REVISED

FAIRFAX COUNTY
BOARD OF SUPERVISORS
November 21, 2023

AGENDA

9:30	Presentations
9:30	Special National Association of Counties (NACo) Recognition
10:00	Matters Presented by Board Members
10:00	Items Presented by the County Executive

ADMINISTRATIVE ITEMS

1	Extension of Review Period for 2232 Application Westcott Substation (Mason District)
2	Extension of Review Period for 2232 Application Gunston Fire Station (Mount Vernon District)
3	Streets into the Secondary System – Indian Springs Estates (Mount Vernon District)
4	Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-2-13 and Relocate the Polling Place for the Greenspring Precinct in the Franconia District (Franconia District)
5	Approval of “$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Crosspointe Drive (Springfield District)
6	Approval of “$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Silverbrook Road (Springfield District)
7	Approval of “$200 Additional Fine for Speeding” Signs as Part of the Residential Traffic Administration Program – Braddock Road (Sully District)
8	Approval of a “Watch for Children” Sign as Part of the Residential Traffic Administration Program – Rushing Creek Drive (Mount Vernon District)

REVISED

FAIRFAX COUNTY
BOARD OF SUPERVISORS
November 21, 2023

ADMINISTRATIVE ITEMS (continued)

9	Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Glenbrook Road (Providence District)
10	Supplemental Appropriation Resolution AS 24138 for the Fairfax County Police Department to Accept Grant Funding from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2024 Edward Byrne Memorial Justice Assistance Grant
11	Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the Department of Criminal Justice Services, FY 2024 Combating Hate Crime Grant Program
12	Authorization for the Department of Public Works and Environmental Services to Apply for and Accept Grant Funding from the Commonwealth of Virginia's Office of the Secretary of Veterans & Defense Affairs' Virginia Military Community Infrastructure Grant Program
13	Authorization for the Fairfax-Falls Church Community Services Board to Apply and Accept Grant Funding from the Virginia Opioid Abatement Authority for the County's FY 2024 and FY 2025 Noncompetitive Individual Opioid Abatement Authority Share and Apply to the Opioid Abatement Authority for Designation as a "Gold Standard" County
14	Approval for Various County Agencies to Utilize Funding from the Opioid Settlement Direct Distribution Funds for Projects Supporting Opioid Abatement Activities
15	Authorization to Advertise a Public Hearing to Convey Property at the Fairfax County Government Center to the Fairfax County Redevelopment and Housing Authority (Braddock District)
16	Authorization to Advertise a Public Hearing to Validate and Convey Property at the Franconia Governmental Center to the Fairfax County Redevelopment and Housing Authority (Franconia District)

REVISED

FAIRFAX COUNTY
BOARD OF SUPERVISORS
November 21, 2023

ACTION ITEMS

1		Approval of a Resolution to Participate in the Virginia Juvenile Community Crime Control Act and to Form a Combined Plan with the City of Fairfax, with Fairfax County Acting as the Fiscal Agent
2		Authorization of Economic Opportunity Reserve Funding to Establish the Accelerate Entrepreneur-Investor Forum Program
3		Authorization to Sign a Standard Project Agreement for Distribution of I-95/I-395 Toll Revenues to Multi-Modal Projects in the I-95/I-395 Corridor (Franconia and Mason Districts)
4		Approval of the 2024 Public Transportation Agency Safety Plan (PTASP) for the Fairfax Connector
5		Approval of Comments on the Preliminary Alternative Concepts of the I-495 Southside Express Lanes (SEL) Study (Franconia, Mason, and Mount Vernon Districts)

CONSIDERATION ITEMS

1		Approval of the Amendments to the Bylaws for the **Fairfax Area Disability Services Board**
2		Approval of Bylaws and Resolution Renaming and Restating the Purposes, Membership and Procedures of the Long Term Care Coordinating Council

CLOSED SESSION

Closed Session

PUBLIC HEARINGS

3:00		Public Hearing to Receive Comment from Residents on the Proposed Legislative Program to be Presented to the 2024 Virginia General Assembly
3:30		Public Hearing on RZ 2023-SU-00008 (K Hovnanian Homes At The Gallery Park At Westfields, LLC) (Sully District)

REVISED

FAIRFAX COUNTY
BOARD OF SUPERVISORS
November 21, 2023

PUBLIC HEARINGS (continued)

3:30	Public Hearing on AFR 2023-SP-00002 (AR 2015-SP-001) (Molleda Local Agricultural and Forestal District Renewal) (Springfield District)
3:30	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Outdoor Lighting Around Turner Farm Park Observatory (Dranesville District)
3:30	Public Hearing on a Proposed Zoning Ordinance Amendment Re: Sign Regulations
3:30	Public Hearing to Consider Expanding the McLean Residential Permit Parking District, District 21 (Dranesville District)
4:00	Public Hearing on a Proposal to Vacate and Abandon a Portion of Forest Hill Drive (Braddock District)
4:00	Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Innovation Station North Neighborhood Access Shared Use Path (Dranesville District)
4:00	Public Hearing on Proposed Plan Amendment 2022-I-B1, in the Baileys Crossroads Community Business Center, Sub-Unit B-5, Located South of Leesburg Pike, and East of Carlin Springs Road (Mason District)
4:00	Public Comment

Fairfax County, Virginia

BOARD OF SUPERVISORS AGENDA

Tuesday
November 21, 2023

9:30 a.m.

PRESENTATIONS

- RESOLUTION — To recognize Abigail Akyea, a finalist in the Boys and Girls Club of America's National Youth of the Year Award. Requested by Supervisor Lusk.

- RESOLUTION — To recognize Alice and Jerry Foltz for their contributions to the community. Requested by Chairman McKay and Supervisor Smith.

- RESOLUTION — To recognize John Fee for his contributions to the community. Requested by Chairman McKay.

- PROCLAMATION — To designate November as Adoption Awareness Month. Requested by Supervisor Herrity.

- PROCLAMATION — To designate November 15 as Fairfax Recycles Day. Requested by Supervisors Herrity, Gross and Storck.

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

Board Agenda Item
November 21, 2023

9:30 a.m.

Special National Association of Counties (NACo) Recognition

ENCLOSED DOCUMENTS:
None.

PRESENTED BY:
Matthew D. Chase, CEO/Executive Director, National Association of Counties (NACo)

Board Agenda Item
November 21, 2023

10:00 a.m.

Matters Presented by Board Members

Board Agenda Item
November 21, 2023

10:00 a.m.

Items Presented by the County Executive

Board Agenda Item
November 21, 2023

ADMINISTRATIVE - 1

Extension of Review Period for 2232 Application Westcott Substation (Mason 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.*

PROJECT DESCRIPTION:
Electric and Power Co Virginia (Dominion Energy) is requesting 2232 approval for the replacement of two existing transformers at the Wescott Substation, located at 3474 Rose Lane, Falls Church, VA, with two new modernized transformers that have larger footprints, and which will also require an expansion of the security fencing around the perimeter of the substation compound. The request states that the State Corporation Commission has mandated technology updates at the existing facility due to its age (built circa 1950), new energy grid needs (citing EV vehicle charging loads, residential solar panels, etc.), and overall reliability.

RECOMMENDATION:
The County Executive recommends that the Board extend the review period for the following application: 2232-2023-MA-00001.

TIMING:
Board action is requested on November 21, 2023, to extend the review period for the application to April 24, 2024, prior to expiration on December 19, 2023.

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.”

Application 2232-2023-MA-00001 was accepted on January 10, 2023. On February 21, 2023, the Board granted an 11-month extension of the 2232 application review to allow adequate time for community engagement. The applicant has sent notices to surrounding residents and attended community and civic association meetings, which has also led to individual meetings with the owners of properties adjoining the subject site.

Board Agenda Item
November 21, 2023

On September 29, 2023, DPD staff met with the applicant regarding the status of this application and learned that they are continuing to work on revisions and planning to resubmit a response to staff's initial review comments soon. Therefore, staff recommends an extension of the 2232 application review period to April 24, 2024, prior to the current application period expiring on December 19, 2023.

The review period for the following application should be extended:

2232-2023-MA-00001	Electric and Power Co Virginia (Dominion Energy) Wescott Substation Tax Map No. 60-2 ((30)) A 3474 Rose Lane, Falls Church, VA Mason District Accepted January 10, 2023 Initial Board extension granted on February 21, 2023 Current extension will expire on December 19, 2023 Requesting extension to April 24, 2024

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
None.

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

Board Agenda Item
November 21, 2023

ADMINISTRATIVE - 2

Extension of Review Period for 2232 Application Gunston Fire Station (Mount Vernon 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.*

PROJECT DESCRIPTION:
The Department of Public Works and Environmental Services (DPWES) is requesting 2232 approval to construct a replacement of the Gunston Fire Station #20 to be located on the same property as the existing fire station. The existing fire station will remain operational until the new facility is completed. The extension period request is to allow the applicant sufficient time to complete the 2232 review.

RECOMMENDATION:
The County Executive recommends that the Board extend the review period for the following application: 2232-2023-MV-00005.

TIMING:
Board action is requested on November 21, 2023, to extend the review period for the application to April 24, 2024, prior to the expiration of the review period on January 9, 2024.

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.

The 2232 application for Gunston Fire Station was submitted on February 9, 2023, with a 60 day review deadline by April 10, 2023. On March 21, 2023, the Board granted an 11-month extension of the 2232 application review to allow for adequate time to review and for the applicant to respond to revisions. The applicant has been working through some design changes and has delayed the review period. A Planning Commission

Board Agenda Item
November 21, 2023

Public Hearing is scheduled on December 6, 2023, to review the application. Given that there will not be an opportunity after the December 6th public hearing to extend the review period, if additional delays occur and such is needed, staff recommends an extension of the 2232 application review to April 24, 2024, prior to the current application period expiring on January 9, 2024.

The review period for the following application should be extended:

2232-2023-MV-00005	Gunston Fire Station #20 Tax Map No. 114-3 ((1)) 11 10417 Gunston Rd, Lorton, VA 22079 Mount Vernon District Accepted February 9, 2023 Initial Board extension granted on March 21, 2023 Current extension will expire on January 9, 2024 Requesting extension to April 24, 2024

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
None.

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

Board Agenda Item
November 21, 2023

ADMINISTRATIVE – 3

Streets into the Secondary System – Indian Springs Estates (Mount Vernon 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:

Subdivision	District	Street
Indian Springs Estates	Mount Vernon	Julia Taft Way

TIMING:
Board approval is requested on November 21, 2023.

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 I – Street Acceptance Form for Board of Supervisors Resolution – June 2005

STAFF:
Rachel Flynn, Deputy County Executive
William D. Hicks, P.E., Director, Land Development Services
Helman Castro, P.E., Director of Operations, Land Development Services

ATTACHMENT I

Street Acceptance Form For Board Of Supervisors Resolution

FAIRFAX COUNTY BOARD OF SUPERVISORS
FAIRFAX, VA

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

VIRGINIA DEPARTMENT OF TRANSPORTATION
OFFICE OF LAND USE - FAIRFAX PERMITS

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

PLAN NUMBER: 25697-SD-001

SUBDIVISION PLAT NAME: Indian Springs Estates

COUNTY MAGISTERIAL DISTRICT: Mount Vernon

VDOT PERMITS MANAGER: **Robert H. Burton**

BY: Robert H. Burton Digitally signed by Robert H. Burton Date: 2023.09.26 14:16:28 -04'00'

FOR OFFICIAL USE ONLY

VDOT INSPECTION APPROVAL DATE: 09/05/2023

STREET NAME	LOCATION		LENGTH MILE
	FROM	TO	
Julia Taft Way	CL Gunston Road, Route 242 - 1,625' SE CL Richmond Highway, Route 1	645' N to End of Cul-de-Sac	0.12
NOTES:		**TOTALS:**	0.12

5' Concrete Sidewalk on the West Side to be maintained by VDOT.

Board Agenda Item
November 21, 2023

ADMINISTRATIVE – 4

Authorization to Advertise a Public Hearing to Consider an Ordinance to Amend and Readopt Fairfax County Code Section 7-2-13 and Relocate the Polling Place for the Greenspring Precinct in the Franconia District (Franconia District)

ISSUE:
Authorization to advertise a Public Hearing to consider an ordinance that proposes to amend and readopt *Fairfax County Code Section 7-2-13*, relating to election precincts and polling locations, to move the polling place for the Greenspring precinct.

RECOMMENDATION:
The County Executive recommends that the Board authorize advertisement of a public hearing on Tuesday, December 5, 2023, at 3:30 p.m. to consider this ordinance.

TIMING:
Board action is requested on November 21, 2023, to provide sufficient time to advertise the proposed public hearing for adoption of this ordinance on December 5, 2023, at 3:30 p.m. This will allow adequate time to file a request for a Certification of No-Objection from the Virginia Attorney General and properly notify voters who are affected by this change in advance of the next election, which is expected to be the March 5, 2024, Presidential Primary Election.

BACKGROUND:
The Virginia Code permits the governing body of each county and city to establish by ordinance as many precincts as it deems necessary with one polling place for each precinct. The Board of Supervisors is authorized to change polling place locations subject to the requirements of *Virginia Code Sections 24.2-307, 24.2-310, and 24.2-310.1.*

Virginia Code § 24.2-129 also requires that certain "covered practices" go through either a statutorily specified public comment process or receive a Certification of No Objection from the Attorney General before the practices can be given effect. The public comment process takes a minimum of 75 days to complete, while the Attorney General process takes a maximum of 60 days to complete.

Among the "covered practices" identified are any changes that relocate polling places in the County. The Board must first adopt an ordinance making the required polling place

changes. If and after the Board adopts the ordinance, the County Attorney will file a request for a Certification of No Objection with the Virginia Attorney General, in accordance with *Virginia Code § 24.2-129(D).*

In the Franconia District, staff recommend moving the polling place for the Greenspring precinct while the current polling place, the Greenspring Conference Center, undergoes extensive renovations. These renovations began in the spring of 2023. At the time, and pursuant to its authority to temporarily relocate polling places at *Va. Code § 24.2-310(D)*, the Electoral Board relocated the polling place to Village Square for the June 21, 2023, Primary Elections and, upon recent receipt of updated information about the status of the renovations, the November 7, 2023, General and Special Elections. Like the Greenspring Conference Center, Village Square is located inside the Greenspring precinct's boundary.

However, the revised timeline for completion of the renovations now extends until late summer 2024. The relocation of the Greenspring polling place will therefore foreseeably need to remain in place through at least next June's primary elections, requiring Board approval under *Va. Code § 24.2-307.*

EQUITY IMPACT:
None.

FISCAL IMPACT:
Insignificant. Funding for precinct and polling place change notifications is provided in the agency's FY 2024 Adopted Budget.

ENCLOSED DOCUMENTS:
Attachment 1: Virginia Code Pertaining to Election Precincts and Polling Places
Attachment 2: Summary of Proposed Change
Attachment 3: Description and Map of Proposed Change
Attachment 4: Proposed Ordinance

STAFF:
Ellicia Seard McCormick, Deputy County Executive
Katherine K. Hanley, Chairman of the Fairfax County Electoral Board
Eric L. Spicer, General Registrar and Director of Elections
Beth Dixon Methfessel, Clerk to the Fairfax County Electoral Board

Board Agenda Item
November 21, 2023

ASSIGNED COUNSEL:
Martin R. Desjardins, Assistant County Attorney
John A. Dorsey, Assistant County Attorney

§ 24.2-307 (in part). Requirements for county and city precincts.

The governing body of each county and city shall establish by ordinance as many precincts as it deems necessary. Each governing body is authorized to increase or decrease the number of precincts and alter precinct boundaries subject to the requirements of this chapter.

At the time any precinct is established, it shall have no more than 5,000 registered voters. The general registrar shall notify the governing body whenever the number of voters who voted in a precinct in an election for President of the United States exceeds 4,000. Within six months of receiving the notice, the governing body shall proceed to revise the precinct boundaries, and any newly established or redrawn precinct shall have no more than 5,000 registered voters.

At the time any precinct is established, each precinct in a county shall have no fewer than 100 registered voters and each precinct in a city shall have no fewer than 500 registered voters.

Each precinct shall be wholly contained within a single congressional district, Senate district, House of Delegates district, and election district used for the election of one or more members of the governing body or school board for the county or city.

The governing body shall establish by ordinance one polling place for each precinct.

Code 1950, §§ 24-45, 24-46; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1992, c. 445; 1993, c. 641; 1999, c. 515; 2020, c. 1268.

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary, unless a waiver has been granted pursuant to subsection G. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the general registrar to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board or the general registrar shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot

to be voted at the alternative polling place, subject to the prior approval of the State Board. The general registrar shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

G. The general registrar or the governing body of the locality may request from the Department of Elections a waiver to establish a polling place that does not meet the location requirements of subsection A in the event that there is no suitable building that could be used within the precinct or within one mile of the precinct boundary. The Department shall grant such a waiver and may impose any conditions on the waiver that it deems necessary or appropriate to ensure accessibility and security of the polling place and compliance with any other requirements of state or federal law.

Code 1950, §§ 24-45, 24-46, 24-171, 24-179 through 24-181; 1954, c. 375; 1956, c. 378; 1962, cc. 185, 536; 1970, c. 462, §§ 24.1-36, 24.1-37, 24.1-92, 24.1-97; 1971, Ex. Sess., c. 119; 1976, c. 616; 1977, c. 30; 1978, c. 778; 1980, c. 639; 1981, c. 425; 1984, c. 217; 1985, c. 197; 1986, c. 558; 1992, c. 445; 1993, cc. 546, 641; 1994, c. 307; 2003, c. 1015; 2004, c. 25; 2005, c. 340; 2008, cc. 113, 394; 2010, cc. 639, 707; 2012, cc. 488, 759; 2016, cc. 18, 492; 2022, c. 5.

§ 24.2-310.1. Polling places; additional requirement.

The requirement stated in this section shall be in addition to requirements stated in §§ 24.2-307, 24.2-308, and 24.2-310, including the requirement that polling places be located in public buildings whenever practical. No polling place shall be located in a building which serves primarily as the headquarters, office, or assembly building for any private organization, other than an organization of a civic, educational, religious, charitable, historical, patriotic, cultural, or similar nature, unless the State Board has approved the use of the building because no other building meeting the accessibility requirements of this title is available.

1993, c. 904, § 24.1-37.1; 1993, c. 641.

§ 24.2-129. Covered practices; actions required prior to enactment or administration.

A. For the purposes of this section:
"Certification of no objection" means a certification issued by the Attorney General that there is no objection to the enactment or administration of a covered practice by a locality because the covered practice neither has the purpose or effect of denying or abridging the right to vote based on race or color or membership in a language minority group nor will result in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise.

"Covered practice" means:
1. Any change to the method of election of members of a governing body or an elected school board by adding seats elected at large or by converting one or more seats elected from a single-member district to one or more at-large seats or seats from a multi-member district;
2. Any change, or series of changes within a 12-month period, to the boundaries of the locality that reduces by more than five percentage points the proportion of the locality's voting age population that is composed of members of a single racial or language minority group, as determined by the most recent American Community Survey data;
3. Any change to the boundaries of election districts or wards in the locality, including changes made pursuant to a decennial redistricting measure;
4. Any change that restricts the ability of any person to provide interpreter services to voters in any language other than English or that limits or impairs the creation or distribution of voting or election materials in any language other than English; or
5. Any change that reduces the number of or consolidates or relocates polling places in the locality, except where permitted by law in the event of an emergency.
"Voting age population" means the resident population of persons who are 18 years of age or older, as determined by the most recent American Community Survey data available at the time any change to a covered practice is published pursuant to subsection B.

B. Prior to enacting or seeking to administer any voting qualification or prerequisite to voting, or any standard, practice, or procedure with respect to voting, that is a covered practice, the governing body shall cause to be published on the official website for the locality the proposed covered practice and general notice of opportunity for public comment on the proposed covered practice. The governing body shall also publicize the notice through press releases and such other media as will best serve the purpose and subject involved. Such notice shall be made at least 45 days in advance of the last date prescribed in the notice for public comment.
Public comment shall be accepted for a period of no fewer than 30 days. During this period, the governing body shall afford interested persons an opportunity to submit data, views, and arguments in writing by mail, fax, or email, or through an online public comment forum on the official website for the locality if one has been established. The governing body shall conduct at least one public hearing during this period to receive public comment on the proposed covered practice. The governing body may make changes to the proposed covered practice in response to public comment received. If doing so, the revised covered practice shall be published and public comment shall be accepted in accordance with this subsection, except the public comment period shall be no fewer than 15 days.

C. Following the public comment period or periods prescribed in subsection B, the governing body shall publish the final covered practice, which shall include a plain English description of the practice and the text of an ordinance giving effect to the practice, maps of proposed boundary changes, or other relevant materials, and notice that the covered practice will take effect in 30 days. During this 30-day waiting period, any person who will be subject to or affected by the covered practice may challenge in the circuit court of the locality where the

covered practice is to be implemented the covered practice as (i) having the purpose or effect of denying or abridging the right to vote on the basis of race or color or membership in a language minority group or (ii) resulting in the retrogression in the position of members of a racial or ethnic group with respect to their effective exercise of the electoral franchise. In such action, the court may, in its discretion, allow a private plaintiff a reasonable attorney fee as part of the costs, if such plaintiff is the prevailing party.

D. The governing body of a locality seeking to administer or implement a covered practice, in lieu of following the provisions of subsections B and C, may submit the proposed covered practice to the Office of the Attorney General for issuance of a certification of no objection. Such practice shall not be given effect until the Attorney General has issued such certification. A certification of no objection shall be deemed to have been issued if the Attorney General does not interpose an objection within 60 days of the governing body's submission or if, upon good cause shown and to facilitate an expedited approval within 60 days of the governing body's submission, the Attorney General has affirmatively indicated that no such objection will be made. An affirmative indication by the Attorney General that no objection will be made or the absence of an objection to the covered practice by the Attorney General shall not bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

2021, Sp. Sess. I, cc. 528, 533.

Attachment 2

December 2023 SUMMARY OF PRECINCT AND POLLING PLACE CHANGES

SUPERVISOR DISTRICT	OLD PRECINCT(S)	REGISTERED VOTERS*	OLD POLLING PLACE(S)	NEW PRECINCT(S)	PROJECTED REGISTERED VOTERS	NEW POLLING PLACE(S)	NOTES ON CHANGES
FRANCONIA	426 Greenspring	1,790	Greenspring Conference Center	426 Greenspring	1,790	Village Square	The Greenspring Conference Center is undergoing extensive renovations that will make it unavailable for voting until at least late summer 2024.

***** VERIS registered voters as of 101523_Reports Library_Statistics_Registrant_Counts_By_Locality

Commonwealth of Virginia

COUNTY OF FAIRFAX

Franconia District

PRECINCT: **426 GREENSPRING**

CONGRESSIONAL DISTRICT: **11**

VIRGINIA SENATORIAL DISTRICT: **35**

HOUSE OF DELEGATES DISTRICT: **18**

DESCRIPTION:
Beginning at the intersection of Accotink Creek and an unnamed tributary of Accotink Creek located near the northern most point of the Greenspring Village property, thence with the meanders of the unnamed tributary in a southeasterly direction to its intersection with the Franconia-Springfield Parkway (Route 289), thence with the Franconia-Springfield Parkway in a westerly, then southwesterly direction to its intersection with Accotink Creek, thence with the meanders of Accotink Creek in a northeasterly direction to its intersection with an unnamed tributary near the northern most point of the Greenspring Village property, point of beginning.

POLLING PLACE: ~~Greenspring Conference Center~~ Village Square
~~7430~~ 7410 Spring Village Drive, Springfield

NOTES: Established March 2003
Senatorial and House Districts changed – December 2021
Polling place moved – December 2023


Commonwealth of Virginia
County of Fairfax
Franconia District
WEST SPRINGFIELD
Hunter Village
Hunter Village Dr
Oriole Ave
Spring Summit Rd
Fernolly Ct
Woolin Rd
Creek Crest Way
VILLAGE SQUARE
Spring Village Dr
CONFERENCE CENTER
Accotink Stream Valley
GREENSPRING
Earthstar Ct
Shootingstar Dr
Wild Rose Ct
Hampton Creek Way
Foundation Way
Franconia Springfield Pkwy
GARFIELD
Clarkson Dr
Hooes Rd
Mcweadon Ln
Ayers Meadow Ln
Lackawanna Dr
Dudrow Ct
Dudrow Rd
Neuman St
Sterling Grove Dr
Kyles Lndg
Rockledge Ct
N
Current Precinct Name, Polling Place and Address:
426 Greenspring, Conference Center, 7430 Spring Village Dr
Proposed Precinct Name, Polling Place and Address:
426 Greenspring, Village Square, 7410 Spring Village Dr
October 2023
0 0.04 0.08
Miles

AN ORDINANCE to amend and readopt Fairfax County Code Section 7-2-13 to relocate a polling place in the Franconia District.

Draft of November 21, 2023

AN ORDINANCE to amend and readopt Fairfax County Code § 7-2-13 to relocate a polling place in the Franconia District.

Be it ordained that the Board of Supervisors of Fairfax County:

1. **That Section 7-2-13 of the Fairfax County Code is amended and readopted, as follows:**

Section 7-2-13. - General provisions.

All references to election precincts shall refer to those precincts, together with the descriptions and maps of the boundaries and polling places for each of those precincts, which were adopted by the Board of Supervisors on March 24, 2003, as amended on March 8, 2004, March 21, 2005, March 27, 2006, March 26, 2007, September 10, 2007, March 10, 2008, January 12, 2009, March 9, 2010, July 27, 2010, April 26, 2011, July 26, 2011, January 10, 2012, July 10, 2012, March 19, 2013, July 9, 2013, November 18, 2014, June 23, 2015, December 8, 2015, July 12, 2016, July 11, 2017, March 20, 2018, December 4, 2018, and April 9, 2019, December 3, 2019, March 24, 2020, March 23, 2021, June 22, 2021, December 7, 2021, March 8, 2022, June 7, 2022, ~~and~~ March 7, 2023, and December 5, 2023, and kept on file with the clerk to the Board of Supervisors. Whenever a road, a stream, or other physical feature describes the boundary of a precinct, the center of such road, stream, or physical feature shall be the dividing line between that precinct and any adjoining precinct.

2. **That the election polling place for the following existing precinct is established at:**

Supervisor District	Precinct	Polling Place
Franconia	Greenspring (polling place relocated)	From: Greenspring Conference Center 7430 Spring Village Drive Springfield, VA 22150

To:
Village Square
7410 Spring Village Drive
Springfield, VA 22150

3. **That this ordinance shall become effective upon adoption, and that clause 2 shall be given effect after completion of the procedures set forth in Virginia Code § 24.2-129(D).**

4. **That staff and the Clerk for the Board of Supervisors shall send a certified copy of this ordinance, with Geographic Information System (GIS) maps, to the Fairfax County Electoral Board, the Virginia Department of Elections, and the Virginia Division of Legislative Services, as required under Va. Code § 24.2-306(C).**

GIVEN under my hand this _____ day of _____, 2023.

_____
Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

Board Agenda Item
November 21, 2023

ADMINISTRATIVE - 5

Approval of "$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program – Crosspointe Drive (Springfield 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:

- Crosspointe Drive from Ox Road to Silverbrook Road (Springfield 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 November 21, 2023, 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.

Crosspointe Drive (Springfield District) meets the RTAP requirements for posting the "$200 Additional Fine for Speeding" signs. On September 15, 2023, FCDOT received verification from the Springfield District Supervisor's office confirming community support.

EQUITY IMPACT:
An Equity Impact Assessment is not required for this item, as it is part of the Residential Traffic Administration Program already approved by the Board of Supervisors.

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

STAFF:
Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (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 Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

Attachment I

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
$200 ADDITIONAL FINE FOR SPEEDING SIGNS
CROSSPOINTE DRIVE
SPRINGFIELD 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, November 21, 2023, 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 Crosspointe Drive from Ox Road to Silverbrook Road. 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 Crosspointe Drive.

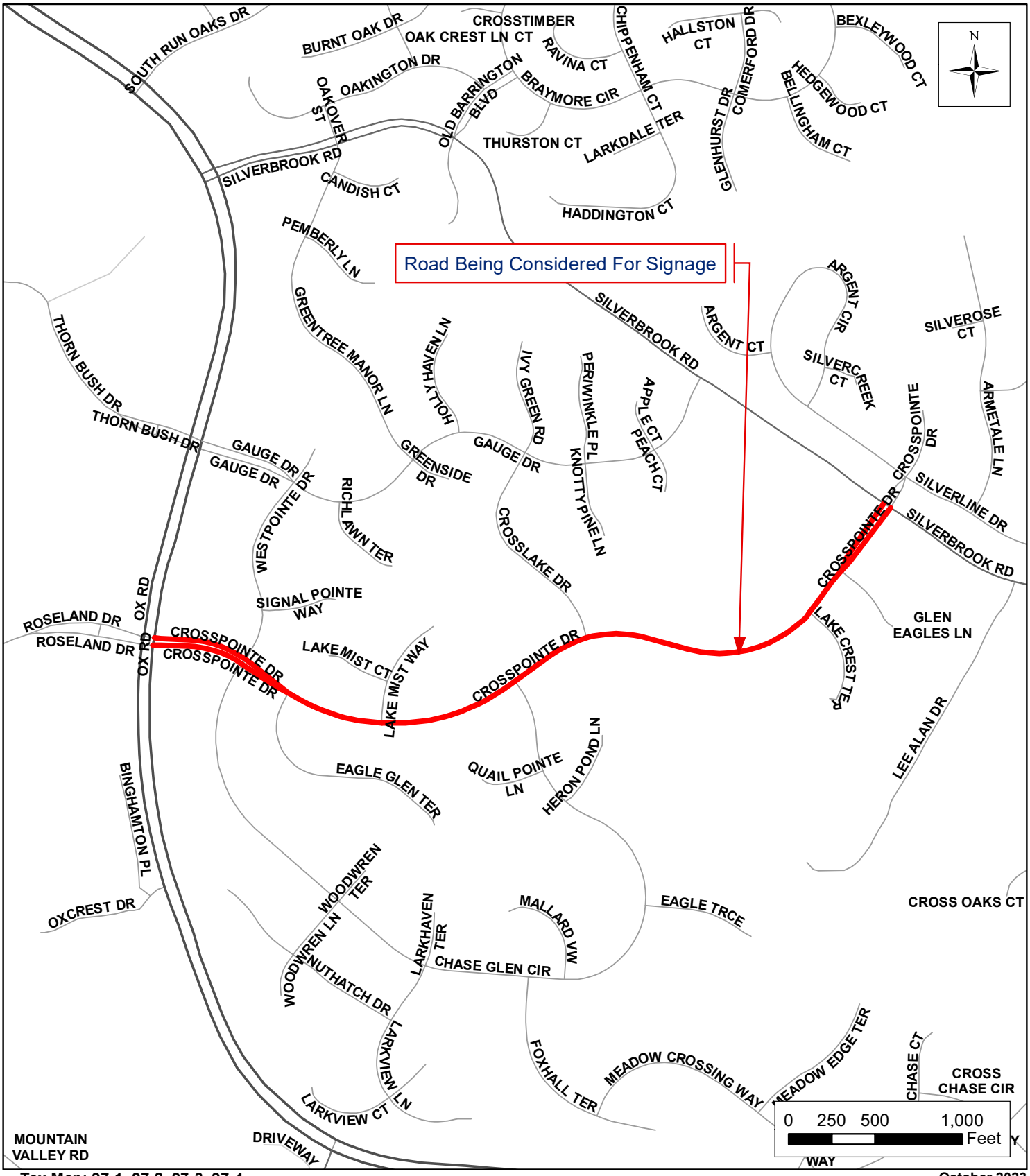
NOW, THEREFORE BE IT RESOLVED that "$200 Additional Fine for Speeding" signs are endorsed for Crosspointe Drive from Ox Road to Silverbrook Road.

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 21st day of November, 2023.

A Copy Teste:

_____
Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 97-1, 97-2, 97-3, 97-4, 106-1, 106-2

October 2023

Fairfax County Department of Transportation
Residential Traffic Administration Program
Proposed $200 Fine For Speeding
Crosspointe Drive
Springfield District

Board Agenda Item
November 21, 2023

ADMINISTRATIVE - 6

Approval of "$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program – Silverbrook Road (Springfield 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:

- Silverbrook Road from Ox Road to Hooes Road (Springfield 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 November 21, 2023, 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.

Silverbrook Road (Springfield District) meets the RTAP requirements for posting the "$200 Additional Fine for Speeding" signs. On September 15, 2023, FCDOT received verification from the Springfield District Supervisor's office confirming community support.

EQUITY IMPACT:
An Equity Impact Assessment is not required for this item, as it is part of the Residential Traffic Administration Program already approved by the Board of Supervisors.

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

STAFF:
Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (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 Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

Attachment I

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
$200 ADDITIONAL FINE FOR SPEEDING SIGNS
SILVERBROOK ROAD
SPRINGFIELD 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, November 21, 2023, 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 Silverbrook Road from Ox Road to Hooes 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 Silverbrook Road.

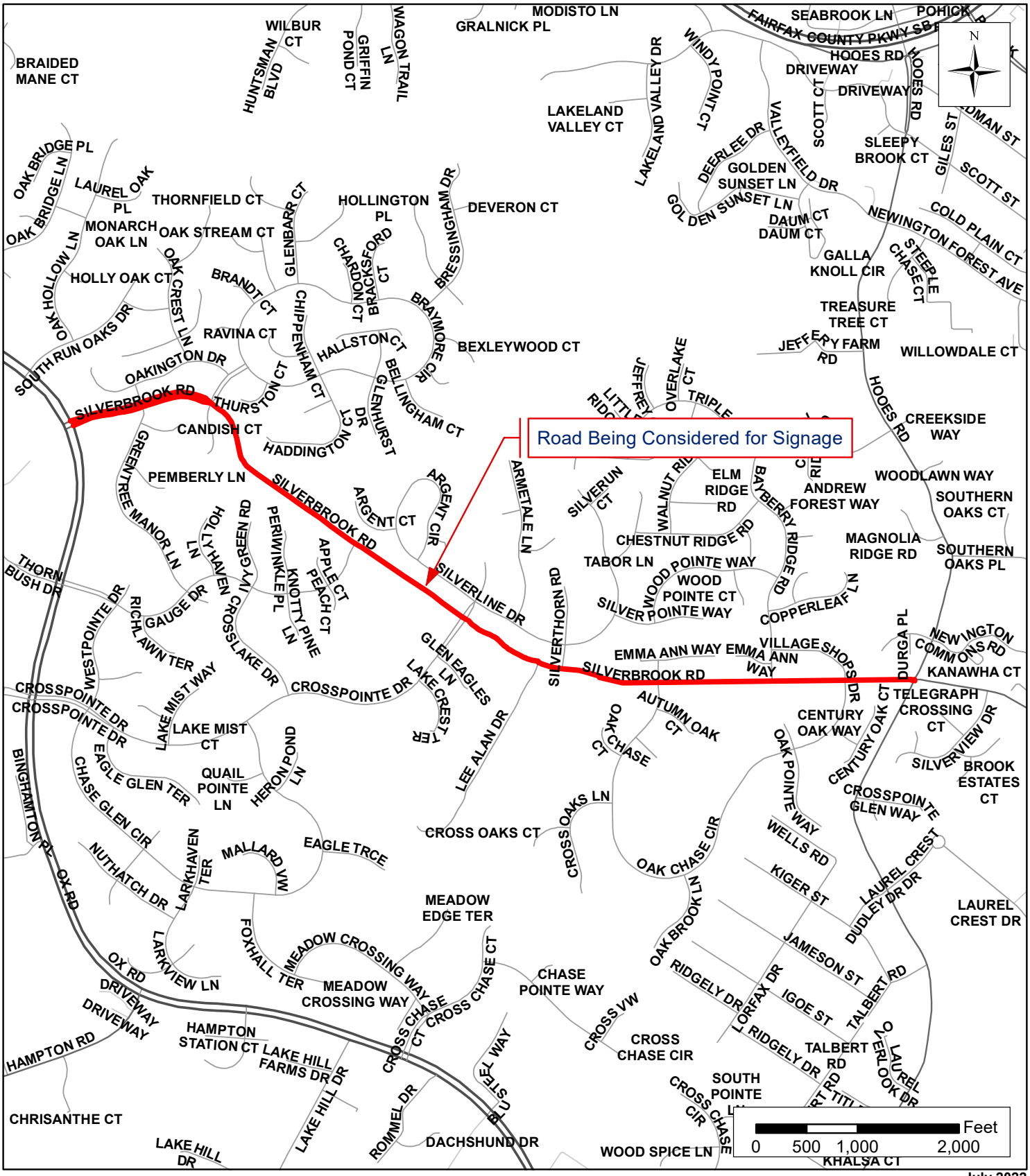
NOW, THEREFORE BE IT RESOLVED that "$200 Additional Fine for Speeding" signs are endorsed for Silverbrook Road from Ox Road to Hooes Road.

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 21st day of November, 2023.

A Copy Teste:

_____
Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 97-1, 97-2, 97-3, 97-4, 98-1, 98-3, 106-1, 106-2, 107-1

July 2022

Fairfax County Department of Transportation
Residential Traffic Administration Program
Proposed $200 Fine For Speeding
Silverbrook Road
Springfield District

Board Agenda Item
November 21, 2023

ADMINISTRATIVE - 7

Approval of "$200 Additional Fine for Speeding" Signs as Part of the Residential Traffic Administration Program – Braddock Road (Sully 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:

- Braddock Road from Kimanna Drive to Flatlick Branch Bridge (Sully 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 November 21, 2023, 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.

Braddock Road (Sully District) meets the RTAP requirements for posting the "$200 Additional Fine for Speeding" signs. On October 9, 2023, FCDOT received verification from the Sully District Supervisor's office confirming community support.

EQUITY IMPACT:
An Equity Impact Assessment is not required for this item, as it is part of the Residential Traffic Administration Program already approved by the Board of Supervisors.

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

STAFF:
Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (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 Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

Attachment I

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
$200 ADDITIONAL FINE FOR SPEEDING SIGNS
BRADDOCK 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, November 21, 2023, 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 Braddock Road from Kimanna Drive to Flatlick Branch Bridge. 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 Braddock Road.

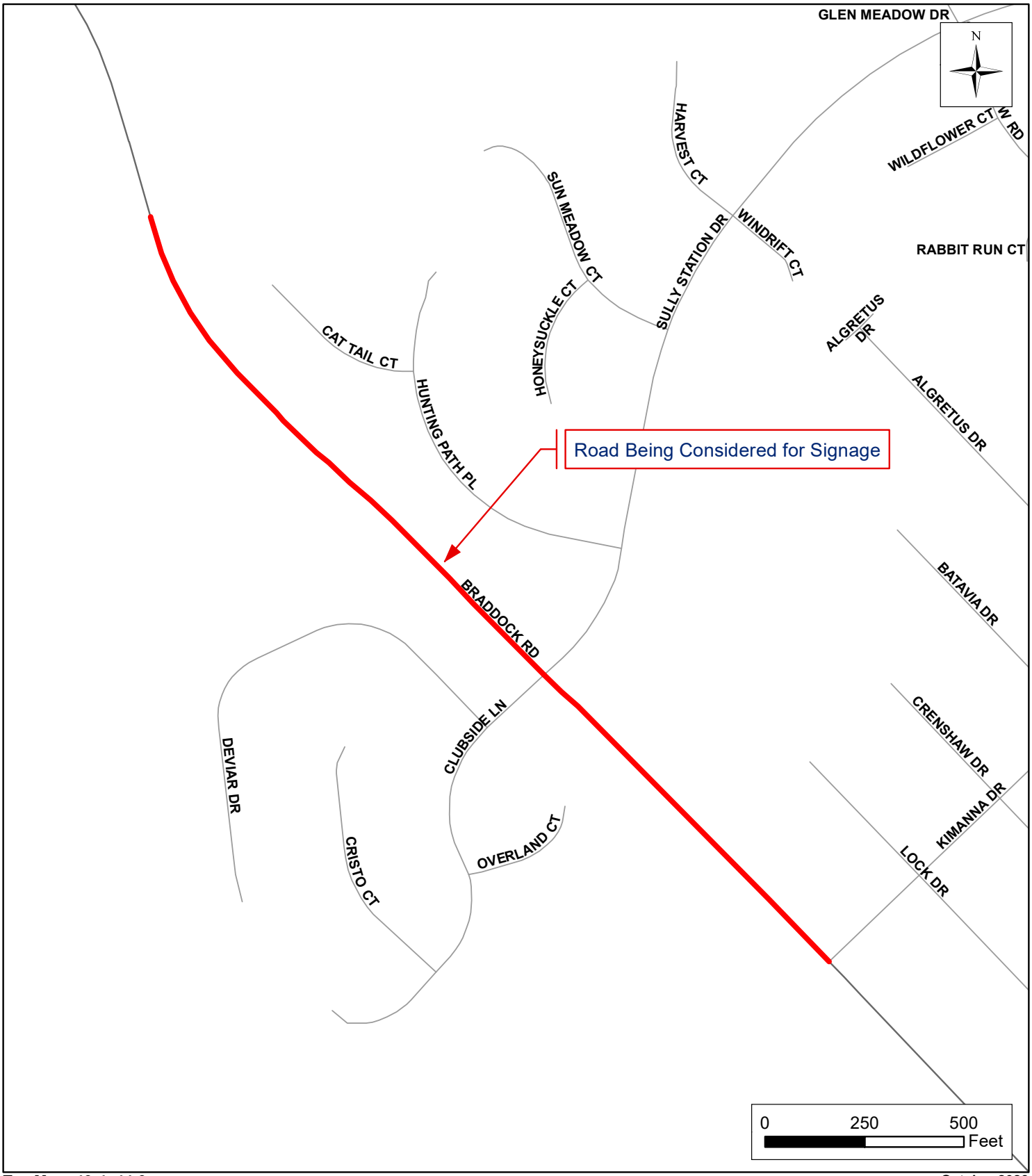
NOW, THEREFORE BE IT RESOLVED that "$200 Additional Fine for Speeding" signs are endorsed for Braddock Road from Kimanna Drive to Flatlick Branch Bridge.

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 21st day of November, 2023.

A Copy Teste:

_____
Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 43-4, 44-3

October 2023

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

Board Agenda Item
November 21, 2023

ADMINISTRATIVE - 8

Approval of a "Watch for Children" Sign as Part of the Residential Traffic Administration Program – Rushing Creek Drive (Mount Vernon 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 Rushing Creek Drive (Mount Vernon 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 November 21, 2023, to help facilitate a prompt installation of the proposed signage.

BACKGROUND:
The RTAP allows for the installation of one or more "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(s) will be effectively located and will not conflict with any other traffic control devices.

On September 25, 2023, FCDOT received verification from the Mount Vernon District Supervisor's Office confirming community support for one "Watch for Children" sign on Rushing Creek Drive.

EQUITY IMPACT:
An Equity Impact Assessment is not required for this item, as it is part of the Residential Traffic Administration Program already approved by the Board of Supervisors.

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

ENCLOSED DOCUMENTS:
None.

STAFF:
Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (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 Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

Board Agenda Item
November 21, 2023

ADMINISTRATIVE - 9

Approval of Traffic Calming Measures as Part of the Residential Traffic Administration Program – Glenbrook Road (Providence 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 approve a resolution (Attachment I) endorsing a traffic calming plan for Glenbrook Road (Attachment II) consisting of the following:

- Two speed humps on Glenbrook Road (Providence 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 measure(s) as soon as possible.

TIMING:
Board action is requested on November 21, 2023, to allow the proposed measure(s) 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 October 4, 2023, FCDOT received verification from the Providence District Supervisor's office confirming community support for the Glenbrook Road traffic calming plan.

EQUITY IMPACT:
An Equity Impact Assessment is not required for this item, as it is part of the Residential Traffic Administration Program already approved by the Board of Supervisors.

FISCAL IMPACT:
Funding in the amount of $35,000 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 Glenbrook Road
Attachment II: Traffic Calming Plan for Glenbrook Road

STAFF:
Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (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 Machacuay, Transportation Planner, Traffic Engineering Section, FCDOT

Attachment I

RESOLUTION

FAIRFAX COUNTY DEPARTMENT OF TRANSPORTATION
RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)
TRAFFIC CALMING MEASURES
GLENBROOK 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, November 21, 2023, at which a quorum was present and voting, the following resolution was adopted:

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

WHEREAS, an engineering study by the Fairfax County Department of Transportation (FCDOT) for Glenbrook 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

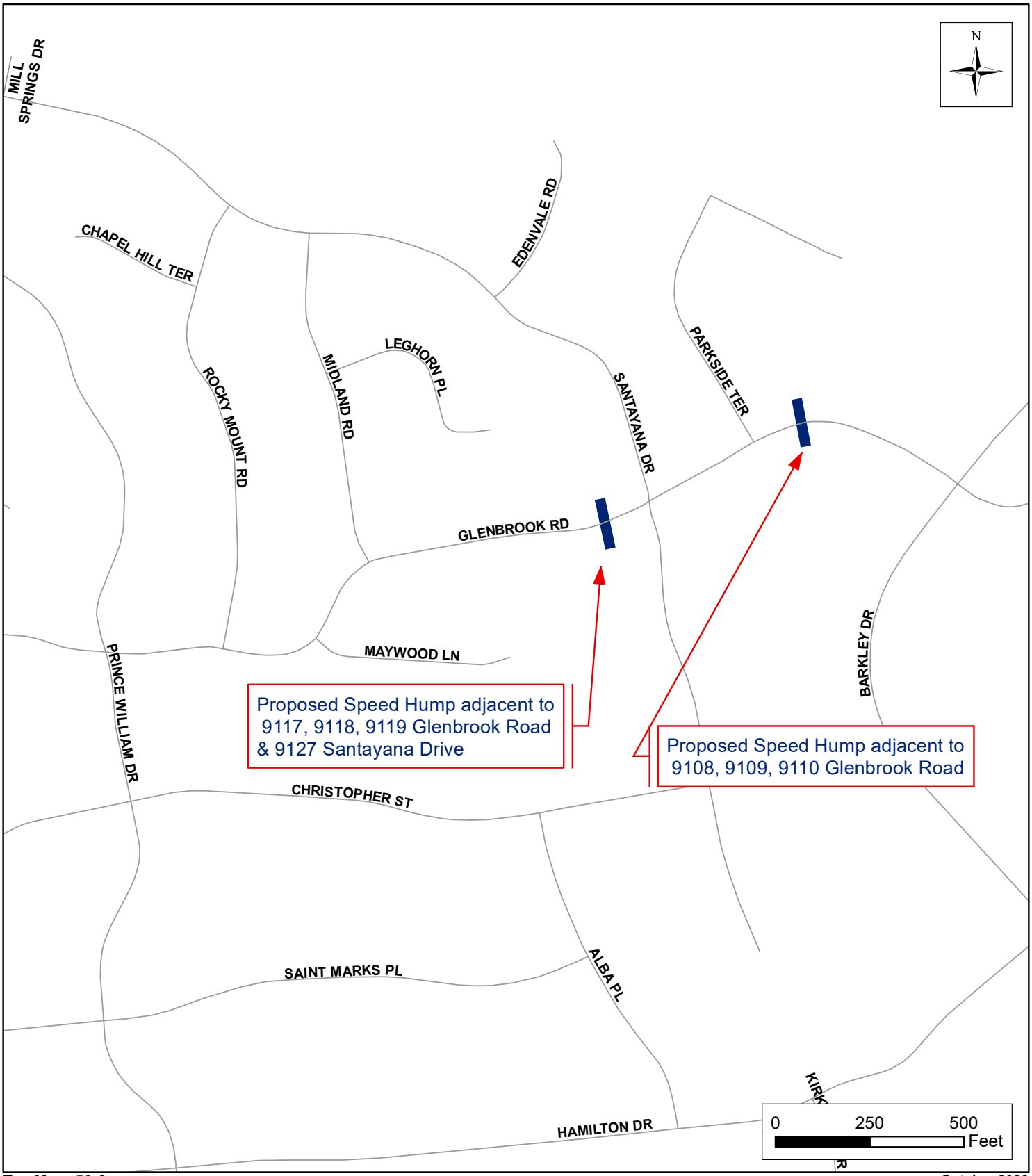
WHEREAS, the intended source of funding for the Traffic Calming Plan is Fairfax County.

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 Glenbrook Road as part of FCDOT's Residential Traffic Administration Program.

ADOPTED this 21st day of November, 2023.

A Copy Teste:

_____
Jill G. Cooper
Clerk for the Board of Supervisors



Tax Map: 58-2

October 2023

Fairfax County Department of Transportation
Residential Traffic Administration Program
Traffic Calming Plan
Glenbrook Road
Providence District

Board Agenda Item
November 21, 2023

ADMINISTRATIVE – 10

Supplemental Appropriation Resolution AS 24138 for the Fairfax County Police Department to Accept Grant Funding from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2024 Edward Byrne Memorial Justice Assistance Grant

ISSUE:
Board of Supervisors authorization is requested for the Fairfax County Police Department (FCPD) to accept funding from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance FY 2024 Edward Byrne Memorial Justice Assistance Grant in the amount of $136,270. The funds will be used to expand the license plate reader (LPR) systems to combat a rise in violent car jackings and stolen vehicle events. The grant period for this award is October 1, 2022, through September 30, 2026. No Local Cash Match is required. This grant is an ongoing award that the FCPD receives annually and is included in the FY 2024 Adopted Budget Plan; however, a Board item is required in order to meet grantor requirements.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors approve Supplemental Appropriation Resolution 24138 for the FCPD to accept funding from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, FY 2024 Edward Byrne Memorial Justice Assistance Grant in the amount of $136,270. FCPD will use the funding to further expand the current LPR system by adding additional cameras. No new positions will be created, and no Local Cash Match is required.

TIMING:
Board action is requested on November 21, 2023.

BACKGROUND:
The U.S. Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant provides awards of federal funding to support a range of local program areas, including law enforcement equipment, technology improvements, and crime prevention programs. The overall goal for this initiative is to promote safe communities across the state through the reduction of gun violence and gang activity, with special focus on areas with increased rates of violent crime/gang activity. Toward

that goal, the program seeks to fund projects that will enhance progress toward the below priorities. However, innovative, evidence-based projects outside of these priorities, which are aimed at reducing firearm and gang violence, will also be considered. The funds will be used to expand the license plate reader (LPR) systems to combat a rise in violent car jackings and stolen vehicle events. Additionally, recent shootings in the jurisdiction have provided vague vehicle descriptions that do not include information that would lead to an arrest. With the use of LPR's in just the past 13 months, the FCPD has been able to recover 125 stolen vehicles and 22 firearms, most of which were stolen and two were modified to fire automatically. The LPR system also assisted in finding 19 missing persons. The placement of these systems into neighborhoods will foster new partnerships with the communities that have requested LPR support. It will also increase communications between police and the neighborhoods. This program does not conflict with or impede the efforts of the County's Public Trust and Confidentiality Policy (Trust Policy). The Trust Policy aims to improve community health, welfare, safety, security, and trust by ensuring that immigrant residents can access County benefits and services without fear that the information they share will be disclosed to federal immigration officials. The FCPD LPR program specifically prohibits users from using the system to identify, alert, or enforce any immigration related warrants, which is a practice that is reinforced in the training class and every time a user logs into the system.

The FCPD applies for and receives this award annually; however, as part of the grant application process and in accordance with the special conditions of the Justice Assistance Grant program, the grant application must be made available for review by the governing body of the local government during a scheduled meeting open to the public. The application must also be made available to provide an opportunity for residents to comment. The grant will be made available to the public at the Board meeting as part of this administrative item to comply with the above requirement. This process has satisfied the Department of Justice's requirements in previous grant application cycles. The funding associated with this application will continue to support FCPD equipment needs and initiatives.

FISCAL IMPACT:
Grant funding in the amount of $136,270 has been awarded to better enhance the current LPR system for Fairfax County. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for anticipated grant awards. This grant does not allow the recovery of indirect costs. No Local Cash Match is required.

Board Agenda Item
November 21, 2023

CREATION OF NEW POSITIONS:
No positions will be created by this grant award.

ENCLOSED DOCUMENTS:
Attachment 1 – Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, Award Notification
Attachment 2 – Supplemental Appropriation Resolution AS 24138

STAFF:
Thomas Arnold, Deputy County Executive
Kevin Davis, Chief of Police

Department of Justice (DOJ)

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

Name and Address of Recipient:	COUNTY OF FAIRFAX, VIRGINIA 12000 GOVERNMENT CENTER PKWY STE 214
City, State and Zip:	FAIRFAX, VA 22035
Recipient UEI:	W2ZUFMBDM378

Project Title: FY 24 Fairfax County Police Department JAG Grant	**Award Number:** 15PBJA-23-GG-03890-JAGX
Solicitation Title: BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation	
Federal Award Amount: $136,270.00	**Federal Award Date:** 9/25/23
Awarding Agency:	Office of Justice Programs Bureau of Justice Assistance
Funding Instrument Type:	Grant
Opportunity Category: D **Assistance Listing:** 16.738 - Edward Byrne Memorial Justice Assistance Grant Program	
Project Period Start Date: 10/1/22	**Project Period End Date:** 9/30/26
Budget Period Start Date: 10/1/22	**Budget Period End Date**: 9/30/26

Project Description:

The County of Fairfax will use JAG funds for the purchase of license plate readers to help solve crime, recover stolen vehicles, find missing persons, and provide additional evidence to cases that involve a motor vehicle. The County of Fairfax will use a data driven approach to place the cameras in high crime areas with input from community stakeholders, elected officials, and business leaders.

Award Letter

September 25, 2023

Dear Kerene Gordon,

On behalf of Attorney General Merrick B. Garland, it is my pleasure to inform you the Office of Justice Programs (OJP) has approved the application submitted by COUNTY OF FAIRFAX, VIRGINIA for an award under the funding opportunity entitled 2023 BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation. The approved award amount is $136,270.
Review the Award Instrument below carefully and familiarize yourself with all conditions and requirements before accepting your award. The Award Instrument includes the Award Offer (Award Information, Project Information, Financial Information, and Award Conditions) and Award Acceptance. For COPS Office and OVW funding the Award Offer also includes any Other Award Documents.

Please note that award requirements include not only the conditions and limitations set forth in the Award Offer, but also compliance with assurances and certifications that relate to conduct during the period of performance for the award. These requirements encompass financial, administrative, and programmatic matters, as well as other important matters (e.g., specific restrictions on use of funds). Therefore, all key staff should receive the award conditions, the assurances and certifications, and the application as approved by OJP, so that they understand the award requirements. Information on all pertinent award requirements also must be provided to any subrecipient of the award.

Should you accept the award and then fail to comply with an award requirement, DOJ will pursue appropriate remedies for non-compliance, which may include termination of the award and/or a requirement to repay award funds.

Prior to accepting the award, your Entity Administrator must assign a Financial Manager, Grant Award Administrator, and Authorized Representative(s) in the Justice Grants System (JustGrants). The Entity Administrator will need to ensure the assigned Authorized Representative(s) is current and has the legal authority to accept awards and bind the entity to the award terms and conditions. To accept the award, the Authorized Representative(s) must accept all parts of the Award Offer in the Justice Grants System (JustGrants), including by executing the required declaration and certification, within 45 days from the award date.

To access your funds, you will need to enroll in the Automated Standard Application for Payments (ASAP) system, if you haven't already completed the enrollment process in ASAP. The Entity Administrator should have already received an email from ASAP to initiate this process.

Congratulations, and we look forward to working with you.

Maureen Henneberg
Deputy Assistant Attorney General

Office for Civil Rights Notice for All Recipients

The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, require recipients of federal financial assistance to give assurances that they will comply with those laws. Taken together, these civil rights laws prohibit recipients of federal financial assistance from DOJ from discriminating in services and employment because of race, color, national origin, religion, disability, sex, and, for grants authorized under the Violence Against Women Act, sexual orientation and gender identity. Recipients are also prohibited from discriminating in services because of age. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with DOJ awards, see https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm.

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria.

These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a nondiscriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOPs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEOP requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5).

The OCR is available to help you and your organization meet the civil rights requirements that are associated with DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to contact the OCR at askOCR@ojp.usdoj.gov.

Memorandum Regarding NEPA

NEPA Letter Type
OJP - Ongoing NEPA Compliance Incorporated into Further Developmental Stages

NEPA Letter

The Edward Byrne Memorial Justice Assistance Grant Program (JAG) allows states and local governments to support a broad range of activities to prevent and control crime and to improve the criminal justice system, some of which could have environmental impacts. All recipients of JAG funding must assist BJA in complying with NEPA and other related federal environmental impact analyses requirements in the use of grant funds, whether the funds are used directly by the grantee or by a subgrantee or third party.? Accordingly,?prior to obligating?funds for any of the specified activities, the grantee must first determine if any of the specified activities will be?funded by the grant.

?The specified activities requiring environmental analysis are:

a. New construction;

b. Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;

c.? A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;

d.? Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and

e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

Complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. Further, for programs relating to methamphetamine laboratory operations, the preparation of a detailed Mitigation Plan will be required. For more information about Mitigation Plan requirements, please see https://www.bja.gov/Funding/nepa.html.

NEPA Coordinator

First Name	Middle Name	Last Name
Orbin		Terry

Award Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

Recipient Information

Recipient Name
COUNTY OF FAIRFAX, VIRGINIA

UEI
W2ZUFMBDM378

Street 1
12000 GOVERNMENT CENTER PKWY

Street 2
STE 214

City
FAIRFAX

State/U.S. Territory
Virginia

Zip/Postal Code
22035

Country
United States

County/Parish

Province

Award Details

Federal Award Date
9/25/23

Award Type
Initial

Award Number
15PBJA-23-GG-03890-JAGX

Supplement Number
00

Federal Award Amount
$136,270.00

Funding Instrument Type
Grant

Assistance Listing Number	Assistance Listings Program Title
16.738	Edward Byrne Memorial Justice Assistance Grant Program

Statutory Authority
Title I of Public Law 90-351 (generally codified at 34 U.S.C. 10101-10726), including subpart 1 of part E (codified at 34 U.S.C. 10151-10158); see also 28 U.S.C. 530C(a)

[ ]
I have read and understand the information presented in this section of the Federal Award Instrument.

Project Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project

Information, Financial Information, and Award Conditions.

Solicitation Title

2023 BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation

Awarding Agency
OJP

Program Office
BJA

Application Number
GRANT13949635

Grant Manager Name
Tahitia Barringer
Phone Number
202-598-7580
E-mail Address
Tahitia.Barringer@usdoj.gov

Project Title
FY 24 Fairfax County Police Department JAG Grant

Performance Period Start Date
10/01/2022

Performance Period End Date
09/30/2026

Budget Period Start Date
10/01/2022

Budget Period End Date
09/30/2026

Project Description

The County of Fairfax will use JAG funds for the purchase of license plate readers to help solve crime, recover stolen vehicles, find missing persons, and provide additional evidence to cases that involve a motor vehicle. The County of Fairfax will use a data driven approach to place the cameras in high crime areas with input from community stakeholders, elected officials, and business leaders.

[ ]
I have read and understand the information presented in this section of the Federal Award Instrument.

Financial Information

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

[ ]
I have read and understand the information presented in this section of the Federal Award Instrument.

Award Conditions

This award is offered subject to the conditions or limitations set forth in the Award Information, Project Information, Financial Information, and Award Conditions.

1

Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards

Consistent with Executive Order 14074, “Advancing Effective, Accountable Policing and Criminal Justice Practices To Enhance Public Trust and Public Safety,” OJP has prohibited the use of federal funds under this award for purchases or transfers of specified equipment by law enforcement agencies. In addition, OJP requires the recipient, and any subrecipient (“subgrantee”) at any tier, to put in place specified controls prior to using federal funds under this award to acquire or transfer any property identified on the “controlled equipment” list. The details of the requirement are posted on the OJP web site at https://www.ojp.gov/funding/explore/prohibited-and-controlled-equipment (Award condition: Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards), and are incorporated by reference here.

2

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

3

Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

4

Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2022 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2022 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2022 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at https://ojp.gov/funding/Part200UniformRequirements.htm.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.334.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the

recipient is to contact OJP promptly for clarification.

5

Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

6

Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

7

Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at https://ojp.gov/financialguide/DOJ/index.htm), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

8

Compliance with general appropriations-law restrictions on the use of federal funds (FY 2022)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2022, are set out at https://www.ojp.gov/funding/Explore/FY22AppropriationsRestrictions.htm, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

9

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at https:/

/www.ecfr.gov/cgi-bin/ECFR?page=browse), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

10

Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

11

Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award.

Limited Exceptions. In certain special circumstances, the U.S. Department of Justice ("DOJ") may determine that it will not enforce, or enforce only in part, one or more requirements otherwise applicable to the award. Any such exceptions regarding enforcement, including any such exceptions made during the period of performance, are (or will be during the period of performance) set out through the Office of Justice Programs ("OJP") webpage entitled "Legal Notices: Special circumstances as to particular award conditions" (ojp.gov/funding/Explore/LegalNotices-AwardReqts.htm), and incorporated by reference into the award.

By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts, as if personally executed by the authorized recipient official, all assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance.

Failure to comply with one or more award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in OJP taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. DOJ, including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

12

Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

13

Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

14

Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (https://www.e-verify.gov/) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

15

OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at https://www.ojp.gov/funding/implement/training-guiding-principles-grantees-and-subgrantees.

16

Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at https://ojp.gov/funding/Explore/Interact-Minors.htm (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

17

Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

18

Required training for Grant Award Administrator and Financial Manager

The Grant Award Administrator and all Financial Managers for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after October 15, 2020, will satisfy this condition.

In the event that either the Grant Award Administrator or a Financial Manager for this award changes during the period of performance, the new Grant Award Administrator or Financial Manager must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after the date the Entity Administrator enters updated Grant Award Administrator or Financial Manager information in JustGrants. Successful completion of such a training on or after October 15, 2020, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at https://onlinegfmt.training.ojp.gov/. All trainings that satisfy this condition include a session on grant fraud prevention and detection.

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

19

Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

20

Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

21

Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "Personally Identifiable Information (PII)" (2 CFR 200.1) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

22

Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

23

Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

24

All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at https://ojp.gov/funding/Explore/SubawardAuthorization.htm (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

25

Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed $250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the

Simplified Acquisition Threshold (currently, $250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed $250,000)), and are incorporated by reference here.

26

Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

27

Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope Grant Award Modification (GAM) to eliminate any inappropriate duplication of funding.

28

Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at https://oig.justice.gov/hotline/contact-grants.htm (select "Submit Report Online"); (2) mail directed to: U.S. Department of Justice, Office of the Inspector General, Investigations Division, ATTN: Grantee Reporting, 950 Pennsylvania Ave., NW, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Investigations Division (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at https://oig.justice.gov/hotline.

29

Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at https://www.sam.gov/. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at https://ojp.gov/funding/Explore/SAM.htm (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

30

Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

31

Justice Information Sharing

Information sharing projects funded under this award must comply with DOJ's Global Justice Information Sharing Initiative (Global) guidelines. The recipient (and any subrecipient at any tier) must conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: https:/ / it.ojp.gov/ gsp_grantcondition. The recipient (and any subrecipient at any tier) must document planned approaches to information sharing and describe compliance with the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

32

Avoidance of duplication of networks

To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the recipient can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

33

Law enforcement task forces - required training

Within 120 days of award acceptance, each current member of a law enforcement task force funded with award funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, must complete required online (internet-based) task force training. Additionally, all future task force members must

complete this training once during the period of performance for this award, or once every four years if multiple OJP awards include this requirement.

The required training is available free of charge online through the BJA-funded Center for Task Force Integrity and Leadership (www.ctfli.org). The training addresses task force effectiveness, as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. If award funds are used to support a task force, the recipient must compile and maintain a task force personnel roster, along with course completion certificates.

Additional information regarding the training is available through BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

34

Required monitoring of subawards

The recipient must monitor subawards under this award in accordance with all applicable statutes, regulations, award conditions, and the DOJ Grants Financial Guide, and must include the applicable conditions of this award in any subaward. Among other things, the recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of award funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

35

Any written, visual, or audio publications funded in whole or in part under this award, with the exception of press releases, shall contain the following statements: "This project was supported by Grant No. <AWARD_NUMBER> awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice." The current edition of the DOJ Grants Financial Guide provides guidance on allowable printing and publication activities.

36

Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service: "This Web site is funded in whole or in part through a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)." The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

37

Verification and updating of recipient contact information

The recipient must verify its Grant Award Administrator, Financial Manager, and Authorized Representative contact information in JustGrants, including telephone number and e-mail address. If any information is incorrect or has changed, the award recipient’s Entity Administrator must make changes to contact information through DIAMD. Instructions on how to update contact information in JustGrants can be found at https://justicegrants.usdoj.gov/training/training-entity-management.

38

Compliance with National Environmental Policy Act and related statutes

Upon request, the recipient (and any subrecipient at any tier) must assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental

impact analyses requirements in the use of these award funds, either directly by the recipient or by a subrecipient. Accordingly, the recipient agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the award, the recipient agrees to contact BJA.

The recipient understands that this condition applies to new activities as set out below, whether or not they are being specifically funded with these award funds. That is, as long as the activity is being conducted by the recipient, a subrecipient, or any third party, and the activity needs to be undertaken in order to use these award funds, this condition must first be met. The activities covered by this condition are:

a. New construction;

b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;

c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;

d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and

e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

The recipient understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The recipient further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at https://bja.gov/Funding/nepa.html, for programs relating to methamphetamine laboratory operations.

Application of This Condition to Recipient's Existing Programs or Activities: For any of the recipient's or its subrecipients' existing programs or activities that will be funded by these award funds, the recipient, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

39

Recipients utilizing award funds for forensic genealogy testing must adhere to the United States Department of Justice Interim Policy Forensic Genealogical DNA Analysis and Searching (https://www.justice.gov/olp/page/file/1204386/download), and must collect and report the metrics identified in Section IX of that document to BJA.

40

Establishment of trust fund

If award funds are being drawn down in advance, the recipient (or a subrecipient, with respect to a subaward) is required to establish a trust fund account. Recipients (and subrecipients) must maintain advance payments of federal awards in interest-bearing accounts, unless regulatory exclusions apply (2 C.F.R. 200.305(b)(8)). The trust fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate the award funds in the trust fund (including any interest earned) during the period of performance for the award and expend within 90 days thereafter. Any unobligated or unexpended funds, including interest earned, must be returned to OJP at the time of closeout.

41

All State and Local JAG recipients must submit quarterly Federal Financial Reports (SF-425). Additionally, State JAG and Local JAG Category Two ($25K or more) must submit semi-annual performance reports through JustGrants and Local JAG Category One (Less than $25K) must submit annual performance reports through JustGrants. Consistent

with the Department's responsibilities under the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, the recipient must provide data that measure the results of its work. The recipient must submit quarterly performance metrics reports through BJA's Performance Measurement Tool (PMT) website: https://bjapmt.ojp.gov/. For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage (https://bjapmt.ojp.gov/help/jagdocs.html). Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

42

Required data on law enforcement agency training

Any law enforcement agency receiving direct or sub-awarded funding from this JAG award must submit quarterly accountability metrics data related to training that officers have received on the use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public.

43

Authorization to obligate (federal) award funds to reimburse certain project costs incurred on or after October 1, 2022

The recipient may obligate (federal) award funds only after the recipient makes a valid acceptance of the award. As of the first day of the period of performance for the award (October 1, 2022), however, the recipient may choose to incur project costs using non-federal funds, but any such project costs are incurred at the recipient's risk until, at a minimum-- (1) the recipient makes a valid acceptance of the award, and (2) all applicable withholding conditions are removed by OJP (via an Award Condition Modification (ACM)). (A withholding condition is a condition in the award document that precludes the recipient from obligating, expending, or drawing down all or a portion of the award funds until the condition is removed.)

Except to the extent (if any) that an award condition expressly precludes reimbursement of project costs incurred "at-risk," if and when the recipient makes a valid acceptance of this award and OJP removes each applicable withholding condition through an Award Condition Modification (ACM), the recipient is authorized to obligate (federal) award funds to reimburse itself for project costs incurred "at-risk" earlier during the period of performance (such as project costs incurred prior to award acceptance or prior to removal of an applicable withholding condition), provided that those project costs otherwise are allowable costs under the award.

44

If award funds are used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System ("CODIS," the DNA database operated by the FBI) by a government DNA laboratory with access to CODIS. With the exception of Forensic Genetic Genealogy, no profiles generated under this award may be entered or uploaded into any non-governmental DNA database without prior express written approval from BJA. Award funds may not be used for the purchase of DNA equipment and supplies unless the resulting DNA profiles may be accepted for entry into CODIS. Booking agencies should work with their state CODIS agency to ensure all requirements are met for participation in Rapid DNA (see National Rapid DNA Booking Operational Procedures Manual).

45

Submission of eligible records relevant to the National Instant Background Check System

Consonant with federal statutes that pertain to firearms and background checks -- including 18 U.S.C. 922 and 34 U.S.C. ch. 409 -- if the recipient (or any subrecipient at any tier) uses this award to fund (in whole or in part) a specific project or program (such as a law enforcement, prosecution, or court program) that results in any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the National Instant Background Check System (NICS), or that has as one of its purposes the establishment or improvement of records systems that contain any court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS, the recipient (or subrecipient, if applicable) must ensure that all such court dispositions, information, or other records that are "eligible records" (under federal or State law) relevant to the NICS are promptly made available to the NICS or to the "State" repository/database that is electronically available to (and accessed by) the NICS, and -- when appropriate -- promptly must update, correct, modify, or remove such NICS-relevant "eligible records".

In the event of minor and transitory non-compliance, the recipient may submit evidence to demonstrate diligent monitoring of compliance with this condition (including subrecipient compliance). DOJ will give great weight to any such evidence in any express written determination regarding this condition.

46

Prohibition on use of award funds for match under BVP program

JAG funds may not be used as the 50% match for purposes of the DOJ Bulletproof Vest Partnership (BVP) program.

47

Certification of body armor "mandatory wear" policies, and compliance with NIJ standards

If recipient uses funds under this award to purchase body armor, the recipient must submit a signed certification that each law enforcement agency receiving body armor purchased with funds from this award has a written "mandatory wear" policy in effect. The recipient must keep signed certifications on file for any subrecipients planning to utilize funds from this award for ballistic-resistant and stab-resistant body armor purchases. This policy must be in place for at least all uniformed officers before any funds from this award may be used by an agency for body armor. There are no requirements regarding the nature of the policy other than it be a mandatory wear policy for all uniformed officers while on duty.

Ballistic-resistant and stab-resistant body armor purchased with award funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the body armor has been tested and found to comply with applicable National Institute of Justice ballistic or stab standards, and is listed on the NIJ Compliant Body Armor Model List. In addition, ballistic-resistant and stab-resistant body armor purchased must be made in the United States and must be uniquely fitted, as set forth in 34 U.S.C. 10202(c)(1)(A). The latest NIJ standard information and the NIJ Compliant Body Armor List may be found by following the links located on the NIJ Body Armor page: https://nij.ojp.gov/topics/equipment-and-technology/body-armor

48

Extreme risk protection programs funded by JAG must include, at a minimum: pre-deprivation and post-deprivation due process rights that prevent any violation or infringement of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive or procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). Such programs must include, at the appropriate phase to prevent any violation of constitutional rights, at minimum, notice, the right to an in-person hearing, an unbiased adjudicator, the right to know opposing evidence, the right to present evidence, and the right to confront adverse witnesses; the right to be represented by counsel at no expense to the government; pre-deprivation and post-deprivation heightened evidentiary standards and proof which mean not less than the protections afforded to a similarly situated litigant in Federal court or promulgated by the State's evidentiary body, and sufficient to ensure the full protections of the Constitution of the United States, including but not limited to the Bill of Rights, and the substantive and procedural due process rights guaranteed under the Fifth and Fourteenth Amendments to the Constitution of the United States, as applied to the States, and as interpreted by State courts and United States courts (including the Supreme Court of the United States). The heightened evidentiary standards and proof under such programs must, at all appropriate phases to prevent any violation of any constitutional right, at minimum, prevent reliance upon evidence that is unsworn or unaffirmed, irrelevant, based on inadmissible hearsay, unreliable, vague, speculative, and lacking a foundation; and penalties for abuse of the program.

49

Expenditures prohibited without waiver

No funds under this award may be expended on the purchase of items prohibited by the JAG program statute, unless, as set forth at 34 U.S.C. 10152, the BJA Director certifies that extraordinary and exigent circumstances exist, making such expenditures essential to the maintenance of public safety and good order.

50

FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of $30,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at https://ojp.gov/funding/Explore/FFATA.htm (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than $30,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

51

Exceptions regarding Prohibited and Controlled Equipment under OJP awards

Notwithstanding any provision to the contrary in the other terms and conditions of this award, including in the condition regarding "Compliance with restrictions on the use of federal funds--prohibited and controlled equipment under OJP awards," the requirements for the “Transfer/Sale of Award-Funded Controlled Equipment to Other LEAs” and the requirements for the “Transfer/Sale of Award-Funded Controlled Equipment to NON-LEAs” do not apply to this award.

52

The recipient agrees that no funds under this grant award (including via subcontract or subaward, at any tier) may be used for unmanned aircraft systems (UAS), which includes unmanned aircraft vehicles (UAV), or for any accompanying accessories to support UAS.

53

Initial period of performance; requests for extension.

The recipient understands that for award amounts of less than $25,000 under JAG (Category 1), the initial period of performance of the award is two years. The recipient further understands that any requests for an extension of the period of performance for an award of less than $25,000 will be approved automatically for up to a total of two additional years, pursuant to 34 U.S.C. 10152(f) and in accordance with the program solicitation associated with this award.

Any request for an extension of the period of performance beyond a four-year award period will require approval, and the approval (if any) will be at the discretion of the Director of BJA.

54

Applicants must ensure that Limited English Proficiency persons have meaningful access to the services under this program(s). National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI and the Safe Streets Act, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation when necessary. The U.S. Department of Justice has issued guidance for grantees to help them comply with Title VI requirements. The guidance document can be accessed on the Internet at www.lep.gov.

55

Cooperating with OJP Monitoring

The recipient agrees to cooperate with OJP monitoring of this award pursuant to OJP's guidelines, protocols, and procedures, and to cooperate with OJP (including the grant manager for this award and the Office of Chief Financial Officer (OCFO)) requests related to such monitoring, including requests related to desk reviews and/or site visits. The recipient agrees to provide to OJP all documentation necessary for OJP to complete its monitoring tasks, including documentation related to any subawards made under this award. Further, the recipient agrees to abide by reasonable deadlines set by OJP for providing the requested documents. Failure to cooperate with OJP's monitoring activities may result in actions that affect the recipient's DOJ awards, including, but not limited to: withholdings and/or other

restrictions on the recipient's access to award funds; referral to the DOJ OIG for audit review; designation of the recipient as a DOJ High Risk grantee; or termination of an award(s).

56

Use of program income

Program income (as defined in the Part 200 Uniform Requirements) must be used in accordance with the provisions of the Part 200 Uniform Requirements. Program income earnings and expenditures both must be reported on the quarterly Federal Financial Report, SF 425.

57

Compliance with 28 C.F.R. Part 23

With respect to any information technology system funded or supported by funds under this award, the recipient (and any subrecipient at any tier) must comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 34 U.S.C. 10231(c)-(d). The recipient may not satisfy such a fine with federal funds.

58

Protection of human research subjects

The recipient (and any subrecipient at any tier) must comply with the requirements of 28 C.F.R. Part 46 and all OJP policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

59

Confidentiality of data

The recipient (and any subrecipient at any tier) must comply with all confidentiality requirements of 34 U.S.C. 10231 and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. The recipient further agrees, as a condition of award approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, 28 C.F.R. 22.23.

60

The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this project.

61

The recipient understands that, in accepting this award, the Authorized Representative declares and certifies, among other things, that he or she possesses the requisite legal authority to accept the award on behalf of the recipient entity and, in so doing, accepts (or adopts) all material requirements that relate to conduct throughout the period of performance under this award. The recipient further understands, and agrees, that it will not assign anyone to the role of Authorized Representative during the period of performance under the award without first ensuring that the individual has the requisite legal authority.

62

In accepting this award, the recipient agrees that grant funds cannot be used for Facial Recognition Technology (FRT) unless the recipient has policies and procedures in place to ensure that the FRT will be utilized in an appropriate and responsible manner that promotes public safety, and protects privacy, civil rights, and civil liberties and complies with all applicable provisions of the U.S. Constitution, including the Fourth Amendment’s protection against unreasonable searches and seizures and the First Amendment’s freedom of association and speech, as well as other laws and regulations. Recipients utilizing funds for FRT must make such policies and procedures available to DOJ upon request.

63

Withholding of funds for Required certification from the chief executive of the applicant government

The recipient may not expend or draw down any award funds until the recipient submits the required "Certifications and Assurances by the Chief Executive of the Applicant Government," properly-executed (as determined by OJP), and an Award Condition Modification has been issued to remove this condition.

64

Withholding of funds for Budget narrative or information

The recipient may not expend or draw down any award funds until the recipient submits, and OJP reviews and accepts, the required budget information or narrative for the award, and an Award Condition Modification has been issued to remove this condition.

[ ]
I have read and understand the information presented in this section of the Federal Award Instrument.

Award Acceptance

Declaration and Certification to the U.S. Department of Justice as to Acceptance

By checking the declaration and certification box below, I--

A. Declare to the U.S. Department of Justice (DOJ), under penalty of perjury, that I have authority to make this declaration and certification on behalf of the applicant.

B. Certify to DOJ, under penalty of perjury, on behalf of myself and the applicant, to the best of my knowledge and belief, that the following are true as of the date of this award acceptance: (1) I have conducted or there was conducted (including by applicant's legal counsel as appropriate and made available to me) a diligent review of all terms and conditions of, and all supporting materials submitted in connection with, this award, including any assurances and certifications (including anything submitted in connection therewith by a person on behalf of the applicant before, after, or at the time of the application submission and any materials that accompany this acceptance and certification); and (2) I have the legal authority to accept this award on behalf of the applicant.

C. Accept this award on behalf of the applicant.

D. Declare the following to DOJ, under penalty of perjury, on behalf of myself and the applicant: (1) I understand that, in taking (or not taking) any action pursuant to this declaration and certification, DOJ will rely upon this declaration and certification as a material representation; and (2) I understand that any materially false, fictitious, or fraudulent information or statement in this declaration and certification (or concealment or omission of a material fact as to either) may be the subject of criminal prosecution (including under 18 U.S.C. §§ 1001 and/or 1621, and/or 34 U.S.C. §§ 10271-10273), and also may subject me and the applicant to civil penalties and administrative remedies under the federal False Claims Act (including under 31 U.S.C. §§ 3729-3730 and/or §§ 3801-3812) or otherwise.

Agency Approval

Title of Approving Official	Name of Approving Official	Signed Date And Time
Deputy Assistant Attorney General	Maureen Henneberg	9/20/23 9:07 PM

Authorized Representative

Entity Acceptance

Title of Authorized Entity Official
Director, Financial Resources Division

Signed Date And Time

SUPPLEMENTAL APPROPRIATION RESOLUTION AS 24138

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 November 21, 2023, at which a quorum was present and voting, the following resolution was adopted:

BE IT RESOLVED by the Board of Supervisors of Fairfax County, Virginia, that in addition to appropriations made previously for FY 2024, the following supplemental appropriation is authorized, and the Fiscal Planning Resolution is amended accordingly:

Appropriate to:

Fund:	500-C50000, Federal-State Grant Fund	
Agency:	G9090, Police Department	
Grants:	1900014-2023, JAG Police Department Equipment	$136,270

Reduce Appropriation to:

Agency:	G8787, Unclassified Administrative Expenses	$136,270
Fund:	500-C50000, Federal-State Grant Fund	

Source of Funds: Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, $136,270

A Copy - Teste:

Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
November 21, 2023

ADMINISTRATIVE – 11

Authorization for the Fairfax County Police Department to Apply for and Accept Grant Funding from the Department of Criminal Justice Services, FY 2024 Combating Hate Crime Grant Program

ISSUE:
Board of Supervisors authorization is requested for the Fairfax County Police Department (FCPD) to apply for and accept funding, if received, from the Department of Criminal Justice Services, FY 2024 Combating Hate Crime Grant Program in the amount of $139,250. Eligibility requirement for this grant announcement is open to all localities within the Commonwealth that have established a partnership program with institution(s) or nonprofit organization(s) that have been targets or are at-risk of being targets of hate crimes. Funding will be used to fund Gesher Jewish Day School (Gesher), Little River United Church of Christ (LRUCC), Pozez Jewish Community Center of Northern Virginia (JCC), and Temple B'nai Shalom (TBS) to help assist in improvements to their locations to better secure their facilities to protect them against hate crimes in Fairfax County. No Local Cash Match is required. If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively per Board policy. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:
The County Executive recommends that the Board authorize the FCPD to apply for and accept funding, if received, from the Department of Criminal Justice Services, Combating Hate Crimes Grant program in the amount of $139,250. FCPD will partner with four organizations to improve their security in hopes of deterring and detecting threats and attacks thus reducing or eliminating damage from a hate crime. No new positions will be created and no Local Cash Match is required. The County Executive also recommends the Board authorize the Chairman of the Board of Supervisors, the County Executive, and/or designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

Board Agenda Item
November 21, 2023

TIMING:
Board action is requested on November 21, 2023.

BACKGROUND:
The Virginia Department of Criminal Justice Services (DCJS) announced the availability of grant funds to assist localities to combat hate crimes. DCJS is soliciting applications to make competitive grants to localities within the Commonwealth that have established a partnership program with institutions and/or nonprofit organizations that have been targets or are at risk of being targets of hate crimes.

The goal of this program is to minimize bias-motivated incidents by providing funding that supports institutions and/or nonprofit organizations that may be at risk based on race, religious conviction, color, gender, disability, gender identity, sexual orientation, or national origin.

FCPD will partner with Gesher Jewish Day School, Little River United Church of Christ, Pozez Jewish Community Center of Northern Virginia, and Temple B'nai Shalom to help assist in improvements to their locations to better secure their facilities to protect them against hate crimes in Fairfax County. All four organizations are partnering to purchase training equipment to support comprehensive preparedness and response training for staff and constituents. A total of $139,250 is being requested for these projects.

FISCAL IMPACT:
Grant funding in the amount of $139,250 is being requested from the DCJS, FY 2024 Combating Hate Crimes Grant Program to fund for expenditures for a synagogue, a community center, and a school to improve their security in hopes of deterring and detecting threats and attacks thus reducing or eliminating damage from a hate crime. No Local Cash Match is required. This grant does allow the recovery of indirect costs; however, because this funding opportunity is highly competitive, the FCPD has elected to omit inclusion of indirect costs to maximize the proposal's competitive position. This action does not increase the expenditure level of the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards in FY 2024.

CREATION OF NEW POSITIONS:
No positions will be created by this grant award.

ENCLOSED DOCUMENTS:
Attachment 1 – Summary of Grant Proposal

Board Agenda Item
November 21, 2023

STAFF:
Thomas Arnold, Deputy County Executive for Public Safety
Kevin Davis, Chief of Police

FY 2024 Combating Hate Crimes Grant Program
Summary of Grant Proposal

Grant Title:	FY 2024 Combating Hate Crimes Grant Program
Funding Agency:	Virginia Department of Criminal Justice Services
Applicant:	Fairfax County Police Department
Funding Amount:	Funding of $139,250 will be requested.
Proposed Use of Funds:	Funding will be used to fund Gesher Jewish Day School (Gesher), Little River United Church of Christ (LRUCC), Pozez Jewish Community Center of Northern Virginia (JCC), and Temple B'nai Shalom (TBS) to help assist in improvements to their locations to better secure their facilities to protect them against hate crimes in Fairfax County.
Performance Measures:	Project Manager will meet monthly with partners to track the execution of individual projects along anticipated timelines. Collectively, the projects will help strengthen Gesher Jewish Day School (Gesher), Little River United Church of Christ (LRUCC), Pozez Jewish Community Center of Northern Virginia (JCC), and Temple B'nai Shalom (TBS).
Grant Period:	January 1, 2024 – December 31, 2024

Board Agenda Item
November 21, 2023

ADMINISTRATIVE - 12

Authorization for the Department of Public Works and Environmental Services to Apply for and Accept Grant Funding from the Commonwealth of Virginia's Office of the Secretary of Veterans & Defense Affairs' Virginia Military Community Infrastructure Grant Program

ISSUE:
Board of Supervisors (Board) authorization is requested for the Department of Public Works and Environmental Services (DPWES) to apply for and accept grant funding, if received, from the Commonwealth of Virginia's Office of the Secretary of Veterans and Defense Affairs' Virginia Military Community Infrastructure Grant Program (VMCIGP) in the amount of $223,000, including $111,500 in Local Cash Match (LCM). The grant funding from the VMCIGP would provide up to 42 percent of the estimated $255,000 LCM committed in the Department of Defense Readiness and Environmental Protection Integration (REPI) Program grant application submitted in August 2023 (Attachment 2). The REPI grant application was authorized at the September 12, 2023, Board of Supervisors' meeting. REPI grant funds will be used to evaluate and design the stabilization of a portion of Pohick Creek located along the boundary of the Noman M Cole, Jr., Pollution Control Plant (NMCJPCP) in Lorton, Virginia. The LCM requirement of $111,500 is available in Fund 69300, Sewer Construction Improvements. The VMCIGP grant period is two years from the award date (anticipated for January 2024). If the actual award received is significantly different from the application amount, another item will be submitted to the Board requesting appropriation of grant funds. Otherwise, staff will process the award administratively as per the Board policy. Board authorization is also requested for the Chairman of the Board of Supervisors, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

RECOMMENDATION:
The County Executive recommends that the Board authorize the DPWES to apply for and accept grant funding, if received, from the VMCIGP in the amount of $223,000, including $111,500 in LCM, for the Pohick Stream Stabilization Project. No new positions are associated with this grant. The County Executive also recommends that the Board authorize the Chairman of the Board, the County Executive, and/or a designee appointed by the County Executive to enter into the grant agreement and any related agreements, including but not limited to Federal Subaward Agreements, on behalf of the County.

Board Agenda Item
November 21, 2023

TIMING:
Board action is requested on November 21, 2023. The application was submitted at the beginning of November pending Board approval to improve the likelihood of receiving the full amount requested. This Board item is being presented at the earliest subsequent Board meeting. If the Board does not approve this request, the application will be immediately withdrawn. The Board was also notified via email of the department's intent to apply for this grant on November 3, 2023.

BACKGROUND:
The VMCIGP provides grant funding "to serve as a local match for military communities to pursue U.S. Department of Defense (DOD) grants to support infrastructure resilience projects in communities with military installations and to enhance military readiness."

Funding from the VMCIGP is being pursued in conjunction with a previous grant application to the DOD Readiness and Environmental Protection Integration Program (REPI), which preserves military missions by supporting cost-sharing agreements between the Military Services, other federal agencies, state and local governments, and private conservation organizations to avoid land use conflicts near military installations, address environmental restrictions that limit military activities, and increase resilience to climate change.

The VMCIGP's goals align with the Fairfax County Countywide Strategic plan "Environment and Energy" and "Safety and Security" community outcome areas.

The NMCJPCP receives and treats approximately 40 percent of the wastewater generated in the southeastern part of the County and nearby jurisdictions. A portion of the facility is located within the 100-year storm boundary. A section of the Pohick Creek runs adjacent to the eastern and southern portion of the facility. Grant funds will supplement the funding required for the evaluation and design of solutions for stream restoration and riverine flooding abatement along this portion of Pohick Creek. Solutions are expected to reduce the likelihood and impact of flooding near the facility, reduce long-term encroachment of the stream upon the facility, and protect the facility's ability to provide uninterrupted wastewater treatment.

Once study and design are complete, a construction phase to implement solutions is anticipated. While funding is anticipated to be available through the sewer funds, additional grant funding may be pursued through the DOD Defense of Critical Infrastructure Program (DCIP) to supplement the use of funds.

EQUITY IMPACT:
The Pohick Creek Stream Stabilization project has no equity impact. Untreated wastewater has severe adverse human health and environmental impacts, and this project is an essential part of the County's wastewater infrastructure capital renewal program to minimize the release of untreated sewage. The additional grant funding provides a benefit to all Fairfax County wastewater ratepayers.

Any inaction or delay on this project could result in partially or fully untreated wastewater discharges from NMCJPCP. Untreated wastewater causes diseases to proliferate, including hepatitis, tetanus, typhoid, cholera, enterovirus, and others, that thrive in untreated human sewage. Untreated wastewater also ruins water quality and kills aquatic life. The United States Environmental Protection Agency (EPA) has identified inequitable nationwide trends where communities “allow continued discharges of raw sewage into waters used for drinking, recreation, and/or ecological habitat – depending on the ability of a wastewater system and its customers to pay for necessary infrastructure upgrades.”

Attachment 3 shows the County’s Approved Sewer Service Area (ASSA) in comparison to the Vulnerability Index scores. It also shows the location of the NMCJPCP location where the project is located.

FISCAL IMPACT:
Grant funding in the amount of $223,000 is being requested from the Virginia VMCIGP to support the Pohick Creek Stream Stabilization Project. The $111,500 Local Cash Match requirement is available in Fund 69300, Sewer Construction Improvements. This grant does not allow the recovery of indirect costs. This action does not increase the expenditure level of the Federal-State Grant Fund as funds are held in reserve for unanticipated grant awards in FY 2024.

CREATION OF NEW POSITIONS:
No new positions will be created by this grant.

ENCLOSED DOCUMENTS:
Attachment 1: Summary of Grant Proposal
Attachment 2: FY 2024 REPI Challenge Full Proposal
Attachment 3: Sewer Service Area in Vulnerable Communities

STAFF:
Rachel Flynn, Deputy County Executive
Christopher Herrington, Director, Department of Public Works and Environmental Services (DPWES)
Eleanor Ku Codding, Deputy Director, Stormwater and Wastewater Divisions, DPWES
Michael McGrath, Director, Wastewater Treatment Division, DPWES
Hong Yin, Engineering Support Branch Chief, DPWES
Sarah Motsch, Engineer V, DPWES

WASTEWATER MANAGEMENT PROGRAM GRANT
SUMMARY OF PROPOSED GRANT FUNDING

Grant Title:	Commonwealth of Virginia's Office of the Secretary of Veterans and Defense Affairs' Virginia Military Community Infrastructure Grant Program
Funding Agency:	Commonwealth of Virginia, Office of the Secretary of Veterans and Defense Affairs
Applicant:	Department of Public Works and Environmental Services, Wastewater Management Program
Partners:	Commonwealth of Virginia's Office of the Secretary of Veterans and Defense Affairs providing grant funding; Northern Virginia Regional Commission providing assessments and coordination; and United States Department of Defense Readiness and Environmental Protection Integration program providing grant funding.
Purpose of Grant:	Provide up to 42 percent of the Local Cash Match required for the Department of Defense Readiness and Environmental Protection Integration (REPI) Program grant which was submitted in August 2023. The REPI grant's purpose is to stabilize portions of the Pohick Creek located near the Noman M Cole Jr. Pollution Control Plant (NMCPCP). The U.S. Army Garrison Fort Belvoir Installation is served by NMCPCP.
Funding Amount:	Total funding of $223,000, including $111,500 in Local Cash Match.
Proposed Use of Funds:	Support LCM requirement of the REPI grant.
Target Population:	NMCPCP users, including US Army Garrison Fort Belvoir Installation, and rate payers.
Performance Measures:	Assessment and completion of design of stabilization of Pohick Creek.
Grant Period:	Two years from the award date (anticipated January 2024).

REPI UNITED STATES DEPARTMENT OF DEFENSE READINESS AND ENVIRONMENTAL PROTECTION INTEGRATION PROGRAM

FY 2024 REPI CHALLENGE
FULL PROPOSAL FORM



Deadline: Monday, August 14, 2023; 8 p.m. ET

Submit proposal electronically through the REPI Challenge Online Proposal Builder App: repi.osd.mil

Project Name: Pohick Creek Stream Improvement Planning

Partner organization(s): Northern Virginia Regional Commission, Fairfax County Department of Public Works and Environmental Services, Commonwealth of Virginia, Noman M. Cole, Jr. Pollution Control Plant

Partner submitting proposal and point of contact information:

Name: Sarah Motsch

Organization: Fairfax County, Noman M Cole, Jr. Pollution Control Plant

Phone: 571-595-9600 **Email:** sarah.motsch@fairfaxcounty.gov

Other participating organizations:

Fairfax County Department of Public Works and Environmental Services
Commonwealth of Virginia
Noman M. Cole, Jr. Pollution Control Plant
Northern Virginia Regional Commission

Installation(s): Fort Belvoir

Installation Point of Contact:

Name: Sybille Vega

Organization: Directorate of Public Works

Phone: 703 806-0020 **Email:** sybille.r.vega.civ@army.mil

A. Project Executive Summary

The purpose of this section is to give the REPI office a snapshot of the proposed project. Briefly describe the problem(s) and summary of proposed actions to resolve the problem(s) identified. Specifically address the project's proposed actions, what issue(s) those actions will solve, and the desired outcomes of the project that will indicate success. (5,000 character limit)

The Northern Virginia Regional Commission (NVRC) has completed a Military Installation Resiliency Review (MIRR) funded by the Office of Local Defense Community Cooperation (OLDCC) for the Northern Virginia bases. Multiple resilience strategies have been identified adjacent to US Army Garrison Fort Belvoir in Fairfax County. The requirements identified include responses to challenges that are off base but impact the mission of the base: impacts to the Noman M. Cole, Jr. Pollution Control Plant (NMCPCP). This REPI Challenge proposal would evaluate solutions off-site that impact missions on base, such as flooding of the NMCPCP by Pohick Creek. A planning analysis of Pohick Creek is proposed to

address the flooding issues adjacent to the Pollution Control Plant. A stream survey would evaluate the potential to realign the stream and move it away from the plant.

NMCPCP receives and treats approximately 40% of the wastewater generated in the southeastern part of Fairfax County, including that of the nearby US Army Garrison Fort Belvoir Installation, which is provided through a utility service contract (Contract No. DACA31-76-C-0003). The NMCPCP is in Lorton, Virginia, much of which is identified as a community with a high to medium Vulnerability Index score. A portion of the facility is located within the FEMA 100-year storm boundary. A section of Pohick Creek runs adjacent to the eastern and southern portions of the facility. An onsite bridge spans Pohick Creek and carries process water between facilities on either side of the creek. In April 2022, a routine bridge inspection identified a scour hole at the base of one of the bridge's piers. This finding initiated further evaluation and the establishment of the Pohick Creek Stream Stabilization Project.

Pohick Creek poses a flooding hazard to the NMCPCP facility. If realized, the flooding would negatively impact the facility's ability to provide uninterrupted 24-hour wastewater service. Encroachment on Pohick Creek could cause damage to the infrastructure of NMCPCP. Damage would potentially result in reduced or complete loss of service, which would result in significant human health and environmental impacts, including wastewater backing up into homes and businesses and the release of human waste into Pohick Creek, a tributary of the Chesapeake Bay. The interruption would negatively impact US Army Garrison Fort Belvoir, which can only operate for 72 hours without wastewater collection and treatment services. The Alexander T. August Military Medical Center, located on base, can only operate for 48 hours without wastewater collection. The relocation of close to 8,000 base residents and 32,000 base employees would be necessary to avoid health effects. Activities on base include multiple Army mission sets as well as recreational ones like golfing, fishing, and boating that would suffer from the impact.

Solutions identified during the study and evaluation phases of the project will mitigate the likelihood of flooding, reinforce the protections of the piers of the onsite bridge, and protect NMCPCP's ability to provide wastewater treatment services. The design and construction of stream realignment and flooding reduction are anticipated to follow this phase of the project.

The planning study is necessary to prepare a shovel-ready project to be fully funded with follow-on grants for implementing construction. The completion of 15-35% of the design will indicate a successful outcome for this REPI Challenge. This project contains innovative solutions that could be duplicated elsewhere in the region, the state, or other locations in the USA, as well as providing a solution for both sides of the fence. We have the support of the base, the state, and the local jurisdiction to see the project through to completion. The NVRC will partner with Fairfax County and the Commonwealth of Virginia to assess natural infrastructure solutions to creek flooding adjacent to the NMCPCP in Fairfax County.

B. Project Focus Area and Regulatory Authority(ies)

This year's Challenge has three distinct focus areas with different response criteria. The below focus areas were pre-populated based on your selections upon adding this project. You may select more than one focus area; however, please attempt to clearly describe how each focus area will be addressed via this project and identify if one area is of higher priority to the installation(s). (1,000 character limit)

- Focus Area A Climate Resilience

  Briefly describe how proposed off-base nature-based solution(s) will maintain or improve installation resilience (e.g., increased water supply, strengthened shoreline defenses, hazardous fuels reduction) to impacts of climate

change and extreme weather events (e.g., wildfire, drought, and permafrost thawing). If selected, specify which phase(s) of this focus area will be addressed through the project.

Phases addressed: Phase 1: Capacity Building and Planning, Phase 2: Site Assessment and Design
The natural infrastructure solutions to be evaluated are off-site to reduce flooding off-base adjacent to the Noman M. Cole, Jr. Pollution Control Plant. The solutions identified will minimize impacts on the wastewater treatment system on the installation and its missions. This project will focus on Phases 1 (Capacity building and planning) and 2 (Site assessment and design).

Regulatory Authority(ies) leveraged for this project:

- **Habitat Preservation-IGSA authority (10 U.S.C. § 2679)**

C. Encroachment Threat

Based on the project focus area(s) selected and summarized in the previous section, describe the specific encroachment threat(s) to the military mission that your proposed project will address, and how the proposed efforts outlined in the executive summary fit into a coordinated and comprehensive approach to preventing or managing encroachment. Encroachment is defined as factors that negatively affect DOD's ability to effectively test, train, and operate, and may include the current/potential impacts from climate change and/or extreme weather events. (5,000 character limit)

Encroachment of Pohick Creek could cause damage to the infrastructure of NMCPCP. Damage would potentially result in a reduced or complete loss of service, which would result in significant human health and environmental impacts, including wastewater backing up into homes and businesses and the release of human waste into Pohick Creek, a tributary of the Chesapeake Bay watershed. The interruption would negatively impact US Army Garrison Fort Belvoir, which can only operate for 72 hours without wastewater collection and treatment services.

In addition, flooding onsite at NMCPCP would occur concurrently with upstream flooding, which could potentially impact the local community and cause flooding across Richmond Highway (Route 1), a highway that services Ft. Belvoir. Improved routing and stabilization of the Pohick Creek will reduce the threat of flooding and associated damage to NMCPCP, Fort Belvoir, and the surrounding community. Previous encroachment efforts include a 2013 Flood Mitigation Analysis and the implementation of a coordinated set of recommendations, including the expansion of an existing floodwall and stabilization of three areas along Pohick Creek on the facility site. The Pohick Creek Stream Stabilization Project will build upon previous efforts by redirecting the stream and providing renewed protection for the onsite bridge.

D. Strategic Benefits and Outcomes

Describe how the proposed solution provides a strategic benefit to the military by supporting key mission capabilities, highly significant geographies, or other priorities referenced on page 2 of the RFP or other DOD strategic planning documents. Provide specifics, including quantitative data and sources, on restrictions and workarounds this project will help prevent, reduce, or mitigate, and outline the projected timeframe for anticipated benefits to military activities as appropriate. (5,000 character limit)

Implementation of the Pohick Creek Stream Stabilization Project will protect the infrastructure of NMCPCP, with the key benefit being the continued uninterrupted operation of the Fort Belvoir Garrison and its associated activities. In addition, the project will protect the surrounding local community and sensitive environmental areas.

In the absence of this project, there is an increased risk of the reduction or cessation of wastewater treatment services at NMCPCP. This interruption would impact base activities by necessitating 1) the acquisition of emergency wastewater services and/or 2) cessation of or interruptions to key mission activities to include the Missile Defense Agency, the

National Geospatial-Intelligence Agency, the Defense Logistics Agency, the United States Legal Services Administration, the Office of the Chief of the Army Reserve, Garrison operations, and Aerospace Data Facility East. The 50,000 personnel that work on the installation and the 200,000 personnel that use facilities on the installation would all be impacted by the reduction or cessation of wastewater treatment services.

E. Detailed Description of the Finances for this Project

Provide a detailed description of the finances based on the type of project proposed. Provide the anticipated ratio of partner contributions to total costs for the proposed action, including an overview of funds secured and plans for raising the outstanding balance. Provide the financial and in-kind contributions, including possible land exchanges, technical assistance, outreach activities, etc, from each committed partner, as appropriate. Describe the accounting of in-kind services, to include values where possible, and support with how those contributions are factored and tracked. Include roles and costs associated with any natural resource management or nature-based solutions that are part of this project, if applicable. Include information if the proposed project is scalable; can it be funded in phases and what might those phases look like? (10,000 character limit)

An Architectural and Engineering (A&E) firm will be hired to conduct a stream survey of Pohick Creek and design natural infrastructure solutions for the flooding in Pohick Creek adjacent to the Noman M. Cole Jr. Pollution Control Plant. The cost for A&E services is $510K. Project management will be handled by Fairfax County and the Pollution Control Plant at no cost. Fairfax County and the Commonwealth of Virginia will provide matching funds in the form of cash. The Commonwealth funds will be cash from the Virginia Military Community Infrastructure Grant Program and Fund (2022 HB 354). During the implementation and monitoring phases, construction is anticipated to cost approximately $3.4 million. It is anticipated that an application to the Defense Community Infrastructure Pilot Program (DCIP) will be submitted contingent upon the continuation of the DCIP program.

F. Estimated Project Size

Total Acres of Project	51.60
Total Easement Acreage (if applicable)	0.00
Total Natural Resources Management Acreage (if applicable)	0.00
Fee Title/Easement (if applicable)	Neither
Acquisition Cost	$0.00
Fair Market Value of Property (for easement, if applicable)	$0.00
Target Closing Date/Completion Date	January 1, 2027

G. Estimated Use of FY 2024 REPI Challenge Funds

Acquisition Cost	$0.00
Transaction Costs (appraisal, survey, title, etc.)	$0.00
Reserve/Endowment Funding for Stewardship and Management Cost	$0.00
Legal Costs	$0.00
Fundraising Costs	$0.00
Natural Resource Management Costs	$0.00
Natural Infrastructure Improvement Costs (Phase 1: Capacity Building and Planning)	$55,000.00
Natural Infrastructure Improvement Costs (Phase 2: Site Assessment and Design)	$175,000.00
Natural Infrastructure Improvement Costs (Phase 3: Final Design and Permitting)	$25,000.00
Natural Infrastructure Improvement Costs (Phase 4: Implementation and Monitoring)	$0.00
Target Closing Date/Completion Date	January 1, 2027
Other	$0.00
Total Use of Funds	$255,000.00

H. Sources of Funds

Source	In hand/Pledged	Anticipated	Total
Cash Reserves*	$0.00	$0.00	$0.00
*			
Seller Donation	$0.00	$0.00	$0.00
Private Fundraising	$0.00	$0.00	$0.00
Other Partner Contributions**	$0.00	$0.00	$0.00
**			
Other Partner Contributions***	$0.00	$127,500.00	$127,500.00
*** Fairfax County DPWES Wastewater Management Program			
Subtotal: Partner Contributions	$0.00	$127,500.00	$127,500.00
Military Service Funds	$0.00	$0.00	$0.00
FY 2024 REPI Challenge Request		$255,000.00	$255,000.00
Other Contribution (specify sources)	$0.00	$127,500.00	$127,500.00
Funds from Commonwealth of Virginia, HB345ER			
Total Sources of Funds	$0.00	$510,000.00	$510,000.00

I. Agreement Details and Environmental Planning

Coordinated Plan to Address Encroachment:

Describe how the partner and installation have coordinated the proposed action with multiple stakeholders and using multiple tools. Include information about ongoing installation partner and involvement in community, regional, and state planning forums or exercises; existence of a compatible use plan and/or various installation planning documents (range planning, master plans, resilience-related plans such as military installation reviews, water or natural resource management plans); zoning; regulatory mitigation efforts; outreach and engagement; technical assistance, etc. (2,000 character limit)

This proposal is for the study and evaluation phases of the Pohick Stream Stabilization Project. At this early stage of the project, there are no permitting requirements for the work. As the design progresses, all permitting requirements will be identified, and efforts initiated as appropriate for the stage of work. The permitting requirements are anticipated to include environmental planning and compliance activities such as National Environmental Protection Act (NEPA) and Section 106

National Historic Preservation Act (NHPA) requirements. Activities would include searches for endangered and threatened species and the resulting additional requirements. as applicable. Before construction, permitting activities through the Commonwealth of Virginia Marine Resources Commission, the Virginia Pollutant Discharge Elimination System, and the Corps Nationwide programs are anticipated.

Agreement Details and Environmental Plan:

Provide the following: The status of partner agreement with the Military Service (Indicate if it is in place/anticipated, and include the timeframe for completing the agreement in order to accept funds), the status of negotiations and closing schedule (if applicable), the status of legal due diligence (title exam, appraisal, survey, planning, permitting, etc. as appropriate), the status of environmental planning and compliance activities (e.g., National Environmental Protection Act (NEPA) or Section 106 National Historic Preservation Act (NHPA), as appropriate), the plans for permanent protection, stewardship and management, monitoring, and crediting. (1,000 character limit)

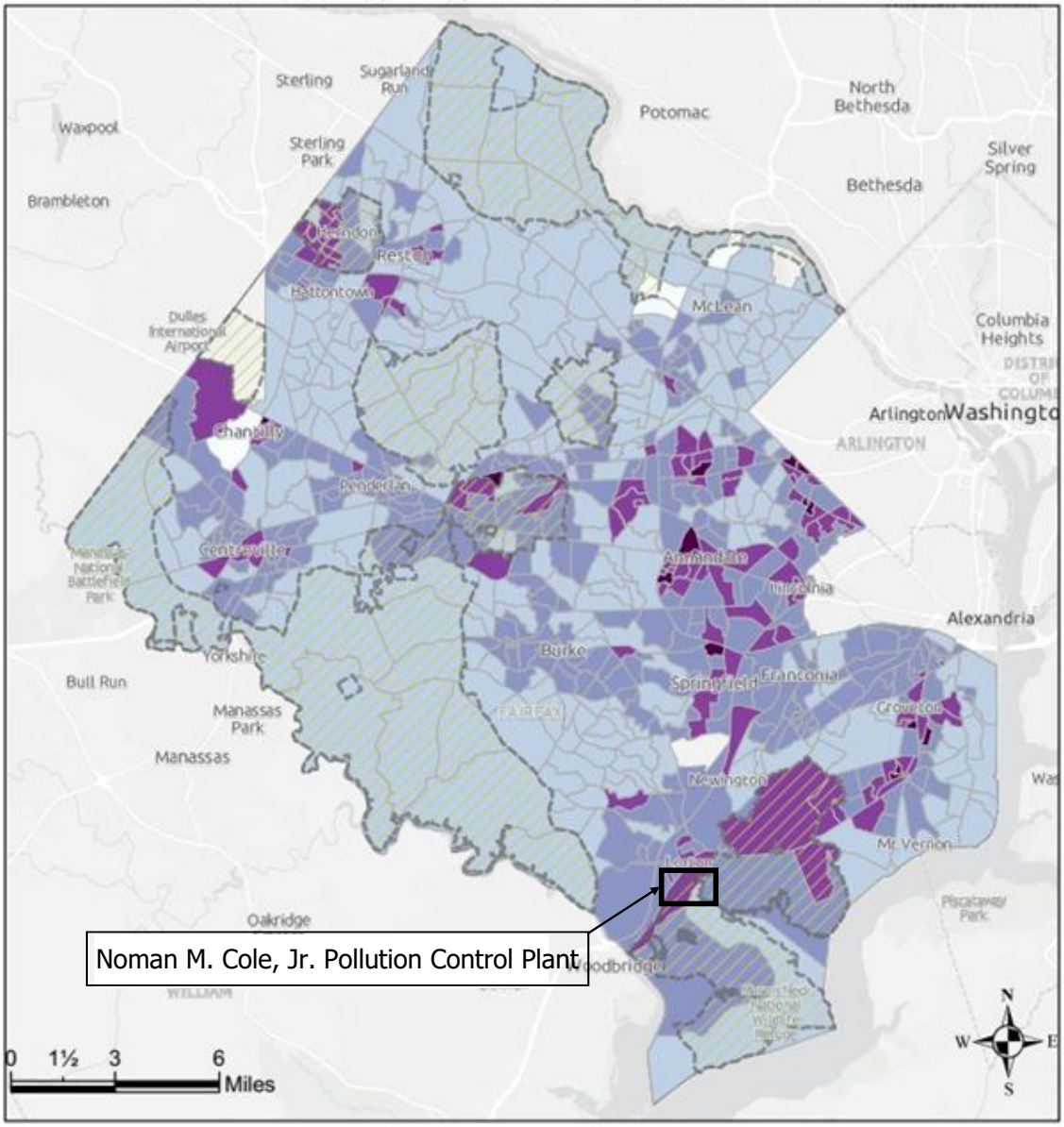
A Military Service agreement is not necessary for the project to proceed.

Estimated Project Schedule:

Provide the estimated project schedule, to include interim milestones from project award through completion. (1,000 character limit)

Evaluation and study are scheduled to begin in January 2024 with an expected duration of six months completion by July 2024.
Design shall start in August 2024 with an expected duration of ten months and completion by June 2025.
The construction bid will be awarded in July 2025, with an expected construction duration of 18 months and completion in January 2027.

Sewer Service Area in Vulnerable Communities



Legend

Outside ASSA

Vulnerability Index	# of households inside the ASSA	# of households outside of the ASSA	Total # of households
0 - 1	1,501	181	1,682
1 - 2	133,782	21,021	154,803
2 - 3	133,687	5,299	138,986
3 - 4	34,169	4,684	38,853
4 - 5	2,037	0	2,037
Total	305,176	31,185	336,361

Date: 3/3/2023

Path: G:\pub\DPWES\WWM\ServiceRequests\Vulnerable Areas Vs Sewer Service Area\VulnerableAreas_SewerServiceArea\VulnerableAreas_SewerServiceArea.aprx

Board Agenda Item
November 21, 2023

ADMINISTRATIVE – 13

Authorization for the Fairfax-Falls Church Community Services Board to Apply and Accept Grant Funding from the Virginia Opioid Abatement Authority for the County's FY 2024 and FY 2025 Noncompetitive Individual Opioid Abatement Authority Share and Apply to the Opioid Abatement Authority for Designation as a "Gold Standard" County

ISSUE:
Board of Supervisors authorization is requested for the Fairfax-Falls Church Community Services Board (CSB) to apply for and accept $305,969 in grant funding from the Virginia Opioid Abatement Authority (OAA) for Fairfax County's FY 2024 and FY 2025 Noncompetitive Individual OAA Share. Additionally, Board authorization is requested to apply for OAA designation as a "Gold Standard" County. This designation enables the County to receive a financial incentive which increases the County's OAA Individual Share by 25 percent for the duration that incentive funds are available. The additional incentive amount available in FY 2024 and FY 2025 is $76,492 bringing the total award to $382,461. The funding will primarily be used to establish a 1/1.0 FTE new grant position to support an additional Drug Court coordinator to expand capacity serving 18- to 25-year-olds. Any remaining funds will be allocated to the County's Opioid Settlement Reserve and utilized to fund a portion of the future year costs of other opioid settlement-funded projects. Board authorization is also requested for the County Executive, or his designee, to execute any documents related to the CSB's application for the FY 2024 and FY 2025 Noncompetitive Individual OAA Share and Gold Standard designation.

RECOMMENDATION:
The County Executive recommends that the Board authorize the CSB to apply for and accept $305,969 in grant funding from the OAA for the County's FY 2024 and FY 2025 Noncompetitive Individual OAA Share. The County Executive also recommends that the Board authorize the CSB to apply for OAA designation as a "Gold Standard" County to enable the County to receive a financial incentive which increases the County's OAA Individual Share by 25 percent for the duration that incentive funds are available. The incentive amount available in FY 2024 and FY 2025 combined is $76,492, which brings the County's total award to $382,461.

Additionally, the County Executive recommends that the Board authorize the County Executive, or his designee, to execute any documents related to the CSB's application for the FY 2024 and FY 2025 Noncompetitive Individual OAA Share and Gold Standard designation.

Board Agenda Item
November 21, 2023

TIMING:
Board action is requested on November 21, 2023.

BACKGROUND:
The County may access opioid settlement funds in two ways (see Attachment 1). First, under the Statewide MOU, the County is automatically paid an allocation of settlement funds directly by the settlement administrator. This is the County's Direct Distribution. Second, the County receives monies deposited in the Opioid Abatement Fund and administered by the Virginia Opioid Abatement Authority (OAA). The County may access these OAA funds in several different ways: the Noncompetitive Individual Share; Competitive Cooperative Projects; Planning Grants; and OAA's Gold Standard financial incentive (the Gold Standard).

The County's Noncompetitive Individual Share is the specific amount of OAA funding allocated to the County under the Statewide MOU. The County may access additional OAA funding by applying through a competitive process for cooperative projects. Finally, the County may access other, additional OAA funds by applying for designation as a "Gold Standard" County, which requires voluntarily agreeing to apply the OAA's Gold Standard to the County's Direct Distribution. In exchange for agreeing to the Gold Standard, the OAA will increase the County's Noncompetitive Individual Share by 25 percent for the duration that incentive funds are available.

Agreeing to the Gold Standard extends the statutory obligations the County must already follow for its OAA distributions to the County's Direct Distribution. These obligations are:

1. Only using OAA Distributions to fund efforts designed to treat, prevent, or reduce opioid use disorder or the misuse of opioids through evidence-based or evidence-informed methods, programs, or strategies;
2. Not supplanting funding of an existing program nor collect indirect costs;
3. Providing the OAA with information on implementation of said methods, programs, or strategies and allowing such monitoring and review as may be required by the Authority; and
4. Accepting certain base terms and conditions established by the OAA Board of Directors before receiving any OAA Distributions.

The Board previously passed a resolution and authorized the CSB to apply for the FY 2023 Gold Standard financial incentive as part of a cooperative award application for regional youth detoxification/residential treatment services. Since that time, the OAA has revised the Gold Standard application process to be a permanent designation. Adhering to the Gold Standard enables the County to receive the financial incentive and

also ensures the County is consistent with best practices for utilizing opioid settlement dollars and aligned with the requirements of the multiple opioid settlements.

This Board Item authorizes the County to apply for permanent designation as a "Gold Standard" County which increases the County's OAA Individual Share by 25 percent for the duration that incentive funds are available.

Total funding of $382,461 (including $305,969 in the County's FY 2024 and FY 2025 Noncompetitive Individual Share, plus $76,492 in the County's FY 2024 and FY 2025 "Gold Standard" financial incentive) will primarily be used to establish a new grant position for an additional Drug Court coordinator to expand capacity and create a track tailored for 18- to 25-year-olds. As noted in a memorandum to the Board dated October 12, 2023, this is one of the projects approved for opioid settlement funding by the Opioid Settlement Executive Committee (OSEC) in Fall 2023 (see Attachment 2). Remaining funds currently available will be allocated to the County's Opioid Settlement Reserve and, in combination with the County's Direct Distribution opioid settlement funds, utilized to fund the projects approved by the OSEC in Fall 2023 as noted in the October 12, 2023, memorandum to the Board.

FISCAL IMPACT:
Funding of $382,461 (including $305,969 in the County's FY 2024 and FY 2025 Noncompetitive Individual Share and $76,492 in the County's FY 2024 and FY 2025 "Gold Standard" financial incentive) is being requested from the OAA. No Local Cash Match is required. This grant does not allow for the recovery of indirect costs. This action does not increase the expenditure level in the Federal-State Grant Fund, as funds are held in reserve for unanticipated grant awards.

CREATION OF NEW POSITIONS:
There is 1/1.0 FTE new grant position associated with this funding. It is anticipated that the County's Noncompetitive Individual Share and "Gold Standard" financial incentive will cover the cost of this position through FY 2039.

ENCLOSED DOCUMENTS:
Attachment 1: Fairfax County Estimated Opioid Settlement Fund Distribution
Attachment 2: Memorandum on Opioid Settlement Funds

Board Agenda Item
November 21, 2023

STAFF:
Thomas Arnold, Deputy County Executive
Christopher A. Leonard, Deputy County Executive
Daryl Washington, Executive Director, Community Services Board (CSB)
Lisa Potter, Countywide Diversion Initiatives Director. CSB
Ellen Volo, Opioid and Substance Use Task Force Coordinator, CSB

ASSIGNED COUNSEL:
Elizabeth D. Teare, County Attorney
Patricia Moody McCay, Senior Assistant County Attorney
Sarah L. Annear, Assistant County Attorney

Fairfax County
Estimated Opioid Settlement Fund Distributions
FY 2022 - FY 2039
as of November 3, 2023

Local match for first year of regional youth detox/residential treatment project (OAA cooperative partnership award)

	Citites/Counties Direct Share			From Opioid Abatement Authority			
	Non-Competitive/Direct Distribution			*Non-Competitive/ Needs Approval*		*Competitive*	
	Distributors	**Janssen**	**Mallinckrodt**	**Individual OAA Share**	**25% Incentive**	**Cooperative Partnerships**	**Annual Total**
FY 2022	$352,634	$0	$0	$0	$0		**$352,634**
FY 2023	$611,679	$1,529,926	$90,760	$807,787	$201,947		**$3,242,099**
FY 2024	$494,135	$0		$135,887	$33,972		**$663,994**
FY 2025	$463,860	$0		$170,082	$42,520		**$676,462**
FY 2026	$463,860	$0		$170,082	$42,520	*TBD based on OAA final award for regional youth detox/residential treatment services and other potential future applications submitted/awards received*	**$676,462**
FY 2027	$463,860	$71,204		$196,190	$49,048		**$780,302**
FY 2028	$463,860	$71,204		$196,190	$49,048		**$780,302**
FY 2029	$545,555	$71,204		$226,145	$56,536		**$899,440**
FY 2030	$545,555	$90,656		$233,277	$58,319		**$927,807**
FY 2031	$545,555	$90,656	*Still being determined*	$233,277	$58,319		**$927,807**
FY 2032	$458,594	$90,656		$201,391	$50,348		**$800,989**
FY 2033	$458,594	$0		$168,151	$42,038		**$668,783**
FY 2034	$458,594	$0		$168,151	$42,038		**$668,783**
FY 2035	$458,594	$0		$168,151	$42,038		**$668,783**
FY 2036	$458,594	$0		$168,151	$42,038		**$668,783**
FY 2037	$458,594	$0		$168,151	$42,038		**$668,783**
FY 2038	$458,594	$0		$168,151	$42,038		**$668,783**
FY 2039	$458,594	$0		$168,151	$42,038		**$668,783**
Total	$8,619,305	$2,015,506	TBD	$3,747,365	$936,843	TBD	**$15,319,019**

FY 2022 and FY2023 amounts are confirmed, but each subsequent year amounts are estimates and likely to vary based on adjustments that occur at the national level prior to distribution to the various states.

Source: Virginia Office of the Attorney General and the Virginia Opioid Abatement Authority, updated March 2023

County of Fairfax, Virginia

MEMORANDUM

DATE: October 12, 2023

TO: Board of Supervisors

FROM: Thomas Arnold
Deputy County Executive

Christopher A. Leonard
Deputy County Executive

SUBJECT: Update on Opioid Settlement Funds

As the Board is aware, opioid settlement payments to states and localities, including Fairfax County, have begun. The County is receiving payments directly and is also eligible to receive funds from the Virginia Opioid Abatement Authority (OAA). As of October 12, 2023, Fairfax County has received approximately $3 million in funds (Direct Distribution) and is eligible to receive an additional $170,000 in FY 2024 from the OAA (Individual OAA Share/Gold Standard), in addition to funds associated with the pending regional youth detox/residential treatment OAA grant award. More opioid settlements and payments are anticipated in the months and years ahead through at least 2038, though the amount and schedule remain unclear. The purpose of this memorandum is to update the Board regarding the use of opioid settlement funds currently available to the County in advance of formal Board action requested as part of the November 21, 2023 Board meeting.

As previously shared with the Board, over summer 2023, County agencies and Fairfax County Public Schools had an opportunity to submit requests for using opioid settlement funds in FY 2024 and FY 2025. A total of $1.4 million in one-time requests and $1.2 million in recurring requests for 9 grant positions were received. The Opioid Settlement Executive Committee[1] has reviewed and approved reallocating funds from the opioid settlement reserve to fund all requests received, including:

[1] The Opioid Settlement Executive Committee includes Deputy County Executives Chris Leonard and Tom Arnold; Chief Financial Officer Christina Jackson; FCPS Interim Assistant Superintendent of Special Services Dr. Terri Edmunds-Heard; County Director of Diversion Initiatives Lisa Potter; and the Opioid and Substance Use Task Force Coordinator Ellen Volo.

Office of the County Executive
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035-0066
703-324-2531, TTY 711, Fax 703-324-3956
www.fairfaxcounty.gov

- A substance use prevention campaign to build protective factors and reduce stigma, led by Fairfax County Public Schools in collaboration with Healthy Minds Fairfax, the Fairfax-Falls Church Community Services Board (CSB), and other partners;

- Community dialogue sessions to identify and address the root causes of youth substance use, led by Healthy Minds Fairfax (Department of Family Services/CSB);

- Contract positions to expand medical support and behavioral health treatment for the jail-based medication for opioid use disorder (MOUD) program, led by the Sheriff's Office and CSB;

- An impact study of the jail-based MOUD program to assess overdose deaths and recidivism post-release, led by the Sheriff's Office in partnership with George Mason University;

- One grant position for an additional Drug Court coordinator to expand capacity and create a track tailored for 18–25-year-olds (the Drug Court is a partnership involving the CSB, Circuit Court, Commonwealth's Attorney, State Probation Office, Public Defender, and Sheriff's Office); and,

- Eight grant positions (7 full-time and 1 part-time) in the CSB to expand capacity for youth MOUD given the increasing number of youth seeking treatment for opioid use disorder (this item was mentioned as part of the Youth Mental Health Services component of the *FY 2023 Carryover Review* package).

All of these efforts align with the County's FY 2023-FY 2025 Opioid Response Plan and related County initiatives (Fairfax County Youth Survey, Three to Succeed, and Diversion First) and reflect the multi-pronged approach that guides the County's opioid response. In addition, this package optimizes, enhances and expands existing programs for individuals of all ages (i.e., prevention communications campaign, Drug Court and jail-based MOUD) while also filling critical gaps, like the need for more youth substance use treatment (the regional OAA award for youth detox/residential substance use treatment services also aims to fill this gap). This package also funds several of the resource needs commonly identified in a regional survey that sought community input on potential uses of opioid settlement funds in Spring 2023.

The opioid settlement funds currently available to the County fully cover the one-time requests and the recurring requests in FY 2024. Remaining funds, and any additional settlement funds received, will be put into the opioid settlement reserve and utilized to cover future-year costs associated with the youth MOUD positions. Existing agency budgetary flexibility can also be utilized to augment settlement funds. This program will be monitored on an ongoing basis to assess demand and private provider capacity and if warranted, opioid settlement funds could be redirected to other initiatives in the future.

During the November 21, 2023 Board meeting, an item will come before the Board for formal action, including the establishment of grant positions and any action necessary to access the OAA funds set aside for Fairfax County. In the meantime, and with the goal of utilizing opioid settlement dollars in a timely fashion, staff will proceed with administrative actions to prepare for implementation of these projects. Staff will monitor incoming opioid settlement dollars to determine the appropriate timing for additional request windows, as well as future potential OAA grant opportunities/applications. If you have any questions, please contact Ellen Volo, Opioid and Substance Use Task Force Coordinator, at 703-324-7073 or Ellen.Volo@fairfaxcounty.gov.

cc: Bryan J. Hill, County Executive
Michelle Reid, FCPS Superintendent
Christina Jackson, Chief Financial Officer
Rachel M. Flynn, Deputy County Executive
Ellicia Seard-McCormick, Deputy County Executive
Gloria Addo-Ayensu, Director, Health Department
Michael Becketts, Director, Department of Family Services
Karla Bruce, Chief Equity Officer
John S. Butler, Chief, Fire and Rescue Department
Tony Castrilli, Director, Office of Public Affairs
Kevin Davis, Chief, Police Department
Terri Edmunds-Heard, Interim Assistant Superintendent, FCPS
Phil Hagen, Director, Department of Management and Budget
Stacey Kincaid, Sheriff, Sheriff's Office
Lisa Potter, Countywide Diversion Initiatives Director
Elizabeth Teare, County Attorney
Matt Thompson, Director of the Court Service Unit, JDRDC
Lloyd Tucker, Director, Neighborhood and Community Services
Daryl Washington, Executive Director, Fairfax-Falls Church CSB
Ellen Volo, Opioid and Substance Use Task Force Coordinator

Board Agenda Item
November 21, 2023

ADMINISTRATIVE – 14

Approval for Various County Agencies to Utilize Funding from the Opioid Settlement Direct Distribution Funds for Projects Supporting Opioid Abatement Activities

ISSUE:
Board of Supervisors approval is requested to utilize the opioid settlement Direct Distribution funds for the following projects supporting opioid abatement activities and to add 8/7.5 FTE new grant positions. As included in the "Update on Opioid Settlement Funds" October 12, 2023, memo to the Board of Supervisors (Attachment 1), the Opioid Settlement Executive Committee approved funding for the following projects:

- A substance use prevention campaign to build protective factors and reduce stigma (lead agency: Fairfax County Public Schools);
- Community dialogue sessions to identify and address the root causes of youth substance use (lead agency: Healthy Minds Fairfax (Department of Family Services/Fairfax-Falls Church Community Services Board (CSB));
- Impact study of the jail-based medication for opioid use disorder (MOUD) program to assess overdose deaths and recidivism post-release (lead agency: Office of the Sheriff);
- Expand medical support and behavioral health treatment for the jail-based MOUD program by utilizing contract staff (lead agencies: Office of the Sheriff and CSB); and,
- Expand capacity of Medication Assisted Treatment (MAT) by adding 8/7.5 FTE new grant positions (lead agency: CSB).

These projects fully utilize the current projected funding the County will receive from the opioid settlement Direct Distribution funds. As additional funding becomes available, additional Board items will be submitted detailing the projects approved by the Opioid Settlement Executive Committee.

RECOMMENDATION:
The County Executive recommends that the Board approve the use of the opioid settlement Direct Distribution funds for the aforementioned projects supporting opioid abatement activities as well as 8/7.5 new grant positions.

TIMING:
Board action is requested on November 21, 2023.

BACKGROUND:
The County may access opioid settlement funds in two ways (see Attachment 2). First, under the Statewide MOU, the County is automatically paid an allocation of settlement funds directly by the settlement administrator. This is the County's Direct Distribution. Second, the County receives monies deposited in the Opioid Abatement Fund and administered by the Virginia Opioid Abatement Authority (OAA). The County may access these OAA funds in several different ways: the Noncompetitive Individual Share; Competitive Cooperative Projects; Planning Grants; and OAA's Gold Standard financial incentive (the Gold Standard).

The County's Noncompetitive Individual Share is the specific amount of OAA funding allocated to the County under the Statewide MOU. The County may access additional OAA funding by applying through a competitive process for cooperative projects. Finally, the County may access other, additional OAA funds by applying for designation as a "Gold Standard" County, which requires voluntarily agreeing to apply the OAA's Gold Standard to the County's Direct Distribution. In exchange for agreeing to the Gold Standard, the OAA will increase the County's Noncompetitive Individual Share by 25 percent for the duration that incentive funds are available. A separate Administrative Item is included in this Board package regarding the County's Noncompetitive Individual Share and "Gold Standard" designation.

This Board Item authorizes the CSB to establish eight grant positions primarily funded by the County's opioid settlement Direct Distribution funds to expand capacity for the youth MOUD treatment program given the increasing number of youth seeking treatment for opioid use disorder. This is one of the projects approved for opioid settlement funding by the Opioid Settlement Executive Committee (OSEC) in Fall 2023 as noted in the October 12, 2023 memorandum to the Board (see Attachment 1).

The new grant positions consist of eight Behavioral Healthcare professionals. They include: two Behavioral Health Specialist II positions, one Senior Clinician, one Registered Nurse, one Nurse Practitioner, one Psychiatrist (part-time), one Peer Support Specialist, and one Administrative Assistant III. This team is estimated to provide MOUD treatment to approximately 150 youth per year. Key objectives include providing inductions, physician and nursing assessment, medication for opioid use disorder treatment, individual and family therapy, case management, and care coordination to youth and their families.

FISCAL IMPACT:
The opioid settlement Direct Distribution funds sit in a reserve grant in the Federal-State Grant Fund and will be reallocated to projects as they are approved by the Board of Supervisors. Budget appropriation to the reserve grant will be included in quarterly

reviews and will be based on the funding amount actually received. The current budget to the reserve grant totals $2.6 million which was appropriated as part of the *FY 2023 Carryover Review*. An additional appropriation of $0.4 million will be included in the *FY 2024 Third Quarter Review* for total available funding of $3.0 million. It should be noted that if additional funding is received prior to third quarter, the appropriation will be adjusted accordingly.

CREATION OF NEW POSITIONS:
There are 8/7.5 FTE new grant positions associated with this funding. It is intended that these grant positions may need to be continued once the opioid settlement Direct Distribution funds have been fully expended; however, based on the projected flow of funding and other available resources, new General Fund resources are currently not required.

ENCLOSED DOCUMENTS:
Attachment 1: Memorandum on Opioid Settlement Funds
Attachment 2: Fairfax County Estimated Opioid Settlement Fund Distribution

STAFF:
Thomas Arnold, Deputy County Executive
Christopher A. Leonard, Deputy County Executive
Daryl Washington, Executive Director, CSB
Lisa Potter, Countywide Diversion Initiatives Director
Ellen Volo, Opioid and Substance Use Task Force Coordinator

ASSIGNED COUNSEL:
Elizabeth D. Teare, County Attorney
Patricia Moody McCay, Senior Assistant County Attorney
Sarah L. Annear, Assistant County Attorney

County of Fairfax, Virginia

MEMORANDUM

DATE: October 12, 2023

TO: Board of Supervisors

FROM: Thomas Arnold
Deputy County Executive

Christopher A. Leonard
Deputy County Executive

SUBJECT: Update on Opioid Settlement Funds

As the Board is aware, opioid settlement payments to states and localities, including Fairfax County, have begun. The County is receiving payments directly and is also eligible to receive funds from the Virginia Opioid Abatement Authority (OAA). As of October 12, 2023, Fairfax County has received approximately $3 million in funds (Direct Distribution) and is eligible to receive an additional $170,000 in FY 2024 from the OAA (Individual OAA Share/Gold Standard), in addition to funds associated with the pending regional youth detox/residential treatment OAA grant award. More opioid settlements and payments are anticipated in the months and years ahead through at least 2038, though the amount and schedule remain unclear. The purpose of this memorandum is to update the Board regarding the use of opioid settlement funds currently available to the County in advance of formal Board action requested as part of the November 21, 2023 Board meeting.

As previously shared with the Board, over summer 2023, County agencies and Fairfax County Public Schools had an opportunity to submit requests for using opioid settlement funds in FY 2024 and FY 2025. A total of $1.4 million in one-time requests and $1.2 million in recurring requests for 9 grant positions were received. The Opioid Settlement Executive Committee[1] has reviewed and approved reallocating funds from the opioid settlement reserve to fund all requests received, including:

[1] The Opioid Settlement Executive Committee includes Deputy County Executives Chris Leonard and Tom Arnold; Chief Financial Officer Christina Jackson; FCPS Interim Assistant Superintendent of Special Services Dr. Terri Edmunds-Heard; County Director of Diversion Initiatives Lisa Potter; and the Opioid and Substance Use Task Force Coordinator Ellen Volo.

Office of the County Executive
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035-0066
703-324-2531, TTY 711, Fax 703-324-3956
www.fairfaxcounty.gov

- A substance use prevention campaign to build protective factors and reduce stigma, led by Fairfax County Public Schools in collaboration with Healthy Minds Fairfax, the Fairfax-Falls Church Community Services Board (CSB), and other partners;

- Community dialogue sessions to identify and address the root causes of youth substance use, led by Healthy Minds Fairfax (Department of Family Services/CSB);

- Contract positions to expand medical support and behavioral health treatment for the jail-based medication for opioid use disorder (MOUD) program, led by the Sheriff's Office and CSB;

- An impact study of the jail-based MOUD program to assess overdose deaths and recidivism post-release, led by the Sheriff's Office in partnership with George Mason University;

- One grant position for an additional Drug Court coordinator to expand capacity and create a track tailored for 18–25-year-olds (the Drug Court is a partnership involving the CSB, Circuit Court, Commonwealth's Attorney, State Probation Office, Public Defender, and Sheriff's Office); and,

- Eight grant positions (7 full-time and 1 part-time) in the CSB to expand capacity for youth MOUD given the increasing number of youth seeking treatment for opioid use disorder (this item was mentioned as part of the Youth Mental Health Services component of the *FY 2023 Carryover Review* package).

All of these efforts align with the County's FY 2023-FY 2025 Opioid Response Plan and related County initiatives (Fairfax County Youth Survey, Three to Succeed, and Diversion First) and reflect the multi-pronged approach that guides the County's opioid response. In addition, this package optimizes, enhances and expands existing programs for individuals of all ages (i.e., prevention communications campaign, Drug Court and jail-based MOUD) while also filling critical gaps, like the need for more youth substance use treatment (the regional OAA award for youth detox/residential substance use treatment services also aims to fill this gap). This package also funds several of the resource needs commonly identified in a regional survey that sought community input on potential uses of opioid settlement funds in Spring 2023.

The opioid settlement funds currently available to the County fully cover the one-time requests and the recurring requests in FY 2024. Remaining funds, and any additional settlement funds received, will be put into the opioid settlement reserve and utilized to cover future-year costs associated with the youth MOUD positions. Existing agency budgetary flexibility can also be utilized to augment settlement funds. This program will be monitored on an ongoing basis to assess demand and private provider capacity and if warranted, opioid settlement funds could be redirected to other initiatives in the future.

During the November 21, 2023 Board meeting, an item will come before the Board for formal action, including the establishment of grant positions and any action necessary to access the OAA funds set aside for Fairfax County. In the meantime, and with the goal of utilizing opioid settlement dollars in a timely fashion, staff will proceed with administrative actions to prepare for implementation of these projects. Staff will monitor incoming opioid settlement dollars to determine the appropriate timing for additional request windows, as well as future potential OAA grant opportunities/applications. If you have any questions, please contact Ellen Volo, Opioid and Substance Use Task Force Coordinator, at 703-324-7073 or Ellen.Volo@fairfaxcounty.gov.

cc: Bryan J. Hill, County Executive
Michelle Reid, FCPS Superintendent
Christina Jackson, Chief Financial Officer
Rachel M. Flynn, Deputy County Executive
Ellicia Seard-McCormick, Deputy County Executive
Gloria Addo-Ayensu, Director, Health Department
Michael Becketts, Director, Department of Family Services
Karla Bruce, Chief Equity Officer
John S. Butler, Chief, Fire and Rescue Department
Tony Castrilli, Director, Office of Public Affairs
Kevin Davis, Chief, Police Department
Terri Edmunds-Heard, Interim Assistant Superintendent, FCPS
Phil Hagen, Director, Department of Management and Budget
Stacey Kincaid, Sheriff, Sheriff's Office
Lisa Potter, Countywide Diversion Initiatives Director
Elizabeth Teare, County Attorney
Matt Thompson, Director of the Court Service Unit, JDRDC
Lloyd Tucker, Director, Neighborhood and Community Services
Daryl Washington, Executive Director, Fairfax-Falls Church CSB
Ellen Volo, Opioid and Substance Use Task Force Coordinator

Fairfax County
Estimated Opioid Settlement Fund Distributions
FY 2022 - FY 2039
as of November 3, 2023

Local match for first year of regional youth detox/residential treatment project (OAA cooperative partnership award)

	Citites/Counties Direct Share			From Opioid Abatement Authority			
	Non-Competitive/Direct Distribution			*Non-Competitive/ Needs Approval*		*Competitive*	
	Distributors	**Janssen**	**Mallinckrodt**	**Individual OAA Share**	**25% Incentive**	**Cooperative Partnerships**	**Annual Total**
FY 2022	$352,634	$0	$0	$0	$0		**$352,634**
FY 2023	$611,679	$1,529,926	$90,760	$807,787	$201,947		**$3,242,099**
FY 2024	$494,135	$0		$135,887	$33,972		**$663,994**
FY 2025	$463,860	$0		$170,082	$42,520		**$676,462**
FY 2026	$463,860	$0		$170,082	$42,520	*TBD based on OAA final award for regional youth detox/residential treatment services and other potential future applications submitted/awards received*	**$676,462**
FY 2027	$463,860	$71,204		$196,190	$49,048		**$780,302**
FY 2028	$463,860	$71,204		$196,190	$49,048		**$780,302**
FY 2029	$545,555	$71,204		$226,145	$56,536		**$899,440**
FY 2030	$545,555	$90,656		$233,277	$58,319		**$927,807**
FY 2031	$545,555	$90,656	*Still being*	$233,277	$58,319		**$927,807**
FY 2032	$458,594	$90,656	*determined*	$201,391	$50,348		**$800,989**
FY 2033	$458,594	$0		$168,151	$42,038		**$668,783**
FY 2034	$458,594	$0		$168,151	$42,038		**$668,783**
FY 2035	$458,594	$0		$168,151	$42,038		**$668,783**
FY 2036	$458,594	$0		$168,151	$42,038		**$668,783**
FY 2037	$458,594	$0		$168,151	$42,038		**$668,783**
FY 2038	$458,594	$0		$168,151	$42,038		**$668,783**
FY 2039	$458,594	$0		$168,151	$42,038		**$668,783**
Total	$8,619,305	$2,015,506	TBD	$3,747,365	$936,843	TBD	**$15,319,019**

FY 2022 and FY2023 amounts are confirmed, but each subsequent year amounts are estimates and likely to vary based on adjustments that occur at the national level prior to distribution to the various states.

Source: Virginia Office of the Attorney General and the Virginia Opioid Abatement Authority, updated March 2023

Board Agenda Item
November 21, 2023

ADMINISTRATIVE - 15

Authorization to Advertise a Public Hearing to Convey Property at the Fairfax County Government Center to the Fairfax County Redevelopment and Housing Authority (Braddock District)

ISSUE:
Authorization of the Board of Supervisors to advertise a public hearing regarding the conveyance of property located at the Fairfax County Government Center to the Fairfax County Redevelopment and Housing Authority (FCRHA).

RECOMMENDATION:
The County Executive recommends that the Board authorize a public hearing regarding the proposed conveyance of property to the FCRHA.

TIMING:
Board action is requested on November 21, 2023, to provide sufficient time to advertise the proposed public hearing on December 5, 2023, at 3:30 p.m.

BACKGROUND:
On January 26, 2021, the Board of Supervisors (Board) conveyed Parking Lots G and H in front the Fairfax County Government Center (Property) to the Fairfax County Redevelopment and Housing Authority (FCRHA). The Property is identified on Tax Map No. 56-1 ((15)), parcel 14B. The Property comprises about four and a half acres.

The FCRHA is currently negotiating with a developer to expand the County's affordable housing portfolio by constructing a multifamily affordable development on the Property.

During this process, concerns have been raised regarding the validity of the January 26, 2021, public hearing that effectuated the conveyance. Although staff does not share these concerns, this item is intended to fully address this issue by both validating the original conveyance, and in an abundance of caution, repeating the public hearing as required by *Virginia Code § 15.2-1800* to convey the Property to the FCRHA.

Board Agenda Item
November 21, 2023

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Parking Lot Map

STAFF:
Chris Leonard, Deputy County Executive
Thomas E. Fleetwood, Director, Department of Housing and Community Development

ASSIGNED COUNSEL:
Ryan A. Wolf, Senior Assistant County Attorney


GOVERNMENT CENTER PARKING
Pennino Back
Pennino Front
H
G
F
E
D
C
B
A
Post Forest Drive
Government Center Parkway

Board Agenda Item
November 21, 2023

ADMINISTRATIVE – 16

Authorization to Advertise a Public Hearing to Validate and Convey Property at the Franconia Governmental Center to the Fairfax County Redevelopment and Housing Authority (Franconia District)

ISSUE:
Authorization of the Board of Supervisors to advertise a public hearing regarding the validation and conveyance of property located at the Franconia Governmental Center to the Fairfax County Redevelopment and Housing Authority (FCRHA).

RECOMMENDATION:
The County Executive recommends that the Board authorize a public hearing regarding the proposed conveyance of property to the FCRHA.

TIMING
Board action is requested on November 21, 2023, to provide sufficient time to advertise the proposed public hearing on December 5, 2023, at 3:30 p.m.

BACKGROUND:
On March 9, 2021, following a public hearing, the Board of Supervisors (Board) authorized the conveyance of five parcels of land located at 6121 Franconia Road and identified as Tax Map Nos. 81-3 ((05)) parcels 0002A, 0002B, 0002C1 and 0003A and Tax Map No. 81-3 ((08)) parcel 0503 (Property) to the Fairfax County Redevelopment and Housing Authority (FCRHA). The approximately 3.25-acre property is improved with the Franconia Governmental Center, a 25,800 square foot building constructed in 1992 that incorporates three facilities: the Franconia District Supervisor's Office, the Franconia Police Station and the Franconia Museum and is no longer adequate for these purposes, which are in the process of being relocated to another facility.

The FCRHA is currently negotiating with a developer to expand the County's affordable housing portfolio by constructing a multifamily affordable development on the Property. During this process, concerns have been raised regarding the validity of the March 9, 2021, public hearing that effectuated the conveyance. Although staff does not share these concerns, this item is intended to fully address this issue by both validating the original conveyance, and in an abundance of caution, repeating the public hearing as required by *Virginia Code § 15.2-1800* to convey the Property to the FCRHA.

Board Agenda Item
November 21, 2023

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Location Map

STAFF:
Christopher A. Leonard, Deputy County Executive
Thomas E. Fleetwood, Director, Department of Housing and Community Development

ASSIGNED COUNSEL:
Alan M. Weiss, Assistant County Attorney

ATTACHMENT 1



Board Agenda Item
November 21, 2023

ACTION - 1

Approval of a Resolution to Participate in the Virginia Juvenile Community Crime Control Act and to Form a Combined Plan with the City of Fairfax, with Fairfax County Acting as the Fiscal Agent

ISSUE:
Board of Supervisors' approval of a resolution to participate in the Virginia Juvenile Community Crime Control Act and to form a combined plan with the City of Fairfax, with Fairfax County acting as the fiscal agent.

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached resolution.

TIMING:
Board action is requested on November 21, 2023.

BACKGROUND:
In 1995, the Virginia General Assembly enacted the Virginia Juvenile Community Crime Control Act (VJCCCA), *Va. Code §§ 16.1-309.2 through -309.11*, which restructured funding for local juvenile justice programming. Block grant funds were discontinued for all programs except secure detention, forming the basis for VJCCCA. The General Assembly appropriated additional funds so that all localities could implement programs and services to meet the needs of juveniles involved in the juvenile justice system. In 2019, the General Assembly amended the VJCCCA to allow resources to be provided to youth who are not currently involved in the juvenile justice system but who could benefit from community-based services or diversion after being screened using an evidenced-based assessment tool.

Fairfax County has participated in VJCCCA since 1995 and has assumed responsibility for fiscal oversight and management of the local VJCCCA plan. Fairfax County utilizes VJCCCA to partially fund positions for the Juvenile & Domestic Relations District Court's Supervised Release Services (SRS) Program, which provides supervision and services for juveniles released from the court under conditions of release, including house arrest, community supervision, and electronic monitoring. SRS Program workers meet with youth and their families in the community, provide brief interventions, and make referrals for services.

The VJCCCA is administered by the Virginia Department of Juvenile Justice (DJJ), which requires a resolution from the governing body of each participating locality endorsing participation in VJCCCA. Fairfax County submits a combined plan with the City of Fairfax. New this year is the requirement for localities that wish to operate VJCCCA programs jointly with one or more other localities to submit a combined plan, designating one locality as the fiscal agent.

The attached resolution uses language recommended by DJJ and will allow the County Executive to revise the combined plan without additional approval of the Board. The Fairfax City Council will consider a comparable resolution at its November 14, 2023, meeting. Staff will update the Board on the City Council's action on November 21, 2023.

EQUITY IMPACT:
This action supports the following One Fairfax area of focus, "[a] criminal justice system that provides equitable access and fair treatment for all people." The disproportionate overrepresentation of people of color in the justice system is a problem nationally and in Fairfax County. Fairfax County utilizes VJCCCA to partially fund positions for the SRS Program, which serves as a less restrictive alternative to secure detention for youth who are appropriate candidates for community supervision based on their offenses and pending their next court appearance. Eliminating the SRS Program would result in more youth of color being placed in secure detention.

FISCAL IMPACT:
Fairfax County receives $631,379.69 in VJCCCA funding, which partially funds six (6) full time positions in the SRS Program. Localities agreeing to participate in VJCCCA are required to contribute a local match not less than the sum of its FY 1995 expenditures for childcare day placements in predisposition and dispositional block grant alternatives to secure detention for implementation of its local plan. This prior level of commitment is known as the Maintenance of Effort, or MOE. Fairfax County's MOE is $613, 374.00. In addition to the MOE, Fairfax County contributes $400,252.00 in local funds to supplement the cost of operating the SRS Program.

ENCLOSED DOCUMENTS:
Attachment 1: Resolution

Board Agenda Item
November 21, 2023

STAFF:
Christopher Leonard, Deputy County Executive
R. Matt Thompson, Director of Court Services, Juvenile Domestic Relations District Court

ASSIGNED COUNSEL:
John W. Burton, Assistant County Attorney

Attachment 1

Resolution

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, November 21, 2023, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, Fairfax County has been the recipient of program funding from the Commonwealth of Virginia pursuant to the Virginia Juvenile Community Crime Control Act (VJCCCA), Code of Virginia §§ 16.1-309.2 through -309.11. for the past twenty-eight years; and

WHEREAS, the Virginia Department of Juvenile Justice requires governing bodies to adopt a resolution endorsing participation in the VJCCCA, naming the other localities with which they form a combined plan to use VJCCA funding, and designating a fiscal agent for such localities; now therefore be it

RESOLVED:

1. The Fairfax County Board of Supervisors will participate in the VJCCCA and accept funds appropriate for the purpose set forth in this Act until it notifies the Department of Juvenile Justice, in writing, that it no longer wishes to participate.

2. Fairfax County will combine with the City of Fairfax to form one combined plan with Fairfax County acting as the fiscal agent for both localities.

3. The County Executive of Fairfax County is hereby authorized to execute a local combined plan on behalf of the City of Fairfax and Fairfax County.

A Copy Teste:

_____
Jill G. Cooper
Clerk for the Board of Supervisors

Board Agenda Item
November 21, 2023

ACTION - 2

Authorization of Economic Opportunity Reserve Funding to Establish the Accelerate Entrepreneur-Investor Forum Program

ISSUE:
Board of Supervisors' authorization to allocate $450,000 from the Economic Opportunity Reserve (EOR) Fund to establish the Accelerate Entrepreneur-Investor Forum Program (the Accelerate Forums Program). The Accelerate Forums will bolster the County startup ecosystem, increase capital investment in Fairfax County, and contribute to economic diversification and competitiveness. The forums will be marketed broadly to ensure availability to a diverse population of founders and investors. Authorization is also requested for the County Executive to enter into a memorandum of understanding (MOU) with George Mason University (GMU) for the coordination of the Accelerate Forums Program.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors (Board) authorize the use of funding from the EOR Fund to establish the Accelerate Forums Program and authorize the County Executive to enter into an MOU with GMU for the coordination of the program.

TIMING:
Board action is requested on November 21, 2023, to launch the Accelerate Forums Program in Spring 2024.

BACKGROUND:
On October 11, 2022, and May 23, 2023, the Board directed the County staff to study the viability of reconstituting an event similar to the former Grubstake Breakfast as a means to increase capital investment and grow businesses in Fairfax County. From November 2022 to January 2023 staff conducted research and interviewed leaders in the regional venture capital community to determine strategies to bolster Fairfax County's entrepreneurial ecosystem to drive investment. These regional leaders included entrepreneurs/business owners, mentors, program directors, university representatives, and angel investors.

The study was informed by broader issues within the local and regional startup ecosystem including the lack of early-stage capital investment; ecosystem changes due to COVID 19; increasing lack of diversity and inequity in funding for start-ups; and the launch of the Fairfax Founders Fund. The results of the study were presented and discussed at the February 14, 2023 Economic Advisory Commission (EAC) meeting together with an expert panel.

The study research, stakeholder interviews, and the EAC meeting discussion collectively resulted in the recommendation of the formation of regular entrepreneur and investor forums to build relationships and collaboration, educate both founders and potential future investors, showcase existing programs, and to ultimately connect local firms with investment to grow. Research conducted by the GoVirginia Region 7 research team and by the GMU Regional Entrepreneurship Initiative (REI) have highlighted the same gaps and have resulted in the same recommendation.

GMU has been identified as the entity to develop and administer the Accelerate Forums Program given the GMU Innovation and Economic Development team experience and leadership in this area. In addition, GMU has received GoVirginia funding to create and manage an annual Accelerate Investor Conference, which brings local and national investors to the region each fall to catalyze investment in the region. As part of the GoVirginia funding, Fairfax County serves as an in-kind partner for Accelerate. The Fairfax County Economic Development Authority is a sponsor of the event. This year the event was held November 1-2, 2023.

GMU would establish and coordinate the activities of the Accelerate Forums Program, which will consist of three investor pitch events per year, one each quarter, leading up to the annual Accelerate Investor Conference. The Accelerate Forums will focus on high-growth innovation and technology industries and will be held in Fairfax County.

The goal and activities of the quarterly Accelerate Forums include:

- Identify, engage, support and develop local entrepreneurs throughout the year to participate in the Accelerate Forums and better prepare founders for the annual Accelerate conference.
- Educate investors to identify growth potential and assess financial risk.
- Showcase investors affiliated with regional angel investment groups or incubators/accelerators.
- Establish curated pitch opportunities for start-ups.
- Provide founders with access to resources and preparation for funding.
- Foment relationship building among entrepreneur and investor communities.

Paula Sorrell, Associate Vice President of Innovation & Economic Development, GMU, presented to the Fairfax County Economic Initiatives Committee on September 19,

2023. Her presentation is attached as Attachment 1 to this document. As part of her presentation, she included metrics of success for the program, which include increased funding, particularly private investment; diversity of founders; and jobs. The Accelerate Forums activities and metrics will be reported to the Board of Supervisors after the first forum in 2024 and annually through the Department of Economic Initiatives.

The proposed $450,000 of funding from the EOR Fund would be used for a three-year start-up period and includes hiring a full-time Program and Event Manager, marketing and outreach activities, program coordination, and administrative support for invoicing and payments, grant management and grant development by GMU.

It should be noted that GMU is planning to submit a grant application to GoVirginia to support the Accelerate Forums program for two additional years. In addition, other neighboring jurisdictions, including Arlington County and Prince William County, are anticipated to provide annual contributions to the program. The EOR funding source allows the flexibility to provide payments from the total allocated amount of $450,000 based on actual funding needs and invoicing.

EQUITY IMPACT:
In support of the One Fairfax Policy Area of Focus, “Community and economic development policies and programs that promote wealth creation and ensure fair access for all people”, the Accelerate Forums have the potential to advance equity in the community.

Studies by the Kaufman Foundation have shown that although diverse teams create more profitable companies, women, Latinx, and Black populations are underrepresented as start-up executives. COVID-19 has also had an impact: while venture investments increased nationally by 16.2 percent in 2020, investments in female-founded businesses fell by 3 percent.

The COVID-19 pandemic added an additional burden to small businesses, with lost revenue and reductions in staff nation-wide. In Northern Virginia, minority-owned businesses experienced the greatest level of risk due to the pandemic, due to smaller sizes, concentration in higher-risk industries, and reduced access to capital.

Inclusive and intentional outreach and marketing will provide a more robust pipeline and provide opportunity to access both the diversity of entrepreneurial talent and, importantly, nascent investor talent, in the County.

FISCAL IMPACT:
This item will result in the one-time allocation of $450,000 within the existing appropriation from Fund 10015, Economic Opportunity Reserve.

ENCLOSED DOCUMENTS:
Attachment 1 – Presentation by Paula Sorrell, Associate Vice President of Innovation & Economic Development, GMU to the Fairfax County Economic Initiatives Committee, September 19, 2023

STAFF:
Rachel Flynn, Deputy County Executive
Rebecca Moudry, Director, Department of Economic Initiatives
Jamie Gaucher, Department of Economic Initiatives
Eta Nahapetian, Department of Economic Initiatives

ASSIGNED COUNSEL:
Emily Harwood Smith, Assistant County Attorney

Supporting the Entrepreneur-Investor Ecosystem

Presentation to the Fairfax County Economic Initiatives Committee

September 19, 2023

Paula Sorrell

Associate Vice President of Innovation & Economic Development

George Mason University

Background Considerations:

Business Need: the region needs to catalyze entrepreneurship and investment

- Lack of early-stage capital
- Ecosystem changes as a result of Covid 19
  - New early-stage companies filling the gaps
  - Increasing inequity in funding for start-ups
- Grubstake Breakfast Sunset
- Launch of Fairfax Founders Fund and similar funds in region

GEORGE MASON UNIVERSITY | Mason Enterprise

1

Background

- Mason research
- Fairfax County research
- GoVa research for Region 7

“How can Fairfax County bolster its entrepreneurial ecosystem to drive investment?”

GEORGE MASON UNIVERSITY | Mason Enterprise

Findings

Early-Stage Founders:

- Want to increase their visibility to garner investment capital
- Are not aware of the available business development resources
- Lack early-stage, non-dilutive funding in our region
- Benefit from talking to other founders
- Inclusiveness of underrepresented founders needs to be intentional

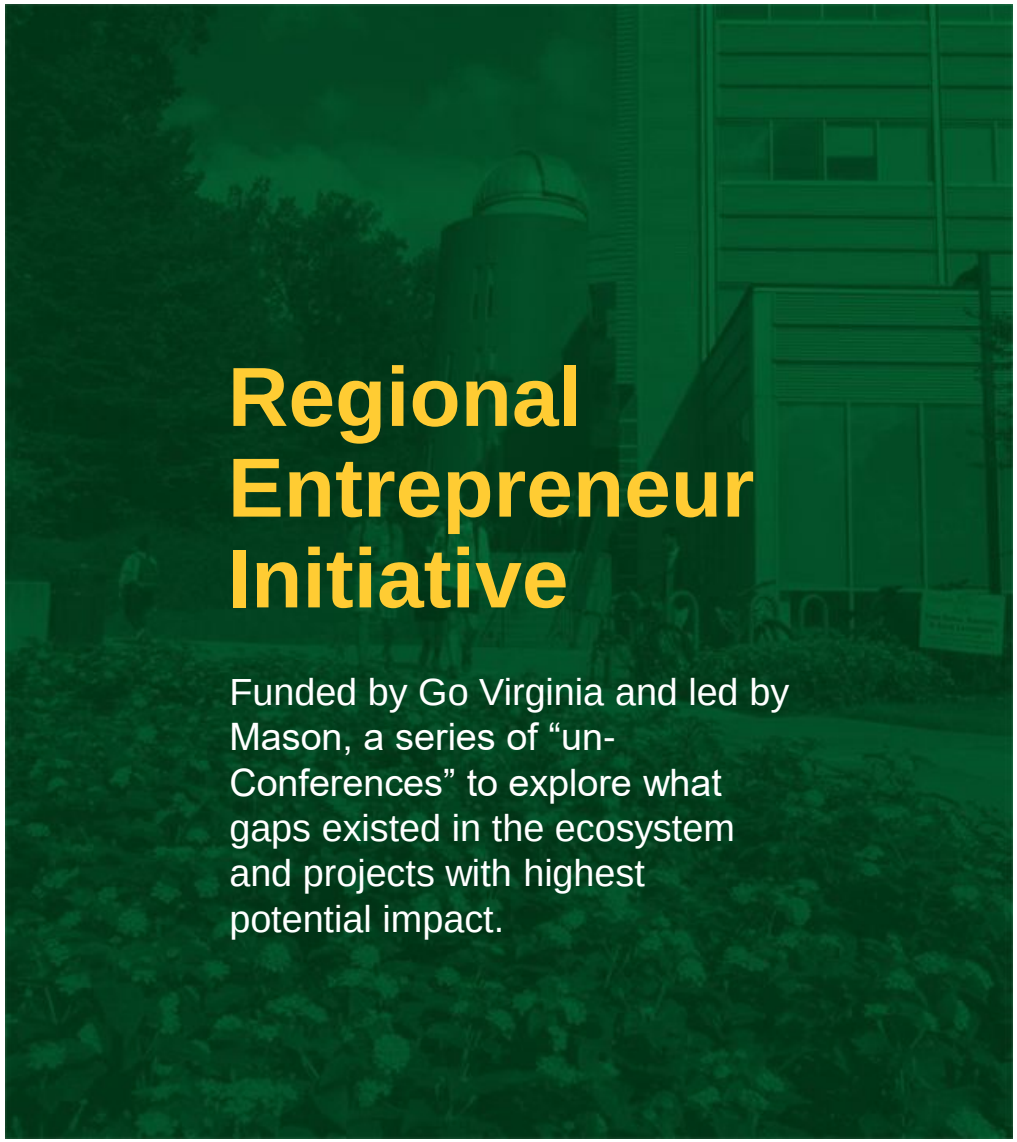
3

TEConomy: "Moving the macro-economic needle takes time and sustained funding"

Investors:

- Are "deals and trends-focused"
- Seek to fund "investment ready" startups
- Like to talk to other investors to learn about leads, connections
- Need to play the long game - It can take decades to make an impact

GEORGE MASON UNIVERSITY | Mason Enterprise



Regional Entrepreneur Initiative

Funded by Go Virginia and led by Mason, a series of “un-Conferences” to explore what gaps existed in the ecosystem and projects with highest potential impact.

1. Foster equity & diversity in Talent
2. Increase deal flow, funding for, and success rate of companies
3. Develop a successful entrepreneurial ecosystem not crowded out by Big Gov
4. Create a more connected ecosystem
5. Build mentorship capacity in the region

GEORGE MASON UNIVERSITY | Mason Enterprise

Opportunities

There is plenty of capital investment opportunity, the area lacks a venue for relationship development between entrepreneurs, investors, and other stakeholders

An ecosystem needs connection.

GEORGE MASON UNIVERSITY | Mason Enterprise

Potential Solution

The solution explored through research AND the REI program, is a forum convened for relationship-building, showcasing founders and investors, and deal making.

Entrepreneur-Investor Forum



Potential Solution

Entrepreneur-Investor Forums support:

7

- Relationship development between entrepreneurs and investors.
- Investor education to identify growth potential and assess financial risk.
- Founder access to resources and preparation for funding.

GEORGE MASON UNIVERSITY | Mason Enterprise

Annual Investor Conference…

- Attracts and engages Local and National Investors, Corporations, and Innovators
- Catalyzes regional innovation, investment, and Entrepreneurship communities
- Creates long-term relationships with larger and later-stage funds



ACCELERATE 2023



2022 results:

400 attendees

56 investment firms from 10 states

36 companies showcased

So far, $11.1 million in investment raised on $500K from 28 sponsors

GEORGE MASON UNIVERSITY | Mason Enterprise

Regular Entrepreneur-Investor Forums would…

- Showcase our regional investors affiliated with key angel investment groups
- Better prepare local founders for the annual Accelerate conference.
- Multiple convenings will create deeper connections and collaboration across ecosystem



Regular Entrepreneur-Investor Forums – Methodology:

- Three investor pitch events per year, one each quarter leading up to November large annual event
- Company submissions from across Northern Virginia, curated for forum participation
- Support from ecosystem partners on investor and company outreach
- Focus on high-growth innovation and technology industries
- Forums held in Fairfax County



Metrics of Success:

- Funding – Private Investment
- Diversity of Founders
- Jobs



Budget Request

Fairfax County budget request of $450,000 for three-year start-up period.
Arlington and Prince William also pursuing funding support.

Budget covers:

- Full time Program Manager
- Company intake, screening, tracking, and reporting
- Company pitch coaching and on-going advising and support
- Marketing & outreach, program coordination, program materials
- Investor engagement; ecosystem development

Mason support leveraged:

- Annual Accelerate program coordination, investor leverage
- Quality oversight
- Invoicing, payments; grant management

GEORGE MASON UNIVERSITY | Mason Enterprise



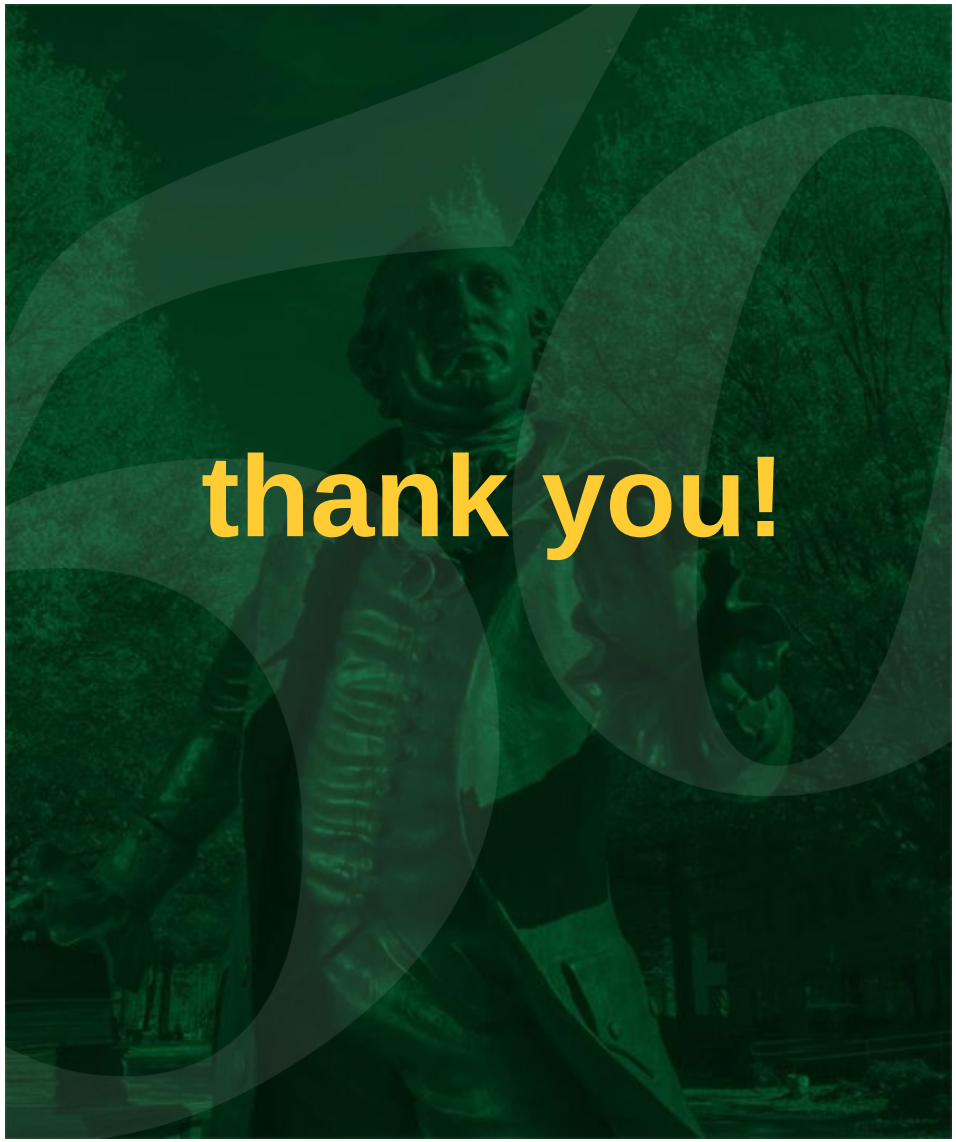
14

Requirements to Submit:

- $1:$1 match
- 20% local match
- Partners who support

GEORGE MASON UNIVERSITY | Mason Enterprise

GEORGE MASON UNIVERSITY | Mason Enterprise



Board Agenda Item
November 21, 2023

ACTION – 3

Authorization to Sign a Standard Project Agreement for Distribution of I-95/I-395 Toll Revenues to Multi-Modal Projects in the I-95/I-395 Corridor (Franconia and Mason Districts)

ISSUE:
Board approval of a resolution authorizing the Director of the Fairfax County Department of Transportation (FCDOT) to execute a Standard Project Agreement (SPA) between Fairfax County and both the Northern Virginia Transportation Commission (NVTC) and the Potomac Rappahannock Transportation Commission (PRTC) (collectively the "Commissions") for bus service in the I-95/I-395 corridor.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors approve a resolution (Attachment 1) authorizing the Director of FCDOT to sign the SPA, substantially in the form of Attachment 2, between the County and the Commissions for distribution of $1,750,915 in I-95/I-395 toll revenues. These funds will be allocated by NVTC and PRTC to Fairfax County for renewal of operating funds for Fairfax Connector Route 396.

TIMING:
Board action is requested on November 21, 2023, so that the Director can sign the SPA, and NVTC and PRTC can begin distributing the funding.

BACKGROUND:
In June 2017, the Virginia Department of Transportation (VDOT) entered into an agreement with 95 Express Lanes, LLC, for the extension of approximately eight miles of Express Lanes between Turkeycock Run (near Edsall Road) and Eads Street in Arlington, Virginia. This project converted the two existing High Occupancy Vehicle (HOV) lanes to express lanes and added a third lane, providing three reversible express lanes. With the three lanes, vehicles with three or more people can use the express lanes for free, while vehicles with fewer than three people have the choice to pay a variable toll to use the express lanes or use the general-purpose lanes. As a part of the aforementioned agreement, 95 Express Lanes, LLC, agreed to pay the Commonwealth $15 million per year for transit services (escalating by 2.5 percent per year), beginning with the commencement of tolling through the life of the 70-year agreement.

A Memorandum of Agreement (MOA) between the Commonwealth Transportation Board (CTB), VDOT, the Department of Rail and Public Transportation (DRPT), NVTC and PRTC provides a general structure for implementation of the agreement. Through the MOA, the Commonwealth provides the $15 million per year (plus escalation) to the Commissions to administer a program that funds multimodal projects along the corridor. The MOA includes the opportunity for the Commissions to mutually agree on a joint approach for selecting projects, subject to approval by the CTB.

In January 2019, the Commissions entered into a separate Agreement for Distribution and Allocation of I-395 Annual Transit Investment (ATI) Funds ("Agreement for Distribution"). This Agreement for Distribution created a new "Commuter Choice" program that serves the I-95/I-395 corridor and allows for the ATI funds to be administered jointly, reducing program administration costs and facilitating greater regional cooperation in the selection of projects. The first annual transit payment was made available to the Commissions at the commencement of tolling on the I-395 Express Lanes in November 2019.

In November 2022, NVTC approved the project selection process and technical evaluation criteria for the I-95/I-395 Commuter Choice program and authorized its Executive Director to initiate the I-95/I-395 Commuter Choice Round Three (FY 2024-FY 2025) call for projects. Applications were due in January 2023, and on January 24, 2023, the Fairfax County Board of Supervisors authorized the County to apply for funding to support the following project:

- Renewal of Existing Funds for Fairfax Connector Route 396 — Gambrill Road and Backlick North Park-and Ride Lots to the Pentagon: Route 396 serves the Backlick North Park-and-Ride Lot and the Pentagon and operates on 15- to 20- minute headways. The bus route reduces travel time for passengers using either the Gambrill Road or Backlick North Park-and-Ride Lots, provides additional capacity to serve the Backlick North Park-and-Ride Lot, and contributes to reduced congestion in the I-95/I-395 corridor by improving the quality and level of transit service provided.

Following the project selection process, NVTC and PRTC recommended a list of projects for funding on June 6, 2023, which included this project. On June 21, 2023, the CTB approved the recommended inclusion of this project for I-95/I-395 Commuter Choice program funding. Following action by the Board of Supervisors, the parties will execute the SPA, and NVTC and PRTC can begin distributing funds to support this project.

EQUITY IMPACT:
An Equity Impact Assessment is not required for this item, as this action is part of an authorization from the Board of Supervisors, dated January 24, 2023, to support renewal of funds for Fairfax Connector Route 396 – Gambrill Road and Backlick North Park-and Ride Lots to the Pentagon. However, it should be noted that the Backlick North Park-and Ride Lot serves an area with a High to Very High Vulnerability Index, with an estimated 79% of the population in that area as Black, Indigenous and People of Color (BIPOC).

FISCAL IMPACT:
Once the SPA is approved, $1,750,915 in I-395 ATI revenue will be available to the County at NVTC. This award was anticipated in the FY 2024 Adopted Budget Plan for Fund 40000, County Transit Systems, and the portion of the award needed to support Route 396 service is already included in the existing appropriation. The balance of the award will be held at NVTC and incorporated in a similar manner in FY 2025.

ENCLOSED DOCUMENTS:
Attachment 1 - Resolution Authorizing the Director of FCDOT to Execute a Standard Project Agreement between Fairfax County and the Commissions
Attachment 2 – Standard Project Agreement for the I-95/I-395 Project, Annual Transit Investment Funding of Projects and Administration (Fairfax Connector Route 396)

STAFF:
Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
Noelle Dominguez, Chief, Coordination and Funding Division, FCDOT
Dwayne Pelfrey, Chief, Transit Services Division, FCDOT
Michael Felschow, Section Chief, Transit Services Division, FCDOT
Lauren Delmare, Chief, Active Transportation Section, FCDOT
Malcolm Watson, Transportation Planner, FCDOT

ASSIGNED COUNSEL:
Joanna Faust, Assistant County Attorney

Attachment 1

RESOLUTION

STANDARD PROJECT AGREEMENT EXECUTION RESOLUTION
I-95/I395 ANNUAL TRANSIT INVESTMENT FUNDING
FAIRFAX CONNECTOR ROUTE 396

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Fairfax County Government Center in Fairfax, Virginia, on Tuesday, November 21, 2023, at which a quorum was present and voting, the following resolution was adopted:

WHEREAS, on January 24, 2023, the Fairfax County Board of Supervisors approved a resolution endorsing multi-modal transportation projects for submission to the FY2024 - 2025 I-95/I-395 Commuter Choice Program funding, and authorized the Director of the Department of Transportation to sign and submit the following application: Renewal of Existing Funds for Fairfax Connector Route 396; and

WHEREAS, on June 21, 2023, the Commonwealth Transportation Board (CTB) approved the projects in the I-95/I-395 Commuter Choice program, which included the renewal of operating funds for Route 396; and

WHEREAS, the Northern Virginia Transportation Commission (NVTC) developed a Standard Project Agreement (SPA), in consultation with the Potomac and Rappahannock Transportation Commission (PRTC), to govern the terms of the toll revenue transfers and ensure that the requirements of the I-395 Memorandum of Agreement (MOA) for Distribution and Allocation of the I-395 Annual Transit Investment (ATI) Funds are met; and

WHEREAS, the SPA for this project must be executed by the County, NVTC and PRTC before distributions of toll revenues can occur.

NOW, THEREFORE, BE IT RESOLVED, that the Director of the Fairfax County Department of Transportation (FCDOT) is authorized to execute a Standard Project Agreement (provided in Attachment 2) with NVTC and PRTC for the aforementioned County project, as approved for funding in the FY 2024-2025 I-395/I-95 Commuter Choice program.

ADOPTED this 21st day of November, 2023.

A Copy Teste:

_____
Jill G. Cooper
Clerk for the Board of Supervisors

**Standard Project Agreement for the I-95/I-395 Project,
Annual Transit Investment Funding of Projects and Administration**

**Between the Northern Virginia Transportation Commission,
the Potomac and Rappahannock Transportation Commission, and**

Fairfax County

Commission Project Number: 059-31-24

Commission Project Name: Fairfax Connector Route 396: Backlick North Park and Ride to the Pentagon (Continuation)

This Standard Project Agreement for the I-95/I-395 Project, Annual Transit Investment Funding of Projects and Administration ("Agreement") is made and executed in duplicate on _____ by and between the Northern Virginia Transportation Commission ("NVTC") on behalf of itself and the Potomac and Rappahannock Transportation Commission ("PRTC"), (collectively the "Commissions") and Fairfax County ("Recipient Entity").

WITNESSETH

WHEREAS, NVTC and PRTC are political subdivisions 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 are 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 and PRTC entered into a Memorandum of Agreement regarding the annual transit investment ("ATI") from the 395 HOT Lanes ("MOA"), as most recently amended on January 18, 2022, with the Commonwealth Transportation Board ("CTB"), 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 and PRTC the authority to select and administer the implementation of multimodal transportation improvements to the roadways and associated transportation and transit facilities ("ATI-Funded Projects" as used in the MOA and, for purposes of this Agreement, "Projects") in the stretch of Interstates 95 and 395 along which 95 Express Lanes, LLC (the "Concessionaire") operates and maintains high-occupancy toll lanes ("HOT Lanes"), including Route 1, Virginia Railway Express, and other adjacent and nearby routes (the "Corridor"), which Projects are designed to attain the Improvement Goals defined in the MOA, 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 users of the Corridor toll paying users of the I-95/I-395 Project;

WHEREAS, the MOA provides for the transfer to and use by NVTC and PRTC of the ATI funds for the implementation of Projects selected by NVTC and PRTC and approved by the CTB, as well as operating costs related to Projects, and NVTC and PRTC financing and debt service payments and any allowable costs related thereto;

WHEREAS, NVTC and PRTC have entered into an Agreement for Distribution and Allocation of I-395 ATI Funds dated January 28, 2019, under which NVTC shall serve on behalf of the Commissions as the recipient and administrator of all ATI funds disbursed to them, including administration of this Agreement on behalf of the Commissions;

WHEREAS, based on information provided by Recipient Entity in response to the Commissions' call for Projects, NVTC and PRTC have determined the Project set forth and described on Appendix A to this Agreement satisfies the requirements of Section II.C.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 the ATI funds to fund such Project;

WHEREAS, the ATI funds described in Appendix B to be provided by NVTC on behalf of the Commissions 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 and PRTC agree 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, the 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, PRTC has authorized NVTC to approve execution of Standard Project Agreements on behalf of the Commissions, providing for NVTC's distribution of ATI funds to individual Recipient Entities for Projects that have been approved by the Commissions and the CTB; 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:

l. 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 ATI funds to the cost of the Project within two (2) fiscal years and to expend the ATI funds 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 the Commissions 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 the Commissions 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 by the Commissions for the Project unless otherwise approved by the Commissions, 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 ATI funds 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 ATI funds. 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 is anticipated to receive additional ATI funds in a future funding round as reflected in Appendix B to this Agreement, Recipient Entity may only pursue reimbursement of eligible Project expenses from ATI funds that have been allocated to the Project to date by the CTB. Recipient Entity is not entitled to the anticipated additional ATI funds unless and until they are allocated to the Project by the CTB. Each allocation of ATI funds carries its own requirement that the Recipient obligate the ATI funds to the cost of the Project within two (2) fiscal years and expend the ATI funds within five (5) fiscal years of the first day of the fiscal year for which the funds were allocated by the CTB unless an extension has been approved by the Commissions and the CTB. Nothing herein, however, shall prohibit Recipient Entity from providing its own funds to advance the Project prior to the CTB allocating anticipated funding, and from later, once the CTB has allocated the anticipated funds, requesting reimbursement from NVTC for having advance funded the Project.

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. If approved by NVTC, Recipient Entity can expect to receive payment within forty-five (45) 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 the Commissions' sole discretion, subject to CTB approval, whether to seek and to provide any additional funding to the Project in such circumstances and that the Commissions will do so only in accordance with the Commissions' approved Project selection process and upon formal action and approval by NVTC and PRTC. Recipient Entity shall timely provide to NVTC a complete and accurate update to Appendix B if the Commissions 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 the Commissions for all ATI funds (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 the Commissions and their respective Bond Trustees, the Commonwealth of Virginia, the CTB, VDOT, DRPT and their officers, employees and agents, or require that all Recipient Entity's contractors name the Commissions and their respective Bond Trustees, 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 ATI funds to indemnify the Commissions and their respective Bond Trustees, 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 ATI funds 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 the Commissions 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 either of the Commissions 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 or PRTC 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 ATI funds and/or NVTC or PRTC 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 neither NVTC nor PRTC will be a party or signatory to that agreement; nor will NVTC or PRTC have any obligation to comply with the requirements of that agreement.

23. Provide quarterly (January 30th, April 30th, July 30th, and October 30th) 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. NVTC may require monthly written updates for more complex construction projects.

24. Assist the Commissions 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 the Commissions.

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 the Commissions, in all publicly-available materials, documents, websites, etc.

B. NVTC's Obligations

NVTC shall:

l. Provide to Recipient Entity the funding authorized by the Commissions 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. If the Project is anticipated to receive additional ATI funds in a future funding round as reflected in Appendix B to this Agreement, include the funds as an off-the-top deduction within the proposed funding allocations for the indicated fiscal year that are advanced for the Commissions' and CTB's adoption and approval, subject to the availability of ATI funds to support the award and provided that the Recipient Entity continues to advance Project implementation in a manner consistent with this Agreement.

3. 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.

4. 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.

5. 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 and consultation with PRTC's Executive Director, NVTC's and PRTC's Executive Directors will make a recommendation to the Commissions' Joint Working Group for its independent consideration and review of whether CTB approval of, and an allocation for, supplemental funding should be sought. The Commissions' Joint Working Group will thereafter make a recommendation on any such request to NVTC and PRTC for final determination by the Commissions, and approval by the CTB.

6. 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.

7. 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 ATI funds 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 consult with the PRTC Executive Director, and thereafter the Commissions' Executive Directors will make a recommendation to the Commissions' Joint Working

Group which will, in turn, make a recommendation to NVTC and PRTC for a final determination. Pending final resolution of the matter, NVTC will withhold further funding of the Project. If NVTC and PRTC make 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 the Commissions 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.

8. Make guidelines available to Recipient Entity to assist the parties in carrying out the terms of this Agreement in accordance with applicable law.

9. 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 ATI funds 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 or PRTC 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 and PRTC as described in paragraph F of this Agreement shall not be considered material breaches of this Agreement by NVTC or PRTC. Before initiating any proceedings to terminate under this Paragraph, Recipient Entity shall give NVTC and PRTC sixty (60) days written notice of any claimed material breach of this Agreement; thereby allowing NVTC and PRTC 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 the Commissions 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 the Commissions may, in their 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 ATI 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 ATI funds 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, in consultation with PRTC'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 PRTC 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. Commissions' 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 ATI funds 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 the Commissions, 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 the Commissions under this Agreement. If

Recipient Entity refuses or fails to refund said monies, the Commissions may recover the proportionate value from Recipient Entity by pursuit of any remedies available to the Commissions, including but not limited to the Commissions withholding of commensurate amounts from future distributions of ATI funds to Recipient Entity. In no event shall the Recipient Entity be obligated to refund the aforesaid value to both the Commissions 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 ATI funds provided by NVTC and PRTC 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 the Commissions' obligations under this Agreement are subject to such funds being appropriated by the General Assembly, allocated by the CTB and distributed by VDOT and DRPT to NVTC and PRTC.

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: _____,
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 or PRTC; 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 and
Potomac and Rappahannock Transportation Commission

By: _____
Katherine A. Mattice
NVTC Executive Director

Date: _____

Fairfax County

By: _____
_____ (Print Name)
_____ (Title)

Date: _____

Appendix A –Project Description and Performance Measures

Project Number: 059-31-24

Project Title: Fairfax Connector Route 396: Backlick North Park and Ride to the Pentagon (Continuation)

Recipient Entity: Fairfax County

Annual Transit Investment Funds: $1,750,915

Project Description
This project will support 24 further months of operation of peak-period express bus service between Springfield and the Pentagon operating every 15 to 20 minutes via the 395 Express Lanes. The route will add a stop at the new Springfield Multi-Use Parking Garage on Old Keene Mill Road, further enhancing connections and options for area commuters. Project opening year inbound AM peak period increase in person throughput that was the basis for project evaluation: 130 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 1st to commuterchoice@novatransit.org or as otherwise identified by NVTC.

APPENDIX B - PROJECT BUDGET & CASH FLOW

Project Title:	Fairfax Connector Route 396: Backlick North Park and Ride to the Pentagon (Continuation)	Project Number:	059-31-24
Recipient Entity:	Fairfax County	Revision Number:	
Recipient Contact:		Revision Date:	
Name	Malcolm Watson		
Email	malcolm.watson@fairfaxcounty.gov		
Phone	571-633-5361		

TABLE B-1 PROJECT BUDGET

Project Type	Total Project Budget	Funding Sources: Approved ATI Funds	Funding Sources: Other Funds (if applicable)	*Source of Other Funds*
Study				
Preliminary Engineering (PE)				
Right-of-Way (ROW)				
Construction (CN)				
Capital Asset Acquisition				
Transit Operating Costs*	1,779,910	1,690,915	88,995	Fare revenue
Other Operating Costs				
Other-Marketing	60,000	60,000		
Total	$ 1,839,910	$ 1,750,915	$ 88,995	

* This line shows the total budget for operation of the bus service. As per Section 3.2.2.5 of the Commuter Choice Recipient Handbook, NVTC will apportion gross costs billed for operations as follows: 60% to 'transit operating costs' and 40% to 'other operating costs'.

TABLE B-2 ATI FUNDS PROGRAMMED

Project Type	FY2024
Study	$ -
Preliminary Engineering (PE)	-
Right-of-Way (ROW)	-
Construction (CN)	-
Capital Asset Acquisition	-
Transit Operating Costs*	1,690,915
Other Operating Costs	-
Other-Marketing	60,000
Total	$ 1,750,915

TABLE B-3 QUARTERLY PROJECT CASH FLOW *FOR ATI FUNDS ONLY*

Quarter	FY2024	FY2025	FY2026	FY2027	FY2028
1st, September 30th		218,864	218,864	$ -	$ -
2nd, December 31st		218,864	218,864	-	-
3rd, March 31st		218,864	218,867	-	-
4th, June 30th	164,148	218,864	54,716	-	-
Total	**$ 164,148**	**$ 875,456**	**$ 711,311**	**$ -**	**$ -**

This attachment is certified and made an official attachment to the Standard Project Agreement document by the parties of this agreement.

Recipient Entity	**Northern Virginia Transportation Commission and Potomac and Rappahannock Transportation Commission**	
_____		
Signature	Signature	Signature
_____	NVTC Executive Director	NVTC Director of Finance and Administration
Title	Title	Title
_____		
Date	Date	Date
_____		
Print name of person signing		

Form Version 2023-06-21

Board Agenda Item
November 21, 2023

ACTION - 4

Approval of the 2024 Public Transportation Agency Safety Plan (PTASP) for the Fairfax Connector

ISSUE:
Board of Supervisors (Board) approval of the 2024 Public Transportation Agency Safety Plan (PTASP) for the Fairfax Connector as required by the Code of Federal Regulations (section 49 CFR Part 673).

RECOMMENDATION:
The County Executive recommends the Board approve the attached PTASP and authorize the Accountable Executive for the Fairfax Connector (Transit Services Division Chief) to sign the plan.

TIMING:
Board approval is requested on November 21, 2023, to ensure Connector compliance with federal requirements under section 49 CFR Part 673 before 2024.

BACKGROUND:
The Federal Transit Administration (FTA), under section 49 CFR Part 673, requires recipients of federal formula grants to have an established Public Transportation Agency Safety Plan (PTASP) and that the plan be approved annually by the highest entity with responsibility for the agency's public transportation operations – which in this instance is the Board of Supervisors.

The Board approved the initial PTASP on November 1, 2022. As required by the PTASP, County staff, in collaboration with Connector's contracted service provider Transdev, conducted an annual review of the PTASP to ensure that current processes are aligned with provisions of the PTASP. Additionally, staff reviewed proposed changes issued by the FTA in the Notice of Proposed Rulemaking (NPRM) released on April 26, 2023.

Revisions made to the 2024 PTASP include:

- Safety Performance Targets (SPTs): The PTASP requires annually establishing safety performance targets for mechanical reliability, injuries, fatalities, and serious safety and security events. A review of safety performance data for

calendar years 2020 – 2022 was conducted. Based on the review of the NPRM, County staff determined that creation of a new SPT for vehicular collisions was warranted.

- Safety Committees: Per the NPRM, agency safety committees will review and approve changes to the PTASP and SPTs on an annual basis.
- Safety Risk Mitigation: Per the NPRM, agency safety committees may use data sources from oversight authorities and/or health authorities when determining appropriate mitigations to identified safety risks.
- Training: Per the NPRM, Connector will deliver new safety training courses to all required personnel.
- Updated Connector System Information: Information as of July 1, 2023 (i.e., fleet roster and service area).

The Fairfax Connector anticipates applying for future federal grants, including for the Richmond Highway Bus Rapid Transit project, and is working to comply with various federal requirements, including annual revisions of the PTASP.

EQUITY IMPACT:
An Equity Impact Assessment is not required for this item, as this is a regulatory process following section 49 CFR Part 673 of the Code of Federal Regulations.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I - 2024 Fairfax Connector Public Transportation Agency Safety Plan

STAFF:
Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
Dwayne Pelfrey, Chief, Transit Services Division, FCDOT
Peter Bromley, Transportation Planner IV and Chief Safety Officer, Safety Section, FCDOT
James Mills, Transportation Planner III, Safety Section, FCDOT

ASSIGNED COUNSEL:
John Dorsey, Assistant County Attorney

Attachment I

2024

Fairfax Connector

PUBLIC TRANSPORTATION AGENCY SAFETY PLAN

Date: November 21, 2023
Version: 2.0

Document Control

Revision Number	Affected Section(s)	Reason for Change	Date Issued
0	All	Draft Document	08/18/2021
0.1	All	Draft Revisions	11/30/2021
0.2	All	Draft Revisions	04/01/2022
0.3	All	Draft Revisions	04/22/2022
0.4	All	Draft Revisions	05/06/2022
0.5	All	Draft Revisions	05/31/2022
0.6	All	Draft Revisions	09/26/2022
1.0	All	2023 Final Revision	11/1/2022
2.0	All	2024 Final Revision	11/21/2023

Approvals

Fairfax Connector's Public Transportation Agency Safety Plan has been reviewed and approved by the following individuals:

Chad Hockman
Transdev General Manager

Keir McDonald
Transdev Director of Safety and Training

John Zarbo
Transit Operations Section Chief

Thomas Reynolds
Transit Facilities / Maintenance Section Chief

Peter Bromley
Transportation Planner IV / Chief Safety Officer

Dwayne Pelfrey
Transit Division Chief / Accountable Executive

Date of Approval

Fairfax Connector Information

Owner	Contracted Service Provider
Fairfax County Government 12000 Government Center Parkway Fairfax, Virginia 22035	**Transdev Services, Inc.** 720 Butterfield Road, Suite 300 Lombard, Illinois 60148

Accountable Executive	Dwayne Pelfrey	Transit Division Chief
SMS Executive	Peter Bromley	Transportation Planner IV / Chief Safety Officer
Mode of Transportation Provided	Fixed-Route Bus	-
FTA Funding Types	None	-

Certificate of Acceptance

This Public Transportation Agency Safety Plan (PTASP) was drafted by staff from the Transit Services Division of Fairfax County Department of Transportation (FCDOT) in collaboration with frontline employees of contractor Transdev, Inc.

The Fairfax Connector is not currently a recipient of Chapter 53 funds and is voluntarily participating in the PTASP program.

1. Approval by the Divisional Safety Committees	***Refer to Herndon Safety Committee September 27, 2023 Meeting Minutes, Huntington Safety Committee September 28, 2023 Meeting Minutes, and West Ox Safety Committee September 19, 2023 Meeting Minutes***	
2. Approval by the Executive Safety Committee	***Refer to Executive Safety Committee September 28, 2023 Meeting Minutes***	
3. Signature by the Accountable Executive	**Dwayne Pelfrey** Transit Division Chief / Accountable Executive	**Date of Signature**
4. Approved By	**Peter Bromley** Transportation Planner IV / Chief Safety Officer / SMS Executive	**Date of Signature**
5. Approval by the Board of Supervisors	***Refer to Fairfax County Board of Supervisors November 21, 2023 Meeting Minutes***	

County of Fairfax, Virginia

MEMORANDUM

DATE: August 17, 2023

TO: Fairfax Connector and Transit Division Employees

FROM: Dwayne Pelfrey, Transit Division Chief / Accountable Executive

SUBJECT: Safety Management Policy Statement

The mission of the Fairfax Connector is to provide a safe, reliable, clean, and effective transportation service that compliments other elements of the multi-modal transportation system in Fairfax County. Additionally, Fairfax Connector is fully committed to the Safety Management System (SMS) and to maintaining a strong safety culture while providing customers with safe transportation service and employees with a working environment that ensures the safety and health of employees and contractors while complying with all applicable Federal, State, and local laws and regulations. Further, the Fairfax Connector is committed to developing, implementing, maintaining, and continuously improving its processes to ensure that all transit service delivery activities occur under a balanced allocation of organizational resources aimed at achieving the highest level of safety performance. As such, the Fairfax Connector has placed the management of safety as one of its core business functions.

Therefore, beginning with the Accountable Executive/Transit Services Division Chief and the General Manager, it shall be the responsibility of management at all levels of the organization, as well as employees, contractors, and subcontractors in each operating division to be accountable for the delivery of the highest level of safety performance. In support thereof, the Fairfax Connector is committed to achieving the following objectives:

1. **Supporting** the SMS and the management of safety by providing appropriate resources to support an organizational culture that fosters safe operational practices, encourages effective safety reporting and communication, and actively manages safety with the same attention to results as with other management systems.
2. **Integrating** the management of safety is part of the primary responsibilities of all Fairfax Connector employees, managers, supervisors, and subcontractors.
3. **Clearly Defining** the accountabilities and responsibilities of all employees, contractors, and subcontractors to uphold the organization's safety performance goals and performance of the SMS.
4. **Establishing and Operating** a Safety Risk Management process allowing for hazard identification, analysis, and risk evaluation utilizing an employee reporting program as a principal source for information gathering.
5. **Prioritizing** the elimination or mitigation of calculated, identified safety risks created by operating conditions or activities to a level consistent with the Agency's acceptable level of safety performance.

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/fcdot

6. **The Fairfax Connector contractor will ensure** that no action will be taken against an employee or subcontractor who discloses a safety concern through an employee safety reporting program unless disclosure indicates through the investigative process, an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures was committed.
7. **Complying** with, or exceeding, when possible, legislative and regulatory requirements and standards.
8. **Ensuring** sufficiently trained and knowledgeable human capital is available to implement the SMS processes.
9. **Ensuring** all employees, contractors, and subcontractors are provided with appropriate safety-related information and training while maintaining competency in safety management processes performing only tasks commensurate with their skills.
10. **Establishing and Measuring** safety performance against data-driven safety performance indicators and targets.
11. **Continuous Improvement** of safety performance and the SMS through management processes, including safety risk management, safety assurance, and safety promotion activities.
12. **Ensuring** externally supplied systems and services to support Fairfax Connector operations are delivered in a manner consistent with safety performance standards.

To implement this Public Transportation Agency Safety Plan (PTASP), the Transit Services Division and Fairfax Connector employees, contractors, and subcontractors must focus on the following Safety Management System components:

1. **Safety Management Policies** to guide the development, implementation, and maintenance of the SMS processes.
2. **Safety Risk Management** process for identifying hazards, analyzing, assessing, and mitigating safety risk to the lowest reasonable level.
3. **Safety Assurance** to ensure the effectiveness of safety risk mitigation and to ensure that the agency meets or exceeds its safety objectives through the collection, analysis, and trending of information.
4. **Safety Promotion** to support SMS, including safety communications and training.

This policy statement will be reviewed at least annually and updated to align SMS processes with ongoing and evolving safety performance goals and objectives.

Dwayne Pelfrey
Transit Division Chief / Accountable Executive

Table of Contents

Document Control **2**
Approvals **3**
Fairfax Connector Information **4**
Certificate of Acceptance **5**
Table of Contents **8**
List Figures **10**
List of Tables **10**
Abbreviations **11**
Definitions **13**
Part A: Program Overview **19**
1.0 Introduction 19
1.1 Safety Management System (SMS) *19*
2.0 Applicability 19
3.0 System Description 20
3.1 Fairfax County *22*
3.2 Contracted Services *22*
3.3 Fleet *23*
3.4 Ridership Accessibility *24*
4.0 Purpose and Scope 24
5.0 Program Administration 25
5.1 Revision Schedule *25*
5.2 Document Control and Updates *25*
Part B: Safety Performance **26**
6.0 Safety Performance Targets 27
7.0 Metropolitan Washington Council of Governments 28
Part C: Safety Management Policy **30**
8.0 Safety Management Policy Statement 30
9.0 Committee Structure 30
9.1 Executive Safety Committee *31*
9.2 Division Safety Committees *33*
10.0 Employee Safety Reporting Program 34
11.0 Communication 35
12.0 Accountabilities and Responsibilities 36
12.1 Accountable Executive *36*
12.2 Chief Safety Officer (CSO) *36*
12.3 SMS Key Staff *37*
12.4 Transit Services Division Leadership *37*
12.5 Contracted Service Provider Leadership *38*
12.6 Bus Operations Control Center *40*
13.0 Integration with Public Safety and Emergency Management 40
13.1 Evaluation of Emergency Management *41*
13.2 Meeting with External Agencies *41*
13.4 Emergency Procedures *41*
Part D: Safety Risk Management **42**
14.0 Roles and Responsibilities 43
14.1 Chief Safety Officer (CSO) *43*
14.2 Management and Key Personnel *44*

15.0 Hazard Identification 44
15.1 Methods for Hazard Identification *44*
16.0 Hazard Analysis and Evaluation 45
16.1 Hazard Categorization *45*
17.0 Safety Risk Mitigation 48
17.1 Elimination or Substitution *49*
17.2 Engineering Controls *49*
17.3 Administrative Controls and PPE *49*
18.0 Safety Risk Management Tracking 50
18.1 Hazard Prioritization *50*
18.2 Hazard Acceptance *50*
Part E: Safety Assurance 50
19.0 Safety Performance Monitoring 51
19.1 Safety Data Acquisition and Analysis *51*
19.2 Safety Investigations *52*
19.3 Safety Rules Compliance *53*
19.4 Inspection and Maintenance Program *54*
19.5 Drug and Alcohol Program *56*
20.0 Management of Change 57
20.1 Change Management Process *58*
20.2 Safety and Security Certification *58*
21.0 Continuous Improvement 58
21.1 Internal Safety and Security Review Program (Continuous Improvement) *58*
21.2 Corrective Action Plans *59*
Part F: Safety Promotion 60
22.0 Competencies and Training 61
22.1 Designated Personnel *61*
22.2 New Operator Training *62*
22.3 Operator Refresher Training *62*
22.4 Maintenance Training *62*
22.5 Bus Operations Control Center (BOCC) Training *63*
22.6 Documentation *64*
23.0 Safety Communication 64
Appendix A: Organization Chart 65
Appendix B: Employee Safety Reporting Program Form 69
Appendix C: Hazard and Corrective Action Plan (CAP) Tracking Logs 72
Appendix D: Configuration Change Tracking Matrix 74

List Figures

Figure 1: Fairfax County Transit Network Map 21
Figure 2: National Capital Region (NCR)....22
Figure 3: Document Control and Update Timeline....26
Figure 4: Fatalities, Injuries, and Safety Event Rate Equation 27
Figure 5: Employee Injury Rate Equation....27
Figure 6: System Reliability Rate Equation 27
Figure 7: Fairfax Connector Committee Structure 31
Figure 8: Division Safety Committee Organization Chart....33
Figure 9: Safety Risk Management (SRM) Process 43
Figure 10: Safety Risk Matrix 47
Figure 11: Public Transportation Safety Certification Training Program (PTSCTP) Curriculum .61
Figure 12: Higher Level Fairfax Connector Safety Organization Chart 66
Figure 13: Transit Services Division Organization Chart 67
Figure 14: Transdev North America Organization Chart....68
Figure 15: Hazard Tracking Log....73
Figure 16: Corrective Action Plan Tracking Log 73
Figure 17: Configuration Change Tracking Matrix 75

List of Tables

Table 1: 2023 Bus Fleet Summary....24
Table 2: PTASP Management Schedule....25
Table 3: 2024 Safety Performance Metrics 28
Table 4: Executive Safety Committee Members....31
Table 5: Division Safety Committee Members....33
Table 6: Key Staff Assignments 37
Table 7: Hazard Severity Ratings....46
Table 8: Hazard Probability Rating....47

Abbreviations

AAR	After-Action Reports
ASSE	American Society of Safety Engineers
ADA	Americans with Disabilities Act
ANSI	American National Standards Institute
APTA	American Public Transportation Association
ASTM	American Society for Testing and Materials
BOCC	Bus Operations Control Center
BTW	Behind-the-Wheel
CAD	Computer Aided Dispatch
CAP	Corrective Action Plan
CCR	Configuration Change Request
CDL	Commercial Driver's License
CFR	Code of Federal Regulations
COOP	Continuity of Operations Plan
D.C.	District of Columbia
DHS	Department of Homeland Security
DoD	United States Department of Defense
DRPT	[Virginia] Department of Rail and Public Transportation
DSC	Division Safety Committee
EA	Emergency Alerts
EAP	Emergency Action Plans
EAP	Employee Assistance Program
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
ERP	Emergency Response Plan
ESC	Executive Safety Committee
ESRP	Employee Safety Reporting Program
FCDOT	Fairfax County Department of Transportation
FMP	Fleet Management Plan
FTA	Federal Transit Administration
GM	General Manager
HTL	Hazard Tracking Log
IT	Information Technology
ITP	Individual Training Program
KPI	Key Performance Indicators
LOA	Letter of Agreement
MAP-21	Moving Ahead for Progress in the 21st Century
MIL-STD	Military Standard
MOA	Memorandum of Agreement
MPO	Metropolitan Planning Organization
MWCOG	Metropolitan Washington Council of Governments
NCR	National Capital Region
NFPA	National Fire Protection Association
NIMS	National Incident Management System
NIOSH	National Institute for Occupational Safety and Health
NPTSP	National Public Transportation Safety Plan
NTD	National Transit Database
NTI	National Transportation Institute

NTSB	National Transportation Safety Board
NVTC	Northern Virginia Transportation Commission
O&M	Operation and Maintenance
OEM	Original Equipment Manufacturer
PM	Preventative Maintenance
PMI	Preventative Maintenance Inspection
PPE	Personal Protective Equipment
PTASP	Public Transportation Agency Safety Plan
PTSCTP	Public Transportation Safety Certification Training Program
QA	Quality Assurance
QC	Quality Control
RTA	Rail Transit Agency
SA	Safety Assurance
SDS	Safety Data Sheet
SGR	State of Good Repair
SIT	System Integration Testing
SME	Subject Matter Expert
SMP	Safety Management Policy
SMS	Safety Management System
SOP	Standard Operating Procedures
SPC	Safety Performance Criteria
SPI	Safety Performance Indicators
SPT	Safety Performance Targets
SRA	Safety Risk Analysis
SRCP	Safety Rules Compliance Program
SRM	Safety Risk Management
SSC	Safety and Security Certification
SSCP	Safety and Security Certification Plan
SSEPP	System Security and Emergency Preparedness Plan
SSPP	System Safety Program Plan
TAM	Transit Asset Management
TP	Transportation Planner
TPB	Transportation Planning Board
TSA	Transportation Security Administration
TSD	Transit Services Division
TSI	Transportation Safety Institute
TVA	Threat and Vulnerability Analysis
U.S.	United States
U.S.C.	United State Code
USDOT	United States Department of Transportation
UC	Unified Command
ULB	Useful Life Benchmark
VDOT	Virginia Department of Transportation
VMS	Vehicle Maintenance System
VRM	Vehicle Revenue Miles
WMATA	Washington Metropolitan Area Transit Authority

Definitions[1]

Accident: An event that involves any of the following:

1. A loss of life
2. Report of a serious injury to a person
3. A collision of public transportation vehicles
4. A runaway train
5. An evacuation for life safety reasons; or
6. Any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

Accountable Executive: A single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the Public Transportation Agency Safety Plan, per 49 U.S.C. 5329(d), and the Agency's Transit Asset Management (TAM) Plan per 49 U.S.C. 5326.

Administrator: The Federal Transit Administrator or the Administrator's designee.

Advisory: A notice from the FTA to recipients regarding an existing or potential hazard or risk in public transportation that recommends recipients take a particular action to mitigate the hazard or risk.

Audit: An examination of records and related materials, including, but not limited to, those related to financial accounts.

Capital Asset: A depreciable physical asset required to support transit service either directly or indirectly, including vehicles, stations, facilities, and systems assets, whether mobile or fixed.

Chief Safety Officer: An appropriately trained individual responsible for safety, reporting directly to the Accountable Executive. The Chief Safety Officer does not serve in other operational or maintenance capacities unless the Chief Safety Officer is employed by a transit agency that is a small public transportation provider or a public transportation provider that does not operate a rail fixed guideway public transportation system.

Close Call: A safety event where conditions with the potential to generate an event existed but where an event did not occur because the conditions were contained by chance or by existing safety risk mitigations. This term is synonymous with the term "Near Miss."

Collision: A vehicle accident in which there is an impact of a transit vehicle with:

- Another transit vehicle
- A non-transit vehicle
- A fixed object
- A person(s) (suicide/attempted suicide included)
- An animal
- A rail vehicle

[1] Definitions are referenced from 49 CFR Part 673 and the National Transit Database (NTD) with minor agency modifications

Configuration Management: A process to assure that all documentation that describes a system and its various components is current and reflects the system's actual functional and physical characteristics throughout its life cycle.

Contracted Service Provider: An entity that performs tasks on behalf of the Fairfax Connector or the FTA through contract or other agreement.

Consequence: The potential outcome(s) of a hazard.

Corrective Action Plan (CAP): A plan that describes the actions the Fairfax Connector will take to minimize, control, correct, or eliminate risks, including the schedule for taking those actions and identifying responsibilities.

Designated Personnel: Employees and contractors identified by the Fairfax Connector whose job function is directly responsible for safety oversight of the system.

Directive: A formal written communication from FTA to one or more recipients that orders a recipient to take specific actions to ensure the safety of a public transportation system.

Directly Responsible for Safety Oversight: Personnel whose primary job function includes developing, implementing, and reviewing this agency's safety plan.

Emergency: A situation that is life-threatening to passengers, employees, or other citizens, or which causes significant damage to any transit vehicle or facility that requires assessment and repair, or which reduces the ability of the system to fulfill its mission within its service area.

Equivalent Authority: An entity that carries out duties like a Board of Directors for a recipient or sub-recipient of FTA funds under 49 U.S.C. Chapter 53 including sufficient authority to review and approve a recipient's or sub-recipient's Public Transportation Agency Safety Plan.

Evacuation: A condition that occurs when persons depart from transit vehicles or facilities for life-safety reasons. Evacuations include both transit-directed evacuations and self-evacuations. Self-evacuations occur when people vacate transit property without direction from transit personnel or another authority. *Self-evacuation is not an NTD reporting threshold. Determination of a self-evacuation is based on whether the reportable evacuation was self-directed.*

Event: Any accident, incident, or occurrence.

Examination: A process for gathering facts or information or analyzing facts or information previously collected.

Facility: A building or structure that is used in the provision of public transportation.

Fatality: A death or suicide occurring at the scene or within 30 days following the accident; excludes deaths resulting from illness or other natural causes and criminal homicides unrelated to collisions with the transit vehicle.

Findings of Non-Compliance: Any instance where the Fairfax Connector's processes, programs, or documents do not meet federal requirements or in cases where internal practices do not follow its own plans or procedures.

Fleet: Any revenue vehicle used in a public transportation system.

Hazard: Any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

Hazard Analysis: The formal activities used to analyze potential consequences of hazards during operations related to the provision of services.

Hazard Identification: Formal activities to identify hazards during operations.

Hazardous Material: Any commodity or product identified or regulated by the United States Department of Transportation in title 49 CFR Parts 171-179 that may be transported under restricted conditions.

Human Factors: Applied technology comprises principles that apply to equipment design, certification, training, operations, and maintenance, which seek a safe interface between the human and other system components by proper consideration of human performance.

Incident: An event that involves any of the following:

- A personal injury that is not a serious injury
- One or more injuries requiring medical transport, or
- Damage to facilities, equipment, rolling stock, or infrastructure that disrupts the Connector's operations.

Inspection: Process for gathering facts or information or analyzing facts or information previously collected. After an inspection, the Fairfax Connector or the FTA may issue findings and recommendations.

Investigation: The process of determining the causal and contributing factors of an accident, incident, or hazard to prevent recurrence and mitigating risk.

Lagging Indicators: Data related to events that have already occurred. Fairfax Connector will define lagging indicators using historical data of adverse outcomes, such as accidents, incidents, and occurrences.

Leading Indicators: Measured conditions that can become or contribute to an adverse event before the outcome occurs. Leading indicators can be very valuable as they will allow the Fairfax Connector to monitor precursors to events and offer the opportunity to act before something bad happens.

Near Miss: A safety event where conditions with the potential to generate an event existed but where an event did not occur because the conditions were contained by chance or by existing safety risk mitigations. This term is synonymous with the term "Close Call."

Management of Change: A process for identifying and assessing changes that may introduce new hazards or impact the Connector's safety performance. If the Fairfax Connector determines that a change may affect its safety performance, the Transit Division must evaluate the proposed change through its Safety Risk Management process.

Major Mechanical Failures: Failures caused by vehicle malfunctions or subpar vehicle condition which requires that it be pulled from service.

National Public Transportation Safety Plan: The plan to improve the safety of all public transportation systems that receive federal financial assistance under 49 U.S.C. Chapter 53.

National Transportation Safety Board (NTSB): An independent government agency charged with investigating certain types of accidents (such as those involving aircraft or trains) and conducting safety studies to identify areas needing improvement in the transportation industry.

Occurrence: An event without any personal injury in which any damage to facilities, equipment, fleet, or infrastructure does not disrupt the operations of the Connector.

Office of Transit Safety and Oversight (TSO): The FTA office that administers a national transit safety program and program compliance oversight process through adherence to legislative, policy, and regulatory requirements as established by Congress and the FTA.

Operator of a Public Transportation System: A provider of public transportation as defined under 49 U.S.C. 5302(15).

Passenger: A person on board, boarding, or alighting from a Fairfax Connector transit vehicle for travel.

Pattern or Practice: Two or more findings of noncompliance with this Plan and the requirements of 49 U.S.C. 5329 and the regulations thereunder.

Performance Criteria: Categories of measures indicating the level of safety performance within Fairfax Connector

Performance Measure: An expression based on a quantifiable indicator of performance or condition used to establish targets and assess progress toward meeting the established targets.

Performance Target: A quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time required by the Federal Transit Administration (FTA).

Public Transportation Safety Certification Training Program:[2] Either the certification training program for federal and state employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems, and employees of public transportation agencies directly responsible for safety oversight, established through the program authorized by 49 U.S.C. 5329(c).

Practical Drift: The slow, inconspicuous, yet steady uncoupling between written procedures and actual practices during the provision of service.

Probability: The likelihood that the consequence might occur, considering the worst foreseeable but credible condition.

Public Transportation Agency Safety Plan: The documented comprehensive transit safety plan for a transit agency that is required by 49 U.S.C. 5329 and 49 CFR Part 67.

Rail Transit Agency: Any entity that provides services on a rail fixed guideway public transportation system.

Record: Any writing, drawing, map, recording, tape, film, photograph, or other documentary material by which information is preserved. The term ‘‘record’’ also includes any such documentary material stored electronically.

Recipient: An entity that receives federal financial assistance under 49 U.S.C. Chapter 53 and includes sub-recipients.

Risk: The composite of predicted severity and likelihood of the potential effect of a hazard.

Risk Mitigation: A method or methods to eliminate or reduce the effects of hazards.

[2] Not mandatory for the Fairfax Connector, as it does not currently receive Chapter 53 funding.

Safety: Freedom from harm resulting from unintentional acts or circumstances.

Safety Assurance: Processes within Connector's Safety Management System that assures the implementation and effectiveness of safety risk mitigation and that the Connector meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

Safety Audit: A review or analysis of safety records and related materials, including, but not limited to, those related to financial accounts.

Safety Deficiency: A condition that is a source of hazards and/or allows the perpetuation of hazards in time.

Safety and Security Certification: The process applied to project development to ensure that all practical steps have been taken to optimize the operational safety and security of the project during engineering, design, and construction before the start of passenger operation.

Safety and Security Manager: *Refer to Chief Safety Officer.*

Safety Management Policy: An agency's documented commitment to safety that defines the Transit Division's safety objectives and the accountabilities and responsibilities of its employees regarding safety.

Safety Management System (SMS): The formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of an agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.

Safety Management System (SMS) Executive: The Chief Safety Officer or an equivalent.

Safety Performance: An organization's safety effectiveness and efficiency, as defined by safety performance indicators and safety performance targets, measured against the organization's safety objectives.

Safety Performance Indicator: A data-driven, quantifiable parameter used for monitoring and assessing safety performance.

Safety Performance Monitoring: The activities aimed at quantifying an organization's safety effectiveness and efficiency during service delivery operations through a combination of safety performance indicators and safety performance targets.

Safety Promotion: A combination of training and communication of safety information to support SMS as applied to the Fairfax Connector.

Safety Performance Target: A specific level of performance for a given performance measure over a specified timeframe related to safety management activities.

Safety Review: A formal, comprehensive, on-site review of Fairfax Connector's safety practices to determine whether it complies with the policies and procedures required under the Safety Plan.

Safety Risk Assessment: The formal activity whereby an agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.

Safety Risk Management: A process within a Fairfax Connector's Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risks.

Security: Freedom from harm resulting from intentional acts or circumstances.

Serious Injury: any injury which:

1. Requires hospitalization for more than 48 hours, commencing within seven (7) days from the date the injury was received
2. Results in a fracture of any bone (except simple fractures of fingers, toes, or noses)
3. Causes severe hemorrhages, nerve, muscle, or tendon damage
4. Involves any internal organ; or
5. Involves second- or third-degree burns, or any burns affecting more than 5 percent of the body surface

Severity: The anticipated effects of a consequence, should it materialize, taking as reference the worst foreseeable but credible condition

Small Public Transportation Provider: A recipient or sub-recipient of federal financial assistance under 49 U.S.C. 5307 that has one hundred (100) or fewer vehicles in peak revenue service and does not operate a rail fixed guideway public transportation system.

State: A state of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

State of Good Repair: The condition in which a capital asset can operate at a full level of performance.

Substantial Damage: Damage to any involved vehicles, facilities, equipment, fleet, or infrastructure that disrupts the operations of the agency and adversely affects the structural strength, performance, or operating characteristics of the vehicle, facility, equipment, vehicles, or infrastructure, requiring towing, rescue, on-site maintenance, or immediate removal before safe operation.

Transit Services Division: A Fairfax County Department of Transportation division that oversees Fairfax Connector operations.

Transit Asset Management Plan: The strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, to provide safe, cost-effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR Part 625.

Vehicle: The Fairfax Connector's fleet used as part of the public transportation system, including but not limited to passenger and maintenance vehicles.

Part A: Program Overview

1.0 Introduction

In 2016, the Federal Transit Administration (FTA) issued the final rule 49 in the Code of Federal Regulations (CFR) Part 670, introducing Public Transportation Safety Program criteria. The final rule also established a basis for enhancing public transportation safety in the United States. Under this rule, the FTA is granted authority to issue industry General Directives, Special Directives, and Advisories. It also permits the FTA to withhold Chapter 53 funds if a transit authority does not comply with an FTA directive to abate a safety violation.

Most impactful to the broader industry was Subpart D of the rule, which introduces the National Public Transportation Safety Plan (NPTSP) and identifies the standards for public transportation agencies to adopt the principles and methods of the Safety Management System (SMS). The NPTSP now serves as the basis for establishing a safety program, including safety performance standards, SMS guidance, best practices, and technical assistance.

1.1 Safety Management System (SMS)

SMS is based upon the principle that safety is not an absolute condition. It specifies that hazards will always exist in the transit environment, but a hazard's calculated risk can be controlled to the greatest extent practicable. SMS thus modifies the traditional approach of primarily reacting to accidents by prescribing measures to proactively identify, manage and monitor key indicators of an event's potential recurrence. Incorporating SMS and subsequent preventative risk control strategies into the Fairfax Connector's culture will bolster the agency's ability to provide a positive safety culture, resulting in improved operating performance.

SMS is a formal, organization-wide approach to managing safety risk and assuring the effectiveness of the Connector's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing hazards and safety risks . The process offers a means to reduce the potential for public transportation accidents and incidents by integrating safety into all aspects of the system's activities, including planning, design, construction, operations, and maintenance.

The program builds on lessons learned from System Safety, bringing management processes, integrated data analysis, and organizational culture more squarely into Fairfax Connector's overall risk management framework. The framework provides a management approach that ensures that the Fairfax Connector has the necessary organizational structures, accountabilities, policies, and procedures to direct and control resources optimally managing safety. When systematically applied, SMS provides decision-making tools that will allow the Fairfax Connector to prioritize safety when making informed operating and capital investment decisions.

2.0 Applicability

The Fairfax Connector is not currently a recipient of Chapter 53 funds and is voluntarily participating in the PTASP program. The system is owned by Fairfax County and is overseen and managed by the Fairfax County Department of Transportation (FCDOT). Despite this, Fairfax Connector continues to build a safety program designed around the system's needs to ensure the safe operations of its system.

The Fairfax Connector is preparing for future FTA funding opportunities to support planned capital programs, system expansions, and fleet replacements as a large bus operator. Doing so will

require Fairfax County to comply with current regulatory requirements and expand existing safety programs to conform to the SMS framework.

3.0 System Description

Fairfax County provides transit services under the brand “Fairfax Connector.” Fairfax Connector service is managed by the Transit Services Division (TSD) within FCDOT. The Fairfax Connector is a locally owned and controlled fixed-route bus transit system currently operated under contract by Transdev Services, Inc. (Transdev), which operates and maintains all revenue service vehicles.

Fairfax County covers 391 square miles in Northern Virginia, with a population of 1.15 million people, according to the 2020 US Census. The population-level has remained generally stable, with slight growth since 2010. In addition to serving Fairfax County, the Fairfax Connector also provides links to the Washington, D.C. metropolitan region through service to 18 Washington Metropolitan Area Transit Authority (WMATA) Metrorail stations. The Connector also serves employment centers in Arlington County and the City of Alexandria in Virginia, and the Foggy Bottom and L'Enfant Plaza areas of Washington, D.C.

Fairfax Connector serves a 407-square-mile area covering most of the Northern Virginia region. The Connector is made up of a fleet of 344 buses providing service to approximately 23,000 passengers daily, as reported in FY2022. It is funded by County General Funds that are partially reimbursed through grants from the Virginia Department of Rail and Public Transportation (DRPT), Northern Virginia Transportation Commission’s (NVTC) Commuter Choice Program and supplemented by farebox revenue.

The system runs its operations from three Transit Divisions/garages:

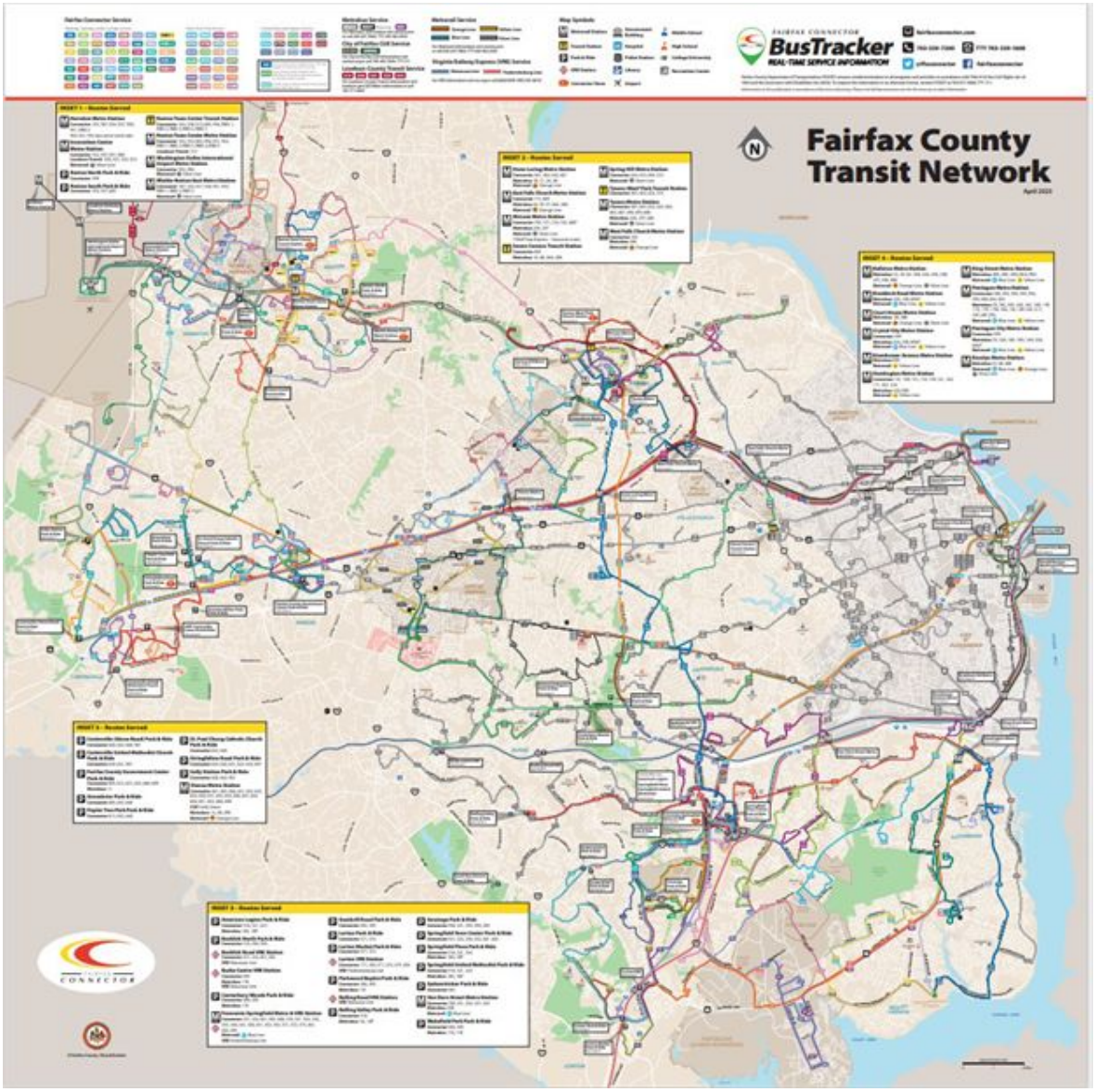
Huntington (South County): Huntington service encompasses mostly the southern portion of the County and consists of 29 routes and 112 assigned vehicles.

Herndon (North County): The Herndon Division service area encompasses the County's northern portion and consists of 24 routes and 90 assigned vehicles. The number of buses may change as service requirements are modified.

West Ox: West Ox’s service area encompasses mostly the central portions of the County and consists of 40 routes and 142 assigned vehicles.

The newest facility, West Ox, has the largest portion of Fairfax Connector's bus fleet. Opened in 2009, it was initially built as a shared facility with Metrobus. Fairfax County owns the facility and leases a portion to WMATA.

Figure 1: Fairfax County Transit Network Map



3.1 Fairfax County

Fairfax County is among the most densely populated counties in the nation and is located just outside of Washington, D.C. It is one of 19 jurisdictions referred to as the National Capital Region (NCR) as defined by the Metropolitan Washington Council of Governments (MWCOG). The MWCOG is not an operational entity but provides a regional basis for collaboration, coordination, training, and exercises among the independent jurisdictions.

Figure 2: National Capital Region (NCR)



District of Columbia
Frederick County
Montgomery County
City of Gaithersburg
City of Rockville
Prince George's County
City of Bowie
City of College Park
City of Greenbelt
City of Takoma Park
Arlington County
Fairfax County
City of Alexandria
City of Fairfax
City of Falls Church
Loudoun County
Prince William County
City of Manassas
City of Manassas Park

3.2 Contracted Services

Fairfax Connector operations and maintenance activities are conducted by a contracted service provider, Transdev North America, herein referred to as Transdev. Transdev is responsible for safety, maintenance, and operation of the fleet of revenue buses. FCDOT's TSD and Transdev coordinate service and planning functions for the buses owned by Fairfax County, operating under the brand "Fairfax Connector."

The contract defines the specific objectives, goals, terms, details, and responsibilities required of the contracted service provider and FCDOT. The contracted service provider is required to meet contractual obligations by providing a staff of qualified and trained mechanics, drivers,

supervisors, and management to meet the daily requirements for operation, maintenance, training, servicing, etc. FCDOT provides the buses, facilities, fuel, fluids, asset management, and other maintenance-related software. Additional contract provisions include administering programs such as drug and alcohol testing, revenue collection, quality assurance (QA), and other mission requirements.

Fairfax County provides facilities for cleaning, servicing, inventory management, support, and maintenance of vehicles. The three locations for bus operations hold all necessary infrastructure to support a fleet operation, including the use and maintenance of software and hardware essential for tracking materials, parts, and vehicles. The contracted service provider provides Bus Operations Control Center (BOCC) staff around the clock, seven days a week, to track operations, manage incidents, and conduct general oversight of daily service requirements. Each bus division has sufficient capacity for storage of fuel, parking for staff, dispatch facilities, break rooms and maintenance.

3.3 Fleet

The current fleet of buses used in the Connector service is shown in Table 1. FCDOT currently has a contract with New Flyer Industries to supply up to 500 new buses between the Fiscal Years 2017 and 2027. All buses have a Useful Life Benchmark (ULB) of 15 to 16 years, at which time they may be retired from service and disposed of as new buses are purchased and placed into service.

As of July 1, 2023, the fleet makeup of revenue vehicles needed to meet service, training, and maintenance requirements was 344 buses. As part of the agreement between FCDOT and the contracted service provider, FCDOT conducts the procurement of new buses on behalf of Fairfax County, maintains ownership of the buses, establishes the maintenance performance standards for operation by the service provider, and conducts quality control audits to ensure compliance with the contract provisions.

Table 1: 2023 Bus Fleet Summary

Year	Manufacturer	Model	Total	Vehicle Numbers
2007	New Flyer	D40LFR	4	9700-9751
2007	New Flyer	D35LFR	6	9754-9769
2008	Orion	VII	25	9770-9795
2009	New Flyer	D40LFR	14	9600-9613
2009	New Flyer	D40LFR	29	9614-9644
2010	New Flyer	DE40LFA	2	6577,6585
2011	New Flyer	XD40	67	7701-7737, 9645-9675
2012	Orion	VII Hybrid	6	3082-3087
2012	New Flyer	XD40	20	7738-7758
2012	New Flyer	XD35	15	9676-9690
2013	New Flyer	XD40	19	7759-7777
2014	New Flyer	XD35	17	7778-7794
2015	New Flyer	XD40	5	7795-7799
2015	New Flyer	XD35	12	7800-7811
2017	New Flyer	XD40	10	1730-1739
2018	New Flyer	XD40	4	7812-7815
2018	New Flyer	XD35	10	7816-7825
2019	New Flyer	XD40	4	7826-7829
2020	New Flyer	XD40	11	7830-7840
2021	New Flyer	XD40	28	7841-7868
2022	New Flyer	XD40	8	7869-7876
2022	New Flyer	XD35	16	7877-7892
2022	New Flyer	XD40	12	7893-7904

3.4 Ridership Accessibility

According to an analysis conducted in the 2020 Fairfax County Title VI Program update, 54 percent of the population has access to Connector service, exceeding the performance benchmarks identified. About 59 percent of the county's minority population and 49 percent of the non-minority population are within a quarter mile of the service.

4.0 Purpose and Scope

This PTASP aims to provide the necessary foundation for the Fairfax Connector to build and mature an SMS program that is scaled to the size and complexity of the organization. Fairfax Connector has therefore established an SMS program that meets or exceeds the general requirements of both 49 CFR Part 673 and the NPTSP requirements and guidelines, including the following required elements:

1. Safety Management Policy
2. Safety Risk Management
3. Safety Assurance
4. Safety Promotion

This PTASP is built around three primary objectives:

1. Identify a corporate-level safety strategy to systematically manage safety that the Fairfax Connector can use to manage and monitor its safety performance
2. Provide a foundation the Fairfax Connector can use to oversee the safety performance of its contracted service provider
3. Prepare for future FTA funding that will require compliance with 49 CFR Part 673

This PTASP applies to the Fairfax Connector's fixed-route bus system and incorporates the principles and methods of an SMS tailored to the system's size and complexity. The Fairfax Connector does not operate any other modes of transportation that would apply to this rule.

5.0 Program Administration

The following section describes how the Fairfax Connector will maintain its SMS documentation and ensure it is retained for no less than three years after this PTASP has been approved. When applicable, the Fairfax Connector will ensure the FTA and other regulatory entities have access to review any SMS documentation upon request. Other critical processes supporting the SMS but not specific to the PTASP are included within those process-specific documents.

5.1 Revision Schedule

The following schedule will be used to ensure this PTASP is implemented, reviewed, and maintained per federal requirements.

Table 2: PTASP Management Schedule

Milestone	Schedule
General Revisions	*Annually*
Ongoing Revisions	*30 days before the effective date*

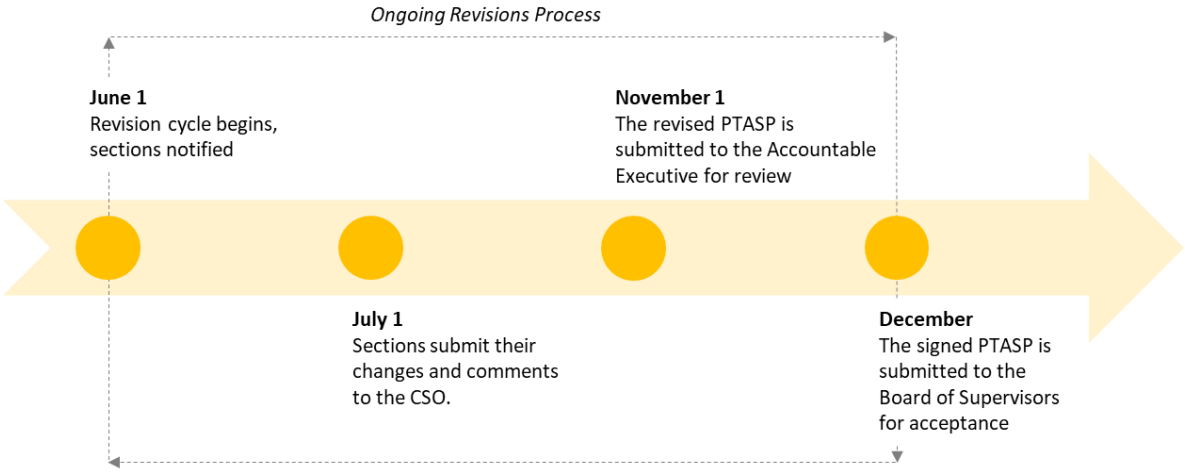
The Fairfax County Board of Supervisors will approve of changes to this plan.

5.2 Document Control and Updates

Annually, the Transit Services Division will submit an updated PTASP to the Board of Supervisors for review and approval. Upon request, all operating rules, procedures, and materials referenced in the PTASP will also be available to the Board of Supervisors and the FTA for review.

The Chief Safety Officer (CSO) will develop and manage the review processes of the PTASP in coordination with other TSD sections and the contractor. The CSO's responsibility will be to ensure proposed changes are approved and incorporated as needed. Revised PTASPs will follow Fairfax Connector's Document Control procedure, which is outlined in a separate document.

Figure 3: Document Control and Update Timeline



5.2.1 Annual Revisions

Fairfax Connector will review this PTASP at least annually. Revisions to this PTASP and its relevant SMS documents and those referenced in this Plan will be maintained for a minimum of three years after they are created. The cycle commences on or before June 1 of each year and concludes by December 31.

The CSO is responsible for coordinating the annual review and revision of this PTASP. Each section within TSD will be notified by June 1 to compare all applicable parts of this PTASP to their functions to ensure it aligns with their processes. Sections will then have 30 calendar days from the original date of notification, or up to July 1, whichever is greater, to submit comments to the CSO. Once all comments are received, the CSO will incorporate comments in the PTASP, then review proposed changes with the Divisional Safety Committees (DSC) and the Executive Safety Committee (ESC). The DSCs and ESC will vote on any changes and approve the PTASP. The CSO will then conduct a final review and update with the Accountable Executive by mid-August of each year.

The Accountable Executive will then sign and approve any changes and forward the revised PTASP to the Board of Supervisors for approval by December 31.

5.2.2 Ongoing Revisions

The PTASP is a living document, where any changes to the operating system or following an external audit, internal reviews, investigation, or changing data may require changes to this Plan. The CSO will present the modified plan to the Accountable Executive for review and signature, who will then forward the revised plan to the Board of Supervisors for approval.

Part B: Safety Performance

Crucial to the Fairfax Connector's safety program is its ability to measure and monitor safety performance quantitatively in coordination with the contracted service provider. The Fairfax Connector will establish goals, measures, targets, and plans that will help enhance decision-

making capabilities through performance-based planning. By defining attainable Safety Performance Targets (SPT), the Fairfax Connector will increase its capacity to monitor and evaluate its safety performance, facilitating more effective resource investments and contributing to TSD'S operating performance.

6.0 Safety Performance Targets

The Fairfax Connector will establish SPTs for January 1 through December 31 of each year, using a three year rolling average of performance data, vehicle revenue miles (VRM), and major mechanical system failures reported to the National Transit Database (NTD). SPTs will be defined for:

1. Fatalities
2. Injuries
    a. Employee Injuries
    b. Customer Injuries
3. Safety & Security Events
    a. Collisions
4. System Reliability

Fairfax Connector's SPTs are based on the Safety Performance Criteria (SPC) defined by the NPTSP as required in 49 CFR Part 670, Subpart D. In addition to the requirements of Part 670, the safety performance targets for System Reliability correlate to the requisites identified in 49 CFR Part 625 for the Transit Division Transit Asset Management (TAM) Plan.

Figure 4: Fatalities, Injuries, and Safety Event Rate Equation

$$\textbf{Event Rate} = (\text{Event Count} \div \text{VRM}) \times 100{,}000$$

Figure 5: Employee Injury Rate Equation

$$\textbf{Employee Injury Rate} = (\text{Event Count} \times 200{,}000) \div \text{Employee Hours Worked}$$

Figure 6: System Reliability Rate Equation

$$\textbf{System Reliability} = \text{Vehicle Revenue Miles (VRM)} \div \text{Count of Major Mechanical Failures}$$

SPTs will be made available to County agencies upon request to assist planning processes. Upon receiving Chapter 53 funds, these results will need to be reported to the Metropolitan Washington Council of Governments (MWCOG). To the greatest extent possible, the Accountable Executive and CSO will coordinate with the County, State, and MWCOG staff to review SPTs in support of transit improvement efforts.

Table 3: 2024 Safety Performance Metrics

	Count *(2020-2022)*	Vehicle Revenue Miles *(2020-2022)*	2020-2022 Rate	2024 Target Rate	Reduction
Fatalities	2	30,571,821	0.007	0	0.007
Injuries	165	30,571,821	-	-	-
Employee Injuries	*124*	Employee Hours Worked 4,514,330	*5.49*	*5.90*	-
Customer Injuries	*41*	30,571,821	*0.13*	*0.17*	-
Safety & Security Events	71	30,571,821	0.23	0.26	-
Collisions	63	30,571,821	0.21	0.30	-
System Reliability	5,386	30,571,821	5,676 mi	8,000 mi	-

Fatality: A reportable fatality is a death due to a collision, fire, hazardous materials spill, or other safety events.[3]

Injuries: Harm to a person, requiring that person to be transported from the scene of an incident to a hospital or medical facility for treatment. This includes any damage or harm to persons that requires immediate medical attention away from the scene because a reportable event must be reported as an injury.

Safety Event: Any accident, incident, or occurrence.[4]

Collision: All collisions that are reported to the NTD.

System Reliability: The relationship between safety and the asset condition. The data collected for system reliability supports and provides input into the Fairfax Connector's TAM Plan.

7.0 Metropolitan Washington Council of Governments

Upon establishing its status as a recipient of Chapter 53 funding, FCDOT will coordinate with the Metropolitan Washington Council of Governments (MWCOG) Transportation Planning Board (TPB) by making the Connector's safety performance targets available to aid in the planning process. The National Capital Region TPB is the federally designated metropolitan planning organization (MPO) for metropolitan Washington staffed by the Metropolitan Washington COG. Working with local, state, regional, and federal partners, the TPB coordinates future plans,

[3] Fatalities that occur because of illnesses or other natural causes, including individuals who are found deceased, are not reportable and are thus not required to be measured as part of the Safety Performance Criteria.
[4] Refer to *Definitions* for Accident, Incident, or Occurrence meanings.

provides data and analysis to decision-makers, and coordinates regional programs to advance safety, land-use coordination, and more.

Part C: Safety Management Policy

Safety Management Policy (SMP) is SMS Component 1 and is the keystone of Fairfax Connector's SMS program. This component provides direction for effective Safety Risk Management, Safety Assurance, and Safety Promotion. Safety Management Policies will be developed according to the three primary goals:

1. Provide a safe and reliable transportation service for the residents of and visitors to Fairfax County,
2. Provide a safe and healthful working environment for FCDOT employees and the employees of the contracted service provider, and
3. Comply with applicable laws, regulations, and standards.

All activities necessary to accomplish these goals, including operational and safety training requirements, accident investigation procedures, Standard Operating Procedures (SOP), and audit/inspection programs, are documented and referenced in this plan. The purpose of this plan, among others, is to:

- Recognize and correct unsafe activities and conditions.
- Promote safety awareness, and
- Assist in the prevention of injuries and illnesses.

The SMP thus assists in ensuring management's involvement and commitment to the SMS and Connector-wide safety improvement by laying out the policies and procedures required to carry out the SMS. This is only accomplished through a clearly articulated statement that defines the organizational structures, effectively identifies accountabilities, and Fairfax Connector's SMS planning efforts.

To help accomplish its goals and objectives, the Fairfax Connector has adopted the principles and methods of SMS as the basis for enhancing its safety program. All Fairfax Connector rules, regulations, policies, guidance, best practices, and technical assistance administered will follow the principles of SMS.

8.0 Safety Management Policy Statement

The Fairfax Connector has a written statement of its safety management policy that includes the Connector's safety objectives and safety performance targets. The Safety Management Policy statement for the Fairfax Connector may be found at the beginning of this ASP. The policy statement will be reviewed and updated to align SMS processes with ongoing and evolving safety performance goals and objectives.

9.0 Committee Structure

Fairfax Connector is committed to proactively identifying and resolving safety hazards and security vulnerabilities by providing a collaborative process that allows for robust, inter-disciplinary coordination. The Connector has established a foundational committee structure to facilitate safety and security coordination among the Connector's disciplines.

The committee structure provides an open forum for safety concerns to be communicated or reported, from the frontline staff to managers and up to the Accountable Executive. Similarly, this structure allows management to communicate safety and security topics more uniformly throughout the organization.

Figure 7: Fairfax Connector Committee Structure



Additional sub-committees may be formed from members of the committee structure plus other personnel to support detailed incident investigations or hazard analyses.

9.1 Executive Safety Committee

Fairfax Connector will establish an Executive Safety Committee (ESC) to coordinate and oversee the Connector's SMS program. It will be chaired by the CSO, coordinating with the Fairfax Connector's various disciplines and its contracted service provider's management team.

Once established, the ESC will discuss cross-discipline SMS implementation progress, issues, and goals with the primary mission of promoting SMS to all levels of the organization.

The ESC will also be charged with assisting in maintaining a high level of system safety and security. This committee will bring together common knowledge, technical expertise, and unique perspectives of various staff to focus on safety and security issues. It functions as an interdepartmental unit empowered to lead the Fairfax Connector in Safety Risk Management (SRM) and Safety Assurance efforts.

The Committee will comprise of Fairfax County TSD and contracted service provider management staff, demonstrating management's commitment to SMS compliance. Contractor Division Special guests may be periodically invited to brief the ESC on certain topics.

Table 4: Executive Safety Committee Members

Employer	Position
Fairfax County	Transit Division Chief/Accountable Executive
Fairfax County	Chief Safety Officer
Fairfax County	Operations Section Chief
Fairfax County	Contract Manager/QA
Fairfax County	Facilities/Maintenance Section Chief
Transdev	Contracted service provider Area General Manager
Transdev	Contracted service provider Director of Safety & Training
Transdev	Contracted service provider Director of Maintenance
Transdev	Contracted service provider Division Manager (3)

The ESC will meet monthly in support of the following activities:

- Determining safety and security compliance with management policies, rules, procedures, and assigned security responsibilities
- Reviewing and discussing identified unacceptable and undesirable hazards and status of activities to resolve, including review of supporting documentation (i.e., hazard tracking log, hazard investigation reports, and inspection reports)
- Reviewing safety and security data, information, and trends
- Identifying organizational issues that may contribute to events or less effective responses to events
- Identifying and monitoring safety deficiencies at the divisions for purposes of continuous improvement
- Actively promoting safety and security campaigns
- Reviewing drills, exercise scenarios, and After-Action Reports (AAR)
- Proposing improvements in safety and security procedures, equipment, and training
- Assessing safety and security impacts of facility and/or operational changes
- Annually reviewing and revising this PTASP and ensuring its implementation
- Monitoring compliance of each location according to Connector-wide safety responsibilities and procedures
- Participating in the investigation process as appropriate and per Fairfax Connector's established procedures
- Overseeing system safety review functions as required
- Coordinating and following up with any external safety audits and participating as required
- Reviewing maintenance and failure rate data to identify safety problems
- Reviewing results of safety inspections, emergency drills, simulations, and tests and developing action plans as appropriate
- Preparing written documentation of all meetings, tasks, activities, investigations, analyses, and recommendations
- Identifying mitigations or strategies, incorporating guidelines from the CDC or the Virginia Department of Health or the Fairfax County Health Department related to exposure to infectious diseases through the SRM process
- Establishing and managing a risk reduction program for vehicular and pedestrian accidents, to include measures to reduce visibility impairments for bus operators that contribute to accidents, including retrofits to buses in revenue service and specifications for future procurements that reduce visibility impairments
- Identifying and managing mitigations to reduce the prevalence of worker assaults, including analyzing whether the deployment of assault mitigation infrastructure and technology on buses, including barriers to restrict the unwanted entry of individuals and objects into the workstations of bus operators would reduce assaults and injuries to transit workers
- Ensuring a program is developed, implemented, and maintained for safety training of operations and maintenance personnel

The CSO, in coordination with the Accountable Executive, will develop agendas, and take responsibility for creating meeting minutes. Meeting minutes and attendance sheets for each meeting will be distributed following each session. Records will be kept for a minimum of three years and made available upon request to the FTA, Board of Supervisors, Agency Director, and contracted service provider personnel.

9.2 Division Safety Committees

A Division Safety Committee (DSC) will be established at each operating location. Each DSC will comprise the following members, containing an equal representation of frontline employees and management personnel. As part of a joint labor-management process, labor organizations will select frontline employee representatives. Additional frontline staff, including supervisors and operators, may be invited to attend meetings as necessary.

Figure 8: Division Safety Committee Organization Chart

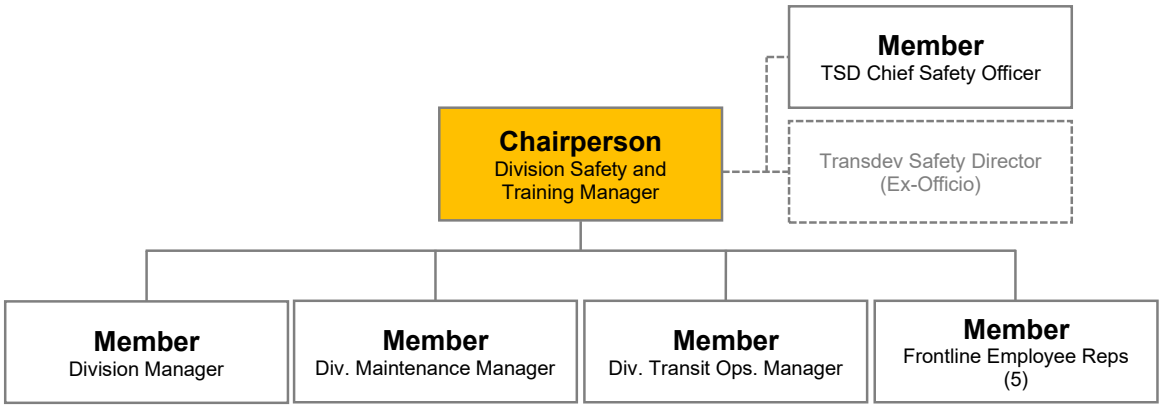


Table 5: Division Safety Committee Members

Employer	Position
Transdev	Division Safety and Training Manager (Chair)
Transdev	Division Manager
Transdev	Division Maintenance Manager
Transdev	Division Transit Operations Manager
Transdev	Frontline Employee Representatives (5)[1]
Fairfax County	Chief Safety Officer
Transdev	Safety Director (Ex-Officio)

[1] Additional frontline staff, including supervisors and operators, may be invited to attend meetings as necessary.

The primary function of the DSC will be to collaborate in creating and maintaining a safe work environment for fellow employees and helping with system safety and security at the Connector.

Each DSC will be responsible for:

- Approval of Fairfax Connector's PTASP before approval by the Board of Supervisors
- Approving Safety Performance Targets
- Division-specific hazard reduction and hazard resolution
- Coordinating safety activities of the division to ensure compliance with safety and security management policies, rules, procedures, and assigned security responsibilities
- Actively promoting safety and security campaigns
- Compiling pertinent location safety data to identify and assess safety risk
- Proposing improvements in safety and security procedures, equipment, and training
- Collecting, analyzing, and reporting safety data to identify potential trends to help determine appropriate countermeasures to improve driving behaviors

- Reviewing maintenance and failure rate data to identify safety problems
- Reviewing results of safety inspections, emergency drills, simulations, and tests and developing action as appropriate
- Resolving field-related operating issues that may require a change or modification to fix assets and procedures
- Conducting special meetings as necessary at the request of management
- Reviewing DriveCam trends and pertinent events/clips
- Performing analyses to identify safety problems related to maintenance activities
- Using Committee consensus to develop hazard resolutions
- Reviewing and updating facility action plans
- Identifying and recommending risk-based mitigations or strategies necessary to effectively reduce the identified risk to the lowest practical level at the Division
- Identifying other mitigations or strategies that may be ineffective, inappropriate, or were not implemented as intended at the Division
- Identifying safety deficiencies at the Division for purposes of continuous improvement

The division Safety and Training Manager will chair their DSC. The Safety and Training Manager establishes the appropriate time and frequency for DSC meetings to fit the schedules and needs of the Division. It is recommended that each DSC meet, at a minimum, once per month. At locations where vehicle incidents or workplace injuries are high, the committee may consider meeting more often than the minimum requirement at the discretion of the CSO or contracted service provider General Manager.

Agenda topics include, but are not limited to:

- Reviewing unsafe acts or conditions found at the facility
- Reviewing DriveCam trends and most frequent violations,
- Reviewing incidents or “near misses” involving vehicle operations, equipment, or employee injuries
- Reviewing old and new business
- Reviewing new, open, and closed hazards for the location, including a discussion on the decision-making process for each closed hazard
- Open discussions to identify new hazards

The contracted service provider’s Safety Manager will be responsible for developing agendas, meeting minutes, and attendance sheets for each meeting and distributing them following each session. Under the oversight of TSD, the contracted service provider will be responsible for retaining records for a minimum of three years to be made available upon request to the FTA, the Board of Supervisors, or TSD personnel. Committees may vote on items where consensus is not reached. In the event of non-consensus, the ESC will review and, if necessary, vote on any affected items, which will be final.

10.0 Employee Safety Reporting Program

Fairfax Connector has established a comprehensive Employee Safety Reporting Program (ESRP) that will allow all employees, including contract employees, to report safety conditions to senior management. This program will help the Accountable Executive, CSO, Connector service provider leadership, and key staff to obtain essential safety information. The defined ESRP will

be designed to improve the Fairfax Connector's ability to learn about safety conditions and make meaningful changes in collaboration with frontline staff.

Examples of items that can be reported include:

- Hazards/potential hazards
- Safety issues and concerns
- Accidents/incidents
- Possible solutions and safety improvements
- Close calls/near misses

The Fairfax Connector's contracted service provider is committed to ensuring that no action is taken against an employee who discloses a safety concern through the ESRP unless disclosure indicates through the investigative process and beyond a reasonable doubt that an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures was committed. Therefore, the ESRP protects employees from any disciplinary actions under the following conditions:

- Reporting safety hazards or potential hazards
- Making suggestions for safety improvements
- Reporting other employees' unsafe behavior
- Fatigue that presents an unacceptable, hazardous condition
- Self-report of a close call or near miss

However, there may be circumstances where disciplinary action is necessary after an employee makes a report. These conditions include:

- Willful safety violations
- Reckless and neglectful acts
- Actions resulting in an accident/incident
- Criminal activities
- Alcohol or drug use
- Failure to properly report a safety event
- Being observed violating Fairfax Connector safety rules by a supervisor or manager

11.0 Communication

The Fairfax Connector's Safety Management Policy will be communicated throughout the organization through:

- Communications to all personnel from the Accountable Executive and Transdev GM
- Various training programs
- New Hire Orientation
- Safety Meetings
- General bulletin board postings

This PTASP will always be available to all employees. Key personnel will maintain it in an accessible electronic file and hard copy(s) in locations accessible to employees under their supervision and management.

12.0 Accountabilities and Responsibilities

Fairfax Connector has established the necessary authorities, accountabilities, and responsibilities for the management of safety. Levels of accountability are included for both the Fairfax Connector and its contracted service provider. An organization chart for both TSD and the contracted service provider is documented in Appendix A.

12.1 Accountable Executive

The Accountable Executive for the Fairfax Connector is the FCDOT Transit Services Division Chief. This individual is the single identifiable person who:

- Has ultimate responsibility for carrying out this PTASP
- Communicates the SMP to all employees and contracted service provider
- Has responsibility for carrying out the Transit Services Division's Transit Asset Management Plan
- Controls or directs the human and capital resources needed to develop and maintain both the Transit Services Division's PTASP and TAM Plan
- Ensures adequate resources are available to support the SMS Program
- Continuously monitors the SMS program
- Supports the Employee Safety Reporting Program

In addition to these responsibilities, the Accountable Executive ensures that the Connector's SMS is effectively implemented. Furthermore, the Accountable Executive must ensure action is taken, when necessary, to address the substandard safety performance of the Connector. The Accountable Executive may delegate specific safety responsibilities; however, this individual is ultimately accountable for the Connector's safety performance.

12.2 Chief Safety Officer (CSO)

Fairfax Connector's CSO serves as the SMS Executive for the Fairfax Connector. This individual is responsible for developing Fairfax Connector's safety and security strategic direction and providing the day-to-day leadership, management, and administration of the Connector's safety and security administrative activities and emergency management programs.

The CSO holds the following authorities, accountabilities, and responsibilities:

- Communicating SMS implementation progress and challenges to the Accountable Executive
- Leading the development and update of Fairfax Connector's PTASP
- Overseeing the development of SMS policies and procedures
- Monitoring day-to-day implementation and operation of the SMS program
- Establishing and maintaining safety data information management and reporting systems
- Identifying deficiencies and substandard performance in the SMS program
- Advising the Accountable Executive on SMS progress and status
- Supporting all sections in managing safety risk
- Overseeing hazard management practices
- With support from the contract provider, overseeing Connector accident investigations
- Managing the internal safety program
- Overseeing the development, implementation, and continuous improvement of SMS processes and activities

As part of the SMS implementation process, Fairfax Connector's CSO, in coordination with all Key Staff, will act in the capacity of the SMS Project Manager to oversee the implementation process. In this role, the CSO will provide leadership of cross-functional groups and support the Accountable Executive's goals and objectives.

Responsibilities include the daily management of the Connector's SMS function during SMS implementation, including, but not limited to:

- Serving as the Connector's SMS Subject Matter Expert (SME)
- Coordinating with Key Staff to support SMS implementation
- Procuring technical resources for SMS implementation
- Socializing SMS activities with Connector executives and staff as necessary
- Communicating SMS implementation progress and challenges to the management team
- Facilitating the development, performance, and continuous improvement of SMS processes and activities

The CSO directly reports to the Accountable Executive for all matters involving this PTASP and the Fairfax Connector's SMS program. The CSO does not serve in other operational or maintenance capacities.

12.3 SMS Key Staff

The Fairfax Connector will designate key staff to support the Accountable Executive and CSO in developing, implementing, and operating the Connector's SMS.

SMS implementation requires a multi-disciplinary approach involving representatives from the various disciplines familiar with their processes and practices. SMS Key Staff will serve as the SMEs representing their disciplines during SMS implementation. Their responsibilities include providing insight into adapting existing practices to work in concert with the SMS. This will help identify data and information resources to support the ESC's objectives and ongoing SMS decision-making processes. Ultimately, Key Staff's responsibilities will be to identify and implement solutions to support SMS implementation, ensuring the program works in tandem with the section-specific practices and duties. SMS Key Staff will include, but are not limited to, the following personnel:

Table 6: Key Staff Assignments

Transit Services Division	Contracted Service Provider
Transit Ops TP III	Operations Managers
Maintenance TP IV	Safety Managers
Facility TP IV	BOCC Managers
Contract/QA TP IV	Maintenance QA Manager
Safety Coordinator TP III	Assistant Director of Maintenance

12.4 Transit Services Division Leadership

The Transit Services Division has identified other leadership and executive management members who have authority or responsibilities for the day-to-day implementation and operation of the Connector's SMS. Connector's Management team is comprised of the following individuals:

- Transit Division Chief
- Section Chief, Transit Operations/Safety
- Section Chief, Facilities/Maintenance

- Section Chief, Transit Planning
- Transit Planner IV, Contract Manager Q/A
- Transit Planner IV, Chief Safety Officer

TSD's leadership team will support the CSO by ensuring safety management practices are appropriately incorporated into all of the Connector's disciplines. This includes maintaining accountability for the safety performance of their areas of the system and establishing and maintaining clear lines of safety communication to front-line staff utilizing the SMS Key Staff.

12.5 Contracted Service Provider Leadership

The contracted service provider's leadership personnel will supplement FCDOT TSD's safety leadership team. Like TSD staff, management from the contracted service provider will support the CSO by ensuring that safety management practices are incorporated into all operational areas. This group is comprised of the following individuals:

- General Manager (GM)
- Director of Safety and Training
- Division Managers
- Director of Maintenance
- Bus Operations Control Center (BOCC) Manager

12.5.1 General Manager

As part of the SMS framework, the GM will coordinate with the Accountable Executive and CSO to ensure compliance with this PTASP. This includes, but is not limited to:

- Communicating Fairfax Connector's SMP to all employees
- Implementing Fairfax Connector's TAM Plan
- Providing adequate resources to support the SMS Program
- Continuously monitoring the contracted service provider's ability to meet Fairfax Connector's safety performance targets
- Supporting the ESRP

In addition to the SMS responsibilities, the GM oversees the day-to-day operations of the contracted service provider. This individual is responsible for performing labor relations activities, including meeting with the employee and union representatives to resolve disputes and grievances, monitoring performance, and identifying needs and opportunities to ensure service meets the highest standards of safety, customer satisfaction, and efficiency. The GM provides multidisciplinary and cross-functional leadership to teams and individuals in accomplishing the missions and objectives of the Connector's bus system. Further, the GM will maintain consistent communications with the County through the Division Chief of Transit Services or a designated project contact person.

12.5.2 Director of Safety and Training

The Director of Safety and Training serves as the contracted service provider's safety subject matter expert (SME) on safety and provides hands-on leadership, training, and mentorship to employees. The Director is responsible for implementing the Connector's PTASP and developing and maintaining the contracted service provider-specific safety and security program documents. This individual ensures that all safety and security documentation and record-keeping relating to all programs are accurate.

In addition, the Director of Safety and Training is accountable for, but not limited to, the following:

- Drug and Alcohol Prevention Program
- Accident and incident investigation, response, and reporting compliance
- Incident safety and training
- Training and certification for employees
- Disaster/Major Incident Emergency Response and Recovery Plan
- Investigating and reporting incidents, near misses/close calls, safety-related complaints, safety-critical rules violations, and other safety concerns
- Implementation of the SRM program and Corrective Action Plans (CAP)
- Performing safety audits and investigations
- Developing, implementing, and maintaining other regulatory, FCDOT, and contracted service provider safety initiatives, rules, programs, orders, and processes
- Overseeing the implementation and maintenance of SMS processes at each location
- Leading the review and revision of safety and security related documentation to ensure compliance with this PTASP and the Connector's SMS program

The Director of Safety and Training coordinates directly with the Connector's CSO to support the implementation of the Connector's safety strategy.

12.5.3 Safety and Training Managers

Safety and Training Managers are division-specific job functions that report to the Division Manager at each location. A Safety and Training Manager serves as the SME on safety and provides hands-on leadership, training, and mentorship to employees. Responsibilities of a Safety and Training Manager include the development, implementation, and administration of the contracted service provider's training, safety, and security compliance plans. This individual ensures that all local safety, security, and training documentation and records relating to all programs are accurate and kept up to date.

Additionally, Safety and Training Managers are accountable for, but not limited to, the following:

- Drug and Alcohol Prevention Program
- Accident and incident investigation, response, and reporting
- Incident safety and training
- Training and certification for employees
- Disaster/Major Incident Emergency Response and Recovery Plan
- Incident Emergency Response and Recovery Plan
- Safety Risk Management processes for their locations

Additional responsibilities specific to Connector's SMS include, but are not limited to:

- Implementing and enforcing policies and programs that ensure all aspects of the location are effectively and successfully operating under Fairfax Connector's SMS program in support of the Connector's goals, objectives, and mission
- Coordinating safety activities and developing programs to support Safety Assurance practices
- Advising and coordinating with all disciplines to ensure that all safety and environmentally related activities conducted by the different fields are performed following this PTASP as well as other applicable codes and regulations
- Providing analyses of safety issues and safety-related policy decisions
- Providing direction for SRM efforts
- Leading efforts to ensure compliance with the safety standards and regulations
- Assisting in the development of effective safety training and education programs

- Recommending to the CSO the appropriate level of resources needed to ensure that adequate capital and personnel are available to accomplish safety, security, and emergency management goals and objectives
- Chairing DSC meetings
- Reviewing safety, security, and emergency management documents to ensure all requirements are included
- Supporting emergency exercises, tabletops, and drills, as appropriate
- Analyzing safety and security-related data to determine if the correct safety risk mitigations are in place
- Working collaboratively with Connector personnel and other contracted service provider staff to identify, analyze, mitigate, and track hazards
- Preparing safety risk analyses to identify trends in safety data that will inform management on means of improving safety strategies of the organization
- Collaborating with Connector personnel to provide data that will inform the Transit Services Division's TAM and State of Good Repair (SGR) objectives
- Performing field observations to ensure compliance with safety policies and procedures
- Updating and maintaining databases relating to SMS programs
- Documenting and monitoring lessons learned from past major projects, accidents, incidents, and other relevant safety events to ensure mitigations remain effective and similar scenarios do not repeat themselves
- Managing the tracking and disposition of all CAPs specific to the location

12.6 Bus Operations Control Center

The BOCC is responsible for answering and responding to operator radio calls, emergency alarms, and messages and monitoring buses in service within the service area. Primary responsibilities include, but are not limited to:

- Ensuring schedule and route adherence
- Managing headways and recovery of service
- Active Service Management (ASM)
- Monitoring On-Time Performance (OTP)
- Dispatching "strategics" (reserve buses)
- Managing special event service, including charter bus operations, Celebrate Fairfax, etc.
- Ensuring customer service excellence
- Timely incident response, reporting, and management
- Emergency management
- Management of extreme weather events
- Continuity of operations, including partial and/or system shutdown and restoration
- Documenting service anomalies
- Accurately logging operator verbal reports and events

13.0 Integration with Public Safety and Emergency Management

This section describes the process used by the Fairfax Connector to coordinate emergency management activities. Activities include meetings with external agencies, emergency planning processes, emergency exercises, AAR and implementation of findings, revision, distribution of familiarization training for public safety organizations, and employee training.

The Fairfax Connector is currently developing an emergency management program by creating a System Security and Emergency Preparedness Plan (SSEPP).

13.1 Evaluation of Emergency Management

As needed, the Fairfax Connector will evaluate its Emergency Management program to verify its compliance with documented procedures. This may be accomplished through processes such as a drills and exercise program which will be established as part of the Emergency Management Program.

13.2 Meeting with External Agencies

Through Fairfax County's Emergency Operations Center, the Fairfax Connector participates in periodic activities and exercises with public safety and emergency management agencies.

13.4 Emergency Procedures

Fairfax Connector's emergency procedures are found throughout various SOP and rulebooks, location-specific Emergency Action Plans (EAP), and other emergency response documentation. Initial documents are reviewed and evaluated as needed by employees within the TSD. Emergency procedures will also be considered after any event. The CSO, or their designee, will distribute updated documents to the appropriate departments, personnel, and, if necessary, external public safety agencies.

13.4.1 Fairfax County Emergency Operations Plan

The Fairfax Connector's emergency actions are driven by the Fairfax County Emergency Operation Plan (EOP). The EOP is a multi-discipline, all-hazards plan that establishes a single, comprehensive framework for managing major emergencies and disasters within the County. The EOP is implemented when it becomes necessary to mobilize the resources identified herein to save lives and protect property and infrastructure. The EOP incorporates the National Incident Management System (NIMS) as the County standard for incident management.

The EOP outlines the roles and responsibilities assigned to County departments and agencies for response to disasters and emergencies. A Letter of Agreement (LOA) signed by all Fairfax County departments, including the Director of the Department of Transportation, commits each department to undertake the necessary preparedness activities to ensure that the County is ready to carry out assigned emergency management responsibilities. The LOA also commits departments and agencies to develop and maintain viable Continuity of Operations Plans (COOP) to ensure that they can continue operations if a primary facility becomes unavailable or staffing levels are unduly impacted. The EOP is not intended as a stand-alone document but instead establishes the basis for more detailed planning by individual departments and agencies. The EOP is designed to be used in conjunction with more detailed department and agency plans and operating procedures.

13.4.2 Emergency Action Plans

EAPs have been developed for the Fairfax Connector's three facilities and apply to all emergencies at each facility. These EAPs are intended to communicate the policies and procedures for employees to follow in an emergency. EAPs will be made available, upon request, to employees and their designated representatives.

13.4.3 Bus Operations Control Center Standard Operating Procedures

The BOCC Standard Operating Procedures Manual and Reference Guide is complemented by and dependent on other supporting documents provided by FCDOT, the contract bus operations and maintenance service provider and other third parties. The Manual contains several

appendices that may be revised separately from the main manual. The purpose of the Manual is to:

- Promote a safe, positive, and professional environment for Fairfax Connector contract employees, passengers, and the public
- Establish SOPs for the BOCC
- Establish continuity and consistency between the BOCC and the bus operating Divisions.

13.4.4 Mutual Aid Agreements

Before the opening of the Metrorail Silver Line Phase 1, WMATA and Fairfax County created an MOA to provide emergency bus services using Fairfax Connector resources during a Metrorail disruption at Metrorail stations located within the boundaries of Fairfax County, as well as the Van Dorn Street and Eisenhower Avenue Metrorail stations located within the City of Alexandria. In anticipation of beginning revenue service on Phase 2 of the Silver Line, WMATA, Fairfax County, and Loudoun County opened negotiations in March 2021 to develop a new MOA to provide emergency bus services between the new Silver Line stations. This process resulted in a revised MOA to include the new Silver Line Metrorail stations. The new MOA was executed on March 18, 2022, in anticipation of Metrorail service commencing at the new Silver Line stations.

13.4.5 Exposure to Infectious Diseases

In accordance with Part D of this ASP, Safety Risk Management (SRM), TSD, in coordination with its contracted service provider, is committed to minimizing the exposure of the Fairfax Connector's riders, employees, contractors, and facilities to hazards and unsafe conditions. This includes minimizing exposure to infectious diseases using guidelines consistent with, but not limited to, the following organizations and in accordance with the risk mitigation program defined in the SRM process. The Fairfax Connector coordinates with the following agencies:

Federal

- Centers for Disease Control and Prevention (CDC)

State

- Virginia (VA) Department of Health (DOH)
- VA Occupational Safety and Health

County / Local

- Fairfax County Health District

Part D: Safety Risk Management

The Fairfax Connector has identified a Safety Risk Management (SRM) process for its fixed-route bus system. The SRM is comprised of the following activities:

1. Hazard Identification
2. Hazard Analysis and Evaluation
3. Safety Risk Mitigation

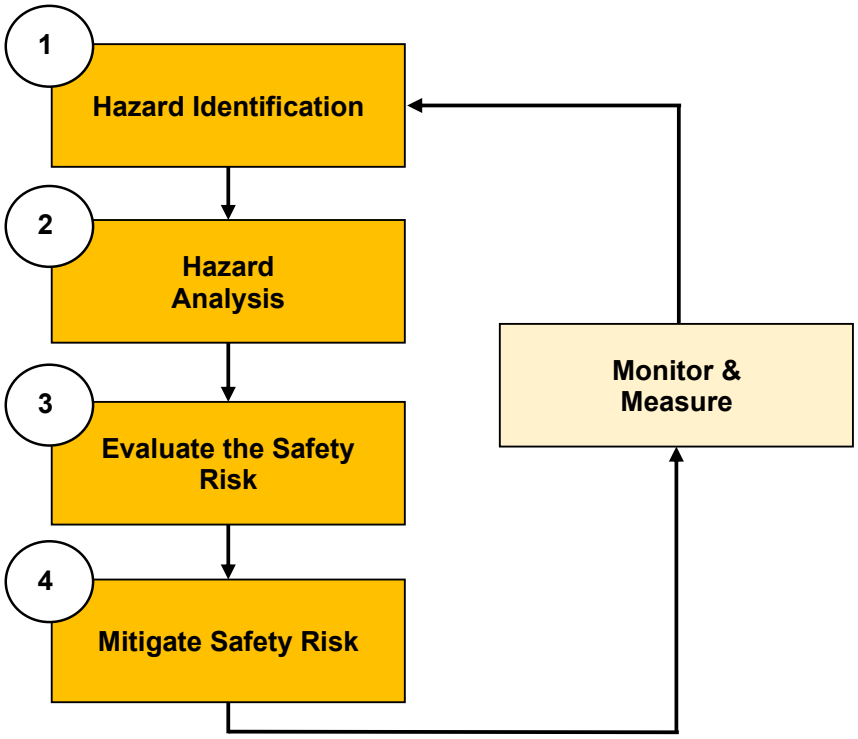
The SRM process is essential to the Fairfax Connector's overall SMS program. It provides a formal means to systematically identify, evaluate, and mitigate potential hazards associated with

the operation, maintenance, and construction around its system and helps to determine what conditions require correction first. Overall, the SRM program requires the timely mitigation.

The methodology employed for the Fairfax Connector SRM program is based on the U.S. Department of Defense (DoD) Military Standard (MIL-STD-882 E). However, it has been revised to meet the needs of the Connector. The Connector will use this methodology to ensure hazards are identified, analyzed for potential impact on the operating system, and resolved in a manner acceptable to Fairfax Connector management.

The following figure illustrates the steps used in the SRM process:

Figure 9: Safety Risk Management (SRM) Process



14.0 Roles and Responsibilities

The following section identifies the roles and responsibilities specific to the SRM process. Refer to Part C, Section 12 of this Plan for all other roles and responsibilities for managing the SMS program.

14.1 Chief Safety Officer (CSO)

- Oversees the implementation of the SRM Program
- Directs TSD key staff or the contracted service provider's Key Staff to conduct a safety risk analysis as needed
- Develops and reviews mitigations identified to manage safety risks rated outside of the Connector's tolerance levels

- Coordinates and monitors the completion of safety mitigations with TSD's and the contracted service provider's key personnel through CAPs
- Maintains a hazard tracking log for all identified hazards and vulnerabilities

14.2 Management and Key Personnel

- Oversees all operations and maintenance activities pertaining to safety, security, and emergency management to identify safety hazards
- Recommends to the CSO the appropriate level of resources needed to ensure that adequate capital and personnel are available to manage identified hazards
- Supports the CSO to coordinate with the contracted service provider to identify, assess, mitigate, and monitor hazards and their associated corrective actions
- Leads and/or assists in the development of safety risk analyses
- Maintains an area-specific hazard tracking log
- Reports all hazards to the CSO
- Coordinates the identification and implementation of effective control measures to correct the hazardous condition to mitigate to an acceptable level
- Monitors all identified hazards in the area through closure
- Provides monthly status reports to the CSO
- Identifies, implements, and monitors CAPs to correct hazards outside of the Connector's safety risk tolerance thresholds
- Conducts detailed safety risk analyses, when necessary and as directed by the CSO, management, or Key Staff

15.0 Hazard Identification

Hazard identification activities define conditions and failures that have the potential to cause accidents. It is the responsibility of all Fairfax Connector employees to identify and report hazards following the processes described in this PTASP. Implementing the hazard identification procedures can significantly increase Fairfax Connector's ability to identify, eliminate, or control hazards to reduce risk to an acceptable level.

In coordination with the CSO, Safety and Training, Operations, and Maintenance managers will conduct periodic inspections of facilities and equipment to identify hazards on a proactive basis. TSD safety personnel and contracted service personnel will review incident reports, injury and illness reports, and employee injuries. When required, independent reviews may be obtained to ensure objectivity.

Safety and Training Managers, Division Managers, and Operations and Maintenance Managers are responsible for ensuring employees at each location report hazards for review and analysis. These managers are also responsible for their respective area's compliance with their role in the SRM process. All identified hazards will be tracked and monitored by each location through coordination with the CSO.

Additionally, success with the hazard identification process is dependent on the support and utilization of the ESRP. Hazards/concerns reported through this process will go through the same SRM process.

15.1 Methods for Hazard Identification

Hazard identification starts with the understanding and analysis of the system's day-to-day operations and maintenance activities. These activities can include general revenue service operations, the review of system modifications, inspection activities, equipment modifications,

design reviews, testing, analysis, and maintenance inspections. Similarly, safety audits, peer reviews, customer complaints, and triennial reviews, once implemented, often identify hazards.

The Fairfax Connector will consider outputs of Safety Assurance (SA) activities, such as employee safety reporting programs, investigations, data and information provided by an oversight authority, data and information regarding exposure to infectious disease provided by the CDC, Virginia Department of Health, or the Fairfax County Department of Health, monitoring of operations and maintenance procedures, or system changes, as sources for hazard and consequence information. This will involve the consolidation of consequence and hazard information in one location for easier sorting and analysis to share information and enable analysis.

A variety of methodologies will be utilized to identify hazards on the system, including, but not limited to:

- Maintenance audits & inspections
- Facility & equipment inspections
- Training & certification programs
- Accident & injury investigations
- Near miss/close call events
- Safety data acquisition & analysis
- Operating rules & procedures
- System replacements & updates
- New systems & fleet
- Customer complaints/suggestions
- Capital projects/construction activity
- Drills and exercises
- New systems testing
- Event investigations
- Safety committee meetings
- Employee reports
- Rules compliance reviews
- Analysis of maintenance data
- Incident management and response

16.0 Hazard Analysis and Evaluation

The Safety and Training Manager may resolve identified hazards at the division level. The CSO will appropriately investigate hazards that cannot be resolved at the operating, maintenance, or other front-line levels through the assistance of the responsible operations and maintenance personnel. Investigation findings will be documented and reported to the DSC and as needed, to the ESC. Those issues that a DSC cannot resolve will be escalated to the ESC through the Safety and Training Manager to the CSO for resolution.

Hazard Analysis findings will be documented and provided to the CSO, who will support each Division, helping to monitor corrective actions through full resolution. These hazards will be included in the Hazard Tracking Log (HTL) located in Appendix C.

16.1 Hazard Categorization

The hazard severity categories listed below provide the qualitative indication of the relative severity of the possible consequences of the hazardous conditions. Fairfax Connector assigns hazard categories based on the most plausible “worst-case” event.

16.1.1 Severity Rating

Table 7: Hazard Severity Ratings

Severity	Criteria				
	People	**Equipment / Services**	**Financial**	**Reputation**	**Environmental**
Catastrophic (1)	Death, permanent total disability, serious injuries	**a**. Total loss of equipment, and/or **b**. Long-term system disruption	≥ $4 Million	**a**. Irreparable public relations damage, and/or **b**. National Media Coverage, and/or **c**. Long-term government involvement	Irreversible significant environmental impact
Critical (2)	Permanent partial disability, serious injuries, or occupational illness	**a**. Major loss of equipment, and/or **b**. Significant system disruption	$1 Million - $4 Million	**a**. Serious public relations damage, and/or **b**. Prolonged media coverage, and/or **c**. Sustained government involvement	Reversible significant environmental impact
Moderate (3)	Injury or illness resulting in one or more lost workday(s)	**a**. Some loss of equipment **b**. Short-term system interruption	$500,000 - $1 Million	**a**. Short-term public relations damage, and/or **b**. Local media coverage	Reversible moderate environmental impact
Minor (4)	Minor injuries or No injuries	**a**. Minor damage to equipment **b**. No system interruption	≤ $500,000	**a**. Some public relations damage, and/or **b**. No adverse media coverage	Minimal environmental impact

Once a hazard's severity has been determined, the analysis will consider the probability or likelihood of the consequences if the hazard is not corrected or controlled. The susceptibility of a location to a hazard occurring is measured using the following table.

16.1.2 Probability Rating

Table 8: Hazard Probability Rating

Description	Score	Specific Individual Item	Fleet/Inventory/Operations	Frequency
Frequent	**A**	Likely to occur often in the life of an item.	Continuously experienced	≥ 26 events per year
Probable	**B**	Will occur several times in the life of an item.	Will occur frequently	12- 26 events per year
Occasional	**C**	Likely to occur sometime in the life of an item.	Will occur several times	1-11 events per year
Remote	**D**	Unlikely, but possible to occur in the life of an item.	Unlikely, but can reasonably be expected to occur	Once annually
Improbable	**E**	So unlikely, it can be assumed that occurrence may not be experienced in the life of an item.	Unlikely to occur, but possible	1-4 events in ≥ 5 years
Eliminated	**F**	Incapable of occurrence. This level is used when potential hazards are identified and later eliminated.		

The hazard severity and probability properties measure the Safety Risk Score and the priority for applying control measures. Using this scale, the CSO, Division Safety and Training Manager, and members of the DSC and ESC can examine, quantify, and resolve the hazards based on the severity of a potential outcome and the likelihood that such an outcome will occur.

Figure 10: Safety Risk Matrix

		Severity			
		Catastrophic 1	**Critical 2**	**Marginal 3**	**Negligible 4**
Probability	**A - Frequent**	**1A**	**2A**	**3A**	**4A**
	B - Probable	**1B**	**2B**	**3B**	**4B**
	C - Occasional	**1C**	**2C**	**3C**	**4C**
	D - Remote	**1D**	**2D**	**3D**	**4D**
	E - Improbable	**1E**	**2E**	**3E**	**4E**
	F - Eliminated	**Eliminated**			

1A, 1B, 1C, 2A, 2B	**High**	**Unacceptable**
1D, 2C, 3A, 3B	**Serious**	**Undesirable, ESC decision is required**
1E, 2D, 2E, 3C, 3D, 3E, 4A, 4B	**Medium**	**Acceptable, with review by the DSC**
4C, 4D, 4E	**Low**	**Acceptable, without review by the DSC**
F	**Eliminated**	**Eliminated**

High/Unacceptable: The risk cannot remain and must be mitigated through the ESC. The Safety Risk Analysis (SRA) and subsequent analyses will present options for eliminating or reducing high risks.

Serious/Undesirable: The risk should be reduced if at all practical to do so with support from the ESC. The SRA and subsequent hazard analyses will provide options, where possible, to minimize risks.

Medium/Acceptable, With Review: The risk can be acceptable after management and the ESC or the DSC review. The Safety Risk Analysis will recommend that the hazard be left or acted upon to reduce risk further. The DSC or the CSO makes the final determination.

Low/Acceptable: The risk is acceptable and does not require further review. The SRA will not recommend any action to address a low risk. The CSO and the DSC make the final determination.

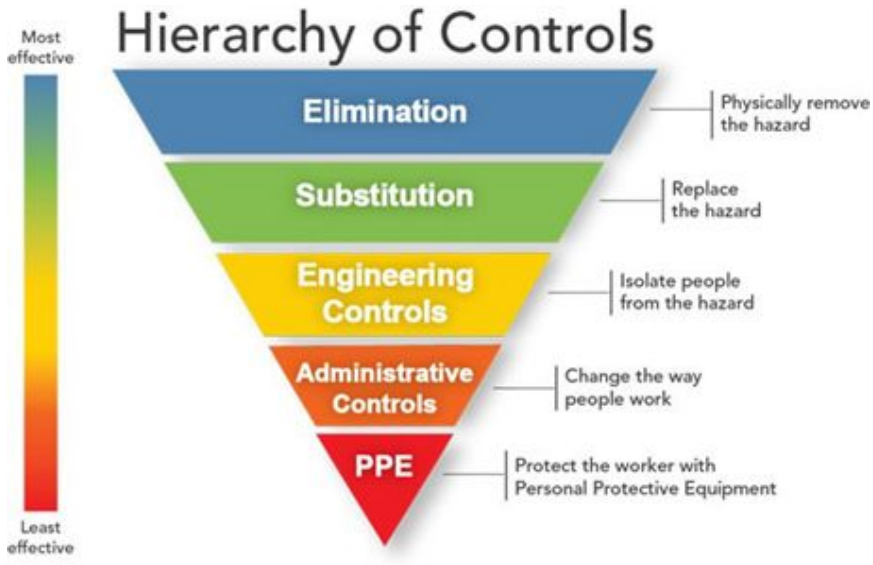
Eliminated: The risk no longer exists.

17.0 Safety Risk Mitigation

Divisional Management will take appropriate actions to reduce the risk associated with the identified hazard to the lowest practical level. This will be accomplished by establishing methods or processes to identify necessary mitigations or strategies resulting from the Fairfax Connector's SRA to reduce the consequences' likelihood and/or severity. Further actions may be necessitated by the Accountable Executive or CSO.

Risk mitigation aims to reduce the assessed risk rating to an acceptable level; however, mitigations do not typically eliminate the risk. Fairfax Connector will consider SME input from different departments, guidance from the FTA or an oversight authority, and (for mitigations to prevent or control exposure to infectious diseases) the CDC, the Virginia Department of Health, or Fairfax County Department of Health, to ensure that the selected safety risk mitigation is appropriate. Information from multiple sources can help prevent unintended effects, including new hazards.

The hazard control process will follow the Hierarchy of Controls defined by the National Institute for Occupational Safety and Health (NIOSH).



17.1 Elimination or Substitution

While most effective at reducing hazards, these methods tend to be the most difficult to implement in an existing process. The core methodology between elimination and substitution separates the hazard from the system or sub-system by either utilizing removal or modification/replacement. These steps are most effectively implemented at the early stages of a capital project. If the process is still at the design or development stage, eliminating and substituting hazards may be inexpensive and straightforward.

Where some hazards are inherent and cannot be eliminated through design, they should be substituted, if possible, to reduce the risk to the lowest acceptable level.

17.2 Engineering Controls

This methodology is designed to remove the hazard at the source before the customer or employee interacts with it. Well-designed engineering controls can be highly effective in protecting the system and will typically be independent of other interactions to provide this high level of protection. The initial cost of engineering controls can be higher than the cost of administrative controls or Personal Protective Equipment (PPE). Still, over the longer term, operating costs are frequently lower and, in some instances, can provide cost savings in other areas of the process.

17.3 Administrative Controls and PPE

Administrative controls and PPE are frequently used with existing processes where hazards are poorly controlled. Administrative controls and PPE programs may be relatively inexpensive to establish but, over the long term, can be very costly to sustain. This method limits exposure to the hazard rather than removing it, thus not necessarily, but possibly, minimizing the risk to the lowest practical level. Similarly, PPE does not eliminate hazards and may expose workers if the equipment fails.

Therefore, these methods have proven to be less effective than other measures. Administrative Controls and PPE should be used as a last resort if the other methodologies are not feasible.

18.0 Safety Risk Management Tracking

Each Division will maintain a Hazard Tracking Log (HTL). When a hazard is identified, the Safety and Training Manager or CSO will add the condition to the HTL. The tracking log will contain, at a minimum:

- Hazard ID#
- Date & Time
- Description of Hazard
- Reported by
- Location (if applicable)
- Source
- Probability Level
- Severity Category
- Hazard Classification rating (initial and final)

The HTL template can be found in Appendix C of this PTASP. Further, the HTL will be reviewed monthly between the CSO and Division Safety and Training Manager. Monthly reports will also be provided to the ESC for hazard monitoring and tracking.

18.1 Hazard Prioritization

All hazards will be prioritized based on the Safety Risk Score calculated during the Analysis and Evaluation process. The score is achieved by combining the Severity rating with its Probability. The greater the score, the higher the hazard's prioritization. Hazards ranked as High/Unacceptable or Serious/Undesirable should be mitigated first, with High/Unacceptable ranking as the greatest. Prioritizing risks will support management in the decision-making process by elevating the hazards and vulnerabilities that need immediate attention to the forefront for action.

18.2 Hazard Acceptance

If it is not possible to reduce a hazard, a decision must be made to accept the hazard or dispose of the system. The ESC makes this decision. In consultation with the Accountable Executive, the CSO has final signatory authority for hazard acceptance through agreement with the ESC. As in all other hazard management activities, the CSO will maintain full documentation of hazard acceptance according to the internal document control procedures.

Part E: Safety Assurance

Safety Assurance (SA) is the process within the Fairfax Connector's SMS functions to ensure the implementation and effectiveness of safety risk mitigation and ensure that the Fairfax Connector meets or exceeds its safety objectives. This is accomplished through the collection, analysis, and assessment of information.

This section will describe the Fairfax Connector's activities to monitor its system for compliance with and sufficiency of procedures for operations and maintenance. Furthermore, Fairfax Connector will review system functions to identify safety risk mitigations requiring further improvements or functioning as intended. This section will also describe Fairfax Connector's means for monitoring safety performance measures, including transit asset management (TAM) and SGR. It also describes other performance measuring and monitoring activities, including rules compliance reviews, the Drug and Alcohol Program, and procurement oversight activities.

19.0 Safety Performance Monitoring

Safety Performance Monitoring and Measuring activities aim to quantify Fairfax Connector's safety effectiveness and efficiency during service delivery operations. This is accomplished by defining and tracking Safety Performance Indicators (SPI). Safety Performance Monitoring is a continuous process aimed at providing feedback to the SMS on how well safety performance targets are being met.

The data used to monitor and measure SPTs will be supplemented by information collected from SMEs. Data input from this process will be reviewed, monitored, and analyzed for trends through various lenses of the Connector's operations. Reports will be developed and provided to the DSCs, ESC, and the leadership teams to review and identify mitigation, if required. Specific SPTs are defined in Part B, Section 6 of this PTASP.

19.1 Safety Data Acquisition and Analysis

It is critical to Fairfax Connector's Safety Assurance function that safety-related data is acquired/collected from various sources. Analysis and distribution of that data to TSD and contracted service provider management and staff are also critical to ensuring safe operation and performance. In some instances, the acquired data is used to meet external reporting requirements for the FTA and the National Transit Database (NTD). Trend analysis will be performed on the received data to identify trends in accidents and occupational injuries to develop and implement corrective action to predict and prevent further occurrences.

Safety data includes, but is not limited to, the following:

- Accident Reports
- External Reports and Publications
- County Official Concerns
- Claims Reports
- Maintenance Reports
- Employee Occupational Injury Reports
- FTA Bulletins and Safety Advisories
- Inspection Reports
- Internal Audit Reports
- Passenger and citizen concerns/customer complaints
- Inspections, assessments, and observations
- Safety meetings
- Special Occurrence Reports
- Public Safety Reports, concerns, and investigations
- Social media posts
- Employee Safety Reporting Program
- Customer and resident concerns
- System reliability
- Rule Compliance Checks

Safety data analysis also involves obtaining technical information from external sources to identify trends and develop and implement corrective actions. Sources for such data include but are not limited to the following:

- Peer agencies
- American Society of Safety Engineers (ASSE)

- Americans with Disabilities Act (ADA)
- American National Standards Institute (ANSI)
- American Public Transportation Association (APTA)
- American Society for Testing and Materials (ASTM)
- Department of Homeland Security (DHS)
- Environmental Protection Agency (EPA)
- Federal Transit Administration (FTA)
- County ordinances and public laws
- Safety Data Sheets (SDS)
- National Fire Protection Association (NFPA)
- National Transportation Institute (NTI)
- Occupational Safety and Health Administration (OSHA)
- Transportation Security Administration (TSA)

Other data sources, standards, and guidelines will be identified as applicable to the conducted analysis. The CSO will ensure that appropriate and adequate safety data collection is maintained for the operations and maintenance activities. The CSO will also verify that adequate analysis is performed on the data, shared appropriately system-wide, and acted upon to predict and prevent adverse events for safety assurance purposes.

19.1.1 Access to Data

All disciplines are charged with providing analysis of internal data as directed by the CSO. The CSO will ensure that each discipline and location is aware of the data and is required to collect, analyze, and subsequently provide it to the CSO for review, further analysis, and corrective action. Data from individual disciplines will be made available upon request. Similarly, the CSO and Division Safety and Training Managers will distribute any data analysis as appropriate to the applicable disciplines and DSCs.

19.1.2 Safety Performance Indicators

SPIs are quantifiable parameters used for monitoring and assessing safety performance and SPTs. SPIs should be clearly defined with input on the indicators based on data and information provided by the SMEs. More importantly, SPIs should be quantifiable and measured using the above data sources. There are two common types of indicators:

> **Lagging Indicators**: Data related to events that have already occurred. Fairfax Connector will define lagging indicators using historical data of adverse outcomes, such as accidents, incidents, and occurrences.
>
> **Leading Indicators**: Measured conditions that can become or contribute to an adverse event before the outcome occurs. Leading indicators can be very valuable as they will allow the Fairfax Connector to monitor precursors to events and offer the opportunity to take preventive action. Examples might be increases in the incidence of certain types of observable DriveCam events.

Fairfax Connector will use lagging and leading indicators to measure and monitor its safety performance and feed the SPTs.

19.2 Safety Investigations

The investigation process is a critical component of the Safety Assurance function of the SMS and is only one indicator to measure safety performance success.

The Fairfax Connector's contractor will investigate any accident, unacceptable hazardous condition, and any other safety event as deemed necessary. The investigation will be documented in a final report using existing procedures. At a minimum, an investigation will aim to determine the facts relative to the cause of the event, including identifying causal factors. The investigation will document specific actions that should be taken to prevent or reduce the likelihood of further occurrences.

19.3 Safety Rules Compliance

Operating rules and procedures are contained in the Fairfax Connector Employee Handbook published by the contracted service provider. Additional procedures are developed to support all operations as needed. Other safety rules, processes, and practices may be contained in these procedures. Any changes to operating procedures, rulebooks, or maintenance plans with safety implications will be reviewed by the ESC for approval. Upon approval, changes are made, and the rulebook is signed and distributed accordingly. Individuals receiving new or revised rulebooks may be required to sign, date, and return a form indicating receipt.

All employees and contracted service providers are responsible for always knowing and abiding by the rules and procedures. Connector employees must know and follow the rules when on duty.

19.3.1 Safety Rules Compliance Program

The Safety Rules Compliance Program (SRCP) is a process that allows TSD and the contracted service provider personnel to monitor the effectiveness of existing rules and procedures implemented by the contracted service provider to identify any deviations from expected activities. Safety-related rules cover both operational and maintenance disciplines. As such, the SRCP is an integral part of the Safety Assurance function and SMS.

There are three fundamental outputs for the SRCP:

1. Measure the effectiveness of supervision relating to the implementation of operating and maintenance rules
2. Documentation of results
3. Incorporation of findings into SRM

Contracted service provider supervisory and management staff will be required to make periodic checks of employees to ensure compliance with the rulebook and relevant procedures. Management personnel are also expected to observe inspections during daily operations and on-the-job training for all employees. TSD will be responsible for oversight of SRCP activities and will receive regular reports from the contract service provider on SCRP activities conducted and findings from the review.

The following techniques will be used to monitor compliance for operations and maintenance personnel.

19.3.1.1 Assessment of Operations Personnel

Periodic operational checks will be made in the field by contracted service provider supervisors. These will include, but are not limited to, the following:

- Speed Checks
- Observation of safe vehicle operations
- Proper use of safety devices
- Observation of the use of safety devices
- Wheelchair securement practices

- Wheelchair ramp operations

Periodic spot checks will be made when requested or deemed necessary by management. Safety, operations, and maintenance personnel may conduct random safety checks that include, but are not limited to, the following:

- General vehicle operations
- Attention to duty
- Traffic violations
- Door operations

19.3.1.2 Assessment of Maintenance Personnel

The Director of Maintenance or their designee will observe rules and procedures and monitor contracted service provider performance in all maintenance shops. Rules and procedures that will be monitored and observed for compliance include, but will not be limited to, the following:

- General safety
- Maintenance “housekeeping”
- Proper use of tools, equipment, and machinery
- Proper use of personal protective equipment
- Fire Life safety
- Materials handling and storage
- Quality Assurance activities

The Director of Maintenance will also conduct follow-up activities following-up on any non-compliance as a technique to ensure the reinstruction of employees has resulted in compliance with maintenance rules.

19.3.1.3 Assessment of Supervisory Personnel

Periodic reviews of supervisory personnel will be performed by location management. They shall include required supervisory activities defined in the rulebook and procedures, the individual’s job description, and the safety and security requirements outlined in this PTASP.

Follow-ups will occur periodically following a finding of rules/procedure non-compliance.

19.3.2 Documentation

All SRCP activities will be documented, and documentation will be maintained at each location by the Division Safety and Training Manager. All records will be retained for a minimum of three years.

19.4 Inspection and Maintenance Program

Fairfax Connector facilities, vehicles, and terminals will be inspected at regular intervals per the defined procedures provided in the respective maintenance plans. Critical items and conditions disclosed during an inspection will be repaired immediately or taken out of service until work can be performed. Non-critical items or conditions are cycled through the work order process. Inspection notes recorded on checklists are given to the appropriate personnel for review and filing. When reports of defects or problems are reported from other sources, they will be responded to, inspected, and followed up with an immediate repair, work order, or out-of-service status per criticality and crew availability.

19.4.1 Facility Inspections

Facility inspections are guided by the Facility Maintenance Plan developed by the contracted service provider. It establishes a comprehensive facility maintenance program that adheres to the Connector's requirements.

The contracted service provider is responsible for inspecting and maintaining Fairfax Connector facilities. TSD personnel will periodically audit the inspection program to ensure the contracted service provider is properly inspecting and maintaining safety-related systems and assets.

The contracted service provider will monitor facilities with daily, weekly, monthly, and annual reviews as required. The contracted service provider will also be responsible for complying with any safety, environmental, or other requirements when operating in a Fairfax County facility and adhering to all federal, state, and local regulatory requirements, such as stormwater, hazardous waste, and maintenance of shop equipment.

19.4.1.1 Documentation

Daily and monthly facility inspections will be documented on inspection forms. The facility inspection forms will be reviewed monthly by the facility maintenance manager. A team meeting will be scheduled monthly to discuss the previous month's facility-related issues, corrective actions, repair parts, and shop supplies that have been ordered, and upcoming preventative maintenance is scheduled.

Records of maintenance actions, checklists, and inspections will be documented and available for review by the TSD or regulatory agencies. The facility maintenance programs will show the training and qualifications of any facilities maintenance staff if required by TSD.

All records will be maintained for a minimum of three years.

19.4.2 Fleet Management

Fleet Management activities are identified in Fairfax Connector's Fleet Management Plan (FMP). The FMP, in conjunction with the TAM Plan, provides an understanding of the requirements, obligations, and the methodology to plan, operate, maintain, and make changes to the fleet of buses required to provide service to the region. The FMP helps align the Connector's goals and objectives with the contracted service provider and other regional partners to manage the fleet towards cost-effective, safe, reliable, and clean service for Connector patrons. Both the TAM and the FMP tie directly to the Connector's mission and the Fairfax Connector's service goals. Specifically, the FMP provides a framework and guidelines for managing the buses. Elements of the plan include:

- Review of the current bus fleet and fleet replacement plan
- Definition of Key Performance Indicators (KPIs) used to track and monitor operations
- A brief description of how the contract between FCDOT and the contracted service provider relates to the FMP
- Definition of maintenance practices, including tracking of repairs, warranty, and midlife re-power requirements
- Infrastructure, Inventory Management, and Quality Control (QC)
- Emergency Management and Planning

All vehicles will be maintained per federal, state, and local requirements, including Original Equipment Manufacturer (OEM) guidelines. In addition to the contract terms and conditions, vehicles are subject to Quality Control (QC) inspections and audits by FCDOT and its third-party inspection services to verify compliance. The vehicle management software program tracks

maintenance activities, preserving the vehicles' use, servicing, and maintenance history. Other aspects of bus maintenance and operation use standard procedures developed by the contracted service provider and TSD to ensure compliance with rules and regulations to achieve a high-quality fleet maintained in a good repair state.

19.4.2.1 Preventative Maintenance

The Preventive Maintenance (PM) function is the most critical element of the maintenance program. An adequately designed PM program enhances a vehicle's reliability, prolongs its useful life, and meets the bus's Original Equipment Manufacturer (OEM) and component manufacturers' warranty requirements. The PM Program incorporates four distinct parts:

- Fleet-specific OEM inspection requirements
- Contractual/client-specified inspection requirements
- Monitoring fluid quality and maintaining levels
- Federal, state, and local regulatory requirements

Preventative Maintenance Inspections (PMI) are defined programs designed to perform maintenance at prescribed intervals, established by the individual bus manufacturers, and based on accrued mileage or time of use. The PMI schedule is defined in the FMP.

19.4.2.2 Fleet Audits

Fleet audits are usually conducted by a third party to inspect a sampling of vehicles, along with the documentation of its maintenance history. These audits will be coordinated with the contracted service provider to minimize or eliminate service disruptions and include the entire fleet or a selected portion of the fleet at transition milestones.

The audits can also focus on the whole vehicle or specific components or functionality. The contracted service provider will be responsible for assisting with the audit process by providing a suitable location to conduct the audit and staff to move the buses and operate the vehicle for any additional testing, such as a brake test. The contracted service provider will also be required to supply maintenance records at the time of the audit.

Based on the audit results, vehicles may be removed from service for any safety-related defect. All identified defects will be noted and monitored until repaired. Contractual requirements associated with defects and other items are defined in the contract.

19.4.2.3 Documentation

The contracted service provider will use the Vehicle Maintenance System (VMS) to record data created for bus maintenance and repairs, inventory control of parts, and labor hours expended. The VMS incorporates data generated by the Fleet Watch program, which monitors fuel and other fluids used and accrued mileage. The process of tracking, monitoring, and reporting of vehicle maintenance will provide data on performance for auditing, quality control, document retention, and service criteria evaluation purposes.

All records will be maintained throughout the life of the asset.

19.5 Drug and Alcohol Program

Fairfax Connector's Drug and Alcohol program is administered by the contracted service provider. The program is intended to comply with 49 CFR Part 655, and 49 CFR Part 40. The Policy applies to all USDOT-Regulated employees, including drivers and safety-sensitive personnel. Specific

Drug and Alcohol requirements for these individuals are identified in the contractor's "FTA Drug Policy" and "Transdev FMCSA Drug Policy."

Additionally, a corporate-level policy is managed by Fairfax County. Fairfax County's policy only applies to County employees who are required to possess a Commercial Driver's License (CDL).

19.5.1 Employee Assistance Program

Fairfax County has a formalized Employee Assistance Program (EAP) to support employees struggling with addiction and other personal issues that may adversely affect their ability to perform their duties effectively and safely. EAP services are available to all County employees (merit and non-merit) and members of their households. All records maintained as part of the EAP program are kept confidential.

Transdev also has an EAP.

20.0 Management of Change

Change management is the process that will allow the Fairfax Connector to confirm that any changes or proposed changes do not introduce new hazards or vulnerabilities. All changes or modifications of Fairfax Connector's systems must be controlled to ensure that safety and security are managed throughout the process. If changes have introduced newly identified risks, Fairfax Connector will measure the risks to mitigate their potential consequences.

Fairfax Connector may experience change for the following reasons:

- Expansion of the system
- Audit results
- Regulatory requirements
- Route/schedule changes
- Detours or changes arising from construction
- Changes to its existing rules or procedures
- Modifications to programs and services
- Introduction of new equipment, technology, or new facilities

Hazards may inadvertently be introduced into the system whenever a change occurs. Changes can also impact the appropriateness and or effectiveness of existing safety risk mitigation strategies. Changes may be external to the organization or internal; however, Connector and the contracted service provider will evaluate all changes through the SRM process.

Change Management requires the review of all system documentation by the ESC for compliance with this PTASP and the inclusion of proper safety and security requirements where appropriate. The CSO, through the ESC, is responsible for ensuring that all disciplines have appropriate processes for documenting their configuration, including, but not limited to:

- Specifications, drawings, and diagrams
- Procedures, policies, and guidelines
- Equipment and vehicles
- Facilities and structures, infrastructure
- Administrative, quality, security, and emergency processes
- Information Technology (IT) systems and processes

The ESC will be responsible for reviewing any proposed changes that have the potential to impact safety and approve, disapprove, or modify all requested system changes.

20.1 Change Management Process

The Fairfax Connector is building a comprehensive Change Management Program. The process defined below provides an overview of preliminary activities that the Fairfax Connector will use as the program is developed.

Configuration Change Requests (CCR) may result from needs identified during formal targeted operations or maintenance reviews, hazard analysis or threat and vulnerability assessment findings, annual safety and security audits, or accident investigations. The ESC will discuss these before a decision is made to initiate a proposal to change the configuration.

Once a determination is made as to the degree of impact the change will have, the evaluation of the proposed modification can continue with determining merit, cost, safety and security impact, implementation schedule, and potential impact on other system elements.

All CCRs are to be assigned a number and entered into the Configuration Management Tracking Matrix. The matrix will contain every CCR entered in numerical and chronological order, whether rejected, approved, completed, or in progress. The ESC can view completed configuration changes, in-progress changes, and changes under review from the matrix. The matrix will be produced each time any configuration change is completed and filed with configuration documentation. The active change matrix will also be produced from the master, at least monthly, to track the status of change proposals in progress and to report to the ESC.

A Matrix sample can be found in Appendix D of this PTASP.

20.2 Safety and Security Certification

Safety Certification is a formal process that provides documented verification that all project components comply with safety and security standards, criteria, and requirements. When applicable, the Fairfax Connector will implement a Safety and Security Certification (SSC) process for major capital projects in accordance with all applicable federal regulations and industry standards[5].

Detailed processes will be identified in project-specific Safety and Security Certification Plans (SSCP) using the Safety Risk Management process.

21.0 Continuous Improvement

Continuous Improvement of Fairfax Connector's SMS is guided by achieving the defined safety objectives and safety performance targets. The CSO will implement Connector's internal review process in coordination with each discipline and division. This process allows the Connector to continually examine its compliance with the requirements prescribed in this PTASP and identify any deviations from meeting the SPTs, Safety Objectives, and Safety Goals. Internal reviews, therefore, are intended to determine the effectiveness of the PTASP and verify the need for implementing additional program processes.

21.1 Internal Safety and Security Review Program (Continuous Improvement)

The Internal Safety and Security Review Program is intended to provide Fairfax Connector with a mechanism for ensuring the PTASP is implemented, and procedures are performed following the Connector's SMS program requirements. Internal reviews will be conducted by individuals independent of the function being assessed.

[5] Ref 49 CFR Part 633.

In coordination with the contracted service provider's Director of Safety and Training, the CSO will develop, coordinate, and execute the Internal Safety and Security Review Program to monitor the application of this PTASP. The process is a Safety Assurance activity required to ensure a proactive approach to identifying hazards before they become a safety event and to verify that safety and security programs have been developed and implemented. Specifically, items assessed during the audit process will include:

- The level of effectiveness of safety and security programs
- Process effectiveness
- Hazards and potential hazards in the system
- Verification that prior corrective actions are implemented, tracked to closure, and effective
- System safety and system security improvements

21.1.1 Internal Safety and Security Review Process

As required by specific audit guidelines and written checklists will be developed to measure the success of each discipline and location in implementing safety and security policies, procedures, and requirements. In each case, the audit guidelines will be personalized to each department's unique safety or security responsibilities.

Checklists will be drafted, providing sufficient criteria to determine if all audited criteria are performing as intended. Examples of referenced documents include, but are not limited to:

- System operating rulebooks, notices, and procedures
- Maintenance plans, manuals, and procedures
- Preventive maintenance inspection processes
- Employee training programs
- Environmental compliance procedures
- Other documents deemed by the CSO or their designee
- Previous internal and external audits, including FTA audit reports
- CAPs for accidents, security incidents, and unacceptable hazards

21.1.2 Internal Review Schedule

The audit schedule will be based on a three-year review cycle, with audits completed on an annual basis until all components of the PTASP are evaluated over the three years.

The TSD CSO or their designee will be responsible for scheduling reviews. Disciplines to be reviewed will be notified and will be provided with information regarding the planned review's purpose, scope, and content. To ensure the independence of the process, the individual conducting the review will not be the person in charge of implementing the items being assessed.

21.2 Corrective Action Plans

Corrective Action Plans (CAP) can be developed to address various conditions. Personnel from FCDOT and the contracted service provider will identify whether a CAP is needed under the following three conditions:

1. During a safety investigation to avoid or minimize the reoccurrence of the investigated event or address a related, systemic problem
2. To correct safety risks
3. To correct a finding of noncompliance

TSD and the contracted service provider will develop a formal CAP to correct any condition identified as deficient that creates a hazard deemed not acceptable. The CAP will include the information:

- The hazard or programmatic deficiency
- Action to be taken to correct the hazard
- Implementation schedules
- The individual(s) and department(s) responsible for the implementation
- Interim/short-term steps taken while awaiting implementation of long-term mitigations

21.2.1 Monitoring and Tracking

The contracted service provider will maintain a CAP tracking log that provides pertinent information on specific CAPs, including:

- A CAP tracking ID
- Date the CAP was opened
- The source of the CAP
- The identified noted deficiency or hazard
- The process, plan, or mechanism to address and resolve the deficiency or hazard
- A timeframe for implementing each part of the CAP
- The department(s) and person(s) responsible for implementation
- The proposed implementation date
- Any issues preventing resolution
- Other critical information, as appropriate

The Director of Safety and Training will submit the CAP log to the CSO monthly, who will supply the tracking log to the ESC for periodic updates regarding progressing towards closure.

21.2.2 Verification and Closure

Each division's Safety and Training Manager will submit verification to the Director of Safety and Training for any CAP proposed closure. If approved, the Director of Safety and Training will submit the request for acceptance by the CSO.

Information regarding the closure must be included in the CAP tracking log and include any additional actions implemented to complete the CAP. Verification documentation may consist of:

- Photographs
- Receipt of a new or revised document
- Work order or similar document showing full completion

Part F: Safety Promotion

Part F of this PTASP outlines the Fairfax Connector's processes to promote both SMS practices and safety throughout the organization. As part of 49 CFR Part 673, this section will discuss the following two sub-components of Safety Promotion:

- Competencies and training
- Safety communication

22.0 Competencies and Training

Fairfax Connector's contracted service provider is responsible for developing an ongoing Safety Training Program Plan and operations-based training approved by FCDOT. The contracted service provider will ensure appropriate staff are trained on this PTASP, Reasonable Suspicion and Post-Accident Determination, and Substance Abuse Management and Program Compliance (Drug and Alcohol Reporting and Training) to comply with 49 CFR Part 40 and 49 CFR Part 655. The training program will provide thorough, relevant, and ongoing education and training for all employees to ensure that assigned duties are completed safely and effectively. In order to support, especially, the security of employees who interact with the public, de-escalation training will be regularly provided.

Training curriculums are based on federal, state, local, and industry best practices and applicable national standards. Fairfax Connector requires all employees to be trained for all assigned tasks and equipment used on the job. Employee performance will then be evaluated and documented upon completion of each training objective. Training curriculums are also linked to the performance objectives by which employees will be assessed while on the job.

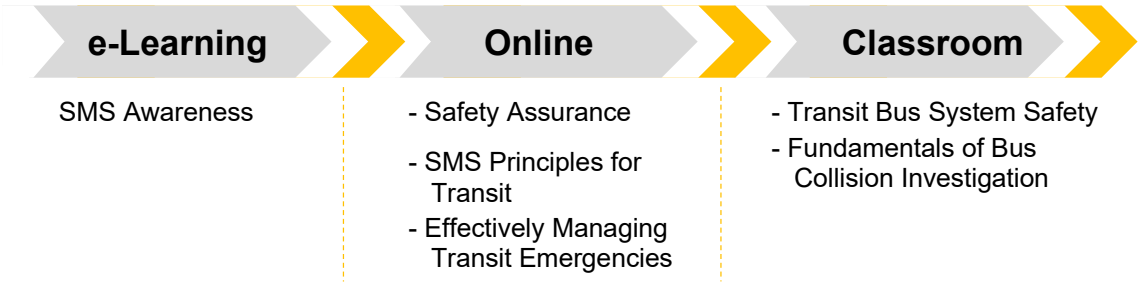
22.1 Designated Personnel

Designated personnel will complete an Individual Training Program (ITP) for their Public Transportation Safety Certification Training Program (PTSCTP) designation. Fairfax Connector designated personnel include employees and contracted service providers whose job function is directly responsible for safety oversight of Fairfax Connector's SMS program. More specifically, this includes personnel whose primary job function includes developing, implementing, and reviewing these PTASP requirements for the Connector pursuant to 49 CFR Part 673. These individuals include:

- The CSO (FCDOT)
- Director of Safety and Training (contracted service provider)
- Manager of Safety and Training (contracted service provider)
- Safety and Training Managers (contracted service provider)
- Safety Coordinator (FCDOT)

Additional designated personnel may be identified as the SMS continues to mature. Courses needed to complete the PTSCTP include:

Figure 11: Public Transportation Safety Certification Training Program (PTSCTP) Curriculum



To enroll in the PTSCTP, designated personnel will email ftasafetypromotion@dot.gov to confirm their ITP. Upon enrollment into the PTSCTP program, designated employees will have three years to complete the initial training identified above.

22.1.1 Refresher Training

After completing their initial training, designated personnel, including any contractors supporting the Fairfax Connector overseeing this PTASP, will take a refresher training course every two years. Refresher training, at a minimum, includes completion of the Transportation Safety Institute's (TSI) one hour SMS Awareness course. Alternative training courses may be acceptable at the discretion of the CSO.

22.2 New Operator Training

New Connector operators already holding a Commercial Driver's License (CDL) complete a new driver training program that includes 56 hours of classroom training and 156 hours of behind-the-wheel (BTW) time. BTW hours are defined as actual driving hours behind the wheel. These activities will be documented on the following Driver Development Forms:

- Skills Course Maneuvering Form
- Basic Safe Driving Form
- Route and Revenue Form
- Master Performance Chart

New operators will be evaluated after completing each classroom and BTW training modules, followed by a final written exam upon New Driver Training. Additionally, each operator receives an evaluation of their BTW skills within thirty (30) days of being released to revenue service. Operators will also be required to successfully pass on-board evaluations at the end of the training process and before being released into revenue service. Training progress and verification of program completion will be documented and kept in the employee's file.

In addition to BTW training, all new operators will receive Conflict De-escalation training and Safety Concern Identification and Reporting training.

22.3 Operator Refresher Training

Employees actively participate in refresher training or in-service education programs when new equipment, duties, tasks, systems, or processes are added or introduced as a part of job requirements, including but not limited to:

- Vehicles, equipment, machinery, or tools
- Chemicals or materials
- Laws, regulations, standards, policies, or procedures
- Transfer to a new job
- Leave of absence/return to work after an extended absence
- Particular circumstances or conditions requiring additional training

In addition, contracted employees receive eight hours of refresher training every year.

Supervisors will coordinate refresher training for employees based on current operating trends. Refresher training should be used for accident prevention and trend reversal. Supervisors will also ensure that each employee's refresher training is provided annually based on state and contract requirements. They will inform employees when in-service training is required and provide information regarding the date and time of training.

22.4 Maintenance Training

The contracted service provider is responsible for establishing minimum performance standards to ensure personnel are adequately trained (to include safety training), tested, and certified before

working on any vehicle. In addition to maintenance proficiencies, maintenance staff will be trained in bus operations similar to bus drivers. The contracted service provider will also provide FCDOT with a safety training plan for drivers, mechanics, supervisors, and administrative staff. Training will include refresher courses with both classroom and hands-on styles of instruction.

22.5 Bus Operations Control Center (BOCC) Training

Training is provided to Bus Operations Control Center (BOCC) controllers. Training includes the following topics and, with the approval of FCDOT, can be modified at the direction of the contracted service provider's GM and/or the BOCC Manager:

- Standard Operating Procedures for the BOCC
- Safe Operation of Fairfax County Vehicles
- Accident/Incident Management and Reporting
- Radio Procedures and Proper Communications
- Service Reporting & Documentation
- Emergency Alarms (EA)
- Emergency Situations
- Worker's Compensation Investigation, Documentation, and Reporting
- Drug & Alcohol Testing Program, Policy, and Procedures
- Setting Priorities and Managing Multiple Tasks
- Service Orientation (Fixed Route), Customer Service, and Passenger Relations
- Handling Confrontation and Dealing with Difficult People
- Supervisory Techniques & Interaction Management
- Vehicle Maintenance Program and Policies
- CleverCAD System Functionality and Operations
- As applicable to the controller's prior experience, additional training will be provided for:
    - Relevant parts of Collective Bargaining Agreement(s)
    - General Computing
    - System Usage
    - Standard Operating Procedures for Fixed Route Drivers

Portions of this training will be conducted in a classroom-type setting. Other portions will be conducted in the BOCC office under the supervision of an experienced controller and/or supervisor and/or FCDOT personnel. If the Controller was hired externally, service orientation and standard operating procedure training will be conducted on-board revenue service vehicles with veteran and experienced operators. If applicable, field training will also be provided by road supervisors to ensure that controllers fully understand the role of the road supervisor in operations management. Maintenance-related training will be provided at the direction of maintenance supervision. Depending on the controller's initial qualifications and skill level, additional training may be provided.

Regular consultations with the BOCC Manager will be held at 30-day, 60-day, and 90-day intervals to ensure that the new controller is confident in their abilities and address concerns on their part or management's part. As necessary and randomly, observations will be conducted by the BOCC Manager, BOCC Supervisors, or veteran BOCC Controllers.

On an annual basis, or as necessary, all controllers will undergo refresher training. To the extent possible without disrupting normal operations, controllers will also be required to attend training provided by Clever Devices and/or FCDOT.

22.6 Documentation

Training records will be recorded and maintained in the user's discipline location.

Contracted service provider employees engaged in performing work requiring specialized training and/or certification shall have their training and qualification records maintained in the contracted service provider's training records system. Training and employee qualifications will be reviewed periodically to verify an employee's qualification to perform the prescribed work.

23.0 Safety Communication

Communicating with frontline employees about safety and security is crucial in establishing a positive safety culture. Effective safety communication makes personnel aware of safety priorities and initiatives and ensures that feedback is captured and acted upon appropriately. Fairfax Connector will focus on relaying safety-related information regularly, raising awareness of potential safety risks, and the progress of the Connector's safety programs. This will encourage employees to report concerns and demonstrate management commitment to both the employees and the Connector's safety performance objectives. The Fairfax Connector also will ensure that all employees are aware of any policies, activities, and procedures related to their safety-related roles and responsibilities.

Communication of safety programs, including SMS initiatives and achievement of SPTs, Goals, Objectives, and cooperation with DSCs on their activities will be led by the CSO in coordination with the Director of Safety and Training and location Safety and Training Managers. Mechanisms for communication include, but are not limited to:

- Employee Reporting Program
- Safety Committees
- Training
- Fairfax Connector Policies and Procedures

Appendix A: Organization Chart

Figure 12: Higher Level Fairfax Connector Safety Organization Chart

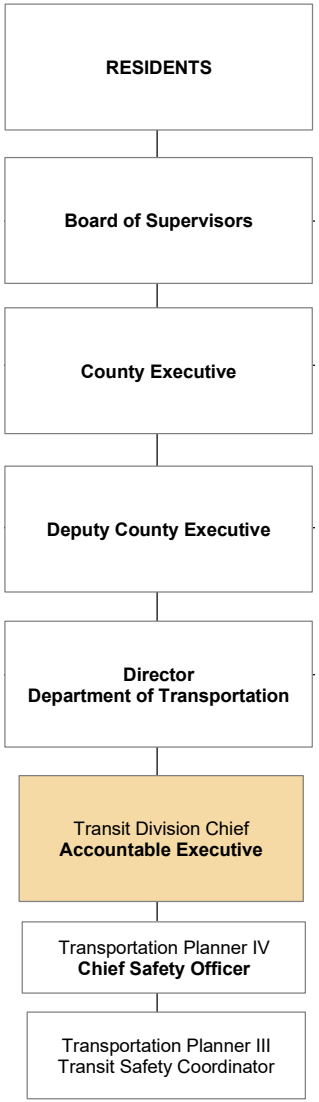


Figure 13: Transit Services Division Organization Chart

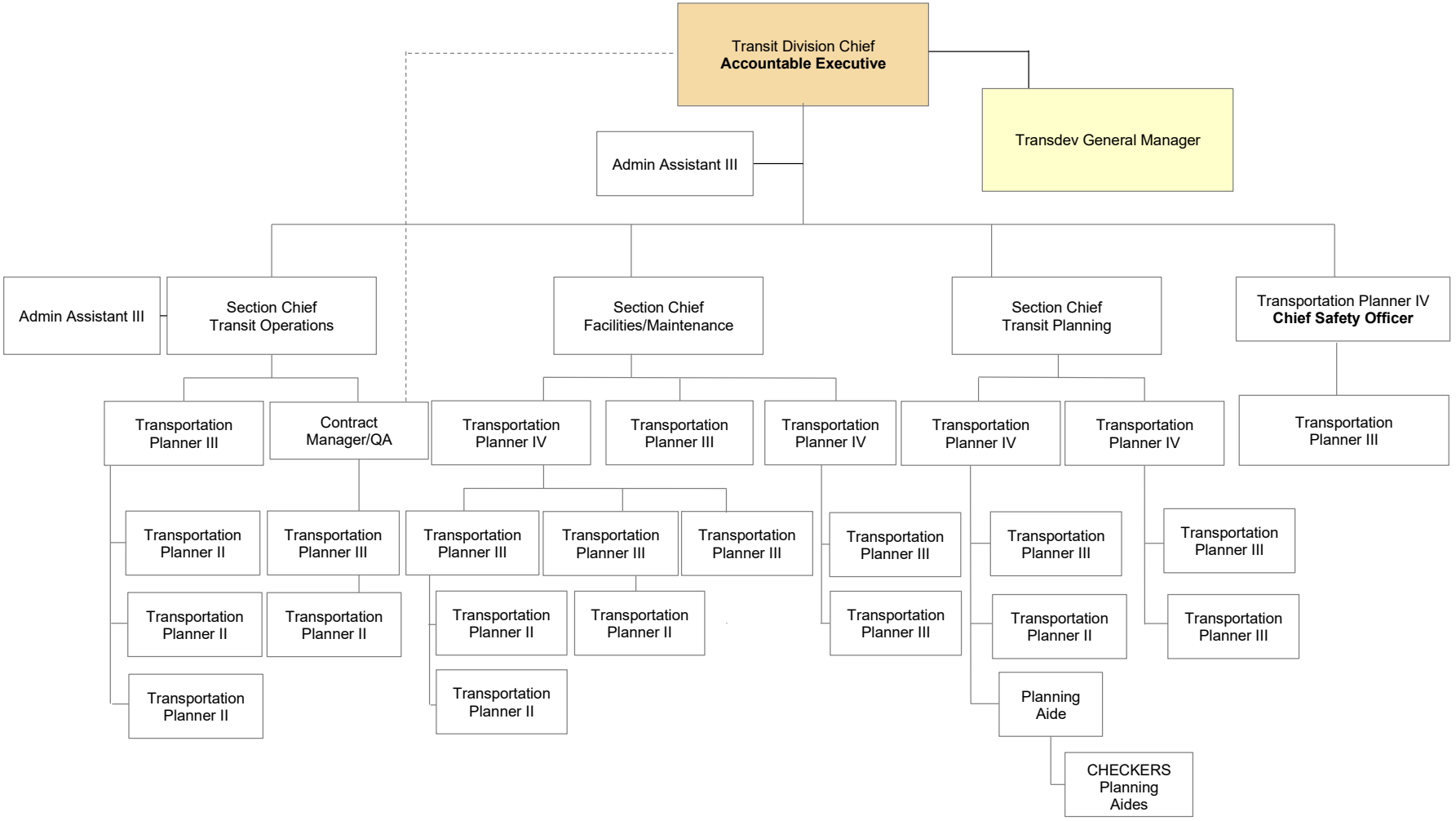
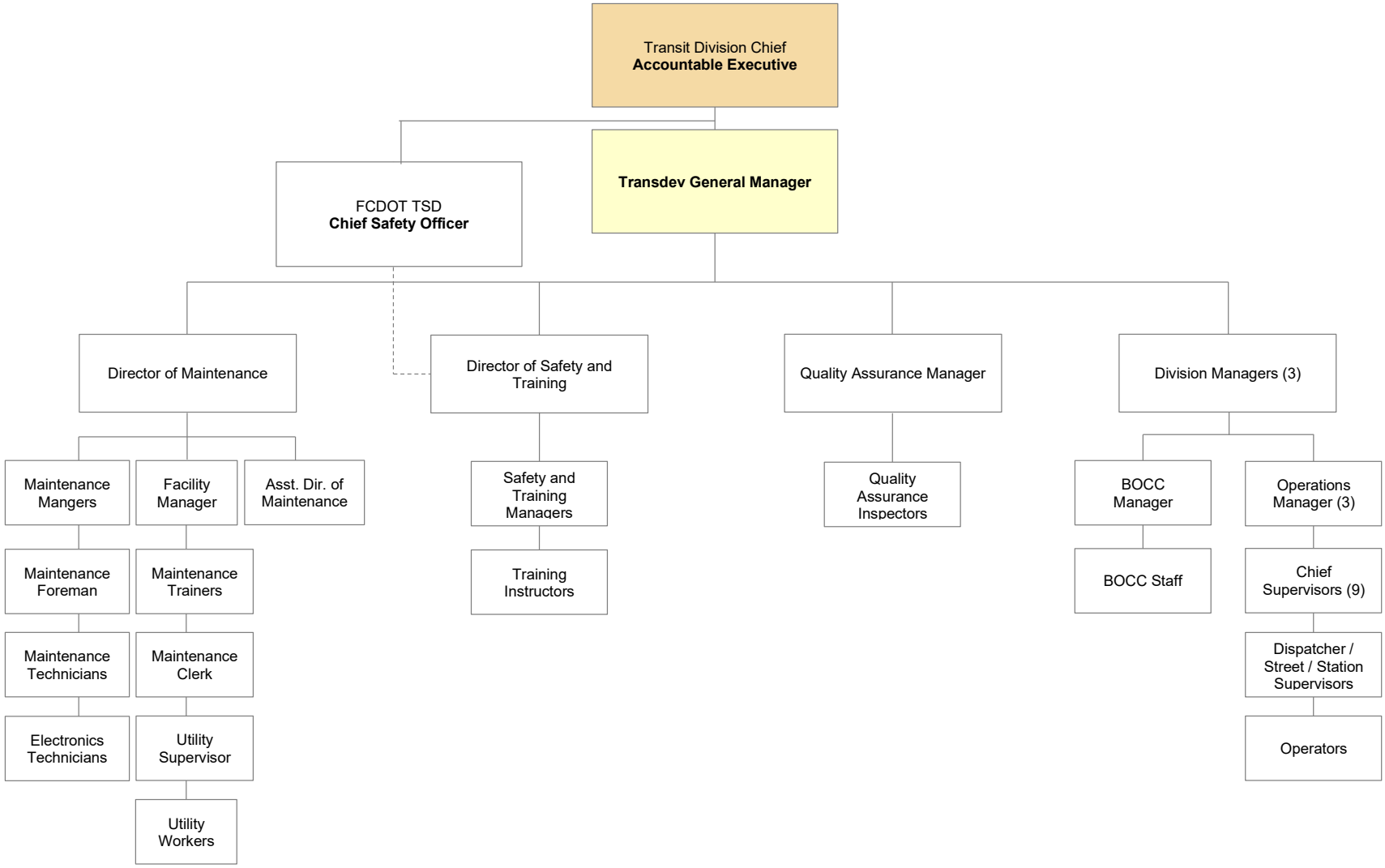


Figure 14: Transdev North America Organization Chart



Appendix B: Employee Safety Reporting Program Form

Hazard ID #:

Employee Safety Reporting Form

Fairfax County Employees are encouraged to report observed safety hazards to improve Connector's overall safety. Employees may make this report confidentially or even anonymously if they choose. Employees are encouraged to reveal their names and contact information to allow follow-up to occur should questions arise.

Safety Hazard Detailed Description

Location/Description of Safety Hazard (please be as specific as possible): _____

Vehicle Number (if applicable): _____ Route (if applicable): _____

Employees may make confidential reports without revealing their identity if they choose.

Your Name_____Job Title_____Date of report_____

Section/Discipline_____Date of Occurrence _____Time of occurrence_____

Office Phone_____ Cell Phone_____ Home Phone_____

Safety Hazard Description: _____

_____

_____

Manager Review Questions

Thank the reporter for participating in the Employee Safety Reporting program? ☐ YES ☐ NO

Is this an emergency? ☐ YES ☐ NO **If yes, ensure the BOCC has been contacted**

Is immediate injury probable if the issue isn't addressed?

If yes, has it been temporarily addressed? ☐ YES ☐ NO

Comments: _____

_____

If NO, address problem immediately via TD Safety or DM as well as BOCC

Was someone injured? ☐ YES ☐ NO Description: _____

Did property damage occur? ☐ YES ☐ NO Description: _____

Detailed Description of the Hazard:

_____

_____

_____

_____

<Continue OVER>

Detailed description of the hazard:

_____

_____

Completed by: _____ Date: _____

HAZARD REVIEW

FOR OFFICIAL USE ONLY

Status In Progress	**Date Closed** Click or tap to enter a date.

Reviewer's Name	**Job Title**
Click or tap here to enter text.	Click or tap here to enter text.

Probable Cause(s)	**Probably Effect(s) on System**	**Initial SRI**
1) 2) 3) 4) 5)	1) 2) 3) 4) 5)	

Recommended Mitigations
1) 2) 3) 4) 5)

Actual Actions Taken	**Final SRI**
1) 2) 3) 4) 5)	

Signature of the Reviewer

The following signature(s) indicate acceptance and closure of the hazard by Fairfax Connector.

Signature: _____ Date: Click or tap to enter a date.

Print Name: _____ Phone: Click or tap here to enter text.

Signature if the hazard was identified to be 'Unacceptable.'

_____ Click or tap to enter a date.

Safety and Security Manager/CSO Date

Appendix C: Hazard and Corrective Action Plan (CAP) Tracking Logs

Figure 15: Hazard Tracking Log

Fairfax County Department of Transportation, Fairfax Connector																			Last Updated
HAZARD TRACKING LOG																			5/25/2023
				Hazard Information			Initial Safety Risk Index					Mitigated Safety Risk Index							
Hazard ID	Source	Date Identified	Lead Investigator	Hazard Description	Cause(s)	Effect(s)	Severity (1-4)	Probability (A-F)	SRI	Corrective Action Plan (CAP)	CAP No.	Severity (1-4)	Probability (A-F)	SRI	Status (Open/Closed)	Date Closed	Closed By	Notes / Comments

Figure 16: Corrective Action Plan Tracking Log

Fairfax County Department of Transportation, Fairfax Connector												Last Updated
CORRECTIVE ACTION PLAN (CAP) TRACKING LOG												4/27/2023
CAP ID	Source	Date Opened	Deficiency/Finding/Hazard Description	CAP Description (Process, Plan, or Mechanism)	Responsible Department(s)	Responsible Person(s)	Estimated Completion	Actual Completion	Issues Preventing Closure (if applicable)	Status (Open/Closed)	Notes / Comments	

Appendix D: Configuration Change Tracking Matrix

Figure 17: Configuration Change Tracking Matrix

Configuration Change Tracking Matrix									
Control No.	Initiation Date	Description of Proposed Change	Reviewer Name	Recommended Action	SSC?	Department	Point of Contact	Status	Comments

Board Agenda Item
November 21, 2023

ACTION - 5

Approval of Comments on the Preliminary Alternative Concepts of the I-495 Southside Express Lanes (SEL) Study (Franconia, Mason, and Mount Vernon Districts)

ISSUE:
Board approval of comments on the preliminary alternative concepts of the I-495 Southside Express Lanes Study.

RECOMMENDATION:
The County Executive recommends that the Board approve the letter (Attachment I) containing Fairfax County's comments on preliminary alternative concepts of the I-495 SEL Study.

TIMING:
Board approval is requested on November 21, 2023, to allow the County's comments to be considered by the project team.

BACKGROUND:
The Virginia Department of Transportation (VDOT) initiated the I-495 Southside Express Lanes Study in January 2022, in cooperation with the Federal Highway Administration (FHWA), the Maryland Department of Transportation State Highway Administration (MDOT SHA), surrounding localities, and other federal, state, and local stakeholders. The study is examining improvements along I-495, from the Springfield Interchange (I-95/I-395/I-495), across the Woodrow Wilson Bridge, to the MD 210 interchange in Prince George's County, Maryland. The study has been coordinated with the Transit and Transportation Demand Management Study initiated by the Virginia Department of Rail and Public Transportation (DRPT), which was completed in spring 2023.

The goals and objectives of the study are to evaluate transportation improvements that extend and provide continuity of the Express Lanes system on I-495, provide additional travel choices, reduce congestion, improve travel reliability, improve safety, and provide consistency with local and regional plans. VDOT has also been coordinating with MDOT SHA on the improvements from the Woodrow Wilson Bridge to MD 210.

VDOT has been preparing the Environmental Assessment (EA) for the I-495 SEL Study pursuant to the National Environmental Policy Act (NEPA) of 1969, and in accordance

with FHWA regulations. The purpose of the EA is to analyze the potential social, economic, and environmental effects associated with the proposed improvements. For this study, VDOT has separated the effort into the following five tasks: Methodologies, Purpose and Need, Range of Alternatives (task currently being undertaken), Recommended Preferred Alternatives, and Conceptual Mitigation. During each task, local and state agencies, including County staff, will have an opportunity to give input and comments before progressing to the next task. VDOT is also seeking public input at key points during the study.

The most recent public meetings regarding the preliminary alternative concepts were held on the following dates:

- September 12, 2023 – Virtual
- September 13, 2023 – Oxon Hill High School, Oxon Hill, Maryland
- September 19, 2023 – Nannie J. Lee Memorial Recreation Center, Alexandria, Virginia
- September 20, 2023 – John R. Lewis High School, Springfield, Virginia

The purpose of these meetings was to present the preliminary engineering alternative concepts to the public, and then to gather feedback and comments on which alternatives the public favored, as well as questions regarding the benefits and disadvantages of each alternative. Staff previously submitted comments during the Methodologies phase (which contained the first round of public information meetings). Those comments were approved by the Board on July 19, 2022. In general, the staff comments mirrored what was expressed by the public at the first round of meetings, as detailed in Attachment I and summarized below:

1. The future implementation of rail over the Woodrow Wilson Bridge should not be precluded from any of the alternatives selected for further analysis.
2. The study should not preclude the goals of Embark Richmond Highway Plan.
3. Evaluating selected alternatives with consideration on the impacts to secondary streets along the study corridor.
4. Evaluating noise impacts for the selected alternatives and the need for noise walls at the gap areas, as well as substantial outreach to the surrounding communities.
5. Equity should be considered and weighed in similar proportion to other performance metrics ultimately used in the study when comparing the selected alternatives for future analysis.

VDOT has presented the following key milestones; however, this anticipated study schedule is subject to change as the study progresses:

Fall 2022/Winter 2023	Public information meetings Agency concurrence on range of alternatives
Summer 2024	Public hearing for EA and preferred alternative
Fall 2024/Winter 2025	NEPA completion

EQUITY IMPACT:
An Equity Impact Assessment is not required, as this Board action only consists of providing comments on the preliminary alternatives of the study. Staff will evaluate the study at a later stage to examine equity implications and provide input to mitigate any identified inequities.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment I: Draft Letter Transmitting Fairfax County Comments on the Preliminary Alternative Concepts of the I-495 SEL Study

STAFF:
Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
Martha Elena Coello, Chief, Special Projects Division, FCDOT
Yuqing Xiong, Senior Transportation Planner, FCDOT
Sean Schweitzer, Senior Transportation Planner, FCDOT

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

Suite 530
12000 GOVERNMENT CENTER PARKWAY
FAIRFAX, VIRGINIA 22035-0071

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

chairman@fairfaxcounty.gov

JEFFREY C. MCKAY
CHAIRMAN

November 21, 2023

The Honorable W. Sheppard Miller III
Secretary of Transportation
P.O. Box 1475
Richmond, Virginia 23218

Reference: Fairfax County Comments on the Preliminary Alternative Concepts of the I-495 Southside Express Lanes Study

Dear Secretary Miller:

On November 21, 2023, the Fairfax County Board of Supervisors (Board) approved comments regarding the I-495 Southside Express Lanes (SEL) Study. The County is appreciative that the Commonwealth is assessing solutions on the only interstate segment in Fairfax that does not have a transit benefit at this time. It is critical that additional travel choices are available in the Capital Beltway Corridor to move the most people as efficiently as possible in this region. The study's proximity to the anticipated Richmond Highway Bus Rapid Transit (BRT) corridor and the Woodrow Wilson Bridge also signifies that improvements in the I-495 corridor will have lasting effects on accessibility and increased economic opportunity for surrounding communities in Fairfax and Prince George's Counties. The coordination of these projects will help to create and expand transit connections to other areas in northern Virginia and Maryland. It is imperative that VDOT, along with the local and state agencies in Virginia and Maryland affected by the proximity of the study, coordinate as the study continues.

The Board looks forward to continued and enhanced collaboration as the study progresses. As part of those efforts, the Board offers the following comments regarding the information shared during the I-495 SEL Study public meetings held in September 2023, specifically relating to the preliminary alternatives being proposed. These comments should not be construed as a County endorsement of the I-495 SEL Study:

- Future implementation of rail transit over the Woodrow Wilson Bridge should not be precluded from any of the alternatives selected for further analysis. County staff support an interim phase to be included in the preferred alternative while Metro continues their work on the Blue/Orange/Silver Capacity & Reliability Study. Alternatives that reserve the median for future transit should also be included and analyzed. Furthermore, when transit rail service is ultimately implemented along the Woodrow Wilson Bridge, it should not be included as a compensation event for a concessionaire.

- This study should evaluate the selected alternatives with consideration on the impacts to secondary streets along the study corridor, especially at the I-495 interchanges with South Van Dorn Street and Richmond Highway. Residents in the surrounding area of these interchanges have expressed traffic congestion concerns due to motorists entering and exiting the potential express lanes at these interchanges.

- This study should establish coordination and align with the ongoing efforts of the Embark Richmond Highway Plan's land use vision.

- This study should evaluate noise impacts for the selected alternatives and the need for noise walls at gap areas, and the project should include substantial outreach to the surrounding communities.

- Equity should be considered and weighed in similar proportion to other performance metrics ultimately used in the study when comparing the selected alternatives for future analysis. Ensuring that any preferred alternative offers the highest benefit to historically disadvantaged communities is critical to ensuring an equitable transportation system in the region.

Fairfax County appreciates the work that has been undertaken to date in this project and the opportunity to provide comments. We also look forward to working closely with the Commonwealth and developing a mutually beneficial project for County residents and the region.

If you have any questions or need additional information, please contact Sean Schweitzer of the Fairfax County Department of Transportation at: Sean.Schweitzer@fairfaxcounty.gov or 703-877-5843.

Sincerely,

Jeffrey C. McKay
Chairman

cc: Members, Fairfax County Board of Supervisors
Bryan J. Hill, County Executive
Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
Martha Coello, Chief, Special Projects Division, FCDOT
John Lynch, District Administrator, VDOT, Northern Virginia
Michelle Shropshire, Acting Megaprojects Director, VDOT

REVISED

Board Agenda Item
November 21, 2023

CONSIDERATION - 1

Approval of the Amendments to the Bylaws for the **Fairfax Area Disability Services Board**

ISSUE:
Consideration of the proposed amendments to the bylaws of the **Fairfax Area Disability Services Board** (FA-DSB), which includes a request for a quorum reduction.

TIMING:
Board consideration is requested on November 21, 2023.

BACKGROUND:
The FA-DSB is comprised of fifteen volunteers appointed by elected officials of Fairfax County, City of Falls Church, and the City of Fairfax to represent and advocate for people with physical and sensory disabilities. The FA-DSB works to include people with physical and sensory disabilities in mainstream community life.

The proposed amendments include several housekeeping and structural changes to ensure compliance with the County's model bylaw template. Additionally, the proposed bylaws include a reduction in the FA-DSB's quorum size from a majority of the membership of the FA-DSB to four members of the FA-DSB.

County guidelines require the Board of Supervisors to approve bylaws of Boards, Authorities and Commissions and subsequent amendments. The amended bylaws were approved by the FA-DSB at its September 11, 2023, meeting.

EQUITY IMPACT:
Current law, *Virginia Code Section §2.2-3708.3*, allows members of public bodies who have a temporary or permanent disability to use remote participation instead of attending a public meeting in person if that public body has adopted an electronic participation policy and the member notifies the chair of the public body in advance of the meeting. However, under *Virginia Code Section §2.2-3701*, these members may not count toward the meeting quorum. For public bodies where a significant number of the members may qualify for this flexibility – such as disability commissions – this may

require the body to determine how to achieve a quorum despite a majority of their membership being legally allowed to participate remotely.
People with disabilities, and those who care for people with disabilities, are essential members of public bodies tasked with advising on public policy regarding services for the disability community, yet many people with disabilities face limitations that make regular, in-person attendance at meetings all-but impossible.

A reduction in the quorum size would, to some extent, alleviate the Chair's current obligation to decide which FA-DSB members can attend the meeting remotely, and which must attend in-person.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – 2021 FA-DSB Bylaws
Attachment 2 – Proposed **Fairfax Area Disability Services Board** 2023 Bylaws, Redline
Attachment 3 – Proposed **Fairfax Area Disability Services Board** 2023 Bylaws, Clean

STAFF:
Christopher Leonard, Deputy County Executive
Michael A. Becketts, Director, Department of Family Services (DFS)
Trina Mayhan-Webb, Division Director, Adult & Aging Services, DFS

ASSIGNED COUNSEL:
Martin Desjardins, Assistant County Attorney

BYLAWS OF THE FAIRFAX AREA-DISABILITY SERVICES BOARD

ARTICLE I – NAME

The name of this organization is the Fairfax Area Disability Services Board, hereinafter referred to as the "FA-DSB."

ARTICLE II – PURPOSE

The FA-DSB will serve the County of Fairfax Virginia, and the Cities of Fairfax, Virginia, and Falls Church, Virginia. The FA-DSB has been established by the Joint Exercise of Powers Agreement for a Fairfax Area Disability Services Board adopted by the Board of Supervisors of Fairfax County and the City Councils of the Cities of Fairfax and Falls Church (collectively "local governments"), respectively, pursuant to Virginia law for the purpose of:

- providing input to local governments on service needs and priorities of persons with physical and sensory disabilities,
- providing information and resource referral to local governments regarding the Americans with Disabilities Act (hereinafter referred to as the "ADA"), and
- providing such other assistance and advice to local governments as may be requested.

These bylaws replace and supersede the FA-DSB bylaws adopted in May 2019 and are effective as of November 9, 2021.

ARTICLE III – MEMBERSHIP AND TERM OF OFFICE

Appointments. Membership and appointments to the FA-DSB shall be made as set forth in the Joint Exercise of Powers Agreement for a Fairfax Area Disability Services Board and incorporated herein by reference.

Board Orientation. Board orientation is required for all FA-DSB members. FA-DSB appointees will be provided an orientation including but not limited to: the role, operating procedures, duties and responsibilities, and staff support of the FADSB. An FA-DSB Board Orientation Manual including contact information for FA-DSB members and a copy of the FA-DSB Bylaws and the Joint Powers Agreement shall be provided to all new appointees.

Resignations and Vacancies. In the event a member cannot serve or resigns from office, then the Chairperson, the Vice Chairperson or the Secretary, or the County staff coordinator shall advise the Clerk for the Board of Supervisors of the vacancy in writing.

Holdovers. In the event a member completes their term of office, remains qualified to serve as a member, and the Board of Supervisors or the Councils of the Cities of Fairfax and Falls Church has not reappointed that member to another term or appointed a successor member, then that person may continue to serve until such time as the member is reappointed or a successor member is appointed.

ARTICLE IV – OFFICERS AND THEIR DUTIES

Elections. The FA-DSB shall be served by three officers: Chairperson, Vice Chairperson, and Secretary, collectively known as the Executive Committee. The Executive Committee shall be elected in accordance with the voting provisions of Article V by the FA-DSB members annually and such election shall be scheduled at the June meeting. One month prior to the election meeting, a slate of candidates shall be nominated during a meeting held pursuant to Article V. After nomination, each candidate shall be polled on his or her willingness and ability to serve. At the election meeting, the Executive Committee shall be elected in accordance with the voting provisions of Article V.

Chairperson. The Chairperson presides over meetings of the FA-DSB and is eligible to vote at all times. The Chairperson has the authority to delegate appropriate functions to FA-DSB members and to request assistance from the County staff supporting FA-DSB. Further duties include but are not limited to:

- Develop the agenda of the FA-DSB regular meetings;
- Assign members to committees;
- Appoint Chairs of committees and subcommittees;
- Serve as an ex-officio member of all committees of which the chair is not already a member except the nominating committee;
- Sign or cause to be signed the minutes when approved by the FA-DSB and such other official documents and correspondence required of him/her in the course of business of the FA-DSB; and
- Represent the FA-DSB before the Board of Supervisors, the City of Falls Church and City of Fairfax Town Councils, the Disability Services Council, and other bodies unless she/he requests another member to represent the FA-DSB.
- Represent the FA-DSB at public hearings and can appoint other members to do so in his/her absence.

Vice Chairperson. In the absence of the Chairperson at a meeting, the Vice Chairperson shall perform the duties and exercise the powers of the Chairperson. In the event that neither the Chairperson nor the Vice Chairperson is available, the Secretary shall act as Chairperson. Should no member of the Executive Committee be present, the member present with the longest tenure on the FA-DSB shall act as Chairperson. Further duties of the Vice Chairperson include:

- Monitor the activities of all committees of the FA-DSB.
- Oversee the FA-DSB compliance with its Bylaws.
- Perform such other duties as requested by the Chair of the FA-DSB.

Secretary. The Secretary, or a duly appointed agent, shall be responsible for recording the minutes of meetings. In the absence of the Chairperson and Vice Chairperson the Secretary shall act as the Chairperson. Further duties include:

- Be responsible for assuring that the records of the FA-DSB are kept, the minutes of all FA-DSB meetings are taken, and all votes are recorded.
- Serve as the Parliamentarian.
- Perform such other duties as requested by the Chair of the FA-DSB.

Replacement Officers. If an office becomes vacant for any reason, it shall be filled by an election at the next regular meeting having a majority of members present. The newly elected officer shall complete the unexpired term of the officer succeeded. Prior to the election of any replacement officer, all members shall be provided with notice of the proposed election before the meeting at which the replacement is elected.

ARTICLE V – MEETINGS

VFOIA. All meetings shall be open to the public except as provided under the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*, as amended ("VFOIA"). Pursuant to Virginia Code § 2.2-3701, "meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal assemblage of (I) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The FA-DSB may hold public hearings and report its findings to the Board of Supervisors on FA-DSB issues that affect the public interest.

Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under the VFOIA. All meetings shall be preceded by properly posted notice stating the date, time, and location of each meeting. Notice of a meeting shall be given at least three working days prior to the meeting. Notice of emergency meetings, reasonable under the circumstances, shall be given contemporaneously with the notice provided to FA-DSB members. Notices of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Web site. All meetings shall be conducted in public places that are accessible to persons with disabilities.

Frequency. FA-DSB shall meet monthly or as determined by the Chairperson. Meetings shall be held at a time agreed to by a majority of the FA-DSB's members, and at a place arranged by the staff of the supporting County department that is accessible to persons with physical and sensory disabilities.

Special Meetings. Special meetings of the FA-DSB may be called by the Chairperson, or in the absence of the Chairperson, by the Vice Chairperson or by one-third of the members of the FA-DSB at such dates, times, and places as may be specified in the call for the meeting.

Advocacy. In order for an FA-DSB Member to advise a local government as a representative of the board regarding any subject, a position on the issue must first be adopted by the full FA-DSB. For a matter to be adopted by the board it must be discussed, voted on and approved by a majority of FA-DSB members present at a public meeting.

Voting. A quorum is necessary for a vote. A majority of the membership of the FA-DSB shall constitute a quorum. In making any recommendations, adopting any plan, or approving any proposal, action shall be taken by a majority vote of FA-DSB members present and voting. Upon the request of any member, the vote of each member on any issue shall be recorded in the minutes. All votes FA-DSB members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy.

Conduct. Except as otherwise provided by Virginia law or these bylaws, all meetings shall be conducted in accordance with *Robert's Rules of Order, Newly Revised*, and except as specifically authorized by the VFOIA, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the members are not all physically assembled to discuss or transact public business.

Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless exempt under the VFOIA, all materials furnished to FA-DSB members shall be made available for public inspection at the same time such documents are furnished to the FA-DSB members. Pursuant to the VFOIA, any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but such actions may not interfere with any FA-DSB proceedings.

Records. The Secretary or an appointed representative shall ensure that minutes of meetings are recorded as required under the VFOIA. Minutes shall include: (1) the date, time, and location of each meeting; (2) the members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media. The supporting County department shall provide staff support to review and approve records and minutes of the meeting.

Attorney-Client Privilege. Records containing legal advice from counsel to the FA-DSB, and advice provided in closed session by legal counsel to the FA-DSB, are protected by the attorney-client privilege and from disclosure under the VFOIA. Any such records or advice should not be disclosed by members of the FA-DSB to any third party, or the privilege against disclosure may be waived. Questions regarding the handling of records or advice subject to attorney-client privilege should be directed to the FA-DSB's legal counsel.

ARTICLE VI - ATTENDANCE AND PARTICIPATION

Any FA-DSB member who misses three consecutive meetings or more than half of the scheduled meetings (including regular or special meetings) within a 12-month period, or who fails to participate in the work of the FA-DSB without good cause acceptable to the majority of the other FA-DSB members may be subject to removal from the FA-DSB.

If a member is unable to attend a regular or special meeting of the FA-DSB, they must notify a member of the Executive Committee or the County staff coordinator prior to the start of the meeting to be excused.

ARTICLE VII - REMOVAL

Any FA-DSB member may be recommended to the Board of Supervisors or the Councils of the Cities of Fairfax and Falls Church for removal from the FA-DSB for cause, including but not limited to cause as set forth in Article VI, by a two-thirds majority vote of all of the FA-DSB members. The members' authority to recommend removal under these bylaws neither limits nor waives the Board of Supervisors' or the Councils of the Cities of Fairfax and Falls Church authority to remove members from the FA-DSB as provided by law.

ARTICLE VIII – COMMITTEES

Standing. The Chairperson may appoint standing committees and a chairperson for each with the consent of a majority of the FA-DSB members present and voting.

Special. The Chairperson may appoint special committees and a Chairperson for each with the consent of a majority of the FA-DSB members present and voting.

All meetings of any such committees shall comply with the notice and other requirements of the VFOIA. To the extent practicable, any such committees shall be composed of at least four members. Committee meetings may be held at the call of the Chairperson or at the request of two members, with notice to all members.

ARTICLE IX – ANNUAL REPORT

The FA-DSB shall prepare an annual written report that describes the actions of the FA-DSB and plans for future actions and activities. This report shall be provided to the Clerk to the Board of Supervisors for distribution to the members of the Board of Supervisors and to the County Executive.

ARTICLE X – COMPLIANCE WITH LAW AND COUNTY POLICY

The FA-DSB shall comply with all Virginia laws, including, but not limited to, the VFOIA, and the Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100 *et seq.*, as amended, with all County ordinances, and with all County policies concerning the activities of its boards, authorities, and commissions. In case of a conflict between a provision of these bylaws and any applicable ordinance or law, the provisions of the applicable ordinance or law, as the case may be, shall control.

ARTICLE XI – AMENDMENT OF BYLAWS

These bylaws may be amended by the FA-DSB by adopting the proposed amendment or amendments by a majority vote of the members of the FA-DSB present and voting at any meeting of the FA-DSB. However, the amendment(s) must be proposed at a prior meeting held at least thirty days before the meeting at which a vote is to be taken on the proposed amendment. Once adopted the FA-DSB will present those proposed changes for approval to the Board of Supervisors or the Councils of the Cities of Fairfax and Falls Church. Any such amendments to bylaws shall become effective upon approval by the Board of Supervisors.

These Bylaws were approved by the Fairfax County Board of Supervisors during a public meeting held on 9th day of November, 2021.

GIVEN under my hand this 9th day of November, 2021.

Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

REVISED
ATTACHMENT 2

BYLAWS OF THE FAIRFAX AREA DISABILITY SERVICES BOARD

Draft of September 11, 2023

ARTICLE I – NAME

The name of this organization is the Fairfax Area Disability Services Board, hereinafter referred to as the "FA-DSB."

ARTICLE II – PURPOSE

The FA-DSB will serve the County of Fairfax Virginia, and the Cities of Fairfax, Virginia, and Falls Church, Virginia. The FA-DSB has been established by the Joint Exercise of Powers Agreement for a Fairfax Area Disability Services Board adopted by the Board of Supervisors of Fairfax County and the City Councils of the Cities of Fairfax and Falls Church (collectively "local governments"), respectively, pursuant to Virginia law for the purpose of:

- providing input to local governments on service needs and priorities of persons with physical and sensory disabilities,
- providing information and resource referral to local governments regarding the Americans with Disabilities Act (hereinafter referred to as the "ADA"), and
- providing such other assistance and advice to local governments as may be requested.

These bylaws replace and supersede the FA-DSB bylaws adopted ~~in May 2019~~ on November 9, 2021 and are effective as of ~~November 9, 2021.~~ November 23, 2023.

ARTICLE III – MEMBERSHIP AND TERM OF OFFICE

Appointments. Membership and appointments to the FA-DSB shall be made as set forth in the Joint Exercise of Powers Agreement for a Fairfax Area Disability Services Board and incorporated herein by reference. Members shall serve for such term or terms as established by the Board of Supervisors.

~~Board Orientation. Board orientation is required for all FA-DSB members. FA-DSB appointees will be provided an orientation including but not limited to: the role, operating procedures, duties and responsibilities, and staff support of the FADSB. An FA-DSB Board Orientation Manual including contact information for FA-DSB members and a copy of the FA-DSB Bylaws and the Joint Powers Agreement shall be provided to all new appointees.~~

Resignations and Vacancies. In the event a member cannot serve or resigns from office, then the Chairperson, the Vice Chairperson or the Secretary, or the County staff coordinator shall advise the Clerk for the Board of Supervisors of the vacancy in writing.

Holdovers. In the event a member completes their term of office, remains qualified to serve as a member, and the Board of Supervisors or the Councils of the Cities of Fairfax

and Falls Church has not reappointed that member to another term or appointed a successor member, then that person may continue to serve until such time as the member is reappointed or a successor member is appointed.

ARTICLE IV – OFFICERS AND THEIR DUTIES

Elections. The FA-DSB shall be served by three officers: Chairperson, Vice Chairperson, and Secretary, collectively known as the Executive Committee. The Executive Committee shall be elected in accordance with the voting provisions of Article V by the FA-DSB members annually and such election shall be scheduled at the June meeting. One month prior to the election meeting, a slate of candidates shall be nominated during a meeting held pursuant to Article V. After nomination, each candidate shall be polled on his or her willingness and ability to serve. At the election meeting, the Executive Committee shall be elected in accordance with the voting provisions of Article V. No member of the Executive Committee shall serve more than three consecutive terms within each held position.

Chairperson. The Chairperson presides over meetings of the FA-DSB and is eligible to vote at all times. The Chairperson has the authority to delegate appropriate functions to FA-DSB members and to request assistance from the County staff supporting FA-DSB. ~~Further duties include but are not limited to:~~

~~Develop the agenda of the FA-DSB regular meetings;~~

~~Assign members to committees;~~

~~Appoint Chairs of committees and subcommittees;~~

~~Serve as an ex-officio member of all committees of which the chair is not already a member except the nominating committee;~~

~~Sign or cause to be signed the minutes when approved by the FA-DSB and such other official documents and correspondence required of him/her in the course of business of the FA-DSB; and~~

~~Represent the FA-DSB before the Board of Supervisors, the City of Falls Church and City of Fairfax Town Councils, the Disability Services Council, and other bodies unless she/he requests another member to represent the FA-DSB.~~

~~Represent the FA-DSB at public hearings and can appoint other members to do so in his/her absence.~~

Vice Chairperson. In the absence of the Chairperson at a meeting, the Vice Chairperson shall perform the duties and exercise the powers of the Chairperson. In the event that neither the Chairperson nor the Vice Chairperson is available, the Secretary shall act as Chairperson. Should no member of the Executive Committee be present, the member present with the longest tenure on the FA-DSB shall act as Chairperson. ~~Further duties of the Vice Chairperson include:~~

~~Monitor the activities of all committees of the FA-DSB.~~

~~Oversee the FA-DSB compliance with its Bylaws.~~

~~Perform such other duties as requested by the Chair of the FA-DSB.~~

Secretary. The Secretary, or a duly appointed agent, shall be responsible for recording the minutes of meetings. ~~In the absence of the Chairperson and Vice Chairperson the Secretary shall act as the Chairperson. Further duties include:~~

~~Be responsible for assuring that the records of the FA-DSB are kept, the minutes of all FA-DSB meetings are taken, and all votes are recorded.~~

~~Serve as the Parliamentarian.~~

~~Perform such other duties as requested by the Chair of the FA-DSB.~~

Replacement Officers. If an office becomes vacant for any reason, it shall be filled by an election at the next regular meeting having a majority of members present. The newly elected officer shall complete the unexpired term of the officer succeeded. Prior to the election of any replacement officer, all members shall be provided with notice of the proposed election before the meeting at which the replacement is elected.

ARTICLE V – MEETINGS

VFOIA. ~~All meetings shall be open to the public except as provided under the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*, as amended ("VFOIA"). Pursuant to Virginia Code § 2.2-3701, "meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal assemblage of (I) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body.~~

All meetings shall be open to the public except as provided under the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.*, as amended ("VFOIA"). "Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to the VFOIA or other applicable Virginia law, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The FA-DSB may hold public hearings and report its findings to the Board of Supervisors on FA-DSB issues that affect the public interest.

Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under the VFOIA. All meetings shall be preceded by properly posted notice stating the date, time, and location of each meeting. Notice of a meeting shall be given at least three working days prior to the meeting. Notice of emergency meetings, reasonable under the circumstances, shall be given contemporaneously with the notice provided to FA-DSB members. Notices of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Web site. ~~All meetings shall be conducted in public places that are accessible to persons with disabilities.~~ All in person and remote participation meetings shall be conducted in public places that are accessible to persons with disabilities. Public access via electronic communications must be

provided for all-virtual public meetings to align the bylaws with the FA-DSB's all-virtual meeting policy and Virginia Code § 2.2-3708.3(C)(2).

Frequency. FA-DSB shall meet monthly or as determined by the Chairperson. Meetings shall be held at a time agreed to by a majority of the FA-DSB's members, and at a place arranged by the staff of the supporting County department ~~that is accessible to persons with physical and sensory disabilities~~.

Special Meetings. Special meetings of the FA-DSB may be called by the Chairperson, or in the absence of the Chairperson, by the Vice Chairperson or by one-third of the members of the FA-DSB at such dates, times, and places as may be specified in the call for the meeting.

Advocacy. In order for an FA-DSB Member to advise a local government as a representative of the board regarding any subject, a position on the issue must first be adopted by the full FA-DSB. For a matter to be adopted by the board it must be discussed, voted on and approved by a majority of FA-DSB members present at a public meeting.

Voting. A quorum is necessary for a vote. ~~A majority of the membership~~ Four members of the FA-DSB shall constitute a quorum. In making any recommendations, adopting any plan, or approving any proposal, action shall be taken by a majority vote of FA-DSB members present and voting. Upon the request of any member, the vote of each member on any issue shall be recorded in the minutes. All votes FA-DSB members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy.

Conduct. Except as otherwise provided by Virginia law or these bylaws, all meetings shall be conducted in accordance with *Robert's Rules of Order, Newly Revised*, and except as specifically authorized by the VFOIA, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the members are not all physically assembled to discuss or transact public business.

Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless exempt under the VFOIA, all materials furnished to FA-DSB members shall be made available for public inspection at the same time such documents are furnished to the FA-DSB members. Pursuant to the VFOIA, any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but such actions may not interfere with any FA-DSB proceedings.

Records. The Secretary or an appointed representative shall ensure that minutes of meetings are recorded as required under the VFOIA. Minutes shall include: (1) the date, time, and location of each meeting; (2) the members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes

taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media. The supporting County department shall provide staff support to review and approve records and minutes of the meeting.

Attorney-Client Privilege. Records containing legal advice from counsel to the FA-DSB, and advice provided in closed session by legal counsel to the FA-DSB, are protected by the attorney-client privilege and from disclosure under the VFOIA. Any such records or advice should not be disclosed by members of the FA-DSB to any third party, or the privilege against disclosure may be waived. Questions regarding the handling of records or advice subject to attorney-client privilege should be directed to the FA-DSB's legal counsel.

ARTICLE VI - ATTENDANCE AND PARTICIPATION

Any FA-DSB member who misses three consecutive meetings or more than half of the scheduled meetings (including regular or special meetings) within a 12-month period, or who fails to participate in the work of the FA-DSB without good cause acceptable to the majority of the other FA-DSB members may be subject to removal from the FA-DSB.

If a member is unable to attend a regular or special meeting of the FA-DSB, they must notify a member of the Executive Committee or the County staff coordinator prior to the start of the meeting to be excused.

ARTICLE VII - REMOVAL

Any FA-DSB member may be recommended to the Board of Supervisors or the Councils of the Cities of Fairfax and Falls Church for removal from the FA-DSB for cause, including but not limited to cause as set forth in Article VI, by a two-thirds majority vote of all of the FA-DSB members. The members' authority to recommend removal under these bylaws neither limits nor waives the Board of Supervisors' or the Councils of the Cities of Fairfax and Falls Church authority to remove members from the FA-DSB as provided by law.

ARTICLE VIII – COMMITTEES

Standing. The Chairperson may appoint standing committees and a chairperson for each with the consent of a majority of the FA-DSB members present and voting.

Special. The Chairperson may appoint special committees and a Chairperson for each with the consent of a majority of the FA-DSB members present and voting.

All meetings of any such committees shall comply with the notice and other requirements of the VFOIA. To the extent practicable, any such committees shall be composed of at least four members. Committee meetings may be held at the call of the Chairperson or at the request of two members, with notice to all members.

ARTICLE IX – ANNUAL REPORT

The FA-DSB shall prepare an annual written report that describes the actions of the FA-DSB and plans for future actions and activities. This report shall be provided to the Clerk to the Board of Supervisors for distribution to the members of the Board of Supervisors and to the County Executive.

ARTICLE X – COMPLIANCE WITH LAW AND COUNTY POLICY

The FA-DSB shall comply with all Virginia laws, including, but not limited to, the VFOIA, and the Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100 *et seq.*, as amended, with all County ordinances, and with all County policies concerning the activities of its boards, authorities, and commissions. In case of a conflict between a provision of these bylaws and any applicable ordinance or law, the provisions of the applicable ordinance or law, as the case may be, shall control.

ARTICLE XI – AMENDMENT OF BYLAWS

~~These bylaws may be amended by the FA-DSB by adopting the proposed amendment or amendments by a majority vote of the members of the FA-DSB present and voting at any meeting of the FA-DSB. However, the amendment(s) must be proposed at a prior meeting held at least thirty days before the meeting at which a vote is to be taken on the proposed amendment.~~ These bylaws may be amended by the FA-DSB by adopting the proposed amendment or amendments and by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to bylaws shall become effective upon approval by the Board of Supervisors. Once adopted, the FA-DSB will present those proposed changes to ~~for approval to the Board of Supervisors or~~ the Councils of the Cities of Fairfax and Falls Church. ~~Any such amendments to bylaws shall become effective upon approval by the Board of Supervisors.~~

These bylaws of the Fairfax ~~County Young Adults Advisory Council~~ **Area Disability Services Board** were approved by the Board of Supervisors of Fairfax County, Virginia during a regular meeting held on November 21, 2023.

GIVEN under my hand this _____ day of _____, 2023.

_____
Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

REVISED

ATTACHMENT 3

BYLAWS OF THE FAIRFAX-AREA DISABILITY SERVICES BOARD

Draft of September 11, 2023

ARTICLE I – NAME

The name of this organization is the Fairfax Area Disability Services Board, hereinafter referred to as the "FA-DSB."

ARTICLE II – PURPOSE

The FA-DSB will serve the County of Fairfax Virginia, and the Cities of Fairfax, Virginia, and Falls Church, Virginia. The FA-DSB has been established by the Joint Exercise of Powers Agreement for a Fairfax Area Disability Services Board adopted by the Board of Supervisors of Fairfax County and the City Councils of the Cities of Fairfax and Falls Church (collectively "local governments"), respectively, pursuant to Virginia law for the purpose of:

- providing input to local governments on service needs and priorities of persons with physical and sensory disabilities,
- providing information and resource referral to local governments regarding the Americans with Disabilities Act (hereinafter referred to as the "ADA"), and
- providing such other assistance and advice to local governments as may be requested.

These bylaws replace and supersede the FA-DSB bylaws adopted on November 9, 2021 and are effective as of November 21, 2023.

ARTICLE III – MEMBERSHIP AND TERM OF OFFICE

Appointments. Membership and appointments to the FA-DSB shall be made as set forth in the Joint Exercise of Powers Agreement for a Fairfax Area-Disability Services Board and incorporated herein by reference. Members shall serve for such term or terms as established by the Board of Supervisors.

Resignations and Vacancies. In the event a member cannot serve or resigns from office, then the Chairperson, the Vice Chairperson or the Secretary, or the County staff coordinator shall advise the Clerk for the Board of Supervisors of the vacancy in writing.

Holdovers. In the event a member completes their term of office, remains qualified to serve as a member, and the Board of Supervisors or the Councils of the Cities of Fairfax and Falls Church has not reappointed that member to another term or appointed a successor member, then that person may continue to serve until such time as the member is reappointed or a successor member is appointed.

ARTICLE IV – OFFICERS AND THEIR DUTIES

Elections. The FA-DSB shall be served by three officers: Chairperson, Vice Chairperson, and Secretary, collectively known as the Executive Committee. The Executive Committee shall be elected in accordance with the voting provisions of Article V by the FA-DSB members annually and such election shall be scheduled at the June meeting. One month prior to the election meeting, a slate of candidates shall be nominated during a meeting held pursuant to Article V. After nomination, each candidate shall be polled on his or her willingness and ability to serve. At the election meeting, the Executive Committee shall be elected in accordance with the voting provisions of Article V. No member of the Executive Committee shall serve more than three consecutive terms within each held position.

Chairperson. The Chairperson presides over meetings of the FA-DSB and is eligible to vote at all times. The Chairperson has the authority to delegate appropriate functions to FA-DSB members and to request assistance from the County staff supporting FA-DSB.

Vice Chairperson. In the absence of the Chairperson at a meeting, the Vice Chairperson shall perform the duties and exercise the powers of the Chairperson. In the event that neither the Chairperson nor the Vice Chairperson is available, the Secretary shall act as Chairperson. Should no member of the Executive Committee be present, the member present with the longest tenure on the FA-DSB shall act as Chairperson.

Secretary. The Secretary, or a duly appointed agent, shall be responsible for recording the minutes of meetings.

Replacement Officers. If an office becomes vacant for any reason, it shall be filled by an election at the next regular meeting having a majority of members present. The newly elected officer shall complete the unexpired term of the officer succeeded. Prior to the election of any replacement officer, all members shall be provided with notice of the proposed election before the meeting at which the replacement is elected.

ARTICLE V – MEETINGS

VFOIA. All meetings shall be open to the public except as provided under the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.,* as amended ("VFOIA"). “Meeting” or “meetings” means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to the VFOIA or other applicable Virginia law, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The FA-DSB may hold public hearings and report its findings to the Board of Supervisors on FA-DSB issues that affect the public interest.

Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under the VFOIA. All meetings shall be preceded by properly posted notice stating the

date, time, and location of each meeting. Notice of a meeting shall be given at least three working days prior to the meeting. Notice of emergency meetings, reasonable under the circumstances, shall be given contemporaneously with the notice provided to FA-DSB members. Notices of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Web site. All in person and remote participation meetings shall be conducted in public places that are accessible to persons with disabilities. Public access via electronic communications must be provided for all-virtual public meetings to align the bylaws with the FA-DSB's all-virtual meeting policy and Virginia Code § 2.2-3708.3(C)(2).

Frequency. FA-DSB shall meet monthly or as determined by the Chairperson. Meetings shall be held at a time agreed to by a majority of the FA-DSB's members, and at a place arranged by the staff of the supporting County department.

Special Meetings. Special meetings of the FA-DSB may be called by the Chairperson, or in the absence of the Chairperson, by the Vice Chairperson or by one-third of the members of the FA-DSB at such dates, times, and places as may be specified in the call for the meeting.

Advocacy. In order for an FA-DSB Member to advise a local government as a representative of the board regarding any subject, a position on the issue must first be adopted by the full FA-DSB. For a matter to be adopted by the board it must be discussed, voted on and approved by a majority of FA-DSB members present at a public meeting.

Voting. A quorum is necessary for a vote. Four members of the FA-DSB shall constitute a quorum. In making any recommendations, adopting any plan, or approving any proposal, action shall be taken by a majority vote of FA-DSB members present and voting. Upon the request of any member, the vote of each member on any issue shall be recorded in the minutes. All votes FA-DSB members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy.

Conduct. Except as otherwise provided by Virginia law or these bylaws, all meetings shall be conducted in accordance with *Robert's Rules of Order, Newly Revised*, and except as specifically authorized by the VFOIA, no meeting shall be conducted through telephonic, video, electronic, or other communication means where the members are not all physically assembled to discuss or transact public business.

Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless exempt under the VFOIA, all materials furnished to FA-DSB members shall be made available for public inspection at the same time such documents are furnished to the FA-DSB members. Pursuant to the VFOIA, any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but such actions may not interfere with any FA-DSB proceedings.

Records. The Secretary or an appointed representative shall ensure that minutes of meetings are recorded as required under the VFOIA. Minutes shall include: (1) the date, time, and location of each meeting; (2) the members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media. The supporting County department shall provide staff support to review and approve records and minutes of the meeting.

Attorney-Client Privilege. Records containing legal advice from counsel to the FA-DSB, and advice provided in closed session by legal counsel to the FA-DSB, are protected by the attorney-client privilege and from disclosure under the VFOIA. Any such records or advice should not be disclosed by members of the FA-DSB to any third party, or the privilege against disclosure may be waived. Questions regarding the handling of records or advice subject to attorney-client privilege should be directed to the FA-DSB's legal counsel.

ARTICLE VI - ATTENDANCE AND PARTICIPATION

Any FA-DSB member who misses three consecutive meetings or more than half of the scheduled meetings (including regular or special meetings) within a 12-month period, or who fails to participate in the work of the FA-DSB without good cause acceptable to the majority of the other FA-DSB members may be subject to removal from the FA-DSB.

If a member is unable to attend a regular or special meeting of the FA-DSB, they must notify a member of the Executive Committee or the County staff coordinator prior to the start of the meeting to be excused.

ARTICLE VII - REMOVAL

Any FA-DSB member may be recommended to the Board of Supervisors or the Councils of the Cities of Fairfax and Falls Church for removal from the FA-DSB for cause, including but not limited to cause as set forth in Article VI, by a two-thirds majority vote of all of the FA-DSB members. The members' authority to recommend removal under these bylaws neither limits nor waives the Board of Supervisors' or the Councils of the Cities of Fairfax and Falls Church authority to remove members from the FA-DSB as provided by law.

ARTICLE VIII – COMMITTEES

Standing. The Chairperson may appoint standing committees and a chairperson for each with the consent of a majority of the FA-DSB members present and voting.

Special. The Chairperson may appoint special committees and a Chairperson for each with the consent of a majority of the FA-DSB members present and voting.

All meetings of any such committees shall comply with the notice and other requirements of the VFOIA. To the extent practicable, any such committees shall be composed of at least four members. Committee meetings may be held at the call of the Chairperson or at the request of two members, with notice to all members.

ARTICLE IX – ANNUAL REPORT

The FA-DSB shall prepare an annual written report that describes the actions of the FA-DSB and plans for future actions and activities. This report shall be provided to the Clerk to the Board of Supervisors for distribution to the members of the Board of Supervisors and to the County Executive.

ARTICLE X – COMPLIANCE WITH LAW AND COUNTY POLICY

The FA-DSB shall comply with all Virginia laws, including, but not limited to, the VFOIA, and the Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100 *et seq.*, as amended, with all County ordinances, and with all County policies concerning the activities of its boards, authorities, and commissions. In case of a conflict between a provision of these bylaws and any applicable ordinance or law, the provisions of the applicable ordinance or law, as the case may be, shall control.

ARTICLE XI – AMENDMENT OF BYLAWS

These bylaws may be amended by the FA-DSB by adopting the proposed amendment or amendments and by presenting those proposed changes for approval to the Board of Supervisors. Any such amendments to bylaws shall become effective upon approval by the Board of Supervisors. Once adopted, the FA-DSB will present those proposed changes to the Councils of the Cities of Fairfax and Falls Church.

These bylaws of the Fairfax **Area Disability Services Board** ~~- County Young Adults Advisory Council~~ were approved by the Board of Supervisors of Fairfax County, Virginia during a regular meeting held on November 21, 2023.

GIVEN under my hand this _____ day of _____, 2023.

_____
Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

Board Agenda Item
November 21, 2023

CONSIDERATION - 2

Approval of Bylaws and Resolution Renaming and Restating the Purposes, Membership and Procedures of the Long Term Care Coordinating Council

ISSUE:
Approval of the attached, proposed bylaws and adoption of a resolution renaming and restating the purposes, membership, and procedures of the Long Term Care Coordinating Council (LTCCC).

TIMING:
Board consideration is requested on November 21, 2023, so the bylaws can be approved, and the proposed resolution can be adopted.

BACKGROUND:
The LTCCC was established by the Board of Supervisors on April 8, 2002. The LTCCC was initially established to provide a mechanism for community-based nonprofits & businesses, education institutions, and government agencies to develop a shared vision to enhance long term care service delivery for older adults and adults with disabilities. The LTCCC was charged with providing advisory leadership to advocate for solutions for unmet needs and collaborate to facilitate implementation of solutions through a strategic plan.

The LTCCC continues to advise the Board of Supervisors regarding the needs of older adults and adults with disabilities.

In 2023, the LTCCC reviewed their bylaws. They revised the bylaws to restate the purposes, membership, and procedures to reflect equity policies and procedures; and to clarify the role of the LTCCC leadership and role of the committee structure designed to fulfill its mission. The revised bylaws were approved at the September 12, 2023, LTCCC meeting. The LTCCC-approved proposed bylaws are included as Attachment 2 for the Board's consideration.

Additionally, during this process, the LTCCC considered a name change to better convey their overall purpose of advocating for and supporting older adults and adults with disabilities. On July 12, 2023, the LTCCC approved changing their name to the Coordinating Council on Aging & Adults with Disabilities (CCAAD).

Board Agenda Item
November 21, 2023

Attachment 3 presents a draft resolution revising the LTCCC/CCAAD charter document to reflect the purposes and name change proposed in the LTCCC's revised bylaws. Staff recommends that the purposes, membership, procedures, and name change be confirmed through adopting the draft resolution and approving the proposed bylaws.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1: Current Bylaws of the LTCCC
Attachment 2: Proposed Bylaws of the LTCCC/CCAAD
Attachment 3: Proposed Resolution Renaming and Restating the Purposes, Membership and Procedures of the of the Long Term Care Coordinating Council (LTCCC)

STAFF:
Chris Leonard, Deputy County Executive
Lloyd Tucker, Director, Department of Neighborhood & Community Services (NCS)
Pallas Washington, Deputy Director, NCS
Norma Lopez, Division Director, NCS
Patricia Rohrer, Program Manager, NCS

ASSIGNED COUNSEL:
Martin Desjardins, Assistant County Attorney

LONG TERM CARE COORDINATING COUNCIL OF THE FAIRFAX AREA
(LTCCC)
BY-LAWS
Amended April 2007
Amended July 2014

Article I. GUIDING PRINCIPLES

Section 1.01 Assuring continuity of leadership without stagnation.

Section 1.02 Establishing an executive committee that can develop concrete draft proposals for the entire group to consider.

Section 1.03 Creating a committee structure that can get everyone involved and also distribute the workload.

Section 1.04 Encouraging members to take their responsibilities seriously through regular participation.

Section 1.05 Providing assurance that we can avoid conflicts of interest challenges since some of the members come from organizations, which could be affected positively or negatively by Council decisions.

Section 1.06 Establishing a method to amend the by-laws to cope with future developments.

Article II. THE FUNCTION OF THE LTCCC. The Long Term Care Coordinating Council will:

Section 2.01 Provide leadership and serve as champions to speed the implementation of the 2003 Long Term Care Strategic Plan, subsequent area wide plans, and future plans that the Council and the sponsoring jurisdictions may develop;

Section 2.02 Educate funders and policy makers on long term care needs and advocate for solutions to unmet needs;

Section 2.03 Encourage and develop within the private sector means for the funding of and support for facilitating and implementing the Strategic Plans and the continuation of needed long term care programs, and

Section 2.04 Provide a mechanism for government agencies, nonprofits, for profits, educational institutions and businesses in our community to fulfill a shared vision for long term care and to enhance service delivery.

ARTICLE III. SCOPE OF THE WORK OF THE LTCCC. The LTCCC is charged with:

SECTION 3.01 Establishing guiding principles for the role of the community, the private sector, and local government in providing long term care services;

1

SECTION 3.02 Determining the most appropriate structure to support the implementation of the Strategic Plans and future plans that the Council and the sponsoring jurisdictions may develop ;

SECTION 3.03 Developing a work plan to include action steps and time lines to implement the strategies of the Long Term Care Task Force;

SECTION 3.04 Setting priorities and recommending both long term and short term strategies;

SECTION 3.05 Developing new initiatives and seeking resources, grants, and other non-County funding;

SECTION 3.06 Facilitating the collaboration and coordination among long term care providers and fostering public and private partnerships; and

SECTION 3.07 Facilitating the development of standards of practice for quality long term care service delivery and assisting with evaluation of services and dissemination of the evaluation results.

Section 3.08 Presenting periodic reports on status, interim findings, and recommendations to the Board of Supervisors for consideration.

Article IV. Membership of the LTCCC

Section 4.01 Members of the LTCCC will be appointed and or/confirmed by the Board of Supervisors and will serve for a term of 2 years. This term commences on the date of the first meeting of the LTCCC, which the appointee attends.

Section 4.02 LTCCC members may be reappointed/confirmed for successive terms. Any individual who resigns from or is not reappointed (by the end of his/her term) to the respective Board, Commission or Authority and who wishes to remain on the LTCCC may do so if the Board of Supervisors confirms/appoints them as a community representative.

Section 4.03 Membership will be composed of the representatives from various jurisdictions, organizations, and community segments. Appendix A provides a detailed list of membership which may be amended from time to time by the LTCCC in its regular business.

Article V. Officers / Nominating Committee

Section 5.01 The **Officers** of the LTCCC shall be:

(a) Chair

(i) Duties and Responsibilities

1) Preside at bi-monthly Council meetings

2) Attend Council and Steering Committee meetings

3) Represent LTCCC before Fairfax County Board of Supervisors through written and/or oral testimony

4) Represent LTCCC with other Fairfax County boards, commissions, and agencies through written and/or oral communications or testimony

5) Recruit and recommend to Steering Committee the appointment of chairs of LTCCC committees

6) Meet regularly with LTCCC staff to coordinate, collaborate, and advise on the work of LTCCC

7) Other duties as may arise that may assist the LTCCC in meeting its mission and goals

(ii) Term:

1) 2 years

2) May serve two consecutive terms

(b) Vice-Chair

(i) Duties and Responsibilities

(ii) Preside at the bi-monthly Steering Committee meetings

(iii) Perform any of the Chair's duties when the Chair is not available to do so

(iv) Attend Council and Steering Committee meetings

(v) "Chair-in-training" for succession after current Chair completes term

(vi) Other duties as may arise that may assist the LTCCC in meeting its mission and goals

(c) Term:

(i) 2 years

(ii) May serve two consecutive terms

Section 5.02 Nominating Committee. The Chair will appoint a committee of at least three members of the LTCCC to propose nominations for the positions of the presiding officers.

Section 5.03 Vacancies. If the position of Chair becomes vacant, the Vice Chair shall complete the term. If the position of Vice Chair becomes vacant, it shall first be filled by a nominee from the Steering Committee or if no Steering Committee member is willing to serve, a nominating committee shall be appointed to nominate a candidate to the LTCCC. The position shall be filled at the first possible meeting of the Council.

Section 5.04 Election of Officers. Elections will be held at the May meeting of each even number year. Terms will begin in July.

Article VI. Committees and Advisors.

3

Section 6.01 Standing Committees

(a) Steering Committee

1) The Steering Committee will be responsible for the following tasks:

a) Review work of Committees

b) Apply guiding principles to work of committees to determine where efforts and resources are needed so that the guiding principles are addressed in each outcome of the committee's work

c) Work with committees to provide resources for communication and public awareness campaigns and efforts to empower citizens.

d) Work with committees to provide assistance in framing public policy around issues that the committees are facing

e) Assess impact of committee work upon the need for a qualified workforce

f) Monitor new directions for committees for consistency with LTCCC principles and priorities

g) Develop and maintain a communication channel among LTCCC members and with agencies that each member represents

h) Address urgent issues, which may arise between regular LTCCC meetings, consulting LTCCC members if time permits. If time does not allow consultation with the entire membership, the Steering Committee may exercise all of the powers of the LTCCC except to amend the By-Laws.

2) Membership

a) Chair of LTCCC

b) Vice Chair of LTCCC

c) Most recent past Chair of LTCCC

d) Program Committee and Chairs

e) Chair Government Affairs Committee

f) Public Policy Advisor to assist committees to formulate policy

g) Public Relations Advisor to assist the committees and Council in disseminating its message, public policy, and the work of the committees

3) Meetings

a) Meets bi-monthly.

4

b) Meetings are open to members of the LTCCC and the date, time and place of any extraordinary meetings will be publicized to all members as soon as feasible.

4) Chaired by Vice Chair of LTCCC

(b) Government Affairs Committee

(i) Legislative – The focus is to be on the State level and occasionally Federal by recommending to the Council legislative initiatives or advocacy positions for the Council

(ii) Budgets – The committee will review and make recommendations for advocacy in response to State and Fairfax County budgets in areas that affect long term care.

(iii) The committee will lead and assist the Council to develop and to maintain relationships with the BOS members (i.e. LTCCC talking points for informational and budget meetings)

(iv) Request and receive input from the LTCCC Committees on legislative initiatives or advocacy

(v) Include LTCCC representatives from boards, commissions and authorities on the committee and/or request their input on legislative initiatives, advocacy positions, and agendas.

Section 6.02 Program Committees.

(a) The LTCCC shall establish Program Committees, to undertake the work of the Council. Appendix B includes a list of Program Committees as may be changed from time to time by the Council.

(b) Each member of the LTCCC shall serve on at least one Program Committee. Individuals nominated to the LTCCC shall be advised of this additional responsibility as a condition of membership.

(c) Committee membership will involve an estimated time commitment of two hours per month for the meeting and one to two additional hours for preparation for the meeting in reading and or researching.

Section 6.03 Ad Hoc Committees. Ad Hoc Committees may also be established from time to time as needed by the LTCCC and will report as required to the LTCCC.

Section 6.04 Committee or Subcommittee Chair Responsibilities

(a) Collaborate with assigned LTCCC staff person to prepare meeting announcements to be sent to committee members a minimum of 7 days prior to each meeting to allow for reasonable accommodation requests.

(b) Collaborate with assigned LTCCC staff person to prepare a written agenda for each meeting, to be distributed in advance of the meeting.

(c) To recruit a Recorder to prepare a written record of each meeting, to include meeting attendance, all decisions made, and action items or assignments for further committee work or meetings.

5

(d) Select meeting locations that are fully accessible to persons with a variety of disabilities.

(e) Recruit new committee members (does not have to be from LTCCC membership), and orient new members to the committee and its work.

(f) Encourage new leadership from among committee members.

(g) Attend and participate in LTCCC Steering Committee meetings. Report on your committee or work group's activities, alert the Steering Committee to possible need for action, and suggest possible programs or presentations for Council meetings.

(h) Stay abreast of current issues that affect long term care services and supports and alert other committee members to emerging trends and issues.

(i) Attend and participate in LTCCC meetings.

(j) As approved by the LTCCC, occasionally meet with individual elected and other officials to advance LTCCC/County positions on issues.

Section 6.05 Public Policy Advisor

(a) Attend and participate in LTCCC Steering Committee meetings

(b) Analyze the work of each committee to determine if current work being performed by it might be enhanced by a public policy statement developed for the LTCCC to adopt to use as a guiding principle for its work and to recommend to boards, agencies, commissions, legislators, etc. to adopt to guide their future actions.

(c) Work with committee to develop the public policy statement that both identifies the context and/or conditions requiring a guiding principle for action and clearly states that guiding principle.

(d) Present to Steering Committee and to Council the Policy Statement for its adoption.

(e) Work with Government Affairs Committee and Publicity and Public Relations Advisor to get the adopted public policy adopted by others as identified.

(f) Identify LTCCC members who might assist as a work group in preparing public policy statements on an "as needed" basis.

(g) Organize and assure that leadership is provided for any "as needed" public policy work groups.

Section 6.06 Publicity and Public Relations Advisor

(a) Attend and participate in LTCCC Steering Committee meetings

(b) Analyze the work of each committee to determine if current work being performed requires publicity or assistance with public relations.

(c) Assist LTCCC in undertaking publicity or public relations efforts to create an informed community about long term care issues and resources.

(d) Work with Fairfax County, City of Falls Church, and City of Fairfax public relations offices as resources to the LTCCC.

(e) Identify LTCCC members who might assist as a work group in preparing publicity and public relations initiatives on an "as needed" basis.

(f) Organize and assure that leadership is provided for any "as needed" publicity and public relations work groups.

Article VII. LTCCC Meetings and Attendance at Meetings

Section 7.01 Meetings of the LTCCC will be held according to a schedule established by the members. Special meetings of the full Council may be held as necessary, providing that at least one week prior notice is given.

Section 7.02 LTCCC members are expected to attend meetings regularly and should notify the Chair or County staff liaison when they will be absent.

Section 7.03 Any LTCCC member who fails to attend three of four consecutive regular Council meetings with unexcused absences will be deemed to have resigned. Each replacement will be nominated by the LTCCC to the Board of Supervisors for confirmation/appointment. The replacement will serve for the duration of that member's term of office.

Article VIII. Parliamentary Procedure. The rules contained in Roberts Rules of Order, Newly Revised, shall govern the LTCCC in all cases to which they are applicable and in which they are not inconsistent with these By-Laws.

Article IX. Conflicts of Interest. Prior to a vote on any issue, any members having a conflict of interest are expected and required to identify themselves and abstain from voting.

Article X. Amendments to By-laws. These by-laws may be amended by a two-thirds vote of those present and voting at any regular meeting of the Council, provided written notice of the proposed amendment(s) shall have been submitted to the members in writing at least thirty (30) days in advance of the meeting.

APPENDIX A

MEMBERSHIP LIST

Approved September 2010

1) **Participating Jurisdictions**
   a) City of Fairfax
   b) City of Falls Church
   c) Fairfax County Deputy County Executive for Human Services
2) **Boards and Agencies**
   a) Advisory Social Services Board
   b) Commission on Aging
   c) Disability Services Board
   d) FCRHA
   e) Fairfax-Falls Church CSB
   f) Health Care Advisory Board
   g) Health Systems Agency Board
   h) Human Services Council
3) **Non Profit Agencies**- 6 members including members from
   a) AARP
   b) Alzheimer's Association
   c) Easter Seals
   d) United Way
4) **Colleges and Universities**-4 members including members from
   a) GMU
   b) NVCC
5) **Hospitals**-4 members including members from

8

a) HCA

b) INOVA

6) **Long Term Care Residential Service Providers**-4 members including members from

a) Chesterbrook Residences Inc.

b) Sunrise

c) Birmingham Green

7) **Long Term Care Home Care Providers**-4 members

8) **Business Community**-5 members

9) **Community Organizations/Leaders**-5 members including a member from

a) ADHC

b) A transportation expert

10) **Religious Organizations/Leaders**-5 members including members from

a) Faith Communities in Action

b) Parrish Nurses Group

APPENDIX B

PROGRAM COMMITTEES LIST

Effective July 2011

1) Coordination of Medical and Social Services
2) Housing
3) Mobility and Transportation
4) Services for Older Adults
5) Services for Young Adults with Disabilities

BYLAWS OF THE COORDINATING COUNCIL ON AGING & ADULTS WITH DISABILITIES

Draft of October 10, 2023

ARTICLE I – NAME

Section 1.01: The name of this organization is the Coordinating Council on Aging & Adults with Disabilities, hereinafter referred to as the "CCAAD."

ARTICLE II – PURPOSES

Section 2.01: Advise the Board of Supervisors on strategic direction and leveraging the resources of the CCAAD's member organizations and Fairfax County agencies in facilitating inclusive and equitable programs and services for older adults and adults with disabilities.

Section 2.02: Advise the Board of Supervisors on encouraging and developing within the private sector means for the funding of and support for facilitating and implementing the CCAAD Strategic Plan, and County plans for the implementation of programs and services for older adults, adults with disabilities and marginalized segments of older adults, and

Section 2.03: Advise the Board of Supervisors on providing a mechanism for government agencies, nonprofits, for profits, educational institutions and businesses in our community to fulfill a shared vision for equitable resources allocated in creating and delivering programs and services for older adults, adults with disabilities and marginalized segments of older adults within the community.

ARTICLE III – STEERING COMMITTEE SPECIFIC ADVISORY ROLES TO THE BOARD OF SUPERVISORS

Section 3.01: The Steering Committee will additionally advise the Board of Supervisors on:

a) Proposing guiding principles for the role of the community, the private sector, and local government in providing equitable programs and services to older adults, adults with disabilities and marginalized segments of older adult residents.
b) Recommending the most appropriate structures and policies to support the implementation of the CCAAD Strategic Plan and future plans that the CCAAD and the sponsoring jurisdictions may develop.
c) Recommending priorities and both long term and short term strategies that are inclusive and address equity.
d) Proposing and researching new initiatives and seeking resources, partnerships, grants, and other non-County funding.

DRAFT

e) Facilitating the collaboration and coordination in the aging field among the older adult and disabilities community-based providers, educators, advocates, special population groups, residential facilities and fostering public and private partnerships.
f) Recommending equitable standards to be applied to programs and services for community-based nonprofits serving older adults, adults with disabilities, and marginalized segments of older adult residents and assisting with the evaluation of programs and services and dissemination of the evaluation results.

Section 3.02: The Steering Committee may present reports on status, interim findings and recommendations for consideration to the Board of Supervisors on behalf of the CCAAD.

ARTICLE IV – MEMBERSHIP, MEETINGS AND MEETING ATTENDANCE

Section 4.01: Members will be appointed by the Board of Supervisors and will serve for a term of 2 years. This term commences on the date of their appointment.

Section 4.02: Members may be reappointed for successive terms.

Section 4.03: Members will include representatives from organizations, and community segments related to older adults and adults with disabilities that provide an inclusive and representative reflection of the residents of Fairfax County and the cities of Fairfax and Falls Church. The CCAAD may recommend new members consistent with this Section 4.03 for the Board's consideration and appointment.

Section 4.04: Meetings of the CCAAD will be held bimonthly and according to a schedule established by the CCAAD. Special meetings of the full CCAAD may be held as necessary, providing that at least one-week prior notice is given. All meetings are subject to the notice requirements of the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 *et seq.,* as amended ("VFOIA").

Section 4.05: Members are expected to attend meetings regularly and should notify the Chair or County staff coordinator when they will be absent.

Section 4.06: Each member must serve on at least one committee. Individuals nominated to the CCAAD shall be advised of this responsibility. To satisfy this requirement, members may choose to serve on either a program committee or the Advocacy Committee. Serving on an ad hoc committee does not satisfy this requirement.

Section 4.07: Attendance and Removal

a) Any CCAAD member who misses three consecutive meetings or more than half of the scheduled meetings within a 12-month period, or who fails to participate in the work of

the CCAAD without good cause acceptable to a majority of the other CCAAD members may be subject to removal from the CCAAD.

b) Any CCAAD member(s) may be recommended to the Board of Supervisors for removal from the CCAAD for cause, including but not limited to cause as set forth in Section 4.07(a), by a two-thirds majority vote of all CCAAD members. The members' authority to recommend removal under these bylaws neither limits nor waives the Board of Supervisors' authority to remove members from the CCAAD as provided by law.

Section 4.08: VFOIA Requirements and related procedures.

a) VFOIA. All meetings shall be open to the public except as provided under the VFOIA. Pursuant to Virginia Code § 2.2-3701, "meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to the VFOIA or other applicable Virginia law, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. The CCAAD may hold public hearings and report its findings to the Board of Supervisors on CCAAD issues that affect the public interest.

b) Notice and Agenda. Notice and the agenda of all meetings shall be provided as required under the VFOIA. All meetings shall be preceded by properly posted notice stating the date, time, and location of each meeting. Notice of a meeting shall be given at least three working days prior to the meeting, except as otherwise set forth in these bylaws. Notice of emergency meetings, reasonable under the circumstances, shall be given contemporaneously with the notice provided to CCAAD members. Notices of all meetings shall be provided to the Office of Public Affairs for posting at the Government Center and on the County Web site. All in person and remote participation meetings shall be conducted in public places that are accessible to persons with disabilities. Public access via electronic communications shall be provided for all-virtual public meetings.

c) Voting. A quorum is necessary for a vote. A majority of the membership of the CCAAD shall constitute a quorum. In making any recommendations, adopting any plan, or approving any proposal, action shall be taken by a majority vote of CCAAD members present and voting. Upon the request of any member, the vote of each member on any issue shall be recorded in the minutes. All votes of CCAAD members shall be taken during a public meeting, and no vote shall be taken by secret or written ballot or by proxy.

d) Conduct. Except as otherwise provided by Virginia law or these bylaws, all meetings shall be conducted in accordance with *Robert's Rules of Order, Newly Revised*, and except as specifically authorized by the VFOIA, no meeting shall be conducted through telephonic, video, electronic or other communication means where the members are not all physically assembled to discuss or transact public business.

e) Public Access. For any meeting, at least one copy of the agenda, all agenda packets, and, unless exempt under the VFOIA, all materials furnished to CCAAD members shall be made available for public inspection at the same time such documents are furnished to

the CCAAD members. Pursuant to the VFOIA, any person may photograph, film, record, or otherwise reproduce any portion of a meeting required to be open, but such actions may not interfere with any CCAAD proceedings.

f) Records. An appointed representative shall ensure that minutes of meetings are recorded as required under the VFOIA. Minutes shall include: (1) the date, time, and location of each meeting; (2) the members present and absent; (3) a summary of the discussion on matters proposed, deliberated, or decided; and (4) a record of any votes taken. Such minutes are public records and subject to inspection and copying by citizens of the Commonwealth or by members of the news media. The supporting County department shall provide staff support to review and approve records and minutes of the meeting.

g) Attorney-Client Privilege. Records containing legal advice from counsel to the CCAAD, and advice provided in closed session by legal counsel to the CCAAD, are protected by the attorney-client privilege and from disclosure under the VFOIA. Any such records or advice should not be disclosed by members of the CCAAD to any third party, or the privilege against disclosure may be waived. Questions regarding the handling of records or advice subject to attorney-client privilege should be directed to the CCAAD's legal counsel.

ARTICLE V – OFFICERS

Section 5.01: The elected officers shall be the Chair and Vice Chair positions.

Section 5.02: The Chair has the following duties:

a) Provides leadership and presides at the bimonthly CCAAD meetings implementing the mission and strategic goals assuring equitable programs and services for older adults, adults with disabilities and marginalized segments of older adult residents.
b) Attends Steering Committee meetings.
c) Represents CCAAD before the Fairfax County Board of Supervisors, other Fairfax County boards, commissions, and agencies through written and oral testimony.
d) Appoints chairs of program and ad hoc committees.
e) Meets regularly with staff coordinator to coordinate, collaborate, and advise on advancing the work of CCAAD.
f) Other duties as required to facilitate CCAAD in fulfilling its mission and strategic goals.

Section 5.03: The Vice Chair has the following duties:

a) Provides leadership and presides at the bi-monthly Steering Committee meetings implementing the mission and strategic goals.
b) Performs Chair's duties when the Chair is not available to do so.
c) Other duties as required to facilitate CCAAD in fulfilling its mission and strategic goals.

Section 5:04: Election of Officers. Elections for the Chair and Vice Chair will be held at the May meeting of each even numbered year. Voting shall be conducted at a meeting held in

accordance with Section 4.08 above, with each office going to the candidate receiving the highest number of votes for that office. Terms for both offices begin on July 1 of the year of election.

Section 5:05: Terms and Term limits. The Chair and Vice Chair serve two-year terms. Members may serve two consecutive terms, and no more than two terms total, in a given office.

Section 5:06: Vacancies. When the position of Chair becomes vacant, the Vice Chair shall complete the term. If the position of Vice Chair becomes vacant, it shall first be filled by a nominee from the Steering Committee or if no Steering Committee member is willing to serve, a nominating committee shall be appointed to nominate a candidate to the CCAAD. The position shall be filled by election at the first possible meeting of the CCAAD.

ARTICLE VI – STANDING COMMITTEES

All meetings of the standing committees must comply with the notice and other requirements of the VFOIA.

Section 6.01: Steering Committee.

Section 6:02: The Steering Committee will provide leadership and advice to the CCAAD on:

a) Establishing guiding principles for the role of the community, the private sector and local government in providing equitable programs and services to older adults, adults with disabilities and marginalized segments of older adult residents.
b) Determining the most appropriate structures and policies to support the implementation of the CCAAD Strategic Plan and future plans that the CCAAD and the sponsoring jurisdictions may develop.
c) Setting priorities and both long term and short-term strategies for the CCAAD that are inclusive and address equity.
d) Proposing and researching new initiatives and seeking resources, partnerships, grants and other non-County funding for community-based organizations.
e) Advising the Board of Supervisors on facilitating the collaboration and coordination in the aging field among the older adult and disabilities providers, educators, advocates, special population groups and residential facilities, and fostering public and private partnerships.
f) Developing equitable standards to be applied to programs and services for community-based organizations serving older adults, adults with disabilities and marginalized segments of older adults residents and assisting with evaluation of programs and services and dissemination of the evaluation results.
g) Presenting reports on status, interim findings and recommendations for consideration to the Board of Supervisors.

h) Reviewing and advising on the work of committees to determine where efforts and resources are needed so that the mission, direction, priorities and functions of the CCAAD are consistently addressed in each committee's work.
i) Recommending effective communication and public awareness campaigns and efforts to empower citizens.
j) Providing assistance to CCAAD in addressing public policy around older adults and adult with disabilities issues.
k) Developing and maintaining communication channels among CCAAD members and with member organizations.
l) By addressing urgent issues, through meetings of the Steering Committee when time does not allow. If time does not allow meeting with the entire membership, the Steering Committee may exercise all the powers of the CCAAD except to amend the By-Laws. Any such actions by the Steering Committee will be temporary in nature and are subject to review and approval of the CCAAD at its next regular or special meeting.

Section 6.03: The Steering Committee is chaired by the Vice Chair of the CCAAD. Meetings are held bimonthly.

Section 6.04: The Steering Committee membership is comprised of:

a) Chair of CCAAD
b) Vice Chair of CCAAD
c) Immediate past Chair of CCAAD
d) Program Committee Chairs
e) Advocacy Committee Chair
f) Ad hoc committee Chairs

Section 6.05: Advocacy Committee ("AC").

Section 6.06: The AC will:

a) Review proposed County budgets and make recommendations to the Board of Supervisors.
b) Review and make recommendations to the Board of Supervisor's legislative program that is submitted to the Virginia State Legislature.
c) Lead and assist the CCAAD in developing and maintaining relationships with the Board of Supervisor members with talking points for informational and budget meetings.
d) Request and review input from other CCAAD committees on legislative initiatives or advocacy.
e) Invite representatives from other County boards, commissions, and authorities to speak at AC meetings and/or request their input on legislative initiatives, advocacy positions, and County budgets.

ARTICLE VII – PROGRAM COMMITTEES AND AD HOC COMMITTEE STRUCTURE

All meetings of program and ad hoc committees must comply with the notice and other requirements of the VFOIA.

Section 7.01: Program committees may be established to fulfill specific work needs identified by the CCAAD.

Section 7.02: Ad hoc committees may be established as needed, for short-term matters, with work charged by the CCAAD. Ad hoc committees will report to the Steering Committee.

Section 7.03: Program committee and/or ad hoc committee members may be non-CCAAD members. All committee members for a given program or ad hoc committee may vote on committee matters, regardless of their status as CCAAD members.

Section 7.04: Each Program or ad hoc committee shall have a Chair as appointed by the CCAAD Chair.

Section 7.05: Program committee or ad hoc committee Chair responsibilities include:

a) Collaborating with the committee's assigned County staff coordinator to prepare meeting announcements to be sent to committee members a minimum of one week prior to each meeting to allow for reasonable accommodation requests.
b) Collaborating with staff coordinator to prepare a written agenda for each meeting, to be distributed in advance of the meeting, and to record the meeting minutes during all committee meetings.
c) Recruiting and orientating new committee members.
d) Nurturing new leadership from among committee members.
e) Attending and actively participating in Steering Committee meetings. Participation includes reporting on respective committee activities to the Steering Committee, alerting the Steering Committee to possible needs for action, and suggesting activities for CCAAD meetings.
f) Alerting the Steering Committee of relevant current issues and emerging trends that affect the older adults, adults with disabilities and marginalized communities of older adults.

ARTICLE VIII – NOMINATING COMMITTEE AND OFFICER ELECTIONS

Section 8.01: Nominating Committee. The Chair will appoint a committee of at least three members of the CCAAD to nominate candidates for the Chair and Vice Chair.

ARTICLE IX – BI-ANNUAL BYLAWS REVIEW

Section 9:01: These Bylaws shall be reviewed bi-annually and voted upon by CCAAD members when changes are recommended.

Section 9.02: These Bylaws may be amended by the CCAAD by adopting the proposed amendment or amendments in accordance with this Article, and presenting adopted, proposed changes for approval to the Board of Supervisors. Any such amendments to these Bylaws shall become effective upon approval by the Board of Supervisors.

Section 9:03: These Bylaws may be recommended for amendment to the Board of Supervisors, when necessary, by a two-thirds majority of the members attending a properly called meeting. Proposed amendments must be submitted to the CCAAD Chair to be sent out a minimum of one week prior to each Steering Committee meeting where such amendment will be considered.

ARTICLE X – COMPLIANCE WITH LAW AND COUNTY POLICY

Section 10.01: The CCAAD and its members shall comply with all Virginia laws, including, but not limited to, the VFOIA, and the Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100 et seq., as amended, with all County ordinances, and with all County policies concerning the activities of its boards, authorities and commissions. In case of a conflict between a provision of these bylaws and any applicable ordinance or law, the provisions of the applicable ordinance or law, as the case may be, shall control.

These bylaws were approved by the Board of Supervisors on November 21, 2023.

GIVEN under my hand this _____ day of _____, 2023.

_____
Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

RESOLUTION STATING THE PURPOSES, MEMBERSHIP, AND PROCEDURES OF THE COORDINATING COUNCIL ON AGING & ADULTS WITH DISABILITIES (FORMERLY LONG TERM CARE COORDINATING COUNCIL)

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia ("Board of Supervisors"), held on November 21, 2023, the following resolution was adopted:

WHEREAS, on April 8, 2002, the Board of Supervisors originally established the Long Term Care Council, later renamed to the Long Term Care Coordinating Council ("LTCCC"), at the recommendation of a Long Term Care Task Force, and

WHEREAS, the LTCCC was originally formed in 2002, and at that time was tasked with advising the Board of Supervisors on implementation of the Task Force's Long Term Care strategic plan; on educating funders and policymakers on long term care needs; and on the structure for ongoing, nonprofit, collaborative organization in the Fairfax County community to facilitate implementation of the Long Term Care Strategic Plan, and

WHEREAS, the LTCCC continues to advise the Board of Supervisors regarding the needs of the older adults and adults with disabilities, and

WHEREAS, it is appropriate for the LTCCC to advise the Board of Supervisors on the strategic direction and leveraging of resources in Fairfax County in facilitating inclusive and equitable programs and services for older adults and adults with disabilities, and

WHEREAS, it is appropriate for the LTCCC to advise the Board of Supervisors on encouraging and developing private sector means for the funding of and support for facilitating and implementing the LTCCC's Strategic Plan and the implementation of programs, and services for older adults, adults with disabilities and marginalized segments of older adults, and

WHEREAS, it is appropriate for the LTCCC to advise the Board of Supervisors on providing mechanisms for government agencies, nonprofits, for profits, educational institutions and businesses in our community to fulfill a shared vision for equitable resources allocated in creating and delivering programs and services for older adults, adults with disabilities and marginalized segments of older adults within the community, and

WHEREAS, the Board of Supervisors has authority to establish the LTCCC pursuant to Virginia Code § 15.2-1411; and

WHEREAS, it is appropriate for the Board to adopt a resolution renaming the LTCCC, and restating the purposes, membership, and procedures of the LTCCC,

NOW THEREFORE BE IT RESOLVED that the LTCCC is hereinafter named the "Coordinating Council on Aging & Adults with Disabilities," hereinafter referred to as the "CCAAD," and

BE IT FURTHER RESOLVED, that the CCAAD is authorized to function under the following provisions:

§ 1. PURPOSES. The purposes of the CCAAD are:

1. To advise the Board of Supervisors on strategic direction and leveraging the resources of the CCAAD's member organizations and Fairfax County agencies in facilitating inclusive and equitable programs and services for older adults and adults with disabilities.

2. To advise the Board of Supervisors on encouraging and developing within the private sector means for the funding of and support for facilitating and implementing the CCAAD Strategic Plan, and County plans for the implementation of programs and services for older adults, adults with disabilities and marginalized segments of older adults, and

3. To advise the Board of Supervisors on providing a mechanism for government agencies, nonprofits, for profits, educational institutions and businesses in our community to fulfill a shared vision for equitable resources allocated in creating and delivering programs and services for older adults, adults with disabilities and marginalized segments of older adults within the community.

4. In fulfilling those purposes, the CCAAD may advise the Board of Supervisors by:

    a. Proposing guiding principles for the role of the community, the private sector, and local government in providing equitable programs and services to older adults, adults with disabilities and marginalized segments of older adult residents.
    b. Recommending the most appropriate structures and policies to support the implementation of the CCAAD Strategic Plan and future plans that the CCAAD and the sponsoring jurisdictions may develop.
    c. Recommending priorities and both long term and short term strategies that are inclusive and address equity.
    d. Proposing and researching new initiatives and seeking resources, partnerships, grants, and other non-County funding.
    e. Facilitating the collaboration and coordination in the aging field among the older adult and disabilities community-based providers, educators, advocates, special population groups, residential facilities and fostering public and private partnerships.
    f. Recommending equitable standards to be applied to programs and services for community-based nonprofits serving older adults, adults with disabilities, and

marginalized segments of older adult residents and assisting with the evaluation of programs and services and dissemination of the evaluation results.

g. Reviewing proposed County budgets and make recommendations to the Board of Supervisors.
h. Reviewing and making recommendations regarding the Board of Supervisor's legislative platform that is submitted to the Virginia State Legislature.
i. Presenting reports on status, interim findings and recommendations for consideration to the Board of Supervisors.

§ 2. MEMBERSHIP. Members shall be appointed by the Board of Supervisors, and shall serve two (2) year terms commencing on the day of appointment. Members may be appointed for successive terms.

Members will include representatives from organizations, and community segments related to older adults and adults with disabilities that provide an inclusive and representative reflection of the residents of Fairfax County and the cities of Fairfax and Falls Church. The CCAAD may recommend new members consistent with this §2 for the Board's consideration and appointment.

§ 3. PROCEDURES. The CCAAD shall establish its own procedures subject to the following:

(A) The CCAAD shall have bylaws. All bylaws of the CCAAD are subject to the approval of the Board of Supervisors.

(B) Officers shall be appointed by the CCAAD from among its members in accordance with its bylaws.

(C) The CCAAD shall comply with all Virginia laws, including, but not limited to, the Virginia Freedom of Information Act, Va. Code § 2.2-3700, *et. seq.*, as amended (VFOIA), and the Virginia State and Local Government Conflict of Interests Act, Virginia Code § 2.2-3100, *et seq.*, as amended, with all County ordinances, and with all County policies concerning the activities of its boards, authorities, and commissions.

(D) Neighborhood and Community Services shall provide support to the CCAAD, including a staff coordinator. The staff coordinator shall ensure compliance with the notice, meetings, and recordkeeping requirements of the VFOIA.

GIVEN under my hand this ____ day of _____, 2023.

_____

Jill G. Cooper
Clerk for the Board of Supervisors
Department of Clerk Services

Board Agenda Item
November 21, 2023

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, as identified below, where discussion in an open session would adversely affect the negotiating or litigating posture of the public body, as well as consultation with legal counsel regarding specific legal matters listed below requiring the provision of legal advice by such counsel, all as permitted by Virginia Code § 2.2-3711(A) (7) and (8).

1. *Reston Civic Core, LLC v. Board of Supervisors of Fairfax County, Tom Fleetwood, and Fairfax County Redevelopment and Housing Authority,* Case No. CL-2022-0015638 (Fx. Co. Cir. Ct.)

2. *Amazon Data Services, Inc. v. Board of Supervisors of Fairfax County, Virginia*, Case No. CL-2022-0017489 (Fx. Co. Cir. Ct.)

3. *Federal Communications Commission Notice of Proposed Rulemaking Regarding All-In Pricing* (MB Docket No. 23-203)

4. *Edward M. Williams v. Fairfax County and Fairfax County Department of Family Services,* Case No. 23-cv-1004 (E.D.Va.)

5. *Mohamad Idlibi v. West Springfield Police Station*, Case No. 1:23-cv-920 (E.D. Va.)

6. *En'Daiya Danielle Boler v. Fairfax County Department of Family Services,* Record No. 1430-22-4 (Va. Ct. App.)

7. *Kenneth Hartwell v. Fairfax County Board of Supervisors, et al.,* Case No. CL-2023-0012608 (Fx. Co. Cir. Ct.)

8. *Jordan Bowling v Fairfax County*, Case No. CL-2023-0010411 (Fx. Co. Cir. Ct.) and *Brian Shelton v. Fairfax County*, Case No. CL-2023-0010410 (Fx. Co. Cir. Ct.)

9. *Anthony T. Earl v. Cathy Hudgins Community Center*; Case No. GV23-018921 (Fx. Co. Gen. Dist. Ct.)

10. *Abdolreza Rezanazhad v. Anthony Shobe, Fairfax County Sheriff's Office, and Fairfax County*, Case No. GV22-019962 (Fx. Co. Gen. Dist. Ct.)

11. *Mohamud Moalin, by GEICO Insurance Company, Subrogee v. Natalie Vanessa Velasquez*; Case No. GV23-000861 (City of Alex. Gen. Dist. Ct.)

12. *State Farm Mutual Automobile Insurance Company as Subrogee of Melissa White v. Anthony James Guglielmi,* Case No. GV23-000003 (Prince William Co. Gen. Dist. Ct.)

13. *Oscar Franco v. Keith Haydu and Fairfax County Government*, Case No. GV23-007386 (Fx. Co. Gen. Dist. Ct.)

14. *Kazim Syed, By GEICO Advantage Insurance Company v. William Edward Eckert, III;* Case No. GV23-004452 (Fx. Co. Gen. Dist. Ct.)

15. *Stephanie Wright v. Noah Smelser*; Case No. GV23-013163 (Fx. Co. Gen. Dist. Ct.)

16. *State Farm Fire and Casualty Company as Subrogee of Austin Whynot v. Abdelhakim Hammoudi,* Court No. GV23-018752 (Fx. Co. Gen. Dist. Ct.)

17. *Rita M. Leach-Lewis, Trustee of the Rita M. Leach-Lewis Trust 18MAR13 v. Board of Supervisors of Fairfax County, Virginia*, Record No. 0815-22-4 (Va. Ct. App.) (Sully District)

18. *In re February 2, 2022, Decision of the Board of Zoning Appeals of Fairfax County, Virginia: Washington Gas Light Company v. Christine Chen Zinner, Kurt Iselt, Sarah Ellis, Lillian Whitesell, and Board of Supervisors of Fairfax County, Virginia,* Case No. CL-2022-0002942; and *Washington Gas Light Company v. Christine Chen Zinner; Kurt Iselt; Sarah Ellis; Lillian Whitesell; Board of Supervisors of Fairfax County Virginia; Board of Zoning Appeals of Fairfax County Virginia; Virginia Department of Transportation,* Case No. CL-2022-0003061

19. *Sirena Holdings, LLC v. Fairfax County Department of Public Works and Environmental Services*, Case No. CL-2022-0015016 (Fx. Co. Cir. Ct.) (Dranesville District)

20. *Jay Riat, Building Official for Fairfax County, Virginia v. Masoud Hashemi,* Case No. CL-2023-0007881 (Fx. Co. Cir. Ct.) (Braddock District)

21. *Jay Riat, Building Official for Fairfax County, Virginia v. Paul T. Tansill and Yonsun Jung Tansill,* Case No. GV22-017703 (Fx. Co. Gen. Dist. Ct.) (Dranesville District)

22. *Jay Riat, Building Official for Fairfax County, Virginia v. Arciel Paz Munoz and Nardy Silas Sejas,* Case No. GV23-008512 (Fx. Co. Gen. Dist. Ct.) (Franconia District)

23. *Jay Riat, Building Official for Fairfax County, Virginia v. Reston Brewing Company, LLC c/o Melissa Romano,* Case No. GV23-015344 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

24. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Ali Hassani,* Case No. GV23-019349 (Fx. Co. Gen. Dist. Ct.) (Hunter Mill District)

25. *Jay Riat, Building Official for Fairfax County, Virginia v. 5238 Navaho LLC,* Case No. CL-2022-0013381 (Fx. Co. Cir. Ct.) (Mason District)

26. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Mieu Lien Phung Living Trust, KIFAB, LLC, and MNK Management, LLC (Grapes Lounge),* Case No. CL-2021-0014458 (Fx. Co. Cir. Ct.) (Mason District)

27. *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)

28. *Leslie B. Johnson, Fairfax County Zoning Administrator and Jay Riat, Building Official for Fairfax County, Virginia v. Akhtar Baig,* Case No. CL-2022-0015920 (Fx. Co. Cir. Ct.) (Mason District)

29. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Jean Claude Lambrechts and Selam and Hanan Enterprises, LLC,* Case No. CL-2023-0014142 (Fx. Co. Cir. Ct.) (Mason District)

30. *Jay Riat, Building Official for Fairfax County, Virginia v. Ronald Mendieta,* Case No. CL-2023-0014781 (Fx. Co. Cir. Ct.) (Mason District)

31. *Jay Riat, Building Official for Fairfax County, Virginia v. Kristan K. McMahon,* Case No. GV23-014346 (Fx. Co. Gen. Dist. Ct.) (Mason District)

32. *Jay Riat, Building Official for Fairfax County, Virginia v. Jouhad Boutros Dagher,* Case No. GV23-016555 (Fx. Co. Gen. Dist. Ct.) (Mason District)

33. *Jay Riat, Building Official for Fairfax County, Virginia v. Jouhad Boutros Dagher,* Case No. GV23-016556 (Fx. Co. Gen. Dist. Ct.) (Mason District)

34. *Jay Riat, Building Official for Fairfax County, Virginia v. Victoria Bak,* Case No. GV23-019773 (Fx. Co. Gen. Dist. Ct.) (Mason District)

35. *Leslie B. Johnson, Fairfax County Zoning Administrator v. Branden Beasley,* Case No. CL-2022-0016034 (Fx. Co. Cir. Ct.) (Mount Vernon District)

36. *Jay Riat, Building Official for Fairfax County, Virginia v. Strickler Holdings LLC and Virginia Casework Corp.,* Case No. CL-2023-0014780 (Fx. Co. Cir. Ct.) (Mount Vernon District)

37. *Jay Riat, Building Official for Fairfax County, Virginia v. Gregory L. Schick and Deborah L. Schick,* Case No. GV23-006556 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

38. *Jay Riat, Building Official for Fairfax County, Virginia v. Susan Kay Mahon Revocable Trust,* Case No. GV23-007152 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

39. *Jay Riat, Building Official for Fairfax County, Virginia v. AYR Properties SEP, LLC,* Case No. GV23-008472 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

40. *Gabriel M. Zakkak, Property Maintenance Code Official v. Jessie M. Davis,* Case No. GV23-016758 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

41. *Jay Riat, Building Official for Fairfax County, Virginia v. Tavani, LLC,* Case No. GV23-021017 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)

42. *Jay Riat, Building Official for Fairfax County, Virginia v. LZ Rentals, LLC,* Case No. CL-2022-0005622 (Fx. Co. Cir. Ct.) (Providence District)

43. *Sidney Tobias Harris v. Leslie B. Johnson, Fairfax County Zoning Administrator*, Record No. 1363-23-4 (Va. Ct. App.) (Springfield District)

Board Agenda Item
November 21, 2023

3:00 p.m.

Public Hearing to Receive Comment from Residents on the Proposed Legislative Program to be Presented to the 2024 Virginia General Assembly

EQUITY IMPACT:
The County's Legislative Program sets the County's state legislative priorities and positions, which connect to many of the 17 areas of focus in the One Fairfax policy, including education, housing, the environment, health and human services, and transportation. In addition to the Legislative Program, County staff review individual bills during the General Assembly session and bring bills to the Legislative Committee of the Board of Supervisors for consideration. As part of this bill review, staff consider the equity implications of the legislation.

ENCLOSED DOCUMENTS:
Attachment I – Draft Fairfax County Legislative Program for the 2024 Virginia General Assembly

The proposed Legislative Program will be made available online under 2024 Board Legislative Reports by close of business November 16, 2023, at https://www.fairfaxcounty.gov/boardofsupervisors/.

STAFF:
Bryan J. Hill, County Executive
Claudia Arko, Legislative Director

Board Agenda Item
November 21, 2023

3:30 p.m.

Public Hearing on RZ 2023-SU-00008 (K Hovnanian Homes At The Gallery Park At Westfields, LLC) to Rezone from I-4, AN and WS to PDH-16, AN and WS to Permit Residential Development with an Overall Density of 13.83 Dwelling Units Per Acre Including Bonus Density Associated with Affordable Housing and Approval of the Conceptual Development Plan, Located on Approximately 10.76 Acres of Land (Sully District)

This property is located on the S. side of Old Lee Rd., W. side of Stonecroft Blvd., and N. side of Northridge Dr. Tax Map 43-2 ((2)) 29G3pt.

PLANNING COMMISSION RECOMMENDATION:
On September 20, 2023, the Planning Commission voted 9-0-1 (Commissioners Bennett and Carter were absent from the meeting. Commissioner Sargeant abstained from the vote) to recommend to the Board of Supervisors the following actions:

- Approval of RZ 2023-SU-00008, subject to the execution of proffered conditions consistent with those dated July 13, 2023;

- Approval of a waiver of private street width from 24 feet to 20 feet in favor of that shown on the CDP/FDP; and

- Approval of a waiver of the 600-foot Maximum Length of Private Streets in favor of that shown on the CDP/FDP.

In a related action, the Planning Commission voted 9-0-1 (Commissioners Bennett and Carter were absent from the meeting. Commissioner Sargeant abstained from the vote) to approve FDP 2023-SU-00008, subject to proposed development conditions dated September 5, 2023.

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

Board Agenda Item
November 21, 2023

STAFF:
Suzanne L. Wright, Director, Zoning Evaluation Division, Department of Planning and Development (DPD)
William O'Donnell, Branch Chief, DPD

Board Agenda Item
November 21, 2023

3:30 p.m.

Public Hearing on AFR 2023-SP-00002 (AR 2015-SP-001) (Molleda Local Agricultural and Forestal District Renewal) to Permit Renewal of a Previously Approved Agricultural and Forestal District, Located on Approximately 23.17 Acres of Land (Springfield District)

This property is located at 6500 Clifton Rd., Clifton, 20124. Tax Map 75-1 ((1)) 3Z.

PLANNING COMMISSION RECOMMENDATION:
On November 1, 2023, the Planning Commission voted 10-0 (Commissioners Bennett and Shumate were absent from the meeting) to recommend to the Board of Supervisors approval of AFR 2023-SP-00002 and amend Appendix F of the County Code to renew the Molleda Local Agricultural and Forestal District, subject to the Ordinance Provisions dated October 18, 2023, which were contained in the staff report.

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:
Leanna O'Donnell, Director, Planning Division, Department of Planning and Development (DPD)
William Nance, Planner, DPD

Board Agenda Item
November 21, 2023

3:30 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Outdoor Lighting Around Turner Farm Park Observatory (Dranesville District)

ISSUE:
The proposed Zoning Ordinance amendment supports dark skies around the Turner Farm Park Observatory (Observatory) by further limiting exemptions from outdoor lighting regulations for full cut-off lighting within one-half mile of the Observatory, while allowing for flexibility to keep and install lights for safety and nighttime visibility.

RECOMMENDATION:
The Planning Commission held a public hearing on October 18, 2023, and voted to recommend to the Board adoption of the proposed Zoning Ordinance amendment, as set forth in the Staff Report dated September 12, 2023. The County Executive concurs with the Planning Commission recommendation.

TIMING:
The Board authorized advertisement of the public hearings for this amendment on September 12, 2023; the Planning Commission public hearing was held on October 18, 2023, at 7:30 p.m.; and the Board public hearing is scheduled for November 21, 2023, at 3:30 p.m.

BACKGROUND:
Section 5109 of the Zoning Ordinance requires most lights to be full cut-off fixtures and mounted horizontal to the ground, which is generally referred to as dark sky lighting. However, the Zoning Ordinance includes certain exemptions from those regulations. As outlined below, this amendment proposes to further limit the exemptions from outdoor lighting regulations for properties located within a one-half mile area of the Turner Farm Park Observatory. The Virginia Code allows localities to regulate outdoor lighting within one-half mile around astronomical facilities.

- The amendment proposes to reduce the maximum lumens allowed for motion-activated lights on single-family lots from 4,000 lumens to 1,500 lumens, consistent with the maximum lumens for other exempt light fixtures.
- The amendment limits the exemption for all other lights with up to 1,500 lumens on single-family lots to those lights located near a door or garage. Landscape and decorative lighting fixtures up to 20 lumens would also be exempt.

- The amendment would add a limit of 300 lumens for uplights or spotlights.
- The amendment would allow legally existing lights to remain. The new regulations would apply to new or replaced fixtures.

A more detailed discussion of these and other proposed changes is contained in the Staff Report (Attachment 2).

EQUITY IMPACT:
None.

REGULATORY IMPACT:
The proposed amendment revises existing and adds new regulations for certain types of outdoor lighting on properties located within one-half mile of the Turner Farm Park Observatory to further protect the night sky for the Observatory.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
Attachment 1 – Planning Commission Action
Attachment 2 – Staff Report

STAFF:
Rachel Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Leslie B. Johnson, Zoning Administrator, DPD
William Mayland, Assistant Zoning Administrator, DPD
Carmen Bishop, Deputy Zoning Administrator, DPD

ASSIGNED COUNSEL:
Cherie Halyard Mack, Assistant County Attorney

County of Fairfax, Virginia
Planning Commission Meeting
October 18, 2023
Planning Commission Action

ZONING ORDINANCE AMENDMENT - OUTDOOR LIGHTING AROUND TURNER FARM PARK OBSERVATORY
(Dranesville District)

PLANNING COMMISSION RECOMMENDATIONS:
On October 18, 2023, the Planning Commission voted 8-0 (Commissioners Sargeant, Lagana, and Murphy were absent from the meeting) to recommend to the Board of Supervisors the following actions:

- Adoption of the proposed Zoning Ordinance Amendment for Outdoor Lighting around Turner Farm Park Observatory, as set forth in the staff report dated September 12, 2023; and

- The amendment become effective at 12:01 a.m. the day following adoption.

ATTACHED DOCUMENTS:
Staff Report dated September 12, 2023.

SL

FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT

Outdoor Lighting Around Turner Farm Park Observatory

September 12, 2023

Hearing Dates
Planning Commission: October 18, 2023
Board of Supervisors: November 21, 2023

Staff Contact
Carmen Bishop, Deputy Zoning Administrator

Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

PLANNING & DEVELOPMENT

Zoning Administration Division
Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5507
Phone 703-324-1314
www.fairfaxcounty.gov/planning-development

Table of Contents

Background 2
Proposed Changes 3
Community Outreach 7
Summary 7
Proposed Text 8

Background

On February 11, 2020, as part of the adoption of a Zoning Ordinance amendment updating certain outdoor lighting provisions, the Board of Supervisors (Board) approved a follow-on motion directing staff to consider additional zoning regulations to protect dark skies around astronomical facilities. This motion was in response to comments received from the community and supported by the Planning Commission.

Turner Farm Park Observatory

The Board's follow-on motion was based on Va. Code §15.2-920 which says:

> "In addition to any other authority granted to localities by law, any locality may by ordinance regulate outdoor lighting within an area one-half mile around planetariums, astronomical observatories and meteorological laboratories. …"

The only facility within the County that could be subject to such regulations is the Turner Farm Park Observatory ("Observatory"), located at the intersection of Georgetown Pike and Springvale Road within the Dranesville District. There is an additional observatory located at the Fairfax campus of George Mason University; however, the Zoning Ordinance does not apply on properties owned by the Commonwealth and used for the Commonwealth's purposes.



Figure 1 - Telescope at Turner Farm Park Observatory

The Observatory consists of a roll-top observatory with multiple telescopes and a former National Defense Mapping Agency observation tower that will be converted to a remote access telescope observatory. The Observatory is part of a larger park complex that contains equestrian facilities, a playground, and a picnic area. The Observatory offers classes, summer camps, scout badges, and holds astronomy festivals. In addition to the for-fee activities, the Observatory is open for free to the public for viewing Friday nights, weather permitting. Volunteers from the Analemma Society open the park for free viewing during astronomical events like eclipses and comets. The Observatory has served approximately 16,500 people in educational programs and viewing sessions since January of 2018. Currently, the Observatory is working toward becoming an

official Urban Night Sky Place from the International Dark Sky Association and hopes to become an education leader in dark sky preservation and value-centered lighting.

Proposed Changes

Proposed text is provided below. Section 5109 of the Zoning Ordinance contains standards for outdoor lighting that apply countywide and are intended to reduce the impacts of glare, light trespass, and light pollution; promote safety and security; and encourage energy conservation. These regulations support dark skies by requiring most lights to be dark sky compliant (full cut-off and mounted horizontal to the ground). In accordance with the Virginia Code, the proposed amendment would further limit outdoor lighting on properties located within one-half mile of the Observatory. These properties are zoned residential and developed with single-family detached dwellings or recreation facilities. The area includes 525 lots and is shown below:

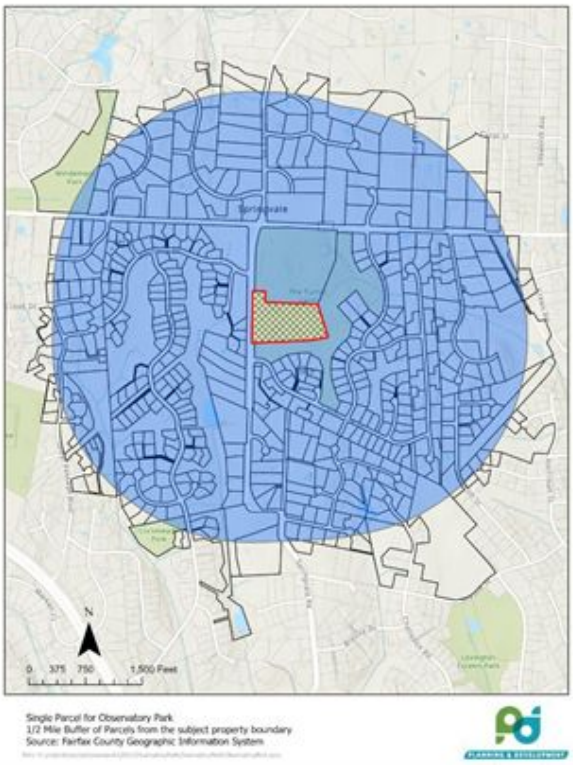


Figure 2 - One-Half Mile Area

Fairfax County is within an area of overall light pollution, but due to the scientific properties of light, lighting near the Observatory has a greater impact on the ability to engage in astronomical observation at the Observatory. For example, one light bulb located one-half mile from the Observatory would have approximately the same impact as four bulbs

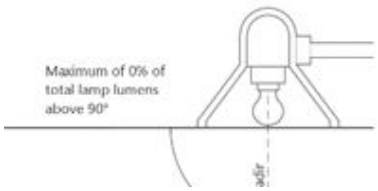


Figure 3 – Full cut-off fixture

located one mile away or almost 200 bulbs at Tysons, about seven miles away. However, to allow flexibility to install lighting for safety, security, and nighttime visibility, limits on (a) the number of lights per lot, and (b) the lumens for full cut-off lights, are not recommended. The Fairfax County Police Department has advised that proper lighting can be a deterrent for criminal activity, but overlighting is not needed to facilitate a safe environment.

In general, the proposed revisions allow for flexibility for outdoor lighting within one-half mile of the Observatory while preserving dark skies. The proposed regulations are summarized in the table below as compared to current countywide standards and are further discussed below.

Current Zoning Ordinance standards (countywide)	**Proposed amendment for Observatory area**
Previous amendments have allowed legally existing lights to remain until replaced.	Legally existing lights within one-half mile of the Observatory may remain until replaced.
Motion-activated lights on single-family lots: do not need to be full cut-off or meet the setback/shielding requirement (see footnote 2 below) if they are: (a) 4,000 lumens or less, (b) turn off within 5 minutes, and (c) are directed within the property.	No change to (b) or (c) but motion-activated lights must be 1,500 lumens or less (rather than 4,000 lumens). See below for more information about lumens.
Other lights on single-family lots: do not need to be full cut-off or meet the setback/shielding requirements if 1,500 lumens or less.	All lights need to be full cut-off and comply with the setback/shielding requirements, except for: - any lights 20 lumens or less, and - any number of lights at a door or garage, up to 1,500 lumens/fixture.
Uplights or spotlights (architectural features, flags, landscaping): any number allowed, but must be full cut-off or shielded to confine the light to the object.	Any number of fixtures allowed, with a maximum of 300 lumens/fixture.
Color temperature: Up to 3,000K.	Same.
Light trespass: No specific standard in the Zoning Ordinance, but there are standards for full cut-off fixtures and setback or shielding, and a prohibition on disability glare.	Same. The requirements above would reduce potential light trespass.

What are lumens? Lumens measure light output. This is different from watts, which measure electrical power consumption. Lumens can be converted from watts, but it depends on the efficiency of the bulb. The lumens are listed on light bulb packaging and sometimes on the bulb itself. Below are examples for comparing some typical light bulbs (based on https://www.thecalculatorsite.com/energy/watts-lumens.php):

Incandescent Bulb Watts	Lumens
250	3,000 – 4,500
100	1,200 – 1,800
60	720 – 1,080
25	300 – 450
1	12 – 18

- **Previously existing lights**: As the outdoor lighting regulations have changed over time, lawfully existing lights in place prior to the effective date of the new regulations have been allowed to remain. Existing Applicability provisions are found in subsection 5109.1. Previous draft text for this amendment included two options for consideration – option 1 would have allowed lighting that was lawful when installed to remain until replaced, and option 2 would have required all lights to conform within five years. Based on community feedback, staff recommends allowing lawfully existing lights to remain until replaced (option 1 in the previous draft text). Therefore, the new regulations would apply only to new or replaced lighting fixtures. In accordance with subsection 5109.2.C, routine fixture maintenance, such as changing a light bulb or other components, does not constitute replacement if the changes do not result in a higher lumen output or a color temperature above 3,000K. Allowing existing light fixtures to remain indefinitely recognizes the financial investments of homeowners in lighting. New or replacement light fixtures that would comply with the proposed regulations are available at costs comparable to other light fixtures.

- **Residential lighting**: Currently, lighting fixtures, such as porch lights, lamp posts, and landscape lighting, are not required to be full cut-off[1] or meet the setback/shielding requirement[2] if they are 1,500 lumens or less (about a 100-watt incandescent bulb). Over time, dark sky compliant lighting has become more available





[1] See subsection 5109.3.A(1) which requires lights to be full cut-off and mounted horizontal to the ground.
[2] See subsection 5109.3.C(3) which requires lights abutting residentially zoned properties to be mounted at a height equal to or less than, Height = 3 + (Distance from lot line)/3) or have opaque shielding to reduce glare on

and can now be purchased in stores and online.[3] Within the one-half mile area around the Observatory, the proposed amendment would require all lights to be full cut-off and meet the setback/shielding requirement. This requirement would not apply to: (a) any number of lighting fixtures located at exterior doors or garages with a maximum of 1,500 lumens; (b) other lights, such as string or landscape lights, with up to 20 lumens; (c) motion-activated lights as discussed below; and (d) uplights or spotlights as discussed below.

- **Motion-activated**: Motion-activated lights are not currently required to be full cut-off or meet the setback/shielding requirement if they: (a) are 4,000 lumens or less, (b) turn off within five minutes of the motion ceasing, and (c) are aimed so that illumination is directed within the property. Within the one-half mile area around the Observatory, the proposed amendment would lower the current maximum of 4,000 lumens (approximately a 250-watt incandescent bulb) to 1,500 lumens, consistent with the current exemption for other types of residential lighting.

- **Uplighting and spotlighting**: Currently, uplights and spotlights are allowed for flags, landscaping, signs, statues, architectural, and other features if the light is aimed and shielded to be confined to the object. Given the potential impacts on dark skies, in addition to the requirement for aiming and shielding, the amendment proposes to establish a maximum of 300 lumens per fixture. This is intended to allow flexibility in lighting design while reducing impacts on the night sky.

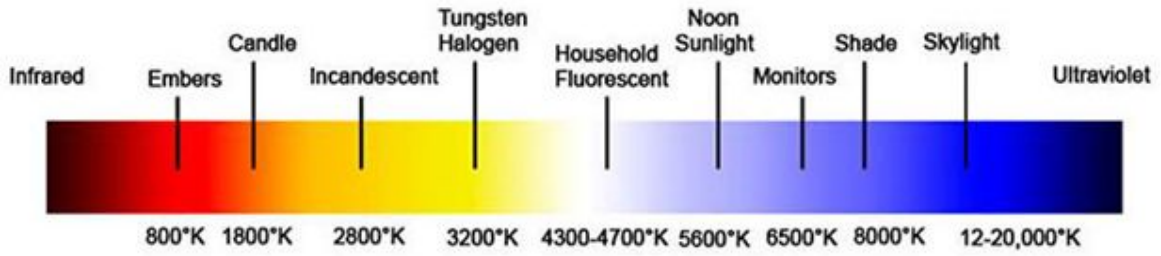
All other Zoning Ordinance outdoor lighting requirements would continue to apply, including maximum color temperature. Questions have been raised regarding whether the maximum allowed color temperature should be reduced within the one-half mile area. The countywide standard of 3,000K was adopted for streetlights in the Public Facilities Manual in 2019 and for private properties in the Zoning Ordinance in 2020. For reference, a typical incandescent bulb has a color temperature of approximately 2,600K to 3,000K. Color temperature impacts glare and bulbs with a lower color temperature, such as 2,700K, are now typically available. However, given the relatively recent adoption of the 3,000K standard and the limited difference between 2,700K and 3,000K, staff does not recommend revising the color temperature standard with this amendment.[4]

---

the abutting property. For example, a light located 20 feet from the lot line could be mounted no higher than 9.67 feet, unless it had shielding.

[3] Images from homedepot.com

[4] Image from https://www.ledwatcher.com/what-is-light-bulb-color-temperature-and-how-it-is-measured/



Community Outreach

Because the amendment would affect only the area surrounding the Turner Farm Park Observatory, outreach has been focused on and coordinated with the Great Falls community and the Dranesville district. The draft text was developed and revised based on feedback obtained at three town halls and through an online community survey. In general, feedback has been mixed, with some in favor of additional regulations, and some against. Information about the community outreach is available online.

Summary

Overall, the proposed amendment would support dark skies around the Observatory while allowing for flexibility in lighting design for individual properties. It is recommended that the amendment become effective at 12:01 a.m. on the day following adoption.

Proposed Text

In the revisions shown below, text to be deleted is identified with ~~strike-through~~ and text to be added is underlined.

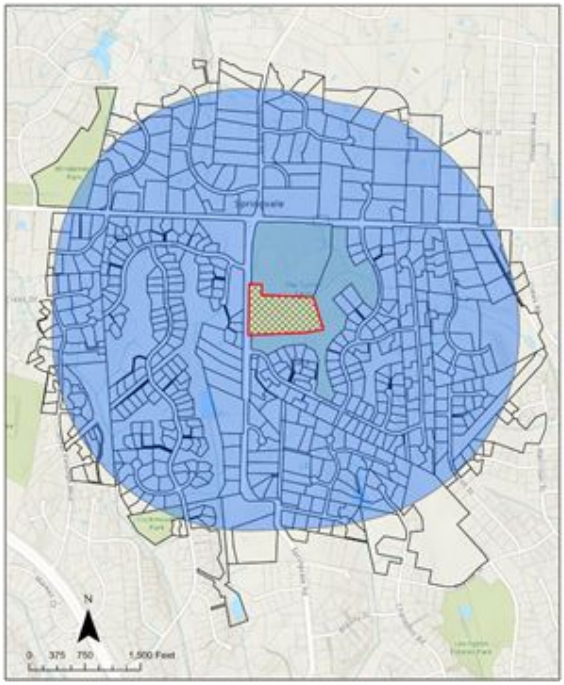
#1 INSTRUCTION: Add new subsection 5109.5, as shown below.

5. Lighting Standards Surrounding the Turner Farm Park Observatory

A. Applicability

In addition to the other standards of this Section, properties located within one-half mile around the Turner Farm Park Observatory, as shown in Figure 5109.5 below, are subject to this subsection 5109.5. The one-half mile area is measured from the lot identified by Tax Map reference 12-1 ((1)) 24 as of (*insert effective date of this amendment)*. If a lot is partially within the one-half mile area, these standards apply to the entire lot. The Applicability provisions in subsection 5109.1 also apply.

Figure 5109.5: Turner Farm Park Observatory Half-Mile Area



B. Lighting Fixtures and Mounting

(1) On lots developed with single-family dwellings, instead of the exemptions in subsections 5109.2.F and 5109.2.G, the following lighting fixtures do not need to be full cut-off and mounted horizontal to the ground as required by subsection 5109.3.A(1), or comply with the setback or shielding requirement in subsection 5109.3.C(3):

(a) Motion activated lighting fixtures that:

1. Emit initial lighting levels of 1,500 lumens or less;

2. Are extinguished within five minutes upon cessation of motion; and

3. Are aimed to direct the illumination within the property boundary.

(b) Lighting fixtures located at an exterior door or garage with initial lighting levels of 1,500 lumens or less per fixture. These fixtures must be located within three feet of and intended to illuminate the immediate area of the door or garage.

(c) Lighting fixtures of 20 lumens or less.

(2) Uplights or spotlights in accordance with subsection 5109.3.A(4) are allowed with initial lighting levels of 300 lumens. The lights must be full cut-off and mounted horizontal to the ground or directionally shielded, aimed, and controlled to confine the light to the object intended to be illuminated. The setback or shielding requirement of subsection 5109.3.C(3) applies to these lights.

#2 INSTRUCTION: Revise the Applicability provisions of subsection 5109.1.B, as shown below.

1. Applicability

A. These outdoor lighting standards apply to the installation of new outdoor lighting fixtures or the replacement of existing outdoor fixtures, except as provided in subsection 2 below.

B. Previously existing lighting fixtures:

(1) Outdoor lighting fixtures lawfully existing before June 17, 2003, that do not conform to the provisions of this section ~~are deemed to be a lawful nonconforming use and~~ may remain.

(2) For the purpose of the provisions in subsections ~~3.A(2) (correlated color temperature),~~ 5109.2.F (exemptions for motion activated light fixtures), ~~and~~ 5109.2.G (exemptions for lots developed with single-family dwellings), and 5109.3.A(2) (correlated color temperature), outdoor lighting fixtures lawfully existing before February 12, 2020, ~~are deemed to be a lawful nonconforming use and~~ may remain. ~~A nonconforming lighting fixture that is changed to or replaced by a conforming lighting fixture is no longer deemed nonconforming and must be in accordance with the provisions of this section.~~

(3) For properties subject to subsection 5109.5, outdoor lighting fixtures lawfully existing before (*insert effective date of this amendment*), that do not conform to the provisions of subsection 5109.5 may remain.

REVISED

Board Agenda Item
November 21, 2023

3:30 p.m.

Public Hearing on a Proposed Zoning Ordinance Amendment Re: Sign Regulations

ISSUE:
The proposed Zoning Ordinance amendment includes changes to the sign regulations contained in Article 7 and related subsections, including: revised limitations on electronic display sign brightness; consolidation of the current Comprehensive Sign Plan (CSP), special exception (SE), and special permit (SP) application types related to sign modifications into one SE application for all sign modifications; and other changes to a variety of sign regulations, including but not limited to illuminated window signs, subdivision signs, and signs in multifamily developments.

PLANNING COMMISSION RECOMMENDATION:
~~On October 25, 2023, the Planning Commission voted 7-4 (Commissioners Bennett, Spain, Murphy, and Shumate voted in opposition) on a substitute motion to defer consideration on the Zoning Ordinance Amendment for Signs Part II on the Zoning Ordinance Amendment for Signs Part II to on November 15, 2023. Subsequent discussion confirmed that an additional public hearing will be held on November 15, 2023.~~

~~The original motion recommended to the Board of Supervisors the adoption of the proposed Zoning Ordinance Amendment for Signs Part II, with the staff-recommended options and the proposed amendments to Appendix 1, relating to previous approvals as set forth in the staff report dated October 3, 2023, except for electronic display signs. For electronic display signs, it was recommended that the maximum nit level after sunset be 300 nits and that signs within 100 feet of any property developed with a residential use be limited to 100 nits, as set forth in Option 2 of the Memorandum to the Planning Commission dated October 18, 2023. It was recommended that the amendment become effective at 12:01 a.m. on the day following adoption.~~

On November 15, 2023, the Planning Commission voted 11-0 (Commissioner Bennett was absent from the meeting) to recommend to the Board of Supervisors the following actions:

- **Adoption of the proposed Zoning Ordinance Amendment for Signs Part II, with the staff-recommended options and the proposed amendments to Appendix 1 relating to previous approvals, as set forth in the Staff Report dated October 3, 2023, except for electronic display signs;**

REVISED

Board Agenda Item
November 21, 2023

- **Approval of the alternative text for electronic display signs in P, C, and I districts to have the maximum nit level after sunset be 300 nits, and signs within 150 feet of any property developed with a single-family dwelling be limited to 100 nits, as set forth in the handout dated November 15, 2023, which was distributed to the Planning Commission; and**
- **That the amendment become effective at 12:01 a.m., the day following adoption.**

The Planning Commission also voted 11-0 (Commissioner Bennett was absent from the meeting) to recommend to the Board of Supervisors the following follow-on motions:

- **Direct staff to develop a policy for expediting the scheduling of Planning Commission and Board hearing dates for special exceptions for sign modifications; and**
- **Direct staff to monitor, analyze, and report on the implementation of two key changes to the sign regulations throughout this amendment specific to:**
  - **(a) maximum nighttime brightness of all submitted permits for electronic display signs; and**
  - **(b) special exception applications for sign modifications.**

This information should be provided within 18 months of adoption of the amendment.

A copy of the alternative text recommended by the Planning Commission is included as Attachment 2.

RECOMMENDATION:
The County Executive recommends adoption of the Zoning Ordinance Amendment regarding Sign Regulations (also known as Signs Part II), with the staff recommended options and the amendment to Appendix 1 of the Zoning Ordinance relating to previous approvals as provided in the Staff Report dated October 3, 2023. Further, the County Executive recommends an effective date of November 22, 2023.

TIMING:
The Board authorized advertisement of the public hearings for this amendment on September 26, 2023; the **first** Planning Commission public hearing was held on October 25, 2023, at 7:30 p.m.**, and a second public hearing was held on November 15, 2023, at 7:30 p.m.**; and the Board public hearing is scheduled for November 21, 2023, at 3:30 p.m.

REVISED

Board Agenda Item
November 21, 2023

BACKGROUND:
The Board originally adopted a Signs Part I Zoning Ordinance Amendment in 2019, and this Part II effort was included in the FY 2022/2023 Zoning Ordinance Work Program. The changes to the sign regulations that are proposed with this amendment are driven partly by staff's experience in implementing the existing sign regulations, as well as by feedback from industry representatives who have identified changes to reflect best practices. The topics for consideration are summarized below.

Electronic Display Signs
Currently, the Zoning Ordinance includes a maximum nit limitation of 40–100 nits at sunset for all electronic display signs. However, industry representatives have indicated that the brightness levels of modern screens have increased based on high-definition technology, and a higher nit level is more appropriate to accommodate emerging technology. Staff conducted field visits and confirmed that a majority of existing electronic display signs exceed the 100-nit limitation with no apparent negative impacts. For electronic display signs in Planned (P), Commercial (C), and Industrial (I) zoning districts, staff has proposed to increase the maximum level to 500 nits. An advertised range of 100 to 1,000 nits has been included for Board consideration. In addition, this level would be permitted to be increased in Planned, Commercial, and Industrial Districts with SE approval. Staff recommends maintaining the current 100-nit limitation in conventional residential zoning districts (which excludes residential areas of Planned districts).

Based on comments provided by the Board during the authorization of the public hearings about potential brightness impacts at night, such as distractions to automobile traffic and the effect of glare on nearby residential areas, staff has advertised a broad range of options based on factors such as zoning district classification, time of day/night, and location or distance from land in a residential district or residential areas of P districts. A memorandum issued to the Planning Commission (Attachment ~~2~~ **3**) includes two additional options for consideration.

Special Exception for Sign Modifications
Under the current Zoning Ordinance, there are three avenues for an applicant to request additional signage beyond that allowed by right: (1) a CSP (allowed only in P districts with Planning Commission approval); (2) an SE (allowed only in C and I districts with Board approval and limited to an increase in sign area, sign height, or modification of sign location if a standard of unusual circumstances or conditions can be met); and (3) an SP (allowed only in C districts for limited shopping centers). Staff recommends consolidating the current application types into one SE request for sign modifications that would include revised review criteria and standards and would go to the Planning Commission for recommendation and to the Board for approval. Because each Planned District and its associated design standards are approved by the Board, in staff's opinion it is appropriate for the Board to also review and approve a

modification in signage for these developments. The revised SE application process would continue to allow all properties in P districts to request sign modifications while also providing additional flexibility for signs in Commercial and Industrial districts. Overall, these changes would result in an expansion of eligibility to properties that are not currently able to request an increase in signage. However, to minimize sign clutter and overuse of these provisions, unless there is an "unusual circumstance or condition" per the language in the Zoning Ordinance, individual smaller buildings and developments in the C and I districts would not be eligible for an increase in signage. This is because smaller developments with fewer tenants and a reduced building frontage have limited opportunities to create a coordinated approach to signage. To protect stable residential areas, an SE for sign modifications is not recommended for conventional residential districts.

Additional Changes

In addition to the two major topic areas identified above, staff also recommends the following changes to sign regulations:

- Signs in reserved parking spaces – removal of the current one-square-foot limitation applied to signs located in or immediately adjacent to reserved parking spaces, such as electric vehicle charging spaces or mobile pickup parking spaces.
- Window signs – allowance of one illuminated window sign per establishment up to four square feet in size (with an advertised range from two to four square feet for consideration).
- Signs in a subdivision – requirement that signs in a subdivision be located within an easement or common area located at the vehicular entrance.
- Signs in Multifamily Developments – allow up to 50 square feet of building-mounted signs in a multifamily development (currently limited to a freestanding sign up to 30 square feet in size at each major entrance).
- Building-mounted signs in C and I districts – an option for the Board to consider revised standards allowing 1.5 feet of sign area for each linear foot of building frontage, regardless of the number of outside entrances. This would result in an increase in overall building-mounted signage allowed.
- Signs at a drive-through – allow any number of signs located at a drive-through (unless limited by the Board as part of a special exception approval for the associated use), limited to a maximum size of 20 square feet.
- Appeal timeframe for minor signs – reduce the appeal timeframe from 30 days to ten days from issuance of a violation for a minor sign.
- Other edits, including reorganization of text and edits for plain language.

A copy of the staff report and proposed draft text is included as Attachment 1.

REVISED

Board Agenda Item
November 21, 2023

The Planning Commission held its first public hearing on October 25, 2023. There was both written and in-person testimony provided at the public hearing. The Planning Commission deferred action on the amendment and requested staff provide written responses to the questions and comments provided by the community before the second public hearing. A summary of the general comments and questions received along with staff responses is included in Attachment 4.

EQUITY IMPACT:
None.

REGULATORY IMPACT:
The proposed amendment revises the existing sign regulations applicable to electronic display signs, applications for sign modifications, and other standards throughout Article 7 of the Zoning Ordinance. Overall, most of the regulatory changes involve additional flexibility for signs. The change requiring an SE for all sign modification requests rather than a CSP adds an additional public hearing requirement with the Board of Supervisors rather than only the Planning Commission, which will slightly extend the time needed for the review and approval process.

FISCAL IMPACT:
Revised standards for building-mounted signs will remove the current administrative comprehensive sign plan (ACSP) application type. This application currently has a $95 application fee, and on average, staff reviews less than ten ACSPs per year. Based on the limited number and small fee associated with the application type, the potential revenue impacts will be negligible. There will be no change to the associated fee for an application for a modification in signage, as the current CSP and SE fees are the same at $8,260; no changes to this fee are proposed as part of the consolidation into the new SE application.

ENCLOSED DOCUMENTS:
Attachment 1 – Staff Report
Attachment 2 – ~~Planning Commission Memorandum October 18, 2023~~ **Alternative Text Recommended by the Planning Commission**
Attachment 3 – Planning Commission Memorandum October 18, 2023
Attachment 4 – Memorandum to Planning Commission Responding to Questions

REVISED

Board Agenda Item
November 21, 2023

STAFF:
Rachel Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development (DPD)
Leslie B. Johnson, Zoning Administrator, DPD
William Mayland, Assistant Zoning Administrator, DPD
Casey Judge, Deputy Zoning Administrator, DPD

ASSIGNED COUNSEL:
Cherie H. Mack, Assistant County Attorney

FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT
Signs Part II

October 3, 2023

Hearing Dates
Planning Commission: October 25, 2023, at 7:30 p.m.
Board of Supervisors: November 21, 2023, at 3:30 p.m.

Staff Contact
Casey Judge, Deputy Zoning Administrator

Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).

PLANNING & DEVELOPMENT

Zoning Administration Division
Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5507
Phone 703-324-1314
www.fairfaxcounty.gov/planning-development

Table of Contents

Background 2

Proposed Changes 2

Community Outreach 11

Summary 11

Background

In 2019, the Board of Supervisors (Board) adopted a Signs Part I Zoning Ordinance Amendment, which focused on rewriting the sign regulations in a content-neutral manner. A Part II effort to include a broader review of sign policies was identified and included on the FY 2022/2023 Zoning Ordinance Work Program. The changes to the sign regulations that are proposed with this amendment are driven partly by staff based on experience in implementing the existing sign regulations, as well as by industry representatives who have identified changes to reflect best practices.

Proposed Changes

Proposed text is provided in Attachment 1 and is summarized below.

Electronic Display Signs: Currently, one electronic display sign is allowed per lot, and the sign must be freestanding. The area of changeable copy is limited to 50 percent of the allowable freestanding sign area for the property (for example, if a sign is allowed to be 80 square feet and is only 40 square feet, all 40 square feet can be electronic). In addition, all electronic display signs must include a photocell to dim the brightness of the sign to 40 – 100 nits at sunset.



WHAT IS A NIT?

A nit is a measurement of luminance, capturing surface brightness and the amount of light an object gives off. Based on jurisdictional research, nits are a common unit of measurement for electronic display signs. The higher the nits, the brighter and more visible the display will be. For reference, commonly sold computer monitors, TVs, and cellphones typically range from 250 – 600 nits with high-end models measuring up to 1,000 nits or more.

During outreach, industry representatives indicated that the brightness levels of modern screens have increased based on high-definition technology, and a higher nit level is more appropriate to accommodate emerging technology. Staff conducted field visits throughout the County and confirmed that a significant number of existing electronic display signs exceed the 100-nit limitation with no apparent negative impacts. Many existing signs are programmed with white backgrounds, which increase the overall brightness and nit levels; however, the Ordinance currently prohibits white, off-white, gray, or yellow backgrounds, which is not

proposed to change with this amendment. Staff is evaluating options for additional education and outreach on electronic display and other sign requirements.

For electronic display signs in Planned (P), Commercial (C), and Industrial (I) zoning districts, staff recommends increasing the maximum nit level to 500 nits. An advertised range of 100 to 1,000 nits has been included for Board consideration. In addition, this level may be increased in P, C, and I districts with special exception (SE) approval. Staff recommends maintaining the current 100-nit limitation in conventional residential zoning districts (which excludes residential areas of P districts). Based on concerns raised about potential brightness impacts at night, such as distractions to automobile traffic and the effect of glare on nearby residential areas, and specifically in response to questions raised at the Board's authorization on September 26, 2023, the amendment has been advertised to allow consideration of a broad range of options based on factors such as zoning district classification, time of day/night, and location or distance from land in a residential district or residential areas of P districts. Options under consideration may include one or more of the following:

- Instead of beginning the nit limitation at sunset, replace "sunset" with a set time (such as 9:00 p.m. through 6:00 a.m.);
- Instead of the set times discussed in the bullet above, in addition to the current sunset dimming requirement, require that all signs are further dimmed to a specific nit level between the hours of 9:00 p.m. to 6:00 a.m.;
- Align residential areas of P districts with other residential districts by limiting sign brightness to 100 nits; and
- Include a requirement that any development within a certain proximity to a residential district be limited to a maximum of 100 nits (unless modified by the Board as part of a special exception request for sign modifications).

Staff is continuing to evaluate these options to ensure that changes recognize concerns about brightness of electronic display signs in residential districts while allowing for a limited increase in brightness for these types of signs in nonresidential zoning districts. Staff will provide draft text of these options for consideration in advance of the Planning Commission public hearing and will post the options to the amendment website.

Special Exception for Sign Modifications: Under the current Zoning Ordinance, as shown in Table 2 below, the Zoning Ordinance includes three ways for an applicant to request additional signage beyond that allowed by right on their property:

Application Type	Zoning Districts	Public Hearing Approval Process	Allowed Requests	Standards
Comprehensive Sign Plan (CSP)	P Districts	Planning Commission	Modification of any Zoning Ordinance sign standard	• Consistent with scale/design of development • Located/sized for convenience of users of development • Cannot add to street clutter/detract from design elements
Special Exception (SE)	C & I Districts	Planning Commission recommendation; Board approval	• Increase in sign area • Increase in sign height • Modification of sign location	Unusual circumstances or conditions (location, topography, size, lot configuration, access, orientation of structure, etc.)
Special Permit (SP)	C Districts	Board of Zoning Appeals	• Increase in sign height • Increase in sign area or modification of sign distribution (only for regional shopping centers) • Certain modifications to building-mounted signs	General SP standards (such as compatibility with existing and planned development, no adverse affect on neighboring properties, and option to impose stricter sign requirements)

Table 1: Current Signage Application Types

Consolidation of Applications: Staff recommends consolidating the current application types into one SE request for sign modifications that would include revised review criteria and standards and would go to the Planning Commission for recommendation and to the Board for approval. Because each P district and its associated design standards are approved by the Board, in staff's opinion it is appropriate for the Board to also review and approve a modification in signage for the development. This rationale is also applied to other uses in P districts, such as home day care facilities, where review and approval by the Board is required. The Planning Commission would continue to review and make recommendations to the Board on these applications, as is currently the case with all special exception applications. Staff also recommends that the Board consider adoption of a policy allowing expedited scheduling of Planning Commission and Board hearing dates, similar to zoning applications in the Commercial Revitalization Districts. The revised SE application process would continue to allow all properties in P districts to request sign modifications while also providing additional flexibility for signs in C and I districts.

Permitted and Unpermitted Modifications: Currently, a CSP application can request a modification of any sign regulation in Article 7, and an SE application may request an increase in sign area or height, and a modification of sign location. Staff proposes to consolidate the applications and limit which standards may be modified with SE approval to those listed below:

- Residential sign standards for residential areas of P districts (subsection 7101.2);

- Commercial and industrial sign standards (subsection 7101.3);
- Electronic display signs, as discussed below (subsection 7101.1);
- Certain minor sign limitations, including signs on a property for sale, rent or lease; minor signs associated with nonresidential uses; window signs; and A-frame signs (subsection 7100.4); and
- Roof signs that are otherwise prohibited (subsection 7100.5).



Figure 1: Example of Roof Sign
Source: Pride Neon Sign Solutions

The proposed SE application could not modify:

- The purpose, applicability, and administrative provisions;
- Certain minor signs, including signs posted by a public or court officer in the performance of official duties, signs during active construction or renovation, and yard signs;
- Prohibited signs (other than roof signs);
- Nonconforming signs;
- Sign measurement (how sign area and height are calculated); and
- Certain standards applicable to all signs, including frequency of message change for electronic display signs, electronic display sign background color, standards for the illumination of signs in Section 5109 (Outdoor Lighting), and signs for associated service uses.

Many of these provisions, such as the administrative standards and sign measurement, should not be modified to ensure consistent application of provisions throughout the County. Other provisions that cannot be modified, such as prohibited sign types and the identified electronic display sign provisions, prevent potential safety issues that could result if modified. For example, allowing modification of the background color or changes in movement (such as allowing a flashing sign) could have a significant visual impact, resulting in glare or other dangerous distractions to drivers. Ensuring that certain standards cannot be modified also assists in preventing sign clutter.

Zoning Districts and Criteria for Eligibility: Currently, while any property in a C or I district may apply for an SE for a waiver of certain sign regulations, the applicant must demonstrate that the site has an "unusual circumstance or condition." The proposed SE standards would continue to allow for modification of sign regulations for these properties; however, to allow for additional placemaking and economic development opportunities, the ability to request an SE would be expanded to allow additional development types to request approval of additional signage. Any site in a C or I district that is developed with a building, group of buildings, office or industrial complex, or a shopping center with a minimum gross floor area of 30,000 square feet (with an advertised range from 25,000 to 50,000 square feet) would be eligible for this SE

application. In addition, the current SE limits requests to an increase in sign area, increase in sign height, or a different location of a sign, but it does not allow for consideration of signs not otherwise permitted for that specific property (such as an additional freestanding sign). Proposed changes to the new SE process would allow for consideration of additional signage that would not otherwise be permitted.

Overall, these changes would result in an expansion of eligibility to properties that are not currently able to request an increase in signage. However, to minimize sign clutter and overuse of these provisions, unless there is an "unusual circumstance or condition," individual smaller buildings and developments in the C and I districts would not be eligible for an increase in signage. This is because smaller developments with fewer tenants and a reduced building frontage have limited opportunities to create a coordinated approach to signage. To protect stable residential areas, an SE for sign modifications is not recommended for properties in conventional residential districts.

Review Standards: The purpose of the proposed SE for Sign Modifications is to allow for creative design, placemaking, or modified signage for unusual circumstances. New standards are proposed and include the following:

- The size of signs must be compatible with the massing, height, and scale of the development;
- Signs do not result in an adverse impact on adjacent developments;
- Sign materials must be aesthetically compatible with the development;
- Signs cannot add to street clutter, interfere with pedestrian, bicycle, or vehicular traffic, or detract from the urban design elements of the development; and
- All signs should be consistent with any applicable Urban Design Guidelines.

Electronic Display Signs: As noted above, the proposed SE for Sign Modifications could allow for modification of certain electronic display sign regulations, with additional standards to ensure consistent review and avoid light and glare impacts on adjacent developments. The proposed draft standards would allow the following:

- More than one freestanding electronic display sign in P districts;
- Building-mounted electronic display signs (with an advertised option to only allow building-mounted electronic display signs in P districts);
- An increase in height and size of freestanding electronic display signs in P districts (with advertised option to also consider this allowance in C and I districts); and
- An increase in brightness after sunset from the by-right limitation (which is advertised from 100 to 1,000 nits).

Submission requirements: The current CSP application does not have formal submission requirements codified in the Zoning Ordinance. Staff provides the applicant with a list of suggested submission requirements and instructions, such as site photographs, sign renderings, and a sign matrix showing the size, height, and extent of all signs proposed.

In addition, the current SE process does not have sign-specific submission requirements. Staff proposes to add submission requirements specific to sign requests to ensure consistency in the type of information necessary for review of the application. As with other zoning applications, the Zoning Ordinance allows for a case-by-case waiver or modification by the Zoning Administrator when it is determined that the submission requirement is not necessary for review of the application. In addition, staff can request additional information to facilitate review of the application.

Summary of proposed SE changes: The revised SE application process would continue to allow all properties in P districts to request sign modifications while also providing additional flexibility for signs in C and I districts. Currently, the SE standards for the C and I districts are extremely limiting, effectively requiring an applicant to prove a hardship of unusual circumstances to justify modification of the sign regulations. During outreach, industry groups and land use attorneys requested the ability to modify the sign regulations to allow for placemaking opportunities in conventionally zoned retail, office, and industrial areas. Expanding placemaking may also assist in maintaining or enhancing the economic viability of these conventionally zoned areas. Allowing for increased flexibility in C and I districts would expand placemaking opportunities while also allowing for the imposition of development conditions to prevent adverse impacts on surrounding developments. In addition to the review criteria, the applications would be subject to the general SE standards in subsection 4102.1.F.

Other proposed changes: Other revisions, including reorganization and edits for plain language, have been made throughout Article 7. Table 2 below summarizes these other proposed changes and the associated page number in Attachment 1:

Table 2: Additional Proposed Changes to Article 7

Topic	New Section/Subsection	Summary
Scoreboards	7100.3.A(6)(c) Page 1	Exempt scoreboards associated with any school, college, university, or Park Authority property from sign regulations.
Address numbers and building identification	7100.3.B(1) Page 2	Increase the size of address and building entrance identification exempt from sign permit and size requirements from current two-square-foot limitation to four square feet.
Signs in or adjacent to a reserved parking space	7100.3.B(7) Page 2	Exempt all signs located in or immediately adjacent to reserved parking spaces (such as electrical vehicle charged spaces or mobile pickup parking spaces) from sign permit requirements with no size limitation. Staff currently applies an interpretation limiting associated signage to a maximum of one square foot.

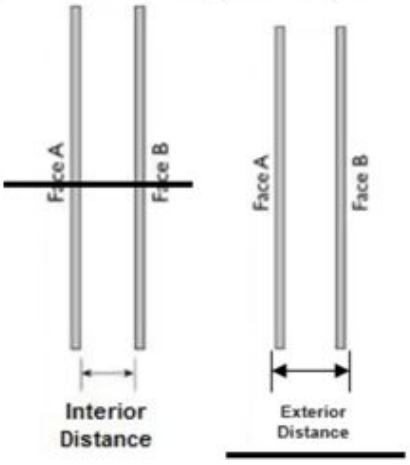
Table 2: Additional Proposed Changes to Article 7		
Topic	**New Section/Subsection**	**Summary**
Minor signs associated with new residential development	7100.4.C Page 3	For new residential development containing at least three dwelling units to qualify for 60 square feet of minor signage, add a requirement that the lots under construction must be contiguous.
Minor signs associated with a single-family dwelling unit undergoing construction	7100.4.D Page 3	Clarify that the six-month display timeframe begins from the start of sign display and codify current interpretation language of what is included in commencement of the improvement or renovation work.
Window signs	7100.4.G Page 4	Allow one illuminated or electronic window sign per establishment up to four square feet in size (with an advertised range of two to four square feet for consideration). These signs must be static, contain no moving images or content, and may only be illuminated during the hours of operation.
Multi-faced signs	7100.7.A(2)(b)3 Pages 7 - 8	When determining how to calculate sign area of a multi-faced sign has sign faces that are parallel to one another, instead of measuring the sign area from the interior distance of the faces, the area would be measured from the outside(see image below)and increased from 18 inches or less to 24 inches or less. **Figure 7100.4: Measuring Parallel Sign Face Area** 
Signs associated with a residential subdivision or stacked townhouse development	7101.2.A(1) Page 10	Include a standard that the freestanding sign associated with a residential subdivision or stacked townhouse development must be located within an agreement or easement recorded for signage purposes or a common area located at the vehicular entrance. This clarifies that the sign is intended to serve the overall development and is not additional signage for an individual dwelling.

Table 2: Additional Proposed Changes to Article 7		
Topic	**New Section/Subsection**	**Summary**
Signs associated with a multifamily development	7101.2.A(2) Page 10	Allow a multifamily building to have one freestanding sign per building or 50 square feet of building-mounted signage (with an advertised range from 25 – 50 square feet for consideration) as an alternative to the freestanding sign at each major vehicular entrance. These options allow for more flexibility for urban settings where a freestanding sign may not be desirable or appropriate to be located in the pedestrian realm.
Signs for mixed-use buildings	7101.2.A(4) Page 10	Clarify that mixed use buildings in residential districts with ground-floor nonresidential uses may have the building-mounted signage permitted for a nonresidential use, but the building is limited to a maximum of one freestanding sign not to exceed 30 square feet in area or eight feet in height.
Signs for agricultural operations	7101.2.A(5) Page 10	Remove 20-acre minimum lot size requirement for an agricultural operation to have a sign.
Signs for hospitals	7101.2.A(6) Page 10	Specify that freestanding signs at hospitals may only be located at a vehicular entrance.
Building-mounted signs in C and I districts	7101.3.A(1) Pages 11 - 12	**Option 1:** Maintain current regulations where buildings with a single tenant or multiple tenants with common entrance(s) are allotted 1.5 square feet of sign area for each of the first 100 linear feet of building frontage, then 1 square foot for each additional linear foot of building frontage. Buildings with more than one tenant where each tenant has its own outside entrance are allotted 1.5 square feet for each linear foot of building frontage (not only for the first 100 feet). This option deletes a provision that pertains to single tenants that have frontage occupying more than one perimeter wall with a main entrance, as it is not widely used. **Option 2 (staff's recommendation):** Combine provisions where regardless of the number of tenants or entrances, 1.5 square feet of sign area is allotted for each linear foot of building frontage. This will result in an overall increase in signage for buildings with a single tenant or multiple tenants with a common entrance with building frontages greater than 100 linear feet, as they are currently limited to 1 square foot of sign area per linear foot above 100 feet. Combining the provisions will simplify sign permit review and administration of the provisions by staff; it will also result in the removal of the administrative comprehensive sign permit (ACSP), which allows a different allotment of sign area among various tenants of a building.

Table 2: Additional Proposed Changes to Article 7		
Topic	**New Section/Subsection**	**Summary**
Freestanding signs associated with a shopping center	7101.3.A(2)(b) Page 13	Add limitation that when a shopping center is located on two or more major thoroughfares, the two freestanding signs allowed may not be located on the same major throughfare.
Vehicle fueling station pump signs	7101.3.A(4)(b) Page 14	Codifies longstanding interpretation that each fuel pump may have up to one square foot of digital display.
Drive-through signs	7101.3.A(5) Page 14	Allows any number of signs associated with the ordering station of a restaurant with drive-through, drive-through financial institution, other drive-through, or drive-through pharmacy (unless limited by the Board as part of the special exception approval for the use). Each sign would be limited to a maximum size of 20 square feet (with an advertised range of 10 – 30 square feet).
Appeal timeframe for minor signs	8100.10.A(2)(b)6 Pages 18 - 19	Reduce the appeal timeframe from 30 days to ten days from issuance of a violation for a minor sign. Minor signs by design are easily moveable and can quickly be brought into compliance and then within a few weeks be re-established on the property. Specifically subjecting violations of the minor sign provisions to a ten-day appeal period would allow for the Department of Code Compliance to proceed with enforcement in a timelier manner to address community concerns.
Moving or windblown sign	9102 Page 21	Add feather flags and inflatable objects to examples of moving or windblown sign definition.
Roof sign	9102 Page 21	Change definition so a roof sign includes those signs that extend above the highest point of the roof rather than the lowest.

Appendix 1 – Provisions Related to Previous Approvals

While not part of the Zoning Ordinance, staff recommends language to be added to Appendix 1 – Provisions Relating to Previous Approvals to address CSP applications currently in-process. The proposed language would allow any comprehensive sign plan accepted for review by September 26, 2023, and approved by the Planning Commission before March 1, 2024, to continue under the comprehensive sign plan process. Any applications either accepted after September 26, 2023, or scheduled for a public hearing with the Planning Commission after March 1, 2024, would be required to convert to a special exception. There is no fee associated with this conversion. This language ensures that those in-process CSPs, which have undergone significant staff review, are entitled to continue under their current process while applications going forward fall under the new SE process.

Community Outreach

Staff began outreach on this amendment in late 2021, starting with a joint outreach and educational effort on the current sign regulations and enforcement process with the Department of Code Compliance. Staff has presented this topic at 27 different outreach meetings, including standing land use committee meetings, industry groups (including NVBIA/NAIOP, NVAR, land use attorneys, and shopping center owners/sign providers), the Board's Land Use Policy Committee, and the Planning Commission's Land Use Process Review Committee. Staff also hosted community meetings that were recorded and posted on the Signs Part II website. Information on the amendment, including draft text, white papers, flyers, and presentation materials were shared on the website throughout the amendment process.

Feedback on the amendment has been mixed with general support from the community on the change in sign modification process, while industry representatives have expressed concern about the additional hearing requirement as part of the change to a special exception process. Comments have also been received about the increase in brightness for electronic display signs and ensuring this increase does not present impacts on adjacent residential areas or light/glare concerns for drivers.

Summary

Overall, the proposed amendment would revise brightness limitations associated with electronic display signs; consolidate the current CSP, SE, and SP applications related to sign modifications into one SE application for all sign modifications; and modify a variety of other sign regulations. It is recommended that the amendment become effective at 12:01 a.m. on the day following adoption.

#1 INSTRUCTION: Revise Article 7 with the following text shown below in ~~strike-through~~ and underline. Advertised options are included ***(in parentheses, italics, and bold).*** When an option is presented as a range, the Board may approve any number within the advertised range. The proposed changes are based on the provisions of the adopted Zoning Ordinance in effect as of May 10, 2023.

ARTICLE 7 - SIGNS

7100. General Provisions

2. Applicability

…

B. These regulations do not regulate or restrict signs by content. However, some signs, such as off-premise signs and warning signs, have a targeted function that makes their regulation impossible without referring to the function. In these limited instances, the governmental interest is compelling enough to warrant their description and regulation, and whenever a sign is described in a manner that refers to function, this Article is intended to be neutral with respect to the content of the speech ~~appearing on it~~.

…

3. Administrative Provisions

A. ~~Sign Permit Required~~ General Standards

(1) Except where otherwise noted in this Article, no sign may be constructed, erected, altered, refaced, relocated, or expanded without a sign permit.

(2) The application for a sign permit ~~must be filed with the Zoning Administrator on a County form,~~ must include all pertinent information required by the Zoning Administrator to ensure compliance with this Ordinance, and must be accompanied by the filing fee set forth in Section 8102.

(3) All signs must comply with this Article, the structural requirements ~~specified~~ in the USBC, Chapter 61 of the County Code, and all other applicable standards in this Ordinance.

(4) A sign permit expires 12 months after the date of issuance if ~~the sign is not erected and~~ all necessary final inspection(s) are not approved ~~within 12 months from the date of issuance~~.

(5) A sign permit is not required to change the message on an allowed sign specifically designed for replaceable copy, including changeable copy signs and electronic display signs in accordance with subsection 7101.1.A.

(6) The following are not considered signs:

- **(a)** Flags, subject to subsection 4102.7.A(16).
- **(b)** Temporary, seasonal decorations.
- **(c)** Scoreboards located at any school, college, or university, or a property owned by the Fairfax County Park Authority.

B. Sign Permit Not Required

~~**(1)**~~The following ~~are not deemed to be a sign~~ do not require a sign permit and are not counted toward maximum allowed sign area:

~~(a) The changing of the message on an allowed sign that is specifically designed for the use of replaceable copy, to include changeable copy signs and electronic display signs in accordance with subsection 7101.1.A below;~~

~~(b) Painting, cleaning, and other routine maintenance and repair of a sign or sign structure;~~

~~(c) Flags, subject to subsection 4102.7.A(16);~~

(1) ~~(d)~~The display of address numbers as required by the County Code, and building entrance numbers or letters. The address and building identification may not exceed~~ing~~ a total of ~~two~~ four square feet in area. When displayed on a residential building, any numbering must be mounted flush against the building.~~; and~~

~~(e) Temporary, seasonal decorations.~~

~~**(1)** The following are deemed to be a sign but are not counted toward maximum allowed sign area:~~

(2) ~~(a)~~Signs not exceeding a total of four square feet in area warning the public against hunting, fishing, swimming, trespassing, dangerous animals, the location of utilities, or other similar risks, or a warning of prohibited activity such as no parking or loading in a specified area.

(3) ~~(b)~~Signs located on the outer surfaces of a temporary portable storage container.

(4) ~~(c)~~Vehicle signs, when the vehicle is operable and is parked at its associated place of business within a designated parking space.

(5) ~~(d)~~Lettering or numbers permanently attached to or painted on the façade of a building of any school, college, or university; such displays are limited to no more than ten percent of the area of the façade on which they are placed and cannot be illuminated.

(6) ~~(e)~~Signs, erected by a public agency or appropriate organization in partnership with the Board, located within or in proximity to the Commercial Revitalization District boundaries or ~~activity centers~~ mixed use areas as ~~shown on~~ identified in the Comprehensive Plan. Such signs are subject to approval by the Board and all applicable outdoor advertising provisions of the Code of Virginia.

(7) Signs located in or immediately adjacent to a reserved parking space.

C. Sign Condition, Safety, and Abandonment

(1) All signs and their components must be maintained in good repair and in safe condition. Painting, cleaning, and other routine maintenance and repair of a sign or sign structure does not require a sign permit.

(2) The Building Official or designated agent may require or cause the immediate removal or repair, without written notice, of any sign determined to be unsafe or that otherwise poses an immediate threat to the safety of the public. If action by the County is necessary to render a sign safe, the cost of removal or repair will be at the expense of the property owner or lessee as provided in Chapter 61 of the County Code.

(3) Except as provided in subsections 7100.4 and 7100.6 below, if a property becomes vacant and is unoccupied for a continuous period of two years, any sign on that property is deemed abandoned and must be removed. If the owner fails to remove the sign, the Zoning Administrator may give the owner 15 days written notice to remove it, after which the Zoning Administrator may initiate action to gain compliance.

4. Minor Signs

Unless otherwise stated, ~~The~~ the following minor signs are allowed without a sign permit and ~~but~~ may not be illuminated~~, and, unless otherwise stated, do not require a sign permit~~:

A. Signs posted by or under the direction of any public or court officer in the performance of official duties, or by trustees under deeds of trust, deeds of assignment, or other similar instruments. These signs must be removed no later than ten days after the last day of the period for which they are displayed.

B. Signs that are displayed on a lot or property that is actively marketed for sale, rent, or lease, as follows:

(1) A single building-mounted or freestanding sign is allowed, except that two signs are permitted on a corner lot when each sign faces a different street frontage. Such sign(s) must be removed within seven days of the settlement, rental, or lease of the property.

(2) The maximum size and height of the sign is limited based on the existing or planned development type as follows:

(a) Single-family dwelling: ~~Sign(s) located on a property developed with, or planned for development of, a single-family detached or attached dwelling unit. Such signs may not exceed~~ six square feet in area or a height of six feet.

~~**(3)**~~ **(b)** Multifamily dwelling: ~~Sign(s) located on a property developed with, or planned for development of, a multiple family dwelling unit. Such signs may not exceed~~ 12 square feet in area or a height of eight feet.

~~**(4)**~~ **(c)** Nonresidential use or a residential property with 20 or more acres: ~~Sign(s) located on a property developed with, or planned for development of, any nonresidential use, or on a residential property containing a minimum of 20 acres. Such signs may not exceed~~ 32 square feet in area or a height of eight feet.

~~**C.** Signs during active construction or alterations to residential, commercial, and industrial buildings are permitted, as follows:~~

C. ~~**(1)**~~ For a new nonresidential development, or for a new residential development containing a minimum of three dwelling units on contiguous lots, during active construction, one sign is allowed, not to exceed 60 square feet in area and a height of ten feet. For such new developments located on multiple road frontages, one additional sign per street frontage is allowed, limited to 32 square feet in area and a height of eight feet. No sign may be located closer than five feet to any lot line. All signs must be removed within 14 days following completion of the construction of the development, as determined by the Zoning Administrator, and no sign may be displayed for more than two years from the date of the issuance of the first building permit for the development. If construction has not been completed within this timeframe and building permits are active for the development, a sign permit is required to allow the continued display of any sign.

D. ~~**(1)**~~ For an individual single-family dwelling unit undergoing construction, improvement, or renovation, one sign, not to exceed four square feet in area or a height of four feet is allowed. No sign can be displayed before commencement of the improvement or renovation work, and the sign must be removed within seven days after the improvement or renovation is completed ~~with all necessary inspections approved~~, or within six months from start of display, whichever is less.

(1) For the purpose of this subsection, commencement of the improvement or renovation work includes the following:

(a) Clearing, grading, or excavation work to prepare the site for construction;

(b) Active demolition of structures or features internal to the dwelling as part of a renovation project;

(c) Delivery and staging of materials or equipment on-site, including both interior and exterior staging; or

(d) Any other similar activity involving active engagement in improvements on the property.

E. ~~D.~~ Yard signs on any lot developed with a residential use cannot exceed 12 square feet in total area, with no single sign exceeding four square feet in area or a height of four feet.

F. ~~D.~~ For nonresidential uses, minor signs are permitted as follows:

(1) For nonresidential uses located on a lot with frontage on a major thoroughfare, building-mounted and freestanding minor signs are allowed, not to exceed 32 square feet in total sign area per lot. If freestanding, no more than two such signs are allowed per lot with a maximum height of four feet.

(2) For all other nonresidential uses, building-mounted and freestanding minor signs are allowed, not to exceed 24 square feet in total area per lot. If freestanding, no more than two such signs are allowed per lot with a maximum height of four feet.

G. ~~D.~~ Window signs for any nonresidential use are allowed, subject to the following standards:

(1) ~~if t~~ The total area of all signs ~~does~~ may not cover more than 30 percent of the total area of the window in which the signs are located. To calculate the 30 percent area, a window with multiple panes or panels is considered to be one window, and the overall area includes the multiple panes.

(2) Illuminated or electronic window signs are allowed as follows:

(a) One illuminated or electronic window sign is allowed per establishment, up to four square feet in area ***[advertised range – two to four square feet].*** This sign is included in the 30 percent area limitation calculated in (1), above;

(b) Signs must be static and may not include any moving images or content; and

(c) Signs may be illuminated only during hours of operation of the establishment.

H. ~~E.~~ For nonresidential uses, a single A-frame sign not to exceed 16 square feet in area per side and four feet in height is allowed. Such sign must be located within 25 feet of a building or designated site entrance that provides access to the use and may not impede pedestrian or vehicular traffic.

5. Prohibited Signs

The following signs are prohibited in all zoning districts and areas of the County.

A. General Prohibitions

(1) Any sign not expressly permitted in this Article.

(2) Any sign that violates any provision of any ~~county~~ County, state, or federal law or regulation.

(3) Any sign that violates any provision of Chapter 61 of the County Code and the USBC.

B. Prohibitions Based on Materials or Design

(1) Any sign that does not meet the performance standards for outdoor lighting set forth in Section 5109.

(2) A moving or windblown sign, not including changeable copy or electronic display sign, the hands of a clock, or a ~~weather vane~~ weathervane.

(3) Any sign displaying flashing or intermittent lights, or lights of changing degrees of intensity of color, or that is not in accordance with subsection 7101.1.

C. Prohibitions Based on Location

(1) Any off-premise commercial sign when displayed 12:01 PM Monday through 11:59 AM Friday. At all other times, an off-premise commercial sign is only allowed for display when it conforms to the provisions of subsection 7100.4.E.

(2) Roof signs, except for signs located on a penthouse or screening wall, as provided for in subsection 7101.3.B below.

(3) Any sign that obstructs a window, door, fire escape, stairway, ladder, opening, or access intended for light, air, ingress to, or egress from, a building.

(4) Any sign located on a corner lot that is in violation of the sight distance requirements of subsection 5100.2.D(4)(c).

(5) Any sign that is found to be in violation of the USBC with respect to minimum clearance.

(6) Any sign that, due to its location, size, shape, or color, may obstruct, impair, interfere with the view of, or be confused with, any traffic control sign, signal, or device erected by a public authority or where it may interfere with, mislead, or confuse traffic. Such signs are subject to immediate removal and disposal by an authorized County official as a nuisance.

7. Sign Measurement

A. Calculation of Sign Area

~~**(1) When Based on Building Frontage**~~

~~**(a)** Building frontage is the linear width of the wall taken at a height no greater than ten feet above grade.~~

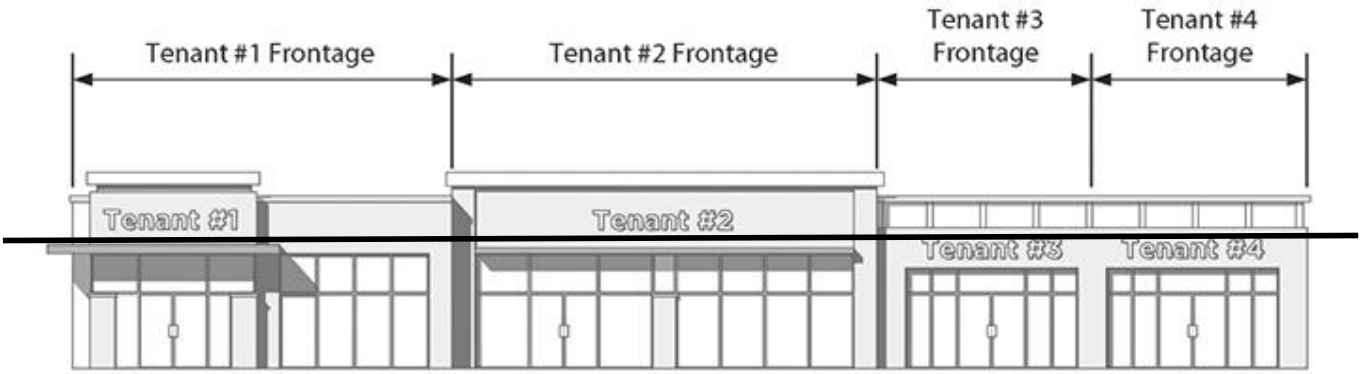
~~**(b)** On buildings with a single tenant or with multiple tenants that access the building through a common outside entrance, building frontage is the face or wall that is architecturally designed as the front of the building and that contains the main public entrance, as determined by the Zoning Administrator.~~

~~**(c)** On buildings with more than a single tenant where each tenant has its own outside entrance, building frontage for each tenant is the wall that contains that tenant's main public entrance, as determined by the Zoning Administrator.~~

~~**(d)** On buildings that include both a common outside entrance and tenants with individual outside entrances, the building frontage is the face or wall that is architecturally designed as the front of the building and that contains the main public entrance, as determined by the Zoning Administrator.~~

~~**(e)** For the purpose of these provisions, buildings that are located on the same property, have separate posted addresses, and do not include any internal connections are considered separate buildings. Each building is allotted its own sign area based on the linear feet of building frontage associated with its main public entrance.~~

~~Figure 7100.1: Multi-Tenant Sign Frontages~~



~~(2)~~ (1) Building-Mounted Sign Area

(a) ~~(e)~~ Building-mounted sign area is that area within a single continuous rectilinear perimeter of not more than eight straight lines intersecting at right angles, that encloses the outer limits of all words, representations, symbols, and pictorial elements, together with all material, color, and lighting forming an integral part of the display or used to differentiate the sign from the background against which it is placed.

Figure 7100.2: Measuring Building-Mounted Sign Area



(b) ~~(f)~~ The area of building-mounted signs composed of individual letters or symbols is calculated by using one of the following methods:

1. If the space between the proposed individual letters or symbols is less in dimension than the width of the largest letter or symbol, sign area is calculated in accordance with subsection 7100.7.A(2)(a) above.

2. If the space between the proposed individual letters or symbols is greater than the width of the largest letter or symbol, sign area is calculated as the total combined area of rectangular enclosures surrounding each individual letter or symbol.

~~(3)~~ (2) Freestanding Sign Area

(a) Generally

The supports, uprights, or structure on which any freestanding sign is supported are not included in calculating sign area unless they form an integral background of the display, as determined by the Zoning Administrator; however, when a sign is placed on a fence, wall, or other similar structure that is designed to serve a separate purpose other than to support the sign, the area of such structure is not included in the sign area. In such cases, the sign area is calculated in accordance with subsection 7100.7.A(2)(a) above.

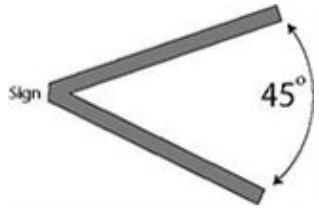
(b) Multi-Faced Signs

The area of a freestanding sign designed with more than one sign face is calculated as follows:

1. If the sign faces are separated by an interior angle of 45 degrees or more, all sign faces are calculated in the sign area.

2. If the sign faces are separated by an interior angle that is less than 45 degrees, sign area is calculated based on the area of the largest single face.

Figure 7100.3: Measuring Multi-faced Sign Angle



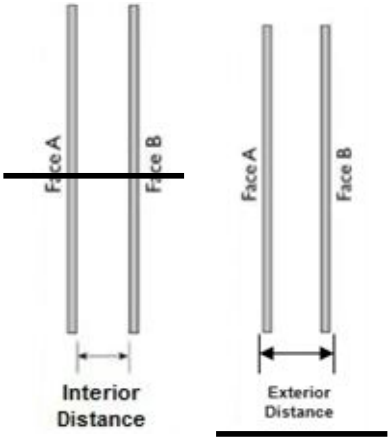
3. If the sign faces are parallel to one another, the following applies:

a. The area of the largest single face is used when the ~~interior~~ exterior distance between the faces is ~~18~~ 24 inches or less.

b. The area of the largest single face ~~and~~ plus the area of ~~the~~ a single side ~~or interval~~ between the sign faces ~~is used~~ when the ~~interior~~ exterior distance between the faces is greater than ~~18~~ 24 inches.

#2 INSTRUCTION: Replace Figure 7100.4 with new image showing exterior distance.

Figure 7100.4: Measuring Parallel Sign Face Area

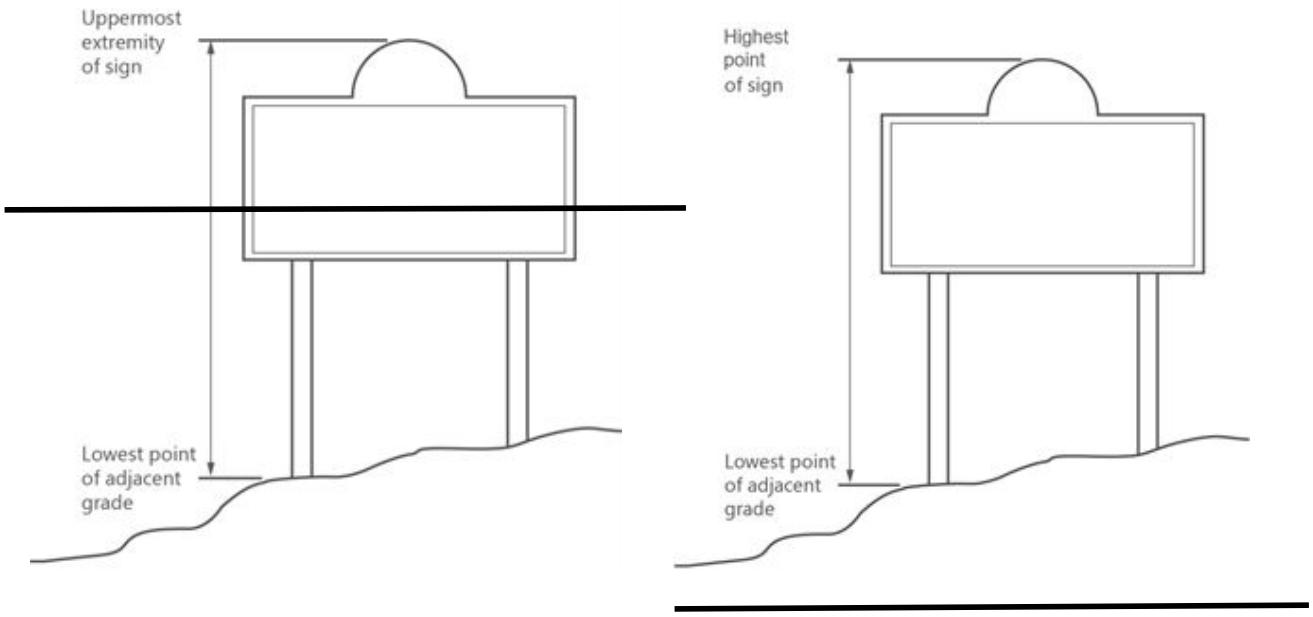


B. Calculation of Sign Height for Freestanding Signs

The height of a freestanding sign is calculated as the maximum vertical distance from the ~~uppermost extremity~~ highest point of ~~a~~ the freestanding sign ~~and its support~~, to the lowest point of the adjacent grade.

#3 INSTRUCTION: Replace Figure 7100.5 with new image revising text to "highest point of sign."

Figure 7100.5: Measuring Height of Freestanding Signs



7101. Sign Regulations by Use and District

1. Standards Applicable to Signs in All Districts

A. Changeable Copy and Electronic Display Signs

Changeable copy and electronic display signs are allowed as part of any freestanding sign, in accordance with the following:

(1) Only one changeable copy or electronic display sign is allowed per lot. The area of the changeable copy or electronic display may not exceed more than 50 percent of the maximum allowable area of that freestanding sign.

Examples:

1. *If the maximum allowed sign area = 80 square feet, then the maximum allowed electronic display area = 40 square feet. If the actual sign on the property is ≤ 40 square feet, the entire sign area could be electronic display.*

2. *If the maximum allowed sign area = 40 square feet, then the maximum allowed electronic display area = 20 square feet. If the actual sign on the property is ≤ 20 square feet, the entire sign area could be electronic display.*

(2) The message or copy of an electronic display sign may not move or change more frequently than once every eight seconds. The change of message or copy must be instantaneous without rolling, fading, or otherwise giving the illusion of movement, nor flash or vary in brightness.

(3) The background of the sign face of an electronic display sign may not be white, off-white, gray or yellow in color.

(4) Electronic display signs must include a photocell to control brightness and automatically dim at sunset to the following ~~a~~ nighttime levels: ~~of 40-100 nits.~~

(a) Residential Districts (excluding residential areas of Planned Districts): 100 nits; and

(b) Planned, Commercial, and Industrial Districts: 500 nits ***[advertised range from 100 to 1,000 nits]***. The Board may approve an increase in nits in accordance with subsection 7102.1.E.

Advertised options include specifying any maximum nit limitation from 100 – 1,000 nits to control brightness at night based on factors which may include zoning district classification, time of day/night, and location or distance from land in a residential district or residential areas of P districts.

(5) The sign specifications, including programmed nit levels, must be submitted with electronic display sign permit applications.

B. Sign Illumination

Illumination of signs must conform to the performance standards for outdoor lighting as set forth in Section 5109.

C. Associated Service Uses

Each associated service use permitted in accordance with Article 4 of this Ordinance is allowed a single building-mounted sign not to exceed 15 square feet in area, which is calculated as part of the total allowable building-mounted sign area for the building.

2. Signs in Residential Districts

A. Signs Allowed in R~~esidential~~ Districts

The following signs are allowed with approval of a sign permit in an R ~~residential~~ district (which includes residential areas of P districts per Section 9100):

(1) In a single-family residential subdivision or for a stacked townhouse ~~or multifamily~~ development, a freestanding sign is allowed at each major vehicular entrance, not to exceed 30 square feet in area or eight feet in height. More than one sign may be placed at each major vehicular entrance, but the total of all signs at a single vehicular entrance cannot exceed 30 square feet in area. These signs must be subject to an agreement, located within an easement recorded for signage purposes, or on common area located at the vehicular entrance.

(2) A multifamily development is limited to one of the following:

(a) One freestanding sign per building, not to exceed 30 square feet in area or eight feet in height;

(b) A freestanding sign at each major vehicular entrance, not to exceed 30 square feet in area or eight feet in height. More than one sign may be placed at each major vehicular entrance, but the total of all signs at a single vehicular entrance cannot exceed 30 square feet in area; or

(c) 50 square feet of building-mounted signage ***[advertised range: 25 – 50 square feet]***.

(3) A rental office for a stacked townhouse or multifamily development is allowed one building-mounted or freestanding sign not to exceed four square feet in area; a freestanding sign is limited to ~~and~~ a height of four feet.

(4) A mixed-used building that includes ground-floor nonresidential uses may have building-mounted signage that is permitted for the nonresidential use as provided in subsection 7101.3; however, only one freestanding sign not to exceed 30 square feet in area or eight feet in height is allowed for the building.

~~(3)~~ (5) ~~Agricultural uses on a lot at least 20 acres in size~~ Agricultural operations are allowed a total of 60 square feet of sign area. No single sign can exceed 30 square feet in area, and freestanding signs are limited to ~~or~~ a height of eight feet.

~~(4)~~ (6) Hospitals, as follows:

(a) A single building-mounted sign for each building entrance, not to exceed 50 square feet in area.

(b) A single freestanding sign at each vehicular entrance, not to exceed 80 square feet in area or 12 feet in height.

(c) In conjunction with approval of a special exception, the Board may approve additional signs for the use in accordance with subsection 4102.4.R(8).

~~(5)~~ (7) All other nonresidential uses, including public uses, congregate living facilities, religious group living, and residence halls, are allowed building-mounted and freestanding signs in accordance with the following:

(d) Building-mounted signs may not exceed 50 square feet in total area per lot.

(e) A single freestanding sign may not exceed 40 square feet in area or eight feet in height.

~~(6)~~ (8) The Board, in approving a rezoning, PRC plan, or special exception, or the BZA, in approving a special permit, may further limit the size, location, height, type, and duration of any sign for the land uses in subsections (3), (4), and (5) ~~in furtherance of subsection 8100.3.D(2) or subsection 8100.4.D(2), as applicable~~.

B. Performance Standards for Signs in Residential Districts

(1) Building-Mounted Signs

Building-mounted signs must be installed flush against the wall and may not extend above or beyond the perimeter of the wall or roof of the building to which they are attached.

(2) Freestanding Signs

Freestanding signs may not be located closer than five feet to any property line. When located on a corner lot, a freestanding sign is subject to the sight distance requirements of subsection 5100.2.D(4)(c).

3. Signs in Commercial and Industrial Districts

A. Signs Allowed in Commercial and Industrial Districts

The following signs are allowed with approval of a sign permit within a commercial district, including the commercial area of a P district or nonresidential uses located in a mixed-use building or development; or within an industrial district:

OPTION 1 (includes (1)(a) through (c)):

(1) Building-Mounted Signs

(a) For buildings with a single tenant or with multiple tenants that access the building by one or more common outside entrances:~~,~~

1. Signs ~~signs~~ are limited to one and one-half square feet of sign area per linear foot of building frontage for each of the first 100 linear feet of building frontage, plus one square foot of sign area for each additional linear foot of building frontage.

2. No single sign may exceed 200 square feet in area.

(b) For buildings with more than a single tenant where each tenant has its own outside entrance:~~,~~

1. Signs ~~signs~~ are limited to one and one-half square feet of sign area for each linear foot of building frontage occupied by each tenant, except as provided for in subsection 7102.1 below.

2. The maximum sign area for any single tenant may not exceed 200 square feet.

~~(c) A single tenant with building frontage that results in an allowable sign area greater than 200 square feet and that occupies an area with more than one perimeter wall containing a main public entrance may place up to a maximum of 200 square feet of total sign area on each such perimeter wall. The combined sign area on any such wall must not exceed one and one-half times the length of the wall.~~

~~(d)~~ (c) In addition to sign area allowed in accordance with subsections (a)~~,~~ and (b)~~, and (c)~~ above, hospitals are allowed a single building-mounted sign for each building entrance. No such sign may exceed 50 square feet in area.

OPTION 2 (includes (1)(a) and (b)):

(1) Building-Mounted Signs

(a) Signs are limited to one and one-half square feet of sign area for each linear foot of building frontage. No single sign may exceed 200 square feet in area.

~~(a) For buildings with a single tenant or with multiple tenants that access the building by one or more common outside entrances signs are limited to one and one-half square feet of sign area per linear foot of building frontage for each of the first 100 linear feet of building frontage, plus~~

~~one square foot of sign area for each additional linear foot of building frontage. No single sign may exceed 200 square feet in area.~~

~~**(b)** For buildings with more than a single tenant where each tenant has its own outside entrance signs are limited to one and one-half square feet of sign area for each linear foot of building frontage occupied by each tenant, except as provided for in subsection 7102.1 below. The maximum sign area for any single tenant may not exceed 200 square feet.~~

~~**(c)** A single tenant with building frontage that results in an allowable sign area greater than 200 square feet and that occupies an area with more than one perimeter wall containing a main public entrance may place up to a maximum of 200 square feet of total sign area on each such perimeter wall. The combined sign area on any such wall must not exceed one and one-half times the length of the wall.~~

~~**(d)**~~ **(b)** In addition to sign area allowed in accordance with subsections (a)~~,~~ and (b)~~, and (c)~~ above, hospitals are allowed a single building-mounted sign for each building entrance. No such sign may exceed 50 square feet in area.

(c) Building Frontage

1. Building frontage is the linear width of the wall taken at a height no greater than ten feet above grade.

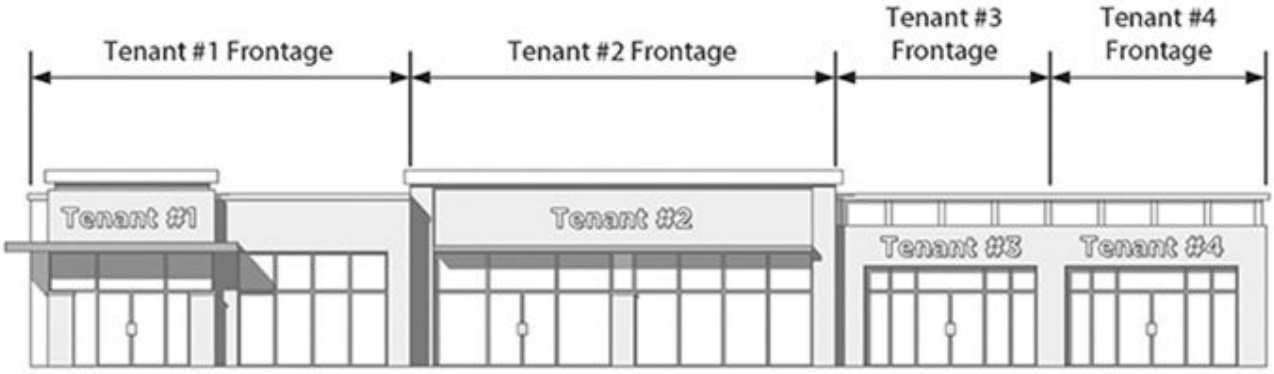
2. On buildings with a single tenant or with multiple tenants that access the building through a common outside entrance, building frontage is the face or wall that is architecturally designed as the front of the building and that contains the main public entrance, as determined by the Zoning Administrator.

3. On buildings with more than a single tenant where each tenant has its own outside entrance, building frontage for each tenant is the wall that contains that tenant's main public entrance, as determined by the Zoning Administrator.

4. On buildings that include both a common outside entrance and tenants with individual outside entrances, the building frontage is the face or wall that is architecturally designed as the front of the building and that contains the main public entrance, as determined by the Zoning Administrator.

5. For the purpose of these provisions, buildings that are located on the same property are considered separate buildings if they have separate posted addresses and do not include any internal connections. Each building is allotted its own sign area based on the linear feet of building frontage associated with its main public entrance.

Figure 7100.1: Multi-Tenant Sign Frontages



(2) Freestanding Signs

Freestanding signs are allowed as follows, unless limited by subsection 7101.3.A(3) below:

~~(c) In a commercial district, a use may have one freestanding sign up to 80 square feet in area and 20 feet in height. The use must be located on a lot that has frontage on a primary highway or on a major thoroughfare and not located on the same lot as a shopping center.~~

(a) ~~(b)~~In a~~n~~ commercial or industrial district, a single freestanding sign not to exceed 80 square feet in area ~~and~~ or 20 feet in height may be erected for each building that has frontage on a major thoroughfare. ~~If one tenant occupies a group of separate buildings with frontage on a major thoroughfare, then that tenant is allowed only one freestanding sign.~~

~~(d) A hospital is allowed one freestanding sign at each entrance, provided no such sign exceeds 80 square feet in area or 12 feet in height.~~

(b) ~~(c)~~Shopping centers are allowed one freestanding sign, not to exceed 80 square feet in area or 20 feet in height. If a shopping center has frontage on two or more major thoroughfares, then ~~such~~ the shopping center may have a maximum of two freestanding signs; however, these two signs may not be located on the same major thoroughfare.

(c) ~~(d)~~ For office and industrial complexes:

1. One freestanding sign is allowed at each major entrance to an office or industrial complex that is planned, designed, constructed, and managed on an integrated and coordinated basis, not to exceed 40 square feet in area or ~~a height of~~ 20 feet in height.

2. One freestanding sign is allowed for each detached building that houses a principal use within an office or industrial complex, not to exceed 30 square feet or ~~a height of~~ eight feet in height.

(d) A hospital is allowed one freestanding sign at each entrance, but no such sign may exceed 80 square feet in area or 12 feet in height.

(3) Within a Sign Control Overlay District

The following regulations apply to uses located on commercially and industrially zoned land located within a Sign Control Overlay District; where applicable, these regulations supersede subsection 7101.3.A(2) above:

(a) A single tenant or building on a lot may have one freestanding sign if the lot has frontage on a ~~primary highway or~~ major thoroughfare and the single tenant or building is not located on the

same lot as a shopping center. ~~Such~~ The sign may not exceed 40 square feet in area or ~~a height of~~ 20 feet in height.

(b) A shopping center is allowed one freestanding sign not to exceed 40 square feet in area or ~~a height of~~ 20 feet in height.

(4) Signs Related to Vehicle Fueling Stations

The following are permitted in addition to the signs allowed in this subsection 7101.3.A:

(a) Vehicle fueling stations are permitted one additional square foot of sign area to be displayed on each fuel pump.

(b) Each fuel pump is permitted to have a digital display area of up to one square foot.

~~**(b)**~~**(c)** Motor vehicle fuel price signs required by Article 4 of Chapter 10 of the ~~Code of Virginia~~ County Code.

(5) Signs Related to a Restaurant with Drive-Through

(a) There is no limit on the number of freestanding signs associated with the ordering station of a restaurant with drive-through, drive-through financial institution, other drive-through, or drive-through pharmacy unless specifically limited by the Board as part of a special exception approval.

(b) Each sign is limited to a maximum size of 20 square feet *[advertised range: 10 – 30 square feet]*.

B. Performance Standards for Signs in Commercial and Industrial Districts

(1) Building-Mounted Signs

(a) Building-mounted signs may be located anywhere on the surface of a wall, but no part of the sign may extend above or beyond the perimeter of a wall. When the sign is erected at a right angle to the wall, it must not extend into the minimum ~~required yard~~ setback~~,~~ and must not be located closer than two feet to any street line.

(b) A building-mounted sign may be located on the wall of a penthouse or rooftop screening wall, as follows:

1. The sign must be mounted flat against the wall, and no part of the sign can extend above or beyond the perimeter of the wall.

2. The sign cannot be located more than 12 feet above the building roof supporting the penthouse or screening wall.

(2) Freestanding Signs

Freestanding signs may not project beyond any property line or be located within five feet of the curb of a service drive, travel lane, or adjoining street. When located on a corner lot, a freestanding sign is subject to the sight distance requirements of subsection 5100.2.D(4)(c) ~~of this Ordinance~~.

7102. ~~Administration of Sign Approvals~~ Special Exception for Sign Modifications

These sign approval standards are in addition to the General Provisions in Section 7100.

~~1. Administrative Comprehensive Sign Plan~~

~~As an alternative to calculating building frontage in accordance with subsection 7100.7.A(1)(b), the Zoning Administrator may authorize a different allotment of sign area to the various tenants of a building or buildings by approval of an administrative comprehensive sign plan, as follows:~~

~~**A.** A request for an administrative comprehensive sign plan must include written authorization from the owner of the building(s), or an authorized agent, accompanying graphics showing the proposed size, height, and location of all signs, and the required filing fee as established in Section 8102.~~

~~**B.** Unless allowed under C below, the total area for all signs may not exceed the maximum allowable sign area for the building as determined in accordance with subsection 7100.7.A(1)(b). The maximum sign area for any single tenant may not exceed 200 square feet.~~

~~**C.** A single tenant with building frontage that results in an allowable sign area greater than 200 square feet where such tenant occupies an area with more than one perimeter wall containing a main public entrance may place up to a maximum of 200 square feet of total sign area on each such perimeter wall. The combined sign area on any such wall must not exceed one and one-half times the length of the wall.~~

~~2.~~Special Exceptions

1. The Board may approve a special exception for a modification of sign regulations for:

A. Any property in a P District; or

B. A property in a C or I district that is developed or approved for development with the following:

(1) An individual building, group of buildings, office or industrial complex, or a shopping center with a minimum gross floor area of 30,000 square feet ***[advertised range: 25,000 – 50,000 square feet]***; or

(2) Any development where the applicant demonstrates that there are unusual circumstances or conditions in terms of location, topography, size, or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.

Modifications that may be approved with a special exception:

C. Modifications are limited to the following:

(1) Any limitation set forth in subsection 7101.2 for residential areas of P districts.

(2) Any limitation set forth in subsection 7101.3.

(3) For electronic display sign(s), modifications as set forth in subsection 7102.1.E below.

(4) An increase in minor sign limitations set forth in subsection 7100.4, limited to the following minor sign types:

(a) Signs displayed on a property that is actively marketed for sale, rent, or lease.

(b) Minor building-mounted and freestanding signs associated with a nonresidential use.

(c) Window signs exceeding 30 percent of the total area of the window.

(d) A-frame signs.

(5) A roof sign that would otherwise be prohibited by subsection 7100.5.C(2).

Standards for approval of a special exception:

D. All proposed signage must meet the following standards:

(1) The size of the signs, including sign area and height, must be compatible with the massing and height of the development. If building-mounted, the signs must be compatible with the scale of the buildings the signs are mounted upon.

(2) The proposed signage may not have an adverse impact on the adjacent existing or planned development.

(3) Sign materials must be aesthetically compatible with the architecture of the development.

(4) Signs cannot add to street clutter, interfere with pedestrian, bicycle, or vehicular traffic, or detract from the urban design elements of the development.

(5) All signs should be consistent with any applicable Urban Design Guidelines endorsed by the Board.

E. Electronic display signs are subject to the following additional standards:

(1) Electronic display signs must be sized and located to avoid adverse impacts on traffic safety and enhance overall placemaking of the development.

(2) Electronic display signs may be building-mounted or freestanding ***[advertised option for C and I districts to limit to freestanding signs]***.

(3) In addition, in C and I districts:

(a) Only one electronic display sign is allowed per lot.

(b) Freestanding electronic display signs are limited to the height and size limitations of subsection 7101.3.A(2) ***[advertised option – allow increase in height and size limitations as part of the SE]***.

(4) The maximum nit levels of 7101.1.A(4) may not be exceeded unless specifically approved by the Board.

F. Temporary building-mounted signs, including those that are not permanently attached such as a banner, may be allowed for up to 24 months from the start of display. The Board may further limit the maximum size of these signs. A request for additional time beyond 24 months requires an amendment to the special exception.

G. The Board may impose a condition stating that the approval supersedes any by-right signage that would otherwise be allowed by Section 7101. In this case, any additional signage that is not part of the approval will require an amendment to the application.

~~D. In conjunction with the approval of a special exception for a hospital, the Board may approve additional signs for the use in accordance with subsection 4102.4.R(8).~~

~~E. In commercial and industrial districts, the Board may approve, either in conjunction with the approval of a rezoning or as a special exception, a modification or waiver of the sign regulations in accordance with the following:~~

~~(1) Such waiver may be for an increase in sign area, increase in sign height, or different location of a sign, not otherwise provided by subsection 7102.3. Such waiver may not allow the erection of a freestanding sign or off-site sign not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by Article 7.~~

~~(2) The Board may approve such waiver only when the applicant demonstrates that there are unusual circumstances or conditions in terms of location, topography, size, or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.~~

~~(3) The Board determines that such waiver will be in harmony with the policies of the Comprehensive Plan.~~

(4) ~~The Board may approve a waiver of the sign provisions only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it determines that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 7.~~

~~2. Special Permits~~

~~A. The BZA may grant a special permit to increase the height of a freestanding sign in a neighborhood or community shopping center when it determines that the application of this Article would cause a hardship due to issues of topography. However, such freestanding sign may not extend to a height greater than 26 feet above the elevation of the center line of the nearest street.~~

~~B. The BZA may grant a special permit to allow additional sign area or height, or a different arrangement of sign area distribution for a regional shopping center, when it determines that the application of this Article would cause a hardship due to issues of topography or location of the regional shopping center. However, the total combined sign area for the regional shopping center may not exceed 125 percent of the sign area otherwise allowed by this Article.~~

~~C. In cases where an individual or grouping of enterprises within a shopping center are located so that the building frontage is not visible from a street, the BZA may grant a special permit to allow building-mounted sign(s) for such enterprises to be erected at the entrances, arcades, or interior malls. However, the total combined sign area for the shopping center may not exceed 125 percent of the sign area otherwise allowed by this Article.~~

~~3. Uses in Planned Districts~~

~~The provisions of this Article apply to signs within Planned (P) districts. However, in keeping with the intent to allow flexibility in the design of planned developments, the following apply to signs in P districts:~~

~~A. Signs may be permitted in a P district in accordance with a comprehensive sign plan subject to approval by the Planning Commission following a public hearing conducted in accordance with subsection 8100.1.C. The comprehensive sign plan will show the location, size, height, and extent of all proposed signs within the specified area of the P district.~~

~~B. An application for a comprehensive sign plan may be submitted by any property owner, owner of an easement, lessee, contract purchaser, or their agent. The application must be accompanied by a statement establishing the names of the record owners of the properties upon which such signs are proposed to be located, and a fee as established in Section 8102.~~

~~C. Any comprehensive sign plan must be in accordance with the standards for all planned developments as established in Section 2105. All proposed signs must be consistent with the scale and design of the development and so located and sized to ensure convenience to users of the development, while not adding to street clutter or otherwise detracting from architectural and urban design elements of the development.~~

#4 INSTRUCTION: Delete "comprehensive sign plan" from subsections 8100.1.A(4) and (5) as shown below.

(4) Withdrawing an Unaccepted Application

Withdrawal of an unaccepted application for a rezoning, special exception, special permit, or variance~~, or comprehensive sign plan~~ will be in accordance with the following:

(5) Withdrawing an Accepted Application

Withdrawal of an accepted application for a rezoning, special exception, special permit, or variance~~, or comprehensive sign plan~~ will be in accordance with the following:

#5 INSTRUCTION: Revise Table 8100.1 to update the special exception name and subsection reference.

Table 8100.1: Summary of Special Exceptions	
Special Exception Type	**Section/ Subsection**
~~Waiver of Certain Sign Regulations~~ Sign Modification	~~7102.2~~ 7102.1

#6 INSTRUCTION: Revise Table 8100.2 to delete the increase in sign area or height special permit.

Table 8100.2: Summary of Special Permits	
Special Permit Type	**Section/ Subsection**
~~Increase in Sign Area or Height~~	~~7102.3~~

#7 INSTRUCTION: In subsection 8100.10, add a minor sign violation to the list of appeals which must be filed within ten days from the notice of violation and reorder/renumber.

(2) Time Limit on Filing

(a) Except as set forth below, all appeals must be filed within 30 days from the date of the decision appealed by filing an appeal application with the Zoning Administrator and the BZA.

(b) Appeals from notices of violation involving the following violations must be filed within ten days from the date of the notice by filing an appeal application with the Zoning Administrator and the BZA:

1. Occupancy of a dwelling unit in violation of subsection 4102.3.A.

2. Parking a commercial vehicle in an R district or a residential area of a P district in violation of subsections 4102.1.B(2) and 4102.1.E(4).

3. Parking of vehicles on an unsurfaced area in the front yard of a single-family detached dwelling in the R-1, R-2, R-3, or R-4 Districts in violation of subsection 6100.2.A(3).

4. Parking of inoperative vehicles, as provided in Chapter 110 of the County Code, in violation of subsection 4102.7.A(13).

5. Installation, alteration, refacing, or relocation of a sign on private property in violation of subsection 7100.3.A(1).

6. Installation of any minor sign in violation of subsection 7100.4.

7. ~~***5.***~~ Installation of prohibited signs on private property in violation of subsection 7100.5.B and subsections 7100.5.C(1) and 7100.5.C(5).

~~***6.*** Installation, alteration, refacing, or relocation of a sign on private property in violation of subsection 7100.3.A(1).~~

8. ~~***7.***~~ Other short-term, recurring violations similar to those listed above.

#8 INSTRUCTION: Add new subsection 8101.3.D(6) for submission requirements and renumber subsequent subsections.

(6) Sign Modification

Instead of the plat requirements of subsection 8101.3.B and the supporting reports and studies of subsection 8101.3.C, a special exception for a sign modification must include the following:

(a) Site photographs or visual simulations showing the location and scale of proposed signs, which should account for factors such as topography that impact visibility.

(b) Building elevations and renderings of the proposed signs, including a graphic scale, demonstrating placement and overall design compatibility.

(c) Site plan/development plan showing sign locations.

(d) Sign matrix showing the following:

1. The size, height (measured from the lowest grade to the highest point), and extent of all proposed signs.

2. Designs and materials of any signs over which the applicant has design control, including project identity and wayfinding signs.

3. Comparison of the amount of signage allowable by-right compared to the proposed signage requested.

4. Identification of any existing signs that will remain.

5. Lighting specifications of any illuminated signs.

(e) If electronic display signs are included, viewshed analyses must be provided from all abutting properties. Information on the size of the display area and the daytime and nighttime nit levels must also be provided.

(f) A written statement describing the overall approach for the sign modification and how the proposed plan complies with the general standards and any applicable design guidelines.

#9 INSTRUCTION: In Table 8102.1, relocate sign permit fee to "general" fees, rename and relocate special exception and amendment fees, and delete all other sign-related fees.

TABLE 8102.1: FEE SCHEDULE		
APPLICATION TYPE		**FEE [1]**
MISCELLANEOUS PERMITS AND APPROVALS		
General		
Interpretation of Approved Zoning Application or Minor Variation to Proffered Conditions		$520
Modification to the Affordable Dwelling Unit Program		$2,755
Nonresidential Use Permit (NonRUP)		$70
Zoning Compliance Letter	Dwelling, Single-Family, Per Lot	$115
	All Other Uses, Per Lot	$320
General Public Facilities	2232 Review with Public Hearing	$1,500
	2232 Review without Public Hearing	$750
Sign Permits		$95
~~**Signs**~~		
~~Sign Permits and Administrative Comprehensive Sign Plans~~		~~$95~~
~~Comprehensive Sign Plans in Planned Districts~~		~~$8,260~~
~~Amendments to Comprehensive Sign Plan in Planned Districts~~		~~$4,130~~
~~Waiver of Certain Sign Regulations Special Exception~~		~~$8,260~~
SPECIAL EXCEPTIONS [2]		
Standard fees for special exception approvals are listed below.		
General Fee Unless Otherwise Listed		$16,375
Accessory Uses and Other Special Exceptions		
Home Day Care Facility		$435
Modification of Shape Factor		$8,180
Modification of Grade for Single-Family Detached Dwellings		$910
Modification of Minimum Setback Requirements	Certain Existing Structures and Uses	$910
	Reconstruction of Certain Single-Family Detached Dwellings that are Destroyed by Casualty	$0
Sign Modifications		$8,260
Amendment to Approved Sign Modifications		$4,130
Waiver of Minimum Lot Size Requirements		$8,180

TABLE 8102.1: FEE SCHEDULE	
APPLICATION TYPE	**FEE [1]**
Addition to or Replacement of a Single-Family Detached Dwelling Existing as of May 10, 2023, in a Floodplain	$8,180

#10 INSTRUCTION: In Section 9102, revise definitions of "moving or windblown sign" and "roof sign" as follows.

Moving or Windblown Sign

Any sign of which all or any part is in motion by natural or artificial means (including fluttering, rotating, undulating, swinging, oscillating) or by movement of the atmosphere. This includes signs such as feather flags and inflatable objects. For purposes of Article 7, a flag is not a moving or windblown sign.

Roof Sign

Any sign or portion of a sign affixed to a building that extends above the ~~lowest~~ highest point of the roof level of the building, including signs painted onto a roof structure, or that is located on a chimney or other similar rooftop. For purposes of Article 7, a roof sign does not include a sign attached to the penthouse of a building.

#11 INSTRUCTION: Delete "comprehensive sign plan" from Appendix 1 as shown below.

APPENDIX 1 - PROVISIONS RELATING TO PREVIOUS APPROVALS

1. General Provisions Regarding Previous Approvals

Except as specified in the Ordinance, the specific uses, features, and structures on each of the following are entitled to continue under the previous approval(s) if the applicable due diligence standard is met. For the purpose of this statement, to "aggravate conflicts" means to create any new or additional noncompliance with the amended Ordinance such as expanding a use, feature, or structure that is not allowed by the new Ordinance, as determined by the Zoning Administrator.

A. Proffered rezonings and related development plans, special exceptions, special permits, variances, ~~comprehensive sign plans,~~ PRC plans, and parking reductions approved before May 10, 2023, and any plans and permits, including but not limited to site plans, subdivision plats, construction plans, building permits, and Residential and Nonresidential Use Permits submitted in accordance with such approvals. The provisions of this Ordinance govern to the extent they are not in conflict with or superseded by the approval. Amendments to such approvals may be approved if they do not aggravate conflicts with this Ordinance.

B. Site plans, minor site plans, subdivision plans and plats, public improvement plans, grading plans, construction plans, building permits and other related subsequent plans, approvals and written determinations, approved before May 10, 2023. The provisions of this

Ordinance govern to the extent they do not preclude the approved uses, features, and structures. Revisions to such approvals may be approved if they do not aggravate conflicts with the new Ordinance.

C. Applications for rezonings and related development plans, special exceptions, special permits, variances, ~~comprehensive sign plans,~~ PRC plans, parking reductions, subdivision plats, site plans, parking tabulations and redesignations, building permits, public improvement plans, and grading plans submitted and accepted for review before May 10, 2023, provided: (a) approval is granted within 12 months of May 10, 2023, or, if corrections to a properly submitted and accepted plan are deemed necessary by the reviewing authority, revised plans are resubmitted within six months of its disapproval; (b) the approval remains valid; and (c) the uses, features, and structures are constructed in accordance with approved plans and permits. Required subsequent plan and permit submissions may be accepted and approvals may be granted, consistent with those approvals. Revisions to such approvals may be approved if they do not aggravate conflicts with the new Ordinance.

#12 INSTRUCTION: Add 2.B(1) to Appendix 1 as shown below.

B. Amendments Adopted After May 10, 2023

(1) Sign Regulations (ZO 112.2-2023-x)

A comprehensive sign plan accepted for review by September 26, 2023, and approved before March 1, 2024, and any subsequent sign permit application based on the approval are entitled to continue under that approval. A comprehensive sign plan (including amendments to a previously approved comprehensive sign plan) that is accepted for review after September 26, 2023, or is not approved by March 1, 2024, is subject to the special exception provisions of Section 7102.

Alternative Text Recommended by Planning Commission – November 15, 2023

Proposed alternative language for electronic display sign text located on page 9 of the draft text:

(4) Electronic display signs must include a photocell to control brightness and automatically dim at sunset to the following nighttime levels:

(a) Residential Districts (excluding residential areas of Planned Districts): 100 nits.

(b) Planned, Commercial, and Industrial Districts: 300 nits. However, if the sign is located within 150 feet of any property developed with a single-family dwelling, it may not exceed 100 nits. The Board may approve an increase in nits in accordance with subsection 7102.1.E.

County of Fairfax, Virginia

MEMORANDUM

DATE: October 18, 2023

TO: Planning Commission

FROM: Casey Judge
Deputy Zoning Administrator

SUBJECT: Signs Part II Zoning Ordinance Amendment – Electronic Display Sign Options
Planning Commission Public Hearing on October 25, 2023

As part of the proposed Signs Part II Zoning Ordinance amendment, as discussed in the staff report, staff has proposed to increase the maximum nighttime nit levels for electronic display signs. Currently per subsection 7101.1.A(4) of the Zoning Ordinance, all electronic display signs are limited to a maximum nighttime level of 100 nits after sunset. Staff has recommended increasing the nit limitation to 500 nits for these signs in Planned, Commercial, and Industrial districts. A range from 100 to 1,000 nits has been advertised for consideration. The proposed text is included below:

Staff recommendation:

(1) Electronic display signs must include a photocell to control brightness and automatically dim at sunset to the following nighttime levels:

- **(a)** Residential Districts (excluding residential areas of Planned Districts): 100 nits; and
- **(b)** Planned, Commercial, and Industrial Districts: 500 nits ***[advertised range from 100 to 1,000 nits]***. The Board may approve an increase in nits in accordance with subsection 7102.1.E.

During authorization of public hearings on September 26, 2023, the Board of Supervisors (Board) requested a range of options for addressing the brightness of electronic display signs at night be advertised for consideration. Concerns mainly focused on the potential brightness impacts at night, including the potential glare on nearby residential areas. Staff has prepared two options below in response to this request:

Option 1 – retain current 100-nit nighttime limitation for electronic display signs in all zoning districts and change dimming requirement from "sunset" to a set time: This option would keep the current brightness limitation at 100 nits for all zoning districts, but it would allow for a longer period where brightness is not limited. Currently, the dimming requirement begins at sunset and lasts until dawn; setting a uniform time (such as 10:00 p.m. to 6:00 a.m.)

PLANNING & DEVELOPMENT

Department of Planning and Development
Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5507
Phone 703-324-1314
Fax 703-803-6372
www.fairfaxcounty.gov/planning-development

would allow for brighter signs during winter months when businesses are still open at night and would aid in enforcement, but all electronic signs would be limited to the same 100-nit standard overnight.

(1) Electronic display signs must include a photocell to control brightness and automatically dim from 10:00 p.m. to 6:00 a.m. ***[advertised to allow for any time]*** to 100 nits ***[advertised to allow up to 1,000 nits]***. The Board may approve an increase in nits in accordance with subsection 7102.1.E.

Option 2 – require electronic display signs located near residential areas to be further limited: This option would increase the brightness for electronic signs in Planned, Commercial, and Industrial districts, but it would limit these signs to a more restrictive nit level if located near a residential area.

(1) Electronic display signs must include a photocell to control brightness and automatically dim at sunset to the following nighttime levels:

(a) Residential Districts (excluding residential areas of Planned Districts): 100 nits.

(b) Planned, Commercial, and Industrial Districts: 500 nits ***[advertised range from 100 to 1,000 nits]***. However, if the sign is ***[potential options: adjacent to; located within 100 feet of]*** any property developed with a residential use, it may not exceed 100 nits. The Board may approve an increase in nits in accordance with subsection 7102.1.E.

If you have any questions, please contact me at 703-324-1314.

cc: Rachel Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development
Leslie B. Johnson, Zoning Administrator, DPD
William Mayland, Assistant Zoning Administrator
Jill Cooper, Director, Department of Clerk Services
David Stoner, Deputy County Attorney, OCA
Cherie H. Mack, Assistant County Attorney, OCA

County of Fairfax, Virginia

MEMORANDUM

DATE: November 13, 2023

TO: Planning Commission

FROM: Casey Judge
Deputy Zoning Administrator

SUBJECT: Signs Part II Zoning Ordinance Amendment – Responses to Questions

The Planning Commission held its first public hearing on the Signs Part II Zoning Ordinance amendment on October 25, 2023. There was both written and in-person testimony provided at the public hearing. The Planning Commission deferred action on the amendment and requested staff provide written responses to the questions and comments provided by the community before the second public hearing scheduled for November 15, 2023. A summary of the general comments and questions received along with staff responses are provided below.

Electronic Display Sign Brightness

1. **What is a nit and how is it measured? As discussed in the staff report, a nit measures illuminative brightness of an object and equals one candela per square meter. County staff uses a specific light meter to measure the nit levels of electronic display signs. The sign nit level reading is taken approximately three feet away from the sign (if possible), and multiple measurements are taken. The highest measurement is selected as the maximum nit level of the display area.**
2. **What are the current limitations on electronic display? The current regulations allow one electronic display sign per lot, and the electronic display area is limited to 50 percent of the maximum freestanding sign area permitted for that lot. While the maximum sign sizes differ based on zoning district and use, they can range from 40 square feet for nonresidential uses in residential districts to up to 80 square feet for nonresidential uses in commercial and industrial districts. Electronic display signs may not move or change more frequently than once every eight seconds, and the movement must be instantaneous without rolling, fading, or otherwise giving the illusion of movement, nor flash or vary in brightness. The background may not be white, off-white, gray, or yellow, and the sign must include a photocell that automatically dims the sign at sunset to no more than 40 – 100 nits.**
3. **Why has staff recommended an increase to nit levels? As part of the initial outreach meetings with the community, land use attorneys' groups, builder and industry groups, shopping center owners, and other interested parties, staff asked for feedback**

Department of Planning and Development
Zoning Administration Division
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035-5507
Phone 703-324-1314
Fax 703-803-6372
www.fairfaxcounty.gov/planning-development

on which topics to review as part of the Signs Part II amendment. Comments received noted that the 100-nit maximum brightness level was not realistic based on existing sign brightness levels and advances in emerging technology, such as widespread use of LED displays which are brighter.

Before making its recommendation, staff also researched other jurisdictions with electronic display sign nit maximums and found the following nit levels by jurisdiction:

Jurisdiction	Nighttime Nit Limitation
Arlington, VA	50 - 500 nits*
Prince George's County, MD	150 nits
Charlotte, NC	500 nits
Philadelphia, PA	150 - 250 nits*
Ann Arbor, MI	100 nits
Glenville, NY	500 nits

**Nit level varies based on zoning district*

Table 1: Maximum Nighttime Nit Limitations by Jurisdiction

Staff also reviewed four comprehensive sign plans approved by the Planning Commission that included electronic display signs:

- **CSP-2016-HM-035 and CSPA-2009-HM-019-03 (Comstock Reston Station): allows four electronic display signs and one media display sign with a nighttime brightness of up to 680 nits.**
- **CSP 86-C-119-02 (Boston Properties): allows one "jewel box" electronic display sign with a nighttime brightness of up to 1,500 nits.**
- **CSPA 2010-PR-021-02 (Capital One): No maximum nit level was imposed for two video screens, which are permitted up to 1,075 square feet and 1,650 square feet in size.**
- **CSPA 2005-PR-041-03 (Mosaic): while this approval took place in 2018 and predated a maximum nit limitation, the approval allowed a 1,500 square foot video display sign. The sign brightness measures approximately 1,600 nits.**

To assess existing electronic display signs currently approved in the County, staff identified over 20 electronic display signs in different magisterial districts and took nit

readings after sunset. Five signs were in conformance with the 100-nit limitation, and 12 signs exceeded 400 nits with eight of these signs exceeding 500 nits.

While many existing signs exceed the maximum nit level, staff found that the higher nit levels observed in the field were not causing adverse impacts to adjacent properties, and there were few complaints filed with the Department of Code Compliance (DCC). Therefore, staff believed an increase in brightness levels above the current 100-nit limitation for properties in Planned, Commercial, and Industrial districts would not have an adverse impact. The proposed amendment includes an option to consider making no change to the current nighttime nit level or to consider any other number up to 1,000 nits.

4. **What are the industry standards and studies that were reviewed as part of the amendment? Staff is aware of a variety of recommendations on maximum nit levels at night, including the following:**
   - **The United States Sign Council Foundation recommends 750 nits at night**
   - **The International Sign Association recommends 0.3 footcandles (or approximately 323 nits) at night**
   - **The Illuminating Engineering Society of North America recommends 250 nits**
   - **The Outdoor Advertising Association of America recommends 350 nits**
   - **The International Dark-Sky Association recommends from 0 to 160 nits depending on the overlay lighting zone**
   - **The 2010 report "Digital LED Billboard Luminance Recommendations – How Bright is Bright Enough?" by Christian B. Luginbuhl et.al is often cited and recommends 100 nits**

   Regarding traffic safety and general glare, staff reviewed the executive summary on "Digital Signage and Traffic Safety: A Statistical Analysis." This is a peer-reviewed analysis about the traffic safety impacts of digital signage, authored by Dr. Gene Hawkins, current chairperson of the National Committee on Uniform Traffic Control Devices. The study found that there is no statistically significant increase in crash frequency after installing an on-premise digital sign.

   Additional research from the United States Sign Council Foundation's Model On-Premise Sign Code also found no correlation between electronic display signs and traffic accidents and states that these signs have not been found to be a distraction having impact on the driving task or to cause unsafe driving behaviors that causes an accident in driver distraction studies. They also note that research has shown that on-premise signs are not a factor in creating light trespass or light spillage conditions and indicate that on-premise signs can be detected from a distance because they have proper sign brightness or luminance at night, and not because they project a great deal of unnecessary lighting to surrounding areas.

5. **What is the impact on wildlife and personal health from an increase in nits?**

Staff is not aware of any studies that speak to the impact of electronic display signs, as opposed to lighting in general, on wildlife or personal health (including loss of night vision). Staff recognizes the concerns raised and advertised a wide range of options for consideration, which may include retaining the current 100-nit limitation for all signs or additional limitations on signs within a certain proximity to residential areas.

Consolidation of Sign Modification Applications: As discussed extensively in the staff report, the proposed amendment consolidates the current comprehensive sign plan (CSP), special exception (SE), and special permit (SP) applications requesting sign modifications in Planned, Commercial, and Industrial districts into one SE request with specific criteria. The changes to the sign regulations do not decrease the overall by right amount of signage permitted, and in certain situations (such as in Option 2 for building-mounted signs in C and I districts), the changes would result in an increase in signage for buildings meeting certain criteria. The new special exception continues to allow for flexibility through this modification request. The most significant change is that in Planned districts, the new SE process will require approval by the Board rather than approval by the Planning Commission.

Land use attorneys and industry representatives have expressed concerns that the proposal could impact placemaking and economic development, as the additional requirement for a public hearing before the Board would result in a more cumbersome and lengthy process than the current CSP process. They have suggested the following mitigation solutions:

6. **Expedited review and processing of sign special exceptions and concurrent notice/scheduling of public hearings: The Zoning Evaluation Division will explore process improvements for the new special exception for sign modifications, which may include an expediated review schedule and inclusion of the sign permit review staff during the entitlement process. Staff will, as always, assign schedules that reflect the complexity of the application, such as a shorter timeline for amendments to previously approved comprehensive sign plans or special exceptions for signage. Much of the overall application timeline is driven by the responsiveness of the applicant to comments provided, and staff will continue to work closely with the applicant to advance these applications in an expeditious manner. It should be noted that on average, approximately nine CSPs and two SEs for signage are received each year.**

   As mentioned at the public hearing and in the staff report, staff continues to recommend that as part of a follow-on motion, the Board consider adopting a policy allowing expedited scheduling of Planning Commission and Board hearing dates.
7. **Increasing sign area through a minor modification: Subsection 8100.5.A(1)10 of the Zoning Ordinance explicitly prohibits any minor modification that would expand the area or type of signage approved; however, changes to color and typeface may be considered as part of a minor modification. Any changes to this provision would not be within the scope of advertisement of the Zoning Ordinance amendment. Further,**

staff believes that changes to the approvals that result in additional sign area should go through the public hearing process rather than be done administratively.

8. **Increasing the by-right signage allowed in the County's development centers: This is not within the scope of advertisement of the Zoning Ordinance amendment.**
9. **Simplify the special exception requirements for signage applications: As shown in the proposed text on pages 19 and 20 of the staff report, staff has proposed alternative submission requirements in lieu of the standard special exception application requirements for sign modification applications. These are consistent with what is currently requested for review of a CSP application.**
10. **Remove affidavit requirements from signage applications: In accordance with subsection 8101.3 of the Zoning Ordinance, an affidavit is required to be filed with a special exception application. Removal of this requirement for a modification of the sign requirements is outside the scope of advertisement.**
11. **Why remove the requirement that the applicant demonstrate unusual circumstances? Concerns from the community were raised regarding removal of the "unusual circumstances" criteria for an SE application. During the review of several previous SE applications, some Board members expressed concern that the standards requiring the applicant to demonstrate unusual circumstances or conditions of the lot to have the request approved were overly restrictive and did not allow for consideration of economic or placemaking benefits. All sign SE requests would be required to meet listed standards (page 16 of the draft text included in the staff report), including standards related to size, compatibility, impact on the adjacent existing or planned development, aesthetic compatibility, and other standards. These applications would also have two public hearings where the community can provide input, and the Board can impose development conditions mitigating impacts.**

Other Topics

12. **Would an illuminated or electronic window sign be allowed with a home-based business? No, it would not be permitted. Page 4 of the draft text states that "window signs for any nonresidential use" are allowed; a home-based business is an accessory use to a residential use, and it is not considered a nonresidential use.**

13. **Opposition to interpretation of the size limitation on signs in or adjacent to a reserved parking space: Currently, signs located within or adjacent to reserved parking spaces are limited to a maximum size of one square foot by interpretation. These signs often range in size and purpose (such as limiting parking for electric vehicle charging or identifying a curbside pickup space). Staff has not found any other jurisdiction that regulates these sign types, and commercial property owners have an interest in managing the balance of long-term and short-term parking spaces to meet the needs of its customers. In addition, many of these sign types would not be considered "signs," as they would not be visible from any public or private street. Therefore, staff has proposed to no longer apply this interpretation that limits their size.**

14. **Requiring parameters for signs associated with multifamily buildings: A comment was received suggesting standards (including size and illumination) be added for signs**

associated with multifamily buildings. The proposed amendment includes specific limitations for these sign types. Page 10 of the draft text outlines that a multifamily development is limited to one of the following: one freestanding sign up to 30 square feet and eight feet in height; a freestanding sign at each major entrance up to 30 square feet and eight feet in height (with a total of all signs limited to 30 square feet); or 50 square feet of building-mounted signage. These signs would be subject to the regulations for internally illuminated signs per subsection 5109.3.B or the electronic display sign regulations, depending on the method of illumination.

15. **Require ordering boards associated with a drive-through be subject to all sign regulations: A comment was made that ordering boards should continue to be subject to all sign regulations. Currently, any ordering board visible from a street would be regulated as a freestanding sign. Commercial shopping centers, where many drive-through uses are located, are only permitted one or two freestanding signs (depending on if they are located on multiple major thoroughfares). Therefore, no additional signage would be allotted for ordering boards, which effectively prohibits them. As ordering boards are typically in association with drive-through uses that require special exception approval and a public hearing, limitations on number and size can be placed upon them as part of that review. If no limitations were imposed, these signs would be limited to 20 square feet in size.**

16. **Suggested language for signs associated with a single-family dwelling undergoing construction: Suggested language was submitted for signs associated with a single-family dwelling undergoing construction that would limit "commercially-oriented" signs to four square feet. However, identifying a "commercially-oriented sign" is a content-based regulation and cannot be applied or enforced. The proposed language also suggested tying the timeframe for display to six months after issuance of the first permit for the site. As a construction, improvement, or renovation project may not always require a building permit (such as replacement of cabinetry or other minor interior renovation work), this time limitation cannot be applied to all projects.**

If you have any questions, please contact me at 703-324-1314.

cc: Rachel Flynn, Deputy County Executive
Tracy Strunk, Director, Department of Planning and Development
Leslie B. Johnson, Zoning Administrator, DPD
William Mayland, Assistant Zoning Administrator
Jill Cooper, Director, Department of Clerk Services
David Stoner, Deputy County Attorney, OCA
Cherie H. Mack, Assistant County Attorney, OCA

Board Agenda Item
November 21, 2023

3:30PM

Public Hearing to Consider Expanding the McLean Residential Permit Parking District, District 21 (Dranesville District)

ISSUE:
Public hearing to consider a proposed amendment to Appendix G of *The Code of the County of Fairfax, Virginia* (Fairfax County Code), to expand the McLean Residential Permit Parking District (RPPD), District 21, to include Rosemont Court from Rosemont Drive to cul-de-sac, inclusive.

RECOMMENDATION:
The County Executive recommends that the Board adopt an amendment (Attachment I) to Appendix G of the Fairfax County Code to expand the McLean RPPD, District 21.

TIMING:
On October 24, 2023, the Board authorized advertisement of a public hearing to consider the proposed amendment to Appendix G of the Fairfax County Code to take place on November 21, 2023, at 3:30 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 the pedestrian entrances and/or 1,000 feet from the property boundaries of McLean High School and thus qualify for inclusion in the RPPD. Staff has also verified that all other requirements to expand the RPPD discussed above have been met.

EQUITY IMPACT:
An Equity Impact Assessment is not required for this item, as it is part of an established program to restrict parking in residential areas.

FISCAL IMPACT:
Funding in the amount of approximately $425 is required for signage and installation. Funds are currently available in Fairfax County Department of Transportation Fund 100-C10001, General Fund.

ENCLOSED DOCUMENTS:
Attachment I: Proposed Amendment to the Fairfax County Code
Attachment II: Map Depicting Proposed Limits of RPPD Expansion

STAFF:
Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting Director, Fairfax County Department of Transportation (FCDOT)
Lisa Witt, Chief, Administrative Services, FCDOT
Eric Teitelman, Chief, Capital Projects and Traffic Engineering Division, FCDOT
Neil Freschman, Chief, Traffic Engineering Section, FCDOT
Henri Stein McCartney, Sr. Transportation Planner, FCDOT
Amir Farshchi, Transportation Planner II, FCDOT

ASSIGNED COUNSEL:
Patrick Foltz, Assistant County Attorney

Attachment I

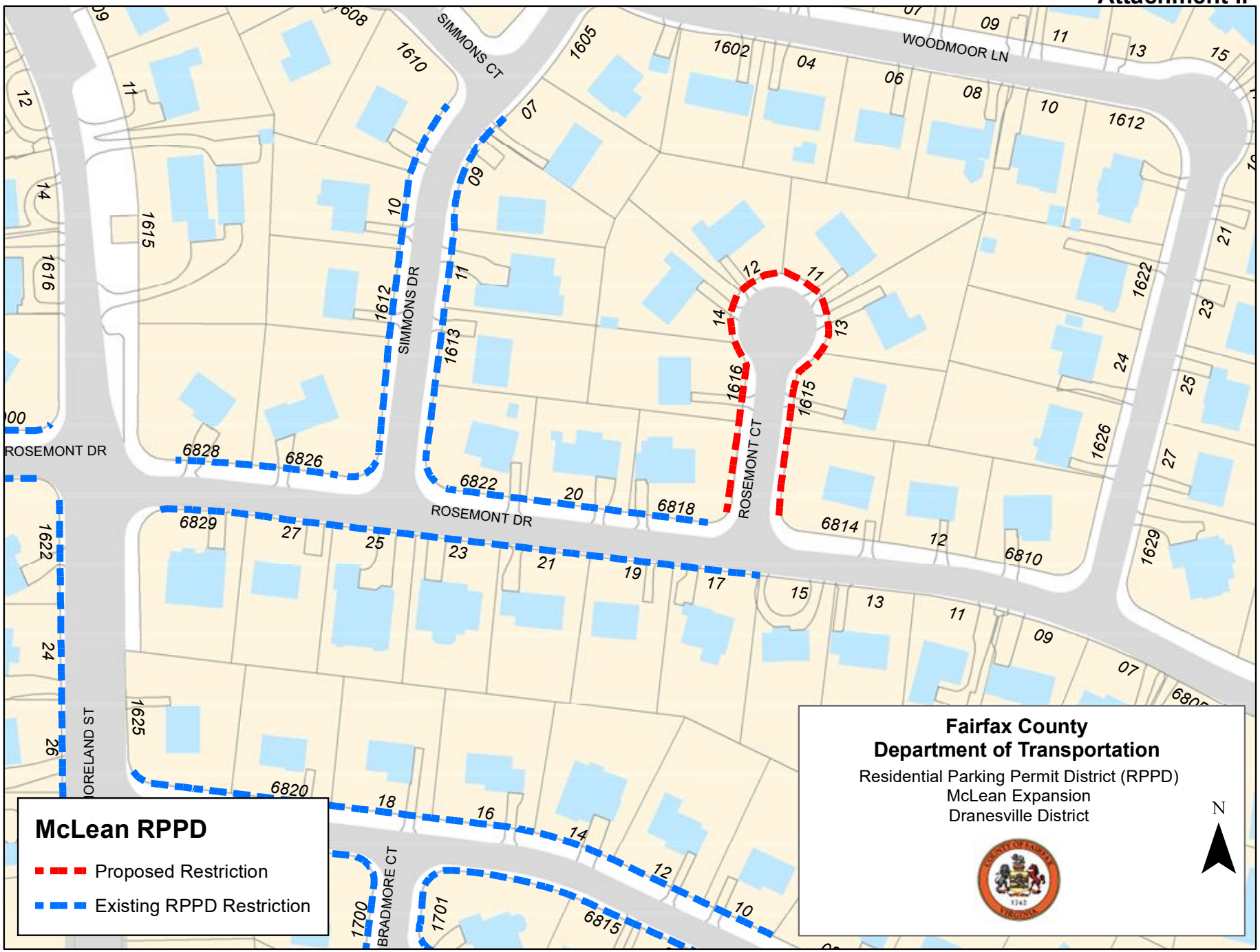
Proposed Amendment

Amend *The Code of the County of Fairfax*, *Virginia*, by adding the following street in Appendix G-21, Section (b), (2), McLean Residential Permit Parking District, in accordance with Article 5A of Chapter 82:

Rosemont Court (Route 1729):

From Rosemont Drive to cul-de-sac, inclusive.

Attachment II



Board Agenda Item
November 21, 2023

4:00 p.m.

Public Hearing on a Proposal to Vacate and Abandon a Portion of Forest Hill Drive (Braddock District)

ISSUE:
Public hearing on a proposal to vacate and abandon a portion of Forest Hill Drive south of the intersection of Forest Hill Drive (Route 1548) and Warren Lane (Route 1121).

RECOMMENDATION:
The County Executive recommends that the Board adopt the attached ordinance (Attachment III) for vacation, and the attached order of abandonment (Attachment IV), of the subject right-of-way.

TIMING:
On October 10, 2023, the Board authorized the advertisement of the public hearing to consider the vacation and abandonment of the proposed right-of-way on November 21, 2023. Board action is requested on November 21, 2023, to follow the previously approved authorization to advertise.

BACKGROUND:
The applicant, DLA Piper LLP, on behalf of their client, Trinity Christian School of Fairfax, Inc., is requesting that a portion of Forest Hill Drive be vacated under *§15.2-2272(2) of the Virginia Code* and abandoned under *§33.2-909 of the Virginia Code*. The applicant is seeking this request to support the consolidation of their client's parcels.

The subject portion of Forest Hill Drive, south of the intersection of Forest Hill Drive and Warren Lane, is unconstructed. The subject portion of Forest Hill Drive was dedicated with the Deed of Dedication (Deed Book 1570, Page 572) dated July 16, 1957. The subject portion of Forest Hill Drive is not in the VDOT Secondary System of Highways. No public necessity exists for the continuance of this portion of Forest Hill Drive and no lots will be irreparably damaged by this action.

EQUITY IMPACT:
An Equity Impact Assessment was not required for this item as this is a statutory process following *sections 15.2-2272 and 33.2-909 of the Code of Virginia*.

Board Agenda Item
November 21, 2023

FISCAL IMPACT:
None.

CREATION OF POSITIONS:
None.

ENCLOSED DOCUMENTS:
Attachment I: Letter of Request and Justification
Attachment II: Notice of Public Hearing
Attachment III: Vacation Ordinance
Attachment IV: Order of Abandonment
Attachment V: Metes and Bounds
Attachment VI: Vacation Plat
Attachment VII: Vicinity Map

STAFF:
Rachel Flynn, Deputy County Executive
Gregg Steverson, Acting 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)
Brittany Nixon, Transportation Planner IV, FCDOT-SAS
Jeffrey Edmondson, Transportation Planner III, FCDOT-SAS

ASSIGNED COUNSEL:
Randall T. Greehan, Assistant County Attorney

ATTACHMENT I

DLA Piper LLP (US)
One Fountain Square
11911 Freedom Drive
Suite 300
Reston, Virginia 20190-5602
www.dlapiper.com

Brian J. Clifford
brian.clifford@us.dlapiper.com
T 703.773.4044
M 703.470.5343

October 25, 2022

Mr. Jeff Edmondson, Transportation Planner II
Fairfax County Department of Transportation
405 Legato Road, Suite 400
Fairfax, Virginia 22033

Re: Request to Abandon and Vacate Portions of Forest Hills Drive
TM 056-4 ((3)) 0011, TM 056-4 ((3)) 0012, TM 056-4 ((1)) 0018 (the "Property")
Braddock Magisterial District

Dear Mr. Edmonson:

On behalf of Trinity Christian School of Fairfax, Inc., (the "Owner"), the owner of the Property, please accept this request to vacate and abandon the portions of the right-of-way for Forest Hill Drive. As outlined below, future road frontage and access to the Property would be provided via Shirley Gate Road, so the Forest Hill Drive right-of-way is no longer needed. Simultaneously with this request, the Owner is submitting an application to consolidate the three parcels, which cannot be completed until this unused and unneeded right-of-way has been abandoned and vacated.

I. Background

Location and Right-of-Way Origin

The Property is comprised of three parcels totaling approximately 29.06 acres in the Braddock Magisterial District. The Property is generally bound by Shirly Gate Road to the east, the Gesher Jewish Day School to the south, the Lee-Hi Village subdivision to the west, and the Warren Lane neighborhood to the north. The Owner currently owns and operates the Trinity Christian School campus approximately one mile east of the Property along Braddock Road, and purchased the Property from the Gesher Jewish Day School in 2018. The deed for said purchase is attached as Exhibit A.

In 1948, via the deeds located at DB 661 PG 182 (Exhibit B) and DB 661 PG 186 (Exhibit C), the Blevins, Warren, and Sparks families, as separate owners of large tracts in the area, (including what subsequently became the Property) granted a 50'-wide "right-of-way" from what is now TM 056-4 ((3)) 0011 and 0012 to one another to allow each other to access what is now Warren Drive (State Route #1121) to the north of the Property. In 1957 through the instrument

recorded at DB 1570 PG 572 (Exhibit D), the Warren and Blevins families designated these 50' private rights-of-way as public streets.

It should be noted DB 1570 PG 572 does not specify to what entity the right-of-way was designated, and the right-of-way, now known as Forest Hill Drive and shaded in red on the tax map excerpt below, has never been entered into the state highway system or given a state route number.

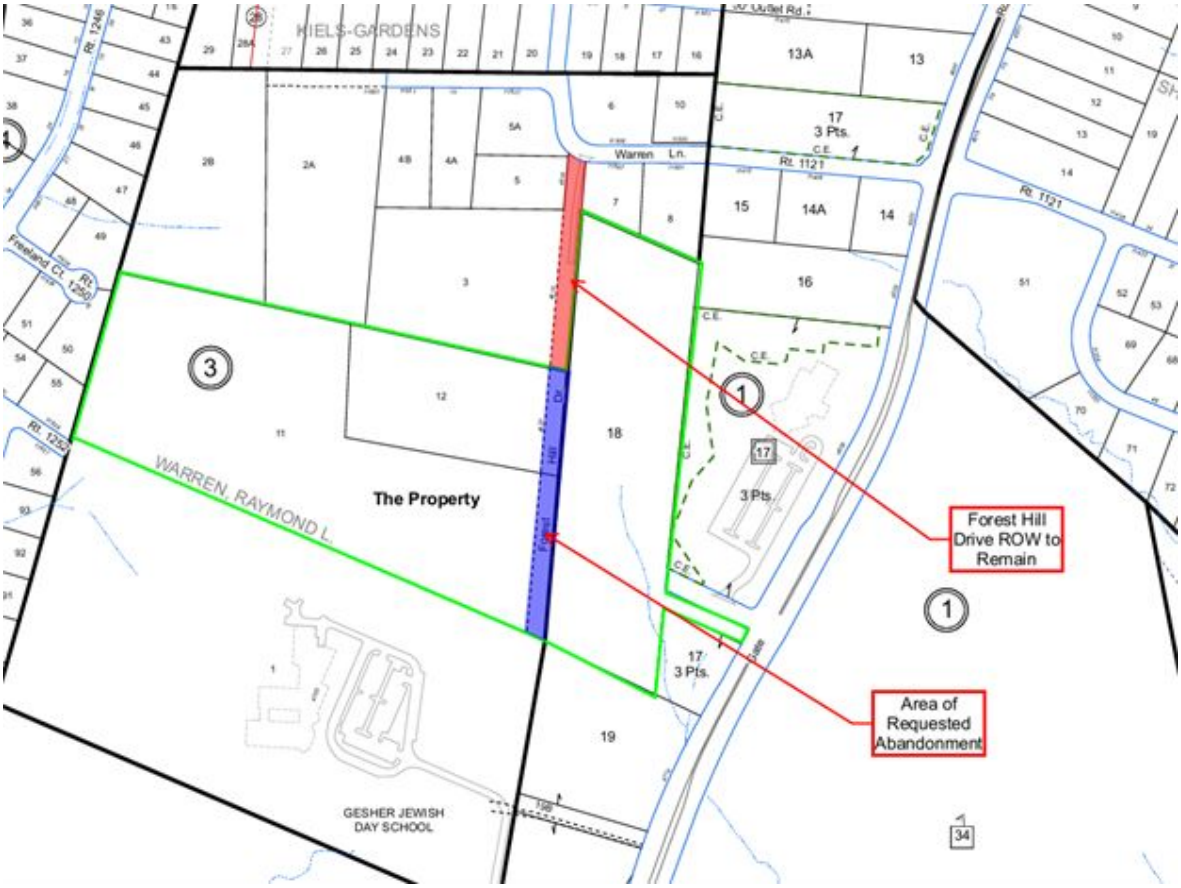


Excerpt from Tax Map 056-4 depicting the Property and Forest Hill Drive Right-of-Way

II. Abandonment/Vacation Request and Justification

Now that all three parcels are under common ownership, the Owner is seeking to consolidate the Property into one parcel. This would require the concurrent abandonment and

vacation of approximately 771 linear feet of the Forest Hill Drive right-of-way, depicted in blue in the graphic below and returning that land to Lots 11 and 12. Though at this time this right-of-way technically provides public street frontage for and theoretical access to Lots 11 and 12, once the parcels are consolidated following the abandonment the frontage would be provided by what it now Lot 18's frontage on Shirley Gate Road. While there are no set plans at this time to develop the property, the Owner believes any access can be provided off Shirley Gate Road, and in fact such access would be more desirable to Fairfax County, the Virginia Department of Transportation ("VDOT"), and the residents who live along Warren Lane than a future improved Forest Hill Drive. The Owner acknowledges that any such access off Shirley Gate Road would be subject to County and VDOT review as a part of any future development application



Excerpt from Tax Map 056-4 Depicting Area of Abandonment Request

The plat and metes & bounds descriptions attached to this request further define the exact area subject to this request. As depicted above, the existing right-of-way currently serving Lot 3 and Lot 5 is proposed to remain. Forest Hill Drive is not listed in the Comprehensive Plan as a roadway planned for any sort of improvement, and now that the parcels comprising the Property are vacant and of common ownership, the right-of-way and access it may have once provided are no longer needed.

III. Conclusion

The Owner is looking forward to working with Fairfax County and VDOT on the abandonment and vacation of the Forest Hill Drive right-of-way. As outlined above, what is now Forest Hill Drive began its life nearly 75 years ago as a friendly access agreement between neighbors to reach nearby Warren Lane, but now that the parcels are under common ownership with road frontage and potential access off of Shirley Gate Road, the section of right-of-way that is subject of this request is no longer serving the purpose for which it was intended and serves no public benefit. Thank you for your time and consideration of this request, and we would appreciate your favorable review.

Sincerely,

DLA Piper LLP (US)



Brian J. Clifford
Senior Land Use Planner
(703) 470-5343

Prepared by:
Jeremy B. Root
Blankingship & Keith, P.C.
4020 University Drive, Suite 300
Fairfax, Virginia 22030

Fairfax County

This instrument is exempt from recording taxes pursuant to Virginia Code Section 58.1-811(c)(3) and (a)(1)

Consideration: $3,000,000.00
Assessment: $2,062,000.00

First American Title Insurance Company

Tax Id. No.: 0564-03-0011, 0564-03-0012, 0564-01-0018

DEED

This Deed, made this 28th day of June, 2018, by and between GESHER SCHOOL, INC., a Virginia corporation, Grantor; and TRINITY CHRISTIAN SCHOOL OF FAIRFAX, INC., a Virginia corporation, Grantee, whose address is 11204 Braddock Road, Fairfax, Virginia 22030.

W I T N E S S E T H:

That for and in consideration of the sum of Ten Dollars ($10.00) and other valuable consideration, the receipt whereof is hereby acknowledged, Grantor does hereby grant and convey in fee simple, with SPECIAL WARRANTY, to the Grantee the following described real estate, to-wit:

See Exhibit A, attached hereto.

And being the same property acquired by Grantor virtue of instrument recorded in Deed Book 15519, page 562 (as to Tax Map #056-4-03-0011 & #056-4-03-0012) and Deed Book 19557, page 291 (as to Tax Map #056-4-01-0018).

(signature page follows)

WALKER TITLE LLC
A# 4170122
SQG

Witness the following signature and seal:

GESHER SCHOOL, INC.

a Virginia corporation

By: _____

Name: Vicki Fishman

Title: Authorized Signatory

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF FAIRFAX, to-wit:

The foregoing instrument was acknowledged before me this 28th day of June, 2018, by Vicki Fishman, Authorized Signatory of Gesher School, Inc., a Virginia corporation

My identification/registration number is 124909 and my commission expires on 2/28/2022.

_____

Notary Public

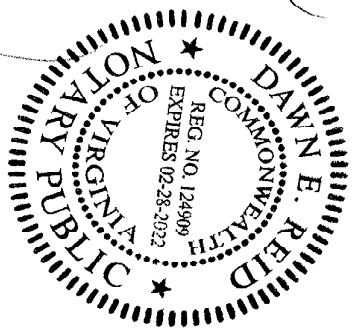


Exhibit A

Legal Description

The following property lying and situate in Fairfax County, Virginia:

Tax Map #056-4-03-0011 & #056-4-03-0012*:

Beginning at a point, said point being the southwesterly corner of Forest Hill Drive, Fifty (50) foot right of way, Deed Book 1570, page 572, and being in the northerly line of the property of Gesher School, Inc., Deed Book 13138, page 38; thence departing Forest Hill Drive and continuing with Gesher School, North 65 degrees 51 minutes 18 seconds West, 1432.88 feet to a point, an iron pipe found in the easterly line of Lot 55, Section Two, Leehigh Village, Deed Book 1074, Page 29; thence & parting Gesher School and running with Lot 55 and continuing with Lot 50 and a portion of Lot 49, Leehigh Village, North 16 degrees 52 minutes 56 seconds East, 488.78 feet, passing through an iron pipe found at 439.95 feet, to a point, an iron pipe found, said point being the southwesterly corner of the property of Marc H. Berman and Merly Berman, Deed Book 10915, page 200; thence departing Lot 49, Leehigh Village and running with Berman and continuing with the property of Rajesh Purushothaman and Sujatha Paiiavalli, Deed Book 10915, page 186, and the property of Vaughn L. Blevins, Will Book 394, page 977, South 76 degrees 33 minutes 45 seconds East, 1275.77 feet, passing through an iron pipe found and 437.84 feet, 702.77 feet and 726.22 feet, to a point, an iron pipe found, in the westerly right of way line of the aforementioned Forest Hill Drive; thence departing Blevins and running with Forest Hill Drive, South 05 degrees 40 minutes 32 seconds West, 761.09 feet, passing through an iron pipe found at 380.00 feet and 760.90 feet, to the point of beginning, containing 828,406 square feet or 19.01759 acres, more or less.

Tax Map #056-4-01-0018*:

Beginning at an iron pipe found corner of the now or formerly Trustees of the Trinity Assembly of God Church Property and on the westerly right of way line of Shirley Gate Road - VA Route 655; thence departing the westerly right of line of Shirley Gate Road - VA Rte. 655 and with the Trustees of the Trinity Assembly of God Church Property as follows:

N 64° 46' 04" W, 244.36 feet to an iron pipe found;

S 05° 24' 24" W, 255.17 feet to an iron pipe found in stone pile in the line of another tract of the Trustees of the Trinity Assembly of God Church Property; thence departing the first tract of the Trustee of the Trinity Assembly of God Church Property and with the second tract of the Trustees of the Trinity Assembly of God Church Property,

N 64° 48' 20" W, 361.75 feet to an iron pipe found being a common comer to now or formerly Gesher School, Inc. property and the easterly right of way line of Forest Hill Drive; thence departing the second tract of the Trustees of the Trinity Assembly of God Church Property and the Gesher School, Inc. property and with the easterly right of way line of Forest Hilt Drive,

N 04° 52' 32" E, 1,245.85 feet to an iron pipe found corner to the now or formerly Kim property, thence departing the easterly right of way line of Forest Hill Drive and with the Kim property and then now or formerly Ruffner property,

S 66° 11' 26" E, 370.90 feet to a set stone found in the line of now or formerly Min property; thence departing the Ruffner property and with the Min property and then a third tract of the Trustees of the now or formerly Trinity Assembly of God Church Property as follows:

S 05° 24' 24" W, 942.85 feet to an iron pipe found;

S 64° 46' 04" E, 265.24 feet to an iron pipe set on the aforementioned westerly right of way line of Shirley Gate Road; thence departing the third tract of the Trustees of the Trinity Assembly of God Church Property and with the westerly right of way line of Shirley Gate Road,

S 28°30' 25" W, 50.08 feet to the point of beginning and containing 10.1980 acres, more or less.

*Tax map numbers provided for informational purposes only.

06/29/2018
RECORDED FAIRFAX CO VA
TESTE: J. Finn
CLERK

EXHIBIT B

annexed Deed of Trust, dated the 27th day of June, 1948, and acknowledged the same before me in my said District.

Given under my hand and notarial seal this 3rd day of November, 1948.

David T. Donovan
Notary Public

Notary Public
Washington, D. C.
My Comm. Expires 12/14/52

My commission expires ~~_____~~

In the Clerk's Office of the Circuit Court of Fairfax County, Virginia, NOV 13 [illegible] at 10 11A M.

This Instrument was received and, with the certificate annexed, admitted to record

Teste Thomas A. Chapman, Jr. Clerk

13[illegible]

THIS DEED,

made and entered into this 13th day of November, 1948, by and between L. FRANK BLEVINS and DOROTHY MAE BLEVINS, his wife, parties of the first part; and RAYMOND L. WARREN and MARY E. WARREN, his wife, joint tenants, parties of the second part.

WITNESSETH,

that for and in consideration of the sum of $5.00, cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the parties of the first part do hereby grant, bargain, sell and convey, with GENERAL WARRANTY OF TITLE, unto the parties of the second part, as joint tenants with the common law right of survivorship, that is, in case of the death of either of the parties of the second part, title to the land hereby conveyed shall vest in the survivor in fee simple, all that certain strip of land located in Centreville Magisterial District, Fairfax County, Virginia, with all rights, ways, easements, improvements and appurtenances thereunto belonging, and being a portion of the same land which was conveyed to the parties of the first part hereto by Elmer L. Warren and wife, by deed dated November 21, 1947, and recorded in Deed Book No. 593, page 233 of the land records of said County, the land hereby conveyed being more particularly described as follows:

A right of way 50 feet wide along the east line of the 9.898 acres conveyed Blevins by Warren, said right of way to be determined by running a line 50 ft. from and parallel to the east line of the aforesaid property, namely S. 5° 43' W. 614.72

Nov. 20, 1948 - Mailed to: Mr Raymond L Warren, Fairfax, Virginia.

ft., said right of way running from a fifty foot outlet road in a southerly direction to the land of Warren.

The above described land being conveyed for road purposes and to be for the use and benefit of the parties hereto, their heirs, assigns and successors in title.

REFERENCE is hereby made to said deed for a further and more particular description of the land hereby conveyed.

The parties of the first part covenant that they have the right to convey the said land; that the parties of the second part shall have quiet possession of the same, free from all encumbrances, and that they, the parties of the first part, will execute such further assurances as may be deemed requisite.

WITNESS the following signatures and seals:

L Frank Blevins (SEAL)

Dorothy Mae Blevins (SEAL)

State of Virginia,

County of Fairfax, to-wit:

I, Inez S. Coldwell, a Notary Public in and for the said State and County, do hereby certify that this day personally appeared before me in my said County, L. FRANK BLEVINS and DOROTHY MAE BLEVINS, his wife, whose names are signed to the foregoing deed, dated November 13th, 1948, and acknowledged the same before me in my County aforesaid.

My commission expires February 6th, 1952

GIVEN under my hand this 13th day of November, 1948.

Inez S. Coldwell
Notary Public as aforesaid.

In the Clerk's Office of the Circuit Court of Fairfax County, Virginia, NOV 16 1948 at 10.40 A.M.

This Instrument was received and, with the certificate annexed, admitted to record

Teste Thomas A. Chapman, Jr. Clerk

EXHIBIT C

DEED BOOK 661 PAGE 186

Nov. 20, 1948 - Mailed to: Mr. William H Sparke, Route #1, Fairfax, Va.

13312

THIS DEED,

made and entered into this 16th day of November, 1948, by and between RAYMOND L. WARREN and MARY E. WARREN, his wife, parties of the first part; and WILLIAM H. SPARKS and BLANCHE SPARKS, his wife, joint tenants, parties of the second part.

WITNESSETH,

that for and in consideration of the sum of $5.00, cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the parties of the first part do hereby grant, bargain, sell and convey, with GENERAL WARRANTY OF TITLE, unto the parties of the second part, as joint tenants with the common law right of survivorship, that is, in case of the death of either of the parties of the second part, title to the land hereby conveyed shall vest in the survivor in fee simple, all that certain tract or parcel of land located in Centreville Magisterial District, Fairfax County, Virginia, with all rights, ways, easements, improvements and appurtenances thereunto belonging, and more particularly described according to recent survey of H. N. Clark, C. E., as follows:

"Beginning with a set stone at the southeast corner of 73/4 acres recorded in Liber No. 475, page 226 of the Fairfax County land records; thence along the south boundary of the said 73/4 acres, N. 65° 48' W. 1572.0 feet to a flint stone at the southwest corner of the tract; thence along the west boundary of the tract N. 17° 00' E. 800.33 feet; thence cutting through the tract S. 65° 48' E. 1484.6 feet to an old pipe in the east boundary of the tract; thence along said east boundary S. 10° 54' W. 815.9 feet to the beginning, containing 27.8574 acres".

Together with the right to use, in conjunction with others, the fifty-foot outlet roadsas shown on the plat hereto attached and expressly made a part hereof.

And being a portion of the same land which was conveyed to the said Raymond L. Warren by Margaret M. Warren and James W. Warren, her husband, by deed dated October 12th, 1945, and recorded in Deed Book No. 475, page 226 of the land records of Fairfax County, Virginia.

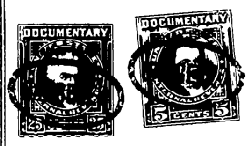
REFERENCE is hereby made to said deed and the plat hereto

attached for a further and more particular description of the land hereby conveyed.

The parties of the first part covenant that they have the right to convey the said land; that the parties of the second part shall have quiet possession of the same, free from all encumbrances, and that they, the parties of the first part, will execute such further assurances as may be deemed requisite.

WITNESS the following signatures and seals:





Raymond L Warren (SEAL)

Mary E. Warren (SEAL)

State of Virginia,

County of Fairfax, to-wit:

I, Ines I Coldwell, a Notary Public in and for the said State and County, do hereby certify that this day personally appeared before me in my said County, RAYMOND L. WARREN and MARY E. WARREN, his wife, whose names are signed to the foregoing deed, dated November 16th 1948, and acknowledged the same before me in my said County.

My commission expires Feb 6, 1952

GIVEN under my hand this 16th day of November, 1948.

Ines I Coldwell
Notary Public as aforesaid.

In the Clerk's Office of the Circuit Court of Fairfax County, Virginia, NOV 16 1948 at 10.42 A.M.
This Instrument was received and, with the certificate annexed, admitted to record with plat attached

Teste Thomas A. Elgin, Jr. Clerk

DEED BOOK 661 PAGE 188

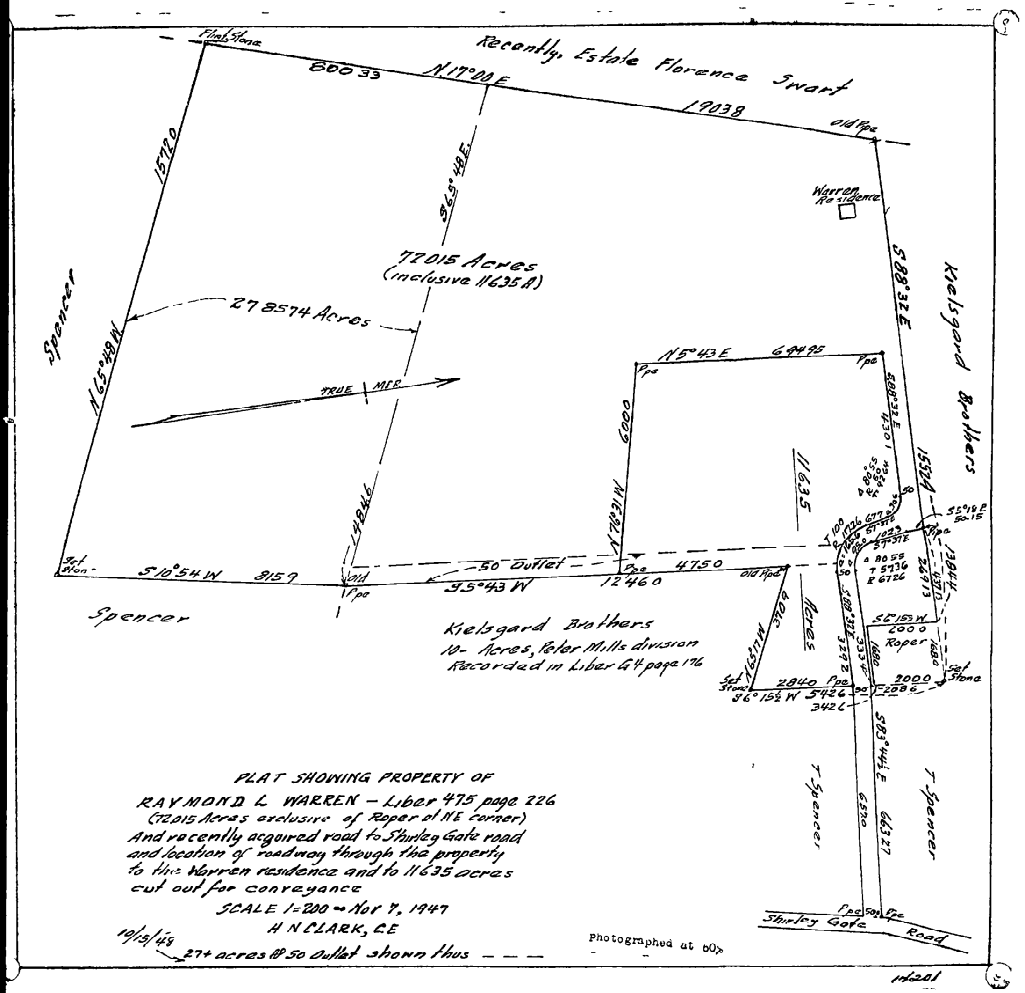


EXHIBIT D

17001

THIS DEED OF DEDICATION,

made this 16th day of July, 1957, by MARY E. WARREN, widow, L. FRANK BLEVINS and DOROTHY MAE BLEVINS, his wife.

W I T N E S S E T H,

that whereas by deed dated October 12, 1945 and recorded in Deed Book No. 475, page 226 of the land records of said County, Margaret M. Warren and James W. Warren, her husband, conveyed unto Raymond L. Warren a tract of land in Centreville Magisterial District, Fairfax County, Virginia, containing 73-1/4 acres, Less and except a parcel thereof containing 33,600 sq. ft., (erroneously described therein as containing 23,600 sq. ft.); and,

WHEREAS, by deed dated November 21, 1947 and recorded in Deed Book No. 593, page 225 of the land records of said County, T. E. Spencer and M. E. Spencer, his wife, conveyed unto Raymond L. Warren and Mary E. Warren, his wife, as joint tenants with the common law right of survivorship, a tract of land containing 33,006 sq. ft., of land; and,

WHEREAS, by deed dated November 21, 1947 and recorded in Deed Book No. 593, page 227 of said land records, Raymond L. Warren and Mary E. Warren, his wife, conveyed unto Elmer L. Warren and Margaret Ann Warren, his wife, a tract of land containing 11.635 acres, the same being a portion of the aforesaid tract of 73-1/4 acres, and shown on the plat attached to said deed, which said deed further conveys the right to use a 50-foot road shown on the aforesaid plat, running westerly from the Shirley Gate Road and through the Raymond L. Warren property; and,

WHEREAS, by deed dated November 21, 1947 and recorded in Deed Book No. 593, page 233 of said land records, Elmer L. Warren and Margaret Ann Warren, his wife, conveyed unto L. Frank Blevins and Dorothy Mae Blevins, his wife, a tract of land containing 9.898 acres, being a portion of the aforesaid tract of 11.635 acres; and,

July 26, 1957-Returned to:
Rust & Rust, Attys.

WHEREAS, by deed dated November 24, 1947 and recorded in Deed Book No. 617, page 45 of said land records, Raymond L. Warren and Mary E. Warren, his wife, conveyed unto Raymond L. Warren and Mary E. Warren, his wife, as joint tenants with the common law right of survivorship, the aforesaid tract of land containing 73-1/4 acres, less and except the aforesaid 33,600 sq. ft, and the tract of 11.635 acres; and,

WHEREAS, by deed dated November 13, 1948 and recorded in Deed Book No. 661, page 182 of said land records L. Frank Blevins and Dorothy Mae Blevins, his wife, conveyed to Raymond L. Warren and Mary E. Warren, his wife, as joint tenants with the common law right of survivorship, a right of way 50-feet wide along the east line of the aforesaid 9.898 acres, and therein more particularly described; and,

WHEREAS, by deed dated November 16, 1948 and recorded in Deed Book No. 661, page 186 of said land records, Raymond L. Warren and Mary E. Warren, his wife, conveyed unto William H. Sparks and Blanche Sparks, his wife, as joint tenants with the common law right of survivorship, a tract of land containing 27.8574 acres, said tract being a portion of the aforesaid 73-1/4 acres, and being shown on a plat attached to said deed, together with a 50-foot right of way running from the northeasterly corner of the said 27.8574 acre tract, along the easterly line of the aforesaid 73-1/4 acre tract to its intersection with the right of way shown on the plat attached to the deed recorded as aforesaid in Deed Book No. 593, page 227 of said land records; and,

WHEREAS, the said Raymond L. Warren departed this life, intestate, on June 15, 1954, leaving surviving him his widow, Mary E. Warren, and thereby vesting in her fee simple title to the residue of the 73-1/4 acres, heretofore described, and the 33,006 sq. ft., heretofore described, together with other land; and,

WHEREAS, the said Mary E. Warren and the said L. Frank Blevins and Dorothy Mae Blevins, his wife, are the sole owners and proprietors of the hereinafter described 50-foot rights of way, which said rights of way have been created by them for the use and benefit of the owners of those portions of the 73-1/4 acre tract as may have been heretofore conveyed, which said rights of way are located in Centreville Magisterial District, Fairfax County, Virginia, the fee simple titles to which were acquired as aforesaid, and which are more fully shown and described by metes and bounds on two plats recorded in Deed Book No. 593, page 227, and in Deed Book No. 661, page 186 of the land records of said County, both of which have been hereinbefore referred to; and,

WHEREAS, the said owners and proprietors do designate said 50-foot private rights of way as public streets and they do hereby dedicate the said 50-foot right of way shown on the plat attached to the deed recorded in Deed Book No. 593, page 227, running from the Shirley Gate Road in a westerly direction through the aforesaid Warren property, and the 50' right of way as shown on the plat attached to the deed recorded in Deed Book No. 661, page 186 of said land records, running in a northerly and southerly direction from the aforesaid land of Sparks to the first described 50-foot right of way, as public streets, all of the foregoing with the free consent of and in accordance with the desires of the parties hereto.

REFERENCE is hereby made to said deeds and plats for a further and more particular description of the rights of way hereby dedicated as public streets.

WITNESS the following signatures and seals:

Mary E. Warren (SEAL)
Mary E. Warren

L. Frank Blevins (SEAL)
L. Frank Blevins

Dorothy Mae Blevins (SEAL)
Dorothy Mae Blevins

State of Virginia,
County of Fairfax, to-wit:

I, Inez S. Coldwell, a Notary Public in and for the said State and County, do hereby certify that this day personally appeared before me in my said County, MARY E. WARREN, widow, L. FRANK BLEVINS and DOROTHY MAE BLEVINS, his wife, whose names are signed to the foregoing deed of dedication, dated July 16, 1957, and acknowledged the same before me in my said County.

My commission expires: January 23, 1960.

ATTACHMENT II

NOTICE OF INTENT TO
ADOPT AN ORDINANCE VACATING
A PART OF A PLAT ON WHICH IS SHOWN

FOREST HILL DRIVE

BRADDOCK District,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on November 21, 2023, at 4:00 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, pursuant to Virginia Code Ann. §§ 15.2-2204 and 15.2-2272, vacating a part of the Plat Showing Property of Raymond L. Warren, recorded in Deed 661, at Page 186, on which is shown as a 50' outlet road, now called Forest Hill Drive, west of the intersection of Warren Lane and Shirley Gate Road in the Braddock Magisterial District. The specific portion of the plat and current Forest Hill Drive to be vacated is shown on the plat as west of the line above the "12460" notation, and on current County tax maps as the south-westernmost point of Lot 18 to the southeasternmost point of Lot 03, a distance of 770.97 feet, adjacent to County Tax Map Parcels 056-4-03-0011, 056-4-03-0012 and 056-4-01-0018. The portion of the plat and road to be vacated also are described and shown on the metes and bounds schedules and plat prepared by Walter L. Phillips, Inc., dated September 29, 2022, both of which are on file in the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.
All persons wishing to speak on this subject may call the Office of the Clerk to the Board, (703) 324-3151, to be placed on the Speaker's List, or may appear and be heard.
BRADDOCK DISTRICT.

NOTICE OF INTENT TO ABANDON

FOREST HILL DRIVE

BRADDOCK DISTRICT,
Fairfax County, Virginia

Notice is hereby given that the Board of Supervisors of Fairfax County, Virginia, will hold a public hearing on November 21, 2023, at 4:00 PM during its regular meeting in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia, pursuant to Virginia Code Ann. §§ 15.2-2204 and 33.2-909, on the proposed abandonment of a portion of a public road known as Forest Hill Drive, located west of the intersection of Warren Lane and Shirley Gate Road in the Braddock Magisterial District. The specific portion of Forest Hill Drive to be abandoned is from the south-westernmost point of Lot 18 to the southeasternmost point of Lot 03, a distance of 770.97 feet, adjacent to County Tax Map Parcels 056-4-03-0011, 056-4-03-0012 and 056-4-01-0018. The portion of the road to be abandoned also is described and shown on the metes and bounds schedules and plat prepared by Walter L. Phillips, Inc., dated September 29, 2022, both of which are on file with the Fairfax County Department of Transportation, 4050 Legato Road, Suite 400, Fairfax, Virginia 22033, Telephone Number (703) 877-5600.
BRADDOCK DISTRICT.

ATTACHMENT III

ADOPTION OF AN ORDINANCE VACATING
A PART OF A PLAT ON WHICH IS SHOWN

FOREST HILL DRIVE

BRADDOCK District,
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Governmental Center in Fairfax County, Virginia, on November 21, 2023, at which meeting a quorum was present and voting, the Board, after conducting a public hearing upon due notice given pursuant to Virginia Code Ann. §§ 15.2-2204 and 15.2-2272, and as otherwise required by law, adopted the following ordinance, to-wit:

BE IT ORDAINED by the Board of Supervisors of Fairfax County, Virginia: that Part of the Plat Showing Property of Raymond L. Warren, recorded in Deed Book 661, at Page 186, on which is shown a 50' outlet road, now known as Forest Hill Drive, from the south-westernmost point of Lot 18 to the southeasternmost point of Lot 03, a distance of 770.97 feet, located on County Tax Maps Parcels 056-4-03-0011 and 056-4-03-0012, and adjacent to County Tax Map Parcel 056-4-01-0018, and described and shown on the metes and bounds schedules and plat prepared by Walter L. Phillips, Inc., dated September 29, 2022 and attached hereto and incorporated herein, be and the same is hereby vacated, pursuant to Virginia Code Ann. §15.2-2272.

This vacation is subject to any right, privilege, permit, license, easement, in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter, extend, increase, or decrease in size any facilities in the vacated roadway, without any permission of the landowner. As noted in the staff report, no lots will be irreparably damaged by this action.

A Copy Teste:

Jill G. Cooper
Clerk to the Board of Supervisors

ATTACHMENT IV

ORDER OF ABANDONMENT

FOREST HILL DRIVE

BRADDOCK DISTRICT
Fairfax County, Virginia

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held this 21st day of November, 2023, it was duly moved and seconded that:

WHEREAS, after conducting a public hearing pursuant to notice as required by Virginia Code §33.2-909, and after giving due consideration to the historic value, if any, of such road, the Board has determined that no public necessity exists for continuance of this road as a public road, and that the safety and welfare of the public will be served best by an abandonment,

WHEREFORE, BE IT ORDERED:

That Forest Hill Drive from the south-westernmost point of Lot 18 to the southeasternmost point of Lot 03, a distance of 770.97 feet, located on County Tax Map Parcels 056-4-03-0011 and 056-4-03-0012, and adjacent to County Tax Map Parcel 056-01-0018, and described and shown on the plat and metes and bounds schedules prepared by Walter L. Phillips, Inc. dated September 29, 2022, which are attached hereto and incorporated herein, be and the same is hereby abandoned as a public road pursuant to Virginia Code §33.2-909.

This abandonment is subject to any right, privilege, permit, license, or easement in favor of any public service company, utility, or other person or entity, including any political subdivision, whether located above, upon, or under the surface, either presently in use or of record, including the right to operate, maintain, replace, alter, extend, increase or decrease in size any facilities in the abandoned roadway, without any permission of the landowner(s). As noted in the staff report, no public necessity exists for the continuance of this portion of Forest Hill Drive.

A Copy Teste:

Jill G. Cooper
Clerk to the Board

WALTER L. PHILLIPS
INCORPORATED
ESTABLISHED 1945

Description of a portion of a 50’ Outlet Road shown on Fairfax County property map number 56-4 as Forest Hill Drive, Braddock District, Fairfax County, Virginia:

Beginning at a point in the southern terminus of a 50’ Outlet Road (shown as Forest Hill Drive), said point being the northeast corner of now-or-formerly Gesher School, Inc., as recorded in Deed Book 13043 at Page 1407, and being a common corner to now-or formerly Trinity Christian School of Fairfax, Inc. as recorded in Deed Book 25462 at Page 512 and Trinity Assembly of God Church as recorded in Deed Book 9925 at Page 346; thence with the southern terminus of said 50’ Outlet Road, the same line being the northern line of Gesher School, Inc., N 65°51'18" W, 52.72 feet to a point, said point being the southeast corner of now-or-formerly Trinity Christian School of Fairfax, Inc. as recorded in Deed Book 25462 at Page 512; thence with Trinity Christian School of Fairfax, Inc., N 05°40'32" E, 381.09 feet to a point; thence through the aforesaid 50’ Outlet Road; thence S 84°19'28" E, 50.00 feet to a point in the west line of aforesaid Trinity Christian School of Fairfax, Inc; thence with Trinity Christian School of Fairfax, Inc., S 05°40'32" W, 397.79 feet to the point of beginning and containing an area of 19,472 square feet or 0.4470 acres, more or less.

James A. Madison, Jr., LS 2764
September 29, 2022

CIVIL ENGINEERS
LAND SURVEYORS
PLANNERS
LANDSCAPE ARCHITECTS
ARBORISTS

207 PARK AVENUE
FALLS CHURCH, VA 22046
PHONE: (703) 532-6163
FAX: (703) 533-1301
WWW.WLPINC.COM

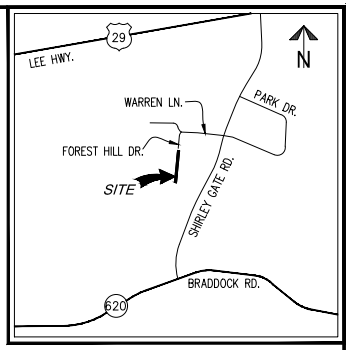
Description of a portion of a 50’ Outlet Road shown on Fairfax County property map number 56-4 as Forest Hill Drive, Braddock District, Fairfax County, Virginia:

Beginning at a point in the southern terminus of a 50’ Outlet Road (shown as Forest Hill Drive), said point being the northeast corner of now-or-formerly Gesher School, Inc., as recorded in Deed Book 13043 at Page 1407, and being a common corner to now-or formerly Trinity Christian School of Fairfax, Inc. as recorded in Deed Book 25462 at Page 512 and Trinity Assembly of God Church as recorded in Deed Book 9925 at Page 346; thence with the southern terminus of said 50’ Outlet Road, the same line being the northern line of Gesher School, Inc., N 65°51'18" W, 52.72 feet to a point, said point being the southeast corner of now-or-formerly Trinity Christian School of Fairfax, Inc. as recorded in Deed Book 25462 at Page 512; thence with Trinity Christian School of Fairfax, Inc., N 05°40'32" E, 381.09 feet to the True Point of Beginning; thence with Trinity Christian School of Fairfax, Inc., N 05°40'32" E, 380.00 feet to a point, said point being the southeast corner of now-or-formerly James E. Blevens as recorded in Deed Book 18730 at Page 810; thence through the aforesaid 50’ Outlet Road, S 76°33'45" E, 50.46 feet to a point in the west line of aforesaid Trinity Christian School of Fairfax, Inc; thence with Trinity Christian School of Fairfax, Inc; S 05°40'32" W, 373.18 feet to a point; thence through the aforesaid 50’ Outlet Road, N 84°19'28" W, 50.00 feet the True Point of Beginning and containing an area of 18,830 square feet or 0.4323 acres, more or less.

James A. Madison, Jr., LS 2764
September 29, 2022

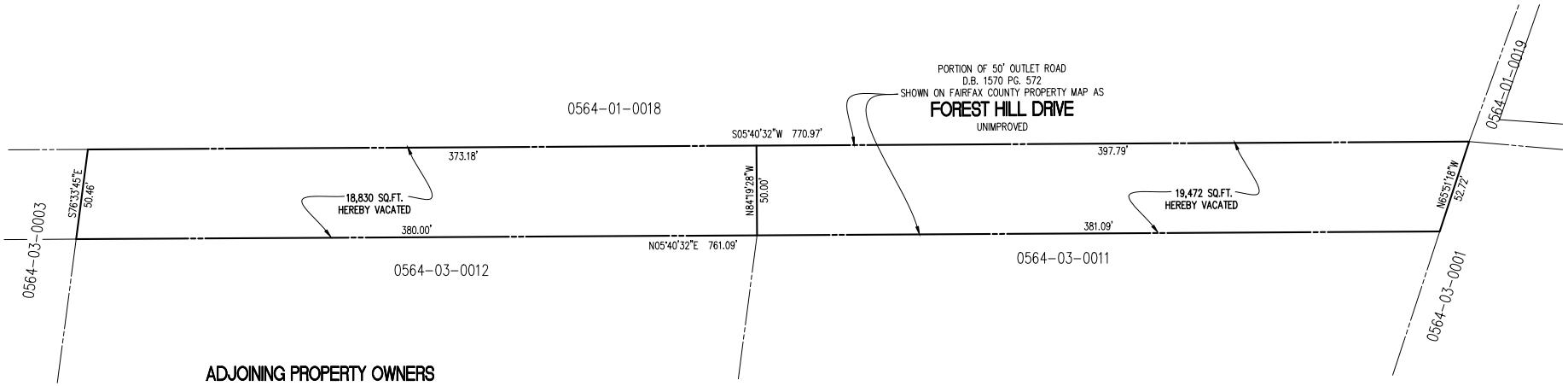
CIVIL ENGINEERS
LAND SURVEYORS
PLANNERS
LANDSCAPE ARCHITECTS
ARBORISTS

207 PARK AVENUE
FALLS CHURCH, VA 22046
PHONE: (703) 532-6163
FAX: (703) 533-1301
WWW.WLPINC.COM



VICINITY MAP SCALE: 1"=2000'

TRUE NORTH



ADJOINING PROPERTY OWNERS

TAX MAP REF. NO.	OWNER	DEED BOOK	PAGE
0564-01-0018	TRINITY CHRISTIAN SCHOOL OF FAIRFAX, INC.	25462	512
0564-01-0019	*TRINITY ASSEMBLY OF GOD CHURCH	9925	346
0564-03-0001	GESHER SCHOOL, INC.	13043	1407
0564-03-0003	JAMES E. BLEVINS	18730	810
0564-03-0011	TRINITY CHRISTIAN SCHOOL OF FAIRFAX, INC.	25462	512
0564-03-0012	TRINITY CHRISTIAN SCHOOL OF FAIRFAX, INC.	25462	512

* SHOWN IN FAIRFAX COUNTY RECORDS AS:
JUBILEE CHRISTIAN CENTER

NOTES:

1. THE PROPERTY DELINEATED ON THIS PLAT IS SHOWN ON FAIRFAX COUNTY AS TAX MAP 0564 AND IS ZONED R-C (PER FAIRFAX COUNTY MAPS).
2. THERE ARE NO RPAS LOCATED ON THIS SITE PER CHESAPEAKE BAY PRESERVATION AREA MAP #56-4 DATED AUGUST 1, 2005.
3. THIS PLAT IS BASED ON EXISTING RECORDS.

PLAT SHOWING
VACATION OF A PORTION OF A 50' OUTLET ROAD
DEED BOOK 1570 PAGE 572
SHOWN AS
FOREST HILL DRIVE
BRADDOCK DISTRICT
FAIRFAX COUNTY, VIRGINIA

WALTER L. PHILLIPS INCORPORATED ESTABLISHED 1945
Engineers • Surveyors • Planners
Landscape Architects • Arborists
207 PARK AVENUE
FALLS CHURCH, VIRGINIA 22046
(703) 532-6163 Fax (703) 533-1307
www.WLPINC.com

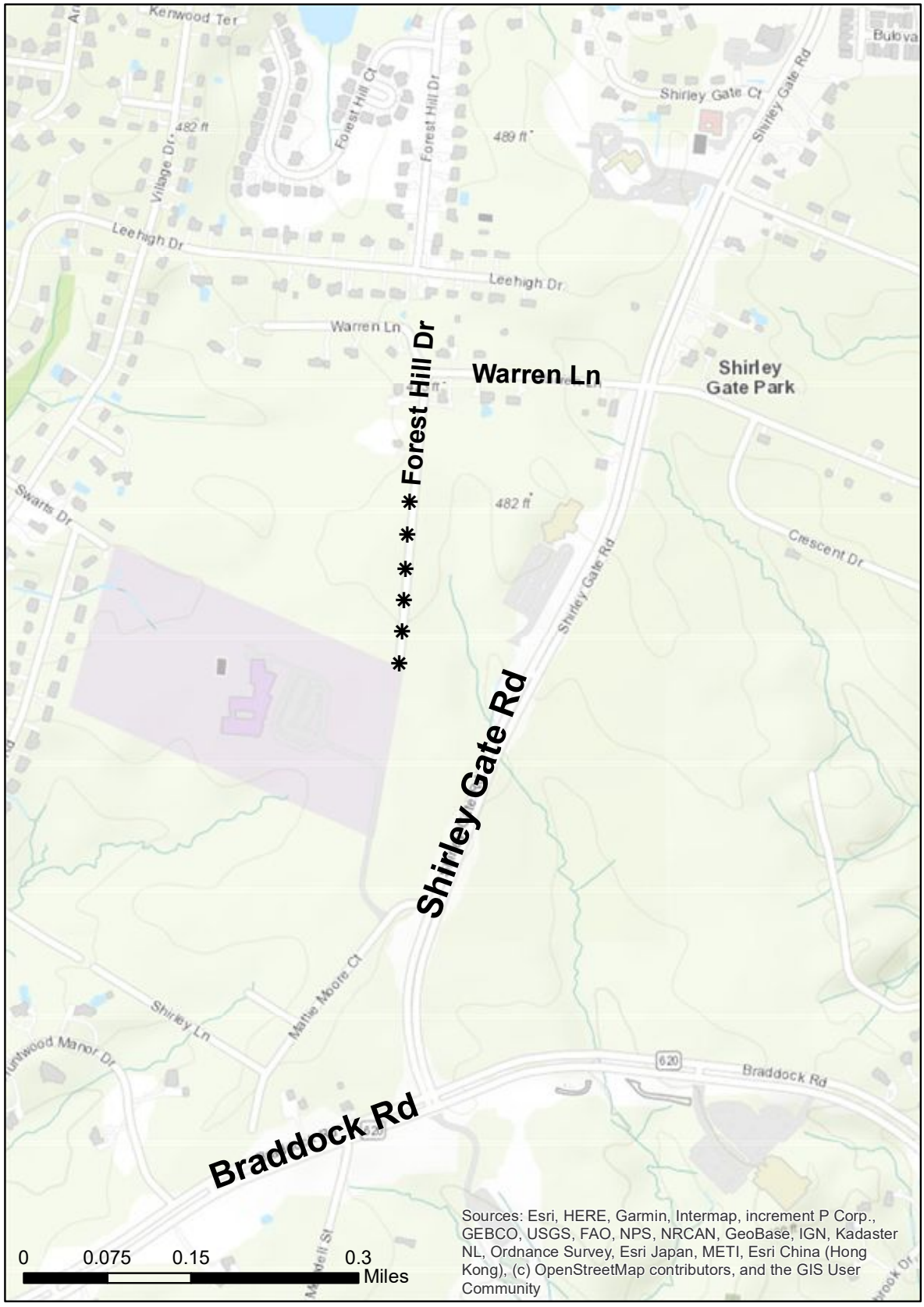
COMMONWEALTH OF VIRGINIA
DRAFT
JAMES A. MADISON, JR.
Lic. No.2764
09.29.2022
LAND SURVEYOR

SCALE: 1" = 40' | DATE: SEPTEMBER 29, 2022 | SHEET: 1 OF: 1

FILE NO.: FQ-15 TAX MAP NO.: 0564 JOB NO.: 17-032 REFERENCE: DWG FILE NAME: 17032V-01

Forest Hill Drive Vacation and Abandonment

Braddock District



N

Tax Map 56-4

✱ Denotes Area to be Vacated and Abandoned

Board Agenda Item
November 21, 2023

4:00 p.m.

Public Hearing on the Acquisition of Certain Land Rights Necessary for the Construction of Innovation Station North Neighborhood Access Shared Use Path (Dranesville District)

ISSUE:
Public Hearing on the acquisition of certain land rights necessary for the construction of Project ST-000048-000, Innovation Station North Neighborhood Access Shared Use Path (SUP), in Fund 400010, County and Regional Transportation Projects.

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors (Board) adopt the attached resolution authorizing the acquisition of the necessary land rights.

TIMING:
On October 24, 2023, the Board authorized advertisement of a public hearing to be held on November 21, 2023, commencing at 4:00 p.m.

BACKGROUND:
The Innovation Station North Neighborhood Access SUP consists of constructing a ten-foot wide, approximately 1,920 linear feet long, shared use path to connect the new Innovation Metrorail Station Kiss and Ride Parking Lot to residential neighborhoods at Farougi Court and Apgar Place. The project will construct two new pedestrian bridges over Horsepen Creek and will include lighting along the new path.

Land rights for these improvements are required on six properties; five of which have been acquired by the Land Acquisition Division (LAD). The construction of the project requires the acquisition of a Trail Easement and a Grading Agreement and Temporary Construction Easement on the remaining property.

Negotiations are in progress with the owner of the remaining property; however, because resolution of these acquisitions is not imminent, it may become necessary for the Board to utilize quick-take eminent domain powers to commence construction of this project on schedule. These powers are conferred upon the Board by statute, namely, *Va. Code Ann. Sections 15.2-1901 through 15.2-1905* (as amended).

Pursuant to these provisions, a public hearing is required before property interests can be acquired in such an accelerated manner.

EQUITY IMPACT:
The project area is located within two Census blocks with an Average to High Vulnerability level according to the Fairfax County Vulnerability Index. More than 2 percent of the population has no vehicle. Between 2.43-5.77 percent of the renter population is severely burdened and more than 43.8 percent of the residents are in a low-income occupation.

This action aligns with multiple focus areas of the One Fairfax Policy. Construction of the proposed walkway supports focus area 2, safely connecting more housing units, most notably those in mixed-use areas, to multiple modes of transport. Improved walkability ensures that focus area 8's goal is furthered by improving the quality of life for everyone in the neighborhood by providing a safe, well-maintained travel route between neighborhoods. The overall goal of the project aligns with focus area 11's guidance to protect existing stable neighborhoods and green spaces, and thereby allow residents to access transportation modes which promotes employment opportunities, housing, amenities and services for all. Finally, the project promotes focus area 14's goal of providing a multi-modal transportation system that supports the economic growth, health, congestion mitigation, and prosperity goals of Fairfax County and provides accessible mobility solutions that are based on the principles associated with sustainability, diversity, and community health.

The LAD project locations are chosen by other departments, resulting in the division's necessity to focus on equity of process. The equity impact of the LAD process is positive, with the focus of cost evaluation, offer and negotiation being on tax assessment and comparable land sales rather than on the owner of record. LAD staff engage property owners in their preferred method of communication and at times that are agreeable to the owner. The Division provides transparency of practice and attempts to offer reasonable language and disability accommodation from the start of the acquisition process.

As a result of both the project location and design, as well as the process to obtain land rights, the overall impact of this action provides a positive equity impact.

FISCAL IMPACT:
Funding is available in Project ST-000048, Innovation Station North Neighborhood Access in Fund 40010, County and Regional Transportation Projects. This project is included in the FY 2024 – FY 2028 Adopted Capital Improvements Program (with future

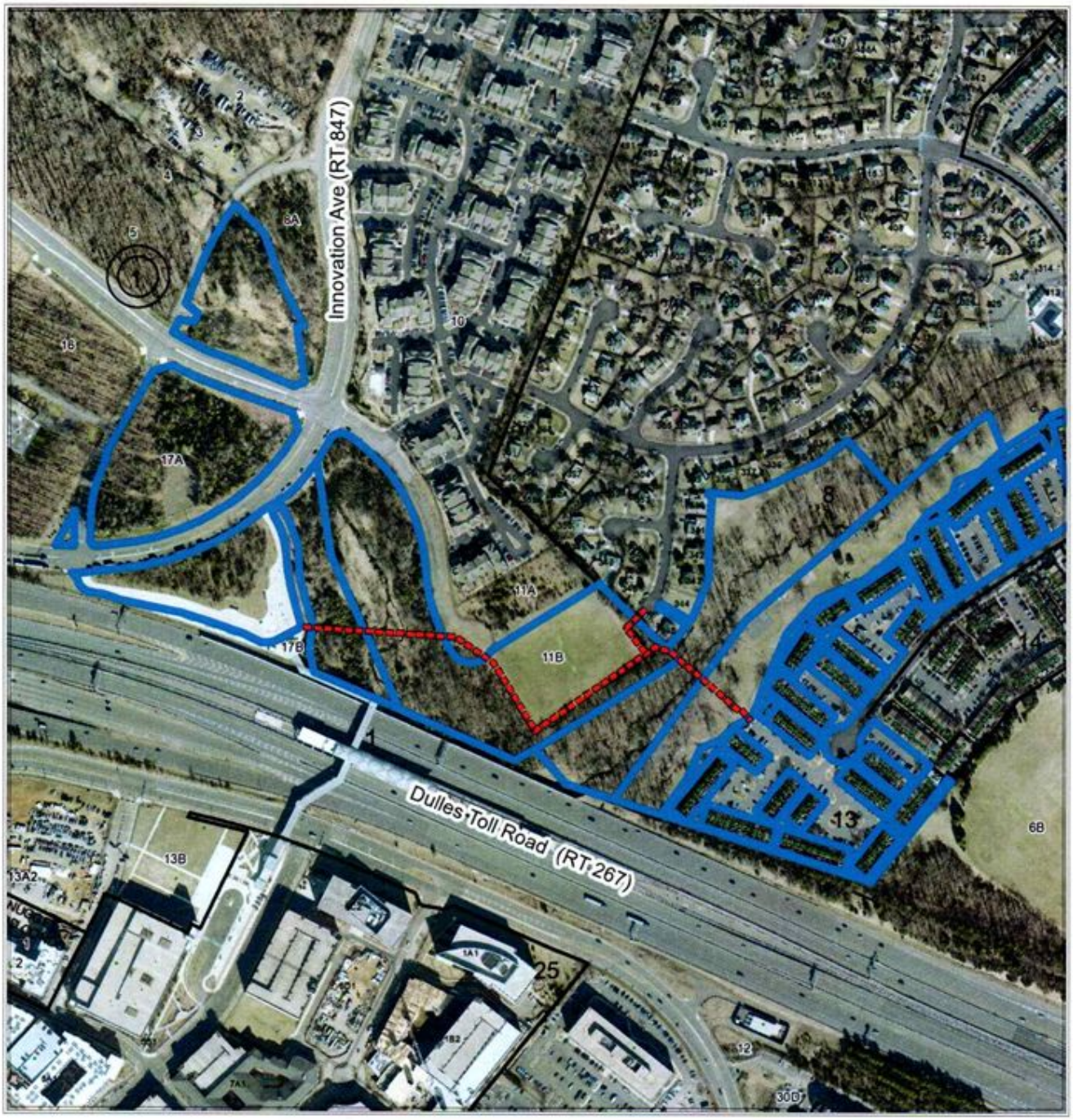
fiscal years to FY 2033) and is included in the Board's Transportation Priorities Plan (TPP) adopted on January 28, 2014, and as amended on December 3, 2019. No additional funding is being requested from the Board.

ENCLOSED DOCUMENTS:
Attachment A – Project Location Map
Attachment B – Resolution with Fact Sheets on the affected parcels with plats showing interests to be acquired (Attachment 1A).

STAFF:
Rachel Flynn, Deputy County Executive
Christopher Herington, Director, Department of Public Works and Environmental Services (DPWES)
Carey F. Needham, Deputy Director, Capital Facilities, DPWES
Gregg Steverson, Acting Director, Fairfax County Department of Transportation

ASSIGNED COUNSEL:
Randall Greehan, Assistant County Attorney

Attachment A



INNOVATION STATION NORTH NEIGHBORHOOD ACCESS

PROJECT #: ST-000048-000

Tax Map: 015-2 & 016-1 **Dranesville District**

Affected Properties:

Proposed Improvements:

0 5 10 20 Miles



ATTACHMENT B

RESOLUTION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at 12000 Government Center Parkway, Fairfax, Virginia, on Tuesday, November 21, 2023, at which meeting a quorum was present and voting, the following resolution was adopted:

WHEREAS, Project ST-000048-000, Innovation Station North Neighborhood Access Shared Use Path has been approved by the Board; and

WHEREAS, most of the property interests that are necessary for the public shared use path Project have been acquired by the Land Acquisition Division; and

WHEREAS, the Land Acquisition Division has not yet been able to obtain the property interests necessary on Tax Map Parcel 115-2-01-0017-A; and

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

WHEREAS, in order to keep this project on schedule, it is necessary that all required property interests be acquired not later than December 30, 2023.

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

RESOLVED, this Board hereby declares it necessary to acquire the said property and property interests and that this Board intends to enter and take the said property interests for the purpose of this public project which consists of constructing a

ten-foot wide, approximately 1,920 linear foot long shared use path to connect the new Innovation Metrorail Station Kiss and Ride Parking Lot to residential neighborhoods at Farougi Court and Apgar Place. The project will construct two new pedestrian bridges crossing over Horsepen Creek and includes lighting along the new path as shown and described in the plans of Project ST-000048-000, Innovation Station North Neighborhood Shared Use Path, on file in the Land Acquisition Division of the Department of Public Works and Environmental Services, 12000 Government Center Parkway, Suite 449, Fairfax, Virginia; and be it further.

RESOLVED, that this Board does hereby exercise those powers granted to it by the *Code of Virginia* and does hereby authorize and direct the Director, Land Acquisition Division, on or after December 21, 2023, unless the required interests are sooner acquired, to execute and cause to be recorded and indexed among the land records of this County, on behalf of this Board, the appropriate certificates in accordance with the requirements of the *Code of Virginia* as to the property owners, the indicated estimate of fair market value of the property and property interests and/or damages, if any, to the residue of the affected parcels relating to the certificates; and be it further

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

LISTING OF AFFECTED PROPERTIES
Project ST-000048-000 – Innovation Station North Sub
(Dranesville District)

PROPERTY OWNER(S)	TAX MAP NUMBER
1. Origami RE Growth GP, LLC Address: 2205 Rock Hill Road Herndon, VA 20170	0152-01-0017A [aka 015-2-01-0017A]

A Copy – Teste:

_____
Jill G. Cooper
Clerk to the Board of Supervisors

ATTACHMENT 1

AFFECTED PROPERTY

Tax Map Number: 0152-01-0017A

Street Address: NA

OWNER(S): Origami RE Growth GP, LLC

INTEREST(S) REQUIRED: (As shown on attached plat/plan [Attachment 1A])

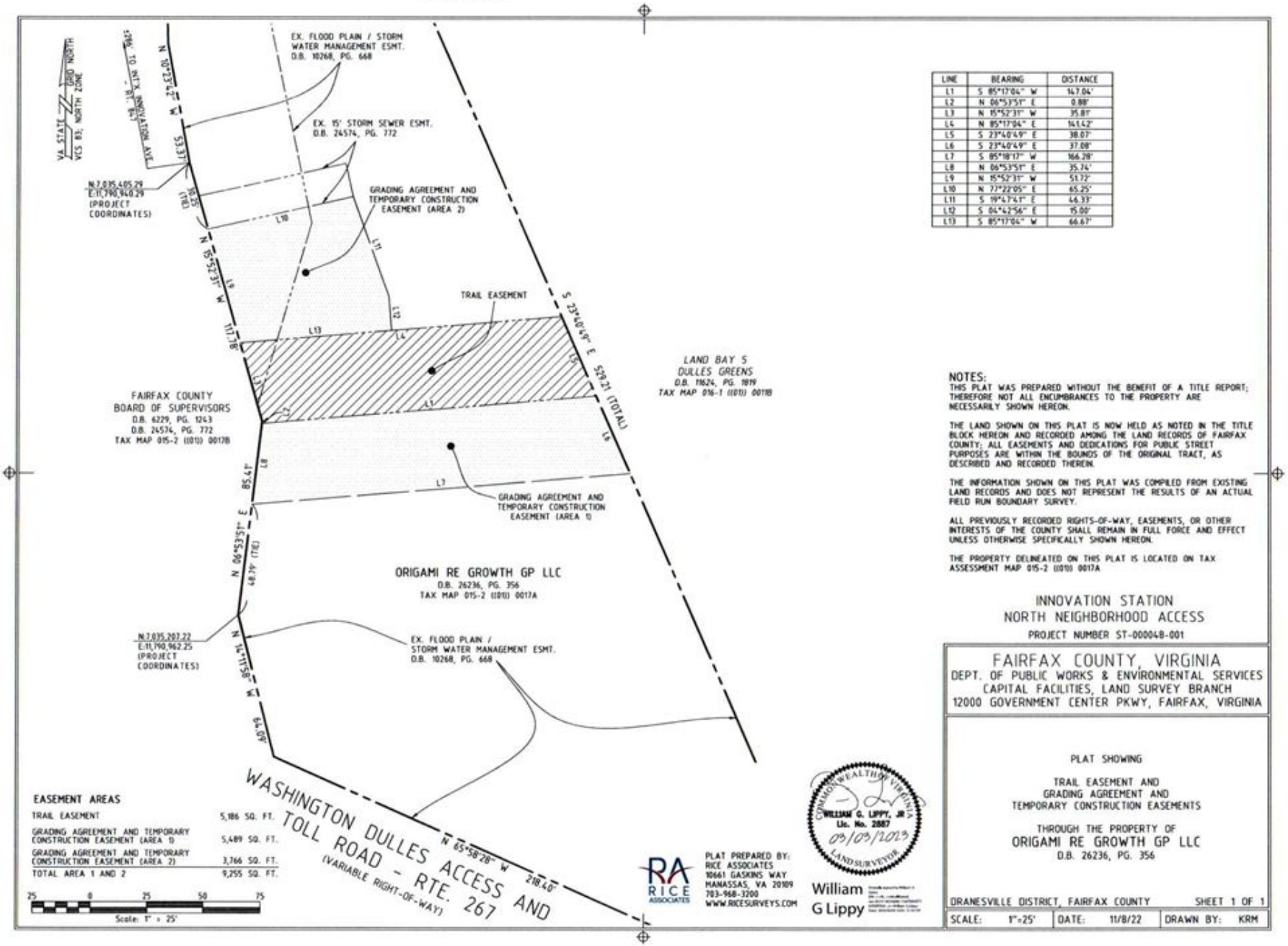
Trail Easement – 5,186 SF
Grading Agreement and Temporary Construction easement – 9,255 SF

VALUE

Estimated value of interests and damages:

ONE HUNDRED NINETY-NINE THOUSAND FIVE HUNDRED DOLLARS ($199,500.00)

Attachment 1A



LINE	BEARING	DISTANCE
L1	S 85°17'04" W	147.04'
L2	N 06°53'51" E	0.88'
L3	N 15°52'31" W	35.81'
L4	N 85°17'04" E	141.42'
L5	S 23°40'49" E	38.07'
L6	S 23°40'49" E	37.08'
L7	S 85°18'17" W	166.28'
L8	N 06°53'51" E	35.74'
L9	N 15°52'31" W	51.72'
L10	N 77°22'05" E	65.25'
L11	S 19°43'41" E	46.33'
L12	S 04°42'56" E	15.00'
L13	S 85°17'04" W	66.67'

NOTES:
THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT; THEREFORE NOT ALL ENCUMBRANCES TO THE PROPERTY ARE NECESSARILY SHOWN HEREON.

THE LAND SHOWN ON THIS PLAT IS NOW HELD AS NOTED IN THE TITLE BLOCK HEREON AND RECORDED AMONG THE LAND RECORDS OF FAIRFAX COUNTY; ALL EASEMENTS AND DEDICATIONS FOR PUBLIC STREET PURPOSES ARE WITHIN THE BOUNDS OF THE ORIGINAL TRACT, AS DESCRIBED AND RECORDED THEREIN.

THE INFORMATION SHOWN ON THIS PLAT WAS COMPILED FROM EXISTING LAND RECORDS AND DOES NOT REPRESENT THE RESULTS OF AN ACTUAL FIELD RUN BOUNDARY SURVEY.

ALL PREVIOUSLY RECORDED RIGHTS-OF-WAY, EASEMENTS, OR OTHER INTERESTS OF THE COUNTY SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS OTHERWISE SPECIFICALLY SHOWN HEREON.

THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON TAX ASSESSMENT MAP 015-2 ((01)) 0017A

INNOVATION STATION
NORTH NEIGHBORHOOD ACCESS
PROJECT NUMBER ST-000048-001

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

PLAT SHOWING

TRAIL EASEMENT AND
GRADING AGREEMENT AND
TEMPORARY CONSTRUCTION EASEMENTS

THROUGH THE PROPERTY OF
ORIGAMI RE GROWTH GP LLC
D.B. 26236, PG. 356

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

COMMONWEALTH OF VIRGINIA
WILLIAM G. LIPPY, JR
Lic. No. 2887
09/09/2013
LAND SURVEYOR

William G Lippy

DRANESVILLE DISTRICT, FAIRFAX COUNTY SHEET 1 OF 1

SCALE: 1"=25'	DATE: 11/8/22	DRAWN BY: KRM

Board Agenda Item
November 21, 2023

4:00 p.m.

Public Hearing on Proposed Plan Amendment 2022-I-B1, in the Baileys Crossroads Community Business Center, Sub-Unit B-5, Located South of Leesburg Pike, and East of Carlin Springs Road (Mason District)

ISSUE:
Plan Amendment (PA) 2023-II-M1 considers an amendment to Sub-unit B-5 of the Baileys Crossroads Community Business Center (CBC). The property is currently developed with retail and commercial uses and is planned for a mix of residential, office and retail uses with building heights ranging from 3-6 stories. The amendment considers adding an option for a mix of uses at an intensity up to 2.5 FAR with building heights up to 14 stories. The proposed mix includes up to 1,390 multi-family residential units, and up to 65,000 square feet of community serving retail uses.

PLANNING COMMISSION RECOMMENDATION:
On October 25, 2023, the Planning Commission voted 11-0 to recommend to the Board of Supervisors the adoption of the staff recommendation for Plan Amendment 2022-I-B1, as found on page 12 of the staff report dated October 1, 2023, with corrections made to the Development Potential table, as shown in the handout dated October 25, 2023

RECOMMENDATION:
The County Executive recommends that the Board of Supervisors adopt the Planning Commission recommendation.

TIMING:
Planning Commission public hearing – October 25, 2023.
Board of Supervisors' public hearing – November 21, 2023.

BACKGROUND:
On May 10, 2022, the Board of Supervisors authorized consideration of a Comprehensive Plan amendment for Sub-Unit B-5 of the of the Baileys Crossroads Community Business Center (CBC), in the Mason Supervisor District.

The adopted Plan for this area recommends "village scale" mixed-use development consisting of multifamily and townhouse residential uses and community-serving

commercial uses with an overall FAR of 1.0-1.5. Buildings are planned to be up to six stories in height, with an option for up to seven stories if all of Land Units B-4 and B-5 are consolidated. The amendment considers adding an option for a mix of uses at an intensity up to 2.5 FAR with building heights up to 14 stories along Leesburg Pike with a transition to building heights up to 5 stories along Seminary Road. The proposed mix includes up to 1,390 multi-family residential units, and up to 65,000 square feet of community serving retail uses. The proposed Plan amendment does not change the land use or density for the Carousel Court Apartments, on the south side of Seminary Road.

EQUITY IMPACT:
Staff undertook an inclusive community engagement approach informed by the demographics and languages spoken in the area. Adoption of this proposed Plan amendment would further the county's equity initiatives related to provision of more affordable housing insofar as the proposal results in additional housing in a variety of types and sizes. The Plan amendment would also contribute to the supply of affordable units provided consistent with the ADU ordinance and workforce housing policy. An important characteristic of this community is access to businesses that serve diverse needs. The current businesses in the area, such as the Food Star, and other small businesses serve lower income and ethnically diverse communities. Redevelopment should focus on including retail to limit the potential impacts of displacing existing services.

FISCAL IMPACT:
None.

ENCLOSED DOCUMENTS:
The Planning Commission Meetings Video Archive available online at:
https://www.fairfaxcounty.gov/cableconsumer/channel-16/planning-commission-meetings-video-archives

The Staff Report for PA 2022-II-B1 has been previously furnished and is available online at:
https://www.fairfaxcounty.gov/planning-development/plan-amendments/staff-reports

Board Agenda Item
November 21, 2023

STAFF:
Tracy Strunk, Director, Department of Planning and Zoning (DPD)
Leanna O'Donnell, Director, Planning Division (PD), DPD
Clara Johnson, Branch Chief, Monitoring & Plan Development Branch, PD, DPD
David Huaman, Planner II, Monitoring & Plan Development Branch, PD, DPD

Board Agenda Item
November 21, 2023

4:00 p.m.

Public Comment on Issues of Concern