

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
September 13, 2022**

**AGENDA**

9:30	<b>Done</b>	<a href="#">Presentations</a>
9:30	<b>Done</b>	<a href="#">COVID-19 After-Action Report Phase 2 Presentation</a>
10:00	<b>Done</b>	<a href="#">Presentation of the Volunteer Fire Commission Awards and Annual Report</a>
10:00	<b>Done</b>	<a href="#">Board Appointments to Citizen Boards, Authorities, Commissions, and Advisory Groups</a>
10:00	<b>Done</b>	<a href="#">Matters Presented by Board Members</a>
10:00	<b>Done</b>	<a href="#">Items Presented by the County Executive</a>

**ADMINISTRATIVE  
ITEMS**

1	<b>Approved</b>	<a href="#">Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program – Meadow Hunt Drive (Sully District)</a>
2	<b>Approved</b>	<a href="#">Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program – Villa Street (Lee District)</a>
3	<b>Approved</b>	<a href="#">Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 1724 Beulah Road (Hunter Mill District)</a>
4	<b>Approved</b>	<a href="#">Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 12839 Lee Highway (Springfield District)</a>
5	<b>Approved</b>	<a href="#">Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6120 Hillview Avenue (Lee District)</a>
6	<b>Approved</b>	<a href="#">Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program – Hampton Knolls Drive (Lee District)</a>
7	<b>Approved</b>	<a href="#">Approval of Streets into the Secondary System (Dranesville District)</a>
8	<b>Approved</b>	<a href="#">Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Guinea Road (Braddock District)</a>

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
September 13, 2022**

**ADMINISTRATIVE  
ITEMS  
(continued)**

- |    |                 |  |
|----|-----------------|--|
| 9  | <b>Approved</b> | Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Old Dairy Road (Sully District)   |
| 10 | <b>Approved</b> | Extension of Review Period for 2232 Application (Springfield District)   |
| 11 | <b>Approved</b> | Extension of Review Period for 2232 Application (Springfield District)   |
| 12 | <b>Approved</b> | Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance Expanding the Herndon Residential Permit Parking District, District 26 (Dranesville District)  |
| 13 | <b>Approved</b> | Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Hampton Knolls Drive (Lee District)   |
| 14 | <b>Approved</b> | Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Villa Street (Lee District)   |
| 15 | <b>Approved</b> | Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Eskridge Road (Providence District)   |
| 16 | <b>Approved</b> | Authorization to Advertise a Public Hearing on a Proposed Amendment to Appendix Q (Land Development Services Fee Schedule) of The Code of the County of Fairfax, Virginia (County Code) Re: Exemption from the Fee for Installation of Electric Vehicle Charging (EVC) Equipment for a Trial Period of Eighteen Months |

**ACTION ITEMS**

- |   |                 |  |
|---|-----------------|--|
| 1 | <b>Approved</b> | Approval of Memorandum of Agreement Between the City of Fairfax and the County of Fairfax for Animal Shelter Services      |
| 2 | <b>Approved</b> | Resolution to Support the Abandonment of a Portion of a Richmond Highway Service Road (Route 5230) (Mount Vernon District) |
| 3 | <b>Approved</b> | Presentation of the Delinquent Tax List for Tax Year 2021 (FY 2022)  |



**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
September 13, 2022**

**ACTION ITEMS  
(continued)**

- |    |                 |   |
|----|-----------------|---|
| 4  | <b>Approved</b> | Approval of a Project Agreement Between the Virginia Department of Rail and Public Transportation (DRPT) and Fairfax County for FY 2023 I-66 Outside the Beltway Toll Revenue for the Implementation and Operation of New Fairfax Connector Bus Service |
| 5  | <b>Approved</b> | Approval of Fairfax Connector January 14, 2023, Service Changes (Braddock, Dranesville, Hunter Mill, Providence, Springfield, and Sully Districts)  |
| 6  | <b>Approved</b> | Authorization to Sign Standard Project Agreements for Distribution of I-66 Inside the Beltway Toll Revenues for Multi-modal Projects in the I-66 Corridor (Providence, Dranesville, and Hunter Mill Districts)  |
| 7  | <b>Approved</b> | Endorsement of Locally Preferred Alternative for the Soapstone Connector Project from Sunrise Valley Drive to Sunset Hills Road (Hunter Mill District)  |
| 8  | <b>Approved</b> | Approval of and Authorization to Execute a Memorandum of Agreement for the Soapstone Connector Project from Sunrise Valley Drive to Sunset Hills Road (Hunter Mill District)  |
| 9  | <b>Approved</b> | Resolution of Support for Modifications of the Limited Access Line at the Intersection of Franconia-Springfield Parkway and Walker Lane to Provide Direct Vehicle and Pedestrian Access (Lee District)  |
| 10 | <b>Approved</b> | Approval of a Resolution to Authorize the Extension of Time to Issue General Obligation Bonds for Transportation Improvements   |
| 11 | <b>Approved</b> | Authorization to Execute a Project Agreement with the City of Fairfax for the Construction and Maintenance of CUE Bus Stops (Providence District)   |
| 12 | <b>Approved</b> | Approval of Request to Rename Lee Highway as Route 29 and Lee-Jackson Memorial Highway as Route 50 (Braddock, Providence, Springfield, and Sully Districts)   |
| 13 | <b>Approved</b> | Resolution of Support for Modifications to the Existing Limited Access Lines along Gallows Road in Merrifield (Providence District)   |

**FAIRFAX COUNTY  
BOARD OF SUPERVISORS  
September 13, 2022**

**ACTION ITEMS  
(continued)**

- |    |                 |  |
|----|-----------------|--|
| 14 | <b>Approved</b> | Endorsement of the Residential Traffic Administration Program (RTAP) Cut-Through Traffic Operating Procedures  |
| 15 | <b>Approved</b> | Authorization for the Department of Transportation to Apply for and Accept Grant Funding from the United States Department of Transportation's FY 2022 Safe Streets and Roads for All (SS4A) Discretionary Grant Program |

**CLOSED SESSION**

**Done**      Closed Session

**PUBLIC  
HEARINGS**

- |      |                  |   |
|------|------------------|---|
| 3:30 | <b>Withdrawn</b> | Decision Only on Update to Chapter 62 of the Code of the County of Fairfax, Proposed Amendments   |
| 3:30 | <b>Approved</b>  | Public Hearing on RZ 2021-MV-00025 (5904 Richmond Highway LLC) (Mount Vernon District)  |
| 3:30 | <b>Approved</b>  | Public Hearing on SEA 88-V-064-05 (The Board of Supervisors of Fairfax County) (Mount Vernon District)  |
| 3:30 | <b>Approved</b>  | Public Hearing on RZ 2021-LE-00018 (Inova Health Care Services) (Lee District)  |
| 4:00 | <b>Approved</b>  | Public Hearing on a Proposal to Prohibit Through Truck Traffic on Bull Run Post Office Road (Sully District)  |
| 4:00 | <b>Approved</b>  | Public Hearing to Consider Establishing the Lee Landing Community Parking District (Providence District)  |
| 4:00 | <b>Approved</b>  | Public Hearing to Convey County-Owned Property to the Virginia Department of Transportation for the Route 29 Widening Project Phase II (Springfield District) |
| 4:30 | <b>Approved</b>  | Public Hearing to Lease the I-95 Lorton Landfill for the Purpose of Installing Solar Facilities (Mount Vernon District)                                       |
| 4:30 | <b>Approved</b>  | Public Hearing on PCA 2022-LE-005-02 (RZPA 2021-LE-00008) (ALWADI) (Lee District)   |
| 4:30 | <b>Done</b>      | Public Comment  |



# *Fairfax County, Virginia*

## **BOARD OF SUPERVISORS**

### **AGENDA**

**Tuesday  
September 13, 2022**

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9:30 a.m.

#### **PRESENTATIONS**

- PROCLAMATION — To designate September 2022 as Pets on Wheels Month. Requested by Supervisor Gross.
- **PROCLAMATION — To designate September 17 and 18, 2022 as Volunteerfest 2022.** ~~RESOLUTION — To recognize Volunteer Fairfax on its 50<sup>th</sup> anniversary.~~ Requested by Chairman McKay.
- PROCLAMATION — To designate September 17-23, 2022 as Constitution Week. Requested by Chairman McKay and Supervisor Gross.
- RESOLUTION — To recognize McLean Project for the Arts on its 60th anniversary. Requested by Supervisor Foust.
- PROCLAMATION — To designate September 2022 as Suicide Prevention Month. Requested by Chairman McKay and Supervisors Walkinshaw **and Smith.**
- PROCLAMATION — To designate September 2022 as Preparedness Month. Requested by Supervisor Lusk.

#### **STAFF:**

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

Board Agenda Item  
September 13, 2022

9:30 a.m.

COVID-19 After-Action Report Phase 2 Presentation

ENCLOSED DOCUMENTS:

Attachment 1: COVID-19 After-Action Report Phase 2 Presentation

Attachment 2: Community Input COVID-19 Survey Summary

PRESENTED BY:

Seamus Mooney, Coordinator, Department of Emergency Management and Security



# COVID-19 After Action Reports

Update on Summary of Findings

September 13, 2022

Seamus Mooney, DEMS Coordinator

## Efforts Since Last Presentation:

- Provided the Board the draft AAR #1 for review.
- Interviewed each Board office.
- Developed surveys to collect input from the Public, Community-based Organizations (CBOs), and the Private Sector.
- Worked with FCHD to ensure there are no gaps between their internal review and the County after-action review.



## Strengths

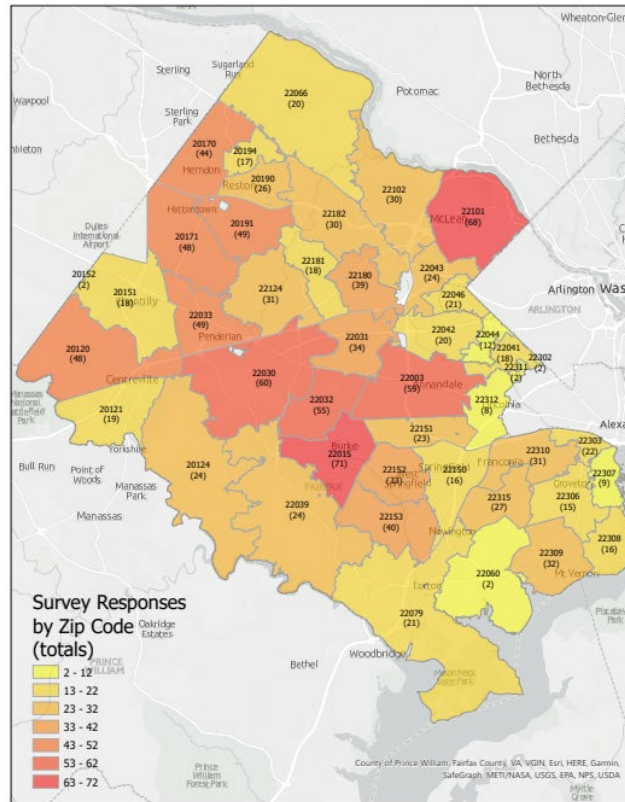
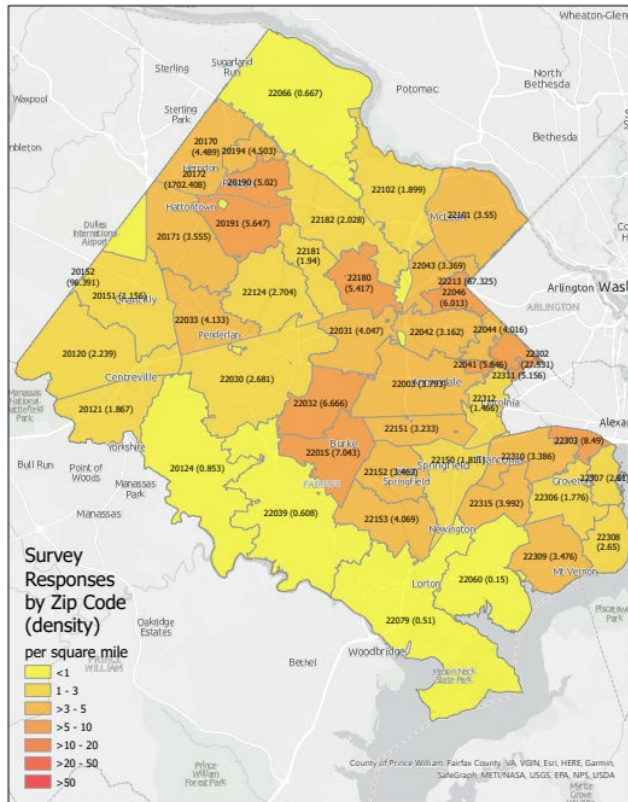
- Internal communications were excellent. The blog centralized a lot of information for County residents.
- Establishing the processes and technology to allow people to testify to the board remotely was a major success and will continue moving forward.
- Operationally, the County process for grants and microloans allowed money to get out quickly.
- In certain settings, COVID-related changes to operations actually made things better than pre-COVID.
- A strength was flexibility in supporting businesses, but it is important that the County go deeper with those efforts and have a better template for the type of response and timing for implementing support.

## Areas for Improvement/Recommendation

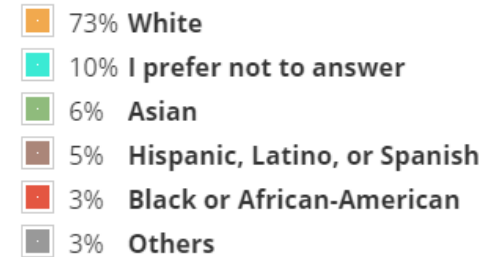
- The protection of employees, particularly those in the field who cannot work remotely, needs to be a priority for any future incident and to improve the resilience of our employees.
- Regionally, Fairfax County worked really well with Northern Virginia Partners, and we need to continue to build on that.
- Need to make sure community-based organizations continue to be viable and can provide their services, as they are crucial to the County response.
- The dashboard was a good communication tool that helped people find information for themselves.
- Challenges of January 18, 2021, online vaccine registration.



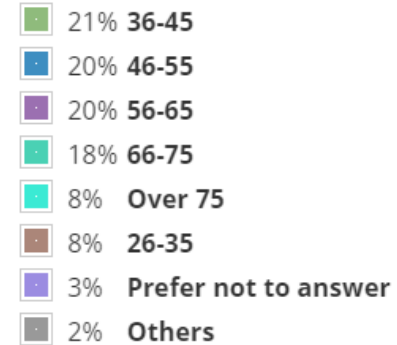
Received responses from every zip code in Fairfax County



Race/Ethnicity of Survey Respondents



Age of Survey Respondents





## Community Input Survey – 2148 responses

- 90% had little or no difficulty accessing county government services.
- 89% had little or no difficulty accessing the County's COVID-19 services.

## Businesses Survey – 147 responses

- 71% (on average) indicated operations would have ceased or been negatively affected without access to county services.

*COVID restrictions were strict, resulting in less accessibility to staff, limited access to facilities, as well as difficulty finding information regarding COVID.*

## Community-based Organizations Survey – 70 responses\*

- 97% rated collaborative efforts with the county as satisfactory or better.

*\*Survey shared directly with partner organizations*

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## Strengths

- Earlier pilot project with electronic plan review allowed Ordinances, Permitting, Code, and Business processes to go electronic quickly.
- A planned online transition for Land Development Services (expected in 2022) was executed in only three weeks.
- Telehealth increased community member engagement in services for sexual abuse and/or violence support.

## Areas for Improvement

- There was greater complexity in providing wrap-around services in the non-congregate shelter setting.
  - **Recommendation:** Update shelter plans and procedures to address the need for mental health services and other wrap-around services in both congregate and non-congregate settings. Ensure relationships and agreements with organizations that provide these wrap-around services reflect the enhanced needs and complexity of service delivery in non-congregate shelter settings like hotels.

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## Strengths

- Fairfax County maintains additional flexibility to support vulnerable community members due to the NCS waiver from FEMA for reimbursement of non-congregate sheltering under the Public Assistance Program.

## Areas for Improvement

- Online opportunities for residents to apply for services are significant, but there is a gap in tenants being able to apply online for rental assistance.
  - Recommendation:** Ensure equitable online resources are established and maintained to support better service delivery.
- Many services were supported with funding made available by the federal government (e.g., CARES, ARPA, FEMA), which may not be available in response to a different emergency.
  - Recommendation:** Determine what operations relied on federal funding during COVID. Assess options for funding flexibility and prioritization decisions on where funding can be directed and the mechanisms to allocate funding.

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## Strengths

- Mapping non-congregate (QPID) hotels supported decision-making by showing hotel location, capacity, and room availability.
- The county provided over \$90 Million in funding for basic needs assistance like rent, food and other support services to the community.



## Areas for Improvement

- There was variability in how agencies implemented health guidance. Rapidly changing guidance and details needed to implement guidance contributed to this variability.
  - **Recommendation:** Reassess the way in which health and safety guidance is given and communicated to county agencies, and agencies' ability to implement guidance uniformly throughout the organization.



## Strengths

- Use of media to promote ‘assistance from a distance’ to those who are isolated and need the program most; translated materials were shared directly with communities by staff and volunteers.
- NCS specialist connecting directly with clients allowed for other needs to be identified, which allowed for connection to additional services.



## Areas for Improvement

- The frequent information updates on HHS services and basic needs that were disseminated to the Board of Supervisors through numerous methods did not always reach Board members in a timely fashion.
  - **Recommendation:** Continue ‘Friday Briefing’ with the Board Offices in future incidents; establish criteria for adjusting frequency.
- Maintaining support to clients navigating county services and assistance beyond the pandemic.
  - **Recommendation:** Assess staffing level needed to sustain support.

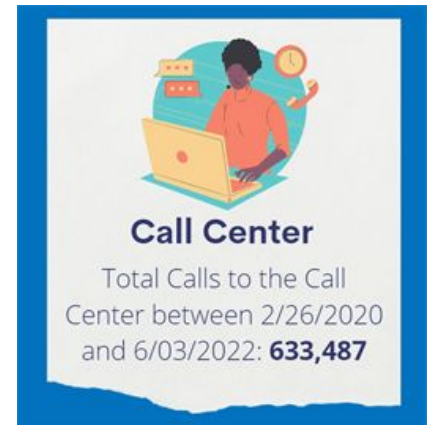


## Strengths

- Through strategic partnerships, established a large response organization of trained public health professionals to supplement county workforce.
- Versatility and dedication of HD employees.
- Work with skilled nursing facilities (SNF) to prevent large-scale COVID-19 outbreaks.
- Fairfax County's ability to operationalize COVID-19 testing.
- Collaboration of HDIT and DIT staff to develop county-wide and internal dashboards to consolidate data feeds to analyze and visualize data more quickly.

## Areas for Improvement

- Prolonged and arduous COVID-19 response profoundly affected staff mental health.
- Public health staffing was insufficient to meet the personnel demands of a large-scale, years-long response while also maintaining essential public health services.
- Purchasing process required additional time and labor to ensure accurate accounting during the response.
- Health IT platforms at the local and state levels were not integrated and did not allow for sharing or transfer of data.



## Strengths

- Health Department's emergency planning and readiness allowed for the largest and most effective mass vaccination campaign in the state, administering over 2.5 million doses and fully vaccinating 78% of all Fairfax residents.
- Essential Services Outreach Division connected with ~ 3,000 establishments and organized 55 vaccination clinics (as of 5/22).
- Medically Fragile Task Force has given over 3300 vaccinations, with over 2100 individuals vaccinated (as of 5/22).
- Private medical provider outreach allowed for greater access to vaccine.

### Alert System

30,000 new subscribers to alerts systems in the first months of the pandemic.



## Areas for Improvement

- Messaging challenges related to vaccine hesitancy, eligibility, and related topics.
- Continuous changes in vaccine eligibility at the national level led to confusion among County residents and challenges implementing changes locally.

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### National Environment

- Very start of national mass vaccination campaign.
- Severe shortage of vaccine.
- Fairfax County was allocated significantly less than the eligible demand in the first few months

### Challenge

## January 18, 2021 Mass Vaccination Registration

- System capacity overloaded.
- Extensive wait times.
- Incomplete registrations.
- Frustrated county residents.

### Response

- DIT expanded systems capacity to handle immediate capacity challenges; began to address long-term capacity across all systems.
- Adjusted to frequently changing state and federal requirements.
- Established better flexibility.
- Created more reliability than state system.

### Continuing Improvements

- Collaboration with DIT to create an IT Roadmap prioritizing systems functionality and integration.
- Designing with the expectation of integrating future innovations.
- Maintain and enhance the online scheduling platform and increased call center capacity for future emergencies.





# Thank you for your time.



## Questions?



## Community Input COVID-19 Survey Summary

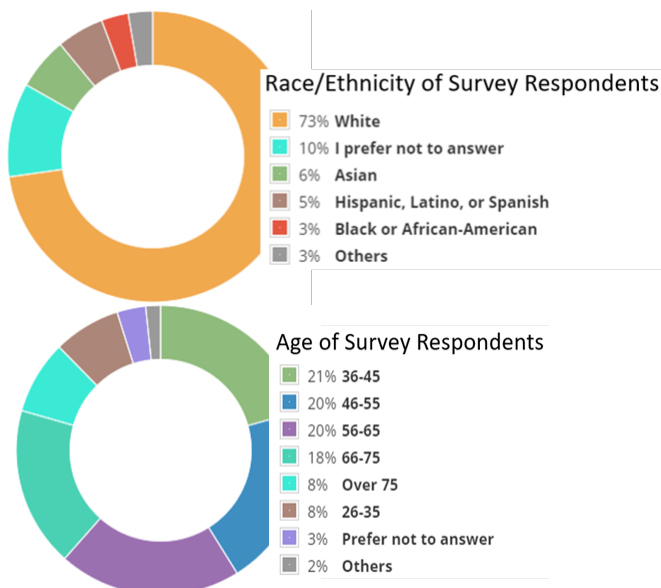
Fairfax County sought feedback from community members that interacted with county government staff, services, and resources during the pandemic.

The survey was available online from June 13 to July 13, 2022. It could be translated within the survey tool to all major languages used in the county. Hardcopy surveys were available at public libraries, including translated versions in the county's eight most commonly used languages.

The survey was promoted on fairfaxcounty.gov, social media, and with posters in county facilities.

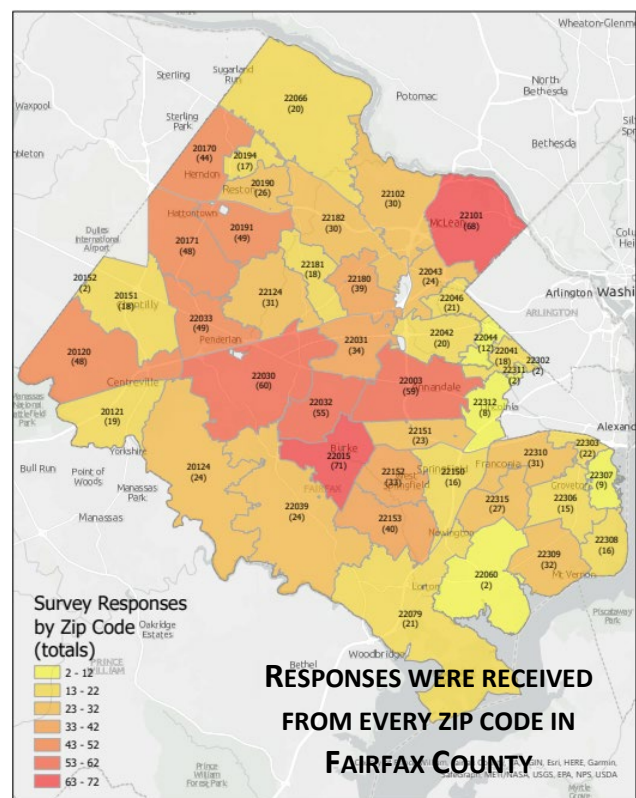


### 2148 survey responses received



Of the 2148 responses, 68% indicated someone in their household accessed services or received assistance from Fairfax County during the pandemic from January 2020 through December 2021.

As Fairfax County made changes to how services were delivered, residents found the best information in a variety of sources.



More than 50% of respondents found the information provided by Fairfax County on changes to services during the pandemic to:

- Have a useful and appropriate level of detail
- Be easy to understand
- Be easy to find



## Accessibility to County Services

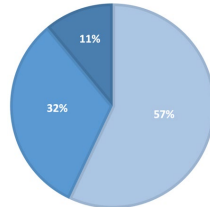
Respondents were asked how easy it was to access services based on community outcome areas.

- 90% had little or no difficulty accessing county government services.
- 89% had little or no difficulty accessing the County's COVID-19 services.

Graphics below show the responses based on service area. Only those that indicated a service was engaged could respond for that community outcome area. Response numbers are listed in parentheses.

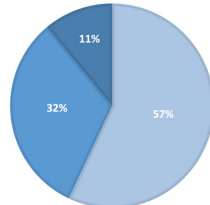
### Economic opportunities

(187 responses)



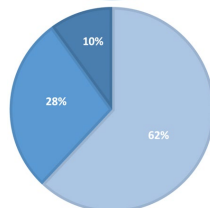
### Culture and/or recreation

(864 responses)



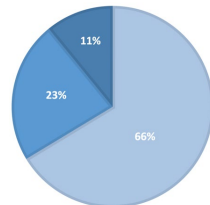
### Local government services

(907 responses)



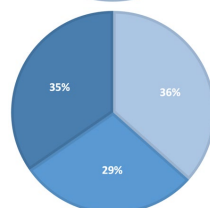
### The environment

(542 responses)



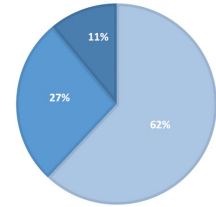
### Residents facing vulnerability

(185 responses)



### Local government COVID-19 services

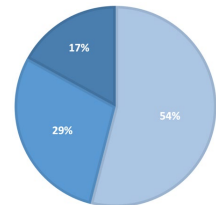
(1,091 responses)



### Health\* and Human Services

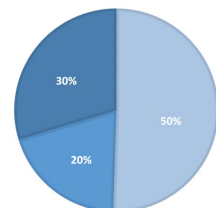
\*non-COVID-19 related services

(204 responses)



### Housing and neighborhood livability

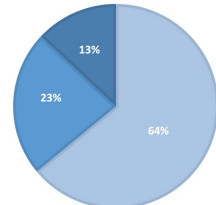
(71 responses)



### Lifelong learning and education\*

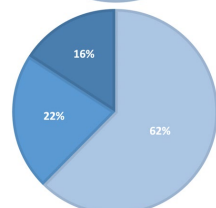
\*not Fairfax County Public School-related

(506 responses)



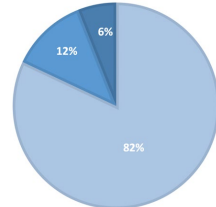
### Mobility and transportation

(180 responses)



### Safety and security

(265 responses)



**Color Key:**

- Easy to access services
- Minor challenge in accessing services
- Major challenge in accessing services

Board Agenda Item  
September 13, 2022

10:00 a.m.

Presentation of the Volunteer Fire Commission Awards and Annual Report

ENCLOSED DOCUMENTS:

Attachment I: Volunteer Fire Commission Annual Report

PRESENTED BY:

Shawn Stokes, Chair, Volunteer Fire Commission



# 2021 FAIRFAX COUNTY VOLUNTEER FIRE SERVICE **ANNUAL REPORT**

A COLLABORATIVE EFFORT BY

FAIRFAX COUNTY VOLUNTEER  
FIRE COMMISSION

AND



FAIRFAX COUNTY VOLUNTEER  
FIRE & RESCUE ASSOCIATION

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<b>21</b>	Awards

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# County of Fairfax, Virginia

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

## **Volunteer Fire Commission**

### **Zone I**

Companies 2, 8, 10  
Gerald B. Strider  
Bailey's Crossroads  
VFD  
*Vice-Chair*

### **Zone II**

Companies 5, 19, 22  
Sean R. McLaren  
Franconia VFD

### **Zone III**

Companies 14, 17, 21  
Robert J. Mizer  
Burke VFRD  
*Secretary*

### **Zone IV**

Companies 1, 12, 13  
Michael J. Masciola  
Dunn Loring VFRD

## **Volunteer Fire and Rescue Association Administrative**

Shawn P. Stokes  
Dunn Loring VFRD  
*Chairman*

## **Volunteer Fire and Rescue Association Operational**

Adam J. Searle  
Vienna VFD

## **At-Large Fire Commissioner**

Jeffrey A. Snow  
Vienna VFD

2021 was a year of transition, adaptation, and recovery from the initial impacts of COVID-19 by your volunteer partners in the Fairfax County Fire and Rescue Department. We transitioned to a different operating environment due to the roll out of vaccines and changes in masking and social distancing requirements. We quickly adapted to the needs of the Fire and Rescue Department to support staffing shortfalls caused by COVID-19. Finally, recovery began by our volunteer fire departments to ensure our continued viability as a partner in the community.

The challenges in 2021 continued to be significant – operationally, financially, and personally – for our volunteer departments and their members. However, the opportunities to continue to serve, to reconnect in the communities, and to plan for the future have set us on a path for 2022 and beyond. Our commitment to providing service to the citizens of Fairfax County remains the same.

Our continued relationship with the Fire Chief and the Fire and Rescue Department has allowed us to continue evolving and integrating the volunteers at all levels. While the operational challenges brought on by COVID-19 surged throughout the year, we used this as an opportunity for the volunteers to increase participation and provide coverage to keep units in-service. A few years ago, this level of integration would have been the exception, but today it is the rule. Our focused efforts to strengthen our partnership are providing dividends during this challenging time and they lay the groundwork for a stronger, more robust volunteer system.

In 2022, we continue our efforts to grow the volunteer system through targeted retention and recruitment efforts, we build on the successes of the existing volunteer integration, and we collectively and strategically plot a path to the future of the combination system. We look forward to continuing the partnership between the 12 member companies of the Fairfax County Volunteer Fire and Rescue Association and the Fairfax County Fire and Rescue Department.

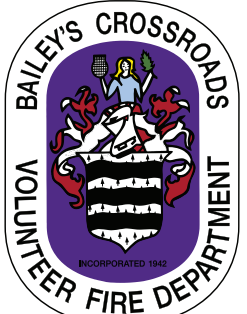
John S. Butler  
Fire Chief  
Fire and Rescue

Shawn P. Stokes  
Chairman  
Volunteer Fire Comm.

Michael Wendt  
President  
Volunteer F&R Assoc.

*The Volunteer Fire Commission is appointed by the Board of Supervisors to deal with the Fairfax County Fire and Rescue Department on all matters pertaining to the volunteer fire services in Fairfax County.*

**Volunteer Fire Commission**  
12099 Government Center Parkway  
Fairfax, VA 22035  
[www.fairfaxcounty.gov/fire-ems](http://www.fairfaxcounty.gov/fire-ems)



## ABOUT US

### THE FAIRFAX COUNTY VOLUNTEER FIRE SERVICE

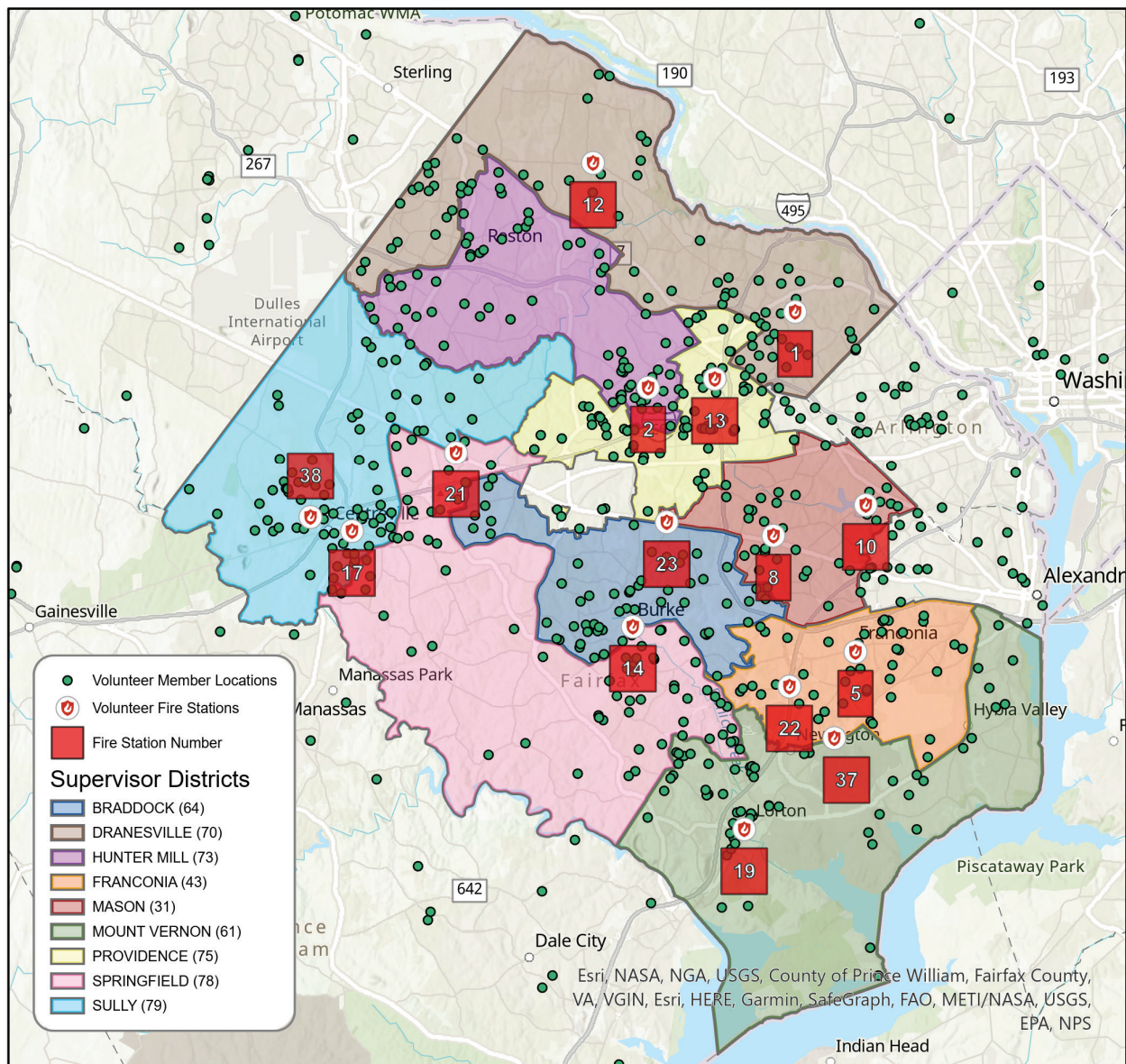
The Fairfax County Volunteer Fire and Rescue Association is comprised of 12 independently chartered volunteer fire and rescue departments operating throughout Fairfax County. The history of organized volunteering in Fairfax County, which can be traced back 117 years, parallels the history of the fire service in the United States. Today, volunteer members proudly serve in a combined career and volunteer fire and rescue system that was formally established in 1949.

Our members come from all walks of life, with ages of active volunteers spanning eight decades, and professional backgrounds from all industries and fields. We leverage our unique experiences, skills and educational backgrounds to contribute materially to the fire and rescue system, bringing our passion for public service to improve the safety and security of our neighbors and our communities.

We are proud to support one of the nation's premier fire departments, with our apparatus, facilities, and members contributing to the outstanding reputation of the Fairfax County Fire and Rescue Department. ■

# THE VOLUNTEER FIRE SERVICE IN FAIRFAX COUNTY

Fairfax County volunteer fire departments are located across the county, from north to south and east to west and 81% of our members live in the county, providing service in the communities where we live and work. The map below indicates the location of volunteer fire stations and those operated in partnership with the county. Volunteer member locations show where volunteers live throughout the county and the legend includes the total number of volunteer members living in each magisterial district.





# Magisterial District

## SPOTLIGHTS

The members of Fairfax County's volunteer fire departments live and work in the communities where we volunteer and serve including all nine county magisterial districts. These members are examples of the diverse group of public servants who compose the Fairfax County volunteer fire service.

### HUNTER MILL DISTRICT | Zach Smith



For Zach Smith, joining the Vienna VFD and becoming a Firefighter/EMT was just the first step in a personal journey that led to him changing his entire career to focus on public safety and emergency response. He now works for the US Cyberspace and Infrastructure Security Agency's Emergency Communication Division.

### MASON DISTRICT | Janet Araujo



"I grew up watching Fire Station 10 help people in my community," says Janet Araujo, whose childhood home was just a short walk away from the Bailey's Crossroads VFD. She is now one of its newest operational volunteers. "I wanted to be just like them." She is well on her way, having completed the introductory training courses, and joined multiple ambulance shifts as an observer. She is scheduled to begin EMT school at the Fire and Rescue Academy in the fall. "I was working a back to school event, at the Baileys Crossroads Community Center, and a girl that I know from my neighborhood, came up to me and told me that she wanted to be just like me. I just remember seeing my 13 year old self in this little girl. And in that moment, I felt so good and proud of the impression that I left and continue to leave."

### SPRINGFIELD DISTRICT | Harry Chelpon



"Every experience has left an impression," said Harry Chelpon when we asked what experiences in the VFD made the biggest impression on him. "Some you don't realize until much later. Whether it's reassuring a patient as you're loading them into the ambulance or helping a family make arrangements after losing a loved one, they all stay with you." Chelpon, who is now the senior chaplain for the entire Fairfax County Fire and Rescue Department as well as an operational volunteer at the Burke VFRD and adjunct instructor at the fire and rescue academy, specializes in helping first responders make sense and meaning of the difficult experiences that stay with them.

### SULLY DISTRICT | Anthony & Lauren Stancampiano



The Vienna VFD is home to husband-and-wife team Anthony and Lauren Stancampiano. Anthony, a Fairfax County police lieutenant, is the president. Lauren, an ICU nurse and former operational volunteer, is now the bingo manager. They've served together for fourteen years. Both joined the department before their eighteenth birthday, drawn to the challenge of work in the fire service and the opportunity to help people in need. "The real bonus," says Anthony, "is making life-long friends along the way." He also met his wife that way. They met through their membership at Vienna, married in 2016, and celebrated the birth of their first child in 2021.

## MOUNT VERNON DISTRICT | Mekde Ashagrea



"The Lorton VFD brought me in and introduced me to the world of EMS" says Mekde Ashagrea, who is now a professional EMT for MidWest Medical Transport as well as an operational volunteer and board member at Lorton. Fairfax County has been her home since she immigrated to the USA as a child in 2001. "I would say the one thing that is most interesting about Lorton in particular is how close the volunteer side is, not only with each other, but also with the career staff. As a station we all train together, work out together, cook and eat dinner together, making Lorton a second home for a lot of us."

## DRANESVILLE DISTRICT | Laura Calkins



"I initially started volunteering with the fire department after having to call 9-1-1 for a family member in respiratory distress," recalls Laura Calkins, a member of the McLean VFD who, as a Firefighter/Paramedic, is among the most highly trained volunteers in the county. When asked about the experience that left the biggest impression on her, she told us about a time when she arrived at the scene of a car crash to find ordinary bystanders already safeguarding the scene and caring for the injured. "You don't have to be a firefighter or paramedic to make a difference. Using what you have and showing compassion (and maybe taking a CPR class too!) can make a difference."

## BRADDOCK DISTRICT | Tonya McCreary & Matt Bryant



"We first learned about the fire department when we moved to the neighborhood more than 20 years ago and Santa Claus came through our development on a fire engine," recalls Matt Bryant, who serves as an administrative volunteer at the Burke VFRD alongside his wife, Tonya McCreary, who is also on the board of the Fairfax County Fire and Rescue Association. "We received the fund drive mailings and sent in some checks, but we knew an organization that took the time to spread holiday cheer in that way was a place we wanted to be." "I get the privilege of seeing the notes included in our fund drive donations," says Tonya, "and it really is humbling to see how we help people in their greatest moment of need, and how grateful they are for our professionalism, service and the kindness that our crews provide."

## FRANCONIA DISTRICT | Anthony Chu



"While on duty, we see parts of people's homes or businesses that maybe even their closest friends do not see," says Anthony Chu, an EMT and crew chief at the Bailey's Crossroads VFD. "How often does one get to walk the hallways leading to the projector room of a theater, or access a park from the hidden backroads?" Speaking of unusual experiences: in the fall of 2021, as thousands of hastily evacuated refugees from Afghanistan were arriving at Dulles Airport, he was one of the volunteers who signed-up to provide care for the evacuees. "Operational volunteers stepped-up over the course of weeks to provide additional units and staffing, sometimes driving across the county after work to staff a sleepless overnight shift before going to work the next day, then signing up for another shift a few days later."

## PROVIDENCE DISTRICT | Kim Burns



Kim Burns, a pilot for United Airlines, was drawn to the Dunn Loring VFRD by the strong sense of fellowship she felt from the first time she visited. "We have very similar personalities, but very different occupations," she says of her fellow volunteers. "I find it interesting that we all 'run to the fire' and compete for the next duty shift. It has been incredible to find others with such drive!"

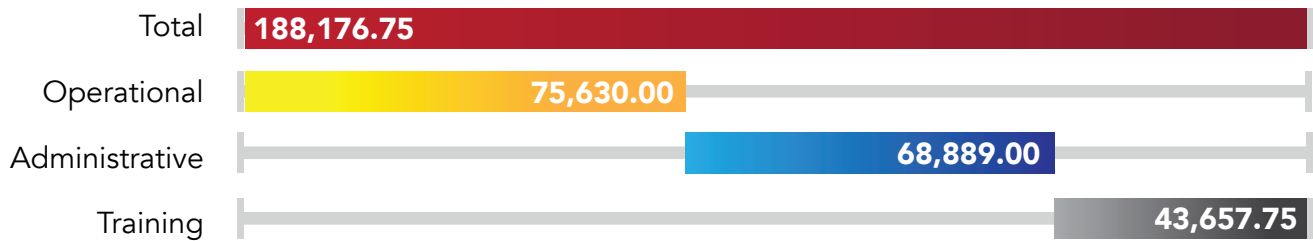
## 3,091,372 Volunteer Hours

have been reported in the Volunteer Management System (VMS) from its July 1, 2007 implementation through 2021.

Operational Hours	1,186,863
Administrative Hours	1,238,369
Training Hours	666,141

CY2021 hours are **↑ 22%** year-over-year from 2020 showing a recovery in volunteer participation following the pandemic and nearly returning to the long-term pre-pandemic trend.

### 2021 VOLUNTEER HOURS REPORTED



Additional Unit Duty Shifts are **up 11% Y/Y** from 2020.

▲ ALS	117%
▲ BLS	4%
▲ Engine	2%
▼ Canteen	-18%
▼ Command Officer	-25%
▲ Bike Team	125%
▲ Brush	167%
▲ Utility	400%

## FAIRFAX COUNTY VOLUNTEERS BY THE NUMBERS

### Additional Unit Duty Shift Trends

Volunteers placed 1,500 additional units in service in 2021, an 11% increase over 2020. Of these, 1,148 were EMS units responding to calls for medical emergencies.

Advanced Life Support (ALS) Medic shifts have returned to pre-pandemic levels.

Basic Life Support (BLS) Ambulance shifts are holding steady to the long-term trend, as they did during the pandemic due to focused staffing efforts.

Engine shifts are steady year-over-year from 2020.

BLS Bike Team shifts are up year-over-year and approaching pre-pandemic levels as community events and outdoor recreation return.

Brush Unit and Utility shifts are up reflecting both an increase in festivals and community events and the number of weather-related needs for these units.

Canteen units, used on significant long duration incidents, responded less frequently in 2021.

Volunteer Command Officer shifts declined year-over-year from 2020.



## Operational Hours Trends

Total Operational hours are up 29% from 2020 reflecting a recovery from the pandemic and a return toward the pre-pandemic trend.

Minimum Staffing hours grew dramatically in 2021 due to increased opportunities for volunteers to serve in that capacity, setting a record more than nine times the highest prior year.

Supplemental Staffing rebounded with a 45% increase over 2020, returning to a level just slightly below the long-term trend.

Additional Unit Staffing rebounded with a 20% increase over 2020, also returning to a level just below the long-term trend.

Operational hours **up 29% Y/Y**

▲ Supplemental	45%
▲ Additional	20%
▲ Minimum	1,121%



Training hours **up 15% Y/Y**

▼ VISIT	-7%
▲ Level 1	21%
▲ EMT	9%
▲ EVOC	6%
▲ FF	39%
▼ ALS	-9%

## Training Hours Trends

Training hours climbed 15% over 2020.

Volunteer In-Station Introductory Training (VISIT) declined from 2020 reflecting a subdued pace of new recruits.

Level 1 training, the first step in formal academy training, rose 21 % year-over-year.

EMT training hours climbed 9% as pandemic-related training constraints eased.

Emergency Vehicle Operator's Course (EVOC) hours climbed 6% as previous EMT graduates continued to the next step of their training progression.

Firefighter training hours climbed 39% as the annual fire school program resumed following a pandemic-related cancelation in 2020.

Administrative hours **up 20% Y/Y**

▼ Canteen	-51%
▲ Community Outreach	15%
▲ Fundraising	62%
▲ General	9%
▲ Non-Paid Instructor	91%

## Administrative Hours Trends

Total Administrative hours recovered and increased 20% from 2020 reflecting the easing of pandemic-related constraints.

Canteen hours declined 51% from 2020 corresponding to the decline in utilization of Canteen units at long duration incidents.

Community Outreach hours climbed 15% beginning a recovery to normal levels expected when Open House activities and other community events return in 2022.

Fundraising hours climbed 62% from 2020 with the resumption of bingo games and other VFD fundraising events.

Non-Paid Instructor hours rose 91% as academy and station-level training returned to pre-pandemic norms.





## LOOKING FORWARD

# CHALLENGES FACING THE VOLUNTEER FIRE SERVICE

Since the first volunteer fire department was formed in Fairfax County in 1903, volunteers have served their neighbors and communities when they needed it most. As the county developed from a rural community to a bustling urban suburb, the emergency service needs of the growing population increased and the fire service evolved to meet them.

Our volunteer departments operate in partnership with the county in one of the nation's leading combination career and volunteer fire and rescue departments. But across the country, the volunteer fire service faces growing challenges every day complicating our mission to provide manpower, apparatus, and facilities.

We recruit and train new members and hone our skills through drills and continuing education courses. But recruiting new members is more difficult than it has ever been. Volunteer fire departments face a national decline in volunteerism amid a societal shift in work and life priorities. Competition for volunteers is high and candidates have a wide variety of opportunities for volunteer service in the metropolitan Washington area. To serve as a fire and rescue volunteer requires a substantial time commitment to hundreds of hours of intensive training in preparation for a hazardous vocation.

We purchase, maintain, and operate a fleet of emergency apparatus including fire engines, ladder trucks, ambulances, snow plows, canteens, and utility vehicles. Apparatus costs are increasing at a rate several times the broader inflation rate. Improvements to vehicle emissions, safety, and technology provide enhanced capabilities, but at a price. A fire engine purchased ten years ago will cost 50% more today and an ambulance purchased five years ago will cost 25% more. COVID-19 supply chain issues and parts shortages have doubled or tripled procurement lead times and accelerated already staggering price increases, rapidly adding a surprise premium of another 15-20%.



We maintain and operate fire stations providing facilities to house career and volunteer personnel. Fire stations operate on an arduous 24x7x365 (continued...)



schedule and aging physical plants require steady maintenance. The National Fire Protection Association (NFPA) reports that, nationwide, 44% of fire stations are more than 40 years old.

We manage and operate non-profit corporations that raise funds that make the manpower, apparatus, and facilities possible. Most departments rely on direct mail fundraising campaigns and many host charitable gaming. The long-term future of charitable gaming is uncertain due to changing demographics and social preferences. Departments are exploring alternative methods of fundraising including events, sponsorships, and grants to

increase receipts and reduce exposure to any one source of funds. However, over the last ten years fundraising receipts have been flat and have not kept pace with rapidly increasing expenses.



As we confront these challenges, we are encouraged by the support we receive from Fire Chief John Butler and his senior staff, county executive staff, and the Board of Supervisors. The Volunteer Fire Commission is developing a strategic plan to complement the FCFRD strategic

plan, to prepare for the future and to position county volunteer fire departments to continue their role as an integral part of our combination system. ■

#### SPOTLIGHT ON ...

## ADAM SEARLE

Adam began his volunteer EMS/fire career in the United Kingdom with his local ambulance station when he became a first aid provider for his collegiate rugby team. When he moved to the United States his desire to continue as an EMS volunteer crossed the Atlantic with him. Upon settling down in the Vienna community Adam walked into his local firehouse and struck up a conversation with the career staff on duty. Luckily the station he walked into, Fire Station 2, was a volunteer department and he quickly put in an application. Adam joined Vienna in 2012 and quickly expanded his qualifications to include firefighting, completing firefighter training in 2014, becoming a fire engine driver/operator in 2014, and achieving certification as a volunteer officer in 2021 holding the FCFRD operational rank of Lieutenant.

Outside of volunteering, Adam works as a Senior Financial Advisor and Portfolio manager for an international investment bank. Adam says that balancing a volatile, high stress career with his responsibilities within the VFD is one of the many challenges he had to overcome this year, while another is "managing/leading volunteers who are also my friends."



Adam Searle is a member of the Vienna Volunteer Fire Dept. (VVFD), Company 2, where he serves in operational leadership as the Suppression Captain. Adam is the Vice President of Operations for the Fairfax County Volunteer Fire and Rescue Association and serves on the Volunteer Fire Commission.

When looking backwards at some of the lessons learned from this past year, Adam states that learning how to be comfortable in the uncomfortable is the most important thing he has learned. "This goes for anyone looking to jump to the next step in their volunteer fire/EMS career. The unpredictability keeps you on your toes but don't let it stop you from learning and growing. You'll never feel 100% ready."

Finally, we asked Adam what advice he would have given himself at the start of his fire/EMS career: "This is supposed to be fun, so when at times it's not so fun or overwhelming, change something. Ask for help, cut back, perhaps even say 'no', change perspective and refocus. It'll help with bringing a more positive attitude to the firehouse every day. For every fire department problem I grumble about, bring or be part of the solution. Look after your body, go to physical therapy, do yoga, etc., don't ignore lingering injuries."



## FCFRD STAFFING

# CHALLENGES & VOLUNTEER RESPONSE

As the COVID-19 pandemic continued to spread in 2021, the Fire and Rescue Department faced multiple staffing challenges, including requiring increased overtime to meet the department's operational needs. As the county leadership worked on a long-term solution to the staffing challenges, volunteers stepped up to fill the gaps and ensure that residents of the county would have the emergency services they need in a crisis.

With the availability of vaccines and a replenished and consistent supply of personal protective equipment, volunteer unit staffing in 2021 almost completely rebounded from the decline it suffered in 2020 due to the pandemic. Basic Life Support (BLS) shifts have continued to maintain their long-term trend, and Advanced Life Support (ALS) and Engine shifts have both returned to pre-pandemic levels. Overall volunteer staffed shifts rose by 11% over 2020 but are still overall down 8% from 2019 pre-pandemic levels when all unit types are included.

Construction of Fire Station 44 (Scotts Run) was completed in August 2021. The station then went into service but, due to staffing challenges, the station's engine could not be staffed immediately. The volunteer departments often staffed their volunteer engines at Fire Station 44 providing a frontline fire suppression capability at the station while the FCFRD worked to permanently place staff and a new engine in the station.

After many years of FCFRD career transport units being exclusively ALS, in 2021 FCFRD planned to return to a two-tier EMS service delivery model in early 2022. This decision to field a combination of BLS and ALS units was supported by extensive data analysis conducted by the FCFRD. While this transition was a noticeable change for many career staff, the volunteer staff have been operating in this two-tier BLS/ALS system all along. The volunteers never stopped providing BLS transport units when the FCFRD upgraded all transport units to ALS. As a result of this, the volunteers were well-positioned to support and assist the career staff during the transition, resulting in a more efficient adoption of the new EMS delivery model.

With the staffing challenges faced by the FCFRD career staff in 2021 the volunteer staff had the opportunity to step up and further support the FCFRD by filling minimum staffing positions of various frontline suppression and EMS units after all career staffing options were exhausted. Traditionally volunteers have always been able to fill a minimum staffing position on a frontline unit. However, historically, it has always been for short periods of time and only available to volunteer firefighters as volunteer EMS-only staff had not previously been utilized. Beginning in 2021 and continuing into 2022 volunteer utilization in minimum staffing positions increased to include both suppression and EMS-only volunteers and began to include mixed *(continued...)*

career/volunteer crews with volunteers operating as both drivers and the Officer in Charge (OIC) of a unit. Across the board volunteers filling minimum staffing roles were well-received and appreciated by career personnel from the rank-and-file through Fire Chief Butler, as the alternative was to temporarily place a unit out of service until replacement staffing could be identified. Utilizing these mixed staff crews FCFRD's continued response capability was seamless and the volunteers helped to maintain FCFRD's high level of service delivery. To facilitate this transparent integration volunteer personnel were incorporated into standard FCFRD staffing (continued...)

**“The collaboration between stations is extraordinary and reflects a lot of hard work by all involved. As you can recall, there were times in the past that we wouldn't have had such a positive report. We've come a long way!!”**

*Supervisor Penny Gross,  
in response to hearing about the  
volunteer staffing at Fire Station 10*

#### SPOTLIGHT ON ...

## MARIA SEVERA PANGELINAN



Maria Severa Pangelinan is a member of the Lorton Volunteer Fire Department (LVFD), Company 19, where she is an Emergency Medical Technician and leads the department as the Volunteer Chief.

Maria started her volunteer EMS career as a commuting biology student at George Mason University. "I found interest in working with our local hospital and fire department. As a freshman, I dedicated several months working at Inova Fairfax Hospital, and following that experience, I explored opportunities at the Lorton Volunteer Fire Department." Maria has since graduated from GMU and has continued to volunteer at Lorton, along with accepting a position with a private interfacility hospital transport company. Her goal is to attain a degree and become a Physician Assistant.

Looking back on the past year, Maria spoke about how many moments of triumph have been accompanied by challenges and failures. These failures forced her to view these as learning experiences and opportunities to grow. "As an operational member of LVFD, an example of a challenge that we tackled head-on was the effort to justify the need to equip Ambulance 419 (A419E). When I became Chief, A419E was not assigned the equipment necessary to put the ambulance in service. Upon thorough discussion with our board, we established a goal to substantiate the need for equipment to put A419E in service. This was only possible through the dedication, commitment, collaboration, and support from both volunteers of LVFD and other

VFDs. For the year 2021, we have put A419E in service 58 times for a total of 574.5 hours."

Maria spoke about how the relationships between all operational members, volunteer and career, are crucial to the success of any fire station. "Building relationships and strengthening the already established relationships are fundamental factors to the collaborative work we do at Company 19. Setting aside time outside of the station hours has been effective in strengthening these bonds."

The first two characteristics Maria cites as keys for success are a strong work ethic and staying focused. To be a part of this organization, people must work hard and be focused on the task at hand. The next would be for all members to remember their "why". "My 'why' is to serve the greater community. It's a humbling experience to respond to a crisis and provide the best care I can. Knowing I could trust in my team, and collectively we can provide the best service during a call is extraordinary. It's those moments when we are looked upon for help, in those desperate minutes when citizens rely on our critical thinking and quick response to provide support, and in serious situations when we need to actively implement emergency response...this is my 'why'."

processes and were contacted by FCFRD duty officers when career staffing options were fully exhausted.

In preparation for key operational periods, such as anticipated weather events or holidays when staffing was anticipated to be an issue, the volunteers developed a schedule of on-call staff to be available to quickly fill staffing needs as they arose. As a result of these combined efforts, volunteer utilization in minimum staffing roles was further normalized and institutionalized across the entire FCFRD system. During the 2021 holiday season the FCFRD experienced severe staffing challenges. As a result the department was forced to “brownout” select units, one of which was Medic 410B (M410B), the second ALS unit at Fire Station 10, Bailey’s Crossroads. With only two days notice volunteers from across the county, led by the Bailey’s Crossroads Volunteer Fire Department, developed and implemented a staffing plan to staff Ambulance 410 (A410) as a frontline unit

to assist career staff while M410B was out of service. From December 22, 2021 until January 5, 2022 A410 was continuously staffed with the exception of the evenings of Christmas Eve and Christmas Day. This continuous staffing totaled 27 shifts with crews that included 24 volunteers from six different volunteer companies (10, 13, 21, 22, 2, and 17). These volunteers worked 320 crew hours and ran 123 calls over the course of holidays ensuring Fairfax County citizens’ safety.

The staffing challenges faced over the last year by the FCFRD were significant and the volunteers stood ready to help. Fire Chief Butler was not only open to utilizing the volunteers in new ways but encouraged it. Thanks to the leadership of Chief Butler and the foresight of the combined volunteer leadership the Fairfax County volunteers were able to provide critical just-in-time staffing to ensure FCFRD units remained in service, new stations were staffed with apparatus, and the transition to a new EMS service delivery model was successful. ■

#### SPOTLIGHT ON ...

## JAMES SOBECKE



James’ yearning to dedicate his life to the service and validation of others compelled him to become involved in emergency response as a volunteer. Beginning in college, he joined the Chicago Civil Defense Rescue Squad, followed by a career in the military. While stationed in Maryland, he became an EMT and a member of a volunteer rescue squad. After retiring from the military, he became a government contractor with traveling requirements that prevented him from joining a local Fairfax County Volunteer Fire and Rescue company.

James was looking for a way to continue his community service and emergency preparedness instruction when he learned about Fairfax County CERT through a friend and immediately registered. He soon became a CERT instructor himself and further developed the community-based training initiative as the coordinator in 2010. He enjoys teaching and engaging with community organizations about the importance of being prepared for an emergency that may overwhelm public safety resources.

James Sobecke is a member of the Fairfax County Community Emergency Response Team (CERT). James joined CERT in 2008 with CERT Class #32 and holds a host of leadership roles – Operations Division Lead, Lead Instructor, Traffic and Crowd Management Instructor, Community Volunteer Training Coordinator, and Radio Team Manager.

In addition, James is directly involved with CERT support at planned community events where he leads the Traffic and Crowd Management Team. His ancillary interest in amateur radio and emergency communications led him to develop the CERT Radio Team as well as hosting monthly CERT Radio Workshops at the Dunn Loring Volunteer Fire and Rescue Department, Company 13.

Now retired from government contracting, James finds volunteering with CERT a rewarding way to keep active and gets great personal satisfaction with the work he does. His volunteering is not exclusive to CERT. James also serves as President of the Kings Park Civic Association and the Braddock Supervisor’s Representative to the Fairfax County Citizens Corp (CCC) where he is currently the Chairperson.

For his years of leadership and dedication to a more resilient community, James was awarded the 2018 Fairfax County Volunteer Fire and Rescue Services Award for CERT Member.





## COVID-19

# IMPACT AND RECOVERY IN 2021

In January 2021, COVID-19 cases were surging to new heights, vaccines had recently been authorized for adults but were not yet widely available, and news outlets were reporting the presence of the first COVID-19 variant in the U.S.

Masks, gowns, face shields, and gloves, critical personal protective equipment for first responders, were no longer in short supply. The Virginia Department of Health and the Fairfax County Health Department prioritized vaccination for firefighters, emergency medical technicians (EMTs), and paramedics, including volunteers, due to our substantially higher risk of exposure to the virus. Vaccinations for operational volunteers began in the first week of January and within a month 84% were fully vaccinated.

Career and volunteer personnel carefully followed protocols proven and refined over months responding to COVID-19 emergency calls. Vaccine supplies increased, public vaccination clinics were scheduled, and within months the vaccine was available to all adults, followed later in the year by children from 5-11 years old. Volunteer crews joined our career colleagues providing standby medical coverage for vaccine clinics and paramedics helped administer vaccinations.

Over the course of the year COVID-19 continued to be present in our lives as our departments and communities sought a return to normalcy, albeit a "new normal". The patterns of day-to-day life

continued to adapt as did the nature and locations of calls for emergency services. Remote and hybrid work arrangements continued to shift work locations and commuting patterns. Like many work environments, the Volunteer Fire Commission conducted remote and hybrid meetings during 2021. As a result, the Commission experienced increased engagement resulting from the flexibility of its meetings and has seen a substantial increase in accessibility and attendance at commission meetings.

Students began to return to school, first in hybrid and opt-in arrangements and then full-time. High school football players returned to the field in February to play games postponed from 2020 and then again in the fall for the regular season. Volunteer ambulance crews returned to the sidelines providing standby medical coverage for neighborhood schools.

Our fire stations remained closed to the public. Community fairs and festivals including Celebrate Fairfax, Herndon Festival, and Viva Vienna did not return and National Fire Prevention Week open houses, popular opportunities for families to visit and tour our firehouses and see our apparatus, were canceled for the second year in a row to avoid the risk of exposure for as-yet-unvaccinated children.

A critical fundraiser for many departments, charitable bingo games continued, with additional departments welcoming the community back to their bingo halls. Capacity limits and mask requirements were (continued...)

relaxed over the course of the year following revised public health guidance. Departments explored alternatives to mitigate the risk of additional interruptions and began to shift their mix of fundraising sources.

Volunteer recruitment, interviews, background investigations, and training returned to normal, but the number of new member candidates continued to be depressed, reflecting nationwide trends of both increasing competition for volunteers and a reduced overall level of interest in volunteerism.

Despite a year of improved conditions, the year ended much as it began, with an aggressive new variant, Omicron, causing a skyrocketing number of

new cases and a scarcity of available testing unable to keep up with a holiday surge of infections.

Fairfax County Fire and Rescue Department (FCFRD) staffing reached critical levels leading to temporary staffing adjustments to cross-staff six specialty units, place four units out of service, and call on our volunteers to assist with staffing transport units (see page 10, *FCFRD Staffing Challenges & Volunteer Response*).

COVID-19 demonstrated what we had grown to know; it is a part of our lives now, will affect our communities for the foreseeable future, and will require volunteer fire departments, and the FCFRD as a whole, to continue to adapt to the challenges it presents. ■

#### SPOTLIGHT ON ...

## CAPTAIN STEVEN BONKOSKI



Inspired by his brother, Captain Steven Bonkoski followed in his footsteps and joined the Dunn Loring Volunteer Fire and Rescue Department, Company 13, in 1998. In early 1999, Steven earned his EMT certification and completed firefighter training later that year in December. During his time as an operational volunteer at Dunn Loring, Steven would earn his minimum staffing firefighter qualification and qualify to operate the ambulance, engine, and light and air unit. Steven would also go on to oversee the training of new members, earn both Dunn Loring's Rookie of the Year award and the Fairfax County Volunteer Firefighter of the Year award, and meet his now wife. They both continued to volunteer with the DLVFRD until 2003, when they moved to Prince William County where they continued to volunteer.

Steven decided to switch from volunteer to career while working as a dispatcher for what is now the Department of Public Safety Communications (DPSC). He entered the county hiring process and would begin work as a Fairfax County career firefighter in May 2005. Steven started as a probationary firefighter at Fire Station 24 and would achieve the technician rank and serve as an engine and tower driver at Fire Station 30. In 2013, he was promoted to Lieutenant and assigned to Field Communications, responsible for the department's maintenance, programming, and coordination of all mobile and portable radios. Captain Bonkoski was promoted to his current rank and

Captain Steven Bonkoski, Aide to the Deputy Chief of Operations, Division 1, A Shift, began his fire service career as a volunteer at the Dunn Loring Volunteer Fire and Rescue Department (DLVFRD) in 1998.

served as the Uniformed Fire Officer at DPSC. He began his current assignment as an Aide to the Deputy Chief of Operations for Division 1 A Shift in February 2021. In addition to his current role, Captain Bonkoski is also part of the National Capital Region-Communication Interoperability Group (NCR-CIG) as well as the Urban Search and Rescue Team (VA-TF1)

Steven is a firm believer in the value added by the hybrid career/volunteer system that exists within Fairfax County. Between the purchase of apparatus, the continual maintenance and upkeep of volunteer buildings and property, and the provision of supplemental staffing alongside their career counterparts, "the role of the volunteer fire departments is important to the overall system's success." Also, the hybrid system provides members of the community the opportunity to not only find a new hobby or career but a sense of purpose in helping others. The combination of the high quality of training and the close working relationship between volunteers and career personnel provides those interested in serving opportunities that are unmatched in other localities. While he recognizes the challenges of recruiting and retention on both the volunteer and career sides of the department, he hopes that "the volunteer system continues to grow and get stronger. Through recruitment and education, hopefully, the public will realize the opportunity to get involved and take it".

## RECRUITMENT & RETENTION

# SAFER GRANT WORK BEGINS

The Federal Emergency Management Agency, on behalf of the U.S. Department of Homeland Security, awarded the FCFVRA a Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of \$367,000 for volunteer recruiting and retention efforts in Fairfax County. While the grant was awarded for Fiscal Year (FY) 2018, the Association only started its planning activities in the fall of 2021 due to COVID-19 and the system-wide pause in recruiting.

This is the second SAFER grant received by the Association, following an award in 2010. Making the most of lessons learned from a decade ago, the grant steering committee spent the fall identifying advertising opportunities and learning about new technologies to reach prospective members where they spend their time browsing, streaming and watching online. In addition to advertising, the committee is creating a new recruitment video, which will be used as part of a larger social media campaign in 2022.

Another focus of the grant will be retention, where the focus will be on training the next generation of leaders. The committee has begun researching conferences and speakers to attend and/or customize to bring to Fairfax County.

Special thanks to grant committee members, who have been meeting every other week with many more hours offline:

- Andrew Luu, Dunn Loring VFRD
- Tonya McCreary, Burke VFRD
- Dave Presson, Bailey's Crossroads VFD
- Shawn Stokes, Dunn Loring VFRD
- Jonathan Wood, Fair Oaks VFRD

To check out early marketing activities, please visit [www.joinfairfaxfire.org](http://www.joinfairfaxfire.org).



## FAIRFAX COUNTY VOLUNTEERS BY THE NUMBERS

365

days in 2021 with a volunteer on duty somewhere in the county

658

members serve 12 VFDs across the County

432

operational members provide firefighting and emergency medical services

226

administrative members manage our non-profit corporations, fundraising, operate our canteen units on large emergencies, conduct community outreach, and teach classes at the training academy

42%

of our members are female

16%

of our members self-identify as racial or ethnic minorities

81%

of our members live in Fairfax County

## PEOPLE

Our members are our most valuable assets. We provide operational volunteers who respond to fire and medical emergencies throughout Fairfax County. Administrative volunteers manage the business of departments to include fundraising, facilities/hall rental management, recruitment/retention, financial operations, community outreach, and operating canteen units on large emergencies.

Operational volunteers train at the county's Fire and Rescue Academy and operate side-by-side with FCFRD career personnel. Operational volunteers also share administrative responsibilities in the management and operation of the business of the departments.

## OUR SERVICES



### SOME EXAMPLES OF THE MANY SERVICES VOLUNTEERS PROVIDED IN 2021:

- ▶ Provided rehabilitation support at major incidents, training events, and other departmental needs with canteen units and the FCFRD Rehab unit.
- ▶ Hosted blood drives, providing enough blood to save thousands of lives during a shortage of blood donations during the pandemic.
- ▶ Provided a strong program of fire safety education within our community through virtual public education programs.
- ▶ Recruited a cadre of individuals from our communities or surrounding areas that are willing to contribute their time and talent.
- ▶ Volunteer fire chaplains provided spiritual support for volunteers, career staff and their families.
- ▶ Though the pandemic forced their cancellation in 2021, in other years volunteers provide community outreach, emergency medical services, incident command, and logistics at community fairs and large festivals, typically signature events for volunteer participation.



## FACILITIES

Volunteer fire stations provide a round-the-clock base of operations for the delivery of fire and emergency services. We partner with the County on 15 of the 39 fire stations with the volunteer corporations owning and operating seven facilities, and in partnership in the operation of an additional seven facilities.



► The assessed value of seven volunteer-owned facilities is \$26,984,930.

► The total annual operating cost for the VFDs, including both volunteer-owned facilities and those operated in partnership with Fairfax County, is \$3,100,000.

### SPOTLIGHT ON ...

## MATT LANNON



Matt joined the Centreville Volunteer Fire Department in 2003 as an operational member. "I've been a lifelong fire buff and I saw this as an opportunity to get involved in some manner with the fire service," he said.

Though Lannon's work as an administrative member does not resemble what he originally sought to do, he has grown into the role and has become a key member in the department's day-to-day functions. As the treasurer, Lannon's responsibilities include paying the bills, keeping the books, and ensuring that the department can afford to fulfill its long-term goals, like purchasing apparatus, while also negotiating near-term goals and unforeseen expenses.

In his role as a member of the board, his responsibilities focus more on the big picture. "[We] look at policy changes, bylaws changes, and other major decisions concerning the purchase of the apparatus and maintenance of the building," Lannon said.

Despite the fact that Lannon's role as an administrative member does not involve the apparatus, he considers his involvement in the

Matt Lannon is a member of the Centreville Volunteer Fire Department (CVFD), Company 17. Matt is an administrative member and serves as Treasurer, Bingo Manager, and is a member of the Board of Directors.

department's purchase of new apparatus as his greatest accomplishment. "Since I've been here, we've bought two engines and three transport units," Lannon said. "We even purchased the frontline medic unit at [Fire Station] 38," Lannon said, referring to a transport unit that the department purchased for the West Centreville Fire Station.

To juggle all of his administrative roles at the department, Lannon can regularly be found at the fire station. "I'm up here at least a few days a week. I come in once during the week to do routine paperwork, pay the bills, things like that, and I'm here to work bingo and help with the building," Lannon said.

About volunteering for the fire department, Lannon said, "It means a lot to me, because this is my way of trying to do something to make my community better. I'm pleased that there is a way for me to contribute meaningfully as an administrative member," Lannon said.

# APPARATUS

Volunteer fire departments purchase state-of-the-art fire and rescue apparatus (fire engines, ambulances, canteens, etc.) and equipment; both for front line service (staffed 24 hours a day by career personnel) and for ready reserve service (staffed by volunteers).



- ▶ VFDs own 77 vehicles that are deployed throughout the county.
- ▶ In 2021, volunteers ordered 6 new medics and 2 new utility vehicles and took delivery of 2 new fire engines and 1 new medic representing a total cost of \$4,150,000.
- ▶ The current replacement value of the apparatus in the volunteer fleet is approximately \$27,950,000.



# OUR GOVERNANCE BODIES

Good governance and leadership are critical for any organization. While we are 12 independent volunteer fire companies, each a non-profit corporation chartered by the Virginia State Corporation Commission, managed by dedicated citizens and operated for the good of the communities we serve, it was recognized long ago that having umbrella organizations to provide high-level governance, policy, procedure and practice would bring consistency across the organizations.

Today, we have two such umbrella groups as described below:



## FAIRFAX COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION

With a history dating back to 1929, the Fairfax County Volunteer Fire and Rescue Association (FCVFRA) is a linchpin for collaboration on leadership and the delivery of emergency services. The FCVFRA is an independently chartered non-profit organization representing the partnership of the 12 VFDs in the areas of planning, operations, training, community outreach, and administration. While all volunteers are members, the FCVFRA supports the junction between corporate interests and the line officers. It is the place for presidents and chiefs to cooperate and communicate on common matters and manage county-wide initiatives. The FCVFRA provides a common, public face for the volunteer fire service in Fairfax County.

## 2021 FCVFRA LEADERSHIP

**CHIEF MIKE WENDT, President**

Centreville Volunteer Fire Department, Company 17

**CHIEF THOMAS WARNOCK, Vice President, Operations**

Burke Volunteer Fire & Rescue Department, Company 14

**CHIEF SHAWN P. STOKES, Vice President, Administration**

Dunn Loring Volunteer Fire and Rescue Department, Company 13

**NATALIA DURR, Secretary**

Greater Springfield Volunteer Fire Department, Company 22

**CAMILLA MORRISON, Treasurer**

Fair Oaks Volunteer Fire and Rescue Company, Company 21

**CODY COLLINS, Director**

McLean Volunteer Fire Department, Company 1

**TONYA McCREARY, Director**

Burke Volunteer Fire and Rescue Department, Company 14

**ROBERT MIZER, Director**

Burke Volunteer Fire and Rescue Department, Company 14

WWW.FCVFRA.ORG 19



## VOLUNTEER FIRE COMMISSION

The Volunteer Fire Commission history dates to pre-World War II and the Commission was reorganized by the Board of Supervisors in 1983 as a component in a sweeping plan to standardize fire and rescue services.

Commissioners are appointed by the Board of Supervisors, based on input from the VFDs, and members are drawn from their ranks. The Commission is a policy-making body providing assurance that the VFDs, FCFRD, and Fairfax County remain mutually committed to excellence in service. Mechanisms established to achieve this mission are a comprehensive Volunteer Policies and Procedures Manual, oversight of the management agreement between the VFDs and Fairfax County, review of all FCFRD standard operating procedures and general orders, review of officer candidate credentials for annual certification to supervise response crews or to serve as command officers, and serving as a resource to the Board of Supervisors. The Commission works directly with the

VFDs and FCFRD through the Volunteer Liaison to the Fire Chief.

The Volunteer Fire Commission is composed of seven elected commissioners reaffirmed by the Board of Supervisors. The VFDs are divided into four zones with one commissioner representing each zone.

**ZONE I:** Companies 2 (Vienna), 8 (Annandale), and 10 (Bailey's Crossroads)

**ZONE II:** Companies 5 (Franconia), 19 (Lorton), and 22 (Greater Springfield)

**ZONE III:** Companies 14 (Burke), 17 (Centreville), and 21 (Fair Oaks).

**ZONE IV:** Companies 1 (McLean), 12 (Great Falls), and 13 (Dunn Loring).

One commissioner represents the Fairfax County Volunteer Fire and Rescue Association (FCVFRA) by virtue of election to the FCVFRA Vice President of Administration. One commissioner represents the volunteer fire chiefs by virtue of election to the FCVFRA Vice President of Operations. The seventh commissioner is elected at-large by the members of all of the VFDs. ■

## VOLUNTEER FIRE COMMISSION 2021 MEMBERS

### CHIEF SHAWN P. STOKES, Chair

Commissioner representing FCVFRA as Vice President of Administration  
Dunn Loring Volunteer Fire and Rescue Dept.,  
Company 13

### GERALD B. STRIDER, Vice Chair

Zone I Commissioner representing Companies 2, 8, and 10  
Bailey's Crossroads Volunteer Fire Dept.,  
Company 10

### DEPUTY CHIEF JEFFREY A. SNOW

At-Large Commissioner  
Vienna Volunteer Fire Dept., Company 2

### CHIEF THOMAS K. WARNOCK

Commissioner representing FCVFRA as Vice President of Operations  
Burke Volunteer Fire & Rescue Dept.,  
Company 14

### ROBERT J. MIZER

Zone III Commissioner representing Companies 14, 17, and 21  
Burke Volunteer Fire & Rescue Dept.,  
Company 14

### CHIEF TIMOTHY G. FLEMING

Zone II Commissioner representing Companies 5, 19, and 22  
Franconia Volunteer Fire Dept., Company 5

### MICHAEL J. MASCIOLA

Zone IV Commissioner representing Companies 1, 12, and 13  
Dunn Loring Volunteer Fire and Rescue Dept.,  
Company 13

# ABOVE & BEYOND

Each of these volunteers demonstrated extraordinary commitment through hundreds of hours providing fire and emergency medical services or through other roles that support the goals of the Fairfax County Fire and Rescue Department. They are to be commended for their contributions to the Fairfax County Fire and Rescue Department and the communities they serve.

On October 6, 2021, the Volunteer Fire Commission honored the recipients of the Volunteer Fire and Rescue Service Awards for their service in 2020.

## 2020 VOLUNTEER FIRE AND RESCUE SERVICE AWARDS

AWARD	RECIPIENT
Volunteer Firefighter	Dylan M. Bates Bailey's Crossroads Volunteer Fire Department
Volunteer Operational Officer	Sean M. Jolliff Vienna Volunteer Fire Department
Volunteer EMS Provider	Aileen A. Bay Vienna Volunteer Fire Department
Volunteer ALS Provider	Frank S. Smith Great Falls Volunteer Fire Department
Volunteer BLS Provider	Scott Sterling Fair Oaks Volunteer Fire and Rescue Company
Administrative Member	Christian A. Kassis Centreville Volunteer Fire Department
Canteen or Auxiliary Member	John F. (JJ) Jackson Greater Springfield Volunteer Fire Department
	James McPheeters Community Emergency Response Team
Special Recognition Award	James Hedrick Fire and Rescue Academy
	Noah R. Bilger Burke Volunteer Fire and Rescue Department
Volunteer Unit Citation	Mo Ahmed, Dylan Bates, David Presson, Kelsey Robins, Paul Wasserman Bailey's Crossroads Volunteer Fire Department

## AWARDS

On October 22, 2021, Fire Chief Butler presented the Fairfax County Fire and Rescue Department Volunteer of the Year Award alongside the department's annual awards for Career Officer, Career Firefighter, Civilian Employee, and Team of the Year.

2021 FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT AWARDS	
AWARD	RECIPIENT
2021 Volunteer of the Year	Adam Searle Vienna Volunteer Fire Department

The volunteer ambulance crew on A422E was recognized with a Unit Citation for BLS care rendered while responding to a call for a pediatric patient with trauma from a fall on June 5, 2021.

2021 FAIRFAX COUNTY FIRE AND RESCUE DEPARTMENT UNIT CITATIONS	
UNIT	RECIPIENTS
A422E	Laura Rahman, Ricardo Machado, Sun Jin Hunt and Victor Ighodalo Greater Springfield Volunteer Fire Department

The following volunteers were honored for their service to their communities by local civic organizations.

2021 COMMUNITY AWARDS TO FIRE AND RESCUE VOLUNTEERS	
AWARD	RECIPIENT
American Legion 2021 EMT of the Year Award	Sean M. Jolliff Vienna Volunteer Fire Department
Elmer Timberman Masonic Lodge No. 54. Volunteer of the Year Award	Cindy Rollins Annandale Volunteer Fire Department
Mount Vernon Lee Chamber of Commerce 2021 Volunteer Provider of the Year Award	Maria Severa Pangelinan Lorton Volunteer Fire Department
Optimist Club of Greater Vienna First Responder of the Year	Maria Monroy-Osorio Dunn Loring Volunteer Fire and Rescue Department
Rotary Club of Vienna 2021 Service Above Self Award	Grayson Garbini Vienna Volunteer Fire Department

## AWARDS

The President's Volunteer Service Award is the nation's premier volunteer awards program, encouraging citizens to live a life of service through gratitude and national recognition from the President of the United States. This award honors individuals whose service positively impacts communities in every corner of the nation and inspires those around them to take action.

The following members of the Fairfax County Volunteer Fire Service received the President's Volunteer Service Award in 2021 in recognition of their contribution of more than 1,000 hours of service to their communities over the course of the year.

2021 PRESIDENT'S VOLUNTEER SERVICE AWARD	
Dylan Bates	Bailey's Crossroads Volunteer Fire Department
Aileen Bay	Vienna Volunteer Fire Department
Lindsay Beymer	Dunn Loring Volunteer Fire and Rescue Department
Noah Bilger	Burke Volunteer Fire and Rescue Department
Magdalena Bugajska	Franconia Volunteer Fire Department
Rishan Chaudhry	Centreville Volunteer Fire Department
Cody Collins	McLean Volunteer Fire Department
Tim Fleming	Franconia Volunteer Fire Department
Jaimie Gillespie	Vienna Volunteer Fire Department
John Gutschiedl	Centreville Volunteer Fire Department
Nesya Hopkins	Dunn Loring Volunteer Fire and Rescue Department
Sean Jolliff	Vienna Volunteer Fire Department
Joseph Kalfa	Centreville Volunteer Fire Department
Daniel Liebman	Franconia Volunteer Fire Department
Paul Lago	Greater Springfield Volunteer Fire Department
Cory Lobo	Lorton Volunteer Fire Department
Jacob Miller	Dunn Loring Volunteer Fire and Rescue Department
Maria Monroy-Osorio	Dunn Loring Volunteer Fire and Rescue Department
Gary Moore	Annandale Volunteer Fire Department
Frank Pappas	Greater Springfield Volunteer Fire Department
Maria Severa Pangelinan	Lorton Volunteer Fire Department
Anthony Ruth	Annandale Volunteer Fire Department
Augustus Sawatzki	McLean Volunteer Fire Department
Adam Searle	Vienna Volunteer Fire Department
Lidya Sebsibe	Burke Volunteer Fire and Rescue Department
Michael Server	Bailey's Crossroads Volunteer Fire Department
Shawn Stokes	Dunn Loring Volunteer Fire and Rescue Department
Roger Waller	Annandale Volunteer Fire Department

2021 FAIRFAX COUNTY  
VOLUNTEER FIRE SERVICE  
**ANNUAL REPORT**

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[WWW.FCVFRA.ORG](http://WWW.FCVFRA.ORG)



Board Agenda Item  
September 13, 2022

10:00 a.m.

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

ENCLOSED DOCUMENTS:

Attachment 1: Appointments to be heard September 13, 2022

STAFF:

Jill G. Cooper, Clerk for the Board of Supervisors

**FINAL COPY**

**APPOINTMENTS TO BE HEARD SEPTEMBER 13, 2022**  
**(ENCOMPASSING VACANCIES PROJECTED THROUGH **SEPTEMBER 30, 2022**)**  
 (Unless otherwise noted, members are eligible for reappointment)

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

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
VACANT (Formerly held by 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

<b>AFFORDABLE DWELLING UNIT ADVISORY BOARD (4-year terms)</b>
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<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
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

**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>
Stephen W. Kulinski (Appointed 12/18-9/19 by Storck) Term exp. 9/22	Architect #1 Representative	<b>Stephen W. Kulinski</b> (Storck)	By Any Supervisor	At-Large
John Allen Burns (Appointed 6/95-7/01 by Hanley; 10/04-9/13 by Hyland; 10/16-9/19 by Storck) Term exp. 9/22	Architect #2 Representative	<b>John Allen Burns</b> (Storck)	By Any Supervisor	At-Large
Jason F. Zellman (Appointed 5/18-9/19 by Herrity) Term exp. 9/22	Attorney Representative		By Any Supervisor	At-Large
Joseph Plumpe (Appointed 9/07-9/13 by Frey; 12/16-9/19 by Smith) Term exp. 9/22	Landscape Architect Representative	<b>Joseph Plumpe</b> (Smith)	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
Kelly Ego-Osuala (Appointed 1/21 by Palchik) Term exp. 9/22	Providence District Alternate Representative	<b>Kelly Ego-Osuala</b>	Palchik	Providence

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**ATHLETIC COUNCIL (2-year terms)**

Continued from previous page

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
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><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></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
Dana Stewart (Appointed 7/21 by Smith) Term exp. 9/22	At-Large #2 Representative	<b>Dana Stewart</b> (Smith)	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>
Monica Jackson (Appointed 4/10-918 by Cook; 9/20 by Walkinshaw) Term exp. 9/22	Braddock District Representative	<b>Monica Jackson</b>	Walkinshaw	Braddock
Valerie Inman (Appointed 1/18-9/20 by Foust) Term exp. 9/22	Dranesville District Representative	<b>Valerie Inman</b>	Foust	Dranesville

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**CHILD CARE ADVISORY COUNCIL (2-year terms)**

Continued from previous page

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Dawn M. Edwards; appointed 9/19 by Hudgins; 9/20 by Alcorn) Term exp. 9/22 <i>Resigned</i>	Hunter Mill District Representative	<b>Elizabeth Cassidy</b>	Alcorn	Hunter Mill
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><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></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

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

Continued from previous page

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
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
James R. Kirkpatrick (Appointed 9/08-6/20 by Herrity) Term exp. 5/22	Springfield District Representative	<b>James R. Kirkpatrick</b>	Herrity	Springfield

**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><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></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><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></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

**COMMISSION ON AGING (2-year terms)**

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

**CONSUMER PROTECTION COMMISSION (3-year terms)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></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)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Derrick Robinson (Appointed 7/21 by Storck) Term exp. 8/22	Mount Vernon District Representative	<b>Derrick Robinson</b>	Storck	Mount Vernon
VACANT (Formerly held by Christopher Boeder; appointed 9/18 by Smyth) Term exp. 8/21 <i>Resigned</i>	Providence District Representative	<b>Elliot Bell-Krasner</b>	Palchik	Providence
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
Ronald C. Johnson (Appointed 11/01-6/02 by Hanley; 7/06 by Connolly; 6/10-7/18 by Bulova) Term exp. 7/22	At-Large #4 Citizen Representative	<b>Ronald Johnson</b> (McKay)	By Any Supervisor	At-Large

<p align="center"><b>ENGINEERING STANDARDS REVIEW COMMITTEE (3-year terms)</b></p>
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<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

<p align="center"><b>FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL (2-year terms)</b></p>
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**CONFIRMATIONS NEEDED:**

- Mr. Stephen Morrison as the Advocacy Organizations #2 Representative
- Ms. Doris Ray as the Advocacy Organizations #3 Representative
- Ms. Karen McPhail as the Advocacy Organizations #4 Representative
- Ms. Anita Light as the City of Fairfax Representative
- Ms. Diane Watson as the Community/Religious Leaders #2 Representative
- Ms. Carolyn Cukierman as the Community/Religious Leaders #5 Representative
- Mr. Charles Thornton as the Constituents/Consumers #1 Representative
- Ms. Dorothy Keenan as the Constituents/Consumers #3 Representative

Continued on next page

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

Continued from previous page

**CONFIRMATIONS NEEDED:**

- Dr. Megumi Inoue as the Educational Organizations #3 Representative
- Mr. Philippe Beauchene as the Health Care Advisory Board #2 Representative
- Ms. Patricia Williams as the Long Term Care Providers #1 Representative
- Ms. Brenda Richardson as the Long Term Care Providers #2 Representative
- Ms. Sharon Canner as the Long Term Care Providers #4 Representative
- Ms. Mary Panek as the Long Term Care Providers #5 Representative
- Ms. Judy Seiff as the Long Term Care Providers #3 Representative
- Ms. Christine Clark as the Long Term Care Providers #6 Representative
- Ms. Robin McGlothin as the Long Term Care Providers #10 Representative
- Ms. C. Courtney Nuzzo as the Long Term Care Providers #11 Representative
- Ms. April-Lyn Keeler as the Long Term Care Providers #13 Representative
- Ms. Ayeshia Quainoo-Tefera as the Long Term Care Providers #14 Representative
- Ms. Debi Alexander as the Long Term Care Providers #18 Representative
- Ms. Eileen McCartin as the Long Term Care Providers #32 Representative



**FAIRFAX COUNTY CONVENTION AND VISITORS CORPORATION BOARD**  
**(3-year terms - limited to 2 full terms)**

**CONFIRMATIONS NEEDED:**

- Mr. Don Anderson as the Fairfax County Convention and Visitors Corporation #1 Representative
- Mr. Jon E. Davenhall as the Fairfax County Convention and Visitors Corporation #4 Representative
- Mr. Rob Hahne as the Fairfax County Convention and Visitors Corporation #5 Representative
- Ms. Stephanie Snapkoski as the Fairfax County Convention and Visitors Corporation #7 Representative
- Mr. Leon Scioscia as the Fairfax County Convention and Visitors Corporation #11 Representative

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

**CONFIRMATION NEEDED:**

- Captain Daniel Wilson as the Sheriff's Office Representative

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

NOTE: Members may be reappointed after 1 year break

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Douglas A. Samuelson; appointed 1/16-7/19 by Bulova) Term exp. 6/22 <i>Resigned</i>	Consumer #4 Representative	<b>Maria Zlotnick</b> (McKay)	By Any Supervisor	At-Large
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><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Harry Salinas (Appointed 4/08 by Connolly; 11/10-9/19 by Bulova) Term exp. 9/22	At-Large #4 Representative	<b>Harry Salinas</b> (McKay)	By Any Supervisor	At-Large
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
Elliot Bell-Krasner (Appointed 1/20 by Palchik) Term exp. 9/22	At-Large #6 Representative		By Any Supervisor	At-Large
Josh Shumaker (Appointed 12/20 by McKay) Term exp. 9/22	At-Large #7 Representative	<b>Josh Shumaker</b> (McKay)	By Any Supervisor	At-Large

<b>HUMAN SERVICES COUNCIL (4-year terms)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by 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

<b>JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL (2-year terms)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Jan B. Reitman appointed 7/14-1/20 by Gross) Term exp. 1/22 <i>Resigned</i>	Mason District Representative		Gross	Mason

**NORTHERN VIRGINIA COMMUNITY COLLEGE BOARD**  
(4-year terms- limited to 2 full terms)

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
Jennifer C. McGarey (Appointed 1/13-6/18 by Cook) Term exp. 6/22 <i>Not eligible for reappointment</i>	Fairfax County #2 Representative	<b>Raj Chand</b> (McKay)	By Any Supervisor	At-Large

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

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></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

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

Continued from previous page

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
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
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><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></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><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></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

**RESTON TRANSPORTATION SERVICE DISTRICT  
ADVISORY BOARD (4-year terms)**

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
VACANT (Formerly held by Anne Mader; appointed 9/17 by Hudgins) Term exp. 9/21 <i>Resigned</i>	Commercial or Retail Ownership #2 Representative	<b>Rachel Wood</b> (Alcorn)	By Any Supervisor	At-Large

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

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></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



<b>TENANT LANDLORD COMMISSION (3-year terms)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by 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
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

<b>TRAILS, SIDEWALKS AND BIKEWAYS COMMITTEE (2-year terms)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
Karl D. Liebert (Appointed 9/17-1/20 by Herrity) Term exp. 1/22	Springfield District Representative	<b>Tyler Schiefelbein</b>	Herrity	Springfield

**CONFIRMATIONS NEEDED:**

- Ms. Kathryn M. McDaniel as the Clifton Horse Society Representative
- Ms. Dianne Monnig as the Disability Services Representative
- Mr. Shawn Newman as the Fairfax Alliance for Better Bicycling Representative
- Ms. Elizabeth A. Iannetta as the Fairfax County Park Authority Representative
- Mr. Mark Tipton as the Federation of Citizens Associations Representative
- Ms. Soledad Portilla as the Northern Virginia Builders Industry Association Representative
- Mr. Mike DePue as the Northern Virginia Regional Park Authority Representative
- Mr. Howard Albers as the Washington Area Bicyclist Association Representative

<b>TRANSPORTATION ADVISORY COMMISSION (2-year terms)</b>
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<u>Incumbent History</u>	<u>Requirement</u>	<u>Nominee</u>	<u>Supervisor</u>	<u>District</u>
VACANT (Formerly held by Kelley Westenhoff; appointed 9/20 by Alcorn) Term exp. 6/22 <i>Resigned</i>	Hunter Mill District Representative	<b>Phylicia Woods</b>	Alcorn	Hunter Mill
Alexis Glenn (Appointed 9/20 by Lusk) Term exp. 6/22	Lee District Representative		Lusk	Lee
Eric D. Thiel (Appointed 3/04-6/06 by McConnell; 6/08-6/20 by Herrity) Term exp. 6/22	Springfield District Representative	<b>Eric D. Thiel</b>	Herrity	Springfield

<b>TREE COMMISSION (3-year terms)</b>
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<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

**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

**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
Maria Teresa Valenzuela (Appointed 7/16- 11/17 by Bulova) Term exp. 10/21	Citizen Appointed by BOS #4 Representative		By Any Supervisor	At-Large

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

<u><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></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><b>Incumbent History</b></u>	<u><b>Requirement</b></u>	<u><b>Nominee</b></u>	<u><b>Supervisor</b></u>	<u><b>District</b></u>
NEW POSITION	Mason District Representative		Gross	Mason
VACANT (Formerly held by Michael Perez; appointed 7/21 by Herrity) Term exp. 6/23 <i>Resigned</i>	Springfield District Representative	<b>Paul Zurawski</b>	Herrity	Springfield

**FAIRFAX COUNTY 250TH COMMISSION (6-year terms)**

<b><u>Incumbent History</u></b>	<b><u>Requirement</u></b>	<b><u>Nominee</u></b>	<b><u>Supervisor</u></b>	<b><u>District</u></b>
VACANT (Formerly held by 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  
September 13, 2022

10:00 a.m.

Matters Presented by Board Members



Board Agenda Item  
September 13, 2022

10:00 a.m.

Items Presented by the County Executive

ADMINISTRATIVE - 1

Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program – Meadow Hunt Drive (Sully District)

ISSUE:

Board endorsement of a “Watch for Children” sign as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval for the installation of the following:

- One “Watch for Children” sign on Meadow Hunt Drive (Sully District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved “Watch for Children” sign as soon as possible.

TIMING:

Board action is requested on September 13, 2022, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

The RTAP allows for installation of “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed sign will be effectively located and will not conflict with any other traffic control devices.

On July 1, 2022, FCDOT received verification from the Sully District Supervisor’s Office confirming community support for one “Watch for Children” sign on Meadow Hunt Drive.

FISCAL IMPACT:

Funding in the amount of \$300 is available in Fund 300-C30050, Project 2G25-076-000, Traffic Calming Program.

Board Agenda Item  
September 13, 2022

ENCLOSED DOCUMENTS:

None

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

Nicole Romero, Planning Technician, Traffic Engineering Section, FCDOT

ADMINISTRATIVE - 2

Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program – Villa Street (Lee District)

ISSUE:

Board endorsement of a “Watch for Children” sign as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval for the installation of the following:

- One “Watch for Children” sign on Villa Street (Lee District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved “Watch for Children” sign as soon as possible.

TIMING:

Board action is requested on September 13, 2022, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

The RTAP allows for installation of “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed sign will be effectively located and will not conflict with any other traffic control devices.

On July 25, 2022, FCDOT received verification from the Lee District Supervisor’s Office confirming community support for one “Watch for Children” sign on Villa Street.

FISCAL IMPACT:

Funding in the amount of \$300 is available in Fund 300-C30050, Project 2G25-076-000, Traffic Calming Program.

Board Agenda Item  
September 13, 2022

ENCLOSED DOCUMENTS:

None

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

Nicole Romero, Planning Technician, Traffic Engineering Section, FCDOT

Board Agenda Item  
September 13, 2022

ADMINISTRATIVE - 3

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for  
1724 Beulah Road (Hunter Mill District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 1724 Beulah Road, Vienna, VA 22182 (Tax Map No. 028-1 ((05)) 0001).

RECOMMENDATION:

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

TIMING:

Authorization to advertise on September 13, 2022, a public hearing to be held Tuesday, November 1, 2022, at 4:00 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2019) (Spot Blight Abatement Statute) allows the Board, by ordinance, to address a property as "spot blight." Under Va. Code Ann. § 36-3 (2019), a property is considered "blighted" if any structure or improvement on that property endangers the public health, safety, or welfare because it is "dilapidated, deteriorated, or violates minimum health and safety standards." If, after reasonable notice, the owner fails to abate or obviate the conditions that cause a property to be blighted, the Board may approve a spot blight abatement plan, and may recover the costs of implementing that plan against the property owner in the same manner as for the collection of local taxes. Va. Code Ann. § 36-49.1:1(D)—(E).

The property is the subject of documented complaints dating back to March 2016. Located on the property is a one-story ranch style home with a detached shed and well pump house constructed in 1959 according to tax records. The structure is known to have been vacant since 2016, when it was undergoing renovations by a previous owner. The current owners acquired the property on September 4, 2020, and it has been vacant and fallen into a state of disrepair since that time. The property has been the site of illegal dumping, and the rear door has been forced open and window broken. A building permit was applied for on January 27, 2022, for a second story addition to the main home, finished basement and garage addition; however, the owner has not completed the permit process, and no work has commenced. The current owner has not responded to any correspondence from the Department of Code Compliance.

Board Agenda Item  
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On April 20, 2022, the Neighborhood Enhancement Task Force (NETF) reviewed the property, and a preliminary blight determination was established. Blight Abatement Program (BAP) staff sent certified and regular notices to the owner of record at the address shown on the tax records. The owner has not responded to, or addressed the blighted conditions, and has not submitted a blight abatement plan for the property.

Due to the increasing deterioration of the structure, BAP staff has determined that it is not economically feasible to repair the structure and recommends demolition.

Although the County will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, and to approve the spot blight abatement plan, whose purpose as noted above, will be to demolish the structure. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition of the structure. The County will incur the cost, expending funds that are available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records.

FISCAL IMPACT:

If the blighted conditions are not eliminated by the owner, the County will fund the demolition from blight abatement funds already designated for this purpose. The demolition is estimated to cost approximately \$60,000. Funding is available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement.

It is anticipated that the costs to demolish the structure will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs



Board Agenda Item  
September 13, 2022

STAFF:

Rachel Flynn, Deputy County Executive

Jack W. Weyant, P.E., Director, Department of Code Compliance

Karen McClellan, Deputy Director, Department of Code Compliance

Victoria Fitzgerald, Code Compliance Investigator III, Department of Code Compliance

ASSIGNED COUNSEL:

Paul Emerick, Senior Assistant County Attorney

Attachment 1  
1724 Beulah Road  
Tax Map # 028-1 ((05)) 0001  
Hunter Mill District





Attachment 1  
1724 Beulah Road  
Tax Map # 028-1 ((05)) 0001  
Hunter Mill District



Board Agenda Item  
September 13, 2022

ADMINISTRATIVE - 4

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 12839 Lee Highway (Springfield District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 12839 Lee Highway, Fairfax, VA 22030 (Tax Map No. 55-4 ((01)) 0037).

RECOMMENDATION:

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

TIMING:

Authorization to advertise on September 13, 2022, a public hearing to be held Tuesday, November 1, 2022, at 4:00 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2019) (Spot Blight Abatement Statute) allows the Board, by ordinance, to address a property as "spot blight." Under Va. Code Ann. § 36-3 (2019), a property is considered "blighted" if any structure or improvement on that property endangers the public health, safety, or welfare because it is "dilapidated, deteriorated, or violates minimum health and safety standards." If, after reasonable notice, the owner fails to abate or obviate the conditions that cause a property to be blighted, the Board may approve a spot blight abatement plan, and may recover the costs of implementing that plan against the property owner in the same manner as for the collection of local taxes. Va. Code Ann. § 36-49.1:1(D)—(E).

Located on the 4.32-acre property is an abandoned, 1224 square foot one and a half story wood frame dwelling with a full basement. The structure was constructed in 1925. The property has a lengthy complaint history dating back to 2007. Investigations of the property since 2007 resulted in notices of violation being sent to the owners of record. However, on June 9, 2017, Circuit Court Judge Michael Devine entered a Default Judgement against the owners that required remediation of all Virginia Maintenance Code Violations. As a result of the continued neglect and deterioration the case was referred to the blight program. On or about May 21, 2019, the structure was secured by the property owners by removing the front and rear porches. However, the property has



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September 13, 2022

become an attractive nuisance to teenagers, who have found entry by way of ladders to the unsecured above grade windows as evidenced by the graffiti and vandalism on the interior of the structure. Currently the property has significantly continued to deteriorate and is no longer considered secured. The structure lacks normal maintenance, with large holes in the siding, roof, and overhangs, with broken windows, and exposed structural members which are showing evidence of potential failure.

On April 20, 2022, the Neighborhood Enhancement Task Force (NETF) reviewed the property, and a preliminary blight determination was established. Blight Abatement Program (BAP) staff sent certified and regular notices to the owner of record at the address shown on the tax records. The owner has not responded to, or addressed the blighted conditions, and has not submitted a blight abatement plan for the property.

Due to the increasing deterioration of the structure, BAP staff has determined that it is not economically feasible to repair and recommends demolition.

Although the County will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, and to approve the spot blight abatement plan. The purpose as noted above, will be to demolish the structure. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition of the structure. The County will incur the cost, expending funds that are available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records.

FISCAL IMPACT:

If the blighted conditions are not eliminated by the owner, the County will fund the demolition from blight abatement funds already designated for this purpose. The demolition is estimated to cost approximately \$67,000. Funding is available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement.

It is anticipated that the costs to demolish the structure will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program to carry out future blight abatement plans.

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ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Rachel Flynn, Deputy County Executive

Jack W. Weyant, P.E., Director, Department of Code Compliance

Karen McClellan, Operations Manager, Department of Code Compliance

Victoria Fitzgerald, Code Compliance Investigator III, Department of Code Compliance

ASSIGNED COUNSEL:

Paul Emerick, Senior Assistant County Attorney

**Attachment 1**  
**12839 Lee Highway**  
**Tax Map # 55-4 ((01)) 0037**  
**Springfield District**



12.15.2021 14:21



**Attachment 1**  
**12839 Lee Highway**  
**Tax Map # 55-4 ((01)) 0037**  
**Springfield District**



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September 13, 2022

ADMINISTRATIVE – 5

Authorization to Advertise a Public Hearing on Spot Blight Abatement Ordinance for 6120 Hillview Avenue (Lee District)

ISSUE:

Board authorization to advertise a public hearing to consider adoption of a Spot Blight Abatement Ordinance for 6120 Hillview Avenue, Alexandria, VA 22310 (Tax Map No. 082-4 ((14)) (25) 0012).

RECOMMENDATION:

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

TIMING:

Authorization to advertise on September 13, 2022, a public hearing to be held Tuesday, November 1, 2022, at 4:00 P.M.

BACKGROUND:

Va. Code Ann. § 36-49.1:1 (2019) (Spot Blight Abatement Statute) allows the Board, by ordinance, to address a property as "spot blight." Under Va. Code Ann. § 36-3 (2019), a property is considered "blighted" if any structure or improvement on that property endangers the public health, safety, or welfare because it is "dilapidated, deteriorated, or violates minimum health and safety standards." If, after reasonable notice, the owner fails to abate or obviate the conditions that cause a property to be blighted, the Board may approve a spot blight abatement plan, and may recover the costs of implementing that plan against the property owner in the same manner as for the collection of local taxes. Va. Code Ann. § 36-49.1:1(D)—(E).

Located on the property is a 988 square foot one-story ranch style home with a full basement and an attached garage that was constructed in 1955 according to tax records. The property is the subject of numerous complaints dating back to March 1998 relating to inoperable vehicles and outdoor storage, with a 2016 complaint filed for property maintenance violations related to the roof which reportedly has been missing for a very long time. That case was closed when the owner filed for building permits; to date, work on those permits has not been completed. A new complaint was filed in October 2019, which resulted in the case being referred for litigation and a default judgment was entered on October 1, 2021, giving the owner until December 31, 2021, to comply with the notice of violation for the property maintenance violation. The

property remains in violation, and recent inspections of the property have found that the property has significantly deteriorated since the initial notice of violation, including possible structural issues with the foundation. The property owner has stockpiled used lumber, windows, and other construction materials for use on his rehabilitation project, but the bulk of the material is not salvageable. The stockpiling of this material has added to the overall blighted conditions of the property. The lot is overgrown with running bamboo, which helps to shield the inoperable vehicles and construction debris from view. The owner has been in correspondence with blight abatement staff. Although he insists that he is capable of bringing the property into compliance without assistance from a contractor, his past performance of work on the property does not give the County confidence that this will occur.

On April 20, 2022, the Neighborhood Enhancement Task Force (NETF) reviewed the property, and a preliminary blight determination was established. Blight Abatement Program (BAP) staff sent certified and regular notices to the owner of record at the address shown on the tax records. The owner has not responded to, or addressed the blighted conditions, and has not submitted a blight abatement plan for the property.

Due to the deterioration of the structure, BAP staff has determined that that it is not economically feasible to repair and recommends demolition.

Although the County will continue to seek cooperation from the owner to eliminate blighted conditions, it is requested that a public hearing, in accordance with the Spot Blight Abatement Statute, be held to adopt an Ordinance declaring the property to be blighted, and to approve the spot blight abatement plan, whose purpose as noted above, will be to demolish the structure. State code requires that the Board provide notice concerning proposed adoption of such an Ordinance.

If the owner fails to abate the blighted conditions within thirty days after notification of the Board's action, the County will proceed with the demolition of the structure. The County will incur the cost, expending funds that are available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement. The County will then pursue reimbursement from the owner who is ultimately liable for all abatement costs incurred. A lien will be placed on the property and recorded in the County land records.

FISCAL IMPACT:

If the blighted conditions are not eliminated by the owner, the County will fund the demolition from blight abatement funds already designated for this purpose. The demolition is estimated to cost approximately \$45,000. Funding is available in Fund 30010, General Construction and Contributions, Project 2G97-001-000, Strike Force Blight Abatement.

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It is anticipated that the costs to demolish the structure will be recovered from the property owner. Funds recovered will be allocated to the Blight Abatement Program to carry out future blight abatement plans.

ENCLOSED DOCUMENTS:

Attachment 1: Property Photographs

STAFF:

Rachel Flynn, Deputy County Executive

Jack W. Weyant, P.E., Director, Department of Code Compliance

Karen McClellan, Deputy Director, Department of Code Compliance

Victoria Fitzgerald, Code Compliance Investigator III, Department of Code Compliance

ASSIGNED COUNSEL:

Paul Emerick, Senior Assistant County Attorney



Attachment 1  
6120 Hillview Avenue  
Tax Map # 082-4 ((14)) (25) 0032  
Lee District



07.20.2022 11:51



Attachment 1  
6120 Hillview Avenue  
Tax Map # 082-4 ((14)) (25) 0032  
Lee District



07.20.2022 11:55



Attachment 1  
6120 Hillview Avenue  
Tax Map # 082-4 ((14)) (25) 0032  
Lee District





ADMINISTRATIVE - 6

Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program – Hampton Knolls Drive (Lee District)

ISSUE:

Board endorsement of a “Watch for Children” sign as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval for the installation of the following:

- One “Watch for Children” sign on Hampton Knolls Drive (Lee District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) be requested to schedule the installation of the approved “Watch for Children” sign as soon as possible.

TIMING:

Board action is requested on September 13, 2022, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

The RTAP allows for installation of “Watch for Children” signs at the primary entrance to residential neighborhoods, or at a location with an extremely high concentration of children relative to the area, such as playgrounds, day care centers, or community centers. FCDOT reviews each request to ensure the proposed sign will be effectively located and will not conflict with any other traffic control devices.

On July 25, 2022, FCDOT received verification from the Lee District Supervisor’s Office confirming community support for one “Watch for Children” sign on Hampton Knolls Drive.

FISCAL IMPACT:

Funding in the amount of \$300 is available in Fund 300-C30050, Project 2G25-076-000, Traffic Calming Program.

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ENCLOSED DOCUMENTS:

None

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

Nicole Romero, Planning Technician, Traffic Engineering Section, FCDOT

Board Agenda Item  
September 13, 2022

ADMINISTRATIVE – 7

Approval of 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>
Summer Creek	Dranesville	Challedon Road

TIMING:

Board action is requested on September 13, 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

<b>FAIRFAX COUNTY BOARD OF SUPERVISORS FAIRFAX, VA</b>  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.		<b>VIRGINIA DEPARTMENT OF TRANSPORTATION - OFFICE OF THE ENGINEERING MANAGER, FAIRFAX, VIRGINIA</b>  REQUEST TO THE ENGINEERING MANAGER, FOR INCLUSION OF CERTAIN SUBDIVISION STREETS INTO THE STATE OF VIRGINIA SECONDARY ROAD SYSTEM.  <b>PLAN NUMBER:</b> 25427-SD-001 <b>SUBDIVISION PLAT NAME:</b> Summer Creek <b>COUNTY MAGISTERIAL DISTRICT:</b> Dranesville	
<b>ENGINEERING MANAGER: Robert H. Burton</b>  <b>BY:</b> <u>Nadia Alphonse</u>		<b>FOR OFFICIAL USE ONLY</b>  <b>DATE OF VDOT INSPECTION APPROVAL:</b> <u>08/03/2022</u>	
STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Challedon Road	Existing Challedon Road - 251' S CL Eclipse Lane (Route 5974)	482' SW to End of Cul-de-Sac	0.09
<b>NOTES:</b>			<b>TOTALS:</b> 0.09

ADMINISTRATIVE - 8

Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Guinea Road (Braddock District)

ISSUE:

Board endorsement of “\$200 Additional Fine for Speeding” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval of the resolution (Attachment I) for the installation of “\$200 Additional Fine for Speeding” signs on the following road:

- Guinea Road between Braddock Road and Twinbrook Road (Braddock District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs (Attachment II) as soon as possible.

TIMING:

Board action is requested on September 13, 2022, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

Section 46.2-878.2 of the Code of Virginia permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less and must be shown to have an existing speeding problem. To determine that a speeding problem exists, staff performs an engineering review to ascertain that certain speed and volume criteria are met.

Guinea Road, between Braddock Road and Twinbrook Road (Braddock District), meets the RTAP requirements for posting the “\$200 Additional Fine for Speeding Signs.” On August 5, 2022, FCDOT received verification from the Braddock District Supervisor’s office confirming community support.

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FISCAL IMPACT:

For the “\$200 Additional Fine for Speeding” signs, \$500 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: “\$200 Additional Fine for Speeding” Signs Resolution – Guinea Road

Attachment II: Area Map of Proposed “\$200 Additional Fine for Speeding” Signs – Guinea Road

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

Nicole Romero, Planning Technician, Traffic Engineering Section, FCDOT

## RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS  
GUINEA ROAD  
BRADDOCK DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, September 13, 2022, at which a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

**WHEREAS**, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Guinea Road from Braddock Road to Twinbrook Road. Such road also being identified as a Minor Arterial Road; and

**WHEREAS**, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Guinea Road.

**NOW, THEREFORE BE IT RESOLVED** that "\$200 Additional Fine for Speeding" signs are endorsed for Guinea Road from Braddock Road to Twinbrook Road.

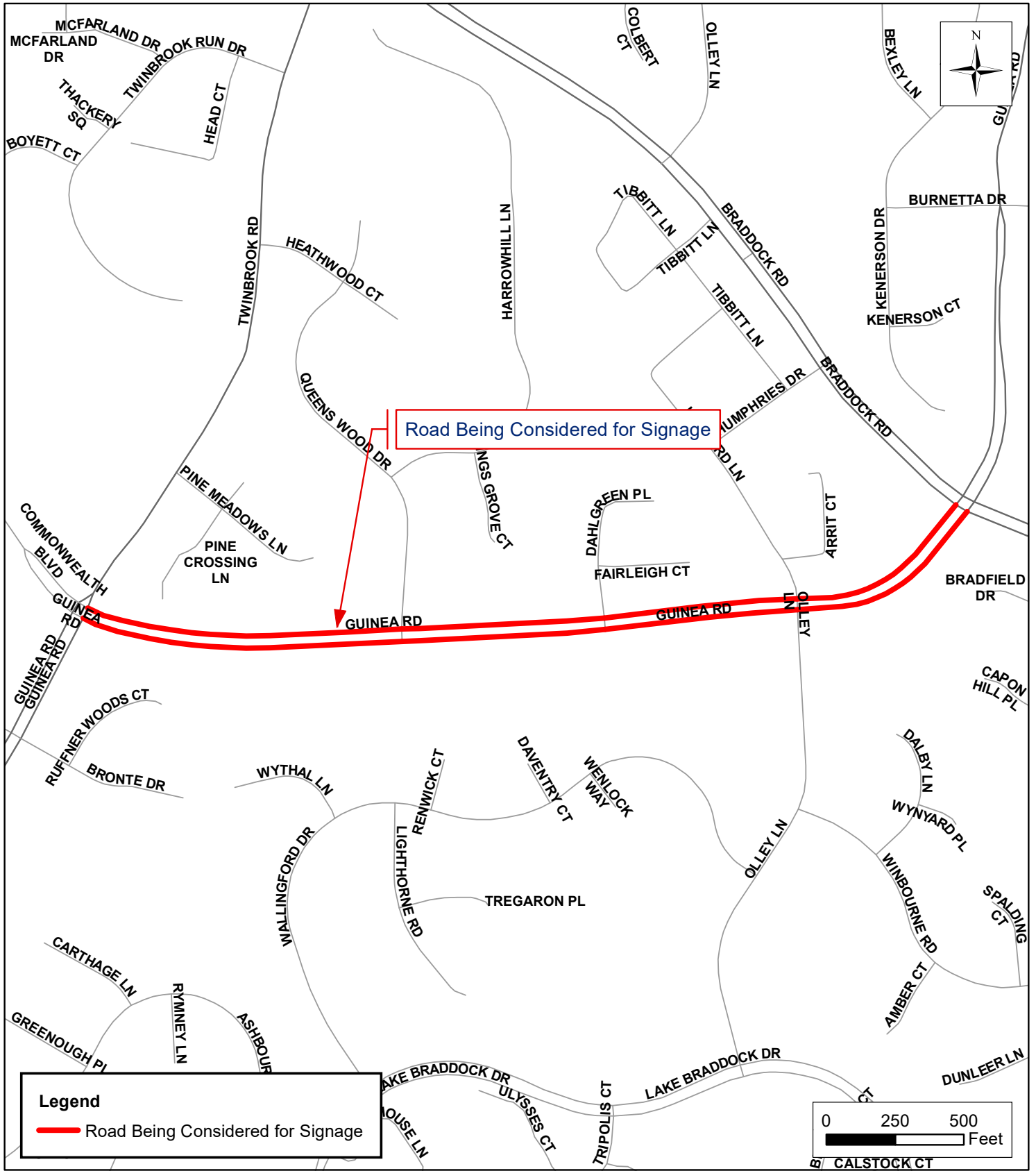
**AND FURTHER**, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

**ADOPTED** this 13th day of September, 2022.

A Copy Teste:

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Jill G. Cooper  
Clerk to the Board of Supervisors



Tax Map: 69-3, 69-4, 78-1, 78-2

**Fairfax County Department of Transportation  
Residential Traffic Administration Program  
Proposed \$200 Additional Fine for Speeding  
Guinea Road  
Braddock District**

July 2022





ADMINISTRATIVE - 9

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Old Dairy Road (Sully District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board endorse the traffic calming plan for Old Dairy Road (Attachment I and Attachment II) consisting of the following:

- Two speed humps on Old Dairy Road (Sully District)

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

TIMING:

Board action is requested on September 13, 2022, to allow the proposed measures to be installed as soon as possible.

BACKGROUND:

As part of RTAP, roads are reviewed for traffic calming when requested by a Board member on behalf of a homeowners or civic association. Traffic calming employs the use of physical devices such as speed humps, speed tables, raised pedestrian crosswalks, chokers, or median islands to reduce the speed of traffic on a residential street. Staff performs engineering studies documenting the attainment of qualifying criteria. Staff works with the local Supervisor's office and community to determine the viability of the requested traffic calming measure to reduce the speed of traffic. Once the plan for the road under review is approved and adopted by staff, that plan is then submitted for approval to the residents within the ballot area in the adjacent community.

On August 4, 2022, FCDOT received verification from the Sully District Supervisor's office confirming community support for the Old Dairy Road traffic calming plan.

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FISCAL IMPACT:

Funding in the amount of \$16,000 is necessary to fund the traffic calming measures associated with this traffic calming project. Funds are currently available in Project 2G25-076-000, Traffic Calming Program, Fund 300-C30050, Transportation Improvements.

ENCLOSED DOCUMENTS:

Attachment I: Traffic Calming Resolution for Old Dairy Road  
Attachment II: Traffic Calming Plan for Old Dairy Road

STAFF:

Rachel Flynn, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Gregg Steverson, Deputy Director, FCDOT  
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT  
Neil Freschman, Chief, Traffic Engineering Section, FCDOT  
Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT  
Nicole Romero, Planning Technician, Traffic Engineering Section, FCDOT

## **RESOLUTION**

**FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
TRAFFIC CALMING MEASURES  
OLD DAIRY ROAD  
SULLY DISTRICT**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, September 13, 2022, at which a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the residents in the vicinity of Old Dairy Road have requested the Sully District Supervisor's Office of Fairfax County to consider remedial measures to reduce the speed of traffic on Old Dairy Road; and

**WHEREAS**, an engineering study by the Fairfax County Department of Transportation (FCDOT) for Old Dairy Road indicates that all basic traffic calming criteria are met pertaining to functional classification of the roadway, identification of a significant speeding concern, and proof of community support; and

**WHEREAS**, the proposed Traffic Calming Plan was properly presented to the community in the affected survey area for their review and consideration; and

**WHEREAS**, the Traffic Calming Plan was subsequently approved by the occupied residences within the appropriate surveyed area; and

**WHEREAS**, the intended source of funding for the Traffic Calming Plan is Fairfax County.

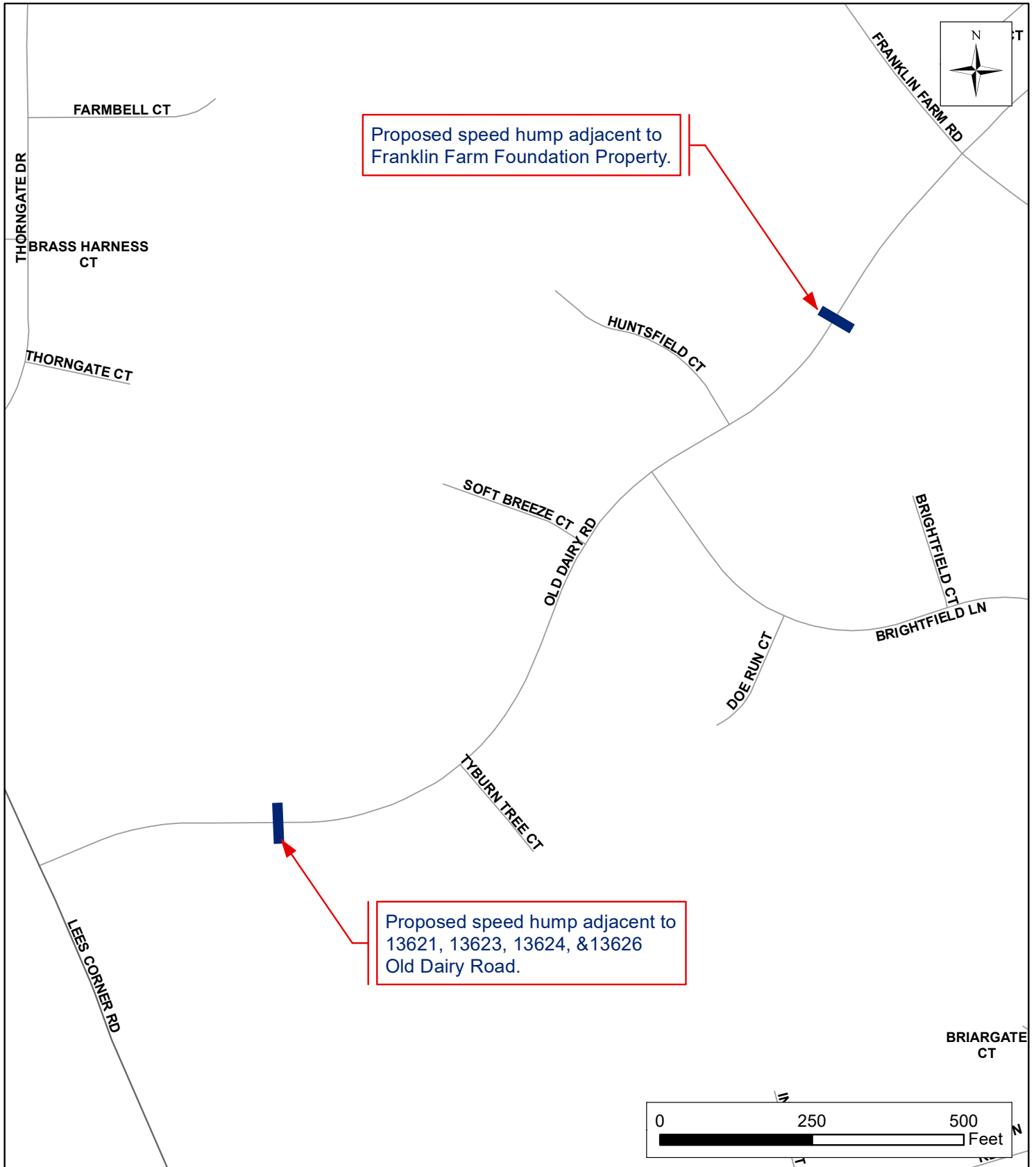
**NOW THEREFORE BE IT RESOLVED**, that the Board of Supervisors endorses the proposed Traffic Calming Plan and requests that the Virginia Department of Transportation review and approve the feasibility of implementing traffic calming measures on Old Dairy Road as part of FCDOT's Residential Traffic Administration Program.

**ADOPTED** this 13th day of September, 2022.

A Copy Teste:

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Jill G. Cooper  
Clerk to the Board of Supervisors



Tax Map: 34-2, 35-1

**Fairfax County Department of Transportation  
Residential Traffic Administration Program  
Traffic Calming Plan  
Old Dairy Road  
Sully District**

July 2022



ADMINISTRATIVE - 10

Extension of Review Period for 2232 Application (Springfield District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-2022-SP-00007.

TIMING:

Board action is requested on September 13, 2022, prior to the expiration of the application on September 24, 2022, to extend the review period for the application.

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) is requesting 2232 approval to construct and replace the existing Fairview Fire Station #32. The application was accepted on June 24, 2022; review has been extended once to the current date of September 24, 2022. The applicant has requested additional time to provide more community input.

The review period for the following application should be extended:

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2232-2022-SP-00007      Department of Public Works and Environmental Services  
(DPWES)  
Fairview Temporary Fire Station #32  
Tax Map No. 77-1 ((1)) 67  
5600 Burke Centre Pkwy, Fairfax Station, VA  
Springfield District  
Accepted June 24, 2022  
Extend to January 26, 2023

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
None.

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

ADMINISTRATIVE - 11

Extension of Review Period for 2232 Application (Springfield District)

ISSUE:

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

RECOMMENDATION:

The County Executive recommends that the Board extend the review period for the following application: 2232-2022-SP-00005.

TIMING:

Board action is requested on September 13, 2022, prior to the expiration of the application on September 24, 2022, to extend the review period for the application.

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) is requesting 2232 approval to construct a temporary fire station at a new location, while the existing Fairview Fire Station #32 is under re-construction at its permanent location. The application was accepted on May 27, 2022; review has been extended once to the current date of September 24, 2022. The applicant has requested additional time to provide more community input.

The review period for the following application should be extended:

Board Agenda Item  
September 13, 2022

2232-2022-SP-00005      Department of Public Works and Environmental Services  
(DPWES)  
Fairview Temporary Fire Station #32  
Tax Map No. 77-3 ((2)) 16  
11112 Chapel Road, Fairfax Station, VA  
Springfield District  
Accepted May 27, 2022  
Extend to January 26, 2023

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:  
None.

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



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ADMINISTRATIVE - 12

Authorization to Advertise a Public Hearing to Consider Adopting an Ordinance  
Expanding the Herndon Residential Permit Parking District, District 26 (Dranesville  
District)

ISSUE:

Board authorization to advertise a public hearing to consider a proposed amendment to Appendix G of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the Herndon Residential Permit Parking District (RPPD), District 26.

RECOMMENDATION:

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

TIMING:

The Board should take action on September 13, 2022, to provide sufficient time for advertisement of the proposed public hearing scheduled for 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 are within 2,000 feet walking distance from

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September 13, 2022

the pedestrian entrances 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 Agency 40, 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 Whitt, 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**

ADMINISTRATIVE - 13

Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Hampton Knolls Drive (Lee District)

ISSUE:

Board endorsement of “\$200 Additional Fine for Speeding” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval of the resolution (Attachment I) for the installation of “\$200 Additional Fine for Speeding” signs on the following road:

- Hampton Knolls Drive between Manorview Way and Lake Village Drive (Lee District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs (Attachment II) as soon as possible.

TIMING:

Board action is requested on September 13, 2022, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

Section 46.2-878.2 of the Code of Virginia permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less and must be shown to have an existing speeding problem. To determine that a speeding problem exists, staff performs an engineering review to ascertain that certain speed and volume criteria are met.

Hampton Knolls Drive, between Manorview Way and Lake Village Drive (Lee District), meets the RTAP requirements for posting the “\$200 Additional Fine for Speeding Signs.” On July 21, 2022, FCDOT received verification from the Lee District Supervisor’s office confirming community support.



Board Agenda Item  
September 13, 2022

FISCAL IMPACT:

For the "\$200 Additional Fine for Speeding" signs, \$500 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: "\$200 Additional Fine for Speeding" Signs Resolution – Hampton Knolls Drive

Attachment II: Area Map of Proposed "\$200 Additional Fine for Speeding" Signs – Hampton Knolls Drive

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

Nicole Romero, Planning Technician, Traffic Engineering Section, FCDOT

## RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS  
HAMPTON KNOLLS DRIVE  
LEE DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, September 13, 2022, at which a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

**WHEREAS**, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Hampton Knolls Drive from Manorview Way to Lake Village Drive. Such road also being identified as a Local Road; and

**WHEREAS**, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Hampton Knolls Drive.

**NOW, THEREFORE BE IT RESOLVED** that "\$200 Additional Fine for Speeding" signs are endorsed for Hampton Knolls Drive from Manorview Way to Lake Village Drive.

**AND FURTHER**, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

**ADOPTED** this 13th day of September, 2022.

A Copy Teste:

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Jill G. Cooper  
Clerk to the Board of Supervisors



Tax Map: 81-4

**Fairfax County Department of Transportation  
Residential Traffic Administration Program  
Proposed \$200 Additional Fine for Speeding  
Hampton Knolls Drive  
Lee District**

July 2022



ADMINISTRATIVE - 14

Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Villa Street (Lee District)

ISSUE:

Board endorsement of “\$200 Additional Fine for Speeding” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval of the resolution (Attachment I) for the installation of “\$200 Additional Fine for Speeding” signs on the following road:

- Villa Street between Franconia Road and Manorview Way (Lee District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs (Attachment II) as soon as possible.

TIMING:

Board action is requested on September 13, 2022, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

Section 46.2-878.2 of the Code of Virginia permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less and must be shown to have an existing speeding problem. To determine that a speeding problem exists, staff performs an engineering review to ascertain that certain speed and volume criteria are met.

Villa Street, between Franconia Road and Manorview Way (Lee District), meets the RTAP requirements for posting the “\$200 Additional Fine for Speeding Signs.” On July 21, 2022, FCDOT received verification from the Lee District Supervisor’s office confirming community support.

Board Agenda Item  
September 13, 2022

FISCAL IMPACT:

For the “\$200 Additional Fine for Speeding” signs, \$500 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: “\$200 Additional Fine for Speeding” Signs Resolution – Villa Street

Attachment II: Area Map of Proposed “\$200 Additional Fine for Speeding” Signs – Villa Street

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

Nicole Romero, Planning Technician, Traffic Engineering Section, FCDOT

## RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS  
VILLA STREET  
LEE DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, September 13, 2022, at which a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

**WHEREAS**, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Villa Street from Franconia Road to Manorview Way. Such road also being identified as a Local Road; and

**WHEREAS**, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Villa Street.

**NOW, THEREFORE BE IT RESOLVED** that "\$200 Additional Fine for Speeding" signs are endorsed for Villa Street from Franconia Road to Manorview Way.

**AND FURTHER**, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

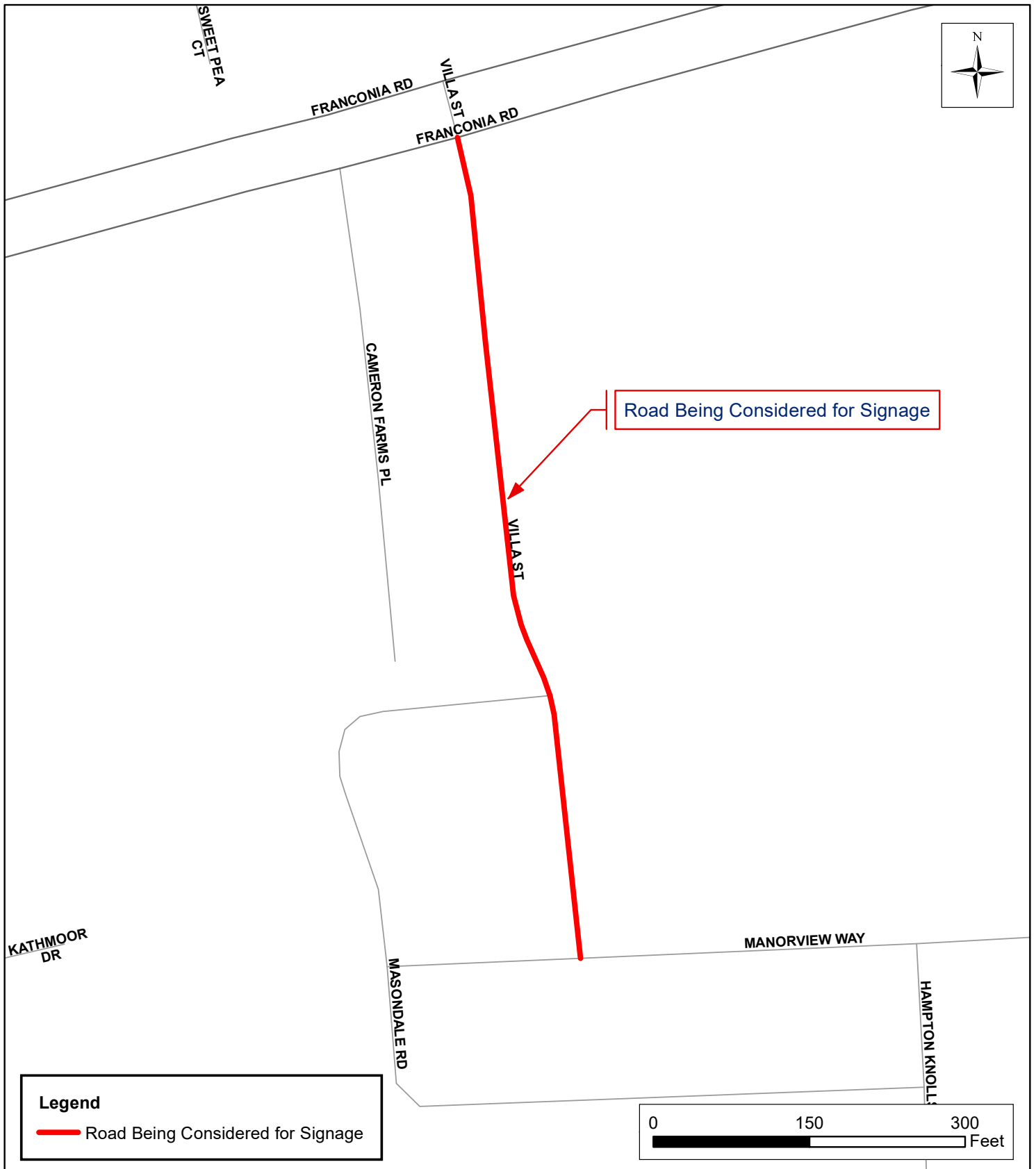
**ADOPTED** this 13th day of September, 2022.

A Copy Teste:

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Jill G. Cooper  
Clerk to the Board of Supervisors





Tax Map: 81-4

**Fairfax County Department of Transportation  
Residential Traffic Administration Program  
Proposed \$200 Additional Fine for Speeding  
Villa Street  
Lee District**

July 2022



ADMINISTRATIVE - 15

Approval of “\$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Eskridge Road (Providence District)

ISSUE:

Board endorsement of “\$200 Additional Fine for Speeding” signs as part of the Residential Traffic Administration Program (RTAP).

RECOMMENDATION:

The County Executive recommends approval of the resolution (Attachment I) for the installation of “\$200 Additional Fine for Speeding” signs on the following road:

- Eskridge Road between Route 29 and Williams Drive (Providence District)

In addition, the County Executive recommends that the Fairfax County Department of Transportation (FCDOT) request VDOT to schedule the installation of the approved “\$200 Additional Fine for Speeding” signs (Attachment II) as soon as possible.

TIMING:

Board action is requested on September 13, 2022, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:

Section 46.2-878.2 of the Code of Virginia permits a maximum fine of \$200, in addition to other penalties provided by law, to be levied on persons exceeding the speed limit on appropriately designated residential roadways. These residential roadways must have a posted speed limit of 35 mph or less and must be shown to have an existing speeding problem. To determine that a speeding problem exists, staff performs an engineering review to ascertain that certain speed and volume criteria are met.

Eskridge Road, between Route 29 and Williams Drive (Providence District), meets the RTAP requirements for posting the “\$200 Additional Fine for Speeding” signs. On August 1, 2022, FCDOT received verification from the Providence District Supervisor’s office confirming community support.

Board Agenda Item  
September 13, 2022

FISCAL IMPACT:

For the “\$200 Additional Fine for Speeding” signs, \$500 is to be paid out of the VDOT secondary road construction budget.

ENCLOSED DOCUMENTS:

Attachment I: “\$200 Additional Fine for Speeding” Signs Resolution – Eskridge Road

Attachment II: Area Map of Proposed “\$200 Additional Fine for Speeding” Signs – Eskridge Road

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT

Nicole Romero, Planning Technician, Traffic Engineering Section, FCDOT

## RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
\$200 ADDITIONAL FINE FOR SPEEDING SIGNS  
ESKRIDGE ROAD  
PROVIDENCE DISTRICT

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center in Fairfax, Virginia, on Tuesday, September 13, 2022, at which a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, Section 46.2-878.2 of the *Code of Virginia* enables the Board of Supervisors to request by resolution signs alerting motorists of enhanced penalties for speeding on residential roads; and

**WHEREAS**, the Fairfax County Department of Transportation has verified that a bona-fide speeding problem exists on Eskridge Road from Route 29 to Williams Drive. Such road also being identified as a Local Road; and

**WHEREAS**, community support has been verified for the installation of "\$200 Additional Fine for Speeding" signs on Eskridge Road.

**NOW, THEREFORE BE IT RESOLVED** that "\$200 Additional Fine for Speeding" signs are endorsed for Eskridge Road from Route 29 to Williams Drive.

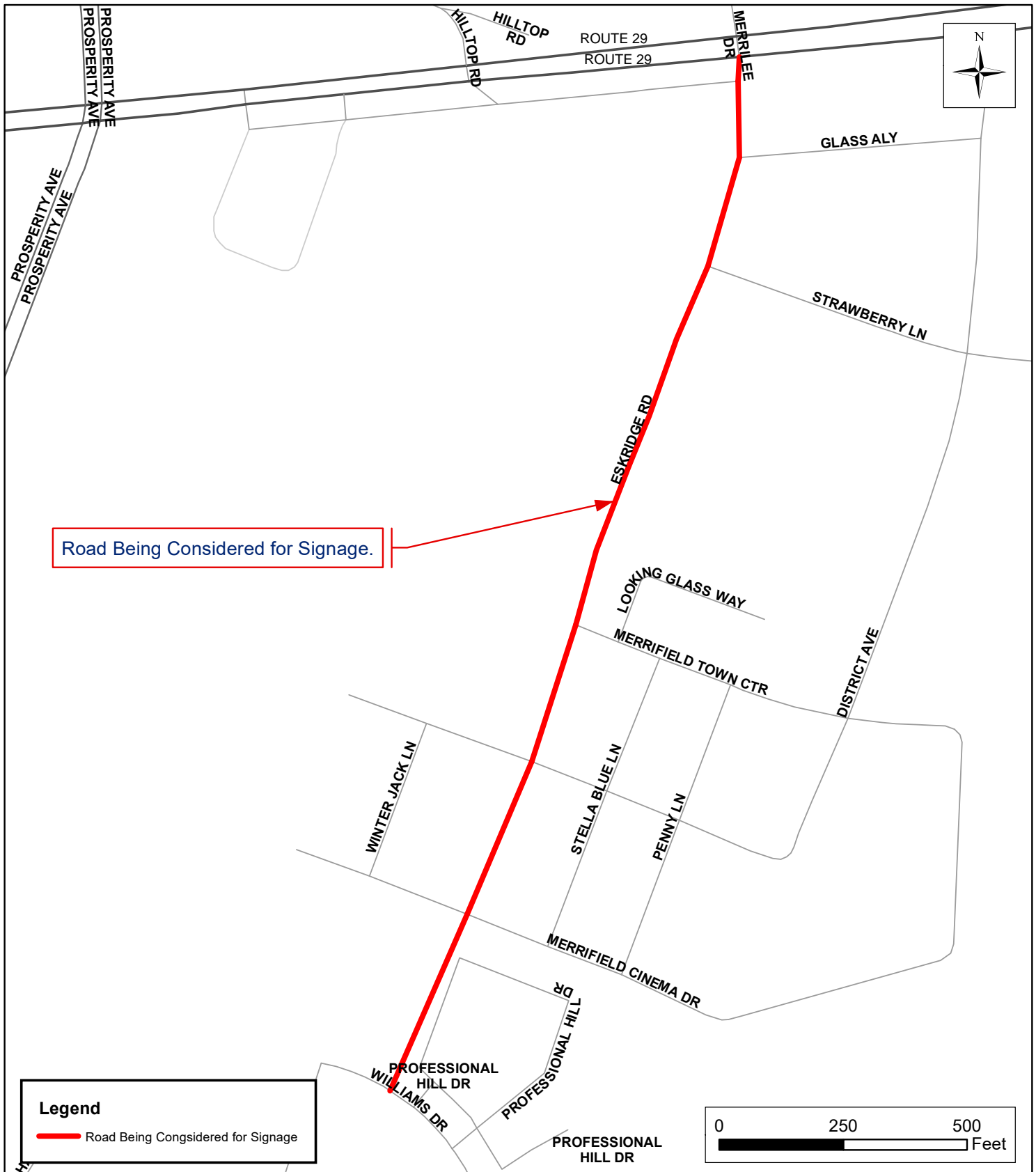
**AND FURTHER**, the Virginia Department of Transportation is requested to allow the installation of the "\$200 Additional Fine for Speeding" signage, and to maintain same, with the cost of each sign to be funded from the Virginia Department of Transportation's secondary road construction budget.

**ADOPTED** this 13th day of September, 2022.

A Copy Teste:

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Jill G. Cooper  
Clerk to the Board of Supervisors



Tax Map: 49-3

July 2022

**Fairfax County Department of Transportation  
 Residential Traffic Administration Program  
 Proposed \$200 Additional Fine for Speeding  
 Eskridge Road  
 Providence District**



ADMINISTRATIVE - 16

Authorization to Advertise a Public Hearing on a Proposed Amendment to Appendix Q (Land Development Services Fee Schedule) of The Code of the County of Fairfax, Virginia (County Code) Re: Exemption from the Fee for Installation of Electric Vehicle Charging (EVC) Equipment for a Trial Period of Eighteen Months

ISSUE:

Board of Supervisors (Board) authorization to advertise a public hearing on a proposed amendment to Appendix Q (Land Development Services Fee Schedule) of the County Code that addresses the fee for installation of EVC equipment. The amendment is necessary to evaluate whether exempting permit fees encourages installation of EVC equipment.

RECOMMENDATION:

The County Executive recommends that the Board authorize the advertisement of the proposed amendment as set forth in Attachment 1.

The proposed amendment has been prepared by Land Development Services (LDS) in coordination with the Department of Planning and Development (DPD) and the Office of the County Attorney.

TIMING:

Board action is requested on September 13, 2022, to provide sufficient time to advertise the public hearing before the Board on October 11, 2022, at 4:30 p.m. If adopted by the Board, the amendment will become effective at 12:01 a.m. on October 31, 2022.

BACKGROUND:

Carbon-Free Fairfax envisions a future for Fairfax County that is healthy, sustainable, and economically prosperous without greenhouse gas emissions. One of the most important steps that can be taken to reduce greenhouse gas emissions in Fairfax County is to transition to electric vehicles. To ensure public safety, the Uniform Statewide Building Code (USBC) requires permits for all EVC infrastructure construction. Charging spaces also may, on rare occasion, require sign permits. Exempting EVC installations from permit fees may help incentivize use of electric vehicles. On August 2, 2022, the Board directed staff to prepare amendments to the County Code exempting all electrical, building, and sign permit fees exclusively

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September 13, 2022

associated with EVC infrastructure for a trial period of 18 months, effective with the next release of the Planning and Land Use System (PLUS) expected for October 31, 2022. The Board also directed staff to report back to the Board after 12 months on the effectiveness of eliminating permit fees in incentivizing installation of EVC equipment and the budgetary impact of the lost fees. The ability to identify permits for EVC equipment installation is included in the next release of PLUS.

The Zoning Ordinance allows EVC as a permitted accessory use if it meets the use-specific standards in subsection [4102.7.E](#). Permit review for installation of EVC equipment in garages follows the typical process for electrical systems in buildings. The review process for freestanding EVC stations is more complex.

Applications for permits to install EVC equipment (other than those associated with single-family detached dwellings and single-family attached dwellings with off-street parking) are first reviewed by DPD as part of a streamlined interpretation request through PLUS. This review confirms that the EVC installation meets the criteria in the Zoning Ordinance to classify it as an accessory use. Additionally, DPD evaluates any impacts to parking requirements, parking lot landscaping, and previous zoning approvals.

The following table details permit and fee categories associated with EVC infrastructure:

<b>Application/Permit</b>	<b>Current Fee Category</b>	<b>Authority</b>
Zoning interpretation EVC checklist	No fee	Zoning Ordinance
Electrical permit (residential and commercial)	New circuits and outlets	USBC
Building permit (residential and commercial)	Commercial building permit (for canopies and other structures)	USBC
Sign permit <sup>1</sup> (only required for signs greater than 1-foot by 1-foot and visible from the street)	Miscellaneous Permits and Approvals, Signs (Table <a href="#">8102.1</a> )	Zoning Ordinance
Site plan/minor site plan <sup>2</sup>	Site plan fees	Zoning Ordinance

<sup>1</sup> Each EVC dispenser is allowed to have a digital display area up to one square foot in size. Digital display areas greater than one



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square foot that are visible from the street are regulated as signs and are subject to Article 7 of the Zoning Ordinance.

<sup>2</sup> Minor site plans are required for commercial applications which disturb greater than 2,500 sq. ft. or impact landscaping requirements.

An amendment to the Zoning Ordinance is not required to temporarily waive the sign permit fees. The sign permit fees may be waived by the Board for good cause shown under Zoning Ordinance subsection [8102.1](#), Fee Schedule. It is recommended that the waiver of all EVC sign permit fees during the trial period be approved by a follow-on motion at the time the amendments to the County Code are adopted. Waiver of site plan/minor site plan fees is not proposed at this time. Based on current standards for the size and location of signs and the expected land disturbance, staff believes it is unlikely that an EVC station would require a sign permit or a site plan/minor site plan. Unlike the Zoning Ordinance, there is no authority in the County Code for the Board to waive building and electrical permit fees for this purpose. However, fees may be set at zero with a code amendment. The proposed amendment to the Land Development Services Fee Schedule has been prepared in response to the Board's directive.

To further facilitate and encourage the installation of EVC facilities, LDS staff will create a web page detailing the requirements and permit process for EVC facilities, including standard installation details, and work with the Office of Public Affairs (OPA) to publicize the elimination of the fees and requirements for EVC facilities.

PROPOSED AMENDMENT:

The proposed amendment to Appendix Q of the County Code:

- Sets the fee for installation of EVC equipment at \$0.00.
- Expires after 18 months.

The proposed amendment is included as Attachment 1.

EQUITY IMPACT STATEMENT:

The proposed fee exemption supports a quality built and natural environment that accommodates anticipated growth and change in an economically, socially, and environmentally sustainable and equitable manner that includes mixes of land use that protects existing stable neighborhoods and green spaces, supports sustainability, supports a high quality of life, and promotes employment opportunities, housing, amenities and services for all people, a One Fairfax Policy Area of Focus.

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The increase in the number of permits for installation of EVC facilities issued over the last few years indicates that electric vehicles are becoming more prevalent in Fairfax County. Additionally, vehicle manufacturers are producing new models of electric vehicles, at various price points. High gasoline prices have provided an impetus for people to switch to plug-in hybrid and fully electric vehicles in consideration of long-term cost savings. Federal incentives also provide a financial opportunity for consumers to purchase new and used electric vehicles.

An exemption from fees could spur more widespread installation of charging stations at commercial, institutional, and industrial sites to accommodate both customers and employees, who may not be able to charge their vehicles at home. In addition, multifamily developments may also take advantage of the fee exemption to better serve their residents. As a matter of course, staff generally recommends the installation of EVC facilities in entitlement cases, including affordable housing developments. This will benefit all residents of the county, by allowing them to charge their vehicles while going about their daily activities and may encourage some residents to purchase an electric vehicle due to the availability of EVC facilities.

As the installation of EVC equipment occurs throughout the county, PLUS will document the location. The Fairfax County Vulnerability Index (2016-2020) will be overlayed on to a map of the installation sites, showing whether the incentives offered by the fee exemption were pursued in areas of high vulnerability. This map will be included in the report back to the Board at 12 months.

This proposal has the potential to advance equity due to a possible increase in the number of electric vehicle charging stations throughout the county, accommodating Fairfax County residents in their homes, work, and daily activities.

REGULATORY IMPACT:

The proposed amendment incentivizes the installation of EVC equipment by eliminating Building Permit fees and Electrical Permit fees for a trial period of 18 months. The amendment will expire automatically without further action by the Board. Sign Permit fees will be waived by separate action of the Board. The proposed amendment applies to both commercial and residential installations. Staff will report back to the Board after 12 months on the effectiveness of eliminating the fees in incentivizing the installation of EVC equipment.

FISCAL IMPACT:

Currently, the LDS permitting databases do not differentiate EVC equipment installation permits from other electrical and building permit installations. Applicants do not specify

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September 13, 2022

EVC on their building permit applications. Consequently, for this analysis, staff have estimated the number of permitted sites (and stations) during the past 3 years from the number of applications that completed the Zoning Interpretation [checklist](#). This data provides a best estimate and illustrates a steady increase in the number of applications and charging stations installed in the county.

Calendar Year	EVC applications	Charging Stations	Permit Fees
2019	1	20	\$561.60
2020	11	31	\$2,651.01
2021	19	55	\$8,320.80
TOTAL	31	140	\$11,533.41

Staff estimates that granting a full exemption of the fee will affect \$10,000-\$15,000 of revenue in fiscal year 2023 (FY23) and grow at a rate of 100% per year. The lost revenue will not have a significant impact on the adopted LDS budget of approximately \$46 million. Expenditures for permit issuance and inspections by LDS will be absorbed within the Special Revenue Fund (Fund 40200) which is supported by overall fees for services. Because the need for a sign permit is unlikely, any potential lost revenue by DPD will be *de minimus*. Staff will report back to the Board after 12 months on the fiscal impact of exempting the fees.

**ENCLOSED DOCUMENTS:**

Attachment 1 – Proposed Amendment to Appendix Q (Land Development Services Fee Schedule)

**STAFF:**

Rachel Flynn, Deputy County Executive  
William D. Hicks, P.E., Director, Land Development Services  
Tracy Strunk, Director, Department of Planning and Development  
Leslie B. Johnson, Zoning Administrator

**ASSIGNED COUNSEL:**

Patrick V. Foltz, Assistant County Attorney

**Proposed Amendment to  
Appendix Q (Land Development Services Fee Schedule) of  
The Code of the County of Fairfax, Virginia**

**Amend Part I (Building Development Fees), Section A (Standard Fees), where insertions are underlined and deletions are struck, to read as follows:**

**I. BUILDING DEVELOPMENT FEES**

The following building development fees to cover the cost of reviewing plans, issuing permits, performing inspections, licensing home improvement contractors and other expenses incidental to the enforcement of the Uniform Statewide Building Code (USBC) and Chapters 61, 64, 65 and 66 of the Code are hereby adopted:

<b>A: STANDARD FEES</b>	
Listed below are standard fees that apply to building, mechanical, electrical, plumbing, fire alarm, fire suppression and fire lane permits. The fees shall apply provided all of the applicable conditions set forth in § 61-1-3 of the Code are met.	
1. Base fee: The minimum fee charged for any permit. A reduced fee shall apply as noted below.	\$108.00
2. Reduced fees:	
• Multiple permits, per unit	\$36.00
• Fee for permits requiring no inspections	\$36.00
• Casualty Permits	\$0.00
3. After-hours re-energization or time-specific inspection fee for each 30 minute period or fraction thereof	\$241.20
4. Amendment of permit	
• The fee shall be the fee for any equipment added or the fee for any additional work involved, whichever fee is greater. In no case shall the fee be less than:	\$36.00
5. Annual permit fee (same as base fee)	\$108.00
6. Asbestos removal/abatement (same as base fee)	\$108.00
7. Re-inspection fee (same as base fee)	\$108.00
8. Team inspections	
• Fee if all disciplines (i.e. building, electrical, plumbing, mechanical and/or the Fire Marshal) are involved in inspections	\$507.60
• Fee paid for each discipline taking part in the inspection, should the inspections not involve all disciplines	\$108.00
9. Modular residential units, including manufactured homes (Percentage of the regular fee)	50.00%
10. Non-permitted work	\$108.00
11. Permit extensions: Permit authorizing construction of:	
• Interior alteration to an existing building	\$36.00
• An addition(s) or exterior alteration(s) to an existing residential structure (R-3, R-4 and R-5 construction)	\$36.00
• An accessory structure(s) on a residential property (R-3, R-4 and R-5 construction)	\$36.00
• A new structure (other than noted above)	\$241.20
• An addition(s) to a non-residential structure	\$241.20

12. Replacement of defective sprinkler heads	\$0.00
13. Radiation, fallout or blast shelter	\$0.00
14. Solar Energy	\$0.00
15. Electric Vehicle Charging Equipment <i><u>This provision will expire eighteen (18) months from the date of adoption or readoption of this provision, unless the Board of Supervisors expressly authorizes its continuation by an appropriate amendment to this Article.</u></i>	<u>\$0.00</u>

ACTION - 1

Approval of Memorandum of Understanding Between the City of Fairfax and the County of Fairfax for Animal Shelter Services

ISSUE:

Board approval of Memorandum of Understanding ("MOU") between the City of Fairfax ("City") and the County of Fairfax for Animal Shelter Services.

RECOMMENDATION:

The County Executive recommends that the Board approve the MOU and authorize him to sign it on behalf of the Board.

TIMING:

Board action is requested on September 13, 2022.

BACKGROUND:

The City had a long-standing contract with a private veterinary practice to provide animal shelter services. This contract ended and there isn't another location in the City that can meet the standards of being an approved animal shelter by the state veterinarian. The City approached Fairfax County Department of Animal Sheltering ("DAS") to request that DAS provide animal sheltering services to their population of stray and homeless animals beginning September 13, 2022.

The City cares for less than 100 animal annually. Last year, the City cared for 20 cats, 31 dogs, and 11 small animals; whereas, DAS cares for over 3,000 animals annually. DAS already has a long history of supporting the City with meeting their animal welfare needs. With the opening of the second facility in Lorton in Spring 2023, DAS will have ample space and appropriate staffing to accommodate additional animals from the City.

The City will pay an annual fee of \$19,074.00 to the County for services that include: boarding, basic care for all shelter animals, emergency and supportive care during any required holding period, diagnostics, lab work, and/or other treatments deemed medically necessary for shelter animals eligible for adoption, euthanasia and disposal of animals as necessary, consultation regarding appropriateness for adoption of particular animals, vaccinations, flea and tick preventative, spay/neuter, and other customary services.

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FISCAL IMPACT:

DAS estimates that the fees charged to the City cover the cost of caring for the City's animal population and provisions of the MOU allow for the collection of additional fees from the City due to extenuating circumstances.

ENCLOSED DOCUMENTS:

Attachment 1 – Memorandum of Understanding

STAFF:

Thomas G. Arnold, Deputy County Executive for Safety and Security  
Reasa Currier, Director, Department of Animal Sheltering

ASSIGNED COUNSEL:

John W. Burton, Assistant County Attorney



**MEMORANDUM OF UNDERSTANDING FOR ANIMAL SHELTER AND  
VETERINARY SERVICES BETWEEN THE CITY OF FAIRFAX, VIRGINIA AND THE  
COUNTY OF FAIRFAX, VIRGINIA**

This Memorandum of Understanding (this “**MOU**”) is made effective as of the 13<sup>th</sup> day of September, 2022 (“**Effective Date**”), by and between the City of Fairfax, Virginia (the “**City**”) and the County of Fairfax, Virginia (the “**County**”). The City and County may hereinafter be collectively referred to from time to time as the “**Parties**” or individually as a “**Party**.”

WHEREAS, pursuant to Va. Code §3.2-6546, the City is required to maintain or cause to be maintained a public animal shelter, and the City has determined that it is in the City’s interest to contract with the County to provide such animal shelter and related veterinary services (the “**Services**”), as more fully set forth in this MOU, due to the expiration of the current contract for such Services furnished by a private provider; and

WHEREAS, the Parties recognize a mutual benefit to enter into cooperative intergovernmental agreements; and

WHEREAS, the County has agreed to provide the Services on the terms and conditions set forth herein and this MOU memorializes certain agreements and understandings between the Parties relating to the same.

NOW, THEREFORE, the Parties agree as follows:

1. Recitals. The above recitals are incorporated herein by reference.
2. Term; Early Termination. The term of this MOU shall commence as of the Effective Date and continue in effect through June 30, 2023 (the “**Term**”). The Term shall renew automatically unless terminated by either party with at least sixty (60) days prior written notice.
3. Pricing. For the fiscal year that commenced on July 1, 2022, the City shall pay an annual fee of \$19,074.00 to the County (the “**Base Charge**”) for the Services (as hereinafter defined). For the first year of the Term, the Base Charge shall be prorated to be \$17,484.50. In addition to the Base Charge, the City shall pay to the County, by way of reimbursement, any medical fee(s) incurred by the County that exceeds \$500.00 for each animal (“**Additional Charges**”), charged individually at the then-current rates charged to the County, and actually incurred by the County, pursuant to separate contractual agreement with Pender Veterinary Clinic. Additional Charges shall also include other reimbursable expenses set forth in this MOU and any amendments thereto. The Base Charge (as prorated) and any Additional Charges shall be payable by the City to the County on a quarterly basis, in arrears, within ten (10) business days following the City’s receipt of an invoice for the applicable portion of the Base Charge, together with an itemization of any Additional Charges. Each invoice shall include payment instructions and the City shall be entitled to rely on the same. The parties agree to periodically review the actual costs incurred under this MOU to determine whether any adjustments should be made to the pricing (or

other) terms hereof in subsequent years of the Term (if extended) and to work cooperatively to agree upon and prepare any amendment(s) to the same.

4. Services. The services to be provided by the County to the City under this MOU (collectively, the “**Services**”) shall be rendered at the Michael R. Frey Animal Shelter, located at 4500 West Ox Road. The City shall be responsible for transporting any animals to the shelter. All Services furnished under this MOU shall be equivalent to, and in the same manner to, those shelter services exercised by the County to animals within the County and in accordance with applicable laws and regulations - to include, by way of illustration but without exclusion, the following:

- a. Boarding for all shelter animals up to 30 days. The City may require extension of the boarding times on a case by case basis for good cause shown. The City shall reimburse the County at the rate of \$20 per day for each animal that is boarded at the shelter more than 30 days. These boarding costs shall be itemized and payable as Additional Charges pursuant to Section 3.
- b. Basic care for all shelter animals to include feeding, cleaning, watering and walking.
- c. Emergency and supportive care during any required holding period, in accordance with typical County practices.
- d. Diagnostics, lab work, and/or other treatments deemed medically necessary for shelter animals eligible for adoption.
- e. General health assessments for all animals brought to the shelter by the City Police Department, except for sick or injured wildlife.
- f. Euthanasia and disposal of animals as necessary.
- g. Consultation regarding appropriateness for adoption of particular animals.
- h. Vaccinations for dogs (adults and puppies) and cats (adults and kittens).
- i. Flea and tick preventative treatments for dogs (adults and puppies) and cats (adults and kittens).
- j. Heartworm, fecal check and deworming, feline leukemia and FIV, as appropriate.
- k. Spaying and neutering for adopted animals.
- l. Other customary services.

5. Amendments. Any amendment to this MOU must be made in writing and signed by the Parties.

6. Miscellaneous. This MOU shall be governed in all respects by the laws of the Commonwealth of Virginia. The sections, paragraphs, sentences, clauses and phrases contained in this MOU are severable, and if any phrase, clause, sentence, paragraph or section of this MOU is declared unconstitutional or otherwise invalid by a valid judgment or decree of a court of competent jurisdiction, such constitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this MOU. The Parties represent that the persons signing below are authorized to execute this MOU on behalf of said Party.

7. Notices. Any notice, instructions, or direction required or permitted or required by this MOU shall be addressed as follows:

To the City: City of Fairfax, Virginia  
10455 Armstrong Street  
Fairfax, VA 22030  
Attn: Robert A. Stalzer, City Manager

To the County: Fairfax County Department of Animal Sheltering  
4500 West Ox Road  
Fairfax, VA 22030  
Attn: Reasa Currier, Director

or to such other person(s), address or addresses as shall at any time or from time to time be specified by written notice to the other Party.

7. Entire Agreement; Ratification; Subject to Appropriations. This MOU, and any amendment or modification that may hereafter be agreed to in accordance with the provisions herein, constitutes the entire understanding between the Parties with respect to the matters addressed, and supersedes any and all prior understandings and agreements, oral or written, relating hereto. While this MOU shall be effective as of the Effective Date, it is subject to ratification by the City Council of the City, if required under applicable law. In addition, any payment obligations hereunder are expressly subject to annual or periodic appropriations by the City Council of the City and the Board of Supervisors of the County and this MOU shall terminate, without the need for additional action of the Parties, at such time as appropriated funds have been exhausted.

8. Property Damage. The City shall be responsible for the cost of repair or replacement of any of Fairfax County's property that is damaged or destroyed as the result of the direct negligent or willful acts of City personnel, employees or agents. Such costs shall be itemized and payable as Additional Charges pursuant to Section 3.

9. Liability. Except as otherwise set forth herein, neither party shall be liable to the other party for any claims, liabilities, or expenses arising solely out of the acts or omissions of such other party or one of its agents or employees. Neither party shall be obligated to defend or assume the cost of defense of the other party or hold harmless or indemnify the other party for any claim arising from the acts or omissions of one of its own agents or employees. Nothing in this MOU shall be construed as a waiver of either Party's sovereign immunity.

10. Counterparts. This MOU may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

WHEREAS these terms are agreeable to the City and the County, and each of the Parties offers its signature as noted below.

[SIGNATURES FOLLOW ON NEXT PAGE]

AGREED:

CITY OF FAIRFAX, VIRGINIA, a Virginia municipal corporation

By: \_\_\_\_\_  
Robert A. Stalzer, City Manager

Approved as to form:

\_\_\_\_\_  
City Attorney

AGREED:

COUNTY OF FAIRFAX, VIRGINIA

By: \_\_\_\_\_  
Printed Name: Bryan J. Hill  
Title: County Executive

\\MOU\_AnimalShelterSvcs\_20220802\_V02

Board Agenda Item  
September 13, 2022

ACTION - 2

Resolution to Support the Abandonment of a Portion of a Richmond Highway Service Road (Route 5230) (Mount Vernon District)

ISSUE:

Board adoption of the attached resolution supporting abandonment of a portion of a Richmond Highway Service Road (Route 5230).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I) supporting the abandonment of a portion of a Richmond Highway Service Road.

TIMING:

The Board should take action on September 13, 2022, so that the Virginia Department of Transportation (VDOT) has the support of the Board to finalize the abandonment and update the State maintenance inventory.

BACKGROUND:

The Fairfax County Department of Transportation (FCDOT) received a request from VDOT to abandon a portion of a Richmond Highway Service Road (Route 5230) (see Attachments II and III).

VDOT has requested the support of the County by a Board Resolution pursuant to Section 33.2-912 of the Code of Virginia to abandon a portion of a Richmond Highway Service Road. The subject portion of Richmond Highway Service Road was removed by the developer's approved Site Plan (17636-SP-001-2) and subsequently approved Public Improvement Plan (17636-PIP-002) (see Attachment IV). VDOT is pursuing this request to remove the previously removed portion of Richmond Highway Service Road from the Virginia Highway System.

FISCAL IMPACT:

None.

Board Agenda Item  
September 13, 2022

ENCLOSED DOCUMENTS:

Attachment I: Resolution  
Attachment II: VDOT Aerial Exhibits  
Attachment III: Vicinity Map  
Attachment IV: 17636-PIP-002-2 Excerpts

STAFF:

Rachel Flynn, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Jeff Hermann, Division Chief, FCDOT-Site Analysis & Transportation Planning Division  
Gregory Fuller, Jr., Section Chief, FCDOT-Site Analysis Section (SAS)  
Michelle Guthrie, Transportation Planner III, FCDOT-SAS  
Jeffrey Edmondson, Transportation Planner II, FCDOT-SAS

ASSIGNED COUNSEL:

Randall T. Greehan, Assistant County Attorney



## RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, September 13, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the completion of Public Improvement Project #17636-PIP-002 removed the portion of a Richmond Highway Service Road (Route 5230); and

**WHEREAS**, the Virginia Department of Transportation is abandoning a portion of a previously removed Richmond Highway Service Road pursuant to §33.2-912 of the Code of Virginia; and

**WHEREAS**, the subject portion of Richmond Highway Service Road was no longer necessary and was removed from the Virginia Department of Transportation's Primary System of Highways;

**NOW THEREFORE, BE IT RESOLVED**, that this Board, supports the abandonment of the Richmond Highway Service Road (Route 5230) right-of-way.

A Copy Teste:

---

Jill G. Cooper  
Clerk to the Board of Supervisors

**Route 5230 Abandonment &  
FR 918 Renumbering  
Fairfax County  
Mount Vernon District  
Tax Map: 83-3**

ATTACHMENT II

Route 5230 (0.01mi )  
to be Retained

FR 918 (0.04mi ) to be  
Renumbered to Route 5230

Route 5230 (0.11mi )  
to be Abandoned

**Abandonment: A --> B 0.11 mi**

**Renumber: C --> D 0.04 mi**

**Maintenance AHQ: 7 Newington**

**BOS Resolution Date: \_\_\_\_\_**

**VDOT Approval Date: \_\_\_\_\_**







# Route 5230 Abandonment

## Mount Vernon District



Tax Map 83-3

\* Denotes Area to be Abandoned

## ATTACHMENT IV

PLAN APPROVAL INFORMATION		REQUIRED	NOT REQUIRED	COUNTY I.D. NUMBER	COMMENTS/SHEET NO.
<b>RELATED INFORMATION</b>					
1. CONCURRENT PROCESSING		X			
2. MODIFIED PROCESSING		X			
3. MAXIMUM DENSITY ADJUSTMENTS BASED ON Z.O. 2-308		X			
4. AFFORDABLE DWELLING UNITS		X			
5. R.P.A. DELINEATION		X			
6. FLOOD PLAIN STUDY		X			
7. DRAINAGE STUDY		X			
8. CHESAPEAKE BAY ACT EXCEPTION		X			
9. WATER QUALITY IMPACT ASSESSMENT		X			
10. SOILS REPORT	X				APPROVED NOV. 15, 2016 (1705-SR-001-1) SEE SHEET 26
11. ONSITE EASEMENTS		X			
12. OFFSITE EASEMENTS		X			
13. NOTARIZED LETTERS OF PERMISSION		X			
14. ARCHITECTURAL REVIEW BOARD APPROVAL		X			
15. RETURN PLAN TO B.C.S. PRIOR TO APPEAL		X			
16. RETURN PLAN TO P.C. PRIOR TO APPEAL		X			
17. ADJACENT PROPERTY OWNER NOTICES	X				SUPPORTING PAPER WORK PROVIDED WITH SECOND SUBMITAL
18. OFFSITE UTILITY WORK NOTICES		X			
19. MAJOR UNDERGROUND UTILITY NOTICES		X			
20. REZONING/SPECIAL EXCEPTION/SPECIAL PERMIT APPROVAL		X			
21. B.O.S./B.A. CLERK LETTER/RESOLUTION		X			
22. REZONING PROFESSIONAL CONDITIONS		X			
23. REZONING DEVELOPMENT PLAN		X			
24. B.Z.A. VARIANCE APPROVAL		X			
25. WETLANDS/WATERS OF THE U.S. PERMIT		X			DATE SENT TO ACOE: _____ PERMIT NO. _____
26. STATE REGULATED DAM PERMIT		X			PERMIT RECEIVED: _____ PERMIT NO. _____
27. LOCATED IN DAM BREAK FLOODPLAIN (2008) (STATE REGULATED DAMS)		X			DAM NAME: _____ DAM NO.: _____
28. EXTRA PLAN SETS REQUIRED		X			DATE CLOMR RECEIVED: _____
29. FEMA LETTER OF MAP REVISION		X			
30. OVERLAY DISTRICT INFORMATION	X				ROCKHURST HIGHWAY COMMERCIAL REVITALIZATION DISTRICT, HIGHWAY CORRIDOR OVERLAY DISTRICT
31. TREE BANKING		X			
32. TREE FUND		X			
33. GREEN PROJECT CERTIFICATION FOR GREEN PROJECT PLAN REVIEW		X			

**SOLID WASTE AND RECYCLING:** ALL PROPERTIES ARE REQUIRED TO RECYCLE DESIGNS FOR ALL PROPERTIES MUST PROVIDE ADEQUATE CONTAINERS/STRUCTURES FOR THE SEPARATE MANAGEMENT OF RECYCLABLES AND TRASH.

## SINGLE/FAMILY DETACHED AND TOWNHOUSE DEVELOPMENTS

I CERTIFY THAT THE SITE DEPICTED ON THIS PLAN IS (CROSSHATCHED) STATEMENT: IN A SANITARY DISTRICT WHERE TRASH AND RECYCLING COLLECTION IS CONDUCTED BY FAIRFAX COUNTY AND THAT I HAVE INFORMED THE PROPERTY OWNER OF THIS CONDITION.

NOT IN A SANITARY DISTRICT AND TRASH AND RECYCLING COLLECTION WILL BE CONDUCTED BY A PRIVATE COMPANY.

NON-RESIDENTIAL PROPERTIES, INCLUDING BUSINESSES, SCHOOLS AND INSTITUTIONS, AND MULTIFAMILY PROPERTIES, INCLUDING CONDOMINIUMS AND APARTMENTS.

I CERTIFY THAT (ALL STEPS MUST BE COMPLETED):

1. HAVE COMPLETED A WASTE STREAM CALCULATION WORKSHEET FOR THIS PROPERTY.

2. HAVE INDICATED ON THE PLAN THE LOCATION AND TYPE OF TRASH AND RECYCLING CONTAINERS AND STRUCTURES. (SEE SHEET NUMBER \_\_\_\_\_ IN PLANS.)

THE TRASH AND RECYCLING MANAGEMENT CONTAINERS/STRUCTURES ON THIS PLAN ARE ADEQUATE TO MEET THE MINIMUM RECYCLING REQUIREMENT AS DESCRIBED ON THE WASTE STREAM CALCULATION WORKSHEET.

## SANITARY SEWER INFORMATION

WASTEWATER TREATMENT PLANT: \_\_\_\_\_ SANITARY SEWER REIMBURSEMENT CHARGES: \_\_\_\_\_  
THIS SITE IS SUBJECT TO: \_\_\_\_\_  
THIS SITE IS SERVED BY ONSITE SEWAGE TREATMENT SYSTEM(S): \_\_\_\_\_

## STORMWATER INFORMATION

HIGH DENSITY POLYETHYLENE (HDPE) USED ON THIS PROJECT: YES ☐ NO ☒

SWM FACILITIES (PROPOSED ONLY)

FACILITY ID NO.	FACILITY TYPE	PURPOSE	AREA TREATED (ACRES)	WATERSHED	RECEIVING WATERS	MAINTENANCE AGREEMENT Y/N	WREB CODE

## DISTURBED AREA (DA) WITHIN WATERSHED(S):

WATERSHED 1 (A) BELLE HAVEN DA= 0.88 AC (ACRES) TOTAL DISTURBED AREA= 0.88 AC (ACRES)  
WATERSHED 2 DA= \_\_\_\_\_ (ACRES)  
WATERSHED 3 DA= \_\_\_\_\_ (ACRES)

## INFORMATION REGARDING ACTIVITIES IN A RESOURCE PROTECTION AREA

ACTIVITY	YES/NO
CONSTRUCTION ACTIVITIES IN A RESOURCE PROTECTION AREA (IF YES, INDICATE TYPE BELOW)	NO
REDEVELOPMENT PRINCIPAL STRUCTURE	
REDEVELOPMENT ACCESSORY STRUCTURE	
PUBLIC ROADS	
PRIVATE ROADS	
DRAINAGES	
STORMWATER OUTFALL	
OTHER (INDICATE TYPE):	

## POTENTIAL FOR WETLANDS

IS THE DISTURBED AREA LOCATED IN A WETLANDS AREA DEPICTED ON THE NATIONAL WETLANDS INVENTORY MAP?

YES ☐ NO ☒

IS THE DISTURBED AREA LOCATED IN AN ESTIMATED WETLANDS AREA DEPICTED ON THE COUNTY POTENTIAL WETLAND AREA MAP?

YES ☐ NO ☒

IF YES, TO EITHER OF THE TWO QUESTIONS ABOVE, PROVIDE EVIDENCE OF APPROVED PERMIT OR VERIFICATION THAT NO PERMIT FROM THE ARMY CORPS OF ENGINEERS IS REQUIRED BEFORE PLAN IS APPROVED.

## NOTES AND CONDITIONS

- THE APPROVAL OF THESE PLANS SHALL IN NO WAY RELIEVE THE DEVELOPER OR HIS AGENT OF ANY LEGAL RESPONSIBILITIES WHICH MAY BE REQUIRED BY THE CODE OF VIRGINIA OR ANY ORDINANCE ENACTED BY THE COUNTY OF FAIRFAX.
- THE DESIGN, CONSTRUCTION, FIELD PRACTICES, AND METHODS SHALL CONFORM TO THE REQUIREMENTS SET FORTH IN THE FAIRFAX COUNTY CODE AND IN THE PUBLIC FACILITIES MANUAL AS AMENDED. FAILURE TO COMPLY WITH THE FAIRFAX COUNTY CODE, THE PUBLIC FACILITIES MANUAL, THE APPROVED PLANS, AND THE PROVISIONS OF THE DEVELOPMENT AGREEMENT AND PERMIT SHALL BE DEEMED A VIOLATION.
- WATER DISTRIBUTION NOTE: ALL FIRE PROTECTION SYSTEMS WHICH ARE INSTALLED IN COMPLIANCE WITH THESE PLANS AND COUNTY OF FAIRFAX ORDINANCES SHALL BE MAINTAINED IN AN OPERATIVE CONDITION AT ALL TIMES. WHEN NECESSARY TO TEMPORARILY REDUCE OR DISCONTINUE THE PROTECTION IN ORDER TO MAKE TESTS, REPAIRS, ALTERATIONS OR ADDITIONS, NOTIFY THE FAIRFAX COUNTY PUBLIC SAFETY COMMUNICATIONS CENTER AT 703-691-2131.
- A PERMIT MUST BE OBTAINED FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION, NORTHERN VIRGINIA DISTRICT, BEFORE ANY CONSTRUCTION IS STARTED ON ANY EXISTING STATE ROUTE. CONTACT THE VIRGINIA DEPARTMENT OF TRANSPORTATION THREE WORKING DAYS BEFORE EXCAVATION IN ANY STATE RIGHT OF WAY AT 703-893-2886.
- CONTRACTORS SHALL NOTIFY THE "MISS UTILITY" NOTIFICATION CENTER AT 1-800-552-7001 FOR ANY PROPOSED EXCAVATION, DEMOLITION, OR BLASTING AT LEAST TWO WORKING DAYS PRIOR TO COMMENCEMENT OF EXCAVATION, DEMOLITION, OR BLASTING IN ACCORDANCE WITH THE VIRGINIA UNDERGROUND UTILITY DAMAGE PREVENTION ACT. IN ADDITION, NAMES AND TELEPHONE NUMBERS SHALL ALSO BE USED TO SERVE IN AN EMERGENCY CONDITION AS REQUIRED BY SECTION 63-2-2 OF THE FAIRFAX COUNTY CODE.
- FOR SITES PROPOSING LAND DISTURBING ACTIVITIES OF 2,500 SQUARE FEET OR MORE, THE CONSTRUCTION ACTIVITY OPERATOR MUST REGISTER WITH THE DEPARTMENT OF CONSERVATION AND RECREATION OF THE COMMONWEALTH OF VIRGINIA. THIS IS A REQUIREMENT OF THE VIRGINIA STORMWATER MANAGEMENT PROGRAM (VSWMP) AND A NECESSARY PERMIT FOR STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES.
- THE COUNTY INSPECTOR SHALL BE NOTIFIED WHEN ANY IMPROVEMENTS PERTAINING TO HIS INSPECTION DUTIES ARE BEING INSTALLED. SPECIFIC REQUIREMENTS ARE:  
A. THE COUNTY SITE INSPECTOR IS TO BE NOTIFIED AT LEAST 3 DAYS PRIOR TO START OF CONSTRUCTION.  
B. A MINIMUM OF 24 HOURS NOTICE IS REQUIRED WHEN REQUESTING RESIDENTIAL OR NON-RESIDENTIAL USE PERMITS.  
C. A MINIMUM OF 48 HOURS NOTICE IS REQUIRED WHEN REQUESTING TESTS PERTAINING TO SANITARY SEWER ACCEPTANCE.

## FIRE MARSHAL NOTES

AVAILABLE FIRE FLOW: 2200 GPM (GAL/MIN.)  
SOURCE OF FIRE FLOW INFO: FAIRFAX WATER AUTHORITY  
TYPE OF CONSTRUCTION - USBC: \_\_\_\_\_ (N/A/INDICATE)  
USE GROUP CLASSIFICATION - USBC: \_\_\_\_\_ (N/A/INDICATE)  
BUILDING HEIGHT: \_\_\_\_\_ (FT.)  
BUILDING TO BE FULLY SPRINKLERED: YES ☐ NO ☒  
IF YES, CHECK APPROPRIATE STANDARD: NFPA 13 ☐ NFPA 13R ☐  
SEE PFM CHAPTER 9, PART 2 FOR FULL INFORMATION REQUIRED. FIRE FLOW REQUIREMENTS TO BE DETERMINED BY THE FIRE PREVENTION DIVISION.  
(SEE PUBLIC WATER AGENCY NOTES ON SHEET "N.A.")  
NO PUBLIC WATER IMPROVEMENTS ARE PROPOSED WITH THIS SET.

## COUNTY SOILS MAP DATA

SCALE: 1" = 200'


SOIL ID NUMBER	SOIL SERIES NAME	FOUNDATION SUPPORT	SOIL DRAINAGE	EROSION POTENTIAL	PROBLEM CLASS
3781	BELTSVILLE	FAIR	MARGINAL	LOW	MODERATE
BLANK	MAINTAINED FILL	UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN

IS THE SITE LOCATED WITHIN NATURALLY OCCURRING ASBESTOS SOILS?

YES ☐ NO ☒

AREAS THAT MAY CONTAIN NATURALLY OCCURRING ASBESTOS SOILS ARE LOCATED ON THE ORANGE SOILS TAX MAP UNITS ON THE COUNTY WEBSITE. SPECIAL PRECAUTIONS REGARDING THESE SOILS OR FILL ORIGINATING FROM THESE SOILS ARE REQUIRED BY THE OCCUPATIONAL SAFETY AND HEALTH REGULATIONS ENFORCED BY THE VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY AND SPECIAL GUIDANCE HAS BEEN ISSUED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY.

FOR SOIL BORINGS FOR BLANK SOILS SEE RECOMMENDATIONS ON SHEET 26 (GEOTECHNICAL REPORT APPROVED WITH SITE PLAN #1736-SR-001-1).

PROFESSIONAL SEAL AND SIGNATURE	PROFESSIONAL SEAL AND SIGNATURE	PROFESSIONAL SEAL AND SIGNATURE
		
DATE: _____	DATE: _____	DATE: _____

## DESIGNATED PLANS EXAMINER (DPE) CERTIFICATE

1ST SUBMISSION REVIEWED & RECOMMENDED FOR SUBMISSION  
2ND SUBMISSION REVIEWED & RECOMMENDED FOR APPROVAL  
D.P.E. SIGNATURE & PRINTED NAME: Theresa Delaney  
DATE: 4/13/12 REG. NO.: 293

## ZONING REQUIREMENTS

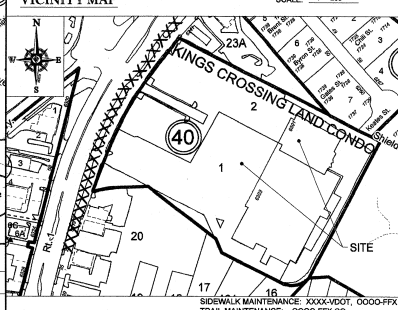
- ZONING: \_\_\_\_\_ (SQ. FT.)
- AVERAGE LOT AREA: \_\_\_\_\_ (SQ. FT.)
- MIN. LOT AREA: \_\_\_\_\_ (SQ. FT.)
- MIN. LOT WIDTH: \_\_\_\_\_ (FT.)
- MAX. BUILDING HEIGHT: \_\_\_\_\_ (FT.)
- NUMBER OF FLOORS: \_\_\_\_\_ (Commercial/Industrial ONLY)
- MIN. YARD REQUIREMENTS: \_\_\_\_\_ (FT.)
- MAXIMUM FAR: \_\_\_\_\_ (FT.)
- MAXIMUM DENSITY: \_\_\_\_\_ (D.U./AC.)
- OPEN SPACE REQUIRED: \_\_\_\_\_ %
- ANGLE OF SLOPE PLANE: FRONT: \_\_\_\_\_ SIDE: \_\_\_\_\_ REAR: \_\_\_\_\_ (SLO. FT.)
- OVERLAY DISTRICT(S): \_\_\_\_\_

## SITE PLAN (SP) TABULATIONS

- DRIVE AREA: \_\_\_\_\_ (ACRES)
- AREA OF STREET DEDICATION: \_\_\_\_\_ (SQ. FT.)
- USE: \_\_\_\_\_
- NUMBER OF LOTS: \_\_\_\_\_
- AREA OF LOTS: \_\_\_\_\_ (SQ. FT.)
- DENSITY: \_\_\_\_\_ (D.U./AC.)
- EXISTING BUILDING GROSS FLOOR AREA: \_\_\_\_\_ (SQ. FT.)
- PROPOSED BUILDING GROSS FLOOR AREA: \_\_\_\_\_ (SQ. FT.)
- EXISTING BUILDING NET FLOOR AREA: \_\_\_\_\_ (SQ. FT.)
- PROPOSED BUILDING NET FLOOR AREA: \_\_\_\_\_ (SQ. FT.)
- TOTAL FLOOR AREA (RATIO PAV) FOR ENTIRE SITE: \_\_\_\_\_ (FT.)
- PROPOSED BUILDING HEIGHT: \_\_\_\_\_ (FT.)
- PROPOSED NUMBER OF FLOORS: \_\_\_\_\_
- TOTAL HANDICAPPED PARKING REQUIRED: \_\_\_\_\_
- TOTAL HANDICAPPED PARKING PROVIDED: \_\_\_\_\_
- TOTAL HANDICAPPED VAN SPACES REQUIRED: \_\_\_\_\_
- TOTAL HANDICAPPED VAN SPACES PROVIDED: \_\_\_\_\_
- TOTAL PARKING SPACES REQUIRED: \_\_\_\_\_
- TOTAL PARKING SPACES PROVIDED: \_\_\_\_\_
- LOADING SPACES REQUIRED: \_\_\_\_\_
- LOADING SPACES PROVIDED: \_\_\_\_\_
- OPEN SPACE PROVIDED: \_\_\_\_\_ (SQ. FT.)

## VICINITY MAP

SCALE: 1" = 200'



## TAX MAP REFERENCE NUMBER(S)

MAP PAGE #	DOUBLE CIRCLE #	BLOCK (SINGLE CIRCLE #)	LOT/PARCEL(S) #
553	40		1 AND 2

## ENGINEER'S/SURVEYOR'S CERTIFICATE:

THIS PROPERTY IS IN THE NAME OF: KINGS CROSSING LAND L.L.C.  
AS RECORDED IN DEED BOOK 20788 PAGES 2158 AND WALNUT REAL ESTATE BUSINESS TRUST DEED BOOK 20788 PAGE 2189 OF THE LAND RECORDS OF FAIRFAX COUNTY, VA.

## OWNER INFORMATION

(X) A CORPORATION  
( ) A PARTNERSHIP  
( ) AN INDIVIDUAL  
KINGS CROSSING LAND L.L.C. AND WALNUT REAL ESTATE BUSINESS TRUST  
NAME: \_\_\_\_\_ (201) 857-7348  
4445 WILLARD AVENUE, SUITE 700, CHEVY CHASE, MD 20815  
ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

## DEVELOPER INFORMATION

( ) DEVELOPER  
( ) CONTRACT OWNER  
( ) LESSEE  
KINGS CROSSING LAND L.L.C.  
NAME: \_\_\_\_\_ (201) 857-7348  
4445 WILLARD AVENUE, SUITE 700, CHEVY CHASE, MD 20815  
ADDRESS: \_\_\_\_\_ PHONE: \_\_\_\_\_

## WETLANDS PERMITS CERTIFICATION

I HEREBY CERTIFY THAT ALL WETLANDS PERMITS REQUIRED BY LAW WILL BE OBTAINED PRIOR TO COMMENCING WITH LAND DISTURBING ACTIVITIES.

SIGNATURE: Theresa Delaney

OWNER/DEVELOPER: Porter, Daniel AUTHORIZED REPRESENTATIVE  
NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

NOTE: PERMITS MUST BE PRESENTED TO THE COUNTY INSPECTOR PRIOR TO LAND DISTURBANCE.

DATE: \_\_\_\_\_ RECD/MEND APPROVAL (SIGNATURE & PRINTED NAME): \_\_\_\_\_

1-27-2012 F. BARNES/BB  
3-12-2012 R. THORNTON/BB  
PUBLIC WATER AGENCY

9-30-2012 B. BARNES/BB  
DEPT. TECHNICAL REVIEW - DPWS

4/24/12 J. J. JONES/BB  
DEPT. WATER REVIEW - DPWS

5-10-2012 J. J. JONES/BB  
URBAN FOREST MANAGEMENT REVIEW - DPWS

2-14-12 D. THORNTON/BB  
FAIRFAX COUNTY FIRE MARSHAL

3-30-2012 J. J. JONES/BB  
FAIRFAX COUNTY HEALTH DEPARTMENT

6-18-2012 B. BARNES/BB  
DEPT. OF TRANSPORTATION

6-20-12 J. J. JONES/BB  
DEPT. OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

## APPROVED

DATE: 4/12 BY: Theresa Delaney  
DIRECTOR, DEPT. OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES

THIS PLAN SHALL EXPIRE WITH "A" NOTICE IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE COUNTY CODE. REVISIONS DO NOT EXTEND THE APPROVAL PERIOD. THE APPROVAL PERIOD IS INDEPENDENT OF THE AGREEMENT EXPIRATION DATE.

THIS APPROVAL IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER

## CERTIFICATE OF NO CHANGE (FOR SUBMISSION OTHER THAN THE FIRST)

I HEREBY CERTIFY THAT NO CHANGES HAVE BEEN MADE THAT WOULD AFFECT PRIOR APPROVAL BY THE

FIRE MARSHAL DATED: 2/14/12  
WATER AUTHORITY DATED: 3/22/12  
HEALTH DEPARTMENT DATED: N/A  
VOT DATED: 3/29/12  
DPWS-SAN. SEWER DATED: N/A  
DPWS-STREETS DATED: 1/22/12

## SHEET INDEX

- COVER SHEET
- GENERAL NOTES AND LEGEND
- GENERAL NOTES
- EXISTING CONDITIONS/DEMOLITION PLAN
- SITE PLAN
- SPADING PLAN
- UTILITY PLAN
- ROUTE 1 PLAN & TRUCK TURN
- SITE DETAILS
- EROSION AND SEDIMENT CONTROL PLAN PHASE I
- EROSION AND SEDIMENT CONTROL PLAN PHASE II
- EROSION AND SEDIMENT CONTROL NOTES
- EROSION AND SEDIMENT CONTROL DETAILS
- LANDSCAPE PLAN
- LANDSCAPE NOTES A-D DETAILS
- RIGHT OF WAY PLAN AND PROFILES
- PIPE AND INLET COORDINATION
- ADEQUATE DUTY-LIGHT
- GEOTECHNICAL RECOMMENDATIONS SOIL BORINGS
- CORRESPONDENCE
- (NOT USED)
- EXISTING VEGETATION - VEGETATION CONDITION ANALYSIS (FOR INFORMATIONAL PURPOSES)
- ALTIMETER AND TOTAL STATION SURVEY (FOR INFORMATIONAL PURPOSES)
- BMP/SWM PLAN

KINGS CROSSING PIP ROUTE 1  
ROAD IMPROVEMENTS  
PARCELS 1 AND 2

COUNTY NUMBER  
1736-P1 -002a

SHEET 1 OF 34  
REVISED: 7/11

PLAN REVIEWER: Theresa Delaney



EXISTING EASEMENT LEGEND	
	RIGHT OF WAY
	STORM DRAIN
	WATER
	INGRESS/EGRESS
	PUBLIC ACCESS
	INTER-PARCEL ACCESS

**BOHLER ENGINEERING**

CIVIL & CONSULTING ENGINEERS

22630 DAVIS DRIVE, SUITE 200  
STERLING, VIRGINIA 20166  
Phone: (703) 705-6000  
Fax: (703) 705-6001  
www.BohlerEngineering.com

PROJECT MANAGER: KATHARINE AMBROSETTI  
PROJECT ENGINEER: BOHLER ENGINEERING

REVISIONS			
REV	DATE	COMMENT	BY
1	11/20/11	REV PER PERMIT COMMENTS	RJB



NOT APPROVED FOR CONSTRUCTION

PROJECT NO. 2004-10  
CHECKED BY: RJB  
DATE: 07/20/11  
SCALE: 1" = 30'

**PUBLIC IMPROVEMENT PLAN**  
FOR  
**KINGS CROSSING LAND, L.L.C.**

LOCATION OF SITE  
RICHMOND HIGHWAY  
FAIRFAX COUNTY, VA

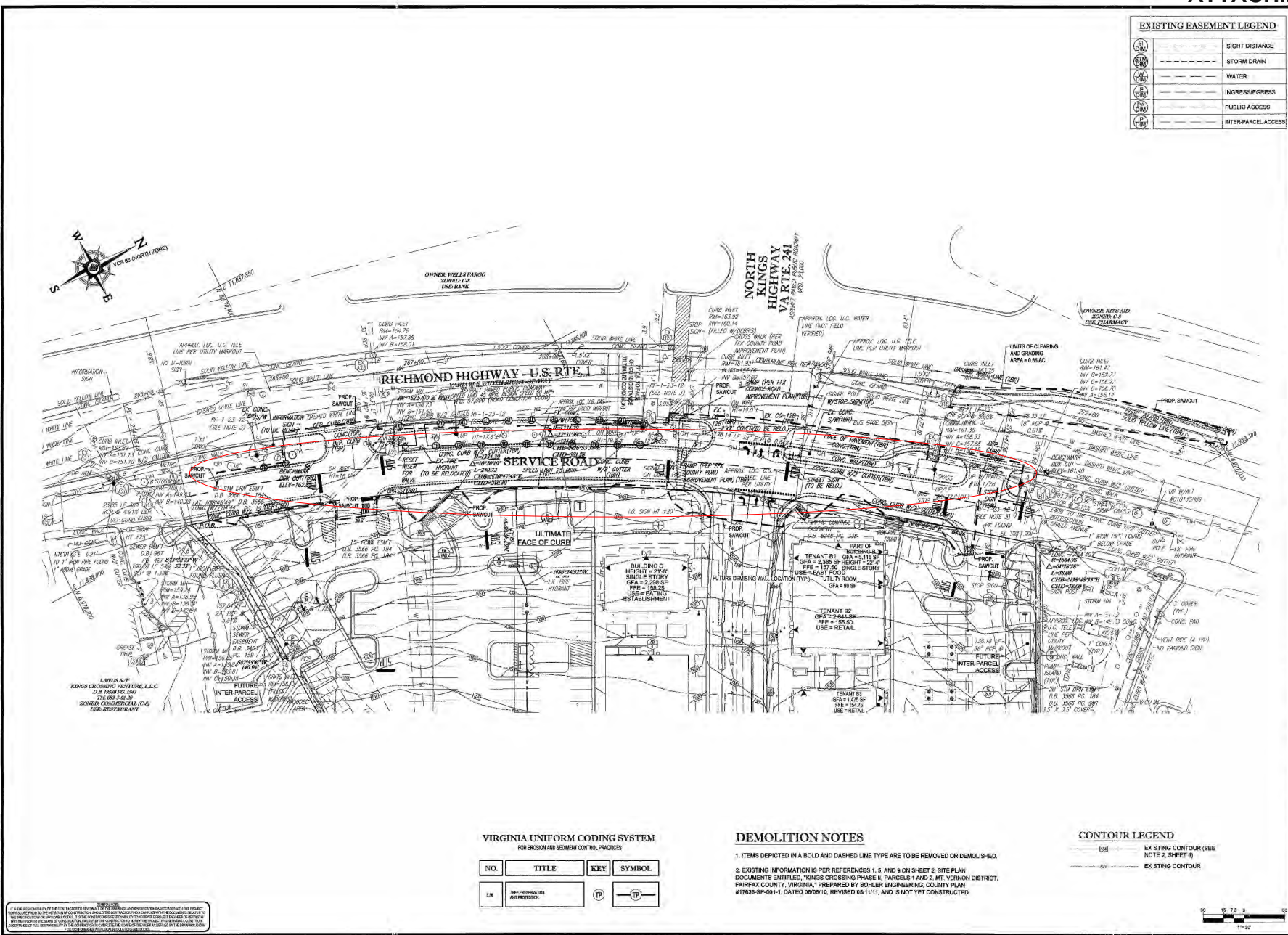
**BOHLER ENGINEERING**

22630 DAVIS DRIVE, SUITE 200  
STERLING, VIRGINIA 20166  
Phone: (703) 705-6000  
Fax: (703) 705-6001  
www.BohlerEngineering.com



SHEET TITLE:  
**EXISTING CONDITIONS/  
DEMOLITION PLAN**

SHEET NUMBER:  
**4**  
OF 34



**VIRGINIA UNIFORM CODING SYSTEM**  
FOR EROSION AND SEDIMENT CONTROL PRACTICES

NO.	TITLE	KEY	SYMBOL
124	TEMPORARY EROSION CONTROL	(TP)	(TP)

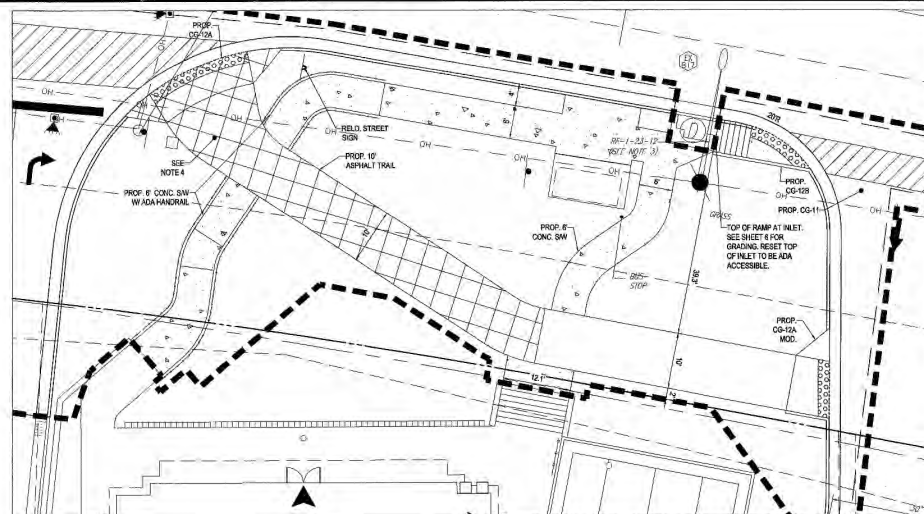
## DEMOLITION NOTES

- ITEMS DEPICTED IN A BOLD AND DASHED LINE TYPE ARE TO BE REMOVED OR DEMOLISHED.
- EXISTING INFORMATION IS PER REFERENCES 1, 5, AND 9 ON SHEET 2, SITE PLAN. DOCUMENTS ENTITLED, "KINGS CROSSING PHASE II, PARCELS 1 AND 2, MT. VERNON DISTRICT, FAIRFAX COUNTY, VIRGINIA," PREPARED BY BOHLER ENGINEERING, COUNTY PLAN #17630-SF-001-1, DATED 08/09/10, REVISED 05/11/11, AND IS NOT YET CONSTRUCTED.

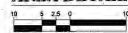
## CONTOUR LEGEND

- EX STING CONTOUR (SEE NOTE 2, SHEET 4)
- EX STING CONTOUR





### AREA DETAIL



**PRIVATE STREET  
MAINTENANCE NOTE**

THE PRIVATE STREETS IN THIS DEVELOPMENT DO NOT MEET THE STANDARDS NECESSARY FOR INCLUSION IN THE SYSTEM OF STATE HIGHWAYS AND WILL NOT BE MAINTAINED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION OR FAIRFAX COUNTY, AND ARE NOT ELIGIBLE FOR RURAL ADDITION FUNDS OR ANY OTHER FUNDS APPROPRIATED BY THE GENERAL ASSEMBLY OF VIRGINIA AND ALLOCATED BY THE COMMONWEALTH TRANSPORTATION BOARD. PRIVATE STREETS WILL BE MAINTAINED BY PROPERTY OWNER.

### SITE PLAN NOTES

1. PAVEMENT IN RIGHT-OF-WAY SHALL BE REPLACED WITH EXISTING SECTION IN ACCORDANCE WITH VDOT PATCHING AND REPAIR GUIDELINES FOR UTILITY TRENCHING DETAIL SHEET.
2. ALL EXISTING CURBS THAT ARE IN A DAMAGED STATE PRIOR TO CONSTRUCTION COMMENCEMENT SHALL BE PATCHED/REPAIRED AS REQUESTED BY THE DEVELOPER OR VDOT.
3. EXISTING INFORMATION IS PER SITE VISIT DOCUMENTS ENTITLED, "KINGS CROSSING PHASE I, PARCELS 1 AND 2, MT. VERNON DISTRICT, FARMER COUNTY, VIRGINIA," PREPARED BY THE ENGINEERING COUNTY PLANET 11-01-01-01, DATED APRIL, REVISIONS 01/11/11 AND IS NOT YET CONSTRUCTED. ALL STREET LIGHTS WERE APPROVED WITH SITE PLANS (#763-SP-001-1).
4. PORTION OF TRAIL REQUIRING REDUCTION WITH FUTURE CONSTRUCTION OF ULTIMATE CURB SECTION (APPROXIMATELY 150.0' OF 16' WIDE TRAIL TOTAL).

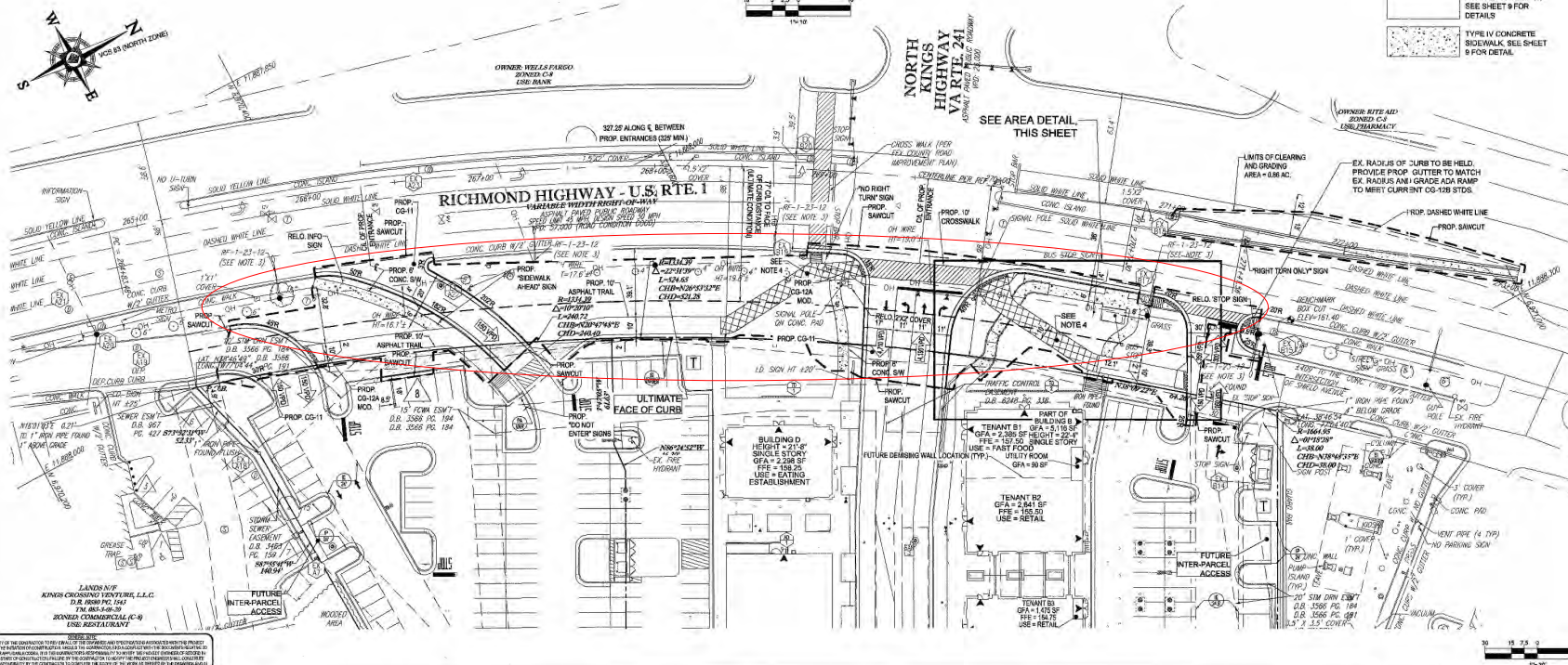
CURB LEGEND

PROPOSED CATCH CURB AND GUTTER

## PAVEMENT LEGEND

ASPHALT PAVEMENT,  
SEE SHEET 9 FOR  
DETAILS

TYPE IV CONCRETE  
SIDEWALK, SEE SHEET  
9 FOR DETAIL



REVISION

[illegible]

NOT APPROVED FOR  
CONSTRUCTION

PROJECT No.:	505216
DRAWN BY:	B.R.
CHECKED BY:	RGS
DATE:	01/22/11
SCALE:	AS NOTED
CAD: D.	

PROJECT: PUBLIC  
IMPROVEMENT  
PLAN  
— FOR —  
KINGS CROSSING  
LAND, L.L.C.

LOCATION OF SITE  
RICHMOND HIGHWAY  
FAIRFAX COUNTY, VA



**22630 DAVIS DRIVE, SUITE 206  
STERLING, VIRGINIA 20164**  
Phone: (703) 709-6600  
Fax: (703) 709-9801  
**[www.BohlerEngineering.com](http://www.BohlerEngineering.com)**



SHEET TITLE:

**SITE  
PLAN**

SHEET NUMBER: 5 OF 24



ACTION – 3

Presentation of the Delinquent Tax List for Tax Year 2021 (FY 2022)

ISSUE:

Presentation to the Board of the annual list of delinquent real estate, personal property, and business, professional, occupational license (BPOL) taxes; presentation of the annual list of small uncollectable accounts. Review of delinquent collection program.

RECOMMENDATION:

The County Executive recommends that (1) staff continue to pursue the collection of delinquent taxes found in Attachment A and continue the collection of non-tax delinquencies; and (2) the Board remove certain small uncollectable overdue accounts listed in Attachments B and C pursuant to Virginia Code § 58.1-3921.

TIMING:

Board action is requested on September 13, 2022.

BACKGROUND:

In accordance with the Virginia Code, the Department of Tax Administration (DTA) has prepared a list of delinquent taxpayers for tax year 2021 (FY 2022) for Board consideration (Attachment A). DTA and its agents will continue to pursue the collection of all taxes and other charges due that are within the statute of limitations in accordance with Virginia Code §§ 58.1-3933 and 58.1-3940.

Presented below is a summary of delinquent taxes still outstanding for Tax Year 2021, as of June 30, 2022:

	<u>Tax Year 2021 (FY 2022)</u>	
	<u>Accounts</u>	<u>Local Tax Amount</u>
Real Estate	2,469	\$ 9,482,114
Personal Property – Vehicles	45,724	\$ 10,320,088
Business Personal Property	2,548	\$ 3,929,220
Public Service Corp. Properties	1	\$ 16
BPOL	<u>1,144</u>	<u>\$ 4,350,343</u>
Total	51,886	\$ 28,081,781

Board Agenda Item  
September 13, 2022

The list being presented to the Board is a "snapshot" of outstanding delinquent taxes as of June 30, 2022. This includes delinquent taxpayers who may already be on a payment plan and delinquencies of taxpayers in bankruptcy.

For perspective, the total amount of all unpaid current year taxes, or \$28 million, represents less than 1% of the levy for Tax Year 2021 (FY 2022). Of the \$10,320,088 in delinquent vehicle taxes, \$2,554,263 is from business owned and used vehicles and \$7,765,825 is from personal property taxes on personally owned and used vehicles.

With outstanding support from the Sheriff's Office, the Police Department, and the Office of the County Attorney, DTA and its collection agents utilized a broad array of collection tools throughout FY 2022 to pursue delinquent accounts. Among other things, these tools include the use of letters, telephone calls, statutory summons authority, payment plans, bank and wage liens, set-offs against income tax refunds, booting and towing of vehicles, and the seizure of equipment.

In accordance with Virginia law, DTA also has an agreement with the Virginia Department of Motor Vehicles (DMV) whereby vehicle registrations are withheld from citizens who have delinquent personal property taxes. A total of 40,563 accounts with DMV holds were successfully collected in FY 2022.

As noted, DTA engages in major outsourcing for delinquent collections. Pursuant to Virginia code § 58.1-3958 and by prior Board action, the private collection agents are compensated by a 20% fee added to the total delinquency, enabling the County to reduce program expenditures. DTA still provides substantial account research, reconciliation, adjudication, and oversight in support of the collection efforts. Outsourcing the bulk of collections continues to be a very productive and successful partnership.

The collection agent for personal property taxes, BPOL taxes, and parking tickets is a Fairfax County company, Nationwide Credit Corporation (NCC). NCC collected \$18.63 million in delinquent personal property taxes and vehicle registration fees and \$2.94 million in delinquent BPOL revenue in FY 2022.

These results were achieved through a robust collection program that included more than 1 million telephone calls using automated outbound dialing technology. In addition, NCC sent 101,053 dunning letters and issued approximately 24,545 bank and wage liens.

In addition to delinquent taxes, parking ticket collections are also outsourced. United Public Safety, a division of T2 Company, handles the front-end ticket processing and

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current collections for DTA. NCC pursues the collection of delinquent parking tickets. Ticket collections totaled approximately \$1.61 million in FY 2022.

The private law firm Taxing Authority and Consulting Services (TACS), based in Richmond, Virginia, handles the County's collection of delinquent real estate accounts. With coordination and oversight from DTA, TACS collected approximately \$9 million in delinquent real estate taxes for Fairfax County in FY 2022. Of this amount, \$1.15 million came because of litigation being initiated and/or from the non-judicial sale of properties at auction. TACS also collected \$8,443 in zoning violation fees.

Although the County Attorney's Office is now only rarely involved in collections actions that have been likewise outsourced to TACS, the County Attorney's Office continues to handle all collection matters before the bankruptcy courts. A total of 55 new bankruptcy collection cases were opened in FY 2022, and \$1.18 million was collected from all bankruptcy matters.

Thanks to these combined efforts, the County collected more than \$39 million in net delinquent taxes in FY 2022 for all prior tax years. Strong collection efforts are also reflected in the current year tax collection rates:

	<u>FY 2022</u>
Real Estate	99.66 %
Personal Property (local share)	96.67 %
BPOL	98.13 %

Under the non-tax delinquent collection program, DTA works with agencies to improve billing operations, clarify the potential collection actions to be taken, and standardize the use of Set-Off Debt opportunities and referrals to NCC. The individual agencies, and in some cases DTA, pursue initial collection efforts. After the statutory period of 90 days, delinquent accounts are referred to NCC. Working together, DTA and its agents collected approximately \$1.8 million in FY 2022.

Finally, Virginia Code §§ 58.1-3921 and 58.1-3924 state that upon submission to the Board of a list of small tax amounts for which no bills were sent (Attachment B) and a list of small uncollected balances of previously billed taxes (Attachment C), credit shall be given for these uncollected taxes. The lists presented in Attachments B and C average \$2.00 per account:

	<u>Accounts</u>	<u>Dollars</u>
Real Estate	5,964	\$ 738
Personal Property	<u>18,471</u>	\$ <u>42,846</u>
TOTAL	24,435	\$ 43,584

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FISCAL IMPACT:

None. Collection agents collect their fee directly from the delinquent taxpayers, not to exceed 20% of the amount collected plus administrative costs as specified by law.

ENCLOSED DOCUMENTS:

Attachment A - Delinquent Taxpayers for Tax Year 2021 (FY 2022)

Attachment B - Tax Year 2021 accounts valued less than \$5 that were not billed

Attachment C - Tax Year 2021 "balance due" accounts of less than \$5

(Attachments A, B, and C listed above are computer printouts which will be made available in the Board Conference Room on September 13, 2022, from 9:00 A.M. - 4:30 P.M.)

STAFF:

Christina Jackson, Chief Financial Officer

Jaydeep "Jay" Doshi, Director, Department of Tax Administration

Gregory A. Bruch, Director, Revenue Collection Division, DTA

Kimberly Sebulna, Assistant Director, Revenue Collection Division, DTA

ASSIGNED COUNSEL:

Daniel Robinson, Senior Assistant County Attorney

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September 13, 2022

ACTION – 4

Approval of a Project Agreement Between the Virginia Department of Rail and Public Transportation (DRPT) and Fairfax County for FY 2023 I-66 Outside the Beltway Toll Revenue for the Implementation and Operation of New Fairfax Connector Bus Service

ISSUE:

Board approval of a resolution (Attachment 1) authorizing the Director of the Fairfax County Department of Transportation (FCDOT) to execute the attached multiple year project agreement, substantially in the form of Attachment 2, between Fairfax County and the Department of Rail and Public Transportation (DRPT) to begin implementation of eligible bus routes (Route 660, 670, and 698) in the approved Chantilly Centerville Vienna Tysons (CCVT) bus service plan. The attached agreement in the amount of \$4,600,000 is to implement and operate the new bus service in FY 2023 and FY 2024.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve a resolution (Attachment 1) authorizing the Director of FCDOT to sign a project agreement, substantially in the form of Attachment 2, between the County and DRPT for toll revenue funding in the amount of \$4,600,000 to implement and operate eligible bus service in the I-66 corridor in FY 2023 and FY 2024.

TIMING:

Board approval is requested on September 13, 2022, so that DRPT can release FY 2023 operating funds to Fairfax County to implement planned service changes in January 2023.

BACKGROUND:

The Transform 66 Outside the Beltway (OTB) Project will change Interstate 66 into a multimodal corridor that moves more people, provides reliable trips, and offers new travel options. The project is a public-private partnership between the Virginia Department of Transportation (VDOT), the Department of Rail and Public Transportation (DRPT), and their private partner, I-66 Express Mobility Partners, delivering \$3.7 billion of transportation improvements in the I-66 corridor. The improvements include new Express Lanes on I-66 from I-495 to Gainesville, new and

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enhanced bus service, new and expanded park-and-ride lots, interchange improvements, and 11 miles of new bike and pedestrian trails.

On June 21, 2022, the CTB adopted the FY 2023 – FY 2028 Six Year Improvement Plan (SYIP), which included \$4,600,000 in Transform I-66 OTB toll revenue funding for the implementation of and operation of a new Fairfax Connector bus routes. Route 660 will be implemented first and will operate along the I-66 and I-495 Express Lanes from the Centreville (Stone Road) Park-and-Ride Lot to the Tysons Corner Metrorail Station during weekday peak hours only. Intermediate stops served include the Government Center Park-and-Ride Lot (until Monument Drive Garage opens), the Monument Drive Park-and-Ride Lot, and the Vienna Metrorail Station providing access to 21 bus routes operated by three service providers (Fairfax Connector, Metrobus and CUE) as well as Metrorail, thereby improving passenger connections in Fairfax County, Arlington, and the District of Columbia. The route is scheduled to begin in January 2023.

This I-66 OTB funding will also support two additional bus routes in the future.

- Route 670 - Chantilly to Franconia-Springfield Metrorail Station with connections at the Monument Drive multimodal facility and Vienna Metrorail Station
- Route 698 - Stringfellow Park-and-Ride Lot to the Vienna Metrorail Station with through connections to the Pentagon during peak periods

FISCAL IMPACT:

The attached agreement provides the County with a total of \$4,600,000 I-66 in Outside the Beltway Toll Revenue funding to support the implementation and operation of eligible bus routes in the I-66 corridor through FY 2024. All revenues and expenditures associated with this agreement will be included in Fund 40000, County Transit Systems. Approximately \$1,000,000 for a half-year of service is included in the FY 2023 Adopted Budget. Appropriation of the resources needed for operation of the above-mentioned routes will be addressed through the upcoming budget development process. There is no additional General Fund impact.

ENCLOSED DOCUMENTS:

Attachment 1: Resolution to Authorize Staff to Execute Project Agreement #79323-01 with DRPT

Attachment 2: Project Agreement #79323-01 with DRPT for I-66 OTB Operating Service

Board Agenda Item  
September 13, 2022

STAFF:

Rachel Flynn, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation, FCDOT  
Gregg Steverson, Deputy Director, FCDOT  
Ray Johnson, Chief, Funding Section, FCDOT  
Scott Patchan, Financial Specialist, Funding Section, FCDOT  
Michael Felschow, Chief, Transit Planning, FCDOT  
Christina Cain, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney



## **Fairfax County Board of Supervisors Resolution**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center in Fairfax, Virginia, on September 13, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

### **AGREEMENT EXECUTION RESOLUTION**

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Fairfax County, Virginia, authorizes the Director of Fairfax County's Department of Transportation to execute, on behalf of the County of Fairfax, the Grant Project Agreement 79323-01 with the Virginia Department of Rail and Public Transportation for Transform 66 Outside the Beltway Toll Revenue funding to implement and operate eligible bus service in the I-66 corridor in FY 2023 and FY 2024. Project administration will be handled by Fairfax County.

Adopted this 13th day of September 2022, Fairfax, Virginia

ATTEST \_\_\_\_\_  
Jill G. Cooper  
Clerk to the Board of Supervisors

**Project Agreement for Use of  
Commonwealth Transportation Funds  
Fiscal Year 2023  
Six Year Improvement Program Approved Project  
Project Number 79323-01**

This Project Agreement by and between the Commonwealth of Virginia Department of Rail and Public Transportation (“Department”) and Fairfax County (“Grantee”) (collectively, the “Parties”), is for the provision of funding the Project, and is made and entered into on the date this document is signed by the last signing party.

WHEREAS, the Grantee has requested that the Department provide Transform 66 P3 Program funding for specific transit services identified in the Department's I-66 Corridor Transit & Transportation Demand Management Plan Update dated February 2020; and

WHEREAS, the Department has approved funding for the Project; and on June 21, 2022, the Commonwealth Transportation Board (“CTB”) allocated funding for the Project; and

WHEREAS, the Parties wish to define the extent of the Project, the responsibilities of the Parties, the manner of performing the necessary work, the method and time of payment, and other terms and conditions associated with the Project.

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

**ARTICLE 1. SCOPE OF WORK, TERM AND BUDGET**

1. Under the terms of this Project Agreement, the Grantee shall:

- a. Provide I-66 commuter transit services along the I-66 Express Lanes as identified in the Department's I-66 Corridor Transit & Transportation Demand Management Plan Update dated February 2020. The specific services that are eligible to be funded through this Project Agreement include:
  - i. Fairfax Connector Route 660 - Stone Road in Centreville to Tysons with connections at the Monument Drive multimodal facility and Vienna Metrorail Station.
  - ii. Fairfax Connector Route 670 - Chantilly to Franconia-Springfield Metrorail Station with connections at the Monument Drive multimodal facility and Vienna Metrorail Station.
  - iii. Fairfax Connector Route 698 - Stringfellow Park-and-Ride Lot to the Vienna Metrorail Station with through connections to the Pentagon during peak periods.
- b. Submit quarterly performance reports, by electronic mail, to the Department, by the 30th day of each month following the end of a calendar quarter (i.e. January 30, April 30, July 30 and October 30), a report on services provided during the previous calendar quarter. In order to receive reimbursement by the Department under this Project Agreement, the Grantee must be current on its quarterly performance reporting requirements. The quarterly report shall include the following data:
  - i. Identification of transit services provided during the quarter (by dates, times, route numbers and run/trip numbers).

- ii. Total ridership for the previous quarter for all trips provided on the specified eligible routes.
  - iii. Monthly ridership totals for the previous quarter for all trips provided on the specified eligible routes.
  - iv. Daily ridership totals for the previous quarter for all trips provided on the specified eligible routes.
  - v. Running month to month comparison of monthly ridership totals for all trips provided on the specified eligible routes.
  - vi. Monthly ridership totals for all trips provided on the specified eligible routes for the same months in the previous year (for year to year comparison).
  - vii. Passengers per revenue hour for the previous quarter for the specified eligible routes.
  - viii. Passengers per revenue mile for the previous month for the specified eligible routes.
3. The Department agrees to provide funding as detailed below:
- a. State grant funding in the amount of \$4,600,000 for the Project approved in the Fiscal Year 2023 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is attached and made a part of this Project Agreement.
4. The Project Agreement may be amended only upon written agreement of the Parties prior to the Project Expiration Date identified in Appendix 1.
5. The Grantee acknowledges that state grant funding for this grant is subject to appropriation by the General Assembly and allocation by the CTB.

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

The Master Agreement for Use of Commonwealth Transportation Funds agreed and executed by the Parties dated August 19, 2020 (“Master Agreement”), is hereby incorporated by reference, as if set out in full herein. Terms not defined in this Project Agreement are defined in the Master Agreement.

IN TESTIMONY THEREOF, the Department and the Grantee have caused this Agreement to be executed, each by its duly authorized officers.

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

By: \_\_\_\_\_  
Director

Date Signed: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

## **Appendix 1**

**Grantee: Fairfax County**

**Project: Provide I-66 Commuter Transit Services Along the I-66 Express Lanes as Identified in the Department's I-66 Corridor Transit & Transportation Demand Management Plan Update Dated February 2020**

**Operating Assistance Program Project Agreement**

**Project Number: 79323-01**

**Project Start Date: September 1, 2022**

**Project Expiration Date: December 31, 2024**

<b>Fund Code</b>		<b>Item Amount</b>
04314	Grant Amount (State share of Project cost - 100%)	\$4,600,000
	Total Project Expense	\$4,600,000

In no event shall this grant exceed \$4,600,000.

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ACTION - 5

Approval of Fairfax Connector January 14, 2023, Service Changes (Braddock, Dranesville, Hunter Mill, Providence, Springfield, and Sully Districts)

ISSUE:

Board of Supervisors approval of the Fairfax Connector's January 14, 2023, service changes.

RECOMMENDATION:

The County Executive recommends the Board approve the Fairfax Connector's January 14, 2023, service change proposals outlined below.

TIMING:

Board approval is requested on September 13, 2022, to allow for implementation on January 14, 2023.

BACKGROUND:

Staff proposes service changes for implementation on January 14, 2023, to improve the customer experience and increase ridership through improved connectivity, on-time performance, service reliability, and effectiveness. The proposed service changes are described below. Additional background information, route maps, and levels of service are provided in Attachment II.

PROPOSED SERVICE CHANGES SUMMARY:

*Route 660: Centreville to Tysons – Cross County Connector*

County staff worked with the Department of Rail and Public Transportation (DRPT) to develop Route 660 that will operate along I-66 using the new express lanes. The route will improve connectivity between Centreville and Tysons, which is a major employment center, and will provide additional connections for passengers at the Government Center and Vienna Metrorail Station.

- Route 660 will provide weekday commuter service with 10-minute frequency during peak periods.
- Reduces travel time from Centreville to Tysons by approximately 30 percent.
- The estimated total annual revenue hours are 17,300.
- The estimated total annual operating cost is \$2.3 million, which will be funded through a DRPT grant using I-66 Outside the Beltway (OTB) toll revenue.

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- The vehicles needed to operate this route have already been purchased by the County using funds from DRPT.

*Route 644: Stone Road – Vienna*

To avoid duplication of service with new Route 660, staff recommends eliminating Route 644. The connection from the Stone Road Park-and-Ride Lot to the Vienna Metrorail Station will be served by Route 660 with improved frequency. The entire service that Route 644 currently provides will be covered by Route 660.

- By replacing Route 644 with Route 660, the peak period frequency will be improved from 15 minutes to 10 minutes.

*Route 937: Harbor House – Herndon Metrorail Station*

The existing Route 937 serves the Innovation Center and Herndon Metrorail Stations south of the Silver Line to Harbor House and along Elden Street. The southbound direction of Route 937 will be shifted one block from Thomas Jefferson Drive to Coppermine Road, improving operations and safety by increasing the line of sight for drivers at the corner of Thomas Jefferson Drive and Frying Pan Road.

- The southbound alignment would change to ensure safe turn movements for the bus. The bus would serve Coppermine Road and then turn left onto Frying Pan Road. The northbound alignment would remain unchanged.
- Route 937 will maintain the existing level of service.
- There will be no change in the total annual revenue hours.
- There will be no change in the total annual operating cost.

*Route 951: Wiehle-Reston East – Innovation Center*

The existing Route 951 serves the Innovation Center, Herndon, Reston Town Center, and Wiehle-Reston East Metrorail Stations via Sunrise Valley Drive and Glade Drive. Similar to Route 937, the eastbound direction of Route 951 will be shifted one block from Thomas Jefferson Drive to Coppermine Road, improving operations and safety by increasing the line of sight for drivers at the corner of Thomas Jefferson Drive and Frying Pan Road.

- The eastbound alignment would change to ensure safe turn movements for the bus. The bus would serve Coppermine Road and then turn left onto Frying Pan Road. The westbound alignment would remain unchanged.
- Route 951 will maintain the existing level of service.
- There will be no change in the total annual revenue hours.
- There will be no change in the total annual operating cost.

*Public Involvement*

To inform the public of the January 14, 2023, service changes and receive feedback from passengers, staff posted detailed information on the Fairfax Connector website



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and social media accounts, conducted an online survey, distributed flyers on all buses, hosted a public meeting to directly engage the public, and reviewed and responded to public comments and questions. The public comments were incorporated into the proposal, where feasible. A total of 30 individuals responded to the online survey, with approximately 85 percent of the responses being positive comments. A summary of the public feedback and responses is provided in Attachment III.

TITLE VI:

The service changes, proposed for implementation on January 14, 2023, were reviewed as mandated by the Federal Transit Administration (FTA) in *Circular C4702.1B: Title VI Requirements and Guidelines for Federal Transit Administration Recipients*. The elimination of Route 644 and creation of Route 660 meets the threshold for major service change. However, the analysis showed the proposed service changes will not create a negative disparate impact on communities of color or a disproportionate burden on low-income households. Instead, they will result in an overall service improvement for Fairfax Connector's riders and the communities served. As a result, no adverse Title VI impacts were found for the service changes. The Title VI analysis is provided in Attachment IV.

EQUITY IMPACT:

The service changes, proposed for implementation on January 14, 2023, will increase transit service by improving access to communities of color and low-income households.

Staff conducted a federally required Title VI analysis designed to ensure that based on race, color, or national origin, no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program that the United States Department of Transportation (USDOT) financially assists and to determine if any service change will have a negative impact on communities of color or low-income households, as defined by the USDOT. This analysis was done by examining the level of service (including span of service, frequency, and days of operation) for communities of color and low-income households before and after the proposed service changes. Based on the analysis, access along these routes will be improved for approximately 165,300 individuals in communities of color and 19,000 low-income households. As a result, the proposed service changes will not create a negative impact on communities of color or low-income households.

A post-implementation analysis will include conducting an onboard survey to obtain socio-economic information on the Fairfax Connector riders. This information, along with

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daily ridership and U.S. census data, will be used to assess and monitor the service changes. Staff may recommend refinements to these bus routes after implementation.

FISCAL IMPACT:

The operational and capital costs of these service changes are included in the County's FY 2023 Adopted Budget Plan in Fund 40000, County Transit Systems. The service adjustments to Routes 937 and 951 and the elimination of Route 644 will not result in increased costs to Fund 40000. Funding of \$1.15 million to support a half-year of operation of the new Route 660 is included in the FY 2023 Adopted Budget Plan and supported by I-66 Outside the Beltway toll revenues. As a result, no additional General Fund resources are required for the operating or capital costs of the proposed service changes.

ENCLOSED DOCUMENTS:

Attachment I – News Release  
Attachment II – Route Profiles  
Attachment III – Public Comments Summary  
Attachment IV – Service Equity (Title VI) Analysis

STAFF:

Rachel Flynn, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Dwayne Pelfrey, Chief, Transit Services Division, FCDOT  
Michael Felschow, Chief, Planning Section, Transit Services Division, FCDOT  
Ray Johnson, Chief, Funding Section, Coordination and Funding Division, FCDOT  
Brent Riddle, Coordination and Funding Division, FCDOT

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney



# NEWS RELEASE

Attachment I

## Public Input Sought on Fairfax Connector January 2023 Service Changes

### For Immediate Release

June 10, 2022

Fairfax County Department of Transportation (FCDOT) will host a virtual community input meeting, Wednesday, June 15, at 7 p.m. on [Fairfax Connector](#) proposed service changes for **January 2023**. The public is encouraged to attend the meeting to learn about the proposed changes and take part in a question-and-answer session. Feedback on the proposed changes is **encouraged via the online survey and by email, mail and phone through Friday, July 6**.

- [Join the meeting online](#)
- **Join by phone: 571-429-5982; Access Code: 128522828#**
- [View Presentation](#)
- [View the Route Sheets with proposed service changes](#)

### Highlights of Proposed Service Changes

FCDOT proposes the following adjustments to Fairfax Connector bus service. If approved by the County Board of Supervisors, these changes would take effect in January 2023.

- **Route 644:** Route would be eliminated and replaced with new Route 660.
- **Route 660: Centreville (Stone Road) Park & Ride - Tysons**  
Route 660 will replace Route 644. Provides service between Centreville (Stone Rd) Park & Ride and Tysons, via the Fairfax County Government Center and Vienna Metrorail Station.

### Amendments to Reston-Herndon Service Plan (Approved Feb 22, 2022)

- **Route 937: Harbor House to Herndon Metro**  
Southbound service realigned to serve Coppermine Rd, with left turn to Frying Pan Rd. Northbound remains unchanged.
- **Route 951: Wiehle-Reston East Metro to Innovation Center Metro**  
Eastbound service realigned to serve Coppermine Rd, with left turn to Frying Pan Rd. Westbound remains unchanged.

### Provide Feedback: Take an Online Survey

Public comments will be accepted until July 6, 2022.

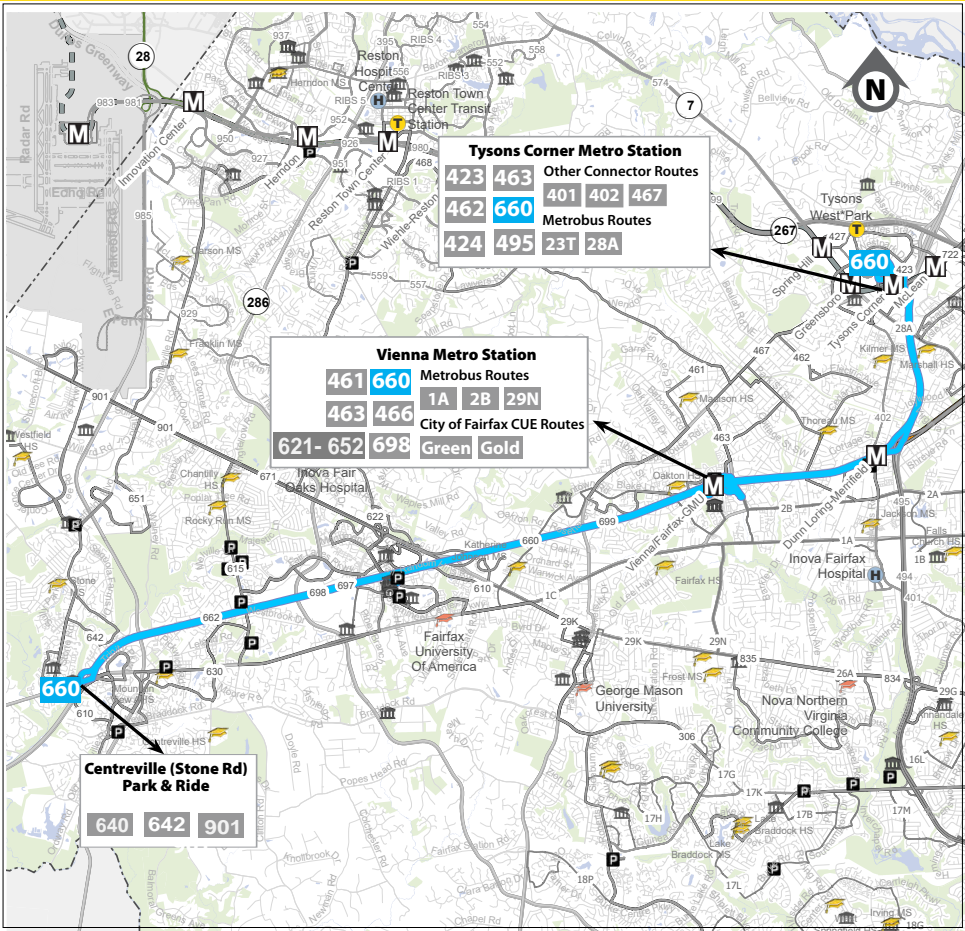
- [Take the online survey.](#)
- Mail: January 2023 Service Change c/o FCDOT Planning, 4050 Legato Road #400 Fairfax, VA 22033-2895
- E-mail [fairfaxconnector@fairfaxcounty.gov](mailto:fairfaxconnector@fairfaxcounty.gov)
- Call 703-339-7200, TTY 703-339-1608

### Stay Connected with Fairfax Connector

- Visit [www.fairfaxconnector.com](http://www.fairfaxconnector.com)
- Call 703-339-7200, TTY 703-339-1608 (Mon.-Fri., 5 a.m.-10 p.m.; Sat.-Sun., 7 a.m.- 9 p.m.)
- Email us at [Fairfaxconnector@fairfaxcounty.gov](mailto:Fairfaxconnector@fairfaxcounty.gov)
- To receive notifications for your bus route, sign up for [BusTracker email or text alerts](#)
- Follow us on [Twitter](#) & [Facebook](#)
- Visit a [Connector Transit Store](#)

## Route Profiles

# ROUTE 660: CENTREVILLE (STONE RD) PARK & RIDE - TYSONS

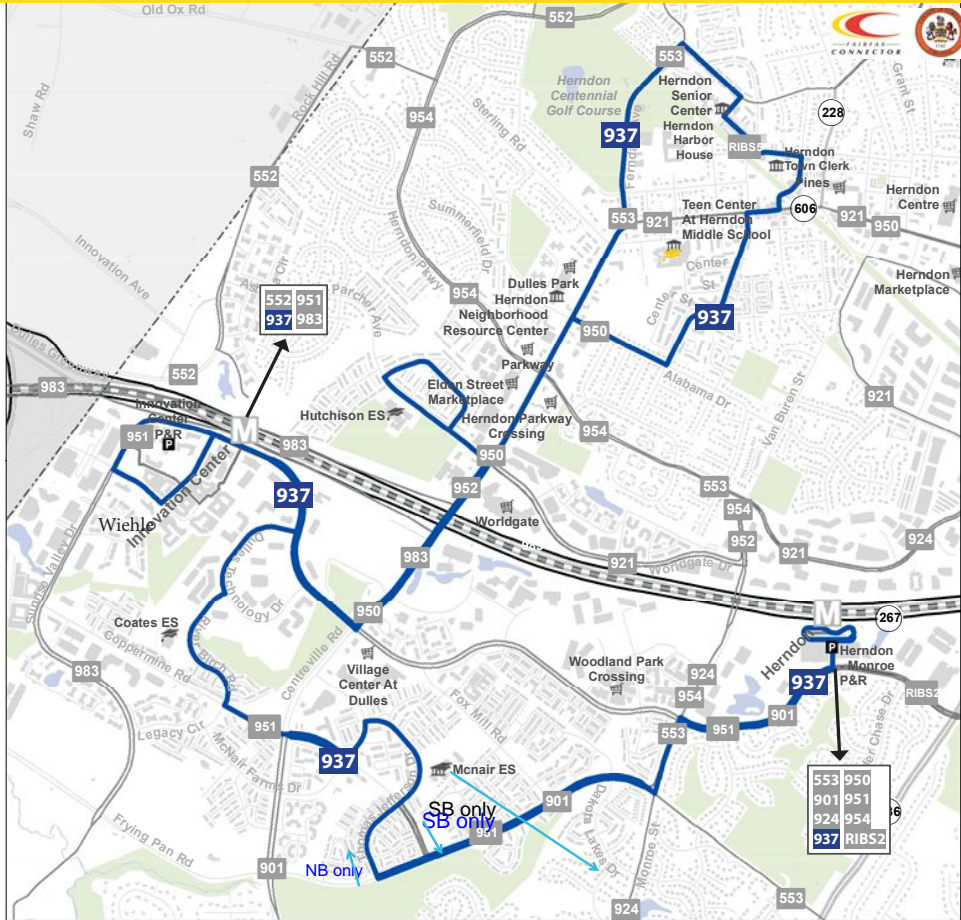


OVERVIEW	CLASS	Cross-County Connector
	DIRECTIONS	Eastbound/Westbound
	VIA	I-66, Vienna Metrorail Station, I-495 Express Lanes
	TRANSFERS AVAILABLE	<b>Connector:</b> 401, 402, 423, 424, 461, 462, 463, 466, 467, 494, 495, 605, 615, 621,622, 623, 624, 630, 631, 632, 634, 640, 641, 642, 650, 651, 652, 698, 901; <b>Metrorail:</b> Orange/Silver Line; <b>Metrobus:</b> 1A, 1C, 2B, 23A, 23T, 28A, 29N; <b>CUE:</b> Green, Gold
	IMPROVEMENT(S)	New route in replacement of route 644, with direct service between Centreville (Stone Rd) Park & Ride Lot and Tysons; via the Fairfax County Government Center and the Vienna Metrorail Station

		WEEKDAY	SATURDAY	SUNDAY
LEVEL OF SERVICE	PROPOSED ROUTE 660	SERVICE HOURS	5:00 AM - 10:04 AM — 3:00 PM - 8:39 PM	No Service
	FREQUENCY	RUSH	10 -15 mins	No Service
		NON-RUSH	No Service	

FACILITIES SERVED WITHIN A QUARTER MILE				
0 HIGH/MIDDLE SCHOOLS	0 TRANSIT CENTERS	0 COLLEGES	4 PARK & RIDE LOTS	
2 METRORAIL STATIONS	7 ACTIVITY CENTERS	0 HOSPITALS	9 GOVERNMENT/ COMMUNITY / HUMAN SERVICES CENTERS	









# ROUTE 937: HARBOR HOUSE TO HERNDON METRO



OVERVIEW	CLASS	Local
	DIRECTIONS	Northbound/Southbound
	VIA	Worldgate, Elden St, Innovation Center Metrorail Station
	TRANSFERS AVAILABLE	<b>Connector:</b> 552, 553, 901, 921, 924, 950, 951, 952, 954, 983, RIBS2/5 (amendment to Reston-Herndon Service Plan approved on Feb. 22, 2022); <b>Metrorail:</b> Silver Line
	IMPROVEMENT(S)	Fairfax County Board of Supervisors approved Route 937 as part of the Reston-Herndon bus plan, and the proposed change listed here is a minor adjustment to the route's alignment to ensure a safe bus turn.

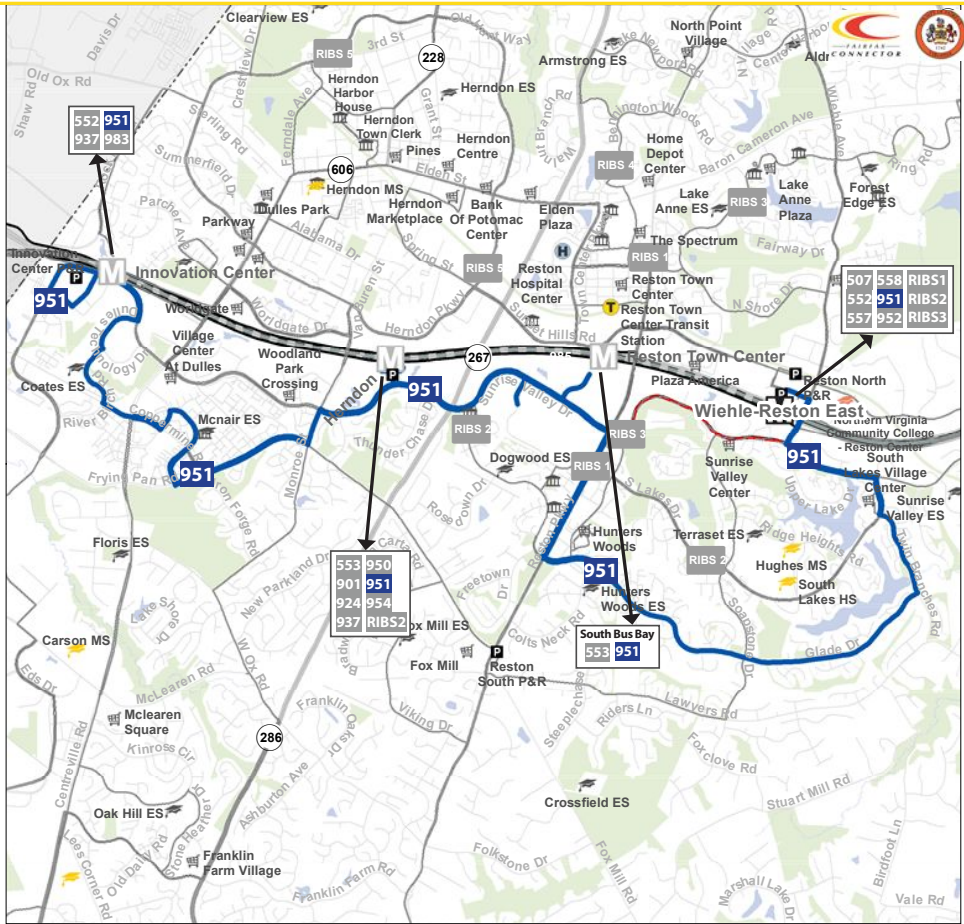
		WEEKDAY	SATURDAY	SUNDAY
LEVEL OF SERVICE	PROPOSED ROUTE 937	SERVICE HOURS	7:58AM - 5:39PM	7:46AM - 8:10PM
		FREQUENCY	40 mins	40 mins
		RUSH	Limited Service	
		NON-RUSH	40 mins	

# FACILITIES SERVED WITHIN A QUARTER MILE

	1 HIGH/MIDDLE SCHOOLS		0 TRANSIT CENTERS		0 COLLEGES		2 PARK & RIDE LOTS
	2 METRO RAIL STATIONS		3 ACTIVITY CENTERS		0 HOSPITALS		4 COMMUNITY / HUMAN SERVICES CENTERS



# ROUTE 951: WIEHLE-RESTON EAST METRO TO INNOVATION CENTER METRO



OVERVIEW	CLASS	Feeder
	DIRECTIONS	Westbound/Eastbound
	VIA	Reston Town Center Metro (South), Herndon Metro (South), Coppermine Rd
	TRANSFERS AVAILABLE	<b>Connector:</b> 507, 552, 553, 557, 558, 605, 901, 921, 924, 937, 950, 952, 954, 983, RIBS1, RIBS2, RIBS3, RIBS4, RIBS5; <b>Metrorail:</b> Silver Line
	IMPROVEMENT(S)	Fairfax County Board of Supervisors approved Route 951 as part of the Reston-Herndon bus plan, and the proposed change listed here is a minor adjustment to the route's alignment to ensure a safe bus turn.

LEVEL OF SERVICE	PROPOSED ROUTE 951	WEEKDAY		SATURDAY	SUNDAY
		SERVICE HOURS		No Service	No Service
		FREQUENCY		No Service	No Service
		RUSH	20 mins		
		NON-RUSH	No Service		

FACILITIES SERVED WITHIN A QUARTER MILE					
0 HIGH/MIDDLE SCHOOLS	0 TRANSIT CENTERS	0 COLLEGES	3 PARK & RIDE LOTS	0 HOSPITALS	4 COMMUNITY / HUMAN SERVICES CENTERS
4 METRO RAIL STATIONS	6 ACTIVITY CENTERS				



### Public Comment Summary

The following is a public comment summary regarding the January 14, 2023, service change proposal, for which draft schedules and route profile sheets were provided online. The public comments were derived from the online survey, email, and mail. A total of 30 individuals responded to the online survey, with approximately 85 percent positive responses. The six written responses shown below were collected by survey, email, and mail.

#### Online Survey

Route(s)	Comment	Summary Response
644	Why add a stop and travel time between the Centreville lot and Vienna? I won't ride this. The extension to Tysons after Vienna is fine.	FCDOT proposes serving the Government Center Park-and-Ride Lot on Route 660 in order to improve connectivity, provide transfer opportunities, maximize ridership, and provide utility to as many riders as possible. FCDOT strives to balance faster travel times and greater connectivity for as many riders as possible. We anticipate that serving the Government Center Park-and-Ride Lot will only add a few minutes to the overall trip time, since this route would use the new I-66 express lanes, keeping travel time competitive with a private automobile trip.
644	Less frequency from Stone Road Park-and-Ride to Vienna Metro. Does 642 still exist? Do both 642 and 660 stop at the Government Center on the way to Vienna?	Route 642 will continue to operate as it does today for the foreseeable future. Route 644 would be eliminated under this proposal and replaced with Route 660. Route 642 serves the Sully Station Park-and-Ride Lot in Centreville, and the proposed Route 660 would serve the Fairfax County Government Center Park-and-Ride Lot in Fairfax, off of Government Center Parkway near Monument Drive. Route 660 will improve frequency from 15 minutes to 10 minutes from the Stone Road Park-and-Ride Lot to the Vienna Metrorail Station.
660	This route is not very direct if it stops at the County Government Center. Keep the 644 which is non-stop between Vienna and Centreville.	FCDOT proposes serving the Government Center Park-and-Ride Lot on Route 660 in order to improve connectivity, provide transfer opportunities, maximize ridership, and provide utility to as many riders as possible. FCDOT strives to strike a balance between faster travel times and greater connectivity for as many riders as possible. We anticipate that serving the Government Center Park-and-Ride Lot will only add a few minutes to the overall trip time, since this route would use the new I-66 express lanes, keeping travel time competitive with a private automobile trip.

Route(s)	Comment	Summary Response
660	Why would I go to Tyson's?	We understand that some riders may not have a need or a desire to travel to Tysons, but based on staff analysis, there is demand to provide a direct connection to Tysons.
937	Concern is frequency of "next bus" and continuous service throughout day's service, including weekends.	Route 937 will have a scheduled frequency of one bus every 40 minutes, 7 days a week, operating from 8:00 A.M. to 5:30 P.M. Routes 553, 921, 950, and 951 will also cover the service area of the existing Route 937 during rush hours after implementation of the Silver Line Metrorail with improved frequency and connectivity. (Note: On February 22, 2022, the Fairfax County Board of Supervisors approved service changes to Route 937 as part of the Reston – Herndon bus plan, and the proposal listed here is a minor adjustment to the Route 937 alignment in that plan).
951	Concern is frequency of "next bus" and continuous service throughout day's service, including weekends. Needs to be no more than 15 minutes apart during commuting hours.	Route 951 will have a scheduled frequency of one bus every 20 minutes and will operate only during the morning and evening rush hours on weekdays. Frequency of scheduled service is determined by several factors, including rider demand and availability of resources (buses, drivers, and fleet). FCDOT will monitor this service to ascertain whether an increase in frequency of service is warranted or possible given our resource constraints. (Note: On February 22, 2022, the Fairfax County Board of Supervisors approved service changes to Route 951 as part of the Reston – Herndon bus plan, and the proposal listed here is a minor adjustment to the Route 951 alignment in that plan).

## **Title VI Service Equity Analysis**

The service changes proposed for implementation on January 14, 2023, were reviewed as mandated by the Federal Transit Administration (FTA) in *Circular C-4702.1B, Title VI Requirements and Guidelines for Federal Transit Administration Recipients*.

### Relevant Fairfax County Title VI Program Elements

A service equity analysis may require the evaluation of as many as four items depending on the route's nature, proposed changes, and served environment. The policies listed in this section are contained in the County's Title VI Program, as approved by the Board of Supervisors in 2020.

A major service change is defined as either an increase or decrease of 25 percent or more in either daily revenue service hours, revenue service miles, or both for the individual route being modified.

An adverse effect occurs when the proposed service incorporates any of the following modifications:

- Service is eliminated
- Headways are modified by at least 20 percent and 10 minutes
- Span of service is modified by at least 10 percent and two hours
- New service is implemented

A disparate impact (DI) occurs when the difference between minority populations and non-minority populations affected by a proposed service change or fare change is 10 percent or greater.

A disproportionate burden (DB) occurs when the difference between low-income households and non-low-income households affected by a proposed service change or fare change is 10 percent or greater.

"If a transit provider chooses not to alter the proposed service changes despite the potential disparate impact on minority populations, or if the transit provider finds, even after the revisions, that minority riders will continue to bear a disproportionate share of the proposed service change, the transit provider may implement the service change *only* if:

- "the transit provider has a substantial legitimate justification for the proposed service change; and
- "the transit provider can show that there are no alternatives that would have a less disparate impact on minority riders but would still accomplish the transit provider's legitimate program goals." (*Circular C-4702.1B*, page IV-16)

The Fairfax County Department of Transportation (FCDOT) measured the percentages of minority populations and low-income households impacted by the proposed service changes and then compared those percentages to the system-wide profile for Fairfax Connector (49.4 percent minority populations and 16.7 percent low-income households) to determine whether the service changes would cause a DI or a DB.

### Summary of Analysis Results

The analysis showed the proposed service changes to Routes 644 and 660 met the major service change threshold. However, the analysis suggested these routes would not result in a DI for minority populations or a DB for low-income households.

### Overview

The service changes proposed for implementation on January 14, 2023, include Routes 644, 660, 937 and 951.

#### *Route 644: Stone Road – Vienna*

Route 644 will be eliminated and replaced by the new Route 660.

#### *Route 660: Stone Road – Tysons*

The new Route 660 will operate between the Stone Road Park-and-Ride Lot and Tysons, stopping at the Fairfax County Government Center and Vienna Fairfax-GMU Metrorail Station.

#### *Route 937: Harbor House – Herndon*

Route 937 will have a minor realignment to ensure safer bus operations.

#### *Route 951: Wiehle-Reston East – Innovation Center*

Route 951 will have a minor realignment to ensure safer bus operations.

### Major Service Change Evaluation

Each of the above routes included in the proposed service changes was evaluated against the major service change threshold defined in the County's Title VI Program. Table 1 shows Routes 644 and 660 met the major service change threshold and required further DI/DB analysis.

**Table 1: Proposed Service Changes**

Route	Proposed Change in Revenue Hours (%)			Proposed Change in Revenue Miles (%)		
	Weekday	Sat.	Sun.	Weekday	Sat.	Sun.
644	-100%	N/A	N/A	-100%	N/A	N/A
660	100%	N/A	N/A	100%	N/A	N/A
937	0%	0%	0%	-1%	-1%	-1%
951	0%	N/A	N/A	-1%	N/A	N/A

Table 2 shows the detailed adverse effects for the proposed route changes that met the major service change threshold.

**Table 2: Adverse Effects**

Route	Service Elimination	New Service	Headway modified by at least 20% and 10 min.				Span of service modified by at least 10% and 2 hrs.		
			Weekday Peak <sup>1</sup>	Weekday Midday	Sat.	Sun.	Weekday	Sat.	Sun.
644	Elimination	-	-100%	-	-	-	-100%	-	-
660	-	New Service	100%	-	-	-	100%	-	-

#### *Data Sources*

Data on the minority population by census block group is from Table B03002 from the American Community Survey, 2015–2019 five-year estimates. Minority population is defined as all persons who are not within the non-Hispanic white population. Data on the low-income households by census block group is from Table B19001 from the American Community Survey, 2015–2019 five-year estimates. Low-income households are defined as households making under \$50,000 annually. The market area assumption for the park-and-ride facilities was a 2.5-mile radius, due to the proximity of those facilities and the congested roadway network along the I-66 corridor<sup>2</sup>.

#### *Route 644: Stone Road – Vienna (Eliminated)*

Disparate Impact (DI): Within the service area of Route 644, the minority population is 49.4 percent, which is 0.1 percent higher than the system average (see Table 3). Since this difference does not exceed the 10 percent threshold, there is no DI for the minority population. Figure 1 shows the proposed route alignment in relation to predominantly minority census block groups.

**Table 3: Route 644 Disparate Impact**

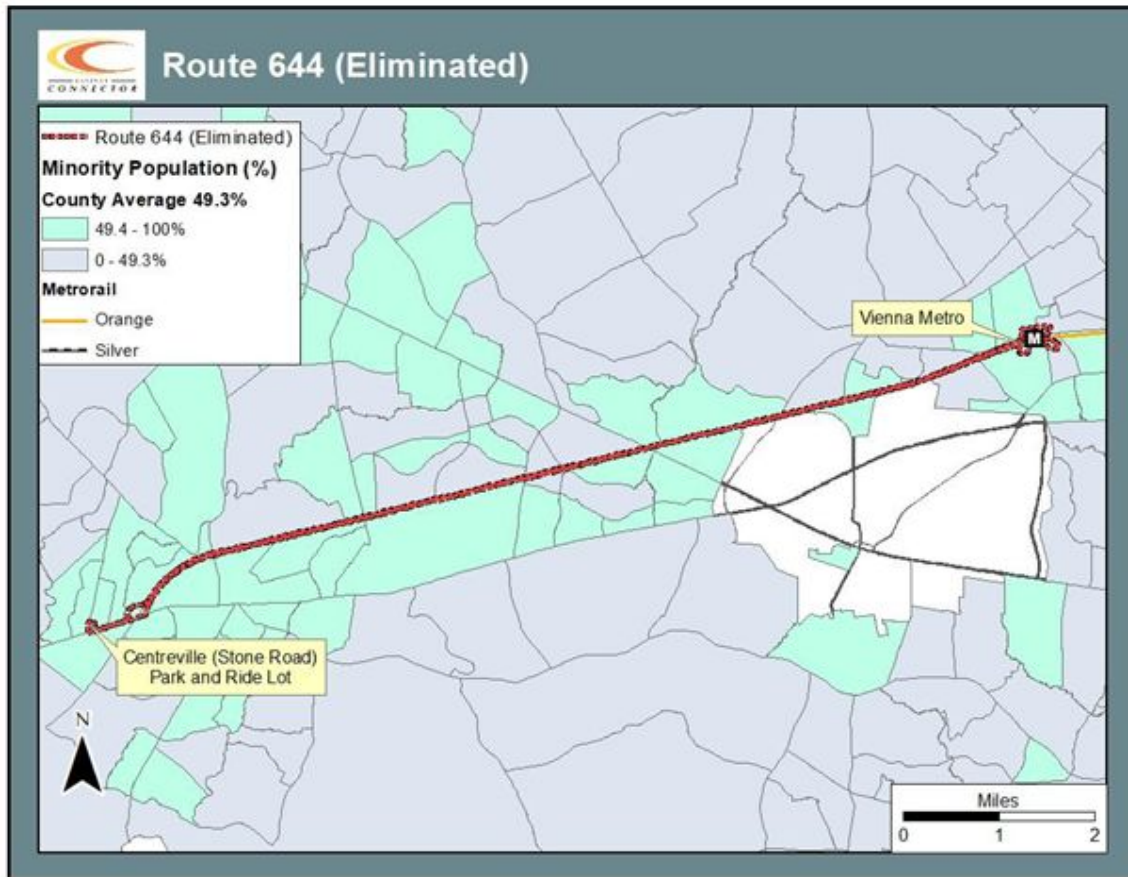
Route	Add / Reduce Service	Route Area Population	Route Area Minority Population	Route Area Minority Population Percent	Service Area Minority Population Percent	Difference	Threshold	Difference Over Threshold
644	Eliminate	146,499	72,349	49.4%	49.3%	0.1%	10%	No

<sup>1</sup> The time periods used in this analysis were defined as follows: Weekday Peak (6:00-9:00 A.M. / 3:00-6:00 P.M.), Weekday Midday: 9:00 A.M.-3:00 P.M., Saturday: 8:00 A.M.-5:00 P.M., and Sunday: 8:00 A.M.-5:00 P.M.

<sup>2</sup> Transit & Park-and-Ride Demand Forecasting Methodology Memorandum:

[https://outside.transform66.org/documents/i-66\\_transitdm\\_tech\\_report\\_final\\_may2016\\_appendix\\_a.pdf](https://outside.transform66.org/documents/i-66_transitdm_tech_report_final_may2016_appendix_a.pdf)

**Figure 1: Route 644 Minority Population Map**

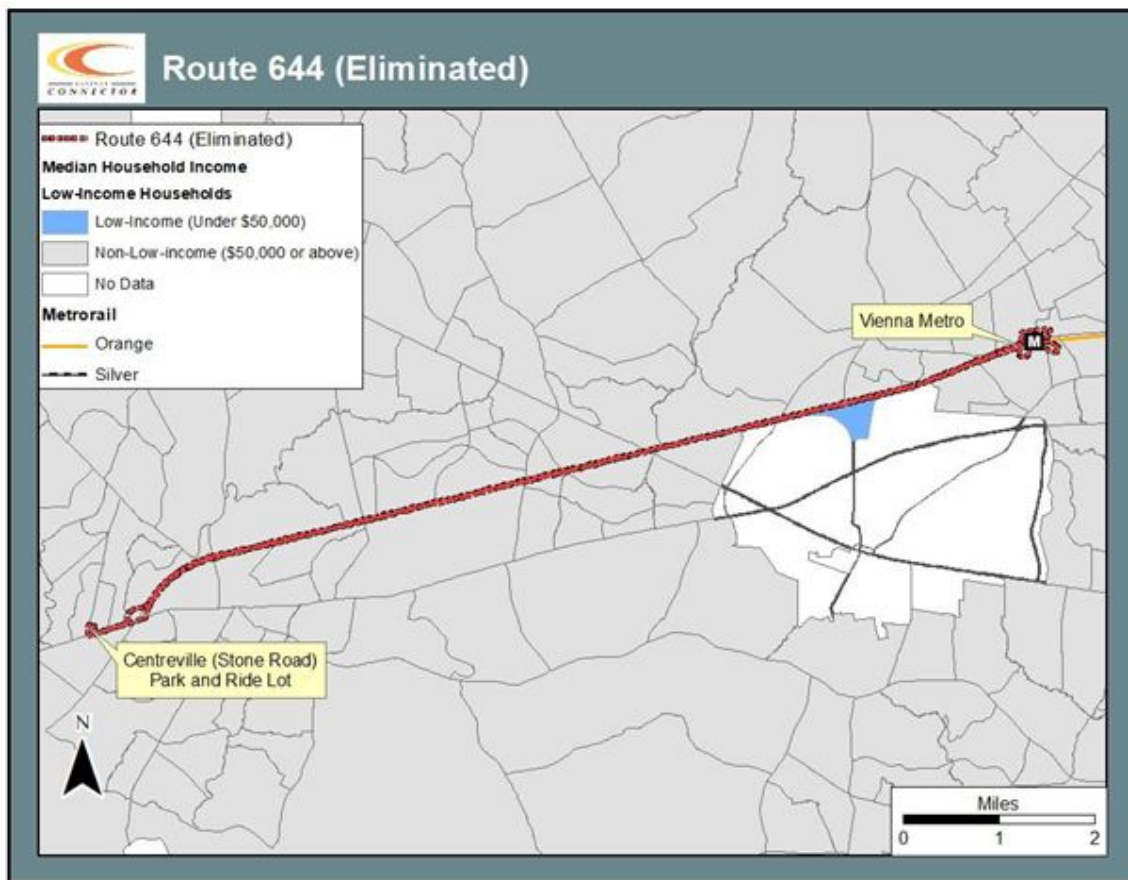


Disproportionate Burden (DB): Within the service area of Route 644, the low-income households are 15.6 percent, which is 1.1 percent lower than the system average (see Table 4). Since this difference does not exceed the 10 percent threshold, there is no DB for low-income households. Figure 2 shows the proposed route alignment in relation to predominantly low-income census block groups.

**Table 4: Route 644 Disproportionate Burden**

Route	Add / Reduce Service	Route Area Households	Route Area Low-Income Households	Route Area Low-Income Household Percent	System Low-Income Household Percent	Difference	Threshold	Difference Over Threshold
644	Eliminate	50,867	7,951	15.6%	16.7%	-1.1%	10%	No

**Figure 2: Route 644 Low-income Households Map**



*Route 660: Stone Road – Tysons (New)*

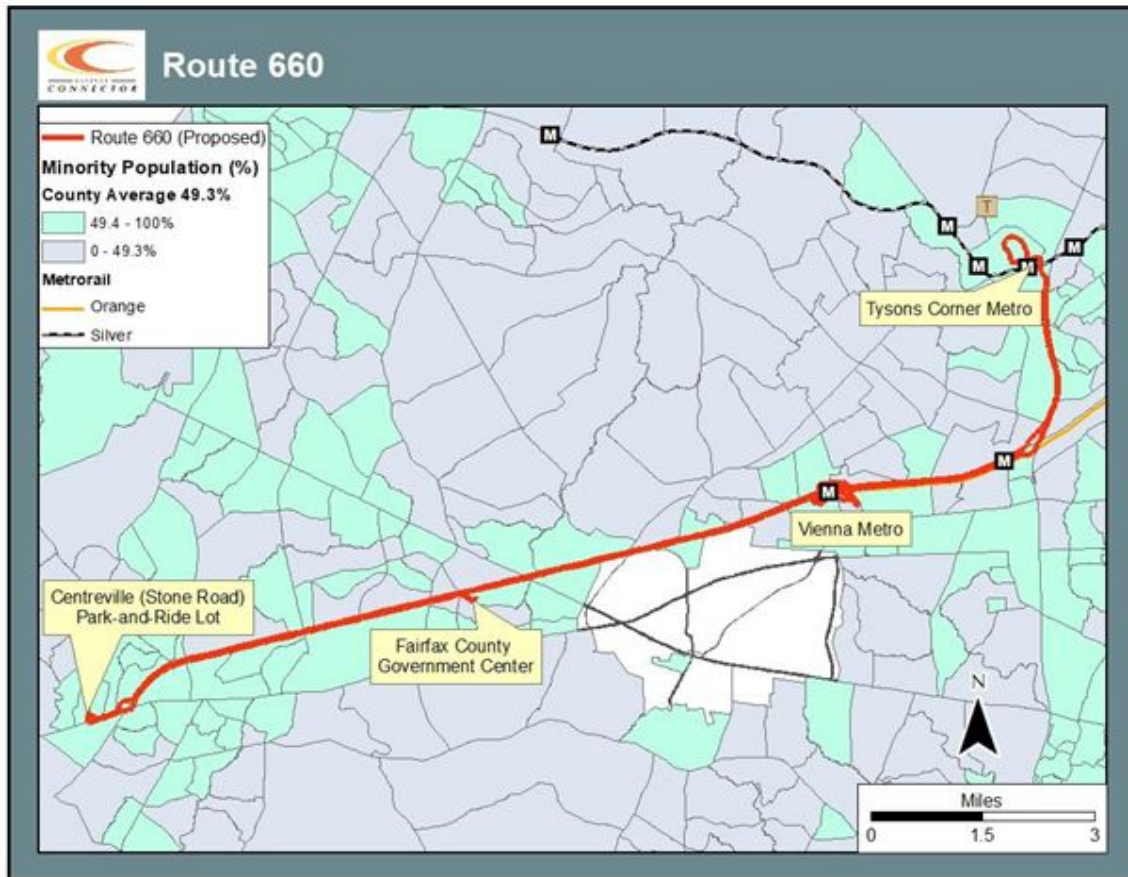
Disparate Impact (DI): Within the service area of the new Route 660, the minority population is 48.3 percent, which is 1.0 percent lower than the system average (see Table 5). Since this difference does not exceed the 10 percent threshold, there is no DI for the minority population. Figure 3 shows the proposed route alignment in relation to predominantly minority census block groups.

**Table 5: Route 660 Disparate Impact**

Route	Add / Reduce Service	Route Area Population	Route Area Minority Population	Route Area Minority Population Percent	Service Area Minority Population Percent	Difference	Threshold	Difference Over Threshold
660	Add	279,365	134,885	48.3%	49.3%	-1.0%	10%	No



**Figure 3: Route 660 Minority Population Map**

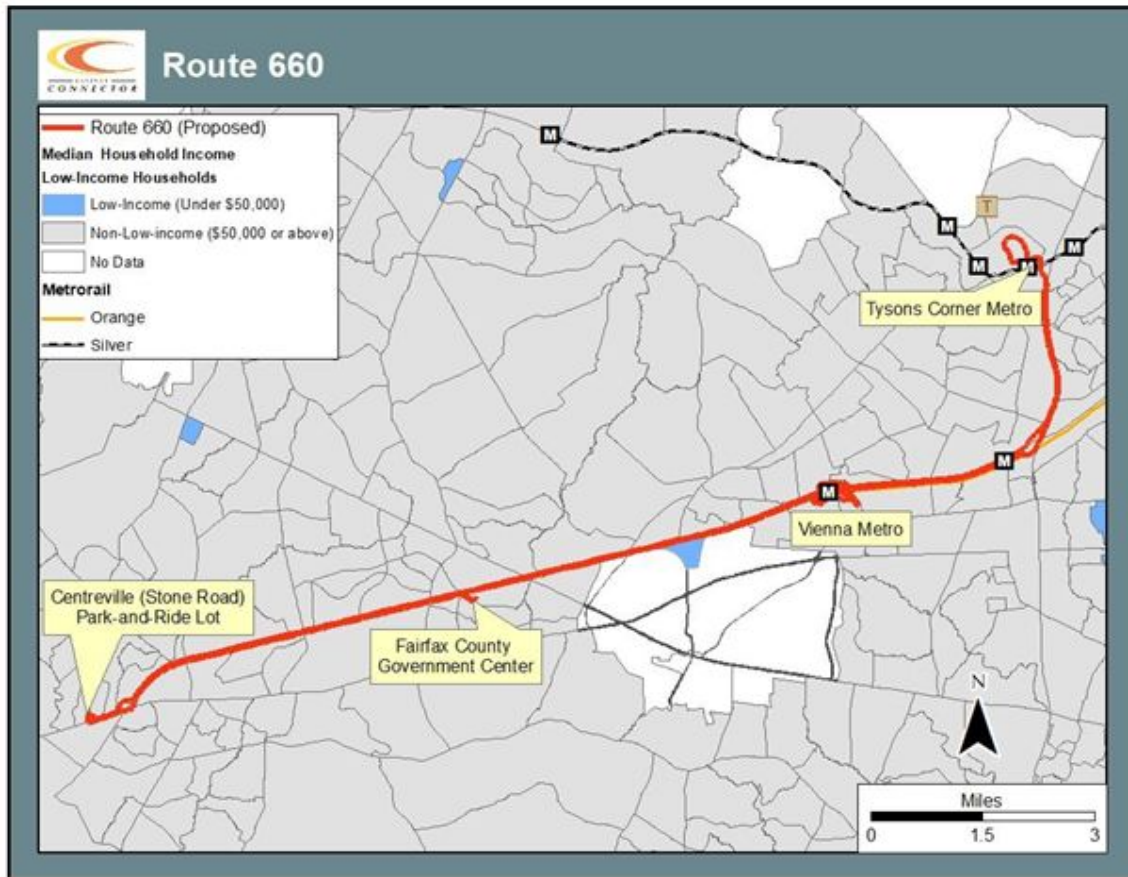


Disproportionate Burden (DB): Within the service area of the new Route 660, the low-income households are 15.4 percent, which is 1.3 percent lower than the system average (see Table 6). Since this difference does not exceed the 10 percent threshold, there is no DB for low-income households. Figure 4 shows the proposed route alignment in relation to predominantly low-income census block groups.

**Table 6: Route 660 Disproportionate Burden**

Route	Add / Reduce Service	Route Area Households	Route Area Low-Income Households	Route Area Low-Income Household Percent	System Low-Income Household Percent	Difference	Threshold	Difference Over Threshold
660	Add	102,103	15,751	15.4%	16.7%	-1.3%	10%	No

Figure 4: Route 660 Low-income Households Map



### Conclusion

The Title VI analysis showed the proposed service changes to Routes 644 and 660 met the major service change threshold. However, the analysis demonstrates the proposed changes to these routes would not result in a DI for the minority population or a DB for low-income households. The proposed new Route 660 will provide service to the current riders of Route 644 as well as additional service to Tysons Corner, which is a major employment center in the region.

ACTION – 6

Authorization to Sign Standard Project Agreements for Distribution of I-66 Inside the Beltway Toll Revenues for Multi-modal Projects in the I-66 Corridor (Providence, Dranesville, and Hunter Mill Districts)

ISSUE:

Board approval authorizing the Director of the Fairfax County Department Transportation (FCDOT) to execute the attached Standard Project Agreements (SPAs) between Fairfax County and Northern Virginia Transportation Commission (NVTC) for multimodal projects in the I-66 corridor, in substantial form.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize the Director of FCDOT to sign the two SPAs, substantially in the form of Attachments 1 and 2, between the County and NVTC for distribution of I-66 Inside the Beltway toll revenues in the amount of \$3,432,850. NVTC will allocate these funds to Fairfax County to implement two projects: 1) renewal of operating funds for bus service from the Vienna Metrorail Station to the Pentagon (Route 698); 2) the construction of a nearly one-mile segment of the I-66 Trail between the Nutley Street interchange at the Vienna Metrorail Station and Blake Lane.

TIMING:

Board action is requested on September 13, 2022, so that NVTC can begin distributing funding.

BACKGROUND:

In January 2017, the Commonwealth Transportation Board (CTB), the Virginia Department of Transportation (VDOT), and NVTC signed a Memorandum of Agreement (MOA) to initiate a multimodal transportation program (i.e., the Commuter Choice Program) to enhance Transform 66, the reconstruction and widening project for the I-66 corridor. The Commuter Choice program seeks to fund and implement solutions to facilitate the movement of people in the I-66 corridor. This program uses toll revenues collected from automobiles on I-66 Inside the I-495 Beltway to support mobility projects reasonably expected to benefit the toll payers. Tolls are collected in the peak direction during the morning and evening peak periods.

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The Transform 66 MOA states that NVTC will use toll revenues to support the financing of approved projects. To accomplish this, NVTC developed the SPA, in consultation with the respective localities and public transportation providers, to govern the terms of the toll revenue transfers and ensure that the requirements of the MOA are met. The County and NVTC must approve the SPA for each project that receives funding before distributions can occur.

Due to the COVID-19 pandemic and the ability for many workers to telework, I-66 Inside the Beltway toll revenues that typically fund much of the program remain below pre-pandemic levels. However, revenues are rebounding gradually, and NVTC has resumed receiving quarterly payments from VDOT. NVTC anticipates approximately \$13.4 million will be available for new projects in the FY 2023-2024 program. This amount comprises carryover balances, a modest amount of new I-66 Inside the Beltway toll revenue, and two years of Outside the Beltway Express Lanes concessionaire payments to the Commonwealth. NVTC also received notice of a funding de-obligation on a completed I-66 corridor project that will allow for an additional \$1.2 million.

In November 2021, NVTC approved the Call for Projects for Round Five of the FY 2023 – 2024 Commuter Choice Program. In January 2022, the Board approved a resolution authorizing FCDOT to submit the following project applications:

1. Renewal of Bus Service from Vienna Metrorail Station to Pentagon - \$1,232,850
2. Expansion of Fairfax Connector Route 698 - \$2,970,320
3. Trail Access to Vienna Metrorail Station - \$3,000,000
4. Random Hills Road/Post Forest Road Trail from the Monument Drive Commuter Parking Garage and Transit Center to West Ox Road - \$4,300,000.

The renewal of Fairfax Connector Route 698 operating funds and the partial funding of the Vienna Metrorail Trail from Blake Lane to Vienna Metrorail Station were selected for funding in the Round Five Program.

FISCAL IMPACT:

The County has been awarded I-66 Inside the Beltway toll revenue in the amount of \$1,232,850 through the Round Five of the Commuter Choice program for continued support of express bus service between Vienna Metrorail Station and the Pentagon Transit Center (Attachment 1). The award provides support for ten morning and ten evening peak direction express bus trips each weekday for 24 months. Combined with anticipated farebox revenue, this funding supports the operating expenses for Connector Route 698. No General Funds or other local funds are required as match.

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Further the County has been awarded I-66 Inside the Beltway toll revenue in the amount of \$2,200,000 for the Vienna Metrorail Trail. The funds will facilitate the construction of a one-mile bicycling and walking path that will parallel I-66 and connect on-and-off street paths near the Vienna-Fairfax GMU Metrorail Station.

ENCLOSED ATTACHMENTS:

Attachment 1 – Standard Project Agreement for I-66 Commuter Choice Program:  
Renewal of Bus Service from Vienna Metrorail Station to Pentagon

Attachment 2 – Standard Project Agreement for I-66 Commuter Choice Program: Trail  
Access to Vienna Metrorail Station

STAFF:

Rachel Flynn, Deputy County Executive

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

Todd Wigglesworth, Chief, Coordination and Funding Division, FCDOT

Dwayne Pelfrey, Chief, Transit Services Division, FCDOT

Michael Felschow, Planning Section Chief, Transit Services Division, FCDOT

Chris Wells, Program Manager, Active Transportation, FCDOT

Lauren Delmare, Engineer, Active Transportation, FCDOT

Noelle Dominguez, Chief, Coordination Section, FCDOT

Malcolm Watson, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Joanna L. Faust, Assistant County Attorney

**Standard Project Agreement for Transform 66: Inside the Beltway Project, Toll  
Revenue Funding of Projects and Administration**

**Between the Northern Virginia Transportation Commission and  
Fairfax County**

NVTC Project Number: **059-61-23**

NVTC Project Name: **Renewal of Bus Service from Vienna Metrorail Station to Pentagon**

This Standard Project Agreement for Transform 66: Inside the Beltway Project, Toll Revenue Funding of Projects and Administration ("this Agreement") is made and executed in duplicate on \_\_\_\_\_ by and between the Northern Virginia Transportation Commission ("NVTC") and Fairfax County ("Recipient Entity").

**WITNESSETH**

WHEREAS, NVTC is a political subdivision of the Commonwealth of Virginia created by the General Assembly in accordance with the Transportation District Act of 1964, §§ 33.2-1900 et seq. of the Code of Virginia, 1950, as amended, and is authorized to enter into this Agreement by the provisions of § 33.2-1915 and 1919 of the Code of Virginia, 1950, as amended;

WHEREAS, NVTC entered into a Memorandum of Agreement Transform 66: Inside the Beltway Project ("MOA"), as most recently amended on May 19, 2021, with the Commonwealth Transportation Board ("CTB"), and the Virginia Department of Transportation ("VDOT"), and the Virginia Department of Rail and Public Transportation ("DRPT"), as such MOA may be further amended from time to time, which MOA delegated to NVTC the authority to select and administer the implementation of multimodal transportation improvements to the roadways and associated transportation and transit facilities ("Components" as used in the MOA and, for purposes of this Agreement, "Projects") in the vicinity of the portion of I-66 beginning at the intersection of I-66 and I-495 (the "Beltway") and ending at U.S. Route 29 in the Rosslyn area of Arlington County, Virginia (said portion of I-66 being referred to as the "Facility") which Projects are designed to attain the Improvement Goals defined in the MOA as amended, specifically, to (1) maximize person throughput in the Corridor; and (2) implement multimodal improvements to: (i) improve mobility along the Corridor, (ii) support new, diverse travel choices, and (iii) enhance transportation safety and travel reliability, all of which are reasonably expected to benefit the toll paying users of the Facility;

WHEREAS, the MOA provides for the transfer to and use by NVTC of a portion of the funds collected from the CTB's tolling of the Facility and the I-66 Outside the Beltway Express Lanes concessionaire's payments to the Commonwealth (hereinafter referred to for purposes of this Agreement as "Toll Revenue") for the implementation of Projects selected

by NVTC and approved by the CTB, as well as operating costs related to Projects, and NVTC financing and debt service payments and any allowable costs related thereto;

WHEREAS, based on information provided by Recipient Entity in response to NVTC's call for Projects, NVTC has determined the Project set forth and described on Appendix A to this Agreement satisfies the requirements of Section II.B.1 of the MOA, and the provisions of § 33.2-309 of the Code of Virginia, 1950, as amended, and the CTB has approved use of Toll Revenue to fund such Project;

WHEREAS, the Toll Revenue to be provided by NVTC described in Appendix B have been duly authorized and directed by Recipient Entity to finance the Project, and the Recipient Entity is authorized to enter into this Agreement and has authorized execution of it on its behalf;

WHEREAS, NVTC agrees that Recipient Entity will, itself or through its contractors or agents, design, construct, acquire and/or operate the Project or perform such other specific work for the Project and Recipient Entity agrees that it will perform or have performed, such work on the terms and conditions set forth in this Agreement and the Appendices appended thereto;

WHEREAS, both parties have concurred in the Recipient Entity's administration, performance, and completion of the Project on the terms and conditions set forth in this Agreement and its Appendices and in accordance with all applicable federal, state, and local laws and regulations; and

WHEREAS, NVTC's governing body and Recipient Entity's governing body have each authorized that their respective designee(s) execute this Agreement on their respective behalf(s) as evinced by copies of each such entity's resolution or clerk's minutes which are appended hereto as Appendix E;

NOW THEREFORE, in consideration of the promises made mutual covenants, and agreements contained herein, the parties hereto agree as follows:

**A. Recipient Entity's Obligations**

Recipient Entity shall:

- I. Complete or perform all said work as described in Appendix A, advancing such work diligently and ensuring that all work is completed in accordance with all applicable federal, state, and local laws and regulations, and all terms and conditions of this Agreement. Recipient Entity expressly agrees that, for non-debt financed Projects, Recipient Entity must obligate the Toll Revenue to the cost of the Project within two (2) fiscal years and to expend the Toll Revenue within five (5) fiscal years of the first day of the fiscal year for which the funds



for the Project were allocated by the CTB unless an extension has been approved by NVTC and the CTB. In the event an extension is not approved by the Commissions and the CTB, then Recipient Entity shall release or return to NVTC all unexpended funds no later than 90 days after receipt of NVTC's written request for such release or return. If the Project is cancelled at any time, for any reason, before or after work has commenced, Recipient Entity shall immediately notify NVTC in writing of the cancellation and shall immediately cease to incur Project costs. Concurrently, and in no event later than 90 days after the date of cancellation, Recipient Entity shall refund to NVTC 100% of all funds provided for the Project unless otherwise approved by NVTC, and the CTB as necessary, and set forth in an amendment to this Agreement.

2. Ensure that all work performed or to be performed under this Agreement is in accordance with the Project Description Sheets attached to Appendix A.
3. Perform or have performed, and remit all payment requisitions and other requests for funding for design and engineering, including all environmental work, right-of-way acquisition, construction, contract administration, testing services, inspection services, capital asset acquisitions, or operations, and all allowable expenses for the Project, as is required by this Agreement and that may be necessary for completion of the Project.
4. Not use the NVTC Toll Revenues specified on Appendix B to pay any Project cost if the MOA or any applicable provision of law does not permit such Project cost to be paid with NVTC Toll Revenue. For transit, bikeshare and other operations projects that generate revenues, the Recipient Entity shall deduct revenues earned from Project operations from any requests for reimbursement of operating expenses.
5. Recognize that, if the Project, as approved, contains "multiple phases" (as such "multiple phases" are defined for the Project on Appendix A), for which NVTC will provide funding for such multiple phases (as set forth on Appendix B), NVTC may not provide Toll Revenue funding to Recipient Entity to advance the Project to the next phase until the current phase is completed. In any circumstance where Recipient Entity seeks to advance a Project to the next phase using NVTC Toll Revenue, Recipient Entity shall submit a written request to NVTC's Executive Director explaining the need for NVTC's funding of an advanced phase. NVTC's Executive Director will thereafter review the circumstances underlying the request in conjunction with Appendix B and NVTC's current and projected cash flow position and make a recommendation to NVTC whether to authorize the requested advance phase funding. Nothing herein, however, shall prohibit Recipient Entity from providing its own funds

to advance a future phase of the Project and from requesting reimbursement from NVTC for having advance funded a future phase of the Project. However, Recipient Entity further recognizes that NVTC's reimbursement to Recipient Entity for having advance funded a Project phase will be dependent upon NVTC's cash flow position at the time such a request for reimbursement is submitted and to the extent that any such advanced funding is consistent with Appendix B.

6. Acknowledge that NVTC's Executive Director will periodically update NVTC's cash flow estimates with the objective toward keeping those estimates accurate throughout the life of the Project. Recipient Entity shall provide all information required by NVTC so as to ensure and facilitate accurate cash flow estimates and accurate updates to those cash flow estimates throughout the life of the Project as described in Appendix B.
7. Provide to NVTC requests for payment consistent with Appendix B and the most recently approved NVTC cash flow estimates that include NVTC's standard payment requisition(s), containing detailed summaries of actual Project costs incurred with supporting documentation as required by NVTC and that certify all such costs were incurred in the performance of work for the Project as authorized by this Agreement. Each payment requisition shall be in substantially the same form as set forth in Appendix C of this Agreement, include a manual signature of the individual authorized to submit the request, and be submitted electronically to [reimbursements@novatransit.org](mailto:reimbursements@novatransit.org). If approved by NVTC, Recipient Entity can expect to receive payment within twenty (20) business days upon receipt by NVTC. Approved payments will be made by means of electronic transfer of funds from NVTC to or for the account of Recipient Entity.
8. Promptly notify NVTC's Executive Director of any additional Project costs resulting from unanticipated circumstances which costs exceed the amount allocated by the CTB for the Project, and provide to NVTC detailed estimates of additional costs associated with those circumstances. Recipient Entity understands that it will be within NVTC's sole discretion, subject to CTB approval, whether to seek and to provide any additional funding to the Project in such circumstances and that NVTC will do so only in accordance with NVTC's approved Project selection process and upon formal action and approval by NVTC. Recipient Entity shall timely provide to NVTC a complete and accurate update to Appendix B if NVTC and the CTB approve funding of any additional Project costs for the Project under this Paragraph.
9. Submit a final reimbursement request for Project expenses and release or return any unexpended funds to NVTC no later than 90 days after Project

completion. The final reimbursement request shall be accompanied by a certification to NVTC that Recipient Entity adhered to all applicable laws and regulations and all requirements of this Agreement.

10. Should Recipient Entity be required to provide matching funds in order to proceed or complete the funding necessary for the Project, Recipient Entity shall certify to NVTC that all such matching funds have been either authorized and/or appropriated by Recipient Entity's governing body or have been obtained through another, independent funding source.
11. Maintain complete and accurate financial records relative to the Project for all time periods as may be required by the Virginia Public Records Act and by all other applicable state or federal records retention laws or regulations, unless superseded by the laws that govern Recipient Entity and provide copies of any such financial records to NVTC, free of charge, upon request.
12. Maintain all original conceptual drawings and renderings, architectural and engineering plans, site plans, inspection records, testing records, and as built drawings for the Project for the time periods required by the Virginia Public Records Act and any other applicable records retention laws or regulations, unless superseded by the laws that govern Recipient Entity; and provide to NVTC copies of all such drawings and plans free of charge, upon request.
13. Reimburse NVTC for all NVTC Toll Revenue (with interest earned at the rate earned by NVTC) that Recipient Entity misapplied or used in contravention of the MOA or any term or condition of this Agreement.
14. Name NVTC and its Bond Trustee, the Commonwealth of Virginia, the CTB, VDOT, DRPT and their officers, employees and agents, or require that all Recipient Entity's contractors name NVTC and its Bond Trustee, the Commonwealth of Virginia, the CTB, VDOT, DRPT and their officers, employees and agents as additional insureds on any insurance policy issued for the work to be performed and/or services to be provided by or on behalf of Recipient Entity for the Project, and present NVTC with satisfactory evidence thereof before any work on the Project commences or continues, so that they are protected from and against any losses actually suffered or incurred, except for losses to the extent caused by the negligence or willful misconduct of such entity or person, from third party claims that are directly related to or arise out of: (a) any failure by Recipient Entity to comply with, to observe or to perform in any material respect any of the covenants, obligations, agreements, terms or conditions in this Agreement, or any breach by Recipient Entity of its representations or warranties in this Agreement; (b) any actual or willful misconduct or negligence of Recipient Entity, its employees or agents in direct

connection with the Projects; (c) any actual or alleged patent or copyright infringement or other actual or alleged improper appropriation or use of trade secrets, patents proprietary information, know-how, trademarked or service-marked materials, equipment devices or processes, copyright rights or inventions by Recipient Entity in direct connection with the Project; (d) inverse condemnation, trespass, nuisance or similar taking of or harm to real property committed or caused by Recipient Entity, its employees or agents in direct connection with the Project; or (e) any assumed liabilities. Recipient Entity will contractually require its contractors, subcontractors, vendors and other third parties working or performing services related to any Project funded by NVTC Toll Revenue to indemnify NVTC and its Bond Trustee, the Commonwealth of Virginia, the CTB, VDOT, DRPT, and their officers, employees and agents from the same losses.

15. Recipient Entity covenants and agrees it will comply with all applicable requirements of state and federal laws relating to anti-discrimination, including but not limited to Titles VI and VII of the Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act, and shall contractually require the same of all contractors, subcontractors, vendors, and recipients of any funding. Recipient Entity recognizes the importance of the participation of minority, women-owned and small businesses through the federal and local Disadvantaged Business Enterprise programs and will abide by such programs in implementing the Project. Recipient Entity shall comply with all applicable federal requirements, including those applicable to highways that are part of the National Highway System.
16. Give notice to NVTC that Recipient Entity may use NVTC Toll Revenue to pay outside legal counsel services (as opposed to utilizing the services of its own in-house counsel or NVTC's in-house legal counsel) in connection with the work performed under this Agreement so as to ensure that no conflict of interest may arise from any such representation.
17. Provide certification to NVTC, that upon final payment to all contractors for the Project, Recipient Entity will use the Project for its intended purposes for the duration of the Project's useful life. Under no circumstances will NVTC be considered responsible or obligated to operate and/or maintain the Project after its completion.
18. Comply with all requirements of the Virginia Public Procurement Act and other applicable Virginia Code provisions, or local ordinances which govern the letting of public contracts, unless superseded by the laws that govern Recipient Entity.

19. Acknowledge that if the Project is being funded in whole or in part by NVTC Bond Proceeds, comply with the applicable tax covenants as may be attached as Appendix D.
20. Acknowledge that if Recipient Entity expects and/or intends that the Project is to be submitted for acceptance by the Commonwealth into its system that Recipient Entity agrees to comply with VDOT's "Standards, Requirements and Guidance" applicable to the Project.
21. Recognize that Recipient Entity is solely responsible for obtaining all permits, permissions and regulatory approval necessary to develop, construct, operate and/or maintain the Project, including but not limited to, obtaining all required VDOT and local land use permits, applications for zoning approvals, and regulatory approvals.
22. Recognize that if Recipient Entity is funding the Project, in whole or in part, with federal and/or state funds, in addition to NVTC Toll Revenue and/or NVTC Bond Proceeds, that Recipient Entity will need to comply with all federal and Commonwealth funding requirements, including but not limited to, the completion and execution of VDOT's Standard Project Administration Agreement and acknowledge that NVTC will not be a party or signatory to that agreement; nor will NVTC have any obligation to comply with the requirements of that agreement.
23. Provide quarterly (January 30<sup>th</sup>, April 30<sup>th</sup>, July 30<sup>th</sup>, and October 30<sup>th</sup>) written status updates on all approved, active Projects to NVTC on all items described in the Recipient's Project application including progress toward milestones and/or statistics including such information as ridership and/or percent completion.
24. Assist NVTC in the preparation of the annual report to the CTB required by the MOA, by providing data in regard to the Project performance measures identified on Appendix A of this Agreement, as well as other reporting as may be requested or required by NVTC.
25. To the greatest extent possible, include the Commuter Choice logo and recognition of Project funding source as being from the Commuter Choice Program, in a form approved by NVTC, in all publicly-available materials, documents, websites, etc.

**B. NVTC's Obligations**

NVTC shall:

1. Provide to Recipient Entity the funding authorized by NVTC for design work, engineering, including all environmental work, all right-of-way acquisition, inspection services, testing services, construction, and/or capital asset acquisition(s), and operations, and all allowable expenses, net of any revenue generated by the Project, on a reimbursement basis as set forth in this Agreement and as specified in the Project Budget and Cash Flow contained in Appendix B to this Agreement or the most updated amendment thereto.
2. Assign a Program Coordinator for the Project. NVTC's Program Coordinator will be responsible for monitoring the Project on behalf of NVTC so as to ensure compliance with this Agreement and the MOA, and all NVTC's requirements and for overseeing, managing, reviewing, and processing, in consultation with NVTC's Executive Director and its Director of Finance and Administration (DFA), all payment requisitions submitted by Recipient Entity for the Project. NVTC's Program Coordinator will have no independent authority to direct changes or make additions, modifications, or revisions to the Project Scope of Work as set forth on Appendix A or to the Project Budget and Cash Flow as set forth on Appendix B.
3. Route to NVTC's assigned Program Coordinator all Recipient Entity's payment requisitions, containing detailed summaries of actual Project costs incurred which are in substantially the same form as shown on Appendix C submitted to NVTC for the Project. After submission to NVTC, NVTC's Program Coordinator will conduct an initial review of all payment requisitions and supporting documentation for the Project in order to determine the submission's sufficiency. NVTC's Program Coordinator will then make a recommendation to the NVTC's DFA and Executive Director whether to authorize payment, refuse payment, or seek additional information from Recipient Entity. If the payment requisition is sufficient as submitted, payment will be made within twenty (20) business days from receipt. If the payment requisition is deemed insufficient, within twenty (20) business days from receipt, NVTC will notify Recipient Entity in writing and set forth the reasons why the payment requisition was declined or why and what specific additional information is needed for processing the payment request. Payment will be withheld until all deficiencies identified by NVTC have been corrected. Under no circumstances will NVTC authorize payment for any work performed by or on behalf of Recipient Entity that is not in conformity with the requirements of this Agreement or the MOA.
4. Route all Recipient Entity's supplemental requests for funding from NVTC under Paragraphs A.5 and A.8 of this Agreement to NVTC's Executive Director. NVTC's Executive Director will initially review those requests and all supporting documentation with NVTC's DFA. After such initial review, NVTC's

Executive Director will make a recommendation to NVTC's Executive Committee for its independent consideration and review of whether CTB approval of, and an allocation for, supplemental funding should be sought. NVTC's Executive Committee will thereafter make a recommendation on any such request to NVTC for final determination by NVTC, and approval by the CTB.

5. Conduct periodic compliance reviews scheduled in advance for the Project so as to determine whether the work being performed remains within the scope of this Agreement, the MOA, and other applicable law. Such compliance reviews may entail review of Recipient Entity's financial records for the Project and on-site inspections.
6. Acknowledge that if, as a result of NVTC's review of any payment requisition or of any NVTC compliance review, NVTC staff determines that Recipient Entity has misused or misapplied any NVTC Toll Revenue in derogation of this Agreement or in contravention of the MOA or applicable law, NVTC staff will promptly advise NVTC's Executive Director and will advise Recipient Entity's designated representative in writing. Recipient Entity will thereafter have thirty (30) days to respond in writing to NVTC's initial findings. NVTC's Executive Director will review Recipient Entity's response and make a recommendation to the NVTC Executive Committee which will, in turn, make a recommendation to NVTC for a final determination. Pending final resolution of the matter, NVTC will withhold further funding of the Project. If NVTC makes a final determination that Recipient Entity has misused or misapplied funds in contravention of this Agreement, the MOA, or other applicable law, NVTC will cease further funding for the Project and will seek reimbursement from Recipient Entity of all funds previously remitted by NVTC (with interest earned at the rate earned by NVTC) which were misapplied or misused by Recipient Entity. Nothing herein shall, however, be construed as denying, restricting or limiting the pursuit of either party's legal rights or available legal remedies.
7. Make guidelines available to Recipient Entity to assist the parties in carrying out the terms of this Agreement in accordance with applicable law.
8. Upon recipient's final payment to all contractors, retain copies of all contracts, financial records, design, construction, and as-built project drawings and plans for the Project for the time periods required by the Virginia Public Records Act and as may be required by other applicable records retention laws and regulations.



**C. Term**

1. This Agreement shall be effective upon adoption and execution by both parties and, unless terminated in accordance with the express provisions hereof, shall continue until completion of the Project and final payment of Toll Revenue hereunder, with the exception of those provisions which, by their express terms, survive termination.
2. Recipient Entity may terminate this Agreement, for cause, in the event of a material breach by NVTC of this Agreement. If so terminated, NVTC shall pay for all Project costs incurred through the date of termination and all reasonable costs incurred by Recipient Entity to terminate all Project related contracts. The Virginia General Assembly's failure to appropriate funds, or CTB's failure to allocate, or VDOT's failure to distribute to NVTC as described in paragraph F of this Agreement shall not be considered material breaches of this Agreement by NVTC. Before initiating any proceedings to terminate under this Paragraph, Recipient Entity shall give NVTC sixty (60) days written notice of any claimed material breach of this Agreement; thereby allowing NVTC an opportunity to investigate and cure any such alleged breach.
3. NVTC may terminate this Agreement, for cause, resulting from Recipient Entity's material breach of this Agreement. If so terminated, Recipient Entity shall refund to NVTC all funds NVTC provided to Recipient Entity for the Project (including interest earned at the rate earned by NVTC). NVTC will provide Recipient Entity with sixty (60) days written notice that NVTC is exercising its rights to terminate this Agreement and the reasons for termination. Prior to termination, Recipient Entity may request that NVTC excuse Recipient Entity from refunding all funds NVTC provided to Recipient Entity for the Project based upon Recipient Entity's substantial completion of the Project or severable portions thereof; and NVTC may, in its sole discretion, excuse Recipient Entity from refunding all or a portion of the funds NVTC provided to Recipient Entity for the Project. No such request to be excused from refunding will be allowed where Recipient Entity has either misused or misapplied NVTC funds in contravention of applicable law.
4. Upon termination and payment of all eligible expenses as set forth in Paragraph C.3 above, Recipient Entity will release or return to NVTC all unexpended NVTC Toll Revenue with interest earned at the rate earned by NVTC no later than sixty (60) days after the date of termination.

**D. Dispute**

In the event of a dispute under this Agreement, the parties agree to meet and confer in order to ascertain if the dispute can be resolved informally without the need of a

third party or judicial intervention. NVTC's Executive Director and Recipient Entity's Chief Executive Officer or Chief Administrative Officer shall be authorized to conduct negotiations on behalf of their respective entities. If a resolution of the dispute is reached via a meet and confer dispute resolution method, it shall be presented to NVTC and to Recipient Entity's governing body for formal confirmation and approval. If no satisfactory resolution can be reached via the meet and confer method, either party is free to pursue whatever remedies it may have at law, including all judicial remedies.

**E. NVTC's Entitlement to Refund of Value of Project Assets**

Recipient Entity agrees to use the real property and appurtenances and fixtures thereto, capital assets, equipment and all other transportation facilities that are part of the Project and funded by NVTC Toll Revenues under this Agreement ("Project Assets") for the designated transportation purposes of the Project under this Agreement and in accordance with applicable law throughout the useful life of each Project Asset. In the event that Recipient Entity fails to use any of the Project Assets funded under this Agreement for the transportation purposes as authorized by this Agreement or applicable law throughout its respective useful life, Recipient Entity shall refund to NVTC, with interest at the rate earned by NVTC, the amount of the value of each of the Project Assets, whether any such Project Asset may have depreciated or appreciated throughout its respective useful life, proportionate to the amount of the cost of the Project Asset funded by NVTC under this Agreement. If Recipient Entity refuses or fails to refund said monies to NVTC, NVTC may recover the proportionate value from Recipient Entity by pursuit of any remedies available to NVTC, including but not limited to NVTC's withholding of commensurate amounts from future distributions of NVTC Toll Revenue to Recipient Entity. In no event shall the Recipient Entity be obligated to refund the aforesaid value to both NVTC and the Commonwealth.

**F. Appropriations Requirements**

1. Nothing herein shall require or obligate any party to commit or obligate funds to the Project beyond those funds that have been duly authorized and appropriated by their respective governing bodies.
2. The parties acknowledge that all Toll Revenues provided by NVTC pursuant to the MOA are subject to appropriation by the Virginia General Assembly, allocation by the CTB and distribution by VDOT. The parties further acknowledge that NVTC's obligations under this Agreement are subject to such funds being appropriated by the General Assembly, allocated by the CTB and distributed by VDOT to NVTC.

**G. Notices**

All notices under this Agreement to either party shall be in writing and forwarded to the other party by U.S. mail, care of the following authorized representatives:

1) to: NVTC, to the attention of its Executive Director;  
2300 Wilson Blvd., Suite 230  
Arlington, VA 22201

2) to: Fairfax County,  
to the attention of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (address)

**H. Assignment**

This Agreement shall not be assigned by either party unless express written consent is given by the other party.

**I. Modification or Amendment**

This Agreement may be modified, in writing, upon mutual agreement of both parties.

**J. No Personal Liability or Creation of Third Party Rights**

This Agreement shall not be construed as creating any personal liability on the part of any officer, employee, or agent of the parties; nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.

**K. No Agency**

Recipient Entity represents that it is not acting as a partner or agent of NVTC; and nothing in this Agreement shall be construed as making any party a partner or agent with any other party.

**L. Sovereign Immunity**

The provisions of this Agreement shall not be construed as a waiver of either party's sovereign immunity rights.

**M. Incorporation of Recitals**

The recitals to this Agreement are hereby incorporated into this Agreement and are expressly made a part hereof. The parties to this Agreement acknowledge and agree that such recitals are true and correct.

**N. Mutual Preparation and Fair Meaning**

The parties acknowledge that this Agreement has been prepared on behalf of all parties thereto and shall be construed in accordance with its fair meaning and not strictly construed for or against either party.

**O. Governing Law**

This Agreement is governed by the laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written by their duly authorized representatives.

Northern Virginia Transportation Commission

By: \_\_\_\_\_

Date: \_\_\_\_\_

Fairfax County

By: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix A –Project Description and Performance Measures

Project Number: 059-61-23

Project Title: Renewal of Bus Service from Vienna Metrorail Station to Pentagon

Recipient Entity: Fairfax County

Toll Revenue Funds: \$1,232,850

### **Project Description**

Initially funded in FY 2019, this bus service renewal will provide 24 months of continued funding support for 10 morning and 10 evening peak direction, express bus trips between Vienna Station and the Pentagon Transit Center. This service, like others to the Pentagon, retained a greater share of its riders than other Northern Virginia commuter transit services during the COVID-19 public health emergency and saw ridership rebound during FY 2022.

Project opening year inbound AM peak period increase in person throughput that was the basis for project evaluation: 118 persons.

### **Performance Measures and Reporting**

#### **Performance Measures**

Report daily and morning peak-period ridership.

#### **Collection Period**

Report ridership collected over a two-week period in March or April. Chosen period should not include any holiday periods and the weekday average should be calculated from Tuesdays, Wednesdays, and Thursdays during the period.

#### **Reporting**

Report data to NVTC in a technical memorandum outlining the following:

1. Data collection methodology
2. Data collection dates
3. Results – data
4. Notes (if necessary)

Reports are due each July 1 or as otherwise identified by NVTC. Submit reports by email to Ben Owen and Adam Hager at NVTC at [benowen@novatransit.org](mailto:benowen@novatransit.org) and [adamhager@novatransit.org](mailto:adamhager@novatransit.org).

## APPENDIX B - PROJECT BUDGET & CASH FLOW

Project Title:	Renewal of Bus Service from Vienna Metrorail Station to Pentagon	Project Number:	059-61-23
Recipient Entity:	Fairfax County	Revision Number:	
Recipient Contact:		Revision Date:	
Name	Malcolm Watson		
Email	<a href="mailto:malcolm.watson@fairfaxcounty.gov">malcolm.watson@fairfaxcounty.gov</a>		
Phone	571-633-5361		

**TABLE B-1 PROJECT BUDGET**

Project Type	Total Project Budget	Funding Sources		Source of Other Funds
		Approved NVTC Toll Revenue Funds	Other Funds (if applicable)	
Study	\$ -	\$ -	\$ -	
Preliminary Engineering (PE)	-	-	-	
Right-of-Way (ROW)	-	-	-	
Construction (CN)	-	-	-	
Capital Asset Acquisition	-	-	-	
Other-Marketing	60,000	60,000	-	
Transit Operating Costs*	1,317,809	1,172,850	144,959	Fare revenues
Other Operating Costs	-	-	-	
<b>Total</b>	<b>\$ 1,377,809</b>	<b>\$ 1,232,850</b>	<b>\$ 144,959</b>	

\* This line shows the total budget for operation of the bus service. As per Section 3.2.3.5 of the Commuter Choice Recipient Handbook [and accounting provided by the recipient], NVTC will apportion gross costs billed for operations as follows: **XX%** to 'transit operating costs' and **YY%** to 'other operating costs'.

**TABLE B-2 NVTC PROJECT FUNDS PROGRAMMED**

Project Type	FY2023
Study	\$ -
Preliminary Engineering (PE)	-
Right-of-Way (ROW)	-
Construction (CN)	-
Capital Asset Acquisition	-
Other-Marketing	60,000
Transit Operating Costs	1,172,850
Other Operating Costs	-
<b>Total</b>	<b>\$ 1,232,850</b>

**TABLE B-3 QUARTERLY PROJECT CASH FLOW FOR NVTC TOLL REVENUE FUNDS ONLY**

Quarter	FY2023	FY2024	FY2025	FY2026	FY2027
1st, September 30th	\$ 154,108	\$ 154,106	\$ -	\$ -	\$ -
2nd, December 31st	154,106	154,106	-	-	-
3rd, March 31st	154,106	154,106	-	-	-
4th, June 30th	154,106	154,106	-	-	-
<b>Total</b>	<b>\$ 616,426</b>	<b>\$ 616,424</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

This attachment is certified and made an official attachment to the Standard Project Agreement document by the parties of this agreement.

<b>Recipient Entity</b>	<b>Northern Virginia Transportation Commission</b>	
Signature	Signature	Signature
Title	NVTC Executive Director	NVTC Director of Finance and Administration
Date	Date	Date

Print name of person signing

Revised 2022-06-21



**Standard Project Agreement for Transform 66: Inside the Beltway Project, Toll  
Revenue Funding of Projects and Administration**

**Between the Northern Virginia Transportation Commission and  
Fairfax County**

NVTC Project Number: **059-62-23**

NVTC Project Name: **Trail Access to Vienna Metrorail Station**

This Standard Project Agreement for Transform 66: Inside the Beltway Project, Toll Revenue Funding of Projects and Administration (“this Agreement”) is made and executed in duplicate on \_\_\_\_\_ by and between the Northern Virginia Transportation Commission (“NVTC”) and Fairfax County (“Recipient Entity”).

**WITNESSETH**

WHEREAS, NVTC is a political subdivision of the Commonwealth of Virginia created by the General Assembly in accordance with the Transportation District Act of 1964, §§ 33.2-1900 et seq. of the Code of Virginia, 1950, as amended, and is authorized to enter into this Agreement by the provisions of § 33.2-1915 and 1919 of the Code of Virginia, 1950, as amended;

WHEREAS, NVTC entered into a Memorandum of Agreement Transform 66: Inside the Beltway Project (“MOA”), as most recently amended on May 19, 2021, with the Commonwealth Transportation Board (“CTB”), and the Virginia Department of Transportation (“VDOT”), and the Virginia Department of Rail and Public Transportation (“DRPT”), as such MOA may be further amended from time to time, which MOA delegated to NVTC the authority to select and administer the implementation of multimodal transportation improvements to the roadways and associated transportation and transit facilities (“Components” as used in the MOA and, for purposes of this Agreement, “Projects”) in the vicinity of the portion of I-66 beginning at the intersection of I-66 and I-495 (the “Beltway”) and ending at U.S. Route 29 in the Rosslyn area of Arlington County, Virginia (said portion of I-66 being referred to as the “Facility”) which Projects are designed to attain the Improvement Goals defined in the MOA as amended, specifically, to (1) maximize person throughput in the Corridor; and (2) implement multimodal improvements to: (i) improve mobility along the Corridor, (ii) support new, diverse travel choices, and (iii) enhance transportation safety and travel reliability, all of which are reasonably expected to benefit the toll paying users of the Facility;

WHEREAS, the MOA provides for the transfer to and use by NVTC of a portion of the funds collected from the CTB’s tolling of the Facility and the I-66 Outside the Beltway Express Lanes concessionaire’s payments to the Commonwealth (hereinafter referred to for purposes of this Agreement as “Toll Revenue”) for the implementation of Projects selected

by NVTC and approved by the CTB, as well as operating costs related to Projects, and NVTC financing and debt service payments and any allowable costs related thereto;

WHEREAS, based on information provided by Recipient Entity in response to NVTC's call for Projects, NVTC has determined the Project set forth and described on Appendix A to this Agreement satisfies the requirements of Section II.B.1 of the MOA, and the provisions of § 33.2-309 of the Code of Virginia, 1950, as amended, and the CTB has approved use of Toll Revenue to fund such Project;

WHEREAS, the Toll Revenue to be provided by NVTC described in Appendix B have been duly authorized and directed by Recipient Entity to finance the Project, and the Recipient Entity is authorized to enter into this Agreement and has authorized execution of it on its behalf;

WHEREAS, NVTC agrees that Recipient Entity will, itself or through its contractors or agents, design, construct, acquire and/or operate the Project or perform such other specific work for the Project and Recipient Entity agrees that it will perform or have performed, such work on the terms and conditions set forth in this Agreement and the Appendices appended thereto;

WHEREAS, both parties have concurred in the Recipient Entity's administration, performance, and completion of the Project on the terms and conditions set forth in this Agreement and its Appendices and in accordance with all applicable federal, state, and local laws and regulations; and

WHEREAS, NVTC's governing body and Recipient Entity's governing body have each authorized that their respective designee(s) execute this Agreement on their respective behalf(s) as evinced by copies of each such entity's resolution or clerk's minutes which are appended hereto as Appendix E;

NOW THEREFORE, in consideration of the promises made mutual covenants, and agreements contained herein, the parties hereto agree as follows:

**A. Recipient Entity's Obligations**

Recipient Entity shall:

- I. Complete or perform all said work as described in Appendix A, advancing such work diligently and ensuring that all work is completed in accordance with all applicable federal, state, and local laws and regulations, and all terms and conditions of this Agreement. Recipient Entity expressly agrees that, for non-debt financed Projects, Recipient Entity must obligate the Toll Revenue to the cost of the Project within two (2) fiscal years and to expend the Toll Revenue within five (5) fiscal years of the first day of the fiscal year for which the funds

for the Project were allocated by the CTB unless an extension has been approved by NVTC and the CTB. In the event an extension is not approved by the Commissions and the CTB, then Recipient Entity shall release or return to NVTC all unexpended funds no later than 90 days after receipt of NVTC's written request for such release or return. If the Project is cancelled at any time, for any reason, before or after work has commenced, Recipient Entity shall immediately notify NVTC in writing of the cancellation and shall immediately cease to incur Project costs. Concurrently, and in no event later than 90 days after the date of cancellation, Recipient Entity shall refund to NVTC 100% of all funds provided for the Project unless otherwise approved by NVTC, and the CTB as necessary, and set forth in an amendment to this Agreement.

2. Ensure that all work performed or to be performed under this Agreement is in accordance with the Project Description Sheets attached to Appendix A.
3. Perform or have performed, and remit all payment requisitions and other requests for funding for design and engineering, including all environmental work, right-of-way acquisition, construction, contract administration, testing services, inspection services, capital asset acquisitions, or operations, and all allowable expenses for the Project, as is required by this Agreement and that may be necessary for completion of the Project.
4. Not use the NVTC Toll Revenues specified on Appendix B to pay any Project cost if the MOA or any applicable provision of law does not permit such Project cost to be paid with NVTC Toll Revenue. For transit, bikeshare and other operations projects that generate revenues, the Recipient Entity shall deduct revenues earned from Project operations from any requests for reimbursement of operating expenses.
5. Recognize that, if the Project, as approved, contains "multiple phases" (as such "multiple phases" are defined for the Project on Appendix A), for which NVTC will provide funding for such multiple phases (as set forth on Appendix B), NVTC may not provide Toll Revenue funding to Recipient Entity to advance the Project to the next phase until the current phase is completed. In any circumstance where Recipient Entity seeks to advance a Project to the next phase using NVTC Toll Revenue, Recipient Entity shall submit a written request to NVTC's Executive Director explaining the need for NVTC's funding of an advanced phase. NVTC's Executive Director will thereafter review the circumstances underlying the request in conjunction with Appendix B and NVTC's current and projected cash flow position and make a recommendation to NVTC whether to authorize the requested advance phase funding. Nothing herein, however, shall prohibit Recipient Entity from providing its own funds

to advance a future phase of the Project and from requesting reimbursement from NVTC for having advance funded a future phase of the Project. However, Recipient Entity further recognizes that NVTC's reimbursement to Recipient Entity for having advance funded a Project phase will be dependent upon NVTC's cash flow position at the time such a request for reimbursement is submitted and to the extent that any such advanced funding is consistent with Appendix B.

6. Acknowledge that NVTC's Executive Director will periodically update NVTC's cash flow estimates with the objective toward keeping those estimates accurate throughout the life of the Project. Recipient Entity shall provide all information required by NVTC so as to ensure and facilitate accurate cash flow estimates and accurate updates to those cash flow estimates throughout the life of the Project as described in Appendix B.
7. Provide to NVTC requests for payment consistent with Appendix B and the most recently approved NVTC cash flow estimates that include NVTC's standard payment requisition(s), containing detailed summaries of actual Project costs incurred with supporting documentation as required by NVTC and that certify all such costs were incurred in the performance of work for the Project as authorized by this Agreement. Each payment requisition shall be in substantially the same form as set forth in Appendix C of this Agreement, include a manual signature of the individual authorized to submit the request, and be submitted electronically to [reimbursements@novatransit.org](mailto:reimbursements@novatransit.org). If approved by NVTC, Recipient Entity can expect to receive payment within twenty (20) business days upon receipt by NVTC. Approved payments will be made by means of electronic transfer of funds from NVTC to or for the account of Recipient Entity.
8. Promptly notify NVTC's Executive Director of any additional Project costs resulting from unanticipated circumstances which costs exceed the amount allocated by the CTB for the Project, and provide to NVTC detailed estimates of additional costs associated with those circumstances. Recipient Entity understands that it will be within NVTC's sole discretion, subject to CTB approval, whether to seek and to provide any additional funding to the Project in such circumstances and that NVTC will do so only in accordance with NVTC's approved Project selection process and upon formal action and approval by NVTC. Recipient Entity shall timely provide to NVTC a complete and accurate update to Appendix B if NVTC and the CTB approve funding of any additional Project costs for the Project under this Paragraph.
9. Submit a final reimbursement request for Project expenses and release or return any unexpended funds to NVTC no later than 90 days after Project

completion. The final reimbursement request shall be accompanied by a certification to NVTC that Recipient Entity adhered to all applicable laws and regulations and all requirements of this Agreement.

10. Should Recipient Entity be required to provide matching funds in order to proceed or complete the funding necessary for the Project, Recipient Entity shall certify to NVTC that all such matching funds have been either authorized and/or appropriated by Recipient Entity's governing body or have been obtained through another, independent funding source.
11. Maintain complete and accurate financial records relative to the Project for all time periods as may be required by the Virginia Public Records Act and by all other applicable state or federal records retention laws or regulations, unless superseded by the laws that govern Recipient Entity and provide copies of any such financial records to NVTC, free of charge, upon request.
12. Maintain all original conceptual drawings and renderings, architectural and engineering plans, site plans, inspection records, testing records, and as built drawings for the Project for the time periods required by the Virginia Public Records Act and any other applicable records retention laws or regulations, unless superseded by the laws that govern Recipient Entity; and provide to NVTC copies of all such drawings and plans free of charge, upon request.
13. Reimburse NVTC for all NVTC Toll Revenue (with interest earned at the rate earned by NVTC) that Recipient Entity misapplied or used in contravention of the MOA or any term or condition of this Agreement.
14. Name NVTC and its Bond Trustee, the Commonwealth of Virginia, the CTB, VDOT, DRPT and their officers, employees and agents, or require that all Recipient Entity's contractors name NVTC and its Bond Trustee, the Commonwealth of Virginia, the CTB, VDOT, DRPT and their officers, employees and agents as additional insureds on any insurance policy issued for the work to be performed and/or services to be provided by or on behalf of Recipient Entity for the Project, and present NVTC with satisfactory evidence thereof before any work on the Project commences or continues, so that they are protected from and against any losses actually suffered or incurred, except for losses to the extent caused by the negligence or willful misconduct of such entity or person, from third party claims that are directly related to or arise out of: (a) any failure by Recipient Entity to comply with, to observe or to perform in any material respect any of the covenants, obligations, agreements, terms or conditions in this Agreement, or any breach by Recipient Entity of its representations or warranties in this Agreement; (b) any actual or willful misconduct or negligence of Recipient Entity, its employees or agents in direct

connection with the Projects; (c) any actual or alleged patent or copyright infringement or other actual or alleged improper appropriation or use of trade secrets, patents proprietary information, know-how, trademarked or service-marked materials, equipment devices or processes, copyright rights or inventions by Recipient Entity in direct connection with the Project; (d) inverse condemnation, trespass, nuisance or similar taking of or harm to real property committed or caused by Recipient Entity, its employees or agents in direct connection with the Project; or (e) any assumed liabilities. Recipient Entity will contractually require its contractors, subcontractors, vendors and other third parties working or performing services related to any Project funded by NVTC Toll Revenue to indemnify NVTC and its Bond Trustee, the Commonwealth of Virginia, the CTB, VDOT, DRPT, and their officers, employees and agents from the same losses.

15. Recipient Entity covenants and agrees it will comply with all applicable requirements of state and federal laws relating to anti-discrimination, including but not limited to Titles VI and VII of the Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act, and shall contractually require the same of all contractors, subcontractors, vendors, and recipients of any funding. Recipient Entity recognizes the importance of the participation of minority, women-owned and small businesses through the federal and local Disadvantaged Business Enterprise programs and will abide by such programs in implementing the Project. Recipient Entity shall comply with all applicable federal requirements, including those applicable to highways that are part of the National Highway System.
16. Give notice to NVTC that Recipient Entity may use NVTC Toll Revenue to pay outside legal counsel services (as opposed to utilizing the services of its own in-house counsel or NVTC's in-house legal counsel) in connection with the work performed under this Agreement so as to ensure that no conflict of interest may arise from any such representation.
17. Provide certification to NVTC, that upon final payment to all contractors for the Project, Recipient Entity will use the Project for its intended purposes for the duration of the Project's useful life. Under no circumstances will NVTC be considered responsible or obligated to operate and/or maintain the Project after its completion.
18. Comply with all requirements of the Virginia Public Procurement Act and other applicable Virginia Code provisions, or local ordinances which govern the letting of public contracts, unless superseded by the laws that govern Recipient Entity.

19. Acknowledge that if the Project is being funded in whole or in part by NVTC Bond Proceeds, comply with the applicable tax covenants as may be attached as Appendix D.
20. Acknowledge that if Recipient Entity expects and/or intends that the Project is to be submitted for acceptance by the Commonwealth into its system that Recipient Entity agrees to comply with VDOT's "Standards, Requirements and Guidance" applicable to the Project.
21. Recognize that Recipient Entity is solely responsible for obtaining all permits, permissions and regulatory approval necessary to develop, construct, operate and/or maintain the Project, including but not limited to, obtaining all required VDOT and local land use permits, applications for zoning approvals, and regulatory approvals.
22. Recognize that if Recipient Entity is funding the Project, in whole or in part, with federal and/or state funds, in addition to NVTC Toll Revenue and/or NVTC Bond Proceeds, that Recipient Entity will need to comply with all federal and Commonwealth funding requirements, including but not limited to, the completion and execution of VDOT's Standard Project Administration Agreement and acknowledge that NVTC will not be a party or signatory to that agreement; nor will NVTC have any obligation to comply with the requirements of that agreement.
23. Provide quarterly (January 30<sup>th</sup>, April 30<sup>th</sup>, July 30<sup>th</sup>, and October 30<sup>th</sup>) written status updates on all approved, active Projects to NVTC on all items described in the Recipient's Project application including progress toward milestones and/or statistics including such information as ridership and/or percent completion.
24. Assist NVTC in the preparation of the annual report to the CTB required by the MOA, by providing data in regard to the Project performance measures identified on Appendix A of this Agreement, as well as other reporting as may be requested or required by NVTC.
25. To the greatest extent possible, include the Commuter Choice logo and recognition of Project funding source as being from the Commuter Choice Program, in a form approved by NVTC, in all publicly-available materials, documents, websites, etc.

**B. NVTC's Obligations**

NVTC shall:



1. Provide to Recipient Entity the funding authorized by NVTC for design work, engineering, including all environmental work, all right-of-way acquisition, inspection services, testing services, construction, and/or capital asset acquisition(s), and operations, and all allowable expenses, net of any revenue generated by the Project, on a reimbursement basis as set forth in this Agreement and as specified in the Project Budget and Cash Flow contained in Appendix B to this Agreement or the most updated amendment thereto.
2. Assign a Program Coordinator for the Project. NVTC's Program Coordinator will be responsible for monitoring the Project on behalf of NVTC so as to ensure compliance with this Agreement and the MOA, and all NVTC's requirements and for overseeing, managing, reviewing, and processing, in consultation with NVTC's Executive Director and its Director of Finance and Administration (DFA), all payment requisitions submitted by Recipient Entity for the Project. NVTC's Program Coordinator will have no independent authority to direct changes or make additions, modifications, or revisions to the Project Scope of Work as set forth on Appendix A or to the Project Budget and Cash Flow as set forth on Appendix B.
3. Route to NVTC's assigned Program Coordinator all Recipient Entity's payment requisitions, containing detailed summaries of actual Project costs incurred which are in substantially the same form as shown on Appendix C submitted to NVTC for the Project. After submission to NVTC, NVTC's Program Coordinator will conduct an initial review of all payment requisitions and supporting documentation for the Project in order to determine the submission's sufficiency. NVTC's Program Coordinator will then make a recommendation to the NVTC's DFA and Executive Director whether to authorize payment, refuse payment, or seek additional information from Recipient Entity. If the payment requisition is sufficient as submitted, payment will be made within twenty (20) business days from receipt. If the payment requisition is deemed insufficient, within twenty (20) business days from receipt, NVTC will notify Recipient Entity in writing and set forth the reasons why the payment requisition was declined or why and what specific additional information is needed for processing the payment request. Payment will be withheld until all deficiencies identified by NVTC have been corrected. Under no circumstances will NVTC authorize payment for any work performed by or on behalf of Recipient Entity that is not in conformity with the requirements of this Agreement or the MOA.
4. Route all Recipient Entity's supplemental requests for funding from NVTC under Paragraphs A.5 and A.8 of this Agreement to NVTC's Executive Director. NVTC's Executive Director will initially review those requests and all supporting documentation with NVTC's DFA. After such initial review, NVTC's

Executive Director will make a recommendation to NVTC's Executive Committee for its independent consideration and review of whether CTB approval of, and an allocation for, supplemental funding should be sought. NVTC's Executive Committee will thereafter make a recommendation on any such request to NVTC for final determination by NVTC, and approval by the CTB.

5. Conduct periodic compliance reviews scheduled in advance for the Project so as to determine whether the work being performed remains within the scope of this Agreement, the MOA, and other applicable law. Such compliance reviews may entail review of Recipient Entity's financial records for the Project and on-site inspections.
6. Acknowledge that if, as a result of NVTC's review of any payment requisition or of any NVTC compliance review, NVTC staff determines that Recipient Entity has misused or misapplied any NVTC Toll Revenue in derogation of this Agreement or in contravention of the MOA or applicable law, NVTC staff will promptly advise NVTC's Executive Director and will advise Recipient Entity's designated representative in writing. Recipient Entity will thereafter have thirty (30) days to respond in writing to NVTC's initial findings. NVTC's Executive Director will review Recipient Entity's response and make a recommendation to the NVTC Executive Committee which will, in turn, make a recommendation to NVTC for a final determination. Pending final resolution of the matter, NVTC will withhold further funding of the Project. If NVTC makes a final determination that Recipient Entity has misused or misapplied funds in contravention of this Agreement, the MOA, or other applicable law, NVTC will cease further funding for the Project and will seek reimbursement from Recipient Entity of all funds previously remitted by NVTC (with interest earned at the rate earned by NVTC) which were misapplied or misused by Recipient Entity. Nothing herein shall, however, be construed as denying, restricting or limiting the pursuit of either party's legal rights or available legal remedies.
7. Make guidelines available to Recipient Entity to assist the parties in carrying out the terms of this Agreement in accordance with applicable law.
8. Upon recipient's final payment to all contractors, retain copies of all contracts, financial records, design, construction, and as-built project drawings and plans for the Project for the time periods required by the Virginia Public Records Act and as may be required by other applicable records retention laws and regulations.

**C. Term**

1. This Agreement shall be effective upon adoption and execution by both parties and, unless terminated in accordance with the express provisions hereof, shall continue until completion of the Project and final payment of Toll Revenue hereunder, with the exception of those provisions which, by their express terms, survive termination.
2. Recipient Entity may terminate this Agreement, for cause, in the event of a material breach by NVTC of this Agreement. If so terminated, NVTC shall pay for all Project costs incurred through the date of termination and all reasonable costs incurred by Recipient Entity to terminate all Project related contracts. The Virginia General Assembly's failure to appropriate funds, or CTB's failure to allocate, or VDOT's failure to distribute to NVTC as described in paragraph F of this Agreement shall not be considered material breaches of this Agreement by NVTC. Before initiating any proceedings to terminate under this Paragraph, Recipient Entity shall give NVTC sixty (60) days written notice of any claimed material breach of this Agreement; thereby allowing NVTC an opportunity to investigate and cure any such alleged breach.
3. NVTC may terminate this Agreement, for cause, resulting from Recipient Entity's material breach of this Agreement. If so terminated, Recipient Entity shall refund to NVTC all funds NVTC provided to Recipient Entity for the Project (including interest earned at the rate earned by NVTC). NVTC will provide Recipient Entity with sixty (60) days written notice that NVTC is exercising its rights to terminate this Agreement and the reasons for termination. Prior to termination, Recipient Entity may request that NVTC excuse Recipient Entity from refunding all funds NVTC provided to Recipient Entity for the Project based upon Recipient Entity's substantial completion of the Project or severable portions thereof; and NVTC may, in its sole discretion, excuse Recipient Entity from refunding all or a portion of the funds NVTC provided to Recipient Entity for the Project. No such request to be excused from refunding will be allowed where Recipient Entity has either misused or misapplied NVTC funds in contravention of applicable law.
4. Upon termination and payment of all eligible expenses as set forth in Paragraph C.3 above, Recipient Entity will release or return to NVTC all unexpended NVTC Toll Revenue with interest earned at the rate earned by NVTC no later than sixty (60) days after the date of termination.

**D. Dispute**

In the event of a dispute under this Agreement, the parties agree to meet and confer in order to ascertain if the dispute can be resolved informally without the need of a

third party or judicial intervention. NVTC's Executive Director and Recipient Entity's Chief Executive Officer or Chief Administrative Officer shall be authorized to conduct negotiations on behalf of their respective entities. If a resolution of the dispute is reached via a meet and confer dispute resolution method, it shall be presented to NVTC and to Recipient Entity's governing body for formal confirmation and approval. If no satisfactory resolution can be reached via the meet and confer method, either party is free to pursue whatever remedies it may have at law, including all judicial remedies.

**E. NVTC's Entitlement to Refund of Value of Project Assets**

Recipient Entity agrees to use the real property and appurtenances and fixtures thereto, capital assets, equipment and all other transportation facilities that are part of the Project and funded by NVTC Toll Revenues under this Agreement ("Project Assets") for the designated transportation purposes of the Project under this Agreement and in accordance with applicable law throughout the useful life of each Project Asset. In the event that Recipient Entity fails to use any of the Project Assets funded under this Agreement for the transportation purposes as authorized by this Agreement or applicable law throughout its respective useful life, Recipient Entity shall refund to NVTC, with interest at the rate earned by NVTC, the amount of the value of each of the Project Assets, whether any such Project Asset may have depreciated or appreciated throughout its respective useful life, proportionate to the amount of the cost of the Project Asset funded by NVTC under this Agreement. If Recipient Entity refuses or fails to refund said monies to NVTC, NVTC may recover the proportionate value from Recipient Entity by pursuit of any remedies available to NVTC, including but not limited to NVTC's withholding of commensurate amounts from future distributions of NVTC Toll Revenue to Recipient Entity. In no event shall the Recipient Entity be obligated to refund the aforesaid value to both NVTC and the Commonwealth.

**F. Appropriations Requirements**

1. Nothing herein shall require or obligate any party to commit or obligate funds to the Project beyond those funds that have been duly authorized and appropriated by their respective governing bodies.
2. The parties acknowledge that all Toll Revenues provided by NVTC pursuant to the MOA are subject to appropriation by the Virginia General Assembly, allocation by the CTB and distribution by VDOT. The parties further acknowledge that NVTC's obligations under this Agreement are subject to such funds being appropriated by the General Assembly, allocated by the CTB and distributed by VDOT to NVTC.

**G. Notices**

All notices under this Agreement to either party shall be in writing and forwarded to the other party by U.S. mail, care of the following authorized representatives:

1) to: NVTC, to the attention of its Executive Director;  
2300 Wilson Blvd., Suite 230  
Arlington, VA 22201

2) to: Fairfax County,  
to the attention of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (address)

**H. Assignment**

This Agreement shall not be assigned by either party unless express written consent is given by the other party.

**I. Modification or Amendment**

This Agreement may be modified, in writing, upon mutual agreement of both parties.

**J. No Personal Liability or Creation of Third Party Rights**

This Agreement shall not be construed as creating any personal liability on the part of any officer, employee, or agent of the parties; nor shall it be construed as giving any rights or benefits to anyone other than the parties hereto.

**K. No Agency**

Recipient Entity represents that it is not acting as a partner or agent of NVTC; and nothing in this Agreement shall be construed as making any party a partner or agent with any other party.

**L. Sovereign Immunity**

The provisions of this Agreement shall not be construed as a waiver of either party's sovereign immunity rights.

**M. Incorporation of Recitals**

The recitals to this Agreement are hereby incorporated into this Agreement and are expressly made a part hereof. The parties to this Agreement acknowledge and agree that such recitals are true and correct.

**N. Mutual Preparation and Fair Meaning**

The parties acknowledge that this Agreement has been prepared on behalf of all parties thereto and shall be construed in accordance with its fair meaning and not strictly construed for or against either party.

**O. Governing Law**

This Agreement is governed by the laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed as of the day, month, and year first herein written by their duly authorized representatives.

Northern Virginia Transportation Commission

By: \_\_\_\_\_

Date: \_\_\_\_\_

Fairfax County

By: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix A –Project Description and Performance Measures

Project Number: 059-62-23

Project Title: Trail Access to Vienna Metrorail Station

Recipient Entity: Fairfax County

Toll Revenue Funds: \$2,200,000

### Project Description

Commuter Choice funding will facilitate the construction of a nearly one-mile segment of the I-66 Trail between the Nutley Street interchange at the Vienna Station and Blake Lane. The I-66 Trail is a bicycling and walking path that will parallel I-66 between Centreville and the I-495 Beltway and connect several other on-and off-street paths in Fairfax County. The trail will create a safe, attractive route to Metrorail by bicycle or foot for commuters making their way to destinations in the I-66 Inside the Beltway corridor.

Project opening year inbound AM peak period increase in person throughput that was the basis for project evaluation: 15 persons.

### Performance Measures and Reporting

#### Performance Measures

Report number of morning peak-period bicyclists and pedestrians entering the Metrorail station from the trail.

#### Collection Period

Report trail user entrances to the Metrorail station collected over a two-week period in March or April. Chosen period should not include any holiday periods and the weekday average should be calculated from Tuesdays, Wednesdays, and Thursdays during the period. Provide baseline counts of bicyclists and pedestrians entering the Metrorail station on the north side for a comparable period (including with comparable weather conditions) before the trail is constructed.

After the project has been implemented, performance data shall be collected each year up to five years after implementation.

#### Reporting

Report data to NVTC in a technical memorandum outlining the following:

1. Data collection methodology
2. Data collection dates
3. Results – data
4. Notes (if necessary)



Reports are due each July 1 or as otherwise identified by NVTC. Submit reports by email to Ben Owen and Adam Hager at NVTC at [benowen@novatransit.org](mailto:benowen@novatransit.org) and [adamhager@novatransit.org](mailto:adamhager@novatransit.org).

## APPENDIX B - PROJECT BUDGET & CASH FLOW

Project Title:	Trail Access to Vienna Metrorail Station	Project Number:	059-62-23
Recipient Entity:	Fairfax County	Revision Number:	
Recipient Contact:		Revision Date:	
Name	Malcolm Watson		
Email	<a href="mailto:malcolm.watson@fairfaxcounty.gov">malcolm.watson@fairfaxcounty.gov</a>		
Phone	571-633-5361		

**TABLE B-1 PROJECT BUDGET**

Project Type	Total Project Budget	Funding Sources		Source of Other Funds
		Approved NVTC Toll Revenue Funds	Other Funds (if applicable)	
Study	\$ -	\$ -	\$ -	
Preliminary Engineering (PE)	\$ 1,000,000	\$ -	\$ 1,000,000	Local, Transportation Alternatives
Right-of-Way (ROW)	\$ 1,930,407	\$ -	\$ 1,930,407	Transportation Alternatives, RSTP
Construction (CN)	\$ 6,625,125	\$ 2,200,000	\$ 4,425,125	Transportation Alternatives, RSTP
Capital Asset Acquisition	\$ -	\$ -	\$ -	
Other-Marketing	\$ -	\$ -	\$ -	
Transit Operating Costs	\$ -	\$ -	\$ -	
Other Operating Costs	\$ -	\$ -	\$ -	
<b>Total</b>	<b>\$ 9,555,532</b>	<b>\$ 2,200,000</b>	<b>\$ 7,355,532</b>	

**TABLE B-2 NVTC PROJECT FUNDS PROGRAMMED**

Project Type	FY2023
Study	\$ -
Preliminary Engineering (PE)	\$ -
Right-of-Way (ROW)	\$ -
Construction (CN)	\$ 2,200,000
Capital Asset Acquisition	\$ -
Other-Marketing	\$ -
Transit Operating Costs	\$ -
Other Operating Costs	\$ -
<b>Total</b>	<b>\$ 2,200,000</b>

**TABLE B-3 QUARTERLY PROJECT CASH FLOW FOR NVTC TOLL REVENUE FUNDS ONLY**

Quarter	FY2023	FY2024	FY2025	FY2026	FY2027
1st, September 30th	\$ 550,000	\$ -	\$ -	\$ -	\$ -
2nd, December 31st	\$ 550,000	\$ -	\$ -	\$ -	\$ -
3rd, March 31st	\$ 550,000	\$ -	\$ -	\$ -	\$ -
4th, June 30th	\$ 550,000	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 2,200,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

This attachment is certified and made an official attachment to the Standard Project Agreement document by the parties of this agreement.

<b>Recipient Entity</b>	<b>Northern Virginia Transportation Commission</b>	
Signature	Signature	Signature
	NVTC Executive Director	NVTC Director of Finance and Administration
Title	Title	Title
Date	Date	Date
Print name of person signing		

Revised 2022-06-21

ACTION - 7

Endorsement of Locally Preferred Alternative for the Soapstone Connector Project from Sunrise Valley Drive to Sunset Hills Road (Hunter Mill District)

ISSUE:

Board endorsement of a Locally Preferred Alternative (LPA) for the Soapstone Connector Project. The Soapstone Connector will provide a multimodal connection between Sunrise Valley Drive and Sunset Hills Road in Reston, Virginia.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors endorse Alternative 1, as generally presented in the May 2022 Revised Environmental Assessment (EA) and August 2017 EA, as the Locally Preferred Alternative.

TIMING:

Board action is requested on September 13, 2022, to allow the environmental process to proceed and so that the Federal Highway Administration (FHWA) may issue a National Environmental Policy Act (NEPA) decision. A NEPA decision is required before the project can advance to the design phase.

BACKGROUND:

The Soapstone Connector will be an extension of Soapstone Drive, approximately one-half mile long between Sunrise Valley Drive and Sunset Hills Road. The project is located just west of the Wiehle-Reston East Metrorail Station and includes a crossing over Route 267 (Dulles Toll Road [DTR]), the Dulles International Airport Access Highway (DIAAH), and the Metrorail Silver Line.

The typical section of the new connection will feature a three-lane cross-section (one travel lane in each direction and a two-way, left-turn-only lane); on-road bicycle lanes on each side; a sidewalk on the west side; and a shared use path on the east side. The actual bridge includes four travel lanes and the same on-road bicycle lanes, sidewalk and shared use path as the rest of the connection.

The project was recommended in the Reston Metrorail Access Group (RMAG) study to improve traffic operations on Wiehle Avenue and enhance multi-modal access to the Wiehle-Reston East Metrorail Station. A subsequent feasibility study was completed in

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2013 that assessed the engineering feasibility of this connection. Approximately 31 different alternatives were studied, and after significant input from the public, one alternative was selected as the preferred alternative. This alternative (shown as Alternative 1) was endorsed by the Board of Supervisors to advance to preliminary design, including the environmental analysis, on May 13, 2014. The project was included in the Reston Comprehensive Plan Amendment, which the Board of Supervisors approved in February 2014. Subsequent to the completion of the feasibility study, an additional alignment north of the Dulles Toll Road (Alternative 2) was added for further analysis based on public input, and is included in the EA.

The EA, in accordance with NEPA requirements, includes an alternatives development and screening process and analysis of the affected environment and environmental consequences. A 200-foot-wide corridor was studied during the EA and the alignment will be refined during the design process. Coordination with local, state, and federal agencies occurred throughout the environmental review process. The EA was revised to document changes to the project or its impacts since the completion of the EA in August 2017, including consideration of the newly-designated historic district on Association Drive. A Draft Individual Section 4(f) Evaluation was completed in accordance with Section 4(f) of the U.S. Department of Transportation Act of 1966 as a result of the Association Drive Historic District designation. The 4(f) Evaluation documents the analysis that determined there is no feasible and prudent alternative to the use of land from the Historic District. A Draft Memorandum of Agreement (MOA) has been prepared in accordance with Section 106 of the National Historic Preservation Act that includes measures to mitigate the project's adverse effects on the Association Drive Historic District.

Public meetings and a formal public hearing were conducted during the course of the EA from October 2015 to November 2017. The public hearing was held on November 8, 2017. 45 people attended the hearing. Comment sheets were completed by three people at the public hearing. Oral comments were received from seven attendees. Finally, six individuals, two federal agencies (US Army Corps of Engineers and US Environmental Protection Agency), one state agency (Virginia Department of Conservation and Recreation), and three property owners submitted comments by email. 21 comments were received during the comment period. Comments were focused on the topics of the overall study and its process, alternatives and their alignments, traffic and safety, and environmental impacts.

Concurrent with the EA, a "Measures of Effectiveness" (MOE) Study was conducted to assist with the selection of a locally preferred alternative. The MOE Study recommended Alternative 1, due to William Gas Pipeline mitigation costs, schedule considerations, constructability issues, and parking impacts.

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The Revised EA summarizes both build alternatives' potential environmental consequences, which are similar given that the two differ only in the northern portion of the corridor. An important consideration in making the recommendation, therefore, was the impact to the natural gas transmission lines owned by Williams Gas Pipeline (WGP) -Transco in this northern portion.

Both build alternatives traverse the WGP-Transco utility easement to varying degrees and extend over a portion of the gas transmission lines. Alternative 1 crosses the gas lines in a shorter distance with a more curved alignment and directly impacts an existing multi-story building. Alternative 2 has a straighter alignment and reduces the impact to the building, but it has greater impacts on the WGP-Transco gas lines and to parking in the vicinity. The advantages of Alternative 2 in right-of-way impacts and roadway geometrics are diminished by the WGP-Transco pipeline-related advantages of Alternative 1. Due to the magnitude of the WGP pipeline mitigation costs, constructability issues, scheduling considerations, and parking impacts, Alternative 1 is the recommended option.

A virtual Public Information Meeting was held on July 18, 2022, to provide updates on the study process and its current status and to receive resident feedback on the Revised EA, Draft Individual Section 4(f) Evaluation, and Draft MOA. 37 attendees joined by way of logging into WebEx or calling in. Oral comments were received from 13 attendees. The oral comments were focused on the project schedule, funding, and alignment. During the comment period, 32 comments were received through the project webpage. Of the combined 45 comments that were received, four were in favor of the Soapstone Connector, 11 were in favor of a crossing that would provide pedestrian/bicycle access only, and 11 were against the roadway project. Lastly, there were six comments related to the study and the environmental impacts.

FISCAL IMPACT:

The current project estimate is \$237 million, which is under VDOT review and subject to change. Currently the project is fully funded through a variety of federal, local, private, regional, and state sources. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1: Alternatives 1 and 2

Attachment 2: November 8, 2017, Public Hearing Brochure

Attachment 3: July 18, 2022, Public Information Meeting Advertisement

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STAFF:

Rachel Flynn, Deputy County Executive

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

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

Michael J. Guarino, Chief, Capital Projects Section, FCDOT

Douglas C. Miller, Environmental Coordinator, FCDOT

Negin Askarzadeh, Transportation Planner, FCDOT

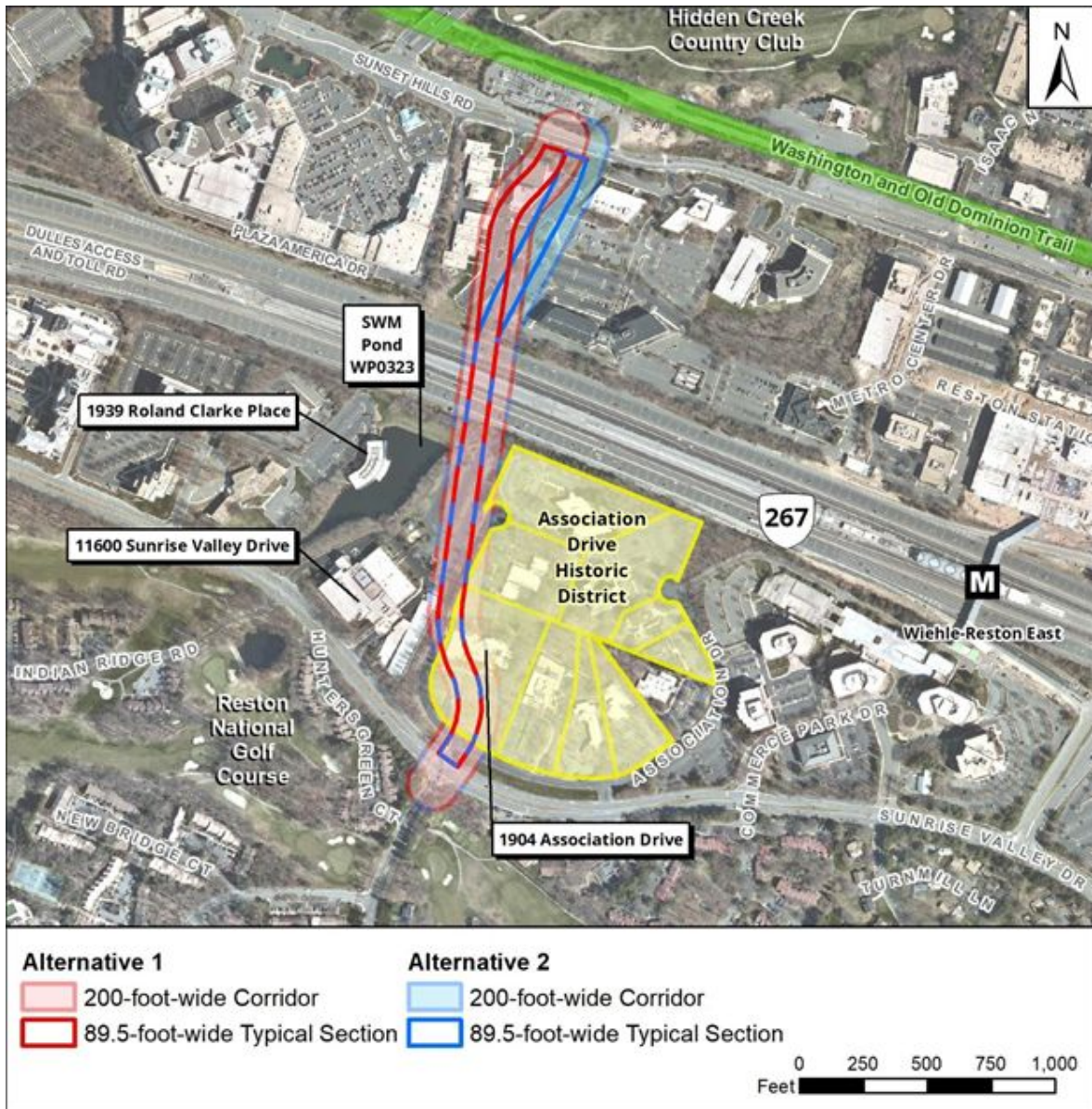


Figure1. Comparison of Alternatives 1 and 2 and the Right-of-Way Impacts to the Association Drive Historic District





Figure 2. Comparison of Alternatives 1 and 2 North of Dulles Corridor

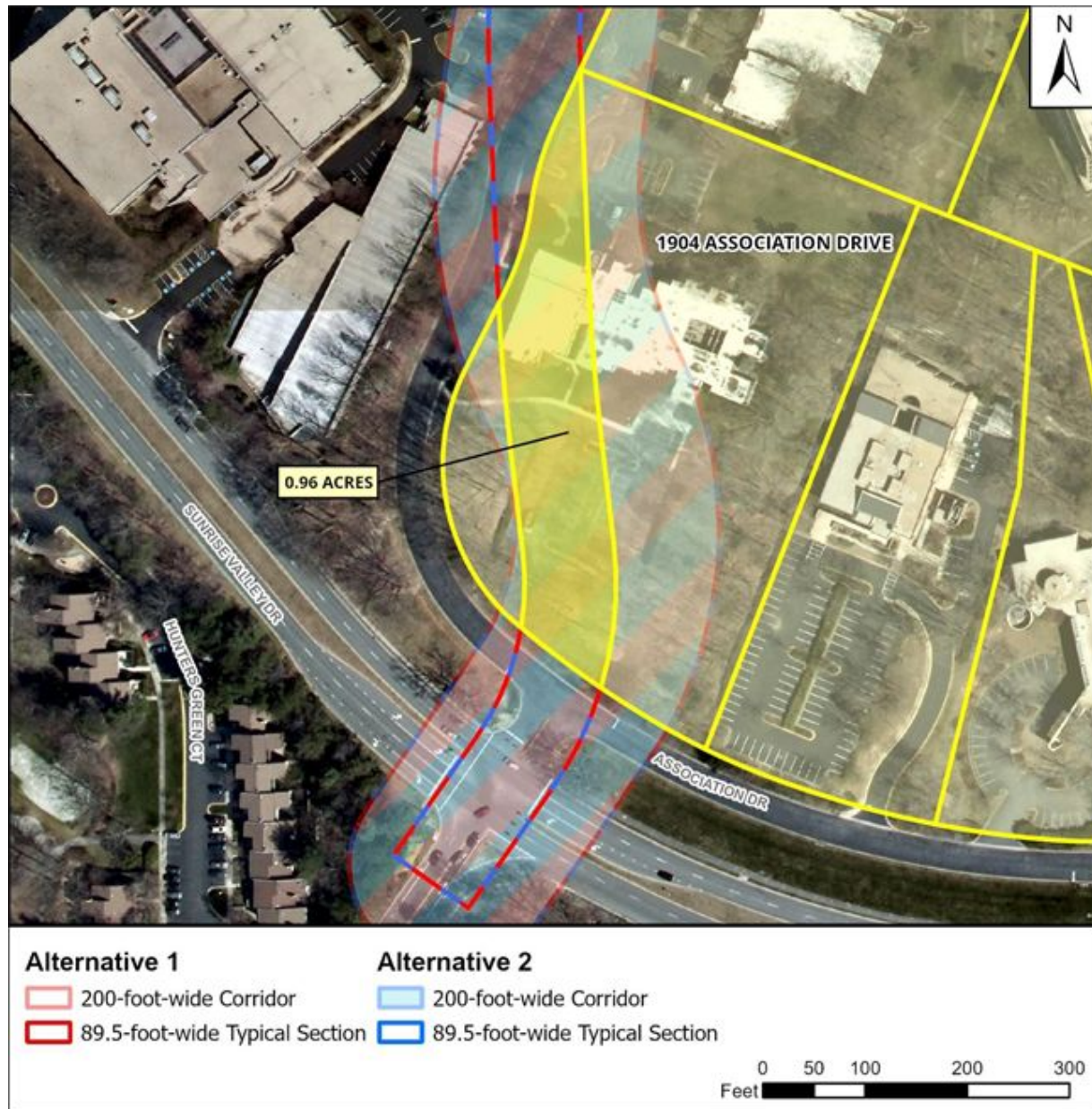


Figure 3. Proposed Right-of-Way Impact to the 1904 Association Drive Parcel



## PROJECT SCHEDULE

Project Scoping	Complete
Data Collection	Complete
Alternatives Development / Public Information Meeting	Complete
Environmental Assessment / Public Hearing	<b>WE ARE HERE</b>
Final Decision on the Environmental Assessment by FHWA	Early 2018

## NEXT STEPS

- Study team review of public comments.
- Revision of EA, as appropriate, to reflect changes or new information resulting from comments received on the EA.
- FHWA Decision.

## THANK YOU

Thank you for taking the time to review the materials presented at this public hearing. Your comments are valuable and greatly appreciated. Fairfax County will carefully consider all comments received at this meeting and during the comment period.

You may leave your comments in the box provided at tonight's meeting. You may also record your comments orally at the designated recording station.

If you are not ready to provide your comments tonight, written comments or comments submitted via the project website or email must be postmarked or sent electronically **no later than November 18, 2017**:

By Mail: Audra K. Bandy, P.E.  
Project Manager  
Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033

By Email: [audra.bandy@fairfaxcounty.gov](mailto:audra.bandy@fairfaxcounty.gov)

## FOR PROJECT UPDATES

Please visit Fairfax County's project website, <http://www.fairfaxcounty.gov/fcdot/soapstoneconnector.htm>

Fairfax County Department of Transportation (FCDOT) ensures 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.



November 8, 2017

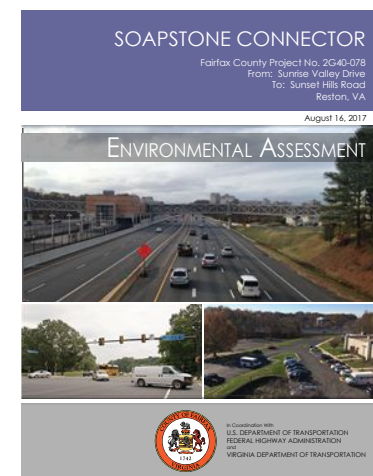
## PUBLIC HEARING

# WELCOME!

## PROJECT OVERVIEW

Fairfax County, in coordination with the Virginia Department of Transportation (VDOT) and Federal Highway Administration (FHWA), is completing the Environmental Assessment (EA) for the Soapstone Connector to improve traffic operations on Wiehle Avenue and enhance multimodal access in the vicinity of the Wiehle-Reston East Metrorail Station. The following tasks were conducted as part of the EA:

- Characterized existing conditions in the study area and identified transportation problems and needs. An extensive traffic count program was conducted to evaluate existing operations and traffic forecasts were prepared for the design year of 2046 to assess future conditions.
- Identified and evaluated the effectiveness of alternatives to improve mobility, capacity, and other travel conditions on Wiehle Avenue and in the vicinity of the Wiehle-Reston East Metrorail Station.
- Studied the impacts of alternatives on human, cultural, and natural resources.
- Complied with the National Environmental Policy Act (NEPA) and other regulatory programs, such as the National Historic Preservation Act.



## PURPOSE AND NEED

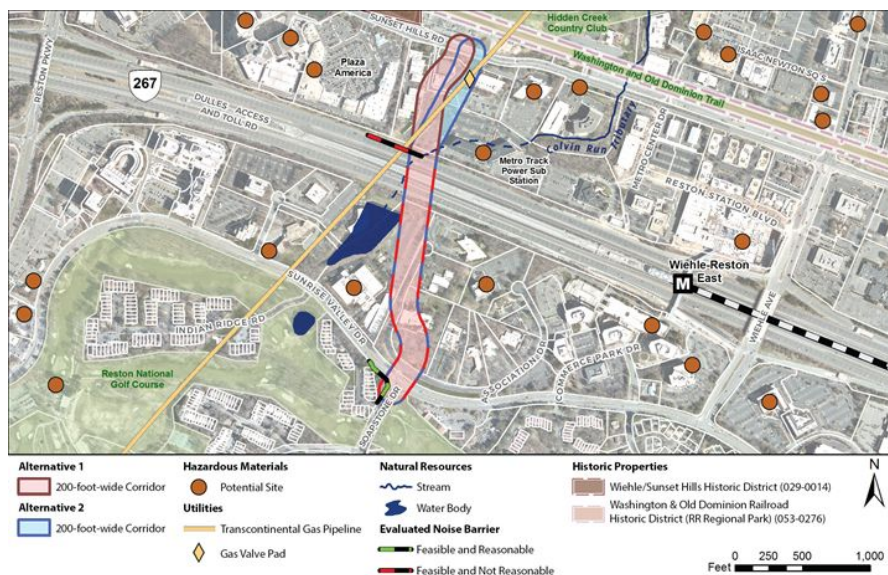
### Purpose:

- The purpose of the project is to provide additional multimodal capacity on a new north-south alternative in order to mitigate congestion on Wiehle Avenue.

### Need:

- The project will address:
  - Inability of Wiehle Avenue to accommodate current and forecasted traffic demand.
  - Delays on Wiehle Avenue at the intersections with Sunset Hills Road and Sunrise Valley Drive.
  - Lack of direct access for buses to the Wiehle-Reston East Metrorail Station without requiring travel on Wiehle Avenue.
  - Lack of connectivity for pedestrians and bicyclists to the Wiehle-Reston East Metrorail Station, from Soapstone Drive and Sunrise Valley Drive on the south and Sunset Hills Road on the north.

## ENVIRONMENTAL RESOURCES WITHIN STUDY AREA



## SUMMARY OF ENVIRONMENTAL IMPACTS

Environmental consequences are reported in the EA for the No Build Alternative and Build Alternatives 1 and 2 within the study area, which includes the lands that would be directly impacted by the proposed Soapstone Connector as well as adjacent lands that would be indirectly impacted by the construction and operation of the new roadway. The table below quantifies potential direct impacts and some of these resources are shown in the adjacent figure.

Category	Impacts within 200-foot-wide Corridor		
	No Build <sup>1</sup>	Alternative 1	Alternative 2
Total Area (acres)	0	13.0	12.9
Businesses Displaced (no.)	0	2	2
Section 4(f) Property (acres)	0	0	0
Historic Properties Within Area of Potential Effects (no.)	0	1 <sup>2</sup>	1 <sup>2</sup>
Stream Crossings (no.)	0	1	1
Length of Streams (linear feet)	0	259	278
Wetlands (acres)	0	0	0
Floodplains (acres)	0	0	0
Forest Area (acres)	0	0	0
Natural Heritage Resources (Conservation Sites and Stream Conservation Units)	0	0	0
Federally Listed Threatened or Endangered Species Identified by the US Fish & Wildlife Service that may be affected by the Proposed Project (no.)	0	1	1
Hazardous Material Sites of Recognized Environmental Concern (no.)	0	2	2
Agricultural and Forestal District Land Used (acres)	0	0	0
Prime and Unique Farmland (acres)	0	0	0
Violations of National Ambient Air Quality Standards (no.)	0	0	0
Noise Receptors Impacted Without Mitigation (no.)	--	7 (6 residential outdoor use areas and the playground of a day care center)	7 (6 residential outdoor use areas and the playground of a day care center)

1. The No Build Alternative includes several planned and programmed transportation projects, as described further in the EA. These projects may impact resources included in this table. However, the exact nature and extent of impacts of these future projects are unknown and reporting them would be speculative. Regardless, any such impacts would occur for the Build Alternatives as well, so the relative outcome of effects for comparing the alternatives, as shown in this table, would be no different.

2. The Virginia Department of Historic Resources (VDHR) concurred in January 2017 that the Soapstone Connector project would have no adverse effect on historic properties.

**Subject:** [FOR IMMEDIATE RELEASE] Community Meeting for Soapstone Connector Project Set for July 18, 2022

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[Virtual Community Meeting for Soapstone Connector Project Set for July 18, 2022](#)

For Immediate Release  
July 8, 2022

The [Fairfax County Department of Transportation](#) (FCDOT) will hold a virtual community meeting to discuss updates on the Soapstone Connector on Monday, July 18, 2022, at 6:30 p.m. The project seeks to provide a direct connection between Sunset Hills Road and Sunrise Valley Drive over the Dulles Toll Road (Route 267) in Reston. Specifically, staff will present the [Revised Environmental Assessment](#) (EA), which was approved for public availability by the Federal Highway Administration (FHWA) on May 4, 2022. The Revised EA documents changes to the project or its impacts since the completion of the EA in August 2017, including consideration of the newly-designated historic district on Association Drive. While progress on the environmental review for the Soapstone Connector has been continuous since the completion of the EA in 2017, this is the first public meeting on the project since July 19, 2018.

The project team also will share information about:

- A [Draft Individual Section 4\(f\) Evaluation](#), which was completed in accordance with Section 4(f) of the U.S. Department of Transportation Act of 1966 as a result of the Association Drive Historic District designation. The 4(f) Evaluation documents the analysis that determined there is no feasible and prudent alternative to the use of land from the Historic District. FHWA approved the 4(f) Evaluation for public availability on Oct. 28, 2020.
- A [Draft Memorandum of Agreement](#) (MOA), which has been prepared in accordance with Section 106 of the National Historic Preservation Act to resolve the project's adverse effects on the Association Drive Historic District. Mitigation measures are presented as discrete stipulations in the MOA. This draft document is available for review in the appendix of the Revised Environmental Assessment.

To join the meeting:

- **Login via the** [Webex Meeting Link](#)
- **Dial In:** 1-844-621-3956; **Access Code:** 2334 799 6116
- **New to Webex?** Please see FCDOT's [Virtual Meeting Instructions](#)

Public comments will be accepted through Monday, Aug. 1, by using the comment form on the project webpage, calling FCDOT at 703-877-5600 or in writing [Fairfax County Department of Transportation Soapstone Connector Project, 4050 Legato Road, Suite 400, Fairfax, VA 22030]. For more information, visit: <https://www.fairfaxcounty.gov/transportation/projects/soapstone-connector>.

#

*The Soapstone Connector project is funded in part by the [Northern Virginia Transportation Authority](#).*

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**Media Relations**

Robin P. Geiger, Head of Communications, [Fairfax County Department of Transportation](#), via [e-mail](#)

Call 703-877-5602, TTY 711 (direct) | 703-826-6457 (cell) | 703-268-8953 (after hours)

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ACTION - 8

Approval of and Authorization to Execute a Memorandum of Agreement for the Soapstone Connector Project from Sunrise Valley Drive to Sunset Hills Road (Hunter Mill District)

ISSUE:

Authorize the Director of the Fairfax County Department of Transportation (FCDOT) to execute a Memorandum of Agreement with the Federal Highway Administration (FHWA), the Virginia Department of Transportation (VDOT), and the Virginia State Historic Preservation Officer (SHPO) for the Soapstone Connector Project to allow the environmental process to proceed and so that FHWA may issue a National Environmental Policy Act (NEPA) decision. A NEPA decision is required before the project can advance to the design phase.

RECOMMENDATION:

The County Executive recommends that the Board authorize the Director of FCDOT to execute the Memorandum of Agreement with FHWA, VDOT, and the Virginia SHPO substantially in the form of Attachment 1, for the Soapstone Connector Project.

TIMING:

Board action is requested on September 13, 2022, so that the agreement can be executed by the signatories, thereby allowing the environmental process to proceed and so that FHWA may issue a NEPA decision. A NEPA decision is required before the project can advance to the design phase.

BACKGROUND:

The Soapstone Connector will be an extension of Soapstone Drive, between Sunrise Valley Drive and Sunset Hills Road. The project is located just west of the Wiehle-Reston East Metrorail Station and includes a crossing over Route 267 (Dulles Toll Road [DTR]), the Dulles International Airport Access Highway (DIAAH), and the Metrorail Silver Line.

The connection will feature a three-lane cross-section (one travel lane in each direction and a two-way, left-turn-only lane); bicycle lanes on each side; a sidewalk on the west side; and a shared use path on the east side. The actual bridge includes four travel lanes and the same on-road bicycle lanes, sidewalk and shared use path as the rest of the connection.



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The project was recommended in the Reston Metrorail Access Group (RMAG) study to improve traffic operations on Wiehle Avenue and enhance multi-modal access to the Wiehle-Reston East Metrorail Station. A subsequent feasibility study was completed in 2013 that assessed the engineering feasibility of this connection. Approximately 31 different alternatives were studied, and after significant input from the public, one alternative was selected as the preferred alternative. This alternative (shown as Alternative 1) was endorsed by the Board of Supervisors to advance to preliminary design, including the environmental analysis, on May 13, 2014. The project was included in the Reston Comprehensive Plan Amendment, which the Board of Supervisors approved in February 2014. Subsequent to the completion of the feasibility study, an additional alignment north of the Dulles Toll Road (Alternative 2) was added for further analysis based on public input and is included in the Environmental Assessment.

The August 2017 Environmental Assessment (EA), which included both alternatives, was prepared in accordance with NEPA, documented the project purpose and need, the alternatives development and screening process, analysis of the affected environment and environmental consequences, and the coordination with local, state, and federal agencies and the public that occurred throughout the environmental review process. The revised EA documents changes to the project or its impacts since the completion of the August 2017 EA, including consideration of the newly-designated historic district on Association Drive. A Draft Individual Section 4(f) Evaluation was completed in accordance with Section 4(f) of the U.S. Department of Transportation Act of 1966 as a result of the Association Drive Historic District designation. The Draft Section 4(f) Evaluation documents the analysis that determined there is no feasible and prudent alternative to the use of land from the Historic District. FHWA approved the Draft Section 4(f) Evaluation for public availability on October 28, 2020. A Draft Memorandum of Agreement (MOA) has been prepared in accordance with Section 106 of the National Historic Preservation Act to mitigate the project's adverse effects on the Association Drive Historic District. Mitigation measures are presented as discrete stipulations in the MOA.

Both Soapstone Connector Build Alternatives bisect the 4.23-acre parcel at 1904 Association Drive and impact the building at 1904 Association Drive, a contributing element of the Association Drive Historic District. This impact will result in an adverse effect to this historic district under Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108).

The draft MOA was developed in consultation with the Virginia Department of Historic Resources (DHR) and the Section 106 Consulting Parties. Four stipulations were identified for alternative 1 and 2 to mitigate the adverse effects of the project on the historic district:

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- Historic American Building Survey (HABS) Recordation of Association Drive Historic District
- Historic American Landscape Survey (HALS) Documentation of Association Drive Historic District
- Three Wayside Markers near the Association Drive Historic District
- A Public History or Popular Report about the Association Drive Historic District

The HABS and HALS are part of the National Park Service Heritage Documentation Program that documents achievements in architecture, engineering, and landscape design in the United States. HABS focuses on the buildings and HALS focuses on the landscape and setting of the historic district. Both HABS and HALS include written history and description, photographs, and drawings, and the final surveys would be filed at the Library of Congress and the Virginia Department of Historic Resources (DHR), with copies available for review at several locations in the local area, including the Reston Regional Library. The Public History or Popular Report would be presented in layman's terms and contain maps, historic aerial photographs, and building photographs; copies of this report would also be provided to local and regional entities for public review.

In addition to Fairfax County, signatories to the Memorandum of Agreement include FHWA, VDOT, and DHR (represented by the Virginia SHPO).

Public meetings and a formal public hearing were conducted during the course of the EA from October 2015 to November 2017. The public hearing was held on November 8, 2017. 45 people attended the hearing. Comment sheets were completed by three people at the public hearing. Oral comments were received from seven attendees. Finally, six individuals, two federal agencies (US Army Corps of Engineers and US Environmental Protection Agency), one state agency (Virginia Department of Conservation and Recreation), and three property owners submitted comments by email. 21 comments were received during the comment period. Comments were focused on the topics of the overall study and its process, alternatives and their alignments, traffic and safety, and environmental impacts.

A virtual Public Information Meeting was held on July 18, 2022, to provide updates on the study process and its current status and to receive resident feedback on the Revised EA, Draft Individual Section 4(f) Evaluation, and Draft MOA. 37 attendees joined by way of logging into WebEx or calling in. Oral comments were received from 13 attendees. The oral comments were focused on the project schedule, funding, and alignment. During the comment period, 32 comments were received through the project webpage. Of the combined 45 comments that were received, four were in favor of the Soapstone Connector, 11 were in favor of a crossing that would provide pedestrian/bicycle access only, and 11 were against the roadway project. Lastly, there were six comments related to the study and the environmental impacts.

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FISCAL IMPACT:

The current project estimate is \$237 million, which is under VDOT review and subject to change. Currently the project is fully funded through a variety of federal, local, private, regional, and state sources. There is no impact to the General Fund.

ENCLOSED DOCUMENTS:

Attachment 1: Memorandum of Agreement with the Federal Highway Administration (FHWA), the Virginia Department of Transportation (VDOT), and the Virginia State Historic Preservation Officer (SHPO)

STAFF:

Rachel Flynn, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Eric M. Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT  
Michael J. Guarino, Chief, Capital Projects Section, FCDOT  
Douglas C. Miller, Environmental Coordinator, FCDOT  
Negin Askarzadeh, Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Joanna L. Faust, Assistant County Attorney

**MEMORANDUM OF AGREEMENT  
AMONG  
THE FEDERAL HIGHWAY ADMINISTRATION,  
THE VIRGINIA DEPARTMENT OF TRANSPORTATION,  
THE FAIRFAX COUNTY BOARD OF SUPERVISORS,  
AND THE VIRGINIA STATE HISTORIC PRESERVATION OFFICER  
REGARDING  
THE SOAPSTONE CONNECTOR PROJECT  
FROM SUNRISE VALLEY DRIVE TO SUNSET HILLS ROAD,  
RESTON, VIRGINIA**

**WHEREAS**, the Federal Highway Administration (FHWA) administers the Federal Aid Highway Program in Virginia through the Virginia Department of Transportation (VDOT); and

**WHEREAS**, the Fairfax County Board of Supervisors (Fairfax County) proposes to use Federal aid funds through VDOT for construction of the Soapstone Connector Project in Fairfax County (Reston), Virginia (“the Undertaking”; Department of Historic Resources [DHR] Project Review No. 2015-1168), which includes a new roadway approximately one-half mile long between Sunrise Valley Drive and Sunset Hills Road with a three-lane cross-section (one travel lane in each direction and a two-way, left-turn-only lane), on-road bicycle lanes on each side, a sidewalk on the west side, and a shared use path on the east side; and a new four-lane bridge over the Dulles Corridor, comprising VA Route 267 (Dulles Toll Road [DTR]), the Dulles International Airport Access Highway (DIAAH), and the Silver Line of the Metrorail system; and

**WHEREAS**, FHWA and DHR, which in Virginia is the State Historic Preservation Office (SHPO), are signatories to this Memorandum of Agreement (MOA) in accordance with 36 CFR § 800.6(c)(1), and FHWA has requested VDOT and Fairfax County to be invited signatories in accordance with 36 CFR § 800.6(c)(2)(iii); and

**WHEREAS**, FHWA, with assistance from VDOT and Fairfax County, has defined the purpose of the Undertaking as: to reduce congestion and travel delay at intersections along Wiehle Avenue and within the traffic analysis area; to improve multimodal connectivity to the Wiehle-Reston East Metrorail Station; and to improve accessibility and mobility to and within the area surrounding the Wiehle-Reston East Metrorail Station (Attachment A – Project Location Map); and

**WHEREAS**, FHWA has determined that providing funding to Fairfax County through VDOT for the Undertaking is an undertaking as defined in 36 C.F.R. §800.16(y); and

**WHEREAS**, the Undertaking does not include outside actions undertaken by other entities, such as a demolition permit associated with private land development, unrelated to the Soapstone Connector Project; and

**WHEREAS**, FHWA, with assistance from VDOT and Fairfax County has consulted with the SHPO, pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (“the Act”) (54 U.S.C. § 306108); and

**WHEREAS**, Fairfax County, with assistance from VDOT, pursuant to 36 CFR § 800.4(a)(1) established the Undertaking’s Area of Potential Effects (APE) in consultation with SHPO and with acceptance of the APE by FHWA, as spanning the length of the Dulles Corridor between the two existing overpasses, Reston Parkway to the west and Wiehle Avenue to the east, and buildings immediately adjacent to the Dulles Corridor that might be visible to and from the new Soapstone Connector overpass; areas at the northern and southern termini of the new roadway to account for the presence of new traffic intersections; and areas within which ground disturbance and construction activity will occur (Attachment B – APE); and

**WHEREAS**, Fairfax County, with assistance from VDOT and with the acceptance of the results by FHWA, pursuant to 36 CFR § 800.4(b) conducted cultural resources investigations to identify historic properties within the APE and conveyed the resulting reports “Phase IA Cultural Resources Survey of the Proposed Soapstone Connector, Fairfax County, Virginia” (March 8, 2016), “Phase IB Architectural Survey of the Proposed Soapstone Connector, Fairfax County, Virginia” (October 2016), and “Soapstone Connector, Fairfax County, Virginia, Supplemental Phase I Architectural Survey” (July 2018) to SHPO and Consulting Parties for review and comment; and

**WHEREAS**, FHWA and SHPO disagreed on the National Register of Historic Places (NRHP) eligibility of the Association Drive Historic District (DHR Inventory Nos. 029-6253 through 029-6262; Attachment D – Contributing Elements) and FHWA submitted documentation to the Keeper of the NRHP (Keeper) for resolution pursuant to 36 CFR § 800.4(c)(2); and

**WHEREAS**, the Keeper issued a Determination of Eligibility on October 8, 2019, stating the Association Drive Historic District is eligible under Criterion A in the area of Community Planning and Development and meets the Criteria Consideration G for exceptional importance of a property under fifty (50) years (Attachment C – Keeper Determination of Eligibility); and

**WHEREAS**, FHWA with assistance from VDOT and Fairfax County, pursuant to 36 CFR § 800.5(d)(2) has determined, in consultation with SHPO and Consulting Parties, that the Undertaking will have an adverse effect on the Association Drive Historic District due to the demolition of 1904 Association Drive (DHR Inventory No. 029-6255), a contributing resource to the historic district, and direct and indirect impacts to its designed landscape; and

**WHEREAS**, FHWA, with assistance from VDOT and Fairfax County, has attempted to minimize the adverse effect by incorporating roadway design elements, such as screening options, to minimize visual impacts to the Association Drive Historic District; and

**WHEREAS**, FHWA pursuant to 36 CFR § 800.6(a)(1), has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with the specified documentation and invited it to participate in the development of this MOA, and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

**WHEREAS**, as set forth in 36 CFR § 800.2(c) Fairfax County, with assistance from VDOT and assistance and approval by FHWA, identified the Consulting Parties included in Attachment E – Consulting Parties and invited them to participate in consultation and in the development of this MOA; and

**WHEREAS**, the public has had an opportunity to comment on the Undertaking through the community outreach program and public meeting held during the development of the November 2013 *Soapstone Connector Feasibility Study* that identified the location of the Soapstone Connector; at two public meetings and a public hearing held during the preparation of the August 2017 *Soapstone Connector Environmental Assessment*; and at a public meeting following the preparation of the July 2018 *Supplemental Phase I Architectural Survey* that was completed for the ten (10) parcels associated with the Association Drive Historic District;

**NOW, THEREFORE**, FHWA, VDOT, Fairfax County Board of Supervisors, and SHPO (each a “Signatory” or “Invited Signatory” and together “the Signatories”) agree that the Undertaking will be implemented pursuant to the following stipulations in order to take into account the effects of the Undertaking on historic properties, and that these stipulations shall govern the Undertaking and all of its parts until this MOA expires or is terminated.

#### STIPULATIONS

FHWA shall ensure that the following stipulations are carried out:

##### **I. HISTORIC AMERICAN BUILDING SURVEY (HABS) RECORDATION OF ASSOCIATION DRIVE HISTORIC DISTRICT**

- A. Prior to any alteration or demolition of portions of the contributing elements of the Association Drive Historic District, Fairfax County will arrange for the preparation of Level II HABS documentation and photographic recordation of the building exteriors, character-defining interior spaces, significant architectural details, and intervening open space in accordance with the guidelines set forth in HABS Guidelines for Historical Reports (U.S. Department of the Interior 2020); HABS Guide to Field Documentation (U.S. Department of Interior 2011); HABS Guidelines, Recording Historic Structures and Sites with HABS Measured Drawings (U.S. Department of the Interior 2020); HABS/HAER/HALS Photography Guidelines (U.S. Department of the Interior 2015); and HABS/HAER Guidelines for Recording Historic Sites and Structures using Computer-Aided Drafting (CAD) (U.S. Department of the Interior n.d.).
- B. Fairfax County shall ensure that previously gathered and pertinent architectural and development design information from the *Supplemental Phase I Architectural Survey, Soapstone Connector, Fairfax County, Virginia* (July 2018) and from *The Center for Educational Associations: A Report for the Keeper of the National Register of Historic*

*Places* (August 22, 2019) will serve as a starting point of research and be incorporated into the HABS documentation as appropriate.

- C. Prior to completion of the recordation package, Fairfax County shall consult with the National Park Service (NPS) HABS Office to determine if the HABS Office will agree to serve as the repository for the original documentation. If the HABS Office agrees, Fairfax County shall revise the recordation package in accordance with any HABS Office recommendations, if any, and submit the final package for accessioning into the HABS collections at the Library of Congress. If the HABS Office declines to accept the original documentation, Fairfax County shall notify the other Signatories and Consulting Parties as expeditiously as possible to consult on identifying other appropriate repositories for the original documentation.
- D. Alteration and demolition of portions of the contributing elements of the Association Drive Historic District may commence only after the original recordation package has been approved and submitted to the HABS Office, or to other repositories identified by Fairfax County in consultation with the other Signatories and Consulting Parties. Fairfax County shall notify the other Signatories and Consulting Parties in writing when this stipulation is completed.

## **II. HISTORIC AMERICAN LANDSCAPE SURVEY (HALS) DOCUMENTATION OF ASSOCIATION DRIVE HISTORIC DISTRICT**

- A. Prior to any alteration or demolition of portions of the contributing elements of the Association Drive Historic District, Fairfax County will arrange for the preparation of Level II HALS documentation and photographic recordation of the character-defining features within the designed landscape of the Association Drive Historic District in accordance with the guidelines set forth in HALS Guidelines for Historical Reports (U.S. Department of the Interior 2005); HALS Guidelines for Drawings (U.S. Department of Interior 2005); HABS/HAER/HALS Photography Guidelines (U.S. Department of the Interior 2015); and HABS/HAER Guidelines for Recording Historic Sites and Structures using Computer-Aided Drafting (CAD) (U.S. Department of the Interior n.d.).
- B. Fairfax County shall ensure that previously gathered and pertinent landscape and development design information from the *Supplemental Phase I Architectural Survey, Soapstone Connector, Fairfax County, Virginia* (July 2018) and from *The Center for Educational Associations: A Report for the Keeper of the National Register of Historic Places* (August 22, 2019) will serve as a starting point for research and be incorporated into the HALS documentation as appropriate.
- C. Prior to completion of the recordation package, Fairfax County shall consult with the NPS HALS Office to determine if the HALS Office will agree to serve as the repository for the original documentation. If the HALS Office agrees, Fairfax County shall revise the recordation package in accordance with any HALS Office recommendations, if any, and submit the final package for accessioning into the HALS collections at the Library



of Congress. If the HALS Office declines to accept the original documentation, Fairfax County shall notify the other Signatories and Consulting Parties as expeditiously as possible to consult on identifying other appropriate repositories for the original documentation.

- D. Alteration and demolition of portions of the contributing elements of the Association Drive Historic District may commence only after the original recordation package has been approved and submitted to the HALS Office, or to other repositories identified by Fairfax County in consultation with the other Signatories and Consulting Parties. Fairfax County shall notify the other Signatories and Consulting Parties in writing when this stipulation is completed.

### **III. WAYSIDE MARKERS FOR ASSOCIATION DRIVE HISTORIC DISTRICT**

- A. Within one (1) year of execution of this MOA, Fairfax County shall consult with the other Signatories and Consulting Parties to develop plans for three (3) wayside markers to commemorate the location of the Association Drive Historic District, based on the information developed in Stipulations I and/or II.
- B. Fairfax County shall ensure that the wayside marker design parameters follow the most current version of the Fairfax County History Commission's Historical Marker Guidelines.
- C. Fairfax County shall submit the draft design, general dimensions, images, narrative content, and location of the wayside markers to the Signatories and Consulting Parties for review and comment in accordance with Stipulation VII of this MOA. Fairfax County shall address all comments received by the Signatories and Consulting Parties on the final wayside marker designs.
- D. Fairfax County shall submit the final wayside marker designs to the Fairfax County History Commission, which serves in an advisory capacity to the Fairfax County Board of Supervisors, for its approval through its normal process. The Fairfax County History Commission is under no obligation to approve the wayside marker designs; however, if it does not, FCDOT shall consult further with the Signatories and Consulting Parties to identify another suitable mitigation measure.
- E. If the wayside markers are approved by the Fairfax County History Commission, then within one (1) year of that decision, Fairfax County shall ensure that the wayside markers are installed, under permit, within VDOT right-of-way, considering any physical constraints that may be imposed by construction of the Undertaking, such as sufficient public right-of-way for installation and safe access by pedestrians to the wayside markers. Fairfax County shall notify the other Signatories and Consulting Parties in writing when this stipulation is completed.

#### **IV. PUBLIC HISTORY/ POPULAR REPORT**

Fairfax County will arrange for the preparation of a public history/popular report that would meaningfully convey the importance of the Association Drive Historic District as originally conceived and developed within the Reston planned community.

- A. The public history/popular report shall be presented in layman's terms and contain multiple illustrations, such as maps, historic aerial photographs, building photographs, and site layouts based on the technical documentation developed under Stipulations I and/or II.
- B. The public history/popular report shall be double-sided and no less than 60 pages (minimum) and no more than 150 pages (maximum).
- C. Fairfax County shall submit the draft public history/popular report to the other Signatories and Consulting Parties for review and comment in accordance with Stipulation VII of this MOA. Fairfax County shall address all comments received by the Signatories and Consulting Parties.
- D. Within four (4) months from receiving comments from the other Signatories and Consulting Parties, Fairfax County shall finalize the public history/popular report and produce fifty (50) perfect bound hard copies for dissemination in accordance with Stipulation V.

#### **V. DISSEMINATION OF INFORMATION**

Fairfax County shall ensure that digital copies of the final HABS package (Stipulation I), the final HALS package (Stipulation II), the wayside markers (Stipulation III), and the public history/popular report (Stipulation IV) will be provided to the following local and regional entities for their administrative files and made available to the public for informational and research purposes, as appropriate.

- A. Virginia Department of Historic Resources (DHR); Fairfax County shall also provide to DHR one (1) bound archival hard copy of all documentation materials.
- B. Fairfax County Department of Planning and Development (DPD)
- C. Reston Historic Trust & Museum (RHT)
- D. Virginia Room in the City of Fairfax Regional Library
- E. Reston Regional Library

## **VI. PROFESSIONAL STANDARDS**

Fairfax County shall ensure that all cultural resources work performed pursuant to this MOA is carried out by or under the direct supervision of personnel who meet or exceed the *Secretary of the Interior's Professional Qualifications Standards* (48 FR 44739) for Architectural History or Historic Architect for Stipulation I, Historic Landscape Architect or Landscape Architect for Stipulation II, and History or Architectural History for Stipulations III and IV.

## **VII. DOCUMENT AND DELIVERABLE REVIEW**

- A. Throughout the term of this MOA, Fairfax County shall provide the other Signatories and Consulting Parties with opportunities to review and comment on the reports and other products stipulated in this MOA. Review periods shall encompass a time frame not to exceed thirty (30) calendar days from the date that each Signatory or Consulting Party receives the item for review, unless otherwise specified in this MOA.
- B. If a request for additional information from the other Signatories or Consulting Parties is received, Fairfax County shall provide this information as soon as possible.
- C. The other Signatories and Consulting Parties shall provide comments to Fairfax County regarding any document or product submitted pursuant to this MOA as promptly as possible, but not to exceed thirty (30) calendar days from the date of receipt.
- D. If the other Signatories or Consulting Parties do not submit comments in writing within thirty (30) calendar days of the receipt of any such submissions, Fairfax County may assume the non-responding party(ies) have no comment.
- E. Fairfax County shall incorporate those comments received from the other Signatories and Consulting Parties within the thirty (30)-calendar day review period into the final documentation or product, or otherwise address in writing why the comments were not incorporated.

## **VIII. UNANTICIPATED DISCOVERIES**

- A. In the event that a previously unidentified archaeological resource is discovered during activities associated with implementation of the Undertaking, Fairfax County shall make every best effort to request that the contractor halt all construction work involving subsurface disturbance in the area of the discovery and within 100 feet of the area of the discovery where additional subsurface archaeological artifacts and/or features can reasonably be expected to occur. Work in all other areas of the Undertaking may continue.
- B. Fairfax County shall notify FHWA, VDOT, SHPO, and Consulting Parties within two (2) working days of the unanticipated discovery. In the case of unanticipated discovery of prehistoric or historic Native American sites, FHWA shall notify appropriate federally recognized Indian tribes and Indian tribes recognized by the Commonwealth

of Virginia (“Virginia Indian tribes”) that might attach religious and cultural significance to the affected property within two (2) working days of the discovery.

- C. In the event of unanticipated discoveries, Fairfax County shall ensure that an archaeologist meeting the *Secretary of the Interior’s Professional Qualifications Standards* (48 FR 44739) investigates the work site and the resource. Fairfax County shall consult with the FHWA, VDOT, SHPO, and Consulting Parties regarding the NRHP eligibility of the resource (36 C.F.R. § 60.4). FHWA shall consult with the appropriate federally recognized Indian tribes and appropriate Virginia Indian tribes regarding the NRHP eligibility of the resource as appropriate.
- D. If, after consultation with FHWA, VDOT, SHPO, Consulting Parties, appropriate federally recognized Indian tribes, and appropriate Virginia Indian tribes, Fairfax County determines that the discovery is not eligible for NRHP listing, then Fairfax County shall submit the listing determination to FHWA, VDOT, SHPO, and the Consulting Parties for concurrence. FHWA shall consult directly with the appropriate federally recognized Indian tribes and appropriate Virginia Indian tribes regarding Fairfax County’s eligibility determination. FHWA, VDOT, SHPO, Consulting Parties, appropriate federally recognized Indian tribes, and appropriate Virginia Indian tribes shall respond within five (5) working days of receipt of the determination that the discovery is not eligible for listing on the NRHP with any objections to the determination. If no objections are made by FHWA, VDOT, SHPO, Consulting Parties, appropriate federally recognized Indian tribes, and appropriate Virginia Indian tribes within five (5) working days of submission, then Fairfax County may resume its work in the area of the unanticipated discovery.
- E. If, after consultation with FHWA, VDOT, SHPO, Consulting Parties, appropriate federally recognized Indian tribes, and appropriate Virginia Indian tribes, Fairfax County determines that the discovery is eligible for NRHP listing, then it shall develop a proposed treatment plan to resolve any adverse effects to the discovery. Fairfax County must submit the NRHP eligibility determination and proposed treatment plan to FHWA, VDOT, SHPO, and the Consulting Parties for concurrence. FHWA shall provide the eligibility determination and proposed treatment plan to the appropriate federally recognized Indian tribes and appropriate Virginia Indian tribes for concurrence. FHWA, VDOT, SHPO, Consulting Parties, appropriate federally recognized Indian tribes, and appropriate Virginia Indian tribes shall respond within five (5) working days of receipt of the Fairfax County’s determination of NRHP eligibility of the discovery and proposed treatment plan. If no comments are received from FHWA, VDOT, SHPO, Consulting Parties, appropriate federally recognized Indian tribes, and appropriate Virginia Indian tribes within five (5) working days, Fairfax County may assume the non-responding party has no objection to the determination or treatment plan. Fairfax County shall take into account the recommendations of FHWA, VDOT, SHPO, Consulting Parties, appropriate federally recognized Indian tribes, and appropriate Virginia Indian tribes regarding NRHP eligibility of the resource and the proposed treatment plan, and then carry out the treatment plan.

- F. Fairfax County shall make every best effort to request that work within the area of a discovery eligible for inclusion on the NRHP not proceed until an appropriate treatment plan is developed and implemented.

## **IX. TREATMENT OF HUMAN REMAINS**

- A. Fairfax County shall make every best effort to request that during the Undertaking the contractor avoid disturbing gravesites, including those containing Native American human remains and associated funerary artifacts. Fairfax County shall treat all such gravesites in a manner consistent with the ACHP “Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects” (February 23, 2007) or most current version.
- B. Human remains and associated funerary objects encountered during implementation of the Undertaking shall be treated in a manner consistent with the provisions of the Virginia Antiquities Act, Section 10.1-2305 of the Code of Virginia and its implementing regulations, 17 VAC5-20, and the Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001 et seq.) and its implementing regulations, 36 C.F.R. Part 10. In accordance with the regulations stated above, Fairfax County may obtain a permit from the SHPO for the archaeological removal of human remains should removal be necessary.
- C. In the event that the human remains encountered during the Undertaking are likely to be of Native American origin, whether prehistoric or historic, Fairfax County shall make every best effort to immediately notify FHWA who will immediately contact appropriate federally recognized Indian tribes and appropriate Virginia Indian tribes. Fairfax County shall determine the appropriate treatment of Native American human remains and associated funerary objects in consultation with the appropriate Virginia Indian tribes and any federally recognized Indian tribes with interest in the area. Fairfax County shall make all reasonable efforts to ensure that the general public is excluded from viewing any Native American gravesites and associated funerary objects discovered during the Undertaking. The Signatories and Consulting Parties to this Agreement shall release no photographs of any Native American gravesites or associated funerary objects discovered during the Undertaking to the press or to the general public.

## **X. GENERAL PROVISIONS**

- A. Dispute Resolution

Should any Signatory or Consulting Party to this MOA object in writing at any time to any action proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objection cannot be resolved, FHWA will:

MEMORANDUM OF AGREEMENT  
SOAPSTONE CONNECTOR PROJECT

1. Forward all documentation relevant to the dispute, including FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and Signatories and provide them with a copy of this written response. FHWA will then proceed according to its final decision.
2. If the ACHP does not provide its advice regarding the dispute within the thirty (30)-calendar day time period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatories to the MOA, and provide them and the ACHP with a copy of such written response.
3. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.
4. At any time during the implementation of the measures stipulated in this MOA, should a member of the public object in writing to FHWA or Fairfax County regarding the manner in which the measures stipulated in this MOA are being implemented, FHWA shall notify the Signatories and consult with the objector to resolve the objection.

B. Amendments

This MOA may be amended when such an amendment is agreed to in writing by all Signatories. The provisions of 36 CFR § 800.6(c)(7) shall govern the execution of any amendment. The amendment will be effective on the date a copy is signed by all of the Signatories and is filed with ACHP.

C. Termination

1. If any Signatory to this MOA determines that its term will not or cannot be carried out, that party shall immediately consult with the other Signatories to attempt to develop an amendment per Stipulation X.B above. If within thirty (30) calendar days (or another time period agreed to by all Signatories) an amendment cannot be reached, any Signatory may terminate the MOA upon written notice to the other Signatories.
2. Once the MOA is terminated, and prior to work continuing on the Undertaking, FHWA must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. FHWA shall notify the Signatories as to the course of action it will pursue.

3. If FHWA or Fairfax County decide that they will not proceed with the Undertaking, they may so notify the other Signatories and Consulting Parties to this MOA and this MOA shall become null and void.
4. In the event this MOA is terminated or rendered null and void, Fairfax County shall submit to SHPO and FHWA a technical report on the results of any archaeological investigations conducted prior to and including the date of termination, and shall ensure that any associated collections and records recovered are curated in accordance with 36 C.F.R. Part 79 unless an alternative arrangement is made.

**D. Duration**

1. The date of execution of this MOA shall be the date the last Signatory signs the MOA.
2. Unless terminated pursuant to Stipulation X.C, this MOA shall be in effect for three (3) years from the date of its execution. FHWA shall provide the Signatories with written notice of its determination when the terms of the MOA have been fulfilled. Upon this determination, the MOA shall have no further force or effect. At any time in the six (6)-month period prior to such date, FHWA may request that the Signatories consider an extension of this MOA pursuant to the amendment procedures in Stipulation X.B, above. This MOA shall be null and void if its terms are not carried out within three (3) years from the date of its execution unless the Signatories agree in writing to an extension for carrying out its terms.

**E. Anti-Deficiency Act**

The Signatories acknowledge and agree that their respective obligations to fulfill financial obligations of any kind pursuant to any and all provisions of this MOA, or any obligations of any kind pursuant to any and all provisions of this MOA, are and shall remain subject to the provisions of the federal Anti-Deficiency Act, 31 U.S.C. §§ 1341, 1342, 1349, 1351, as the forgoing statute is applicable and as it may be amended from time to time, regardless of whether a particular obligation has been expressly so conditioned.

**XI. NO WAIVER OF SOVEREIGN IMMUNITY**

Nothing herein shall be considered as a waiver of the sovereign immunity of Fairfax County.

**XII. NO PERSONAL LIABILITY**

Nothing herein shall be considered to create any personal liability on behalf of any official, employee, agent, or representative of Fairfax County.



### **XIII. NO RIGHTS IN THIRD PARTIES**

The Signatories agree that no provision of this MOA shall create in the public, or in any person or entity other than the Signatories, any right as a third party beneficiary hereunder, or authorize any person or entity, not a party hereto, to maintain any action for personal injury, property damage, or breach of contract pursuant to the terms of this MOA or otherwise.

### **XIV. TERMINATION FOR NON-APPROPRIATION**

Funding by Fairfax County for the Undertaking shall be subject to annual appropriation or other lawful appropriation by the Board of Supervisors. Nothing in this MOA shall require or obligate the County to commit or obligate funds to the Undertaking beyond those funds that have been already duly authorized and appropriated by the Board of Supervisors. In the event sufficient funds shall not be appropriated in the future that may lawfully be applied to Fairfax County's financial obligations towards the Undertaking, Fairfax County may terminate this MOA.

### **XV. MOA ELECTRONIC COPIES**

Within ten (10) business days of the last signature on this MOA, FHWA shall provide each Signatory with one electronic copy of the fully executed MOA, inclusive of attachments and integrated into a single document, if feasible. If the electronic copy is too large to send by email, FHWA shall provide each Signatory with a copy of this MOA as described above, on a compact disc or other suitable, electronic means.

### **XVI. EXECUTION**

This MOA may be executed in counterparts, with a separate page for each Signatory. Separate pages may also be provided for each Consulting Party. FHWA shall ensure that each Signatory and Consulting Party is provided with a copy of the fully executed MOA.

Execution of this MOA by FHWA, VDOT, Fairfax County, and SHPO, and its submission to the ACHP in accordance with 36 C.F.R. §800.6(b)(1)(iv) shall, pursuant to 36 C.F.R. §800.6(c), be considered to be an agreement with the ACHP for the purposes of Section 110(1) of the National Historic Preservation Act (54 U.S.C. § 306108). Execution and submission of this MOA, and implementation of its terms, evidence that the FHWA has afforded the ACHP an opportunity to comment on the proposed Undertaking and its potential effects on historic properties, and that FHWA has taken into account the potential effects of the Undertaking on historic properties.

**SIGNATURES FOLLOW ON SEPARATE PAGES**

**SIGNATURE PAGE  
MEMORANDUM OF AGREEMENT  
REGARDING  
THE SOAPSTONE CONNECTOR PROJECT  
FROM SUNRISE VALLEY DRIVE TO SUNSET HILLS ROAD,  
RESTON, VIRGINIA**

**SIGNATORY**

**FEDERAL HIGHWAY ADMINISTRATION**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**Thomas Nelson, Jr., P.E.**  
Division Administrator  
Federal Highway Administration

**SIGNATURE PAGE  
MEMORANDUM OF AGREEMENT  
REGARDING  
THE SOAPSTONE CONNECTOR PROJECT  
FROM SUNRISE VALLEY DRIVE TO SUNSET HILLS ROAD,  
RESTON, VIRGINIA**

**INVITED SIGNATORY**

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**Chris Swanson, P.E.**

Environmental Director, Virginia Department of Transportation

**SIGNATURE PAGE  
MEMORANDUM OF AGREEMENT  
REGARDING  
THE SOAPSTONE CONNECTOR PROJECT  
FROM SUNRISE VALLEY DRIVE TO SUNSET HILLS ROAD,  
RESTON, VIRGINIA**

**SIGNATORY**

**VIRGINIA STATE HISTORIC PRESERVATION OFFICER**

By: \_\_\_\_\_ Date: \_\_\_\_\_

**Julie V. Langan**  
Director, Department of Historic Resources

**SIGNATURE PAGE  
MEMORANDUM OF AGREEMENT  
REGARDING  
THE SOAPSTONE CONNECTOR PROJECT  
FROM SUNRISE VALLEY DRIVE TO SUNSET HILLS ROAD,  
RESTON, VIRGINIA**

**INVITED SIGNATORY**

**FAIRFAX COUNTY BOARD OF SUPERVISORS**

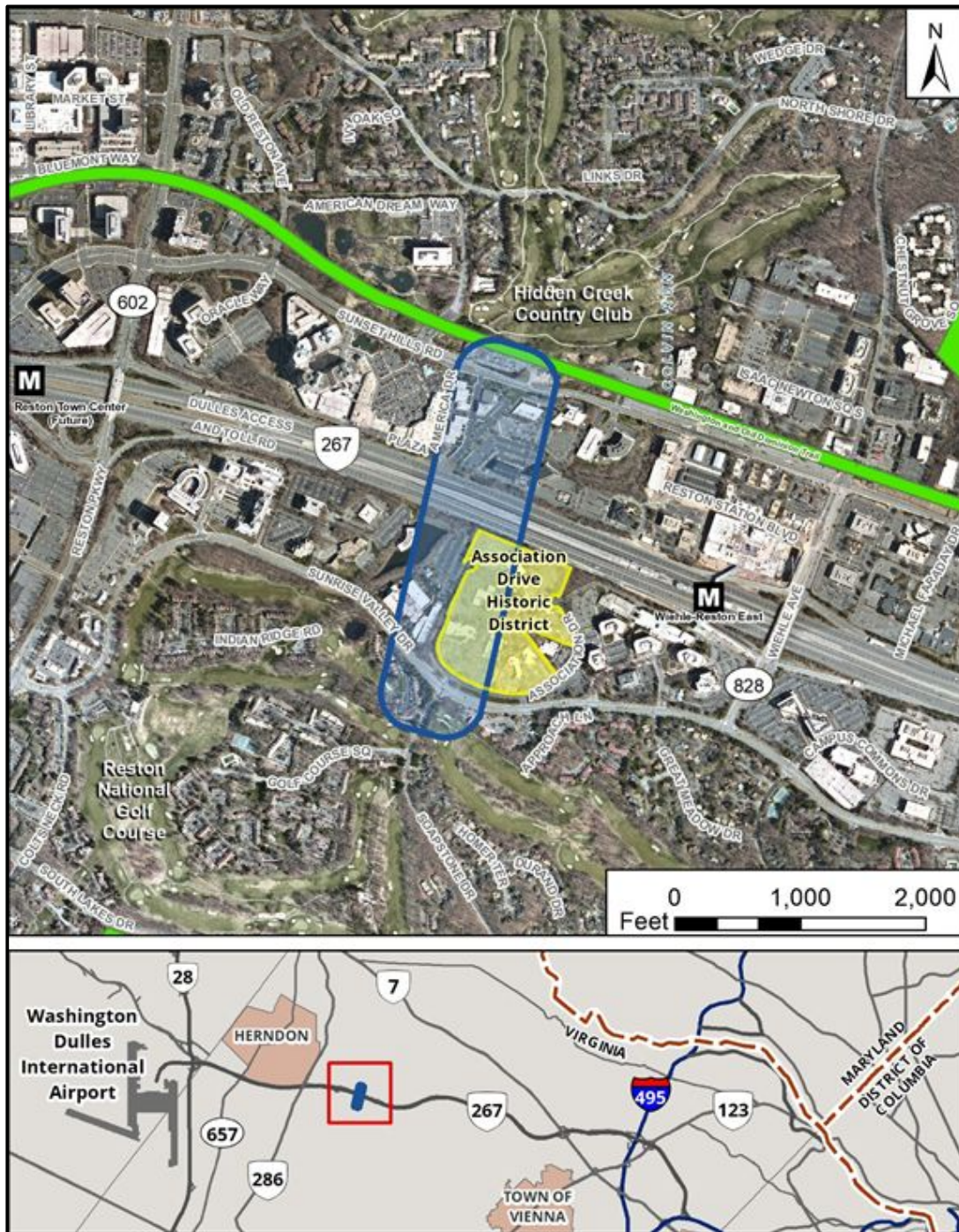
By: \_\_\_\_\_ Date: \_\_\_\_\_

**Tom Biesiadny**  
Director, Fairfax County Department of Transportation

MEMORANDUM OF AGREEMENT  
SOAPSTONE CONNECTOR PROJECT

**Attachment A**  
**Project Location Map**  
**Soapstone Connector Project**

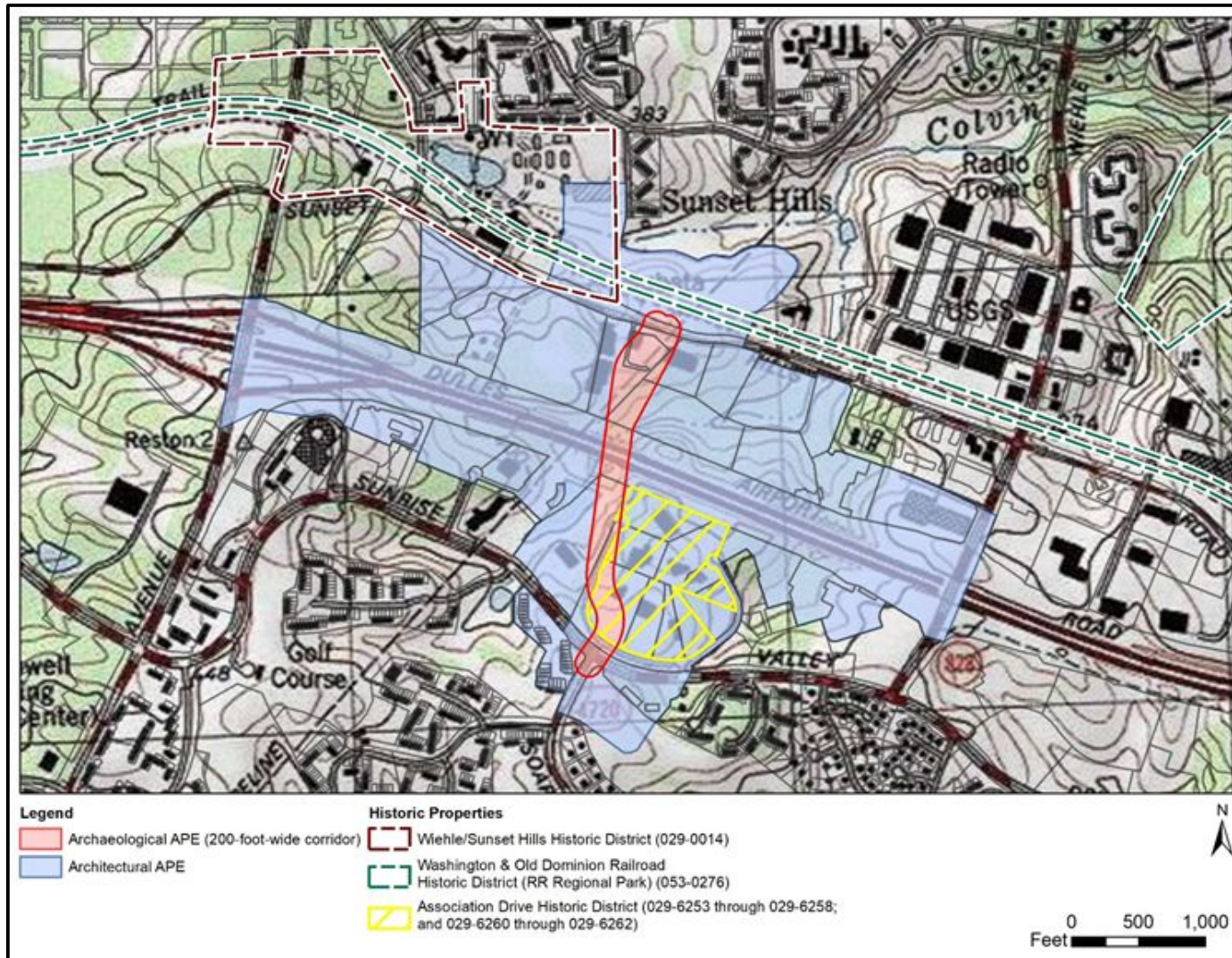
MEMORANDUM OF AGREEMENT  
SOAPSTONE CONNECTOR PROJECT



**Attachment B**  
**Area of Potential Effects (APE)**  
**Soapstone Connector Project**



MEMORANDUM OF AGREEMENT  
SOAPSTONE CONNECTOR PROJECT



B-1

**Attachment C**  
**Keeper of the National Register of Historic Places**  
**Determination of Eligibility for the Association Drive Historic District**  
**October 8, 2019**  
**Soapstone Connector Project**

MEMORANDUM OF AGREEMENT  
SOAPSTONE CONNECTOR PROJECT



United States Department of the Interior

NATIONAL PARK SERVICE  
1849 C Street, N.W.  
Washington, DC 20240



IN REPLY REFER TO:

DETERMINATION OF ELIGIBILITY NOTIFICATION

National Register of Historic Places  
National Park Service

Name of Property: Reston Center for Associations and Educational Institutions (RCAEI)  
Soapstone Connector Project

Location: Association Drive, Reston State: VA

Request submitted by: John Simkins  
Planning and Environment Team Leader  
USDOT/FHWA Virginia Division  
400 North 8<sup>th</sup> St., Room 750  
Richmond, VA

Date received: 6/7/2019 Additional information received: 8/27/2019

Opinion of the State Historic Preservation Officer:

☒ Eligible ☐ Not Eligible ☐ No Response ☐ Need More Information

Comments:

The Secretary of the Interior has determined that this property is:

☒ Eligible ☐ Not Eligible ☐ Need More Information

  
For  
Keeper of the National Register

10.8.2019  
Date

**Comments:**

The position of the DOT is that the RCAEI is not eligible for inclusion in the National Register because it does not satisfy Criteria Consideration G for properties achieving significance within the last fifty years. The position of the SHPO is that the property is meets Criteria Consideration G as an exceptional surviving example of contemporary planning principles within the broader New Town development plan for Reston (Criterion A). The Fairfax County Architectural Review Board's (ARB) opinion is that the RCAEI meets both Criteria A & C and that it satisfies the Criteria Consideration G threshold.

The Keeper of the National Register concurs with the SHPO that the RCAEI is eligible under Criterion A, in the area of Community Planning and Development. The information provided by the ARB provides the necessary context in which to evaluate the exceptional importance of the RCAEI within the context of the overall Reston development. The Keeper disagrees with the ARB's conclusion that the RCAEI meets the Criteria Consideration for exceptional importance under Criterion C, and finds that there is insufficient information to evaluate the ARB's contention that the group of associations has significance in Education.

Reston is a well-documented and studied example of New Town planning. The National Register has previously recognized the Lake Anne development, the first executed development of the Reston plan, as significant at the national level in part for its role in the history of planning. No in-depth evaluation of the entire Reston plan has yet been undertaken, but it is already established that the Reston "New Town" plan is a significant component of our nation's planning history. Working under this evaluation – that Reston as a whole is significant – it becomes a challenge when evaluating component part of the plan in the face of the plan's evolution over time and the changing nature of the area, in particular along the Dulles Access road.

As noted before in our initial comments, "industrial nodes" were a significant, and in some ways defining, aspect of the original Simon plan. Even with the adjustment to the original plan caused by the County's insistence that all such "industrial nodes" be located along the Dulles Access road corridor, the planning concept of having small work centers included within the larger residential area remained true to Simon's vision. The initial industrial area was created on the north side of the access road. The RCAEI was among the later developments south of the access road. The Dulles Access road itself stood as a barrier between the north and south halves of Reston, since there was little access across it. The two halves of the town developed almost independently.

While the RCAEI was not the first industrial development south of the access road, it remains the only one that retains its original design. The plan within a plan as represented in the Vosbeck Vosbeck Kendrick Redinger (VVKR) master plan for the RCAEI is intact. The original concept

MEMORANDUM OF AGREEMENT  
SOAPSTONE CONNECTOR PROJECT

was executed, albeit over a ten year period, and has remained unchanged since its inception. Few aspects of the “industrial corridor” along either side of the Dulles Access road otherwise remain intact either as conceptualized or as built. The RCAEI is a rare survivor within the industrial development context of the Reston plan; as such it is an exceptionally important component of the overall Reston town plan. It is eligible for listing in the National Register under Criterion A.



**Attachment D**  
**Contributing Elements of the Association Drive Historic District**  
**Soapstone Connector Project**

MEMORANDUM OF AGREEMENT  
SOAPSTONE CONNECTOR PROJECT

**Contributing Elements of the Association Drive Historic District**

VIRGINIA DEPARTMENT OF HISTORIC RESOURCES (DHR) RESOURCE NO.	HISTORIC NAME	ADDRESS
029-6253	American Association for Health, Physical Education, and Recreation	1900 Association Drive
029-6254	American Medical Student Association	1902 Association Drive
029-6255	National Association of Secondary School Principals	1904 Association Drive
029-6256	National Council of Teachers of Mathematics	1906 Association Drive
029-6257	Distributive Education Clubs of America	1908 Association Drive
029-6258	Future Homemakers of America	1910 Association Drive
029-6260	National Business Education Association	1914 Association Drive
029-6261	National Art Education Association	1916 Association Drive
029-6262	The Council for Exceptional Children	1920 Association Drive



**Attachment E**  
**Consulting Parties**  
**Soapstone Connector Project**



MEMORANDUM OF AGREEMENT  
SOAPSTONE CONNECTOR PROJECT

AFFILIATION	NAME
Society of Health and Physical Educators (SHAPE) America 1900 Association Drive	Nori Jones Represented by Joseph Mezzanotte, Whiteford Taylor Preston LLC
National Association of Secondary School Principals (NASSP) 1904 Association Drive	Ronn Nozoe Dennis Sadler
National Council of Teachers of Mathematics (NCTM) 1906 Association Drive	Ken Krehbiel Represented by Joseph Mezzanotte, Whiteford Taylor Preston LLC
Future Business Leaders of America (FLBA) Phi Beta Lambda, Inc. 1912 Association Drive	Elena Daly Alex Graham
1914 LLC 1914 Association Drive	Patty Brown
Richard B. Wirthlin Family, LLC 1920 Association Drive	Joel A. White
American Institute of Architects – Northern Virginia Chapter (AIA NOVA)	T.J. Meehan
BDC Sunrise Valley LLC (11600 Sunrise Valley Drive)	Charles Hathaway Terra Weirich (Bernstein Management Corporation) Represented by Michael Coughlin, Walsh, Colucci, Lubeley & Walsh, P.C.
Center for Educational Association	Ken Krehbiel Represented by Jeffrey Huber, Walton & Adams, P.C.
Fairfax County Architectural Review Board (ARB)	John A. Burns Jason Zellman
Fairfax County Department of Planning and Development, Heritage Resources and Plan Development	Laura Arseneau Barbara Byron Denice Dressel
Fairfax County History Commission	Cheryl-Ann Repetti Jordan Tannenbaum
Foulger-Pratt Development, LLC	Michael Abrams Represented by Scott Adams, McGuire Woods, LLP

ACTION - 9

Resolution of Support for Modifications of the Limited Access Line at the Intersection of Franconia-Springfield Parkway and Walker Lane to Provide Direct Vehicle and Pedestrian Access (Lee District)

ISSUE:

Board adoption of the attached resolution supporting modifications to the Franconia-Springfield Parkway limited access line.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors adopt the attached resolution (Attachment I) supporting the limited access line adjustment along Franconia-Springfield Parkway at Walker Lane.

TIMING:

Board action is requested on September 13, 2022, to permit the developer to move forward with Commonwealth Transportation Board (CTB) approvals.

BACKGROUND:

Inova Health Care Services has filed a rezoning application (RZ-2021-LE-00018) concurrent with Plan Amendment 2021-IV-S1 to develop an integrated hospital campus with medical offices and medical care facilities along the north side of the Franconia-Springfield Parkway between Beulah Street and Walker Lane in the Lee District. There is an existing limited access break at the Franconia-Springfield Parkway/Walker Lane intersection that restricts the eastbound left turn movement to emergency vehicles only, pursuant to a CTB resolution dated September 21, 2000.

The proposed Inova development improves site access, which includes permitting eastbound left turns for general vehicular traffic and enhanced pedestrian trail connections. To facilitate access for non-emergency vehicles onto Walker Lane, a modification of the existing limited access break at Walker Lane and Franconia-Springfield Parkway is required. Permitting this access for non-emergency vehicles will

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also reduce congestion at the intersection of Franconia-Springfield Parkway and Beulah Street. Furthermore, additional limited access breaks are needed to provide two new pedestrian connections to the trail along the frontage of Franconia-Springfield Parkway to facilitate access to Franconia-Springfield Metrorail Station.

As shown in Attachment II, the revised limited access line remains within the existing right-of-way. According to Section 24VAC30-401-20 of the Virginia Administrative Code, a request for a change in limited access also requires a resolution, letter of support, or formal request, or any combination of these, from the locality within which the changes are proposed.

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:

Attachment I: Resolution

Attachment II: Franconia-Springfield Parkway Limited Access Exhibit

Attachment III: Map Inova Springfield Healthplex Overview

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

Jeff Hermann, AICP, Division Chief, Site Analysis and Transportation Planning, FCDOT

Greg Fuller, Section Chief, Site Analysis Section, FCDOT

Marc L. Dreyfuss, AICP, Transportation Planner IV, FCDOT

Nina E. Aamodt, AICP, Transportation Planner III, FCDOT

## RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, September 13, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, Inova Health Care Service has submitted an application to develop a medical campus serving the greater Springfield area within Fairfax County; and,

**WHEREAS**, ensuring high quality multimodal access to the site from all directions is critical to providing high quality healthcare services; and,

**WHEREAS**, this application proposes permitting eastbound access to the site along Franconia-Springfield Parkway at Walker Lane; and,

**WHEREAS**, this application proposes enhanced pedestrian connections to enable improved access to the Franconia-Springfield Metrorail Station; and,

**WHEREAS**, the improved access for these modifications requires changes and/or breaks to limited access control lines along Franconia-Springfield Parkway; and,

**WHEREAS**, the adjustment of the limited access line requires review and approval by the Commonwealth Transportation Board; and

**WHEREAS**, to process these requests, Section 24VAC30-401-20 of the Virginia Administrative Code requires a resolution, letter of support, or formal request, or any combination of these, from the locality within which the changes in limited access are proposed; and,

**NOW THEREFORE, BE IT RESOLVED**, that this Board supports these proposed changes and/or breaks to the limited access control lines along Franconia-Springfield Parkway for the Inova Health Care Services Development; and,

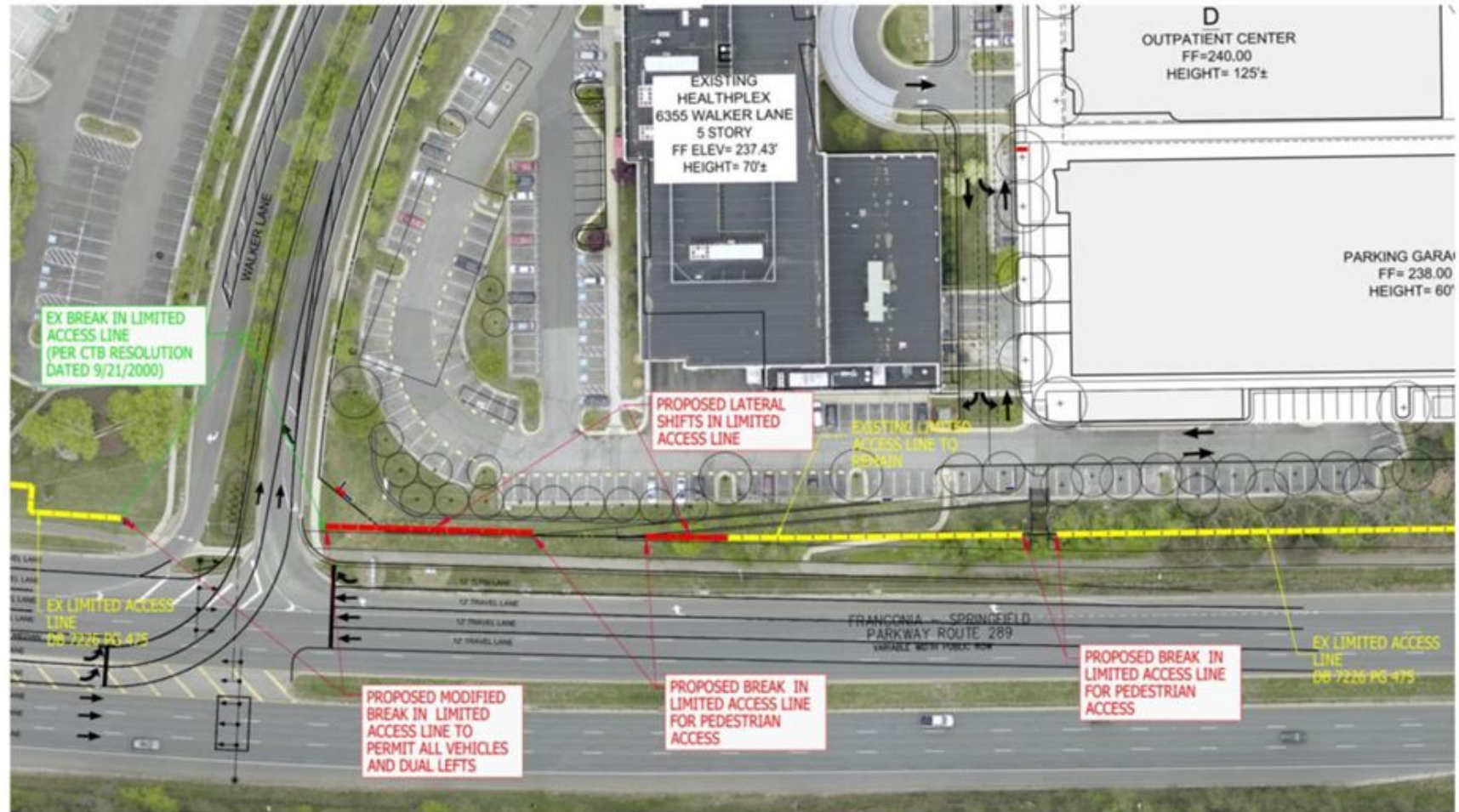
**BE IT FURTHER RESOLVED**, that this Board hereby requests, pursuant to Section 24VAC30-401-20 of the Virginia Administrative Code, that the Commonwealth Transportation Board approve the proposed changes to the limited access controls.

A Copy Teste:

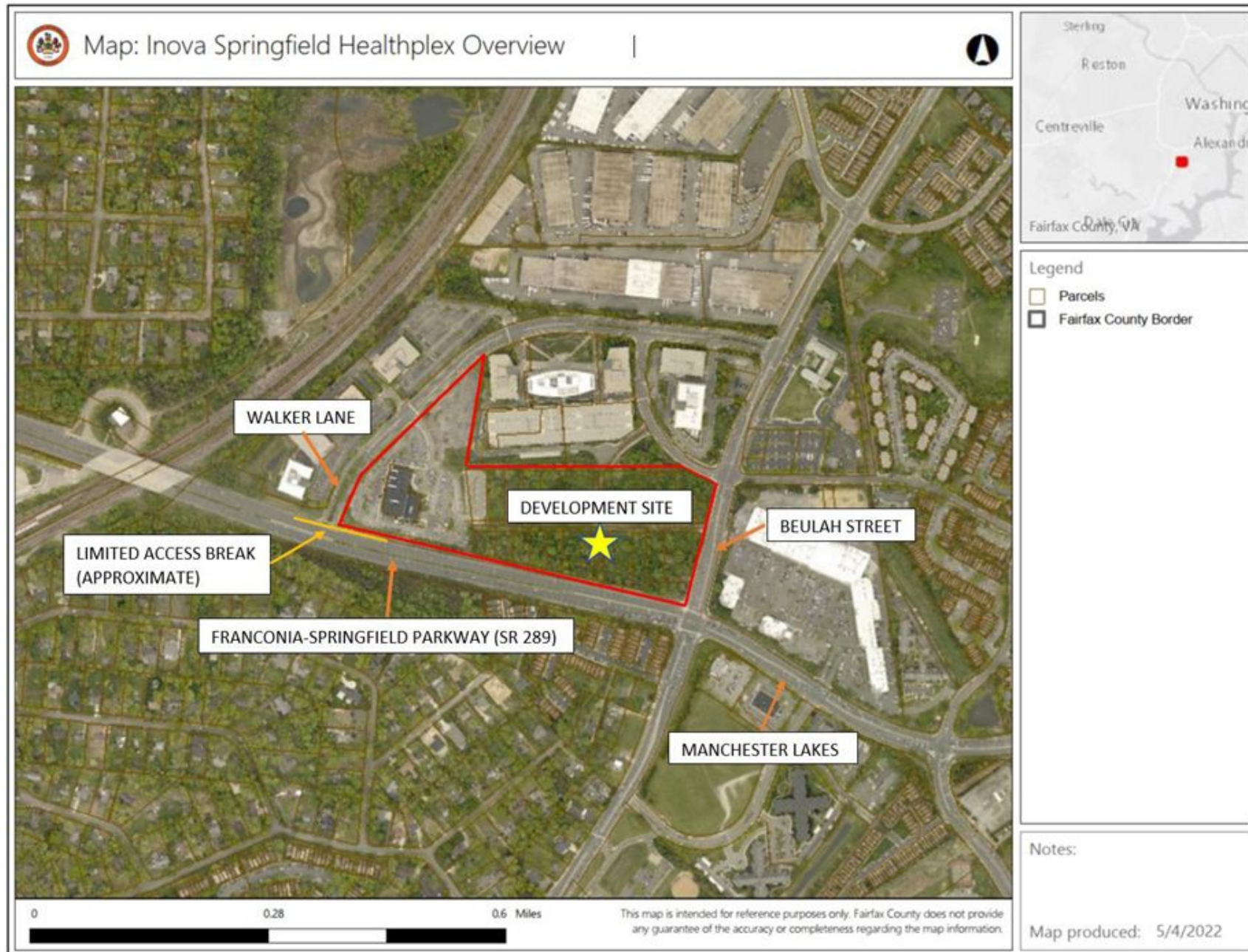
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Jill G. Cooper  
Clerk to the Board of Supervisors

Franconia-Springfield Parkway Limited Access Exhibit  
Inova Springfield HealthPlex







ACTION – 10

Approval of a Resolution to Authorize the Extension of Time to Issue General Obligation Bonds for Transportation Improvements

ISSUE:

Board approval of a resolution requesting the Circuit Court to order an extension of time for issuance of County General Obligation Bonds for Transportation Improvements.

RECOMMENDATION:

The County Executive recommends Board approval of the enclosed resolution requesting the Circuit Court to order a two-year extension of the period for issuance of County bonds for transportation improvements authorized on November 4, 2014, from eight years to ten years.

TIMING:

Board action is requested on September 13, 2022.

BACKGROUND:

In 1991, the Virginia Code was amended to include a limitation on the authorization time period for local government bonds approved by referendum after 1991. More specifically, Virginia Code Section 15.2-2611 states in pertinent part:

Bonds authorized by a referendum may not be issued by a locality more than eight years after the date of the referendum; however, this eight-year period may, at the request of the governing body of the locality, be extended to up to ten years after the date of the referendum by order of the circuit court of the locality, ... entered before the expiration of the eight-year period. The court shall grant such extension unless the court is shown by clear and convincing evidence that the extension is not in the best interests of the locality.

The need for an extension of County General Obligation bonds was presented as part of the Board of Supervisors Budget Committee meeting on March 15, 2022. Various challenges were discussed as part of this Budget Committee meeting, including limits on bond sale timeframes, restrictions on annual bond sale amounts, changes in project scopes after voter approval, supply chain issues, and COVID-related delays, as further detailed below.



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At the regular election on November 4, 2014, Fairfax County voters approved the issuance of bonds totaling \$100.0 million for transportation improvements. As set forth in a 2014 explanatory pamphlet, the Board intended to use the bonds to address transportation needs including approximately \$16.0 million for spot roadway improvements across the County to increase capacity, reduce congestion, improve safety for vehicles and pedestrians, and improve transit access for users. An additional \$78.0 million was based on anticipated pedestrian improvements and \$6.0 million was based on anticipated bicycle and trail improvements to enhance safety and complete missing links that provide connectivity between neighborhoods, schools, activity centers, parks, and transit facilities. To date, \$52.86 million has been sold to support project expenditures and \$47.14 million remains authorized by the voters but not yet sold.

This bond referendum supports funding a total of 118 bicycle, pedestrian, and spot roadway improvement projects. Of the 118 approved projects, approximately 89 projects or 75 percent, amounting to \$52.86 million, have been completed. The balance of \$47.14 million is fully allocated to the remaining projects and is anticipated to be spent in its entirety before the bond extension authorization would expire. Many of the anticipated pedestrian and bicycle projects require more time to be completed due to the nature of the work and potential need for easements and/or right of way acquisition, coordination with VDOT, and utility relocation. In addition, each project includes community engagement, requiring sufficient time to address issues raised by the community and/or individual affected property owners. Typical sidewalk/trail projects can take anywhere from three to five years or more to complete depending on complexity. More information, including a list of outstanding projects, was included in a Budget Question and Answer Response (Attachment 2) as part of the FY 2023 Budget process.

Further, project costs have increased due to disruptions associated with the global supply chain challenges. Price increases have been experienced in many commodities and materials used in these projects, including asphalt, concrete and steel. These increased material costs and delays in receiving supplies have resulted in contractor backlogs and project delays.

Similar to the County's Capital Improvement Program (CIP), the Transportation Priorities Plan (TPP) is a multi-year plan where not all projects begin or end in year one, and the workload and resources are planned accordingly. The two-year extension of the authority to issue the bonds will ensure funding is available to address the aforementioned items, as well as pandemic-related delays, for each of the respective projects.

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FISCAL IMPACT:

Staff recommends selling the remaining \$47.14 million 2014 Transportation Improvements bond authorization balance as part of the County's anticipated General Obligation bond sales in January 2023 and January 2024. The corresponding debt service costs have been incorporated into the County's long-term debt ratio projections and are referenced in the FY 2023 – FY 2027 Adopted Capital Improvement Program (With Future Fiscal Years to 2032).

ENCLOSED DOCUMENTS:

Attachment 1: Transportation Bond Extension Resolution

Attachment 2: Budget Question and Answer

STAFF:

Rachel Flynn, Deputy County Executive

Christina Jackson, Chief Financial Officer and Director, Department of Management and Budget (DMB)

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

Todd Minnix, Chief, Transportation Design Division, FCDOT

Joseph LaHait, Debt Manager, DMB

ASSIGNED COUNSEL:

Martin R. Desjardins, Assistant County Attorney

1 At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the  
2 Board Room in the Fairfax County Government Center at Fairfax, Virginia, on September 13,  
3 2022, at which meeting a quorum was present and voting, the following resolution was adopted:  
4

5 **A RESOLUTION REQUESTING THE CIRCUIT COURT**  
6 **OF FAIRFAX COUNTY, VIRGINIA, TO ORDER AN**  
7 **EXTENSION FOR ISSUANCE OF THE COUNTY'S**  
8 **TRANSPORTATION BONDS, AUTHORIZED AT**  
9 **REFERENDUM ON NOVEMBER 4, 2014, FROM EIGHT**  
10 **YEARS TO TEN YEARS FROM THE DATE OF SUCH**  
11 **REFERENDUM AUTHORIZING THE BONDS**  
12

13 WHEREAS, the Board of Supervisors of Fairfax County, Virginia passed a resolution  
14 dated June 17, 2014, requesting the Circuit Court of Fairfax County, Virginia, to order an  
15 election on the question of contracting a debt, borrowing money and issuing bonds of Fairfax  
16 County, Virginia, in addition to bonds previously authorized for transportation improvements  
17 and facilities, in the maximum aggregate principal amount of \$100,000,000 for the purpose of  
18 providing funds to finance the cost of constructing, reconstructing, improving and acquiring  
19 transportation facilities, including improvements to primary and secondary State highways,  
20 improvements related to transit, improvements for pedestrians and bicycles, and ancillary related  
21 improvements and facilities; and  
22

23 WHEREAS, such resolution was duly filed with the Circuit Court of Fairfax County,  
24 Virginia pursuant to the provisions of the Public Finance Act of 1991, Chapter 26, Title 15.2,  
25 Code of Virginia, 1950, as amended; and  
26

27 WHEREAS, on June 26, 2014, the Circuit Court of Fairfax County, Virginia, entered an  
28 order requiring the regular election officers of Fairfax County, Virginia, to open the polls on  
29 November 4, 2014, at all the voting places in the County to take the sense of the qualified voters  
30 of Fairfax County, Virginia, on the question whether the Board of Supervisors would be  
31 authorized to issue bonds in the maximum aggregate principal amount of \$100,000,000 for the  
32 purpose of providing funds to finance the cost of constructing, reconstructing, improving and  
33 acquiring transportation facilities, including improvements to primary and secondary State  
34 highways, improvements related to transit, improvements for pedestrians and bicycles, and  
35 ancillary related improvements and facilities ("2014 Transportation Bonds"); and  
36

37 WHEREAS, on November 4, 2014, the referendum was conducted in accordance with  
38 the order of the Court, and on November 10, 2014, the Fairfax County Electoral Board certified  
39 that 214,641 votes were counted for the question, and 84,098 votes were counted against the  
40 question; and  
41

42 WHEREAS, pursuant to Virginia Code § 15.2-2611, bonds authorized by a referendum  
43 may not be issued by a locality more than eight years after the date of the referendum; however  
44 by order of the circuit court, the eight-year period may, at the request of the governing body of  
45 the locality, be extended to up to ten years after the date of the referendum, which extension shall

be granted unless clear and convincing evidence is provided showing that such extension is not in the best interests of the locality; and

WHEREAS, approximately 89 projects have been completed using the bonds issued in the aggregate principal amount of \$52.86 million; and

WHEREAS, the balance of \$47.14 million principal amount is available to fund the remaining projects; and

WHEREAS, each of the remaining projects includes community engagement, requiring sufficient time to address project implementation in response to issues raised by the community and/or individual affected property owners; and

WHEREAS, the remaining pedestrian and bicycle projects require additional time to be completed due to the nature of the work and potential need for easements and/or right of way acquisition, coordination with VDOT, and utility relocation; and

WHEREAS, the Transportation Priorities Plan is a multi-year plan where not all projects begin or end in year one, and the workload and resources are planned accordingly; and

WHEREAS, the COVID pandemic has affected construction projects through supply chain delays, labor shortages, and work stoppage due to the pandemic; and

WHEREAS, an extension from eight to ten years is necessary to ensure funding is available to address the remaining projects, and such extension is in the best interests of the County by allowing it to make use of bond funding authorized by Fairfax County voters in lieu of alternative, more costly forms of financing; now, therefore,

BE IT RESOLVED by the Board of Supervisors of Fairfax County Virginia:

Section 1. For the reasons stated above, the Fairfax County Board of Supervisors hereby requests the Circuit Court of Fairfax County to enter an order to extend for a period of two years the time within which the remaining authorized but unissued 2014 Transportation Bonds may be issued.

Section 2. The Board hereby directs the County Attorney to present a petition to the Circuit Court setting forth this request.

A copy teste.

GIVEN under my hand this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jill G. Cooper  
Clerk for the Board of Supervisors

92  
93

Department of Clerk Services

## Response to Questions on the FY 2023 Budget

**Request By:** Supervisor Foust

**Question:** Why have the projects funded by the 2014 Transportation bond not been built? What specific challenges are delaying each project? What can be done to expedite completion of the projects included in the 2014 bond? What can be done going forward to ensure that funding made available for pedestrian and bicycle projects is used in an expedited manner to deliver funded projects?

**Response:**

On November 4, 2014, the voters approved a Transportation bond referendum in the amount of \$100.0 million. This referendum included approximately \$16.0 million for spot roadway improvements across the County. These improvement projects increase capacity, reduce congestion, improve safety for vehicles and pedestrians and improve transit access for users. An additional \$78.0 million was approved for pedestrian improvements and \$6.0 million was approved for bicycle and trail improvements to enhance safety and complete missing links that provide connectivity between neighborhoods, schools, activity centers, parks, and transit facilities. To date, \$52.86 million has been sold to support project expenditures and \$47.14 remain authorized by the voters but not yet sold.

Ultimately, this bond referendum is funding a total of 118 bicycle, pedestrian, and spot roadway improvement projects. Of the 118 approved projects, approximately 88 projects or (74.6%), amounting to approximately \$53 million, have been completed. The balance of approximately \$47 million is fully allocated to the remaining projects and is anticipated to be spent in its entirety before the bond authorization expires. Many of the pedestrian and bicycle projects require more time to be completed due to the nature of the work and potential need for easements and/or right of way acquisition, coordination with VDOT and utility relocation. In addition, each project includes community engagement. This can add time to the project implementation as staff addresses issues raised by the community and/or individual affected property owners. Typical sidewalk/trail projects can take anywhere from 3-5 years or more to complete depending on complexity. Also, like the County's Capital Improvement Program (CIP), the Transportation Priorities Plan (TPP) is a multi-year plan where not all projects begin or end in year one, and the workload and resources are planned accordingly.

A summary of the remaining projects larger than \$1 million is shown in the table below.

Project Title ▼	Remaining Bond Balance ▼	Status ▼
Old Courthouse Road and Besley Road	\$9,802,804	RW/Utility
Fox Mill Road Walkway	\$1,566,432	Construction
Kirby Road Walkway Improvements	\$1,996,144	Construction
Pleasant Valley Road Walkway	\$4,342,276	Design
Rolling Road Walkway	\$1,302,653	Construction
Telegraph Road Walkways	\$1,511,724	Design
Westmoreland Street Walkway	\$1,490,910	Design
Richmond Highway Public Transportation Initiative	\$4,264,819	Varies
Reston Metrorail Access Group (RMAG) Study Recommendations	\$4,800,567	Varies
LittleRiverTnPk Walk - RobertsAve	\$3,539,801	RW/Utility
Lincolnia Road Sidewalk	\$1,075,160	Construction
2014 Bond Bike/Trail Program Management	\$1,711,784	On-going
<b>Grand Total</b>	<b>\$37,405,074</b>	

To advance projects more quickly in the future, staff believe that additional scoping work should be undertaken during the project selection process to identify potential problems and/or community concerns. This information will assist with developing more realistic project schedules and budgets. In addition, FCDOT continues to discuss ways to streamline project delivery with VDOT. VDOT is considering several strategies that will give local governments more autonomy in implementing projects.



ACTION - 11

Authorization to Execute a Project Agreement with the City of Fairfax for the Construction and Maintenance of CUE Bus Stops (Providence District)

ISSUE:

Board approval of a project agreement between Fairfax County and the City of Fairfax (City). The agreement commits the City to contribute all necessary land rights for improvements to three City of Fairfax City-University Energysaver (CUE) bus stops that are located in Fairfax County and \$188,876 towards construction costs. The agreement also commits the County to handle all construction and maintenance of the three bus stops.

RECOMMENDATION:

The County Executive recommends the Board of Supervisors authorize the Director of the Department of Transportation to execute the funding agreement with the City of Fairfax on behalf of the County, in substantial form as Attachment 1.

TIMING:

The Board of Supervisors should act on this item on September 13, 2022, so that the County can begin construction of this project during fall 2022.

BACKGROUND:

The City was awarded Commuter Choice funding from the Northern Virginia Transportation Commission (NVTC) to implement bus stop improvements to increase access to Metrorail in the I-66 corridor via the CUE bus system and benefit commuters and toll-payers on I-66. Three bus stops located in the County were among those identified by the City.

City of Fairfax staff approached Fairfax County to request the County's support for the construction and maintenance of the three bus stops located in Fairfax County, at Blake Lane at Lindenbrook Street (Southbound), Blake Lane at Lindenbrook Street (Northbound), and Nutley Street at Barrick Street (Northbound).

The scope of the project will include pedestrian improvements and the installation of bus shelters, seating, and other bus stop amenities. The City will reimburse the County for the actual costs of construction once they have received invoices from the contractors. If any issue arises during project implementation that affect the scope or budget of the

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project or the City's Contribution to the County, City and County staff will meet to discuss approval of additional project scope or budget, including any increase in the City's Contribution.

FISCAL IMPACT:

This proposed project agreement will commit the City to funding an estimated \$188,876, to construct pedestrian improvements and install bus shelters, seating, and other bus stop amenities at three locations in Fairfax County. Should the actual construction costs exceed the estimated amount, the City will provide the necessary funds to cover the costs upon review and coordination with County staff. The City will reimburse the County for the actual cost of the project when the County receives and forwards the invoices from the contractors. The project budget will be established in Fund 40010, County and Regional Transportation Projects, to incur expenses and receive reimbursements. There is no General Fund impact.

ENCLOSED DOCUMENTS:

Attachment 1 – Project Agreement between Fairfax County and the City of Fairfax

STAFF:

Rachel Flynn, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation, FCDOT  
Lisa (Valencia) Witt, Chief, Administrative Services, FCDOT  
W. Todd Minnix, Chief, Transportation Design Division (TDD), FCDOT  
Shahla Zahirieh, Project Manager, TDD, FCDOT  
Todd Wigglesworth, Chief, Coordination and Funding Division (CFD), FCDOT  
Ray Johnson, Chief, Funding Section, CFD, FCDOT  
Smitha Chellappa, CFD, FCDOT  
Michael Cuccias, CFD, FCDOT

ASSIGNED COUNSEL:

Joanna Faust, County Attorney

**CONTRIBUTION AND PROJECT ADMINISTRATION AGREEMENT BETWEEN  
THE COUNTY OF FAIRFAX AND THE CITY OF FAIRFAX**  
for the improvements to bus stops served by CUE

THIS CONTRIBUTION AND PROJECT ADMINISTRATION AGREEMENT (“Agreement”) is made and entered into by the Board of Supervisors of Fairfax County, a body politic and corporate (the “County”), and the City of Fairfax, Virginia, a Virginia municipal corporation (the “City”) (collectively the “Parties”), and shall be effective as of the date it is signed by both Parties (“Effective Date”).

**RECITALS**

**WHEREAS** the City identified several CUE bus stops in need of improvement, including three stops located in the County as described in Appendix A; and

**WHEREAS** the City was awarded funding from the Commuter Choice program to improve access to transit in the I-66 corridor, and subsequently conducted a study to prioritize improvements to CUE bus stops that connect commuters directly to the Metrorail, as described on the City’s website (<https://www.fairfaxva.gov/government/public-works/transportation-division/current-transportation-projects/cue-access-and-technology-improvements>); and

**WHEREAS** the County and the City seek to maximize the public benefit to the local community and to commuters in the I-66 corridor with shelters, seating, and similar improvements to the Bus Stops (the “Project”), as shown in Appendix A of this Agreement; and

**WHEREAS** the City has acquired or will acquire all necessary land rights required for Project implementation, including any required bus stop facilities easements, grading agreement and temporary construction easements and/or dedications for public purposes, and has transferred or assigned or will transfer or assign all such land rights to the County necessary for the County to complete and maintain the Project; and

**WHEREAS** as shown in Appendix B to the Agreement, funds have been allocated by the City to contribute to the financing of the Project and constitute the maximum amount the City will contribute to the Project (“City Contribution”); and

**WHEREAS** the County and the City seek to enter into this Agreement to set forth their respective obligations regarding the Project; and

**WHEREAS** the governing bodies of the County and the City have authorized their respective designees to execute this Agreement, as shown by the documents attached as Appendices C and D to this Agreement;

**NOW, THEREFORE**, in consideration of the obligations set forth below and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

## **AGREEMENT**

A. **Incorporation of Recitals.** The Recitals above are incorporated into and made a part of this Agreement as if set forth in their entirety.

B. **The County's Obligations.** The County shall:

1. Collaborate with the City to complete the work identified in this Agreement (Appendix A). All work shall be completed in accordance to scheduled activities established by all Parties, and all applicable federal, state, and local laws and regulations, including but not limited to the Virginia Public Procurement Act. Upon notice to the City, the County may adjust the agreed-upon schedule for any delays in the schedule due to unforeseen circumstances;
2. For construction to be completed within the County:
  - a. Review and approve all construction plans and any other required documents for the Project and submit those documents as necessary to the appropriate person or persons, including, but not limited to VDOT;
  - b. Except for those third parties that have been engaged by the City, perform, or engage third parties such as contractors to perform, all work associated with the Project;
  - c. Coordinate with VDOT and any third parties regarding any issues related to the Project;
  - d. Manage and oversee all construction on the Project to completion;
  - e. Maintain the Project as appropriate following Project completion; and
  - f. Work with the City as necessary to delegate or transfer work responsibilities if the situation arises.
3. Provide to the City requests for payment containing detailed summaries of actual Project costs incurred with supporting documentation;
4. Apply all funds received from the City solely to the actual costs of the Project;
5. Promptly refund any funds received from the City back to the City following the Project's final completion for any such funds that have not been applied solely to the actual costs for the Project;

6. Provide a report of Project progress and expenditures in a format and interval acceptable to both Parties; and

7. Notify the City promptly of any issues that arise during the Project implementation that may affect the scope or budget, obtain the City's approval for any substantial changes in scope or budget, and work in good faith with the City to resolve such issues.

C. **The City's Obligations.** The City will:

1. Provide the City's Contribution to the County in accordance with the scope and budget outlined in Appendices A and B;

2. Collaborate with the County to complete the work in this Agreement, providing feedback to potential questions or concerns in a timely manner;

3. Notify the County promptly of any questions, concerns, or requests for additional information about progress reports or expenditures; and

4. Provide progress reports to the project sponsor (NVTC Commuter Choice Program).

D. **The Parties' Joint Obligations.** The Parties will:

1. Maintain all records for the Project for a period of not less than three years from Project completion. All such records shall be subject to audit by either Party upon request;

2. Work cooperatively to complete the Project in a timely and expeditious manner, participating in monthly, or as needed meetings, to discuss Project progress;

3. Notify each other of any questions, concerns, or request for additional information about progress or expenditures in a timely manner. If any issue arises during Project implementation that may affect the scope or budget of the Project or the City's Contribution to the County, the Parties will promptly meet to discuss approval of additional Project scope or necessary budget increases, including any increase in the City's Contribution; and

4. Meet and confer to resolve any dispute that may arise between the Parties.

E. **Subject to Appropriation.** Funding by the County, the City, and the Commonwealth of Virginia for the Project shall be subject to annual appropriation or other lawful appropriation by their respective governing bodies. Nothing in this Agreement shall require or obligate the County, the City, or the Commonwealth to commit or obligate funds to the Project beyond those funds that have been duly authorized and appropriated by their respective governing bodies.

F. **Termination.**

1. Either Party may terminate this Agreement by way of advance written notice no less than 45 days prior to awarding the Project contract.

2. Funding for this Project is subject to annual appropriation or other lawful appropriation. In the event sufficient funds shall not be appropriated which may lawfully be applied to any Party's financial obligations towards the Project, either Party may terminate this Agreement.

G. **No Partnership.** Nothing contained herein shall have the effect of establishing or creating any joint venture or partnership between the Parties.

H. **Liability of Parties; No Rights in Third Parties.** The Parties agree that no provision of this Agreement shall create in the public, or in any person or entity other than the Parties, any right as a third-party beneficiary hereunder, or authorize any person or entity, not a Party hereto, to maintain any action for personal injury, property damage, or breach of contract pursuant to the terms of this Agreement or otherwise. Neither Party shall be liable to any third party for any claims, liabilities, or expenses arising out of the acts or omissions of the other Party to this Agreement.

I. **No Waiver of Sovereign Immunity.** Nothing herein shall be considered as a waiver of the sovereign immunity of the County or the City.

J. **No Personal Liability.** Nothing herein shall be considered to create any personal liability on behalf of any official, employee, agent, or representative of the County or the City.

K. **Notice.** All notices and other communications required or permitted under this Agreement shall be in writing and shall be hand delivered, sent by first class U.S. Mail, postage prepaid, or sent prepaid by nationally recognized express courier service.

If to the County:

Tom Biesiadny  
Director, Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, Virginia 22033

With a copy to:

County Attorney  
Fairfax County Office of County Attorney  
12000 Government Center Parkway, Suite 549  
Fairfax, Virginia 22035

If to the City:

Wendy Block Sanford  
Transportation Director, City of Fairfax  
10455 Armstrong Street, Room 200  
Fairfax, Virginia 22030

With a copy to:

City Attorney  
Fairfax City Hall  
10455 Armstrong Street, Room 316  
Fairfax, Virginia 22030

L. **Governing Law; Venue.** This Agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia, without reference to conflict of laws principles. Any dispute between the Parties which is not otherwise resolved by agreement of the parties shall be resolved by a court of competent jurisdiction located in Fairfax County, Virginia.

M. **Entire Agreement; Amendment.** This Agreement constitutes the entire agreement between the Parties with respect to the Project and shall supersede all prior oral or written understandings. This Agreement may not be modified unless in writing signed by both Parties.

N. **Headings.** The headings contained in this Agreement are for reference purposes only and shall in no way affect the meaning or interpretation of this Agreement.

O. **Counterparts.** This Agreement may be executed in counterparts, which, taken together, shall constitute one Agreement.

**IN WITNESS WHEREOF**, the Parties execute this Agreement as of the dates set forth below:

[remainder of page intentionally left blank]

**FAIRFAX COUNTY, VIRGINIA**

Signature:

\_\_\_\_\_  
Tom Biesiadny  
Director  
Fairfax County Department of Transportation

\_\_\_\_\_  
Date

**CITY OF FAIRFAX, VIRGINIA**

Signature:

\_\_\_\_\_  
Robert A. Stalzer  
City Manager

\_\_\_\_\_  
Date



ACTION – 12

Approval of Request to Rename Lee Highway as Route 29 and Lee-Jackson Memorial Highway as Route 50 (Braddock, Providence, Springfield, and Sully Districts)

ISSUE:

Request to the Commonwealth Transportation Board (CTB) to rename Lee Highway as Route 29 and Lee-Jackson Memorial Highway as Route 50 in Fairfax County.

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolutions (Attachments 1 and 2) requesting that the CTB rename Lee Highway as Route 29 and Lee-Jackson Memorial Highway as Route 50 in Fairfax County. The County Executive also recommends that staff continue to work on a financial assistance program to aid those directly impacted by the name changes.

TIMING:

Board action is requested on September 13, 2022, so that the requests can be transmitted to the CTB for action.

BACKGROUND:

In July 2020, the Board of Supervisors asked the History Commission to create an inventory of Confederate street names, monuments, and public places; and research the impacts of changing the names. The History Commission submitted its report to the Board in December 2020. Subsequently, in July 2021, the Board created the Confederate Names Task Force (CNTF) to review the names of Lee Highway (U.S. Route 29) and Lee-Jackson Memorial Highway (U.S. Route 50) and make recommendations to the Board on:

- Whether to change the names of one or both roadways; and, if so,
- What the names should be changed to.

From August through December 2021, the CNTF met nine times, sought public input, prepared recommendations, and submitted the Final Report to Board in December 2021 (Attachment 3). The report recommended:

- Changing the names of both roadways and submitted alternate names for each.
- That the Board consider providing financial assistance to those affected.

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The CNTF Chair presented the Final Report on February 8, 2022. During the presentation, Board members requested staff undertake additional outreach to businesses and residents who would be directly impacted. In Spring 2022, County staff conducted additional outreach to those in the corridor and presented the results at the Board Transportation Committee on June 14, 2022. The presentation also provided information on the cost of signage, actions undertaken by neighboring jurisdictions, and various ways jurisdictions are providing aid to businesses directly impacted by a name change.

In Virginia, the CTB or the General Assembly must act on renaming of state highways, usually at the request of a locality. Virginia Code § 33.2-213 specifies that the CTB has the power and duty to give suitable names to state highways, bridges, interchanges, and other transportation facilities and change the names of any highways, bridges, interchanges, or other transportation facilities forming a part of the system of state highways. It also specifies that the Virginia Department of Transportation (VDOT) will place and maintain appropriate signs indicating the names of these facilities named by the CTB or by the General Assembly. Further, §33.2-213 states that if a locality requests that a road name be changed, the costs of producing, placing, and maintaining the signs shall be paid by the localities in which they are located and that no name will be changed unless and until the CTB receives a resolution from the governing body requesting such a change.

County staff has also reviewed efforts being undertaken by other jurisdictions to assist entities that are located on renamed roads. Specifically, Prince William County created a Route 1 Refresh Grant Program that provides financial assistance to businesses on U.S. Route 1 to help mitigate the financial impacts caused by ongoing construction and renaming Jefferson Davis Highway to Richmond Highway. The grant program provides financial aid for replacing printed materials, signage, and business cards, or to cover costs related to website updates, marketing and other related expenses. The program includes three levels of Grants:

- Level 1: \$500 grant for all eligible businesses.
- Level 2: Up to \$4,500 additional funds as a reimbursement for all eligible businesses.
- Level 3: Reimbursement of up to 75 percent of the modification cost, not to exceed \$30,000, to update freestanding shopping center signs that contain Lee Jefferson Davis Highway as part of the sign face or design.

Other jurisdictions in the region are also evaluating ways to assist impacted businesses, but most are still being developed.

Board Agenda Item  
September 13, 2022

On August 2, 2022, the Board directed County staff to prepare an item to rename both roadways – with Lee Highway to be changed to Route 29 and Lee-Jackson Memorial Highway to be changed to Route 50. The County has undertaken an evaluation of the cost of changing the signage of both roadways. The County and VDOT conducted an inventory of all the signs related to both roadways and found that there were 177 signs that specified Lee Highway and 56 that specified Lee-Jackson Memorial Highway. With the proposed road names selected, County staff believes the cost of installing new signs on both roadways would cost approximately \$1.4 million, subject to final design and determination by VDOT.

The Board also directed staff to provide information on ways to financially assist those directly impacted by changing the name of either road, and that criteria to receive such assistance be developed in an equitable manner.

County staff believes that more time is necessary to develop and implement a program that would provide financial assistance program for those directly impacted (i.e., those businesses and residential units that are physically located on either roadway and would need to change documents, signage, or other materials because of the name change). Based on discussions with neighboring jurisdictions, such as Prince William County, County staff believes that approximately \$1.5 million could be necessary to implement a program. County staff will return the Board this fall with additional information and a formal proposal for the financial assistance program, and contract support may be needed for administering the program. County staff will also work with other Fairfax County departments, as well as external partners, on the implementation of the renaming of both roads if approved by the CTB.

FISCAL IMPACT:

The cost of the sign installation on the roadways is estimated to be \$1,400,000. The financial assistance program is estimated to cost approximately \$1,500,000, for a total cost of approximately \$2,900,000. Currently, no funding has been identified for these changes. Informed by the final details of the financial assistance program, the estimate will be refined and included for the Board's consideration through future budget processes. General Fund support will be needed for both the expenses associated with renaming state highways, as well as the cost of any assistance program for businesses or residents, since these activities are not allowable uses of revenue sources dedicated to transportation capacity enhancement.

CREATION OF POSITIONS:

No positions will be created through this action.

Board Agenda Item  
September 13, 2022

ENCLOSED DOCUMENTS:

Attachment 1: Proposed Resolution Requesting the Renaming of Lee Highway as Route 29

Attachment 2: Proposed Resolution Requesting the Renaming of Lee-Jackson Memorial Highway as Route 50

Attachment 3: Confederate Names Task Force Recommendation Report

Attachment 4: June 14, 2022, Board Transportation Committee Presentation

STAFF:

Rachel Flynn, Deputy County Executive

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

Robin Geiger, Head of Communications, FCDOT

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Noelle Dominguez, Chief, Coordination Section, FCDOT

Malcolm Watson, Transportation Planner III, FCDOT

**RESOLUTION TO RENAME LEE HIGHWAY (U.S. ROUTE 29) AS “ROUTE 29”  
Fairfax County Board of Supervisors**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, on September 13, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, in July 2020, the Fairfax County Board of Supervisors asked its History Commission to create inventory of Confederate street names, monuments, and public places; and research impacts, which was submitted in December 2020; and

**WHEREAS**, in July 2021, the Board of Supervisors created the Confederate Names Task Force to review the names of Lee Highway (U.S. Route 29) and Lee-Jackson Memorial Highway (U.S. Route 50) and make recommendations to the Board on whether to change the names of one or both roadways; and if so, what the names should be changed to; and

**WHEREAS**, from August through December 2021, the Task Force met, sought public input, prepared recommendations, and submitted a Final Report to the Board of Supervisors in December 2021 recommending changing the names of both roadways and submitted alternate names for each; and

**WHEREAS**, Fairfax County conducted additional outreach to those specifically located in the corridor in Spring 2022; and

**WHEREAS**, the Fairfax County Board of Supervisors provided input on the road names submitted by the Task Force and recognizing that many people in the region already use the route numbers and that changing the names of the roadways to those numbers would reduce confusion amongst those living, working, or traveling through the area; and

**WHEREAS**, Virginia Code §33.2-213 authorizes the Commonwealth Transportation Board (CTB) to give suitable names to state highways, bridges, interchanges, and other transportation facilities and change the names of any highways, bridges, interchanges, or other transportation facilities forming a part of the systems of state highways; and

**WHEREAS**, the Virginia Code requires localities requesting changes to roadway names to fund the costs of these changes; and

**WHEREAS**, §33.2-213 specifies that the Virginia Department of Transportation (VDOT) will place and maintain appropriate signs indicating the names of these facilities named by the CTB or by the General Assembly.

**NOW THEREFORE BE IT RESOLVED**, that Fairfax County, in accordance with

§33.2-213, requests that the CTB rename U.S. Route 29, “Lee Highway,” that is within the boundaries of Fairfax County to “Route 29.”

**FURTHER BE IT RESOLVED**, the Fairfax County Board of Supervisors, confirms that Fairfax County agrees to pay for the costs of producing, placing, and maintaining these signs, in accordance with §33.2-213.

**FURTHER BE IT RESOLVED**, that Fairfax County request that the Virginia Department of Transportation implement the naming of the roadway in coordination with Fairfax County on a schedule and manner agreed upon by VDOT and the County, if approved by the Commonwealth Transportation Board.

**ADOPTED** this 13<sup>th</sup> day of September 2022, Fairfax, Virginia.

ATTEST \_\_\_\_\_  
Jill G. Cooper  
Clerk to the Board of Supervisors

**RESOLUTION TO RENAME LEE-JACKSON MEMORIAL HIGHWAY  
(U.S. ROUTE 50) AS “ROUTE 50”**

**Fairfax County Board of Supervisors**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, on September 13, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, in July 2020, the Fairfax County Board of Supervisors asked its History Commission to create inventory of Confederate street names, monuments, and public places; and research impacts, which was submitted in December 2020; and

**WHEREAS**, in July 2021, the Board of Supervisors created the Confederate Names Task Force to review the names of Lee Highway (U.S. Route 29) and Lee-Jackson Memorial Highway (U.S. Route 50) and make recommendations to the Board on whether to change the names of one or both roadways; and if so, what the names should be changed to; and

**WHEREAS**, from August through December 2021, the Task Force met, sought public input, prepared recommendations, and submitted a Final Report to the Board of Supervisors in December 2021 recommending changing the names of both roadways and submitted alternate names for each; and

**WHEREAS**, Fairfax County conducted additional outreach to those specifically located in the corridor in Spring 2022; and

**WHEREAS**, the Fairfax County Board of Supervisors provided input on the road names submitted by the Task Force and recognizing that many people in the region already use the route numbers and that changing the names of the roadways to those numbers would reduce confusion amongst those living, working, or traveling through the area; and

**WHEREAS**, Virginia Code §33.2-213 authorizes the Commonwealth Transportation Board (CTB) to give suitable names to state highways, bridges, interchanges, and other transportation facilities and change the names of any highways, bridges, interchanges, or other transportation facilities forming a part of the systems of state highways; and

**WHEREAS**, the Virginia Code requires localities requesting changes to roadway names to fund the costs of these changes; and

**WHEREAS**, §33.2-213 specifies that the Virginia Department of Transportation (VDOT) will place and maintain appropriate signs indicating the names of these facilities named by the CTB or by the General Assembly.

**NOW THEREFORE BE IT RESOLVED**, that Fairfax County, in accordance with §33.2-213, requests that the CTB rename U.S. Route 50, “Lee-Jackson Memorial Highway,” that is within the boundaries of Fairfax County to “Route 50.”

**FURTHER BE IT RESOLVED**, the Fairfax County Board of Supervisors, confirms that Fairfax County agrees to pay for the costs of producing, placing, and maintaining these signs, in accordance with §33.2-213.

**FURTHER BE IT RESOLVED**, that Fairfax County request that the Virginia Department of Transportation implement the naming of the roadway in coordination with Fairfax County on a schedule and manner agreed upon by VDOT and the County, if approved by the Commonwealth Transportation Board.

**ADOPTED** this 13<sup>th</sup> day of September 2022, Fairfax, Virginia.

ATTEST \_\_\_\_\_  
Jill G. Cooper  
Clerk to the Board of Supervisors





# County of Fairfax, Virginia

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

December 30, 2021

Chairman Jeffrey C. McKay  
Members of the Fairfax County Board of Supervisors  
12000 Government Center Parkway  
Fairfax, Virginia 22035

Dear Members of the Board of Supervisors:

As Chairperson of the Confederate Names Task Force (CNTF), I am submitting the CNTF Recommendation Report. The report reflects approval of the recommendation to change the name of Lee Highway and Lee-Jackson Memorial Highway. In addition, the report also includes the top five alternate names suggested, as voted on by the entire Task Force.

The Suggested Alternative Names for Lee Highway are:

- Cardinal Highway
- Route/Highway 29
- Langston Boulevard/Highway
- Lincoln-Douglass Highway
- Fairfax Boulevard/Highway

The Suggested Alternative Names for Lee-Jackson Highway are:

- Little River Turnpike
- Unity Highway
- Route 50
- Fairfax Boulevard
- Blue & Gray Highway

There was much discussion over the results of the Community Outreach Survey. Although the results came back with a majority of respondents who did not want to change the names, it should be noted it was an unscientific survey. There were limited controls in place to prevent people from filling out the survey multiple times and there were no restrictions that would disallow input from respondents outside of the County. There was no sampling conducted to extrapolate the data to ensure it reflected the diverse population or to ensure equal representation from each magisterial district within the County. The exact number of respondents only represent 2 percent of the entire county whose population is well over one million.

We believe that as individuals or members of various organizations throughout the County, a majority of the CNTF voted to embrace the One Fairfax Policy and voted on recommending the name change to the two major highways in Fairfax County.

Sincerely,

Evelyn Spain  
Chairperson  
Fairfax County Confederate Names Task Force

# Confederate Names Task Force Recommendation Report

December 2021

## I. Mission:

In 2020, the Board of Supervisors (BOS) requested that the Fairfax County History Commission create an inventory of Confederate-related street names, monuments, and public places in Fairfax County; research legal and financial implications of possible name changes; and seek input from other county entities. Based on the information generated by the History Commission and presented to the BOS, they chose to establish a diverse community Task Force. There were also groups of community members who expressed concerns about the appropriateness of these names, which also prompted the Board of Supervisors to come up with the following statement.

*“In Fairfax County, our diversity is our greatest strength and it’s important that we honor and celebrate that diversity,” said Fairfax County Chairman Jeffrey C. McKay in a statement. “We cannot ignore what the Lee and Lee Jackson Memorial Highway names represent in our community and especially to our African American neighbors. The Confederate Names Task Force, which includes a diverse group, will examine and make recommendations on how both roadways can better reflect our values as we chart a positive path together for the future.”* (Chairman Jeffrey McKay)

## II. Purpose of the Confederate Names Task Force

In July 2021, the [Fairfax County Board of Supervisors established the Confederate Names Task Force \(CNTF\)](#) *“to review the names of Lee Highway (U.S. Route 29) and Lee-Jackson Memorial Highway (U.S. Route 50), and to make recommendations to the Board on, (a) whether to change the names of one or both roadways, and (b) if such a recommendation is made, provide recommendations on proposed alternative names.”*

The Task Force was also tasked to develop an outreach process that would engage the community. The process would include, but would not be limited to, forums, to secure community input on whether to change the names of these two roadways and provide the implications of any name changes.

In the Board meeting materials dated July 13, 2021, it was noted that *“in addition to its deliberations, the task force will seek public input as it prepares the recommendations. The task force will also be asked to coordinate its deliberations with the efforts of neighboring jurisdictions considering changes to the names of the same roads.”*

### III. Confederate Names Task Force (CNTF) Process

The CNTF held 11 meetings, both remote and in person. The thrust of each meeting was as follows:

On **August 16, 2021**, the CNTF discussed the procedure for remote participation, the meeting logistics, and saw videos about The One Fairfax Policy and the Virginia Freedom of Information Act (VFOIA).

On **September 13, 2021**, Brent Tarter, research historian, author, and Senior Editor at the Library of Virginia, made a presentation entitled *“Historical Context: Decisions in the Commonwealth – Then and Now.”* After his presentation, the CNTF finalized our ground rules concerning how we would conduct ourselves for the rest of the task force meetings.

On **September 20, 2021**, the CNTF received an update on the plans for community feedback and engagement. We decided to have several community listening sessions to hear directly from Fairfax County residents. The CNTF established a Community Outreach subcommittee to design a broader community engagement strategy that included briefings in supervisory magisterial districts. The CNTF also discussed the History Commission’s report that was shared with the Board of Supervisors on December 7, 2020. Finally, the CNTF discussed the characteristics of the community that were most valued and identified our key principles. The specific key principles can be found in the meeting minutes for September 20, 2021.

On **September 28, 2021**, the Community Outreach subcommittee met to identify the goals of the community engagement activity and develop an outreach strategy that would maximize public participation and feedback.

On **October 7, 2021**, the Community Outreach subcommittee met again to review and finalize the survey to the greater community, determine a publicity strategy, outreach, and community listening sessions.

On **October 10, 2021**, the Community Outreach subcommittee presented their work to the CNTF, who voted to approve the outreach process. We also had a presentation on what decisions and approaches had been implemented by surrounding jurisdictions. Although we listened to the plans of adjacent jurisdictions to change the names of these highways in their counties, the CNTF did not allow the plans to affect our point of view.

On **October 18, 2021**, the CNTF finalized the public engagement strategy and received a briefing on the cost implications of changing the street names (though we were reminded that those costs were the responsibility of the BOS, and not ours, as we made our recommendations). We ended the meeting by developing the criteria to be used to come up with alternative names, if the CNTF recommended name changes.

On **November 8, 2021**, the CNTF reviewed and discussed the community feedback received thus far from the community survey, social media, and emails. (We were also reminded that this was a **nonscientific** survey. There was no sampling associated with the survey that would allow the results to be extrapolated to the larger community). We then reviewed the conversation from October 18, 2021, meeting about the principles important to us when

considering highway names. Finally, we took a “pulse check” to see where each of us stood on the question of whether to change the highway names. Please note: the entire community outreach and communication strategy will be defined at the end of this section.

On **November 30, 2021**, the CNTF received an updated presentation on community input (provided in Section IX – Appendix A), voted to recommend to the BOS to change the names of both roads, and began discussions of possible suggestions for name replacements. We also chose a committee to draft our final Task Force report to the BOS.

On **December 13, 2021**, the CNTF reviewed the lists of alternative names; discussed the positives and negatives of each choice; and voted on the top five for each highway. We also reviewed, discussed, and voted on the outline of the final draft Recommendation Report Outline that would be used to build the final recommendation report to the BOS.

On **December 20, 2021**, the CNTF discussed and voted on aspects of the contents contained in the final draft recommendation report and the dissenting opinions. There were several motions that were voted on and approved. Specific information can be found in the meeting minutes for December 20, 2021, which were captured and are included in the link below.

All the minutes of each of the CNTF meetings can be found at:

<https://www.fairfaxcounty.gov/transportation/confederate-names-task-force>

#### **Public Outreach and Community Feedback**

The CNTF public outreach subcommittee developed a public outreach strategy to solicit feedback from the community on the Task Force work. In total, the Task Force received more than 23,000 responses from the public through this outreach effort. A summary presentation of the public input received can be found in **Appendix A<sup>1</sup> Community Input Summary**. The strategy, along with the public feedback received through a survey; emails; phone calls; social media; letters; and community listening sessions, can be found at

<https://www.fairfaxcounty.gov/transportation/confederate-names-task-force>. The CNTF Public Engagement Sub-group strategy can be found in **Appendix B Confederate Names Task Force Public Engagement Sub-group**. It is important to note that the survey conducted as part of the CNTF public outreach efforts was nonscientific meaning there was no scientific sampling done that would allow the results to be extrapolated to reflect the sentiments of the entire Fairfax County community.

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<sup>1</sup> Please note that the Public Input Summary presentation from November 30, 2021, in Appendix A does not include the final count and breakdown of all email comments received. The final count and breakdown of email comments received is as follows:

Emails received	Keep the names	Change the names	No opinion/unclear
1,010	725	285	0

#### IV. Voting status of whether to rename Lee Highway and Lee-Jackson Memorial Highway

Following the final presentation on the community input in the November 30 meeting, a Confederate Names Tasks Force member made the motion to make a recommendation on whether to change the name of Lee Highway. Discussions were shared by members of the Task Force as to their thoughts for their final decisions. The results of the vote to change the name of Lee Highway are reflected below:

*Figure 1: Recommendation to Rename Lee Highway*

Decision	Number of votes
Approved	20
Opposed	6
Abstained	0

The Task Force then moved forward and made the motion to vote on the recommendation on whether to change the name of Lee-Jackson Memorial Highway. Once again, discussions were shared by the members of the Task Force as to their thoughts for their final decision. The results of the vote to change the name of Lee-Jackson Memorial Highway are reflected below:

*Figure 2: Recommendation to Rename Lee-Jackson Memorial Highway*

Decision	Number of votes
Approved	19
Opposed	6
Abstained	1

Details regarding the specific discussions and the names of those who voted to approve, oppose and abstain can be found in the November 30, 2021, meeting recording [https://www.ebmcdn.net/fairfax/fairfax-cable-viewer-cc-r-embed.php?viewnode=Confederate\\_Naming\\_11\\_30\\_2021](https://www.ebmcdn.net/fairfax/fairfax-cable-viewer-cc-r-embed.php?viewnode=Confederate_Naming_11_30_2021).

#### V. Alternative Names Process

Based on the majority votes received from the CNTF to change the name of both Lee Highway and Lee-Jackson Highway, the CNTF would now be challenged with determining the alternative names they felt might best represent the Fairfax County constituents at large. The Task Force was then presented with a process for narrowing down specific names per each task force member.

The Task Force members received a listing of the top 100 names that were suggested by respondents to the countywide survey, ranked according to those names suggested most often. Taking into consideration the names suggested in the survey responses, as well as their own ideas, Task Force members suggested their top two alternative road name preferences (two for Lee Highway and two for Lee-Jackson Memorial Highway) along with their rationale for those names and sent this information to staff.

Staff compiled the list of the alternative road names submitted by the Task Force members and sent this aggregate list with rationale to the Task Force members. Task force members were

asked to indicate their top two preferences from this list. At the December 13, 2021, meeting, the Facilitators shared the six most preferred alternative names for each roadway from this survey. During the meeting, Task Force members had the opportunity to advocate for the names they felt most strongly about, then the members each noted the two names from this pared down list that they supported. From that process, a slate of five names with the most support emerged. A motion was made to recommend this resulting slate of names to the Board of Supervisors as the alternative names to consider for Lee Highway and Lee-Jackson Memorial Highway.

This activity was completed for both Lee Highway and Lee Jackson Memorial Highway. Figures 3 reflects the CNTF Recommended Approved Alternative Slate of Highway Names for Lee Highway along with the number of votes in ranking order.

*Figure 3: Recommended Alternative Names for Lee Highway (Route 29) in Order of Votes Received*

Recommended Alternative Names for Lee Highway (Route 29)	Votes
Cardinal Highway	13
Route /Highway 29	9
Langston Blvd/Highway	6
Lincoln-Douglass Highway	6
Fairfax Boulevard/Highway	5
Billy Lee Highway	2
Centreville Pike	2

The same narrowing selection process would be followed for the Lee-Jackson Memorial Highway (Route 50).

*Figure 4: Recommended Alternative Names for Lee-Jackson Memorial Highway (Route 50) in Order of Votes Received*

Recommended Alternative Names for Lee-Jackson Memorial Highway (Route 50)	Votes
Little River Turnpike	16
Unity Highway	12
Route 50	6
Fairfax Boulevard	4
Blue & Gray Highway	3
Cardinal Highway	2

The next step was to then tally the alternative names with the most votes. The alternative names with the most votes were included in the Slated Names for Lee Highway (Route 29) and Slated Names for Lee-Jackson Memorial Highway (Route 50). A vote of each Task Force member provided that the following names would be recommended to the Board of Supervisors:

Figure 5 reflects the votes by which the CNTF approved the slate of Alternative Names for Lee Highway (Route 29).

*Figure 5: Votes to accept Alternative Names for Lee Highway (Route 29)*

Votes to accept Alternative Names for Lee Highway (Route 29)	Votes
Approved	19
Opposed	1
Abstained	2

Figure 6 lists the CNTF Recommended Top Five Alternative Names for Lee Highways (Route 29).

*Figure 6: Recommended Top Five Alternative Names for Lee Highway (Route 29) in Order of Votes Received*

Recommended Top Five Alternative Names for Lee Highway (Route 29)	Votes
Cardinal Highway	13
Route/ Highway 29	12
Langston Boulevard/Highway	6
Lincoln-Douglass Highway	6
Fairfax Boulevard/Highway	5

Figure 7 reflects the votes by which the CNTF approved the slate of Alternative Names for Lee-Jackson Memorial Highway (Route 50).

*Figure 7: Votes to accept Alternative Names for Lee Jackson Memorial Highway (Route 50)*

Votes to accept Alternative Names for Lee-Jackson Memorial Highway (Route 50)	Votes
Approved	19
Opposed	0
Abstained	3

Figure 8 lists the CNTF Recommended Top Five Alternative Names for Lee-Jackson Memorial Highway (Route 50).

*Figure 8: Recommended Top Five Alternative Names for Lee-Jackson Memorial Highway (Route 50) Order of Votes Received*

Recommended Alternative Highway Names for Lee Jackson Memorial Highway (Route 50)	Votes
Little River Turnpike	16
Unity Highway	12
Route 50	6
Fairfax Boulevard	4
Blue & Gray Highway	3

Finally, having taken the steps to recommend renaming two of the most important roads in Fairfax County, the Task Force urged the Board of Supervisors to consider making this the last such Task Force instituted for the purpose of renaming highways. This is said not because there are no other streets in the County that could be considered for having their names changed,

but, because doing so in a “top down” manner risks having future changes become a divisive exercise with an undetermined ending that could lead to unpredictable costs to Fairfax County taxpayers, its residents, and its business owners. The Task Force supports and encourages local citizens to use the existing processes found on the County’s website to change street names they find troublesome.

## **VI. Final Comments**

The CNTF Chairwoman and members would like to thank Chairman McKay and the Board of Supervisors for trusting and nominating them to participate in a process that provided the opportunity to work in the spirit of the One Fairfax Policy. We knew the task of recommending alternative names for Lee Highway (Route 29) and Lee-Jackson Memorial Highway (Route 50) would reveal personal and emotional moments and differences of opinion. We needed to thoughtfully consider keeping the existing names or changing the names to accommodate the equity initiatives and growing diversity in Fairfax County. The final recommendations contained in this report meet the existing BOS policies and we recommend their adoption.

Please be advised, four Dissenting Opinions have been included in **Appendix C Dissenting Opinions**. They reflect the opinions of those CNTF members who either opposed or abstained from voting in favor of the name changes for Lee Highway and or Lee-Jackson Memorial Highway.

## **VII. Conclusion**

As the decision of the CNTF is to recommend the BOS change both the existing names of Lee Highway (Route 29) and Lee-Jackson Memorial Highway (Route 50) was approved, the Task Force recognizes that if the BOS approves the recommendations, there will likely be major impositions upon the residences, businesses, and communities along these corridors of Fairfax County. It is our hope the Board of Supervisors would consider providing financial assistance to those affected by the name change.



## VIII. Listing of Confederate Names Task Force Members

The following table lists the names, Magisterial Districts, and affiliations of the Confederate Names Task Force members:

Representative	District	Organization (if applicable)
Evelyn Spain	Chairperson	Fairfax County Planning Commission
Alex Berke	Providence District	N/A
Bunyan Bryant	Mason District	N/A
Michael Champness	At-large	Fairfax County Transportation Advisory Commission (TAC)
Richard Correia	Braddock District	Random Hills Civic Association
Elizabeth Crowell	At-large	Fairfax County Park Authority
Robert H. Floyd	Braddock District	N/A
Shirley Ginwright	Mount Vernon	Communities of Trust
Barbara Glakas	Dranesville District	N/A
Edwin Henderson	Providence District	Tinner Hill Heritage Foundation
Isham Lamba	At-large	N/A
Jeanne Leckert	Braddock District	Marymead HOA
Jenee Lindner	Springfield District	Friends of the Historic Fairfax Courthouse
Susana Marino	At-large	Northern Virginia Hispanic Chamber of Commerce
Blake Myers	Springfield District	Bull Run Civil War Roundtable
Peyton Onks	Springfield District	N/A
Marvin Powell	Sully District	Small Business Commission
Cheryl-Ann Repetti	Sully District	History Commission
Roni Robins	Braddock District	A.J. Dwoskin & Associates
Sue Kovach Schuman	Providence District	History Commission
Paul Sheppard	Providence District	First Baptist Church of Merrifield
Tim Thompson	At-large	Fairfax Federation of Civic Organizations
Julie Park Tsui	Providence District	N/A
Jevon Walton	Braddock District	N/A
Ed Wenzel	Springfield District	Trustees of the Kearny & Stevens Monuments at the Ox Hill Battlefield Park
Philip Wilkerson	Braddock District	N/A
Phylicia Woods	Providence District	Women's Commission

## IX. The Appendices

- A. Community Input Summary
- B. Confederate Names Task Force Public Engagement Sub-group
- C. Dissenting Opinions



# Community Input Summary

Confederate Names Task Force Meeting  
November 30, 2021

Anna K. Nissinen

Chief of Communications, Marketing and TDM Programs  
Fairfax County Department of Transportation



## Important Considerations

- Public outreach process from Oct. 13 through Nov. 12, 2021.
- Process was not scientific nor statistically significant.
- Input received provides a data point for Task Force's consideration.
- Nearly 23,000 respondents provided input through:
  - A survey in English, Spanish, Korean, Vietnamese, Farsi, Urdu and Arabic (online and print).
  - Phone calls, emails and letters.
  - In-person and virtual community listening sessions.
  - Social media.



## ***CNTF Community Input Summary - Engagement***

<b>Platform</b>	<b>Number of Engagements</b>
Survey respondents	21,820*
Emails	983
Social Media	484
Phone calls	380
Letters	34
Listening sessions	21

*\* Languages breakdown: English (online) - 21,513; English (paper) - 100; Arabic - 1; Chinese - 67; Farsi - 3; Korean - 49; Spanish - 73; Urdu - 2; Vietnamese - 12.*



## ***CNTF Community Input Summary – Keeping/Changing Names***

<b>Platform</b>	<b>Keep the names</b>	<b>Change the names</b>	<b>No opinion/unclear</b>
Survey			
<i>Route 29</i>	11,652	8,032	354
<i>Route 50</i>	10,904	7,960	456
Phone calls	333	47	0
Letters	29	5	0
Listening sessions	6	9	6
Emails*	435	158	0
Social Media	141	54	289
<b>Total</b>	<b>23,500</b>	<b>16,265</b>	<b>1,105</b>

*\* To-date, County staff has reviewed 593 of the 983 email comments received.*



## ***CNTF Community Input Summary - Impacts***

Online Survey Responses (English)	Very Positively	Positively	Neutral	Negatively	Very Negatively
<b><i>How would keeping the name affect you or your community (economically, socially, etc.)?</i></b>					
<i>Route 29</i>	5,813	2,289	5,106	3,656	2,731
<i>Route 50</i>	5,468	2,199	4,714	3,376	2,814
<b><i>How would changing the name affect you or your community (economically, socially, etc.)?</i></b>					
<i>Route 29</i>	3,566	3,337	3,654	3,393	5,445
<i>Route 50</i>	3,432	3,167	3,494	3,021	5,234



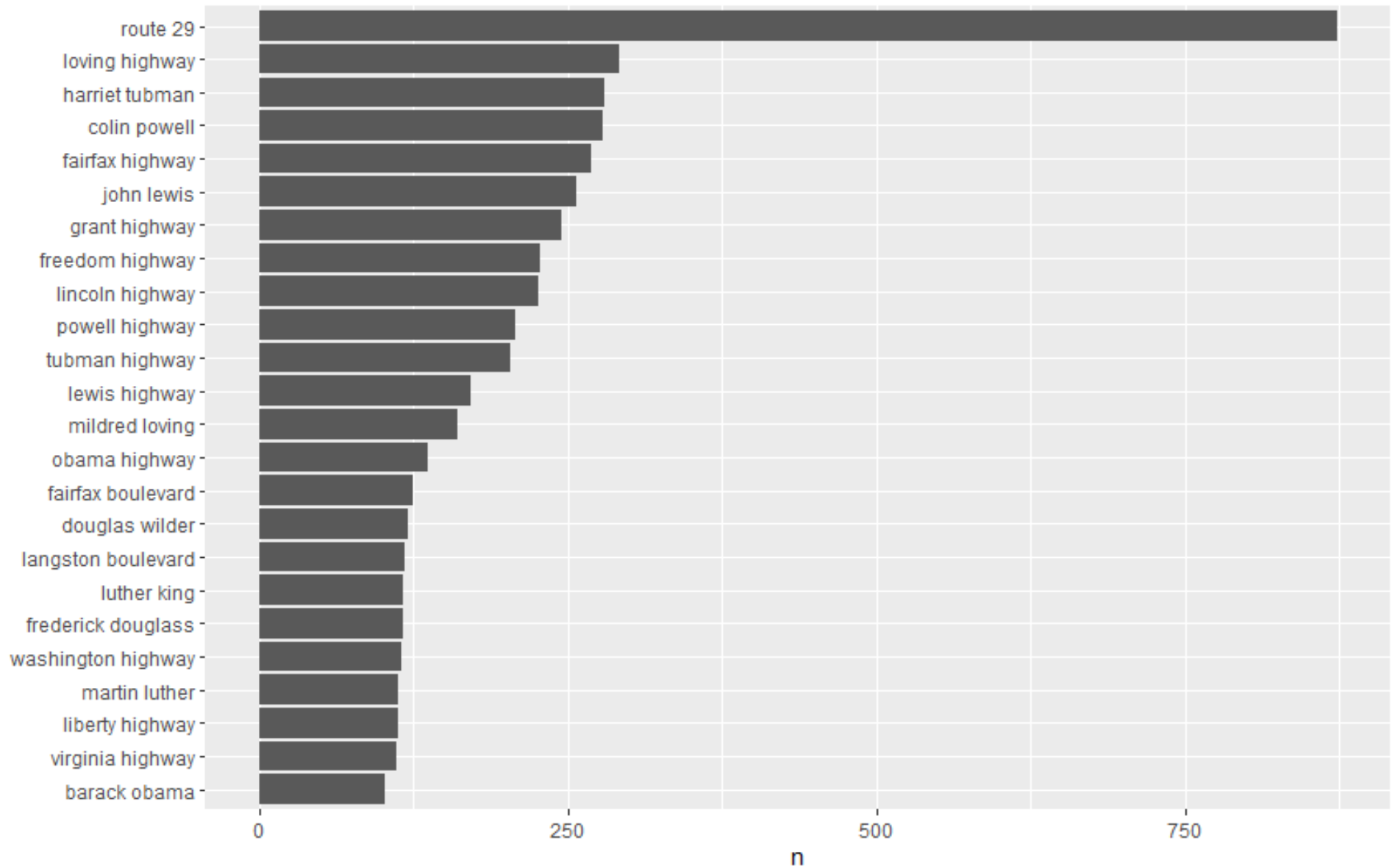
## ***CNTF Community Input Summary – Alternative Names***

- There were more than 30,000 survey responses for alternative highway names as respondents could enter up to five name suggestions for both highways.
- The following graphics provide an idea about some of the most frequently used word combinations in the responses to the questions asking for alternative names.
- The current highway names were removed from the list as the question was asking respondents to provide alternative names suggestions.



## County of Fairfax, Virginia

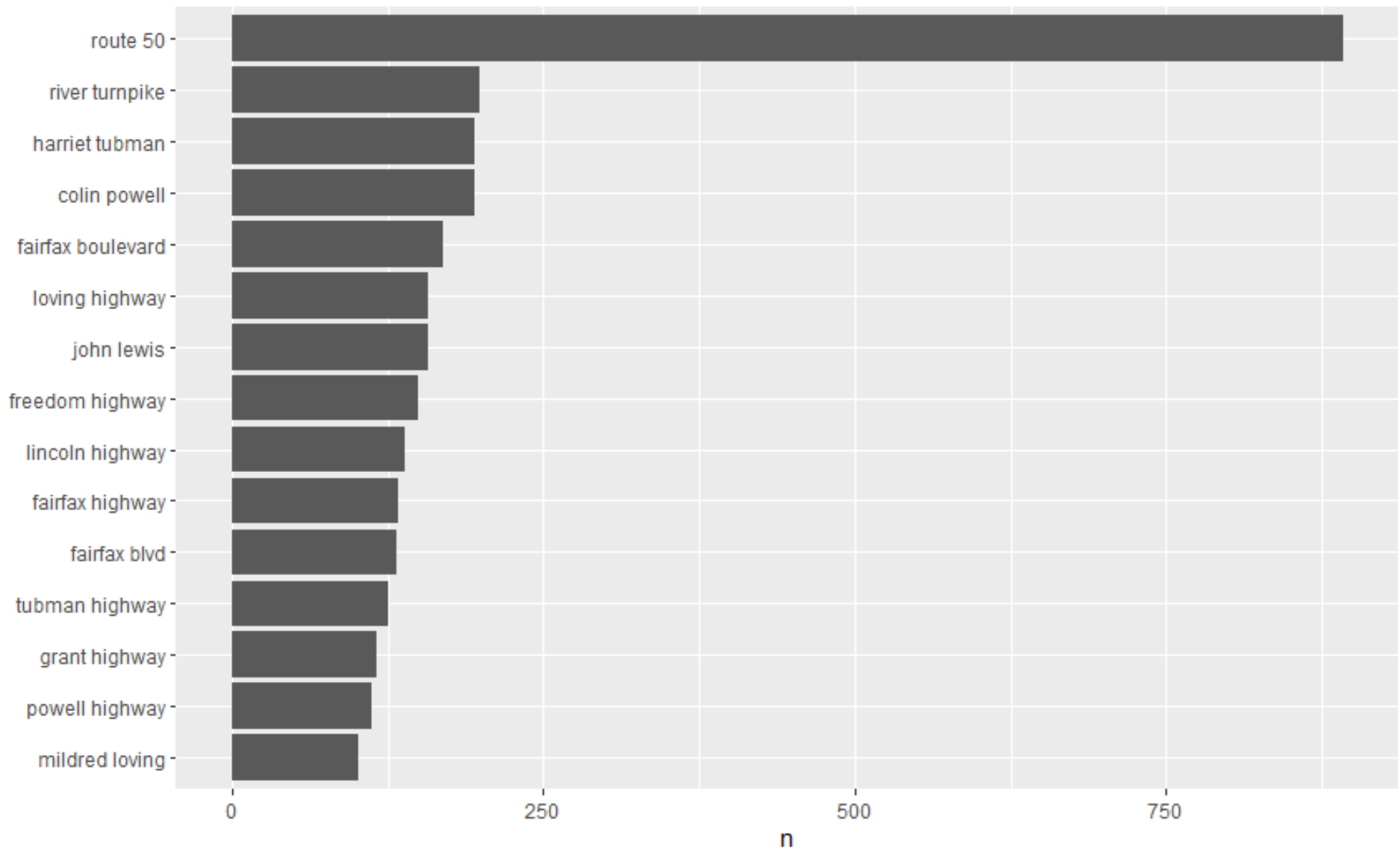
### Lee Highway/Route 29 (n>100)







## Lee-Jackson Memorial Highway/Route 50 (n>100)





# Questions?

# Confederate Names Task Force Public Engagement Sub-group

**Proposed Public Outreach and Communication Strategy**

**October 11, 2021**

# Public Engagement Sub-group Membership

- Evelyn Spain, Chair
- Shirley Ginwright
- Barbara Glakas
- Jenee Lindner
- Blake Myers
- Marvin Powell
- Sue Kovach Shuman
- Jevon Walton
- Ed Wentzel



Teamwork  
Cooperate  
Relief  
Collaborative  
Compromise  
Respect  
Thanks

# Proposed Strategy

- Public Engagement Sub-group collaborated to develop a proposed outreach and communication strategy and accompanying materials, and approved the package at its meeting on Tuesday, Oct. 7, 2021
- **Timing**
  - **Launch of strategy on Wednesday, Oct. 13, 2021**
  - Public comments accepted through Friday, Nov. 12, 2021
  - Initial feedback provided to the Task Force on Monday, Nov. 8, 2021
- **Five Ways for the Community to Provide Input**
  1. Take a Survey – online; paper copies available in libraries and District Offices
  2. Email Comments
  3. Mail comments
  4. Call Us
  5. Attend One of Four Listening Sessions

# Proposed Strategy

- **Proposed Community Listening Sessions**

- Thursday, October 28, 2021, 7-8:30 p.m.**

- Providence Community Center, 3001 Vaden Dr, Fairfax, VA 22031
  - Public Transit Access: Metrobus Route 2B; After 7 p.m. Fairfax Connector Routes 630, 640, 650

- Saturday, October 30, 2021, 10–11:30 a.m.**

- Fairfax County Government Center, Board Auditorium  
12000 Government Center Pkwy, Fairfax, VA 22030
  - Public Transit Access: Metrobus Routes 1C. Fairfax Connector Routes 605, 621, 623

- Monday, November 1, 2021, 7-8:30 p.m.**

- Virtual Webex

- Thursday, November 4, 2021, 7-8:30 p.m.**

- Sully District Governmental Center, 4900 Stonecroft Blvd, Chantilly, VA 20151
  - Public Transit Access: Fairfax Connector Routes 642, 640

# Proposed Strategy

- **Communication Activities**

- Confederate Names Task Force Web page and link from the County's Confederate Names Topic Web page – will include an introduction to the Task Force and overview of the highways
- Direct Mail Post Card – sent to all Fairfax County residential addresses
- Media and Press Outreach – press release and proactive pitches with local media
- Social Media – Facebook, Twitter, Nextdoor, Instagram, YouTube
- Community and Business Organizations Lists Distribution

- **Communication and Outreach Toolkit**

*This toolkit will include the content that can be used for newsletters, and web and social media. It will be provided to:*

- Members of the Confederate Names Task Force
- Members of the Board of Supervisors
- Fairfax County Government Community Outreach Committee Staff (all County agencies)
- Fairfax County Neighborhood and Community Services (NCS)
- Fairfax County Economic Development Authority (FCEDA)
- Fairfax County Department of Economic Initiatives (DEI)



# Questions? Comments?

**Proposed Public Outreach and Communication Strategy**

**October 11, 2021**



# Fairfax County Confederate Names Task Force

## *Community Outreach and Communication Strategy*

### Timing of Strategy Execution

- Launch on Wednesday, Oct. 13, 2021
- Input accepted through Friday, Nov. 12, 2021

### 5 Ways for the Community to Provide Input

1. **Take a Survey** Online at [fairfaxcounty.gov/transportation/confederate-names-task-force](https://fairfaxcounty.gov/transportation/confederate-names-task-force)  
(in English, Spanish, Korean, Vietnamese, Chinese, Arabic, Farsi, Urdu)  
Hard copies will be available at Fairfax County libraries and District Offices
2. **Email Comments** DOTConfederateNamesTaskForce@fairfaxcounty.gov
3. **Mail Comments** Fairfax County Department of Transportation  
4050 Legato Road, Suite 400, Fairfax, VA 22033
4. **Call Us** Fairfax County Department of Transportation, 703-877-5600, TTY 711
5. **Attend a Listening Session**

#### **Thursday, October 28, 2021, 7-8:30 p.m.**

- Providence Community Center, 3001 Vaden Dr, Fairfax, VA 22031
- Public Transit Access: Metrobus Route 2B

#### **Saturday, October 30, 2021, 10–11:30 a.m.**

- Fairfax County Government Center, Board Auditorium  
12000 Government Center Pkwy, Fairfax, VA 22030
- Public Transit Access: Metrobus Route 1C; Fairfax Connector Route 605

#### **Monday, November 1, 2021, 7-8:30 p.m.**

- Join Online:  
<https://fairfax.webex.com/fairfax/onstage/g.php?MTID=e0c5594bc080cc6ce62b19b3f6f9cfc3a>
- Join by Phone: 1-844-621-3956 (toll free); Access Code: Access code: 2339 357 4472

#### **Thursday, November 4, 2021, 7-8:30 p.m.**

- Sully District Governmental Center, 4900 Stonecroft Blvd, Chantilly, VA 20151
- Public Transit Access: Fairfax Connector Routes 640, 642

## Fairfax County Confederate Names Task Force

### *Community Outreach and Communication Strategy*

#### Communication Activities

- **Confederate Names Task Force Web page** (and link from the County's Confederate Names Topic Web page):
  - Text introduction with an accompanying video clip
  - Links to surveys in multiple languages
  - Instructions for the other ways to provide input, including listening sessions information
- **Direct Mail Postcard**
  - Mailed to all residential households in Fairfax County (*English, Spanish and Korean*)
  - Directs people to the various ways to provide input
- **Media/Press Outreach**
  - Fairfax County Office of Public Affairs NewsCenter article
  - Fairfax County Department of Transportation media list distribution
  - Targeted pitches to local reporters
- **Social Media**
  - Facebook, Twitter, NexDoor, Instagram, YouTube
- **Community and Business Organization Lists**
  - One Fairfax Community Assets List (100+ organizations)
  - Fairfax County Commuter Services Outreach List (1,600+ employers)

#### Communications and Outreach Toolkit

A Communication and Outreach Toolkit will be made available on Wednesday, Oct. 13, 2021, for community and partner agencies to use to promote the various public input options. This toolkit will include the content described above that can be used for newsletters, web, and social media, and will be provided to:

- Members of the Confederate Names Task Force
- Members of the Board of Supervisors
- Fairfax County Government Community Outreach Committee Staff (all County agencies)
- Fairfax County Neighborhood and Community Services (NCS)
- Fairfax County Economic Development Authority (FCEDA)
- Fairfax County Department of Economic Initiatives (DEI)

# Fairfax County Confederate Names Task Force Community Input Survey

## Fairfax County Confederate Names Task Force Overview

In July, the Fairfax County Board of Supervisors established the Confederate Names Task Force (CNTF) to review the names of Lee Highway (U.S. Route 29) and Lee-Jackson Memorial Highway (U.S. Route 50), and to make recommendations to the Board on, (a) whether to change the names of one or both roadways; and b) if such a recommendation is made, provide recommendations on proposed alternative names. Both highways were named or renamed for Confederate Generals between 1919-1922. Some community member concerns about the appropriateness of these names prompted the Board of Supervisors to establish the CNTF to review the issue. The work of the Task Force will be concluded by the end of 2021. Final decisions on the roadway names be made by the Board. Provided below are brief overviews of each highway and the basis for their names. You can learn more about the Fairfax County Confederate Names Task Force at <https://www.fairfaxcounty.gov/transportation/confederate-names-task-force>

### Highway Overviews

#### **Lee Highway (U.S. Route 29) in Fairfax County**

- The highway sections under consideration consists of 14.11 miles of US 29 in Fairfax County in two sections (split by the “Lee Highway-Fairfax Boulevard” combined section within the City of Fairfax)
- Lee Highway, named for Robert E. Lee in 1919, was one of more than 100 named “auto trails” and coast-to-coast routes that linked existing roadways and were established and named at the dawn of the automobile age.
- Lee Highway was designed to traverse southern states between Washington DC and San Diego and Lincoln Highway was established to traverse northern states between New York and San Francisco
- In Virginia Lee Highway includes sections of US 29, US 211 and US 11 to Chattanooga, TN where the highway continues west to San Diego
- Much of the original highway transiting southern states is still known by the name “Lee Highway”, some other jurisdictions in Virginia have announced changes to the name.

#### **Lee-Jackson Memorial Highway (U.S. Route 50) in Fairfax County**

- The highway section under consideration consists of 8.43 miles of US 50 from the City of Fairfax through western Fairfax County (US 50 is named Fairfax Boulevard within the City of Fairfax and is named Arlington Boulevard in eastern Fairfax County)
- From the City of Fairfax to Aldie (Loudoun County) US 50 follows the original roadbed of the Little River Turnpike, originally a private “macadamized” toll road built between 1801 and 1806 from Alexandria to Aldie - it became a public road in 1896, named Little River Turnpike.
- Lee-Jackson Memorial Highway was named for Robert E. Lee and Thomas “Stonewall” Jackson in 1922.

Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services, and activities. Reasonable accommodations will be provided upon request. For information, call Fairfax County Department of Transportation, 703-877-5600 phone and TTY 711.



- Many Civil War battles and skirmishes were fought at locations along or near the Little River Turnpike in Fairfax County – including Jackson’s flank march east down the Little River Turnpike after the 2<sup>nd</sup> Battle of Manassas and the ensuing Battle of Ox Hill. This battle, fought on September 1, 1862, near West Ox Road and the Little River Turnpike, pitted Lee’s and Jackson’s forces of the Army of Northern Virginia against elements of three divisions of the US IX and III Corps.

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**Fairfax County Confederate Names Task Force Community Input Survey**  
**October 13, 2021-November 12, 2021**

1. What is your home or business zip code? (Answer required)
  - Fill In response \_\_\_\_\_
2. Is your current home or business located on Route 29 (Lee Highway) or Route 50 (Lee-Jackson Memorial Highway)? (Answer required)
  - Yes
  - No
3. What is the nearest intersection to your home or business location in Fairfax County? (Answer required)
  - Fill in response \_\_\_\_\_

**Route 29 – Lee Highway**

4. Currently the section of Route 29 in Fairfax County is named Lee Highway. Which statement describes your opinion on the future of the street name:
  - The name should remain Lee Highway
  - The name should be changed
  - No opinion
5. If you answered that the name should be changed, what alternative name would you suggest: (up to 5 answers)  
1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_  
4. \_\_\_\_\_ 5. \_\_\_\_\_
6. Please provide any other comments on the possible renaming of Route 29 for the Confederate Task Force recommendation:  
\_\_\_\_\_  
\_\_\_\_\_
7. How would keeping the current name of Route 29 affect you or your community (economically, socially, etc.)?  
Positively      Very positively      Neutral      Negatively      Very negatively
8. In what way would keeping the current name impact you or your community?  
\_\_\_\_\_  
\_\_\_\_\_
9. How would changing the name of Route 29 affect you or your community (economically, socially, etc.)?  
Positively      Very positively      Neutral      Negatively      Very negatively

Fairfax County is committed to nondiscrimination on the basis of disability in all county programs, services, and activities. Reasonable accommodations will be provided upon request. For information, call Fairfax County Department of Transportation, 703-877-5600 phone and TTY 711.



### Route 29 – Lee Highway (Continued)

10. In what way would changing the name impact you or your community?

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### Route 50 – Lee-Jackson Memorial Highway

11. Currently the section of Route 50 in Fairfax County is named Lee-Jackson Memorial Highway. Which statement describes your opinion on the future of the street name:

- The name should remain Lee-Jackson Memorial Highway
- The name should be changed
- No opinion

12. If you answered that the name should be changed, what alternative name would you suggest: (up to 5 answers)

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_  
4. \_\_\_\_\_ 5. \_\_\_\_\_

13. Please provide any other comments on the possible renaming of Route 50 for the Confederate Task Force recommendation:

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14. How would keeping the current name of Route 50 affect you or your community (economically, socially, etc.)?

Positively      Very positively      Neutral      Negatively      Very negatively

15. In what way would keeping the current name impact you or your community?

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16. How would changing the name of Route 50 affect you or your community (economically, socially, etc.)?

Positively      Very positively      Neutral      Negatively      Very negatively

17. In what way would changing the name impact you or your community?

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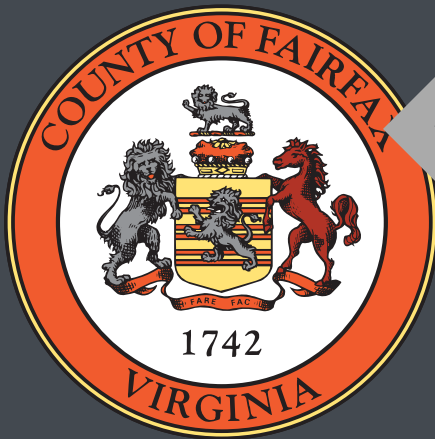


**Should Lee Highway (Route 29) and Lee-Jackson Memorial Highway (Route 50) in Fairfax County be renamed?**

**¿Deben renombrarse Lee Highway (Ruta 29) y Lee-Jackson Memorial Highway (Ruta 50) en el Condado de Fairfax?**



**Fairfax 카운티의 Lee Highway (29번 국도)와 Lee-Jackson Memorial Highway (50번 국도)의 이름을 변경해야 할니까?**



***We want to hear from you!***  
***Queremos saber de usted!***  
**우리는 당신의 의견을 듣고 싶습니다!**

The Fairfax County Confederate Names Task Force is seeking the public's feedback on whether Lee Highway (Route 29) and Lee-Jackson Memorial Highway (Route 50) in Fairfax County should be renamed:

- ▶ Fill out the online survey at [fairfaxcounty.gov/transportation/confederate-names-task-force](https://fairfaxcounty.gov/transportation/confederate-names-task-force)
- ▶ Email comments to [DOTConfederateNamesTaskForce@fairfaxcounty.gov](mailto:DOTConfederateNamesTaskForce@fairfaxcounty.gov)
- ▶ Mail comments to Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, VA 22033.
- ▶ Call us at 703-877-5600, TTY 711.

**Public input will be accepted until November 12, 2021**

El Grupo de Trabajo de Nombres Confederados del Condado de Fairfax está buscando comentarios del público sobre si Lee Highway (Ruta 29) y Lee-Jackson Memorial Highway (Ruta 50) en el Condado de Fairfax deben ser renombradas.

- ▶ Complete la encuesta en línea en [fairfaxcounty.gov/transportation/confederate-names-task-force](https://fairfaxcounty.gov/transportation/confederate-names-task-force)
- ▶ Envíe comentarios por email a [DOTConfederateNamesTaskForce@fairfaxcounty.gov](mailto:DOTConfederateNamesTaskForce@fairfaxcounty.gov)
- ▶ Envíe comentarios por correo a Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, VA 22033
- ▶ Llámenos al 703-877-5600, TTY 711

**El aporte público se aceptará hasta el 12 de noviembre de 2021**

Fairfax 카운티 남부 연합 이름 태스크 포스는 Fairfax 카운티의 Lee Highway (29번 국도)와 Lee-Jackson Memorial Highway (50번 국도)의 이름을 변경해야 하는지에 대한 대중의 의견을 구하고 있습니다.

- ▶ 에서 온라인 설문 조사를 작성하십시오 [fairfaxcounty.gov/transportation/confederate-names-task-force](https://fairfaxcounty.gov/transportation/confederate-names-task-force)
- ▶ 의견을 이메일로 보내기 [DOTConfederateNamesTaskForce@fairfaxcounty.gov](mailto:DOTConfederateNamesTaskForce@fairfaxcounty.gov)
- ▶ 의견 보내기 Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, VA 22033
- ▶ 전화 703-877-5600, TTY 711.

**공개 의견은 2021년 11월 12일까지 허용됩니다.**

Fairfax County Department of Transportation (FCDOT) ensures 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.

Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033

PRSRT STD  
U.S. POSTAGE  
PAID  
PERMIT 722  
MERRIFIELD VA

\*\*\*\*\*ECRWSSDDM\*\*\*\*\*

RESIDENTIAL CUSTOMER



**Visit the Task Force web page now.**

**Visite la página web del Grupo de Trabajo ahora.**

**지금 태스크포스 웹페이지를 방문하십시오.**



## Appendix C

**TO:** Evelyn Spain, Confederate Names Task Force (CNTF) Chair

12 December 2021

**SUBJECT:** Dissenting Opinion – CNTF Recommendations

During its 30 November 2021 meeting, the CNTF voted 20-6 and 19-6 (with one abstention) to recommend to the Fairfax County Board of Supervisors (BOS) changing the names of Lee Highway and Lee-Jackson Memorial Highway, respectively.

The authors, here undersigned, prepared this document for public record; the Fairfax County Board of Supervisors (BOS), and Commonwealth Transportation Board. Our objective is to provide a clear explanation for dissenting to the Fairfax County Confederate Names Task Force (CNTF) decision to recommend renaming Lee Highway and Lee-Jackson Memorial Highway.

We, the authors, served on the CNTF, and we agree completely with all other members of the CNTF on several important details. Unanimously, we execrate slavery and denounce any glorification of this abhorrent institution—especially the use of Confederate leaders as symbols to promote racial inequity or injustice. We acknowledge our communities are not perfect, but we do not believe the United States of America, Virginia, or Fairfax County are inherently racist—quite the opposite, we believe Fairfax is a welcoming place to live. We believe all members of the CNTF volunteered their time and energy in a sincere effort to improve their community, which is admirable. At times passionate opinions were shared during the CNTF, and we are very grateful to our colleagues who carefully respected the opinions of others and who were open to genuine debate and different opinions.

The following outlines the justifications for our decision to vote “no” to recommend renaming.

Very respectfully,

Robert H. Floyd  
CNTF Member, primary author

CF: Kristi Dooley, Malcolm Watson, Dr. Juliette Shedd

Enclosure

## **Executive Summary**

We, the authors here undersigned, voted “no” to the Confederate Names Task Force (CNTF) recommendation to rename Lee Highway (Route 29) and Lee-Jackson Memorial Highway (Route 50). Public feedback was decisive: 57% of the public responses opposed renaming. We feel our duty is to represent the public’s interest, and the public’s interest is not in favor of changing these names. We believe the \$1M to \$4M required to rename these two roads would be more effectively spent pursuing a community engagement project (e.g. an African-American Heritage Trail, a museum, and/or new historic markers). We believe changing these road names will be divisive and ill received by a majority of those impacted while providing minimal substance to benefit the community. Several CNTF procedural issues also influenced our decision. Communications were never consistently disseminated, and community engagement was suppressed because postcards sent to Fairfax residents were frequently received after listening sessions concluded. Furthermore, the demographics of the CNTF did not accurately reflect the demographics of Fairfax County; specifically, Hispanic, Asian-American, and other non-African-American minorities were underrepresented. The online survey received low participation, 200 responses, from non-English speaking minority communities, but within this sample size respondents were overwhelmingly in favor of keeping the names. There is public perception—as indicated in emails received and articles published in local media—the CNTF is intended to provide “political top-cover” for the Board of Supervisors (BOS). This issue would be better resolved as a ballot referendum. Public feedback opposed to renaming reveals three predominate themes: 1.) Respondents do not want Fairfax County to spend tax dollars to rename highways; 2.) Many feel inconvenienced by the impact changes will have on their homes and businesses; and 3.) The most frequent comment was this action “erases history.” The majority of the CNTF disregarded offhand the “erase history” concerns because schools will continue teaching Civil War history. We do not agree with this assessment because the “erase history” comment should be considered in context with the events Statewide as well as by Fairfax County since 2017. Furthermore, demonstrations in the last several months indicate a significant portion of citizens have meaningful concerns about school curriculum and how American history is taught. Finally, it is a fact many citizens still regard Robert E. Lee and Stonewall Jackson as icons in American history for their military leadership and tactical successes. Fairfax County cannot be an “inclusive” society without acknowledging these opinions exist amongst its citizens, and respect the prevailing public opinion.

## **Public Opinion & Survey Results**

Results were decisive: over 57% of the public responses were opposed to renaming. The CNTF received 41,260 survey result opinions, emails, tweet, and miscellaneous messages on social media—making this one of the largest public responses in Fairfax County history.

<b>Public Outreach Results<sup>1</sup></b>	<b>Keep the Names</b>	<b>Change the Names</b>	<b>No Opinion/Unclear</b>	<b>Final Results not provided to the CNTF</b>
Survey Responses (Total)	22,556	15,992	810	0
Route 29	11,652	8,032	354	0
Route 50	10,904	7,960	456	0
Phone Calls	333	47	0	
Letters	29	5	0	0
Listening Sessions	6	9	6	0
Emails	435	158	0	390 <sup>2</sup>
Social Media	141	54	289	0
<b><i>TOTAL =</i></b>	<b><i>23,500 (57%)</i></b>	<b><i>16,265 (39%)</i></b>	<b><i>1,105 (3%)</i></b>	<b><i>390 (1%)</i></b>

The results of these public information campaigns are clear. A member of one of the BOS staff reported in over a decade she could count on one hand the number of times citizens asked to rename roads named for Confederate leaders. We feel the CNTF was selected to represent the public's interest, and the public's interest is not in favor of changing these names.

## **Cost & Community Impact**

During CNTF debate, a frequent discussion point was that African-American history—specifically enslaved Americans—was already erased. On this point, all members of the CNTF unanimously agree, and we urge without any reservation that Fairfax County—indeed all of America—should take action to remedy this tragedy. Prince William County, for example is developing an African-American history trail, and we encourage Fairfax County to pursue similar projects.

*We believe the \$1M to \$4M required to rename these two roads would be much more effectively spent pursuing a project similar to the one in Prince William County.* If not an African-American Trail, other ideas include a new network of historical markers or investment in museums.

Furthermore, renaming roads and removing one piece of history in favor another does not “tell the whole story;” it only serves to antagonize one group of citizens while marginally benefitting others. From the beginning, the CNTF stated unequivocally the desire to be “inclusive.” We all agree inclusivity requires us to make room for people of all races, genders, sexual orientations, political leanings, and those who have a different historic or cultural background to our own. Fairfax County's mantra should be to build new monuments and name new streets to represent everyone, and not to destroy or rename; these actions are divisive and marginalize citizens who feel their opinions are not valued. Add more, not less.

<sup>1</sup> Source: Fairfax County Dept. of Transportation report provided 30 November 2021 at the CNTF meeting.

<sup>2</sup> At the 30 November 2021 CNTF meeting, the results of 390 emails were still outstanding and not provided as data to the CNTF.

Considering the survey results, public feedback, and the imposition on business and residents located on both highways (e.g. updating addresses, social media, websites, etc.), *we believe changing these road names will be divisive and ill received by a majority of those impacted by this change* while providing minimal substance to benefit the community. Resources should be allocated elsewhere.

## **Task Force Mismanagement**

### *Failure to Engage Businesses Residents Directly Impacted*

Name changes will impact approximately 504 private residences and 665 businesses along Lee Highway and 50 private residences and 221 businesses along Lee-Jackson Memorial Highway.<sup>3</sup> The CNTF survey and postcards were issued to these residents, but the CNTF made no targeted effort to pole the opinions of the 687 businesses that will be impacted. A few respondents to the CNTF survey identified themselves as business owners who opposed the changing the names, one even claiming that “Lee-Jackson Memorial Highway” provided name recognition and others voiced potential impacts to payroll, shipping, and routine operations. It is wrong to impose this change upon businesses that are still recovering from the impacts of COVID19 and combating rapid inflation.

### *Communication Difficulties*

From the onset, a prevailing CNTF objective was to ensure every member’s opinion was “heard.” We unanimously agreed communication as key to success. To prevent inadvertently creating an impromptu meeting subject to Freedom of Information Act (FOIA) requests, the CNTF facilitators instructed task force members to send all communications to a single Fairfax County employee point of contact (POC). From the beginning, communications were *never* consistently disseminated. This problem is on record, and was discussed repeatedly by frustrated members of the task force. We will not speculate on the reasons for the communication breakdown, but it is a fact we sent the POC multiple articles and letters which were either never disseminated to the rest of the CNTF or required subsequent emails before they were shared.

Despite having record level survey responses, in-person communication with the public was also problematic. The postcards sent to Fairfax residents were frequently received *after* listening sessions were concluded, which is reflected by the sparse participation. One of the authors of this dissenting opinion never received this postcard. Fairfax libraries inconsistently provided access to the survey in paper format. These concerns are a matter of public record, were acknowledged by the CNTF facilitators, and can be corroborated by testimony provided at the 8 November 2021 CNTF meeting.

### *Demographic Concerns*

One of the great benefits of living in Fairfax County is the widespread diversity and integration of cultures from around the World and United States. We all benefit from learning from each other, sharing experiences, culture, food, and life experiences. Unfortunately, based on the information provided by Fairfax County<sup>4</sup> the diversity of our community was not proportionally represented on the CNTF. Specifically, Hispanic, Asian-American, and other non-African-American minorities were underrepresented on the CNTF.

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<sup>3</sup> Fairfax County Times: “Confederate Names Task Force votes to change highway names” by Heather Zwicker ([https://www.fairfaxtimes.com/articles/fairfax-county/confederate-names-task-force-votes-to-change-highway-names/article\\_5e09403c-592a-11ec-9c15-0bd91e3bd36c.html](https://www.fairfaxtimes.com/articles/fairfax-county/confederate-names-task-force-votes-to-change-highway-names/article_5e09403c-592a-11ec-9c15-0bd91e3bd36c.html))

<sup>4</sup> <https://www.fairfaxcounty.gov/demographics/fairfax-county-general-overview>

<b>Fairfax County</b>		
<b>Demographics</b>	<b>Population</b>	<b>Percent Population</b>
White, Not Hispanic	594,603	51%
Black, Not Hispanic	111,150	9%
Asian/PI, Not Hispanic	224,138	19%
Hispanic/Latino	191,404	16%
Other, Not Hispanic	50,552	4%
<b>Total =</b>	<b>1,171,847</b>	<b>100%</b>

Source: <https://www.fairfaxcounty.gov/demographics/fairfax-county-general-overview>

To encourage maximum public participation, online surveys were available in multiple languages. Two hundred (200) responses were received from non-English speaking minority communities, and respondents to the survey were overwhelmingly in favor of keeping the names.

#### Non-English Responses

<b>Language</b>	<b>Keep the Names</b>	<b>Change the Names</b>	<b>No Opinion</b>
Arabic	1	0	0
Chinese	57	2	2
Farsi	1	2	0
Korean	49	6	1
Spanish	55	9	1
Urdu	1	1	0
Vietnamese	12	0	0
<b>Total =</b>	<b>176 (88%)</b>	<b>20 (10%)</b>	<b>4 (2%)</b>

If we are willing to accept 200 responses represent an accurate survey of the non-English speaking community, then the public consensus is even greater—*do not change the names*. However, if we conclude that 200 responses—a comparatively low sample size—does not accurately represent the non-English speaking community, we are left with three potential conclusions: 1.) either the CNTF failed in its obligation to engage this community, 2.) the non-English speaking community has no opinion, or 3.) a combination of both.

Ms. Susana Mariano, CNTF member, president and CEO of the Northern Virginia Hispanic Chamber of Commerce voted “no” to changing names.

Furthermore, at least four of the 26 task force members (15%), identified themselves as having professional ties to represent the NAACP—*we want to stress this is a GOOD thing!* We honor and respect the work the NAACP has accomplished since its conception. It is possible other members may have ties as well, and should be equally acknowledged for their good work. The NAACP also has a well-established position against the use of Confederate Names and Monuments, and only represents the 9% of the County’s African-American population—not 15% of the County.

So far as we are aware, no member of the CNTF identified themselves as representatives of Asian/PI, or other minority organizations. No CNTF members identified themselves as representatives of the non-English speaking communities, which were overwhelmingly opposed to changing the names. Furthermore, no member identified him or herself as representing a legitimate (i.e. not a hate group)

Southern heritage organization (e.g. a verified 501(c)(3) charity such as the The Sons of Confederate Veterans).

### *Pro Forma Political Top Cover*

On 29 October 2021, The Fairfax County Times<sup>5</sup> published an article with the tagline: “Chairman McKay hints name changes are a done deal.” This article fomented perception the CNTF is a pro forma pretense to provide “political top-cover” for the BOS. The survey results clearly indicate this will not be a universally supported decision to rename these roads. Emails received from the public periodically requested this added as a ballot referendum—a sentiment echoed during the CNTF proceeding on several occasions. In recent years, the BOS has been reticent to poll public opinion on the topic of Confederate history in Fairfax County.

It is a mistake not to acknowledge the public skepticism behind the legitimacy of the CNTF. Changing road names will have significant impact on the citizens of Fairfax County, and creating the CNTF provides a “buffer” between the BOS and the citizens negatively impacted by this change. We will not speculate on the BOS decision to create the CNTF rather than pursue a county referendum, but for State-wide context, in the past 12 months voters in nine different Virginia counties passed by super-majority votes to maintain the Confederate Monuments in their counties. Many more monuments have been re-erected at cemeteries and on private property. These are not the actions of racist extremists—these are grass-roots efforts by groups of citizens to save Virginia history. By comparison, rather than put the question to public referendum—the Fairfax County Park Authority voted to abort the 2017 Ox Hill Battlefield monument project and have not appointed the citizen committee they voted to establish to resolve the “wording on the monuments” they found objectionable. These two monuments remain in storage at an undisclosed location. In 2020 the BOS directed to remove the Marr Monument. Monuments are important for their historic and educational context, but they have marginal impact on the day-to-day lives and operations of residents and businesses. Road names do have a greater immediate impact, and there are citizens who believe the BOS resolve to rename these two roads is an effort to promote political solidarity rather than act in the public’s best interest.

### **Historic Significance**

#### *Erasing History*

A review of the public feedback opposed to renaming reveals three predominate themes that oppose renaming these roads: 1.) Respondents do not want Fairfax County to spend tax dollars to rename highways; 2.) Many feel inconvenienced by the impact changes will have on their homes and businesses; and 3.) the most common comment was this action “erases history.”

We acknowledge the Fairfax County BOS has the discretion to obligate funds toward projects with negative impacts to residents and businesses. However, we feel obligated to elaborate on the third comment, that renaming “erases history.”

In isolation, if renaming two roads were the only instances of historic reshaping in the United States and Fairfax County, we would not give credence to the claim Fairfax County is “erasing history.” However, these claims carry greater weight when considered in context with other recent events in

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<sup>5</sup> Fairfax County Times: “Fairfax County says it wants to hear for public on the names of two major roadways” by Heather Zwicker ([https://www.fairfaxtimes.com/articles/fairfax\\_county/fairfax-county-says-it-wants-to-hear-from-public-on-the-names-of-two-major/article\\_43fbbe3c-3822-11ec-9648-bbf1af7703c.html](https://www.fairfaxtimes.com/articles/fairfax_county/fairfax-county-says-it-wants-to-hear-from-public-on-the-names-of-two-major/article_43fbbe3c-3822-11ec-9648-bbf1af7703c.html))

Fairfax and across Virginia. In 2017 JEB Stuart High School was renamed and the Ox Hill monument project was cancelled. In 2020 the Marr Monument was removed, and residents have witnessed Civil War Monuments vandalized with anti-policy hate-speech, destroyed, cut in half, melted down, and otherwise removed. To date, no displaced monument in Commonwealth or Fairfax County possession has not been re-erected at a battlefield, cemetery, or placed in a museum.

*The sum-total of these events explains why citizens believe Fairfax County is “erasing history.”*

The majority of the CNTF offhandedly disregarded this position claiming schools will continue to teach the history of the Civil War and the deeds of Robert E. Lee and Stonewall Jackson. We hope this is true; however, we are all aware of the controversy surrounding school curriculums in the lead up to the 2021 Virginia Gubernatorial election. It is not appropriate to rehash concerns over school curriculum here other than to acknowledge that public opinion does not universally share the CNTF’s faith in our schools continuing to teach the history of the Civil War and American history in general.

#### *Southern Perspective of Confederate Leaders*

We wish to conclude with some perspective explaining why Southerners often still admire Robert E. Lee and Stonewall Jackson. The institution of slavery was so evil, and in retrospect the thought of dividing the United States so heinous that postbellum 19<sup>th</sup> Century Southerners who suffered economic ruin and more than ¼ of the male population dead were desperate for something to be proud of, and this sentiment still exists today. Placing aside the politics around the war, Generals Lee and Jackson were tactically and strategically brilliant, and military academies around the world still study their campaigns.

Furthermore, Lee’s post-war example made him one of the most important figures in reunification of the Nation. Many Southerners wanted to continue to fight a gorilla war for years, but he refused, and many followed his example to return to the Union. After the war, Lee also used his influence to encourage peace between the races, expelling white students from Washington College for harassing African-American citizens in Lexington.

Consider also what the Virginia Museum of History & Culture<sup>6</sup> says: “Those who argue that [Lee] chose to fight for slavery rather than against it, and that this is all one needs to know about Lee, lose sight of the extent of the sacrifice that he made. His decision was not about defending slavery; it was about doing what he thought was right.”

No one is required to agree with any of this interpretation of history, but Fairfax County cannot be an “Inclusive” society without acknowledging these opinions exists amongst its citizens. To be very clear, we believe the overwhelming majority of Fairfax County residents respect the rights of all mankind, and admiring flawed historical figures such as Lee and Jackson does not equate to racial insensitivity.

Very respectfully,

***Robert H. Floyd, Jenée Lindner, Susana Marino, Blake Myers, Peyton Onks, & Edward Wenzel***

signatures affixed

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<sup>6</sup> <https://virginiahistory.org/learn/historical-book/chapter/reconciliation>



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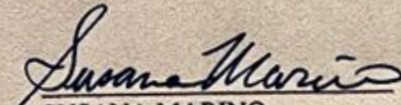
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Primary Author  
Braddock District

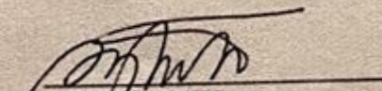
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**JENEE LINDNER**  
Springfield District

  
**SUSANA MARINO**  
At-large

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**BLAKE MYERS**  
Springfield District

  
**PEYTON ONKS**  
Springfield District

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**ED WENZEL**  
Springfield District




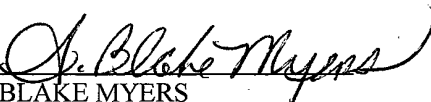
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Braddock District

  
JENEE LINDNER  
Springfield District

  
BLAKE MYERS  
Springfield District

  
EDWARD WENZEL  
Springfield District

Confederate Names Task Force (CNTF) Chair

December 11, 2021

Subject: Dissenting Opinion – CNTF Recommendations

During its November 30, 2021 meeting the CNTF voted 20-6 and 19-6 (with one abstention) in favor of recommending to the Fairfax County Board of Supervisors that the names of Lee Highway and Lee-Jackson Memorial Highway, respectively, in Fairfax County be changed.

I respectfully submit my dissenting opinion (see Enclosure) for inclusion, in its entirety, in the CNTF Recommendations Report to be submitted to the Fairfax County Board of Supervisors.

A handwritten signature in blue ink that reads "J. Blake Myers". The signature is cursive and fluid.

J. Blake Myers  
CNTF Member

cc: Kristi Dooley, Dr. Juliette Shedd, Malcolm Watson

Enclosure - as

**Dissenting Opinion, December 11, 2021**  
**Confederate Names Task Force (CNTF) Recommendations to Change the Names of Lee Highway  
and Lee-Jackson Memorial Highway within Fairfax County**

During its November 30, 2021 meeting the Confederate Names Task Force (CNTF) voted 20-6 and 19-6 (with one abstention) in favor of recommending to the Fairfax County Board of Supervisors that the names of Lee Highway and Lee-Jackson Memorial Highway in Fairfax County be changed.

I disagree with both CNTF recommendations, and voted accordingly, based on the flawed process and methodology used by the CNTF to reach the recommendation decisions. Key aspects of the flawed process and methodology include:

- a. When questioned on the basis for the motions, the CNTF force member who put forth the motion for each recommendation cited Fairfax County's *One Fairfax Policy* as the basis for each motion. The *One Fairfax Policy* is not a declarative policy that can functionally serve as the basis for any action or decision. The policy was designed to define "expectations for consideration of racial and social equity, and in particular, meaningful community involvement when planning, developing, and implementing policies, practices, and initiatives. It provides a framework to advance equity in alignment with our stated visions and priorities. This policy informs all other policies and applies to all publicly delivered services in Fairfax County Government and Fairfax County Schools." Those who claim the *One Fairfax Policy* as the basis for the CNTF's recommendations either have never read the policy or do not understand it.

Beyond receiving a presentation on the *One Fairfax Policy* and its implementation practices during its initial meeting on August 16, 2021, the CNTF never discussed the policy or its application with respect to the CNTF's assigned tasks.

- The CNTF never addressed how the tasks it was charged with would be considered within the *One Fairfax Policy* framework, nor how the *One Fairfax* focus on Racial Equity through improving Outcomes and closing Racial Gaps was applicable or would be achieved.
- The CNTF did not discuss or apply the specified elements of applying *One Fairfax* in practice, including:
  - i. Desired Results – Outcomes to achieve? Community-level conditions intended to impact?
  - ii. Assumptions – Beliefs and ideas about the issue, situation, and people involved? How to counter implicit bias?
  - iii. Analysis of Data – What data do we have? What data do we need? What does it tell us?
  - iv. Community Engagement – How have people affected by the proposal been engaged? Opportunities to expand engagement?
  - v. Strategies for Equity – Who will benefit from or be burdened by this? Strategies to address vulnerability or build opportunity? Mitigate unintended consequences?

Despite CNTF member requests, the CNTF and the supporting County Department of Transportation (DoT) staff consistently failed to determine the number of directly

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affected residents and businesses located along the affected sections of the two highways, much less engage them for their opinions and input on changing the names – in direct contravention to the stated *One Fairfax Policy* application framework. It was not until November 29th that the DoT staff provided the CNTF an inventory of the businesses and residences located along the affected sections of the two highways. *One Fairfax* was not a component of any discussion, deliberation, or consideration of potential recommendations by the CNTF. To infer or state otherwise is simply not true and is misleading.

- b. The majority of CNTF members gave little to no credence or value to one of the few relevant data sets available to the CNTF – the nearly 23,000 inputs to the CNTF provided by County residents via survey responses, phone calls, emails, letters, social media and in-person and virtual listening sessions. Resident comments received did not convey any sense of public support for changing the highway names. In fact, just the opposite resulted, the large majority (approximately 60-62%) of resident comments expressed opposition to changing the names of the two highways.
- c. Implementing the community engagement strategy that was developed and adopted by the CNTF in order to gain a sense of public sentiment and views on potentially changing the highways' names proved to be of little value - - the majority of CNTF members chose to disregard the comments and information received because the comments did not align with those members' views or opinions. Personally, I had expected to see significant public support for changing the names, as I had been led to believe there was a public outcry for changing the names. That turned out not to be the case and led me to conclude that the proposal to change the highways' names was/is a politically-motivated action, driven by activists on the Board of Supervisors, the CNTF and elsewhere who have an agenda and a point to make – there is no, and never has been any, public outcry or demand calling for or supporting changing the highways' names.
- d. Throughout all CNTF meetings, communications, and discussions no historically factual reason was ever presented or discussed that supported changing the name of either Lee Highway or Lee-Jackson Memorial Highway. The lack of knowledge of U.S. and Virginia history among CNTF members was frankly alarming. Several CNTF members made statements claiming that R.E. Lee was a traitor and that he waged war against the United States and to overthrow the U.S. government – inferring that there should be no highway named after Lee. (Interestingly, Thomas J. "Stonewall" Jackson's name never came up in CNTF discussions – the sole focus was on R. E. Lee.) These member statements were typically based on two claims, neither of which are historically accurate – that R.E. Lee was a traitor because he violated his oath to defend the United States, and that Lee was a traitor based on the Constitution's definition of treason.

At the time of Lee's commissioning as an officer in the United States Army, the commissioning oath was "I do solemnly swear that I will bear true allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies or opposers whatsoever, and observe and obey the orders of the President of the United States and the officers over me according to the rules and articles for the Armies of



the United States" (underlines and emphasis added). The wording of the oath suggests that the officer's loyalty was to the United States in a collective sense. Indeed, for many in this era (late 1700s - mid 1800s) the United States as a unified entity was at best an abstract concept. Primary loyalty tended to be to one's place – where one was born and where the family roots were – and for Lee, as for many, that place was their home state. R.E. Lee served successfully and effectively in the U.S. Army for 32 years (1829 – 1861). On April 15, 1861 and based on the secession of seven southern states, President Lincoln declared "an insurrection" and called for 75,000 volunteers for three months of military service. Within days, Lincoln offered Lee (through intermediary Francis Blair) command of the army being raised to put down "the insurrection." Lee felt duty bound to his state by virtue of his Virginia family lineage and avowed that, though opposed to secession and deprecating of war, he could take no part in an invasion of southern states. On April 20, 1861 Lee resigned his U.S. Army Officer's Commission.

The Constitution of the United States, Article III, Section 3 provides that "Treason against the United States shall consist only in levying War against them, or adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court" (underlines and emphasis added). In this Article and Section the United States is again expressed in a collective sense and not as a unified entity. This fact and a knowledgeable understanding of factual U.S. and civil war history leads to the perspective that R. E. Lee's and the Confederacy's military actions were undertaken to protect and defend seceded states' territory against invasion and occupation by U.S. military forces, not to wage war against the United States nor to overthrow the U.S. government.

It is also interesting to consider how Article III applies, in a collective sense of the United States, in this case where U.S. military forces invaded seceded states and blockaded southern ports, actions long recognized under international law as acts of war. These controversial aspects reflect the reality that our history is messy, complex and multi-faceted. That said, the fact remains that no Confederate officer or official was ever tried for, or convicted of, treason. The primary reason for this was the fear that if charges were levied and trials conducted the courts would rule that secession was a legal act, thereby invalidating both Lincoln's declaration of "an insurrection" and the U.S. basis for invading seceded states and forcing their readmittance into the United States.

From a historical perspective the names Lee Highway and Lee-Jackson Memorial Highway provide a sense of "historical place" for these major highways. For Lee Highway, it is the historical significance of R.E. Lee and the Lee family lineage to Virginia and Fairfax County. For Lee-Jackson Memorial Highway, it is the historical significance of Jackson's flank march after the Battle of 2<sup>nd</sup> Manassas (Bull Run) on this road and the resulting September 1, 1862 Battle of Ox Hill - the largest civil war battle fought in Fairfax County – fought from and on land adjacent to this highway, then known as Little River Turnpike. The highway names Lee Highway and Lee-Jackson Memorial Highway have been in place for some 100 years and even today retain their historical significance.

- e. No information or data was presented to or by the CNTF that supported changing the name of either highway, or that indicated any positive affect would result from changing

either of the highway names. Renaming the highways would be a divisive, not a constructive, action - - an action without discernable benefit to any county population segment and an action that is clearly, based on resident comments provided to the CNTF, against the wishes of a large number of County residents.

- f. There was no specific assessment or consideration of the financial or other impacts of changing the highways' names on directly affected properties. Directly affected properties include 504 private residences and 665 businesses located along the two segments (14 miles) of Lee Highway under consideration, and 50 private residences and 221 businesses located along the segment (8.4 miles) of Lee-Jackson Memorial Highway under consideration. Several CNTF members stated they had no interest in knowing how many residences and businesses would be directly affected. This callous disregard for the impact on directly affected residences and businesses flies in the face of equity, racial or otherwise, and ignores the CNTF's designated responsibility "to secure the community's input on the implications of changing the names of the roadways."

Singly and collectively these flaws in the CNTF's process and methodology led me to conclude that the recommendations to change the highways' names were preordained and are politically motivated actions advocated by agenda-driven activists. The recommendations are not based on historical fact or the preferences and desires of county residents and have nothing to do with achieving equity or inclusion, racial or otherwise. The recommendations arise from the personal opinions of ill-informed activists, who demonstrate little regard for relevant facts and the views of county residents or the impacts thereon, or for views and opinions other than their own. The recommendations are the result of groupthink that is biased and not supported by historical fact or by any information or data that provides a relevant basis for or identifies benefit(s) to be gained from changing the highways' names.




J. Blake Myers  
CNTF Member

Co-Signees:



Edward Wenzel  
CNTF Member



Jenee Lindner  
CNTF Member

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Robert H. Floyd  
CNTF Member

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TO: Evelyn Spain, Confederate Names Task Force (CNTF) Chair 12 December 2021  
SUBJECT: Dissenting Opinion – CNTF Recommendations

During its 30 November 2021 meeting, the CNTF voted 20-6 and 19-6 (with one abstention) to recommend to the Fairfax County Board of Supervisors (BOS) changing the names of Lee Highway and Lee-Jackson Memorial Highway, respectively.

Jenee Lindner opinion, Confederate Name Task Force member, Fairfax County History Commissioner

Fairfax County Confederate Name Task Force 11/30/2021

Before the task force on this date I said, “I would like to read from an interview about African American Civil Rights Leader Lynda Lowery. She was just 14 years old when she was beaten by a racist sheriff’s deputy on the Edmund Pettus Bridge during the 1965 Bloody Sunday March from Selma to Montgomery, Alabama. She was the youngest marcher on the bridge that day, and it changed the course of her life. She became a civil rights activist and was jailed 11 times before her fifteenth birthday. Today, there is a movement underway to rename that bridge, now named after a Confederate general, for the late Congressman John Lewis.

She does not want it done and neither did John Lewis who also was attacked there and visited the bridge every year in commemoration. Why? Yet the name was never changed.

In [a recent interview](#) **Civil Rights Veteran On Why She Opposes Renaming The Edmund Pettus Bridge** **NPR**, published August 13, 2020 with NPR’s Robin Young, Lowery explained that, like Lewis himself, she doesn’t want to change the name of the Edmund Pettus Bridge—not even to honor Lewis. “I love and admire him, but I don’t want the name of my bridge changed...” “If we change the name to *anything*, it would be a whitewash of our history,” she said. “We, on March 7, 1965, we took the sting out of that name.”

This was also Lewis’s position on the matter. In [a 2015 op-ed](#) he wrote with Rep. Terri Sewell, Lewis explained the folly of trying to hide history by renaming things:

*Renaming the Bridge will never erase its history. Instead of hiding our history behind a new name we must embrace it—the good and the bad. The historical context of the Edmund Pettus Bridge makes the events of 1965 even more profound. The irony is that a bridge named after a man who inflamed racial hatred is now known worldwide as a symbol of equality and justice. It is biblical—what was meant for evil, God uses for good.*

Lowery echoed this idea in her NPR interview, saying, “Our blood and tears are embedded in the cement of that bridge,” and that, “If there had not been that Confederate history, there wouldn’t have been a need for a Civil Rights or Voting Rights history.”

**I am with the late Congressman John Lewis and Lynda Lowery; it is wrong to erase history. I vote no.**

I really wrestled with this. But, for me, because I know the history, it represents the loss of victory for the Confederacy with Jackson and Lee. If they had not been stopped, they would have moved onto DC, taken Lincoln hostage with other cabinet members and politicians on Capitol Hill.

Most importantly, President Lincoln had made Washington DC a free district for all people by this time, including African Americans. This was before the Emancipation Proclamation that extended to other states. The city had become a mecca for many black refugees who had been able to flee the south. With this new Confederate occupation, they would have been enslaved again. It makes me shudder to think about the stranglehold - struggles for them, AGAIN!

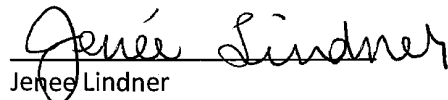
Lincoln started writing the Emancipation Proclamation after the Sept 1, 1862, Battle of Ox Hill (Chantilly) here in Fairfax County where 1,500 would die and the Battle of Antietam (Sharpsburg), Sept. 17, 1862, where soldiers lost their lives – a combined tally of 22,717 dead, wounded, or missing. Lincoln tells us he formally started writing down the proclamation on Sept. 22, 1862. He presented it on Jan. 1, 1863, to Congress and the public. What a different world we could be in if the Confederacy had won these battles and invaded Washington DC.

That is what I think about when I see those two names - like the same pattern of Lynda Lowery and the late Congressman John Lewis. I remember with thanks every time I go down these roads that they lost so the Union could fight another day and eventually win.

I believe we need more education and nuanced research for the public to understand what it really meant when Lee and Jackson lost. But, alas, I fear our Civil War history is being more marginalized and erased.

Note: Because this was my own opinion, I did not share it with others on the Task Force. Robert Floyd heard about it and wanted his name added. I did. See below.

Respectfully yours,



Jenée Lindner  
Author of this opinion  
Springfield District

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ROBERT H. FLOYD

Braddock District



December 13, 2021

## **Dissenting Opinion in Opposition to Changing the Names of Lee Highway and Lee-Jackson Memorial Highway**

**To:** Evelyn Spain, Chair, Confederate Names Task Force

Anna Nissinen, Noelle Dominguez, Juliette Shedd, Kristi Dooley, Malcolm Watson

**From:** Edward Wenzel, Trustee, Kearny & Stevens monuments, Ox Hill Battlefield Park.

Appointed to CNTF by Supervisor Pat Herrity, Springfield District.

**Fairfax County's race-obsessed School Board and Board of Supervisors** have been on an ideological mission to purge all visible evidence of Confederate history and heritage from Fairfax County. Using the so-called "One Fairfax" policy and its "Diversity, Equity and Inclusion" ideology, elected officials have mandated official policy that requires viewing all we do through a "lens" of "racial and social equity." This misguided political policy not only divides us by race and ethnicity, it works to erase all names and landmarks of past history that "offend" intolerant activist groups like the NAACP, BLM, and Antifa. The policy fully condones and encourages the cultural cleansing of all visible reminders of Confederate military forces in Fairfax County. This determination to remove the Confederate side from the defining historical event of our nation's history is repugnant to anyone who values Civil War heritage. Union and Confederate—both were Americans and they left an indelible mark on Fairfax. Removal of Confederate names is not INCLUSION; it is deliberate EXCLUSION and it violates the County's own equity policy. Removal smacks of Marxism, fascism and cultural cleansing. The stripping away of historic names and memorials is ideological pandering to intolerant individuals and groups for political gain at the expense of others who want a few reminders of our Civil War heritage to remain—what little is left of it, which certainly isn't much.

**Fairfax County began efforts to purge its Confederate history** and heritage in 2015 when the FCSB, administrators, and teachers initiated a campaign to demonize Gen. J.E.B. Stuart and remove his name from J.E.B. Stuart High School. Stuart's 1861 headquarters on Munson's Hill was directly across Rt. 7 from the high school which was constructed and named in 1959 during the Civil War Centennial. Over the course of two years, teachers, students, and NAACP activists backed by the school board, managed to distort history, slander Confederate soldiers, bully objecting students and divide them by ethnicity and color, encourage hate and enflame passions—all for political purposes.

**Also in 2017**, the Fairfax County Park Authority refused to install two obelisks for Union and Confederate soldiers in the Ox Hill Battlefield Park. The obelisks were approved by the Park Board in 2005 as interpretive elements to compliment the monuments to Union Generals Kearny and Stevens but they were not produced until funding became available in 2015. However, with the installation date set, the FCPA Board (directed by the BOS) killed the project and put the obelisks in permanent storage. At subsequent meetings with the FCPA in 2018, several board members expressed open hostility to the obelisks, one member saying that she would take a sledgehammer to them. Another member, with ties to the Smithsonian, said that institution would put them indoors in a museum and place "contextual signage" next to them (whatever that's supposed to mean). As to what was objectionable about the two obelisks, the FCPA Board refused to tell us.

**Continuing their vendetta** against school names, the FCSB next attacked Robert E. Lee High School. With the support of "progressive" activists and the news media, the school board voted in June of 2020 to rename

the high school. One more trophy for the school board and their virtuous purge of iconic names that honor two of greatest military commanders in Virginia and American history, field generals who led Confederate forces against invading and occupying Federal armies.

**Following the example of the school board's name changing**, two supervisors weighed in on June 23, 2020 with a request for **an inventory of all Confederate names** appearing in public places in Fairfax County. The request stated:

"This powerful call for equity has brought attention to Confederate monuments and place names throughout the country and the County, and the painful history they symbolize. Confederate monuments and place names were affirmations of white supremacy under the siren of southern history and tradition, and they go against the goal of a more just, unified county. They do not reflect our community's values." So said two very misinformed, biased supervisors. But who gave them the right to decide for all county residents what values we as a community should recognize??? This is not "equity" at all. It's fascism.

Citing its "One Fairfax" policy of racial and social "diversity, equity and inclusion," the BOS immediately approved the request and directed the History Commission to provide "a full inventory of these 'tributes' essential for Board review, to move forward in our journey towards a more just county"—nice words that obfuscate the BOS' deliberate intention to erase historic names and 'tributes' that reflect the Civil War heritage of Fairfax. Thus did nine virtue-signaling supervisors openly pander to solidify their political base at the expense of the County's most important historical event. In effect, the supervisors listened to the intolerant activists and gave the back of their hand to everyone else, especially to those who care about the iconic names of Lee and Jackson and the war-time history of Fairfax County. Equity and Inclusion this is NOT. This is really about Exclusion and Censorship and Pandering to the NAACP's 50-year-old victim-based agenda which demands the removal of every Confederate name and historic monument/marker from public view.

**While the History Commission** willingly scrambled to obey the inventory directive, the BOS took up another woke cause—**removing the landmark "Marr monument"** beside Main Street near the Old Courthouse where the opening clash of the war took place. Following a ginned-up protest at the monument and an online petition, the BOS quickly found bogus "racism" and "Lost Cause mythology" in the innocuous inscription which gave nothing more than a bearing and a distance to the spot where Marr's body was found. Why? Because Marr was a Confederate officer and the BOS said it "glorified" him. So, the BOS joined the forces of intolerance and cultural cleansing and ripped the Marr monument from the ground with no authority to do so by citizens or voters. Thus, Fairfax County and Fairfax City lost a 116-year-old historical monument which was the most visible reminder of Civil War heritage in our community. That's how fascism works in a county led by virtue-signaling ideologues who openly despise our history.

One indignant supervisor (James Walkinshaw) even went on a long rant about the UDC and the KKK, neither of which had a single thing to do with the Marr monument. Mr. Walkinshaw falsely claimed that the monument "was not about history; that it was about a myth!"—A myth!!! And that it was all about "white supremacy!" The BOS' animus for the Marr monument was the *ultimate slander* on Fairfax Confederate veterans and the citizens who erected the monument. Their preachy lectures about Reconstruction disparaged the motives and character of the Marr Camp veterans and scolded those of us who testified in opposition. It was a gratuitous display of hubris after a sham hearing conducted for the sole purpose of removing legitimate historic markers and cannon, simply because they reflected actual history that the BOS didn't like.

**The Confederate Names Inventory report** was presented to the BOS on December 8, 2020. It contained 536 pages listing every conceivable name in Fairfax that could be possibly attributed to a Confederate officer or soldier or anything with a Southern association. By its directive, the BOS arrogantly and disgracefully targeted all Confederate names in public places for change or removal. This unprecedented action by the board was no different than Chairman Mao's Cultural Revolution. To our sanctimonious BOS, "Equity and Inclusion" is the mantra demanded of all citizens, but that policy can be safely ignored when needed to erase ideologically problematic cultural history.

**Now comes the Confederate Names Task Force** and its *unmistakable directive from the BOS to recommend changes* to the names of Lee Highway and Lee-Jackson Memorial Highway. See the statements of BOS Chairman, Jeff McKay, and Task Force Chair, Evelyn Spain, as published by the County's News Center and various local media: <https://www.restonnow.com/2021/07/14/fairfax-county-appoints-task-force-to-review-changing-two-confederate-highway-names/> To this Task Force, thirty members were appointed by the ten supervisors (26 members remain).

**No ballot referendum.** At the first meeting, we questioned how thirty individuals could change the names of primary highways in Fairfax County without any of our 1.2 million residents casting a single vote. We asked why this matter would not appear on the ballot in November. The question was blown off by several members who said we were only making a recommendation; that the BOS elected not to put it on the ballot (who were we to question them) and that they would make the final decision—as if that were a good reason for ignoring the will of hundreds of thousands of county voters. It's quite obvious that the reason for omitting the question from the ballot is that voters would overwhelmingly *reject* changing the names for multiple valid reasons. We believe that the BOS instinctively knew that, and so to accomplish their goal, they kept the question off the ballot and set up this task force to provide political cover and make it appear that a fair process was being utilized. However, the process was anything but fair and was certainly not equitable to all.

**Task Force expenditures**, of course, represent a lot of money. For one, paid facilitators were contracted at a cost of \$50,000 and DOT employees were tasked with behind-the-scenes planning and other work-intensive endeavors. Indeed, all of the graphics, charts, and information packets that were pre-assembled involved a major expenditure, as has the agendas, minutes, TF communications, community outreach, tabulations and other necessary efforts. The involvement of volunteer Task Force members over the course of this endeavor also amounts to major amounts of time and effort. That's to say nothing about the costs to affected businesses and residents and the actual removal and replacement of signage—estimated at \$1-4 million alone.

#### **Here's what is wrong with this "Task Force":**

From the very beginning it has been evident that the whole purpose of the paid facilitators and staff has been to steer the TF in the direction of name changes. The first meeting was devoted to DEI training—Diversity, Equity, and Inclusion. The obvious purpose was to show that Confederate names were somehow at odds with "diversity" and not "inclusive" of certain individuals, groups, or immigrants—as if large numbers of people actually think like that. I commented that "diversity" means a multiplicity, a variety, more than one, etc. Yet, in this case, the BOS seeks to erase diversity just as they erased the Marr monument last year.

The second meeting was devoted to "white supremacy," "Jim Crow," and "Lost Cause" ideology. The facilitators and a guest speaker tried to link the two highways' names solely to those ideologies with no understanding or care about the historical reasons behind the names. I was struck by the degree of

misinformation and erroneous statements made by TF staff, facilitators, and members concerning the war and Gen. Lee—such as declaring secession “treason” and Lee a “traitor,” and that Lee “fought for slavery and to overthrow the U.S. Government.” Those simplistic and misinformed opinions were repeated often. In response, I sent e-mails containing information and links that rebutted the false narratives. However, two of the e-mails were not distributed and I had to inquire multiple times before they were released to TF members. [See Memo to CNTF regarding false statements about Secession, Treason, and R.E. Lee, 11-1-21]

At the Sept. 28 subgroup meeting, there were two statements made by the facilitators that were very revealing. First, that the mission of this task force was “not to educate,” and secondly, that they wanted us to “move away from the past and toward the future. What do we want today?” as one asked. Those statements confirmed the obvious—that Task Force organizers and facilitators were there to lead us toward name changes, NOT to explain the historical basis for the names or to justify them as visible links to our Civil War heritage. The message was that we shouldn’t dwell on the historical reasons for the names. Instead, we must consider people’s “feelings;” that the names should be “welcoming” and “inoffensive,” etc. For example, the facilitators posed this question: “What principles are important to you in considering the names of roadways in Fairfax County? ... What’s the criteria/principles that are important to each one of us?” Here are some serious suggestions that were offered... for selecting road names!!!

- “Caring for citizens”
- “Empathy—names that reflect our best selves”
- “Names that prevent harming others”
- “Inclusivity—does the name offend or hurt others?”
- “Is it welcoming—does it help repair harms, lift up community?”
- “Does it provoke a sense of pain for others?”
- “Names should give a sense of hope—that we are in this together”

I really have to ask, just who are we anyway—a nation of strong people who love our country and take pride in the heritage that comes with it—or, are we a nation of super-sensitive victim groups who can’t live our lives knowing that a tragic war was fought here 16 decades ago and we don’t want to be reminded of it? Seemingly, according to the BOS, those feelings trump all others so that victimhood is the default that erases historic names and removes monuments that other “caring” citizens acknowledge as heritage and wish to see as touchstones of our Civil War past.

The NAACP is the single largest group represented on the CNTF, far exceeding the percentage of African Americans in the county’s population. For decades, their agenda has called for the removal of all Confederate names and monuments from public view. But how can that group decide what other people are allowed to see based on incorrect narratives about secession, treason, and R. E. Lee, as well as slanderous comparisons of Confederate soldiers to Adolph Hitler and Nazi Germany? That belief alone is an outrage! Activist members of the NAACP (and other groups) are pushing a Marxist agenda to remove all visible traces of Confederate history and heritage from America. Is that why the BOS overrepresented this organization on the task force—to ensure the votes necessary to recommend name changing? That is NOT “equity.” That’s a devious inequity. That’s stacking the deck to guarantee the preferred recommendation.

**Lee Highway** was one of a hundred or more named “Auto Trails” that “good roads” organizations were advocating for in the early 20<sup>th</sup> century. The nation’s roads at that time were little better than they were during the Civil War. The roads were muddy, rutted tracks at the dawn of the automobile age. When Model

T Fords appeared in 1908, they were designed to navigate these horrible roads, but it was obvious to businessmen and local boosters that improved roads were desperately needed. The Great War in Europe and a young army officer named Dwight Eisenhower also figured in the great American road story and the linking together of transcontinental routes under various names. In 1919 Lee Highway was named and designated to run between Washington D.C. and San Diego, California. A hundred other “auto trails” were also named during this period.

The name “Lee Highway” did not arise from any Jim Crow intention to intimidate or insult black people, or to project “white supremacy.” That’s nonsense. In reality, Lee’s name was obvious for a Southern transcontinental route just as the Lincoln Highway was a shoo-in for a Northern route. Remember, this is the 50<sup>th</sup> Anniversary period and Union and Confederate veterans are still living and Lee was a Southern hero. The background below on Lee Highway and the transcontinental road movement should have been a priority for task force agenda planners. However, with the BOS’ fixation on racism and “equity,” Task Force planners had but one direction— DEI training, “One Fairfax,” and the guest speaker’s opinions on the Lost Cause and “white superiority” which is now the phobia of “oppressed victim groups” all across the country.

- Historical context for Lee Highway <https://americanroads.us/autotrails/leehighway.html>
- Dr. S.M. Johnson, A Dreamer of Dreams. FHA Highway History, The Lee Highway, Arlington Memorial Bridge, Lee Boulevard <https://www.fhwa.dot.gov/infrastructure/johnson.cfm>
- Zero Milestone in Washington D.C. <https://www.fhwa.dot.gov/infrastructure/zero.cfm>
- Photo Gallery Along Lee Highway (1920s) <https://www.fhwa.dot.gov/infrastructure/johngal2.cfm>
- Lee Highway, Wikipedia [https://en.wikipedia.org/wiki/Lee\\_Highway](https://en.wikipedia.org/wiki/Lee_Highway)

**Lee-Jackson Memorial Highway.** Known as the Little River Turnpike during the Civil War, history records that **Stonewall Jackson’s Corps** of the **Army of Northern Virginia (ANV)** advanced down this turnpike on September 1, 1862 toward Fairfax in an attempt to cut off Union Gen. John Pope’s army near Jermantown. Pope’s forces were retreating on the Fairfax-Centreville Road (Rt. 29) after their defeat by Lee at Second Manassas. But at Ox Hill (West Ox Road), Jackson encountered Federal divisions of Gens. Stevens, Reno, and Kearny and a severe battle was fought in a violent thunderstorm. The Federals were part of the Union III and IX Corps and they had moved northward from Rt 29 in an attempt to block Jackson. The battle of Ox Hill (or Chantilly) was an unplanned clash that ended the Campaign of Second Manassas and opened Lee’s Maryland Campaign.

Gen. Robert E. Lee, who was observing the opening of the battle, came under Union artillery fire at the point where today’s Fairfax County Parkway crosses over Rt. 50. Jackson’s artillery was parked to the north toward Fair Oaks Hospital but they could not see the battlefield because of dense trees surrounding it and thus were not engaged. Jackson’s 17,000 troops were hard pressed by 6,000 attacking Federals in the confused combat. Two hours later when darkness fell, there were 516 Confederate casualties and more than 1,000 Federal. Union Gens. Stevens and Kearny were killed in the action. The Federals retreated that night and Jackson held the field. During the battle, **Gen. James Longstreet’s Corps of the ANV arrived and occupied the Greenbriar and Chantilly area to the west, their camps sprawling on both sides of Rt. 50 as far as Loudoun County.** Jackson’s forces held the Ox Hill ridge and west to Greenbriar. Lee’s army rested on September 2<sup>nd</sup> and on the 3<sup>rd</sup>, the ANV marched toward the Potomac River fords and opened the Maryland Campaign that resulted in the bloodiest battle of the war at Antietam Creek.

In 1922 when the name “Lee-Jackson” was chosen to replace Little River Turnpike in Fairfax County, it was a perfect choice based on what had occurred there historically. The naming happened during the era of transcontinental road naming in which Lee Highway was also conceived. Stonewall Jackson’s flank movement down Rt. 50, the Battle of Ox Hill, and the arrival of Longstreet’s Corps on Rt. 50, when taken together, was **the most important historical event that had ever occurred along that stretch of highway in Fairfax County.** The timing of the name change was undoubtedly because of the recent 50<sup>th</sup> anniversary and because naming highways was a part of the “auto trail” movement across the country. If some today (including new arrivals) don’t like that, then how about being “tolerant” and “inclusive” as the “Diversity” people are always demanding. Tolerance and inclusiveness apply to all, not just to some.


**Many “diverse” groups populate Fairfax County** and we support them as does everyone. However, as a native of this area, I am conscious of the Confederate history in a county that voted overwhelmingly for secession. I am also well acquainted with the two monuments to Union Generals Kearny and Stevens who were killed at Ox Hill. No one has suggested that those two monuments be removed or be hidden in a warehouse, or be “contextualized.” The fact that Union monuments exist at all in this county, is a tribute to John Ballard, a former Confederate cavalryman (of Mosby’s command) who owned the farm where the battle was fought. It was Ballard and his wife, Mary, who gave the land to Union soldiers so they could erect monuments to their fallen generals. And it was Ballard who led the effort to put up the monument beside Main Street in Fairfax marking Capt. Marr’s death in the first action of the war (Fairfax C. H. Raid, June 1, 1861). Yet our virtuous supervisors ripped that monument from ground to pacify woke intolerant groups who were arrogantly demanding its removal. It was a total disgrace and a capitulation to woke ideology. While Fairfax County brags that we are the “Gateway to America’s Heritage,” the current BOS has proven that they only care about certain heritage, and have been quick to dismiss and condemn Confederate heritage which, except for slavery, they show absolutely zero understanding.

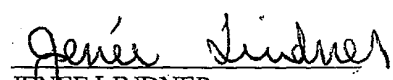
I am for everyone’s heritage. If names or reminders are needed to reflect other heritage in Fairfax, I think you will find many interested parties, including myself, who would support those endeavors. The heritage of Fairfax covers a broad spectrum. So, let’s do that; but don’t deliberately erase Fairfax’s Civil War heritage just because some don’t like the defending military forces based on false or incomplete narratives.

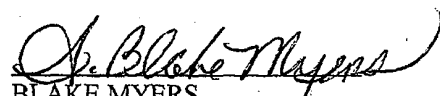
**What makes a community unique** is its history and the “sense of place” that its historic names and monuments provide. That’s what makes one community different from another, otherwise we are just one more homogenized suburb sprawling across the metro area. In Fairfax County, when you erase Confederate names, you destroy that visible history and sense of place—the place where those Confederates fought to defend Virginia from Federal invasion (the war was far more than just slavery). That’s why people who study the war come to Northern Virginia—because it’s so rich in Civil War history and reminders of it are part of our sense of time, place, and identity. Without a handful of Confederate names and monuments, Fairfax County is just one more overcrowded, suburban area with nothing to remind us (or heritage tourists or visitors) of the epic events that occurred here in the 1860s. The names of Lee, Jackson, Stuart, and Mosby are icons of Civil War history in Virginia. They tell people where they are. This is not New York or New Jersey or Michigan. This is Fairfax Virginia. We have a past and we have a heritage. To culturally cleanse that past is divisive, exclusionary, political, and patently un-American.


**The Confederate Names Task Force is a charade.** It’s a veneer to provide political cover for an ideological BOS that intends to change the highway names no matter what anyone thinks. Their contempt for the residents and voters of Fairfax County says all we need to know about the politics of this Board.

Very Respectfully,

  
EDWARD WENZEL  
Springfield District  
Author of this Dissent Opinion

  
JENEE LINDNER  
Springfield District

  
BLAKE MYERS  
Springfield District

  
SUSANA MARINO  
At-large



November 1, 2021

**To:** Evelyn Spain, Chair, Confederate Names Task Force,  
DOT staff, facilitators, and all TF members.

**From:** Ed Wenzel, Trustee of Kearny and Stevens Monuments, Ox Hill Battlefield Park

Dear Chair Spain and Task Force:

At our meeting on October 18, comments were made about Gen. Lee and “treason” that I take issue with. Of course, I’ve heard it all before and am well aware of historians, bloggers, and media spinning the narrative that Lee was a traitor and that secession was treason etc. However, those statements ignore facts, i.e.: the Constitution itself, Virginia’s conditional ratification, and Lee’s oath of allegiance. Please understand that there are many nuances that get swept aside when looking at Civil War history through an emotional lens. It’s complicated and there’s much more to it than just slavery and “treason.”

**Did/does the Constitution prohibit secession?** No. The Constitution does even not mention secession. First, The Constitution is a voluntary compact of individual, sovereign States which delegated specific and limited powers to the central government. In forming this government and ratifying its Constitution, the founding States never surrendered or renounced their sovereignty. There is no language in the Constitution that expresses any renunciation of sovereignty by any of the States. In the Treaty of Paris of 1783 which ended the American Revolution, Britain recognized the former colonies as “free sovereign and independent states” and identified each state individually.

When Virginia ratified the Constitution in June, 1788, she did so conditionally, and reserved the right to secede with these words: “...in the name and in behalf of the people of Virginia, declare and make known that the powers granted under the Constitution, being derived from the people of the United States may be resumed by them whensoever the same shall be perverted to their injury or oppression and that every power not granted thereby remains with them and at their will...” New York and Rhode Island also reserved the right to secede. By accepting the right of three states to leave the union, the United States implicitly accepted the right of all states. Only by the Civil War itself (and the blood of 750,000 Americans) was the right of session made illegal. Today the question is settled, but in 1860, secession was still a State’s right even if denied by others when it suited their purpose.

If secession was “treason,” the Constitution would have declared it so, but it does not. Article III, Sec. 3 says “Treason against the United States shall consist only in levying war against them (the States), or in adhering to their (the States) enemies, giving them (their enemies) aid and comfort...” Thus, the “treason clause” only applies to United States citizens. The seceded states (by ordinances of secession duly passed in convention) were no longer in the Union, nor were their citizens. The seceded States withdrew from a voluntary compact and they sought no war with the United States, nor did they seek to “destroy” or “overthrow” the United States government. All they wanted to do was leave. The South’s military actions that followed Lincoln’s invasion of Virginia were entirely justified by the right of self-defense. Virginia did not levy war on the national government. It was Lincoln who violated the “treason clause” by his military invasion of Virginia on May 24, 1861. The State of Virginia, in its Ordinance of Secession of April 17, 1861, cited the exact words of its Constitutional ratification document (reserving the right to secede). Thus, Virginia repealed and abrogated the union between Virginia and the other states of the United States. To compel Virginia to remain in the Union and take up arms against other states was a violation of the “treason clause” of the Constitution and an act of war by the Lincoln government.

**What did notable persons in the North have to say about secession?**

**Here's what Horace Greeley (editor, NY Tribune) said:** “If it (the Declaration of Independence) justified the secession from the British Empire of three millions of colonists in 1776, we do not see why it should not justify the



secession of five millions of Southerners from the Federal Union in 1861. If we are mistaken on this point, why does not someone attempt to show wherein and why?"

**Here's what Lincoln said** in 1848: "Any people anywhere, being inclined and having the power, have the right to rise up and shake off the power of the existing government, and form a new one that suits them better. This is a most valuable—a most sacred right, a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing government may choose to exercise it. Any portion of such people that can, may revolutionize and make their own of so much of the territory as they inhabit. More than this, a majority of any portion of such people may revolutionize, putting down a minority, intermingled with or near about them, who may oppose their movement. Such minority was precisely the case of the Tories of our own revolution." [Lincoln was concerned about the rights of people living in a disputed area claimed by both Texas (United States) and Mexico.]

**Here's Wendell Phillips' position** before Ft. Sumter: Phillips was a New England dis-unionist and abolitionist orator, and he defended the Confederate States' right to secede. For decades Phillips had defended the right of Massachusetts to secede and he now embraced disunion as the political foundation of his abolitionist credo. The South, he said, had "a right to decide that question without appealing to you and me. A large body of people, sufficient to make a nation, have come to the conclusion that they will have a government of a certain form. Who denies them the right? Standing with the principles of '76 behind us, who can deny them the right?" Peaceful disunion, Phillips believed, was the key to the eventual downfall of slavery, and with it, the power of the slaveholding oligarchs. [After Ft. Sumter, Phillips reversed himself and like all abolitionists, clamored for war.]

[Many abolitionists advocated disunion and the formation of the Confederacy in order to end the protections guaranteed to the slave states by the U.S. Constitution. By secession, the slave states would surrender their interest in the territories and forfeit all the benefits of the Fugitive Slave Law. By secession, the slave states would lose the protections of the National Government in defending against assaults, whether by the legislative enactments of other states, or by servile insurrections. Of these facts the abolitionists were well aware. Hence, they advocated secession in furtherance of their intended goal—the ultimate abolition of slavery.]

**Suppose Lincoln had followed Phillips' advice** and let the South go unmolested instead of pursuing a military solution? Without the protections of the Federal government, how long would the South's slave system remain profitable in an isolated and vulnerable country with little industry and with severed relations and trade with the Northern States? Independence would be difficult to maintain and could possibly collapse on its own without the death, destruction, and horrors of a catastrophic war. There was a growing consciousness in the many parts of the South that slavery was wrong and a curse, not only to black people who were forced to labor, but to the whites themselves who causing moral harm to their own race and offspring. Increasing numbers of bondsmen were being freed or manumitted in wills by people with changing opinions on the question. And lacking secession, couldn't the growing United States have compensated slave owners at least partially like in the District of Columbia? We will never know. War was the only option that Lincoln saw to thwart secession and satisfy Republicans. But Lincoln assured everyone that preserving the Union was his only motive, and that he had no wish to interfere with the Constitutional protections of slavery.

**Did the U.S. Constitution protect slavery?** Yes. It did so to make sure that Southern slaveholding States would ratify the Constitution and join in forming the new nation. The States had just won a revolution and were still on shaky ground and vulnerable. All of the States had to stick together if they were to survive. No chance could be taken that the new country might fail and England return to regain her colonial dominion. A way had to be found to accommodate the slave states' dependence on their "peculiar institution," then the custom for 170 years (1619 to 1789). Thus, the framers compromised with the devil and inserted the much ridiculed "Three Fifths Clause" that allowed slave states to partially count slaves as persons for representation in Congress. This extra representation (only whites were citizens) would give the slave states an advantage and an incentive to stay with the union. The founders could not, however, count slaves as full persons because that would give slave states too much representation and was unacceptable to the non-slaveholding States. Since slaves were property and had no rights, the three fifths compromise sealed the deal for the slave states by recognizing the institution. Also, adding "three fifths" to their representation would ensure that slave

states would pay a greater share of taxes than they would if only whites were counted. Does that explain how we got stuck with slavery when the Declaration of Independence clearly says that “all men are created equal?” Also, while not mentioning slaves or slavery by name (an embarrassment left unspoken in the presumed hope that it would eventually die), the Constitution did refer to the unmentioned slaves as “persons” and not as “property.”

**Did Lee violate his oath?** No, he did not. Once Lee resigned his commission (on the advice of Gen. Scott) he was no longer in the U. S. Army. Such was the situation for 286 other Southern officers who resigned their commissions and reported for service in their home State militias or Confederate regular forces. There was no “treason” by anyone. Union authorities clearly understood that Southern officers would likely go with their State of birth or citizenship, i.e.: whichever claimed their loyalty and allegiance. Some stayed in U.S. service, but many more left. No officers who resigned were arrested and none were ever charged with treason. Our 21<sup>st</sup> century understanding of treason against the United States is irrelevant when considering the reality of State loyalty and citizenship in 1861. Here’s what happened:

Following Gov. Letcher’s refusal to send Virginia militia to fight South Carolina, the Virginia Convention adopted a Secession Ordinance on April 17 subject to a voter referendum on May 23. On April 18, Colonel Lee was invited by Lincoln advisor, Francis P. Blair Sr., to take command of a large Union army to put down the insurrection. Lee declined, saying that while he opposed secession and deplored war, he could take no part in an invasion of the Southern States. Lee then visited General-in-Chief Winfield Scott who advised him to resign at once. On April 20, Lee resigned his commission as Colonel of the 1<sup>st</sup> U.S. Cavalry, saying that except in defense of Virginia, he hoped never again to draw his sword. On the evening of April 21, a messenger arrived at Arlington with a letter inviting Lee to Richmond for a conference with the governor. On April 23, Lee was confirmed as Commander-in-Chief of the military and naval forces of the Commonwealth of Virginia with the rank of Major General. On May 23, Virginians voted overwhelmingly to secede, 128,884 to 32,134. Lee commanded Virginia’s forces until June 8 when the Virginia armed forces were transferred by executive order to the Confederate States. Lee was also transferred and became a Confederate brigadier general assigned as advisor to the President and the Secretary of War.

#### **Here’s the oath that Robert E. Lee swore in 1829:**

“I, Robert E. Lee, appointed a brevet second lieutenant in the Army of the United States, do solemnly swear, or affirm, that I will bear true allegiance to the United States of America, and that I will serve *them* honestly and faithfully against all *their* enemies or opposers whatsoever, and observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles for the government of the Armies of the United States.” [emphasis added]

Note that “*them*” and “*their*” refers to the States. Yes, Lee swore allegiance to the United States (a single nation of sovereign states), but he also swore to serve the States, including his own, which was no longer in the Union. Therefore, Lee’s oath to the United States and to the President and the officers appointed over him was in conflict with the same oath he swore to serve the States (and Virginia). Once Virginia seceded, Lee’s duty was to Virginia, and the same applied to every other Southern officer who resigned his commission. That’s why in August, after the Federal defeat at Bull Run, Congress quickly passed legislation requiring a new commissioning oath that asserted the supremacy of the United States government over the individual States comprising the Union. And this was followed in 1862 by the “iron clad oath” that added even more restrictive language. Bottom line, by the words of the oath he swore in 1829, Lee was no traitor, and was honor bound by duty, loyalty, and allegiance, to the Commonwealth of Virginia.

#### **Additional comments:**

##### **Subdivision and street names:**

During the Civil War Centennial, various home builders seemed to pick up on the anniversary enthusiasm and named some new streets and subdivisions after Confederate officers and soldiers who were famous in Alexandria and Fairfax. I know of two subdivisions that were so named—Mosby Woods in Fairfax and Stonewall Manor outside of Vienna (both built by the Yeonas Company). There were probably other developers too. Civil War names were also applied to new streets in the west end of Alexandria. But why Confederate and not Union names? I think it’s because northern

Virginia had historical connections to the Confederacy and the Centennial anniversary was very prominent in the news back then. Fairfax County had voted overwhelmingly to secede in 1861 and had sent many of its sons to fight in local Confederate infantry regiments and cavalry units. Mosby in particular was a local Confederate hero for his audacious exploits in northern Virginia. Stonewall Jackson was also a hero who commanded Confederate troops near Centreville, Fairfax, and at the battle of Chantilly or Ox Hill.

I think the current narrative that the street names were only meant to intimidate black people and push back against school desegregation or civil rights is totally mistaken. The Centennial was in full swing then. Developers, always looking for new names, were only too happy to exploit the local history which provided a plethora of Confederate and Civil War-themed names for their streets and communities. Yeonas himself was a Greek immigrant and a member of the Orthodox Church who was active in Hellenistic education and philanthropy. His street names, I am certain, had zero to do with fighting school integration or oppressing black people.

<https://mosbywoods.org/2020/10/23/how-mosby-woods-came-to-be/>

### **The names of U. S. Army posts:**

The Civil War was a national calamity with 1 of every 41 Americans dead and the South's infrastructure and economy destroyed. There was no Marshall Plan and no Social Security. The South would not fully recover until after World War II. Look at the photos taken in the rural South by WPA employees during the depression. One instance of Federal aid was the creation of Army camps at the outset of WWI (the 50<sup>th</sup> anniversary of the WBTS). Most of the camps in the South were named for Confederate generals, partly as a gesture of post-war reconciliation, and partly to cushion the seizure of so much land. The government undoubtedly wanted to curry political favor with Southern whites whom they needed to support the U.S. war effort in France. The Army posts were not deliberately named to disparage or insult black people and I seriously doubt that blacks even thought twice about it. It's now a wedge issue in today's divisive political climate where all things named for Confederates are being demonized for political purposes. BTW, in the North, the camps were named for Union generals—Camps Meade, Dix, Devens and Custer for example... It was probably logical back then, but with today's divisive politics and people looking for offenses to settle or magnify, no Confederate name is safe anywhere.

I hope the above paragraphs provide more understanding about questions relative to the Task Force's inquiry. Remember, inclusion and tolerance. It goes both ways.

Thank you, and respectfully,

Edward Wenzel

The most effective way to destroy a people is to deny and obliterate their own understanding of their history. Who controls the past controls the future. Who controls the present controls the past. The best books...are those that tell you what you already know. George Orwell, 1984



# Confederate Road Names Follow-Up

Tom Biesiadny, Director; Robin Geiger, Head of Communications;  
Noelle Dominguez, Coordination Section Chief; and Malcolm Watson, Transportation Planner  
Fairfax County Department of Transportation

Board Transportation Committee  
June 14, 2022

# Background



- **June 2020** – Board asked History Commission to create inventory of Confederate street names, monuments, and public places; and research impacts.
  - History Commission submitted report in December 2020.
- **July 2021** - Board created Confederate Names Task Force (CNTF) to review the names of Lee Highway and Lee-Jackson Memorial Highway.
- **August 2021 - December 2021** - CNTF met, sought public input, prepared recommendations, and submitted Final Report to Board. Recommended:
  - Changing the names of both roadways and submitted alternate names for each.
  - That the Board consider providing financial assistance to those affected.
- **February 8, 2022** – CNTF Chair presented Final Report to Board.
- **The Board requested staff undertake additional outreach to businesses and residents.**



# Community Response

Outreach to those in corridor, including online survey, conducted April-June 2022

- Postcard mailed to businesses and property owners in April
- Feedback initially slow, so staff expanded outreach effort and feedback increased.

Response through Thursday, June 9, 2022:

- Over 128 survey responses (English-120, Korean-8, and Spanish-1) and 8 voicemails from businesses and residents
  - Survey Respondents
    - 74% of survey responses were from Lee Highway
    - 25% of survey responses were from Lee-Jackson Memorial Highway

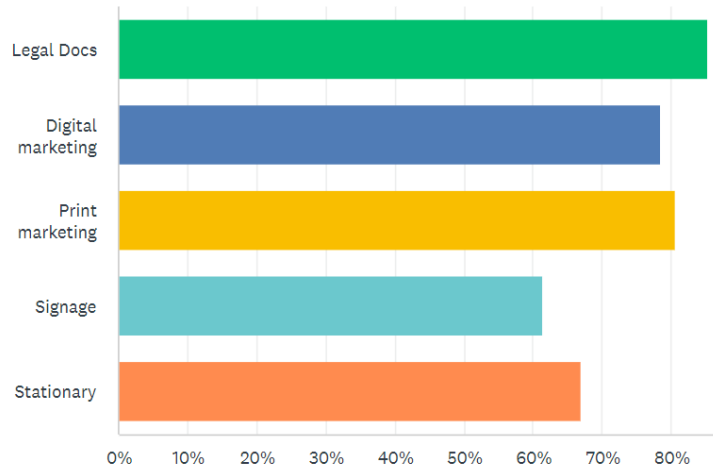
## Survey Results

- If the current name of Route 29 in Fairfax County (Lee Highway) is changed, could such a change cause you any financial expenses? (89 respondents answered the question):
  - Yes – 68 (76%)
  - No – 15 (17%)
  - Don't know – 4 (5%)
  - Possibly – 2 (2%)
- If the current name of Route 50 in Fairfax County (Lee-Jackson Memorial Highway) is changed, could such a change cause you any financial expenses? (46 respondents answered the question):
  - Yes – 33 (72%)
  - No – 10 (22%)
  - Not Sure- 2 (4%)
  - Possibly – 1 (2%)



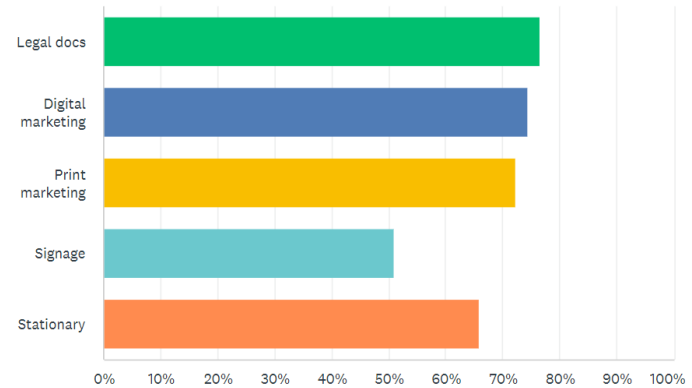
If the current name of Route 29 in Fairfax County (Lee Highway) is changed, what costs would you or your business incur? Select all that apply.

Answered: 88 Skipped: 32



If the current name of Route 50 in Fairfax County (Lee-Jackson Memorial Highway) is changed, what costs would you or your business incur? Select all that apply.

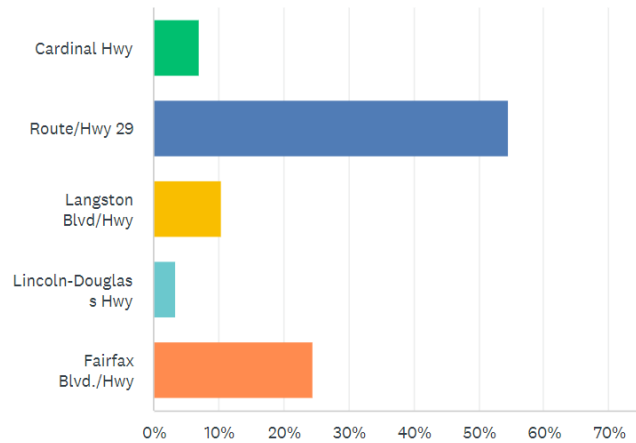
Answered: 47 Skipped: 73





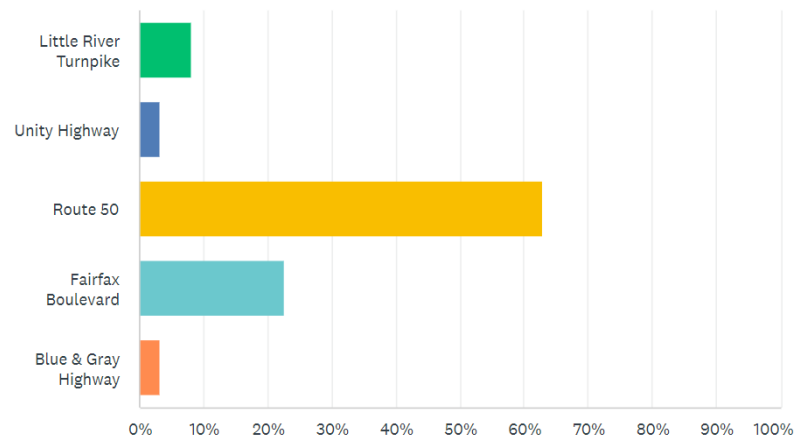
If the Fairfax County Board of Supervisors decides to change the name of Lee Highway, which one of the following would you prefer as the new name:

Answered: 86 Skipped: 34



If the Fairfax County Board of Supervisors decides to change the name of Lee-Jackson Memorial Highway, which of the following would you prefer as the new name:

Answered: 62 Skipped: 58



# Considerations of Implementation

## Cost of Signage

- The Board would need to pay the cost of any changes.
- County and VDOT conducted an inventory of all the signs related to both roadways.
- Costs to replace vary per type of sign and the length of recommended name.
- Estimated cost ranges from \$1.0 million to \$4.2 million.
  - Upper estimate is unlikely.
- Final cost dependent on names selected.



## Actions by Neighboring Jurisdictions on Route 50 and Route 29

- Arlington has renamed Route 29 as Langston Boulevard .
- Loudoun County is returning their portion of Route 50 to Little River Turnpike.
- Prince William County has not focused on a review of the name of Lee Highway (U. S. Route 29).
- City of Fairfax holding Public Hearing on June 14 regarding various road names in the City, including Lee Highway and Old Lee Highway. Council action is scheduled for June 28, 2022.

# Considerations of Implementation

## Aid to Businesses

- Adjacent jurisdictions are considering whether to provide grants to offset cost of road name changes:
  - Prince William County
    - Created a Route 1 Refresh Grant program - provides financial assistance to businesses on U.S. Route 1 to mitigate the financial impacts of ongoing construction and renaming Jefferson Davis Highway to Richmond Highway.
    - Provides levels of financial assistance for replacing printed materials and signage; website updates, marketing and other related expenses.
  - Loudoun County
    - Board directed staff to develop a grant program to reimburse business owners for expenses related to the renaming of Route 7 and Route 50.
    - Staff will return to the Board later this year with recommendations.
    - Some public outreach has begun.



## Discussion / Feedback

- How would Board like to proceed?
- Would the Board like to consider financial assistance program for those directly impacted or something similar?

## Next Steps?

If Board advances a name change:

- Approve resolution requesting CTB make the change.
- Commit to associated costs.



Board Agenda Item  
September 13, 2022

ACTION - 13

Resolution of Support for Modifications to the Existing Limited Access Lines Along Gallows Road in Merrifield (Providence District)

ISSUE:

Board adoption of the attached resolution supporting modifications of limited access lines along Gallows Road between Arlington Boulevard (US Route 50) and the Capital Beltway (Interstate 495).

RECOMMENDATION:

The County Executive recommends that the Board adopt the attached resolution (Attachment I).

TIMING:

Board Action is requested on September 13, 2022, to allow this request to be forwarded to the Commonwealth Transportation Board.

BACKGROUND:

With approval of the Comprehensive Plan amendment SSPA 2018-I-1MS and rezoning application PCA 74-7-047-02-02 for the Inova Center for Personalized Health, a grid of streets is envisioned to provide greater access to and from the site onto Gallows Road. Additional improvements to the interchanges of Gallows Road and Arlington Boulevard and Gallows Road and the Capital Beltway are needed to increase vehicular capacity, expand bicycle and pedestrian access, and improve traffic operations in the vicinity of the site.

To permit the improvements referenced above to be constructed, modifications of two limited access lines along Gallows Road are necessary as shown on Attachments II and III. These modifications are aligned with the urban design concepts envisioned in the Comprehensive Plan and were analyzed as part of the approved Inova Center for Personalized Health Transportation Impact Analyses for SSPA 2018-I-1MS and PCA 74-7-047-02-02. The analyses found these changes to be important for providing grid connectivity and improved traffic operations for the area. The result of these modifications would be the creation of a fourth leg at the intersection of Gallows Road and Willow Oaks Corporate Drive and the straightening of the southbound offramp from the Capital Beltway to Gallows Road to improve sight distance, traffic operations, and safety.

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September 13, 2022

According to Section 24VAC30-401-20 of the Virginia Administrative Code, a request for a change in limited access requires a resolution, letter of support, or formal request, or any combination of these, from the locality within which the changes in limited access are proposed.

FISCAL IMPACT:  
None.

ENCLOSED DOCUMENTS:

Attachment I: Resolution  
Attachment II: Detail Map – Northern Limited Access Modification  
Attachment III: Detail Map – Southern Limited Access Modification  
Attachment IV: Location Map

STAFF:

Rachel Flynn, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Gregg Steverson, Deputy Director, FCDOT  
Jeff Hermann, AICP, Chief, Site Analysis and Transportation Planning Division, FCDOT  
Gregory Fuller, Jr., Chief, Site Analysis Section, FCDOT  
Marc L. Dreyfuss, AICP, Transportation Planner IV, FCDOT

## **RESOLUTION**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, September 13, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, the Board of Supervisors approved PCA 74-7-047-02-02 as requested by the applicant, Inova Health Care Services, on October 16, 2019, and;

WHEREAS, new street connections are necessary to support the approved development including a new street connection identified on the concept development plan as Street A from Gallows Road to within the Property, and;

WHEREAS, to construct Street A from Gallows Road into the property requires approval of a change to a portion of the limited access control adjacent to Gallows Road by the Commonwealth Transportation Board, and;

WHEREAS, to facilitate development on the Property in accordance with the approved CDP, improvements to the Gallows Road interchange with Interstate 495 are necessary, and;

WHEREAS, constructing the improvements to the Gallows Road interchange with Interstate 495 requires approval of a modification to the limited access control adjacent to southbound off-ramp from Interstate 495 to Gallows Road by the Commonwealth Transportation Board, and;

WHEREAS, to process these requests, Section 24VAC30-401-20 of the Virginia Administrative Code requires a resolution, letter of support, or formal request, or any combination of these, from the locality within which the changes in limited access are proposed, and;

NOW THEREFORE, BE IT RESOLVED, that this Board supports the proposed changes to the limited access controls along Gallows Road which are in general conformance with PCA 74-7-047-02-02, and;

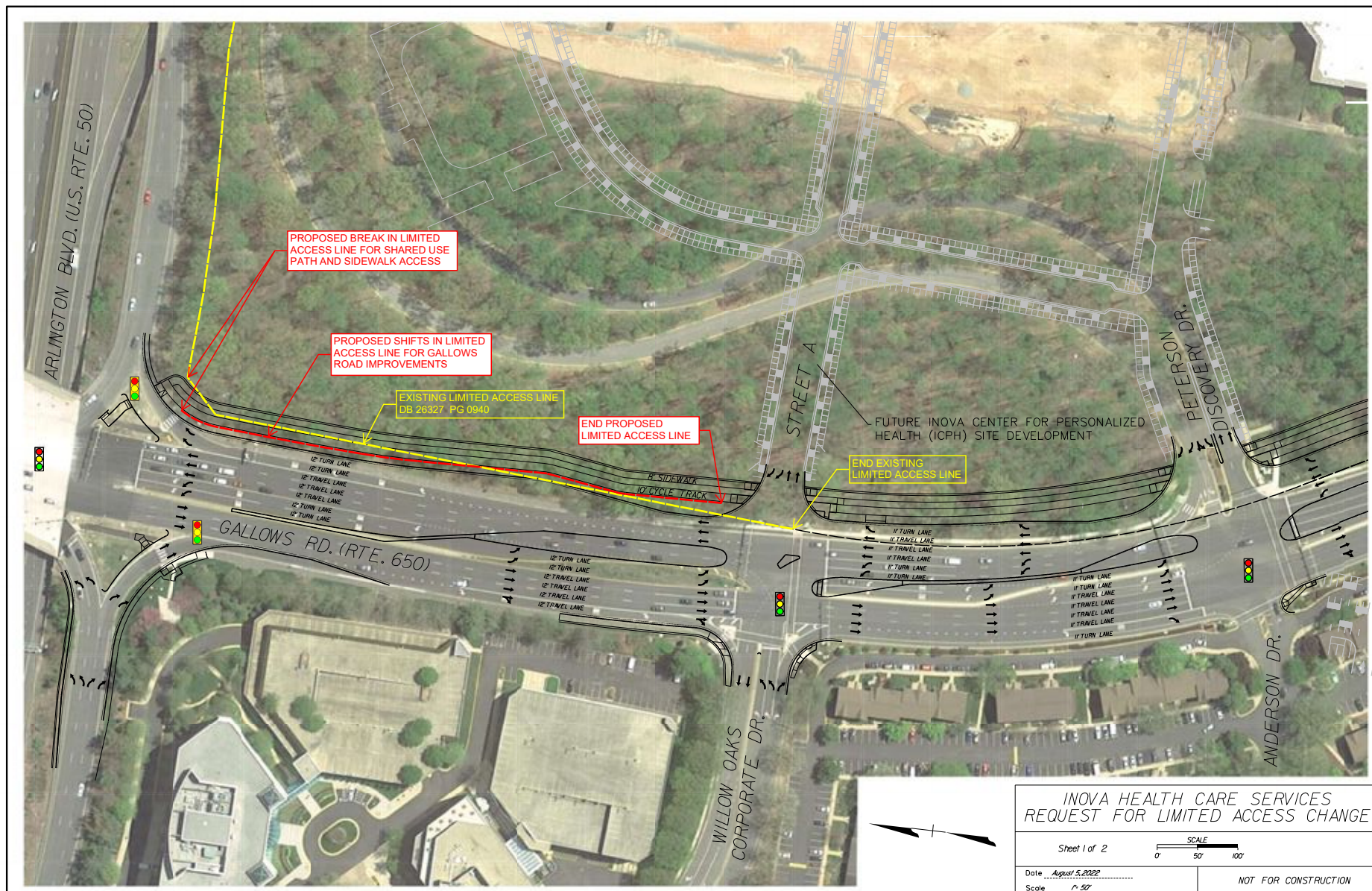
BE IT FURTHER RESOLVED, that this Board hereby requests, pursuant to Section 24VAC30-401-20 of the Virginia Administrative Code, that the Commonwealth Transportation Board approve the proposed changes to the limited access controls.

A Copy Teste:

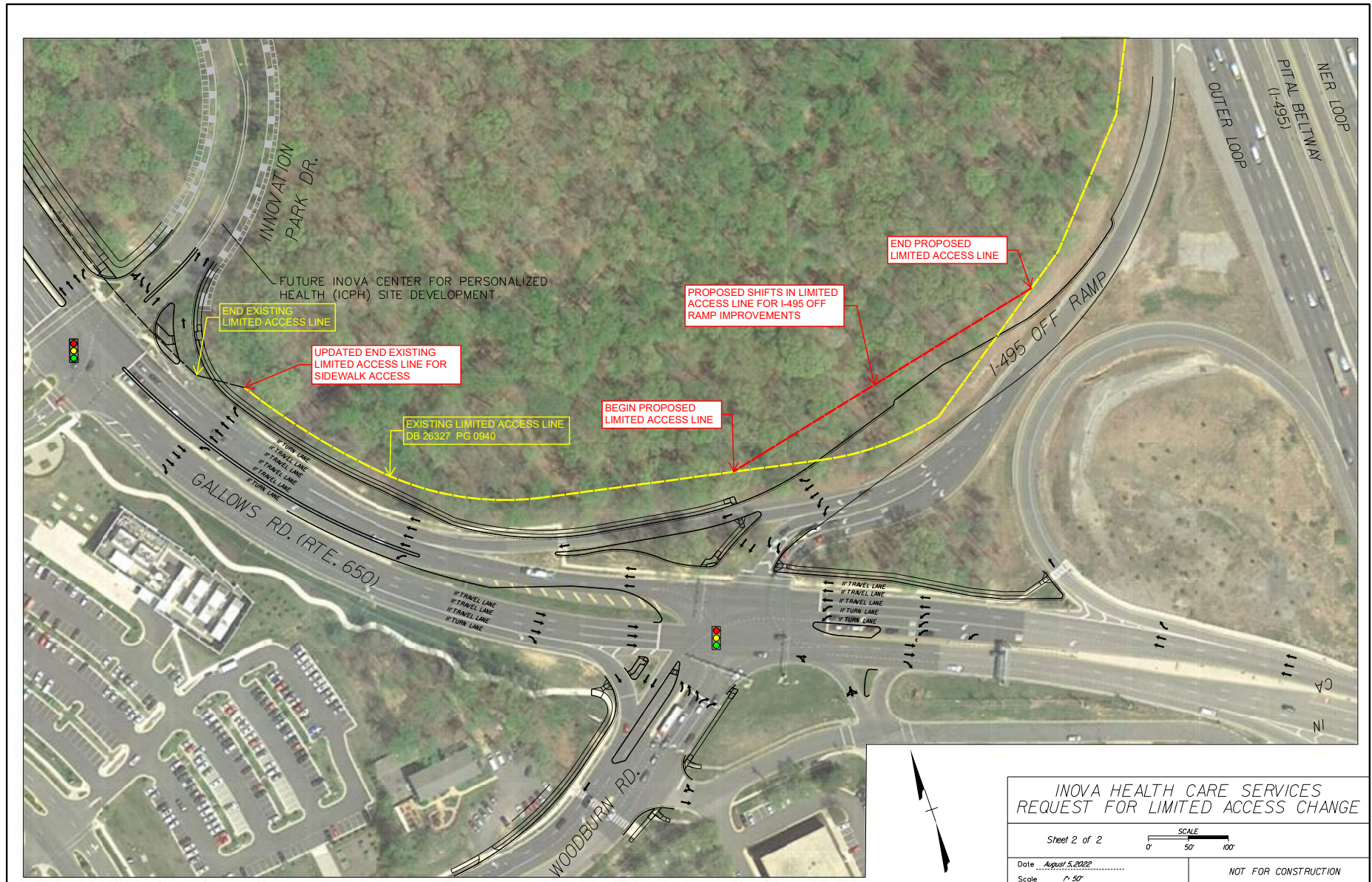
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Jill G. Cooper  
Clerk to the Board of Supervisors

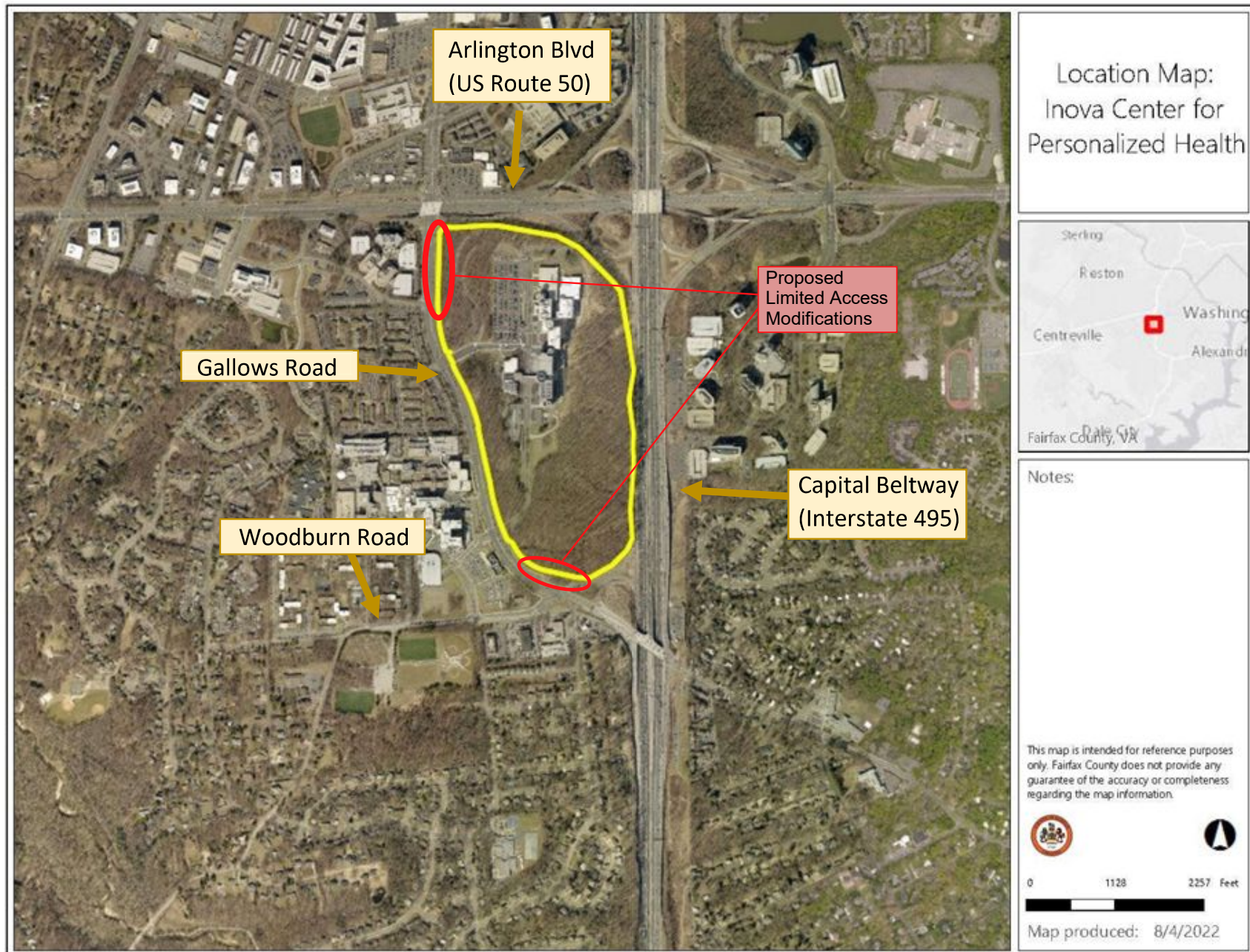












ACTION - 14

Endorsement of the Residential Traffic Administration Program (RTAP) Cut-Through Traffic Operating Procedures

ISSUE:

Board endorsement of the Cut-Through Traffic Program Operating Procedures.

RECOMMENDATION:

The County Executive recommends that the Board endorse the Residential Traffic Administration Program (RTAP) Cut-Through Traffic Program Operating Procedures (Attachment I).

TIMING:

Board action is requested on September 13, 2022, to facilitate a timely implementation of the procedures.

BACKGROUND:

The RTAP Cut-Through Traffic Program provides communities with guidance and procedures to identify and address issues with cut-through traffic in residential areas. The Program is based upon, and has been using, the process outlined by the Commonwealth Transportation Board's (CTB) *Policy and Procedures, Control of Residential Cut-Through Traffic* document. That document was initially approved in March 1989 and subsequently revised in 1996 (Attachment II). More recently, the CTB approved a revised *Policy and Procedures, Control of Residential Cut-Through Traffic* document, effective September 16, 2020 (Attachment III). This *Policy and Procedures* document implemented the following changes to the residential cut-through traffic process:

- No longer requests the submittal of a Board of Supervisors (Board) resolution to VDOT to initiate the Cut-Through Traffic Program process on eligible streets. Instead, allows a member of the Board to request the locality initiate the process on eligible streets.
- Also eliminates the need for a supporting community petition to be submitted to VDOT to initiate the Cut-Through Traffic Program process on eligible streets.
- Sets a threshold for support of the chosen cut-through traffic measures of two thirds of the occupied residences on the streets within the area of the request. (Prior to 2020, VDOT did not require a threshold for support.)

Board Agenda Item  
September 13, 2022

Previously, the County had been requiring a threshold of support of 60% of all returned ballots (which included a requirement of 50% of all issued ballots needing to be returned).

In 2021, to help document and codify a specific county cut-through traffic process, FCDOT developed the RTAP *Cut-Through Traffic Program Operating Procedures* (Attachment I). This document reflects the changes made in 2020 by the CTB, but also clarifies the following aspects of the County's program to make them clearer and more specific to Fairfax County's process:

- Codifies that a balloting process will be used as the method for requesting support of the chosen cut-through traffic measures, as well as codifies the change in the support threshold to 2/3rds of the occupied residences on the street.
- Due to the extensive outreach and public support required to reach consensus on a proposed solution, the final Board endorsement item type has been changed from a Public Hearing Item to an Administrative Item.

At the March 7, 2022, Board Transportation Aides Meeting, staff presented (excerpts of the presentation shown in Attachment IV) and discussed the proposed Residential Traffic Administration Program (RTAP) *Cut-Through Traffic Program Operating Procedures*. These proposed operating procedures will apply to all new requests for cut-through traffic restrictions received by FCDOT.

FISCAL IMPACT:  
None

ENCLOSED DOCUMENTS:

Attachment I: Fairfax County Department of Transportation, Residential Traffic Administration Program (RTAP), Cut-Through Traffic Program Operating Procedures, (adopted September 13, 2022)

Attachment II: Commonwealth Transportation Board, Policy and Procedures, Control of Residential Cut-Through Traffic (adopted May 9, 1996)

Attachment III: Commonwealth Transportation Board, Policy and Procedures, Control of Cut-Through Traffic (effective September 16, 2020).

Attachment IV: Fairfax County's Cut-Through Traffic Program Presentation Slides, Presented to the Board's Transportation Aides on March 7, 2022

Board Agenda Item  
September 13, 2022

STAFF:

Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Gregg Steverson, Deputy Director, FCDOT  
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT  
Neil Freschman, Chief, Traffic Engineering Section, FCDOT  
Steven K. Knudsen, Transportation Planner, Traffic Engineering Section, FCDOT  
Radwan Idris, Transportation Planner, Traffic Engineering Section, 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 County

## **Fairfax County Department of Transportation Residential Traffic Administration Program (RTAP) Cut-Through Traffic Program Operating Procedures Adopted September 13, 2022**

*Based on The Commonwealth Transportation Board "Policy and Procedures for the Control of Residential Cut-Through Traffic", September 2020.*

### **Intent:**

The Residential Cut-Through Traffic Program provides communities with guidance and procedures to identify and address issues with cut-through traffic in residential areas. The development of a residential cut-through plan is a community-initiated process.

"Residential cut-through traffic" refers to vehicular traffic passing through a residential area without stopping or without at least an origin or destination within the area. The Residential Cut-Through Traffic Program is based on guidelines established by The Commonwealth Transportation Board (CTB) and is administered by the Fairfax County Department of Transportation (FCDOT) in collaboration with the local district supervisor's office and the Virginia Department of Transportation (VDOT).

### **Step 1: Project Initiation**

To enter into the Cut-Through Restriction Program, a request shall be made to the District Supervisor either by the Homeowners Association (HOA) or Civic Association (CA) for the neighborhood. If there is no HOA or CA, then a request shall be made by either 10 residences or 10% of residences along the street (whichever is less). For neighborhoods where there is an association, the District Supervisor may also choose to accept a request made by 10 residences or 10% of residences along the street (whichever is less). Once received, the request is forwarded to FCDOT.

The request needs to include the name and termini of the street(s) being requested for a review.

Once the request is forwarded to FCDOT, they will first determine if the street(s) meets the basic eligibility requirements for the Cut-Through Restriction Program. To meet the basic eligibility requirements a street must be a:

Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033-2895  
Phone: (703) 877-5600 TTY: 711  
Fax: (703) 877 5723  
[www.fairfaxcounty.gov/transportation](http://www.fairfaxcounty.gov/transportation)



- Secondary road in the state system of highways
- Street within a neighborhood with a functional classification of “local” that primarily provides direct access to residences and other abutting land uses

#### Additional Eligibility Requirements

To assess additional eligibility requirements, FCDOT first identifies the Primary Use Area, which includes all streets whose residents must traverse the cut through street as the most direct vehicular travel route to their residence, regardless of county or town boundaries.

For streets meeting the basic eligibility requirements, FCDOT will need to determine that the requirements listed below are met:

- For at least one hour of the day on a typical travel day of concern in a single travel direction, the street must have a minimum “residential cut-through traffic” volume of 150 vehicles or more that comprises 40% or more of the total vehicular traffic in the same hour and travel direction.
- There is a reasonable alternate route for traffic to avoid potential cut-through measures on the candidate street that does not create a similar or greater cut-through traffic issue on other “local residential streets.”

For roads that meet eligibility requirements above, FCDOT will need contact information of community members, typically 4 to 5 residents, who can serve as community task force members. One resident needs to be identified as a lead contact for the task force.

Responsibilities of task force members will include:

- Informing the community of the request for a cut-through study.
- Providing community expectations to FCDOT prior to the selection of cut-through measures.
- Reviewing and approving proposed cut-through measures.
- Building community support for the cut-through measures.
- Distributing, by mail or in person, the ballots to the property owners in the defined Primary Use Area (as discussed below).
- Arranging all costs associated with the production, distribution, and return postage of the ballots.

#### **Step 2: Plan Development**

FCDOT conducts a study to determine the nature of the cut-through traffic issue and potential cut-through measures to address the issue and their potential impacts.



The study will address the following components:

i. Identify cut-through issue, proposed measures and their impacts

FCDOT will select traffic control techniques for cut-through traffic measures that conform to the most current adopted editions of the Manual of Uniform Traffic Control Devices (MUTCD) and the Virginia Supplement to the MUTCD, VDOT's Road and Bridge Specifications and Standards and Road Design Manual.

Traffic control measures may include:

- Regulatory signs that prohibit certain traffic movements.
- The use of barriers that physically prevent certain vehicular traffic movements.

After the conceptual plan is developed, FCDOT meets with the task force and District Supervisor's staff, to review the conceptual plan and available options, solicit feedback, and seek concurrence of the plan from the task force members. Adjustments to the conceptual plan may be made at this time.

FCDOT will identify and document the following:

- The nature and origin of the cut-through traffic issue.
- Cut-through measures to address the issue.
- Consideration of any significant impacts on operations and safety.

ii. Consultation with VDOT

FCDOT will conduct a preliminary review of recommended remediation measures with VDOT.

iii. Consultation with Local Officials

Potential impacts of the proposed cut-through measures on Fire & Rescue routes, bus routes and student commutes of nearby schools shall be considered and the associated officials, including Fairfax County Police Department who may be involved in enforcing the measures, consulted as appropriate.

iv. Other Affected Localities

Where the candidate street for cut-through measures or the identified alternate route potentially extends into or impacts an adjacent locality, FCDOT will obtain concurrence from the governing body of the affected locality for the portion of

the identified streets within their boundaries and the operational or safety impacts on their streets imposed by the proposed cut-through measures. If agreement with the affected localities cannot be reached, the VDOT District Administrator will render a binding decision.

v. **Study Documentation**

Upon completion of the study, FCDOT will submit the study, along with the following documentation for VDOT's review and confirmation:

- Mapping and other information identifying the candidate street for cut-through measures, the alternative routing and the Primary Use Area, including street names, route numbers, and functional classification of streets.
- Documentation of the methodology used and the associated data used to determine that the candidate street meets the residential cut-through traffic volume.
- Data and related analysis demonstrating the nature and origin of the cut-through traffic.
- Description of the proposed cut-through traffic measures.
- The assessment of any impacts of the proposed measures, such as on the identified alternate route, including related data and analysis.

Where VDOT identifies revisions to the study such as a change to the Primary Use Area, the nature of the identified cut-through traffic issue, the alternate route, the impacts of imposed measures etc., they will coordinate with FCDOT on appropriate adjustments.

**Step 3: Community Engagement**

Upon VDOT's confirmation of the study and recommendations, the task force, FCDOT, and the District Supervisor's office determine a suitable date and location for a community-wide informational meeting. The task force must advertise the meeting to the entirety of the Primary Use Area at least two weeks in advance and coordinate with FCDOT to ensure that an acceptable advertising method was used. Examples include US mail, community newsletters or listservs, flyers, or road-side signage.

At the meeting, FCDOT will present the results of the study and the recommended cut-through traffic measures to the community within the Primary Use Area and hold a review period of 30 days following the meeting.

**Step 4: Ballot Phase**

After the community information meeting, representatives of the task force, in collaboration with the District Supervisor's office, conduct a vote to approve or disapprove the proposed measures to control cut-through. The following rules will govern the approval:

- Voting shall be conducted by ballot, with only one vote per occupied residence or business allowed.
- Wording on the ballot must be approved by FCDOT. A sample ballot template will be provided by FCDOT.
- Accompanying the ballot shall be voting procedures, a copy of the plan, and a letter providing information about the measures being proposed.
- Ballots must be received by a date - as pre-determined by the task force - to the appropriate District Supervisor's office. **Ballots must be submitted by the person being balloted. Task force members or any person helping with the distribution of ballots may not collect and return ballots.**
- A person who is a renter of a particular residence may vote in lieu of the owner of a particular residence, if such owner currently does not reside at the address and if approved by the HOA/CA and District Supervisor's office.
- Properties that are vacant, bank-owned properties, and properties in foreclosure may be considered as unoccupied and will not be included in the ballot process.
- A "YES" vote indicates approval for all measures; a "NO" vote indicates disapproval for all measures.
- Ballots received after the voting deadline are to be unopened and not counted.
- Blank ballots or ballots marked with more than one vote are not counted.
- At least 2/3 of the occupied residences or businesses on the streets identified in the Primary Use Area must support the cut-through plan to be implemented.
- All costs for ballot production, distribution, and return postage are the responsibility of the task force.

#### **Step 5: Public Meeting**

Upon confirmation that the proposed cut-through measures have the required community support from those within the Primary Use Area, FCDOT holds a public meeting to provide for public input on the study recommendations. This meeting will allow residents outside the Primary Use Area to provide input to the Board and VDOT.

Thirty days prior to the public meeting, a notice of the public meeting is made to the community.

Notice shall include:

- the action to be taken

- the date of the public meeting
- contact information for questions and to submit comments

Notice is made:

- by posting signs along the route proposed for cut-through measures
- through media normally used by VDOT or the locality, HOA, CA etc. to inform the local community of events and activities, such as websites, bulletins or forums, e-mail and/or postal distribution or newspapers.

### **Step 6: Board Endorsement**

Following the balloting and public meeting, FCDOT will take the proposal to the Board for its endorsement. Upon Board endorsement, the Board resolution, along with the following are conveyed to VDOT:

- Description of the measures to be implemented.
- Confirmation of support of the proposal.
- Funding to be used for implementation\*.
- Confirmation that local law enforcement will enforce any proposed regulatory measures, if appropriate.
- Synopsis and transcript of the public meeting

\*The approved cut-through traffic measures may be funded with state secondary road funds with the concurrence of the Board of Supervisors. Due to limited secondary funding, local funds may also be needed, particularly for measures other than signs.

### **Step 7: Implementation**

VDOT reviews the Board resolution and confirms the measures to be implemented.

Prior to implementation of the identified measures:

- FCDOT will notify the Board of the date of implementation.
- Signs providing notification of the pending action will be placed on the affected street(s) for a 30-day period.
- Temporary installation of physical barriers may be implemented to evaluate effectiveness.

Upon approval, FCDOT implements the proposed measures. VDOT may assist with or carry out the implementation.

### **Step 8: Review**

After the cut-through measures have been in operation for at least 30 days, if an issue arises or as otherwise deemed necessary, a review of the installed measures may be made to determine their effectiveness and safety.

If the review indicates the cut-through measures have resulted in an operational or safety issue, the modification or removal of the measures may be required. VDOT will coordinate with FCDOT on the appropriate actions to be taken.

**Appendix A: List of Measures to Control Cut-Through Traffic**

- Regulatory Signs
  - No left turn (R3-1)
  - No right turn (R3-2)
  - No turns (R3-3)
  - No straight through (R3-27)

*May be used in conjunction with supplementary plaque specifying the times it applies or indicating "Except by Permit" or "Except Buses or by Permit"*

- Barriers
  - Diagonal Diverter
  - Half Closure
  - Full Closure
  - Median Barrier
  - Forced Turn Island

ADOPTED BY THE COMMONWEALTH TRANSPORTATION BOARD MAY 9, 1996

POLICY AND PROCEDURES

CONTROL OF RESIDENTIAL CUT-THROUGH TRAFFIC

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POLICY ON RESIDENTIAL CUT-THROUGH TRAFFIC

It is Commonwealth Transportation Board policy that the Virginia Department of Transportation (VDOT) will recognize the problems associated with residential cut-through traffic and implement appropriate remedial measures wherever feasible.

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INTRODUCTION

This policy and attendant procedures identify the specific responsibilities and requirements of VDOT and of the affected county/town in addressing concerns relating to cut-through traffic on local residential streets.

VDOT and the Counties/Towns are partners in the administration of these processes and procedures. A good working relationship between VDOT and the Counties/Towns is important for this partnership to function effectively.

---

DEFINITIONS

Residential Cut-Through Traffic is traffic passing through a specific residential area without stopping or without at least one trip end within the area. It is traffic that would be better served by the local street system intended for through traffic, but, for various reasons, uses the residential street system.

---

Local Residential Streets are streets within a neighborhood that provide direct access to abutting land uses and serve only to provide mobility within that locality.

---

Primary Use Area is all local residential streets within a community whose traffic operational characteristics may be altered by operational changes to the candidate street(s) for residential cut-through traffic study, or by a change to any street that provides access to that community.

---

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## PURPOSE

The purpose of these procedures is to provide clear guidelines for studying the issues of residential cut-through traffic and implementing the recommended remedial measures.

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## COUNTY/TOWN RESPONSIBILITIES

To initiate these procedures, the county/town must:

- \* Identify the problem of residential cut-through traffic.
- \* Request, by resolution of the local governing body, that VDOT review and address possible solutions to the identified problem. This request is submitted to the local resident engineer, along with the following support data.

### Support Data Requirements

1. Functional classification of the street(s) in question as a local residential street and its relationship to the comprehensive plan.
2. Identification of the primary use area, including all streets that are accessed primarily by using the street(s) in question and the associated peripheral roadway networks. Also, include the functional classification and relationship to the comprehensive plan for all streets in the primary use area.
3. Verification by the county/town that cut-through traffic on the local residential street to be studied is 40% or more of the total one hour, single direction volume, and that a minimum of 150 cut-through trips occur in one hour in one direction. Acceptable planning techniques may be used to determine the amount of cut-through traffic. A description of the technique used should be provided to VDOT along with the vehicle volume data.
4. Verification by the county/town that a petition outlining the perceived problem and signed by at least 75 percent of the total occupied households within the primary use area is valid.



5. Identification of alternative routes for through traffic if travel is restricted on the street(s) in question.

- 
- \* It is suggested that the support data requirements be collected in the above order as a means of screening requests.
  - \* It is further suggested that the county/town consider documenting procedures for performing its responsibilities.
  - \* If the support data requirements are not met, the process is terminated, except as otherwise set forth herein.
- 

#### **VDOT RESPONSIBILITIES**

It is the responsibility of VDOT to complete a study of the roadway network identified in the formal request. This study will be conducted in the following four phases:

1. The resident engineer, upon receipt of the adopted resolution, will review and submit it, along with any recommendations, to the district administrator.

When the county/town submits a study request to VDOT, a field meeting should be held between the county/town and VDOT staff. If a simple solution can be agreed upon at this meeting, an initial study or public hearings may not be necessary. VDOT should implement the solution and, following an after study, modify as needed.

When the solution is expected to generate a great deal of public interest or to significantly impact access and traffic circulation, a task force of representatives from VDOT, county/town board of supervisors, and county residents may be formed to support and advise the study effort.

2. As directed by the district administrator, the district traffic engineer will conduct the necessary studies and the evaluation of the county/town request. The district traffic engineer's study may include, but not necessarily be limited to:

- \* Detailed traffic counts on existing affected streets and potentially affected streets.
  - \* Intersection analyses on the proposed alternative route(s). (Residential cut-through traffic controls can be imposed only if there are acceptable alternate routes).
  - \* Identification of potential adverse safety impacts.
  - \* Identification of the geometrics of the existing facilities in light of the traffic analysis.
  - \* Speed analyses on affected street(s).
  - \* Pedestrian circulation and safety analyses in the study area.
3. Subsequent to completing the necessary traffic studies, the district traffic engineer will provide the district administrator with his findings and recommendations. These recommendations will include alternatives for addressing residential cut-through traffic, including any sketches or diagrams necessary to implement the alternatives and the impact of each alternative on the existing roadway network.
- 
4. The district administrator will determine the appropriate alternatives and advise the resident engineer, who will convey the findings and recommendations of VDOT to the county/town.

**Note:**

If the local governing body and the district administrator fail to agree on the remedial measures to be implemented, the governing body may appeal to the Commonwealth Transportation Commissioner. The Commonwealth Transportation Commissioner will analyze all the supporting data and render a decision, which will be binding.

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COUNTY/TOWN/VDOT  
JOINT  
RESPONSIBILITIES

1. The county/town, upon receipt of the VDOT findings and recommendations, shall solicit and receive written comments thereon from appropriate local agencies such as fire, police, rescue, school transportation, and so forth.
  2. A formal public hearing shall be held jointly by VDOT and the county/town to provide for citizen input on the VDOT findings and recommendations. Advance notice of the public hearing must be provided by VDOT and will consist of:
    - \* VDOT publishing notice in a newspaper published in or having general circulation in the county/town once a week for two successive weeks.
    - \* County/Town posting notice of the proposed hearing at the front door of the courthouse of the county/town ten days prior to the hearing.
    - \* VDOT placing signs on the affected street(s) identifying, by name and telephone number or address, an individual to answer questions concerning the findings and recommendations.
- 
3. The county/town shall furnish the resident engineer a synopsis and transcript of the public hearing and an approved resolution of the actions desired.
- 

IMPLEMENTATION

Implementation of remedial measures to remedy the residential cut-through situation shall be accomplished through the following sequence:

- \* The resident engineer shall notify the appropriate local governing body and media of the action to be taken and of the estimated date of implementation.
  - \* Signs will be placed on the affected street(s) identifying, by name and telephone number or address, an individual to answer questions concerning the pending action.
  - \* The resident engineer will implement the remedial measures, some of which may be of temporary construction pending evaluation of their effectiveness.
-

## EVALUATION

Evaluation of the remedial measures shall be accomplished as follows:

- \* After the remedial measures have been in place for generally not less than 30 days, but not more than six months, the district traffic engineer will re-study the roadway network and convey his findings and any recommendations to the district administrator.
- \* The district administrator will review the district traffic engineer's report and will provide this information to the resident engineer for transmittal to the local governing body.
- \* If it is determined that the implemented remedial measures are not appropriate, the district administrator may terminate such measures and may consider alternate measures, with notification of such action to the local governing body. If the local governing body fails to agree on the remedial measure, it may appeal to the Commonwealth Transportation Commissioner. The Commonwealth Transportation Commissioner will analyze all the supporting data and render a binding decision.
- \* If it is determined that the implemented remedial measures are an appropriate action, the local governing body will identify the source of funding for any permanent construction, as needed.

## FUNDING

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Remedial measures utilized on local residential streets that meet the support data requirements set forth above may be fully funded with state secondary roads funds with concurrence of the local boards of supervisors.

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**CONTROL OF RESIDENTIAL CUT-THROUGH TRAFFIC FOR CERTAIN COLLECTOR ROADS AND  
LOCAL RESIDENTIAL STREETS NOT MEETING THE RESIDENTIAL CUT-THROUGH TRAFFIC  
SUPPORT DATA REQUIREMENTS**

**COLLECTOR ROADS**

Some roads, although officially classified as collector, function more like local streets and remedial measures may be appropriate in these cases. Further, it is recognized that each county or town may have unique needs, and difficulties exist in applying a statewide policy to meet all of these needs. The collector roads mentioned above may otherwise qualify for remedial measures but their official classifications make them ineligible under the current support data requirements.

VDOT will therefore cooperate with those counties and towns who wish to pursue a more aggressive program to include certain collector roads provided an agreement is reached between VDOT and the county/town as to the types of remedial measures and the amount of VDOT funding participation (up to 50 percent of the cost) prior to any individual study being conducted.

**LOCAL RESIDENTIAL  
STREETS NOT  
MEETING SUPPORT  
DATA REQUIREMENTS**

For local residential streets not meeting the support data requirements (e.g., insufficient cut-through traffic), VDOT will cooperate with those counties and towns who wish to pursue a more aggressive program provided an agreement is reached between VDOT and the county/town as to the types of remedial measures and the amount of VDOT funding participation (up to 50 percent of the cost) prior to any individual study being conducted.

**MEMORANDUM OF  
UNDERSTANDING**

Prior to providing remedial measures on individual collector roads and local roads not meeting the residential cut-through traffic support data requirements, a Memorandum of Understanding or Memorandum of Agreement shall be negotiated and agreed upon between the local government and the VDOT district administrator.

**ALLOWABLE  
REMEDIAL MEASURES**

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Traffic control techniques that do not conform with national standard practices for the type of road where the proposed remedial measures are to be placed will be excluded. For example, a collector road identified for remedial measures can not have speed humps installed to discourage residential cut-through traffic. As a second example: Note that four way stops are acceptable.

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**PROCEDURES**

Once the Memorandum of Understanding has been negotiated and agreed upon, processes and procedures as outlined for local residential streets shall be followed.

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\* \* \* End \* \* \*

## **COMMONWEALTH TRANSPORTATION BOARD**

### **POLICY AND PROCEDURES**

#### **CONTROL OF RESIDENTIAL CUT-THROUGH TRAFFIC**

##### **INTRODUCTION**

Section 46.2-809.1 provides that the Commonwealth Transportation Board (CTB) *may develop a residential cut-through traffic policy and procedure for the control of residential cut-through traffic on designated secondary highways.*

This document sets forth the CTB policy and procedures for the control of residential cut-through traffic on such secondary highways.

##### **POLICY ON RESIDENTIAL CUT-THROUGH TRAFFIC**

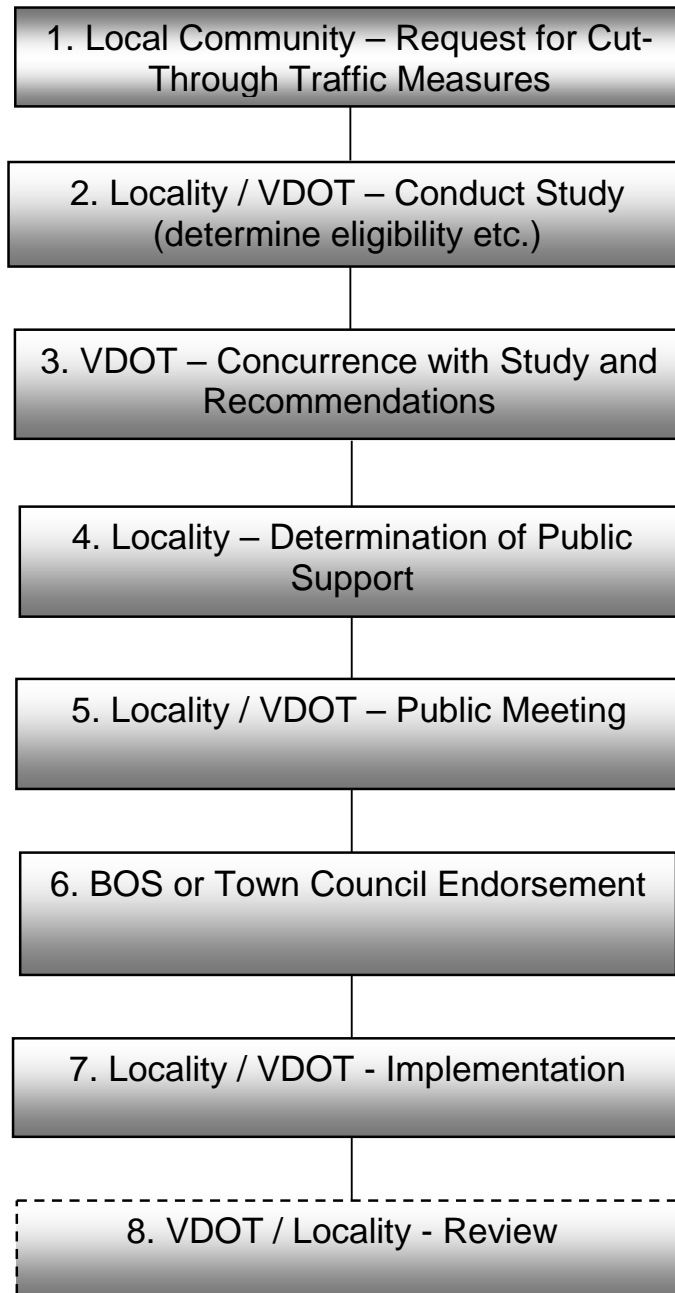
The policy of the Commonwealth Transportation Board is that the Virginia Department of Transportation (VDOT) will recognize the problems associated with residential cut-through traffic on secondary highways and consider reasonable corrective measures that conform to national standards, use and practice for traffic engineering applications.

##### **PROCEDURE**

The procedure for identifying, studying and addressing issues of residential cut-through traffic on secondary highways and the respective roles of the locality and VDOT are laid out in this document.

An overview of the process and the responsible party for each respective task is below:

## THE CUT-THRU TRAFFIC PROCESS





## DEFINITIONS

Residential Cut-Through Traffic is defined in Section 46.2-809.1 as *vehicular traffic passing through a residential area without stopping or without an origin or destination within the area*. Such traffic utilizes a “local residential street” rather than streets whose primary function is to accommodate through traffic.

Local Residential Street is a street within a neighborhood with a functional classification of “local” that primarily provides direct access to residences and other abutting land uses intended for the neighborhood’s use (e.g. a playground or recreation center) or for mobility within the neighborhood. Such streets generally have a speed limit of 25 mph or less.

Note: Streets with a functional classification of “local” that historically served through traffic in an undeveloped or rural area and subsequently experienced significant residential development without provision of other higher functioning roads to accommodate that historical pattern of through traffic, are presumed to still be intended for through traffic and are not considered a “local residential street” for purposes of this policy.

Primary Use Area includes all streets whose residents must traverse the cut through street as the most direct vehicular travel route to their residence, regardless of county or town boundaries.

Note: The section of street identified for cut-through traffic measures and the associated primary use area may not be artificially terminated so as to exclude an adjacent locality or section of street whose residents must likewise traverse the cut through street as the most direct vehicular travel route to their residence.

## PROCESS FOR CUT-THROUGH TRAFFIC

### 1. REQUEST FOR CUT-THROUGH TRAFFIC MEASURES – LOCAL COMMUNITY

Requests for cut-through traffic measures originate from the Homeowners Association (HOA) or Civic Association (CA) for the neighborhood and are submitted to the BOS or Town Council. If there is no HOA or CA, the request may originate from a group comprised of at least 10 residences (or 10% of residences) along the street where cut-through traffic measures are requested. If the BOS or Town Council agrees to pursue cut-through traffic measures, they request the locality to conduct a study to determine the eligibility of the candidate street for cut-through traffic measures and identify appropriate traffic control measures to address the cut-through traffic issue.

### 2. CONDUCT STUDY (determine eligibility, identify potential measures and impacts etc.) – LOCALITY / VDOT

The locality conducts a study to determine the eligibility of the street proposed for cut-through measures, the nature of the cut-through traffic issue, potential cut-through measures to address the issue and their potential impacts. VDOT confirms interim study findings and conclusions etc. and may assist with the study, depending on the capabilities of the locality, the local VDOT District funding priorities and availability of resources. The study will address the following components.

#### i. Eligibility

To be eligible for consideration of cut-through traffic measures the locality first verifies that the street proposed for cut-through traffic measures is a secondary road (route is numbered 600 or above) in the state system of highways and is a “local residential street” as defined above.

ii. Additional Requirements

For streets meeting the above eligibility requirements, the locality then determines that the requirements listed below are met. In order to assess these requirements the locality first identifies the “primary use area” pertaining to the street identified for cut-through measures, then determines if:

- For at least one hour of the day on a typical travel day of concern (typically a weekday, excluding holidays but may be other days/times of day) in a single travel direction, the street must have a minimum “residential cut-through traffic” volume of 150 vehicles or more that comprises 40% or more of the total vehicular traffic in the same hour and travel direction (e.g. on a street for a particular travel day where there is a total hourly traffic volume of 1,375 vehicles in a single travel direction, 550 or more vehicles within the same hour and travel direction must be cut-through traffic).
- There is a reasonable alternate route for traffic to avoid potential cut-through measures on the candidate street that does not create a similar or greater cut-through traffic issue on other “local residential streets.” Residential cut-through traffic controls may only be imposed where such an alternate route can be reasonably identified. In determining a reasonable alternate routing, consideration must be made to its suitability to carry the additional traffic (operations and safety per Section iii), continuity/connectivity and the additional time and distance imposed on motorists.

iii. Identify cut-through issue, proposed measures and their impacts

If it is determined that the additional requirements are also met, the locality then identifies and documents:

- The nature and origin of the cut-through traffic issue (e.g. cut-through traffic is due to left-turning vehicles at a connecting street upstream during the a.m. peak traffic period). Note: in some cases improvements to the surrounding street network, such as updating signal timings at associated intersections etc. may alleviate the cut-through traffic issue.
- The recommended cut-through measures to address the issue (e.g. post signs restricting left turns during the a.m. peak traffic period).
- Consideration of any significant impacts on operations and safety such as on the identified alternate route due to the extent of traffic diverted by the proposed cut-through measures which may create extended traffic queues and delay at intersections or decreased safety for pedestrian circulation and activity.

iv. Selection of Cut-Through Traffic Measures

VDOT’s Guidance for Measures to Control Cut-Through Traffic provides guidance for the selection and application of the appropriate cut-through traffic measures. Traffic control techniques used for cut-through traffic measures must conform to traffic engineering standards and practice and may include regulatory signs that prohibit certain traffic movements and the use of barriers that physically prevent certain vehicular traffic movements. § 46.2-830 provides that the Commissioner of Highways may mark state highways and provide a uniform system of

traffic control devices for such highways under the jurisdiction of the Commonwealth and that all drivers of vehicles shall obey such lawfully erected traffic control devices.

v. Consultation with Local Officials

Potential impacts of the proposed cut-through measures on Fire & Rescue routes, bus routes and student commutes -walking or driving- of nearby schools shall be considered and the associated officials, including law enforcement who may be involved in enforcing the measures, consulted as appropriate. The study recommendations should consider and address concerns appropriately.

vi. Other Affected Locality's

Where the "primary use area," the candidate street for cut-through measures or the identified alternate route potentially extends into or impacts an adjacent locality, concurrence must be obtained from the affected locality for the portion of the identified streets within their boundaries and; for the operational or safety impacts on their streets imposed by the proposed cut-through measures. If agreement between the localities cannot be reached on the various issues, the VDOT District Administrator will render a binding decision.

vii. Study Documentation

Upon completion of the study that addresses the previous requirements, the locality submits the study along with the following documentation for VDOT's review and confirmation.

- Mapping and other information identifying the candidate street for cut-through measures, the alternative routing and the "primary use area" including street names, route numbers, functional classification of streets etc.
- Documentation of the methodology used (e.g. trip generation methods) and the associated data (e.g. # of residences, trip rates, traffic count data etc.) used to determine that the candidate street meets the residential cut-through traffic volume.
- Data and related analysis demonstrating the nature and origin of the cut-through traffic
- Description of the proposed cut-through traffic measures (type, location, time of day etc.)
- The assessment of any impacts of the proposed measures such as on the identified alternate route including related data and analysis etc.

### **3. CONCURRENCE WITH STUDY AND RECOMMENDATIONS – VDOT**

VDOT reviews the study results and recommendations, notes any additional items or limitations etc. that need to be addressed and confirms the eligibility of the street for cut-through measures and approves the study results and recommendations for proposed cut-through traffic measures and their relative impacts.

Where VDOT identifies revisions to the study such as a change to the "primary use area," the nature of the identified cut-through traffic issue, the alternate route, the impacts of imposed measures etc. they will coordinate with the locality on appropriate adjustments.

Streets not meeting eligibility criteria

For streets not eligible for cut-through traffic measures, mitigation provided under other VDOT residential programs can be considered, as the requirements for those programs varies.

#### Disagreement between Localities

Where there is a disagreement between the parties (the locality originating the proposal, an adjacent locality and/or VDOT) in regard to the study conclusions or recommendations, the VDOT District Administrator will render a binding decision.

### **4. DETERMINATION OF COMMUNITY SUPPORT - LOCALITY**

#### Community Review

Upon VDOT's confirmation of the study and recommendations, the locality presents the results of the study and the recommended cut-through traffic measures to the community within the "primary use area" for a review period of 30 days. The study recommendations may be presented via a public meeting and/or by a combination of other means normally used by the locality, HOA, CA etc. to properly inform the local community such as websites, bulletins or forums, e-mail and/or postal distribution or newspapers.

#### Conduct Survey, petition etc.

After the community has reviewed the proposal, the locality conducts a petition, survey, or other appropriate process to determine if the required level of community support for implementation of the proposed cut-through measures is met. At least 2/3 of the occupied residences on the streets identified in the "primary use area" must support the proposed cut-through measures as indicated by their signature on a petition or by a ballot/vote etc. where each residence gets a single ballot/vote or signature.

### **5. PUBLIC MEETING – LOCALITY / VDOT**

Upon confirmation that the proposed cut-through measures have the required community support, the locality holds a public meeting to provide for public input on the study recommendations.

#### Pre-Public Meeting Requirements

Thirty days prior to the public meeting, a notice of the public meeting is made to the community. Notice shall include the action to be taken, the date of the public meeting and contact information for questions and to submit comments. Notice is made by (i) posting signs at the terminus of the route proposed for cut-through measures and (ii) a notice through media normally used by VDOT or the locality, HOA, CA etc. to inform the local community of events and activities such as websites, bulletins or forums, e-mail and/or postal distribution or newspapers. Additionally, the appropriate state and local elected officials representing the residents in the primary use area and any adjacent (affected) localities should be notified of the public meeting.

#### VDOT participation in public meeting

The local VDOT office will coordinate with the locality on their involvement in the public meeting.

### **6. BOS OR TOWN COUNCIL ENDORSEMENT**

Following the public meeting, and after appropriate consideration of the public comments received, the BOS or Town Council submits a resolution to VDOT indicating their endorsement for the implementation of cut-through measures and (i) a description of the measures to be implemented (ii) confirmation that the proposal has the appropriate public support and that at least 2/3 of the occupied residences in the “primary use area” support the proposal (iii) the funding to be used for implementation (iv) confirmation that local law enforcement will enforce any proposed regulatory measures, if appropriate.

The approved resolution is conveyed to VDOT along with (i) a synopsis and transcript of the public meeting and (ii) verification and supporting documentation (survey packet, survey methodology etc.) demonstrating that a valid petition, survey or other process was conducted to determine that the required threshold for community support (2/3 of the occupied residences in the “primary use area” concur with the proposed cut-through measures) was obtained.

### Funding

The approved cut-through traffic measures may be funded with state secondary road funds with the concurrence of the board of supervisors. Due to limited secondary funding, local funds may also be needed, particularly for measures other than signs.

## **7. IMPLEMENTATION –LOCALITY / VDOT**

VDOT reviews the BOS or Town Council resolution and confirms the measures to be implemented.

### Implementation

Prior to the implementation of the identified measures:

- Notification to the BOS or Town Council is made of the pending action and the date of implementation.
- Signs providing notification of the pending action will be placed on the affected street(s) for a 30-day period with contact information of appropriate person(s) to answer questions.
- Implementation of the cut-through measures may include temporary construction to allow for the evaluation of their effectiveness.

The Locality then implements the proposed measures, in consultation with VDOT and where they have the appropriate VDOT permitting to complete such work on VDOT’s right-of-way. VDOT will assist with or carry out the implementation, depending on the capabilities of the locality and the VDOT District funding priorities and resources.

## **8. REVIEW – VDOT / LOCALITY**

After the cut-through measures have been in operation for at least 30 days, if an issue arises or as otherwise deemed necessary, a review of the installed measures may be made to determine their effectiveness and safety. If the review indicates the cut-through measures have resulted in an operational or safety issue, the modification or removal of the measures may be required. VDOT will coordinate with the locality on the appropriate actions to be taken. Typically, any modifications or removal of measures will be conducted by the party that implemented the original measures, utilizing the same source of funding.

VDOT will typically conduct a review of the installed measures however, where the locality installed the measures and if VDOT agrees, they may conduct the review in consultation with VDOT, informing VDOT of the results along with the appropriate documentation.

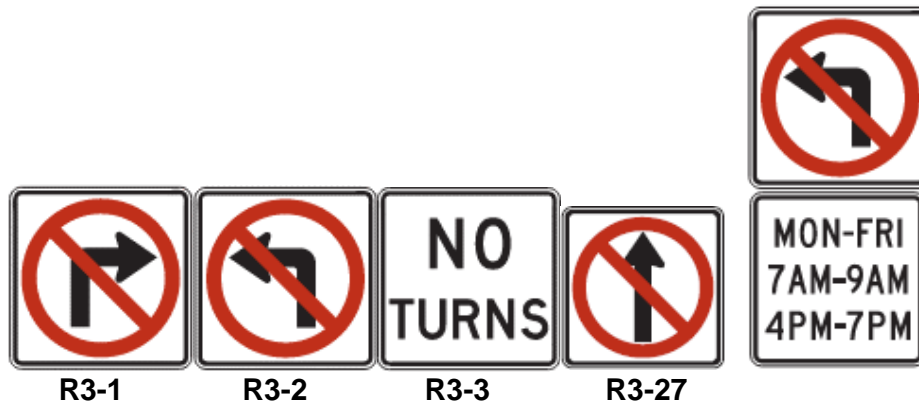
## VDOT GUIDANCE FOR MEASURES TO CONTROL CUT-THROUGH TRAFFIC

Traffic control techniques used for cut-through traffic measures must conform to standard traffic engineering practice for such applications in conformance with the most current adopted editions of the Manual of Uniform Traffic Control Devices (MUTCD) and the Virginia Supplement to the Manual of Uniform Traffic Control Devices, VDOT's Road and Bridge Specifications and Standards and Road Design Manual.

Traffic control applications may include regulatory signs that prohibit certain traffic movements or barriers that physically prevent certain vehicular movements. Barrier applications must conform to any applicable VDOT design standards and specifications. Below is guidance for various applications however, there may be other viable applications not included here.

### Regulatory Signs

Various regulatory signs placed appropriately at an intersection in conformance with the MUTCD etc. (per above) can be used to prohibit certain traffic movements in order to control cut-through traffic. Examples of such signs that may be used are below.



To illustrate the use of these signs, where a cut-through traffic issue is due to left-turning traffic, a sign restricting left turns could be installed. Typically, such issues occur at specific times of the day therefore, a regulatory sign restricting left turns would also include a supplementary plaque specifying the times it applies (as shown on above sign on the far right).

NOTE: Where these signs are used in conjunction with Virginia Code Section 15.2-2022.1, a supplementary plaque would be added indicating "Except by Permit" or "Except Buses or by Permit" where buses are also exempted to allow residents in the designated area to make turns where they would otherwise be restricted. The application of Section 15.2-2022.1 is limited to use by a county operating under the urban county executive form of government (presently this is only Fairfax County), after an ordinance providing for the issuance of permits to residents in a designated area which allows them to make turns into or out of the area where they are otherwise restricted.

## Other Signs

Various signs are sometimes used where they are not specifically intended under standard traffic engineering practice. For example, All-Way stops (AWSC) are sometimes used at one or more intersections along a street in an attempt to reduce cut-through traffic or slow traffic. However, such use where it is not warranted may introduce additional safety risks. For example, numerous studies show that unwarranted stop signs may increase safety risks to crossing pedestrians as well as vehicles who presume motorists will stop as required at a stop sign when in reality they may proceed without stopping, in an attempt to make up lost time for stops they perceive as unnecessary.

Therefore AWSC should only be used per standard traffic engineering practice in conformance with the MUTCD which refers to their use to address a specific safety issue at an intersection such as where approaching traffic encounters an intersecting street/location with a high volume of crossing vehicles/pedestrians and/or cannot properly see such crossing vehicles/pedestrians, thus requiring a stop.

## Barriers

Barriers can be constructed in various configurations to physically prevent certain vehicular traffic movements while still allowing access for pedestrians and bicycles as well as emergency vehicles in some instances by utilizing mountable curb or bollards etc.

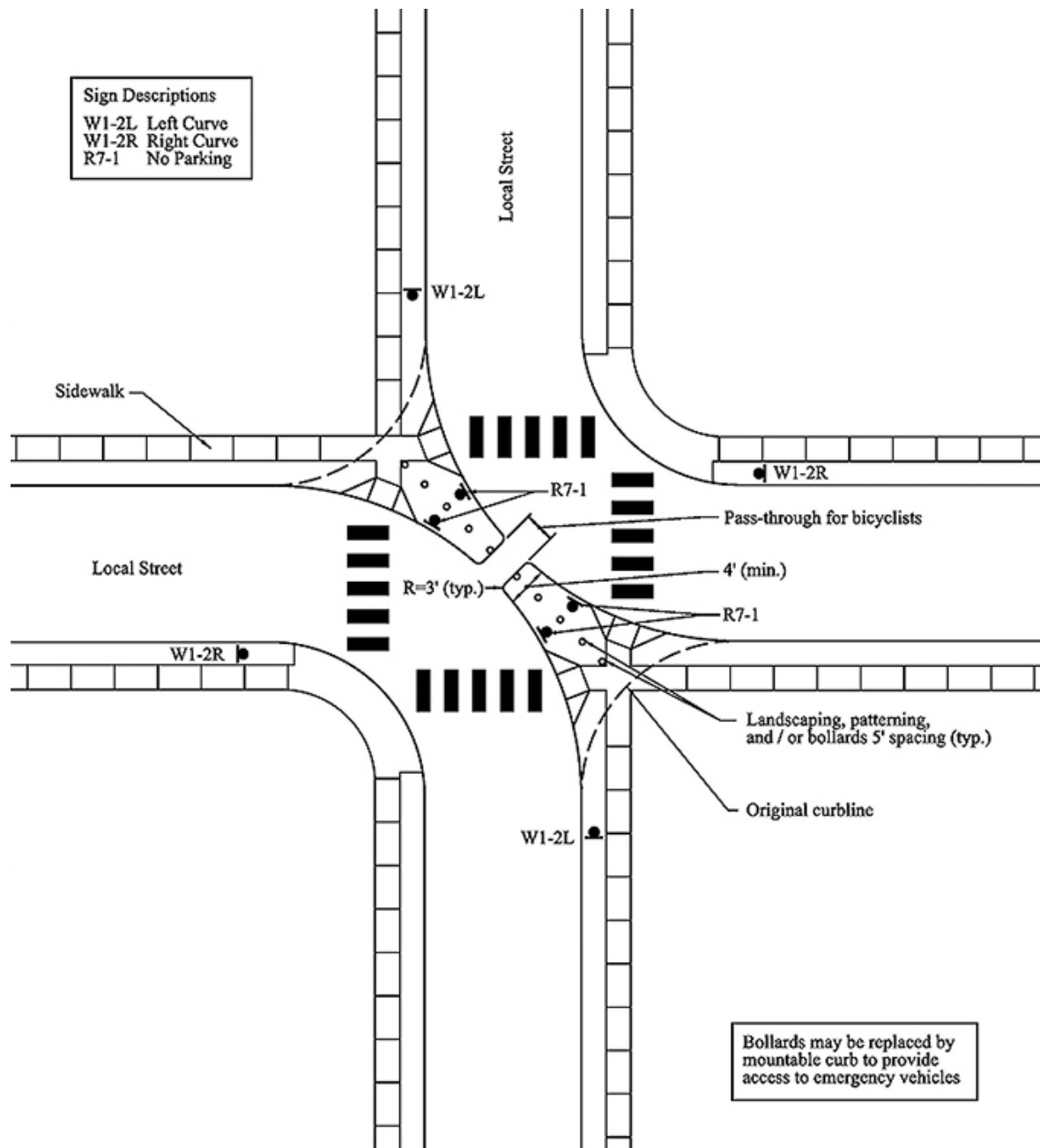
There are various disadvantages with barriers such as they are in effect (i.e. restrict traffic) for all hours of the day, prohibit (apply to) all types of traffic (i.e. through-traffic as well as local traffic) and impede emergency and transit access as well as large trucks. However, barriers should be constructed to allow access by bicyclists and pedestrians and; provide access for emergency vehicles where applicable by utilizing mountable curb, bollards etc.

Examples of the potential application of barriers drawn from the Federal Highway Administration (FHWA) "Traffic Calming e-primer" (see [https://safety.fhwa.dot.gov/speedmgt/ePrimer\\_modules/module3pt3.cfm#mod321](https://safety.fhwa.dot.gov/speedmgt/ePrimer_modules/module3pt3.cfm#mod321)) are below and include; diagonal diverters, full closures, half closures, median barriers and forced turn islands.

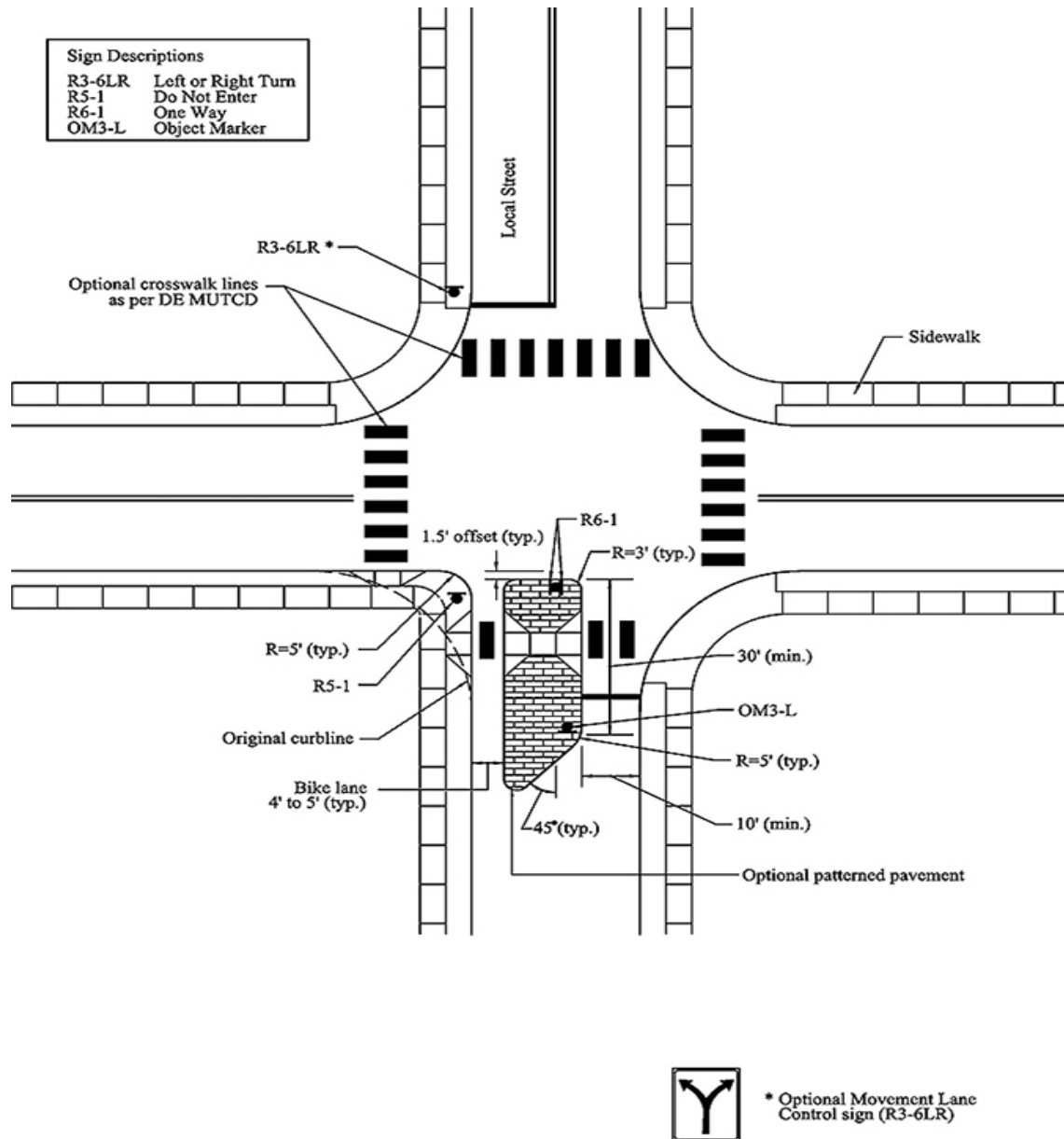
Note: Refer to the above FHWA site for further details on the appropriate application and implementation of the various barriers which may have limitations in regard to their design, operational aspects, maintenance and location/placement. Additional constraints may apply as well in regard to speed limit, vehicle speeds, traffic volumes, emergency vehicles, large buses and trucks etc. Additionally, various barriers may require regulatory or warning signage to properly inform motorists of the approaching barrier, their maximum speed and prohibited or allowable actions (e.g. right turn only, dead end etc.) etc.



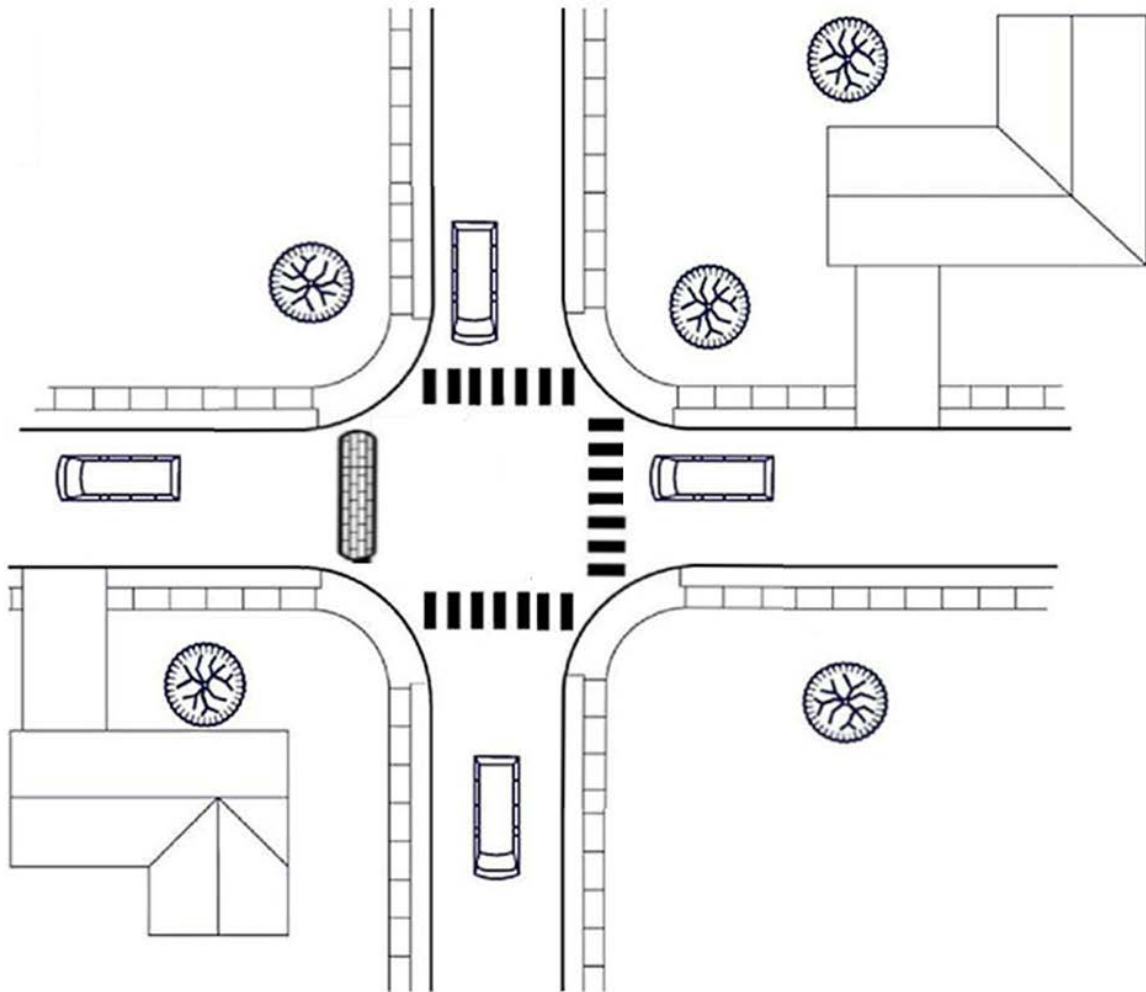
**DIAGONAL DIVERTER** - A diagonal diverter is a physical barrier placed diagonally across a four-legged intersection that prevents straight-through vehicular traffic movements at an intersection, and thus creates two unconnected intersections. The design can be modified by utilizing mountable curb to allow through access by emergency vehicles. The design used by the Delaware Dept. of Transportation per below provides full pass-through access for bicycles and pedestrians.



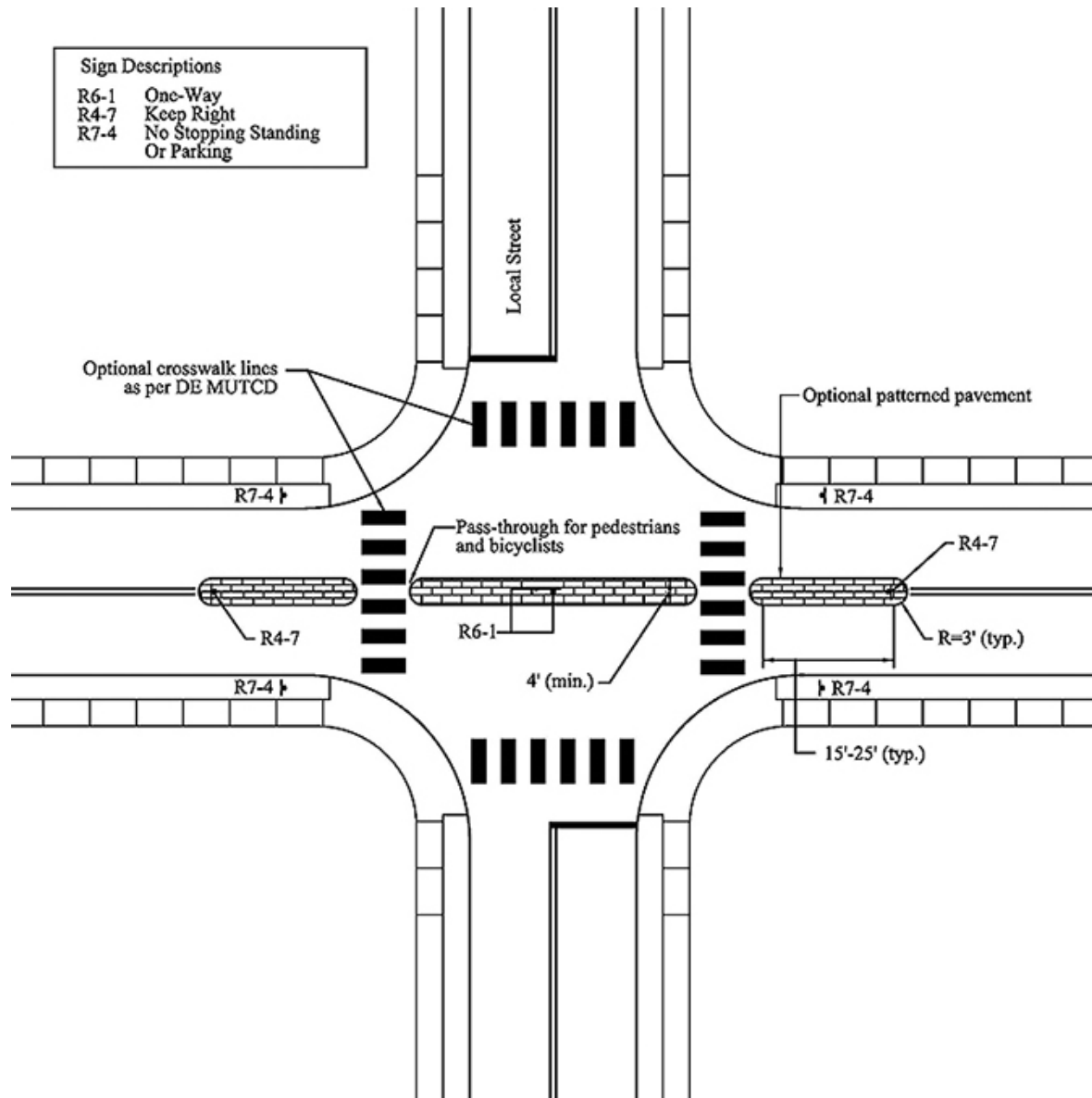
**HALF CLOSURE** - A half closure is a physical barrier placed at an intersection to prevent selected vehicle traffic movements to or from the intersection, blocking vehicle travel in one direction thus creating a one-way street for a short distance on an otherwise two-way street. A half closure can block either entering or exiting traffic, depending on its placement. The design used by the Delaware Dept. of Transportation per below provides full access for bicycles and pedestrians.



**FULL CLOSURE** – Involves a physical barrier that completely closes the street to through vehicle traffic, either at an intersection or midblock. Various types of barriers may be used to achieve full closure such as a landscaped island, wall, gate, side-by-side bollards, or any other obstruction that leaves an opening smaller than the width of a passenger car. At the entrance to the full closure block, a Dead End or Cul-de-sac sign is required. There are no pavement markings specific to this measure.



**MEDIAN BARRIER** – This is a raised island placed along the centerline of a street through an intersection that prevents vehicles from traveling straight through the intersection. It can be designed to allow turns to and from the main street, while still preventing through traffic from the side street from crossing the main roadway. The design used by the Delaware Dept. of Transportation per below provides pass-through access for bicycles and pedestrians.



**Sign Descriptions**

R3-5R	Right Turn Only
R3-2	No Left Turn
R3-6LR	Left or Right Turn
R4-7	Keep Right
R5-1	Do Not Enter
OM1-3	Object Marker

Local Street

R3-6LR \*

Optional crosswalk lines as per DE MUTCD

Optional patterned pavement

R3-2

R5-1

R3-2

R=3'

Width varies with inner curb radius and angle of turn

Stop bar set back from crosswalk 4'

R4-7

R3-5R

OM1-3

R=2' (typ.)

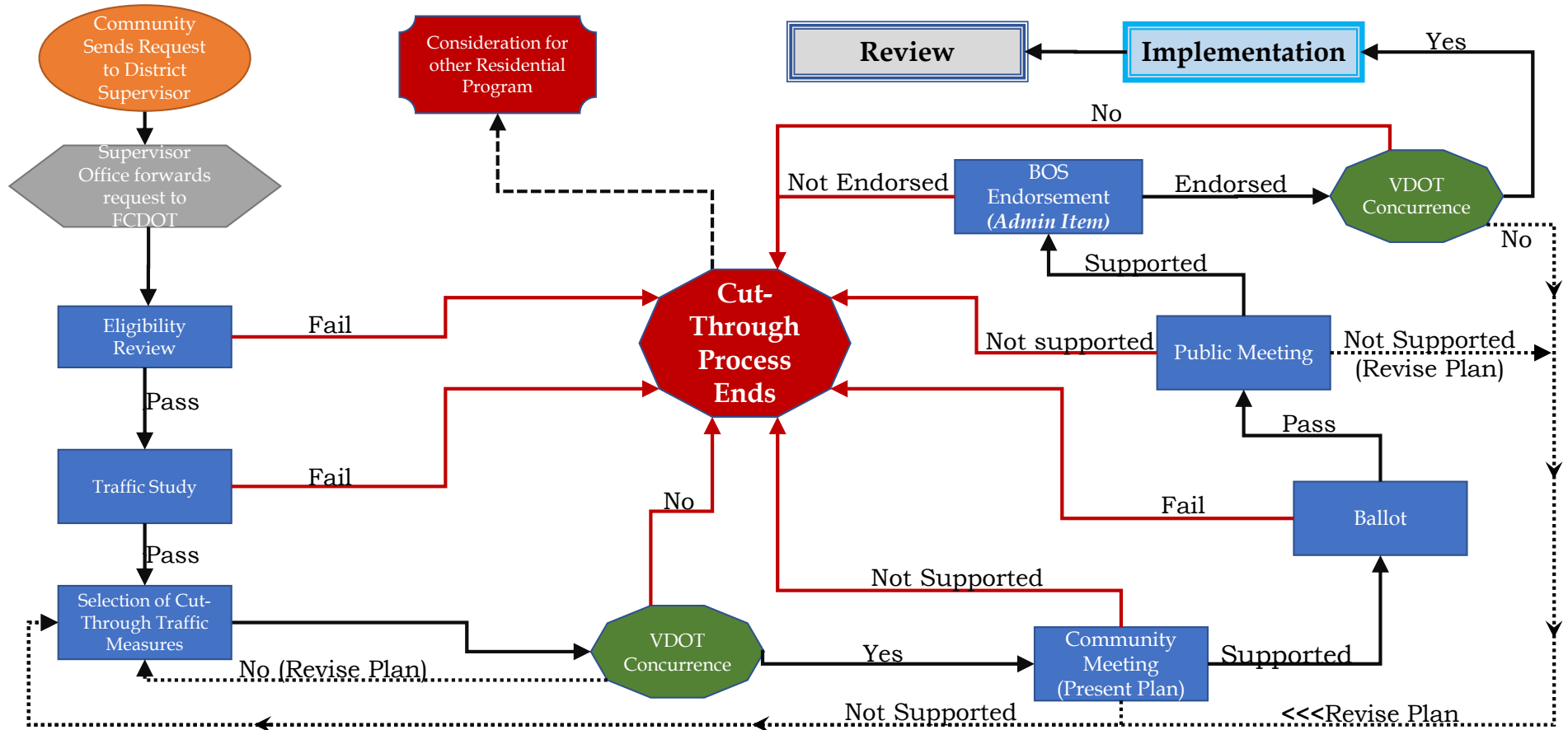
1.5' (typ.)

\* Optional Movement Lane Control sign (R3-6LR)

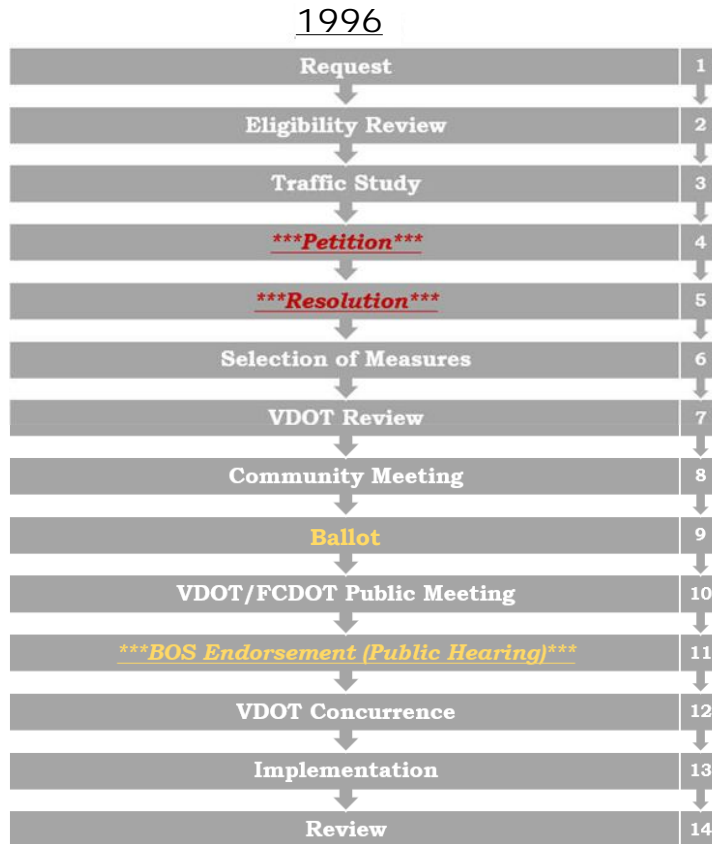
### Traffic Calming Devices

Although the primary purpose of certain traffic calming devices is to reduce vehicle speeds certain devices (speed humps, speed tables and other similar vertical devices) can also reduce traffic volumes. However, the reduction of traffic is limited to 20% on average, and may reduce local traffic as well as cut-through traffic therefore, they are not recommended as a primary means to address cut-through traffic.

# Flow Chart - Proposed



# Step Comparison





ACTION - 15

Authorization for the Department of Transportation to Apply for and Accept Grant Funding from the United States Department of Transportation's FY 2022 Safe Streets and Roads for All (SS4A) Discretionary Grant Program

ISSUE:

Board of Supervisors authorization is requested for the Fairfax County Department of Transportation (FCDOT) to apply for and accept grant funding, if received, from the United States Department of Transportation's (U.S. DOT) FY 2022 Safe Streets and Roads for All (SS4A) Discretionary Grant Program. FCDOT plans to apply for funding in the amount of \$30.0 million for the study of active transportation needs at approximately 70 schools and the design and construction of approximately 16 Safe Routes to School infrastructure projects, based on Fairfax County's Safe Streets for All Program Recommendations endorsed by the Fairfax County Board of Supervisors in May 2022. There is a 20 percent Local Cash Match requirement of \$6.0 million, which staff has identified in Fund 30050, Transportation Improvements to satisfy this requirement. Staff is proposing that the Local Cash Match be supported by \$6.0 million in funding anticipated to be approved by the Board of Supervisors as part of the *FY 2022 Carryover Review* associated with the \$100.0 million target for active transportation projects recently supported by the Board. The grant submission date is September 15, 2022, and awards should be announced in early 2023. No positions will be created through this grant program.

If the actual award(s) received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per Board policy. Board authorization is also requested for the Director of the Department of Transportation to enter into the grant agreement(s) and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

The project application requires a project endorsement resolution (Attachment 1) from the local governing body; therefore, Board approval of Attachment 1 is also requested.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors authorize FCDOT to apply for and accept grant funding, if received, from the U.S. Department of Transportation in the amount of \$30.0 million, including \$6.0 million in Local Cash Match for the FY 2022 Safe Streets and Roads for All Discretionary Grant Program; approve the project endorsement resolution (substantially in the form of Attachment 1); and

Board Agenda Item  
September 13, 2022

approve the List of Recommended Projects (Attachment 3). The County Executive also recommends that the Board authorize the Director of the Department of Transportation to enter into the grant agreement(s) and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

TIMING:

Board approval is requested on September 13, 2022, to meet the FY 2022 SS4A submission deadline of September 15, 2022.

BACKGROUND:

The U.S. DOT has published a Notice of Funding Opportunity (NOFO) for \$1 billion in grant funding through the SS4A discretionary grant program. The program helps communities around the country work toward reducing or eliminating roadway fatalities and serious injuries through development of a Safety Action Plan and implementation of infrastructure, behavioral or observational activities. The program focuses on all roadway users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micro-mobility users, and commercial vehicle operators.

The SS4A Grant Program is a new grant opportunity offered under the Bipartisan Infrastructure Law implemented on November 15, 2021. The FY 2022 Appropriations Act states that FY 2022 SS4A funds are only available for obligation through September 30, 2026, and must be expended by September 30, 2031.

The FY 2022 SS4A grants are for developing Safety Action Plans or implementing projects and strategies included in an existing Safety Action Plan. SS4A grant applications will be evaluated based on the following criteria: safety impact, equity, community engagement, innovative technologies, climate change, and economic competitiveness. The USDOT is encouraging applicants to consider how their projects can address climate change, ensure racial equity, and remove barriers to opportunity.

Formal Board authorization is requested for FCDOT to apply for FY 2022 SS4A grant funds. FCDOT staff reviewed the program's criteria and recommends applying for funds to advance implementation of the "completion of an active transportation safety audit within a mile of each public school and provide adequate funding for safety improvements, prioritizing high risk/high traffic areas" from Fairfax County's Safe Streets for All Program Recommendations (Attachment 2).

FCDOT plans to apply for funding to complete active transportation safety audits within up to a mile of approximately 70 public schools. Due to the high quantity of public

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schools in Fairfax County, the first task for the grant, if awarded, would be to prioritize the schools for the safety audits.

While the active transportation safety audits are underway on a rolling basis, Fairfax County will design and construct approximately 18 Safe Routes to School infrastructure projects. The table below contains 12 previously identified Safe Routes to School projects (described in Attachment 3) recommended by staff for implementation beginning in the first year after the grant is awarded. Based on the findings of the first group of active transportation safety audits, approximately six (6) additional Safe Routes to School infrastructure projects will be selected to begin implementation in the second year after the grant is awarded.

Several factors have been used to prioritize projects for SS4A submission, and in determining the requested amount. These factors include:

- Ability to address SS4A criteria,
- Project readiness,
- Climate change and racial equity impacts,
- Ability to leverage other funds (federal, regional, local, or private funding),
- Not included in the Transportation Priorities Plan (TPP), and
- Geographic distribution.

Project Location	District	SS4A Request
Bush Hill Drive, Ninian Avenue to Larno Drive (Bush Hill Elementary School)	Lee	\$2.1M
Blake Lane at Bushman Drive (Oakton High School & Oakton Elementary School)	Providence	\$0.7M
Braddock Road at Montrose Road (Weyanoke Elementary School)	Mason	\$1.2M
Rolling Road at Grigsby Drive (West Springfield High School)	Braddock/ Springfield	\$0.8M
Fox Mill Road at McNair Upper Elementary School driveway (McNair Upper & Lower Elementary School)	Hunter Mill	\$0.7M
Redd Road at Idylwood Road (Lemon Rd Elementary School)	Dranesville	\$0.8M
Harrison Lane at Groveton Street (Groveton Elementary School)	Lee	\$0.7M

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Mount Vernon Highway at Aquinas Montessori School driveway (Mount Vernon High School)	Mount Vernon	\$1.3M
Olley Lane at Weirich Road/Nestor Road (Frost Middle School & Woodson High School)	Braddock	\$1.2M
Chain Bridge Road at Davidson Road (McLean Hight School)	Dranesville	\$1.0M
EDS Drive, Air and Space Museum Parkway to McLearen Road (Carson Middle School)	Sully	\$1.5M
Kingsbridge Drive to Blake Lane Loop sidewalk connection (Mosaic Elementary School)	Providence	\$0.5M

These projects have not been previously approved as part of the Transportation Priorities Plan. They are new projects that qualify for the additional \$100.0 million for Active Transportation projects recently supported by the Board. Staff recommends submitting all projects in Attachment 3 for SS4A consideration by September 15, 2022.

Staff is proposing to use the \$30 million in requested grant funds as follows: \$12.5 million for the design and construction of the 12 projects listed above; \$2.5 million as contingency for these projects; \$6.0 million to further study safety audits at schools; and \$9.0 million for the design and construction of recommendations resulting from these safety audits.

FISCAL IMPACT:

Grant funding in the amount of \$30.0 million is being requested from the U.S. DOT for the study, design, and construction of high risk/traffic projects recommended in Fairfax County's Safe Streets and Roads for All Program, including the 12 projects listed in Attachment 3 as well as projects identified through active transportation safety audits supported by the grant. The 20 percent Local Cash Match requirement of \$6.0 million, which is part of the \$100.0 million for new Active Transportation Projects, is anticipated to be available in Fund 30050, Transportation Improvements, after approval of the *FY 2022 Carryover Review*. No new General Fund resources are required. This grant does not allow the recovery of indirect costs. If grant funding is awarded, formal budget appropriation will be requested at a quarterly review once the Grant Agreements have been fully executed.

ENCLOSED DOCUMENTS:

Attachment 1 – Resolution of Endorsement for FY2022 United States Department of Transportation SS4A Grant Program Applications  
Attachment 2 - Fairfax County Safe Streets for All Program Recommendations  
Attachment 3 – List of Recommended Projects for the FY 2022 Safe Streets and Roads for All (SS4A) Submission

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STAFF:

Rachel Flynn, Deputy County Executive

Tom Biesiadny, Director, FCDOT

Gregg Steverson, Deputy Director, FCDOT

Michael Guarino, Chief, Capital Projects Section, FCDOT

Ray Johnson, Chief, Funding Section, FCDOT

Lauren Delmare, Capital Projects and Traffic Engineering Division, FCDOT

Christina Cain, Coordination and Funding Division, FCDOT

## **Fairfax County Board of Supervisors Resolution**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center of Fairfax, Virginia, on Tuesday, September 13, 2022, at which meeting a quorum was present and voting, the following resolution was adopted:

### **PROJECT ENDORSEMENT RESOLUTION**

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Fairfax County, Virginia, hereby endorses and approves a submission to the United States Department of Transportation Safe Streets and Roads for All (SS4A) Discretionary Grant Program for \$30,000,000 in funding for the Active Transportation Safe Routes to Schools projects.

Adopted this 13th day of September 2022, Fairfax, Virginia

ATTEST \_\_\_\_\_  
Jill G. Cooper  
Clerk to the Board of Supervisors



**FAIRFAX COUNTY**

# Safe Streets for All Program Recommendations

April 2022





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## Introduction

This document provides a framework for a Fairfax County Safe Streets for All Program designed to address systemic transportation safety issues with a focus on active transportation users and equity on roads in Fairfax County. The framework includes proposed education, policy, planning, programmatic and design strategies that can be implemented in a phased approach. Some of the strategies could be implemented as pilots; others require close coordination and support from stakeholder agencies, or will need one-time or recurring funding. Implementation will occur in a phased approach as staff capacity and resources allow.

Potential strategies are presented within the following framework:

- **Proposed Program Recommendations** – A list of potential strategies that would help advance active transportation safety in Fairfax County.
- **Stakeholders** – Key stakeholders that the Fairfax County Department of Transportation will need to coordinate with to implement the recommendation.
- **Implementation Cost** – Recommendations are assigned a likely implementation cost depending on complexity, construction needs and stakeholder buy-in.

The strategies are not presented in order of priority.

## Key Stakeholders

BOS – Board of Supervisors  
CTB – Commonwealth Transportation Board  
DEI – Department of Economic Initiatives  
DMB – Department of Management and Budget  
DPD – Department of Planning and Development  
DPWES – Department of Public Works and Environmental Services  
CEX – Office of the County Executive  
FCDOT – Department of Transportation  
FCPA – Park Authority  
FCPD – Police Department  
FCPS – Public Schools  
HD – Health Department  
LDS – Land Development Services  
NCS – Neighborhood Community Services  
NPS – National Park Service  
OPA – Office of Public Affairs  
VDOT – Virginia Department of Transportation



## Prioritizing Safety

Complete streets aim to prioritize safety for all users, regardless of mode of transportation, age, race, income, or ability. While the status quo accepts traffic deaths and injuries as inevitable, safe streets programs work towards eliminating traffic injuries and fatalities through a combination of engineering, education, policy, and planning. Reducing traffic-related deaths in Fairfax County will require a data-driven approach to project implementation and prioritization of investments.

Nationally, pedestrians and bicyclists are more likely to be involved in a traffic collision that results in a severe or fatal injury. Communities of color and low-income communities experience traffic crashes disproportionately.

**In Fairfax county, during the five-year study period, from 2014 – 2018, there was an**

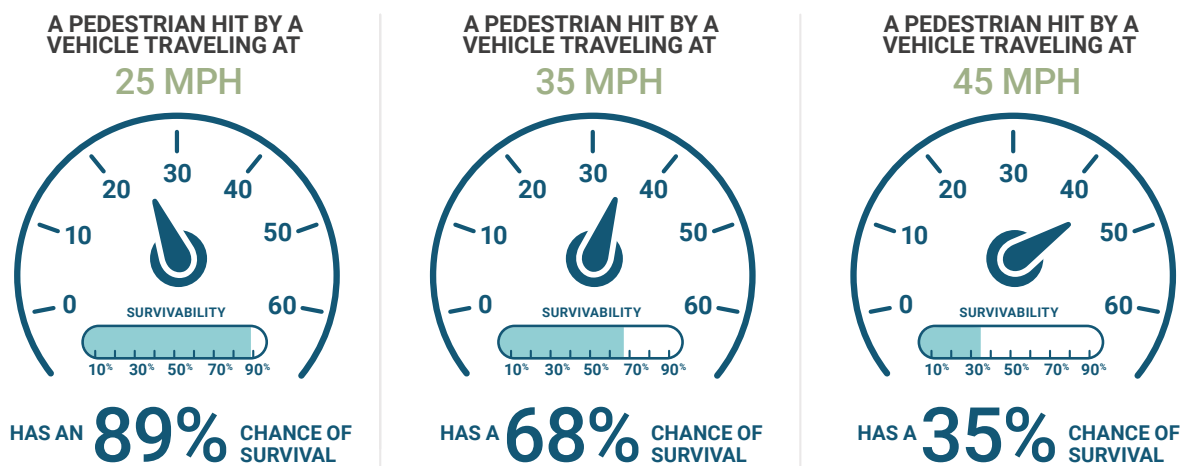


**average of 189 pedestrian crashes and 68 cyclist crashes per year.**

The maps on the following pages show the distribution of all pedestrian and bicycle crashes throughout Fairfax county, highlighting where clusters and fatal crashes occurred.

Speed is a factor in many of these instances. The one recorded fatal cyclist collision occurred on a road with a speed limit between 36 and 50 miles per hour. For pedestrian collisions, roadways with a speed limit of 25 miles per hour or lower had the lowest rate of fatal or severe crashes. This is consistent with findings that suggest that speed is one of the most significant determinates of severe and fatal collisions involving pedestrians. At 25 miles per hour, nearly nine in ten pedestrians will survive the collision. At 40 miles per hour, only 35% of pedestrians will survive.

Furthermore, the perception of safety by the public can be a significant barrier in encouraging



Tefft, B. C. Impact speed and a pedestrian's risk of severe injury or death. Accident Analysis & Prevention 50 (2013) 871-878.

active transportation. People who choose to drive might have otherwise walked or biked, but felt that the current infrastructure prioritizes people who travel in cars, and puts active transportation users at risk. Complete streets not only directly addresses unsafe street design, but can indirectly address traffic safety by reducing the number of motor vehicles on the road.

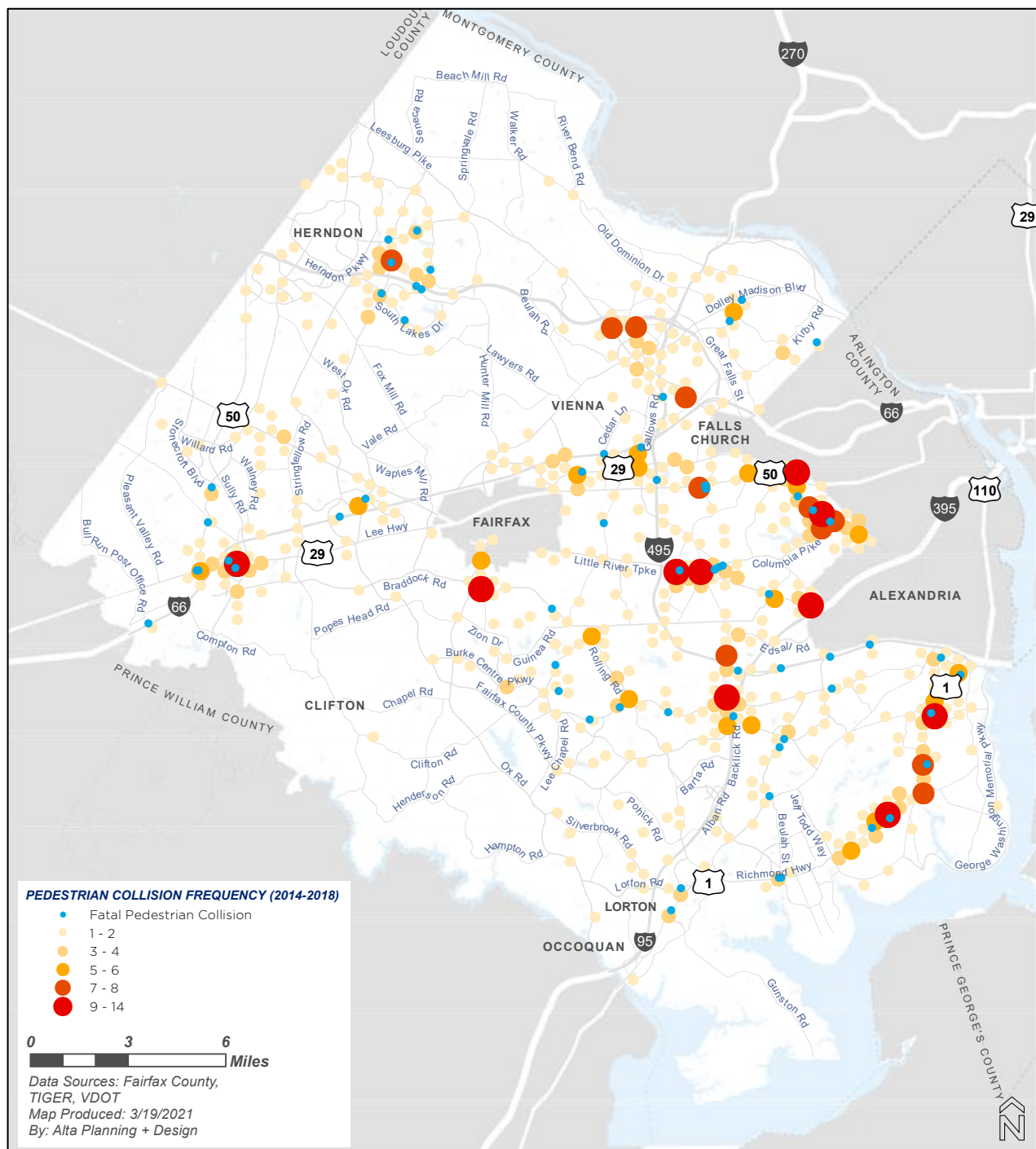


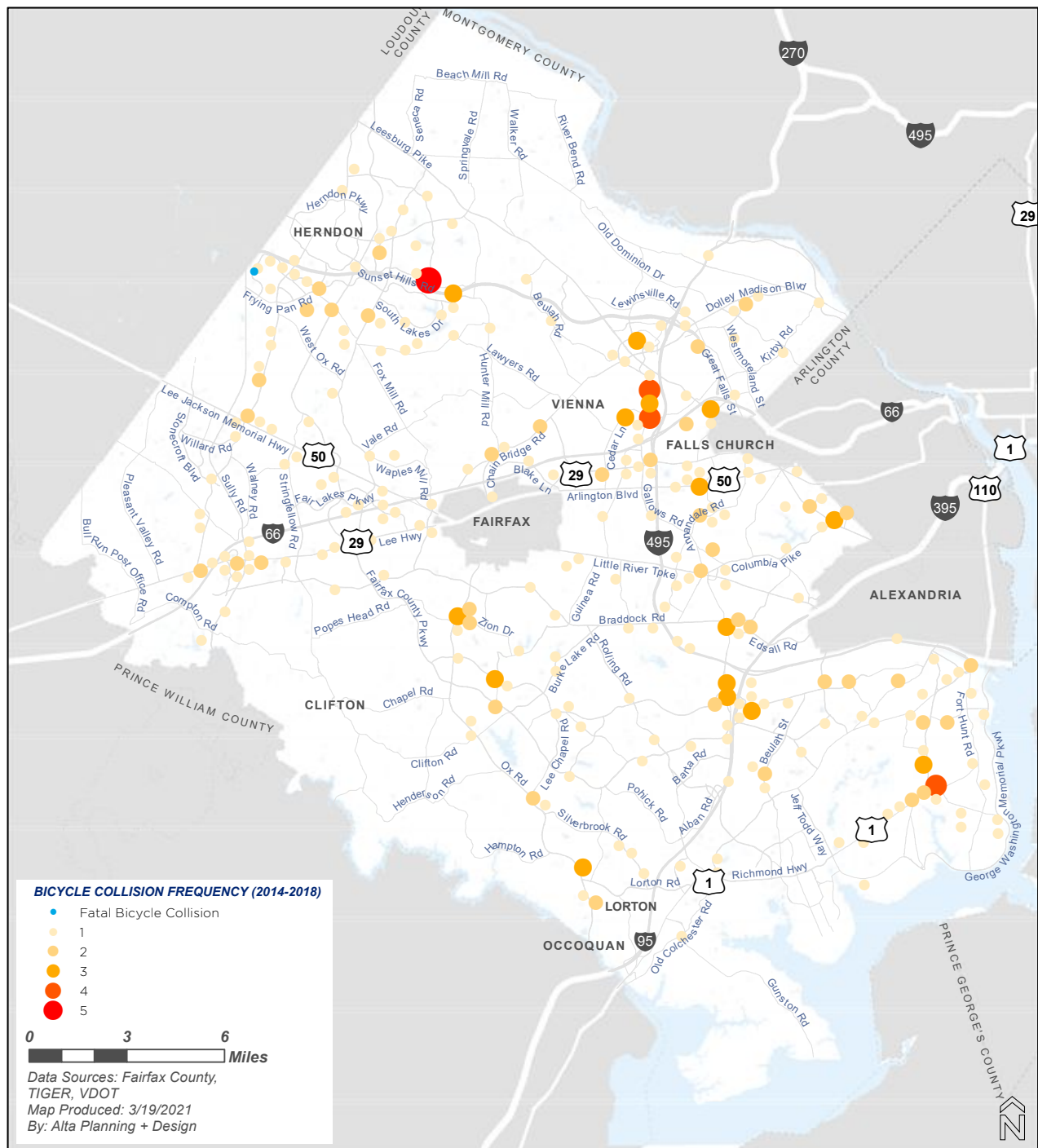
**When asked to describe their experience using active transportation in Fairfax county, 27% of public survey respondents (265 of 999) stated that the current active transportation network feels unsafe.**

**The following comments are a sample of responses to the ActiveFairfax public survey that asked users to describe their experience walking, or riding a bike, scooter or another small vehicle in Fairfax County.**

- I purposely chose my neighborhood because of its sidewalks. I can walk to the grocery stores, library, bus stops, church, etc.
- "I tried biking in my area, but I gave up because I don't feel that it's safe. Walking is fairly safe, but drivers seldom yield to pedestrians even when pedestrians are in the crosswalk and have the right of way."
- "It is frustrating and dangerous. Even with marked, dedicated bike lanes and sharrows vehicles do not yield/acknowledge bicycles. And I am not referring to just distracted drivers: at least six drivers in the past year have deliberately targeted me on my bicycle with harassment and physical threats."









## Principles of a Safe Streets for All Approach

- Traffic deaths and serious injuries are avoidable and should not be accepted.
- Protecting human life is the highest priority.
- The people who design, build, and manage roads have a shared responsibility to prevent crashes that result in serious injury or death.
- All road users have a shared responsibility to prevent crashes that result in serious injury or death.
- Rather than waiting for crashes to occur and reacting, a proactive approach should be taken to make the transportation system safe for all users including pedestrians, cyclists, and people traveling in vehicles.
- A safe system means a system that is designed for all ages and abilities, including youth and elders, and individuals with physical, visual, or cognitive disabilities.
- Lack of safety should not be a trade-off for faster mobility. Pedestrians and cyclists are particularly vulnerable, and speed is a fundamental predictor of crash survival. Rather, the transportation system should be both safe and efficient for all users.





## Funding + Staff Capacity Building

Proposed Program Recommendations	Stakeholders	Implementation Cost
Establishment of a Safe Streets for All program focused on the implementation of the proposed recommendations below.	FCDOT; BOS; CEX; DEI; VDOT	\$\$
Establishment of an interdisciplinary Task Force to provide oversight of the Safe Streets for All Program.	Various agencies and community organizations	\$
Creation of at least one staff position to run the Safe Streets for All Program and monitor performance. Grow staff capacity as needed.	FCDOT; BOS; DMB	\$\$
Allocation of adequate funding and maintenance of safety related equipment, marking and signage such as Rapid Flashing Beacons, Pedestrian Hybrid Beacons, crosswalk markings, Yield to Pedestrian signage, street and walkway lighting, etc.	FCDOT; VDOT; DPWES; BOS; DMB	\$\$
Requirement of every transportation-related project (studies, capital projects, comprehensive plan amendments; etc.) to include an active transportation expert on the consultant team.	FCDOT; VDOT	\$
Prioritization of maintenance and active transportation capital improvements along high-risk pedestrian and bicycle corridors and to provide access to major activity centers.	FCDOT; DPWES; BOS; VDOT	\$
Allocation of dedicated funding for the Safe Streets for All Program for implementation of pilot projects, studies and other safety-related non-capital efforts such as educational campaigns.	FCDOT; BOS	\$\$

## Funding + Staff Capacity Building, cont'd.

Proposed Program Recommendations	Stakeholders	Implementation Cost
Development of a locally funded Safe Routes to School program in partnership with FCPS. Creation of at least one staff position to run the Safe Routes to School Program serving students K-12 and provision of dedicated funding for programming and studies. Scale up staff capacity as needed.	FCDOT; FCPS; BOS; NCS; HD; DMB	\$\$
Development of a Safe Routes to Parks, Trails and Community Services program in partnership with FCPA, NOVA Parks and NPS, NCS, and the HD.	FCDOT; FCPA; NOVA Parks; NPS; BOS; NCS; HD	\$\$
Determination of maintenance responsibility for all sidewalk and trail segments. Allocation of adequate funding, staffing and equipment to clear sidewalks, bikeways and transportation trails of hazards, debris and obstructions.	FCDOT; VDOT; BOS; DPWES; DMB ; FCPA; NOVA Parks; FCPD; General Assembly, CTB	\$\$
Allocation of adequate funding for sidewalks, bikeways and transportation trails for resurfacing, restriping and reconstruction.	FCDOT; BOS; DPWES; DMB; FCPA; NOVA Parks; NPS; VDOT; General Assembly, CTB	\$\$
Development of an inclusive Slow Streets Program to supplement the Traffic Calming Program and provide dedicated funding.	FCDOT; DMB; VDOT; BOS	\$\$
Allocation of adequate funding to expedite building out the active transportation network.	FCDOT; BOS; FCPA; NOVA Parks; NPS	\$\$\$





## Policy + Planning

Proposed Program Recommendations	Stakeholders	Implementation Cost
Development of a Safe Streets for All Policy that prioritizes the protection of human life in the planning, design, and operation of Fairfax County's roadway network. Set short-, medium- and long-term targets.	FCDOT; VDOT; FCPD; HD; BOS; DPD; LDS	\$
Development of a comprehensive Complete Streets Policy to provide the transportation and land use connection.	FCDOT; VDOT; DPD; BOS; LDS	\$
Development of strategies that prioritize active transportation safety in planning and funding efforts using data, targets, and metrics.	FCDOT; VDOT; DPD; BOS	\$\$
Development of a policy that encourages public and private sector employers to provide safe and convenient access for active transportation users and transit riders to their main building entrance from the public street, sidewalk or trail, as well as secure bike parking.	FCDOT; DEI; Employers	\$
Identification of potential updates to the Comprehensive Plan Transportation Plan Map and the Transportation Policy Plan Transportation Element to reflect a Safe Streets for All approach.	FCDOT; VDOT; DPD; BOS	\$\$
Development of a walkway maintenance and snow/ice removal regulation, adopt a sidewalk, and a trail maintenance and snow/ice removal policy that directs property owners to keep sidewalks and trails along roads in front of their property free of debris, vegetation, snow and ice. Provide a needs-based waiver system for low-income residents and develop a plan to do the maintenance work at these locations.	FCDOT; VDOT; DPWES; NPS; OCA; BOS	\$\$
Development of a county-wide lighting plan based on equity, environmental and safety factors.	FCDOT; VDOT; DPWES; FCPA; NOVA Parks; NPS; BOS	\$\$

## Policy + Planning , cont'd.

Proposed Program Recommendations	Stakeholders	Implementation Cost
Development of a policy that would reduce the speed limit on local streets in residential and business districts to 15 mph on the state-maintained network.	VDOT; FCDOT; BOS; General Assembly; CTB	\$
Completion of an active transportation safety audit within a mile of each public school and provide adequate funding for safety improvements, prioritizing high risk/high traffic areas.	FCDOT; FCPS; NCS; HD; DMB	\$\$\$
Completion of an active transportation safety audit within a mile of each public park, community service location, and high capacity transit route. Provide adequate funding for safety improvements, prioritizing high risk/high traffic areas.	FCDOT; FCPA; NOVA Parks; NPS; NCS; HD; DMB; VRE; WMATA	\$\$\$
Pursue revisions of Virginia state laws and policies related to multi-modal transportation safety including policies addressing topics such as distracted driving, 15mph speed limit, reduction of vehicle miles traveled, in-vehicle safety technology, and storage of snow/ice on walkway, bikeways and ramps.	FCDOT; VDOT; DPD; DEI; OCA; BOS; Advocates; General Assembly; CTB	\$
Development of a policy that would require new developments (rezoning and by-right) to provide adequate and safe access to their property for active transportation users, including improvements to the closest safe street crossing.	FCDOT; VDOT; LDS; DPD; DEI; General Assembly	\$



## Street Design + Traffic Engineering

Proposed Program Recommendations	Stakeholders	Implementation Cost
Consistent application of design solutions that simplify and narrow intersections, reduce conflicts for all users, and prioritize the safety of active transportation users.	FCDOT; DPD; DEI; VDOT	\$
Consistent implementation of planned active transportation facilities and any streetscaping requirements including providing crosswalks on all four legs of an intersection. Ensure that streetscaping does not encroach on active transportation facilities.	FCDOT; VDOT; DPD; LDS; DEI; Development Community; BOS; FCPS; DPWES; FCPA; NOVA Parks; NPS	\$
Design of new active transportation facilities prioritizing safety, comfort and convenience for facility users, using a complete streets design approach (narrow medians, travel lanes and/or reduce number of travel/turn lanes before reducing the recommended widths of the planned active transportation facility).	FCDOT; DPD; VDOT; BOS	\$
Design of new and improved existing public facilities such as schools, parks and community services to prioritize safety, comfort and convenience for people accessing the facility using active transportation. If applicable, provide access from several directions.	FCDOT; DPWES; FCPS; FCPA; LDS; NCS; NOVA Parks; VDOT	\$
Implementation of technological innovations to address traffic safety issues.	FCDOT; VDOT; DEI	\$\$
Reduction of posted speed limits and operational vehicle speeds on roadways that provide direct access to residential, commercial, institutional, recreational, or civic land uses and transit stations, and along bus transit and high-risk corridors.	FCDOT; VDOT; General Assembly	\$\$
Development of a county-wide Complete Streets Design Guide that reflects best practices in Safe Streets for All design, context sensitive design (transportation-land use connection), active transportation facility design, and placemaking principles. Incorporation of guidance on how to implement the county-wide trail network in a variety of land use contexts and quick-build interim implementation strategies.	FCDOT; VDOT; DPD; DEI; HD	\$\$

## Street Design + Traffic Engineering , cont'd.

Proposed Program Recommendations	Stakeholders	Implementation Cost
Review of bus stop locations to ensure that they can be safely accessed from both sides of the street. Relocation of bus stops as needed and construction of sidewalks or trails to bus stops from surrounding neighborhoods. Implementation of amenity improvements such as lighting, shelters, benches, trash cans, and bike racks to high ridership bus stops.	FCDOT; VDOT; WMATA	\$\$\$
Identification of a pilot high-risk corridor to implement a safety study that analyzes crashes, engages stakeholders and residents, identifies appropriate countermeasures and implements quick-build strategies. This pilot will serve as a guide to refine the project delivery process and test the durability of quick-build solutions.	FCDOT; VDOT; DPD; DEI ; NCS	\$\$
Design of new roads with design speeds not to exceed the target operational speeds, which should be informed by the land use context, potential left turn conflicts and pedestrian activity in the area.	FCDOT; VDOT	\$
Application of design techniques to control speeds on collectors and arterials, prioritizing high-risk corridors, residential areas and commercial areas.	FCDOT; VDOT	\$\$\$
Review of VDOT Road Design Manual for opportunities to improve design standards to better meet active transportation needs and Safe Streets for All principles, and work with VDOT to make updates as needed.	FCDOT; VDOT	\$\$
Establishment of grade separated or signalized crossings for trails at uncontrolled interchange ramps.	FCDOT; VDOT	\$\$\$



## Equity + Social Justice

Proposed Program Recommendations	Stakeholders	Implementation Cost
Collection of race, ethnicity, and disability data of pedestrian and bicycle crash victims and analyze data for disparities.	FCDOT; FCPD; DMV	\$\$
Prioritization of maintenance and capital improvements in high need areas in close partnership with the affected community, especially the most at-risk populations.	FCDOT; VDOT; FCPS; FCPA; NOVA Parks; NCS; HD; DPWES	\$
Prioritization of engagement of people experiencing vulnerabilities and groups disproportionately impacted by bicycle and pedestrian crashes in community engagement efforts, including studies and capital projects. Development of measures to assess impact.	FCDOT; VDOT; FCPS; NCS; HD	\$\$
Creation of walk and bicycle audits in partnership with communities, especially the most at-risk populations, to determine community-identified safety concerns and develop solutions. Allocation of adequate funding to implement recommendations.	FCDOT; VDOT; FCPS; NCS; HD; FCPA ; FCPD	\$\$

## Education + Traffic Safety Culture

Proposed Program Recommendations	Stakeholders	Implementation Cost
Development and implementation of a communications strategy for the Safe Streets for All program.	FCDOT	\$
Provision of staff training on planning and design approach to Safe Streets for All best practices, including active transportation accommodations through work zones.	FCDOT; VDOT; LDS; DPWES	\$
Creation of regular and targeted campaigns in multiple languages using culturally appropriate strategies to educate the public about traffic safety and safe travel behaviors, especially as related to the highest collision factors.	FCDOT; WMATA; COG; FCPS; NCS; FCPA; NPS; NOVA Parks; OPA; HD; FCPD; VDOT	\$\$
Encouragement of private and public sector employers to provide road safety education to all employees.	FCDOT; Employers	\$
Creation of multi-modal traffic safety education to students K-12 (as part of the curriculum or through special events).	FCDOT; FCPS; Private Schools	\$\$
Creation of multi-modal traffic safety education to adults through subsidized classes. Evaluation multi-modal safety education in Drivers Ed courses and Driving Schools, providing additional guidance if necessary, and monitoring implementation.	FCDOT; FCPA; NCS; DMV; Community Partners	\$\$
Creation of a web page on the Fairfax County website that serves as an interactive "clearinghouse" for road safety information.	FCDOT; OPA	\$
Creation of engaging public outreach experiences, through temporary street and intersection redesigns that develop community awareness of the benefits of road safety interventions.	FCDOT; Community Groups; FCPS; VDOT; DPD	\$\$
Implementation of speed feedback signage at high collision locations, along high-risk corridors, and in school zones.	FCDOT; VDOT; FCPD	\$



## Monitoring + Evaluation

Proposed Program Recommendations	Stakeholders	Implementation Cost
Identification of multi-modal road safety performance measures and set short, medium and long term targets.	FCDOT; VDOT; FCPD	\$
Identification of the most common factors (i.e. alcohol, time of day, speeding, turning, distracted drivers, land use, type of available infrastructure, etc.) related to pedestrian, bicycle, and vehicular crashes and the most affected populations (i.e. age, race, etc.)	FCDOT; FCPD; VDOT; HD	\$
Collection and review of multi-modal near-miss and minor crash data to identify potential crash locations.	FCDOT; Community Organizations	\$
Establishment of an interactive web map to systematically collect transportation safety concerns from residents. Consider a corresponding hot line.	FCDOT; FCPA; NOVA Parks; NPS; NCS; HD; DIT	\$
Development of active transportation performance measures that are appropriate for the county and also for specific projects (safety, comfort, convenience).	FCDOT; HD; DPD;	\$
An Annual Safe Streets for All Report Card.	FCDOT	\$
Installation of additional permanent automated counters at key locations to track active transportation facility usage over time.	FCDOT; VDOT	\$
Establishment of manual or automated spot counts of active transportation users at a defined set of locations to identify and track gender gaps over time.	FCDOT	\$
Take advantage of technological innovations such as AI cameras or private vehicle sensors to analyze traffic safety or maintenance issues and monitor effectiveness of countermeasures after implementation.	FCDOT; VDOT	\$\$
Evaluation of the effectiveness of transportation safety improvements before and after implementation.	FCDOT; VDOT; FCPD; DPWES; HD ; FCPD	\$



February 2022

*Fairfax County Department of Transportation (FCDOT) ensures 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.*



**List of Recommended Projects for  
FY 2022 Safe Streets and Roads for All (SS4A) Submission**

<b>PROJECT</b>	<b>PROJECT DESCRIPTION</b>	<b>CURRENT COST ESTIMATE</b>	<b>SS4A Request</b>
Bush Hill Drive, Ninian Avenue to Larno Drive (Bush Hill Elementary School)	Complete missing sidewalk link along Bush Hill Drive between Ninian Avenue and Larno Drive.	\$3.1M	\$2.1M
Blake Lane at Bushman Drive (Oakton High School & Oakton Elementary School)	Add marked crosswalk crossing Blake Lane at Bushman Drive with pedestrian refuge island, right-turn channelizing island, Rectangular Rapid Flashing Beacons, and curb ramps.	\$0.7M	\$0.7M
Braddock Road at Montrose Street (Weyanoke Elementary School)	Improve crosswalk crossing Braddock Road at Montrose Street by relocating it to south leg to add pedestrian refuge island and curb ramps. Relocate southbound bus stop.	\$1.2M	\$1.2M
Rolling Road at Grigsby Drive (West Springfield High School)	Improve crosswalk crossing Rolling Road at Grigsby Drive by relocating it to the south leg with curb extensions, pedestrian refuge island and curb ramps. Add sidewalk connection and crosswalk crossing West Springfield High School parking lot driveway.	\$0.8M	\$0.8M
Fox Mill Road at McNair Upper Elementary School driveway (McNair Upper & Lower Elementary School)	Improve crosswalk crossing Fox Mill Road at McNair Upper Elementary School by adding pedestrian refuge island and curb extensions.	\$0.7M	\$0.7M
Redd Road at Idylwood Road (Lemon Road Elementary School)	Add marked crosswalk crossing Redd Road at Idylwood Road. Realign asphalt path on northwest corner to shorten the crossing distance and improve visibility of the crosswalk.	\$0.8M	\$0.8M
Harrison Lane at Groveton Street (Groveton Elementary School)	Improve crosswalk crossing Harrison Lane at Groveton Street with	\$0.7M	\$0.7M

## ATTACHMENT 3

	pedestrian refuge island or curb extension and bus stop relocations.		
Mount Vernon Highway at Aquinas Montessori School driveway (Mount Vernon High School)	Extend sidewalk on west side of Mount Vernon Highway from existing sidewalk to nearest driveway at Aquinas Montessori School. Add marked crosswalk with curb extensions and curb ramps crossing Mount Vernon Highway at Aquinas Montessori School driveway.	\$1.3M	\$1.3M
Olley Lane at Weirich Road/Nestor Road (Frost Middle School & Woodson High School)	Improve crosswalk crossing Olley Lane at Nestor Road/Weirich Road by shifting it to add pedestrian refuge island. Add new curb ramps.	\$1.2M	\$1.2M
Chain Bridge Road at Davidson Road (McLean High School)	Add marked crosswalk on west leg with curb ramps, refuge island and possible curb extension on south side, if feasible. Consider/study Rectangular Rapid Flashing Beacon. Add marked crosswalk on south leg.	\$1.0M	\$1.0M
EDS Drive, Air and Space Museum Parkway to McLearen Road (Carson Middle School)	Complete missing links on EDS Dr between Air and Space Museum Parkway and McLearen Road with a walkway. Possible signalized crosswalk, and curb ramp improvements.	\$1.5M	\$1.5M
Kingsbridge Drive to Blake Lane Loop sidewalk connection (Mosaic Elementary School)	Add sidewalk connection in existing worn path between Kingsbridge Drive and Blake Lane Loop adjacent to Blake Lane Service Road.	\$0.5M	\$0.5M

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. *Lolita R. Matammu v. County of Fairfax, Virginia a/k/a/ Fairfax County Health Department*, Case No. 1:20-cv-1468 (E.D. Va.)
  - 2. *Jason Schmidt v. Fairfax County*, Case No. 1:21-cv-00998 (E.D. Va.)
  - 3. *Jacob Austin Schneider v. Fairfax County Department of Public Works and Environmental Services*, Case No. 1:22-cv-0871 (E.D.Va.)
  - 4. *Curtiss Davis v. Edwin C. Roessler Jr. et al.*, Case No. 22-1179 (United States Court of Appeals for the Fourth Circuit)
  - 5. *Abrar Omeish v. Sheriff Stacey Ann Kincaid, Officer J. Patrick, and David M. Rohrer*, Case No. 1:21-cv-35 (E.D. Va.)
  - 6. *Jane Doe v. Michael O. Barbazette, Jason J. Mardocco, James Baumstark, Vincent Scianna, Edwin C. Roessler, Fairfax Police Officers ##3-10, and Fairfax County, Virginia*, Case No. 1:21-cv-1150 (E.D. Va.)
  - 7. *Victor Sun Zheng v. Jenny Mei Zhang and Darrin DeCoster*, Case No. CL-2022-07810 (Fx. Co. Cir. Ct.)
  - 8. *Courtney Graves, Esq., Pro Se v. Fairfax County, Michael J. Weaver, Camille Marie Lewandowski, Kimberlie M. England, Kathleen A. Prucnal, and Kevin Davis*, Case No. CL 2021-0015385 (Fx. Co. Cir. Ct.)
  - 9. *Pomeroy Investments, Inc., and The Pomeroy Companies (Inc.) v. Fairfax County and Board of Supervisors of Fairfax County*, Case No. CL-2022-0010184 (Fx. Co. Cir. Ct.) (Dranesville District)

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10. *Patrick O. Lockhart, individually and as parent and next friend of B.L. and K.L. v. Commonwealth of Virginia, et al.*, Case No. 1:21-cv-00710 (E.D.Va.)
11. *C.M. Busto v. Fairfax County, Penney Azcarate*, Case No. 1:22-cv-771 (E.D. Va.)
12. *Tiffanie R W Gillis v. Department of Family Services, Youth, Families Division, Child Protective Services*, Case No. CL-2022-0006441 (Fx. Co. Cir. Ct.)
13. *Pamela Clarke v. Darwin Ramos Rivas and Fairfax County, Virginia*; Case No. GV21-014412 (P.W. Co. Gen. Dist. Ct.); and *Christopher Clarke v. Darwin Ramos Rivas and Fairfax County, Virginia*; Case No. GV21-014411 (P.W. Co. Gen. Dist. Ct.)
14. *Tuul Schultz v. H. Kim*, Case No. GV22-009145 (Fx. Co. Gen. Dist. Ct.)
15. *Mario Ramirez v. Cynthia Osegueda*, Case No. GV22-009542 (Fx. Co. Gen. Dist. Ct.)
16. *Nathaniel President v. Fairfax County Police Department*; Case No. GV22-011791 (Fx. Co. Gen. Dist. Ct.)
17. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Robert E. Freeman and Cari A. Freeman*, Case No. CL-2021-0013753 (Fx. Co. Cir. Ct.) (Braddock District)
18. *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)
19. *Jay Riat, Building Official for Fairfax County, Virginia v. Masoud Hashemi*, Case No. GV21-003839 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
20. *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)
21. *Jay Riat, Building Official for Fairfax County, Virginia v. Henry Tuan Nguyen*, Case No. GV22-009808 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
22. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Robert Sexton*, Case No. GV22-010185 (Fx. Co. Gen. Dist. Ct.) (Braddock District)
23. *Jay Riat, Building Official for Fairfax County, Virginia v. Robert H. Jongwe*, Case No. GV22-010640 (Fx. Co. Gen. Dist. Ct.) (Braddock District)

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24. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Jingwen Xu and Min Li*, Case No. CL-2022-0007407 (Fx. Co. Cir. Ct.) (Dranesville District)
25. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Denise E. Fauteux*, Case No. GV22-007507 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
26. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Stephen Patrick MacManus*, Case No. GV22-011604 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)
27. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. 300 Beverly Road, LLC*, Case No. CL-2021-0005289 (Fx. Co. Cir. Ct.) (Hunter Mill District)
28. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Kittredge D. Seely and Marlene Czajkowski Seely*, Case No. CL-202-0004465 (Fx. Co. Cir. Ct.) (Hunter Mill District)
29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Salena Azaad*, Case No. CL-2021-0007584 (Fx. Co. Cir. Ct.) (Hunter Mill District)
30. *Elizabeth Perry, Property Maintenance Code Official for Fairfax County, Virginia v. Yon Chol Pak and Sun Yee Pak*, Case No. CL-2022-0000780 (Fx. Co. Cir. Ct.) (Hunter Mill District)
31. *Jay Riat, Building Official for Fairfax County, Virginia v. Phillip C. Williams, R., and Gaynita L. Williams*, Case No. GV22-002557 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
32. *Jay Riat, Building Official for Fairfax County, Virginia v. Ronald V. Stehman, III and Liza M. Stehman*, Case No. GV22-008607 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
33. *Jay Riat, Building Official for Fairfax County, Virginia v. Jades Enterprises*, Case No. GV22-010192 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
34. *Jay Riat, Building Official for Fairfax County, Virginia v. Kwangsoo Kim and Jeong Won Kim*, Case No. GV22-011073 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
35. *Jay Riat, Building Official for Fairfax County, Virginia v. Jennifer Mossgrove and John Mossgrove*, Case No. GV22-011196 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

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36. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Juan Hernandez and Thelma H. Ayala*, Case No. GV22-011605 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)
37. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Antonio Rivas and Leonidas Rivas*, Case No. CL-2022-0004136 (Fx. Co. Cir. Ct.) (Lee District)
38. *Jay Riat, Building Official for Fairfax County, Virginia v. Azmat Kham*, Case No. CL-2022-0008979 (Fx. Co. Cir. Ct.) (Lee District)
39. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Keun Hoon Lee and Yong Ja Lee*, Case No. CL-2019-000700 (Fx. Co. Cir. Ct.) (Lee District)
40. *Jay Riat, Building Official for Fairfax County, Virginia v. Rizwan Shah*, Case No. CL-2022-0010335 (Fx. Co. Cir. Ct.) (Lee District)
41. *Jay Riat, Building Official for Fairfax County, Virginia v. Khoa V. Nguyen and Mai Linh V. Phan*, Case No. GV21-018879 (Fx. Co. Gen. Dist. Ct.) (Lee District)
42. *Jay Riat, Building Official for Fairfax County, Virginia v. Phillip W. Trott and Sandra Montiel*, Case No. GV21-018876 (Fx. Co. Gen. Dist. Ct.) (Lee District)
43. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Phillip W. Trott and Sandra Montiel*, Case No. GV21-019314 (Fx. Co. Gen. Dist. Ct.) (Lee District)
44. *Jay Riat, Building Official for Fairfax County, Virginia v. Hometown America Communities, Hometown Audubon, LLC and Maria Avila*, Case No. GV22-003299 (Fx. Co. Gen. Dist. Ct.) (Lee District)
45. *Jay Riat, Building Official for Fairfax County, Virginia v. Rafael Hernandez Damian*, Case No. GV22-003835 (Fx. Co. Gen. Dist. Ct.) (Lee District)
46. *Jay Riat, Building Official for Fairfax County, Virginia v. Xin Yi Jia Trading Inc.*, Case No. GV22-006932 (Fx. Co. Gen. Dist. Ct.) (Lee District)
47. *Jay Riat, Building Official for Fairfax County, Virginia v. Barbara J. Vereen and David Vereen*, Case No. GV22-007501 (Fx. Co. Gen. Dist. Ct.) (Lee District)
48. *Jay Riat, Building Official for Fairfax County, Virginia v. Theodoros Priftis*, Case No. GV22-009026 (Fx. Co. Gen. Dist. Ct.) (Lee District)
49. *Jay Riat, Building Official for Fairfax County, Virginia v. Kamal Mohammad Islam and Taham Islam*, Case No. GV22-009279 (Fx. Co. Gen. Dist. Ct.) (Lee District)

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50. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Carlos F. Gonzalez and Nancy E. Gonzalez*, Case No. GV22-009805 (Fx. Co. Gen. Dist. Ct.) (Lee District)
51. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Carlos F. Gonzalez and Nancy E. Gonzalez*, Case No. GV22-009809 (Fx. Co. Gen. Dist. Ct.) (Lee District)
52. *Jay Riat, Building Official for Fairfax County, Virginia v. Carlos F. Gonzalez and Nancy E. Gonzalez*, Case No. GV22-009799 (Fx. Co. Gen. Dist. Ct.) (Lee District)
53. *Jay Riat, Building Official for Fairfax County, Virginia v. LSY Development, LLC and Yalcin Group Enterprises, LLC*, Case No. GV22-010409 (Fx. Co. Gen. Dist. Ct.) (Lee District)
54. *Jay Riat, Building Official for Fairfax County, Virginia v. T LE, LLC*, Case No. GV22-010639 (Fx. Co. Gen. Dist. Ct.) (Lee District)
55. *Jay Riat, Building Official for Fairfax County, Virginia v. J&H, LLC*, Case No. GV22-011608 (Fx. Co. Gen. Dist. Ct.) (Lee District)
56. *Jay Riat, Building Official for Fairfax County, Virginia v. Springfield Mart Limited Liability Company and Mr. Chicken LLC*, Case No. GV22-011610 (Fx. Co. Gen. Dist. Ct.) (Lee District)
57. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Abderrahmane Hidara, Laila Kantour and Yamina Aanzaoui; Abderrahmane Hidara, Laila Kantour, and Yamina Aanzaoui v. Luis Moya Perez and Francisca Albarracin Moya*, Case No. CL-2020-0014881 (Fx. Co. Cir. Ct.) (Mason District)
58. *Jay Riat, Building Official for Fairfax County, Virginia v. Richard F. Peredo*, Case No. CL-2022-0000855 (Fx. Co. Cir. Ct.) (Mason District)
59. *Jay Riat, Building Official for Fairfax County, Virginia v. Rosa E. Coreas*, Case No. CL-2022-0004588 (Fx. Co. Cir. Ct.) (Mason District)
60. *Jay Riat, Building Official for Fairfax County, Virginia v. Markham Management, LLC and Hanshin Inc., d/b/a Hanshin Pocha*, Case No. CL-2022-0010718 (Fx. Co. Cir. Ct.) (Mason District)
61. *Jay Riat, Building Official for Fairfax County, Virginia v. Osmin H. Rodriguez*, Case No. CL-2022-0010805 (Fx. Co. Cir. Ct.) (Mason District)
62. *Jay Riat, Building Official for Fairfax County, Virginia v. MVC Services, LLC*, Case No. GV22-000188 (Fx. Co. Gen. Dist. Ct.) (Mason District)

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63. *Jay Riat, Building Official for Fairfax County, Virginia v. Kyong S. Song*, Case No. GV22-008246 (Fx. Co. Gen. Dist. Ct.) (Mason District)
64. *Jay Riat, Building Official for Fairfax County, Virginia v. Mohammed F. Talukder and Momataz Parvin*, Case No. GV22-008609 (Fx. Co. Gen. Dist. Ct.) (Mason District)
65. *Jay Riat, Building Official for Fairfax County, Virginia v. Milton J. Aguilar Serrano and Lily M. Carrasco Aguilar*, Case No. GV22-009289 (Fx. Co. Gen. Dist. Ct.) (Mason District)
66. *Jay Riat, Building Official for Fairfax County, Virginia v. Alberto Sandoval and Martha Sandoval*, Case No. GV22-010028 (Fx. Co. Gen. Dist. Ct.) (Mason District)
67. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Double Lee Corporation*, Case No. GV22-009998 (Fx. Co. Gen. Dist. Ct.) (Mason District)
68. *Jay Riat, Building Official for Fairfax County, Virginia v. Ronald Mendieta*, Case No. GV22-010027 (Fx. Co. Gen. Dist. Ct.) (Mason District)
69. *Jay Riat, Building Official for Fairfax County, Virginia v. Tin H. Truong*, Case No. GV22-010184 (Fx. Co. Gen. Dist. Ct.) (Mason District)
70. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Tuan Anh Dang*, Case No. GV22-010241 (Fx. Co. Gen. Dist. Ct.) (Mason District)
71. *Jay Riat, Building Official for Fairfax County, Virginia v. Tamila Ghonghadze and Nukria Balarjishvili*, Case No. GV22-011178 (Fx. Co. Gen. Dist. Ct.) (Mason District)
72. *Jay Riat, Building Official for Fairfax County, Virginia v. Fahad Razzaq and Ruth Elizabeth Razzaq*, Case No. CL-2022-0001287 (Fx. Co. Cir. Ct.) (Mount Vernon District)
73. *Jay Riat, Building Official for Fairfax County, Virginia v. Armstrong Green and Embrey, Inc.*, Case No. CL-2022-0004793 (Fx. Co. Cir. Ct.) (Mount Vernon District)
74. *Jay Riat, Building Official for Fairfax County, Virginia v. Lilian G. Maldonado and Salvador Zelaya*, Case No. CL-2022-00010571 (Fx. Co. Cir. Ct.) (Mount Vernon District)
75. *Jay Riat, Building Official for Fairfax County, Virginia v. Antonio Flores and Beatriz Flores*, Case No. GV21-015996 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)



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76. *Jay Riat, Building Official for Fairfax County, Virginia v. AYR Properties SEP, LLC*, Case No. GV22-005333 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
77. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Branden Beasley*, Case No. GV22-005382 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
78. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Douglas 2817, LLC and Robert Barr*, Case No. CL-2022-0007405 (Fx. Co. Cir. Ct.) (Mount Vernon District)
79. *Jay Riat, Building Official for Fairfax County, Virginia v. Landsdowne Centre, Limited Partnership and Lehem LLC, d/b/a PHO BOWL, Noodle Restaurant*, Case No. GV22-010131 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
80. *Jay Riat, Building Official for Fairfax County, Virginia v. Abdul Nasser Ahmadi*, Case No. GV22-009806 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
81. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Charles Randall Gentry*, Case No. GV22-010642 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
82. *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)
83. *Jay Riat, Building Official for Fairfax County, Virginia v. Estate of Raleigh E. Worsham*, Case No. GV22-011200 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
84. *Jay Riat, Building Official for Fairfax County, Virginia v. Estate of Raleigh E. Worsham and Lorton Granite & Marble, LLC*, Case No. GV22-011201 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
85. *Jay Riat, Building Official for Fairfax County, Virginia v. Estate of Ralph E. Worsham and PrimeKey, LLC*, Case No. GV22-011825 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
86. *Jay Riat, Building Official for Fairfax County, Virginia v. LZ Rentals, LLC*, Case No. CL-2022-0005622 (Fx. Co. Cir. Ct.) (Providence District)
87. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Barbara F. Eastridge and Wuf Pawtners, LLC, d/b/a Dude's Dog House & Spa*, Case No. CL-2022-0006658 (Fx. Co. Cir. Ct.) (Providence District)
88. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Herbert L. Wood and Suzanne W. Wood*, Case No. GV22-000427 (Fx. Co. Gen. Dist. Ct.) (Providence District)

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89. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Addy Sunoria and Shelton L. Buryl*, Case No. GV22-006402 (Fx. Co. Gen. Dist. Ct.) (Providence District)
90. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. JMD JMD LLC*, Case No. GV22-007622 (Fx. Co. Gen. Dist. Ct.) (Providence District)
91. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ernest G. Therborn*, Case No. GV22-008046 (Fx. Co. Gen. Dist. Ct.) (Providence District)
92. *Jay Riat, Building Official for Fairfax County, Virginia v. James H. Blondell and Beverly P. Blondell*, Case No. GV22-9271 (Fx. Co. Gen. Dist. Ct.) (Providence District)
93. *Jay Riat, Building Official for Fairfax County, Virginia v. Gul M. Niyaz*, Case No. GV22-010258 (Fx. Co. Gen. Dist. Ct.) (Providence District)
94. *Jay Riat, Building Official for Fairfax County, Virginia v. Suffies, LLC*, Case No. GV22-011191 (Fx. Co. Gen. Dist. Ct.) (Providence District)
95. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mary Street Properties, LLC*, Case No. GV22-011603 (Fx. Co. Gen. Dist. Ct.) (Providence District)
96. *Jay Riat, Building Official for Fairfax County, Virginia v. Abdul Awal and Sultanewas*, Case No. CL-2022-0004656 (Fx. Co. Cir. Ct.) (Springfield District)
97. *Jay Riat, Building Official for Fairfax County, Virginia v. Agatha V. Williams*, Case No. CL-2022-0000143 (Fx. Co. Cir. Ct.) (Springfield District)
98. *Jay Riat, Building Official for Fairfax County, Virginia v. Yung Chi Yung*, Case No. CL-2022-0005295 (Fx. Co. Cir. Ct.) (Springfield District)
99. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Pauline Mock and William H. Mock*, Case No. GV22-009797 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
100. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Pauline Mock and William H. Mock*, Case No. GV22-009819 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
101. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Agatha V. Williams*, Case No. GV22-009798 (Fx. Co. Gen. Dist. Ct.) (Springfield District)

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102. *Jay Riat, Building Official for Fairfax County, Virginia v. Young Sook Chun and Chong Yel Chun*, Case No. GV22-011071 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
103. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Joseph McLoughlin*, Case No. GV22-012188 (Fx. Co. Gen. Dist. Ct.) (Springfield District)
104. *Jay Riat, Building Official for Fairfax County, Virginia v. Mario Amaro*, Case No. CL-2022-0010569 (Fx. Co. Cir. Ct.) (Sully District)
105. *Jay Riat, Building Official for Fairfax County, Virginia v. Nicole M. Alfandre*, Case No. GV22-004084 (Fx. Co. Gen. Dist. Ct.) (Sully District)
106. *Jay Riat, Building Official for Fairfax County, Virginia v. Arash Saffari Ashtiani and Nahal Moussavi*, Case No. GV22-009818 (Fx. Co. Gen. Dist. Ct.) (Sully District)
107. *Jack Weyant, Property Maintenance Code Official for Fairfax County, Virginia v. Linda M. Giuseppe*, Case No. GV22-010259 (Fx. Co. Gen. Dist. Ct.) (Sully District)
108. *Jay Riat, Building Official for Fairfax County, Virginia v. Guesang Jeong and Kyong Ae Hong*, Case No. GV22-010260 (Fx. Co. Gen. Dist. Ct.) (Sully District)
109. *Board of Supervisors of Fairfax County, Virginia v. 1STOPCONNECT LLC*, Case No. GV22-008242 (Fx. Co. Gen. Dist. Ct.)
110. *Board of Supervisors of Fairfax County, Virginia v. Campbell Lawn and Irrigation Company*, Case No. GV22-009181 (Fx. Co. Gen. Dist. Ct.)
111. *Board of Supervisors of Fairfax County, Virginia v. Tech Net Geeks, LLC*, Case No. GV22-011192 (Fx. Co. Gen. Dist. Ct.)

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3:30 p.m.

Decision Only on an Update to 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 the approval of the amendments to Chapter 62.

TIMING:

On June 28, 2022, the Board authorized a public hearing to consider this matter on August 2, 2022. Decision only was deferred from August 2, 2022, to September 13, 2022.

BACKGROUND:

The (SFPC) is a maintenance code which is enforced once a structure receives a certificate of occupancy and contains the regulations which must be complied with for the protection of life property from the hazards of fire and explosion. Enforcement of the SFPC is at the option of the local governments. Fees may be charged by both the local enforcing agencies and the State Fire Marshal's Office. The SFPC contains enforcement procedures that must be used by the enforcing agency. 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 are the local amendments to the SFPC.

FISCAL IMPACT:

None.

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ENCLOSED DOCUMENTS:  
Attachment 1 – Chapter 62

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

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 twelve (12) months or by a fine not to exceed two thousand five hundred dollars (\$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 ~~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 ~~anytime~~ 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 **106.3.2 Inspection by others.** Add Subsection as follows: **106.3.2 Inspection by**  
20 **others.** The Chief of the Fire Department may designate such other persons as they deem  
21 necessary to make fire safety inspections. Such persons shall use the Virginia Statewide  
22 Fire Prevention Code and this Code as the basis for such inspections.  
23

24 **106.8 Summoning the fire marshal.** Add Subsection as follows: **106.8 Summoning**  
25 **the fire marshal.** The fire department officer-in-charge of any fire, explosion, or incident scene  
26 shall immediately summons the fire marshal to such scene to investigate the circumstances  
27 involved where such circumstances require investigation as outlined in Section 62-2-4 of this  
28 Code.  
29

30 **106.9 Notification of fire department.** Add Subsection as follows: **106.9 Notification**  
31 **of fire department.** In any building, when a fire or evidence of a fire is discovered, even  
32 though it has apparently been extinguished, it shall be immediately reported to the chief of the  
33 fire department, or his designee. This shall be the duty of the owner, manager, or person in  
34 control of such building at the time of discovery. This requirement shall not be construed to  
35 forbid the owner, manager, or person in control of said building from using all diligence  
36 necessary to extinguish such fire prior to the arrival of the fire department.  
37

Table 107.2				
<u>Line</u> #	<u>Code</u> Reference	<b>FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>	<i>Flat Fee</i>	<i>Hourl y Fee</i>
Section 1 - Detailed Operational Permit Requirements				
<u>1a</u>	<u>5101.2</u>	<del>Aerosol Products, Level 2 or 3: Store or Handle, an Aggregate Quantity in Excess of 500 Pounds Net Weight</del>	<del>\$150</del>	
<u>4</u> <u>1b</u>	<u>108.1.1</u> <u>5101.2</u>	<del>Aerosol Products, Level 2 or 3: Manufacture, Store, or Handle, an Aggregate Quantity in Excess of 500 Pounds Net Weight</del>	<del>\$150</del>	
<u>2</u>	<u>108.1.1</u>	<del>Special Amusement Buildings</del>	<del>\$150</del>	
<u>3</u>	<u>108.1.1</u> <u>2001.3</u> <u>2301.2</u> <u>5301.2</u>	<del>Aviation Facilities (Group H or S Occupancies): Aircraft Servicing or Repair and Aircraft Fuel Servicing Vehicles</del>	<del>\$150</del>	
<u>4</u>	<u>108.1.1</u> <u>403.11.2</u> <u>403.11.3</u>	<del>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)</del>	<del>\$150</del>	
<u>5</u>	<u>108.1.1</u> <u>601.2</u>	<del>Battery Systems: Install Stationary Lead-Acid Battery Systems Having a Liquid Capacity of More Than 50 Gallons</del>	<del>\$150</del>	
<u>6a</u>	<u>108.1.1</u> <u>6501.2</u>	<del>Cellulose Nitrate (Pyroxylin Plastic): Assembly or Manufacturing of Articles Involving Any Amount</del>	<del>\$150</del>	
<u>76b</u>	<u>108.1.1</u> <u>6501.2</u>	<del>Cellulose Nitrate (Pyroxylin Plastic): Storage or Handling, More Than 25 Pounds</del>	<del>\$150</del>	
<u>87</u>	<u>108.1.1</u> <u>301.2</u>	<del>Cellulose Nitrate Film: Store, Handle, or Use <del>Store, Use, or Handle</del>, in a Group A Occupancy</del>	<del>\$150</del>	
<u>98</u>	<u>108.1.1</u> <u>2201.2</u>	<del>Combustible Dust Producing Operations</del>	<del>\$150</del>	
<u>109</u>	<u>108.1.1</u> <u>5201.3</u>	<del>Combustible Fibers: Storage and Handling of Greater Than 100 Cubic Feet Exception: Agricultural Storage</del>	<del>\$150</del>	
<u>10a</u>	<u>5301.2</u> <u>5001.5</u> <u>5401.2</u>	<del>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</del>	<del>\$150</del>	
<u>11</u> <u>10b</u>	<u>108.1.1</u> <u>5301.2</u> <u>5001.5</u> <u>5401.2</u>	<del>Compressed Gas - Corrosive: Storage, Use, or Handling, <del>Store, Use, or Handle</del>, 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</del>	<del>\$150</del>	
<u>11a</u>	<u>5301.2</u> <u>2301.2</u> <u>5001.5</u> <u>5501.2</u> <u>5801.2</u> <u>6101.2</u>	<del>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</del>	<del>\$150</del>	
<u>12</u> <u>11b</u>	<u>108.1.1</u> <u>5301.2</u> <u>2301.2</u> <u>5001.5</u> <u>5501.2</u> <u>5801.2</u> <u>6101.2</u>	<del>Compressed Gas - Flammable: Storage, Use, or Handling, <del>Store, Use, or Handle</del>, 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</del>	<del>\$150</del>	
<u>12a</u>	<u>5301.2</u> <u>5001.5</u> <u>6001.2</u>	<del>Compressed Gas - Toxic or Highly Toxic: Store or Handle, Any Amount</del>	<del>\$150</del>	

Table 107.2				
Line #	Code Reference	FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
13 12b	<del>108.1.1</del> <del>5301.2</del> <del>5001.5</del> <del>6001.2</del>	<del>Compressed Gas – Toxic or Highly Toxic: Storage, Use, or Handling, Store, Use, or Handle, Any Amount</del>	<del>\$150</del>	
13a	<del>5301.2</del> <del>5001.5</del>	<del>Compressed Gas – Inert or Simple Asphyxiant: Store or Handle, in Excess of 6000 Cubic Feet at Normal Temperature and Pressure</del> <del>Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle</del>	<del>\$150</del>	
14 13b	<del>108.1.1</del> <del>5301.2</del> <del>5001.5</del>	<del>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</del> <del>Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle</del>	<del>\$150</del>	
14a	<del>5301.2</del> <del>5001.5</del> <del>6301.2</del>	<del>Compressed Gas – Oxidizing (Including Oxygen): Store or Handle, in Excess of 504 Cubic Feet at Normal Temperature and Pressure</del> <del>Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle</del>	<del>\$150</del>	
15 14b	<del>108.1.1</del> <del>5301.2</del> <del>5001.5</del> <del>6301.2</del>	<del>Compressed Gas – Oxidizing (Including Oxygen): Storage, Use, or Handling, Store, Use, or Handle, in Excess of 504 Cubic Feet at Normal Temperature and Pressure</del> <del>Exception: Vehicles Equipped For and Using Compressed Gas as a Fuel for Propelling the Vehicle</del>	<del>\$150</del>	
15a	<del>5301.2</del> <del>5001.5</del> <del>6401.2</del>	<del>Compressed Gas – Pyrophoric: Store or Handle, Any Amount</del>	<del>\$150</del>	
16 15b	<del>108.1.1</del> <del>5301.2</del> <del>5001.5</del> <del>6401.2</del>	<del>Compressed Gas – Pyrophoric: Storage, Use, and Handling of Store, Use, or Handle, Any Amount</del>	<del>\$150</del>	
16a	<del>5501.2</del> <del>2301.2</del> <del>5001.5</del> <del>5801.2</del>	<del>Cryogenic Fluids – Flammable: Store, Transport on Site, or Handle, More Than 1 Gallon Inside a Building or More Than 60 Gallons Outside a Building</del> <del>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</del>	<del>\$150</del>	
16b	<del>5501.2</del> <del>2301.2</del> <del>5001.5</del> <del>5801.2</del>	<del>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</del> <del>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</del>	<del>\$150</del>	
17 16c	<del>108.1.1</del> <del>5501.2</del> <del>2301.2</del> <del>5001.5</del> <del>5801.2</del>	<del>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</del> <del>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</del>	<del>\$150</del>	
17a	<del>5501.2</del>	<del>Cryogenic Fluids – Inert: Store, Transport on Site, or Handle, More Than 60 Gallons Inside a Building or More Than 500 Gallons Outside a Building</del> <del>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</del>	<del>\$150</del>	

<u>Line</u> <u>#</u>		<u>Code</u> <u>Reference</u>	<b>Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>	<u>Flat</u> <u>Fee</u>	<u>Hourl</u> <u>y Fee</u>
17b		5501.2	<del>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</del> <del>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</del>	\$150	
18 17c		108.1.1 5501.2	<del>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</del> <del>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</del>	\$150	
18a		5501.2 5001.5 6301.2	<del>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</del> <del>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</del>	\$150	
18b		5501.2 5001.5 6301.2	<del>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</del> <del>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</del>	\$150	
19 18c		108.1.1 5501.2 5001.5 6301.2	<del>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</del> <del>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</del>	\$150	
19a		5501.2 5001.5	<del>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</del> <del>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</del>	\$150	
19b		5501.2 5001.5	<del>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</del> <del>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</del>	\$150	
20 19c		108.1.1 5501.2 5001.5	<del>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</del> <del>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</del>	\$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	

Table 107.2				
<u>Line</u> #	<u>Code</u> Reference	<b>FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>	<i>Flat Fee</i>	<i>Hourl y Fee</i>
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	\$450	
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 <u>Exceptions:</u> 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 <u>Exceptions:</u> 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 <u>Exception:</u> 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 <u>Exception:</u> Fuel Oil Used in Connection with Oil-burning Equipment	\$150	
32 31	108.1.1 5701.4	Flammable/Combustible Liquid Tank — Underground Storage Only	\$150	
33 32	108.1.1 5701.4	Flammable/Combustible Liquid Tank — Underground Storage Utilizing Dispensing Equipment	\$150	
34 33	108.1.1 5701.4	Flammable/Combustible Liquid Tank — Above-ground Storage Only	\$150	
35 34	108.1.1 5701.4	Flammable/Combustible Liquid Tank — Above-ground Storage Utilizing Dispensing Equipment	\$150	
36 35	108.1.1 5701.4	Flammable/Combustible Liquids: Bulk Storage Facility — in Excess of 100,000 Gallons	\$150	
37 36	108.1.1 5701.4	Flammable/Combustible Liquid Tank — Installation, Above-ground or Below-ground Underground Tank (90 Day Permit)	\$150	

Table 107.2				
<u>Line</u> #	<u>Code</u> Reference	<b>FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>	<i>Flat Fee</i>	<i>Hourl y Fee</i>
38 37	108.1.1 5701.4	Flammable/Combustible Liquid Tank – Alter or Relocate an Existing Tank (90-Day Permit)	\$150	
39 38	108.1.1 5701.4	Flammable/Combustible Liquid Tank – Place Temporarily Out of Service	\$150	
40 39	108.1.1 5701.4	Flammable/Combustible Liquid Tank – Underground Abandonment (90-Day Permit)	\$150	
41 40	108.1.1 5701.4	Flammable/Combustible Liquid Tank – Underground Removal (Commercial – 90-Day Permit)	\$150	
42 41	108.1.1 5701.4	Flammable/Combustible Liquid Tank – Underground Removal (Residential – 90-Day Permit)	\$150	
43 42	108.1.1 5701.4	Flammable/Combustible Liquid Tank – Above-ground Removal (Commercial – 90-Day Permit)	\$150	
43	5701.4	Flammable/Combustible Liquid Tank – Above-ground Removal (Residential – 90-Day Permit)	\$150	
44	108.1.1 5701.4	Flammable/Combustible Liquid Tank – Install Product Lines/Dispensing Equipment (90-Day Permit)	\$150	
45	108.1.1 5701.4	Flammable/Combustible Liquids: Manufacture, Process, Blend, or Refine	\$300	
46	108.1.1 5701.4	Flammable/Combustible Liquid Tank: Change the Contents Stored to a Greater Hazard	\$150	
47	108.1.1 2701.3	Floor Finishing or Surfacing Exceeding 350 Square Feet Using Class I or Class II Liquids (30-Day Permit)	\$78	
48	108.1.1 2501.2	Fruit- and/or Crop-Ripening Facility or Conduct a Fruit-ripening Process Using Ethylene Gas <b>COMMENTARY</b> 2012 edition: Changed wording to keep in agreement with VSFPC 2012	\$150	
49	108.1.1 2601.2	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	
50a	5401.2 5001.5	Corrosive Liquids: Store, Transport on Site, or Dispense, in Excess of 55 Gallons	\$150	
50b	108.1.1 5401.2 5001.5	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	
51a	5401.2 5001.5	Corrosive Solids: Store, Transport on Site, or Dispense, in Excess of 1000 Pounds	\$150	
51b	108.1.1 5401.2 5001.5	Corrosive Solids: Store, Transport on Site, Dispense, Use, or Handle <u>Store, Transport on site, Use, Handle, or Dispense, in Excess of 1000 Pounds</u>	\$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 <u>Store, Transport on site, Use, Handle, or Dispense, in Excess of 100 Pounds</u>	\$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 <u>Store, Transport on site, Use, Handle, or Dispense, Any Amount</u>	\$150	
54a	6001.2 5001.5	Highly Toxic Solids: Store, Transport on Site, or Dispense, Any Amount	\$150	

Table 107.2				
Line #	Code Reference	FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
54b	<del>108.1.1</del> <del>6001.2</del> <del>5001.5</del>	<del>Highly Toxic Solids: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, Any Amount</del>	<del>\$150</del>	
55a	<del>6301.2</del> <del>5001.5</del>	<del>Oxidizing Liquids, Class 4: Store, Transport on Site, or Dispense, Any Amount</del>	<del>\$150</del>	
55b	<del>108.1.1</del> <del>6301.2</del> <del>5001.5</del>	<del>Oxidizing Liquids, Class 4: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, Any Amount</del>	<del>\$150</del>	
56a	<del>6301.2</del> <del>5001.5</del>	<del>Oxidizing Liquids, Class 3: Store, Transport on Site, or Dispense, in Excess of 1 Gallon</del>	<del>\$150</del>	
56b	<del>108.1.1</del> <del>6301.2</del> <del>5001.5</del>	<del>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</del>	<del>\$150</del>	
57a	<del>6301.2</del> <del>5001.5</del>	<del>Oxidizing Liquids, Class 2: Store, Transport on Site, or Dispense, in Excess of 10 Gallons</del>	<del>\$150</del>	
57b	<del>108.1.1</del> <del>6301.2</del> <del>5001.5</del>	<del>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</del>	<del>\$150</del>	
58a	<del>6301.2</del> <del>5001.5</del>	<del>Oxidizing Liquids, Class 1: Store, Transport on Site, or Dispense, in Excess of 55 Gallons</del>	<del>\$150</del>	
58b	<del>108.1.1</del> <del>6301.2</del> <del>5001.5</del>	<del>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</del>	<del>\$150</del>	
59a	<del>6301.2</del> <del>5001.5</del>	<del>Oxidizing Solids, Class 4: Store, Transport on Site, or Dispense, Any Amount</del>	<del>\$150</del>	
59b	<del>108.1.1</del> <del>6301.2</del> <del>5001.5</del>	<del>Oxidizing Solids, Class 4: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, Any Amount</del>	<del>\$150</del>	
60a	<del>6301.2</del> <del>5001.5</del>	<del>Oxidizing Solids, Class 3: Store, Transport on Site, or Dispense, in Excess of 10 Pounds</del>	<del>\$150</del>	
60b	<del>108.1.1</del> <del>6301.2</del> <del>5001.5</del>	<del>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</del>	<del>\$150</del>	
61a	<del>6301.2</del> <del>5001.5</del>	<del>Oxidizing Solids, Class 2: Store, Transport on Site, or Dispense, in Excess of 100 Pounds</del>	<del>\$150</del>	
61b	<del>108.1.1</del> <del>6301.2</del> <del>5001.5</del>	<del>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</del>	<del>\$150</del>	
62a	<del>6301.2</del> <del>5001.5</del>	<del>Oxidizing Solids, Class 1: Store, Transport on Site, or Dispense, in Excess of 500 Pounds</del>	<del>\$150</del>	
62b	<del>108.1.1</del> <del>6301.2</del> <del>5001.5</del>	<del>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</del>	<del>\$150</del>	
63a	<del>6201.2</del> <del>5001.5</del> <del>5601.2</del>	<del>Organic Peroxides, Liquid, Class I: Store, Transport on Site, or Dispense, Any Amount</del>	<del>\$150</del>	
63b	<del>108.1.1</del> <del>6201.2</del> <del>5001.5</del> <del>5601.2</del>	<del>Organic Peroxides, Liquid, Class I: Store, Transport on Site, Dispense, Use, or Handle Store, Transport on site, Use, Handle, or Dispense, Any Amount</del>	<del>\$150</del>	

Line #		Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
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	
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	



Table 107.2				
<u>Line</u> #	<u>Code</u> Reference	<b>FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>	<i>Flat Fee</i>	<i>Hourl y Fee</i>
74b	<del>108.1.1</del> <del>6401.2</del> <del>5001.5</del>	<del>Pyrophoric Material, Liquid: Store, Transport on Site, Dispense, Use, or Handle</del> <del>Store, Transport on site, Use, Handle, or Dispense, Any Amount</del>	<del>\$150</del>	
72a	<del>6401.2</del> <del>5001.5</del>	<del>Pyrophoric Material, Solid: Store, Transport on Site, or Dispense, Any Amount</del>	<del>\$150</del>	
72b	<del>108.1.1</del> <del>6401.2</del> <del>5001.5</del>	<del>Pyrophoric Material, Solid: Store, Transport on Site, Dispense, Use, or Handle</del> <del>Store, Transport on site, Use, Handle, or Dispense, Any Amount</del>	<del>\$150</del>	
73	<del>108.1.1</del> <del>5001.5</del>	<del>Hazardous Production Facilities (HPM): Store, Handle, or Use</del> <del>Store, Use, or Handle, Hazardous Production Materials</del>	<del>\$150</del>	
74	<del>108.1.1</del> <del>3201.2</del> <del>301.2</del> <del>5001.5</del> <del>5101.2</del> <del>5201.2</del> <del>5701.2</del>	<del>High Piled Storage: Use a Building or a Portion Thereof as a High-piled Storage</del> <del>Area Exceeding 500 Square Feet.</del>	<del>\$150</del>	
75a	<del>108.1.1</del> <del>3501.2</del> <del>5301.2</del>	<del>Hot Work and Welding: Public Exhibitions and Demonstrations (Each</del> <del>Exhibitor/Demo. – 10 Day Permit)</del>	<del>\$78</del>	
76 75b	<del>108.1.1</del> <del>3501.2</del> <del>5301.2</del>	<del>Hot Work and Welding: Small Scale Hot Work</del>	<del>\$150</del>	
77 75c	<del>108.1.1</del> <del>3501.2</del> <del>2001.3</del> <del>5301.2</del>	<del>Hot Work and Welding: Fixed Site Hot Work Equipment (Example: Welding Booth)</del>	<del>\$150</del>	
78 75d	<del>108.1.1</del> <del>3501.2</del> <del>2001.3</del> <del>5301.2</del>	<del>Hot Work and Welding: Cutting or Welding, All Locations</del>	<del>\$150</del>	
79 75e	<del>108.1.1</del> <del>3501.2</del> <del>5301.2</del>	<del>Hot Work and Welding: Open Flame Device Roofing Operation (Each Site/Location</del> <del>– 90 Day Permit)</del>	<del>\$150</del>	
80 75f	<del>108.1.1</del> <del>3501.2</del> <del>2001.3</del> <del>5301.2</del>	<del>Hot Work and Welding: Torch or Open Flame Operations other than Roofing (Each</del> <del>Site/Location – 30 Day permit)</del>	<del>\$78</del>	
81 76	<del>108.1.1</del> <del>3001.2</del>	<del>Industrial Ovens</del>	<del>\$150</del>	
82 77	<del>108.1.1</del> <del>2801.2</del>	<del>Lumber Yards and Woodworking Plants: Storage or Processing of Lumber</del> <del>Exceeding 100,000 Board Feet</del>	<del>\$150</del>	
83 78	<del>108.1.1</del> <del>301.2</del>	<del>Electric, Liquid or Gas-Fueled Vehicles: Display Inside Any Building (Each Event –</del> <del>6 Month Permit)</del> <del>COMMENTARY</del> <del>2012 edition: Added “electric” to conform to the proposed change to the code</del> <del>section.</del>	<del>\$150</del>	
84 79a	<del>108.1.1</del> <del>6101.2</del> <del>5301.2</del>	<del>LP Gas: Storage and/or Use Inside Any Structure</del> <del>Exception: One and two family detached single family dwellings and townhouses</del>	<del>\$150</del>	

<u>Line</u> <u>#</u>		<u>Code</u> <u>Reference</u>	<b>Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>	<u>Flat</u> <u>Fee</u>	<u>Hourl</u> <u>y Fee</u>
<u>79b</u>		<u>6101.2</u> <u>5301.2</u>	<u>LP-Gas: Storage Outside and Use Inside Any Structure</u> <u>Exception: One and two family detached single family dwellings and townhouses</u> <u>COMMENTARY</u> 2012 edition: Added permit to address situations that do not exactly fit into existing permits	<u>\$150</u>	
<u>85</u> <u>79c</u>		<u>108.1.1</u> <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)	<u>\$78</u>	
<u>86</u> <u>79d</u>		<u>108.1.1</u> <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	<u>\$150</u>	
<u>87</u> <u>79e</u>		<u>108.1.1</u> <u>6101.2</u> <u>5301.2</u>	LP-Gas: Dispensing and Cylinder Refill Location	<u>\$150</u>	
<u>88</u> <u>79f</u>		<u>108.1.1</u> <u>6101.2</u> <u>5301.2</u>	LP-Gas: Retail Cylinder Exchange Location	<u>\$150</u>	
<u>89</u> <u>80</u>		<u>108.1.1</u> <u>301.2</u> <u>2001.3</u>	Combustible Storage: Storage Inside Any Building or Upon Any Premises – in Excess of 2500 Cubic Feet	<u>\$150</u>	
<u>90</u> <u>81a</u>		<u>108.1.1</u> <u>301.2</u>	Open Burning: Bonfire (10 Day Permit)	<u>\$150</u>	
<u>91</u> <u>81b</u>		<u>108.1.1</u> <u>301.2</u>	Open Burning: Silvicultural / Controlled Burning (90 Day Permit)	<u>\$150</u>	
<u>92</u> <u>82a</u>		<u>108.1.1</u> <u>301.2</u>	Open Flame and/or Candles: Public Meetings/Gatherings in A and E Use Groups (Each Event)	<u>\$78</u>	
<u>93</u> <u>82b</u>		<u>108.1.1</u> <u>301.2</u>	Open Flame and/or Candles: Restaurants and Drinking Establishments, Assembly and Dining Areas <u>Assembly areas, Dining areas of Restaurants or Drinking establishments</u> <u>COMMENTARY</u> 2012 edition: Changed wording to keep in agreement with VSFPC 2012	<u>\$150</u>	
<u>94</u> <u>83</u>		<u>108.1.1</u> <u>2901.2</u>	Organic Coatings: Manufacturing Operation Producing More Than 1 Gallon in One Day	<u>\$150</u>	
<u>95</u> <u>84</u>		<u>108.1.1</u> <u>401.2.1</u>	Place of Assembly/Education – Occupant Load 50 or Greater	<u>\$150</u>	
<u>96</u> <u>85a</u>		<u>108.1.1</u> <u>5601.2</u> <u>5605.1.1</u> <u>5001.5</u>	Pyrotechnics and Fireworks: Retail Sales of Permissible Fireworks - Any Amount (45 Day Permit)	<u>\$720</u>	
<u>97</u> <u>85b</u>		<u>108.1.1</u> <u>5601.2</u> <u>5605.1.1</u> <u>5001.5</u>	Pyrotechnics and Fireworks: Wholesale of Permissible Fireworks - Any Amount (45 Day Permit)	<u>\$720</u>	
<u>98</u> <u>85c</u>		<u>108.1.1</u> <u>5601.2</u> <u>5605.1.1</u> <u>5001.5</u>	Pyrotechnics and Fireworks: Outdoor Fireworks Display (Aerial/Proximate Audience) (One Day Permit)	<u>\$480</u>	
<u>99</u> <u>85d</u>		<u>108.1.1</u> <u>5601.2</u> <u>5605.1.1</u> <u>5001.5</u>	Pyrotechnics and Fireworks: Indoor Pyrotechnic Display and Special Effects (One Day Permit)	<u>\$480</u>	

Table 107.2				
<u>Line</u> #	<u>Code</u> Reference	<b>FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>	<i>Flat Fee</i>	<i>Hourl y Fee</i>
100 86	108.1.1 601.2	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	
101 87a	108.1.1 2301.2	Repair Garages and Service Stations: Automotive Repair Garage Only	\$150	
102 87b	108.1.1 2301.2	Repair Garages and Service Stations: Automotive Service Station Only	\$150	
103 87c	108.1.1 2301.2 5301.2	Repair Garages and Service Stations: Automotive Repair Garage and Service Station	\$150	
104 87d	108.1.1 2301.2 5301.2 6101.2	Repair Garages and Service Stations: LP-Gas Motor Vehicle Fuel Dispensing	\$150	
105 87e	108.1.1 2301.2 5301.2	Repair Garages and Service Stations: Compressed Natural Gas Motor Vehicle Fuel Dispensing	\$150	
106 87f	108.1.1 2301.2 5301.2 5501.2 5801.2	Repair Garages and Service Stations: Hydrogen Motor Fuel Dispensing and Generation Station	\$150	
107 87g	108.1.1 2301.2	Repair Garages and Service Stations: Marine and Watercraft Service Station	\$150	
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	
89		<u>Solar Photovoltaic Systems</u> <u>COMMENTARY</u> 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 <u>COMMENTARY</u> 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	
115 92	108.1.1 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	
116 93	108.1.1 3401.2	Tire Rebuilding Plants	\$150	

Table 107.2				
<u>Line</u> #	<u>Code</u> Reference	<b>FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>	<i>Flat Fee</i>	<i>Hourl y Fee</i>
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	
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	

<u>Line #</u> <u>Code Reference</u>		<b>Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>	<u>Flat Fee</u>	<u>Hourly Fee</u>
<del>107a</del>	<del>6701.2</del>	<del>Water-reactive Materials: Liquids, Class 3—Store, Transport on Site, or Dispense Any Amount</del>	<del>\$150</del>	
<del>130</del> <del>107b</del>	<del>108.1.1</del> <del>6701.2</del>	<del>Water-reactive Materials: Liquids, Class 3—Store, Transport on Site, Dispense, Use, or Handle Any Amount</del>	<del>\$150</del>	
<del>108a</del>	<del>6701.2</del>	<del>Water-reactive Materials: Solids, Class 1—Store, Transport on Site, or Dispense in Excess of 500 Pounds</del>	<del>\$150</del>	
<del>131</del> <del>108b</del>	<del>108.1.1</del> <del>6701.2</del>	<del>Water-reactive Materials: Solids, Class 1—Store, Transport on Site, Dispense, Use, or Handle in Excess of 500 Pounds</del>	<del>\$150</del>	
<del>109a</del>	<del>6701.2</del>	<del>Water-reactive Materials: Solids, Class 2—Store, Transport on Site, or Dispense in Excess of 50 Pounds</del>	<del>\$150</del>	
<del>132</del> <del>109b</del>	<del>108.1.1</del> <del>6701.2</del>	<del>Water-reactive Materials: Solids, Class 2—Store, Transport on Site, Dispense, Use, or Handle in Excess of 50 Pounds</del>	<del>\$150</del>	
<del>110a</del>	<del>6701.2</del>	<del>Water-reactive Materials: Solids, Class 3—Store, Transport on Site, or Dispense Any Amount</del>	<del>\$150</del>	
<del>133</del> <del>110b</del>	<del>108.1.1</del> <del>6701.2</del>	<del>Water-reactive Materials: Solids, Class 3—Store, Transport on Site, Dispense, Use, or Handle Any Amount</del>	<del>\$150</del>	
<del>134</del> <del>111a</del>	<del>108.1.1</del> <del>5201.3</del>	<del>Waste Handling: Wrecking Yard or Junk Yard</del>	<del>\$150</del>	
<del>135</del> <del>111b</del>	<del>108.1.1</del> <del>5201.3</del>	<del>Waste Handling: Waste Material Handling Facility</del>	<del>\$150</del>	
<del>136</del> <del>112</del>	<del>108.1.1</del> <del>2801.2</del>	<del>Wood Products: Storage of Chips, Hogged Material, Lumber, or Plywood in Excess of 200 Cubic Feet</del>	<del>\$150</del>	
<del>143</del>	<del>5901.2</del>	<del>Magnesium: Melt, Cast, Heat treat or Grind more than 10 pounds</del> <del>COMMENTARY</del> <del>2012 edition: Added permit to keep in agreement with VSFPC 2012</del>	<del>\$150</del>	

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

<u>Line #</u> <u>Code Reference</u>		<b>Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>	<u>Flat Fee</u>	<u>Hourly Fee</u>
Section 1 - Detailed Operational Permit Requirements. Note: All permit fees are per line item that applies				
1	5101.2	<b>Aerosol Products, Level 2 or 3.</b> An operational permit is required to manufacture, store or handle, an aggregate quantity in excess of 500 pounds net weight.	\$150	
2	107.2	<b>Amusement Buildings: Permanent.</b> An operational permit is required to operate a special amusement building.	\$150	
3	107.2 403.12.2	<b>Amusement Buildings: Temporary or Mobile.</b> An operational permit is required to operate a special amusement building, (e.g., Haunted House). (60-day permit)	\$150	
4	2001.3	<b>Aviation Facilities.</b> 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	<b>Assembly, Indoor (to include Exhibits and Trade Shows).</b> 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	<b>Assembly, Outdoor (to include Carnivals, Circuses, Fairs, and Festivals).</b> 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	<b>Assembly, Place of or Education – Occupant Load 50 or Greater</b>	\$150	
<u>8</u>	<u>601.2</u> <u>608.1</u>	<b><u>Battery Systems, Stationary Storage</u></b> <b><u>An operational permit is required for the operation of stationary storage battery systems regulated by Chapter 6.</u></b>	<b><u>\$150</u></b>	
9	301.2	<b>Cellulose Nitrate Film:</b> An operational permit is required to store, handle, or use cellulose nitrate film in a Group A Occupancy.	\$150	
10	2201.2	<b>Combustible Dust-Producing Operations.</b> 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	<b>Combustible Fibers.</b> An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 Cubic Feet. <b>Exception:</b> An operational permit is not required for agricultural storage.	\$150	
12	609.3	<b>Commercial Kitchen Operation Requiring a Type I Hood.</b> An operational permit is required for the operation of a commercial kitchen requiring a Type I hood. <b>Exceptions:</b> 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	<b>Compressed Gas: Corrosive.</b> 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). <b>Exception:</b> <i>Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.</i>	\$150	

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee																				
14	5301.2 5801.2 5001.5	<b>Compressed Gas: Flammable.</b> 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). <b>Exceptions:</b> 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	<b>Compressed Gas: Toxic or Highly Toxic.</b> 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	<b>Compressed Gas: Inert or Simple Asphyxiant.</b> 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 temperate and pressure (NTP). <b>Exception:</b> Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$150																					
17	5301.2 6301.2 5001.5	<b>Compressed Gas: Oxidizing (including Oxygen).</b> 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). <b>Exception:</b> Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	\$150																					
18	5301.2 6401.2 5001.5	<b>Compressed Gas: Pyrophoric.</b> An operational permit is required for the storage, use, or handling of pyrophoric gas in any amount.	\$150																					
19	107.2	<b>Covered and open mall buildings.</b> 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																					
20	5501.2 2301.2 5001.5 5801.2	<b>Cryogenic Fluids.</b> An operational permit is required to produce, store, transport onsite, use, handle or dispense cryogenic fluids in excess of the amounts listed below.  <b>Exception:</b> Vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.  <table><tr><th>Type of Cryogenic Fluid</th><th>Inside Building (gallons)</th><th>Outside Building (gallons)</th><th></th></tr><tr><td>Flammable</td><td>More than 1</td><td>60.....</td><td>\$150</td></tr><tr><td>Inert</td><td>60</td><td>500.....</td><td>\$150</td></tr><tr><td>Oxidizing (Includes oxygen)</td><td>10</td><td>50.....</td><td>\$150</td></tr><tr><td>Physical or health hazard not indicated above</td><td>Any amount</td><td>Any amount.....</td><td>\$150</td></tr></table>	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		
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	<b>Dry Cleaning Plants.</b> 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																					

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
<b>22</b>	<b>601.2</b>	<b>Electrified Security Fence</b>	<b>\$150</b>	
23	5601.2	<b>Explosives:</b> Explosives Use, Each Site or Location (6 Month Permit).	\$180	
24	5601.2	<b>Explosives:</b> Firm or Company License.	\$150	
25	5601.2	<b>Explosives:</b> Storage and Display of Black Powder or Smokeless Propellant Indoors <b>Exception:</b> 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	<b>Explosives:</b> Laboratory Use (6 Month Permit).	\$150	
<b>27</b>	<b>3308.2</b>	<b><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></b> <b><u>Exception: Building less than 5 stories above average grade plane and less than 50,000 square feet in size.</u></b>	<b>\$0</b>	
28	5701.4	<b>Flammable and combustible liquids.</b> An operational permit is required:	\$150	
		1. 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.	\$150	
		2. <b>Class I:</b> Store, Handle, or Use in Excess of 5 Gallons in a Building or in Excess of 10 Gallons Outside a Building. <b>Exceptions:</b>		
		a. 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.	\$150	
		b. 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	
		3. <b>Class II or IIIA:</b> 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.	\$150	
		4. 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	\$150	
		5. 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.	\$150	
		6. 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.	\$150	



Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
29	5701.4	<b>Flammable/Combustible Liquid Tank.</b> An operational permit is required for the following: a. Underground Storage, with or without dispensing equipment..... \$150 b. Above-ground Storage, with or without dispensing equipment..... \$150 c. Bulk Storage Facility – in Excess of 100,000 Gallons..... \$150 d. Installation, Above ground or Underground Tank (90 Day Permit)..... \$150 e. Alter or Relocate an Existing Tank (90 Day Permit)..... \$150 f. Place Temporarily Out of Service..... \$150 g. Underground Abandonment (90 Day Permit)..... \$150 h. Underground Removal (Commercial - 90 Day Permit)..... \$150 i. Underground Removal (Residential - 90 Day Permit)..... \$150 j. Above-ground Removal (Commercial - 90 Day Permit)..... \$150 k. Above-ground Removal (Residential - 90 Day Permit)..... \$150 l. Install Product Lines/Dispensing Equipment (90 Day Permit)..... \$150 m. Manufacture, Process, Blend, or Refine..... \$150  <b>Note:</b> Installation permits are based on the fee Table in Appendix Q of Chapter 61 of the Code of the County of Fairfax.		
30	2401.3	<b>Floor finishing:</b> 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	<b>Fruit or crop-ripening:</b> An operational permit is required to operate a fruit or crop ripening facility or conduct a fruit-ripening process using ethylene gas.	\$150	
32	2601.2	<b>Fumigation, thermal insecticidal and fogging:</b> 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	<b>Hazardous Materials.</b> An operational permit is required to store, transport on site , dispense, use or handle hazardous materials in excess of the amounts shown below:		
34		<b>Combustible Liquids:</b> refer to flammable and combustible liquids		
35		<b>Corrosive Gases:</b> refer to Compressed Gases		
36	5401.2	<b>Corrosive Liquids:</b> greater than 55 Gallons	\$150	
37	5401.2	<b>Corrosive Solids:</b> greater than 1000 Pounds	\$150	
38		<b>Explosives:</b> refer to Explosive Materials		
39		<b>Flammable Gasses:</b> refer to Compressed Gases		
40		<b>Flammable Liquids:</b> refer to Flammable and Combustible Liquids		
41	5901.2	<b>Flammable Solids:</b> greater than 100 Pounds	\$150	
42		<b>Highly Toxic Gases:</b> refer to Compressed Gases		
43	6001.2	<b>Highly Toxic Liquids:</b> any amount	\$150	
44	6001.2	<b>Highly Toxic Solids:</b> any amount	\$150	
45		<b>Oxidizing Gases:</b> refer to Compressed Gases		

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
46	6301.2	<b>Oxidizing Liquids:</b> a. Class 4: any amount..... b. Class 3: greater than 1 gallon..... c. Class 2: greater than 10 gallons..... d. Class 1: greater than 55 gallons.....	\$150 \$150 \$150 \$150	
47	6301.2	<b>Oxidizing Solids:</b> a. Class 4: any amount..... b. Class 3: greater than 10 pounds..... c. Class 2: greater than 100 pounds..... d. Class 1: greater than 500 pounds.....	\$150 \$150 \$150 \$150	
48	6201.2	<b>Organic Peroxides, Liquid</b> a. Class I: any amount..... b. Class II: any amount..... c. Class III: greater than 1 gallon..... d. Class IV: greater than 2 gallons..... e. Class V: no permit required.....	\$150 \$150 \$150 \$150 \$150	
49	6201.2	<b>Organic Peroxides, Solids:</b> a. Class I: any amount..... b. Class II: any amount..... c. Class III: greater than 10 pounds..... d. Class IV: greater than 20 pounds..... e. Class V: no permit required.....	\$150 \$150 \$150 \$150 \$150	
50	6401.2	<b>Pyrophoric Material:</b> a. Gas: any amount..... b. Liquid: any amount..... c. Solid: any amount.....	\$150 \$150 \$150	
51	6001.2	<b>Toxic Materials:</b> a. Gases: refer to compressed gases..... b. Liquids: 10 gallons..... c. Solids: 100 pounds.....	\$150 \$150 \$150	
52	6601.2	<b>Unstable (Reactive) Materials:</b> <b>Liquids:</b> a. Class 1: greater than 10 gallons..... b. Class 2: greater than 5 gallons..... c. Class 3: any amount..... d. Class 4: any amount..... <b>Solids:</b> 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 \$150	

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
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	<b>Hazardous Production Facilities (HPM):</b> An operational permit is required to store, handle or use hazardous production materials.	\$150	
55	3201.2	<b>High Piled Storage.</b> 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	<b>Hot Work and Welding:</b> Public Exhibitions and Demonstrations (Each Exhibitor/Demo – 10 Day Permit)	\$78	
57	3501.2	<b>Hot Work and Welding:</b> 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	<b>Industrial Ovens:</b> An operational permit is required for operation of industrial ovens regulated by Chapter 30.	\$150	
59	2801.2	<b>Lumber Yards and Agro-Industrial Solid Biomass and Woodworking Plants.</b> Storage or Processing of Lumber Exceeding 100,000 Board Feet (8,333 ft <sup>3</sup> ) (236 m <sup>3</sup> ).	\$150	
<b>60</b>	<b>109.1</b>	<b><u>Live/Work Units: An operational permit is required for each Live/Work Unit that does not function solely as a dwelling unit.</u></b>	<b>\$150</b>	
61	6101.2	<b>LP-Gas:</b> An operational permit is required for: a. Storage or use of LP-gas, (inside or outside any structure).	\$150	
62	6101.2	<b>LP-Gas:</b> An operational permit is required for storage and/or use outside, portable installation, per event, more than 10 gallons aggregate (30-day permit). <b>Exception:</b> Single-and two-family dwellings.	\$78	

Line #	Code Reference	Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS	Flat Fee	Hourly Fee
63	6106 6109	<b>LP-Gas:</b> 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	<b>Miscellaneous Combustible Storage:</b> Storage inside any building or upon any premises - in excess of 2500 cubic feet.	\$150	
<b>65</b>	<b>107.2</b>	<b><u>Mobile food preparation vehicle: A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease laden vapors.</u></b>	<b>\$150</b>	
66	301.2	<b>Open Burning:</b> 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	<b>Open Flame and Candles.</b> 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	<b>Organic Coatings:</b> An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon in one day.	\$150	
<b>69</b>	<b>107.2</b>	<b><u>Private Fire Hydrant – An operational permit is required for the removal from service, use or operation of private fire hydrants.</u></b>	<b>\$150</b>	
70	5601.2	<b>Pyrotechnics and Fireworks:</b> An operational permit is required for: a. Outdoor Fireworks Display (Aerial Audience) (One Day Permit)	\$480	
71	5601.2	<b>Pyrotechnics and Fireworks.</b> An operational permit is required for Retail Sales (inside mercantile establishment) of Permissible Fireworks – Any Amount (45-day permit).	\$720	
72	5601.2	<b>Pyrotechnics and Fireworks.</b> 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	<b>Pyroxylin Plastic:</b> 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	<b>Refrigeration Equipment:</b> An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	\$150	
75	2301.2	<b>Repair garages and service stations:</b> An operational permit is required for operation of repair garages and automotive, marine and fleet service station.	\$150	
76	2001.3	<b>Rooftop Heliports:</b> An operational permit is required to operate a rooftop heliport.	\$150	
<b>77</b>	<b>601.2</b>	<b><u>Solar photovoltaic power systems. An operational permit is required for the installation and operation of a solar photovoltaic power system.</u></b>	<b>\$150</b>	
78	2401.3	<b>Spraying or dipping operations:</b> 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	<b>Swimming Pool Operation:</b> The operation of a public or community pool requires an operational permit.	\$150	

Line #	Code Reference	<b>Table 107.2 FIRE PREVENTION FEES AND DETAILED PERMIT REQUIREMENTS</b>	Flat Fee	Hourly Fee
80	3103.2	<b>Temporary membrane structures and tents</b> , (6 Month Permit). <b>Exceptions:</b> 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	<b>Tire-rebuilding Plants:</b> An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	\$150	
82	3401.2	<b>Tire Storage (scrap tires and tire byproducts):</b> 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	<b>Waste Handling:</b> An operational permit is required for the operation of wrecking yards, junk yards and waste material handling facilities.	\$150	
84	2801.2	<b>Wood Products:</b> An operational permit is required to store chips, hogged material, lumber, or plywood in excess of 200 cubic feet.	\$150	
<b>Note: All permit fees are per line item that applies</b>				
<b>Section 2 – Plan Review Fees</b>				
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	
<b>Section 3 - Inspection and Testing Fees</b>				
	<del>107.10</del>	<del>Office For Children Home Day Care Fire Inspections (Includes 1 Follow-up Inspection)</del>	<del>\$25</del>	
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	<b>Technical Fire Code Inspection</b> (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	<del>Faulty Unwanted</del> 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"~~

~~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 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 when it is found by inspection or otherwise, 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.

~~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.~~

**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

~~Add as follows: **FIRE AERIAL APPARATUS ACCESS.** Any roadway or area required to be located and designed to enable aerial firefighting apparatus to access a structure. This may include public and private streets, parking lot lanes or aisles, travel ways around structures and roadways, and areas to be used exclusively for fire department aerial apparatus access.~~

**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 LANE.** Areas which shall remain unobstructed at all times, whether on public or private property, to ensure ready ingress and egress as well as operational access for firefighting and rescue equipment, facilities, and operations.

**FIRE LANE MARKINGS.** The methods by which areas required to be kept available for use by fire department vehicles are denoted.

**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.

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

**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.**

**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 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 107.2 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.** Add exception as follows: **308.3 Group A occupancies.**

**Exceptions:**

- 1.4. Where used in an approved manner to maintain the temperature of prepared food items, on a table used only to serve food.

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

1 extinguisher shall be provided in close proximity to the roofing material application.  
2 Each employee shall be instructed on the proper use of fire extinguishers and in the  
3 event of a fire to turn off all *rubberized asphalt melter* power supply, engines, and  
4 burners. Employees shall notify the fire department.  
5

6 320.5 Attendant Supervision. An operating *rubberized asphalt melter* shall be  
7 attended by an employee who is knowledgeable and solely dedicated to the operation  
8 of the equipment and associated hazards. The employee shall always be within sight  
9 of the melter. The employee shall remain in the area of the melter for a minimum of  
10 one-hour after the device is shut down in compliance with Section 3504.2.  
11

12 320.6 Minimum Melter Design Requirements. A *Rubberized asphalt melter* shall  
13 be operated as a complete unit as designed and built by the manufacturer. Field  
14 changes that override controls or safety features are prohibited. Material vats shall  
15 be a permanent integral part of the *rubberized asphalt melter* unit. The *rubberized*  
16 *asphalt melter* chassis shall be substantially constructed and capable of carrying the  
17 load imposed upon it whether it is standing still or being transported.  
18

19 320.6.1 Lids. *Rubberized asphalt melter* shall have lids permanently attached.  
20 The lids shall be kept closed at all times, except to add rubberized asphalt membrane  
21 cakes to the *rubberized asphalt melter*. Loading doors shall be designed as a safety  
22 door integral to the roofing material tank and shall be provided with handles that  
23 allow rubberized asphalt cakes to be lowered into the tank without operator exposure  
24 to the vat material.  
25

26 320.7 Melter Operation. *Rubberized asphalt melters* shall be operated  
27 according to manufacturer instructions. *Rubberized asphalt melters* shall operate  
28 using integral control systems that include shut off controls for the electric or diesel-  
29 fired burner, temperature controls for the oil or air system, and the material vat.  
30 Where a diesel burner is utilized, it shall fire into a burner flue assembly for the oil or  
31 air jacketed shell for uniform heat transfer to the material vat. There shall be no open  
32 flame devices on *rubberized asphalt melters*. All *rubberized asphalt melters* shall  
33 have an approved, working visible temperature gauge(s) that indicate the temperature  
34 of the rubberized material being heated and, in the case of oil jacketed *rubberized*  
35 *asphalt melters*, the temperature of the heat transfer oil heating the material vat. The  
36 *rubberized asphalt melter* shall have limit switches that prevent the material vat from  
37 heating beyond 400 degrees F.  
38

39 320.8 Fuel System and containers. Fuel containers for diesel-powered melters  
40 shall be constructed and approved for the use for which they were designed.  
41 *Rubberized asphalt melter* fuel tanks shall be attached to the frame of the melter.  
42 Portable fuel tanks shall not be utilized to power *rubberized asphalt melters*. Diesel  
43 tanks and engines integral to *rubberized asphalt melters* shall be maintained in  
44 accordance with manufacturer instructions.  
45

**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.

~~**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

#### FIRE LANE MARKING

~~**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 503.1.3.~~

**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.~~
- ~~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.~~

**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 to be designated 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 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.

**503.2.1.1 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 <b>Exception:</b> 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.

**503.3.1 Responsibility.** Add Subsection as follows: **503.3.1 Responsibility.** The property or building owner shall supply, install, and maintain all signs and other required markings to delineate fire lanes, as directed and approved by the *fire code official*.

**503.3.2 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.~~**

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

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

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

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

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

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

1  
2       **506.3 Number and labeling of required keys.** Add Subsection as follows:  
3 **506.3 Number and labeling of required keys.** In buildings with fire command centers, 15  
4 sets of common keys shall be provided for access to building services and systems regulated  
5 by Section 601 of this Code and to all storage, trash and utility rooms, roof access doors, and  
6 doors to other secured areas. In all other buildings required to provide fire department  
7 access, 3 sets of common keys shall be provided. Individual keys shall be clearly labeled as  
8 to function and each set of keys shall be individually tagged in a manner approved by the fire  
9 official.

10  
11       **506.4 Height of key boxes.** Add Subsection as follows: **506.4 Height of key boxes.**  
12 Required key boxes shall be installed at the primary fire department entrance, in a visible and  
13 accessible position, 42 inches to 54 inches above finished grade. For new or renovated  
14 buildings, fire department key boxes must be installed prior to occupancy.

15  
16       **507.5.5 Clear space around hydrants and fire department connections.** Add  
17 Subsection as follows: **507.5.5 Clear space around hydrants and fire department**  
18 **connections.** A 4-foot clear space shall be maintained around the circumference of fire  
19 hydrants, and a 5-foot clear space shall be maintained on each side of a fire department  
20 connection, except as otherwise required or approved.

21  
22       **601.2 Permits.** Delete and substitute as follows: **601.2 Permits.** Permits shall be  
23 obtained for refrigeration systems, battery systems, solar photovoltaic power systems,  
24 commercial kitchen hood suppression systems, rubberized asphalt melters and electrified  
25 security fences as set forth in Sections 107.2.

26  
27       ~~**609.3.3.1 Inspection and cleaning.** Delete and substitute as follows:~~  
28 ~~**609.3.3.1 Inspection and cleaning.** Hoods, grease removal devices, fans, ducts~~  
29 ~~**and other appurtenances shall be inspected and cleaned at intervals specified in**~~  
30 ~~**Table 609.3.3.1 or as approved by the fire code official. Inspections shall be**~~  
31 ~~**completed by qualified individuals.**~~

32  
33       **609.5 Type I hood fire protection records.** Add Subsection as follows: **609.5 Type**  
34 **I hood fire protection records.** The occupant shall maintain on premises a copy of all  
35 literature issued by the system manufacturers at time of installation and an approved plan of  
36 the fire protection system covering the cooking appliances. These items shall be made  
37 available to the *fire code official* on request.

38  
39 Add definition to list as follows: 602.1 DEFINITIONS  
40  
41

## **ELECTRIFIED SECURITY FENCE**

Add Section as follows:

### **Section 612** **Electrified Security Fence**

**612.1 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.**

**612.2 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.**

**612.3 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.**

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

**612.5 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.**

**612.6 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.**

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

**612.7.1 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.~~

**807.5.2.4 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.

**901.12 Unwanted or Nuisance alarms. Add Subsection as follows: 901.14 Unwanted or Nuisance alarms. Inspection fees shall be as in Table 107.2 and 109.6. Whenever unwanted nuisance fire alarm activations occur in any occupancy exceed three in a 90- day period, the fire official may require the owner or occupant to conduct a test of the fire protection system causing the nuisance alarm. Testing shall be in accordance with section 901.6.3.**

- 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.

**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 m<sup>2</sup>).
3. The fuel flow is continuous in nature.
4. The procedures as set forth in section 5003.3.1 shall also be followed.

**3103.2 Approval required.** Delete and substitute as follows: **3103.2 Approval required.** Tents and membrane structures having an area in excess of 900 square feet (84 m<sup>2</sup>) 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.

**Exception:**

1. Tents used exclusively for recreational camping purposes.

**3104.2.1 Cooking tents, flame propagation performance treatment.** Add Subsection as follows: **3104.2.1 Cooking tents, flame propagation performance treatment.** Where cooking is performed intents and membrane structures, tents and membrane structures and their appurtenances; sidewalls, drops and tarpaulins; floor coverings, bunting, and combustible decorative materials and effects, including sawdust where used on floors or passageways, shall be composed of material meeting the flame propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701 or shall be treated with a flame retardant in an *approved* manner and meet the flame propagation performance criteria of Test Method 1 or Test Method 2, as appropriate, of NFPA 701.

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.

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

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

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

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

3308.6 Hot work operations. Delete and substitute as follows: 3308.6 Hot work operations. The fire prevention program manager shall be responsible for supervising the 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.

**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.

**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 Manufacture of explosives.** Add Subsection as follows:

**5601.1.6 Manufacture of explosives.** The manufacture of explosives in Fairfax County 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.

**5601.2.4 Explosives insurance required.** Add Subsection as follows: **5601.2.4 Explosives insurance required.** 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.

~~**5601.2.5 Vehicle permit.** Add subsection as follows: **5601.2.5 Vehicle permit.** Each vehicle transporting explosive materials within the County shall be required to obtain a vehicle permit from the fire official. The permit shall be valid for 6 months and shall be revoked for failure to maintain the vehicle in a safe operating condition in compliance with DOT 49 CFR. Permit fees shall be as listed in section 107.2.~~

## **5602.1 Definitions.**

Add as follows:

**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.

**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.

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

3  
4 **WHOLESALE.** A person, firm, or corporation offering explosive materials for sale or  
5 explosive materials to a retailer. Such term also includes a manufacturer of explosive  
6 materials, a representative of any such manufacturer, a distributor, a jobber, or a middleman  
7 of any description dealing in explosive materials, any of whom shall sell or offer to sell  
8 explosive materials to a retailer within the County.

9  
10 **5603.1 General.** Delete and substitute as follows: **5603.1 General.** Records of the  
11 receipt, handling, use, sale or disposal of *explosive materials*, and reports of any accidents,  
12 thefts or unauthorized activities involving *explosive materials* shall conform to the  
13 requirements of this section.

14  
15 **5603.2 Transaction record.** Delete and substitute as follows: **5603.2 Transaction**  
16 **record.** The permittee shall maintain a record of all transactions involving receipt, removal,  
17 use, sale or disposal of *explosive materials*. Such records shall be maintained for a period  
18 of 5 years.

19  
20 **Exception:** Where only Division 1.4G (consumer fireworks) are handled,  
21 records need only be maintained for a period of 3 years.

22  
23 **5603.4.1 Accidents with no injuries or property damage.** Add Subsection as  
24 follows: **5603.4.1 Accidents with no injuries or property damage.** Any blasting misfires,  
25 malfunctions, injuries or other unintended blasting related events or accidents involving the  
26 use of explosives, explosive materials, or fireworks which do not involve injuries or property  
27 damage shall be reported to the fire official immediately.

28  
29 **5603.8 Improper storage.** Add Subsection as follows: **5603.8 Improper storage.** If  
30 at any time Division 1.3G fireworks, explosives, or explosive materials are found not properly  
31 stored in a magazine, it shall immediately be reported to the Fairfax County Office of the Fire  
32 Marshal.

33  
34 **5604.1 General.** Delete and substitute as follows: **5604.1 General.** Storage  
35 and transportation of explosives and explosive materials, small arms ammunition, small  
36 arms primers, propellant-actuated cartridges and smokeless propellants in magazines  
37 shall comply with the provisions of this section.

38  
39 **5604.1.1 Overnight Storage.** Add Section as follows: **5604.1.1 Overnight Storage.**  
40 The overnight storage of explosive materials, including Division 1.3G fireworks, is prohibited.  
41

**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.

**5604.1.2 Enforcement.** Delete and substitute as follows: **5604.1.2 Enforcement.** The Fairfax County Office of the Fire Marshal shall enforce the regulations contained herein pertaining to the intra-county transportation of explosives.

**5604.1.3 Notification.** Delete and substitute as follows: **5604.1.3 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.

**5604.1.3 Transfer of explosive materials.** Delete and substitute as follows: **5604.1.3 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.

1       **5604.2.1 Control in wholesale and retail stores.** Delete and substitute as follows:  
 2       **5604.2.1 Control in wholesale and retail stores.** The storage or display of explosives and  
 3       blasting caps in wholesale and retail stores is prohibited unless in a magazine.

4  
 5       **5604.3 Magazines.** Add as follows: **5604.3 Magazines.** The storage of *explosives*  
 6       and *explosive materials* in magazines shall comply with Table 5604.3. Explosive materials in  
 7       overnight storage, regardless of quantity, shall utilize Type 1 or Type 2 magazines as  
 8       approved by the *fire code official*. Regardless of magazine type, storage of explosives in non-  
 9       sprinklered buildings is prohibited.

10  
 11       **5604.3 Magazines.** Delete and substitute as follows: **5607.3 Blasting in congested**  
 12       **areas or in close proximity.** When blasting is done in a congested area or in close proximity  
 13       to a structure, railway or highway, or any other installation, precautions in the loading,  
 14       delaying, initiation, and confinement of blasts shall be taken to minimize earth vibrations, air  
 15       blast effects, and fragments from being thrown. Sufficient burden, spacing, stemming,  
 16       blasting mats, or other protective means shall be used to prevent fragments from being  
 17       thrown.

18  
 19       **5607.3.1 Pre-blast surveys.** Add section as follows: **5607.3.1 Pre-blast surveys.** A  
 20       pre-blast survey shall be performed on each structure located within a minimum of 150 feet  
 21       and any well located within a minimum of 250 feet of the blast site. Written confirmation that  
 22       the pre-blast survey has been done shall be maintained by the blasting contractor. Requests  
 23       for access to structures for pre-blast surveys shall be made by certified mail to the last known  
 24       address of the owner(s) of any structures located within the pre-blast survey areas as defined  
 25       herein. If permitted by the owner(s), said pre-blast surveys shall be conducted to determine  
 26       the pre-blast conditions of these structures. A minimum of 14 days' notice shall be provided  
 27       for the scheduling of the pre-blast survey. Documentation consisting of a written  
 28       acknowledgement that the survey has been performed or declined by the property owner and  
 29       a map depicting the above referenced 150- and 250-foot radius, shall be provided to the *fire*  
 30       *code official* at the time of the Explosive Use Site Permit Inspection meeting.

31  
 32       **5607.3.2 Pre-blast notification.** Add Subsection as follows: **5607.3.2 Pre-blast**  
 33       **notification.** All structures located within a minimum of 300 feet of the blast site shall be  
 34       notified of the scheduled blasting 10 days prior to blasting and no blasting shall occur until  
 35       such notice has been given.

36  
 37       **5607.5 Utility notification.** Delete and substitute as follows: **5607.5 Utility**  
 38       **notification.** Whenever blasting is being conducted in the vicinity of utility lines or rights-of-  
 39       way, the blaster shall notify the appropriate representatives of the utilities at least 5 business  
 40       days in advance of blasting, specifying the location and intended time of such blasting.  
 41       Verbal notices shall be confirmed with written notices. Blasting operations will not proceed  
 42       until the owners/operators of utilities have been contacted and measures for safe control have  
 43       been taken.

44  
 45       **Exception:** When approved by the *fire code official* the time limit shall not apply  
 46       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:

**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. 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 5607.16.

**5607.19 Detonating cord and safety fuse.** Add Subsection as follows: **5607.19 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).

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

**5608.1.1 Unlawful activities.** Add Subsection as follows: **5608.1.1 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.

**5608.2.1.1 Permit required for display of aerial fireworks.** Add Subsection as follows: **5608.2.1.1 Permit required for display of aerial fireworks.** The Office of the Fire Marshal may issue permits, upon application in writing, for the display of aerial fireworks, commonly known as pyrotechnic displays, for fair associations, amusement parks, or by any organization, individual, or group of individuals; provided such display is in general accord with the applicable sections of NFPA 1123 and NFPA 1126, as listed in 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.



1 This insurance policy shall be available for the payment of any damage arising from the  
2 acts or omissions of the applicant, his agents, or his employees in connection with the  
3 activities authorized by the permit. The applicant shall ensure that the insurance policy is in  
4 effect at the time of the commencement of the activities authorized by the permit and  
5 remains continuously in effect until such activities are completed.

6  
7 **5608.11 Retail display and sale.** Add subsection as follows: **5608.11 Retail**  
8 **display and sale.** In addition to the restrictions set forth in section 5601.2.2, retail sales of  
9 permissible fireworks shall only be conducted from approved, fixed locations. Such  
10 locations shall comply with all Fairfax County rules and regulations applicable to such sites.  
11 The sale or storage of any fireworks shall be prohibited on the property of another without  
12 the express written permission of the owner. Staff selling permitted, permissible fireworks  
13 shall be 18 years or older.

14  
15 **5608.11.1 Precautions.** Add subsection as follows: **5608.11.1 Precautions.**  
16 Fireworks displayed for retail sale shall not be made readily accessible to the public. A  
17 minimum of one pressurized water fire extinguisher complying with section 906 shall be  
18 located not more than 15 feet and not less than 10 feet from the retail sale location. "NO  
19 Smoking" signs complying with section 310 shall be conspicuously posted in areas where  
20 fireworks are stored or displayed for retail sale.

21  
22 **5608.11.2 Sales to minors.** Add subsection as follows: **5608.11.2 Sales to**  
23 **minors.** The sale of permissible fireworks to persons under the age of 18 shall be  
24 prohibited unless the person is accompanied by a parent or legal guardian.

25  
26 **5608.11.3 Records to be kept by wholesaler and retailer.** Add subsection as  
27 follows: **5608.11.3 Records to be kept by wholesaler and retailer.** Each wholesaler  
28 shall maintain full and complete records of all purchases and sales of fireworks and each  
29 retailer shall maintain full and complete records of all purchases of fireworks. The Fairfax  
30 County Fire Marshal or his designated agent is authorized to examine the books and  
31 records of any wholesaler or retailer documenting the purchases and sales of fireworks  
32 within the county.

33  
34 **5608.12 Approval of permissible fireworks.** Add Subsection as follows: **5608.12**  
35 **Approval of permissible fireworks.** Persons engaged in the business of selling or offering  
36 to sell fireworks at wholesale shall submit to the Office of the Fire Marshal a list of fireworks  
37 for approval. Persons engaged in the business of selling fireworks at wholesale may be  
38 required to submit to the Office of the Fire Marshal at least 5 samples of each firework  
39 intended to be sold or delivered by such wholesaler, together with complete specifications  
40 including the manufacturer and trade name of such fireworks and a chemical analysis of  
41 each such fireworks submitted. Samples, specifications, and chemical analysis shall be  
42 submitted to the Fire Marshal's Office no later than 120 days prior to the proposed sale  
43 date in the county. No wholesaler or retailer shall sell or deliver in the county any fireworks  
44 other than those approved by the State Fire Marshal's Office.

~~5608.13 Seizure and destruction of certain fireworks. Add subsection as follows: 5608.13 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.~~

**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.

~~**5706.4.6.1 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.~~

Board Agenda Item  
September 13, 2022

3:30 p.m.

Public Hearing on RZ 2021-MV-00025 (5904 Richmond Highway LLC) to Rezone from C-8, CRD and HC to C-3, CRD and HC to Permit Additions to the Existing Office Building to Accommodate Veterinary Hospital Uses, with an Overall Floor Area Ratio (FAR) of 0.77 and a Waiver of the Lot Width Requirement, Located on Approximately 2.53 Acres of Land (Mount Vernon District)

This property is located at North of Old Richmond Highway, approximately 450 feet West of the intersection of U.S. Route 1 and Old Richmond Highway, and South of Cameron Run Terrace. Tax Map 83-2 ((1)) 2B.

PLANNING COMMISSION RECOMMENDATION:

On July 20, 2022, the Planning Commission voted 11-0 (Chairman Murphy was not present for the vote) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2021-MV-00025, subject to the execution of proffered conditions consistent with those dated July 19, 2022;
- Approval of the waiver of the minimum lot width requirement to that as shown on the GDP; and
- Approval of the requested modifications of the transitional screening, and waiver of the barrier requirement along the northern property line to that shown on the GDP.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Kimia Zolfagharian, Planner, DPD

Board Agenda Item  
September 13, 2022

3:30 p.m.

Public Hearing on SEA 88-V-064-05 (The Board of Supervisors of Fairfax County) to Amend SE 88-V-064 Previously Approved for a Special Exception for an Alternate Use of a Public Facility to Permit an Alternative Use of Historic Buildings and Associated Modifications to Site Design and Development Conditions, Located on Approximately 22.61 Acres of Land (Mount Vernon District)

This property is located at 8333 Richmond Highway, Alexandria, 22309. Tax Map 101-4 ((1)) 5A, and 57,101-4 ((8)) (E) 1 and 101-4 ((7)) 1 and 39.

PLANNING COMMISSION RECOMMENDATION:

On June 29, 2022, the Planning Commission voted 11-0 (Chairman Murphy was absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Approval of SEA 88-V-064-05, subject to the proposed development conditions dated June 29, 2022;
- Reaffirmation of the waiver of a service drive on Richmond Highway;
- Waiver of peripheral parking lot landscaping along the northern parking lot, adjacent to Richmond Highway, as required by 5108.5.B.2 of the Zoning Ordinance;
- Modification of the transitional screening 25-foot landscape buffer to a 20-foot landscape buffer and waiver of the barrier requirements along Mohawk Lane, as shown on the SE Plat;
- Modification of the transitional screening requirement and waiver of the barrier requirement between the subject site and Parcel 101-4 ((7)) 11 to that shown on the SEA Plat, which will allow the sidewalk connection (4) identified in Development Condition 19; and
- Approval of an overall 53% parking reduction, 196 fewer spaces, for the Mount Vernon High School renovation and adaptive reuse development, pursuant to paragraph 6.A and 6.B(1)(d) of Section 6100 of the Fairfax County Zoning Ordinance, based on the sum of the hourly parking demand and the proximity to bus facilities, as demonstrated in the parking study #18767-PKS-001, subject to the conditions dated April 6, 2022, as listed in the memorandum from Land Development Services, dated April 19, 2022 and included in Appendix 15 of the staff report.

Board Agenda Item  
September 13, 2022

In a related action, the Planning Commission voted 11-0 (Chairman Murphy was absent from the meeting) to concur with the staff's determination that the adaptive reuse and renovation of the Original Mount Vernon High School, proposed under 2232-2021-MV-00022, satisfies the criteria of location, character, and extent, as specified in Section 15.2-2232 of the *Code of Virginia* as amended, and therefore is in substantially in accord to the Comprehensive Plan.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Bryan Botello, Planner, DPD

3:30 p.m.

Public Hearing on RZ 2021-LE-00018 (Inova Health Care Services) to Rezone from I-4 and PDC Districts to the PDC District to Permit Office, Medical Care Facilities, Helipad, and Other Ancillary Uses, Located on Approximately 21.61 Acres of Land (Lee District)

This property is located at 6330 Lewin Drive, Alexandria, 22310. Tax Map(s) 91-1 ((1)) 11A; 91-1 ((32)) 1; and 91-1 ((4)) 1, 1A, 2, 2A, 3, 3A, 4, 4A, 5, 5A, 6, 6A, 7, 7A, 8, 8A, 9, 9A, 10, 10A, 11, 11A, 13, 13A, 14, 14A, 15, 15A, 16, 16A, 17, 17A, 18, 18A, 19, 19A, 20, 20A, 21, 21A, 22, 22A, 23, 23A, 24, 24A, 25, 500, 500A and 501.

PLANNING COMMISSION RECOMMENDATION:

On July 27, 2022, the Planning Commission voted 9-0 (Commissioners Jimenez, Clarke, and Strandlie were absent from the meeting) to recommend to the Board of Supervisors the following:

- Approval of RZ 2021-LE-00018, subject to the execution of proffered conditions consistent with those dated July 27, 2022;
- Approval of a modification of subsection 2105.4.C.1.A of the Zoning Ordinance to allow the gross floor area of the other secondary uses to exceed 25 percent of the development in accordance with the uses as shown on the CDP/FDP and included in the Proffers;
- Approval of a modification of subsection 5100.2.C.5 of the Zoning Ordinance to allow for a parapet wall, cornice or similar projection at a maximum height of 15 feet in order to screen the roof mounted mechanical equipment;
- Approval of a modification of subsection 6101.3 of the Zoning Ordinance to reduce the number of required loading spaces from ten to six spaces;
- Approval of a waiver of subsection 5108.5.B.3 of the Zoning Ordinance for peripheral landscaping of above grade parking structures, parking on private streets, and interim surface parking lots in favor of that shown on the CDP/FDP; and
- Approval of a modification of subsection 5108.7.A of the Zoning Ordinance of the transitional screening and barrier requirements along the southern property line in favor of that shown on the CDP/FDP.

Board Agenda Item  
September 13, 2022

In related action, the Planning Commission voted 9-0 (Commissioners Jimenez, Clarke, and Strandlie were absent from the meeting) to approve FDP 2021-LE-00018, subject to development conditions dated July 20, 2022.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Zachary Fountain, Planner, DPD

Board Agenda Item  
September 13, 2022

4:00 pm

Public Hearing on a Proposal to Prohibit Through Truck Traffic on Bull Run Post Office Road (Sully District)

ISSUE:

Public hearing for the purpose of endorsing the following road to be included in the Residential Traffic Administration Program (RTAP) for a through truck traffic restriction:

- Bull Run Post Office Road between Route 29 in Fairfax County and Braddock Road in Loudoun County

RECOMMENDATION:

The County Executive recommends that the Board approve the attached resolution (Attachment I) endorsing Bull Run Post Office Road between Route 29 and Braddock Road be included in the RTAP for a through truck traffic restriction, following the aforementioned public hearing.

TIMING:

On August 2, 2022, the Board authorized advertisement of a public hearing scheduled for September 13, 2022, at 4:00 p.m.

BACKGROUND:

In July of 2017, the Virginia Department of Transportation (VDOT) informed FCDOT that they intended to remove signage for a through truck traffic restriction on Bull Run Post Office Road between Route 29 in Fairfax County and Braddock Road in Loudoun County. This restriction was originally put in place in 2003. The restriction was rescinded by VDOT due to significant changes to the original road alignment in Loudoun County that resulted in a noncontinuous route connecting the original terminating points of the restriction. On July 8, 2018, the Sully District Supervisor's Office requested that Fairfax County staff work with VDOT to re-instate the through truck traffic restriction on Bull Run Post Office Road. When staff was unable to convince VDOT to re-instate the restriction, the Sully District Supervisor's Office sent a letter requesting VDOT restore the restriction in August of 2019 (Attachment I). However, VDOT responded that they were unable to restore the requested restriction and indicated that a new resolution would need to be submitted by Fairfax County to re-start the Through Truck Traffic Restriction process (also shown in Attachment I).

On September 15, 2020, the Fairfax County Board of Supervisors endorsed a new resolution requesting VDOT to enact the through truck traffic restriction on Bull Run



Board Agenda Item  
September 13, 2022

Post Office Road. However, the requested restriction was not put into place due to conflicts with adjoining jurisdictions regarding the alternate route defined in the request. Staff from VDOT, FCDOT, Loudoun County and Prince William County attempted to work through the issues with the identified alternate route with no resolution. As such, FCDOT has now identified a different alternate route.

The new alternate route for Bull Run Post Office Road, between Route 29 and Braddock Road, starts at Route 29 in Fairfax County, travels along Route 29 to Route 28, continues on Route 28 to Route 50, travels along Route 50 into Loudoun County until Loudoun County Parkway, and then continues on Loudoun County Parkway to Braddock Road to reach Bull Run Post Office Road (Attachment II).

On July 1, 2022, staff from Loudoun County stated that a Board Item indicating support for the through truck traffic restriction on Bull Run Post Office Road is being prepared for a November Loudoun County Board of Supervisors meeting.

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

FISCAL IMPACT:

None.

ENCLOSED DOCUMENTS:

Attachment I: Correspondence between Sully District Supervisor's Office and VDOT

Attachment II: Area Map of Proposed Through Truck Traffic Restriction

Attachment III: Proposed Resolution to Restrict Through Truck Traffic on Bull Run Post Office Road

STAFF:

Rachel Flynn, Deputy County Executive

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

Gregg Steverson, Deputy Director, FCDOT

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

Neil Freschman, Chief, Traffic Engineering Section, FCDOT

Steven K. Knudsen, Transportation Planner, FCDOT

**Kathy L. Smith**  
**Board of Supervisors, Sully District**  
 4900 Stonecroft Boulevard  
 Chantilly, VA 20151



**Chair, Development Process Committee**  
**Vice Chair, Transportation Committee**  
 Chair, Fairfax-Prince William Inter-Jurisdictional Committee  
 Chair, Fairfax-Loudoun Inter-Jurisdictional Committee

August 26, 2019

Ms. Helen Cuervo, District Administrator  
 Virginia Department of Transportation  
 4975 Alliance Drive  
 Fairfax, VA 22030

The Fairfax County Department of Transportation (FCDOT) informed my office that VDOT removed the Through Truck Traffic Restriction (TTR) on Bull Run Post Office Road because there was a discrepancy in the terminus point in Loudoun County. As you are aware, the process to implement a TTR begins with a community request and a public hearing before the Board of Supervisors.

The Bull Run Post Office Road TTR dates back to September 11, 2000, when the Fairfax County BOS approved a resolution requesting the TTR (the public hearing was held on June 26, 2000, but the decision was delayed to work out an agreement for the installation of a traffic signal at Route 29 northbound to the I-66 eastbound ramp to facilitate truck traffic at this intersection and enable truck traffic to avoid the Route 28/Route 29 interchange). Subsequently, FCDOT staff coordinated with Loudoun County DOT staff for a TTR on Bull Run Post Office Road that would encompass both Counties from Route 29 in Fairfax County to Route 50 in Loudoun County. The Loudoun County Board of Supervisors unanimously approved the Loudoun County portion of Bull Run Post Office Road on October 2, 2001.

After both Board's approvals, Commonwealth Transportation Board (CTB) member Hobie Mitchel initiated conversations with both Counties to change the termini point in Loudoun County from Route 50 to Braddock Road as he was concerned that restricting traffic to Route 50 in Loudoun might have the potential of diverting traffic onto residential streets in the South Riding community in Loudoun. Mr. Mitchel felt that this issue could be addressed by changing the termini location to Braddock Road. The Fairfax BOS and Loudoun BOS supported this change and sent letters to Mr. Mitchel stating their support.

The CTB acted on this request at their February 20, 2003 meeting, and VDOT Northern District sent a letter to the Loudoun BOS Chair and copied the Fairfax County BOS Chair and the Sully District Supervisor in an April 2003 letter that CTB enacted the restriction as requested by both

**Kathy L. Smith**

**Board of Supervisors, Sully District**  
4900 Stonecroft Boulevard  
Chantilly, VA 20151



**Chair, Development Process Committee**  
**Vice Chair, Transportation Committee**  
Chair, Fairfax-Prince William Inter-Jurisdictional Committee  
Chair, Fairfax-Loudoun Inter-Jurisdictional Committee

**Page 2**

Boards. The signs were installed, and the restriction had been in place for over a decade until VDOT came back and stated that the CTB did not make the change that was requested by both Counties, and that the road that went to Route 50 is longer in place as it was removed as part of the South Riding development. I understand that VDOT Traffic Engineering's position is that if the road is no longer in place it voids the TTR. Subsequently, the signs were removed by VDOT. However, as I've already stated both Boards agreed and supported changing the termini point to Braddock Road and the signage that was installed was from Route 29 to Braddock Road, not to Route 50. Clearly, this indicates that the installation of the signs fell in line with both Counties position.

As mentioned, there is a public process component to this process, and it is very disconcerting to the community to have these signs removed after they endured the lengthy process on what appears to be an oversight by the CTB during their deliberations. As you can imagine, the Individuals that live along Bull Run Post Office Road that worked to get this restriction in place want it restored.

Therefore, I respectfully request that VDOT work with my office to get this TTR restored. I'm hopeful that this can be done without having to start the process all over again. So that you have a history of the action taken I'm enclosing the documentation from my files with the action that the Fairfax County BOS and Loudoun BOS took and the letters from both Boards to Mr. Mitchel regarding changing the termini point to Braddock Road.

I appreciate your assistance in working with my office to resolve this issue to restore the TTR signage and if you have any questions please contact Mike Coyle of my staff at 703-814-7100.

Sincerely,

**Kathy L. Smith**  
**Supervisor, Sully District**  
**Fairfax County Board of Supervisors**

**Cc: Tom Biesiadny, Director, Fairfax County Department of Transportation**

**Enclosures**

703-814-7100

Email: [Sully@FairfaxCounty.gov](mailto:Sully@FairfaxCounty.gov)

[www.FairfaxCounty.gov/Sully](http://www.FairfaxCounty.gov/Sully)

fax 703-814-7110



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION  
4975 Alliance Drive  
Fairfax, Virginia 22030

Stephen C. Brich, P.E.  
Commissioner

September 6, 2019

The Honorable Supervisor, Kathy L. Smith  
Board of Supervisors, Sully District  
4900 Stonecroft Boulevard  
Chantilly, Virginia 20151

Dear Supervisor Smith:

Thank you for your letter dated August 26 regarding a through truck restriction on Bull Run Post Office Road, Route 621.

The documents that you have provided indicate that the Loudoun County Board of Supervisors passed a resolution amending the northern terminus of the requested through truck restriction from US 50 to Braddock Road, both of which are located in Loudoun County. However, the Commonwealth Transportation Board (CTB) did not vote on the amended request. The record indicates that the CTB voted to approve the original request, which set the northern terminus at US 50. Sometime shortly afterward, a portion of Route 621 north of Braddock Road was abandoned, truncating Route 621 as a continuous through route and thereby nullifying the through truck restriction.

The Virginia Department of Transportation (VDOT), as an agent of the CTB, can only restrict through trucks on certain roads in accordance with the Code of Virginia. The CTB adopted the attached "Guidelines for Considering Requests to Restrict Through Trucks on Primary and Secondary Highways" on October 16, 2003. The guidelines direct VDOT on how to comply with the Code. VDOT is required to follow these guidelines when considering requests for through truck restrictions.

The CTB guidelines require the provision of a reasonable alternate route for through trucks that would be diverted by a through truck restriction. The termini of the alternate route must be identical to the termini of the proposed restricted route. The proposed restricted route and the alternate route must be presented at a public hearing by the locality before VDOT is to review the request. To date, no alternate route has been proposed and presented at a public hearing that would have termini at US 29 and Braddock Road.

VirginiaDot.org  
WE KEEP VIRGINIA MOVING

The Honorable Supervisor Kathy Smith  
September 6, 2019  
Page Two

We would be happy to consider a new request for a through truck restriction on Bull Run Post Office Road, provided all of the CTB requirements are met. We typically work closely with Fairfax County and Loudoun County transportation staffs to identify a reasonable alternate route prior to a public hearing and Board of Supervisors action.

If you have any further questions or concerns, please do not hesitate to contact me at (703) 259-2345 or via [Helen.Cuervo@Vdot.Virginia.Gov](mailto:Helen.Cuervo@Vdot.Virginia.Gov).

Sincerely,

A handwritten signature in blue ink that reads "Helen L. Cuervo". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Helen L. Cuervo, P.E.  
District Administrator, Northern Virginia

cc: Mr. Tom Biesiadny, Director, Fairfax County Department of Transportation

Adopted by Commonwealth Transportation Board October 16, 2003

## GUIDELINES FOR CONSIDERING REQUESTS TO RESTRICT THROUGH TRUCKS ON PRIMARY AND SECONDARY HIGHWAYS

Section 46.2- 809 of the Code of Virginia provides:

The Commonwealth Transportation Board, *or its designee*, in response to a formal request by a local governing body, after such body has held public hearings, may, after due notice and a proper hearing, prohibit or restrict the use by through traffic of any part of a *primary or secondary* highway if a reasonable alternate route is provided. *The Board, or its designee, shall act upon any such formal request within nine months of its receipt, unless good cause is shown.* Such restriction may apply to any truck or truck and trailer or semitrailer combination, except a pickup or panel truck, as may be necessary to promote the health, safety, and welfare of the citizens of the Commonwealth. Nothing in this section shall affect the validity of any city charter provision or city ordinance heretofore adopted.

### Background

It is the philosophy of the Commonwealth Transportation Board that all vehicles should have access to the roads on which they are legally entitled to travel. Travel by any class of vehicle on any class of highway should be restricted only upon demonstration that it will promote the health, safety and welfare of the citizens of the Commonwealth without creating an undue hardship on any of the users of the transportation system. The Board recognizes that there may be a limited number of instances when restricting through trucks from using a segment of a primary or secondary roadway will reduce potential conflicts, creating a safer environment and one that is in accord with the current use of the roadway. The Board has adopted these guidelines to govern and regulate requests for through truck restrictions on primary and secondary highways.

### Process

The Commonwealth Transportation Board delegates the authority to restrict through truck traffic on secondary highways to the Commissioner of the Virginia Department of Transportation. Such

- safety related impacts. To be considered “reasonable”, the alternate route(s) must be engineered to a standard sufficient for truck travel, and must be judged at least as appropriate for truck traffic as the requested truck restriction route. If an alternate route must be upgraded, the improvement shall be completed before the truck restriction can be implemented. The termini of the proposed restriction must be identical to the alternate routing to allow a time and distance comparison to be conducted between the two routings. Also, the alternate routing must not create an undue hardship for trucks in reaching their destination.
2. The character and/or frequency of the truck traffic on the route proposed for restriction is not compatible with the affected area. Evaluation will include safety issues, accident history, engineering of the roadway, vehicle composition, and other traffic engineering related issues.

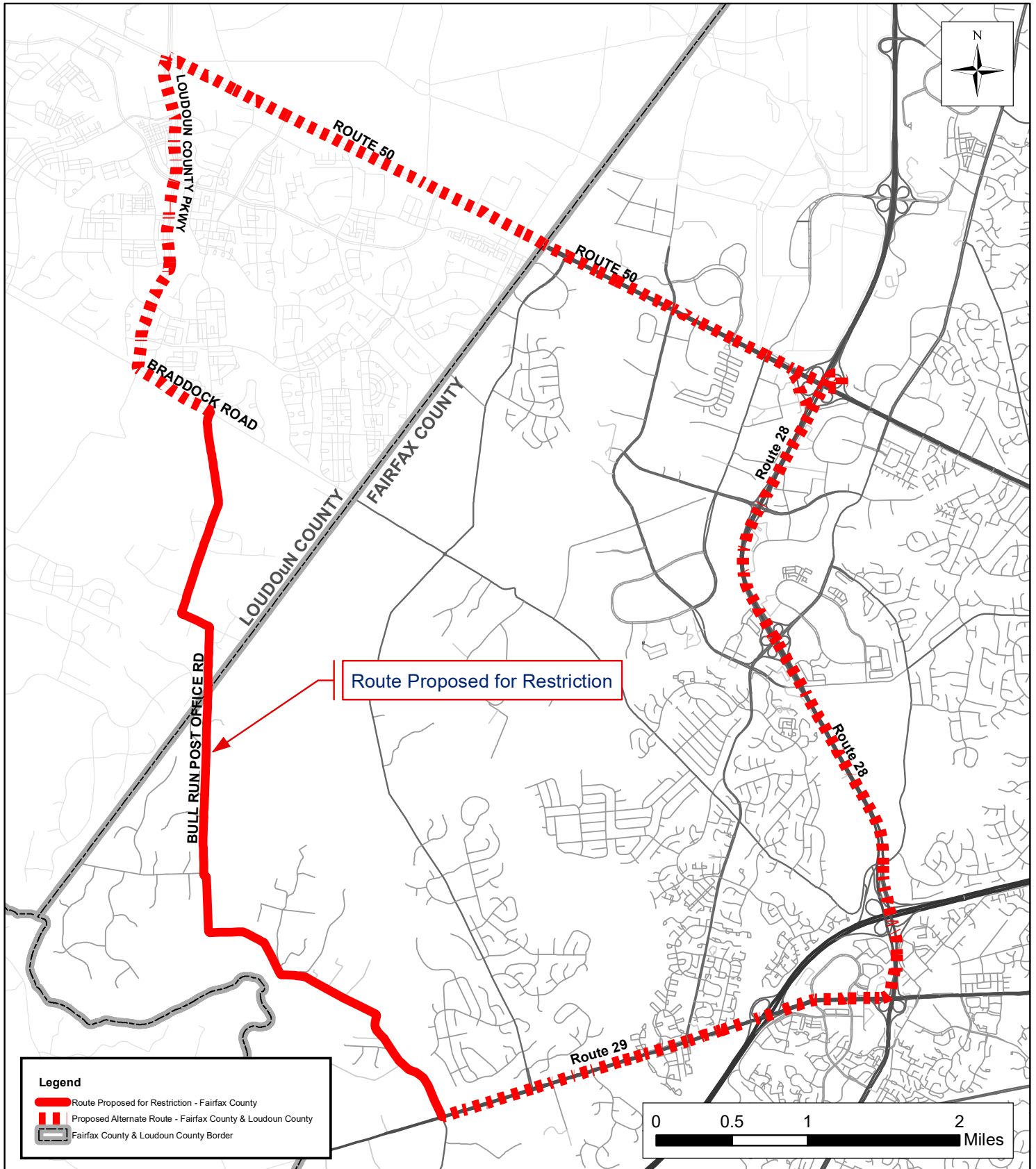
In addition to meeting the first two criteria, the proposed restriction must meet either the third or the fourth criteria in order to be approved.

3. The roadway is residential in nature. Typically, the roadway will be judged to be residential if there are at least 12 dwellings combined on both sides within 150' of the existing or proposed roadway center line per 1,000 feet of roadway.
4. The roadway must be functionally classified as either a local or collector.

Failure to satisfy criteria 1 and 2, and either criteria 3 or 4 will normally result in rejection of the requested restriction.

The Commonwealth Transportation Board when deemed necessary may modify or revise any provisions or criteria contained in these guidelines.





**Fairfax County Department of Transportation  
Residential Traffic Administration Program  
Through Truck Traffic Restriction  
Loudoun County & Fairfax County  
Bull Run Post Office Road  
Sully District**

July 2022





**RESOLUTION**

**FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION  
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)  
THROUGH TRUCK TRAFFIC RESTRICTION  
BULL RUN POST OFFICE ROAD  
SULLY DISTRICT**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, September 13, 2022, at which a meeting quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the residents of Fairfax County who live along Bull Run Post Office Road have expressed concerns regarding the negative impacts associated with through truck traffic on this road in Fairfax County; and

**WHEREAS**, the residents of Loudoun County who live along Bull Run Post Office Road have also expressed concerns regarding the negative impacts associated with through truck traffic on this road in Loudoun County; and

**WHEREAS**, a reasonable alternate route has been identified for Bull Run Post Office Road, starting at Route 29, traveling along Route 29 to Route 28, continuing on Route 28 to Route 50, traveling along Route 50 into Loudoun County until Loudoun County Parkway, and then continuing on Loudoun County Parkway to Braddock Road to reach Bull Run Post Office Road; and

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

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

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

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

**ADOPTED** this 13th day of September, 2022.

A Copy Teste:

---

Jill G. Cooper  
Clerk to the Board of Supervisors

Board Agenda Item  
September 13, 2022

4:00 p.m.

Public Hearing to Consider Adopting an Ordinance to Establish the Lee Landing  
Community Parking District (Providence District)

ISSUE:

Proposed amendment to Appendix M, of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to establish the Lee Landing Community Parking District (CPD).

RECOMMENDATION:

The County Executive recommends that the Board adopt the amendment to the Fairfax County Code shown in Attachment I to establish the Lee Landing CPD, consisting of the residential portion of Emma Lee Street and Morris Street.

TIMING:

On August 2, 2022, the Board authorized advertisement of a public hearing to consider the proposed amendment to Appendix M of the *Fairfax County Code* to take place on September 13, 2022, at 4:00 p.m.

BACKGROUND:

Fairfax County Code Section 82-5B-2 authorizes the Board to establish a CPD for the purpose of prohibiting or restricting the parking of the following vehicles on the streets in the CPD: watercraft; boat trailers; motor homes; camping trailers; and any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds, except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4.

No such CPD shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location, (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power, (iii) restricted vehicles temporarily parked on a public street within any such CPD for a maximum of 48 hours for the purpose of loading, unloading, or preparing for a trip, or (iv) restricted vehicles that are temporarily

Board Agenda Item  
September 13, 2022

parked on a public street within any such CPD for use by federal, state, or local public agencies to provide services.

Pursuant to Fairfax County Code Section 82-5B-3, the Board may establish a CPD if: (1) the Board receives a petition requesting establishment and such petition contains the names, addresses, and signatures of petitioners who represent at least 60 percent of the addresses within the proposed CPD, and represent more than 50 percent of the eligible addresses on each block of the proposed CPD, (2) the proposed CPD includes an area in which 75 percent of each block within the proposed CPD is zoned, planned, or developed as a residential area, (3) the Board receives an application fee of \$10 for each petitioning property address in the proposed CPD, and (4) the proposed CPD must contain the lesser of (i) a minimum of five block faces or (ii) any number of blocks that front a minimum of 2,000 linear feet of street as measured by the centerline of each street within the CPD.

Staff has verified that the requirements for a petition-based CPD have been satisfied.

The parking prohibition identified above for the Lee Landing CPD is proposed to be in effect seven days per week, 24 hours per day.

FISCAL IMPACT:

The cost of sign installation is estimated to be \$1,200. It will be paid from Fairfax County Department of Transportation funds.

ENCLOSED DOCUMENTS:

Attachment I: Amendment to the *Fairfax County Code*, Appendix M (CPD Restrictions)  
Attachment II: Area Map of Proposed Lee Landing CPD

STAFF:

Rachel Flynn, Deputy County Executive  
Tom Biesiadny, Director, Fairfax County Department of Transportation (FCDOT)  
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT  
Neil Freschman, Chief, Traffic Engineering Section, FCDOT  
Henri Stein McCartney, Sr. Transportation Planner, FCDOT

ASSIGNED COUNSEL:

Patrick Foltz, Assistant County Attorney

PROPOSED CODE AMENDMENT

THE CODE OF THE COUNTY OF FAIRFAX, VIRGINIA  
APPENDIX M

M-95 Lee Landing Community Parking District

(a) *District Designation*

- (1) The restricted parking area is designated as the Lee Landing Community Parking District.
- (2) Blocks included in the Lee Landing Community Parking District are described below:

*Emma Lee Street (Route 1140)*

From Morris Street to the commercial property boundaries

*Morris Street (Route 3470)*

From Mary Street to the cul-de-sac inclusive

(b) *District Provisions*

- (1) This District is established in accordance with and is subject to the provisions set forth in Article 5B of Chapter 82.
- (2) Parking of watercraft; boat trailers; motor homes; camping trailers; any other trailer or semi-trailer, regardless of whether such trailer or semi-trailer is attached to another vehicle; any vehicle with three or more axles; any vehicle that has a gross vehicle weight rating of 12,000 or more pounds except school buses used on a current and regular basis to transport students; any vehicle designed to transport 16 or more passengers including the driver, except school buses used on a current and regular basis to transport students; and any vehicle of any size that is being used in the transportation of hazardous materials as defined in Virginia Code § 46.2-341.4 is prohibited at all times on the above-described streets within the Lee Landing Community Parking District.
- (3) No such Community Parking District shall apply to (i) any commercial vehicle when discharging passengers or when temporarily parked pursuant to the performance of work or service at a particular location or (ii) utility generators located on trailers and being used to power network facilities during a loss of commercial power or (iii) restricted vehicles temporarily parked on a public street within any such District for a maximum of 48 hours for

the purpose of loading, unloading, or preparing for a trip or (iv) restricted vehicles that are temporarily parked on a public street within any such District for use by federal, state, or local public agencies to provide services.

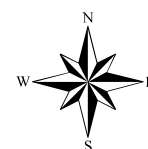
- (c) *Signs.* Signs delineating the Lee Landing Community Parking District shall indicate community specific identification and/or directional information, if applicable, in addition to the following:

NO PARKING  
Watercraft  
Trailers, Motor Homes  
Vehicles  $\geq 3$  Axles  
Vehicles GVWR  $\geq 12,000$  lbs.  
Vehicles  $\geq 16$  Passengers

FAIRFAX COUNTY CODE §82-5B



Fairfax County Department of Transportation  
 Lee Landing  
 Community Parking District (CPD)  
 Providence District



Board Agenda Item  
September 13, 2022

4:00 p.m.

Public Hearing to Convey County-Owned Property to the Virginia Department of Transportation for the Route 29 Widening Project Phase II (Springfield District)

ISSUE:

Public hearing to convey County-owned property to the Virginia Department of Transportation (VDOT) for the Route 29 Widening Project Phase II.

RECOMMENDATION:

The County Executive recommends that the Board authorize staff to prepare the documentation to convey the County-owned parcel referenced as Tax Map No. 0554 01 0037A to VDOT in connection with the Route 29 Widening Project Phase II.

TIMING:

On July 19, 2022, the Board authorized the advertisement of a public hearing to convey County-owned property to VDOT.

BACKGROUND:

VDOT is the construction manager for the Route 29 Widening Project Phase II which will rebuild and enlarge one-and-a-half miles of Route 29 (Lee Highway) from four to six lanes between Union Mill Road and Buckleys Gate Drive. As part of the land acquisition process, VDOT has approached the County about purchasing a 187 square foot parcel identified as Tax Map No. 0554 01 0037A. The parcel will become part of a ten-foot-wide shared-use path on the south side of the expanded road.

Virginia Code Ann. § 15.2-1800 requires a locality to hold a public hearing before it may dispose of any real property. Staff did explore with VDOT engineers the possibility of the Board dedicating a perpetual road easement over the parcel rather than conveying the property itself to VDOT to expedite the processing of the land rights. However, it was determined that the retention of fee simple rights to the parcel could create liability issues in the future for the County involving the shared-use path.

VDOT presented an offer of compensation of \$500 for the County's fee simple conveyance of the parcel. The Fairfax County Department of Transportation recommends, and the Facilities Management Department concurs, that the Board of Supervisors should accept the offer of \$500.

FISCAL IMPACT:

VDOT's payment of \$500 will be deposited in the General Fund.

Board Agenda Item  
September 13, 2022

ENCLOSED DOCUMENTS:  
Attachment 1 - Location Map  
Attachment 2 - Resolution

STAFF:  
Ellicia L. Seard-McCormick, Deputy County Executive  
Jose A. Comayagua, Director, Facilities Management Department  
Tom Biesiadny, Director, Department of Transportation

ASSIGNED COUNSEL:  
F. Hayden Coddington, Assistant County Attorney





**RESOLUTION**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Fairfax County Government Center at Fairfax, Virginia, on Tuesday, September 13, 2022, at which a quorum was present and voting, the following resolution was adopted:

**WHEREAS**, the Board of Supervisors owns an 187 square foot parcel of land in Springfield District along the eastbound lanes of Route 29 which is identified as Tax Map Parcel No. 0554 01 0037A (the Property),

**WHEREAS**, the Virginia Department of Transportation (VDOT) seeks to acquire the fee simple interest in the Property in connection with the Route 29 Widening Project Phase II, wherein the Property will be incorporated into a shared-use path,

**WHEREAS**, the fair market value of the Property was determined by an appraiser to be \$500, and

**WHEREAS**, the Board finds that it would be in the best interest of the residents of Fairfax County to accept \$500 as consideration for the conveyance of the Property to VDOT for the benefit of the Route 29 Widening Project Phase II.

**NOW, THEREFORE**, upon public hearing duly advertised according to law, it is **RESOLVED** that the County Executive is hereby authorized to execute all necessary documents to convey the real property described above to VDOT.

A Copy Teste:

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Jill G. Cooper  
Clerk to the Board of Supervisors

Board Agenda Item  
September 13, 2022

4:30 p.m.

Public Hearing to Lease a Portion of the I-95 Landfill Complex for the Purpose of  
Installing a Solar Facility (Mount Vernon District)

ISSUE:

Board of Supervisors to conduct a public hearing to lease a portion of the I-95 Landfill Complex, Tax Map Number 113-1((1))14, to Sun Tribe Solar, LLC for the purpose of installation, operation, and maintenance of ground-mount solar photovoltaic panels.

RECOMMENDATION:

The County Executive recommends that the Board of Supervisors approve to lease a portion of the I-95 Landfill Complex, Tax Map Number 113-1((1))14, to Sun Tribe Solar, LLC for the purpose of installation, operation, and maintenance of ground-mount solar photovoltaic panels.

TIMING:

Board of Supervisors authorized on August 2, 2022, for a Public Hearing to be held on September 13, 2022, at 4:30 p.m.

BACKGROUND:

The Board of Supervisors is the owner of the I-95 Landfill Complex, identified by Tax Map Number 113-1((1))14. The I-95 Landfill Complex includes a recycling and waste collection site for county residents and commercial customers. The complex contains both an active and closed landfill. The closed landfill portion of the complex is an ideal location to site ground-mount solar photovoltaic panels. In addition to installation of the solar panels, the site is being considered for the development of a major recreational facility. The solar panel installation is not expected to impede existing operations or the proposed recreational facility. A map of the property is included in Attachment 1.

Sun Tribe Solar, LLC designs and installs solar photovoltaic (PV) panels and is a solar power purchase agreement (PPA) service provider. In 2019, Fairfax County solicited bids from PPA service providers on property owned by Fairfax County Government, Fairfax County Public Schools, Fairfax County Park Authority, and Fairfax County Redevelopment and Housing Authority (collectively, the "Fairfax Entities"). Sun Tribe Solar was selected as one of the primary service providers and awarded Contract No. 4400009516 to design, install, and operate solar panels at County-owned locations that participate in the PPA program and sell the electricity generated therefrom to the

Board Agenda Item  
September 13, 2022

participating Fairfax Entity. The contract with Sun Tribe Solar allows the County to purchase renewable energy generated on-site with little or no upfront or operational costs, thereby reducing the County's greenhouse gas emissions and long-term electricity costs.

The solar facility at the landfill is unique due to authority granted in the 2020 session of the Virginia General Assembly. Pursuant to that authority, codified at Virginia Code § 56-594.K, Fairfax County is permitted to install an on-site solar facility with a capacity of up to five megawatts on any locality-owned site and credit the electricity to any one or more of the County's metered accounts of buildings or other facilities. The I-95 Landfill Complex has been identified as the locality-owned site that will host this solar installation.

As the service provider selected to provide PPA services at the I-95 Landfill Complex, Sun Tribe Solar requires access to and use of a portion of the I-95 Landfill Complex over the course of the project's term. Virginia Code § 15.2-1800 requires a locality to hold a public hearing before it may lease its real property. The County Executive recommends that the Board authorize staff to advertise a public hearing to lease the I-95 Landfill Complex to Sun Tribe Solar, LLC.

FISCAL IMPACT:

The landfill solar project is a PPA between the County and Sun Tribe Solar. As such, Sun Tribe Solar will bear all costs to design, permit, build, own, operate, and maintain the landfill solar project over the life of the contract. The County's cost will be the purchase of electrons once the solar landfill project is operational. The County will purchase (virtually) electrons from the landfill solar project and will receive electron credits from Dominion Energy.

The electricity rate Sun Tribe Solar has quoted is \$0.1099 per kWh, fixed with no escalation over the life of the PPA. Based on the most recent rate adjustment to the County's electricity cost, the estimated credits (or payments) from Dominion Energy shows a modest net credit – savings -- to the County beginning in year one (\$51,000) and reaching over a million dollars cumulative savings by year 8.

ENCLOSED DOCUMENTS:

Attachment 1 – Location Map 113-1((1))14

Attachment 2 – Draft Option and Right of Entry and Deed of Solar Lease Agreement

Board Agenda Item  
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STAFF:

Rachel Flynn, Deputy County Executive

Ellicia Seard-McCormick, Deputy County Executive

Christina Jackson, Chief Financial Officer

Christopher S. Herrington, Director, Department of Public Works and Environmental Services (DPWES)

Eric Forbes, DPWES Division Director, Solid Waste Compliance

ASSIGNED COUNSEL:

Joanna Faust, Assistant County Attorney





# Location Map- I-95 Landfill Complex Solar

Attachment 1



0 0.57 1.1 Miles

This map is intended for reference purposes only. Fairfax County does not provide any guarantee of the accuracy or completeness regarding the map information.

## Notes:

I-95 Landfill Complex  
Tax Map: 113-1((1))14  
9850 Furnace Road

Map produced: 6/28/2022



## Legend

- ParcelPLUS Land Data
- Fairfax County Border
- Proposed Lease Area
- Parcel Boundary

**OPTION AND RIGHT OF ENTRY  
AND  
DEED OF SOLAR LEASE AGREEMENT**

**by and between**

**BOARD OF SUPERVISORS OF FAIRFAX COUNTY (“LESSOR”)**

**AND**

**SUN TRIBE SOLAR, LLC  
 (“LESSEE”)**

**DATED: September 13, 2022**

**OPTION AND RIGHT OF ENTRY  
AND  
DEED OF SOLAR LEASE AGREEMENT**

This **Option and Right Of Entry (Part I) and Deed of Solar Lease Agreement (Part II)**, dated as of September 13, 2022, (the "Effective Date"), is made by and between the **BOARD OF SUPERVISORS OF FAIRFAX COUNTY** ("Lessor"), and **SUN TRIBE SOLAR, LLC**, a Virginia limited liability company ("Lessee"). Lessor and Lessee may each be referred to herein as the "Party", or collectively as the "Parties", as the usage of such term may require. Section cross-references regarding the Option and Right Of Entry (Part I) and Deed of Solar Lease Agreement (Part II) shall be preceded by a "I" and "II," respectively. The Option and Right of Entry (Part I) is sometimes referred to herein as the "Option Agreement," and the Deed of Solar Lease Agreement (Part II) is sometimes referred to herein as the "Lease Agreement." Certain capitalized terms used but not defined herein have the meaning set forth in the PPA. Certain terms defined in this Option and Right of Entry may be used in the Deed of Solar Lease Agreement.

**RECITALS**

**WHEREAS**, Lessor holds fee simple title to that certain real property located at 9850 Furnace Rd., Lorton, VA 22079, which property is a closed landfill (such closed landfill being the "Landfill," and such property being the "Landfill Property");

**WHEREAS**, following a selection process under the Lessor's Request for Proposal 2000002845, Lessee and Lessor became parties to that certain agreement dated December 6, 2019, and described as Fairfax County Contract Number 4400009516 (the "Award Agreement"), pursuant to which Lessee agreed to provide "Canopy/Carport Solar Photo Voltaic panel PPA services" (the "Services") to Lessor, as described more fully in the Award Agreement;

**WHEREAS**, the Parties agree that among the Services are services to install and operate a solar photovoltaic energy generating system (the "System") on a portion of the Landfill Property and to sell the Output produced by such System to Lessor, all in accordance with the terms of the Power Purchase Agreement (the "PPA");

**WHEREAS**, Lessor desires to provide Lessee with site control (in the form of an exclusive Option and Right of Entry) for a certain tract of real property within the Landfill Property (the "Option Premises"), with the boundaries further depicted in Exhibit A attached hereto;

**WHEREAS**, the Parties have negotiated, and contemporaneously with the execution of this Option Agreement and Lease Agreement are executing, the PPA;

**WHEREAS**, the PPA contemplates the existence of a lease agreement between the Lessor and Lessee pursuant to which Lessor provides Lessee with the real property interest necessary to support Lessee's long-term possession of the Option Premises (which Option Premises, with such boundary changes as may be agreed upon during the Option Period (including taking into account, without limitation, the rights and development plans of other parties with respect to the Landfill



Property), shall be referred to as the “Demised Premises” under the Lease Agreement, to the extent the same becomes effective) and operation of the System;

**WHEREAS**, Lessee requires that it be accorded a certain time period in which to conduct due diligence on and about the Option Premises, undertake other customary studies, obtain the rights to interconnect the System with the electrical grid, and undertake other customary activities (collectively, as further described hereunder, the “Feasibility Studies”), upon the completion of which Feasibilities Studies, Lessee shall decide whether or not to proceed to the binding terms of the Lease Agreement; and

**WHEREAS**, Lessee has represented to Lessor that, as Lessee’s anticipated System design does not require the penetration of earth with pilings or otherwise, and Lessee has agreed that it shall obtain written consent from the Lessor for any Feasibility Studies that must by nature utilize invasive methods with respect to the Landfill Property, such as drilling into, probing, sampling, and otherwise disturbing or penetrating the existing subgrade of certain portions of the Landfill cap, cover, contents and base, or subjacent and adjacent soils and bedrock (collectively, as applicable, “Invasive Methods”).

**NOW, THEREFORE**, in consideration of the foregoing and the mutual covenants and agreements herein contained, and intending to be legally bound hereby, Lessee and Lessor hereby agree as follows:

## **I. OPTION AND RIGHT OF ENTRY**

### **1. Option Term and Payment.**

(a) Grant of Option. Subject to the terms and conditions of this Option Agreement, Lessor hereby irrevocably grants to Lessee the exclusive right and option (the “Option”) to (i) lease the Option Premises and (ii) obtain certain access and easement rights necessary for the Permitted Use (as defined herein). Section I.13 establishes the effect of exercise of this Option with respect to the commencement of the Lease Agreement. This Option is not limited by Section 4 of the PPA or other provisions of the PPA and is intended to provide clarity with respect to Lessee’s rights, including termination rights, during the period in which Lessee is conducting the Feasibility Studies. For avoidance of doubt, Lessee acknowledges and agrees that, to the extent the Option is exercised, Lessee’s leasehold interest may be subject to, among other things, (i) existing third-party rights or obligations to and use requirements of other users of the Landfill Property (“Third-Party Landfill Property Use Requirements”) as contained in Exhibit H, and (ii) the contractual and/or real property interests of others with respect to the Landfill Property. Exhibit A shall also depict the Facility Access Areas, as defined in Section II.1(c) of the Lease Agreement. The Facility Access Areas are also subject to Third-Party Landfill Property Use Requirements, as applicable.

(b) Option Period. The period during which Lessee may exercise the Option (the “Option Period”) commences on the Effective Date and shall continue for a period of eighteen (18) months provided that the Option Period shall terminate, and the Option shall have be deemed to have been exercised in any event (subject to Section I.13 of this Option Agreement) within ten

(10) days of full execution of an interconnection agreement that allows for the interconnection of the System to the electrical grid (the “Interconnection Agreement”).

(c) Option Payment. As consideration for the Option, Lessee shall pay to Lessor the sum of ten dollars (\$10.00) within sixty (60) days of the Effective Date, (the “Option Payment”).

(d) Option Period Extension. Lessee shall have the option to extend the Option Period for up to six (6) three (3)-month periods following the expiration of the Option Period (the “Option Period Extension”). No later than thirty (30) days prior to the expiration of the then-current Option Period, Lessee shall provide Lessor written notice of its intent to exercise the Option Period Extension. During any Option Period Extension, the deemed exercise provision set forth in Section I.1(b), related to the Interconnection Agreement, shall apply.

(e) Option Period Extension Payment. As consideration for any Option Period Extension, Lessee shall pay to Lessor the sum of ten dollars (\$10.00) within five (5) days of such exercise (the “Option Period Extension Payment”).

(f) Periodic Progress Update. During the Option Period, Lessee shall be under an obligation to pursue, with best efforts, the Feasibility Studies, including but not limited to the finalization of the Interconnection Agreement. No later than the last day of each six (6)-month period during the Option Period, Lessee shall provide Lessor with a reasonably detailed summary of actions taken in furtherance of the Feasibility Studies organized by the categories of such studies that are necessary to study or pursue in deciding whether to exercise the Option (the “Diligence Elements”), during the previous six (6) months and the status of such studies, including, based on then-known facts, an assessment of the likelihood of eventual exercise of the Option (each, a “Progress Report”).

(g) Exercise of Option. If Lessee decides to exercise the Option, it shall do so by providing written notice to Lessor on or before the expiration of the Option Period (the “Notice of Exercise”) stating that Lessee has elected to exercise the Option. If Lessee fails to deliver the Notice of Exercise on or before the expiration of the Option Period or Option Period Extension, as applicable, this Agreement shall terminate, in which event Lessee shall forfeit all Option Payments paid prior to the date of termination and both Parties shall be released from all obligations hereunder, except for those specified to survive the termination of this Agreement.

(h) Termination. During the Option Period, Lessee shall have the right at any time to terminate this Agreement upon ten (10) days advance written notice to Lessor. Upon Lessee’s termination of this Agreement, Lessee and Lessor shall have no further obligations to one another regarding this Agreement or with respect to the Landfill Property, except for those specified to survive the termination of this Agreement. Furthermore, if the Progress Report provided at or corresponding to the end of the first twelve (12) months of the Option Period shows that Lessee has not pursued the studies regarding any Diligence Element with best efforts during such twelve (12) months, which determination is confirmed by a qualified independent consultant (experienced in advising or assisting developers of multi-megawatt, distribution level interconnected solar facilities) reasonably selected by Lessor, then, in recognition of Lessor’s interest in pursuing solar development on the Landfill Property, Lessor may unilaterally terminate this Option Agreement,

subject to providing Lessee a thirty (30)-day grace period in which it must reasonably establish the commencement of diligent Feasibility Studies.

**2. Lessor Development.** Except as expressly provided herein, Lessor shall not undertake any development within the Option Premises during the Option Period without the express written consent of Lessee.

**3. Exclusivity of Option.** Except as set forth in Schedule I.3 during the Option Period, Lessor shall not enter into a lease agreement, or any option to lease, affecting the Option Premises, with any other party prior to the expiration or termination of this Option without the prior written approval of Lessee. The Agreement is exclusive and exists solely for the benefit of the named Parties and their respective successors and assigns. Lessor may freely assign this Option, provided that any assignment agreement shall include a provision expressly subordinating such agreement to this Option. Lessee may assign this Option subject to the same terms set forth in Section II.22(b) of the Lease Agreement.

**4. Right of Entry.** Lessor grants Lessee and its employees, agents, contractors, Subcontractors, and invitees (collectively, "Agents"), for the duration of the Option Period, the right to enter the Landfill Property at any time during daylight hours Monday through Saturday for performing the tasks described in Exhibit B<sup>1</sup>. Other than the Feasibility Studies, Lessee shall make no other use of the Landfill Property during the Option Period and shall perform no other activities on the Landfill Property without Lessor's prior written approval.

**5. Prerequisites to Entry.** Before entering the Landfill Property for each component of the Feasibility Studies (whether conducted individually or collectively), Lessee must:

- (a) Provide proof of insurance as required in Section I.11 of this Agreement; and
- (b) Provide two (2) Business Day advance notice (via email to Solid Waste Management Program Director/Deputy Director of Department Public Works and Environmental Services or designee) and receive Lessor's approval (by email) to proceed, such approval not to be unreasonably withheld or delayed.

**6. Performance of Feasibility Studies.**

(a) Monitoring Wells. During initial Feasibility Studies involving work on the Landfill Property, Lessee and its Agents will identify all County monitoring wells, gas migration probes, Landfill gas collection wells and appurtenances, whether active or abandoned, that are located within the areas of actual work or investigation pursuant to the Feasibility Studies and surround them with orange construction fencing to prevent disturbance. Lessor will provide a map of all monitoring wells.

(b) Waste. If, as a result of the Feasibility Studies, subsurface trash or waste is disturbed or exposed, Lessee will document, photograph, and locate via GPS each area of exposed trash, including the depth discovered and the surface area of the waste. Lessee will remove at its

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<sup>1</sup> NTD: STS to provide bullet list of anticipated due diligence activities.



cost any such exposed or disturbed trash to an active portion of the Landfill, if any, to the adjacent resource recovery facility, or to another facility appropriate to receive the material(s) in Lessor's judgement. Lessee and its Agents will use its best efforts to cap areas of exposed waste by the end of each working day with clay or synthetic material to seal the waste areas. The cap will comply with the Landfill Property's closure plan and applicable permits. When daily cap repair is not practically achievable, Lessee will provide a temporary cover of either 6" of soil, a tarp or other approved material to minimize infiltration and prevent surface litter, provided that such temporary measure is replaced with a permanent cap within three (3) days. No stock piling of waste is authorized. Lessee and its Agents must notify Lessor at the close of business of each working day of the discovery of any subsurface waste or trash disturbed or exposed by Lessee or its Agents.

(c) Site Inspections. Lessee and its Agents will coordinate with Lessor to allow Lessor to arrange for site inspection during all work associated with the Feasibility Studies. The Lessee and its Agents will, upon request, (i) allow Lessor and its designated consultants (as identified by Lessor to the Lessee) such access to the Feasibility Study work areas as Lessor or its consultant may deem necessary from time to time to monitor the work of the Feasibility Studies, and (ii) provide Lessor's consultant with such information regarding the work of the Feasibility Studies as the consultant may reasonably require.

(d) Drainage. Lessee and its Agents will coordinate with Lessor for any temporary modifications to the existing drainage systems if impacted by the Feasibility Studies. Lessee and/or its Agents will modify and connect any underground pipes that become exposed to daylight by new slopes to new project drainage features that meet County and Virginia Department of Environmental Quality ("DEQ") requirements.

(e) Landfill Gas. Encountering Landfill gas containing methane should be expected. When conducting the Feasibility Studies, Lessee and its Agents will employ appropriate methane detection and mitigation measures at all times in accordance with industry standards for comparable studies or investigative work.

(f) Facility Rules. The Facility Rules & Regulations for the I-95 Landfill Complex promulgated by Fairfax County, VA (the "I-95 Rules & Regulations") are attached as Exhibit E hereto. Lessee and its Agents must immediately stop work upon notification from County staff that work is being conducted in an unsafe manner and, in the view of Lessor, poses a risk to the Landfill Property and/or the surrounding area. In such event, Lessee and its Agents may not resume work until County staff and Lessee agree upon modifications or measures intended to address the alleged deficiencies.

(g) Safety. Lessee and its Agents will comply with all safety-related Applicable Laws and OSHA safety protocols related to activities while conducting the Feasibility Studies. Lessee and its Agents will provide and adequately maintain any barricades, fences, signs, lanterns, and other suitable devices as deemed necessary by OSHA guidelines for employee and public safety with respect to the Feasibility Studies performed under this Agreement.

(h) Security. During periods of actual work related to the Feasibility Studies, Lessee and its Agents will assist Lessor in Lessor's efforts to maintain the security of each of its work

sites on the Landfill Property. Lessee and its Agents will each maintain all its work areas on the Landfill Property in a clean and presentable manner.

(i) Scope Modification. Lessor and Lessee may agree to add to the scope of the Feasibility Studies by amending this Agreement in writing, neither Party being under any obligation to do so.

(j) Invasive Methods. Notwithstanding anything in this Agreement to the contrary, Lessee and its Agents will not undertake Invasive Methods without Lessor's prior written approval. If the depth of the subgrade and/or Landfill cover material cannot be determined at given location, Lessee and its Agents will not dig or drill in or otherwise disturb such location without Lessor's further prior written approval.

(k) Closed Landfill Permits. At all times, Lessee's conduct of the Feasibility Studies shall be subject to the requirement that Lessor remain in compliance with that certain "Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Discharges of Stormwater Associated with Industrial Activity – Registration # VAR051076 -- I-95 Landfill Complex – Lorton, VA" issued by the DEQ, that certain Solid Waste Facility Permit—Permit Number 103" issued by the DEQ, or other applicable permits and authorizations (collectively, the "Closed Landfill Permits"), including but not limited to with respect to impact on or modification of the Landfill final cover system. Lessee shall coordinate with Lessor at all times, as directed by Lessor, to assure Lessor's compliance with the Closed Landfill Permits. For avoidance of doubt, during the Option Period and during the term of the Lease, Lessor retains the right to take all reasonable and necessary actions associated with complying with the Closed Landfill Permits, and the Option and Lease are subordinated to the requirements of compliance with such permits.

**7. Restoration.** Lessee, at its own expense, will promptly restore, as near as reasonably possible, those portions of the Landfill Property disturbed by Lessee and/or its Agents to their original condition(s) in accordance with the Landfill Property's closure plan and applicable permits attached hereto as Exhibit G. Lessee and its Agents will coordinate with Lessor before commencing any such restoration work.

## **8. Hazardous Materials.**

(a) Lessee acknowledges that the Landfill Property is the site of a closed Landfill and may contain Hazardous Materials. If Lessee or its Agents discover any Hazardous Materials on the Landfill Property that would not otherwise reasonably be expected to be discovered when conducting the Feasibility Studies on a closed Landfill, such as evidence of potential chemical contamination or leak, Lessee and/or its Agents will immediately notify Lessor.

## **9. Equipment.**

(a) Lessee and its Agents may store equipment on the Landfill Property during the Option Period; provided, however, that Lessee and its Agents shall be solely responsible for securing such equipment on the Landfill Property, and Lessor will not be liable for any theft or damage to any equipment stored by Lessee on the Landfill Property, except where caused by the

gross negligence or willful or wanton conduct of Lessor or its officials, officers, employees, or agents.

(b) If the Option hereunder is not exercised, Lessee will remove all tools, equipment, and other personal property from the Landfill Property at its sole cost. This provision survives the expiration or earlier termination of this Agreement.

**10. Indemnification with Respect to the Option Period.** With respect to the Option Period, and without limitation to the indemnification provisions set forth in the Lease Agreement, Lessee will indemnify and hold harmless Lessor and its officials, officers, employees, and agents:

(a) From and against any and all third-party claims, demands, damages, suits, actions, proceedings, judgments, decrees, orders, fines, costs, and expenses (including reasonable attorneys fees) due to any damage to property, injury or death of any person, or otherwise as a result of the entry upon or activities within the Landfill Property by the Lessee or its Agents occurring in connection with, or arising out of the performance of the work permitted by this Agreement; provided, however, the foregoing indemnity shall exclude any claims or liabilities caused by the negligence or willful misconduct of Lessor;

(b) From all liabilities, remedial costs, environmental claims, fees, or other expenses related to, arising from, or attributable to (i) any Hazardous Materials introduced by Lessee on the Landfill Property, or (ii) Lessee's activities involving Hazardous Materials on the Landfill Property, to the extent that Lessee is either negligent in such activities or in breach of the terms of this Agreement (e.g., failure to appropriately install a cap). The foregoing indemnity excludes any claims or liabilities caused by the negligence or willful misconduct of Lessor; and

(c) From any claims by contractors or subcontractors who perform any activity on the Landfill Property; provided, however, the foregoing indemnity shall exclude any claims or liabilities caused by the negligence or willful misconduct of Lessor. This Agreement must not be construed as granting Lessee or any contractor of Lessee the right to place any lien, mechanic's lien, or any charge on the Landfill Property.

**11. Insurance With Respect to the Option Period.** During the Option Period, Lessee covenants and agrees to carry and maintain, at its sole cost and expense, the insurance required under Section 9 of the PPA.

**12. Cooperation.** Lessor shall cooperate with Lessee as Lessee may reasonably require with respect to seeking or applying for any zoning changes, permits, permit modifications, or authorizations (i.e., a change in classification of the Landfill Property) during the Option Period.

**13. Effectiveness of Lease Agreement upon Exercise of Option.** Upon the delivery to Lessor of the Notice of Exercise, the terms of the Lease Agreement shall automatically become effective with respect to the Demised Premises. The date that the Lease Agreement becomes effective shall be the "Commencement Date" hereunder. For avoidance of doubt, references to the "Lease" in this Option and Right of Entry shall refer to the provisions of the Lease Agreement.

**14. Supremacy of PPA.** During the Option Period, in the event of a conflict between the PPA and this Option Agreement, the former shall control.

## **II. DEED OF SOLAR LEASE AGREEMENT**

### **1. Lease of Demised Premises; Additional Property Rights.**

(a) Demised Premises. Lessor hereby leases to Lessee, in accordance with the terms and conditions set forth herein, the Demised Premises for the installation, operation, maintenance, repair and, if necessary, replacement and decommissioning of the System, (the elements of such System being, without limitation, solar panels, solar racking structures, electrical power inverters, interconnection equipment, electrical wiring, collection lines, wire management systems, charging stations, electric meters, metering, switch cabinets, power distribution boxes, and racking systems), provided that the System shall not be constructed, maintained, or decommissioned using Invasive Methods without prior written approval of Lessor (the "Permitted Use").

(b) Use of Demised Premises. Lessee shall use the Demised Premises solely for the Permitted Use, and for no other uses.

#### **(c) Lessee's Ancillary Rights; Easements.**

(i) In connection with the lease hereunder of the Demised Premises to Lessee, Lessor hereby grants to Lessee, for a period coterminous with this Lease, the non-exclusive right (the "Facility Access Rights") to enter upon, cross, and use portions of access drives, parking lots, and other areas of the Landfill Property as shown in Exhibit C (the "Facility Access Areas"). Lessor may change the Facility Access Areas at any time with reasonable prior Notice to Lessee, provided adequate access to the Demised Premises and adequate space for use of the Facility Access Area for the purposes set forth herein is available at all times during the Term (as hereinafter defined). The Facility Access Rights are provided for the purpose of allowing Lessee access to the Demised Premises for installation, operation, maintenance, repair (including replacement, if necessary) and decommissioning of the System and to locate any auxiliary equipment necessary to install, operate, maintain or repair the System on the Demised Premises and for the purposes of interconnecting the System with the mechanical and electrical systems on or serving the Landfill Property, as agreed by Lessor and Lessee in accordance with the PPA. For avoidance of doubt, Lessor acknowledges and agrees that Lessee may use portions of the Facility Access Areas to be mutually agreed upon by the Parties as a staging area during the periods that Lessee is undertaking the installation and decommissioning of the System or any major repairs to the System. Lessee shall not install any improvements within the Facility Access Areas that would prevent access to or prevent use of the Landfill Property or prevent any holders of easements across the Landfill Property or any governmental or public utility personnel (e.g., fire, police, public utility providers, etc.) or other similar parties from exercising their rights with respect to the Landfill Property. Furthermore, Lessee shall utilize the Facility Access Areas in a manner that does not unreasonably interfere with the use of the Landfill Property by Lessor. Lessor hereby grants to Lessee, for a period coterminous with this Lease, a Transmission Easement, as defined below, across the Landfill Property and any



adjacent property of Lessor. Lessee shall reasonably consult with Lessor in the location of the Transmission Easement, and Lessor agrees to consent to the siting of the Transmission Easement. As used herein, "Transmission Easement" means nonexclusive easements on, over, across, under and through the Landfill Property or any adjacent property of Lessor for constructing, placing, operating, maintaining, reconstructing, replacing, rebuilding, upgrading, removing, inspecting, modifying and/or repairing aboveground electrical transmission lines and a line or lines of poles or towers, together with such wires and cables and communications lines as from time to time are suspended therefrom, and/or underground wires, cables and pipes, for the transmission of electrical energy, and all necessary and proper anchors, support structures, foundations, footings, cross arms and other appliances and fixtures for use in connection with transmission necessary for the benefit of the System.

(ii) Upon reasonable request of Lessee, Lessor and Lessee shall enter into one or more recordable easements, in a form and with terms and conditions mutually agreeable to both Parties, that set forth the Facility Access Rights and a mutually agreeable Transmission Easement.

(iii) The Facility Access Rights shall terminate immediately upon the termination or expiration of this Lease for any reason, subject to decommissioning requirements.

(d) Closed Landfill Legal Requirements. Lessee acknowledges that Landlord (i) is subject to certain requirements under (A) Applicable Law and (B) the permits identified in Exhibit G, and (ii) otherwise is committed to use best practices in assuring the maintenance and safety of, the Landfill Property (the "Closed Landfill Considerations"). In recognition of the Closed Landfill Considerations:

(i) Lessor reserves the right to enter upon the Demised Premises at all times as necessary to (i) respond to catastrophic and emergency events, including but not limited to fires ("Exigent Circumstances"), and (ii) perform necessary closed Landfill infrastructure repairs and maintenance, that are not the result of acts by the Lessee.

(ii) Lessor may request that Lessee take the System offline for Lessor's discretionary purposes, as set forth in (and subject to the limitations of) Section 6.9 of the PPA.

(iii) In the event Lessor, its agents or employees, causes damage to the System, Lessor shall be responsible for the reasonable costs associated with such damage, subject to Section II.14(b), and any resulting System outage time shall count towards the Outage Allowance in the PPA.

(iv) The Parties acknowledge that the interests of Lessee under this Lease shall be subordinate to Lessor's management and operation of the Landfill final cover in material compliance with all Applicable Laws, Closed Landfill Permits, and the permits set forth in Exhibit G. Notwithstanding anything to the contrary, any System outage time resulting



from such management and operation or requirements of Applicable Laws, including compliance by Lessee with any Environmental Law related to a condition existing before or as of the Commencement Date, Closed Landfill Permits, and the permits set forth in Exhibit G ("Outage Time") shall count as an Outage, and towards the Outage Allowance and as excess Outage as the case may be, in the PPA. For avoidance of doubt, the previous sentence with respect to Outage Time shall apply if any part of the System is temporarily relocated because of actions required to be taken by Lessor pursuant to Applicable Law, any Closed Landfill Permit, or a permit set forth in Exhibit G. Outage Time shall also apply where Lessee reasonably determines that the System must be taken offline or relocated due to the requirements of any Environmental Law related to a condition existing before or as of the Commencement Date. If Lessee incurs costs to a third party as a result of such temporary relocation or compliance with Environmental Laws, Lessor shall reimburse Lessee for any such documented third-party costs plus a markup of eight percent (8%).

As used in this Lease Agreement, "Applicable Law" means any applicable federal, national, regional, state, municipal or local law, statute, treaty, rule, regulation, ordinance, order, code, judgment, tariff, decree, directive, injunction, writ or similar action, or decision duly implementing any of the foregoing by any Governmental Authority.

**2. Signage.** Lessee shall not place any signage on or at the Demised Premises (other than as required by Applicable Law) unless approved in advance in writing by Lessor. Notwithstanding the foregoing, Lessee may, without the prior approval of Lessor, place signage on or at the Demised Premises identifying the existence of the System and any required safety notices relating thereto.

**3. As-Built Survey of Demised Premises.** Within one hundred twenty (120) days following Actual Commercial Operation Date, as defined in the PPA, Lessee shall provide Lessor with a final boundary and as-built survey that shows the Demised Premises and includes all of the contents of Lessee's final site plan for the system, as constructed (the "As-Built Survey"). The As-Built Survey shall be completed by a Commonwealth of Virginia licensed Professional Land Surveyor, at Lessee's expense. The As-Built Survey shall be attached to the Lease as Exhibit D.

**4. Term.**

(a) Term. The term of this Lease shall commence on the Commencement Date and shall terminate as provided in Section 2.1 of the PPA (the "Term"). The Term may be extended pursuant to Section 2.2 of the PPA.

(b) Termination. Notwithstanding anything contained herein to the contrary, this Lease shall automatically terminate if the PPA is terminated for any reason whatsoever.

(c) Access After Termination. Notwithstanding the foregoing, upon the expiration or earlier termination of this Lease (unless Lessor has executed its option to purchase the System in accordance with Section 7.4 of the PPA), Lessee shall have the right to access the Demised Premises for the purpose of decommissioning and removing the System in accordance with Section

8.1 of the PPA, which work shall be completed within one hundred twenty (120) days after the expiration of this Lease or any earlier termination of this Lease, as applicable. The provisions of this Section II.4(c) will survive the expiration or termination of this Lease. Notwithstanding the foregoing, in the event that Applicable Law, any permit granted to Lessee related to the Permitted Use, or any Governmental Authority requires a shorter period of time for decommissioning or removal or otherwise have stricter requirements, such shorter time and/or requirements, as well as any other applicable requirements, shall control

**5. Utilities.** During the Term, Lessor shall have no obligation to provide any utilities to Lessee for Lessee's use in connection with the installation, operation, maintenance, and repair of the System. To the extent that, during the Term, Lessee requires any utilities in connection with the installation, operation, maintenance and repair of the System on the Demised Premises, Lessee further acknowledges and agrees that Lessee shall be responsible, at its sole cost and expense, for providing or obtaining such utilities and that Lessee's inability to provide or obtain any such utilities shall not relieve Lessee from the performance of Lessee's obligations under this Lease or the PPA.

**6. Annual Rent.** Commencing on the Actual Commercial Operation Date, as defined in the PPA, and continuing thereafter for the remainder of the Term, Lessee shall pay to Lessor annual rent for the Demised Premises in the amount of Ten and No/100 Dollars (\$10.00) per year ("Annual Rent"). The Annual Rent for the first year of the Term shall be due and payable by Lessee to Lessor within ten (10) Business Days of the Actual Commercial Operation Date, and Annual Rent for each succeeding year of the Term shall be due and payable by Lessee to Lessor, without notice or demand, on or before each anniversary of the Actual Commercial Operation Date during the Term. The Annual Rent shall be payable by Lessee to Lessor at the address for the Lessor set forth in the PPA or at such other address as shall be designated in writing by Lessor. At Lessee's option, Lessee may elect to prepay the Annual Rent for the entire Term on the Actual Commercial Operation Date.

**7. System Installation.** The System shall be installed in accordance with Section 5 of the PPA. In addition to those rights set forth in the PPA, Lessee may (A) apply for a bona fide prospective purchaser letter pursuant to Virginia Code §10.1-1237, *et seq.* from the Virginia Department of Environmental Quality ("DEQ"); (B) request a comfort/status letter from the United States Environmental Protection Agency ("EPA"); (C) meet or correspond with any Governmental Authority with jurisdiction over any pre-existing or newly discovered environmental conditions existing at the Property.

**8. Liens.**

(a) To the extent permitted by Applicable Law, all of Lessee's contracts with subcontractors engaged with respect to the constructing, operation, or maintenance of the System (each, a "Subcontractor") shall provide that no Lien shall attach to or be claimed against the Demised Premises or any interest therein by Lessee or its Subcontractors as a result of supplying goods or services pertaining to the Demised Premises, and Lessee shall use reasonable efforts to cause all subcontracts let thereunder to contain the same provision. Lessee shall not permit the Demised Premises to become subject to any mechanics', laborer's, or materialmen's lien on

account of labor, material, or services furnished to Lessee or claimed to have been furnished to Lessee (either directly or through Subcontractors) in connection with work of any character performed or claimed to have been performed for the Demised Premises by, or at the direction or sufferance of Lessee.

(b) Indemnification. Lessee shall indemnify and hold Lessor, its officials, officers, employees and agents harmless from, and defend against (with legal counsel reasonably acceptable to Lessor) all Losses of every kind, nature, and description which may arise out of or in any way be connected with the work of Subcontractors and the imposition or existence of any Lien as described in Section II.8(a).

(c) Discharge of Liens. If any Liens described in this Section II.8 are filed against the Demised Premises, Lessee shall promptly and at its cost and expense discharge the same following Lessee's receipt of written notice of such filing; provided, however, that Lessee shall have the right to contest, in good faith and with reasonable diligence, the validity of any such lien or claimed lien if Lessee shall give to Lessor, within fifteen (15) Business Days after demand, such security as may be reasonably satisfactory to Lessor to assure payment thereof and to prevent any sale, foreclosure, or forfeiture of Lessor's interest in the Demised Premises by reason of non-payment thereof; provided, further, that on final determination of the Lien or claim for Lien, Lessee shall immediately pay any judgment rendered, with all proper costs and charges, and shall have the lien released and any judgment satisfied. If Lessee fails to post such security or does not diligently contest such lien, Lessor may, without investigation of the validity of the lien claim, after ten (10) Business Days' Notice to Lessee, discharge such Lien and Lessee shall reimburse Lessor upon demand for all costs and expenses incurred in connection therewith, which expenses shall include any reasonable attorneys fees and any and all other costs associated therewith, including litigation through all trial and appellate levels and any costs in posting bond to effect a discharge or release of the lien.

(d) No Consent. Nothing contained in this Lease shall be construed as a consent on the part of Lessor to subject the Demised Premises to liability under any lien law now or hereafter existing.

## **9. System Operation and Ownership**

(a) Operation, Maintenance, and Removal of System. Lessee shall operate, maintain, repair, decommission, and remove the System in accordance with Sections 6 and 8 of the PPA and in accordance with all Applicable Laws and in such a manner as will not unreasonably interfere with Lessor's or, if there are any other occupants of the Landfill Property, such occupants' operation or maintenance of their respective premises.

(b) Ownership of System. Lessor acknowledges and agrees that (i) notwithstanding the System's classification as a "fixture" under Applicable Laws, as between the Parties, the System shall be deemed to be personal property of Lessee, and (ii) Lessee is the exclusive owner and operator of the System. In furtherance of the foregoing, Lessor hereby expressly waives all statutory and common law liens or claims that it might otherwise have in or to the System or any portion thereof and agrees not to distrain or levy upon the System or assert any lien, right of

distrain or other claim against the System.

(c) Ownership of Energy Output. Lessor acknowledges and agrees that, subject to the terms of the PPA, Lessee is the sole and exclusive owner of all electricity generated by the operation of the System.

#### **10. Lessee Access to Demised Premises.**

(a) Lessee Access. Without limiting Section II.1(c), and subject to the notice and security requirements set forth in Section II.11 below, Lessor shall provide Lessee with access to the Demised Premises as reasonably necessary to allow Lessee to perform the Services associated with the conduct of the Permitted Use, including ingress and egress rights across the Landfill Property within the Facility Access Areas.

(b) Lessor Observation. At its option and upon prior written request, Lessor may have access to the Demised Premises at any reasonable time on an escorted basis, to observe the conduct of Lessee's Permitted Use on the Demised Premises and Facility Access Areas, subject to Lessor's compliance with Lessee's safety and security requirements.

(c) Property Manager. During all activities involving the System on the Demised Premises in connection with which personnel are present on the Demised Premises, including but not limited to installation, maintenance, repairs, decommissioning and removal of the System, Lessor may require that its property manager for the Landfill Property with responsibility to oversee the Demised Premises on behalf of the Lessor ("Property Manager") or his/her designee be present onsite. On or prior to the Commencement Date, Lessor shall provide Lessee with name and contact information for the Property Manager and his/her designee and, thereafter, Lessor shall advise Lessee in the event of any changes in such information. Lessee shall coordinate its access to the Demised Premises with the Property Manager or his/her designee in accordance with the terms of this Section II.10.

(d) Periods of Access. Lessee shall have access to the Demised Premises during normal business hours (Monday through Friday, 8:00 AM through 5:00 PM) with twenty-four (24) hour prior notice provided to Property Manager, provided that Lessee may access the Demised Premises at other times or with a shorter prior notice period if Lessee's notice accompanied by a justification of the need for such access that is reasonably satisfactory to the Property Manager. Notwithstanding the foregoing, in the event of Exigent Circumstances that directly affect the operation of the System, Lessee may access the Demised Premises without the need for prior approval, provided that it provides notice to the Property Manager as soon as practicable.

#### **11. Identification, Security, and Access Requirements.**

(a) Identification. All of Lessee's Agents shall display Lessor-issued identification badges above the waist at all times that such individuals are on the Demised Premises. Any employee, contractor, or Subcontractor of Lessee who arrives at the Demised Premises without required identification will be dismissed from the Demised Premises. All such employees, contractors, and Subcontractors must pass to the satisfaction of Lessor a Fairfax County Criminal



History Check. Notwithstanding the foregoing, Lessor disclaims any liability with respect to the accuracy or completeness of the Criminal History Checks. Lessee shall be solely responsible for all costs associated with such identification badges and Criminal History Checks.

(b) Inspection. All supplies, materials, and equipment for use at the Demised Premises are subject to security inspection by Lessor.

(c) Additional Security and Access Requirements. Lessee shall, and shall cause all of its Subcontractors to, at all times comply with the identification, security, and other access requirements set forth on Exhibit E attached hereto.

(d) Amendments to Security and Access Procedures. Lessor reserves the right to amend and/or update its security and access requirements or procedures relative to the Demised Premises, including Exhibit E, from time to time upon at least three (3) Business Days' Notice to Lessee.

**12. Insurance.** Lessee covenants and agrees, from and after the Commencement Date, to carry and maintain, at its sole cost and expense, the insurance required under Section 9 of the PPA.

**13. Taxes.** Lessee shall pay, on or before the due date thereof, all personal property taxes, business, and license taxes and fees, service payments in lieu of such taxes or fees, annual and periodic license and use fees, excises, assessments, bonds, levies, fees, and charges of any kind which are assessed, levied, charged, confirmed, or imposed by any Governmental Authority due to Lessee's occupancy and use of the Demised Premises (or any portion or component thereof) or the ownership and use of the System thereon, including but not limited to any real property taxes and assessments attributable to the System improvements on the Demised Premises. Notwithstanding the foregoing, however, Lessee shall have the right to contest such taxes and/or fees in accordance with the applicable procedures of the Governmental Authority imposing such taxes and/or fees.

**14. Indemnification.**

(a) Indemnification. Lessee shall indemnify, defend, and hold harmless Purchaser Indemnified Parties, as defined in the PPA, from and against any liability for violations or alleged violation of any Applicable Law and Losses (including claims for property damage and claims for injury to or death of persons, including any claim or amounts recovered under "workers compensation laws" or any other Applicable Laws) arising in connection with, or out of, or resulting from (i) the negligent acts or omissions or willful misconduct of Lessee, its agents, officers, directors, employees, Subcontractors, or contractors; or (ii) the breach by Lessee of any of its obligations under this Lease. The obligation to indemnify shall extend to and encompass all costs incurred by Lessor and any Lessor Indemnitee in defending such claims, demands, lawsuits, or actions, including, but not limited to, reasonable attorneys' fees, witness and expert witness fees, and any other litigation related expenses. Notwithstanding the foregoing, Lessee shall not be required to defend or indemnify Purchaser Indemnified Parties for a Loss to the extent any such Loss results from the negligence or willful misconduct of a Purchaser Indemnified Party. The

provisions of this Section II.14(a) will survive the expiration or termination of this Lease.

(b) Exclusion of Certain Damages. EXCEPT FOR LIABILITY IN RESPECT OF (A) LESSEE'S INTENTIONAL OR WILLFUL MISCONDUCT OR FRAUD OR (B) CLAIMS FOR BODILY INJURY, INCLUDING DEATH AND DAMAGE TO REAL PROPERTY OR TANGIBLE PERSONAL PROPERTY RESULTING FROM THE NEGLIGENCE OF LESSEE OR ANY AGENT OR EMPLOYEE OF LESSEE, NEITHER PARTY WILL BE LIABLE TO THE OTHER PARTY, IN CONTRACT OR IN TORT (INCLUDING NEGLIGENCE), OR UNDER ANY OTHER LEGAL THEORY (INCLUDING STRICT LIABILITY), FOR ANY INDIRECT, SPECIAL, INCIDENTAL, PUNITIVE, EXEMPLARY, CONSEQUENTIAL OR SIMILAR DAMAGES, INCLUDING DAMAGES FOR LOST PROFITS, LOST REVENUES, LOST TAX BENEFITS, OR ENERGY CREDITS, OR INTERRUPTION OF BUSINESS, ARISING OUT OF OR IN CONNECTION WITH THIS LEASE, EVEN IF SUCH PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH CLAIMS OR DAMAGES.

**15. Lessee Default.** The occurrence of any one or more of the following shall constitute an event of default of Lessee (a "Lessee Default");

(a) The failure of Lessee to pay the Annual Rent or other sums due hereunder that is not cured within ten (10) Business Days after Notice thereof to Lessee;

(b) Any representation or warranty of Lessee hereunder provides to be false or misleading in any material respect;

(c) The inability, failure, or refusal of Lessee to perform timely any material obligations under this Lease, unless such failure or refusal is caused by a Force Majeure Event, a Lessor Default or Purchaser Event of Default; provided, however, such failure continues for thirty (30) Days after Lessor shall have given Notice demanding that such failure to perform be cured (or if such failure cannot reasonably be cured within such 30 Day period, Lessee shall not be in default hereunder if Lessee commences efforts to cure such failure within such 30 Day period and, thereafter, diligently pursues those efforts to completion);

(d) A Seller Event of Default under Section 12 of the PPA, which default continues beyond any applicable notice and cure period contained in the PPA.

Upon the occurrence of a Lessee Default, Lessor shall have the following rights: (i) to terminate this Lease by Notice to Lessee, and (ii) to pursue any other remedy under the PPA or now or hereafter existing at law or in equity. No termination of this Lease resulting from a Lessee Default shall relieve Lessee of its liability and obligations under this Lease, and such liability and obligations shall survive any such termination.

**16. Lessor Default.** The occurrence of the following shall constitute an event of default of Lessor (a "Lessor Default");

(a) The failure of Lessor to perform any material obligations, or breach in any material respect any of its representations, warranties, agreements, or covenants, under this Lease, unless

such failure is caused by a Force Majeure Event, a Lessee Default or Seller Event of Default; provided, however, such failure continues for thirty (30) days after Lessee shall have given Notice demanding that such failure to perform to be cured (or if such failure cannot reasonably be cured within such 30 Day period, Lessor shall not be in default hereunder if Lessor commences efforts to cure such failure within such 30 Day period and, thereafter, diligently pursues those efforts to completion); or

(b) A Purchaser Event of Default under Section 12 of the PPA, which default continues beyond any applicable notice and cure period contained in the PPA.

Upon the occurrence of a Lessor Default, Lessee may pursue any remedies it may have under the terms of Section 12 of the PPA.

**17. Fee Mortgages.** To the extent there any mortgages, deeds of trust, or other indentures encumbering the Demised Premises as of the Commencement Date (each, a "Fee Mortgage"), Lessor shall, on or before the Effective Date, obtain from the holder of each such Fee Mortgage a non-disturbance and attornment agreement, in a form acceptable to Lessee (each, an "SNDA"), pursuant to which the holder of each such Fee Mortgage shall agree that, upon it or its successors and assigns obtaining title to the Project Site (whether through a foreclosure proceeding or through acceptance of a deed in lieu of foreclosure) following an event of default by the Lessor under such Fee Mortgage, the holder of such Fee Mortgage or the purchaser of the Landfill Property at any foreclosure proceeding shall continue to recognize Lessee's leasehold interest in the Demised Premises for the balance of the term of this Lease, so long as Lessee is not then in default hereunder beyond any applicable notice and cure periods provided for herein. Promptly following the Effective Date, each SNDA shall be recorded in the Clerk's Office at Lessee's sole cost and expense, and, within ten (10) Business Days of Lessee's receipt of a written statement from Lessor setting forth all out-of-pocket costs incurred by Lessor in obtaining each such SNDA, together with such supporting documentation as Lessee may reasonably require, Lessee shall reimburse Lessor for such costs.

**18. Casualty.** Notwithstanding anything to the contrary contained herein, in the event of a casualty or condemnation to all or any portion of the Demised Premises, Lessor shall have no duty or liability to Lessee to restore the Demised Premises. If Lessor elects not to restore the Demised Premises, it shall give Lessee Notice of such election within thirty (30) Days after the occurrence of such casualty or condemnation, and, upon its receipt of such Notice, Lessee may, at its option, elect to terminate this Lease upon Notice to Lessor. Lessor shall be entitled to receive the entire award paid by the condemning authority for the Demised Premises, without deduction therefrom for any estate vested in Lessee by this Lease, and Lessee shall receive no part of such award (provided, however, Lessee shall receive any award attributable to the System).

**19. Environmental Provisions.**

(a) Lessor Covenant of Material Compliance. During the Term, Lessor shall materially comply with Environmental Laws applicable to the Demised Premises, except where applicable solely to the construction, operation, and decommissioning of the System, which shall be responsibility of Lessee. Without limiting the foregoing sentence, Lessor shall, as between the



Parties, be responsible for any preexisting Hazardous Materials.

(b) Lessee Covenants. During the Term of this Lease, Lessee shall:

(i) comply, in all material respects, with all Environmental Laws applicable to the Permitted Use at the Demised Premises;

(ii) at its expense, remove or contain any Hazardous Materials on the Demised Premises that were brought onto or released into the Demised Premises by actions of the Lessee or its Agents during the Term of this Lease.

(c) Termination Rights Related to Environmental Matters. Without limiting Lessee's rights under Section 19(a) or otherwise under this Lease or the PPA, Lessee may terminate this Lease within forty five (45) Business Days of the receipt of the notice from a Governmental Authority that the entire Demised Premises, or a material part thereof, is the subject of a mandated cleanup of Hazardous Materials or other action arising from any Environmental Law that will make the Demised Premises unusable for the Permitted Use for a period of greater than six (6) consecutive months (a "Section 19(c) Termination"). For avoidance of doubt, this Subsection 19(c) does not apply if a portion of the Landfill Property that does not include the Demised Premises is affected by the above-described cleanup or other action. A termination by Lessee under this Section 19(c) shall solely be deemed a Termination Due to Force Majeure Event under Section 12.5(b) of the PPA. Notwithstanding any provision of this Lease Agreement or the PPA, in no event shall a Section 19(c) Termination be deemed to be due to a Lessor Default.

## **20. Covenants of Lessor.**

(a) Subsurface. Except as expressly hereinafter provided herein (including specifically with regard to the Closed Landfill Considerations) and as required under Applicable Law, the surface of the Demised Premises shall not be disturbed in any manner by Lessor, or anyone claiming under Lessor, for the purpose of conducting operations of any nature without the written consent of Lessee. Except as hereinafter provided, Lessor agrees that neither it nor anyone claiming under it shall, for any purpose or use excluded by this Lease, occupy any portion of the surface of the Demised Premises or place any fixtures, equipment, buildings, or structures thereon. Lessee shall, at all times, be entitled to the lateral support of the surface of the Demised Premises and to the underground or sub adjacent support of the surface thereof. Lessee shall not conduct any operations whatsoever on, in, over, or under any portion of the Project Site which would or is likely to cause loss of lateral or subjacent support of the surface of the Project Site or any improvements thereon. The provisions of this Section shall survive the expiration or termination of the Term or Lessor's Transfer.

(b) Certain Actions. Lessor shall not do any of the following without the prior written approval of Lessee, which approval may be given or withheld in Lessee's sole and absolute discretion: (a) enter into any agreement affecting the survey condition of, title to, or possession of the Demised Premises, (b) create any encumbrances on or against the Demised Premises, (c) materially modify any existing prior encumbrance or institutional controls affecting the Demised Premises, (d) initiate or request any change in the existing zoning or other land use entitlements



affecting the Demised Premises, (e) enter into any lease, contract, or other agreement affecting the Demised Premises except with respect to the Closed Landfill Considerations, or (f) amend or modify any existing lease or contract affecting the Demised Premises.

(c) Permitting. Lessor shall be responsible for submittal of permit modification applications to DEQ required for installation of the System on the Demised Premises. Lessee shall complete an evaluation of impacts of the additional impervious areas of the System on stormwater run-off and infiltration of stormwater into the final cover system and internal drainage and provide calculations and documentation to Lessor to support the permit modification. Lessor shall be responsible for making improvements to the existing stormwater management system resulting from stormwater flow off the System. Lessee shall prepare any required Spill Containment, Control and Countermeasure Plans and receive required permits for transformer oils, as applicable.

(d) Maintenance.

(i) *Vegetative Cover*. To the extent that Lessor does not affirmatively undertake the responsibility under the Closed Landfill Permit for maintaining a good stand of vegetative cover on the Demised Premises (the access for which, if such responsibility is undertaken, shall be allowed by Lessee under a limited license to undertake such activities), Lessee shall be responsible for maintenance and repair of the Landfill cover vegetated surface in the area of the Demised Premises to maintain a good stand of vegetative cover in accordance with the Closed Landfill Permit and to prevent impacts of vegetation and or woody growth on the System operation.

(ii) *Landfill Subsidence*. If, during the term of the Lease, the surface of the Demised Premises subsides due to natural decomposition of the Landfill mass, Lessor and Lessee shall cooperate in reasonable and necessary re-grading or other responses in order to facilitate the Permitted Use, it being understood that Lessor shall perform any re-grading unless the Parties agree otherwise in advance. The Parties agree that any such re-grading or other responses shall be conducted in a way to prevent future ponding or erosion.

(iii) *Ponding and Erosion*. Notwithstanding anything to the contrary in this Solar Lease Agreement, during the Term, Lessee shall not conduct any activities or allow any condition on the Demised Premises which would or would be likely to cause water impact that threatens the integrity of the Landfill cap, including but not limited to erosion and ponding.

**21. No Warranties.** LESSOR HAS NOT MADE, DOES NOT MAKE, AND HAS NOT AUTHORIZED ANYONE ELSE TO MAKE ANY REPRESENTATIONS OR WARRANTIES AS TO: (A) THE EXISTENCE OR NON-EXISTENCE OF ACCESS TO OR FROM THE DEMISED PREMISES OR ANY PORTION THEREOF; (B) THE SOIL CONDITIONS TO BE FOUND AT THE DEMISED PREMISES; (C) THE SUITABILITY OF LESSOR'S TITLE TO THE DEMISED PREMISES; OR (D) THE MERCHANTABILITY OF THE DEMISED PREMISES OR ITS SUITABILITY FOR LESSEE'S INTENDED USE. LESSEE EXPRESSLY ACKNOWLEDGES AND ACCEPTS THAT: (X) EXCEPT AS EXPRESSLY SET FORTH IN THIS LEASE AND IN THE PPA, LESSOR HAS NOT MADE

ANY REPRESENTATIONS OR WARRANTIES WHATSOEVER CONCERNING THE DEMISED PREMISES OR ANY MATTERS PERTAINING TO THE DEMISED PREMISES AND ACCESS TO THE SAME; AND (Y) IN ENTERING INTO THIS LEASE, LESSEE IS NOT RELYING ON ANY SUCH REPRESENTATIONS OR WARRANTIES. LESSEE HAS FULLY EXAMINED AND INSPECTED OR HAS HAD THE OPPORTUNITY TO FULLY EXAMINE AND INSPECT THE DEMISED PREMISES AND ACCESS TO THE SAME AND BECOME THOROUGHLY FAMILIAR WITH THE TITLE, CONDITION (INCLUDING BUT NOT LIMITED ENVIRONMENTAL CONDITION), STATUS, ACCESSIBILITY, AND SUITABILITY OF THE DEMISED PREMISES. LESSEE IS LEASING THE DEMISED PREMISES ON AN "AS IS, WHERE IS" BASIS.

## **22. Miscellaneous.**

(a) Governing Law. The law of the Commonwealth of Virginia shall govern the validity, interpretation, construction, and performance of this Lease, including the Parties' obligation under this Lease, the performance due from each Party under it and the remedies available to each Party for breach of it. Any jurisdiction's choice of law, conflict of laws, rules, or provisions, including those of the State that would cause the application of any laws other than those of the Commonwealth of Virginia shall not apply.

(b) Assignment. Lessee shall not have the right to assign this Lease, or any of its rights, duties, or obligations hereunder, except in accordance with Section 14.2 of the PPA.

(c) Authority of Deputy County Executive of Administration. Lessee acknowledges and agrees that County's Deputy County Executive of Administration or his or her duly authorized representative or agent has the sole responsibility and authority to execute this Option and Right of Entry and Deed of Solar Lease Agreement and any amendment or modification hereto on behalf of Lessor. Any execution, amendment, or modification of this Option and Right of Entry and Deed of Solar Lease Agreement by a Person other than Lessor's Deputy County Executive of Administration or his or her duly authorized representative or agent shall be null and void and of no force and effect.

(d) Dispute Resolution. See PPA Section 14.5 for dispute resolution process.

(e) Due Authorization. Each Party represents and warrants to the other Party that it (i) has been duly authorized to enter into this Lease by all necessary action, and (ii) the execution and delivery of this Lease and the performance by such Party of its obligations hereunder will not result in a default under any agreement to which it is a party.

(f) Notices. Notices shall be given in accordance with Section 14.6 of the PPA.

(g) Successors and Permitted Assignees. This Lease is binding on and inures to the benefit of successors and permitted assignees.

(h) Survivability. Any term, condition, covenant, or obligation that requires

performance by a Party subsequent to termination or expiration of this Lease, whether specifically identified herein or not, shall remain enforceable against such Party subsequent to such termination or expiration.

(i) Negotiated Terms. The Parties agree that the terms and conditions of this Lease are the result of negotiations between the Parties and that this Lease shall not be construed in favor of or against any Party by reason of the extent to which any Party or its professional advisors participated in the preparation of this Lease.

(j) Further Assurances. Each Party agrees to, and shall use all reasonable efforts to, provide such information, execute, and deliver any instruments and documents and take such action as may be reasonably necessary or reasonably requested by the other Party that are not inconsistent with the provisions of this Lease and which do not involve the assumption of obligations other than those provided for in this Lease in order to give full effect to this Lease and to carry out the intent of this Lease.

(k) Waivers. No delay in exercising or failure to exercise any right or remedy accruing to or in favor of either Party shall impair any such right or remedy or constitute a waiver thereof. Every right and remedy given hereunder or by Applicable Law may be exercised from time-to-time and as often as may be deemed expedient by the Parties. Neither this Lease nor any provision hereof may be changed, modified, amended, or waived except by a written instrument signed by a duly authorized officer of the Party against whom enforcement of such change, modification, amendment, or waiver is sought. If any representation, warranty, or covenant contained in this Lease is breached by either Party and thereafter waived by the other Party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach under this Lease.

(l) Relationship of the Parties. Nothing in this Lease shall be deemed to constitute either Party a partner, agent, employee, or legal representative of the other Party or to create any fiduciary relationship between the Parties. In addition, nothing in this Lease shall be deemed or construed as creating any contractual relationship between any Subcontractor and Lessor. The Parties agree that Lessee shall be fully responsible for the acts and omissions of any Subcontractor.

(m) Entire Agreement. This Lease, the recitals herein, together with the Exhibits attached to this Lease and the PPA, constitutes the entire and complete agreement and commitment of the Parties with respect to this Lease. All prior or contemporaneous understandings, arrangements, negotiations, or commitments, or any or all of the foregoing with respect to this Lease, whether oral or written, have been superseded by this Lease and the PPA.

(n) Amendments. No amendment, modification, or change to this Lease shall be effective unless the same shall be in writing and duly executed by an authorized person of each Party.

(o) No Third-Party Beneficiaries. Except as otherwise expressly provided herein, this Lease and all rights hereunder are intended for the sole benefit of the Parties hereto, and the Financing Parties to the extent provided in the PPA or in any other agreement between a Financing

Party and Lessee or Lessor, and do not imply or create any rights on the part of, or obligations to, any other Person.

(p) Headings. Captions and headings in this Lease are for convenience of reference only and do not constitute a part of this Lease.

(q) Counterparts and Signatures. This Lease may be executed in more than one counterpart, each of which shall be deemed an original, and all of which shall constitute one and the same agreement. The delivery of an executed counterpart of this Lease by electronic transmission shall be deemed to be valid delivery thereof. Scanned or digital signatures shall be deemed valid as original as related to this Agreement.

(r) Severability. If any provision, portion, or application of this Lease is, for any reason, held to be invalid, illegal, or unenforceable in any respect by any court of competent jurisdiction, the Parties shall negotiate in good faith and agree to such amendments, modifications, or supplements of or to this Lease or such other appropriate actions as shall, to the maximum extent practicable, in light of such determination, implement, and give effect to the intentions of the Parties as reflected herein, and the other terms of this Lease, as so amended, modified, supplemented, or otherwise affected by such action, shall remain in full force and effect.

(s) Liability of Officers and Employees. No member of the Board of Supervisors of Fairfax County nor any director, officer, agent, consultant, representative, or employee of either Party shall be charged personally by the other or held contractually liable thereto under any term or provision of this Lease, because of either Party's execution or attempted execution of this Lease or because of any breach or alleged breach thereof: provided, however, that all Persons remain responsible for any of their own criminal actions.

(t) No Conflict of Interest. Lessee shall not enter into any agreements that would conflict with Lessee's performance of its obligations under this Lease, or the other transactions contemplated herein, without receiving prior written authorization from Lessor.

(u) Authorization to Conduct Business in the State. At all times during the Term, Lessee shall be authorized to transact business in the State as a domestic or foreign business entity if so required by Title 13.1 or Title 50 of the Code of Virginia, as amended, or as otherwise required by law. Lessee shall not allow its existence to lapse or its certificate of authority or registration to transact business in the State, if so required under Title 13.1 or Title 50 of the Code of Virginia, as amended, to be revoked or cancelled at any time during the Term.

(v) Immigration Reform and Control Act. Lessee represents and warrants to Lessor that it does not, and Lessee covenants that it shall not during the performance of the Lease, knowingly employ an unauthorized alien as defined in the federal Immigration Reform and Control Act of 1986.

(w) Estoppel Certificates. Lessor and Lessee shall execute and deliver to each other, within fifteen (15) Business Days after receipt of a written request therefore, a certificate evidencing whether or not (i) this Lease is in full force and effect; (ii) this Lease has been modified

or amended in any respect and describing such modifications or amendments, if any; and (iii) there are any existing defaults thereunder to the knowledge of the Party executing the certificate, and specifying the nature of such defaults, if any. If either Party shall fail to deliver said certificate within fifteen (15) Business Days from request therefor it shall be concluded that this Lease is in full force and effect, unmodified and without default.

(x) Remedies Cumulative. No remedy herein conferred upon or reserved to Lessee or Lessor shall exclude any other remedy herein or by law provided, but each shall be cumulative and in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

(y) Attorneys' Fees. Lessee shall bear its own attorneys' fees, costs, and expenses in connection with negotiating and/or reviewing this Lease, including any amendments, and any additional documents relating to the System.

(z) Brokers. Each Party represents and warrants to the other Party that it has not engaged or had any conversations or negotiations with any broker, finder, or other third party concerning the leasing of the Demised Premises to Lessee who would be entitled to any commission or fee based on the execution of this Lease.

(aa) Time is of the Essence. Time is of the essence of this Lease.

(bb) Memorandum. Lessor and Lessee agree that at the request of either, each will execute a short form memorandum, substantially similar to the form in Exhibit F, of this Lease in form satisfactory for recording in the Clerk's Office that shall be recorded on or promptly following the Commencement Date at the cost of the Party seeking to record the same. Upon the expiration or earlier termination of this Lease, the Parties shall promptly execute any release or termination that may be required to release such memorandum of record.

(cc) Deed of Lease. The Parties intend for this Lease to be deemed a deed of lease and a conveyance of a leasehold interest real property by a sealed writing pursuant to Virginia Code §§ 55-2 and 11-3.

(dd) Quiet Enjoyment. So long as there does not exist a Lessee Default, Lessor agrees that, subject to the terms and conditions of this Lease, Lessee shall have the right to quietly use and enjoy the Demised Premises for the Term, without hinderance or molestation by Lessor or those claiming by, through or under Lessor.

(ee) Supremacy of PPA. To the extent there is a conflict between a provision of this Lease Agreement and the PPA, the conflicting provision of the PPA shall control.

(ff) Representations and Warranties. The representations and warranties of Lessor and Lessee made in the PPA shall apply to this Lease as if made herein, as applicable.

[Signature Page Follows]



**IN WITNESS WHEREOF**, the Parties have executed this Option and Right of Entry and Deed of Solar Lease Agreement as of the Effective Date.

**LESSOR:**

THE BOARD OF SUPERVISORS OF FAIRFAX  
COUNTY

By: \_\_\_\_\_(SEAL)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**LESSEE:**

SUN TRIBE SOLAR, LLC  
a Virginia limited liability company

By: \_\_\_\_\_(SEAL)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

[Signature Page to Option and Right of Entry and Deed of Solar Lease Agreement (LANDFILL  
PROPERTY - LANDFILL)]

**EXHIBIT A**  
**DEMISED PREMISES<sup>2</sup>**



<sup>2</sup> Proposed Demised Premises depicted in green on map.

**EXHIBIT B**

**FEASIBILITY STUDIES**

[Lessee to provide bullet list]



**EXHIBIT C**

**FACILITY ACCESS AREAS**

[to be inserted when determined]

**EXHIBIT D**

**AS-BUILT SURVEY**

[to be inserted when determined]

## **EXHIBIT E**

### **I-95 RULES AND REGULATIONS**

A current copy of the I-95 Rules and Regulations, as updated in Lessor's discretion, may be accessed here:

<https://www.fairfaxcounty.gov/publicworks/sites/publicworks/files/assets/documents/i-95-rules.pdf>

**EXHIBIT F**

**FORM OF MEMORANDUM OF LEASE**

Tax Parcel No.: 1131 01 0014

Consideration: \$10.00

This document prepared by and  
after recording return to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COUNTY OF FAIRFAX                                 }  
   }  
COMMONWEALTH OF VIRGINIA                         }

**MEMORANDUM OF LEASE**

THIS MEMORANDUM OF LEASE (this “**Memorandum**”) is dated as of September 13, 2022 (the “**Commencement Date**”) by and between **BOARD OF SUPERVISORS OF FAIRFAX COUNTY (“Lessor”)**, and **SUN TRIBE SOLAR, LLC**, a Virginia limited liability company (“**Lessee**”), with reference to the following recitals:

WHEREAS, Lessee and Lessor (together, the “**Parties**” and each a “**Party**”) are parties to certain unrecorded Option and Right of Entry and Deed of Solar Lease Agreement dated of even date herewith (the “**Lease**”), which affects the Demised Premises (hereinafter defined);

WHEREAS, the option to lease the Demised Premises set forth in the above-described Lease has been exercised and the lease for a term of years under such Lease is now in effect;

WHEREAS, the Parties entered into the Lease in conjunction with that certain Solar Power Purchase Agreement (the “**PPA**”) between Lessor and Lessee dated of even date herewith; and

WHEREAS, the Parties desire to enter into this Memorandum for recordation in the land records of the Clerk’s Office of the Circuit Court of Lessor of Fairfax, Virginia (the “**Land Records**”);

NOW, THEREFORE, the Parties hereto do hereby certify and agree as follows:

**1.1. Demised Premises.** The premises leased by Lessor to Lessee pursuant to the Lease (the “**Demised Premises**”) are as set forth in Exhibit A attached hereto and made a part hereof. Lessee may use, and have access at all times to, the Demised Premises for the installation, operation, maintenance, repair and, if necessary, replacement and decommissioning of a solar photovoltaic energy system, and activities necessary or related thereto. The Demised Premises are located on the Landfill Property, which is more particular described in the Lease.

**1.2. Term and Consideration.** The initial term of the Lease commenced on the Commencement Date and shall terminate on the date which is the thirtieth (30<sup>th</sup>) anniversary of the Actual Commercial Operation Date at a rate of ten dollars (\$10.00) per year. Upon the expiration of the initial term of the Lease, the Parties may agree to extend the Lease for up to five (5) years in accordance with the terms of the PPA.

**1.3. Easements and Other Rights.** The Lease contains provisions granting Lessee certain rights and easements associated with access, transmission of electricity, and other matters.

**1.4. Execution.** This Memorandum may be executed with counterpart signature pages and in duplicate originals, each of which shall be deemed an original, and all of which shall collectively constitute a single instrument.

**1.5. Governing Law.** This Memorandum and the Lease shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

**1.6. Purpose of Memorandum of Lease.** This Memorandum, when recorded in the Land Records, is intended to serve as public notice of the existence of the Lease and to incorporate and reference all of its promises, covenants, and agreements to the same extent as if the Lease were fully set forth herein. This Memorandum does not describe or refer to all the terms or conditions contained in the Lease, nor does it intend to modify, amend, or vary any of the terms or conditions set forth in the Lease.

**1.7. Relationship to Lease.** Any capitalized terms used in this Memorandum and not otherwise defined shall the meanings set forth in the Lease or PPA.

[Signatures pages follow]

**IN WITNESS WHEREOF**, the Parties have caused this Memorandum to be executed on their behalf as of the Commencement Date:

Lessor: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ACKNOWLEDGEMENT

COMMONWEALTH OF VIRGINIA

COUNTY/CITY OF FAIRFAX

The foregoing instrument was acknowledged before me, the undersigned Notary Public, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by \_\_\_\_\_ (Lessor signatory).

*NOTARIAL SEAL*

\_\_\_\_\_  
(signature)  
Notary Public

Lessee: Sun Tribe Solar, LLC

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

ACKNOWLEDGEMENT

COMMONWEALTH OF VIRGINIA

CITY OF CHARLOTTESVILLE

The foregoing instrument was acknowledged before me, the undersigned Notary Public, on this  
\_\_\_\_ day of \_\_\_\_\_, 2022 by \_\_\_\_\_ (Lessee signatory).

*NOTARIAL SEAL*

\_\_\_\_\_  
(signature)  
Notary Public

**EXHIBIT G**  
**LANDFILL PERMITS<sup>3</sup>**

<b>Permit Type</b>	<b>Permit Number</b>	<b>Expiration</b>
Solid Waste	SWP103	Never, renewal fee annually
Stormwater (Virginia Pollutant Discharge Elimination System)	VAR051076	5-yr cycle, June 30, 2024
Wastewater	A53125	4-yr cycle, December 31, 2025

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<sup>3</sup> Lessor's Landfill Permits are updated and amended in accordance with state and federal law. Current copies of Lessor's Landfill Permits may be obtained from the Virginia Department of Environmental Quality and Fairfax County.



## EXHIBIT H

### THIRD-PARTY LANDFILL PROPERTY USE REQUIREMENTS

Third-Party	Type	Location/Tax Map	Description or Deed Book/Page
Alpine X	Agreement	113-1 ((1)) 14	Right of Entry
Covanta	Agreement/Lease	9898 Furnace Road	Facility Lease
Dominion Virginia Power	Easement – Power	113-1 ((1)) 14	22574 / 2146
Dominion Virginia Power	Easement – Power	113-1 ((1)) 14	23832 / 1819
Dominion Virginia Power	Easement – Power	113-1 ((1)) 14	25258 / 0884
Dominion Virginia Power	Easement – Power	113-1 ((1)) 14	27546 / 0017
Easements of Record	Other Easements of Record	113-1 ((1)) 14	Multiple
LES Project Holdings, LLC	Agreement – Gas	113-1 ((1)) 14	Gas Lines and Gas-to-Energy Facility
Northern Virginia Radio Control Club	Memorandum of Agreement	113-1 ((1)) 14	Aerial (Overhead) Airplane Zone
Verizon South Inc.	Easement – Telecommunications	113-1 ((1)) 14	25677 / 0137
Verizon South Inc.	Easement – Telecommunications	113-1 ((1)) 14	27563 / 0233

Board Agenda Item  
September 13, 2022

4:30 p.m.

Public Hearing on PCA 2002-LE-005-02 (RZPA 2021-LE-00008) (ALWADI) to Amend the Proffers for RZ 2002-LE-005 Previously Approved for Commercial Uses to Permit a Childcare Center and Associated Modifications to Proffers and Site Design, Located on Approximately 1.25 Acres of Land (Lee District)

This property is located on the North side of Richmond Highway, approximately 500 feet East of Martha Street. Tax Map 101-4 ((1)) 11A and 12.

PLANNING COMMISSION RECOMMENDATION:

On July 27, 2022, the Planning Commission voted 9-0 (Commissioners Jimenez, Clarke, and Strandlie were absent from the meeting) to recommend to the Board of Supervisors the following:

- Approval of PCA 2002-LE-005-02, subject to the execution of proffered conditions consistent with those dated June 7, 2022; and
- Approval of a modification to the required front yard setback to that shown on the GDP.

ENCLOSED DOCUMENTS:

Additional information available online at:

<https://www.fairfaxcounty.gov/planning-development/board-packages>

Planning Commission Meetings Video Archive available online at:

<https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives>

STAFF:

Tracy Strunk, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)

Curtis Rowlette, Planner, DPD

Board Agenda Item  
September 13, 2022

4:30 p.m.

Public Comment on Issues of Concern