



# County of Fairfax, Virginia

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

## Board of Supervisors Transportation Committee

July 9, 2019

Government Center, Conference Room 11

### Board of Supervisors Members Present:

Sharon Bulova, Chairman  
John Foust, Dranesville District (Committee Chair)  
Penelope Gross, Mason District (Vice Chairman)  
John Cook, Braddock District  
Pat Herrity, Springfield District  
Catherine Hudgins, Hunter Mill District  
Jeff McKay, Lee District  
Kathy Smith, Sully District  
Linda Smyth, Providence District  
Dan Storck, Mount Vernon District

### County Leadership:

Bryan Hill, County Executive  
Rachel Flynn, Deputy County Executive  
Beth Teare, County Attorney

### Transportation Advisory Commission:

Jeffrey M. Parnes (Chair)

Link to agenda and presentation materials:

<https://www.fairfaxcounty.gov/boardofsupervisors/board-supervisors-transportation-committee-meeting-july-9-2019>

Supervisor Foust called the meeting to order at 9:30 a.m.

### 1. Approval of Minutes

The minutes of the March 26, 2019, meeting were accepted with no changes.

### 2. Comments on the Storm/Flood Impacts on the County

On Monday, July 8, 2019, the Washington region and Fairfax County experienced a severe weather event with record setting rain, a strong thunderstorm and dangerous flash floods. County Executive Bryan Hill thanked the County and VDOT staff for their effort during the storm. He stated that Fairfax County had 56 swift water rescues in one hour. He directed County staff to look at areas that have repeated flooding issues and the solutions to fix them.

The new Huntington levee in the Mt. Vernon District performed well during the storm. The levee was designed to protect about 160 homes in the Huntington neighborhood near the Huntington Metrorail Station from flooding from Cameron Run. Supervisor Foust thanked Mr. Hill, the County staff, Allison Richter and her staff at VDOT for their work and support. Supervisor Gross stated that the County needs to send more information to residents regarding floodplains and flash floods. Supervisor Smyth stated that Prosperity Road and Woodburn Road have a history of road flooding, and they need to be fixed.

Chairman Bulova commended Seamus Mooney, Director, Emergency Management, for his outstanding job of delivering timely information about the situation. She stated that the levy performed very well and was proud of the way that the County and VDOT staff responded to the storm. Supervisor Storck thanked the Board for getting the levy built to protect the people. He reminded the Board that the people in New Alexandria also face the same challenge due to their low-level geography. Mr. Hill asked Tom Biesiadny, FCDOT Director, for a list of new projects that are located in the stream areas. Mr. Biesiadny responded that there are several projects listed in the Transportation Priorities Plan, for example the Old Courthouse Road and Burke Road projects, that are specifically designed to raise the roads out of the stream valleys, due to routine floods and similar incidents. Staff will continue to work on the stormwater issues with new projects as funding becomes available. Supervisor Foust stated that stormwater is a very important issue and the County needs to address it. Supervisor Hudgins stated that the Board needs to recognize that sometimes there is opposition to what the Board is trying to plan regarding the stormwater issues.

### **3. Scooter Legislation**

Noelle Dominguez and Chris Wells, FCDOT, Rebecca Makely, Department of Consumers and Cable Services, and Joanna Foust, Office of the County Attorney, briefed the Committee on the General Assembly's scooter legislation. During the 2019 General Assembly session, legislation allowing the use and regulation of scooters was passed. Fairfax County must take action to implement such regulation by January 1, 2020. County staff proposed an ordinance and a program similar to neighboring jurisdictions, while still addressing issues distinctive to Fairfax County. The Department of Cable and Consumer Services will regulate and control licensing of the scooter program. The proposed ordinance will address the number of vehicles per company, speed limit, fees, licensing and enforcement, and any other relevant issues.

Supervisor Foust questioned the reasons for the speed limit of 15 miles per hour (mph). He suggested staff to lower the speed limit to 10 mph for safety reasons. Mr. Wells replied that the speed limits in the Washington region varied from 10 to 15 mph, and staff is seeking the Board's comments. Supervisor McKay asked whether a bill passed by the General Assembly regarding laws for bicycles would automatically be applied to scooters in the Code of Virginia. Ms. Dominguez replied that the bill was incorporated into the Code, and various sections where bicycles were mentioned added references to motorized skateboards and scooters. If there was a new Code section, it would probably have to add in skateboards and scooters, but for existing Code sections, the changes would be applicable to them as well. Supervisor McKay stated that it is important that the same rules be applied consistently to bicycles and scooters. Supervisor Herrity suggested checking if the rules would apply to motorized or electric powered bicycles.

Ms. Dominguez answered this question, stating that Code sections that reference bicycles, scooters, and various vehicles, the language does also reference electric powered bicycles.

Supervisor Smyth asked about the restriction of scooters on designated sidewalks. Mr. Wells replied that the Board has the authority to restrict the use of scooters on designated sidewalks, but they will have to be signed. Owners of private sidewalks can prohibit scooters on their property. Accident data will be collected from the scooter companies and provided to the County. Supervisor Cook asked, if once the Board enacts an ordinance, whether the amendments must be limited within the scope of the regulation? Ms. Dominguez replied that any amendments have to be within the scope limits of the bill, and the same regulation that applied to the bicyclists would also apply to the scooter riders. Mr. Biesiadny stated that for example, the Board can amend the speed limit in the initial ordinance, if the Board decided that the speed limit was not the right speed. The General Assembly allowed the Board to have the authority to amend regulations that were given under the bill. Regarding the speed limit, the regulation stated that scooters cannot go above 20 mph, and the operators have the technical ability to regulate the speed allowed on scooters.

Supervisor McKay clarified that if the Board does not adopt an ordinance by January 1, 2020, then the scooter operators can do whatever they want for a period of time until the Board adopted a regulation within the limits of the bill. The Board can adopt an ordinance before January 1, 2020, to regulate the use of scooters and can amend it later as needed.

Supervisor McKay noted that there is no age limit for operating a bicycle. He asked if there are any limits for motorized scooters. Mr. Wells replied that the code currently requires that scooter users must be 14 years old or older. Supervisor McKay asked if there are other additional discrepancies between the regulation for bicycles and scooters. He asked staff to check with the City of Alexandria regarding the requirement for scooter companies to pick up all the scooters in the event of a weather-related emergency. He also asked if there are any solutions to the problem of people abandoning scooters on sidewalks, obstructing sidewalks and trespassing. Ms. Dominguez replied that there is language in the new code that addresses those problems. Mr. Wells stated that staff can learn from other local jurisdictions regarding their experience and best practices for the pilot program. Supervisor Gross asked how staff would respond to the issue of scooters being abandoned at bus stops. Mr. Wells stated that County staff is trying to work with the City of Fairfax and the Washington Metropolitan Area Transit Authority (WMATA) regarding this issue. Supervisor Smith recommended advertising the public hearing sooner than the proposed December 3, 2019, hearing to give the Board some flexibility due to the timing schedule. Staff will look into the timing issue.

Supervisor Herrity asked if the limit of the maximum number of scooters, 500, and the increment of 25 scooters at a time, are appropriate for Fairfax County. Mr. Wells responded that the numbers are based on the policies of other local jurisdictions. Ms. Dominguez stated that staff recommended the lower numbers in anticipation of a high concentration of scooters in certain areas of the County. The Board has the ability to amend the regulation. Supervisor Herrity questioned the requirement of having a company establish their operation in the center of the

region. Supervisor Storck asked what the reasons are for having a limited number of devices. Mr. Wells replied that there are issues of clutter, obstruction and abandonment of unused scooters. Supervisor Storck disagreed about having a restriction of the number of scooters and that the focus should be about managing the outcome. Mr. Hill suggested having another meeting about scooters at a future meeting. Supervisor Storck asked how to utilize this new transportation device and have them available throughout the County, how the private property owners would regulate, and the issuance of a surety bond. Mr. Biesiadny responded that private property owners would have the ability to regulate as they choose, and anything that the Board would put in place would not restrict their ability.

Regarding the surety bond of \$5,000, Ms. Makely replied that the surety bond would be paid to the County, if the County had to incur any costs associated with the scooters. For example, whether there was damage to County properties, or the removal of the devices in the event that the County has to take action. Those expenses will be drawn down from the surety bond, and the company must replenish it. Staff will look at the issue of liability. Chairman Bulova stated that she was supportive of the program that staff had proposed and with the ability for the Board to amend the program at a later day.

#### **4. Transportation Priorities Plan**

Ray Johnson, FCDOT, updated the committee on the Transportation Priorities Plan. Due to the General Assembly legislation that includes \$154 million for WMATA's state of good repair, \$102 million of the \$154 million was diverted annually from existing local and regional resources. The financial impact of this legislation on Fairfax County's TPP is approximately \$45 to \$50 million per year. In July 2018, staff notified the Committee that there will be no available revenue for new projects, and project schedules would likely be adjusted. There will be no funding for new projects. Additionally, there have been increases on existing project cost estimates. Schedules for some existing large and small TPP projects will be extended perhaps beyond FY 2025. There are no previously approved projects in the TPP being cancelled, unless otherwise discussed with the Board. The funding outlook for summer 2019 includes new revenue for FY 2019-2025. These new revenues include Northern Virginia Transportation Authority (NVTA) FY 2024-2025 regional revenues. Fairfax County is expected to benefit by approximately \$8 million per year, or \$48 million total, from the \$100 million that NVTA receives for FY 2020-2025 pursuant to HB 2718 (Landes)/SB 1716 (Obenshain), the Interstate 81 funding bill passed in 2019. The total proposed funding for FY 2019-2025 is approximately \$3.167 billion, and the total proposed TPP funding before the impact was \$3.58 billion, a \$416.1 million difference. Staff has proposed to defer projects beyond FY 2025 to offset the \$416 million deficit. Staff provided a detailed list of projects and their various phases that are going to be deferred and highlighted the changes from the 2014 TPP project list.

Supervisor McKay asked about the total cost of the Frontier Drive Extension project. Mr. Biesiadny replied that the full cost is about \$63 million, but it was not built into the six-year period, and that additional funding would be added to the project. Supervisor McKay asked

about the shelf life of the design projects, due to deferring of those projects for the lack of funding. Mr. Biesiadny replied that a typical shelf life is about three years. He stated that by continuing those design projects, it is anticipated that within the next five years, the funding situation would change. Staff would be in a better position to move forward with those projects when funding became available, rather than starting from the beginning. Supervisor McKay also stated that identifying the sources of funding is important, especially for the state funding projects. How and why those projects are on the deferred list needed to be explained. Supervisor Gross asked about what the time limit is for a project staying on the discontinued list. For example, the Columbia Pike Streetcar project. Mr. Biesiadny stated it can be taken off the list. Staff is looking for the Board's feedback regarding the TPP list by the end of this year.

#### **5. Silver Line Phase 2 Implementation**

Due to time constraints, the presentation on the Silver Line Phase 2 Implementation was postponed to the next meeting.

The meeting adjourned at 11:05 a.m. The next Transportation Committee meeting is scheduled for September 10, 2019, at 1:30 p.m.