without operator exposure to the vat material.

320.7 Melter Operation. *Rubberized asphalt melters* shall be operated according to manufacturer instructions. *Rubberized asphalt melters* shall operate using integral control systems that include shut off controls for the electric or diesel-fired burner, temperature controls for the oil or air system, and the material vat. Where a diesel burner is utilized, it shall fire into a burner flue assembly for the oil or air jacketed shell for uniform heat transfer to the material vat. There shall be no open flame devices on *rubberized asphalt melters*. All *rubberized asphalt melters* shall have an approved, working visible temperature gauge(s) that indicate the temperature of the rubberized material being heated and, in the case of oil jacketed *rubberized asphalt melters*, the temperature of the heat transfer oil heating the material vat. The *rubberized asphalt melter* shall have limit switches that prevent the material vat from heating beyond 400 degrees F.

320.8 Fuel System and containers. Fuel containers for diesel-powered melters shall be constructed and approved for the use for which they were designed. *Rubberized asphalt melter* fuel tanks shall be attached to the frame of the melter. Portable fuel tanks shall not be utilized to power *rubberized asphalt melters*. Diesel tanks and engines integral to *rubberized asphalt melters* shall be maintained in accordance with manufacturer instructions.

320.8.1 Refueling. Refueling of diesel tanks shall be performed when the *rubberized asphalt melter* is off. A refueling and spill prevention plan approved by the *fire code official* shall be utilized. Refueling shall be conducted using approved safety cans. No open flames shall be present within 20 feet of the refueling operation.

320.9 Maintenance. *Rubberized asphalt melters* and integral working parts shall be in good working condition and shall be maintained free of excessive residue.

320.10 Transporting. *Rubberized asphalt melters* shall not be transported over a highway, road, or street when the heat source for the melter is operating.

401.9 Promulgation of fire safety instructions. Add Subsection as follows: **401.9 Promulgation of fire safety instructions.** The fire official shall issue regulations which require the owner, lessor, or management agent of buildings to post signs where, in the professional judgment of the fire official, such signs are deemed to be effective in minimizing the danger to persons and property in case of fire.

401.9.1 Elevator warning signs. Add Subsection as follows: **401.9.1 Elevator warning signs.** Elevator lobby call stations on each floor and on all elevator cars shall be marked with approved signs reading as follows: "USE STAIRWAYS IN CASE OF FIRE – DO NOT USE ELEVATOR." The requirements of this section shall apply to all buildings. Elevators installed in use group R-5 shall be exempt from the provisions of this section.

401.9.2 Posting of signs. Add Subsection as follows: **401.9.2 Posting of signs.** It shall be unlawful for the owner of any building which is leased to another or the lessor or management agent of any such building, to fail to post the signs required by the preceding paragraphs.

~~**403.2.2. Other requirements.** Add subsection as follows: 403.2.2 Other requirements. Where required by the fire code official, the public safety plan shall include applicable requirements in section 403.3 and 404.3.2.~~

~~**408.12. Storage or display in roofed Over malls.** Add subsection as follows: 408.12 Storage or display in roofed Over malls. No combustible goods, merchandise, or decorations shall be displayed or stored in a roofed-over mall unless approved by the fire official.~~

CHAPTER 5

Section 502 Definitions

~~**502.1. Definitions.** Delete and substitute definition as follows: Fire Lane: An area designated by clearly visible signs and markings in which parking shall be prohibited, whether on public or private property, to ensure ready ingress and egress as well as operational access for fire fighting and rescue equipment, facilities, and operations. Fire lanes may be included as part of fire apparatus access roads and/or areas.~~

~~**503.1 Where Required.** Add as follows: 503.1 Where Required. Fire apparatus access roads shall be provided and maintained in accordance with~~

Sections 503.1.1 through 503.1.9.

[FOR REFERENCE ONLY: This section is replaced by Section 503.1 of the Statewide Fire Prevention Code, as follows: **503.1 Where Required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.]

Exceptions:

- ~~1. Fire apparatus access roads shall be permitted to be provided and maintained in accordance with written policy that establish fire apparatus access road requirements and such requirements shall be identified to the owner or his agent prior to the building official's approval of the building permit.~~
- ~~2. On construction and demolition sites fire apparatus access roads shall be permitted to be provided and maintained in accordance with Section 3310.1.~~

Add the following exception to 503.1:

3. In communities developed with single-family dwellings and/or townhomes that were constructed prior to December 31, 1979, wherein the Fire Code Official has no site plan and/or subdivision plan depicting or identifying designated fire lanes/fire apparatus access roads for the development, the Fire Code Official may conduct an analysis to designate and/or modify the requirements of this section. Any code modification shall require a written request from the community association accompanied by a site plan depicting the dimensions and location of the subject streets relative to all dwellings, structures and points of assembly. Before granting a fire code modification request, the Fire Code Official shall evaluate the type and grade of construction, structural components, including but not limited to the exterior wall coverings, accessibility and/or obstructions throughout the subject area, available water supplies, the distance and rescue response time from a fire station, and other relevant factors. Such fire code modifications may be granted by the Fire Official only if the health, safety, and welfare of the community is not compromised.

[FOR REFERENCE ONLY: Exceptions 1 and 2 would be replaced by the Exceptions listed under Section 503.1 of the Statewide Fire Prevention Code, as follows:

1. Fire apparatus access roads shall be permitted to be provided and maintained in accordance with written policy that establish fire apparatus access road requirements and such requirements shall be identified to the

owner or his agent prior to the building official's approval of the building permit.

2. On construction and demolition sites fire apparatus access roads shall be permitted to be provided and maintained in accordance with Section 3310.1.]

503.1.1. Fire lanes. ~~Delete and substitute as follows: 503.1.1 Fire lanes. The fire official shall designate fire lanes on public streets and on private property where necessary for the purpose of preventing parking in front of or adjacent to fire hydrants and fire department connections and to ensure access to buildings and structures for fire fighting and rescue apparatus. Access for emergency vehicles shall be provided to within 100 feet of the main or principal entrance of every building. The fire department access may be provided by a public or private street, parking lot, and/or fire lanes.~~

503.1.1 Buildings and Facilities Add text as follows: **503.1.1 Buildings and Facilities** Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. The fire code official shall require fire lanes to be designated on public streets and on private property where necessary for the purpose of preventing parking in front of or adjacent to fire hydrants and fire department connections and to ensure access to buildings and structures for firefighting and rescue apparatus.

Exceptions:

1. The *fire code official* is authorized to increase the dimension of 150 feet (45,720 mm) where any of the following conditions occur:

1.1 The building is equipped throughout with an *approved automatic sprinkler system* in accordance with the applicable NFPA13, NFPA 13R, or NFPA13D standard.

1.2 Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades, or other similar conditions, and an *approved* alternative means of fire protection is provided.

1.3 There are not more than two Group R-3 or Group U occupancies.

2. Where approved by the *fire code official*, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

503.2.1. Dimensions. ~~Change unobstructed vertical clearance from 'not less than 13 feet 6 inches' to 'not less than 15 feet.'~~

[FOR REFERENCE ONLY: Section 503.2.1 shall be replaced by Section 503.2.1 of the Statewide Fire Prevention Code, as follows: **503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved* security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.]

503.2.1.1 Required markings and parking prohibitions. Add Subsection as follows:
503.2.1.1 Required markings and parking prohibitions. Required markings and parking prohibitions shall be based on the street width (curb-to-curb or paved surface) as in Table 503.2.1.1. This shall apply to both one- and two-way designated streets.

Table 503.2.1.1

Street width	Parking	Fire lane markings
< 28 feet	No parking allowed on either side	Both sides marked as fire lanes
28 to 36 feet	Parallel parking allowed on one side as determined by the <i>fire code official</i>	One side marked as a fire lane
> 36 feet	Parallel parking allowed on both sides	No fire lane markings required Exception: Required access to pools, fire department apparatus access roads, and similar areas shall be marked as fire lanes

503.2.5 Dead ends. Delete and substitute as follows: **503.2.5 Dead ends.** Dead-end fire apparatus access roads in excess of 100 feet in length shall be provided with an approved area for turning around fire apparatus.

~~**503.2.6.1. Ladder truck access.** Add subsection as follows: 503.2.6.1 Ladder truck access. For ladder truck access on parking garages where a parking garage is attached to a building structure in such a manner that such garage constitutes a portion of the fire department vehicular access way, design calculations shall be provided by a Professional Engineer licensed in Virginia to the Fire Code Official which shows that the deck of such garage is designed to support an 80,000-lb. vehicle and all outrigger (pad) point loads or that such garage is designed for a nominal 450-lbs/square foot uniform live load.~~

[FOR REFERENCE ONLY: The Fire Marshal retains the ability to enforce this design requirement through §9-0202.2(I)(8) of the Public Facilities Manual.]

~~**503.2.6.1.1. When buildings are more than 5 stories or 50 feet in height, ladder truck access shall be provided to both the front and rear of the building.** The access to the rear may be provided by a street, parking lot, or fire lane.~~

[FOR REFERENCE ONLY:] The Fire Marshal retains the ability to enforce this design requirement through §9-0202.2(l) of the Public Facilities Manual, as follows:

I. Access for emergency vehicles must be provided to within 100 feet of the main or principal entrance of every building. The fire department vehicular access may be provided by a public or private street, parking lot, and/or fire lanes.]

~~**503.2.6.1.2.** The inner surface of the ladder truck access way shall be no less than 15 feet and no more than 30 feet from the exterior building wall.~~

[FOR REFERENCE ONLY:] The Fire Marshal retains the ability to enforce this design requirement through §9-0202.2(l)(3) of the Public Facilities Manual, as follows:

. The required aerial access meeting this condition will conform to the following conditions: the inner boundary must be no less than 15 feet and no more than 30 feet from the exterior building wall and must be positioned along the entire main front entrance side and a second continuous side of the building.

Exception:

- a. Buildings that meet the defined height for a high-rise building, as defined by VCC and comply fully with VCC § 403, are only required to have a single aerial apparatus access on the entire main front entrance side of the building.]

503.3.1 Marking specifications. Add Subsection as follows: **503.3.2 Marking specifications.** Fire lane markings shall conform to the following:

- a) Approved fire lane signs must meet the following specifications:
 - a. Metal construction, dimensions 12 inches wide by 18 inches high.
 - b. Red letters on a reflective white background with three-eighths inch red trim strip around the entire outer edge of the sign.
 - c. There shall be a one inch spacing between lines "No Parking" and "or". There shall be a one inch spacing between the lines "or" and Standing". There shall be a three-inch space between the lines "Standing" and "Fire Lane". Lettering size to be as follows:

"NO PARKING" 2 inches

"OR" 1 inch

"STANDING" 2 inches

"FIRE LANE" 2½ inches

Arrow (if required) 1 inch by 6 inches with a solid head 1 ½ inches wide by 2 inches deep.

2. Sign types.

- a) Sign type "A". Standard wording with an arrow at bottom pointing to the right. One sign mounted parallel to the line of curbing or pavement edge at the end of the painted area (see figure 503.3.1.2.1).



Figure 503.3.1.2.1

- b) Sign Type "C." Standard wording with an arrow at bottom pointing to the left. One sign mounted parallel to the line of curbing or pavement edge at the end of the painted area (see figure 503.3.1.2.2).



Figure 503.3.1.2.2

- c) Sign Type "D". Standard wording with no arrow. Two signs, back-to-back, mounted perpendicular to line of curbing or pavement edge. To be seen from either side. Located every 100 feet in long stretches of a marked, painted fire lane (see figure 503.3.1.2.3).



Figure 503.3.1.2.3

- d) Posts for fire lane signs shall be metal and securely mounted. Signs shall be located and spaced as shown on the approved plans. In long stretches, the maximum distance between fire lane signs shall be 100 feet. Fire lane signs are to be mounted 7 feet above the finished grade to the bottom of the sign.
- e) All curbs or paved spaces designated as fire lanes shall be indicated by yellow (highway grade) paint as approved by the *fire code official*. In areas without curbing, a 6-inch-wide yellow stripe shall be applied to the edge of the pavement. The property owner or designee shall repaint whenever the paint begins to fade or when directed by the *fire code official*.

503.3.3. Tampering. Add Subsection as follows: **503.3.3. Tampering.** It shall be unlawful for any person to deface, injure, tamper with, remove, destroy, or impair the usefulness of any posted fire lane sign or marking installed under the provisions of this code.

~~503.4 Obstruction of fire lanes and fire apparatus access roads.~~

~~1. It shall be unlawful for any person to park, stop, stand, or otherwise obstruct such designated and/or marked areas.~~

~~2. In any prosecution under this section, proof that the vehicle described in the complaint, summons, or warrant was parked in violation of this code, together with proof that the defendant was at the time of such parking the registered owner of the vehicle, shall constitute a prima facie evidentiary presumption that such registered owner of the vehicle was the person who parked the vehicle at the place and at the time such violation occurred.~~

~~3. In addition, the vehicle parked in violation of this section may be impounded by the Fairfax County Police Department and held until the penalty provided, and the towing and storage charges incurred, are paid.~~

1 4. ~~This section shall be enforced by the county fire marshal's office and the~~
 2 ~~county police department.~~

3
 4 **[FOR REFERENCE ONLY:** Section 503.4 will be replaced by Section 503.4 of
 5 the Statewide Fire Prevention Code, as follows: 503.4 Obstruction of fire apparatus
 6 access roads. Fire apparatus access roads shall not be obstructed in any manner,
 7 including the parking of vehicles. The minimum widths and clearances established in
 8 Sections 503.2.1 and 503.2.2 shall be maintained at all times.]

9
 10 **503.6.1 Emergency operation for security gates and barricades.** Add Subsection
 11 as follows: **503.5.2 Emergency operation for security gates and barricades.** Gates and
 12 barricades that are installed across a fire apparatus access road that is normally intended for
 13 vehicular traffic shall be installed with a fire department access system which has an
 14 emergency override fire department master key switch as approved by the fire official. Gates
 15 and barricades shall be maintained operational at all times.

16
 17 **[FOR REFERENCE ONLY:** Section 503.7 of the SFPC is incorporated here by
 18 reference and reads follows: **503.7 Fire lanes for existing buildings.** The *fire code*
 19 *official* is authorized to designate public and private *fire lanes* as deemed necessary for
 20 the efficient and effective operation of fire apparatus. *Fire lanes* shall comply
 21 with Sections 503.2 through 503.7.]

22 f
 23 **503.8 Carnival, fair, festival, and circus access.** Add Subsection as follows:
 24 **503.8 Carnival, fair, festival, and circus access.** It shall be the responsibility of the owner,
 25 operator, or other person responsible for the establishment, erection, or operation of any
 26 carnival or circus to establish, erect, and operate such carnival or circus so that there is
 27 provided and maintained an access lane, capable of supporting fire and rescue apparatus in
 28 all weather conditions, and so arranged as to afford access to within 100 feet of all booths,
 29 tents, rides, and other equipment, buildings, and structures used as part of or in conjunction
 30 with the carnival or circus.

31
 32 ~~**503.9 Pool access.** Add subsection as follows: 503.9 Pool access. A 12 foot~~
 33 ~~wide access lane to within 50 feet of the edge of swimming pools, with an 8 foot~~
 34 ~~personnel gate in the fence at the point of access is required except for individually~~
 35 ~~owned pools located on single family lots.~~

36
 37 **503.9 Pool access.** Add Subsection as follows: 503.9 Pool access. Stretcher
 38 access for a 24-inch x 84-inch stretcher must be provided from the fire department vehicular
 39 access to the pool deck.

40
 41 Exception: Individually owned pools located on single-family lots.

42
 43 ~~**504.2.1. Showcases or temporary displays.** Add Subsection as follows:~~
 44 ~~504.2.1 Showcases or temporary displays. Showcases or temporary displays placed,~~
 45 ~~piled, or installed so as to obstruct any exterior door shall be prohibited unless~~
 46 ~~approved by the fire official.~~

~~506.2~~ **506.3 Number and labeling of required keys.** Add Subsection as follows:
506.3 Number and labeling of required keys. In buildings with fire command centers, 15 sets of common keys shall be provided for access to building services and systems regulated by Section 601 of this Code and to all storage, trash and utility rooms, roof access doors, and doors to other secured areas. In all other buildings required to provide fire department access, 3 sets of common keys shall be provided. Individual keys shall be clearly labeled as to function and each set of keys shall be individually tagged in a manner approved by the fire official.

~~506.2.1. Non-required fire department access boxes.~~ Add Subsection as follows:
~~506.2.1 Non-required fire department access boxes. Voluntarily provided fire department key boxes shall contain one key to access the premises served, and other keys as determined by the owner or occupant. All keys shall be clearly labeled as to function.~~

506.4 Height of key boxes. Add Subsection as follows: **506.4 Height of key boxes.** Required key boxes shall be installed at the primary fire department entrance, in a visible and accessible position, 42 inches to 54 inches above finished grade. For new or renovated buildings, fire department key boxes must be installed prior to occupancy.

~~507.5.5. Clear space around hydrants and fire department connections.~~ Delete and substitute subsection as follows: ~~507.5.5 Clear space around hydrants and fire department connections. No person shall plant or erect any obstruction within 4 feet of any fire hydrant or 10 feet of any fire department connection.~~

507.5.5 Clear space around hydrants and fire department connections. Delete and substitute as follows: **507.5.5 Clear space around hydrants and fire department connections.** A 4-foot clear space shall be maintained around each side of fire hydrants, and a 5-foot clear space shall be maintained on each side of a fire department connection, except as otherwise required or approved.

Add definition to list as follows: **602.1 DEFINITIONS**

ELECTRIFIED SECURITY FENCE - Any fence, other than used in an agricultural setting, that meets the following requirements:

1. The fence is powered by an electrical energizer with both of the following output characteristics:
 - a. The impulse repetition rate does not exceed 1 hertz (hz).
 - b. The impulse duration does not exceed 10 milliseconds, or $10/10000$ of a second.
2. The fence is used to protect and secure commercial or industrial property.

601.2 Permits. Delete and substitute as follows: **601.2 Permits.** Permits shall be obtained for refrigeration systems, battery systems, solar photovoltaic power systems, commercial kitchen hoods, and electrified security fences as set forth in Sections 107.2.

607.3.3.3.2 Type I hood fire protection records. Add Subsection as follows: 609.5 Type I hood fire protection records. The occupant shall maintain on premises a copy of all literature issued by the system manufacturers at time of installation and an approved plan of the fire protection system covering the cooking appliances. These items shall be made available to the fire code official on request.

Table 609.3.3.1. Commercial Cooking System Inspection
Frequency. Relabel table to Commercial Cooking System Inspection and Cleaning Frequency. Relabel second column from "Frequency of Inspection" to "Frequency."

Add Section as follows:

Section 610 **Electrified Security Fence**

610.1 General. Notwithstanding any other state, local or other legal requirements, the installation of an electrified security fence shall comply with 2006 international standards and specifications of the International Electrotechnical Commission for electric fence energizers in "International Standard IEC 60335, Part 2-76." Installation of the electrified security fence must conform to the requirements of this Code and other pertinent laws and ordinances.

610.2 Electrification. The energizer for electric fences must be driven by a commercial storage battery or batteries not to exceed 12 volts DC. The storage battery is charged primarily by a solar panel. However, the solar panel may be augmented by a commercial trickle charger. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of IEC Standard No. 60335-2-76.

610.3 Perimeter fence or wall. No electric fence shall be installed or used unless it is completely surrounded by a non-electrical fence or wall that is not less than six feet tall. There shall be a space of four (4) to twelve (12) inches between the electric fence and the perimeter fence or wall.

610.4 Height. Electric fences shall have a minimum height of 8 feet and a maximum of 10 feet.

610.5 Warning signs. Electric fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" and contain icons that are universally understood at intervals of not less than thirty feet.

610.6 Hours of activation. Electric fences must only be energized during hours when the public does not have legal access to the protected property, except when personnel is available on-site to deactivate the electric fence.

610.7 Key Box. Electric fences shall have installed a key box system in accordance with this Code.

610.7.1 Controller and key location. The electric fence controller and rapid entry key box for the electric fence must be located in a single accessible location for the entire fence.

~~**806.6 . Natural Vegetation.** Flammable natural vegetation materials such as batting, cloth, cotton, hay, stalks, straw, vines, leaves, trees, moss, and similar items shall not be used for decorative purposes in show windows, building lobbies, exits, exit access, or other parts of buildings, or any area of public use in such a quantity as to constitute a fire hazard.~~

~~**806.6.1 Restricted occupancies.** Add subsection as follows: 806.6.1 Restricted occupancies. These items shall be prohibited in Group A, E, I-1, I-2, I-3, I-4, M, R-1, R-2, and R-4 occupancies.~~

~~—— **Exception:** These items located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.1.1 or 903.1.2 shall not be prohibited in Groups A, E, M, R-1, and R-2.~~

~~**807.4.3.3 807.5.2.4 Furniture, furnishings and displays.** Add Subsection as follows: **807.5.2.4 Furniture, furnishings and displays.** Furniture, furnishings, displays or other objects shall be prohibited in exit corridors serving Group E occupancies.~~

~~**Exception:** Furniture, furnishings, displays, and other objects shall be permitted in exit corridors when secured in place and not located in any portion of the required 72-inch exit corridor width or other required element of the means of egress. Upholstered furniture shall meet the requirements for Class I when tested in accordance with NFPA 260.~~

~~**901.3. Permits.** Delete and substitute as follows: **901.3 Permits.** Permits shall be required as set forth in Sections 107 and 108.~~

~~**901.6. Inspection, testing and maintenance.** Add the following to the first sentence after the word constructed: "or were voluntarily installed."~~

~~**[FOR REFERENCE ONLY:** Section 901.6 will be replaced by Section 901.6 of the Statewide Fire Prevention Code, as follows: 901.6 Inspection, testing and maintenance. To the extent that equipment, systems, devices, and safeguards, such as fire detection, alarm and extinguishing systems, which were provided and approved by the building official when constructed, shall be maintained in an operative condition at~~

all times. And where such equipment, systems, devices, and safeguards are found not to be in an operative condition, the fire official shall order all such equipment to be rendered safe in accordance with the USBC.]

901.6.3. Periodic retests. Add Subsection as follows: **901.6.3 Periodic retests.** Periodic inspections and tests required under this chapter shall be witnessed by the fire official. The fire official shall collect fees from the building owner or tenant for the witnessing of tests required under this section, based on staff hours expended witnessing these tests.

901.6.3.1. Reinspection and testing fees. Add Subsection as follows: **901.6.3.1 Testing and reinspection fees.** Fees for witnessing the testing and reinspection of existing fire protection equipment and systems shall be assessed as listed under Subsection 107.2. A fee, based on hours reserved, shall be assessed for inspections not cancelled with notice.

~~**901.7. Systems out of service.** Delete first two paragraphs and substitute as follows: "Where a fire protection system is out of service, the fire department and the fire official shall be notified immediately and, where required by the fire official, the building shall either be evacuated or an approved fire watch shall be provided for all premises left unprotected by the shut down until the fire protection system has been returned to service."~~

~~Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and the only duty of the fire watch shall be to perform constant patrols of the protected premises and keep watch for fires." Keep remainder of section."~~

[FOR REFERENCE ONLY: This section will be replaced by Section 901.7 of the Statewide Fire Prevention Code, as follows:

901.7 Systems out of service. Where a required *fire protection system* is out of service, the fire department and the *fire code official* shall be notified immediately and, where required by the *fire code official*, the building shall be either evacuated or an *approved* fire watch shall be provided for all occupants left unprotected by the shutdown until the *fire protection system* has been returned to service.

Where utilized, fire watches shall be provided with not less than one *approved* means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.]

~~**901.8. Removal of or tampering with equipment.** Delete and substitute: 901.8 Removal of or tampering with equipment. It shall be unlawful for any person to remove, tamper with, damage, destroy, use without just cause or authorization, or otherwise disturb any fire hydrant, fire detection and alarm system, fire suppression system, or other fire appliance required by this code or installed in any building or~~

1 structure within the county except for the purpose of extinguishing fire, training
 2 purposes, recharging or making necessary repairs, or when approved by the fire
 3 official.
 4

5 **[FOR REFERENCE ONLY:** This section will be replaced by Section 901.8 of
 6 the Statewide Fire Protection Code, as follows: **901.8 Removal of or tampering with**
 7 **equipment.** It shall be unlawful for any person to remove, tamper with, or otherwise
 8 disturb any fire hydrant, fire detection and alarm system, fire suppression system, or
 9 other fire appliance required by this code or the applicable building code except for the
 10 purpose of extinguishing fire, for training purposes, for recharging or making necessary
 11 repairs, or where approved by the fire code official.]
 12

13 ~~**901.11. Hydrants and water mains.** Add Subsection as follows: 901.11~~
 14 ~~Hydrants and water mains. It shall be unlawful for any person to use, tamper with,~~
 15 ~~damage, or destroy any fire hydrant, valve, or water main within the county, except~~
 16 ~~that fire departments may use such hydrants for fire fighting or training purposes.~~
 17 ~~Such hydrants may be used by a person who has obtained a permit for its use from~~
 18 ~~the public authority or utility having jurisdiction over these items. A person who has a~~
 19 ~~valid permit shall comply with all policies as outlined on the permit or application.~~
 20

21 **[FOR REFERENCE ONLY:** This section shall be replaced by Section 901.11
 22 of the Statewide Fire Prevention Code, for numbering purposes only, as follows:
 23 901.11 Defective equipment. When the fire official determines through investigation or
 24 testing or reports by a nationally recognized testing agency that specific, required water
 25 sprinkler or water-spray extinguishing equipment has been identified as failing to
 26 perform or operate through not less than 30 randomly selected sprinkler heads at four
 27 or more building sites anywhere in the nation, the fire official shall order all such
 28 equipment to be rendered safe.]
 29

30 ~~**905.12. Testing.** Add Subsection as follows: 905.12 Testing. All standpipe fire~~
 31 ~~lines in all buildings and structures shall be tested at least every 5 years in accordance~~
 32 ~~with NFPA 25. In buildings and structures, wet and dry pipe systems shall meet the~~
 33 ~~flow demands required at the time of installation or as required by Subsection 905.2.~~
 34 ~~At the time of the test all control valves, including those inside hose cabinets, shall be~~
 35 ~~operated and then reset in their proper positions to insure the workability of these~~
 36 ~~valves. Wet and dry systems which do not meet the flow requirements established at~~
 37 ~~the time of installation or as required by this section shall be required to install~~
 38 ~~automatic fire pumps or tanks if deemed necessary by the fire official for the~~
 39 ~~occupancy of the building.~~
 40

41 **901.12 Unwanted or Nuisance alarms.** Add Subsection as follows: 901.12 Unwanted or
 42 Nuisance alarms. Inspection fees shall be as in Table 107.2 and 109.6. Whenever unwanted
 43 nuisance fire alarm activations occur in any occupancy exceed three in a 90- day period, the fire
 44 official may require the owner or occupant to conduct a test of the fire protection system causing
 45 the nuisance alarm. Testing shall be in accordance with section 901.6.3.
 46

1. For the purpose of this section, an unwanted or nuisance alarm is deemed to occur whenever the fire official or fire department officer in charge responding to a fire alarm call shall determine, after investigation, that faulty equipment initiated the alarm.
2. As soon as possible following the unwanted or nuisance alarm determination, the responding officer in charge shall cause the Office of the Fire Marshal to be notified in writing of the facts and circumstances supporting the determination that faulty fire protection equipment initiated the alarm.
3. Whenever an owner or occupant is required by this section to conduct testing of a fire protection system, the fire official shall notify the owner or occupant in writing and prescribe a certified test consistent with standard procedures and a report of such testing shall be provided to the fire official upon request.

907.7.5.2. Posting of Central Station Monitoring Company. Add Subsection as follows: 907.7.5.2 Posting of Central Station Monitoring Company. The name, telephone number, and account number of the current central station monitoring company shall be posted and maintained inside the fire alarm control panel. If the fire alarm system is not monitored, that fact shall be posted and maintained inside the fire alarm control panel.

907.8.6 Posting of central station monitoring company and point of contact. Add Subsection as follows: 907.8.6 Posting of central station monitoring company and point of contact. The name, telephone number, and account number of the current central station monitoring company shall be posted and maintained inside the fire alarm control panel. Information for an alternate contact such as the building owner or representative shall also be posted. If the fire alarm system is not monitored, that fact shall be posted and maintained inside the fire alarm control panel, along with the building owner or representative contact information.

907.9.5.1. Faulty alarms. Add Subsection as follows: 907.9.5.1 Faulty alarms. Inspection fees shall be as in Table 107.2 and 109.6. Whenever faulty or nuisance fire alarm activations occurring in any occupancy exceed 3 in a 90 day period, the fire official may require the owner or occupant to conduct a witnessed test of the fire protection system causing the faulty or nuisance alarm. Witnessed testing shall be in accordance with section 901.6.3.

1. For the purpose of this section, a faulty or nuisance alarm is deemed to occur whenever the fire official or fire department officer in charge responding to a fire alarm call shall determine, after investigation, that faulty equipment initiated the alarm.

2. As soon as possible following the faulty or nuisance alarm determination, the responding officer in charge shall cause the Fire Marshal's Office to be notified in writing of the facts and circumstances supporting the determination that faulty fire protection equipment initiated the alarm.

3. Whenever an owner or occupant is required by this section to conduct witnessed testing of a fire protection system, the fire official shall notify the owner or occupant in writing and prescribe a certified test consistent with standard procedures to be witnessed by the fire official or his designee.

[FOR REFERENCE ONLY: Section 907.9 is deleted in the Statewide Fire Prevention Code.]

~~1030.1. General. Add exception:~~

~~Exception: Means of egress conforming to the requirements of the building code under which they were constructed shall be considered as complying means of egress if, in the opinion of the fire code official, they do not constitute a distinct hazard to life.~~

[FOR REFERENCE ONLY: This section will be replaced by Section 1030.1 of the Statewide Fire Prevention Code, which reads: 1030.1 General. Emergency escape and rescue openings of a building, including those in R-2, R-3, R-4 and R-5 occupancies, shall be maintained in accordance with the applicable building code.]

~~1030.3. Obstructions.~~ ~~Add the following sentence at the end of the existing subsection. No person shall sit, stand, or otherwise obstruct any means of egress or element of means of egress.~~

[FOR REFERENCE ONLY: This section will be replaced by Section 1030.3 of the Statewide Fire Protection Code, as follows: 1030.3 Maximum height from floor. Emergency escape and rescue opening height from the floor, as measured in accordance with the applicable building code, shall be maintained.]

~~1101.3. Permits.~~ ~~Delete and substitute: 1101.3 Permits. Permits shall be required to operate aircraft-refueling vehicles, application of flammable or combustible finishes, and hot work as set forth in Sections 107 and 108.~~

~~1106.11.5.~~ ~~Notification of the fire department. Add the following to the end of the section: The procedures as set forth in Section 2703.3.1 shall also be followed.~~

[FOR REFERENCE ONLY: The Statewide Fire Prevention Code deleted Chapter 11 in its entirety.]

~~1201.2. 1201.4 Permits.~~ ~~Delete and substitute as follows: 1201.2 1201.4 Permits. Permits shall be required as set forth in Sections 107 and 108.~~

[FOR REFERENCE ONLY: This section is replaced by Section 1201.2 of the Statewide Fire Protection Code: 1201.2 Electrical wiring and equipment. Electrical wiring and equipment used in connection with energy systems shall be maintained in accordance with Chapter 12, NFPA 70 and the applicable building code.]

~~1301.2. Permits.~~ ~~Delete and substitute as follows: 1301.2 Permits. Permits shall be required as set forth in Sections 107 and 108.~~

~~1501.2. Permits. Delete and substitute as follows: 1501.2 Permits. Permits shall be required as set forth in Sections 107 and 108.~~

~~1601.2. Permits. Delete and substitute as follows: 1601.2 Permits. Permits shall be required as set forth in Sections 107 and 108.~~

~~1701.2. Permits. Delete and substitute as follows: 1701.2 Permits. Permits shall be required as set forth in Sections 107 and 108.~~

~~1801.5. Permits. Delete and substitute as follows: 1801.5 Permits. Permits shall be required as set forth in Sections 107 and 108.~~

~~1901.2. Permits. Delete and substitute as follows: 1901.2 Permits. Permits shall be required as set forth in Sections 107 and 108.~~

[FOR REFERENCE ONLY: The Statewide Fire Prevention Code deletes Chapters 13-19 in their entirety.]

~~2001.2. Permits. Delete and substitute as follows: 2001.2 Permits. Permits shall be required as set forth in Sections 107 and 108.~~

[FOR REFERENCE ONLY: This section is replaced by Section 2001.2 of the Statewide Fire Prevention Code, as follows: 2001.2 Regulations not covered. Regulations not specifically contained herein pertaining to airports, aircraft maintenance, aircraft hangars and appurtenant operations shall be in accordance with nationally recognized standards.]

2001.3. Permits. Delete and substitute as follows: 2001.3 Permits. For permits to operate aircraft-refueling vehicles, application of flammable or combustible finishes and hot work shall be required as set forth in Sections 107 and 108.

2006.11.5 Notification of the fire department. Delete and substitute as follows: 2006.11.5 Notification of the fire department. The fire department shall be notified of any fuel spill that is considered a hazard to people or property or which meets one or more of the following criteria:

1. Any dimension of the spill is greater than 10 feet (3048 mm).
2. The spill area is greater than 50 square feet (4.65 m²).
3. The fuel flow is continuous in nature.
4. The procedures as set forth in section 5003.3.1 shall also be followed.

~~2101.2. Permits. Delete and substitute as follows: 2101.2 Permits. Permits shall be required as set forth in Sections 107 and 108.~~

~~2201.2. Permits. Delete and substitute as follows: 2201.2 Permits. Permits shall be required as set forth in Sections 107 and 108.~~

1 **2301.2. Permits.** Delete and substitute as follows: **2301.2 Permits.** Permits
2 shall be required as set forth in Sections 107 and 108.

3
4 ~~**2403.2. Approval required.** Delete and substitute subsection as follows:~~
5 ~~2403.2 Approval required. Tents and temporary membrane structures shall not be~~
6 ~~erected, operated or maintained for any purpose without first obtaining a permit and~~
7 ~~approval from the fire code official.~~

8 ~~Exceptions:~~

- 9 ~~1. Tents used exclusively for recreational camping purposes.~~
10 ~~2. Tents and air-supported structures that cover an area of 900 square feet or~~
11 ~~less; including all connecting areas or spaces with a common means of egress; and~~
12 ~~with an occupant load of less than 50 persons.~~

13
14 **[FOR REFERENCE ONLY:** This subsection is recodified at 3103.2.]

15
16 ~~**2403.4. Permits.** Delete and substitute as follows: 2403.4 Permits. Permits~~
17 ~~shall be required as set forth in Sections 107 and 108.~~

18
19 ~~**2404.15.5.1. Flame propagation performance treatment.** Add Subsection as~~
20 ~~follows: 2404.15.5.1 Flame propagation performance treatment. All tents and~~
21 ~~membrane structures where cooking is performed shall be composed of material~~
22 ~~meeting the flame propagation performance criteria of NFPA 701 or shall be treated~~
23 ~~with a flame retardant in an approved manner that meets the flame propagation~~
24 ~~performance criteria of NFPA 701, and such flame propagation performance criteria~~
25 ~~will be effective for the period specified by the permit.~~

26
27 **[FOR REFERENCE ONLY:** This section is replaced by Section 3104.2 of the
28 Statewide Fire Prevention Code, as follows: 3104.2 Flame propagation performance
29 treatment. Before a permit is granted, the owner or agent shall file a certificate executed
30 by an approved testing laboratory certifying that the tents and membrane structures and
31 their appurtenances; sidewalls, drops, and tarpaulins; floor coverings, bunting, and
32 combustible decorative materials and effects, including sawdust where used on floors or
33 passageways, are composed of material meeting the flame propagation performance
34 criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701 or shall be
35 treated with a flame retardant in an approved manner and meet the flame propagation
36 performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701,
37 and that such flame propagation performance criteria are effective for the period
38 specified by the permit.]

39
40 **2501.2. Permits.** Delete and substitute as follows: **2501.2 Permits.** Permits
41 shall be required as set forth in Sections 107 and 108.

42
43 **2601.2. Permits.** Delete and substitute as follows: **2601.2 Permits.** Permits
44 shall be required as set forth in Sections 107 and 108.
45

2701.5. Permits. Delete and substitute as follows: **2701.5 Permits.** Permits shall be required as set forth in Sections 107 and 108.

~~**2701.5.1. Hazardous material management plan.** Delete and substitute first sentence as follows: Where required by the fire code official, each application for a permit shall include a Hazardous Materials Management Plan (HMMP) that includes a floor plan, information on hazardous material handling and chemical compatibility, monitoring methods, security precautions, hazard identification, inspection procedures, spill/release prevention measures, spill/release control and emergency response procedures, employee training, and available emergency equipment."~~

~~**2701.5.2. Hazardous Materials Inventory Statement (HMIS).** Change last sentence as follows: The HMIS shall be maintained onsite or readily available through another means where approved by the fire code official for use by emergency and/or temporary responders, and shall be updated annually.~~

~~**2703.3.1. Unauthorized discharges.** Delete and substitute as follows:~~
~~2703.3.1 Notification of unauthorized discharges. Any person who witnesses, discovers, or otherwise has knowledge of a spill, leak or other release of a hazardous material or other material that may negatively impact the environment, regardless of quantity, shall immediately report such spill, leak or release to the Department of Public Safety Communications and to the Fire Marshal. The owner and the tenant or other person in control of the premises when a leak or spill occurs, or when a leak or spill is discovered, shall be fully responsible for the containment, cleanup, and disposal of the hazardous materials to the satisfaction of the fire official. For the purposes of this subsection, the phrase "Person in Control" means any firm, business, corporation, or person, who is solely or jointly in control of all or any portion of the premises, facility, building, structure, vehicle, device, other property, substance, material, gas, liquid, chemical, or condition regulated by this code. A person in control includes an owner, operator, permit holder, tenant, occupant, manager, employee, agent, contractor, attendant, or other person regardless of rank or authority. The procedure as set forth in Sections 2703.3.1.1 through 2703.3.1.4 shall also be followed.~~

[FOR REFERENCE ONLY: The Statewide Fire Prevention Code deleted this section.]

2801.2. Permits. Delete and substitute as follows: **2801.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

~~**2901.3.**~~ **2901.2 Permits.** Delete and substitute as follows: ~~**2901.3**~~ **2901.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

3001.2. Permits. Delete and substitute as follows: **3001.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

3101.2. Permits. Delete and substitute as follows: **3101.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

3103.2. Approval required. Delete and substitute as follows: 3103.2 Approval required. Tents and temporary membrane structures having an area in excess of 900 square feet (84 square meters) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official in accordance with Table 107.2

Exceptions:

1. Tents used exclusively for recreational camping purposes.

3103.4. Permits. Delete and substitute as follows: 3103.4 Permits. Permits shall be required as set forth in Sections 107 and 108.

3104.5 Fireworks. Add Subsection as follows: 3104.5 Fireworks. Fireworks shall not be manufactured stored, sold, displayed, or used inside or within 100 feet of tents or membrane structures.

3201.2. Permits. Delete and substitute as follows: **3201.2 Permits.** Permits shall be required as set forth in Sections 107 and 108.

~~**3301.1. Scope.** In the first sentence insert the word "transportation" after the word manufacture. Add the following sentence at the end of the existing Subsection: The manufacture of explosives in Fairfax County shall be prohibited. Delete exception 8. Transportation in accordance with DOTn 49 CFR Parts 100-178 and exception 10. The storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia.~~

[FOR REFERENCE ONLY: This section will be replaced, to align with the numbering in the Statewide Fire Prevention Code, by Section 3301.1, as follows: This chapter shall apply to structures in the course of construction, *alteration*, or demolition, including those in underground locations. Compliance with NFPA 241 is required for items not specifically addressed herein.]

3301.1.6. Manufacturing. Delete and add Section 5601.0.6.

3301.1.7 Permit required for sale of explosive materials. Delete and add Section 5601.1.7.

3301.1.7.1 Storage & Handling in Sales of Explosive Materials. Delete and add Section 5601.1.7.1

3301.2.4 Insurance Required for blasting. Delete and add Section 5601.2.4.

~~**3301.2.5 Vehicle permit.** Add subsection as follows: 3301.2.5 Vehicle permit. Each vehicle transporting explosive materials within the County shall be required to~~

1 obtain a vehicle permit from the fire official. The permit shall be valid for 6 months and
 2 shall be revoked for failure to maintain the vehicle in a safe operating condition in
 3 compliance with DOTn 49 CFR. Permit fees shall be as listed in section 107.2.

4
 5 **3301.4.1. Certification of blasters.** Delete the words: "Exception: The owner
 6 of real estate parcels of five or more acres conforming to the definition of 'real estate
 7 devoted to agricultural use' or 'real estate devoted to horticulture use' in Va. Code §
 8 58.1-3230 when blasting on such real estate."

9
 10 **[FOR REFERENCE ONLY:** This section will be replaced by Section 5601.4.1 of
 11 the Statewide Fire Prevention Code, as follows:

12
 13 **5601.4.1 Certification of blasters and pyrotechnicians.**

14 Certificates as a *restricted blaster*, *unrestricted blaster* or *pyrotechnician* will be issued
 15 upon proof of successful completion of an examination *approved* by the SFMO
 16 commensurate to the certification sought and completion of a background investigation
 17 for compliance with § 27-97.2 of the Code of Virginia. The applicant for certification shall
 18 submit proof to the SFMO of the following experience:

- 19 1. For certification as a *restricted blaster*, at least 1 year under direct
 20 supervision by a certified *unrestricted blaster*, certified *restricted blaster* or other
 21 persons *approved* by the SFMO.
- 22 2. For certification as an *unrestricted blaster*, at least 1 year under direct
 23 supervision by a certified *unrestricted blaster* or other person or
 24 persons *approved* by the SFMO.
- 25 3. For certification as a *pyrotechnician*, *aerial*, or *pyrotechnician*, *proximate*,
 26 applicant was in responsible charge of or has assisted in the documented *design*,
 27 setup and conducting of a *fireworks* display on at least six occasions within the
 28 24 months immediately preceding the application for certification.

29
 30 The SFMO shall process all certification applicants for compliance with § 27-97.2 of
 31 the Code of Virginia and will be the *sole provider* of *blaster* and *pyrotechnician*
 32 *certifications*.

33
 34 **Exception:** The use of *explosives* by the *owner* of real estate parcels of five or more
 35 acres conforming to the definition of "real estate devoted to agricultural use" or "real estate
 36 devoted to horticultural use" in § 58.1-3230 of the Code of Virginia when blasting on such
 37 real estate.]

38
 39 **3301.4.6. Certification of contractors.** Add Subsection as follows: 3301.4.6
 40 Certification of contractors. Permits for the storage, handling, transportation or use of
 41 explosives shall only be issued to those companies which are licensed in Fairfax
 42 County by the Fire Marshal's Office. Firms making application for a permit to transport
 43 explosives must employ at least one licensed commercial driver with hazmat
 44 endorsement. Firms making application for a permit to handle or use explosives must
 45 employ at least one certified restricted or unrestricted blaster as appropriate for the
 46 type of blasting to be conducted. A certified restricted or unrestricted blaster must sign

~~all applications to handle or use explosives where the intent is to detonate explosives under the auspices of the permit.~~

3301.1.7 Seizure. The fire official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials, or fireworks offered or exposed for sale, stored, possessed, or used in violation of this chapter.

[FOR REFERENCE ONLY: This Section will be replaced by Section 5601.7.]

3302.1. Definitions. Add the following definitions:

~~*Approved:* Approved by the County Fire Marshal's Office.~~

~~*Blast Area.* The area of a blast, including the blast site and adjacent areas that could reasonably be expected to be within the influence of flying material, fumes, and/or concussion as a result of the blasting operation being conducted.~~

~~*Blast Site.* The area in which explosive materials are being handled and which includes all boreholes to be loaded for a blast and a distance of 50 feet in all directions, as measured from the perimeter formed by the boreholes to be loaded.~~

~~*Blasting.* The process of moving, heaving, breaking, or shattering soils and rocks, or doing other work, such as the demolition of structures or research and testing, that generates seismic waves through the use of energetic materials in chemical reactions, explosions, or other detonations or deflagrations.~~

~~*Congested Area.* An urban, suburban, or industrialized area in which multiple structures may be impacted by the effects of blasting operations.~~

~~*Flyrock.* Any dirt, mud, stone, fragmented rock, or other material that is displaced from the blast area in an uncontrolled or unplanned manner by the effects of a blast.~~

~~*Laboratory.* A facility that provides controlled conditions in which scientific research, experiments, and measurement may be performed.~~

~~*Misfire.* Any explosive material, explosive charge, blast, or portion thereof which failed to function as intended.~~

~~*Retailer.* Any persons selling fireworks or explosive materials and/or offering fireworks or explosive materials for retail sale.~~

~~*Temporary storage (of explosives).* Storage of explosive materials for not more than 24 hours.~~

~~*Wholesaler.* A person, firm, or corporation offering fireworks or explosive materials for sale or selling fireworks or explosive materials to a retailer. Such term also includes a manufacturer of fireworks or explosive materials, a representative of any such~~

1 manufacturer, a distributor, a jobber, or a middleman of any description dealing in
 2 fireworks or explosive materials, any of whom shall sell or offer to sell fireworks or
 3 explosive materials to a retailer within the county.

4 **[FOR REFERENCE ONLY:** This section is replaced by Section 5601.2]

5
 6 **3303.1. General.** Insert the word "sale," to the first line after the words
 7 "Records of the" and before the word "receipt."

8
 9 **[FOR REFERENCE ONLY:** This section is deleted and recodified at Section
 10 5603.1.]

11
 12 **3303.2. Transactions record.** Insert the word "sale," on the second line after the
 13 words "transactions involving the" and before the word "receipt."

14
 15 **[FOR REFERENCE ONLY:** Due to renumbering, this section will be replaced by
 16 Section 3303.2 of the 2018 Statewide Fire Prevention Code, as follows: Oil-fired heaters
 17 shall comply with Section 603.]

18
 19 ~~**3303.3. Loss, theft or unauthorized removal.** Insert the following before the~~
 20 ~~first sentence: The Fairfax County Fire Marshal shall be immediately notified by~~
 21 ~~telephone of the loss or theft of any explosives. The verbal notification shall be~~
 22 ~~immediately followed by a letter to the Fire Marshal's Office giving complete details as~~
 23 ~~to type, amounts manufacturer and all other relevant facts.~~

24
 25 **[FOR REFERENCE ONLY:** This section is replaced by Section 5603.3 of the
 26 Statewide Fire Protection Code, as follows:

27
 28 **5603.3 Loss, theft or unauthorized removal.** The loss, theft or unauthorized
 29 removal of *explosive materials* from a magazine or permitted facility shall be
 30 reported to the *fire code official*, local law enforcement authorities and the U.S.
 31 Department of Treasury, Bureau of Alcohol, Tobacco, Firearms and Explosives
 32 within 24 hours.

33
 34
 35 **Exception:** Loss of Division 1.4G (consumer fireworks) need not be reported to
 36 the Bureau of Alcohol, Tobacco, Firearms and Explosives.

37
 38 ~~**3303.4. Accidents. Delete and substitute: 3303.4 Accidents.** Any blasting~~
 39 ~~misfires, malfunctions, injuries or other unintended blasting related events or~~
 40 ~~accidents involving the use of explosives, explosive materials, or fireworks shall~~
 41 ~~be reported to the fire official immediately.~~

42
 43 **[FOR REFERENCE ONLY:** Refueling operations for liquid-fueled equipment or
 44 appliances shall be conducted in accordance with Section 5705. The
 45 equipment or appliance shall be allowed to cool prior to refueling.]

~~3303.8. Improper storage.~~ Add Subsection as follows: ~~3303.8 Improper storage. If at any time Division 1.3G fireworks, explosives, or explosive materials are found not properly stored in a magazine, it shall immediately be reported to the Fairfax County Fire Marshal's Office which will take possession thereof for the purpose of safeguarding and/or disposal of such explosives.~~

~~3304.1. General.~~ Insert the words "and transportation" to the first line after the word storage.

~~3304.1. General.~~ Add at the end of the existing Subsection: ~~The overnight storage of explosive materials, including Division 1.3G fireworks, is prohibited. Exceptions:~~

~~1. Overnight storage approved by a special use permit issued by the Fairfax County Board of Supervisors.~~

~~2. Explosive materials used for laboratory testing purposes, up to 1 pound total in storage of which no more than ¼ pound is in use at any time, when approved by the Fire Code Official and stored in compliance with the magazine requirements of 3304.3.~~

~~3. Explosive materials in temporary storage for a period of not more than 7 days for specialized blasting operations such as the demolition of structures or loading of similarly complex blasts, when approved by the Fire Code Official. Storage for more than 7 days shall necessitate approval of the Fairfax County Board of Supervisors.~~

~~4. Wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive activated power tools in quantities involving less than 500 pounds total explosive material.~~

~~5. The temporary storage of fireworks at display sites in accordance with 3308.5 and NFPA 1123 or NFPA 1126.~~

[FOR REFERENCE ONLY: This section is deleted and recodified as 5604.1.1.]

~~3304.1.1. Enforcement.~~ Add Subsection as follows: ~~3304.1.1 Enforcement. The Fairfax County Fire Marshal shall enforce the regulations contained herein pertaining to the intra-county transportation of explosives.~~

[FOR REFERENCE ONLY: This section is deleted and recodified as Section 5604.1.1.2.]

~~3304.1.1.1 Notification.~~ Add Subsection as follows: ~~3304.1.1.1 Notification. Operators of vehicles transporting explosives in Fairfax County shall immediately notify the Fire Official upon experiencing a mechanical breakdown or being otherwise unable to move.~~

[FOR REFERENCE ONLY: This section is deleted and recodified as Section 5604.1.1.3.]

3304.1.2. Driver qualifications. Add Subsection as follows: 3304.1.2 Driver qualifications. Vehicles transporting explosives shall be in the custody of drivers who are physically fit, careful, capable, reliable, able to read and write the English language, not addicted to the use or under the influence of intoxicants, narcotics, illegal drugs, physically or mentally impairing prescription drugs, or any other medications. Such drivers shall be familiar with state and county traffic regulations, the provisions of this article governing the transportation of explosives, and possess a valid commercial driver's license with the proper endorsements and other qualifications as prescribed by US DOT 49 CFR Part 383. Drivers of vehicles engaged in the intra-county transportation of explosives shall have received training in compliance with the requirements of DOT 49 CFR Parts 172 and 177 which has been verified by the Fairfax County Fire Marshal's Office.

3304.1.3. Transfer of explosive materials. Add subsection as follows: 3304.1.3 Transfer of explosive materials. The on-site delivery of explosive materials where explosives would be transferred from the delivery vehicle to an on-site vehicle shall be prohibited without the prior approval of the Fire Marshal. Approval of on-site delivery will be dependent on an inspection of the proposed transfer site. Such operations will only be approved where:

1. Transfer is from the magazine of the delivery vehicle directly to the magazine of the receiving vehicle(s).
2. All vehicles delivering and/or receiving explosive materials shall possess a valid Explosives Transport Vehicle permit.
3. The area of the transfer is barricaded and posted.
4. An appropriate guard shall be posted to ensure the safety and security of the transfer operations and prevent unauthorized persons from entering the transfer area.
5. Transfer of explosive materials will cease and all explosive materials will be secured immediately upon entry of an unauthorized person into the transfer area.
6. Transfer shall be conducted in accordance with an approved blast plan.

[FOR REFERENCE ONLY – This section is deleted and recodified as 5604.1.2.]

3304.2.1. Control in wholesale and retail stores. Add Subsection as follows: 3304.2.1 Control in wholesale and retail stores. The storage or display of explosives and blasting caps in wholesale and retail stores is prohibited.

[FOR REFERENCE ONLY: This section is deleted and recodified as Section 5604.2.1.]

3304.3 Magazines. ~~Magazines. Add the following at the end of the Subsection:~~
 Explosive materials in overnight storage, regardless of quantity, shall utilize Type 1 or Type
 2 magazines as approved by the Fire Code Official. Regardless of magazine type, storage
 of explosives in non-sprinklered buildings is prohibited.

[FOR REFERENCE ONLY: This section is deleted and recodified as 5604.3.]

3307.3 Blasting in congested areas. ~~Delete entire subsection and substitute as follows: 3307.3 Blasting in congested areas or in close proximity. When blasting is done in a congested area or in close proximity to a structure, railway or highway, or any other installation, precautions in the loading, delaying, initiation, and confinement of blasts shall be taken to minimize flyrock, earth vibrations, and air overpressure effects. Sufficient burden, spacing, stemming, blasting mats, or other protective means shall be taken to prevent flyrock.~~

[FOR REFERENCE ONLY: This section is deleted and recodified as Section 5607.3.]

3307.3.1 Pre-blast surveys. ~~Add Subsection as follows: 3307.3.1 Pre-blast surveys. A pre-blast survey shall be performed on each structure located within a minimum of 150 feet and any well located within a minimum of 250 feet of the blast site. Written confirmation that the pre-blast survey has been done shall be maintained by the blasting contractor. Requests for access to structures for pre-blast surveys shall be made by certified mail to the last known address of the owner(s) of any structures located within the pre-blast survey areas as defined herein. If permitted by the owner(s), said pre-blast surveys shall be conducted to determine the pre-blast conditions of these structures. A minimum of 14 days notice shall be provided for the scheduling of the pre-blast survey. Documentation consisting of a written acknowledgement that the survey has been performed or declined by the property owner and a map depicting the above referenced 150 and 250 foot radius, shall be provided to the Fire Marshal at the time of the Explosive Use Site Permit Inspection meeting.~~

[FOR REFERENCE ONLY: This section is deleted and recodified as Section 5607.3.1.]

3307.3.2. Pre-blast notification. ~~Add Subsection as follows: 3307.3.2 Pre-blast notification. All structures located within a minimum of 300 feet of the blast site shall be notified of the scheduled blasting 10 days prior to blasting and no blasting shall occur until such notice has been given.~~

[FOR REFERENCE ONLY: This section is deleted and recodified as Section 5607.3.2.]

3307.5 Utility notification. ~~Delete entire subsection and substitute as follows: 3307.5 Utility notification. Whenever blasting is being conducted in the vicinity of utility lines~~

1 or rights-of-way, the blaster shall notify the appropriate representatives of the utilities at
 2 least 5 business days in advance of blasting, specifying the location and intended time of
 3 such blasting. Verbal notices shall be confirmed with written notices. Blasting operations will
 4 not proceed until the owners/operators of utilities have been contacted and measures for
 5 safe control have been taken.

6
 7 **[FOR REFERENCE ONLY: This section is deleted and recodified as 5607.3.2.]**
 8

9 **3307.7 Nonelectric detonator precautions.** Add sentence at the end of the existing
 10 subsection as follows: Blast initiation devices shall not be connected to non-electric systems
 11 until the blast area is secured, traffic is stopped if necessary, and audible warnings have
 12 been sounded.

13
 14 **[FOR REFERENCE ONLY: This section is deleted and recodified as Section**
 15 **5607.7.]**
 16

17 **3307.8 Blasting area security.** Delete entire subsection and substitute as follows:
 18 3307.8 Blasting area security. Beginning at the time that explosive materials arrive on site,
 19 only authorized persons engaged in loading operations or otherwise authorized to enter the
 20 site shall be allowed at the blast site. Beginning with the time that individual loaded
 21 boreholes are connected together, only authorized persons engaged in blasting operations
 22 or otherwise authorized to enter the area shall be allowed within the blast area. No activity
 23 of any nature other than that which is required for loading holes with explosives shall be
 24 permitted within the blast area. The blast site and blast area shall be guarded or barricaded
 25 and posted. Blast area security shall be maintained until after the post-blast inspection has
 26 been completed.

27
 28 **[FOR REFERENCE ONLY: This section is deleted and recodified as Section**
 29 **5607.8.]**
 30

31 **3307.9. Drill holes.** Add sentence at the end as follows: Loaded boreholes
 32 shall not be left unattended.

33
 34 **[FOR REFERENCE ONLY: This section is deleted and recodified as Section**
 35 **5607.9.]**
 36

37 **3307.9.1 Equipment for loading and stemming.** Add subsection as follows:
 38 3307.9.1 Equipment for loading and stemming. Only equipment and machinery necessary to
 39 load boreholes shall be allowed within the blast site after the arrival of explosives. Said
 40 equipment or machinery shall not be operated over loaded boreholes or at any location
 41 where there is a potential to contact explosive materials. Equipment and machinery used to
 42 stem loaded boreholes shall not be operated within the blast site once loading operations
 43 begin.

44
 45 **[FOR REFERENCE ONLY: This section is deleted and recodified as Section**
 46 **5607.9.1.]**

~~3307.9.2 Stemming of loaded boreholes.~~ Add subsection as follows: 3307.9.2 Stemming of loaded boreholes. All boreholes loaded with explosives shall be stemmed to the collar or to a point which will confine the charge. Stemming shall be a minimum of 4 feet unless otherwise approved. Stemming will be stone appropriately sized to the borehole diameter. Drill cuttings shall not be used as stemming material.

[FOR REFERENCE ONLY: This section is deleted and recodified to as Section 5607.9.2.]

~~3307.13 Firing control.~~ Delete subsection and substitute as follows: 3307.13 Firing control. No blast shall be fired until the blaster in charge has made certain that all surplus explosive materials are in a safe place in accordance with Section 3307.10, all persons and equipment are removed from the blast area or protected under approved cover, and that an adequate warning signal audible throughout the blast area has been given.

[FOR REFERENCE ONLY: This section is deleted and recodified as Section 5607.13.]

~~3307.16 Blast records.~~ Delete subsection and substitute as follows: 3307.16 Blast records. A record of each blast shall be created immediately following the blast and retained for at least five years and shall be available for inspection by the fire code official. When required by the fire code official, the diameter and depth of boreholes, type and amount of explosives, and explosives per delay period shall be listed for each individual borehole and not averaged over the entire site. The record shall contain the following minimum data:

- ~~1. Name of contractor~~
- ~~2. Location and time of blast~~
- ~~3. Name of certified blaster in charge~~
- ~~4. Type of material blasted~~
- ~~5. Number of holes bored and spacing~~
- ~~6. Diameter and depth of holes~~
- ~~7. Type and amount of explosives~~
- ~~8. Amount of explosive per delay of 8 milliseconds or greater~~
- ~~9. Method of firing and type of circuit~~

~~10. Direction and distance in feet to nearest dwelling, public building, school, church, commercial building, institutional building, or other installation~~

~~11. Weather conditions~~

~~12. Whether or not mats or other precautions were used~~

~~13. Type of detonator and delay period~~

~~14. Type and height of stemming~~

~~15. Seismograph record when utilized~~

~~Exception: Subdivisions 8 and 13 of this section are not applicable to restricted blasters.~~

[FOR REFERENCE ONLY: This section is deleted and recodified as Section 5607.16.]

~~**3307.17 Blasting in asbestos rock.** Add Subsection as follows: 3307.17 Blasting in asbestos rock. Blasting operations conducted in rock or soils that present a hazard to public health through dust generation or other effects of drilling and blasting must be reported as such to the Fire Marshal and the blaster in charge must obtain and maintain all necessary health, safety, and environmental permits or approvals.~~

[FOR REFERENCE ONLY: This section is deleted and recodified as Section 5607.17.]

~~**3307.18. Blast effects monitoring.** Add subsection as follows: 3307.18 Blast effects monitoring. All blasts occurring within the County will be monitored by at least one seismograph placed in proximity to the nearest structure to the blast. The seismograph must be capable of monitoring both ground vibration and air overpressure and the blaster in charge must be able to provide the results of blast monitoring on-site immediately following the blast. Additional seismographs may be required by the Fire Code Official as conditions at the blast warrant.~~

~~1. All seismographs will be properly calibrated by a qualified firm. Annually, calibration records shall be presented to the Fire Code Official upon request.~~

~~2. Adequate trigger levels shall be set for the blast being conducted but at no time less sensitive than:~~

~~a. Ground vibration: 0.05 inches per second peak particle velocity.~~

~~b. Air blast: 100 decibels.~~

~~c. Recording time: 5 seconds.~~

~~3. GPS coordinates documenting the location of each seismograph used in mineral mining will be included in the blasting records required in 3307.16.~~

[FOR REFERENCE ONLY: This section is deleted and recodified as Section 5607.18.]

~~**3307.19 Detonating cord and safety fuse.** Add subsection as follows: 3307.19 Detonating cord and safety fuse. The use of detonation cord in blasting and explosives operations will comply with NFPA 495 and the requirements listed in 29 CFR 1926.908(a) through (j). Safety fuse shall be used only where approved by the fire official. The use of safety fuse shall comply with the requirements listed in 29 CFR 1926.907(a) through (m).~~

[FOR REFERENCE ONLY: This Section is deleted and recodified as Section 5607.19.]

~~**3307.20. Mineral mines.** Add subsection as follows: 3307.20 Mineral mines. The transportation, storage, handling, and use of explosives within mineral mines shall conform to the safety and health regulations for surface and underground mineral mining as promulgated by Virginia Department of Mines, Minerals, and Energy as well as the Special Use Permit Conditions established by the Fairfax County Board of Zoning Appeals.~~

~~**3308 Fireworks Display.** Delete and replace with Section 5608.~~

[FOR REFERENCE ONLY: This section is deleted and recodified as Section 5608.1.]

~~**3308.1. General.** Add the following at the end of the first sentence: The manufacture of fireworks is prohibited within the county. The display, sale, or discharge of fireworks shall comply with the requirements of this chapter. This chapter shall govern the design, construction, and use of model rockets.~~

[FOR REFERENCE ONLY: This section is deleted and replaced, as follows:

3308.1 Program Development and Maintenance. The *owner* or *owner's* authorized agent shall be responsible for the development, implementation and maintenance of a written plan establishing a fire prevention program at the project site applicable throughout all phases of the construction, repair, *alteration* or demolition work. The plan shall address the requirements of this chapter and other applicable portions of this code, the duties of staff, and staff training requirements. The plan shall be made available for review by the *fire code official* upon request.]

~~**3308.1.1 Unlawful activities.** Add Subsection as follows: 3308.1.1 Unlawful activities. Except as hereinafter provided, it shall be unlawful for any person, firm, or corporation to transport, manufacture, store, possess, sell, offer for sale, expose for sale, or to buy, use, ignite, or explode any fireworks.~~

1
2 **[FOR REFERENCE ONLY:** This section is deleted and recodified as Section
3 5608.1.1.]

4
5
6 **3308.1.2 Permissible Fireworks.** ~~Add Subsection as follows: 3308.1.2 Permissible~~
7 ~~fireworks. The provisions of 3308.1.1 shall not apply to consumer 1.4G permissible fireworks which have~~
8 ~~been approved by the Fire Marshal's Office. Such permissible fireworks shall be used only on private~~
9 ~~property with the approval of the owner. The sale or storage of any fireworks shall be prohibited on the~~
10 ~~property of another without the express written permission of the owner. The sale of fireworks to minors~~
11 ~~shall be prohibited unless the minor is accompanied by a parent or legal guardian.~~

12
13 **[FOR REFERENCE ONLY:** This section is deleted and recodified at Section 5608.1.2.]

14
15 **3308.2 Fire prevention program manager.** Delete and substitute as follows: 3308.2
16 Fire prevention program manager. The owner shall designate a person to be the fire
17 prevention program manager who shall be responsible for the fire prevention program and
18 ensure that it is carried out through completion of the project. The fire prevention program
19 manager shall have the authority to enforce the provisions of this chapter and other provisions
20 as necessary to secure the intent of this chapter. Where guard service is provided in
21 accordance with NFPA 241, the manager shall be responsible for the guard service.

22
23 **3308.2.1.1 Permit required for display of aerial fireworks.** Delete section and
24 replace with Section 5608.2.1.1.

25
26 **3308.2.3. Permit required for sale of fireworks.** Delete section and replace
27 with Section 5608.2.3.

28
29 **3308.3 Pre-fire plans.** Delete and substitute as follows: 3308.3 Pre-fire plans. The
30 fire prevention program manager shall develop and maintain an approved pre-fire plan in
31 cooperation with the fire chief. The fire chief and the *fire code official* shall be notified of
32 changes affecting the utilization of information contained in such pre-fire plans.

33
34 **3308.4 Training.** Delete and substitute as follows: 3308.4 Training. Training of
35 responsible personnel in the use of fire protection equipment shall be the responsibility of the
36 fire prevention program manager. Records of training shall be kept and made a part of the
37 written plan for the fire prevention program.

38
39 **3308.5 Fire protection devices.** Delete and substitute as follows: 3308.5 Fire
40 protection devices. The fire prevention program manager shall determine that all fire
41 protection equipment is maintained and serviced in accordance with this code. The quantity
42 and type of fire protection equipment shall be approved. Fire protection equipment shall be
43 inspected in accordance with the fire protection program.

44
45 **3308.6 Hot work operations.** Delete and substitute as follows: 3308.6 Hot work
46 operations. The fire prevention program manager shall be responsible for supervising the
47 permit system for hot work operations in accordance with Chapter 35.

3308.10 Daily fire safety inspection. Delete and substitute as follows: 3308.10 Daily fire safety inspection. The fire prevention program manager shall be responsible for completion of a daily fire safety inspection at the project site. Each day, all building and outdoor areas shall be inspected to ensure compliance with the inspection list in this section. The results of each inspection shall be documented and maintained on site until a certificate of occupancy has been issued. Documentation shall be immediately available on site for presentation to the *fire code official* upon request.

Failure to properly conduct, document and maintain documentation required by this section shall constitute an unlawful act in accordance with Section 110.1 and shall result in the issuance of a notice of violation in accordance with Section 110.3 to the fire prevention program manager. Upon the third offense, the *fire code official* is authorized to issue a stop work order in accordance with Section 112, and work shall not resume until satisfactory assurances of future compliance have been presented to and approved by the *fire code official*.

1. Any contractors entering the site to perform hot work each day have been instructed in hot work safety requirements in Chapter 35 and hot work is only performed in areas approved by the fire prevention manager.
1. Temporary heating equipment is maintained away from combustible materials in accordance with the equipment manufacturer's instructions.
2. Combustible debris, rubbish and waste material is removed from the building in areas where work is not being performed.
3. Temporary wiring does not have exposed conductors.
4. Flammable liquids and other hazardous materials are stored in locations that have been approved by the fire prevention manager when not involved in work that is being performed.
5. Fire apparatus access roads required by Section 3310 are maintained clear of obstructions that reduce the width of the usable roadway to less than 20 feet.
6. Fire hydrants are clearly visible from access roads and are not obstructed.
7. The location of fire department connections to standpipe and in-service sprinkler systems are clearly identifiable from the access road and such connections are not obstructed.
8. Standpipe systems are in service and continuous to the highest work floor, as specified in Section 3313.
9. Portable fire extinguishers are available in locations required by Section 3315 and 3317.3.

3308.11 Retail display and sale. Delete section and replace with Section 5608.11.

3308.11.1 Precautions. Delete section and replace with Section 5608.11.1.

3308.11.2 Sales to minors. Delete section and replace with Section 5608.11.2.

3308.11.3 Records to be kept by wholesaler and retailer. Delete section and replace with Section 5608.11.3.

3308.12. Approval of permissible fireworks. Delete section and replace with Section 5608.12.

~~**3308.13 Seizure and destruction of certain fireworks.** Add subsection as follows: 3308.13 Seizure and destruction of certain fireworks. Any fire code official or law enforcement officer encountering fireworks in violation of the Code shall seize and hold such fireworks until final disposition of any criminal procedures related to the violation. If any person is found guilty of any violation of this chapter, then the court shall order destruction of such articles upon expiration of the time allowed for the appeal of such conviction.~~

~~**3308.13.1. Criminal proceedings.** Add Subsection as follows: 3308.13.1 Criminal proceedings. Where no criminal proceedings can be instituted due to the inability to identify the owner or person or persons responsible for the fireworks, the fireworks in question shall be destroyed after 30 days.~~

3401.4. Permits. Add Subsection as follows: **3401.4 Permits.** Permits shall be required as set forth in Sections 107 and 108.

3402.1. Definitions. Add the following definition:

~~*Subsurface structure:* A subsurface structure shall include, but not be limited to, structures such as subway stations, railroad tunnels including rail rapid transit tunnels, and highway tunnels.~~

~~**3404.2.7.10. Leak reporting.** Add the following: The procedures as set forth in Section 2703.3.1 shall also be followed.~~

~~**3404.2.11.5.3. Testing.** Add Subsection as follows: 3404.2.11.5.3 Testing.~~

~~1. The owner or operator of all buried petroleum tanks installed after the effective date of this Code shall have provisions for taking direct measurement readings of the content level by the stick method. Liquid level of storage tanks shall be measured by the owner or operator each day of operation and compared with the pump meter readings taken on receipt of the product. These records shall be kept in a log book and be available for inspection by the fire official and/or his representative. Loss of product above normal evaporation (one percent of flow through plus 130 gallons) shall be reported immediately to the fire official. Records shall be retained for 2 years. This period may be extended upon order of the fire official. High liquid level gauges or alarm systems, as well as pump cut-off devices, shall be installed by the owner or the authorized operator in all petroleum storage tanks whenever in the judgment of the fire official there is a possibility that product may be lost by overflowing. These emergency devices shall be considered only as auxiliary~~

1 and supplementary to the use of personnel engaged in a transfer or fill
2 operation.

3 2. When the operator's inventory records indicate a loss of product
4 exceeding one percent of flow through plus 130 gallons, a test for tightness on
5 the underground tank shall be performed in accordance with the standards set
6 forth in NFPA 329. The fire official shall order a test for tightness when in his
7 judgment there is evidence of a loss of product. A test for tightness shall be
8 conducted on all storage systems prior to change in ownership. Noncorrosive
9 storage systems approved by Underwriters' Laboratories, Inc., and the Steel
10 Tank Institute P-3 systems shall be tested for tightness at the end of their
11 warranty period, applying the standards set forth in NFPA 329. It shall be
12 repeated at intervals no greater than 3 years. When a test for tightness is
13 performed the following information must be kept on file at the facility until such
14 time as another test is performed and shall be made available for inspection by
15 the fire official or his representative upon request:

16 (a) Commercial name of the test equipment.

17 (b) The name of the testing company.

18 (c) The name of the test operator.

19 (d) The data accumulated by the test.

20 (e) The results of the test as to whether or not the storage system is
21 tight. When leakage is indicated from a storage system during the test for
22 tightness, the operator of the test must immediately report the test results to the
23 fire official.

24 3. All storage systems, except noncorrosive systems approved by
25 Underwriters' Laboratories, Inc., and the Steel Tank Institute P-3 systems,
26 which have been buried for 10 years or more at the effective date of this code
27 and storage systems for which no installation date can be determined, shall be
28 tested for tightness in a manner approved by the fire official. This test shall be
29 performed within 12 months after the effective date of this code. It shall be
30 repeated on all storage systems at intervals no greater than 3 years.

31 4. Before each filling of existing petroleum storage tanks which have
32 provisions for measurement of contents and before each filling of petroleum
33 storage tanks installed after the effective date of this code, the liquid level shall
34 be gauged and the measurement shall be recorded in writing. The gauging
35 records shall be retained for 2 years and made available to the fire official upon
36 demand.

37
38 **3404.2.11.2. Location. Add the following:**

39 4. Underground storage tanks for Class I flammable liquids or Class II or
40 III combustible liquids and related piping shall not be permitted directly over a
41 subsurface structure, or within 25 feet measured horizontally from the outside
42 wall of such subsurface structure. Underground storage tanks and related
43 piping for Class I flammable liquids or Class II or III combustible liquids located
44 in an area between 25 and 100 feet measured horizontally from the outside wall
45 of a subsurface structure, where the tops of such tanks and piping are not 2
46 feet or more below the lowest point of excavation, shall be installed in a cast-in-

place, liquid tight, reinforced concrete vault, with walls, top and bottom, which are a minimum of 6 inches thick, and large enough to hold and retain the entire contents of the tank. Access shall be provided in the vault top for inspection, monitoring, and servicing of the vault and tank.

~~3404.2.11.2.1. Service stations in proximity of subsurface structures.~~ Add Subsection 3404.2.11.2.1 as follows: Service stations dispensing Class I flammable liquids or Class II or III combustible liquids that are located within the distance of 25 to 100 feet measured horizontally from the outside wall of a subsurface structure shall comply with the following:

1. ~~Dispensing pumps for Class I flammable liquids or Class II or III combustible liquids shall not be located less than 25 feet from the nearest subsurface structure opening (measured from the pump to the nearest point of any subsurface structure opening).~~

2. ~~The finished grade around pump islands and the surrounding surface shall be graded in a manner to divert possible spills away from any opening of any subsurface structure.~~

3. ~~Appropriate continuous drains across driveway ramps, and/or curbs of at least 6 inches in height shall separate the service station properties from adjacent subsurface structure properties.~~

4. ~~There shall be no connection (such as venting or drainage) between any storage tank or related piping for Class I flammable liquids or Class II or III combustible liquids and any subsurface structure.~~

~~3404.2.13.1.4. Tanks abandoned in place.~~ Delete the exception to item 3.

~~3406.4.6.1. Safety attendant.~~

1. ~~Each bulk plant and terminal, as defined in NFPA 30, shall have a designated trained and competent safety attendant present on-site and on-duty at all times when flammable or combustible liquids are received, transferred, dispensed, or loaded from a pipeline, tank, container, vehicle, or other vessel. Individuals receiving, transferring, dispensing, or loading such liquids to or from tank vehicles shall not be designated as safety attendants.~~

2. ~~The safety attendant shall observe and monitor the receipt, transfer, dispensing, and loading of such liquids.~~

3. ~~The safety attendant shall assure compliance with all federal, state, and local laws, ordinances, and safety requirements including, but not limited to, the approved emergency plan of the plant or terminal. The safety attendant shall be knowledgeable about such laws, ordinances, requirements, and plan, including such requirements concerning fire safety, emergency response, and spill or leak notification.~~

4. ~~The safety attendant shall be familiar with the location and operation of all pump controls, emergency shutoff devices, and other safety equipment,~~

and shall be responsible for using such equipment to detect, prevent, and abate, or cause to be abated, any emergency situation.

5. At all times while on duty, the safety attendant shall be mentally and physically capable of immediately:

5.1 Taking all necessary, appropriate, and required action to detect and prevent a fire, explosion, spill, or leak;

5.2 Taking all necessary, appropriate, and required action in the event of a fire, explosion, spill, or leak; and

5.3 Performing the functions and assuming the responsibilities required by this section.

3406.6.1.5. Overfill protection. Insert the following at the beginning of the Subsection: The driver, operator, or attendant of any tank vehicle shall take all necessary precautions to prevent the overflow of any tank into which it is discharging flammable or combustible liquids, before he discharges any liquid from such tank vehicle.

3406.6.1.9. Smoking. Add the following at the end of the Subsection: It shall be unlawful for any driver, operator, attendant, or passenger to smoke in, on, or around any tank vehicle which hauls any flammable or combustible liquid. It shall be unlawful to load or unload wherever there is smoking, lighting of matches, or other flame or spark-producing devices or the carrying of any flame or lighted cigar, pipe, or cigarette.

3501.2. Permits. Delete and substitute: 3501.2 Permits shall be required as set forth in Sections 107 and 108.

[FOR REFERENCE ONLY: This section is deleted and recodified as Section 5801.2.]

3601.2. Permits. Delete and substitute: 3601.2 Permits shall be required as set forth in Sections 107 and 108.

[FOR REFERENCE ONLY: This section is deleted and recodified as Section 5901.2.]

3603.3 Flammable or combustible liquid spills. Delete and substitute as follows: 3603.3 Flammable or combustible liquid spills. Spills of flammable or combustible liquids at or upon the water shall be reported immediately to the fire department or jurisdictional authorities. Notification and remediation procedures of unauthorized discharges shall also be made as directed in 5003.3.1.

3701.2. Permits. Delete and substitute: 3701.2 Permits shall be required as set forth in Sections 107 and 108

1 **[FOR REFERENCE ONLY:** This section is deleted and recodified as Section
2 6001.2.]

3
4 ~~**3801.2. Permits.** Delete and substitute: 3801.2 Permits shall be required as~~
5 ~~set forth in Sections 107 and 108.~~

6
7 **[FOR REFERENCE ONLY:** This section is deleted and recodified as Section
8 6101.2.]

9
10 ~~**3806.5. Remote control shutoff.** Add Subsection as follows: 3806.5 Remote~~
11 ~~control shutoff. When a cargo tank truck is equipped with a remote control shutoff~~
12 ~~device, the driver must have the remote control with him at all times.~~

13
14 ~~**3811.2. Unattended parking.** Delete the exception.~~

15
16 ~~**3901.2. Permits.** Delete and substitute: 3901. 2 Permits shall be required as~~
17 ~~set forth in Sections 107 and 108.~~

18
19 **[FOR REFERENCE ONLY:** This section is deleted and recodified at Section
20 6201.2.]

21
22 ~~**4001.2. Permits.** Delete and substitute: 4101. 2 Permits shall be required as set~~
23 ~~forth in Sections 107 and 108.~~

24
25 **[FOR REFERENCE ONLY:** This section is deleted and recodified as 6301.2.]

26
27 ~~**4101.2. Permits.** Delete and substitute: 4201. 2 Permits shall be required as~~
28 ~~set forth in Sections 107 and 108.~~

29
30 **[FOR REFERENCE ONLY:** This section is deleted and recodified as 6401.2.]

31
32 ~~**4201.2. Permits.** Delete and substitute: 4201. 2 Permits shall be required as~~
33 ~~set forth in Sections 107 and 108.~~

34
35 **[FOR REFERENCE ONLY:** This section is deleted and recodified as 6501.2.]

36
37 ~~**4301.2. Permits.** Delete and substitute: 4301. 2 Permits shall be required as set~~
38 ~~forth in Sections 107 and 108.~~

39
40 **[FOR REFERENCE ONLY:** This section is deleted and recodified as 6601.2.]

41
42 ~~**4401.2. Permits.** Delete and substitute: 4401. 2 Permits shall be required as set~~
43 ~~forth in Sections 107 and 108.~~

44
45 **[FOR REFERENCE ONLY:** This section is deleted and recodified at Section
46 6701.2.]

~~4503.3. Flammable or combustible liquid spills.~~ Add the following at the end of the subsection: Notification of unauthorized discharges shall also be made as directed in 2703.3.1.

Chapter 47 Referenced Standards. Add the following standards:

~~DOTn, 49 CFR, Parts 40, 100-185, 325, 350, and 355-399. Current edition.~~

~~NFPA, Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases, 329, 2005 Edition~~

~~NFPA, Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 96, 2004 Edition~~

[FOR REFERENCE ONLY: Chapters 40-49 of the Statewide Fire Protection Code and the International Fire Prevention Code are reserved.]

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Delete and substitute as follows: 5001.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include an HMIS, such as Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III, Tier II Report or other approved statement. The HMIS shall include the following information:

1. Product name.
2. Component.
3. Chemical Abstract Service (CAS) number.
4. Location where stored or used.
5. Container size.
6. Hazard classification.
7. Amount in storage.
8. Amount in use-closed systems.
9. Amount in use-open systems.

The HMIS shall be maintained onsite or readily available through another means where approved by the fire code official for use by emergency responders and shall be updated not less than annually.

5601.1 Scope. Delete and substitute as follows: 5601.1 Scope. The provisions of this chapter shall govern the possession, manufacture, transportation, storage, handling, sale and use of explosives, explosive materials, fireworks and small arms ammunition.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.

3. The possession, storage and use of small arms ammunition where packaged in accordance with DOTn packaging requirements.
4. The possession, storage, and use of not more than 15 pounds (6.81 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and any amount of small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of *explosive materials* by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
6. Special industrial *explosive* devices that in the aggregate contain less than 50 pounds (23 kg) of *explosive materials*.
7. The possession, storage and use of blank industrial-power load cartridges where packaged in accordance with DOTn packaging regulations.
8. Transportation in accordance with DOTn 49 CFR Parts 100—185.
9. Items preempted by federal regulations.
10. The storage, handling, or use of explosives or blasting agents pursuant to the provisions of Title 45.1 of the Code of Virginia.
11. The display of small arms primers in Group M when in the original manufacturer's packaging.
12. The possession, storage and use of not more than 50 pounds (23 kg) of commercially manufactured sporting black powder, 100 pounds (45 kg) of smokeless powder, and small arms primers for hand loading of small arms ammunition for personal consumption in Group R-3 or R-5, or 200 pounds (91 kg) of smokeless powder when stored in the manufacturer's original containers in detached Group U structures at least 10 feet (3048 mm) from inhabited buildings and are accessory to Group R-3 or R-5.

5601.1.6 Manufacturing. Add Subsection as follows:

5601.1.6 Manufacturing. The manufacture of explosives and blasting agents shall be prohibited. This shall not apply to hand loading of small arms ammunition for personal use when not for resale, the assembly of two component explosives for use on site, or the mixing of blasting agents for use on site.

5601.1.7 Permit required for sale of explosive materials. Add subsection as follows: **5601.1.7. Permit required for sale of explosive materials.** It shall be unlawful for any person, firm or corporation, wholesaler or retailer to sell, offer for sale or expose for sale any explosive materials within the county without a permit from the Fire Marshal's Office. Such permit shall be issued only after the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least \$5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents or his employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit, and remains continuously in effect until such activities are completed.

5601.1.7.1 Storage & Handling in Sales of Explosive Materials. Add subsection as follows: **5601.1.7.1 Storage & Handling in Sales of Explosive Materials.** Except where approved in ~~3304.1~~ **5604.1**, the storage of explosive materials within the county in support of wholesale or retail sales is prohibited. Except where approved in ~~3304.1~~ **5604.1**, it shall be unlawful for any person, firm or corporation, wholesaler or retailer to package, ship, transfer, or otherwise handle explosive materials in the county without a permit from the Fire Marshal's Office.

5601.2.4 Insurance required for blasting. Add Subsection as follows: **5601.2.4 Insurance required for blasting.** Before a permit is issued for the storage, transportation, disposal, or use of explosives or blasting agents, the applicant shall file with the Office of the Fire Marshal a certificate of insurance which shows that the applicant has liability insurance in the amount of at least \$5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the storage, transportation, disposal, or use of explosives or blasting agents. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the operations or activities authorized by the permit and remains continuously in effect until such operations or activities are completed.

5601.7. Seizure. Delete and substitute as follows: **5601.7. Seizure.** The fire official is authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials, or fireworks offered or exposed for sale, stored, possessed, or used in violation of this chapter.

5602.1 Definitions.

Add as follows:

APPROVED. Approved by the County Fire Marshal's Office.

BLAST AREA. The area of a blast, including the blast site and adjacent areas that could reasonably be expected to be within the influence of flying material, fumes, and/or concussion as a result of the blasting operation being conducted.

BLAST SITE. The area in which explosive materials are being handled and which includes all boreholes to be loaded for a blast and a distance of 50 feet in all directions, as measured from the perimeter formed by the boreholes to be loaded.

BLASTING. The process of moving, heaving, breaking, or shattering soils and rocks, or doing other work, such as the demolition of structures or research and testing, that generates seismic waves through the use of energetic materials in chemical reactions, explosions, or other detonations or deflagrations.

CONGESTED AREA. An urban, suburban, or industrialized area in which multiple structures may be impacted by the effects of blasting operations.

FLYROCK. Any dirt, mud, stone, fragmented rock, or other material that is displaced from the blast area in an uncontrolled or unplanned manner by the effects of a blast.

LABORATORY. A facility that provides controlled conditions in which scientific research, experiments, and measurement may be performed.

MISFIRE. Any explosive material, explosive charge, blast, or portion thereof which failed to function as intended.

RETAILER. Any persons selling fireworks or explosive materials and/or offering fireworks or explosive materials for retail sale.

TEMPORARY STORAGE (OF EXPLOSIVES). Storage of explosive materials for not more than 24 hours.

WHOLESALE. A person, firm, or corporation offering explosive materials for sale or explosive materials to a retailer. Such term also includes a manufacturer of explosive materials, a representative of any such manufacturer, a distributor, a jobber, or a middleman of any description dealing in explosive materials, any of whom shall sell or offer to sell explosive materials to a retailer within the County.

5603.1 General. Delete and substitute as follows: 5603.1 General. Records of the receipt, handling, use, sale or disposal of *explosive materials*, and reports of any accidents, thefts or unauthorized activities involving *explosive materials* shall conform to the requirements of this section.

5603.2 Transaction record. Delete and substitute as follows: 5603.2 Transaction record. The permittee shall maintain a record of all transactions involving receipt, removal, use, sale or disposal of *explosive materials*. Such records shall be maintained for a period of 5 years.

Exception: Where only Division 1.4G (consumer fireworks) are handled, records need only be maintained for a period of 3 years.

5603.4.1 Accidents with no injuries or property damage. Add Subsection as follows: **5603.4.1 Accidents with no injuries or property damage.** Any blasting misfires, malfunctions, or other unintended blasting related events or accidents involving the use of explosives, explosive materials, or fireworks which do not involve injuries or property damage shall be reported to the fire official immediately.

5603.8 Improper storage. Add Subsection as follows: 5603.8 Improper storage. If at any time Division 1.3G fireworks, explosives, or explosive materials are found not properly stored in a magazine, it shall immediately be reported to the Fairfax County Office of the Fire Marshal.

5604.1 General. Delete and substitute as follows: 5604.1 General. Storage and transportation of explosives and explosive materials, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines shall comply with the provisions of this section.

5604.1.1 Overnight Storage. Add Section as follows: 5604.1.1 Overnight Storage. The overnight storage of explosive materials, including Division 1.3G fireworks, is prohibited.

Exceptions:

1. Overnight storage approved by a special use permit issued by the Fairfax County Board of Supervisors.
2. Explosive materials used for laboratory testing purposes, up to 1 pound total in storage of which no more than ¼ pound is in use at any time, when approved by the *fire code official* and stored in compliance with the magazine requirements of section 5604.3.
3. Explosive materials in storage for a period of not more than 7 days for specialized blasting operations such as the demolition of structures or loading of similarly complex blasts, when approved by the *fire code official*. Storage for more than 7 days shall necessitate approval of the Fairfax County Board of Supervisors.
4. Wholesale and retail stocks of small arms ammunition, explosive bolts, explosive rivets or cartridges for explosive activated power tools in quantities involving less than 500 pounds total explosive material.
5. The temporary storage of fireworks at display sites in accordance with 5608.5 and NFPA 1123 or NFPA 1126.

5604.1.1.2 Enforcement. Delete and substitute as follows: 5604.1.1.2 Enforcement. The Fairfax County Office of the Fire Marshal shall enforce the regulations contained herein pertaining to the intra-county transportation of explosives.

5604.1.1.3 Notification. Delete and substitute as follows: 5604.1.1.3 Notification. Operators of vehicles transporting explosives in Fairfax County shall immediately notify the Fire Official upon experiencing a mechanical breakdown or being otherwise unable to move.

5604.1.2 Transfer of explosive materials. Delete and substitute as follows: 3304.1.3 5604.1.2 Transfer of explosive materials. The on-site delivery of explosive materials where explosives would be transferred from the delivery vehicle to an on-site vehicle shall be prohibited without the prior approval of the Fire Marshal. Approval of on-site delivery will be dependent on an inspection of the proposed transfer site. Such operations will only be approved where:

1. Transfer is from the magazine of the delivery vehicle directly to the magazine of the receiving vehicle(s).
2. All vehicles delivering and/or receiving explosive materials shall possess a valid Explosives Transport Vehicle permit.

3. The area of the transfer is barricaded and posted.
4. An appropriate guard shall be posted to ensure the safety and security of the transfer operations and prevent unauthorized persons from entering the transfer area.
5. Transfer of explosive materials will cease, and all explosive materials will be secured immediately upon entry of an unauthorized person into the transfer area.
6. Transfer shall be conducted in accordance with an approved blast plan.

5604.2.1 Control in wholesale and retail stores. Delete and substitute as follows:

5604.2.1 Control in wholesale and retail stores. The storage or display of explosives and blasting caps in wholesale and retail stores is prohibited unless in a magazine.

5604.3 Magazines. Add as follows: 5604.3 Magazines. The storage of *explosives* and *explosive materials* in magazines shall comply with Table 5604.3. Explosive materials in overnight storage, regardless of quantity, shall utilize Type 1 or Type 2 magazines as approved by the *fire code official*. Regardless of magazine type, storage of explosives in non-sprinklered buildings is prohibited.

5607.3 Blasting in congested areas. Delete and substitute as follows: **5607.3 Blasting in congested areas.** When blasting is done in a congested area or in close proximity to a structure, railway or highway, or any other installation, precautions in the loading, delaying, initiation, and confinement of blasts shall be taken to minimize earth vibrations, air blast effects, and fragments from being thrown. Sufficient burden, spacing, stemming, blasting mats, or other protective means shall be used to prevent fragments from being thrown.

5607.3.1 Pre-blast surveys. Add section as follows: **5607.3.1 Pre-blast surveys.** A pre-blast survey shall be performed on each structure located within a minimum of 150 feet and any well located within a minimum of 250 feet of the blast site. Written confirmation that the pre-blast survey has been done shall be maintained by the blasting contractor. Requests for access to structures for pre-blast surveys shall be made by certified mail to the last known address of the owner(s) of any structures located within the pre-blast survey areas as defined herein. If permitted by the owner(s), said pre-blast surveys shall be conducted to determine the pre-blast conditions of these structures. A minimum of 14 days' notice shall be provided for the scheduling of the pre-blast survey. Documentation consisting of a written acknowledgement that the survey has been performed or declined by the property owner and a map depicting the above referenced 150- and 250-foot radius, shall be provided to the *fire code official* at the time of the Explosive Use Site Permit Inspection meeting.

5607.3.2 Pre-blast notification. Add Subsection as follows: **5607.3.2 Pre-blast notification.** All structures located within a minimum of 300 feet of the blast site shall be notified of the scheduled blasting 10 days prior to blasting and no blasting shall occur until such notice has been given.

5607.5 Utility notification. Delete and substitute as follows: **5607.5 Utility notification.** Whenever blasting is being conducted in the vicinity of utility lines or rights-of-

way, the blaster shall notify the appropriate representatives of the utilities at least 5 business days in advance of blasting, specifying the location and intended time of such blasting. Verbal notices shall be confirmed with written notices. Blasting operations will not proceed until the owners/operators of utilities have been contacted and measures for safe control have been taken.

Exception: When approved by the *fire code official* the time limit shall not apply in emergency situations.

5607.7 Nonelectric Detonator Precautions. Delete and substitute as follows:
5607.7 Nonelectric Detonator Precautions. Precautions shall be taken to prevent accidental initiation of nonelectric detonators from stray currents induced by lightning or static electricity. Blast initiation devices shall not be connected to non-electric systems until the blast area is secured, traffic is stopped if necessary, and audible warnings have been sounded.

5607.8 Blasting area security. Delete and substitute as follows: **5607.8 Blasting area security.** Beginning at the time that explosive materials arrive on site, only authorized persons engaged in loading operations or otherwise authorized to enter the site shall be allowed at the blast site. Beginning with the time that individual loaded boreholes are connected together, only authorized persons engaged in blasting operations or otherwise authorized to enter the area shall be allowed within the blast area. No activity of any nature other than that which is required for loading holes with explosives shall be permitted within the blast area. The blast site and blast area shall be guarded or barricaded and posted. Blast area security shall be maintained until after the post-blast inspection has been completed.

5607.9 Drill Holes. Delete and substitute as follows: **5607.9 Drill Holes.** Holes drilled for the loading of *explosive* charges shall be made and loaded in accordance with NFPA 495. Loaded boreholes shall not be left unattended.

5607.9.1 Equipment for loading and stemming. Add Subsection as follows: ~~3307.9.1.~~ **5607.9.1 Equipment for loading and stemming.** Only equipment and machinery necessary to load boreholes shall be allowed within the blast site after the arrival of explosives. Said equipment or machinery shall not be operated over loaded boreholes or at any location where there is a potential to contact explosive materials. Equipment and machinery used to stem loaded boreholes shall not be operated within the blast site once loading operations begin.

5607.9.2 Stemming of loaded boreholes. Add Subsection as follows: **5607.9.2 Stemming of loaded boreholes.** All boreholes loaded with explosives shall be stemmed to the collar or to a point which will confine the charge. Stemming shall be a minimum of 4 feet unless otherwise approved. Stemming will be stone appropriately sized to the borehole diameter. Drill cuttings shall not be used as stemming material.

5607.13 Firing control. Delete and substitute as follows: **5607.13 Firing control.** No blast shall be fired until the blaster in charge has made certain that all surplus explosive materials are in a safe place in accordance with Section 5607.10, all persons and equipment are removed from the blast area or protected under approved cover, and that an adequate warning signal audible throughout the blast area has been given.

5607.16 Blast records. Delete and substitute as follows: **5607.16 Blast records.** A record of each blast shall be created immediately following the blast and retained for at least five years and shall be available for inspection by the *fire code official*. When required by the *fire code official*, the diameter and depth of boreholes, type and amount of explosives, and explosives per delay period shall be listed for each individual borehole and not averaged over the entire site. The record shall contain the following minimum data:

1. Name of contractor.
2. Location and time of blast.
3. Name of certified blaster in charge.
4. Type of material blasted.
5. Number of holes bored and spacing.
6. Diameter and depth of holes.
7. Type and amount of explosives.
8. Amount of explosive per delay of 8 milliseconds or greater.
9. Method of firing and type of circuit.
10. Direction and distance in feet to nearest dwelling, public building, school, church, commercial building, institutional building, or other installation.
11. Weather conditions.
12. Whether or not mats or other precautions were used.
13. Type of detonator and delay period.
14. Type and height of stemming.
15. Seismograph record when utilized.

Exception: Items 8 and 13 of this section are not applicable to restricted blasters.

5607.17 Blasting in asbestos rock. Add Subsection as follows: **5607.17 Blasting in asbestos rock.** Blasting operations conducted in rock or soils that present a hazard to public health through dust generation or other effects of drilling and blasting must be reported as such to the *fire code official* and the blaster-in-charge must obtain and maintain all necessary health, safety, and environmental permits or approvals.

5607.18 Blast effects monitoring. Add Subsection as follows: **5607.18 Blast effects monitoring.** All blasts occurring within the County will be monitored by at least one seismograph placed in proximity to the nearest structure to the blast. The seismograph must be capable of monitoring both ground vibration and air overpressure and the blaster in charge must be able to provide the results of blast monitoring on-site immediately following the blast. Additional seismographs may be required by the *fire code official* as conditions at the blast warrant.

- 1
- 2 1. All seismographs will be properly calibrated by a qualified firm. Annually,
- 3 calibration records shall be presented to the *fire code official* upon request.
- 4 2. Adequate trigger levels shall be set for the blast being conducted but at no
- 5 time less sensitive than:
 - 6 a. Ground vibration: 0.05 inches per second peak particle velocity
 - 7 b. Air blast: 100 decibels
 - 8 c. Recording time: 5 seconds.
- 9 3. GPS coordinates documenting the location of each seismograph used in
- 10 mineral mining will be included in the blasting records required in 5607.16.
- 11

12 **5607.19 Detonating cord and safety fuse.** Add Subsection as follows: **5607.19**
 13 **Detonating cord and safety fuse.** The use of detonation cord in blasting and explosives
 14 operations will comply with NFPA 495 and the requirements listed in 29 CFR 1926.908(a)
 15 through (j). Safety fuse shall be used only where approved by the fire official. The use of
 16 safety fuse shall comply with the requirements listed in 29 CFR 1926.907(a) through (m).

17
 18 **5608 Fireworks Display.** Change title to: **Section 5608 Fireworks.**

19
 20 **5608.1 General. Delete and substitute as follows: 5608.1 General.** Outdoor
 21 fireworks displays, use of pyrotechnics before a *proximate audience* and pyrotechnic
 22 special effects in motion picture, television, theatrical and group entertainment productions
 23 shall comply with Sections 5608.2 through 5608.10 and NFPA 1123 or NFPA 1126. The
 24 manufacture of fireworks is prohibited within the County. The display, sale, or discharge of
 25 fireworks shall comply with the requirements of this chapter.

26
 27 **5608.1.1 Unlawful activities.** Add Subsection as follows: **5608.1.1 Unlawful**
 28 **activities.** Except as hereinafter provided, it shall be unlawful for any person, firm, or
 29 corporation to transport, manufacture, store, possess, sell, offer for sale, expose for sale, or
 30 to buy, use, ignite, or explode any fireworks.

31
 32 **5608.1.2 Permissible fireworks.** Add Subsection as follows: **5608.1.2**
 33 **Permissible fireworks.** The provisions of 5608.1.1 shall not apply to consumer 1.4G
 34 permissible fireworks which have been approved by the Fire Marshal's Office. Such
 35 permissible fireworks shall be used only on private property with the approval of the
 36 owner. The sale or storage of any fireworks shall be prohibited on the property of another
 37 without the express written permission of the owner. The sale of fireworks to minors shall
 38 be prohibited unless the minor is accompanied by a parent or legal guardian.

39
 40 **5608.2.1.1 Permit required for display of aerial fireworks.** Add Subsection as
 41 follows: **5608.2.1.1 Permit required for display of aerial fireworks.** The Office of the
 42 Fire Marshal may issue permits, upon application in writing, for the display of aerial
 43 fireworks, commonly known as pyrotechnic displays, for fair associations, amusement
 44 parks, or by any organization, individual, or group of individuals; provided such display is in
 45 general accord with the applicable sections of NFPA 1123 and NFPA 1126, as listed in
 46 chapter 80 of this Code. After such permit has been issued, sales of fireworks may be

made for use under such permit and the association, organization, group, or individual to which it is issued may make use of such fireworks under the terms and conditions of such permit. No permit shall be issued until the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least \$5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall become available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the display of aerial fireworks. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit and remains continuously in effect until such activities are completed.

5608.2.3 Permit required for sale of fireworks. Add subsection as follows:
5608.2.3 Permit required for sale of fireworks. It shall be unlawful for any person, firm, or corporation, wholesaler, or retailer to sell, offer for sale, or expose for sale any fireworks within the county without a permit from the Fire Marshal's Office. This permit shall be valid for the period June 1 to July 15 of each year. Such permit shall be issued only after the applicant files with the Fire Marshal's Office a certificate of insurance which shows that the applicant has liability insurance in the amount of at least \$5,000,000 combined single limit for bodily injury and property damage. This insurance policy shall be available for the payment of any damage arising from the acts or omissions of the applicant, his agents, or his employees in connection with the activities authorized by the permit. The applicant shall ensure that the insurance policy is in effect at the time of the commencement of the activities authorized by the permit and remains continuously in effect until such activities are completed.

5608.11 Retail display and sale. Add subsection as follows: **5608.11 Retail display and sale.** In addition to the restrictions set forth in section, **5601.2.2**, retail sales of permissible fireworks shall only be conducted from approved, fixed locations. Such locations shall comply with all Fairfax County rules and regulations applicable to such sites. The sale or storage of any fireworks shall be prohibited on the property of another without the express written permission of the owner. Staff selling permitted, permissible fireworks shall be 18 years or older.

5608.11.1 Precautions. Add subsection as follows: **5608.11.1 Precautions.** Fireworks displayed for retail sale shall not be made readily accessible to the public. A minimum of one pressurized water fire extinguisher complying with section 906 shall be located not more than 15 feet and not less than 10 feet from the retail sale location. "NO Smoking" signs complying with section 310 shall be conspicuously posted in areas where fireworks are stored or displayed for retail sale.

5608.11.2 Sales to minors. Add subsection as follows: **5608.11.2 Sales to minors.** The sale of permissible fireworks to persons under the age of 18 shall be prohibited unless the person is accompanied by a parent or legal guardian.

5608.11.3 Records to be kept by wholesaler and retailer. Add subsection as follows: **5608.11.3 Records to be kept by wholesaler and retailer.** Each wholesaler

shall maintain full and complete records of all purchases and sales of fireworks and each retailer shall maintain full and complete records of all purchases of fireworks. The Fairfax County Fire Marshal or his designated agent is authorized to examine the books and records of any wholesaler or retailer documenting the purchases and sales of fireworks within the county.

5608.12 Approval of permissible fireworks. Add Subsection as follows:

~~3308.12.~~ **5608.12 Approval of permissible fireworks.** Persons engaged in the business of selling or offering to sell fireworks at wholesale shall submit to the Office of the Fire Marshal a list of fireworks for approval. Persons engaged in the business of selling fireworks at wholesale may be required to submit to the Office of the Fire Marshal at least 5 samples of each firework intended to be sold or delivered by such wholesaler, together with complete specifications including the manufacturer and trade name of such fireworks and a chemical analysis of each such fireworks submitted. ~~Samples, specifications, and chemical analysis shall be submitted to the Fire Marshal's Office no later than 120 days prior to the proposed sale date in the county.~~ No wholesaler or retailer shall sell or deliver in the county any fireworks other than those approved by the ~~by the Fairfax County Office of the Fire Marshal.~~ State Fire Marshal's Office.

5704.2.7.10 Leak reporting. Add Subsection as follows 5704.2.7.10 Leak reporting. A consistent or accidental loss of liquid, or other indication of a leak from a tank system, shall be reported immediately to the fire department, the *fire code official* and other authorities having jurisdiction. The procedures as set forth in section 5003.3.1 shall also be followed.

ARTICLE 3. - Junior Firefighters

Section 62-3-1. - Junior firefighters.

Any person residing in the County of Fairfax, the City of Fairfax, or the towns of Vienna, Herndon and Clifton, aged 16 years or older, who is a member of a Fairfax County volunteer fire company, with parental or guardian approval, is authorized to (i) seek certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs; and (ii) work with or participate in non-hazardous activities of such volunteer fire company, provided such person has attained certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, subject to the following conditions:

- 1) Evidence of residency in the Commonwealth shall be provided by the junior firefighter.
- 2) The junior firefighter shall present an original letter by a parent or legal guardian that permits junior firefighter participation.

- 1 3) The junior firefighter shall provide an original consent form signed by a
- 2 parent or legal guardian allowing participation in Virginia Department of
- 3 Fire Programs training courses.
- 4 4) The junior firefighter shall be provided with a copy of the
- 5 County's liability insurance coverage applicable to junior firefighters.
- 6
- 7

Board Agenda Item
October 25, 2022

ADMINISTRATIVE - 3

Extension of Review Period for 2232 Applications (Mason District)

ISSUE:

Extension of review period for 2232 applications 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 applications: 2232-2022-MA-00002 and 2232-2022-MA-00003.

TIMING:

Board action is requested on October 25, 2022, prior to the expiration of the applications on October 31, 2022, to extend the review period.

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 full length of an extension period may not be necessary and any extension is not intended to set a date for final action.

PROJECT DESCRIPTION:

The Department of Public Works and Environmental Services (DPWES) submitted two 2232 applications for the proposed permanent and temporary facilities for the West Annandale Fire Station # 23. The applications were accepted on February 25, 2022, and extended to July 25, 2022, and then October 31, 2022. The applicant has requested additional time to prepare a concurrent Special Exception Amendment (SEA) application for a telecommunications facility on the site of the West Annandale Fire Station # 23. The review period for the following applications should be extended to July 31, 2023.

2232-2022-MA-00002	Department of Public Works and Environmental Services (DPWES) West Annandale Fire Station # 23 (Permanent Station) Tax Map No. 58-4 ((1)) 62
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Board Agenda Item
October 25, 2022

8914 Little River Turnpike
Fairfax, VA 22031
Mason District
Accepted February 25, 2022
Extended to July 25, 2022
Extended to October 31, 2022
Request Extension to July 31, 2023

2232-2022-MA-00003 Department of Public Works and Environmental Services
(DPWES)
West Annandale Fire Station # 23 (Temporary Station)
Tax Map No. 59-3 ((1)) 7
8724 Little River Turnpike
Fairfax, VA 22031
Mason District
Accepted February 25, 2022
Extended to July 25, 2022
Extended to October 31, 2022
Request Extension to July 31, 2023

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
None.

STAFF:
Rachel Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Salem Bush, Branch Chief, Facilities Planning Branch, Planning Division (PD), DPD
David Stinson, Planner, Facilities Planning Branch, PD, DPD

ADMINISTRATIVE – 4

Supplemental Appropriation Resolution AS 23093 for the Fairfax-Falls Church Community Services Board to Accept Grant Funding from the Virginia Department of Behavioral Health and Developmental Services Supporting the Mental Health Docket Program

ISSUE:

Board of Supervisors approval of Supplemental Appropriation Resolution AS 23093 for the Fairfax-Falls Church Community Services Board (CSB) to accept grant funding totaling \$125,207 from the Department of Behavioral Health and Developmental Services (DBHDS) supporting the Mental Health Docket Program. Funding will be used for a 1/1.0 FTE new grant Behavioral Health Specialist position to enhance the docket by providing Mental Health Skill Building Services to docket participants. Funds will also be used to provide emergency housing, in the form of the purchase of hotel rooms, to docket participants experiencing homelessness and pending connection to alternative housing resources. The grant period is September 1, 2022, through June 30, 2023. No Local Cash Match is required. When grant funding expires, the County is under no obligation to continue funding the program. DBHDS awarded this funding to the Fairfax-Falls Church CSB through an Exhibit D of the Community Services Performance Contract. The Community Services Performance Contract was approved by the Board on August 2, 2022; however, this Board item is needed in order to appropriate funding in the Federal-State Grant Fund. The Exhibit D has been fully executed (Attachment 1).

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution AS 23093 from the DBHDS in the amount of \$125,207 supporting the Mental Health Docket Program. This funding will be used to enhance identification, diversion, and connection of persons with mental illness or co-occurring substance abuse disorders at the earliest possible point of contact with the criminal justice system. No Local Cash Match is required.

TIMING:

Board approval is requested on October 25, 2022.

BACKGROUND:

The Community Services Performance Contract delineates the responsibilities between the Virginia Department of Behavioral Health and Developmental Services and the community services boards and behavioral health authority for the purpose of providing local public mental health, developmental and substance abuse services. It specifies the conditions to be met for a Community Services Board to receive state-controlled funds, identifies the groups of consumers to be served with state-controlled funds and includes requirements to ensure accountability to the state. The FY 2023 Community Services Performance Contract was approved by the Board of Supervisors at the August 2, 2022 Board meeting. However, throughout the year, the DBHDS releases additional funding not included in the original Community Services Performance Contract. These funding announcements are typically awarded through an Exhibit D and become part of the Community Services Performance Contract. Board approval is needed for these amendments in order to appropriate funding in the Federal-State Grant Fund.

This specific funding opportunity released by DBHDS is to provide Mental Health Docket services to individuals with serious mental illness and/or co-occurring substance use disorders. Funding will provide services that divert persons with mental illness or co-occurring mental illness and substance use disorders from the criminal justice system at Intercept 3 of the Sequential Intercept Model. This model is used to help identify various points at which individuals may be diverted from the criminal justice system to community-based treatment and services. A new Behavioral Health Specialist position has been funded through this award to enhance the docket by providing Mental Health Skill Building Services to docket participants. Funds will also be used to provide emergency housing, in the form of the purchase of hotel rooms, to docket participants experiencing homelessness and pending connection to alternative housing resources. A minimum of 30 individuals will be served in FY 2023.

FISCAL IMPACT:

Funding in the amount of \$125,207 from the Virginia Department of Behavioral Health and Developmental Services will support the Mental Health Docket Program. No Local Cash Match is required. This grant does not allow for the recovery of indirect costs. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2023.

CREATION OF NEW POSITIONS:

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

Board Agenda Item
October 25, 2022

ENCLOSED DOCUMENTS:

Attachment 1: DBHDS Exhibit D Award Summary

Attachment 2: Supplemental Appropriation Resolution AS 23093

STAFF:

Christopher Leonard, Deputy County Executive

Daryl Washington, Executive Director, Fairfax-Falls Church Community Services Board

Judge Tina Snee, Fairfax County General District Court

Performance Measures for the Mental Health Docket
Contract No. D0713.762

This Agreement is between the Department of Behavioral Health and Developmental Services (“DBHDS” or “Department”) and the **Fairfax Community Services Board** (“CSB” or “Subrecipient”), collectively hereinafter referred to as “the Parties”, entered into this Agreement to govern certain activities and responsibilities required for operating or contracting the **Mental Health Docket Program** (the “Program” or “Service”). This Agreement is attached to and made part of the Performance Contract by reference.

Purpose: To provide Mental Health Docket services to individuals with serious mental illness and/or co-occurring substance use disorders that are located within Fairfax County and the Cities of Fairfax and Falls Church as noted in B.1. CSB Responsibilities of this Exhibit D.

Term: This Agreement shall govern the performance of the Parties for the period of September 1, 2022 through June 30, 2023 (“Period of Performance”).

A. Scope of Services: The CSB shall coordinate the implementation and operation of the **Mental Health Docket Program** and provide related access to appropriate services in accordance with its RFP response and any subsequent and superseding amendments approved by the Department.

B. The CSB Responsibilities: In order to implement the **Mental Health Docket Program**, the CSB agrees to comply with the following requirements.

1. The CSB shall provide Mental Health Docket services to individuals with mental illness and/or co-occurring substance use disorders residing in Fairfax County and the Cities of Fairfax and Falls Church.
2. Provide Mental Health Docket services to a target population of **30** minimum during the performance period, as mutually agreed upon. **[Outlined in Addendum A OFS FY23 Program Target Performance Goals of this contract].**
3. Develop individualized treatment plans for every enrolled individual with severe mental illness or co-occurring disorders, which prioritize goals and objectives that reflect individualized and identified needs.
4. Provide services to individuals for the duration of enrollment in the Jail Diversion/Mental Health Docket program, until the individual is eligible for discharge from the program.
5. Engage in care coordination with community providers and community supervision agencies, including the exchange of treatment records, communication of treatment needs, and linkage of clients with available services and support options.
6. The CSB shall coordinate with community stakeholders, agencies, and partners across systems to coordinate the necessary infrastructure, personnel, policies, and procedures.
7. The CSB shall designate at least one program representative who will participate in regular meetings with the DBHDS Program Manager to review progress toward stated goals, identify implementation issues, participate in financial audits, review data collected by the program, and collaborate regarding ongoing program maintenance.
8. The CSB shall report program data demonstrating implementation and outcomes of funded program as required by DBHDS Program Managers on templates provided by the Department. **[Outlined in Addendum B Office of Forensic Services Procedures and Protocol for Performance Based Grant Management of this contract.]**
9. The CSB shall provide data and finance reports of funds provided by the Department and all expenditures to the program managers. **[Outlined in Addendum B Office of Forensic Services Procedures and Protocol for Performance Based Grant Management of this contract.]**
10. The CSB shall utilize funds provided by the Department in accordance with the terms of the submitted and

Performance Measures for the Mental Health Docket

Contract No. D0713.762

approved RFP or program plan, or the terms of any subsequent and superseding written approvals from program managers.

C. The Department Responsibilities: In order to implement the **Mental Health Docket**, the Department agrees to comply with the following requirements.

1. The Department shall review and approve the Memorandum of Understanding (MOU) between local agencies or counties involved as partners in the program, as necessary.
2. The Department shall develop and provide guidance for accurate completion of the following required reports.
 - a. Quarterly Finance Reports
 - b. Annual Finance Reports
 - c. Quarterly Narrative Progress Reports
 - d. Annual Narrative Progress Reports
 - c. Quarterly Data Reports
3. The Department will work with the CSB program representative to establish a meeting schedule to discuss the following and other information as needed to meet the agreed upon performance goals of the program. [Outlined in Addendum A *OFS FY23 Program Target Performance Goals* of this contract].
 - a. Progress toward stated goals
 - b. Identify implementation issues
 - c. Participate in financial audits
 - d. Review collected data
4. The Department shall charge Program Managers in the OFS with responsibility for addressing questions, concerns, and coordinate updated program processes throughout the duration of the funding period.
5. The Department will provide the *Office of Forensic Services Procedures and Protocol for Performance Based Grant Management* guidelines to the designated local Program Manager.
 - a. This document contains specific guidance for detailed developments, management, and responsibility for aspects for the funding recipient. [Outlined in Addendum B *Office of Forensic Services Procedures and Protocol for Performance Based Grant Management* of this contract].

D. Payment Terms: The Department shall provide the Fairfax CSB **\$125,207** in FY23 Restricted Mental Health State General Funds. The approved budgets for FY23 is included in (Addendum C). The Department may, at its reasonable discretion, modify payment dates or amounts, or terminate this Agreement and will notify the CSB of any such changes in writing. The Department may withhold funds from future distributions if the recipient CSB has not completely expended funds disbursed in the prior fiscal year. [Outlined in subsection Addendum B *Office of Forensic Services Procedures and Protocol for Performance Based Grant Management* of this contract.]

1. Prior to making any changes to the approved budget for this program, the CSB will submit a request for review and approval by DBHDS. Requests for reallocation of funds shall only be done in a manner consistent with the programmatic activity being undertaken to provide mental health docket services to individuals identified as eligible based on determined eligibility criteria. A narrative explanation and revised budget worksheet will be submitted to DBHDS when such requests are made. The approved budget for the Performance Period in Addendum C is attached and made part of this agreement.
2. The CSB agrees that if it does not fully implement this program as approved or as subsequently modified by agreement of the Parties, the Department shall withhold or recover part or all of the disbursed funds.

Performance Measures for the Mental Health Docket

Contract No. D0713.762

3. The CSB understands that the state mental health general funds are restricted and shall not be used for any purpose other than the services it was funded to provide for the entire life of the funds.

- E. Use of Funds:** The CSB may not use the funds provided under this Agreement for any purpose other than described herein and allowable to carry out the purposes and activities of the program. Funding may not be used to supplant existing resources or services supported by other funding.
- F. Limitations on Reimbursements:** CSB shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided following the end of the Period of Performance.
- G. Performance Outcome Measures:** Performance Outcome Measures are outlined in Addendum A *OFS FY23 Program Target Performance Goals* of this contract including any appropriate Outcome Measures identified in Exhibit B. Continuous Quality Improvement Measures. Additionally, performance management Procedures and Protocols are outlined in Addendum B *Office of Forensic Services Procedures and Protocol for Performance Based Grant Management* of this contract.
- H. Reporting Requirements:** FY23 Deadlines for Quarterly and Annual Narrative and Finance Reports are listed below. [Outlined in Addendum B *Office of Forensic Services Procedures and Protocol for Performance Based Grant Management* of this contract.]

1st Report [Q1]	November 14, 2022
2nd Report [Q2]	February 15, 2023
3rd Report [Q3]	May 15, 2023
4th Report [Q4]	August 14, 2023

1. Financial Reporting

- Finance reports shall include all revenue and expenditures of these funds fiscal year-to-date.
- Finance reports shall be submitted for each quarter no later than forty-five (45) days after the conclusion of the associated fiscal quarter.
- Finance reports shall be submitted on templates provided by the Department for each program.
- Finance report forms shall be completed following the guidelines of the most recent finance reporting data provided by the Program Manager.
- Finance Reports must comply with the reporting requirements in CARS.

2. Data Reporting

- Quarterly program data shall be submitted no later than forty-five (45) days after the conclusion of that fiscal quarter, except when that day falls on a weekend or holiday, which shall allow the data to be submitted on the next business day.
- Data shall be submitted through the secure sFTP server upload protocols into the Jail Diversion folder.
- Data shall be complete and accurate, following all formatting and content requirements as outlined in the program data guide provided by the Program Manager.
- Data Reports must comply with the reporting requirements in CCS.
- The CSB shall provide data reports as required in CCS 3 and finance reports on the funds provided by the Department as required in CARS pursuant to the Reporting and Data Quality Requirements of the Community Services Performance Contract.

- I. Monitoring, Review, and Audit:** The Department may monitor and review use of the funds, performance of the Program, and compliance with this Agreement, which may include onsite visits to assess the CSB's governance, management and operations, and review relevant financial and other records and materials. In addition, the Department may conduct audits, including onsite audits, at any time during the term of this Agreement.
- J. Entire Agreement:** This Agreement and any additional or supplementary document(s)

Community Services Board
Performance Measures for the Mental Health Docket
Contract No. D0713.762

incorporated herein by specific reference contain all the terms and conditions agreed upon by the Parties hereto, and no other contracts, oral or otherwise, regarding the subject matter of this Agreement or any part thereof shall have any validity or bind any of the Parties hereto.

- K. Counterparts and Electronic Signatures:** Except as may be prohibited by applicable law or regulation, this Agreement and any amendment may be signed in counterparts, by facsimile, PDF, or other electronic means, each of which will be deemed an original and all of which when taken together will constitute one agreement. Facsimile and electronic signatures will be binding for all purposes.
- L. Conflicts:** In the event of any conflict between this Agreement (or any portion thereof) and any other agreement now existing or hereafter entered into, the terms of this Agreement shall prevail.

Signatures: In witness thereof, the Department and the CSB have caused this Agreement to be executed by the following duly authorized Parties.

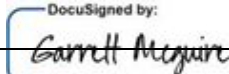
**Virginia Department of Behavioral Health and
Developmental Services**

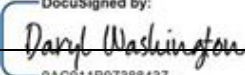
By: 
Name: Cort E. Kirkley, CPA
Title: Chief Administrative Officer
Date: 10/12/2022 | 12:52 EDT

Office of Forensic Services

By: 
Name: Angela Torres, Ph.D., ABBP
Title: Deputy Commission of Forensics
Date: 10/12/2022 | 07:41 EDT

Fairfax Community Services Board

By: 
Name: Garrett McGuire
Title: Board Chair
Date: 10/11/2022 | 20:49 EDT

By: 
Name: Daryl Washington
Title: Executive Director
Date: 10/11/2022 | 13:22 EDT

Addendum A: Program Target and Performance Goals

DBHDS Office of Forensic Services FY23 Program Target Performance Goals

CSB/Program: Fairfax-Falls Church Community Services Board	DBHDS Program Manager: Sarah Davis	Date: 09/02/2022
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The Fairfax-Falls Church CSB agrees to enroll a minimum of 30 individuals with severe mental illness and/or co-occurring disorders for program services in FY23.

Additional goals for program performance are included below:

Increase referrals to the Mental Health Docket to 45 in FY 2023.

Meet maximum enrollment number of 25 participants during FY 2023.

Are the goals set by the program reasonable based on performance history? YES ☐ NO ☐

Are the goals set by the program specific and measurable? YES ☐ NO ☐

Did the program adhere to the timeline for determining FY22 target performance goals? YES ☐ NO ☐

Did the goals provide a direction for the enhancement of available program services, and/or increased utilization? YES ☐ NO ☐

Did the CSB/Program collaborate with stakeholders and provide opportunity for contribution regarding FY 22 target performance goals? YES ☐ NO ☐

CSB Program Representative

Print Name: L. Michelle Cannon LFC

Signature: [Signature]

DBHDS OFS Program Manager

Print Name: Sarah Davis

Signature: [Signature]

Addendum B: DBHDS Office of Forensic Services Procedures and Protocol for Performance Based Grant Management

Data:

Key expectations:

A. Complete & Accurate

1. All required cells are expected to be completed with appropriate cell formatting.
2. Automated errors must be corrected on the spreadsheet prior to submission.
3. The CSB is expected to reference the Data Reporting Guide and sufficiently train staff in completing the spreadsheet.
4. The CSB is expected to outreach DBHDS for additional training and support if needed.
5. After three attempts during the fiscal year to address issues with completeness and accuracy of the spreadsheet, DBHDS will have a meeting with program staff to discuss performance and data management improvements.
6. It is incumbent upon CSB staff to assure these expectations are met.

B. Timely

1. Expected submission on or before the deadline:

- **Spreadsheet Data, Quarterly Budget Summary, Quarterly Narrative Report** – Q1 due November 15th, Q2 due February 15th, Q3 due May 15th, and Q4 due August 15th (or the next business day should the deadline fall on a weekend, or holiday, etc.)
*Please reference addendums for appropriate program templates for above documents
- **Annual Budget Summary, Annual Narrative Report - August 15th**
- **Data spreadsheets are submitted via the sFTP server** - reference correspondence with DBHDS staff for accessibility for permissions to jail diversion folder
- Quarterly and Annual Budget Summaries, Quarterly Narrative and Annual Narrative Reports to be submitted by email to DBHDS staff

2. There must be prior communication with DBHDS staff via email for extension or additional time **before** the day of deadline.

DBHDS staff will outreach the program point of contact with one reminder attempt - 7 days after the due date a letter will be sent to Executive Director indicating possible suspension of funds if data is not submitted within 7 days.

3. If there is not submission of data 30 days after the due date, this will result in suspension of warrants. Warrants will be suspended until data is received.

Addendum B: DBHDS Office of Forensic Services Procedures and Protocol for Performance Based Grant Management

Budget:

Key Expectations:

A. Annual Review of Budget

1. Annual review of the budget will begin on or about 60 days prior to 7/1 FY start date and will provide opportunity for budget review and line-item changes. Exact deadlines for budget documents will be determined by DBHDS staff and communicated precisely via email.
2. All funds must be in whole numbers and clearly identified by source, and whether they are restricted or not.
3. DBHDS staff will schedule meetings with programs to discuss changes and amendments, if necessary.
4. Approval for changes and amendments will be given within 30 days of 7/1 FY start date.
5. Award letters and approved budgets will be emailed to CSB Executive Director at least 30 days prior to 7/1 FY start date.
6. Updated Exhibit Ds will be emailed to the CSB Executive Director at least 30 days prior to 7/1 FY start date, if necessary.
7. If a program has not submitted an updated budget for FY and received approval, then warrants will be suspended and a letter will be sent to the Executive Director indicating this. All programs are required to submit new annual budgets whether changes are being made or not, with appropriate titling for fiscal year.

B. No changes will be permitted during the FY to appropriated line-item figures or expenditures without written proposal by CSB and written approval by DBHDS grant manager.

C. Only one budget amendment opportunity for line-item budget categories is permissible in the FY – proposals must be submitted between November 1st and December 31st.

1. All requests for reallocation *must* include the following:

- Why the funding is no longer needed in the original line item category
- The exact amount to be re-allocated and to what intended new category
- The intended date for implementation of the reallocation
- Confirmation that the request is approved by the Executive Director of the requesting CSB

Addendum B: DBHDS Office of Forensic Services Procedures and Protocol for Performance Based Grant Management

2. The expected goals for the reallocation of funds *must* include the following:

- How the change will increase access to or scope of services
- How the funding will make the program more efficient
- How the new funding allocation will meet a previously unmet need
- Why the intended change cannot be supported without the funding allocation change

D. All programs must submit itemized Quarterly Budget Summary on or before the deadline.

1. Prior communication with DBHDS staff via email for extension or additional time must be **before** the day of deadline.
2. All budgets must be in whole numbers and the funding source must be identified clearly. For example, if the funds are restricted mental health state general funds, they must be identified as MH Restricted State General Funds. No funding should have a decimal to note cents. For example, the amount of funds allocated should be \$XX,XXX not \$XX,XXX.XX
3. DBHDS staff will outreach program point of contact with one reminder attempt - at 7 days after the due date a letter will be sent to Executive Director indicating possible suspension of funds if QBS is not submitted within 7 days.
4. If there is not submission of the quarterly budget summary 30 days after the due date, this will result in suspension of warrants. Warrants will be suspended until summary is received.
 - **Spreadsheet Data, Quarterly Budget Summary, Quarterly Narrative Report** – Q1 due November 15th, Q2 due February 15th, Q3 due May 15th, and Q4 due August 15th
 - **Annual Budget Summary (ABS), Annual Narrative Report** – August 15th

E. All programs must submit itemized Annual Budget Summary on or before the deadline.

1. Communication with DBHDS staff via email for an extension or additional time must be **before** the day of deadline.
2. DBHDS staff will outreach program point of contact with one reminder attempt - at 7 days after the due date a letter will be sent to Executive Director indicating possible suspension of funds if ABS is not submitted within 7 days.

Addendum B: DBHDS Office of Forensic Services Procedures and Protocol for Performance Based Grant Management

3. If there is not submission of annual budget summary 30 days after the due date, this will result in suspension of warrants. Warrants will be suspended until summary is received.
 - **Spreadsheet Data, Quarterly Budget Summary, Quarterly Narrative Report** – Q1 due November 15th, Q2 due February 15th, Q3 due May 15th, and Q4 due August 15th
 - **Annual Budget Summary, Annual Narrative Report** – August 15th
4. If there is carryover from the fiscal year, a request for use of carryover funds must be sent in writing to DBHDS staff for approval.
 - Carryover is not guaranteed to be approved for spending. DBHDS is authorized to apply carryover dollars to the subsequent FY award totals.

F. Budget summaries and review can be requested by DBHDS grant manager at any time during fiscal year.

1. If expenditures are inconsistent with the approved FY budget, a formal financial review will be conducted with the finance department at the CSB by DBHDS grant manager, and a meeting will be scheduled to review invoiced expenditures.
2. DBHDS will request audit materials 7 days prior to meeting.
3. Pending outcome of formal financial review, funding may be maintained, reduced, or terminated.

H. FY review of Annual Budget Summary by DBHDS staff

1. Communication will be made within 60 days if there are questions or need for further review.
2. If expenditures are inconsistent with the approved budget, a formal financial review will be conducted with the finance department at the CSB by the DBHDS grant manager, and a meeting will be scheduled to review invoiced expenditures.
3. DBHDS will request audit materials 7 days prior to meeting.
4. Pending outcome of formal financial review, funding may be maintained, reduced, or terminated.

Addendum B: DBHDS Office of Forensic Services Procedures and Protocol for Performance Based Grant Management

Performance

Key Expectations:

A. Annual negotiation of FY target performance goals:

1. Annual negotiation of FY target performance goals will begin on or about 60 days prior to FY start date 7/1 for all programs.
2. Agreed upon target performance goals will be referenced in the Award Letter to the CSB Executive Director at least 30 days prior to FY start date 7/1.
3. Quarterly Meetings/Site Visits will consistently involve discussion about target performance goals, cost per client figures, challenges and barriers, etc., so this will be a collaborative and mutual effort.

B. Submission of Quarterly Narrative Report (QNR) is expected on or before the deadline.

1. Communication with DBHSD staff via email for an extension or additional time must be **before** the day of deadline.
2. DBHDS staff will outreach program point of contact with one reminder attempt - at 7 days after the deadline a letter will be sent to Executive Director indicating possible suspension of funds if QNR is not submitted within 7 days.
3. If there is not submission of QNR summary 30 days after the due date, this will result in suspension of warrants. Warrants will be suspended until summary is received.
 - **Spreadsheet Data, Quarterly Budget Summary, Quarterly Narrative Report** – Q1 due November 15th, Q2 due February 15th, Q3 due May 15th, and Q4 due August 15th
 - **Annual Budget Summary and Annual Narrative Report** – August 15th

C. All programs must submit Annual Narrative Report on or before the deadline (for programs submitting Quarterly Narrative Reports, an Annual Narrative Report (ANR) is not required).

1. Communication with DBHDS staff via email for an extension or additional time must be **before** the day of deadline.
2. DBHDS staff will outreach program point of contact with one reminder attempt - at 7 days after the due date a letter will be sent to Executive Director indicating possible suspension of funds if ANR is not submitted within 7 days.
3. If there is not submission of ANR 30 days after the due date, this will result in suspension of warrant. Warrant will be suspended until report is received.

Addendum B: DBHDS Office of Forensic Services Procedures and Protocol for Performance Based Grant Management

- **Data, Quarterly Budget Summary, Quarterly Narrative Report** – Q1 due November 15th, Q2 due February 15th, Q3 due May 15th and Q4 due August 15th
 - **Annual Budget Summary, Annual Narrative Report** – August 15th
- D. Following Quarter 2 data review, if a program is not meeting projected goals, DBHDS will meet with CSB program staff to brainstorm possible improvements and solutions, and to get a comprehensive understanding of program barriers (ex: possible staff turnover, global pandemic, etc.) – DBHDS will send follow-up in writing detailing what was discussed and what efforts will be made to improve.
- E. After annual data review, if a program is not meeting projected goals, DBHDS will have a meeting with CSB program staff and will implement a Performance Improvement Plan (PIP) – CSB will have 14 days to respond with PIP, and DBHDS will respond with approval of PIP, or a request for changes/additions.
1. DBHDS will review this plan with CSB at monthly check-ins for status regarding progress.
- F. Following approval of the PIP by DBHDS staff, a letter will be issued to the CSB Executive Director regarding the institution of PIP and the reduction or termination of funding should goals within PIP not be met.
- G. After 3 months, DBHDS staff will evaluate the program and pending outcome, will either maintain funding, reduce funding, or terminate funding. A letter will be issued to Executive Director regarding the outcome.
- H. Timeline:
- August 15th – Q4 FY Deadline (Annual Totals)
 - September 15th – CSB is informed of need for PIP and meeting
 - October 1st – meeting deadline; approval of PIP
 - November 1st – PIP implemented
 - February 1st – (90 days) PIP/Program Evaluation Scoring and Determination

Addendum C – Approved Budget



NELSON SMITH
COMMISSIONER

COMMONWEALTH of VIRGINIA

DEPARTMENT OF
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Post Office Box 1797
Richmond, Virginia 23218-1797

Telephone (804) 786-3921
Fax (804) 371-6638
www.dbhds.virginia.gov

August 24, 2022

Daryl Washington, Executive Director
Fairfax-Falls Church CSB
Pennino Building, Suite 836
12011 Government Center Parkway
Fairfax, VA 22035-1105

Re: FY23 Behavioral Health Docket Funding

Dear Mr. Washington,

I am pleased to report your application for FY23 Behavioral Health Docket Diversion Funding was selected for funding. The selection committee was very impressed by your proposal and felt it exemplified the types of criminal justice diversion programs the Department of Behavioral Health & Developmental Services (DBHDS) wishes to establish and expand across the Commonwealth. As agreed, DBHDS will be sending your agency **\$125,207** in Fiscal Year 2023. The approved program budget is attached. Upon execution of the required contract documents, these funds will be distributed in equal payments via the DBHDS bi-monthly warrants.

As was outlined in the funding application, by accepting this funding the Arlington CSB agrees to quarterly data and budget reporting to DBHDS. Your point of contact for technical assistance will be Sarah Davis, and she will be reaching out to your agency shortly to discuss next steps for program implementation.

Congratulations on your award! If you have any questions, feel free to contact Sarah Davis at (804) 814-3993.

Sincerely,

DocuSigned by:

Angela Torres

07EC402E7834403

Angela Torres, Ph.D., ABPP

Interim Deputy Director for Forensic Services

Addendum C – Approved Budget

FY23 Approved Behavioral Health Docket Grant Budget

CSB	Category	Amount
Fairfax		
	Docket MHSS	\$ 75,944.00
	Fringe MHSS	\$ 39,263.00
	Emergency Client Housing	\$ 10,000.00
	Total	\$ 125,207.00

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 23093

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on October 25, 2022, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2023, the following supplemental appropriation is authorized, and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G7620, Fairfax-Falls Church Community Services Board	
Grants:	1760088-2023, Mental Health Docket Program	\$125,207

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	\$125,207
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: VA Dept. of Behavioral Health and Developmental Svcs., \$125,207

A Copy - Teste:

Jill G. Cooper
Clerk to the Board of Supervisors

Board Agenda Item
October 25, 2022

ACTION - 1

Approval of a Letter of Support for Loudoun County's Grant Application for the Virginia Department of Rail and Public Transportation (DRPT) Transit Ridership Incentive Program (TRIP)

ISSUE:

Board approval is of a letter (Attachment 1) supporting a grant application being submitted by Loudoun County for the Virginia Department of Rail and Public Transportation (DRPT's) Transit Ridership Incentive Program (TRIP) to provide new transit service to the new Ashburn, Loudoun Gateway, and Washington Dulles International Airport Metrorail Stations.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve Attachment 1, a letter supporting the Loudoun County grant application for the Transit Ridership Incentive Program (TRIP) to serve Silver Line Phase 2 Metrorail stations, in substantial form.

TIMING:

Board of Supervisors' approval is requested on October 25, 2022, to provide Loudoun County a letter of support for their grant application, which are due on October 28, 2022.

BACKGROUND:

The Transit Ridership Incentive program (TRIP) is a statewide grant program, dedicated to improving transit's regional connectivity in urban areas with populations in excess of 1,000,000 and reducing barriers to transit use by supporting low-income and zero-fare programming. The program's goal is the identification and establishment of routes of regional significance, implementation of integrated fare collection, establishment of bus-only lanes on routes of regional significance, and other actions and service to improve transit service.

Loudoun County's TRIP program will support expanded transit service routes that connect communities that currently do not have transit service to key regional connections across the County. Twenty-one transit routes will begin to provide transit services to the new Ashburn, Loudoun Gateway, and Washington Dulles International Airport Metrorail Stations. These new services make Loudoun a stronger regional partner by expanding the transit network in Northern Virginia and Metropolitan

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October 25, 2022

Washington area. Loudoun County estimates that this new transit service will help alleviate congestion by providing an additional 137,292 unlinked passenger trips annually, equating to the removal of 68,646 Single Occupancy Vehicles. As many of these riders will be traveling to or through Fairfax County, the service will improve multimodal options for those working in and visiting the county, while also mitigating congestion on our roadways.

FISCAL IMPACT:

There is no direct fiscal impact to Fairfax County associated with this action.

ENCLOSED DOCUMENTS:

Attachment 1 – Letter Endorsing the Loudoun County grant application for the Virginia Department of Rail and Public Transportation (DRPT) Transit Ridership Incentive Program (TRIP).

STAFF:

Rachel Flynn, Deputy County Executive

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

Noelle Dominguez, Division Chief, Coordination and Funding Division, FCDOT

Brent Riddle, Senior Transportation Planner, Coordination and Funding Section, FCDOT

Marcus Moore, Transportation Planner, Coordination and Funding Section, FCDOT



JEFFREY C. MCKAY
CHAIRMAN

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
BOARD OF SUPERVISORS
FAIRFAX, VIRGINIA 22035

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12000 GOVERNMENT CENTER PARKWAY
FAIRFAX, VIRGINIA 22035-0071

TELEPHONE 703- 324-2321
FAX 703- 324-3955

chairman@fairfaxcounty.gov

October 26, 2022

Ms. Jennifer DeBruhl, Director
Virginia Department of Rail and Public Transportation
600 East Main Street, Suite 2102
Richmond, Virginia 23219

Reference: Support for Loudoun County's Letter of Support

Dear Ms. DeBruhl:

On behalf of the Fairfax County Board of Supervisors, I am writing to express our support for the Loudoun County grant application for the Virginia Department of Rail and Public Transportation (DRPT's) Transit Ridership Incentive Program (TRIP). Loudoun County is proposing to implement 21 transit routes that will begin to provide transit services to the new Ashburn, Loudoun Gateway, and Washington Dulles International Airport Metrorail Stations.

The expanded transit service routes will connect communities in Loudoun County to regional destinations across the Northern Virginia and the Metropolitan Washington area. These new transit routes are expected to help alleviate congestion by providing over 130,000 passenger trips annually, thereby removing an equivalent number of Single Occupancy Vehicle trips. As many of these riders will be traveling to or through Fairfax County, the service will improve multimodal options for those working in the county, while also mitigating congestion on our roadways.

The expansion of these transit routes is key to realizing the full regional benefits of the Metrorail Silver Line Phase 2 project. Fairfax County is also restructuring transit services to serve Metrorail Stations along the expanded Silver Line network. With a high percentage of the workforce in our region crossing neighboring jurisdictional boundaries to employment destinations, the expansion of commuter infrastructure, combined with new transit services, will bolster transit use, and make it more efficient.

We support the efforts of Loudoun County to implement transit projects that will support multimodal connectivity, reduce congestion, and improve air quality. We urge your positive consideration of Loudoun County's grant application. If you have questions, please contact Noelle Dominguez at (703)877-5665 or noelle.dominguez@fairfaxcounty.gov.

Sincerely,

Jeffrey C. McKay
Chairman

CC: Members, Board of Supervisors
Bryan J. Hill, County Executive
Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Department of Transportation
Penny Newquist, Assistant Director, Loudoun County Department of Transportation

ACTION - 2

Approval of the Fairfax County's Disadvantaged Business Enterprise (DBE) Goal Update for the Federal Transit Administration (FTA)

ISSUE:

Board of Supervisors' approval of Fairfax County's Disadvantaged Business Enterprise goals, in support of the Richmond Highway Bus Rapid Transit Project.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve the County's Disadvantaged Business Enterprise (DBE) Goal Update, in substantial form.

TIMING:

The Board of Supervisors is requested to act on this item on October 25, 2022, so that Fairfax County will remain in compliance with United States Department of Transportation (USDOT) regulations and be eligible to receive additional FTA funds in the future.

BACKGROUND:

Fairfax County is the recipient of federal transit funds authorized by Intermodal Surface Transportation Efficiency Act (ISTEA), Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or the Transportation Equity Act for the 21st Century (TEA-21), Pub. L. 105-178. As such, the County must maintain a valid Disadvantaged Business Enterprise Policy and Goal for the FTA.

In accordance with 49 Code of Federal Regulations (CFR) Part 26, Fairfax County is proposing a new overall goal of 24.9 percent for DBE participation in contracts supported by FTA program funds. The previous DBE goal for FY 2018 – 2020 was 16.4 percent. The County will attempt to achieve the 24.9 percent goal through race-neutral means.

The proposed DBE goal setting document has been updated to reflect new contracting opportunities that will be supported by future FTA funds. Changes in the document also pertain to how the goal was calculated and the description of public outreach efforts to inform the goal setting. The process for setting a goal ensures that DBEs, as defined in 49 CFR Part 26.5 (2), have an equal opportunity to receive and participate in USDOT–assisted contracts. The goal setting process also seeks to achieve the following:

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1. Ensure nondiscrimination in the award and administration of FTA-assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for FTA-assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in FTA-assisted contracts; and
6. Assist the development of firms that can compete successfully in the market place outside the DBE Program.

As required by 49 CFR 26.45(g), the Fairfax County Department of Transportation (FCDOT), on behalf of the County, consulted with minority, women's and general contractor groups, and community organizations which are knowledgeable about the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination on opportunities for DBEs.

During the development of the Disadvantaged Business Enterprise Goal and Methodology, FCDOT sought input from the following County departments: Office of County Attorney, Public Works and Environmental Services, and Procurement and Material Management.

FCDOT published the goal in the Washington Post and El Tiempo Newspapers, and on the County's website, on August 11, 2022. In accordance with the public participation regulation requirements, the proposed goal also was available for public inspection and comment during normal business hours at FCDOT offices for a period of 30 days. FCDOT also accepted public comments until September 26, 2022, a period of 45 days. No comments were received and no changes were made to the DBE Policy and Goal as a result of these public outreach efforts.

FISCAL IMPACT:

With an approved DBE program, Fairfax County will remain eligible to receive future FTA grant funding and receive reimbursements from current grants. The General Fund will not be impacted, if this item is approved.

ENCLOSED DOCUMENTS:

Attachment I: Fairfax County Disadvantaged Business Enterprise Goal and Methodology

Board Agenda Item
October 25, 2022

STAFF:

Rachel Flynn, Deputy County Executive

Tom Biesiadny, Director, FCDOT

Lee Ann Pender, Director, Department of Procurement and Materials Management

Brent Riddle, Coordination and Funding Division, FCDOT

Marcus Moore, Coordination and Funding Division, FCDOT

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax

October 26, 2022

Ms. Lynn Bailey, Civil Rights Officer
Federal Transit Administration, Region III
U.S. Department of Transportation
1760 Market Street
Philadelphia, Pennsylvania 19103

Reference: Fairfax County's Disadvantaged Business Enterprise (DBE) Goal and Methodology

Dear Ms. Bailey:

Attached is Fairfax County's *Disadvantaged Business Enterprise (DBE) Goal and Methodology* which was approved by the Fairfax County Board of Supervisors on October 25, 2022. This document has been uploaded into FTA's TrAMS grant management database. The overall DBE goal for FTA-funded projects for Fairfax County is 24.9 percent. The County anticipates achieving this goal through race-neutral strategies, but recognizes that race-conscious strategies may need to be employed, if this goal is not being achieved.

Market Area

The local market area from which the County's DBE goal was established is the Northern Virginia area, which includes the larger counties and municipalities in the region. This includes the following jurisdictions: the cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, and Manassas Park, and the counties of Arlington, Fairfax, Loudoun, Prince William, and Stafford.

Goal Calculation Methodology

The current FTA-funded contracting opportunities involve demolition and site remediation services related to the construction of the Richmond Highway Bus Rapid Transit project and are the basis for calculating the DBE goal. The applicable NAICS codes for these projects include: 238010 & 562910. The County has compared the number of registered DBE firms under each of these NAICS codes, versus the number of overall registered firms under the same codes to determine the DBE goal. The FTA calculation worksheets are attached. Documentation of consultation and outreach to community groups regarding the development of the DBE goal also is provided in *Appendix 2: Documentation of Consultation and Outreach*. Copies of the published public notices advertising the County's proposed DBE policy are included in *Appendix 3: Proof of Publication*.

Ms. Lynn Bailey
October 26, 2022
Page 2 of 2

If you have questions or require further information regarding the County's DBE policy, please contact me at (703) 877-5659.

Sincerely,

Brent Riddle
Disadvantaged Business Liaison Officer

cc: Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Marcus Moore, Transportation Planner, FCDOT

Attachments: Fairfax County Disadvantaged Business Enterprise Goal and Methodology

Fairfax County Disadvantaged Business Enterprise Goal and Methodology

Summary

Fairfax County has established requirements for setting an overall goal for Disadvantaged Business Enterprise (DBE) participation in federally funded contracts in accordance with regulations of the United States Department of Transportation, 49 CFR Part 26. This rule requires recipients of federal funds to use a methodology based on demonstrable data of relevant market conditions and is designed to reach a goal the recipient would expect DBEs to achieve in the absence of discrimination.

Proposed Goal

Fairfax County has established an overall goal of 24.9% DBE participation on Federal Transit Administration (FTA) assisted contracts.

Fairfax County posted a notice of the proposed overall DBE goal, informing the public that the proposed goal and its rationale. This information was available for public inspection during normal business hours at the Fairfax County Department of Transportation (FCDOT). The goal was published on the Fairfax County Department of Transportation website; the Spanish-language newspaper, *El Tiempo Latino*; and in the *Washington Post*. See *Appendix 3 – Proof of Publication*.

Fairfax County expects to meet this goal for projects receiving FTA funds by verifying DBE certifications and furnishing prime contractors with information about DBE firms in the Northern Virginia region. The overall goal will be reviewed periodically, based on the progress of the Richmond Highway Bus Rapid Transit (BRT) project and as additional federal funding becomes available.

Race Conscious/Race Neutral Breakout Summary

Fairfax County's goal is to facilitate a high level of participation of DBE firms in FCDOT projects that are funded by FTA. Fairfax County intends to meet the maximum feasible portion of its overall DBE goal by using a race-neutral means of facilitating DBE participation. If the race-neutral percentage is larger than estimated, the number of projects with race-conscious contract language will be adjusted.

By examining the last several years of Race Neutral vs. Race Conscious participation on FTA-supported contracts, the County has determined that it should be able to achieve the overall goal through race-neutral means for the County's goal over the next three years. If the County is not able to achieve the overall goal, race-conscious language will be implemented on FTA-assisted contracts with subcontracting opportunities where appropriate.

Public Participation

Fairfax County used familiar programs and resources to help determine and promote DBE participation. These programs include county and private-sector resources. Among the county resources, FCDOT consulted with the Supplier Diversity Program within the Department of Purchasing and Materials Management (DPMM), which ensures that small businesses, minority-owned businesses and women-owned businesses are treated fairly and have an opportunity to compete for the County's contract

dollars.¹ The office also engages in a variety of outreach efforts, including counseling and assistance, which are intended to maximize prime and subcontract opportunities for small, minority-owned businesses and women-owned businesses. FCDOT also met with representatives of Fairfax County's Office of Public Private Partnerships,² which serves as a clearing house for public agencies, non-profit organizations, and businesses interested in collaborating with each other and with the County. Additionally, FCDOT consulted the Fairfax County Economic Development Authority (EDA),³ which works with small, minority, and women-owned businesses to provide services and opportunities to start and expand their business operations.⁴ Working together, FCDOT and EDA produced a webinar that explains the County's DBE goal and is also used to highlight future contracting opportunities with FCDOT, including the upcoming Richmond Highway BRT project.

Beyond County resources, FCDOT also independently reached out via email to representatives of the Asian-American Chamber of Commerce,⁵ the Northern Virginia Black Chamber of Commerce,⁶ the Northern Virginia Hispanic Chamber of Commerce⁷ and the Virginia Hispanic Chamber of Commerce,⁸ to gain a sense of the number of types of DBE firms that their organizations represent to initiate dialogue and foster DBE participation in bidding for FTA-supported contracts. FCDOT also attempted to solicit direct feedback from each of these groups on the proposed DBE goal. FCDOT used these resources in addition to the resources listed subsequently in this document to determine and promote DBE participation. See *Appendix 2: Documentation of Consultation and Outreach* and *Appendix 3: Proof of Publications*.

Methodology

STEP ONE

The first step in establishing an overall DBE Goal is to determine the relative availability of DBE vendors within the Northern Virginia region to perform the work entailed in FTA assisted contracts that Fairfax County intends to let during the next three years of the Richmond Highway BRT project. Fairfax County plans to expend nearly \$24,689,000 in federal funds, out of approximately \$30,861,250, for demolition related activities (site preparation and remediation services) for the Richmond Highway BRT project. Fairfax County does not anticipate any additional activities or projects supported by FTA grant funding arising in the next three years.

According to proposed project timelines for initiating the above projects, the average annual fiscal year estimate for using FTA Grant funding is provided below.

¹ <https://www.fairfaxcounty.gov/procurement/vendors/diversity>

² <https://www.fairfaxcounty.gov/public-private-partnerships>

³ <https://www.fairfaxcountyeda.org/>

⁴ <http://www.fairfaxcountyeda.org/services-small-minority-and-woman-owned-firms>

⁵ <https://www.asian-americanchamber.org/>

⁶ <https://www.northernvirginiabcc.org/>

⁷ <https://www.novahispanicchamber.com/>

⁸ <https://www.vahcc.com/>

	NAICS Codes (238910 and 562910)
Fiscal Year 2023	\$12.00 million
Fiscal Year 2024	\$12.00 million
Fiscal Year 2025	\$6.86 million
TOTAL	\$30.86 million

Base Figure

Fairfax County does not certify firms as DBE's but uses databases maintained by the Commonwealth of Virginia Department of Small Business and Supplier Diversity (SBSD) to determine which firms may be counted as DBEs. These directories list the firm's name, address, and phone number and the type of work the firm has been certified to perform as a DBE.

A substantial majority of the contracting dollars are spent in the local marketing area of Northern Virginia comprised of the larger counties and municipalities in Northern Virginia. The NAICS codes that will be used by FCDOT until the goal is reassessed are 238910 (Site Preparation) and 562910 (Remediation Services).

The following table summarizes the total number of all contractors and subcontractors located in Fairfax County's local market area who would be available for FTA-assisted projects. This information was extracted from the 2020 County Business Patterns (i.e., NAICS) database hosted by the United States Census.

Jurisdictions	NAICS Codes	
	238910	562910
Alexandria City, VA	5	3
Arlington, VA	0	0
Fairfax City, VA	0	0
Fairfax, VA	38	23
Falls Church, VA	0	0
Fredericksburg, VA	5	0
Loudoun, VA	30	4
Manassas City, VA	7	0
Manassas Park, VA	6	0
Prince William, VA	61	10
Stafford, VA	0	0
TOTAL	152	40

The following table lists the number of certified DBE Firms with offices in Northern Virginia. FCDOT cross-referenced each directory to prevent double counting a particular DBE firm who is certified and registered by more than one agency or that has offices in more than one jurisdiction.

Jurisdictions	NAICS Codes	
	238910	562910
Alexandria City, VA	4	1
Arlington, VA	0	0
Fairfax City, VA	0	0
Fairfax, VA	13	1
Falls Church, VA	2	0
Fredericksburg, VA	2	0
Loudoun, VA	3	0
Manassas City, VA	7	1
Manassas Park, VA	1	0
Prince William, VA	12	1
Stafford, VA	0	0
TOTAL	44	4

Once the total number of all firms and DBE firms by NAICS codes have been identified, FCDOT employs the following formula to determine the base figure percentage of ready, willing, and able DBE firms for USDOT-Assisted projects:

Base Figure = $\frac{\text{Numerator: Ready, Willing and Able DBE Firms (by category)}}{\text{Denominator: All Ready, Willing and Able Firms (by same numerator category)}}$

For property acquisition for the Richmond Highway BRT Project, the Base Figure for the proposed goal is .249, or, expressed as a percentage, 24.9%.

Base Figure = $\frac{48 \text{ (DBE Firms)}}{192 \text{ (All Firms)}} = .25 \text{ (25.00\%)}$

After establishing the Base Figure, FCDOT applies weighting to the calculation based upon the percentage of each NAICS code anticipated to be contracted out over the three-year period. To complete the weighted calculation, FCDOT uses FTA's Weighted Base Figure Worksheet, Step 1 A. For Property Acquisition activities for the Richmond Highway BRT project, FCDOT anticipates that 78.6% of the contracts will be for Site Preparation; 21.4% will be for Remediation Services. See *Appendix 1 – Goal Calculation Worksheet*.

To complete Step One, a weighted base figure is now calculated by multiplying the weight for each NAICS code by the relative availability of DBE firms (ie, the Base Figure). The results of these calculations are included in FTA's Weighted Base Figure Worksheet, Step 1 C. The final calculation for Step One for this project is 24.9%. Again, see *Appendix 1 – Goal Calculation Worksheet*.

STEP TWO

Upon Step One completion, additional factors are considered to determine if an adjustment to the DBE goal base figure is needed. Guidance for adjusting the Base Figure is contained in 49 CFR 26.45(d).

To assess if an adjustment to the base DBE goal figure is needed, Fairfax County first considered past participation in FTA-assisted contracts. After reviewing participation data since 2015, Fairfax County determined that it had achieved an unusually high level of DBE firm participation on FTA-supported contracts, due in part to the small number of contracts bid and the fact that a certified DBE firm was selected as the prime contractor on one of those contracts. Although, Fairfax County determined that the results from the past three years were not representative of the relative availability of DBE firms in the local market, there is also no reason to believe that past experience has any bearing on the current project. The previous DBE goal was based on Construction and Engineering activities; whereas, the proposed DBE goal involves entirely different industries.

Other factors examined, but not used, are discussed below:

- 1 Disparity Studies: No local disparity studies exist that provide any further insight into the number of ready, willing, and able DBEs or their use in transportation projects.
- 2 Potential Capacity Increases: The data do not show any significant increase on an annual basis of DBEs or total firms in either the Site Preparation or Remediation Services NAICS categories.

Should contracting opportunities significantly change, Fairfax County will review both the goal and DBE contracting practices to ensure the goal and program as a whole accurately reflects the actual contracting opportunities available. Fairfax County then will submit adjustments to its DBE goal to the FTA for review and approval.

Race-Conscious / Race-Neutral Breakout

By establishing this DBE goal, Fairfax County's hopes to facilitate significant levels of participation of DBE firms in FCDOT projects that are funded by FTA. Through examination of the last three years of Race Neutral vs. Race Conscious participation, the County believes that it should be able to achieve 100% of the overall goal through race-neutral means for the County's goal.

Race-neutral efforts to include the minority business community in procurement opportunities may include, but not limited to: identification and recruitment of minority firms to advertised procurement opportunities; teaming and networking events allowing minority firms to interact with potential project partners; and participation in association and trade organization events where Fairfax County projects can be highlighted. DBE contractors will be encouraged to apply on all solicitations. Fairfax County will coordinate with appropriate leadership of DBE firms, including organizations that represent their interests, to inform them when contract opportunities arise, and all solicitations and contracts will include a good-faith effort DBE goal as a race-neutral means to increase DBE participation.

If these race-neutral strategies do not prove effective in reaching the County's 24.9% DBE program goal, the County will implement race conscious contract goals. Fairfax County will review the estimated breakout of race-neutral and race-conscious DBE participation as needed to reflect actual DBE usage and will track the outcome of our efforts. Race-conscious language regarding project procurement opportunities will be implemented on FTA-assisted contracts with subcontracting opportunities where appropriate. If the race-neutral percentage is larger than estimated, the number of projects with race-conscious contract language regarding project procurement opportunities will be adjusted.

Appendix 1: Goal Calculation Worksheets

Step 1 A - Determine the weight of each type of work by NAICS Code:

All reasonably anticipated FTA-assisted contracting opportunities are identified as:

	NAICS Code	Description of Work	Amount of USDOT funds on project:	% of Total USDOT Funds (weight)
1)	238910	Site Preparation Contractors	\$8,645,730.00	0.7864
2)	562910	Remediation Services	\$2,348,370.00	0.2136
Total FTA-Assisted Contract Funds			\$10,994,100.00	1.0000

Step 1 B - Determine the relative availability of DBE's by NAICS Code:

The numbers of DBEs and of all firms available to perform work on the identified contracting opportunities are:

	NAICS Code	Description of Work	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability	
1)	238910	Site Preparation Contractors	44	152	0.2895	
2)	562910	Remediation Services	4	40	0.1000	
Combined Totals			48	192	0.2500	<i>Overall availability of DBEs</i>

Step 1 C - (Weight) x (Availability) = Weighted Base Figure

	NAICS Code	Description of Work	Weight	x	Availability of DBEs	Weighted Base Figure
1)	238910	Site Preparation Contractors	0.78640	x	0.28947	0.2276
2)	562910	Remediation Services	0.21360	x	0.10000	0.0214
					Total	0.2490
					Expressed as a % (*100)	24.90%
					Rounded, Weighted Base Figure:	24.9%

Appendix 2: Documentation of Consultation and Outreach

FCDOT is currently seeking comments on a revised DBE Goal



Moore, Marcus N

To: info@northernvirginiabcc.org

Bcc: [Riddle, Brent](#)

[Reply](#) [Reply All](#) [Forward](#) [Print](#) [More](#)

Thu 8/11/2022 4:56 PM

Dear Northern Virginia Black Chamber of Commerce,

The Fairfax County Department of Transportation (FCDOT) is currently seeking comments on a new Disadvantaged Business Enterprise (DBE) Program Goal. The proposed goal is 24.9% for participation by Disadvantaged Business Enterprises on projects supported by funding from the Federal Transit Administration (FTA). FCDOT staff is available to meet with your organization to provide details for setting the DBE goal and the goal setting process. Should there be interest in doing so, please contact Marcus Moore at Marcus.moore2@fairfaxcounty.gov to make meeting arrangements, virtually or in person. The goal and its rationale also will be available for inspection from 9:00 am to 4:30pm (local time) at 4050 Legato Road, Suite 400, Fairfax, VA 22030, for 30 days following the date of publication of the proposed goal in the Washington Post and on the County's website ([Disadvantaged Business Enterprise Proposed Federal Goal 1 Transportation \(fairfaxcounty.gov\)](#)). Written comments will be accepted for 45 days. Comments should be addressed to:

Fairfax County Department of Transportation
Attention: Marcus Moore, Sr. Transportation Planner
4050 Legato Road, Suite 400
Fairfax, VA 22033
Marcus.moore2@fairfaxcounty.gov
Phone 703-877-5600

FCDOT is currently seeking comments on a revised DBE Goal



Moore, Marcus N

To: info@novahispanicchamber.com

Bcc: [Riddle, Brent](#)

[Reply](#) [Reply All](#) [Forward](#) [Print](#) [More](#)

Thu 8/11/2022 4:59 PM

Dear NOVA Hispanic American Chamber of Commerce,

The Fairfax County Department of Transportation (FCDOT) is currently seeking comments on a new Disadvantaged Business Enterprise (DBE) Program Goal. The proposed goal is 24.9% for participation by Disadvantaged Business Enterprises on projects supported by funding from the Federal Transit Administration (FTA). FCDOT staff is available to meet with your organization to provide details for setting the DBE goal and the goal setting process. Should there be interest in doing so, please contact Marcus Moore at Marcus.moore2@fairfaxcounty.gov to make meeting arrangements, virtually or in person. The goal and its rationale also will be available for inspection from 9:00 am to 4:30pm (local time) at 4050 Legato Road, Suite 400, Fairfax, VA 22030, for 30 days following the date of publication of the proposed goal in the Washington Post and on the County's website ([Disadvantaged Business Enterprise Proposed Federal Goal 1 Transportation \(fairfaxcounty.gov\)](#)). Written comments will be accepted for 45 days. Comments should be addressed to:

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4050 Legato Road, Suite 400
Fairfax, VA 22033
Marcus.moore2@fairfaxcounty.gov
Phone 703-877-5600

FCDOT is currently seeking comments on a revised DBE Goal



Moore, Marcus N

To: [Fairfax County Economic Development Authority](#)

Bcc: [Riddle, Brent](#)

[Reply](#) [Reply All](#) [Forward](#) [Print](#) [More](#)

Thu 8/11/2022 5:01 PM

Dear Fairfax County Economic Development Authority,

The Fairfax County Department of Transportation (FCDOT) is currently seeking comments on a new Disadvantaged Business Enterprise (DBE) Program Goal. The proposed goal is 24.9% for participation by Disadvantaged Business Enterprises on projects supported by funding from the Federal Transit Administration (FTA). FCDOT staff is available to meet with your organization to provide details for setting the DBE goal and the goal setting process. Should there be interest in doing so, please contact Marcus Moore at Marcus.moore2@fairfaxcounty.gov to make meeting arrangements, virtually or in person. The goal and its rationale also will be available for inspection from 9:00 am to 4:30pm (local time) at 4050 Legato Road, Suite 400, Fairfax, VA 22030, for 30 days following the date of publication of the proposed goal in the Washington Post and on the County's website ([Disadvantaged Business Enterprise Proposed Federal Goal 1 Transportation \(fairfaxcounty.gov\)](#)). Written comments will be accepted for 45 days. Comments should be addressed to:

Fairfax County Department of Transportation
Attention: Marcus Moore, Sr. Transportation Planner
4050 Legato Road, Suite 400
Fairfax, VA 22033
Marcus.moore2@fairfaxcounty.gov
Phone 703-877-5600

FCDOT is currently seeking comments on a revised DBE Goal



Moore, Marcus N
To: contact@asian-americanchamber.org
Bcc: Riddie, Brent

[Reply](#) [Reply All](#) [Forward](#) [Print](#) [More](#)
Thu 8/11/2022 5:04 PM

Dear Asian American Chamber of Commerce,

The Fairfax County Department of Transportation (FCDOT) is currently seeking comments on a new Disadvantaged Business Enterprise (DBE) Program Goal. The proposed goal is 24.9% for participation by Disadvantaged Business Enterprises on projects supported by funding from the Federal Transit Administration (FTA). FCDOT staff is available to meet with your organization to provide details for setting the DBE goal and the goal setting process. Should there be interest in doing so, please contact Marcus Moore at Marcus.moore2@fairfaxcounty.gov to make meeting arrangements, virtually or in person. The goal and its rationale also will be available for inspection from 9:00 am to 4:30pm (local time) at 4050 Legato Road, Suite 400, Fairfax, VA 22030, for 30 days following the date of publication of the proposed goal in the Washington Post and on the County's website ([Disadvantaged Business Enterprise Proposed Federal Goal | Transportation | Fairfax County](#)). Written comments will be accepted for 45 days. Comments should be addressed to:

Fairfax County Department of Transportation
Attention: Marcus Moore, Sr. Transportation Planner
4050 Legato Road, Suite 400
Fairfax, VA 22033
Marcus.moore2@fairfaxcounty.gov
Phone 703-877-5600

FCDOT is currently seeking comments on a revised DBE Goal



Moore, Marcus N
To: info@vahcc.com
Bcc: Riddie, Brent

[Reply](#) [Reply All](#) [Forward](#) [Print](#) [More](#)
Thu 8/11/2022 5:07 PM

Dear Virginia Hispanic Chamber of Commerce,

The Fairfax County Department of Transportation (FCDOT) is currently seeking comments on a new Disadvantaged Business Enterprise (DBE) Program Goal. The proposed goal is 24.9% for participation by Disadvantaged Business Enterprises on projects supported by funding from the Federal Transit Administration (FTA). FCDOT staff is available to meet with your organization to provide details for setting the DBE goal and the goal setting process. Should there be interest in doing so, please contact Marcus Moore at Marcus.moore2@fairfaxcounty.gov to make meeting arrangements, virtually or in person. The goal and its rationale also will be available for inspection from 9:00 am to 4:30pm (local time) at 4050 Legato Road, Suite 400, Fairfax, VA 22030, for 30 days following the date of publication of the proposed goal in the Washington Post and on the County's website ([Disadvantaged Business Enterprise Proposed Federal Goal | Transportation | Fairfax County](#)). Written comments will be accepted for 45 days. Comments should be addressed to:

Fairfax County Department of Transportation
Attention: Marcus Moore, Sr. Transportation Planner
4050 Legato Road, Suite 400
Fairfax, VA 22033
Marcus.moore2@fairfaxcounty.gov
Phone 703-877-5600

FCDOT is currently seeking comments on a revised DBE Goal



Moore, Marcus N
To: info@ghwc.org
Bcc: Riddie, Brent

[Reply](#) [Reply All](#) [Forward](#) [Print](#) [More](#)
Thu 8/11/2022 5:12 PM

Dear Greater Washington Hispanic Chamber of Commerce,

The Fairfax County Department of Transportation (FCDOT) is currently seeking comments on a new Disadvantaged Business Enterprise (DBE) Program Goal. The proposed goal is 24.9% for participation by Disadvantaged Business Enterprises on projects supported by funding from the Federal Transit Administration (FTA). FCDOT staff is available to meet with your organization to provide details for setting the DBE goal and the goal setting process. Should there be interest in doing so, please contact Marcus Moore at Marcus.moore2@fairfaxcounty.gov to make meeting arrangements, virtually or in person. The goal and its rationale also will be available for inspection from 9:00 am to 4:30pm (local time) at 4050 Legato Road, Suite 400, Fairfax, VA 22030, for 30 days following the date of publication of the proposed goal in the Washington Post and on the County's website ([Disadvantaged Business Enterprise Proposed Federal Goal | Transportation | Fairfax County](#)). Written comments will be accepted for 45 days. Comments should be addressed to:

Fairfax County Department of Transportation
Attention: Marcus Moore, Sr. Transportation Planner
4050 Legato Road, Suite 400
Fairfax, VA 22033
Marcus.moore2@fairfaxcounty.gov
Phone 703-877-5600

FCDOT is currently seeking comments on a revised DBE Goal



Moore, Marcus N
To: AACC@arabchamber.com
Cc: Riddle, Brent

Reply Reply All Forward ...
Thu 8/11/2022 5:14 PM

Dear Arab American Chamber of Commerce,

The Fairfax County Department of Transportation (FCDOT) is currently seeking comments on a new Disadvantaged Business Enterprise (DBE) Program Goal. The proposed goal is 24.9% for participation by Disadvantaged Business Enterprises on projects supported by funding from the Federal Transit Administration (FTA). FCDOT staff is available to meet with your organization to provide details for setting the DBE goal and the goal setting process. Should there be interest in doing so, please contact Marcus Moore at Marcus.moore2@fairfaxcounty.gov to make meeting arrangements, virtually or in person. The goal and its rationale also will be available for inspection from 9:00 am to 4:30pm (local time) at 4050 Legato Road, Suite 400, Fairfax, VA 22030, for 30 days following the date of publication of the proposed goal in the Washington Post and on the County's website ([Disadvantaged Business Enterprise Proposed Federal Goal | Transportation \(fairfaxcounty.gov\)](https://www.fairfaxcounty.gov/transportation/disadvantaged-business-enterprise-proposed-federal-goal)). Written comments will be accepted for 45 days. Comments should be addressed to:

Fairfax County Department of Transportation
Attention: Marcus Moore, Sr. Transportation Planner
4050 Legato Road, Suite 400
Fairfax, VA 22033
Marcus.moore2@fairfaxcounty.gov
Phone 703-877-5600

FCDOT is currently seeking comments on a revised DBE Goal



Moore, Marcus N
To: smario@novahispanicchamber.com

Reply Reply All Forward ...
Fri 8/12/2022 9:23 AM

Dear NOVA Hispanic American Chamber of Commerce,

The Fairfax County Department of Transportation (FCDOT) is currently seeking comments on a new Disadvantaged Business Enterprise (DBE) Program Goal. The proposed goal is 24.9% for participation by Disadvantaged Business Enterprises on projects supported by funding from the Federal Transit Administration (FTA). FCDOT staff is available to meet with your organization to provide details for setting the DBE goal and the goal setting process. Should there be interest in doing so, please contact Marcus Moore at Marcus.moore2@fairfaxcounty.gov to make meeting arrangements, virtually or in person. The goal and its rationale also will be available for inspection from 9:00 am to 4:30pm (local time) at 4050 Legato Road, Suite 400, Fairfax, VA 22030, for 30 days following the date of publication of the proposed goal in the Washington Post and on the County's website ([Disadvantaged Business Enterprise Proposed Federal Goal | Transportation \(fairfaxcounty.gov\)](https://www.fairfaxcounty.gov/transportation/disadvantaged-business-enterprise-proposed-federal-goal)). Written comments will be accepted for 45 days. Comments should be addressed to:

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Attention: Marcus Moore, Sr. Transportation Planner
4050 Legato Road, Suite 400
Fairfax, VA 22033
Marcus.moore2@fairfaxcounty.gov
Phone 703-877-5600

Fairfax County DBE Goal Webinar



Moore, Marcus N
To: kismaw@fzda.org
Cc: Riddle, Brent

Reply Reply All Forward ...
Tue 8/30/2022 11:21 AM

Karen,

It was a pleasure speaking with you today and I truly appreciate your suggestions on the DBE outreach. I've copied Brent Riddle, to set a timeframe that would be suitable for scheduling a call to discuss planning of a DBE Webinar. Brent loved the idea and would be willing to share the presentation once we complete a final set of edits.

I figured it'd be best to hold off until after the holiday weekend but wanted to propose maybe a quick call next week on either Tuesday, Wednesday, or Thursday via teams. If these days work for everyone, let me know what time of day would be of your preference and I can set up an invite!

Marcus N. Moore
Sr. Transportation Planner | Regional Partnerships and Funding
Coordination and Funding Division
o. 703.877.5641 | c. 571.221.2148 | marcus.moore2@fairfaxcounty.gov
Fairfax County Dept. of Transportation
4050 Legato Rd, Suite 400
Fairfax, VA 22033-2895

Appendix 3: Proof of Publication



PUBLIC NOTICE

Disadvantaged Business Enterprise Proposed Federal Goal

August 11, 2022

Fairfax County hereby announces its goal of **24.9%** for Disadvantaged Business Enterprise (DBE) participation for projects supported by funding from the Federal Transit Administration. The goal and its rationale are available for inspection from 9:00 am to 4:30 pm (local time) at 4050 Legato Road, Suite 400, Fairfax, VA 22033, for 30 days following the date of publication of this notice. Written comments on this goal will be accepted for 45 days from the date of publication of this notice.

Comments should be addressed to:

Fairfax County Department of Transportation
Attention: Brent Riddle, Sr. Transportation Planner
4050 Legato Road, Suite 400
Fairfax, VA 22033
michael.riddle@fairfaxcounty.gov
Phone: 703-877-5600, TTY 711|

Fairfax County and the Fairfax County Department of Transportation (FCDOT) ensure nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act (ADA). To request this information in an alternate format, contact FCDOT at 703-877-5600, TTY 711.



PUBLIC NOTICE
Disadvantaged Business
Enterprise Proposed
Federal Goal
August 11, 2022

Fairfax County hereby announces its goal of **24.9%** for Disadvantaged Business Enterprise (DBE) participation for projects supported by funding from the Federal Transit Administration. The goal and its rationale are available for inspection from 9:00 am to 4:30 pm (local time) at 4050 Legato Road, Suite 400, Fairfax, VA 22033, for 30 days following the date of publication of this notice. Written comments on this goal will be accepted for 45 days from the date of publication of this notice. Comments should be addressed to:

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michael.riddle@fairfaxcounty.gov
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AVISO PÚBLICO

Propuesta de Meta Federal para Empresas Comerciales de Personas Desfavorecidas (DBE)

Agosto 11, 2022

El condado de Fairfax anuncia por la presente su objetivo del **24.9%** de participación en Empresas Comerciales de Personas Desfavorecidas (DBE, por sus siglas en inglés) para proyectos respaldados por fondos de la Administración Federal de Tránsito. El objetivo y su justificación están disponibles para inspección de 9:00 am a 4:30 pm (hora local) en 4050 Legato Road, Suite 400, Fairfax, VA 22033, durante 30 días a partir de la fecha de publicación de este aviso. Se aceptarán comentarios por escrito sobre este objetivo durante 45 días a partir de la fecha de publicación de este aviso. Los comentarios deben dirigirse a:

Fairfax County Department of Transportation
Atención: Brent Riddle, Sr. Transportation Planner
4050 Legato Road, Suite 400
Fairfax, VA 22033
michael.riddle@fairfaxcounty.gov
Teléfono: 703-877-5600, TTY 711



El condado de Fairfax y el Departamento de Transporte del Condado de Fairfax (FCDOT, por sus siglas en inglés) garantizan la no discriminación en todos los programas y actividades de acuerdo con el Título VI de la Ley de Derechos Civiles de 1964 y la Ley de Estadounidenses con Discapacidades (ADA). Para solicitar esta información en un formato alternativo, comuníquese con FCDOT al 703-877-5600, TTY 711.

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▼ AVISO PÚBLICO



AVISO PÚBLICO

Propuesta de Meta Federal para Empresas Comerciales
de Personas Desfavorecidas (DBE)

Agosto 11, 2022

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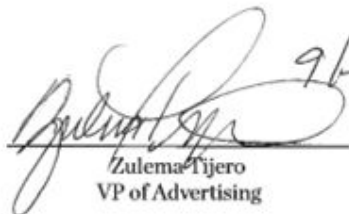
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This certifies that the person signing below, is the duly authorized agent of EL TIEMPO LATINO NEWSPAPER to execute this certificate on its behalf; and that a notice of which the annexed a tear sheet is a true copy was printed and published in said newspaper on the following date(s) 08-12-22 at a total cost of \$570.00

 9/1/2022

Zulema Tijero
VP of Advertising

ACTION – 3

Approval of Additional Funding for Phase 2 of the Dulles Corridor Metrorail Project
(Dranesville and Hunter Mill Districts)

ISSUE:

Board approval of additional funding for Phase 2 of the Dulles Corridor Metrorail Project (Phase 2) through the reallocation of project reserves in Fund 40010, County and Regional Transportation Projects.

RECOMMENDATION:

The County Executive recommends that the Board approve up to an additional \$40.25 million in funding authority for Phase 2. Funding for this request is proposed from the reallocation of project reserves in Fund 40010, County and Regional Transportation Projects.

TIMING:

Board action is requested on October 25, 2022, to provide payment for the County's share of the outstanding balances associated with the Phase 2 cost overrun.

BACKGROUND:

In July 2007, the County, Loudoun County (Loudoun), and the Metropolitan Washington Airports Authority (MWAA) (collectively, the Funding Partners) entered into an Agreement to fund the capital cost of construction of Metrorail in the Dulles Corridor (the Funding Agreement), which provides, in general, that the County, Loudoun, and MWAA (from funds other than Dulles Toll Road revenues) shall be responsible for 16.1 percent, 4.8 percent, and 4.1 percent, respectively, of the total capital cost of such construction, with the remaining 75 percent to be paid from tolls derived from the operation of the Dulles Toll Road, less contributions from other entities such as the Commonwealth of Virginia (Commonwealth) and the federal government.

In spring 2022, the County completed a total of approximately \$527 million in payments towards its baseline Phase 2 obligation. This was met through a combination of sources that included a United States Department of Transportation (USDOT) Transportation Infrastructure Financing and Innovation Act (TIFIA) loan to be repaid from Fund 40010, County and Regional Transportation Projects and Fund 40120, Dulles Rail Phase 2 Transportation Improvement District; available tax district revenues

Board Agenda Item
October 25, 2022

in Fund 40120; funding from the Northern Virginia Transportation Authority, and a Congestion Mitigation Air Quality (CMAQ) grant.

At the July 20, 2022, MWAA Board of Directors meeting, MWAA indicated that an additional \$250 million in funding was required to complete Phase 2. The following reasons were stipulated for the cost increase and schedule delays:

- Project complexity at all levels;
- Changes in project scope and safety requirements;
- Adopting updated environmental regulations governing stormwater;
- Unforeseen conditions during construction;
- COVID-19 pandemic restrictions and supply chain challenges; and
- Cost escalation due to inflation.

MWAA continues to work on Phase 2 closeout, which includes resolving outstanding charges, WMATA's request for additional funding to support additional maintenance, and administrative costs due to the project delay. MWAA indicates that the \$250 million is necessary to closeout Phase 2.

Per the Funding Agreement, the County is responsible for 16.1 percent of the additional cost, which amounts to \$40.25 million. Previous funding discussions regarding funding including the Board Item for Phase 2 participation, indicated that any overage would be fulfilled through Fund 40010, County and Regional Transportation Projects Fund. County staff recommend the reallocation of project reserves in Fund 40010 to provide the \$40.25 million payment to MWAA.

Phase 2 completed construction and achieved substantial completion in fall 2021 and simulated service is anticipated the first half of October. A date for revenue service will be established by the WMATA Board. With the request for additional funding the total project budget for Phase 2 increases from \$2.778 billion to \$3.028 billion.

FISCAL IMPACT:

Funding up to an amount of \$40.25 million for this request is available in Fund 40010, County and Regional Transportation Projects. Impact from this overrun is not immediate. Staff will extend project implementation for some projects, and only partially fund some projects to accommodate the cost overrun. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1: MWAA Letter to Bryan Hill Dated August 4, 2022

Board Agenda Item
October 25, 2022

STAFF:

Bryan J. Hill, County Executive

Rachel Flynn, Deputy County Executive

Christina Jackson, Chief Financial Officer and Director, Department of Management and Budget

Tom Biesiadny, Director, Department of Transportation

Martha Coello, Division Chief, Department of Transportation

Joseph LaHait, Debt Manager, Department of Management and Budget

Ray Johnson, Section Chief, Department of Transportation

ASSIGNED COUNSEL:

Patricia McCay, Senior Assistant County Attorney

**Metropolitan Washington
Airports Authority**
1 Aviation Circle
Washington, DC 20001-6000



August 4, 2022

Bryan Hill
County Executive
Office of the County Executive
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035

RE: Phase 2 Metrorail Project Funding

Dear Bryan,

In response to Martha Coello's request, I have enclosed information that was presented to the Metropolitan Washington Airports Authority's (Airports Authority) Board of Directors (Board) on July 20, 2022, explaining the need for the Phase 2 Metrorail Project (Project) budget increase, and outlining the additional funds needed to complete the Project.

The enclosures include the July Dulles Corridor Metrorail Project Phase 2 Project Update and the Recommendation to Amend the Dulles Corridor Enterprise Fund Metrorail Project Phase 2 Budget Within the Capital Improvement Program, both of which were presented to the Board on July 20, 2022, at which time the Board also approved the Amended Budget for Phase 2.

As you know, Fairfax County's obligation to fund the Project is governed by the Agreement to Fund the Capital Cost of Construction of Metrorail in the Dulles Corridor dated July 19, 2007, and the 2011 Memorandum of Agreement Among United States Department of Transportation, Commonwealth of Virginia, Fairfax County, Loudoun County, the Washington Metropolitan Area Transit Authority, and the Airports Authority. Based on these agreements, Fairfax County's required contribution for the approved budget amendment of \$250 million will be \$40,250,000.

Anne Field, Metrorail Project Controller, has been in contact with Fairfax staff Martha Coello and Joe LaHait regarding this matter, and they have discussed it in detail. Anne Field can continue to assist your staff with any additional questions they may have.

Sincerely,

A handwritten signature in black ink, reading "John E. Potter".

John E. Potter
President and Chief Executive Officer

Enclosures (2)

cc : Andrew Rountree, Sr. Vice President and Chief Financial Officer
Anne Field, Controller
Tom Biesiadny, Director, Fairfax County Department of Transportation
Martha E Coello, Division Chief, Special Projects Fairfax County Department of Transportation
Joe LaHait, Fairfax County Debt Manager

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mwaa.com



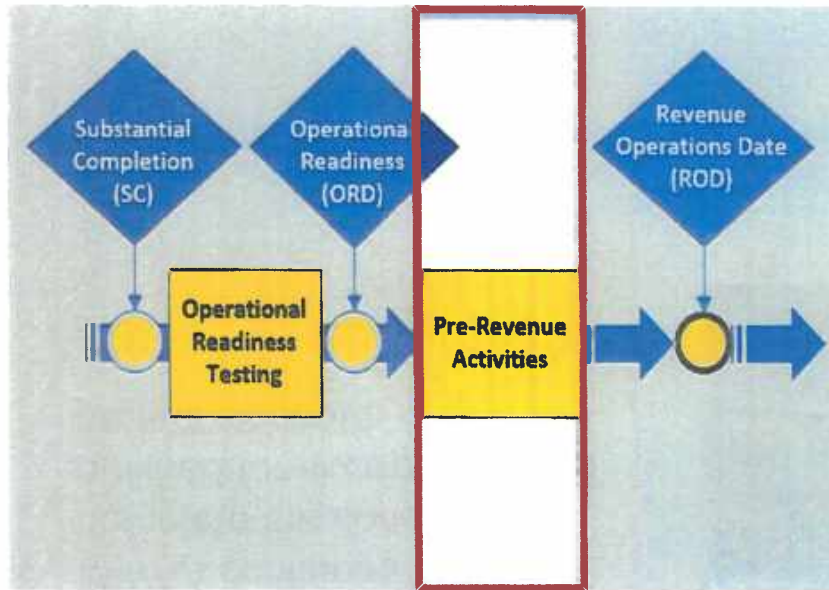
DULLES CORRIDOR METRORAIL PROJECT

PHASE 2 PROJECT UPDATE



JULY 2022

PHASE 2 MILESTONES



- Substantial Completion established in October 2021.
- Operational Readiness achieved on June 23, 2022 for Package A & B.
- WMATA assumed care, custody and control of the project.
- WMATA commenced operational preparations and activities in order to begin revenue service in the fall of 2022.

COURTESY OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

CURRENT STATUS

- CRC and HP are supporting work to complete minor remaining punchlist items, complete deferred testing and provide warranty support.
- MWAA continues efforts to complete the conditions outlined for acceptance and project closeout.



3



PROJECT CHALLENGES

- After work commenced on the Metrorail Project Phase 2, the project experienced scheduling delays and increased costs related to:
 - Project complexity at all levels
 - Many stakeholders WMATA, VDOT, TRIP II, VDGS, WMSC, FTA, Fairfax County, Loudoun County
 - Incorporated railyard as well as mainline and 6 stations
 - Integration to existing Metro system
 - Changes in project scope and safety requirements;
 - Updated design criteria to adopt new technology/industry standards
 - Incorporated National Fire Protection Association updated standard for Fixed Guideway Systems
 - Adopting updated environmental regulations governing stormwater management



PROJECT CHALLENGES (*continued*)

- After work commenced on the Metrorail Project Phase 2, the project experienced scheduling delays and increased costs related to
 - Unforeseen conditions during construction
 - Unusually hard rock, poor subgrade
 - Utility conflicts
 - COVID-19 pandemic restrictions and supply chain challenges
 - Inefficiencies due to requirement to meet virtually during commissioning and testing phase
 - Disruption in planning and scheduling
 - Cost escalation as a result of inflation



PROJECT CLOSEOUT

- Resolved outstanding changes and requests for equitable adjustment for both packages.
- Resolved WMATA's request for additional funding to support additional maintenance, inspection and testing of specified items
- Estimated MWAA and WMATA administrative and advisory costs, which have been extended approximately 4 years as a result of delayed project delivery
- Closeout requires \$250M additional budget authority



NEXT STEPS

- Continue working with WMATA to meet Cooperative Agreement conditions of acceptance
- Continue project and contract closeout efforts
- Request increase to project budget to cover additional associated costs to closeout project.



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REPORT TO THE DULLES CORRIDOR AND FINANCE COMMITTEES

**RECOMMENDATION TO AMEND THE DULLES CORRIDOR
ENTERPRISE FUND METRORAIL PROJECT PHASE 2 BUDGET
WITHIN THE CAPITAL IMPROVEMENT PROGRAM**

JULY 2022



RECOMMENDED ACTION

Staff requests that the Dulles Corridor and Finance Committees (Committees) approve and recommend that the Board of Directors (Board) approve an amendment of the Dulles Corridor Enterprise Fund Metrorail Project Phase 2 (Metrorail Project Phase 2) Budget within the Capital Improvement Program (CIP). The total additional authorization requested is \$250.0 million.



DISCUSSION

- The Metrorail Project Phase 2 is the 11.4-mile completion of the Dulles Corridor Metrorail Project from Wiehle Avenue to Route 772 in eastern Loudoun County, commonly referred to as the second phase of the 'Silver Line Project'.
- The project includes six new stations, including a station at Washington Dulles International Airport (Dulles International) and a maintenance yard located on Dulles International's property. Included in Phase 2 is also the procurement of an additional 64 rail cars.
- The Metropolitan Washington Airports Authority (Airports Authority) established substantial completion of the project in October 2021, and the Washington Metropolitan Area Transit Authority (WMATA) subsequently declared Operational Readiness and assumed control of the project in June 2022, in preparation for revenue service.
- The current budget authorization for the Metrorail Project Phase 2 is \$2.778 billion.



DISCUSSION (*continued*)

- After work commenced on the Metrorail Project Phase 2, the project experienced scheduling delays and increased costs related to:
 - Project complexity at all levels;
 - Changes in project scope and safety requirements;
 - Adopting updated environmental regulations governing stormwater management;
 - Unforeseen conditions during construction;
 - COVID-19 pandemic restrictions and supply chain challenges; and
 - Cost escalation as a result of inflation.



DISCUSSION (continued)

- The Airports Authority has negotiated with all parties and resolved all existing issues related to:
 - Unresolved changes and requests for Equitable Adjustment by its contractors; and
 - Funding for a Trust Account between the Airports Authority and WMATA to support additional maintenance, inspection, and testing of specified items.
- The Airports Authority has also estimated the additional administrative and advisory costs for the Airports Authority and WMATA due to delays in project completion.
- Based on these project closeout requirements, the current forecast for the Metrorail Project Phase 2 is \$3.028 billion, requiring \$250.0 million to be added to the current budget authorization.



DISCUSSION (continued)

- The 2007 "Agreement to Fund the Capital Cost of Construction of Metrorail in the Dulles Corridor" among Fairfax and Loudoun Counties, and the Airports Authority, and the 2011 "Memorandum of Agreement" among the United States Department of Transportation, Commonwealth of Virginia, Fairfax and Loudoun Counties, WMATA, and the Airports Authority governs the added funding responsibilities.
- This budget amendment will not impact previously published projected Dulles Toll Road toll rates or the proposed toll rate increase for 2023.



DISCUSSION (continued)

SOURCES OF CAPITAL FUNDS Millions	PHASE 1 (Current)	PHASE 2 (Current)	TOTAL (Current)	PHASE 2 (after Proposed July 2022 Budget Amendment)		REVISED TOTAL (after Proposed July 2022 Budget Amendment)		REVISED TOTAL (after NVTA, CMAQ Funding and Proposed July 2022 Budget Amendment)	
				Budget Amendment Impact	Revised Phase 2 Total	Revised Total	% of Total	Revised Total	Resultant % of Total
Federal	\$ 900	\$ -	\$ 900	\$ -	\$ -	\$ 900	15.0%	\$ 900	15.0%
Commonwealth of Virginia - Federal Funds ⁽¹⁾	75	-	75	-	-	75	1.2%	75	1.2%
Commonwealth of Virginia - State Funds ⁽²⁾	177	323	500	-	323	500	8.3%	500	8.3%
Northern Virginia Transportation Authority ⁽³⁾	-	-	-	-	-	-	0.0%	60	1.0%
Congestion Mitigation Air Quality Grant ⁽⁴⁾	-	-	-	-	-	-	0.0%	11	0.2%
Fairfax County	400	527	927	40.3	567	967	16.1%	956	15.9%
Loudoun County	-	276	276	12.0	288	288	4.8%	285	4.7%
MWAA (Aviation Funds)	-	236	236	10.3	246	246	4.1%	243	4.0%
MWAA (Dulles Toll Road)	\$ 1,430	\$ 1,416	\$ 2,845	\$ 188	\$ 1,604	\$ 3,034	50.6%	\$ 2,980	49.6%
TOTAL SOURCES OF FUNDS	\$ 2,982	\$ 2,778	\$ 5,760	\$ 250	\$ 3,028	\$ 6,010	100.0%	\$ 6,010	100.0%

Note: Totals may not sum due to rounding.

(1) Includes \$75.0 million in Section 5307 Surface Transportation Program grant.

(2) Does not include \$150.0 million of Commonwealth used to pay interest on Dulles Toll Road revenue bonds.

(3) Grant from Northern Virginia Transportation Authority (NVTA) can only be used to pay or reimburse capital costs for Innovation Center Metrorail Station.

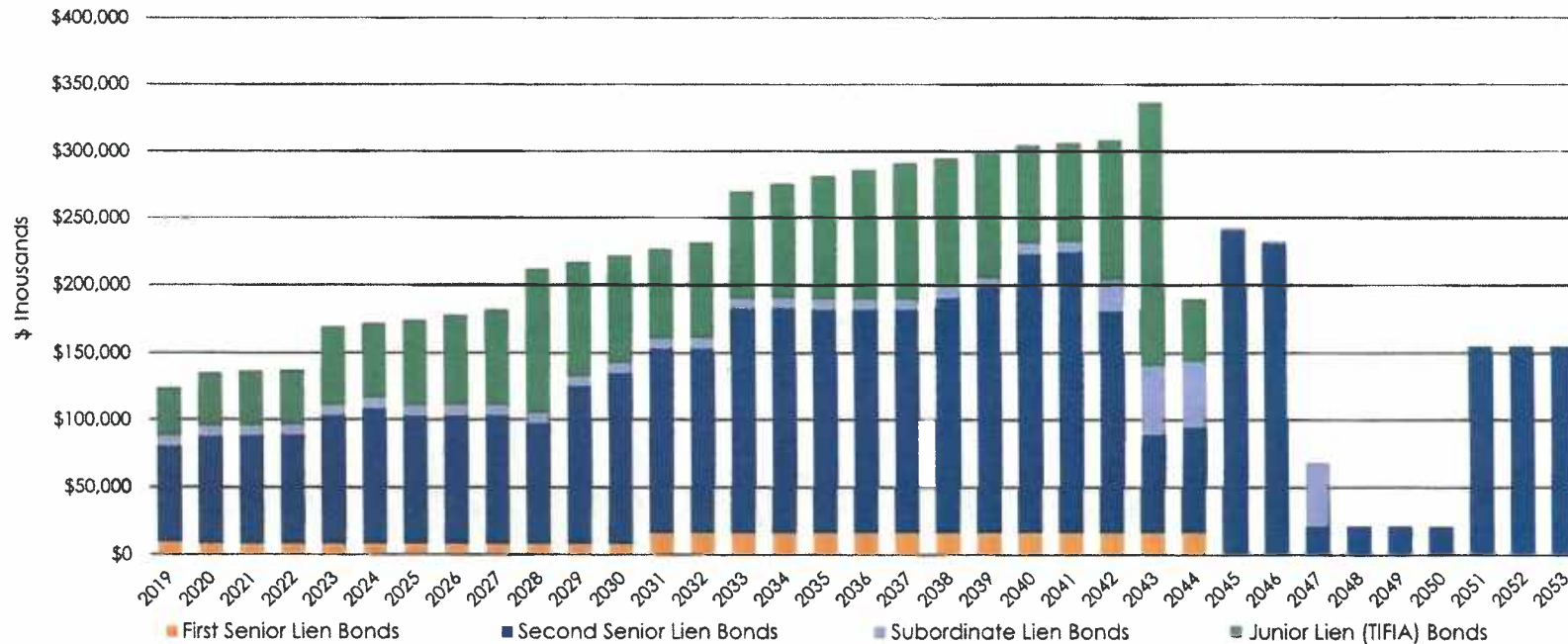
(4) Congestion Mitigation Air Quality Grant (CMAQ) can only be used to pay or reimburse capital costs for Innovation Center Metrorail Station.

Fixed Amount
Fixed Percentage of Total Cost
Residual



DISCUSSION (continued)

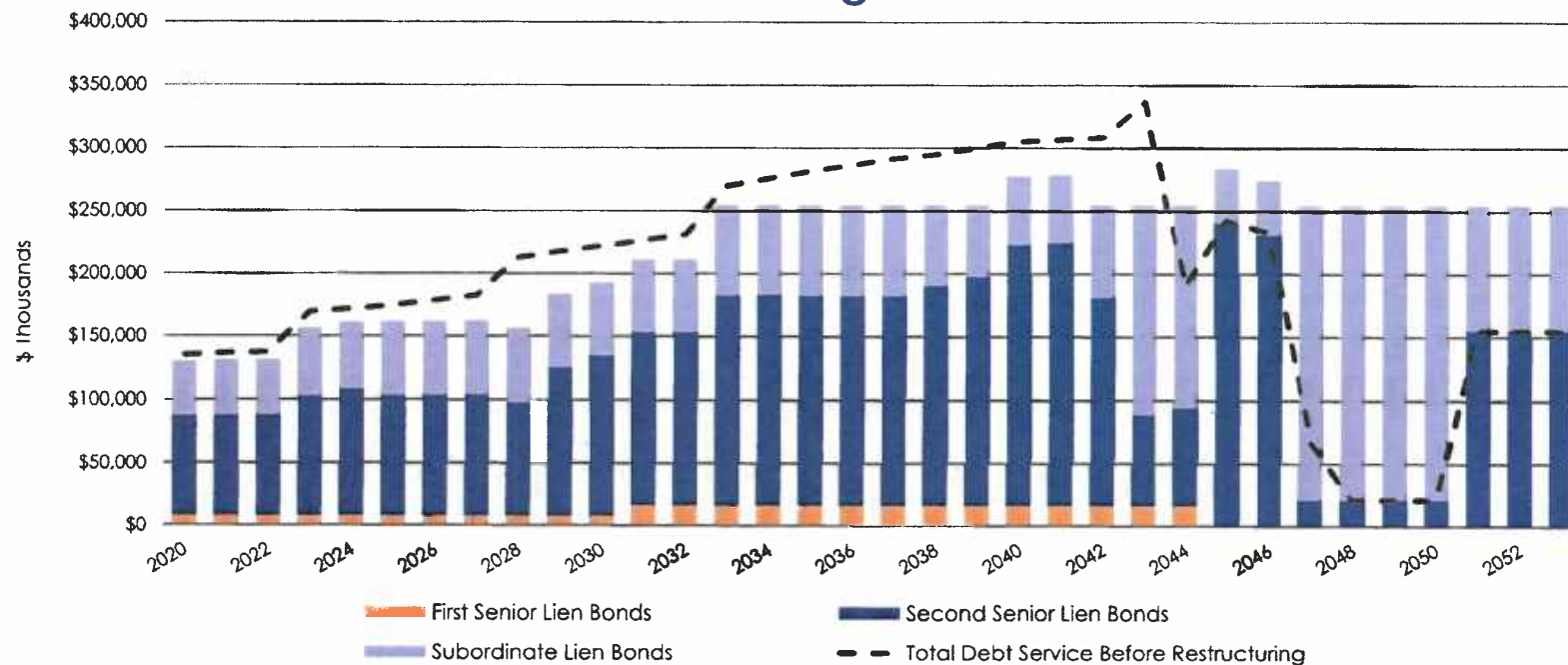
Dulles Toll Road (DTR) Debt Profile Prior to Series 2019B Transaction





DISCUSSION (continued)

DTR Debt Profile Following Series 2019B Transaction





DISCUSSION (continued)

Series 2019B DTR Transaction Benefit to Future Tolls

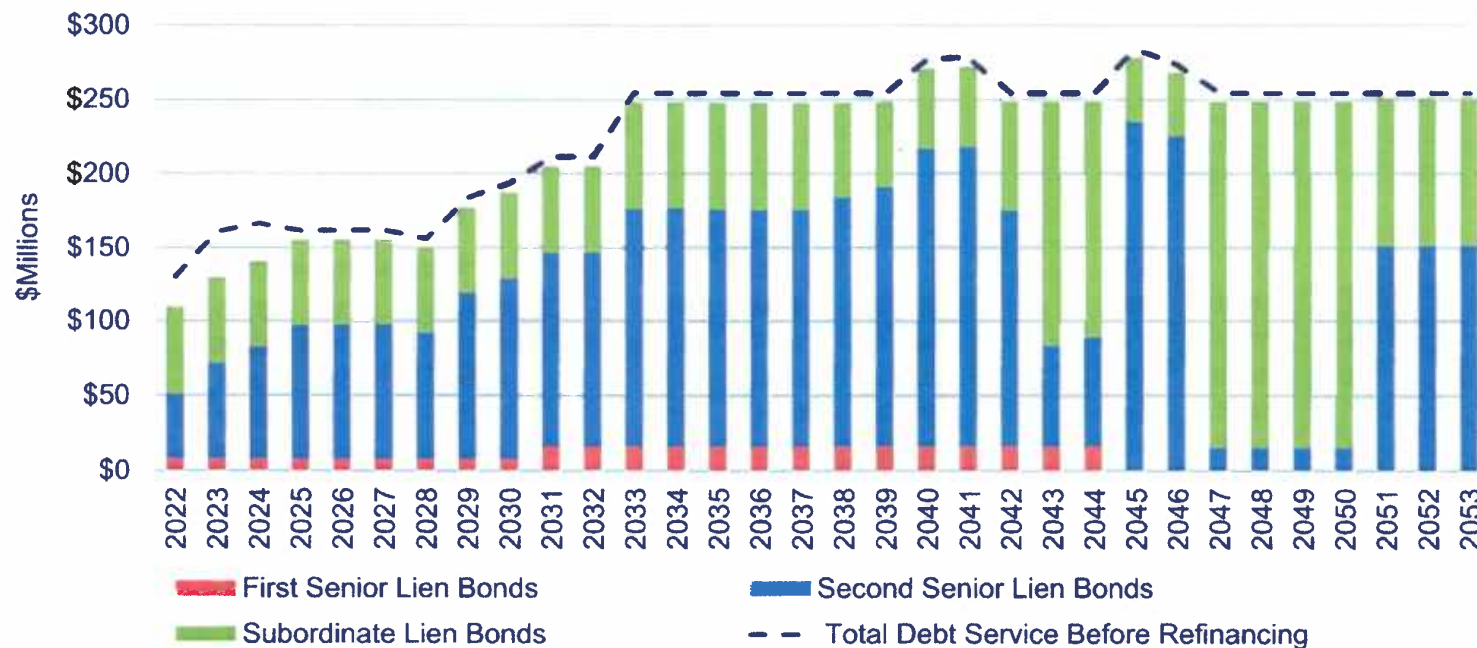
Year	Financial Planning Assumption in 2009 without TIFIA or State Grants			Financial Planning Estimates with TIFIA and State Grants			Potential Planning Estimates After TIFIA Refinancing		
	Mainline	Ramp	Cost of Typical Trip **	Mainline	Ramp	Cost of Typical Trip **	Mainline	Ramp	Cost of Typical Trip **
2009	\$0.75	\$0.50	\$1.25	\$0.75	\$0.50	\$1.25	\$0.75	\$0.50	\$1.25
2010	\$1.00	\$0.75	\$1.75	\$1.00	\$0.75	\$1.75	\$1.00	\$0.75	\$1.75
2011	\$1.25	\$0.75	\$2.00	\$1.25	\$0.75	\$2.00	\$1.25	\$0.75	\$2.00
2012	\$1.50	\$0.75	\$2.25	\$1.50	\$0.75	\$2.25	\$1.50	\$0.75	\$2.25
2013	\$2.75	\$1.75	\$4.50	\$1.75	\$1.00	\$2.75	\$1.75	\$1.00	\$2.75
2014	\$2.75	\$1.75	\$4.50	\$2.50	\$1.00	\$3.50	\$2.50	\$1.00	\$3.50
2015	\$2.75	\$1.75	\$4.50	\$2.50	\$1.00	\$3.50	\$2.50	\$1.00	\$3.50
2016	\$2.75	\$1.75	\$4.50	\$2.50	\$1.00	\$3.50	\$2.50	\$1.00	\$3.50
2017	\$2.75	\$1.75	\$4.50	\$2.50	\$1.00	\$3.50	\$2.50	\$1.00	\$3.50
2018	\$4.00	\$2.75	\$6.75	\$2.50	\$1.00	\$3.50	\$2.50	\$1.00	\$3.50
2019 - 2022	\$4.00	\$2.75	\$6.75	\$3.25	\$1.50	\$4.75	\$3.25	\$1.50	\$4.75
2023 - 2027	\$5.00	\$3.75	\$8.75	\$4.00	\$2.00	\$6.00	\$4.00	\$2.00	\$6.00
2028 - 2032	\$6.00	\$4.75	\$10.75	\$4.75	\$2.50	\$7.25	\$4.75	\$2.50	\$7.25
2033 - 2037	\$7.00	\$5.75	\$12.75	\$5.50	\$3.25	\$8.75	\$5.50	\$3.25	\$8.75
2038 - 2042	\$8.00	\$6.75	\$14.75	\$6.25	\$3.75	\$10.00	\$5.50	\$3.25	\$8.75
2043 - 2047	\$9.00	\$7.75	\$16.75	\$7.00	\$4.25	\$11.25	\$5.50	\$3.25	\$8.75

**Mainline Plaza toll plus one ramp transaction.



DISCUSSION (continued)

DTR Debt Profile Following Series 2022 Transaction





RECOMMENDATION

Staff requests that the Committees approve and recommend that the Board approve the amendment of the Dulles Corridor Enterprise Fund Metrorail Project Phase 2 Budget within the CIP. The total amount of additional authorization requested is \$250.0 million, which will be added to the existing \$2.778 billion previously budgeted, for a new total for Phase 2 of \$3.028 billion.



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REPORT TO THE DULLES CORRIDOR AND FINANCE COMMITTEES

RECOMMENDATION TO AMEND THE DULLES CORRIDOR ENTERPRISE FUND METRORAIL PROJECT PHASE 2 BUDGET WITHIN THE CAPITAL IMPROVEMENT PROGRAM

JULY 2022

RECOMMENDED ACTION

Staff requests that the Dulles Corridor and Finance Committees approve and recommend that the Board of Directors (Board) approve an amendment of the Dulles Corridor Enterprise Fund Metrorail Project Phase 2 (Metrorail Project Phase 2) Budget within the Capital Improvement Program (CIP). The total additional authorization requested is \$250.0 million.

DISCUSSION

The Metrorail Project Phase 2, with a current budget authorization of \$2.778 billion, is the 11.4-mile completion of the Dulles Corridor Metrorail Project from Wiehle Avenue to Route 772 in eastern Loudoun County, commonly referred to as the second phase of the 'Silver Line Project'. The project includes six new stations, including a station at Washington Dulles International Airport (Dulles International) and a maintenance yard located on Dulles International's property. Included in Phase 2 is also the procurement of an additional 64 rail cars. The Metropolitan Washington Airports Authority (Airports Authority) established substantial completion of the project in October 2021, and the Washington Metropolitan Area Transit Authority (WMATA) subsequently declared Operational Readiness and assumed control of the project in June 2022, in preparation for revenue service.

After work commenced on the Metrorail Project Phase 2, the project experienced scheduling delays and increased costs related to:

- Project complexity at all levels;
- Changes in project scope and safety requirements;
- Adopting updated environmental regulations governing stormwater management;
- Unforeseen conditions during construction;
- COVID-19 pandemic restrictions and supply chain challenges; and
- Cost escalation as a result of inflation.

The Airports Authority has negotiated with all parties and resolved all existing issues related to:

- Unresolved changes and requests for Equitable Adjustment by its contractors; and

- Funding for a Trust Account between the Airports Authority and WMATA to support additional maintenance, inspection, and testing of specified items.

The Airports Authority has also estimated the additional administrative and advisory costs for the Airports Authority and WMATA due to delays in project completion. Based on these project closeout requirements, the current forecast for the Metrorail Project Phase 2 is \$3.028 billion, requiring \$250.0 million to be added to the current budget authorization. The 2007 "Agreement to Fund Capital Cost of Construction of Metrorail in the Dulles Corridor" among Fairfax and Loudoun Counties, and the Airports Authority, and the 2011 "Memorandum of Agreement" among United States Department of Transportation, Commonwealth of Virginia, Fairfax and Loudoun Counties, WMATA, and the Airports Authority governs the added funding responsibilities. This budget amendment will not impact previously published projected Dulles Toll Road toll rates or the proposed toll rate increase for 2023.

Amendment Summary

SOURCES OF CAPITAL FUNDS <i>Millions</i>	PHASE 1 (Current)	PHASE 2 (Current)	TOTAL (Current)	PHASE 2 (after Proposed July 2022 Budget Amendment)		REVISED TOTAL (after Proposed July 2022 Budget Amendment)		REVISED TOTAL (after NVTA, CMAQ Funding and Proposed July 2022 Budget Amendment)	
				Budget Amendment	Revised Phase 2 Total	Revised Total	% of Total	Revised Total	% of Total
Federal	\$ 900	\$ -	\$ 900	\$ -	\$ -	\$ 900	15.0%	\$ 900	15.0%
Commonwealth of Virginia - Federal Funds ⁽¹⁾	75	-	75	-	-	75	1.3%	75	1.3%
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MWAA (Dulles Toll Road)	\$ 1,430	\$ 1,416	\$ 2,845	\$ 188	\$ 1,604	\$ 2,733	45.6%	\$ 2,980	49.6%
TOTAL SOURCES OF FUNDS	\$ 2,982	\$ 2,778	\$ 5,760	\$ 250	\$ 3,028	\$ 6,010	100.0%	\$ 6,010	100.0%

Note: Totals may not sum due to rounding.

(1) Includes \$75.0 million in Section 5307 Surface Transportation Program grant.

(2) Does not include \$150.0 million of Commonwealth used to pay interest on Dulles Toll Road revenue bonds.

(3) Grant from Northern Virginia Transportation Authority (NVTA) can only be used to pay or reimburse capital costs for Innovation Center Metrorail Station.

(4) Congestion Mitigation Air Quality Grant (CMAQ) can only be used to pay or reimburse capital costs for Innovation Center Metrorail Station.



RECOMMENDATION

Staff requests that the Dulles Corridor and Finance Committees approve and recommend that the Board approve the amendment of the Dulles Corridor Enterprise Fund Metrorail Project Phase 2 Budget within the CIP. The total amount of additional authorization requested is \$250.0 million, which will be added to the existing \$2.778 billion previously budgeted. The cumulative budget for the project after the amendment will be \$3.028 billion.

Prepared by:

Office of Finance
July 2022

Proposed Resolution

Recommendation to Amend the Budget for the Dulles Corridor Enterprise Fund Metrorail Project Phase 2 within the Capital Improvement Program

WHEREAS, On December 01, 2010, the Board of Directors (Board) in Resolution No. 10-46 adopted the 2011 Budget, which included, under the Dulles Corridor Enterprise Fund Capital Improvement Program, new and expanded projects in the amount of \$3,830,716,000 for the Metrorail Project Phase 2, subsequently revised to \$2,778,235,564 based upon scope and design changes;

WHEREAS, On December 15, 2021, the Board in Resolution No. 21-29 adopted the 2022 Budget, which included, 2022 authorized expenditures for the Dulles Corridor Metrorail Project of \$253,604,000, \$52,014,000 for Phase 1 and \$201,590,000 for Phase 2;

WHEREAS, The Metrorail Project Phase 2 is the 11.4-mile completion of the Dulles Corridor Metrorail Project from Wiehle Avenue to Route 772 in eastern Loudoun County, with six new stations, a maintenance yard located on Washington Dulles International Airport's property, and the procurement of an additional 64 rail cars;

WHEREAS, The Metropolitan Washington Airports Authority (Airports Authority) established substantial completion of the project in October 2021, and the Washington Metropolitan Area Transit Authority (WMATA) subsequently declared Operational Readiness and assumed control of the project in June 2022, in preparation for revenue service;

WHEREAS, The current forecast for the project is \$3,028,235,564, which is \$250,000,000 greater than the current budget authorization;

WHEREAS, The Airports Authority has negotiated with all parties and resolved all existing issues related to; (a) unresolved changes and requests for Equitable Adjustment by its contractors, and (b) funding for a Trust Account between the Airports Authority and WMATA, and estimated the additional administrative and advisory costs for the Airports Authority and WMATA due to delays in project completion;

WHEREAS, the additional \$250,000,000 will be funded in accordance with the 2007 "Agreement to Fund Capital Cost of Construction of Metrorail in the Dulles Corridor" among Fairfax and Loudoun Counties, and the Airports Authority, and the 2011 "Memorandum of Agreement" among United States Department of

Transportation, Commonwealth of Virginia, Fairfax and Loudoun Counties, WMATA, and the Airports Authority, which governs the added funding responsibilities; now, therefore, be it;

RESOLVED, That the 2022 authorized expenditures and the total budget authorization for the Dulles Corridor Enterprise Fund Metrorail Project Phase 2 within the Capital Improvement Program are hereby amended by \$250,000,000 which increases the previously authorized budget from \$2,778,235,564 to \$3,028,235,564.

*For Consideration by the Joint Dulles Corridor and Finance Committee and
Board of Directors on July 20, 2022*

Board Agenda Item
October 25, 2022

CONSIDERATION - 1

Adoption of a Resolution Dissolving the Historical Marker Project Voting Committee

ISSUE:

Adoption of a resolution dissolving the Historical Marker Project Voting Committee.

TIMING:

Board action is requested on October 25, 2022.

BACKGROUND:

The Historical Marker Project Voting Committee was formed with appointment of its members by the Board on February 22, 2022. Additional appointments were approved by the Board on March 22, 2022, and May 24, 2022.

The Historical Marker Project Voting Committee was formed to review, vote, and select submissions from K through 12 students for possible historical markers in the County representing Black/African American History, as part of a contest known as the Black/African American Historical Marker Project. The Committee forwarded its selections to the Fairfax County History Commission's historical marker review committee, resulting in six approved markers. Those markers and submissions were recognized by the Board on September 13, 2022.

The Committee is made up of fifteen seats, which are made up of a representative from the NAACP Youth Council, 3 Fairfax County Public School Equity Lead students, a Fairfax County Public School teacher, a George Mason professor, the Founder/Director of Gum Springs Museum and Cultural Center, and other Black/African American community leaders. There was one NCS staff person assigned to support the Historical Marker Project Voting Committee. This committee completed its work in July and the terms of service for all Committee members expired in August. No new members have been appointed.

The work of this committee was intended to be short-term. Based on the Committee fulfilling its purpose, NCS recommends dissolution of the Historical Marker Project Voting Committee.

Board Agenda Item
October 25, 2022

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Resolution Dissolving the Historical Marker Project Voting Committee

STAFF:
Suzette Reynolds, Neighborhood and Community Services, Community Impact Unit,
Interfaith Coordinator

ASSIGNED COUNSEL:
Erin L. Blanch, Assistant County Attorney

**RESOLUTION
DISSOLVING THE HISTORICAL MARKER PROJECT VOTING COMMITTEE**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia ("Board"), held in the Board Auditorium of the Fairfax County Government Center at 12000 Government Center Parkway in Fairfax, Virginia, on October 25, 2022, the following resolution was adopted:

WHEREAS, the Historical Marker Project Voting Committee was formed pursuant to Virginia Code § 15.2-1411 for the purpose of reviewing, voting, and selecting submissions from K through 12 students for possible historical markers in the County representing Black/African American History, as part of a contest known as the Black/African American Historical Marker Project, and

WHEREAS, the Black/African American Historical Marker Project was successfully completed and the Historical Marker Project Voting Committee has fulfilled its purpose, and

WHEREAS, continuation of the Historical Marker Project Voting Committee is within the discretion of the Board under Virginia Code § 15.2-1411,

NOW THEREFORE BE IT RESOLVED that the Historical Marker Project Voting Committee is hereby dissolved, and that the Department of Neighborhood and Community Services will take all steps necessary to fully dissolve the Historical Marker Project Voting Committee, including retention of all records of the Historical Marker Project Voting Committee as required by Virginia law.

GIVEN under my hand this ____ day of _____, 2022.

Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

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. *Tallas Bianca Robinson v. Kate Abigail Perry*, Case No. GV22-014274 (Fx. Co. Gen. Dist. Ct.)
 - 2. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Esio C. Vieira and Luz V. Minaya*, Case No. CL-2022-0009594 (Fx. Co. Cir. Ct.) (Braddock District)
 - 3. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Mark Steven Moratzka and Pamela J. Moratzka*, Case No. GV22-01884 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 - 4. *Jay Riat, Building Official for Fairfax County, Virginia v. Arsalan Anwar and Aqeel A. Khan*, Case No. GV22-009807 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 - 5. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Kevin T. Nguyen and Tina P. Huynh*, Case No. GV22-013110 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 - 6. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Gregory S. Souders*, Case No. GV22-014558 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
 - 7. *Jay Riat, Building Official for Fairfax County, Virginia v. Ahdi Farshad and Sima Taheri*, Case No. GV22-006636 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
 - 8. *Eileen M. McLane, Fairfax County Zoning Administrator v. Bryce A. Schwarzmman*, Case No. CL-2012-0006422 (Fx. Co. Cir. Ct.) (Hunter Mill District)

Board Agenda Item
October 25, 2022

9. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Salena Azaad*, Case No. CL-2021-0007584 (Fx. Co. Cir. Ct.) (Hunter Mill District)
10. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Gabriel E. Ortiz*, Case No. GV22-011831 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
11. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Michael W. Wittmann and Christopher E. Wittmann*, Case No.-pending (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
12. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sandy Ying-Tang Cheng and Yuk Yee Cheng*, Case No. CL-2022-0013232 (Fx. Co. Cir. Ct.) (Lee District)
13. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Sedaka A. Tomasto Tomateo, Juliana N. Lopez Mallqui, and Jose L. Lopez La Rosa*, Case No. CL-2022-0013231 (Fx. Co. Cir. Ct.) (Lee District)
14. *Jay Riat, Building Official for Fairfax County Virginia v. Ubedullah Mohammadullah*, Case No. GV22-006946 (Fx. Co. Gen Dist. Ct.) (Lee District)
15. *Jay Riat, Building Official for Fairfax County Virginia v. Julio C. Moreno and Lelfia D. Flores Blanco, aka, Lelfia Yanira Blanco*, Case No. GV22-014714 (Fx. Co. Gen Dist. Ct.) (Lee District)
16. *Jay Riat, Building Official for Fairfax County Virginia v. Honeida A. Manzano Cueva and Maria D. Cueva*, Case No. GV22-015099 (Fx. Co. Gen Dist. Ct.) (Lee District)
17. *Jay Riat, Building Official for Fairfax County Virginia v. 5238 Navaho Drive*, Case No. CL-2022-0013381 (Fx. Co. Cir. Ct.) (Mason District)
18. *Jay Riat, Building Official for Fairfax County Virginia v. Kevin Gonzalez and Antoinette Marie Gonzalez*, Case No. GV22-006147 (Fx. Co. Gen. Dist. Ct.) (Mason District)
19. *Jay Riat, Building Official for Fairfax County Virginia v. Lam T. Tran and Lynn Cheong*, Case No. GV22-011832 (Fx. Co. Gen. Dist. Ct.) (Mason District)
20. *Jay Riat, Building Official for Fairfax County Virginia v. William K. Cameron, Jr.*, Case No. GV22-009655 (Fx. Co. Gen. Dist. Ct.) (Mason District)

Board Agenda Item
October 25, 2022

21. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Rosewood Management & Consulting Services, LLC*, Case No. GV22-013916 (Fx. Co. Gen. Dist. Ct.) (Mason District)
22. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Hien Thi Hoang and An Troung Nguyen*, Case No. GV22-014020 (Fx. Co. Gen. Dist. Ct.) (Mason District)
23. *Jay Riat, Building Official for Fairfax County Virginia v. Danezza Quintero and Alberto Medina*, Case No. GV22-014560 (Fx. Co. Gen. Dist. Ct.) (Mason District)
24. *Jay Riat, Building Official for Fairfax County Virginia v. Baileys I, LLC*, Case No. GV22-014686 (Fx. Co. Gen. Dist. Ct.) (Mason District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Josette K. Moore*, Case No. GV22-015098 (Fx. Co. Gen. Dist. Ct.) (Mason District)
26. *Jay Riat, Building Official for Fairfax County Virginia v. Thumrong Duangrat and Banjonglak Duangrat*, Case No. GV22-015105 (Fx. Co. Gen. Dist. Ct.) (Mason District)
27. *Jay Riat, Building Official for Fairfax County Virginia v. Mia Mozino*, Case No. GV22-015104 (Fx. Co. Gen. Dist. Ct.) (Mason District)
28. *Jay Riat, Building Official for Fairfax County Virginia v. Sleepy Hollow Bath and Racquet Club, Inc.*, Case No. GV22-015106 (Fx. Co. Gen. Dist. Ct.) (Mason District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. 9140 Sama Group, LLC*, Case No. CL-2022-0010631 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Jay Riat, Building Official for Fairfax County Virginia v. Dennis L. Fry and Donna S. Fry*, Case No. GV22-011176 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
31. *Jay Riat, Building Official for Fairfax County Virginia v. JCR Lorton Station Investors, LLC and Lasani Food, Inc.*, Case No. GV22-013801 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
32. *Jay Riat, Building Official for Fairfax County Virginia v. Kings Crossing Shops LLC*, Case No. GV22-014684 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
33. *Leslie B. Johnson, Fairfax County Zoning Administrator v. MSSS, LLC*, Case No. GV22-015058 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

Board Agenda Item
October 25, 2022

34. *Jay Riat, Building Official for Fairfax County Virginia v. Gust Monis, Diane Monis, Grow24, LLC and American Cigar & Tobacco, Inc.*, Case No. GV22-015057 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
35. *Jay Riat, Building Official for Fairfax County Virginia v. Ariel Ward and Paul Bruce Ward II*, Case No. GV22-01886 (Fx. Co. Gen. Dist. Ct.) (Providence District)
36. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Deng Mang*, Case No. GV22-014715 (Fx. Co. Gen. Dist. Ct.) (Providence District)
37. *Jay Riat, Building Official for Fairfax County Virginia v. Maritza Perez Gonzalez and Mariela Barboza*, Case No. GV22-000447 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
38. *Jay Riat, Building Official for Fairfax County Virginia v. Umit Demirci and Selma Demirci*, Case No. GV22-014683 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
39. *Jay Riat, Building Official for Fairfax County Virginia v. Alejandro Bilbao LaVieja Ruiz and Nataly Mautino Taborgs*, Case No. GV22-014685 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
40. *Jay Riat, Building Official for Fairfax County Virginia v. Maysa K. Moulhem*, Case No. GV22-015396 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
41. *Jay Riat, Building Official for Fairfax County Virginia v. Gail Harris*, Case No. GV22-005090 (Fx. Co. Gen. Dist. Ct.) (Sully District)
42. *Jay Riat, Building Official for Fairfax County Virginia v. Belikiz Mamut and Dilshat Muhammet*, Case No. GV22-008243 (Fx. Co. Gen. Dist. Ct.) (Sully District)
43. *Board of Supervisors of Fairfax County, Virginia v. 1STOPCONNECT LLC*, Case No. GV22-008242 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

Board Agenda Item
October 25, 2022

3:30 p.m.

Public Hearing on SEA 85-C-010-02 (Reston Commerce, LLC) to Amend SE 85-C-010 Previously Approved for a Fast Food Restaurant with Drive Through to Replace the Existing Building with a New Fast Food Restaurant with Drive Through and Amend Development Conditions, Located on Approximately 0.87 Acres of Land (Hunter Mill District)

This property is located at 11257 Roger Bacon Drive, Reston, 20190. Tax Map 17-4 ((15)) (5) 4.

PLANNING COMMISSION RECOMMENDATION:

On September 21, 2022, the Planning Commission voted 11-0 (Commissioner Jimenez was absent from the meeting) to recommend to the Board of Supervisors the following:

- Approval of SEA 85-C-010-02, subject to the development conditions dated September 8, 2022; and
- Approval of a waiver of Subsection 6101.3 of the Zoning Ordinance requiring one loading space to that shown on the SEA Plat and as conditioned.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

ALERT: PLUS Release 4 Accommodation

During the PLUS Release 4 outage (October 21-October 31, 2022) BOS zoning application packages will be available on the following page:

<https://www.fairfaxcounty.gov/planning-development/plus/board-application-packages>

Following the PLUS Release 4, all materials will be uploaded to and available on the PLUS BOS Package page.

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

Board Agenda Item
October 25, 2022

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Damaris Martinez, Planner, DPD

Board Agenda Item
October 25, 2022

3:30 p.m.

Public Hearing on SEA 83-A-026 (Capital Services, Inc., DBA Ravensworth Shell) to Amend SE 83-A-026 Previously Approved for a Vehicle Fueling Station with Light Vehicle Repair and Maintenance to Permit a Vehicle Fueling Station with Convenience Retail Store and Associated Modifications to Site Design and Development Conditions and a Waiver of Minimum Lot Area, Located on Approximately 0.91 Acres of Land (Braddock District)

This property is located on the South West quadrant of the intersection of Braddock Road and Port Royal Road. Tax Map 70-4 ((10)) 12 (pt.).

PLANNING COMMISSION RECOMMENDATION:

On September 21, 2022, the Planning Commission voted 10-0-1 (Commissioner Jimenez was absent from the meeting. Commissioner Clarke abstained from the vote.) to recommend to the Board of Supervisors the following:

- Approval of SEA 83-A-026, subject to the development conditions dated September 21, 2022; and
- Approval of a waiver of the 40,000 square-foot minimum required lot area to permit the 0.91 acre SEA area.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

ALERT: PLUS Release 4 Accommodation

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Board Agenda Item
October 25, 2022

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Kevin McMahan, Planner, DPD

Board Agenda Item
October 25, 2022

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance Expanding the Herndon Residential Permit Parking District, District 26 (Dranesville 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 Herndon Residential Permit Parking District (RPPD), District 26.

RECOMMENDATION:

The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G of the Fairfax County Code to expand the Herndon RPPD, District 26.

TIMING:

On September 13, 2022, the Board authorized advertisement of a public hearing to consider the proposed amendment to Appendix G of the Fairfax County Code, to take place on October 25, 2022, 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 and expand 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 at least 75 percent of the land abutting each block within the proposed District is developed residential. 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.

Staff has verified that the petitioning blocks of Philmont Drive, Ridgeway Drive, and Thurber Street are within 2,000 feet walking distance from the pedestrian entrances

Board Agenda Item
October 25, 2022

and/or 1,000 feet from the property boundaries of Herndon High School and thus qualify for inclusion in the RPPD in accordance with Fairfax County Code Section 82-5A-4(a) based on proximity. Staff has also verified that all other requirements to expand the RPPD discussed above have been met.

FISCAL IMPACT:

Funding in the amount of approximately \$2,900 is required for signage and installation. Funds are currently available in Fairfax County Department of Transportation Fund 100-C10001, General Fund.

ENCLOSED DOCUMENTS:

Attachment I: Proposed Amendment to the Fairfax County Code
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:

Rachel Flynn, Deputy County Executive
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)
Gregg Steverson, Deputy Director, FCDOT
Lisa Witt, Chief, Administrative Services, FCDOT
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Henri Stein McCartney, Sr. Transportation Planner, FCDOT

ASSIGNED COUNSEL:

F. Hayden Coddington, Assistant County Attorney

Appendix G

G-26. Herndon Residential Permit Parking District

- (a) *Purpose and Intent.* The Herndon Residential Permit Parking District is established to protect the residential area from polluted air, excessive noise, and other adverse impacts of automobile commuting; to protect the residents of these areas from unreasonable burdens in gaining access to their property; and to preserve the residential character of the area and the property values therein.
- (b) *District Designation.*
- (1) The Herndon Residential Permit Parking District is designated as Residential Permit Parking District 26, for the purposes of signing and vehicle decal identification.
 - (2) Blocks included in the Herndon Residential Permit Parking District are shown on the Official Residential Permit Parking District Map and are as described below:

Kingstream Circle (Route 6963):

From Bennett Street to Woodvale Court

Meadow Chase Drive (Route 7803):

The entire length

Kingstream Drive (Route 6701):

From Kingstream Circle to Kingsvale Circle North

Kingsvale Circle (Route 6965):

From Kingstream Drive South to Kingstream Drive North-

Kingstream Circle (Route 6963):

From Kingstream Drive to Meadow Chase Drive-

Kings Valley Court (Route 10369):

From Kingstream Circle to the cul-de-sac inclusive-

Philmont Drive (Route 10352):

From Thurber Street to the cul-de-sac inclusive

Ridgegate Drive (Route 10350):

From Dranesville Road to the cul-de-sac inclusive

Thurber Street (Route 10351):

From Ridgegate Drive to Philmont Drive

(c) *District Provisions.*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5A of Chapter 82.
- (2) Parking is prohibited along the described street blocks, both sides, within the Herndon Residential Permit Parking District from 8:00 a.m. to 3:30 p.m., Monday through Friday, when school is in session, except as permitted by the provisions of Article 5A of Chapter 82.
- (3) One (1) free transferable visitor pass per address shall be issued in the name of a bona fide resident of said address and said pass shall be valid for a maximum of two (2) years from the month issued, not to exceed the expiration date on the pass.
- (4) Owners of property in the District who are not bona fide residents of said District may obtain a temporary visitor parking pass for periods not to exceed two weeks.
- (5) All permits and visitor passes for the Herndon Residential Permit Parking District shall expire on June 30, 1999. Thereafter, all permits and visitor passes may be renewed for periods of two years.

(d) *Signs.* Signs delineating the Herndon Residential Permit Parking District shall indicate the following:

NO PARKING
8:00 a.m.—3:30 p.m.
School Days
Except by Permit
District 26

Fairfax County
Department of Transportation
 Residential Permit Parking District
 Herndon RPPD (26)
 Dranesville District



Herndon RPPD

— — — — — Proposed RPPD Restrictions

Tax Map: 10-2

Board Agenda Item
October 25, 2022

4:00 p.m.

Public Comment on Issues of Concern