



## ARLINGTON COUNTY, VIRGINIA

**County Board Agenda Item  
Meeting of September 25, 2010**

**DATE:** September 01, 2010

**SUBJECT:** Approval of an Amendment to Right-of-Way Permit RW-3300-05-001, Issued by the United States Department of the Interior, National Parks Service, to the County Board of Arlington County, Virginia, as part of the Potomac Interceptor Sanitary Sewer Project.

**C. M. RECOMMENDATION:**

1. Approve the attached Amendment Number 01 to Right-of-Way Permit RW-3300-05-001; and
2. Authorize the Engineering Bureau Chief, Engineering and Capital Projects Division, to accept and execute the attached Amendment Number 01 to Right-of-Way Permit RW-3300-05-001 and all related documents necessary for the permit, subject to approval as to form of all documents by the County Attorney.

**ISSUES:** This Board Report requests the approval of an amendment to a right-of-way permit issued by the National Parks Service to Arlington County, Virginia. No issues have been identified regarding this matter.

**SUMMARY:** The National Parks Service issued a right-of-way permit to Arlington County in 2005 for the construction of portions of the Potomac Interceptor Sewer System Improvements Project on portions of the land known as U.S. Reservation 404V, George Washington Memorial Parkway, which land is owned by the National Parks Service. The subject Amendment, attached hereto as Attachment 1, amends that right-of-way permit by: 1) extending the expiration of the initial construction period to June 30, 2012; and 2) authorizing the County to relocate an existing electrical duct bank, in the vicinity of Memorial Drive, in order to move the duct bank from the anticipated path of the new interceptor.

**BACKGROUND:** The Potomac Interceptor Sewer System Improvements Project (the "PI Project") includes the construction of a major sanitary sewer that will serve the east-central portion of Arlington County, including the Ballston-Courthouse-Rosslyn metro corridor. The PI Project is designed to eliminate surcharging and overflows that have occurred in this portion of

County Manager:

County Attorney:

Staff: Michael Halewski – DES-Real Estate Bureau

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the existing sanitary sewer system, and to provide increased capacity for anticipated future development of the corridor. The PI Project includes the construction of a 48-inch sanitary sewer parallel to existing sanitary sewer facilities from Rosslyn, through portions of the George Washington Memorial Parkway Reservation and Arlington National Cemetery, to Columbia Pike.

In February 2005, the County Board approved the acceptance of Right-of-Way Permit RW-3300-05-001 (the "Original Permit") from the National Parks Service, authorizing the County to construct and install portions of the PI Project on land owned or controlled by the NPS. The Original Permit was executed on behalf of the County Board on April 29, 2005. The Original Permit authorizes that County to conduct construction activities within the right-of-way for five years from the date of issuance. The two portions of the National Parks Service's land on which construction of the Potomac Interceptor are to occur are located: 1) between the Marine Corp War Memorial and Route 110; and 2) under Memorial Drive. Both locations are more particularly shown in the Vicinity Maps, attached hereto as Attachments 2, 3, and 4.

**DISCUSSION:** The Amendment serves two purposes: 1) it extends the expiration of the initial construction period to June 30, 2012; and 2) it authorizes the County to relocate an existing electrical duct bank in the vicinity of Memorial Drive.

The County's initial construction activities continue within the National Parks Service's right-of-way, and will be completed in the Winter of 2011-2012. Therefore, the Amendment seeks to extend the term of the initial construction period until June 30, 2012.

During construction in the vicinity of Memorial Drive, the County's contractors encountered an existing, below-grade electrical duct bank. The spatial location of the existing electrical duct bank conflicts with the location of the new interceptor. County engineers have concluded that the location of the new interceptor cannot be altered. Therefore, the Amendment authorizes the County to relocate the existing duct bank.

The remainder of the Original Permit will remain in effect.

**FISCAL IMPACT:** There is no fiscal impact related to this Amendment.

## ATTACHMENT 1

Right-of-Way Permit RW-3300-05-001  
Amendment Number 01

Permit Issued: 4/29/2005  
Permit Expires: 4/29/2015

Right-of-Way Permit RW-3300-05-001, issued to the County Board of Arlington County, Virginia (hereinafter Permittee), authorizes construction, operation and maintenance of a forty-eight (48)-inch underground sewer line for the Potomac Interceptor Sewer Improvement Project, to cross National Park Service property, U.S. Reservation 404V, George Washington Memorial Parkway. The Permit is hereby amended to extend the term of authorization for construction, which expired April 29, 2010.

The effect of this Amendment Number 01 is to extend the expiration date for initial construction through June 30, 2012 and to authorize the relocation of an electrical duct bank, to remove it from the anticipated path of the interceptor. Anticipated start date for this phase of the interceptor construction is fall 2010. Construction shall be in accordance with construction plans, plan specifications, plan addendums, special provisions, and other supplemental materials submitted to the NPS.

The purpose of the change is to extend the term of authorization for construction of the interceptor and authorize work of the electrical duct bank relocation. This amendment is consistent with the scope of work originally detailed for the sewer line and all terms and conditions detailed in the original NPS Right-Of-Way permit RW-3300-05-001 remain in effect.

This amendment is categorically excluded from NEPA compliance under 516 DM 12 Section 3.4, Paragraph C (16).

### LEGAL DESCRIPTION

Original drawing submittals, assigned NPS Drawing Number 850/82021 illustrate in detail the work to be performed.

### TERMS AND CONDITIONS

1. All terms and conditions detailed in the original NPS Right-Of-Way permit RW-3300-05-001 remain in effect, except for the extension of the Permit expiration date.
2. All terms and stipulations remain in effect from the Environmental Assessment for the Interceptor Project (September 2003) and from the Memorandum of Agreement between the National Park Service, Arlington National Cemetery, the Virginia State Historic Preservation Office, and Arlington County as a consulting party (April 25, 2005).
3. The term of authorization for initial construction of the Potomac Interceptor Sewer Improvement Project is extended through June 30, 2012.
4. This permit is issued upon the express condition that the NPS, its agents and employees, shall be free from all liabilities and claims for damages and/or suits for or by reason of any injury, or

Right-of-Way Permit RW-3300-05-001, Amendment Number 01

death to any person or property of any kind whatsoever, whether to the person or property of the Permittee, its agents or employees, or third parties, from any cause or causes whatsoever while in or upon said premises or any part thereof during the term of this permit occasioned by any occupancy or use of said premises or any activity carried on by the Permittee in connection herewith, and the Permittee hereby covenants and agrees to indemnify, defend, save and hold harmless the United States, its agents and employees, from all liabilities, charges, expenses and costs on account of or by reason of any such injuries, deaths, liabilities, claims, suits or losses however occurring or damages growing out of the same to the greatest extent permitted by Virginia law.

5. The Permittee hereby agrees to be fully responsible for the management, performance, use and safety of all operations conducted by or on behalf of the Permittee within the parklands and hereby accepts responsibility and assumes liability for any and all tort claims arising from the actions or omissions of their representatives or employees directly or indirectly connected with the work performed, or the maintenance or use of this facility, to the greatest extent permitted by Virginia law. To the extent that the work is performed by non-governmental agencies, the Permittee shall require such entities to:
  - a. Procure public and employee liability insurance from a responsible company with a minimum limitation of \$1,000,000 (one million dollars) per person for any one claim and an aggregate limit of \$3,000,000 (three million dollars) for any number of claims arising from any one incident, or the minimum required by law, if any, whichever amount is greater. The United States of America shall be named as an additional insured on said policy. The permit number shall be included on said policy. Said policy shall specify that the insured shall have no right of subrogation against the United States for payments of any premiums or deductibles, thereunder, and such insurance policies shall be obtained by, be for the account of, and be at the insured's sole risk. Note. A copy of the Certificate of Insurance evidencing proper insurance coverage and the certificate referencing the permit number shall be returned to the NPS point of contact with the executed permit.
  - b. Pay the United States the full value for all damages to the lands or other property of the United States caused by the Permittee or by the Permittee's employees, contractors, or employees of the contractors.
  - c. Indemnify, save and hold harmless and defend the United States against all fines, claims, damages, losses, judgments and expenses rising out of, or from any omission or activity in connection with activities under this permit to the greatest extent permitted by Virginia law.
6. Plan modifications, made subsequent to the issuance of this permit amendment, shall require written NPS approval.
7. NPS Coordination: The Permittee shall coordinate the performance of all activities associated with this permit with the Superintendent of the George Washington Memorial Parkway or the Superintendent's designated representative from the park. The designated NPS representative shall be on the distribution lists for meetings, the work schedule, and other communications as

needed to track the project. NPS shall notify Permittee of any changes in designated representative.

8. NPS Permit: A copy of this permit, enclosures, and any amendments shall be kept by the Permittee onsite at all times. The Permittee shall comply with all State and Federal laws applicable to the purpose for which this permit is approved. Permittee will comply with all instructions issued by the United States Park Police and other representative(s) of the Superintendent, George Washington Memorial Parkway.
9. Non-NPS Permits: Prior to commencement of activities on parkland, the Permittee shall have received all necessary permits required by outside agencies for work to be performed under this permit.
10. Operations: Permittee hereby agrees to be fully responsible for the management, performance, use and safety of all operations conducted by, or on behalf of the Permittee, upon NPS administered property. Permittee shall coordinate with the NPS regarding worksite concerns, which include, but are not limited, to the following items. The worksites shall be secured from public access. Permittee shall work with the NPS to minimize visual impacts of construction area. The Permittee shall submit details for the access pits, to allow NPS review of measures taken to mitigate impacts from the access pits. Note that removal of soil from access pits, from park land, may be required. Adequate detour notices are required to direct pedestrian traffic to their destinations. Water flow shall be maintained in existing waterlines within the worksites. On Memorial Avenue, concrete pours shall occur during non-operational hours for the cemetery.
11. Construction restrictions due to funerals or other events: Arlington County shall coordinate directly with Arlington National Cemetery representatives on work restrictions due to holidays such as Veteran's Day and other dates, notable ceremonies, or other restrictions. Arlington County shall coordinate with the NPS on work restrictions due to Special Use Permits for Memorial Avenue and the U.S. Marine Corps War Memorial. Notable events include the annual Marine Corps Marathon in October and the Marine Corps Anniversary in November, among other dates.
12. Management of Traffic (MOT) for this project is required, for both pedestrian pathways and roadways in the vicinity of Memorial Avenue and the U.S. Marine Corps War Memorial. Traffic control must meet standards set forth in the Manual on Uniform Traffic Control Devices (MUTCD). The MOT shall address both pedestrian and vehicle traffic. Adjustments to the MOT may be necessary and shall be submitted to the NPS for review, prior to implementation. Note the following specific requirements:
  - a. Tourmobile area: Permittee shall maintain public access to the Tourmobile area during operational hours with additional 30 minute windows before/after closing, to allow pedestrian traffic to clear the area. The Permittee shall maintain the pedestrian access open and free from obstruction. Any construction-related damage to the sidewalk that adversely affects pedestrian traffic will be immediately secured from the public and shall be restored within 24 business hours in order to restore public access. Full, final restoration of the pedestrian paths on NPS land, in the Tour Mobile, to specifications provided by the NPS, shall be made upon completion of the subsequent interceptor

installation. Note that full restoration of the aggregate sidewalk immediately adjacent to Memorial Avenue shall be made as soon as that portion of the project is complete.

- b. Memorial Avenue sidewalk, south side: Closure of the sidewalk is permitted, per the management of traffic plan submitted to the NPS. Detours for pedestrian traffic shall be posted in accord with the MOT.
  - c. U.S. Marine Corps War Memorial: Public access to the entrance road shall be maintained at all times. A management of traffic plan shall be submitted to the NPS for review and approval. Modifications to this condition must be approved in writing by the National Park Service.
13. Vehicles: Construction vehicles and inspector vehicles shall be kept to a minimum, and shall be parked in a manner to cause no damage to park resources and operations. No more than two vehicles per trade are permitted at one time. On Memorial Avenue, construction vehicles are permitted for daily work, no overnight staging of vehicles or materials is permitted on the Avenue. During Tourmobile operational hours, no construction vehicles are permitted access across the pedestrian walkways in the Tourmobile area. Modifications to this condition must be approved in writing by the National Park Service. No personal vehicles are permitted at the worksites.
14. Spills/discharges: Permittee shall require its contractor to take responsibility for all equipment onsite, including any and all releases and/or discharges of hazardous substances, petroleum products, and non-hazardous wastes in the environment resulting from the project. The Permittee assumes responsibility for ensuring cleanup of any such releases. Discharges and spills are to be reported immediately to the NPS point of contact during business hours, to U.S. Park Police during non-business hours. For refueling, not storage of fuel permitted on NPS property. Refueling shall take place in a designated area, with containment and spill protection.
15. Construction debris/erosion: No waste, dusts, or erosion materials shall be allowed to enter natural or manmade water or sewer systems in or on park land by either direct or indirect action of the Permittee. Erosion control shall be maintained for access pits and soil storage areas. Any waste or erosion material inadvertently entering onto park land shall be removed and the affected property cleaned, stabilized, or restored to the satisfaction of the NPS within 48 hours unless directed otherwise by the NPS. Permittee is responsible for the immediate clean-up of any debris deposited on park-administered lands or roads.
16. Archeological or other findings: The Permittee will halt any activities immediately and notify the NPS point of contact upon discovery of archeological, paleontological, or historical findings. All artifacts unearthed shall remain the property of the NPS. If such artifacts are discovered, the artifact is to remain as is. The Permittee shall not resume work in the area until instructed to do so by the NPS representative.
17. Damages and Restoration: All parkland and structures disturbed by the work authorized by this permit shall be restored to the satisfaction of the Superintendent, George Washington Memorial Parkway. The Permittee shall be responsible for the cost and repairs to any structures, facilities,

installation, sod, soils, or landscape vegetation on parkland damaged by the work authorized under this permit and shall, at the direction of NPS, submit detailed plans for the repair, restoration and/or replacement of such. Resource protection and mitigations shall be in accord with the plans, specification, addendums, and materials submitted to the NPS. Protection measures include erosion control, soil restoration, tree protection, pruning restrictions, and installation & maintenance of replacement plantings for twelve months. Additional resource protection conditions are listed below:

- Restoration is required for the anticipated loss of trees. Valuation of the trees shall be performed by the NPS. Restoration is required on a basis of a 1:1 replacement for tree loss calculated by diameter breast height (dbh). Restoration shall be to the satisfaction of the NPS, including potential compensation for any net tree loss. The restoration planting plan requires NPS approval and shall be guided by the NPS landscape architect and the EA and MOU for the project, as well as the planting plans for Memorial Avenue and Arlington Ridge Park.
- Tree and holly hedge protections at Memorial Avenue shall be in accord with the submitted plan for the worksite, submitted to the NPS.
- Turf restoration shall be according to NPS specs as provided to the Permittee.
- Aggregate sidewalk specifications have been provided to the Permittee. Sample pours for NPS approval shall be required, as directed by the NPS, to assure match with existing sidewalk.
- Cement sidewalk, posts, granite and cement curbs, lighting, and any other existing structures shall be restored upon completion of the project. In the Tourmobile area, full/final restoration of paths and walkways shall be made upon completion of the interceptor installation.

**18. Communication Plan:**

In case of emergencies and during non-business hours, contact **U.S. Park Police Dispatch at (202) 610-7500**

Also, notify NPS point of contact of all emergencies as soon as possible, after contacting U.S. Park Police.

For routine communication, NPS point of contact (Georgeann Smale) shall be included on all distribution lists for all construction meetings and the work schedule, in addition to other communications as needed to track the project. Permittee and NPS shall communicate any staff changes, to keep contact information current.

<p><b>National Park Service Authorization:</b> Dottie P. Marshall, Superintendent George Washington Memorial Parkway Office 703- 289-2500</p> <p><u>Address:</u> George Washington Memorial Parkway Turkey Run Park 700 GW Memorial Parkway McLean, VA 22101</p>	<p><b>Arlington County Board:</b> Michael Brown, County Manager County Manger's Office</p> <p><u>Address:</u> 2100 Clarendon Boulevard 3<sup>rd</sup> Floor Arlington, VA 22201</p>
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<p><b>NPS Point of Contact:</b>  Georgeann Smale, ROW Permits  georgeann_smale@nps.gov  703-289-2516 / 202-439-7322 cell</p> <p><u>Address:</u>  George Washington Memorial Parkway  Turkey Run Park  700 GW Memorial Parkway  McLean, VA 22101</p> <p>Note: if ROW Permit Ranger unavailable,  contact the main park number 703-289-2500.  For emergencies &amp; after hours, contact U.S.  Park Police Dispatch 202-610-7500</p>	<p><b>Arlington County Interceptor Oversight:</b>  Michael Collins, Engineering Bureau Chief  mcollins@arlingtonva.us  703-228-6506 / 571-221-9642 cell  or  David Donahue, Engineering Design  Supervisor  ddonahue@arlingtonva.us  703-228-3653 / 703-898-2280 cell</p> <p><u>Address:</u>  Water Sewer &amp; Streets Bureau  Engineering &amp; Capital Projects Division  Department of Environmental Services  Arlington, VA 22201</p>
	<p><b>Arlington County Interceptor Construction Oversight:</b>  Jerry Kuo  jkuo@arlingtonva.us  703-228-3664  Or  Kamal Taktak, Construction Management  Supervisor  ktaktak@arlingtonva.us  703-228-7527</p> <p><u>Address:</u>  Department of Environmental Services  Engineering &amp; Capital Projects Division  Engineering Bureau  2100 Clarendon Blvd., Suite 813  Arlington, VA 22201</p>
<p><b>Arlington National Cemetery Coordination:</b>  Kent Carson, Facility Manager  kent.carson@conus.army.mil  703-607-8208 / 540 498 1192 cell  Or  Joe Bunton  joseph.c.bunton@conus.army.mil  703-607-8204 / 703-371-6443 cell</p> <p><u>Address:</u>  Arlington National Cemetery  Building 123 Suite 211  Arlington, VA 22211</p>	<p><b>Construction Manager:</b>  Edward Sanders, Jr.  esanders@arlingtonva.us  703-228-3756 / 571-220-7047 cell  Or  Luis C Robinson  lrobinson@arlingtonva.us  703-228-4826 / 571-274-2257 cell</p> <p><u>Address:</u>  Department of Environmental Services  Engineering and Capital Projects Division  Engineering Bureau  2100 Clarendon Blvd., Suite 813  Arlington, VA 22201</p>

Issued at George Washington Memorial Parkway, McLean, Virginia, this 1 day of September 2010.

/signed DP Marshall  
Dottie P. Marshall  
Superintendent  
George Washington Memorial Parkway  
National Park Service  
United States Department of the Interior

The undersigned hereby accepts this Amendment subject to the terms, covenants, obligations, and reservations, expressed or implied in the original Permit, issued on 4/29/2005, and this Amendment Number 01 to Right-of-Way Permit RW-3300-05-001.

ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010

COUNTY BOARD OF ARLINGTON COUNTY, VIRGINIA

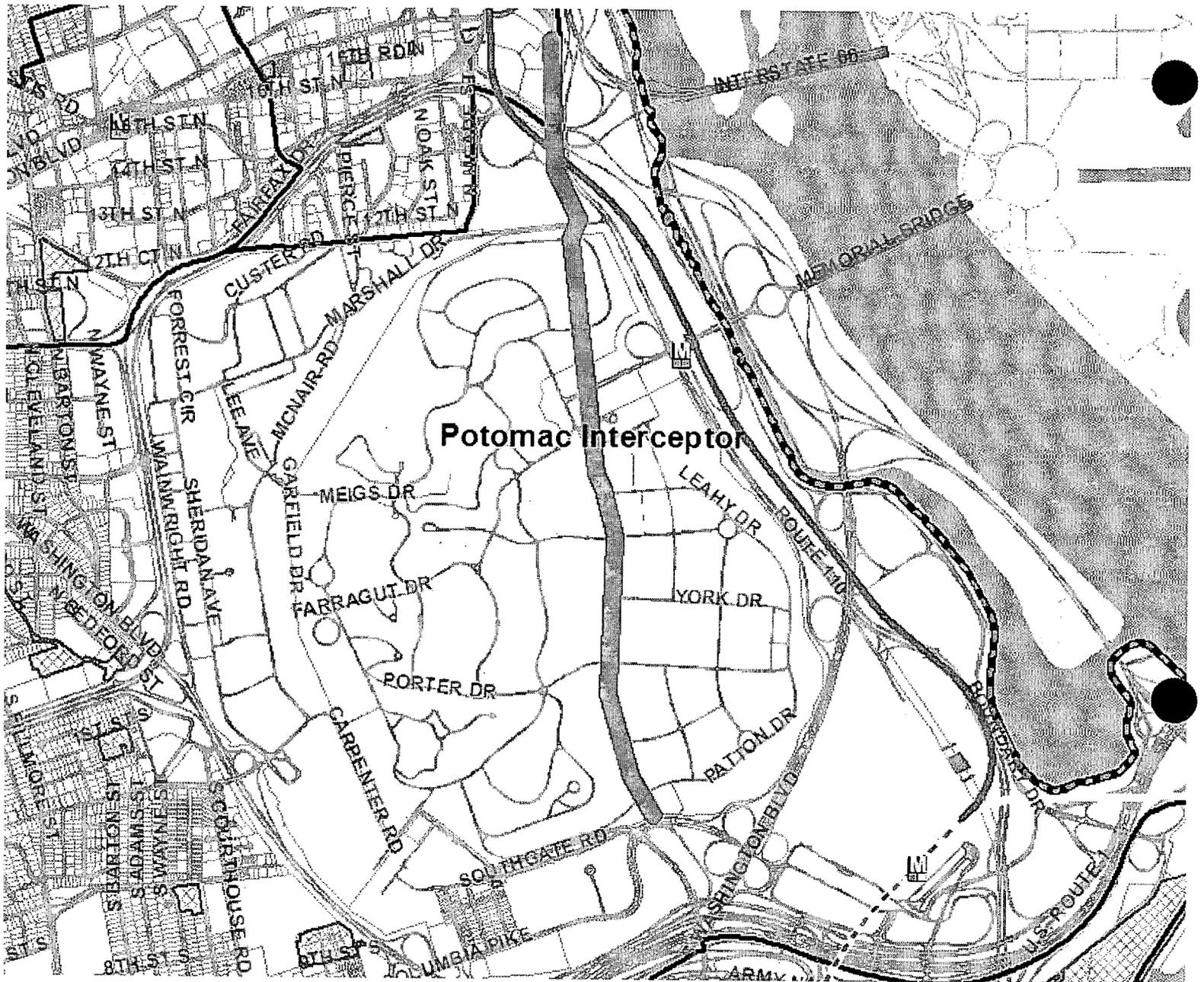
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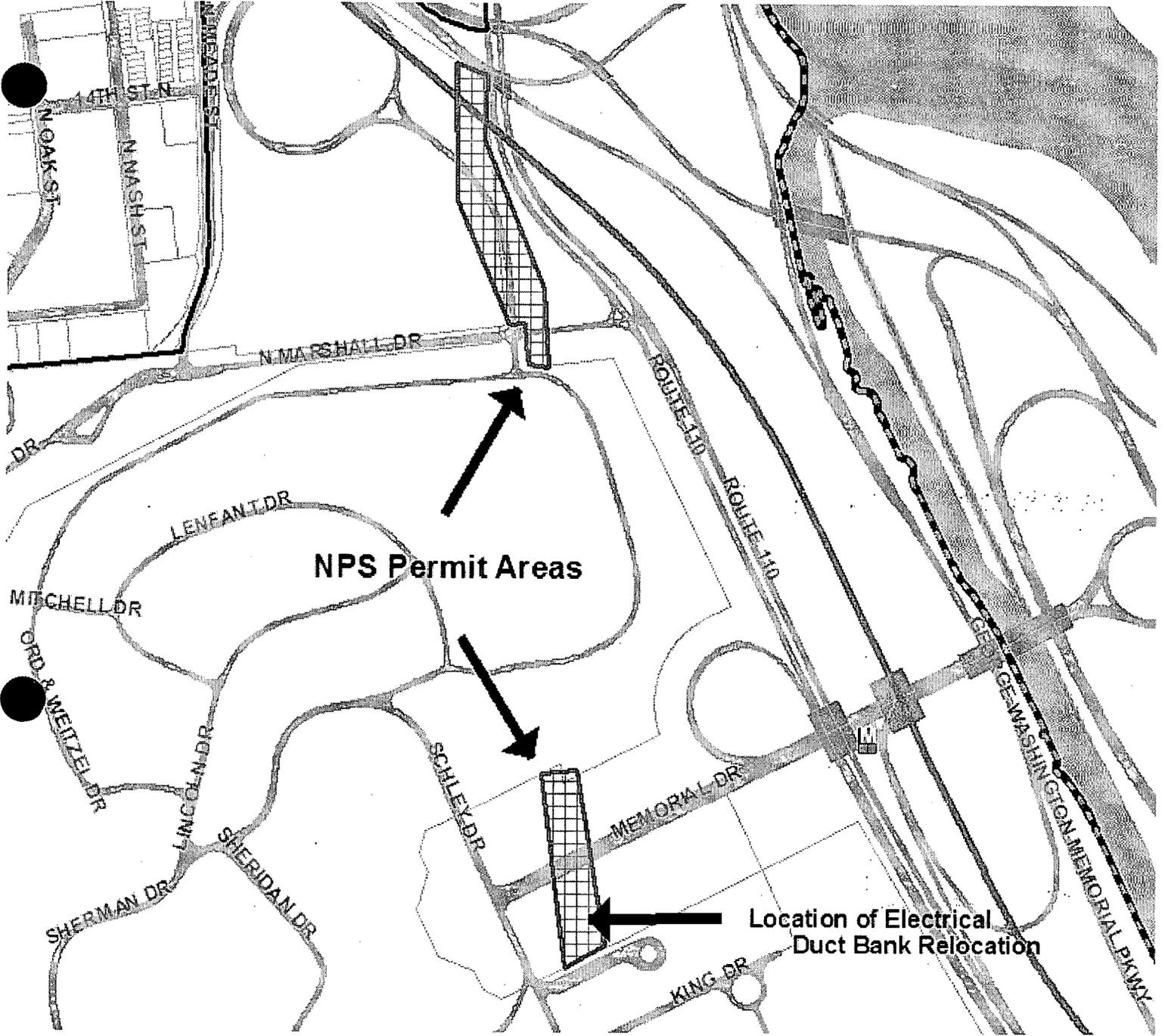
Approved as to form:

\_\_\_\_\_  
County Attorney

ATTACHMENT 2



ATTACHMENT 3



**NPS Permit Areas**

**Location of Electrical  
Duct Bank Relocation**

